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CONGRESSIONAL RECORD,

FORTY-EIGHTH CONGRESS, FIRST SESSION.

low tariffs. Its inducements are such as appertain to a new and unexhausted country, and to free institutions, which invite the lowest forms of humanity to tread the highway to wealth and honor on equal terms with every other American citizen. This is the star which shines on the oppressed and overworked of other lands, awakens them to aspirations for independence and social advancement, and charms them from the old homestead, the ancestral burial-ground, the national anthems, and the native tongue.

The great curse of American labor is sounded from the camps of its pseudo friends. The protective system has resulted in vast accumulations of capital in the hands of a few manufacturers. These by shutting out foreign goods keep control of the home market. If by miscalculation there is an overproduction, they meet together and agree to reduce it. The mills are closed or run on short time to accomplish it. The laborer is then totally idle or partially employed. Small pay and short rations to him compensate for the mistakes of the mill-owners. In such a strait England carries her surplus goods over the world, while our countrymen can not sell beyond their own borders because the protective system makes theirs too high to be sold elsewhere. While on this labor question I beg leave to call attention to a letter from Mr. W. H. Young, of Columbus, Ga. I premise by saying he has more knowledge on the subject of which he writes than any man in that State, and his high character is universally recognized. It reads thus:

COLUMBUS, GA., *March* 13, 1884.

DEAR SIR: I have your letter of 10th instant, in which you ask my views as to what effect a reduction of 20 per cent. would have on the cotton manufacturing interests of the South. To the question I answer unhesitatingly, none.

The South is now engaged in manufacturing, say, standard (or heavy weight) goods, and which are mainly consumed by the masses of our population South and North; and now the South sends her surplus productions to the North, where they displace all such heavy-weight goods as were formerly made there and sent South. These advantages (in all such goods) must ever remain with the South, over New England and Old England; and New England, on account of closer proximity to the cotton-fields, has a relative advantage over Old England.

A reduction of 20 per cent. in the tariff would not enable England to compete with this country, North or South, in these heavy-weight goods; but if the tariff on all articles entering into the cost of manufacturing in this country were also reduced 20 per cent., then the manufacturers North and South would be benefited; and if the duties on all such goods (entering into the cost of manufacturing) were made free, then the North and South could compete with England in all markets of the world. The tariff as it now stands of course shuts out all foreign competition with manufacturing productions in this country (except a few specialties of fine goods for the wealthy), and it locks in their productions, and thus confines them to the home demand, and as a consequence there is now a glut of goods. To illustrate my position: The company over which I preside consumes about fifty bales of cotton per day. A New England mill consuming that amount of cotton would have to pay $350 per day more for it than it costs this company, and a mill in England would have to pay more than that.

These advantages are so great that the tariff (if entirely removed) would not enable England to compete with this country on heavy-weight goods, and if the tariff was removed on all articles that enter into the cost of manufacturing, then this country could command the markets of the world and the supremacy of England would be ended.

I have visited England three times and have investigated the cost of labor compared with the South and found it more (or higher) than here, and yet our operatives were in better condition from the fact that food costs less with us and clothing, also, as our climate does not require such heavy clothing.

I think labor at the North about the same as in England.

I also investigated the cost and selling price of heavy cotton goods and concluded I could sell in England at a profit, but to do so I must adopt their peculiarities of styles, and I prefer a home market.

I believe if all our custom-houses were abolished that this country would find (in England) a large market for our manufactures of cotton and woolen goods. Now, this country is heavily taxed with almost everything that enters into the cost of production, beginning with machinery and ending with the baling the goods with Scotch burlaps.

I believe the manufacturing interests in this country, with their natural advantages, if free from all tariff legislation, would soon become the great manufacturing center.

Yours, truly,

EAGLE AND PHENIX MANUFACTURING COMPANY,
W. H. YOUNG, *President.*

Hon. HUGH BUCHANAN,
House of Representatives, Washington, D. C.

This gentleman's life has been spent and his ambition has been directed to the advancement of manufacturing in Georgia. His statements can have no bias for free trade unless as he may accept it as a business man. It has this merit, that no favor is asked at the hands of the Government.

A careful estimate of the reduction of taxation under this bill by its friends does not show it to be more than $30,000,000.

This opens the way for the reduction of the tax on distilled fruits to 10 cents a gallon—a mere nominal sum to avoid fraud. It encourages farmers to put in brandy that which by decay would otherwise be lost.

We may take the entire tax off tobacco in every form. These two items now yield near twenty-three millions of revenue. If by these measures taxes are reduced $53,000,000, their enactment into law will place Congress in harmony with the popular demand. Let this be done. It has been sanctioned by the Democratic caucus. Obstruct it by denouncing the tax on whisky to increase the tariff, and the people will say you tax us on everything we use to enrich manufacturers, and think you can beguile us into acquiescence by a cry for free whisky. We know all taxation is onerous, but when we have to choose between two forms of it you had better quickly learn we are not stupid beasts.

I have seen it charged recently that the class of men who favored a tariff for revenue were for free trade and direct taxation. Paragraph 4 of section 9 of article 1 of the Constitution of the United States is in these words:

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Such a mode of taxing the people, not by wealth but by numbers, would fall most easily on New England and most onerously on the South and West. It is so palpably unequal that no party in this country has ever adopted it or ever will. This charge is to avoid the truth in considering the enormities of the tariff by directing the people to an imaginary danger, or it comes from men of large wealth, who fear more tax on their incomes than tax on the land, the horse, the cow, or sheep of the farmer, and whose interest is not with them. As no man in my observance of public affairs in Congress has advocated such a policy it may be treated as the "idle wind."

There are among us those who do not like this bill and are constantly finding fault, who up to this good hour have never offered anything practical in the place of it. For this conduct I have no word of approval or sympathy. If my heart and head have been earnest to take off public burdens in the interest of fifty-five millions of freemen; if I have favored laws for the masses of the people; if I have resented the idea that large capitalists should manipulate the machinery of the Government to increase their wealth any longer, I have an abiding faith that my constituents will not meet me with sneers or withhold their approval of such conduct. For six years of financial depression I struggled to keep down expenditures and to avoid an increase of taxation. It is with heart-felt satisfaction I can now number myself with those who in the hour of my country's prosperity propose to the Congress of the United States to take off $53,000,000 of taxes.

I have said as much as I deem proper to do in the general debate. The discussion of details belongs to the consideration of the bill by paragraphs under the five-minute rule. I shall conform to this practice and conclude for the present.

During the remarks of Mr. BLOUNT the following took place:

Mr. EATON. Mr. Chairman——

Mr. BLOUNT. I object to any interruption.

Mr. EATON. Will not my friend answer one question?

Mr. BLOUNT. I object to interruptions; I have but one hour within which to present my views.

Mr. EATON. I want to ask you how long England has been a free-trade country; that is all.

Mr. BLOUNT. I think the gentleman knows, and everybody else around me knows.

Mr. EATON. I do not know whether you do or not.

Mr. BLOUNT. If the gentleman is discourteous enough to say that, he is quite welcome to it. I know I am stirring him up somewhat by these statements.

Mr. EATON. Not at all.

Mr. BLOUNT proceeded with his remarks, and at the expiration of the hour

The CHAIRMAN said: The time of the gentleman has expired.

Mr. HAMMOND. I ask consent that the time of my colleague be extended.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BLOUNT resumed and concluded his remarks as above given.

Mr. CHACE. Mr. Chairman, I am at a loss to understand the logic of the advocates of free trade. Eight days ago certain gentlemen on the other side of the House, representing districts in the State of Ohio, voted for restoring the duties upon wools to what they were under the previous tariff. Yesterday we find them voting to take up this bill, which proposes to still further reduce the duties upon wools.

Gentlemen upon the other side, signally the gentleman from New York [Mr. COX], stand forth as the champions of downtrodden Ireland. Yet I heard him the other day read a most eloquent speech intended to build up the industries and power of Great Britain, which is oppressing Ireland, by destroying our own industries. The other gentleman from New York [Mr. HEWITT] tells us in season and out that his shibboleth is "free raw material." Yet we find him voting to take up this bill which still taxes raw material.

You gentlemen, all of you, say that the tariff makes a monopoly of manufacturing and mechanical industries. Yet in the next breath you say that trade is dull, that production has been overdone, that the American markets are glutted with goods, and prices are depressed because there are more goods to be sold than there are purchasers to buy. You say that you are in favor of the farmer, and yet you would strike down the customer that buys the wool from the millions of flock-owners in the United States. You say that you are in favor of the farmer, and yet you would destroy the greatest consumers of the farmer's cereal productions, the manufacturers and artisans of this country.

Finally, you say that you are in favor of the manufacturers. Yet you propose to sustain them as the Czar of Russia sustains his prisoners in Siberia, by keeping them at the starvation point. You say that the industries of the country are crippled. Yet we find that all the industries of this country, including both manufactures and agriculture, have grown faster and greater than those of any nation which we read of in history, and that under protection.

You tell us that we are cramped and crippled because we do not enjoy the blessings of free trade; that we should throw away our own market, which is a good one, in the vain quest of foreign markets now sadly overcrowded. Let us briefly consider that for a moment.

England has 40,000,000 of cotton spindles; this country has 12,000,000. Of the 40,000,000 of spindles in England at least 28,000,000 are running at a loss, 2,000,000 have stopped, and 8,000,000 of the remaining 10,000,000 may possibly be holding their own.

Of this balance a few of the newer mills are possibly turning a profit, although their markets, which are the markets of the world, are glutted and overburdened. This is no matter of fancy. Every trade report, every commercial paper, the dispatches of every day announce it. Depression exists all over the world unparalleled, vastly greater than with us. The metal industries of England are no better off. Scores of furnaces in Wales are blown out, waiting customers for their iron. The silk industries of England are disappearing; her linen industries are waning; her operatives are striking on every hand. She is suffering from great depression, much greater than exists in this country; yet she has free trade.

You ask us to abandon our markets to the competition of English pauper labor in exchange for markets already overcrowded, to compete in which our labor must be reduced to their level. I repeat, England has free trade, yet her greatest difficulty is to find a market for her manufactured products. The people of the United States can afford to and do consume three times as much per capita as the average of the nations of the world. The home market for both the farmer and manufacturer is now a good one. Open our ports to foreign goods and both would lose a good market in exchange for markets in which neither can compete with the wages of labor at their present rate.

You say that you are in favor of the American laborer, and yet you would strike him down to the level of the millions of European laborers who to-day are out of work and begging bread. This is the logic of the free-trade position. I append the following tables in regard to the relative prices of wages in this country and in Europe:

Wages paid in potteries at Hanley, England, and in the United States—from letter of Robert P. Porter, in New York Tribune, April 2, 1883.

	England.	United States.
Flat-presser	$11 10	$20 30
Dishmaker	9 62	19 43
Cupmaker	9 92	19 67
Saucer-maker	7 63	18 58
Handbasin-maker	9 66	19 73
Hollowware presser	8 14	17 90
Hollowware presser jigger	11 62	21 89
Printer	6 55	13 56
Ovenman	6 86	13 18
Sagger-maker	8 46	19 33
Moldmaker	10 23	20 79
Turner	8 00	16 97
Handler	8 39	16 62

Table of comparative wages in cotton industries in Manchester, England, a and in the United States.b

Employment.	Wages per week. In England.	Wages per week. In United States.
Scutching	$3 77	$6 67
Carding	5 32	c
Throstle spinning	4 74	c
Mule spinning	5 95	10 09
Mechanics	7 54	c
Engineers and firemen	7 54	8 33
Engine drivers	10 22	17 75
Carders	5 00	13 80
Strippers	5 59	6 25 to 7 50
Grinders	5 59	9 00
Slubbers	d 4 36	5 92
Rovers	3 89	
Mule overseers	10 32	17 80
Self-acting piecers	d 2 74	e 10 09
Weavers—2 to 4 looms in England	3 20 to 6 40	
Weavers—4 to 8 looms in United States		6 00 to 9 00

a Report of Consul Merritt. *b* Massachusetts bureau of labor statistics and senate committee. *c* No report. *d* Women. *e* Men.

NOTE.—The various kinds of mechanics earn from two to three times as much in the United States as in England.

How will this bill affect the interests of the agriculturists of this country? Let us approach, in the first place, the question of the consumption of wool.

Great Britain, who is our chief competitor, consumes 335,000,000 pounds of wool per annum. This is probably washed pounds; the statistics do not say. The spinners of the United States consume 340,000,000 pounds. And upon the successful operation of these spindles depends the market of the American wool-grower. If the result of the enactment of this proposed bill be to affect injuriously the spinners of wool in this country, then you directly affect the growers of the wool. That the reduction of duties on woolens and worsteds by the tariff of 1883 has injuriously affected them, and consequently the wool-grower, will appear further on.

I will read in this connection an item from the Bradford Observer, a paper published in England in the district where worsted goods are more largely manufactured than at any other place in the world. The writer says:

In reference to America, our last review spoke of changes looming up in the distance.

A MEMBER. What is the date?

Mr. CHACE. This is the annual review of the Bradford trade for 1883. It came out early in this year, although it is not dated, except that it is the review of the business of the year 1883.

That sentence in reference to what was "looming up in the distance" meant that there was looming up in the distance a reduction of the tariff. But to return:

Our last review spoke of changes looming up in the distance—changes which would disorganize somewhat her trade [the American trade], and cause her to import much more largely from our district than under the old tariff. These changes came suddenly—somewhat earlier than we expected; for the new tariff bill, passed on the 4th of January, began to take effect on the 1st of July. The consequent changes have operated as we then indicated; and a much larger volume of trade is the result.

Further changes in the same direction may possibly again be made; but, for the sake of the industry of America as well as our own, we do not wish too rapid a return from the folly of protective tariffs in that great country.

Gentlemen, they are more cautious for us than you are.

I will follow that up by reading consular reports showing the increased exportation from the Bradford district to this country, commencing with the month of July, 1883. The increase in that month over the corresponding month of the preceding year was in round numbers, converting pounds into dollars, at $5 per pound, $50,000; in August, $320,000; in September, $132,000; in October, $625,000; in November, $400,000; in December, $305,000; in January, 1884, $365,000; in February, $310,000; and in March, $315,000. What does that mean? It means the destruction to that extent of the market of the 1,000,000 wool-growers, your farmer friends, in America.

I will read further from a letter which I have here from one of the largest wool commission merchants in this country:

A manufacturer who paid us 55 cents per pound in March, 1883, for medium combing wool to spin into medium worsted yarn, which he could then spin at a profit, now declines to give us over 43½ cents per pound, because he is importing the yarn from Germany already made, and is spooling and selling it to his customers at a larger profit than to make it of the same wool, costing 43 cents to-day for such as he bought of us a year ago at 55 cents. This same grade of yarn was made largely in Philadelphia a year ago, but the mills that were then making it have been compelled to find employment on other qualities. Therefore you will see how, while Congress intended to reduce the duty on wool only 3 cents per pound, by reducing the duty on goods manufactured of wool 16 cents per pound they have lowered the price of this grade of wool over 10 cents per pound, and it is hard to sell even at this figure. This is not a single instance, but it applies to the spinners of worsted yarns all over the country, and this instance only shows that if the increase of duties had passed under the Converse bill it would not have made a particle of difference to the price of wool so long as the duty upon goods made of wool remains as low as it is to-day.

I could go on and multiply these instances.

This bill strikes at the woolen industry, which is already heavily burdened. Reduce the duties upon woolen goods 20 per cent. more, and you will stop a very large proportion of the mills of this country. It is the opinion of many experts that the result would be a stoppage of one-half the mills; that it would be impossible for them to operate. If so, we can readily see what becomes of the market for the 300,000,000 pounds of American wool.

As to wheat, the agriculturist has already this foreign market to which you are pointing.

Mr. EATON. If the gentleman has the figures showing the annual value of the wool clip of the United States I wish he would incorporate them in his remarks. I think it is something like $100,000,000.

Mr. CHACE. The last clip of wool in this country is reported by Professor Dodge, statistician of the Agricultural Bureau, to be 300,000,000 pounds. He estimates the average price at 27 cents, making the gross value of the clip $81,000,000. Prominent wool merchants estimate it at 320,000,000 pounds, and $100,000,000 at tide water. No doubt Professor Dodge's estimate is the value on the farms.

In my judgment to-day the question of protection is a more important one to the agriculturists of the country even than it is to the manufacturing and mechanical interests. What would cripple the manufacturing and mechanical interests would be also most injurious to the agriculturist. And that this is no chimera, I desire to call the attention of the House to the changes which are going on in regard to the market for our cereal crops, especially wheat.

Our American farmers have been resting in fancied security, supposing they had their home markets sure and that they could sell against all comers in the foreign market. In both those respects I think I shall be able to show they are in some danger.

The great wheat fields of Russia are only waiting the development of the railroad systems in the east of Europe to enable the Russian farmer to get communication with Western Europe to compete successfully with the American farmer. South America, with her pampas, of fertility unparalleled on the surface of the globe, is now, under the stimulus of English aid, rapidly advancing in the production of wheat

and maize. The ryots of India, who feed upon rice and millet-seed, with wages at 6 to 10 cents a day, under the care and tutelage of the East India Government are rapidly coming forward as competitors with our Western farmers. Australia is sending wheat largely to Europe. I read from an article by William Fowler, a member of the British Parliament, figures showing the export of wheat from India:

A few years ago no one thought much of Indian wheat as an article of commerce. The trade may be said to have commenced in 1873, when the export duty ceased. Great reductions in freight have recently occurred, and railways, however gradually, have approached some of the great wheat-growing districts. The progress of the trade has been truly astonishing. The figures are as follows:

Year.	Cwts.	Bushels.
Amount of Indian wheat exported—		
1873	394,010	735,485⅓
1878	6,373,168	11,896,580⅝
1879	1,056,720	1,972,544
1880	2,201,515	4,109,494⅜
1881	7,444,375	13,896,166⅔
1882	19,901,005	37,148,542⅜
1883 (six months)	15,714,982	29,334,633⅜

This all goes to Europe.

In 1882 19,901,500 hundredweight, and for the first six months of the crop-year of 1883–'84 it was 15,714,982, with a fair prospect that the exportation of wheat from India during this crop-year will amount to 50,000,000 of bushels.

Our crop in 1883 was 420,000,000 of bushels, and we exported (reducing flour to bushels, five bushels to a barrel) 147,811,000 bushels. The exports of agricultural products of all kinds in 1881 of $730,394,943 has fallen off to $619,269,449 in 1883. The amount of wheat "in sight" in the United States to-day is 145 per cent. above what it was two years ago, while the exports so far for the present crop-year are only about one-half what they were last year for the same time.

Mr. HAMMOND. Why do you skip the year 1882 in your calculation?

Mr. CHACE. Because the year 1882 was very much less—very low indeed. It was only $552,000,000.

Mr. HAMMOND. I wanted to know what the fact was.

Mr. CHACE. Unfortunately the holders of and dealers in wheat had not found out they had great competitors in the East. Believing they controlled the foreign markets, they held their wheat at high prices, so high that they were beaten in the European markets. The result was our exportation was small. That points to the issue to which I am trying to call the attention of the House, that the only sure market the American farmer has is the home market which the American consumer makes for him. [Applause.] It appears by the census report all the persons employed in gainful occupations in this country are 17,392,099. Employed in agriculture, 7,620,493; employed in professional pursuits and personal service, 4,074,238; employed in trade and transportation, 1,810,256; employed in manufacturing, mechanical pursuits, and mining industries, 3,837,112.

In the list of persons employed in mechanical pursuits and mining industries none of those engaged in the administrative departments (so called) are enumerated. A large number of those employed in small mechanical industries are also left out; so that, from information obtained at the Census Office, it is entirely reasonable to conclude that 500,000 people who are directly employed in these various occupations are not included in the census enumeration as engaged in these occupations. That was the opinion of the Superintendent of the Census ten years ago, and is also the statement that is now made, and I have no doubt that the result is similar under the last census.

If you are successful in passing this bill it would fall far short of what appears to be your purpose, if you were to cripple the industries, at least 20 per cent. If, then, you throw out of these different employments 20 per cent. of the people engaged in them, of course you throw out 20 per cent. of those who are dependent upon them, amounting altogether to, say, 1,700,000. Therefore, of the 1,700,000 people thrown out of employment, allowing five members to a family, you have a total of 8,500,000 people who would be driven from their present occupations. These people will change from wage-earners in mechanical and manufacturing pursuits to what? They must seek a subsistence in the soil. There is no other resource open to them. The consumption of wheat is shown to be in this country about five bushels per capita. That would be taking out consumers of 42,000,000 bushels. If instead of consumers they become raisers of wheat, what is the result? The producers of wheat make sixty bushels per capita. If they then become producers of 100,000,000 bushels of wheat, that makes a difference in your market of about 100,000,000 bushels, besides the loss of the foreign market, which seems now probable.

Now to return to the question of Indian wheat. The report of the department of India shows that the cost of raising wheat in India is 35 cents a bushel. At 35 cents a bushel, with the ruling rates of freight upon Indian railroads, they can lay their wheat down in the European market cheaper than it can be laid down from this country. The railroad rates in India are about double for the same distance what they are in this country. The Indian government finds that the reduction in rates has already made an increase in earnings on their railroads. Lower prices give them increased traffic, and they are looking toward further reductions.

There are 20,000,000 acres in wheat now in India, and 55,000,000 more which may be converted to wheat-culture without encroaching upon other crops, making about double the present wheat acreage of the United States, the production per acre being about the same in India as here, twelve bushels. The soil of India is very fertile, and they have an agricultural population of 200,000,000.

The present rate of expenses are reported to be:

	Cents.
Inland freight, average (about)	16
Commission, inland	5
Bags and port expenses	8
Ocean freights, from 25 to	30
Insurance and London charges	5
Average (say)	64
Cost to raise wheat	35
Total	99

When these heavy expenses are reduced, as they can be, the competition will be very strong. They will continue until you find Indian farmers beating you in prices in the European markets. Should that be the case, does it not behoove the American farmer to retain and build up his American market? Who is the friend of the American farmer; you free-traders, who would build up a foreign monopoly of manufacturers, or he who would build up the business upon our own soil?

Below are the totals given in a table, prepared by the Bureau of Statistics, showing the amounts of dutiable agricultural products imported into this country during the years 1882 and 1883 and the rate and amount of duties collected on them. Among them are $4,000,000 worth of live animals, $12,667,000 worth of breadstuffs and farinaceous foods, $18,000,000 worth of fruit, nearly $1,000,000 worth of hay, more than $1,000,000 worth of potatoes, and $1,800,000 worth of provisions, including $939,000 worth of butter. Included in the item of breadstuffs is $1,893,406 worth of rice, the duty upon which is a direct protection to the Southern farmer. East Indian rice is worth in bond in New York from 2¼ cents to 2¾ cents per pound wholesale, the duty being 2½ cents per pound and the average ad valorem rate last year being 114.8 per cent. The average duty on fruits was 25.35 per cent.; on sugar and molasses 52.88 per cent., and 31.17 per cent. of all the duties collected was on agricultural articles. A favorite method of figuring with the free-trade doctrinaires is to assume that if an article is imported on which there is a duty that fact is proof that all such articles produced and consumed in this country are enhanced by so much. I annex a table, prepared by the Agricultural Bureau, showing that the gross agricultural products of this country in 1882 amounted to $3,600,000,000; the average duties being 31 per cent., would amount to $1,116,000,000; either an utter absurdity or we are paying our farmers a great bonus. It is pure nonsense. The fact is the foreigner generally pays the whole or a part of the duty on all articles.

Total agricultural products imported in 1883	$157,279,341 10
Total duties collected thereon	65,429,346 62
Per cent. of value of all dutiable articles entered for consumption	31.84
Per cent. of total duties collected (not including discriminating duties on free goods)	31.17

Agricultural products of the United States in the year 1882.

Products.	Quantity.	Value.	Total value.
Cereals			$1,468,693,393
Indian corn.....bushels..	1,617,025,100	$783,867,175	
Wheat.....do.....	504,185,470	444,602,125	
Rye.....do.....	29,960,037	18,439,194	
Oats.....do.....	488,250,610	182,978,022	
Barley.....do.....	48,953,926	30,768,015	
Buckwheat.....do.....	11,019,353	8,038,862	
Potatoes.....do.....	170,972,508		95,304,844
Tobacco.....pounds...	513,077,558		43,189,951
Cotton.....bales...	6,957,000		309,696,500
Hay.....tons...	38,138,049		369,958,158
Total			2,286,842,846

The meat products amount to at least $800,000,000, the dairy products $400,000,000, orchard products exceed $150,000,000, wool at least $80,000,000, besides garden products, cane and other sugars, sirups, rice, and minor products, which foot up an aggregate approximating $4,000,000,000, of which about $400,000,000 should be deducted for the cereals, mostly corn, duplicated in the meat, making a net production of $3,600,000,000. Pasturage is not mentioned.

J. R. DODGE, *Statistician.*

You say that the tariff increases the prices of goods. I hold that most of the goods which the farmer buys are quality for quality as cheap as he could buy them in Europe. Two years ago when I addressed the House on this subject I inserted in my remarks a table of comparative prices existing then, which I will revise and reissue at this time. You buy calico prints made in this country cheaper than in Manchester. The print cloth which sold last week in Manchester at 3½ cents sold in this country at 3⅝.

Tickings, denims, stripes, osnaburgs, heavy shirtings, and fine bleached shirtings are all sold in this country; sold, unhappily, without profit to the manufacturer, but are sold as cheap, quality for quality, as they are bought in England. I do not speak now of the finer goods, but the ordinary grades of goods such as the mass of the people wear.

Mr. EATON. Is the gentleman not aware of this fact, that the cotton trade in Great Britain pirate the trade-marks of the Wamsutta and other mills of Massachusetts and Connecticut to sell their own goods?

Mr. CHACE. Oh, yes; they do that everywhere; they do it in China and India.

Mr. BLAND. You do not need much protection, then, on that class of goods.

Mr. CHACE. That is a pertinent remark the gentleman from Missouri makes. Who comes here to complain of the duty on cotton goods? The friends of the American system told you forty years ago, "Protect these infant industries and we will build them up, and home competition will bring the price down, and you will get them as cheap as you are now buying them abroad." We tell you to-day, "Give us protection on fine cotton goods, and we will perform the same feat and redeem the promise, as we have long since done on the coarser goods."

Mr. HAMMOND. In the next forty years?

Mr. BLAND. I wish to suggest to the gentleman that we need no protection on the articles he mentions wherein we compete with foreign countries. And I ask the gentleman how long have they been protected? How long has the infant been growing to manhood?

Mr. CHACE. That infant has been a man for a great many years, let me tell the gentleman. The difficulty is gentlemen do not understand this thing. The gentleman from Missouri does not understand it.

Mr. BLAND. I am inquiring for information.

Mr. CHACE. You start out on a wrong theory. We have heard speakers over and over again proceed in this way. Duties are added to the foreign prices. The value of the goods is so many millions of dollars. Add the duties and that amounts to I do not know how much—hundreds of thousands of millions—more money than all there is in the world. It is an absurd and rediculous fallacy. The farmer buys all his agricultural implements in this country better and cheaper than he can buy them abroad. There is a long list of articles besides that are sold nearly as cheap as they are abroad: Epsom salts, glauber salts, sulphate of soda, copperas, cod-liver oil, bromide of potash, iodide of potash, sulphate of ammonia, stoves and all culinary implements except tinware; shovels, spades, and axes; all carpenters' and machinists' tools; common hardware; boots, shoes, and sole leather; carriages, carts, harness; clocks, watches, sewing-machines; cheap paper-hangings, picture-frames, many kinds of buttons.

An ordinary suit of woolen clothing is bought nearly as cheap as anywhere in the world. Home competition has brought these goods down until they are sold at almost no profit. Hence there is no monopoly here. Before these industries were built up by protection every one of these articles was sold here at very much higher prices. Some of them at three or four times their present price. Their manufacture could not have been established but for protection. Foreigners would be glad to sell their goods at a loss temporarily in our markets in order to destroy our industries, when prices would immediately advance. Give us sufficient protection on the finer goods and in a few years we shall be emancipated from foreign domination on them also.

But to return. This is a contest between two distinct forms of civilization; one exemplified by Great Britain, with her laws, her social and fiscal systems contrived to build up the few and keep them so, to depress the many and prevent them from rising; the other illustrated by our own broad, free country, with 55,000,000 of healthy, improving, prosperous people, with abundant means for moral, social, and intellectual improvement, where the paths to wealth, to social and political honor and position are wide open and free to the humblest in the land—the membership of this House well illustrates that—a system based upon the principle of building up men first and wealth afterward, of producing the best in abundance but not at the cost of humanity; a system which while it may bring temporarily higher cost of some articles brings at the same time to the laborer relatively more means to buy with. In Great Britain everything is bent toward cheap production. Her metals and textile fabrics crowd the world's markets, but at the cost of her ill-paid and suffering people. This contest involves not the safety of the rich man's hoard so much as it does the maintenance of the prosperity, the comfort, the moral, social, and intellectual elevation of the millions in this country who live by labor, and also the open door of relief for suffering millions across the ocean.

In order that we may appreciate it I desire to read a few extracts from some English sources as to the conditions in Great Britain. The United Kingdom contains 120,000 square miles of territory, or seventy-seven and a half millions of acres, excluding water, with a population of 35,000,000 in round numbers. Of the seventy-seven and a half millions of acres of land, 16,000,000 are used for parks or are waste, while fifteen and a half millions are absolutely waste. England itself contains about 58,000 square miles, about as much as Pennsylvania and Maryland, with a population of 445 to the square mile. But after deducting the waste and barren lands and gentlemen's parks, the proportion to the square mile is nearly double that. Belgium has 485 people to the square mile. The United States has but 18.

Of the 52,000,000 acres in Great Britain 25 owners hold 5,000,000 acres; 1,454 owners hold 24,000,000 acres, or nearly one-half; 2,238 owners hold 39,000,000 acres, or nearly four-fifths; 47,000 owners hold nine-tenths of the whole acreage; and all the land in England and Wales outside of the metropolis is owned by 972,836 holders, and 1,173,000 in the whole kingdom—thus leaving some 26,000,000 as mere tenants. The following are a few of the great estates, as collated by Bateman from the Domesday Book. I introduce them as a mere matter of interest:

	Acres.
Sir Thomas Dyke Ackland, Bart	36,586
Marquis of Aylesbury	55,051
Earl of Lonsdale	67,950
Duke of Rutland	70,039
Duke of Bedford	87,507
Sir Watkins Williams Wynn (Wales)	91,032
Duke of Devonshire	148,629
Duke of Northumberland	191,480
Total	748,274

These lands yield an average income of about £1 per annum per acre, or for the eight men say $3,460,295 per annum from their lands; nearly 750,000 acres in the hands of eight men in a land the most crowded of any civilized country in the world.

Their whole system is contrived to continue this state of things. The law of primogeniture, the system of jointures, dower, and entail tie up the land for generation after generation. It is estimated that there are no more land-holders now in Great Britain than there were at the time William the Conquerer committed the greatest larceny in history—when he stole all the land in England and divided it among his retainers. Probably there are more people in the State of Massachusetts who own their homes than there are in all England who own theirs. The suffrage, the land laws, and the systems of taxation in Great Britain are most ingeniously contrived to prevent the people from rising. In no country in the world is property so unequally divided. In no country in the world are the few so very rich, the many so very poor, with no hope but to grind the hard wheel of fate until death brings relief.

The bill of rights forbids a standing army in England in times of peace; but England has a standing army of 922,000 paupers. In the whole kingdom there are a round million of paupers. In the United States there are 67,000 paupers. These are paupers in almshouses, not people who receive outdoor aid; because in a hard season there have been 500,000 people in the city of London alone who have received outdoor aid. The misery, starvation, disease, crime, and degradation of East London to-day is something appalling. If you would feast upon horrors, read the bitter cry of "Outcast London," a little pamphlet which was published last fall by the Congregational Union in London. I will read a few words from it. Before I do so I will ask, Mr. Chairman, how much time I have left?

The CHAIRMAN [Mr. SPRINGER]. The gentleman has fifteen minutes of his time remaining.

Several MEMBERS. Go on; you can have all the time you want.

Mr. CHACE. Very well; if the House will bear with me, then I will read a little more copiously than I would otherwise do. Observe this is British authority. I read from a pamphlet published in London. Speaking of these people it says:

> Two cautions if is important to bear in mind. First, the information given does not refer to select cases. It simply reveals a state of things which is found in house after house, court after court, street after street. Secondly, there has been absolutely no exaggeration. It is a plain recital of plain facts. Indeed, no respectable printer would print, and certainly no decent family would admit even the driest statement of the horrors and infamies discovered in one brief visitation from house to house. So far from making the worst of our facts for the purpose of appealing to emotion, we have been compelled to tone down everything, and wholly to omit what most needs to be known, or the ears and eyes of our readers would have been insufferably outraged.
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> THE CONDITION IN WHICH THEY LIVE.
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> We do not say the condition of their homes, for how can those places be called homes, compared with which the lair of a wild beast would be a comfortable and healthy spot? Few who will read these pages have any conception of what these pestilential human rookeries are, where tens of thousands are crowded together amidst horrors which call to mind what we have heard of the middle passage of the slave-ship. To get into them you have to penetrate courts reeking with poisonous and malodorous gases arising from accumulations of sewage and refuse scattered in all directions and often flowing beneath your feet; courts, many of them which the sun never penetrates, which are never visited by a breath of fresh air, and which rarely know the virtues of a drop of cleansing water. You have to ascend rotten staircases, which threaten to give way beneath every step, and which, in some places, have already broken down, leaving gaps that imperil the limbs and lives of the unwary. You have to grope your way along dark and filthy passages swarming with vermin. Then, if you are not driven back by the intolerable stench, you may gain admittance to the dens in which these thousands of beings who belong, as much as you, to the race for whom Christ died, herd together. Have you pitied the poor creatures who sleep under railway arches, in carts or casks, or under any shelter which they can find in the open air? You will see that they are to be envied in comparison with those whose lot it is to seek refuge here. Eight feet square—that is about the average size of very many of these rooms.
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> Every room in these rotten and reeking tenement-houses a family, often two. In one cellar a sanitary inspector reports finding a father, mother, three children, and four pigs! In another room a missionary found a man ill with small-pox, his wife just recovering from her eighth confinement, and the children running about half-naked and covered with dirt. Here are seven people living in one underground kitchen, and a little dead child lying in the same room. Elsewhere is a poor widow, her three children, and a child who had been dead thirteen days. Her husband, who was a cabman, had shortly before committed suicide. Here lives a widow and her six children, including one daughter of 29, another of 21, and a son of 27. Another apartment contains father, mother,

and six children, two of whem are ill with scarlet fever. In another, nine brothers and sisters, from 29 years of age downwards, live, eat, and sleep together. Here is a mother who turns her children into the street in the early evening because she lets her room for immoral purposes until long after midnight, when the poor little wretches creep back again if they have not found some miserable shelter elsewhere. Where there are beds they are simply heaps of dirty rags, shavings, or straw, but for the most part these miserable beings find rest only upon the filthy boards. The tenant of this room is a widow, who herself occupies the only bed, and lets the floor to a married couple for 2*s.* 6*d.* per week. In many cases matters are made worse by the unhealthy occupations followed by those who dwell in these habitations. Here you are choked as you enter by the air laden with particles of the superfluous fur pulled from the skins of rabbits, rats, dogs, and other animals in their preparation for the furrier. Here the smell of paste or of drying match-boxes, mingling with other sickly odors, overpowers you; or it may be the fragrance of stale fish or vegetables, not sold on the previous day, and kept in the room overnight. Even when it is possible to do so the people seldom open their windows, but if they did it is questionable whether much would be gained, for the external is scarcely less heavily charged with poison than the atmosphere within.

POVERTY.

The poverty, we mean of those who try to live honestly; for notwithstanding the sickening revelations of immorality which have been disclosed to us, those who endeavor to earn their bread by honest work far outnumber the dishonest. And it is to their infinite credit that it should be so, considering that they are daily face to face with the contrast between their wretched earnings and those which are the produce of sin. A child 7 years old is known easily to make 10*s.* 6*d.* a week by thieving, but what can he earn by such work as match-box making, for which 2½*d.* a gross is paid, the maker having to find his own fire for drying the boxes and his own paste and string? Before he can gain as much as the young thief he must make 56 gross of match-boxes a week, or 1,296 a day. It is needless to say that this is impossible, for even adults can rarely make more than an average of half that number. How long, then, must the little hands toil before they can earn the price of the scantiest meal. Women, for the work of trousers' finishing (*i. e.*, sewing in linings, making button-holes, and stitching on the buttons), receive 2½*d.* a pair, and have to find their own thread.

Think of it; 5 cents a pair. My friend from Boston [Mr. MORSE] knows how much that is. I do not know how much he pays.

Mr. MORSE. Fully as much as that.

Mr. CHACE. I have no doubt he does. I would be willing to be interrupted to have him state to us how much he does pay.

We ask a woman who is making tweed trousers, how much she can earn in a day, and are told one shilling. But what does a day mean to this poor soul? Seventeen hours! From five in the morning to ten at night—no pause for meals. She eats her crust and drinks a little tea as she works, making in very truth with her needle and thread not her living only, but her shroud. For making men's shirts these women are paid 10*d.* a dozen; lawn-tennis aprons, 3*d.* a dozen; and babies' hoods, from 1*s.* 6*d.* to 2*s.* 6*d.* a dozen. In St. George's-in-the-East large numbers of women and children, some of the latter only seven years old, are employed in sack-making, for which they get a farthing each. In one house was found a widow and her half-idiot daughter making paillasses at 1½*d.* each. Here is a woman who has a sick husband and a little child to look after. She is employed at shirt-finishing at 3*d.* a dozen, and by the utmost effort can only earn 6*d.* a day, out of which she has to find her own thread. Another, with a crippled hand, maintains herself and a blind husband by match-box making, for which she is remunerated on the liberal scale mentioned above; and out of her 2½*d.* a gross she has to pay a girl a penny a gross to help her. Others obtain at Covent Garden in the season 1*d.* or 2*d.* a peck for shelling peas, or 6*d.* a basket for walnuts; and they do well if their labor brings them 10*d.* or a shilling a day. With men it is comparatively speaking no better.

"My master," says one man visited by a recent writer in the Fortnightly Review, "gets a pound for what he gives me 3*s.* for making." And this it is easy to believe, when we know that for a pair of fishing boots which will be sold at three guineas the poor workman receives 5*s.* 3*d.* if they are made to order, or 4*s.* 6*d.* if made for stock. An old tailor and his wife are employed in making policemen's overcoats. They have to make, finish, hot-press, put on the buttons, and find their own thread, and for all this they receive 2*s.* 10*d.* for each coat. This old couple work from half past 6 in the morning until 10 at night, and between them can just manage to make a coat in two days. Here is a mother who has taken away whatever articles of clothing she can strip from her four little children without leaving them absolutely naked. She has pawned them not for drink, but for coals and food. A shilling is all she can procure, and with this she has bought seven pounds of coals and a loaf of bread. We might fill page after page with these dreary details, but they would become sadly monotonous, for it is the same everywhere.

Professor Huxley says that in his voyage around the world and in all his studies of savage life he found no people so miserable, wretched, and degraded as those who exist in the poorer quarters of London.

Lord Salisbury, the great Tory leader of Great Britain, one of the most prominent men in England, last fall published the following:

Thousands of families have only a single room to live in. It is difficult to exaggerate the misery which such conditions of life must cause or the impulses which they must give to vice. Three schools were taken and the condition of the children was ascertained. They came from 1,129 families. Of these 871 families had only one room to live in. In a majority of these cases the families living in one room contained five or more persons; in some cases as many as nine.

In the Dublin Freeman's Journal the following advertisement appears:

WANTED—Strong, humble girl to assist in minding children and go of messages; age, 15; 8 shillings per quarter. Apply at 59 Harcourt street, 11 o'clock to 2, Monday.

For minding the children and running on errands the "strong, humble girl" will receive $8 per year, or 67 cents a month. Happy land!

The Glasgow Herald last month stated that there are in the city of Glasgow 45,000 families each living in a single room. These are among the worst of the pictures in Great Britain.

But there are millions upon millions of people employed in her industrial pursuits who fare but little better. In Manchester, in Oldham, in Birmingham, in Bradford, where these worsted goods are made to which I have referred, if a man (or woman) leaves his work or loses his place, hundreds are ready to step in. The wages they earn are but barely sufficient to support life. Their flagging energies are kept up by constant draughts of beer. There is but one great river in England, and that is not laid down in the map. It is a river of beer, running down the throats of her people, in which they drown their sorrows.

The London Times says of the agricultural laborer in England: "His condition is hopeless; once a peasant always a peasant."

Joseph Arch said: "The agricultural laborers of England look with envy upon the beasts of burden."

Gladstone, in his indictment of D'Israeli, says:

We have now nauseated the world with the doctrine that British interests supply the final criterion of right and wrong.

This is the condition to which you free-traders would bring American labor. These are the competitors to whom you would force us to yoke ourselves in an unequal contest.

England has cunningly contrived her system. England, who preaches free trade to us, having fortified herself in her position, her industrial history dating back eight hundred years while ours is but a hundred years old, having bound her labor hand and foot without any hope to rise, asks us, and you gentlemen would aid her, to throw open our ports in order that she may dump her cheap-made wares upon us and destroy our industries. She wrings her taxes largely from the laborer.

See what the English Financial Reform Almanac says. After reciting the means by which England raises the money to support her government, it says:

Let the reader study this fearful table, and see how the earnings of the working class, wrung from taxation on their food and drink, are flung away wholesale.

The CHAIRMAN (Mr. SPRINGER). The time of the gentleman has expired.

Mr. TILLMAN. I move that the gentleman's time be extended. That privilege has been accorded every other speaker.

The CHAIRMAN. The gentleman from South Carolina [Mr. TILLMAN] asks consent that the time of the gentleman from Rhode Island [Mr. CHACE] may be extended.

Mr. WELLBORN. What length of time does the gentleman want?

Mr. CHACE. I should think I might get through in twenty minutes.

Mr. COBB. We will give you twenty minutes.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Rhode Island?

Mr. DEUSTER. I object. There are at least one hundred names on the list of those who desire to speak on this question.

Mr. REED. And the longer each one speaks the fewer there will be to speak.

The CHAIRMAN. The question is not debatable. The gentleman from South Carolina [Mr. TILLMAN] asks unanimous consent that the gentleman from Rhode Island [Mr. CHACE] have time to conclude his remarks. Is there objection? [After a pause] The Chair hears none.

Mr. CHACE. Great Britain raised in 1882 from her land-tax $5,130,998.19.

Mr. DEUSTER. Mr. Chairman, I objected to the extension of the gentleman's time and did not withdraw the objection.

The CHAIRMAN. The gentleman from Rhode Island will suspend. The Chair was under the impression that no one objected to extending his time. The gentleman from Wisconsin [Mr. DEUSTER] now interrupts the gentleman from Rhode Island to say that he objected and did not withdraw his objection.

Mr. BROWN, of Pennsylvania. I rise to a point of order——

The CHAIRMAN. The gentleman from Rhode Island has occupied one hour and two minutes.

Mr. DEUSTER. I object, because there are so many others who want to speak.

Mr. BROWN, of Pennsylvania. I think it is too late now to raise the objection.

The CHAIRMAN. The gentleman objected in time, but the Chair supposed he had withdrawn the objection.

Mr. BROWN, of Pennsylvania. But when the question was submitted to the Committee of the Whole——

Mr. REED. When the gentleman from Rhode Island was reading he suggested that he might not have time to read all he desired, and everybody about him said that he should have an extension of his time. Thereupon he was induced to read some things which otherwise he would not have read. I suggest to the gentleman from Wisconsin whether under these circumstances he will insist on his objection.

The CHAIRMAN. If the gentleman from Rhode Island will state what time he desires perhaps there will be no objection.

Mr. CHACE. I will try to get through in fifteen minutes.

The CHAIRMAN. Is there objection to allowing the gentleman to proceed for fifteen minutes?

Mr. DEUSTER. I do not object.

The CHAIRMAN. The Chair hears no objection, and the gentleman from Rhode Island will proceed.

Mr. CHACE. I was saying the amount which the British Government raised in 1882 from its land-tax was $5,130,998.19. When I state that the city of Philadelphia last year raised more than nine and a half million dollars by taxation upon real estate you will appreciate the comparative difference. There has been no revaluation of land for the purpose of taxation in Great Britain since 1690, and by a strange system of redemptions established in the time of Pitt's administration, holders of real estate were enabled to buy exemption from taxation at a very small price; thus they have reduced their land-tax to a mere trifle. The money that supports the Government of Great Britain is wrung largely from the hard earnings of the laborer and from the tolls that she puts upon the commerce of the world.

The following table exhibits the sources from which the revenue of

the British Government was derived in 1882, reducing pounds sterling to dollars at $4.8665:

Land-tax	£1,051,433 =	$5,130,998 19
Income-tax	10,004,904 =	48,688,865 31
House duty	1,698,192 =	8,264,251 37
Excise	27,240,000 =	132,563,460 00
Stamps	12,260,000 =	59,663,290 00
Customs	19,280,000 =	93,826,120 00
Post-office	7,000,000 =	34,065,500 00
Telegraph	1,630,000 =	7,932,395 00
Crown lands	380,000 =	1,849,270 00
Interest on advance to corporation works	1,020,433 =	4,965,937 19
Suez Canal shares	198,829 =	977,701 33
Miscellaneous	4,136,019 =	20,127,936 46
Total	85,899,810 =	418,055,724 85

I wish to call attention to of the disabilities under which the manufacturers of this country labor as compared with those of Great Britain.

Mr. HERBERT. The gentleman omitted to speak about the income-tax in Great Britain, a tax which we have not now in this country. Does that tax come out of the poor?

Mr. CHACE. I include that in my list; but I hope the gentleman will not interrupt me, because I want to get along as fast as I can.

But you ask how can such a nation pay such an amount of excise, house-tax, stamps, and, finally, of income-tax? The reply is, the house tax and the excise is wrung largely from the laboring class. The others can be afforded, because England has cunningly contrived to make nearly all the world pay commercial tribute to her. Her whole system is adjusted to throw the expense of her government either upon foreigners or upon the labor of her country. Let us compare the tax on a 50,000-spindle cotton-mill in Bolton, England, with that of a similar one in Fall River, Mass. Consul Shaw gives the tax on a 72,000-spindle mill at Bolton, in 1878: District and poor rates, $1,800; government taxes, $200; total, $2,000. At that rate the tax on a 50,000-spindle mill would be $1,389.

The mill in England pays no other tax except the income-tax of the stockholders. This year probably neither will make any profit, so the above is all the tax that would be put upon the business in Bolton. In Fall River a 50,000-spindle mill would be assessed at $750,000. At a rate of about 1½ per cent., which is lower than the average, the tax would be $11,250; a difference of $9,861. Having handicapped the rest of the world with a century the start, she says to all the nations, "Now come trade with us on equal terms." They have subsidized steamers and opened mail facilities to every part of the globe, with the result that London is the banking center of the world. She gets a brokerage or a commissiom on a very large share of the freight of the world. She borrows at 3 per cent. and lends at usurious rates to every nation. Her industrial power, the result of the accumulation of machinery, tools, and steam-power, is immense.

It has been estimated that the steam-power of Great Britain is equivalent to the individual effort of 450,000,000 of men. The productive power of her machinery probably far exceeds that. With all these advantages it is hopeless for us to attempt to compete with her while we maintain our present system. It is to put our labor, well-housed, well-paid, well-clothed and fed, with all the comforts and many of the luxuries of life, against that which I have portrayed; to match capital, now earning good returns, with theirs seeking investments all over the world; to compete with them and pay our own taxes, while they saddle theirs on the trade of one-third of the population of the earth.

It ought not to be necessary at this day to reason with an American audience upon the question of guarding our own industries. Since the Southern States have abandoned the idea of maintaining the feudal system, no considerable portion of our people can have any interest in destroying our industries. Alexander Hamilton says:

All history clearly shows that while the necessities of nations exclusively devoted to agriculture for the fabrics of manufacturing States are constant and regular, the wants of the latter for the products of the former are liable to very considerable fluctuation and interruption.

Further he says:

Previous to the Revolution the quantity of coin possessed by the Colonies which now compose the United States appeared to be inadequate, and their debt to Great Britain was progressing. Since the Revolution the States in which manufactures have most increased have recovered faster from the injuries of the late war and abound most in pecuniary resources.—*Alexander Hamilton's Report on Manufactures*, page 336 of his works.

I commend my Southern brethren to compare the results in their own part of the land. With natural resources far greater than ours in the North and East, they have until lately pursued the agricultural policy alone. We have diversified the manufacturing with agriculture. There is room enough for all. Why do you not enter the race and join hands with us in saving to ourselves our own markets, and by so doing build up yourselves, that so we may build each other up?

In 1845 Dr. Wayland published his work on political economy. I believe him to have been a thoroughly honest man. He believed every word he wrote. On page 150 of the last edition of his work he used the following language:

We pay a heavy duty on cutlery in this country, while not a hundredth part of the cutlery used is made here. It would be one hundred times cheaper to pay a bounty equal to the present duty on cutlery, and it would be, for all I can see, just as good for the cutler. The whole effect of this mode of encouragement is to pay one man as much more as the bounty amounts to for producing the article than we should pay another man, &c.

When the old man wrote that he thought he had concluded the whole argument. No doubt that statement has convinced many students in our colleges who have studied Dr. Wayland's work. It appeared to be a demonstration absolute. But if Dr. Wayland could come back now he would blush to see how different the logic of events is from his logic; for we are undoubtedly fully one hundred times better off as we are. Including in the schedule knives, edge-tools, and saws, I find that in the year ending June 1, 1882, we imported $1,999,388 worth. But we have now 663 shops, employing 16,236 hands, with a capital of $17,525,129, which produce $19,841,043 worth of those articles, and we export $1,172,256 worth. The exports amount to 6 per cent. of the production, while of our boasted agricultural products we exported in 1882 only about 7½ per cent., excluding cotton. The American to-day buys his cutlery as cheap and a better article than the citizen of England, and is indebted to this very protection for it.

Herewith is a table of the prices of some of the leading articles of hardware at retail here and in England at the same time last year:

Wholesale English and American prices, in 1882, *of staple articles of hardware.*

[Obtained by personal inquiry, for the American Iron and Steel Association, from an English hardware merchant and from a prominent Philadelphia merchant.

Articles.	Quantity.	English price, in store. (Reduced to United States currency.)	American price, in store.
Axes, No. 2	Per dozen	$9	$9.50.
Augers, cast-steel	do	1-in., $4.48; 2-in., $12	1-in., $5.76; 2-in., $11.52.
Auger-bits	do	½-in., $4.48.	1½-in., $3.
Chisels, socket, framing	do	1-in., $3.72; 2-in., $7	1-in., $5.76; 2-in., $8.64.
Hatchets, shingling	do	No. 2, $6	No. 2, $5.25.
Pickaxes, best, assorted	Per cwt.	$7	$9.
Saws, hand, 26-inch	Per dozen	Common, $6; best, $13.48	Common, $5; good, $15.
Saws, cross-cut	Each	4-ft., $2.36; 4½-ft., $2.60; 5-ft., $3.12	4-ft., $2; 4½-ft., $2.25; 5-ft., $2.50.
Planes, jack, 18-inch, 2¼ double-iron	Per dozen	$15	$10.20.
Brass rocking cocks, ½-inch	do	$6	$7.
Brass butts, middle, pairs	do	2-in., $1.48	72c.
Cast butts, loose, pairs	do	3 by 3, $1.24	$1.
Strap hinges, light, pairs	do	6-in., $1.48	$1.
Plate hinges	Per cwt.	$6 and $7	$6.16 and $7.28.
Wrought-iron hasp and staples, 8-inch	Per dozen	72c.	65c.
Carriage-bolts, best, 3 by ⅜	Per gross	$2.12	$1.57.
Currycombs, 6 bars, open, No. 1	Per dozen	$2.48	90c.
Brick trowels, 10½-inch	do	$8.24	$7.50.
Anvils, steel face	Per pound	8c.	8½c.
Iron squares, 18 by 12	Per dozen	$4.48	$5.25.
Fry-pans, iron, tinned, No. 3	do	$4.48	$4.25.
Coffee-mills, box, square, No. 1	Each	84c.	67c.
Enameled kettles, 4 quarts, Maslin's	do	66c	50c.
Cast-steel shears, trimming, common, 8-inch	Per dozen	$6	$4.20.
Shovels, No. 2, square	do	$7.48	$5.
Door-knobs, mineral	do	$2.48	$1.
Door-knobs, porcelain	do	White, $3; black, $3.72	White, $3.25; jet, $4.50.
RETAIL PRICES.			
Trace-chains, such as are used by plowmen and with heavy harness	Per pair	85c. to 97c.	65c. to $1.25.
Do	Per pound	8c.	10c.
Horseshoes, machine made	Per cwt.	$3.40 to $4.37	$5.60 to $6.72.
Do	Per pound	3c. to 4c.	6c to 7c.
Horseshoes, either hand or machine-made	Set of 4	85c., 91c., and 97c.	Machine-made, 47c., 57c., and 65c.; hand-made, $1.
Log-chains, for heavy dragging	Per pound	6c. to 8c.	8c.

I wish especially to call attention of my friend from Kentucky [Mr. TURNER], who is so deeply interested in the subject of trace-chains. [Laughter.] The first prices are English and the next American for the same article, so you can compare them.

Mr. TURNER, of Kentucky. The gentleman has called attention to me in reference to the subject of trace-chains, and I hope he will let me ask him a question.

Mr. CHACE. I have shown that you can buy trace-chains cheaper here than in England.

Mr. TURNER, of Kentucky. If they are cheaper, then why do you want to have a tariff on them?

Mr. CHACE. If they are cheaper, why do you object to the duty?

Gentlemen on the other side are making various assertions as to the amount that labor constitutes of the whole cost of manufactured articles in this country, basing their statements upon the census reports. But they forget that the census does not pretend to give all the labor in these industries. The administrative labor, as it is called, is left out. It was so done on purpose. As a matter of comparison let us examine one or two articles. Pig-iron is one of the great articles of manufacture, and is commonly considered one of the cheapest.

We see it frequently asserted that the labor in the manufacture of a ton of pig-iron is somewhere about $4.35. Now, what are the facts? Iron is made up of ore, fuel, limestone, interest, and depreciation upon plant, taxes, insurance, supplies, labor, and transportation. Here is the cost of labor in one ton of pig-iron in one of the best furnaces in the State of Pennsylvania: There is used, to make a ton of pig-iron, on an average, about two tons of ore, which may fairly be estimated to be worth 50 cents per ton in the ground; one and one-half tons of coal, worth 32 cents in the ground; and a little flux, worth so little that its value in the ground can hardly be estimated.

Wages earned in mining enough ore for one ton of pig-iron	$5 18
Wages earned in mining enough limestone for same	33
Wages earned in mining enough anthracite for same	1 71
Wages earned in making enough coke for same	28
Wages earned in transporting above ore	56
Wages earned in transporting above limestone	06
Wages earned in transporting above anthracite	45
Wages earned in transporting above coke	22
Wages earned by furnace hands in making one ton pig-iron	2 75
Total wages earned in making one gross ton pig-iron	11 54

A ton of pig-iron is worth from $18 to $20.

But there are many forms of manufacture in which the cost of labor amounts to so nearly the total cost that the percentage of material is an item hardly worth consideration. As an illustration of this take watch springs and watch screws. One pound troy weight of steel wire of which watch screws are made is worth about 62 cents. Of this pound perhaps 20 per cent. is raw material. One pound would make 247,000 screws, which are worth at wholesale, as reported to me by the treasurer of a celebrated watch company, $1,715 a pound.

Let us carry this estimate on into a ton, and we shall then have some idea of the amount of labor that enters into some of the finer manufactures. One ton avoirdupois, 2,240 pounds, multiplied by 7,000, the number of grains in a pound avoirdupois, amounts to 15,680,000. This divided by 5,760, the number of grains in a pound troy, gives us 2,722 troy pounds in a ton. That multiplied by $1,715, the price at which a pound of screws sells at wholesale, makes a ton of these screws amount to $4,668,230. The raw material in this ton of screws costs from $2.75 to $3. Hair-springs, by the same method of calculation, amount to $3,135,744 per ton. Fine silver is $32,527.71 per ton and fine gold $602,928.51 in New York. Thus we see under the magic touch of the artisan's hand the baser metal becomes nearly eight times more precious than gold.

Scattered all over the country are thousands of men working upon various mechanical productions in which the relative value of the raw material, although rarely equal, in some cases approaches this, and in a very large number of cases the proportion is so great as to render the material an item not worthy of consideration—tools for repairing watches, mathematical instruments, making telescopes and other optical instruments, making jeweler's tools, and a thousand other industries.

There is an important reason for the demand for duties on articles in which we can compete. Without them we should be subject to ruinous competition by English manufacturers sending their goods to this market and selling them below cost in order to break down our industries. They organize themselves with their immense capital to break down foreign competitors, and when they have secured the markets put up prices and reimburse themselves. To illustrate, let us take the watch industry. The duty upon watches and materials under the tariff of 1840 was 10 per cent.; under the tariff of 1857, 4 and 8 per cent.; 1861, March, 10 per cent.; December, 15 per cent.; 1868, 20 and 25 per cent. Several efforts were made to establish the watch manufacture previous to 1863, but they were failures; those attempting it were ruined. Under the protection afforded since, however, they have thriven wonderfully, and American genius for organization and adaption of machinery, having been given an opportunity to get fairly into operation, has produced the most marvelous results.

American watches are now made equal to the best in the world, while for the cheaper common watches we outstrip everybody. They can be bought at from $3.50 each to $100 or more. There are nine establishments, producing 3,650 watches a day; one establishment alone turning out a watch a minute for ten hours each day. The annual product of watches and cases is upwards of $16,000,000, employing about 21,000 persons, besides the many thousands outside who produce the materials and supplies. Without protection that industry never could have grown up here. We get our watches cheaper, employ the people here, and get all the incidental benefits, which are very great. The same is true of many styles of cotton and woolen goods, of brass and other metals. The number of industries which have traveled the same road and produced the same results are a host, and to the unprejudiced American who will examine this subject in all its lights carefully it seems to me there can be but one honest conclusion, namely: That not only is the general welfare of the country largely enhanced by the encouragement of manufacture, not only do we keep up the producing power of our people, but really, estimated in dollars and cents, excluding a few exceptional cases, in the long run the consumer gets his goods nearly as cheap as the foreigner.

Table showing the average weekly rate of wages paid to wool-sorters, spinners, and weavers in woolen factories in the United States, in France, in England, and in Germany.

[By Robert P. Porter, in New York Tribune.]

Occupation.	Average weekly rate of wages paid in woolen factories.			
	United States, Massachusetts district. *a*	France, Rheims district. *b*	England, Yorkshire district. *c*	Germany, Rhenish district. *d*
Wool-sorters:				
Men	$9 43	$5 82	$5 76	$5 50
Women		2 70	2 40	2 50
Young persons	5 12	2 00	1 80	1 90
Spinners:				
Men (overseers)	12 00	6 50	6 00	6 60
Spinners	9 05	6 00	5 00	5 25
Women	6 18	3 00	3 00	3 00
Young persons	4 81	2 00	1 80	1 90
Piecers	5 00	3 00	2 50	2 40
Weavers:				
Men	3 53	4 67	4 80	4 25
Women	7 45	4 00	3 48	4 00
Mechanics	13 43	6 25	5 50	5 00
Laborers	8 58	3 75	3 25	3 00

a Report of bureau of statistics, Massachusetts, 1882.
b Compiled by Consul Frisbie, from books of manufacturers, 1882.
c Report of Robert Giffen, statistical department, board of trade, 1882.
d Compiled by Consul Du Bois, from books of manufacturers, 1882.

I want simply to call your attention to a few comparisons. I find that Mulhall says, while we have been going on under a protective system—and he is a free-trader—that our annual accumulation of wealth reaches the sum of $875,000,000. That of France is $375,000,000, and that of Great Britain $325,000,000. Germany is $200,000,000, while all other countries in the world amount to $725,000,000. Our annual accumulation is thus 35 per cent. of the profits of the whole world.

We have deposited in our savings-banks, in round numbers, $1,000,000,000. Great Britain has about $300,000,000. We have, in round numbers, 120,000 miles of railroads, costing $6,000,000,000.

All of Europe combined has but 105,000 miles, and the whole world only 264,000. The United States has 143,940 miles of telegraph lines completed, while the whole world has only 550,000 miles. According to the census of 1880 we had published in the country 10,000 periodicals, and we had an army of 275,000 school-teachers. In short, our people are better housed, better fed, better clothed, better educated than any others on earth. We have fewer paupers, fewer criminals, and a higher moral standard. We are richer in all that is desirable for man than any other nation ever was on the face of the earth. We have attained to a standard of comfort, of civilization, and the recognition of the rights and privileges of the people such as there is no parallel for in history, and all under protection; and yet our free-trade friends, not satisfied with that, are endeavoring to break us down to help free-trade England. [Applause.]

I thank the House for its courtesy.

APPENDIX.

TABLES PUBLISHED IN 1882.

Let us see what the farmer's articles would buy when they went to market:

Table No. 1.

	1846.	1847.	1848.	1849.	1850.	Average.
Wheat.....bush...	$1 08.5	$1 36.5	$1 17.5	$1 24.0	$1 27.5	$1 22.8
Corn.....bush...	68.0	85.5	63.5	62.7	62.5	64.4
Oats.....bush...	39.5	49.0	41.4	38.7	43.0	42.3
Butter.....lb...	13.0	16.0	16.0	15.0	15.1	15.0
Kentucky tobacco.....lb...	4.7	4.8	5.3	6.1	8.2	5.82
Wool.....lb...	32.3	35.2	34.3	36.1	40.0	35.58
Cheese.....lb...	6.8	6.9	6.7	5.0	6.2	6.3
Coal.....ton...	5 72.5	5 70.5	5 39.0	5 59.0	5 73.0	5 63.0
Liverpool salt.....sack...	1 34.0	1 35.5	1 39.0	1 29.0	1 36.5	1 34.8
Bleached sheeting.....yd...	14.95	14.2	14.25	15.0	14.75	14.43
Prints.....yd...	10.91	10.17	9.17	10.0	10.0	10.05
No. 1 pig-iron.....ton...	27 87.0	30 25.0	26 50.0	22 75.0	20 87.0	25 65.0
Refined bar-iron.....ton...	91 66.0	86 04.0	79 33.0	67 50.0	59 54.0	76 82.0
Railroad iron.....ton...	.....	69 08.0	62 25.0	53 87.0	47 87.0	58 27.0

	1876.	1877.	1878.	1879.	1880.	Average.
Wheat.....bush...	$1 18.5	$1 60.7	$1 24.2	$1 22.3	$1 25.3	$1 30.2
Corn.....bush...	51.2	58.3	51.3	49.0	54.7	52.9
Oats.....bush...	36.1	42.4	32.8	38.5	43.8	38.72
Butter.....lb...	20.4	24.0	23.3	32.7	23.0	24.68
Kentucky tobacco.....lb...	9.8	9.8	7.1	8.0	7.7	8.48
Wool.....lb...	39.9	48.8	41.6	52.0	41.4	44.74
Cheese.....lb...	9.4	11.6	9.9	11.2	7.6	9.94
Coal.....ton...	4 19.0	3 38.7	3 54.9	2 89.8	4 08.9	3 62.3
Liverpool salt.....sack...	80.1	73.2	65.0	73.8	69.0	72.22
Bleached sheeting.....yd...	12.25	11.72	10.87	11.43	12.66	11.78
Prints.....yd...	7.18	6.67	6.1	6.31	7.5	7.95
No. 1 pig-iron.....ton...	22 25.0	18 87.0	17 62.0	21 50.0	28 50.0	21 75.0
Refined bar-iron.....ton...	52 08.0	45 55.0	44 24.0	51 85.0	60 38.0	50 82.0
Railroad iron.....ton...	41 25.0	35 25.0	33 75.0	41 25.0	49 25.0	40 15.0

Agricultural articles are 6 per cent. higher; manufactures and fuel are 30 per cent. lower; making 50 per cent. in favor of the farmer. Labor is 25 per cent. higher; what the laborer buys is 25 per cent. lower; making 66 per cent. in favor of the laborer.

Table No. 2.

	Salt.	Coal.	Bleached sheeting.	Prints.	Pig-iron.	Bar-iron.	Railroad iron.
One bushel of wheat would buy—	*Sacks.*	*Lbs.*	*Yards.*	*Yards.*	*Lbs.*	*Lbs.*	*Lbs.*
Under free trade	.91	422.0	8.51	12.21	107.3	35.8	47.23
Under protection	1.80	719.0	11.04	16.27	134.00	57.35	72.6
One bushel of corn would buy—							
Under free trade	.47	25.65	4.46	6.4	56.24	18.78	24.76
Under protection	.73	32.85	4.49	6.65	54.49	23.32	29.55
One bushel of oats would buy—							
Under free trade	.31	16.85	2.93	4.20	36.94	12.33	16.26
Under protection	.536	24.04	3.27	4.89	39.87	17.07	21.63
Ten pounds of butter would buy—							
Under free trade	1.112	59.75	10.39	14.92	131.0	43.74	57.69
Under protection	3.417	153.2	20.95	31.04	254.0	108.82	137.87
Ten pounds of cheese would buy—							
Under free trade	.474	25.09	4.36	6.28	55.02	18.37	24.23
Under protection	1.376	61.93	8.43	12.52	102.36	43.82	50.53
One pound of wool would buy—							
Under free trade	.264	14.17	2.46	3.54	31.06	10.37	13.68
Under protection	.661	29.65	4.05	6.00	49.16	21.64	21.08
Ten pounds of Kentucky tobacco would buy—							
Under free trade	.431	23.18	4.03	5.79	50.82	16.97	22.34
Under protection	1.117	52.69	7.19	10.66	88.33	37.38	47.37

Corn has been depressed in price on account of the tremendous increase of production. While the price of corn is comparatively lower than that of any agricultural product, still the farmer can produce it relatively cheaper, as all know who know anything about it, and he can land it cheaper at tide-water market.

But let me proceed with the table: Under free trade the farmer could buy with one bushel of wheat .91 of a sack of Liverpool salt; under protection it would buy 1.8 sacks. Under free trade the bushel of wheat would buy 8.51 yards of bleached sheeting; under protection 11.04 yards. Under free trade it would buy 422 pounds of coal; and under protection, 719 pounds. Under free trade it would buy 12.21 yards of prints; under protection, 16.27 yards. Under free trade it would buy 107.3 pounds of pig-iron; under protection, 134 pounds. Under free trade, 35.8 pounds of bar-iron; and under protection 57.35. Under free trade it would buy 47.23 pounds of railroad iron; under protection 72.6 pounds.

Take Kentucky tobacco, which will appeal to my friend over the way. Kentucky tobacco makes the best showing of any of the enumerated articles. Ten pounds of it under his tariff for revenue would buy .43 of a sack of salt, but under protection it would buy three times as much, and so on, as will appear by the table printed above.

Mr. CARLISLE. Is the gentleman taking it in the leaf?

Mr. CHACE. I am taking Burchard's report on tobacco. I admit it is not the most trustworthy, but the gentleman himself quoted from it.

Mr. JONES, of Arkansas, was recognized.

Mr. BLAND. If the gentleman from Arkansas will yield to me I will move that the committee now rise.

Mr. TURNER, of Kentucky. Oh, no.

Mr. JONES, of Arkansas. Mr. Chairman, I recognize the fact that there are other gentlemen, and a large number of them, here who want to be heard on this question, and for myself I think it is but due to those who are not so high upon the list as I have been placed that they should have an opportunity given to them by those who are a little ahead on that list getting out of the way as rapidly as possible. And while I make that suggestion I will also say that while I have no disposition to cut off anybody's right to have all of the time he wants, and to have his time extended if not sufficient, I hope that in the continuance of this debate there will be no more requests for an extension of the time after an hour has been occupied. If a gentleman can not say what he desires to say in an hour on this floor upon this subject, then I hope he will take the liberty of printing the remainder of his remarks and give others an opportunity to be heard.

Mr. BLAND. Now, if the gentleman from Arkansas will yield to me, I will move that the committee rise.

Mr. TURNER, of Kentucky. No, let us go on to-night.

Mr. BLAND. It is now after 5 o'clock, and if the gentleman will yield I will make that motion.

Mr. JONES, of Arkansas. So far as I am concerned, I will say to the gentleman from Missouri that I prefer to talk to gentlemen who are not fatigued already by the discussion, but I like to be out of the way of other gentlemen who wish to be heard. If the House will patiently allow me twenty-five or thirty minutes this afternoon, then I will yield the floor, and if I have not concluded what I wish to say in that time, I will ask leave of the House to print the remainder, and will be out of the way for the remainder of the discussion.

The CHAIRMAN. Does the gentleman from Arkansas yield for the motion?

Mr. JONES, of Arkansas. I would prefer to continue now, if there be no objection.

Mr. BLAND. Of course if the gentlemen prefers to proceed now I shall not ask leave to submit the motion, but I thought it would be preferable to him to go on in the morning.

Mr. JONES, of Arkansas. Mr. Chairman, the tariff question has occupied the attention of the people of the United States in a greater or less degree from the foundation of the Government down to the present time, and is yet unsettled and likely to remain so until some solution of it shall be reached which satisfies the demand for that fairness, justice, and equality which every American citizen feels to be his birthright.

Any tariff system which disregards two of the fundamental principles of all just taxation, pointed out by Adam Smith more than one hundred years ago, can never be accepted as correct by a free people. The principles so disregarded in our system are:

First. Subjects should contribute toward the support of the Government as nearly as possible in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the State.

Second. Every tax ought to be so contrived as both to take out and to keep out of the pockets of the people as little as possible over and above what it brings into the public Treasury.

Under our system these two principles, which must strongly commend themselves to the approval of all just men, have been persistently and grossly violated. The people of the United States have been taxed not in proportion to their respective abilities, but really in proportion to their respective necessities. And so far from being so contrived as to take "out of the pockets of the people as little as possible over and above what it brings into the public Treasury," the system has been arranged to take as much as possible, and to divert as much as possible of what is taken from the Treasury of the Government and into the pockets of certain favored classes.

Widely differing views are held in this country upon this tariff question. Some persons favor absolute freedom of trade, while others favor a system of what is called "protection," amounting practically to prohibition, and between these extremes will be found most of our people.

However much the Republican party may hesitate to avow it openly and in direct terms as a party policy, those who have controlled its management and shaped its policy for many years have favored a tariff which had protection for its object and prime consideration, while revenue has been subordinated to it as a mere incident, and in the administration of the Government they have lived up to this idea in disregard of the just complaints of the victims of their policy. On the other hand, the masses of the Democratic party have favored a tariff the object and purpose of which is to raise the necessary revenue, and no more. As the levying of any tariff, no matter how moderate, tends to increase the price of the article upon which it is levied, there would necessarily be some protection resulting from a strictly revenue tariff; but such protection is merely an incident, unavoidably following any tariff upon any article produced in this country.

It is of course well understood that, other conditions being the same, the largest importations will take place under free trade, and that as the tariff increases, the tendency is to check importations, so that the increase

of rate and decrease of importations are always the factors which determine the point of maximum revenue upon any article. After passing the maximum revenue point each increase of rates lessens importations and decreases revenue, until the point of positive prohibition is reached, when of course there will be no revenue, or the same result, so far as revenue is concerned, as free trade would produce.

During the war and for some years following it the expenditures of the Government were extraordinary and extraordinary measures were necessarily devised to provide means to meet these expenses, and to this the people cheerfully submitted. But when this abnormal state of things had passed away and the Government had more than enough to meet all demands the feeling became general that there ought to be a lessening of taxation, and at this hour this demand is widespread and imperative. As there can be no pretense that the present taxes are necessary for revenue, the truth stands out boldly that the object of the present tariff taxation is protection for the sake of protection, and this is avowed afresh by every failure to reduce taxation, and by each false pretense that it has been done.

The bill under consideration is intended to meet this demand and to effect a reasonable reduction of taxation. I am fully aware of the fact that many well-informed gentlemen believe that the adoption of this bill will increase rather than decrease the revenues. With me this would be no argument against the bill, even if this should be true, for to my mind the crying evil of the system is excess of taxation, the excess of revenue being merely the shadow to that substance. Remove the substance and the shadow will not trouble us. Besides, this argument is an admission that the tariff has been carried higher than the maximum revenue point, that it is protective for the sake of protection, and this if true makes it a matter of principle with all Democrats that it should be as rapidly as possible reduced to that point.

HORIZONTAL REDUCTION.

The bill proposes a horizontal reduction of 20 per cent. upon almost all articles, but limited by the Morrill tariff of 1861, below which nothing is to be reduced; or, in other words, all of the proposed reductions are applied to war taxes, and the tariff upon no article will under the operations of this bill be brought below the tariff of 1861. It is proposed that all shall be treated alike and that each interest shall submit to a reduction to which all others are required to submit. Only this and nothing more.

It would perhaps have been more philosophical to have attempted to correct all inequalities and incongruities in the present tariff along with this reduction; but while I have no doubt that these inequalities are glaring, yet we can not undertake in a single bill to remedy all the wrongs that the Republican party has been able to build up in twenty-three years; and as the reduction of excessive taxation is of much more importance to the people than the adjustment of irregularities among taxed articles, all too high, this bill goes in the right direction and proposes to deal with the greatest amid a multitude of lesser evils.

Any attempt to readjust the relations of the various articles in the tariff at this time would have encumbered and in some measure obscured the real object had in view by the committee, and would only have furnished grounds for cavil and fault-finding among those who do not and never did intend to have any reduction of taxation as long as it could be avoided. It was better, therefore, to present first this simple question without side issues: Shall the country twenty years after the close of the war have a moderate reduction of war taxes?

This is the question presented by this bill, and this is the question that we answer when we cast our votes upon it. Besides this argument against disturbing relations at this time, there is another that I confess has weight with me, as I am always conservative and desire to accommodate myself to the honest opinions of others as far as possible. All those gentlemen who voted for the bill of March 3, 1883, for the reason that it was the best that could be had, and was to some slight degree an improvement on the old law, and who really favor a reduction of taxation, will certainly vote for this bill, because it is, pure and simple, a reduction upon a bill which they seemed only to object to because it was too high.

If the professions of a great desire to reduce tariff taxation so freely indulged in two years ago by gentlemen on both sides of this Chamber had been earnest and sincere, there certainly would be little opposition to such a proposition as the present one now; but, unfortunately for the country, there was no such real intention then, but the Tariff Commission and the act of March 3, 1883, were mere devices to avoid carrying out their pledges and at the same time to cajole the public into a belief that some relief had been afforded. The President of the United States had recommended reduction; protectionists in Congress proclaimed that some action should be taken, and at once proceeded to abdicate the high functions pertaining to their offices and appoint the Tariff Commission, on the ground that Congress was not sufficiently informed to act intelligently in a matter of such "pith and moment." The commission was appointed and entered upon its work.

It was instructed by the act which called it into existence—

To take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff or a revision of the existing tariff upon a scale of justice to all interests, and for the purpose of fully examining the matters which may come before it.

In obedience to these instructions, the commission traveled over 7,000 miles, visited twenty-nine cities, and examined more than 600 witnesses, taking testimony seventy-eight days, which covers 2,625 printed pages, and reported to Congress that—

In the performance of the duty devolved upon them, all the members of the commission have aimed, and as they believe with success, to divest themselves of all political bias, sectional prejudice, or considerations of personal interest. It is their desire that their recommendations shall serve no particular party, class, section, or school of political economy.

And further that they believe that—

A subversion or radical change in the present economic system would throw labor out of employment, ruinously depreciate values, and create a general industrial and commercial disaster.

Yet they say that—

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction. No rates of defensive duties, except for the establishment of new industries, which more than equalize the conditions of labor and capital with those of foreign competitors can be justified. Excessive duties or those above such standard of equalization are positively injurious to the interests which they are supposed to benefit.

And all this is from the unanimous report of a commission created by a Republican and protectionist Congress, and composed of nine men, all of whom are protectionists, all of whom were selected by a protectionist President.

Further on they say:

And in the mechanical and manufacturing industries, especially those which have been long established, it would seem that the improvements in machinery and processes made within the last twenty years and the high scale of productiveness, which has become a characteristic of their establishments, would permit our manufacturers to compete with their foreign rivals under a substantial reduction of existing duties.

And they say that the average reduction of rates aimed at by them is not less than 20 per cent., and they believe it will reach 25 per cent., and then say:

If the reduction reaches the amount at which the commission has aimed, and if there is any truth in the allegation of the opponents of the present economic system that a duty on articles such as are produced in this country, whether in manufactures or agriculture, enhances the price to the consumer, not only of what is imported, but of the whole domestic production, to an amount of which the duty is a measure, the reduction proposed by the commission would benefit consumers to the extent of hundreds of millions of dollars.

Why did the identical Congress which called this commission into existence upon the plea that Congress was not well enough informed upon this question to act upon it intelligently immediately repudiate the work of the commission, this pet and creation of their own, unless it was because they had never really intended any substantial reduction?

The bill reported by the commission was certainly in conformity to the recommendations of a Republican President and with the professions of protectionists in Congress, yet a Congress which had solemnly proclaimed its own incompetency to deal with this question refused to accept the work of the commission, and by organizing a conference committee, all of whom were protectionists but one, demonstrated its ability to avoid a reduction in spite of its pledges and the work of its own commission.

The reason for this sudden change is to be found in the fact that the commission was compelled to favor a real reduction, and the bill of March, 1883, made no provision for any such thing, but was an expedient to avoid action, and has accomplished no reduction worth the name. It is true that importations have been smaller under it than they were for the corresponding period in the previous year, and in consequence there has been some reduction of revenue; but the reduction in rates of taxation is merely nominal, the average under the old law being 42.65 per cent., under the new 40.91, or a reduction of only 1.74 per cent.; or, in other words, a reduction of 4 per cent. of the tax instead of the promised 25. If the pending bill should become a law, we will only have carried out and accomplished what was promised by the protectionists and was recommended by the commission.

The gentlemen who told us that the Tariff Commission was the proper means of finding out what ought to be done in this matter are estopped from denying that this bill is reasonable in the quantum of reduction.

The charge has been freely made and industriously circulated that we who favor a reduction of taxation to a revenue basis, who wish to return to what we believe to be constitutional methods, are absolute free-traders, and propose to abolish custom-houses and by violent and revolutionary methods to uproot and destroy the protected industries of this country. I do not believe that any intelligent man ever really believed this; yet the charge has done service in arraying the prejudices of those less informed, and especially the laborers in this class of industries, against us. After a full discussion of this question in the Forty-seventh Congress, the people of the country placed the Democratic party in the majority in this House, and it is right and proper that we in clear and unequivocal terms define our purposes upon this question, and no way can be so clear and effective as to pass a bill which reflects the sentiment

of our party. The passage of this bill will be a complete answer to all the charges of violent intentions, and will again in an authoritative manner announce to the country that we favor "reformation, not revolution."

ACTION NECESSARY.

I can not agree with some of my party friends that because we are in the majority in but one House of Congress therefore we should not attempt anything affecting the tariff at this time. If we have been in earnest for the last forty years in our party declarations on this question, we certainly will not fail to give expression to those views in a way more effective than the generalities of a political platform now that we are in the majority in the popular branch of Congress. If we place ourselves on record in favor of just and moderate measures in the direction of a return to constitutional methods, we will have redeemed our party pledges; and if then the Republican party chooses to assume the responsibility of preventing all efforts at even a moderate reduction of taxation, the issue will be fairly made up and the country will decide between us.

The course of doing nothing would be simply dodging this great question, and, as I believe the utmost frankness and sincerity is always the best policy, I am in favor of boldly occupying Democratic ground.

If the country thinks with us on the question, this course will inspire confidence; and if it does not, dodging will not deceive the people nor strengthen us.

We should be consistent with our party declarations and with our own expressions. Mr. RANDALL in the debate upon this question in the last Congress well said:

I do not favor a tariff enacted upon the ground of protection simply for the sake of protection, because I doubt the existence of any constitutional warrant for any such construction or the grant of any such power. It would manifestly be in the nature of class legislation, and to such legislation, a favoring one class at the expense of another, I have always been opposed.

This is a clear and strong statement of the difference between the Republican and Democratic parties upon this question; and as all of us have sworn to support the Constitution, we who are Democrats can not fail, at every opportunity, to try to bring the present high and oppressive protective tariff—levied "simply for the sake of protection," "without constitutional warrant," and "in the nature of class legislation," "favoring one class at the expense of another," to which we as Democrats "have always been opposed"—down to the basis of a constitutional tariff, one levied for revenue. On such a proposition there is no middle ground for Democrats.

That the present rates of Federal taxation are excessive no one can deny, for the fact stares us in the face that we are collecting annually from eighty to one hundred millions of dollars more than the Government needs. One of the oft-repeated arguments against this bill is that its passage or even its discussion will disturb business, and that its mere discussion in committee has already done so, and many claim that the passage of the last tariff act was a tacit agreement not to disturb the tariff further for years, and they always close with the assurance that "what the country most needs is a little rest." One of the great errors, according to my view, of the protectionists is that they seem always to be utterly oblivious to the fact that anybody exists except themselves. They seem never to know that there are millions of people in this country, embracing the bone and sinew of the land, who have the greatest possible interest in this question, and who, under the iniquitous system of so-called protection, are annually compelled by the operations of unequal and unjust laws to contribute hundreds of millions of dollars for the purpose of making other lines of business profitable, some of which within and of themselves, and without "protection," perhaps could not exist.

These people have been taught that this was designed to be a government of the people and for the people; and they do not believe that their inalienable and God-given right to labor and enjoy the fruits of their labor can be bargained away by any conference committee of Congress, and they will not fail to set the seal of their condemnation upon such assumption—a tacit contract indeed—when the consumers of this country actually had no day in court, no chance to be heard, no opportunity even to protest except by the mouth of one single representative against the passage of the bill of 1883. Those who divided among themselves the raiment of the Saviour of mankind had just as legal and valid a right to their plunder as have the parties to this iniquitous scheme to a vested right to go on with this plundering for ten years.

We agree with them that "what the country most needs is a little rest," but the rest it needs is rest from unjust exactions, rest from having the most ill-fed and ill-paid class of the people, and who do more man for man to build up the country and add to its material wealth than any other class, compelled to contribute of their scant and hard earnings to swell the splendor and wealth of a class who contribute less to the advancement of the country than they get from it. This rest will come. The power is in the hands of the oppressed, and they will yet dare be free.

EXCESS OF REVENUE.

A revenue largely in excess of the necessary expenses of the Government is unquestionably a great evil. The withdrawal of large sums of money from the ordinary channels of business must of necessity tend to obstruct and restrict commercial transactions over the entire country, thereby unsettling values and disturbing all business. Besides this, the presence of large accumulations in the Treasury, for which there is no demand in the ordinary management of the affairs of the nation, must in the nature of things promote extravagance in the disbursement and more especially in the appropriations for even the commonest expenses. The knowledge of such an accumulation will foster and encourage among the people demands to "unlock the vaults of the Treasury" in obedience to all sorts of local demands with little regard to their merits. The watchfulness, too, of the general public over the expenditures of public money is lulled by such a condition of things, and dishonest officials find therein their opportunity for jobs and all manner of frauds. All these are evils, and should beyond any question be provided against by having only so much money collected from the people as the imperative demands of the nation may require, and I am as anxious as any one can be to avoid these evils.

While we should meet this question and dispose of it, it is our duty to accomplish it by the mode most in accord with the general interest of the people. We should not in our efforts to get rid of this trouble fasten upon ourselves another, before which this pales into insignificance.

The general demand for a reduction of taxation of course receives new vigor from this excess of revenue, which can not be avoided or explained away in argument. The problem then which presents itself to the protectionists for solution is how to reduce the revenues and get rid of this surplus, and at the same time reduce tariff taxation as little as possible. Their system, "in the nature of class legislation, favoring one class at the expense of another," to use Mr. RANDALL'S forcible language, must be saved if their ingenuity can devise the means of being rid of our surplus revenue, aside from the reduction of their taxes.

INTERNAL REVENUE.

The best means of reaching this end, now so earnestly desired by all the protectionists, is to abolish the entire internal-revenue system and save alive and unharmed the more unjust and oppressive tariff system. I would not object to an abolition of the tobacco tax and the tax on brandy distilled from fruits, because this can be done without rendering the maintenance of the tariff system, as at present framed, a necessity, and because this is the most obnoxious branch of the internal-revenue system, and because, further, it is a tax, in the case of tobacco, on a raw agricultural product, and is by its operation, like the tariff system in the ad valorem tax, being increased to the poorer classes, while it is decreased to the consumers of costly tobacco. The fruit distillations are a small matter—of no consequence to the Government, and the revenue from it does not compensate for the annoyance to the growers of fruit. But the great source of internal revenue should be kept as now until we have had relief from tariff taxation. If our entire system of Federal taxation was so contrived as both to "take out and to keep out of the pockets of the people as little as possible over and above what it brings into the public Treasury," there would be little difficulty in accomplishing this purpose; but, unfortunately for the great mass of consumers, unfortunately for 90 per cent. of the people of the United States, such is not the effect of the laws, and, unfortunately for them all and for the cause of human liberty, such is not their object.

While no law can be found upon the statute-book of this nation which directly and in terms lays any tax for the open and avowed purpose of being collected for the benefit of a mere private citizen, yet in practical operation such is the effect of some of the laws under which we now live and such is the invariable result of protection.

Cotton-spinning machinery costing abroad $10,000 must when brought into this country pay the Government $4,500 duty; hence the purchaser in this country must pay $14,500 for what he could have had for $10,000 but for this tariff tax. Of this amount of course $4,500 goes into the Treasury, $10,000 to the foreign manufacturer. The American manufacturer of similar machinery, who but for the tariff would have been compelled to sell for $10,000 or have no buyer, can now force the American buyer to pay him the $14,500. Here is a tax the result of the law, and yet not directly and in terms laid by it. It is none the less a tax upon the buyer of American machinery. But of this tax the Government gets not one cent, but all of it goes to the pockets of the manufacturer. If it is right that money should be taken from one citizen to be given to another by such indirect methods, why not do it directly and let everybody know exactly how much of his property is to be taken from him to be given to others, and not have the amount unknown, as now. This would certainly be the more manly and honest method of accomplishing the same result.

The intenal-revenue laws, or practically the tax upon spirits and tobacco, yield the Government about $150,000,000 per annum, and all of this tax, less the expense of collecting it (about $5,000,000), finds its way into the Treasury. There is no semblance of protection in all the system, however much we may dislike it. It can not be used in any manner to put money into the pockets of private citizens, while on the other hand the tariff or the taxes on all manner of imported goods yields the Government about $190,000,000 per annum, but, being protective by increasing the prices of all similar domestic goods to the consumers, it operates as an indirect tax amounting to "hundreds of

millions of dollars per annum." Just how much this tax is can not be definitely ascertained, and estimates vary greatly—from five hundred to one thousand million dollars per annum; but it is none the less certain and none the less oppressive and unjust because levied and collected by such indirect means as to prevent a full and exact knowledge of all its effects.

It is clear, then, how it becomes a matter of great concern to the consumers as a class whether the proposed reduction be made by abolishing the internal-revenue system or by a reduction of tariff taxes. Each reduction of revenue from the first will represent just the same reduction of taxes and no more, while in the case of the tariff each reduction of $1 of revenue will represent a reduction of $1 of tax in favor of the Government, and from $4 to $6 reduction of taxes which are collected from the people, but which go to the manufacturers, or while the Government gives up $1 the manufacturer gives up $5 or $6. This will explain the opposition of the protectionists to the reduction of the tariff, and why it is that just now they so vociferously demand the repeal of the entire internal-revenue system. How the righteous souls of the protectionists are now vexed by the outrages of the minions of the Federal Treasury upon the poor moonshiners in the mountains of Kentucky and Tennessee. Those things existed a long time without eliciting one word of sympathy from the warm-hearted protectionists, but the moment they found their system was in danger, the moment they are likely to be restrained in the pocketing of hundreds of millions of the property of others each year, that moment they wake up to the wrongs of the poor moonshiner and they are ready to do battle for him with their tongues and ballots and a part of their money if thereby they can save themselves. If their sudden interest in these poor fellows can hoodwink enough voters, the internal-revenue system will be swept off the face of the earth, and then the complacent protectionist can comfort himself that he has another long term of the right to pocket annually hundreds of millions of the earnings of other men.

That party which loves to parade its high moral ideas, and which loves to pray standing at the corners of the streets, those who thank God that they are better than other men, will be but too glad to become the patrons and champions of cheap whisky if they can thereby continue to reap where they have not sown. They will rejoice to make whisky free if thereby they can maintain their right to levy their accursed toll upon every article of necessity that ministers to the comfort of the poor.

Mr. Chairman, the time has come when the consumers of manufactured products of this country—the great body of the people, those who bear the burden in the heat of the day—should, if they do not emulate the selfishness of the protectionists, at least determine that they will no longer be hewers of wood and drawers of water for them in a country where all are born equal and ought to have equal rights under equal laws. The protectionist has proved that no one knows better than he that "he who would be well taken care of must take care of himself," and it is time now that the other class should learn the lesson. In this connection let us look at

A FEW FACTS.

The census of 1880 shows that $2,790,223,506 of capital is invested in manufacturing enterprises in the United States, and that their gross product is $5,369,667,706. Deduct $3,394,340,029 material used in this manufacture, and we have left $1,975,327,677 as their product; and to produce this result 2,738,930 persons are employed.

Engaged in farming we find that we have—

Value of farms	$10,197,096,776
Value of farm implements	406,520,055
Value of live-stock	1,500,464,609
Total	12,104,081,440

not deducting one cent for fertilizers, seed, and other materials. The gross production is $2,212,540,927, and to produce this result 7,670,493 persons are employed; or the manufacturing enterprises yield, after deducting materials used, over 70 per cent. upon the capital invested, while farming pays less than 19 per cent.; yet farming is heavily taxed to increase the profits of the manufacturers; and when we ask by this bill a reduction of but one-fifth of this burden of taxation we are gravely told that the manufacturers can not afford it. No account is taken of what a farmer can or can not afford; but his forced contribution while living upon a gross product of 19 per cent. upon his capital invested must be kept up to swell the wealth of those making more than 70 per cent. Again, each laborer in manufactures, after deducting cost of materials used, produces $721.20, while each laborer in farming produces but $288.44, nothing whatever being deducted for materials; and yet hundreds of millions must be taken from one class to be given to the other. And this is what protectionists tell us is building up the country.

This system of so-called protection; this invoking the aid of the Government to compel all the people of the country by the operation of unjust and unequal laws to contribute to the wealth of a class; this fear of meeting fairly in the open markets of the world the citizens of other countries, being driven out of the markets of all the world except our own, and retaining them only by skulking behind commercial Chinese walls, more suited to the Middle Ages than the nineteenth century, is the most cowardly and thoroughly un-American, if I may be allowed to coin a word, that has ever fastened itself upon a people who supposed themselves to be free, and its approach has been like that of a thief, stealthy and under false pretenses. At first it only claimed a place as an incident to the necessary revenue, but, gathering strength and greed with age, it now, in the insolence of wealth and pride of power, demands that the great constitutional power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and the general welfare of the United States," shall become subordinate to and a mere incident of protection; and we hear men of power and influence avow that they advocate not a tariff for revenue with incidental protection, but a tariff for protection with incidental revenue, thus setting up the most monstrous iniquity in this country as being higher and more sacred than the Constitution itself.

A HANDFUL THAT HAVE NOT BOWED THE KNEE TO BAAL.

But in the midst of all this there is now and then a struggling spark of American manhood which has not been debauched. My heart was made glad some time ago by meeting a delegation of American artists who came here to ask that the work of their competitors, the artists of Europe, be allowed to come into this country free of duty. I was glad to see that there were yet some Americans, even though very few in numbers, who have the spirit of '76, who believed that they could successfully meet competitors from all countries. These men came not asking the Government to keep the American markets for Americans who could not take care of themselves in open competition, nor to compel Americans who might want to buy pictures to buy from them; on the contrary, they asked to be allowed to meet the artists of all other lands on terms of perfect equality, on our own soil or elsewhere.

Here was a class of men who did not want the mailed hand of the Government laid upon other callings to put money into their purses. It was a refreshing sight to see that one class had at last come to the seat of government that was not skulking behind obstructive commercial laws to cover up their own deficiencies and want of skill—men who were actually not afraid to meet competitors from all parts of the globe.

Mr. Chairman, I have lived all my life in the Southwest and have been accustomed to look at this great Yankee nation too much from a Fourth of July standpoint, I suppose. You may guess, then, what a shock it was to me to find that Brother Jonathan did not go abroad, as I had supposed, with his long hair, ill-fitting boots, dressed in a suit made of the Stars and Stripes, with a face as sharp as his scent was keen for a bargain, striding up and down in the earth seeking whom he might trade with, ready to swap jack-knives, manufacture wooden nutmegs, sawdust sausages, bogus railroad stocks, or salted mining shares, as the state of the market might seem to suggest, or the elevation of the morals of the world to the high protectionist standard might seem to demand.

My idea had always been that Jonathan was possibly a trifle vain, perhaps egotistical, but I did not think he regarded man or feared the devil in a trade, but that he felt himself able to hold his own under all circumstances and everywhere; that he could and did make as fine a quality of olive-oil out of cotton-seed as could be found on earth, and that he regularly poured it as an oil of gladness into the stomachs of the French and Italians. Think, then, sir, how I felt when it came out before the Ways and Means Committee a few days ago that by tricks Johnny Bull had actually run him out of the Mexican cotton-goods market by making an imitation of Yankee goods out of cheap cotton, starch, and dirt, and Jonathan was compelled by such competition to fold his tent and silently steal away. But the crushing blow came when a good man, representing the high morality and culture of the down-East protectionists, assured the committee that the all-silk goods of American manufacture, which we protect by 60 per cent., actually contain only one-third cotton; and another quite vanquished me by telling us how, by a pious fraud, our people passed American hose on an unsuspecting American public for British manufacture, and made them so like the real, genuine, honest article that a shopkeeper sold a large lot of them to a manufacturer's wife at about 300 per cent. upon what he had originally paid her husband for them. It is enough to make the angels weep to see the innate honesty of our guileless people so taken advantage of by the rascally British. We can impose upon our people and swindle them to our heart's content with our all-silk goods only one-third cotton and our "real British" hose if you will only keep the vile English away. But let them come here, miserable wretches, and they will expose us, bring real culture and refinement into contempt, and certainly beat us at our own game, as they did in Mexico, and we will be forced out of the market and out of business. There was some show of reason and perhaps fairness in the old Georgian who, when challenged to fight a duel by a one-legged man, insisted on his right to have one of his legs incased in a section of a hollow log so as to make the chances even. But our manufacturers, afraid of a fair fight in open market, absolutely crawl clear into the gum, head and heels.

To men who understand what human nature is it is perfectly apparent that the object of imposing a protective duty upon any article imported into this country, and which is also produced here, is simply to enable the American producer of that article to compel the American consumer of it to pay him a higher price for it than he would have to pay if there was no protection. There is absolutely nothing in protection if this is not

true, and no one will deny that this is the effect and the object of such a duty.

WHAT PROTECTION COSTS.

Just how much the people of this country are by this means compelled to contribute to the producers of protected articles can not be exactly stated, yet by considering the prices at home and abroad of protected articles and the amount in value of such goods consumed we may approximate the amount.

Hon. S. S. COX, of New York, one of the most accomplished and versatile men in American politics, a man who has devoted a lifetime to the service of his country, and who, I am happy to say, is yet young, has estimated the amount thus collected from the people at large for the benefit of a class at from seven hundred and fifty to one thousand millions of dollars per annum, Professor A. L. Perry has estimated the yearly amount since the war at $600,000,000; and Hon. WILLIAM M. SPRINGER, of Illinois, than whom there is no more ceaseless worker and clear-headed man in this House, estimates it at $556,000,000.

The following table, which I find in an article in the North American Review for June, 1883, I subjoin, as showing his manner of arriving at his conclusion.

Statement showing the amount of incidental taxes annually imposed on the people of the United States in the increased cost of home products by reason of discriminating duties on imported articles of like character, together with the value of such home products, the amount of wages paid and number of hands employed, and the imports and duties received thereon, for the year 1882.

Articles affected by the tariff.	Merchandise imported during the fiscal year ended June 30, 1882.			Value of home products, census year, 1880.	Average number of hands employed. Boys under 16 and girls under 15 counted as one half a hand.	Total amount in wages during the year.	Estimated rate of increase ad valorem.	Incidental taxes, being the increase cost of home products by reason of the tariff.
	Values.	Duty received.	Average ad valorem rate.					
	Dollars.	*Dollars.*	*Per cent.*	*Dollars.*	*Number.*	*Dollars.*	*Per cent.*	*Dollars.*
Chemical products	21,517,169	6,718,561	31.32	117,377,324	28,895	11,840,704	20	23,475,464
Earthenware and glassware	13,822,043	6,693,257	48.42	31,632,309	30,674	13,130,403	45	14,234,539
Metals: iron and steel, and all metal manufactdres	74,427,988	30,358,936	40.79	604,553,460	290,000	122,648,191	20	120,910,692
Wood and woodenware	8,654,327	1,589,851	18.37	311,928,884	185,426	47,817,199	15	46,789,332
Sugar and molasses	94,540,269	49,210,573	52.05	(a)			40	4,848,714
Tobacco	8,216,132	6,000,961	73.03	118,665,366	81,809	25,041,257	25	29,666,341
Cotton and cotton goods	34,868,044	13,482,167	38.67	210,950,383	170,363	45,614,419	20	42,190,076
Hemp, jute, and flax goods	33,578,076	9,844,652	29.32	5,518,866	4,329	1,238,149	20	1,103,773
Wool and woolens	47,679,502	29,254,234	61.36	267,182,914	145,341	47,351,628	40	106,873,165
Silk and silk goods	38,535,475	22,632,490	58.73	41,033,045	28,554	9,146,705	50	20,516,522
Books, paper, &c	4,923,620	1,406,787	28.57	65,960,405	25,274	9,895,995	20	13,192,081
Sundries	62,410,690	17,272,269	27.68	665,699,693	337,216	129,881,399	20	133,139,938
Total	433,173,335	194,464,758		2,440,502,649	1,327,881	463,606,049		556,938,637

a Planters' product for 1880 was: Sugar, 196,759,200 pounds; molasses, 16,573,273 gallons. Number and wages of laborers not stated.

These statements are enough to show that enormous sums of money, amounting to hundreds of millions of dollars, are by the operation of protection in the United States taken from all the people to benefit a class year by year, and this has gone on without interruption ever since the close of the war. Does it seem possible that the resources of any nation on earth could have stood such a drain and at the same time have paid the enormous sums which we as a nation have paid to liquidate the national debt and the interest on it, and to meet the current expenses of the nation and its immense pension-roll at the same time? And who paid and who received all this?

The census of 1880 shows that all the persons engaged in manufacturing, mechanic, and mining industries numbered 3,837,112; in agriculture, 7,670,493; in trade and transportation, 1,810,256; professional occupations, 4,074,238; total, 17,392,099.

HOW MANY ARE TAXED.

Mr. SPRINGER'S table shows 1,327,881 persons engaged in protected industries, not counting sugar and rice, and a few other industries of little importance, which he thinks would not swell the number above 1,500,000. This would leave 15,892,099 persons engaged in occupations practically not protected, and these are taxed this enormous sum for the benefit of 1,500,000; or less than 10 per cent. of persons are protected while over 90 per cent. are taxed for their benefit. Or, if Mr. COX'S lowest estimate is correct, $500 for each man, woman, and child employed in protected industries is legislated out of the pockets of the people, and for which nothing whatever is rendered; the same thing as taking this out of other people's pockets by taxation and giving this pet class $500 each.

Under the Constitution of the United States Congress has power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States," but it has no right to lay and collect taxes for any such purpose as this. But even if Congress had the constitutional right to levy taxes for any such purpose, it would be cruel and unjust and a violation of all natural laws to exercise it, and the American people would hurl from power any party attempting to exercise it if it was fully understood.

Asking protection is a confession that the business proposed to be protected within and of itself can not be profitable. It is in effect saying that he who proposes to do so can not engage in the business without suffering loss by it, but that he will engage in it if the Government will compel the general public to make up his loss to him and then pay him a profit. And this is what protectionists call building up the country! It is useless to argue such a proposition—it is nonsense; it is worse, it is an outrage on its face. Any business conducted at a loss, whether to the owner or the country, must detract from the general wealth of the country, and shifting the loss from him who ought to bear it to the shoulders of men who have no interest in the matter does not mend it in the least.

PROTECTIONISTS' PLEAS.

The arguments which protectionists seem most fond of presenting as a compensation to the public for all these wrongs are, first, that protection protects American labor against the pauper labor of Europe; second, that it builds up home markets for farm products; third, that it builds up and develops the country and increases the wealth of the nation; and fourth, that ultimately the competition among our own manufacturers will give our people cheaper products than they would have had without protection.

The fallacy of all these positions has been again and again pointed out, and yet they are asserted now with as much vehemence as they ever were. Of course men can not be easily convinced against their wills or their interest, and we can not hope to convince those who reap the harvest in this system of unjust legislation to admit that it is wrong, at least so long as it is profitable; but fortunately for the interest of justice a very small per cent. of the American people are so interested, and when the system is fairly understood by the whole people we may reasonably expect a condemnation of all that is vicious in it.

The real interest of the protected industries in labor are twofold, one is to employ it at the lowest market rates, due regard being had to efficiency, and the other is to secure votes by inducing the laborers to believe that in some way they are interested in these indirect gains. The latter is the reason of the prominence always given by our protectionists to the duty of protecting our labor against the pauper labor of Europe, and it is absolutely false.

> Hateful to me as are the gates of hell
> Is he who hiding one thing in his heart
> Utters another.

While the protectionists are parading themselves and their system as the real friends of the American laborer and his only protector against the "pauper labor of Europe," it may be instructive to call to mind how this peculiar solicitude for the good of the laborers operates.

In the matter of tin-plates, for example, when they are brought into this country to be manufactured into cans for fruits, or vegetables, or oil for the American market they pay a tax of 1 cent per pound, or over 25 per cent.; but when they are brought here made into cans, filled with fruits, or vegetables, or coal oil, and shipped abroad, then nine-tenths of the duty is refunded, so that the American canned fruits, vegetables, meats, and fish, which find their way to the home of an American laborer as a luxury, or to the hut of an American miner as a necessity, pay nine times as much tax on the can as is paid by the pauper laborer of Europe, against whom this system so vigilantly protects him, and the amount of money so refunded upon five articles during the last fiscal year was $1,345,757.77, while nothing was remitted or even asked for in favor of our people.

Now Congress is being asked to return the other one-tenth to the exporter, which will be the entire tax, and they all assure us that this is right; but when this bill proposes to reduce the tax on our own people 20 per cent. they assure us that it will ruin the country! This is one

instance where great numbers might be given showing that this system discriminates against our own people.

CAPITAL PROTECTED, BUT NOT LABOR.

In all the great protected manufacturing establishments much the larger part of the work is done by machines, but much must be done by human hands. The machinery in these mills is all protected from the competition of similar English machinery by a tax of 45 per cent., for no mill can be set up here in opposition to those already going except by paying this tax, but the laborers can be brought from an English mill and employed here in competition with American laborers, and they pay no such tax. And this is as the protectionist would have it. How then can he pose as the special friend of the American laborer? We can not limit this freedom of immigration. We are glad to see the oppressed and ill-paid of other lands seeking homes among us, but when they do come, as they have done, let them be willing to take an even start and a fair chance in life and take care of themselves, and not ask the Government to tax our people to support them.

When they come here from abroad and displace American laborers from American mills it does not look well in them to demand that the Government shall protect them "against the pauper labor of Europe." Mr. COX, of New York, in a recent speech in this House, estimates the foreign labor in our mills at 64 per cent., and it is to protect these people against their brothers and sisters across the water that the protectionists want protection.

With an open field and full competition it is not likely that bananas would be grown for market in New Hampshire, or buckwheat in Louisiana, but people would engage in natural occupations. Each man and each nation would utilize the advantages that nature and nature's God has given them, and the world would be better and more cheaply served than now, and the condition of no class would be more ameliorated by this general emancipation than the American laborers. Then it would not be a curse to the general public, as it is now, to find one of the great storehouses of God in our mountains and fields.

In the last Congress, when an effort was made to protect this country from a flood of heathen Chinese labor, the cheapest and most immoral in the world, people who can and will live upon what would be starvation wages to any American, the protectionists were found voting against it. They are willing to levy taxes to enrich themselves under the pretense of protecting American labor, but they always want and actually get the cheapest labor possible.

AMERICAN AGAINST ENGLISH WAGES.

But how much truth is there in the claim that British labor is cheaper than American? Let us see.

In a letter of Mr. W. H. Young we have the opinion of a practical manufacturer, as follows:

COLUMBUS, GA., *March* 13, 1884.

DEAR SIR: I have your letter of 10th instant, in which you ask my views as to what effect a reduction of 20 per cent. would have on the cotton manufacturing interests of the South. To the question I answer unhesitatingly, none.

The South is now engaged in manufacturing, say, standard (or heavy-weight) goods, and which are mainly consumed by the masses of our population South and North; and now the South sends her surplus productions to the North, where they displace all such heavy-weight goods as were formerly made there and sent South. These advantages (in all such goods) must ever remain with the South, over New England and Old England; and New England, on account of closer proximity to the cotton-fields, has a relative advantage over Old England.

A reduction of 20 per cent. in the tariff would not enable England to compete with this country, North or South, in these heavy-weight goods; but if the tariff on all articles entering into the cost of manufacturing in this country were also reduced 20 per cent., then the manufacturers North and South would be benefited; and if the duties on all such goods entering into the cost of manufacturing were made free, then the North and South could compete with England in all markets of the world. The tariff as it now stands of course shuts out all foreign competition with manufacturing productions in this country (except a few specialties of fine goods for the wealthy); and it locks in their productions, and thus confines them to the home demand; and, as a consequence, there is now a glut of goods. To illustrate my position, the company over which I preside consumes about fifty bales of cotton per day. A New England mill consuming that amount of cotton would have to pay $350 per day more for it than it costs this company, and a mill in England would have to pay more than that.

These advantages are so great that the tariff (if entirely removed) would not enable England to compete with this country on heavy-weight goods, and if the tariff was removed on all articles that enter into the cost of manufacturing, then this country could command the markets of the world and the supremacy of England would be ended.

I have visited England three times and have investigated the cost of labor compared with the South and found it more (or higher) than here, and yet our operatives were in better condition from the fact that food costs less with us, and clothing also, as our climate does not require such heavy clothing.

I think labor at the North about the same as in England.

I also investigated the cost and selling price of heavy cotton goods and concluded I could sell in England at a profit, but to do so I must adopt their peculiarities of styles, and I prefer a home market.

I believe if all our custom-houses were abolished that this country would find (in England) a large market for our manufactures of cotton and woolen goods. Now, this country is heavily taxed with almost everything that enters into the cost of production, beginning with machinery and ending with the baling the goods with Scotch burlaps.

I believe the manufacturing interests in this country, with their natural advantages, if free from all tariff legislation, would soon become the great manufacturing center.

Yours, truly,

EAGLE AND PHENIX MANUFACTURING COMPANY,
W. H. YOUNG, *President.*

Hon. HUGH BUCHANAN,
House of Representatives, Washington, D. C.

He says that there is no difference in cost of English labor and that of New England in the mills, and this would seem probable.

When any commodity is high here and low in England, it naturally comes here until the increasing supply here lowers the market and the decreasing supply there increases the price until an equilibrium is restored. We readily see why a difference in prices might not suddenly or readily induce persons to change vocations, but what reason is there why men for better wages should not change mills when the work is the same? An English laborer coming to the United States does not change his language, and is really now but a few days away from his childhood's home and in "the land of the free;" why do not the English mill operatives come over to the American mills in numbers?

A protectionist before the Committee on Ways and Means at this session had to admit that he had known numbers of English mill operatives to return to England from the United States to work for smaller nominal wages than they received here, and said that he supposed that the reason was that they could get more of the comforts of life there for their wages than here for wages received here. No system of high tariff is in operation there to raise the price of every article the laborer has to buy as is the case here; hence his expenses are less and on smaller nominal wages he lives better and saves more. The "forty-niner" who got $100 per week for work seemed to be doing well as compared to the man who was working in the States at $30 per month, until you found that the Californian paid $99 per week board. Common sense suggests to every man that if there was a great advantage in the prices of labor here over England for the same class and character of work that the laborers would come here in numbers. Our climate is as good as theirs; our Government certainly compares favorably with theirs; the possibilities here are as great as there.

SUPPLY AND DEMAND.

The truth is, supply and demand regulate the price of labor just as anything else, as was clearly shown by a protectionist during this session in a statement to the Committee on Ways and Means, that, while the tariff upon his product had been increased by the recent act, his mill had lowered wages 10 per cent., and he gave as the reason for this reduction that such reduction was general. Yet this man will tell the mill-men at home that the reason he wants protection is to enable him to pay them high wages, and that their interests demand that they shall so vote. Will American laborers always believe such stuff? This claim is a repetition of the old fable of the lion and the beasts hunting in partnership—the prey all belonged to the lion. This is illustrated as follows: By Mr. SPRINGER's table we find that the 1,372,881 persons engaged in the really protected industries receive as wages $463,606,049, and deducting therefrom the totals in census reports we find that the 1,345,918 persons engaged in manufacturing industries, mainly not protected, receive $477,719,876 wages, or a smaller number of persons receive a larger aggregate of wages in unprotected than in protected industries. This of itself demonstrates the hollowness of all pretenses that protection is intended to benefit labor.

The protected industries enumerated by Mr. SPRINGER receive as a subsidy from protection really very much more than his cautious and conservative estimate, but for the sake of this argument accept it as correct. Then we see that while five hundred and fifty-six millions is paid to the manufacturers by the public at large, under the pretense that it is to benefit labor, the protected manufacturers only pay their labor total wages four hundred and sixty-three millions, or, allowing that they pay their labor nothing at all but that the public pays it all, then they coolly pocket about one hundred millions. Is that one hundred millions to protect anybody against the pauper labor of Europe? And this is the way the philanthropy of the average protectionist turns out upon analysis.

It is not protection but supply and demand that regulate the rate of wages in all manufacturing industries, protected and unprotected, and all the pretenses of the protectionists to the contrary are false and fraudulent.

AGRICULTURAL LABOR.

I consider it safe to assume that one-half, or really more than one-half, of all the laborers in the United States are engaged in agricultural pursuits. Their strong hands and clear heads, with God's blessings in rain and sunshine, by the help of fertile fields, absolutely create 1,547,901,790 bushels of corn per annum, over 500,000,000 bushels wheat, 300,000,000 bushels of oats, besides $250,000,000 worth of cotton and more than $300,000,000 worth of hay (furnishing more than $700,000,000 of your $800,000,000 of exports). The men who produce all this must enter the markets of the world and have the value of their products fixed in competition, not with the labor of England, the best paid and best fed in Europe, not in competition even with the labor of Europe, but the value of their crops is fixed in open competition with the labor of Asia, Africa, and South America. No matter how rude and uncultivated, no matter how poorly paid or poorly fed, the American farmer must meet this class of labor on an equal footing, and yet he is asked to contribute hundreds of millions year by year to protect the laborers of the mills from meeting on an equal footing the laborers of England. With what kind of conscience, if any, must the protectionist be endowed who can make such a demand?

When the farmer finds that he can not sustain himself by producing his crop at the price that the foreign competition compels him to accept, you do not find him coming to the Government like a mendicant and a coward and saying, "I am driven out of the markets of the world by foreign labor; you must tax my neighbors to make my losing business profitable." If his business does not pay he changes it, lives on less or works harder, saves more carefully, denies himself and his family more, but ask the Government to take the hard earnings of another business and give it to him—never! Why, then, ask him to submit to what he himself would spurn if offered him?

INFANT INDUSTRIES.

But by way of reconciling us to being plundered the protectionist tells us that their object is only to help infant industries.

In all the catalogue of protective duplicity and sharp practice there is nothing more transparent than this. Yet I believe that the idea that this system was only to last a very short time and was really only intended to aid enterprises in the first years of their existence fastened this system upon the American people, and that if the real effect of such legislation had been known and understood at the beginning as we know and understand it, from the logic of events it never would have obtained a foothold in any free country.

Hamilton, in March, 1792, in advocating an increase of tariff, said:

The addition of 2½ per cent will constitute an important though not an excessive augmentation. Nevertheless it is proposed that it shall be only temporary; and there is reasonable ground for expectation that the cause for having recourse to it will not be of long continuance.

So far from the promises of those early times being realized the reverse has proved true, and instead of infant enterprises growing up and becoming strong under protection, they have become more and more helpless as they have grown, until an average tariff of 11 per cent. in 1792 has grown to more than 40 per cent. in 1883, an increase of 300 per cent. in the protection necessary to keep these infants alive, and now we are gravely assured that if we reduce the 300 per cent. increase by one-fifth we will ruin the country. We have tried the hot-bed system long enough; let us now take some of the props away from the infant and teach him to walk alone. Such treatment may give him less fat, but it will give him more muscle, and I believe it would be followed by a healthy, natural growth and development, and that we should soon be rid of this infant standing around the door of the Ways and Means Committee room with a treatise on protection in his hand and eternally, Oliver Twist like, crying "More!"

The representatives of numbers of these protected interests have appeared here this session and tell us solemnly that the reduction proposed in this bill, this moderate reduction, this return not to but only toward the tariff of twenty-three years ago, will absolutely destroy the protected industries of the country. If this is true, how long will their infancy last? They seem to be younger now than when they first begun, as higher duties are needed now than were then to maintain them.

The fact alone of the necessity for continually increasing this tax to keep this system up is enough to satisfy any man that the whole scheme is a violation of nature and that it was "conceived in sin and brought forth in iniquity." Ninety years ago this business was perhaps an infant, but ninety years of living on the labor of others, ninety years of cowering before their cousins across the water, ninety years of skulking away from an open, manly competition has, I am afraid, brought on an old age of splendid decrepitude. But the protectionists claim that while the first and immediate effect of a protective tariff is to raise the price of the protected articles, this increase in price invariably stimulates production, and, if the manufacture is really profitable, that so much capital and so many persons at once engage in the business as to bring down the prices by competition to a point lower than was attained before protection, and they point to many instances of great reductions in prices which have occurred subsequent to the imposition of protective duties. Many, if not all of them, assume that whatever reductions in the prices of protected articles occur subsequent to the imposition of protective duties result from such imposition.

While this argument sometimes has an air of plausibility it is extremely erroneous and fallacious. That some such result should occur in some instances may be true, but the reduction in price produced by competition can not be permanently below the cost of producing the article. The limit, then, of the reduction of prices is the point at which the production yields a fair profit upon the cost of production. This point will be reached by healthy competition without protection. Too many persons engaging in the production of any article stimulated by high prices must inevitably result in overproduction, and this the protectionists tell us is one of the greatest evils we have to contend against and results inevitably in a general injury to the entire business. The simple common sense, then, of what they advise is to bring ruin upon themselves if it operates as they tell us it will do. But if they mean that competition will stimulate the manufacturer to try to attain greater skill, to devise better appliances—in farmer phrase, "make every edge cut"—so that he may produce his goods and sell them at a profit, at a price that the production alone costs his less skillful and less thrifty neighbor, then, in that event, the more competition we have the more vigorous and persistent will all these efforts be.

If this is true, and who can doubt it, then the field of competition should be the widest possible, not only in production, but in sales, and the gauge should be thrown down to the whole world to meet on terms of equality everywhere, and let the highest skill and best work for the price take the prize. In this rational contest I would have no fear of results for this country, because I believe that freedom and brains will win in every contest.

The truth is that these reductions in price which happen to follow high tariff are not the result of protection at all, but are the result of a natural, healthy competition supplemented by improved machinery and improved methods generally, and for this improved machinery we are indebted to the inventive genius of the world and not to protection. The invention and successful operation of a cotton-picker will reduce the price of cotton, and this will cheapen cotton goods; and then I expect to see some protectionist devoutly thankful that protection has invented a cotton-picker. Just for the world as they now claim that steel rails have been reduced by protection, while they and all the world know that they have been brought down by Bessemer's invention, and that but for the monopolists and protectionists they would have been brought down here as low as they were in free-trade England.

It has been sometimes claimed that all the protection we need in this country is just enough to compensate for the difference in the cost of labor, and this is the statement of the Tariff Commission, but now the protectionists insist that with labor at the same price here as in England our mills can not compete with them because our mills cost so much more than theirs. Why do our mills cost more? A protected manufacturer before the Committee on Ways and Means, in explaining his business, stated that his mill cost $450,000; that a similar mill in England would cost $300,000. The machinery in his mill he stated cost $300,000, and that similar machinery in England would have cost about $200,000. The tariff tax on $200,000 worth of machinery brought from England here would be $90,000. Here is $90,000 out of a difference in cost of $150,000 accounted for in one item, and that item is a tax.

Land and stone and sand are as cheap here as in England, certainly. If, then, labor was as cheap here as there what other item of cost would there be to run up the expense of building a mill?

Nothing on earth except this tax upon his machinery, his tools, his materials, that the protectionists insist is so necessary to build up the country. Then we have the imposition of the tax given as the reason for more tax, and the reason and the sole reason why we can not meet our English competitors openly and fairly. Why not remove the obstacle?

REAL PROTECTION.

Then real intelligent protection lies in attaining the highest possible intelligence in all our people, in cultivating independence and individuality all over the country, and by every means possible facilitating the acquisition and rapid, cheap, and safe transportation of all machinery and supplies and appliances of every nature to the mills, with the fewest possible delays and at the minimum cost, instead of as now, by all sorts of obstructive measures, delaying and rendering more costly to our people all these things.

If an American could build his mill as cheaply, get all of his material as cheaply, and do his work as well as an Englishman, why can he not meet him fairly? Would he under such circumstances decline the contest? Would he wish to hide himself behind obstructive laws, content to be whipped out of the markets of the world, and to only be able to hold his own home market by the help of laws which in their operation logically proclaim all modern facilities of commerce a curse and an evil? Give our people an even start and an equal chance, and I have faith in the superiority of their intelligence and spirit and do not doubt their success for a moment.

But, situated as we now are, our manufacturers are handicapped from the start, and with each succeeding step weight is added until they are absolutely borne down by the weight of so-called "protection." The system is wrong in principle, and will grow worse as it grows older until natural laws must assert themselves and right the wrongs of years.

At the conclusion of the remarks of Mr. JONES, of Arkansas, he yielded the remainder of his time to Mr. WELLBORN.

Mr. MORRISON. If the gentleman from Texas [Mr. WELLBORN] will yield to me for that purpose, I will move that the committee rise.

Mr. WELLBORN. I yield for that purpose.

Mr. MORRISON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of the following bills; in which concurrence was requested:

A bill (S. 1755) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder; and

A bill (S. 1926) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio.

COINAGE OF SILVER DOLLARS.

Mr. HEWITT, of New York. I ask unanimous consent to present

the petition of the Chamber of Commerce of the State of New York and citizens of said State, including I think nearly all merchants doing a wholesale business in the city of New York, in reference to a bill for the suspension of the coinage of the silver dollar. I present also a memorial of members of the Stock Exchange of the city of New York on the same subject. I ask that both memorials be printed in the RECORD, without the names, and that they be referred to the Committee on Coinage, Weights, and Measures.

There being no objection, the memorials were referred to the Committee on Coinage, Weights, and Measures, and were ordered to be printed in the RECORD. They are as follows:

SUSPENSION OF THE COINAGE OF THE SILVER DOLLAR.

Memorial of the Chamber of Commerce of the State of New York and citizens of said State.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

May it please your honorable body:

The Chamber of Commerce of the State of New York, and the undersigned, merchants and citizens of said State, beg leave respectfully to represent to your honorable body:

First. That it is desirable that the metallic money of the United States should consist of gold and silver coin of interchangeable relative value, and that coinage should be restricted to the needs of commerce and the wants of the people.

Second. That the amount of silver dollars now accumulated in the Government vaults is largely in excess of these requirements, and that it has been demonstrated by experience that this excess can not be utilized at present as a circulating medium.

Your memorialists therefore respectfully pray that a bill may be speedily enacted by your honorable body which shall provide that the coinage of silver dollars shall be suspended for a period of at least two years next ensuing, and that in order to bring into gradual circulation the surplus silver coin now in the Treasury, the further issue of bills of the denomination of one and two dollars shall be discontinued.

And your memorialists will ever pray.

MARCH, 1884.

Memorial of the Stock Exchange of the city of New York.

To the honorable the Senate and House of Representatives of the United States of America:

May it please your honorable body:

The New York Stock Exchange and the undersigned, citizens of the State of New York, beg leave respectfully to represent to your honorable body:

First. That the relative value of gold and silver coins has been so disturbed (the price of silver bullion having declined about 14 per cent. from its former value as measured by gold) that several nations have discontinued the coinage of silver, and are not likely to resume it until an international agreement can be arrived at as to the future coinage relation between these precious metals, based upon the regular production of the mines of the world.

Second. That recognizing that it is of vital importance to the interests of the Government and people of the United States that our gold and silver coins shall be of equal and interchangeable value, we are of opinion that the coinage of silver dollars, now progressing at the rate of $2,000,000 per month, should be suspended and not resumed until an international coinage agreement can be arranged calculated to establish and maintain such legal relation between the two metals; and that such suspension of coinage by this Government is one of the most important conditions precedent to the bringing about of this desirable result.

Third. That there are now on storage in the United States Treasury 126,000,000 of silver dollars, not yet absorbed into the circulation, or likely to be so absorbed unless a way is opened by prohibiting the further issue of legal-tender notes below the denomination of $5.

Fourth. That it is a grave financial error for the United States Government to diminish the amount of gold which has been accumulated under the resumption act to protect its legal-tender notes, by investing it in silver bullion for purpose of coinage into dollars which must be stored and are not wanted for circulation. With foreign exchange at the specie exporting point, such diminution in the amount of gold held by the United States Treasury must tend to impair the confidence of the world in the ability of this Government to continue to pay on demand the more valuable of its coins, which alone can be used to adjust and discharge the balance of foreign exchanges.

Your memorialists therefore respectfully pray that a bill may be speedily enacted by your honorable body which shall provide that the coinage of silver dollars shall be suspended for a period of at least two years next ensuing, and that in order to bring into gradual circulation the surplus silver coin now in the Treasury the further issue of bills of the denomination of $1 and $2 shall be discontinued.

And your memorialists will ever pray.

NEW YORK, *March*, 1884.

MISSISSIPPI CONTESTED ELECTION.

The Speaker laid before the House records of the chief supervisor of elections for the northern district of Mississippi, district No. 2, the same having been transmitted to the Clerk of the House; which were referred to the Committee on Elections, and ordered to be printed.

Mr. BLAND. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CARLETON: Petition of the Soldiers and Sailors' Reunion Association of Southwestern Michigan, asking for the establishment of a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

Also, resolutions of the committee and department commander of the Grand Army of the Republic of Michigan, of the same purport—to the same committee.

By Mr. CLAY: Papers relating to the claim of W. A. Eastin—to the Committee on War Claims.

By Mr. CUTCHEON: Memorial of the soldiers and sailors of Southwestern Michigan, in favor of a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

Also, petition of workingmen of Muskegon, Mich., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petitions of workingmen of Muskegon, and of the Knights of Labor of Cadillac, Mich., in favor of House bills 2550, 1798, and others—to the Committee on Labor.

Also, petition of the Board of Trade of Detroit, Mich., in favor of suspension of coinage of the standard silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. ERMENTROUT: Memorial of the Traders' National Bank, Rochester, N. Y.; of the Fifth National Bank, Pittsburgh, Pa.; of the Merchants' National Bank, Richmond, Va.; and of the Genesee County National Bank, Batavia, N. Y., relative to the national-banking system—severally to the Committee on Banking and Currency.

By Mr. EVERHART: Petition of manufacturers, praying for the settlement of the agitation on the tobacco tax—to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of the teachers of the public schools of Atlanta, Ga., in favor of the educational bill—to the Committee on Education.

By Mr. HARDY: Petition of citizens of the State of New York, for an appropriation for the improvement of the Bronx River, New York—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Joint resolution of the General Assembly of Iowa, urging the speedy adjustment of pension claims—to the Committee on Invalid Pensions.

By Mr. HISCOCK: Petition asking Congress to place macaroni back on the duty-list—to the Committee on Ways and Means.

By Mr. NELSON: Petition of C. F. Washburn and others, relative to the opening of the Sisseton and Wahpeton Indian reservations, in Dakota—to the Committee on Indian Affairs.

By Mr. NUTTING: Petitions of J. D. O'Brion Post, Grand Army of the Republic, Oswego, N. Y., and of Hiram Sherman Post, Grand Army of the Republic, Vermillion, N. Y., relative to pensions, &c.—severally to the Committee on Invalid Pensions.

By Mr. J. J. O'NEILL: Memorial of the Missouri Civil Service Reform Association, relative to the civil service—to the Select Committee on Reform in the Civil Service.

Also, petition of the board of directors and members of the Merchants' Exchange of Saint Louis, asking that silver coinage be stopped for two years and the issue of small bills be discontinued—to the Committee on Coinage, Weights, and Measures.

By Mr. RAYMOND: Petition of the Chamber of Commerce and citizens of Grand Forks, Dak., urging the passage of H. R. 4384, relative to Indian reservations in Dakota—to the Committee on Indian Affairs.

Also, petition of S. A. Hulburt Post, Grand Army of the Republic, Elk Point, Dak., asking for a quarter-section of land for each honorably discharged soldier and sailor—to the Committee on the Public Lands.

Also, petition of citizens of Dakota, asking for an appropriation for rebate on tobacco tax—to the Committee on Appropriations.

By Mr. SCALES: Petition of citizens of North Carolina, for national aid to education—to the Committee on Education.

By Mr. SENEY: Resolutions of Captain Horace Robinson Post, No. 135, Grand Army of the Republic, Department of Ohio, relative to the relief of Union soldiers—to the Committee on Invalid Pensions.

By Mr. STRAIT: Memorial of the Chamber of Commerce of the city of Saint Paul, Minn., for the improvement of the channel of the Mississippi River opposite West Saint Paul—to the Committee on Rivers and Harbors.

By Mr. VAN ALSTYNE: Resolutions of the Board of Trade of the city of Albany, N. Y., recommending the passage of a bill for the permanent improvement of the Erie Canal, &c.—to the Committee on Railways and Canals.

By Mr. A. J. WARNER: Petition of George Woolman and others, citizens of Morgan County, Ohio, asking for the restoration of the tariff on wool—to the Committee on Ways and Means.

By Mr. WILLIS: Memorial of the Louisville Board of Trade, for suspension for two years of coinage of silver dollars, &c.—to the Committee on Coinage, Weights, and Measures.

SENATE.

THURSDAY, *April* 17, 1884.

Prayer by Rev. J. J. BULLOCK, D. D., of Washington city.

The Journal of yesterday's proceedings was read.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senate to that part of the Journal wherein it is stated that yesterday the Senator from South Carolina [Mr. HAMPTON] reported adversely, from the Committee on Military Affairs, the bill (H. R. 3236) for the relief of Ernest H. Wardwell, and it was indefinitely postponed. There was sent to the desk with the report a bill which appears to have been introduced in the House of Representatives but is not in the possession of the Senate. The Chair supposes that an identical bill for the relief of the same person, Senate bill 521, which was referred to that committee, was the one intended to be reported; and if

there be no objection the Journal will be corrected to make the report read as being upon Senate bill 521. That order will be entered. If there be no objection the Journal of yesterday's proceedings as amended will be approved.

PETITIONS AND MEMORIALS.

Mr. ANTHONY. I present the memorial of A. M. Merchant, editor of the Rhode Island Democrat, remonstrating against the passage of the news-copyright bill. I move that the memorial be referred to the Committee on the Library.

The motion was agreed to.

Mr. CAMERON, of Wisconsin. I present two memorials from publishers of newspapers in Wisconsin on the same subject, which I move be referred to the Committee on the Library.

The motion was agreed to.

Mr. SHERMAN presented a resolution of Neibling Post, No. 20, Department of Ohio, Grand Army of the Republic, Weston, Ohio, in favor of the adoption of certain recommendations of the committee on pensions of the Grand Army of the Republic in regard to pensions; which was referred to the Committee on Pensions.

Mr. JONAS presented the petition of J. R. Carroll, of Carrollton, La., praying payment out of the Chinese indemnity fund for his losses by the pillage and destruction of the bark Caldera in 1854, indemnity for which damage was especially claimed by our Government and collected under the treaty with China; which was referred to the Committee on Foreign Relations.

Mr. PLATT presented the petition of James W. Cheeney and others, of South Manchester, Conn., and the petition of Emory L. Bates and others, of Fiskdale, Mass., praying that the Patent Office be made an independent department; which were referred to the Committee on Patents.

Mr. HARRISON presented resolutions adopted by Magnus Bucker Post, No. 234, Grand Army of the Republic, Department of Indiana, and resolutions adopted by Farragut Post, No. 27, Grand Army of the Republic, Department of Indiana, in favor of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

Mr. MILLER, of California, presented a memorial of citizens of California, remonstrating against the claim of Herrmine Thompson to be allowed to pre-empt a tract of land at Fort Independence, Inyo County, California; which was referred to the Committee on Military Affairs.

Mr. WILSON presented the memorial of W. R. Mead and F. J. Mead, editors and proprietors of the Iowa Plain Dealer, remonstrating against the passage of the news-copyright bill; which was referred to the Committee on the Library.

Mr. HAWLEY presented a memorial of Burdick & Sandford and six other manufacturers and inventors, of Albany, N. Y., and a memorial of the Armington and Sims Engine Company, of Providence R. I., protesting against legislation by Congress hostile to the present patent laws; which were referred to the Committee on Patents.

Mr. INGALLS presented a petition of the T. L. Sutphen Post, No. 41, Grand Army of the Republic, of Evansville, Wis., praying that the recommendation of the national committee of that organization concerning the extension of the arrears-of-pension limit be adopted; which was referred to the Committee on Pensions.

Mr. CONGER presented resolutions of the board of health of the State of Michigan, in favor of the passage of a bill for the prevention of the introduction of infectious diseases into the United States, and for obtaining information regarding the sanitary condition of foreign ports and places in the United States and information relating to climatic and other causes affecting the public health; which were referred to the Committee on Epidemic Diseases.

He also presented resolutions adopted by the Timothy O. Howe Post, No. 3, Grand Army of the Republic, of New Orleans, relative to further legislation granting pensions to ex-soldiers; which were referred to the Committee on Pensions.

Mr. COCKRELL. I present the petition of George W. Nokes, late private Company A, Seventy-second Regiment Missouri Enrolled Militia, of Nixa, Christian County, Mo., praying to have his name entered on the pension-rolls, and move that it and the accompanying letter addressed to me be referred to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CALL, from the Committee on Patents, to whom was referred the bill (S. 1366) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, reported it without amendment, and submitted a report thereon.

Mr. MCMILLAN, from the Committee on Commerce, reported a bill (S. 2060) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin; which was read twice by its title.

Mr. MCMILLAN. I am also instructed by the same committee to report adversely the bill (S. 693) to authorize the construction of bridges across the Wisconsin, Black, Chippewa, and Saint Croix Rivers, in the State of Wisconsin, and the Fever River, in the State of Illinois, the provisions of the bill being covered by the bill just reported.

The bill was postponed indefinitely.

Mr. MCMILLAN, from the Committee on Commerce, reported a bill (S. 2061) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota and one between the States of Minnesota and Wisconsin; which was read twice by its title.

Mr. MCMILLAN. I am instructed by the same committee to report adversely the bill (S. 1623) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota and one between the States of Minnesota and Wisconsin, the subject-matter of the bill being covered by the bill just reported.

The bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. CALL (by request) introduced a bill (S. 2055) for the relief of Basil Moreland; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN introduced a bill (S. 2056) granting an increase of pension to James M. Blades; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2057) granting a pension to Margaret Beymer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2058) recognizing Elias J. Beymer as an enrolling officer; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 2059) authorizing the appointment of a Missouri river commission, to superintend and carry into execution the plans for the improvement of the navigation of said river from its mouth to its headwaters; which was read twice by its title.

Mr. COCKRELL. I move the reference of this bill to the Committee on the Improvement of the Mississippi River and its Tributaries.

The PRESIDENT *pro tempore*. There is no committee on the improvement of the Mississippi River and its tributaries under the new rules; it is the Committee on the Improvement of the Mississippi River merely. Does the Senator from Missouri wish to have the bill referred to the Committee on the Improvement of the Mississippi River?

Mr. COCKRELL. Yes, sir. I had not noticed the fact that the title of the Committee on the Improvement of the Mississippi River and its Tributaries had been changed under the new rules.

The PRESIDENT *pro tempore*. It appears to be so.

Mr. COCKRELL. It must have been a clerical mistake, then, for I do not think it was the intention that it should be done.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Improvement of the Mississippi River.

PROPERTY ASSESSMENTS IN DISTRICT OF COLUMBIA.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be directed to report to the Senate the valuation of the property in the District of Columbia according to the assessments of 1878 and 1883, showing the number of square feet in each square in the city of Washington, and the value of the ground and improvements thereon.

INTERSTATE COMMERCE.

Mr. WILSON submitted the following resolution; which was read:

Whereas the Constitution delegates to Congress the power "to regulate commerce with foreign nations and among the several States, and with the Indian tribes:" Therefore,

Be it resolved, That it is competent for Congress in the exercise of the power so delegated to provide by law for such regulation of the transportation of commerce among the several States as shall include a system of maximum and minimum rates of charges for the same, for free competition between the limits so fixed, for the prohibition of discriminations of any kind whatever either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points; for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce may avail itself of the all-rail or part-rail and part-water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States; for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock," and for the promotion of the true interests of both the corporations employed in such transportation and the people and localities engaged in such commerce by an enforcement of the principles hereinbefore stated, and thereby induce harmony and stability in the affairs of the said corporations, people, and localities.

Mr. WILSON. Early in January I introduced a bill on the subject of interstate commerce based upon the features and principles expressed in this resolution. That bill is before the Committee on Railroads for their consideration. I wish to have the resolution laid upon the table with a view of calling it up at an early day for the purpose of submitting some observations to the Senate upon it.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be printed and laid upon the table.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under the eighth rule, beginning with Order of Business 233.

Mr. MORRILL. It is rather necessary to have an executive session for a few minutes. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session the doors were reopened.

SPECIAL ATTORNEYS OF DEPARTMENT OF JUSTICE.

The PRESIDENT *pro tempore*. The Chair asks leave at this time to lay before the Senate a communication from the Department of Justice. It will be read.

The Chief Clerk read as follows:

DEPARTMENT OF JUSTICE, *Washington, April* 14, 1884.

SIR: In answer to Senate resolution dated January 24, 1884, I have the honor to transmit herewith copies of all papers and data bearing upon the compensation of the special attorneys in the star-route cases.

The letters relating entirely to this matter have been copied in full, and where it has been referred to incidentally in letters embracing other matters I have had extracts made of that which was relevant to this subject.

The compensation for legal services in these cases was first fixed by my predecessor, Mr. MacVeagh, at a consultation with George Bliss, esq., at Long Branch, N. J., in the presence of Mr. James, then Postmaster-General, as you will observe from the letter of Mr. Bliss to Hon. William Lawrence, First Comptroller of the Treasury, dated November 12, 1882.

It seems that at that time Mr. MacVeagh did not think he had authority under the law to enter into a contract binding the Department to pay a specific sum for future services. The fact is, the law does contemplate such contracts, but Mr. MacVeagh, not having the statutes at hand, pleaded his inability under the law as a reason for not entering into a formal agreement. However, they came to a mutual understanding, which was deemed its equivalent.

I did not think the rate thus fixed to be either immoderate or in excess of the fees ordinarily paid in New York to lawyers of active practice. It must be remembered, too, that Mr. Bliss was taken away from home and a prosperous business, and that he was selected because of his peculiar fitness for investigations of this character, having had large experience as United States district attorney in New York city in like examinations.

Had it been originally supposed that the cases would occupy the time they did, probably the rate fixed would not have been asked or given. When, however, the trial was tediously protracted by the policy of the defense the sum total paid for the services of Mr. Bliss did appear excessive, and I accordingly urged that some abatement be made by him, as I did also to the other counsel. Mr. Ker's bills I reduced, and Mr. Merrick made reductions at my request, but Mr. Bliss insisted upon full compliance with the requirements of the original contract, in one instance claiming that it allowed him to charge for argument a sum in excess of $100 per day, which I refused to grant, and on the 4th day of November, 1882, he wrote a letter threatening to withdraw from the case if his account was not paid.

While the cases were in progress I thought it injudicious to insist upon concessions, which would bring about the withdrawal of Mr. Bliss. Besides this, had a new attorney been employed in his place it would have taken him several months to learn the facts and make the necessary preparation, which would have increased rather than diminished the expense, though he were employed at a lower rate.

The compensation of Messrs. Merrick and Ker was fixed by me not extravagantly as I think. The record of the two trials embraces 9,374 pages of closely printed matter; the labor was extreme, and the counsel were engaged continuously for months, and often to a late hour at night. In view of the importance of the cases and the responsibility devolving upon the attorneys for the Government I do not think the amount received by Messrs. Merrick and Ker excessive, or out of proportion to that paid in cases of even less magnitude between private parties.

All of the counsel were necessary. There were at least ten openly acknowledged counsel for the defense in the first trial and eight in the second. Opposed to these were but three for the prosecution. Some of the time of Mr. Bliss was frequently taken up in attendance upon the grand jury and out of court, when the whole labor of the case was thrown upon Mr. Merrick and Mr. Ker, who had to conduct the frequent and vexatious interlocutory contentions over almost irrelevant questions raised only to prolong the trial in pursuance of the policy of the defense. On the 29th of March, 1884, I requested Mr. Bliss to retire; and on the 31st of March, 1884, Mr. Merrick withdrew. I have recently employed Mr. Ker to assist in the prosecution of the Kellogg case, a matter which he had previously prepared and with which he is familiar. His last employment is from March 31, 1884, and is at a compensation to be fixed after the trial, when I can properly judge of the value of his services.

In the first trial of the case against Dorsey *et al.* I personally appeared in court as often as my other duties would permit, followed the case with care from day to day, and made the closing argument before the court and jury. Two of the defendants were convicted on the first trial, but the irregularity and incongruity of finding the subordinates guilty and failing to convict the organizers and chief conspirators, those who made the whole gain and those who had set on foot the whole scheme to rob the Government, was so manifest, that the verdict was set aside upon the motion of the Government. On the second trial there was an acquittal.

The public men who were involved as defendents in these cases were not on their trials before those juries alone; they were on their trials before the people of the United States, and they were convicted by the common judgment of the whole country. They are not punished by imprisonment, but they had better be in prison than now at large, objects of scorn and aversion.

These prosecutions have not been without their usefulness, either. I have been informed by the Post-Office officials that they have saved the Government in that Department alone $2,000,000 per annum. The effect has been to deter all of the adventurers who throng about the Departments in Washington. The same officials have assured me that before these cases were begun the halls of the Post-Office Department were swarming with these dishonest jobbers. They are there no more. The wholesome terror of these trials has expelled them. The thoroughness of these investigations has made it plain that there is no place so high that it could become a sanctuary for a thief and public robber.

Very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. GEORGE F. EDMUNDS,
President of the Senate.

Mr. VAN WYCK. I move that the communication, with the accompanying papers, be printed and lie upon the table, with a view in a few days of further moving to have it referred to the Judiciary Committee.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HOAR. I move that the Senate now proceed to the consideration of the bankruptcy bill.

Mr. HARRIS. I hope the Senator from Massachusetts will not press the motion at this hour, but will let us have the remaining hour until 2 o'clock for the Calendar under the eighth rule.

Mr. HOAR. The bankruptcy bill is now——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. HOAR. I so understand, but the Senator from Tennessee has been permitted to make an appeal to me, and perhaps I may be permitted to say in one word that the bankruptcy bill has been read through, and nothing remains, so far as I am aware, but to take the question on one or two amendments, one to be offered by the Senator from Alabama [Mr. MORGAN] and one perhaps by the Senator from Mississippi [Mr. GEORGE]. I understand that the Post-Office appropriation bill is ready and the Committee on Appropriations are desirous to press it. I thought the most convenient way for the Senate would be, as it is now five minutes past 1, to deal with the bankruptcy bill, which has beeen read, for the remaining fifty-five minutes before 2 o'clock.

Mr. HARRIS. It was with exactly the view suggested by the Senator from Massachusetts that I appealed to him not to make the motion now. The hour between now and 2 o'clock is the only time that we can devote to the Calendar under the five-minute rule, and it is only under that rule that we make any progress in proceeding with the Calendar. Supposing that the bankruptcy bill can be disposed of in a very short time after 2 o'clock, I hoped the Senator would not press his motion now.

Mr. HOAR. I will not use the bankruptcy bill to displace the Calendar if any Senator desires to go on with the Calendar under the circumstances, though I understand that at 2 o'clock the Senator from Oregon [Mr. SLATER] desires to address the Senate.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts withdraw his motion?

Mr. HOAR. I will withdraw the motion on the request of the Senator from Tennessee.

ARMS FOR SOUTH CAROLINA.

The PRESIDENT *pro tempore*. The first business in order under Rule VIII is Order of Business 233, being the bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment.

Mr. PLATT. I suppose it is a very ungracious thing to oppose a bill which is going to put some money into the treasury of a State, but I want to say that I can not vote for this bill.

Mr. HARRISON. It does not put any money into the State treasury.

Mr. PLATT. It is suggested by the Senator from Indiana that the bill does not put any money into the treasury of the State of South Carolina. That is true in a certain sense, and in another sense it does. It gives that State arms which otherwise she can not get.

It seems to me that the grounds upon which this legislation is asked are not such as ought to commend it to the Senate. The act of drawing these arms originally in advance of the quota to which the State of South Carolina was entitled was the act of the State. I am not going to discuss the question of the condition of South Carolina at that time, and whether the act of Governor Scott was a proper one, whether it was proper to arm the negroes of South Carolina; but the State of South Carolina came to the General Government and obtained the arms, and it seems to me that the State ought to be bound by the act of its governor, and ought not now to come and ask to have the act of its governor repudiated and other arms issued to the State in lieu of those which were thus obtained.

The arms which were obtained have never been returned by the State of South Carolina to the Government. There is no proposition to return them now to the Government. So the proposition is to keep the arms which the Government issued to the State of South Carolina and to treat it as if the issue had never been made, and of course to obtain further arms for the use of the State.

As I say, I do not care to discuss this matter very much. I feel that it is a bill which I can not vote for, and therefore I desired to express that feeling here and to have my vote recorded against it.

Mr. HAMPTON. Mr. President, I shall not discuss the bill except to bring one or two matters to the consideration of the Senate and to correct the Senator from Connecticut in reference to his statement of there having been no proposition to return the arms. All that the State has now it is very anxious to return, and did make a proposition to return them as far as it could get them and to obtain some proper arms in their place.

But the ground upon which we make this application is that we have a very excellent militia there now, a volunteer force that is being built up all over the State; we take very great pride in it; and it is impossible to arm those troops unless we can get some arms. If the act continues in force which gave the arms to the State for thirty years in advance, it will be seventeen years yet before the State can draw a single arm.

I wish to show to the Senate the amount that those arms have already cost the State, and I do that from official documents collated in 1870

and 1871 by a joint committee of both branches of the Legislature, composed entirely of Republicans. Their testimony is that so great a fraud was perpetrated in the arms that they have cost the State $545,159. The changing of the arms into breech-loaders cost the State over $200,000. There were $250,000 charged, and we do not know how the money was expended. Then the State is charged in the War Department $124,000, making altogether, as I have stated, $545,000.

I do not criticise the action of the War Department in issuing the arms. I do not propose to criticise here the action of the authorities of South Carolina. I do not base our claim upon anything of that sort, but simply upon the ground that arms were issued for thirty years in advance. I do not think myself that the Secretary of War had the authority under the act of 1808 to make so large an issue, but I waive that point, and appeal to the Senate not to make any reclamation for the arms that have been issued, but simply to allow us to draw our quota, which amounts to only $4,000 a year, so that we may have some means of arming our volunteers. Two admirable companies in my own town have written to me, the governor has written to me, to get arms. I have not presented the claim, because I know it is perfectly useless to do it as long as this debt remains charged against the State.

I trust that the Senate will pass the bill. It passed at the last session without one word of objection.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times, the question is, Shall it pass?

Mr. PLATT. I should like to have the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. INGALLS. Mr. President, there is an annual appropriation of $200,000 made under the law of 1808 for arming the militia of the United States. This is distributed among the different States of the Union in proportion to their population. It is not denied that in 1869 the State of South Carolina received the arms that are charged against that State. The Senator from South Carolina does not pretend to deny it. They were delivered under a requisition from the governor of that State; they were received by the authorities of the State; they were distributed to the militia of the State; they are in possession of the militia, or the authorities, or the citizens to-day.

The amount was largely in excess of what the State was entitled to receive. We have nothing whatever to do with the question as to whether the Secretary of War did right or did wrong in complying with the requisition. I have only to say that if this bill passes the Senate in doing an act of generosity to the State of South Carolina wrongs every other State in the Union, because the amount that is to be distributed hereafter will be diminished exactly by the amount that is given by the bill to the State of South Carolina.

For one, sir, in the name of the State that I represent, I protest. There has been no ground shown for the action that is proposed by the bill. It is simply an appeal by the Senator from South Carolina to the generosity of the Senate to allow this bill to pass in order that a quota of arms in excess of what the State is entitled to may be granted hereafter.

I can only repeat that if this misguided and mistaken act of generosity passes it is a direct robbery of every other State in the Union.

The Secretary proceeded to call the roll.

Mr. COKE (when Mr. MAXEY's name was called). My colleague [Mr. MAXEY] has been necessarily called home on business. He was paired with the Senator from Massachusetts [Mr. DAWES]. This pair has been transferred to the Senator from Rhode Island [Mr. ANTHONY].

Mr. WILSON (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON]. If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 24, nays 14; as follows:

YEAS—24.

Bayard,	Coke,	Harris,	Pugh,
Beck,	Colquitt,	Hawley,	Ransom,
Bowen,	Farley,	Jackson,	Riddleberger,
Brown,	Garland,	Jonas,	Slater,
Call,	Groome,	Morgan,	Vance,
Cockrell,	Hampton,	Pike,	Williams.

NAYS—14.

Allison,	Frye,	McMillan,	Sawyer,
Cameron of Wis.,	Hill,	Mitchell,	Sherman.
Conger,	Hoar,	Palmer,	
Edmunds,	Ingalls,	Platt,	

ABSENT—38.

Aldrich,	George,	Logan,	Sabin,
Anthony,	Gibson,	McPherson,	Saulsbury,
Blair,	Gorman,	Mahone,	Sewell,
Butler,	Hale	Manderson,	Van Wyck,
Camden,	Harrison,	Maxey,	Vest,
Cameron of Pa.,	Jones of Florida,	Miller of Cal.,	Voorhees,
Cullom.	Jones of Nevada,	Miller of N. Y.,	Walker,
Dawes,	Kenna,	Morrill,	Wilson.
Dolph,	Lamar,	Pendleton,	
Fair,	Lapham,	Plumb,	

The PRESIDENT *pro tempore*. There is not a quorum voting. In pursuance of the rules, the Secretary will call the roll of the Senate.

The Secretary called the roll, and forty-two Senators responded to their names.

The PRESIDENT *pro tempore*. Forty-two Senators are present; a quorum is present. The question is, "Shall the bill pass?" on which the yeas and nays have been ordered.

The Secretary again proceeded to call the roll.

Mr. GARLAND (when the name of Mr. HILL was called). My colleague [Mr. WALKER] is paired with the Senator from Colorado [Mr. HILL].

Mr. MILLER, of California (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. WILSON (when his name was called). My pair has already been announced.

The roll-call having been concluded, the result was announced—yeas 30, nays 12; as follows:

YEAS—30.

Bayard,	Colquitt,	Harrison,	Ransom,
Beck,	Dawes,	Hawley,	Riddleberger,
Blair,	Dolph,	Jackson,	Slater,
Bowen,	Farley,	Jonas,	Vance,
Brown,	Garland,	Manderson,	Van Wyck,
Call,	Groome,	Morgan,	Williams.
Cockrell,	Hampton,	Pike,	
Coke,	Harris,	Pugh,	

NAYS—12.

Allison,	Edmunds,	McMillan,	Platt,
Cameron of Wis.,	Frye,	Mitchell,	Sawyer,
Conger,	Hoar,	Palmer,	Sherman.

ABSENT—34.

Aldrich,	Gorman,	Logan,	Sabin,
Anthony,	Hale,	McPherson,	Saulsbury,
Butler,	Hill,	Mahone,	Sewell,
Camden,	Ingalls,	Maxey,	Vest,
Cameron of Pa.,	Jones of Florida,	Miller of Cal.,	Voorhees,
Cullom,	Jones of Nevada,	Miller of N. Y.,	Walker,
Fair,	Kenna,	Morrill,	Wilson.
George,	Lamar,	Pendleton,	
Gibson,	Lapham,	Plumb,	

So the bill was passed.

BRANCH SOLDIERS' HOME.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1404) to authorize the location of a branch home for volunteer disabled soldiers in either the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes.

The bill was reported from the Committee on Military Affairs with an amendment, at the end of section 2, to insert:

Provided, That said board of managers may select any Government property suitable for such home, by and with the consent of the Secretary of War.

Mr. HARRISON. As there is no report accompanying the bill, I ask leave simply to say a word in explanation of one or two of its features.

The law regulating national volunteer soldiers' homes at present, as to the classes who may be admitted, reads as follows:

The following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto, upon the recommendation of three of the board of managers, namely: All officers and soldiers who served in the late war for the suppression of the rebellion, and the volunteer soldiers and sailors of the war of 1812 and of the Mexican war, and not provided for by existing laws, who have been or may be disabled by wounds received or sickness contracted in the line of their duty.

The bill, as will be noticed, enlarges the scope of these homes in the fifth section, so that it does not require honorably discharged soldiers to make such proof as under the law would entitle them to a pension in order to be admitted. This change in the law has been recommended by the board. In the report of the board for last year they say:

It was recommended that the benefits of the home be extended to destitute deserving soldiers, unable to earn their living, who could not trace their disabilities to their service, and that sailors who served the United States during the war of secession should be placed upon the same footing of admission to the home as are soldiers and sailors who served in preceding wars.

The Senate noticed as I read section 4832 that the sailors of the late war are not included within the present terms of admission to the home. This provision of the bill I think is in strict line with the recommendations of the present board. I think the general sentiment would be that in providing homes for those who are disabled and who rendered valuable and honorable and gallant service we should not make the conditions as close as they are made in the granting of a pension for disability incurred in the service.

I make this explanation simply.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

Mr. MILLER, of California. I offer the following amendment as an additional section:

SEC. 6. That the board of managers of the Home for Disabled Volunteer Soldiers is hereby authorized to establish a branch of the home in the State of California for the Pacific coast, and to that end the said board is authorized to negotiate with the managers of the Veterans' Home, located in Napa County, California for the transfer of the buildings, grounds, and property of said Veterans' Home to the United States for use as a branch of the National Home for Disabled Volunteer Soldiers, and to accept the same, if in the opinion of the said board of managers it is expedient so to do, upon the terms and conditions offered by the managers of said Veterans' Home.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

Mr. MILLER, of California. I desire to explain the reason why I offer this amendment.

There are a great many disabled veteran soldiers, not only of the war of the rebellion but of the Mexican war, on the Pacific coast. In California there are several thousand veterans, some of them disabled; at least we have our share of this class of deserving soldiers. The Government has never established any home or any branch of the National Home on that coast. The people themselves have established what they call a Veterans' Home, and have about fifty thousand thousand dollars' worth of property, consisting of lands and buildings, which they are willing to turn over to the Government to be used as a branch of the National Home.

I offer this amendment to enable the managers to ascertain whether the Veteran's Home in California can be had for this use. It will of course cost the Government nothing and will provide the means of taking care of the disabled soldiers on that coast. It is so far away that they have no benefit of the National Home or any of its branches on this side of the Rocky Mountains. It is manifestly just and proper that they should have these benefits. I know of no other way than to establish a home there; and as a beginning for it liberal subscriptions have been made; the property is owned and is free of debt. I think it would be a good arrangement to have the property turned over to the United States, and a branch of the National Home established there.

Mr. HARRISON. I think I ought to say on behalf of the Committee on Military Affairs that we can not consent to the amendment proposed by the Senator from California. There were several bills providing for the location of soldiers' homes, one distinctly in the State of Kansas, one perhaps in some other Western State. This has been the result. We have provided for one home west of the Mississippi River, and for the reason that none of the present national homes are convenient to these States. It may be that when this measure of the Senator from California can be considered by the committee and the present character of the establishment they have there and the terms on which it may be transferred to the United States can be considered, the committee would be willing to provide for the establishment of a home in California, but I do not think it ought to be admitted as an amendment to this bill.

Mr. MILLER, of California. Mr. President——

The PRESIDENT *pro tempore*. The Senator from California is not entitled to speak again without unanimous consent.

Mr. MILLER, of California. I ask unanimous consent to say a word.

The PRESIDENT *pro tempore*. Is there objection to the Senator from California proceeding? The Chair hears none.

Mr. MILLER, of California. It should have occurred to the committee when they were devising a proposition to establish another branch home west of the Mississippi that there was such a country as the Pacific coast, and that there were soldiers there; but as it has not occurred to the committee that there is any such thing needed on the Pacific coast, and they desire to consider the propriety of establishing a branch there, I am willing that the amendment be so modified that the managers may report to Congress before any action is taken as to the merger of the Veterans' Home in California into the National Home as a branch. I ask the Secretary to make that change in the amendment, so that the managers shall report to Congress.

The PRESIDENT *pro tempore*. The Senator from California modifies his amendment. It will be read as modified.

The Chief Clerk read the amendment as modified, as follows:

SEC. 6. That the board of managers of the Home for Disabled Volunteer Soldiers is hereby authorized to establish a branch of the home in the State of California for the Pacific coast, and to that end the said board is authorized to negotiate with the managers of the Veterans' Home, located in Napa County, California, for the transfer of the buildings, grounds, and property of said Veterans' Home to the United States for use as a branch of the National Home for Disabled Volunteer Soldiers, and report to Congress in respect to the propriety and expediency of accepting said Veterans' Home for said branch.

Mr. COCKRELL. I hope this amendment will not be agreed to. It is not just or proper that the Senate should in the first instance take up and consider an amendment of this character. The Committee on Military Affairs gave due consideration to this subject in regard to the bill that is now before us. There were other propositions pending before the committee. There were several petitions from the State of Michigan. There was a project from the State of Pennsylvania, offering a very considerable tract of land and valuable improvements for the location of a soldiers' home. There was a petition from Kansas, a numerously signed petition from Kansas representing many times more soldiers than would be represented by this establishment, asking for the establishment of a home in that State. The Committee on Military Affairs considered the situation. There is already a home at Hampton, Va., called the southern branch; there is one at Togus, Me., called the eastern branch; there is one at Dayton, Ohio, called the central branch; and one at Milwaukee, Wis., called the northwestern branch. We determined to fix a home west of the Mississippi River to accommodate that locality, and we thought it was as far as we ought to go now.

This question has not received consideration, and I do not think that it ought to be adopted at this time. If it is adopted I say very frankly that I shall feel it to be my duty to move to recommit the bill to the Committee on Military Affairs, because if this is to go in there are other equally or more meritorious cases that ought also to be included. If this is to be an omnibus bill to provide for every State, let us understand it and make such provision as best we may.

Mr. CONGER. Mr. President, there were presented to the Committee on Military Affairs a large number of petitions, representing almost the entire body of the Michigan soldiers of the late war, asking for a branch of the Soldiers' Home in Michigan, and the committee for the reasons stated by the Senator from Missouri did not see fit to make any recommendation in that respect. I had not expected that this bill would be acted on until the petitioners from my own State had been heard fully upon this subject and an opportunity of a more full consideration of the subject given.

I am in favor of this proposition. I think it is a mockery to soldiers who live perhaps surrounded by some relatives, at least by some friends, in places remote from a soldiers' home, to say to them that they can find by going a thousand miles off a home among strangers, entirely away from all those who might be personally interested in their welfare. I believe that it would be no more expensive to have these branches of the Soldiers' Home under the same administration and at reasonably near places to great bodies of soldiers than to have them all congregated in this general mass where in some places there is not room for the soldiers to be accommodated now.

There are many reasons why there should be branches for these old, worn-out, dying soldiers, that they may not go entirely away from all their associations and all their friends, and they should be located where they can have a pleasant home in which to live and in which to die.

I should hope that this bill might be recommitted to the committee with the object of having the committee consider this question of expense, of convenience, and of what is due to the soldiers.

In the State of Michigan there is a military reservation a few miles from Detroit, the old Fort Dearborn reservation, which has upon it all the buildings which were at the fort when it was occupied as an arsenal and a fort. Perhaps with some repairs some of those buildings might be made available for a soldiers' home. At least the Government has the property there, several hundred acres of land I believe, in a salubrious region, and the expense could not be great of fitting it up and preparing it as a suitable home for the soldiers in Michigan who do not like to go off into other States, who do not like to go away from their friends, their families, their relatives, to be away in sickness and perhaps in death, so far removed as they would be by going to Dayton or across the lake to Milwaukee. There should be at least asylums for the sick and disabled and those who can not be moved to great distances. There should be a branch home on a smaller scale for that class of soldiers, and I say it is the universal desire of every soldier in Michigan who was connected with the service in the war, and it has been expressed in the resolutions of the Grand Army posts all over that State, and individually, that there should be a branch home in Michigan for their comrades, in which they may live and in which they may be reasonably near those who are interested in them, that they may die in their own land and in their own homes.

There is no sentimentality about this. There is no reason why men should be sent far off. We are not doing them a favor if we give them a home that has not all the virtues of a home, one of which is nearness to their relatives and nearness to their friends. We should give it to them in their own State, especially for those who are sick and unable to be removed a great distance away from their friends.

The PRESIDENT *pro tempore*. The time of the Senator from Michigan has expired.

Mr. CONGER. I move that the bill be recommitted to the Committee on Military Affairs with a view to its further consideration——

Mr. HARRISON, I object to the reference.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the bill be recommitted to the Committee on Military Affairs.

Mr. CONGER. I desire to say upon that motion, as I had not quite time enough to say what I wanted on the last motion, that papers are being prepared now which are intended to be presented to that committee, which are before committees in the House now, papers providing for the occupation and use of a military property, a post in Michigan, similar to the one which the Senator from California has presented, in which without great expense, on property now belonging to the Government, military property which perhaps has some conveniences already upon it, at comparatively slight expense other conveniences can be made and buildings erected for the accommodation of Michigan soldiers.

I hope this bill may be recommitted and that the committee will be willing to listen to the voice of the thousands of soldiers in Michigan who have modestly expressed their strong desire for the establishment of such a home.

The PRESIDENT *pro tempore*. The question is on the motion to recommit.

Mr. CONGER. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 2, nays 38; as follows:

YEAS—2.

Conger,	Palmer.

NAYS—38.

Allison,	Edmunds,	Jackson,	Platt,
Bayard,	Farley,	Jonas,	Pugh,
Blair,	Frye,	Jones of Nevada,	Sawyer,
Bowen,	George,	Lamar,	Sherman,
Brown,	Groome,	Logan,	Slater,
Call,	Hampton,	McMillan,	Van Wyck,
Cameron of Wis.,	Harris,	Manderson,	Williams,
Cockrell,	Harrison,	Miller of Cal.,	Wilson.
Coke,	Hawley,	Miller of N. Y.,	
Colquitt,	Hoar,	Morgan,	

ABSENT—36.

Aldrich,	Fair,	Lapham,	Ransom,
Anthony,	Garland,	McPherson,	Riddleberger,
Beck,	Gibson,	Mahone,	Sabin,
Butler,	Gorman,	Maxey,	Saulsbury,
Camden,	Hale,	Mitchell,	Sewell,
Cameron of Pa.,	Hill,	Morrill,	Vance,
Cullom,	Ingalls,	Pendleton,	Vest,
Dawes,	Jones of Florida,	Pike,	Voorhees,
Dolph,	Kenna,	Plumb,	Walker.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from California as modified.

Mr. LOGAN. The amendment has been further modified.

The PRESIDENT *pro tempore*. The amendment has been further modified, and will be read as modified.

The Chief Clerk read as follows:

SEC. 6. That the board of managers of the National Home for Disabled Volunteer Soldiers is hereby authorized to inquire into the expediency of establishing a branch of the home in the State of California for the Pacific coast, and to that end the said board is authorized to receive proposals from the managers of the Veterans' Home, located in Napa County, California, for the transfer of the buildings, grounds, and property of said Veterans' Home to the United States for use as a branch of the National Home for Disabled Volunteer Soldiers, and report to Congress in respect to the propriety and expediency of accepting said Veterans' Home for such branch. But this section shall not interfere with the establishing of the home provided for in this act.

The PRESIDENT *pro tempore*. The question is on the amendment as modified. The hour of 2 o'clock has arrived, and it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. HARRISON. I ask unanimous consent to finish the consideration of this bill. It will take but a moment, and I hope the Senator from Massachusetts [Mr. HOAR] who has charge of the regular order will yield.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that the Senate continue the consideration of the Soldiers' Home bill last under consideration. Is there objection?

Mr. HOAR. I understand this is not debatable, but I desire to say that I understand the Senator from Oregon [Mr. SLATER] gave notice some days ago of a desire to submit some remarks to the Senate at this hour. I suppose the Senate will consent to that when the request is made, and I hope that the Senate will consent to finish the bankruptcy bill this afternoon after the remarks of the Senator from Oregon. The bill has been read entirely through. So far as I know there is to be no delay except in proposing one or two amendments. Whatever time is taken I hope the Senate will devote to it.

Mr. ALLISON. I desire to say that the Senator from Kansas [Mr. PLUMB] having charge of the Post-Office appropriation bill expected to call it up at 2 o'clock to-day. He is momentarily absent, and I suggest that this matter can go on until he returns.

Mr. HARRISON. We can finish this bill in a few minutes.

The PRESIDENT *pro tempore*. Is there objection to the further consideration of the Soldiers' Home bill, the unfinished business being laid aside informally for that purpose? The Chair hears no objection.

Mr. COCKRELL. I should like to ask if the Senator from Oregon desires now to proceed with his remarks? If he does I shall have to object, because it is always courtesy to allow a Senator to speak when he wishes.

Mr. HARRISON. I am sure the Senator from Oregon will yield for a few moments.

Mr. SLATER. I shall not object to continuing the Soldiers' Home bill if it will take but a short time, as I understand it will.

The PRESIDENT *pro tempore*. The Chair hears no objection to the request of the Senator from Indiana. The unfinished business is laid aside informally, and the Soldiers' Home bill is before the Senate. The question is on the amendment of the Senator from California [Mr. MILLER] as last modified.

Mr. HARRISON. In the form in which the amendment is proposed now, being a mere proposition of inquiry, I do not feel for one like making any opposition to it.

The amendment was agreed to; there being on a division—ayes 33, noes 7.

Mr. CONGER. I offer the following to be added to the amendment just adopted.

And also that the board of managers of the Soldiers' Home be instructed to inquire into the expediency of establishing a branch soldiers' home in the State of Michigan, and also as to the use of the Fort Dearborn military reservation and the buildings thereon for that purpose, and to report to Congress thereon at an early day.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan [Mr. CONGER].

The amendment was agreed to.

Mr. LOGAN. I should like to suggest to the Senator from Michigan that a provision be added to his amendment that this examination shall not interfere with the establishment of the home provided for in the bill.

Mr. CONGER. It can not interfere with it.

Mr. HARRISON. I suggest to the Senator from Illinois that that provision in the amendment of the Senator from California be put in at the end of the section, so as to cover both inquiries.

Mr. LOGAN. Very well. Then let it apply to both.

Mr. CONGER. Let both amendments in regard to inquiry be put in at the end of the bill.

Mr. ALLISON. Then I venture to suggest to the Senator from Michigan that instead of saying "they report at an early day," he say, "report to Congress." "At an early day" seems to imply that they should start perhaps next week and make this investigation. I think it will be enough to say, "report to Congress," so as to give reasonable time.

Mr. CONGER. I can not see any objection to their being instructed to report to Congress at an early day.

Mr. ALLISON. There seems to be an implication in the word "early" as if there was great haste about this special matter. I am not particular about it, however.

Mr. CONGER. I think it is as well as it is.

The bill was reported to the Senate as amended.

Mr. HARRISON. Was the modification suggested to the proviso that these two inquiries should not interfere with the general effect of the bill carried out by transposing it so as to apply to both?

The PRESIDENT *pro tempore*. It was not.

Mr. HARRISON. That suggestion was made by the Senator from Illinois. I move that amendment.

The PRESIDENT *pro tempore*. The Senate agreed to the amendment as proposed by the Senator from Michigan [Mr. CONGER], and the Chair has no power to change it. The Senator from Indiana [Mr. HARRISON] now moves to amend the amendment made as in Committee of the Whole in the manner which he will state.

Mr. HARRISON. I was only calling attention to an amendment proposed by the Senator from Illinois, and I ask him to state it.

Mr. LOGAN. It is that the section added as an amendment shall not interfere with the establishment of the home as provided for in this act. It is already in the amendment of the Senator from California.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to amend the amendments agreed to in Committee of the Whole on motion of the Senator from Maine by adding thereto—

But this provision shall not interfere with the establishing of the home provided for in this act.

Mr. CONGER. I think that is overcautious. I do not see how the section as adopted can possibly interfere with the establishment of the home already provided for in the bill.

Mr. LOGAN. It does not hurt.

Mr. HARRIS. Does that apply to the California as well as the Michigan amendment?

The PRESIDENT *pro tempore*. That clause was contained in the California amendment as offered.

Mr. COCKRELL. Now let the two provisions be read.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from California will be read, as well as that proposed by the Senator from Michigan.

The Chief Clerk read the amendment adopted as section 6.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Illinois to the amendments made as in Committee of the Whole.

The amendment to the amendments was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendments made as in Committee of the Whole as amended.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NORTHERN PACIFIC RAILROAD LAND GRANT.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business.

Mr. SLATER. I now ask that the regular order of business be laid aside informally that I may call up the bill I introduced on Monday last.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the pending order be laid aside informally, and that the Senate take up for consideration the bill (S. 2036) to forfeit the unearned lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound

and to restore the same to settlement, and for other purposes. Is there objection to the proposition of the Senator from Oregon? The Chair hears no objection, and the bill is before the Senate.

Mr. SLATER. Mr. President, there is hardly any question which is at this time attracting more attention among the masses of the people than the forfeiture and restoration to the public domain of the unearned land grants so improvidently made by Congress in former years. In certain classes and in many localities this question offorfeiture is paramount and overshadows and obscures all others. And it is quite natural that it should be so. It is only too apparent that within the past decade the area of public lands available for settlement is rapidly diminishing, and just in proportion as the public lands suitable for settlement diminish the improvident and wasteful prodigality of the bestowal of so many millions of acres of public lands upon great and grasping corporations is made apparent. By this improvident bestowal of the public lands upon corporations they have been tied up and monopolized by being placed beyond the easy reach of the pioneers in search of homes for themselves and children.

It is not a question of revenue to the Government; that is not needed. It is a question of homes for the people; and just in proportion as the Government has bestowed the public lands upon corporations in that ratio it has violated its trust and restricted the people in their just opportunities and facilities of acquiring homes and land. In these two things, homes and land for the people, is largely bound up the welfare of the country in the future. Any policy that places needless restrictions or obstacles in the way of the people acquiring land for homes from the public domain strikes the best interests of the country in a most vital part.

It was a most unfortunate mistake for the best interest of the people, whose circumstances and lot in life make them seekers of homes upon the public domain, when the Government was lured into the policy of making extensive grants of land to corporations to aid in the construction of railroads. To many this policy has proved an unmixed evil. Thousands upon thousands have been robbed of years of toil and the homes they sought to secure for themselves and children. It has been the fruitful source of litigation between the corporations and the settlers, and has led to bitterness and popular discontent widespread and deep-seated.

I do not undervalue the necessity and importance of railroads, nor do I overlook the fact that in many instances where grants were given some sort of governmental aid was necessary to secure an early construction of these roads, and that an early construction of some of these roads was necessary not only as a means of opening the country to settlement, but also necessary in a governmental point of view to enable the Government to subdue Indian tribes and give ample protection to the frontier settlements, and also to bring remote sections of the country into more ready communication with older centers of population and business.

But I repeat, it was most unfortunate that the aid devised should have been the granting of vast and valuable tracts of the public domain, the patrimony of the people, whereby the home-seekers have been placed at the mercy of these soulless corporations and compelled to pay exorbitant prices for lands in a new country.

By a late report of the Commissioner of the General Land Office it appears that there have been certified to States and corporations 48,745,941 acres, which were granted in aid of railroads, wagon-roads, and canals. These lands, so far as sold, have averaged about $5 per acre, or double the price at which the adjacent sections of Government lands were sold, or four times the minimum price of Government land, and to the extent of this difference the home-seekers have been compelled to pay of their limited means into the coffers of these corporations.

Mr. President, the growth, progress, and development of the United States in the century of its existence since the close of the Revolutionary struggle is the most remarkable instance of the growth, development, and progress of any people in ancient or modern times. And if we search for the cause of this marvelous growth and development and to which it may be most directly referable we shall find that next to our free institutions our public-land policy has contributed most to these great and astonishing results.

As a part of the results of the Revolutionary struggle the new nationality came to the possession of a vast domain of the most fertile lands. In the progress of events, as we followed the lead of our manifest destiny, still larger acquisitions followed in the purchase of Louisiana, and later by further acquisitions from Mexico. Upon these lands it early became the policy of the Government to invite settlement upon the most liberal terms and conditions; so that all who desired could, if they had the energy and pluck, acquire a home and land in their own right.

As time ran on the policy of the Government grew more and more liberal, and the land laws were steadily improved and liberalized in the interest of the settler until that policy developed into its crowning act, the homestead law, the wisest and most beneficent of them all. Under this policy our people became the holders of land in limited quantities, planted as it were in the soil; the wisest and safest condition for any people, the one condition most conducive to the perpetuity of free institutions.

As a result of this policy the last census discloses that in 1880 there were 4,008,907 farms in the United States, averaging 134 acres to the farm; that of this number of farms 74 per cent., or 2,984,306, were cultivated by the owners thereof, and 26 per cent., or 1,024,601 farms, were cultivated by tenants. The total number of acres of improved lands embraced in farms was 284,771,042. The average number of acres of improved land in each farm was 71 acres, and of unimproved land 62.7 acres. The total of improved and unimproved lands embraced in farms was 536,081,835 acres. There were employed on these farms 7,620,493 persons, or 44.1 per cent. of all occupations in the United States.

For seventy-eight years, counting from the close of the Revolution, the public lands of the United States were regarded as a sacred trust, and were administered by the General Government, no matter what party for the time being held the reins of administration, as a trust, with a jealous care for the interests of the people who were ultimately to make homes thereon. It is true, sir, they were not given as homesteads to settlers, but they were placed within the easy reach of all on such terms as all could readily comply with and by complying acquire land and homes. During that period not one acre was ever given to a corporation for any purpose.

The new States which were carved out of the public domain were aided by grants of land to assist them in making internal improvements, but these grants were to be administered by the respective States to which they were made, and each State had the power to control the final disposition of the lands granted in such manner and upon such terms and conditions as they might think best, not inconsistent with the original grant, and it was fully and fairly assumed that these grants would be so administered as to prevent injury to the people of the State seeking homes upon these granted lands. These grants were very restricted in amount, not exceeding in any case more than the alternate sections for six sections in width upon either side of the road to be constructed. The entire concessions of land to the States from the commencement of the Government to March 4, 1861, for railroads and canals amounted, all told, to 31,600,846 acres.

In 1861 there came a change in the administration of the country. The Democratic party was driven from power and its place taken by the Republican party. The causes leading up to this change of party administration I need not discuss now, but among the charges that were brought against the Democracy was one that the Democracy had fostered corruption and extravagance in the administration of the Government and had squandered the patrimony of the people by extravagant grants of the public lands for internal improvements in the several States. One of the earliest resolves of the Republican party was as follows:

Resolved, That the public lands of the United States belong to the people and should not be sold to individuals nor granted to corporations, but should be held as a sacred trust for the benefit of the people and should be granted in limited quantities, free of cost, to landless settlers.

Among the public acts of Congress passed soon after the accession of the Republican party to political power was the homestead law, for which that party never fails to take to itself great credit, taking to itself exclusively the honor of having by the passage of this law given to every one who will avail himself of it one hundred and sixty acres of land without money and without price; and yet, Mr. President, the idea of a general homestead law was of Democratic parentage. Homestead bills had been advocated in prior Congresses, but the act was finally pressed to a passage May 20, 1862, in the second year of Republican ascendency. I am not disposed to belittle the part the Republican party performed in the enactment of this law, for it is the only redeeming spot in all its acts and doings in the administration of the public lands, that I know of, in the record of that party since it came into the control of the Federal administration.

Why, sir, within about forty days of the passage of this homestead law, for which that party has so often congratulated the country and glorified itself, this same party, upon whom rested the assurance given to the country in the most solemn form that the public lands should be "sacredly held and administered as a trust for the sole benefit of the people, not to be sold for money or granted to corporations, but granted in limited quantities free of cost to landless settlers," granted by act of Congress to corporations 28,442,766 acres of the public lands. These concessions were made in one day, the 1st day of July, 1862, and in less than three years from that date the concessions made by that party, having the control of Congress, to corporations alone, exceeded 80,000,000 acres, including the 28,000,000 granted on July 1, 1862.

Thus in the first four years' lease of power the Republican administration granted to corporations alone almost three times as much of the public lands as had been granted to the several States to aid them in internal improvement during the previous seventy-five years' existence of the Government. But the mismanagement of the public lands did not stop with its first term of four years, but continued up to about the time when the Democracy regained control in the other branch of Congress in 1875. I find, Mr. President, a table in a speech delivered in the last Congress in the House by Hon. WILLIAM S. HOLMAN, of Indiana, showing the concessions of public lands to aid in the construction of railroads and

for other purposes granted between the 4th of March, 1861, and June 30, 1874, which I believe to be approximately correct. It is as follows:

Statement exhibiting land concessions by acts of Congress to corporations for railroad, canal, and military wagon-road purposes from March 4, 1861, to June 30, 1874.

State.	Date of laws.	Names of roads and canals.	Acres granted. a
Arkansas	July 28, 1866	Cairo and Fulton	1,040,000.00
	July 28, 1866	Memphis and Little Rock	865,539.00
	July 28, 1866	Little Rock and Fort Smith	458,771.00
	July 4, 1866	Iron Mountain	864,000.00
Missouri	July 28, 1866	Cairo and Fulton	182,718.00
	July 4, 1866	Saint Louis and Iron Mountain	640,000.00
Iowa	June 2, 1864	Burlington and Missouri River	96,646.55
	June 2, 1864	Chicago, Rock Island and Pacific	160,991.23
	Jan. 31, 1873	Act to quiet the title to certain lands in the State of Iowa.	1,298,739.00
	June 2, 1864	Cedar Rapids and Missouri River	356,983.00
	May 12, 1864	McGregor and Mississippi River	1,536,000.00
	May 12, 1864	Sioux City and Saint Paul	524,800.00
Michigan	June 7, 1864	Grand Rapids and Indiana	531,200.00
	Mar. 3, 1865	Bay De Noquet and Marquette	128,000.00
	July 5, 1862 / Mar. 3, 1865	Chicago and Northwestern	564,480.00
Wisconsin	May 5, 1864	West Wisconsin, formerly the La Crosse and Milwaukee	
	Mar. 3, 1873	An act to quiet the title to the lands of settlers claimed by West Wisconsin Railway Company.	1,205,600.00
	May 5, 1864	Saint Croix and Lake Superior and branch to Bayfield,	883,737.74
	May 5, 1864	Wisconsin Central	1,800,000.00
Minnesota	Mar. 5, 1865	Saint Paul and Pacific, Brainerd branch.	1,475,000.00
	Mar. 3, 1871	Saint Vincent, extension of Saint Paul and Pacific.	2,000,000.00
	May 5, 1864	Lake Superior and Mississippi	920,000.00
	July 4, 1866	Southern Minnesota	735,000.00
	July 4, 1866	Hastings, Dakota	550,000.00
Kansas	Mar. 3, 1863	Leavenworth, Lawrence and Galveston.	800,000.00
	Mar. 3, 1863	Missouri, Kansas and Texas	1,520,000.00
	Mar. 3, 1863	Atchison, Topeka and Santa Fé	3,000,000.00
	July 23, 1866	Saint Joseph and Denver City	1,700,000.00
	July 25, 1866	Missouri River, Fort Scott and Gulf.	2,350,000.00
Corporations	July 1, 1862	Union Pacific	12,000,000.00
	July 1, 1862	Kansas Division	6,000,000.00
	July 1, 1862	Denver Division	1,100,000.00
	July 1, 1862	Central Branch Union Pacific	245,000.00
	July 1, 1862	Central Pacific	7,997,600.00
	July 1, 1862	Western Pacific	1,100,000.00
	July 25, 1866	Oregon Branch	3,724,800.00
	July 1, 1862	Sioux City and Pacific	41,318.00
	July 2, 1864	Northern Pacific	46,947,200.00
	July 27, 1866	Southern Pacific	11,964,160.00
	July 27, 1866	Atlantic and Pacific	49,244,803.00
	May 4, 1870	Oregon Central	3,701,760.00
	Mar. 3, 1871	Texas and Pacific	15,000,000.00
	Mar. 3, 1871	New Orleans Pacific	903,218.00
		Total number of acres granted to railroads.	190,030,064.52

GRANTS FOR ROADS AND CANALS.

Wisconsin	1863 to 1870	Wagon roads	302,930.36
Michigan	1863 to 1870	do.	221,013.35
Oregon	1864 to 1869	do.	1,888,600.00
Wisconsin	Apr. 10, 1866	Breakwater and harbor ship-canal	200,000.00
Michigan	Mar. 3, 1865	Portage Lake and Lake Superior ship-canal.	200,000.00
	July 3, 1866	do.	200,000.00
	July 6, 1865	La Belle ship-canal.	100,000.00
			3,112,543.00

a Estimated.

RECAPITULATION.

Grants to railroad corporations	190,030,064.52
Grants for roads and canals	3,112,543.00
Total	193,142,607.52

From this table it will be seen that these concessions made in a little less than fourteen years amounted to 193,142,607 acres; and of this amount more than 160,000,000 acres were given outright to corporations, which have always been and are to-day the main support of the Republican party in all its political campaigns. And yet, sir, at each succeeding election, Congressional and other elections, the Republican party has held up to the people as one of the chief reasons why it should have a vote of confidence in the election of its candidates that it had secured the passage of the homestead laws, while it had by these grants put vast tracts of the public lands beyond the reach of the operation of these same homestead laws, and continued to make further grants after each election until there came a change in the other branch of Congress by the return of a Democratic majority, since which time no further grants have been made and none have been increased or extended.

These concessions have been the fruitful source of scandals in and out of Congress; they have brought distrust upon every department of the Government charged with the administration of the land laws of the country. So great has this distrust come to be that among the people who have been seeking homes upon public lands it is boldly asserted that the influence of the railroad corporations dominate and control the rulings of the Land Department; and it is to the shame and discredit of the country that the accusation is too well sustained by facts which are not to be denied. The rulings of that Department have been so vacillating, so often changed, modified, or reversed, and so often made in the face of well-recognized principles of law as to suggest gross incompetency, or, what is worse, corruption and collusion.

The settled principles of law which require public grants to be most strictly construed against the grantee have been notoriously ignored in the construction given these grants by the Land Department, as is shown by numerous decisions. J. W. Le Barnes, one of the law clerks of the General Land Office, in his evidence before the Senate Committee on Public Lands in the Forty-seventh Congress, testifies as follows:

Q. Have the laws generally been literally construed in favor of the railroads?

A. Yes, sir. The principle of law applicable to public grants—that they ought to be construed strictly against the grantees—has not been observed, although the exceptions to the grant are very strictly ruled against.

Q. That is to say, that the grants have been construed very liberally to the grantee and against the settler?

A. Yes, sir.

In another part of his testimony this witness says, in speaking of the class of cases which come before the law clerks for their examination, as follows:

Q. Are these questions that go before you for adjudication such as are not satisfactory to the corporations interested in them?

A. It is the other way. The cases in which the decisions that have been made are satisfactory to the corporations are the ones that usually come before the law clerks' division.

Q. How is that?

A. In reviewing the office decisions the cases that may be thought to have been erroneously decided according to the views of the law division are usually those where the decisions are favorable to the corporations. It is not usual to make mistakes in favor of the settlers.

Q. It is in the revision of this class of work and the detection of what seems to you to be injustice toward settlers that the questions arise?

A. Yes, sir; and in the same way where the interests of the United Sates are concerned.

And in speaking of the way in which contests between settlers and these corporations are brought up, heard, and determined, and before whom determined, this witness says:

Q. Before what tribunal, or what class of minds, are these questions heard in the first instance?

A. Before the clerks having that matter in charge.

Q. Before ordinary clerks?

A. Yes, sir.

Q. Do these counsel have access informally to these clerks in private conversation and otherwise, and endeavor to press their views upon these clerks with such means as they see fit to exercise upon them?

A. I think it has usually been the fact that the views of railroad attorneys and their constructions of the law have been fully impressed upon the minds of clerks acting upon cases in which the corporations are interested. The regulations prohibit conferences between attorneys and clerks except upon permission. Such regulations have not always proved effective, although they are now more strictly enforced than formerly. Attorneys have, however, full access to chiefs of division.

In his next answer this witness further says:

There are no formal hearings. The pressure brought upon clerks is the *pressure of the power and influence* of great corporations. If a case involving railroad interests adverse to a settler's right or to the public interest *happens* to come to the attention of the Commissioner before final decision the attorneys usually find it out and interview the Commissioner on the subject. They also look very closely after cases that may in the same manner come before the law clerk for his opinion.

From these statements of this witness it appears too plainly to be doubted that the rulings and constructions of the Land Department as between the land-grant corporations and settlers has been steadily and almost uniformly in the direction of enlarging the rights of these corporations by ignoring the settled principles of law that public grants ought to be strictly construed against the grantee and giving these grants the most liberal construction in favor of the railroads, and at the same time restricting by construction the exceptions and limitations contained in these grants to the narrowest limits possible. It is a little remarkable, Mr. President, that most of the mistakes in the rulings of the subordinate clerks of the Department are made against the settler. The witness says "it is not usual to make mistakes in favor of settlers." The converse, then, must be true, that it is usual for the subordinate clerks of the Department to make mistakes against the settlers. And this, sir, is just what is charged everywhere where the manner of the adjusting of these grants between railroad corporations and settlers are known and understood. And this is in every locality where these grants have been made and have had an actual existence.

Mr. President, in 1876 Congress passed an act for the purpose of furnishing a remedy for some of the most glaring wrongs suffered by settlers on lieu lands under the rulings of the Land Department, and the witness I have quoted from gives a most interesting account of how this law has been in the main defeated by construction in the interest of the railroads, as follows:

Q. I wish you to state any unjust or inequitable operation of the land laws such as might be remedied by statute, so that the entire system should work justice in different cases where it now works injustice.

A. It is not legislation that is wanted in all cases.

In reply to your general question I could refer to some lines of decisions which have caused injustice to settlers. In the case of Gates *vs.* California and Oregon Railroad Company it was held by the Secretary in 1878 (5 Copp., 150) that when a pre-emption settler was on land within railroad limits at the date of the attachment of railroad right and afterwards abandoned his claim or transferred his improvements to another the former pre-emption claim did not except the land from the grant, and that the subsequent settler purchasing this former settler's improvements or otherwise occupying the land after the former settler had abandoned it could not have his claim recognized.

The same rule had existed previous to the decision in the Gates case and prior to 1876 and had caused much complaint, as it was of wide application and affected great numbers of cases.

In 1876 Congress attempted to correct this and some other rulings of the Department by positive legislation. The act of April 21 of that year (19 Stat., 35) was a mandatory act, requiring the Department to recognize the validity of subsequent entries where land had been covered by former claims of the date of withdrawal of lands for railroad grants. This act did not have the effect, which was shown by the Senate debates to have been expected by the legislative mind. The Gates decision was rendered without reference to the act of 1876, and was afterward modified upon such fact being shown. But the unmodified decision appears to have been the rule usually followed in the Land Office down to a recent date. The regulations adopted by departmental concurrence or instructions and the rulings made under the act of 1876 had the effect in all cases to make the relief contemplated by that act difficult of availability and in most cases to render the act inoperative.

It was held, for example, that the act could have no prospective effect, because its language implied a past tense. Then it was held that it could have no retroactive effect, because that would be unconstitutional. Again, if a case arose that in the view of the office could be recognized as coming within the provisions of the act, the claim was rejected unless the party was careful to state that he expressly claimed it. A great many cases have been adjudicated in this way, and the parties who had an absolute legal right to their land under the indemnity provisions of the acts granting land for railroad purposes, and had such rights irrespective of the act of 1876, were defeated in their claims under the construction given to an act designed for their protection.

Mr. President, I have made reference to these facts for the purpose of showing some of the evils and abuses that have grown up under these railroad grants; for the purpose of calling attention to the fact that these evils and abuses are not confined to any particular grant, but are the usual and I may say inseparable concomitants of each and all of them. In Congress after Congress for the last twelve or fourteen years petition after petition has been presented here and in the other branch for a redress of these grievances or for relief from some of the oppressions and wrongs which have grown out of these grants, and in the main, sir, these petitions have been unheeded, or at least no adequate relief has been devised.

It is true, sir, we can not undo all that has been done; we can not reclaim all these vast areas of the public domain so improvidently and as I think unwisely given away; we can not interfere with vested rights which have been acquired under the terms of these various grants. But, sir, we may do something in the way of restoring to settlement so much of these grants as have not been earned by the construction of the contemplated roads within the time fixed in the granting acts for their construction or such further time as may have been granted for that purpose. The life of each and all of these grants has long since expired. In fact, sir, by the delay of Congress in not promptly acting in this matter and so legislating that as soon as the time fixed in these grants within which the road contemplated might be completed the lands embraced in the grants should be restored to settlement, the right of Congress to act in that direction has become more and more complicated and embarrassed with difficulty.

By the report of the Secretary of the Interior made to the Senate in answer to its resolution of December 18, 1883, I find that by these delays more than 56,000,000 acres of land are involved in the question as to whether in case of a forfeiture lands earned after the life of the grant and before forfeiture declared can be reached by such an act. Thus, sir, while Congress has stood silent and inactive these 56,000,000 acres have been swept beyond the reach of your boasted homestead laws, and doubtless grasped securely by these great and relentless corporations. And by the same report already referred to I find that the uncompleted portions of these several railroads call for more than 65,000,000 acres of the public lands, all of which is most certainly within the power of Congress to reclaim to the public domain and to settlement. This can be done. These lands can be restored to settlement and brought within the reach of the homestead and other laws respecting the occupancy, sale, and settlement of the public lands. Shall it be done? For myself I have no hesitancy in declaring that every consideration of sound public policy requires that these lands should be declared forfeited and restored to settlement at once. This session of Congress ought not to adjourn until this is done.

Mr. President, the grant to the North Pacific Railroad Company, made July 2, 1864, and subsequent acts and resolutions was by far the most valuable grant ever made to any corporation. It was enormous in extent and covered far more valuable lands than any of the later grants. It embraced vast areas of the best agricultural and grazing lands, large and extensive bodies of coal lands, while extensive portions of the grant are covered with dense forests of the most valuable timber.

This corporation earned in the lifetime of the grant 10,039,459 acres of land, and has earned since the expiration of the life of the grant 29,851,101 acres, and in all 39,890,560 acres, and the uncompleted portion of its road calls for 7,056,640 acres more. The original act contemplated a through line of road from Lake Superior to "Puget Sound, with a branch via the valley of the Columbia River to a point at or near Portland, Oregon."

By the joint resolution of May 31, 1870, the main line was changed to Portland and the branch from some convenient point on the main trunk across the Cascade Mountains to Puget Sound. During the fall of last year connection was made on the main line from its eastern connections to Wallula, in Washington Territory, about two hundred and twenty miles eastward from Portland, and it also completed its line from Portland to the sound, the gap from Wallula to Portland having been filled by the construction of a railroad by the Oregon Railway and Navigation Company without aid from the Government. It is not now pretended that the Northern Pacific even contemplates the construction of a road at any time in the future down the Columbia River. Here, then, are 2,500,000 acres of land about which there can be no question as to the propriety of restoring to the public domain. The road has not been built and never will be. The necessity for it has been fully supplied by the construction of the Oregon Railway and Navigation Company's road from Portland to Wallula; and the necessity having ceased or been removed, the grant should be terminated at once and these lands restored to settlement.

But, sir, it is claimed on behalf of this corporation that the original act making this grant dedicated absolutely all these lands to the purpose of the construction of this road, and that the Government is absolutely estopped from forfeiting an acre of them unless it shall take upon itself to complete both the main line and the branch road. Nay, more, sir; it is claimed by virtue of the resolution of May 31 that under the right to mortgage there given the mortgagee has the right to sell these lands, although the road should never be built. The ninth section of the original act is as follows:

SEC. 9. *And be it further enacted*, That the United States make the several conditioned grants herein, and that the Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

This section is cited by the attorneys and agents of this corporation for the purpose of showing that no right of re-entry was reserved or contemplated in the act, and to negative the plain and unquestioned import of the terms and conditions of the preceding section. But it does not negative either in terms or by implication the force or effect of the conditions of section 8. It adds another condition which the company is to accept, and reserves a right to the Government not found in the preceding section. This further condition is, that if the said company make any breach in the conditions hereof (and these conditions are found in section 8) "and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States by its Congress may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

That is to say, if the company failed to commence the work in two years from the approval of the act, or failed to complete fifty miles each year after the second year, and allowed such failure "to continue for upward of one year," then the Governmenl might interpose in the way indicated, although within the time in which the grant was to run, or, if the company failed to complete the entire road in ten years and suffered that failure to continue for a year, the Government could not take advantage of such failure to forfeit the grant or for any other purpose until the full time of one year and more had elapsed. That, sir, is all there is of section 9. The Government assumed no new or additional obligation whatever, and did not surrender the right of re-entry for condition broken, which certainly existed under section 8.

The resolution of May 31, 1870, gave the consent of Congress to the company to issue bonds and mortgage "all its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchises as a corporation," which consent had been expressly withheld in the original act. A part, and the principal part, of the property of the company was its grant of land, which though a grant *in presenti* was based upon conditions to be subsequently performed. The consent to mortgage did not change the character of this grant either in terms or by implication. The company could convey by its mortgage no higher or better title than it possessed, a title subject to be defeated if the conditions upon which it rested were not performed.

The passage of this resolution was simply the exercise of the legislative power reserved in the original act and it must be construed in connection with that act, and so construed as to give each and all of the provisions of both their proper and legitimate force and effect unless there are provisions so different and conflicting that both can not stand. The resolution is not a repealing act and can not be so construed; it is an amendatory act, and as such changed in terms some of the provisions of the original act, restricts some and enlarges others, but in no way changes or modifies the conditions upon which the grant was originally given. To construe the consent given in this resolution to the company to mortgage its property and rights of property into a waiver of a performance of the conditions upon which the grant was made, so as to estop the Government from a re-entry for condition broken, is to import into the resolution terms not found in it and which are negatived by all the circumstances of the case and by every fair and reasonable implication arising upon the resolution when viewed in connection with the original act.

Why, sir, if this construction is to be accepted, then we have the Congress of the United States placed in the position of having put itself and the Government in the position of granting 47,000,000 acres of the public lands in such a loose way that the corporation to which the grant was made had only to execute its mortgage, survey a line so as to locate the grant, go into insolvency, allow the mortgage to be foreclosed and the lands sold without doing a single substantial act toward the construction of the road. Congress has done many foolish acts, but none so absurdly foolish as this. At least, sir, I am unwilling to believe that even a Republican Congress was so blindly stupid as such a construction would imply.

A plea is also put forth that the North Pacific Company has met with reverses, that it has expended vast sums of money in the prosecution of the construction of this road in the face of the greatest difficulties, and therefore the Government ought to be lenient and merciful. In one breath it talks defiance and clutches with an avidity known only to the proverbial grasp of corporations every acre of the 47,000,000 covered in the original grant and tells the Government that it is estopped from re-entry; in the next breath it is suppliant and pleading to be let alone.

Why, Mr. President, no other corporation has been so enriched by Government as this. In round numbers its earned lands amount to 40,000,000 acres, which at a very low estimate will realize to the corporation at least $100,000,000. It has already received over $11,000,000 from the sales of these lands. Its coal lands on the sound, already earned, are stated to be worth an enormous sum. So valuable are they, that the company absolutely refuses to sell them at any price.

A local paper, the Tacoma Ledger, a paper entirely friendly to the company, in speaking of and describing only a portion of these lands, does so as follows:

> In the bituminous coal-field bounded as above described are 1,500 square miles of land—that is, 1,500 of both odd and even numbered sections, or 960,000 acres. As the railroad company owns the odd-numbered sections, it has in this field one-half the above, or 480,000 acres. This, valued at the low rate of $20 per acre, the Government price for coal lands within railroad limits, would amount in value to $9,600,000. We do not think it extravagant to venture the statement that the sum last named underrates the value of the company's coal lands in Western Washington to the extent of representing not more than one-fourth of their real value. Nevertheless, take the Government price for it; and still there is a very important item to add. This belt of coal lands embraces the most heavily timbered region of like extent in the world. Monster fir and cedar trees, many of them from six to nine feet in diameter and from 300 to 400 feet in height, cover the earth so thickly in many parts that standing in their midst the range of vision is confined within a few hundred feet on all sides as by a dense wall of wood. A very low estimate places the measurement of such forests at 60,000 feet to the acre, worth 75 cents per thousand, for this material is extra clear and good. That is $45 per acre, or $21,600,000 for the value of the timber on the railroad company's 480,000 acres of coal lands. Let this be added to the $9,600,000 and we have $31,200,000 as representing the value of coal and timber in and on the line of the Northern Pacific Railroad Company's coal lands in Western Washington exclusive of the lignite belt.

This estimate is very likely overdrawn, but it can not be doubted that these lands are of very great value even now, and as the country develops will become vastly more so. But, sir, whatever may be the facts as to the hardships and financial disasters and other difficulties this corporation has had to encounter, and whatever may be the facts as to the real value of the lands earned, there is another side of this question that deserves the most thoughtful and careful consideration of Congress, and that is the side of the question that faces toward thousands of settlers already on these lands or who are waiting to go upon them to get homes for themselves.

The company appeals to Congress for leniency. Sir, has it been lenient to the thousands of settlers along the line of its road whose rights have come in conflict with company interests? Let the records of the land offices all along the line of the road and in the General Land Office in this city answer. No, sir; the settler everywhere has been pushed aside and his rights for the most part have been disregarded and overridden in the administration of this grant as in all others. This has been particularly true of settlers on what is known as lieu lands. And here the Department all along has manifested its willingness to serve this company by the manner in which from time to time it has withdrawn these lands in advance of the time when any rights of the company could attach to them, and refused to allow homestead, pre-emption, or other entries to be made upon the odd-numbered sections in the lieu limits; that is, in the ten-mile belt outside of and beyond the limits of the grant in place. These withdrawals were wholly without authority and wholly in the interest of the company, and of course wholly adverse to the rights and interests of the settler. Of course it was one of those mistakes which the witness Le Barnes refers to which are so frequently made in the interest of corporations and against the settler.

In 1869 this company invited settlers to go upon their agricultural lands west of the Missouri River, and promised that each settler who settled on these lands in advance of the construction of the road should be entitled to purchase them at $2.60 per acre. Thousands accepted the proposition and settled on the company lands and improved them. This was particularly the case in the eastern part of Washington Territory and through Montana and Northern Idaho. The past fall and winter, the road having been completed through these sections, the agents of the company began the work of classifying and appraising the lands claimed by the company. The lands upon which settlers had gone and improved and made valuable before the road was built were appraised at from $4.50 to $15 per acre. These same settlers who had taken the company at its word and settled these lands were told by these agents that if they were not ready or willing to come to terms others would be glad to purchase their lands. A very worthy and truthful gentleman, writing to me from Walla Walla under date of February 11, 1884, says:

> The time seems to have come for the great anaconda (Northern Pacific Railroad Company) to draw its deadly coil about the necks of the settlers who have unwittingly placed themselves within its reach. The "indemnity" lands have been selected in this land district and the selections are thrown upon the market at prices ranging from $4.50 to $15 an acre, a price that is distressing to those who are yet under the burdens of opening up this wilderness country. Had the company opened up this country as it was expected it would there would be some foundation for such prices, but as it is it seems to me they are an extortion. On January 1, 1880, the company sent out a circular declaring that the agricultural lands west of the Missouri River would be sold to actual settlers at $2.60 an acre. In view of this many went onto these lands and now have valuable improvements, and now to obtain title to their labors they are compelled to pay these high prices.
>
> Any one can see at a glance the injustice of this; but what can a man do? Many of us have our fall crops on these lands, and to let them go back and be sold to others is ruin, and to hold on and pay the prices demanded will lay burdens on the people that will retard the development of this country for years. Is there nothing that can be done? * * * We, the people, regret to complain, but what are we and our little ones to do? Here we have settled and are trying to make this wilderness to blossom. But, oh! the burdens are more than we can bear, and must it be so that our own beloved Government can see us thus crushed and not raise its voice against the destroyer, saying, "Thus far shalt thou come and no farther?" Can no compromise be effected that will at least deliver us in part? * * * We do not ask a sweeping forfeiture, but we do think it ought to be cut down and restrictions placed on the price of occupied lands.

Such is the complaint that has come up all along the line of this road in Eastern Washington and Montana. It is the old complaint, that has been made under every one of these grants, and will continue to be heard so long as the lands included in them are being settled. It is proper that I should state in connection with the letter from which I have quoted that recently the North Pacific Company has ordered that all lands settled on prior to some time in 1882 should be sold to the actual settler at $2.60 per acre for one hundred and sixty acres, cash down, or $4 per acre on time. This is to that extent a relaxation for which due credit must be given. But the lands referred to in the letter are lieu lands forty miles and more away from the main line of the road, the Government price of which is $1.25 per acre.

This company is not entitled to leniency; all it can claim is the letter of the law, and that is all Congress ought to allow it to receive. A forfeiture of the unearned lands of its grant ought to be declared at once; and if the 29,851,101 acres which it is claimed have been earned since the life of the grant ended can be reached at all, I would be willing to confirm them to the company upon conditions that all the agricultural lands should be sold to actual settlers only at $2.50 per acre and in quanities of one hundred and sixty acres to each settler. This would be some approach to justice and equity.

But I have been unable to satisfy my mind that these lands are in any sense within the reach of any legislation by Congress for any purpose. That portion of the road to which these lands are adjacent having been received by the President under the provisions of section 4 of the original act granting lands to this company entitles the company to patents, and being so entitled, the fee to these lands has fully and finally vested in the company, beyond the reach of the Government. For this reason I have not sought in the bill to touch these lands, but have provided only for a forfeiture of the lands adjacent to the uncompleted sections of the road. Section 2 provides for saving the rights of persons who have settled or made improvements upon any of these lands with a *bona fide* intention of purchasing them of the company when earned, by allowing them, if not entitled to enter by homestead or pre-emption, to purchase one hundred and sixty acres at such price as may be fixed—I should say $1.25 per acre; certainly, not more than $2.50 per acre.

The third section provides that all lieu lands selected by the company upon which, at the time of the selection thereof, settlement has been made, the settler shall have the right to purchase the same, or one hundred and sixty acres, at $1.25 per acre, and shall have one year to pay the price thereof. This, sir, is only simple justice. The adjacent lands are sold by the Government at $1.25 per acre, and the company ought to be required to sell at the same price when it selects improved or occupied lands.

Mr. President, in presenting and urging the passage of this bill I am sustained by the sentiment of the State I in part represent and of the Territory of Washington approaching unanimity. In fact, sir, outside of a few towns and the city of Portland the demand for a forfeiture of these unearned lands is well-nigh universal, and it can not be doubted that the opposition to this forfeiture which does exist in that section is largely the reflected opposition of the corporation itself. But whether this be so in fact or not I can not overlook the fact that of the 250,000 people in the State of Oregon largely more than 200,000 are outside of its principal city, Portland, and it certainly is true that the rural population of any State or section are by far the most directly concerned and interested in questions of this character, and ought to have their interests consulted in preference to the special interests of a merely commercial population of one or two cities or towns; for at last, sir, the interest

of every city and town is best promoted and advanced by advancing and promoting the interest of the rural populations from which they must derive their own support.

I ask that the bill may be referred to the Committee on Public Lands.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bill will be referred to the Committee on Public Lands if there be no objection.

Mr. DOLPH. A bill has heretofore been introduced by the Senator from Oregon upon the same subject as that covered by this bill, although it is more general in its scope and proposes the repeal of the charter of the company. As that bill is now before the Committee on Public Lands, I presume there is no reason for desiring an immediate reference of this bill, and with the consent of my colleague I ask that it may lie on the table for a few days.

Mr. SLATER. Certainly; I have no objection.

The PRESIDING OFFICER. There being no objection, the bill will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6538) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota; in which it requested the concurrence of the Senate.

SYSTEM OF BANKRUPTCY.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States.

Mr. WILSON. I move to add to section 42 the following additional proviso:

Provided further, That nothing herein contained shall be held to impair any *bona fide* lien which may attach to any part of a bankrupt's estate by the provisions of laws of the several States or Territories for work done, labor performed, or materials furnished upon or about said estate, whether the same be perfected or inchoate at the time the title vests in the trustee.

Mr. HOAR. I hope that will be adopted; it makes clear what the bill intends, and what, perhaps, on examination, it seems to me, may not now be sufficiently clearly provided for in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa [Mr. WILSON].

The amendment was agreed to.

Mr. CONGER. I wish to call the attention of the Senator in charge of the bill to section 43, in regard to exempted property. I suggested yesterday to him for his consideration whether the exemptions here and the language in regard to them should not be modified somewhat, so that the property which is to be exempted should be made exempt from the inventory and report by more specific language, and whether there should not also be some exemption for immediate use, the exemption of school books, the library, as well as clothing of the family, and an exemption of provisions, as in our State laws.

If I understand this aright—and I do not make any motion in regard to it—this property is to be turned over immediately and the exemptions are to be declared by the court or by some officer afterward, so that everything is to be taken from the possession of the debtor in the first instance except "the necessary and proper wearing apparel of the bankrupt and that of his wife and family; his uniform, arms, and equipment as a soldier in the service, past or present, of the Army of the United States or the militia; such other property as is or may be exempted from attachment, seizure, or levy by the laws of the United States, and such other as was so exempted by the laws of the State in which said bankruptcy proceedings are instituted at the time when the same were begun."

My point is that it may leave it open to the necessity of making the returns and inventory of this property and the order of the court to ascertain what should be redelivered to the debtor.

Mr. HOAR. The suggestion of the Senator from Michigan is a very important one, indeed, and I take some little blame to myself for not having attended to it in the drafting of the bill. The last bankruptcy law provided that the exempted property should not pass to the trustee; that is, the title never passed out of the debtor, for the very purpose of securing what the Senator desires. I see that this section is drawn so that the property does pass and must be returned.

I therefore will move, in consequence of the suggestion made by him last night, to strike out in line 2 of section 43, after the word "section," the words "and shall be set apart by the court of bankruptcy," and to add after line 11, in the same section, the words "said property so exempted shall not pass to the trustee," which will be the provision in the previous bill in substance.

Mr. CONGER. That is satisfactory.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts [Mr. HOAR] will be read.

The CHIEF CLERK. In section 43, line 2, after the word "section," it is proposed to strike out the words "and shall be set apart by the court of bankruptcy;" and in line 11, after the word "begun," to insert "said property so exempted shall not pass to the trustee;" so as to read:

SEC. 43. That there shall be excepted and exempted out of the property mentioned in the preceding section, for the use of the bankrupt, the necessary and proper wearing apparel of the bankrupt and that of his wife and family; his uniform, arms, and equipment as a soldier in the service, past or present, of the Army of the United States or the militia; such other property as is or may be exempted from attachment, seizure, or levy by the laws of the United States, and such other as was so exempted by the laws of the State in which said bankruptcy proceeding are instituted at the time when the same were begun. Said property so exempted shall not pass to the trustee.

Mr. CONGER. Let it read, "Said property so exempted or liable to be exempted."

Mr. HOAR. "Excepted and exempted" is the phrase at the beginning of the section.

Mr. CONGER. I presume that will cover it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. GEORGE. I desire to offer an amendment in the line of the one offered by the Senator from Iowa [Mr. WILSON], and with a view of perfecting the bill in the line indicated by that amendment. At the end of section 78 I move to add:

That no payment made or security given on a debt due any workman, mechanic, clerk, servant, or laborer for work, labor, or service done for any debtor shall be held an unlawful preference under this act.

I presume there will be no objection to the amendment.

Mr. HOAR. I do not see how we can provide by law that if a man fails and owes workmen and nobody else, he may have the power of preferring one against the others.

The PRESIDING OFFICER. The amendment proposed by the Senator from Mississippi will be read.

The amendment was read.

Mr. HOAR. The Senator will not forget, of course, that any payment made by anybody to anybody, unless it is intended to prefer, to give somebody something which he is not entitled to under this act, is not prohibited by it. It is only a payment with intent to prefer, and the bill has made a liberal exemption, which does not exist in the laws of most States (I do not know that it does in any State now), in favor of debts due to workmen and laborers.

This amendment goes further and provides that you may prefer one laborer or workman at the expense of others; that there shall not be among those meritorious persons a fair division; and that the debtor may make real or pretended payments. I will not say that it provides that he may make a pretended payment, but of course if it were merely colorable, under the Senator's amendment it would not be justified; but he may make preferable payments, so it be that the person preferred is a workman.

Mr. FRYE. Or a clerk.

Mr. HOAR. Or a clerk; his own clerk.

Mr. FRYE. He might pay his clerk $500 which he owes him, and owe a hundred workmen $5 apiece and cheat all of them out of it.

Mr. GEORGE. I deem the amendment which I have offered a very important one, and very essential to the protection of the interests of a large class of our people who are in the main unable to protect themselves through legal proceedings.

I can not understand the force of the objection constantly urged to my propositions of amendment that acccording to the theory of this bill no preferences are to be allowed. I want to change the theory of the bill, if that be its theory, as to this class of persons. We have a right to change it as to them, and I think it is our duty to change it. There is nothing obligatory upon us in passing this measure to make it consistent in all respects, so as to prevent us from doing justice to any portion of the people. In my judgment justice is better than consistency, or than any theory, however ideally perfect.

This amendment proposes to allow the debtor to do what we have already determined that the bankruptcy court shall do to a partial extent; that is, prefer certain persons. We have provided for preferences in this bill to be made by the bankruptcy court, and the sole question is now whether, in exercising our undoubted power and in performing our undoubted duty to prescribe preferences where they are proper, the class of persons indicated in the amendment are entitled to our consideration. I say they are upon every just ground, and that no substantial reason can be given why these parties should not have the preference provided for by the amendment.

In the first place, as I remarked when I first rose, they are a class of persons who are illy able to protect themselves in legal proceedings. In many of the States the court in which the bankruptcy proceedings are administered is at a long distance from the residence of these parties; small sums are due to them, and it will take a visit of a hundred or two hundred miles to secure the payment of these little sums, or it will require the employment of a lawyer, who may in these small cases charge them at least 50 per cent. of the amount to be received.

Again, these laborers are not the parties who have squandered the bankrupt's estate. They have taken no undue advantage of him by engaging him in contracts which have brought him to insolvency, but they have faithfully contributed their muscle, their hard labor, to the enlarge-

ment of his estate. They are dependent to a large extent upon the wages which they thus earn for their daily living and support and for the support of their families. In a case of that sort when a man is insolvent, when he has enjoyed the labor and the proceeds of the labor of these men and women, if he is willing, if he sees that in justice and in right these persons are entitled to consideration, this amendment allows him to give to them the little pittance which he owes them and which they have so hardly earned, without turning them over to the delay and cost of bankrupt proceedings.

These laborers ought to have their money. Many of them require it at the end of every week, and will suffer if they do not get it. If the bankrupt is not allowed to make payment, they may not receive their pay for six or eight months, besides being subject to all the costs attendant upon recovering it. I do hope that the Senate will show that much consideration to so large and meritorious a class of the community as to adopt the amendment.

Very little legislation, if any, has ever taken place in this body for the benefit of the class for which this amendment speaks. We grant donations to railroad companies; we grant advantages to banks; we concern ourselves with the great commercial, manufacturing, mining, and navigation interests of the country; but we rarely think of this class, at least if we do think of them we rarely put the thought in the shape of a statute which shall benefit them. They are the most helpless of all, and at the same time I may add the most essential to the prosperity and greatness of the country.

I do hope, sir, that the amendment will be adopted.

Mr. HOAR. The trouble with the Senator's amendment is that it does not do what he thinks it does, and it does something that he does not think it does. The preference over other classes of creditors of this class is amply secured by the bill already. Now the Senator proposes an amendment which is almost an insult to the laboring classes and not a benefit—an amendment by which men may be enabled to cheat other people. It provides that any preference, no matter whether it is over laborers, over other honest creditors or not, but any preference which a bankrupt debtor chooses to make to a clerk, workman, or laborer, not only for the wages or proceeds of his work or labor but for anything else, shall be protected; so that a bankrupt manufacturer or merchant has nothing to do but to distribute around among his confidential clerks and agents and employés any amount of his estate, and if he can make it appear that there has been something which was a binding debt contracted before that time between him and them, they are preferred against all honest workmen and against everybody else. However, I do not wish to prolong discussion upon the matter.

Mr. GEORGE. The answer of the Senator from Massachusetts will not hold good. In the first place, the amendment only authorizes the payment of valid debts; it does not authorize the payment of sham debts. If the Senator urges that under cover of this provision a fraudulent insolvent debtor in collusion with a fraudulent pretended creditor may make an arrangement by which other creditors will be defeated or defrauded, then that argument stands good against everything to be done under this bill, for in every instance fraud may intervene.

Mr. HOAR. Will the Senator allow me to ask him a question.

Mr. GEORGE. Certainly I will.

Mr. HOAR. Suppose a man fails and owes one hundred workmen $100 apiece, which is a common occurrence in our part of the country, I am sorry to say. There is $10,000. He has but $5,000. Does the Senator think it just that he should pick out fifty of the one hundred and pay them their $100 apiece and leave the other fifty unpaid? Does the Senator think that is just?

Mr. GEORGE. When you get through I will answer.

Mr. HOAR. I have gotten through.

Mr. GEORGE. It is very possible if that is all the estate he has that he ought to divide it out equally among all of them; but I should like to know how the payment of one-half of the creditors, the laborers, there being assets enough left for all the others to be administered by the court, can injure these others, especially if another amendment which I shall offer immediately after this is acted upon shall be adopted. That amendment is to the effect that in the priorities allowed under this bankruptcy act the claims of laborers shall precede the claims of all others, those of the United States, and of the States, and everybody else.

Mr. HOAR. The Senator said that when I got through he would answer my question. Allow me to remind him that he has not answered it. My question was whether, if a man had but $5,000 of assets and he owed one hundred men $100, all laborers, which would be $10,000, the Senator thought it just that he should be permitted to pick out fifty of them and pay them in full and leave the others unpaid? That was the question I put.

Mr. GEORGE. That would not be just, as a matter of course.

Mr. HOAR. That is what the amendment allows.

Mr. GEORGE. But that is an extraordinary and unusual case—the supposition of a man having one hundred laborers and owing them all $100 apiece and paying only one-half of them and having nothing left. He must have something to work on, he must have a factory or a plantation or something on which these men have worked. It is an almost impossible case to conceive that when he becomes insolvent he will not have assets enough to pay all his laborers at least.

Mr. HOAR. Then they all get their pay.

Mr. GEORGE. They might get their pay at the end of the bankrupt proceedings if enough was left to pay them. But that is a mode of argumentation to break down the amendment which is illegitimate. Now the question is whether we are to grant this power to the bankrupt to prefer his laborers; and if the Senator concedes that to be right and believes that in the exercise of this power he will not act fairly as between the laborers themselves, then let him offer an amendment that he shall divide as far as he can among these people pro rata and I will not object to it; but I insist that the great principle of the amendment shall not be broken down by the suggestion of, if not impossible, at least very improbable, contingencies.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The amendment was rejected.

Mr. GEORGE. There is another amendment I desire to offer in the interest of the laborers. In section 72 I move to strike out "not exceeding $100," in the fifth subdivision; so as to make the clause read:

Fifth. Wages due any workman, clerk, or servant of the bankrupt for labor.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. I desire to say in explanation of the amendment that I do not see any justice or equity in limiting the claim of the laborer who has contributed toward the estate of the party to $100. If he ought to be paid he ought to be paid his full debt. He has worked for it; he has earned it; he needs it, his family need it, and there is no justice or equity in limiting him to the sum of $100.

Mr. BAYARD. I think there is a great deal in the amendment to recommend it so far as the question of labor performed is concerned, because it carries with it the idea of that which is essential for the livelihood of the person who performs the labor; but if you allow this sum to be unlimited what is the consequence? The word "servant" might cover almost any employment; and it would certainly be a very well-paid servant who would have more than $100 due him within six months.

Mr. HOAR. Allow me to suggest that it would include the service of great manufacturing establishments. I knew one that had $21,000 a year who was merely a servant legally, and he had one day in the week to himself.

Mr. BAYARD. This bankruptcy might approach a time just when this payment was due, and the very value of the assets that were passed into the hands of the assignee for the benefit of all the creditors might be chiefly or in a large measure owing to the labor or the service of the persons whose interests we are now considering. I think if my friend will be satisfied by striking out "$100" and inserting "$1,000" he would reach all that he desires. I comprehend fully that he intends to protect those whose actual labor has been given to make more valuable the property which is set aside for the creditors, and that they who create that property should be paid out of that property, and that actual production in value should have rather more share of the assignment than the ordinary creditor, who probably had nothing to do with producing the value. Therefore I submit to my friend that he will gain votes for his proposition and I think he will reach the object designed if he will move to strike out "hundred" and insert "thousand" there.

Mr. HARRISON. Let me suggest to the Senator from Delaware whether the object would not be better accomplished by striking out any limitation as to the amount of money and leaving in the limitation, which we have already struck out, of six months' time.

Mr. BAYARD. Using the word "salary" or "payment," because the object is to prevent any cover under the name of "servant" for an unlimited amount of payment in full. I think the point is interesting and it ought to be settled.

Mr. HARRISON. Six months would certainly cover all arrearages.

Mr. BAYARD. I think the suggestion is a good one.

Mr. GARLAND. The bill as it now stands is an improvement on the former act. The former act had a limit of six months and of $50. We have now struck out the six months and have put in $100, and I think that is quite liberal enough. If you put it to the amount suggested by the Senator from Delaware, $1,000, you see at once that you break down all hope of an equal distribution in many cases for the payment of the laborers' wages.

It would be very interesting for the Senate to look sometimes to see what different constructions the courts have placed on the sections of the old law in this respect as to who come within the definition of "laborers, clerks, and servants." In view of the construction the courts have placed on these terms we have gone quite far now in striking out the limit of time and limiting the amount to $100 instead of six months and $50, as in the former act.

Mr. INGALLS. Mr. President, I should be willing to have the wages of any laboring man, whenever performed and to any amount, exempt; but I should be unwilling to place such a limitation upon the language of this subdivision of the section:

Wages due any workman, clerk, or servant of the bankrupt for labor performed, not exceeding $100.

Under that language the confidential manager of a great manufacturing corporation, or of a railroad, or of any other great commercial enter-

prise, having a salary far in excess of that paid to members of this body, would be entitled to receive whatever was due him in full as against the claims of other creditors. I do not suppose that the Senator from Mississippi contemplates that.

Mr. GEORGE. I do not.

Mr. INGALLS. I judge that his design is to permit the payment of wages earned by manual labor, and with that understanding I concur. I shall be very glad to support any amendment that will make the wages of a laboring man due from a bankrupt a paramount claim on the estate in full.

Mr. BAYARD. The Senator surely would not exclude other than manual labor. Clerical labor is just as hard and just as valuable.

Mr. INGALLS. That is very true; but still the situation is different. Of course all the debts are due in one sense; they all stand on an equal footing. If a man has incurred an obligation he ought to pay it, whether it is for wages or clerk-hire or merchandise.

Mr. BAYARD. Yes, but these debts tend directly to give value to the fund turned over.

Mr. INGALLS. Very true, and the same might be said about merchandise or about any other acquisition belonging to the estate, as money borrowed from a bank. All are just debts and morally ought to be paid in full. I should be unwilling to make any exemption except such as would apply to the wages due to a workman or laborer for manual labor performed.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. I am very anxious to have this amendment perfected so that it will receive the approbation of the Senate, so as to secure the laborers and workmen whatever may be due them and for whatever time. I am very willing to adopt the suggestion made by the Senator from Delaware, because I suppose that when the limit is placed at $1,000 very little if any of the wages due to laborers would be lost to them; and yet I find—I did not draw this section of the bill—that the Senator from Kansas thinks that the word "servants" will include the confidential manager or agent or superintendent of a large corporation, whose salary may amount to $5,000 or $10,000 a year. Certainly I do not desire to give such a person an unlimited claim.

Mr. INGALLS. There are many confidential clerks who receive compensation fully as large as that.

Mr. GEORGE. I think the suggestion of the Senator from Delaware will about close out the objections, and so I will modify my amendment by withdrawing the proposition to strike out "not exceeding $100," and move to strike out the word "hundred" and insert "thousand" in lieu thereof.

The PRESIDING OFFICER. The amendment is so modified. The question is on the amendment as modified.

Mr. HOAR. I hope that will not be adopted. It seems to me that the Senator from Delaware will see himself on reflection that giving a thousand dollars apiece, without limit of time, to everybody who comes under the designation of "servant," which includes a confidential clerk, an agent of a mill, and all the clerical service, is going too far. A person who has let his wages remain for more than six months, turned them virtually into a loan to the employer by letting them lay, is not a person who is poor or dependent for support of his family on his wages.

Mr. INGALLS. Suppose that they have been made a loan to the employer for six months because the employer has been unable to pay them in that period?

Mr. HOAR. Still they have been working along so that they have not been dependent for the immediate support of the family on the wages due from the employer, if the thing has been running more than six months, ordinarily. It seems to me that if the sentence should be something like this, "wages due any laboring man employed by the bankrupt," it would not be objectionable. I do not think that clerical servants ordinarily come within the class of persons who ought to be paid first. The clerical service has not created the fund. Usually the fund which pays the debts, which is distributed, comes from the materials, goods, supplies, stock which is furnished by some creditor, and the very property that he has placed on credit to the debtor is distributed among all this class of persons, and that is all the property there is.

Mr. BAYARD. The Senator is aware that this is no novel feature. There is scarcely a State in the Union, I suspect, in which upon the settlement of intestate estates there is not protection given for the wages of farm laborers and domestic service.

Mr. HOAR. That I am willing to put in; that is my proposition.

Mr. BAYARD. I know, but this law passes beyond that. It is not simply the settlement of a man's private affairs, but it is his commercial affairs, in which the labor of laboring men and of clerks and other people has been directly bestowed on the estate, and who are not in an independent condition to contract as other creditors are. That is the point, I take it, and that is the meaning of this advantage given to this class of dependent people. They are not in a position to contract voluntarily; they are carried along on their faith in the insolvent, and when the break-up comes they probably have been deprived of their means of subsistence by his struggles to maintain himself for the period of six months prior thereto. I can see that there is an obvious policy in that justice which the world recognizes in favor of the helpless. That is what this amendment is meant for. It is not the open contract with a man upon his credit and ability to pay. It is that kind of contract which is dependent and upon which their labor has been given to make more valuable the property of the bankrupt.

Mr. HOAR. The Senator is debating a principle on which I agree with him. Nobody who has addressed the Senate has failed, neither the Senator from Indiana nor the Senator from Kansas nor the Senator from Mississippi nor myself, thoroughly to concur with all the Senator from Delaware states. What we are trying to get at is to accomplish that without injustice, without phraseology, which will include a large mass of persons who do not at all come within the management of the bankrupt's business. The clause limiting it to six months has already been stricken out without any considerable objection, and the question now is of providing for the class of persons whom the Senator speaks of, and not at the same time letting in business agents and managers who in the case of a large manufacturing or commercial establishment, especially of a corporation, will be the very persons responsible for the failure, men getting large salaries and whose name sometimes is legion. Take the case of a railroad——

Mr. BAYARD. But the amount proposed by the Senator from Mississippi excludes all that class. The sum of a thousand dollars for six months is only a salary of $2,000 a year.

Mr. HOAR. It is not limited to six months. What I propose is to say the laboring men or workmen employed by the bankrupt, a phrase which will cover all the class of persons the Senator has described and will not include clerks or servants.

Mr. GEORGE. I am willing to agree to that as far as I am concerned, but I did not undertake to interfere with the language of the bill on this subject; I adopted the language as presented by the Senator from Massachusetts.

Mr. HOAR. Now, if the Senator will hear my amendment I think both Senators will agree to it. I am willing to say "wages due to any workmen or laboring men employed by the bankrupt."

Mr. FRYE. Leave out "man."

Mr. BAYARD. And "clerk."

Mr. HOAR. I would not put in "clerk." I think the clerk is generally an intelligent person who is able to look out for himself.

Mr. BAYARD. I confess my sympathies are as strong for him as for any kind of laboring man. The clerks are the worst-worked people I ever knew. They have all the responsibility and very little of the pay.

Mr. GEORGE. Strike out "servant" and leave "clerk."

Mr. HOAR. The word "servant" is the objectionable word.

Mr. GEORGE. Strike out "servant." I am willing to agree to that. I want to protect the laboring man.

Mr. INGALLS. I suppose house-servant was really intended there. That is the language employed in the bill of 1867.

Mr. HOAR. That is what was intended.

Mr. INGALLS. As used in this bill it is too broad.

Mr. GEORGE. Insert the word "domestic" before "servant," as is suggested by the Senator from Delaware.

Mr. FRYE. "Laborer" will do it.

Mr. GEORGE. Yes, "laborer" will do.

Mr. FRYE. Put it "workman, clerk, or laborer," and you will get it.

Mr. HOAR. Now I ask the Senator from Delaware to listen to this:

Wages due to any workman or laborer employed by the bankrupt, or not exceeding $500 in amount to any clerk so employed.

Mr. GEORGE. The limitation now as to the amount applies only to clerks.

Mr. HOAR. No limitation of workmen or laborers either as to time or amount, and as to clerks it is $500 in amount.

Mr. GEORGE. All right.

Mr. HOAR. I move to strike out the sentence and insert:

Wages due to any workman or laborer employed by the bankrupt, or not exceeding $500 in amount to any clerk.

The PRESIDING OFFICER. Does the Senator from Mississippi withdraw his amendment?

Mr. GEORGE. Yes, sir; I agree to the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. GEORGE. Now I move to transpose that clause as adopted so as to put it at the head of page 46, and that will also involve the renumbering of the subdivisions of section 72, so that the first shall be second, the second shall be third, the third shall be fourth, and so on. The object of this amendment is to give the wages due these laboring men priority over all other claims or demands whatever due to any person or the Government. We prefer them now to every individual. We only put the United States Government and the State governments ahead of them. I insist that it is not a very nice thing for the Government of the United States, rich and powerful, with an overflowing Treasury, with an unlimited power of taxation, in a race for a division of the bankrupt's little estate to seek to get ahead of his laborers and his workmen. I think it is a small thing for the Government of the

United States to enter into a contest with these laborers and actually to set them aside, tell them to go and starve until first the debts and demands of the Government are paid. I hope that there will be no objection to this amendment.

Mr. HOAR. The amendment moved by the Senator from Mississippi requires the laborers to be paid even before the expenses of settling the estate are paid, so that the estate would not be settled at all if these laborers were paid in this way.

Mr. GEORGE. Will the Senator allow me to interrupt him for a minute?

Mr. HOAR. Certainly.

Mr. GEORGE. The entry fee of $60 has to be paid under the bill before any distribution is made. The party has to make that payment when he files his petition. As I understand the bill it takes that out of the assets and deposits it in the register's office or the commissioner's office or the clerk's office. As to the first clause, the ½ per cent., that is a mere tax levied for the benefit of the Treasury of the United States. So I think the Senator's objection is not a good one.

Mr. HOAR. All the costs and charges of the proceedings, including the entry fee of $60, are provided for in the second clause. The Senator proposes before any costs whatever (it might cost $1,000 to collect the assets) are allowed that these laborers shall first be paid; so that I say he does in his amendment provide that this shall be paid to the laborers before the costs and charges are paid.

In the next place, there is not a State in the Union which does not prefer its own claim for taxes in the case of insolvent estates and in the case of the estates of deceased persons. The Senator's amendment makes class legislation if he provides that there shall be a certain class of persons in this country who shall be excepted from the universal rule of all governments, to wit, that the Government's claim for taxes, which are supposed to be necessary to its preservation, shall be preferred.

I do not want to make a long debate over all these amendments and weary the patience of the Senate. I hope the amendment will be voted down.

Mr. GEORGE. As to the position of the Senator from Massachusetts that we are violating a universal rule, I think he is correct. That is the very thing I want to do. I want to break down the universal rule which has prevailed not only in this country but in all governments, as he says, by which the government grabs of an insolvent's estate its share to the exclusion of the laborers who create what little the debtor has. I think we have no right to do such a wrong and injustice.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. GARLAND. Let it be reported.

The PRESIDING OFFICER. The Chief Clerk will report the amendment.

The CHIEF CLERK. It is proposed to change the order of subdivisions in section 72 so as to make the fifth subdivision the first subdivision.

Mr. GARLAND. The amendment now offered by the Senator from Mississippi is a good one. I say it is good because the Senate has approved an amendment he offered a few moments ago, and this is a logical sequence of that; there is no escaping from it. If we are to give the workmen and the laborers, by whatever name they are designated, by the former amendment of the Senator from Mississippi the great preference that we give them in that amendment, we ought to do the complete job and put them first. I think his amendment is a very logical and natural sequence of the first amendment we adopted, and therefore I shall support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The question having been put, there were on a division—ayes 16, noes 16—no quorum voting.

Mr. GEORGE and Mr. INGALLS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BECK (when his name was called). Upon the bill and all questions connected with it I am paired with the Senator from Maine [Mr. HALE], who is necessarily absent, and not knowing how he would vote upon any of the amendments, I have declined to vote upon any of them.

Mr. MILLER, of New York (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. PLUMB (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. Not knowing how he would vote on this question, I withhold my vote.

Mr. PUGH (when his name was called). On the bill and all amendments I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. WILLIAMS (when his name was called). I am paired on this question with the Senator from New York [Mr. LAPHAM]. I should vote "yea" if he were here.

The roll-call having been concluded, the result was announced—yeas 17, nays 23; as follows:

YEAS—17.

Brown,	Farley,	Jackson,	Slater,
Call,	Garland,	Jonas,	Van Wyck.
Cockrell,	George,	Morgan,	
Coke,	Hampton,	Ransom,	
Colquitt,	Harris,	Saulsbury,	

NAYS—23.

Allison,	Dolph,	Hoar,	Palmer,
Bayard,	Frye,	Ingalls,	Pike,
Blair,	Groome,	McMillan,	Platt,
Cameron of Wis.,	Harrison,	Manderson,	Sawyer,
Conger,	Hawley,	Miller of Cal.,	Sherman.
Dawes,	Hill,	Mitchell,	

ABSENT—36.

Aldrich,	Fair,	Logan,	Riddleberger,
Anthony,	Gibson,	McPherson,	Sabin,
Beck,	Gorman,	Mahone,	Sewell,
Bowen,	Hale,	Maxey,	Vance,
Butler,	Jones of Florida,	Miller of N. Y.,	Vest,
Camden,	Jones of Nevada,	Morrill,	Voorhees,
Cameron of Pa.,	Kenna,	Pendleton,	Walker,
Cullom,	Lamar,	Plumb,	Williams,
Edmunds,	Lapham,	Pugh,	Wilson.

So the amendment was rejected.

Mr. GEORGE. So as to obviate the objection made by the Senator from Massachusetts I move to insert the subdivision after the second clause, so that it shall be third in the order of priority.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi.

Mr. GEORGE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. Let us hear where it comes in.

The PRESIDING OFFICER. The amendment will be stated from the desk.

The CHIEF CLERK. It is proposed to make the fifth subdivision the third, and to renumber the remaining subdivisions to conform thereto.

Mr. INGALLS. Will the Senator from Mississippi state the effect of his amendment?

Mr. GEORGE. The effect of it will be to put servants and laborers third in the order of priority, coming in immediately after the payment of the expenses of the bankruptcy proceedings.

Mr. HOAR. Above State or national taxation?

Mr. INGALLS. Paramount to debts and taxes due to the United States and to the State?

Mr. GEORGE. Yes, sir.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Mississippi.

The Secretary proceeded to call the roll.

Mr. PLUMB (when his name was called). I am paired with the Senator from Missouri [Mr. VEST].

Mr. PUGH (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. WILLIAMS (when his name was called). I was paired with the Senator from New York [Mr. LAPHAM], but I have transferred the pair to the Senator from Arkansas [Mr. WALKER]. I vote "yea."

The roll-call having been concluded, the result was announced—yeas 24, nays 10; as follows:

YEAS—24.

Allison,	Farley,	Harris,	Palmer,
Blair,	Frye,	Ingalls,	Platt,
Call,	Garland,	Jackson,	Ransom,
Cockrell,	George,	Jonas,	Saulsbury,
Coke,	Groome,	Miller of Cal.,	Slater,
Conger,	Hampton,	Morgan,	Williams.

NAYS—10.

Cameron of Wis.,	Hawley,	Manderson,	Sherman.
Dawes,	Hill,	Mitchell,	
Dolph,	Hoar,	Sawyer,	

ABSENT—42.

Aldrich,	Edmunds,	Logan,	Riddleberger,
Anthony,	Fair,	McMillan,	Sabin,
Bayard,	Gibson,	McPherson,	Sewell,
Beck,	Gorman,	Mahone,	Vance,
Bowen,	Hale,	Maxey,	Van Wyck,
Brown,	Harrison,	Miller of N. Y.,	Vest,
Butler,	Jones of Florida,	Morrill,	Voorhees,
Camden,	Jones of Nevada,	Pendleton,	Walker,
Cameron of Pa.,	Kenna,	Pike,	Wilson.
Colquitt,	Lamar,	Plumb,	
Cullom,	Lapham,	Pugh,	

The PRESIDING OFFICER. No quorum voting, the Secretary will call the roll of the Senate.

The Secretary called the roll, and forty-two Senators answered to their names.

The PRESIDING OFFICER. The roll-call shows that there are forty-two Senators, being a quorum, present. The question recurs on the amendment proposed by the Senator from Mississippi [Mr. GEORGE], on which the yeas and nays have been ordered.

The Secretary again called the roll on agreeing to the amendment.

Mr. MILLER, of New York. I am paired with the Senator from West Virginia [Mr. KENNA]. If he were here, I should vote "nay."

The result was announced—yeas 31, nays 10; as follows:

YEAS—31.

Allison,	Farley,	Hawley,	Palmer,
Blair,	Frye,	Hill,	Platt,
Brown,	Garland,	Ingalls,	Ransom,
Call,	George,	Jackson,	Saulsbury,
Cockrell,	Groome,	Jonas,	Sherman,
Coke,	Hampton,	Logan,	Slater,
Colquitt,	Harris,	Miller of Cal.,	Williams.
Conger,	Harrison,	Morgan,	

NAYS—10.

Bayard,	Dolph,	Mitchell,	Sawyer.
Cameron of Wis.,	Hoar,	Morrill,	
Dawes,	Manderson,	Pike,	

ABSENT—35.

Aldrich,	Fair,	McMillan,	Sabin,
Anthony,	Gibson,	McPherson,	Sewell,
Beck,	Gorman,	Mahone,	Vance,
Bowen,	Hale,	Maxey,	Van Wyck,
Butler,	Jones of Florida,	Miller of N. Y.,	Vest,
Camden,	Jones of Nevada,	Pendleton,	Voorhees,
Cameron of Pa.,	Kenna,	Plumb,	Walker,
Cullom,	Lamar,	Pugh,	Wilson.
Edmunds,	Lapham,	Riddleberger,	

So the amendment was agreed to.

Mr. HOAR. I suppose the Secretary will change the numbers.

The PRESIDING OFFICER. Of course the Secretary will note the amendment as it is agreed to and transpose the subdivisions.

Mr. GEORGE. I am not restricted to any particular order in the sections in moving amendments, I understand.

The PRESIDING OFFICER. The whole bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. GEORGE. In section 35, line 6, after the word "thereafter," I move to insert:

Before such order shall be granted by said court the judge thereof shall require such creditors to execute a bond, with such sureties as he may direct, conditioned for the payment of all damages and costs which the defendant may sustain in case said petition shall not be maintained.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. I desire to make an explanation simply. The amendment which I offer restores the bill where it was as reported by the Senator from Massachusetts at the last Congress. It requires a bond to be given before any order putting the party into bankruptcy shall be obtained. That was a provision in the bill introduced by the Senator from Massachusetts at the last Congress, and this is a mere proposition to restore that to the bill.

Mr. HOAR. I am satisfied that the amendment ought not to prevail. It is requiring what is required of no other judicial remedy whatever, the giving of a bond in advance before the facts are heard. Very often the creditors whom fraudulent debtors seek to defraud are persons in humble life, are their own workmen, are persons of small means, and to require a heavy bond before a legal remedy should be allowed is contrary to our entire policy in all similar cases.

Mr. GEORGE. I might ask the Senator from Massachusetts if this provision is not proper why it was incorporated in the bill introduced at the last session and indorsed by him?

Mr. HOAR. It did not have my assent at the time. That portion of the section was drawn by somebody else and inserted in the bill. The Senator, on recurring to the debates of last session, will find that I expressed my objection to it then.

Mr. GEORGE. At all events it received so much of the indorsement of the Senator as was implied by incorporating it in a bill for our consideration which he introduced in the Senate. It is not an unusual provision. There are provisions in the bill as introduced by the Senator and now under consideration which require bonds. I think it is a very important provision. I do not think any man ought to be allowed to commence proceedings of this character, which are so damaging to the fortunes and credit of the defendant, without being sure that he stands on safe ground. He ought not to be allowed to bring merely speculative proceedings.

The mere fact that proceedings of this sort are commenced against a party destroys his credit; it impairs his energies. He can do nothing between the filing of the petition and the hearing of the cause. There may be mistrials, and it may be months before there is a final determination of the petition. It cannot be a hardship on the creditor. He ought to know what he is doing before he charges his debtor with fraud and institutes proceedings against him which will destroy him if successful and will greatly injure him even if it fails. Certainly it is no hardship, and I think it would be a very great omission on the part of the Senate to allow any citizen of this country, any man entitled to the protection of our laws, to be thus molested, and deprive him of a bond of indemnity against an improper and unfounded proceeding.

As is suggested by my friend before me [Mr. COKE], the reason for a bond in this case is much stronger than it is for an attachment bond. An attachment may be sued out against a man and he will be entitled to replevy the property at once. There is no charge of fraud, no implication against his character or standing as a man or as a citizen. I can not see but that the giving of the bond is a very essential and proper safeguard against the improper use of a very dangerous power granted by this bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi.

Mr. GEORGE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WILSON (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON]. I do not know how he would vote on this amendment, and I withhold my vote.

The roll-call having been concluded, the result was announced—yeas 19, nays 20; as follows:

YEAS—19.

Brown,	Conger,	Hampton,	Ransom,
Call,	Farley,	Harris,	Saulsbury,
Cockrell,	Garland,	Jackson,	Van Wyck,
Colquitt,	George,	Jonas,	Williams.
Coke,	Groome,	Morgan,	

NAYS—20.

Allison,	Dolph,	Ingalls,	Morrill,
Bayard,	Frye,	Logan,	Palmer,
Blair,	Harrison,	Manderson,	Platt,
Cameron of Wis.,	Hawley,	Miller of Cal.,	Sawyer,
Dawes,	Hoar,	Mitchell,	Sherman.

ABSENT—37.

Aldrich,	Gibson,	McPherson,	Sewell,
Anthony,	Gorman,	Mahone,	Slater,
Beck,	Hale,	Maxey,	Vance,
Bowen,	Hill,	Miller of N. Y.,	Vest,
Butler,	Jones of Florida,	Pendleton,	Voorhees,
Camden,	Jones of Nevada,	Pike,	Walker,
Cameron of Pa.,	Kenna,	Plumb,	Wilson.
Cullom,	Lamar,	Pugh,	
Edmunds,	Lapham,	Riddleberger,	
Fair,	McMillan,	Sabin,	

So the amendment was rejected.

Mr. GEORGE. I think it is likely that the amendment I now propose to offer will be agreeable to the Senator from Massachusetts, and I call his attention to it. It seems to me an omission in the bill. In section 26 it is provided—

That at any time before or within three months after the adjudication, upon proof being made by affidavit, to the satisfaction of the judge, that any bankrupt or person against whom proceedings in bankruptcy are pending is about to leave the district, and that his departure will hinder, impair, or delay the proceedings therein, the judge may issue his warrant to the marshal directing him to arrest said bankrupt, or supposed bankrupt.

Mr. HOAR. That section was not reserved.

Mr. GEORGE. In the same section there are provisions for the issue of warrants taking possession of the party's property, and then there is this proviso:

Provided, however, That no warrant or injunction interfering with or restraining the prosecution of the ordinary business of the alleged bankrupt shall issue unless the petitioning creditor execute and file with the clerk of the court a bond to the alleged bankrupt, &c.

The object of my amendment is to extend this provision for the bond to the issuing of the warrant for the arrest of the debtor.

Mr. HOAR. The Senator did not reserve an amendment to that section; but I have no objection for one to going back to it and to making the amendment. I think it is reasonable.

The PRESIDING OFFICER. The Chair stated some half hour since that the whole bill was in Committee of the Whole and open to amendment, not remembering at the moment the unanimous-consent rule under which the Senate was acting.

Mr. HOAR. I hope there will be no objection to this amendment.

The PRESIDING OFFICER. If there be no objection the amendment offered by the Senator from Mississippi will be received. Is there objection? The Chair hears none and the amendment will be read.

Mr. GEORGE. I fear I have lost it.

Mr. HOAR. I will suggest one which will cover it. Put in after the word "bankrupt," in line 25, the words "or requiring the arrest of his person," so as to read:

That no warrant or injunction interfering with or restraining the prosecution of the ordinary business of the alleged bankrupt, or requiring the arrest of his person, shall issue, &c.

Mr. GEORGE. That is it.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In section 26, line 25, after the word "bankrupt," it is proposed to insert "or requiring the arrest of his person."

The amendment was agreed to.

Mr. MORGAN. I desire to call the attention of the Senator from Massachusetts to section 107. As that section reads it seems to me it is the exercise of an unconstitutional power on the part of Congress:

SEC. 107. That this act shall not repeal or annul the laws of any State in force, or which may be hereafter enacted, in respect of insolvent debtors, except so far as the same may respect persons who are or may be within the purview of this act, and whose debts shall amount in the cases specified in the thirty-first and thirty-third sections thereof to the sums therein mentioned.

The point I desire to call the attention of the Senator from Massachusetts to is this: This section asserts the power of Congress to repeal or annul State legislation, and that, I apprehend, can not be the effect in any case at all. We can pass laws here providing a general and uniform system of bankruptcy, and those laws have their own constitutional effect, to be decided upon by the courts; but Congress can not assume to repeal an act of the Legislature or to annul an act of the Legislature of any State in this Union under any circumstances. I therefore think that the Senator will find it to the advantage of his bill to strike out section 107, inasmuch as it is an unnecessary section. The law has precisely that effect in cases of concurrent powers where the power of the Congress of the United States under the Constitution, when exerted, becomes supreme.

I have stated my point. I presume that the Senate comprehend the statement, and therefore I yield the floor.

Mr. HOAR. I understand that it has been settled that a law of the United States repeals and annuls, so long as it lasts, a State law on the subject of bankruptcy. It acts as a suspension. In the case of the Massachusetts insolvent laws, after the bankrupt law of 1867 passed they were suspended, and instantly revived on the repeal of the United States bankrupt law without any new legislation.

This language was drawn, I think I am not mistaken in affirming, by Chief-Justice Marshall. It was in the bankrupt law of 1800, and I know that some of the old bankruptcy legislation was drawn by him, and I think I am not mistaken in affirming that of this section, though I may possibly be. The effect of it is to show clearly that Congress did not mean to cover the whole ground. It might be claimed in the absence of this section—and that was the reason for putting it into the bill of 1800—that Congress meant to exhaust the subject of legislation for the purpose of distributing among creditors the estates of insolvent persons. There are certain classes of small creditors where it may be desirable still for the States by creditors' bills or by cheap hearings before judges of probate or in some other way to divide the whole property among the creditors.

In my judgment no United States bankrupt law that we have passed ever included railroad corporations, because a railroad is, in my opinion, an instrumentality of the power of the State. It has the power of eminent domain delegated to it to take land for the railroad to build the road, and it performs a great public function in providing a great public way for the people. That was held otherwise in the circuit court of New England by Judge Shepley under the old bankrupt law. This bill has not undertaken to go into that question, but to leave it to the courts to determine. It was intended by this section to declare that it was not to be understood that the States were prohibited from providing for any class of persons or any class of cases that we had not provided for, that were not within the purview of the act. I think on consideration the Senator from Alabama will see that the section had better stand.

Mr. WILSON. I suggest to the Senator from Massachusetts whether a modification of the section might not meet the object of the Senator from Alabama and still retain the section by amending it to this effect: In line 1 of the section strike out the words "repeal or annul" and insert the words "be held to suspend or affect the operation of."

Mr. HOAR. I have no objection to that.

Mr. WILSON. That would seem to me to avoid the force of the criticism of the Senator from Alabama, which is to the assertion of the right to repeal or annul State laws.

Mr. MORGAN. The object of this section of course is to restrain or restrict the effect of this act of Congress.

Mr. HOAR. If the Senator from Iowa prefers the phrase he suggests—it means exactly the same thing—I have no objection.

Mr. WILSON. It seems to me that it might meet the criticism submitted by the Senator from Alabama.

The PRESIDING OFFICER. The Chair would suggest that no amendment has been offered to the section.

Mr. WILSON. I will move, then, in order to meet the suggestion, to amend section 107 by striking out, in the first line thereof, the words "repeal or annul" and inserting in lieu thereof "be held to suspend or affect the operation of;" so as to read:

That this act shall not be held to suspend or affect the operation of the laws of any State in force, or which may be hereafter enacted, in respect of insolvent debtors, except so far as the same may respect persons who are or may be within the purview of this act, and whose debts shall amount in the cases specified in the thirty-first and thirty-third sections thereof to the sums therein mentioned.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. WILSON].

Mr. MORGAN. That amendment meets the constitutional objection I raised.

Mr. GARLAND. The suggestion made by the Senator from Alabama as to section 107 presents very singular and very curious questions. I do not think there is any doubt under the decision in the old case of Sturgis *vs.* Crowninshield that this section can not have any business in the law at all, and I was opposed to it in committee when it was presented. I have before me, however, the opinion in a very singular case of the Supreme Court during this winter, the case of Boese *vs.* King *et al.*, which came up from the court of appeals of New York, which brought up the alleged conflict between the bankrupt act of 1867, or what was left of it, and the insolvent act of the State of New York. The court, although not in express terms, came very near overruling the old decision of Sturgis *vs.* Crowninshield. It is true there was a divided court, it standing five to four, there being four dissenting judges in the case. They held that the insolvent act of New York of 1846 permitted the party to sue and take the benefit of the suit notwithstanding the bankrupt act of Congress and the pendency of proceedings under the bankrupt act. That is a very close question and one with the reasoning of the court in which I am not altogether satisfied.

I do not know that the amendment offered by the Senator from Iowa meets the real difficulty in the case. The section as it stands is protected by this decision of the Supreme Court which I hold in my hand; but the question comes now whether or not that decision, suppose we accept it as the law, is better law than the decision in Sturgis *vs.* Crowninshield, which has stood so long in this country as acknowledged and conceded law. I would much prefer for one to stand upon the original proposition of the Senator from Alabama to strike out the section entirely so as to bring no difficulty about it.

Mr. HOAR. If the Senator will pardon me, this section was put in when the bill contained the boundary of the jurisdiction of the bankrupt act at $500; that is, when no case under $500 could be brought into the bankruptcy court. That has been changed by the Senate to $300, so that the need of the section is very much less now than when the bill was introduced. I am quite sure I consulted the Senator from Arkansas himself on this particular matter and called it to his attention, and we both supposed that it might be convenient for the States to make some arrangement for distributing small estates themselves.

Mr. GARLAND. Yes.

Mr. HOAR. But on the suggestion of some Senator, against my original judgment, the jurisdiction of the bankrupt law was extended. I think it would be better now to leave estates, even to the amount of a thousand dollars, in the hands of the State Legislatures, because it would be very rare indeed that in so small an estate as that there would be debts due beyond the limits of the State which would require a discharge. But the Senate thought otherwise, and I did not make any great contest over that. I believe I consented to the amendment. That makes the section very much less necessary and important.

Mr. GARLAND. I agree with the Senator in that respect; but still it leaves something for it to operate upon. It was at my own suggestion that the Senate adopted the three-hundred-dollar limit instead of the five-hundred-dollar. But I can see in the position into which the matter is brought by the different conclusions of courts that we are going to have trouble upon this, and I do not think the amendment of the Senator from Iowa removes the difficulty. I believe the suggestion of the Senator from Alabama would do so by striking the entire section out.

Mr. HOAR. Let it go out.

Mr. GARLAND. And leave the matter stand upon the law as it is.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa [Mr. WILSON].

Mr. WILSON. If the purpose is to strike out the section, I will withdraw my amendment.

Mr. MORGAN. I move to strike out section 107.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN] to strike out section 107.

The amendment was agreed to.

Mr. MORGAN. I sent an amendment to the desk the other day, which I now offer. On page 21, section 33, line 20, after the word "preferences," I move to insert:

Or shall, after the passage of this act, sell or buy, or agree to sell or buy, for delivery at a future period longer than three days from the date of such sale or purchase, any stocks, bonds, or other securities, or any grain, food, provisions, provender, or cotton, wool, sugar, salt, or tobacco, without such vendor being, at the time of making such contract, the owner, or assignee, or trustee of the property sold, or agreed to be sold, or the authorized agent of such owner, assignee, or trustee.

When a bankruptcy bill was before the Senate at the last session of Congress I had the honor to present an amendment, which was adopted I believe on two separate votes by the Senate, substantially embodying this language. The bill was then recommitted to the Committee on the Judiciary, and they reported back a substitute for the bill that was under consideration by the Senate at the time this amendment was adopted, and the committee, after having revised the language of my amendment, reported that which I now have read; so that I presume it has been sufficiently well considered in respect of its verbiage, terminology, &c., and that it embodies perhaps in as good form as we can get it the idea that I desire to present.

The PRESIDING OFFICER. The amendment proposed by the Senator from Alabama will be read.

The Chief Clerk read the amendment.

Mr. MORGAN. This proposition has been for some time before the country; the newspaper press have commented upon it very freely and very extensively, and I presume that every Senator here has really considered the subject and made up his mind about it; so that it can scarcely be worth my while to undertake to present arguments in behalf of it this afternoon, unless some Senator shall make it necessary by objection to this being inserted in the bill.

Mr. HOAR. That language I did not make much objection to when it came up in the bill of last winter; the bill did not then pass; but on examination and on reading the discussion all over the country I am satisfied that it ought not to be inserted. I believe it received a nearly unanimous condemnation from the press so far as any press was friendly to the bill itself. As the Senator has got it now any grocer or marketman who should undertake to supply the Senator three days hence with his new stock of potatoes or with a barrel of flour, or a coal-dealer who should undertake to supply him with coal, or a dealer in fuel with wood, would instantly commit an act of bankruptcy, and a person who was worth a million dollars and did not owe a debt in the world would commit an act of bankruptcy by doing this.

The trouble is that this seeks to punish what is undoubtedly an in-

jurious practice, one which it would be very desirable to suppress; that is, gambling in stocks or in property of any kind, making contracts for sales with reference to a future rise or fall. It undertakes to punish that injury to the public interest by declaring it what it is not in fact, an act of bankruptcy, by bringing it into a system where it has no place and to which it has no relation whatever. It would be quite reasonable to provide that if a man being actually insolvent did these things that should be a reason for putting him into bankruptcy, and my impression now is that that is the way it was left last winter on final discussion; that it did not make it an act of bankruptcy in all cases, but only where the man was actually insolvent.

Mr. GEORGE. That is a very good way to make him insolvent.

Mr. HOAR. Now, take Mr.——; no, I will not name him, though the name of an individual came to my lips who has been a candidate for a pretty high place in this country. I will not name any individual; but take a man who is clearly worth $5,000,000 who goes into a stock speculation. This amendment, if I understand it, declares that that person shall be forthwith declared a bankrupt. What are you going to do with him when you declare him a bankrupt? He does not owe any debts or very few debts; he is not insolvent. You put him at the mercy of some person who desires to black-mail him. That is all there is of it.

Mr. MORGAN. Mr. President, the language of section 33 is divided out by semicolons down to the first period, and that part of the section covers thirty lines of text. In those thirty lines of text there are included various causes of involuntary bankruptcy. The section sets out with the proposition that a person before he can be put into involuntary bankruptcy must be a trader. No other person can be put into that condition for any delinquency or any failure in business of any kind. He must owe then debts exceeding in amount a thousand dollars, the second condition before you can get him into involuntary bankruptcy. And then if he "departs from the State, District, or Territory of which he is an inhabitant, with intent to defraud his creditors," he may be put in, "or, being absent, remains so with like intent," he may be proceeded against; or if he "conceals himself to avoid arrest or the service of legal process," he may be put in; or makes a "fraudulent transfer of his property; or conceals or removes the same to avoid process; or, with intent to defraud his creditors, procures or suffers judgment against him; or gives a warrant to confess judgment, or judgment-note, with like intent; or who, being actually insolvent, suffers his property to be seized on execution, and fails within twenty days thereafter to redeem the same from such seizure."

The evil intent which is presupposed in the other definitions that precede that is supposed to be absent, and he is put into bankruptcy or made amenable to the proceeding merely because, "being actually insolvent," unable to pay his debts, he "suffers his property to be seized in execution, and fails within twenty days thereafter to redeem the same from such seizure; or has suspended and not resumed payment of his commercial paper or open accounts, made, passed, or contracted in the course of his business, for a period of thirty days after the same were payable." Those two clauses are divided by a semicolon, and the latter cause of bankruptcy which I have just read does not bear upon his being insolvent at all. There is no dependence in that upon the preceding section.

Now we come to the next clause:

Or, who being insolvent—

Introducing that feature again—

makes a preference to any creditor as hereinafter defined, or makes an assignment for the benefit of existing creditors, with or without preferences.

There the evil to be remedied is that the party being actually insolvent makes a preference among his creditors, or makes an assignment without preference among his creditors, an assignment in that phraseology being construed of course to mean a common or general assignment of all he possesses, but without fraud, without even intent to defraud, without anything of that sort. Now this amendment which I offer follows that semicolon after the word "preferences," and defines an entirely separate and distinct cause of bankruptcy, which is that being indebted to the amount of a thousand dollars and being a trader—for those are the conditions precedent to the whole operation of this involuntary clause—a man shall after the passage of this act sell or buy, or agree to sell or buy for delivery in the future, &c. I think it is entirely competent and entirely proper that in dealing with traders we should give to their creditors the benefit of all the moral protection we can against acts on their part which are destructive of the welfare of traders and of the community also.

The Senator from Massachusetts confesses that here is an evil which ought to be checked, but he thinks a bankrupt bill is perhaps not the proper proceeding in which to make the correction. It seems to me that it is not only proper, but that it is the only one in which we can legislate against this evil.

A man who goes in as a trader upon capital which he represents himself as having and upon that representation obtains credit from various persons in the country, goes to a gambling table, goes to a faro bank and gambles away his money—I do not know why that man should not be as liable to be put into bankruptcy as if he had made some unfortunate speculation and other men had failed to pay him money or he had failed to the extent of being sued to a judgment against him and a return of no property found on his judgment or he has failed to redeem the property that has been seized.

Neither can I understand why a man in that condition, who thus deals with his creditors and his property and who abuses the confidence which the community have a right to place in men who hold themselves out as traders, if he stakes his money upon futures, if he engages in the business of buying and selling in the form stated property of the descriptions mentioned in the amendment, as we say dealing in futures, I can not understand why that man has not placed himself in a position to be suspected, both as to his motives and as to the soundness of his business transactions. I can not understand why we ought not to make that a cause for putting that man into bankruptcy.

Why, sir, if a commission merchant, or any man having the right to handle my property of any description whatsoever, upon whose honesty and integrity and morality I have placed confidence and faith, takes my money or his own and goes into the stock market and commences to bet money upon future dealings, that man has forfeited his right as a trader; and if he owes a thousand dollars, holding the character of a trader, his creditors ought to have the right to say to him, "You owe a thousand dollars; of course you would not owe it if it was not due, and you can not pay it; you are here put in default to the amount of a thousand dollars by the non-payment of overdue paper, and you have been engaged in speculation in futures, buying or selling, and that is as much evidence of your want of business integrity, your want of capacity to manage business for me or for other persons as if you had gone out of sight to avoid service of process, or had concealed your property, or had suffered a judgment and not paid it, or had made an assignment with preferences or without preferences in perfect honesty and good faith."

Mr. HOAR. May I ask the Senator, is not the distinction this: In all those cases enumerated in the bill the things themselves are acts of insolvency or indications of insolvency. They are either the removal of the property from creditors whom the debtor is not paying, being actually insolvent, or they are indications of insolvency, while the man who does this thing may be absolutely solvent.

Mr. MORGAN. How would he be solvent if he had a thousand-dollar debt overdue and unpaid?

Mr. HOAR. That is not the phrase, "overdue and unpaid."

Mr. MORGAN. That is the phrase which precedes every one of these conditions. When you come to file a petition against a party and put him into involuntary bankruptcy, the first thing you allege is that he is a trader, and the next thing you allege is that he owes debts exceeding in amount $1,000.

Mr. HOAR. Exactly.

Mr. MORGAN. Yes; owing debts.

Mr. HOAR. But he must do more than that. Of course he must owe the debts to a certain amount and he must be a trader; but a man may be a trader and owe a thousand dollars' worth of debts and be as solvent as any man in the world. I suppose you would not find one trader in ten thousand in this country who would not owe a thousand dollars of debts if he was a trader of any amount. Now, the bill says that if this man conveys his property away by an assignment, or prefers creditors, which is a sign that he does not mean to pay one and does another, or has his property seized for debt, or suspends, which are acts or proofs of insolvency, you put him into bankruptcy.

The Senator proposes that if a man gambles in futures, although he is not insolvent, although every creditor that asks him for his debt can get it, he shall be put in bankruptcy, and the Senator does not say that. That is what he means to say, but he does not say that. He does not say that the man who gambles in futures shall be put in bankruptcy, but he includes in his description the most innocent, proper, and necessary transactions in the world. He includes the marketman who agrees with a person whose family he is supplying with their ordinary provisions that he will put one hundred bushels of potatoes into their cellar next week. He includes a man who promises to purchase for the horse of the Senator some hay or some straw or some oats and put them next week into his stable or barn. The same logic would include the man who undertook to give him a supply of coal. He has not struck at the men who are insolvent and do these things. He has not struck alone at the men who do these things as gamblers or speculators, but he has struck at a very large, important, and necessary business.

Mr. MORGAN. Well, Mr. President, I strike at the same crowd precisely that the Senator from Massachusetts has struck at, for I adopt his semicolons, and divide my causes of bankruptcy up precisely as he has divided up his; and the prefix to the whole category of causes of bankruptcy is the language that I read:

That any person, being a trader, residing and owing debts exceeding in amount 1,000, who, after the passage of this act, departs from the State, &c.

Now does the Senator from Massachusetts mean that a man shall be insolvent before he can be put into bankruptcy? Can a man who owes a thousand dollars be put into bankruptcy because he may have concealed himself to avoid the service of process not in a case or not upon the debt that you may be trying to collect out of him, but to avoid service of process in some other legal proceeding, a proceeding of affiliation, or

something like that? A man conceals himself owing a thousand dollars, and being a trader, to avoid the service of an injunction that he does not want served on him in some case, thinking that is the proper way to escape from the clutches of the law or from the tyranny of some man who is trying to prosecute him.

The Senator's bill does not say that man must be insolvent, but yet it is fully implied from the bill itself that he must be; otherwise you can not put him into bankruptcy, for a man who owes a thousand dollars and who may conceal himself to avoid the service of an injunction not connected with the thousand dollars he owes but connected with some civil demand would be put into bankruptcy under the Senator's bill unless he should come forward immediately and pay the thousand dollars the Senator demanded of him. If he pays the thousand dollars, of course he does not go into bankruptcy. Why so? Because he vindicates himself against the accusation of insolvency.

The involuntary system of this bill is predicated only upon the idea that the party proceeded against in bankruptcy is actually insolvent. The Senator from Massachusetts is not trying to put solvent men into bankruptcy. That is not the proposition. If a man's assets will pay more than his debts, say ten times over, the Senator from Massachusetts does not want him put into involuntary bankruptcy; but his bill provides for that if it provides for the category which the Senator has called to my attention.

I am entirely willing to modify this amendment by saying "a person, being insolvent, who shall after the passage of this act sell or buy, or agree to sell or buy," &c. I am entirely willing to do that, because I understood that to be the prefix to the whole affair; that the whole of this involuntary clause has been predicated upon the idea exclusively that the party proceeded against in involuntary bankruptcy must, as a matter of course, be insolvent. If he can pay the debt and escape all proceedings in bankruptcy, I take it for granted that if any man owes $1,000 and his creditor comes to him and says, "I am going to put you into bankruptcy," he can take a thousand dollars of gold or greenbacks out of his pocket and escape from that creditor; and that thousand dollars may be all he owes in the world. The whole of this bill is predicated, I repeat, upon the idea that it is a proceeding whether by a bankrupt upon the ground of his being insolvent or whether against him on the ground of his being insolvent, and it does not affect my amendment at all if the Senator from Massachusetts desires to have the words in to make it more explicit "or being insolvent shall," and I will ask leave to modify my amendment in that respect.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. FRYE. Leave the comma after "preferences" and go on without putting in the words.

Mr. MORGAN. That is true, a comma there will do it, but perhaps I had better for the sake of caution leave the semicolon just where the Senator from Massachusetts put it in and add "or who being insolvent shall, after the passage of this act, sell or buy, or agree to sell or buy," &c.

That is all I have to say on that branch of it. The Senator from Massachusetts, however, thinks that a man ought not to be put in bankruptcy who is a trader and who may buy or sell provisions for delivery three days after the time of the contract. The Senator will notice the language—

> Or being insolvent shall, after the passage of this act, sell, or buy, or agree to sell or buy, for delivery at a future period longer than three days from the date of such sale or purchase, any stocks, bonds, or other securities, &c.

I grant that there is a good deal of difficulty in getting language together that will define precisely the line on which we wish to proceed in stopping this business of gambling in futures. But I first considered the subject in ignorance; the matter then went before the Committee on the Judiciary, and they reported back the very words I have now employed in offering the present amendment, and I take it for granted that that collection of words embodies the idea about as safely and about as clearly as perhaps any of us can do. It underwent very scrutinizing investigation in the Judiciary Committee, as I am informed.

A man who is the owner of produce—I care not how he has obtained it, if he is the owner of it, whether it has been consigned and shipped to him or not—has a perfect right to dispose of it after he becomes the owner of the property; but if he has a mere contract to purchase or a mere contract of sale on property not *in esse*, the property which he does not own and in respect of which he has a mere bargain under which he may become the owner, that man has no right to deal with that as property in his actual possession.

The evil of this system has become so notorious as that the whole country has manifested a very earnest desire that it should be checked. The Senator from Massachusetts has found a different set of commentators upon this proposition from those that I have seen. The impression that I derived from the criticisms of the common press of the country upon that feature of the amendment as incorporated in this bill before was that the Congress of the United States was doing good to the country by trying to cut off this business of engaging in futures. I can think of nothing that would have a more repressive effect upon it.

Mr. HOAR. The Senator will pardon me for suggesting that if he would put into this clause the words which he now proposes, "being insolvent," and then would put in at the end "except for the purposes of supplying food, grain, or provisions"—not letting the exception apply to stocks, bonds, and securities—"to his customers for their personal use or for the use of themselves and their families in the ordinary course of business," so as to exclude the criticism which I made about its affecting ordinary provision dealers and coal dealers, which he certainly does not intend, he would answer my argument at least and save time.

Mr. MORGAN. I am willing to agree to that qualification, because that would have been precisely what I would have made the language read if I had sat down to write it anew; but I adopted this language because it had passed muster in the Judiciary Committee. I am willing to put that exception in, because I think it is proper. That is not a case within the meaning of this statute as we propose to make it; for a *bona fide* effort to supply a man's regular customers or to supply persons actually and in good faith with food, or with any of the articles mentioned here, except stocks and bonds, would be not merely a lawful but a commendable act, and I would not put a man into bankruptcy for that. If he was insolvent I would give him a chance to pay. The Senator from Massachusetts can draw that exception, and I will accept it as a modification of my amendment.

Mr. WILSON. I suggest to the Senator from Alabama whether the introduction of the term "except in the ordinary course of business" would not be sufficient? That is a term which is pretty well defined by the courts and has a settled meaning.

Mr. MORGAN. I doubt that, because the "ordinary course of business" in Wall street is to deal only in futures.

Mr. WILSON. You are excluding that by the very terms of the amendment.

Mr. MORGAN. The suggestion made by the Senator from Massachusetts seems to me entirely reasonable, and if he will write it out I will adopt it.

Mr. WILSON. The language suggested by the Senator from Massachusetts may give this a very narrow operation, much more so than either of the Senators would desire; but it seems to me that if the language should be "in the ordinary course of trade," or "ordinary course of business," it would accomplish the object of the Senator from Alabama without interfering with the ordinary transactions of legitimate trade.

Mr. MORGAN. Will the Senator propose his amendment in form and I will look at it?

Mr. HARRISON. This amendment is certainly an important one, and I think in the general purpose of it very many of us would sympathize, I should think likely a majority of the Senate; that is, in so far as it is aimed at gambling transactions, those purchases and sales that are ideal and not real. They are the bane of all business in this country now. They are permeating all of our States from the great centers, seducing from their legitimate business pursuits the officers of our banks and our merchants. They are reprehensible in every direction.

This amendment ought I think to be so framed as not to include the cases of those who in perfectly legitimate trade contract to deliver to a slaughter-house a thousand hogs. A man knows that they are in his neighborhood; he knows the market price, and he makes a contract to go out in the community and buy them and deliver them. I take it that is legitimate trade, so of many other transactions in milk and butter and other articles of that kind. The sellers have not got them actually in possession when they contract. They make their contracts in advance, and they know where the articles are, and they go and buy them, and the contract is made with the purpose of an actual delivery of the thing to a person who intends to receive it and to make use of it in trade. I take it there is a margin there in which one may contract to sell that which he has not presently got, which is legitimate trade, and that we should do unwisely if we put in here a provision that would curtail that sort of trading in the community.

If this can be reduced to such form that it will apply only to the class of so-called trading that I first described, it will have my hearty concurrence, and it is the only way we can reach it perhaps by national legislation. But I was going to suggest that in order to reach this we might dispose of every other pending amendment and by unanimous consent agree that this only should be acted upon to-morrow, giving the Senator from Alabama and the Senator from Massachusetts time to confer about it and make the proper limitations, and so let the bill go over, with the consent of the Committee on Appropriations, and have this single matter acted upon to-morrow.

Mr. ALLISON. I understand that the Senator from Mississippi [Mr. GEORGE] (I do not see him in his seat) has twelve or fifteen amendments yet to propose.

Mr. HARRISON. We can go on with them now.

Mr. MORGAN. I have no objection to the course suggested by the Senator from Indiana, inasmuch as I want to make the language agreeable to the Senators who concur with me in opinion.

Mr. PLUMB. I wish to say in regard to the proposition to continue the consideration of the bankruptcy bill to-morrow that I shall be obliged to-morrow to antagonize with it the Post-Office appropriation bill. I gave away this afternoon with the understanding that the bankruptcy bill would probably be disposed of in the course of thirty min-

utes. While of course the Senate will order its own proceedings, at the same time I shall feel instructed under the direction of the Committee on Appropriations to ask the Senate to proceed to the consideration of the Post-Office appropriation bill immediately after the conclusion of the morning business to-morrow.

Mr. HARRISON. I think we might have consent to reserve this single amendment and dispose of it in the morning hour to-morrow, getting through with any other amendments that may be offered to-night.

Mr. HOAR. I suggest that we go on with all the other amendments, and then when they are finished reserve the right to act on this amendment till the morning after the morning business.

Mr. PLUMB. By to-morrow morning the Senate will have gotten itself so rested and so prepared for new discussion and there will be so many suggestions about new points of difference that I should despair of any conclusion being reached to-morrow.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The question is on agreeing to the amendment of the Senator from Alabama [Mr. MORGAN].

Mr. HOAR. I move to amend the amendment of the Senator from Alabama by inserting, after the word "or" where it first occurs in the fifth line of that amendment, the words "except in the ordinary course of business for the supply of his customers."

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts will be reported.

The CHIEF CLERK. It is proposed to amend the amendment by inserting, after the word "or," in the fifth line, the words "except in the ordinary course of business for the supply of his customers;" so that if amended the amendment will read:

Or, being insolvent, shall, after the passage of this act, sell or buy, or agree to sell or buy, for delivery at a future period longer than three days from the date of such sale or purchase, any stocks, bonds, or other securities, or, except in the ordinary course of business for the supply of his customers, any grain, food, provisions, provender, or cotton, wool, sugar, salt, or tobacco, without such vender being, at the time of making such contract, the owner, or assignee, or trustee of the property sold, or agreed to be sold, or the authorized agent of such owner, assignee, or trustee.

The PRESIDING OFFICER. Is the Senate ready for the question on agreeing to the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Alabama [Mr. MORGAN].

Mr. CALL. If it is agreeable to the Senator from Massachusetts and the Senator from Alabama I will move that the Senate adjourn.

Mr. HOAR. I yielded the time this morning on account of the desire on the other side of the Chamber, in the first place, to deal with some questions which were on the Calendar; so that I withdrew my motion to proceed to the consideration of the bankruptcy bill at the conclusion of the morning business. Then the Senator from Oregon [Mr. SLATER] desired to make a speech; and I was in hopes that every Senator would agree to stay and finish the bankruptcy bill to-night. We have got to do it some time.

Mr. HARRIS. I suggest to the Senator from Massachusetts, while I am quite willing to stay as long as he may desire, that if we should come to a division at this moment I think the chances are ten to one we have not a quorum within the walls of the Capitol.

Mr. CALL. I suggest to the Senator from Massachusetts that the Senator from Mississippi [Mr. GEORGE] has several other amendments to propose, and their consideration would probably require a much longer time than he would be willing to stay.

Mr. HOAR. My fear is, as my friend from Mississippi is the great friend of the laborers of this country, as we all know——

Mr. GEORGE. Let me interrupt the Senator. Is it not a good thing to be a friend of the laborers?

Mr. HOAR. In one moment.

Mr. GEORGE. Let me ask the Senator if it is not a good thing to be a friend of the laborers?

Mr. HOAR. Let me finish my sentence.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. HOAR. My friend from Mississippi is a great friend of the laborers. He has them constantly in his mind, day and night. My fear is that if he goes home, instead of having a good, honest night's sleep he will lie awake all night, and he will have more than fifty amendments to-morrow morning instead of the five or six he has now.

Mr. GEORGE. I think I should be allowed to say——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. HOAR. Yes, sir; I yield the floor.

Mr. GEORGE. I do not think it is any very great discredit to a man to be a friend of the laborers; and I do not think that I shall lose any more sleep in thinking about the laborers than my friend from Massachusetts will lose in thinking about corporations and that sort of interests in this country.

Mr. SAULSBURY. Let us adjourn.

Mr. CALL. I move that the Senate adjourn.

Mr. PLUMB. I give notice that I shall, at the conclusion of the morning business to-morrow, move that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. HOAR. I shall ask the Senate to continue the consideration of the bankruptcy bill.

The PRESIDING OFFICER. The Senator from Florida [Mr. CALL] moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 17, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS SAINT CROIX RIVER.

The SPEAKER. The gentleman from Wisconsin [Mr. PRICE] yesterday called up a bill which could not be found, on account of a wrong number being indicated. The bill has been found, and the gentleman now asks unanimous consent to take from the House Calendar for present consideration the bill, which the Clerk will read, subject to objection.

The bill was read, as follows:

A bill (H. R. 6538) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota.

Be it enacted, &c., That the Chippewa Falls and Western Railway Company, created and existing under the laws of the State of Wisconsin, is hereby granted the right to construct an iron or steel bridge, with masonry piers, to be used by it, its successors or assigns, for railroad purposes or for railroad and highway purposes, and as a public highway, with continuous span, across the Saint Croix River from such point in the State of Wisconsin, in township numbered 30 north, of range numbered 20 west of the fourth principal meridian, in the county of Saint Croix, which said corporation may select to such point in the county of Washington, in the State of Minnesota, opposite thereto, as said corporation may select: *Provided*, That the bridge to be constructed under the authority hereby granted shall not interfere with the free navigation of said stream beyond what is necessary in order to carry into full effect the rights and privileges hereby granted; and that said piers shall be built at right angles with the current of the stream where said bridge may be erected, and that each span shall be not less than one hundred and twenty-five feet: *Provided*, That said bridge shall be and be considered a legal structure, and shall be a post-road for the transmission of the United States mails: *And provided further*, That the bridge shall be built with one span of not less than one hundred and fifty feet in the clear over the navigable channel, with a height of not less than sixty feet in the clear above low-water mark.

SEC. 2. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall from time to time prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge, and a map of the proposed location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, actually showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and the Secretary of War shall determine the proper length of the spans of said bridge, and the height thereof above high-water mark, and as to the plan of the bridge in all respects; and if it be found at any time that such bridge unnecessarily or materially obstructs navigation, he shall require the necessary changes to be made therein, in the interest of such navigation, at the expense of said company; and said company shall maintain, at its own expense, from sunset until sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

SEC. 3. That the said railroad company shall have the right to construct passage ways on said bridge for foot passengers and vehicles of every description, and to charge a reasonable toll therefor; but the rates of toll shall be submitted to the Secretary of War and shall be subject to his approval and to any change he may think proper from time to time.

SEC. 4. That such alterations or changes as may be required by the Secretary of War or Congress in any bridge constructed under the provisions of this act shall be made by the said railroad company at their own expense; and it is hereby expressly provided that Congress reserves the right at any time to alter, amend, or repeal this act.

The SPEAKER. Is there objection to the present consideration of the bill?

ORDER OF BUSINESS.

Mr. MORRISON. I call for the regular order.

Mr. PRICE. I hope the gentleman from Illinois will withhold the demand for the regular order till this bill can be passed. It is a matter of very considerable importance. The bill has passed the Senate. There can be no possible objection to it, and it will take but a moment. I should like to have it passed, that it may go the Senate, which has already passed a similar bill.

Mr. MORRISON. I insist on the regular order.

Mr. SPOONER. I rise to present a privileged report from the Committee on Accounts.

Mr. MORRISON. I withdraw the call for the regular order, that the gentleman from Wisconsin [Mr. PRICE] may call up the bill he has indicated.

The SPEAKER. Another matter is now before the House. After that is disposed of the Chair will again recognize the gentleman from Wisconsin.

EXPENSES OF COMMITTEE ON ACCOUNTS.

Mr. SPOONER. I am directed by the Committee on Accounts to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the expenses incurred by the Committee on Accounts and the subcommittee thereof, under the resolution of the House of Representatives of January 23, 1884, be paid out of the contingent fund of the House, the same being first approved and allowed by the Committee on Accounts.

The resolution was adopted.

Mr. SPOONER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS SAINT CROIX RIVER.

The SPEAKER. Is there objection to the present consideration of the bill (H. R. 6538) called up by the gentleman from Wisconsin [Mr. PRICE]?

Mr. HOLMAN. Let the title be read.

Mr. WARNER, of Ohio. What committee reports the bill?

The SPEAKER. The Committee on Commerce.

Mr. HOLMAN. I think the bill should be read.

The SPEAKER. The bill has been once read. If there be no objection it will be read again.

Mr. BEACH. I object. It is a long bill.

Mr. HOLMAN. If the bill has been read and if it places the construction of the bridge completely under the control of the Secretary of War, I do not object.

Mr. WASHBURN. It does. It contains all the usual provisions and conditions.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PRICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGISTRATION OF STEAMSHIPS.

Mr. ADAMS, of New York, by unanimous consent, introduced a bill (H. R. 6662) to authorize the registration of certain steamships as vessels of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT BROOKLYN, N. Y.

Mr. JAMES. I ask unanimous consent to call up the resolution of the Committee on Public Buildings and Grounds in relation to the public building at Brooklyn, N. Y., which I think is on the Speaker's table.

The SPEAKER. The resolution is not at present in possession of the House. Unanimous consent was asked yesterday morning by the gentleman from South Carolina [Mr. DIBBLE] to report the resolution, but the matter was postponed on account of the absence of the gentleman from New York [Mr. JAMES].

Mr. DIBBLE. I now ask consent to submit the report from the Committee on Public Buildings and Grounds, being a substitute for the resolution referred to that committee.

The SPEAKER. The original resolution will be read, and then the proposed substitute.

The original resolution was read, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to furnish to this House copies of all orders, reports, recommendations, correspondence, and other papers on file in the Treasury Department relating to the purchase of a site for a public building in the city of Brooklyn and State of New York.

The substitute was read, as follows:

Whereas a resolution was referred to the Committee on Public Buildings and Grounds relative to the purchase of a site for a public building in Brooklyn, N. Y.; and

Whereas at a hearing before said committee specific charges were made, in writing, and filed with said committee, alleging complicity between some of the officers of the Government and the owners of real estate in said city, whereby it is alleged that the Government is likely to be required to pay an exorbitant price for the contemplated site; and

Whereas it is due to the Government as well as to the officers implicated that the facts should be ascertained: Therefore,

Be it resolved, That the Secretary of the Treasury is requested to furnish to this House copies of all orders, reports, recommendations, correspondence, and other papers on file relative to the purchase or contemplated purchase of a site for a public building in the city of Brooklyn, N. Y., and that the Committee on Public Buildings and Grounds be instructed to investigate the charges made, with power to send for persons and papers; and that the Secretary of the Treasury be requested to suspend negotiations for the purchase of said property pending the investigation.

The SPEAKER. Is there objection to the present consideration of the report from the Committee on Public Buildings and Grounds?

There was no objection.

The SPEAKER. The question is upon agreeing to the substitute which has been read.

Mr. JAMES. Before the vote is taken I desire to make a brief statement. When consent was asked yesterday to report this substitute to the House and have it considered at that time objection was made by one of my colleagues [Mr. SKINNER] on account of my absence. That objection has been used by some of the journals of the city of New York to the prejudice of my good character and reputation. I therefore wish to say in the presence of the House that had I been present yesterday I should not have objected to the consideration of the resolution. The gentleman who did make the objection did so without my wish, and simply out of kindness to me, as I was absent.

So far as the purchase of the site for the public building at Brooklyn is concerned, I have no reason to doubt that every transaction in connection with it has been upright and honest. The amount which the Secretary of the Treasury thought he was allowed to expend for the purchase of the site was $450,000. The agent of the Government who had authority from the Secretary to make the purchase has expended for that purpose $501,082.50. I have here a statement of each item of the expenditure, the name of each person to whom the money was paid, and all the facts concerning the purchase of the property, which I shall publish in connection with my remarks.

I wish to have it understood that so far as I am personally concerned I do not care whether there is an investigation or not. The Secretary of the Treasury is perfectly willing to have the investigation; the Supervising Architect is willing that there shall be an investigation; and all that they ask is that the investigation be made promptly, in order that the work may go forward.

The table referred to by Mr. JAMES is as follows:

Lot 1.	No. 283 Washington street, Mrs. Augusta Titus		$30 000 00
Lots 2 and 8.	75 feet on Washington street, 160 feet deep, and 26 feet on Johnson street, Mr. W. A. Husted (numbers not known)		175,000 00
Lot 3.	Louis and Hermann Liebmann, 100 feet on Washington street (numbers not known)	$50,000 00	
	Including Mr. Sherlock's lease for two years (cash)	19,500 00	
			69,500 00
Lot 4.	No. 23 Johnson street, John Cassidy	33,000 00	
	Including Thomas M. Fleming's claim to it (cash)	10,000 00	
			43,000 00
Lot 5.	No. 25 Johnson street, Mrs. Margaret L. Taylor	13,500 00	
	John F. James's commission	250 00	
	Thomas T. Northall's lawyer's fees	17 50	
			13,767 50
Lot 6.	No. 27 Johnson street, Mrs. Mary Bene	19,000 00	
	Jacob Wahl's two years' lease	12,000 00	
			31,000 00
Lot 7.	No. 31 Johnson street, John and James Hanna and two sisters	15,000 00	
	H. Naus's lease, six months	375 00	
			15,375 30
Lot 8.	Nos. 33 and 35 Johnson street, W. A. Husted, included in Lot 2.		
Lot 9.	No. 37 Johnson street, Mrs. Ellen Cameron		10,000 00
Lot 10.	No. 39 Johnson street, Miss Deziah Buckelew and sister		12,000 00
Lot 11.	No. 288 Adams street, Mrs. Mary Spencer	$8,500 00	
Lot 12.	No. 286 Adams street, Mrs. Amanda M. Way	8,500 00	
Lot 13.	No. 284 Adams street, Charles D. Spencer	8,000 00	
		25,000 00	
	D. H. Way's commission, in cash	1,750 00	
			26,750 00
Lot 14.	No. 282 Adams street, John C. Gulick	8,000 00	
	Louis Trueg's one year's lease	1,000 00	
	D. H. Way's commission	340 40	
			9,340 00
Lot 15.	No. 280 Adams street, Misses Hartnett (sisters)		12,000 00
Lot 16.	No. 278 Adams street, W. A. Husted		10,500 00
Lot 17.	No. 276 Adams street, Mrs. Agnes I. Spencer		10,000 00
Lot 18.	No. 274 Adams street, Henry Hoffman	$11,500 00	
	Commission	$100 00	
	Commission	150 00	
		250 00	
			11,750 00
			479,982 50

EXPENSES UP TO APRIL 16, 1884.

Searches and abstracts, lawyers' fees, (about)	9,500 00	
Leonard Moody's guaranteed commission	5,000 00	
Interest on loans (about)	2,500 00	
Traveling expenses	1,500 00	
Cash expenses for getting deeds and contracts signed and verified	2,600 00	
		21,100 00
		501,082 50

HERMANN LIEBMANN.

BROOKLYN, N. Y., *April* 16, 1884.

Mr. SKINNER, of New York. When the gentleman from South Carolina [Mr. DIBELE] asked consent yesterday to report the resolution now before the House, I objected to its present consideration. I was aware that it involved a question of great interest to one of the cities of New York, and I also knew that my colleague [Mr. JAMES] felt a deep interest in the question so far as the construction of the building is concerned, and might desire to be present. I desire to corroborate Mr. JAMES'S statement by saying that not a word had ever passed between him and myself in reference to the investigation recommended by the committee. I knew simply that he was not in his seat, and I desired that when action was taken upon the question it should be done in his presence.

In this connection I wish to refer to a statement made in a morning paper to the effect that I was pressed by various members to withdraw my objection, and that it turned out that I was really objecting at the private request of my colleague [Mr. JAMES]. All I have to say in reference to that is that the statement is absolutely false in every particular. I knew nothing of the merits of the question so far as regards the necessity or advisability of an investigation. Having since been informed that the Secretary of the Treasury requests this investigation, that Architect Bell also requests it, and that my colleague has no objection to it, I certainly do not object, and wish simply to make this statement, having yesterday objected to the consideration of the reso-

lution for the reasons I have stated. I may have done my colleague injustice by interposing an objection at the time, but there was certainly no understanding direct or implied between us. I simply did as I would have thanked any of my colleagues for doing under similar circumstances.

Mr. DIBBLE. I wish to say, on the part of the committee, that we have proceeded in this matter simply because the charges were before us in writing. We have no further comments or statements to present until we are authorized to investigate and report.

The question was taken upon the substitute, and it was agreed to.

The resolution as amended was then adopted.

Mr. DIBBLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

Mr. REED. What is the resolution?

The SPEAKER. It is one reported from the Committee on Public Buildings and Grounds authorizing an investigation in regard to the purchase of a site for a public building at Brooklyn, N. Y.

Mr. REED. I understood that the regular order had been called, and that we were proceeding with it.

The SPEAKER. The demand for the regular order was withdrawn.

Mr. REED. It appears to me that this investigation ought not to take place.

The SPEAKER. The resolution has been adopted, and the question now is on the motion to reconsider and to lay that motion on the table.

The question was taken; and the motion to reconsider was laid on the table.

AMERICAN MERCHANT MARINE.

Mr. SLOCUM. I ask unanimous consent to submit for present consideration the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the consideration of the bill (H. R. 2228) to "remove certain burdens on the American merchant marine, and to encourage the American foreign carrying trade," and that Saturday, April 26, be set apart for the consideration of the same.

Mr. RANDALL. I must object to that.

The SPEAKER. Objection is made, and the resolution is not before the House.

SETH WILMARTH.

Mr. LOVERING, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Naval Affairs:

Resolved, That the Secretary of the Navy be, and hereby is, authorized and requested to appoint a commission of three or five officers of the Navy to make full inquiry and investigation as to what, if any, compensation should be made to Seth Wilmarth, of Malden, Mass., for his invention and extra services in the construction of the great metal-planer now at the Boston navy-yard, for which letters patent of the United States were issued to said Wilmarth, under date of January 29, 1869, and for the use of said planer by the Government since its construction, and report the result of such investigation to this House.

CATHERINE LEWIS.

Mr. JOHN S. WISE, by unanimous consent, introduced a bill (H. R. 6663) restoring to the pension-roll the name of Catherine Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENT LAWS.

Mr. VANCE. I ask unanimous consent to present at this time, and have printed in the RECORD, certain resolutions of the convention of inventors, held at Cincinnati, March 25, 1884; also resolutions adopted at the meeting at Lowell, Mass., concerning the patent laws; and let the same be referred to the Committee on Patents.

There was no objection, and leave was granted accordingly.

The resolutions are as follows:

WASHINGTON, D. C., *April* 4, 1884.

Hon. R. B. VANCE,
House of Representatives:

At the convention of inventors of the United States held at Cincinnati, Ohio, March 25-27, 1884, at which there was a registered attendance of some six hundred persons, and in connection with which over 4,000 inventors or owners of patents addressed letters of hearty sympathy and concurrence to the chairman of the executive committee, the resolutions set forth in the accompanying copy were unanimously adopted, and it was requested that the chairman take measures to have said resolutions presented to the Senate and House of Representatives now assembled in Congress.

Therefore, in pursuance of the foregoing, and at the instance and request of the president of the said convention, I herewith forward said copy and request that the said resolutions may be duly presented in the House and referred to the Committee on Patents.

Respectfully,

L. DEANE.

Whereas the incentive and rewards given inventors by the Constitution of the United States and the laws of Congress passed thereunder have done more perhaps than any one cause to advance our whole country to the front rank in wealth, resources, and industries among all nations of the world; and

Whereas any material change in those laws would in the opinion of this association seriously retard our material progress as a people: Therefore,

Resolved, That our Senators and Representatives in the United States Congress are respectfully requested to oppose the passage of any bill which would have the effect to discourage inventions by impairing the value of patented property or imposing any conditions on the owners of such property in prosecuting and maintaining their rights to the full value of their said property which are not equally applicable under the laws of Congress to the rights of all property and the remedies provided to protect the same for all citizens of our entire country.

Resolved, That the inventors, patent-owners, brain-workers, and citizens of the United States, in convention assembled, where patent interests antagonize no other, but benefit all classes of the community alike, demand the continued protection of our present patent system unimpaired by Congress.

Resolved, That since the money derived from the fees paid by the inventors to the Government is ample to pay all the cost and charges, it is the imperative duty of Congress to provide sufficient force in the Patent Office to do the work well, and to keep it up to date, and in all details and particulars to thoroughly equip the Patent Office for its work, by providing sufficient accommodations for its force, an ample library of books and publications pertaining to patent and scientific matters, and full and complete digests of inventions in all the classes, and rooms and means to enable the inventor and patentee to search into the novelty of any device or the state of the art in any given direction.

Resolved, That the dignity and importance of the business of the Patent Office demand that it should be severed from the Interior Department and made a Department by itself, with a head recognized as a member of the Cabinet.

Resolved, That since the matters adjudicated in the Patent Office are in a very large degree legal in their scope and bearing, it is the evident necessity of the case that there should be a distinctly legal bureau or division of this office, clothed with the authority to hear and decide said matters and enforce its decisions.

Resolved, That though there have been nearly 300,000 patents granted, there have been scarce a score of patents which the public has objected to, and no patent based on a wrong, which the courts have not finally held invalid.

Resolved, That since under our law the Patent Office must be self-sustaining, and since there are very large requirements to cover the expenses of properly equipping the Patent Office for full discharge of its duties, it does not at present seem to be expedient to reduce the Government fees on patents.

Resolved, That protection under the patent system is of more vital importance to us as a nation than the protection of any other industry connected with our Government.

Resolved, That Congress be requested to so modify section 4887 of the United States Statutes that letters patent for the invention of a citizen of the United States shall continue in force for the full term of seventeen years, whether such invention shall or shall not have been previously patented in any foreign country.

Resolutions adopted at the meeting at Lowell, Mass., concerning the patent laws.

Whereas it was provided in our national Constitution, in order "to promote the general welfare," that Congress should "have power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;" and

Whereas in accordance with the evident intention of the framers of the Constitution Congress has from time to time enacted laws whose promoting and fostering influence has placed America in an advanced position in every branch of the mechanical, manufacturing, and useful art industry of the world; and

Whereas while the patent laws so enacted have, through their general influence, been so beneficial, they have been such as to make possible the enforcement by unscrupulous owners of patents of unjust and oppressive claims for royalties against innocent users of patent inventions, proceedings which are at once afflictive to the public and destructive of sympathy for inventors as a body; and

Whereas it is proposed so to amend the patent laws that the rights of the people on the one part and the rights of inventors on the other part may be the more effectually conserved, to the relief and reasonable satisfaction of both, so as to defend innocent users against oppressive exaction on the part of patentees, and yet protect inventors against deliberate infringement on the part of willful, banded, or organized invaders:

Now, we, inventors, manufacturers, artisans, and others of the city of Lowell, Commonwealth of Massachusetts, duly assembled to consider the important question of the contemplated amendment of the patent laws hereinbefore referred to, having deliberated upon the matter in its various phases—

Resolve, I. That the object in view, hereinbefore described, meets our hearty approbation. That we regard as against the interests of inventors, and as against the public interests also, the continuance in force, without suitable modification, of those provisions of law relating to patent-rights which permit extortion; for an unjust and oppressive enforcement of patent law will result in rendering obnoxious the patent system itself.

II. That we should regard as inimical to the public welfare, repressive of invention and discovery, and opposed to advancement in the useful arts and to the increase and diffusion of knowledge, any enactment which should abridge the present duration of letters patents, or make the securing of patents more difficult or expensive, or add to the hinderances which the inventor now meets in suppressing infringement of rights granted him, or deprive the patentee of that sole and exclusive right for a limited term to the manufacture, sale, and use of his invention which he now enjoys.

III. That of the several pending bills which have come to our notice the following, namely, House bill 3925, House bill 3934, House bill 3617, and Senate bill 1558, not only fail to provide available avenues of redress for pirated inventors, but they would so embarrass inventors in pursuit of their rights as in many cases to render it impossible to secure simple justice.

IV. That Senate bill 1558, introduced by Senator VOORHEES, of Indiana, would impair contracts now subsisting between patentees and the public and be *ex post facto*.

V. That House bill 3925, introduced by Hon. Mr. CALKINS, of Indiana, not only deprives the pirated inventor of what he may now lawfully recover as a measure of fair damages, but encourages unlawful and secret manufacture by irresponsible makers who are supplied with capital in such ways as place their principals beyond the reach of legal process.

VI. That the House bill 3617, introduced by Hon. Mr. ANDERSON, of Kansas, would reduce the duration to that length of time which is frequently passed in bringing an invention into such notice and use as make it of any profit, and would therefore, by rendering it inexpedient to take out a patent at all, virtually annul the patent law so far as it relates to future inventions.

VII. That the House bill 3934, introduced by Hon. Mr. VANCE, of North Carolina, is free from the objections, mentioned and not mentioned, which may be fairly urged against the bills above specified, and would, if amended in the spirit in which it appears to have been drawn, be quite satisfactory; and that we should deem it expedient so to amend section 2 of that bill as to leave to the election of the court the admittance of testimony for its information concerning damages, profits, or savings.

VIII. That these resolutions, humbly but sincerely and earnestly expressing the solicitude which all good citizens must feel concerning the fate of the patent laws which have, with all their faults, been so beneficent, and containing an assurance of our confidence in the wisdom of that branch of the National Legislature which is yet to pronounce judgment on the grave question at issue, be sent to the honorable the Senators from our Commonwealth, for presentation to the Senate of the United States, for such disposition as may be deemed due to this our prayer and remonstrance.

MINERAL WATERS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. FIEDLER, by unanimous consent, introduced a bill (H. R. 6664) for the better protection of manufacturers, bottlers, and dealers in mineral waters, beer, ale, porter, and other beverages throughout

the United States within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DUPLICATE CHECKS.

Mr. WARNER, of Ohio. I ask unanimous consent that the bill (S. 1705) to provide for the issue of duplicate checks be taken from the Speaker's table for reference. The consideration of the bill was objected to the other day.

There being no objection, the bill was taken from the Speaker's table, read twice, and referred to the Committee on Claims.

POSTAL TELEGRAPH.

Mr. BUDD, by unanimous consent, presented the following concurrent resolution of the Legislature of California, asking the passage of the Sumner postal-telegraph bill; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed in the RECORD:

Assembly concurrent resolution No. 1, relative to the postal-telegraph bill introduced in Congress by Hon. CHARLES A. SUMNER.

Resolved by the assembly, (the senate concurring), That we heartily indorse the postal-telegraph bill introduced in Congress by Hon. CHARLES A. SUMNER, of this State, believing it to be an eminently wise and practical measure, and one imperatively demanded by the interests of the people of the United States.

Resolved, That our Senators be, and they are hereby, instructed, and our Representatives requested, to support and by all honorable means endeavor to secure the passage of said bill.

Resolved, That the governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

H. M. LARUE,
Speaker of the Assembly.
JOHN DAGGETT,
President of the Senate.

Attest:

THOMAS L. THOMPSON,
Secretary of State.

TENTS FOR THE WEST VIRGINIA ARMY REUNION.

Mr. McCOMAS. I ask unanimous consent to introduce for present consideration a joint resolution authorizing the Secretary of War to furnish tents for the next annual reunion of the Society of the Army of West Virginia, to be held at Cumberland, Md., in the month of September, 1884. We have passed several bills of this kind during this session.

Mr. BEACH. Let the resolution be read.

Mr. ROSECRANS and others called for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HANCOCK. I move that the morning hour for the call of committees be dispensed with, my purpose being to move that the House resolve itself into Committee of the Whole to resume the consideration of the pension appropriation bill.

The motion of Mr. HANCOCK was agreed to, two-thirds voting in favor thereof.

REPRINTING OF A DOCUMENT.

The SPEAKER. The gentleman from Massachusetts [Mr. MORSE] asks unanimous consent that House Executive Document 86, relating to trade between the United States and Mexico, be reprinted. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

SALARIES OF POSTMASTERS.

Mr. RANDALL. I desire to report from the Committee on Appropriations a communication from the Postmaster-General which has been sent directly to the committee. I have once before called attention to this irregular practice. These communications should come through the House, and I hope the heads of Departments will take notice of this statement of mine, although they have not noticed my former one.

The SPEAKER. The rule of the House requires that these communications be sent to the Speaker, and by him laid before the House, to be properly referred. The Clerk will read the title of the document.

The Clerk read as follows:

A letter from the Postmaster-General, containing estimated deficiency in the appropriation for salaries of postmasters for the fiscal year 1884.

The communication was referred to the Committee on Appropriations, and ordered to be printed.

CUSTOMS REVENUES, ETC.

Mr. SCALES. I ask that the joint resolution H. Res. 193, which has come back from the Senate with amendments, be taken from the Speaker's table and referred to the Committee on Printing.

There being no objection, the joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress was taken from the Speaker's table, and, with the amendments of the Senate, referred to the Committee on Printing.

PENSION APPROPRIATION BILL.

Mr. HANCOCK. I move that the House resolve itself into Committee of the Whole House on the state of the Union, to resume the consideration of the pension appropriation bill; and pending that motion I move that all general debate in Committee of the Whole on that bill be limited to two hours.

Mr. RANDALL. Unless the gentleman knows that two hours more will certainly be occupied in general debate, I suggest that he modify his motion so as to close the debate in one hour. The general discussion has already occupied four hours.

Several MEMBERS (to Mr. HANCOCK). Say one hour.

Mr. HANCOCK. As it seems to be the general wish, I modify my motion so as to close general debate in one hour.

The motion to limit debate was agreed to.

The question recurring on the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, and by order of the House all general debate has been limited to one hour, to be equally divided between the two sides of the House. The gentleman from Texas [Mr. HANCOCK] having charge of the bill will be recognized to control the time in favor of the bill.

Mr. HANCOCK. I will yield first to the gentleman from Minnesota [Mr. WASHBURN].

Mr. WASHBURN. Mr. Chairman, I wish to say a few words in reference to the pending pension appropriation bill. In the Committee on Appropriations I was a member of the subcommittee which had the preparation of this bill in charge, and therefore am somewhat familiar with its several provisions.

As the gentleman from Texas [Mr. HANCOCK] has already stated in opening the debate, the amount recommended for 1885 in this bill is $20,684,400, while the amount reappropriated is $66,000,000, making in all a total of $86,684,400, which, judging by the payments of last year, will give an amount abundantly sufficient for the payment of the pension-list.

But, sir, I wish to address myself especially in reference to the provision limiting the amount to be paid for the preparation of pension vouchers. The committee I believe have been led into an error in the limitation which is inserted in the bill. For one at least, I am myself satisfied I was mistaken in favoring the provision limiting the amount to be paid for the preparation of vouchers to 5 cents apiece. It was unanimously agreed to in the committee; at least there was no objection made that I was aware of, and at the time I felt myself that the amount was amply sufficient. But upon giving the matter fuller investigation I am now convinced that 5 cents is not a sufficient sum; that it will not produce an amount sufficient to pay for the necessary clerical service in the different pension agencies.

Heretofore, Mr. Chairman, the limit per voucher has been 15 cents, and until now this has not been supposed to be too large a sum to pay for that purpose. The committee, however, have thought that it was too large, and I am inclined to believe it is too large; but at the same time I am satisfied that 5 cents is not sufficent, and I will give my reasons for that opinion.

The committee were led into the adoption of this limitation of 5 cents by certain statements made to it in regard to the cost of preparing these vouchers. It was stated that the pension agent in this city had these vouchers prepared at the rate of 25 cents per hundred. On examination I find that is not exactly the fact. These vouchers were printed with blanks, and all to be done was to insert the name. [Holding up a blank voucher.] Here is one of the vouchers, and it will be seen that the filling of all these blanks requires a considerable amount of writing. The pension agent here pays 25 cents per hundred for only filling one of the blanks with the name and number of the pensioner.

The amount appropriated under the provision of the bill for the payment of only 5 cents apiece for the preparation of vouchers covers not only the expense of preparing all these vouchers themselves, but it also includes all the clerical work done in the Pension Office. Furthermore, these vouchers are not prepared at one time. The clerk does not take a voucher and go through it at once and fill all the blanks at the same time, but it has to be gone through two or three times, and every time the rolls have to be examined with reference to each case. The work, therefore, is much larger than it would seem to be at first blush.

But, sir, I have taken the pains to ascertain the actual cost during the first six months of the year of the preparation of these vouchers. I judge this amount is a fair one for the reason that it is paid out of the agent's own pockets for the clerical work which this provision in the bill covers.

Mr. RYAN. Press that point, for it is an important one in this connection.

Mr. WASHBURN. The pension agent is allowed so much, and what he does not pay out for actual service of course he is able to retain as part of his profit.

Mr. RYAN. Just like a banker or merchant.

Mr. WASHBURN. It is just like a banker or merchant. I think it is fair to assume that the amount paid by those different agents dur-

ing the last six months is not exorbitant. I find that for the year, taking sixteen out of the eighteen agencies, the cost was $104,407 actually paid out. This does not embrace the large agency at Philadelphia or the smaller one at Concord. The amount would have been much larger in case they had been included.

Now, the amount produced at 5 cents per voucher is only $66,400, showing that 5 cents apiece will not produce more than half the amount required to pay this clerical expense.

And so far as I am concerned, Mr. Chairman, I do not see any reason why this appropriation should be made in this manner. I see no good reason why the appropriation should not be made in a round sum sufficient to pay for this clerical expense, because if the price paid is too small there will be a deficit, and a work of this kind cannot go forward. If, on the contrary, the amount is too large, as it has been I am satisfied the last few years, then the result is the pension agent has a perquisite.

So far as I am concerned, I am against perquisites in any shape. I believe in paying the officers of the Government a fair compensation for the work they do and the responsibility they take. If $4,000 a year is not a sufficient salary for pension agents, then make it larger. I think that amount is sufficient, notwithstanding the character of the duties and responsibilities they have incurred.

But, as I have said, if it is not sufficient make it sufficient, but do not pay extra compensation in the shape of perquisites. There are some pension officers in this country whose annual salary, as near as I can judge from the figures which have been received, will reach from $7,000 to $8,000 a year.

Mr. RYAN. And others who do not get $2,500.

Mr. WASHBURN. While some of the others receive as low as from $2,500 to $3,000. But I believe in this appropriation bill this principle should be abandoned. I believe it is a vicious one, and that in making appropriations we should appropriate a round sum sufficient to cover all proper and necessary expenses of the office and no more; and when the time comes for offering amendments to this bill I shall propose that in lieu of 5 cents apiece or 10 cents or any other sum that may be fixed for making out these vouchers, that, guided by the actual expenses incurred last year in the different offices, we shall make an appropriation sufficient to pay all these expenses. So far as this amount of 5 cents for each voucher is concerned, I am satisfied, on further investigation, that it is entirely inadequate. There is another provision of the bill which has been criticised and which I do not believe to be entirely satisfactory to any one, but I am of the opinion, upon the whole, that it had better remain. I refer to the provision with reference to fees paid to claim agents.

This legislation was suggested owing to the great abuses that had grown up in the payment of fees in advance of the allowance of the claim. The pensioners of this country have been robbed of hundreds of thousands of dollars for which they have had no service rendered, and it has grown out of the fact that the agents were able to collect their fees in advance of the allowance of the claim. The committee sought to strike down this abuse if possible, and therefore in the second section of the bill it is provided that no fees shall be paid until the claim has been allowed. That principle, whatever may be done so far as limiting the fee to $10 apiece is concerned, should be retained in the bill.

Mr. HANCOCK. How much time remains yet of the half hour?

The CHAIRMAN. The gentleman from Minnesota has occupied ten minutes.

Mr. HANCOCK. I yield the remainder of the time to the gentleman from West Virginia [Mr. GOFF].

Mr. GOFF. Mr. Chairman, I would like if possible to have some provision incorporated into this bill by which the claims now pending before the Pension Department may be adjudicated at an early date; and, as a part of my remarks, I ask to have read at this time for the information of the committee an amendment that I propose to offer at the proper time.

The Clerk read as follows:

And provided further, That no proofs shall hereafter be required, either in pending cases or those hereafter filed, as to the physical condition of the soldier in whose behalf said application is made at the time he was mustered into the service of the United States; and all claims heretofore rejected on that ground shall be reheard and, if the proof is satisfactory in other respects, be granted.

Mr. GOFF. Mr. Chairman, the men in whose interest we legislate and discuss questions presented here to-day are rapidly growing old. They are fast passing away. The widows of the dead soldiers of the Army of the Union are growing weary of waiting for the fulfillment of the promises long since made to them. Congress has been, I may say, even lavish in its legislative promises; but in many particulars it has been most derelict in their fulfillment. Do you realize, Mr. Chairman, that over 300,000 claims are as yet unadjudicated? These claims were filed in the name of those who for their country gave all they had to give—their lives, their health, and their strong manhood. These claims are thus unadjudicated although twenty years have elapsed since the time when these men so suffered and died.

Mr. ROGERS, of Arkansas. May I interrupt the gentleman from West Virginia for a moment, since there was so much confusion in the Hall that I failed to understand his remarks as to the legislation of the present Congress. I would like to know, if he will be kind enough to repeat it, what that has to do with the subject?

Mr. GOFF. I did not allude to the legislation of the present Congress. But I say the Congress of the United States, while it has heretofore been lavish in its promises in this regard, has not, I claim, been particular enough to see that these promises have been carried out.

Mr. ROGERS, of Arkansas. That, of course, is entirely satisfactory to the committee of which I am a member. My impression was that the gentleman applied his remarks to the present Congress.

Mr. GOFF. It is because the present Congress has not as yet afforded the relief that I thought should be given that I am now directing my remarks to the amendment I propose to offer to this bill.

Mr. ROGERS, of Arkansas. If the gentleman will permit me to interrupt him for a moment I will say to him that I think it is due to the Committee on the Payment of Pensions, Bounty, and Back Pay to say that, in reference to the class of cases which is now in the Pension Office and unadjudicated, the committee charged with this important duty in this Congress of devising legislation to meet that difficulty have devoted more time to its attention than to all other subjects which have been brought before them. In connection with the ablest counsel which could be secured in Washington, and with the assistance of the Commissioner of Pensions himself, we have gone over that whole subject and have already perfected and reported to the House a bill which, as we think, meets all of the great wants which have heretofore impeded the speedy preparation and adjudication of these cases. And so far as that committee is concerned, and its duties to the House, I think the results will prove that we have not only been energetic but zealous and faithful in the discharge of our duties, and I submit that when this body shall have criticised the bill which we have prepared for that purpose they will accord to us that credit. That is all I desired to say.

Mr. GOFF. I intend no reflection at all upon the committee of which the gentleman from Arkansas speaks. I am glad that they have at last appreciated the importance of this question, and that they have presented to this House the relief which I have suggested.

Mr. MATSON. May I ask the gentleman from West Virginia a a question?

Mr. GOFF. Certainly.

Mr. MATSON. I hold in my hand the gentleman's proposed amendment. I wish to ask him if he knows that the Committee on Invalid Pensions two months ago reported a bill which covers this matter even more strongly than the amendment he proposes?

Mr. GOFF. I know a bill of that character has been offered. Yes, sir; I think the Committee on Invalid Pensions have been very attentive to their duties in that particular. But I want to secure this legislation, and I think the best place to do it is on and in this bill, instead of taking the chances of bills that are away down on our Calendar, particulary the bill the gentleman from Indiana has alluded to. If all the gentlemen concede the importance of this measure, as they seem to do, if they concede its equity, if they concede that it is proper, why not place it upon this appropriation bill and let it become law?

For long, weary years, as I have said, the men intended to be benefited by this legislation have been waiting for it, and it has come not. These soldiers of the Army of the Union, these dead soldiers, are freedom's martyrs. They are jewels in the crown of liberty; they are worthy of the attention of this Congress; they are entitled to your serious consideration to-day; they gathered from all sections; they neglected all professions; they gave up all occupations; they sacrificed homes; they deserted wives, children, all; and they marched under your banner of beauty in the path of duty down into the jaws of death. And they did so not for a party, not for a section; nor did they do it for a creed; for men of all parties tasted of the dregs of the bitter cup, and soldiers of all sections and all creeds shared in the privations and the dangers and won the honors of the battles of the Union.

Why, Mr. Chairman, do you realize that the mothers of your then boy soldiers, many, very many of them, are without pensions to-day? It is even not short of crime that this state of affairs exists in this land to-day. I know that many of you will claim that there has been an immense amount of legislation in favor of the soldier; and yet I say, when you examine the reports of the Commissioner of Pensions you will see that these suffering mothers of the dead soldiers of the land are still asking in vain for the relief that has been proffered them. Why, sir, think what the country has gained; then pause and contemplate what they have lost. They have been taught in the school of adversity. They are not unacquainted with grief. The children of their love were given to the cause of country and at the call of duty.

All over your land to-day, in this beautiful springtime, the grass is growing green over the graves of their loved and their lost. These mothers for whom I speak gave all that they could give for the cause of their country. They have suffered more than we can here depict in language, or can weigh. This very hour to them is full of bitter anguish known only to those who in the bitterness of grief are continually longing

For the touch of a vanished hand,
And the sound of a voice that is still.

Now, Mr. Chairman, I claim that the men who marched with Grant, the grandest of grand soldiers; that the men who marched with Sherman on his wonderful march to the sea; that the men who followed

Phil. Sheridan in the valley of the Shenandoah—an Eden turned to a seething hell; that the men who followed the gallant young Custer, who rode across the plains of the Old Dominion; that the men who followed the banner of that superb soldier, grand as his cause and true as his steel, Hancock; that the men who followed Garfield, our martyred and murdered President,

> The thread of whose renown
> The Fates to-day spin round and full,
> Out of their choicest and their whitest wool;

that the men who went with Fighting Joe Hooker above the clouds; that the men and the boys who were strong enough to seize the tiger of rebellion by the throat and strangle it in the jungles of the Wilderness—that those men should not be told to-day that they are not and were not then strong, able-bodied men. They should not now be required by living witnesses to prove that they then in that day performed well a duty that men could only perform when strong men.

The men, Mr. Chairman, who fought in the armies of Lee and Jackson, brave leaders of brave men—men who have given luster to the renown of the American soldier—those men, I say, to-day should not be insulted by being told they were vanquished by weak, disabled men. It is not only an insult to the men who fought with Lee and Jackson, but it is also an insult to the soldier of the Army of the Union to say to him that the foe he contended with was not as brave, as gallant, and as generous as himself. I say that the time has come when we should have this legislation and be done with these continual appeals for justice, all of which is conceded by each and every member of this House.

The men in whose interest is intended this legislation, which the honorable chairman of the Committee on Invalid Pensions [Mr. MATSON] says has been proffered, the men whom the gentleman from Arkansas [Mr. ROGERS] says his committee [on the Payment of Pensions, Bounty, and Back Pay] has also provided for; the men for whose benefit I have offered this amendment—and dear knows I am not anxious how it is done so that it is done—the men in whose interest this is proffered have made it possible for a republic of over 50,000,000 people, strong in the affections of all its citizens, to realize at last that we are in fact a nation of freemen who dread no master, fear no king, and kneel to none but their God. [Great applause.]

Mr. MATSON addressed the committee. [See Appendix.]

The CHAIRMAN. The bill will now be read by paragraphs for amendment under the five-minute rule.

The Clerk read as follows:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1885, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, and survivors and widows of the war of 1812, $20,000,000; and any balance of the appropriation for the above purposes for the current fiscal year that may remain unexpended on the 30th of June, 1884, is hereby reappropriated and made available for the service of the year ending June 30, 1885: *Provided*, That the appropriations aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that purpose: *And provided further*, That the amount expended under each of the above items shall be accounted for separately.

Mr. GOFF. I now offer the amendment of which I gave notice some time ago.

The Clerk read as follows:

After line 20 insert the following:

"*And provided further*, That no proof shall hereafter be required, either in pending cases or those hereafter filed, as to the physical condition of the soldier in whose behalf said application is made at the time he was mustered into the service of the United States, and all claims heretofore rejected on that ground shall be reheard and, if the proof is satisfactory in other respects, be granted."

Mr. RANDALL. I reserve the point of order on that amendment. Such an amendment should come from the appropriate committee.

The CHAIRMAN. The point of order must be disposed of now. The Chair will hear the gentleman upon it.

Mr. RANDALL. The point of order is that the amendment is new legislation and not in the line of economy. It would involve greater expense. But my chief objection to it is that it does not come with the approval of the Committee on Invalid Pensions or the Committee on Pensions.

A MEMBER. What difference does that make?

Mr. RANDALL. I do not want to legislate in that way.

Mr. HENDERSON, of Iowa. I understand there is a bill from the Committee on Invalid Pensions embodying the idea presented in this amendment.

Mr. RANDALL. That bill can be considered at the proper time. But we are not passing any bill now except the pension appropriation bill.

Mr. HENDERSON, of Iowa. I think that fact removes the gentleman's objection.

Mr. RANDALL. If the gentleman from Iowa tells me there is a bill reported by the Committee on Invalid Pensions, I make the further point of order that there is a bill to accomplish this object already pending.

Mr. GOFF. I will state to the gentleman that this is not the substance of that bill.

The CHAIRMAN. The gentleman from Georgia [Mr. HAMMOND] has risen. For what purpose does the gentleman rise?

Mr. HAMMOND. I rose to make the point of order last stated by the gentleman from Pennsylvania, that there is a bill for this purpose reported from the Committee on Invalid Pensions, and that it is out of order by way of amendment to ingraft it upon this bill.

The CHAIRMAN. The gentleman from West Virginia will be heard on the point of order if he desires.

Mr. REED. The gentleman from Pennsylvania [Mr. RANDALL] objects because the Committee on Invalid Pensions has not considered this matter; the gentleman from Georgia [Mr. HAMMOND] objects because that committee has considered it.

Mr. RANDALL. The gentleman has not properly stated my objection.

Mr. GOFF. A word only as to the objection that the amendment is the same in substance as the bill reported by the Committee on Invalid Pensions or the Select Committee on the Payment of Pensions, Bounty, and Back Pay. If the gentleman from Pennsylvania will examine the two, he will have no difficulty in reaching the conclusion that the provisions of the bill and of this amendment are not the same. This amendment may accomplish one of the objects intended to be accomplished by the bill of the Committee on Invalid Pensions; but it goes further than that. The amendment I have offered provides that men who were recognized as capable and able for duty at the time of the beginning of hostilities in 1861 and who were mustered into the service, whose names appear upon the muster-rolls—that those men shall be considered capable of duty at the time their names were so placed on the muster-rolls.

Now, sir, you and I in common with citizens generally are estopped by our conduct and our acts. Why should not in this particular the rule of estoppel apply to the Government also? It is said—even the gentleman from Pennsylvania will not deny it—that what is intended to be accomplished should be done. He will also admit, I think, we have a much better opportunity of securing this legislation in this appropriation bill than we will have by waiting to enact either one of the isolated provisions that have been alluded to. I hope the gentleman, unless he thinks it absolutely essential, will not insist upon his point of order.

Mr. RANDALL. I insist upon my point of order. There may possibly be merit in the proposition of the gentleman from West Virginia; but we are not sufficiently informed as to the amount of money involved in his proposition.

Mr. GOFF. Will the gentleman allow me to say right there that if it is right we should not haggle over the amount of money?

Mr. RANDALL. If it is right, then it should come from the regular committee and not from the Committee on Appropriations.

Mr. REED. Under our system of rules the regular committee can not get a hearing.

Mr. RANDALL. I know the gentleman objects to our system of rules.

Mr. REED. Under that system the regular committee can not get a hearing, and so in this way you will kill it very easily.

Mr. MATSON. On the point of order I desire to say that the proposition offered as an amendment by the gentleman from West Virginia is very unlike the proposition contained in the bill referred to. His proposition is to prescribe a rule of evidence without any exception whatever, and therefore I think it may be safely said that it is not even in substance the same as the bill referred to.

The bill proposes possibly to prescribe a similar rule of evidence, but it expressly prescribes an estoppel against the Government. The proposition of the gentleman from West Virginia, as I understand it, does not prescribe an estoppel against the Government, but simply lays down an ordinary rule of evidence. The bill not only proposes to prescribe an estoppel against the Government, but in addition to that it excepts from the operation of the proposed rule certain classes of persons.

Mr. GOFF. In the usual practice of the law a party preferring a claim would have to prove in each and every particular all the things necessary to make out that claim. In this proposition which I have offered it is simply proposed to say to the soldier that as he was able to perform duty while in the service many years ago, that point of his case should be considered as closed; but that in all respects else he must make proof.

Mr. HISCOCK. I desire to ask the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. MATSON] if they would not be willing to accept as an amendment to the bill a proposition, not that the examination and acceptance of the soldiers should be regarded as an estoppel against the Government requiring proof from him of soundness of physical condition, but that the Government should have the onus of furnishing affirmative proof that he was unsound.

Mr. MATSON. That is what this bill proposes.

Mr. HISCOCK. I do not myself like the amendment offered by the gentleman from West Virginia. It seems to me that we should incorporate in this bill a provision that the presumption shall be in favor of the soldier, that the burden should be thrown upon the Government to prove the disability back of the muster. There is merit in a proposition of that kind, and no impropriety in its being incorporated in this bill.

Mr. CURTIN. That is very clear.

Mr. HISCOCK. I suggest in a spirit of fairness and of compromise that that is a good proposition to put into this bill.

Mr. MATSON. The gentleman from New York [Mr. HISCOCK] is doing precisely what I was trying to do.

Mr. HISCOCK. I beg the gentleman's pardon.

Mr. MATSON. I was trying to insist that the provisions of the bill referred to were different from those of the amendment of the gentleman from West Virginia, and therefore his amendment was not subject to the point of order that it was in substance a bill pending before the House. But I should not be prepared to support his amendment without some qualification such as suggested by the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. I submit to the gentleman from Pennsylvania [Mr. RANDALL] whether he would object to an amendment incorporating that idea.

Mr. RANDALL. As a general proposition, I would say that I would not be willing to incorporate into this appropriation bill or any appropriation bill, so far as I know at present, any matter of legislation which would increase expenditures. If you want to legislate for the benefit of pensioners, do so through the proper committee, and let us know how much money such legislation will cost, and you will find it contributed with alacrity.

There is no hardship in this bill against any one. The provision incorporated in it is solely confined to legislation which will facilitate the obtaining of their pensions by soldiers entitled to them. Another point: I am not willing to legislate blindly in this way on this bill, especially when I remember our experience in regard to another bill, when we were told, and I was here at the time and heard the statement, that the proposed legislation would involve an expenditure of only $25,000,000; whereas before it is fully carried out it will result in the payment of $250,000,000.

Mr. LAIRD. I desire to ask the gentleman from Pennsylvania [Mr. RANDALL] one question. Is he willing to add to this bill an amendment obligating the Government to pay these soldiers the pensions which are honestly due them, by compelling the Government to recognize this state of facts: that where a man complains of an injury or a wound received in the service, and it is established by his Army record that he served in the field three months or more during the late war, then the presumption shall be that he received the injury or wound in the line of duty? In support of such an amendment I desire to say that the operation of the present pension laws which you are trying to enforce and which I desire to amend is such that the men who have hospital records receive their pensions, while the men who were wounded on our battlefields and did not go to hospitals are the men to whom pensions are denied under the present system.

I will state the amendment which I propose, and which, taken in connection with that offered by the gentleman from West Virginia, will go far to correct the abuses of the system as now administered. Add after line 28 in section 2 the following:

Provided, That in all the cases now pending in the Pension Department, or that may hereafter arise, where the applicant for pension is shown to have served three months or more in the field and to have received an honorable discharge, all injuries sustained by him while in the service shall be presumed to have been received in the line of duty, unless the contrary be shown by proof, the burden of which shall be upon the Government. And when it shall be established by two or more credible witnesses that claimant has suffered from such disability since his discharge, it shall be the duty of the Commissioner of Pensions to grant such pension as the proof shows the applicant entitled to.

Mr. HAMMOND. One word on the point of order. We have nothing in the world to do in this discussion of the point of order with the right of Federal soldiers to pensions. There has been no opposition here to anything of that kind. We have set apart a night every week in which they have a free run without opposition.

The only question is, shall all the rules of the House be set aside for their special benefit? There is pending now on the Private Calendar, and has been pending week after week, a bill to add to the pension-roll what the Federal soldiers on this floor have called a long list of bounty-jumpers. That bill has been crowded in on the Private Calendar and kept there contrary to the rules of the House; and now it is proposed by gentlemen to tack legislation on this appropriation bill, which they know is contrary to the rules of the House; and when the point of order is made against it the gentleman from Maine [Mr. REED] says that the rules are bad. Grant that they are.

Mr. REED. That is a good grant.

Mr. HAMMOND. Grant that they are, that is not the question for consideration. The question is, shall we violate the rules in this case and enforce them in cases that are agreeable to the gentleman?

Mr. REED. We had better disregard them in all cases.

Mr. HAMMOND. The gentleman would violate the rules in all cases, he says. He knows no rule but license. He would disregard all rule when it comes to putting on a bill what has no business there, because the legislation proposed is such as he favors.

Mr. WAIT. Mr. Chairman, the result which the pending amendment to the bill aims to accomplish is one which ought to receive the approval of every member of the House. If under the rules that control the action of the House the Chair should hold that the amendment is subject to a point of order, then I trust that the object sought to be effected by the same will be embraced in another bill which will receive the unanimous support of the members of this body without regard to party affiliations. The amendment in effect declares that the United States Government, when it received a man into its military service during the late war and had him examined by surgeons who were selected by and acting as the agents of the Government, and these agents had decided that he was then a sound man, free from disease of every kind, and in all respects fit to discharge the duties of a soldier, now aims to set at naught its own action at the time of his enlistment, and to compel him to go back twenty or more years and show what his physical condition was when he entered the public service.

The existing laws or rules of the Pension Bureau, ignoring the opinion of medical men based on careful examination, throw upon the applicant for a pension the burden to prove by testimony, which it may be impossible for him to obtain, the fact that he was free from disease of every kind at the time of his enlistment. His family physician may be dead. Parties in whose employ he was or who were his early associates may also be dead, or removed to parts unknown, or after so long an intervening time may retain no distinct recollection as to his physical condition when he entered the Army twenty years prior. In that way a soldier when he presents his application to the Government officials, asking them to give him a pension as a partial remuneration for loss of health resulting from the privations and exposures incident to life in a camp, or from confinement in a military prison, is coldly met with refusal on the ground that he can not show affirmatively by the testimony of medical men, commissioned officers, and comrades that he was in every respect a sound man when the Government by its agents examined and accepted him. A rule more unjust in its operation could scarcely be devised.

But it is not the soldier alone who suffers great wrong from the effects of this rule of the Pension Bureau. The soldier dies and his widow and children, often left without means to feed and clothe them, call upon the Government to give them the little aid which a pension may afford, and their request for justice is met with the cold response, "Prove by the evidence which our rules demand that your husband or your father was free from every form of disease when he left his home to peril health and life for his country." If it would be difficult for the soldier to reach the proof required to enable him to obtain justice at the hands of the Government, it will surely be impossible for the widow and the children to get the evidence that is demanded from them. In thousands of cases where the soldier, the widow, and the child of the soldier have claims that should be favorably listened to and their applications for assistance unhesitatingly granted, they have been debarred by conditions and requirements with which it is impossible for them to comply. These arbitrary and oppressive rules and requirements should be removed by the proposed amendment or other legislation of like character.

Mr. Chairman, I am often in receipt of communications from soldiers who are suffering under diseases which are the fruits of camp life, or from the widows of soldiers who have died from such diseases, telling me that they have failed to obtain justice solely from their inability to show the physical condition of the soldier at the time of his enlistment. The witnesses to whom they would look for aid have gone to parts unknown, or are dead, or have lost recollection in regard to the case. Let us now, Mr. Chairman, legislate in a way which will do partial justice at least to the brave men who periled life and sacrificed health to save this Union, and not only to them if they are living, but to their widows and children if they are dead.

Mr. REED. Mr. Chairman, the gentleman from Georgia [Mr. HAMMOND], in the enthusiasm of the moment, has allowed himself to say that I interposed, with relation to this amendment, as to whether it was in order or not. I did not do so. All that I did was to call attention to the position of the gentleman from Pennsylvania [Mr. RANDALL]. He objects to incorporating this provision into an appropriation bill on the ground that it should take its regular course; yet he is the individual who more than all others has rendered such a regular course impossible. In other words, he has insisted upon continuating and perpetuating a state of the rules which renders legislation impossible except on an appropriation bill; and then he will not let it go upon such a bill!

It may be that I am pressing this subject too often upon the attention of the House; but my notion of the way things go in this world is that you must have not only sound doctrine but reiteration of sound doctrine. You must not only call attention to existing evils but persist in doing so.

The gentleman from Georgia [Mr. HAMMOND] illustrated another interesting feature of our rules. You can not offer an amendment to any measure provided a bill embracing substantially the same provision as the amendment is pending before Congress. Now, why are bills pending before Congress? Simply because there is a demand for such legislation, and the very reason that brings the bill before Congress—namely, the demand for legislation of that kind—is sufficient under our rules to keep any such provision off a bill that is passing through the House. In other words, you can make an amendment on any subject

to which the public attention has not been directed, but you can not offer an amendment containing such a provision as the public demands! What an interesting state of affairs!

Here we are, with the business of three Congresses piled upon this House and with the prospect that the business of four Congresses will be piled upon the next. Yet the gentleman from Georgia says that we must follow our rules. I grant you that we must. We are obliged to be reconciled to the situation. This is all that can be said about it. But once in a while there may be such a thing as an expression of judicious contempt for this condition of affairs. [Laughter.] And I am very sure, whatever may have been the feeling at the beginning of this session, that to-day I have in this expression the hearty sympathy of this House. We are doing no business, because under our rules we deliberately sacrifice our time in such a way that it is impossible to do business. Why, sir, we waste an hour almost every day in cataloguing the decisions which have been made by the committees. As I have had occasion to remark heretofore, with perhaps some exuberance of metaphor, the only effect of the decision of a committee is that it enables the corpse to be put in a glass case where the friends of the deceased can look upon the remains. [Laughter.]

Here are 1,200 reports of committees upon our table, and no business doing except that which is presided over so well by the gentleman from Pennsylvania; and yet even he, majestically situated as he is, is not equal, even with the assistance of the gentleman from Indiana [Mr. HOLMAN], to the whole business of this country. Why, sir, you can not pour Niagara through a spout. I say the country ought to have a chance to have its business done, and under the rules of this House it can not get it.

Mr. RANDALL. Mr. Chairman, the theory in this House—and it should be the theory in every legislative body—is that rules are made to protect the minority. The majority can always take care of themselves.

Mr. REED. Not in this House.

Mr. RANDALL. The gentleman from Maine [Mr. REED], who, as a member of the Committee on Rules, took part in making these rules, should remember the magnanimity which the majority in framing the rules were willing to extend to the minority.

One other point and I am done. The rules provide for saving the money of the people. That certainly is a good purpose. In my judgment it is right in the line of the action taken in the several States. It prevents that system which predominated in so many State Legislatures, and which led to so much evil—the passing of omnibus bills. So glaring was the evil and so loud was the demand against it that in many of the State constitutions provisions were ingrafted absolutely prohibiting anything of that character by legislation. And the rules of this House have only gone in that direction. I confess I am willing to legislate in every general appropriation bill wisely, so far as my judgment will permit me, provided the public money is thereby to be saved, but never to legislate in these general appropriation bills when the public expenditures are to be increased. And that is all I have to say in answer to the criticism of the gentleman from Maine. The rules to which he has excepted rose out of the necessities of our situation. The country to-day is legislated to death. Instead of having too little, we have entirely too much legislation. We have more legislation, not only than is required, but more than the people demand. If there be one evil greater than another to-day in this country it is that we have too much legislation. In fact, as Jefferson said, "the world is governed too much." [Applause.]

Mr. WARNER, of Ohio, rose.

The CHAIRMAN. The Chair begs to remind gentlemen that it is not in order to discuss the merits of the proposition on the pending point of order.

Mr. REED. Mr. Chairman, I wish to say one other word. The gentleman from Pennsylvania says there is too much legislation. I do not say whether that is true or not, but I do say that Congress sits here for the purpose of hearing the people. It is the great and general court for the redress of grievances. I say that a verdict for the defendant, a verdict against a bill, is just as much the fulfillment of our duty as anything else. And when we, after examination, simply refuse to legislate in any case, we are doing our duty in deciding against the party. But when we will not hear a matter we have done injustice gross and most foul. [Applause.] You might as well say a court of justice was doing right when it decided for the defendant by refusing to hear the plaintiff. Why, sir, it is the great right of the people of the United States; they are entitled to have their grievances heard, and not put where they can not be heard.

It is not that we are called upon to do what people ask, but we are bound to listen to what they say; and I say to you some day or other the result of this damming up, these repeated refusals to listen to the people's grievances who come before us, will be a Congress that will do great wrong in the opposite direction. Our refusal to act will result in piling up public opinion which will force another Congress as far wrong one way as our Congresses have been wrong the other. Let us provide machinery for giving people decisions. What is the result of our present action? Why, every bill that is not acted on here goes to the next Congress on the ground that this Congress did not dispose of it, and so it will continue to go on until we are crowded beyond human endurance.

The CHAIRMAN. The Chair must again remind gentlemen that the question before the committee is the point of order, and that it is not in order to discuss the merits of the proposition.

Mr. WARNER, of Ohio. I wish to say, in reply to what has been said on the subject of the difficulty of obtaining pensions by soldiers who are disabled and who are unable to furnish the evidence required under existing rules of the Pension Office, that the Committee on the Payment of Pensions, Bounty, and Back Pay has had that question under consideration for weeks and has reported a bill which I believe will meet the difficulties which have been suggested, and will remove all the evils complained of. That bill is now upon the Calendar, and I have given notice, under the instruction of that committee, that I will call it up for consideration on Monday next if that committee is reached in the call—and it undoubtedly will be—and ask the House for its passage. If it be the disposition of the House to permit the offering of such an amendment, I will very gladly move it as an amendment to the pension appropriation bill now pending and ask that it be incorporated as one of its provisions. I will move it in lieu of the amendment moved by the gentleman from West Virginia. I do not believe his amendment should pass in the form in which it now is. It does not meet the difficulties which have to be overcome. Indeed it does not seem to serve the purpose for which it was intended. I will send to the Clerk's desk to have read at this time the bill to which I have alluded, as a substitute for the amendment of the gentleman from West Virginia.

Mr. HAMMOND. I object. The question pending before the committee is whether the amendment of the gentleman from West Virginia is in order. It is out of order to discuss the merits of the question while that is pending.

The CHAIRMAN. The Chair sustains the point made by the gentleman from Georgia that it is not in order at this time to discuss the merits of the proposition. The Chair several times has already reminded gentlemen the pending question is on the point of order which has not yet been decided.

Mr. BELFORD. Since there seems to have been a pretty general discussion here, I think I ought to be permitted to say at least that the country will be gratified at the evidence of the gentleman from Pennsylvania, which he himself gives, wherein he declares that he has become the custodian and protector of the Republican minority in this House.

The Republican party is able to take care of itself, and we do not ask his protection. The minority, for whom he says the rules have been made, demand this amendment. He, our protector, the man who would shield our morality and our virtue, stands up and says he is going to protect us in our rights when we are insisting that one of our rights is that this bill shall be considered.

What is the title of this bill? It is a bill making appropriations for the payment of invalid and other pensions of the United States. I have letters on my desk from all parts of the country with reference to it. [Laughter].

Now gentlemen have had their say and I propose to have mine for a moment. I am speaking to the point of order, and the question is, is this amendment germane to the bill? How will you ascertain that until you look at the bill itself? What is this bill about except invalid pensions? That is what the bill itself contemplates. That is its subject-matter. Now I think that when a child looks like its father you ought to presume at least that he had some connection with that family and is germane [laughter] and that he is entitled to go in at the family board and the family table.

The gentleman talks about expending the money of the people. Does the mere presumption that a man who was a healthy man when he was mustered into the Army increase your public expenditures? Does your Treasury rest upon a miserable presumption? How does it increase the appropriations? In what manner does it increase them? In what measure, I ask, are they increased? This amendment says that every widow who lost her husband in the Army shall not be required to prove that he was a sound man when he entered the service if he had been examined and accepted by a board of officers appointed by the Government of the United States to determine whether he was able to serve or not. You know that he could not have entered into that army if he had a physical defect of any kind. If he had a crooked tooth, that would have rejected him before the examiners.

Do you not know that to be a fact, and why? Upon the old theory that he had to bite off the end of the cartridge, although in 1860 you know and I know that no man could bite off the end of a brass cartridge. [Laughter.] And you, understanding that fact, and notwithstanding the close and careful examination which was made by the officers of the United States, you say that the soldier's widow shall prove to this Government that he was a sound man when he went in! And you know how rigidly they were examined, stripped, inspected, their mouths opened like the slaves sold in the markets at Constantinople, and if sound they were mustered into the Army. But now under a mistaken policy of economy the gentleman expects, but it is a vain

expectation, to ride into the Presidential office. [Laughter.] In that expectation he refuses us, the minority of this Republican House, whose virtue he has kindly undertaken to protect, the right to incorporate in this bill a just and wise and proper amendment.

The CHAIRMAN. The Chair is ready to rule upon the point of order. The amendment proposed by the gentleman from West Virginia will again be read by the Clerk.

The Clerk read as follows:

Add after the twentieth line:

"*And provided further*, That no proof shall hereafter be required, either in pending cases or those hereafter filed, as to the physical condition of the soldier in whose behalf said application is made at the time he was mustered into the service of the United States, and all claims heretofore rejected on that ground shall be reheard and, if the proof is satisfactory in other respects, be granted."

The CHAIRMAN. This provision is proposed to be added after line 20, on page 2 of the bill. The preceding lines of the bill make an appropriation for the payment of invalid and other pensions for the ensuing fiscal year. The rule provides that no amendment shall be in order on any general appropriation bill which changes existing law except such as, being germane to the subject-matter of the bill, shall retrench expenditures in one of three ways:

By the reduction of the number and salary of the officers of the United States, or by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money covered by the bill.

This amendment does not come within any one of the provisions required by the rule; and the Chair therefore is under the necessity of sustaining the point of order and ruling the proposed amendment out.

Mr. HISCOCK. I desire to move to strike out lines 11, 12, 13, 14, 15, and 16 down to the word "provided," and insert in place thereof $86,640,400.

The reason I offer this amendment is because I believe it is wise that all appropriation bills should upon their face in figures and in terms carry the amount that is appropriated; and I shall be delighted to hear any member of the Committee on Appropriations give to this committee the reason why that should not be the case.

Now, Mr. Chairman, the only excuse for this legislation that I have heard offered upon the floor is that this House in the last Congress reappropriated a part of the unexpended balance or all of the unexpended balance of a preceding year. And upon every inquiry that has been made why we have this form of a bill before us we have been cited to the action of the last Congress.

I ask the gentleman from Pennsylvania, the chairman of the Committee on Appropriations, if he believes this species of legislation is wise? If we set a bad precedent does he believe it should be followed? What excuse is there for it? I remember very well, sir, the reason why we did it. I was told here upon the floor that I was attempting to cut down the appropriation bills and create deficiencies. An estimate had come from the Pension Bureau saying that $101,000,000 was necessary to pay pensions. I did not believe it. I went down there and made an investigation myself personally. The bill was reported to the House carrying $101,000,000, if I remember rightly. I say I did not believe that that sum was needed to pay the pensions. I went down to the Commissioner's office and investigated the question and became satisfied that it was not needed. I proposed to reduce the appropriation to $86,000,000. I was told in the committee-room that it was my purpose to create a deficiency. I repelled that charge. I was told here also upon the floor that it was my purpose to create a deficiency; and from abundant caution I put that clause in the bill. It was my action, and I am responsible for it. The result proves that I was right. We appropriated what was amply sufficient to pay the pensions. Of the $86,000,000 which was carried by the bill there is an unexpended balance to-day.

That, sir, is my explanation of what took place in the last Congress. It was done to answer the charge which was made, both in the committee-room and here upon the floor, that it was the purpose of the committee to create a deficiency to be provided for by this Congress. We created none whatever. We appropriated more than is required for the current year. As I understand, a part of the $86,000,000 will remain unexpended at the close of the current year—a considerable amount of it.

Now, the Committee on Appropriations take the money that was appropriated by a preceding Congress, and that a Republican Congress, and use that for the purpose of reducing the aggregate amount carried by their bill. I ask gentlemen of the committee if there is any precedent for that? Did we ever borrow from an excessive appropriation made by a Democratic Congress to eke out the payments of the Government for any fiscal year?

I ask, Mr. Chairman, for a better reason to be given, in view of the explanation I have made, for your borrowing from previous years, than has been given. As I have said, I believe this bill should carry the exact amount which the Committee on Appropriations believe is necessary to pay the pensions, that the people may not be driven to the CONGRESSIONAL RECORD, to the report made by the Committee on Appropriations, to find out how much money has been appropriated. The appropriation bill itself should carry it.

[Here the hammer fell.]

Mr. RANDALL. If there is a man in this House that is estopped from complaining of this language in the bill it is the gentleman from New York [Mr. HISCOCK] who has just taken his seat. I hold in my hand the pension appropriation bill of last year, and I find in that bill the very words which the gentleman seeks to strike out. He has been beating about the bush to get clear of the responsibility of it. Now we have done in this matter just as the gentleman from New York did. He says we encroach upon the appropriations of a Republican Congress. Does the gentleman not remember that he in like manner encroached upon the appropriations of a Democratic Congress in that particular?

Mr. HISCOCK. May I ask the gentleman when?

Mr. RANDALL. Why, last year.

Mr. HISCOCK. I beg the gentleman's pardon. I encroached upon the appropriation of a preceding year, the appropriation of a Republican Congress.

Mr. RANDALL. But the gentleman also encroached upon a balance remaining from the year before, because these balances had been kept running until you reappropriated them. There was available at the beginning of this year $126,000,000; and there has not been at any time expended in any year more than $60,000,000. And I want to say here that the Committee on Appropriations, desiring to be absolutely secure about having every dollar that was essential paid to pensioners, have put in the bill more by $20,000,000 than there is any occasion for; the object being that we might be absolutely safe and not subject ourselves to the charge here or elsewhere that we were not providing sufficiently for the pensioners. The gentleman from New York [Mr. HISCOCK] will remember that he appropriated $86,000,000 and all the unexpended balances, and they proved to be $40,000,000, as I have said. We have done the same thing. That is all there is of it.

Possibly there may be objections in other respects to this mode of legislation, and it may be that the appropriation bills ought to state the amounts appropriated, but it is a safe way, and pensions are exceptional in my judgment in that particular.

But there is not any political advantage about it. There are being expended $60,000,000 a year for pensions, and everybody knows it; and we have appropriated so that we might be secure in these respects and not subject ourselves to the criticisms on the stump of political demagogues.

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

Mr. HISCOCK. I move to strike out the last word. I shall be gratified, and no doubt the country will be, if the chairman of the Committee on Appropriations will follow the many good examples that I set him and not follow those which are pernicious.

Mr. RANDALL. Ah, now you confess.

Mr. HISCOCK. The only one that I now recall which I believe to be pernicious is the one which the Committee on Appropriations is here following, where they neglect to set out in the bill the amount of money which it carries. And after the explanation I have made I am somewhat surprised that it should be said that that provision in the last bill is an estoppel upon me now. If gentlemen will look at the report of the committee of the last Congress, certainly if they will investigate what occurred in the room of the Committee on Appropriations and what was said in the debates here, they will find that that provision was inserted to meet the charge which was being made that we were attempting to create a deficiency. It was for that reason that that language was inserted in the bill.

The gentleman from Pennsylvania [Mr. RANDALL] says that we brought over unexpended balances from the appropriations of Democratic Congresses. The gentleman forgets that the unexpended balance which came over from the Democratic Congress was a deficiency which we appropriated for in the first session of the Forty-seventh Congress. We were compelled to appropriate $14,000,000—I think it was; at least we supposed that amount was necessary—to provide for a deficiency in the payment of pensions. As it turned out only a part of that amount was needed. It was out of abundant caution that the Committee on Appropriations at the last session of Congress adopted the provision which was contained in the last pension appropriation bill.

Mr. RANDALL. I never question the motives of people; I avoid that. But there is a notorious fact standing out of record that from some cause or other the appropriations made at the last session of Congress were over $60,000,000 less than the appropriations made at the preceding session of Congress. I am not going to inquire what the motive was; but the fact stands there and can not be controverted. One large item was the appropriation for rivers and harbors, which fell through. That accounts for $18,000,000 of the sum, that being the amount which was appropriated at the preceding session for that purpose over the veto of the President. But outside of the river and harbor appropriation bill it is a fact that the appropriations at the last session of Congress were forty million and over less than the appropriations at the preceding session.

The following are the amounts appropriated in the several appropria-

tion bills at the first and the second sessions of the Forty-seventh Congress:

Title.	Law 1882-'83.	Law 1883-'84.
Pension	$100,000,000 00	$86,575,000 00
Military Academy	335,557 04	318,657 50
Fortifications	375,000 00	670,000 00
Consular and diplomatic	1,256,655 00	1,296,755 00
Navy	14,819,976 80	15,894,434 23
Post-Office	44,643,900 00	44,489,520 00
Indian	5,229,374 01	5,358,655 91
Army	27,258,000 00	24,681,250 00
Legislative, &c	20,038,000 65	20,454,246 22
Sundry civil	25,589,358 06	23,679,575 44
District of Columbia	1,695,098 04	1,700,697 23
River and harbor	18,738,875 00	
Deficiency	25,689,951 10	2,749,941 49
Agricultural	427,280 00	405,640 00
Total	286,097,025 70	228,274,373 02
Miscellaneous	9,413,614 16	1,912,723 88
Grand total	295,510,639 86	230,187,096 90

Mr. HISCOCK. It seems to be necessary that I should make some reply to the assertion of the gentleman from Pennsylvania. The gentleman attempts to argue from the fact that our appropriations in the second session of the last Congress were $65,000,000 less than the appropriations at the preceding session. It is true that the item for rivers and harbors was a large one. But if the gentleman will look at the history of the legislation of the first session of the Forty-seventh Congress he will find that we were compelled to appropriate $28,000,000 to cover the deficiencies of the preceding Democratic Congress, which deficiencies had been created by the failure of our predecessors to appropriate the necessary sums of money for the expenditure of the Government.

That deficiency of $28,000,000 embraced items of appropriations over which Congress has no control whatever, no discretion whatever, as I have had occasion to point out heretofore. The existing law created the liability, and there was nothing for Congress to do but to provide the money to discharge the liability.

And I will also say in all frankness to gentlemen on the other side that we were more economical in the second session of the Forty-seventh Congress than we were in the first session. So far as appropriations for specific objects outside of the general expenses of the Government were concerned, we did hold them down more closely in the second session than in the preceding session. The river and harbor bill and this item of deficiency of $28,000,000 will go very far to make up the $65,000,000 which the gentleman talks about, and I have no doubt that the remainder of the amount can be accounted for by an economical saving which we made at the last session. I shall be ready to point to the record of the last Congress, so far as creating deficiencies is concerned, and compare it with the record of this or any other Congress which has ever assembled here. [Here the hammer fell.] I withdraw the *pro forma* amendment.

Mr. WELLER. I renew the *pro forma* amendment. It was with regret that I observed the necessity for our worthy chairman to rule the amendment offered by the gentleman from West Virginia [Mr. GOFF] out of order under the rules of the House, for I deem that amendment an absolute necessity to the soldiers and sailors, their widows and orphans, that they may have that justice which is denied them or many of them under existing law as construed (and properly, too, perhaps) by the Pension Department.

I did desire to obtain recognition by the chairman at the time the amendment was before us for direct discussion of its merits, in order to plant myself squarely before this House and the whole country as solidly in favor of the soldier and sailor, his widow and orphan, in the matter of their just demands against the Government, for the life of which they paid so dearly to save.

I believe that one of the most unjust conditions which these meritorious people have had to meet is the sorry fact that they have been compelled to prove the soundness of the disabled, after these years of time have gone by, before their claims can be further considered—before the scanty pittance allowed by the Government to those of the rank and file can be paid to them or their dependencies; and all this after an admission into the service at the first instance through the ordeal of a searching medical examination by such authorities as the Government saw fit to furnish. This I have ever regarded as a matter of grave injustice; for the authorities of the Government proclaimed to the soldier, his wife, children, and dependent relatives, that they could depend on the one fact, that an able-bodied and physically sound man had entered the hazardous service of his country. But my individual views ought of right to have less weight and be regarded of less importance than the deliberately expressed opinions of the soldiers or their widows and orphans as made by themselves in their own chosen language.

Therefore, to give weight of public opinion to the sentiment and substance of the amendment offered by the gentleman from West Virginia [Mr. GOFF], and more especially to spur the proper committee on pensions to immediate action on bills now before them covering this point, I ask to have read by the Clerk as a part of my remarks a petition to this Congress from one single locality in my district to show the sentiment of those people in the premises of the bill or certain features of the bill under consideration. And, by the way, this petition is signed without reference to party—by Democrats, Republicans, and Nationalists.

The Clerk read as follows.

FREDERICKSBURG, *April* 8, 1884.

To the honorable members of the Senate and House of Representatives in Congress assembled:

The undersigned, your petitioners, ex-Union soldiers and citizens residing in Chickasaw County and State of Iowa, would most respectfully urge upon your honorable bodies the passage of such laws as will estop the Government from requiring claimants for pensions to prove soundness or freedom from the particular disability at date of enlistment, and that we urge the passage of such laws as will direct the Pension Department to regard a pension claim established when the proofs are of such a character as would establish the same in a court of law; and the facts of his being mustered in the service and having performed the duty of a soldier should be sufficient proof of his soundness to establish his claim; and that we urge the passage of such laws as will entitle soldiers' widows to pensions without reference to cause or presumed cause of the soldier's death; and that arrears act be so amended as to allow a reasonable period of time to claimants for pensions to file claim therefor so as to embrace arrears, and your exertions in our behalf will be gratefully appreciated by us.

Signed by General Milo L. Sherman, H. B. Carpenter, and more than 60 others.

Mr. WELLER. That petition is from an isolated locality, and is signed by some of the best men in my district, who have been paid in "undying gratitude" too much, and in cash and lands for a homestead too little. The petitioners request, but I demand, that this unjust and unpatriotic feature of our present pension laws be swept from the statute-books and place be given to a law more humane and more in accord with the genius of our form of government; more in harmony with the spirit of this age and day of progress; more in keeping with the proclamations of many able gentlemen on this floor and elsewhere that they were the true friend of the soldier and the sailor who served in the late war, and therefore the friend of his widow and orphan. Let us have less of words and more of deeds, such as will prove conclusively that such words are not the fulsome offspring of deceit or hypocrisy.

I said this petition was from a single locality in my own county. I now send to the Clerk's desk, to have read as part of my remarks, a joint resolution passed by the Legislature of the State of Iowa at its present session on this soldiers question.

I desire to have it read to show that this demand for justice to the soldier is not confined to a few isolated localities, but that the proper sentiment of the country is being aroused on this question of granting speedy justice to these deserving people. But before it is read I desire to state that long heretofore I had determined to present a bill covering this very question as also many other important questions of great interest to my people and to the people of the whole country, but have been deterred by a knowledge of the rules of this House that when a bill came up for consideration and amendment, that no amendment, however proper it otherwise might be and however much the people might demand the relief sought, yet it could not be entertained against the objection that a bill embodying such provisions was already before the committee for its consideration, and therefore the House even in Committee of the Whole could not entertain and act upon such matters while the same were pending before the committee.

Thus I have forborne to put bills before this House touching important matters, lest they sleep the sleep that knows no waking from the committee, and yet I am forbidden to offer and the chairman to entertain an amendment embodying the subject-matter of any other bill then before any committee of this House but unreported therefrom, even though germane. The rules of this House in that respect are the same as those of the last Congress in such particulars, and ought to be stricken out. I now ask the Clerk to read the joint resolution of the present Legislature of the State of Iowa on this matter.

The Clerk read as follows:

[Joint resolution No. 18.]

Memorial and joint resolution in reference to the applications for pensions.

Whereas thousands of applications for pensions are now pending in the United States Pension Office and have been pending from two to ten years; and

Whereas many of the applicants gave the best years of their lives, their health, their strength in the defense of their country, and many gave up husband and father; and

Whereas many of them have now no means of support, but have with their families been reduced to abject poverty and want: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That these applications of right ought to be speedily adjusted; that the expectations, hopes, and just rights of those who suffered wounds and disease for their country's good should not longer be delayed.

Resolved, Second. That our Senators and Representatives in Congress be, and they are hereby, requested to use all their influence to secure the most speedy and adequate adjustment practicable of all such claims.

Resolved, Third. That the secretary of state be instructed to furnish a copy of this memorial and joint resolution to each of our Senators and Representatives in Congress.

Approved April 7, 1884.

STATE OF IOWA, OFFICE OF SECRETARY OF STATE.

I hereby certify the foregoing to be a true copy of the original on file in this office.

Witness my hand and the great seal of the State, April 9, 1884.

[SEAL.] J. A. T. HULL, *Secretary of State.*
W. T. HAMMOND, *Deputy.*

Mr. Chairman, the language of that resolution I doubt not is the very sentiment entertained by the great body of the people of our whole country, and it has long been thus; and the query is, why have the

soldier's just demands been so long neglected? Why has it been left for this day, nearly a score of years since the close of the war? Why has the Legislature of my own State been called on at this late date to pass such a resolution, practically stultifying the past as to boasts of great love for the dear soldier, his widow, and orphan? Has it been because the Government had not wherewith to pay? If so, why has her Treasury been overflowing with silver dollars that would enrich these worthy ones so very much, in the stead of paying them out as we ought? Why stop the coinage of silver until these people are honestly, generously, patriotically paid for some of their sacrifices to maintain the old flag?

[Here the hammer fell.]

Mr. RANDALL. In answer to the resolution of the Legislature of Iowa, which has just been read, I desire only to say that in this bill we give to the Commissioner of Pensions every clerk, every surgeon, every examiner that he has asked for, and I do not see how we could possibly do more toward securing the prompt payment of pensions than this bill proposes. We give all the money that has been asked for and twenty millions more.

I hold in my hands and would like to have printed in the RECORD——

Mr. WELLER. May I ask the gentleman a question?

Mr. RANDALL. Certainly.

Mr. WELLER. Is it not true that the great obstacle in the way of the procurement of pensions by soldiers, their widows or orphans, is the difficulty of proving that the soldier was sound at the time of entering the service?

Mr. RANDALL. It is very difficult, I admit, in many cases to trace the wound or disability back twenty years.

Mr. WELLER. I ask the gentleman further whether there is any reason in equity why there should not be attached to this bill a provision, embraced in other bills now before the proper committee, declaring that the burden of proof in respect to physical unsoundness of the soldier at the time he entered the service shall be thrown upon the Government, not upon the soldier or his widow or his orphan?

Mr. RANDALL. On that point I would rather take the judgment of the Commissioner of Pensions than my own, because he has had more experience in the administration of the law. So far as I know, he has not recommended, upon this bill at least, any change of the law in that respect. I believe he has expressed his approval of the bill of the gentleman from Indiana. Let that or any similar bill be brought up here for consideration. There is no difficulty about passing pension bills in this House. The House is always ready to pass pension bills. It meets one night in every week for that purpose. It is always ready to suspend the rules and give the Committee on Invalid Pensions a day, or more than a day, to dispose of their legislation. My objection to such legislation upon this bill is that, whether good or bad, it does not properly belong in an appropriation bill. A general appropriation bill should provide the amounts of money necessary under existing law, and should not embody new measures of legislation.

The CHAIRMAN. Debate is exhausted on the amendment to the amendment.

Mr. WELLER. I withdraw the *pro forma* amendment.

Mr. HISCOCK. I understand that the question is now on my amendment.

The CHAIRMAN. It is.

Mr. HISCOCK. I ask that it be read.

The Clerk read as follows:

In lines 11 to 16 strike out these words: "Twenty million dollars; and any balance of the appropriation for the above purposes for the current fiscal year that may remain unexpended on the 30th of June, 1884, is hereby reappropriated and made available for the service of the year ending June 30, 1885;" and insert "$86,640,400."

The question being taken on the amendment of Mr. HISCOCK, it was not agreed to, there being—ayes 60, noes 82.

Mr. BRUMM. I move to amend by adding to the section under consideration the following:

Provided, That upon the question of the physical condition of the soldier at the time of muster into service the common-law rule of evidence as to burden of proof shall be adopted in the adjudication of all claims for pensions.

The CHAIRMAN. The amendment will be read by the Clerk.

Mr. RANDALL. I reserve a point of order upon the amendment.

The Clerk read the amendment.

Mr. MCMILLIN. I desire to reserve a point of order upon that amendment.

The CHAIRMAN. The point of order has been reserved by the gentleman from Pennsylvania [Mr. RANDALL]. In the opinion of the Chair the point of order should now be disposed of.

Mr. MCMILLIN. My point of order is that the amendment changes existing law and does not retrench expenditures; therefore it is not in order on an appropriation bill.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania [Mr. BRUMM] upon the point of order. In discussing this point members are requested to observe the rules and confine themselves to the point of order, without entering upon a discussion of the merits of the question.

Mr. BRUMM. Mr. Chairman, the point of order raised by the gentleman from Tennessee [Mr. MCMILLIN] is twofold; first, that the amendment changes existing law; and secondly, that it does not retrench expenditures. As to the first proposition, I should like the gentleman to show me the law with which this amendment conflicts, or in what possible sense it changes existing law. The fact is that the Pension Department has established the rule of evidence which it deems justifiable, because it is held that the legislation of Congress in respect to pensions should be construed strictly, and therefore in the judgment of the department nothing can be done that might seem to go outside of the jurisdiction of the department in the investigation of the facts.

The law as it now stands provides that soldiers who have received certain wounds or incurred certain disabilities in the line of duty shall be entitled to pensions. This provision, as the Commissioner of Pensions thinks, makes it incumbent on him to require the soldier to prove affirmatively that the disability was received in the line of duty, and as a part of such proof to show that he had no disability when he was mustered in. Under the present construction of the law the soldier is compelled to prove a negative. I do not wish to criticise the action or opinion of the Commissioner of Pensions, but in my judgment this view of the law is not called for. The Commissioner, I submit, would have the right to presume that the soldier was sound in body and mind when he enlisted. He would have the right to presume, as all the rules of evidence presume, that the officers of the law performed their duty when they enlisted the soldier. The Commissioner would have the right to presume that when the soldier was mustered into the service he had all the qualifications necessary to entitle him to be mustered in. Among these are certain physical qualifications as to stature, health, &c. The presumption should be that the soldier had all these qualifications.

But the Commissioner of Pensions seems to think it became necessary to establish affirmatively again the fact that he had all these disabilities. Hence as to the first branch of the point of order, I say it is without foundation. It changes no existing law, but is simply declaratory of what the present law is, and it enables the Commissioner of Pensions to do as I believe Congress wishes him to do and as the people demands he shall do. And in that regard it is certainly not liable to the point of order.

As to the second proposition, that is, to the question of retrenchment of expenditures, I have this to say: Why, Mr. Chairman, the question as to whether these soldiers are entitled to their pension or not is matter of evidence, and the more you cloud the testimony the more you complicate the machinery by which you arrive at the proper facts, the more you expend the money of the people. Simplify your work; use the common-law doctrine; use the same rule of law and of evidence with the soldiers that you would use with the humblest claimant against this Government; use the same simple rules of evidence, and you will practically retrench expenditure.

How many employés are in the Pension Office to-day, kept there year after year for no other purpose than to haul and to overhaul, to adjust and to readjust, to examine and to re-examine, not finishing their work, but extending it from year to year, thus making your expenditure so much larger than it ought to be. My amendment means that you shall simplify the work of the Pension Office; that you shall say what shall be evidence and what shall not; what is their business and what is not. This is, in other words, to tell them at the Pension Office, you have no business to spend the money of the country in having men attempt to prove a negative. This tells them they must rest satisfied with the record evidence, and to presume all men are honest—that the men who went into the service and suffered disability were honest——

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL rose.

Mr. BRUMM. I have not finished my remarks on the point of order.

Mr. RANDALL. I thought the gentleman had concluded.

Mr. BRUMM. No; I had not.

The CHAIRMAN. The Chair is somewhat in doubt about the rule. Where the general debate has been exhausted under the order of the House, and the five-minute debate has begun, the Chair thinks that the discussion of points of order can not extend beyond the five-minute limit.

Mr. RANDALL. As I understand, this relates to the matter of clerk-hire. It is out of the 5 cents paid for vouchers the Pension Office is able to pay the clerks necessary to perform this service. It came to the knowledge of the committee that at 15 cents a number of pension agents were making over $5,000 a year.

Mr. MILLER, of Pennsylvania. The gentleman mistakes the amendment of our colleague.

Mr. RANDALL. I understand he moves to strike out 5 cents.

Mr. BRUMM. No, that is not my amendment. I ask that the amendment be again read.

Mr. BRUMM's amendment was again read.

Mr. RANDALL. I think the testimony in relation to pensions is *ex parte*. I believe the point of order rests against the gentleman's amendment. I ask for a decision.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. BRUMM. I should like to correct the gentleman from Pennsylvania. It is true the testimony is *ex parte*, but the rule of the Pension

Office is to throw the whole burden of proof on the defendant. I propose to apply the common-law doctrine to it.

Mr. RANDALL. You might do a great injury to the pensioner by establishing a new rule of evidence. As I have said, it is now *ex parte*.

Mr. BRUMM. Oh, no. If you establish that rule it shifts the burden of proof upon the Government, and that is the effect of this and nothing else.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. CURTIN. I would like to ask the gentleman from Ohio, the chairman of the Committee on Payment of Pensions——

Mr. HENDERSON, of Iowa. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HENDERSON, of Iowa. Every step in this discussion is important, and it is absolutely essential that we should know what is going on.

The CHAIRMAN. The Chair is endeavoring to preserve order; and the public business will be suspended until order is restored.

Mr. CURTIN. I desire to ask the proper committee if they have not already prepared a bill which remedies all of this evil of which complaint is made.

Mr. WARNER, of Ohio. I can answer the gentleman. Yes.

Mr. RANDALL. They have prepared a bill, which will be introduced on Monday.

Mr. CURTIN. It is quite unnecessary then, I imagine, for any member of this House to say that justice to the soldiers should be done and that the country demands it. There are none here who have any other opinion than that justice should be done to them. But if this amendment is doubtful, and subject to the point of order, why not let the proper committee bring in a bill which will remedy the defects complained of, and let us proceed with the consideration of this bill?

Mr. BRUMM. I have been told that there is such a bill, but I have not been able to find it, and I will thank any gentleman to read me a clause in that bill which covers this point.

Mr. CURTIN. I have no political record to correct on this question. I do not desire to review what has occurred in Congresses previous to this, nor have I any disposition in this way to gratify my desire to do justice to that class of our American citizens who defended this Government in its hours of peril. I understand that the Secretary of the Interior is prepared to rule now that the *prima facie* is with the soldier who was regularly examined and pronounced fit to perform service, and the burden of proof is thrown upon the Government to prove that he was not fit and that his muster was a fraud.

Mr. BRUMM. If that be the case, there can be no harm in the adoption of this amendment.

Mr. CURTIN. But to relieve the Secretary of the Interior from all doubt in the matter, I understand that this soldier [Mr. WARNER, of Ohio] has a bill which covers the subject and which will be presented for our action in a very short time.

Mr. WARNER, of Ohio. In behalf of the Committee on Payment of Pensions, Bounty, and Back Pay, I will state that we have had such a bill under careful consideration for weeks. We have already reported a bill which meets the approval of the Commissioner of Pensions, and the committee has instructed the chairman to call the same up on Monday for passage under a suspension of the rules.

Mr. CURTIN. I suggest, then, that we had better go on with the consideration of this bill and let the committee report on that subject.

Mr. BRUMM. I should be glad if the gentleman from Ohio would read the clause of the bill which covers this point.

Mr. MCMILLIN. Mr. Chairman, I do not think it is best in this hasty manner and upon an appropriation bill to incorporate a provision or a clause that may affect injuriously even a solitary soldier of this country. Whatever is done, let it come after proper consideration from the proper committee. I am willing to put any amendment on an appropriation bill that comes within the rule and which has been judiciously considered by the committee. But here we may pass a law which will make it even more difficult for the soldier whom we are pretending to benefit to prepare or make the proof that is required of him in his application. I therefore make the point of order, which had better prevail unless the gentleman withdraws the amendment, and let us act upon a bill which has received proper consideration and is reported by the committee which has charge of the subject.

Mr. ROGERS, of Arkansas. Mr. Chairman, I would like to be heard for a moment.

The CHAIRMAN. The Chair desires to remind gentlemen that this discussion must be confined to the question of order. We can not proceed with the merits of this bill if the time is to be consumed in discussing questions of order.

Mr. ROGERS, of Arkansas. I would like to make a single observation, not directly to the point of order perhaps——

The CHAIRMAN. The Chair will hear the gentleman on the merits of the bill when we reach that point upon which he desires to be heard.

Mr. ROGERS, of Arkansas. I am not sure whether it will be directly to the point of order or not; that of course will have to be determined by the chairman; but a word only in this connection.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. ROGERS, of Arkansas. I suggest to my friend from Pennsylvania that perhaps in its broadest sense the most unwise rule that could be adopted would be the common-law rule, because—and I emphasize it—because then you deprive the applicant for a pension of the right to testify in his own behalf at all. You cut him off from his right to testify, and I insist that no rule would be as detrimental to his interests as that.

Mr. GOFF. I think the gentleman is mistaken about that.

The CHAIRMAN. The Chair will decide the point of order.

Mr. BRUMM. In order that there may be no misapprehension——

Several members addressed the Chair.

The CHAIRMAN. The Chair reminds members that this is on the point of order. No discussion can be permitted upon the merits of the bill while that is pending, although the Chair has listened to the suggestions of members. The Chair will also remind members that no business can be transacted in the prevailing confusion.

Mr. BRUMM. There is evidently, I only wanted to say, a misapprehension in the mind of the gentleman who spoke last as to the effect of this amendment. It does not go to the extent that he supposes——

The CHAIRMAN. The Chair heard the gentleman's proposition, and will state again that it is not in order at this time to discuss the merits of the bill.

Mr. BRUMM. I do not want it to go to the country that I have offered an amendment here that is in any way injurious or detrimental to the rights of the soldiers, and the gentleman from Arkansas misapprehends the amendment. It has only reference to the question of *prima facie* upon the muster-in or at the time of mustering in, and no more.

Mr. MCMILLIN. Then the gentleman, in order that the country may not misapprehend him, had better withdraw his amendment.

Mr. BRUMM. I beg pardon; I want the country to hear the amendment, but I do not want it to be misunderstood.

Mr. RANDALL. The country will judge of that.

Mr. BRUMM. I will take the result of that judgment. The country will understand the amendment if gentlemen do not.

The CHAIRMAN. The Chair desires to decide the question of order.

Mr. LAIRD. I wish to ask a question, to which I should like an answer from some member of the committee.

The CHAIRMAN. The Chair will decide the question of order unless the gentleman from Nebraska desires to speak to the question of order.

Mr. LAIRD. I supposed that had been disposed of.

The CHAIRMAN. The same point of order substantially was presented on the amendment offered by the gentleman from West Virginia [Mr. GOFF]; and for the reason stated at that time the Chair sustains the point of order and rules the amendment out.

Mr. LAIRD. I move to strike out the last word of the paragraph under consideration for the purpose of asking a question of some gentleman of the committee.

I notice by the statement of the appropriations for 1883 that the item to cover the expense of the medical examination of applicants for pensions was $528,000. The same item for 1884 was $775,000. I notice that the appropriation in this bill for that purpose is $500,000. The deficiency bill that we passed a short time ago indicated that the amount appropriated in 1884 was less than the amount required.

Mr. RANDALL. The gentleman from Nebraska is alluding to the deficiencies of 1883 and 1884; and now he asks the authority for our appropriating $500,000 for the current year. I will give him the authority, and that authority is the Commissioner of Pensions himself, in a communication which reads as follows:

> Estimating the examinations to be made during the ensuing fiscal year at from 100,000 to 120,000, it will require, it is believed, about $500,000 to pay the surgeons, provided the fee remains as it is now fixed by law.

The amount may not be the same because the fee may be changed. If it is not changed the Commissioner of Pensions states that the amount is sufficient. If the fee is reduced, so much less would be required.

Mr. LAIRD. I withdraw the *pro forma* amendment.

Mr. WHITE, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

> Add to the end of line 20:
> "*And provided further*, That the mother of a deceased soldier shall be assumed to have been dependent upon her son, within the meaning of the pension laws, if at the date of his death or at any time subsequent thereto she had no other adequate means of support."

Mr. RANDALL. I reserve the point of order on that amendment until I can examine it; but I am willing to hear the gentleman from Kentucky explain his object.

Mr. WHITE, of Kentucky. The gentleman from West Virginia [Mr. GOFF] offered an amendment, to come in at the end of line 20, to the effect that a soldier was presumed to be sound when he was received into the United States Army. The present ruling of the department, with certain exceptions, is that he must prove that he was sound at the time he entered the Army and that the disease from which he claims to suffer and on which he asks a pension was incurred in the line of duty. I desired to offer what the Clerk has just read as an amendment to the amendment of the gentleman from Virginia, but for

some cause I could not get the floor at that time, and I offer it now. It may be that the point of order will lie against the amendment, but I hope neither the gentleman from Pennsylvania nor any other gentleman will insist on the point of order. It is a matter of simple justice, and it occurs to me that this is the readiest way to rectify the wrong that is now done to many dependent mothers claiming pensions before the department.

Under the present ruling the mother is compelled to prove that she was dependent on her son. Now, it is very hard for the mother to prove at this time that she was dependent upon a son who was just entering manhood and went into the Army and lost his life; but it is easy for every one of us to see that she was soon to be dependent upon him, and that she would have been dependent upon him more or less from that time to this. But no mother, however much she may be suffering now, if she can not prove that she was dependent upon her son at the time he enlisted, can get a pension for that son's services, although he may have lost his life in the service. It strikes me that there is here so clear a case of injustice that we should not higgle about it for a moment.

I believe if my amendment be adopted it will effect a saving in this way: The clerks here in the department have more trouble from this one small point than perhaps from any other that comes before them—I mean, to get the proof to convince the average clerk. I do not mean to cast any imputation upon the clerks as to their competency. On the contrary, I will go out of my way to say that I do not believe there are any clerks in any Department of the Government that do as much and as honest work from day to day as do the clerks of the Pension Bureau. But those clerks, hard-worked as they are, are not unfrequently nonplussed to tell whether a widowed mother is entitled to a pension, the difficulty being on the point whether she was wholly dependent or in part dependent upon the son when he went into the Army. Every one can see that when the son went into the Army, and a few months afterward lost his life in the service, although the mother might not have been dependent on him at the time he went into the service, she would have been dependent on him if he had lived until now. My amendment seeks to remedy a matter of gross injustice, one that annoys the department not a little, and we ought to make the amendment in this bill, because if we wait until it is reached in the regular way it may not be reached during this session.

Mr. RANDALL. As the gentleman from Kentucky has spoken on the merits of his proposition, I yield for a moment to the gentleman from Ohio [Mr. WARNER] to make a statement, that it may be seen that in making the point of order I am not opposed to the proposition, but I make it because it has no place on this bill.

Mr. WARNER, of Ohio. I wish to state that the bill I have heretofore referred to cures the defect of which the gentleman from Kentucky complains.

Mr. WHITE, of Kentucky. But does the gentleman think we will pass it this session?

Mr. WARNER, of Ohio. I hope we will on Monday.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on the point of order?

Mr. RANDALL. I do, for the reason I have stated.

The CHAIRMAN. The Chair, on the grounds already stated in connection with the amendment proposed by the gentleman from West Virginia [Mr. GOFF], sustains the point of order.

The Clerk resumed the reading of the bill, and read the following:

For pay and allowances of pension agents: For salary, fees for preparing vouchers, rent, fuel, lights, and postage on letters to the Executive Departments and to pensioners, $174,400: *Provided*, That from and after July 1, 1884, agents for the payment of pensions shall receive only $5 for each 100 vouchers, or at that rate for a fraction of 100, prepared and paid by any agent in excess of 4,000 vouchers per annum: *Provided further*, That from and after July 1, 1884, there shall be no more than twelve agents for the payment of pensions; and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the pension agents to not exceeding the number aforesaid; and so much of sections 4778 and 4780 as is in conflict with this provision be, and the same is hereby, repealed.

Mr. WASHBURN. I move to amend the paragraph just read, in lines 25 and 26, by striking out "$174,400" and inserting in lieu thereof "$240,000." Of the amount named in the bill $66,400 is for the preparation of vouchers at 5 cents each. As I have already intimated, that sum is not sufficient to meet the actual expenses of the clerical services of the office.

Mr. RANDALL. I desire to reserve the point of order on the amendment. There was so much confusion when the amendment was read that I could not hear it distinctly. I supposed that it applied to only the charge for vouchers; but it seems to refer to something else. That is the reason why I want to reserve the point of order. I would ask the gentleman from Minnesota [Mr. WASHBURN] why he does not make his amendment apply alone to the vouchers, separate and distinct from anything else?

Mr. WASHBURN. I want to increase the amount here appropriated so as to cover an increased amount for the preparation of vouchers. The amount here named, $174,400, is for the preparation of vouchers at the rate of 5 cents for each voucher, and also for salaries for pension agents, rent, fuel, light, postage, &c. I propose subsequently to offer an amendment providing that the sum paid for the preparation of vouchers shall not exceed 10 cents each.

Mr. RANDALL. I have conferred with the members of the Committee on Appropriations about that, and we have agreed that the amount shall be increased to 10 cents.

Mr. WASHBURN. Then there should be the increase of appropriation which I have indicated.

Mr. RANDALL. The subcommittee which prepared this bill, of which the gentleman from Minnesota [Mr. WASHBURN] was a member, gave, as I understood, full examination to the question and agreed upon the sum of 5 cents per voucher. The gentleman has made further examination since, and I think the gentleman from Texas [Mr. HANCOCK] agrees with him that the amount should be increased to 10 cents; and the gentleman from Indiana [Mr. MATSON], chairman of the Committee on Invalid Pensions, is of a like opinion. I should not, therefore, like to take the responsibility of making a point of order upon the proposition to increase the rate for the preparation of vouchers to 10 cents.

Mr. CANNON. If my colleague on the committee [Mr. WASHBURN] will allow me, I would ask him why it would not be better to first fix the amount to be paid for the preparation of vouchers, and the rest will be a mere matter of computation?

Mr. WASHBURN. The amount named in the bill is based upon a calculation of the amount required to pay for vouchers at the rate of 5 cents each.

Mr. CANNON. A few lines further down in the bill is the provision allowing 5 cents each for the preparation of vouchers. If it is the sense of the Committee of the Whole to make the amount 10 cents, that will be a material amendment, and if adopted the appropriation in the paragraph can be changed to correspond, as it will be a merely formal matter of computation.

Mr. WASHBURN. I intended after getting an increase of the appropriation in the paragraph to move an increase in the amount to be paid for each voucher.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. As I have taken up some of the time of the gentleman, if the Chair will recognize me I will yield my time to him.

Mr. WASHBURN. It may be that the Committee of the Whole would act more intelligently if I should move the other amendment first.

Mr. HANCOCK. I would inquire of the gentleman why it would not be better to pass over this portion of the paragraph for the present, until we see what the Committee of the Whole will do in regard to the other matter?

Mr. WASHBURN. That is what I was suggesting, that the committee would act more intelligently if they were called on in the first instance to vote on the amount to be paid for the preparation of the vouchers. I will therefore yield to the gentleman from Iowa [Mr. HENDERSON] to move an amendment.

Mr. RANDALL. I can give the amount at once which will be required if the change to 10 cents per voucher is made; it will be $240,800.

Mr. HENDERSON, of Iowa. I think we had better first vote on the amount to be paid for the preparation of vouchers.

Mr. WASHBURN. If the gentleman from Pennsylvania [Mr. RANDALL] will pardon me, there are members of the committee who think that the amount should be more than 10 cents.

Mr. RANDALL. Yes; but I understand that the majority of the committee have agreed to make it 10 cents.

Mr. WASHBURN. I will yield to allow an amendment to be offered to test the sense of the Committee of the Whole as to whether the amount should not be increased to 12 cents.

Mr. RANDALL. I hope not.

Mr. CANNON. If it can be demonstrated that 10 cents per voucher will not pay the expenses of the office and leave the salary, then there should be a larger amount given.

Mr. RANDALL. Ten cents is quite adequate. I am advised that some of these agents have received as high as $6,800 a year.

Mr. CANNON. And others have not received so much as the salary intended to be allowed them.

The CHAIRMAN. This can only be settled by an amendment moved in the proper way. The Chair understands that the gentleman from Minnesota [Mr. WASHBURN] has withdrawn his amendment.

Mr. WASHBURN. I withdraw the amendment, and yield to the gentleman from Iowa [Mr. HENDERSON] to move an amendment.

Mr. HENDERSON, of Iowa. I move to amend, in line 29, by striking out "$5" and inserting in lieu thereof "$12;" so that it will read, "agents for the payment of pensions shall receive only $12 for each one hundred vouchers," &c.

I am satisfied that it is not the intention of the committee to reduce the compensation in this particular so that we will not be able to obtain efficient men to discharge this duty. In examining the law I find that the present rate of compensation——

Mr. WHITE, of Kentucky. I desire to reserve all points of order on the amendment.

The CHAIRMAN. It is too late to reserve points of order; discussion has been begun on the amendment and the committee have commenced its consideration.

Mr. HENDERSON, of Iowa. The present law gives these officers: first, a salary of $4,000 per annum; second, 15 cents for the prepara-

tion of each voucher in excess of the $4,000; and then they are also allowed for rent, fuel, and postage on checks and vouchers sent to pensioners and upon letters to the Department at Washington. The legislation proposed in this bill is exactly the same as the present law, except that it reduces the compensation for the preparation of vouchers to 5 cents each.

Now, out of this total sum received the agent must pay, first, his own salary; second, thirteen regular clerks, according to the computation of the Commissioner of Pensions; third, extra clerks four times a year, when the quarterly payments are being made: fourth, stationery, envelopes, &c.; fifth, printing; sixth, all postage other than on correspondence with pensioners and the Department; that is to say, postage must be paid on all letters to claim agents, attorneys, and friends of the pensioners, Senators and Members of Congress, and examining surgeons. For postage on correspondence of this description no allowance is now made by law. Seventh, the agent must pay for all office fixtures and furniture, except when he has accommodations in a Government building, and there are but seven out of eighteen who are thus accommodated. Then the agent has to pay all current expenses. In addition to this, he is responsible for all arrears in payments. These arrears frequently amount to $500 or $800 at a time, as I learn by conference with the Commissioner of Pensions. The Commissioner, after careful examination, estimates that the compensation under this proposed legislation will average $8,839 for each agent, while the average expenditures of each will amount to $9,532; so that under the bill now before the Committee of the Whole these pension agents will not receive one dollar of compensation, but will have to advance out of their own pockets to this great Government $693 each. This is the effect of the bill, as the Commissioner of Pensions shows, after telegraphing all over the country and receiving responses from sixteen out of eighteen pension agencies.

I will give the details of that estimate, so that the committee may know the basis of the Commissioner's calculation. The salary of the agent, as fixed by law, is $4,000; the estimated allowance upon vouchers for each agent, $4,839; making the total receipts of the agent $8,839. The estimated disbursements of each agent would be these: For one chief clerk, $1,500; for one principal clerk, $1,200; for nine clerks, at $600 each, $5,400; for eight temporary clerks, about ten days each quarter, $832; stationery and printing, $600; making the total disbursements $9,532; the deficit being, as I have said, $693.

Now, I desire to show how this bill would operate as applied to the agency at Des Moines, in my State, which pays pensioners in Iowa and Nebraska. I have obtained my figures by correspondence with the pension agent himself. That agency is one of the most economically administered in the country. I will vouch for the agent as a man of ability, who gives his entire energies to the discharge of the duties of the office.

Let me show you how the bill would operate in respect to that agency. That office pays 16,000 vouchers quarterly, making the amount annually 64,000. Deducting 4,000 vouchers, as required by law, we have left 60,000 to be paid for under this bill at 5 cents each, making $3,000. To this add the salary of agent, $4,000, and the gross receipts of the office are $7,000. What does the agent actually disburse? He pays his chief clerk $1,500, his second clerk $1,000, being $200 less than the estimate of the Commissioner. He pays three clerks $800 each; making $2,400.

[Here the hammer fell.]

Mr. HISCOCK obtained the floor, and said: I yield my time to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. I wish gentlemen to bear in mind that this is one of the most economically managed offices under the Government. For temporary clerks, stationery, and printing this agent pays $1,000; for extra postage, $125. Thus the total disbursements of the office are $6,025, leaving for the agent only $975. That office disburses over $4,000,000 every year. The agent gives bond to the Government in the amount of more than $300,000. He devotes his entire time to the business of the office. Yet this bill proposes to give him $975! I say that this legislation will destroy the efficiency of the service, which I do not believe either side of this House wishes to cripple.

At 12 cents per voucher the agent would receive a total salary of $5,175, which I submit is but a reasonable compensation for so important an office, the incumbent of which gives such heavy bonds and handles so large an amount of Government funds.

I have not fully examined the figures furnished by the Commissioner of Pensions; but I believe my friend from Illinois [Mr. CANNON] has done so and will make a statement of the matter to the committee. From a hasty inspection I should say that the average salary would be a little more than $4,000. I do not believe that the able chairman of the Committee on Appropriations, or the gentlemen at the head of the Pension Committees of this House—I do not believe that gentlemen on either side of this House wish to bring the compensation of these agents down to such a rate as will throw the work into the hands of inferior and inefficient men. Let us continue to have in these offices, as we have now, men of ability and integrity, who will discharge their duties with skill and efficiency, and satisfy the pensioners of the country with the work that is done for them.

The Commissioner of Pensions says it is hard to suggest an improvement to the present service; it is so efficient and well conducted. Let us not therefore in our attempts to get at a reduction of expenditure strike a vital blow to an arm of the service which should find guardianship in every heart present in this Chamber.

Mr. MATSON rose.

The CHAIRMAN. Debate on the present amendment is exhausted.

Mr. MATSON. I move to strike out the last word.

The CHAIRMAN. The gentleman will proceed.

Mr. MATSON. Mr. Chairman, the law has fixed the compensation of the pension agents at $4,000 a year. The law intended he should have that much in the way of compensation, and no more. The amount which has been fixed heretofore to be paid for filling out each voucher was intended by the law to cover the expense of clerk-hire as well as other contingent expenses of each pension office.

Mr. CANNON. There was so much confusion in the House I was unable to hear what was said by the gentleman from Indiana.

Mr. MATSON. I will repeat what I have already said, and I will do it for the benefit of the gentleman from Illinois. The law has fixed the salaries of pension agents at $4,000. It intends that as compensation for the office. The sum allowed for filling out vouchers was designed to cover the contingent expenses of the office.

Now, sir, the gentleman from Iowa [Mr. HENDERSON] has demonstrated that the sum of 10 cents for each voucher will give to his pension agent a salary of $3,975, which is within $25 of the amount intended to be fixed by the law as compensation for each pension agent.

Mr. HENDERSON, of Iowa. Will the gentleman from Indiana allow me to say a word?

Mr. MATSON. Yes, sir.

Mr. HENDERSON, of Iowa. I said that under the average expenditure the compensation of these officers of the Government would be much less in other districts than in my own. In my district of Nebraska and Iowa the amount used in running the office is lower than the average. You will find by reference to the figures at the Pension Office that 12 cents per voucher will give no more than the compensation contemplated by the law.

Mr. MATSON. The expenses are not so much in Iowa as they are in Illinois, and I presume there are more pensioners on the roll at Chicago than at Des Moines, and there certainly the compensation of the agent is sufficient at 10 cents a voucher. If 10 cents a voucher is sufficient at Iowa, as shown by the gentleman, it ought to be more than sufficient at Chicago, where there are more soldiers on the roll. It has been stated by the gentleman from Iowa that he is satisfied the proposition to pay 10 cents for each voucher will enable the agent at his place to receive within $25 of the salary contemplated by the law. It will only encroach upon his salary to the extent of $25, and I think it is not unfair to infer among the number of clerks, one at $1,500 and one at $1,000, he will be able to retrench the expenditures of his office sufficiently to supply the loss of that $25.

Mr. HENDERSON, of Iowa. He must pay for extra postage with the examining boards of his district, with claims agents, and with members of Congress. He has to pay for ice and various other incidental expenses of his office. They all have to come out of this voucher allowance.

Mr. MATSON. I heard the gentleman's calculation, and he allowed $125 for postage. The agent uses the penalty envelope when he corresponds with pensioners. He allowed $1,000 for the contingent expenses of the office, and still he brought the pension agent within $25 of the amount allowed by the law in the way of salary. He allowed everything for the pay of these clerks, and perhaps there are not too many of them.

Mr. WHITE, of Kentucky. Will the gentleman allow a suggestion in that connection?

Mr. MATSON. Certainly.

Mr. WHITE, of Kentucky. If the number of pension agents shall be reduced, as contemplated in this bill, will that not tend to increase the salary of the remaining pension agents considerably?

Mr. MATSON. Of course.

Mr. WHITE, of Kentucky. And that has been left out in the calculation of gentlemen?

Mr. MATSON. It makes the office more lucrative, as a matter of course.

Mr. HANCOCK. As this is a very sensational question, in which a number of honorable gentlemen seem to take a very lively interest, and as I think they ought to be indulged in making two or three speeches upon questions as they present themselves, I have not sought to prevent them from indulging in that pleasure.

This, however, seems to me a very simple proposition, upon which the committee having the bill in charge may be said to be practically agreed. It is probable that they retrenched a little too far on information they regarded as satisfactory in striking out the original allowance of 15 cents and substituting 5 cents for each of these vouchers, and upon subsequent information they are willing now to agree that the amount should be fixed at 10 cents. That will within a trifle be sufficient to defray the entire expenses of any of these agents and leave to the agent his entire salary of $4,000 without any labor, or more than that of the general superintendency of the agency, chargeable to him.

I take it that gentlemen of character and capacity, sufficiently com-

petent to take charge of this duty of the Government, would not think it a very great hardship upon them if they should themselves fill up a few thousand more of these vouchers. The estimate of my colleague on the committee has, I think, put in a little bit more than is just and fair in the way of incidental expenses to which the agent will be subjected. He would include furniture, houses, soup—no I believe it was not soup——

Mr. WHITE, of Kentucky. Soap.

Mr. HANCOCK. Yes, soap. [Laughter.] I did not know but that my friend intended, since he has been so liberal to them in other respects, to feed and board them as well as to lodge and clothe them at the same time. But in that matter I think that these gentlemen can be left to take care of themselves, for they have to live any way whether they hold these positions or not.

But as to this little matter of postage which they will have to pay in writing letters to members of Congress, to Senators, probably to some attorneys, or somebody else, in connection with these claims, that seems to be a very insignificant sum. But it will be observed that provision is made in this bill for just such items. It will be observed on an examination of the provisions of this bill that it covers liberally such items. There is a provision here:

For contingent expenses of pension agents, $10,000.

Now, I think that would be ample to meet all of these little contingencies; and the estimates by which my friend shows that 12 cents is absolutely necessary to meet these expenses are erroneous and misleading, for 10 cents will be found ample for all these requirements.

For myself I would rather err on the side of a sufficient appropriation which would guarantee prompt and efficient and reliable service, an appropriation that would provide all that is necessary. Still I think that 10 cents for each of these vouchers will be ample for all purposes. I think my colleague's calculation will show that is enough, if he utilizes the $10,000 of the contingent fund to be used for all of the little expenses he speaks of here, and which we could not very well compute or specially appropriate for. Therefore we made a lump appropriation providing for such emergencies in order that with the amount paid for each of these vouchers these agents would be left their absolute salaries untouched. If in order, therefore, I move to strike out "12" and insert "10" in the amendment.

Mr. RYAN. I suppose the only conclusion that we desire to reach is a just one. What we desire to ascertain is what appropriation is needed to maintain these agencies. That these agencies are conducted economically every gentleman will infer at once when it is known that all the agent can save from the revenues of his office, from these vouchers at the present rate of payment, is his. He hires the clerks for the least possible salary that he can get them. He works them the greatest number of hours that he can. In other words, he conducts his office precisely as a banker would conduct his business or a merchant his.

Now, we have official data to show that for six months the revenue from these vouchers at sixteen of the eighteen pension agencies is in round numbers $74,000. We have official data to show that for the same period of time the amount paid out of that revenue at these agencies is $59,000. If you will reduce the $74,000 of revenue one-fifth you have an amount almost exactly equal to the expenditures; so that if you reduce these vouchers one-fifth you have the exact sum necessary to maintain the offices, and that is 12 cents per voucher. That is all I desire to say.

Mr. CANNON. Will the gentleman from Kansas yield to me the remainder of his time?

Mr. RYAN. Yes, sir.

Mr. CANNON. I merely want to say this is not a matter to be debated about if we get the facts. We all agree these officers should have $4,000, as the law provides, and no more.

I hold in my hand a statement compiled at the Pension Office from the returns for six months, made by sixteen of these agents, and from those returns, the agents hiring their own clerks and paying them out of their own pockets, this state of facts appears: In the six months they each paid an average of 495,920 vouchers for which they received pay. Now, at 10 cents a voucher that number produces $49,592, whereas the expenses, which are here also stated officially, are $58,425, the fees upon these vouchers falling short nearly $10,000 of paying clerk-hire and the incidental expenses.

The salaries, therefore, of these agents, if you put it at 10 cents a voucher, are cut down at the rate of $10,000 for six months, or $20,000 for the whole twelve months. You may just as well understand it. If you put it at 12 cents a voucher, then for six months this will amount to $59,510.40, only about a thousand dollars in round numbers above the expenditures for clerk-hire and the incidental expenses. If you put it at 12 cents, taking the last six months of business for the foundation of the calculation, you leave them the salary of $4,000 per annum, as the law provides, while if you put it at any less you will reduce their salaries of $4,000 by just that much.

That is all I want to say. It is not my figuring; it is the figuring the facts make on the last six months' business.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MATSON. I wish to ask the gentleman from Illinois [Mr. CANNON] a question.

Mr. CANNON. If I have time I will be glad to hear the gentleman's question and answer it.

The CHAIRMAN. The time of the gentleman from Illinois has expired and debate on the pending amendment is exhausted.

Mr. WARNER, of Ohio. I move to strike out the last word.

The CHAIRMAN. That motion is not in order. Two amendments are already pending—the amendment of the gentleman from Iowa to insert "twelve," and the amendment to the amendment offered by the gentleman from Texas [Mr. HANCOCK] to strike out "twelve" and insert "ten."

Mr. WARNER, of Ohio. Can I offer a substitute to make the amount "eight?"

The CHAIRMAN. That would not be a substitute. The question is on the amendment submitted by the gentleman from Texas to strike out "twelve" in the amendment of the gentleman from Iowa and insert "ten."

Mr. WARNER, of Ohio. Would not a proposition to substitute "eight" for "twelve" or "ten" be in order?

The CHAIRMAN. That would be an amendment in the third degree and would not be in order.

Mr. RANDALL. I would suggest that the gentleman from Texas may withdraw his amendment temporarily and the gentleman from Ohio can renew it.

Mr. HANCOCK. I withdraw the amendment for that purpose.

Mr. WARNER, of Ohio. I renew the amendment.

There are about 320,000 pensioners upon the rolls. Four times that number of vouchers are required to be filled out. The average to each agent is about 68,000. But the number is constantly increasing. It will soon probably average 75,000 to each agency. That is, there are now from 17,000 to 18,000 pensioners on the average to each agency, each requiring four vouchers a year.

It is well known, Mr. Chairman, that these vouchers are largely filled out by local help; by ladies who are employed a few days each month. Type-writing machines are also used to save labor, and other economizing methods are adopted. With a constant increase in the number of vouchers, 10 cents a voucher will afford, in my opinion, ample compensation to the agents in addition to the fixed salary, $4,000. Five cents I deem too small, but at 10 cents, with an increasing number to be filled out—and on each one of them there is a gain—the compensation, in my judgment, will be ample. I therefore favor the amendment of 10 cents.

Mr. RANDALL. The gentleman from Illinois [Mr. CANNON] said that he did not wish that these pension agents should receive more than $4,000 salary. In other words, he said that was sufficient, and I quite agree with him. Now let me give you the Commissioner's figures. The Commissioner's estimate at 15 cents is $199,200. The amount required at 10 cents on that basis would be $132,800. The average amount to each of the twelve agents at 10 cents is $11,066, which is not only adequate but in my judgment is quite liberal. I hope therefore the proposition fixing 12 cents will be voted down and that the rate of 10 cents will be adopted, in accordance with the amendment of the gentleman from Texas.

Mr. SMITH rose.

The CHAIRMAN. The gentleman from Pennsylvania can oppose the amendment to the amendment.

Mr. SMITH. The question with me is not as to the amount to be paid for a voucher; whether 10 cents or 20 cents shall be paid for each voucher. The question with me is whether some system shall not be devised to dispense altogether with vouchers. I can not conceive why my friends here who have looked so carefully into this matter should not have adopted some system by which the pensioner should be paid directly by the Treasurer of the United States, just as a public creditor is paid. The roll of pensioners is all here before us. It is in the Department of the Interior. The Commissioner of Pensions has it printed. Now, with that roll before him the Treasurer of the United States can make out a check for each pensioner payable to his order and send it to him; and when it comes back indorsed by the pensioner, as it must be, it is the highest voucher that the Government can have that the right party has got his money.

That is done with the creditors on the 3 per cent. bonds, the 4 per cent. bonds, and the 5 per cent. bonds, without any use of vouchers. Now will some one tell me why you should require a voucher from the pensioner, when you do not require it from the creditor of the United States? Here they are; both parties are known; the names of the creditors are in one book, and clerks are detailed at the proper time to make out the check for them, and as the time comes around quarterly each creditor receives his check. Why not adopt that rule in reference to the pensioners? Why should there be this needless expense in regard to pensioners? Why must a pensioner four times a year certify that he is a pensioner, when the fact is already known and his name is borne on the rolls of the Interior Department.

Mr. CANNON. Does the gentleman desire an answer to that question?

Mr. SMITH. I do, if you have an answer.

Mr. CANNON. It is done for the purpose of protecting the pensioner. In the case of the payment of interest on the public debt, the recipient is able to identify himself all the way through. But if the

same system should pertain to the pensioner that pertains to the public creditor, the result would be that the pensioner would be shaved step by step by parties he would get to identify him and to verify his indorsement.

Mr. SMITH. That is an entire mistake. So far from being shaved he would have his check from the United States and it would be cashed without the slightest trouble. But now, instead of getting the United States Treasurer's check, he gets the check of the paying agent, and it may or may not be paid promptly, just as the agent happens to have funds to his credit in advance.

There is no difficulty at all in the pensioner being paid by any savings-bank or other bank without any trouble if he has the Treasurer's check. All he would have to do would be to present that check. But now what does he have to do? The pension agent gets his money from the Treasurer, and it is sent to Philadelphia or Pittsburgh or Chicago or any other one of the places where pensions are paid. He takes the money of the United States and it is deposited to his credit as the paying agent.

Then the agent after all this circumlocution about vouchers has been gone through with gives the pensioner his own check, either payable to bearer or to order. Then the pensioner has to get it shaved if the agent does not happen to have funds on hand, or he may get it paid at some future time. I want to put the pensioner upon a footing of equality with the creditor of the United States; then you can dispense with all this circumlocution about vouchers and the pensioner will receive his check from the Treasurer payable directly to the order of the pensioner.

Mr. GOFF. Will the gentleman allow me to interrupt him for a moment?

Mr. SMITH. Certainly.

Mr. GOFF. The amounts payable to pensioners differ very materially, not every quarter, but many quarters different amounts are paid. In case a child should become above pensionable age, or in case a widow should remarry, or in case the pensioner should die, it is necessary to make out the voucher in order to show exactly what is coming to the pensioner.

Mr. SMITH. But that appears on the pension-roll; there is no difficulty about that.

Mr. GOFF. It does not appear on the pension-roll when a pensioner dies or a widow remarries.

Mr. SMITH. The pensioner would have some representative. There is no difficulty about that. Suppose that a creditor of the United States should die; there would be some one to represent that creditor.

Mr. GOFF. But there are 800,000 pensioners scattered all over the country.

Mr. SMITH. That need not make any difficulty. There are probably just as many creditors as there are pensioners. There need be no difficulty whatever on that point.

I have looked into this matter before. At a former session of Congress I reported a bill to this effect from the Committee on Appropriations, which had then the approval of the Secretary of the Treasury and of the Commissioner of Pensions. They thought there would be no difficulty about it. No one can give a satisfactory reason why a pensioner should be paid differently from what a creditor of the United States is paid, or why you should require more from a pensioner in the way of vouchers as to his identity than you require from a creditor of the United States.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. 1404) to authorize the location of a branch home for volunteer disabled soldiers in either of the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes; and

A bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States.

PENSION APPROPRIATION BILL.

The committee resumed its session, and proceeded with the consideration of the pension appropriation bill.

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

Mr. WASHBURN. If the gentleman from Ohio [Mr. WARNER] will withdraw his amendment I will renew it.

Mr. WARNER, of Ohio. I will withdraw it.

Mr. WASHBURN. I renew it for the purpose of saying only a word further. It is to be presumed that we all expect to pay these pension agents the salaries fixed by law, and no more—$4,000 per annum. That is supposed to be adequate and entirely sufficient. Now, as a matter of fact, under this allowance for the preparation of vouchers many of these agents have received considerably more, probably some have not received quite that amount, but there are few, if any, who have not received $4,000.

This system of making the pay of agents depend upon the number of vouchers does not seem practically to work very justly. For instance, I find that one agent gets $6,800 a year—that is to say, he saves enough from his allowance to give him with his annual salary of $4,000, $6,800—while another agent barely realizes the amount of salary allowed by law. For this reason I have suggested that it would be well to strike down this whole arrangement of allowance for vouchers. I find from a statement which I have here that for the first six months of the present fiscal year the average cost of all this clerical work was a little less than 12 cents per voucher—that is to say, 12 cents per voucher was sufficient for this purpose. I believe that with the proposed reduction of pension agencies and the increased number of pensioners—something like 325,000 for the coming year—10 cents per voucher will probably cover the actual expense of doing this work; and this, I presume, is all that the committee desires to do. For one, I can see no objection to adopting the amendment substituting 10 cents for 12 cents; and as that amendment has been, I believe, withdrawn, I desire to renew it.

Mr. ROSECRANS. I wish to submit a substitute for the paragraph under consideration.

The CHAIRMAN. The substitute can be considered as pending, but the first question will be upon the amendment of the gentleman from Texas. The Clerk will read the proposed substitute.

The Clerk read as follows:

Strike out the whole paragraph commencing with line 23, and insert the following:

"That from and after the 1st day of July, 1884, the duties now by law devolving upon pension agents shall be performed by paymasters of the United States Army, to be detailed for that purpose and stationed at such places as may be deemed most advantageous for the convenient, effective, and economical execution of the work by the Commissioner of Pensions and the Paymaster-General of the Army, under such regulations as they may prescribe, subject to the approval of the President. And the Paymaster-General of the Army may assign to perform duty under the foregoing provision any officer of his Department now on the retired-list of the Army who may be deemed suitable, and who, while doing such duty, shall be allowed full instead of the three-fourths pay he is allowed on the retired-list; provided that the pay of officers detailed for these duties and the allowances for clerk-hire, stationery, postage, office-rent, and messengers shall be those authorized in the Pay Department, and no more."

Mr. RANDALL. I reserve a point of order upon this amendment. I do not know whether it is subject to the point of order; but I will say that the Committee on Appropriations has not authorized the acceptance of such an amendment.

The CHAIRMAN. The point of order may be reserved, if there be no objection; and the Chair will hear the gentleman from California on the merits of the proposition.

Mr. ROSECRANS. Mr. Chairman, I have made inquiries as to the capacity of the Pay Department of the Army to respond to such a demand as this amendment would make upon that branch of the service, and I have been informed that it can do so. Although under the recommendations of the Paymaster-General himself the law has already provided for the reduction of the paymasters' corps, which provision the Paymaster-General expects to execute as fast as the law contemplates, there are still twelve extra paymasters, so to speak, beyond what the law requires, and the contemplated reduction can only take place by death or casualty and the stoppage of promotions.

We have to pay these paymasters; they are accustomed to business; they have their clerks and their organization for work. Besides, I am informed by the Paymaster-General that there are four or five of the retired paymasters who would be suitable for this duty and would be glad to accept it. If they should be assigned to this service, each of them would, under the provisions of the amendment, received $750 a year more than he is now paid. This, with the allowance for quarters, would cover all the additional expense that would have to be provided for in the Army appropriation bill; and the Paymaster-General thinks there would be, under this arrangement, a saving of $84,000. I am satisfied that the reduction would be greater.

Mr. Chairman, a great deal is said on this floor about the vast expense of making these quarterly payments to pensioners. But it may well be asked what is the need of so many pension agents? To whom do they personally deliver any pay? And of what advantage is it to a pensioner to receive a check from a pension agent at Knoxville rather than from one at Washington? I doubt whether any gentleman can show any advantage in such a system. I do not see any necessity for having even so many pension agents as are provided for by the bill of the Committee on Appropriations.

Mr. HENDERSON, of Iowa. If the gentleman will examine the records, he will find that the cost to the Government of paying pensioners is but $4.76 for each thousand dollars disbursed; whereas the cost of paying the Army of the United States through the paymasters is $23 for every thousand.

Mr. ROSECRANS. That may be the fact, but there is no just ground for making a comparison of that kind.

If this substitute should prevail we shall reduce expenditures, while I think it can safely be said we shall obtain at least equal if not greater efficiency in the service. It seems to me likely that this proposed arrangement will be more convenient to the great majority of pensioners than the present. Under the existing system only a few pensioners residing in the neighborhood of each pension agency can receive their pensions directly from the agent, and I take it for granted, from the

nature of the case, that payments are not made personally except when absolutely necessary. Even in these cases the pensioners have to dispose of their checks. Why would not every purpose be served if pensioners should receive the checks of paymasters stationed at such points as may be selected by the Commissioner of Pensions and the Paymaster-General, with the approval of the President of the United States? The present system has disadvantages of which I would like to speak and which I think the adoption of this substitute would remedy.

[Here the hammer fell.]

Mr. HEWITT, of Alabama. I yield five minutes to the gentleman from California [Mr. ROSECRANS].

Mr. HISCOCK. I understand that a point of order is pending.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] reserved a point of order. The Chair stated that if there were no objection the gentleman from California might proceed.

Mr. RANDALL. Upon examination I think the amendment is not subject to a point of order; but of course the gentleman from New York can make the point if he wishes.

Mr. HISCOCK. I make the point of order, and would like to have it passed upon.

Mr. HEWITT, of Alabama. I believe I have been recognized.

The CHAIRMAN. The gentleman from Alabama was recognized.

Mr. HEWITT, of Alabama. I yield my time to the gentleman from California.

Mr. ROSECRANS. I was about to state that in my judgment this substitute will remedy some of the evils which attend the present system and are indeed inseparable from it. I shall not undertake to specify particularly, but I am satisfied from actual inquiry of a serious kind that there are some abuses growing up and that some of the pension agents have been compelled to divide their salaries and contribute money for political purposes, and that when they could not be induced to do it they have been removed and others put in their places who were of a more accommodating temper. This disadvantage, this sort of corruption will at least be dispensed with by the proposition I have submitted for the consideration of the committee.

Mr. CANNON. My friend from California has made a statement, and I should be glad to know from him who is the pension agent to whom he has referred and when was he removed—whether before the civil service law was passed or since?

Mr. ROSECRANS. I have no doubt the gentleman from Illinois would be glad to know.

Mr. CANNON. Yes, I would.

Mr. ROSECRANS. At the proper time, I will be glad to tell him, but for the present I must decline.

I have no hesitation in saying, Mr. Chairman, it is my belief from actual knowledge that when I make that statement I am within bounds, for there has not only been one such case, but there have been more.

Mr. CANNON. But does not my friend think when he says that a pension agent who would not contribute more than half of his salary to political purposes was removed that it is only just and right to the country he should point out that pension agent so that he may be removed, and also who it was that compelled him to make that contribution for political purposes?

Mr. ROSECRANS. I do not think that would be the case just now, but the time will come when it will be proper to do so.

I have only to say in conclusion that on account of reducing expenditure, and giving, in my judgment, greater efficiency, avoiding, as it certainly does, corruption, at any rate removing the chance of such influence, I trust the proposition which I have submitted will meet with the favorable consideration of the committee.

The CHAIRMAN. Does the gentleman from Pennsylvania reserve the right to make the point of order against the amendment?

Mr. RANDALL. I did at first, until I could know what the amendment was, but now that I know what it is I do not, because I think it is not open to the point of order.

Mr. HISCOCK. I renew the point of order.

Mr. RANDALL. Under the practice the gentleman has the right so to do.

Mr. HISCOCK. It will be agreed on all hands, Mr. Chairman, that the amendment of the gentleman from California proposes general legislation of a very radical character. It changes existing law, and it does not seem clear it will decrease the amount of money carried by the bill. A result may be worked out, but it is impossible to say without looking all through the statutes and summing up the amount under one system and under the other that it does retrench expenditure. It certainly does not upon its face decrease the expenditure of the Government.

Mr. ROSECRANS. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Certainly.

Mr. ROSECRANS. Does it not strike out the appropriation in the bill and provide that this service shall be done by Government officers who have to be paid anyhow?

Mr. HISCOCK. So far as that is concerned, I will say to the gentleman that we will call for a division of the question. But the gentleman will hardly contend no appropriation must be made for the preparation of vouchers even should his system be adopted. These expenses have to be provided for as well under his system as under any other. We will have to provide still for the payment of the expenses of the preparation of these vouchers.

Mr. ROSECRANS. If the gentleman will permit me, I will give him my answer at once so he may meet it. I have no idea such will have to be done.

Mr. HISCOCK. I insist it must be done, and I prophesy that every member of the Committee on Military Affairs except the chairman will agree with me on that point. The fact that these duties are to be discharged by paymasters on the retired-list will not render it unnecessary to have the assistance of a corps of clerks for the payment of which an appropriation will be necessary. It will not render the rent of offices unnecessary. All of these things, as a matter of course, will have to be appropriated for and they are not relieved by the amendment offered.

Now, so far as the amendment itself is concerned, so far as it strikes at the items covered by this bill, I make no point against it.

My point of order is made on that provision of the bill which transfers the duties of these officers to the Paymasters' Corps of the Army, or officers on the retired-list, and it is only to that feature of the amendment that I address my point of order and argument.

The CHAIRMAN. The point of order is that the proposition is not germane?

Mr. HISCOCK. The point of order is addressed to the provision of the amendment which transfers the duties of the pension agents to the paymasters and to men upon the retired-list. I say that the amendment is not germane to the bill, and that the provision of legislation does not reduce the amount of money covered by the bill.

Mr. WASHBURN. I want to call the attention of the House to a matter of fact, and as a matter of fact to show that the proposed change would not reduce expenditures. I find upon examination that there is no branch of the service where the disbursements are made so cheaply as in the payment of pensions. I find that the cost of disbursing the money to the pensioners is at the rate of $4.76 per thousand; while the cost of disbursing to the Army ranges from $25 to $30 per thousand, almost five times as much. One is by paymasters, the other by the proper machinery. I therefore can not see where the reduction of expenditures comes in.

Mr. ROSECRANS. The honorable gentleman from Minnesota seems to think that because the percentage of cost of disbursing moneys or paying troops by the paymasters of the Army is larger than the percentage of the cost of disbursing pension moneys, therefore it grows out of the use or employment of that kind of officers. That is not the case, at all. It is due to entirely different circumstances. The paymasters have to go around and pay the troops. They are the remnants of a large corps which once performed much more extensive duties than are now required of them. It is a corps for the reduction of which the law has itself provided, and for that purpose has prevented any more promotions being made in it.

It is to utilize that very separate force, which exists and which costs the Government money now, in this work that I propose the amendment; and it is a force which is to be reckoned in the cost of making payments to the Army. We want to utilize it. We want to substitute this force which we already have to pay for the agents of which I now speak. It can be done at less cost. That is a very plain proposition.

Now, my honorable friend from New York asked me a question to which I responded before I had his full idea. He asked me whether the voucher system which the law now requires would have to be continued in the event of the adoption of this amendment, and his object was to show that I was mistaken as to the fact that the adoption of this proposition would reduce expenditures. I replied that I did not expect the voucher system to continue, not knowing exactly what he meant, but remembering only that the paymasters of the United States Army pay the officers, or nearly all the officers, of the Army by checks. There is no charge for that, except the mere charge for the stationery required. He mentioned then that it would be necessary also that they should have offices. Yes, there would probably be some offices required and some office-rent to pay in addition; but I can tell the gentleman that there would be no necessity for eighteen, or twelve either, of these offices. I undertake to say more than that: that out of the number of officers who are disabled (paymasters) provision need not be made for probably more than four or five, because there are only four or five of these officers who could perform this service or whom the Paymaster-General considers eligible to put on that duty.

Now, if these were lieutenant-colonels it would be an addition of only $750 for each of the four, or $3,000 for the four, in addition to what is paid them now, while the four pension agents would cost $16,000. The paymasters at present not only receive salaries for their time but they have also clerks. There would be perhaps some additional clerks necessary if this change was made; I have no doubt of that; but if any man can make me believe that it is worth more than 5 cents apiece to make up these vouchers, or that it should be 10 or 15 cents, which used to be 30 cents, and that the smaller sum is not a sufficient compensation, he can do better than I think he can. I will take any good, competent clerk who is a rapid penman and he will readily earn $15 a day making out these vouchers at 5 cents each. I am not able to say how

much the clerk-hire would be, or how much it would reduce the bill in that item, or how much it would be an increase over the clerk-hire for those now in actual service with the paymasters, but I have no doubt whatever that it would be very much less indeed than the amount now paid to the agents, and but a very little more than is now expended for these clerks of paymasters.

I think it is plain on the face of it that so long as we utilize these officers we will save on the present basis eighteen times $4,000, or $72,000 a year. On the basis of the bill of the committee which we are now considering the saving would be twelve times $4,000, or $48,000 of salary. We replace all that without the cost of one single cent. Or, if we allow for four officers taken from the retired-list, $3,000, it would be a saving of $45,000. It seems to me the objection of the gentleman from New York will not lie.

Mr. HISCOCK. I do not want the Chair to misunderstand my point of order in this case. So far as the gentleman proposes to strike out the appropriation of money carried by this bill I make no objection. I make no point of order on the substitute so far as it does that. But the point I make is against that provision of the substitute which proposes to transfer to the Army officers, the paymasters, the discharge of the duties now performed by the pension agents.

I do not wish to repeat the argument. It is a mere matter of calculation for you to determine whether the effect of the substitute will be to decrease or to increase the amount of money to be expended. Certainly this legislation would not have the effect of reducing the amount covered by this bill. No gentleman will think this legislation of itself, pure and simple, would have the effect of lessening the amount covered by the bill.

I ask the question, wherein is the amendment germane to the bill? Here is a bill simply appropriating money. The transfer of duties from one officer to another it seems to me is in no way germane to an appropriation bill.

Mr. MATSON. The points of order which have been made against this bill heretofore by members of the Committee on Appropriations have been made upon the ground that the matters proposed by the various amendments were not matters which had been considered by the Committee on Appropriations. That ground cannot be taken here; because I think it is well known by every member of this House that the Committee on Appropriations went so far as to print a proposed matter of legislation in connection with this bill, of the most radical kind, providing the pensioner should be paid by checks direct from the Treasury Department; so that neither the gentleman from New York nor any member of the committee can say the Committee on Appropriations have not considered this matter in the most radical sense. The point of order, however, made by the gentleman from New York is that this amendment is not in order because it does not appear on the face of it to propose a reduction in public expenditures. The gentleman says that in order to determine that matter you have to make a mathematical calculation. I apprehend if any item in this bill was proposed to be amended by inserting a smaller sum, the Chair in determining the point of order on that would have to go into a matheematical calculation.

And I take it the chairman will take notice of what the law is as to the pay of officers of the Army. I do not pretend to say that the Chair will take notice of the fact that there are now supernumerary paymasters, paymasters who have no duties to perform, paymasters on the retired-list who are competent to perform these duties. But I say the Chair will take notice of the fact of the compensation of paymasters, and if this amendment proposes, as I understand it does, to provide that these paymasters discharge the duties of pension agents, the Chair can see at once without any intricate mathematical calculation that it does propose to reduce public expenditures to the amount of the salaries that are now paid to the pension agents, because the amendment proposes not to appoint new officers to the Pay Corps of the Army, but proposes that these officers now appointed and now paid by the Government shall take the place of these pension agents; so that the Chair will see at once the amount of reduction is the amount paid as salaries to these pension agents.

But the gentleman from New York says the proposition is not germane. Why is it not germane to this bill? It relates to the matter of paying pensions. It changes, of course, the officer. It supplies instead of one appointed as a pension agent an officer of the Army. But it relates to the subject-matter of the bill, which is the matter of the payment of pensions.

Mr. BRUMM. Will the gentleman from Indiana permit me to ask him a question?

Mr. MATSON. Yes, sir.

Mr. BRUMM. Has not the Secretary of War the right to discontinue the employment of paymasters at any time when they are not needed?

Mr. MATSON. I suppose Congress has the right to provide——

Mr. BRUMM. I ask whether the Department has not the right to do that without special law?

Mr. MATSON. To discontinue the employment of paymasters of the Army? I suppose not; the chairman of the Committee on Military Affairs, who is more familiar with Army matters than I am, says it has not that power.

Mr. BRUMM. Will the gentleman say how they are appointed, from the line or how?

Mr. MATSON. These supernumerary paymasters, as I understand, are officers that have come down to us from the Pay Corps of the Army from the war.

Mr. BRUMM. Were they not appointed from civil life?

Mr. MATSON. I presume some of them were graduates from West Point and some were appointed from civil life.

Mr. BRUMM. They are not from the line?

Mr. ROSECRANS. Some are from the line too.

Mr. STEELE. They may be appointed from the line.

Mr. MATSON. I decline to yield to more than one gentleman at a time.

Mr. STEELE. I was proposing to give an answer to the question of the gentleman from Pennsylvania.

Mr. MATSON. I did not hear the gentleman.

Mr. BRUMM. I would like the gentleman from Indiana [Mr. MATSON] to say whether he is positive that the Department may not at any time discontinue the employment of any paymasters whenever their services are no longer required?

Mr. MATSON. I understand from the chairman of the Committee on Military Affairs that the Secretary of War has no power to drop them from the roll of the Army. I will now yield to the gentleman from Indiana [Mr. STEELE] for a question.

Mr. STEELE. I was going to answer the question propounded by the gentleman from Kentucky [Mr. WHITE].

Mr. MATSON. I do not know that I have anything further to say.

Mr. WHITE, of Kentucky. In regard to this change in the mode of paying pensioners, it does seem to me that the mistake has been in having pension agents at all.

The CHAIRMAN. The Chair desires to remind the gentleman that the question now before the committee is the point of order.

Mr. WHITE, of Kentucky. I am aware of that fact, and I am going to speak to it. I say that the mistake seems to be that we have any pension agents at all, instead of having the Treasury Department to do the work, as it ought to do. The proposition of the gentleman from California [Mr. ROSECRANS] is to substitute Army officers, now receiving salaries out of the public Treasury, in the place of pension agents, who receive not only the large salary of $4,000 a year but perquisites and not only perquisites in the way of so much for each voucher, but allowances for house-rent and contingent expenses of various kinds. The point of order is made that that is new legislation. I think that has been sufficiently answered by the gentleman from Indiana [Mr. MATSON] who has just taken his seat.

The objection has been raised that this proposition will not reduce expenditures. I desire to address myself to that view of the case. As has been well said, these Army officers are already paid; these paymasters not only receive a salary, but they also are provided with clerks. There are at present eighteen pension agents, and there are about 18,000 pensioners on the average to be paid by each pension agent. The pensioners are not paid directly from the Treasury, as they ought to be, without the intervention of these pension agents, but they are paid through eighteen pension officers. These eighteen agents pay them four times a year.

The compensation of these agents is, first, a salary of $4,000 a year, then an allowance for vouchers, amounting on the average to $5,600 a year to each, and in addition to that an allowance for contingent expenses for fuel, light, &c. The proposition of the gentleman from California [Mr. ROSECRANS] is a substitute for the paragraph, to which are pending two amendments—one by the gentleman from Iowa [Mr. HENDERSON] to make the payment for the vouchers 12 cents each, and the other by the gentleman from Texas [Mr. HANCOCK] to make the payment for the vouchers 10 cents each.

The proposition of the gentleman from California is to employ Army officers, who are already paid salaries and provided with clerks, to do this work, instead of the twelve pension agents provided in this bill. Now, what would those pension agents get? At each one of these agencies there will be on the average 27,000 pensioners to be paid. For the first 4,000 pensioners each agent would receive $4,000, leaving 23,000 pensioners remaining. Those 23,000 pensioners are to be paid four times a year, and at the rate of 10 cents per voucher each pension agent would receive in addition to his salary $9,200 a year. In addition to that, the bill appropriates $10,000 for contingent expenses of pension agencies, or an average of $833 to each pension agent. That would make an average of $14,033 paid to each one of these twelve pension agents annually to do this work.

The proposition of the gentleman from California is to allow twelve paymasters of the Army to do this work. My opinion is that that is a good proposition. If you do that, then you will find that the next Congress will wipe out this whole pension-agent business entirely and permit the Treasury Department to send the check directly to the pensioner, as should be done now. The pension agent simply gives his personal check, when the pensioner ought to have the draft of the

United States Treasury and he would then receive the money just as quickly as the pension agent now gets it.

It is no convenience to the pensioner to have these pension agents. They are simply men who have been put into these favored positions, and in some instances they abuse them. I will not take up the time of the committee now by showing how they do so; but if I were minded to do it I could show conclusively how the one in my State at least has abused his position ever since he held it, by running a paper and endeavoring to boost some man for some important position. That is but a part of the iniquitous system which we should get rid of.

The CHAIRMAN. The Chair is ready to decide the question of order. The gentleman from New York [Mr. HISCOCK] makes the point of order that the amendment of the gentleman from California [Mr. ROSECRANS] is not germane to the subject-matter of the bill. The Chair believes no other point of order has been made against the proposition.

Mr. HISCOCK. I also made the point of order that the effect of the proposed legislation would not be to reduce the amount covered by the bill.

The CHAIRMAN. Then the further point of order is made that the proposed amendment does not reduce expenditures.

The subject-matter of this bill is the payment of pensions. The paragraph under consideration appropriates $174,400 for the payment of the salaries of pension agents, fees for preparing vouchers, rent, fuel, light, postage, &c. The amendment proposes to strike out that appropriation entirely, and hence it will reduce the amount covered by the bill. On that ground, therefore, the amendment is in order as coming within the provision of the rule by reducing the amount carried by the bill.

As to the further point of order that the amendment is not germane to the bill. The provisions of the bill relate to the payment of pensions and make appropriations therefor. It seems to the Chair that any amendment relating to the making of such payments would be in order. The mere fact that the amendment provides that one officer instead of another should make such payments does not necessarily make it subject to the rule. The Chair, therefore, is of opinion that the amendment is germane to the subject-matter of the bill, and for that reason also it is in order.

The time for debate on the pending amendment has been exhausted. The first question will be on the amendment of the gentleman from Texas [Mr. HANCOCK] to the amendment of the gentleman from Iowa [Mr. HENDERSON].

Mr. CANNON. I desire at the proper time to be heard on the substitute.

The CHAIRMAN. After the text of the bill has been perfected the Chair will submit the question on the substitute. The question is now upon the amendment of the gentleman from Texas [Mr. HANCOCK] to strike out "12" in line 29 and insert "10."

The amendment was agreed to.

The amendment as amended was agreed to.

The CHAIRMAN. The question is now on the substitute proposed by the gentleman from California.

Mr. WASHBURN. Is it in order now to submit an amendment reducing the appropriation?

The CHAIRMAN. It is.

Mr. WASHBURN. I move to amend by striking out "$174,400," in lines 25 and 26, and inserting "$24,800."

The amendment was agreed to.

The question then recurred on agreeing to the substitute of Mr. ROSECRANS.

Mr. CANNON. Mr. Chairman, I desire now to be heard for a moment touching the substitute of the gentleman from California. I believe that proposition should not be adopted. It proposes, as I understand, to throw upon the paymasters of the Army the duty of disbursing the money to the pensioners. I am not in favor of extending the duties of the Army. I am in favor of an army. It is necessary to have one; I am sorry it is. I never vote appropriations for it without regretting, looking at the subject from any standpoint, the necessity for an army.

But, in fact, an army is necessary. Perhaps our Army is about as small as it well can be—25,000 people, with the officers, paymasters, and the whole paraphernalia. Except so far as necessary to absolutely preserve the Government, to afford that element of force which the Government may require, I would not extend the duties or the powers of the Army one iota.

What is this proposition? To take the paymasters of the Army and throw upon them duties of a civil nature for which their trade does not peculiarly qualify them. The theory is that if a man is a good soldier he should be trained to the business; he should be set apart from other men, and should devote his talent, his time, his life to that specialty. In consideration of this he is assured under our law a fixed compensation which increases year by year; and when age comes upon him he is retired upon three-quarters pay, I believe.

I do not think the Army service is an economical service. Honorable I grant you it is, but economical it never was and never will be. For instance, how much do you suppose it costs to pay 25,000 people in the Army?

Mr. ROSECRANS. Will the gentleman state what was the percentage of cost for paying the Army during a time of war?

Mr. CANNON. I am speaking of it now in a time of peace.

Mr. ROSECRANS. If the expense is large it is owing to the very facts which we want now to remedy.

Mr. CANNON. There are 25,000 people in the Army to be paid; they are paid five times a year; and under the system of payment by these paymasters it actually costs to disburse to these 25,000 people their pay $23 on every $1,000; whereas to pay the 325,000 pensioners costs $4.60 on every $1,000 disbursed.

Now, I would like to know whether it is politic and proper to import into our system of paying pensions this expensive army machinery. I would retire more army officers, if you please; I would make more radical than it has been our legislation touching promotions, so that we could cut down the number of officers in the Army, and thereby reduce these expenses, rather than go hunting through the length and breadth of the land for some service outside of regular army service to which these military officers may be assigned. I say it is not republican; it is not economical. I do not think this Committee of the Whole will embark upon so radical an undertaking as this is.

Mr. ROSECRANS. I would like to say a word or two in reply to the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. Debate is exhausted.

Mr. ROSECRANS. I move to strike out the last word. The gentleman has offered the most specious and unsound argument I have ever heard him utter on this floor. He talks about the expensive army system, knowing full well that when the Pay Department had to pay the large number of troops which during the war it did pay, only a percentage of the cost of disbursement was incurred, way below the cost of paying the pension-roll as it is now. The gentleman knows that very well, and yet he talks about the expensive army system.

Mr. HISCOCK. I hope the gentleman will state what that percentage was.

Mr. ROSECRANS. I have not the data.

Mr. HISCOCK. What is it in the Pension Office?

Mr. ROSECRANS. My recollection is it was much higher in the latter case. I have not the data at hand, but I have it in my committee-room, where these pay-officers preferred their petition, showing the amount of their disbursements and the cost of those disbursements by the Pay Department of the Army during the entire war, and it was a small fraction of percentage, I think one-third. Now we have the remnants of that Pay Corps. Through the goodness of Congress, instead of sweeping them out like old worn-out horses we have retained them; but under the provision of law we have stopped promotion in the corps until it has been reduced to forty.

We propose to take out of that redundant force which could pay 100,000 men as well as 25,000, and employ a few of them; I do not say it will be eighteen, and I do not say it will be twelve, but enough to make these pension disbursements, and the gentleman can not see there is any economy in such a proposition and he talks about this expensive army system.

Now, why should we not employ these men to do this work? The gentleman says they are not accustomed to civil service; that they have not been trained for this duty, and therefore they are not likely to be successful. That is a mere inference. During all their service in the Army their business has been to disburse funds in payment of troops, and I should like to inquire of any gentleman on this floor what particular quality there is in paying pensioners which is not like the general work of paying troops. I do not see anything why a man accustomed to pay troops could not with equal facility pay pensioners and keep his accounts with equal care and accuracy.

Mr. HENDERSON, of Iowa. Where do you contemplate having these officers located?

Mr. ROSECRANS. My substitute provides that they shall be located at such points as shall be found best for the efficient performance of the work. They are to be under the regulations prepared by the Paymaster-General and Commissioner of Pensions, and approved by the President. The President of the United States is to be the judge in the matter, as he was the judge as to where these pension agencies should be located.

Mr. HANBACK. Does it provide for these paymasters giving a bond?

Mr. ROSECRANS. Paymasters have to give a bond every four years.

Mr. HANBACK. To what amount—only $20,000, I believe?

A MEMBER. On the retired-list?

Mr. ROSECRANS. On the retired-list or any other.

Mr. RANDALL. They are held by the bond of honor.

Mr. MILLER, of Pennsylvania. The citizen's is just as good.

Mr. RANDALL. They may be court-martialed.

Mr. MAGINNIS. They give the heaviest bonds in proportion to the amount handled of any officers in the Government.

Mr. RYAN. Not on the retired-list.

Mr. RANDALL. They have a record for honesty and fidelity unsurpassed by any in any service.

Mr. HANCOCK. I think it is hardly possible to get a vote on this question to-night, as the substitute offered by the gentleman from California seems to be a very important one. I move, therefore, that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 6094), making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, had come to no resolution thereon.

SIOUX INDIAN RESERVATION.

On motion of Mr. HOLMAN, by unanimous consent, the bill (S. 1755) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Indian Affairs.

EULOGIES ON THE LATE MR. HERNDON.

Mr. RANDALL. Mr. Speaker, I wish to state that as I was unavoidably absent from the House on last Saturday, the day fixed for the delivery of eulogies on the late Mr. HERNDON, of Alabama, I now ask consent to submit some remarks which I had prepared to deliver on that occasion.

There was no objection. [See Appendix.]

EDUCATIONAL BILL.

Mr. AIKEN. I am instructed by the Committee on Education to ask unanimous consent of the House to take from the Speaker's table Senate bill No. 398, for reference to that committee.

Mr. HISCOCK. I object.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1063) to amend the Revised Statutes of the United States relating to the District of Columbia, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GEORGE P. WISE, for three days, on account of important business.

To Mr. DIBBLE, for three days, on account of important business.

FEES OF UNITED STATES MARSHALS, ATTORNEYS, AND CLERKS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement from the records of his Department showing the gross earnings per annum of each United States marshal, attorney, and clerk, the expense of his office, and net earnings which have been paid to him each year from the beginning of the fiscal year 1873 to the close of the fiscal year 1883; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

COLUMBIA HOSPITAL FOR WOMEN.

The SPEAKER announced the appointment, under the act of June 10, 1872, of Mr. BREWER, of New York, as a director for the Columbia Hospital for Women and Lying-in Asylum, in place of Mr. HOLMAN, resigned.

CINCINNATI LAW LIBRARY.

Mr. JORDAN. I ask unanimous consent to take from the Speaker's table the House joint resolution No. 224, granting certain publications to the Cincinnati law library, with a view to asking concurrence in the Senate amendments.

The SPEAKER. The amendments will be read, after which the Chair will ask for objections.

The Clerk read as follows:

In line 1, strike out the word "directed."
In line 2, strike out the words "and deliver."
In line 2, after the word "library," insert "if the same can be done without inconvenience from publications on hand belonging to the Government, and without cost to the Government."
In lines 3 and 4, strike out "circuit and district courts of the United States."
In line 6, after the word "annals," insert "and debates."
Strike out, after the word "representatives," in line 8, down to and including the word "Department," in line 9, and insert "and to enable him to comply with this resolution he is authorized to call upon and receive from any Department or office any of such books."
In line 10, after the word "Government," insert "but no purchase of any of said books shall be made at the expense of the United States."

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JORDAN. I move to concur in all the Senate amendments.

The amendments of the Senate were agreed to.

Mr. JORDAN moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. COX, of North Carolina (at 5 o'clock p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: Petition of the teachers and 125 students of the Cooper Union, New York city, for the removal of duty on works of art and the passage of the Belmont bill for that purpose—to the Committee on Ways and Means.

By Mr. CARLETON: Resolutions of the Michigan State board of health, in favor of the bill pending providing for a quarantine against the introduction of infectious diseases—to the Select Committee on the Public Health.

Also, the petition of Oscar Bartlett Post, Grand Army of the Republic, Wales, Saint Clair County, Michigan, relating to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. COSGROVE: Resolution of Fairview Grange, No. 416, Patrons of Husbandry, of Cooper County, Missouri, praying for a law to be passed making a practical farmer a member of the President's Cabinet—to the Committee on Agriculture.

By Mr. ELDREDGE: Resolutions of Eaton Post, No. 222, Grand Army of the Republic, Department of Michigan, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. GLASCOCK: Petition of the raisin-producers of the State of California, asking for an increase of duty on raisins—to the Committee on Ways and Means.

By Mr. GUENTHER: Resolutions of Waushara Grange, No. 350, Wisconsin, relative to the establishment of experimental stations—to the Committee on Agriculture.

By Mr. HAYNES: Resolutions of the New Hampshire State Grange, asking for the elevation of the Bureau of Agriculture to a Cabinet Department—to the same committee.

By Mr. HOPKINS: Resolution of the Chamber of Commerce of Pittsburgh, Pa., in favor of bill to regulate the forms of international bills of lading, &c.—to the Committee on the Judiciary.

By Mr. KLEINER: Resolutions of Magnus Brucker Post, No. 234, Grand Army of the Republic, Troy, Ind., praying for bounty, back pay, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, a petition of the same import of Farragut Post, No. 27, Grand Army of the Republic, Evansville, Ind.—to the same committee.

By Mr. LAMB: Resolutions of ex-prisoners of war of the eighth Congressional district of Indiana, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition relating to the claim of Dr. John Munday, of Ann Eliza Eyler, and of Frederick Wyand—severally to the Committee on War Claims.

By Mr. MAYBURY: Petition of Hiram Jackson, Louis B. Guan, Fred C. Hess, Louis Getschlag, and many others, citizens of Detroit, Mich., in favor of the adoption of the pending bills for the protection of American labor, the restriction of Chinese emigration, and prohibiting the importation of foreign labor under contract—to the Committee on Labor.

Also, petition of James Stackpole, John Demass, jr., Frank Katus, and many others, on the same subject—to the same committee.

Also, resolutions of the Michigan State board of health, in favor of the bill pending providing for a quarantine against the introduction of infectious diseases—to the Select Committee on the Public Health.

By Mr. PAIGE: Petition of Nicholas Hawkins and others, of Wayne County, Ohio, for the passage of bills pensioning ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. OSSIAN RAY: Petition of the executive committee of the State Grange of New Hampshire, asking that the Bureau of Agriculture be made a Cabinet Department—to the Committee on Agriculture.

By Mr. SENEY: Petition of Francis I. Weber, D. S. Nye, Charles Hoyt, and 86 others, Ohio soldiers, for the passage of pending bills for relief of Union soldiers—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition of Daniel Owen and others, citizens of Eastern Ohio; of J. Bohl and others, citizens of Eastern Ohio, for the restoration of the tariff on wool—severally to the Committee on Ways and Means.

By Mr. JAMES WILSON: Joint resolutions of the Legislature of Iowa, asking Congress to grant a homestead to soldiers—to the Committee on the Public Lands.

Also, resolutions of the Legislature of Iowa, relative to pensions for ex-prisoners of war—to the Committee on Invalid Pensions.

Also, resolutions of the Legislature of Iowa, relative to the jurisdiction of Federal courts—to the Committee on the Judiciary.

Also, a petition from Baxter Springs Post, Grand Army of the Republic, relative to a national cemetery—to the Committee on Military Affairs.

Also, petition from soldiers of Johnson County, Iowa, asking for an appropriation for a soldiers' home—to the same committee.

Also, petition from Vinton Post, Grand Army of the Republic, Iowa, relating to the recommendations of the committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *April* 18, 1884.

Prayer by Rev. J. J. BULLOCK, D. D., of Washington city.

The Journal of yesterday's proceedings was read and approved.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. PLATT. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. ALLISON. I think that motion had better be postponed for a little while, so as to see how we get on to-day. We want to finish the Post-Office appropriation bill to-day if we can.

Mr. PLATT. At the suggestion of the chairman of the Committee on Appropriations I can hardly do less than withdraw the motion for the present, but I should hope that the Senate would adjourn over until Monday under any circumstances.

Mr. COCKRELL. Let the motion lie over for the time being.

The PRESIDENT *pro tempore*. The motion is withdrawn.

SAINT CROIX RIVER BRIDGE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a bill received yesterday from the House of Representatives.

The bill (H. R. 6538) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota, was read the first time by its title.

Mr. SAWYER. That is a precise copy of the Senate bill which passed the Senate the other day. I have examined it and have talked with the members of the Committee on Commerce in relation to it. Every word in it is exactly like the bill that passed the Senate, except that it is marked a House bill and the number is changed. I should like to have it considered and put on its passage now. I do not understand why it was mixed up in the other House and sent back in that form.

The PRESIDENT *pro tempore*. The bill will be reported for information.

Mr. HARRISON. I was going to ask to have it reported for information.

Mr. SAWYER. It is a bill that passed the Senate in precisely the same language it is now, and instead of the House passing the Senate bill, by some means or other they passed a House bill like the Senate bill. I have examined both bills thoroughly, and there is not a word of change in this from the bill that passed the Senate except that it is marked "House of Representatives" and has a different number. The people concerned are in somewhat of a hurry to build the bridge.

Mr. HARRISON. I do not understand yet what the bill is about.

Mr. SAWYER. It is to build a bridge across the Saint Croix River.

Mr. FRYE. The bill is all right.

The bill was read the second time at length; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Postmaster-General, transmitting, in compliance with the requirements of the act of Congress approved March 17, 1882, information in relation to the claim of Grafton Munroe, postmaster at Annapolis, Md., for reimbursement of losses by burglary on February 4, 1884; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

THE WASHINGTON MONUMENT.

The PRESIDENT *pro tempore* presented a communication from W. W. Corcoran, chairman of the joint committee on the Washington Monument, transmitting certain resolutions adopted by the Washington National Monument Society, April 3, 1884, relating to the approaching completion of the Washington Monument and the appropriate dedication of the same; which, on motion of Mr. MORRILL, was referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

Mr. CALL presented a petition of citizens of Key West, Fla., praying Congress to pass an act for the relief of Messrs. Leidenberg & Co., cigar manufacturers, of Key West, Fla., from a judgment obtained by the United States against them; which was referred to the Committee on Finance.

He also presented a petition of land-owners in Putnam County, Florida, praying for an act of Congress making an appropriation for a resurvey of township 12 south, range 27 east, in Putnam County, Florida; which was referred to the Committee on Public Lands.

Mr. CAMERON, of Wisconsin, presented resolutions adopted at a meeting of Henry W. Cressy Post, No. 42, Grand Army of the Republic, Department of Wisconsin, indorsing the recommendations in regard to pensions made by the pension committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

Mr. HOAR presented the petition of Edward Kelly, late private Company B, Thirty-ninth Massachusetts Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CONGER presented the memorial of George Willard and Joseph Saunders, of Battle Creek, Mich., remonstrating against the passage of the news-copyright bill; which was ordered to lie on the table.

Mr. WILLIAMS presented a memorial of citizens of Louisville, Ky., remonstrating against the discrimination now made in Army and Navy appointments between different schools of medicine; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. JONAS, from the Committee on Private Land Claims, to whom was referred the bill (S. 2033) providing for a writ of error in the cause of the heirs of Arredondo against the United States of America, in the circuit court of the United States for the northern district of Florida, reported it with amendments.

Mr. SHERMAN. I am directed by the Committee on the Library to report adversely the bill (S. 1728) giving copyright to newspapers. I ask that it be placed on the Calendar with the adverse report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SHERMAN, from the Committee on the Library, to whom was referred the joint resolution (S. R. 43) for the erection of a bronze equestrian statue to Simon Bolivar in the city of Washington, reported adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill, to enable the Joint Committee on the Library to purchase the painting of the Electoral Commission of 1877, by Mrs. C. Adele Fassett, and appropriating $15,000 for that purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (S. 1621) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. RIDDLEBERGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 1647) to establish a chaplaincy of the jail and the institutions of charity and reform in the District of Columbia, to report it adversely, with a statement that the committee has been advised that all these institutions have religious exercises under the auspices of the various Christian associations here, and they are better attended to in that regard without an established chaplaincy than with it.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection.

Mr. RIDDLEBERGER. I should not like to make that motion. I prefer that it should go on the Calendar, in view of the fact that the Senator from Connecticut [Mr. HAWLEY], who is the patron of the bill, is not here.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

REPORT ON ALASKA.

Mr. HARRISON. I am instructed by the Committee on Territories to report back favorably a resolution directing the Secretary of War to transmit to the Senate the report of Lieutenant Schwatka of his reconnaissance from Chilkaht Inlet, Alaska, to Fort Selkirk, on Yukon River, Alaska, and I ask that it be put upon its passage.

By unanimous consent, the Senate proceeded to consider the resolution, as follows:

Resolved, That the Secretary of War be, and is hereby, directed to transmit to the Senate the official report by Lieut. Frederick Schwatka, United States Army, of his military reconnaissance of 1883 from Chilkaht Inlet, Alaska, to Fort Selkirk, on Yukon River, Alaska.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. HILL introduced a bill (S. 2062) to provide for the deposit in the Treasury of the receipts of the money-order system and for the payment of its expenses out of appropriations; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR introduced a bill (S. 2063) for the relief of Winifred B. Coffin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2064) for the repair of Fort Marion, at Saint Augustine, Fla., and the inclosure of the grounds attached to said fort; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2065) for the establishment of certain life-saving stations on the Atlantic and Gulf coasts of Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2066) providing for a resurvey of township 12 south, of range 27 east, in Putnam County, Florida; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GROOME (by request) introduced a bill (S. 2067) for the relief of Horace J. Gambrill; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BOWEN introduced a bill (S. 2068) to increase the pension of William Baldwin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of New York, introduced a bill (S. 2069) for the relief of Eugene C. Johnson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 2070) for the relief of Charles Pealey, of New York; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORRILL (by request) introduced a bill (S. 2071) for the relief of Frank A. Page; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DOLPH introduced a joint resolution (S. R. 79) for the relief of M. D. Ball; which was read twice by its title, and referred to the Committee on Territories.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CALL, it was

Ordered, That the papers in the case of Basil Moreland be withdrawn from the files of the Senate and referred to the Committee on Claims, there being no adverse report.

CHANGES IN ENROLLED BILLS.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it is provided in section 7 of article 1 of the Constitution that "every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill:" Therefore,

Be it resolved, That the Committee on the Judiciary be requested to examine and report to the Senate its judgment as to whether or not it is competent for the two Houses of Congress to authorize or direct any change to be made in the enrollment of a bill or resolution by concurrent resolution, or other mode not involving presentation to the President, or amendment and re-enactment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the joint resolution (H. Res. 224) granting certain publications to the Cincinnati law library.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1063) to amend the Revised Statutes of the United States relating to the District of Columbia, and for other purposes; and it was thereupon signed by the President *pro tempore*.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Appropriations with amendments.

Mr. PLUMB. I ask that the first reading of the bill be dispensed with, and that it be read for amendment by paragraphs.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill be read as in Committee of the Whole for amendment, item by item, and that the amendments of the Committee on Appropriations be considered as the reading proceeds. Is there objection? The Chair hears none, and it is so ordered.

Mr. PLUMB. In view of the lateness in the week and the hope I have that the bill may be passed to-day, I shall not detain the Senate at any length in presenting the general features of the bill as reported from the committee.

The appropriations for the postal service are the only ones which are returned to the Treasury by the people. It is the only service under this Government which the people themselves pay for directly. So that while this is nominally an appropriation from the Treasury, it is in reality but a pledge of future revenues of the postal service to be paid in by the people who make use of the Department for the carrying of their mail.

The Government being thus practically the trustee of these revenues for a specific purpose, the first thing to be provided is that the service shall fully answer the purpose of those who keep it up. Not that there should not be economy, but that the economy should not only not impair the efficiency of the service, but it should not suggest even the possibility of such impairment.

The postal service has largely increased in the last few years and in a much greater proportion than the increase of population, for while population has increased about 2½ per cent. per annum the postal revenue representing an equal of the service has increased an average of over 10 per cent. during the past six years, and seems likely to increase at a greater ratio in the future.

While expenses have nearly kept pace with receipts it must be borne in mind that the character of the service has greatly changed and its efficiency and frequency marvelously increased; the weekly and semi-weekly horseback and stage service of four and six miles an hour giving way to seven times a week of the double daily carried on railroad trains at a speed of twenty and forty miles an hour. In addition the system of railway post-offices whereby the mails are distributed on morning trains, avoiding the old system of deposit in connecting offices for distribution at leisure, insures the delivery of letters and papers with all the celerity and certainty of passenger travel.

The bill as sent to the Senate from the House, in the opinion of the Appropriations Committee, did not make a suitable provision for the service for the coming year. One embarrassment, however, exists in regard to determining what is necessary, and that is that there are no official data to be had for the present year upon which can be based estimates either of expenditures or revenues for the succeeding year. It is a somewhat singular fact that in the report of the Postmaster-General dated November 19 last, and presented to Congress at the opening of the present session, there is not a single syllable of any kind or description whatever referring to the service for the fiscal year 1884. We are treated to the results of the service for 1883 and speculations are indulged in with reference to the service for 1885, leaving an absolute hiatus of the entire fiscal year 1884, which the committee must deal with as best they can without aid from the Department, except such as they may get by special inquiry.

This results largely from the method of accounting provided under the law, quarterly returns only being required to be made by the different postmasters, and therefore the Department has not at its command, in the regular, orderly, and ordinary methods of business, the data upon which to make estimates for that portion of the year to succeed the rendition of the report. And still this does not wholly excuse the absence of reference to and publication of the returns for the first quarter of the fiscal year and which had expired fifty days prior to the date of the annual report, nor of the failure to furnish data afterward received to Congress, together with deductions therefrom, to aid in the preparation of the annual appropriation bill.

In a report on foreign and domestic postal accounting, made by James T. Smith, chief of division in the office of the Auditor of the Treasury for the Post-Office Department, reference is made to this subject in the following words:

With quarterly accounting the Postmaster-General can not be informed of the receipts and disbursements for the first half of the fiscal year until the last quarter has commenced and the liabilities under his control for the entire year have therefore been incurred. With monthly accounting he could be advised of the revenues and expenditures within thirty days from the expiration of each month.

The suggestion is an important one; but the Postmaster-General can now require reports at such intervals as may be necessary in addition to those required by law and which were at hand when his annual report was made up.

This not having been done, and the Department system of keeping accounts being otherwise defective, the committee has been left largely to estimates formed from fragmentary and insufficient data as to expenditures and revenues for the fiscal year 1884. They have been aided by the newspapers, which seem to have been able to get valuable information not accessible to the committee.

The embarrassment in this regard is the greater because letter postage was changed on the 1st of last October from 3 cents to 2 cents. The effect of that was variously estimated in advance of its adoption, and there is now a great deal of speculation in regard to what the result has been and will be. The Department decline to furnish any estimates as to the results of the change except of the most general character, and in fact as to any results flowing from it except upon the total revenue, and these are qualified by the possibility of other elements entering into them which are not disclosed or hinted at. The question, therefore, as to whether the 2-cent postage has increased the number of sealed letters sent, whether it has displaced postal cards, is, as I said, largely a matter of conjecture; but from the best information to be obtained the committee believe that the increase in the number of sealed letters transmitted during the fiscal year 1884 will be at least 20 per cent. greater than during fiscal year preceding. Allowing 10 per cent. as the natural increase, which is the average for the last three years, this would make an increase of 10 per cent. in the number of sealed letters sent over and above what might have been expected if the 3-cent postage had continued. It was part of the expectation of the committee presented to Congress at the time of the adoption of the 2-cent rate that one of the results would be to displace measurably the use of postal cards and of unsealed envelopes covering circulars, &c. This anticipation is believed to have been fully realized, and the further anticipation that the change to 2-cent postage would result in but a slight deficiency would also have been realized but for the after-passage of a bill increasing largely the compensation of postmasters, which increased expenditures for the year over $2,500,000.

The official estimates of revenue for the year 1884 were $50,670,456; the estimates of expenditures were $46,741,111.25. The appropriations for this year were $44,489,520. The estimated surplus revenue was $3,929,345. The returns for the last quarter of 1883 and the 1st quarter of 1884, both under the 3-cent rate, show that the estimate of revenue was about $1,000,000 too great, and that if 3-cent postage had continued the amount of surplus revenue would have been a little less than $3,000,000 in place of a little less than $4,000,000, as estimated The substitution of 2-cent for the 3-cent postage, occurring on the 1st day of October last, will reduce the revenue below the amount estimated by the Department nearly $7,000,000. So far as there are any data which the committee has been able to make available, it will be about $43,785,000, including $400,000 of revenue from money-order business, while the expenses will be about $47,000,000.

These expenses include an item of about $1,400,000 addition to postmasters' salaries made by the act of March 3, 1883 (the addition being the amount of increase between passage of act and October 1 following), which was not in contemplation at the time of the reduction of postage or at date of estimate, and probably $1,000,000 more was added to salaries of postmasters for remainder of the year by the general increase. It is probably generally known that the act of 1883, which was designed to adjust the salaries of postmasters to the new rate of postage provided, was by an oversight made to take effect on its passage instead of on the 1st day of October. This fact alone accounts for the $1,400,000 above mentioned. The act increased the percentage which postmasters were entitled to withhold on account of salaries in anticipation of the reduction of postage, and took effect while the old rate of postage was still in force. It also added somewhat to the salaries of postmasters for the period following, that is to say, for the future. I quote now from the debate in the other House:

> Under the old law postmasters of the fourth class receive as compensation 60 per cent. on the first $100 of receipts of their offices, 50 per cent. on the next $200, and 40 per cent. on the balance. Under the new law the postmasters receive as compensation 100 per cent. on the first $50 per quarter of receipts of their offices, 60 per cent. on the next $100, 50 per cent. on the next $200, and 40 per cent. on all in excess of $350.
>
> Under this new law every postmaster the receipts of whose office amounts to $250 per quarter will receive as compensation $160 per quarter; under the old law he would receive only $130 per quarter. There is at once a difference of $30 in favor of the postmasters under the new law. Again, under the new law every postmaster whose receipts are less that $50 per quarter gets the whole of it as compensation. There are in the United States over 30,000 offices where the receipts are less than $200. Suppose they averaged only $100; there is a difference at once of $1,200,000 which these little postmasters will get whose receipts are less than $50 per quarter more than they would receive under the old law.

The element, therefore, of the increase of salaries of postmasters was not taken into account, because not anticipated by the committee, when reporting in favor of establishing the new rate of postage.

The estimate for the coming fiscal year made by the Postmaster General for the expenses of the Department are $50,062,189.60. The revenues estimated are $47,104,078.31. The amount of the bill as passed by the House was $46,225,900. The Senate Committee on Appropriations have added to that $3,499,500, making the amount of the bill as reported to the Senate $49,725,400. Estimates based upon known facts concerning the revenues for this year make it tolerably certain that the revenues for 1885 will exceed the estimates of the Department about $1,000,000, making the revenues for 1885 something over $48,000,000, which will leave, if the bill shall be passed as it came from the hands of the Senate committee, about $1,700,000 of a deficit to be provided for out of the general revenues.

In the increase which the committee have found necessary to add to the bill as it came from the House there has been simply a determination to give to the people that character of service which is required by the necessities of the situation and which they are entitled to, not only because of the general interests involved, but by reason of the fact that they themselves pay the burden, whatever it may be, for this service, and desire, first of all, it shall be good and constantly made better so far as possible.

Much of the increase is made necessary by the condition of the law, which the committee did not feel it incumbent on them to change. Take, for instance, the item of salaries of postmasters. They are provided for by law, and by a law passed so recently as March a year ago. Under that law, as under all the laws which have been in existence on that subject for a long time, the postmasters retain the amount of their salaries out of the revenues of their offices, transmitting only the remainder to the Department. Therefore any reduction in that amount in this bill would not operate to reduce the sum to be actually paid as salaries, but would be a nominal reduction merely. So in reference to the item for railway mail transportation, unless the law under which it is to be paid is to be changed. The House committee proposed to reduce the general compensation for railways 5 per cent.; in addition to that it was proposed to reduce the compensation of the land-grant railroads 50 per cent., and also to reduce the compensation of the Union and Central Pacific roads 50 per cent.

The bill as reported by the Senate Committee on Appropriations is, according to the belief of the committee, within rather than without the necessities of the situation. In some cases the amounts are not so large as the committee believe they should be and are not as large as the estimates of the Department; and it may be said for these estimates running back over a period of ten or fifteen years that careful examination shows that the estimates of expenditures made by the Department have rarely varied to any considerable extent. So it may be assumed that unless the law is changed the expenditures will be what the estimates call for, whether we appropriate for them or not. That would not be true of the item for railway postal clerks nor of the item for clerks in post offices, but both these items represent expenditures for useful and necessary purposes and in which the convenience of the entire community is more concerned than in almost any other portion of the appropriations, because they have to do with the speedy and effective transmission and delivery of the mails, and any shortening of the appropriations in this particular would result injuriously to the service.

I ask to have inserted in the RECORD a tabular statement showing in detail the items of increase, which need not be read unless called for.

The statement is as follows:

Amount of estimates for 1885	$50,062,189 60
Estimated revenues for 1885	47,104,078 31
Amount of bill as passed the House	46,225,900 00
Increase made by the Senate committee	3,499,500 00
Amount as reported to the Senate	49,725,400 00
Amount of act for 1884	44,489,520 00
The bill as reported to the Senate less than the estimates	336,789 60
The bill as reported to the Senate exceeds the act for 1884	5,235,880 00
The bill as reported to the Senate exceeds the estimated revenues	2,621,321 69
The items of increase made to the bill by the Senate committee are as follows:	
For compensation of postmasters	$1,250,000 00
For compensation of clerks in post-offices	125,000 00
For payment to letter-carriers and incidental expenses of free-delivery	400,000 00
For rent, light, and fuel	30,000 00
For office furniture and safes	10,000 00
For transportation on railroad routes	1,050,000 00
For railway post-office car service	25,000 00
For special facilities on trunk lines	185,000 00
For transportation by steamboat routes	25,000 00
For railway post-office clerks	300,000 00
For mail messengers	75,000 00
For mail bags and mail-bag catchers	20,000 00
For expenses of delegates to Postal Union congress	4,500 00
Total increase	3,499,500 00

Statement showing the appropriations for 1884, *the estimates for* 1885, *the amounts of House bill, and the amounts recommended by the Senate Committee.*

Object.	Appropriations, 1884.	Estimates, 1885.	House bill, 1885.	Senate committee, 1885.
OFFICE POSTMASTER-GENERAL.				
Mail depredations and post-office inspectors	$200,000	$200,000 00	$200,000	$200,000
Inspectors' clerks	.....	20,000 00	.....	.....
Advertising	40,000	20,000 00	20,000	20,000
Miscellaneous items	1,500	1,500 00	1,500	1,500
Total	241,500	241,500 00	221,500	221,500
OFFICE FIRST ASSISTANT POSTMASTER-GENERAL.				
Compensation to postmasters	9,250,000	12,250,000 00	10,500,000	11,750,000
Compensation to clerks in post-offices	4,775,000	4,900,000 00	4,775,000	4,900,000
Compensation to letter-carriers	3,500,000	3,800,000 00	3,600,000	4,000,000
Wrapping-paper	25,000	30,000 00	30,000	30,000
Wrapping-twine	55,000	80,000 00	70,000	70,000
Marking and rating stamps	20,000	25,000 00	25,000	25,000
Letter-balances, scales, &c	20,000	35,000 00	25,000	25,000
Rent, fuel, and light	440,000	480,000 00	450,000	480,000
Office furniture	25,000	40,000 00	30,000	40,000
Stationery in post-offices	60,000	65,000 00	65,000	65,000
Miscellaneous and incidental	90,000	90,000 00	80,000	80,000
Ink and pads for stamping and canceling	.....	20,000 00	.....	.....
Total	18,260,000	21,815,000 00	19,650,000	21,465,000
OFFICE SECOND ASSISTANT POSTMASTER-GENERAL.				
Transportation on railroads	11,700,000	12,750,000 00	11,700,000	12,750,000
Railway post-office car service	1,575,000	1,625,000 00	1,600,000	1,625,000
Necessary and special facilities on trunk lines	185,000	.....	.....	185,000
Transportation, steamboat routes	600,000	625,000 00	600,000	625,000
Transportation, star-routes	5,250,000	5,600,000 00	{*1,000,000 / 4,600,000	{*5,600,000
Railway postal clerks	3,977,120	4,295,289 60	4,000,000	4,300,000
Mail messengers	850,000	1,100,000 00	900,000	975,000
Mail locks and keys	20,000	25,000 00	25,000	25,000

*Appropriated from the postal revenues for fiscal year 1883.

Statement showing the appropriations for 1884, *&c.*—Continued.

Object.	Appropriations, 1884.	Estimates, 1885.	House bill, 1885.	Senate committee, 1885.
Mail bags and mail-bag catchers	$220,000	$250,000 00	$230,000	$250,000
Purchase of raw-hide packing trunks	9,000			
Miscellaneous items	1,000	1,000 00	1,000	1,000
Total	24,387,120	26,271,289 60	24,656,000	26,336,000
OFFICE THIRD ASSISTANT POSTMASTER-GENERAL.				
Postage-stamps	130,000	146,000 00	146,000	146,000
Expenses of postage-stamp agency	8,100	8,100 00	8,100	8,100
Stamped envelopes and wrappers	632,000	644,000 00	644,000	644,000
Expenses of stamped-envelope agency	16,000	16,000 00	16,000	16,000
Postal cards	253,000	268,000 00	232,000	232,000
Expenses of postal-card agency	7,300	7,300 00	7,300	7,300
Registered package, &c., envelopes	140,000	140,000 00	140,000	140,000
Ship, steamboat, and way-letters	1,500	1,500 00	1,500	1,500
Engraving, &c., drafts and warrants	2,000	2,500 00	2,500	2,500
Miscellaneous items	1,000	1,000 00	1,000	1,000
Total	1,190,900	1,234,400 00	1,198,400	1,198,400
OFFICE SUPERINTENDENT OF FOREIGN MAILS.				
Transportation of foreign mails	350,000	425,000 00	425,000	425,000
Balances due foreign countries	60,000	75,000 00	75,000	75,000
Total	410,000	500,000 00	500,000	500,000
For expenses of Postal Union congress				4,500
Total Post-Office Department	44,489,520	50,062,189 60	46,225,900	49,725,400
RECAPITULATION.				
Office Postmaster-General	241,500	241,500 00	221,500	221,500
Office First Assistant Postmaster-General	18,260,000	21,815,000 00	19,650,000	21,465,000
Office Second Assistant Postmaster-General	24,387,120	26,271,289 60	24,656,000	26,336,000
Office Third Assistant Postmaster-General	1,190,900	1,234,400 00	1,198,400	1,198,400
Office Foreign Mails	410,000	500,000 00	500,000	500,000
Postal Union congress expenses				4,500
Total	44,489,520	50,062,189 60	46,225,900	49,725,400

Mr. PLUMB. I now ask the Secretary to read the bill for amendment.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was in the appropriations for the "Office of the Postmaster-General," after the word "dollars," in line 12, to insert "and of this sum $3,000 shall be paid the chief post-office inspector; and post-office inspectors shall be allowed $4 per day, in lieu of the charges now permitted, for personal expenses;" so as to make the clause read:

OFFICE OF THE POSTMASTER-GENERAL.—For mail depredations and post-office inspectors, including amounts necessary for fees to United States marshals and attorneys, $200,000; and of this sum $3,000 shall be paid the chief post-office inspector; and post-office inspectors shall be allowed $4 per day, in lieu of the charges now permitted, for personal expenses; and not exceeding $5,000 of this amount may be expended for fees to United States attorneys, marshals, clerks of courts, and counsel necessarily employed by post-office inspectors of the Post-Office Department, subject to approval by the Attorney-General.

Mr. PLUMB. In regard to the first part of the amendment, that $3,000 shall be allowed the chief post-office inspector, that is simply a repetition of the law of last year, which seems to have been left out by the House. The inspectors below the chief inspector receive $2,500, and Congress last year made the salary of the chief inspector $3,000.

The item of $4 per day for post-office inspectors is in lieu of expenses. Heretofore, and until a very recent period, the Department has been in the habit of allowing the respective inspectors, for the purpose of obviating the necessity of making up itemized accounts, the sum of $5 a day to cover the expenses of travel. Under a recent order of the Postmaster-General this practice has been stopped, and inspectors required to furnish itemized accounts. This has been found in practice to be exceedingly burdensome and in many ways objectionable, and the committee have adopted the rule which prevails in the Interior Department of giving a gross sum, which is within rather than without the amount necessary for this purpose.

Mr. SAULSBURY. The allowance here is $4 per day "in lieu of the charges now permitted for personal expenses." I should like to know whether that applies to every day in the year.

Mr. PLUMB. No; only the days that they are on duty away from their ordinary stations.

Mr. SAULSBURY. Why not say so?

Mr. PLUMB. The only trouble about that is that we did not care to deal with the question in a new way except to substitute a gross sum for itemized accounts. We think it better to stand on the law which now exists, that they shall receive expenses when absent on duty and which has received construction, and simply say they shall receive $4 a day in lieu of all charges. We do not run any risk in that respect.

Mr. SAULSBURY. As I am not satisfied but that an inspector may be entitled under the law to $4 a day for the time that he is an inspector, I should like to have that guarded against. I do not know that they would make such a claim, but they may.

Mr. PLUMB. Inasmuch as the words of the existing statute are as I stated, they can not go beyond that. The committee thought of putting in there "while on service," but sometimes it happens that the inspectors are required to stop a day or two to examine a post-office and their expenses go on just the same as while they are traveling. So it was deemed best for protection of the Government to simply put this $4 a day in to cover the same range of charges which are now covered by the practice and by the law.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriation for the "Office of the First Assistant Postmaster-General," in line 25, to increase the item "for compensation to postmasters" from $10,500,000 to $11,750,000.

Mr. PLUMB. The amount which will be necessary to discharge the obligations to postmasters for the present year, taking the fourth quarter of 1883 and the first quarter of 1884, of which returns have been received, as samples, will be $11,243,203.68. This only adds, therefore, about $500,000 for the year 1885 beyond that which is necessary for the year 1884, and the committee believe it is, if anything, too small, but it is thought best to fix that sum.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 29, to increase the appropriation "for compensation to clerks in post-offices" from $4,775,000 to $4,900,000.

Mr. PLUMB. I want to call attention to that item, because it is an item which has been made the subject of considerable discussion elsewhere. I ask for the reading of the paragraphs from the letter of the First Assistant Postmaster-General under the subtitle of clerk-hire, which I send to the desk.

The Secretary read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., April 10, 1884.

SIR: In response to your verbal request for further information relative to the estimates made by this office for clerk-hire, rent, fuel and light, furniture, and miscellaneous items, for the coming fiscal year, I have the honor to make the following statement, which, for convenience and brevity, I shall classify under the heads as above indicated.

CLERK-HIRE.

The appropriation for clerks in post-offices for the present fiscal year is $4,775,000, and the estimate made by this Department for the fiscal year ending June 30, 1885, is $4,900,000, an increase of $125,000, or 2.6 per cent., over the appropriation for the present fiscal year.

This estimate was made after a careful consideration of the best data obtainable at the time, October 1, 1883, and upon the basis of the experience of the Department in dealing with this important subject during the past few years, and the known increase of postal business, as shown by a tabulated statement of the increase of revenue at one hundred representative post-offices, covering nearly every State and Territory of the Union, for the four quarters ended June 30, 1883. This table, which is printed on pages 63 and 64 of the report of the Postmaster-General for the fiscal year ended June 30, 1883, shows an aggregate increase of revenue for the fiscal year ended June 30, 1883, at the one hundred offices named of $2,229,006, or an average of 24.32 per cent. for each office.

This increase of revenue is a showing made upon a full year at the old or 3-cent rate, but the best information obtainable at this time shows that there will not be a very material reduction occasioned by the new or 2-cent rate. Indeed, the best estimates that can now be made show an increase of the letter mail of about 20 per cent., which, of course, will largely increase the work of the postal clerks throughout the country.

To provide for this increase and the natural growth of the service I am of the opinion that even with the Department estimate of $125,000 this office will be unable to meet the reasonable demands for clerks in post-offices during the coming fiscal year, and if the amount as fixed by the House is approved the Department will be seriously embarrassed in its effort to maintain an efficient postal service.

The bill as passed by the House appropriates $4,775,000, being the exact amount allowed for the present fiscal year. This action ignores the wonderful increase of postal business, as well as the fact that the aggregate of allowances for clerk-hire made from time to time will at the close of the fiscal year largely exceed the appropriation made for that year. For example, an allowance made in the sum of $2,000 to take effect, say, January 1, 1884, will be chargeable to the appropriation for the present fiscal year for the six months ending June 30, 1884, or just one-half of the amount, $1,000; while the full amount, $2,000, would be chargeable to the appropriation for the new fiscal year, unless the allowance was adjusted and reduced. But as allowances are being constantly reviewed and adjusted to correspond with the business at the respective offices, it is not the practice of this office to adjust all allowances at the beginning of the fiscal year.

For the reason stated, as illustrated by the above example, the aggregate allowances for clerks in post-offices at the close of the present year will exceed the amount as fixed by the House in round numbers by $90,000. It is therefore evident that the estimate of the Department is a very moderate one.

As I have heretofore stated (report of the Postmaster-General for the fiscal year ending June 30, 1883, page 96), no other fund is so closely identified with

the interests of the public. As this appropriation is increased or limited, the mails are handled with greater or less dispatch and efficiency, and to apportion this fund properly, giving needed relief, temporary or permanent, as the service demands, requires constant care and watchfulness.

As an evidence of this care and watchfulness I will here insert a tabulated statement showing the equitable apportionment of allowances for clerical assistance at separating post-offices, or offices where mail is distributed for other post-offices, from July 1, 1883, to the present time, namely:

Date.	Number of separating post-offices.			Aggregate amount allowed for separating clerks.	Average allowance for each office.
	Number of separating post-offices.	Increase from last date.	Total increase of post-offices to date.		
July 1, 1883	1,633	333	333	$320,572	$196 31
October 13, 1883	1,732	99	432	388,160	224 11
December 10, 1883	1,864	132	564	454,816	244 00
March 1, 1884	2,108	244	808	515,030	244 32
March 18, 1884	2,244	136	944	545,290	243 00
April 3, 1884	2,268	24	968	552,084	243 42
April 4, 1884	2,273	5	973	553,572	243 54
April 9, 1884	2,273	0	973	553,772	243 63

This table shows that the number of separating offices July 1, 1883, was 1,633, and the average allowance for clerk-hire for each office was $196.31. The number of separating offices at present, April 10, 1884, is 2,273, or an increase of 640 offices, and the average allowance per office is $243.63. It will be observed that since December 10, 1883, 409 additional separating offices have been made, while the average allowance per office is practically the same, showing a very equitable apportionment of the fund.

Pertinent to this branch of the subject, your attention is invited to my views relative to separating clerks, on pages 96 and 97 of the report of the Postmaster-General for the fiscal year ended June 30, 1883.

Relative to the allowances for clerks in the larger post-offices, I desire to call your attention to the following tabulated statement, showing the number of clerks, the total compensation allowed for clerk-hire, and the average salary of clerks at the nine offices named, namely:

Statement showing the number of clerks, allowance for clerk-hire, and the average compensation of clerks at nine of the larger post-offices.

Office.	Number of clerks in office.	Total allowance for clerks.	Average compensation for clerks.
New York, N. Y.	857	$804,739	$939
Chicago, Ill.	426	386,545	907
Philadelphia, Pa.	348	266,915	767
Boston, Mass.	296	254,325	859
Saint Louis, Mo.	183	150,500	822
Washington, D. C.	183	146,580	801
Cincinnati, Ohio	129	115,575	896
Balitmore, Md.	106	96,750	913
San Francisco, Cal.	88	102,180	1,161

As near as I can estimate, from a careful examination of the records, postmasters are now paying out of their own funds about $160,000 for clerical assistance. About $76,000 of this amount is paid by postmasters at first and second class offices, and the balance by postmasters at separating offices or third and fourth class offices.

* * * * * * *

Very respectfully,

FRANK HATTON,
First Assistant Postmaster-General.

Mr. BECK. I desire to ask the Senator from Kansas whether that letter applies also to the compensation to postmasters, which is increased largely. There was a communication in that regard which I think it would be well without reading to make part of the RECORD.

Mr. PLUMB. I have made the statement of what the revenues were last year, and I will also insert the letter of the Auditor of the Treasury for the Post-Office Department on that subject.

Mr. BECK. I think that would be well, because that is a large increase, but a necessary one.

Mr. PLUMB. I am obliged to the Senator for calling my attention to it.

The amendment was agreed to.

The letter referred to is as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., April 1, 1884.

SIR: In answer to your letter of the 29th ultimo, I have the honor to inform you that the amount of postal revenues collected by postmasters during the quarter ended December 31, 1883, is $11,146,654.46, and the amount allowed as compensation for the same period is $2,742,000.90. Both of these amounts may be changed slightly when all corrections and errors are posted to the general accounts.

By reason of the change in the rate of postages which took effect October 1, 1883, stocks of stamps in private hands were depleted prior to that date and replenished immediately thereafter. The result was an unusually large sale of stamps in the quarter ended December 31, offsetting largely the decrease in the value of the stamp. This, however, can not be expected to continue, and the returns for the March quarter, when in, should, unless other causes have operated to increase the revenue, show a large falling off in revenue. As, however, this unusual sale of stamps would not affect the quantity of matter passing through the mails, and as compensation to fourth-class postmasters is based upon the value of stamps affixed to such matter, to which is added the fixed salaries paid Presidential postmasters, the amount required to pay compensation to postmasters for the March quarter can be approximated by adding to the amount ascertained for the previous quarter 5 per cent. thereof, the usual increase.

This would show the amount of compensation for the six months to be as follows:

Fourth quarter 1883	$2,742,000 90
First quarter 1884	2,879,100 94

Respectfully,

J. H. ELA, *Auditor.*

Hon. P. B. PLUMB,
United States Senate.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in line 31, to increase the appropriation "for payment to letter-carriers and the incidental expenses of the free-delivery system" from $3,600,000 to $4,000,000.

Mr. PLUMB. The amount appropriated last year for this purpose was $3,500,000. The estimate for the present year as found in the Book of Estimates is $3,800,000. The Postmaster-General, however, sent to the House on the 12th of February a letter on this subject which I ask the Secretary to read, and I also ask him to read the letter of the superintendent of the free-delivery system.

The Secretary read as follows:

POST-OFFICE DEPARTMENT, *Washington, D. C., February 12, 1884.*

SIR: I find, on referring to my annual report for 1883, page 59, that in stating the amount which will be required for the free-delivery service for the fiscal year beginning July 1, 1884, two important items were omitted, namely, $180,000 for additional letter-carriers in cities where the service is now in operation and $20,000 for additional incidental expenses, making $200,000.

I therefore advise that the estimate for this service for the next fiscal year be increased from $3,800,000 to $4,000,000.

The considerations which lead me to ask for this large amount are as follows: This service has been extended within about a year to forty-seven additional cities, making the present number one hundred and fifty-nine. These cities have an aggregate population according to the census of 1880 of about 10,000,000, and employ 3,888 carriers at the present time. They yielded last year one-half of the gross revenue of the Department, and from postage on local matter alone $1,021,594 in excess of the total cost of this branch of the service. The amount required is also largely increased by the act of August 2, 1882, increasing the pay of auxiliary carriers from $400 to $600 per annum, and requiring the promotion of carriers to the next higher grade after one year's service, involving an increased expense in each individual case of $200 in the first-class free-delivery cities and $250 in the second-class cities. The percentum of increase in the cost of the service for the fiscal year was 4.93, against 20.95 for the fiscal year ending June 30, 1883, this large increase being due in great part to the act above cited.

I therefore recommend the appropriation of $4,000,000 as the probable cost of the service for the next fiscal year.

Very respectfully,

W. Q. GRESHAM, *Postmaster-General.*

Hon. S. J. RANDALL,
Chairman Committee on Appropriations, House of Representatives.

POST-OFFICE DEPARTMENT, *Washington, D. C., February 11, 1884.*

SIR: I desire to submit for the consideration of the Committee on Appropriations that, according to the best estimate that can be made up to this time, the appropriation for the free-delivery service for the current fiscal year will be exceeded at the close of the year by a small sum.

To meet this anticipated deficiency, I request that the amount left over from the appropriation of the last fiscal year, namely, $26,663.49, be appropriated for use during the remainder of this fiscal year.

I beg leave to state in this connection that Congress at its last session appropriated for this service $100,000 less than the estimate submitted, and hence the danger of a deficiency.

Very respectfully,

W. Q. GRESHAM, *Postmaster-General.*

Hon. S. J. RANDALL,
Chairman Committee on Appropriations House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 1, 1884.

SIR: I submit herewith for your consideration a revised estimate of the cost of the free-delivery service for the fiscal year ending June 30, 1885.

It is proper to state, as bearing on this subject, that this service is now in operation in 159 of the largest cities in the country, employing 3,888 carriers, and aggregating a population of 10,000,000 under the census of 1880, who are directly interested in it, besides other millions who, having correspondence with these cities, are likewise interested in it.

That this branch of the service during the last fiscal year yielded $1,021,894 from local matter alone in excess of the cost of the service.

That the total revenues of the Department for the fiscal year ending June 30, 1883, amounted to $45,508,692, of which amount $22,317,499 was derived from the free-delivery offices—one-half.

That the large estimate is due in great part to the act of August 2, 1882, changing the pay of all auxiliary carriers from $400 to $600 per annum, and requiring the promotion of carriers to the next higher grade after one year's service, involving an expense in each individual case of $200 in the first-class free-delivery cities and $250 in the second class.

That the percentage of increase of the service for the fiscal year ended June 30, 1882, was 4.93; whereas it was 20.96 for the fiscal year ended June 30, 1883, this large increase in the cost being attributable mainly to the act of August 2, 1882.

It will be observed that the expense of the service is shown in comparison with the postage derived from local matter alone, which is estimated at about 25 per cent. of the whole matter delivered by carriers—no credit being given to matter received by mail and delivered by carriers.

In view of the above considerations, the service can not, in my judgment, be kept up to a commendable state of efficiency, and extended to additional cities as the law authorizes, for a less sum than the estimate herewith submitted, $4,000,000.

Very respectfully,

R. W. GURLEY,
Superintendent Free-Delivery System.

Hon. FRANK HATTON,
First Assistant Postmaster-General.

Pay of 1,985 carriers, at $1,000 each	$1,985,000
Pay of 891 carriers, at $850 each	757,350
Pay of 367 carriers, at $800 each	293,600
Pay of 645 carriers, at $600 each	387,000
3,888	3,422,950

These estimates were made January 15, 1884, at present rates, which are changing every day by promotions.

For promotion, 1,012 carriers	$220,000
For additional carriers, say $300 to $600 each, which is less than an average of two to each of 159 offices	180,000
For estimated service in additional cities (21 now on file)	50,000
For incidentals, including three inspectors ($9,000)	130,000
	4,002,950

Mr. PLUMB. Unless this appropriation is increased there will not be money enough even to pay the existing force, while there has been a rather large number of cities which have already applied for the extension of this free-delivery system to them and which will also have to be wholly omitted. This increased appropriation only represents the natural and inevitable increase in the free-delivery system if it is to be applied under the law as now existing. The law admits any town having a population of 20,000 or a gross revenue from the postal service of $20,000 to have the free-delivery service extended to it. I ask that a table connected with this matter be inserted.

The PRESIDING OFFICER (Mr. HOAR in the chair). The table referred to by the Senator from Kansas will be printed in the RECORD, there being no objection.

The table is as follows:

List of cities applying for free delivery.

Cities.	Population, 1880.	Revenue, 1883.
Decatur, Ill	9,547	$30,027
Fargo, Dak	—,693	30,288
Fort Worth, Tex	6,663	26,045
Freeport, Ill	8,516	21,318
Jacksonville, Ill	10,927	21,878
Joliet, Ill	16,145	20,-34
La Crosse, Wis	14,505	25,091
Moline, Ill	7,800	20,493
Raleigh, N. C	9,265	23,914
Rutland, Vt	12,149	20,242
Norwich, Conn	21,141	.....
Newburg, N. Y	18,050	.....
Nashua, N. H	13,397	20,158
Rome, N. Y	12,045	.....
Salt Lake City, Utah	20,768	40,878
San José, Cal	12,567	29,232
Sedalia, Mo	9,561	21,049
Sioux City, Iowa	7,366	27,300
Selma, Ala	7,529	.....
Saratoga Springs, N. Y	8,421	.....
Waterbury, Conn	20,269	31,544

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was to strike out the following proviso from lines 37 to 40, inclusive:

Provided, That periodical publications, other than daily newspapers, when delivered within the city wherein they are published, shall be charged with the same postage as is now or may be imposed by law upon such publications when delivered elsewhere than in the city of publication.

Mr. PLUMB. I ask the Secretary to read a letter from the First Assistant Postmaster-General on the subject of that proviso.

The PRESIDING OFFICER. Shall the letter be inserted in the RECORD?

Mr. PLUMB. I ask that it be read.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 14, 1884.

SIR: I have the honor to state, before replying to your oral request for an explanation of the proviso in the Post-Office appropriation bill (H. R. 5459), on page 2, lines 31 to 35 inclusive, that, "Under the proviso of section 239, Postal Laws and Regulations, the postage on newspapers (excepting weeklies) and periodicals, deposited in a letter-carrier office for delivery by its carriers, is as follows: 1. On newspapers (excepting weeklies, for the rate on which see division 4 of this ruling), whether regular or transient, and without regard to weight or frequency of issue, 1 cent each, to be prepaid by affixing ordinary 1-cent stamps to each paper. 2. On periodicals (other than newspapers), whether regular or transient, not exceeding two ounces in weight, 1 cent each, to be prepaid by affixing an ordinary 1-cent stamp to each paper. 3. On periodicals (other than newspapers), whether regular or transient, exceeding two ounces in weight, 2 cents each, by affixing ordinary 2-cent stamps to each paper. 4. Weekly newspapers, entitled to second-class rates, excepted above, to regular subscribers, 2 cents per pound, to be weighed in bulk and prepaid, with newspaper and periodical stamps at the office of mailing."—*United States Postal Guide for January*, 1884, page 488.

These are the present rates for second-class publications, deposited in a letter-carrier office for delivery by its carriers, and, being specific and higher than the general rates, were evidently intended to help pay for this service in part, and mainly to prevent the throwing on the carriers of large quantities of matter of this class.

The proviso in House bill 5459 is evidently intended to reduce these special rates to the lower and general rates affecting this class of matter.

I will add that the Department did not recommend the proviso under consideration, as the carriers are now burdened with matter of this class.

Very respectfully,

FRANK HATTON,
Acting Postmaster-General.

Hon. P. B. PLUMB,
United States Senate.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 47, to increase the appropriation "for rent, light, and fuel" from $450,000 to $480,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 48, to insert:

And the Postmaster-General is hereby authorized to rent a suitable building on Capitol Hill for use as a branch of the Washington city post-office, at a rate not exceeding $30 per month.

Mr. MORGAN. I desire to inquire of the Senator in charge of the bill whether that limitation, "at a rate not exceeding $30 per month," is the amount we are now paying.

Mr. PLUMB. It is the amount now promised to be paid, but the amount has not been paid. About three years ago the Postmaster-General rented, as it became necessary for him to do, an office in East Washington for a branch office, oblivious of the fact probably that the law forbade the renting of any buildings in Washington city unless there was special authority by statute for that purpose, and the rent has never been paid. It was then represented to the committee that the continuation of the office was a necessity, and therefore it was deemed advisable to authorize this rent to be paid for the future, leaving the question of past compensation to be treated of in some of the other bills yet to come.

Mr. MORGAN. I suppose the committee is satisfied that the Department can continue the occupancy of the building at the same rate?

Mr. PLUMB. They were so advised.

Mr. MORGAN. It is a very comfortable branch post-office.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 52, after the word "for," to insert "safes and other;" and in the same line, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

For safes and other office furniture, $40,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Office of the Second Assistant Postmaster-General," in line 64, to increase the item "for transportation on railroad routes" from $11,700,000 to $12,750,000.

Mr. SAULSBURY. I should like to ask the Senator who has charge of the bill what is the necessity for increasing that appropriation over a million dollars? I suppose the House committee had some data on which they made their appropriation. This is a very large increase in one item.

Mr. PLUMB. I will state to the Senator from Delaware that the amount to be paid to railroads for this service for the fiscal year 1884 is $11,953,244.46, being an amount greater than the amount appropriated by the House bill for next year. The only way by which a less sum could be made to answer the purpose would be to change the rate of compensation fixed by law. That the Appropriations Committee did not do. They therefore propose to appropriate what they believe will be necessary for the service according to the law as it now stands.

While on that point I ought perhaps to state the general proposition. The amount appropriated by the House is connected with a portion of the bill which is proposed to be stricken out by the Committee on Appropriations. The House bill provides for the reduction of railway transportation 5 per cent.; that is to say, that the compensation of each railroad transporting the mails shall be reduced 5 per cent. of the amount now prescribed by law. Second, the House provided for the reduction of the amount paid to land-grant railroads to 50 per cent. of the amount prescribed by law after this 5 per cent. shall be taken out. Third, the House provided for the diminution of the pay to the Union Pacific Railroad and its branches and the Central Pacific to the same amount, that is, a diminution of 50 per cent., putting the land-grant railroads and the Pacific Railroads upon the same basis of compensation, to wit, one-half that paid to other railroads.

The first reduction of 5 per cent. would in round numbers work a saving of about $600,000. There was paid to land-grant railroads for the fiscal year ending June 30, 1883, $1,109,216.09. There was credited to the Pacific railroads on account of their sinking-fund indebtedness $823,748.93. The amount deducted from the Pacific railroads would cut no figure in this, because that is not to be a part of the appropriation, not being paid for in money, but being adjusted as other claims are adjusted and credited to the roads on their sinking-fund obligation; but the amount paid to the land-grant railroads diminished by half would yield a saving to the General Government of about $550,000. That, with the sum of $600,000 to be saved by a reduction of 5 per cent., would make a saving of about $1,100,000. Probably that amount would be increased a little by the difference between the serv-

ice for 1883 and that for 1884, say not to exceed $100,000, making a possible saving of $1,200,000 if this system of reduction should be adopted.

The committee did not agree to it for several reasons. In the first place, they were not entirely satisfied that the amount now being paid to railroads was greater than it should be. The commission which was appointed under the appropriation bill of last year has made a very exhaustive and very thorough examination of this whole question of railway mail transportation, from which it seems to be conclusively established that the compensation the Government is paying to railways now is less than that which the railways are receiving for express matter and for other services rendered by passenger trains, being the same trains on which the mails are carried.

In the second place, that subject has been dealt with by this commission and, upon the basis of the report of the commission, by the Post-Office Committee of the House and the Post-Office Committee of the Senate. The Post-Office Committee of the House (if I may refer to what has taken place in that body) has reported favorably a bill regulating the pay of railroads for mail transportation upon a new basis reported by this commission. The Senate Post-Office Committee have also reported the same bill, and likewise sent it as an amendment to the Appropriations Committee to be put on this appropriation bill. The Appropriations Committee were not able to give to the subject that investigation which its importance warranted and did not put it upon this bill, deeming it best that before it should be put upon this bill it should be further discussed either in committee or in the Senate in such a way that all the elements of the new proposition, together with its possible and probable effect upon the gross compensation, might be thoroughly discussed in the Senate before it should become a law.

The estimate of the commission is that this new plan will save about the sum of $600,000 represented by this 5 per cent. reduction, but in an entirely different way. It is shown to the satisfaction I think of all persons who have examined the question thoroughly that the present rate is inequitable; that is to say, that it operates unequally upon different railroads, does not compensate them in proportion to what they do as they ought to be compensated, and the effect of the new system, as it is claimed, will be to redistribute the same in a manner which will be more equitable and just and at the same time effect a saving in the gross amount paid.

Pending the discussion of this question in committee and in Senate the Committee on Appropriations thought they would not deal with a subject which was being dealt with thus by committees constituted for that purpose, but would leave the whole question of the compensation of railways so far as the next fiscal year was concerned, or at all events so far as their action on this bill was concerned, to be settled by the Senate in another way.

So far as the land-grant railroads are concerned the committee did not believe that the proposition in that regard was fair. Some railroads received grants which would make it entirely equitable and proper for the Government to diminish their compensation for mail service one-half; but on the other hand there are others which have received comparatively no lands. These railroads are now carrying the mails 20 per cent. lower, by reason of the statute, than it is being carried upon the other railroads of the United States. The committee believe that if that question is to be entered upon, it should be by some committee charged with that duty by means of some bill which shall establish a principle with reference to these different railroads which shall be based in some practical, decent, and fair way on the benefits they received from the land grants of the General Government. Most of them, it may be said, are in new sections, comparatively sparsely settled; many of them are struggling already with actual or impending bankruptcy; some of them are already, as the Senator from Kentucky [Mr. BECK] reminds me, in the hands of receivers. They are in a section of country where the people themselves are more largely interested in the question of railroad rates than in any other section of the country, and any interference by the Government with the receipts that these companies now have from the General Government for the transportation of the mails would undoubtedly result in the imposition of greater burdens upon the people living along the line of the roads, because what we take away from them must be made up somewhere else.

Upon the question of compensation to the Pacific railroads the action of the committee stands upon two grounds as I understand it. The first is that the question as to what the companies are entitled to receive from the General Government under their charters is now before the Supreme Court of the United States in a suit brought for that purpose. Section 6 of the original Pacific Railroad act is in these words:

SEC. 6. *And be it further enacted*, That the grants aforesaid are made upon condition that said company shall pay said bonds at maturity, and shall keep said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line, and transport mails, troops, and munitions of war, supplies, and public stores upon said railroad for the Government, whenever required to do so by any Department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid (at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service).

The companies claim that they are entitled to be paid under that, regarding that section as a contract which the Supreme Court seems to have decided it is between the railroad companies and the Government, and that it is not within the competency of Congress arbitrarily to fix the right of compensation, but that it must be that which is fair and reasonable, to be determined either by agreement between the Government and the companies or by a court adjudicating upon the question presented in a suit brought for that purpose. Without deciding the question as to the rights of the companies under that section, the committee thought that inasmuch as the matter was now in litigation and would be adjudicated probably before another Congress assembled in such way that legislation might be had with knowledge of the construction the court put upon the section, and further because this question of the relation of the General Government to the Pacific railways has been recently the subject of exhaustive legislation in the shape of what is known as the Thurman act which is now under process of enforcement, they ought not to enter upon that domain.

The committee do not believe that this question of the relations of the Government to the railroads should be attended to piecemeal, but if anything is lacking in reference to the obligations of the railroads to the Government, with regard to their duty to the Government, and with regard to the prices they are charging, or are entitled to charge, either to individuals or to the General Government for services rendered, they should be treated by the proper committee having these matters in charge, and with all the elements of this very important and intricate problem in view at one and the same time.

For these reasons the committee have determined to recommend striking out all about the compensation of railroads as to changes of existing law.

Mr. SAULSBURY. Mr. President, in reference to the compensation paid the land-grant railroads and the Pacific railroads I have nothing to say. Perhaps it is proper to leave that matter to the decision of the courts. But I regret that the committee did not feel at liberty to make some provision in reference to the adjustment of the rates to be paid to railroad companies generally.

The commission that has reported the bill referred to by the Senator from Kansas has reported that bill, as I understand, on the basis of the charges for carrying of passengers. It is understood, I believe, that the transportation of the mails is not a matter of as much expense as the transportation of passengers, and I am satisfied that the Postmaster-General believes the compensation proposed in that bill reducing the present compensation $600,000 is too much, that it is more than ought to be paid to the railroad companies. I regret that the Committee on Appropriations have not felt at liberty to deal with that question.

It is very certain that we must have some readjustment of the compensation paid to railroad companies for the transportation of the mail. With every year the mail matter is increasing, and under the present arrangement the compensation paid to railroads necessarily increases far beyond what it is now; and that will be the case continually unless something is done to place the compensation of railroad companies for the transportation of the mails on some different basis, and I regret that the Committee on Appropriations has not felt at liberty to append to this bill an amendment which would provide some readjustment of the compensation to railroads.

The bill reported by the commission referred to by the Senator would cut down the expense $600,000 annually, and yet I am satisfied that under that bill as proposed by the commission the compensation is more than ought to be paid. We ought to save at least a million dollars from the present arrangement, I think, by some legislation readjusting the compensation of railroad companies. I am only sorry that the Committee on Appropriations did not feel at liberty to deal with it, for I fear that as an independent and separate measure there will be either not time or inclination on the part of the two Houses to deal with it at the present session, and the consequence will be that we shall pay at least a million dollars more than we ought to pay to the railroad companies for the transportation of the mail.

Mr. PLUMB. I am not prepared to say that we are not paying more than we ought to pay. That is one of those things about which men will differ. But if there is anything in the testimony which has been accessible to the committee and which was made use of by the commission the Government is paying less for its mail service than the companies are receiving for express service. I do not say now that that is the proper basis, although the mails are carried on the same trains that carry the express cars. They are carried on passenger trains. They are carried on the fastest trains. The obligation of the railroad companies by law is to do that. While we furnish a large and largely increasing business, the Senator must bear in mind that as the mails increase we diminish the rate of compensation. I call his attention now to the table which I have here, which shows the rate of compensation. From 1 pound to 200 pounds daily we pay $50 per mile per annum; for from 200 to 500 pounds we pay $75 per mile per annum; from 500 to 1,000 pounds daily, $100 per mile per annum; from 1,000 to 1,500 pounds daily, $125 per mile per annum; from 1,500 to 2,000 pounds, $150 per mile per annum; from 2,000 to 3,500 pounds daily, $175 per mile per annum; and from 3,500 to 5,000 pounds $200 per mile per annum, or a reduction of 15 per cent.; that is, 10 per cent. taken off by the act of 1876 and 5 per cent. at a later period. As the mail increases in bulk, in weight, we reduce the rate so much that we pay only four times as much for carrying 5,000 pounds daily as we pay for carrying 200 pounds daily.

While that is a very considerable reduction, and I believe it corresponds about with what ought to be the rule, at the same time it will be seen that as we increase the amount we do not necessarily increase the expense proportionately; and that is shown, too, by the fact that while we have increased the carriage of the mails on the railroads from time to time, the gross compensation has not been in proportion to the amount of the increase.

There is one other item which should be taken into consideration, and that is that the railroad companies under the law are required to deliver the mail from the train to and from all post-offices within eighty rods distance of their track. That is what we call a side service. It has been estimated that it would cost the Government, if the Government employed men to do that service under contract, not less than $1,000,000 per annum. It does not, in point of fact, cost the railroad companies near so much as that, and probably no considerable sum, because they make arrangements undoubtedly in a large number of cases for the delivery of the mail from the office to the line through the medium of their station agents, &c.; but at the same time it is a service, and it is a service coupled with a responsibility off their line of road, off their route, and is one which we could not under any reasonable exercise of power require them to perform; but they do it, and substantially without complaint.

There is one other thing in regard to this matter. We are constantly demanding and receiving from the railroad companies better service. It is a service which is vastly more interesting to the people of the United States than any other branch of the mail service. We are constantly using means and inducements to them to quieken the speed of their trains. They furnish not only the postal cars in which the mail is carried but they furnish them with lights and fuel, they furnish tables and all the paraphernalia for the performance of the duties of the route agents within the cars; and the service is not only well performed, but as I say it is constantly the aim of the Post-Office Department to increase the benefits of the service to the people by quickening the speed of trains and by making more certain the performance of schedule time and the prompt delivery of the mails.

The Senator from Delaware asks me if they do not get increased pay for increased speed, and I say to him no. Under the new plan speed is an element. Under the existing plan a railroad company gets just as much for carrying the mail ten miles an hour as it does for carrying it forty miles an hour, and that leads me to make one explanation, which ought not to be out of place here, in regard to the fast mail between New York and San Francisco recently established by the Post-Office Department, operating upon the railway companies. That fast-mail service results in twenty-four hours' saving of time between New York and San Francisco. For that the Government does not pay one single dollar more than it paid for the old schedule time. The Postmaster-General simply urgently requested that the New York Central and its connecting lines from New York to Chicago should give a more rapid schedule of time between those two points, and instead of having a lay-off of three or four hours of certain trains at Toledo, as was then the case, to close up that gap. The result was that a saving of eight hours is made between New York and Chicago. The mail which arrived at Chicago at 12.30 left Chicago at 3.30. Four lines of railroad reach from Chicago to Omaha. The Postmaster-General offered to all those railroad companies successively that he would give to them the carriage of the through mail between those two points if they would shorten the time according to the proposition which he made. All of them except one rejected it. That road is now carrying the mail on this more rapid schedule, and gets for carrying it all the through mail, the other roads getting only the local mail. The net result to the Government is just the same as it was before; the same amount of mail is being carried at the same rate; but one railroad gets all the through mail. When this new schedule was made up at Omaha it broke the connection at Omaha for the west. The Union Pacific was therefore obliged to change its schedule, and in the negotiations which ensued it made a more rapid schedule, and so did the Central Pacific, until now, as I stated, the result is that the mail is carried from New York to San Francisco in twenty-four hours less time than it was four weeks ago.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the following words, from line 80 to line 126, inclusive:

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1884, for transportation of mails on railroad routes, by reducing the compensation to all railroad companies for the transportation of mails 5 per cent. per annum from the rates for the transportation of mails on the basis of the average weight, fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes," approved June 17, 1878: *Provided, however*, That all railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads, respectively, at such price as Congress should by law direct, or on the condition that such railroad should be subject to such regulations as Congress might impose restricting the charges of Government transportation, or whose railroads were constructed in whole or in part by subsidies in bonds and lands granted and issued by the United States under the provisions of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River and the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and act amendatory thereof, shall receive only 50 per cent. of the compensation authorized by this act to be paid to the other railroad companies for corresponding postal service; and the above-entitled act approved July 1, 1862, and the sixth section thereof, and the act amendatory of said act approved July 2, 1864, are hereby amended to conform to the foregoing provision fixing the rate of compensation to be paid to railroad companies whose railroads were so constructed, in whole or in part, by subsidies in bonds and lands under the provisions of said acts for the transportation of the mails, and said acts, and each of them, shall be held to be altered and amended accordingly; and the foregoing provisions, and each of them, shall be subject to amendment as in the opinion of Congress shall be just and required by the public welfare; but no right now existing in favor of the United States in relation to said railroads, or either of them, or in relation to said grants, or either of them, shall be deemed impaired or waived by this act or any provision thereof.

Mr. SAULSBURY. There may be provisions in that paragraph proposed to be stricken out which I would not approve of if they were not connected with other matter; but I am satisfied that the railroad companies, under the present arrangement, are being paid and will be paid more money when there is a reweighing of the mails than is right and proper. If the first part of that clause, reducing the railway compensation 5 per cent., stood by itself, I certainly should vote against striking it out.

In reference to the land-grant railroads, I have not given the subject consideration so as to enable me to say that I should be exactly justified in voting for the clause; but as the clauses are connected together, and as I am fully satisfied that the railroad companies are getting, as a general rule, more compensation from the Government than they ought to have for the carrying of the mails, and especially that they will be very largely paid in excess of what they ought to have when there is a readjustment of the weight of the mails, which will soon take place, I cannot vote to strike out this entire paragraph. I shall therefore record my vote against the amendment.

Mr. ALLISON. As this is an important amendment, I do not desire that it shall pass from the consideration of the Senate without saying a word or two in response to the Senator from Delaware.

The Senator from Delaware assumes that the railway companies are now receiving too much compensation for the transportation of the mails. It may be true that certain railways are receiving too much compensation for the transportation of the mails, but at the hearing before the Committee on Appropriations it was distinctly claimed as a reason for the establishment of the new principle, which the Senator from Delaware has expressed himself in favor of, that it would increase the compensation to certain railways, and those railway companies which now insist that the proposition suggested by the Committee on Post-Offices and Post-Roads shall be adopted do so because by reason of its adoption they will receive a greater compensation for the transportation of the mails than they are now receiving. The claim of the great railways, the through lines (so called), is that the compensation now authorized under existing statutes is not sufficient to compensate them for an efficient service, and therefore they want this new system adopted in order that they may receive increased compensation.

It occurred to the Committee on Appropriations, or at least it occurred to me, if there was to be a general saving of $600,000 by the adoption of this new principle, that inasmuch as it increased the compensation of the railways in Delaware and other Eastern States where they have a large traffic, not only with reference to the mails but also with reference to passengers, the loss must fall somewhere, and as nearly as I could judge that loss would fall upon the little railways that are scattered out in remote regions of our country, and which believe at least that they are not receiving too much compensation now.

The minimum provided in the amendment suggested by the Committee on Post-Offices and Post-Roads is $35 per mile per annum. The present minimum is $42.50 for these little railways. Therefore there is a sweeping down from the railways which in my judgment can least bear a reduction. What is the result of that reduction? That reduction made upon these railroads is compensated for by an increase of compensation to the great railways of the country. The Senator from Delaware tells us that he regrets that the Committee on Appropriations did not bring in here an amendment looking to the readjustment and rearrangement of the entire railway system of our country, covering 125,000 miles of railway. I might, if I chose, retort upon him and ask him what the Committee on Post-Offices and Post-Roads has been doing all these years, which has the care and custody of all questions of legislation with reference to the Post-Office Department. Is it expected that the Committee on Appropriations, whose duties are confined under our rules and under the general sense and judgment of the Senate to the mere appropriation of money according to existing law, will take within its grasp this great question of how much shall be paid to the railways and what the method shall be of ascertaining the payment?

I agree with the Senator from Delaware that the present compensation in some instances perhaps is too high, but I will state to him that in my judgment in other instances it is too low. The reason why I object to the 5 per cent. horizontal reduction proposed in this bill as it comes to us is that it continues the inequality and the injustice. It will strike upon the most impoverished railways of our country, and it will be a mere modicum, a mere trifle to the great railways of the country that are represented by those who live in the eastern portion of the Union more particularly.

I am not, for one, willing that the Committee on Appropriations should gather to itself this great question, and by a single blow do in-

justice to the great body of the railroads of the country in order to do some justice by increasing the compensation to a few railways that now have great traffic in mails as well as in express matter and passengers. Therefore it is that I was opposed to this provision for a horizontal reduction of 5 per cent.

I do not know but that I may be willing—I think I shall be willing—to put upon this very bill the readjustment proposed by the commission which examined the matter so carefully; but I agree with the Senator from Delaware that if that is put here it ought to receive many modifications. The Senator from Delaware knows very well that under that bill the Postmaster-General can add to the compensation 50 per cent., in his discretion, for special mail facilities looking to rapid mail service on the great trunk lines of the country. By that sliding scale the discretion of the Post-Office Department may increase more than a million and a half of dollars the compensation paid to the railways from year to year. And yet the Senator from Delaware says he regrets that the Committee on Appropriations did not bring in an amendment looking to a readjustment of this matter. Why, sir, the rules of the Senate permit the Committee on Post-Offices and Post-Roads to offer amendments. They have offered an amendment on this subject. The Committee on Appropriations did not report this amendment for the very reason that they were not satisfied that the method proposed was a just and fair method.

Mr. President, I will not go into the other details in reference to this amendment, but it is sufficient to say that the Committee on Appropriations believe that there is injustice not only in this 5 per cent., but injustice in the proposed reduction of 50 per cent. on the land-grant railways; and as for the great question that has been opened up here in reference to the Union Pacific and Central Pacific Railways, the Committee on Appropriations, when those matters are pending in the courts and pending before other committees of this body, did not undertake to grapple with it. That is all there is in this amendment.

But I rose chiefly to give my reasons why I object to the horizontal reduction of 5 per cent. of existing rates, because of the injustice it will do to those railways which are now struggling for an existence.

Mr. SAULSBURY. Mr. President, I certainly did not design in the remarks I made to reflect upon the action of the Committee on Appropriations; but the Senator from Kansas [Mr. PLUMB] in initiating the discussion of this question told us that the matter was considered in committee and the subject had been before the committee, and with that understanding from the Senator from Kansas I supposed that the whole subject had been investigated by the committee, and that they had come to the conclusion that this was an improper thing to do.

Mr. ALLISON. It was before the committee as a matter of course, because the Committee on Post-Offices and Post-Roads sent it there by an amendment. They sent us an amendment which we were bound to consider, and we did consider it as best we could with the time and the lights we had before us.

Mr. SAULSBURY. Now, in reference to the increase of compensation of some of the roads, I have no doubt that the readjustment which has been suggested would result, for the Postmaster-General has so informed our Committee on Post-Offices and Post-Roads, in the increase of compensation to certain roads, but I do not think he meant to convey the impression that the larger roads of the country should as a general thing be increased. On the contrary, the statement is that under the provisions of the bill reported by the commission there will be an aggregate reduction of over $600,000, a saving to the Government of that amount. It may be that in that particular bill there would be some injustice done to some particular railroad. I do not remember what railroads have an increase and what have a diminution of their compensation, but as a general rule I think it may be safely asserted that all the railroads under the new arrangement of weight which must take place at an early day will be compensated beyond what they ought to have, and instead of being $12,000,000 next year, there will be an appropriation of $13,000,000 or $14,000,000 unless there is some readjustment of the arrangement made with the railroad companies. It was in order that that might be done that I referred to the Committee on Appropriations, who considered the amendment which was submitted by the Post-Office Committee and saw proper to reject it, and also saw proper to reject the provision incorporated in the bill by the House which proposed a reduction.

I shall vote against striking out the provision of the House bill, because I believe that especially after the new weighing of the mails, many of which will have to be reweighed before long, the railroad companies will be fully compensated if the reduction of 5 per cent. is taken off. Therefore I shall vote against the amendment proposed by the Committee on Appropriations.

Mr. PALMER. Mr. President, I will state in behalf of the Committee on Post-Offices and Post-Roads that they reported favorably a bill adjusting the compensation of railroads for carrying the mail. They also submitted the same measure as an amendment to the Post-Office appropriation bill. Since that time the committee has received what may be new light on the subject, and we do not feel like pushing it as an amendment on the postal appropriation bill until we have more thoroughly examined the subject. It was thought in the committee that it had better be taken up as an independent bill. It is a very important measure, and may increase the compensation in some cases and decrease it in others. It was thought at the time it was prepared that it would decrease the aggregate compensation a million dollars. Since then some doubt has been expressed, and the committee desires further time to make a more exhaustive examination of the subject before submitting it as an amendment to the appropriation bill or advocating its passage as a separate measure.

I say this to relieve the Appropriations Committee, who are not at all at fault in the matter, and who have refrained from submitting the amendment at the request of the Committee on Post-Offices and Post-Roads.

Mr. VAN WYCK. I understood the Senator from Iowa [Mr. ALLISON] to say that at the present rate of compensation as continued the payment is too much in some cases.

Mr. ALLISON. No, sir; the Senator should not understand me to say that. I said that it might be so. I do not know of any case where it is so. I know of several cases where the existing allowance is not enough.

Mr. VAN WYCK. I thought the Senator said that in some cases it was too much.

Mr. ALLISON. I expressly refrained from expressing that opinion, because it would not be founded on facts. I do not know of any instance where railways are receiving more than they are fairly entitled to, but I do know instances where they claim that they are not receiving enough.

Mr. VAN WYCK. If it suits the Senator to name them, he can do so.

Mr. ALLISON. I shall have no special enjoyment in doing that.

Mr. MORGAN. Mr. President, the provisions of this bill as sent to us from the House of Representatives embody two very distinct and widely different propositions. One is a general reduction of 5 per cent. from the compensation paid for carrying the mails on existing railroad routes, and the other relates entirely to the land-grant railways. I do not see how the two subjects can be properly considered together. I am not satisfied that the House made a mistake in either proposition, but it might have made a mistake in regard to one proposition without at all making a mistake in the other. I will therefore ask a division of this question, down to the ninety-second line, the word "provided," so that the question may be taken separately on the first proposition of reducing the rate of compensation 5 per cent. and then afterward taken on the other proposition in reference to the land-grant railroads.

If the land-grant railways are under this obligation by contract with the Government of the United States to carry the mails at this price, it is time that we had begun to enforce the contract against them.

Mr. ALLISON. The contract which the land-grant railroads made with the Government was that they would transport the mails at rates to be fixed by Congress.

Mr. MORGAN. Very good.

The PRESIDENT *pro tempore*. The hour of 2 o'clock has arrived, and it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States.

Mr. PLUMB. I move that the Senate continue the consideration of the Post-Office appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Post-Office appropriation bill is before the Senate as in Committee of the Whole.

Mr. MORGAN. The contract with the land-grant railroads is substantially, in every case I believe, that they should transport the mails at such rates as might be agreed upon between them and the Postmaster-General.

Mr. PLUMB. No; I think the provision was common to all of them that they should transport the mails at such price as might be fixed by Congress, but that until that price was fixed by Congress the Postmaster-General might fix it. That, I think, is it.

Mr. MORGAN. That is the same statement I was about to make, but the Senator has inverted it. At all events Congress has the right reserved in the grant to these companies to fix the compensation for the transportation of mails and other public service they may render the Government of the United States. I do not wish to fix an improper and unjust compensation to those companies. At the same time it was a part of the understanding when they got their land grants that they would return to the United States in this character of service some advantage because of the large amount of property that we conferred upon them in order to enable them to build their roads.

The people of the United States are not satisfied with the existing relations between the land-grant roads and the Government. They seem to feel very earnestly that there is a necessity for some legislation that will rectify at least the carelessness and neglect of Congress in protecting the rights of the Government against these corporations. Without declaring that I am very heartily in sympathy with any movement to restrict the railroad corporations severely in consequence of their conduct, because I appreciate the fact that they have done a great deal for this country in opening it up and in increasing the value of the public lands, still it

is time that Congress had taken into consideration the question and had settled the question whether there is anything due from these railroad land-grant companies in consideration of the great grants that they have received from the Government.

I think these matters ought to be considered separately. I should like very much to hear from the Committee on Appropriations or the Committee on Post-Offices and Post Roads the reasons why the House has made a mistake, if it has made a mistake, in the reduction of the compensation of these railways as is provided in the bill which they have sent to the Senate.

Mr. PLUMB. The committee dealt with this clause not on the basis of any mistake the House had made, but upon the basis of the fairness of the proposition, and more particularly upon the question of the propriety of the Appropriations Committee entering upon this question, while it was a question which had many elements in it which might properly, and more properly, be considered by other committees.

In the first place it is true, as the Senator from Alabama has said, that the people of the United States may be well considered to have derived some benefit themselves from the grants which have been made to these railroads, and the Government does derive it now, because the law imposes on these railroads the duty of carrying the mails at 20 per cent. less than is charged by other roads. Now the proposition is to reduce that to 50 per cent. of what other railroads are paid. When it came to that, the committee thought on the whole that while that was going too deep, considering all the railroads, it would be doing very gross injustice to some of them, possibly not more than justice to some others; but if the statements which have been made in regard to the cost of this transportation are true as made before the committee the price proposed by the House bill will not more than cover the cost of transportation, and in some cases probably not that. Here is a statement made by the vice-president of the Chicago, Burlington and Quincy road, a land-grant road:

> On route No. 27005, for instance, a new line of 40-foot postal cars was recently ordered by the Department, for which we receive $25 per mile of road per year, or on the basis of 313 working days equals 8 cents per day for a line of cars each way one mile, or an average rate per car mile of 4 cents. This is the revenue for hauling the two-thirds additional length. Our total earnings per car mile in passenger trains are 28 cents on basis of 1882 figures. To equalize the revenue for the additional car length in postal cars we should receive 18 cents per mile, or say $125 per mile of road per year, instead of $25. The compensation received for hauling the additional two-thirds car length is only about one-half the actual cost of transportation.
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> The word "cost," where used above, means simply the working expenses of the company. The actual cost is much greater, being made up of the working expenses and interest on the money borrowed and invested in the road.

Of course if that is true—and the statement is made for publication and is published by a responsible party and itemized in such a way as to be easily detected if it were not true—it would be manifestly unjust to reduce the compensation in that case certainly; and yet that is a land-grant road and one of the longest of the land-grant roads. It received a very small land grant; I think for five hundred or six hundred miles of road it only received about 300,000 acres of land. There are other cases which are worse than that. There are cases, as the gentleman from Kentucky [Mr. BECK] said a few moments ago, where the railroads are struggling with bankruptcy. They are hard pushed to make both ends meet, and sometimes they do not. To take away from them one-half the existing compensation or any considerable proportion of it would make the difference perhaps between solvency and bankruptcy, or the hope of solvency and actual and immediate bankruptcy.

This question ought to be dealt with by itself. Congress ought to establish its relations with these different railroads on the basis of what they actually received, not upon the fact simply that they have received a land grant without reference to the amount they have received. Some of them received ample grants; others received next to nothing; the lands were taken up before the roads were built, before the lines were laid out; and so while they are land-grant roads they have to carry all the public stores of different kinds of the United States for 80 per cent. what they charge other parties, and now if they are to be required to carry the mails for 50 per cent. less, as between the two the operation of the law would be very unjust.

But it is a large question. It is a question, as I said before, that ought not to be dealt with piecemeal; it ought not to be dealt with by the Appropriations Committee but by some committee charged under the rules of this body with dealing with questions of that kind, in order that the entire history of these grants may be traced and the value of them to the different railroads in such a way as that, when legislation is had, it may result in an equitable distribution of the burdens in accordance with the benefits the companies have received.

The PRESIDENT *pro tempore*. The Senator from Alabama asks that the question on striking out this paragraph be divided. The Chair has some doubt whether it is capable, in the form in which it stands, of division.

Mr. HOAR. I was about to inquire of the Chair whether the mode of accomplishing that would not be simply to move to strike out the part of the clause that he wants tried first, as a way of perfecting it, before the question on striking out the whole is put?

The PRESIDENT *pro tempore*. The rule provides that when a question under debate is capable of division, containing more than one proposition, it may be divided on the demand of any Senator, except a motion to strike out and insert. The Chair is in some doubt whether this does in a technical sense contain two propositions, but he is inclined to think that it does in such a way that it can be divided. The Chair therefore, pursuant to the demand of the Senator from Alabama, will put the question on striking out from line 80 to the word "provided," in line 92. Is the Senate ready for the question on striking out the lines named by the Chair from 80 to the word "provided," in line 92, which will be read?

The CHIEF CLERK. The first part of the amendment of the Committee on Appropriations is to strike out the following words:

> The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1884, for transportation of mails on railroad routes, by reducing the compensation to all railroad companies for the transportation of mails 5 per cent. per annum from the rates for the transportation of mails, on the basis of the average weight, fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes," approved June 17, 1878.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on striking out the residue of the paragraph.

The CHIEF CLERK. The second division of the amendment of the Committee on Appropriations is to strike out, beginning with the word "provided," in line 92, as follows:

> *Provided, however*, That all railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads, respectively, at such price as Congress should by law direct, or on the condition that such railroad should be subject to such regulations as Congress might impose restricting the charges of Government transportation, or whose railroads were constructed, in whole or in part, by subsidies in bonds and lands granted and issued by the United States under the provisions of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River and the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and act amendatory thereof, shall receive only 50 per cent. of the compensation authorized by this act to be paid to the other railroad companies for corresponding postal services; and the above-entitled act approved July 1, 1862, and the sixth section thereof, and the act amendatory of said act, approved July 2, 1864, are hereby amended to conform to the foregoing provision fixing the rate of compensation to be paid to railroad companies whose railroads were so constructed, in whole or in part, by subsidies in bonds and lands, under the provisions of said acts, for the transportation of the mails, and said acts, and each of them, shall be held to be altered and amended accordingly; and the foregoing provisions, and each of them, shall be subject to amendment as in the opinion of Congress shall be just and required by the public welfare; but no right now existing in favor of the United States in relation to said railroads, or either of them, or in relation to said grants, or either of them, shall be deemed impaired or waived by this act or any provision thereof.

Mr. MORGAN. This second part of the paragraph creates no necessity for new legislation, I believe, and does not fall within the rules of the Senate, which prohibit us from considering matters of new legislation upon bills of appropriation.

The Senator from Kansas [Mr. PLUMB] has stated that already the reductions are 20 per cent. in respect to the land-grant roads below those that have received no land grants. That appears to be a pretty broad margin, and I am not prepared to say that it is not a sufficient margin. That Senator has also advanced some strong reasons in aid of the proposition that there should be some adjustment between these different land-grant railroads in proportion to what they have received, the value of the grants from the Government of the United States; but it seems to me that unless we commence we shall never get any adjustment; we shall never get any additional reduction below the 20 per cent. now taken off the land-grant railroads, which in itself, of course, is as unjust as a reduction of 50 per cent. would be; not to the same extent, but of the same nature. I think we had better go on and try this experiment at least for one fiscal year, and see whether these roads can stand it. Some of them, I am very sure, can stand it.

I have not looked carefully to see what amount of land grants the different roads have received; but I think that it would be very well inasmuch as the House demand it that we should make this experiment for at least one fiscal year. We are not likely to injure the mail service by it, and if we find that we have done a serious injustice to any companies we can compensate them in a deficiency bill or in some way. But the movement is in the right direction and seems to be demanded by the popular representatives of the country, the House of Representatives, who may be supposed to look over this question with a full consideration for the interests of the people. I shall, therefore, vote against striking out the proposition, because I think that we ought to make the experiment and see whether or not we are going to cripple the mail service or whether we are going to arrive at something like justice in balancing up the accounts between the land-grant railroads and the Government.

The PRESIDENT *pro tempore*. The question is on the amendment striking out the residue of the paragraph referred to.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 128, to increase the appropriation "for railway post-office car service" from $1,600,000 to $1,625,000.

The amendment was agreed to.

The next amendment was, after line 128, to insert:

For necessary and special facilities on trunk lines, $185,000.

Mr. MORGAN. I would like to have that explained. I want to know what are "necessary and special facilities on trunk lines."

Mr. PLUMB. This appropriation is the same that was contained in the last appropriation bill. The bill for 1883 contained an appropriation of $600,000 for this purpose, with a design of increasing the speed by which the mails were carried between certain important points which were in the minds of the committee and were discussed with the Postmaster-General. The Postmaster-General, having $600,000, was only able to expend $185,000 of it to his satisfaction; that is to say, he could not obtain all the service that he thought ought to be had. He therefore expended $185,000. The next year, that is, for 1884, the present year, Congress appropriated $185,000; and that is being expended as follows:

Route.	Railroad company.	Distance.	Amount paid.
		Miles.	
New York and Springfield	New York, New Haven and Hartford.	136	$17,647 06
The 4.35 a. m. train	New York Central and Hudson River.	142	25,000 00
Philadelphia to Baltimore	Philadelphia, Wilmington and Baltimore.	96	20,000 00
Bay View to Quantico	Baltimore and Potomac	80	21,900 00
Quantico to Richmond	Richmond, Fredericksburg and Potomac.	82	17,419 26
Richmond to Petersburg	Richmond and Petersburg	23	4,197 50
Petersburg to Weldon	Petersburg	64	11,680 00
Weldon to Wilmington	Wilmington and Weldon	162	29,565 00
Wilmington to Florence	Wilmington, Columbia and Augusta.	110	20,075 00
Florence to Charleston Junction.	Northeastern Railroad, of South Carolina.	95	17,337 50
Florence to Columbia	Wilmington, Columbia and Augusta.	82	300 00
Total expended			185,121 32
Amount unexpended			414,878 68

All of which, except the first two items, amounting to $42,647.06, were expended on the line from Philadelphia to the city of Augusta, Ga., what is called the Florida line. In justification of that very urgent and earnest recommendations were made to the committee by the Postmaster-General, by the superintendent of the railway mail service, and by the persons representing the various interests of this line of roads from one end to the other, that they had adjusted their business to this fast mail, that there was not enough business on the line of the road to justify speed unless the Government paid this extra compensation, and that if it was taken off now it would require a readjustment of all the business relations of the cities south of us, Richmond, Weldon, Wilmington, Charleston, Savannah, Augusta, and so on to Jacksonville, in a way that would be very disastrous. Yielding to these representations, the committee inserted this amount, believing on the whole that it was justified, and that it was answering the main purpose of the establishment of mails, the convenience of the people and the convenience of business.

Mr. MORGAN. Then I understand from the Senator from Kansas that the object of this appropriation is to give a fast mail to as far south as Augusta, Ga.?

Mr. PLUMB. That makes connection with the fast mail to Jacksonville.

Mr. MORGAN. I wanted merely to understand and have a record of what the purpose of it was, for a wide stretch is given in the language of the act to the Postmaster-General.

Mr. CALL. I have only to say that that expedites the mail to Pensacola and all the Southern points, and also to Cuba.

Mr. ALLISON. Before the question is put I desire to call the attention of the Senator from Delaware to a case where it seems the compensation is not regarded as sufficient, to wit, the railway postal service extending from New York on the coast line to the South.

Mr. SAULSBURY. My opinion in reference to these fast mail lines is that the railroad companies are better provided for than the public. I have been over those lines. The trains do run at good speed and it is very convenient to ride upon them; there is no question about that; but the fast service has to be paid for by the public, a large majority of whom never ride upon the fast lines.

So far as the coast line is concerned, I have no doubt that it is as worthy to receive this kind of bounty as any railroad in the country, and that it accommodates as many people, but I doubt very much the propriety of it. Almost all the railroads throughout the country go with sufficient speed to carry the mails. It may be true that a man in Charleston would receive his mail three or four hours, perhaps six hours, sooner than he would do if there was no fast mail; but we can not afford to subsidize every line in the country. It is only certain portions of the country that can be accommodated by these fast lines. I have seen some account of the fast line to Chicago, and I have read in the Chicago papers that the people of that city are not benefited; that the arrivals there of the train are after business hours, and the people do not receive their mails in time for that particular day.

I doubt very much whether an expenditure of this kind is a proper one. I certainly have a very kindly feeling toward this Southern line, because I have traveled over it and I have seen the destitute country through which it passes. The local trade there can not sustain a fast mail, I presume, without some aid, and it is an accommodation to the people in that section of the country to a certain extent, and especially to those who ride upon the railroad. I am satisfied that I should like to ride upon that fast line much better than I would upon a slow train, but the question is whether the Government of the United States should pay for the convenience and accommodation of those of us who see proper occasionally to ride over the line.

I did not intend to say anything in reference to this matter, and would not have done so except that my attention was called to it by the Senator from Iowa.

Mr. MORGAN. Ordinarily I would not vote for a bill that made discriminations between different sections of the country unless there was some real public necessity for it, but I can see that those parts of our country which are distant from the capital and distant from the great commercial marts ought to have the advantage of fast mails in order that their business communications and other information may be rapidly conveyed to them. The mere fact of their being distant, and of their not having sufficient conveniences through that country for the distribution of mails and telegraphic information rapidly, would seem to indicate that there should be some advantage given to them, or at least that they should be supplied more promptly, more rapidly, with information than the persons who live near the great centers, and who therefore have not the same occasion for this assistance that the people at remoter places have.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 132, to increase the appropriation "for inland transportation by steamboat routes" from $600,000 to $625,000.

Mr. MORGAN. I notice that in a former part of the bill the sum of $12,750,000 is appropriated for the transportation of mails on railways. That is right; but the disproportion between that sum and $625,000 for the transportation of mails on rivers is certainly very great, and I think is very unjust. We are spending an average of something like $10,000,000 a year in the improvement of our rivers and harbors, about one-half of which goes to the improvement of the navigation of the rivers. That expenditure is said to be justified because it aids the commerce of the country, the commercial convenience of the country in the transportation of crops, &c., and if justified at all it must be upon that ground. But the steamboats running upon the different improved navigable waters are also very valuable vehicles for the conveyance of the mails to the people, and this provision is not by any means commensurate with the importance of the subject. I will move to strike out "$625,000" and to insert in lieu thereof "$1,000,000."

The PRESIDENT *pro tempore*. The Chair thinks such an amendment under the rules is not in order unless it is reported from a standing or select committee or unless it is in pursuance of estimates.

Mr. PLUMB. I wish to make a statement which I think will be satisfactory to the Senator from Alabama about this matter. I have here a letter showing the entire amount estimated for, and the committee would cheerfully have inserted any amount that was estimated for, being fully alive to the importance of this service; but I think the extract from the letter of the Second Assistant Postmaster-General will demonstrate that the amount proposed by the committee is enough. He says:

> The amount for inland transportation by steamboat routes, namely, $600,000, should be increased to $625,000, as recommended by my predecessor on pages 4 and 5 of his report for the fiscal year ended June 30, 1883. The amount paid for steamboat service performed during the six months ended December 31, 1883, was $302,592.95.
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> The number of contractors is one hundred and eleven.
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> The service has since been reduced so that the annual rate of expenditure March 22, 1884, was $587,990. Add to this the sum of $9,276, that will be necessary on the opening of navigation on the northern lakes, and it will make the annual rate of expenditure on June 30, 1884, $597,266. It is therefore certain that the expenditure for the current fiscal year will nearly equal if it does not exhaust the appropriation.
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> Contracts on a number of routes will expire on June 30, and will have to be relet. A number of contracts were awarded March 5, ultimo, for service from July 1, 1884, at an average increased cost of 5.54 per cent. over present rates ($88,747), which will be $4,917; the estimated additional cost of reletting other routes and of providing new service that will be necessary July 1, 1884, is $20,848; rate of expenditure June 30, $597,266; estimated annual rate of expenditure July 1, 1884, $623,031.

So that it will be seen we have given not only the full amount of the estimate, but that the estimate itself was based upon a careful overhauling of the entire service as now existing and its probable future needs.

So far as I am concerned I have no objection to making the sum larger, because I am satisfied that the Department will not expend it if it should not be necessary. It is, as the Senator from Alabama says, a very important service, and because it is an important service and because it is a service which cannot be otherwise supplied, and which if left off will leave the people along the lines of these various steamboats

entirely without mail service, the committee put it up beyond the estimate.

Mr. MORGAN. I find that under the rules which have been quoted by the Chair I shall not be able to increase this appropriation, and the fault, if there is any, in connection with this matter lies with the Post-Office Department in not making a proper estimate for this service.

I am aware of the fact that there is a prejudice in the Post-Office Department against river mail service, and very much to the detriment of the people of the Southern States especially. I suppose that those officers do not understand the difference between the rivers which empty through the Atlantic coast and those that empty into the Gulf. The lower waters of the Alabama and the Mississippi and various other rivers that run into the Gulf of Mexico are very much embarrassed by immense swamps extending on either side of the river. The rivers are very crooked, and persons going to reside in those swamps to cultivate the land, for convenience as well as for health, find it necessary that they should reside mainly upon the banks of the rivers. In many cases the lands recede from the shores of the rivers back toward the hills, and those large estuaries, which were formerly arms of the sea, have been filled up by deposit from centuries of accretion and are very difficult of access from the hill country.

I have called this matter to the attention of the Post-Office Department for the last four years. I have been trying to get a mail established on the Alabama River. Steamboats run from Mobile to Montgomery on the Alabama River with almost exactly the same certainty that the railway trains run, and have been doing so for fifty years past. The Alabama River is a very tortuous stream, and from its confluence with the Tombigbee River to the seacoast the swamps broaden out and are almost inaccessible at certain stages of high water by mail-carriers or by any means except by steamboats. The lands are very fertile; the population is comparatively dense. It is a very enlightened population, using a great deal of reading matter and having a great deal of correspondence.

The steamboats that go into Mobile and leave that port for the upper river on every trip carry an average of 1,500 letters for distribution at the different landings, and of course they return with about an equal amount from the upper waters of the river. The steamboat captains are prohibited by law from receiving this mail matter on their boats, as I think absolutely, because the rivers are declared post-routes by the general statutes of the United States. Nevertheless they do receive letters in stamped envelopes. It makes no difference what may be the emergency or the difficulty of getting stamped envelopes on the Alabama River, no matter how many postage-stamps a person may have, he can not send a letter unless he happens to be able to get hold of the particular kind of stamp that the Government prescribes in its statutes. You must have a stamped envelope; otherwise you can not put a letter upon one of those steamboats either to go out of Mobile to the home of the planter or to go from his home to the city. After the 1,500 letters are carried to Mobile the shipmasters have to pay the expense of having them carried to the post-office for distribution. Of course they get no revenue or pay whatsoever for this very important service.

The river is crossed at various places by post-routes. The mails are carried on horseback in some cases and in others in buggies, wagons, &c., but the river is so very crooked and the swamps are so broad that it is very difficult to get to the post-offices. There might be a post-office right opposite a man's residence where there is no ferry across the river. It may cost him fifteen miles of travel and his ferriage besides to get across the river to that post-office. A steamboat coming along and landing at his wharf or landing could deliver him his mail matter, whether letters, papers, periodicals, or whatever it might be, very conveniently to the Government. But under the administration of the law as it is carried on in the Post-Office Department that matter is not only not attended to but willfully and obstinately refused.

The other day I sent to the Post-Office Department a petition signed by more than five hundred of the citizens living along the banks of the Alabama River, who begged the Postmaster-General that he would establish a mail-route on the Alabama River. There has been a mail-route there since I was a boy until the last six or seven years, but some subordinate man in the Post-Office Department has got at cross-points with some steamboat river captains, and the consequence is that the people of that whole section of country are deprived of these mail facilities and no mail is allowed to run on the Alabama River.

Now, look at the other points in the case. The Alabama and the Tombigbee flow together about one hundred and twenty miles above Mobile by the line of the water courses. They send out regularly mails from Mobile up the Tombigbee as far up as Columbus, in Mississippi. A regular line of mail communication is kept up on the Tombigbee River, and yet the larger river, much the more important one, from Mobile to Montgomery, Ala., the capital of the State, is denied a mail entirely. Five hundred people petition the Postmaster-General begging him that he will establish a mail there; we vote all the money that the Department requires, and yet we can not get a mail upon that river.

I have felt it to be my duty to make this statement before the Senate of the United States in the hope that the Postmaster-General or the Second Assistant Postmaster-General may divert his attention sufficiently long from the manipulation of political conventions, in my State at least, to read over the petition of those five hundred people which I am satisfied has never been unrolled in that office. All the letters that you can write, all the remonstrances that you can utter, have no effect whatever upon those officers. I declare in the presence of the Senate of the United States that I believe the Post-Office Department of this Government is more abused by its being used simply as political machinery than any Department of the Government ever was since the foundation of the United States Constitution.

I suppose it is beyond my power by an amendment of this bill in any way to get the redress which we seek and which we ought to have at the hands of the Postmaster-General. I suppose that he is out of the reach of the power of legislation, unless the Committee on Post-Offices and Post-Roads will report a bill which we can enact into a law by which he would be compelled to establish mail-routes and have the mails conveyed upon steamboats that run on the principal rivers in the Southern States. I thought perhaps that by an amendment of this bill I might in some way or other require him to make an equitable distribution of this money among the different great water courses in this country, but I have taxed what little of ingenuity I possess to see if I could get in reach of some proposition that would control him. He seems to be entirely beyond the control of Congress. There was never such discretionary power conferred upon any Department of this Government since its foundation as is conferred, and I suppose necessarily, upon the Post-Office Department, but it seems to me that the very breadth of that discretion, the necessity Congress is under to grant this great discretionary power to the Post-Office Department, ought to stimulate them to honesty, to impartiality, to fidelity, and to equity in the distribution of the great amount of money that we place under their control. As it is it is denied arbitrarily to sections that deserve it, that need it, that make their contributions to the Post-Office Department regularly, and we are here without any remedy whatsoever.

Something was said this morning about the Post-Office Committee in connection with this bill. I have been trying to recall to my recollection whether since I have been here the Committee on Post-Offices and Post-Roads had offered any important amendment to the postal laws, and I have failed to recall it. The old system under which we were trundling along seven or eight years ago remains precisely as it was then.

Now, would it not be quite convenient that you should put a free delivery and a mail carrier upon the steamboat, who might deliver letters along the Alabama River precisely as they are delivered here in the city of Washington, at the place of business or the place of residence, as it might be, of the party to whom they were addressed? Those people are paying postage upon 1,500 letters every steamboat that goes in and out of Mobile, and yet they have no mail, and if they chance to send a letter in an ordinary envelope with an ordinary postage-stamp upon it they are liable to prosecution in the Federal courts, and to a fine of $50 for presuming thus to put a letter upon a steamboat to be carried to Mobile, because that is a postal route.

I hope that something may be done. I hope that the Post-Office Committee during the present session of the Senate will take this subject into hand, and will require of the Postmaster-General that he shall make some use of postal convenience and postal service on those rivers, the navigation of which we are spending $10,000,000 a year to improve.

Mr. FRYE. Mr. Lyman, the Second Assistant Postmaster-General, is the last one on earth to be accused of devoting his time to politics. But I did not get up to defend the Post-Office Department. I wanted to thank the Senator from Alabama for his liberality. He desires to increase the inland steamboat service, where now the provision is $625,000. I hope the Senator will remember, when there is under consideration another bill in a few days from this time, that the sum appropriated here for the steamboat inland service is over $300,000 more than the Post-Office Department under law pays for the transportation of all the United States mails over the whole world in steamships and sailing vessels. Last year they paid only $239,000 for all that service.

This service is done by contract. This service amounts on the average to 57 cents a mile, and the service across the ocean last year did not amount to 7 cents a mile. The service from Philadelphia to Queenstown is only 3 cents a mile. The service on the Pacific mail steamers was only 7 cents a mile. This is done by contract with these inland steamers, and no contract is made at all for any foreign service, but under the law you seize a steamship and hold her to her wharf until the post-office bag is ready for delivery, and then let her sail without passengers and with her mail and pay at the rate of about 1 cent a letter.

Mr. MORGAN. The Senator from Maine is repeating in very much better style than I could have done or than I did originally in propounding the same argument two years before he came to the Senate, when upon a Post-Office appropriation bill I moved an amendment that we should extend the postal service of the United States on the high seas, and that we should enter into a contract with American steamers for the transportation of mails to foreign countries upon such routes as the Postmaster-General or Congress might designate. So I am heartily in

accord with the Senator upon that subject, and when he comes to find me voting upon questions of that kind he will find that I am quite as liberal as he is.

I do not know Mr. Lyman. The Senator calls his name. I do not know the gentleman. I can not agree with him, however, that the cause of politics, party politics and petty politics, is not found constantly at work in the Post-Office Department to control not merely the appointment of the officers who are to discharge the duties of the postal service, but also as I believe to discriminate against communities which are not in accord with the present administration.

Mr. PLUMB. My friend from Alabama knows that I always listen to him with a great deal of pleasure and a great deal of respect. I have known him as a liberal man in regard to appropriations and in regard to every other subject of legislation so long as I have known him on this floor. I think he has said about the Post-Office Department not only what is not justified, but what he will not justify himself in having said when he comes to know the Department better or when he comes to reflect further upon the statement which he has made.

I realize the force of what he has said about the importance of this inland steamboat service. Not only do I not challenge his statement of fact, but I agree with him. I have no doubt he has stated the entire truth in regard to the lack of service in the section of country which he so well represents and which he is entitled to speak for. The committee took an enlarged view of that, as we believe, in giving to the Post-Office Department all they asked for, increasing the amount above that named in the bill as it came from the House. If I were authorized now to go to the point named by the Senator from Alabama I would do it. I would not, however, do that if I had the same opinion of the Post-Office Department which he himself expresses, but I would vote to give them $1,000,000 on his motion if I could do so, believing that the money would be properly spent, and with the sole end and aim of the advancement of the public interests with reference to carrying the mails, and not with reference to the advancement of the political fortunes of any party or any individual.

I believe it can be said, truthfully in regard to the Post-Office Department that so far as it is possible to eliminate politics from it, that is to say, with reference to anything which affects the security, the celerity, the value of the postal service to the people of the United States, that Department has carried on the service; and while I regret that the Senator from Alabama has now so poor an opinion of it, I think he will sometime have a better one and on better knowledge than he is possessed of to-day.

I am now authorized by the Committee on Appropriations, in response to what the Senator from Alabama has said, to move to insert, after the word "hundred," in line 132, the words "and fifty," so as to make the amount $650,000.

The PRESIDENT *pro tempore*. Is that in pursuance of the direction of the committee?

Mr. PLUMB. By direction of the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair will receive it then. The Senator from Kansas, from the Committee on Appropriations, moves to amend the amendment by striking out, in line 132, the words "and twenty-five" and inserting the words "and fifty," so as to read, if amended:

For inland transportation by steamboat routes, $650,000.

The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment as amended.

Mr. SAULSBURY. I do not know if the motion will be exactly in order, but after the statement made by the Senator from Alabama I move to add to the clause—

Twenty thousand dollars of which shall be applied to carrying the mails on the Alabama River.

After the statement made here by a Senator and a petition of five hundred citizens residing there who can not get mail accommodations, I think that Congress should interfere and make the appropriation specifically for that point.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment to insert the words "and fifty," after the word "hundred," in line 132, after which the Chair will consider the amendment indicated by the Senator from Delaware. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. SAULSBURY. Upon reflection I shall not offer my amendment. The suggestion is made that under the increased appropriation, perhaps that service will be put on without it.

Mr. FRYE. Of course that will be done, for the amendment was made at the suggestion of the speech of the Senator from Alabama.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 133, before the word "million," to strike out "four" and insert "five;" so as to read:

For inland transportation by star-routes, $5,600,000.

And to strike out after "dollars," in line 134, the following words:

Together with the further sum of $1,000,000, which is hereby reappropriated, out of any unexpended balance of the appropriation for the postal service for the fiscal year ending June 30, 1883.

Mr. PLUMB. Senators will observe by reading the entire paragraph that the appropriation is exactly the same, except that the House transferred a fund which they assumed to exist. I have a letter from the Sixth Auditor of the Treasury for the Post-Office Department stating that there is no such fund, and consequently the paragraph as it came from the House will be totally ineffective. I ask that the letter may go into the RECORD without being read.

The PRESIDENT *pro tempore*. The letter will be printed in the RECORD if there be no objection.

The letter is as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., April 11, 1884.

SIR: In your letter of the 19th ultimo you invite my attention to a clause in House bill 5459, making appropriations for the postal service for the year ending June 30, 1885, which reads as follows: "For inland transportation by star-routes, $4,600,000, together with the further sum of $1,000,000, which is hereby appropriated out of any unexpended balance of the appropriation for the postal service for the fiscal year ended June 30, 1883." And you ask, "If this bill becomes a law will the appropriation thereby made be sufficient to maintain star service costing $5,600,000 per annum and to pay therefor without applying to Congress to make good by a deficiency appropriation of $1,000,000, or any part thereof." In reply I have to say that I presume the clause was framed under the impression that the amounts appropriated for the postal service remain available for two years after the close of the fiscal year for which they are made. Such is the practice in dealing with the general Treasury fund as the surplus in the Treasury permits of it. But the postal revenues are rarely in excess of the expenditures.

There was a surplus for the fiscal years 1882 and 1883, while this year there is a deficiency in excess of such surplus. This deficiency can only be supplied in two ways, by using the surplus of previous years or by drawing upon the general Treasury funds under section 2 of the act of March 3, 1883 (Statutes, volume 22, page 455). The better practice would seem to be to first exhaust the surplus postal revenues, and this course seems to be contemplated in the opening paragraph of the acts making appropriations for the postal service, which reads: "That the following sums be, and the same are hereby, appropriated for the service of the Post-Office Department * * * out of any money in the Treasury arising from the revenues of said Department in conformity to the act of July 2, 1836." It will be observed that the phrase "not otherwise appropriated," found in all acts making appropriations from the general Treasury fund, does not appear in the above paragraph.

After setting apart a sufficient sum to meet existing liabilities for prior years the remaining surplus was drawn upon and exhausted to meet expenditures for the first quarter of the current year, and the revenues of this year have not been sufficient to restore that surplus, and will not be, as drafts must be made on the general Treasury to pay for the service of the current quarter.

I presume that it will only be necessary to present this showing to the Senate committee to secure such an amendment of the clause in question as will supply the whole amount of $5,600,000 from the revenues of 1885.

Respectfully,

J. H. ELA, *Auditor.*

Hon. H. D. LYMAN,
Second Assistant Postmaster-General.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was in line 138, after the item for inland transportation by star-routes, to add the following proviso:

Provided, That the Postmaster-General may contract under a miscellaneous advertisement for the performance of necessary postal service in Alaska for the fiscal year ending June 30, 1885, without inviting proposals therefor by publication in a newspaper as required by the act of May 17, 1878, no newspaper being published in that Territory.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 146, to increase the appropriation "for railway post-office clerks" from $4,000,000 to $4,300,000.

Mr. PLUMB. I ask to have a communication from the superintendent of the railway mail service in regard to that item—which shows the precise places where all the clerks are needed which are provided for by this additional appropriation—inserted in the RECORD.

The PRESIDENT *pro tempore*. It will be inserted in the RECORD if there be no objection.

The letter is as follows:

POST-OFFICE DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT OF RAILWAY MAIL SERVICE,
Washington, D. C., April 1, 1884.

SIR: I have the honor to hand you herewith small book, which will give you in detail the additional force that is estimated to be necessary for the present fiscal year that the state of the appropriation would not permit being provided. I have carefully reviewed the same, and find that there are at the present time three hundred and sixty-four additional clerks required, of which two hundred and seven should be appointed to old lines and one hundred and fifty-seven to new service. This estimate does not refer to the appropriation for the next fiscal year, as it is not the practice of this office to call upon division superintendents for the estimate until after the appropriation is made. Then it is considered in detail and distributed to the different sections according to our best judgment. The average annual salary paid postal clerks is $994.15. It is our practice in estimating additional men to estimate upon the average salary paid clerks. There are now a large number of clerks who are entitled to promotion under the law but the appropriation will not permit it, and I have recently issued a circular letter to division superintendents that no more promotions can be made during the present fiscal year.

Very respectfully,

W. B. THOMPSON, *General Superintendent.*

Hon. P. B. PLUMB,
United States Senate, Washington, D. C.

Table showing the additional force necessary.

Railway post-office line.	Miles.	Old or new.	Present force.	Additional force.	Remarks.
FIRST DIVISION.					
North Conway and Portsmouth		Old		1	To be consolidated with Bangor and Boston short run, which has 3 clerks, who run between Portsmouth and Boston.
Boston and Fitchburg		Old		1	To give double daily service between Fitchburg and South Framingham.
Boston and Newport		New		1	
Boston and Plymouth		New		3	Two routes; one to run between Duxbury and Cohasset, the other via South Abington.
Boston and Providence		Old		1	Helper.
Boston, Springfield and New York		Old		4	For catcher service between Boston and New York.
Boston and Waterbury		Old		2	To be extended to Brewster Station.
Plymouth and North Woodstock		New		1	
Lancaster and Wells River		New		1	
Manchester and South Ware		New		1	
New Haven and New York		Old		1	To give additional daily service.
Palmer and New London		Old		1	To give double daily service.
Rutland and Fitchburg		New		1	
White River Junction and Concord		New		1	
White River Junction and Springfield		Old		2	To give 2 men to a set.
Boston, Mass				4	Transfer clerk, additional, for Eastern, Boston and Maine, New York and New England, and Old Colony depots.
Manchester, N. H		New			Transfer clerk.
Essex Junction, Vt		New			Do
Greenfield, Mass		New		1	Do
Ayer Junction		New		1	Do
SECOND DIVISION.					
New York and Pittsburgh	443	Old	117	18	
New York and Dunkirk	461	Old	34	2	
Albany and New York	145	Old	12	2	
Philadelphia and Crisfield	162	Old	5	2	
Branch Junction and Pittsburgh	70	Old	1		
Erie and Pittsburgh	148	Old	3	1	
Pittsburgh and Fairchance	75	Old	1		
Harrisburg and Baltimore	85	Old	2	1	Helper.
Pottsville and Philadelphia	94	Old	5	1	
Dansville and Buffalo	96	Old	1	1	
Buffalo and Emporium	121	Old	2	1	
Harrisburg and Martinsburg	94	Old	3	2	
New York and Point Pleasant	60	Old	3	1	
Scranton and Northumberland	80	Old	2	1	
Sag Harbor and New York	100	Old	4	1	
Sheffield Junction and Callery Junction	108	Old	2	1	
Rondout and Stamford	74	Old	2	1	In summer.
Albany, Kingston and New York	148	Old	2	2	Probable double service.
Allentown and Harrisburg	91	Old	2	1	Do.
Philadelphia and Long Branch		New		1	
Bowmansdale and Walnut Bottom	32	New		1	
Auburn and Harrisburg		New		1	
Geneva and Friendship		New		1	
Portland and Bethlehem		New		1	
Pittsburgh and Broad Ford		New		1	
Downington and New Holland		New		1	
Irvine and Salamanca		New		1	
General		New		6	On lines that will probably be completed.
Bethlehem and Philadelphia		Old		1	
Philadelphia and Atlantic City		Old		1	
Utica and Richfield		New		1	
Jersey City, N. J				1	Transfer service New York, Lake Erie and Western.
Jersey City, N. J				1	Transfer service Philadelphia and Reading.
Camden, N. J				1	Transfer service.
Hoboken, N. J				1	Transfer service Delaware, Lackawanna and Western.
Hornellsville, N. Y				1	Transfer service.
Salamanca, N. Y				1	Do
Dunkirk, N. Y				1	Do
Corry, Pa				1	Do
Scranton, Pa				1	Do
Williamsport, Pa				1	Do
Oil City, Pa				1	Do
Tyrone and Beaver	26	New		1	
Lancaster and Quarryville		New		1	
Lawrenceville and Harrison Valley		New		1	
THIRD DIVISION.					
Danville and Spencer's Store	55	New		1	
Cumberland and Pittsburgh		Old	3	1	
Fayette and Wilmington		New		1	
Richmond and Huntington		Old		2	
Washington and Richmond		Old		1	
Keyesville and Chase City	26	New		1	
Weston and Buckhannon		New		1	
Tarborough and Williamston	31	New		1	
Halifax and Scotland Neck	21	New		1	
Asheville and Pigeon River		New		1	
Shaw and Elkins		New		1	
Grafton and Philippi	24	New		1	
Roanoke and Bristol		Old	2	1	
FOURTH DIVISION.					
Atlanta and Birmingham	167	Old	2	1	
Dupont and Branford	72	Old	1	1	
Florence and Augusta	167	Old	1	1	
Saint John's and Lake Eustis	36	New		1	Between Astor (new office) and Leesburg.
Meridian and New Orleans	196	New		4	
Sanford and Tampa	116	Old	1	1	
Gruelle and Leesburg	72.88	New		2	
Cairo and Corinth		Old			
Lincolnton and Lancaster		Old		1	
Montgomery and New Orleans		Old		4	
Whiting and Repton	29.50	New		1	

Table showing the additional force necessary—Continued.

Railway post-office line.	Miles.	Old or new.	Present force.	Additional force.	Remarks.
Newberry and Laurens	.....	New	.....	1	
Columbus and Hamilton, Ga	.....	New	.....	1	
Lane's and Georgetown	39.50	New	.....	1	
Gainesville and Jefferson	22.50	New	.....	1	
FIFTH DIVISION.					
Bowling Green and Memphis	261	Old	8	4	Additional service connecting with Cincinnati and Nashville (day line).
Chicago and Cincinnati	310	Old	32	4	One additional clerk to each crew.
Cincinnati, Hamilton and Indianapolis	126	Old	2	1	As helper from Indianapolis end.
Cincinnati and Saint Louis	341	Old	28	4	One additional clerk to each crew on night line.
Evansville and Nashville	159	Old	3	1	As helper from Nashville end.
Grafton and Cincinnati	309	Old	25	4	One additional clerk to each crew on day line.
Indianapolis and Louisville	115	Old	5	1	Additional helper.
Michigan City and Indianapolis	161	Old	3	1	As helper at Indianapolis end.
Pittsburgh and Chicago	469	Old	34	2	To give 2 clerks to a crew on the Crestline and Chicago day run.
Toledo and La Fayette	203	Old	18	2	To give 4 clerks to a crew.
Salamanca and Kent	197	Old	3	2	As helper at the Salamanca end.
Indianapolis, Ind	.....	.....	.....	1	Additional transfer clerk for night trains.
Columbus and Corning	66	Old	1	1	To be extened to Point Pleasant.
Paulding and Greenville	74	New	.....	1	
Fair Oaks and Yeddo	80	New	.....	1	
Carey and Delphos	52	New	.....	1	
Cincinnati and Richmond	121	Old	2	1	On extension to Livingston.
Marmont and Terre Haute	154	Old	2	1	Extension.
Pittsburgh, Cleveland and Toledo	.....	New	.....	1	
Thurston and Redfield	.....	New	.....	1	
Dixon and Moores	29	New	.....	1	
Lebanon and Greensburg	.....	New	.....	1	
Alliance and Niles	29	New	.....	1	
SIXTH DIVISION.					
Chicago and Iowa City	221	Old	23	1	To give 3 men to a crew.
Chicago and Minneapolis	419	Old	54	2	To run between Minneapolis and La Crosse. M. W. Miles transferred; additional, February 25, 1884, W. W. Wall.
Burlington and Council Bluffs	291	Old	13	3	To give 2 men to a crew on the night line.
Chicago and Milwaukee	85	Old	4	2	For additional service.
Chicago and Streator	100	Old	2	1	As helper out of Chicago.
Winona and Tracy	228	Old	4	1	As helper.
Chicago and Saint Louis	280	Old	23	1	
Granger and Shoshone	498	Old	6	2	By reason of extension to Ontario Station. When the "cut-off" from Kansas to Oxford is built 1 clerk can be dispensed with.
Omaha and Stromsburg	126	Old	2	.....	The route will probably be changed to the Ontario and Maysville, and if it is 2 additional men will be necessary.
Omaha and Denver	570	Old	12	2	Helpers.
Des Moines, Percy, and Albia	67	Old	1	1	To be extended to Centreville.
Chicago, Savannah, and Saint Paul	449	Old	14	8	For establishment of regular railway post-office.
Hailey and Naples	.....	New	.....	1	
Table Rock and Wymore	.....	New	.....	1	
Tracy and Pierre	256	Old	5	1	Helper.
Neche and Breckenridge	209	Old	3	1	
Bismarck and Saint Paul	469	Old	9	3	Will not be necessary if the Chicago, Savanna and McGregor line is established.
Decatur and Quincy	.....	New	.....	2	
Albert Lea and Burlington	235	Old	6	2	
Cedar Rapids and Council Bluffs	270	Old	12	2	Helpers on night line.
Minneapolis and Angus	259	Old	4	1	In place of man recently transferred.
Mason City and Ottumwa	172	Old	4	1	Helper.
West Liberty and Council Bluffs	279	Old	13	3	For 2 men to a car on night line.
Wall Lake and Kingsley	71	New	.....	1	
Hawarden and Iroquois	726	New	.....	2	
Hastings and Culbertson	.....	Old	.....	4	Should be extended to Denver.
Des Moines and Hudson	96	New	.....	2	
Des Moines and Decatur	85	Old	1	1	To be extended to Leon.
Jamestown and Carrington	43	New	.....	1	
Maple River and Kingsley	.....	New	.....	1	
Chicago and Aurora	.....	New	.....	1	
Chicago and Harvard	.....	New	.....	1	
Springfield, Ill	.....	New	.....	1	Transfer clerk.
Des Moines, Iowa	.....	New	.....	1	Do.
Lincoln, Nebr	.....	New	.....	1	Do.
Nokire Bay and Green Bay	.....	New	.....	1	
Summit Lake and Milwaukee	225	Old	4	1	
Cable and Hudson	135	Old	2	1	
Chippewa Falls and Rice Lake	55	Old	1	1	
Milwaukee and Prairie du Chien	194	Old	6	1	
Millbank and Aberdeen	97	Old	2	1	
Tracy and Redfield	164	Old	3	1	
Sioux City and Ponca	.....	New	.....	1	
Echo and Park City	.....	New	.....	1	
Ruthven and Des Moines	142	Old	2	1	
Fonda and Des Moines	113	Old	2	1	
Brookings and Watertown	48	New	.....	1	
Hampton and Belmont	.....	New	.....	1	
Superior Junction and Superior	86	New	.....	2	
Sanborn and Cooperstown	.....	New	.....	1	
Preston and Greenfield	24	New	.....	1	
Crookston and Saint Hilliare	.....	New	.....	1	
Carroll City and Audubon	34	New	.....	1	
Hastings and Stillwater	26	New	.....	1	
Fergus Falls and Pelican Lake	.....	New	.....	1	
Zumbrota and Rochester	26	New	.....	1	
Morris and Brown's Valley	47	New	.....	1	
Grinnell and State Centre	33	New	.....	1	
Saint Cloud and Hinckley	68	New	.....	1	
New Sharon and Newton	34	New	.....	1	
Luzerne and Doon	20	New	.....	1	
Wakefield and Hartington	34	New	.....	1	
Kenesaw and Holdredge	40	New	.....	1	
SEVENTH DIVISION.					
Kansas City and Memphis	488	Old	9	1	To have 6 clerks run through.
Texarkana and Houston	331	Old	4	1	To have 5 clerks run through.

Table showing the additional force necessary—Continued.

Railway post-office line.	Miles.	Old or new.	Present force.	Additional force.	Remarks.
Hannibal and Denison	577	Old	21	1	So line may be extended to Vinita, Ind. T.
Buena Vista and Gunnison	73	Old	1	1	Too hard for 1 man.
Houston and Del Rio	386	.....	6	4	If extended to El Paso.
Saint Louis and Atchison	330	Old	39	2	Helpers.
Denver and Ogden	740	Old	8	1	To relieve J. E. Orr from detail and assign him to his own line; A. V. P Day transferred additional.
Cairo and Texarkana	418	Old	5	1	So as to run four men between Cairo and Pine Bluff.
Ottawa and Emporia	57	New	.....	1	
Wichita and Kingman	27	New	.....	1	
Guide, and Roberts, Tex	38	New	.....	1	
Sedalia and Warsaw	42	New	.....	1	
Rincon and El Paso	70	New	.....	1	
Texarkana and Gatesville	.....	Old	.....	1	
Camden and Gurden	34	New	.....	1	
Antonite and Espanola	91	New	.....	2	
Cape Girardeau and Paxico	47	New	.....	1	
Jamestown and Burr Oak	34	New	.....	1	
Newport and Batesville	30	New	.....	1	
Dennison and Taylor	259	Old	4	1	
Saint Louis and Texarkana	490	Old	35	6	
Dennison and Houston	338	Old	6	2	Helper.
Pierce City and Fort Smith	139	Old	2	1	Do.
Dallas and Kemp	35	New	.....	1	
Sedalia and Warsaw (duplicate)	42	New	.....	1	
North Springfield and Chadwick	34	New	.....	1	
Alamosa and Del Norte	30	New	.....	1	
Gunnison and Crested Butte	29	New	.....	1	
Como and Dillon	30½	New	.....	1	
Greeley and Stout, Colo	39	New	.....	1	
Leadville and Dillon	35	New	.....	1	
Deming and Silver City	48	New	.....	1	
Beaumont and Sabine Pass	30½	New	.....	1	
Keeleysville and Doniphan	20	New	.....	1	
Houston and Columbia, Tex	50	New	.....	1	
Columbus and La Grange, Tex	31	New	.....	1	
Guerdon and Camden, Ark (duplicate)	34	New	.....	.....	
Trinity and Ochmesneil	67	New	.....	1	
Mears and Hausman	28	New	.....	1	
Vinita and Tulsa	64	New	.....	1	
EIGHTH DIVISION.					
Redding and Sacramento	169	Old	3	1	Additional clerk.
Tehama and Davisville	111	Old	2	1	Do.
San Francisco and Santa Cruz	83	Old	1	1	
Lehi Junction (new office) and Tintic (new office)	53	New	.....	1	
Mojave and Needles	239	New	.....	6	
San Luis Obispo and Los Alamos	51	New	.....	1	
San Francisco and Sonoma	39	New	.....	1	
Portland and Grant's Pass	293	Old	5	2	To be extended to Phœnix; increase in distance 38 miles; making 331 miles.
NINTH DIVISION.					
New York and Chicago (east division)	.....	Old	.....	5	
New York and Chicago (middle division)	.....	Old	.....	4	
New York and Chicago (west division)	.....	Old	.....	6	
Detroit and Chicago	.....	Old	.....	6	
Detroit and Grand Haven	.....	Old	.....	1	
Allegan and Toledo	157.64	New	.....	2	
Lennox and Jackson	106	New	.....	2	
East Saginaw and Sebewaing	39	New	.....	1	
Caseville and Pontiac	100	New	.....	2	
Saint Ignace and Marquette	.....	New	.....	2	
Cleveland, Fort Wayne, and Chicago	.....	Old	.....	1	
Jackson, Mich	.....	.....	.....	1	Transfer clerk.
Toledo, Ohio	.....	.....	.....	1	Do.
Butlar's Junction (new office) and Manistee	.....	New	.....	1	
East Tawas and Au Sable	72.94	New	.....	2	
Lawton and Hartford	.....	New	.....	1	

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment was, in line 148, to increase the appropriation "for mail-messengers" from $900,000 to $975,000.

The amendment was agreed to.

The next amendment was, in line 152, to increase the appropriation "for mail-bags and mail-bag catchers" from $230,000 to $250,000.

The amendment was agreed to.

The next amendment was, after line 186, to insert:

To pay the expenses of delegates to the Universal Postal Union congress, to be held at Lisbon, Portugal, on the 1st of October, 1884, $4,500, or so much thereof as may be necessary, to be expended under the direction of the Postmaster-General.

Mr. PLUMB. I shall not, unless some one calls for it, say anything in explanation of this item, but I ask that the letter of the Postmaster-General in regard to it be placed in the RECORD.

The PRESIDENT *pro tempore*. The letter will be printed in the RECORD, if there be no objection.

The letter is as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., March 28, 1884.

SIR: I have the honor to inform you that in pursuance of the provisions of article 19 of the Paris convention of the Universal Postal Union the next quinquennial postal congress of plenipotentiaries of the countries and colonies embraced in the Postal Union will assemble at Lisbon, Portugal, on the 1st of October next, for the purpose of perfecting the system of the union by introducing into it such improvements as experience of its practical workings have shown to be necessary to complete the system.

As many important modifications of the Paris convention and the regulations thereunder are proposed for consideration and decision by that congress, some of which are of special interest to this Department, it is necessary that the United States should be represented by experienced postal officers familiar with the operations of the international mail service, and for the purpose of defraying the expenses incident to their attendance at the congress I respectfully ask an appropriation at the present session of the sum of $4,500, to be expended under the direction of the Postmaster-General.

I am, very respectfully, your obedient servant,

W. Q. GRESHAM, *Postmaster-General.*

Hon. WILLIAM B. ALLISON,
Chairman of Committee on Appropriations, United States Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment was to insert as section 2 the following:

SEC. 2. That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenues of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply the said deficiencies in the revenue of the Post-Office Department for the year ending June 30, 1885.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. If there be no objection, the question will be taken in gross on concurring in the amendments. The Chair hears no objection.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SYSTEM OF BANKRUPTCY.

Mr. INGALLS. The regular order.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bankruptcy bill, being the special order.

Mr. INGALLS. Let the regular order be announced.

The SECRETARY. "A bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States."

PROPOSED ADJOURNMENT TO MONDAY.

Mr. PLATT. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was not agreed to.

EXECUTIVE SESSION.

Mr. MILLER, of California. It is necessary to have a short executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 1 hour and 10 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri; and

A bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws.

ADJOURNMENT TO MONDAY.

On motion of Mr. SHERMAN, it was

Ordered, That when the Senate adjourn to-day it adjourns to meet on Monday next.

DEATH OF REPRESENTATIVE HERNDON.

Mr. MORGAN. I move that the resolutions from the House of Representatives commemorative of the death of Mr. HERNDON be laid before the Senate.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Secretary will read the resolutions at length.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *April* 12, 1884.

Resolved, That this House has heard with deep regret of the death of Hon. THOMAS H. HERNDON, late a Representative-elect to this House from the State of Alabama.

Resolved, That as a testimony of respect to his memory the officers and members of this House will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk of this House to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate; and that, as a further mark of respect to the memory of the deceased, this House do now adjourn.

Mr. MORGAN. Mr. President, I offer resolutions which I ask may be read.

The PRESIDING OFFICER. The resolutions will be read.

The Chief Clerk read as follows:

Resolved, That the Senate shares with the House of Representatives in its expressions of sorrow at the death of Hon. THOMAS H. HERNDON, lately a Representative in that body from the State of Alabama.

Resolved, That, as a mark of sympathy toward the family of the deceased, the Secretary of the Senate will transmit to them a copy of these proceedings.

Mr. MORGAN. Mr. President, after our friends have passed away it is a grateful privilege to commemorate their virtues, and to draw from the history of their lives the lessons which teach us how to emulate them in their good deeds and aspirations. It is not often that a man has departed beneath the meridian sun of life whose taking off has left a deeper sorrow or has deprived society of a more beloved friend and the country of a wiser or more useful citizen than THOMAS H. HERNDON. To say that he was endeared to all who knew him is only to express their confidence in the purity of his life and in his fidelity to all good principles, and to repeat toward the departed the earnest friendship which he inspired by his noble and generous bearing, and which he extended to every good man with cordial sincerity. He was a native of Alabama, born at Erie, on the 1st July, 1828, when the State had been but nine years in political existence. He was educated chiefly by Professor Tutwiler, a great teacher and a man of the highest worth, and afterward took his degree in the University of Alabama. He was a representative in the Legislature for several terms, was a delegate to the secession convention in 1861, and served with distinction in the civil war in command of the Thirty-sixth Alabama Regiment. Afterward he was elected thrice in succession as a member of the House of Representatives of the United States, and died while in the service of his State as a member of Congress.

This is a good record in its outline, and speaks eloquently of the public confidence he enjoyed during all his manhood, and it was filled up in all the stages of his public service with conscientious diligence, and with honest, faithful, wise, and able counsels, that greatly benefited the country and added much to the influence and reputation of Alabama. He was a dutiful and loving son of Alabama—a proud and noble mother. His ashes are at rest in her bosom, and his memory is in her sacred keeping. His last sickness was very protracted and wearing, but he quietly and patiently confronted death, for months together, without the least agitation of spirit, and with a degree of confidence and cheerful resignation that made his sick-chamber a place of attraction more than of grief to his anxious friends. He was not a stoical philosopher, but of broad and enlightened Christian faith. Those who gathered around him in his long suffering were deeply moved as they witnessed how he was attended during every moment with a tenderness and gentle devotion that it would be rudeness to describe here, which makes the better side of life radiant with beauty and lovely with its excellence.

His mental composure and strength of will never yielded to the depressing influences which left him physically prostrate after long months of severe illness; and his mind was so clear and vigorous that he was able to give useful advice to his colleagues respecting public affairs in which he took great interest while in the daily expectation of death. When the Forty-seventh Congress adjourned he was ready to go home and die, but not until then. He rallied all his remaining powers to the task of returning to his native land, that he might yield up his spirit in Alabama, his beloved home. Consecrated in every affection of his nature, Alabama received him with the grief of a stricken mother. I am proud to accept this man and his life and character as the true type of a native Alabamian.

Colonel HERNDON inherited the qualities which compelled him to the highest and noblest aspirations; and his lineage and the surroundings of his youth directed his thoughts and his ambition toward the service of his country in the maintenance of the constitutional rights of the people. This was a labor of love with him in which he never faltered or grew weary.

A chivalrous spirit inherited from honorable ancestors, and devoted to the holy cause of justice, is something that lifts up the people to a proper conception of their dignity and power in a government like ours. In this sense Colonel HERNDON was a chevalier without reproach. He served his State as one who loved its people and was jealous of its honor. He had many peers, but none were more truly noble. In the many severe battles of the civil war from which he narrowly escaped with his life, but with wounds of which he at last died, he left numbers of his peers and comrades dead on the field. At Chickamauga he received his summons to an early death. His comrades were a glorious host of the true men of the South, whose fame is still more illustrious now that he has again joined them. As the years recede they are not forgotten. Their memory is still precious to the hearts of millions of people, and their heroism becomes more impressive in its grateful and romantic interest to the new generations as they arise. Tears still well up in the dimmed eyes of their surviving comrades, whose bosoms, though chilled with age and penury, still grow warm with love as their tongues whisper the praises of their heroic dead. Rivers and mountains and plains, baptized with their blood, have become the enduring landmarks of their fame, and will forever commemorate their deeds of honor.

It is fitting that I should describe briefly the characteristics of the people who found a true and worthy representative in THOMAS H. HERNDON. Their qualities gave tone and strength to his manhood and he was thus in every sense their representative. The attractions of a fresh and beautiful country acquired from the Indian tribes drew to Alabama in the early days of its history a large number of people from all the Atlantic States from Massachusetts to Georgia. They were mainly of the classes who had means to purchase the best lands in considerable bodies and had the fortitude to endure the hardships of a pioneer life. In such communities are usually found great enterprise and intelligence and much of native ability and independence of character, and these are safe foundations upon which to build all social and political institutions.

With the assistance of slave labor the work of reducing the wilderness to cultivation was rapidly accomplished, and the land was speedily covered with productive farms and many of the public conveniences which are necessary to a prosperous people.

The people thus drawn together were largely composed of the better classes from the older States, having left behind them the prejudices and peculiarities they may have adopted in their earlier lives. The country rapidly acquired wealth, and with it the people had leisure for mental improvement, for indulgence in agreeable pursuits and diversions, and for the cultivation of their tastes. Their homes were not pretentious in architecture or in ornamentation. They preferred the

beautiful forest trees and flowers in their ample grounds to costly decorations or splendid mansions. It was not unusual to find in the newly opened farms a cosy log-house, surrounded with rough fences, but convenient, roomy, and comfortable, furnished with elegance and taste, and provided with every appliance to make home pleasant and attractive. The wives and daughters of these families took great pride in dispensing a generous hospitality with elegance and grace. They were saved from much of the drudgery of ordinary domestic work, and had leisure to devote to social duties and to their mental improvement. They were happy in their homes and reflected their happiness on others. The wealth of these new communities was only great enough to give them leisure for useful reflections and to stimulate them to rivalry in the education of their children and in self-improvement, without affording them the means or the inducement to idleness or the indulgence of a love of ease. They were active and efficient workers, in full sympathy with the vigorous growth and prosperity of the country, and the comfort of their families was an object that engaged their most earnest care.

Above all else they valued the sacred character and the holy mission of woman, and in this respect the reward of their honorable sentiments was realized in the highest degree. Their sons were found capable of any sacrifices which duty and honor required, and were proud of their lineage. They rejoiced in their families and homes, where their sisters and mothers were honored. A sense of duty and a sentiment of honor deeply rooted in the affections of the home circle are the surest guarantees to society and to the State of the integrity and fidelity of any man. It is in this way that their chaste regard for social duty, their love of home and family, their devout faith in Christianity, their zeal for the excellent results which only the truth and grace and moral strength of woman can create in society, have so deeply impressed the benignant influence of woman upon the character of the Southern people that these blessings will remain with them to the latest generations.

It was among this class of people that the mother of THOMAS H. HERNDON was found. A descendant of the Toulmins of England, she inherited the qualities which caused her ancestors to seek an asylum in America from religious persecution in England, preferring the hardships of voluntary exile in the wilderness to ease and comfort at the expense of liberty of conscience.

In the first dawn of his manhood the beautiful guiding light of his whole life shone upon him. He married a young girl who was descended from Abram Alexander, the president of the Mecklenburg convention which declared the independence of North Carolina in May, 1775. The faith of her great ancestor in the justice of the cause of American independence was repeated in the faith of this gentle wife in the cause in which her husband made a sacrifice of his fortune and finally of his life. The president of the Mecklenburg convention transmitted to his descendants those heroic qualities which led him to espouse and to abide by a cause which was sacred to him, although it was denounced as treason from the throne of Great Britain. His great-granddaughter was not less true or heroic than he was in her devotion to a cause that she espoused, and yet she was not more devoted to her principles than were millions of the women of the South, among whom there was no dissenting opinion and no diversity of sentiment during the terrors of the civil war. They were the soul of the confederacy.

On his father's side Colonel HERNDON was descended from a family distinguished for abilities and integrity of character. Thus it is apparent that in knowing the people that he represented in his lineage and among whom his character was formed we know him. Their blood coursed in his veins, giving strength to his principles, courage to his soul, breadth to his intellect, beauty and grace to his manly form, gentleness to his spirit, elevation to his sentiments, and steadfastness to his devotion to duty. His earnest and ever ready response to the noble impulses which this rich tide imparted to his thoughts and feelings made him a typical son of the South.

Colonel HERNDON'S high sense of honor kept him always true in his conduct to his convictions of duty. When he was in the secession convention of Alabama and in the confederate army no man was more faithful than he was to the cause in which he was enlisted. When he again resumed his allegiance to the United States his fidelity to that Government was true and heartfelt. He was incapable of deception, and would never have accepted an attitude toward the United States that would have caused him the least embarrassment in the faithful service of that Government. He was always honest, and therefore he was always true.

His acquaintance was very extensive, but it was not wider than that atmosphere of warm and appreciative affection which pervaded all classes of people to whom he was known.

A soldier, a scholar, a jurist, a statesman; a Christian, genuine, true, faithful, and devout, he is entitled to the honors which the American Senate are now awarding to his memory. But in the more endearing character of friend and comrade, the silent tribute of a tear moistens the eye of the grateful poor and steals down the bronzed cheek of the warrior to utter higher praises than we can embody in resolutions. "Let him rest in peace, for he has nobly earned his high reward."

Mr. GIBSON. Mr. President, the interesting sketch which has been presented by the Senator from Alabama [Mr. MORGAN] of the life and public services of the late THOMAS H. HERNDON informs us that he enjoyed unusual opportunities for education and for moral and social discipline and that he filled many positions of public honor and responsibility.

Born in Hale County, Alabama, July 1, 1828, educated at the University of the State, he had hardly completed the study of the law in the University at Cambridge, Mass., and entered his profession before he embarked in public life. He was a representative in the General Assembly and a trustee of the University of Alabama, a member of the constitutional convention, a major, lieutenant-colonel, and colonel in the confederate army, and the candidate of the Democratic party for the governorship of the State in 1872; again a member of a constitutional convention and of the General Assembly of the State, he was finally elected to be a Representative from the first Congressional district in the Forty-sixth, Forty-seventh, and Forty-eighth Congresses, but he did not live to take his seat in the Forty-eighth Congress.

His honors survived him. He was called away from a loving fireside and associations most dearly prized, from a confiding constituency, from the enjoyment of every favor of fortune, and from the performance of great public trusts while in the meridian of life and in the full maturity of his powers, while—

> Hope elevates, and joy
> Brightens his crest.

Come when it may, to the young or old, the inevitable and universal summons must always impress us with the profound mystery of life and death, the uncertainty of humanity; but whenever I behold a strong man fall midway his journey, arrested at the very moment when earthly rewards and honors were being reaped and when his usefulness was greatest to his fellow-men, I can only repeat again and again the mournful exclamation of Burke over his dead son, "What shadows we are; what shadows we pursue!"

I was his comrade and friend in the Southern army and his associate in the House of Representatives, and I trust therefore I may be pardoned if I take this opportunity to pay a passing tribute to his memory and to give utterance to my deep sorrow at his untimely death.

It can not be said that Mr. HERNDON had achieved a national reputation as a statesman or that he has left a name illustrious in the field of letters, philosophy, science, or war; yet in many respects he was a remarkable man and in all an admirable one.

Throughout his whole life he appeared rather to avoid than to attract public attention, and though possessing sound convictions, earnestness of purpose, and a noble ambition, he shunned all mere parade and the pursuit of distinction as an object. His watchword was duty, and the practice of self-denial and manly modesty was a part of his nature. The superficial observer would have said that he was too undemonstrative and reserved, too little of a self-seeker and flatterer, too little schooled in the arts of the vulgar politician, too independent and frank, ever to obtain or to hold the favor of the public; that he was not sufficiently sensational and the "hail fellow well met" to go before the people. But here we have the spectacle of a man who from the bottom of his heart despised all wire-pulling, all machine politics, all claptrap, who was self-contained and self-respecting, yet won and held the confidence and affection of the people of the State of Alabama. No man was more esteemed, none more beloved. The record of his services, covering a period of nearly thirty years, discloses the fact that there were ties of a lasting character binding the deceased to the people among whom he lived.

Upon what foundation did they rest? What was the secret of his power? It was not because he possessed the gift of popular oratory, for while he spoke always with fullness and clearness and force, many others far less esteemed surpassed him in the ability to sway the masses of the people or select audiences with the splendors and charms of their eloquence.

Nor can it be said that it was owing to his achievements as a soldier, for while these were creditable and brilliant they were confined within circumscribed and narrow limits, while many others less beloved than he performed exploits that have linked their names to imperishable renown.

You can not ascribe it altogether to his robust common sense, his sound judgment, his zealous attention to daily tasks and engagements, to his qualifications and accomplishments as a lawyer, to his rectitude and public spirit, nor to his well known fidelity to friendships, for these were qualities possessed by hundreds who failed to make any impression whatever upon the public consideration.

To what then can we attribute his popularity and usefulness as a public man? It is true that his intellectual endowments commanded respect, but the source of his superiority is to be found in the resources of a matchless character. In this respect he had few equals and no superiors. Representative and typical of the better elements and aspirations of the people, he was their cherished favorite, for they saw in him the finished product of the civilization—the moral and intellectual forces of the society which they composed. For it may be said that as a general rule public men are the logical expressions of the tone and temper, the outgrowth of the local conditions and habits and culture and institutions of the people, and indicate their characteristics and

qualities as surely as certain plants and fruits and trees do particular soils and climates.

His family had emigrated from about Fredericksburg, a part of the Old Dominion which has been prolific in men celebrated for all the virtues that adorn human nature as well as polished manners and intellectual accomplishments. They belonged to the country people of Virginia who have given to the world names that command its admiration and homage. But of those who composed that remarkable class how many there were who neither sought nor would accept public stations, but who were content to remain on their plantations pursuing their daily avocations and contributing to the welfare of their neighborhoods; distinguished alike for their fondness for classical learning, their hospitality, a certain reserve and stateliness of manner, and high moral standards—men who have left their impress upon country life throughout the South, the George Washingtons and the George Masons of private life, whose virtues fertilized the soil from which these great characters sprung and made of Virginia in some sense what Ithaca was to Ulysses—

A rough, wild nurse-land, but whose crops are men.

Inheriting traditions so elevating and representing a people themselves intelligent, brave, and virtuous, how could he prevaricate or attempt to deceive or descend to subterfuge or play the demagogue or betray any trust or fail of duty anywhere or his name be less than what it was—the synonym for honor.

The country can never forget the magnificent example of heroic devotion to duty left by his kinsman Capt. William Louis Herndon, who sacrificed his own life to save the passengers of the ill-fated steamer the Central America which went down in a terrific gale on our coast in 1857. It will be remembered with what methodical care and cool intrepidity he made all the arrangements for the safety of the passengers, insisting that the women and children should be rescued first and then the other passengers and finally the crew, and how at last, when the foundering ship had become unmanageable and was about to be ingulfed and it was apparent that all must instantly perish and his men besought him to abandon her and to save himself for the sake of his wife and children, his brave spirit, deaf to all entreaties, heard above the roar of the tempest the call of honor and duty, and, obeying, met his death like a martyr.

Col. THOMAS H. HERNDON had a spirit equally unselfish and courageous. I well remember during the evacuation of the lines near Spanish Fort, in Mobile Bay, in the closing hours of the civil war, the commander called for volunteers for a perilous service, and that Colonel HERNDON came forward and in a quiet and modest manner offered to undertake the duty, and performed it with such skill and heroism that he saved the lives of hundreds of his comrades, a duty the performance of which could bring no éclat, no public distinction, no governmental rewards, and that appeared to involve the certain loss of his own life. I doubt if he ever alluded to the circumstance. Such was the man. His whole character may be summed up in one word: He was a gentleman, respecting all the ties of life, honoring all its obligations, and knowing no fear but the fear of God. He realized all our ideas of an American gentleman called from the walks of private life into the public service, bringing with him that exquisite sensibility, that genuine benevolence, that genial tolerance, that scorn of deceit and vulgarity, that brave devotion to principle which characterized the good people who upheld and honored and loved him as their Representative and by whom they were themselves honored. He was the embodiment of that ideal character drawn by the master-hand of Geoffrey Chaucer over five hundred years ago:

A knight ther was, and that a worthy man,
That from the tyme that he ferst bigan
To ryden out, he lovede chyvelrye,
Trouthe and honour, fredom and curtesie.
* * * * *
And though that he was worthy he was wys,
And of his port as meke as is a mayde,
He never yit no vilonye ne sayde,
In al his lyf, unto no maner wight.
He was a veray parfit gentil knight.

Mr. JONES, of Florida. Mr. President, the imperfection of human language is so great that even on ordinary occasions and subjects we all feel that we can not give expression to our thoughts and feelings. I never felt so keenly the poverty of speech as I do to-day. My heart is so full of the memories of the good man whose untimely death has been just officially announced in the Senate that I can not say half that I feel about him.

THOMAS H. HERNDON was my warm personal friend long before either he or I came to Washington in an official character. I am aware that occasions like this are often employed to speak of virtues and character officially. The service that I perform to-day is not an official or lip service; it comes from my heart. Mr. HERNDON and I lived very near to each other. A surveyor's line, a few miles, and separate State organization were all that separated us. Occasionally he came to the bar at my home and more frequently I went to the bar at his. If there is anything that tests the quality of true friendship it is the intercourse of professional life.

The professional man who shows to the world that he is above that littleness of mind and heart which makes some men incapable of according to others the credit which is due to them for their talents and worth is the possessor of great and uncommon virtue. Mr. HERNDON was a man of great generosity, high character, and extensive attainments. In the city in which he lived, one of the foremost in the South, he was beloved by everybody for the purity of his private life, his eminent professional ability, as well as for the broad conservative principles which he adhered to after he entered public life. He was a man of genuine convictions and high sense of honor, and I do not think that he ever cast a vote or made a speech that did not emanate from his heart and with the sole purpose of advancing the interests of his country. He had few of the qualities of a trained politician. He was a man who would never act an insincere part to gain favor in any quarter.

He often said to me when here that there was much about public life that was distasteful to him because he found that it was difficult for a mind like his to conform to political methods and to do all that usage had sanctioned to win popular applause. In his intercourse with his fellow-men he was modest and unobtrusive, and so perfectly conscious was he at all times of the purity of his own character and the integrity of his principles, that he made no effort to impress them upon the minds of others.

He did not belong to that class of public men who suddenly build themselves up by sensations and little methods and then fall to pieces by the weight of their own dullness and incapacity as soon as they become known. His was the slow, steady, but certain growth which always follows the exertions of real character and merit; and had health and life permitted him to develop his fine abilities in the field of politics, he would have occupied a position in the councils of the country that would have given strength, courage, and power to all those who labor to infuse dignity, wisdom, independent spirit, impartial and temperate judgment, as well as genuine patriotism, into the administration of the affairs of government.

I have no hesitation in saying that in all the relations of life, private, social, professional, and political, Mr. HERNDON was one of the best men I ever knew. He was a scholar without affectation or pedantry; a Christian without intolerance or bigotry; a lawyer upright and fearless, ever commanding the confidence of the court, and who was never known to neglect or betray the interests of a client. The loveliness of his domestic life was only equaled by the purity of his professional and political character. He had strong convictions as a party man, but they were never exhibited in undignified or intemperate disputation. He was always true to the principles of his party, but they never carried him far enough to prevent him from doing full justice to those who differed from him. I have in my memory an instance of his impartiality and the freedom of his character from all taint of that littleness and hate which too often spring from party differences. It is only the man of real brain and heart that knows how and where to draw the line which separates private worth and integrity from party principles and responsibility.

When an appointment was to be made to a great judicial office from among the leading Republicans of the country I remember my deceased friend coming here from his business and his home to give his personal testimony of the worth and character of the person who was finally appointed, and without the knowledge of the latter. "Go with me," he said to me, "to official quarters; tell them who I am, so that I can speak, after long experience at the bar over which this gentleman presides as a judge, of his great ability, integrity, and purity of character." The moral of this ought not to pass without observation. It is this: That after all that has been said touching the treatment of United States officers in the South, whenever a gentleman is sent there he never fails to inspire confidence and receive justice. Long before either Mr. HERNDON or myself contemplated entering the field of politics we were professional friends and often engaged together at the bar. He was the most conscientious lawyer I ever knew. He would not address an argument to a court unless he had the clearest conviction not only of the justice but of the law of the case.

I was once his associate in an admiralty cause before the United States circuit court of Alabama. The equity of the case was clearly with our client, who was the victim of a gross fraud about to be consummated and carried through the forms of law. In arranging about the argument he said to me, with great emotion, "The justice and right of the case are clearly with us, but I have great doubt in regard to the legal principle for which you contend, and while I will assist you in every way in my power I must leave the argument to you." We gained the case before a full court. "You never could have succeeded," said he, "unless you were before a court that had the courage and justice to follow the examples of Lord Mansfield, who, putting aside the hard principles of the common law, declared that he never would permit a trustee to recover in ejectment against his *cestui que trust* in possession of the estate."

Mr. President, my poor offering to the memory of THOMAS H. HERNDON this day is not what I could wish it to be. Had I the language of a Webster or Choate I could not do justice to my feelings for the memory of this honest, true man. I have seen too much of the hollowness, the treachery, the insincerity of the human heart not to hold in proper estimation the character of the deceased. The House of Representatives has had and now has many men better known to the world

for long public service and showing of talents than my departed friend; but, sir, neither that body nor this at any time in our history had a member who in all the high qualities of genuine manhood was the superior of the deceased. I do not speak of course about intellectual powers, for it is well known that a bright mind and a rotten heart have often been found together, but I speak of those great moral qualities which make friendship steadfast and enduring, charity boundless, religion tolerant, politics respectable, human nature itself worthy of its Divine Creator. It matters not where such a man is born, his home is the universe; responsive sympathies and open arms and warm hearts will greet him in every clime. And when death ends his earthly career and he enters into a better and happier life beyond the grave, the ministering angels around the throne of God kneel in solemn heavenly reverence and pay homage to his labors and his virtues as his soul passes the awful portals of eternity.

Mr. PUGH. Mr. President, the custom of the two Houses of Congress claims a suspension of our duties to the living that we may pay our last sad tribute to the memory of the dead. This is a mournful duty to all of us, and to me it is especially painful. My recollection of THOMAS H. HERNDON is so fresh I have not yet been able to realize the melancholy fact that he is gone from us forever. My relations with him had grown to be so intimate, cordial, and confiding it will take a long time to efface from my memory the impression that he still lives. How often are we reminded by the appearance of the merciless Destroyer "what shadows we are and what shadows we pursue." And yet we press on, grasping these shadows as if they were priceless jewels, and making our preparations to live as if our earthly existence were immortal.

What a striking illustration is furnished in this delusion of the beautiful truth that "we are fearfully and wonderfully made." How utterly blind and helpless we feel when confronted as we are every moment of our existence with the bewildering mysteries of our creation. If we had been so constituted as to be able to understand the delusive and unsatisfying nature of all the earthly objects of our desires, aspirations, and pursuits, and had been made capable of accepting and acting upon the truth as it really is in the beginning of our lives, who could comprehend or imagine the effects of such a radical change in our capacity and knowledge upon our lives and destinies. No higher wisdom could have been shown in the visible works of creation than is seen in the wonderful perfection of the adaptation of material elements and objects to our wants and aspirations and in the unchangeable affinities existing in the mysterious and incomprehensible combinations of mind and matter. How unwilling we are to accept the undeniable truth that disappointments, reverses, failures, trials, sorrows, and troubles of all kinds are inseparable from our existence because they are indispensable agencies and influences employed in the execution of immutable laws and the consummation of the designs of an all-wise Providence.

These reflections remind us that there is a philosophy in life and death that furnishes more or less consolation and compensation to alleviate our sorrows and reconcile us to our losses. Every human life is a history, and in that of our lamented friend, which has been portrayed with so much force and fidelity by my colleague, there is everything to love and admire and nothing wanting in qualities or action that a longer lease of life could have supplied to make a character more deserving our commemoration. I never knew a more perfectly organized man than THOMAS H. HERNDON. There were remarkable uniformity and harmony in all his faculties. His natural endowments have been excelled in degree but not in quality, and their combination made an extraordinary man. He was kind, gentle, polite, liberal, and unselfish. He had a keen sense of right, justice, honor, and duty, supported by strong convictions and affections and unfaltering courage and manhood. His powers of thought were remarkable for activity, clearness, and accuracy.

His natural gifts were developed and greatly improved and embellished by educational cultivation and acquirements and by upright and honorable living and intercourse. His most conspicuous traits were strong convictions, sound judgment, spotless integrity, scrupulous sense of duty, and faultless manhood. These qualities established him above suspicion in the esteem and confidence of every person who knew him personally or by reputation. He was social, genial, and refined in his intercourse with all classes, and enjoyed from the beginning of his manhood merited popularity with the people under whose scrutiny and with whose support he grew to distinction. As a friend, he was always true under any trial. As a citizen, he was exemplary, public spirited, and useful. No man was ever happier in his domestic relations. As a husband and parent, he was kind, indulgent, and affectionate.

As a lawyer he was efficient, faithful, and successful. As a representative in the Legislature of his native State and in the constitutional convention of 1875 and in the other House of Congress, he devoted all his powers of mind and heart to the honor, rights, interest, and welfare of his constituents. As a confederate officer and soldier, he verified on many battlefields the highest qualities of manhood and patriotism. In his protracted illness and sufferings and in full view of certain death, his heroic nature maintained its supremacy and suppressed all proof that death had any sting or the grave any victory.

I move the adoption of the resolutions.

The PRESIDING OFFICER. The question is on the adoption of the resolutions submitted by the senior Senator from Alabama [Mr. MORGAN].

The resolutions were agreed to unanimously.

Mr. MORGAN. I submit the following resolution:

Resolved, That as a further mark of respect to the memory of THOMAS H. HERNDON, the Senate do now adjourn.

The resolution was agreed to unanimously; and (at 5 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 18, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE OVER MISSOURI RIVER.

Mr. RYAN. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri. The bill has been unanimously approved by the Committee on Commerce and has all the usual safeguards.

The bill was read, as follows:

Be it enacted, &c., That it shall be lawful for the Kansas City, Topeka and Western Railroad Company, a corporation duly and legally incorporated under and by virtue of the laws of the State of Kansas, its assigns or successors, to construct and maintain a bridge, and approaches thereto, over the Missouri River at or near Sibley, in the county of Jackson, in said State. Said bridge shall be constructed to provide for the passage of railroad trains, and, at the option of the persons by whom it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or passengers or freight passing over said bridge, than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans, the spans thereof shall not be less than three hundred feet in length in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least fifty feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river: *Provided*, That if the same shall be constructed as a draw-bridge, the draw or pivot pier shall be at or near the shore nearest the channel of the river where, in the opinion of the Secretary of War, the passage through the draw at that point can be consistently maintained; if not so constructed, then the draw-pier to be in the main channel, and the opening or passage-way to be so protected that water craft can be worked through it by lines when not safe to pass otherwise; and the spans shall not be less than one hundred and sixty feet in length in the clear, and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river, and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made, and all such obstructions be removed, at the expense of the owner or owners of such bridge. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Missouri in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operation of the same.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is the bill reported with amendments?

Mr. RYAN. There are some verbal amendments.

Mr. HOLMAN. With the understanding that there are no material amendments to the bill I do not object to its present consideration.

The SPEAKER. The amendments will be reported.

The amendments were read, as follows:

In section 1, line 8, strike out "in said State" and insert "in the State of Missouri."

In section 3, after the word "prescribed," in line 27, insert the following: "And such sheer-booms or other structures as may be necessary to safely guide vessels, rafts, and other water crafts through the said draw openings, and as shall be designated and required by the Secretary of War."

Add at the end of section 6 the following:

"*Provided*, That nothing herein contained shall be construed to abridge any constitutional power which either Congress or the State of Missouri may have over the regulation of charges for freight or passengers over said bridge."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments reported by the committee were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RYAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VIOLATION OF INTERNAL-REVENUE LAWS.

Mr. McMILLIN. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws. Before the bill is read I desire to state it has the unanimous recommendation of the Committee on Revision of the Laws, the indorsement of the Commissioner of Internal Revenue, and the indorsement of the Secretary of the Treasury; that it makes no appropriation out of the Treasury, and is in the interest of economy and the administration of the internal-revenue laws, and I think there can be no objection to it.

The bill was read, as follows:

Be it enacted, &c., That no person shall be prosecuted, tried, or punished for any crime arising under the internal-revenue laws of the United States unless the indictment is found or the information instituted within one year next after the commission of the offense, in all cases where the punishment is fine, or fine and imprisonment without labor, and within eighteen months next after the commission of the offense where the penalty is fine and imprisonment with labor.

SEC. 2. That all laws and parts of laws in conflict with this act be, and are hereby, repealed.

The following amendments, reported by the Committee on the Revision of the Laws, were read:

In line 6, strike out "one year" and insert "two years."

After the word "offense," in line 7, strike out these words: "in all cases where the punishment is fine, or fine and imprisonment without labor, and within eighteen months next after the commission of the offense where the penalty is fine and imprisonment with labor," and insert the following:

"*Provided*, That the time during which the person committing the offense is beyond the reach of legal process shall not be taken as any part of the time limited by law for the commencement of such action."

Mr. REED. I should like to hear the letter expressing the approval of the Commissioner of Internal Revenue.

The SPEAKER. The gentleman from Maine [Mr. REED] reserves the right to object until the letter of the Commissioner of Internal Revenue shall be read.

Mr. McMILLIN. I am satisfied there will be no objection when the letters of the Secretary of the Treasury and of the Commissioner of Internal Revenue are read.

Mr. REED. I should like to hear the Commissioner's letter read. As I understand, this makes a statute of limitation of two years.

Mr. McMILLIN. Of two years. The bill was submitted to the Secretary of the Treasury, and he submitted it to the Commissioner of Internal Revenue, and they suggested that in place of making the limitation one year where the penalty was fine or fine and imprisonment without labor, and eighteen months where it was fine and imprisonment with labor, those provisions should be amended and the limitation should be made in all cases two years. With that amendment and the further amendment that is reported not to let the statute of limitations run where the party flees beyond the jurisdiction of the court the committee recommend that the bill pass.

Mr. REED. What is the limitation now?

Mr. McMILLIN. In most cases it is five years. The Commissioner of Internal Revenue, whose letter was indorsed by the Secretary of the Treasury and by him referred to the committee, says:

SIR: I have the honor to acknowledge the reference to me, for report of my views thereon, of bill H. R. 6370, "to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws," and to reply that my views remain as set forth in my annual report to you for the year ended June 30, 1883. They are as follows:

"I respectfully suggest that Congress be requested to enact a statute, fixing the limitation for the prosecution of offenses against the revenue laws at a much less period than five years, as now provided by law, except in cases where the accused places himself beyond the jurisdiction of the court of the district where the offense was committed. I am informed by judges of the United States district courts that in nearly every instance where a conviction has been secured the offense was committed within two years before the indictment was found. Cases older than two years are almost invariably lost by the Government. It is also very difficult in such cases to prevent abuses, whereby the costs of prosecution are increased, and, ultimately, the ends of justice defeated. I am of the opinion that a shorter period of limitation would be much better in many ways, and greatly lessen the expense of such prosecution to the Government."

As to the exact period of limitation—whether as contemplated in this bill, one year in most internal-revenue cases, or a somewhat longer period—that may well be left to the wisdom of Congress; but I am firmly convinced that a modification of the laws on that subject as they now exist would be beneficial to the interests of the revenue.

The Secretary of the Treasury says in a letter addressed to the chairman of the committee:

Your letter of the 4th instant is received, in which you submit for my opinion thereon bill H. R. 6370, being "A bill to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws."

I have the honor to inclose herewith a report on the bill of the views of the Commissioner of Internal Revenue, in which I concur. A limitation of two years after these offenses are committed was suggested to Congress in my annual report of the finances for 1883, on page 44 thereof.

A proviso excepting cases in which the accused party places himself beyond the jurisdiction of the proper court should be inserted in the bill, so that nothing be left to construction that may be so easily provided for.

Mr. REED. I am satisfied now.

Mr. LAIRD. I would like to ask the gentleman from Tennessee a question. As you understand this law does it include felonies?

Mr. McMILLIN. It includes all offenses arising on account of violation of the internal-revenue laws, both felonies and misdemeanors. The gentleman will find by examination of the statutes that it is very difficult to determine what offenses are embraced by the term he uses. I have found the word "felony" in only one or two of the statutes. Generally the grade of punishment is designated by the expression "with labor" or "without labor."

Mr. CALKINS. I wish to ask the gentleman from Tennessee whether there is any provision in the bill with reference to pending cases.

Mr. McMILLIN. There is no provision relative to pending cases. The Commissioner of Internal Revenue did not suggest any, nor did the Secretary of the Treasury. In fact, he says that in more than four-fifths of the cases where they are more than two years old the parties are turned loose after indictment and the Government forced to pay the costs.

Mr. CALKINS. It seems to me there ought to be a saving clause in this bill with reference to all pending cases. Probably such an amendment might meet no objection; and I should not like to have the bill passed in its present form without such a provision.

Mr. McMILLIN. If the gentleman will prepare such an amendment as he desires I should be disposed to accept it rather than have the bill fail for want of consideration. It is not the intention to encourage lawlessness, but to prevent oppression. It is also intended to prevent the Government from being mulcted in costs and the parties being prosecuted without sufficient reason.

Mr. CALKINS. With the amendment I have suggested, I should have no objection to the passage of the bill.

Mr. LAIRD. If legal proceedings be instituted in the time of the limitation we ought to save an action to the Government. I do not see any such provision in the bill.

Mr. McMILLIN. The bill makes provision for the very point to which the gentleman calls attention. It provides that no person shall be prosecuted unless the information be instituted within two years next after the commission of the offense.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. CALKINS. I shall object, unless an amendment is agreed to that the provisions of this bill shall not apply to any cases now pending.

Mr. McMILLIN. The gentleman from Indiana [Mr. CALKINS] will please send up the amendment he seeks to have adopted.

The SPEAKER. There being no objection, the first question is upon the amendments reported from the committee.

Mr. CALKINS. It is understood that my amendment is accepted; otherwise I must object.

The SPEAKER. The Chair understood the gentleman from Tennessee [Mr. McMILLIN] to accept it, but it must be adopted by a vote of the House.

Mr. McMILLIN. Mr. Speaker, in the few minutes allowed me for the discussion of this bill I wish first to thank the House for the great courtesy shown me by giving unanimous consent to have it considered out of its regular order and in preference to other important business. I am grateful not only on my own account, but on account of the thousands of helpless citizens all over the country who are dragged from their homes, in many cases hundreds of miles, to Federal courts to be tried for stale and trivial offenses. Those living in cities and near capitals have little idea of the oppressions of Federal courts. My candid opinion is that the last century has not devised any other such engine of judicial oppression as this. Men are hunted down at home, dragged from the fireside or the plow to be tried or as a witness in some petty case of five years' antiquity. The internal system has been administered with such brutality as that the men who devised it are now berating it as an infernal system.

Mr. Speaker, when I came here as a Representative my first effort was to get rid of the oppressions provided against in this bill. I then enlisted for the war, and intend never to ground the arms of my opposition to this judicial tyranny. I think, sir, some other method of col-

lecting internal revenue should be devised. I have already urged that in an argument before the Ways and Means Committee, and hope something can be accomplished. They tell us that to abolish the entire internal-revenue system would cause a deficiency of $50,000,000 a year. If this be so, and it is impossible to get along without the money thus raised for the present, I hope we will at least have their and your cooperation in getting rid of all useless officers and in devising a simple and just means of collecting these taxes which shall not be oppressive to the citizen. If that is not done there is a power in this country which will rise up and wipe from existence every one of these laws, which are now so construed in too many cases as to enable an armed mob to invade the home of the citizen, destroy his property, and make him a captive without process. This bill is intended to protect the citizen from improper prosecution. It is just to the citizen, eminently proper, and I hope will pass.

Mr. Speaker, notwithstanding a portion of the letters of the Secretary and Commissioner of Internal Revenue have already been read, I send to the Clerk to be read the report of the Committee on Revision of the Laws.

The Clerk read as follows:

The Committee on Revision of the Laws, to whom was referred the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws, having considered the same, give the following reasons for its passage, as recommended by the committee:

The limitation now fixed by law for prosecutions for a large number of offenses against the internal-revenue laws is five years. This, your committee thinks, is too long a period, as it results in stale and vexatious prosecutions, which end, and could end, in nothing but the harassing of the citizen and the accumulation of large cost-bills, which the Government in most cases has to pay. But your committee thought it prudent to submit the bill to the Secretary of the Treasury for his opinion. He, in turn, called on the Commissioner of Internal Revenue, and the following are the letters of both approving the bill, with some slight modifications, which your committee have adopted:

TREASURY DEPARTMENT, *April* 7, 1884.

SIR: Your letter of the 4th instant is received, in which you submit for my opinion thereon bill H. R. 6370, being "a bill to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws."

I have the honor to inclose herewith a report on the bill of the views of the Commissioner of Internal Revenue, in which I concur. A limitation of two years after these offenses are committed was suggested to Congress in my annual report of the finances for 1883, on page 44 thereof.

A proviso excepting cases in which the accused party places himself beyond the jurisdiction of the proper court should be inserted in the bill, so that nothing be left to construction that may be so easily provided for.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. WILLIAM C. OATES,
Chairman Committee on Revision of the Laws, House of Representatives.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, April 5, 1884.

SIR: I have the honor to acknowledge the reference to me, for report of my views thereon, of bill H. R. 6370, "to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws," and to reply that my views remain as set forth in my annual report to you for the year ended June 30, 1883. They are as follows:

"I respectfully suggest that Congress be requested to enact a statute fixing the limitation for the prosecution of offenses against the revenue laws at a much less period than five years, as now provided by law, except in cases where the accused places himself beyond the jurisdiction of the court of the district where the offense was committed. I am informed by judges of the United States district courts that in nearly every instance where a conviction has been secured the offense was committed within two years before the indictment was found. Cases older than two years are almost invariably lost by the Government. It is also very difficult in such cases to prevent abuses, whereby the costs of prosecution are increased, and, ultimately, the ends of justice defeated. I am of the opinion that a shorter period of limitation would be much better in many ways, and greatly lessen the expense of such prosecutions to the Government."

As to the exact period of limitation—whether as contemplated in this bill, one year in most internal-revenue cases, or a somewhat longer period—that may well be left to the wisdom of Congress; but I am firmly convinced that a modification of the laws on that subject as they now exist would be beneficial to the interests of the revenue.

The papers referred to me are herewith returned.

I have the honor to be, very respectfully,

WALTER EVANS, *Commissioner.*

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

It will thus be seen that, according to the testimony of these high officials who are at the head of this system of internal revenue, almost every prosecution begun after a lapse of more than two years ends in vexatious failure. All the information your committee have been able to get on the subject corroborates this. They therefore recommend the amendment of the bill by striking out the words "one year," in line 6, and inserting in lieu thereof the words "two years;" and by striking out lines 7, 8, 9, and 10 and inserting in lieu the following words: "*Provided*, The time during which the person committing the offense is beyond the reach of legal process shall not be taken as any part of the time limited by law for the commencement of such action."

And when so amended they recommend the passage of the bill.

Mr. WHITE, of Kentucky. Mr. Speaker, this is eminently a proper measure, and had it been adopted many years ago the Committee on Expenditures in the Department of Justice of this House would have found a great deal less to do.

Mr. REED (in his seat). That would have been a public misfortune.

Mr. WHITE, of Kentucky. The gentleman from Maine [Mr. REED] says that would have been a public misfortune. Perhaps it might have been.

I desire to call the attention of the House, and of the Republican side especially, to the fact that it can not afford to defend any man in its party who has been found guilty of corrupt practices. Prior to the year 1876 it was a very common occurrence for men to be arrested for the most trivial and technical violations of law and carried to the most remote United States commissioner in the State of Kentucky for preliminary trial. There was evidently collusion between the district attorney, who had a brother who was United States commissioner in Louisville, and the marshal, who had deputies to divide with him the costs.

That method of plundering the public Treasury was carried to such an extent that when I was elected to the Forty-fourth Congress the petitions and complaints from the State of Kentucky were so numerous that I was compelled, contrary to my inclination, compelled in spite of my prejudices in favor of the then district attorney and marshal of Kentucky, to ask that the Department of Justice would direct to be made an investigation of the charges of gross malfeasance in office. That investigation was had, and be it said to the credit of the Republican administration then in power the corrupt officials were turned out of office. G. C. Wharton, United States district attorney, was removed; and Eli H. Murray, United States marshal, was permitted to resign.

What was the state of the case at that time? If I understand the bill presented by the gentleman from Tennessee [Mr. MCMILLIN] it is intended to remove the temptation now for such violations. At that time, although there was a United States commissioner in the little town of London, Ky., one hundred and sixty miles from Louisville, it was customary to take the men arrested beyond and in the vicinity of London by the commissioner there to the city of Louisville for the purpose of having simply a preliminary examination. If one was arrested at the head of the Big Sandy or Kentucky Rivers he was taken to Louisville for the preliminary examination, although to get there he might have to go through the town of Mount Sterling, where there was a commissioner, which was one hundred and thirty-three miles from Louisville. What was that done for? For no other purpose than to run up the costs and to get fees from the Government. That was changed somewhat after the investigation which I set on foot during my term in the Forty-fourth Congress. It was changed so that the person arrested had a right to a preliminary trial before the commissioner nearest his home.

Notwithstanding these changes by the Department of Justice, requiring the man arrested to be tried before the nearest commissioner, arrests were frequently made and prosecutions instituted simply to make costs, for we find the following statement in the report of the Commissioner of Internal Revenue of November 25, 1881:

The district attorney is made the judge of the propriety of commencing a criminal prosecution against a citizen on account of which he and the marshal will receive pay from the Government whether the party be guilty or innocent. These officers may prefer complaints against citizens, cause United States commissioners to issue warrants, may arrest and examine the parties before the commissioner, and the district attorney, marshal, guard, witnesses, and the commissioner will all get their fees from the Government, even though the party arrested be discharged.

He says further:

Instances have been brought to my attention where numerous prosecutions have been instituted for the most trivial violations of law, and the arrested parties taken long distances and subjected to great inconvenience and expense, not in the interest of the Government, but apparently for no other reason than to make costs.

There is an indictment against certain Federal officials by the Commissioner of Internal Revenue, who ought to know all about this matter. It was not made in 1876, when I asked for this investigation, but in 1881.

Now to come more directly to the measure before the House. This bill will go far to prevent senseless prosecutions, more properly called persecutions, by corrupt district attorneys and their relatives who are commissioners, and marshals and their willing deputies from hunting up cases five years old, where citizens may have been indicted for trivial or technical violations like the selling of one pint of whisky, or for selling five pounds of tobacco which may have been raised on his own farm; to prevent them from hunting up citizens remotely located—sometimes three hundred miles—from where there is a Federal court, and dragging them before that court for no other purpose than to make costs and get their fees, even though the party arrested be innocent.

Mr. TURNER, of Kentucky. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. TURNER, of Kentucky. I insist that order shall be preserved while the gentleman is speaking. I want to hear his account of Republican officials.

The SPEAKER. The House will come to order, so that the gentleman may be heard.

Mr. WHITE, of Kentucky. I regret exceedingly to be compelled to take advantage of this occasion to speak of a matter which is supposed by some to be a personal matter, although it is not, but is directly related to the bill under consideration.

Mr. MCMILLIN. I desire to ask my friend from Kentucky what length of time he wants. I am willing to yield to him a reasonable time.

The SPEAKER. The gentleman has an hour.

Mr. MCMILLIN. I thought the gentleman was speaking in my time.

Mr. WHITE, of Kentucky. I am not aware that I am dependent upon the gentleman's courtesy.

Mr. MCMILLIN. I did not understand that I had yielded the floor.

Mr. WHITE, of Kentucky. I am occupying the floor in my own right.

Mr. MCMILLIN. I simply want to proceed with this matter as rapidly as we can.

Mr. GUENTHER. Is this by unanimous consent?

The SPEAKER. It is not. The bill is being considered under the rules of the House.

Mr. GUENTHER. Is objection in order?

The SPEAKER. It is not. The Chair asked for objection, and none was made.

Mr. WHITE, of Kentucky. Now, Mr. Speaker, I hope I shall not be interrupted. I know the gentleman from Tennessee [Mr. MCMILLIN] is in a hurry to pass this bill; I am not trying to defeat it. I am willing to go a little further than his bill goes. If the gentleman will fix the limitation at one year, I will go with him; and if the amendment of the gentleman from Indiana [Mr. CALKINS] be withdrawn I will still vote for the measure. The reasons I am stating as having force in 1875 have force to-day, though not in the same degree; that is all.

Mr. VANCE. Will you not vote to abolish the entire thing?

Mr. WHITE, of Kentucky. No, sir. We need revenue to pay the public debt and Government expenses. But I would abolish the fee system and abolish all taxes on tobacco.

Mr. VANCE. Are you not willing to continue the tax with the plan of collection simplified?

A MEMBER. Leaving the payment wholly voluntary!

Mr. WHITE, of Kentucky. That has nothing to do with this question. Now, Mr. Speaker, I shall ask the privilege of incorporating in my remarks voluminous extracts from the testimony which has been taken before the Springer investigating committee. I hope the chairman of that committee is now present. Yes, I see his smiling countenance. I wish to quote from the testimony before that committee, because it is the most extraordinary proceeding perhaps that was ever permitted. A committee appointed to investigate expenditures in the Department of Justice undertook to investigate the expenses of marshals and district attorneys for Kentucky. They called me before that committee. For what purpose? The following will perhaps throw light on the question:

COMMITTEE ON EXPENDITURES IN DEPARTMENT OF JUSTICE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 28, 1884.

SIR: I am instructed by the Committee on Expenditures Department of Justice to request you to appear before the committee to-morrow (Tuesday) morning, January 29, 1884, at 10 o'clock a. m., to testify in the matter of the accounts of the United States court officials in Kentucky.

I have the honor to be, very respectfully, your obedient servant,
W. M. SPRINGER, *Chairman.*

Attest:
J. B. IRWIN, *Clerk Committee.*

Hon. JOHN D. WHITE,
House of Representatives.

I did not receive that notice in time to appear on the day stated, and so a second notice was sent to me.

On the 30th of last January I testified before that committee as to the source of my information on the subject for which I was summoned to give testimony.

The chairman of that committee [Mr. SPRINGER] asked me this question:

Since you have been a Representative in Congress have you been informed of the existence of any abuses or irregularities in the administration of the office of United States marshal and United States deputy marshal?

Referring to Kentucky, I testified that I had been so informed. They asked me for the names of witnesses. I gave them the names of reliable witnesses. Did they summon those witnesses? Oh, no! but they determined to see Mr. Murray. [Laughter.]

I reviewed the investigation that I had set on foot in 1876, and showed that that investigation resulted in the removal of G. C. Wharton, United States district attorney, who was afterward reappointed by Mr. Hayes and confirmed by a Democratic Senate, and then hired by the whisky ring to lobby the unlimited bond-extension bill through the Forty-seventh Congress. I reviewed the case in which United States Marshal Murray, now governor of Utah, after an investigation by the general agent of the Department of Justice, and not to gratify me—for I must confess that in the beginning I was loath to believe these prominent officials guilty of malfeasance in office—was permitted to resign, although Mr. Harlan, then an attorney for this man, pleaded that he should be allowed to remain, and hunted up influential men to try to get him retained. Still, when Mr. Hayes had become President Mrs. Hayes had Murray appointed governor of Utah. [Laughter.] Go to the Department of the Interior, and not a single line can be found recommending Mr. Murray as governor of Utah when he was appointed the first time.

Now, Mr. Speaker, did they call the witnesses who I told them knew all about these facts? Did they call Mr. Samuel Crail, clerk of the United States court, Louisville, Ky.? Did they call H. F. Finley, now the judge of the fifteenth judicial district in the State of Kentucky, one of the purest, bravest, and best Republicans in the United States, and who made the charges in May, 1877, as appears in my testimony, and which I have incorporated in my remarks—did they call him? Did they call Henry Diven, who claimed to know, personally, the truth of the charges regarding the official conduct of Marshal Murray? Did they call anybody who claimed to know, personally, about these matters? Did they call the United States commissioner at London, by whose office many of the arrested persons were carried one hundred and sixty miles to Louisville? Did they call Maj. A. T. Wood, the United States commissioner at Mount Sterling, through whose town they carried the prisoners from that end of the State? No, sir. Then, what did they do? Why, they called Mr. Murray! [Laughter.] Mr. Murray was allowed to come before the Committee on Expenditures in the Department of Justice and read a long speech, evidently prepared by his attorney, and which covers more than twenty printed pages, to try to unload his guilt upon others, and to abuse witnesses who had testified for the Government against him.

What next? They called in John Harlan, a Justice of the Supreme Court. And what does he say? Why, that he had been Murray's attorney, and that he had come from Louisville, Ky., to Washington in 1876 "for the purpose of seeing the Attorney-General touching the charges which had been made in the public prints affecting Murray's conduct as marshal for the State of Kentucky;" and that Attorney-General Taft had told him that he did not believe that Murray had "knowingly made any improper charges." But I will not undertake to quote from memory, and shall give Justice Harlan's testimony in full in the appendix to my remarks.

I refer to this matter because that committee has decided to stop the investigation; and the reason they decided to stop it was because Governor Murray, one of the men under investigation, came before the committee and said he was not guilty, and then undertook to prove by John M. Harlan, of the Supreme Court of the United States, and by the Speaker of this House, who did not pretend to have any knowledge of the facts or to have investigated this thing, that he had a good character. The committee then resolved to close that investigation.

There is the conclusion of the greatest farce under the name of an honest and thorough investigation that I have ever known.

Why was Mr. Speaker CARLISLE called before that committee? To tell what he knew about the facts? Not at all. But to give a good character to a man who had read a statement the day before to the committee to refute definite charges against him for plundering the United States Treasury out of thousands of dollars and who was turned out of office by President Grant after an investigation of his official conduct by the Department of Justice in 1876.

When the investigation by the committee of which the gentleman from Illinois [Mr. SPRINGER] is chairman was about to begin I said on the floor of this House January 21, 1884:

I shall cheerfully support the resolution of the gentleman from Illinois [Mr. SPRINGER]. I desire to call the attention of the House and of the country to the fact that at the last session of Congress I introduced the following resolution:

"*Resolved*, That the Attorney-General be directed to investigate the accounts of the United States commissioners, clerks, marshals, and district attorney for the State of Kentucky from June 1, 1870, to January 1, 1882."

I did not then ask for an investigation as to the whole United States, but I am glad that the gentleman who has this subject in charge proposes now to ferret out the matter to the bottom. I believe that under the fee system thousands of dollars have been stolen from the United States Treasury by some Federal officials. I believe that a thorough investigation of the accounts of the Attorney-General or the records of the Treasury Department will show evidences of fraud resulting from the fee system. I do not think the last Congress did right to smother my resolution of inquiry, which was referred to the Judiciary Committee.

I hope and believe that the gentleman who has charge of this matter will thoroughly and honestly endeavor to get to the bottom of the whole subject. And I believe that if he does so in regard to my own State he will find that men, notably the one to-day sitting as governor of Utah, and a man who was here last winter lobbying as a paid attorney of the whisky ring, late the United States marshal and United States district attorney for the State of Kentucky, will be shown to deserve the striped clothes of convicts in the penitentiary more than some who now wear them.

I hope that the Republicans of this House will join with the Democrats in investigating thoroughly every fraud that now stains the escutcheon of the Republican party.

It appears that my confidence in that committee was misplaced.

The following, which was thought good enough to send by telegraph to all parts of the country, is a specimen of Murray's voluminous testimony before the Springer committee:

Everybody has been heard, and it appears there is not one word by WHITE, or by any one else who pretends to have any personal knowledge, to prove any fact which will even tend to support one of these accusations.

George Q. Cannon, the so-called apostle of Mormon hierarchy; A. W. Gibson, whose name is only too well known here; JOHN D. WHITE, whose name alone is enough, and Henry Diven, a knave of the lower grade and less prominence—birds of foul omen and birds of ill omen—all, with Chase for an æolian attachment and aided by the moral support of the Mormon Church, through the presence here of CAINE, now Mormon Delegate in Congress, are actors in this scene. On Monday, January 21, 1884, the Hon. Mr. SPRINGER, chairman of this committee, reported to the House a resolution for authority to incur a certain expense in prosecuting the investigation into the expenditures in the Department of Justice. JOHN D. WHITE, having the floor, yielded to him to advocate the resolution, and took advantage of his position as a member of the House and of the fact that a statement from him as a Republican might be taken as an admission against a member of his party, to make in my absence, and as his testimony shows without any personal knowledge or any proofs, a coarse and brutal attack upon me, such as no one who has any claim to be considered a gentleman could ever be justified in making, except from personal knowledge or most convincing evidence.

In that speech he maliciously made statements which he knew were false and without the pretense of truth, and under the guise of a member of Congress indulged his base and cowardly personal enmity against me while I was at my post attending to my official duties in Utah. In this he served the lawless element in Utah as he served the moonshiners in Kentucky in 1876. He is a person

with whom no gentleman can have any relations, wholly devoid of moral sensibility, and an irresponsible person, morally or intellectually. Where his real nature is known his praise is an injury and abuse by him an honor. But his utterances in the House of Representatives go to the country with the same weight which they never could have among people exposed to acquaintance with him.

Such slander as that, Mr. Speaker, does not affect me, but it may be and doubtless was a sweet morsel to the committee having the investigation in charge.

I wish the House and the country to know how this committee with the smiling *boutonnière* at its head [laughter and applause] proceeded to investigate expenditures in the Department of Justice and how they proceeded to get at the facts.

Mr. Speaker, I have not the honor of a personal acquaintance with Mr. Henry Diven. But it appears that he was a friend of Eli H. Murray's, and attended his wedding January 18, 1876, by the invitation which I hold in my hand.

The following letters will show that he is not considered a knave by Col. J. T. Buckner, of Louisville, Ky., one of the most prominent men in Kentucky to-day; nor by S. A. Whitfield, late revenue agent for Kentucky and now postmaster at Cincinnati, Ohio; nor by R. H. Crittenden, who it appears intrusted Diven with the control of the steamboat Alice until a sale was effected; nor by Col. W. A. Bullitt, late United States district attorney under Wharton; nor by Mr. G. K Chase, general agent of the Department of Justice, who was sent to Kentucky in 1876 to investigate the charges against certain Federal officials; nor by Mr. Brewster Cameron, the present general agent for the Department of Justice.

I ask the attention of the House to them:

LOUISVILLE, KY., *April* 12, 1884.

I send you papers, all of which show that I was appointed to the position long after Murray says he discharged me for stealing. After Colonel Buckner appointed me Murray went to him and said it was a great outrage to give me the place. Buckner told him he had been to Judge Barr and Wharton, who said I was a reliable man. Now, you must remember that Crittenden is a relative of Murray's, and if I had been discharged for stealing he would not have given me charge of that steamboat, for she was in a sinking condition, and I had to employ from five to twenty men for sixty-six days. (See Crittenden's order to me to release the boat. (Mr. WHITE, I have been the means of saving thousands of dollars to the United States, and you can see how I have been treated. I have three small children and no wife, and have to look for days' work.

Very respectfully,

HENRY DIVEN.

Hon. JOHN D. WHITE.

UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, FIFTH DISTRICT KENTUCKY,
Louisville, October 1, 1877.

GENTLEMEN: Mr. Henry Diven is a special deputy of this district and authorized and empowered to investigate all violations of law in this district. I have instructed them to confer with you and all storekeepers and gaugers of the district for such aid and information as you can give. The deputy collectors are expected to use their active aid in securing the object of their appointment.

Respectfully,

J. T. BUCKNER, *Collector.*

Messrs. LEROY FRAYSER, BEN B. GRAY, GEORGE W. FOREMAN, D. H. HOWARD, *Deputies.*

UNITED STATES INTERNAL REVENUE,
AGENT'S OFFICE, DISTRICT OF KENTUCKY,
Louisville, June 27, 1878.

To whom it may concern:

Henry Diven is in my employ as an internal-revenue officer for a period of thirty days from July 1, 1878, as per authority granted by honorable Commissioner of Internal Revenue in letter of June 22, 1878.

Mr. Diven has authority to visit and examine stock, books and papers, and premises of all persons having in their possession articles liable to tax under internal-revenue laws.

Respectfully,

S. A. WHITFIELD,
Revenue Agent, District of Kentucky.

UNITED STATES MARSHAL'S OFFICE,
DISTRICT OF KENTUCKY, *February* 18, 1881.

SIR: You will please deliver and turn over to Capt. A. H. Dugan or order the steamer Alice and all of her appurtenances now in your charge, he having become the purchaser of said boat, &c., at the sale this day made.

R. H. CRITTENDEN,
United States Marshal.

Mr. HENRY DIVEN.

A. M. DUGAN.

DEPARTMENT OF JUSTICE, *Washington, January* 20, 1882.

SIR: This will serve to introduce you to Mr. C. C. Lancaster, jr., special agent of this Department, who visits Kentucky upon business connected with the accounts of Marshal R. H. Crittenden. Please render him any service in your power.

Respectfully, &c.,

G. V. CHASE.

HENRY DIVEN, Esq., *Louisville, Ky.*

DEPARTMENT OF JUSTICE, *Washington, March* 30, 1882.

SIR: Mr. Lancaster, late acting special agent of this Department, has requested me to ask the Attorney-General to order the payment of $50 to you for services rendered the United States, through Mr. Lancaster, while he was engaged in the examination of the accounts of late United States marshal, Colonel Crittenden, of Kentucky.

Inasmuch as you have rendered valuable services to this Department the Attorney-General has approved the payment of the above sum, which you will doubtless receive in a week or ten days. If you do not, let me hear from you on the subject.

I am gratified to convey this information to you, and trust that you will promptly notify me whenever the interests of the United States are not being protected.

Mr. Lancaster has been to see me a number of times about this, and speaks in the highest terms of your fidelity to the Government.

Very respectfully,

BREWSTER CAMERON, *General Agent.*

HENRY DIVEN, Esq.,
Louisville, Ky.

UNITED STATES CIRCUIT COURT, DISTRICT OF KENTUCKY,
Louisville, Ky., May 11, 1881.

DEAR COLONEL: This will be presented to you by Henry Diven, who is an applicant for the position of private policeman at the race-course during the coming races. I have known Diven for years, and know that you can trust him, and that what he promises or tells you can be relied upon. He was for years a deputy United States marshal, is familiar with the duties of the position which he seeks, and can be trusted to tell the truth under all circumstances.

He is a poor man with a family, and if you can give him this position it will greatly benefit him, and will oblige your friend,

W. A. BULLITT.

M. LEWIS CLARKE, Esq., *Louisville, Ky.*

Gentlemen seem to laugh at the idea of Diven's applying for the position of policeman at the Louisville race-course during the week of the races [laughter and applause], but I understand it is considered an important position by the average race-going Kentuckian. [Laughter.] I was never at a Kentucky horse-race in my life.

That letter is by Col. W. A. Bullitt, who was the assistant district attorney under Wharton for years. He was a colonel in the Union Army, and is well known in the city of Louisville. Did they call him? Not at all. Who did they call? Why, they called Mr. Murray. [Laughter.] Did they call Mr. Diven? Oh, no; Mr. Murray had said he was "a knave of lower degree and less prominence" than a member of this Congress.

I invite your attention to Diven's statement furnished to the Springer committee by Ralph Ballin from the files in the Department of Justice, as will be seen on page 191 of the testimony, and which I shall print in the appendix to my remarks.

But Mr. Speaker CARLISLE was called before the committee and asked to testify. As to what? As to his knowledge of the facts? Oh! no; but as to the character of the witness Murray.

Why was Mr. Speaker CARLISLE called before that committee? I will show you why. On the day before a man who had wronged the Government out of thousands of dollars, a man who had deputies prowling all over the State of Kentucky, with blank warrants returnable at Louisville for years, hunting up these technical violations of law—a man condemned by the Commissioner of Internal Revenue, condemned by the Department of Justice, removed from office after an investigation by the proper officers of the Government—appeared before the investigating committee and made a special plea in his own defense, and needed a little help to be let down easy by that committee appointed to investigate expenditures in the Department of Justice.

Mr. MILLER, of Pennsylvania. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. MILLER, of Pennsylvania. I would like to know if this discussion is going on here under the rules of the House, and if a discussion on a pending measure permits persons to be arraigned here in this manner by a member who is addressing the House? If not, I call for the enforcement of the rule.

The SPEAKER. The Chair has not been able to see up to this time any connection which the remarks of the gentleman from Kentucky have with the bill now pending before the House.

Mr. MILLER, of Pennsylvania. Then I ask the Speaker to direct that the argument of the gentleman from Kentucky in future be directed to the bill under consideration.

The SPEAKER. The Chair will state to the gentleman from Kentucky that he will please conform to the rule of the House by confining himself to the question under debate.

Mr. WHITE, of Kentucky. If I am to be called to order by the gentleman from Pennsylvania and interrupted in the course of my remarks, I want to know it now; otherwise, if he is not entitled to occupy the floor in my time, I want him to sit down and allow me to proceed.

The SPEAKER. The Chair has already stated that the remarks of the gentleman from Kentucky so far did not appear to have any connection with the subject under debate.

Mr. WHITE, of Kentucky. But I think I am to be the judge of that matter.

The SPEAKER. The Chair thinks the House is to be the judge of the matter.

Mr. WHITE, of Kentucky. If the House wants to call me to order, that is all right, and I will take my seat until the question is decided.

Mr. MILLER, of Pennsylvania. I call the gentleman from Kentucky to order.

Mr. WHITE, of Kentucky. Then I will take my seat until that question is decided.

The SPEAKER. The gentleman from Kentucky having been called to order, and having taken his seat, the question is, under the rules of the House, Shall the gentleman from Kentucky proceed in order?

The question was decided in the affirmative.

The SPEAKER. The gentleman from Kentucky, by consent of the House, will proceed in order.

Mr. WHITE, of Kentucky. I thank the House for its courtesy. [Laughter.]

I think, sir, with all due deference to the Chair, that I have been confining myself to the question under debate, and that the point of order did not apply to me at all. I want to put my protest there.

Now, sir, I regret as much as anybody could regret anything to have to make these remarks upon this floor; but when my official integrity is questioned before a committee of this House I think I have the right to respond.

Mr. MILLER, of Pennsylvania. I rise to a question of order. I ask the Chair to rule whether the gentleman from Kentucky is in order or not.

The SPEAKER. The gentleman from Kentucky has been permitted by the House to proceed in order, not otherwise. The remarks which the gentleman has been making would perhaps be proper, in the judgment of the Chair, if made in the nature of a personal explanation or on a discussion of the report of the Committee on Expenditures in the Department of Justice when presented. The Chair does not see how they can have any possible application to the merits of the bill under discussion. This is a bill simply to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws. The gentleman from Kentucky will proceed in order.

Mr. WHITE, of Kentucky. That leads me to make this remark, with all due reference to the Chair, that the difference between the vision of the Chair and my vision is that in my course in Congress I have been endeavoring to defend the rights of the poorest people in the State of Kentucky, and the Speaker has been endeavoring to get bills through Congress for the biggest whisky monopoly in the State of Kentucky.

Mr. MONEY. I call the gentleman to order.

Mr. MILLER, of Pennsylvania. I ask that the words of the gentleman from Kentucky be taken down by the Clerk.

The SPEAKER. If the Chair may be permitted, the Chair would prefer that the words be not taken down and that no notice be taken of them. [Applause.]

Mr. MILLER, of Pennsylvania. I withdraw my request; but I shall insist that the gentleman from Kentucky shall proceed in order or not proceed at all.

The SPEAKER. The Chair will endeavor to enforce the rules of the House.

Mr. CANNON. I want to say one word on the point of order. The practice in the House has been when a member is recognized to speak for an hour that he can talk during that hour, and while it is the general rule that he must confine himself to the question before the House, yet so far as I have any knowledge it has always been within the discretion of the member talking as to how he should discuss that question. Certainly that has been the practice. If any other practice was to obtain, it would then be in the power of the Speaker or a majority to determine what line of argument the member on the floor should pursue; and perhaps it might be out of the power of the Speaker and of the majority of the House to discern wherein the remarks were relevant to the issue. It occurs to me it is the privilege of each member to determine for himself as to whether or not the line of argument he pursues is pertinent to the question before the House. I recollect the other day the gentleman from New York [Mr. COX] in discussing the whisky-bond extension bill made a speech on the tariff. It has always been the practice to allow such latitude.

The SPEAKER. The rule which requires discussion to be confined to the question under debate is perhaps one of the most difficult rules to apply, because it is often very difficult and sometimes impossible to determine precisely when a gentleman on the floor departs from the question under debate. Therefore the Chair himself has never on any occasion interposed to prevent gentlemen from pursuing such a line of remark as they might see proper. In this instance, however, the gentleman from Pennsylvania [Mr. MILLER] in front of the Chair insisted that the gentleman from Kentucky was not confining himself to the question under debate, and the Chair thought that in so far as the gentleman from Kentucky was discussing the characters of Diven, Chase, and others, his line of remark could have no bearing on the bill.

The Chair will always be disposed to give the utmost latitude to gentlemen on the floor; because what might seem to one gentleman entirely pertinent might seem to another wholly irrelevant. But when the gentleman from Pennsylvania made the point of order it was the duty of the Chair to decide it, his decision of course being subject to the revision of the House. The rule is very positive. The Chair will have it read.

The Clerk read clause one of Rule XIV, as follows:

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

The SPEAKER. The practice to which the gentleman from Illinois [Mr. CANNON] refers is a practice which has prevailed ever since the organization of the House in Committee of the Whole House on the state of the Union, but there is no practice, so far as the Chair knows, which authorizes gentlemen on the floor in the House itself to pursue any line of argument not relevant in some degree at least to the matter pending before the House.

Mr. YOUNG. If the theory of the gentleman from Illinois [Mr. CANNON] be correct, I was very badly treated myself on the floor the other day by the ruling of the Chair. I was endeavoring to addres the Chair the other day when a question of order was before the House, and I said to the Chair that it was not my purpose to confine my remarks strictly to the question of order, whereupon the gentleman from Texas [Mr. REAGAN] objected to my speaking at all, and the Chair sustained that objection.

The SPEAKER. The Chair thinks the decision of the Chair on that occasion was correct. The gentleman from Tennessee could not under the rule, if objection was made, proceed to discuss any proposition except the pending question.

Mr. MILLER, of Pennsylvania, rose.

Mr. WHITE, of Kentucky. I hope all this does not come out of my time.

The SPEAKER. It does not.

Mr. MILLER, of Pennsylvania. On the question of order raised by the gentleman from Illinois [Mr. CANNON] I want to say this: I have nothing but the kindliest relations to the gentleman from Kentucky. But I do not think the time of this House should be taken up by any gentleman on this floor to settle a private difference he has with a citizen of the United States, whether in official or in private life. A member of Congress can not be called to account even in courts for what he may say here relative to the character of a citizen or an officer of the Government. He has the utmost liberty. It is important, therefore, that that liberty should not be abused; and this House ought not to permit any of its members to take the time of the House to abuse his privilege by saying anything derogatory to the character of any man unless it is a matter that is properly before the House for consideration. That is why I made the point of order; not on account of anything personal toward the gentleman from Kentucky. I have the highest regard for him, but I did it for the dignity of the House and the dignity of the country.

The SPEAKER. The Chair thinks the point of order is well taken, and would be very glad to have the judgment of the House taken upon it.

Mr. WHITE, of Kentucky. I am very glad the gentleman from Pennsylvania [Mr. MILLER] has made that remark, which enables me to say in reply that there could not have been a greater misapprehension of my position in this case than to suppose that this prosecution grew out of any personal ill-will on my part or any injury ever done to me personally. Why, sir, if I had my papers here from home I could show when I was first elected to Congress in 1874 I received most complimentary letters from these men, Murray and Wharton. I do not remember to have ever seen either of them until after the investigation of their conduct had been determined upon by the Department of Justice in 1876.

But I feel it to be my duty to lay before that Department the complaints that were constantly coming to me of the unwarranted arrests of men. I will give an illustration, which is but a sample of what was going on. The Speaker is very much mistaken if he thinks there is no relevancy between my conclusion and the provisions contained in this bill.

The SPEAKER. The Chair desires to state that he has not decided that the gentleman from Kentucky [Mr. WHITE] may not with perfect propriety under the rules of the House show any injustice that has been committed heretofore under the old law; and he may attribute that of course to the fact that the limitation was five years, or to any other cause he may choose. All the Chair decided was that in the discussion of this bill it was not in order to assail the character of a gentleman or to enter into a personal explanation upon the part of the gentleman from Kentucky about other matters not connected with this bill.

Mr. WHITE, of Kentucky. But when this House appoints a committee to investigate the expenditures in the Department of Justice, and I, as a Representative on this floor, speak a word of encouragement for that committee in the prosecution of its work, and was then called before them to tell of what I had been informed, and gave the names of competent witnesses, the committee turns around and takes what the criminal, under grave charges, tells them he knows about it. Then the Associated Press sends his statement all over the country, while the chairman of the committee holds what I have said in the strictest confidence, for reasons satisfactory to the committee. The Speaker of this House was called before that committee to testify as to that man's general character.

Mr. MILLER, of Pennsylvania. I rise to a question of order. I ask the Speaker to enforce the rules of this House.

Several MEMBERS. That is right.

Mr. MILLER, of Pennsylvania. And I shall insist upon its being done.

The SPEAKER. The gentleman from Kentucky must either proceed in order or take his seat.

Mr. WHITE, of Kentucky. I submit the question to the House whether I am to be treated in this way by a star-chamber committee of the House, without being allowed to speak when the matter comes

before the House on a question as directly connected with the subject as this is. If the House shall decide against me, then I shall take my seat. But if the gentleman from Pennsylvania [Mr. MILLER] is to interrupt me every time I fail to speak words to suit his delicate taste, then I must ask the House to decide between us which is right.

I do not wish to abuse the privileges of the House. But I feel that the bill before the House is an important matter, and what I am saying bears directly upon it. As the committee having the man under charges to testify in his own behalf, and then calling the Speaker of this House and a judge of the Supreme Court of the United States to say that they know that this man stands as high as anybody, the implication is that I have done something wrong, and I think I ought to be allowed to show to the House that this is an important matter, which the Committee on Expenditures in the Department of Justice should investigate. I have been trying to have this justice done for eight years.

Mr. VANCE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VANCE. Is not the gentleman from Kentucky [Mr. WHITE] entitled to the floor for a personal explanation? If he has been assailed as a member of this House, I think he ought to have the right to be heard, and I suggest to him to take the floor for a personal explanation, and not upon this bill.

The SPEAKER. The Chair has stated distinctly that the gentleman had the right, if his character as a Representative had been assailed, or if he conceives that it has been assailed, to rise on the floor under the rules of the House and make a personal explanation; or he would have the right to discuss the proceedings of the committee to which he has referred, or the character of the witnesses that have appeared before it, when the report of that committee should come before the House. But when the point of order was made by the gentleman from Pennsylvania [Mr. MILLER] that the remarks made by the gentleman from Kentucky [Mr. WHITE] were not relevant to the bill now under consideration, the Chair decided that they were not. That is all the Chair has deceided.

Mr. WHITE, of Kentucky. The gentleman from Vermont near me [Mr. STEWART] says that the committee did not call Mr. Murray at all; that he came of his own will. I do not know that that helps the case any; I leave it to the good judgment of the House whether that committee is performing its duty fairly and squarely.

The SPEAKER. The gentleman will proceed in order under the rules of the House.

Mr. WHITE, of Kentucky. I ask the Clerk to read the bill before the House, and then I appeal to the good judgment of the House to determine whether I have not been in order all the time. I ask the Clerk to read the bill in my own time.

Mr. BEACH. I object to the reading of the bill again.

Mr. WHITE, of Kentucky. The gentleman ought to know enough to know that he can not do that.

The SPEAKER. The gentleman has the right to have the bill read in his own time.

The Clerk again read the bill.

Mr. WHITE, of Kentucky. Now, to show you the necessity for restricting the power of the district attorney and the marshal in these cases, I refer you to the testimony of G. K. Chase before the Committee on Expenditures in the Department of Justice, and which I incorporate in my remarks:

By the CHAIRMAN:

Q. Did Murray, in your presence, deny specifically the statements that were made with regard to those constructive fees?

A. No, sir; he admitted some of them and amended one, the McCord warrant.

Q. What did he say in regard to that?

A. He admitted that Diven's statement was true, and amended his charge against the Government in that case accordingly. I had the original McCord warrant with these papers, and there was another paper with the newspaper charges, which I do not see here.

Q. The statement in regard to McCord is this: "In December, 1875, Mat. McCord was brought to this city (Louisville) from Livermore, charged with having deposited in the post-office, for the purpose of being carried by mail, certain circulars, concerning illegal lotteries. In relation to that case I would state that the prisoner McCord, was brought here by a private citizen from Livermore without any warrant and without the marshal's knowledge. The marshal charged for going for him and bringing him with a guard. The marshal himself returns on the back of the warrant fees to the amount of $82.60." Did you call Marshal Murray's attention to that statement?

A. I did. I showed him the original warrant in his own handwriting all the way through, and he admitted that there was no guard, but he said that was the only way he could pay Hackett, who brought the prisoner down.

The point to which I desire to call your attention just here is that constructive fees were charged. They would arrest a man in Louisville and charge mileage from the man's home, distant perhaps two hundred miles. They would charge for traveling expenses, meals, guards, &c. They would charge constructive fees for all items which would have been allowed if the man had been arrested at his home and brought to Louisville. In one case in Letcher County, nearly three hundred miles from Louisville, they arrested a man named Adams. The warrant was issued in Louisville; and because the warrant was issued there, it was decided that the man must be brought to Louisville for preliminary trial, although he was taken past a United States court at London, Ky., and I believe put in jail there, one hundred and sixty miles from Louisville. The man actually arrested was the brother of the man who should have been arrested. He wanted to identify himself when arrested; but instead of being allowed to do so at the place where he was arrested, he was taken to Louisville, and all the fees connected with taking him there were doubtless charged. Of course, when he identified himself in Louisville as not being the man called for in the warrant, he was allowed to go home, being obliged of course to pay his own expenses. Such an outrage on the rights of American citizenship ought not to be tolerated, and was not often attempted upon any but the poorest and most illiterate citizens as well as most remote from the city of Louisville.

A few years ago in the county of Whitley about forty-five men were arrested on charges which in some cases were five years old. Many of those men were entirely innocent and were so declared when they got to Louisville, but they were taken about two hundred miles from their homes (passing by the nearest commissioner) to the city of Louisville, one hundred and sixty miles beyond, to have their preliminary trials. After all the fees possible had been made by the arrest of these poor people District Attorney Wharton recommended that the cases be dismissed and they were dismissed.

This bill is intended to provide that these prosecutions for technical violations of the law upon charges which are four or five years old shall not be allowed—shall not be made the means of fleecing the Government in order that marshals and district attorneys may make fees. We ought to go further and abolish the fee system.

Such enormities as these can not be defended by any Republican. When Republicans are guilty of such offenses the proper thing for us to do, if we would stand squarely before the country, is to ferret out the crime, uncover the scandals, and turn the guilty parties out of office. This bill will do much toward preventing the temptation for the commission of such offenses.

I will not occupy the time of the House further; but I ask to be allowed in my printed remarks to make more copious extracts than I have been able to do, and with that permission I will yield the floor.

Mr. MILLER, of Pennsylvania. I shall object to anything being printed except what would be directly in order on this bill, unless the gentleman has actually said it. I have no objection to the printing of anything that would be strictly in order on this bill; but anything outside of that, anything that would be personal, that would attack any person, either private citizen or public official, I shall object to.

Mr. WHITE, of Kentucky. I will say to the gentleman from Pennsylvania that it is not my intention to print anything except what I have already said or quotations from the testimony before the Springer committee.

The SPEAKER. If there be no objection, the gentleman will be allowed to print under the conditions stated by him. The Chair hears no objection.

APPENDIX.

WASHINGTON, D. C., *January* 29, 1884.

RALPH BALLIN recalled.

By the CHAIRMAN:

Q. State whether there have been on file in the Department of Justice any papers or reports in reference to the accounts of United States marshal for the State of Kentucky during the time that Mr. Murray held that office?

A. Yes.

Q. State where those papers are at this time?

A. They are in the committee-room; at least they were yesterday evening.

Q. State whether this package [handing papers to the witness] is the package of papers sent by the Attorney-General to this committee in relation to the matter spoken of?

A. I recognize this as the package.

Q. Have you examined these papers yourself to see what are their contents?

A. I did give them a casual examination.

Q. State briefly the result of that casual examination?

A. I looked over these papers, and I can only state to the committee what suggested itself to me in that casual examination. I have no proof for it.

The CHAIRMAN. You are not called upon for proofs of the truth of what you may have observed in these papers. To what do they relate?

A. They are vouchers for fees, which vouchers accompanied the accounts of the late Marshal Murray, and for which he claimed credit in his accounts. There is also a duplicate of an emolument return rendered by him to the Department for the second half of the calendar year 1875.

Q. From your knowledge of the papers which should have been sent to the Department of Justice, or retained in the offices of the United States marshal, what do you say as to whether these represent the whole of the papers that ought to be found in relation to these accounts, or whether they are merely a partial list?

A. These papers are merely parts of the account; little bits of it.

Q. Are these all the papers that have been sent to the Department of Justice in reference to that half-yearly account?

A. I can not say that, because these papers must have been referred to the Department of Justice long before I was appointed in that Department. I merely know that these papers came from the Department of Justice from the fact that they were sent to me while I was testifying here the other day, with the instructions that I was to hand them to the committee; and I find on some of the papers the stamp of the Department. Consequently I know that they came from the Department.

The CHAIRMAN. A letter was sent to the Attorney-General requesting all papers in reference to Marshal Murray to be sent to the committee, and these papers were sent in response to that letter.

The WITNESS. I have no doubt that these are all of his papers that are in the Department of Justice.

Q. The other papers relating to his accounts would be, I suppose, in the Treasury Department, and also in the marshal's office in Louisville, Ky.

A. It is questionable whether his duplicate emolument returns are on file in the court at Louisville, but the clerk of the court is, under the law, required to retain on file the duplicates of accounts approved by the court, the originals of which are sent to the Treasury Department for payment.

Q. What part of the probable term of service of Marshal Murray is embraced in these papers?

A. I did not examine the dates very closely, and can not tell. They are just snatches of fee accounts. These papers would probably not constitute one-tenth of the fee account rendered by the marshal for one year. They are but small samples.

Q. They are but fragments of such papers as ought to be found in the Treasury Department and in the office of the court at Louisville?

A. Yes.

Q. State the names of the deputy marshals whose accounts are covered by these papers.

A. John Wyatt, H. Diven, Howard, and others.

Q. State whether the papers before you show any investigation into the accounts of Marshal Murray by Mr. George K. Chase, a former agent of the Department of Justice.

A. There are marginal notes on some of the vouchers, which I believe to be in the handwriting of Mr. Chase, and which would indicate that he had investigated them.

Q. State whether you have examined among these papers what purports to be a statement made by Deputy Marshal H. Diven.

A. I have.

Q. State whether that statement is accompanied by any indorsement by Mr. Chase.

A. There is an indorsement of Mr. Chase's on it.

Q. Is that in Mr. Chase's handwriting?

A. Yes.

Q. Are you familiar with his handwriting?

A. I am familiar with his signature, and it appears to me as if all this indorsement was in the same handwriting. I have no doubt that it is Mr. Chase's handwriting.

Q. Read that indorsement on Diven's statement in the handwriting of Mr. Chase.

A. [Reading]:

The within statement is made by Mr. Henry Diven, of Louisville, Ky., formerly deputy United States marshal for nine years last past, who resigned on January 4, 1876. I find Diven's character for veracity beyond question. I have investigated the within statements, as made by him, and find them substantially true.

G. K. CHASE,
Agent Department of Justice.

AUGUST 8, 1876.

The CHAIRMAN. Read the statement submitted by Diven, and to which that indorsement is appended.

The witness read as follows:

"AUGUST 1, 1876.

"I, H. Diven, state as follows:

"In December, 1875, Mat. McCord was brought to this city from Livermore, charged with having deposited in the post-office, for the purpose of being carried by mail, certain circulars concerning illegal lotteries. In relation to that case, I would state that the prisoner, McCord, was brought here by a private citizen from Livermore, without any warrant, and without the marshal's knowledge. The marshal charged for going after him and bringing him with a guard. The marshal made his return on the back of the warrant, charging fees to the amount of $82.60.

"In January, 1873, the judge of the Lexington election refused to receive the votes of negroes who had not paid their poll-taxes. General James F. Robinson, Dr. Chipley, J. W. Cochran, John C. Young, Matthew Foursbee, John Marrs, George Snyder, Reese, and others were arrested by M. F. Atley, a deputy marshal, and all came down together to Louisville, without any guards. The marshal charged for guards with most of them.

"In attending on the commissioner the marshal is allowed to have one man to attend on each case. In many cases there would be no one there in reality, but fictitious names would be put on the roll. They would put 'Diven' down, for instance, when he would not be there at all, and then afterwards cross the name and substitute Sam. Crail, or put some fictitious name.

"The deputy marshal is allowed to make $3,000 a year, which would be $1,500 for six months. When they came to make up the fee-bill for the six months, if it is found that the deputy has made $2,000, for instance, for the six months instead of $1,500, the extra $500 is transferred nominally to the account of some deputy who has not made up to the allowance. That deputy never gets the extra amount allowed him, as shown by the rolls. The emolument return ought to show exactly what the deputy makes for each six months; but the deputy has been required to sign the emolument returns in blank. All through Kentucky we have United States commissioners, but when a man is arrested, say in the mountains, instead of taking him to the nearest commissioner, where he could get his witnesses and stand a chance to give bail, he is brought to Louisville, in order to make fees, and in eight cases out of ten guards are charged for when they really don't have any guards. The man is allowed to lay in jail without being able to get his witnesses, when at the place where he was arrested, if brought before the nearest commissioner, he could obtain his witnesses or give bail.

"I will state that when John R. Reno was United States collector in one of the Kentucky districts he came up here to attend a meeting of the Grand Army of the Republic, and he was paid on the witness-rolls about $100, when he was not a witness in any case.

"James H. Ashcroft, while he was deputy United States marshal and deputy collector at Paducah, Ky. (two offices under Government, which he had no right to hold at the same time), came to Louisville on a visit, and he was paid on the witness-roll $38 as a witness, when he was not a witness in any case.

"There is a negro named James H. Moody who is paid as janitor for cleaning the third floor $2 per day. He is paid $2 for every day the court is open in the year. When the regular court opens, twice a year, in order to manage so as to give him $4 a day he has been put down as one of the bailiffs of the court and he is allowed $2 per day extra for that. In the October term, 1875, the controller discovered that he had been signing twice, and disallowed that term, so, to accomplish the same end, General Murray put another negro, Taylor, down on the roll as bailiff instead of Moody, but did not tell the negro Taylor anything about it. Moody now pays Taylor $2 per week for cleaning up, and when court is over Mr. Farleigh gets the old negro Taylor to sign the certificate and hands Moody the money. So, as it is now managed, Moody's name does not appear twice in Washington, while he still gets the money.

"In many cases, especially bankrupt cases, where it becomes necessary to serve day process outside of a warrant upon a party at some distance in the interior from Louisville, it has been the custom of the marshal to send the original process to the postmaster at the place, or some constable, or sheriff, or some other person, with directions to execute the same and return the original to him by mail. When the process is returned executed, the marshal charges fees the same as though a deputy had actually been sent, thus charging fees for something which has not been done.

"The deputy marshals are allowed three-quarters of the fees which they make, paying their own expenses. This arrangement is made by General Murray, and the remaining one-quarter of the fees goes to him. In cases where the deputy marshal returns without making an arrest, the whole expense falls upon the deputy, and furnishes a motive for charging extra and illegal fees, where it can be done, upon some subsequent trip, in order to get even.

"A great many people in town that do not go to the collector's office and pay heir special tax I would go around and hunt them up, and take them before the commissioner, and after he disposed of the case, if I would make a return on a warrant, General Murray would sign it, and he would pay me the witness fees.

"Then I would go to these men's places on the corner, and look in and see that he did not have his special tax put up in some conspicuous place, and I would ask him, 'Mr. Brown, you have not got your Government license?' 'Yes,' he would say, 'I have got them.' 'Where are they?' 'I have got them in the drawer.' Then I would say to him, 'You have been reported to the United States commissioner for not having it.' In point of fact he had not been reported, but General Murray did not understand this arrangement. I would set a time and he would go up there. Between the time that I had seen him and the time that he came to the commissioner I would write out a warrant in my own handwriting; no affidavit, though. I would write the warrant, and the commissioner would sign it; but it would have no affidavit. The commissioner would ask if I had inquired into the case. In eight cases out of ten the man would tell him that when he got his license he didn't read the penalty. Most of them were Germans, and he would consider the matter a minute or so, and say, 'Don't let this occur again. Go and put them up.' He would not make any charge against them for that as commissioner, but the commissioner would charge the United States. The fees for this kind of business were about $20, marshal and all. The marshal got about $8, the district attorney $5. The district attorney would not be present. The marshal's costs would be about $5.50, on the average, and witness fees $3, putting this negro Taylor in with me.

"This arrangement the marshal understood, because he paid me 50 cents extra to send the negro in to catch him. I could not get into his grocery to catch him; they would know me. I would send the negro in, as if he was buying potatoes, &c., and I would go in in five minutes afterward, and send the fellow up. When I got fees on these town warrants I did not resort to anything of the kind about the negro—very seldom sent anybody in. When I executed the warrants myself the arrangement was that he would pay me $1.50 witness fees, and 50 cents extra in case I was out anything, or sending the negro in. Then I had to keep the negro all the time. This arrangement has been going on for some two years. He figured it up that the court would be open about two hundred days in the year, and I would be allowed $2 a day as crier, and I would make $2 a day on the warrants. He figured it up at one every day. He put some of his relations in—young Crittenden—and forced me down. He took all the work away from me and gave it to Crittenden. He told the clerks to bring the process to the office, and Mr. Farleigh would hand him the process.

"Another point: If they argue the reason that these men are brought from a great distance is because there is no district attorney to prosecute the case, he don't know his cases until he looks at his fee-bills. He never sees one case in five hundred. He never looks at his cases until he looks at his fee-bills, and somebody makes them out for him.

"Most of these men brought down from the country are brought down by men deputized by deputies. General Murray can not delegate his power and authority. John Wyatt knows that he has not made out a legal return on a process for three years—all legal charges. He is allowed $2 per day every day he is after a man, and he charges for days he is in town before he starts. If he is here three or four days he charges for them.

"He don't take guards from Louisville. He may go way up in the country and hire men from there; but he don't take them from here. General Murray would have discharged him six months ago if he was not afraid that he would talk. He is drunk all the time. Colonel Bullitt told me himself that it would never do to let John Wyatt out of the office; that he would go out on the street and talk.

"You have not put down about Charley Ballard. They took him down to Paducah, and they put him on the witness-roll. They took J. Fry Lawrence down into the country and put him on the witness-roll several years. I spoke to Colonel Wharton about it, and made him stop it; and he did not go this time. He did not take him down this time; he had been summoned, though.

"John Wyatt brought a man down in February, and charged two guards. Sam Crail was astonished, and asked if he could not give bail up there. He could not give any kind of bail. I think his name was Thomas Scalf. He told Sam Crail that he had two guards.

"Since the 1st of January, 1876, while Mr. Merriweather was commissioner, there was but one commissioner here, and that was him. He was commissioner before the 1st of January. He done all the business, civil and criminal. He resigned the clerk's business. After that Judge Ballard appointed John Wharton, a brother of Colonel Wharton. He appointed Sam Crail and Austin Ballard, his son. That is three. The old nigger would go out and get cases, and take one case before one commissioner in the morning, and one case before another commissioner in the evening, and get two witness fees. That has only been since the 1st of January. Wharton tried to get me appointed in the Secret Service, but Bluford Wilson went back on him.

"If a commissioner tries fifty cases, he don't get but one per diem, but three commissioners will get three per diems. Previous to January Mr. Merriweather has done all the work himself for four or five years. I took all the town cases to him, and never issued an affidavit either.

"As to General Murray not knowing anything about these things, General Murray sat down and made out the warrant. I walked out in the hall and said: 'General Murray, do you want this warrant?' He said 'Yes.' I never would have said a word about it, only I went to Colonel Bullitt to stop the illegal fees, for he knew that I wanted to get out of the office. I didn't want him to tell Murray who his authority was. I wanted to tell him that he had read that warrant on the desk, and he had tried the man, and that it was not right; but he didn't do it that way, but told him that I told him. I was going for him all the time. Farleigh is as big a rascal as he is.

"The mayor's election came off the 7th of December. John Wyatt charges for fourteen days' endeavoring to arrest a man. He commences charging the 6th, 7th, and on up to the 14th, when he was in town the 6th or 7th, and I would swear to it. You ask him if he did not vote for mayor last December. He can not get out of that. General Murray knows that a man can not do anything by paying his own expenses. Wyatt went out a few days ago and did not catch anybody, and when he goes out another time he is bound to get even. If the thing can be sifted to the bottom about one-half of his fees will be found to be illegal.

"The first I knew of his trying to get illegal fees was very soon after he was appointed. He called a witness out in the hall and asked where he lived, and he told him in one of the lower counties, and he charged mileage for going after him, and the clerk up there told him he could not do that; 'You can't charge mileage, for you didn't go after him.' Crail knows all about that. You had better ask him. I took a prisoner to Galveston in December, 1875, and charged for two guards for taking him there. I had the clerk of the Saint Cloud Hotel as a witness, and Mr. Brown was a witness. I charged for two guards. I paid Mr. Brown's expenses and hotel bill when he was there. General Murray knew that there was no guards. He knew that I had these two men as witnesses. He got his one-fourth. Farleigh is at the bottom of it; he makes out all the warrants.

"In the McCord case he paid Hacket 10 cents a mile for 180 miles, and $1.50 a day for one day, $19.50. This last was as witness fee. Then he paid him $25 for his services and expenses in arresting the man. Then General Murray made the return himself, pretending to adopt the act of W. C. Hackett as his own. I think they call it 180 miles to Lawrence. It is 21 miles back of Owensborough. General Murray told Hackett to make out his expenses. I heard him. He sat down and wrote on a slip of paper the expenses bringing prisoner McCord to Louisville. 'Expenses from Livermore to Owensborough, 85 cents; hotel bill

at Owensborough, $1; steamboat from Owensborough to Louisville, $4.' He handed it to the general, and he says, 'For two of you?' That is the last I seen of it until I seen the return on the warrant. He called him in his private office."

Q. Was McCord discharged on the examination?

A. No, sir; he was held over. I don't want to say anything against Colonel Bullitt. The charge was that he had deposited these things in Kentucky, and he had not. When the case was brought before the grand jury, he was discharged. His brother is postmaster over here, and you can get him any time you want him.

"Peter Johnson is a fictitious name. See McCord about Reno and Ashcroft.

"I am afraid that they won't tell you everything. Crail has got some money and property, but he has a lifetime place as long as he suits Judge Ballard. He can give you some points, though. He is not married. He is a clever fellow.

"Colonel Wharton said to Sam Crail, 'Sam, are my accounts all straight?' He says, 'Yes; why do you ask me?' Colonel Wharton says, 'How are Murray's accounts?' Wharton says, 'They are all wrong.' Wharton says, 'You surprise me, Sam.' Sam says, 'No, I don't surprise you a damned bit.'"

The CHAIRMAN. Does this statement embrace substantially the contents of all the papers that have been sent to the committee?

The WITNESS. I looked over them last evening as you directed me to do, and I did not see this statement at all. It was not among the other papers. Perhaps it was on the table. You asked me to look through the vouchers, and I did so, without seeing this statement. On just looking over the vouchers the following suggestions occurred to me that I would act upon, at least so far as suspension of the accounts would go, if I were in the Treasury and adjusting these accounts. "John Wyatt's accounts, expenses in endeavoring to arrest, seem excessive. Mileage appears excessive." I made a note bearing on the duplicate emolument return. "Emolument return for second half of 1875 embraces credit claimed for $680, voucher 9, alleged stationery bill from Bradley & Gilbert." That seems to me an unusual charge for stationery in a marshal's office for six months. Probably the bill itself would show what it was for.

The CHAIRMAN. Is not $1,500 about the amount paid for stationery for all the Department of Justice in this city?

The WITNESS. I do not know. I know that the amount is very small.

The CHAIRMAN. I am informed by a gentleman connected with the Department that the whole amount allowed for stationery for the Department of Justice in this city is only about $1,500.

The WITNESS. I also made the following note: "Deputies apparently charged separate trips for each prisoner transported, when perhaps several prisoners were transported together. The charge for guards in each voucher seems subject to investigation, as it stands to reason that guards were not needed in every case. The travel charged seems unusually heavy, and is perhaps excessive." I also made the following memorandum: "The deputy marshals sued out warrants of arrest. Many cases dismissed; perhaps the majority of them. Deputies seemed to have taken prisoners for whose arrest they had more than one warrant before several commissioners on the same day. The only object could have been to make fees for commissioners and marshals."

The CHAIRMAN. Explain that process a little more clearly.

The WITNESS. For instance, where a deputy has three warrants to serve in one day, and there are three commissioners in town, if he takes his three prisoners before the one commissioner the commissioner gets only one per diem. The commissioner's fee for hearing and deciding criminal cases is $5 a day for each day necessarily attending; the deputy marshal's fees $2 a day for each day attending on a commissioner's court; that fee is for attending court and for bringing in and guarding prisoners and witnesses. Now, if a deputy marshal has three prisoners and he takes them before one commissioner, that commissioner gets only $5 and the deputy marshal only $2; but if he takes one prisoner before one commissioner he charges his $2 a day, and the commissioner charges $5 a day; then the deputy marshal takes the second prisoner before a second commissioner and repeats the charges, and so with the third prisoner and the third commissioner. In that way often fictitious names are inserted in accounts, and the accounting officers of the Treasury are deceived.

I also made a note in reference to the McCord case, as follows: "United States vs. Mat. McCord, post-office case, costs $26.60. No name is given of officer making arrest and transporting prisoner. Perhaps William Hackett, who appears as a witness summoned to testify in the case, was the party making the service if at all."

I see from the statement of Mr. Diven that Mr. Hackett did transport himself. It also appears that actual expenses are charged at different dates and on different suits, while probably the papers in the hands of the marshal were served on one and the same trip. I also find little slips pinned to the vouchers which show that attendances on the commissioner's court are charged for persons who did not attend.

The CHAIRMAN. In whose handwriting are these slips?

The WITNESS. Mr. Chase's; those making charges on dates wherein the deputy who really attended has charged his per diem for attendance, and where another name was probably inserted to deceive the accounting officer, I also made this note: "Deputy marshal's receipts to marshal's emolument returns were, judging from the different inks used, signed by them in blank."

The CHAIRMAN. That is a custom which was frequently found in deputy-marshal's accounts?

The WITNESS. Yes. I also made the following memorandum: "E. H. Murray's personal fee account shows fictitious charges for attendances of deputies on commissioner's courts in cases wherein warrants were served by the marshal in person."

The CHAIRMAN. What do you mean by fictitious charges?

The WITNESS. I mean the names of men being put in as attending commissioner's court when they did not attend. I also found that from the slips.

The CHAIRMAN. As the result of Mr. Chase's investigation?

The WITNESS. Yes. I also made this note: "It also appears that deputy United States marshals assumed authority to deputize persons to serve process for them (the deputies). Deputy marshals can not legally do that, and it is a dangerous thing to allow a man who is not commissioned, has given no bond, and has not taken an oath of office, to arrest, transport, or commit to jail any person charged with a violation of United States laws." These are the notes that I made in running over these papers. I do not know but that the Treasury Department may have suspended parts of these accounts.

By the CHAIRMAN:

Q. You do not know whether these accounts have been finally settled or not?

A. I do not. The statement of disallowances on Mr. Murray's account will show it.

Q. That will appear by calling on the Treasury Department for a statement of the accounts of Mr. Murray as settled?

A. Yes. You will see from the statement of disallowances what disallowances were made, and for what reasons.

Q. From your knowledge and experience in the investigation of accounts of court officials, and from the casual examination of the papers before you, what would you say as to the necessity of having a careful examination made into the accounts of these officers in Kentucky?

A. I suppose that Mr. Chase would be a better judge of that than I am. He has been on the spot and knows how far he has gone. I do not know what ground he covered in his investigation; his report does not indicate it. For instance, I do not see anything in the papers as to the report of Mr. Chase on this charge of $680, stationery, in the emolument return. This is a matter which came directly under the marshal's observation, and for which no deputy is responsible. The other matters might, perhaps, be traced to the deputies. This charge may be right; he may have paid that much money for stationery, or it may have been a clerical error in using the word stationery instead of some other word showing the purpose for which he may have paid out this money.

By Mr. VAN ALSTYNE:

Q. From the papers that have been given to you for inspection, and from the report of Mr. Chase, the examining agent of a former Attorney-General, what do you say as to whether or not there is a disclosure of irregularities in the office of marshal in the State of Kentucky?

A. Undoubtedly.

Q. Is that report, and are the papers submitted in connection with it, of such a character that this committee would be justified, or that you as an examiner would be justified, in recommending a reformatory line of action, or would a further and more specific examination of the fees be required?

A. I suppose that the points raised by Mr. Chase and the statements of Mr. Diven show what really has been done there. I have no doubt that the statement of Mr. Diven shows the real state of affairs as they then existed, because Kentucky was not the only State where such things occurred. They had been found in other districts.

By the CHAIRMAN:

Q. What is your opinion as to the necessity of making a more careful examination into the affairs of that office?

A. The necessity would depend upon the objects of the investigation.

Q. With the same objects in view that you have had in the investigations which you have made into other offices?

A. The investigations made heretofore were made with a view of recovering the money.

Q. Could not the money be recovered in this case if it was found that it was drawn out improperly?

A. If the Treasury Department has not acted on this report of Mr. Chase's, and has not suspended the marshal's accounts, it may be that an examination made on the spot, even at this late day, would result in recovering money for the Government.

Q. If fictitious and fraudulent accounts have been allowed by the Treasury Department, can not the money be recovered?

A. Yes; it is possible that the Treasury Department may have suspended payment on these accounts at the time that Mr. Chase made his report. If that has not been done, I have no doubt that the money can be recovered for the Government paid out on fictitious charges made and presented by the late marshal.

Q. You mean even if they have been allowed and paid?

A. Even if they have been allowed already they would be recharged to him, and recovered on his official bond.

Q. Then it is your opinion that where accounts have been allowed by the Treasury Department of such a character as indicated by these papers the amount can be recovered by the institution of suits against the marshal and his bondsmen?

A. Yes; if the proof is conclusive that the Government has paid out moneys it did not owe they can be recovered on the marshal's official bond by reopening the account and recharging the marshal with them.

Q. Assuming that such proceedings would be instituted, what would you say as to the necessity (having in view the economy of the service) of further inquiry into these accounts?

A. The view of which you speak is that this proceeding be instituted by suit?

Q. Yes, by suit or otherwise.

A. If with a view to proceed by a suit, an examination might be necessary; but whether it affects the economy of the service I can not state, because these abuses may not to-day exist in Kentucky.

Q. You know that they did exist at other places at that time?

A. I know that they have existed in districts which I have investigated.

Q. Up to the time of your recent investigations?

A. Yes.

Q. Do not these papers disclose only a very partial amount of the business which must have been transacted in that office during the term of Marshal Murray?

A. These papers show a very little part of it.

Q. If the office were managed during his incumbency of it in the same way as these papers disclose for the short time that they did cover, would it not be well to have an examination made of the whole of his official term?

A. As I said before, if it is to recover money, an examination may be necessary so as to secure the proofs of fraud or of fictitious accounts.

Q. Or of excessive charges?

A. The only difficulty will be that as the charges are very old it will be difficult to find proof of them. The witnesses may not be living, or it might be difficult to find them.

Q. That would be determined upon inquiry?

A. Yes.

Q. How much time would it require for one of the agents of the Department to make what would be regarded as a proper investigation into the affairs of this office for a period of four years?

A. To go through the fee account for four years properly, taking each year as requiring two months, would make eight months; I mean to go through them and to probe them. In making our investigations we have usually examined only one year. The Fitzsimmons accounts covered but one year. I only took the unadjusted accounts, and they showed false statements to the amount of $7,000 in one year. That examination, which also included his emolument return, took me three months, and the Longstreet investigation occupied three officers two months. There is a good deal of time lost in traveling and hunting up witnesses. Take, for instance, a case against John Smith. The marshal's account may show that he arrested John Smith at a certain place and transported him to a certain place. In order to test that item the agent has to find John Smith, and has also to find the man charged as a guard; and finally he has to get hold of the deputy-marshal and make him own up that he has rendered a false account.

Q. Then you take a year, or a portion of a year, and make a thorough examination as to that time, and make an average as to the rest?

A. I never did that with the marshal's accounts. I have never averaged them. I did that once with Mr. Wolfley, clerk of the court in New Orleans.

Q. Then you did not come to a conclusion as to the Fitzsimmons accounts?

A. I disallowed about $7,000 on his unadjusted fee accounts for one year. I found from his books that he had kept from his deputies moneys due to them for fees earned, and for which accounts had been presented to the Treasury and allowed to the amount of $11,800. Against that $11,800 there was, I think, $3,500 in the Treasury to Fitzsimmons's credit. That was $11,800 and $7,000, making $18,000, besides $5,000 or $6,000 emolument returns. He had given false receipts claiming credits for money which he had not paid out. In that way I got at the twenty-odd thousand dollars which I spoke of the other day, and which my report shows. The marshal's earnings from civil cases were not touched at all, because that would have been an endless job.

Q. Have you any other statement to make in relation to your examination of the papers before you?

Q. No, sir; I have said about all that occurred to me, and these are only surmises from the face of the papers.

Adjourned until to-morrow.

WASHINGTON, D. C., *January* 30, 1884.

JOHN D. WHITE, a Representative from the State of Kentucky, appeared before the committee, and was examined as follows:

By the CHAIRMAN:

Q. What district of Kentucky do you represent in this Congress?

A. I represent the tenth district now. It is a part of the district which I represented in the Forty-fourth Congress.

Q. How long have you served in Congress?

A. This is my third term. In my other terms I represented the ninth district.

Q. In what part of the State of Kentucky is that district located?

A. In the southeastern portion of the State.

Q. Is it remote from Louisville?

A. Rather. In the Forty-fourth Congress I had twenty-three counties in my district, I believe, beginning with Montgomery, which is about twenty-five miles (the nearest line of it) from Lexington, Montgomery being a blue-grass county. The rest of the counties in my district were mountainous. At present I represent that blue-grass county and Clark County, which was added the year before last from Mr. BLACKBURN'S district; and five of the mountainous counties were cut off, four of them being attached to Mr. THOMPSON'S district and one to Mr. WOLFORD'S district.

Q. Since you have been a Representative in Congress have you been informed of the existence of any abuses or irregularities in the administration of the office of United States marshal and of United States deputy marshals?

A. When I was first elected to Congress I was a mere boy; I had never held any public office before, and was not acquainted with the manner of conducting public business. I knew scarcely any one in Washington. But very soon I began to get letters complaining of the conduct of deputy marshals as they were executing the law in my district.

Q. In what year was that?

A. That was in 1875, I think. These complaints were so numerous, and the offenses seemed to be of such a petty character, but so frequent, that I concluded to take the matter to some of my friends. I do not know but that I went to the President with it first (not knowing that I ought to have gone to the Department of Justice), and told him of the arrests that had been made for such little offenses as, for instance, selling a few pounds of tobacco which a man had raised on his own farm. They would arrest that man in Pike county, as far as they could get from Louisville, and take him to Louisville, stopping on the way and putting him overnight in jail. And that, too, was being done by such drunken deputies as one man of the name of Wyatt, who figured conspicuously in that section of the country. I recommended a general pardon for such petty offenses where, for instance, a man had been arrested on a warrant for an offense that was two or three years old, such as selling a pint of whisky, or a few pounds of tobacco, or small offenses of that character. I thought that if a general pardon could be granted and a new order of things started in Kentucky it would give satisfaction to the people at large. I said that these men were being harassed in a way that was liable to lead to a serious trouble. The President very politely suggested that I should get the names of the parties, and he referred me to the Attorney-General. The Attorney-General heard me patiently, and referred me to the district attorney of Kentucky, who was at that time Mr. Wharton. I had never met Mr. Wharton, but he had written me such a flattering letter when I was elected to Congress that I presumed, perhaps, a little on his anxiety, as well as my own to allay any trouble that might be brewing in Kentucky from these annoyances. So I unbosomed myself to him. I told him that I would like to know the names and residences and offenses of persons charged with these petty offenses, and that I was seeking a general amnesty for them. I said I hoped that he would furnish that information, and, if he could do so consistently, recommend such amnesty. I never received any reply to that letter. The thing went on for some time. These letters still came in to me from different parts of my district. For instance, I remember a case of this kind: A man named Adams, living in Letcher County (at the farthest part of it almost from Louisville), was arrested on a warrant in which he was not named at all, but which contained his brother's name. He protested that he was not the person named in the warrant, and that he could identify himself by his neighbors, but he was not allowed to do so. He was taken all the way from his home to the city of Louisville, and, of course, as soon as he identified himself there he was dismissed and allowed to go home at his own expense. I suppose that if you were to look through the accounts of the marshal you would find that the fees were charged for that arrest. A case of that kind was considered a very annoying thing for a Federal official to permit, and of course I had to complain about it. At that time I had never met Mr. Murray nor Mr. Wharton. I did complain to the Attorney-General, and asked for an investigation of that whole matter.

Q. Have you a copy of the letter which you sent to the Attorney-General?

A. I do not know that I have; but I suppose it is on file in the Department of Justice. I am quite sure that I wrote to the Attorney-General; or, if not, I talked to him very freely, urging an investigation of this whole business, and saying that doubtless there was something wrong down there. I did not know who was responsible, but I knew that there was something wrong when men could be arrested in Letcher County and taken to Louisville, a distance of over two hundred miles, going right past the office of a commissioner, for there was a commissioner at that time at London, which is about one hundred and fifty miles from Louisville.

Q. And within fifty miles of the place of arrest?

A. It must be two hundred and fifty miles from Louisville to where that man was arrested in Letcher County. He would have to ride on horseback from Letcher County through London, as a rule, in order to get to Louisville. Of course one could go around London, but the ordinary course of travel would be through London. There was a United States commissioner there at that time. The deputies would not stop there to have the preliminary examination of a man, but would take him to Louisville to have him examined there. The commissioner at London could have bound the man over, or, if he were found not guilty, could have discharged him and let the man go back home. The man himself would have the benefit of being able to have his witnesses there and of being able to give bond. Of course the farther these deputy marshals got a poor fellow away from home the worse off he was in the way of procuring witnesses or giving bond. The same thing happened if a man was arrested in Floyd County, or Pike County, or Magoffin County. The marshals would take him through Mount Sterling, where there was a commissioner, and would bring him to Louisville, which is perhaps one hundred and twenty-five miles beyond Mount Sterling, and would charge mileage for themselves and guards and prisoner. It seemed to me (and it was so presented to me) that the object was to run up costs. I complained, as I thought, to the fountain-head when I went to the President. He referred me, as I say, to the Attorney-General, and the Attorney-General referred me to Mr. Wharton to get a list of the names and residences and offenses of persons charged with these petty violations of law. But nothing was done. At the national convention which met at Cincinnati in 1876 (when Mr. Hayes was nominated for the Presidency) I was introduced to Mr. Murray, and I think to Mr. Wharton, for the first time. Mr. Murray complained to me particularly about this investigation, saying that it was calculated to do him harm.

Q. What investigation; one which the Attorney-General had instituted in his office?

A. No; the one that I had asked for. He led me to believe that there was nothing in the matter. But the continued complaints that I received, and the fact that I had already asked an investigation, led me to stand my ground. I told him I had nothing against him personally, but that there was something going wrong through his deputies in my district unquestionably, and that I could not ask to have the investigation stopped. I said that I had asked for the investigation, and that, so far as I was concerned, it should go on. A short while after that Mr. George K. Chase, as I understand, was appointed to go to Kentucky and make an investigation. He called upon me and informed me of his mission, saying that he was the man appointed to go, and he asked me to make some suggestions. I told him that all that I knew was what I had heard from my constituents in the form of complaints, but I wrote to him this letter:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 25, 1876.

SIR: In compliance with your request that I should give you the names of some persons in my district who could aid you in discovering what irregularities, if any, have been practiced where parties were charged with infractions of the United States internal-revenue laws, I have to say that I can only name a few persons, who will give you, as I suppose, all the information desired concerning the object of your mission. You should go to London, Ky., and after consulting with Mr. C. B. Faris, United States court, call such persons for examination as he may name.

You should see Maj. A. T. Wood, of Mount Sterling, Ky. (who was then a commissioner), and inform him of the result of your investigation of the matter referred to in his letter. He doubtless can name persons whom you should examine.

I suggest that your investigation should cover the following points, as well as others which may possibly suggest themselves to you, namely:

Whether persons arrested have been imprisoned (in jails) before their cases were examined into or tried.

Whether persons arrested have been taken, say, to Louisville or other distant points, when their cases could have been examined into by a United States commissioner who may have resided nearer to where the arrest was made, who could have held over, admitted to bail, or discharged the party arrested.

Whether persons arrested must be taken before the officer issuing the warrant for examination, regardless of the expense, inconvenience, and hardship attending such a course.

This, I understand, is the ruling of the United States district attorney for Kentucky, and I desire to know by what authority he makes such ruling.

Require a statement from the United States district attorney for Kentucky, giving the names, county of residence, by what deputy arrested, by whom warrant was issued, before whom examination was held, disposition made of the person arrested, for what arrested, from —— to July 20, 1876. In short, have the district attorney and the marshal done no more than their duty?

Yours, &c.,

JOHN D. WHITE,
Member of Congress Ninth District Kentucky.

Mr. G. K. CHASE,
Department of Justice.

Q. Did you get any response to the letter?

A. There was no response necessary. I had been complaining for some months to the Department of Justice, but no action had been taken until along in July, when Mr. Chase was designated to go to Kentucky to make an investigation. As I had asked for the investigation which led to Mr. Chase's appointment I suppose he thought I could give him some points, and he called upon me, and these were the best I could give him. I had no prejudice in the case and had no desire to injure the marshal or the district attorney, but simply to stop (if it could be done) sending drunken deputies out with blank warrants to arrest men for no other purpose, seemingly, than to run up costs against the Government.

Q. You spoke of drunken deputies coming to your district.

A. Yes. This man Wyatt (I never saw him, but I understood that he was the marshal's right-hand man for the mountains) was frequently in my district, and I could hear of him being drunk nearly everywhere I heard of him.

Q. You speak of blank warrants. What do you mean by that?

A. I never saw any of the blank warrants; but my understanding of the way that arrests were made was this: They had warrants that were issued in Louisville for the prisoner to be returned to Louisville, and no names were inserted in the warrants until the deputies got where they could arrest a man against whom there was a charge, and could find a witness or two who wanted to go to Louisville at the Government expense. Then they would put the man's name in the warrant and arrest him. That is my understanding of the way it has been done for years, and I can assure you that it has not done the executive department of this Government any credit, without regard to any political feeling.

Q. You mean in your locality?

A. I mean in the whole State so far as I am informed. Of course, I heard more complaints from my district than from elsewhere; but my understanding is that that is the rule throughout the whole State. Until after this investigation by Mr. Chase it was the rule to bring prisoners to Louisville, no matter in what part of the State they were arrested, although there were a good many United States commissioners holding office throughout the State before whom they might have been brought. The cases tried before these other commissioners were very few.

Q. Everything seemed to have gravitated to Louisville?

A. Yes; I might show you that the Commissioner of Internal Revenue recognizes this fact now, even if he did not then. In his report to the Secretary of the Treasury, November 25, 1881, he says: "The district attorney is made the judge of the propriety of commencing a criminal prosecution against a citizen, on account of which he and the marshal will receive pay from the Government whether the party be guilty or innocent. These officers may prefer complaints against citizens, cause United States commissioners to issue warrants, may arrest and examine the parties before the commissioner, and the district attorney, marshal, guard, witnesses, and the commissioner will all get their fees from the Government, even though the party arrested be discharged." That is just the way I have mentioned about the man Adams who was arrested in Letcher County, when the warrant called for the arrest of his brother.

The CHAIRMAN. And he protested that he was not the person named in the warrant at the time of his arrest?

The WITNESS. So I am informed. The Commissioner of Internal Revenue further says:

"Instances have been brought to my attention where numerous prosecutions have been instituted for the most trivial violations of law (it was a general amnesty for these trivial violations of law that I was seeking, and, as I understand, it was such an amnesty that President Hayes granted in Georgia and some other Southern States), and the arrested parties taken long distances and subjected to great inconvenience and expense, not in the interest of the Government, but apparently for no other reason than to make costs."

In some remarks that I made on the floor of the House last year I made these quotations from the report of the Commissioner of Internal Revenue to the Secretary of the Treasury of November 25, 1881. That was my understanding in 1875, and I was trying to stop that very thing.

By the CHAIRMAN:

Q. You state that you called attention to these abuses in a speech in the House of Representatives?

A. Yes; these remarks were made by me at the last session of Congress.

Q. And at that time you called attention to these abuses in your capacity as Representative?

A. Yes.

Q. The abuses had then been going on for a number of years, but had been more flagrant, perhaps, before Mr. Wharton's removal than afterward?

A. Yes; there has been a decided improvement since Mr. Chase's investigation in the matter of arrests and in the matter of treating prisoners. When Mr. Chase returned to Washington and informed me that he had investigated the facts as far as he could in the short time that he had while out in Kentucky, and that things were a great deal worse than I had represented to the Department of Justice, in a little while President Grant removed both Wharton and Murray.

Q. Were you made aware of the circumstances under which Wharton was removed?

A. No, sir.

Mr. FYAN: Were they removed or did they resign?

The WITNESS. I will explain that. Mr. John M. Harlan came to me and made an earnest appeal for Murray. He said that Murray's deputies may have done wrong, but that he did not believe that Murray had done so, and he wanted me to appeal to the President in Murray's behalf. I declined to do so, stating that I had asked the investigation without any malice or prejudice, and that if on the investigation Murray and Wharton were found guilty I could not intercede in their behalf. They were removed. The President asked me to name a man for district attorney. I named Mr. Wood, but he declined. I then named Mr. Finley, who had been elected to Congress in 1870 I believe, but had lost his seat by some errors in the returns, when Mr. Adams was seated. Mr. Finley was a very prominent man in the mountains of Kentucky and I thought he would give general satisfaction. I had had no chance to communicate with him before naming him. He was appointed. However, when Mr. Hayes came in he removed Mr. Finley, and Mr. Finley wrote this letter:

WASHINGTON, D. C., *May* 29, 1877.

SIR: As requested in our interview with your excellency some days since, I make the following statement.

First. That my predecessor in office allowed and permitted United States commissioners in the city of Louisville to issue warrants and put on foot prosecutions against the citizens of the State without consulting him, his assistants, in the collection of internal revenue for the district. The result was that the Government was wronged out of thousands of dollars in money in consequence of expense incurred by fruitless and unnecessary prosecutions against the citizens of the State, and by which they were harassed and imbittered against the Government and its officers.

Second. That my predecessor allowed and permitted United States commissioners in the city of Lousiville, and the marshal and his deputies, to force all parties charged with offenses against the Government to Louisville for preliminary investigation before United States commissioners, in disregard of the rights of the citizens, at a great sacrifice of money to the Government for transporting prisoners, guards, and witnesses from distant parts of the State, forcing the citizens past competent United States commissioners near their homes, before whom they had a right to be tried, thereby enlarging the fees of the United States attorney, the marshal, guards, and witnesses.

Third. My predecessor allowed and permitted the Government to be wronged out of thousands of dollars in money by reason of unnecessary guards and false and fictitious charges for guards, when it was his duty to prevent it and when he must have had knowledge of these frauds.

It was in consequence of this and other irregularities and failure of duty that he was discharged from office after investigation had. An investigation now will, if put on foot, show these abuses, and will exhibit the fact that prosecutions of a similar character do not cost the Government one-half what they did under his management and supervision. An investigation will develop the further fact that there are now a greater number of convictions had in proportion to the number of prosecutions set on foot.

I have heretofore asked that the frauds in the custom-house in Louisville be investigated. My letters upon this subject are on file in the office of the Attorney-General, in which I specifically point out frauds and suggest that an investigation will develop many others. I desire this investigation very much, as it will enable your excellency and Attorney-General to understand what action was necessary to be taken looking to an honest administration of offices in Kentucky.

I then and now urged that an investigation was not had, or it would have given me aid in my efforts to correct the abuses referred to. Nevertheless I hope at a proper time an investigation will be had, when I flatter myself your excellency will be able to appreciate and understand why my removal from this position has been so earnestly and persistently sought.

I am not at this time proposing to put on foot an investigation by which to establish what I have stated, but I will, if an investigation is desired, give the names of persons and refer to papers that will establish what I have stated.

Very respectfully, your obedient servant,

H. F. FINLEY,
United States Attorney Kentucky District.

His Excellency R. B. HAYES.

The WITNESS. Mr. Finley was district attorney for a very short while. He was removed, and Mr. Wharton was reappointed by Mr. Hayes on the recommendation, as I understand, of ex-Secretary Bristow. I do not know about that.

By the CHAIRMAN:

Q. How long did Mr. Wharton then remain in office?

A. He remained until he resigned to come here last session of Congress to lobby for the whisky bill.

Q. What became of Marshal Murray?

A. Marshal Murray was appointed governor of Utah.

Q. By whom?

A. By President Hayes; I do not know on whose recommendation.

Q. How long after his removal from the office of marshal of Kentucky?

A. Murray was allowed to resign, I think; Wharton was removed.

Q. Murray resigned under pressure of these charges and the examination by Mr. Chase?

A. So I understood from the Department of Justice at the time.

Q. Who is district attorney of Kentucky now?

A. George M. Thomas.

Q. Are these abuses going on there at this time?

A. I think not; still there is some complaint yet. This is a very significant report—"Report made by the United States attorney for the district of Kentucky for the period from July 1, 1880, to June 30, 1881"—in the following particulars:

Number of cases returned to court by commissioners:

Louisville circuit	434
Paducah circuit	4
Total	438

Number of cases ignored by grand jury. (No record kept.)

Number of cases prosecuted to acquittal:

Louisville circuit	27
Paducah circuit	1
Total	28

Number of cases prosecuted to conviction:

Louisville	255
Paducah	3
Total	258

There were four hundred and thirty-eight cases returned, and only two hundred and fifty-eight convictions. When you consider the distances which these men are taken, and the disadvantages under which they labor to prove anything in their own defense, their trial is almost a star-chamber proceeding.

By Mr. STEWART:

Q. Is there anything to show what distances these men were taken? Kentucky is a large State, and a good many of them may have come from the neighborhood of Louisville.

A. Yes; a good many of them may have.

Q. You do not mean to say that they all came from your district?

A. I should hope not. I imagine that a very small percentage of them came from my district.

Q. Of course you do not pretend to say that they were all taken long distances. You can not tell what proportion of them were taken long distances?

A. No; but I should think that a statement of this kind on its very face would lead an inquisitive mind to want to know the bottom facts. I refer to it for that only.

I read from the same report:

Total amount of fees for self and salaries of assistants:

G. C. Wharton	$6,516 16
G. M. Thomas	150 94
Total	6,667 10

I certify the foregoing statement to be correct and true.

Witness my hand this 15th day of October, 1881.

GEORGE M. THOMAS,
United States District Attorney.

By the CHAIRMAN:

Q. What period does that report cover?

A. From July 1, 1880, to June 30, 1881. You asked me if there had been any improvement since 1876. It is not very clear to my mind that during Mr. Wharton's latter administration of the office of district attorney there was any very great improvement.

Q. You were born in Kentucky, I believe.

A. Yes.

Q. And have been a citizen of Kentucky all your life?

A. Yes.

Q. Are you well acquainted in different parts of the State with people in Kentucky?

A. For a young man I am tolerably well acquainted throughout the State.

Q. What do you say as to the character of the people of the State as law-abiding citizens as compared with other States of the Union?

A. The people of Kentucky have submitted, especially the poor people, who have been harassed by the Federal officers and deputy marshals, in a way which I did not believe they could tolerate.

Q. You thought it beyond human endurance?

A. Yes.

Q. For any people to be subjected to such treatment and submit to it peaceably?

A. Yes. In the city of Lexington, partly through the impulse of the majority (or the powerful minority, I should say) and by the aid of the Legislature of Kentucky, there has been a good deal of political tyranny and some bulldozing, but I am not aware that there has been in any other part of the State. There has been none of it in my district. I suppose you allude to that.

Q. What I mean is as to whether the people of Kentucky are disposed to obey the laws of the United States.

A. I think so.

Q. As compared with other parts of the country?

A. I think they are as law-abiding in Kentucky as in any other part of the United States.

Q. The object of my question was to ascertain whether the people of Kentucky were so disposed toward the United States as to make it necessary that such vigorous measures of prosecution should be instituted by the Government in order to enforce the laws of the United States.

A. Oh, certainly not. I may say, as an illustration, that at the first tap of the drum at the outbreak of the rebellion the people in my district, especially in the mountain counties, volunteered more freely than the people of any other part of the country.

By Mr. VAN ALSTYNE:

Q. On the side of the Union?

A. On the side of the Union. It was the same with the other mountainous districts. Kentucky itself was loyal until the war closed. She never seceded until the war was over.

By the CHAIRMAN:

Q. What do you say as to the character of the people in regard to their disposition to obey the internal-revenue laws in your part of the State as compared with the people living in the Paducah district, where there appear to have been so few arrests made?

A. It is notorious that the people of the mountainous region in Kentucky were most loyal. What I mean by loyal is that they were most law-abiding.

Q. Then in your judgment there was no necessity for the prosecution of the people in that remote part of the State any more than in any other part of the State, if the desire was simply to enforce the revenue laws?

A. Certainly not.

Q. Then you say that if the object of the Federal officials was simply to enforce the collection of the revenues of the Government, the people of that part of the State which you represent were as well disposed to obey those laws as the people in any other part of the State of Kentucky or any other part of the country?

A. I think so, unquestionably, without intending to cast any reflection upon any other part of the State. When I look back for six or eight years I am surprised that they have been so law-abiding as they have been.

Q. Why so?

A. For instance, suppose a man should arrest me, as that man Adams was arrested in Letcher County, I would carry that case to the Supreme Court if it took every dollar I had in the world. I would never suffer it. I would resist it at the point of the bayonet if it were necessary. It is a terrible degradation for a man to submit to a drunken Federal official simply because he is an official, when the man knows that he is entirely innocent, and when he wants to prove by his neighbors that he is not the man called for in the warrant—it is a terrible degradation, I say, for such a man to be dragged off two hundred and fifty miles.

Q. Was that man imprisoned on the way to Louisville?

A. I understood that he was, just as any other prisoner would be.

Q. Do you know whether guards were charged also for conducting him there?

A. I do not; but I expect that you will find such charges among the papers. Two or three years ago there were some forty-odd men arrested in Whitley

County, and were taken to Louisville on charges, as I am informed, from three to five years old for some petty violations of the law. Many of them were as innocent of the charges as babes. But when all the fees were got out of the business, then the district attorney recommended a pardon for them, and they were all pardoned. These occurred two or three years ago.

Q. How far is Whitley County from Louisville?

A. I expect it is about two hundred miles.

By Mr. STEWART:

Q. Were these men convicted?

A. I think that none of them were.

Q. Then they could not have been pardoned; you mean that the cases were nolle prosequied.

A. I accept the correction. The cases were nolle prosequied; the men were let go.

By the CHAIRMAN:

Q. They came under that clause of the Attorney-General's report, "Nolle prosequied, quashed, or dismissed?"

A. Yes; that idea was the one that I had when I tried to find the names, residences, and offenses of persons charged with these petty violations in 1876. I wanted to make a clean slate of the petty offenses.

Q. In 1876 you were of opinion that offenses had really been committed, and that these officials were vigorously prosecuting their duties, and therefore you were trying to have amnesty extended to the offenders?

A. Not at all. I was convinced that the charges were for the most part for trifling, petty offenses, like selling a half pound of tobacco or a pint of whisky. I can give you a case of that kind. We have prohibition in more towns in Kentucky than a man from Maine or Iowa would dream of. In the town of Barboursville prohibition, or local option, was enforced. Some man (I forget his name) had a quart or a gallon of whisky, and was passing before a house and gave some of it to a member of the family for sickness, as it was claimed. The member of the family paid him for it. That was a violation of the local-option law, and the man was punished according to the law of the locality. This was in the town of Barboursville, Knox County, about one hundred and seventy miles from Louisville. These spies and informers looked up that case, and had a warrant issued, and the man was arrested and taken to Louisville, where he was sentenced to imprisonment for sixty days and a fine of $100. The fine he could not pay, and he ate it out at the expense of the Government.

Mr. FYAN. Did not a good many people violate the internal-revenue law in ignorance of the law in selling tobacco?

The WITNESS. No; it was not ignorance. A man, for instance, who has fought in the Army three years, and has a little piece of ground which is better for tobacco than anything else (a piece twice as large as this room), raises a few pounds of tobacco on it more than he can use himself; he finds he can sell it for ready cash—little twists of it. He does not think that that is such an offense that anybody will ever notice it. He does it without thinking that it is as serious a matter as it is. He does not think that the Government is going to hound him down like a wild Indian for that little offense, and so he commits it.

Mr. FYAN. Technically it is a violation of the law?

The WITNESS. Technically it is a violation of the law.

By Mr. STEWART:

Q. And so in the sale of liquor?

A. So the sale of that pint of whisky was a violation of the law; but you can see at once what a feeling of indignation is apt to be aroused from punishing a man twice for the petty offense of selling one pint of whisky.

Q. Would you not suggest, in regard to that, that it would be better to modify the law?

A. Certainly; I have proclaimed that all the time.

Q. It is the fault of the law?

A. Not altogether.

Q. Suppose that the whole community should give itself up to that kind of traffic, would it not be a general violation of a United States statute?

A. Certainly.

Mr. FYAN. The law was that no producer of tobacco had any right to sell it, except the party to whom he sold it had a license. Now, however, the law has been changed so that the producer can sell tobacco to the amount of $25.

The WITNESS. Yes; I only speak of that to show you why I asked for a general amnesty where warrants have issued for the arrest of men charged with such petty offenses.

Mr. STEWART. The object of my inquiry was germane to what the chair asked you a little while ago about the general observance of law by the people of Kentucky. I suppose it is probably true that in that community there was more or less retailing of liquor without license and more or less selling of tobacco without license.

The WITNESS. I suppose so, in that community as in other communities.

By Mr. VAN ALSTYNE:

Q. Knowing these people and their habits of life and their general disposition to observe the law, do you consider that these complaints, frivolous and stale, were really instituted and arrests made more for the purpose of putting money in the pockets of the officers than for the purpose of a proper enforcement of the law?

A. Yes; for the purpose of running up costs rather than for the enforcement of the law. You have expressed the idea better than I had done. I indorse every word of that. In answer to the question of the chairman as to whether these officials were endeavoring properly to enforce the law, I say no. They were simply hungering for public pap—looking for fees, in my judgment.

By Mr. STEWART:

Q. Do you think it was their duty to omit prosecuting these offenses at all?

A. No; not at all.

Q. They did not make the law, and they were executive officers. Was it their duty to sit by and see the community disregard generally the laws?

A. I shall have to read to you again what the Commissioner of Internal Revenue says, as embodying my views:

"Instances have been brought to my attention where numerous prosecutions have been instituted for the most trifling violations of law, and the arrested parties taken long distances, and subjected to great inconvenience and expense, not in the interest of the Government, but apparently for no other reason than to make costs."

That is the best answer I can make to your question.

Mr. FYAN. Was not this tobacco law regarded as so obnoxious in those small communities where they grow tobacco that the people did not feel disposed to obey it? Was not that the general feeling until the law was changed?

The WITNESS. It was always felt that it was a very harsh and unnecessary law.

By the CHAIRMAN:

Q. In your speech in last Congress you refer to the fact that these officials in Kentucky—District Attorney Wharton and Marshal Murray—were retained in their positions by "the seductive influences of certain Democrats and the sycophantic class of office-seeking Republicans." Can you state what influences, to your knowledge, were brought to bear by Democrats to keep these gentlemen in their places?

A. My understanding is, as I stated a while ago, that Mr. Wharton was reappointed to please Mr. B. H. Bristow. The Senate Judiciary Committee at that time was Republican. As I understand, the committee had these papers from the Department of Justice, or at least some of the facts before it, and it refused to recommend him to the Senate for confirmation. The Senate was Democratic, and did confirm him. So I hold that Mr. Hayes and the Democratic Senate were responsible for Mr. Wharton's subsequent acts.

The CHAIRMAN. You must excuse my predicating any questions to you from words spoken by you in debate in the House of Representatives. I have no right to put such a question to you, and if you have any objection to it it can be stricken from the record.

The WITNESS. No, sir; I have no objection.

Q. What are the other influences which were at work? You spoke of some prominent Republicans trying to have these gentlemen retained in office, or one of them.

A. Yes; I think I mentioned that after Mr. Chase's report was made John M. Harlan came to my room and made an appeal to me in behalf of Murray—to intercede for Murray's retention, but I declined to do so.

Q. Why did you decline?

A. Simply because I could not interfere with an execution of my own request. My request was that the Department of Justice should investigate the conduct of the marshal, deputy marshals, and the commissioners, and district attorney in Kentucky. An agent of the Department had done so and had recommended after that investigation the removal of these men. I could not consistently ask the Department not to remove men who had been found guilty after investigation.

Q. Did you give any reason to Harlan?

A. That was the reason I gave. I said that I had no prejudice against Mr. Murray and that I was very sorry if he was implicated in this bad conduct in Kentucky, but that I could not request his being retained; and I did not request his being retained. Neither did I ask to have him removed.

Q. Had you any conversation with Mr. Chase about his investigation, other than that which you have already stated in relation to the investigation by him?

A. Yes.

Q. State what it was.

A. When I was elected to the Forty-seventh Congress, I was in the Department of Justice one day trying to get a copy of Mr. Chase's report. I was referred to Mr. Chase. Mr. Chase told me that the papers which he had were private papers, and had never been filed. I wanted the papers on which he had based his judgment, when he told me that the case was a good deal worse than it had been represented to me. He informed me that the papers on which his report was made were his private papers, and had not been filed.

Q. Did you ask to be shown those papers?

A. Yes, sir; he drew out quite a lot of them, more, I think, than you have here. They may be the same papers. They may have been afterward filed. I do not know about that. But he showed me a paper where Mr. Murray had arrested a man in his office, or in the building, and had charged mileage, and guards, and meals, and everything else—constructive fees—from the man's remote home to the city of Louisville.

Q. How many miles was that?

A. I do not recollect now. He showed me the paper. Then I asked the Attorney-General to have Mr. Chase file the papers; but I have never been informed whether that has been done.

By Mr. FYAN:

Q. Do you recollect the name of the man arrested?

A. No, sir; I do not. I think I took a memorandum of it at the time, but I had no idea of being summoned here until yesterday, and I did not look for it. In fact I do not know where to find it. But I think I took a memorandum of the name and the date. Mr. Chase showed me a few other papers of that character and satisfied me that he was correct in his statement that the thing was worse than I had represented, for I had not dreamed of such a case as that when I asked for an investigation.

By the CHAIRMAN:

Q. State more in detail the conversation that you had with Mr. Chase in regard to his investigation and why he had not filed the papers.

A. I think he said he had not been requested to file the papers; that as both the men concerning whom he had reported had been removed it was not thought necessary to file the papers, and so he had not done so.

Q. Did he decline to show them to you?

A. No, sir; it was only for lack of time and inclination on my part that I did not go through the whole batch of them. I supposed that as he was still an officer of the Department he would file them, if the Attorney-General asked him to do so, and so I made a request to the Attorney-General to have those papers filed.

Q. Did you make that request verbally or in writing?

A. I am not certain which, but I think it was in writing. Mr. Ward, a lawyer in Louisville (I forget his initials), asked to be furnished with a copy of those papers, or he wrote to me to know if they were on file, and that is the way that I came to look into the matter. I found that they were not on file. My recollection is that I filed Mr. Ward's letter in the Department of Justice, and requested that the evidence taken by Mr. Chase when he was in Kentucky be filed in the Department of Justice. I have never learned that that was done, and I am inclined to think that it was not done.

Q. Do you know where Mr. Chase is now?

A. No, sir. I have not seen him to talk to him from that time to this, I believe.

Q. Did Mr. Chase say to you that he had not made a written report in the case?

A. I think he did; and I read this morning the statement of H. Diven, indorsed by G. K. Chase, on August 8, 1876. I had never seen it before; I think that Mr. Chase told me he had not made a thorough report, but had made a statement; that he had given the Department the benefit of his investigation—the conclusion which he had come to—but had never made a written report, nor filed the testimony which he had taken.

Mr. FYAN. Did you understand that he made a personal examination himself?

The WITNESS. Yes; he went in person to Kentucky. I think Mr. Ward wrote a letter saying that these papers ought not to be lost, but ought to be filed.

By the CHAIRMAN:

Q. What was the nature of Mr. Ward's letter?

A. It was saying that there was very important evidence in the papers which Chase had got when he was in Kentucky, and that it ought not to be lost. That letter of Mr. Ward's I am quite certain I filed in the Department of Justice, with the request that the evidence taken by Mr. Chase be filed in the Department. [After examining papers from the Department:] Here seems to be a memorandum in my handwriting, which I suppose I gave to Mr. Chase. It is simply a statement that I was informed that "C. B. Faris, in the spring of 1876, issued a warrant for Joe Broughton. He was arrested by Jim MacStewart, a special bailiff authorized by Deputy Marshal John Wyatt; was taken through London, at which place Broughton demanded to be tried before Commissioner Faris, and Faris proffered to give receipt for prisoner, and said he would try him next day, Monday. The witness objected to going beyond London, but Bailiff Stewart replied that Deputy Marshal Wyatt had instructed him to bring prisoner to Louisville, and took him on."

The CHAIRMAN. Is that a memorandum that was given to Mr. Chase for the purpose of aiding him in the investigation?

The WITNESS. Yes. [Continuing to read:]

"Warrant had issued some months previous; perhaps 1875. "In the latter part of June, 1876, Gilmore House, of Clay, was taken to Louisville, kept a day in London, but, as warrant issued in Louisville, was taken on to latter city." Of course I do not claim to know personally any of these things.

The CHAIRMAN. If you find among your papers the memorandum which you took in reference to the case to which Chase referred (the arrest made in Marshal Murray's office and the mileage charged from the prisoner's home), will you furnish it to the committee?

The WITNESS. I will, if I can find it. I should think that Mr. Chase would have all these papers. He told me that they were his private papers.

Mr. FYAN. Did I understand you to say that the Attorney-General promised you that these papers should be filed?

The WITNESS. I made the request, but I never received any information that they were filed.

By the CHAIRMAN:

Q. From your observations in the State of Kentucky, when you have been traveling through different parts of the State, and from the letters which you have received from your constituents and others in that State, what information have you to give to the committee as to the existence of a system of frivolous arrests and prosecutions under the internal-revenue laws of the United States, during the time covered by the administration of Marshal Murray and up to the present time?

A. The information which I had, and I think the prevalent belief in the State of Kentucky was, that there was collusion between the district attorney and the commissioner and the marshal for running up fees against the Government, and that, instead of attempting to execute the laws where the Government was losing the most money, they devoted their time to hunting up cases which would bring in the most fees.

Q. And those against what class?

A. Against the poorest and most humble class in the State.

By Mr. FYAN:

Q. And to the neglect of the prosecution of the powerful combinations, where there was most likely to be the greatest incentive to actual fraud against the Government?

A. That was the belief in Kentucky; and I must say, from all the evidence that came to me, that I was inclined to believe that was true.

By the CHAIRMAN:

Q. Were those abuses confined to any particular locality?

A. No, sir.

Q. They were general throughout the State?

A. I think so.

Q. But more flagrant, I understand you to say, in the parts most remote from the city of Louisville, where the court was held?

A. It seemed so, taking into consideration the sparsely populated region, the number of arrests, and the number of releases in which no case could be made out. That did not deter them from going right ahead with arrests, because the arrest of an innocent man gave them as much of fees as the arrest of a guilty man, and they had a good deal less trouble with the innocent man.

Q. Do you know when those abuses began?

A. I never heard of them, that I can recollect, until 1872, when I was assistant in canvass for Presidential electors. They may have existed before that time. I was a school-boy before that time and at that time. I was in Michigan University within ten days after the election. They have existed more or less up to this time, I suppose, from the accounts that reach me, but in a very much less aggravated form during the last year or two than previously.

Q. You spoke about the citizens of Kentucky exhibiting great forbearance toward deputy marshals, in view of their conduct. To what did you refer?

A. I refer to this: In the city of Louisville, for instance, there is a distillery which makes daily four hundred barrels of high wines. No one can tell within twenty-five gallons how much they make daily. By measuring the whisky after it is made, and weighing the grain before it is distilled, and by mathematical calculations they approximate the quantity, but still they can not tell exactly how much is made. The belief is that the collectors in the districts where those large distilleries exist are appointed through political influence, without regard to party, and with recommendations of the distillers themselves. I believe that their subordinates, storekeepers and gaugers, in many cases are appointed by the same influences. The fact that the distillers make so much whisky, can ship it out of the country without paying any tax, and that they have so much machinery around them, so much whisky in bonded warehouses, under the guard of certain individuals appointed under those influences which I have named, the fact that there are seldom any arrests for frauds in these distilleries, or that any irregularities are even hinted at, where it is believed there is so much inducement to commit fraud; and the further fact that in the remote localities arrests were so very frequent—and that of a class of persons who have no inducement to violate the law for money making, but who sell a pint of whisky, or who take an old tea-kettle and gun-barrel and make a quart or a gallon of whisky—all these facts tend to much suspicion. Every man who can be found who punched a fire, or who carried a bucket of water to drink where any of this stuff is made, is technically a violator of the law, and every one of these fellows is hunted up.

Mr. VAN ALSTYNE. Or if he sells any grain to these illicit distilleries?

The WITNESS. Yes, or if he sells any grain to them. All these fellows, I say, were hunted up and taken to the remotest part of the State. This has made an intense feeling in many parts of the State—a feeling that on the one hand there is no disposition to ferret out the frauds of the big distilleries, where great frauds may be committed, and to prosecute for petty violations of the law where the Government can not possibly lose anything of account. That has made a good deal of feeling. I have said that I am surprised, when all the facts are considered, that there is not more resistance than there has been. These men, as a rule, yield readily. They go readily with the deputy marshal, and frequently go without any deputy marshal accompanying them. They go simply on their honor, and report at Louisville for trial, and submit to the penalty. That is what I allude to. I think they have been remarkably law-abiding, when all the facts are considered.

By Mr. VAN ALSTYNE:

Q. Did your observation, or the information which you have derived from complaints, go to the extent of enabling you to say whether these complaints were founded principally upon confessions derived from some of the parties accused, or did the complaints rest upon direct proof—*aliunde* to the parties accused?

A. If I understand you correctly, I would say that many times it was believed that the warrants were issued on the statement of parties wholly irresponsible, of parties who had some personal difficulty with the persons complained against, or who wanted a free ride, at the Government expense, from remote localities to the city of Louisville, as witnesses. Is that any answer to your question?

Mr. VAN ALSTYNE. I accept it as an answer; but I thought it likely enough that there would be espionage, and that these officials might get hold of some simple fellow and get a confession from him on which to base charges.

The WITNESS. I have heard of such cases as that also; but I think the other cases more common.

By the CHAIRMAN:

Q. Do you know what relations existed between Mr. Chase and Marshal Murray; whether they were personally friendly?

A. No, sir; I do not.

Q. From all that you know, you think that the investigation by Mr. Chase was thorough, and that, as he informed you, it resulted in proving more than you have ever charged?

A. I presume so. He proceeded to show me some of the papers, and when I asked him why they were not filed he said they did not require to be filed. He said that Murray and Wharton had been both removed on his statement when he returned, and that it was thought unnecessary to file the papers. But he certainly had them, because he showed me quite a lot, which he said contained evidence that he had taken out there, and he pointed to one or two papers in particular.

Q. Were there other papers that reflected on the integrity of Mr. Murray?

A. He showed me several other papers, but did not read them to me. His language was something like this: that Murray was a scoundrel, and there was no question about it.

Adjourned until Friday next.

WASHINGTON, D. C., *February* 25, 1884.

GEORGE K. CHASE sworn and examined.

By the CHAIRMAN:

Question. Please state your age, residence, and occupation.

Answer. My age is 46; I reside in New York city; I am a lawyer.

Q. Have you at any time heretofore been connected with the service of the Government?

A. I have.

Q. In what capacity?

A. I was employed as a general agent, I expect, of the Department of Justice; I do not know just what you might call the capacity in which I was employed, but I was so employed from September, 1875, to February, 1882, about seven years.

Q. During that time was it your duty, among other things, to make examinations into the accounts of court officials?

A. Not a part of my duty exactly, but I made such examinations when directed by the Attorney-General; I had no special duties.

Q. Your duty was to perform such service as you were directed to perform by the Attorney-General?

A. Yes; I was under the direction of the Attorney-General.

Q. Did the Attorney-General at any time direct you to make any examination of charges preferred against Marshal Murray, of Kentucky?

A. He did.

Q. When was that? State the circumstances under which you made that examination.

A. Sometime during 1875, I think, a charge was preferred against Marshal Murray, of Kentucky, as appears from this paper [consulting a paper].

Q. Do you remember the circumstances under which you were directed to make that examination?

A. Yes; I was directed by the Attorney-General to investigate the charges, and I proceeded to Kentucky for that purpose.

Q. Were there any letters on the subject from Representative WHITE, of Kentucky?

A. Yes; there were letters from Representative WHITE, inclosing newspaper slips.

Q. What time did you proceed to Kentucky?

A. The only data I would have to go by in answering that would be this paper—August 1, 1876—a statement by one Henry Diven.

Q. State whether the paper now shown you is one of the papers filed by you as a part of your report, setting forth the result of your examination.

A. This paper is the result of my examination there; at the same time it never was filed in the Department.

Q. But it was found in the Department, I think.

A. Yes, sir; I believe it was.

Q. You recognize it as your original paper?

A. Yes; I recognize this as the original paper.

Q. At the bottom of that paper I see the following indorsement:

The within statement is made by Henry Diven, of Louisville, Ky., formerly United States deputy marshal for nine years last past. He resigned on January 4, 1876. I find Diven's character for veracity beyond question. I have investigated the within statements, and I find them substantially true.

C. K. CHACE.

State what pains you took for the purpose of ascertaining the truth of Diven's statement?

A. I had a number of people brought to me from different parts of that country. I saw a number of persons in relation to the matter, but I can not remember them now; in fact, I have forgotten almost all about it, but I have read this statement over carefully, and I remember that at the time I found it to be substantially correct.

Q. You have read this statement over since you have been here this time?

A. Yes, sir; since I have been in this room.

Q. And having refreshed your memory in regard to the matter, you now recall the fact that the statements herein contained were proven before you substantially?

A. Yes, sir; substantially. There may have been some little variation in the proof, but this statement I found to be substantially correct.

Q. Do you remember anything as to the following paragraph in this statement of Mr. Diven:

"I will state that when John R. Reno was United States collector in one of the Kentucky districts he came up here (Louisville) to attend a meeting of the Grand Army of the Republic, and he was paid on the witness-rolls about $100, when he was not a witness in any case.

A. I can not remember definitely about that, but I have no doubt it was true. I can not remember, however, specifically about that case.

Q. Did you examine the witness-rolls of the marshal's office to ascertain the fact as to whether that sum of money was paid to Mr. Reno as a witness?

A. I am not certain, but I think I did.

Q. That is one of the items in Diven's statement, is it not?

A. I understand that it is.

Q. Did you also make inquiry as to whether Reno had actually appeared as a witness in any case?

A. I think I consulted the district attorney about that, and I think he satisfied me—at least in some way I became satisfied that that statement was true, although I don't say so now positively, because I can not recall the circumstances.

Q. Who was the United States district attorney at that time?

A. Mr. Wharton.

Q. Did Mr. Wharton co-operate with you in making this investigation, and give you any assistance that you asked for?

A. He did.

Q. What information, if any, did you get from Mr. Wharton in regard to the truth of those charges against the marshal?

A. He agreed with me that Henry Diven's statement was true; we went before the judge; the judge was a particular friend of Marshal Murray's, but Mr. Wharton always said to me that I had a good case against Murray, and stated further that Diven was a very reliable man; I got my information as to Diven's character from Mr. Wharton, the district attorney, and from Judge Ballard; Judge Ballard was very emphatic as to Diven's character; he said Diven was a straight man in every way.

Q. Did you consult the judge with regard to the truth of the charges in Diven's statement?

A. I did.

Q. What did he say about that?

A. I can not recall now exactly what he said, but I know he was very friendly to Murray—very friendly to Murray.

Q. Did he insist that the charges were true, or that they were not true?

A. Well, he rather admitted that the charges were true, but attempted to excuse constructive mileage and constructive service. He said that the marshal received a summons for the witness before the grand jury, and, of course, it was his duty to summon him, and if on arriving at Paducah they found that for some reason the case was postponed or the witness could not be used, the marshal was not responsible.

Q. Then, the judge had his attention called to the nature of the charges against the marshal?

A. Yes, sir; he had that paper in his hand. Marshal Murray has also had that paper in his hands.

Q. Did Murray in your presence deny specifically the statements that were made with regard to these constructive fees?

A. No, sir; he admitted some of them and amended one, the McCord warrant.

Q. What did he say in regard to that?

A. He admitted that Diven's statement was true, and amended his charge against the Government in that case accordingly. I had the original McCord warrant with these papers, and there was another paper with the newspaper charges which I do not see here.

Q. The statement with regard to McCord is this: "In December, 1875, Mat. McCord was brought to this city (Louisville) from Livermore, charged with having deposited in the post-office for the purpose of being carried by mail certain circulars concerning illegal lotteries. In relation to that case I would state that the prisoner, McCord, was brought here by a private citizen from Livermore without any warrant, and without the marshal's knowledge. The marshal charged for going for him and bringing him with a guard. The marshal himself returns on the back of the warrant fees to the amount of $82.60." Did you call Marshal Murray's attention to that statement?

A. I did. I showed him the original warrant in his own handwriting all the way through, and he admitted that there was no guard, but he said that was the only way he could pay Hackett, who brought the prisoner down.

Q. Hackett was not a deputy marshal, was he?

A. No; but he was the man who brought the prisoner down. That matter comes to my mind from reading a letter of Mr. Wharton's here.

Q. Who was Hackett?

A. I do not remember.

Q. He was not an officer of the Government?

A. No, sir; I think he was a postmaster.

Q. Did the marshal say that he had paid Hackett any money for bringing the man down?

A. He claimed that he had.

Q. Did he present any vouchers from Hackett?

A. No, sir; but he claimed that he had paid him $30.

Q. That would not cover the charge of $82 that he made against the Government in that case?

A. No, sir; but he amended the charge and charged only $26.

Q. He amended it after you had called his attention to it?

A. No; he had amended it before I called his attention to it. He knew that I was coming.

Q. That fact had been made public in advance of your going?

A. Yes, sir; through the newspapers.

Q. Did he present this charge of $82 in his emolument returns?

A. I think not. He withdrew it. He had it made out in that way, but it did not come to Washington.

Q. You say the marshal justified the charge on the ground that he had to pay Hackett?

A. Yes, sir; on the ground that he had to pay Hackett $30 for bringing the prisoner in.

Q. Did he explain why the balance of the $82.60 was charged?

A. No; he could not explain it; I had the return in his own handwriting, and it was with these papers all along; I do not know where it is now.

Q. Did you return that original paper in his handwriting to the Department of Justice?

A. Yes, sir; it was with these other papers; it ought to be here.

Q. It is not now among them?

A. It is not among them.

Q. That return, you say, was in the handwriting of Marshal Murray?

A. Yes, sir; the indorsement on the back was.

Q. How long was it after the indorsement was made by him making this charge for service which was not performed that he corrected the account?

A. I am unable to state; but I think the change in the account was the result of the newspaper article.

Q. A publication in the Louisville Courier-Journal?

A. No; in the Argus, I think.

Q. Do you remember the facts connected with the arrest of certain citizens at Lexington, referred to in this passage of Mr. Diven's statement: "In June [or Jan.] the judges of election refused to receive the votes of negroes who had not paid their poll-taxes. Gen. James F. Robinson, Dr. Chipley, J. H. Cochran, John C. Young, M. Fourchee, John Marrs, John Snyder, Rees, and others were arrested by M. T. Athey, a deputy marshal, and all came down together to Louisville without guard. The marshal charged for guards with most of them." Do you remember that case?

A. Yes, sir; Mr. Diven brought me some one who testified in relation to that. I sent up for some one to that place, who came and satisfied me that the statement was correct. I think the district attorney states in his report that there were no guards. I did not charge my mind with this matter, because when I got the information I got it all together. Mr. Murray's friends made strong efforts to have him retained and a settlement made. He was asked to resign. Then he came up here and the letter was withdrawn, and he resigned; and I was told not to make a report, and I did not make a report.

Q. You simply filed those papers?

A. I did not file them. I just left them there in my desk in the Department.

By Mr. FYAN:

Q. Who told you not to make a report?

A. Well, sir, the Attorney-General.

By the CHAIRMAN:

Q. Who was the Attorney-General at that time?

A. Judge Taft.

Q. State what was the nature, generally, of the irregularities which you found in Marshal Murray's office.

A. Well, I became satisfied that there was an arrangement between Henry Diven and the marshal to this effect: That Diven was to get about a case a day against some person for alleged violation of the internal-revenue law, and, as he stated it to me, he would go into a place, even where he knew the man had a license, and would look about and say, "Well, you have not any license." The man would say, "Yes, I have; I have got it here in my case." "Well," the deputy would say, "you ought to have it in a prominent place. You have been reported about it up at the marshal's office;" and then he would tell the man to come down to the office at 1 o'clock, or 2 o'clock, or whatever the hour might be, and he would go to Mr. Merriwether, the commissioner, who would give Diven a blank warrant, and Diven would fill it up, and that would cost the Government $10, or $15, or $20. There would be really no case, and it would of course be dismissed.

Q. They intended, you think, to have about one case a day, so as to keep business going?

A. Yes, to keep it going and to keep grinding it out. The commissioner would get his $5, and the witness would get his fees. Some person would put in a fictitious name, if the attendance was before the commissioner, and the marshal would get the fee, and they would use certain names frequently. "Brent" was one name that they used, and they would use different other names as the names of the persons who attended before the commissioner, and would charge $2 for each of them. I went to those people and got a statement from them that they had never been before the commissioner at all.

Q. Who got the benefit of that fee?

A. It went into Mr. Murray's account, or that of his deputy, whoever made the service.

Q. What interest did Murray himself have in that fee?

A. I think he had 50 per cent. of the deputy's earnings, but toward the last it came about that he cut Diven down. He was not satisfied to let Diven make his fee by serving the warrant himself, but he wanted to fix him on a regular salary, and then they broke, and Diven gave the information to the newspapers, which was given to Mr. WHITE, and Mr. WHITE brought it to the notice of the Department.

Q. To what extent was that practice carried on to which you have just referred?

A. My impression is that it had run for two or three years—two years, at least.

Q. Were there any other persons in a similar business to that of Diven working up cases in other parts of the State?

A. I think the deputy marshals in other parts of the State, and all over the State, were engaged in the same business.

Q. What was the tenor of the statements made by those deputy marshals as to the kind of business that they had been carrying on?

A. They thought it was perfectly right, if a man violated the internal-revenue laws, even technically, to make complaint against him, and there was no other way the marshal could make his fee, and that it was purely to make money. That is the truth about the matter.

Q. I see the following statement in Mr. Diven's affidavit: "A deputy marshal is allowed to make $3,000 a year, which would be $1,500 for six months. When they came to make up the fee-bill for six months, if it is found that the deputy has made $2,000, for instance, instead of $1,500, during the six months, the extra $500 is transferred nominally to some deputy who has not made up the allowance. That deputy never gets the extra amount allowed him, as shown by the rolls. The emolument return ought to show exactly what the deputy makes for each six months, but the deputy has been required to sign the emolument return in blank." What did you ascertain about that?

A. That statement I found to be true.

Q. Suppose the extra amount was $500, who would get the benefit of it?

A. The marshal would get the benefit of all the money there was in it; the marshal himself.

Q. So the return would show that the deputy had earned only $1,500 for the six months?

A. Yes, sir; the marshal required all his deputies to sign the emolument returns in blank.

Q. Would any deputy not having earned the $1,500 get the benefit of it as if he had earned it?

A. No, sir.

Q. Who would get it?

A. I think the marshal would get it.

Q. How extensively was that practice carried on?

A. I don't remember. I saw a number of deputies, and they all told me that they had signed in blank. I never went into it, though otherwise I would have done. The moment this information came, and it was decided that the man had to go, it was dropped.

Q. In making your information, what did you learn in regard to the alleged practice of arresting persons in remote parts of the State and taking them past the place where the nearest United States commissioner resided to the remotest commissioner, for the purpose of making mileage?

A. I have no doubt that that was done.

Q. Was that an extensive practice?

A. I think so. It was done for the purpose of making fees.

Q. Did that practice inure to the benefit of the marshal in making his emolument returns? But he claimed to have no knowledge of these things.

A. Everything was put on his chief deputy, Farley. That is what they will claim; that they do not know anything about it themselves; but they took the fees all the same.

Q. Did not the marshal make up his emolument returns based on the returns of his deputies?

A. Yes, sir; but if anything wrong was found, they would say, "Mr. Farley is a reliable man. He belongs to one of the oldest families in the country. If there is anything wrong Farley did it, but he would not do it intentionally. Mr. Farley would not do it if it was wrong."

Q. But they all did it, nevertheless?

A. They all did it, and continue to do it.

Q. The illegal charges are continuously made?

A. I guess so.

Q. And all of them were beneficiaries of that practice?

A. I guess so. Mr. Murray's successor broke it up.

Q. Did Marshal Murray deny the practice of those deputies in making these long trips after prisoners?

A. No, sir; he admitted them. The warrant was issued, and he claimed, of course, that it was his duty to return the warrant to the commissioner who issued it, and if you spoke to him on this subject he would say, "Don't you want the process of the United States executed? It is put in my hands, and I must execute it."

Q. Why didn't they go to the nearest commissioner to make complaint in those cases?

A. They would not get as much mileage then. They would not get the trip to Louisville.

Q. Did you examine one of Mr. Murray's emolument returns?

A. No, sir; I don't think I did.

Q. Please look at the paper I now hand you and state what it is.

A. (Inspecting it.) This is an emolument return of General Eli H. Murray, which purports to be a return of fees and emoluments—E. Murray, marshal

United States for the district of Kentucky, from July 1, 1875, to January 1, 1876, and of moneys paid out by him during the same period for the services of his deputies, and for his office expenses.

Q. Is it one of the usual blanks for that service?

A. Yes, sir.

Q. What ought this paper to contain?

A. It ought to show the marshal's net earnings, and his gross earnings as well.

Q. Is the marshal required to make oath to this return?

A. Yes, sir.

Q. Did he do so?

A. (Inspecting the paper.) It appears that he did.

Q. What is the form of the oath?

A. "I, Eli H. Murray, marshal of the United States"——

Q. In this statement you find the fees of the various deputies, do you not?

A. Yes, sir.

Q. Do you see any case in which they exceed the amount of $1,500?

A. No, sir.

Q. I see that the first item is, "Paid Deputy John Wyatt for services, $1,500."

A. He did the largest business.

Q. Then follow the fees of the other deputies.

A. Yes, sir.

Q. That is the aggregate of the deputies' accounts?

A. Yes, sir.

Q. Now, what is the duty of the marshal in regard to the accounts of those deputies which, as you say, were signed in blank?

A. Those were not the accounts of the deputies. Those were commissioners' warrants. They would not appear here at all.

Q. Look at the paper I now hand you and state what it is.

A. It is General Murray's fee-bill from July 1, 1875, to March 1, 1876.

Q. These are the fees in the aggregate, which should have appeared in this or in some of the emolument returns, are they not?

A. Yes, sir.

Q. You have made a number of memoranda on the margin of the bill. I will read one of these bills:

United States of America to Eli H. Murray, Dr.

To executing warrant, per self, issued June 1, by W. A. Merriwether, commissioner, chg. viol. int. rev. laws	$2 00
To ex. spa. on H. Diven	50
To att. on com'r per R. Brent	2 00
To discharging	50
Total	5 00

On the margin of this I find the following memorandum: "Warrants all executed by Henry Diven. No affidavit drawn. No oath. Not true." Please state what you found out in reference to that particular account.

A. Well, as would appear from this memorandum on the margin in my handwriting, which is the only evidence I have got and the only data from which I can speak, for I do not remember a single thing about it, it cost the Government $5, and the man was discharged.

Q. How much of that account do you find to be correct, and how much fictitious?

A. I guess the whole of it was fictitious.

Q. That memorandum is in your handwriting?

A. Yes, sir.

Q. At the time you made that memorandum you knew that all that you set forth there was true?

A. Yes.

Q. And you stated in your memorandum, in your own handwriting, that that account was not true?

A. Yes.

Q. Is that a specimen of all the accounts you examined in Marshal Murray's office?

A. Yes, sir.

Q. All through this paper, which embraces a good many pages, I find similar marginal notes, which you have made in regard to these accounts.

A. Yes, sir.

Q. Those memoranda were designed to point the items in these cases that were fictitious?

A. I suppose so. The arrests might have been made. It was one of those sham cases all the way through.

Q. All the items on this page seem to be of the same kind, mere fictitious prosecutions for the purpose of making fees?

A. Yes, sir.

Q. And the fees were right up to the limit of the law, as if the services had been actually performed?

A. Yes, sir. There is one account that seems to be straight.

Q. Did Marshal Murray deny the truth of the statement that these charges were fictitious when you called his attention to them?

A. I am not sure about calling his attention to those. I called his attention to the statement of Mr. Diven, and showed it to him.

Q. That statement, I presume, is based upon the details which appear in that fee-bill before you?

A. Yes, sir. I called Marshal Murray's attention to the statement of Diven, and he denounced Diven as going back on him, &c.; but I can not remember whether I ever showed this account to him or not.

Q. You are certain, though, that you showed him Diven's statement.

A. Yes, sir.

Q. Did he deny the truth of any of the statements made by Diven, so far as you now remember?

A. He admitted the cases, but he denied that they were gotten up for the express purpose of making fees. He admitted that the charges were made. I am not quite sure now, but I think you will find that he paid back to the Government $700 or $800 of these charges.

Q. In subsequent returns?

A. Yes, sir; in settling up his accounts. I think I furnished the Treasury with such information as to his accounts that he refunded that amount. I am not positive now, but I think so. Results were what I was after in these cases. I made few records.

Q. What was the result generally of the investigation you made into the administration of the marshal's office?

A. Well, I came to the conclusion that he was totally unfit for the place; that there were illegal charges made by his deputies, by himself especially in the McCord case, for which I had the original warrant. He tried to explain it, but his explanation was unsatisfactory. I had his own handwriting, and he could not go back on it.

Q. Did he collect money from the Government for alleged services that were not performed, as shown in these different accounts?

A. I could not say as to that, because I think that before any settlement of his account was made these things were stopped.

Q. Did he file accounts against the Government for services that were not performed?

A. He had filed accounts for services.

Q. Accounts for services which were never performed, charges which were disallowed?

A. Yes, sir.

Q. You said something about his resignation. How was that brought about?

A. Well, he took up that paper, and was disposed to make a fight anyway. He had strong friends, strong backing. He went to see General Grant and used every effort to sustain himself, but failed, and a letter was written by the Attorney-General requesting his resignation, and he came up and resigned. The letter was not recorded and the matter was dropped.

Q. Do you mean that Attorney-General Taft's letter was not placed on file?

A. It was not.

Q. So far as you know it is not now in the files of the Department?

A. I am quite sure it never was filed. The whole thing dropped.

Q. Did you see that letter which the Attorney-General addressed to Marshal Murray?

A. No; I can not say that I did. The Attorney-General told me that he had written him, asking him to resign.

Q. Did he state the reasons for asking Murray to resign?

A. Oh, yes; it was on this account entirely—on account of the statement of Diven.

Q. Do you know whether Mr. Murray responded to that letter in writing or not?

A. I am quite certain that he did not. He came up in person.

Q. He came up and saw the President?

A. No; he had seen the President before that. He told me himself he had been to see the President about the matter.

Q. State whether he at first declined to resign.

A. He declined to resign until that letter of the Attorney-General was written. Then he came up and resigned.

Q. Did he demand an investigation before resigning?

A. No, sir.

Q. Did he file any affidavit of his own in the Department denying Diven's charges?

A. If he did I never saw it.

Q. Did he tell you himself that he was prepared to meet those charges and disprove them?

A. No, sir; not to my recollection.

Q. He knew Diven's statement and its contents, did he not?

A. Certainly. He saw that very paper.

Mr. FYAN. After these charges were made, the case was referred to the United States attorney, was it not?

The WITNESS. What is the date of this letter?

Mr. FYAN. July 22, 1876.

A. Yes, sir.

Q. One case here is the Rinaldo case. Did you investigate that?

A. I do not remember that case specially.

Q. You have a more definite recollection of the McCord case than of any other?

A. Yes; for the reason that that return was entirely in Mr. Murray's own handwriting.

Q. The United States attorney makes this remark about that: "The commissioner had directed Hackett to take his prisoner to Louisville, which he did. When here a warrant was issued by United States Commissioner Merriwether, and McCord's case was examined. The examination being through, Hackett applied to the marshal for the expenses which he had incurred in the arrest and transportation of the prisoner from Livermore to Louisville. The marshal says that the only way left to him to reimburse the postmaster was to adopt his act in the making of the arrest, and to charge the Government the same fees which would have been charged if the warrant had been in the hands of Hackett when he made the arrest." Did he charge the Government the same fees?

A. He amended the account so as to charge only $26.60. He did that after the newspaper article appeared and before I saw him.

Q. Did you see Hackett?

A. No, sir.

Q. You did not take Hackett's evidence?

A. No, sir.

Q. Did you take the evidence of any of these men?

A. Yes, sir; there appear to be the evidence of Brent and of some other person who appeared before the commissioner, and whose name was in the account.

Q. Were they charged for constructive mileage?

A. No, sir.

Q. Were they charged $2 for the attendance of bailiffs before the commissioner; what specific false charge is there which General Murray made which you now recollect?

A. The McCord case.

Q. That was corrected, you say, before you got out there, and you assume that it was corrected because of this newspaper publication; have you any knowledge of that, or is it a mere assumption of yours that his attention was called to that account by that publication in a newspaper?

A. I can not say as to that.

Q. You took no evidence in the McCord case?

A. No, sir.

Q. He said in this case that Hackett had transported the men, and that there was $30 coming to him, and that the only way he could get it was by putting in a claim against the Government, and he did put in this claim for $26.60?

A. Yes, sir.

Q. Now what other charge is there?

A. I don't make any charge at all.

Q. In any of these cases did you examine anybody?

A. Oh, yes; I examined a number of people. I became satisfied that the statement made by Henry Diven was true.

Q. What were your sources of information; just the declaration of which you have spoken as to the integrity of Diven?

A. No, sir; I had the statement of persons that he brought to me at the time.

Q. Who were they?

A. That I do not remember.

Q. Were there affidavits?

A. There appear to be some affidavits of persons who were in attendance before the commissioner.

Q. Show me some of them.

A. I have no charges whatever to make against any one.

Q. Did you read over this letter of the United States attorney yesterday?

A. One of them I read.

Q. In this letter Mr. Wharton says: "Another charge I hear will be made against the marshal is that in his emolument returns he transfers fees made by one deputy, whose fees exceed the amount he is allowed to return, to the account of another deputy who has not made the full amount he can be paid under the statute. I have also examined this charge and find that the above was the practice in this district until 1872, when it was ordered to be discontinued by the judge, and that no such accounts have been presented since that day." Did you investigate that question?

A. I think I did.

Q. Is that true or not?

A. I saw a number of deputies, including Mr. Diven, who stated to me that

he had signed blank vouchers up to that time; that he was in the habit of signing blank vouchers.

Q. Did you bring that to Mr. Wharton's attention?

A. Yes, I think I did; I am not positive about it. This investigation was made, as I remember it—in the first instance the papers were referred to Mr. Wharton, and then Mr. WHITE was not satisfied, and——

Q. What I want to call your attention to is the fact that Mr. Wharton says that this practice was discontinued since 1872.

A. Well, I do not think it was; I am quite sure it was not.

The CHAIRMAN. State substantially what took place between you and district attorney Wharton in regard to Marshal Murray.

A. It is difficult for me to remember now. I can not remember; but I had a number of conversations with Mr. Wharton on this subject, both in Louisville and Washington, and he admitted that the charges made by Diven were substantially correct. He admitted that there was a good case against Murray, and he always admitted it up to the last interview I had with him.

Q. When was that?

A. Certainly within two years, I think. When Mr. Hayes came in as President there was a strong effort made to retain Wharton and Murray. Mr. Wharton told me that he would not have his name go into the Senate with Murray's, and he always stated to me that there was a good case against Murray.

Q. At the time you were in Louisville did you see him or confer with him in reference to Mr. Murray's prosecution?

A. I do not remember as to that. We made the whole statement and the whole matter before Judge Ballard. Mr. Wharton was with me.

Q. Who was present when the matter was laid before Judge Ballard?

A. There was Mr. Wharton, the judge himself, and, I am almost positive, Mr. Murray. I won't say positively that he was present, but I am almost sure of it.

Q. Did the judge read over Mr. Diven's affidavit as you have presented it here, or did you acquaint him with its contents?

A. I acquainted him with its contents, and I think he read it over.

Q. Did he say whether those statements were true or false?

A. Oh, no. As I recollect now, he defended the practice of the marshal in bringing the prisoner to Louisville.

Q. Did he defend the practice of the marshal in charging fees for services that were not rendered?

A. No; I think not.

Mr. FYAN. He did not remark that they were incorrect?

The WITNESS. No; the judge rather defended Murray all the way through.

The CHAIRMAN. He was a friend of Murray's?

The WITNESS. They were all friends together.

Q. Did Murray make any statement to the judge as to the truth or falsity of the statement in the affidavit of Diven?

A. I do not remember. I am not sure that Mr. Murray was present. I think he was, but I am not sure. I think Mr. Murray did what many of the marshals were doing at the same time probably.

Q. He thought he was entitled to those fees, this $6,000 a year?

A. I do not believe that Murray personally had anything to do with making up the accounts.

Q. Did he give his personal attention to the duties of the office?

A. I think he was in and out of the office every day, but Farley ran the office.

Q. Do you know John H. Ward, of Kentucky?

A. I do not.

Q. You did not meet him at all while you were there?

A. Not that I know of. I might have met him.

Q. Did you know Walter Evans, now Commissioner of Internal Revenue, at that time?

A. Yes, sir.

Q. Did you meet him at Louisville at the time you were there making this investigation?

A. I think I did; I am not sure. I do not remember—yes. He was unfriendly to Murray.

Q. Can you recall whether you brought these charges to his attention or not?

A. No; I can not remember. It appears to me that I have a faint recollection of his mixing in it some way.

Q. During your time of service, did you make examination into the accounts of other marshals in other States?

A. Yes, sir.

Q. What States?

A. In the western district of Virginia.

Q. Did you file a report of those investigations in the Department?

A. I do not remember whether I did or not. If I did, it is there. I never went into details myself personally. I would go to the district and would get the witnesses, and would have a stenographer and examine into the office. There must be a report of my investigation in Virginia, I should say, but I am not certain.

Q. Was it not your practice to make written reports of your investigations?

A. No, sir; it was not my practice to make written reports.

Q. You gathered all the memoranda you had, and brought the matter verbally to the attention of the Attorney-General?

A. Yes, sir.

Q. What was the result of your examinations in the western district of Virginia?

A. The marshal and the clerk of the court resigned.

Q. Who was the marshal?

A. Mr. Gray. I do not remember his first name.

Q. What is the name of the clerk of the court?

A. I do not remember.

Mr. FYAN. What year was this?

A. About 1877.

The CHAIRMAN. What place was that court held?

A. At Danville and at Harrisonburgh.

Q. Where did the clerk reside?

A. At Danville.

Q. What were the nature of the charges which you investigated?

A. It was similar to the Kentucky business. That is, there would be trumped-up charges against citizens all through that part of the country for illicit distilling, and they would be brought down to Danville before this clerk, who was a commissioner, and there was collusion all round of the biggest kind, large amounts of money squandered. Gray had been marshal, I think, for about eight years. The district attorney defended him. Lurtz was his name.

Q. Did he go out too?

A. No; we could not move him. He had power to keep himself in. We could not get him out.

Q. Did you find that he was in collusion with the others?

A. I thought so. I have got no evidence of it now.

Q. But that was part of the result of your investigation?

A. The result of my investigation was that the whole district was corrupt all the way through, and I endeavored to get all those officials out, and succeeded in getting the marshal out, and the judge removed the clerk. He used to charge term after term for affidavits before the commissioner, although he never drew the affidavits nor filed them.

Q. Do you recollect whether you filed a written report of the result of that investigation?

A. I do not.

Q. If you did, that report will give the matter more in detail than you have given it here?

A. Yes, sir. I think Sim Newcomb filed a report on that matter, but I am not certain.

Q. Who was he?

A. He was employed in the Department of Justice at the time. I think he had more of the details of this investigation, and probably filed a report, but I am not sure as to that. The marshal died, and we dropped the matter. We intended to prosecute it, but he died, and it was dropped.

(Examination suspended.)

Adjourned.

WASHINGTON, D. C., *April* 5, 1884.

JOHN M. HARLAN appeared and was examined as follows:

By Mr. WILSON:

Q. Please state your age and occupation.

A. I am 50 years of age. I am one of the justices of the Supreme Court.

Q. Were you acquainted with Gov. Eli H. Murray, now of Utah, but who formerly was United States marshal for Kentucky in 1876?

A. I have known him from early in the year 1861 to the present time.

Q. Did you act or advise with him as counsel in reference to a publication that was made in the Louisville Argus and some charges contained in it in 1876 in any way? If so, please state what action was had in reference to those matters.

A. I was his legal adviser while a member of the bar of Louisville, Ky., in reference to certain charges made against him touching fees in his office as marshal of the United States for Kentucky.

Q. Please examine the paper shown you, which is called in these proceedings the "Diven statement," and say whether that paper was known to you in 1876; whether you saw it or had any information of that paper being made in 1876.

A. (After inspecting the paper.) I have now no recollection of having seen this paper, nor can I recall particularly what papers I did see while I was the adviser of General Murray. I can only state generally that I saw all, I suppose, that was published in the papers of Louisville at or about that time.

Q. Was your attention called during that year, or at any time, to any charges against Marshal Murray except this publication in the Argus?

A. Well, it is difficult for me now to say, but my best impression is that my attention was not called to any charges except those published in the Argus, unless there were charges embodied in a memorandum which was furnished me by Attorney-General Taft while I was in Washington in the summer of 1876.

Q. I will ask you if you had an interview, in company with Marshal Murray, or without him, in Washington in 1876, with Attorney-General Taft in reference to whether any charges had been filed in the Department of Justice against Marshal Murray; and, if so, what information you obtained on that subject.

A. I came to Washington during the summer of 1876 as the legal adviser of General Murray for the purpose of seeing the Attorney-General touching the charges which had been made in the public prints affecting his conduct as marshal for the State of Kentucky. I did see the Attorney-General in company with General Murray, and also had conversations with him when General Murray was not present. I said to the Attorney-General that I had come to Washington for the purpose of ascertaining what charges there were, if any, which were being entertained by the Department of Justice in reference to General Murray; that he was here in Washington for the purpose of meeting any charges, and desired the fullest possible investigation of each and all of them, with an opportunity to cross-examine any witnesses who might be introduced against him. During our conversation the subject of the resignation of General Murray as marshal was alluded to.

I do not distinctly remember when I first heard of the request, coming from the Department of Justice, that General Murray should resign his office, but I do remember saying to Attorney-General Taft that General Murray was not specially anxious to retain his position, and certainly would not stand in the way if his resignation was desired upon political grounds; but that he was unwilling to vacate the office, and his friends were unwilling that he should vacate it, if it was understood that the Department of Justice had any charges to make against him affecting his integrity as an officer or as a man. The Attorney-General replied in substance that he did not doubt the integrity of General Murray, and had no charges to make affecting his integrity.

I was aware before I came to Washington that an agent of the Department had been to Louisville for the purpose of looking into the condition of General Murray's office, and therefore asked the Attorney-General whether that agent had made any report to him. He replied that no report had been made, and that none would be made; that the agent had brought back with him some memoranda, indicating certain items in the accounts of General Murray, which in the judgment of the agent were not authorized by law. The Attorney-General remarked that he was inclined to agree with the agent as to some of those items, although he had not very carefully examined them. I said to him that although no report had been made General Murray was unwilling to rest under the imputation of making charges that were not authorized by law, and I would be glad to see that memoranda, or have a memorandum furnished me indicating substantially the items in General Murray's accounts to which the agent objected. He said if I would call the next day he would fuanish me with the desired information. I did call, and was furnished with a memoranda, containing, as I now remember, four or five or half a dozen items.

I do not now recall what they were, but I am sure that they did not exceed that number. I took that memorandum and examined such of the provisions of the statute as seemed to me to bear upon the items, and had subsequent conversations with the Attorney-General, mainly for the purpose of ascertaining exactly what, in his judgment, were the legal grounds of objection to them. I can only state now as my recollection, that I was satisfied upon examination of the provisions of the statute that there was not exceeding one of the items that was, perhaps, not strictly in accordance with the law, or about which there ought to be any serious dispute. The Attorney-General adhered to his views as to some of the items, but reiterated to me the expression of his confidence in the integrity of General Murray, and repeated the statement that no report had been made by the Department agent, and that none would be made. I said to him before leaving that if the administration, or the Department of Justice, desired General Murray to retire from the office for any political reasons there would be no obstacle thrown in the way. Being satisfied that the Department did not impugn his integrity as an officer or as a man, and being further satisfied that it *was* desired by some men in power that he should vacate the office, I said to the Attorney-General that in the course of a few months General Murray would take pleasure in sending on his resignation; which he did.

I suppose, Mr. Chairman, it would be fair and just to all concerned for me further to say that upon my return to Louisville I exhibited to Judge Ballard, then district judge for the State of Kentucky, now dead, the memorandum of differences between the Department of Justice and General Murray—these items to which I have referred. I went over them with him particularly, as he was the judge of the court, who felt, necessarily, some concern about such matters. The result of that examination by him was that in his judgment the charges of the marshal were correct.

I believe that is all that I know bearing upon that part of the controversy, unless it be that upon my return to Louisville, General Murray having made up his mind to send his resignation shortly thereafter, determined, upon consultation with me, to look over his accounts before he retired and see what items there were about which any possible doubt could exist. I know it was his purpose,

and such was my advice to him, that under all the circumstances of the case and in view of the trouble which often comes upon officials and their securities years after they have retired from office, to resolve any doubt which he had as to any item in favor of the Government and close it up, that there could be no further complaint or just ground of censure. And I know that before he resigned, some time in the summer of 1876, he did make a remission to the Government of $700 or $800, intending to cover every possible item about which there could be any complaint. I do not now remember anything else about the matter.

Q. In the interview with the Attorney-General in regard to the items which he furnished you, was there any intimation of any kind that Marshal Murray had made any improper charges knowingly in his accounts?

A. The Attorney-General was clear and explicit in disclaiming any belief on his part that General Murray had knowingly made any improper charges. Had he not been explicit upon that point the resignation of General Murray would not have been sent to him.

Q. Was the Diven statement mentioned, or did you know at that time that they had a Diven statement?

A. I do not recall any special paper; I only remember that no papers were exhibited to me in the Department of Justice when I was here except a memorandum furnished from the items which had been brought from Louisville to the Department of Justice.

Q. Did the memorandum or statement to which your attention was called embrace any charges of malpractice or malfeasance in office in any way?

A. There was nothing on the memorandum furnished me except figures and such words as would indicate the nature of the charge that was made against the Government.

Q. The Diven statement embraces allegations that Governor Murray had charged for guards which he knew were not used, and that he had made various other charges and instituted prosecutions for fees and had men taken from the remote mountain districts before commissioners at Louisville, past nearer commissioners, and had had witnesses paid that he knew had not attended. Was your attention called to any such things as those by the Attorney-General at that interview?

A. I do not remember that it was. I do remember in a general sort of way that one of the charges made by this agent of the Department was that with reference to one or two cases charges had been made for guards which were not furnished, but to what case he referred I do not now remember.

Q. Did the Attorney-General, or the memorandum, indicate to you that anybody claimed that General Murray knew that the guards had not been furnished?

A. Certainly the memorandum furnished me did not contain any such intimation, and nothing was said by the Attorney-General, as I have already indicated, that showed that the Attorney-General supposed that General Murray had intentionally made any wrong charge.

Q. Did you know Mr. J. L. Farley, who was the chief deputy of General Murray at that time?

A. Very well.

Q. What is his reputation, if you know, as a man of integrity?

A. I have known Mr. Farley for a great many years. There is no man of better standing for integrity than Mr. Farley.

Q. Did you know and have you known the character and standing of General Murray in the community in Kentucky in which he lived at that time and for many years and in the Army? If so, will you state what it was?

A. I have known the general standing of Governor Murray in Kentucky more than twenty years. As a practitioner in the Federal court at Louisville I was often thrown in contact with him. I will say, generally, that there is no man in Kentucky for whose integrity, both as an officer and as a man, the people of that State without distinction of party would more readily vouch than for him. I know of no man in Kentucky of better standing there, according to the estimate placed upon him by the people generally, than Murray. He did, of course, in the discharge of the duties of his office during the period while there was a great deal of disorder in Kentucky, incur the enmity of some; but beyond that I take it that there are very few people in the State who would question his integrity.

By the CHAIRMAN:

Q. Was one of the items to which your attention was called in relation to fees in the case of the United States *vs.* Mat. McCord?

A. I am not sure that I recall names. There is one item in the memorandum that I recall a little more distinctly than any other; it was an item in reference to a charge made for fees in connection with the arrest of some man, I think an ex-postmaster in the lower part of the State.

Q. At Livermore?

A. Yes; I think so. I rather think that was embraced in the items.

Q. Do you remember any other matter that was embraced in the memorandum?

A. I do not, with certainty, though I have an impression—I can only give that—that there was in the list something in connection with guards said to have been furnished to prisoners brought from Lexington, Ky., to Louisville, men who were indicted for some offense in connection with elections. I perhaps recollect that particularly from the fact that I was the special counsel for the Government in the prosecution of those cases.

Q. Was there anything about the attendance of R. Brent and Cassin and Crittenden before the commissioner as deputy marshals?

A. I do not certainly recall them, though those names are familiar. I knew young Cassin, about the Federal court there.

Q. What position did he hold?

A. I am not sure about that. It was a good long while ago; it was some subordinate position about the building.

Q. Did you know Mr. R. Brent?

A. I might say that I recall his face, as at the time I knew everybody about the Federal building.

Q. "D. C." is placed after his name. What position did he hold? I suppose he was a deputy clerk?

A. I think I do recall him.

Q. Did you know Henry Diven?

A. Yes, sir.

Q. He seems to have been a deputy marshal there for nine years.

A. He was a deputy marshal for a number of years.

Q. Previous to 1876 what was his character for truth and veracity in the neighborhood in which he lived?

A. In the neighborhood in which he lived?

Q. Yes; in Louisville.

A. I knew him only in a general way as a deputy marshal, and I don't know that I ever heard any discussion about it one way or the other until those differences arose there at Louisville in connection with the marshal.

Q. Had you previous to that ever heard anything to his discredit?

A. I think not.

Q. You knew he was a deputy marshal there?

A. Yes.

Q. You saw him frequently about the courts?

A. Yes; I saw him about the court building very often, and knew of no change in his position there until he was discharged by General Murray.

Q. Do you know whether he enjoyed the confidence of the bar and of the court during his connection with it?

A. I can only say that up to this disturbance I never heard anything one way or the other about him in that regard; and probably it is a fair answer to your question to say that after that he did not enjoy the confidence of all. To what extent I do not know; my intercourse with him was purely official; I only know that after Mr. O'Neill was appointed marshal I was in court one day when the judge of the court made an order, which was announced, reciting that Diven was not a proper person to be a marshal, and removed him.

Q. That was on the motion of Marshal Murray?

A. I do not know.

Mr. STEWART. Is that a question or statement?

The CHAIRMAN. I am asking the question.

The WITNESS. I do not know anything on that subject. The first that I knew of it was the announcement in court. If it would be proper for me to state it, I can tell you the estimate in which the district judge, Judge Ballard, held him.

Q. You may state that. I do not know what estimate anybody had of him; I am asking for information.

A. Frequently after the troubles commenced I heard Judge Ballard say that he had entirely lost confidence in him as an officer and a man. But I ought to say that I have no personal knowledge of Mr. Diven's habits and ways other than as I would see him backwards and forwards about the building.

By Mr. VAN ALSTYNE:

Q. Did Judge Ballard make any explanation in connection with his statements about Diven?

A. I can only answer generally that he did. I can tell you what he said if you desire it, as far as I remember it.

Q. I suppose that would illustrate his view more definitely.

A. Well, Judge Ballard came to the conclusion, at least I heard him so say, that Diven's conduct in and about these charges against General Murray was influenced by very bad motives on his part; that he had become enraged because of his discharge from his position as deputy, and that he set out for the purpose of seeking his revenge upon the marshal. Judge Ballard had the highest confidence, perhaps I should say in that connection, in the integrity of General Murray, and perhaps did not regard with patience the assaults made upon him. I never heard Judge Ballard say anything in reference to Mr. Diven except in connection with his conduct arising out of these charges.

By the CHAIRMAN:

Q. You never heard anything to his discredit except as you have stated?

A. No; I never heard anything about him one way or the other except in connection with this matter.

Q. Are you acquainted with Representative JOHN D. WHITE, of Kentucky?

A. Yes, sir.

Q. What is his reputation in that State for truth and veracity?

Mr. STEWART. I don't know that I ought to object to that question, but I do not think it is proper.

The CHAIRMAN. He has been charged with having lied here, and I think it would be well to protect him, as he is a member of the House.

Mr. VAN ALSTYNE. I think as a member of the House his reputation ought to carry the presumption that it is above suspicion. It has been assailed only incidentally by Governor Murray. If Mr. WHITE wishes to defend himself against that assault, let him seek the opportunity. I do not think the committee need to follow it down.

Mr. STEWART. I think it is quite improper. It is charge against charge. Mr. WHITE has charged Governor Murray with certain acts of malfeasance in office, and Governor Murray repels the charge and says it is false. I don't think that lays a foundation for such a question.

The CHAIRMAN. I have no objection to that view. Mr. WHITE has not been apprised, so far as I know, of these charges of Governor Murray, unless he has seen them in the papers.

Mr. STEWART. Well, they make a fair offset against each other. Mr. WHITE charged Governor Murray openly with being a scoundrel.

Mr. WILSON. It was announced yesterday morning that Mr. WHITE would be here, and I expressed a desire that he should be here.

Mr. HEMPHILL. I do not think we can go into details as to the character of all our witnesses, or we shall never get through.

By Mr. VAN ALSTYNE:

Q. Did you understand from the conversation you had with the Attorney-General that a political necessity did exist for the retirement of General Murray from the office of marshal of Kentucky?

A. He did not say so.

Q. Did you draw it as a legitimate inference from what he did say that that was his view?

Mr. STEWART. I rather object to that form of inquiry. Judge Harlan can state whatever the Attorney-General said. That is proper.

The WITNESS. I have not the slightest objection to answering the question.

Mr. VAN ALSTYNE. He has stated in substance that he informed the Attorney-General that if a political necessity did exist, then Marshal Murray would tender his resignation.

By Mr. VAN ALSTYNE:

Q. Did you draw the inference from your conversation with the Attorney-General that that was the purpose or the desire of the Attorney-General?

A. I recall at this time very distinctly the conclusion that I reached upon my visit to Washington on that occasion. From what occurred here, added to what I had heard and believed before I came here, my conclusion was that there was a purpose, on political grounds, to get rid not only of General Murray but of Mr. Wharton, the late district attorney. I am entirely willing to state why I thought so, if the committee desire it.

Q. Civil service had not obtained to any extent at that time. But that office does not fall within the line of the civil-service rules?

A. No.

By Mr. WILLSON:

Q. You have been asked whether Henry Diven associated with the members of the bar. I will ask you whether he was of the social standing which made him an intimate, familiar associate in any way of the members of the bar or whether he was simply a baliff?

A. I have not meant to say that he associated with the members of the bar in any other way than as an ordinary deputy sheriff or deputy marshal would be brought in contact with the members of the bar in and about a court of justice.

Q. He was not a social acquaintance of any member of the bar, so far as you know?

A. No; not that I know of.

Q. When you talked with Judge Ballard did you find that he knew the facts of the Livermore case and the McCord case that you have been asked about?

A. Yes; I will say generally that he seemed to be informed of the facts connected with all the charges that were made. I do not recall one more than another; I preserved no papers in connection with the matter, and dismissed it from my mind long ago.

By the CHAIRMAN:

Q. I see in Mr. George K. Chace's statement that he says a letter was written

to Marshal Murray by Attorney-General Taft requesting his resignation; and he further says that it was on account of these charges in the Diven statement. Did you ever learn of a letter of that kind having been addressed to Marshal Murray; and, if so, was it shown to you?

A. The question recalls to my mind some facts which I had omitted in the opening statement. I am quite sure that I saw that letter requesting his resignation. My recollection is that it said in substance to General Murray that his resignation would be accepted; which I interpreted, as any one would interpret it, as a request to resign. Whether I saw that letter at Louisville or here I do not now recall, but in the course of the conversation with the Attorney-General, after he had expressly disclaimed any purpose to reflect upon the official or personal integrity of General Murray, I said to him in substance that "one difficulty in the way of his sending a resignation was the fact that you have suggested to him, that you desired his resignation." "I take it for granted," I said to him, "that this letter is on the files of your Department, and that hereafter, when you have retired from office and he has retired from office, your successor and others will find there such a letter, and it will be unexplained; and I see difficulty in the way of General Murray sending a letter of resignation so long as that letter is unrecalled." The Attorney-General said, very promptly, "Well, just consider it withdrawn." "But there it is on the files of your Department," said I. He replied, "Well, I will meet that difficulty; I will tear it out or have it torn out." I said that would be satisfactory.

Q. It does not appear in the papers anywhere that the Attorney-General did so, but I suppose he did withdraw it from the files?

A. Yes; I never saw it in the letter-books or files office, but I do not doubt that I saw the letter which was sent to General Murray.

Q. Did it state the reason for asking his resignation or saying that they would accept his resignation?

A. No, sir; my recollection is that there was no reason assigned at all.

Q. And that letter the Attorney-General stated that he would withdraw or tear from the files?

A. Yes, sir. Of course General Murray, and I naturally as his counsel, attached some consequence to the letter, even in that form, in view of the fact that an agent of the Department had been to Louisville; and that is why I came here as General Murray's counsel to know what the charges were and to meet them.

There is a matter that escaped my mind that I suppose it is proper I should state. I do not know what bearing it may have one way or the other. When General Murray's name was sent to the Senate as governor of Utah (the date I do not now recall), it was published in the papers that somebody had filed some charges before one of the committees of the Senate in reference to his conduct while he was marshal of the State of Kentucky, and I received a telegram from him requesting me to go to the Department of Justice—that was the substance of it—and inquire whether any charges had been made there against him as marshal or any report had been filed affecting him in any way. I did call at the Department of Justice to inquire whether any agent or officer of the Department had filed any report affecting General Murray's conduct as marshal for the State of Kentucky, and the response was that there was no such report on file.

By the CHAIRMAN:

Q. Who was the Attorney-General then?

A. General Devens.

Q. What time was this?

A. I do not remember the date, but it was toward the close of Mr. Hayes's administration.

Q. That was Governor Murray's second nomination?

A. No; it was his first. I believe his name was first sent to the Senate for governor of Utah by President Hayes.

Q. Was not that in the early part of his administration?

A. I think not.

The CHAIRMAN (to Governor Murray). In what year were you nominated as governor of Utah?

Governor MURRAY. In 1880.

The WITNESS. That was the time. It was when his name was sent to the Senate that I made that inquiry for him. That is the only other fact I recall that seems to bear upon the matter in any way.

Hon. JOHN G. CARLISLE, the Speaker of the House of Representatives, appeared and was examined.

By Mr. WILSON:

Q. You were a member of the Kentucky bar, and residing in Covington, during the administration of General Murray as marshal of that State?

A. Yes, sir; during the whole time.

Q. Are you acquainted with his reputation in Kentucky as an officer and as a gentleman of integrity? If so, please state what it is and what it was in 1876.

Mr. VAN ALSTYNE. Before the Speaker answers that question I wish to say, Mr. Chairman, that it strikes me that we are going a little outside of the record.

The Chairman remarked that Governor Murray had put his character in issue.

Mr. WILSON said the reason he offered this evidence as to character was that, although these charges had gone out to the country, there was really no evidence of fact in the record to be answered, no testimony at first hand from any witness who knew of any improper act of Governor Murray while he was marshal of Kentucky—nothing but hearsay, and hearsay in the third degree.

After a brief discussion it was decided to hear the testimony.

A. I think I know what General Murray's reputation was in Kentucky at that time and what it is now. I think he stands as high as almost anybody in the State as a gentleman of integrity and veracity, officially and otherwise. When I say almost as high, I mean that perhaps he is not at the very highest in the estimation of some, but his reputation is as good as anybody's. Every man has some enemies, some people who will disparage him, of course.

By the CHAIRMAN:

Q. Have you practiced law much in Louisville?

A. I am not able to say that I have practiced there very much, though I have practiced there frequently in the courts during the time Governor Murray was marshal and since.

Q. Are you acquainted with Henry Diven, who was one of the deputies in that court for nine years?

A. If I ever saw Mr. Diven more than once, to know him, I have forgotten it. I may have seen him, and probably did see him frequently about the court, but did not know who he was. On one occasion, I remember, a gentleman that I took to be Mr. Diven—and who perhaps told me his name at the time—came to talk to me about some charges that he had against General Murray; but this was after General Murray had resigned the office and while Mr. O'Neill was marshal.

Q. And you are not acquainted with him?

A. I am not acquainted with him at all, sir.

HOUSE OF REPRESENTATIVES, *Washington, D. C., April 7, 1884.*

SIR: Having learned that Mr. Justice Harlan and Mr. Speaker CARLISLE have testified before your committee in behalf of Governor Murray, and that with their testimony, in connection with Governor Murray's own statement, your committee proposes to close the investigation concerning the expenditures in Kentucky during Governor Murray's marshalship for that State; and, furthermore, having learned from yourself that the testimony of Governor Murray in his own behalf controverted statements made by me when summoned before your committee, therefore I respectfully suggest, if there remain any doubt in the minds of the members of the Committee on Expenditures in the Department of Justice as to the fact that there was collusion between G. C. Wharton and Eli H. Murray, late United States district attorney and marshal for the State of Kentucky, through a corrupt and oppressive system of their own choosing, by which numerous prosecutions were instituted for the most trivial violations of law, the arrested parties being taken unnecessarily long distances and subjected to great inconvenience and expense in order to make costs against the United States and increase the fees of the officers, that you summon the following-named persons to testify before your committee:

1. Mr. Samuel Crail, Louisville, Ky., who, being clerk of the United States court, should be able to exhibit the records of the court during Murray's and Wharton's term of office.
2. Hon. H. F. Finley, Williamsburg, Ky., who is judge fifteenth Kentucky judicial district.
3. Hon. C. B. Faris, United States commissioner, London, Ky.
4. Maj. A. T. Wood, United States commissioner, Mount Sterling, Ky.
5. Col. W. A. Bullitt, Louisville, Ky., late assistant United States district attorney, under G. C. Wharton, for Kentucky.
6. Hon. Alphonso Taft, ex-United States Attorney-General, through whom Wharton was removed and Murray permitted to resign on account of the investigation of their official conduct by G. K. Chase, general agent for the Department of Justice.
7. Mr. A. J. Auxier, Louisville, Ky., United States marshal for Kentucky, who could show the records of his office.
8. Col. John H. Ward, attorney at law, Louisville, Ky.
9. Hon. Samuel McKee, attorney at law, Louisville, Ky.
10. Hon. Walter Evans, attorney at law, Louisville, Ky., prior to his appointment as Commissioner of Internal Revenue.

I have the honor to subscribe myself, very respectfully,

JOHN D. WHITE,
Member of Congress from the Tenth Congressional District Kentucky.

Hon. WM. M. SPRINGER,
Chairman Committee on Expenditures in Department of Justice.

Mr. McMILLIN. Now, Mr. Speaker, if no one else desires to speak on the question I will ask for a vote, and I hope the bill may go to the Senate with the prestige of a unanimous vote in its favor. I now call for the previous question on the amendments and on ordering the bill to be engrossed for a third reading.

The previous question was ordered; and under the operation thereof the amendments reported by the committee were agreed to.

The amendment of Mr. CALKINS, to add at the end of section 1 the words "*Provided further*, That the provisions of this act shall not apply to pending cases," was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. McMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DOCUMENTS RELATING TO CUSTOMS REVENUES, ETC.

Mr. SCALES. I am directed by the Committee on Printing to report back with the amendments of the Senate the joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress. The committee recommend concurrence in the amendments of the Senate. I will state briefly the effect of these amendments. The resolution as passed by the House provided for printing 4,200 copies of the proposed volume. The Senate has amended the resolution so as to provide for printing 4,700 copies. The resolution as passed by the House provided that fifty of these documents should be placed in the House library, fifty in the Senate library, fifty in the Congressional Library, and that fifty should be for the Ways and Means Committee. The Senate has provided that the whole number printed shall be for the use of the House and the Senate, except one hundred copies for the Finance Committee of the Senate and one hundred for the Ways and Means Committee of this House.

The amendments of the Senate were read, as follows:

Line 2, strike out "2" and insert "7."
Line 5, strike out "Senate" and insert "said."
Line 8, after "exports," insert "of."
Line 4, section 2, strike out "1,000" and insert "1,500."
Strike out after "Senate," in line 19 down to and including "Library," where it occurs the second time in line 20.
Strike out "50" where it occurs the second time in line 20 and insert "100."
After "for," where it occurs the second time in line 20, and insert "the."
After "Committee," in line 21, insert "and 100 for the Senate Committee on Finance."

Mr. CALKINS. The statement of the gentleman from North Carolina [Mr. SCALES] was not heard on this side of the House, and many of us do not know anything about this bill. I hope the gentleman will give us some explanation of it.

Mr. PEELLE, of Indiana. Let the bill be read as proposed to be amended if it is not too long.

The joint resolution as amended by the Senate was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Public Printer be, and he is hereby, authorized and directed to print, for the use of Congress, 4,700 copies of Senate Miscellaneous Document No. 46, first session Forty-sixth Congress, with additional data, to be furnished by the compiler of said document, showing the imports for the fiscal years ended June 30, 1879, 1880, 1881, 1882, and 1883, and a compilation of exports of the growth, produce, and manufacture of the United States from 1789 to 1883, inclusive (ninety-four years), in which the quantity, value, and value per unit of quantity of each article are given by fiscal years and decades; also the value exported to each country and value from each

State, with other additional data, prepared by Charles H. Evans, of the Treasury Department.

SEC. 2. That the documents described in the foregoing section be stitched and bound as one volume; that 3,000 copies of the same be for the use of the House of Representatives, and 1,500 copies for the use of the Senate, 100 for the Ways and Means Committee, and 100 for the Senate Committee on Finance.

The SPEAKER. The question is on concurring in the amendments of the Senate. Unless a separate vote is asked, the question will be put on the Senate amendments in gross.

The amendments of the Senate were concurred in.

Mr. SCALES moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMERICAN MERCHANT MARINE.

Mr. SLOCUM. I ask unanimous consent, Mr. Speaker, for the purpose of introducing the following resolution for action at this time.

The Clerk read as follows:

Resolved, That the Committee of the Whole House on the state of the Union be discharged from the consideration of the bill of the House 2228, to remove certain burdens on the American merchant marine, and to encourage the American foreign trade, and that Saturday, April 26, be set apart for the consideration of the same.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CALKINS. I did not hear the resolution fully, and I ask that it be again read.

The resolution was again read.

Mr. HOLMAN. I rise to a parliamentary inquiry. If under this resolution on Saturday, April 26, this bill should be the unfinished business on that day, would the effect of this resolution be to carry it over and continue it as a special order?

The SPEAKER. This special order is limited under the resolution to one day only, and under the practice of the House it would not be continued the following day unless the previous question was ordered on the passage of the bill on that day, when it would come up next morning; but not otherwise.

Mr. DINGLEY. It will be finished in one day.

There was no objection, and the resolution was agreed to.

Mr. SLOCUM moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEASE OF PREMISES FOR POST-OFFICES.

Mr. PEELLE, of Indiana. I ask by unanimous consent to take from the Speaker's table the bill (S. 1508) to authorize the Postmaster-General to lease premises for use of post-offices of the first, second, and third classes.

This is a matter of great importance, and the Post-Office Department is now embarrassed for the want of such action. Under the law as it is it can not lease for a longer period than one year, which is a most expensive method.

The SPEAKER. The Clerk will read the bill, reserving the right to object.

The Clerk read as follows:

Be it enacted, &c., That the Postmaster-General may lease premises for use of post-offices of the first, second, and third classes, at a reasonable annual rental, to be paid quarterly; but no lease shall be made for a term exceeding ten years; and whenever any building or part of a building under lease becomes unfit for use as a post-office, no rent shall be paid until the same shall be put in a satisfactory condition for occupation as a post-office, or the lease may be canceled at the option of the Postmaster-General; and a lease shall cease and terminate whenever a post-office can be moved into a Government building.

Mr. WELLER. I desire to inquire whether that bill has been reported from any committee of this House?

Mr. PEELLE, of Indiana. It has been considered by the Committee on the Post-Office and Post-Roads, and that committee has reported a bill similar to the one now pending.

Mr. WELLER. I inquired whether this bill had been before that committee.

Mr. PEELLE, of Indiana. This is a Senate bill lying on the Speaker's table, but an exactly similar bill has been reported from the Committee on the Post-Office and Post-Roads with this exception, that the bill reported from the House committee includes the District of Columbia, and now, on further reflection, it is believed the District of Columbia will be included under the Senate bill without express words to that effect.

Mr. WELLER. I must object.

Mr. PEELLE, of Indiana. I hope the gentleman will not insist upon his objection, as the Postmaster-General informs us without this action the Department will be seriously embarrassed in leasing these buildings for post-offices. As it is now, they are confined to only one year, and are compelled to fit the building up at their own expense. If they could lease for three or four years, the party who rented the building to the Government would put in the fixtures. In that way the Government would be saved very large expense. I hope the gentleman will withdraw his objection.

Mr. WELLER. I think I am warranted in insisting on my objection without explaining the reason for it.

READJUSTMENT OF POSTMASTERS' CLAIMS.

Mr. TILLMAN. By unanimous instruction of the Committee on Claims, I ask leave to offer the following resolution for present consideration:

Resolved, That the Postmaster-General be, and he is hereby, requested to inform the House of Representatives of the names of all postmasters of the third, fourth, and fifth classes who have had their claims readjusted at other than biennial periods under the acts of July 1, 1864, June 12, 1866, and March 3, 1883, with the amounts paid each, the post-office where each served, and the date when each readjustment and settlement was made.

Mr. MONEY. I object unless that resolution is referred to the Committee on the Post-Office and Post-Roads.

Mr. TILLMAN. I should like to have the gentleman from Mississippi state some reason why this unanimous request of the Committee on Claims should be referred to the Committee on the Post-Office and Post-Roads.

Mr. MONEY. I was unaware it was a report from the Committee on Claims, and therefore will withdraw my objection.

The resolution was adopted.

Mr. TILLMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 224) granting certain publications to the Cincinnati law library.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GREEN, for fifteen days, on account of a death in his family.

To Mr. TAYLOR, of Tennessee, for the remainder of this week, on account of sickness.

PRINTING FOR COMMITTEE ON THE JUDICIARY.

By unanimous consent, leave was granted to the Committee on the Judiciary to have printed for the use of its members papers connected with House joint resolutions 198 and 199, proposing amendments to the Constitution of the United States; and also with reference to House bill No. 2241, to provide for paying certain advances made to the United States by the States of Maryland and Virginia.

ORDER OF BUSINESS.

Mr. MCMILLIN. I move to dispense with the morning hour for the call of committees.

The question was taken. The House divided; and there were—ayes 85, noes 6.

So (no further count being demanded) the morning hour was dispensed with.

Mr. MCMILLIN. I move that the House do now resolve itself into Committee of the Whole for the consideration of the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills upon the Private Calendar. The Clerk will report the unfinished business coming over from the last session of the committee.

The Clerk read as follows:

A bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion.

Mr. MCMILLIN. Mr. Chairman, the gentleman from Ohio [Mr. GEDDES] who has had this matter in charge has been detained from the House, most of the time on account of sickness, for several days. I hope, therefore, that this bill will be passed over by consent without losing its place on the Calendar. I ask, also, that the same course may be taken with reference to the two succeeding bills, namely: the bill (H. R. 3937) for the relief of Willis N. Arnold, and the bill (H. R. 1477) to pay Hiram Johnson and other persons therein named the several sums of money therein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. THOMAS. I object.

Mr. JONES, of Wisconsin. I wish to know, Mr. Chairman, if it is now in order to move to amend the second section of that bill? I believe we had reached that section.

Mr. THOMAS. I withdraw the objection I made.

The CHAIRMAN. The Chair understands the objection is withdrawn.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry——

Mr. JONES, of Wisconsin. I renew the objection.

The CHAIRMAN. The pending proposition, the Chair is informed, is the amendment proposed by the gentleman from Indiana [Mr. BROWNE], which has been modified.

Mr. McMILLIN. I hope there will be no objection to allowing the other two bills to which I have referred to be passed over informally.

Mr. JONES, of Wisconsin. I have no objection to that.

The CHAIRMAN. There being no objection, that order will be made with reference to the two succeeding bills.

REMOVAL OF CHARGES OF DESERTION.

The CHAIRMAN. The committee will now proceed to the consideration of the bill (H. R. 3935), objection being made to the request to pass it over informally, and the Clerk will report the pending amendment.

Mr. WARNER, of Ohio. Is that in order? I understood the gentleman from Wisconsin to object to the request made by the gentleman from Tennessee. Is it in order to object to the consideration of this bill now? I rose for that purpose, supposing it rested upon the objection of the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Wisconsin did not object to the consideration of this bill.

Mr. WARNER, of Ohio. My reason for desiring its postponement is that my colleague [Judge GEDDES] who presented the bill is still absent sick.

The CHAIRMAN. The Chair thinks it is now too late to raise objection to the consideration of the bill. The gentleman on the left [Mr. THOMAS] withdrew the objection.

Mr. WARNER, of Ohio. My understanding was that the gentleman from Wisconsin renewed it; but before any action was taken I rose to object to its consideration.

The CHAIRMAN. The gentleman from Wisconsin objected to the postponement of the bill.

Mr. WARNER, of Ohio. I so understood.

The CHAIRMAN. The pending proposition will now be read.

Mr. WARNER, of Ohio. I would like to ask if it is not in order at this time before action is taken upon that proposition to object to the consideration of this bill?

The CHAIRMAN. Does the gentleman raise a point of order as to its consideration?

Mr. WARNER, of Ohio. Only a parliamentary inquiry as to whether it would be in order now to object to its consideration.

The CHAIRMAN. The Chair would rule that this is unfinished business and now in order.

The first proposition is the amendment proposed to the first section by the gentleman from Indiana [Mr. BROWNE], who accepted several other propositions which were incorporated in this amendment.

The Clerk will report the amendment proposed by the gentleman from Indiana as modified.

The Clerk read as follows:

Strike out all of the first section after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized and directed, in his discretion and upon satisfactory evidence, to relieve from the charge of desertion the following:

"First. Men charged with desertion who voluntarily returned to their command within thirty days and served honorably to the end of their term of service.

"Second. Men who deserted from hospital or from furlough given from a hospital while suffering from wounds, injuries, or disease received or contracted in the service and line of duty, and who on recovery returned voluntarily to the service and served honorably until discharged, or who died from such wounds, injury, or disease while so absent, and before the date of muster-out of their regiments.

"Third. Men who returned under the President's proclamation and served honorably until discharged.

"Fourth. Men who left the service without proper authority, and thereby became deserters, for the purpose of relieving their families, residing within the enemy's lines, from distress or want, and who returned voluntarily and served honorably until discharged.

"Fifth. Men who while awaiting exchange deserted from parol camp, or while on furlough from a parol camp or other authoritative source, and who voluntarily returned and served honorably until discharged.

"Sixth. Men who deserted from a furlough given by any authoritative source, and who during such absence died from wounds inflicted by the enemy or disease contracted in the service before the muster-out of their commands.

"Seventh. Men who deserted or left one command solely for the purpose of joining another and did join another command within thirty days thereafter and served until the end of the war and were honorably discharged, and who received no additional bounty under such second enlistment: *Provided*, That no soldier shall be entitled to the benefits of this act against whom more than one charge of desertion shall be proved: *And provided further*, That the Secretary of the Navy shall be, and hereby is, authorized and empowered to apply the provisions of this act to the cases of appointed or enlisted men of the Navy or Marine Corps who served in the late war."

Mr. JONES, of Wisconsin. I believe, Mr. Chairman, if I am correct, that the gentleman who proposed this amendment used his time in debate in its favor, and nothing was said in opposition to the amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin for five minutes.

Mr. JONES, of Wisconsin. There was a disposition on the part of our committee, on the day this bill came up before, to accept this amendment. That is, we thought it covered nearly all the ground. But during the intervening time we have discussed it in committee and have gone over the whole ground, and find that it does not cover a great number of cases which naturally and properly ought to be covered by this bill.

For example, I call attention to this. Suppose a soldier returns to his command within thirty-one days or thirty-two or thirty-five days, he is just as much entitled to the relief provided by this law as though it were thirty days or less. Nor does it provide for that large class of cases of men who left their command at the close of the war not waiting for the red-tape procedure. It is proposed to offer an amendment which will cover all these cases. I hope the pending amendment will be voted down. I yield for a moment to my colleague on the committee, the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. My experience is that whenever we attempt to go into details in legislation we always make a mistake and make work for a succeeding legislative body; and that the only way to succeed is to make general legislation.

The purpose of this bill is to permit the Secretary of War in all just and proper cases to restore soldiers to the rolls where there are charges of desertion against them; and it seems to me that the bill proposed covers all these cases. But it needs this limitation. There ought to be a tribunal to decide whether a case is a proper one or not. And the amendment that the committee proposes to offer is to put it into the discretion of the Secretary of War in all cases, so that where a soldier ought not to have his record corrected it will not be corrected. We ought to cover all cases of soldiers who served honorably whether they deserted and were out for thirty or for sixty days. If they went back into the Army and did good service they ought to have a good record. The soldiers who at the end of the war went home, not willing to remain as regulars in the Army beyond the day when their services were called for, ought not to have the record of desertion standing against them.

Mr. STEELE. Will the gentleman allow me to ask him a question?

Mr. ROWELL. Yes, sir.

Mr. STEELE. Does not the bill which has already passed this House provide for the class of men referred to by the gentleman from Illinois and every other class except where they have not served six months and where they re-enlisted in another regiment?

Mr. ROWELL. I think not. A bill was passed once before intended to cover these things, and by seeking to guard against improper restorations it proved to be of no effect and did not cover anything. I think that the bill which has already passed the House is a good one, but it neglected to provide for the men who had enlisted in other regiments than their own; it neglected to make the necessary provisions in a good many other respects, as I think you will find when you come to examine it. A more general bill is required, and it seems to me that you provide all of the guards necessary when you put it in the discretion of the Secretary of War to refuse to wipe out a record of desertion.

He then has the power in every case of bounty-jumping, in every case of improper desertion, in every case of returning at the close of the war for the purpose of being mustered out, in every case of a man who was not a good soldier—in all those cases he can refuse to wipe out the record. All I desire is that, now that the war is over, all the mismaking of records by bad officers, all the mistakes occasioned by ignorance shall be wiped out, and that every good soldier who did good service for the country shall be permitted to have a proper record.

Mr. STEELE. I wish to ask the gentleman, and shall yield him my time to answer the question, wherein this bill is different from the bill already passed, except in the points I have named? The bill which has been passed provides May 1 shall be the limit instead of May 22; the bill which has been passed has not the words "re-enlisted in another regiment;" and the bill that has passed provides that soldiers shall have served six months before they shall have any of the benefits of the bill at all. I yield to the gentleman from Illinois to say if these are not the only differences between the bill that has been passed and this bill.

Mr. ROWELL. I have not before me the bill to which the gentleman refers. I took notice of its provisions when it passed and I thought it too limited in a good many respects. One of them is the provision the gentleman refers to, that wherever a man enlisted in another regiment than his own he is excepted from the provisions of that bill; and where he failed to serve for six months he is excepted from the provisions of that bill.

Mr. STEELE. That is right.

Mr. MAGINNIS. And when he was a bounty-jumper.

Mr. ROWELL. Not necessarily when he was a bounty-jumper.

Mr. MAGINNIS. He would be a very funny mustering officer if he had mustered such a man in.

Mr. ROWELL, I do not think any mustering officer could be supposed to know every man out of four or five hundred thousand soldiers.

Mr. STEELE. The only differences between this bill and the one that was passed are what I have stated. When a man went home as early as the 1st of May, 1865, the bill provides that the charge of desertion may be removed from his record. The bill that has passed provides where soldiers have returned voluntarily and served until the close of the war the charge of desertion against them shall be removed.

It does not provide that where they have enlisted or deserted their regiment and then re-enlisted in another regiment the charge of desertion shall be removed from them. The bill of the House provides that men who re-enlisted and served for six months before the war closed shall receive all the benefits of the act. That is the only difference between this bill and the one that has already passed the House.

Mr. MAGINNIS. I shall always protest against the idea so often

advanced on this floor that there was no difference between the men who entered the volunteer service; that they were all equally worthy. While the great majority of them were worthy, we know that there was a class of men who put on their country's uniform simply for the purpose of defrauding the Treasury.

The members of this House know that no man desires to be more liberal to the honorable and deserving soldier than I do; but I believe that any reward or any graciousness shown to the dishonorable soldier is an insult to the honorable soldier. I heard my diplomatic friend from Pennsylvania [Mr. RANDALL] say the other day that the difficulty with the bill which then passed this House was that it did not cover the case of a man who deserted the service and then re-enlisted; as he said, merely changed his military control.

Mr. RANDALL. I referred to the man who after he left one regiment enlisted in another, and the United States accepted his services as a member of that regiment, who then went into battle, endangered his life and received wounds, the scars of which he bears to this day; yet he stands on the rolls of the War Department as a deserter, and is debarred from ever having a hearing in order to obtain a pension. It was that man that I wanted to have protected.

Mr. HEWITT, of Alabama. His desertion in that way was just as demoralizing as if he had deserted and gone home.

Mr. MAGINNIS. Just as much so. There was at that time an industry in this country called bounty-jumping; men enlisted in one regiment, deserted as soon as they could get the opportunity, enlisted in another regiment, and deserted again.

Mr. RANDALL. Such a man as that ought to have been shot.

Mr. MAGINNIS. But this bill provides for putting him on an equality with the deserving and honorable soldier. That is what I protest against.

Mr. WELLER. I would like to ask the gentleman this question, if I may: Does not this bill carefully provide against any favor to that class?

Mr. MAGINNIS. No, sir; that is just exactly where, in my judgment——

Mr. WELLER. I mean with the amendment.

Mr. MAGINNIS. I did not hear the amendment.

Mr. WELLER. With the amendment which has been proposed.

Mr. MAGINNIS. In fact, I do not think any amendment can provide against that.

Mr. WELLER. Would you bar out those who are worthy for the purpose of keeping out a few who are unworthy?

Mr. MAGINNIS. The number covered by this bill who are unworthy so far outnumber the few that are worthy that the proportion is all on the other side. It is a bounty-jumper's bill and ought to be referred back to the committee. I do not think the committee really intended to present such a bill as this is.

Mr. CUTCHEON. I move to strike out the last word. We have under discussion, it would seem, two bills: one that has already passed this House, and the one now before us, which it is proposed to pass. The question is whether anything will be gained by the passage of the pending bill.

It is hardly necessary for me to observe that deserters from the Army are not a favored class. The word "deserter" is a disreputable one, and whenever and wherever it is spoken, wherever it is borne on the rolls, it carries with it a certain stigma and disgrace. The gentleman from Montana who has just taken his seat [Mr. MAGINNIS] has voiced this almost universal sentiment which prevails not only with those who were in the military service but with those who remained in civil life as well.

But that disgrace and that stigma in thousands of cases is utterly undeserved. There is no man who more strongly reprobates the soldier who left his flag and his command for the purpose of deserting the service of his country than I do. I do not care where he served nor in what army he served, if he left his command for the purpose of deserting his comrades in arms and leaving them without his aid to the fortunes of war he deserves nothing but the stigma and disgrace he bears and is worthy of no mercy at our hands.

But there were thousands, nay tens of thousands, of men whose names to-day are borne upon the rolls of the Adjutant-General's Office as deserters who were never deserters in fact in that opprobrious sense in which we apply the term to men who left their colors. There were men who were left behind their commands because they were sick, and whom some blundering orderly wrote upon the rolls of the company as deserters. Men who were left on the wayside and were captured are carried on the rolls of the Army to-day as deserters. Men who sleep the everlasting sleep of death in the jungles of the Wilderness or upon the plains of the South are entered upon the rolls of the Army as deserters, and their children left behind them must bear the stigma attached to the memory of their fathers.

The bill which has already passed the House, and which came from the Committee on Military Affairs, upon which I have the honor to serve, I believe, as stated by my colleague on the committee, the gentleman from Indiana [Mr. STEELE], does fairly cover every class excepting only that class who after leaving their own command for some reason or other enlisted in another command and served to the end of the war. I have in my mind a case in a county adjoining my own. I do not suppose there are three men in the county who know that the man to whom I refer is borne upon the rolls as a deserter. He is a man of high standing; but when a mere boy, having had an altercation with his captain, he left that command and immediately enlisted in another; he served honorably until discharged, enlisted again, and by merit and gallantry rose from the rank of private to that of a captain of cavalry. Being mustered out at the close of the war, after four years' of honorable and arduous service, he entered the regular Army and served there most honorably to the end of his term, when he was discharged with credit. Yet this man is borne upon the rolls as a deserter on account of that youthful indiscretion; and unless this stigma is removed his children after him must bear the disgrace.

The bill which has already passed this House grants no relief in such cases. I believe there should be such provision as this bill will make, by which men who after deserting enlisted in another command and served honorably and gallantly until the end of the war shall be segregated from those who deserted for the purpose of abandoning their comrades in arms and the service of their country.

I am therefore in favor of this bill. We can not recall the other bill to amend it; and the only manner in which we can reach the class of cases I have described is by passing this bill, properly guarded, so as to shut out every possibility of bounty-jumpers getting pensions or any other benefit, which should belong only to men who have served their country honorably.

I withdraw the *pro forma* amendment.

Mr. WOLFORD. I renew the amendment, Mr. Chairman. The substitute offered for this bill contains many good things; but it is too voluminous; and the original bill is a much better measure than gentlemen who are opposing it represent it to be. I apprehend that they are mistaken as to its purport.

We are all opposed to extending any favor to men who entered the Army with the intention of jumping the bounty. Such men ought not to receive any consideration anywhere. This bill as reported by the committee can never embrace men of such character, if I understand correctly its provisions.

Sir, some of the very best men who were ever in our Army are upon the rolls as deserters. The circumstances are such as to furnish palliation and excuse for them. I do not believe that a man who deliberately intended to desert could ever be among the best men of the Army; but I want to call attention to a few cases which have come within my observation.

There was a numerous class of men in our Army who became at some time in their service home-sick. The doctors have a technical name for this disease. I knew of numerous men who in consequence of what I conceived at the time to be the cruelty of their officers in not allowing them to go home to see their families for a few days actually died from home-sickness, so that the country lost the benefit of their services. Many men of this class—good men, noble-hearted men, brave men, but tender and kind, with love for father and mother and home and a longing desire to see them—did desert and go home. When they had once reached their homes and the longing had been satisfied—when they had seen their mothers, their fathers, their brothers, their sisters, their sweethearts—they were then ready to re-enter the service. These were good men. I have known some of them who came back to the Army and joined other regiments—regiments that happened to be under my command. Within my knowledge some of these men have done as noble and gallant fighting as any men ever did upon the face of God's green earth. They loved their country and were ready to die for it. But after they had returned to their homes, after they had satisfied their unconquerable longing to visit their relatives and friends, they were confronted with the difficulties of the position in which they had placed themselves. The question presented itself to them: "What shall I do? I am reported as a deserter. If I go back to my own company or regiment (and I have nothing against them) I shall be court-martialed as a deserter and shot, in order to maintain the discipline of the Army. I can do the country no good by being shot as a deserter." This is the way they reasoned. They may have reasoned wrongly; but influenced by reasoning of this kind and desiring to serve their country and if necessary die for it they joined other commands and fought until the end of the war.

This bill provides that before the charge of desertion shall be removed in any case the man must have an honorable discharge—a thing which no bounty-jumper could ever get. Gentlemen alarm themselves needlessly about bounty-jumpers. I say that a man who intentionally quit his command in order to jump the bounty never could get an honorable discharge if the officers of the Army did their duty, and the law presumes that they did.

Mr. STEELE. Will the gentleman allow me——

Mr. WOLFORD. I have only five minutes, and I am not going to be interrupted. The gentleman has made many speeches on this bill, while I have not said a word. I will state to the gentleman from Indiana [Mr. STEELE]—he may answer it when he pleases; I am not going to be interrupted now—I will tell him that his bill, which I voted for because I would rather have a few bounty-jumpers included in its benefits than see a number of good men shut out, covers thousands of bounty-jumpers. But I will not stop to discuss that.

But there is another class of good men for whom provision should be

made. Sometimes our confederate friends came into my native State, and they annoyed us a great deal; they did us a great deal of harm. I know that often sick men, men not able to march with their commands, were left behind. While commanding a division of cavalry I came across thousands of these men. They came to my command, and they came to my command because they could not get to their own command. The time had passed when they could get to their own command. But they wanted to fight and they wanted to die if necessary in the defense of their country. They came to my command and they joined some regiment in that command. Why, Mr. Chairman, I remember some men who came and joined a regiment from your own State of New York which was under my command, a most gallant regiment, and who fought with that regiment to the end of the war, and who were honorably discharged, many of them having been promoted for gallant conduct in the Army. Now do you mean to say that these men shall be cut off from the effects of the law when they could not return to their own command in time, and the only way they had of doing any good was by joining another command and fighting against the enemy? They may have been wrong in their judgment, they may have made a mistake, they may not have been altogether technically right, but their intention certainly was good, as was proved by the result. Their heart was right, their soul was right, everything going to make up an honorable and gallant soldier was theirs, and you would by failing to pass this bill just as it is cut off thousands of just such brave and honorable and true-hearted men. The number is not confined only to one or to two, but there are thousands of them.

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL. I will take the floor and yield my time to the gentleman from Kentucky.

Mr. WOLFORD. I thank the gentleman from Pennsylvania for his courtesy.

Now, Mr. Chairman, there are thousands of men all over the country who served in our Army and who are just in that difficulty, and this legislation is to relieve them. It is right and proper that it should be done.

This war was like no other war that ever occurred in the history of the United States. It was no foreign war, it was a civil war; it was a war between brethren; it was a war which grew up out of a dreadful mistake. [Laughter.] I contend it was the biggest mistake ever made. [Laughter and applause.] It has now passed by and we all know it has proved to be one of the grandest jokes and biggest mistakes ever made by any party against the Government. [Laughter and applause.] Whether it was a mistake or not, there was fighting everywhere. The armies that were in the field were fighting armies, they fought from State to State and from county to county, and necessarily, in rapid movements, men were often cut off from their commands. Now, are you going to say by the bill of the gentleman from Indiana that these men shall be cut off although they fought to the close of the war? Are you going to cut off the men who joined other commands and fought gallantly and who were honorably discharged? I am not talking about bounty-jumpers; but even if some bounty-jumpers should happen to get through it is our duty to do this justice to the brave and true soldiers to whom already injustice has been done.

Let me say right here, Mr. Chairman, that it is recorded in that old book I have read since I was a boy that God Almighty himself would have saved Sodom and Gomorrah if only ten righteous men could have been found there. [Laughter and applause.] And I do believe if a few men who were bounty-jumpers were to get advantage of this bill that is no good reason why we should cut out the great number of good and true soldiers it will include. The good and gallant men whom it will provide for are like the people of Sodom and Gomorrah compared to the few bounty-jumpers it will cover. The majority of those whom it will reach are honest soldiers, who believed they were doing right, although they made a mistake in their judgment.

And there is another thing I regret to notice, but truth compels me to say it at this time. There was another thing which compelled men to desert. It was unfortunately true that every officer in the Army was not what he should have been, a father to his regiment and a father to his command. Officers would take men for trivial crimes and hang them up by their thumbs and disgracee them and would treat them with all manner of inhumanity. Thank God such officers were very few, but there were such officers. In such regiments it is not to be wondered at that men did desert. Could you blame them? They did not desert their country, they did not desert the flag of the Union, they did not desert the cause which they had sworn to support. No; all they did was to desert a tyrant who as an officer was placed over them. They deserted the command of an officer who was placed over them and who did not treat them with sympathy and kindness, and they went off to better quarters and joined other commands where they could receive some encouragement and some of the attentions to which they were entitled, and there they did battle for their country and fought gallantly. Many of these gallant men have died, and their widows and children have the right to demand of this Government that the names of these men shall be relieved from the injustice which has been put upon them of marking them as deserters. They fought for their country and did good service, and they have the right to ask the name of deserter shall be blotted out from their record. The man who made a mistake and absented himself from one command and went and joined another regiment and fought gallantly to the end of the war and died in the service should not have his widow and children suffering under the stigma that he was a deserter, but that charge should be blotted out of his record, and they should receive the relief to which they are entitled.

Are not these gentlemen who are making such a fuss about what this bill may do for bounty-jumpers a little mistaken in what they are doing? I am not pleading for bounty-jumpers; far from it. I plead for the honest soldiers of this country. I plead for the noble and gallant men who were ready to do their duty, to rush to the front, to die if need be for their country when the crash of war came. If in the endeavor to do them justice a few of these bounty jumpers should be benefited, I say let justice be done. If you can get in a good soldier and grant him relief, I say do not exclude him because the act of justice that you do to him might perhaps give some undeserved aid to the bounty-jumper. What, then, are you afraid of? There are no hostile forces abroad over your land. There are no sounds of battle in the air. There are no hostile navies on the ocean. We are in profound peace with the whole world.

You do not want to set an example, you say. You do not want to encourage bounty-jumpers and deserters. But you would never set an unworthy example by doing an act of justice to these gallant men, although in that act of justice you did aid a few of those who are not entitled to it. Wipe out the stain that your records bear against those men who fought for their country. A good name, Mr. Chairman, is better than riches——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEWITT, of Alabama, took the floor, and yielded his time to Mr. WOLFORD.

Mr. WOLFORD. I thank the honorable gentleman from Alabama. I have only a few words more to say, Mr. Chairman. It is said in the Bible that a good name is better than great riches.

We fear no evils from hostile forces now; but, oh, what would you take—and I put it to you all, you gallant soldiers, and I put it to my distinguished friend from Indiana [Mr. STEELE], who has a record of honor, and one that not only honors him but his country—what would you take to have written against that honored name in the records of your country, the highest records of the whole world, the terrible word "Deserter?" No gold could tempt you. Just think for a moment of the thousands of gallant men against whom this country permits that dreadful word to be written. If they have a little child, a youth, a boy verging on manhood, a little babe in the arms, that stain rests upon them forever.

Would you allow your child—and we must do as we would have others do unto us—would you have that burning stain and disgrace written against the names of those little children whom you love?

I am not talking of pensions or back pay, though many of them ought to have that; I am talking now of a higher thing—the honor, the integrity, and the good name of man. There is no one among you who would have his name tarnished in that manner for all the world. The honor of a man is a costly thing, and shonld not be trifled with or tarnished.

Would you have the cold finger of scorn pointed at your children when they go their way through the world? Would you let the brand of infamy hang upon them forever? Why, then, are you unwilling to remove that burning shame from the records of these honorable, gallant men who rushed forward in the hour of our country's peril and danger when our good friends here all around me had us by the throats and were about to destroy us? [Laughter.] Would you have this stain to remain upon the records of these gallant, honorable men because the removal of it might also lift it from a few hundred that are unworthy and undeserving? Perhaps many of them did not think for a moment of what they were doing. Perhaps they were young, impulsive, knowing nothing about red-tape and records, never dreaming for a moment of the vile infamy that would blast their lives forever.

Do you want them dishonored? Would you have disgrace and infamy attach to them for all time? If you would perpetuate the infamy which attaches to their names, then refuse to pass this bill. I appeal to you gentlemen who would attach infamy to bounty-jumpers, will you also attach infamy to him who died upon the field of battle, so that his children shall bear the stigma of disgrace forever? Would you attach endless disgrace to these hundreds of one-legged or one-armed men, these gallant soldiers that can not draw a pension and are disabled from all pursuits whereby they can earn their own subsistence? They do not ask you for pensions. They would rather have a good name than the support which the pension would grant them. Will you attach shame and infamy to them because, forsooth, you might release some of these bounty-jumpers?

Mr. Chairman, you need not be afraid of relieving the bounty-jumpers. They can never be relieved. Infamy is theirs now. You can not brand them with any deeper shame than that with which they now walk abroad among their fellow-men. They know it when they get home. But there are all over this land thousands of men who periled their lives and their health for their country; there are thousands of widows and children upon whose innocent heads rest the stigma of disgrace.

Now, will this country in a state of profound peace, when there is no fear of battle, no danger of hostile forces, rise up and say, "We shall cover you with disgrace and infamy, and your children shall wear the stain and the brand through their lives; the finger of cruel scorn shall ever be pointed at them and we will never relieve you?" Is that the way for the great American nation to deal with its gallant soldiers, its noble defenders? Congress may say it is, but in the homes of the soldiers, in the communities where they are living and where they are known and respected among their neighbors, it will be said that you are doing them a wrong and that you should wipe out the disgrace. [Applause.]

[Here the hammer fell.]

Mr. CALKINS. I move to strike out the last word.

I desire to call the attention of the committee to one or two matters in reference to this subject in connection with the bill now under consideration. In the last Congress a bill was passed removing the charge of desertion against certain soldiers that had left their commands and were borne on the rolls as deserters or as absent without leave. That bill received a very careful consideration both in this end of the Capitol and in the other, and finally went to a committee of conference. The difficulty after that law was passed which was encountered in carrying it out was the construction which all the military courts and the judge-advocates-general have during the last seventy or eighty years given to the word "deserter;" so that when the law came to be construed by the Secretary of War it left the class of men who were intended to be benefited by the act in just as bad a condition as if the bill had not been passed.

Mr. CUTCHEON. The language was, "who did intentionally desert."

Mr. CALKINS. It is suggested to me the expression used was "intentional desertion.

Mr. VANCE. Does this bill remedy that?

Mr. CALKINS. I was going on to show that it does not. The other bill carried the words "intentional deserter" or "intentional desertion."

Mr. RYAN. And that destroyed it.

Mr. CALKINS. But that word "intentional" had very little to do, if anything, with the construction which the Secretary of War put upon the word "deserter." If any gentleman will take the trouble to look up his construction of the law, he will find the word "deserter" in the military law is a word bearing a technical construction, and I have my doubts whether, for that reason, any bill carrying these words in it, unless they are classified, will do any good to the soldiers that are intended to be benefited.

There are two or three classes of soldiers for whose benefit a law should be passed. As, for example, those men who left their commands after the war had practically closed. After the surrender of Johnston in North Carolina it was known to all of the men in the Army as well as to the officers that the war was about over and they construed for themselves the right to say that their time of service was over, and many of them went home. They were good soldiers, had served during the war many of them; they were brave men, many of them promoted for gallantry. I have in my mind several of such men who served with me in my regiment. There is another class of men who should be relieved.

Mr. WARNER, of Ohio. Is not that the most meritorious class of all?

Mr. CALKINS. There is another class just as meritorious: the class of men who fell by the wayside in the long marches and when the commands were moving hastily from one part of the country to another; and some orderly sergeant or lieutenant or captain in command of the company, not knowing where they were, not knowing what the effect would be hereafter, marked them as absent with leave. After a while, when the war closed, they had not caught up with their commands, and they were marked as deserters.

There is still another meritorious class: men captured in battle and taken to prison; and their commanding officers, not knowing where they were, marked those men as deserters and they are borne on the roll as deserters. Then there were some men absolutely killed in action, or wounded so badly that they afterwards died, that are marked as deserters.

All these men should be relieved. I think we are all practically of one mind on that subject. The only question is how to draw a bill such that the Secretary of War under the opinion of the Judge-Advocate-General, following a long line of precedents, would not so construe it as entirely to do away with its effect and meaning. I do not think the words "intentional desertion" in our last bill had anything to do with the construction the Secretary of War put upon it. His construction was founded upon the opinion given him by the Judge-Advocate-General, and the Judge-Advocate-General in construing the law discusses simply the term "deserter;" and he says a man can not be a deserter unless he intentionally deserts, and that has been the construction of the Department for seventy or eighty years.

Mr. VANCE. If a man is absent from his command without leave, and is so marked, is not that the ordinary acceptation of the term?

Mr. CALKINS. The ordinary construction of the War Department is that whenever a man is marked and borne on the roll as a deserter he is in fact a deserter, and no bill will relieve him unless you relieve by classes; unless you classify those men who left under certain circumstances and those who left under certain other circumstances, naming each class. I think that is the only kind of bill that will benefit these men.

Mr. BROWN, of Pennsylvania. Then would not the amendment of the gentleman from Indiana [Mr. BROWNE] now pending cover the point which the gentleman is discussing?

Mr. CALKINS. Pretty nearly.

[Here the hammer fell.]

Mr. CURTIN. I know very well it would be quite improper to grant any relief to bounty-jumpers. I can not but think the number of that class is very much magnified in the discussion of this measure. The armies of the Government engaged in the war show on the roll a total of forty or fifty thousand over three million men. The desertions were less than 9 per cent., as stated by the gentleman from New York [Mr. HISCOCK] when this bill was formerly under discussion. The proportion of deserters from the armies of the Government in the war of 1812–'13 was much larger. The deserters from the Prussian army in the invasion of Austria in 1866 were three times that proportion; and the deserters from the German army in the invasion of France in the late war were more than twice that proportion. So that the number of desertions is not extraordinary considering the extent of territory over which the soldiers were fighting and their proximity to their homes.

It seems to me this bill very properly gives the Secretary of War the discretion to classify. There is no doubt he can distinguish between the real soldier who went home and who is intended to be the beneficiary of this bill, and the bounty-jumper who has been so reprobated, and so properly reprobated, on this floor.

As to the class of men called "bounty-jumpers," we in Pennsylvania had perhaps less experience with them than they had in other States. We were more remote from the class of men who were professional bounty-jumpers, who generally came from Canada and landed in States west of us or States nearer the borders. But we have in Pennsylvania more soldiers who are marked on the rolls as deserters than many States of the West have, for the reason that our Pennsylvania soldiers came to Washington with the Army of the West and of the Potomac, and when the war was over many of them went home, more perhaps in proportion than from some of the other States.

Mr. STEELE. Intending to come back and be mustered out?

Mr. CURTIN. They expected to come back and be mustered out. They went home and assisted in cutting the harvest, and many of them did come back. I have applied to the Department to wipe out that stain from the record of the soldiers of Pennsylvania, and I have some satisfaction in saying that among them all I have not come across a single bounty-jumper; not one of that class. The professional bounty-jumper had exhausted himself before that period of the war came on.

Now, with the bill which has already passed the House, and which covers the cases complained of by the gentleman from Ohio [Mr. WARNER], and with the classification proposed to this bill by the gentleman from Indiana [Mr. BROWNE], and with the saving clause in the amendment just proposed, leaving to the Secretary of War a discretion in the matter, it seems to me that this bill can not be made more perfect to protect those who deserve protection and to place in the proper quarters the responsibility and the power of preventing those who are unworthy from receiving the bounty of the Government.

Mr. JONES, of Arkansas. I now move that the committee rise for the purpose of obtaining an order from the House to limit debate upon this section and all amendments thereto.

Mr. WARNER, of Ohio. Before that is done I would like to have read the amendment now pending, so that we may know what amendment is pending to the bill.

The Clerk read as follows:

Strike out all of the first section after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized and directed, in his discretion and upon satisfactory evidence, to relieve from the charge of desertion the following:

"First. Men charged with desertion who voluntarily returned to their command within thirty days and served honorably to the end of their term of service.

"Second. Men who deserted from hospital or from furlough given from a hospital while suffering from wounds, injuries, or disease received or contracted in the service and line of duty, and who on recovery returned voluntarily to the service and served honorably until discharged, or who died from such wounds, injury, or disease while so absent, and before the date of muster-out of their regiments.

"Third. Men who returned under the President's proclamation and served honorably until discharged.

"Fourth. Men who left the service without proper authority, and thereby became deserters, for the purpose of relieving their families, residing within the enemy's lines, from distress or want, and who returned voluntarily and served honorably until discharged.

"Fifth. Men who while awaiting exchange deserted from parol camp, or while on furlough from a parol camp or other authoritative source, and who voluntarily returned and served honorably until discharged.

"Sixth. Men who deserted from a furlough given by any authoritative source, and who during such absence died from wounds inflicted by the enemy or disease contracted in the service before the muster-out of their commands, or who left their regiments after May 1, 1865.

"Seventh. Men who deserted or left one command solely for the purpose of joining another and did join another command within thirty days thereafter and

served until the end of the war and were honorably discharged, and who received no additional bounty under such second enlistment: *Provided*, That no soldier shall be entitled to the benefits of this act against whom more than one charge of desertion shall be proved: *And provided further*, That the Secretary of the Navy shall be, and hereby is, authorized and empowered to apply the provisions of this act to the cases of appointed or enlisted men of the Navy or Marine Corps who served in the late war."

Mr. WARNER, of Ohio. A word or two before the committee rises.

Mr. JONES, of Wisconsin. I would like also to have read the amendment which has been sent up but not formally offered.

Mr. HEWITT, of Alabama. I desire to demand a division of the substitute.

Mr. COBB. One word on the amendment just read. I suggest that there should be an amendment to it to this effect: "Or who were in the act of returning to their commands and were prevented from so doing by being arrested by provost-marshals or otherwise." If the committee will permit me, I will say that there are cases of that kind in my district, of soldiers who went home temporarily with the intention of returning to their commands, and while in the act of returning were arrested.

Mr. CALKINS. In all those cases were they not court-martialed after they were taken back?

Mr. COBB. It was so near the close of the war that in many cases their regiments were disbanded before they could return.

Mr. CALKINS. In the cases where they were tried by court-martial, if an amendment of the kind suggested by my colleague [Mr. COBB] should prevail, it would have the effect of setting aside the findings of those courts-martial.

Mr. COBB. There are cases in my district——

Mr. CALKINS. I have no doubt there are cases in which such a course would be proper.

The CHAIRMAN. Debate is proceeding only by unanimous consent, pending the motion that the committee rise.

Mr. JONES, of Wisconsin. I will withhold the motion only for the purpose of having read the amendment which is proposed by the committee, but not yet offered.

The Clerk read as follows:

Amend section 2 by adding the following:
"*Provided*, That the provisions of this act shall not be applicable to any soldier who willfully deserted for the purpose of obtaining a bounty or other pecuniary reward by re-enlistment, and the granting of relief in each case shall be discretionary with the Secretary of War after an examination of the facts."

Mr. JONES, of Wisconsin. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion, and had come to no resolution thereon.

Mr. JONES, of Wisconsin. Mr. Speaker, I move that when the Committee of the Whole House on the Private Calendar resumes the consideration of the pending bill, all debate upon the first section of the bill and pending amendments be limited to fifteen minutes.

Mr. MCMILLIN. I hope the gentleman will say "ten minutes." We have had two days of solid debate on this bill, and it is time the debate should be ended.

Mr. LAIRD. If I rightly understand, the entire controversy is upon the amendment offered to the first section of the bill. I hope we shall be allowed at least fifteen minutes for debate; I think we ought to have twenty.

Mr. JONES, of Wisconsin. I can not accommodate all gentlemen; I must insist on my motion.

Mr. STEELE. I move to amend the motion of the gentleman from Wisconsin by striking out "fifteen" and inserting "five."

Mr. WELLER. I move to amend the amendment by striking out "five" and inserting "twenty."

Mr. WELLER'S amendment to the amendment was not agreed to.

The amendment of Mr. STEELE to the motion of Mr. JONES, of Wisconsin, was agreed to; and the motion as amended was adopted.

Mr. JONES, of Wisconsin. I move that the House again resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, and resumed the consideration of the bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion.

The CHAIRMAN. By order of the House debate on the first section of this bill and the pending amendments is limited to five minutes.

Mr. JONES, of Wisconsin. Mr. Chairman, how much of that time can I control?

The CHAIRMAN. The gentleman is recognized to control the whole of the five minutes.

Mr. JONES, of Wisconsin. I yield three minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. Mr. Chairman, I believe all members of the House agree that the charge of desertion should be removed in every case where it has been erroneously or unjustly or improperly made; that where any mistake has been committed in this respect the mistake should be corrected. But I think it important, Mr. Chairman, that we should not go beyond proper limits. We are making history; we are establishing precedents. Congress will not, I believe, undertake to enact that a man who intentionally deserted his command should be placed upon the same plane with the soldier who staid with his command, stood by his colors to the end. Such a precedent would be a very bad one and would tend to destroy all military discipline.

I think, however, Mr. Chairman, that the amendments offered to the bill before us by the distinguished gentleman from Indiana when it was last under consideration sufficiently guard it against abuses, while at the same time admitting all meritorious cases, and afford relief to every man against whom the charge of desertion has been erroneously or wrongfully made, but leaving the charge to stand, as it ought to stand, where men deliberately deserted their comrades in the field before the war was over, whether to draw a bounty by enlisting in another regiment or to escape the perils of battle or any other improper purpose. If we let down the bars and by an act of Congress declare that a soldier who stood faithfully by his colors and with his command from the beginning to the end of the war, braving all hardships for his country's sake, shall stand no better in the eyes of Congress and in the history of his country than he who willfully deserted, we make a mistake. But guarded as this bill is by these amendments, I think it safe and right. But without the safeguards of these amendments I can not support the bill, for I am not willing to enact that a willful deserter from his command while the war was going on shall be put upon the same plane now and be counted equally worthy with those who served faithfully throughout the war. To do that is to dishonor the true soldier, and as a precedent it would be bad. It is against good discipline and would tend to discourage rather than encourage faithful service in time of war. Intentional desertion and faithful service are not the same and ought not to be put on an equality by an enactment of Congress.

Mr. JONES, of Wisconsin. I yield the remainder of my time to the gentleman from Indiana [Mr. STEELE].

Mr. STEELE. I yield one minute to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, it occurs to me that unless this amendment upon which we are to vote has been more carefully examined by members generally than by those who have spoken upon it, we are going to vote without understanding fully the effect of the acceptance or rejection of the proposition. There are two important features in this amendment. One of these is in the very front. It is provided that if a soldier shall have returned in thirty days and served until the end of his term he shall be entitled now to an honorable discharge. Suppose, as a matter of fact, the soldier returned in thirty-one days, or thirty-five days, or forty days. What shade of equity shall justify the refusal of an honorable discharge to a man who returned to the service after perhaps thirty-five days' absence, while a discharge is given to the man who returned in thirty days?

Throughout this first section as it will stand if the amendment of the gentleman from Indiana [Mr. BROWNE] be adopted there are presented objections equally pertinent, although the amendment embraces of course some good features. I call attention to this paragraph of the amendment:

Second. Men who deserted from hospital or from furlough given from a hospital while suffering from wounds, injuries, or disease received or contracted in the service and line of duty, and who on recovery returned voluntarily to the service and served honorably until discharged, or who died from such wounds, injury, or disease while so absent, and before the date of muster-out of their regiments.

Now, under this provision, in order that the person who was wounded and was furloughed from a hospital shall receive the benefit of the bill, he must have died—an extraordinary qualification for amnesty!

[Here the hammer fell.]

Mr. STEELE. I yield half a minute to the gentleman from Iowa [Mr. WELLER].

Mr. WELLER. I desire to call attention to another class of cases which it seems to me have not received proper consideration. I presented to the attention of the House the other day a certificate by the adjutant-general of the State of Wisconsin, with an accompanying letter setting forth the facts of a case where a man enlisted for one hundred days' service, and during that time was detailed for duty in his own State. His regiment was mustered out of the service, but he was unable to join his regiment in time to be properly mustered out, and to-day he is accounted a deserter. Now, the amendment of the gentleman from Wisconsin [Mr. JONES] covers that case, while the amendment of the gentleman from Indiana [Mr. BROWNE] does not cover it. There are thousands of other cases where the soldier left his command in the very closing hours of the war and returned to his home, believing the war was virtually over, and to-day all such men are borne upon the rolls as deserters. If we attempt to pass a bill which shall take into consideration and relieve every class of cases we shall make an utter failure of it, but if we will except the class which we desire shall receive no benefit at the hands of Congress in the way of relief, we can provide for the relief of all those who ought to have it. It seems to me the amendment of the gentleman from Wisconsin covers the whole case.

The CHAIRMAN. The gentleman's time has expired, and debate is exhausted.

Mr. STEELE. I had two minutes, and only yielded one minute and a half.

The CHAIRMAN. The gentleman from Wisconsin [Mr. JONES] had five minutes under the order of the House, and he yielded three minutes to the gentleman from Ohio [Mr. WARNER] and two minutes to the gentleman from Indiana [Mr. STEELE]. The Chair has allowed gentlemen to overrun their time to a considerable extent.

Mr. STEELE. I had the floor for a certain time and no one can take it from me.

The CHAIRMAN. The gentleman's time has expired.

Mr. STEELE. I only yielded one minute and a half of my two minutes—one minute to the gentleman from Nebraska and a half-minute to the gentleman from Iowa.

The CHAIRMAN. The gentleman yielded his time and it has expired.

Mr. STEELE. I rise to a question of order. What has become of the other half-minute I did not yield?

The CHAIRMAN. It has "gone into the abysm and rearward of time." [Laughter.]

Mr. CUTCHEON. I have an amendment to offer which I would like to have an opportunity of explaining.

The CHAIRMAN. Debate is not in order.

Mr. CUTCHEON. I will move then, in the first proposition of the amendment submitted by the gentleman from Indiana [Mr. BROWNE], to strike out "men," and insert "the soldiers who served in the late war in the volunteer forces of the United States;" so that if amended it will read as follows:

First. All soldiers who served in the late war in the volunteer forces of the United States charged with desertion, who voluntarily returned to their commands within thirty days, and served honorably to the end of their term of service.

Mr. COBB. Is an amendment to that amendment in order?

The CHAIRMAN. It is not.

Mr. LAIRD. The words "and sailors" should be inserted. We have a good deal of legislation here about soldiers, and sailors are never included, as they ought to be.

The question recurred on Mr. CUTCHEON'S amendment to the amendment.

The committee divided; and there were—ayes 38, noes 34.

So the amendment to the amendment was agreed to.

Mr. MOREY. I move to amend the amendment of the gentleman from Indiana [Mr. BROWNE] by adding the following.

The Clerk read as follows:

Soldiers who from sickness or other cause, not of their fault, were separated from their commands and returned on their recovery from such sickness or the removal of such other cause of absence.

Mr. HEWITT, of Alabama. The gentleman should insert in his amendment "voluntarily."

The amendment to the amendment was disagreed to.

Mr. COBB. I offer an amendment to the amendment, to come in at the proper place.

The Clerk read as follows:

Or men who left their commands temporarily without leave, and who were voluntarily returning to their commands, but who were prevented from doing so by being arrested as deserters.

Mr. MCMILLIN. That is already covered by the proposed amendment.

Mr. COBB. I think not fully.

Mr. HOLMAN. Why not make that an amendment to the original measure?

The CHAIRMAN. It will come in with the rest of the exceptions.

The question was taken, and the Chair decided that by the sound the noes seemed to have it.

Mr. COBB. I ask for a division.

Mr. HOLMAN. I desire to know where that comes in.

The CHAIRMAN. It is proposed to add to the seventh clause of the pending amendment the amendment just read.

Mr. HOLMAN. I desire to ask my friend whether he intends to submit this as an amendment to the proposition of Mr. BROWNE or to the original bill?

Mr. COBB. I propose it as an amendment to the pending amendment of my colleague, although I am not particular at what point in the bill it is inserted.

Mr. HOLMAN. I think it will be better as an amendment to the original bill.

Mr. MCMILLIN. I make the point that all debate is out of order. The committee is dividing.

The CHAIRMAN. The gentleman from Indiana demanded a division upon the amendment.

The committee divided; and there were—ayes 7, noes 34.

So the amendment was not agreed to.

Mr. LAIRD. Mr. Chairman, I move to amend by striking out, in the first paragraph and in the seventh paragraph, the words "thirty days," and insert in place the words "six months."

Mr. MCMILLIN. Let the amendment be reported.

The Clerk read as follows:

It is proposed in the first proposition of the amendment submitted by Mr. BROWNE, of Indiana, to strike out the words "thirty days" and insert the words "six months;" and also, in the seventh clause of the amendment, to strike out the words "thirty days" and insert "six months."

The amendment was not agreed to.

The CHAIRMAN. The question is now on agreeing to the amendment of the gentleman from Indiana as modified.

Mr. CUTCHEON. I wish to move a further amendment to the first proposition of the gentleman from Indiana, by striking out the words "within thirty days." That will leave it entirely in the discretion of the Secretary of War.

The amendment was not agreed to.

Mr. WARNER, of Ohio. If not too late to offer an amendment to the second clause, after the words "line of duty" I propose to insert the words "or who were left sick in camp or on the march." I think that will commend itself to all.

The amendment was not agreed to.

Mr. CUTCHEON. I wish to make one further proposition, so as to make the whole amendment consistent with the first clause. I move to amend by striking out the word "men" in the second, third, fourth, fifth, sixth, and seventh clauses, and inserting the words "all such soldiers."

The amendment was agreed to

The CHAIRMAN. The question is now upon the amendment of the gentleman from Indiana [Mr. BROWNE] as modified.

The committee divided; and there were—ayes 26, noes 56.

So the amendment was not agreed to.

The CHAIRMAN. The Clerk will now report the second section of the bill.

The Clerk read as follows:

SEC. 2. That the charge of desertion standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall also be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier charged with desertion or with absence without leave, after such charge of desertion or absence without leave, voluntarily returned to his command, or who subsequently enlisted in another regiment or company and served in the line of his duty until he was mustered out of the service and received a certificate of honorable discharge.

Mr. JONES, of Wisconsin. I now ask to have the amendment which I have sent up read.

The Clerk read as follows:

Add to the end of section 2 the following:

"*Provided*, That the provisions of this act shall not be applicable to any soldier who willfully deserted for the purpose of obtaining the bounty or other pecuniary reward by re-enlistment; and the granting of relief in each case shall be discretionary with the Secretary of War after an investigation of the facts."

Mr. JONES, of Wisconsin. Mr. Chairman, this is an amendment which has the unanimous concurrence of our committee. We believe that the House has acted wisely in voting down the amendment offered by the gentleman from Indiana [Mr. BROWNE]. The large number of amendments which have been offered to the one proposed by him illustrate better than any argument can that when you attempt to restrict the discretion of the Secretary of War by certain specific rules you render the law of but little effect. Every gentleman here can by a hasty examination see that many meritorious soldiers would be denied just relief if inflexible rules should be adopted. Every case depends upon its own peculiar facts, and we can not in advance enumerate all the instances which will merit relief.

Several times Congress has found it necessary to legislate upon this subject. Two or three bills have been passed heretofore to relieve those men who, by some ignorance of their own, or perhaps by their carelessness or by the accidents of army life, have found their names unjustly on the roll of deserters. Probably every member of Congress has had the fact brought home to him that the laws now in existence do not do justice to some one or more of these men. Those laws fail because they attempt to restrict too much the discretion of the person whose duty it is to decide in each case.

Our committee believe that if the amendment I have proposed be adopted it will be unnecessary for those whom we would relieve to either present special bills hereafter or to ask for further general legislation.

There can be but one question. Is it dangerous to intrust this discretion to the Secretary of War? Is it unsafe to allow him to judge of the merits of each case? We believe not. He has the whole record of the soldier subject to his inspection. He can make such further investigation as may be proper in every case. The restriction we do seek to impose is to prevent that class known as bounty-jumpers from being beneficiaries under the bill. We believe the public interest will be best subserved by giving the Secretary a wide discretion in these cases which are constantly being brought before us, and which we have neither the time nor opportunity to investigate.

I trust that the House will agree with us, and that the bill with this amendment will receive favorable action.

The gentleman from Delaware has called my attention to another amendment, making the law also applicable to those in the naval serv-

ice, and I think our committee will be willing to accept such an amendment.

Mr. LAIRD. I desire to ask the gentleman from Wisconsin a question.

The CHAIRMAN. The gentleman from Delaware [Mr. LORE] is recognized.

Mr. LORE. I offer the amendment which I send to the desk.

The CHAIRMAN. Does the gentleman offer his amendment as an amendment to that of the gentleman from Wisconsin?

Mr. LORE. I will withhold it for the present.

Mr. LAIRD. I ask the gentleman from Wisconsin whether he would be willing to accept an amendment including the Navy?

Mr. JONES, of Wisconsin. That is an amendment which is about to be offered which we propose to accept.

Mr. ROSECRANS. I desire to offer an amendment.

The CHAIRMAN. Is it an amendment to the amendment of the gentleman from Wisconsin?

Mr. ROSECRANS. It may be either that or a substitute.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. JONES].

The amendment was agreed to.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amend section 2, in line 11, by inserting after the word "company" the following: "Without having done so to escape punishment for misconduct or without having received any bounty or pecuniary reward therefor."

Mr. LAIRD. If the committee is to adopt that amendment I should like the gentleman from California to modify it by inserting the word "additional" before the word "bounty." I make this suggestion for this reason: As a matter of fact if a man had served over six months, or at least nine months after 1862, and then left his command and afterward enlisted in a veteran regiment he became a veteran and entitled to bounty. He could not enlist after 1862 without receiving bounty. Therefore I suggest that the word "additional" be added.

Mr. ROSECRANS. I accept the suggestion and modify the amendment accordingly.

Mr. LAIRD. I will state, however, that I am opposed to the amendment and would leave the matter as the amendment of the gentleman from Wisconsin has left it.

Mr. ROWELL. I suggest to the gentleman from California that the amendment already adopted substantially covers his.

Mr. BROWN, of Pennsylvania. I make the point of order that an amendment equivalent to the proposed amendment of the gentleman from California has already been adopted.

The CHAIRMAN. That is not a point of order. That is a question for the committee to decide.

The amendment of Mr. ROSECRANS was not agreed to.

Mr. LORE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 2 by inserting in line 11, after the word "company," the following: "or in the United States naval forces."

The amendment was agreed to.

Mr. COBB. I offer the amendment which I send to the desk.

The Clerk read as follows:

In section 2, after the word "leave," in line 9, insert "or men who left their commands temporarily without leave, and who were voluntarily returning to their commands, but who were prevented from doing so by being arrested as deserters."

Mr. ROWELL. That is covered absolutely by the amendment already adopted.

Mr. COBB. I do not think it is.

Mr. CURTIN. I think it is covered by the amendment already adopted.

The amendment was not agreed to.

The Clerk resumed the reading of the bill and read section 4, as follows:

SEC. 4. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or in case of his death the heirs or legal representatives of such soldier, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave: *Provided, however*, That this act shall not be so construed as to give to any such soldier as may be entitled to relief under the provisions of this act, or in case of his death to the heirs or legal representatives of any such soldier, the right to receive pay and bounty for any period of time during which such soldier was absent from his command without leave of absence.

Mr. LACEY. I desire to offer as an additional section what I send to the desk.

The Clerk read as follows:

SEC. 5. That the accounting officers of the Treasury Department shall make no charge on account of any overpayment made previous to the 16th day of March, 1868, to any non-commissioned officer, musician, or private in the late civil war, and no prosecution shall be instituted or further prosecuted to recover such overpayment.

Mr. HEWITT, of Alabama. I make the point of order that that is not germane to this bill.

Mr. LACEY. I hope the gentleman will withdraw the point of order. The amendment is accepted by the committee, as I understand.

Mr. HEWITT, of Alabama. No matter if it is; it is not germane to this bill. Let it come before the House in its regular order.

Mr. LACEY. I insist that the amendment is germane to the bill, and the committee in charge of the bill do not raise the point of order. The new section I propose puts a limitation on actions against soldiers to whom overpayments were accidentally made. Paymasters and quartermasters and other commissioned officers have been relieved of their responsibilities to the date mentioned in this section, and it is only right that soldiers, musicians, and non-commissioned officers should also be relieved from suit for such overpayment.

The CHAIRMAN. Will the gentleman from Michigan state the relation which exists between the section he proposes and the removal of the charges of desertion which is the subject-matter of the bill? The Chair is unable to see wherein the matter of his amendment is germane to the pending bill.

Mr. LACEY. The object of this bill is to relieve soldiers from certain disabilities, and it seems to me that as this proposes to remove disabilities they are laboring under by reason of overpayments accidentally made it is germane to the bill.

The CHAIRMAN. The Chair is inclined to sustain the point of order. The point of order is sustained.

Mr. PERKINS. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of the fourth section insert the following:

"Unless such absence without leave resulted from his confinement as a prisoner of war."

Mr. PERKINS. The proviso attached to the fourth section precludes any soldier from getting any pay during the time he is marked absent without leave. I think that is unjust to those who were marked as absent without leave in consequence of being prisoners of war. The amendment I offer is to limit the effect of the proviso in that particular.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. JONES, of Wisconsin. I move that the bill with the amendments thereto be laid aside to be reported favorably to the House.

The question being taken, the chairman stated that the ayes seemed to have it.

Mr. HEWITT, of Alabama. I call for a division.

The committee divided; and there were—ayes 70, noes 13.

Mr. HEWITT, of Alabama. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HEWITT, of Alabama. I withdraw the call for a quorum so that the bill may be reported, and I shall ask for a vote in the House.

No further count being called for, the motion of Mr. JONES, of Wisconsin, was agreed to; and the bill, with the amendments thereto, was ordered to be laid aside to be reported to the House with a favorable recommendation.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. SPRINGER took the chair as Speaker *pro tempore*.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

The Committee of the Whole resumed its session.

JOHN P. GREGSON.

The next business on the Private Calendar was the bill (H. R. 257) for the relief of John P. Gregson.

The bill was read, as follows:

Be it enacted, &c., That the sum of $422.24 be, and the same is hereby, appropriated out of the Treasury of the United States, out of any moneys not otherwise appropriated, to reimburse John P. Gregson, secretary to commander-in-chief, for expenses paid by him on account of compulsory residence in Rio de Janeiro from December 23, 1873, to July 12, 1874, during the absence of the flag-ship Lancaster, in pursuance of the order of Rear-Admiral J. H. Strong, commanding United States force on South Atlantic station.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 257) for the relief of John P. Gregson, having had the same under consideration, beg leave to report as follows:

A bill identical with this one was considered by the Committee on Naval Affairs of the House of Representatives during the second session of the Forty-sixth Congress, and the facts and their conclusions thereon fully ascertained and reported to the House. Your committee, after fully considering the whole case, ask leave to adopt said former report, and recommend the passage of the bill.

"Mr. Elam, from the Committee on Naval Affairs, submitted the following report (to accompany bill H. R. 2304):

"The Committee on Naval Affairs, to whom was referred the bill (H. R. 2304) for the relief of John P. Gregson, beg leave to report as follows:

"They find that by the order of Rear-Admiral J. H. Strong, commanding United States naval force, South Atlantic station, dated Monongahela, Rio de Janeiro, December 23, 1873, the said John P. Gregson, secretary to the commander-in-chief, was directed to take quarters on shore until the arrival of the Lancaster, because there were no quarters for the commander and his staff on shipboard, and that said secretary remained on shore until July 12, 1874, when he went on board of the flag-ship Lancaster, as directed by the said Rear-Admiral J. H. Strong, and that the evidence further shows that the bill presented by the memorialist is correct and ought to be paid; wherefore they recommend the passage of the bill."

Mr. THOMAS. The facts in the case as stated in the report are all the facts that have come to the attention of the committee. As a mem-

ber of the Committee on Naval Affairs I have investigated this subject thoroughly, and I find that without any fault on the part of this man John P. Gregson, who was secretary to the admiral in command of the United States naval forces on the South Atlantic station, he was compelled to pay out of his own pocket the sum of money mentioned in the bill while performing duty in compliance with the orders of the admiral. This necessity grew out of the fact that the yellow fever broke out on board the ship and it was necessary for the officers and crew to remove from it.

This claim is certainly just and ought to have been paid long since. It has been reported favorably time and again, and no one questions the justice of it. I hope it will be passed.

I desire to say further that there were two men situated exactly alike. Subsequently to the introduction of this bill and its reference to the Committee on Naval Affairs a bill was introduced by the gentleman from New York [Mr. ROBINSON] for the relief of the other party, and referred to the Committee on Claims. They stand on exactly the same footing. Each was compelled to pay out of his own private funds a sum of money which ought to be reimbursed to him. That bill, referred to the Committee on Naval Affairs, has been investigated by the gentleman from New Hampshire [Mr. RAY], who informs me that each case is equally meritorious.

As the gentleman from New York [Mr. ROBINSON] sees no other way of reaching action by the House on his bill, he has prepared a bill including both of these claimants and, if no one else objects, I shall not object to substituting that bill for the one now before the committee, so that the two claimants may have justice done them at the same time. As I have said, they stand exactly upon the same footing; they were compelled to pay out the same sum of money; and I will yield to the gentleman from New York to move his substitute, which includes both cases.

Mr. MCMILLIN. Before the gentleman from Illinois [Mr. THOMAS] takes his seat, I desire to inquire of him what has been the custom in cases of this kind.

Mr. THOMAS. The custom has been to allow the claims.

Mr. MCMILLIN. By what authority?

Mr. THOMAS. This was an extraordinary case.

Mr. MCMILLIN. By what authority have these claims been allowed?

Mr. THOMAS. By authority of special acts of Congress.

Mr. MCMILLIN. In what other cases has this been done?

Mr. THOMAS. I do not now recollect the names of the claimants, but I know it was done in the case of a part of the officers and crew of the Saratoga at the time when the yellow fever broke out on that vessel in the West Indies and they were compelled to be transferred to the shore. It was also done in one case on the Swatara, and in another case on the Lackawanna. There have been three cases where bills of this character have been paid.

There was no choice on the part of these men; they were in the service and were compelled, by the orders of the admiral, to go on shore and pay for their board and lodging out of their own private funds. This bill proposes simply to refund them the amount they were compelled to pay.

Mr. WOLFORD. Are these claimants allowed interest on the money which they paid?

Mr. THOMAS. They are not; this bill is to pay them exactly the same amount which they paid out, without interest.

Mr. WOLFORD. They ought to have interest.

Mr. ROBINSON, of New York. I thank the gentleman from Illinois [Mr. THOMAS] for what he has said and indorse every word of it. I want to add a single word or two. I hold in my hand the substitute to which he refers, for the relief of John P. Gregson and Francis H. Ellison. In the Forty-sixth Congress a bill was introduced for the relief of Francis H. Ellison, which was unanimously recommended by the committee. The committee having the bill under consideration, reporting through Mr. BREWER, of New Jersey, reported that Mr. Ellison should not be exclusively favored by the bill, but that Mr. John P. Gregson should also be included.

The two men, Gregson and Ellison, stand on exactly the same footing, having been compelled to pay out of their own pockets exactly the same sum of money. For more than ten years they have been badgered about from one point to another, one getting in at one time and another getting in at another. The last mistake was made in reference to the bill which I introduced for the relief of Mr. Ellison. Instead of going to the Committee on Naval Affairs, of which my friend from Illinois [Mr. THOMAS] is a member, and which had charge of the bill for the relief of Mr. Gregson, it went to the Committee on Claims. The Committee on Claims referred it to the gentleman from New Hampshire [Mr. RAY], who finds that the claim is all right.

These claimants having been kept separate so long, with the permission of the gentleman from Illinois [Mr. THOMAS] reporting the bill now under consideration, I will offer a substitute which I have prepared, uniting the two claims in the same bill.

The CHAIRMAN. The gentleman from New York [Mr. ROBINSON] proposes a substitute for the pending bill, which will be read.

The substitute was read, as follows:

Be it enacted, &c., That the sum of $844.48 be, and the same is hereby, appropriated out of the Treasury of the United States, out of any moneys not otherwise appropriated, to reimburse John P. Gregson and Francis H. Ellison for expenses paid by them on account of compulsory residence in Rio de Janeiro from December 23, 1873, to July 12, 1874, during the absence of the flag-ship Lancaster, in pursuance of the order of Rear-Admiral J. H. Strong, commanding the United States force on South Atlantic station; one-half of said sum to be paid to the said John P. Gregson and the said Francis H. Ellison, respectively.

Mr. HOLMAN. I hope the report will be read.

The CHAIRMAN. It has been read.

A MEMBER. What is the amount involved?

Mr. THOMAS. Eight hundred and forty-five dollars to the two claimants.

Mr. HOLMAN. I was out of the Hall for a short time; and I suppose the report was read during my absence. I have not been able to understand the statement made by the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. I will very gladly repeat it if thereby the passage of this very just measure can be expedited.

Mr. HOLMAN. As I see that gentlemen here who have been watching the bill think that the substitute should be adopted, I will make no objection.

The substitute was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MYRA CLARK GAINES.

The next business on the Private Calendar was the bill (H. R. 1000) for the relief of Myra Clark Gaines.

The bill was read, as follows:

Whereas it appears that Myra Clark Gaines, as the legal representative of Daniel Clark, deceased, of Louisiana, is entitled to 39,737 arpents of land, being a portion of a grant made by Spain to Thomas Urquhart, and 5,470 arpens, being a portion of a grant made by Spain to John Lynd, amounting altogether to 45,207 arpents, equal to 38,457 acres of land: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That patents shall issue in the usual manner to Myra Clark Gaines, her heirs and assigns, for all of the aforesaid lands which the Commissioner of the General Land Office shall find to be vacant, unappropriated, and undisposed of by the United States, which patents shall operate only as a relinquishment of title on the part of the United States, and shall not in any wise impair or preclude any adverse claimant or claimants from the right to assert the validity of their claim or claims in a court or courts of justice: *Provided*, That no mineral lands shall be granted by this act, or located by the scrip to be issued pursuant to this act.

SEC. 2. That for all of said lands which have been disposed of by the United States, or otherwise lawfully appropriated, the Commissioner of the General Land Office shall issue in lieu thereof certificates of location of the character prescribed by the sixth section of the act of Congress approved June 22, 1860, entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes."

SEC. 3. That the provisions of the act of Congress approved January 28, 1879, entitled "An act defining the manner in which certain land-scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives," shall apply to all the certificates of location which are issued under this act as aforesaid.

The report was read, as follows:

Mr. COSGROVE, from the Committee on Private Land Claims, submitted the following report, to accompany bill H. R. 1000:

The Committee on Private Land Claims, to whom was referred the bill (H. R. 1000) to confirm a certain private land claim in the Territory of New Mexico, having considered the same, make the following report:

That the committee find the facts to be as stated in House Report No. 531, Forty-seventh Congress, first session, which said report is hereto annexed and made a part of this report:

"This claim is based upon two grants of land made by Morales, intendent general of the Spanish province of West Florida: one, embracing 50,000 arpents, to Thomas Urquhart in 1803; the other, embracing 32,025 arpents, to John Lynde in 1806. They were both made in writing before the cession of said province to the United States by the Spanish Government, and while Spain claimed sovereignty over and had the actual possession of the same. The grants are therefore of the class entitled to confirmation, under the act of June 22, 1860 (12 Statutes, 85), which provides—

"'That any person or persons, and the legal representatives of any person or persons, who claim any lands lying within the States of Florida, Louisiana, or Missouri, by virtue of grant, concession, order of survey, permission to settle, or other written evidence of title, emanating from any foreign government, bearing date prior to the cession to the United States of the territory out of which such States were formed, or during the period when any such government claimed sovereignty, or had the actual possession of the district or territory in which the lands so claimed are situated, shall be and they are hereby authorized to make application for a confirmation of their title to the lands so claimed,' &c.

"The act further provides that applications may be made to the courts or to special commissioners, whom it designates, and that they shall hear and decide according to principles established by it, and justice and equity. With this limitation it gives to the courts power to pass final judgment, but requires that claims presented to the commissioners shall be reported to Congress for its action thereon.

"The act further provides that applications shall be accompanied by a sworn statement by the claimant of the lands supposed to be covered by his claim, according to the legal divisions and subdivisions of the surveys made by the United States, &c.; and it also provides that if the lands, or any of them, have been sold by the Government, or can not be surveyed and located, the claimant, if his title be confirmed, shall have the right to enter a quantity, equal in extent to the lands thus sold, of any of the public lands of the United States subject to private entry at $1.25 per acre.

"This act was fully reviewed and interpreted by the Supreme Court in the case of the United States vs. Lynde, 11 Wallace, 632. In that case, involving one of the titles now in question, the court, after reciting the facts relating to the acquisition of title by the United States of the territory in which the lands claimed by Mrs. Gaines are situated, and to the grants made by Spain while it continued to occupy and claim the same, as well as the facts relating to the action of our Government, legislative and judicial, respecting said grants, from the time of the cession made by the treaty of February 22, 1819, between Spain and the United States, till the passage of the act of June 22, 1860, says:

"'That the object of this act was to confirm the grants in question seems hardly to admit of a doubt. It is true that in prescribing the powers and duties of the

special commissioner and the courts to whose decisions the applications were to be referred, it is provided that they shall decide thereon according to equity and justice. But it can hardly be contended, especially in view of what has already been said, that Congress meant by this language to authorize the said commissioners and courts to review the entire subject, and to decide what our Government ought to have done with regard to these grants. It could not have been the intention to throw the whole discussion open from the treaty of St. Ildefonso down to the present time, and to confer upon the tribunals named in the act the power which properly belonged to the political department of the Government, and to impose upon them the duty of declaring what the policy of the Government should be, or leave it to their, perhaps, varying judgments what were the true intent and meaning of the original treaties. That could not have been the design of Congress.

"'The act authorizes the claimants to present their claims for confirmation, and although it does not in so many words say that grants made by foreign governments while in possession of the territory and claiming so vereignty over it, if complete, regular, and fair, shall be sustained; yet that is the unavoidable inference to be derived from its language and from the events and course of decisions out of which it arose. And although it does not expressly repeal that part of the act of March 26, 1804, which declared void all grants of land within the ceded territories made after the date of the treaty of St. Ildefonso; yet its provisions, in order to have any effect at all, must be regarded as irreconcilable with that clause of the act of 1804, and, consequently, as repealing it by implication. We can not avoid the conclusion, therefore, that the act of June 22, 1860, was intended to validate all grants which were made by the Spanish Government to *bona fide* grantees of lands in the disputed territory while the Government remained in possession of the territory and claimed sovereignty over it, subject, of course, to the express exceptions of the treaty of 1819 and the supplementary declarations of the King of Spain finally annexed thereto.

"'What range of discretion was intended to be conferred upon the special commissioners and the courts by authorizing them to decide according to the principles of equity and justice is, perhaps, not entirely clear. The probable meaning is that these principles are to be applied to each particular case. If it should appear that a grant was obtained by fraud, or was affected by any other special vice, it would be the duty of the tribunals to reject it; or if it should appear that a claim was honest and meritorious, but defective in point of form or completeness, it might be the duty of the tribunals to sustain it as an equitable, if not strictly legal, title.

"'This view of the subject relieves us from the ungracious task of construing treaties and reviewing the conduct and policy of the Government. Congress, by the act of 1860, has declared its own policy, and has left us simply the office of judicially carrying out its enactments in individual cases as they come before us. Congress has laid down the general rule by placing the grants in question on a platform of equality with grants made by our own Government, and has left to the tribunals the duty of examining the merits of particular applications.'

"The act of 1860 provided that claims should be presented within five years from its date, but fixed no limitation as to when decisions thereon should be rendered. The civil war, which commenced soon after the passage of the act and continued until 1865, rendered the presentation of claims within the time limited impracticable. Congress, however, by act approved March 2, 1867 (14 Statutes, 544), revived and extended the provisions of the act of 1860 for the period of three years.

"Within the period prescribed by this act of revival and extension, to wit, in 1869, Mrs. Gaines presented her claim to the register and receiver of the land office at New Orleans, La., who were authorized and empowered to act as commissioners and to examine, decide, and report upon claims preferred to lands situated in their district.

"These officers, having the custody of the original Spanish and other records showing title in the applicant, decided that her claim was entitled to confirmation, and so reported to the Commissioner of the General Land Office, but failed to transmit with their report authenticated copies of the records and papers in their possession relating to the original grants, and the subsequent conveyances upon which they had based their opinion; and Mrs. Gaines, in making her application, failed to make the sworn statement required of the lands supposed to be covered by her claim, according to the legal divisions and subdivisions of the surveys made by the United States. Because of these defects and informalities in the proceedings and application, and because Commissioner Cosby, in his report upon the titles involved, under the act of April 25, 1812 (American State Papers, D. Green's edition, vol. 3, p. 54), classed them as lands not entitled to confirmation, the Commissioner of the General Land Office, in transmitting the claim to Congress, reported against its confirmation.

"Mrs. Gaines has since filed with your committee the sworn statement of the lands supposed to be covered by her claim and duly authenticated evidence of the original grants made by the Spanish Government to Urquhart and Lynde; also duly authenticated evidence of the conveyance of the Urquhart lands and 5,470 arpents of the Lynde lands to her father, Daniel Clark, by the original grantees of the Spanish Government. She has thus cured the material defects in her original application.

"These papers have been referred by your committee to the Commissioner of the General Land Office for examination, and he has reported thereon, expressing the opinion that if they had been before his office at the time the original report on Mrs. Gaines' claim was made it would have been different; and that the grants under which she claims are entitled to confirmation.

"The Commissioner, however, finds and reports that of the 50,000 arpents granted to Urquhart by the Spanish Government, and by him conveyed to Daniel Clark, the father of Mrs. Gaines, she has conveyed to Caleb Cushing a tract containing 10,263 arpents, and that that amount of the original grant has been confirmed to him by decree of the Supreme Court of the United States, and satisfied, so that there is only remaining a balance of 39,737 arpents of said grant unconfirmed and unsatisfied.

"The Commissioner further finds and reports that the whole of the grant to Lynde, embracing 32,025 arpents, was confirmed to his heirs by the decree of the Supreme Court in the case of the United States *vs* Lynde, hereinbefore referred to, but that afterward, and upon a discovery of the fact that the original grantee had conveyed 5,470 arpents of the land to Daniel Clark, the father of Mrs. Gaines, the heirs of said Lynde were required to and did enter up a remittitur for that amount; and this further appears by the order of the court in that behalf, a copy of which has been filed with your committee.

"The report of Commissioner Cosby, to which reference was made in the first or original letter from the General Land Office respecting this claim, was made in 1814, before Congress had provided for the confirmation of claims of the class to which this belongs. Under the laws then in force Cosby expressed the opinion (page 62, American State Papers, Duff Green's edition, volume 3) that the claims should not be confirmed, because (1) the Government of the United States claimed an absolute property in the territory; (2) the Spanish Government evidently distrusted its own right to make these grants, as they were made in a manner different from its usages and customs previously adhered to. Nevertheless the commissioners suggested that as the Government of the United States had permitted Spain to remain in possession of the country and dispose of the lands to purchasers in good faith, it might be morally bound by considerations of policy and equity to make these purchasers compensation, and this appears to have been the view taken of the matter by Congress in the passage of the act of 1860, removing the objections contained in Cosby's report to a confirmation of grants made in the disputed territory while Spain retained possession of the same, and providing compensation for lands disposed of by the Government.

"The labors of your committee have been greatly lessened and simplified, not only by the construction placed upon the act of 1860 (by the Supreme Court), as above shown, but by the fact that said court has recognized the validity of the particular grants to Urquhart and Lynde, which constitute the basis of the present claim, and the further fact that it has also recognized and respected the derivative title of Mrs. Gaines. In the confirmation of 10,263 arpents of the original grant to Caleb Cushing, who claimed under a conveyance from Mrs. Gaines, the court necessarily passed upon both the original and derivative titles, and it did so, as will appear by reference to case No. 622, decided at the October term of the Supreme Court, A. D. 1873. In compelling the Lynde heirs to enter up a remittitur for 5,470 arpents of the lands embraced in the Lynde grant, in favor of Daniel Clark, because of the conveyance to him —— after having confirmed the original title, the court necessarily recognized and respected both the original and derivative title of said Clark.

"The Urquhart grant was for 50,000 arpents, embracing nine distinct tracts or sections, and your committee is convinced, from the evidence before it, that Spanish patents were issued for the whole amount, and for each tract, but that all of them, except one for 10,263 arpents, were subsequently destroyed by fire. But whether this be so or not is not material, as it is clearly shown that Urquhart purchased and paid for 50,000 arpents, and that that amount of land was duly surveyed and set off to him by the Spanish authorities under proper written orders of survey. This is sufficient, under the act of 1860, even if patents were not issued. Your committee finds that by the decisions of the Supreme Court in Gaines *vs.* Herman, 24 Howard, 555; Gaines *vs.* New Orleans, 6 Wall., 642; Gaines *vs.* De La Croix, ib., 719, and other cases, Mrs. Gaines has been fully recognized and held to be the sole heir and devisee of her father, the said Daniel Clark, to whom conveyances of the lands claimed by her were made by Urquhart and Lynde.

"This claim was before the Forty-fourth Congress, and was then reported favorably by the Committee on Private Land Claims.

"It was again before the Forty-fifth Congress, and reported favorably by the committee as to the 5,470 arpents claimed under the Lynde grant, but adversely as to the 39,737 arpents claimed under the Urquhart grant. This adverse report was based upon substantially the same grounds which actuated the Commissioner of the Land Office, when he made his original report in this case, which have now been removed; and because the Spanish patent produced by Mrs. Gaines appeared to be for 10,263 arpents instead of for 50,000 arpents. We think the committee erred, for the reason that a patent for the whole 50,000 arpents was not necessary, there being other and amply sufficient written evidence of title for the remainder in the orders of survey, duly executed, and the reports thereof; and, besides, it appears from the affidavit of Mr. Cox, and the deed from Urquhart to Clark, that patents were issued for the whole 50,000 arpents, and that all but one of them were destroyed by fire; and it appears from the patent that Urquhart purchased and paid for the whole 50,000 arpents.

"Your committee is, therefore, of the opinion that Mrs. Gaines is entitled to a confirmation of title to 39,737 arpents of the Urquhart grant and 5,470 arpents of the Lynde grant, making in all 45,207 arpents, equal to 38,457 acres."

The committee, therefore, adopt said House report as the report of this committee, and report the accompanying bill with the recommendation that it pass.

Mr. COSGROVE. Mr. Chairman, the report which has been read explains the points of this case very fully. Originally there were two grants of land, one to Urquhart and one to Lynde. The legality of both those grants has been affirmed by the Supreme Court of the United States. Three reports in different Congresses have been made upon this case. There are included in what is known as the Lynde grant only something over 5,000 arpents, the whole quantity of land in question being about 38,000 acres.

The other day, when we were, as I supposed, about to enter upon the consideration of this bill, the gentleman from Indiana [Mr. HOLMAN] made the objection that the bill if passed would give the claimant, Mrs. Gaines, scrip which would be very valuable. I wish to state that this question was considered by the committee which reported the bill, and the measure has been drawn purposely to prevent anything of that kind. If the bill should pass the scrip to be issued by the Government in accordance with its provisions must be located upon what is known as "offered land," land worth only $1.25 per acre. The parties who may hold this scrip will not be at liberty to locate it wherever they may choose upon the public domain. If the scrip could be thus located it would become very valuable; it would be worth much more than $1.25 per acre. But the restrictions in this bill are those which are usual in all grants of this character. The location of the scrip to be issued under the bill is limited to such land as is in the market for sale and is known as offered land of the Government. So that the scrip can not be worth more than $1.25 per acre.

As gentlemen who have listened to the reading of the report are aware, Mr. Caleb Cushing in his lifetime received from Mrs. Gaines a conveyance of a portion of the land embraced in one of these grants; and, instead of proceeding as Mrs. Gaines did, he went into the courts to procure confirmation of his title under the act of 1860. I am informed by parties conversant with the facts that Mrs. Gaines, instead of going into the courts to have her title confirmed, as did Mr. Cushing, her grantee, whose title is the same as that of this claimant as to a part of this land, undertook to procure a confirmation of her title through the action of Congress. The result has been that she has obtained no relief from Congress. But her grantee, to whom she conveyed several thousand acres of this land, prosecuted his case in the courts, and obtained in the Supreme Court of the United States a judgment vesting in him the title.

The adjudication of that question was in my judgment an adjudication of the validity of the title of Mrs. Gaines under what is known as the Lynde grant. There were, as I have said, two grants, both made by the proper officer of the Spanish Government: one to a man named Urquhart and the other to John Lynde, and the validity of both these grants has been affirmed in two decisions of the Supreme Court of the United States. In the case of the United States *vs.* Lynde (11 Wallace) the validity of the Lynde grant was settled beyond any question; and in the case of Mr. Cushing, which was also passed upon by the Supreme Court of the United States, the validity of the title under the other grant was established.

Both of these grants were made in writing by the proper officer of the

Spanish Government. I have papers here showing a perfect chain of paper title from the Spanish Government to General Clark, the father of this claimant. General Clark departed this life without having made any conveyance of his title, and so far as I am aware he left no will; so that the title became vested in the claimant as his heir under the laws of the country. I think her title is perfect. Unless some gentleman wishes to ask some question about the matter, I do not know that I need make any further statement.

Mr. WARNER, of Ohio. Are there any conflicting claims here which we are undertaking to decide?

Mr. COSGROVE. None whatever; there are no adverse claims and no adverse claimants.

Mr. WARNER, of Ohio. We are to understand, then, that no other heirs are involved whatever?

Mr. COSGROVE. None except Mrs. Gaines's heirs.

Mr. WARNER, of Ohio. And that there has been no settlement upon this land under the homestead or other laws?

Mr. COSGROVE. I can not speak further than I have on that point; but I understand there have been settlements made upon this land and that the Government has patented a portion if not the whole of it and conveyed it to other parties. There is a provision in the bill that in case the Government has conveyed to other parties scrip shall be issued to this lady for the amount of the property which the Government has taken from her.

Mr. WARNER, of Ohio. That is, that she is to be allowed other land in lieu of that which has been taken from her?

Mr. COSGROVE. Yes, in lieu of it.

Mr. WARNER, of Ohio. Are the rights of all other parties preserved in the bill?

Mr. COSGROVE. Yes, sir.

Mr. HUNT. Does not Mrs. Gaines inherit this land under testamentary disposition?

Mr. COSGROVE. I did not so understand.

Mr. HUNT. And has not that testament under which Mrs. Gaines inherited this land been sustained by the judgment of the Supreme Court of the United States?

Mr. COSGROVE. I will yield to the gentleman from Mississippi on that point.

Mr. MULDROW. There is no question about Mrs. Gaines being the sole heir of Daniel Clark. It has been decided by the Supreme Court of the United States in several cases that she is the sole heir of his estate under the will made by him in 1813. In those decisions of the Supreme Court they have set aside the former judgment of the court, which was that will did not entitle her to recover because sufficient proof was not adduced at the time when other parties were claiming under the prior will made in 1811. But as I have said, the last decision of the Supreme Court recognized Mrs. Gaines as the sole heir of Daniel Clarke. And she is claiming these lands as the heir, and the only heir, of that estate.

Mr. TOWNSHEND, of Illinois. Are the committee perfectly satisfied in regard to the chain of title?

Mr. COSGROVE. It is perfect.

Mr. TOWNSHEND. In order that my friend may understand the purpose of my question, I will say that I was a member of the Private Land Claims Committee in the Forty-fifth Congress, and was a member of the subcommittee which investigated this claim of Mrs. Gaines. It seemed that it had been here ever since before the war, and from the beginning has been brought up in every Congress for action. Mr. Benjamin, of Louisiana, had charge of it in the Senate. Our subcommittee investigated the title to this land on the part of Mrs. Gaines, and I at least came to the conclusion that there was no chain of title which would bear the scrutiny of a court of law. That was the opinion of the committee, I believe, and on that ground we decided against the claim.

Mr. MULDROW. What Congress was that?

Mr. TOWNSHEND. It was in the Forty-fifth Congress.

Mr. MULDROW. I think the gentleman's memory is at fault, as that Congress did not report against the case, but only reported against a part of it, and in favor of a part.

Mr. TOWNSHEND. Yes, as to some 5,000 acres.

Mr. MULDROW. That is a part of this grant?

Mr. TOWNSHEND. The Committee on Private Land Claims reported only in favor of the claim for those 5,000 acres. We had all the papers before us, and the committee reported to the House there was no perfect chain of title to the property. We had dry-goods boxes full of documents—some in French and some in Spanish. We had reports from the Land Office before us. For months we carefully investigated this matter, and finally we came to the conclusion there was no ground for the claim for a higher amount than 5,000 acres. If the gentleman now has other evidence I should like to hear what it is.

Mr. MULDROW. In the case which went before the Supreme Court of the United States the main title was allowed. The court confirmed the whole of that title, but before the decree was entered up the court was informed that John Lynde had conveyed about 5,000 acres to Daniel Clark. The court had entered a remittitur on the part of Lynde's heirs in favor of Clark's heir before they would perfect the decree. That was done under the direction of the Supreme Court, but in that adjudication the court passed upon the whole title of John Lynde from the Spanish Government. Now, Lynde's title was under a grant made by Morales, the Spanish intendant of Louisiana, and this remittitur being required by the decision of the court on the part of the Lynde heirs in favor of the Clark heirs was a confirmation of title to these 5,000 arpents. In determining the matter the court passed upon both the original as well as the derivative title——

Mr. TOWNSHEND. Let me interrupt the gentleman to ask when that decision was rendered?

Mr. MULDROW. I think it was in 1867, but I am not quite positive as to the date.

Then further, there is a deed here from Lynde to Daniel Clark for these 5,000 arpents. Now, Mr. Chairman, it will be seen that that covers entirely one branch of the case. As to the other part of the claim, I wish to say only this—and I refer now to the other part of this grant claimed through Urquhart: that was a grant from Morales, the Spanish intendant or governor, to him about the year 1803——

The CHAIRMAN. The gentleman will please suspend for a moment to receive a message from the Senate.

MESSAGE FROM THE SENATE.

The committee informally rose, Mr. HOLMAN having taken the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment a bill (H. R. 6538) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House of Representatives was requested, a bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

MRS. MYRA CLARK GAINES.

The Committee of the Whole resumed its session.

The CHAIRMAN. The gentleman from Mississippi is entitled to the floor.

Mr. MULDROW. This Intendant Morales, Mr. Chairman, was then exercising authority in behalf of the Spanish Government in that Territory, as shown by the decision of the Supreme Court, from about 1803 to 1810, and in the case of Lynde the Supreme Court declares that all parties holding titles under that Spanish intendant during that period of time, or during the period that Spain was exercising sovereignty there, should be protected in their rights. Now the grant to Urquhart was originally for 50,000 arpents, and there was a conveyance from Urquhart to Daniel Clark for the whole amount of the land which he received from the Spanish intendant.

Mr. TOWNSHEND. Will the gentleman from Mississippi please explain what kind of an agreement or conveyance that was? My recollection of the matter is, although it has been a long time since I looked into it, that it was an instrument in the nature of a mortgage, and a mortgage which had not been forclosed.

Mr. MULDROW. I understood that there was an absolute conveyance in fee.

Mr. COSGROVE. If the gentleman from Mississippi will permit me to interrupt him, I will say that there is no doubt upon that point. The deed is here among these papers, which shows that there was a consideration in money paid for this property.

Mr. MULDROW. Yes; the papers show that the money was paid.

Now, the only difficulty about the case in the mind of the Committee on Private Land Claims with respect to the subject is this, that after the conveyance to Daniel Clark the papers which evidenced the grant from Morales to Urquhart were destroyed by fire, except the paper relating to the 10,000 arpents which have been confirmed, as shown by the decision of the Supreme Court, to Caleb Cushing. That was not destroyed. But in passing upon the case of Cushing the Supreme Court, as I have already stated, took in the derivative as well as the original title as to the lands granted by Morales to Urquhart, and there is an affidavit on file showing the destruction of the papers; and not only that, but the act of 1860 provided that where there had been a survey, or order of survey, and the land had been partitioned from the common domain, the titles of the party should be confirmed, their rights respected and that this Government was bound to preserve the rights of the parties thus obtained from the Spanish Government.

Mr. TOWNSHEND. Let me ask the gentleman from Mississippi if it is not true that the Supreme Court recognized the grant of the Spanish Government made through Morales, as provincial governor, to Urquhart, and that the grant was lost or destroyed.

Mr. MULDROW. Only in part.

Mr. TOWNSHEND. That the chain of title could not be established by the papers; and that reliance was had, to establish the claim of Mrs. Gaines, upon affidavits from same individuals that the papers had been destroyed? My recollection is that there was some such character of evidence introduced to establish the claim.

Mr. MULDROW. I think not.

Mr. COSGROVE. If the gentleman will permit me, I will repeat

that the question of title, in my judgment, has been practically settled by the decision of the Supreme Court. The title adheres in Lynde only in part.

Mr. TOWNSHEND. I recollect that when this question was before the committee we made a most diligent search of all the papers. We had the decision of the Supreme Court rendered in 1867 before us, and my recollection now is, although it has been a long time, some seven or eight years, since I have given any thought to the matter, that after a careful and diligent search in all of the documents presented to the committee, and there was more than a large dry-goods box full, we could not find after careful search of all of the evidence presented that there was any title whatever in this claimant to the property. The committee, after a diligent examination, and I may say a patient investigation of the case, came to the conclusion that Mrs. Gaines really had no foundation for any grant of land whatever. But as a sort of compromise some 5,000 acres were accorded to her. I remember that the case was carefully investigated. On her behalf ex-Senator Foote, of Mississippi, appeared and discussed the claim, and no one attempted to answer him in opposition, so that we were driven to the necessity ourselves of looking up the evidence against the claim, and came to the conclusion that there was no foundation whatever for a claim against the Government.

Mr. MULDROW. This claim was examined very thoroughly in the Forty-sixth and Forty-seventh Congresses and has again been thoroughly examined in the present Congress; and each committee that took charge of the case reached the conclusion that the title was a good one and ought to be confirmed. This matter has been referred to the Commissioner of the Land Office and to the Secretary of the Interior, and they both reached the conclusion that it is a good and a valid claim under the law of 1860 whether the papers which constituted the grant from Morales to Urquhart have been destroyed or not; for this reason: that there is no dispute that these lands were segregated from the common domain by an actual order of survey and by a survey being actually made, and the act of 1860 in positive terms declares that where that has been done the party shall be protected in the rights which have been acquired through that instrumentality.

Mr. CUTCHEON. I understand the gentleman to state that the Caleb Cushing grant has already been vindicated.

Mr. MULDROW. Yes; it has been confirmed by the Supreme Court of the United States.

Mr. CUTCHEON. And what precludes Mrs. Gaines from having her title confirmed in the same way?

Mr. MULDROW. That was explained by the gentleman from Missouri [Mr. COSGROVE].

Mr. CUTCHEON. I was not in the House when that gentleman spoke.

Mr. MULDROW. The law of 1860 provided two remedies. The first was that the party who had a claim of this character should go before the register and receiver of the land office at New Orleans, who compose the board of commissioners, and that this commission should take the evidence in the case and certify the facts and their conclusions to the Secretary of the Interior. If favorable or unfavorable, then the Secretary of the Interior should report those conclusions to Congress, and Congress should act then upon his report and confirm or not confirm, as the case should justify, upon its merits. Then there was another provision in the act of 1860 to the effect that in the first instance the party having a land claim should go before the district court of the United States in Louisiana, and in the event that the district court decided the case against the Government of the United States, the law was mandatory to take an appeal to the Supreme Court of the United States, for that court to review the decision of the district court. If the decision was in favor of the Government, then the claimant, at his option, could take that appeal to the Supreme Court of the United States.

Mrs. Gaines filed her petition before that board of commissioners; but in certifying the action of the commission to the Secretary of the Interior certain formal omissions were made. For instance, the act required that the petition and the proceedings should show the land by metes and bounds and other particulars required; and those particulars were not sent up to the Secretary of the Interior, and for that reason he, at that time, declined to confirm the title. But the objections were entirely technical, and did not go at all to the merits of the case.

Mr. BLOUNT. I would like to ask the gentleman from Mississippi if at that point the Secretary of the Interior made the recommendation to which the gentleman referred awhile ago in reference to these lands.

Mr. MULDROW. At that time he did not, because of the technical objection he then urged that the law in regard to the certificates and affidavits to be transmitted to the Interior Department had not been complied with. But since that time the Commissioner of the Land Office says if that formal requirement had been complied with his decision would have been different and the claim would have been treated as a good one.

My attention is called by the gentleman from Louisiana [Mr. HUNT] to the fact that Daniel Clark left two wills. One, made in 1811, conveyed his property to his mother and named certain executors, Chew and Relph. Under that will the executors went forward under their letters testamentary and took charge of the estate and administered upon it. In 1819 they attempted to make a sale of this land, under the power which they claimed they had derived by virtue of this will of 1811. But that matter came up afterward before the Supreme Court in the case of Gaines *vs.* New Orleans, reported in 6 Wallace, when the Supreme Court held that the subsequent will of Daniel Clark was the one to be recognized by the courts, and that the action of the executors under the first will was invalid and passed no rights to the property.

In another recent decision of the Supreme Court, Mrs. Gaines is recognized as sole heir and devisee of Daniel Clark. And if Clark had the right to this property—and the committee reached the conclusion that he did have—then there is no question about the rights of Mrs. Gaines in this case.

Mr. BLOUNT. Is this a unanimous report by the committee?

Mr. MULDROW. It is.

Mr. MCMILLIN. I move that the committee do now rise.

Mr. MULDROW. Let us act on this bill before the committee rises.

Mr. TOWNSHEND. Oh, no. I want, for one, to speak on it.

Mr. MCMILLIN. I have no wish to cut this off if we can get through with the pending bill in time to act on other bills that are to be reported.

Mr. TOWNSHEND. This matter will have to be discussed further.

The motion of Mr. MCMILLIN was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House had had the Private Calendar under consideration, and had directed him to report sundry bills with amendments.

SANTIAGO DE LEON.

The SPEAKER. The first report from the Committee of the Whole House on the Private Calendar to be considered is the unfinished business, the bill (H. R. 1724) for the relief of Santiago de Leon. The pending question is on the passage of the bill. The gentleman from Indiana [Mr. HOLMAN] had demanded the yeas and nays.

Mr. HOLMAN. Inasmuch as this measure belongs to quite a large class of claims that were cognizable by the Southern Claims Commission, it was agreed in Committee of the Whole that a vote on it should be had in the House. For that reason I have asked for the yeas and nays.

The SPEAKER. The Clerk will report the bill.

The bill was read.

On the question of ordering the yeas and nays there were—ayes 19, noes 27.

So (the affirmative being more than one-fifth of the entire vote) the yeas and nays were ordered.

Mr. HOLMAN. I wish to call attention to the fact that the Committee of the Whole, which reported this bill to the House, agreed unanimously that a yea-and-nay vote should be taken.

The question being taken, there were—yeas 92, nays 36, not voting 194; as follows:

YEAS—92.

Adams, G. E.	Forney,	Lyman,	Rogers, J. H.
Aiken,	Funston,	McCoid,	Rosecrans,
Arnot,	Garrison,	McMillin,	Rowell,
Ballentine,	George,	Matson,	Scales,
Barr,	Hancock,	Miller, J. F.	Seymour,
Bisbee,	Hemphill,	Mills,	Shaw,
Bland,	Henderson, D. B.	Morrison,	Skinner, T. G.
Blount,	Henley,	Muldrow,	Slocum,
Breitung,	Hiscock,	Neece,	Spooner,
Brown, W. W.	Hitt,	Nutting,	Stevens,
Buckner,	Horr,	Patton,	Stewart, Charles
Budd,	Howey,	Payne,	Strait,
Calkins,	Hunt,	Payson,	Tillman,
Clay,	Jeffords,	Peelle, S. J.	Turner, H. G.
Collins,	Johnson,	Perkins,	Vance,
Cosgrove,	Jones, B. W.	Peters,	Van Eaton,
Culberson, D. B.	Jones, J. H.	Price,	Wait,
Cutcheon,	Laird,	Pryor,	Wellborn,
Dibrell,	Lamb,	Randall,	Wemple,
Dockery,	Lanham,	Ray, Ossian	White, J. D.
Ellwood,	Lawrence,	Rice,	Wilson, W. L.
Evans, J. N.	Lovering,	Robinson, W. E.	Wolford,
Evins, J. H.	Lowry,	Rockwell,	York.

NAYS—36.

Alexander,	Converse,	Hewitt, G. W.	Steele,
Atkinson,	Cox, W. R.	Holman,	Van Alstyne,
Bagley,	Culbertson, W. W.	James,	Warner, A. J.
Beach,	Eldredge,	Kleiner,	Warner, Richard
Bennett,	Everhart,	Murray,	Weller,
Campbell, Felix	Halsell,	Pierce,	Williams,
Campbell, J. M.	Hardy,	Peel, S. W.	Winans, E. B.
Carleton,	Hart,	Riggs,	Worthington,
Cobb,	Hatch, W. H.	Smith,	Yaple.

NOT VOTING—194.

Adams, J. J.	Boyle,	Caldwell,	Cullen,
Anderson,	Brainerd,	Candler,	Curtin,
Barbour,	Breckinridge,	Cannon,	Dargan,
Barksdale,	Brewer, F. B.	Cassidy,	Davidson,
Bayne,	Brewer, J. H.	Chace,	Davis, G. R.
Belford,	Broadhead,	Clardy,	Davis, L. H.
Belmont,	Browne, T. M.	Clements,	Davis, R. T.
Bingham,	Brumm,	Connolly,	Deuster,
Blackburn,	Buchanan,	Cook,	Dibble,
Blanchard,	Burleigh,	Covington,	Dingley,
Boutelle,	Burnes,	Cox, S. S.	Dorsheimer,
Bowen,	Cabell,	Crisp,	Dowd,

Duncan,	Hopkins,	Murphy,	Stewart, J. W.
Dunham,	Houk,	Mutchler,	Stockslager,
Dunn,	Houseman,	Nelson,	Stone,
Eaton,	Hurd,	Nicholls,	Storm,
Elliott,	Hutchins,	Oates,	Struble,
Ellis,	Jones, J. K.	Ochiltree,	Sumner, C. A.
Ermentrout,	Jones, J. T.	O'Hara,	Sumner, D. H.
Ferrell,	Jordan,	O'Neill, Charles	Talbott,
Fiedler,	Kasson,	O'Neill, J. J.	Taylor, E. B.
Findlay,	Kean,	Paige,	Taylor, J. D.
Finerty,	Keifer,	Parker,	Taylor, J. M.
Follett,	Kelley,	Pettibone,	Thomas,
Foran,	Kellogg,	Phelps,	Thompson,
Fyan,	Ketcham,	Poland,	Throckmorton,
Geddes,	King,	Post,	Townshend,
Gibson,	Lacey,	Potter,	Tucker,
Glascock,	Le Fevre,	Pusey,	Tully,
Goff,	Lewis,	Rankin,	Turner, Oscar
Graves,	Libbey,	Ranney,	Valentine,
Green,	Long,	Ray, G. W.	Wadsworth,
Greenleaf,	Lore,	Reagan,	Wakefield,
Guenther,	McAdoo,	Reed,	Ward,
Hammond,	McComas,	Reese,	Washburn,
Hanback,	McCormick,	Robertson,	Weaver,
Hardeman,	McKinley,	Robinson, J. S.	White, Milo
Harmer,	Maybury,	Rogers, W. F.	Whiting,
Hatch, H. H.	Millard,	Russell,	Wilkins,
Haynes,	Miller, S. H.	Ryan,	Willis,
Henderson, T. J.	Milliken,	Seney,	Wilson, James
Hepburn,	Mitchell,	Shelley,	Winans, John
Herbert,	Money,	Singleton,	Wise, G. D.
Hewitt, A. S.	Morey,	Skinner, C. R.	Wise, J. S.
Hill,	Morgan,	Smalls,	Wood,
Hoblitzell,	Morrill,	Snyder,	Woodward,
Holmes,	Morse,	Spriggs,	Young.
Holton,	Moulton,	Springer,	
Hooper,	Muller,	Stephenson,	

Mr. MCMILLIN. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following were announced as paired until further notice:

Mr. SNYDER with Mr. GOFF.

Mr. FOLLETT with Mr. CONNOLLY.

Mr. FYAN with Mr. PETTIBONE.

Mr. NICHOLLS with Mr. WHITE, of Minnesota.

Mr. RANKIN with Mr. ROBINSON, of Ohio.

Mr. COOK with Mr. CULLEN.

Mr. SHELLEY with Mr. THOMAS.

Mr. BURNES with Mr. CALKINS.

Mr. MOULTON with Mr. DAVIS, of Illinois.

Mr. DARGAN with Mr. BRUMM.

Mr. GIBSON with Mr. SMALLS.

Mr. LEWIS with Mr. MCCORMICK.

Mr. COVINGTON with Mr. HOLTON.

Mr. BROADHEAD with Mr. BAYNE.

Mr. KEAN with Mr. DIBBLE.

The following were announced as paired for this day:

Mr. MULLER with Mr. WILSON.

Mr. PAIGE with Mr. MOREY.

Mr. HEWITT, of New York, with Mr. VALENTINE.

Mr. FERRELL with Mr. PHELPS.

Mr. HOBLITZELL with Mr. HOLTON.

Mr. CALDWELL with Mr. BINGHAM.

Mr. DINGLEY with Mr. POST, of Pennsylvania.

Mr. SENEY with Mr. CANNON.

Mr. O'NEILL, of Missouri, with Mr. STRUBLE.

Mr. DEUSTER with Mr. GUENTHER.

Mr. TAYLOR, of Tennessee, with Mr. EZRA B. TAYLOR.

Mr. MILLARD with Mr. CRISP.

The following were also announced as paired:

Mr. HILL with Mr. HOUK, until April 21.

Mr. REAGAN with Mr. STEPHENSON, until April 24.

Mr. CLEMENTS with Mr. BROWNE, of Indiana, until April 21.

Mr. BLACKBURN with Mr. MCKINLEY, until April 21.

Mr. ROGERS, of New York, with Mr. BREWER, of New York, until April 19.

Mr. STORM with Mr. O'HARA, until April 22.

Mr. WILKINS with Mr. BREWER, of New Jersey, until April 21.

Mr. STOCKSLAGER with Mr. KEIFER, until April 26.

Mr. THOMPSON with Mr. O'NEILL, of Pennsylvania, until April 21.

Mr. GEORGE D. WISE with Mr. LIBBEY, until April 24.

Mr. JONES, of Arkansas, with Mr. RUSSELL, until April 29.

Mr. TUCKER with Mr. REED, until April 22.

Mr. GREEN with Mr. HOOPER, until May 4.

The SPEAKER. Upon this question the yeas are 92, the nays 36. No quorum having voted, the bill has not passed.

Mr. HOLMAN. I suppose that unless the point is made that no quorum voted——

The SPEAKER. The Chair thinks that when the fact appears upon the record by the call of the yeas and nays that no quorum has voted, the bill would not be passed. Under the rules of the House a quorum is required to transact business.

JAMES STACK.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. 6665) for the relief of James Stack, late a private of Company F, One hundred and thirtieth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Tennessee, Mr. MCMILLIN, will preside as Speaker *pro tempore* at the session of this evening. The hour of 5 o'clock having arrived, in pursuance of the order of the House heretofore made, the Chair declares the House in recess until half past 7 o'clock this evening.

EVENING SESSION.

The recess having expired, the House at half past 7 o'clock p. m. resumed its session, Mr. MCMILLIN in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House meets this evening.

The Clerk read as follows:

Resolved, That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 7.30 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole House on the Private Calendar, in accordance with the order just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

Mr. MATSON. Mr. Chairman, there are some bills which, by agreement, have been laid aside informally; and I ask that the House take up House bill 2702, on page 28 of the Calendar.

The CHAIRMAN. If there be no objection, the House will resume the consideration of the bill indicated by the gentleman.

There was no objection.

MRS. ELLIDA I. MIDDLETON.

The House resumed the consideration of the bill (H. R. 2702) granting a pension to Mrs. Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy, and to pay her, from and after the passage of this act, the sum of $50 per month.

Mr. RANDALL. Mr. Chairman, I introduced this bill after examination and with a full knowledge of the circumstances of the case. Having, unfortunately, been absent from the House last Friday night, I feel it incumbent on me to return my thanks to the honorable gentleman from Alabama [Mr. HEWITT], the honorable gentleman from Indiana [Mr. MATSON], the honorable gentleman from California [Mr. ROSECRANS], the honorable gentleman from Pennsylvania [Mr. BROWN], and the honorable gentleman from Illinois [Mr. ROWELL], for their able advocacy of this bill. I do not know that I can now add anything to what was so well said by those gentlemen, but I feel I ought not to omit on the part of this widow as well as on my own part a proper acknowledgment of the support so ably given by them in this case.

This is perhaps one of the most meritorious cases of this class that I have ever known; and I hope that the bill will be passed. I think I am authorized to say that if the gentleman who opposed it on last Friday night had then known fully, as I have stated to him since, the circumstances of the case, he would not have opposed it. I believe that if now present he would not oppose it. I hope, therefore, that the bill will be laid aside to be reported favorably to the House.

There being no objection, the bill was laid aside to be reported favorably to the House.

CLARISSA T. MAIES.

The next business on the Private Calendar was the bill (H. R. 5464) granting a pension to Clarissa T. Maies.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clarissa T. Maies, widow of William H. Maies, late a lieutenant in the United States Navy.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred a communication from the Commissioner of Pensions in relation to the claim of Clarissa T. Maies, widow of William H. Maies, late lieutenant in the United States Navy, respectfully submit the same to the House, as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 20, 1884.

SIR: Under the provisions of the joint resolution of Congress approved May 29, 1830, I have the honor to transmit herewith the papers in the case of Clarissa T. Maies, widow of William H. Maies, late lieutenant United States Navy, application 3265, to consider the propriety of placing her name upon the pension-roll by special act of Congress, for the reason that her claim is deserving and meritorious, but can not be allowed under the general law.

It appears that this officer entered the service August 6, 1861, and was discharged

May 15, 1866; that he was reappointed April 23, 1867, and resigned July 16, 1868. He had an excellent record during his service, and was under treatment in March, 1863, for dyspepsia, in May, 1863, for diarrhea, and in April, 1864, for constipation. Soon after his discharge, in 1866, he had an attack of kidney disease, which is shown, from the evidence adduced by a special examiner, to have been caused by exposure in the service. There is no disability shown in the second service up to the time of resignation, July 16, 1868, when the officer entered the Japanese merchant service, in which service he continued up to within a short time of his death, on February 14, 1881, from Bright's disease of the kidneys.

The applicant is unable to furnish parol evidence to establish the connection of the fatal disease with the service, hence the office has rejected the claim, but from an examination of the evidence now on file it is more than probable that the disease which caused the officer's death had its origin in the service, and I therefore consider the claim a proper one for equitable relief, and inviting your attention to the papers, I submit the same to your consideration with my recommendation that the applicant be pensioned by special act, &c.

Very respectfully,

W. W. DUDLEY, *Commissioner.*

Hon. C. C. MATSON,
Chairman Committee on Invalid Pensions, House of Representatives.

Your committee have considered the recommendation of the Commissioner, and after a careful examination of the evidence in the case, and for the reasons herein stated, recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

CAROLINE M. M'DOUGAL.

The next business on the Private Calendar was the bill (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caroline M. McDougal, widow of Rear-Admiral David S. McDougal, late of the United States Navy, and pay her a pension of $50 per month from and after the passage of this act.

The report was read, as follows:

The Committee on Pensions, to whom was referred bill H. R. 79, have considered the same, and respectfully report:

That the merits of this case were fully presented to the House by Mr. STEELE, from the Committee on Pensions of the Forty-seventh Congress, and your committee, after careful examination, adopt said report and recommend the passage of the bill upon the following statement of facts:

Rear-Admiral McDougal entered the Navy in 1828, and passed successively through all the grades to that of commodore on the active-list, in which latter grade he was honorably retired on attaining the age of 62. During his forty-three years of active service he filled with credit all the positions to which a naval officer is ever assigned in the grades through which he passed, and whether as a subordinate officer, as commander of a vessel, of a naval station, or of a squadron, left an unblemished record.

In 1863, while in command of the Wyoming, on the Asiatic station, he was ordered to avenge an insult to our flag offered by the Prince of Negato, who had rebelled against the liberal policy of the Tycoon toward western nations, and had fired upon vessels bearing our flag. Commander McDougal's vessel, carrying but six guns, and with a crew of about one hundred and sixty men, had to encounter a hostile force consisting of six shore batteries masked on commanding heights, and mounting three guns each, a steamer of two, a bark of six, and a brig of eight guns, making in all thirty-four guns, mostly thirty-two pounders, and worked and supported by a force of 1,100 men. The battle had to be fought in a narrow strait, full of dangers from sunken rocks and rapid currents which his enemy was perfectly familiar with, but of which Commander McDougal had no chart. Yet, notwithstanding the appalling dangers of the situation—a combined land and sea force aggregating seven times as many men, and working nearly six times as many guns as he had, and with the certainty of torture and death if captured, he engaged and destroyed his enemy, achieving a victory which, if ever equaled in our country's history, has not been excelled.

From 1869 to 1871, the day of his honorable retirement from active service, he commanded the South Pacific squadron. Of his forty-three years on the active-list thirteen were spent on shore duty and twenty-four at sea, a greater proportion of arduous duty than has been performed by any officer senior to him in the service, with a single exception. During his life he never received any recognition for his services except a routine promotion on the retired list, which carried with it none of the emoluments of the grade. Mrs. McDougal is much in need. Congress has on many occasions made precedents. Not to go further back than 1876, the following instances are cited in which this has been done: In 1876, to the widow of Commodore Elliott; in 1877, to the widows of Admirals Bell and Winslow; in 1878, to the widow of Admiral Wilkes; in 1879, of Commodores Frailey, Gallagher, and McKeever, and of Admiral Stringham; in 1880, of Admiral Davis; in 1881, of Admiral Paulding and Commodores McCauley and Guest; and finally, last winter and summer, to the widows of Admirals Goldsborough, Hoff, Reynolds, Lardner, Spotts, and Rodgers, and Commodore Wood.

David McDougal was appointed a midshipman in the Navy July 1, 1828; August 20, 1828, ordered to the naval school at New York; May 16, 1829, detached and ordered to the New York station; April 21, 1830, detached and ordered to the Boston; December 15, 1832, warranted as a midshipman; October 4, 1833, permitted to attend the naval school at Brooklyn; May 14, 1834, ordered to examination preliminary to promotion; June 14, 1834, promoted to passed midshipman; March 11, 1835, ordered to the receiving-ship at New York; July 1, 1836, ordered to the sloop Natchez; February 16, 1839, detached and granted leave; March 16, 1839, ordered to the receiving-ship at New York; September 14, 1839, detached and granted leave of absence; December 14, 1839, ordered to the Consort; October 12, 1840, detached from the Consort and will remain on duty with Lieutenant Glynn, working on charts; February 19, 1841, detached from duty on charts; February 25, 1841, promoted to lieutenant; May 19, 1841, ordered to the Fulton; December 6, 1841, detached and ordered to the Falmouth; March 21, 1841, detached on account of ill health; July 18, 1843, ordered to the Falmouth; January 27, 1844, detached and granted leave of absence; June 29, 1844, ordered to the Michigan; January 16, 1847, detached and ordered to the Mississippi; war with Mexico, at capture of Vera Cruz; June 11, 1847, detached from the home squadron and granted leave of absence; February 20, 1848, ordered to the St. Mary's; March 8, 1848, transferred to the Bainbridge; July 6, 1850, detached and granted leave of absence; June 18, 1851, ordered to the Michigan; March 2, 1854, detached and ordered to command the store-ship at San Francisco, Cal.; April 10, 1854, assumed command of the Warren; served on the John Hancock from February to August, 1856; January 24, 1857, promoted to commander; October 26, 1857, detached from the command of Warren and ordered to the navy-yard, Mare Island, California; May 11, 1861, detached and ordered to New York; May 27, 1861, ordered to command the Wyoming—while in command of this vessel engaged six batteries and three vessels of war at Simonoseki, Japan, on the 16th of July, 1863, sinking a brig and exploding the boilers of a steamer, with a loss of eleven killed and wounded aboard of the Wyoming; March 2, 1864, promoted to captain; July 20, 1864, detached from command of the Wyoming and placed on waiting orders: October 17, 1864, took temporary command of the navy-yard, Mare Island, California; August 11, 1866, detached and placed on waiting orders; April 24, 1867, ordered to command the Pensacola; July 17, 1867, detached and placed on waiting orders; December 2, 1867, ordered to command the Powhatan; June 12, 1869, promoted to commodore; December 23, 1869, detached from command of the Powhatan and ordered to command the South Pacific squadron; September 27, 1871, placed on the retired-list; February 28, 1872, detached from command of the South Pacific squadron and placed on waiting orders; July 5, 1876, commissioned as rear-admiral on the retired-list from the 24th August, 1873.

He died at San Francisco, Cal., on the 7th of August, 1882.

There being no objection, the bill was laid aside to be reported favorably to the House.

ISAAC REED.

The next business on the Private Calendar was the bill (H. R. 4014) for the relief of Isaac Reed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions, regulations, and limitations of the pension laws, the name of Isaac Reed, late a private in Company F, Twenty-sixth Indiana Volunteer Infantry, and now a resident of the town of Cannelton and County of Perry, in the State of Indiana.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4014) granting a pension to Isaac Reed, would respectfully report:

That Isaac Reed enlisted and was mustered in as a private in Company F, Twenty-sixth Indiana Volunteers, on the 30th day of August, 1861, at Indianapolis, Ind.

That he served faithfully in the service of the United States from the date of his muster until the month of July, 1863, when he became ruptured in the performance of detail duty in building earth works in the siege of Vicksburg.

That since that date and until mustered out of the service he was in the hospital service and transferred to the invalid corps, and has been a sick and disabled man ever since.

That on the 3d day of February, 1865, he stated in his application for pension that hernia existed prior to his enlistment, not larger, however, than the size of a pea. In a subsequent affidavit he states that he did not understand the medical term used by the examining surgeon, and had misstated the case of his disability, and but for which he would have been pensioned years ago.

That prior to his enlistment in the service of the United States he was a strong and able-bodied man, following his occupation as a coal-miner. That since his discharge he is so disabled as to prevent him from mining or performing any other kind of manual labor.

The above statements are substantiated by the affidavits of J. A. Burkett, late captain of Company F aforesaid, and acknowledged before the clerk of the court of Perry County, Indiana; also by Dr. Thomas R. Austin, examining surgeon, and a large number of equally creditable witnesses.

In his letter rejecting the claim the Commissioner of Pensions writes under date of May, 1882, as follows:

"Although this case can not apparently be admitted under existing law, it is believed to be meritorious, and has therefore been this day referred to the House Committee on Pensions for their consideration."

The claimant, by reason of his total disability, is in destitute circumstances, and the committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

MARIA L. LEE.

The next business on the Private Calendar was the bill (H. R. 1752) for the relief of Maria L. Lee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Maria L. Lee, widow of Abel H. Lee, who was a scout in the Army of the Potomac during the war of the rebellion, subject to the provisions and limitations of the pension laws of the United States.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1752) granting a pension to Maria L. Lee, having duly considered the evidence in the case, beg leave to submit the following report:

The said Maria L. Lee is the widow of Abel H. Lee, who was a scout in the Army of the Potomac during the late war. The duties he performed consisted of ascertaining the forces and positions of the enemy and the discoveries of points on the Potomac for the landing of troops, and also the discovery of points where mails of the enemy could be found and captured.

During the war the said Lee was captured by the enemy and remained during sixteen months a prisoner in their hands, and was in Libby and other prisons of the enemy until exchanged; at which time his health was broken, the seeds of disease having been planted in his system during his prison life, and from which he died soon after his return home.

The evidence shows that in his capacity of scout he rendered efficient service; was commended by General Mansfield for said service, and by General Mansfield recommended for employment to the Navy Department.

The proof shows that Lee was a sound man when he became a scout, and there is medical evidence in the papers that his death was occasioned by disease contracted in the service of the Government in the semi-military capacity of scout.

The committee are of opinion that Mrs. Lee is in equity entitled to pension, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

CATHARINE BULLARD.

The next business on the Private Calendar was the bill (H. R. 406) granting a pension to Catharine Bullard.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Catharine Bullard, widow of Dr. Talbott Bullard, deceased, an acting volunteer surgeon, and to pay her a pension at the same rate as the widows of surgeons of volunteers are now paid; the same to begin from and after the date of his death, to wit, June 16, 1863.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 406) granting a pension to Catharine Bullard, having duly considered the evidence in the case, submit the following report:

Mrs. Catharine Bullard is the widow of Dr. Talbott Bullard, who, at the commencement of the war of the rebellion, was in lucrative practice as a physician and surgeon, at Indianapolis, Ind. At that time the Government was in urgent need of surgeons to care for the sick and wounded Federal soldiers in hospitals at Indianapolis, and the sick and wounded confederate soldiers held at that place as prisoners of war. In pursuance of the system early inaugurated by Governor Morton, of Indiana, to relieve the wants of Indiana soldiers in all departments of the Federal Army, and the confederate soldiers who by the vicissitudes of war were held as prisoners at Indianapolis, Dr. Bullard was placed in charge of Center Hospital, where the sick and wounded confederate soldiers were taken for medical and surgical treatment.

Soon after this, in 1862, Dr. Bullard, in connection with Dr. Parvin, went to Richmond, Ky., immediately after the battle at that place, and under a "flag of truce" proceeded within the enemy's lines to minister to the necessities of Federal soldiers wounded and made prisoners in that battle.

In October of the same year, Dr. Bullard visited the camps and hospitals of the Army of the Potomac, at the front, for the purpose of caring for the sick and wounded.

Again, in December, 1862, for a like purpose, Dr. Bullard visited the Army of the Cumberland.

His last trip to the front was made in May, 1863, to the Army of the Tennessee, in front of Vicksburg, then commanded by General Grant. The Adjutant-General, in his report, published in 1869, (Vol. I, page 352), says of this trip:

"The third mission was on the Courier, under charge of Dr. Talbott Bullard and General A. Stone, with five hundred packages of stores, several nurses and surgeons. A large number of sick and wounded men were brought back. But the expedition is said by Dr. Hanneman to have been most unfortunate to those engaged in it, for four surgeons died during the trip, or soon after their return, among them the ever-to-be lamented Dr. Bullard. He was a man of warm temperament, and when duty called him never thought of self. His was a most valuable life to be sacrificed to this accursed rebellion."

This service was rendered at the special instance and written request of Governor Morton, and though not entirely under Federal supervision, was a part of the grand system of relief of sick and wounded soldiers, inaugurated in most of the States, which everywhere received the hearty approval of the General Government, as an important and necessary auxiliary in ameliorating the suffering of sick and wounded soldiers during the late war.

On page 321, volume 1, of the Soldiers of Indiana in the War for the Union, a work published in 1866, will be found the following tribute to Dr. Bullard:

"Dr. Bullard, one of the oldest and most prominent physicians in the town, was placed in charge of the new rebel hospital. He was an enthusiastic Union man, but no more tender heart than his ever beat, and he did not afterward toil more devotedly for loyal sufferers—although he died a victim to his exertion—than he did for the prisoners during the whole time a rebel hospital was under his care."

Dr. Bullard was in usual health when he left Evansville, Ind., on the steamer Courier, in command of General Stone, with fifty-four surgeons and assistants, on his last trip to the front, and reached General Grant's army in front of Vicksburg June 1, 1863. While with the Army in front of Vicksburg engaged in caring for the sick and wounded Union soldiers, as a result of his incessant labors and exposure in the extremely unhealthy region of Vicksburg and the Yazoo Bayou, he fell a victim to dysentery, and it became necessary to send him home, where he died June 16, 1863, two days after his arrival, from dysentery and hemorrhage of the bowels.

Dr. Bullard was constantly in the public service from the commencement of the war until his death, to the entire abandonment of his private practice. For this service he received no compensation from the Government.

The valuable services rendered the Government by Dr. Bullard is attested by General James A. Ekin, Quartermaster-General United States Army, in a letter to Senator HARRISON, in which he says:

"The value of Dr. Bullard's services can not, in my judgment, be overestimated, and I regard his death as resulting in consequence of his exposure to the dangers and hardships of the camp while ministering to the wants and necessities of our wounded soldiers. He made many sacrifices in order to contribute to the comfort of those who entered the public service to maintain the integrity of the Government. Having been stationed at Indianapolis during those perilous times, Dr. Bullard's services and sacrifices were well known to me. He was a true man and a true patriot."

The affidavits of Dr. W. Clinton Thompson, William B. Fletcher, and John M. Kitchen, all of Indianapolis, state that Dr. Bullard was a prominent physician with a large practice, and that his death was due to exposure and the nature of his service at Vicksburg.

The Hon. W. W. Dudley, Commissioner of Pensions, in a letter to the chairman of this committee, inclosing a copy of the bill for the relief of Mrs. Bullard, under date of February 8, 1884, says:

"The bill inclosed represents a case which appeals strongly to the equitable power of Congress, as the death from exposure is, I think, made clear."

The faithful care and attention given confederate prisoners in Center Hospital, Indianapolis, of which he was given full control, is shown by a testimonial from the men thus confined, in which they say, under date of April 10, 1862:

"We have seen that, while many are seeking power and place, you seem only to seek the power to do good and a place in the hearts of your fellow-men. Could anything compensate for the loss of liberty, could anything beguile us in our capacity, it would be the brotherly kindness and tender solicitude which you constantly manifest in our behalf."

The high social and professional standing of Dr. Bullard is fully shown by the letters of Governor Morton and other citizens of the highest repute in Indiana.

Mrs. Bullard has never remarried, and has no near relatives on whom to rely for support, except a son living in Montana Territory, who is a physician, 30 years of age, whose practice is barely sufficient to support his own family. Two years ago she lost by death a son, who was her only means of support, and has no property except her home and a little real estate adjoining it, all of which is mortgaged to such an extent as to leave her little revenue from it. She is compelled to rely upon her own exertions as a teacher for a living, but being now 56 years of age she can not reasonably expect a continuance of this her only means of support.

In view of the facts fully shown in this case, that Dr. Bullard rendered valuable service to the Government, losing his life as a result of this service, though never in its employ, your committee recommend the passage of the bill with the following amendment: Strike out all after the word "paid" in the eighth line.

The amendment reported by the Committee on Invalid Pensions to strike out at the end of the bill the words "the same to begin from and after the date of his death, to wit, June 16, 1863," was agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

KATE AMANN.

The next business on the Private Calendar was the bill (H. R. 320) granting a pension to Kate Amann.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Kate Amann, widow of Philip Amann, late a private in Company D, Seventy-fifth Regiment Pennsylvania Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 320) granting a pension to Kate Amann, having considered the evidence, beg leave to report:

That Kate Amann is the widow of Philip Amann, who was a private in Company D, Seventy-fifth Regiment Pennsylvania Volunteers, and who was discharged from the service February 25, 1863, on account of two gunshot wounds received at the second Bull Run battle, August 30, 1862, one ball having passed through the right leg, the other through the right foot. That he was pensioned on account of said wounds, to date from the time of his discharge, and continued to receive a pension until the time of his death, November 15, 1880, which occurred in the following manner: The evidence shows the fact that while engaged with others working in a stone-yard the derrick used by them for moving and hoisting stone fell on the said Amann, crushing him to death. This accident occurred through no fault nor by any negligence on the part of the said Amann. And in the opinion of your committee, had it not been for his disabled condition caused by his wounds, he would have been enabled to escape the injury which resulted in his death; that those who were engaged with him at the time of his death, and who were exposed to the danger in as great a degree as the said Amann was, did escape death by reason of the fact that they possessed the full use of their limbs. Your committee further find that the said Amann was a sober and industrious man, of good moral character.

That the claimant, Kate Amann, is in reduced circumstances, supporting herself and family by washing and such other hard labor as she can get to do.

In consideration of all the facts the committee recommend the passage of the accompanying bill.

Mr. HEWITT, of Alabama. I would like to know the evidence upon which the committee based the conclusion that this man would not have been killed in the accident described in the report if he had not been disabled by his wounds. It seems to me that his wounds can only be regarded as having a very remote connection with his death.

Mr. MATSON. Of course the injuries received by this soldier in the military service did not directly occasion his death; but the committee was thoroughly satisfied that they contributed to this result to such an extent as to justify the granting of a pension. As stated in the report, the evidence of those who were with this man at the time of the accident, and who were quite as much exposed to peril, is that while they were able to escape he could not do so by reason of his wounds. In their judgment (and we feel no doubt that the conclusion is a correct one) this man would not have lost his life by reason of this accident but for the fact that his right leg was disabled by two gunshot wounds.

Mr. ELDREDGE. Let me ask the gentleman if it is not true that the Pension Department sometimes grants pensions in cases of persons who have lost their lives from accidents by reason of the fact that they were unable, in consequence of sickness or wounds, to take care of themselves?

Mr. MATSON. I think the rule of law is administered very rigidly, and that the disease should have produced death before the pension is granted.

Mr. HEWITT, of Alabama. Mr. Chairman, in the case of three men, able-bodied, in equal good health, engaged on the same work, and equally exposed, one is sometimes killed in case of accident and the other two escape uninjured. It very frequently occurs. It is a very difficult matter to show; in fact you cannot show anything more in this case than a mere presumption. You cannot prove it to be a fact, and it is utterly impossible to establish by evidence that this man would have escaped if he had been perfectly sound.

Now, I do not propose to oppose this bill; but I simply rose to call attention to the fact that this is another stretch of your pension laws and a considerable one.

It is not a case where a man could recover in a court of law upon that kind of evidence; that is one thing certain. If such a question was presented in a court for damages and the evidence was no stronger to prove the case than the remote cause assigned here of this man's death, it strikes me that there is no court in this country where you would be likely to recover. If it was an endeavor to prove to a court that his death would have resulted from the wounds, he would hardly be able to recover if this was the only testimony submitted. And yet upon just such testimony we are expected to pass these bills.

Mr. ELDREDGE. It seems to me, Mr. Chairman, that this House ought not to sit here in the consideration of claims for pensions and surround itself with all the rigid formalities of a court of law, but that in their consideration we should act more as a court of equity and judge from that standpoint in granting pensions.

Here is the case of a man who was badly wounded and who was connected with other men in the full possession of all their muscular powers in the performance of a certain duty. Those who were not wounded were able to take care of themselves when the accident occurred, and though there were several engaged at the same time this man was killed all but he escaped.

It is a fair conclusion, therefore, that this man, if he had been able-bodied, would also have been saved. Now, if that is the fact, his death is

attributable to the wounds received in the service, and it seems to me we should at least give the doubt in favor of the party applying for the pension. If there is any doubt upon the subject it should be resolved in favor of the individual who is to be the recipient. We should not judge these cases, as I have said, upon strict rules of law, as the gentleman from Alabama has indicated.

Mr. HEWITT, of Alabama. Of course if they were judged by the strict rules of law there would be no necessity for this application in behalf of his widow. But all I desired to do was to call the attention of this House to the fact that you are extending your pension laws.

Mr. ELDREDGE. That is what we came here for.

I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

ALEXANDER SAINT BERNARD.

The next business on the Private Calendar was the bill (H. R. 4790) granting a pension to Alexander Saint Bernard.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alexander Saint Bernard, late pilot on the steamer Michigan, United States Navy, and pay him a pension, from and after the passage of this act.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4790) granting a pension to Alexander Saint Bernard, report:

Alexander Saint Bernard, of Saint Clair, Mich., now 75 years of age, was appointed pilot on the steamer Michigan, United States Navy, in October, 1844, and served as such until July 4, 1868, when he was mustered out by reason of the ship going out of commission. The steamer Michigan during said time cruised on Lakes Erie, Saint Clair, Huron, Michigan, Superior, and the navigable waters connecting the same. Alexander Saint Bernard during that period, embracing nearly twenty-four years' consecutive service, necessarily suffered many hardships, privations, and exposures to storms incident to the performance of his duty as pilot, which have finally culminated in a general impairment of his health, rendering him incapable of earning his livelihood by any avocation open to him. It is shown that during his whole period of service he was always willing, faithful, and reliable. Charles Green, first lieutenant, says:

"I have ever found you cautious, prudent, and intelligent, as well as ready and willing in the discharge of all the duties imposed on you, whether as pilot or otherwise, and in your correct moral deportment and strict integrity you have my high esteem."

His commander, Joseph Lanman, says:

"He has at all times merited and received the entire approbation of the commander of the Michigan."

J. R. McKinley, afterward commander, says:

"Being fully aware of your superior qualifications in the capacity you have so long and faithfully served the Government, I would gladly aid you."

It appears that during the war of the rebellion, while still attached to the ship, he was detailed on recruiting service for the United States Navy, both at Chicago and Detroit, and was successful in enlisting recruits for the naval service.

In relation to his present disability and the incurrence thereof, Dr. A. L. Padfield testifies as follows:

"I am a practicing physician and surgeon, residing in the city of Saint Clair; have known Alexander Saint Bernard for twenty years; have been his family physician for the past sixteen years, since his return from the Government service; have known him to be unable to perform but little of manual labor, owing principally to the weakness of the muscles of the upper extremities on the right side and the lower extremities on the left side of the body, and has evident increasing symptoms of paralysis in the upper right extremity, as, in my opinion, was produced by exposure and fatigue in the Government service while under duty on the steamer Michigan."

In view of the long, faithful, and satisfactory service during the best part of his life, and in view of his present age, poverty, and paralytic state, resulting from said service, your committee recommend the passage of the bill with this amendment: Add at the end of the bill the words "at the rate of $15 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM ROBINSON.

The next business on the Private Calendar was the bill (H. R. 1502) granting a pension to William Robinson.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Wiliam Robinson, late a scout in the United States Army.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 1502, beg leave to make the following report:

This claim for pension is based on military service rendered the Government as a scout and guide for the United States Army in the years 1863 and 1864. Claimant was first employed under General Julius White, from the 5th day of September to the 17th day of November, 1863. He was next employed under General Phil. Sheridan from the 15th day of December, 1863, to the 17th day of January, 1864, at which latter date Col. James T. Shelley, of the Fifth Tennessee Infantry, assumed command of the post at Loudon, Tenn., and claimant continued to serve under him until the 4th day of April, 1864. Colonel Gibson, of the Second Ohio Heavy Artillery, succeeded Colonel Shelley in command of that post, and claimant served under Colonel Gibson from the 10th day of April to the 12th day of June, 1864, at which date Col. M. L. Patterson, Fourth Tennessee Infantry, relieved Colonel Gibson, and claimant continued to serve in the same capacity under Colonel Patterson until October 28, 1864. It will thus be seen that he served in the capacity as scout for more than one year, and the evidence shows that he was subject to orders and military regulations and discipline the same as if he had been an enlisted man. That he strictly obeyed and faithfully executed orders is also clearly shown.

And General Julius White explicitly testifies that, by virtue of authority from his superior officers, he employed claimant as a scout and guide, and expressly agreed that his pay should be that of a captain of cavalry. Still the records of the War and Treasury Departments show that he has been paid but the trifling sum of $500 for more than twelve months' arduous and dangerous service.

The testimony shows that he was recognized as ranking with a captain of cavalry, and that as such detachments and scouting forces were required to report to him and made subject to his orders in their movements. The testimony of General White, under whom he was first employed, supported and fully corroborated by General Burnside, and that of Colonels Byrd, Shelley, Patterson, and a large number of other officers, soldiers, and citizens, clearly shows that his services were important and valuable to the military service and movements of the Federal Army.

The Secretary of War and Third Auditor of the Treasury, in reporting on his military service, likewise bear testimony to its efficiency and value. While engaged in this service he contracted sore eyes, that complaint being then epidemic among the soldiers of the command under which he was rendering service, from which he afterward became totally blind, and has remained in that condition ever since, without the remotest possibility or faintest hope of recovery of any degree of eyesight. He is stark blind, and the eyeballs gradually wasting away. In his memorial to Congress, asking to be placed on the pension-roll, among other things he says:

"That in the latter part of July, 1864, and while serving in the capacity of scout under Lieut. Col. M. L. Patterson, of the Fourth Tennessee Infantry, commanding United States forces at Loudon, Tenn., your petitioner contracted sore eyes, which disease was at that time prevalent among the soldiers of that military post and vicinity, and that he received treatment for said disease from Dr. A. W. Gregory, a civil physician residing in that locality. That in the latter part of September, or first of October, 1864, he was sent by the said Colonel Patterson on a very hazardous expedition to the southern part of Monroe County, Tennessee, and within the lines of the enemy, and while on that service was obliged to swim his horse across Little Tennessee River twice during one day, and that in so doing his person got very wet, which resulted in his contracting a bad cold, which, settling in his eyes, greatly aggravated the aforesaid disease of his eyes, which continued to grow worse up to the date of his quitting the service. That after the termination of his service as a scout your petitioner suffered continuously from said disease until the 10th day of August, 1866, when he suddenly experienced a severe pain in his eyes and became totally blind, which condition has continued up to the present time; and during said period of blindness he has not only been unable to perform any manual labor whatever, but his condition has required the constant aid and attendance of other persons."

These facts, as thus stated in his memorial, are all fully sustained by Drs. Gregory, Blair, and Harrison, so far as his disease of the eyes and the results therefrom are concerned, all of whom are reputable gentlemen and physicians of high standing. Dr. Gregory first treated him, and corroborates claimant's own statements in his memorial. Drs. Blair and Harrison also treated him and verify his own and Dr. Gregory's statements. Col. M. L. Patterson, under whose orders he was acting when attacked with sore eyes, and when he was compelled to swim the river on his horse and thus caught cold, corroborates and sustains his statements thoroughly. And his service, disease, and present condition are proven by many other witnesses, among whom are Col. R. K. Byrd, James T. Shelly, and other officers of the Army at the time, known to be good citizens and of high character.

In the opinion of your committee, claimant is as much entitled to a pension as if he had been regularly enlisted, enrolled, and mustered as a soldier. This committee can see no propriety in showing a distinction, based on the formalities of entering the military service, as between enlisted men and scouts. The latter service was concededly the most perilous of any.

We think pensions should be granted in meritorious cases, whether the claimant was an enlisted man, and mustered into military service, or a civilian employed by the proper authority to perform military service.

The basis of the pension should be the military service and disability incurred while in the discharge of duty in that service. In this case the proof is plenary and absolutely conclusive as to every necessary fact, as well as that the claimant is now old and in pinching financial circumstances. In consideration of the premises, your committee report back the bill and unanimously recommend its passage.

Mr. HEWITT, of Alabama. Mr. Chairman, the evidence of these physicians, although relied on to prove the claim, is not set forth in this report of the committee. The conclusion at which the writer of the report has arrived is given, but upon what proof that conclusion is reached is not stated. What the physicians have testified in reference to this case is not given. Now, we could better determine whether or not the blindness of which this man is now suffering was caused from his service as a scout if we had the testimony of the physicians before us instead of the mere conclusions attained by the writer of the report.

I know enough about the proceedings in committees of this House to know that as a rule it is not possible for the whole committee, nor is it expected, that they would be able to look into the evidence. The cases are usually assigned to members, and the committee is necessarily compelled to take the opinion of the writer of the report as to the questions involved. In a report, however, where we are to rely upon the evidence of the physicians or others, that testimony, or its substance at least, ought to be set forth in the report. Certainly that evidence, or at least a portion of it, that part which bears upon the case, ought to be set out so that the House may judge as well as the man who writes the report as to whether or not the evidence sustains the conclusions. If there is any gentleman here who knows the facts as to how this evidence was gotten up, in what shape it came up, and how it was done, I take it it would be a much more satisfactory thing for the House to have it stated. This case I believe has never been before the Commissioner of Pensions.

It is a case which has come directly to Congress, and we all know how easy it is to get up *ex parte* affidavits to prove almost anything. If this man's blindness has been caused by his services as a scout he ought to be placed upon the pension-roll, and I say that it is the duty of Congress to put him there; but we ought to be satisfied before we do it in reference to the facts, for, sir, if he is put there on the pension-roll he will draw $72 a month. The highest pension is given to those who are totally blind, and it amounts to $72 a month. If we put this man there he will draw that rate of pension; but before doing so we ought to know what his physicians have testified; and so far as I have heard the report we have not had that testimony laid before us.

Mr. MATSON. Since the gentleman from Alabama, as the chairman of the Committee on Pensions, wields so free a lance of criticism against the reports of the Committee on Invalid Pensions, I am sure he will not find fault with me if I refer to the fact that his committee came

into this House within the last two weeks with a report only two lines long stating the committee recommended the passage of the accompanying bill. That was all there was in the report.

Now, I think the report in the pending case is ample and sufficient. It would be impossible for a committee to write out in a report all the testimony of witnesses *in hæc verba*, and if they were to do so I think the House would become weary of listening to its reading in detail. I have every confidence in the statement made here, although I am free to say I did not see these papers. The facts are stated as proved.

Mr. HEWITT, of Alabama. Not facts but conclusions are stated.

Mr. MATSON. The conclusions are stated there in accordance with the facts which were submitted to the committee. It seems to me, Mr. Chairman, the criticisms of the gentleman on this report are not well taken. I am disposed to be friendly about these things, but I do not think criticisms ought to go too far. When the report pretty well exhausts the subject I think the House ought to be satisfied. That is my opinion about it.

Mr. HEWITT, of Alabama. Of course I did not intend in any remarks I made to cast any reflection on the honorable gentleman or on any member of his committee, and if what I have said can be construed as doing so I will withdraw it.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH MINER.

The next business on the Private Calendar was the bill (H. R. 1077) granting a pension to Sarah Miner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Miner, widow of Stephen B. Miner, formerly a master's mate on the United States Coast-Survey steamer Vixen.

The report was read, as follows:

Mr. BAGLEY, from the Committee on Invalid Pensions, submitted the following report:

Stephen B. Miner, husband of the petitioner, Sarah E. Miner, became connected with the United States Coast Survey some time during the year 1855, and while acting as executive officer of the steamer Hetzel the boiler exploded, and, being over it, he inhaled steam to that extent that it resulted in severe asthma, the accident causing the death of others. Commander Thomas S. Phelps, under whose command he served, states that he was informed that Mr. Miner's disease originated in the manner described, and he believes it was greatly aggravated by his duties in the Coast Survey and naval service, and the progress of said disease is shown as conclusive of the correctness of the statement.

The affidavit of James C. Abrams, an old acquaintance of Miner's, details the cause of the origin of the disease in the service, and his view is confirmed by the testimony of several physicians who treated him. Mr. Abrams's affidavit states that Miner was blown several feet into the air and came down in the *débris*, the deck and pilot-house being completely destroyed.

At the breaking out of the war Miner was first executive officer of the United States steamer Vixen, under the command of Lieut. Commander T. S. Phelps, of the United States Navy. The vessel was ordered to Throgg's Neck to guard the port of New York against contraband vessels passing in and out of the port. The captain was ordered to Washington soon after, and was absent several months, leaving Mr. Miner in command. The duty was arduous and required vigilant attention night and day, hailing and boarding vessels in all kinds of weather. The season was stormy, cold, and wet. The hardship brought on asthma in a severe form and a pulmonary attack from which no relief could be obtained. The ship was ordered to the coast of Virginia, and was kept in active service on the coast and rivers of Virginia, where the greatest vigilance was required to protect the people from depredations from the confederates, who were very active. They captured some $30,000 worth of property and repelled several attacks of the enemy's armed vessels, and received the thanks of the Secretary of the Navy for driving off the armed vessels Curlew and Winslow and for gallant and meritorious conduct.

The record of the service shows great activity on the part of Mr. Miner and his vessel on the York and James Rivers during the campaign of McClellan on the Peninsula. They were constantly intercepting boats and vessels and shelling troops on shore and receiving their fire in return. They succeeded in destroying much property and in capturing many prizes, and the service rendered is shown to have been most daring and effective, and exceedingly arduous.

Notwithstanding Mr. Miner's disabled condition, he remained true to his trust and bravely in the service until he resigned, in 1865. Ample testimony is given to show the existence of the disease while in the service, and that its progress was continuous until his death, which occurred in July, 1867. The evidence of attending physicians and friends is given to substantiate the facts stated.

Dr. I. T. Dana, of Portland, Me., testifies that Miner first came under his observation and care November, 1863, treating him about seven months; that he was suffering from chronic bronchitis and asthma, with marked consumptive tendency; saw him in October, 1864, when his disease became more developed in the form of consumption.

Dr. J. F. Gray, of New York, testifies that he treated him for some years before his death for tuberculose consumption.

Dr. Wheeler, of Hudson, N. Y., certifies that he attended him from April 27, 1867, until his death, in July, 1867, from consumption.

Lucius Moore and James Clark, reliable and trustworthy citizens of Hudson, N. Y., testify to their acquaintance with Miner prior to his resignation in 1865, and that when he came home he was suffering severely with the asthma and disease of his lungs, which terminated in death.

The several affiants, all of whom seem to be familiar with the facts in the case, agree that the disability of which the claimant's husband died originated in the service of the United States.

The general laws do not provide pensions for those in the Coast Survey service, although they may have incurred disability therein, and while under the direct orders of the Navy Department during the war, for the reason that they were not regularly enrolled, yet where actual service was rendered, encountering dangers, hardships, and sacrifices the same as those who were enrolled, it seems but just that they should be equally provided for.

The widow, who is a lady highly esteemed in the community in which she lives, is in straitened circumstances, and, believing that her husband's life was sacrificed in the service of his Government, appeals to it for aid, trusting it will not be in vain.

The committee are of the opinion, after examining all the points in the case, that it is a suitable one for a pension, and recommend the passage of H. R. 1077.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EMMA A. PORCH.

The next business on the Private Calendar was the bill (H. R. 3294) granting a pension to Emma A. Porch.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Emma A. Porch, of Cole County, Missouri, subject to the provisions and limitations of the pension laws.

The amendment of the committee was read, as follows:

Strike out the words "subject to the provisions and limitations of the pension laws," and insert in lieu thereof the following: "and that she be paid at the rate of $20 per month."

The report was read, as follows:

Mr. FYAN, from the Committee on Invalid Pensions, reported as follows:

They have had same under consideration; that the bill in substance has been pending in Congress for several years. A favorable report in the case was made in the Forty-sixth Congress, and the bill passed the House.

Again in the Forty-seventh Congress the report of the Forty-sixth Congress was adopted, and the bill again passed the House.

The committee now adopt the report made in the Forty-sixth and Forty-seventh Congresses, as follows:

"This committee, to whom was referred the bill of the House No. 4877, have considered the same, and finding the facts correctly reported by the Committee on Invalid Pensions in the Forty-sixth Congress, adopt said report, which shows:

"'That the committee find that Mrs. Porch, during the war, was employed by the military authorities of the Federal Army as dispatch-bearer and spy; that in this capacity she was most active, and rendered important and valuable service to the Army in the Department of Missouri. The Government recognized these services, and Congress, by special act approved June 14, 1878, paid her a moderate compensation therefor after many years of impatient waiting. The evidence submitted to the committee, from her neighbors, the county officials, and her attending physicians abundantly establishes the fact that when she entered into the military service she was and had always been possessed of a robust constitution and perfect health; that during her said military service she was much exposed to hunger, cold and rain; that since the war her physical strength and health have been greatly impaired, and have continued to decline, until a few years ago she was stricken with paralysis, which had partially destroyed the use of one side. She is now quite nigh helpless and unable to work, and is a subject of charity, being without any property of consequence, and in constant need of medicine and medical treatment.

"'Your committee think her case appeals most strongly to the Government which she served with such heroic spirit and fortitude in the day of its need to help her now in her infirmity resulting from military services. No good reason is apparent for her exclusion from the bounty of the Government because she was not an enlisted soldier. Her sex prevented the enlistment, but it enabled her to gain access to the enemy, to pass safely by and through their lines, and thereby to render to the Government a service as valuable as the soldier who bore a musket.'"

It is shown by communications from worthy and responsible citizens, neighbors of the claimant, that her condition is now more helpless than heretofore.

Your committee therefore recommend the bill be amended by striking out the words "subject to provisions and limitations of the pension laws," and adding to said bill the words "and that she be paid at rate of twenty dollars per month," and that the bill as amended do pass.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN D. RICKARDS.

The next business on the Private Calendar was the bill (H. R. 2348) granting a pension to John D. Rickards.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John D. Rickards, late a private in Company A, Sixty-ninth Regiment Enrolled Missouri Militia.

The report was read, as follows:

Mr. FYAN, from the Committee on Invalid Pensions, submitted the following report:

That John D. Rickards was a soldier in Company A, Sixty-ninth Regiment Missouri Enrolled Militia, and that on the 23d day of August, 1862, his company was ordered to and did attack a camp of confederate soldiers, commanded by Col. Joseph Porter, and that said Rickards was shot through the body and taken prisoner. The bullet entered at the left of the vertebra above the last false rib, between it and the true rib, passing through the *serratus corticus*, and was extracted from the external oblique muscle.

That he was wounded in action as mentioned is sworn to by Thomas Helms and Richard Greene, members of the same company and regiment, who knew the fact of their own personal knowledge.

The same fact is established by the sworn statement of G. S. Kendrick, captain in the confederate army, who took said Rickards prisoner. Dr. A. M. Raines swears he was called upon on the 24th day of August, 1862, to dress a gunshot wound of the character described, and that Rickards was under his treatment five or six weeks. Dr. Raines further swears that Rickards is now greatly disabled for the performance of manual labor. John D. Rickards was examined by D. V. Vansyckel, examining surgeon, who reports him to have received a wound such as before described, and who further reports that the ball must have passed very near to the spleen, between it and the diaphragm, and that his injury is of third grade.

Rickards made application for pension, but it was rejected because he was in the militia, and not in the United States service. The only way in which he can be pensioned under existing laws is by act of Congress, and we do therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

TEMPLE GOLDEN.

The next business on the Private Calendar was the bill (H. R. 5070) granting a pension to Temple Golden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Temple Golden, late a private in Company K, Seventy-sixth Regiment Missouri State Militia, subject to the provisions and limitations of the pension laws.

The report was read, as follows:

Mr. FYAN, from the Committee on Invalid Pensions, submitted the following report:

That Temple Golden was a private in Company K, Seventy-sixth Regiment Enrolled Missouri Militia, and that while on duty as guard on the 9th day of March, 1863, he was wounded by gunshot wound in the left leg, inflicted by the enemy. This is testified to by James H. Crabtree, who was on duty at the same time and who saw the enemy shoot Golden, assisted in carrying him off the field, and saw his leg amputated. The same facts substantially are sworn to by W. K. Testerman, from his own personal knowledge and observation.

Dr. Lewis Wills, of Neosho, Mo., a highly reputable physician and surgeon, corroborates the evidence of above-named parties by swearing that in 1863—and he thinks in March of that year—Temple Golden was brought to town of Neosho by the Union troops, with a gunshot wound in left thigh, about five inches above the knee; that the bone was shattered into fragments in the knee-joint; the flesh was bruised and lacerated in a horrible manner, with dirt and small gravel sticking to it, and the upper fragment of the femur looked as if it had been driven into the ground. The doctor amputated limb about the middle of the thigh.

Under the laws as framed this applicant could not receive pension; but he was a soldier, wounded while on duty in the service of his Government, and there is no reason why he should not receive the same pension granted to United States soldiers wounded in like manner.

Your committee therefore recommend passage of bill.

Mr. HEWITT, of Alabama. Mr. Chairman, we seem to be getting a good many of the Missouri militia on the pension-roll, and I wish to make one or two inquiries before we pass upon this case. I should like to know in what battle this man was wounded. Can any gentleman on the committee tell us?

Mr. ROSECRANS. I should be glad to say a word in respect to these cases of the Missouri State militia. I was the department commander in 1864. That department was stripped in the spring of that year of almost all of the volunteer troops of the State, and all of the regular troops except one battalion. The defense of that department depended on this Missouri State militia. Some of them had been mustered into the service at an earlier day. They served the same purpose almost as volunteer troops.

Others were enlisted by the authority of the Secretary of War under my supervision for one year for the defense of that department, and they performed duty during 1864. When Missouri was invaded by General Price they had a number of combats. And besides that the expectation of that invasion had been diffused through the State of Missouri in March. I had information of that fact from the Order of American Knights. The new commander in the North who succeeded Wright delivered an address at a meeting of the conclave at Sandwich, over in Canada, as early as February, and I knew all about that. I knew the State was to be invaded and the expectation was that Missouri, Ohio, and Pennsylvania would be invaded about the 1st of July. But I arrested forty-two of the conspirators in Missouri and put them in prison and that put a stop to the invasion of Missouri till September. But when September came we were obliged to muster everything we could and get troops from everywhere; and I got authority from the Secretary of War to muster in State militia for one year. That is the way so many Missourians got into the service of the United States. It was owing to the invasion and disturbance which were outliers of the invasion that they had so many combats, small and great.

Mr. CUTCHEON. I wish to ask the gentleman from California a question if he will allow me.

Mr. ROSECRANS. Certainly.

Mr. CUTCHEON. Will the gentleman inform us why it happened these companies were not mustered into the United States service as well as the Missouri State militia?

Mr. ROSECRANS. Because under the direction of the Secretary of War they were to do duty in the State of Missouri only. They were specials.

Mr. CUTCHEON. Not expected to go out of the State?

Mr. ROSECRANS. The understanding was they were mustered for State defense. The object in mustering them in was to enable the Government to pay them while serving in Missouri.

Mr. CUTCHEON. And I will ask the chairman of the Committee on Invalid Pensions why it would not be advisable to have a general law to cover these cases where troops served as a State militia under orders of the Secretary of War?

Mr. MATSON. There was a general law which expired in 1874 or 1878—I do not remember the exact date. That law provided that all who belonged to these various classes of Missouri militia who were recognized as United States soldiers except in the mere name should be pensioned as other soldiers. They had to file their claims within a given time. This man did not file his claim.

Mr. CUTCHEON. Why would it not be advisable to revive that law?

Mr. MATSON. Because there are but a few scattering claims which we can take care of here.

Mr. CUTCHEON. There were a few the last night we were considering pension cases and there were some more to-night.

Mr. HATCH, of Missouri. I can not give the committee any information about the facts of this particular case, but I can answer the question of the gentleman from Alabama [Mr. HEWITT] I think satisfactorily, although the ground has been pretty well covered by the gentleman from California. But the gentleman from Alabama should appreciate the fact that Missouri was a battle-ground from very early in 1861 till the close of the war, from the Iowa line to the Arkansas border, and there were engagements between hostile forces within a few miles of the Iowa line every few months—almost every few weeks—during the entire period of the war.

Mr. HEWITT, of Alabama. I should like to ask the gentleman from Missouri if all these engagements were not distinguished by some local names? If they were battles or skirmishes they must have been known by some name.

Mr. HATCH, of Missouri. A great many of them are known by name and date, like the battle of Kirksdale and the battle of the Des Moines River, and several engagements of that kind that occurred very near the line. But a great many were simply running fights between these forces that were roaming over the State. As the gentleman from California [Mr. ROSECRANS] well knows, the officer whose name is mentioned in the report just read, Colonel Porter, who lived in one of the northern counties of the State up to the time of his death, was in that part of the State of Missouri every season with his regiment, and there were sometimes from three to ten thousand men after him.

Mr. ROSECRANS. And I will say more; so thoroughly was the strip of country next the State of Kansas border desolated that sitting on my horse I counted from one elevation forty double stacks of chimneys where the houses had been burned away as one of the marks of the desolation resulting from the constant warfare.

Mr. HATCH, of Missouri. That was in the portion of the State covered by the famous order No. 11.

Mr. HEWITT, of Alabama. I will ask the gentleman from California whether he is not speaking of a time prior to 1863?

Mr. ROSECRANS. Eighteen hundred and sixty-four is the time I alluded to when I observed the desolation. Of course a great deal of that desolation had occurred previously.

Mr. HEWITT, of Alabama. Was it not in 1861 and 1862 that the fighting occurred there?

Mr. STEELE. I rise to a question of order.

The CHAIRMAN (Mr. ERMENTROUT). The gentleman will state it.

Mr. STEELE. The conversation of the gentlemen at the other side of the Hall is carried on in so low a tone that we do not hear a word that is said.

The CHAIRMAN. The point of order is well taken.

Mr. HATCH, of Missouri. I am not prepared to give the gentleman from Alabama the information he asks as to the number of troops enlisted in the State of Missouri who served in the Federal Army, but there were several different classes of soldiers. There were the regular soldiers, a large number of regiments which were mustered at once into the Federal service. Then there was what was known as the Missouri enrolled militia, which was first organized under the State law and afterward mustered into the Federal service. Then there was the Missouri State militia. A large number of these forces were from time to time under the command of regular Federal officers who were in command in the State, and they were held as a reserved force. In nearly all the engagements that occurred in the State they were commanded by regular Federal officers and constituted a part of their command.

Mr. ROSECRANS. If the gentleman will allow me, I will make a little explanation right here. All the Missouri enrolled militia were organized under the governor of the State; but he was in constant communication with the department commander of the State of Missouri, and accounts were kept with the Government. Then the State militia was the militia which I had mustered into the service in 1864. Of these three classes two were always in the Federal service; that is, the governor of the State organized them, but they were under Federal direction.

Mr. HATCH, of Missouri. I will state further to the gentleman from Alabama [Mr. HEWITT] that no better service was ever performed by any troops than the service performed by these Missouri troops, for they held that State and relieved a large number of Federal soldiers from duty there so that they could be put into active service in the field.

If it is any satisfaction now to the gentleman from Alabama—I do not know that it was at the time; I am sure it was not to me—I will tell him that had it not been for this large State force, General Price, when he reached the Missouri River, never would have stopped until he reached the Iowa State line. I hope the bill will pass.

Mr. HEWITT, of Alabama. I would like to make one or two remarks about this report, but I am afraid if I do so my friend here from Indiana [Mr. MATSON] will accuse me of criticising too severely the reports of his committee.

A MEMBER. He can jump on some of your reports. [Laughter.]

Mr. HEWITT, of Alabama. Here is a man who it is said belonged to the Missouri militia. The report of the committee says that he was wounded in some engagement that has no name and it does not tell us where that engagement took place, it does not tell us in what battle the wound was received. It seems to me that if it was not in some lit-

tle neighborhood skirmish there, in some neighborhood broil between citizens, if it was in a regular engagement with the enemy, they would have been able at least to tell us where and in what engagement the man was wounded.

I do not suppose this Government intends to pension everybody that was hurt in Missouri during the war, whether he belonged to the militia or not. While I am willing to vote pensions to all the soldiers in the Federal service who were wounded, or who contracted disease during the late war, I certainly am not willing to vote a pension to every man in Missouri who might have got hurt in some neighborhood broil there during that war.

Mr. PEELLE, of Indiana. The word "enemy" has a technical meaning in military phrase, has it not?

Mr. HEWITT, of Alabama. It has a technical meaning, but it may not have been used in its technical sense here. This may have been merely a neighborhood enemy.

Mr. CUTCHEON. The distinguished gentleman from Alabama [Mr. HEWITT] seems to find fault with this report because it does not name the battle in which this casualty occurred. I think there are a great many gentlemen on this floor who can assure the gentleman that it did not take very much of an engagement sometimes to kill a man, or very much of an engagement to wound a man. Sometimes a picket on the outposts all alone met his fate. Sometimes an advance guard might be passing along the highway and be fired on from the roadside. No name was ever given to the place, but he died just the same, and was just as dead as if he had been killed at Chancellorsville or in the Wilderness; or if he was wounded, he was just as severely and effectually wounded as though he had been wounded at Gettysburg.

But that is not all. When we send a case of this kind to the Committee on Invalid Pensions we treat it, I think, something in the same way as a case is treated that is sent out of court to a special jury to find the facts of the case. When the verdict comes in I think we should give it full faith and credit unless we see something on the face of the report to throw doubt and discredit upon it.

I see by reference to this report that it says:

Timothy Golden was a private in Company K, Seventy-sixth Regiment Enrolled Missouri Militia, and while on duty as guard on the 9th day of March, 1863, he was wounded by a gunshot wound in the left leg inflicted by the enemy.

Then the report goes on to state the proofs which have been presented.

Now, when the Committee on Invalid Pensions brings in this report and assures us that this man was a regularly enrolled soldier, and that he was wounded while on duty as a guard, we should accept that report unless we see some good reason for not accepting it. Had this man been in the regular service of the United States and this same sort of proof had been presented there would have been no question but what he would be entitled to a pension; he was wounded in the service, in the line of his duty, and is suffering from that disability. The simple fact that he was an enrolled soldier in the militia of the State of Missouri rather than in the regular service of the United States ought not to make a bit of difference in our action upon the case.

Mr. WOLFORD. Mr. Chairman, it seems to me that a man wounded in a "neighborhood broil," to use the language of my distinguished friend from Alabama [Mr. HEWITT] is hurt just as much as if wounded in a regular battle. The only question that deserves consideration from this House in such a case as this is whether the man was acting in concert with the United States forces, whether when he was wounded he was fighting for the Union.

Mr. Chairman, I have learned from my distinguished friend from Alabama a valuable lesson. In one of his lectures before our committee—and I am telling no secrets—he was talking about the Indian wars, the Indian "disturbances," as they were called in history; and he explained most beautifully and eloquently—I shall remember his remarks until my dying day, for they converted me right there—that the brave soldiers who fought the Indians, because Indians could fight and kill, deserved pensions just as much as though they had been engaged in a regular war. Having been convinced by his argument, I intend to vote for his bill, when it comes before us, upon its merits.

I happen to know something of cases parallel to the one now before us. My own native State was a scene of war from border to border, from the Ohio to the Cumberland. There was scarcely a day—certainly not a week—when some gallant men, representing on the one side the "lost cause" and on the other the cause of the Union (for we had good men and true on both sides), met and fought and were killed or wounded. Those who fought under those circumstances for the confederate government ought to be pensioned by that government if it were in existence, and those who fought for the Union ought to be pensioned, every man of them, by the Government of the United States.

All Missouri was a battlefield at that time, as all Kentucky was. All Missouri was drenched in blood, as all Kentucky was. Men were there contending every day and hour, to the very death, for the supremacy of the Union on the one side and the supremacy of the confederacy on the other. There were true and brave and noble men on both sides. When you talk about "neighborhood broils" I know something about that matter. As brave men as ever lived stood in front of the enemy in Kentucky, as I presume they did in Missouri. Sometimes they were under the guidance of Union officers and sometimes they fought by themselves for the liberty of the nation, for the honor and glory of the old Government, for the perpetuity of the Union. They triumphed. We enjoy the blessings for which they fought. We rejoice in the fruits of their success. And shall we say that a poor fellow is to receive no pension because he was wounded in a little "neighborhood fight," when in parts of the country like Kentucky and Missouri such fights were going on constantly, and in those fights brave men were standing up for the Union? [Applause.]

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House.

There was no objection.

MRS. MARY J. STOTTS.

The next business on the Private Calendar was the bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Mary J. Stotts, widow of Green C. Stotts, late captain of Company D, Seventy-sixth Missouri Militia, subject to the provisions and limitations of the pension laws.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill No. 5069, state they have examined the same, and make the following report:

That in November, 1862, Green C. Stotts was commissioned as captain of Company D, Seventy-sixth Regiment Missouri Enrolled Militia.

That in April, 1863, they were mustered into and constituted Company C, Seventh Provisional Missouri Militia, and still later he and his company were mustered into and constituted Company C, Fifteenth Regiment Missouri Volunteer Cavalry.

That Captain Stotts was mustered out of service of United States July 1, 1865, on individual muster-roll.

He died November 5, 1876, and on 20th day of November, 1878, Mary J. Stotts, widow, made application for pension because her husband died of disease contracted while he was captain of Company C, Fifteenth Missouri Volunteer Cavalry. Her application was rejected July 9, 1883, as stated by the Commissioner of Pensions—

"Upon the ground that her husband's fatal disease was contracted while he was a member of Company D, Seventy-sixth Missouri Enrolled Militia, prior to being mustered into the United States service in the Fifteenth Missouri Volunteer Cavalry.

"That her husband was a member of an organization organized under the laws of the State of Missouri, and that as his fatal disease had its origin during said service, under the provisions of the pension law neither he himself nor his heirs have title to pension for disease or death contracted in or resulting from said service.

"That her claim is one for which the general pension law makes no provision, being barred under paragraph 3, section 4693 of the Revised Statutes, but is one which is properly referable to Congress for special action."

Your committee might be content to base their report solely on the above findings of the Commissioner, who, after a careful examination of the testimony, finds that said Stotts contracted the fatal disease while captain of Company D, Seventy-sixth Missouri Enrolled Militia, but deem it more satisfactory to call attention to a few of the facts in evidence in this case, which go to show it a peculiarly deserving one.

According to the evidence of reliable and trustworthy witnesses, Capt. Green C. Stotts and his company, D, Seventy-sixth Missouri Enrolled Militia, being in active service, were ordered, November, 1862, to Bower's Mill, Mo.; that they were without tents or necessary clothing. They were all necessarily greatly exposed. About the 15th of December, 1862, Captain Stotts was taken with a violent cold, and was in a precarious condition and unfit for duty until April or May, 1863. This is sworn to by the first lieutenant of the company and Dr. Andrew Wilson, assistant surgeon of the regiment, who waited on him.

Dr. Wilson also swears that he treated him from the time mentioned until June, 1863, for bronchitis; that he was of a scrofulous constitution, and consequently very susceptible to the influence of cold and exposure. It is in evidence that he continued to labor under disability to a greater or less extent from December, 1862, until, in 1864, on the raid of confederate General Sterling Price through Missouri, he was much worse, at which time he was attended by Dr. King, surgeon Fifteenth Missouri Volunteer Cavalry, who was dead at time of application by widow.

Dr. Harvey, a prominent physician of Lawrence County, Missouri, swears he was family physician for Captain Stotts and family from 1863 up to time of death of said Stotts. That he was first called to wait on Captain Stotts in 1863, and found him affected with a skin disease which developed into scrofula. That it would break out on his hands and other parts of his body, which grew worse as time progressed, and was much aggravated by his exposure in the service. That he died from this, it eventually affecting his lungs, causing tubercles.

There is no question, under the evidence, that Captain Stotts was a remarkably healthy, robust man before entering the service.

We have only incorporated part of the evidence collated in the Pension Bureau, and which from the report of the Commissioner would have entitled his widow to pension if he had been a regular volunteer in United States Army instead of being in the militia. But both organizations were battling for the same cause—the preservation of the Union—and Captain Stotts was exposing himself as bravely and heroically, and certainly as patriotically, as if he had been uniformed in comfortable clothing or sheltered in a warm tent.

We therefore recommend the passage of the bill.

Mr. HEWITT, of Alabama. I wish to inquire why a pension could not be obtained in this case under the law?

Mr. MATSON. The report explains the reason very fully. This man was a member of Company D, Seventy-sixth Regiment Missouri Enrolled Militia, and subsequently was mustered into the service of the United States as a captain of Company C, Fifteenth Regiment Missouri Volunteer Cavalry. In the opinion of the committee he died of disease contracted in the service; but the Pension Office, upon the evidence, decided that the disease was contracted when he was serving in the militia and before he was mustered into the United States service.

The bill was laid aside to be reported favorably to the House.

MRS. SUSAN J. M'KENNEY.

The next business on the Private Calendar was the bill (H. R. 5675) granting a pension to Mrs. Susan J. McKenney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, directed to place the name of Mrs. Susan J. McKenney, of Belfast, Waldo County,

Maine, on the pension-roll of the United States, at the rate of $8 per month, from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3224) granting a pension to Mrs. C. O. McKenney, having had the same under consideration, make the following report:

Susan J. McKenney, of Belfast, Waldo County, Maine, is the widow of the late Charles O. McKenney, of said Belfast, who died the 8th day of January, 1884. The deceased was duly appointed a special agent by the provost-marshal for the fifth district of the State of Maine, about October 15, 1863, and he performed the duties of said office faithfully until April 26, 1865, when he was honorably discharged.

On or about June 20, 1864, during his service as such special agent, while in the line of his duty and in an attempt to arrest a deserter, pursuant to an order from the provost-marshal, he was shot by the said deserter and severely wounded. The shots were fired from a revolver; one bullet entered his back, passed through his body, and lodged under his right arm; two bullets passed through his left arm; and still another hit and wounded him in the left thigh.

Although he received skillful medical treatment immediately after being shot, he was confined to his house for upward of fifty days, and for more than a year he was incapacitated from performing any labor. He was never a well man subsequently, and always suffered severely from his injuries. He was unable ever afterward to do more than half the work a person of ordinary health could perform, and he could do that much only with great pain and suffering. He could not labor continously at any kind of work for any considerable length of time after being shot, and for several years last past he has been growing worse on account of his injuries, until on the 8th day of January, 1884, since the beginning of the present session, as already stated, he died.

Without doubt his death was caused by the shooting above-mentioned. But there is no law by which the said McKenney, in his lifetime, or his widow since his decease, might draw a pension.

Your committee are of the opinion that the case is meritorious, and that his widow, left in poverty, ought to receive a pension by special act of Congress.

We therefore report the accompanying bill to the House as a substitute for the one referred to your committee, with the recommendation that it pass.

Mr. HEWITT, of Alabama. In this case we have one of those poor fellows described to-day by my friend from Kentucky [Mr. WOLFORD] who were "homesick," who having left mothers or wives or sweethearts at home, deserted in order to go back to see them. Then we have also in this case a fellow who was a sort of provost-marshal, a man who staid at home and got some position which would keep him out of the war, and this was a very good place to keep out of the war. One of the agents of the provost-marshal was sent out to arrest this poor fellow who had been at "the front," and in attempting to arrest him this assistant of the provost-marshal was shot. You have all said to-day by your action that desertion was honorable because you have removed the charge from the records of those against whom it was placed.

Mr. WOLFORD. No; only that it was pardonable.

Mr. HEWITT, of Alabama. That it was pardonable, at least. I have as much respect—I will not say that, Mr. Chairman, but I will say that I have not much faith in these provost-marshals or in their subs who staid at home, and tried to put everybody else into the service but themselves and their friends. I supposed it was at the North as it was at the South in my country during the war. We had these gentry down there who kept themselves away from the bullets of our friends at the North. They staid back at home seeking those positions in order that they might keep out of harm's way, but trying to drive everybody else, all of the poor men of that country to the front. I have but little sympathy with one of these fellows who happened to get shot, and I do not feel like stretching the pension laws in order to get him on the pension-roll. I am earnest in my opposition to this bill. I do not think it ought to pass.

I do not think these provost-marshals, particularly away back in Maine—because he was there living away from the enemy—deserve much sympathy from us.

Mr. BROWN, of Pennsylvania. You say you are in earnest about this bill?

Mr. HEWITT, of Alabama. Yes; I am.

Mr. BROWN, of Pennsylvania. Then you were joking about all the other bills. [Laughter.]

Mr. HEWITT, of Alabama. Not joking exactly, but only calling your attention to them.

Mr. RAY, of New Hampshire. Mr. Chairman, I wish to say a word in relation to this bill. Maine is a long way from the State represented by my friend from Alabama, but it is a good deal nearer the Canada line, and during the rebellion we had now and then a man whose business called him over the line most of the time while the drafts were pending. Like Artemus Ward, we had men who were willing to sacrifice their wives' first cousins and their wives' second cousins, and in fact all their wives' relations, provided they themselves could escape the draft which they sometimes attempted by going near to or over the line. We therefore were obliged to employ provost-marshals, deputy provost-marshals, and enrolling officers in order to take care of the men who deserted the Army in the field, and those at home also who attempted to escape the draft.

We likewise had to employ special agents to assist the provost-marshals in the performance of their duties, and this poor fellow, now dead and gone, was one of these special agents. Had he been a provost-marshal, or a deputy provost-marshal, or an enrolling officer, under the provisions of the Revised Statutes of the United States, section 4693, clause 5, the pension would have been granted to him twenty years ago. The general pension laws apply only to provost-marshals, deputy provost-marshals, and enrolling officers. As a special agent McKenney could not be pensioned under the general law, although he performed precisely the same duties as were imposed on provost-marshals and their deputies. While in the proper discharge of his duty he was shot almost to death by a deserter, and the wounds he then received finally caused his death January 8 of the present year.

The deceased is not here asking for a pension, but his widow, now an old lady in destitute circumstances, does pray for a pension on account of the loss of her husband, who died from wounds received while in the service of his country. She asks for a pension by reason of those four bullets shot into her husband's body, which ultimately caused his death, and I do believe that she is as much entitled to receive a pension as any case we have passed upon favorably here to-night.

I may say, Mr. Chairman, that the Committee on Invalid Pensions were unanimous in reporting this bill. The woman is aged and needy, and she can not get a pension except by special act of Congress. The pending bill proposes to give her only $8 a month.

Her husband in trying to arrest a deserter and send him to the front in order to help the brave men already there to put down the rebellion was doing his country good service, just as much as though he had been fighting the enemy at the front himself.

As I have already remarked, the poor man is not here asking this pension for himself—although if he were living and were here asking for it I would cheerfully vote to grant it; and I am sorry he did not get it during his lifetime—but his widow, whose husband sacrificed his life for the benefit of the country, just as much as though he had been shot and killed south of Mason and Dixon's line, is here, and the favorable report of the committee in her behalf I hope will be sustained by the Committee of the Whole and the bill laid aside to be reported to the House with the recommendation that it pass.

Mr. BOUTELLE. Mr. Chairman, I regret exceedingly that my colleague who introduced this bill is not present this evening to speak in its behalf. I have not myself that familiarity with the details of this case which I would like to have in order to present it fairly and fully before this committee. But I do desire to say that it seems to me entirely obvious that it is a case falling directly within the limits which have been established by Congress many times in the granting of pensions outside of the strict letter of the law. What are the circumstances surrounding it? Here was a case in brief in which an agent of the United States Government, performing a military service for the Government, was practically brought to his death while in the performance of that duty, a duty connected directly with the then existing war. There is no question, sir, I take it, if this man had been a commissioned officer of the Army or an enlisted private, and had met his fate in the way stated in the evidence presented before the committee, that he would have been entitled to a pension under the law; and, as I understand it, the very object of this legislation, which Congress is called upon from time to time to enact, is to provide for this class of cases which do not come technically within the strict limits of the law.

Now, the gentleman from Alabama [Mr. HEWITT] has referred to the fact that the State of Maine is or was a long way from the front. That, Mr. Chairman, is entirely true, in a geographical sense. But it may also be said, and it ought to be said in that connection, that it was not so far from the front but that it sent seventy-odd thousand of the best and bravest of its sons to carry our flag forward on the battlefields of the Republic.

Mr. HEWITT, of Alabama. Will the gentleman permit me to interrupt him for a moment?

Mr. BOUTELLE. Certainly.

Mr. HEWITT, of Alabama. I am entirely aware of the fact stated by the gentleman from Maine; and I said not a word against the brave soldiers that went to the front from that State.

Mr. BOUTELLE. I trust the gentleman would not do so. I was simply vindicating my State from the reflection that might seem to be implied in his remarks.

I think, sir, that a State of this Union, situated, as the gentleman from Alabama has said, so far from the scene of strife as the State of Maine; so distant that its citizens might have felt somewhat exempt or removed from the exciting influences of that great conflict, and yet which in the face of that fact can show upon the records of this country that she sent to the front during the continuance of the rebellion no less than one man out of every nine of its entire inhabitants, has no reason to make any apology for those who, whether in the direct military line or in auxiliary efforts to suppress the rebellion, did meet with disaster or injury in their patriotic efforts when they come to this House and ask for relief.

Mr. Chairman, there is no question that this man was wounded unto practically his death in endeavoring to secure the objects for which the war was being prosecuted. He was shot by a deserter whom he was endeavoring to arrest. I can think of no sympathy whatever that can go out from this House toward the deserter who committed homicide in his endeavor to escape from the performance of his duty. But this man was in the performance of his duty; he was shot to death, and his widow asks this little pittance of relief at the hands of the Government. I trust that the House will not refuse it.

Mr. RANDALL. Mr. Chairman, I want to make a very brief suggestion, and in doing so I mean no disrespect to any member, for

under some circumstances I would enjoy all of this eloquence. But I want to suggest that we do less talking and more voting. [Applause.]

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with the recommendation that it do pass.

The question was taken.

Mr. HEWITT, of Alabama. Let us have a division.

The committee divided; and the Chair announced the vote as—ayes, 50, noes none.

Mr. HEWITT, of Alabama. One more.

The CHAIRMAN. Ayes 51, noes none.

Mr. HEWITT, of Alabama. I think the Chair has made a miscount. I voted in the negative.

The CHAIRMAN. The Chair begs the gentleman's pardon. The Chair understood the gentleman from Alabama to say "one more," and as there were none voting in the negative the Chair counted him in the affirmative. [Laughter.]

Mr. HEWITT, of Alabama. I vote "no."

So (there being no further count demanded) the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. SCOTT.

The next business on the Private Calendar was the bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry, make the following report:

The committee find from official papers that John D. Scott was mustered into service September 6, 1861, as a private of Company H, First Regiment Pennsylvania Cavalry, was promoted November 21, 1861, to first lieutenant, discharged September 10, 1862, died ——, 1866.

The committee find good evidence prior to his enlistment that he enjoyed excellent health, and from the evidence of his captain, W. S. Craft, and Joseph Nutt and others, that while in active service he contracted severe cold and rheumatism; that he suffered from pain in side and hip. This was shortly before his discharge.

Your committee also find from abundant evidence that immediately upon his return home, and up to the time of his death, his health was entirely broken and was altogether unlike his former self; that he continued to suffer from rheumatism contracted in service while in the Army.

Special examination was made by order of the Pension Office, July, 1882, which was very extended, and the evidence is very conflicting as to his habits of drinking. In his last illness he was visited by a physician but once, and that more than two weeks before his death. There was some evidence that he was then suffering from drink.

But inasmuch as he was a strong, healthy man before, and while in service that he contracted rheumatism, and that from the time of his discharge till his death he was a mere wreck, suffering from disease contracted while in the service, the committee conclude that he died from that disease.

The committee, in view of all these facts, report the bill back, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ISABEL CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 1117) granting a pension to Isabel Campbell.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isabel Campbell, of Ashland County, Ohio, widow of James Campbell, late of Company K, Eighty-second Ohio Volunteer Infantry.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 1171, beg leave to submit the following report:

Claimant, Isabel Campbell, seeks to be placed on the pension-rolls as widow of James Campbell, late a corporal in Company K, Eighty-second Regiment of Ohio Volunteer Infantry. Her husband, James Campbell, volunteered in Ashland County, Ohio, November 17, 1861, for three years or during the war, and was duly mustered in as corporal of said company November 17, 1861. He served faithfully until February 24, 1863, when he was honorably discharged for disabilty. During his service and in the line of duty he contracted inflammation and hypertrophy of left kidney, chronic diarrhea, and piles. On the ground of the disability thus contracted he was granted a pension, which he continued to receive until his death, which occurred February 10, 1875.

It is clearly established by the evidence of numerous physicians that the diseases contracted in the service had become incurable, that he had become so weak and enfeebled by said diseases that his death was inevitable in a short time, when he was attacked with typhoid pneumonia, which diseases unitedly produced his death.

It is evident from the testimony that the condition of the soldier was beyond the reach of medical aid, and that he could not long survive from the effects of the diseases contracted in the Army and on account of which his pension was granted. Owing to his reduced condition, he had not the strength or vital power to resist the attack of pneumonia. Four credible physicians of skill and experience in their profession testify that the diseases contracted in the Army were the direct and immediate cause of the soldier's death; that those diseases produced the fever as they had produced the debility and constant suffering then rapidly and certainly hurrying him to the tomb.

In the Forty-seventh Congress, Dr. Rice, a member of this committee, a man of learning and skill in his profession as a physician, had this case under consideration to determine from the evidence whether the party died from the effects of the diseases contracted in the service or from other causes, and he indorsed the papers over his own signature as follows: "I would unhesitatingly recommend a favorable report in this case."

Owing to the sickness of Dr. Rice, a formal report of the case was not made to the House.

Your committee, therefore, recommend the passage of the accompanying bill.

Mr. STEELE. I would like to ask the chairman of the committee if these facts are as set forth in the report why it is that the Commissioner of Pensions did not himself grant the pension in this case?

Mr. MATSON. Because this man died of pneumonia.

Mr. STEELE. Then why should this woman be pensioned any more than the widow of the man that was killed on the railroad?

Mr. MATSON. For the simple reason that the disease that he had contracted in the Army had so reduced him in strength that it contributed really more toward his death than the pneumonia itself.

Mr. STEELE. If that is so, why then would not the Commissioner of Pensions give a pension?

Mr. MATSON. For the reason that the Commissioner found the immediate cause of death was pneumonia. In the case of the man killed in a railroad accident the wounds in no way contributed to his death. In this case the disease contracted in the Army so reduced the vitality of the man that he was unable to resist the attack of pneumonia.

Mr. STEELE. If the disease he died of was incident to the service, I do not see why he was not entitled to a pension.

Mr. MATSON. The disease of which he died was pneumonia, which was not contracted in the service.

Mr. STEELE. But if the disease he contracted in the service produced the emaciation and debility from which he suffered when attacked by pneumonia, would it not be held that his death was the effect of diseases contracted in the service?

Mr. MATSON. The committee were of opinion from the evidence, and Dr. Rice, an eminent member of the Committee on Invalid Pensions in a former Congress, also stated it as his judgment, from the evidence, that a pension ought to be granted. So far as the railroad case was concerned, we were unable to find there any connection between the death and the service. The man's death was entirely disconnected from the service. Here there is a connection. That is the difference.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNA M. WEHE.

The next business on the Private Calendar was the bill (H. R. 1197) granting a pension to Anna M. Wehe.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Wehe, of Newport, Ky., mother of the late William Wehe, of Company B, Eleventh Ohio Volunteer Infantry.

The report (by Mr. LE FEVRE) was read, as follows:

That the said Anna M. Wehe, who is now over 60 years old, is the mother of William Wehe, who enlisted as a private in Company B, Eleventh Regiment Ohio Volunteer Infantry, at Piqua, Ohio, on the 20th day of June, 1861, to serve for three years or during the war. The affidavits and official papers before the committee show that the soldier, William Wehe, while in action with his company at the battle of Antietam, on the 17th day of September, 1862, received a gunshot wound in the right breast, by which he was disabled from further service, and was discharged for that reason on the 4th day of March, 1863. The wound was inflicted by a Minie-ball which entered the right breast, passed between the second and third ribs, and ranged obliquely backward through the upper part of the lung, seriously injuring that organ. This was followed by a severe cough, difficult breathing, shrinking of the muscles, and partial paralysis of the shoulder, arm, and hand.

He was granted a pension of $8 per month, commencing on the 4th day of March, 1863, the examining surgeon having certified that he was, by reason of the wound, "totally incapacitated for obtaining subsistence by manual labor."

The evidence shows that the soldier suffered severely and continuously from the effects of this wound as long as he lived. It never healed; he had a hectic fever and a severe consumptive cough, and, according to the evidence of a physician who attended him, he was in the last stages of consumption when he lost his life, as hereafter stated. He was never able to perform any manual labor after receiving the wound, although he was a part of the time after his discharge from the military service engaged in a light employment which enabled him to earn small wages.

On the 24th day of November, 1864, after a consultation with his physician, which satisfied him that he had but a short time to live, he started on a steamboat to go to Ripley, Ohio, about sixty miles from his home, and while on the way fell overboard and was drowned. It appears that he was, after being wounded, subject to frequent and violent fits of coughing, followed by great prostration and dizziness in the head, and the committee feel authorized to conclude from all the circumstances that the accident by which he lost his life was the result of one of these attacks. It is evident from the testimony of the witnesses, professional and non-professional, that he was at the time in a very feeble condition, and that under the most favorable circumstances his life could have been prolonged but for a very brief period.

Up to the time of his death his mother, Anna M. Wehe, was dependent upon him for a support, her husband being then, as now, an habitual and confirmed drunkard, and wholly refusing to make any provision for his wife and children. The husband and wife have been separated for several years. While in the Army, William Wehe divided his pay with his mother, and afterward, while receiving a pension from the Government, he also regularly contributed a part of that for her support. She is a cripple and in indigent circumstances; and the committee are of opinion that the relief asked for should be granted, and therefore report favorably on the bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH BAUER.

The next business on the Private Calendar was the bill (H. R. 1203) granting a pension to Elizabeth Bauer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Bauer, widow of Michael Bauer, late a private in Company C, One hundred and sixth Regiment Ohio Volunteer Infantry.

The report (by Mr. LE FEVRE) was read, as follows:

The petitioner filed a claim in the Pension Office April 4, 1864, in which she alleges that her husband, Michael Bauer, while serving in the command aforesaid, obtained a furlough to visit his family at Cincinnati, Ohio, and while *en route* to his home on the steamer Major Anderson he fell overboard and was drowned in the Ohio River; this on or about January 28, 1864. She declares her inability to show by the testimony of the company officers that the soldier was on furlough at the time of his death but filed in support of her allegation the affidavit of the orderly-sergeant of the company, from which it appears that the soldier did receive a furlough for ten or fifteen days while the command was stationed at Buck Lodge Station, Ky., and that it was reported afterward to the company that he was lost overboard while on his way home.

There is also on file with her papers in the Pension Office the sworn statement of one William Meyer to the effect that in January, 1864, while on board of the Major Anderson, *en route* from Louisville, Ky., to Cincinnati, he met petitioner's husband, an old acquaintance, who was then a private in Company C, One hundred and sixth Ohio Volunteers, and on his way home on furlough. About 5 o'clock p. m., while the soldier was resting on some cotton-bales, the boat was violently shaken by the ice running into it and breaking the rudder. A few minutes later affiant went to the cotton-bales on which he left the soldier resting just before the shock, but failed to find him. It was the impression of the affiant, as well as others who had observed the soldier on the cotton-bales, that he must have been thrown over into the river by the shock and drowned, although no one, in the confusion on board, noticed the fall. The witness also states that the soldier was in his sound mind, sober, and contented at the time, and had no reason to take his own life.

The Adjutant-General's report in the case shows that the soldier enlisted August 16, 1862, and was drowned January 28, 1864, while on his way home, on furlough.

The claim of the widow has been rejected by the Pension Office because the soldier was on furlough other than veteran or sick furlough at time of his death, and therefore not in line of duty.

The committee is satisfied that the soldier came to his death in the manner described by William Meyer, and that the petitioner, whose relationship to the soldier is fully established by the papers on file in the Pension Office, is entitled to relief, and therefore recommends the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GENERAL GEORGE J. STANNARD.

The next business on the Private Calendar was the bill (H. R. 2839) to increase the pension of George J. Stannard, late a major-general of volunteers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of George J. Stannard, late brevet major-general of volunteers, and who now holds pension certificate No. 79874 to the sum of $50 per month, from and after the passage of this act.

The following amendment was reported by the committee:

In line 7 strike out "$50" and insert "$40."

The report (by Mr. RAY, of New Hampshire) was read, as follows:

That Maj. Gen. George J. Stannard, of Burlington, Vt., was mustered into the service of the United States as lieutenant-colonel of the Second Regiment of Vermont Volunteers June 20, 1861; was promoted to be colonel of the Ninth Regiment Vermont Volunteers June 2, 1862; was made brigadier-general of the United States Volunteers March 11, 1863. For gallant and meritorious services in the attack upon the enemy's works at Fort Harrison, Va., he received the brevet of major-general of the United States volunteers, to date from October 28, 1864. He served with his regiment (Second Vermont) in Northeastern Virginia and on the Peninsula from June 24, 1861, to June 1, 1862, and in command of the Ninth Vermont Regiment in the defenses of Washington to July, 1862; at Winchester, Va., to September 2, 1862, and at Harper's Ferry, Va., to September, 15, 1862, when with his regiment he was captured by the enemy and paroled. He accompanied his command to Annapolis, Md., and thence, as a commander of a detachment of paroled prisoners, including his own regiment, to the fair grounds near Chicago, Ill., which command he held to November 22, 1862, and at Camp Douglass, Chicago, Ill., to March 19, 1863. He was in command of the second brigade, Abercrombie's division, Department of Washington, from April 21 to June 28, 1863, and of the third brigade, third division, First Army Corps, to July 3, 1863, on which date he was wounded in the right leg at the battle of Gettysburg. He was on sick leave from July 4 to September 8, 1863. Commanded the United States troops west of the Narrows, New York Harbor, to November 11, 1863, and United States forces in New York city and harbor to May, 1864. He also commanded the first brigade, second division, Eighteenth Army Corps, from May 17 to June 21, 1864, and the first division of the Eighteenth Army Corps to July 31, 1864. After which, on account of a gunshot wound in the left hand, he was absent to September 15, 1864. He was again in command of the first division, Eighteenth Army Corps, to September 30, 1864, when he was severely wounded in action near Chapin's Bluff, Va., in the right arm, which resulted in its amputation. He was absent from his command on account of this wound to December 12, 1864, upon which date he was ordered to report to the governor of Vermont for assignment to duty. January 17, 1865, he reported to General Dix, and remained under the orders of that officer until March 15, 1866, from which time to the date of his resignation, June 28, 1866, he performed the duties of superintendent of the freedmen's affairs in Maryland, stationed at Baltimore.

The records of the Pension Office contain the following account of the loss of his right arm:

"At the battle of Fort Harrison, on Chapin's farm, Virginia, on the 30th day of September, 1864, while standing on the parapet of said fort and resisting with his troops the assault of the enemy, he was wounded in the right arm above the elbow, by a rifle or musket ball, so injuring the arm that it had to be amputated the same evening at the field hospital of the Eighteenth Army Corps."

General Stannard has received a pension of $30 per month for loss of right arm only, which is all he is entitled to receive under existing laws. He has had no pension on account of any other disability.

Your committee find that he was also wounded in right leg at Gettysburg, July 3, 1863; twice in left leg at Cold Harbor, in June, 1864; in left hand at Petersburg, in July, 1864, causing a stiff finger (the second one): and while on duty in the field in 1864 he contracted the piles, and has been troubled with them ever since. These wounds and the hardships of his army life have caused him severe rheumatic pains for several years last past, occasioning loss of flesh, strength, and sleep, and have disabled him from performing any save the lightest labor.

General Stannard's wound, from a piece of shell, in the right leg, just above the knee, at the battle of Gettysburg, has given him a great deal of pain and suffering. It has broken out, a running sore, three times since that battle, the last being within three years. His two wounds at the battle of Cold Harbor, one in the thigh and one above the ankle, have caused partial paralysis of his left leg. He was also twice wounded in front of Petersburg, once in the left hand, from which a stiff finger resulted. He was also injured, on horseback, in the right testicle, which has developed into a dropsical condition, requiring tapping, which has been done seven or eight times. The general has also suffered from the piles every year more or less. His present pension is allowed solely on account of the loss of his right arm, amputated at the shoulder. Your committee, having made careful inquiry into the other disabilities above mentioned, are satisfied that a proper rating therefor would give him from $18 to $20 per month additional pension, if the law permitted it.

APPENDIX A.

[Report of surgeon's examination of General George J. Stannard, at Burlington, Vt., September 15, 1880.]

The stump is in good condition. There has occurred atrophy of attached muscles; a cicatrix 3 by 2 inches exists upon the right thigh, involving loss of muscular and æreola tissue and constraint in muscular action from cicatrical contraction; rated one-eighth degree; also cicatrix of gunshot wound in middle of left thigh, causing, from loss of tissue and injury to nerve, impairment of strength and constraint in movement; rated one-eighth degree. Wound of hand involves the middle finger, causing enlargement and anchylosis of the second joint; rated one-eighth degree.

There is also chronic inflammation of right testicle, caused by alleged injury from being thrown upon the saddle in riding, while in the United States service. There is enlargement, pain, and tenderness in the organ; rated one-eighth degree. No hemorrhoidal tumors are found. Rheumatic pain in knees and hips is likely due to age and the climate.

We find his disability, as described above, to be equal to and entitling him to $30 for loss of arm, and four-eighths ($15) for other disabilities, in all $45 per month.

H. H. ATWATER,
H. H. LANGDON,
WM. B. LUND,
Board of Examining Surgeons.

He has got to be an old man and is poor. In view of his long, faithful, and gallant service, your committee make a favorable report, and recommend the passage of the bill with an amendment increasing his pension to $48 per month.

Mr. MATSON. If the committee will indulge me for a moment, I desire to make a brief statement, that it may go upon the record. General Stannard was an officer of extraordinary ability and extraordinary bravery, having a record that has been very fully described in the report. I suppose he is known to many of the members of this House, being one of the employés on the soldiers' roll. He is a modest, unassuming man, and is as brave as a lion, and well deserves this increase of pension. For twenty years he has only drawn the pension allowed for the loss of his arm, and he has carried seven other wounds, one in his right leg and two in his left leg. We ask that his pension be increased to $48 a month. I apprehend there will be no objection.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House, pursuant to order, had had under consideration pension bills on the Private Calendar, and had directed him to report sundry bills to the House, some with and some without amendments.

The SPEAKER *pro tempore*. The bills reported from the Committee of the Whole without amendment will be first considered.

Mr. MATSON. Before the House proceeds to act upon the bills reported to-night from the Committee of the Whole, I desire to call the attention of the Chair to the fact that on the Calendar of unfinished business is a bill which was reported from the Committee of the Whole on Friday last, a bill granting a pension to Amanda Cutler. I said to the gentleman from Maryland [Mr. HOBLITZELL] when that bill was under consideration that I would not ask for a vote on it in the House unless there was a quorum present. Since then he has come to me and stated that he desired to withdraw his objection to the bill, and to have it put on its passage at the first opportunity.

The SPEAKER *pro tempore*. The bill referred to by the gentleman from Indiana [Mr. MATSON] comes over from Friday last as unfinished business.

BILLS PASSED.

The bill (H. R. 3188) granting a pension to Amanda Çutler, coming over from Friday last as unfinished business, was then taken up for consideration.

The SPEAKER *pro tempore*. The amendment which had been reported from the Committee of the Whole was agreed to, and the question is upon ordering the bill as amended to be engrossed and read a third time.

The bill was accordingly ordered to be engrossed for a third reading; and it was read the third time, and passed.

The SPEAKER *pro tempore*. The House will now proceed to consider the bills reported without amendment from the Committee of the Whole to-night.

The following bills were accordingly taken up and severally ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. 2702) granting a pension to Mrs. Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy;

A bill (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal;

A bill (H. R. 4014) for the relief of Isaac Reed;

A bill (H. R. 1752) for the relief of Maria L. Lee;

A bill (H. R. 320) granting a pension to Kate Amann;

A bill (H. R. 1502) granting a pension to William Robinson;

A bill (H. R. 1077) granting a pension to Sarah Miner;

A bill (H. R. 2348) granting a pension to John D. Rickards;

A bill (H. R. 5070) granting a pension to Temple Golden;

A bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts;

A bill (H. R. 5675) granting a pension to Mrs. Susan J. McKenney;

A bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteers;

A bill (H. R. 1171) granting a pension to Isabel Campbell;

A bill (H. R. 1197) granting a pension to Anna M. Wehe; and

A bill (H. R. 1203) granting a pension to Elizabeth Bauer.

The bill (H. R. 5464) granting a pension to Clarissa T. Maies was reported from the Committee of the Whole without amendment.

Mr. MATSON. I ask unanimous consent to make a verbal amendment in this bill. The correct name is Clarissa Y. Maies. I ask that the correction of the name be made both in the body of the bill and in the title.

There was no objection, and the amendment was made accordingly.

The bill as amended was then ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. The bills reported to-night from the Committee of the Whole with amendments will now be considered.

The following bills reported from the Committee of the Whole with amendments were taken up, the amendments concurred in, and the bills as amended severally ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. 406) granting a pension to Catherine Bullard;

A bill (H. R. 4790) granting a pension to Alexander Saint Bernard;

A bill (H. R. 3294) granting a pension to Emma A. Porch; and

A bill (H. R. 2839) to increase the pension of George J. Stannard, late a major-general of volunteers.

Mr. MATSON moved to reconsider the various votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS RECOMMITTED.

Mr. MATSON. I now move that the Committee of the Whole on the Private Calendar be discharged from the further consideration of House bill 3951, for the relief of Margaret Callanan; House bill 2467, granting an increase of pension to Frank M. Woodriff, and House bill 4163, granting a pension to James M. Etter, and that the same be recommitted to the Committee on Invalid Pensions.

Mr. YORK. I would ask the gentleman from Indiana [Mr. MATSON] for what reason those bills should be recommitted?

Mr. MATSON. In the first case the report of the committee was adverse. Since that report was made the gentleman from New Jersey [Mr. FIEDLER] has produced evidence which satisfies us that the report ought to be the other way.

Mr. YORK. Why can not the House take proper action?

Mr. MATSON. We prefer to amend our report in that case. In the other two cases the committee desire to make still further investigation. The bills have been somewhat elaborately discussed in Committee of the Whole.

The motion was agreed to; and the bills were accordingly recommitted to the Committee on Invalid Pensions.

Mr. MATSON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CALKINS: Resolutions of Anton Post, Grand Army of the Republic, relative to questions of pensions—to the Committee on Invalid Pensions.

Also, petition of William C. Talcott, E. Zimmerman, and others, against the news-copyright bill—to the Committee on the Judiciary.

By Mr. CARLETON: Resolutions of Miles Post, No. 113, Grand Army of the Republic, Department of Michigan, indorsed by W. H. Smith, William Black, Alonzo A. Daniels, Benjamin Stuart, H. M. O'Dell, and others, of Saint Clair, Mich., in regard to the recommendations of the committee of the Grand Army of the Republic relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. W. R. COX: Petition of John Nichols, B. B. Goines, and other citizens of North Carolina, for H. R. 5057, relative to the militia—to the Committee on the Militia.

By Mr. ERMENTROUT: Memorial of the Southern Press Association, against Government telegraph and in favor of the news-copyright bill—to the Committee on the Judiciary.

Also, memorial of the National Bank Exchange, Salem, Mass., relative to the national banking system—to the Committee on Banking and Currency.

Also, memorial of the New York Board of Trade and Transportation, against reducing the term of patents—to the Committee on Patents.

By Mr. GREEN: petition of A. H. Slocomb and others, citizens of Cumberland County, North Carolina, in favor of national aid to education—to the Committee on Education.

By Mr. GUENTHER: Petition of citizens of the Sixth Wisconsin Congressional district, relative to the salaries of United States circuit and district judges—to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of J. S. Stewart and others, citizens of Newton County, Georgia, in favor of educational aid—to the Committee on Education.

By Mr. HARMER: Petition of citizens for the improvement of the harbor of Atlantic City, N. J.—to the Committee on Rivers and Harbors.

Also, communication from the Philadelphia Commercial Exchange, in favor of the passage of the Lowell bill—to the Committee on the Judiciary.

By Mr. LOVERING: Petition and papers relating to the claim of Benjamin Dutton—to the Committee on War Claims.

By Mr. MORRISON: Memorial relating to a pension for James Stack—to the Committee on Invalid Pensions.

By Mr. PUSEY: Resolution of O. P. Morton Post, Grand Army of the Republic, Department of Iowa, relative to pensions, &c.—to the same committee.

By Mr. OSSIAN RAY: Petition of Rt. Rev. W. Niles, bishop of New Hampshire, and 10 pastors of churches in the city of Concord, N. H., praying for the passage of S. 1755, relative to the Sioux Indians, &c.—to the Committee on Indian Affairs.

By Mr. REESE: Petition of citizens of Georgia, and of citizen of Elbert County, Georgia, relative to national aid to education—severally to the Committee on Education.

By Mr. RICE: Petition of the school committee of the city of Worcester, Mass., for the passage of the bill to aid in the establishment and support of common schools in the several States of the Union—to the same committee.

By Mr. STRAIT: Resolutions of Robert L. McCook Post, No. 28, Grand Army of the Republic, Glencoe, Minn., indorsing the action of the Grand Army of the Republic pension committee—to the Committee on Invalid Pensions.

By Mr. STRUBLE: Resolutions of O. P. Morton Post, Grand Army of the Republic, Department of Iowa, relative to pensions, &c.—to the same committee.

By Mr. D. H. SUMNER: Petition of citizens of Waukesha, Wis., relative to the judiciary of the Federal courts—to the Committee on the Judiciary.

By Mr. WAKEFIELD: Resolutions of Saint Paul (Minn.) Chamber of Commerce, protesting against the suspension of the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. WELLER: Petition of W. R. Mead and others, against the passage of the news-copyright bill—to the Committee on the Judiciary.

By Mr. WILLIS: Petition relating to the claim of Joseph T. Hawley—to the Committee on Claims.

Also, petition of citizens of Kentucky, in favor of the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of Harbison & Gathright, of Louisville, Ky., praying for the passage of a law prohibiting the combinations, exactions, and extortions fostered by the present tariff system—to the Committee on Ways and Means.

By Mr. W. L. WILSON: Petition of A. S. Worthington and others, trustees of the Women's Dispensary, of Washington, D. C., for an appropriation—to the Committee on Appropriations.

Also, petition of J. William Gilkeson and 150 others, of Hardy County, West Virginia, against passage of certain bills changing the patent laws—to the Committee on Patents.

By Mr. YORK: Petition of citizens of North Carolina, asking aid for public schools—to the Committee on Education.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 19, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

CLAIMS OF FRENCH CITIZENS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the ac-

companying documents, referred to the Committee on Appropriations, and ordered to be printed.

To the House of Representatives:

I transmit herewith a copy of a report of the Secretary of State, of the 16th instant, in relation to the final award made by the late French and American Claims Commission against the United States for the sum of $625,566.35, for the payment of the claims of French citizens against this Government. I recommend that an appropriation of the above sum be made to enable the Government to fulfill its obligations under the treaty of January 15, 1880, between this country and France.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, April* 18, 1884.

VISIT OF SIAMESE EMBASSY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, of the 16th instant, relative to the approaching visit of a special embassy from Siam to the United States, and recommend that the appropriation asked by the Secretary of State to suitably defray the expenses of such embassy while in this country be made.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, April* 18, 1884.

INTERNATIONAL STANDARD OF TIME.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the House of Representatives:

I transmit herewith a communication from the Secretary of State, dated the 16th instant, respecting the approaching international conference at Washington, D. C., for the purpose of fixing upon a meridian proper to be employed as a common zero of longitude and standard of time-reckoning throughout the globe, and recommend that the sum of $10,000 be appropriated to enable the Secretary of State to meet the expenses of the same.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, April* 18, 1884.

FOREIGN CHARGES UPON AMERICAN VESSELS.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, in reference to the resolution passed by the House of Representatives on the 11th instant in regard to light dues, tonnage charges, &c., imposed on American vessels entering and clearing from the ports of foreign countries; also, with reference to reciprocal treaties between the United States and foreign countries; which was referred to the Select Committee on American Ship-building and Ship-owning Interests.

Mr. DINGLEY. Should not this communication be printed?

The SPEAKER. The Chair will state that the communication does not give the information asked for by the House. The resolution calling for such information should have been directed to the Secretary of State instead of the Secretary of the Treasury.

GRAFTON MONROE.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting papers in the claim of Grafton Monroe, postmaster at Grafton, Md., for reimbursement of losses by burglary February 4, 1884; which was referred to the Committee on Claims.

PRIVATE LAND CLAIM.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a tracing of the plat of survey of the private land claim of Francisco Garcia de Noriega and José Antonio de Noriega, New Mexico, known as the Cañon de San Diego grant; which was referred to the Committee on Private Land Claims.

YELLOWSTONE PARK.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in answer to a resolution of the House of Representatives of March 22, 1884, copies of all leases made by him for the use and occupation of the Yellowstone Park; which was referred to the Committee on the Public Lands, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURLEIGH, for one week, from to-day.

To Mr. WARD, until Monday next, on account of important business; and

To Mr. MULLER, until Tuesday next, on account of important business.

ENROLLED JOINT RESOLUTION.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress.

BRIDGES ACROSS THE MISSISSIPPI.

Mr WASHBURN. I ask unanimous consent to have taken from the House Calendar for present consideration the bill (H. R. 4799) to authorize the construction of foot and carriage or railroad bridges across the Mississippi River at Saint Paul, Minn.

The SPEAKER. The bill will be read, after which there will be opportunity for objection.

Mr. BEACH. Before time has been occupied in the reading, I object to the present consideration of the bill.

CHARLES M. BLAKE.

Mr. ROSECRANS. I ask unanimous consent to have taken from the Private Calendar for present consideration the bill (H. R. 77) for the relief of Charles M. Blake, a chaplain of the United States Army.

Mr. CALKINS. Inasmuch as objection has been made to a request on this side for unanimous consent, I call for the regular order.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I ask the gentleman from Indiana [Mr. CALKINS] to withdraw that call for a moment, in order that the Post-Office appropriation bill, which has been returned from the Senate with amendments, may be taken from the Speaker's table, referred to the Committee on Appropriations, and, with the amendments, ordered to be printed.

Mr. CALKINS. I withdraw the call for that purpose.

By unanimous consent, the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, was taken from the Speaker's table, and, with the amendments of the Senate, referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded.

Mr. HANCOCK. I move that the morning hour be dispensed with; and I will state my purpose is to have the House take up the pension appropriation bill, which I think can be disposed of in an hour.

The SPEAKER. There is no morning hour to-day. Under the resolution adopted some days since, and which the Chair will direct the Clerk to read, this day has been set apart for the consideration of reports from the Committee on Labor.

The Clerk read as follows:

Resolved, That Saturday, April 19, be set apart for the consideration of bills reported from the Committee on Labor, to wit: A bill to establish and maintain a department of labor statistics; a bill to prohibit the importation of laborers under contracts made abroad; a bill to enforce the eight-hour law and to provide for the payment of wages withheld from employés of the Government in violation of the eight-hour law; and a bill to prohibit the system of contract labor by convicts in so far as Federal prisoners are concerned.

Mr. HANCOCK. Does not that exclude the consideration of the appropriation bills to-day?

The SPEAKER. It does, if the Committee on Labor insists on going on with the business of that committee. If not, the House can proceed to transact its ordinary business.

Mr. HOPKINS. I shall insist that the House proceed to the consideration of the special order.

Mr. MILLS. My colleague can raise the question of consideration.

REPORTS OF UNITED STATES GEOLOGICAL SURVEY.

Mr. SCALES, from the Committee on Printing, reported back the joint resolution (H. Res. 138) for printing the annual reports of the United States Geological Survey.

The joint resolution was read, as follows:

Resolved, &c., That there be printed at the Government Printing Office, in addition to the number already ordered by law, 15,000 copies of each of the annual reports of the Director of the United States Geological Survey, beginning with the fourth and uniform with the preceding volumes of the series; of which 2,000 shall be for the use of the Senate, 8,000 for the use of the House of Representatives, and 5,000 for distribution by the Geological Survey.

Mr. SCALES. I ask that the report accompanying the joint resolution be read.

The Clerk read as follows:

The Committee on Printing, to whom was referred H. Res. 138, authorizing the printing of 15,000 additional copies of the annual reports of the Bureau of Geology for 1883, submit the following report, recommending the passage of the resolution:

In the act of Congress approved March 3, 1879, creating the Geological Survey, it is provided that there shall be printed of the special memoirs and reports of said survey 3,000 copies, "for scientific exchange and for sale at the price of publication." The same act provides that the "annual report of operations of the Geological Survey shall accompany the annual report of the Secretary of the Interior." From this it will be seen that only the annual reports, which form a part of the reports of the Secretary of the Interior and are printed as executive documents, are available for gratuitous distribution. Of this volume there is printed the usual number, 1,900, and also 3,000 copies for distribution by Congress. There are usually ordered by the Secretary of the Interior 750 copies of his annual report for distribution by himself, a very limited number, no portion of which can be spared for the use of the Geological Survey or Congress.

The survey has entered upon a system of exchange with every prominent library, every scientific and learned institution in America, and with many hundreds in other parts of the world. To these institutions it will be impossible, under present circumstances, to send copies of its annual report, nor is it possible, under existing circumstances, for it to issue copies to individual collaborators interested in the work conducted under its auspices. The report is made up largely of extracts from the monographs of the survey, which are distributed only by sale or exchange. The volume is prepared for the popular reader, and is intended to convey the earliest information in the possession of the survey concerning the various branches of economic geology.

Of the second and third annual reports there have been issued 11,000 copies in addition to the number above given, and this number has proved utterly inade-

quate to supply the demand, which has come not only from our own country but from all parts of the world.

The major expense connected with the publication of these reports consists in the preparation of the illustrations and the composition of the text, and the cost of the edition of 15,000 copies is not all in proportion to the original outlay attendant upon the publication of the 49,000 copies now provided for by law. The estimated cost is $18,843.15.

Mr. SCALES. It is unnecessary to add anything to what is contained in the report, as it is full and furnishes the House with all the information necessary to vote intelligently on the joint resolution. I therefore ask for the previous question.

The previous question was ordered, and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ANNUAL REPORTS OF THE BUREAU OF ETHNOLOGY.

Mr. SCALES, from the Committee on Printing, also reported back the joint resolution (H. Res. 137) for printing the annual reports of the Bureau of Ethnology.

The joint resolution was read, as follows:

Resolved, &c., That there be printed at the Government Printing Office 15,000 copies of each of the annual reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations, beginning with the report for the fiscal year ending June 30, 1883, and uniform with the preceding volumes of the series; of which 2,000 shall be for the use of the Senate, 8,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Ethnology.

Mr. SCALES. I ask that the report accompanying the joint resolution be read.

The Clerk read as follows:

The Committee on Printing, to whom was referred H. Res. 137, authorizing the printing of 15,000 copies of the annual report, 1833, of the Bureau of Ethnology, submit the following report, recommending the passage of the resolution:

The Bureau of Ethnology was provided for by an appropriation from Congress in the fiscal year of 1879, and has been continued by successive appropriations from year to year for the purpose of making archæologic and ethnologic researches among the North American Indians. Extensive areas in the South, West, and Southwest have been explored, large and valuable collections have been secured. The mounds of many Western and Southern States explored and examined, resulting in important discoveries and valuable collections, which at some future time will be made up into sets for distribution to colleges throughout the country. The collections made by the bureau were fast disappearing by curiosity-seekers and foreign collectors, and it became a matter of importance to secure them as fully as possible. A very great amount of important historical data have resulted from these explorations and examinations, which can only reach the public at large through published reports.

As Congress has expended considerable money in prosecuting these researches, the information should be published as proposed by this resolution, in order to provide our institutions of learning as well as the people of this and other countries with the results thus obtained.

The Bureau of Ethnology issues no publications except those ordered by Congress. The first, second, and third annual reports of the bureau have already been ordered by Congress, and each edition was the same in number, 15,000, as called for in this resolution.

These reports are prepared in popular form, and are designed for general distribution, and to colleges, schools, teachers and collaborators in this branch of research in this and other countries. They are also to be distributed to institutions of learning, libraries, and scientific men in all foreign countries, in exchange for which our Government receives a large number of similar publications from each of those countries, all of which become the property of the United States and are deposited in the Library of Congress.

A large proportion of these exchanges could not in any other manner be obtained, as most foreign institutions will not sell their publications, but are willing to make exchanges.

A great saving, in the future, will be made in the illustrations, which hereafter will be made so as to allow the printing to proceed with the letter-press of the report, which heretofore, in a great measure, have been colored lithographs printed by hand. The estimated cost of 15,000 copies is $24,138.

Mr. SCALES demanded the previous question.

The previous question was ordered, and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCMILLIN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VENEZUELAN CLAIMS.

Mr. COX, of North Carolina, from the Committee on Foreign Affairs, reported back the following resolution with the recommendation that it be adopted:

Resolved, That the Secretary of State be requested to furnish this House with a copy of the list of certificates issued by the late Venezuelan Mixed Commission, together with copies of all assignments or transfers of such certificates, notified to the Department of State, and a statement showing to whom the several payments by the Department upon such certificates have been made; and also copies of all correspondence relating to requests for payments thereupon or in respect to the hearing of all claimants before a new commission; and as by the joint resolution approved by the President on the 3d day of March, 1883, the moneys paid by the Venezuelan Government and remaining in the hands of the Secretary of State and to be applied on such awards as may be made by the new commission provided for by said joint resolution, the Secretary of State is requested to furnish this House with a statement of the amount now on hand applicable to the payment of such new awards.

The report of the committtee was read, as follows:

The Committee on Foreign Affairs, to whom was referred the resolution of inquiry submitted by Mr. SPRINGER relative to Venezuelan claims, after considering the same beg leave to report, that in the opinion of the committee the information called for is of such importance as to warrant the passage of the resolution hereby recommended.

Mr. COX, of North Carolina, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRIBUTION OF CONGRESSIONAL GLOBE.

Mr. SMITH, from the Committee on Printing, reported joint resolution (H. Res. 231) providing for the distribution of the Congressional Globe; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That the Public Printer is hereby authorized and directed to deliver to the document-rooms of the Department of the Interior the bound volumes of the Congressional Globe purchased from Messrs. Rives, and such other bound volumes of the Globe and RECORD, prior to the Forty-eighth Congress, as are in his charge; and the Secretary of the Interior is hereby authorized and directed, from said volumes, to supply, as far as possible, existing deficiencies in the sets of these documents in the following libraries, in the order named:

First. The library of the Executive Mansion, the library of each of the Executive Departments of the Government, the library of the Supreme Court, and the library of the Court of Claims.

Secondly. The State and Territorial libraries of the United States.

Thirdly. Such other libraries in the United States as contain more than 5,000 volumes each. And the Public Printer is hereby directed, on the requisition of the Secretary of the Interior, to deliver to him such volumes of the Globe now in his charge in unbound form as may be desired by any of the above libraries for the completion of the set of the same, which shall be forwarded to said library upon receiving its assurance that it will cause the volumes thus supplied to be bound and placed upon its shelves: *Provided*, That before such distribution is made the Public Printer shall deliver to the libraries of House and Senate such volumes as are required to complete fifty sets in each.

SEC. 3. That the Secretary of the Interior shall report to Congress the libraries to which these documents are forwarded, and the number of volumes delivered to each.

Mr. SMITH asked for the reading of the report accompanying the joint resolution.

The report was read, as follows:

The Committee on Printing report to the House joint resolution No. 103, amended in such way as to relieve the Government of all expense in the matter of distributing the Congressional Globe, and also providing that before such distribution is made the libraries of the Senate and House of Representatives shall be supplied with such number of copies as will be probably required for many years to come, and recommend its adoption.

The Congressional Globes, whose distribution is here provided for, were purchased in 1878, and have since been stored, awaiting the action of Congress as to the disposition to be made of them. They aggregate about 60,000 volumes, of which about 40,000 are unbound and 20,000 bound, consisting almost entirely of odd volumes of this document. Of this collection, the Public Printer, in his annual report for 1878, after stating the expense of reprinting a sufficient number of the missing volumes to make 500 complete sets, says: "It will be perceived that, unless a reprint is had, the volumes on hand are almost valueless, except for waste paper." And in his report for 1880, again recurring to the subject, he remarks: "It is respectfully submitted for the consideration of Congress, that should it be determined not to direct a sufficient number of volumes to be printed to make a specified number of sets, then to authorize the sale of the odd volumes, bound and unbound, at public auction, to the highest bidder, as waste paper."

In the judgment of the committee, however, this will be a most unwise disposition to make of these volumes. They form a most valuable collection from which to supply deficiencies in the public libraries of the country, and if Congress does not deem it expedient to incur the large expense involved in reprinting the missing volumes, the odd numbers on hand should be used for this purpose. An opportunity is now afforded for adding to, if not completing, a large number of sets of the Globe in the large libraries of the land, which will probably never again occur, and the committee know of no disposition that can be made of these odd volumes more judicious, involving as it does no expense and avoiding the multiplication of broken sets.

Replies to inquiries addressed to all the principal libraries of the country disclose the following facts: That of twenty-six State and Territorial libraries reporting, only four contain complete sets of the Globe; of three hundred and forty other libraries, containing each 5,000 volumes or more, only two possess complete sets. There are probably a few other complete sets in libraries from which no returns have been received.

Most of the libraries, however, contain partial sets, many with but a few missing volumes, any addition to which will be highly prized. To add to already existing collections for the purpose of making them more complete rather than to increase the number of partial sets is by far the wisest policy to pursue in the disposition of these documents.

A. HERR SMITH.

Mr. SMITH demanded the previous question.

The previous question was ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMITH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOPKINS. I now demand the regular order.

Before moving that the House resolve itself into Committee of the Whole for the purpose of considering the special business assigned for to-day—the consideration of bills reported by the Committee on Labor—I desire to express the appreciation of that committee to the House for the courtesy extended to us in granting this day for the consideration of our bills and the execution of our business; and I want to invoke the co-operation of the members of the House in the dispatch of that business, hoping to accomplish as much as possible during the short time the committee have asked. I ask unanimous consent, therefore, that general debate upon the first bill which the committee shall call up, the bill (H. R. 1340) to establish and maintain a bureau of labor

statistics, be limited to three hours, assuring gentlemen that members of the committee will not require one-third of that time.

Several MEMBERS. Say two hours.

Mr. HOPKINS. At the suggestion of members all around me I will make the request to limit the general debate to two hours in Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair will submit the request for unanimous consent to the House. Is there objection to the request of the gentleman from Pennsylvania, that in Committee of the Whole House on the state of the Union all general debate upon the bill indicated shall be limited to two hours?

There was no objection, and it was ordered accordingly.

BUREAU OF LABOR STATISTICS.

Mr. HOPKINS. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill to establish a bureau a labor statistics.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union (Mr. WELLBORN in the chair).

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of a bill the title of which will be read by the Clerk.

The Clerk read as follows:

A bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

The bill was read, as follows:

Be it enacted, &c., That there shall be established and maintained at the seat of Government a department of labor statistics, which shall be under the charge of a commissioner of labor statistics, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioner of labor statistics shall hold his office for four years, unless sooner removed, and shall receive a salary of $4,000 a year. The commissioner shall acquire all useful information upon the subject of labor, its relations to capital, and the means of promoting the material, social, intellectual, and religious prosperity of laboring men and women; and to this end he shall inquire into the various industries of the United States; the capital invested therein; the division of labor and its results; machinery and its effects; the number of persons employed as laborers, with a classification thereof, male and female, married and unmarried, skilled or unskilled, convict labor, Chinese labor; the number and ages of children, nature of their occupation, their attendance at school and church; the wages paid by the day, week, or month, or by the piece, to the different classes; the hours employed; the average earnings of the several classes; the manner of paying wages; the truck or store-order system, and the profits charged on goods by employers; the cost of living, comparing wages and price of necessaries of life in different localities; the sanitary, educational, social, and religious condition of laborers; the average duration of life; accidents incident to employment; insanity; epidemics; factory, mill, mine, and dwelling inspections; schools and churches, facilities for attending, and extent to which they are enjoyed; statistics of crime, &c.; co-operation, its extent and results in various localities and branches of trade; the division of their joint production between labor and capital, where practiced, the pro rata of each, and the general effect; trades-unions and labor associations, the number, membership, and objects; strikes, their causes, effects, and remedies. And to enable the commissioner to obtain the information herein specified he shall have authority to issue circulars to various manufacturers and labor associations, with interrogatories to be answered. The commissioner of labor statistics shall obtain all possible information upon the various subjects above specified from the different foreign nations, and shall have authority to issue circulars to United States consuls asking them to obtain the information desired. The commissioner of labor statistics shall appoint a chief clerk, who shall receive a salary of $2,000 per annum, and such other employés as Congress may from time to time provide. During the necessary absence of the commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of commissioner. The commissioner shall annually make a report in writing to the President and Congress of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the department.

Mr. HOPKINS. It will be observed that this bill confers no executive powers upon the department which it is intended to create. It simply provides for the accumulation of information as an auxiliary to judicious legislation. It may be said, and truly said, that much of this information is acquired by the Census Bureau. But it should be remembered that the census reports are only made at intervals of ten years; and that it is important that the changing conditions of each year should be brought to the attention of those called upon to legislate on the basis of existing facts.

Under the provisions of this bill Congress will each year be advised of the condition of the various industries, the relation of capital to labor, the wages paid, the cost of living, and the innumerable matters affecting the material prosperity, sanitary, social, moral, and educational status of the laboring people. And this proposed department has a wider scope and is capable of more enlarged usefulness than a census report limited to inquiries into the situation of affairs in this country alone. It is herein provided that information shall be acquired from the different foreign nations, to the end that correct comparisons may be instituted; and in this way it is hoped there may be attained some settled basis of thought, and we may cease to be embarrassed by that divergence of opinion which promotes endless and perhaps much fruitless discussion.

Mr. Chairman, it seems to me that the pending bill is so manifestly just and proper that no argument should be needed to insure its passage. I only repeat what is in the mind and upon the tongue of almost every one when I say that the labor problem is one of the most important questions demanding and commanding the attention of the people. It is important not only because of the vast numbers—the many millions of our citizens directly engaged in productive industries—but also because of its direct and inseparable connection with many of the subjects of legislation.

In 1789, within a few days after the organization of the First Congress, the discussion of the tariff question began, and it has continued with unabated zeal to the present hour. In fact, as the country has grown and the interests involved have increased, the scope of the discussion has widened, and the attention to the issues involved has become more and more absorbing. And in all of these debates even the ablest and best informed, upon either side, have felt the want of authentic data in reference to matters materially affecting the question.

Some spasmodic and feeble efforts have been made to supply this want. The Forty-sixth Congress appointed a committee to inquire into and report upon the subject of wages at home and abroad. And the American consuls have at times transmitted such information upon this subject as was conveniently accessible.

In March, 1882, a tariff commission was created to thoroughly investigate the various industrial interests of this country. This commission visited different sections of the country, and published two large volumes of testimony. But they made no thorough investigation. They merely received statements voluntarily offered. It was but a temporary expedient. The commission was composed of men having large interests to distract their minds. Its sessions were necessarily hurried, and its results, while valuable, were far from satisfactory. In the following session of Congress elaborate arguments were made by eminent gentlemen, and carefully prepared tables were presented setting forth the information which each disputant was able to collect as to the rates of wages and cost of living of laborers employed in various manufactories. A comparison of those tables and of those in the report of the Tariff Commission will show how contradictory, unreliable, and unsatisfactory all such partial and unofficial statements are. It is a truism that arguments predicated upon disputed facts can not carry conviction because of the uncertainty of the premises. And in the absence of recognized authority upon mooted questions there can be no limit to contention, no means of reaching accurate and settled conclusions. Theories will continue to be advocated and controverted until some well-established touchstone can be applied which will crystallize them into facts or dispel them as dreams.

Mr. Chairman, this bill is not in the interest of any particular school of political economists. It will furnish information for all, and just such information as all political scientists desire and demand. Mr. Nimmo, the very able and efficient Chief of the Bureau of Statistics in the Treasury Department, says:

Judging from personal experience, I should say that the number of inquiries propounded in regard to these matters by the advocates of protection and by the advocates of free trade is about equal.

And just here it is well to correct a misapprehension which exists in regard to the powers and duties of the present Bureau of Statistics. This Bureau is required to investigate commercial and transportation interests, and to prepare statistics upon imports and the duties thereon. It does nothing whatever with the manufacturing and industrial interests. Resolutions are often passed by each branch of Congress calling for information upon these subjects, and there is no department or officer charged with the collection and compilation of such data.

On December 21, 1881, the Senate passed a resolution calling for information as to the rates of wages paid to laborers in the United States, Great Britain, France, and Germany in the manufactures of cotton, wool, iron, leather, &c. The fact and the result of that inquiry show the supreme necessity for the passage of some such bill as the one under consideration.

I quote from Mr. Nimmo:

Diligent search was made for available data in the various offices of the Government, and letters were addressed to every man in the country of whom I had any knowledge and who I thought was best qualified in the line of his specialty to furnish the exact data required. But I never engaged in a more fruitless search. Gentlemen generally regarded as authorities on subjects relating to the several industries mentioned in the resolution frankly declared that they were unable to furnish the exact information called for, namely, relative wages based upon contemporaneous data, and taking into account differences in the hours of labor and in the organization of labor, and as to whether wages were paid by the day or by the piece, and also making due allowance for arrangements in regard to the boarding of operatives and the providing of tenement houses for the families of operatives, and for the regularity of employment, and the extent to which in the several countries production depends upon human skill or upon the use of machinery. A perfunctory reply to the Senate resolution, omitting the proper consideration of all these differences in the conditions under which labor is employed, would have been worthless. A statement based upon available data as to wages paid could have been prepared; but such a table, in the absence of any knowledge of the various conditions under which labor is employed, would have been of no practical value.

During the present session of Congress the same difficulty has arisen; and I feel sure every member of the Committee on Ways and Means, each of the one hundred and ten gentlemen who are on the Speaker's list for debate, and every one who would form an intelligent judgment upon this important question, must feel the necessity of having a department of government where the required information can be had. Many, perhaps all, European governments have departments similar to the one contemplated by this bill, and in no country is there greater necessity for the acquisition of all knowledge affecting the prosperity of the whole people than in this, which has been well said to be "a government of the people, by the people, and for the people."

It is alike the duty and the interest of the Government to see that a healthful, vigorous, educated, and prosperous race of citizens is reared. And under the provisions of this bill whatever wrongs there may be will be made manifest, and the proper remedies can be provided. Congress can exercise the functions which belong to the Federal Government; and the several States can act within their appropriate spheres upon the information acquired with reference to their own citizens, and upon the knowledge derived through this compilation of the experience and action of other Commonwealths.

Many of the States of the Union have already established bureaus of statistics, which, although but partially equipped, serve to illustrate the incalculable advantage of a systematic and thorough collection and a convenient and authentic compilation of the data which this bill contemplates, not alone throughout this country, but from others with which we hold commercial intercourse, and it may be commercial rivalry. And this bureau will supplement the acquisitions of those already formed and supply a want felt by all.

Mr. Chairman, I do not propose in this connection to discuss any phase of the tariff controversy. This bill is not intended to advance any theory, but simply to supply the facts upon which wise and considerate statesmanship can exercise itself. The departments sought to be established, as I have already said, is one for information only. No executive powers are conferred by the bill. And who can object to the acquisition and diffusion of any knowledge that is useful? The eagerness with which the Census Reports are sought only illustrates the popular demand for the interesting and varied information which they contain.

Congress has from time to time responded to the general desire for scientific and statistical knowledge, and has furnished abundant precedents for the action I now advocate. Even before the adoption of our Constitution the Secretary of State was directed by Congress "to obtain from the ministers and agents of the United States in foreign countries an abstract of their present state, their commerce, finance, * * * and every other political information which may be useful to the United States." The early explorations of Lewis and Clarke to the Pacific Ocean; Long's explorations between the Red River, the northern boundary, and the Rocky Mountains; the expeditions and investigations of Owen, Frémont, Abert, Stansbury, Hayden, Powell, Wheeler, and King were all made under the auspices and at the expense of the Government.

Several expeditions have been sent to the Arctic Ocean, and Captain Wilkes was sent to the Antarctic; Lieutenant Herndon to the Amazon, Commodore Perry to Japan; a number of Army officers were detailed to watch the Crimean war; astronomical parties have been sent to remote regions to observe the transit of Venus—all for the accumulation and dissemination of knowledge. Why do we maintain the Botanical Garden, the National Museum, the Naval Observatory, the Medical Library and Museum, the Library of Congress? Why have we published the Medical and Surgical History of the War? Why have we purchased works of art to adorn the Capitol? All of these things were to instruct, enlighten, and improve the people.

The Government can perform no more useful work than in adding to the aggregate of human knowledge. And certainly a knowledge of our fellow-men and fellow-citizens is not the least important of information.

Mr. Chairman, it is well to remember that a nation's wealth, and strength, and glory, do not consist alone in its extended area and replete treasury.

"What constitutes a state?
Not high-raised battlement or labored mound,
Thick wall or moated gate;
Not cities proud with spires and turrrets crowned;
Not bays and broad-armed ports,
Where, laughing at the storm, rich navies ride;
Not starred and spangled courts,
Where low-browed baseness wafts perfume to pride.
No; men, high-minded men,
With power as far above dull brutes endowed.
* * * * * *
Men who their duties know,
But know their rights, and knowing dare maintain.
* * * * * *
These constitute a state."

The Government has already established a Bureau of Mines and Mining, a Bureau of Statistics of Commerce, a Bureau of Education, a Geological Survey, a Fish Commission, a Signal Service, and a Department of Agriculture, all of which have served a useful purpose. But no one of them, nor all combined, exceed in importance the department I now advocate. We have appropriated large sums of money to learn something about the insects which are injurious to agriculture; to investigate the diseases of animals, and to ascertain the quality and strength of wools and of cotton and the textile strength of iron and steel; and, while conceding that all such information is desirable, I contend that it is at least equally necessary to be informed of the sanitary, moral, educational, and social condition of the men who toil in the fields, the mines, and the mills, and upon whose physical and mental welfare and material prosperity the Government must largely depend for its supporters in peace and its defenders in war.

A great deal of public attention in and out of Congress has been given to the American hog and the American steer. I submit, Mr. Chairman, that it is time to give more attention to the American man.

Capital always receives ample consideration here, and corporations have had far more than their share of favors, but legislation in the interest of the working people has been rare and stinted. This House has shown a disposition to atone for this neglect by creating a committee on labor to consider all matters pertaining thereto. This recognition has been gratefully appreciated, and the eyes of the toilers all over the land are now turned toward Congress with an earnest hope and expectation that their welfare will be thoughtfully considered. They regard this bill as of great advantage to their interest, because under it their condition can be fully and truthfully ascertained; the relation which wages bear to capital can be demonstrated, a comparison can be instituted between the cost of living and compensation received in the various industries at home and abroad, the duty and the policy of the Government can be made apparent, and the wrangles of schoolmen will be in a measure silenced.

It is not claimed that this bill will be a panacea for all the ills that afflict the laboring classes; but it will enable Congress to obtain that knowledge of their situation which is essential to any just legislation upon matters affecting their interests.

Mr. Chairman, I speak in behalf of over ten millions of toilers in this country, who are anxiously watching our proceedings, when I ask the passage of this bill; but at the same time I speak in the interest of more than fifty millions of citizens, for all are interested in promoting the welfare, increasing the prosperity, happiness, and contentment of all our people, and in thus perfecting the stability, the beauty, and symmetry of the Republic. A community of interest and sympathy, of kindly feeling and considerate action, removes all cause of complaint and dissension, solidifies the patriotic sentiment, erects barriers impenetrable to foreign foes, and destroys the possibility of internal strife.

I trust the House will show that it is in harmony with the people by the prompt passage of this bill.

Mr. BLOUNT. Before the gentleman takes his seat I would like to ask him why the most of this work, the great part of it, can not be done by the present bureau?

Mr. HOPKINS. The present Bureau of Statistics?

Mr. BLOUNT. Yes; why its work can not be added to the work now done by that bureau?

Mr. HOPKINS. I presume it might be accomplished to some extent in that way; but I understand that the present Bureau of Statistics is now overcrowded with work, having more than it can conveniently accomplish.

Mr. BLOUNT. Then all that they need is more employés.

Mr. HOPKINS. I have stated one objection to imposing the work upon the present bureau; that is, that it now has more than it can conveniently accomplish. My judgment is that the work which we here seek to provide for will be far better accomplished by having a separate and independent bureau for that purpose, a bureau that will have its attention specifically directed in this direction and not be liable to be diverted from time to time by inquiries in regard to commerce, navigation, imports, and duties thereon.

Mr. BLOUNT. One other inquiry. I notice that this bill declares that the annual expenditures of this bureau shall not exceed $25,000. I would like to know if the gentleman from Pennsylvania [Mr. HOPKINS] does not think it is impossible at this time to say how much will be expended by this bureau in the work which it will be called upon to perform?

Mr. HOPKINS. The bill provides that the expenditures shall not exceed that amount.

Mr. BLOUNT. Yes. The bill provides for starting this bureau and declares that the expenditures shall not exceed $25,000 a year.

Mr. HOPKINS. I presume that matter will have ultimately to be regulated by the Committee on Appropriations. I do not suppose that during the first year after the organization of the department the expenditures would exceed that amount. Subsequently it is probable, and I think it is due to frankness that I should say, that the expenditures will largely exceed that amount.

Mr. BLOUNT. Very likely this bureau will grow and increase as all the others have done.

Mr. HOPKINS. I presume so.

Mr. ROSECRANS. Allow me to make a suggestion.

Mr. HOPKINS. Certainly.

Mr. ROSECRANS. Is it not likely that a large portion of the information for which this bureau is designed will be furnished voluntarily, so that you can reasonably expect that the expense will be comparatively small?

Mr. HOPKINS. Unquestionably the labor associations of the country that are anxious for the passage of this bill will voluntarily do all in their power to secure the efficiency of the department to be created by it.

Mr. YOUNG. Mr. Chairman, I desire to be heard upon this bill.

The CHAIRMAN. Does the gentleman desire to oppose the bill?

Mr. YOUNG. I have already made a speech in favor of the bill.

Mr. O'NEILL, of Missouri. If the gentleman from Tennessee [Mr. YOUNG] desires to speak now I will give way to him.

Mr. HOPKINS. I had an hour; I do not know how much time I have consumed.

The CHAIRMAN. The gentleman has forty minutes of his hour still remaining.

Mr. HOPKINS. Then I will yield a portion of that time to any gentleman who desires it.

Mr. AIKEN. I would like to ask the gentleman if this bureau is limited to the collection of mechanical statistics or agricultural statistics, or does it include both?

Mr. HOPKINS. It is for the collection of statistics pertaining to manual labor of all kinds.

The CHAIRMAN. By order of the House all general debate upon this bill has been limited to two hours. Is the Chair to understand that the gentleman from Pennsylvania [Mr. HOPKINS] is now controling one-half of that time in favor of the bill? It may be that some gentleman may want to speak in opposition to the bill; if so, the Chair would recognize some one to control the time in opposition to the bill.

Mr. HOPKINS. I have heard no intimation of opposition to the bill from any source whatever. The gentleman from Tennessee [Mr. YOUNG] proposes to offer an amendment to the bill, and desires to speak upon that.

Mr. O'NEILL, of Missouri. That can be done after general debate is closed.

Mr. YOUNG. If no one else desires it, I will claim the benefit of the other hour.

Mr. HOPKINS. I stated to the House before going into Committee of the Whole that the members of the Committee on Labor did not desire to occupy more than one hour of the two hours assigned for general debate.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. Mr. Chairman, in a government like ours, where the existence of popular suffrage renders the working classes the chief repository of political power, all reliable information relating to the financial, educational, and sanitary condition of labor possesses a deep interest, which becomes more general as the industries of the country increase in diversity and extent and the agitation continues in regard to this relation between capital and labor.

LABOR ORGANIZATIONS.

The labor organizations of the United States, which have brought within the folds of organization every department of productive industry until to-day they number over half a million of members, demand from Congress the establishment of a bureau of labor statistics, in order that knowledge may be the standpoint for action and to secure for the toilers all those rights and privileges necessary to enjoy and appreciate the blessings of good government.

STATE BUREAUS.

During the past twenty years this demand has been continuously made upon the legislators by the labor organizations of this country, until the justice of their demand has been conceded, and already eleven of the principal States of the Union have created bureaus of labor statistics. The great Commonwealth of Massachusetts, with its vast manufacturing interests and great laboring population, was the first to recognize the necessity of a bureau of this character. In 1866 a commission was appointed to examine the subject of labor, on which commission were F. B. Sanborn and Elizur Wright, who recommended the establishment of such a bureau. In 1867 a similar commission, on which was the eminent economist Amasa Walker, made the same recommendation. In 1869 the bureau was finally established, and its fourteen annual reports since that year, if they embraced the whole country, would be invaluable. Pennsylvania, recognizing the value of such statistics, followed with a law in 1872; Ohio in 1877; New Jersey in 1878; Indiana, Illinois, and Missouri in 1879; and New York, California, Michigan, and Wisconsin in 1883. The pending bill is substantially the same measure which I introduced in this House at the commencement of this session, and is identical with the laws creating the various bureaus in the different States.

OPINIONS OF THE PRESS.

The following criticisms from the press give evidence of the worth of these bureaus:

Springfield Republican, April 26, 1872:

Each successive year increases, perhaps we may say doubles, the value of the annual reports sent out from the Massachusetts bureau of labor statistics.

American Artisan, May 29, 1872:

The institution and maintenance by the State of such a bureau can not be too highly commended.

The Boston Commonwealth in 1872:

So the effort now is to abolish the bureau of labor. The struggle between capital and labor is growing bitter—bitter now even on the side of capital. It objects to investigation of its methods.

New York Weekly Tribune, March 11, 1874:

More light is thrown upon this subject (labor) by the facts gathered in such reports as that of the Massachusetts labor bureau, which we present elsewhere, than all the fine-spun theories of doctrinaires or the cant of labor demagogues would furnish in a century.

New York Graphic, March 13, 1874:

We must prepare for a better state of things in the next generation by laying the foundations in this. If true civilization thinks more of characters than commodities and will not consent to use up human beings for the sake of cheapening cloth a cent on the yard, "the test of civilization is the estimate in which it holds human beings."

Brooklyn Daily Argus, March 17, 1875:

The latest report of the Massachusetts bureau of statistics of labor, which has been made with painstaking care, furnishes a multitude of facts and suggestions which are of application here and which will interest a Brooklyn audience.

Chicago Tribune, March 19, 1875, speaking of the Massachusetts bureau, says:

There is no other organization in the country which does a like work. * * * The reports contain a mass of information which is obtainable nowhere else. It is to be hoped the good work will go on.

With how much more force would the foregoing criticisms apply to a national bureau.

HEADS OF DEPARTMENTS SEEKING INFORMATION.

The various Departments of the Government have recognized the demand for information affecting the working classes. The Secretary of the Treasury (Bristow) transmitted to Congress, December 18, 1875, a special report of Mr. Edward Young, Chief of the Bureau of Statistics, on the rates of wages, the cost of subsistence, and the condition of the working classes in Great Britain, Germany, France, Belgium, and other countries of Europe, also in the United States and British America.

The Secretary of State, April 11, 1878, issued the following labor circular:

DEPARTMENT OF STATE, *Washington, April* 11, 1878.

To the consular officers of the United States in Great Britain, France, Germany, Belgium, Italy, Spain, the Netherlands, Sweden and Norway, and Denmark.

GENTLEMEN: With reference to the circular addressed to you in August, 1877, in respect of the trade of the United States with foreign countries, it is now deemed desirable that you should make inquiries and report in regard to the following points, namely:

First. The rate of wages usually paid to laborers of every class, but with more especial reference to agricultural laborers, mechanical laborers, and those upon public works and railways.

Second. The cost of living to the laboring class, or the prices paid for what may be termed the necessaries of life.

Third. So far as practicable, a comparison of the present rates with those prevailing during the past five years, both as to wages and cost of living.

Fourth. Such information as may be obtainable touching the present state of trade, whether prosperous or otherwise; the amount and character of paper money, if any, as circulation; and the amount and character of coin, with the relation borne by paper and coin to each other.

Fifth. And lastly, such information as may be obtainable as to the business habits and systems of your districts.

It is desired that the information which may come to your knowledge on the foregoing points should be embraced in a report to the Department, to be made as soon as may be practicable.

I am, gentlemen, your obedient servant,

F. W. SEWARD, *Acting Secretary.*

May 17, 1879, the Secretary of State, Hon. William M. Evarts, submitted said reports, together with an elaborate letter, from which I make the following extracts:

These reports, covering as they do the labor question in all its aspects, * * * embrace so vast and interesting a field of investigation, * * * presenting a compact yet comprehensive view of the present state of labor in the various countries of Europe and at the same time a comparison between labor in those countries and the United States. Let the workingmen read these reports and compare the fixed condition of the European labor populations as graphically portrayed by our consuls with the free and independent position of our American workingmen, not as special depression has made them at present, but as they have been and as they will be again.

Let the workingman feel, as he should feel, that the man who employs him, who enables him to feed and clothe his wife and children, is his friend as well as his employer, and that all within and about the workshops are things to be protected, even with life if necessary, instead of being destroyed. Let the employer, on the other hand, as in Belgium and in Germany, look upon his workman as morally one of his family, to be treated with the dignity and sympathy which are his due, and in ten years we shall be known and felt in all the markets of the world, for under such circumstances neither cheap foreign labor nor the vast capital at its back could compete with the inventive genius, mechanical skill, and financial audacity of the workingmen and capitalists of the United States.

LABOR IN EUROPE.

The information contained in Young's report in 1875 and the consular reports in 1879 is remarkably complete in giving detailed information of the mode of living, wages, social conditions, and everything pertaining to the condition of labor in Europe; also as to the laws of many of those countries relative to the protection of labor. Comparisons are made through all these reports between wages and the cost of living in Europe and the United States. I was amazed in reading the appendix to Secretary Evarts's report to find that his information in regard to wages and food prices in the United States, which he used for comparison with the wages and cost of living in Europe, were furnished by two individuals, one residing in Chicago and the other the editor of the American Exporter, of New York.

The reports made by consuls fairly teem with pictures of the degradation, misery, and poverty existing in various parts of Europe—the extreme low wages paid there and the high cost of living, as compared with the United States, while they are necessarily silent on the condition of labor in this country, nothing being furnished except the wages and food prices at New York and Chicago. The foregoing reports comprise the only official information furnished by the Government, except the census reports of 1880, now being slowly issued, and which will hardly be completed before the time arrives for taking the next census.

ALL CLASSES DESIRE INFORMATION.

In 1875 Mr. Young, Chief of the Bureau of Statistics, Treasury Department, in his report refers to the demand for information relating to the working classes as follows:

In consequence of the agitation in regard to the relations between capital and labor, which has signally marked the last decade, and since the organization of this bureau, the applications for information on this subject have steadily increased in number.

Such applications are received from various classes of persons—from political economists and students of social science, from journalists engaged in the discussion of economic and social questions, from philanthropists desirous of improving the condition of the working classes, from representatives of labor associations, from persons representing the interests of employers, and, finally, from prominent members of both Houses of Congress, desirous of applying to the task of practical legislation such data on the subject of labor at home and abroad as have been acquired by observation and experience. These applications have been especially numerous in connection with legislation on the subject of the tariff, and a review of the debates on tariff legislation for many years past will show with what avidity both protectionists and free-traders have availed themselves of any information within their reach upon the subject under consideration, and especially on the cost of labor and the condition of the laborer in those countries of Europe which compete most sharply with American manufactures.

This was written in 1875, and the members of this House will appreciate how extremely applicable it is to-day.

POVERTY AND SUFFERING IN EUROPE.

You all remember when the discussion on the pending tariff bill commenced that the distinguished gentleman from Pennsylvania, Judge KELLEY, made some startling revelations of what he witnessed during his visit to Europe, of the suffering and degradation among the working classes there, and described with great pathos the wasting away of human beings there from lack of proper food. I do not doubt it. Every report published confirms such statements; but did the gentleman ever take the trouble to look at the condition of affairs at home?

POVERTY AND SUFFERING IN THE UNITED STATES.

The testimony taken last year by the Senate Committee on Education and Labor does not exhibit the condition of our working classes in as roseate a light as we would wish.

The president of the Cigar-Makers' Union gives a frightful picture of the squalor, misery, and degradation among the cigar-makers, and of the employment of infants at work, which stunted their growth and ruined their health. John Swinton testified that during the year 1874 over 100,000 people in the city of New York lived by pauperism and beggary; that, including children, the deaths in New York from lack of proper food exceeded 10,000 annually.

The testimony of R. L. Layton concerning the condition of the coal-miners shows as much suffering and degradation as exists in the poorest coal region of Europe.

The testimony of every workman examined bristles with complaints against the unjust exactions of capital and the ignoring of the rights of labor.

The Committee on Labor of this House will, when the time arrives for the discussion of the bill to prohibit the importation of labor under contract, give this House a frightful picture of the poverty and suffering among the coal-miners that will put our boasted progress and civilization to the blush.

The following extract from a recent issue of the Cincinnati Enquirer is presented. That journal says:

We doubt if anywhere on earth, except in the coal-mines of England, a more wretched, poverty-stricken, unhappy, and miserable lot of women can be found than the shirt-makers of New York. There are thousands of these women, and they work all day long and part of every night for a miserable pittance. The work is excessively hard. They make the garments for the big dealers, and so great is the competition that a day's labor, extending from 7 o'clock in the morning till 10 at night, results in the munificent stipend of 45 cents a day. They live in garrets and cellars, and they are, without exception, wan, sickly-looking, and weary.

Pages could be filled with like testimony, but the brief time allowed for the discussion of this measure will not permit of its being read.

ADVANTAGES OF A NATIONAL LABOR BUREAU.

We are asked what are the advantages and benefits to be derived from the institution of a labor bureau. Some of them are that while the State bureaus are doing valuable work, it is apparent that these can not accomplish what is needed; not only will State interests interfere and lack of united action present an insurmountable obstacle, but the differences in methods, the variety of means used, and the lack of compilation under one management would diminish the usefulness and the value of the statistics.

But the national bureau could and would work in unison with the State bureaus and become an adjunct of the Census Bureau, furnishing at less expense much more complete and reliable information; for the information would come not only from manufacturers but from laborers as well.

Experience in the States has shown that the information is freely given when once the utility of a bureau of labor statistics is recognized. In one case it is reported that over 71,000 wage-workers made returns of value on the blanks furnished. Only a small number, not included in the above, were rejected on account of imperfection.

It will tend to discourage strikes by furnishing intelligent data as a basis for arbitration. The strikes of 1877 cost the railroads $25,000,000, and it is estimated that if the loss of all property, stock, merchandise, freight, and stoppage of business were added it would make a total of nearly $75,000,000. Concerning arbitration Mr. Brassey, in his work and wages, says:

The result in ninety-five out of one hundred cases brought before the English tribunals is a reconciliation between the parties; and though appeals are permitted to the superior courts of law, they are rarely made. In 1870, 28,000 disputes had been heard, of which no less than 26,800 were satisfactorily settled.

It would materially assist in the solution of the convict-labor question, which to-day is attracting the serious attention of the various States on account of the destruction of our trades through the organized labor of criminals. It will lead to a better sanitary arrangement for the homes and workshops of the mechanic and laborer. It will result in a more general diffusion of knowledge, and in the better education of the young. It will secure an equitable distribution of the products of labor, and remove all cause of strikes and lock-outs. It will promote "the general welfare," and prevent internal strife by furnishing a vehicle for the transmission of grievances to the law-making bodies of the nation. It will encourage the toiling millions to greater effort in developing the resources of this country. It will tend to the promotion of a higher civilization and better citizenship. It will remove one great cause of grievance—that the working people have no adequate means for the collection, compilation, and diffusion of facts relating to their well-being. It will furnish Congress data from which beneficent legislation can be evolved. There are a thousand reasons why this bill should become a law and not one sound reason why it should not.

Pass this bill, and you take one great step in the elevation of the wealth-producers of this country, and its benign effects will penetrate to the homes of the poor laborers of other lands.

INFLUENCE ON LEGISLATION.

There is not a question of legislation connected with the general welfare of the nation in the consideration of which the want of reliable statistics of this character is not felt. The subject which has for the past few days engaged the attention of this House, the subject of tariff legislation, is dependent for its proper solution on the condition of the laboring man, his income, his expenses, his life, and it is impossible to legislate with that discrimination which the welfare of the people requires, because we lack the information necessary to proceed upon. Conflicting statements as to labor and wages, fortified by figures equally irreconcilable, prevent judicious action, and this state of affairs will continue. Intelligent legislation for the great mass of the people will have this obstacle in its way until a national bureau is established, where competent persons will gather from all sides, from the wage-worker as well as the capitalists facts as to the state of labor.

How impotent is Congress to supply the demanded remedy for evils which, although the laboring man sees and feels them, the Representatives and Senators know little of! Is the want of such information not realized? Is it not a fact that everything that has a statistical appearance, no matter what the source is, be it a newspaper article or an official report, is seized upon in a manner, as one writer says, "that is almost pathetic?" For years we have been going on with no definite information on this subject, while every civilized nation has been devoting attention to it; we have fallen behind to the extent that in some cases mere unsigned newspaper articles are published in the RECORD, and have an influence on the result of the pending discussion.

For years we have been promising the laboring classes relief, but generally we have failed to do more than look into the subject and shrink back appalled. And why? Because we do not know the true nature of the evil. We can never know it unless we take the proper means to discover it. Until we take such measures we will have outbreaks of the dissatisfied, loss of life, and destruction of property vastly more in value than the mere pittance which the laboring class asks at our hands; for the wage-workers demand it, and they know what they want. The testimony given by them before the Senate Committee on Education and Labor simply repeats the demands made by their organizations heretofore. They feel that not only the legislator but they themselves would be benefited, educated by such information.

In the only way in which they can speak they have asked this. And can we afford to be deaf to their demands? Are they not the producers of our wealth? Are they not the power in this country? We created a bureau of statistics for commerce, another for agriculture, another to foretell storms, but fail to provide for a bureau that will foretell and enable us to provide for the storms which so often overtake the business world and bring disaster on the great mass of our people. We can hardly tell whether any measure of an economic character will be injurious or beneficial to the 10,000,000 toilers and the 35,000,000 who depend on them.

Who more than they have a claim on our attention? And how little, after all, do they ask? Merely the establishment of a bureau which at a small expense will furnish information more valuable in one year than all the fine-spun theories or dogmatic utterances based upon unreliable facts, or facts which while merely local are given a universal application.

RESOURCES OF OUR COUNTRY.

With a country embracing more than three and a half million square miles of territory; with over 5,000 miles of seacoast; with five great inland seas; with every variety of soil and climate adapted to every

product of nature; with mineral wealth of such variety and magnitude that it seems fabulous; with its millions of spindles, its smoking furnaces, and its busy machine-shops; with a population of over 50,000,000 people engaged in developing its inexhaustible resources; with every element that contributes to the grandeur and stability of a great nation, we have deliberately neglected the great factor in the country's development—labor; while we have only been too ready to listen to the request of capital, which we have loaded with a lavish hand with millions in money and whole empires in lands. Of the hundreds of millions of dollars in taxes collected annually we have made a free distribution to every interest except labor; and when the 10,000,000 of wage-workers of the country ask Congress for the pitiful sum of $25,000, that they may be enabled to present their condition to the country, gentlemen rise on this floor in perfect terror at the idea that another bureau is to be ingrafted upon the Government.

LABOR ONLY ASKS FOR SIMPLE JUSTICE.

The wealth-producers of this country have had a long and severe struggle for equal privileges with capital. Their poverty has precluded the possibility of maintaining a lobby to promote their interests in the national Legislature, while capital has been not only able to influence legislation by its paid agents here, but it has been able to secure the columns of the press to promote its interest and the ablest talent the country affords to promulgate its sophistries and weigh down in the scales of popular favor the spasmodic efforts labor has made for a fair hearing.

The wage-workers of this country ask no unfair and inequitable favors; they ask for simple justice. They claim that they have as just a right to have the General Government provide for the gathering and compilation of statistics which relate to their capital—*i. e.*, labor—as any other element of the nation's wealth.

The safety and perpetuity of this Republic rest on the intelligence and patriotism of the working classes.

This House has already shown its sympathy for the labor element by creating a committee on labor, and I have no fears that it will hesitate about passing this bill.

APPENDIX.

Statement showing number of persons employed in labor.

Laborers employed in—	Males over 15 years.	Females over 15 years.	Persons under 15.	Total.
Agriculture	2,208,400	399,409	716,167	3,323,876
Stock-herding	21,249	56	2,793	24,098
Manufactures, &c	2,895,442	584,984	122,449	3,502,889
Mining	223,005	65	11,158	234,228
Railroading	234,736	420	902	236,058
Transportation*	175,625	.....	1,961	177,586
Not specified	1,704,976	51,272	102,975	1,859,223
Domestic servants	112,796	845,699	117,160	1,075,655

* Draymen, &c.

Statement showing wages paid, material used, capital employed, and product of manufacturing establishments.

Year	Average number employed.	Wages.	Material.	Capital.	Product.
1880	2,738,895	$947,953,795	$3,396,823,549	$2,790,262,606	$5,369,579,191
1870	2,053,996	775,854,343	2,488,427,242	2,118,208,769	4,232,325,442
1860	1,311,247	378,878,966	1,031,605,092	1,009,855,715	1,885,861,676
1850	957,059	236,755,464	555,123,822	533,245,351	1,019,106,616

The mining industry, 1880—*non-precious metals.*

Average number of men employed	195,968
Average number of boys employed	24,507
Total hands	220,475
Wages paid annually	$71,992,502
Capital employed and invested	364,909,324
Materials used	16,838,239
Value of product	131,494,788

LABOR LAWS OF EUROPE.

Laws exist in nearly all European countries limiting the hours of labor, compelling responsibility of employers for accidents, and prohibiting employment of children except as regulated.

Factory laws of Great Britain, 1877–'78, *digested.*

Sanitary.—Every factory and workshop to be kept cleanly and free from effluvia. Overcrowding prohibited. Good ventilation prescribed.

Safety.—All hoists, fly-wheels, wheel-races, and gearing to be fenced unless impracticable; impracticability to be proven. Faulty grindstones removable by inspectors. Children not permitted to clean machinery in motion. Children and women not to clean gearing when in motion.

Hours in textile factories.—Young persons and women to be employed no longer than twelve hours, including meal hours, from 6 a. m. to 6 p. m., or from 7 a. m. to 7 p. m., excepting Saturdays, when the hours shall be from 6 a. m. to 1 p. m., or from 7 a. m. to 1.30 p. m. Meal hours, two hours per day, except Saturdays; on Saturdays one-half hour. Shall not work more than four and a half hours without an intermission for meals. In non-textile factories one-half hour less for meals, and on Saturdays hours from 6 a. m. to 2 p. m., with one-half hour for meals. Children shall only be employed half-days or alternate whole days, and not on the same half of the day for two successive weeks, nor on same alternate whole days for two successive weeks. Meal hours to be at the same hours each day, and no child, young person, or woman to be employed during such hours, or be permitted to remain in the working rooms, &c.

Children under 10 years not to be employed.—"Young persons" means persons between 13 and 16 years of age. No working on Sunday excepting in certain cases, when those of the Jewish faith are permitted.

Holidays.—Beside Christmas and Good Friday, there shall be allowed all children, young persons, and women eight half-holidays in each year, or in lieu thereof four whole days, one-half to be between the 15th March and 1st October.

Education of children.—Children shall attend day schools on the days not employed, at least one attendance per week if of the half-day sets, and two attendances if of the alternate day sets. Not on Saturday or holiday. Unless illness or closing of school prevents attendance, the child shall not be employed the following week, when the lost time shall be made up. Employer shall obtain on every Monday a certificate of school attendance before employing the child for the week, the certificate to be shown the inspector. When a child has attained the age of 13 years, and has obtained the proper certificate of proficiency in reading, writing, and arithmetic, the child shall be considered as a 'young person" within the meaning of this act. A surgeon's certificate of the fitness as to age and physical capacity to work must be obtained by the employer within seven days after engaging the person, if the person be under 16 years of age. The employer shall pay for the schooling of the children, as hereinbefore provided, 2 pence a week out of the wages of the child.

Accidents.—In case of accidents resulting in loss of life or injuries employer must notify to surgeon within forty-eight hours; and if in an iron-mill or blast-furnace at once, and the surgeon shall investigate and report to the inspector.

Factories and bake-houses to be painted or whitewashed and walls cleaned periodically.

No sleeping apartment to be on a level and connected with a bake-house unless partitioned off fully, and a window of prescribed size provided for ventilation.

Wherever grinding, glazing, &c., operations are carried on, where dust injurious to the work-people is inhaled, the inspector may have a fan or other mechanical appliance provided suitable and practicable to prevent.

No child, young person, or woman shall be employed in a part of a factory where wet-spinning of flax, &c., is carried on, unless provision for protection from the wetting is made.

Overtime.—In exceptional cases persons 14 years of age or over may be employed fourteen hours per day, including meal hours, provided an additional half-hour is allowed for meals, and provided that no young person or woman shall be so employed overtime more than five days in any one week nor more than forty-eight days in a year.

Uncompleted work, such as perishable, &c., when required, may be completed by extending the time not more than thirty minutes beyond the hours herein fixed.

Night-work.—Males of 14 years and upward may be employed at night not more than twelve hours, including meal hours, as herein provided; and no person so employed shall be employed during the twelve hours immediately preceding or succeeding that period; nor shall male young persons be so employed more than six nights in any two weeks; and the provisions respecting Saturdays and half-holidays, &c., shall not apply to male young persons so employed.

The secretary of state may, in exceptional cases, at his discretion, permit the hours of labor to be changed to from 8 a. m. to 8 p. m. or from 9 a. m. to 9 p. m., provided the change can be made without injury to the young persons or women employed, but this shall not apply to children; and in certain cases males above 16 years may be employed for any nine hours of actual work between 4 a. m. and 10 p. m., and he may permit any other working day than Saturday to be substituted for Saturday; and he may permit Jews who keep Saturday as the Sabbath until sunset to employ young persons and women not later than 9 p. m., and on Sundays if the employés are Jews and were not employed at all on Saturday, provided that the factory, &c., is not open for traffic on Sunday. The inspectors provided for in this act shall have full power to execute the same. Public factories and works are subjected to the same provisions as private establishments. Proper penalties and legal proceedings are provided. The employment of children, young persons, and women, is restricted, and in some cases prohibited, by schedules appended to the act.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. HOPKINS] has twenty minutes of his time still remaining.

Mr. HOPKINS. I reserve the remainder of my time.

Mr. YOUNG. Mr. Chairman, there can be no doubt in respect to the gravity and importance of the question embraced in this bill and others of a similar character already pending before the House and which will soon be brought forward for its action. It is broader and more far-reaching in its connection with our social structure and in its effect upon the financial and political future of our Government than almost any other which could be presented to the attention of the social scientist and thoughtful student of political economy, and no legislation upon any subject requires to be more carefully examined and considered. I do not admit the correctness of the conclusion that it has been wholly overlooked and neglected in former legislation, though I believe it is true that it has not received that attention which its importance requires.

Aspirants for public favor have usually been profuse enough in promises of legislative reforms in the interest of the class for whose benefit this and other measures to which I have alluded were professedly introduced, but the complaint is not wholly unfounded that these promises have sometimes been forgotten. It seems now, however, that some of them are about to be redeemed, if I may judge from the number of bills which have been introduced looking to their fulfillment and the zeal manifested in their support by many leading members of the House. I have no doubt but that when this discussion shall go to the country the laboring classes will be startled by the discovery that they have so many and such earnest friends upon this floor. The artisan, the mechanic, and the agriculturist will doubtless be agreeably disappointed and greatly gratified by the discovery, unless indeed they shall learn in the end that this movement has lost its momentum before it confers upon them the real benefits which it now promises.

It is a subject of some regret with me that the tone and temper of the House scarcely a week ago did not seem so friendly to the working classes of the country as I apprehend it will be shown to be before the close of this discussion. This apprehension grows out of the fact that only a few days ago when the committee of which I am a member submitted for the consideration of the House and asked the passage of certain bills, which they believed were demanded by public considerations, and which would have conferred upon the working classes much in advance of the bill now under discussion some of the benefits which it proposes to secure to them, we were most vigorously combated by many gentlemen, who will now, I presume, claim to be the most zealous friends of workingmen.

I insisted then that the hundred millions of dollars of surplus revenue now hoarded away in the Treasury, and not needed for any public purpose, was a dangerous temptation to the host of jobbers always ready to prey upon the public Treasury, and that the expenditure of a small part of it in the erection of public buildings required in the transaction of public business would be a proper disposition of it, while at the same time it would afford employment to a large number of idle artisans and mechanics. These buildings which it was proposed to erect would have been the property of the Government, and therefore the property of the people, thousands of whom would have been benefited by their erection.

The construction of public works upon which the labor of the people could be employed is no new theory in the history of other governments, though it seems a novel one in our own in the estimation of many distinguished members of this House. For myself I see no better method for the expenditure of surplus revenue, and none other by which the public interest and that of the laboring element of the country can be better harmonized and more properly advanced. But these views were most vigorously combated by my distinguished friend the gentleman from Indiana [Mr. HOLMAN] and the no less distinguished statesman from Missouri, and for their advocacy I was charged with being a jobber and log-roller, though I scarcely know what significance should be given to these terms when thus applied.

Mr. O'NEILL, of Missouri. To what gentleman from Missouri does the gentleman from Tennessee refer?

Mr. YOUNG. To that excellent gentleman, your colleague, Mr. BUCKNER.

Mr. HOLMAN. I think my friend from Tennessee misapprehends. I do not remember that any such terms were used on the occasion to which he refers.

Mr. YOUNG. Not by you, judge; but terms equivalent to them were used by other gentlemen who were your allies on that occasion.

Now, Mr. Chairman, I feel a deep and sincere interest in everything that affects the well-being or advances the prosperity of the laboring classes, for I know that as compared with that of others their lot is a hard one, and that by the hardest and most continuous toil they are enabled to win the comforts of life and the advantages of moral and educational training. I know that wise statesmanship exerted in their behalf has not infrequently been overshadowed and defeated in its efforts by the shallowest and most disreputable demagogy. It has been a fruitful theme for the declamation of the most noisy and pretentious demagogues, while the real friends of labor are driven from its support by the intrusion of those who resort to its advocacy for the temporary popular favor which they hope it will bring.

I am gratified to know, however, that the management of this bill is in the hands of a gentleman whose high character and sense of public duty raises him above influences of this character. Hence it is that I propose, with some trifling exceptions and amendments, to give this measure my most cheerful and hearty support, appreciating as I do the delicacy of many of the questions which it involves and the narrow line which separates them from the recognized rights of the Federal Government and the reserved constitutional powers of the States. However, little regard is too often given to the limitations imposed upon legislation by the Federal Constitution. I am myself not disposed in any emergency, however urgent, to go beyond them, and in that aspect I have given this measure a careful consideration, the result of which has brought me to the conclusion that Congress has the full constitutional warrant to acquire such information as will aid in wise legislation upon this subject, without in any way encroaching upon the ground hedged around by those guarantees which protect the field of exclusive State jurisdiction.

While I agree in the main with the provisions of this bill, I do not believe that all of them are best calculated to insure the full accomplishment of the object which it is designed to attain; as between every character of labor and all classes of laborers there is an inseparable identity and close community of interest that should not be disturbed nor divided by enforced and unnecessary distinctions. This would be as unfortunate and as hurtful to each and every class as would be an antagonism between capital and the aggregate of all labor. Every element of labor requires the same protection, the same fostering care, and the same safeguards against the aggressions of capital and the combination of unfriendly influences that any single one of them has the right to demand.

And another thing it is important to observe: every class of laboring men and every one who toils for wages is more nearly and intimately interested than all others in the enactment of laws simple and easy of application, effective in their operation, and cheap in their administration. Hence it is that I propose to amend this bill so as to conform to these important conditions. One of the complaints against the legislation of the past two decades is that its tendency has been to enlarge the machinery of government, to multiply its different parts, and to render it more unwieldy, less effective, and more expensive in its administration. Under the four branches into which it is divided by our organic law there are already six great departments, all except one presided over by a Cabinet minister, by which they are administered by the aid of an army of subordinates and employés, and these Departments are constantly increasing in the extent of their powers and jurisdiction, while the roll of employés grows larger and larger from year to year.

A quarter of a century ago our whole Government was administered by less than 25,000 officers and employés; now more than 100,000 names are borne upon the official roll of the Government in its various departments. This result has, to be sure, been brought about in some measure by the large accession to our population during that time, as well as by the vast increase of our wealth, and consequent large volume of public business. These results will no doubt continue to flow from the same causes in the future, but we should see to it that their growth is not stimulated by unwise and careless legislation.

We should create no more governmental departments, but should furnish to those we have any additional facilities needed in the transaction of public business. There is no branch of the public service which requires the creation of a new department. If anything more is desired to enable those already in existence to carry into effective operation any law pertaining to matters now under their jurisdiction, it can be furnished by the creation of a subordinate bureau. We already have a Department of Agriculture charged by law with supervision over everything pertaining to the vast farming interests of the country, that branch of industry in which nearly two-thirds of our toiling laborers are employed, so that the greatest labor interests we have are now under the jurisdiction of a department charged by existing laws with the duty of aiding, fostering, and developing it. Why should there be another department charged with similar duties toward another class of laborers?

Why not amend this bill so as to make it provide for a bureau instead of a department? To make it conform to this idea I propose the following amendments: After the word "maintain," in line 3 on page 1 of the bill, strike out the words "at the seat of Government," and insert in lieu thereof the word "Agricultural;" and strike out the word "department," in line 4, and insert in lieu thereof the word "bureau;" so that the bill will read:

That there shall be established in the Agricultural Department a bureau of labor statistics, which shall be under the charge of a commissioner of labor statistics, &c.

Then I propose, after the word "mine," in line 30 on page 2 of the bill, to add the word "farm," and further after the word "of," in line 46, page 3 of the bill, strike out the words "labor statistics," and insert in lieu thereof the word "agriculture," and after the word "clerk," in the same line and on the same page, add the words, "of bureau of labor statistics;" so that it will read:

The Commissioner of Agriculture shall appoint a chief clerk for the bureau of labor statistics, who shall receive a salary of $2,000 a year, &c.

And I propose still further to amend by adding after the word "writing," in line 55 of page 3 of the bill, the words "through the Commissioner of Agriculture;" so that it will read:

That the commissioner of labor statistics shall annually make a report in writing through the Commissioner of Agriculture to the President, &c.

I propose these amendments, Mr. Chairman, because I believe it is unnecessary to create any more departments in this Government, and because of my belief that the Agricultural Department should have charge of the whole question of labor, whether in the mines, the workshops, or the fields. The fewer departments we have the less cumbersome the machinery of government will be, the less extensive its structure and the easier and smoother will be its workings. There is no reason, that I can see, why all the questions contained in this bill may not be safely intrusted for investigation and management to a bureau in the Department of Agriculture, the head of which is so well fitted for the superintendence and direction of the work. Besides the high qualification possessed by the present Commissioner of Agriculture for work of this character, he has at his command all the agents and facilities for its speedy and successful prosecution, and under his direction it can of course be done far more cheaply than by the employment of new agents wholly unacquainted with the field in which they will have to operate. There is already a proposition before Congress to make the Agricultural Department equal in dignity, as it already is in importance, with all the other Departments of the Government, and to advance the Commissioner to the rank and grade of a Cabinet minister, and it is only a question of time when this proposition will become a law. Where, then, can be the necessity for the creation of still another department for the purpose alone of taking in charge the interest of one-third of the laboring element of the country? And another and equally cogent reason why I urge the amendment I offer was outlined in the beginning of my remarks when I submitted the proposition that there was an identity and indivisible unity in the interest of all the laboring classes

which should not be disturbed by any legislation under which it might be divided.

There is already a feeling of antagonism springing up between the workers in the mines and the manufacturers and the tillers of the soil, the laborers in the broad fields of agriculture, growing out of the teachings of the advocates of different theories in respect to a great question of political economy. It has been maintained, with great show of truth, by some of the most distinguished leaders of public thought at the present day, that the tariff legislation of the country during the last twenty years at least has been calculated to build up the manufacturing while it has dwarfed the agricultural interests.

Whether this be true or not I will not now stop to inquire, but that a large proportion of agricultural laborers believe it to be true can not be questioned. So that while one class of laborers may approve this system of legislation, the other condemns it because of their belief that it unjustly discriminates against them and their interests. It is not wise, therefore, to widen this breach nor to strengthen this incipient antagonism between elements that should be so closely knitted together by the enactment of a law that would even seem to afford benefits to one class which are not equally bestowed upon another. Let us rather strengthen and preserve that natural unity which should exist between the workshop and the field, between the interest of the farmer and that of the mechanic, so that both forces will move forward in harmony in developing the wealth and resources of our entire country.

Pass this bill in its present form and the farmer may conclude that there is to be still further discriminations against him under cover of Federal legislation; but amend it as I propose, so that it will embrace within its provisions every branch of productive industry, and then it will meet the approval of both classes of laborers.

One school of political economists teaches the doctrine that the wisest statesmanship requires the enactment of such laws in respect to public revenue as will give protection to the manufactories of the country and consequent increased wages to their operatives, while on the other hand the opposing school maintain that no industry of this country requires protection and that free trade gives the greatest prosperity and highest reward for labor.

It is not material to my present argument to inquire which one of these theories is the true one, but it will not be denied by any that that system of legislation is the wisest one which stimulates and protects all industries and all labor alike. Perhaps the legislation here proposed is not so direct and practical as it might be, but still it is one step in the direction of a new system of legislation, by which a subject of great public concern will ultimately receive that attention which its interest and importance clearly demand.

For myself I would have moved over a shorter and more direct line toward the object which we propose to accomplish. I would at once recommend inaugurating a system of public works upon an enlarged and liberal scale, to be constructed of such character and at such places as the public interest requires.

I would erect a public building at every place where the Government has need for one and pays a rental that would amount to 3 per cent. on the cost of building. This would be a measure of real economy, though it should involve the expenditure of three or four millions of dollars. I would thus enhance the dignity and respectability of the Government and give it a stronger claim upon popular affection, while at the same time hundreds of artisans and mechanics would be given employment.

We have stretching along either bank of the Mississippi River a vast alluvial region, reaching from Cairo to the Gulf of Mexico, an empire in extent and a mine of fabulous, inexhaustible wealth; if once protected, the wild deluge of waters which flow from all the sources of the Mississippi and spread out without hinderance over the delta. State and individual resources are inadequate for the construction of such works as are required to hold the flood in check and protect the lowlands of the Mississippi from annual inundation. I would have the Government embark in this great enterprise, which would add hundreds of millions in value to the aggregate wealth of the country, while the money thus wisely expended would give useful employment to many thousands of hardy laborers.

The money now accumulated in the Treasury was gathered from the people, it belongs to them, and they have a right to demand that it shall be expended in such way as will bring to them some share of the benefits its distribution would dispense.

The House, however, did not see proper a short time since to act upon this theory, though in the future it may be induced to do so; but in the mean time let this bill, amended as I have suggested, be enacted into a law, and it will in my judgment meet with more general approval than any other passed by Congress for many years past.

I now yield ten minutes to the gentleman from Kentucky [Mr. WOLFORD].

Mr. BLAND. I would like to ask the gentleman from Tennessee [Mr. YOUNG] a question if he will allow me.

Mr. YOUNG. Certainly.

Mr. BLAND. What does the gentleman think will be the probable effect of this appropriation of $25,000? I notice that the bill provides—

> The commissioner of labor statistics shall appoint a chief clerk, who shall receive a salary of $2,000 per annum, and such other employés as the commissioner may deem necessary for the successful working of the department: *Provided*, That the total expense shall not exceed $25,000 per annum.

Mr. YOUNG. I have not given my attention so much to that matter of detail in connection with the bill as I have to some others. It has been carefully considered by a committee of this House, and the gentleman from Pennsylvania [Mr. HOPKINS], the chairman of the committee, can answer that question better than I can.

Mr. BLAND. Why could not the committee itself provide for the number of employés and their compensation without appropriating a lump sum of $25,000 to be expended at the discretion of this commissioner?

Mr. HOPKINS. Simply because the committee is unable to say how many employés will be required and the amount of money that may be needed. The man to be selected for this position ought to be generally familiar with all the details and should organize this bureau according to his best judgment.

The CHAIRMAN. The gentleman from Kentucky [Mr. WOLFORD] is entitled to the floor for ten minutes.

Mr. WOLFORD. Mr. Chairman, so far as the object of this bill is to collect information which may increase the facilities and opportunities of the laboring man I approve it. But the bill contains other things which I do not approve. If the sole object of the measure were to show to the men engaged in agricultural, manufacturing, and other industrial pursuits where they can obtain the best compensation for their labor, it would commend itself to the unqualified approbation of every patriot. It would commend itself to the approval of every man who loves his country, for upon the labor of our country in its different departments the happiness and prosperity of this people depend. But as I am not thoroughly convinced this alone is the object, I have some hesitation in giving an unqualified support to this bill.

Permit me to explain a little further before I go into the general remarks I propose to make. If the object of this bill is to point out and show to the cupidity of men they may go where cheap labor can be found abroad and bring it here to come into competition with the honest labor of the American people, then so far as I am concerned I am utterly opposed so it. I am in favor of the laborer getting the highest wages for his work fairly and honestly. I do not mean by unequal tariff laws, by such laws as will make one part of the community pay a portion of what he earns to support another part of the community. I am in favor of the laborer receiving the highest compensation in a fair and equitable way.

A word on the question of protection, the protection of American industry. The whole object of that system is disguised; there is not a word of genuine truth about it. It is all disguise; it is a fraud and cheat. The whole thing is wrong.

Talk to me about protecting American labor; that I must protect it and you must protect it. If I buy a shirt or pair of pantaloons or anything else I must protect it in the price I give. How? By the money which I pay. Why give them high prices for things we buy and which we consume when they say they do not need protection, as was ably argued by the gentleman from Massachusetts [Mr. RUSSELL] who is standing before me? If they do not need protection, in the name of God why give it to them? If they do not need protection, why not let me keep my money in my pocket and instead of only buying one shirt let me have it so I can buy two shirts or two pairs of pantaloons or twice as much of anything I may need. Why, let me keep it if they do not need protection.

If we really have come to the time when cotton cloth needs no protection, then let us repeal the law and impose taxation for the purpose of revenue only. That is the way to protect labor.

Let the man who plows, let the man who uses the hammer in the shops, let the man who performs manual labor in the country, receive that protection which equal, just, and honest laws would give him, and let him buy whatever he wishes as cheaply as possible. If that is the kind of protection which gentlemen want, if that is the protection this bill is in favor of, when I shall become convinced of it I will vote for it; but I will withhold my vote until I am so convinced. I hope gentlemen will use an argument to convince me of that fact, as I would do nothing to destroy the success of labor.

The other day we heard a powerful argument made by the gentleman from Pennsylvania [Mr. KELLEY] in reference to this subject of labor. I suppose, on the establishment of this bureau, he wants some more statistics of the kind he presented. I am tired of such things so far as I am concerned. We had an able argument from him showing the people were so poor in London they had to live worse than the beasts of the forest; degraded, ruined. Poor old England, how sorry I was for her! Was it the tariff made them so poor, or the lack of a tariff? We all know now, and the gentleman from Pennsylvania knows just as well as anybody else when he gets sober, clear, and candid on this proposition—he knows full well it is the feudal system of England, the land-holding system there, by which a few men own all the land while the great

mass of the poor people have to work with no homes to live in, nobody to protect them; that it is because there the few disregard the many, the few taking all the profit while all the labor is done by the poor people; it is for this reason they live like the beasts of the forests. I am sorry they are in that condition, but I can not afford to bring them here and put them in competition with our own honest labor on our farms and in our workshops.

[Here the hammer fell.]

Mr. BELFORD. I now send to the desk and ask to have read as a part of my remarks an amendment which I desire to offer to the bill.

The CHAIRMAN. The Chair will state that the bill is not yet open to amendment; but if desired this will be read in the time of the gentleman from Colorado.

Mr. BELFORD. That is my request, as I desire to speak with reference to that amendment.

The CHAIRMAN. The amendment suggested by the gentleman from Colorado will be read.

The Clerk read as follows:

Provided, That no railway corporation or manufacturing establishment shall be allowed to import foreign labor to compete in employment with American citizens.

Mr. HOPKINS. I make the point of order against that that the bill is not open to amendment at this time.

The CHAIRMAN. The amendment has been read only for information.

Mr. BELFORD. Mr. Chairman, I desire to state a few facts bearing directly upon the question of American labor and showing the importance of such an amendment as that suggested. A few years ago the manufacturers in New England imported from China a large number of laborers to displace American citizens.

Mr. RUSSELL. How many?

Mr. BELFORD. I do not know how many. The fact is the substantive thing with which I am dealing, and whether they imported one or whether they imported one hundred thousand, the fact stands there like Jupiter blazing in the skies. [Laughter.]

What has happened in Cincinnati lately? I had the honor to state to this House the other day that while that was a riot presumably originating in the interest of the execution of the law in the case of a confessed murderer, it was really based on far different conditions, and yet the next day when I read the Commercial Gazette I found that my statement was absolutely verified, and that the alleged cause was merely an excuse for the beginning of communism in this country. And every gentleman who read that paper, who read the full report of all of those proceedings, will concur with me in that statement.

What occurred yesterday at Pittsburgh? Why, a warfare between the Polanders, imported by the manufacturers of Pittsburgh to drive American citizens out of employment. They had a riot, a fixed battle; lines were drawn; there were wounds given and received. American citizens under the domination of these corporations are helpless, and they have no fair chance to earn their honest bread and butter.

Mr. BLAND. Then the gentleman, I suppose, will agree that protection does not protect after all.

Mr. BELFORD. Why, they had a meeting in Pittsburgh, my friend, and at that meeting in Pittsburgh the operatives of that city passed a series of resolutions wherein they solemnly declared that while the tariff system protected the manufacturers the wages of the operatives were constantly going down. [Applause on the Democratic side.]

That is exactly what I want to bring to the attention of this House and to the attention of the country. What we want to do is to take into our own hands the hand of labor and lift it up until it reaches the glimmering of the morning sunrise. That is what we did in 1860 when we lifted from the humble cabin the slave and made him a free man.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. BELFORD. I should like to have just one minute more. [Cries of "Go on!"]

The CHAIRMAN. Does the gentleman desire the chair to submit his request?

Mr. KING. I move that the gentleman be allowed to continue.

Several members objected.

Mr. HOPKINS. I yield now ten minutes of my time to the gentleman from Ohio [Mr. FORAN].

Mr. YOUNG. How much time have the opposition?

The CHAIRMAN. Thirty minutes remain in opposition to the bill. Is it desired to consume the remainder of the time in favor of it now?

Mr. WELLER. I would like to inquire how much time remains both in favor of and against the bill?

The CHAIRMAN. Twenty minutes in favor and thirty minutes against.

Mr. WELLER. I shall ask recognition in favor of the bill at the proper time.

Mr. FORAN. Mr. Chairman, I shall probably not consume the ten minutes which have been allowed to me by the gentleman from Pennsylvania. I trust when a vote is taken upon the bill that it will be passed substantially as it has been matured and perfected by the committee. The committee spent considerable time in perfecting the bill, and so far as I am individually concerned I would prefer to see it killed and voted down altogether rather than see it mutilated by the amendment proposed by the gentleman from Tennessee. What we want is a separate and independent department. We think we are entitled to at least that consideration. Nothing less will be satisfactory to the great body of citizens who are asking for this legislation.

Mr. Chairman, I doubt if there has ever been before the American Congress a question of greater importance, or one that more directly concerns the welfare of humanity, than that which is being now considered by this House. It will be impossible in the few brief moments I am permitted to speak to do more than call your attention to the general scope and purpose of the measure now under discussion. It is a generally accepted axiom that bad laws and evil legislation originate in and spring from that cupidity and selfishness that has ever been a predominant characteristic in human nature. This proposition is only partially true. A very considerable portion of the imperfect and vicious legislation of which the people justly complain may be traced to a lack of reliable data and accurate knowledge upon the part of the average lawmaker of a true conception or comprehensive understanding of the science of society or that science which M. Compte more compactly and succinctly designates sociology—a science which concerns itself with all the various phenomena incident to man in society, and resulting from the multiform actions and peculiar and changing conditions of collective masses of the human species existing in social life.

The great error and mistake of the average statesman is the assumption that society should be conformed to statute law—that every enactment of our legislative bodies, whether based upon correct principles or not, should be in effect an iron mold into which society should be violently forced and driven and be compelled to adapt itself to the conditions of the law. Following this false and erroneous theory of legislation, our lawmakers frequently enact laws in blind ignorance of the complex or even elementary principles of social science. Laws are enacted simply to meet necessities and exigencies as they arise without reference to the causes which occasioned them. Like the empirical physician, the lawmaker too frequently attempts to cure a diseased body-politic by the enactment of laws based upon symtomatical manifestations. The true theory of legislation, however, as I understand it, is based upon the idea that laws should be enacted in accordance with and suited to the phenomenal conditions of the social state of the people to be governed by them; that instead of endeavoring to control and manage events after their occurrence, the province of wise statesmanship is to prevent future evils by legislation based on a thorough comprehension of existing social conditions—that is, to determine by statistical and speculative inquiry the organic causes of impending or threatened social disorders, and what under all the circumstances are the general conditions of legislative operations best calculated to prevent them.

To aid the legislator in this direction is the principal object of this bill. The creation of the bureau proposed in this bill will lead to a greater, profounder, and more extended knowledge of the general character, habits, manners, customs, and dispositions of the people, their social status, their progress in civilization and intelligence, their material and sanitary condition, their advancement in moral and mental culture, their different classifications as to laborers, skilled and unskilled, professional men, capitalists, and non-producers, as well as the production and distribution of wealth. The object of the bureau tersely stated is to promote a more general diffusion and better comprehension of social science. Sociological science is based upon statistics which collects, collates, arranges, and compares facts, from which the statesman ascertains, and without which he can not ascertain, those great principles in accordance with which the state must act if it would promote and foster the well-being and happiness of its citizens. It is from this source alone that the political economist can determine an equitable and just rule to govern the production and distribution of wealth.

It is hardly possible that any gentleman upon this floor will deny that correct and systematized information of the character here outlined is not essentially and absolutely necessary to a comprehensive knowledge of social subjects and to a correct understanding and just conception of the exact condition of the country and the legislation necessary to more effectually advance the material and social well-being of the people. To my mind such data and information are of the greatest importance in tracing and determining the various circumstances by which evils and wrongs creep into society, as well as pointing out the safest and surest means of removing them, because from that source alone can be ascertained a knowledge of the action and reaction which is forever taking place among the different and manifold elements of which society is composed.

There can be no doubt but that experimental, empirical legislation, which at best is but tentative in character and unsatisfactory in results, may be directly traced to a lack of the information and data which it is proposed this bureau shall furnish. Of course we can infer causes from their effects, or through the medium of their effects observe causes; we may even determine what effect a certain cause is capable of producing; but we can not predict effects or trace causes, because of the absence of the necessary reliable data and by reason of the scarcity of statistical generalization we are unable to tell the number of causes

affecting society which exist or the frequency of their occurrence. I firmly believe that the laws governing the science of sociology are as fixed as those of astronomy. I do not, however, contend that statistics will enable us to so thoroughly understand social science as to be able to predict or anticipate history with unfailing accuracy; but I do claim, and the claim is supported by such men as Mill, Spencer, and Compte, that a comprehensive knowledge of sociology will enable the statesman to understand or determine by or through what causes a state has been made what it is—whether it is tending to any changes, and what these changes may be; what effect existing conditions will have upon the future, and by what means these effects may be modified or prevented or an entirely different class of effects produced.

It is impossible to overestimate the value of statistical science. The laws which govern the intricate and complex fabric of human society can not be determined by any system of reasoning known to us; we are forced necessarily to proceed by induction from facts collected by some authorized agent of the character indicated in the bill. We have already a bureau connected with one of the departments of the Government which collects and collates statistics relating to the material resources of the country. Only a few days ago we passed a bill creating a bureau of animal industry, the object being to prevent and eradicate diseases among animals. We have manifested a desire to improve the sanitary condition of hogs and other animals, and it is strange indeed that a proposition to improve the sanitary condition of human beings should meet with opposition. History informs us that when Titus solemnized the inauguration of the Roman Amphitheater by a hundred days of feasting and brutal carnage, 9,000 animals perished upon the bloody arena; the same history is silent as to the number of human sacrifices during these hundred Roman holidays. Is it possible that we, like the Romans, are more concerned about the health and lives of animals than of human beings?

I always believed that the great object of legislation should be man. The Republic is simply an aggregation of men, and in the ratio these men advance in intelligence and morality are the foundations of the Republic made strong, and enduring. Civilization, progress, and national advancement are not measured by powerful combinations of wealth, manufactures, and products as much as by manhood. Man is undoubtedly the true object of legislation, and to produce better men, freer men, men of more advanced thought and civilization, should be the object of every law placed upon the statute-books of the Republic. We have to-day full and ample statistics concerning the growth, prosperity, material resources and wealth of the country, but there is nothing to show the sanitary, intellectual, or financial condition of the vast army of men who create and produce all this wealth.

The gentleman from Kentucky [Mr. WILLIS] recently submitted a very able and valuable report to this House to accompany the bill to aid temporarily in support of the common schools of the country. This report shows that there are over 6,000,000 of persons above 10 years of age who can not write. It further shows that nearly 2,000,000 of the voters of the Republic are illiterate. These facts are simply appalling. What remedy do you propose? The Committee on Education say appropriate $10,000,000 to aid the public schools. Why, sir, we expend for educational purposes now three times more per capita than any nation on the globe. You can not remove illiteracy by building magnificent school-houses and equipping them with competent instructors and all the educational appliances known to modern times. Something more is demanded. You must secure a school attendance proportionable to your population.

In 1882 the school population of the United States was 15,302,862, of which number but 9,729,189 were attending the elementary schools. Considerable less than half a million were attending normal schools, colleges, and universities, leaving over 5,000,000 of the school population not attending schools of any kind or character. You do not need more money as much as you need a large and better school attendance. I am fully convinced a bureau of labor statistics would show that these 5,000,000 of boys and girls of school age are wearing out their young lives in workshops, mines, and factories instead of attending school. If these children are compelled to labor by the pressure of necessity the country ought to know it. If the country would conform its legislation to the doctrine of Paley—that the "interest of the whole of society is binding upon every part of it"—it must determine what are the needs of each and every part of it in order that a rightful knowledge of the whole may be ascertained, and in no way can this be more surely accomplished than by the establishment of this bureau.

If the members of this House believe with Bentham that "the happiness of the individuals of whom a community is composed—that is, their pleasures and security—is the sole end which the legislator ought to have in view, the sole standard in conformity with which each individual ought as far as depends upon the legislature be made to fashion his behavior," they will favor the establishment of this bureau in order that future legislators may be able to comprehend what will best promote the pleasure and best establish the security of the individuals of whom the whole body-politic is composed. The value of statistical information has long been appreciated by the leading minds of this and other countries.

In his preliminary report to the Eighth Census, Superintendent Kennedy, a very able statistician, in recommending the establishment of a general bureau of statistics, says:

> The labors of a statistical bureau would most essentially contribute to the increase of sound knowledge upon all subjects connected with national and international affairs among the people. The theories, often conflicting, of political economists would give place to the practical results of experience, the sober truth of figures, and the unerring demonstrations of facts; the true interests of the people of the country, as a people one and indivisible, would be perceived and understood. Knowledge of the most important kind would be given to the community; additional power, the result of knowledge, be placed in the hands of the legislature; the welfare of the country advanced by its interests being understood, and legislation would be consistent and onward, uniformly conducing to individual happiness and national honor and prosperity.

In 1884 this House referred the matter of the creation of a statistical bureau to a select committee, such a bureau having been frequently recommended to Congress by Presidents and heads of Departments. The committee to whom the matter was referred made a very able report, in which this language occurs:

> The importance of statistical knowledge is proved by the circumstance that scarcely any civilized government exists in the world where a department or bureau has not been established for the purpose of collecting, recording, and arranging statistical facts. * * * Correct and extensive statistical information is no less necessary to the mass of the people, in order that they may desire, appreciate, and understand correct legislation, than it is for the legislator to enable him to comprehend and to promote the best interests of his constituents.

The Journal of the London Statistical Society says that—

> As all things on earth were given to man for his use, and all things in creation were so ordained as to contribute to his advantage and comfort, and as whatever affects man individually affects also man in a state of society, it follows that statistics enter more or less into every branch of science, and form that part of each which immediately connects it with human interests.

The value of this kind of information being so apparent, and the necessity for its collection and dissemination being so urgent as we have seen, Congress has already provided, in a measure at least, for its collection and diffusion among the people. But the present legislation on this subject is more than defective. We have some general statistical information on illiteracy, but nothing definite as to the causes which produce it. Information of a reliable character on pauperism is very meager, and data as to the causes of pauperism more meager still, if not wholly worthless. Our criminal statistics are not entirely reliable, and even if they were they are valueless because reliable data as to causes are absolutely wanting. This bill proposes to remedy these defects in our present legislation. For illustration, let us take a given manufacturing community in which strikes and "lock-outs" frequently occur. American artisans and mechanics, as a rule, are industrious, educated, and intelligent men, who will not resort to "strikes" unless grave and strong reasons impel them to do so.

If you investigate with a view to discovering what these reasons are, you will find in almost every instance that the compensation received by these men is wholly inadequate and not commensurate with their daily necessities. You will find them poorly housed and poorly fed, as well as illy clad, living from hand to mouth, and in debt to the butcher and grocer. To them the theater, the lecture-room, or any of the other pleasures which make life bearable are unknown. They certainly understand that their misery and poverty are due to the insufficient remuneration received for their labor. They plead and beg for better wages, and being refused, a strike is the result. The poverty of the strikers is then the cause of this economic disturbance. By further inquiry we can ascertain the cause of the poverty. You can easily find the amount of capital invested and employed in this manufacturing community, including the cost of the plant, the amount required and used in the purchase of material, the payment of labor and other expenses. You can also ascertain the net earning of this capital, and if you find it to be largely in excess of the natural or legitimate increase of wealth in the country, if you find the capitalist and stockholder receiving large dividends upon small investments, you will have no difficulty in locating the cause of the existing poverty. A sufficient amount of wealth has been produced to adequately compensate labor and leave a fair and reasonable profit to the capital invested; but this wealth being unequally distributed, the poverty of the producers of the wealth is the inevitable result.

I am aware that some employers are opposed to inquiries and investigations of this character, but unless they are plundering and robbing their workingmen the inquiry can do them no injury; for should an inquiry of this character demonstrate that invested capital was not receiving more than its fair share of the joint production, that information would prevent strikes, as the men would understand that the employer was not responsible for the inadequacy of their compensation. In such a case further inquiry might disclose the fact that low wages was due to the ruinous competition of foreign manufacturers, who, having the advantages of cheap capital and pauper labor, were able, owing to the benign influences and advantages of free-trade legislation, to undersell the home manufacturer in his own market, unless he sold his products at a figure which left no margin for his capital and no adequate wage fund from which his employés could be paid; and I may say right here that, no matter how much the necessities of the times and the exigencies of the public demand tariff revision and tariff reform, if indeed such revision and reform are at all demanded, no just standard for such revision and reform can be determined until we are in possession of such data and information as will enable us to comprehend the

comparative difference between the wages and cost of living in the manufacturing centers of America and the wages and cost of living in the manufacturing centers of Europe.

If the slightest revision of existing tariff legislation reduces the compensation of a single American workman it ought not to be made, for that state is surely retrograding and already on the verge of dissolution which cheapens its consumable commodities at the expense of its producers, or which builds up vast, powerful, and wealthy corporations or gigantic private fortunes at the expense of the great mass of the people.

If we could undersell the world—

Said the late Mr. Greeley—

in iron or cloth by means which kept their producers ignorant, ill-fed, socially depressed, and morally degraded, we could not afford to accept a commercial or industrial advantage on such terms. Cheap shoes and hats are desirable, but not at the cost of generations of shivering, famishing, illiterate shoemakers and hatters.

It is true that those who advocate cheap commodities disclaim any intention of desiring such commodities at the expense of American producers. We differ materially, I might say radically, in our opinions as to what will be the effect of a still further reduction of tariff duties upon the wages of American artisans and mechanics; but if we were in possession of the facts and information which it is the province of this bureau to collate and diffuse among the people we would certainly have a clearer comprehension of the wisest and most politic course to pursue in matters of tariff legislation. Because of the lack of information of this character we differ on most all economic, social, and political questions.

Very recently the country was horrified by the details of a great riot which occurred in the city of Cincinnati. A distinguished Senator, Mr. GIBSON, in a speech upon the Senate educational bill, claimed that riots were more or less caused by illiteracy. From my experience and the lights I have I am forced to differ with the distinguished Senator. The fact is there is a large number of people in this country to-day living in the most abject poverty—they are without homes, and in many instances the very necessaries of life. It is quite natural to suppose that this class is becoming dissatisfied with the existing order of things. How large this class is we do not know, but we do know that the more intelligent a dissatisfied element is the more dangerous it is to the society where it exists.

The Nihilistic society of Russia is almost wholly recruited from the most intelligent classes. If we can remove the cause of the dissatisfaction by improving the material condition of that class the question of education will give us but little concern. In view of the frequence of strikes and riots, it becomes a matter of the greatest importance to the country to know the precise status of the vast bodies of toilers who are crowding into our large manufacturing cities. We ought to know what proportion of our laboring people is fugitive in character and what proportion is permanent in character.

The safest citizen is the man whose interest in the state depends upon and grows out of a property consideration. The man who owns his own domicile, and whose wife and children do not suffer for bread or clothing, is generally a safe and reliable citizen, and is not apt to apply the torch to the roof of his neighbor's house, as such an act would endanger the safety of his own.

If it is true, as it is claimed, that the property and wealth of the country are rapidly passing into the hands of a small percentage of the people, and that the masses are daily growing poorer and more depressed, the statesman ought to know it.

The centralization of wealth means the centralization of political power, and the centralization of political power marks the decline of and possible death of republican institutions in this country. A republican form of government in any country can be but of short duration when 5 per cent. of its people own over 60 per cent. of its property and wealth; and yet it is confidently asserted that that is the condition of things in the United States to-day.

If this be true, we can readily perceive the causes which lead to economic disturbances, strikes, and riots. One or two additional considerations and I am done.

If the political economist desires to increase the productive power of the State, he will favor the creation of the bureau proposed by this bill in order to determine whether the producers of the country, or, in other words, the laborers, may not by the grinding process of unceasing toil and the ill effects of insufficient food be undergoing constant and permanent deterioration, and what are the necessary means to produce a countervailing effect.

Jules Simon ascribed the immorality of France to the necessity which drove the mother from her home and forced her into workshops and factories. If our moralists, social philosophers, and churchmen would advance morality, social and individual virtue, they will favor the creation of this bureau, so that the world may know to what extent women are employed in the workshops and factories of the United States, and to what extent such employment contributes to the debasement of womanhood, and what effect such debasement will have upon the future of the Republic.

I again repeat, we have no reliable or accurate data, knowledge, or information upon the various questions here enumerated; and I insist that in the absence of such data and information we are not qualified to legislate as wisely as the best interests of the people of the country, "as a people one and indivisible," demand.

Mr. BLOUNT. Mr. Chairman, the Commissioner of Agriculture has stated this very day that at this very time he has sent out numerous inquiries all over this country for the purpose of getting the very information which this bill proposes. A gentleman from Ohio representing a manufacturing establishment stated at my seat that from his own establishment he had furnished information as to labor in his factory. The Agricultural Department at this very time is gathering the statistics sought. In addition we have the Bureau of Statistics, which might do this very work. When asked why not allow this to be added to the work of the Agricultural Department, the answer is that they are overworked. Now, how easy it would be to add clerks to that Department with a view to collecting this information if it shall be found that what the Commissioner of Agriculture is doing at this very time is unsatisfactory on account of want of clerical force.

The gentleman from Pennsylvania [Mr. HOPKINS] argued that we had a Bureau of Mining, a Bureau of Agriculture, a Bureau of Education, &c. Well, sir, I think instead of our concluding that we should have some more of them because we have been multiplying them pretty rapidly, we had better conclude that we have been getting very far beyond what had been the practice of the Government from the beginning until very recent times.

The gentleman has put a provision into the bill that the expenditures for the first year shall not exceed $25,000. For what purpose? The gentleman himself admits, and it is our own experience, that he can not know to what proportions this bureau is to grow. I remember, sir, in the Forty-fourth Congress a small appropriation of about $18,000 was made for the Fish Commission and it has grown up into its hundreds of thousands. In all these matters you have but to sow the seed on the simplest sod and it grows and ramifies in every direction.

I think in view of the fact that the Commissioner of Agriculture is doing this work now, and that we have a bureau specially devoted to statistics, the very class of statistics which this bill contemplates being designated—labor engaged in manufactures—that we have no occasion to add to the expense in this direction.

Moreover, Mr. Chairman, I have no faith in the information when gathered. My observation is that these bureaus when created instead of being used for obtaining information impartial in its character are designed to facilitate some political thought. The reports of consuls upon the subject of labor, the communications coming from the State Department upon the subject of labor, make comparisons, nominal comparisons merely. For instance, you have information of what labor is worth in America. Then you have it stated what it is worth in England or Germany by a nominal comparison of values in dollars. The practical sense of every gentleman tells him that you might just as well undertake to compare the value of labor in this country at this day with what it was in 1863 or 1864 with a depreciated currency. Just as much truth would be elicited from that comparison as is elicited from these comparisons of the values of labor in different countries. A dollar serves a very different purpose here from what it does in France, and a different purpose in France from what it does in England or in Germany.

Mr. MILLIKEN. Will the gentleman yield to me for a question?

Mr. BLOUNT. Yes, sir; if it is a brief one.

Mr. MILLIKEN. I wish to ask the gentleman a question for information. I would like him to inform the House, if he will, what political thought he thinks this bill intends to promote.

Mr. BLOUNT. Mr. Chairman, I have not yet said this bill is intended to promote any political thought. I have said my experience has been that these bureaus were utilized for the purpose of advancing some political thought. I remember when the publication of the consular reports was authorized and I know what followed from them; and I defy any gentleman to take those reports on labor statistics and gather from them any principle worth acting upon.

Mr. MILLIKEN rose.

Mr. BLOUNT. I do not yield further. One of the objects declared in this bill is to get from your consuls information. That is being done to-day. They are constantly communicating to the State Department such information. Then why do you want to duplicate it here?

Another thing. The gentleman from Pennsylvania said in his speech they wanted to get labor reports from the different foreign governments. Why, sir, I supposed most of those reports were accessible now in the Congressional Library; that is, when such statistics are gathered by the Government. The German Government has no bureau of this sort. But I apprehend that we may find the reports from Great Britain and France, and almost all the countries where such bureaus exist at all. Then why should a provision of that kind be inserted here?

I stated a while ago that I believed these bureaus generally were utilized for the purpose of representing some political thought. I alleged that the consular reports and the information through the State Department have been utilized for that purpose. We appointed a tariff commission to get information exactly analogous to this, and what was the result? And whom did you have upon that commission? The great body of them were men representing manufactures. The agricultural interests of this country were represented by one man upon

that commission. The information obtained was all on a given line. If we want information on the subject of labor, I desire the House of Representatives, whenever it should be deemed necessary to get it, to do as the Senate did last year—send men of all political complexions, representing every political thought and political interest, to go forth and get that information. But I want no such information as is likely to be obtained in the way proposed here.

Again, sir, the bill proposes to make inquiries as to the sanitary condition of laborers and as to their educational condition.

Mr. EATON. Why should we make these inquiries if we are not to promote the condition of the laborers in those respects?

Mr. BLOUNT. The gentleman from Connecticut makes a very proper suggestion. The bill proposes to make inquiries into the sanitary condition of laborers, into their educational condition, into their social condition, and into their religious condition. Mr. Chairman, is this a limited government? Can we do anything and everything we please? What do you call religion? Where do you get the authority to inquire about the religious condition of any American citizen?

Mr. HOPKINS. Do you not do that through the Census Bureau?

Mr. BLOUNT. I do not know what the Census Bureau may have obtained in that way. I have not examined as to that. I suppose they have some statement as to the numbers of the different sects. Is that what the gentleman from Pennsylvania is after—to ascertain what church a man belongs to or if to any?

Mr. EATON. The Census Bureau has already given us that.

Mr. BLOUNT. We can get such information every ten years, and when obtained it is of no industrial importance.

Sir, if there is any right on our part to make this inquiry, then we have the right to take control of the whole subject. If we have the right to be making investigations as to the number of children attending school and to inquire into their religious and social condition, then we have the right to legislate upon those subjects. I can not think that the gentleman in charge of this bill when he proposes to make inquiries of this character means that and nothing more, means a simple inquiry upon the subject.

There are some things which I think have been left to the State governments, and they may make inquiries concerning them and will do so. The distinguished gentleman from Connecticut [Mr. EATON] informs me that the State of Connecticut has already made this investigation. The State of Massachusetts has issued a most valuable document upon this subject.

Mr. EATON. And we have made laws determining the manner in which children shall be treated.

Mr. BLOUNT. As the gentleman suggests, in the State of Connecticut they have followed up this information by passing laws to regulate the manner in which children shall be treated. This is what ought to be done all over the country. The local governments have charge of this matter, and I will not by my vote suggest directly or indirectly the opposite idea.

The State of Pennsylvania, the gentleman's own State, is capable and doubtless willing to do this thing. I have no doubt that every gentleman from that State, without regard to party, is willing to do it, and they represent the political thought of Pennsylvania on that subject and are quite competent to take care of it.

I have not yet heard any good reason given for the passage of this bill. I am very sure that the agricultural interests of the country are not requiring it. I think the gentleman from Connecticut lives in a community where capital and intelligence are as thoroughly identified with the manufacturing interests of the country as in any other portion. Yet he does not think it necessary to pass this bill. He finds that all of this can be provided by the State governments. I trust, therefore, that we will permit the States to exercise their rightful functions in this matter, and not undertake to do that which we have no authority under heaven to follow up with any remedial legislation.

Even if I believed that it would not eventually represent some political thought, I do not care what it is, whether it be protection or free trade, still it would be objectionable No matter what form it shall take, or what policy it should advocate, it is to my mind most objectionable, because I believe it is a delusion, rather than any practical provision to give us information.

If I felt, however, that it would furnish fairly the information sought by gentlemen entertaining the views of the gentleman from Pennsylvania [Mr. HOPKINS] or the contrary views such as are entertained by the gentleman from Missouri [Mr. O'NEILL] I would willingly assent to it, simply upon the idea of obtaining information and for no other purpose. While I do not think that we have any occasion for it, I would be willing out of deference to what is termed the labor sentiment of the country to give them a bureau of their own if they fancied that there would be any advantage accruing to them from it.

Again, under this bill we are probably to be treated to essays on strikes, their causes, effects, and remedies. Why do we want to pay persons for getting up essays on those subjects? We created a board of health and made an appropriation for it, and then we found that a large portion of the funds of that board were utilized to pay friends of its members for getting up essays on various diseases. So I suppose a very large proportion of this fund will be likely to be given for a similar purpose.

The press of this country, the intelligence of the country, is quite able to furnish all the information that we need upon the subject of strikes. That is no new topic. There is, therefore, not one single thing suggested by this bill which would justify us in the creation of this bureau.

Suppose you obtain your information as to the social and religious condition of the people; what else can you do? Suppose you find that the laboring classes are not compensated as they should be, will you attempt to make contracts for them? If you find that they do not go to church, will you pass laws compelling them to go? If their children are not educated as you think they ought to be, will you pass laws requiring them to attend school? Or, as the gentleman from Indiana [Mr. COBB] suggests, if you find that they are not well, will you pass laws providing doctors for them? Sir, we need no information on this subject, and I trust this House will not see fit to create this bureau. Mr. Chairman, I would inquire how much time I have left?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. BLOUNT. I will yield that time to the gentleman from South Carolina [Mr. AIKEN].

Mr. AIKEN. I do not know that I shall consume all that time. I simply desire to give notice to the House that I have two amendments which I propose to offer to this bill. The first is to strike out all after the enacting clause to the word "commissioner," in line 11, and to insert in lieu thereof the following:

The Commissioner of Agriculture, through the bureau of statistics in the Department of Agriculture, shall acquire, &c.

Then in another portion of the bill I propose to strike out all after the word "desired," in line 45, down to and including the words "per annum," in line 51, and to insert in lieu thereof the following:

The Commissioner shall appoint such assistants as he may deem necessary for the successful working of this bureau, provided the total expense shall not exceed $10,000 per annum.

I suppose there are many men on this floor who would not object to expending $10,000 a year to acquire the most of the information which is proposed to be gathered by this new bureau. But, sir, I do not see that there is a necessity for the establishment of a special bureau for this purpose. I believe that we have now in existence machinery that can very economically carry into effect all that is sought by this bill. If we multiply our methods of collecting statistics we increase the certainty of making mistakes, whether those statistics be valuable or not. Why, Mr. Chairman, we have now a statistical bureau in the Agricultural Department and we have a statistical bureau attached to the Treasury Department. I have never yet seen a publication from the statistical bureau of the Treasury Department relating to labor or to agricultural statistics which did not state that the information had been gathered from the statistical bureau in the Agricultural Department. The information given by the Bureau of Statistics connected with the Treasury Department is only authentic when it relates to the importation or exportation of products. All that we want now is to gather just such information as can be gathered by the bureaus already established.

We had agricultural statistics collected through the Census Bureau, and the presumption was that they were all accurate. But when we compare the statistics compiled by the Census Office (as has been stated on this floor by one or more members of the Committee on Ways and Means) with agricultural statistics gathered through the Agricultural Department we find that there is a difference of more than a thousand million dollars per annum between the two. Which source of information is correct? Establish a third bureau, and you will in my opinion increase the divergence from correctness.

The statistical bureau of the Department of Agriculture tells us that in 1880 the agricultural products of this country amounted to a little more than $4,000,000,000. The statistics as I gather them, and as the Committee on Ways and Means have asserted them upon this floor, taken from the census returns, do not give more than half that amount. The aggregate as returned by this bureau is about $2,213,000,000. Hence I believe there is great truth in what has been said by the gentleman from Georgia [Mr. BLOUNT], that these statistics are unreliable, gathered from whatever source they may be. I think he has pointed out another truth when he remarked that one reason of the unreliable character of these statistics is the simple fact that there is a political idea developed in all the information gathered for the people of this country. It is gathered too much by partisan officials, and that is the reason it is unreliable. It is not truthful.

But while this may be the case, I think it very desirable that this Government should have annually, or at least biennially, statistical statements, so that members here who have to legislate for the benefit of the whole people may be able to look with some degree of confidence to the statistical information gathered by some of the bureaus or Departments of this Government. We have already intrusted the collection of agricultural statistics entirely to the hands of the officer who is at the head of the Department of Agriculture, and who has charge of the agricultural interests of the country. In this way information may be collected quite as accurately and at the same time more cheaply and expeditiously than if we established a new bureau. Hence I desired these few minutes to state the effect of the amendments which I propose to offer to this bill.

Mr. HOPKINS. Mr. Chairman, the objections made to the pending bill by the gentleman from Georgia [Mr. BLOUNT] are manifold. He commends the departments or bureaus of labor statistics in the several States as doing a good work and furnishing valuable information; but he objects to any authority by which those statistics can be compiled and made more useful to the American Congress. He objects to the creation of the bureau proposed in the bill, because he imagines that it would have some intention to lead the political thought of the country.

Mr. BLOUNT. I do not like to interrupt the gentleman——

Mr. HOPKINS. I have but little time.

Mr. BLOUNT. The gentleman will allow me to suggest that I think he will find in the Library here those very documents embracing the results of the action of the State governments.

Mr. HOPKINS. I presume they are in some library; but they are not compiled for use, and I think that the gentleman from Georgia would not care to take the trouble to make such a compilation as would render that information practically useful.

A similar reply may be made to his suggestion that the consuls send certain reports. The consuls do send some reports; but these reports and all others that the gentleman has refered to are merely fragmentary, and if they are of use at all in their present shape, aggregated and compiled statements from all these sources will be of tenfold more use.

Another objection is made which I had not anticipated. I did not expect that the ghost of "State rights" would be invoked in opposition to this bill. I supposed that after Congress had by repeated action established its power to create different bureaus for obtaining information there would be no question as to its power to create another bureau for a similar purpose. It is rather difficult in two or three minutes to discuss a grave constitutional question, but as an answer to the gentleman I refer to the precedents which Congress has established in the creation of these innumerable bureaus for the collection of information.

When the gentleman interrupted me I was about to refer to the fear he expressed that this bureau is intended to lead the political thought of Congress and the nation. He remarked, I believe, that I represented one view and my colleague on the committee another, and if I recommended the passage of this bill he would be inclined to favor it. I say this report comes here with the unanimous indorsement of the committee, and by no possible construction can this measure be perverted into an attempt to lead in any direction the thought of the country upon questions of political economy.

Mr. BLOUNT. The gentleman, I know, would not misrepresent me.

Mr. HOPKINS. Certainly not.

Mr. BLOUNT. I said that if information was to be sought by a commission representing, for instance, the idea of the gentleman from Pennsylvania and the gentleman from Missouri, I would have no objection.

Mr. HOPKINS. Very well, then. The idea of this bill, if it should be made effective, is that the man at the head of this bureau shall be a machine to gather, without tinge of political conviction, information for the benefit of gentlemen holding the views of political economy which my friend from Georgia entertains as well as gentlemen who differ from him in that respect; to furnish information on his as well as our side of the tariff question.

I do not imagine there could be by any possibility a construction put upon any clause or line of this bill which would indicate the views of any member of the committee as to the results to be attained by the establishment of this department.

The gentleman says we inquire into their sanitary condition when we do not propose to remedy it. Congress has proposed to regulate the general health at times and established a national board of health for that purpose.

So I come to the other objections alluded to by the gentleman. He has also made criticism on the religious phase of this inquiry. That objection has been made by a number of gentlemen privately to me as liable to be opposed. The only thought of the committee and the only intention in incorporating that was not that it should have any sectarian, not that there should be any inquisitorial action in regard thereto, but as a part of the mass of common information bearing on the different phases in the life of the laboring people that might also be included just as it is included in the tables of statistics furnished by the Census Bureau. Personally I have no objection to that word being stricken out, as it meets with objection with quite a number of gentlemen on both sides of the House.

Mr. BLOUNT. The gentleman ought not to confine this religious inquiry to the laborers alone. We might ourselves be bettered by such religious superintendence, perhaps.

Mr. HOPKINS. We might establish a bureau of statistics and inquiry as to the sanitary and religious condition of members of Congress, in which probably some of us would not fare so well. This investigation is not for any purpose of that kind, but for the acquisition of information in regard to the laboring interests of the country.

As I have said, the people whom I represent in this discussion are fully convinced of the immense benefit that will result from a knowledge of these various facts. They do not want and I do not want to see this bureau, if established, buried under the Bureau of Agriculture, or under the Bureau of Statistics of the Treasury Department. Let it stand alone, because it has a distinct and separate duty to perform. It has distinct and separate functions to exercise and distinct and separate materials and information to accumulate.

At the proper time I would favor with other gentlemen the uniting of these different branches under one common department of statistics where all could be combined and consolidated. At the opening of this investigation it ought to be a department that would pursue effectively this specific purpose, being embarrassed by nothing else, being controlled by no superior officer who might have his own ideas and views to promote.

The whole efficiency of the bill will depend on the selection of the proper commissioner, who ought to be a man without bias, a man of intelligence, of judgment, and experience in this regard. In a word, as I said a while ago, a man in that position should be a sort of machine, without feeling and without desire to promote any political idea or any particular line of thought.

Now how much time have I left?

The CHAIRMAN. The gentleman has three minutes left.

Mr. HOPKINS. I promised to yield to several gentlemen who wished to ask permission to print, and in their name I will now ask by unanimous consent that all gentlemen who desire to print remarks on this bill have permission to do so.

There was no objection, and it was ordered accordingly.

Mr. HOPKINS. I will yield now whatever remains of my time to my colleague [Mr. BAYNE].

Mr. BAYNE. Mr. Chairman, it has been intimated there was some question as to the power of Congress to pass this bill, but it seems to me there ought not to be any question on that subject. The power of Congress to collect money and expend it for the purpose of inquiry into and looking after the general welfare of the people of the country is undoubted. Article 1, section 8, of the Constitution determines this question, however, beyond all peradventure; and in reference to the protection of American industries as well as in provision for charitable and benevolent purposes Congress has frequently exercised this power.

There are some provisions in this bill which I think ought not to be incorporated in a bill of this character. This requires an investigation as to the religious condition of the people. That provision, if adopted, would be in direct violation of the spirit, at least, of the first amendment of the Constitution, which deprives Congress of the power to establish any religious tests or any religious institutional organizations; and the fact that Congress has undertaken or assumed the right to investigate that subject would necessarily imply to a certain extent at least the right to regulate religious institutions. I think, therefore, that provision ought to be stricken out which applies to the religious convictions of the persons whose condition it is proposed to inquire into. I think it would be a very serious objection to the bill if allowed to remain, and would give rise perhaps to sectarian controversies and issues which the politician of the period would not probably find agreeable.

I propose to offer an amendment which will reach the aspect and present condition of things, which the bill itself does not seem to reach. I propose to offer an amendment, at the end of line 37, after the word "remedies," to this effect:

And full statistics relating to the immigration and importation of laborers and their employment.

One of the questions which is now agitating to a very considerable extent the workingmen of this country, and indeed is calling forth the attention of our representatives abroad, and also our manufacturers in this country, is this very question of imported labor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAYNE. Now I move an amendment under the five-minute rule.

The CHAIRMAN. The Chair will state to the gentleman that two minutes yet remain in opposition to the bill.

Mr. YOUNG. Mr. Chairman, occupying the two minutes which yet remain, I desire simply to re-enforce as far as I may the strong argument made by the gentleman from Georgia as to the importance and necessity of amending the bill as I have already proposed. If the evils which he apprehends here should result, it would be better that these evils should be as small in proportion and as easily corrected as possible. Hence the necessity of making this a bureau instead of a department. If it should work evil, as he thinks it would, then it would be easier, very much easier, to abolish a mere bureau than a department of the Government. A department is a fixture. Once you establish it, and whatever its evils may be it is likely to remain.

I have been put in possession of information since I had the floor a few moments ago to the effect that the Commissioner of Agriculture has now under his direction and charge all the machinery to put in operation this bureau for the accomplishment of the purposes designed. I gather that information partly from the statement made by the gentleman from Georgia [Mr. BLOUNT], and in addition I am informed from another source that the Commissioner of Agriculture has already the machinery at his command and perhaps all the employés that are necessary for all the purposes of the bill, to carry out its objects, to acquire the information designed to be acquired under this bureau, and that it can be accomplished much cheaper in that manner than in the way proposed by the bill.

The CHAIRMAN. The time allowed for general debate upon this bill under the order of the House has been exhausted. The bill is now subject to amendment. The amendments proposed by the committee will be first submitted to the House; after that the Chair will entertain other amendments. The Clerk will report the amendments proposed by the committee.

The Clerk read as follows:

In line 48, strike out the words "Congress may from time to time provide' and insert in lieu of them the words "The commissioner may deem necessary for the successful working of the department: *Provided*, That the total expense shall not exceed $25,000 per annum."

The CHAIRMAN. The question is upon the amendment proposed by the committee.

Mr. KASSON. On the pending amendment, which I understand has been offered by the committee, I take the opportunity to ask the attention of the chairman of the committee who supports the bill for the purpose of inquiring whether there was any special design on the part of the committee in changing the nomenclature of a division or a minor division of the Government service? Usually nothing exceeds the rank of bureau that does not embrace some large branch of the administration of the Government. I observe that the committee have used the word, in the fourth line, "department." I beg to ask if there is any objection to conforming with the practice of our legislation heretofore and only call this a bureau?

Mr. HOPKINS. None whatever, except that it would be attaching it to another bureau.

Mr. KASSON. You can leave it independent, if that is the objection, just as well if it be a bureau as a department.

Mr. HOPKINS. There is no objection, that I am aware of, excepting that.

Mr. KASSON. I think we ought to observe that distinction. Our great divisions here are called departments, and the minor ones, the subdivisions of the departments, are bureaus.

Mr. HOPKINS. There is one, the Department of Agriculture.

Mr. KASSON. That is true, but the gentleman will remember that it is a large bureau, which it is proposed to make really a department, as the gentleman is aware; and I hope that time will come soon when we shall merge several bureaus into that department in addition to what it now contains. I proposed to move the amendment which I have suggested, but desired first to make this inquiry.

Then in the eighth line—and I again call the attention of the gentleman from Pennsylvania—the bill provides that "the commissioner of labor statistics shall hold his office for four years unless sooner removed," without the usual clause "and until his successor shall be appointed and qualified." I desire to offer an amendment to add that clause.

Mr. HOPKINS. I have no objection to that.

Mr. KASSON. Then wherever the word "religious" occurs I suggest that the gentleman should substitute the word "moral," which I think is the proper word to use.

Mr. HOPKINS. That also will be accepted.

Mr. KASSON. I want still to keep the gentleman's attention. In the twentieth line, where the bill calls for information as to the number and ages of children, I suppose it means children employed in labor Those are the points to which I desired to call the gentleman's attention so as to save the necessity of prolonging debate on them when they are reached.

Mr. AIKEN. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. AIKEN. If the amendment reported by the committee shall be adopted, would that part of the bill be open to an additional amendment when it is reached?

The CHAIRMAN. Unquestionably. The question is on agreeing to the amendment proposed by the committee which has just been read.

The amendment was agreed to.

Mr. STEWART, of Texas. I desire to offer an amendment.

Mr. KASSON. If the gentleman from Texas has something more than a mere amendment to the text of the bill, I ask that he shall allow me to offer the verbal amendments I have indicated and which, I understand, the chairman of the Committee on Labor approves.

Mr. STEWART, of Texas. All right.

Mr. KASSON. I move to amend by inserting the word "bureau" instead of the word "department" wherever it occurs.

The amendment was adopted.

Mr. KASSON. In line 8, if the committee were willing, I should be glad to strike out the words "for four years," in conformity with what seems to be the desire of all of us who propose civil-service reform—that is, that the term of office should be during good behavior. But if those words shall remain—and on that theory I will move my amendment—I propose to insert after the word "years," in line 8, the words "and until his successor shall be appointed and qualified."

Mr. HOPKINS. I have no objection to that.

Mr. WARNER, of Ohio. I think that amendment had better be left to be voted on when it is reached.

Mr. KASSON. It is reached now.

Mr. WARNER, of Ohio. I do not understand that the bill is being read by sections for amendment.

The CHAIRMAN. There is but one section in the bill, and it is now open to amendment.

Mr. WARNER, of Ohio. I desire to say just a word in reference to the amendment of the gentleman from Iowa. I do not know I would object to striking out the words "for four years," but I do not want to commit myself to the policy of a life-tenure of office by agreeing to such an amendment.

Mr. KASSON. The gentleman has not got my point. I did not move to strike out the words "for four years," but merely to insert the words "until his successor shall be appointed and qualified."

Mr. WARNER, of Ohio. I do not object to that.

The amendment was agreed to.

Mr. KASSON. I move now to strike out the word "religious" where it occurs and insert the word "moral."

Mr. WARNER, of Ohio. I think my friend from Iowa should also include in his amendment the striking out of the words "and church," in line 21, where the bill provides for obtaining information as to the attendance of children at school and church.

Mr. KASSON. Let the question first be taken on my amendment as I have offered it.

The CHAIRMAN. The question is on the amendment to strike out the word "religious" and insert the word "moral."

The amendment was agreed to.

Mr. KASSON. Now, in line 20, after the word "children," I propose to insert the words "employed in labor."

Mr. HOPKINS. I think that is implied. I have no objection to the amendment, but I think that is fairly implied by the context.

Mr. KASSON. I presumed it was intended, but the bill does not expressly say so.

The amendment was agreed to.

Mr. WARNER, of Ohio. Then I move——

The CHAIRMAN. The gentleman from Texas [Mr. STEWART], who gave way to the gentleman from Iowa [Mr. KASSON] that he might offer these verbal amendments, is now recognized. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

In line 12, between the words "social" and "intellectual," insert the word "and," and strike out the words "and religious;" so that it will read:

"The commissioner shall acquire all useful information upon the subject of labor, its relations to capital, and the means of promoting the material, social, and intellectual prosperity of the laboring men and women," &c.

Mr. BLAND. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. My inquiry is whether the bill should not be read in order for amendment?

The CHAIRMAN. The bill is being considered in order. There is but one paragraph in the bill. The practice in Committee of the Whole is to read a bill by paragraphs for amendment. This bill has but one paragraph.

Mr. BLAND. I think we should commence at the beginning of a bill and go through it in order.

Mr. YOUNG. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG. My inquiry is whether amendments first offered should not be first considered?

The CHAIRMAN. The Chair thinks so.

Mr. YOUNG. I offered one half an hour ago to the first line of the bill.

The CHAIRMAN. The amendment was merely read during the gentleman's remarks for information.

Mr. YOUNG. I handed it up at the time to the Clerk's desk.

The CHAIRMAN. The amendment was not in order at that time. The Chair will recognize the gentleman to offer his amendment. But at present the gentleman from Texas [Mr. STEWART] has the floor.

Mr. VALENTINE. I make the point that the word "religious" which the gentleman from Texas proposes to strike out has already gone out of the bill.

Mr. KASSON. I will state to the gentleman from Texas, whom I asked to yield to me that I might offer some verbal amendments, that one of those amendments, which the committee has adopted was to strike out the word "religious" and insert in lieu thereof the word "moral."

Mr. HARDEMAN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HARDEMAN. The gentleman from Texas [Mr. STEWART] has had the floor for five or ten minutes. He was recognized by the Chair, and other gentlemen have been slipping in amendments while he was on the floor. I rise to contend for the privileges of the gentleman from Texas, who is too modest to do it for himself. [Laughter.]

The CHAIRMAN. The gentleman from Texas is recognized by the Chair to speak to his amendment and will proceed.

Mr. STEWART, of Texas. It seems the necessity for the amendment I proposed to offer has been obviated by the amendment of the gentleman from Iowa, which I did not understand at the time.

Mr. CUTCHEON rose.

The CHAIRMAN. The gentleman from Texas [Mr. STEWART] has the floor.

Mr. STEWART, of Texas. I am not so anxious to occupy the floor

as to be unwilling to yield to other gentlemen if they insist upon it. My object is to perfect the bill and put it in such shape that I can conscientiously vote for it. I understand that one portion of my amendment has been adopted. But while I have the floor on the other portion of the amendment—the insertion of the little word "and" [laughter], which will perfect the sentence—I believe I will keep it and submit a few remarks upon the bill.

I believe this to be a good bill, and I trust it will meet with the favorable consideration of this committee and become a law. As has been stated by the committee who have reported this bill provision has been made by the Federal Government for acquiring and supplying information in regard to agriculture, education, mining, commerce, and transportation; but notwithstanding more than 10,000,000 of our citizens, one-fifth of our entire population, are engaged in manual labor, earning their subsistence from daily wages, no means have been provided by this Government for obtaining and supplying information that will serve to protect and give greater prosperity to this numerous and worthy class of citizens.

The bill is free from the objections that obtain to many bills of this character. It does not seek to create an office and clothe its incumbent with extraordinary powers, nor does it incur any great expense upon the part of the Government. The salary of the commissioner is fixed at $4,000 per year, and no competent man can be obtained for a less sum. The commissioner can only expend $25,000 per year in obtaining the information for which the department is formed, and this is a mere bagatelle in comparison with the amount of taxable wealth annually produced by mechanical labor, and the amount is insignificant in comparison with the good it will accomplish.

We have had much legislation in behalf of capital, for the protection and advancement of what is termed "the business interests of the country," by which is meant not the interests of the workingmen of this country, but the interests of the few who own and control capital. I have no prejudice against capital. I believe it is right to encourage and protect the investments of capital. We have been doing it for years not only here but in all the State governments, and we have done but little or nothing for labor. I know the theory is that the protection of capital is the protection of labor; that, as capital must furnish employment to labor, whatever gives encouragement and protection to the one also advances the interests of the other. This is partially true, but the sad lessons taught by experience are that it is not altogether so, and that it is true only to a limited extent.

Capital is selfish, exacting, and not unfrequently oppressive. The capitalist is perfectly willing to have the laborer work for him ten and more hours out of the twenty-four for such an amount of money as will be barely sufficient to support himself and family, and yet the man of wealth sees no harm in this, but feels that he has done well in furnishing employment to the laborer at any price. He regards labor as a commodity, to be purchased at the cheapest possible price. He does not hesitate to import labor contracted for in Europe or elsewhere in order to reduce wages and to increase his own profits. The results of such action upon the part of capitalists have been strikes and their consequences, more frequently disastrous to the laboring man and those dependent upon him than to any one else.

A gentleman near me asks how I am going to help it. I answer that I want such information obtained upon the subject of labor as will enable not only this Government, where it has jurisdiction, but also the State governments to act advisedly upon this subject, and I will say to the gentleman who interrogated me that there can be no more objection to the department sought to be created by this bill than there is to the Agricultural Department; not one bit. There can be no greater objection to it than to other bureaus of statistics which have been established by this Government.

It is high time there should be some legislation in behalf of the workers of this country, in behalf of those whose brain and muscle have contributed so much to the development of this great country. If it be right to obtain and supply information to those who are engaged in commerce and the carrying business, why should we not do the same for those without whose help it would be impossible to operate railroads and to carry on commerce? This bill, if it becomes a law, will be the means of bringing capital and labor together in more friendly relations than they have been heretofore, of forming a closer alliance; for I have no doubt but what the information obtained and disseminated will bring about such investigations and cause such arrangements to be made as will cause greater harmony between capital and labor, and be of mutual advantage to these great elements in society.

This House is now wrestling with a great financial question, the tariff. Protectionists claim that a high tariff increases wages or hire of the workingmen; their slogan is protection for American industry, for American labor. Free-traders and tariff reformers deny that a high tariff is of benefit to the mechanic or laboring man. They claim that it only increases the profits of the capitalist who has his money invested in manufactures, without a corresponding increase of the wages of the operatives or employés, and that it is a positive injury to the workman because of the increased price it causes him to pay for everything that he buys for himself or family. Now, if we had had for the last ten years a bureau of labor statistics, what a flood of light it could throw upon this subject. This is one of the questions that I want investigated. I am a tariff reformer, as much so as any man on this floor, and I am so sure that truth is on my side of this question that instead of being afraid I absolutely court an investigation of it. I am willing to know the truth about it. If my party can not be sustained by the truth, then I for one say it ought not to be sustained.

I know, Mr. Chairman, that reports from Government Departments and bureaus are not entirely reliable, and especially is this so in regard to statistical information; that too frequently such reports bear the impress of the politics of the administration under which they are made; but this is an incident of humanity and there is no help for it. I suppose the same fault can be imputed to every Department of the Government. Yet, with all its imperfections, the department provided for by this bill can and will do much for the good of the toiler who in the sweat of his face must eat his bread.

If the commissioner performs the specific duties required of him by the provisions of this bill there will be obtained a vast amount of information that can be so utilized as to promote the welfare not only of the working men but of all men in this country, for I hold to the opinion that labor creates all wealth, and that any measure which gives prosperity to the laboring classes must of necessity give prosperity to all other classes.

I am as much opposed to the creation of new departments, of new bureaus, and of new offices as any one can be; and if it were possible to obtain the statistics sought to be obtained by the provisions of this bill through or by means of any of the Departments now in existence I would prefer that it should be done in that way. But I do not believe that the investigations will be so thorough and exhaustive as if made by a department charged with this special duty, and therefore I favor the passage of the bill. Census Reports, made as they are at long, stated, intervals of time, will not answer the purpose sought to be accomplished in this bill. The information is needed every year. Month after month, and day by day, if possible, should the men and women whose labor carries on the industries of these States be furnished with all information that will enable them to lighten their burdens and bring to them and their families greater prosperity and happiness.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLAND. I desire to move an amendment; to strike out all after the words "charge of," in line 5, down to and including the word "Senate," in line 7, and——

Mr. BLOUNT. I thought the gentleman from Missouri [Mr. BLAND] took the floor to debate the amendment of the gentleman from Texas [Mr. STEWART]; but he seems to be offering another amendment. I wish to reply to the gentleman from Texas.

The CHAIRMAN. Under the rules five minutes' time is allowed in opposition to the proposed amendment.

Mr. BLAND. I understood the gentleman from Texas [Mr. STEWART] to withdraw his amendment because the gentleman from Iowa [Mr. KASSON] had moved an amendment which was adopted striking out the words which the gentleman from Texas wanted to have stricken out; hence there is no amendment pending.

The CHAIRMAN. The amendment of the gentleman from Texas has not been withdrawn, as the Chair is advised.

Mr. STEWART, of Texas. I am willing to withdraw the amendment.

Mr. BLOUNT. I object to the withdrawal until I can reply to the gentleman.

The CHAIRMAN. The gentleman can withdraw his amendment if he desires to do so.

Mr. STEWART, of Texas. If the gentleman from Georgia [Mr. BLOUNT] desires to speak upon it, I will not withdraw it for the present.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] will be heard in opposition to it.

Mr. BLOUNT. The gentleman from Texas [Mr. STEWART] said he was in favor of this bill because he wanted to do something for the laboring man and wanted it done through the Federal Government. Now, what is that something which he desires to do for the laboring man? The chairman of the committee reporting this bill [Mr. HOPKINS] says that its object is the gathering of statistics.

The gentleman from Texas, when he was asked what he would do with this information when he had obtained it, said that this Government and the State governments might legislate in the light of the facts thus obtained. I would like to know, when the gentleman says that this Government can legislate on this information when obtained, what sort of legislation the gentleman proposes.

Will the gentleman attempt to regulate labor contracts? Will he undertake to legislate to prevent, in the interest of the laboring men of this country, the incoming of working people from other lands? Will he propose to legislate—not upon the religious condition, for that language seems to have been changed—but upon the moral condition of the laborer? What particular thing does he propose that this Government shall do? He has thus far failed to designate, and I presume will to the end fail to designate, anything tangible that we shall do.

The gentleman says further that he proposes to give this information to the State governments. Where is the demand from any State government for this information? Has the State of Texas asked for it?

Mr. STEWART, of Texas, rose

Mr. BLOUNT. I cannot yield except for a sentence. I have no objection of course to the gentleman replying to me when I am through.

Does such a demand come from the State of Texas? I have heard nothing of anything of that kind. In my section I have heard of no such demand. There is, I believe, no such demand from any agricultural section. How is it with the manufacturing region? The gentleman from Connecticut, representing perhaps the center of manufactures in New England—at least one of the most important portions of that manufacturing community—says they do not want this information there; that they have gathered it for themselves and have utilized it in their legislation. The State of Massachusetts has gathered more important information on these subjects than perhaps any other State in this Union. Is she clamoring for a measure of this kind? The State governments are not asking for it. The Federal Government is collecting this information already through the Bureau of Agriculture.

[Here the hammer fell.]

Mr. STEWART, of Texas. I move to amend by striking out the last word. Mr. Chairman, the gentleman from Georgia [Mr. BLOUNT] has asked me what I propose to do for the laboring man—what laws I propose to enact for his benefit? I will play the Yankee, and ask him some questions. I ask him for what purpose was the Agricultural Department of this Government instituted? Was it not established for the purpose of disseminating information, for the purpose of giving to the agricultural portion of this country such facts and statistics as would be of benefit to the large class of our citizens engaged in agriculture? That certainly was the object.

Mr. BLOUNT. And that department is now doing the very thing you want to do under this bill.

Mr. STEWART, of Texas. Yes; it is doing it. Not for the artisan, not for the mechanic, but purely for the people who are engaged in agriculture.

Mr. BLOUNT. It is doing the work for the artisan and the mechanic; it is gathering information in regard to all the industrial and manufacturing interests of the country.

Mr. STEWART, of Texas. If it is doing so, that is no just reply to the argument I am making. I say there is a large mechanical interest, a large laboring interest, in this country that has no connection with agriculture at all; and this Government has never provided in my judgment sufficient means for giving to these classes the information which would improve their condition and enable them to place themselves in a better position than they are to-day.

The gentleman asks me if there has been any demand from the State of Texas for a measure of this kind. I answer yes; I have received numerous letters from mechanics and artisans of my State who are asking that Congress shall consider their claims and that statistics with reference to their interests may be obtained. They represent that their wages are being reduced daily. While the rich are growing richer, the poor are becoming poorer.

Mr. BLOUNT. Does the gentleman propose to stop that?

Mr. STEWART, of Texas. If I can; I would.

Mr. BLOUNT. Ah!

Mr. STEWART, of Texas. I answer the gentleman flatly, I will do what I can by furnishing such information as will benefit not only the mechanic and the laborer but also the capitalist; for I believe that when these investigations are properly made they will do much not only to benefit all classes of laboring people, but will tend to introduce more harmonious relations between capital and labor than have heretofore existed.

You have a Bureau of Education; for what purpose? Do you propose to enact laws that shall control the system of education in the States? Do you propose to make laws that shall enforce education in the different States of this Union? I take it you have no such purpose. Your object is to afford information upon that subject to the people of all the States, so that they may all receive benefit from it. It is with a similar purpose that I advocate this bill, which I contend is in the interest of large classes of our citizens.

[Here the hammer fell.]

The CHAIRMAN. The *pro forma* amendment will be considered as withdrawn.

Mr. O'NEILL, of Missouri. For the purpose of replying to remarks which have been made in opposition to the bill I renew the amendment.

Mr. BLAND. I rise to a point of order. If it be in order I desire to offer an amendment. I understood that the gentleman from Texas withdrew his amendment, and then renewed it that the gentleman from Georgia might make a speech.

The CHAIRMAN. The gentleman will send his amendment to the desk.

The Clerk read as follows:

Strike out, in lines 5, 6, and 7, the words "a commissioner of labor statistics, who shall be appointed by the President by and with the advice and consent of the Senate" and insert "the president of the Knights of Labor."

Mr. BLAND. Mr. Chairman, the object of the amendment is that the bureau, whatever it may be, shall have a laboring man at the head of it. My experience here is that for the number of the friends of labor and the poor man in this House there is less done for either than for almost any other class of our people. [Laughter.]

Now, sir, the difficulty with the bill is that unless this amendment prevails capital will dictate the appointment of this commissioner. We had experience in that regard in the appointment of the members of the celebrated Tariff Commission. The laboring men had no representative on that commission. The farmer had no representative on it.

Mr. MCADOO. Let me ask the gentleman a question.

Mr. BLAND. Not now. There was but one interest subserved by that Tariff Commission; the members of that commission were appointed to serve but one interest, and that the interest of capital invested in protected industries. Unless there is some limitation on the appointing power, if this bill should pass these very industries of which labor complains, the very power to-day that has its hand to crush labor is the power that will dictate the appointment of the commissioner at the head of the bureau to investigate the condition of the laborer himself. I think instead of the bill being in favor of the laboring man and protecting by its terms the interests of labor, it will simply enable capital further to dominate and oppress labor.

These labor organizations throughout the country have a representative man, and I want to see a vote on this bill as to who is the friend of these labor organizations and the laboring men of the country, and who in favor of capital will dictate the appointment of this commissioner. That representative man is the president of the Knights of Labor. If you wish to serve the interest of labor and the laboring man by the terms of this bill then let this bureau be placed under the superintendence of the Knights of Labor, so as to let the laboring men have a representative upon it. Unless you vote for that amendment the bill will show evidently what it is intended for. Unless this House does adopt that, the country will know the protected interest in this House is sufficient to organize this bureau in behalf of capitalists. The vote will show whether this is to be in the interest of labor or in favor of the protected industries of which the laboring men complain.

[Here the hammer fell.]

Mr. WELLER. I desire to offer a substitute for the amendment of the gentleman from Missouri.

Mr. BAYNE. I also wish to offer an amendment.

The CHAIRMAN. To this or another part of the bill?

Mr. BAYNE. To another part of the bill.

Mr. WELLER. Mine is a substitute for the amendment of the gentleman from Missouri.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania after this is disposed of.

Mr. WELLER. Mr. Chairman, I move as a substitute for the amendment proposed by the gentleman from Missouri [Mr. BLAND] the following, which I send to the Clerk's desk.

The Clerk read as follows:

Amend by adding after the word "Senate," in the seventh line, the following: "*Provided, however*, To be selected from a list of names presented by the legislative committee of the Federation of Labor;" so that it will read as so amended: "*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be established and maintained at the seat of Government a department of labor statistics, which shall be under the charge of a commissioner of labor statistics, who shall be appointed by the President, by and with the advice and consent of the Senate: *Provided, however*, To be selected from a list of names presented by the legislative committee of the Federation of Labor."

Mr. WELLER. The substitute I offer is intended to accomplish the same general purpose as the amendment offered by the gentleman from Missouri [Mr. BLAND]. One of the great troubles that labor has had to contend with has been the want of reliable and pertinent statistics by which to show the causes that have led to the disastrous condition of labor being placed under the heel of aggregated money capital in the hands of monopolies. I wish to say that labor will never get a redress of its great and just grievances either at the hands of this Congress or any other unless they are permitted and properly assisted to get possession of all the facts by statistics that will be of advantage to labor to show the real causes that produce the conditions of which they so justly complain.

Statistics in abundance have already been obtained on many matters of importance to labor, but too often they have been obtained by those who have had an interest in the suppression of vital facts, facts positively essential to a correct understanding and solution of the labor problem. The interest of those engaged in the taking of such statistics or of those employing such statisticians has been inimical to the true welfare of labor, and in my honest judgment has sought to hide from the masses the real causes that have and do lead to a depression of labor and placing it under the iron heel of aggregated capital, and by reason of such lack of information hold labor in the bondage of its power. This amendment seeks to place at the head of such bureau a man chosen by the legislative committee of the Federation of Labor Unions and Knights of Labor of the District of Columbia—a man of acknowledged ability, who will satisfy the labor element of the country, one in whom they have confidence.

I believe, sir, that I can better attend to business in which I have a specific and well-defined interest myself than to have attention paid to that interest by some person who may be opposed to it, and whose views would be inimical in all particulars and policies with reference to its ultimate success.

There can be no reason in the world why this bureau—thus being

amended by my colleague [Mr. KASSON] instead of department—this bureau should not be presided over by a person selected by the very men who are demanding at the hands of this Congress measures to assist in a redress of the grievances of which they now complain and have been complaining for, lo! these many years, without a single, solitary beneficial result except such as has come from organization and agitation. It is about time, indeed it is high time, that they were heard.

Why, sir, they tell us here that overproduction is the great and increasing evil of the day in which we now live; and yet, Mr. Chairman, I presented to the House the other day for its consideration a series of resolutions, certified to by high authority, that the Government employés have been forced ofttimes in defiance of existing law to labor by direction of their superior officials ten hours a day but only granted pay for eight hours. Now, if overproduction is the real trouble and is the true and only cause of the evils complained of, why do they force men to work beyond the limits of the law, thus increasing overproduction while refusing to pay for overwork?

I want to say as a matter of fact that overproduction in the great aggregate of the products of labor in this country never really and truly existed. The statement is an error on the facts. That which is denominated overproduction is simply underconsumption. That is all there is of it. Talk of overproduction in this country when thousands upon thousands are going without food, while begging for leave to toil to earn their bread; who go without proper clothing, without homes, without proper shelter, without the thousand and one things that would adorn and beautify that home and help to make of it a haven of rest to the weary and toil-worn limbs of labor, now shackled to the gilded Juggernaut of purse-proud aristocracies—to the monopolies that grind labor to conditions where life is but a hell of hopes crushed and withered, prospects blighted, ending in certain pauperism, then indifference to good order and law, thence to conditions that breed crime, suicide, and insanity, as surely as cause in operation produces and results in effect.

It is worse than folly. It is a crime against humanity to talk of overproduction as the cause of starvation prices to ill-fed, ill-clad, and worse-sheltered toiling men, women, and children. It is a stultification of the boasted Christian civilization of this the nineteenth century, as well as against the intelligence of the common people, to proclaim, as has been done on this floor, that hard times and consequent poverty come as the result of overproduction. The panic of 1873 to 1879 was due to causes that the laboring masses failed to comprehend; that the aristocratic and monopolistic classes desired they might never comprehend, for the reason that if labor should once know the real and true causes and with it know the proper and only true remedy, and then find out that they had a clear constitutional right to apply the true remedy, and should once as a great body taste and know and fully realize the blessed fruits of the true, great, and only remedy in operation as a national policy, they, the industrial classes, would not be slow to strike off the shackle that binds now the limbs of labor to the rack of oppression and want that unchristian, inhuman, voracious greed of corporate monopolies has lashed them and now holds them to.

I am clearly of the opinion that there are three questions of supreme paramount importance that ought to engage the attention of this Congress, and receive such exhaustive discussion and analysis as the history and experiences of the past, coupled with the wisdom of demonstrations in the present, make possible. The three questions to which I allude are—and I name them in the order of their importance as I comprehend: First, finance in all its phases, constitutional, practical, and otherwise; second, tariff; third, taxation.

In my judgment, if these three questions were wisely and patriotically settled according to the genius of our peculiar form of Government and the letter and spirit of the Declaration of Independence and our United States Constitution, labor would no longer complain of the outrageous wrongs perpetrated daily against it, which has led, is leading, and will continue in a greater degree than ever before to lead to strikes, riots, incendiarism, suicides, insanity, murder, burglary, robbery, and every other crime known to the catalogue of outrages and horrors, accounts of which to-day blacken the pages of our country and metropolitan daily and weekly sheets of news.

I want to repeat, there never will be a redress of the grievances of which labor so justly and properly complains unless the financial questions of this country be first thoroughly understood in all phases of applications and influences on the business and labor interests of our producing and distributing classes, and, when so understood, wisely, humanely, and patriotically applied.

We have a Government, sir, that is peculiar in its form and character. The genius of it, as given to us by the fathers, was a government of, by, and for the people; not as now, a government of corporations, by money, capital, for the consolidated and consolidating monopolies. This Government differs from every other government on the face of the earth. Our Constitution is national and not international. Our laws are either national, State, or municipal, and not international.

Our judiciary is either national, State, or local in its jurisdiction of authority, and the question has frequently come to my mind, why not have a money as purely national and peculiar as our United States Constitution is national and as such distinctively peculiar? There have been strangely determined efforts in the last few years, made by prominent men, to fasten on this Government a financial system as peculiar, diverse from, and in opposition to, the spirit and genius of our form of Government, and as inimical to our entire governmental theory as possibly could be made.

Now, to the end that labor may be honestly, properly, and wisely informed by efforts of a corps of statisticians, under a bureau to establish and maintain a proper, honest, and correct system, to collect and collate statistical information, I have deemed it only proper and just to labor and its demands that we, the servants of the people, we, the supreme law-making body in this land, should give direction to the wishes of these supplicants, and insist in this act by our votes that the President of these United States should only nominate and appoint, by and with the advice and consent of the Senate, such man to be chief of this bureau as would have an interest to present to the country and the world the real and true causes in operation that to-day are depressing labor and the industries of the country.

I as a laboring man, as an open and avowed friend to labor and its best interests and to the lifting up of producing classes to that condition of proper independence that labor ought to speedily attain to and when once it reaches that proper condition to remain in, have offered this amendment in good faith, hoping even though the wisdom of this House in consideration of possible constitutional questions involved may nevertheless give such an expression thereon as will make it appear to the Executive of this nation, should this bill become a law, that he is in duty bound to so respect the labor element as not to ignore their just demands by placing at the head of this bureau any one not thoroughly, intelligently, honestly identified with the interests that it is intended by this bill to serve and which ought to be served by such an appointment. I here close with this proposition:

Labor creates all the wealth there is or ever was, except that which the "great First Cause," "least understood," grants to humanity and scatters with lavish hand on every side to bless humanity.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MILLIKEN. I move that the time of the gentleman be extended.

Mr. BROWNE, of Indiana. If I may be recognized, I desire to surrender my time to the gentleman from Iowa.

The CHAIRMAN. Five minutes have expired in support of the amendment.

Mr. BROWNE, of Indiana. I rise to oppose the amendment, but will let the gentleman make my speech.

Mr. WELLER. I thank the gentleman from Indiana very much indeed. [Laughter.] It was unexpected. I already have unanimous consent to print extended remarks.

Mr. BAYNE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. I wish to ask if the Chair will hold that it is in order for the entire time for and against this amendment to be used in favor of it by the gentleman from Iowa?

The CHAIRMAN. The Chair will hold that the gentleman can only proceed by unanimous consent.

Mr. BAYNE. Then I shall feel compelled to object. There will be other opportunities when the gentleman can be heard.

I ask now a vote on the amendment.

The CHAIRMAN. The Chair does not think the amendment of the gentleman from Iowa is properly a substitute, as he suggested, for the pending amendment.

Mr. WELLER. Then, if not a substitute, I offer it as an amendment to the amendment.

Mr. AIKEN. Then, if in order, I will offer a substitute for both.

The CHAIRMAN. The proposition of the gentleman from Iowa will be in order after the committee have acted upon the amendment of the gentleman from Missouri. But the proposition which he has submitted is merely one to perfect the existing text of the bill, and is not, as the Chair thinks, in any way connected with the amendment of the gentleman from Missouri.

Mr. WELLER. I trust the chairman will permit me to suggest that it aims at the very matter sought to be accomplished by the gentleman from Missouri in his amendment, but in a different and as I think better way. It seeks to put at the head of this bureau one of the selections made by those men most interested in the question. That was the very point aimed at by the amendment of the gentleman from Missouri. Now, I seek to put at the head of the bureau a member of the labor organization of the country. That, also, I understand to be the object of his amendment.

The CHAIRMAN. The Chair will submit the proposition to the committee as an amendment to the amendment proposed by the gentleman from Missouri.

Mr. WELLER. I shall be satisfied to have it put in that form.

Mr. WHITE, of Kentucky. Mr. Chairman, I rise to oppose the amendment.

Mr. HART. Let the amendment of the gentleman from Iowa be read in connection with that proposed by the gentleman from Missouri.

Mr. BOUTELLE. Let us have the whole business together.

The CHAIRMAN. The amendments have been once read. If there be no objection they will be read again.

Mr. WHITE, of Kentucky. I rise to oppose the amendment.

Mr. WELLER. I make the point of order that the gentleman is too late.

The CHAIRMAN. The Clerk will report the pending amendments again.

The amendments of Mr. BLAND and Mr. WELLER were again read.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] is recognized in opposition to the amendment.

Mr. VALENTINE. I desire to make the point of order on that amendment that it is a violation of the Constitution in so far as it restricts the appointing power of the President.

Mr. BLAND. That is not a point of order.

Mr. VALENTINE. I do not insist on the point of order.

Mr. WHITE, of Kentucky. If I understand the proposition before the House it is to have the Knights of Labor select the man who is to occupy the position of commissioner of labor statistics.

Mr. WELLER. I desire at the outset to correct the gentleman's impression. It is that he shall be selected by the legislative committee of the Federation of Labor, acting with the Knights of Labor, which takes in trades-unions and all the labor organizations, as I understand, or nearly all the labor organizations of the United States.

Mr. WHITE, of Kentucky. I am glad the gentleman explains, because his explanation goes further than I thought. If the gentleman really is in favor of this bill, and as I understand he is a party swinging by himself in space——

Mr. WELLER. I desire again to correct the gentleman. [Laughter]. I am not a party by myself swinging in space, but am in hearty accord with the labor element of the country.

Mr. WHITE, of Kentucky. I was about to say the gentleman is swinging at the tail of the kite of the labor element.

Mr. WELLER. I rise to correct the gentleman again. I am part and parcel of the kite itself. [Laughter and applause.] I am an integral part of the body, in hearty accord with its purposes and expect its success.

Mr. WHITE, of Kentucky. I hope I shall not be interrupted. My time is limited.

Mr. WELLER. And I am clearly of opinion that the gentleman from Kentucky is not even a thread in the string that holds the labor element to the interest of the people. [Laughter.]

Mr. WHITE, of Kentucky. I do not yield for this to come out of my time. [Laughter.] Mr. Chairman, I desire to invite the attention of the distinguished gentleman from Missouri——

Mr. WELLER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. I have been informed by my friends surrounding me that the gentleman from Kentucky has yielded his time to me; I would like to know if that is true. [Laughter.]

Mr. WHITE, of Kentucky. Mr. Chairman, I yielded in courtesy to the gentleman from Iowa to ask a question, of course, but not to take me off the floor.

In all seriousness I desire to say to the distinguished gentleman from Missouri [Mr. BLAND], if he is in earnes tabout desiring to get some statistics for the benefit of the laboring men, that to put in this bill that any particular man shall be at the head of this commission is so directly contrary to the Constitution of the United States that he must see the only effect of such an amendment will be to kill the bill.

Mr. BLAND. We have the power to limit and designate.

Mr. WHITE, of Kentucky. You have no such power.

Mr. BLAND. And the bill is killed without that?

Mr. WHITE, of Kentucky. Is not that the purpose of the gentleman—to kill the bill?

Mr. BLAND. My purpose is to make the bill effective by putting a laboring man at the head of it, and not a monopolist.

Mr. WHITE, of Kentucky. Now, the question about what is a monopolist depends on the side of the question on which a man stands. Under the Constitution of the United States the President of the United States is to appoint every officer from embassadors down, by and with the advice and consent of the Senate. Now, the gentleman from Missouri proposes to put in this bill that this House shall deprive the President of a part of his appointing power. I say you kill the bill by any such proposition.

Mr. WELLER. I desire to ask the gentleman from Kentucky this question——

Mr. WHITE, of Kentucky. The gentleman from Iowa [Mr. WELLER] goes further, and proposes to have the selection made by all these societies, as to which he says he is a part of the body, or that he is the head or the tail of this party, swinging in space.

Mr. WELLER. I am a part of the great heart of the labor element of the country and am fighting for their interests.

Mr. WHITE, of Kentucky. The gentleman does not look as if he ever labored in his life. He may belong to the Labor party, but——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HOPKINS. I move that the committee rise for the purpose of limiting debate.

The question being taken; there were—ayes 93, noes 34.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 1340) to establish and maintain a department of labor statistics, and had come to no resolution thereon.

Mr. HOPKINS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming consideration of the bill (H. R. 1340), and pending that motion I move that all debate on the bill and amendments thereto be limited to twenty minutes.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union. Pending that, he moves that all debate on the section under consideration and amendments thereto be limited to twenty minutes.

Mr. BLAND. There is but one section to the bill, and that motion cuts off in twenty minutes all debate on the bill. I move to amend by making the time one hour.

Mr. BELFORD. I desire my friend from Pennsylvania [Mr. HOPKINS] to allow me to offer an amendment of which I gave notice when the bill was being considered. I am informed the entire bill has been read and gentlemen have been allowed to offer amendments to various lines of the bill. I want to have mine considered.

The SPEAKER. If the motion of the gentleman from Pennsylvania should be adopted it does not have the effect of cutting off amendments, but stops debate at the end of the time fixed.

Mr. CALKINS. I understand the motion is to limit debate on the pending amendments.

The SPEAKER. On the pending section and amendments.

Mr. CALKINS. On amendments now pending; but if other amendments shall be offered the usual debate will be allowed on them.

The SPEAKER. Not when the House closes debate on a section, which may be done under the rule.

Mr. CALKINS. The rule is the House may limit debate on all pending amendments or it may close debate on all amendments; but I did not understand the gentleman proposed that.

The SPEAKER. The Chair will state that the gentleman is mistaken concerning such a rule. As soon as the rule upon the subject can be found the Chair will direct that it be read. The motion permitted by the rule is to limit debate upon the pending amendments and upon the paragraph or section; not upon all amendments. The effect of that is to prevent debate upon any amendment to the section after the time so fixed has expired, but not to cut off the offering of amendments.

Mr. CALKINS. The point made was that the motion of the gentleman did not go that far. If his motion is as comprehensive as the Speaker states it, it will cut off all debate upon all amendments at the end of the time named. Is it the purpose of the gentleman to cut off all discussion on future amendments?

Mr. HOPKINS. Cut off all discussion on all amendments after the expiration of twenty minutes. The danger is that the bill is being talked to death.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] moves to amend the motion of the gentleman from Pennsylvania [Mr. HOPKINS] so as to allow debate for one hour. The question is first on that amendment.

The question was taken; and upon a division there were—ayes 48, noes 66.

Mr. BLAND. No quorum has voted.

Tellers were ordered; and Mr. HOPKINS and Mr. BLAND were appointed.

The House again divided; and the tellers reported that there were—ayes 44, noes 121.

So the amendment was not agreed to.

The motion to limit debate to twenty minutes was then agreed to.

The motion to go into Committee of the Whole was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and will resume the consideration of the bill (H. R. 1340) to establish and maintain a department of labor statistics. By order of the House all debate upon the pending section, which is the bill and amendments, will be limited to twenty minutes.

Mr. WELLER. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. Will it be proper for me at this time to withdraw my amendment?

The CHAIRMAN. It is competent for the gentleman to do so.

Mr. WELLER. I will withdraw my amendment, lest it harm the bill, which I do not desire to do.

Mr. HOPKINS. I hope the gentleman from Missouri [Mr. BLAND] will be actuated by the same motives and pursue the same course.

Mr. BLAND. I would inquire of the Chair how the time allowed for debate is to be divided?

The CHAIRMAN. The Chair will first recognize the gentleman from Pennsylvania [Mr. HOPKINS] in charge of the bill to control ten minutes of the time for debate and the remaining ten minutes will be assigned by the Chair to some gentleman opposed to the bill.

Mr. HOPKINS. I yield three minutes of my time to my colleague [Mr. BAYNE].

Mr. BELFORD. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. There is but one section in this bill.

The CHAIRMAN. The gentleman is correct.

Mr. BELFORD. I desire to offer an amendment to the bill. I wish to inquire if I am cut off from doing so?

The CHAIRMAN. The Chair will state to the gentleman from Colorado [Mr. BELFORD] that the effect of the limitation upon debate will not be to preclude the offering of amendments.

Mr. BAYNE. In consequence of the fact that House bill No. 2550 was reported from the same committee, being a bill to prohibit the immigration and importation of foreigners and aliens under contract or agreement to perform labor, the committee in preparing this bill, perhaps from an oversight, put in no provision relating to that subject. I therefore propose to ask the committee to accept an amendment to the pending bill which will include in its operation the collecting of information concerning the immigration and importation of laborers and their employment in this country, my purpose being to have embodied in the report of this bureau of statistics information upon that subject, it being of a like nature to most of the matters embraced within the jurisdiction and control of the bureau to be created by this bill.

Mr. HORR. I do not think anybody will object to that.

Mr. BAYNE. Since Congress so wisely prohibited the immigration of Chinese, the greatest difficulty that now seems to exist in the labor fields of this country is such as arises from the importation of contract labor. There are difficulties now in the State of Pennsylvania growing out of that.

It must be said for most of the manufacturers and business men in this country that they are utterly hostile to any scheme looking to the importation of contract labor. But while that is true of the great mass of the manufacturers and producers, there are some among them who are willing to adopt such means for the purpose of carrying on their business and perhaps competing with their more fortunate rivals in the markets of the country.

I for one believe in the great system of protecting American industries, and I will never hold out a false hope to the laborers of my country. If it were not for my belief in the idea that the protective tariff affords protection to the labor of the country, I should not favor a protective tariff, because I believe that the capital of this country, which has been fostered and accumulated by protection, is now able to compete with the capital of any nation of the world. I believe that the protective policy inures to the benefit of labor. I realize the fact that unless the American nation keeps its laborers upon a high plane, enables them to educate their children and to live in comfortable homes, the end of free institutions in this country is near and the day of national decay has begun. But while labor is so protected that the laborers can live in comfortable houses, can educate their children and can enjoy many of the luxuries of life, so long will free institutions continue; so long shall we be a happy and prosperous people—a great and growing nation in everything that constitutes true civilization. In this view I consider the amendment which I propose to offer a most important addition to the bill.

[Here the hammer fell.]

Mr. YOUNG. I make the point that the amendment suggested by the gentleman is the substance of another bill pending before the House.

The CHAIRMAN. When the amendment is submitted to the Committee of the Whole the Chair will determine the point of order. Five minutes still remain of the time belonging to the advocates of the bill.

Mr. HOPKINS. I only yielded three minutes.

The CHAIRMAN. The Chair understood the gentleman yielded five minutes.

Mr. HOPKINS. I had promised portions of my time to other gentlemen.

The CHAIRMAN. The Chair can only extend recognition for five minutes longer to gentlemen favoring the bill.

Mr. HOPKINS. I yield one minute to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. I desire merely to indicate one or two amendments which at the proper time I shall offer to this bill. One is to strike out "$4,000" and insert "$3,000" as the salary of this commissioner of labor statistics. Three thousand dollars is now the salary of the Chief of the Bureau of Statistics; and I think there ought to be no difference in the salaries of the two offices.

There is one other amendment I wish to offer. In line 12 the word "religious" has been struck out and the word "moral" substituted. We should also strike out in line 21 the words "and church," and in lines 30 and 31 the words "and churches," so that the bill may not conflict with article 1 of the amendments of the Constitution. To these amendments the chairman of the committee [Mr. HOPKINS] I believe assents.

Mr. HOPKINS. I will reserve the balance of my time.

Mr. BLOUNT. Mr. Chairman——

The CHAIRMAN. Does the gentleman rise to oppose the bill?

Mr. BLOUNT. I do.

The CHAIRMAN. Then the gentleman is recognized to control the time in opposition.

Mr. BLOUNT. I yield one minute to the gentleman from South Carolina [Mr. AIKEN].

Mr. AIKEN. I desire only to call attention again to the amendment I have already indicated, and which, if it be in order, I will now offer as a substitute for the pending amendment. I ask that my amendment be read.

The Clerk read as follows:

Strike out all after the enacting clause down to and including the word "Commissioner," in the tenth line of the bill, and insert "the Commissioner of Agriculture, through the bureau of statistics in the Department of Agriculture, shall acquire," &c.

Mr. BLOUNT. I yield three minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Chairman, the object of the amendment which I have offered is to put at the head of this bureau some man who shall represent the labor interest itself. It is claimed that it would be unconstitutional to direct in this way whom the President should appoint.

Sir, there are many unconstitutional features in the bill. The question is whether the whole bill is not unconstitutional? But certainly we have power to direct from what class this commissioner shall come; and it is useless to establish a bureau for the benefit of labor unless Congress exercises some supervision over the appointing power. This is shown by our experience in the past with reference to appointments of this kind. For the last few years the laboring people, many of whom are now out of employment all over this country, have been used by these manufacturing establishments in order to make profits; but today, because their profits are not so great, owing to the want of a market and to overproduction, these men are thrown out of employment and are left to starve or to depend upon charity for support. We have every reason to believe that unless we provide to the contrary these manufacturing monopolies will dictate the appointment of the commissioner, and that his policy will be to aid in further depressing labor instead of protecting it. Now, I claim that we ought to have at the head of this bureau a laboring man.

[Here the hammer fell.]

Mr. BLOUNT. How many minutes have I left?

The CHAIRMAN. There are eight minutes remaining.

Mr. BLOUNT. I yield five minutes to the gentleman from Missouri [Mr. BUCKNER].

Mr. BUCKNER. Mr. Chairman, no gentleman, I think, who has spoken in favor of this bill pretends to believe that the Government of the United States can accomplish anything in reference to the subject-matters on which we are authorizing inquiry to be made. There is not a single matter as to which this bill seeks to make inquiry and to obtain information which does not belong clearly, indubitably, and specifically to the State governments. What are the subjects upon which information is to be obtained? Insanity, crime, education, hours of labor, the treatment of laborers. About all these and numberless other topics we are to undertake to get information. We are to get information. How do you propose to get it? You appropriate $25,000. That will not begin to gather the necessary reliable information on this question.

Just look at it for a moment, Mr. Chairman. It covers the whole field so far as the State government is concerned. It involves the moral and social condition of the people and their labor in every possible form. It is not confined to the factories of Pittsburgh or anywhere else, but it is extended to labor engaged in agriculture, as well as in every other department of human industry.

Unless there is some tribunal or bureau to collect this information it is said it will be useless to attempt to do anything with it. How is it to be obtained? You can not get it except by sending out agents as you do in taking the census. All the information which you get you will have to take second handed unless you collect it through your own agents, and second-handed information is not the proper basis for any proper legislation by this House.

But, sir, when this information is procured it is not pretended we shall legislate upon it. There is no pretense you are going to legislate at all. And I ask this House if it does not see enough on the Calendar of the business of this House to show it that we have gone far enough

in considering matters outside of the original design of the Government. Have we not already interfered too much with matters not properly belonging to us? Have we not thereby crowded our Calendars, and in effect prevented any action on that which is of the utmost importance and in reference to which the people have been knocking at the doors of Congress for years? In my judgment we should cease attending to things which are neither necessary nor proper for us to consider, and we should confine ourselves to those things which are legitimate, necessary, and over which we have jurisdiction. As it is now, we are all the time occupied in doing that which goes for nothing and neglecting that which belongs to us. We postpone everything over which we have exclusive power in order to take up matters over which we really have no control.

Every man knows when we get this information, insufficient and unreliable as it must be, it looks to the exercise of power now under State jurisdiction. Is that right? Many of the States are already taking care of this matter for themselves.

[Here the hammer fell.]

Mr. MORRISON. Mr. Chairman, I do not propose to discuss this question, but will ask to have read an extract from an old letter which reads very well.

The Clerk read as follows:

The whole progress of society consists in learning how to attain by the independent action or voluntary association of individuals those objects which are at first attempted only through the agency of government, and in lessening the sphere of legislation and enlarging that of the individual reason and conscience. Our American institutions have recognized this idea more completely than any other, and the Democratic party has generally been the faithful guardian of its progressive development. In most of the great practical questions of our time it has opposed the interference of government even for the best objects, and because it was solicitous for those objects, has preferred to trust them to wiser, safer, and more efficient agencies. Devoted to the rights of our American industry, which is now beginning to fill the world with the renown of its achievements, it has refused to direct its application by prohibitory or protective tariffs, preferring that each man should judge how he can make his own labor most productive, and trusting for the aggregate result to those natural laws which enable every one of our million of city population to daily choose his food, and yet furnish buyers for everything that has been provided beforehand. Claiming a good currency for the people and well regulated exchanges, it has discarded a national bank, and seeks to put these great interests under the guardianship of the laws of trade.

Friendly to the modern machinery of travel and transport, which, by cheapening the interchange of products of different soils and climates, has in effect added fertility to the one and geniality to the other, it has opposed internal improvements by the General Government, and prohibited loans of State credit and money in aid of railroads. Asserting the freedom of voluntary association, it has refused special charters and established general laws of incorporation. On all these questions which have largely occupied the public attention for a generation, because the Democratic party has favored the ends, it has rejected the means by which large parties and many good men have erroneously sought to promote them. To-day, while it is in favor of sobriety and good morals, it disowns a system of coercive legislation which can not produce them, but must create many serious evils; which violates constitutional guarantees and sound principles of legislation; invades the rightful domain of individual judgment and conscience, and takes a step backward toward that barbarian age when the wages of labor, the price of commodities, a man's food and clothing, were dictated to him by a government calling itself paternal. I need not add that in this conclusion, as well as in the general course of the Democratic party on these former occasions, I entirely concur.

Mr. O'NEILL, of Missouri. Who is it signed by? Let the Clerk read the name.

The CLERK. Samuel J. Tilden. [Applause.]

The CHAIRMAN. The time in opposition to the bill has expired.

Mr. CUTCHEON. I rise to offer an amendment.

The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. I move, in line 23, after the word "employed," to insert the following words: "and the effect of shortening the hours of labor upon production."

The CHAIRMAN. It is not in order now, as there is an amendment already pending.

Mr. CUTCHEON. If I may be allowed, I will make the remarks now I desire to submit and will offer the amendment at the proper time.

One of the great and growing questions connected with the subject of labor at the present time is the effect of shortening the hours of labor upon production. Some maintain that by shortening the period of labor to eight hours a day as great production will result in the long run as by continuing the present long day of ten hours. I desire that the commissioner shall inquire into this subject and forward his conclusions to Congress in connection with the other subjects committed to him.

In one word now I desire to say that I am in favor of this bill; I believe it is in the right direction, and I hope it will be passed by the unanimous vote of both sides of the House.

Mr. HOPKINS. I now yield to the gentleman from Louisiana [Mr. KING].

Mr. KING. Mr. Chairman, the purpose of this measure is to give ultimately to the laboring people of this country that protection which all labor needs against capital and which is afforded in no other country in the world, and as a matter of fact not even in this in the present condition of affairs. There is a feeling among the laboring classes of the United States, especially in the more thickly populated communities, that Congress legislates for everything else but the benefit of the laboring people. However erroneous this belief is, and it is in a very large degree entirely wrong, it nevertheless exists. This fact was clearly indicated in the investigations made by the Senate Committee on Education and Labor last summer. It will be a dangerous thing if this impression grows into the magnitude of a conviction in the minds of these toilers. The sense of injustice which it will create will, it is to be apprehended, exhibit itself ultimately in an explosion similar but far more potential than that which recently occurred at Cincinnati. We should therefore strive in every manner possible to open the way for a hearing of the voices of the laborers of this land, both the laboring men and women of this country.

The object of this measure is a very simple one. Gentlemen may say that these statistics are being collected now by the States. That may be true; I doubt not that it is. But the separate action of the various States is not collected or brought into one body, as would the report of the department as contemplated by this bill. Its function would be to get all of the information upon all of these subjects and place it in such form as to make it readily accessible and valuable for students of political economy. With such information at hand a conclusion could be reached which would possibly go a long way to ameliorate the condition of our fellow-beings, and, further, one to prevent these convulsions in the State which should be always guarded against.

I therefore ask that a letter on this subject from Mr. Nimmo, Chief of the Bureau of Statistics, be read as a part of my remarks, as it will tend to disprove the statement of the gentleman from Georgia that that bureau already covers the ground contemplated by this bill.

The Clerk read as follows:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., April 12, 1884.

I am not surprised that you should be disappointed at finding that the Government of the United States does not supply statistical or other exact information in regard to the wages, hours of employment, and generally as to the condition of the laboring men and women of the country. This has been a cause of wonderment to me as it is now to you. From the time of the organization of the Government the country, and especially Congress, has needed statistical and other exact information in regard to the laboring classes for the intelligent discussion of questions of public interest, especially the never-ending tariff question. Congress has established offices of information in regard to agriculture, mining, education, commerce, immigration, and transportation, but not in regard to the vitally important subject of labor. There are now before Congress several bills for the creation of such an office, but I am unable to express any opinion as to the probability of the passage of any one of those bills. This so-called Bureau of Statistics, notwithstanding its vague and very comprehensive name, is merely a bureau of commerce, embracing transportation, immigration, and duties on imports.

I have unofficially and also officially, as opportunity has been afforded, urged the importance of a bureau or department of industry, which, among other things, should be charged with the duty of collecting and publishing just such statistical and other information as that which you seek in regard to the condition of the working women of the country. This is a great and complex work, and it must be done, if done at all, by properly trained men and women, both as experts and in a clerical capacity. It would take two or three years to get such an office into good working order. I believe that such a bureau or department, if properly organized and conducted, would be of greater practical use than any of the bureaus or offices of information now in existence under the National Government, among which offices I include the bureau of which I have charge.

In all discussions concerning the powers of the National Government there has never, I think, been any question raised with respect to the power and duty of Congress under the Constitution to supply information in regard to the material interests of the people. That appears to be an undoubted function of the General Government. Lord Bacon has said "knowledge is power," and certainly there is no knowledge so powerful as that acquired through the lessons of experience. In this light an office charged with the duty of furnishing information in regard to wages, hours of labor, and other matters of importance relative to the condition of the laboring men and women of the country may be regarded as an arm raised by the Government for the protection and advancement of their interests. Such information is, in fact, the first requisite of governmental action, protective and defensive in its nature, toward that class. The permanency of our form of government depends mainly upon the intelligence of the laboring classes, and an essential condition to their intelligence is their ability to live comfortable lives. It is an easy matter for those who employ labor to obtain information useful in the advancement of their own interests. Every commercial paper in the country which publishes prices supplies instant and exact information upon which they may base their calculations. But such is not the case with respect to the employed. Unless governments collect the needed information touching the interests of labor it will not be collected at all, and the laboring classes will be denied the very groundwork of an intelligent discussion of their rights and interests. But the Government ought, I think, to collect and publish statistical and other exact information in regard to the whole subject of industry, as well as of the employment of labor, information of various kinds tending to show clearly the true relations of capital and labor. In other words, it ought to establish a bureau or department having for its object the collection of information which would tend to secure justice as between the employer and the employed. In this view I have the concurrence of a very thoughtful man who has been at the head of one of the great labor organizations of the country.

Wishing you success in your movement, I am, very respectfully, yours,
JOSEPH NIMMO.

Mr. HOPKINS. I now yield two minutes to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER, of Pennsylvania. Mr. Chairman, I am in favor of the passage of this bill because I believe it to be a step in the right direction. This bill authorizes the commissioner of labor statistics to acquire all useful information upon the subject of labor, its relations to capital, and the means of promoting the material, social, intellectual, and moral prosperity of the laboring men and women of this country. If we are to legislate for the greatest number, then this bill or something similar to it should be passed. Of a total population in the United States in 1880 of 36,761,607 over 10 years of age 17,392,099 were

engaged in the various professional and industrial occupations, 2,647,157 being females. These were distributed as follows:

	Male.	Female.	Total.
Agriculture	7,075,983	504,510	7,670,493
Professional and personal services	2,712,943	1,361,295	4,074,238
Trade and transportation	1,750,892	59,364	1,810,256
Manufacturing, mechanical, and mining industries	3,205,124	631,988	3,837,112

Of those engaged in agriculture, 3,323,876 were returned as agricultural laborers. Of the "personal and professional" class, 1,859,223 were laborers, and 1,075,659 domestic servants. Of those engaged in "trade and transportation," 1,530,256 were laborers. This gives us a total of 11,626,156 persons in 1880 who labored for day's wages and who are directly interested in this bill. In view of these facts, Mr. Chairman, I submit that the bill under discussion, which proposes to gather information to "promote the material, social, intellectual, and moral prosperity" of so large a body of our adult population, should receive our consideration, and I confess that I am astonished that some prominent gentlemen on the opposite side of this Chamber manifest a disposition to defeat the measure.

Sir, I regret that the bill does not go further than it does, but I trust that the information acquired under its provisions will lead to legislation that will prohibit the introduction into this country of indigent labor under the contract system. I am in favor of opening our ports for the introduction of emigrants who seek our land as a home. In common with our native and foreign born citizens I extend a hearty welcome to all such. But, sir, it is well known that capitalists in their individual partnership or corporate capacity have been and are now engaged actively in various directions in contracting for labor, in the gross, from among the most indigent and degraded foreign multitudes of Europe and Asia, at minimum rates of wages, which must come in competition with our home labor and reduce in price or supplant it entirely.

What has already taken place in the recent past is amply sufficient to fill our minds with apprehension as to our future condition and demand at our hands timely self-protection. Against this policy the people whom I have the honor to represent on this floor have protested to this Congress by petition, and I desire to emphasize their protest by my voice and vote. Already there is indigence in our land because the laboring classes are not sufficiently paid. I regret, sir, that the products of labor are so cheap as they are. This country will never be truly prosperous while the common, unskilled laborer works ten hours for $1.25 or less. As remarked by another gentleman in this discussion, I am in favor of a protective tariff because I believe it enhances the price of labor, and the moment it ceases to accomplish this end that moment I shall cease to advocate a protective policy. Because the contract system debases and depreciates American labor I shall oppose it. Sir, I insist that the time has arrived when a law should be passed and rigidly enforced against all contracts for foreign pauper labor and prohibiting the introduction of the same into this country.

Trusting that this bill will, in addition to accomplishing great good in other directions, lead up to this consummation, I urge its passage.

For one hundred years this country has been the goal of the poor and struggling. Once they landed on our shores their condition improved, and of the millions that have swelled our population as immigrants few have returned to their homes across the sea. To-day our country is the most prosperous on the globe. No other country presents such inducements to the skilled artisan, the common laborer or the tiller of the soil. In no other country is labor so honored or man so highly prized. Let us maintain this condition of affairs, and the years that are to come will be more prosperous than those that have passed, and we shall leave to those who succeed us a better heritage than we entered on.

[Here the hammer fell.]

Mr. HOPKINS. I now yield two minutes to the gentleman from Michigan [Mr. HORR].

The CHAIRMAN. But one minute remains of the time allowed for general debate.

Mr. HORR. Mr. Chairman, after a careful reading of this bill I am satisfied that it is a move in the direction of public necessity. I know that of the things required here a large number of them are subjects upon which I have made careful inquiry, but have so far been unable to gain any accurate information from any of the Departments of the Government. The statistics will be of great value, and I do hope the House will not defeat the bill by encumbering it with amendments that will ruin it and defeat its objects. If I did not know the universal habit of the gentleman from Missouri, I should myself be led to conclude that he had offered his amendment for the special purpose of loading down the bill and defeating it.

Mr. BLAND. I am satisfied if the amendment is not adopted the object of the bill will be defeated. My amendment will protect the laboring men.

Mr. HORR. What we want is not a man belonging to any particular society or association, but a man who will gather the statistics that it is important we should have, no matter what society he belongs to or where he comes from. That is the only point we have in view, and to do that we must trust to the Executive to make his selection of the best man to perform the duty.

The CHAIRMAN. The time allowed for debate has expired. The question will now be taken on the amendment proposed by the gentleman from Missouri.

Mr. BELFORD. I offer the following as an additional section to the bill.

The CHAIRMAN. The Chair will entertain that after the pending amendment is disposed of.

Mr. AIKEN. Is my amendment or substitute not first in order?

The CHAIRMAN. The question will first be taken on the amendment of the gentleman from Missouri [Mr. BLAND]; after that the substitute of the gentleman from South Carolina is next in order.

Mr. BLAND. Let the amendment I have proposed be again read.

The amendment was again reported.

The question was taken; the committee divided, and there were—ayes 29, noes 100.

Mr. COBB. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. COBB and Mr. HOPKINS were appointed tellers.

The committee again divided; and the tellers reported—ayes 18, noes 133.

Mr. COBB. Since there is so large a majority against me I withdraw the point of order.

The CHAIRMAN. The point of order being withdrawn, and no further count being demanded, the amendment of the gentleman from Missouri is rejected.

The question is now upon the substitute proposed by the gentleman from South Carolina, which will be again read.

The amendment was again reported.

The question was taken; the House divided, and there were—ayes 75, noes 72.

Mr. HOPKINS. I demand tellers.

Tellers were ordered.

Mr. HOPKINS and Mr. AIKEN were appointed tellers.

The committee again divided; and the tellers reported—ayes 68, noes 97.

So the amendment was not agreed to.

Mr. BAYNE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 37, after the word "remedies," insert "and full statistics relating to the immigration and importation of laborers and their employment."

The amendment was agreed to.

Mr. CUTCHEON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 23, after the word "employed," insert "and the effect of shortening the hours of labor upon production."

The amendment was agreed to.

Mr. WARNER, of Ohio. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 20, after the word "occupation," insert the word "and;" in line 21 strike out the words "and churches;" and in line 31 strike out "and churches."

Mr. WARNER, of Ohio. This amendment makes this portion of the bill correspond with the amendment heretofore made on the motion of the gentleman from Iowa [Mr. KASSON], striking out the word "religious" and inserting the word "moral."

Mr. BROWNE, of Indiana. I would like to hear the context read as it will be as amended.

The CHAIRMAN. The amendment makes that part of the bill conform to the amendment already adopted, striking out the word "religious" and inserting the word "moral."

Mr. HART. It does not make it conform to that.

Mr. WILSON, of Iowa. I would like to have the context read as it will be if amended.

The Clerk read as follows:

The number and ages of children, nature of their occupation, and their attendance at school.
Schools, facilities for attending, and extent to which they are enjoyed.

Mr. HART. I call for a division.

The committee divided; and there were—ayes 72, noes 36.

So the amendment was agreed to.

Mr. WARNER, of Ohio. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 9, strike out "$4,000" and insert "$3,000;" so that it will read: "And shall receive a salary of $3,000 a year."

Mr. WARNER, of Ohio. This will make the salary the same as that of the Chief of the Bureau of Statistics.

Mr. KASSON. I would like to ask the chairman of the Committee on Labor what is the salary of the Commissioner of Education?

Mr. HOPKINS. I think it is $3,500. But the Chief of the Bureau of Statistics receives $3,000.

Mr. KASSON. I think the salary should be the same as that of the Commissioner of Education.

The CHAIRMAN. Debate is closed. The question is on the adoption of the amendment offered by the gentleman from Ohio [Mr. WARNER].

The amendment was adopted.

Mr. HOPKINS. If now in order I would move to amend by making the salary $3,500, so as to correspond with that of the Commissioner of Education.

Mr. KASSON. I think that should be done.

Mr. BELFORD. I desire to offer an amendment as an additional section.

The CHAIRMAN. The Chair is ready to extend recognition to the gentleman from Colorado [Mr. BELFORD]; but he would suggest to him that as a matter of convenience if there are further amendments to be offered to the pending section they had better be disposed of before a new section is offered.

Mr. BELFORD. I withhold my amendment for the present.

Mr. CUTCHEON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 17, after the word "thereof," insert the words "with reference to their occupations;" so that it will read:

"The number of persons employed as laborers, with a classification thereof with reference to their occupations."

Mr. CUTCHEON. I do not see that the bill requires that information with reference to occupations.

The question being taken on Mr. CUTCHEON'S amendment, there were—ayes 23, noes 46.

So the amendment was not agreed to.

Mr. HENDERSON, of Iowa. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "associations," in line 40, add the following: "and to other organizations and persons."

The question being taken on the amendment, there were—ayes 28, noes 51.

Mr. BROWNE, of Indiana. I make the point that a quorum has not voted. I think on questions of this kind that we may not make bad precedents we should have the action of a full House.

Mr. WELLER. I desire to have the amendment reported again, as the confusion was such I could not well hear it.

The amendment was again read.

Mr. HENDERSON, of Iowa. It is simply to increase the field of investigation.

Mr. HOPKINS. If the gentleman will say "other labor organizations," I am prepared to accept his amendment.

Mr. HENDERSON, of Iowa. Why limit the commissioner? He ought to have a wide field for his investigations. But I am willing to modify the amendment in accordance with the suggestions of the chairman of the Committee on Labor.

The CHAIRMAN. The point having been made that a quorum has not voted the Chair will order tellers, and appoints the gentleman from Indiana, Mr. BROWNE, and the gentleman from Pennsylvania, Mr. HOPKINS.

Mr. BROWNE, of Indiana. At the instance of various gentlemen I withdraw the call for further count.

The CHAIRMAN. The vote on the amendment was ayes 23, noes 46. The call for further count having been withdrawn, the amendment is disagreed to.

Mr. KASSON. I suggest that the vote be taken again by sound.

Mr. HART. I wish to suggest to the Chair that while the matter was pending in regard to the vote by tellers it was agreed by the gentleman from Pennsylvania [Mr. HOPKINS] that the amendment should be accepted.

The CHAIRMAN. The Chair was not advised of any agreement.

Mr. KASSON. I ask that the vote be again taken.

Mr. HENDERSON, of Iowa. I understood the amendment with the modification suggested by the chairman of the Committee on Labor and accepted by myself was agreed to.

The CHAIRMAN. The gentleman from Pennsylvania, the chairman of the Committee on Labor, said he was willing to accept the amendment with a modification. But the question was before the Committee of the Whole and the Committee of the Whole voted it down. But the Chair is quite willing to submit the question again to the committee if there be no objection.

Mr. ROGERS, of Arkansas. I object.

Mr. HOPKINS. I move to reconsider the vote.

The CHAIRMAN. That motion is not in order in Committee of the Whole.

Mr. HENDERSON, of Iowa. Then I insist on the demand for tellers.

The CHAIRMAN. The point is again raised that a quorum did not vote. The tellers will resume their places.

Mr. CRISP. I make the point that the demand for tellers was withdrawn and the result of the vote was announced.

The CHAIRMAN. There was a misunderstanding. The vote will be again taken on the amendment of the gentleman from Iowa.

Mr. HENDERSON, of Iowa. I have modified my amendment so that it will read "and other labor organizations and persons."

The CHAIRMAN. The Clerk will report the amendment as now modified.

The amendment as modified was read.

Mr. HENDERSON, of Iowa. The words "and persons" make the amendment sweeping enough.

The CHAIRMAN. The tellers will take their places, and members will proceed to vote upon the amendment as modified.

The committee again divided; and the tellers reported that there were—ayes 76, noes 17.

Mr. BROWNE, of Indiana (one of the tellers). I do not insist upon the point that no quorum voted.

Mr. CRISP. I make the point that no quorum has voted.

The CHAIRMAN. The tellers will resume their places and continue the count.

The tellers concluded the count, and reported that there were—ayes 136, noes 30.

So the amendment was agreed to.

Mr. YOUNG. I move to amend, in line 29 of the bill, by inserting the word "in," after the word "epidemics;" and to change the words "factory," "mill," "mine" to the plural; and to insert, after the word "mines," so changed, the word "farms."

The question was taken upon the amendment of Mr. YOUNG; and upon a division there were—ayes 32, noes 65.

Mr. YOUNG. No quorum has voted.

Many MEMBERS. Do not make that point.

Mr. YOUNG. Yes; I want to make members vote.

Tellers were ordered; and Mr. YOUNG and Mr. HOPKINS were appointed.

Mr. KASSON. Let the amendment be again read.

The portion of the bill as proposed to be amended was read, as follows:

Epidemics in factories, mills, mines, farms, and dwelling inspections.

Mr. KASSON. That does not read right in that way.

Mr. YOUNG. I withdraw the point that no quorum voted.

No further count being called for, the amendment was not agreed to.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Nebraska [Mr. LAIRD], which will be read.

The Clerk read as follows:

After the word "labor," in line 19, insert the following:

"Labor performed by persons not citizens of the United States, and labor performed by such persons under contract not entered into in the United States."

Mr. HOPKINS. That has already been adopted.

Mr. LAIRD. I understand that the amendment of the gentleman from Pennsylvania [Mr. BAYNE] which has been adopted covers the point I desire to reach with my amendment, and I will therefore withdraw it.

Mr. SPRIGGS. I desire to offer an amendment which I send to the Clerk's desk.

Mr. SCALES. I move that the committee now rise.

The CHAIRMAN. The gentleman from New York [Mr. SPRIGGS] has the floor to offer an amendment, which will be read.

The Clerk read as follows:

In line 6, after the word "president," insert the words "and who shall be a member of some trade-union or labor organization."

Also in line 46, after the word "clerk"——

Mr. BLOUNT. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. I understood that the gentleman from North Carolina [Mr. SCALES] moved that the committee rise.

The CHAIRMAN. The gentleman from New York [Mr. SPRIGGS] was on the floor at the time, and the Chair could not recognize the gentleman from North Carolina for that purpose. After the amendment offered by the gentleman from New York [Mr. SPRIGGS] has been read the Chair will recognize the gentleman from North Carolina.

The Clerk concluded the reading of the amendment, as follows:

Also in line 46, after the word "clerk," insert the words "who shall be a member of some trade-union or labor organization."

Also in line 50, after the word "department," insert the words "each of whom shall be a member of some trade-union or labor organization."

Mr. SCALES. I now move that the committee rise.

Mr. RYAN. Let us pass this bill before we adjourn.

Mr. SCALES. I think it is very evident that we can not finish it to-night.

The CHAIRMAN. The motion that the committee rise is not debatable.

Mr. SPRIGGS. I rise to a parliamentary inquiry. If the committee shall now rise will my amendment be the first in order when the consideration of the bill is again resumed?

The CHAIRMAN. The amendment will be pending; it is now in possession of the Committee of the Whole.

Mr. HOPKINS. I desire to make another parliamentary inquiry.

Suppose that the committee rises and the House adjourns, what will be the position of this bill?

The CHAIRMAN. That is not a question for the chairman of the Committee of the Whole to determine.

Mr. HENDERSON, of Iowa. If we adjourn now we will kill the bill.

Mr. O'NEILL, of Missouri. I rise to a parliamentary inquiry.

Many MEMBERS. Regular order.

The CHAIRMAN. The Chair will recognize no gentleman until order has been restored in the committee. It is impossible to transact business without order and the Chair will not attempt to do it. [After a pause.] The Chair will now recognize the gentleman from Missouri [Mr. O'NEILL] for a parliamentary inquiry.

Mr. O'NEILL, of Missouri. My inquiry is this: Is it not possible for this House, after wasting the entire day on fruitless amendments, to pass this one bill before we adjourn?

The CHAIRMAN. The Chair does not think that is a parliamentary inquiry.

Mr. HENDERSON, of Iowa. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HENDERSON, of Iowa. Is it in order now to move a recess until half past 7 o'clock this evening?

The CHAIRMAN. A motion for a recess is not in order in Committee of the Whole. The question is now on the motion that the committee rise.

The question was taken; and upon a division there were—ayes 60, noes 103.

So the committee refused to rise.

The CHAIRMAN. The question now recurs upon the amendment proposed by the gentleman from New York [Mr. SPRIGGS], which has been read.

The question was taken; and upon a division there were—ayes 15, noes 107.

Mr. BLAND. No quorum has voted.

Mr. O'NEILL, of Missouri. I desire to have the RECORD show who makes the point that no quorum has voted.

Mr. BLAND. I made the point.

Mr. O'NEILL, of Missouri. I want the people of your district to understand it.

Mr. BLAND. And they will understand you, too.

Mr. SPRIGGS. Is it in order for me to withdraw my amendment?

The CHAIRMAN. The gentleman can do so, inasmuch as there has been no decision upon it by the Committee of the Whole.

Mr. SPRIGGS. Then, for the purpose of proceeding with the business of the House and passing this bill, I withdraw the amendment. [Applause.]

Mr. PEEL, of Arkansas. I offer the amendment which I send to the Clerk's desk.

Mr. BLAND. Has the amendment of the gentleman from New York [Mr. SPRIGGS] been withdrawn?

The CHAIRMAN. It has been withdrawn.

Mr. BLAND. Then I renew it.

The CHAIRMAN. The Chair has recognized the gentleman from Arkansas [Mr. PEEL], who offers an amendment which the Clerk will now read.

The Clerk read the amendment, as follows:

In line 20, after the word "occupation," insert the words "the effect of the different kinds of labor on their growth, development, and health."

Mr. HOPKINS. I accept that amendment.

The CHAIRMAN. The gentleman can not accept it; the Committee of the Whole must vote upon it.

The question was taken; and the amendment was agreed to.

Mr. HOPKINS. I move that the committee rise and report the bill with the amendments to the House with a favorable recommendation.

Mr. BELFORD. I have an amendment at the desk. I desire that it be read and voted upon.

Mr. HOPKINS. I withdraw my motion for the present.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Colorado [Mr. BELFORD].

The Clerk read as follows:

Add the following as a new section:
"SEC. 2. That no railway corporation or manufacturing establishment shall be allowed to import foreign labor to compete in employment with American citizens."

Mr. HOPKINS. I shall have to raise a point of order on this amendment. In the first place, it is not germane. Again, it is out of order, on the ground that it is the substance of a bill now pending in the House. I have no objection to the proposition when it comes in proper form, as it will in another bill which is on the Calendar.

Mr. BELFORD. Oh, we are told about some other bill that is coming up—— [Cries of "Regular order!"]

The CHAIRMAN. The gentleman from Pennsylvania raises a point of order upon the amendment.

Mr. BELFORD. Will the Chair hear me on that question for a few moments?

The CHAIRMAN. The Chair will hear the gentleman if he desires to controvert the statements of fact made by the gentleman from Pennsylvania [Mr. HOPKINS] as the grounds of the point of order. Those grounds are two: First, that the amendment is not germane; and, second, that it is the substance of another bill. In reference to the first ground the Chair does not desire to hear any discussion.

Mr. BELFORD. I do not wish to embarrass the Chair in the slightest degree, but it seems to me that in this House——

The CHAIRMAN. It is no embarrassment to the Chair. The Chair will hear the gentleman. [A pause.] The Chair sustains the point of order and rules out the amendment.

Mr. MCCOMAS. I move to amend by inserting, after the word "classes," in line 23, the words "the condition of tenement-houses for operatives and the rental thereof."

Mr. O'NEILL, of Missouri. That is right.

Several MEMBERS. No objection.

The amendment was agreed to.

Mr. BLAND. I renew the amendment which was offered and withdrawn by the gentleman from New York [Mr. SPRIGGS].

Several MEMBERS. What is the amendment?

Mr. BLAND. That the commissioner in charge of this bureau shall be selected from the laboring classes. I want to see the gentlemen who pretend to represent the laboring men and who will vote against that amendment.

Mr. HENDERSON, of Iowa. Let the amendment be reduced to writing.

Mr. BLAND. It is in writing. It was sent to the desk by the gentleman from New York.

The Clerk read as follows:

In line 6, after the word "resident," insert the words "and who shall be a member of some trade-union or labor organization."
In line 46, after the word "clerk," insert the words "who shall be a member of some trade-union or labor organization."
Line 50, after the word "department," insert the words "each of whom shall be a member of some trade-union or labor organization.

The question being taken on agreeing to the amendment, there were—ayes 48, noes 118.

Mr. BLAND. Is that a quorum?

The CHAIRMAN. It is.

Mr. BLAND. I call for tellers.

Tellers were not ordered.

So the amendment was not agreed to.

Mr. AIKEN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "desired," in line 45, down to and including the word "annum," in line 51, and insert "The commissioner shall appoint such assistants as he may deem necessary for the successful working of this bureau: *Provided*, The total expense shall not exceed $10,000."

The amendment was not agreed to.

Mr. BISBEE. As an additional section I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

SEC. 2. That the preceding section shall not be so construed to authorize any investigation of convict labor in case of persons convicted under the laws of any State, nor of laborers employed in cultivating the soil under private contract.

Mr. BISBEE. I desire to speak upon this amendment.

The CHAIRMAN. Debate is not in order.

Mr. BISBEE. This is offered as a new section, and, as I understand, it is debatable.

The CHAIRMAN. This must be treated as an amendment to the first section.

Mr. BISBEE. I offer it as an additional section.

The CHAIRMAN. The Chair holds that debate can not be protracted in that way.

Mr. BISBEE. I withdraw the amendment.

Mr. HOPKINS. I move that the committee rise and report the bill to the House with a recommendation that it be passed as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 1340) to establish and maintain a department of labor statistics, had directed him to report back the same with sundry amendments and with a recommendation that it be passed as amended.

Mr. HOPKINS. I demand the previous question on the amendments and the engrossment and third reading of the bill.

The previous question was ordered.

Mr. AIKEN. Is it in order to move to recommit the bill with instructions?

The SPEAKER. Not now. [Cries of "Vote!"] Unless a separate vote be asked on some amendment the question will be put on them in gross.

The amendments of the Committee of the Whole House on the state of the Union were agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOPKINS demanded the previous question on the passage of the bill.

The previous question was ordered.

Mr. AIKEN. I move that the bill be recommitted to the Committee on Labor with the following instructions:

Strike out all after the enacting clause down to and including the word "commissioner," in tenth line, and insert "the Commissioner of Agriculture, through the bureau of statistics in the Agricultural Department, the committee to report immediately."

[Cries of "Vote!"]

Mr. HOPKINS. It is the same proposition that was voted down in the Committee of the Whole.

Mr. AIKEN. I demand the yeas and nays.

The yeas and nays were not ordered.

The motion to recommit was disagreed to.

The SPEAKER. The question recurs on the passage of the bill.

Mr. BAYNE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 182, nays 19, not voting 121; as follows:

YEAS—182.

Adams, G. E.	Fiedler,	Long,	Ryan,
Adams, J. J.	Foran,	Lovering,	Seney,
Alexander,	Funston,	Lowry,	Seymour,
Arnot,	Geddes,	McAdoo,	Singleton,
Atkinson,	George,	McCoid,	Skinner, C. R.
Bagley,	Goff,	McComas,	Skinner, T. G.
Bayne,	Greenleaf,	McKinley,	Slocum,
Beach,	Halsell,	Maybury,	Smith,
Bisbee,	Hanback,	Millard,	Snyder,
Blanchard,	Hancock,	Miller, J. F.	Spriggs,
Boyle,	Hardeman,	Miller, S. H.	Springer,
Brainerd,	Hardy,	Mitchell,	Steele,
Breckinridge,	Harmer,	Money,	Stevens,
Breitung,	Hart,	Morey,	Stewart, Charles
Brewer, F. B.	Hatch, H. H.	Morgan,	Stone,
Brown, W. W.	Hatch, W. H.	Morrison,	Strait,
Budd,	Haynes,	Morse,	Struble,
Calkins,	Henderson, D. B.	Muldrow,	Sumner, C. A.
Campbell, Felix	Henderson, T. J.	Murray,	Sumner, D. H.
Campbell, J. M.	Henley,	Mutchler,	Taylor, E. B.
Cannon,	Hepburn,	Neece,	Tully,
Carleton,	Hewitt, G. W.	Nelson,	Valentine,
Cassidy,	Hiscock,	Nutting,	Van Alystne,
Clay,	Hitt,	O'Neill, J. J.	Vance,
Cobb,	Holman,	Patton,	Van Eaton,
Collins,	Holmes,	Payne,	Wait,
Cosgrove,	Hopkins,	Payson,	Wakefield,
Cox, W. R.	Horr,	Pierce,	Warner, Richard
Culberson, D. B.	Houseman,	Peel, S. W.	Weaver,
Culbertson, W. W.	Howey,	Peelle, S. J.	Wellborn,
Curtin,	Hunt,	Perkins,	Weller,
Cutcheon,	Hurd,	Peters,	Wemple,
Davidson,	James,	Post,	White, J. D.
Davis, G. R.	Jeffords,	Price,	Whiting,
Davis, L. H.	Johnson,	Pryor,	Williams,
Davis, R. T.	Jones, B. W.	Pusey,	Willis,
Deuster,	Jones, J. H.	Randall,	Wilson, James
Dingley,	Jordan,	Ranney,	Winans, E. B.
Dockery,	Kasson,	Ray, G. W.	Wolford,
Dunham,	King,	Ray, Ossian	Wood,
Eldredge,	Kleiner,	Reese,	Worthington,
Elliott,	Lacey,	Riggs,	Yaple,
Ermentrout,	Laird,	Robinson, W. E.	York,
Evans, I. N.	Lamb,	Rockwell,	Young.
Everhart,	Lanham,	Rosecrans,	
Ferrell,	Lawrence,	Rowell,	

NAYS—19.

Aiken,	Buchanan,	Dunn,	Shaw,
Ballentine,	Candler,	Evins, J. H.	Tillman,
Bennett,	Clements,	Hemphill,	Turner, H. G.
Bland,	Crisp,	Rogers, J. H.	Turner, Oscar.
Blount,	Dibrell,	Scales,	

NOT VOTING—121.

Anderson,	Duncan,	Le Fevre,	Rogers, W. F.
Barbour,	Eaton,	Lewis,	Russell,
Barksdale,	Ellis,	Libbey,	Shelley,
Barr,	Ellwood,	Lore,	Smalls,
Belford,	Findlay,	Lyman,	Spooner,
Belmont,	Finerty,	McCormick,	Stephenson,
Bingham,	Follett,	McMillin,	Stewart, J. W.
Blackburn,	Forney,	Matson,	Stockslager,
Boutelle,	Fyan,	Milliken,	Storm,
Bowen,	Garrison,	Mills,	Talbott,
Brewer, J. H.	Gibson,	Morrill,	Taylor, J. D.
Broadhead,	Glascock,	Moulton,	Taylor, J. M.
Browne, T. M.	Graves,	Muller.	Thomas,
Brumm,	Green,	Murphy,	Thompson,
Buckner,	Guenther,	Nicholls,	Throckmorton,
Burleigh,	Hammond,	Oates,	Townshend,
Burnes,	Herbert,	Ochiltree,	Tucker,
Cabell,	Hewitt, A. S.	O'Hara,	Wadsworth,
Caldwell,	Hill,	O'Neill, Charles	Ward,
Chace,	Hoblitzell,	Paige,	Warner, A. J.
Clardy,	Holton,	Parker,	Washburn,
Connolly,	Hooper,	Pettibone,	White, Milo
Converse,	Houk,	Phelps,	Wilkins,
Cook,	Hutchins,	Poland,	Wilson, W. L.
Covington,	Jones, J. K.	Potter,	Winans, John
Cox, S. S.	Jones, J. T.	Rankin,	Wise, G. D.
Cullen,	Kean,	Reagan,	Wise, J. S.
Dargan,	Keifer,	Reed,	Woodward.
Dibble,	Kelley,	Rice,	
Dorsheimer,	Kellogg,	Robertson,	
Dowd,	Ketcham,	Robinson, J. S.	

So the bill was passed.

Mr. STEVENS. I wish to announce that my colleague [Mr. COX] is detained from the House by illness, and that if he were here he would vote "ay."

Mr. DAVIS, of Illinois. I am paired on political questions, but not regarding this of that character, I have voted.

Mr. WILSON, of Iowa. Having charge of the pairs for this side of the House, I desire to say there is no pair with a view to this vote unless it is so specially stated on the face of the pair. As many gentlemen will be announced as paired who would vote the same way on this bill, I thought this announcement was necessary.

The following pairs were announced from the desk:

Mr. SNYDER with Mr. GOFF.

Mr. FOLLETT with Mr. CONNOLLY.

Mr. FYAN with Mr. PETTIBONE.

Mr. NICHOLLS with Mr. WHITE, of Minnesota.

Mr. RANKIN with Mr. ROBINSON, of Ohio.

Mr. COOK with Mr. CULLEN.

Mr. SHELLEY with Mr. THOMAS.

Mr. BURNES with Mr. CALKINS.

Mr. MOULTON with Mr. DAVIS, of Illinois.

Mr. DARGAN with Mr. BRUMM.

Mr. GIBSON with Mr. SMALLS.

Mr. LEWIS with Mr. MCCORMICK.

Mr. COVINGTON with Mr. HOLTON.

Mr. BROADHEAD with Mr. BAYNE.

Mr. KEAN with Mr. DIBBLE.

Mr. MULLER with Mr. BREITUNG.

Mr. HEWITT, of New York, with Mr. JOSEPH D. TAYLOR.

Mr. CALDWELL with Mr. PHELPS, for this day.

Mr. TAYLOR, of Tennessee, with Mr. ANDERSON, for this day.

Mr. HILL with Mr. HOUCK, until April 21.

Mr. REAGAN with Mr. STEPHENSON, until April 24.

Mr. BLACKBURN with Mr. MCKINLEY, until April 21.

Mr. STORM with Mr. O'HARA, until April 22.

Mr. WILKINS with Mr. BREWER, of New Jersey, until April 21.

Mr. STOCKSLAGER with Mr. KEIFER, until April 26.

Mr. THOMPSON with Mr. O'NEILL, of Pennsylvania, until April 21.

Mr. GEORGE D. WISE with Mr. LIBBEY, until April 24.

Mr. JONES, of Arkansas, with Mr. RUSSELL, until April 29.

Mr. TUCKER with Mr. REED, until April 22.

Mr. GREEN with Mr. HOOPER, until May 4.

Mr. GARRISON with Mr. POLAND, for this day.

Mr. CONVERSE with Mr. MCMILLIN, on the pending bill. Mr. CONVERSE would vote "ay."

Mr. RICE with Mr. MILLS, on the labor bill. Mr. RICE would vote in the affirmative; Mr. MILLS in the negative.

Mr. KETCHAM with Mr. WARNER, of Ohio.

Mr. BARBOUR with Mr. WILSON, of West Virginia. Mr. WILSON would vote "ay;" Mr. BARBOUR, "no."

Mr. HAMMOND with Mr. BROWNE, of Indiana, until Monday.

Mr. PAIGE with Mr. THROCKMORTON, on the pending bill. If present, Mr. PAIGE would vote "ay;" Mr. THROCKMORTON "no."

Mr. FORNEY with Mr. BURLEIGH, for this day.

Mr. TALBOTT with Mr. BOUTELLE, for this day.

Mr. TOWNSHEND with Mr. WASHBURN, for this day.

Mr. BUCKNER with Mr. FINERTY, on the pending bill.

Mr. CABELL with Mr. OCHILTREE, for this day.

The result of the vote was then announced as above recorded.

Mr. HOPKINS. I now move to amend the title of the bill so as to make it read: "A bill to establish and maintain a bureau of labor statistics."

The motion was agreed to.

Mr. HOPKINS moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TALBOTT, for one day, and to Mr. BREITUNG, for two weeks, on account of important business.

And then, on motion of Mr. HOPKINS (at 5 o'clock and 50 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOYLE: Petitions of wool-growers of Pennsylvania, for the restoration of the tariff of 1867 on imported wool—to the Committee on Ways and Means.

By Mr. S. S. COX: Petition for the relief of Agnes C. Feder and Catherine C. Tompkins—to the Committe on Pensions.

By Mr. DUNHAM: Petitions of citizens of Cummings, Cook County, Illinois, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. ERMENTROUT: Memorial of the First National Bank of

Mechanicsburg, Pa., relative to the national banking system—to the Committee on Banking and Currency.

Also, memorial of the National Association ex-Union Prisoners of War, asking for pensions for ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of William Hewitt and others, relative to pension laws—to the same committee.

By Mr. HAMMOND: Petition of A. P. Turner and others, citizens of Pike County, Georgia, favoring aid to education—to the Committee on Education.

By Mr. HANBACK: Resolutions of Company C, First Regiment Kansas State Militia, relative to H. R. 5980, to promote the efficiency of the militia of the United States—to the Committee on the Militia.

By Mr. HARMER: Papers connected with H. R. 2616, granting a pension to Elizabeth Johnson—to the Committee on Invalid Pensions.

By Mr. HUNT: Memorial of Eugene Rillieud—to the Committee on Claims.

Mr. KLEINER: Papers relating to the claim of Crawford Brown—to the same committee.

By Mr. LIBBEY: Petition of merchants, bankers, manufacturers, and consumers of Norfolk, Va., looking to the enactment of laws which will reduce the import duties on raw materials—to the Committee on Ways and Means.

By Mr. MAGINNIS: Telegraphic petition from prominent citizens of Montana, in favor of the passage of a bill concerning the national exposition of New Orleans—to the Committee on Appropriations.

By Mr. MAYBURY: Petition of Andrew J. Linzee, for the appointment of a commission of inquiry looking to the reclamation of certain lands in Colorado, &c.—to the Committee on the Public Lands.

By Mr. J. F. MILLER: Petition of citizens of Gonzales, Tex., for the improvement of Pass Cavallo, Texas—to the Committee on Rivers and Harbors.

By Mr. MILLIKEN: Petition of H. A. Tripp and others and of Marcellus S. Perkins and others, in favor of the recommendations of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. MITCHELL: Joint resolutions of the General Assembly of the State of Connecticut, relative to the material, industrial, and intellectual progress of the colored people of the country since 1865—to the Committee on Labor.

By Mr. MORRILL: Petition of Baxter Post, Grand Army of the Republic, in favor of the legislation asked for by the Grand Army of the Republic committee on pensions, and of the Grand Army of the Republic of Kansas, asking for the passage of the Logan bill in favor of ex-prisoners of war—severally to the Committee on Invalid Pensions.

By Mr. REESE: Petition of citizens of Georgia, relative to national aid to education—to the Committee on Education.

By Mr. VAN ALSTYNE: Resolution of the senate and assembly of the State of New York, recommending the establishment of a national gun-factory at the Watervliet arsenal, New York, and for the necessary appropriation to conduct the same—to the Committee on Appropriations.

Also, resolutions of the house of assembly of the State of New York, recommending the passage of an act to enable the more efficient enforcement of the law relating to patents, &c.—to the Committee on Patents.

By Mr. VANCE: Petition of many citizens of North Carolina, in favor of aid to common schools—to the Committee on Education.

By Mr. WASHBURN: Resolutions of the Chamber of Commerce of Saint Paul, Minn., protesting against any suspension of coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

SENATE.

MONDAY, *April* 21, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

DEATH OF REPRESENTATIVE HERNDON.

Mr. KENNA. Mr. President, I observe by the RECORD that on Friday the Senate had under consideration and passed resolutions of respect to the late THOMAS H. HERNDON, of Alabama. I regret that necessary absence prevented my participation in a ceremony in which I had for many reasons so deep a sympathy, and with the consent of the Senate I should like to submit a few remarks at this time.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from West Virginia will proceed with his remarks.

Mr. KENNA. Mr. President, my acquaintance with Mr. HERNDON began with the organization of the Forty-sixth Congress. It soon ripened into a mutual friendship, which serves, now that he is departed, to rank my associations with him among the brightest and happiest of memories. I had good opportunity to know him well. I served with him in the Forty-sixth and Forty-seventh Congresses. We were on the special committee appointed to investigate the Cincinnati elections of 1878. Throughout the time occupied by that inquiry we were constantly together.

I also had the honor of more than a mere acquaintance in his estimable family. He had friends who were my friends; I had friends who were his. Much of our legislative life led in like pathway; much of our representative duty made naturally and rightly common cause. Circumstances over which neither of us had control brought us together; conditions over which neither of us wanted control kept us so. I knew him, therefore, in his representative, personal, family, and even in his special relations to men and measures.

Mr. President, THOMAS H. HERNDON, was a lovable character wherever you found him. He was an upright and a manly man. He was a sincere and true man. He was affectionate and kind and generous. He was a vigorous man and an able one, and yet, combining these qualities in an eminent degree, the simplicity and beauty of his modesty excelled them all. A creature after the image of his Maker, he did as much to raise the standard of human excellence, in my estimation, as any man I ever knew. I have not, I am sure, Mr. President, asked too much in delaying at so late a day the ordinary proceedings of the Senate to add this brief tribute to what has been said of THOMAS H. HERNDON. I do it sincerely. I cherish his memory.

SPANISH TREATY OF 1819.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In response to the resolution of the Senate of the 5th of December last, respecting the execution by the United States of the ninth article of the treaty of 1819 with Spain, I transmit herewith a report of the Secretary of State, and its accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, April* 18, 1884.

COMMON MERIDIAN OF LONGITUDE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a communication from the Secretary of State, dated the 16th instant, respecting the approaching international conference at Washington, D. C., for the purpose of fixing upon a meridian proper to be employed as a common zero of longitude and standard of time-reckoning throughout the globe, and recommend that the sum of $10,000 be appropriated to enable the Secretary of State to meet the expenses of the same.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, April* 18, 1884.

EMBASSY FROM SIAM.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, of the 16th instant, relative to the approaching visit of a special embassy from Siam to the United States, and recommend that the appropriation asked by the Secretary of State to suitably defray the expenses of such embassy while in this country be made.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, April* 18, 1884.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a communication from the Paymaster-General, in which he reduces the estimate "to supply a deficiency in the appropriation for pay, &c., of the Army" from $474,927.76 to $275,000, and recommending the passage of a resolution making available the sum required; which, with the accompanying report, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a tracing of the plat of survey of the unconfirmed private land claim in the Territory of New Mexico, No. 122, known as the Cañon de San Diego grant, Francisco Garcia de Noriega and José Antonio Garcia de Noriega, claimants; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Private Land Claims.

HOUSE BILLS REFERRED.

The bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Maritime Association of the port of New York, praying that the coinage of silver dollars may be suspended for a period of two years; which was referred to the Committee on Finance.

He also presented the memorial of the Armington & Sims Engine Company, of Providence, R. I., remonstrating against the passage of House bill 3617 and Senate bill 1558, relating to patents; which was referred to the Committee on Patents.

Mr. CONGER presented resolutions of the Maritime Association of the Port of New York, in favor of an appropriation for the improvement of the Buttermilk Channel, between Governor's Island and the Brooklyn shore; which were referred to the Committee on Commerce.

He also presented the petition of John M. Deitz, of Otisco, Ionia County, Michigan, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the memorial of Miles Post, No. 113, Grand Army of the Republic, Department of Michigan, in favor of legislation in accordance with the recommendations made by the pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented the memorial of W. J. Kinney, of Muskegon, Mich., remonstrating against the passage of the news-copyright bill; which was ordered to lie on the table.

Mr. WILSON presented the following joint resolution of the General Assembly of Iowa; which was read, and referred to the Committee on Public Lands:

[Joint resolution No. 20.]

Joint resolution in relation to swamp-land indemnity.

Whereas the provisions of the act of Congress of March 2, 1855, as extended by act of Congress of March 3, 1857, granting indemnity to the States for swamp and overflowed lands disposed of by the United States, are held not to apply to sales and locations made after March 3, 1857; and

Whereas a large amount of land properly falling to the State and counties in Iowa under the swamp grant have been disposed of by the Government since March 3, 1857, thereby compelling the counties and their grantees to abandon their claim to such lands or litigate with the purchasers of the Government; and

Whereas on the 4th day of February, 1884, the Hon. Mr. COSGROVE introduced a bill (H. R. 4505) in the House of Representatives in Congress to extend said indemnity provisions of said act of March 2, 1855, and making the same applicable to sales and locations made since March 3, 1857, which bill is pending in Congress; and

Whereas under the rulings of the Department, certificates—called scrip, or indemnity scrip—issued for indemnity for swamp lands located with warrants, can not be located on lands outside of the State, and there being no vacant land in Iowa on which such scrip can be located, many of the counties in this State, after great expense, are unable to realize anything for their swamp lands so disposed of by warrant locations, and by that means are damaged to a large amount; and

Whereas on the 6th day of February, 1884, Senator ALLISON introduced a bill (S. 1428) providing, among other things beneficial to the counties of Iowa, for the location of such indemnity scrip on any public lands subject to entry of the United States in any State or Territory, which bill is pending in the Senate: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators be instructed and our Representatives in Congress be requested to use all proper and lawful means in their power to secure the passage of both said bills (H. R. 4505 and S. 1428), or by the enactment in some other bill, of provisions substantially the same as therein contained.

Resolved further, That the Secretary of State transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

Approved April 14, 1884.

STATE OF IOWA, *ss:*

I hereby certify the foregoing to be a true and correct copy of the original on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at Des Moines this 15th day of April, A. D. 1884.

[SEAL.] J. A. T. HULL, *Secretary of State.*
W. T. HAMMOND, *Deputy.*

Mr. SHERMAN presented a joint resolution of the Legislature of Ohio; which was read, and referred to the Committee on Pensions, as follows:

[H. J. R. No. 43.]

Joint resolution requesting our Senators and Representatives to vote for and urge the passage of Senate bill No. 11 and House bill No. 1189.

Whereas there has been introduced in the United States Senate bill No. 11, and in the House of Representatives bill No. 1189, asking for pensioning of prisoners of war who were confined in confederate military prisons during the late war Therefore,

Resolved, That our Senators and Representatives in Congress be, and are hereby, requested to vote for and urge the passage of the same at the earliest practical moment, and that the governor forward a copy of this resolution to each of our Senators and Representatives in Washington.

L. A. BRUNNER,
Speaker pro tempore of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Adopted April 11, 1884.

Mr. PLATT presented the following resolutions of the Legislature of Connecticut; which were read and referred to the Committee on Education and Labor:

GENERAL ASSEMBLY, *January Session*, 1884.

[House joint resolution No. 202.]

Resolved by this Assembly, That our representatives in the National Congress be requested to use their influence to secure favorable action upon the bill now before Congress creating a commission "whose duty it shall be to inquire into and report upon the material, industrial, and intellectual progress made by the colored people of this country since 1865."

Resolved, That the secretary of state be instructed to send a copy of these resolutions to each of our Senators and Representatives in Congress.

House of representatives, passed April 4, 1884.
Senate, passed April 4, 1884.

Mr. HALE presented resolutions of the Maritime Association of the Port of New York, in favor of legislation to relieve sailing-vessels from State pilotage exactions; which were referred to the Committee on Commerce.

He also presented the memorial of W. L. Wheeler and others, soldiers in the late war, touching the needs of veteran soldiers and the extent of their claims upon the Government; which was referred to the Committee on Pensions.

He also presented the memorial of James A. Garfield Post, No. 46, Grand Army of the Republic, of Blue Hill, Me., and other ex-soldiers and sailors of the late war, in favor of the recommendations of the pensions committee of the Grand Army of the Republic concerning pensions and the equalization of bounties; which was referred to the Committee on Pensions.

Mr. MORRILL presented a petition of Dr. A. M. Ruggles and 25 others, citizens of Barton, Vt., praying that discriminations in the appointment of surgeons in the Army and Navy as between the allopathic and homeopathic schools of practice be abolished; which was referred to the Committee on Military Affairs.

Mr. GROOME presented the petition of John M. Palmer and 394 others, citizens of Baltimore, Md., praying for such legislation as that proposed in Senate bill 1223, prohibiting discriminations against any school of medicine in appointments to Government service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. MCPHERSON. I present a petition of many citizens of New Jersey praying that all qualified physicians be made equal before the law in the Government service of the United States, having reference, I suppose, to all grades of physicians and all classes, as allopathic, homeopathic, &c. I move the reference of the petition to the Committee on Military Affairs.

The motion was agreed to.

Mr. MCPHERSON presented the following joint resolution of the Legislature of the State of New Jersey; which was read and referred to the Committee on Finance:

[Joint resolution No. 3.]

STATE OF NEW JERSEY.

Joint resolution requesting the repeal of a part of the United States revenue laws relating to alcohol.

1. Whereas the business of the citizens of the State of New Jersey engaged in agricultural pursuits has been injured by the operation of the United States revenue law permitting the manufacture of vinegar from alcohol which has paid no internal-revenue tax; and

Whereas the operation of said internal-revenue law gives opportunity to evade the tax on alcohol made and sold as such: Therefore,

2. *Resolved (the senate concurring)*, That our Senators and Representatives in Congress be, and hereby are, requested to use all honorable means in their power to procure the repeal of so much of the amendment to the United States laws contained in section 5, chapter 125 of general laws passed by the Forty-fifth Congress at the third session, in the year 1879, as authorizes the manufacture of vinegar from alcohol that has paid no internal-revenue tax.

3. *And be it further resolved*, That the governor of this State be requested to forward copies of the foregoing preamble and resolution to our said Senators and Representatives.

Approved April 8, 1884.

Mr. JONAS presented the petition of Miguel Capella, a citizen of Spain and a resident of New Orleans, praying to be reimbursed for certain lands taken from him by the United States Government; which was referred to the Committee on Foreign Relations.

Mr. ALDRICH presented the petition of the Providence (R. I.) Board of Trade, praying for the location of a light-ship, with fog-signal, off Smith's Island, Cape Charles shoal, at the entrance of Chesapeake Bay; which was referred to the Committee on Commerce.

Mr. BLAIR presented a petition of citizens of Nashua, N. H., praying an appropriation for the State militia; which was referred to the Committee on Military Affairs.

He also presented a memorial of clergymen of the city of Concord, N. H., in favor of the passage of Senate bill 1755, for the amelioration of the condition of the Indians; which was referred to the Committee on Indian Affairs.

Mr. BLAIR. I present the claim of William Trefethen for damages done to himself, wife, and son by careless firing from the fort in Portsmouth Harbor, New Hampshire, during the war, by which one son was killed, the wife very seriously hurt, and other injuries done to himself and members of his family. I think perhaps that these papers should go to the Committee on Claims, though I am somewhat uncertain in regard to the proper reference.

The PRESIDENT *pro tempore*. Is there a petition accompanying the papers?

Mr. BLAIR. There is an informal petition with the evidence constituting the claim, which I am requested to file. I ask that the papers be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. If there be no objection the papers will be received and referred to the Committee on Claims.

Mr. MILLER, of California, presented the petition of Julius M. Keeler, of California, praying to be allowed the amount due him as an officer of the volunteer army for mileage, traveling expenses, &c.; which was referred to the Committee on Claims.

Mr. PALMER presented resolutions of H. P. Niles Post, No. 172, Grand Army of the Republic, Department of Michigan, concerning the pension laws; which were referred to the Committee on Pensions.

He also presented the memorial of Hon. William H. Cross, setting forth the necessity of a harbor of refuge at Mackinaw City, Mich.; which was referred to the Committee on Commerce.

He also presented resolutions of the State board of health of Michi-

gan, in favor of legislation for the prevention of the introduction of infectious diseases into the United States; which were referred to the Committee on Epidemic Diseases.

He also presented a petition of committee and officers of the Soldiers and Sailors' Association of Southwestern Michigan, and a petition of Thomas Nicholson and others, of Ortonville, Mich., praying for the establishment of a branch of the National Home for Disabled Volunteer Soldiers in Michigan; which were referred to the Committee on Military Affairs.

He also presented the petition of William S. Pardee, late private of Company C, One hundred and twenty-ninth Indiana Volunteers, praying that he be placed on the pension-roll; which was referred to the Committee on Pensions.

He also presented resolutions of the Detroit Board of Trade and Merchants and Manufacturers' Exchange, remonstrating against the further coinage of silver dollars; which were referred to the Committee on Finance.

Mr. CAMERON, of Wisconsin. I present a petition numerously signed by residents of Wisconsin, praying for the passage of Senate bill 1223. The bill indicated refers to the employment of the different schools of medicine in the Government service, and the petitioners ask that their petition be referred to the Committee on Civil Service and Retrenchment.

The PRESIDENT *pro tempore*. Similar petitions have been referred to the Committee on Military Affairs under the impression, as the Chair supposes, that most of those surgeons are employed in the Army.

Mr. CAMERON, of Wisconsin. Very well, let this petition have that course.

Mr. COCKRELL. I hold in my hand a similar petition with a request that it go to the Committee on Civil Service and Retrenchment, and I think probably it ought to be referred there in deference to the wishes of the petitioners.

I have the memorial of the faculty and students of the Homeopathic Medical College of Missouri protesting against the discrimination that is made in favor of one class of physicians alone in Government employment in all offices except the Pension Office, not in the Army alone, but in all offices except the Pension Office indiscriminately, recommending the passage of Senate bill 1223, and they ask that it be referred to the Committee on Civil Service.

Mr. HAWLEY. Such petitions and memorials have been sent to that committee before. I notice two or three have been presented this morning, and quite a number of petitions and memorials on the same subject have been sent to the Committee on Civil Service and Retrenchment.

The PRESIDENT *pro tempore*. If there be no objection this memorial will be referred to the Committee on Civil Service and Retrenchment, and if there be no objection the order referring the prior petitions to the Committee on Military Affairs will be rescinded and the petitions will be referred to the Committee on Civil Service and Retrenchment. Is there objection? The Chair hears none, and it is so ordered.

Mr. HAWLEY. I present the petition of ex-Governor William T. Minor and 117 others, citizens of Connecticut, to the same effect, and move its reference to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. HAWLEY presented the memorial of the Wheeler & Wilson Manufacturing Company and 7 other manufacturers and inventors of Bridgeport, Conn., remonstrating against the repeal or hostile modification of the present patent laws; which was referred to the Committee on Patents.

Mr. HAMPTON presented a petition of citizens of South Carolina praying for the passage of Senate bill 1223, prohibiting discriminations between the different schools of medicine in appointments to the Government service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. PLUMB presented a petition of citizens of Kansas praying for the restoration of the Nez Percé Indians of the Chief Joseph band to their former reservation in the Territory of Idaho; which was referred to the Committee on Indian Affairs.

Mr. ALLISON presented resolutions adopted by A. P. Morton Post, Grand Army of the Republic, of New Hampton, Iowa, urging the passage of such laws as shall carry into effect the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Guthrie, Iowa, praying for the location of a soldiers' home in the State of Iowa; which was ordered to lie on the table.

He also presented the memorial of D. H. Scott, of Griswold, Iowa, remonstrating against the passage of the bill to copyright news matter; which was ordered to lie on the table.

Mr. HARRISON presented the petition of Dr. T. C. Hunter and 16 other citizens of Indiana, and four other petitions of citizens of Indiana, praying for the passage of the bill (S. 1223) to secure to the medical profession equal rights in the service of the United States; which were referred to the Committee on Civil Service and Retrenchment.

He also presented the memorial of the Santa Fé (N. Mex.) Board of Trade, asserting that the memorial to Congress signed by the acting officers of the Albuquerque Board of Trade is not true in its statements, and remonstrating against any action on the part of Congress in annulling the laws of the Legislature of that Territory; which was referred to the Committee on Territories.

Mr. CULLOM presented sundry petitions of citizens of Chicago and other cities in Illinois, Iowa, and Minnesota, praying Congress that homeopathic physicians be given the same opportunities as allopathic physicians to enter the Government service; which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of David E. Ford, late private Company K, Two hundred and ninth Regiment Pennsylvania Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CALL presented a petition of citizens of Key West, Fla., praying that a certain sum unjustly collected under judgment from Seidenberg & Co., of Key West, Fla., be refunded; which was referred to the Committee on Finance.

Mr. LOGAN presented the petition of Rhoden Mitchell, of Washington, D. C., a laborer appointed by a former Sergeant-at-Arms of the Senate, praying additional compensation for services performed by him; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 1402) to prevent the advertisement of lotteries in the District of Columbia and the Territories of the United States, to prevent the sale of lottery tickets therein, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2072) to prevent the advertisement of lotteries in the District of Columbia and the Territories of the United States, to prevent the sale of lottery tickets therein, and for other purposes; which was read twice by its title.

Mr. GARLAND. The Committee on the Judiciary have had under consideration the bill (S. 1560) to provide that judges of the United States circuit and district courts shall reduce their instructions to juries to writing in all States wherein by the laws thereof State judges are required so to do, and have directed me to report it adversely, with the statement that the present law, section 914 of the Revised Statutes, sufficiently reaches the object of the bill.

The bill was postponed indefinitely.

Mr. LOGAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 163) providing for the appointment of clerks of the circuit and district courts in the southern district of Georgia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. LOGAN. I am also instructed by the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 18) proposing an amendment to article 1, section 7, clause 2, of the Constitution of the United States, in relation to the veto power, to report it with an amendment, and I ask that it be placed on the Calendar. I desire to say in reporting the resolution that at as early a day as possible I shall ask the consideration of it by the Senate.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4704) authorizing and empowering the Secretary of War to reconvey to Thomas Mulvihill certain lands erroneously conveyed by him to the United States, reported it without amendment.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (S. 1478) defining the powers and jurisdiction of the Mississippi River Commission, authorizing the appropriation of land and material for the improvement of the Mississippi River and its navigable tributaries, prescribing the manner of assessing damages for property so appropriated, and providing penalties for acts in hinderance or injury of such improvements, asked to be discharged from its further consideration, and that it be referred to the Committee on the Improvement of the Mississippi River; which was agreed to.

He also, from the Committee on the Judiciary, to whom was referred the bill (S. 1511) to prohibit officers and employés of the United States from contributing money for political purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Civil Service and Retrenchment; which was agreed to.

PRIVILEGES OF THE FLOOR.

Mr. FRYE. I am instructed by the Committee on Rules to report the following resolution:

Resolved, That Rule XXXIII of the standing rules of the Senate be amended by inserting after the words "judges of the Court of Claims" the words "Commissioner of Agriculture," and by striking out in line 22 the word "extension."

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

Mr. FRYE. As that resolution is reported as a new resolution, suggested by one offered by the Senator from Kansas [Mr. PLUMB], I report adversely the resolution submitted by him.

The resolution was read, as follows:

Resolved, That Rule XXXIII be amended by adding after the words "the heads of Departments," in the seventh line of the rule as printed for the use of the Senate, the following: "including the Commissioner of Agriculture."

The PRESIDENT *pro tempore*. If there be no objection the resolution will be indefinitely postponed.

Mr. PLUMB. I rise to a parliamentary inquiry. I ask where on the Calendar the resolution reported by the Senator from Maine [Mr. FRYE] from the Committee on Rules goes—at what point of the Calendar?

The PRESIDENT *pro tempore*. Next after the last bill reported from a committee.

Mr. PLUMB. That prevents simply any effect being given practically to that resolution at this session of Congress. If there is a design to specially prevent the Commissioner of Agriculture from a place on this floor, that ought to be manifested by a yea-and-nay vote. There is a person who represents a Department just as absolutely and unqualifiedly, so far as any purpose of coming on this floor is concerned, as any other Department officer does. He represents no other Department officer and is represented by none. There are numbers of bills, including the agricultural appropriation bill, on which it becomes necessary from time to time to consult with the Commissioner of Agriculture. He is entitled, by reason of the fact that he represents the largest and best portion of the American people, to come on this floor just as much as any member of the Cabinet. I regard it as an affront substantially to the agriculturists of this country that this matter has been so long delayed. I therefore move now that the Senate proceed to the consideration of the resolution reported from the Committee on Rules.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator from Kansas moves that the Senate now proceed to the consideration of the report just made from the Committee on Rules.

Mr. FRYE. As this is simply a Senate resolution, I take it there will not be the slightest difficulty any morning after the morning business is through in my calling up the resolution. The committee reported adversely to the resolution offered by the Senator from Kansas, but they reported the same provision in another form.

Mr. PLUMB. I give notice that I shall move to restore the proposition as it was in the original resolution. I want that officer put in exactly where he belongs, next to the heads of Departments; and if the Senator will call up the resolution to-morrow morning I have nothing further to say.

Mr. FRYE. I shall endeavor to call up that resolution; and another resolution I am about to report is a resolution which, to be effective at all, must be acted upon within the next ten days.

WILBUR F. M'DANIEL.

Mr. FRYE. I am also instructed by the Committee on Rules to report favorably the following resolution:

Resolved, That the services of Wilbur F. McDaniel, provided for by Senate resolution of May 20, 1879, be terminated May 1, 1884.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. WILLIAMS introduced a bill (S. 2073) for the relief of C. D. Pennebaker; which was read twice by its title, and referred to the Committee on Finance.

Mr. PALMER introduced a bill (S. 2074) for the relief of Mary Howard Farquhar; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2075) granting condemned cannon to the Women's Soldiers' Monument Association of Lansing, Mich.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 2076) to donate condemned cast-iron cannon and cannon-balls to Post 41, Grand Army of the Republic, Department of Michigan, for monumental purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS introduced a bill (S. 2077) granting a pension to M. A. Jones; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2078) to amend section 3243 of the Revised Statutes of the United States; which was read the first time by its title.

Mr. CONGER. The Chair has said and I think it would be more convenient if Senators would place in the titles of bills the subjects to which they relate; otherwise we have no means of knowing what the bills are about.

Mr. INGALLS. I ask that the bill may be read in full.

Mr. CONGER. I made the remark merely that the Chair might announce again, as he has on a former occasion, the desirableness of having the subject-matter of bills amending the statutes stated in the title.

The PRESIDENT *pro tempore*. Certainly it would be a great convenience if the title of the bill should show the subject to which it relates. The bill will be read the second time in full.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, &c., That section 3243 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3243. No special tax shall be received or permit or license granted by any collector of internal revenue for the carrying on by any person or persons of the business of a wholesale liquor dealer, a retail liquor dealer, a brewer, a wholesale dealer in malt-liquors, or a retail dealer in malt-liquors, when such business is contrary to the laws of the State or municipality in which such business is sought to be carried on; and the payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State, or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business for State or other purposes; and it shall be the duty of any collector of internal revenue, upon request of the prosecuting attorney of any county in his said district, to furnish to the said prosecuting attorney copies of any permits issued for the sale of spirituous or malt-liquors and for the carrying on of any such business within the said county, or information with reference thereto, under such regulations as the Commissioner of Internal Revenue may prescribe."

Mr. HARRISON introduced a bill (S. 2079) for the relief of Mrs. F. Courtney Cochnower; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRISON. By request I introduce a bill which I have not sufficiently examined to give it my own concurrence, but I think it worthy of examination by the committee.

The bill (S. 2080) to declare and regulate the rank of the officers of the line of the Army was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HALE (by request) introduced a bill (S. 2081) for the better protection of life on steamers and sailing vessels of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 2082) granting a pension to George W. Nokes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2083) for the relief of Fannie R. Giltner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana;" which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. JONAS introduced a bill (S. 2085) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition; which was read twice by its title, and referred to the Committee on Appropriations.

NORTHERN PACIFIC RAILROAD LAND GRANT.

Mr. SLATER. I ask that the bill (S. 2036) to forfeit the unearned lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, be taken from the table and referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the bill indicated by him be taken from the table and referred to the Committee on Public Lands.

Mr. PLUMB. I want to suggest that the Senator's colleague [Mr. DOLPH] some days since expressed a desire to be heard on that bill. He is now absent from the Chamber.

Mr. SLATER. He authorized me to have it taken up and referred to the committee, as he does not desire to make any remarks on it.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Public Lands if there be no objection. That order is entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal;

A bill (H. R. 320) granting a pension to Kate Amann;

A bill (H. R. 406) granting a pension to Catherine Bullard;

A bill (H. R. 1077) granting a pension to Sarah Miner;

A bill (H. R. 1171) granting a pension to Isabel Campbell;

A bill (H. R. 1197) granting a pension to Anna M. Wehe;

A bill (H. R. 1203) granting a pension to Elizabeth Bauer;

A bill (H. R. 1502) granting a pension to William Robinson;

A bill (H. R. 1752) for the relief of Maria L. Lee;

A bill (H. R. 2348) granting a pension to John D. Rickards;

A bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry;

A bill (H. R. 2702) granting a pension to Mrs. Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy;

A bill (H. R. 2839) to increase the pension of George J. Stannard, late a major-general of volunteers;
A bill (H. R. 3188) granting a pension to Amanda Cutler;
A bill (H. R. 3294) granting a pension to Emma A. Porch;
A bill (H. R. 4014) for the relief of Isaac Reed;
A bill (H. R. 4790) granting a pension to Alexander Saint Bernard;
A bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts;
A bill (H. R. 5070) granting a pension to Temple Golden;
A bill (H. R. 5464) granting a pension to Clarissa Y. Maies;
A bill (H. R. 5675) granting a pension to Mrs. Susan J. McKenney;
A bill (H. R. 1340) to establish and maintain a bureau of labor and statistics;
Joint resolution (H. Res. 137) for printing the annual reports of the Bureau of Ethnology;
Joint resolution (H. Res. 138) for printing the annual reports of the United States Geological Survey; and
Joint resolution (H. Res. 231) providing for the distribution of the Congressional Globe.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the President *pro tempore:*

Joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress; and
Joint resolution (H. Res. 224) granting certain publications to the Cincinnati Law Library.

AMERICAN STATE PAPERS AND SURGICAL HISTORY.

Mr. CALL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Printing be directed to report to the Senate the cost of reprinting 10,000 copies of the American State Papers and the cost of reprinting 10,000 copies of the Army Medical and Surgical History of the War for the use of the Departments and public libraries and the two Houses of Congress. Also to report what number, if any, of the volumes of either of these books are now in possession of the Government for distribution to public libraries.

SPANISH TREATY OF 1819.

Mr. FRYE. By request I offer the following resolution, and I ask its reference to the Committee on Foreign Relations:

Resolved, That the President of the United States be, and he is hereby, requested to institute negotiations with the Government of the King of Spain for a reference to an umpire for decision of the question whether the treaty of 1819 has been fully carried into effect by the United States, and whether there are obligations under, or growing out of, or in connection with the said treaty which it is claimed that the United States of America have failed to perform and carry out, and to settle and finally decide what amounts remain to be paid by the United States.

The resolution was referred to the Committee on Foreign Relations.

MARY JOYCE.

Mr. SHERMAN. I ask unanimous consent to place on the Calendar an adverse report which was made by the Committee on Pensions on Senate bill 837.

The PRESIDENT *pro tempore*. What was the date of the report?

Mr. SHERMAN. I have sent the report to the Secretary. I think it was made in January. It will require unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the vote of the Senate indefinitely postponing the bill (S. 837) granting a pension to Mary Joyce be reconsidered, and that the bill be placed on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. GARLAND submitted an amendment intended to be proposed by him to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN FRASER.

Mr. VAN WYCK. I desire to call up a motion for the reconsideration of the bill (S. 830) for the relief of John Fraser, which was entered February 21, 1884.

I intended to present a consideration or two, but was out of the Chamber when the bill was passed, and the Senator from Massachusetts [Mr. HOAR] who had charge of the bill from the Committee on Claims moved a reconsideration because in my absence the bill was passed. I only desired to make a suggestion in regard to the bill, not to antagonize it. The committee are satisfied that the bill ought to pass as reported. The only question was as to whether John Fraser was an officer of the Government who was prevented from receiving pay for superintending the construction of the building for the Bureau of Engraving and Printing, and also compensation as Supervising Architect of the Treasury.

Mr. HOAR. Let the bill be reconsidered by unanimous consent, and then let the Senator present his views on it.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate now proceed to the consideration of Order of Business 92, being the bill (S. 830) for the relief of John Fraser.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate, and the question is on the motion of the Senator from Nebraska to reconsider the vote by which the bill was passed.

Mr. VAN WYCK. The bill was offered to compensate John Fraser for acting as Supervising Architect of the Treasury when Mr. Hill was suspended. The facts briefly are these: Mr. Fraser, acknowledged to be one of the best architects in this city, was at that time in charge of the construction of the building for the Bureau of Engraving and Printing, and while that work was going on the Supervising Architect, Mr. Hill, was suspended, and the Secretary of the Treasury asked Mr. Fraser to take charge of that office temporarily. It was supposed it would be but for a little time, and not interfere with Mr. Fraser's current business at all; but it so happened that it continued for six months, during which Mr. Fraser gave all his time to the business industriously, faithfully, and well. He discharged the duties as architect of the building for the Bureau of Engraving and Printing, and in addition discharged all the duties of Supervising Architect. The bill as introduced gave him compensation as Supervising Architect, as well as compensation as architect in charge of the Bureau of Engraving and Printing. The committee thought it was subject to this criticism, that Mr. Fraser could not receive compensation as Supervising Architect while he also had charge of the Bureau of Engraving and Printing. I am satisfied, and I think the Senator is satisfied, that Mr. Fraser in his capacity as architect of the building for the Bureau of Engraving and Printing was not an officer of the Government, and therefore there was no legal reason why he should not receive full compensation for the services that he performed as Supervising Architect.

With that statement let the bill be read.

Mr. PLATT. I should like to ask the Senator from Nebraska what the object and effect of this motion is. Is it to give Mr. Fraser both salaries, or the highest salary of the two employments which he held?

Mr. VAN WYCK. The object is to give him both. Mr. Fraser was discharging his duty as architect in the construction of the building of the Bureau of Engraving and Printing, and while he was doing that he was also having his private business, which of course he had a right to do, as architect of different buildings in the city. While doing this the Supervising Architect of the Treasury, Mr. Hill, was suspended, and the Secretary of the Treasury asked Mr. Fraser to discharge the duty, which he did. In doing that he necessarily had to abandon his private business in the city, he still discharging his duty as architect at the Bureau of Engraving and Printing. He abandoned all his private business and temporarily discharged the duties of the office of Supervising Architect, devoting to it his entire time and abandoning his other business. Members of the Senate knew that he was engaged in the business at night, and he did it at great sacrifice to himself.

There is no reason that I can see why Mr. Fraser should not receive compensation for the services he performed, and I think, as I stated before, that the Senator from Massachusetts will not insist upon the point, or, at least, I think it will agree with his view of the matter that Mr. Fraser was a mere employé of the Government in what he did as architect of the Bureau of Engraving and Printing, and, therefore, that the bill as introduced is not liable to criticism.

Mr. PLATT. I was going to ask that question, how came he to be the architect of the Bureau of Engraving and Printing?

Mr. HOAR. If the Senators will pardon me I will state that Mr. Fraser was an eminent architect. I think he lived in Philadelphia originally, but he had an office in this city and was employed as the architect of the Bureau of Engraving and Printing, as any architect would be employed on any building by any private person. He might take a dozen such engagements, not as an officer, but as an architect; he might have had a dozen large buildings, dwelling-houses, and others going on for various clients. Then the Supervising Architect of the Treasury having some difficulties, which Senators remember, I suppose, Mr. Fraser was summoned by the Secretary of the Treasury to take charge of that office, simply as an eminent citizen, whose character and standing were absolutely above reproach, to take the office and hold it while the charges were being examined, just as General Grant was called into the War Department in Andrew Johnson's time, and, as I suppose, other eminent citizens are called to the head of a Department. Mr. Fraser went on with his work of superintending the building of the Bureau of Engraving and Printing, and gave up a great deal of his private employments in order to perform this public duty, and he says he sat up till late hours at night, 10, or 11, or 12 o'clock; it was a very engrossing and laborious performance, and he lost money by reason of the abandonment of private employment.

The committee, wishing to adhere strictly and carefully to the principle of not giving a person compensation for two offices, applied it to this case, and gave Mr. Fraser in the amendment which they adopted the pay of the best paid of the two offices—that is, gave him the pay as Supervising Architect, but did not add that to what he was to receive under his contract as the servant of the Government as architect of the Bureau of Engraving and Printing, and so the committee amended the bill. After the report was made the Senator from Nebraska and Mr.

Fraser called my attention to it, and I think myself it is a case just on the line where the Senate might very well allow Mr. Fraser the additional compensation without making it a dangerous precedent. At the same time I ought in candor to say to the Senate that Mr. Fraser is a friend of mine, and perhaps I may be biased in his favor by that fact; but one fact is clear, that as the Senator from Nebraska was out when the Senate passed the matter without any examination or discussion, it is proper that the bill should be reconsidered and the Senator from Nebraska have the opportunity to present his views to the Senate. With that statement I do not wish to say anything further.

Mr. LOGAN. I should like to ask for what length of time Mr. Fraser performed the duties of Supervising Architect.

Mr. VAN WYCK. About six months.

Mr. LOGAN. And while performing those duties he received the emoluments of the office?

Mr. HOAR. No; that is what the bill provides for.

Mr. VAN WYCK. It is to pay him as Supervising Architect.

Mr. COCKRELL. He is not satisfied with that.

Mr. LOGAN. Is it proposed to pay both salaries?

Mr. HOAR. He got his pay under his old employment as architect of the building for the Bureau of Engraving and Printing. The bill proposed to give him in addition to that the pay of Supervising Architect. The committee (I made the report for the committee) amended the bill so as to give him in addition to what he had received as architect of the building for the Bureau of Engraving and Printing the difference between that and the pay of Supervising Architect, so that he would get the highest pay; and the question is whether he should have the pay of Supervising Architect, which is the highest pay, or whether he should have both.

Mr. LOGAN. That is the bill that passed?

Mr. HOAR. The amendment was adopted and the bill was passed.

Mr. CAMERON, of Wisconsin. It has not passed finally.

Mr. HOAR. There was a motion entered to reconsider.

Mr. LOGAN. As I understand, he received the amount of his pay as architect of the Bureau of Engraving and Printing, and added to that the bill gives him a certain other amount equal to the amount that he would have received if he had been Supervising Architect of the Treasury.

Mr. HOAR. Yes; that we have done.

Mr. LOGAN. What more would he ask if he had been appointed Supervising Architect in fact? He would only have received that amount.

Mr. HOAR. I do not know whether he would have accepted the office or not.

Mr. LOGAN. He certainly did accept the service for the time being and he received the salary for the time being. What more could he ask than that? Any officer who accepts the performance of the duties of an office accepts it with the understanding that he receives only the salary of the office, and having received that it seems to me that he ought to ask for no more.

Mr. SHERMAN. I am a good friend of Mr. Fraser, for I have employed him in my private capacity and I appointed him to the position named in the bill, but I would not set an example for his benefit that would work infinite injury in the public service. I will state the facts.

Mr. John Fraser, an architect of this city, was employed in superintending the building for the Bureau of Engraving and Printing.

Mr. COCKRELL. At $8 a day.

Mr. SHERMAN. At $8 a day according to the law. Some time in May Mr. Hill, on account of a legal controversy in Chicago, was suspended temporarily from the performance of his duties as Supervising Architect, and Mr. Fraser was called upon to perform the formal duty of Mr. Hill in addition to his duty as superintendent. He knew exactly what the law was, that he could get but one compensation. He no doubt was gratified at the appointment because he received the honors of the higher office. I am quite sure that if he had said to me then that he would make the appointment the basis of a claim for double salary I should have declined to appoint him and would have assigned some other, probably a less experienced architect, to perform the formal duties of the Architect's office. As a matter of course he could only be paid $8 a day. Mr. Hill drew the salary of Supervising Architect.

Mr. COCKRELL. During the whole time?

Mr. SHERMAN. Certainly. He was relieved from indictment and drew the salary. The Government paid both officers both salaries. I venture to say that no one then contemplated that Mr. Fraser should be paid the additional sum of the two salaries. The bill I think very properly gives him the pay of the higher office, as he performed the duties of the office, but the mischief would be infinite by setting an example of this kind.

Take a case that occurred within the last two or three weeks, that of Mr. French, Assistant Secretary of the Treasury, who performed the duties of three offices, Secretary of the Treasury and First and Second Assistant Secretaries, for a month or more on account of the illness of his chief. That is a thing that occurs in every Department of the Government. If this kind of a claim can be made it could be made in behalf of an Army officer, who as a lieutenant performs the duties of captain, or who as a major performs the duties of lieutenant-colonel or colonel; and therefore it never would do to establish an example of this kind.

The Senate have done just what is right in giving Mr. Fraser the difference of pay, because no doubt he had to perform additional duty. Even that he is not entitled to receive under the law; but Congress could in this case very properly give him the difference. So he receives under the bill as it now stands at the rate of $4,500 a year, while under the bill as the Senator from Nebraska wishes to have it pass he would receive at the rate of $8,000 a year, or a salary as high as the Secretary of the Treasury, higher than the office itself. As a matter of course that would not be a wise thing to do.

I think the Senate have already done quite right; and now that the matter has been debated, we ought to refuse to reconsider the vote. I speak this with some reluctance, because I have a high opinion of Mr. Fraser. I have no doubt he did his service well; but when he receives the sum given him by the bill as it passed he will be paid probably not as much as he thinks he ought to have, but as much as any officer of his rank receives.

Mr. CONGER. Before the Senator takes his seat I ask him whether Mr. Fraser did receive any more for that time than the pay as architect?

Mr. SHERMAN. The bill as it now stands gives him at the rate of $4,500 a year during the time he was employed in that capacity.

Mr. CONGER. I speak of this because I was boarding at the same place and was familiar with Mr. Fraser at the time of his service. I know he was performing laborious service in the double capacity there during the time, and I think he should have some further pay than his pay as architect of the Bureau of Engraving and Printing. I understand the bill gives him additional pay equal to the salary of Supervising Architect.

Mr. SHERMAN. Yes; at the rate of $4,500 a year.

Mr. WILLIAMS. I should like to ask what is the difference in the amount that would be granted by the bill as it passed and what is proposed to be given him by the Senator from Nebraska.

Mr. SHERMAN. Eight hundred dollars.

Mr. HOAR. I will state again, as some Senators do not seem to have understood the prior statement, that Mr. Fraser, being employed at $8 a day for a special duty as architect in his profession, as superintending architect of the Bureau of Engraving and Printing (which is a work which he of course could do with other like work, as all architects do; although they charge by the day, they do not spend the whole day on each house or building that they have under their charge), he was called to be Supervising Architect of the Treasury temporarily, the incumbent of that office having been suspended. He held the office for several months, but has received only his pay as architect of the Bureau of Engraving and Printing. A bill was introduced giving him in addition the pay of Supervising Architect, which being referred to the Committee on Claims, they directed me to report the amendment to the bill which allowed him the difference between the two salaries, so that he should get the higher salary instead of the lower. Now, the Senator from Nebraska suggests that under the peculiar circumstances of the case he ought to get both. I think it is a case close to the line, because it is the case of the employment of an eminent architect temporarily to fill the place; but still the committee came to the conclusion, which is stated in the report, that he is to have but one. If the Senate reconsiders the bill, it will be in order to make proper a motion to pay him two salaries. If the Senate leaves it without reconsideration, it will leave the bill as the committee left it.

Mr. COCKRELL. The only reason in the world why I should at all incline to favor the motion to reconsider would be for the purpose of defeating the bill *in toto*. Here is an employé of the Government under the law drawing his salary and performing the duties and not giving up the office. If he was not satisfied to take the salary allowed him under the law, why did he keep on and come in here, because he may have some personal friends among Senators, and ask that a special bill shall be passed for his relief?

Here is the law; there is no question about it. It prohibits the payment of two salaries when he shall have one office if while performing that by virtue of that he performs the nominal duties of another office, and now the Senator from Nebraska wants to get the two salaries paid to him in direct violation of law. That would be opening the door to millions of dollars. There is not a day but some officer of the Government is by virtue of his position performing the nominal duties of another office. Here is a lieutenant nominally commanding a company; here is a captain nominally commanding a regiment. Are they to be paid the double salaries? The law says they shall only get the one salary, and that the salary of their actual position and employment.

I am sorry to differ with the Committee on Claims in this matter. I think the Committee on Claims would have followed the precedent they have so often established if they had reported the bill adversely.

I am willing to let the bill remain as it is and vote against a reconsideration. It gives him more than he is entitled to receive. It is a gratuity taken out of the Treasury and just given to him without any color or sanction of law.

Mr. HOAR. I do not know that the Senator from Missouri states the case justly; of course he intends to state it fairly. This is not the

case of an ordinary employé. It is not the case of an Assistant Secretary of the Treasury performing the duties of his chief for a time. It is just as if Mr. Choate were employed to argue an important cause involving a million dollars for the Government in the Supreme Court of the United States which would occupy him a great space of time and for which a proper fee would be $10,000, and therefore the Department of Justice getting into difficulty by reason of some charge against the Attorney-General, Mr. Choate had consented to give the Department in that particular condition the benefit of his high character and reputation and had become Attorney-General for three months, laying aside all his private business, and he had said, "I think it is fair; I sat up till 12 o'clock at night for weeks and months to do this work; I kept on with the work." It is not the work of an employé; it is the professional work of an architect, a great, famous architect, employed for large buildings, employed in the Government's difficulty to this place because of his high character for integrity and ability, and he goes on and completes the particular job for which he had been previously employed, doing all the work of the other office.

As I said, I came to the conclusion that it was safer and better for the Government to give him but one salary; and so the committee unanimously have held; but I do not think it is fair to attack him as if he were an exorbitant person coming in seeking to draw two salaries. It is not the case of an humble employé having for a little while performed a higher duty. Mr. Fraser's claim, which the Senate is about to reject for both services, is a claim for which there may be advanced in my judgment very strong reasons indeed, and which any honest, fair, moderate man has a perfect right to present and have considered by the Senate. I thought it ought not to be allowed, but I do not think the Senator from Missouri has a just conception of the matter.

Mr. COCKRELL. I suppose Mr. Fraser was 21 years old and of sound mind. He knew the law. There was no compulsion upon him; it was a voluntary matter, and the law gave him no right to claim double pay; but it was done in violation of law. If Mr. Fraser was not satisfied with the pay he was receiving, why did he not give up the place? Why did he not refuse to perform the labor for $8 per day?

Mr. HOAR. Was it for the interests of the Government that an architect who got half through an important public building like the one for that bureau should stop in the middle? But I do not agree that the law applied to his case. I doubt very much whether the architect was an officer in the legal sense. It is a very doubtful question if it did apply to him in its spirit or purpose. However, I will not waste the time of the Senate or of the Senator in discussing what is not before us.

Mr. COCKRELL. He accepted the position knowing the law. It was a free and voluntary matter. He was not compelled to give up his work as architect of the Bureau of Engraving and Printing in order to take the other place. It was a matter of voluntary choice. He wanted the honor of the position of acting Supervising Architect of the United States Treasury Department to bring him business afterward. There was some honor in it. When the Senator from Ohio, then Secretary of the Treasury, asked him to act as Supervising Architect he could have declined unless he had been promised additional pay. He did not ask for the additional pay. There was some honor connected with the office, and he was willing to take the honor for the profit it would afterward bring him.

Mr. CAMERON, of Wisconsin. Would it be in order for the Senator from Nebraska to withdraw the motion for reconsideration that he made?

The PRESIDENT *pro tempore*. It can only be withdrawn by the consent of the Senate. He can ask leave to withdraw it.

Mr. VAN WYCK. I did not intend to provoke so much controversy in this matter as has been had. I supposed the point would be readily seen and acceded to, but in order to prevent further discussion I ask unanimous consent to withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks leave to withdraw his motion to reconsider. Is there objection? The Chair hears none and the motion is withdrawn. The bill stands passed. The Chair calls attention to the fact that in the title of the bill the name is spelt with a "z" and in the body of the bill it is spelt with an "s." The Chair understands the correct spelling is in the body of the bill. If there be no objection the title will be amended to conform with the spelling in the body of the bill.

ORDER OF BUSINESS.

Mr. HOAR. I move to proceed to the consideration of the bankruptcy bill.

Mr. CAMERON, of Wisconsin. Let us go on with the Calendar.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

Mr. HOAR. If any Senator has anything on the Calendar that he wishes considered I shall postpone my motion until 2 o'clock.

The PRESIDENT *pro tempore*. Is the motion withdrawn?

Mr. HOAR. I will withdraw it if any Senator prefers to go on with the Calendar.

Mr. CAMERON, of Wisconsin. I think we had better proceed with the Calendar.

PRACTICE IN PATENT SUITS.

Mr. MCPHERSON. I rise, Mr. President, for the purpose of moving that the bill (H. R. 3925) to regulate practice in patent suits, and the bill (S. 1115) to amend section 4919 of the Revised Statutes, relating to the recovery of damages for the infringement of patents, be recommitted to the Committee on Patents. I have the honor to present to the Senate this formidable array of remonstrances against this proposed legislation. [Exhibiting.] These remonstrances are signed by thousands of names asking to be heard before the Committee on Patents on the bills now pending before it in support of the protest they make. They are signed by bankers, merchants, farmers, inventors, capitalists; in short, every branch of industry in the land is represented in these signatures. Considering the vast amount of interests involved in this matter and considering also that all of these interests are to a great extent imperiled and held subject to the wisdom of Congress touching all matters relating to the patent laws, and considering further the very able and exhaustive argument made by the honorable chairman of that committee [Mr. PLATT] upon this subject a few days ago, I have felt emboldened to ask the consent of this committee to review its work, and if possible present to the Senate some more equitable, some better mode of remedying the evils complained of than is found in the bills now before the Senate.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from New Jersey that his motion is not the subject of debate under the rules.

Mr. MCPHERSON. I supposed I had unanimous consent to give the reasons why the bills should be recommitted. I hope and trust that the Committee on Patents will not object to a recommittal of the bills, for the purpose of allowing these gentlemen to be heard. I think it is only fair to them, and I hope the committee will not object to such disposition of the bills, because they can be reported back in a short time.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the Senate now proceed to the consideration of the bill (H. R. 3925) to regulate practice in patent suits with a view to moving its recommitment. The motion is not open to debate.

Mr. LOGAN. I desire in aid of the motion of the Senator from New Jersey to offer a memorial, very numerously signed in all the large cities of the United States, making the same request that is made by the motion of the Senator from New Jersey. I desire merely to present the memorial that it may have a reference to the Committee on Patents.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Jersey.

Mr. HARRISON. That proposition——

The PRESIDENT *pro tempore*. The subject is not open to debate.

Mr. HARRISON. I think I must object for the present to the consideration of that measure. It will be a special order that will be reached within a day or two, and then the motion will be properly in order and can be properly considered.

The PRESIDENT *pro tempore*. The motion is now in order to proceed to its consideration.

Mr. HARRISON. I think we had better wait.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey. It is not open to debate.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate, and the Senator from New Jersey moves that the bill be recommitted to the Committee on Patents.

Mr. CONGER. Let the title of the bill be read.

The CHIEF CLERK. A bill (H. R. 3925) to regulate practice in patent suits.

The PRESIDENT *pro tempore*. The question is on the motion to recommit.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from New Jersey now moves that the Senate proceed to the consideration of Order of Business No. 63, being the bill (S. 1115) to amend section 4919 of the Revised Statutes, relating to the recovery of damages for the infringement of patents.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate, and the Senator from New Jersey moves that it be recommitted to the Committee on Patents.

The motion was agreed to.

The PRESIDENT *pro tempore*. The memorials presented by the Senator from New Jersey and the Senator from Illinois will be referred to the Committee on Patents.

Mr. CONGER. In regard to the last motion to recommit the Chair ordered certain memorials to be referred with the bills to the Committee on Patents. There are other remonstrances and petitions, some of which were presented after the bills were reported, and therefore laid on the table. I ask that all petitions and remonstrances in regard to the subject of the patent laws be referred to the Committee on Patents.

The PRESIDENT *pro tempore*. The Senator from Michigan asks that all petitions and remonstrances on the subject of patent bills now on the table be referred to the Committee on Patents. That order will be made if there be no objection.

COURTS IN ALABAMA.

Mr. PUGH. I ask that the Senate proceed to consider Order of Business 339, being the bill (H. R. 3931) to create an additional United States judicial district, and to establish circuit and district courts therein, in the State of Alabama.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the Senate now proceed to the consideration of the bill named by him. The question is on that motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the counties of Sumter, Greene, Hale, and Pickens, included in the southern district of Alabama, and the counties of Tuscaloosa, Bibb, Shelby, and Talladega, included in the middle district of Alabama, shall be hereafter included in and constitute part of the northern district of said State.

SEC. 2. That the said northern district is hereby divided into two divisions, which shall be known as the northern and southern divisions of the northern district of Alabama. The southern division of said northern district shall include the counties of Sumter, Greene, Hale, Pickens, Tuscaloosa, Lamar, Fayette, Walker, Jefferson, Blount, Bibb, Shelby, Saint Clair, Etowah, Calhoun, Cleburne, Clay, Talladega, Cherokee, and De Kalb; and a term of the district court and circuit court of the United States for said northern district shall be held for said southern division at the city of Birmingham, in said county of Jefferson, twice in each year, on the first Mondays in March and September. The remaining counties in said northern district shall constitute the northern division thereof; and the terms of the district and circuit courts of the United States for said northern division shall be held therein at the times and place now prescribed by law.

SEC. 3. That all offenses hereafter committed in either of said divisions shall be cognizable and indictable within the division where committed; and all grand and petit jurors summoned for service in each division shall be inhabitants thereof; and all offenses committed within either of said districts prior to the time this act goes into operation shall be prosecuted and tried as if this act had not been passed.

SEC. 4. That all civil suits not of a local character which shall be hereafter brought in the circuit or district court of the United States for the northern district of Alabama, in either of said divisions, against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside; but if there are two or more defendants, residing in different divisions, such suit may be brought in either division; and all mesne and final process, subject to the provisions of this act, issued in either of said divisions, may be served and executed in either or both of the divisions.

SEC. 5. That all civil suits and proceedings now pending in the circuit or district courts in said State shall not be affected by this act.

SEC. 6. That this act shall be in force from the 1st day of January, 1885; and all laws and parts of laws in conflict with this act are hereby repealed.

The amendment was agreed to.

Mr. CONGER. I did not hear it read fully. But does this provide for the appointment of a marshal and clerk who can perform the duties in this new division of the district?

Mr. PUGH. No, sir; there is no provision for the appointment of any marshal or additional clerk. That is left under the general law. It is wholly unnecessary to have such a provision in the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to add certain counties in Alabama to the northern district therein, and to divide the said northern district after the addition of said counties into two divisions and to prescribe the times and places for holding courts therein, and for other purposes."

The PRESIDENT *pro tempore*. The Calendar will now be proceeded with under Rule VIII. Order of Business No. 237 will be reported.

The bill (S. 1394) for the relief of the trustees of the Southern Illinois Normal University, at Carbondale, Jackson County, Illinois, was considered as in Committee of the Whole.

The preamble recites that on the 26th of November, 1883, the Southern Illinois Normal University, at Carbondale, Ill., was destroyed by fire; and that the following-named articles (the value of which is unknown) belonging to the United States Government were consumed by the fire: Twenty-seven cadet Springfield rifles, caliber .45; thirty-four bayonet scabbards; thirty-four bayonets; thirty-four McKeever cartridge-boxes; thirty-four waist-belts, old pattern; thirty-four waist-plates, old pattern; three light cavalry sabers. The bill proposes to direct the Secretary of War to cancel any indebtedness that the trustees of the Southern Illinois Normal University may owe the Government of the United States in consequence of said fire.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

HERMAN THEUNE.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 38) authorizing the issue of clothing to Sergt. Herman Theune, Company I, Twenty-third United States Infantry. It proposes to authorize the Secretary of War to issue to Sergt. Herman Theune, Company I, Twenty-third United States Infantry, clothing in lieu of and equal in amount to that lost by him at the burning of the old post hospital at Fort Whipple, Ariz., on the 13th of November, 1874.

Mr. PLATT. Is there a report?

The PRESIDENT *pro tempore*. There is no report.

Mr. PLATT. I think somebody ought to explain this measure. By whom is it reported?

The PRESIDENT *pro tempore*. By the chairman of the Committee on Military Affairs, the Senator from Illinois [Mr. LOGAN].

Mr. PLATT. I ask that it be passed over without prejudice until the chairman of the committee comes in.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that the bill be passed over without prejudice, retaining its place at the head of the Calendar under Rule VIII. Is there objection?

Mr. COCKRELL. The Senator from Illinois is now present. I was going to explain the bill, but the Senator from Illinois who reported it can do so.

Mr. PLATT. I withdraw my objection, the Senator from Illinois being in.

Mr. LOGAN. The clothing was lost not by the carelessness of the soldier, and we have usually issued clothing to officers and soldiers under similar circumstances. That is all there is in the case.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY ERBEN.

The bill (S. 1385) to carry into effect the conclusion and recommendation of a board of rear-admirals convened under a joint resolution approved February 5, 1879, in the case of Capt. Henry Erben, United States Navy, was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

ALEXANDER SMILEY.

The bill (S. 351) for the relief of Alexander Smiley was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment, which was, in line 4, to strike out the words "eight hundred and seventy-four dollars and thirty-eight" and insert in lieu thereof "six hundred and sixty dollars and ninety-four;" so as to read:

That the Commissioner of Internal Revenue is hereby authorized and required to remit the amount of $660.94 assessed against Alexander Smiley, proprietor of distillery No. 2, in the county of Mississippi and State of Missouri: *Provided*, That he shall be satisfied that said Smiley has fully paid to the Government all taxes due for spirits actually made by his distillery from the 1st day of February to the 23d day of April, 1875.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABANDONED MILITARY RESERVATIONS.

The bill (S. 1581) to provide for the disposal of abandoned and useless military reservations was announced as next in order.

The bill was read.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business of Friday last; before proceeding with which the Chair will present for reference bills received from the House of Representatives.

HOUSE BILLS REFERRED.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

Joint resolution (H. Res. 137) for printing the annual reports of the Bureau of Ethnology; and

Joint resolution (H. Res. 138) for printing the annual reports of the United States Geological Survey.

The joint resolution (H. Res. 231) providing for the distribution of the Congressional Globe was read twice by its title, and referred to the Committee on the Library.

The bill (H. R. 1340) to establish and maintain a bureau of labor and statistics was read twice by its title, and referred to the Committee on Education and Labor.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal;

A bill (H. R. 320) granting a pension to Kate Amann;

A bill (H. R. 406) granting a pension to Catherine Bullard;

A bill (H. R. 1077) granting a pension to Sarah Miner;

A bill (H. R. 1171) granting a pension to Isabel Campbell;

A bill (H. R. 1197) granting a pension to Anna M. Wehe;

A bill (H. R. 1203) granting a pension to Elizabeth Bauer;

A bill (H. R. 1502) granting a pension to William Robinson;

A bill (H. R. 1752) for the relief of Maria L. Lee;

A bill (H. R. 2348) granting a pension to John D. Rickards;

A bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry;

A bill (H. R. 2702) granting a pension to Mrs. Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy;

A bill (H. R. 2839) to increase the pension of George J. Stannard, late a major-general of volunteers;

A bill (H. R. 3188) granting a pension to Amanda Cutler;

A bill (H. R. 3294) granting a pension to Emma A. Porch;

A bill (H. R. 4014) for the relief of Isaac Reed;

A bill (H. R. 4790) granting a pension to Alexander Saint Bernard;

A bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts;

A bill (H. R. 5070) granting a pension to Temple Golden;

A bill (H. R. 5464) granting a pension to Clarissa Y. Maies; and

A bill (H. R. 5675) granting a pension to Mrs. Susan J. McKenney.

SYSTEM OF BANKRUPTCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States, the pending question being on the amendment proposed by Mr. MORGAN in section 33, line 20, after the word "preferences," to insert:

Or, being insolvent, shall, after the passage of this act, sell or buy, or agree to sell or buy, for delivery at a future period longer than three days from the date of such sale or purchase, any stocks, bonds, or other securities, or, except in the ordinary course of business for the supply of his customers, any grain, food, provisions, provender, or cotton, wool, sugar, salt, or tobacco, without such vender being, at the time of making such contract, the owner, or assignee, or trustee of the property sold, or agreed to be sold, or the authorized agent of such owner. assignee, or trustee.

Mr. HOAR. If the Senator from Alabama will strike out from that amendment the words about his regular customers—I have forgotten the exact phrase——

Mr. MORGAN. The phrase is "for the supply of his customers."

Mr. HOAR. A person who does that "in the ordinary course of business" may have to do it for a new customer, for a person who would not be ordinarily included in that designation.

Mr. MORGAN. I modify my amendment so as to strike out those words.

Mr. HOAR. That being stricken out I am free to say that the Senator has answered by the change of phrase all the arguments which I made against his amendment the other day, so far as I now recollect them. I am still of the opinion that it would be better to have a provision on this subject in a separate bill, not mixing it up with the general subject of bankruptcy, a bill under which there could be penalties imposed in proper cases, and which should regulate the whole subject; but I shall not undertake to interfere with the discretion of the Senator from Alabama in that matter.

Mr. MORGAN. I think that with this provision in the bill it will be a very much stronger bill than it is now. A number of Senators who have conferred with me about it prefer that the amendment should go in. I have therefore modified the amendment as suggested by the Senator from Massachusetts.

Mr. FRYE. I should like to ask the Senator from Alabama a question. I understand what this amendment is for, of course; but does it do anything more than this: If I sell short it is an act of bankruptcy under the amendment; then a petition is presented to put me into bankruptcy, and then the court proceeds to hear, and on the hearing it is found that I am not insolvent at all, but that I am able pay all my debts on call; should I not then be discharged at once?

Mr. MORGAN. Oh, yes.

Mr. FRYE. Then the only punishment would be that I should be liable to be brought before the court.

Mr. MORGAN. Unless it turned out that you were insolvent.

Mr. FRYE. There is no objection to my being in bankruptcy if I am insolvent; but ordinarily the men who sell short are not insolvent.

Mr. MORGAN. I do not know about that.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN] as modified.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Let the amendment be reported.

The PRESIDING OFFICER. It will be read as modified.

The CHIEF CLERK. The amendment, as modified, is, after the word "preferences," in section 33, line 20, to insert:

Or, being insolvent, shall, after the passage of this act, sell or buy, or agree to sell or buy, for delivery at a future period longer than three days from the date of such sale or purchase, any stocks, bonds, or other securities, or, except in the ordinary course of business, any grain, food, provisions, provender, or cotton, wool, sugar, salt, or tobacco, without such vender being, at the time of making such contract, the owner, or assignee, or trustee of the property sold, or agreed to be sold, or the authorized agent of such owner, assignee, or trustee.

Mr. PLATT. I should like to inquire whether the selling of grain or such like products at the Chicago Exchange would be understood to be in the regular course of business?

The PRESIDING OFFICER. The question is on agreeing to the amendment as just read, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I have been for some days paired with the Senator from New York [Mr. MILLER]. I do not see him in his seat, and so I decline to vote.

Mr. WILSON (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Pennsylvania [Mr. MITCHELL]. Not knowing how he would vote if he were here, I refrain from voting.

Mr. LOGAN. I am paired with the Senator from North Carolina [Mr. RANSOM]. I do not know how he would vote on this amendment. I understand that he is against the bill. I should vote against the amendment if he were here.

Mr. SAULSBURY. I am paired with the Senator from Minnesota [Mr. MCMILLAN].

The result was announced—yeas 22, nays 27; as follows:

YEAS—22.

Brown,	George,	McPherson,	Van Wyck,
Call,	Groome,	Morgan,	Voorhees,
Cockrell,	Hampton,	Plumb,	Walker,
Coke,	Harris,	Pugh,	Williams.
Farley,	Jackson,	Sabin,	
Garland,	Lamar,	Slater.	

NAYS—27.

Aldrich,	Dawes,	Hill,	Palmer,
Allison,	Dolph,	Hoar,	Pike,
Bayard,	Frye,	Ingalls,	Platt,
Blair,	Gibson,	Jonas,	Riddleberger,
Cameron of Wis.,	Hale,	Jones of Nevada,	Sawyer,
Conger,	Harrison,	Miller of Cal.,	Sewell.
Cullom,	Hawley,	Morrill,	

ABSENT—27.

Anthony,	Edmunds,	McMillan,	Ransom,
Beck,	Fair,	Mahone,	Saulsbury,
Bowen,	Gorman,	Manderson,	Sherman,
Butler,	Jones of Florida,	Maxey,	Vance,
Camden,	Kenna,	Miller of N. Y.,	Vest,
Cameron of Pa.,	Lapham,	Mitchell,	Wilson.
Colquitt,	Logan,	Pendleton,	

So the amendment was rejected.

The PRESIDING OFFICER. The Chair will call the attention of the Senate to the fact that sections 10 and 11 were informally passed over with the privilege of returning to them, as the Chair finds by a memorandum on the desk.

Mr. GEORGE. Is it in order now to offer amendments to section 33 or 35 of the bill?

The PRESIDING OFFICER. From the memorandum upon the bill made by the President *pro tempore*, the Chair inclines to the opinion that it is not now in order to offer amendments to any section except sections 10 and 11. The Chair will state, however, to the Senator from Mississippi that when the bill is reported to the Senate it will be in order to offer amendments to any section.

Mr. GEORGE. I had the impression that that portion of the bill relating to involuntary bankruptcy could be returned to under an agreement. I may be mistaken as to that.

The PRESIDING OFFICER. The Chair is not able to state, having no recollection and no information. The Chair understands not.

Mr. GEORGE. I will offer my amendments in the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendments made as in Committee of the Whole? Shall the question be taken on concurring in the amendments separately or in gross? If there be no objection, the Chair will put the question on the amendments in gross.

The amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. GEORGE. In section 1, line 32, after the word "publishers," I move to insert "except publishers of newspapers;" so as to read:

"Trader" shall include all merchants, all who make it their business or a part of their business to buy or sell lands, goods, chattels, bills, bonds, notes, stocks, or shares, manufacturers, warehousemen, bankers, brokers, builders, contractors, shipwrights, publishers, except publishers of newspapers, innkeepers, livery-stable keepers, and all artisans who buy the materials for their business on credit.

The effect of the amendment is to withdraw publishers of newspapers from the class of traders against whom involuntary bankruptcy proceedings may be instituted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. HOAR. The business of publishing newspapers is very largely done now (not exclusively by any means) by corporations or joint stock companies, almost always where the newspaper has a considerable circulation; so that the exception which the Senator makes would not relieve a great many individuals. These are a class of persons also whose business goes beyond State lines. They are large buyers of paper, of course. That is their great purchase. Then they are very large employers of labor. So the effect of the Senator's amendment is to put this class of persons and corporations out of the reach of their laborers or employés for compulsory process, and if they were excepted from the voluntary part it would have the effect of preventing their getting a

discharge. But I do not understand that the Senator means to except them from the voluntary part.

Mr. GEORGE. No, sir.

Mr. HOAR. I do not see any reason why a publisher of a large newspaper should not stand as liable to be required to make an equal division of his property among his creditors (who are almost always, with the exception of the men who supply him his paper and materials, the workmen in his office—jobbers, job-printers, journeymen) as any other class of men.

Mr. GEORGE. I will state the reasons which induced me to offer the amendment. In the first place, publishers of newspapers are not traders in the ordinary sense of the term. They do not buy to sell again. They buy materials, work them up, and then sell again.

In the next place, the history of this country shows that if some of the largest and most influential papers had been subjected to the harsh provisions of this proposed law they would have been failures. The starting of a large newspaper is a very serious enterprise, as I understand, and they frequently struggle through years of adversity, relying upon the indulgence of their creditors to enable them to make a success. If an enterprise of that sort were started under the provisions of this bill, as soon as there should be a failure on the part of the publishers to pay their debts or any of them within thirty days after they fell due there would be an end of the enterprise.

Again, I object to the provision as it is found in the bill for the reason that it will enable persons who desire to break down a rival newspaper or to control its opinions to go into the market when nobody is disturbing it, when it is behind, but when its creditors are willing to indulge it, and to buy up its paper and either control its political opinions or destroy it. I think no newspaper ought to be subjected to an influence of that sort.

Mr. HOAR. My honorable friend from Mississippi seems to base nearly all his amendments on the ground that involuntary bankruptcy is a certain hardship or power over a man who can not pay his debts which would not otherwise exist. That is an unsound view of this proceeding. If the man is in debt and there is a single creditor of his—and of course he can not be put into involuntary bankruptcy without the consent of a number of creditors ordinarily——

Mr. GEORGE. Only three.

Mr. HOAR. Well, three. If there is a single creditor of his who wants to attach his property and seize it on execution and get a preference to himself he can do it. He can do everything that the Senator says if this proposed bankrupt law does not pass, or if it remains as it is, as to the particular class of persons he wants to except from it.

The only function of a bankruptcy bill, so far as it contains clauses of involuntary bankruptcy, is to take away from the debtor the power of preferring special creditors and compelling him to treat all creditors alike. That is all there is of it. The involuntary bankrupt gets his discharge; he gets all the indulgence of the act; he gets all the benefit of the act as much as the voluntary bankrupt; but the statute comes in and says that in certain cases if you owe debts you shall not allow an individual creditor to come in and attach your property on mesne process in States where that exists, or to seize it on execution in States where that alone exists, and take it to himself; you shall divide it equally. That is all there is in involuntary bankruptcy. In the case of an honest man he gets his discharge.

Now, why should not the great joint stock company that runs the New York Tribune, or the Boston Herald, or any other of the great newspapers of the country in our large cities and towns, if they can not pay their debts, be compelled by their laborers to divide equally with them?

Remember, Mr. President, and I should like to have my friend from Mississippi remember, that at common law there is no preference of the laborer. At common law the workman is not preferred to the United States with its tax or its debt, or to the State with its tax or its debt. At common law the first come is first served. The creditor to whom the debtor confides his purpose to fail, and to whom he makes a favorite preferment, gets it. The bankrupt law comes in and says, "If you are in difficulties you shall divide equally, and then you shall have your discharge if you act honestly, just as you would do if you went in yourself;" but the laborer shall be preferred according to the very liberal amendment in which my honorable friend from Mississippi had so considerable a part, enlarging even the liberal provisions of the bill. In bankruptcy the laborer shall stand before the United States and before the State.

My honorable friend's amendment is that if a great newspaper corporation wants to fail the laborers shall not have all this advantage; if a great newspaper wants to fail the man who is secretary, or president, or a director of that corporation may put off his hands. It is not for the interest of that man, suppose him to be looking after his selfish interests, to prefer his laborers. He can discharge a hundred or five hundred type-setters or the men who run the engine, and a thousand more throughout the country are ready to take their places; but in order to start again he wants to get his credit with the great manufacturer who furnishes him with paper; he wants to get his credit with the banks who discount his notes, and therefore he prefers that class of creditors, and if he is a selfish man he will let the laborers whistle. Now comes in my friend from Mississippi and says: "Oh, no; he shall do all that if he is the publisher of a newspaper." So his amendment of to-day seems to be in very great conflict with the very liberal amendment which on his motion the Senate passed last week.

Mr. GEORGE. My friend from Massachusetts is so ingenious that he has succeeded in putting me on the side of the question which he occupied and putting himself on the side which I occupied in this amendment.

It is true that some newspapers are very rich, including those he has named, but I will venture to say that there are few, if any, of the very large and very influential papers published in this country which did not in their inception, in their youth, struggle through a period of embarrassment and inability to meet their debts within thirty days after they fell due, and if such a bankruptcy law as the pending measure had been enforced against them those enterprises never would have ripened into the greatness and eminence which they afterward attained. This bill subjecting the publishers of newspapers to the involuntary feature of bankruptcy proceedings in effect prevents the establishment of any new paper or the attempt to establish any new paper except by large capitalists who can furnish the money to put the newspaper over the trouble which all newspapers incur when they are first started.

The Senator insists that if I insert in the bill "except publishers of newspapers" the result will be that the type-setters in the great newspaper offices of this country will not be paid. I might ask the Senator, are they paid to-day? He would be obliged to answer that they are, because without the payment of the type-setters I should like to know how the paper could be published. If they are paid to-day they are paid under the very same law exactly that would exist with reference to them after the passage of this act. It is the same as exists with reference to them to-day. There is now no bankrupt law. There is no provision now requiring the publisher of a newspaper to divide out his assets equally among his laborers and other creditors; and yet he does pay the workmen because he is obliged to pay them to get out his paper. What I want to do is to prevent this proposed bankrupt law from taking effect as to a newspaper publisher so that, owing his printers and other laborers, he may be proceeded against because he may be in default to some person from whom he bought paper, and, being thus proceeded against, I wish to have him prevented from paying the parties who furnished him material in preference to his employés. That is the attitude of the question, and not as presented by my friend from Massachusetts.

There is no reason for the provision as it stands in the bill. There is no demand for it. There is nobody in this country clamoring to put newspapers on the list of traders against whom involuntary proceedings in bankruptcy can be instituted. I understand the clamor to be by the large capitalists in the great cities of this country to have an involuntary bankruptcy law as against their country customers. That is the great demand. I have heard it suggested nowhere, nobody has been making any complaint that the newspapers of the country are not complying with their agreements honestly and fairly, or if they are behind at any time—as all of them have been at some period of their lives—that they are not paying their debts as they ought to pay them. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GARLAND. I suggest to the Senator from Mississippi a little change in the amendment. The word "publishers," in line 32, is intended to be a specification of what is meant by "traders." The definition is given there and afterward in line 34, "but shall not include persons who buy goods and merchandise for sale only to their attendants, employés," &c. After the word "laborers," in line 35, I suggest the amendment "nor publishers of newspapers."

Mr. GEORGE. Very well.

Mr. GARLAND. That I think makes a suggestive difference between the two expressions as they occur there, which is really the gist of the amendment offered by the Senator from Mississippi. In line 32, where they make a profit by buying and selling other matters of publication, books, &c., they ought to be left there. I concur with the Senator from Mississippi, that if they are publishers of newspapers merely, they should be exempt, and therefore there should be a negation of the word "trader" in line 27.

Mr. GEORGE. I adopt the suggestion.

The PRESIDING OFFICER. Does the Senator from Mississippi propose so to modify the amendment?

Mr. GEORGE. Yes, sir; I will insert the words at the point indicated by the Senator from Arkansas.

The PRESIDING OFFICER. That can only be done by unanimous consent, as the yeas and nays have been ordered upon the amendment as offered. Is there objection to the Senator from Mississippi modifying his amendment? The Chair hears none, and it is so modified. The question is on agreeing to the amendment of the Senator from Mississippi as modified.

Mr. GEORGE. I will put in the amendment in line 41 after the word "sale."

The PRESIDING OFFICER. The Secretary will insert it and report.

The CHIEF CLERK. In section 1, line 41, after the word "sale," it is proposed to insert the words "nor publishers of newspapers;" so as to read:

Nor publishers of newspapers, unless such persons so excluded be otherwise traders within the meaning of this act.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Mississippi.

The Secretary proceeded to call the roll.

Mr. BECK (when Mr. DAWES's name was called). The Senator from Massachusetts [Mr. DAWES] is absent temporarily, and requested me to pair with him. I think he would vote "nay," and I should vote "yea."

Mr. COKE (when Mr. MAXEY's name was called). My colleague [Mr. MAXEY] is in Texas at this time, and is paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. SAULSBURY (when his name was called). On this question I am paired with the Senator from Minnesota [Mr. MCMILLAN]. If he were here I should vote "yea."

Mr. WILSON (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

The roll-call was concluded.

Mr. HAMPTON. My colleague [Mr. BUTLER] has been called away. During his absence he is paired with the Senator from Pennsylvania [Mr. CAMERON]. I make the announcement for the day.

Mr. KENNA. I am paired on all questions with the Senator from New York [Mr. MILLER].

Mr. CAMDEN. I am paired on all questions with the Senator from Pennsylvania [Mr. MITCHELL] during his absence.

Mr. LOGAN. Since pairing with the Senator from North Carolina [Mr. RANSOM] the pair has been transferred to the Senator from New York [Mr. LAPHAM], both being absent, so that I am released. I vote "nay."

The result was announced—yeas 22, nays 26; as follows:

YEAS—22.

Brown,	Garland,	Jonas,	Van Wyck,
Call,	George,	Jones of Florida,	Voorhees,
Cockrell,	Groome,	Morgan,	Walker,
Coke,	Hampton,	Pugh,	Williams.
Colquitt,	Harris,	Slater,	
Conger,	Jackson,	Vance,	

NAYS—26.

Aldrich,	Dolph,	Hoar,	Platt,
Allison,	Frye,	Ingalls,	Riddleberger,
Bayard,	Gibson,	Jones of Nevada,	Sawyer,
Blair,	Hale,	Logan,	Sewell,
Bowen,	Harrison,	Morrill,	Sherman.
Cameron of Wis.,	Hawley,	Palmer,	
Cullom,	Hill,	Pike,	

ABSENT—28.

Anthony,	Fair,	McPherson,	Pendleton,
Beck,	Farley,	Mahone,	Plumb,
Butler,	Gorman,	Manderson,	Ransom,
Camden,	Kenna,	Maxey,	Sabin,
Cameron of Pa.,	Lamar,	Miller of Cal.,	Saulsbury,
Dawes,	Lapham,	Miller of N. Y.,	Vest,
Edmunds,	McMillan,	Mitchell,	Wilson.

So the amendment was rejected.

Mr. GEORGE. At the same point, section 1, line 41, after the word "sale," I move to insert:

Nor any publisher of a newspaper whose capital invested in his business shall not exceed $5,000, exclusive of the good-will in said business.

My purpose is that the little country papers shall not be subject to these involuntary proceedings. I call for the yeas and nays upon the amendment.

Mr. PLUMB. Five thousand dollars capital would be the basis of a very considerable country newspaper office in any part of the country besides Mississippi. It seems to me if the Senator wants to include only country newspapers he had better put the amount a good deal less than $5,000, because that would cover a dozen country newspapers in the part of the country in which I live.

Mr. GEORGE. I think that is low enough. If that will not do, we can go a little lower the next time.

Mr. HOAR. How is it possible on an application in involuntary bankruptcy to settle the question of the amount of capital a man has in his business and what his good-will is worth?

Mr. GEORGE. "Exclusive of the good-will."

Mr. HOAR. I know; but you have to settle what the good-will is worth then.

Mr. GEORGE. I suppose there would be no difficulty in one of the bankruptcy courts finding out how much capital a man has.

Mr. HOAR. It would involve a long inquiry. There is now one single act of bankruptcy, the simple ascertainment of the amount of the man's debts and of the amount and value of the assets. Now, you propose to complicate the bill with what no bankruptcy system ever had in it or ever could have in it and work, by causing injuiries as to the value of a man's good-will and as to the amount of capital he has in the business. It is on utterly impracticable amendment. I hope it will be voted down.

The PRESIDING OFFICER. Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. VANCE (when Mr. RANSOM'S name was called). My colleague [Mr. RANSOM] is paired with the Senator from New York [Mr. LAPHAM].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Minnesota [Mr. MCMILLAN].

Mr. WILSON (when his name was called). I desire to state that my pair with the Senator from Ohio [Mr. PENDLETON] extends to all questions connected with this bill.

The roll-call having been concluded, the result was announced—yeas 14, nays 31; as follows:

YEAS—14.

Brown,	George,	Slater,	Walker,
Call,	Groome,	Vance,	Williams.
Coke,	Harris,	Van Wyck,	
Conger,	Pugh,	Voorhees,	

NAYS—31.

Aldrich,	Garland,	Ingalls,	Pike,
Allison,	Gibson,	Jackson,	Platt,
Bayard,	Hale,	Jones of Florida,	Plumb,
Bowen,	Hampton,	Jones of Nevada,	Riddleberger,
Cameron of Wis.,	Harrison,	Logan,	Sawyer,
Cullom,	Hawley,	Miller of Cal.,	Sewell,
Dolph,	Hill,	Morrill,	Sherman.
Frye,	Hoar,	Palmer,	

ABSENT—31.

Anthony,	Dawes,	Lapham,	Morgan,
Beck,	Edmunds,	McMillan,	Pendleton,
Blair,	Fair,	McPherson,	Ransom,
Butler,	Farley,	Mahone,	Sabin,
Camden,	Gorman,	Manderson,	Saulsbury,
Cameron of Pa.,	Jonas,	Maxey,	Vest,
Cockrell,	Kenna,	Miller of N. Y.,	Wilson.
Colquitt,	Lamar,	Mitchell,	

So the amendment was rejected.

Mr. GEORGE. I now offer an amendment, and I call the attention of the Senator from Massachusetts to it, to remove an ambiguity which I think exists in the bill. In section 1, at the end of line 37, I move to insert the words "buy materials for their business, if they;" so as to read:

Nor mechanics of any kind who buy materials for their business, if they habitually labor at their trade.

Mr. HOAR. I am quite sure of satisfying the Senator from Mississippi so that he will not press that amendment. I think the Senator will see that this strikes at all mechanics who habitually labor at their trade, whether they buy materials for it or not. If a mechanic habitually labors at his trade and does not buy materials for it, the Senator's amendment leaves him subject to the bankruptcy law. In other words, he has moved an amendment which makes the mere laboring mechanic subject to involuntary bankruptcy proceedings when the laboring mechanic who buys material also is not subject. The bill includes both. If the man's business is that of a mechanic and he habitually labors at his trade he is not the subject of involuntary bankruptcy.

Let me repeat: the Senator wants to limit as far as possible the province of involuntary bankruptcy; he does not want a mechanic made the subject of it at all. The bill says that mechanics who habitually labor at their trade shall not be the subject of it. Although they may buy the materials upon which they labor, still they are not the subject of it. Now, the Senator wants to amend by adding mechanics who labor at their trade and buy materials, so that the man who labors at his trade but does not buy materials, who is a still smaller one, is left to be the subject of involuntary proceedings, and the Senator's amendment is defeating his own object.

Mr. GEORGE. I am very much obliged to the Senator for making that explanation, though it is not worth a cent. His argument would do if it were not for the last two lines of the section, "unless such persons so excluded be otherwise traders within the meaning of this act." Of course a mechanic who labors at his trade would not, because he is a mere mechanic laboring at his trade, be under any circumstances a trader under the definition of the act; but suppose he buys material, then by force of the last two lines in the section he would become subject to the provisions of the act as a trader. Now, if the Senator will strike out "unless such persons so excluded be otherwise traders within the meaning of this act," I shall withdraw my amendment. Without such erasure the thing stands thus: A mechanic who labors at his trade and does nothing more under another definition in this proposed act can be a trader, but it is because he may do something more, he may add to his labor as a mechanic something of the business of a trader which will subject him to the provisions of this act, and by force of the last two lines, to which I have called attention, although he might be a mechanic laboring at his trade, yet if he bought his materials he would be liable to the provisions of this act. So the effect of my amendment is to say that although he may be the purchaser of his materials, yet if he habitually labors at his vocation he shall not be a trader within the meaning of this act.

Mr. HOAR. Allow me to add one word. The act perfectly protects that class of persons now. It is well settled everywhere in the law that

a man who buys material which he makes up into an article which he sells, the product of his labor, is not a trader or seller. The familiar exposition of the statute of frauds is that a contract for the sale of goods of more than $50 in value must be in writing to be binding, but it is well settled that a man who contracts to make and sell a wagon, which he makes and sells, is not within the prohibition of that statute.

Mr. GEORGE. That would be a very good answer to my suggestion if it were not for the word "manufacturers," which is contained in the bill as one of the classes who are to be deemed "traders." Where is the line between a mechanic who works at his trade and makes a wagon or a plow and the manufacturer? Where does one commence and the other end?

Mr. HOAR. Will my friend allow me to ask him if he means to exclude all manufacturers from the bill?

Mr. GEORGE. No, sir, I do not; but I do mean to say that if mechanics were not specifically excepted they would be included under the term "manufacturers."

The PRESIDING OFFICER (Mr. HALE in the chair). The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. GEORGE].

The amendment was rejected.

Mr. GEORGE. In section 33, line 20, I move to strike out the words "or without" before "preferences," and to insert after "preferences" the words "prohibited by this act;" so as to read:

Or who, being insolvent, makes a preference to any creditor as hereinafter defined, or makes an assignment for the benefit of existing creditors with preferences prohibited by this act, shall be deemed to have committed an act of bankruptcy.

The object of the amendment is simply to allow an insolvent debtor to make an assignment if in making it he gives no preferences to any one, but provides for all, or at least makes no preferences prohibited by this act.

Mr. HOAR. The Senator proposes to allow what is void by common law, certainly in my State, and in most of the States what is void under the statute of Elizabeth. No man has a right at common law, as interpreted, I venture to say, in most of the States, and perhaps in all the States in this country, to say, "I will put beyond the reach of attachment and beyond the reach of the law my property for the benefit of my creditors." He may make a preference at common law, and he may convey to a trustee, if the creditors assent; but if they do not assent he has no right to say, "I will put my property where the law can not reach it and make my creditors rely upon fidelity to some instrument that I put in the place of the methods provided by law." To say that a man may do that, and in that way put his property beyond the reach of the bankrupt law, is enacting in this measure a privilege which the common law itself nowhere allows.

Mr. GEORGE. I do not agree with the Senator that at common law an insolvent may not divide his property out, assigning it to his creditors equally. Certainly a law which would allow a man to assign all his property for the benefit of one creditor or two creditors would not prevent him from assigning it for the benefit of all his creditors. But if I were mistaken on that subject, this whole bill is overturning the common law, and it would be right and proper in that case to make the exception or the repeal of the common law which this amendment of mine attempts to do.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. GEORGE].

The amendment was rejected.

Mr. GEORGE. At the end of section 33 I propose to amend by inserting the following words, which were taken literally from the bill reported by the Judiciary Committee at the last Congress, defining what insolvency means:

Insolvency under this act shall be deemed to exist only when the debtor's liabilities exceed in amount the value of his property liable to execution and the available debts due him.

On that I call for the yeas and nays. I do not care to argue it.

The PRESIDING OFFICER. The yeas and nays are demanded on agreeing to this amendment.

The yeas and nays were ordered.

Mr. HOAR. It is true this language was included in one bill reported to the Senate, but I think I am not stating anything which is in error in saying that every gentleman who favored that bill was satisfied before the matter was over that that definition would not answer; that it was not a sound or correct one, and if that bill had passed it would have passed with a striking out of that provision, because it is very clear that a man may be not only unable to pay his debts but unwilling to pay his debts, and may be meditating all manner of preferences or withdrawal, whose property at a particular time might be valued at a sum more than the whole of his debts.

Solvency is a business term well-settled in the law. It is a practical question. It is the ability to pay your debts not necessarily at the given hour or day, but, as business men use the phrase, within a reasonable time and in the course of business. There is one illustration which shows what it is. Suppose, Mr. President, you lent to some young man who is your friend a sum of money to educate him for a profession, to hire and furnish an office and buy a law library, and he gives you his note for three or four thousand dollars on demand. You do not expect to call for that money until the young man has earned it in the course of his business. You may not do so for several years. Although that man has not a dollar in the world, and although he owes a note on demand by its terms of three or four thousand dollars, he is not insolvent within the meaning of the law. There is no debt which in the course of business anybody proposes to exact from him, and which he is called upon to pay. But you lose your confidence in him; he takes to gambling, and you come to the conclusion that you will demand that debt, and put it in suit. That very change of purpose on your part makes him insolvent, because he can not pay the debt, it being demanded of him in the ordinary way.

The Senator's definition of insolvency will fail everywhere. No insolvent system which took that for the definition would do justice to anybody.

Mr. GEORGE. I send to the Clerk's desk the CONGRESSIONAL RECORD, and I ask to have read an extract from the speech of the Senator from Arkansas [Mr. GARLAND] on this subject, made on the 7th of December, 1882, as the best reply to the argument made by the Senator from Massachusetts.

The PRESIDING OFFICER. The matter will be read.

The Chief Clerk read as follows:

The bill on page 3 reads:

"Insolvency under this act shall be deemed to exist only when the debtor's liabilities exceed in amount the value of his property liable to execution and the available debts due him."

When the bankrupt act of 1867 was passed, upon a reading of it most carefully it was my opinion that the word "insolvency" in that act meant what this bill now defines that it shall be if it becomes a law; but upon the first case that was made raising that question the courts adjudicated that such was not the case; that insolvency meant, without regard to the assets of the debtor, without regard to the balances, as to whether he was worth more than he owed, as we say, that if he did not pay his commercial paper or his debts as they fell due in fourteen days he was an insolvent within the meaning of that act. I thought then, as I have thought since and now think, that that is not proper. I do not think the country should have an act of bankruptcy of that character.

To put the Senate in full possession of the question I will refer to the case I alluded to just now, in 13 Wallace, the case of Toof *vs.* Martin, commencing upon page 40. The question presented there was this:

"Did the inability of Haines & Co."—

Who were the bankrupts, so called—

"to pay their debts in money as they fell due constitute 'insolvency,' within the meaning of the bankrupt act, on their part? Now, 'insolvency' does not mean inability to pay in money. An insolvent is one who can not pay or who does not pay his debts, or whose debts can not be collected out of his means by legal process. (2 Burrill's Law Dictionary, title Insolvent.)

"By universal acceptation of the word in this country and in England, if a party's available means which he can use in paying his debts exceed those debts he has never been deemed insolvent"—

Referring to the authorities.

"If even there are debts due which the party is unable to meet; yet if by arrangements made with his creditors, their promises to aid him, his assets overbalancing his debts, his credit good, and his prospects in business for the future encouraging, he still goes on in his business, he is not insolvent."

That was the argument which I pressed before the Supreme Court in the case of Toof *vs.* Martin as an exposition, as an interpretation of the act of 1867. Upon that point the Supreme Court, affirming the decision of the court below, ruled against me, and held that "insolvency," as used in the bankrupt act and applied to traders and merchants, is—

"The inability of a party to pay his debts as they become due in the ordinary course of business."

Of course we have to yield that such is the legal construction of that act; the highest tribunal in the land has settled it. I wish to make specific in this act a different conclusion. For example, take the administration of estates in probate courts, or by whatever name you may call them in the different States. A man's estate is not adjudged to be insolvent as long as his available assets overbalance his debts. Under this decision, in an agricultural country like that of my State, and the State of the honorable Senator on my left [Mr. GEORGE], and your State, sir [Mr. COCKRELL in the chair], there would not be, I undertake to say, in the large cities ten firms who were solvent; for with our annual return of crops, at the maturing of them, with the coming on of the red leaves of autumn and the gathering of them with the frosts of the winter, is the only time when we have capital upon which to pay our debts. They are not like Eastern States, which turn out every day their manufactures and turn out everything that can bring money.

We have our annual time of settlement, which is based in one State upon cotton, in another upon sugar, in another upon hemp and tobacco, by the annual recurrence of these crops. A man might have $20,000 worth of these goods under that act, and owe $500 only, and have $10,000 worth of debts. The very best men in the country could not get money because the crops were not in, and under that decision they would be adjudged insolvent. That I wish to remove under the bankrupt bill that is to be made a law, if you pass any at all. It is a serious and an important consideration for the country. As Judge Field, who delivers the opinion of the court, says, yielding to the force of the argument that was pressed, insolvency could not be held to mean the same thing, even under the strained construction of that act, in all parts of the country.

Mr. GEORGE. I rest the defense of my amendment upon the extract which has just been read from the speech of the Senator from Arkansas on that subject, delivered less than two years ago.

Mr. GARLAND. This is a very important question in this proceeding, and is one which has caused me more thought and study than all others connected with the bankruptcy bill. The Supreme Court, as I stated in the remarks which the Senator from Mississippi has had read at the Clerk's desk, gave the former law of 1867 what I consider a harsh and rigid interpretation of the word "insolvency," and the court in delivering that opinion even itself intimated that probably there would not be a uniformity of interpretation all over the country. Other authorities followed that, but some of them in a qualified manner. I will read from a collection of them, not detaining the Senate long, in which it is stated:

Insolvency, in the sense in which the word is used in the bankrupt law, means

an inability to pay debts in the ordinary course of business. The amount of the debtor's property as compared with his debts is of no consequence if the alleged bankrupt is unable to pay the demands against him as they mature, in money.

Referring to some six or seven cases besides the one I alluded to in the remarks which have just been read, the author proceeds:

The definition of insolvency usually given in commercial circles should not be applied in country places or to others than traders. (*In re* Miller, 3 B. R., 225; Hall *vs.* Wager, 5 *id.*, 182.)—*Blumenstiel's Law and Practice in Bankruptcy*, page 93.

When the bill was reported by the honorable Senator from Kansas [Mr. INGALLS], which I favored over two years ago, called the bankruptcy bill, by proceedings in the nature of a creditor's bill, the committee reported favorably the suggestion that is now made by the Senator from Mississippi. That form of proceeding or that character of bill was voted down by the committee at this session, and the one that we have before us in the main substituted in its place. When we came in the discussion to this matter of insolvency the same question was brought up before the committee that is now proposed by the Senator from Mississippi; and as a compromise, upon the idea of taking the harsh and unbending theory of insolvency, as interpreted by the court in the case of Toof *vs.* Martin, and others, subsequent to that time as applying to centers otherwise than commercial, the committee agreed upon the proviso on page 22, in section 33, beginning at line 49:

That if the debtor shall make oath that his property liable to be applied under this act to the payment of his debts provable under the same exceeds in value the amount of such debts, and he expects and intends to resume payment, and therefore to pay his said debts in full, the court on being satisfied of the truth of said allegations may, if justice require, postpone hearing on said petition for a period not exceeding ninety days, and may meantime make such order as it shall deem necessary and expedient to enable the debtor to apply his property to the satisfaction of his debts, and if within said period the debtor shall have resumed payment, may cause the proceedings to be staid.

The committee agreed upon this proviso as a compromise between the two ideas, the one defining insolvency as the Senator from Mississippi now seeks to define it, and the other leaving it upon the harsh construction, as I have always believed, given by the courts under the act of 1867. If it is left to the simple word "insolvency" for the court to interpret and bend about in agricultural sections and commercial centers and *vice versa*, there would be necessarily a lack of uniformity in the construction of this law in the different sections of the country. So we considered that it was best to let the party come in and upon his oath to the court and such other testimony and facts surrounding the whole case as the court might have before it, make an order suspending the operation of the law for any time not exceeding ninety days to allow this person to see whether by proper disposition of his assets he could meet his debts.

I think, after all the consideration I could give it, this is a better disposition of the matter than the amendment now offered by the Senator from Mississippi, which I did favor under the bill heretofore reported by the Senator from Kansas.

If it be deemed necessary the time might be extended, and instead of ninety days put it four months, or five months, or six months if you please, and I believe that under the general framework of this bill and the theory accompanying it, this is a better disposition than to make any definition of insolvency as applied to different sections of the country. This proviso applies to all alike, commercial centers, so to speak, the agricultural sections, and so on; and after very careful, and I may say painful, investigation of this subject—because this particular point affects my constituency more than any other embodied in the bill—I think this is a better solution of the matter than to attempt to give a definition in the act to insolvency.

Mr. GEORGE. Mr. President, with due deference to the Senator from Arkansas, I do not think that the proviso on which he relies has the effect he expects it to have. In the first place the proviso is subject to very serious objection, for it leaves it to the discretion of the court to make its will the law of the land instead of the written law itself. Where the discretion of a judge commences there also commences tyranny. It is left entirely to him. If he has a friend, if he has a favorite whom he desires to advance or favor, he may make the order. If the party before him stands in no such relations to him he is under no obligation to make the order. The language of the proviso is:

The court, on being satisfied of the truth of said allegations, may, if justice require, postpone hearing on said petition for a period not exceeding ninety days.

I do not want it left to the discretion of any judge to say whether this citizen, this debtor, shall have the privilege of going on with his business and have that privilege granted to him, and that citizen shall not have it. If we pass the law we ought to make it for all alike, whether they happen to be the friends of the court or not. We are not here to turn over the fortunes of our constituents to the mere discretion of a judge. Let him be bound by the law, let him administer the law; do not give him any discretion about it. I can see that very great wrong may be perpetrated under it. In some instances, as I have intimated, this privilege may be granted to the friends and favorites of the judge, those whom he knows, and who may be unworthy, and in other instances it may be refused to those who most deserve it. I am unwilling to leave the fortunes of our people to any such discretion of any man or any court, and I may add here what I said the other day, that there is no tribunal, there is no agency which is so ill qualified to administer a bankrupt's estate or to attend to business as a court.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi [Mr. GEORGE] on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BECK (when the name of Mr. DAWES was called). The Senator from Massachusetts [Mr. DAWES] is absent, and I am paired with him. If present, he would vote "nay," and I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 11, nay 34; as follows:

YEAS—11.

Brown,	George,	Slater,	Voorhees,
Call,	Hampton,	Vance,	Walker.
Coke,	Pugh,	Van Wyck,	

NAYS—34.

Aldrich,	Edmunds,	Ingalls,	Pike,
Allison,	Frye,	Jackson,	Platt,
Bayard,	Garland,	Jonas,	Plumb,
Blair,	Gorman,	Jones of Nevada,	Riddleberger,
Bowen,	Hale,	Logan,	Sabin,
Cameron of Wis.,	Harrison,	Manderson,	Sawyer,
Conger,	Hawley,	Miller of Cal.,	Sewell.
Cullom,	Hill,	Morrill,	
Dolph,	Hoar,	Palmer,	

ABSENT—31.

Anthony,	Fair,	Lapham,	Pendleton,
Beck,	Farley,	McMillan,	Ransom,
Butler,	Gibson,	McPherson,	Saulsbury,
Camden,	Groome,	Mahone,	Sherman,
Cameron of Pa.,	Harris,	Maxey,	Vest,
Cockrell,	Jones of Florida,	Miller of N. Y.,	Williams,
Colquitt,	Kenna,	Mitchell,	Wilson.
Dawes,	Lamar,	Morgan,	

So the amendment was rejected.

Mr. GEORGE. I offer the following amendment, to come in at the close of section 33:

And under this act no security given or payment made shall be deemed an unlawful preference if it be for no greater part of the debtor's estate than would be the share of the creditor receiving such payment or security, if the said estate were then divided equally among all the creditors.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HOAR. I thought that was rejected by the Senate the other day by a very large vote, in substance; but I do not wish to discuss it further than to say that if the creditor does what is mentioned in the amendment, not intending to prefer, the bill does not affect him now; but if a man is only able to pay 90 cents on the dollar, and pays that and no more to one creditor, intending to cheat all the rest, he would be allowed to do it by this amendment. The intent to prefer, not the question how much the creditor gets, is the point.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Mississippi [Mr. GEORGE], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). The Senator from Maine [Mr. HALE] has been called out of the Senate Chamber for a few moments and I have paired with him. If he were present, I would vote "yea" and he would vote "nay" on this amendment.

The roll-call was concluded.

Mr. CAMDEN. I desire to repeat the announcement of my pair with the Senator from Pennsylvania [Mr. MITCHELL].

The result was announced—yeas 9, nays 36; as follows:

YEAS—9.

Call,	Hampton,	Vance,	Voorhees,
Coke,	Slater,	Van Wyck,	Williams.
George,			

NAYS—36.

Aldrich,	Dolph,	Hill,	Morrill,
Allison,	Edmunds,	Hoar,	Palmer,
Bayard,	Frye,	Ingalls,	Pike,
Blair,	Garland,	Jackson,	Platt,
Bowen,	Gibson,	Jonas,	Plumb,
Cameron of Wis.,	Gorman,	Jones of Nevada,	Pugh,
Colquitt,	Groome,	Logan,	Sawyer,
Conger,	Harrison,	Manderson,	Sewell,
Cullom,	Hawley,	Miller of Cal.,	Sherman.

ABSENT—31.

Anthony,	Fair,	McMillan,	Ransom,
Beck,	Farley,	McPherson,	Riddleberger,
Brown,	Hale,	Mahone,	Sabin,
Butler,	Harris,	Maxey,	Saulsbury,
Camden,	Jones of Florida,	Miller of N. Y.,	Vest,
Cameron of Pa.,	Kenna,	Mitchell,	Walker,
Cockrell,	Lamar,	Morgan,	Wilson.
Dawes,	Lapham,	Pendleton,	

So the amendment was rejected.

Mr. GEORGE. I offer the following amendment in section 35, line 6, after the word "thereafter," to insert:

But no such order shall be made until the petitioners shall have given bond, in a sufficient penalty, with good sureties to be approved by the judge, conditioned to pay and satisfy all such damages which the defendant may suffer by reason of such order and proceedings, if the same be not sustained, and also to pay and satisfy all costs that may be recovered against the petitioners. And reasonable counsel fees shall be included in such damages; and, if it appear that such proceedings were commenced without probable cause, or maliciously, or in conse-

quence of the failure or refusal of the debtor to give the petitioners, or any one or more of them, a preference, then exemplary damages may be recovered. And in all cases where the damages assessed, together with the cost, exceed the penalty of the bond judgment shall be entered on the bond to the amount of the penalty, and also against the petitioners for the excess.

Mr. HOAR. That was voted down the other day in substance, and the bill provides amply for the creditors.

Mr. GEORGE. It was only voted down by one vote, 19 to 20, and there are some additional provisions put in which I thought would commend the proposition to the Senate, especially that part of it which subjects the party to exemplary damages in case he brings suit maliciously or without probable cause, or because he has been refused in a demand made for a preference.

Mr. HOAR. It changes the law as to the measure of damages and puts upon a person prosecuting one legal remedy that is not put upon him in any other.

Mr. GEORGE. I can not hear the Senator from Massachusetts. Will he speak louder?

Mr. HOAR. I have got through, sir. What I said was that this changed the law as to the measure of damages into a law which does not exist in many of the States in any case whatever. There is no such thing as vindictive damages in our State and in many others. It puts a burden on a person prosecuting one legal remedy which is not put upon him in any other. I hope it will be voted down.

Mr. GEORGE. I ask for the yeas and nays.

The yeas and nays were not ordered, six Senators only rising to second the call.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Mississippi.

Mr. GEORGE. I call for a division.

The question being put, the ayes were 7.

Mr. GEORGE. I give it up; I do not insist on the other side being counted.

The PRESIDENT *pro tempore*. The amendment is disagreed to.

Mr. FARLEY. I offer an amendment to the bill. Section 107, I understand, has been stricken out in committee, and I wish this to come in at the end of the bill in the place of section 107 that has been stricken out:

SEC.—. Proceedings commenced before the passage of this act under any State insolvent laws shall not be impaired or affected hereby.

Mr. HOAR. I hope that amendment will be adopted. I think the bill secures that now sufficiently, but the Senator from California having some doubt about it, it should be made perfectly clear.

The amendment was agreed to.

Mr. VAN WYCK. In section 19, I move to amend by striking out on line 13, after the word "year," to the close of that section. Not having followed the discussion closely——

The PRESIDENT *pro tempore*. The amendment will be reported for the information of the Senate, after which the Senator will be recognized.

The CHIEF CLERK. The proposed amendment is in section 19, line 13, after the word "year," to strike out the following words:

And, in addition thereto, a reasonable allowance for their necessary office-rent, clerk-hire, and office and traveling expenses, or some part thereof, when such court is of opinion that such allowance is necessary to afford to such commissioner a reasonable compensation for his services and expenses.

Mr. VAN WYCK. I think the Senator from Massachusetts will see the importance of the amendment. I have not followed quite closely the discussion of this bill, and therefore I am at a loss to know whether there has been any suitable explanation by the Senator from Massachusetts or the friends of the bill as to the difference between this bill and the bankrupt law which was repealed only a few years ago. That bankrupt law became so obnoxious, it was so vile in the estimation of the American people, that all classes rose up and demanded that it should be repealed, and Congress yielded to the universal demand of the American people that that law should be repealed. Now comes another bankrupt law, and the people will naturally ask wherein this bankrupt law is preferable or wherein it is not obnoxious to the same criticisms which called for the repeal of the former. The machinery certainly is nearly as cumbersome. The army of office-holders created is equally as numerous. I fail to discover but one difference, and that is that the fees and salaries which are provided for by this bill are to be taken directly from the Treasury of the United States, and therefore, probably, it is supposed that the people will not so readily feel and comprehend the features of the bill when the money is taken directly from the Treasury of the United States.

It is a notorious fact, I apprehend, that in nearly all the estates that were administered under the bankrupt law which was repealed very little found its way into the pockets of the creditors. It would evidently be so under this law, except for the fact I have stated, that the salaries and traveling expenses and clerk-hire and office-rent are to be taken directly from the Treasury of the United States.

I see further that it is provided in this bill that the commissioners who may be appointed, one for each Congressional district—and, undoubtedly, will if the bill passes—shall be lawyers. Then it is provided that their salary shall be $2,000 per year. Then there may be a further allowance not exceeding $10 for each case instituted before them during the year, and then comes a remarkable proposition:

In addition thereto, a reasonable allowance for their necessary office-rent, clerk-hire, and office and traveling expenses, or some part thereof, when such court is of opinion—

What?

that such allowance is necessary to afford to such commissioner a reasonable compensation for his services and expenses.

I supposed this bill had provided a reasonable compensation for his services when it fixed his salary at $2,000 a year, but it authorizes the court in its liberality to over three hundred commissioners to make allowance for the purpose of making a reasonable compensation for each commissioner's services and expenses. I submit to the Senator from Massachusetts and the friends of the bill that that is a dangerous power. It authorizes the court in each case to fix the salary of the commissioner and his allowance for clerk-hire and office-rent. It requires that a man shall be a lawyer to be a commissioner, and then the bill allows office-rent. If he is a lawyer it is to be supposed he has an office of his own. Every lawyer is supposed to have an office, which he provides himself; but this bill says that his office-rent and his clerk-hire may be paid at the discretion of the court out of the Treasury of the United States.

It will undoubtedly be the case that the expenses of executing this law by this liberal provision for the compensation of the officers and the authority to the court to increase it will be such that the machinery of this law if not as cumbersome is equally as expensive as the one which was repealed at the unanimous demand of the American people.

Mr. HOAR. If I can have the attention of the Senate for a moment, I will reply to the Senator from Nebraska and I think he will himself be satisfied. The object of the framers of this bill was to press down the cost of these proceedings to the lowest possible limit. I showed in some remarks which I made last year that the saving in the State of Massachusetts alone, by tables which I will not undertake to repeat now, would be at least $50,000 annually, and probably very much more. The only attack which has been made on this bill or any part of it from any quarter has been that we got the expenses so low that we could not get decent and competent lawyers to fill the office. That is the only criticism which I have heard. A gentleman standing high in connection with the New York Board of Trade, and one of the ablest and clearest-headed men who have discussed this question, published an attack on the bill for providing cheap law which would be dear law in the end, but we believe we can accomplish it and that suitable persons can be obtained.

In a full discussion of this general question last week, in the absence of my friend from Nebraska, the Senate overruled the committee in one respect, and authorized an increase of the number of commissioners on the ground stated by the Senator from Kansas and some other Senators, but especially by the Senator from Kansas, that in the large States it would be impossible for one person to perform the duties we put upon him in so large an area of territory. The bill provides that these commissioners shall go into the neighborhood. That is one of the great distinctions between this bill and the old system. The old system took the case to the court, often hundreds and hundreds of miles. This system takes the court to the case. The commissioners have a salary of $2,000 a year only, and then in some particular cases an allowance of $10 a case, but not exceeding $3,000 in all, which will apply to populous cities; but the commissioners are required to go and hold court having reference as near as may be to the places where the probate courts are held, and the State of my friend from Nebraska will have especial interest in that being done, because it is a State large in territory and some parts of it sparsely settled. It is reasonable if the commissioner is to go one hundred or two hundred miles for the convenience of the neighborhood where there are insolvent estates, and has to hire a hall where the witnesses at the hearing can be accommodated, he should have some allowance for it. Not a dollar of it goes into his pocket. It is only such portion of the actual expenses as is required in the opinion of the court to enable him to have enough left of his salary to make him a decent compensation, but he can not exceed his salary. Ordinarily he does not get his office-rent back, but if he has to travel and hire rooms, if the court finds that at the end of the year, after paying all expenses for places to hold courts and traveling expenses and clerks, he has not got enough left of his salary, it may make him a partial allowance. None of these allowances go into his pocket. He is only reimbursed what he has had to pay.

Mr. VAN WYCK. But the bill does not say that his compensation shall not exceed $2,000.

Mr. HOAR. Yes; the limit of the salary is fixed. Then what the man has actually paid out for this service, for the room, may be allowed him in addition, provided that is necessary in the opinion of the court to secure that he gets a reasonable salary. He can not get of course more than the law allows.

Mr. VAN WYCK. But the bill does not say so.

Mr. HOAR. It does as plainly as words can make it.

Mr. VAN WYCK. In the first place it says that he shall have $2,000 a year. Then it provides for $10 a case, and "in addition

thereto a reasonable allowance for their necessary office-rent, clerk-hire, and office and traveling expenses." I find "office" in twice; first for "office-rent," where permanently located, and next for "office and traveling expenses" in the case to which the Senator refers where they are off on duty, "or some part thereof, when such court is of opinion that such allowance is necessary to afford to such commissioner a reasonable compensation for his services and expenses." There is nothing in that which limits a commissioner to $2,000.

Mr. HOAR. Certainly the man gets his salary and no more. That is all he is entitled to. Then the court says there shall be paid back to him what he has paid out necessarily in the execution of this service, provided in the opinion of the court paying back to him what he has paid in traveling and office expenses, and so on, is necessary to insure that he has a reasonable compensation; otherwise he has to pay it out of his own pocket and does not get it back; but the man can in no event make more out of this office for his own services than the amount which the bill fixes. I do not see how human language can make it any clearer.

Mr. VAN WYCK. The difficulty is that the language does not say that. The commissioner receives $2,000 a year salary whether he does much or little. That is so, is it not?

Mr. HOAR. That is so.

Mr. VAN WYCK. The commissioner receives $2,000 a year, no matter whether he has one case or ten or a hundred.

Mr. HOAR. The court has got to fix the number of commissioners in each State in reference to the business. It is not obliged to have one for every Representative district. Therefore the presumption is, the certainty is, if we can trust anybody, that we shall not have any more commissioners than are necessary for the business. Therefore there will be but few.

Mr. VAN WYCK. That depends on how many relatives the judge has.

Mr. HOAR. The judge is prohibited from appointing relatives by a statute we have passed.

Mr. GEORGE. I ask the Senator from Massachusetts does not the bill provide that in addition to $2,000 a year the commissioner shall have $10 a case?

Mr. HOAR. Certainly; that is in the same proviso that was discussed the other day.

Mr. VAN WYCK. The language is plain that the commissioners shall each receive a salary of $2,000 a year, and that a commissioner will have whether he has a single case or not.

Provided further, That the court, both of said justices concurring, appointing them may in any case decree a further allowance not exceeding $10 for each case instituted before them during the year—

That is plain and that is understood. Two thousand dollars he has in salary, and then $10 for each case if the court allows it. Then further—

and in addition thereto—

To what? To the compensation before provided—

in addition thereto, a reasonable allowance for their necessary office-rent, clerk-hire, and office and traveling expenses.

The word "office" is used twice, so as to have it fully understood that it will be one of his duties to have his office expenses paid from the Treasury of the United States.

Mr. HOAR. If this is a mere question about words, I do not see how the English language can make this thing plainer than the bill makes it. The Senator does not understand it so. Suppose he puts in before the words "reasonable allowance" the words "for reimbursement of sums by them actually paid out for their necessary office rent," &c.

Mr. VAN WYCK. It is more than a question of phraseology.

And in addition thereto—

That is, to the $2,000 a year and to the $10 per case which the commissioner has absolutely—

And in addition thereto, a reasonable allowance for their necessary office-rent, clerk-hire, and office and traveling expenses, or some part thereof, when such court is of opinion—

Here is a salary to be fixed by the opinion of a court; you have judges in every State to determine this matter; it is left to their discretion—

when such court is of opinion that such allowance is—

Not necessary to reimburse them; that is not the language; but—

is necessary to afford to such commissioner a reasonable compensation for his services.

You give the court the power to increase the salary and compensation of the commissioners, over three hundred of them in the United States; and courts are very liberal, as much as Congress is, when the money is to come from the Treasury of the United States and possibly go into the pocket of some friend. Nobody will question the liberality of a court under that clause.

Now, I will say to the Senator from Massachusetts that is not a mere question of phraseology. You allow the court to do this if it seems in its opinion "necessary to afford to such commissioner a reasonable compensation for his services." That language does not carry out the idea which the Senator says was intended to be carried out by the bill, because it clothed the court with power not to reimburse. If you desire to reimburse him for expenses, say so.

Mr. HOAR. Put that in; I have no objection.

Mr. VAN WYCK. I am suggesting to my friend; he is more familiar with this bill than I am. In my judgment it is bad enough as it is, but it is a little worse when it uses language which will defeat the object the promoters of the bill say they have in view.

Mr. HOAR. I will move to amend that sentence, as I do not wish to be tenacious of my own language. I think it is as clear and compact as it can be, but I will move to insert, after the word "allowance," the words "to reimburse them for sums actually paid out."

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to amend the paragraph proposed to be stricken out by inserting, after the word "allowance," the words "to reimburse them for sums actually paid out."

Mr. VAN WYCK. Let me ask the Senator if he will not also consent to strike out the word "office-rent" in the fifth line?

Mr. HOAR. I do not think that would be just.

Mr. VAN WYCK. But these are required to be lawyers who are supposed to have an office. It would not be much of a lawyer in Massachusetts who did not have an office. You have in the bill "office-rent" and then "office and traveling expenses." Why use the word "office" twice if you do not intend that the lawyer shall be paid his office-rent for his law office out of the Treasury of the United States?

Mr. HOAR. There are cases in my own State, and undoubtedly will be very soon, if there are not now, in nearly all the States in the Union; and I think I was told of a large manufacturing establishment in the State of Mississippi the other day that employed a thousand hands in a very small town indeed, a town where there are only 1,500 inhabitants. I suppose the hands come in from outside the town limits. This bill requires these men to go to the place where the insolvency occurs, as probate courts do to the place where there is a death, to every neighborhood every ten or fifteen miles square, and they have got sometimes to hire an office which will enable three or five hundred people to attend court and prove their claims. They have got to do that three or four times over, and they have got to travel, in some Congressional districts, 100 or 150 miles at a time, when bankruptcy is existing. It may have to be done many times a year. It is not just that these men should have to hire a hall as large as a church, as they would have to do sometimes, out of their own pockets.

Let me repeat that this bill does not give the man himself anything in addition to the salary. It says that when he has to hire an office or to pay for fuel or light or the services of an attendant, or whatever is included under "office expenses," the judge will look into it, and if he sees that the salary is enough to give the man reasonable pay, and he can pay all these things out of his own pocket, he requires him to do it. If he finds the salary is not enough to enable him to do that and pay for all these things out of his own pocket, but he can pay half, then the judge makes a reasonable allowance of some part of what is paid out.

I do not profess to be any better judge of what is just and reasonable, or of expressing in language what is just and reasonable, than my honorable friend from Nebraska; but it seems to me, whatever else in this bill might be doubtful, we have made that thing clear; whatever else in this bill might be of doubtful policy, that thing is just.

Mr. VAN WYCK. There is no doubt the bill makes that clear, but undoubtedly it makes it clear against the opinion of the Senator from Massachusetts. The repetition of the word "office" twice means something, I think, and when a court passes upon that it will say it means something. In the first place, the section provides "for their necessary office-rent, clerk-hire, and office and traveling expenses." In the case to which the Senator refers, I can see the force of such an allowance, but that is covered by the term "office and traveling expenses." Why use the word "office" twice in this connection if it is not intended to cover their permanent office-rent when at home, and the office they are compelled to hire when engaged in the discharge of the duty?

Mr. HOAR. Suppose a man at home has to hire a permanent office all the year round?

Mr. VAN WYCK. "Office expenses" would cover that.

Mr. HOAR. "Office expenses" include light, gas, &c.

Mr. VAN WYCK. If this discretion is allowed the Senator will find that the courts will exercise the utmost liberality in allowing for the commissioner's office-rent at home and his office-rent abroad.

Mr. SHERMAN. As I have made up my mind to vote for this bill, I should like to see one danger removed from it, the danger which made the former law unpopular and odious in the last degree, so that in its latter days a case scarcely occurred where any creditor ever got a dividend, great or small. That was the case in our country in my own personal experience. I know the bankruptcy law became odious because it was so much abused in its latter days in the Western States, and that is the reason there was so much feeling expressed here. There was scarcely a case in bankruptcy which paid a dollar to the creditors. That was so in our region.

One reason why the bankruptcy provisions attached to the national banking system have been so beneficial is that the whole system of winding up national banks has been transferred from the local courts to the Comptroller of the Currency, and the result has been that there never has been any question, with one or two exceptions, of which I suppose a bank

in Boston was one, where there was any controversy about settling up the affairs of a bank, but generally all the assets have been fairly applied without much reduction on account of expenses.

In this very section to which the Senator from Nebraska calls attention it seems to me a faulty principle is maintained, and if that could be corrected by the Senator from Massachusetts who has the bill in charge, and who no doubt is impatient at the long delay about it, I believe it would strengthen this bill in popular opinion, strengthen it in the Senate, and in practice it would make it more efficient and less destructive of the unfortunate creditor who has to pay, after all, out of the assets of the debtor the expenses of this proceeding in bankruptcy.

Mr. HOAR. My friend will pardon me; the debtor pays $60 into the Treasury.

Mr. SHERMAN. I do not know what effect that may have upon him, but the creditor has in the end to pay for it. If the Government of the United States is to pay these expenses out of funds made up in this way, then more than ever I say there ought to be put into this bill, there ought to be ingrafted in it, a provision to bring the expenses of bankruptcy under the surveillance and control of executive officers of the Government. I would not trust a court in fixing the compensation of a lawyer, nor would I allow a court to fix the compensation and expenses, the office-rent and fees of a man appointed by the judge, perhaps his brother or his intimate friend, always a person connected with him by some social or friendly or political tie.

What I would think better—I do not suppose my friend would agree to it—would be to strike out "circuit judge" in line 8, and require these expenses to be examined in detail and approved by the accounting officers of the Treasury. That is the same surveillance to which all the other expenditures of the Government are subjected. Even the expenses of the courts are subjected to the surveillance of the accounting officers of the Government; but this bill makes the approval of the circuit judge, the examination by the circuit judge of the details rendered to the circuit judge, final and conclusive; and all the Treasury can do is to pay the money out of this fund. It seems to me that there can be no reasonable objection to taking out "circuit judge" and letting these accounts come here to be examined by general rules and regulations fair to all alike. Why should it not be done? Again:

That the court, both of said justices concurring, appointing them may in any case decree a further allowance, not exceeding $10 for each case instituted before them during the year, and, in addition thereto, a reasonable allowance for their necessary office-rent, clerk-hire, and office and traveling expenses, or some part thereof, when such court is of opinion that such allowance is necessary.

If I had my way in drawing that section I would say that the First Comptroller under general rules prescribed by the Secretary of the Treasury may in any case decree a further allowance not exceeding $10, &c., transferring these whole allowances which are on paper, the nature of which may be supported by affidavit, to be passed upon by the proper officers of the Treasury Department. It may be said that I desire in this way to add to the business of that great Department. On the contrary, from the nature of things that Department is the natural custodian and guardian over the Treasury, and as this now has become a matter of national expenditure, to be paid out of the Treasury of the United States, so stated in the beginning of this section, it ought to be brought under the surveillance of the proper officers of the Government. All these items of account should not be left to a friendly judge; they ought not to be left to local influences; they ought not to be left to be influenced by the social and political relations between these commissioners and the supervisor and the judge or court that appoints them. They ought to be transferred to an independent tribunal subject to the control of Congress. If it turns out that the Treasury officers do not make fair allowances, Congress is always ready to make corrections.

I do not want to embarrass my friend from Massachusetts; but I do believe that these are good amendments that ought be ingrafted on this bill. I shall vote for them any way, because I wish to try the experiment of another bankrupt law, and I hope it will have a better issue than the last bankrupt law had. I believe that this single provision alone would save it from much of the danger of the old bankrupt law.

Mr. HOAR. My honorable friend from Ohio, for whose judgment I have, as he knows, the profoundest respect, certainly has not in the multitude of his avocations had full opportunity to fully understand the scheme of the bill in this particular. If he will allow me to explain it to him, I think he will agree with me.

We provided in the bill which was substituted for another reported last winter to pay $4,000 a year salary to the commissioners and $6,000 a year to the inspectors, and then the bankrupt's estates were each to pay in one fee of $50 and one of $10 and 1 per cent. of the assets into the Treasury; and we demonstrated very clearly that even with these large salaries there would be a large profit to the Treasury of the United States in the whole administration of the bankrupts' estates, and in the next place that there would be a large saving, as compared with the old fee system, to the creditors among whom the insolvent estates are to be divided. If that be true, this year we have made it still stronger by cutting down the commissioners' salaries to $2,000 a year and the inspectors' or supervisors' to $3,000; so that with half the expense the profit is to be still larger. We were at once attacked by the very able man in New York to whom I alluded just now; we received letters from all over the country saying, "You can not get the legal service, you can not get men of weight and legal learning, because the cases that come up in the administration of bankruptcy, especially between individual and partnership creditors, are among the profoundest and most subtle questions which arise in law; you can not get the legal capacity, or learning, or fidelity, or weight of character which is necessary to make this administration a success at that price."

The Senate the other day went beyond the committee's recommendation in one respect by giving opportunity for a larger number of commissioners. Instead of having only a number equal to one-half the number of Representatives in Congress, the Senate said the judges might go beyond that. We said in addition to that that instead of raising the salary if the judge found the commissioner's time was so taken up in the multitude of cases that $2,000 a year would not pay him for the service, he might add not exceeding $10 a case, which would not ordinarily amount to an additional $1,000 a year, because a man is hardly supposed to be able to manage a hundred cases in a year. The judge may do that, and then he may allow, if a man was required to travel great distances, what he actually pays out of his own pocket for hiring a room to hold court in, &c., besides.

That allowance must be concurred in by two judges, the judge of the United States circuit court and the judge of the district court. We have passed a bill at this session declaring that a judge shall not appoint any relative to any office under his power. Those making this allowance must have spread before them the whole records of the bankruptcy court. The making of a copy to be sent to the Treasury would cost as much as the Treasury would save by any possible superior economy in that office. How impossible it is for the First Comptroller of the Treasury to determine whether the commissioner in a particular district in Oregon or Massachusetts or Maryland, even close to the Treasury, has so much labor, so much to do, so many meetings, and so many important questions that he can say whether the amount of his salary ought to be diminished by the amount charged for office-rent.

This is not—and that is an answer to what the Senator from Nebraska said—a question of increasing a man's salary from the Treasury. It is a question whether he shall be compelled to diminish it by paying the expenses of his court-house from his own pocket. The bill says that if the judge is of opinion that the commissioner's salary does not more than pay him enough, then instead of requiring him to diminish it by paying for warming and lighting and hiring a room, that shall be allowed from the Treasury.

As I said, it is utterly impossible for any official in the Treasury Department to deal with that question. He may not be a lawyer; and if he is he may not be a bankruptcy lawyer; and if he is a bankruptcy lawyer he can not possibly know what this officer does; whereas the judges have each case before them; every step in the case is subject to revision by the judges; they are familiar with the business of the district and with the exigencies of the particular case.

I think my intelligent friend from Ohio will see that his criticism is one which undoubtedly is the result of a very large experience, and undoubtedly will be found correct as applicable to almost all Government expenditures, but is totally inapplicable to the system which this bill creates.

Mr. SHERMAN. The Senator from Massachusetts no doubt thinks he has fairly answered my objection; but I do not think so. He says that the First Comptroller can not do this, and that as a matter of course the First Comptroller can not pass upon all the various items embraced in these various accounts in the different bankruptcy courts in the United States. But the First Comptroller is at the head of a bureau containing two or three hundred trained and experienced men, whose whole business and study in life, whose whole occupation is to examine accounts. They have the material; they have the number of cases, &c. They must go by some certain rules.

Mr. HOAR. May I ask my honorable friend if he proposes to have the records of all the courts of bankruptcy in this country sent to the Treasury?

Mr. SHERMAN. No, sir; and I do not suppose that the judges in passing on these items of account rendered from time to time by the commissioners and supervisors will have the records before them.

Mr. HOAR. Certainly they will be required to have the records before them. They are the official records in the cases.

Mr. SHERMAN. On the contrary, a judge in Ohio will fix one rule by which he will govern himself in making this allowance; in the State of New York it will be another rule; in the State of Mississippi it will be another rule, and so on. You will have as many laws of fees and allowances in these cases as there are States and courts in the Union. You will have no general system. You will have the compensation fixed practically at the discretion of your judges. When you fix the salary at $3,000 for supervisors and $2,000 for commissioners you do not fix the total expenses. In all human probability the other expenses allowed to these officers will be equal to the amount of salary, and that is regulated not by any general rule, not by any rule prescribed or under the control of a single executive officer, but by the decision of one hundred separate courts in the United States.

Remember, the courts of the United States are not organized to pass upon accounts. You would not send an account to a lawyer to ex-

amine items and add up and say that it was correctly stated; you would send it to a man engaged in business. Of all the people in the world I have come across the most improvident men in the management of accounts merely, in the statement of accounts, are lawyers. Lawyers deal with other classes of subjects; they do not deal with accounts; and especially to select a lawyer or a judge who is himself interested to some extent in the conduct and character and qualifications of the commissioners and supervisors, is to select an interested party, a man who has already prejudged in favor of the man who renders the account.

Remember that the old system is changed. This money does not come out of the bankrupt estates now; it comes out of the Treasury of the United States, and these are orders upon the Treasury. When the judge underwrites this account it is an order on the Treasury, and whether it be excessive or not according to the opinion of the Treasury officers here it must be paid, because the law makes the decision of the judge final. No man can feel hurt when his accounts are passed upon by the same officer under general rules prescribed by a Department absolutely independent in all this business. No man can feel hurt when he is not allowed an unreasonable office-rent. How is this done in the Post-Office Department? We have 100,000 postmasters; perhaps I overstate the number of postmasters. How many are there in the country now?

Mr. INGALLS. More than 100,000.

Mr. SHERMAN. I state it in round numbers. All their accounts pass under the control and government of certain rules. They all have to be examined by the Postmaster-General in the first instance and afterward by the Sixth Auditor, who passes upon their accounts finally. How is it done there? They are infinitely greater in number than the accounts of the bankrupts' estates would be. We can not expect a hundred thousand bankrupts to be in process of liquidation at any time. That would be fearful if it should be so. Probably there would not be one-tenth of that.

Mr. HOAR. May I trespass on the indulgence of my friend from Ohio? A member of the Senate, now in the chair [Mr. EDMUNDS], has drawn a sentence which seems to me probably will meet the objection of the Senator from Ohio, and to which I shall not object. I think on the whole it would be as clear as my own language, perhaps clearer than my own; and if he will allow this to be read for his information perhaps it will meet his view.

Mr. SHERMAN. I shall be very glad. All I want is to have these accounts brought under the same surveillance as all other accounts against the Government of the United States.

Mr. HOAR. Let that be read for the information of the Senator from Ohio.

The PRESIDENT *pro tempore*. The Chair will read the suggestion, being more familiar with the handwriting. The proposition is to strike out all after the word "year," in line 13, and insert:

But not exceeding in the aggregate the sum of $3,000, and the commissioners may be allowed a reasonable sum for their actual and necessary disbursements for temporary office-rent elsewhere than at the place of their general office, for clerk-hire, traveling and incidental expenses. All such allowances shall be passed upon by the court and reviewed and settled in the Treasury Department in the same manner now provided by law in the case of the accounts of district attorneys and marshals.

Mr. SHERMAN. I think if the Chair would add "under regulations to be prescribed by the Treasury Department," that would do.

Mr. HOAR. There is no objection to that.

Mr. SHERMAN. I think there should be a general regulation fixing the different allowances, just as in the case of postmasters.

Mr. ALLISON. I have the statute here to which the proposition refers, which I think regulates the matter.

Mr. SHERMAN. Please read it.

Mr. ALLISON. The following is the provision contained in section 846 of the Revised Statutes:

SEC. 846. The accounts of district attorneys, clerks, marshals, and commissioners of circuit courts shall be examined and certified by the district judge of the district for which they are appointed before they are presented to the accounting officers of the Treasury Department for settlement. They shall then be subject to revision upon their merits by said accounting officers, as in case of other public accounts.

Mr. SHERMAN. That is all I desire.

Mr. ALLISON. I think that provision covers it.

The PRESIDENT *pro tempore*. That is the manner now provided by law, with a law of later date of still more stringent character.

Mr. SHERMAN. My impression is that express power ought always to be given to the Secretary of the Treasury to prescribe rules and regulations fixing the general amount of these allowances, fixing the amount of office-rent, the maximum if you please. In other words, to do just exactly what the Postmaster-General does in his regulations fixing the extra expenses allowed to the different postmasters under such regulations as may be prescribed by the Treasury Department. I am not sure but that is already covered by existing laws, but it would be better to insert it perhaps.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR] to the paragraph moved to be stricken out by the Senator from Nebraska [Mr. VAN WYCK].

Mr. INGALLS. Mr. President, the machinery of this bill, however economically it may be administered, will be very expensive. Of course it is not possible to make an accurate computation as to what annual expenditure will be required, but I assume that not less than two hundred and fifty commissioners will be appointed. It is not usual to have any places that can be filled for a long time empty when the demands are as active and as vigilant as they usually are. Of course there are some limitations imposed upon the aggregate that may be appointed; that is to say, States having a less number of Representatives than six are only entitled to commissioners to the amount of two-thirds of their representation in Congress; but it is fair to assume that there will be at least two hundred and fifty commissioners appointed at once. The entire number of supervisors of course will be immediately appointed. That will involve an appropriation for permanent official salaries, in addition to those now paid by the United States Government, of not less than $750,000 or $800,000, and that entirely irrespective of the amount of business to be done.

The Senator from Massachusetts has assured us that it is the design and expectation of the framers of this bill that it will be what is commonly called self-supporting; that the amount of money paid out in the outset of the proceedings and the percentage that is proposed upon the assets will form a fund sufficient to meet the demands that may be made upon the Treasury for the payment of the official salaries.

The Senator from Iowa [Mr. ALLISON] asks me if all these fees and payments go into the Treasury. So I understand. They are paid into the Treasury of the United States and then the salaries and the other expenses are paid directly out of the Treasury of the United States. So that whether there is one dollar paid in by those proposing to take the bankruptcy proceedings or not, the entire official salaries and expenditures must be paid out of the Treasury.

The clauses to which attention has been called are always the dangerous clauses in all bills of this kind. They are the indefinite and elastic elements in the computation. I may say, I presume without contradiction, that of all the scandals and all the disagreeable features that have occurred in connection with expenditures, the great mass of them have arisen under these indefinite and elastic clauses which allow appropriations to be made and payments to be made for expenses and for such sums as the judges and other persons may deem reasonable as compensation to salaried officers.

I believe, Mr. President, that the whole system of allowing extra compensation by way of expenses to be audited by the judges or by the other officers is entirely vicious, that it ought not to be permitted. We do not pay the judges compensation in addition to their salaries. Other officers of the Government are not paid in addition to their salaries. You pay traveling expenses when they are called upon to go outside their districts, but you do not pay the circuit judge of the eighth circuit, for instance, who travels over a space of country as large as the half of Europe, one cent for traveling expenses. He gets a salary of $6,000, I believe, and I am informed that that amount is reduced by his traveling expenses and hotel bills sometimes as much as $2,500 a year.

The salaries here ought to be large enough to enable a man to hold the office and pay his own expenses, and I do not think that the amendment which the Senator from Massachusetts has offered will cure the difficulty. I have no doubt that if this is allowed, under this expensive process that always goes on without any responsibility, without any feeling of official responsibility to the Treasury, under the appeals that are made by men who claim that they are hard worked, that they have had great distances to travel, that they have had a great deal of business to do, the amount which will be required to make this bill effectual will be a million dollars a year promptly.

I should like very much if the Senator could see his way clear, if the salaries are not large enough to make them larger so that the officer holding the office may understand at the outset that he has to discharge the duties of the office and to pay his own expenses the same as the district judge does, the same as the circuit judge does, the same as all other judicial officers do unless when they are called upon as district judges to perform duties outside of their districts.

Before I close, Mr. President, I should like to ask the Senator from Massachusetts whether the salaries of these commissioners should not be payable quarterly from the Treasury the same as those of the supervisors. I observe that the supervisors are to be paid $3,000 a year, quarterly from the Treasury as judges are now paid, while the commissioners who receive a lower compensation are to receive an annual salary of $2,000. I suppose that omission was unintentional, and I move an amendment that the salary be payable quarterly from the Treasury.

Mr. HOAR. Is there not a general law that all salaries are paid quarterly?

Mr. ALLISON. The salaries of the judges are now paid monthly.

Mr. VAN WYCK. There is not only this provision, which has been explained by the Senator from Massachusetts as being owing to his desire to fully protect and indemnify and sustain this class of office-holders, but in that connection I should like to refer to section 75, page 48, line 12, to show that the anxiety and solicitude for this class of officers runs through the bill even to the end. This bill requires that in certain cases the commissioners shall act instead of trustees; and in sec-

tion 75 it is provided that the trustees shall be limited in their charges to "not exceeding the rate of compensation allowed for similar services by the probate courts of the State." And yet in the twelfth line, when it speaks of the acts of the commissioners where they are required to act as trustees, it is provided:

Where the commissioner acts as trustee the allowance shall be made by the judge.

There is no restriction there; I think the Senator from Massachusetts will agree with me. "Where the commissioner acts as trustee the allowance shall be made by the judge," with no restriction upon him at all.

Mr. HOAR. I do not so understand the bill.

Mr. VAN WYCK. This is not a question of phraseology any more than the other was, because here it is perfectly plain that where the commissioner acts as trustee the allowance shall be made by the judge. That is, after you have given him $2,000 a year you put him under the kind guardianship of the judge who appointed him, whose friend he is, and then you still further extend your bounty and give him more pay, more compensation for his services in these cases where he is required by the bill to act as trustee, because there he is to receive such allowance as the judge shall make. I call attention to that so that we shall not have to do it later, and so that the amendment which may be agreed upon may cover all these cases.

The Senator from Ohio [Mr. SHERMAN] with his large experience of the Treasury Department evidently sees the danger not only of allowing a discretionary power to the judge, but from the want of restrictions on the accounting officers. You have accounting officers in the Treasury Department to-day, and yet bills go through, as in the case of the star-route special counsel, and your accounting officers have been sitting there as clerks to record what they have been directed to enter; that is all.

Mr. HOAR. Will the Senator pardon me?

Mr. VAN WYCK. Certainly.

Mr. HOAR. The bill now provides that in ordinary cases a trustee shall be appointed and the limit on his charges is made which the Senator has referred to; that is, the trustee's charges are to be on the same scale as the charges in the State probate courts. It is provided that when there is some little estate where it is not necessary to have the expense of a trustee the commissioner may himself act as trustee; and of course there must be somebody to pass on his accounts. You would not have them fixed by himself, while he would in ordinary cases of trustees pass upon the trustees' accounts. Therefore it says that the judge shall determine the account in a case where the commissioner acts as trustee. He is certainly the proper person to determine it on the same principle that costs are ordinarily determined. The provisions in the bill as to the standard applies to all trustees' charges, whether the trustee is the commissioner or not.

Mr. VAN WYCK. But the difficulty is, as in the other case, that the bill does not say so. The language does not lead to that inference, and you leave it as a matter of inference to the court, and in its generosity the court may say, "You do not fix it, and we will allow what we please; you make a limit on the trustee appointed by the creditors, but when the commissioner acts as trustee the allowance shall be made by the judge, not to be governed by the same principles as stated in the former part of the section; it is silent as to that." It is merely left to the discretion of the judge where the commissioner acts as trustee. I submit that in that case, as in the other, the language should be made specific."

In order that this matter may be placed right while we are discussing this question as to the necessity of protecting the Treasury not only against judges and commissioners and clerks, I may allude to the fact that our court clerks now are paid by fees, and they receive in many cases fees far in excess of the compensation the law allows them; and yet will you some time take occasion to run over the reports and see how much of the excess of fees received by the clerks of the courts finds its way into the Treasury of the United States?

Mr. COCKRELL. Has any of it gone there?

Mr. VAN WYCK. Very little; and I refer my friend to Kansas City, in his own State, where the clerk of the court receives a large amount of fees in excess of the compensation which the law allows him, and yet nearly all of it is spent there in extra clerk-hire or in enormous bills for furniture, and those things are approved by your judge. What protection is there to the Treasury or to the people? What exists in Kansas City, in the State of my friend from Missouri, exists in other States of this Union—in every other State probably. You supposed you were protecting the Treasury and protecting the people when you fixed the salary or compensation of your clerks and required the excess to be paid into the Treasury; but the court stands there between the clerk and the Treasury of the United States, and takes the money collected by the clerks, which the law says they shall turn into the Treasury, and puts it substantially into their own pockets.

The Senator from Kansas says you have a bill which will cost you millions of dollars in its execution. You say the bill is self-sustaining. The bankrupts are required to pay $50 to the clerk and then 1 per cent. on the assets, and that is to make the system self-sustaining! The other bankruptcy bill claimed to be self-sustaining when the officers got all the property of the debtors and none of the cash went into the pockets of the creditors. All the property was absorbed by the officers. If this bill passes into a law, and comes to be executed, it will be the same, only a little worse in that respect, because of course men sometimes have a little sympathy with the creditor or even with the debtor. That may be sometimes in hard cases; but when you find a court that will have any sympathy as between a pet, a friendly appointment, and the Treasury of the United States, the Senator will be able to put it down. More dangerous is this bill, far more dangerous, than the bankruptcy bill which was so obnoxious to the people that they demanded its repeal. Here it is at the discretion of the court to say what shall be a reasonable compensation, when it should be the business of Congress to fix a sum in the bill that the courts may have no opportunity by prejudice or favor to affect the compensation of the officers.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. SHERMAN. I offer this, which I think will accomplish the purpose——

Mr. HOAR. I will modify my amendment as suggested by the Senator from Ohio.

Mr. SHERMAN. In section 19, lines 4 and 5, I move to strike out the words "They shall also, in like manner, be reimbursed from the Treasury for their necessary office-rent, clerk-hire, and office and traveling expenses," and then insert the language prepared and read, which covers that and the clause below.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Massachusetts to withdraw the amendment he offered to perfect the paragraph and move to amend the amendment proposed by the Senator from Nebraska?

Mr. SHERMAN. Let there be two amendments.

The SECRETARY. It is moved to strike out all after the word "year," in line 13 of section 19, and to insert:

But not exceeding in the aggregate the sum of $3,000. And said supervisors and commissioners may be allowed a reasonable sum for their actual and necessary disbursements for temporary office-rent elsewhere than at the place of their general office, for clerk-hire, traveling, and incidental expenses, all which allowances shall be passed upon by the court and reviewed and settled in the Treasury Department in the same manner now provided by law in the case of the accounts of district attorneys and marshals, under general rules and regulations to be prescribed by the Secretary of the Treasury.

Mr. INGALLS. The proviso contained in lines 6, 7, and 8 of the section should also be stricken out.

The PRESIDENT *pro tempore*. That will be a secondary question. The Chair can only put the question now on this amendment.

Mr. HOAR. That will have to be done.

Mr. GEORGE. Can I call for a division of the question?

The PRESIDENT *pro tempore*. This is an amendment to an amendment.

Mr. GEORGE. I want to strike out, but I do not want to vote to insert.

The PRESIDENT *pro tempore*. The Chair thinks it is open to division.

Mr. GEORGE. Then I call for a division.

The PRESIDENT *pro tempore*. The present motion is not capable of division. That is a motion to amend an amendment. If the amendment proposed by the Senator from Ohio be agreed to, then it will be subject to division, the Chair thinks.

Mr. GEORGF. Then I shall get a vote on striking the whole of it out.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment as amended.

Mr. INGALLS. Let us hear what that is.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks for a division of this question. The question will be first put on striking out all after the word "year" in line 13 of section 19.

The amendment was agreed to.

The PRESIDENT *pro tempore*. That branch of the amendment being agreed to, the question now is on agreeing to the second branch of the amendment to insert the words proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. INGALLS. Now how does the clause stand?

Mr. SHERMAN. To carry out the amendment, the words in lines 4, 5, and 6 should be stricken out.

Mr. INGALLS. And in 7 and 8, because that is merely an appendage to the declaration in lines 4, 5, and 6.

Mr. SHERMAN. They might be stricken out.

Mr. INGALLS. Certainly they must be stricken out; they have no significance there—

Provided, That the items thereof shall be verified upon oath, and shall be examined in detail and approved by the circuit judge.

If lines 4, 5, and 6 are stricken out, that proviso has no place.

Mr. SHERMAN. I think the proviso ought to be inserted at the end of the new provision.

Mr. INGALLS. It ought to be stricken out and inserted somewhere else. It does not belong there.

Mr. SHERMAN. The words in lines 4, 5, and 6 should be stricken out, and the proviso that follows should be inserted at the end of the clause adopted.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to strike out the words which will be read.

The SECRETARY. It is proposed to strike out:

They shall also, in like manner, be reimbursed from the Treasury for their necessary office-rent, clerk-hire, and office and traveling expenses.

Mr. SHERMAN. Then transfer the proviso, "*Provided*, That the items thereof shall be verified upon oath," to the end of the section.

The PRESIDENT *pro tempore*. The question now will be on striking out the clause just read.

Mr. INGALLS. Does that include lines 4 to 8, inclusive?

The PRESIDENT *pro tempore*. It does as now modified.

The amendment was agreed to.

Mr. SHERMAN. Now I move that the proviso be inserted at the end of the section.

Mr. INGALLS. Now let it all be read as it will be if that amendment is agreed to.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to amend the section by adding thereto:

Provided, That the items thereof shall be verified upon oath, and shall be examined in detail and approved by the circuit judge.

Mr. INGALLS. Now let us have the clause read as it will be if that amendment is agreed to.

The PRESIDENT *pro tempore*. The amendment agreed to at the end of the section will be read for information.

The Chief Clerk read as follows:

The commissioners shall each receive an annual salary of $2,000: *Provided further*, That the court, both of said justices concurring, appointing them may in any case decree a further allowance, not exceeding $10 for each case instituted before them during the year, but not exceeding in the aggregate the sum of $3,000. And said supervisors and commissioners may be allowed a reasonable sum for their actual and necessary disbursements for temporary office-rent elsewhere than at the place of their general office, for clerk-hire, traveling and incidental expenses, all which allowances shall be passed upon by the court, and reviewed and settled in the Treasury Department in the same manner now provided by law in the case of the accounts of district attorneys and marshals, under general rules and regulations to be prescribed by the Secretary of the Treasury: *Provided further*, That the items thereof shall be verified upon oath, and shall be examined in detail and approved by the circuit judge.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio.

Mr. INGALLS. It is inconsistent and entirely superfluous, it appears to me.

Mr. SHERMAN. The words "approved by the circuit judge" are already sufficiently in before. The requirement that items shall be verified by oath is not in the previous clause.

The PRESIDENT *pro tempore*. Does the Senator from Ohio modify his amendment?

Mr. SHERMAN. I move to insert "the items to be verified by oath" in the body of the new amendment. That is all that is necessary to preserve of that clause.

Mr. HOAR. There will be no objection to that.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to amend as will be stated.

The CHIEF CLERK. After the word "expenses," in the amendment, it is proposed to insert:

The items of which shall be verified by oath.

So as to read:

But not exceeding in the aggregate the sum of $3,000. And said supervisors and commissioners may be allowed a reasonable sum for their actual and necessary disbursements for temporary office-rent elsewhere than at the place of their general office, for clerk-hire, traveling and incidental expenses, the items of which shall be verified by oath; all of which allowances shall be passed upon by the court and reviewed and settled in the Treasury Department in the same manner now provided by law in the case of the accounts of district attorneys and marshals, under general rules and regulations to be prescribed by the Secretary of the Treasury.

Mr. INGALLS. Now, if I understood the language of the first three lines there correctly, the aggregate to be derived from this payment of $10 in each case is not to exceed $3,000 a year. I suppose the intention is to have the aggregate compensation reach $3,000. If that is the case the "three" ought to be changed to "one," as I understand, in the amendment.

The PRESIDENT *pro tempore*. The question now is on agreeing to the motion of the Senator from Ohio to insert the clause "all such items shall be verified by oath."

Mr. INGALLS. That is agreed to.

The PRESIDENT *pro tempore*. Not yet; the question is on that amendment.

The amendment was agreed to.

Mr. INGALLS. Now I should like to hear the first three lines read again.

The PRESIDENT *pro tempore*. The first three lines will be reported.

The Chief Clerk read as follows:

Provided further, That the court, both of said justices concurring, appointing them may in any case decree a further allowance, not exceeding $10 for each case instituted before them during the year, but not exceeding in the aggregate the sum of $3,000.

Mr. INGALLS. That should be $1,000.

Mr. SHERMAN. That ought to be $1,000, unless you say "including the salary."

Mr. INGALLS. But the language now is that this aggregate allowance of $10 in each case shall not exceed $3,000, which would increase the salary to $5,000.

The PRESIDENT *pro tempore*. The amendment has been agreed to. Does the Senator from Kansas move to reconsider the vote by which the amendment was agreed to?

Mr. HOAR. Make the change by unanimous consent.

The PRESIDENT *pro tempore*. Is there objection to modifying the amendment which has been agreed to by inserting the word "one" in place of the word "three," so as to read, "not exceeding $1,000?" The Chair hears no objection, and the amendment is made.

Mr. INGALLS. Now, after the word "dollars," in line 10, I move to insert "payable quarterly from the Treasury."

Mr. HOAR. There is no objection to that.

The amendment was agreed to.

Mr. INGALLS. Now, after the word "Treasury," in line 3, I move to strike out the words "as judges are now paid," it being somewhat a matter of doubt whether they are payable quarterly or monthly.

The PRESIDENT *pro tempore*. The motion is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. INGALLS. At the close of section 18 I move to add:

No person shall be eligible as a supervisor unless a practicing attorney of the courts of the United States or of one of the States or Territories.

Mr. COCKRELL. Would the Senator accept as an amendment "of the State or Territory wherein appointed?"

Mr. HOAR. You do not want "of the Territory" if the Senator means by "practicing attorney" one having other business than this.

The PRESIDENT *pro tempore*. While the Senator from Kansas is perfecting his amendment the Chair will call attention to the use of the word "further" in line 10 of section 19, after the word "provided." The word "further" should be stricken out so as to read "provided." If there be no objection that word will be stricken out.

Mr. INGALLS. The Senator from Massachusetts criticises the language of the amendment I suggested. I will call his attention to the language employed in the bill. On page 8, section 12, lines 19, 20, and 21, is this provision:

No person shall be eligible as a commissioner unless a practicing attorney of the courts of the United States or of one of the States or Territories.

I suppose the intention is that the supervisors should be also members of the bar.

Mr. HOAR. That is true.

Mr. INGALLS. But that is omitted.

Mr. HOAR. There is no objection to it. The supervisor is expected to employ his whole time, and the commissioner may not in all cases.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. MORGAN. I offer the following amendment to come in as an additional section——

Mr. ALLISON. I ask the Senator to yield to me, as we are on section 18.

Mr. MORGAN. Let my amendment be first reported, and then I will.

The PRESIDENT *pro tempore*. The amendment of the Senator from Alabama will be read.

The CHIEF CLERK. It is proposed to insert as an additional section:

SEC. —. In the appointment of officers of every class under the provisions of this act the appointing power shall be exercised alone with reference to the personal fitness of the individual for the discharge of the duties of the office, and no discrimination shall be made in favor of or against any person in making such appointments in consequence of the political opinions or party associations of such person; and no judge shall appoint any person to office under this act who holds any other office of profit or emolument under the laws of any State or under the laws of the United States; nor shall any judge appoint any person to any office under this act who is related by consanguinity or affinity within the third degree to any judge of the circuit or district courts of the circuit in which such officer shall be appointed.

Mr. HOAR. I should like to inquire of the Senator from Alabama if he considers the office of justice of the peace an office of emolument or profit? All our judges are justices of the peace throughout our Commonwealth; and it would be that for convenience in certifying papers a man might be a justice of the peace——

Mr. MORGAN. They are justices of the peace *ex officio*, and not by separate appointments.

Mr. FRYE. Every lawyer in my State is a justice of the peace by appointment.

Mr. HOAR. I suppose every member of this body is a justice of the peace in the State to which he belongs probably, or nearly so.

Mr. MORGAN. I never knew that I enjoyed such an honor as that, and I have been at the bar many years.

Mr. HOAR. I hope the Senator will modify his amendment so as not to include justices of the peace.

Mr. MORGAN. If there is any peculiarity in the Northern States by which all lawyers are justices of the peace I must make that exception. I did not intend to include that distinguished position universally.

Mr. HALE. In some of the Northern States the judges in looking over men suitable for these appointments would hardly find a member of the bar, perhaps not a single one, who was not a justice of the peace.

Mr. HOAR. Put in "except justices of the peace."

Mr. MORGAN. Certainly. I had no idea of including them.

The PRESIDENT *pro tempore*. The Senator from Alabama modifies his amendment.

Mr. MORGAN. "Except justices of the peace and notaries public."

The PRESIDENT *pro tempore*. The amendment is modified by inserting after the word "States"—

Excepting justices of the peace and notaries public.

Mr. SEWELL. I ask the Senator from Alabama to add to that exception commissioners of deeds and masters in chancery.

Mr. MORGAN. Are they officers?

Mr. SEWELL. They are officers in my State with small emoluments.

The PRESIDENT *pro tempore*. Does the Senator from Alabama modify his amendment?

Mr. MORGAN. Yes, sir; I further modify it by adding "excepting justices of the peace, notaries public, commissioners of deeds, and masters in chancery."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama as modified.

The amendment was agreed to.

Mr. ALLISON. I desire to call the attention of the Senator from Massachusetts to the provision which makes the attorney of the United States in each Territory and in the District of Columbia the supervisor therein. Is it intended to increase the compensation allowed them for acting as supervisors?

Mr. HOAR. It is part of their official duty.

Mr. ALLISON. Then I call the Senator's attention to section 18, which provides—

That supervisors duly appointed and acting under this act shall receive yearly salaries, &c.

It seems to me unless there is some restriction there the district attorneys in the District of Columbia and in the Territories will make a claim at least for compensation.

Mr. HOAR. Put in the words "duly appointed and acting in any State under this act." That will exclude the Territories and the District of Columbia.

Mr. INGALLS. Why not say "without additional compensation" after "therein?"

Mr. ALLISON. It seems to me, to make it perfectly clear, there should be an exception like that suggested by the Senator from Kansas, "without additional compensation."

Mr. HOAR. Let that be added.

Mr. ALLISON. After "therein" say "without additional compensation."

Mr. SHERMAN. "Without compensation additional to their regular salary."

Mr. ALLISON. "Without compensation additional to that authorized by law."

Mr. INGALLS. Do you not intend to pay them their necessary office-rent, clerk-hire, and traveling expenses incurred in carrying out the provisions of the law?

Mr. ALLISON. It seems to me that we ought to exclude the attorney of the District of Columbia certainly.

Mr. HOAR. I think we can do it without any addition. It is a compact territory.

Mr. ALLISON. So I think; and therefore I ask the Senator to interpolate such words here as will make that perfectly clear.

Mr. HOAR. That was the intention of the bill. I do not object at all to the insertion, but I do not think it is important to provide that they shall have extra office-rent or anything of that kind. There will not ordinarily be a great burden in a Territory, and the District of Columbia is a compact population. Even in a Territory the commissioner who has to travel will bring his records to the place where the court sits. The district attorney will not have any traveling expenses from his home to look at the records in the cases.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Iowa will be read.

The CHIEF CLERK. At the end of line 4, section 18, it is proposed to insert:

Without compensation therefor additional to that allowed by law.

Mr. SHERMAN. But the very next section allows these officers the money.

Mr. ALLISON. If the Chair will allow me, in section 18, line 4, after the word "therein," I move to insert "without additional compensation therefor."

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. HALE. Let me ask the Senator from Iowa, and I would like also the Senator from Massachusetts to give me his attention, whether either Senator intends that the district attorneys of the Territories shall have the additional duties and labors and burdens of the supervisorship put upon them without any additional pay to what they get now? Is that the purpose?

Mr. ALLISON. I have no purpose about it. I simply ask the Senator from Massachusetts if he intended to pay these district attorneys the compensation provided for herein, and he said he did not, and for myself I believe they should not have put on to a salary of $200 a salary of $3,000, as provided in the bill.

Mr. HALE. I agree with the Senator in that; but it seems to me that here is a class of officers who are not very well paid, and if you put on what may double their duties the Senator from Massachusetts who has charge of the bill should provide some suitable compensation to those officers for what you put upon them, not the $3,000 salary, for that would be enormous for the work, but something.

Mr. HOAR. These supervisors are to be appointed one for each of the nine circuits of the country, including on an average between thirty and forty districts. They are to examine the records of the cases; see that they are honestly conducted and see that the cases are pushed along; to make reports of any abuses; to make general reports to the Attorney-General of what they find. I do not suppose that in any Territory or in the District of Columbia the insolvency business will equal the average of one district in the States. The District of Columbia has, it is true, 275,000 inhabitants, but the trading or commercial or manufacturing business here is very small. It therefore would be only about a fortieth part of one man's work which is added to these officers; but it is not that, because there is no travel. The United States district attorney will find the records of all the bankruptcy cases in this District probably in the same building where his own office is, or very near by; so that he will have very little labor.

So it is in the Territories. Although the commissioners are to travel over large spaces, they will bring their records with them when they go to the place of holding the United States court, where the district attorney is. So the inspection of these cases, it seems to me, will not add a serious burden. It is only a fortieth part of a man's work. I do not think it is important to provide, and it was not intended to provide, and I do not think the bill does provide, any additional pay, because while it is said in the eighteenth section that the attorneys shall exercise the duties of supervisors, the next section says that the supervisors duly appointed and acting shall have the pay. Still if there is any doubt in the language, the amendment of the Senator from Iowa is highly proper, and I agree to it. It does not seem to me that there is any injustice or impropriety in this requirement; it will not be an additional trial to any of these district attorneys.

Mr. HALE. The Senator has answered my question and has removed my doubt about the matter, because he has evidently considered this beforehand and does not intend that there shall be any additional compensation, and does not believe that there is labor enough to entitle them to anything more than what they get as district attorneys. If he is satisfied with that, I am.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa [Mr. ALLISON] as modified.

The amendment was agreed to.

Mr. INGALLS. The bill provides who shall exercise in the District of Columbia and in the Territories of the United States the duties of supervisor therein, but it is silent upon the question as to how the commissioners in the District and in the Territories shall be appointed and of how many they shall consist. I would ask the Senator from Massachusetts whether that is intentional, or whether it is not desirable to have some declaration as to the number of commissioners that shall be appointed in the Territories and in the District of Columbia. In section 12, on page 8, it is provided that the commissioners shall not exceed in any State the number of members of Congress to which it is entitled, and the proviso which has been amended that in States not entitled to more than six members of Congress the number of commissioners shall not exceed three, &c., but there is nowhere in the bill any declaration as to the number of commissioners that shall be appointed in the Territories and in the District of Columbia. I suppose the omission was unintentional and ought to be supplied.

Mr. HALE. There is a reference to it in lines 13, 14, and 15 of section 12.

Mr. INGALLS. Yes.

The powers of appointment provided for in this section may be exercised in the District of Columbia by the supreme court of said District, and in the several Territories by the supreme courts thereof.

But there is no provision as to how many shall be appointed.

Mr. HALE. Is not that regulated by the previous provision as to the extent of the circuits?

Mr. INGALLS. No, sir; it is not, because they are not in the circuits. I will move to amend by adding after the word "entitled," in line 6, section 12:

And one commissioner in the District of Columbia, and one in each of the several organized Territories of the United States.

Mr. HOAR. My attention was called to that matter before the bill was reported, and the provision which the Senator has read was added,

and I have an impression that it is in the bill somewhere; but it is possible that it may not be in, and I therefore have no objection to the amendment.

Mr. INGALLS. Should there be more than one in the District of Columbia?

Mr. HOAR. No; one is enough.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

Mr. GEORGE. In section 35, at the end of line 21, I move to insert the following proviso:

Provided, That no person shall be eligible to serve as a juror in any trial under this act who has within two years prior thereto served as a juror in a similar trial, or within said time served as a juror in the district court in which the bankrupt's estate is administered.

Mr. HOAR. I hope that will be adopted.

The amendment was agreed to.

Mr. GEORGE. I offer the following amendment, to come in as an additional proviso after the amendment just adopted:

Provided further, That all trials by jury under this act shall be, if demanded by the defendant, in the county of his residence if he reside in the district, unless it be shown to the satisfaction of the court that owing to prejudice or undue local influence the petitioners can not have a fair and impartial trial in said county, and in that case the trial shall be had in the nearest county thereto wherein a fair and impartial trial can be had. In all cases where the trial is not at the place where the district court is held the court may designate a commissioner to preside over the same, and if a new trial shall be granted or refused by the commissioner to either party, the party aggrieved by such action may except thereto and embody the evidence and rulings of the commissioner in a bill of exceptions, and thereupon the district court may review such action and affirm or reverse the same as law and justice may require.

Mr. HOAR. I hope that will be rejected. It makes a United States court possible in every county, and is unconstitutional as making a commissioner do the duties of a judge.

Mr. GEORGE. In answer to that I can say that the commissioner by this bill has a great deal more of what are called judicial duties to perform than are required in the amendment. In the amendment he simply presides at the trial; he renders no judgment; he can simply do as a sheriff would do who has a jury of inquest, ascertain a fact, and if a new trial is granted or refused by him it is subject to the supervision of the court.

If you look at the other provisions of the bill you will find that the commissioner may try the cause of bankruptcy. The very issue submitted to the jury may be tried by the commissioner under the bill; and yet while that is the provision of the bill, the Senator insists that the commissioner, notwithstanding he has the power himself to try the issue, has no right; that it would be unconstitutional for him to preside over a trial by jury of the same issue.

Then in another place the commissioner has a right to assess unliquidated damages in order to allow them to be proved before the court, which is more of a judicial function than presiding at a mere trial by a jury when he can not render judgment. Then all the proofs of debts are to be made before him, the accounts of trustees are to be passed by him, and he may issue warrants of arrest and sequestration of property. All this he can do under the bill, and that is not unconstitutional, and yet if he simply presides over a trial by jury without the power of rendering judgment, simply reporting to the court what the jury has done, that is unconstitutional.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GEORGE. I move to strike out the last clause of section 36, beginning in line 14, in the following words:

The costs and counsel fees of involuntary proceedings which have proceeded to adjudication may be paid out of the assets to an amount not exceeding $200, if the court shall so order.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was rejected.

Mr. GEORGE. As that amendment has been lost I move to amend the clause by inserting after the word "exceeding," in line 17 of section 36, the words:

Five per cent. of the assets of the estate realized by the trustee for distribution among the general creditors, but such allowance shall in no case exceed.

So as to read:

The costs and counsel fees of the involuntary proceedings which have proceeded to adjudication may be paid out of the assets to an amount not exceeding 5 per cent. of the assets of the estate realized by the trustee for distribution among the general creditors, but such allowance shall in no case exceed $200, if the court shall so order.

The amendment was rejected.

Mr. GEORGE. At the end of section 78 I move to add:

That no payment made or security given on a debt due any workman, mechanic, or laborer for work, labor, or service done or materials furnished by such person shall be held an unlawful preference under this act: *Provided*, That in making such payment or giving such security the debtor shall make an equal provision for all creditors of the class mentioned in this paragraph: *And provided further*, That no creditor shall be allowed to make any objection or claim any right on the ground that a provision so made is not equal except he be of the aforesaid class.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. GEORGE. I desire to say one word in support of the amendment. It is drawn so as to obviate the objections urged by the Senator from Massachusetts against the first amendment I offered on that subject. The objection he urged was that it allowed the debtor to prefer one of these workmen or laborers over another. This amendment is intended to obviate that objection and to secure a fair and equal distribution among all of that class.

The amendment was rejected.

Mr. GEORGE. I desire to offer one amendment *pro forma* only, consisting of several sections to come in at the end of the bill, and have it printed in the RECORD. I do not care about having it read and detaining the Senate by its reading. Senators have all had it on their tables. It may be, and I know will be, rejected, but I desire to put it on record.

The PRESIDENT *pro tempore*. The amendment will be reported.

Mr. HOAR. I understand the Senator suggested, if it is within the rules of the Senate, that it may be printed and voted on without reading.

The PRESIDENT *pro tempore*. Is there objection?

Mr ALLISON. I should like to hear it read. If it is to be voted on I want to know what it is.

The Chief Clerk proceeded to read the amendment. Having read one section,

Mr. INGALLS. I understand this amendment is offered with the understanding that it is to be rejected. I can see no reason why it is to be read unless the Senator from Iowa insists upon it.

Mr. ALLISON. No, I do not. I have heard enough of the amendment to know how I shall vote on it.

The PRESIDENT *pro tempore*. Is there objection to dispensing with the further reading of the amendment? The Chair hears none.

The amendment was to add as additional sections to the bill the following:

ASSIGNMENT IN PAIS.

SEC. —. That if any debtor owing $200 or more shall make an assignment of his estate, valid by the laws of the State or Territory in which he is domiciled, or if he have property in any other jurisdiction, then as to such property valid according to the law thereof, and also in accordance with the requirements of this act, it shall have the effect hereinafter provided for. Said assignment shall be to one or more trustees named therein, and shall convey all the estate of the debtor except such as is exempt by the law of his domicile from execution or liability for his debts, and shall be for the equal benefit of all his creditors except such as are hereinafter prohibited, or may be with preference hereinafter permitted. It shall be accompanied by a schedule of his unexempt property and a list of his creditors, with the amount due to and the residence of each, with a statement of the liens or incumbrances on the property, unless the property, creditors, and liens be stated in the body thereof; and said schedule and list shall be verified by his oath to be correct as near as he can make them. Said assignment shall also contain a provision conveying all his unexempt property, though not specified in said schedule, and shall provide for all his creditors, whether named in the list or not; and the omission of any property or creditor from said list or schedule, or any misstatement as to liens and incumbrances, shall have no effect against the debtor's rights under this act, unless the same be willfully fraudulent. (Said assignment shall not, however, contain any provision for the benefit of a creditor whose debt arose from or is based on, in whole or in part, any dealings "in futures," as hereinafter defined.) Said assignment may, so far as the debtor's rights under this act are concerned, contain any or all of the following preferences, namely: Debts and demands due to the United States, or to any State in which any of the property is situated, or to the servants and laborers of the debtor. Said assignment, schedule, and list shall also be recorded in the office or offices wherein mortgages on said property are by law recordable. The fees of trustees under said assignment may be fixed at any sum or percentage not exceeding the allowance to trustees as provided for in this act.

VOLUNTARY BANKRUPTCY.

SEC. —. That within three months from the time of filing in the proper office said assignment for record the debtor may apply to the proper court to be declared a bankrupt. His petition shall set forth the making the assignment and his inability to pay his debts, and shall have exhibited with it a copy of said assignment, and also of the schedule and list aforesaid, if there be such, and also a schedule and list of any other property or creditor which he may have since discovered or remembered, and shall be verified by his oath, and when so verified shall be conclusive evidence of his right to be adjudged a bankrupt. On filing the same, notice as in other cases of voluntary bankruptcy shall be given by the clerk to the creditors. The debtor shall make the deposit for costs as provided in this act, but not to exceed in any case $15, unless the judge shall decide that a greater sum will be needed to pay the costs of the proceeding, on the supposition that the same will be uncontested. If within six months after filing said petition no objection be made, as hereinafter provided for, the debtor shall be discharged from all his debts and liabilities which he owed at the time of filing for record the assignment, and no further proceedings shall be had in his bankruptcy.

SEC. —. That objection may be made to said discharge by any creditor. Said objection may be made by a petition for involuntary proceedings in bankruptcy as hereinafter provided for, or by an answer filed to the debtor's petition, setting out the grounds thereof, and verified by the creditor's oath. If made by answer, it shall be filed within one month after the filing of the debtor's petition, and no proceedings shall be had on said answer; but where it has been seasonably filed any creditor may, as hereinafter provided, file a petition for involuntary proceedings against the debtor, and thereupon such proceedings shall be had as are hereinafter provided for; and if no petition be filed as required herein the answer shall be treated as disproved, and the debtor shall be discharged. If a debtor making said assignment owes less than $500, and if no proceedings for involuntary bankruptcy be commenced against him as aforesaid within six months from the filing for record of the assignment, he shall at the expiration of said term be by force of the assignment discharged from all the debts he owed at the time of making the same; and the original assignment, certified by the register or recorder or clerk of the office in which it is recorded that it was duly recorded on a day named in the certificate, or a copy so certified, shall be evidence in any court of his discharge, and shall have said effect if an attempt to procure involuntary proceedings against him shall be unsuccessful.

INVOLUNTARY PROCEEDINGS.

SEC. —. That after the filing for record of said assignment, proceedings for involuntary bankruptcy shall not be commenced against the debtor except as follows: The petition shall be filed within six months after the filing of the assignment for record, except that where the debtor has, after the filing of said as-

signment for record, as hereinbefore provided, also filed a petition to be declared a bankrupt; then said petition shall be filed within three months after the filing of the debtor's petition, unless objection to the debtor's discharge by answer be seasonably filed, as hereinbefore provided. In that case the petition for involuntary proceedings shall be filed within four months from the time of filing the debtor's petition. The creditor's petition shall state with clearness the grounds on which it is based, specifying both the act done and the property, and shall be verified by the oath of the petitioner. It shall not be filed without the previous order of the judge, who shall in all cases, before making said order, require the petitioner to give bond, with good sureties, to be approved by him, and be in a sufficient penalty, to be fixed by him, with conditions to pay and satisfy to the defendant all costs and all damages which he shall sustain by reason of such proceedings in case the same shall not be sustained, which bond, with the judge's approval thereon, shall be filed with the petition and become a part of the record. On filing the petition the deposit for fees and costs required by this act shall be made. The grounds for such involuntary proceedings shall be the following, or one of them, and no other, namely: In case the debtor is a trader, the same grounds as provided for in this act for involuntary proceedings against him. In all other cases the following: First, that the debtor has concealed some portion of his property with intent to defraud his creditors; second, that he has assigned some part of his property with like intent; third, that he has willfully, with like intent, omitted from his schedule or list any property which ought to have been included therein.

SEC. —. That on the filing of said petition at least ten days' personal notice shall be given to the debtor, who may take issue on the same by answer under oath. If issue be taken, it shall be tried by a jury, if either party demand it. If the verdict be for petitioner, the debtor shall be adjudged an involuntary bankrupt; if it be for the defendant, the jury shall at the same time find the damages sustained, and the judgment shall be that the defendant recover said damages and all costs from the obligors in said bond, and that he be also discharged from his debts which he owed at the time of filing said assignment for record. New trials may be granted according to the rules of the common law, but a new trial granted because the damages are excessive or insufficient shall not vitiate the verdict as to the issue, and judgment shall be entered on that as if no new trial had been granted as to the damages. If the judgment be adjudging the debtor an involuntary bankrupt, his petition for a discharge from his debts shall be dismissed if he has proceeded as a voluntary bankrupt.

SEC. —. That if the petitioner shall be adjudged an involuntary bankrupt, then a trustee shall be appointed as in other cases, and with like powers and duties in all respects; and the property assigned as herein provided for, as well as all other assets of the bankrupt, shall be subject to the jurisdiction of said court, to be administered in bankruptcy. Said court may remove the trustee or trustees named in the assignment, or direct him or them to proceed in the execution of the trust; and all acts done under said assignment and in pursuance thereof shall be valid.

SEC. —. The assignments made by partners in accordance with this act shall have like effect; but in such case the assignment shall contain a separate list of the society and separate creditors and property; and the preferences allowed by this act shall be for society creditors out of the partnership property, and for separate creditors out of the separate assets of the debtor partner.

SEC. —. That whenever the time of filing the assignment for record is mentioned in this act, it shall mean the time it shall be first filed in any proper office for record; but if there be more offices than one in which said assignment should be recorded, in that case, if it shall not be filed for record in all the offices in which it ought to be recorded within thirty days from the time of the first filing, the time at which it shall be filed lastly shall be the time meant.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GEORGE. I have one more amendment, and it is the last one I shall offer. At the end of section 85 I move to add:

And no debt shall be released by a discharge which may be due by any bank or individual for deposits or loans, either with or without interest, when such bank or individual has within twelve months before suspension or assignment for the benefit of creditors used its deposits or assets, or any part thereof, in buying or selling "futures" in any commodity whatever, or has lent the same to any person or corporation so engaged, or having reasonable ground to believe that the borrower would so use it, or where such bank or individual, being insolvent, shall have still continued to receive deposits or loans, or shall have misled in any way any depositor or lender as to his or its solvency.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. MORGAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I wish to say that this amendment would cover the case of every milkman who engaged to buy milk of a farmer to supply his customers. There are thousands of most harmless and innocent things in life that that would prohibit.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. HALE (when his name was called). I am paired with the Senator from Kentucky [Mr. BECK]. I should vote "nay" if he were here.

Mr. PIKE (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR]. If he were present, I should vote "nay."

Mr. VAN WYCK (when his name was called). I am paired on the bill with the Senator from Vermont [Mr. MORRILL]. He is in favor of it and I am opposed to it.

The roll-call was concluded.

Mr. HARRIS (after having voted in the affirmative). I voted, but I at the moment forgot that I am paired with the Senator from Colorado [Mr. HILL]. I do not know how he would vote on this amendment, and therefore I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn.

Mr. DOLPH (after having voted in the negative). I desire to withdraw my vote. I observe that my colleague [Mr. SLATER] is not in the Chamber, and I understand that I am paired with him on the bill.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. HARRIS. Knowing that my vote will not change the result, notwithstanding my pair with the Senator from Colorado [Mr. HILL], I will record my vote. I vote "yea."

Mr. DOLPH. Understanding that there may be difficulty in having a quorum, I will now vote. I vote "nay."

The result was announced—yeas 10, nays 30; as follows:

YEAS—10.

Brown,	Coke,	Harris,	Walker.
Call,	Garland,	Morgan,	
Cockrell,	George,	Vance,	

NAYS—30.

Aldrich,	Dolph,	Ingalls,	Plumb,
Allison,	Edmunds,	Jackson,	Pugh,
Bayard,	Frye,	Jonas,	Riddleberger,
Blair,	Gibson,	Jones of Nevada,	Sawyer,
Cameron of Wis.,	Gorman,	Logan,	Sewell,
Conger,	Harrison,	Manderson,	Sherman.
Cullom,	Hawley,	Miller of Cal.,	
Dawes,	Hoar,	Platt,	

ABSENT—36.

Anthony,	Groome,	McPherson,	Ransom,
Beck,	Hale,	Mahone,	Sabin,
Bowen,	Hampton,	Maxey,	Saulsbury,
Butler,	Hill,	Miller of N. Y.,	Slater,
Camden,	Jones of Florida,	Mitchell,	Van Wyck,
Cameron of Pa.,	Kenna,	Morrill,	Vest,
Colquitt,	Lamar,	Palmer,	Voorhees,
Fair,	Lapham,	Pendleton,	Williams,
Farley,	McMillan,	Pike,	Wilson.

So the amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times, the question is, Shall it pass?

Mr. VANCE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. HOAR. I ask unanimous consent that the vote on the passage of the bill may be taken to-morrow morning after the close of the routine morning business.

Mr. MILLER, of California, and others. Take it now.

Mr. HARRIS. Why not now?

Mr. HOAR. Because there are so many pairs that I doubt whether there will be a quorum. I withdraw the request if there is a quorum.

The PRESIDENT *pro tempore*. The Secretary will call the roll on the passage of the bill.

The Secretary proceeded to call the roll.

Mr. ALDRICH (when Mr. ANTHONY'S name was called). My colleague [Mr. ANTHONY] is absent on account of ill health. He is paired with the Senator from Texas [Mr. MAXEY]. If my colleague were present, he would vote "yea."

Mr. CAMDEN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. MITCHELL].

Mr. DOLPH (when his name was called). I transfer my pair with my colleague [Mr. SLATER] to the Senator from Colorado [Mr. HILL]. I vote "yea."

Mr. HALE (when his name was called). I was paired with the Senator from Kentucky [Mr. BECK], but that pair has been transferred to the Senator from Michigan [Mr. PALMER]. I vote "yea."

Mr. HARRIS. The Senator from Oregon [Mr. SLATER] was paired with his colleague [Mr. DOLPH]. I was paired with the Senator from Colorado [Mr. HILL]. The Senator from Oregon [Mr. DOLPH] and myself have transferred, he his pair to the Senator from Colorado [Mr. HILL] and I mine to the Senator from Oregon [Mr. SLATER]. I therefore vote. I vote "nay."

Mr. KENNA (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. I do not know how he would vote. If he were here, I should vote "yea."

Mr. COKE (when Mr. MAXEY'S name was called). My colleague [Mr. MAXEY] is paired during his absence with the Senator from Rhode Island [Mr. ANTHONY].

Mr. PIKE (when his name was called). I am paired with the Senator from Mississippi [Mr. LAMAR]. If he were present, I should vote "yea."

Mr. VANCE (when Mr. RANSOM'S name was called). My colleague [Mr. RANSOM] is paired with the Senator from New York [Mr. LAPHAM]. If my colleague were present, he would vote "nay."

Mr. VAN WYCK (when his name was called.) I am paired with the Senator from Vermont [Mr. MORRILL]. I should vote "nay" if he were here.

Mr. COCKRELL (when Mr. VEST'S name was called). My colleague [Mr. VEST] was paired with the Senator from Kansas [Mr. PLUMB], but the Senator from Kansas has voted "nay," and my colleague, if present, would vote "nay." My colleague is paired with the Senator from Arkansas [Mr. WALKER].

The roll-call was concluded.

Mr. COCKRELL. The Senator from Arkansas [Mr. WALKER] being here and having voted the same way—the pair was made during his absence—as a matter of course my colleague [Mr. VEST] is not paired; but he would, if present, vote "nay," as the Senator from Arkansas has voted.

Mr. CAMERON, of Wisconsin. The Senator from Iowa [Mr. WILSON], if present, would vote in favor of the bill. He is paired with the Senator from Ohio [Mr. PENDLETON].

The Senator from Minnesota [Mr. MCMILLAN] is favorable to the bill, and the Senator from Delaware [Mr. SAULSBURY], with whom he is paired, would vote against it.

The Senator from Pennsylvania [Mr. MITCHELL] is paired with the Senator from West Virginia [Mr. CAMDEN].

The Senator from Colorado [Mr. BOWEN] is paired with the Senator from Florida [Mr. JONES].

Mr. KENNA. Since announcing my pair with the Senator from New York [Mr. MILLER], I have ascertained that he would vote "yea." The Senator from Missouri [Mr. VEST] is absent and would vote "nay," so my pair with the Senator from New York is transferred to the Senator from Missouri, and I vote "yea."

The result was announced—yeas 32, nays 15; as follows:

YEAS—32.

Aldrich,	Dolph,	Harrison,	Logan,
Allison,	Edmunds,	Hawley,	Manderson,
Bayard,	Frye,	Hoar,	Miller of Cal.,
Blair,	Garland,	Ingalls,	Platt,
Cameron of Wis.,	Gibson,	Jackson,	Riddleberger,
Conger,	Gorman,	Jonas,	Sawyer,
Cullom,	Groome,	Jones of Nevada,	Sewell,
Dawes,	Hale,	Kenna,	Sherman.

NAYS—15.

Brown,	Colquitt,	Morgan,	Voorhees,
Call,	Farley,	Plumb,	Walker,
Cockrell,	George,	Pugh,	Williams.
Coke,	Harris,	Vance,	

ABSENT—29.

Anthony,	Hill,	Miller of N. Y.,	Saulsbury,
Beck,	Jones of Florida,	Mitchell,	Slater,
Bowen,	Lamar,	Morrill,	Van Wyck,
Butler,	Lapham,	Palmer,	Vest,
Camden,	McMillan,	Pendleton,	Wilson.
Cameron of Pa.,	McPherson,	Pike,	
Fair,	Mahone,	Ransom,	
Hampton,	Maxey,	Sabin,	

So the bill was passed.

Mr. HOAR. I move that the bankruptcy bill be reprinted as it has passed the Senate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the bankruptcy bill be reprinted as it will be engrossed.

The motion was agreed to.

CONTAGIOUS DISEASES OF DOMESTIC ANIMALS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the next business in order, being the special order, the bill (S. 1127) to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

Mr. CONGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 21, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday's proceedings was read and approved.

TORPEDO SERVICE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting an estimate by the Chief of Engineers for the torpedo service in defense of harbors; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, BROOKLYN.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House calling for information in relation to the purchase of a site for a public building in Brooklyn; which was referred to the Committee on Public Buildings and Grounds.

JOHN K. BALL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from John K. Ball, musician, of Company B, Second United States Infantry, asking that authority be given for the issue of clothing gratuitously to said musician in lieu of articles stolen from him while on duty; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. DUNCAN, on account of sickness.

PRESIDENTIAL SUCCESSION.

Mr. EATON, by unanimous consent, from the Select Committee on Law respecting the Election of President and Vice-President, reported back with amendments the bill (S. 22) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

AMERICAN COLLEGE, ROME.

Mr. EATON. I am requested, in behalf of Mr. CURTIN, chairman of the Committee on Foreign Affairs, who is necessarily absent, to report back a resolution referred to that committee with a report recommending its adoption.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Foreign Affairs, to which was referred the following resolution, beg leave to report the same back and recommend its passage:

"*Resolved*, That the Secretary of State be, and he is hereby, requested to send to this House all the facts and information he has concerning the threatened confiscation of the American College in Italy by any law or decree of the Italian Government."

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. EATON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. J. HALE.

Mr. EATON. I ask unanimous consent to offer a resolution for present consideration.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Secretary of State be requested to furnish this House with copies of all correspondence on file in the State Department relative to the claim of W. J. Hale against the Argentine Republic.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. EATON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER RIO GRANDE.

Mr. HANCOCK. I ask unanimous consent to take from the Speaker's table Senate bill No. 664, to authorize the construction of a bridge over the Rio Grande River between the cities of Laredo, in Texas, and Nueva Laredo, in Mexico.

The SPEAKER. The bill will be read, subject to objection.

Mr. BEACH and others demanded the regular order.

The SPEAKER. That is equivalent to an objection.

Mr. COBB. I hope the gentleman from New York will not insist upon the demand for the regular order.

The SPEAKER. Several gentlemen have insisted upon the demand.

DAILY HOUR OF MEETING.

Mr. MORRISON. I desire to make a privileged report from the Committee on Ways and Means. I am directed by the committee to report the following resolution and ask its adoption.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That on and after April 22, 1884, the hour of daily meeting of the House for this session be 11 o'clock a. m.

Mr. KASSON. I would like to ask if that is such a privileged resolution as excludes it from the operation of the rule requiring one day's notice to be given for the change contemplated?

The SPEAKER. The Chair will state that this is not a rule of the House which it is now proposed to change. The rules of the House do not fix the time of meeting, but the House by resolution at the beginning of the session provided that the daily session should begin at 12 o'clock until otherwise ordered. Besides that, this resolution was introduced some time ago by the gentleman from Missouri, and referred to the Committee on Ways and Means.

Mr. MORRISON. This is a resolution which was offered by the gentleman from Missouri [Mr. BUCKNER], and on his motion referred to the Committee on Ways and Means.

Mr. RANDALL. It will save night sessions and will shorten the session. That consideration ought to be conclusive in favor of the adoption of the resolution.

Mr. KASSON. I wish to say to my friend the chairman of the Committee on Ways and Means that this resolution appears to cover the entire remainder of the session, while previous experience it seems to me renders it very doubtful whether it will really facilitate the business of the House to confine members here for six hours every day instead of five. I would like to ask the chairman of the committee or the Speaker if this order, being made by a majority vote, can, when the House finds it impracticable or inconvenient to take away so much time from the work of committees—whether in that case it can also be rescinded by a majority vote?

The SPEAKER. It can always be rescinded by a majority vote. The question is on the adoption of the resolution.

The question being taken, there were—ayes 95, noes 15.

So (further count not being called for) the resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of States for the introduction and reference of bills and joint resolutions. Under this call resolutions and memorials of State and Territorial Legislatures are also in order for reference to appropriate committees, and also resolutions of inquiry addressed to heads of Departments.

SHELBY IRON COMPANY.

Mr. FORNEY introduced a bill (H. R. 6666) for the relief of the Shelby Iron Company, a body corporate in the State of Alabama; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BUREAU OF SILK CULTURE.

Mr. ROSECRANS introduced a bill (H. R. 6667) for the creation of a silk-culture bureau and the establishment of silk-culture stations; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

EDUCATION.

Mr. HENLEY introduced a bill (H. R. 6668) to promote and encourage education in the several States and Territories; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

INDIAN HOSTILITIES IN CALIFORNIA.

Mr. HENLEY also introduced a bill (H. R. 6669) to reappropriate an unexpended balance heretofore appropriated by Congress for the suppression of Indian hostilities in the State of California; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PROGRESS OF THE SOUTH.

Mr. WAIT presented resolutions of the General Assembly of the State of Connecticut, favoring the establishment of a commission to inquire into the material, industrial, and intellectual progress of the South; which were referred to the Committee on Labor.

W. L. NICHOLS.

Mr. CANDLER introduced a bill (H. R. 6670) for the relief of W. L. Nichols; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWTON COKER.

Mr. CANDLER also introduced a bill (H. R. 6671) for the relief of Newton Coker; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BRANDY DISTILLED FROM FRUIT.

Mr. BLOUNT introduced a bill (H. R. 6672) to reduce the internal-revenue tax on brandy distilled exclusively from apples, peaches, or grapes grown in the United States to 10 cents per gallon; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NATIONAL BANKING ASSOCIATIONS.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 6673) to enable national banking associations to increase their capital stock and to change their names or locations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PERJURY.

Mr. SPRINGER introduced a bill (H. R. 6674) to amend section 5392 of the Revised Statutes in reference to perjury; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

MRS. MENA HOLMES.

Mr. KLEINER introduced a bill (H. R. 6675) granting a pension to Mrs. Mena Holmes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS FOR LOSS OF ARM AND LEG.

Mr. MORRILL introduced a bill (H. R. 6676) to allow soldiers or sailors who have lost an arm and leg in the military service of the United States a pension for each disability; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM IRVING.

Mr. RYAN introduced a bill (H. R. 6677) to increase the pension of William Irving, late lieutenant-colonel Thirty-eighth Ohio Veteran Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOUTHERN EXPOSITION AT LOUISVILLE, KY.

Mr. WILLIS introduced a bill (H. R. 6678) relative to the Southern exposition at Louisville, State of Kentucky, in 1884; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LIFE-SAVING CREW, LOUISVILLE, KY.

Mr. WILLIS also presented a resolution of the Kentucky Legislature, asking increase of compensation to life-saving crew at Louisville, Ky.; which was referred to the Committee on Commerce.

INDUSTRIAL AND COTTON CENTENNIAL EXPOSITION.

Mr. ELLIS introduced a bill (H. R. 6679) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

LOUISIANA STATE-HOUSE.

Mr. ELLIS also introduced a bill (H. R. 6680) to aid the State of Louisiana in rebuilding the State-house at Baton Rouge, La., and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD.

Mr. ELLIS also introduced a joint resolution (H. Res. 232) directing the Judiciary Committees of both Houses to inquire into and report upon certain legal questions involved in the proposed forfeiture of the land grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company, assigned; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MISSISSIPPI RIVER COMMISSION.

Mr. KING introduced a bill (H. R. 6681) to amend an act entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes near its mouth to its headwaters," approved June 28, 1879; which was read a first and second time, referred to the Committee on Levees and Improvement of the Mississippi River, and ordered to be printed.

WILLIAM FRAZIER.

Mr. FINDLAY introduced a bill (H. R. 6682) for the relief of William Frazier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FANNY D. WALLACE.

Mr. LONG introduced a bill (H. R. 6683) for the relief of Fanny D. Wallace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. E. L. NOTT.

Mr. LONG also introduced a bill (H. R. 6684) granting a pension to Mrs. E. L. Nott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK AMIM.

Mr. COLLINS (by request) introduced a bill (H. R. 6685) for the relief of Frank Amim; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANTOINE CAMPAU.

Mr. MAYBURY introduced a bill (H. R. 6686) granting a pension to Antoine Campau, late private of Company G, Ninth Michigan Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET M'CRICKETT.

Mr. MAYBURY also introduced a bill (H. R. 6687) granting a pension to Margaret McCrickett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD HARRISON.

Mr. MAYBURY also introduced a bill (H. R. 6688) granting a pension to Edward Harrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL W. FRANCIS.

Mr. BELMONT (by Mr. MAYBURY) introduced a bill (H. R. 6689) for the relief of Samuel W. Francis; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ABIJAH CAIN.

Mr. DOCKERY introduced a bill (H. R. 6690) authorizing Abijah Cain to make an additional homestead entry; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ALEXANDER EVANS.

Mr. DOCKERY also introduced a bill (H. R. 6691) granting a pension to Alexander Evans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID WHITTINGTON.

Mr. DOCKERY also introduced a bill (H. R. 6692) granting a pension to David Whittington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL J. WHITE.

Mr. DOCKERY also introduced a bill (H. R. 6693) granting a pension to Samuel J. White, late private Company G, Twenty-second Kentucky Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN B. HINCKLEY.

Mr. DOCKERY also introduced a bill (H. R. 6694) for the relief of Calvin B. Hinckley, late captain in the Nineteenth Maine Volunteers and First Maine Heavy Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANGELINA MYERS.

Mr. GRAVES introduced a bill (H. R. 6695) for the relief of Angelina Myers; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JANE HICKS.

Mr. GRAVES also introduced a bill (H. R. 6696) for the relief of Jane Hicks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. M. WADLEY.

Mr. ANDERSON introduced a bill (H. R. 6697) for the relief of F. M. Wadley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JUDICIAL DISTRICTS IN NEBRASKA.

Mr. VALENTINE introduced a bill (H. R. 6698) to divide the State of Nebraska into two judicial districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HOLT COUNTY BANK, NEBRASKA.

Mr. VALENTINE also introduced a bill (H. R. 6699) for the relief of the Holt County Bank, of Holt County, Nebraska; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANTON HORFF.

Mr. CASSIDY introduced a bill (H. R. 6700) for the relief of Anton Horff; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM GIBSON.

Mr. CASSIDY also introduced a bill (H. R. 6701) for the relief of William Gibson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDINGS AT WEST POINT, N. Y.

Mr. BEACH introduced a bill (H. R. 6702) to provide for the erection of necessary buildings upon the Government reservation at West Point, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PATENT LAWS.

Mr. BEACH also presented resolutions of the Legislature of the State of New York, in relation to the patent laws; which were referred to the Committee on Patents.

GOVERNMENT FOUNDERY AT WATERVLIET ARSENAL.

Mr. BEACH also presented resolutions of the Legislature of the State of New York, in relation to the establishment of a Government foundery at Watervliet arsenal, West Troy, N. Y.; which were referred to the Committee on Military Affairs.

MRS. D. P. WOODBURY.

Mr. SLOCUM introduced a bill (H. R. 6703) to increase the pension of Mrs. D. P. Woodbury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COL. Z. B. TOWER.

Mr. SLOCUM also introduced a bill (H. R. 6704) to provide for the retirement of Col. Z. B. Tower as a brigadier-general of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL M. STEWART.

Mr. SLOCUM also introduced a bill (H. R. 6705) granting a pension to Daniel M. Stewart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SANFORD BRADBURY.

Mr. SLOCUM also introduced a bill (H. R. 6706) granting a pension to Sanford Bradbury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA DE LONG.

Mr. HARDY introduced a bill (H. R. 6707) granting a pension to Emma De Long; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

OLEOMARGARINE.

Mr. PARKER introduced a bill (H. R. 6708) to tax the manufacture and sale of oleomargarine; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IMITATIONS OF BUTTER AND CHEESE.

Mr. PARKER also introduced a bill (H. R. 6709) to regulate the exportation of articles made in imitation of butter and cheese; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ABRAHAM VAN ASSUM.

Mr. COX, of New York, introduced a bill (H. R. 6710) for the relief of Abraham Van Assum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS MAGNUS.

Mr. COX, of New York, also introduced a bill (H. R. 6711) granting a pension to Louis Magnus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.
islature of the State of New York, in relation to the establishment of a

GUN-FACTORY AT WATERVLIET ARSENAL.

Mr. COX, of New York, also presented a joint resolution of the Legun-factory at Watervliet, West Troy, N. Y.; which was referred to the Committee on Naval Affairs.

JOHN RANDOLPH HAMILTON.

Mr. VANCE introduced a bill (H. R. 6712) to remove the political disabilities of John Randolph Hamilton, of North Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUSPENSION OF DIRECT TAX OF 1861.

Mr. BENNETT introduced a bill (H. R. 6713) to suspend the collection of the direct tax imposed by an act of Congress passed August 5, 1861; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SUSPENSION OF LEGACY AND SUCCESSION TAXES.

Mr. BENNETT also introduced a bill (H. R. 6714) to suspend the collection of all taxes on legacies and successions which accrued before the 1st day of October, 1870; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM H. WALSH.

Mr. YORK introduced a bill (H. R. 6715) for the relief of William H. Walsh, of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH CULBERTSON.

Mr. WILKINS introduced a bill (H. R. 6716) granting a pension to Elizabeth Culbertson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. SUTTON.

Mr. HART introduced a bill (H. R. 6717) to remove the charge of desertion from the record of Thomas J. Sutton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILLIP ELLHUFF.

Mr. HART also introduced a bill (H. R. 6718) to remove the charge of desertion from the record of Phillip Ellhuff; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WELLINGTON DODDRIDGE.

Mr. HART also introduced a bill (H. R. 6719) to remove the charge of desertion from Wellington Doddridge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET A. GARDNER.

Mr. FORAN introduced a bill (H. R. 6720) granting a pension to Margaret A. Gardner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALONZO S. GARDNER.

Mr. FORAN also introduced a bill (H. R. 6721) granting a pension to Alonzo S. Gardner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOVERNMENT MILITARY ASYLUMS.

Mr. MOREY introduced a bill (H. R. 6722) to amend section 4829 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM S. WILSON.

Mr. GEDDES introduced a bill (H. R. 6723) granting a pension to

William S. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO UNION PRISONERS OF WAR.

Mr. GEDDES presented a joint resolution of the Legislature of Ohio, for the passage of Senate bill 11 and House bill 1189; which was referred to the Committee on Invalid Pensions, and, by unanimous consent, ordered to be printed.

The joint resolution is as follows:

Joint resolution requesting our Senators and Representatives to vote for and urge the passage of Senate bill No. 11 and House No. bill 1189.

Whereas there has been introduced in the United States Senate bill No. 11 and in the House of Representatives bill No. 1189, asking for pensioning of prisoners of war who were confined in confederate military prisons during the late war: Therefore,

Resolved, That our Senators and Representatives in Congress be, and are hereby, requested to vote for and urge the passage of the same at the earliest practical moment, and that the governor forward a copy of this resolution to each of our Senators and Representatives in Washington.

L. A. BRUNNER,
Speaker pro tempore of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Adopted April 11, 1884.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State.

I, James W. Newman, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio, on the 11th day of April, A. D. 1884, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, the 14th day of April, A. D. 1884.

[SEAL.] JAS. W. NEWMAN,
Secretary of State.

WILLIAM M. RUNKEL.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 6724) to authorize the Adjutant-General of the Army to place the name of William M. Runkel on the roll of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM M. RUNKEL.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 6725) granting a pension to William M. Runkel for wounds received at Cumberland, Va.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET A. MAGUIRE.

Mr. BINGHAM introduced a bill (H. R. 6726) granting a pension to Margaret A. Maguire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HAYES.

Mr. BINGHAM also introduced a bill (H. R. 6727) granting a pension to John Hayes, late a corporal Company K, Seventy-second Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MARSH.

Mr. DIBBLE introduced a bill (H. R. 6728) referring the claim of James Marsh to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

H. C. SMITH.

Mr. STEWART, of Texas, introduced a bill (H. R. 6729) for the relief of H. C. Smith, of Hardin County, Texas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. W. SNYDER.

Mr. HANCOCK introduced a bill (H. R. 6730) for the relief of J. W. Snyder, of Georgetown, Tex.; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ENGINEERS' AND QUARTERMASTERS' DEPARTMENTS.

Mr. POLAND introduced a bill (H. R. 6731) to amend section 4693 of the Revised Statutes; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

MRS. HULDAH FISK.

Mr. POLAND also introduced a bill (H. R. 6732) granting a pension to Mrs. Huldah Fisk, as dependent mother of Orrin J. Fisk, late Company G, Ninth Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWIN WILKINSON.

Mr. GARRISON introduced a bill (H. R. 6733) to rerate the pension of Edwin Wilkinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT AND FOG-SIGNAL, KILLICK SHOAL.

Mr. GARRISON also introduced a bill (H. R. 6734) making an appropriation for a small light and fog-signal on Killick shoal, Chincoteague Bay, State of Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SUSPENSION OF LAWS OF NEW MEXICO.

Mr. MANZANARES introduced a joint resolution (H. Res. 233) to suspend the operation of all the laws, acts, and joint resolutions passed at the twenty-sixth session of the Legislative Assembly of the Territory of New Mexico; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. DAVIDSON introduced a bill (H. R. 6735) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the several collection districts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ABRAHAM JAMES.

Mr. CLAY introduced a bill (H. R. 6736) for the relief of Abraham James, Union County, Kentucky, corporal Company E, Sixty-third Ohio Regiment; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS STEPHENS.

Mr. CLAY also introduced a bill (H. R. 6737) for the relief of Lewis Stephens, of Grant County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN RUH.

Mr. CLAY also introduced a bill (H. R. 6738) granting a pension to Benjamin Ruh, late of Company I, One hundred and sixth Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTAGE ON NEWSPAPERS.

Mr. SKINNER, of New York, introduced a bill (H. R. 6739) to permit the publishers of newspapers to send marked copies of their publications at second-class rates; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SUITS TO SET ASIDE PATENTS.

Mr. BELFORD introduced a bill (H. R. 6740) to prohibit the Attorney-General from entering into any contract with any individual to set aside a patent issued by the Government on condition that said individual shall pay the cost of said litigation; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH BISHOP.

Mr. CABELL introduced a bill (H. R. 6741) for the relief of Joseph Bishop, of Patrick County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM CONDON.

Mr. NEECE introduced a bill (H. R. 6742) granting a pension to William Condon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. M. MERRITT.

Mr. NEECE also introduced a bill (H. R. 6743) granting a pension to T. M. Merritt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANGELINE BROMAGHIN.

Mr. WAKEFIELD introduced a bill (H. R. 6744) granting a pension to Angeline Bromaghin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES D. HATCH.

Mr. WAKEFIELD also introduced a bill (H. R. 6745) granting a pension to Charles D. Hatch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF NAVAL ACADEMY GRADUATES.

Mr. WAKEFIELD also introduced a bill (H. R. 6746) to regulate the pay of Naval Academy graduates; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGE S. STEELE.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 6747) granting a pension to George S. Steele; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH COFFEY.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 6748) granting a pension to Elizabeth Coffey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRESBYTERIAN CHURCH, GREENVILLE, TENN.

Mr. McMILLIN introduced a bill (H. R. 6749) for the relief of the Presbyterian church at Greenville, Tenn.; which was read a first and

second time, referred to the Committee on War Claims, and ordered to be printed.

COLLECTION DISTRICTS, MASSACHUSTETTS.

Mr. DAVIS, of Massachusetts, introduced a bill (H. R. 6750) to amend paragraph 7 of section 2527 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LEVEES OF THE MISSISSIPPI RIVER.

Mr. KING introduced a joint resolution (H. Res. 234) calling for a report upon the condition of the levees of the Mississippi River, and for other purposes; which was read a first and second time, referred to the Committee on Levees and Improvements of the Mississippi River, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This being the third Monday, the regular order is the call of committees for motions to suspend the rules. The call rests with the Committee on Printing.

REPRINT OF CERTAIN PUBLIC DOCUMENTS.

Mr. SCALES. Under instructions from the Committee on Printing I move to suspend the rules and pass the joint resolution which I send to the desk.

The joint resolution (H. Res. 235) was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the Public Printer shall have received a sufficient number of orders for copies of the reports of the Tenth Census of the United States, or for the Compendium of the Tenth Census, or for the Medical and Surgical History of the Rebellion, or for the Rebellion Record, accompanied in each case by the cost price thereof, with 10 per cent. additional to warrant in his opinion the expense of putting the plates to press, he shall cause an edition or editions thereof to be printed: *Provided*, That the number of copies thus at any time printed shall not exceed the number ordered and paid for in advance of publication.

The SPEAKER. The question is on suspending the rules and passing the resolution just read.

The resolution was agreed to (two-thirds voting in favor thereof).

TERM OF CERTAIN OFFICES.

Mr. MUTCHLER. I am instructed by the Select Committee on Reform in the Civil Service to move to suspend the rules that the bill (H. R. 4460) to repeal sections of the Revised Statutes restricting the term of certain offices to four years, and for other purposes, be taken from the House Calendar and passed.

The bill was read, as follows:

Be it enacted, &c., That all those portions of the following sections of the Revised Statutes of the United States, to wit, sections 769, 1864, 2217, 2244, 2613, and 3830, which fixed the term of offices of the officers therein mentioned at four years, and all other acts and parts of acts in so far as they create or declare a term of four years on the part of any officers in any of the said sections mentioned, are hereby repealed: *Provided, however*, That the provisions of this act shall not apply to any of the officers mentioned in the said sections now in office, nor shall their term of office be in any wise affected by the provisions of this act.

SEC. 2. That the chief justice and the associate justices of the supreme court of every Territory hereafter to be appointed shall be appointed to hold office during good behavior, or until the Territory shall be admitted as a State and the State government shall go into operation, and all the other officers whose term of office is abolished by the provisions of this act shall be commissioned to hold office, and shall hold office, during the pleasure of the President.

SEC. 3. That every person hereafter appointed to any office of which the term is abolished by the provisions of this act, and of which the incumbent is now required to give an official bond, shall, before entering upon the duties of his office, give a bond to the United States, with one or more sufficient sureties, for the true and faithful discharge of the duties thereof according to law. The said bonds shall be in such form, and under such penalty, and approved in such manner, and filed in such offices as is now provided by law in the case of each of such officers; and such bonds shall be renewed once in three years, under such regulations as may be prescribed by the officers required to approve the same as are not inconsistent with the provisions of this act.

Mr. HOLMAN. I demand a second.

Mr. BEACH. I ask unanimous consent that a second be considered as ordered.

Mr. HOLMAN. I demand a count.

The SPEAKER. A count being demanded, the Chair will appoint as tellers the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Pennsylvania, Mr. MUTCHLER.

The House divided; and the tellers reported—ayes 98, noes 68.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rules of the House thirty minutes will be allowed for debate; fifteen minutes in support of the motion and fifteen minutes against it. The Chair recognizes the gentleman from Indiana [Mr. HOLMAN] to control the time in opposition.

Mr. MUTCHLER. The Committee on Reform in the Civil Service unanimously recommend the passage of this bill. It is also recommended by all the civil-service-reform leagues of the country, including the National Civil-Service Reform League. The purpose of the bill is to repeal the act of 1820 and the acts supplementary thereto which limit the term of certain officers to four years.

Section 769 of the Revised Statutes limits the term of district attorneys to four years. Section 1864 limits the term of the chief-justice and the associate justices of the Territories to four years and until their successors shall be qualified. Section 2217 limits the term of surveyors-general to four years. Section 2244 limits the term of registers and receivers to four years. Section 2613 limits the term of collectors of customs and naval officers and surveyors of customs to four years. And the remaining section, 3830, limits the term of postmasters to four years, unless sooner removed.

Prior to the passage of the act of 1820 all these officers held their positions at the pleasure of the President. It was considered and is yet considered to be his constitutional privilege to retain in office whomsoever he chooses, and to dismiss at any time any officer he may feel disposed to dismiss. The repeal of the act of 1820 and the other acts in no way abridges the power of the President. He will still have the same power to remove any of the officers and to appoint others in their places. But the act of 1820 and the supplements thereto compel him to renew the commissions of these officers or appoint others in their places at the expiration of every four years. In other words, they interfere with the constitutional prerogative of the President, and say to him, "While you may appoint to office whomsoever you please, by and with the advice and consent of the Senate, yet the officer so appointed shall not hold his term of office for a longer period than four years." And the consequence is that every four years the Executive and the Senate are likely to come in conflict with respect to the officer whose term expires. If the President renominates him the Senate of course has the privilege of rejecting him, and when there is a conflict between the Executive and the Senators the office remains vacant until that is ended.

In speaking of this law Mr. Jefferson, in a letter dated November 29, 1820, addressed to Mr. Madison, spoke of it as "the late mischievous law, vacating every four years nearly all the executive offices of the Government," and says of it:

It saps the constitutional and salutary functions of the President, and introduces a principle of intrigue and corruption which will soon leaven the mass, not only of Senators but of citizens. It is more baneful than the attempt which failed at the beginning of the Government to make all officers irremovable but with the consent of the Senate. This places every four years all appointments under their power, and obliges them to act on every one nomination. It will keep in constant excitement all the hungry cormorants for office, render them, as well as those in place, sycophants to their Senators, engage them in eternal intrigue to put out one and put in another, in cabals to swap work, and make of them what all executive directories become, mere sinks of corruption and faction.

I yield five minutes to the gentleman from Kentucky [Mr. WILLIS].

Mr. BUCKNER. Before the gentleman from Pennsylvania [Mr. MUTCHLER] takes his seat I would like to ask him a question. It is whether the provisions of this bill affect in any way the power of the President to remove, as now?

Mr. MUTCHLER. No, sir; the provisions of the bill do not affect the power of the President to remove. They only obviate the necessity of his reappointing a faithful officer and taking a risk that the Senate will confirm him at the end of every four years.

Mr. WILLIS. I should prefer hearing some gentleman in opposition before I make my remarks in support of the bill.

Mr. MORSE. There may be none.

Mr. WILLIS. If there is no one objecting to the bill I will proceed.

The SPEAKER. The gentleman from Pennsylvania [Mr. MUTCHLER] has eight minutes of his time remaining.

Mr. HOLMAN. I yield three minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. In the few minutes allotted to me I will say to the House that it does seem to me that after sixty-four years of the operation of the present law in the Government of the United States, and after a longer term than that of a similar experience in State governments, we ought to hesitate before we put our hands upon this law, under a fifteen minutes' debate on each side, and demolish it. No man in this country has a higher esteem than I have for the great statesman Mr. Jefferson, whose utterances have been read by the gentleman from Pennsylvania, but he like other men may have been fallible. Besides, we are now confronted by statutes which Jefferson never dreamed of. Was the tenure-of-office act—passed to tie President Johnson's hands—in existence when Mr. Jefferson wrote that letter? Its history is known to all. Its object was to take away from Mr. Johnson the constitutional right to remove an officer. It was passed in 1867, and is in these words:

SEC. 1767. Every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

The penalty for its violation is as follows:

SEC. 1772. Every removal, appointment, or employment made, had, or exercised contrary to sections 1767 to 1770, inclusive, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed a high misdemeanor, and every person guilty thereof shall be imprisoned not more than five years or fined not more than $10,000, or both.

Sir, under the old law it did not require the "consent" of the Senate for the President to remove an inefficient officer, as it does now. Repeal this disgrace to the statutes, and then it will be time to come and ask us to enlarge the powers of those who happen to hold office by appointment. But I will never vote for the bill while the "tenure-of-office act" remains on the statute-books. What would be the effect of it? A President appoints his henchmen and partisans to office; his

term expires; he is succeeded by another, who honestly thinks the good of the service requires changes; but the Senate, holding over, and in sympathy with those already in, refuses its "consent" to any change. You have life-service, with all the evils attendant upon it. I want no officer to feel that he has immunity against removal for life.

I want to call the attention of the members of this House to one fact: There are thirty-eight States in the Union. I wish to know what member of this House represents a State where life-tenure of office is tolerated by the people?

Mr. RYAN. Or desired, either.

Mr. McMILLIN. Yes; or desired.

Mr. BEACH. In Connecticut.

Mr. McMILLIN. Is it universal there? I have no information on the subject, but I will venture Connecticut has no such law.

Mr. BEACH. In the case of judges.

Mr. McMILLIN. I undertake to say that there is no such universal law as that in any State of this Union. And I do not hesitate to say further that the party which would attempt to inaugurate such a system in a State government would be and should be hurled from power. We want no less obligation to serve the country faithfully felt by this class than they now feel. If an officer is faithful in the discharge of the trust committed to him by the President, and the Senate by confirmation, it is but little trouble to reappoint him. But if he is not faithful his term of service should be allowed to expire, and without any action on the part of the Executive he should be relieved of the authority which has been conferred upon him.

Mr. EATON. I want to say to my friend from Tennessee [Mr. McMILLIN] if he will permit me——

Mr. McMILLIN. With pleasure.

Mr. EATON. The member from New York [Mr. BEACH] is entirely mistaken. There is no such tenure in Connecticut. There was once, but we turned Democratic and got rid of it.

Mr. McMILLIN. Then I repeat, who is there here that represents a State that tolerates such a system? Not a man of us all. And yet the tendency from year to year is to place officers of the Government of the United States more and more distant from the people, every year to remove them further from the control of the people; a thing which we ought not to do. Mr. Speaker, no man is more anxious for true civil-service reform than I. No man would more gladly see the service restored to what it should be. No man is more anxious to see the time come when officers or the Government are no longer fleeced annually for campaign purposes. But this official millennium will never be brought around by simply telling those now in, who have been guilty of the assessment-fleecing and other wrongful acts, that they may hold their offices during the remainder of their lives.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MUTCHLER. I will yield three minutes of my time to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, as the introducer of the present bill, I will ask briefly the attention of the House.

On the 13th of December, 1880, which was in the last session of the Forty-sixth Congress, I introduced the bill now in my hand (H. R. 6562), entitled "A bill to reform the civil service of the United States." It was the first bill of that nature in either branch of that Congress. The last six sections of that bill provided for entrance to the public service through competitive examinations. This has since been secured by the passage of the bill which bears the name of Senator PENDLETON, nor will any one ever desire to take from him that honor, for to his eloquence, zeal, courage, and fidelity was its success chiefly due. At this late day I may, however, with pardonable pride, as a bit of legislative history, recall the fact, not heretofore made public, that the Pendleton bill was the immediate outgrowth or result of this bill, the New York Civil-Service Association, complying with a request, having sent as an amendment or substitute thereto the document now also before me, which is the original draught of the Pendleton bill.

The first two sections of this bill of 1880 are identical in their object with the bill now before the House. What is that object? Is it to secure a life-tenure, as charged by the gentleman who has just taken his seat [Mr. McMILLIN]? He is utterly mistaken in that statement. There is not one word in this bill that implies or justifies a life-tenure of office. There are political offices and there are non-political offices in this country. Not one office affected by this bill is a political office. Even if the bill contemplated life-tenure, the answer to the argument of the gentleman would be that none of the offices affected by it are political in their character, and they ought not, therefore, to be made the rewards and counters of political services.

Mr. McMILLIN. They are all made political.

Mr. WILLIS. Yes; and that is the point I am coming to.

Mr. WELLER. I would like to find an office in this country that is not political.

Mr. WILLIS. It is not true that you can not now find an office in this country which is not a political office. I admit, and with regret, that political influences largely control many offices like those embraced in this bill, which properly should be divorced from politics. But I do not concede the broad proposition stated by the gentleman. Official life comprises three departments—civil, military, and naval. In two of these departments—in the Navy and in the Army—officers hold their position "during the pleasure of the President." Would the gentleman limit the terms of our naval and army officers to four years, and thus place them in the category of district attorneys and Presidential postmasters, to be renewed from time to time, not because of gallant and faithful service, but permitted to expire without reference to these considerations? If so, he is consistent in his opposition to this bill. England, up to a period within the memory of men now living, appointed her military officers in the same way that we appoint our civil officers. Personal favoritism, partisan intrigue, and political despotism secured the appointments. The military service there, like the civil service here, was dominated by selfish interests, fraud, and coercion. As to the other department of official life, the civil service, it is, as we all know, subdivided into the judicial, legislative, and executive branches. And here again the statement of the gentleman is not sustained by the facts. I deny that our judicial positions as a rule are political offices, and I still more emphatically deny that they should be political. As to the executive offices of the Government, they ought to reflect the will of the party in power in all offices where that will is properly involved. In legislative offices, also, there can hardly be too frequent opportunities afforded for change. No friend of civil-service reform seeks or desires stability, much less permanency of tenure, for legislative offices. The changing opinions and views of the people should be reflected by their legislators, subject only to the proposition which the people thoroughly understand, and by which more and more every year they are controlled, that without experience even the highest character and capacity may be found insufficient.

This bill does not propose to interfere with any of these high prerogatives of the people in the choice of those legislative agencies which give character to the nation, which direct its power, express its will, and direct its policies. The officers mentioned in this bill, collectors and surveyors of customs, postmasters, district attorneys, surveyors-general, registers and receivers, naval officers, the chief-justices and associate justices of Territories, what are they but the ministerial agents of the Government, whose duties are plainly prescribed by the legislative department, the department which is directly and constantly responsible to and controlled by the people? What political consequence should attach to these offices? What reason can be given why they should be active political partisans? Why should the public be deprived of the services of any one of these officers who has been faithful, honest, and capable? If they are not such officers, why should they be permitted to hold their term for four years? If they are thoroughly qualified, why should they at the end of four years be set adrift and other perhaps incompetent and dishonest men take their places? Can any answer be given to these questions except that these offices have under our miserable "spoils" system been used and regarded, not as public trusts, but as bribes to secure partisan service?

But, says my friend from Tennessee [Mr. McMILLIN], this bill reverses the well-settled and accepted policy of our Government. If that were true, a higher question before us is whether what we now propose to do is right. If right, it ought to be done regardless of past precedent. I do not think any of us are especially enamored of our civil service since the war; but excluding that period, the gentleman's statement will not hold good as to the duration of the present system. Our Government lived and flourished from its foundation up to the year 1820 before any of these officers held a four-year term, and it was not until 1836 that party greed reached out for the Post-Office Department.

What was the condition of the country during that time? Did we have those prescriptive removals which now daily disgrace our civil service, illustrating at once private injustice and public misfortune? What are the well-known facts? Washington made only nine removals, all of which were for cause; John Adams made nine, and none of them were for political reasons; Jefferson made thirty-nine, and we have his repeated declarations that none of them were for political opinions; Madison made only five, Monroe only nine, John Quincy Adams only two. In the first forty years of our Government there were only seventy-three removals from office, and all of these were for cause. Compare that period with any forty years since and an argument unanswerable is furnished in favor of this bill.

We all know how this policy was changed; how for party purposes, without debate, in stealth and in conspiracy against the people, the act of 1820 was passed reducing the constitutional tenure of the most important executive offices, and we know, too, the disastrous consequences which have followed and which will follow until it is repealed.

These consequences were not slow in their appearance nor were the great statesmen of that day unaware of their character. Mr. Calhoun, who was then Secretary of War, declared the law at the time "one of the most dangerous ever passed, and that it would work a revolution." In five years from its passage Mr. Macon made a report in the Senate repealing the act, but the people had not yet fully realized their danger, and the effort was ineffectual. In the mean while fraud and peculation, bribery and intrigue, were rampant in the land. Two hundred and ninety-seven defaulting collectors and other officers were reported to the House by the Secretary of the Treasury.

The people became justly alarmed. Another repealing act—this one

in 1835—passed the Senate by a vote of 31 to 16. Among those voting for the repeal we find the names of Clay, Calhoun, Webster, Benton, Ewing, Southard, and White.

Mr. Webster declared that the evil effects of the act of 1820 had vastly predominated; that "a very great change has taken place within a few years in the practice of the executive government. I am for staying the further contagion of this plague. Men in office have begun to think themselves mere agents and servants of the appointing power."

Mr. Clay said "the tendency had been to revive the Dark Ages of feudalism and to render office a feudatory."

Mr. Benton said the law of 1820 had become the means of getting rid of faithful officers, and the expiration of the four years' term came to be considered as the vacation of all officers on whom it fell. Mr. Calhoun declared that officers and people are being taught "that the most certain road to honor and fortune is servility and flattery. * * * I have marked its progress in a thousand instances within the last few years. * * * What a few years since would have shocked and aroused the whole community is now scarcely perceived or felt, and when it is openly avowed that the public offices are the spoils of the victors it scarcely produces a sensation."

Mr. Jefferson in a letter to Mr. Madison, which has already been quoted in this discussion, referring to the act of 1820, declared:

> It saps the constitutional and salutary functions of the President, and introduces a principle of intrigue and corruption which will soon leaven the mass not only of Senators but of citizens. It is more baneful than the attempt, which failed at the beginning of the Government, to make all officers irremovable but with the consent of the Senate. This places, every four years, all appointments under their power, and even obliges them to act on every * * * nomination. It will keep in constant excitement all the hungry cormorants for office; render them, as well as those in place, sycophants to their Senators; engage these in eternal intrigue to turn out one and put in another, in cabals to swap work; and make of them, what all executive directories become, mere sinks of corruption and faction. It must have been one of the midnight signatures of the President, when he had no time to consider or even read the law.

If these comments were true then, how immeasurably more so now, when we have a hundred thousand office-holders in the land. Will any candid man deny that the strongest language of these criticisms is justifiable by the every-day experience of our civil service or that the most far-reaching prophecies and forebodings in which these fathers of the Republic indulged have been fully verified? Is the whole subject of reform more hopeful now than it was then? Are bribery, coercion, and "bossism" less prevalent? Is proved competency more potent than partisan zeal and subserviency?

Are honesty, capacity, and fidelity the sure and only qualifications for office, or do they still stand aside at the dictate of selfish and personal power? Do we not know that more and more spoils have been as essential as more and more victims to a beast of prey? At no period of our history has that system been more voracious, more despotic, or more proscriptive and aggressive. And in arbitrary and tyrannical removals how does this era compare with the first forty years of our Government? Then, as we have seen, there was not an average of two removals a year. Compare this record, not with that of the whole country, but with one city, New York. From the year 1858 to 1861 (three years) there were in the custom-house at that city out of 690 offices 389 removals.

From 1861 to 1864 (three years) out of 702 offices there were 525 removals. Under Collector Smyth, in three years, out of 903 offices there were 830 removals. Under Collector Grinnell, in sixteen months, out of 892 offices there were 510 removals, which was an official execution every day of his term, with thirty extras for Sundays. The aggregate result was that in the 1,565 secular days preceding the year 1871, when Mr. Arthur was appointed, there were 1,678 removals from office in the New York custom-house, or more than at the rate of one for every such day for five years continuously. Need there be anything but the statement of these facts and figures to condemn the corrupt and corrupting system under which they flourish—a system which makes the public offices of the country partisan lazarets, in which all independent, unselfish, and patriotic feelings are unknown, and to which servility and venality are the only "open sesame."

This is the system which has grown up since the days of Washington and Jefferson, and which is largely dependent upon the sections of the Revised Statutes whose proposed repeal seems to arouse such illogical opposition. I repeat, sir, that this bill does not look to life-tenure or permanency of tenure. It is not an innovation upon our political institutions. It does not propose some new and untried experiment. It does not seek an unknown path; it simply proposes that we shall go back to the original path prescribed by the founders of our Government, and followed, as we have seen, by Washington, by Adams, by Jefferson, by Madison, by Monroe, and by all the statesmen who started upon its career of glory the civil service of the United States.

We propose by this legislation to return to the early and constitutional practice of the Government. We propose that now, as then, fidelity and good behavior, and these alone, shall be the condition of continuance in office. And why should not this be the case? Why should the people consider the business of the Government from a different standpoint than their own business? What an absurdity that business man would be guilty of who should discharge his clerks at the end of every four years, regardless of the experience which they had acquired, regardless of the honesty and fidelity with which they had discharged all the duties devolved upon them. And what inducement to faithful service would there be or can there be to the public or private servant over whom such a constant menace hangs? Does it secure better service to declare, as we do now by existing law, that no competency, no honesty or fidelity, can prevent discharge when this fixed period has arrived?

This bill proposes to avert that menace. It proposes to fasten upon the President the odium and the responsibility of arbitrary and causeless removals from office. But, sir, in the limited time allowed me it would be impossible to even touch upon the facts and arguments in favor of the pending bill. I congratulate the committee upon their unanimous recommendation of its passage. I congratulate them that they have sought to give the power of commanding law to sentiments which are embodied in the platforms of all the great political parties of the country. Higher than the tariff, higher than any economic or financial question stands this great problem of the elevation and purification of the civil service of our Government. The vote about to be taken will disclose the friends of that reform. Whether they be in the majority or not, this great cause will still go on. This Congress in its wisdom may revile and trample this bill under its feet, as a former Congress did a similar bill, but if so we will appeal from that decision to a tribunal which creates Congresses, the sovereign people of these United States, who will again as in the past declare their will, and when declared it will be promptly registered here as the law of the land.

The SPEAKER. The time of the gentleman has expired. The gentleman from Pennsylvania [Mr. MUTCHLER] has five minutes of his time remaining, and the gentleman from Indiana [Mr. HOLMAN] has twelve minutes of his time remaining.

Mr. MUTCHLER. I will reserve the remainder of my time until I have heard the other side.

Mr. HOLMAN. I will yield three minutes of my time to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER (from the Clerk's desk). I will speak from the Clerk's desk, because my own seat is not a very eligible one.

The bill before the House proposes to make two very important changes in the tenure of office: first, with regard to appointments; second, with regard to removals. Under the operation of the first section of this bill all persons who are mentioned in the clauses or sections of the Revised Statutes referred to will hold their offices during the pleasure of the President.

The sections of the Revised Statutes repealed are as follows:

Section 769, which limits the term of office of district attorneys to four years; section 1868 which limits the terms of chief-justices and associate justices of the Territories to four years and until their successors are qualified; section 2217, which limits the terms of surveyors-general to four years; section 2244, which limits the terms of registers and surveyors to four years; section 2613 limits the term of collectors of customs, of naval officers, and of surveyors of customs to four years; and section 2613, which limits the term of postmasters to four years unless sooner removed.

If this bill shall become a law, then the terms of all these officers will be so changed that the officers mentioned will continue in office during the pleasure of the President. I am opposed to that provision; I prefer that these officers should remain under the fixed terms to which they are now limited by law. There is another provision of this bill to which I am opposed, section 2 of the bill, which is as follows:

> That the chief-justice and the associate justices of the supreme court of every Territory hereafter to be appointed shall be appointed to hold office during good behavior, or until the Territory shall be admitted as a State and the State government shall go into operation, and all the other officers whose term of office is abolished by the provisions of this act shall be commissioned to hold office, and shall hold office, during the pleasure of the President.

As to the judicial officers of the Territories of the United States, this bill proposes to put them beyond the reach of the President, and they can be removed only by impeachment. If there should be a change of administration at the next Presidential election, the political dead-beats who are now pensioned upon the Government and inflicted upon the good people of the Territories in judicial positions will be placed beyond the power of our President, and can be removed only by the impeaching power of the Government. I hope the Democratic party of the House of Representatives will not attempt to enact such an outrage upon the people. [Applause.]

[Here the hammer fell.]

Mr. WELLER. Amen; that is good.

Mr. WILLIS. It is the law now.

Mr. ROBERTSON. Every judicial officer of the United States now holds his office until removed on impeachment.

Mr. SPRINGER. If it is the law now, which I deny, why put it into this bill?

The SPEAKER. The time of the gentleman from Illinois [Mr. SPRINGER] has expired.

Mr. HOLMAN. I yield three minutes to the gentleman from South Carolina [Mr. DIBBLE].

Mr. DIBBLE. Mr. Speaker, I am in hearty sympathy with the professed objects of this bill; but it does not appear to me that it will accomplish the purpose designed. If appointments which now stand at a

fixed term of four years should be held at the pleasure of the President, it would be an increase rather than an abridgment of the Presidential patronage. The patronage of the Executive now places in the hands of one man a power too great for a republican form of government. We can not but reflect that when the sovereign people at the ballot-box select men for office the term is fixed; and there is no revocation of the exercise of this sovereign power except by some judicial proceeding for malfeasance in office. And when a single man, the servant of the people, appoints to office, should he remove and appoint again at his pleasure? Is that civil-service reform?

Mr. Speaker, if the term of office of these officers of the United States were so fixed that it would not coincide with the Presidential term—if appointees could be removed from partisan influences—there would be some approximation to genuine civil-service reform. Suppose, Mr. Speaker, that these officers had a tenure of seven years, or some other period not coterminous with Presidential terms, so that the change of administration would not remove faithful and competent officers. It might not be as well immediately for an incoming party under a change of administration, but in the long run both parties and the Government of the country would be infinitely benefited.

Mr. HOLMAN. Mr. Speaker, I very heartily sympathize with every effort made to elevate and purify the civil service of our Government, and if I believed that the tendency of this measure was toward that result I should give it my earnest support. I do not believe that any effort at civil-service reform will ever be thoroughly effectual until the motive for increasing public employments, the incentive to competition for public office, shall have been at least modified, if not removed. I notice that in all the plans proposing to purify the civil service the fact is always left out of the account that the struggle for public employment under the Federal Government is animated and intensified by the greater compensation paid to officers and employés of the United States than to officers and employés of the several States, and vastly more than competent men receive in private employments for corresponding service requiring a similar degree of ability and integrity. I indulge in no hope of a beneficial reform in our civil service or its efficiency, purity, and elevation until the Government is administered in the spirit of our institutions and on the same general basis of economy which characterizes the great body of our people, and which controls everywhere in private occupations and employments. I admit I see no tendency to this radical reform.

But, Mr. Speaker, this line of remark is not pertinent to the pending measure.

This bill proposes to repeal all the provisions of law, running back more than half a century, by which certain officers and employés of the United States are limited to an official tenure of four years—district attorneys, marshals, registers and receivers of land offices, collectors of customs, judges of the Territories, postmasters, assistant treasurers, and others.

This measure, it is assumed, is in harmony with legislation already inaugurated and still in a large degree experimental. I hardly think it is. The limitation of periods for holding office, as gentlemen will observe, applies largely to those officers who are in a large degree connected with financial and monetary affairs—collectors and custodians of public funds. The laws limit, and have limited almost from the beginning of the Government, the term of office of officials engaged in the collection and disbursement of public moneys.

In all these instances of official limitation the Federal Government has been inspired by the same motive which has influenced the policy of the States. Does it not occur to gentlemen that in many, perhaps most, of the States of the Union there is, as to officers having control of public funds, not only a limited official term but an absolute constitutional ineligibility to the office for a second or third term—at least until a specific period shall have intervened? Why has that constitutional rule been adopted? The reason is manifest. It is because from time to time official accounts should be closed, should be subjected to final examination, should be exposed to public observation. Thus in the States and in all the subdivisions of States the termination of the tenure of offices at stated periods has a healthy and invigorating effect upon the administration of public affairs by imposing a definite and fixed responsibility on the public officer. Why should not the effect be the same in the Federal Government? Why should not a similar limitation of official tenure be more important in the business of the Federal Government in view of the remoteness of those offices from public vigilance than in that of the States?

The mere fact that an officer may be at once reappointed does not impair the value of this official limitation, for the expiration of the term of itself subjects the affairs of the office to public and official scrutiny, and the conduct and merit of the officer is brought under public review. The very fact that the term expires calls public attention to the official conduct of the officer and subjects his official conduct to the examination of those desiring to succeed him and of the appointing power, and brings to notice any inefficiency in his public duties or irregularities in his accounts. One of the strong reasons for the short term of a member of this House is that the people at short intervals may review the official acts of their representatives.

Mr. HERBERT. The gentleman will allow me to suggest that the tenure-of-office act, which as we all know has been passed since the days of Mr. Jefferson, puts it in the power of a Senate politically hostile to the President to prevent him from exercising the power of removal, a power which existed fully in the days of Mr. Jefferson. This is an important distinction, and the bill now proposed ought not to pass unless at the same time we repeal that infamous tenure-of-office act.

Mr. HOLMAN. The tenure-of-office law was enacted to cripple the administration of President Andrew Johnson, and the men who enacted it seemed willing to paralyze his administration even if it put in jeopardy great public interests. There seems to be no haste in surrendering the power that remarkable measure created.

But, Mr. Speaker, it seems to me that fixing the term of office held by appointment at the reasonable period of four years has a high value in moral effect on our public service. An officer, especially if he be charged with the collecting, safe-keeping, or disbursing of public funds, having an indefinite official period before him, is especially subject to temptation and most liable to be its victim; but with a limited term of four years before him the fact is ever present that the question of reappointment must come under review at a fixed period. Will any gentleman say that this of itself is not an incentive to integrity and good conduct? I think experience everywhere has demonstrated you will have a better public service when you bring your officers to frequent accountability. I should greatly prefer seeing your offices now held for life reduced to fixed terms than to see them enlarged.

Another effect, Mr. Speaker, is that this act of 1820, now sought to be repealed, was passed during the administration of Mr. Monroe, a singularly pure administration, according to the history of those times. Manifestly for public reasons this law was enacted and extended from time to time to other offices, and in its main features it has remained in force from that day to the present time. Is it safe to remove a measure which has worked reasonably well all these years? Are gentlemen safe in assuming that it can be repealed without injury to your public service? I hope this bill will not pass. A measure of such weight, proposing as it does to remove one of the old landmarks which has come down to us from an early period of our history, involving the accountability of public officers, ought not to be passed on such a brief debate as the rules of the House allow.

No, sir, this limitation on the term of public offices filled by appointment ought not to be repealed. I do not believe that any measure tending to create life-tenures of office is in harmony with our free institutions. Offices filled by appointment, with reasonable and fixed terms, the officer subject to removal, to give efficiency to the administration of government, and those filled by the votes of the people, with brief terms and direct responsibility to the people, bringing the conduct of the public officer under frequent review, have been in the past and will be in the future the best guarantee our people can have of responsible and efficient government. Life-tenure of office, with the conduct of the public officer removed from the constant review of the power that fills the office, is not in harmony with our system of government.

The SPEAKER. The gentleman from Pennsylvania has five minutes remaining.

Mr. MUTCHLER. I will yield for one minute to the gentleman from Maryland [Mr. FINDLAY].

Mr. FINDLAY. Mr. Speaker, I do not propose, and indeed it would be impossible, to make anything like a speech on this subject in one minute's time, but in support of the pending measure I wish to have embodied in my remarks a letter which I have received from Mr. George B. Cole, secretary of the Civil Service Reform Association of Maryland. I ask, if there is not time to read it, that by unanimous consent it shall be ordered to be printed in the RECORD. But before my time closes I should like just to read what was said by Thomas Jefferson to James Madison, both of them founders of the Government and true interpreters of the Constitution they had framed, both of them knowing as much of the spirit and genius of the Government as any two men and perhaps more than any who ever lived. After the act of May 15, 1820, went into force the evil effects of it, of which we are now trying to get rid by the measure introduced by the gentleman from Massachusetts [Mr. LYMAN] and reported by the gentleman from Pennsylvania [Mr. MUTCHLER]—after its evil effects became apparent Thomas Jefferson addressed to Mr. Madison a letter, in which he said:

> It saps the constitutional and salutary functions of the President and introduces a principle of intrigue and corruption which will soon leaven the mass not only of Senators but of citizens. It is more baneful than the attempt, which failed, at the beginning of the Government, to make all officers irremovable but with the consent of the Senate.

The SPEAKER. The gentleman's time has expired.

Mr. FINDLAY. I ask that the letter to which I have referred be printed in the RECORD as part of my remarks.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

The letter is as follows:

THE CIVIL SERVICE REFORM ASSOCIATION OF MARYLAND,
Baltimore, April 18, 1884.

SIR: The Civil Service Association of Maryland respectfully requests that as a Representative from our State you support and in every proper manner endeavor to secure the passage of House bill No. 4460, being the bill to repeal sections 769, 1864, 2217, 2244, 2613, and 3830 of the Revised Statutes, and all other acts

or parts of acts in so far as they create or declare a term of four years on the part of any officers in any of the said sections mentioned.

The considerations tending to show the propriety of the course of action here requested are very plain, and the arguments to be advanced in its favor are very simple and trite. Nevertheless it is respectfully submitted that they are of overwhelming force.

If, in view of the evils of the system which has prevailed in the civil service of the General Government and in our own, as well as in nearly all, if not in all, of the other States, our lawmakers were urged to enter upon the field of altogether untried experiment, it would be in the highest degree reasonable that they should do so in the mere hope of finding something that would be an improvement on the present shameful system. And they might take any proceeding looking to a change of any kind in full confidence that any change whatever must be for the better and could not possibly make matters worse than they are.

But independently of the native or *a priori* force of the considerations alluded to above, the fact is that in seeking the legislation referred to we are not asking our Representatives to travel new and untried paths. We are simply asking them to return to that system which was prevalent in the earlier years of the Republic, to that system a departure from which has shaken the very foundations of our Government, and a return to which is, in our humble judgment, the only thing which can restore that Government to that which in the wisdom of its founders it was intented to be, and a persistence in which is the only thing which can preserve it in its purity. It was intended to be a government by the people for the people, and not a government by politicians for politicians. That it has become mainly the latter no candid man can doubt. And surely if the Representatives of any other State could be in any uncertainty on this point, the recent and still pending scrambles for office in this city and State should be sufficient to set the question at rest in the mind of any Representative from Maryland.

The present system, or want of system, in our national, State, and municipal civil service has brought into being and keeps in being three distinct armies of professional office-seekers, which can be numbered by the hundreds of thousands, and has withdrawn them from the fields of production or useful industry. The smallest of these armies consists of the "ins" of the party in power; the next in size the "outs" of the same party, and the third and largest the professional politicians and place-hunters of the party which happens to be out of power. The two former fight each other with a hatred almost as mortal as that with which they combine to fight the other, and the country is continually torn and disturbed by the contests of these contending forces.

The office-holder has but little encouragement to fit himself for the performance of his duties. As the end of his term approaches, if not in the beginning, he is naturally engaged in thought and action in the effort to retain his place, or, if that seems to be impracticable, to step into some other. If he can not do this, he goes to join one of the great armies of the "outs," and, unfitted by his official career for most of the ordinary pursuits of life, he shuffles along as best he can in some shiftless way, as most of the soldiers of these armies do, waiting for the next distribution of the spoils, in the hope that in compensation for such party work as he may do in the mean time something will again fall to his share.

If the immense numbers of men who are now living from hand to mouth without regular or useful employment, and waiting for something to turn up for them in the changes in political affairs, could be made to know that no vacancies would occur in public offices except by death, resignation, or removals for cause, and that when a vacancy did occur the law had placed it beyond the power of any politician to prostitute the place for political gain, and could thus be driven into becoming producers instead of drones, we would have an accession to the industries of the land greater than years of immigration could supply, and incalculable good would be done, altogether regardless of that which would flow from having the business of the Government conducted on business principles by means of having the offices occupied by men selected and retained because of their fitness and integrity.

This is just what we ask, that is to say: That the business of the Government shall be reduced to and conducted on a business basis; that all men may be made to know that no man can be appointed to place unless he can show himself to be fitted by character and attainments for the place he seeks; and that no man once appointed need fear removal so long as he proves himself faithful and efficient in service. Human nature is much the same under all conditions. If office-holders are given to understand that faithfulness and efficiency will secure retention and promotion, they will be faithful and efficient just as surely as that if they are given to understand that political subserviency is the best means to the same end they will be politically subservient.

Political corruption has grown into a science by reason of the temptations to its practice and development furnished by our present civil-service abuses. Its professors are numerous and skillful; but its perpetuation in anything like its present proportions is only possible by a preservation of the present status. The poor unfortunate who has had some little office where for a time he could make more and with less work than he could earn at a regular calling is particularly susceptible to the temptation of seeking to carry an election by fraud; and even men of whom much better things might be expected have come to think, and often, without a blush, to say, that "anything is fair in politics."

But take away the bait of public office; let it be known that whatever party may come into power, the *business machinery* of the Government will move right along without any change, "natural wear and tear excepted," and but few men will be found who would think it worth their while to stuff a ballot-box or falsify a poll-book, however slight the risk of punishment; pure elections would become the rule instead of being, as now, the marked exception; the ballot would again come to be considered sacred, and there would be a marked and general elevation of the tone of public sentiment.

Evidences no doubt have been and will be submitted to you going to show the beneficent effect here and elsewhere of legislation of this kind, and for this reason it is not thought necessary in this letter to go into a statement of this evidence. Suffice it to say that it is of the most convincing character and is almost absolutely all on one side of the question, and that on the side where every reasonable man would expect to find it.

If, in addition to the reasons above given for the passage of the measure, it could be necessary to look for others appealing more personally to each individual member of both Houses of Congress, we should not have far to seek. No one knows better than the members themselves how much of their valuable time is consumed by answering appeals to them for their friendly offices in securing the appointment of some one of their constituents to some office which they have no more to do with officially than they have with the office of prime minister to the Shah of Persia. And yet each member is also aware that his readiness to answer such appeals, or his failure to do so, may have more effect in determining the question whether or not his constituents will again think him fit for his high trust than any action he may take after days of anxious thought upon the most important measure of the session.

We are entirely convinced that there is no member who will not rejoice and do his utmost to further any measure which will tend to make his receiving the highest mark of popular approval depend rather upon his ability to distinguish from among the measures before Congress those best suited to the needs of the country than upon his acuteness in selecting for his support the candidate for collector of customs who has the best grip upon the machine. That the measure now presented to you will accomplish much in this direction there can be no doubt. When there are no vacancies occurring by limitation or at stated periods their number will be comparatively few, and the importunity of applicants will be correspondingly diminished, while members of Congress, heads of Departments, and the city of Washington will all be saved from the periodical invasion and inundation of office-seekers to which they are now exposed. We have already said that the measure proposed is but a return to the better and purer ways of the early days of the Republic, and in proof of this we would in conclusion submit a passage from a letter of Thomas Jefferson to Madison, where with a foresight which was almost prophecy he foretold the evils to come from the passage of some of the very acts which the bill now before you will repeal.

In speaking of "the late mischievous law (act 15th May, 1820) vacating every four years nearly all the executive offices of the Government," he says:

"It saps the constitutional and salutary functions of the President and introduces a principle of intrigue and corruption which will soon leaven the mass not only of Senators but of citizens. It is more baneful than the attempt, which failed, at the beginning of the Government, to make all officers irremovable but with the consent of the Senate. This places every four years all appointments under their power and obliges them to act on every one nomination. It will keep in constant excitement all the hungry cormorants for office; render them, as well as those in place, sycophants to their Senators; engage them in eternal intrigue to put one out and put in another, in cabals to swap work; and make of them what all executive directories become, mere sinks of corruption and faction."

Can any man read this and not acknowledge that Thomas Jefferson was also among the prophets?

On behalf of the executive committee.

Very respectfully, your obedient servant,

GEORGE B. COLE, *Secretary.*

Hon. JOHN V. L. FINDLAY,
House of Representatives.

Mr. LYMAN. Mr. Speaker, the people of this country have made up their minds that political offices are henceforth to be strictly separated from offices of administration. Political offices are filled by the time-honored principles of the canvass and the election. To fill offices of administration three conditions are necessary: first, that the applicants for such office shall show their probable fitness for the duties; secondly, that the heads of Departments shall be held to strict responsibility for the conduct of their subordinates; and thirdly, as a corollary of this responsibility of heads of Departments, that those heads should have essentially the power of removal of subordinates who do not do their duty. Now, the civil-service act (so called) supplies the first of these conditions by saying how persons may be admitted to the service. What we wish to provide now is a law that shall make heads of Departments strictly and rigidly accountable and responsible, and shall give them, therefore, the power of removal. The present act which limits the tenure of certain officers to four years interferes with this power, because it has come to be the custom that when a man is put in for four years, unless his conduct is egregiously bad, he shall be continued there. Remove this and restore us to the state of our fathers in the time of Washington and the three succeeding Presidents, and you have a power vested in the superior officers of the Government under their responsibility to the people to remove those officers under them who do not do their duty. So that instead of establishing a life-tenure it on the contrary gives the utmost freedom of removal, but with the responsibility of the administering officer to the people.

Mr. HERBERT. Will the gentleman permit me to ask him a question?

Mr. LYMAN. I have only three minutes; otherwise I should be delighted to do so. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has two minutes of his time remaining.

Mr. LYMAN. I will yield to the gentleman from Alabama.

Mr. HERBERT. I desire to ask this simple question: Does not the tenure-of-office act give it into the power of a hostile Senate practically to prohibit a President from removing officers?

Mr. LYMAN. I think it does, sir; but we propose before long to repeal that act, and I hope the gentleman will assist us in doing so. [Applause.]

Mr. MCMILLIN. Why not repeal that law first?

Mr. LYMAN. This is the stepping-stone to it.

I was about to say in conclusion that this act is working in the right direction of perfecting the reforms in our civil-service system that are so loudly demanded. And I cannot help saying, standing here in my place on this floor, that in my judgment neither party in this House can afford to vote against this bill.

I now yield one minute to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, in one minute much cannot be said; but I want to emphathize one proposition, and that is this: that gentlemen who vote against this bill vote for the spoils-system in politics, and gentlemen who vote for this bill vote for good administration in governmental affairs and against the spoils system in politics. That is the simple, plain, unadulterated issue presented to Congress by this bill, and no amount of equivocation about the tenure-of-office act or any other act is going to cover up and hide that issue from the American people. For the purpose of making this bill acceptable to the Democratic party in this House, a proviso was put into it which excludes the present occupants of office from its effect.

Mr. KASSON. Why was it necessary to do that?

Mr. BAYNE. And now if there be a Democrat on this floor who will not vote for the bill it is because he is against the principle and in favor of the spoils system as against the other system; because the only objection which he might raise against the bill is entirely obviated by the proviso to which I have referred.

Mr. HATCH, of Missouri. The gentleman from Pennsylvania is not authorized to make any such statement. Here is one Democrat who will vote against the bill, and who does not favor the spoils system either.

Mr. BAYNE. You plant yourself as a Democrat for or against the spoils system by your vote on this bill.

Mr. HATCH, of Missouri. The gentleman has no right to speak for or lecture this side of the House. We do not want any of his lectures.

Mr. McMILLIN. Especially from one of the authors of the spoils system.

Mr. WELLER. The whole system is undemocratic and unrepublican both. [Laughter.]

[Here the hammer fell.]

The SPEAKER. The time allowed for debate upon this question has expired. The question is upon suspending the rules and passing the bill.

Mr. MUTCHLER. Upon this question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 146, not voting 77; as follows:

YEAS—99.

Adams, G. E.	Fiedler,	Ketcham,	Rosecrans,
Adams, J. J.	Findlay,	Lacey,	Russell,
Arnot,	Foran,	Long,	Seymour,
Atkinson,	Glascock,	Lovering,	Skinner, C. R.
Bayne,	Goff,	Lyman,	Slocum,
Beach,	Greenleaf,	McComas,	Spooner,
Belford,	Guenther,	Millard,	Stevens,
Boyle,	Harmer,	Miller, S. H.	Stewart, J. W.
Brewer, J. H.	Hatch, H. H.	Milliken,	Stone,
Browne, T. M.	Haynes,	Mitchell,	Sumner, C. A.
Brown, W. W.	Henderson, D. B.	Morgan,	Taylor, E. B.
Buckner,	Henderson, T. J.	Morse,	Tillman,
Calkins,	Henley,	Mutchler,	Tully,
Campbell, J. M.	Hiscock,	Nutting,	Wadsworth,
Cox, S. S.	Hitt,	O'Neill, Charles	Wait,
Cutcheon,	Hoblitzell,	Parker,	Wakefield,
Davis, R. T.	Holton,	Payne,	Washburn,
Deuster,	Hopkins,	Peelle, S. J.	Whiting,
Dingley,	Howey,	Phelps,	Willis,
Dorsheimer,	Hunt,	Poland,	Wilson, W. L.
Dunham,	James,	Ray, G. W.	Winans, E. B.
Elliott,	Jeffords,	Rice,	Woodward,
Ermentrout,	Johnson,	Robertson,	Worthington,
Evans, I. N.	Jones, B. W.	Rockwell,	Yaple.
Everhart,	Kasson,	Rogers, W. F.	

NAYS—146.

Aiken,	Davis, L. H.	Lanham,	Ryan,
Alexander,	Dibble,	Lawrence,	Scales,
Bagley,	Dibrell,	Lore,	Seney,
Ballentine,	Dockery,	Lowry,	Shaw,
Barbour,	Dowd,	McMillin,	Singleton,
Barksdale,	Dunn,	Matson,	Skinner, T. G.
Barr,	Eaton,	Maybury,	Smith,
Bennett,	Eldredge,	Miller, J. F.	Snyder,
Bisbee,	Ellis,	Mills,	Spriggs,
Blanchard,	Ellwood,	Money,	Springer,
Bland,	Evins, J. H.	Morrill,	Steele,
Blount,	Ferrell,	Morrison,	Stewart, Charles
Boutelle,	Forney,	Muldrow,	Talbott,
Bowen,	Funston,	Murphy,	Taylor, J. M.
Brainerd,	Garrison,	Murray,	Thompson,
Breckinridge,	Geddes,	Neece,	Throckmorton,
Buchanan,	George,	Nelson,	Townshend,
Budd,	Halsell,	Oates,	Turner, H. G.
Cabell,	Hammond,	O'Neill, J. J.	Turner, Oscar
Caldwell,	Hanback,	Paige,	Van Alstyne,
Campbell, Felix	Hancock,	Patton,	Vance,
Candler,	Hardeman,	Payson,	Van Eaton,
Cannon,	Hardy,	Peel, S. W.	Warner, A. J.
Carleton,	Hatch, W. H.	Perkins,	Warner, Richard
Cassidy,	Hemphill,	Peters,	Wellborn,
Clardy,	Hepburn,	Pierce,	Weller,
Clay,	Herbert,	Post,	Wemple,
Clements,	Hewitt, G. W.	Price,	White, J. D.
Cobb,	Holman,	Pryor,	Wilkins,
Collins,	Houseman,	Pusey,	Williams,
Converse,	Hurd,	Randall,	Winans, John
Cosgrove,	Jones, J. H.	Ray, Ossian	Wise, J. S.
Cox, W. R.	Jones, J. K.	Reese,	Wolford,
Crisp,	Jones, J. T.	Riggs,	York,
Culberson, D. B.	Jordan,	Robinson, W. E.	Young.
Culbertson, W. W.	Laird,	Rogers, J. H.	
Davidson,	Lamb,	Rowell,	

NOT VOTING—77.

Anderson,	Follett,	Lewis,	Smalls,
Belmont,	Fyan,	Libbey,	Stephenson,
Bingham,	Gibson,	McAdoo,	Stockslager,
Blackburn,	Graves,	McCoid,	Storm,
Breitung,	Green,	McCormick,	Strait,
Brewer, F. B.	Hart,	McKinley,	Struble,
Broadhead,	Hewitt, A. S.	Morey,	Sumner, D. H.
Brumm,	Hill,	Moulton,	Taylor, J. D.
Burleigh,	Holmes,	Muller,	Thomas,
Burnes,	Hooper,	Nicholls,	Tucker,
Chace,	Horr,	Ochiltree,	Valentine,
Connolly,	Houk,	O'Hara,	Ward,
Cook,	Hutchins,	Pettibone,	Weaver,
Covington	Kean,	Potter,	White, Milo
Cullen,	Keifer,	Rankin,	Wilson, James
Curtin,	Kelley,	Ranney,	Wise, G. D.
Dargan,	Kellogg,	Reagan,	Wood.
Davis, G. R.	King,	Reed,	
Duncan,	Kleiner,	Robinson, J. S.	
Finerty,	Le Fevre,	Shelley,	

So the motion to suspend the rules and pass the bill was not agreed to.

Mr. BEACH. I ask unanimous consent to dispense with the recapitulation of the names.

Mr. WELLER and others objected.

The following pairs were announced:

Mr. FOLLETT with Mr. CONNOLLY, until further notice.

Mr. FYAN with Mr. PETTIBONE, until further notice.

Mr. NICHOLLS with Mr. CHACE, until further notice.

Mr. RANKIN with Mr. ROBINSON, of Ohio, until further notice.

Mr. COOK with Mr. CULLEN, until further notice.

Mr. SHELLEY with Mr. THOMAS, until further notice.

Mr. BURNES with Mr. CALKINS, until further notice.

Mr. MOULTON with Mr. DAVIS, of Illinois, until further notice.

Mr. DARGAN with Mr. BRUMM, until further notice.

Mr. GIBSON with Mr. SMALLS, until further notice.

Mr. LEWIS with Mr. MCCORMICK, until further notice.

Mr. COVINGTON with Mr. HOLTON, until further notice.

Mr. BROADHEAD with Mr. VALENTINE, until further notice.

Mr. KEAN with Mr. DIBBLE, until further notice.

Mr. MULLER with Mr. BREITUNG, until further notice.

Mr. LE FEVRE with Mr. MOREY, until further notice.

Mr. REAGAN with Mr. HORR, until further notice.

Mr. STORM with Mr. O'HARA, until April 22.

Mr. STOCKSLAGER with Mr. KEIFER, until the 26th.

Mr. GEORGE D. WISE with Mr. LIBBEY, until the 24th.

Mr. TUCKER with Mr. REED, until the 22d.

Mr. HEWITT, of New York, with Mr. JOSEPH D. TAYLOR, until the 24th.

Mr. GREEN with Mr. HOOPER, until May 4.

Mr. BLACKBURN with Mr. MCKINLEY, for this day.

Mr. HOUK with Mr. KLEINER, for this day.

Mr. FINERTY with Mr. WILSON, of Iowa, for to-day.

Mr. CURTIN with Mr. STRUBLE, for this day.

Mr. HILL with Mr. OCHILTREE, for to-day.

Mr. KING with Mr. MCCOID, on this vote.

Mr. BELMONT with Mr. THOMAS, for to-day.

The result of the vote was then announced as above recorded.

LEAVE TO PRINT.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] asks leave to print some additional remarks on the bill upon which the House has just voted.

There was no objection.

Mr. WHITE, of Kentucky. I ask unanimous consent that leave be given to all gentlemen who desire to print remarks on that bill to do so.

Objection was made.

BUREAU OF NAVIGATION.

Mr. DINGLEY. I am instructed by the Select Committee on American Ship-building and Ship-owning Interests to move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department, and to pass the same as amended by the committee, and as further amended on their recommendation by striking out sections 4 and 5 from the printed bill.

Mr. KASSON. Let the Clerk read the bill as it is proposed to pass it.

The SPEAKER. The Clerk will read the bill as if the amendments proposed by the committee were incorporated in it.

The Clerk read the bill, as follows:

Be it enacted, &c., That there shall be in the Department of the Treasury of the United States a bureau of navigation, under the immediate charge of a commissioner of navigation.

SEC. 2. That the commissioner of navigation, under the direction of the Secretary of the Treasury, shall have general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen are not, under existing laws, subject to the supervision of any other officer of the Government. He shall be specially charged with the decision of all questions relating to the issue of registers, enrollments, and licenses of vessels, and to the filing and preserving of those documents; and wherever in title 48 or 50 of the Revised Statutes any of the above-named documents are required to be surrendered or returned to the Register of the Treasury, such requirement is hereby repealed, and such documents shall be surrendered and returned to the commissioner of navigation. Said commissioner shall have charge of all similar documents now in the keeping of the Register of the Treasury, and shall perform all the duties hitherto devolved upon said Register relating to navigation.

SEC. 3. That the commissioner of navigation shall be charged with the supervision of the laws relating to the admeasurement of vessels, and the assigning of signal letters thereto, and of designating their official number; and on all questions of interpretation growing out of the execution of the laws relating to these subjects, and relating to the collection of tonnage tax, and to the refund of such tax when collected erroneously or illegally, his decision shall be final.

SEC. 4. That the commissioner of navigation shall annually prepare and publish a list of vessels of the United States belonging to the commercial marine, specifying the official number, signal letters, names, rig, tonnage, home port, and place and date of building of every vessel, distinguishing in such list sailing vessels from such as may be propelled by steam or other motive power. He shall also report annually to the Secretary of the Treasury the increase of vessels of the United States, by building or otherwise, specifying their number, rig, and motive power. He shall also investigate the operations of the laws relative to navigation, and annually report to the Secretary of the Treasury such particulars as may, in his judgment, admit of improvement or may require amendment.

SEC. 5. That the commissioner of navigation shall, under the direction of the Secretary of the Treasury, be empowered to change the names of vessels of the United States, under such restrictions as may have been or shall be prescribed by act of Congress.

SEC. 6. That the commissioner of navigation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall receive a salary of $4,000 per annum. And the Secretary of the Treasury shall have power to transfer from existing bureaus or divisions of the Treasury one clerk, to be designated as deputy commissioner of navigation, to act with the full powers of said commissioner during his temporary absence from his official duty for any cause, and such additional clerks as he may consider neces-

sary to the successful operation of the Bureau of Navigation, without impairing the efficiency of the bureaus or divisions whence such clerks may be transferred.

SEC. 7. That this act shall be in force and take effect on and after July 1, 1884.

Mr. DINGLEY. I ask unanimous consent that a second be considered as ordered in order that an explanation may be given of the bill.

There was no objection.

Mr. DINGLEY. Mr. Speaker, this bill is unanimously reported from the Shipping Committee, and is recommended by the Secretary of the Treasury. It constitutes in the Treasury Department a bureau of navigation, or practically consolidates the duties that are now performed by divers officers in that Department so as to bring them in one bureau under one efficient head, similar in its general functions to the British board of trade.

Under existing laws the supervision of the merchant marine and of all of the interests which attach to it is distributed in various bureaus and divisions and among different officials in the Treasury Department. So much of the supervision of the merchant marine as relates to the registration, the licensing, and the enrollment of vessels is by an old law, passed in 1792, in the office of the Register of the Treasury. This officer is a financial officer, and has no connection appropriately with the duties that relate to the enrollment, the licensing, and the registering of vessels. All the duties which relate to the administration of the tonnage tax and to the admeasurement of vessels are placed, not by law but by an order of the Treasury Department, in the so-called tonnage division. All of those matters relating to our merchant marine that affect the naming and the change of names of vessels of the merchant marine are in the Bureau of Statistics. With this divided responsibility, as stated by the Secretary of the Treasury in his last report, there is no official under our Government who feels charged with the administration and the care of the laws relating to the merchant marine of the country. The Secretary of the Treasury therefore recommends, and the committee are united in approving the recommendation, that there be established in the Treasury Department a bureau similar in many respects to the British board of trade which has charge of the British merchant marine, with a head who shall be amply fitted by experience and by ability to direct affairs relating to our merchant marine, to suggest to Congress needed amendments of all antiquated shipping laws, and in general to take that charge of the merchant marine of this country that the president of the British board of trade takes of the British merchant marine.

The expense provided by this bill is simply $4,000. It provides that there shall be appointed by the President, with the approval of the Senate, a commissioner of navigation, who of course should be a man versed in admiralty law, a man thoroughly acquainted with the shipping interests of the country and their wants, and who shall feel himself charged with watching those interests and making such recommendations to Congress as their vast importance demands.

The bill provides that all the assistants and all the clerks in the bureau shall be simply transferred from the existing office of the Register of the Treasury, where some of the duties are now performed, from the division of tonnage, where some others are performed, and from the Bureau of Statistics, where still others are performed, making the expense of creating this whole bureau only $4,000 per year. And I may add, too, that the creation of this bureau is asked by the New York Shipping Association, by the boards of trade of Boston, of New York, of Philadelphia, and by all the commercial ports of the country.

I yield five minutes of my time to the gentleman from New York [Mr. COX].

Mr. COX, of New York. This bill looks in the direction of creating another bureau. I am not partial to bureaus. I do not want this Government to become a bureaucracy. [Laughter.] That is good language.

We passed a bill last Saturday creating a bureau in the interest of labor. We have a Bureau of Agriculture, we have a Bureau of Education. We are having all sorts of bureaus. But this bureau is not intended as a novelty. It is simply a consolidation of three separate offices or departments in the Treasury under one administrative head, and it is not a removal from the Treasury of the general supervision.

Under the present law, as you know, the Register of the Treasury, a financial officer, by some curious arrangement of earlier days, has taken charge of the registers and enrollments and licenses of vessels. The navigation division has the administration of all the laws as to the admeasurement of vessels and as to the tonnage of vessels. And as to the Chief of the Bureau of Statistics, we know that he furnishes a list of the vessels from time to time and such advice as he chooses to give us. I am not partial, Mr. Speaker, generally to any advice coming from these bureaus of a political and partisan character. I would have their reports be a collection and collation of facts, not a statement of inferences. We can draw inferences ourselves when we are making the law.

The Secretary of the Treasury aks us to put together in one unity these three various departments under him. He bases that recommendation on the happy results which have sprung in England from the consolidation of various offices under various maritime and other statutes by the act "for transferring from the admiralty to the board of trade certain powers and duties relative to harbors and navigation under local and other acts, and for other purposes." This law passed the English Parliament on the 29th of July, 1862, and it put in one body all the various laws, local and otherwise, of the realm of England relating to these subjects, and since that time the board of trade has been one of the great utilizing processes for the enlargement and success of British commerce.

I think the same result would follow from the passage of this bill into law, if it shall be properly administered, as I hope it will be, under proper guards and with due caution. I hope the time will come when we will do as Great Britain has done, get rid of the barbaric, old-fashioned, miserable navigation laws—of the inhibition against our people buying their ships where they please and having a free registry for them. Although I do not expect that any such law as that will pass this House at this session, I trust that under the advice given by intelligent men in a bureau unconfusedly collecting these facts we may in time have the same benefits accruing to our maritime laws as have accrued to Great Britain under the amelioration of her old barbaric system.

Many MEMBERS. "Vote!" "Vote!"

Mr. DINGLEY. If the House is ready to vote I am willing that the question shall be now taken.

The SPEAKER. The question is upon the motion of the gentleman from Maine [Mr. DINGLEY] that the rules be suspended so as to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department, and to pass the same with the amendments as read.

The question was taken by a *viva voce* vote, and the Speaker announced that two-thirds appeared to have voted in the affirmative.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ays 95, noes 16.

Mr. HOLMAN. No quorum has voted.

Tellers were ordered; and Mr. DINGLEY and Mr. HOLMAN were appointed.

Mr. HOLMAN. I think we should have the yeas and nays on this proposition.

The question was taken upon ordering the yeas and nays, and there were 29 in the affirmative.

The SPEAKER. Those voting in favor of ordering the yeas and nays are more than one-fifth of the last vote.

Mr. ELLIS. I call for the count on the other side.

The negative vote was then taken, and there were 98.

So (more than one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 47, not voting 107; as follows:

YEAS—168.

Adams, G. E.	Ellis,	Kasson,	Robinson, W. E.
Adams, J. J.	Ellwood,	Kelley,	Rockwell,
Aiken,	Ermentrout,	Ketcham,	Rogers, J. H.
Bagley,	Evans, I. N.	Lacey,	Rogers, W. F.
Barbour,	Everhart,	Laird,	Rowell,
Barksdale,	Evins. J. H.	Lanham,	Russell,
Barr,	Findlay,	Lawrence,	Ryan,
Bayne,	Foran,	Long,	Seymour,
Beach,	Garrison,	Lore,	Singleton,
Belford,	George,	Lovering,	Skinner, C. R.
Bisbee,	Glascock,	McCoid,	Slocum,
Boutelle,	Goff,	McComas,	Smith,
Brewer, F. B.	Greenleaf,	Maybury,	Springer,
Brewer, J. H.	Guenther,	Miller, J. F.	Steele,
Browne, T. M.	Hammond,	Milliken,	Stevens,
Brown, W. W.	Hanback,	Mills,	Stewart, Charles
Buckner,	Hancock,	Mitchell,	Stewart, J. W.
Budd,	Hardy,	Money,	Strait,
Caldwell,	Harmer,	Morse,	Sumner, C. A.
Calkins,	Hart,	Murray,	Talbott,
Campbell, Felix	Hatch, H. H.	Neece,	Taylor, E. B.
Campbell, J. M.	Hatch, W. H.	Nelson,	Thomas,
Candler,	Haynes,	Nutting,	Thompson,
Cannon,	Hemphill,	O'Neill, Charles	Throckmorton,
Carleton,	Henderson, D. B.	O'Neill, J. J.	Van Alstyne,
Cassidy,	Henderson, T. J.	Paige,	Vance,
Collins,	Hepburn,	Parker,	Van Eaton,
Converse,	Hewitt, G. W.	Payson,	Wait,
Cosgrove,	Hiscock,	Peelle, S. J.	Wakefield,
Cox, S. S.	Hitt,	Perkins,	Washburn,
Crisp,	Hoblitzell,	Peters,	Wemple,
Cutcheon,	Holmes,	Phelps,	Whiting,
Davidson,	Holton,	Poland,	Wilkins,
Davis, R. T.	Houseman,	Potter,	Willis,
Deuster,	Howey,	Price,	Wilson, W. L.
Dibble,	Hunt,	Pryor,	Winans, E. B.
Dibrell,	Jeffords,	Pusey,	Winans, John
Dingley,	Johnson,	Ray, G. W.	Wise, J. S.
Dockery,	Jones, B. W.	Ray, Ossian	Woodward,
Dorsheimer,	Jones, J. H.	Reese,	Worthington,
Dunham,	Jones, J. K.	Rice,	Yaple,
Dunn,	Jones, J. T.	Riggs,	York.

NAYS—47.

Alexander,	Eldredge,	McMillin,	Tillman,
Bennett,	Ferrell,	Matson,	Townshend,
Buchanan,	Fiedler,	Oates,	Tully,
Cabell,	Forney,	Patton,	Turner, H. G.
Clardy,	Geddes,	Pierce,	Turner, Oscar
Clay,	Halsell,	Peel, S. W.	Warner, A. J.
Clements,	Hardeman,	Post,	Warner, Richard
Cobb,	Herbert,	Randall,	Wellborn,
Cox, W. R.	Holman,	Scales,	Williams,
Culberson, D. B.	Hurd,	Shaw,	Wolford,
Davis, L. H.	Lamb,	Skinner, T. G.	Wood.
Dowd,	Lowry,	Taylor, J. M.	

NOT VOTING—107.

Anderson,	Davis, G. R.	Lewis,	Robinson, J. S.
Arnot,	Duncan,	Libbey,	Rosecrans,
Atkinson,	Eaton,	Lyman,	Seney,
Ballentine,	Elliott,	McAdoo,	Shelley,
Belmont,	Finerty,	McCormick,	Smalls,
Bingham,	Follett,	McKinley,	Snyder,
Blackburn,	Funston,	Millard,	Spooner,
Blanchard,	Fyan,	Miller, S. H.	Spriggs,
Bland,	Gibson,	Morey,	Stephenson,
Blount,	Graves,	Morgan,	Stockslager,
Bowen,	Green,	Morrill,	Stone,
Boyle,	Henley,	Morrison,	Storm,
Brainerd,	Hewitt, A. S.	Moulton,	Struble,
Breckinridge,	Hill,	Muldrow,	Sumner, D. H.
Breitung,	Hooper,	Muller,	Taylor, J. D.
Broadhead,	Hopkins,	Murphy,	Tucker,
Brumm,	Horr,	Mutchler,	Valentine,
Burleigh,	Houk,	Nicholls,	Wadsworth,
Burnes,	Hutchins,	Ochiltree,	Ward,
Chace,	James,	O'Hara,	Weaver,
Connolly,	Jordan,	Payne,	Weller,
Cook,	Kean,	Pettibone,	White, J. D.
Covington,	Keifer,	Rankin,	White, Milo
Culbertson, W. W.	Kellogg,	Ranney,	Wilson, James
Cullin,	King,	Reagan,	Wise, G. D.
Curtin,	Kleiner,	Reed,	Young.
Dargan,	Le Fevre,	Robertson,	

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

At the conclusion of the roll-call,

Mr. DINGLEY said: I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following additional pair was announced:

Mr. BALLENTINE with Mr. STEPHENSON, until further notice.

Mr. SMALLS (having voted). I desire to withdraw my vote. I am paired on all questions with the gentleman from West Virginia, Mr. GIBSON.

Mr. DIBBLE. I am paired with Mr. KEAN, of New Jersey; but being assured that if present he would vote for this proposition, I have voted in the affirmative.

Mr. BRECKINRIDGE. I was absent from the House and in the committee-room by consent of the House at the time my name was called. I desire to vote in the affirmative on this proposition.

The SPEAKER. Under the rules of the House the request of the gentleman to vote can not be submitted. His statement will appear in the RECORD.

The result of the vote was then announced as above stated.

Mr. DINGLEY. I ask unanimous consent that the members of the Select Committee on American Ship-building and Ship-owning Interests, reporting the bill just passed, have leave to print in the RECORD such remarks as they may desire to submit upon this proposition.

Mr. DEUSTER. And I ask the same privilege for myself.

There was no objection, and leave was granted accordingly.

PENSIONS.

Mr. WARNER, of Ohio. Mr. Speaker, I am instructed by the Select Committee on the Payment of Pensions, Bounty, and Back Pay to move to suspend the rules and pass, with the amendment which I send to the desk, the bill (H. R. 6535) to regulate the granting of pensions in certain cases.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person specified in the several classes enumerated in the pension laws of the United States, who served in the field in the military or naval service, in any war in which the United States has been engaged, for a period of three months or more, and has an honorable discharge and is not receiving a pension, or a greater pension than that provided for herein, but who, by reason of any wound, injury, or disease which there is probable cause to believe originated in said service in line of duty, and not the result of his own misconduct or bad habits, or other known cause occurring since such service, is now disabled, in whole or in part, for procuring his subsistence by manual labor, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, not inconsistent with the provisions of this act, be placed upon the list of pensioners of the United States, and be entitled to receive a pension, during the continuance of such disability, at a rate proportionate to the degree thereof; the true physical condition of the claimant to be ascertained and certified as provided by law upon examination by a competent board of surgeons duly appointed; such pension to commence at the date of filing the application therefor. And any person who has filed, or may hereafter file, an application for a pension under the act of July 14, 1862, and acts amendatory thereto, or under any act entitling him to arrears, may, by a declaration over his own signature, attested before any officer duly authorized to administer oaths for general purposes, elect to prosecute his said claim under this act, which election shall be final; and in such case his pension, if allowed, shall begin from the date of filing such declaration of election.

SEC. 2. That in considering the claims of dependent parents the fact and cause of death, and the fact that the soldier left no widow or minor children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor, or the contributions of others not legally bound for their support.

SEC. 3. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, and served for a period of three months or more, that fact shall be sufficient *prima facie* evidence that he was then in good health and free from the disease or cause of disability for which he claims a pension; but such evidence shall be subject to rebuttal by record or other positive evidence of the prior existence of such disease or cause of disability.

The amendment proposed by the committee was read, as follows:

Add to the bill the following:

"*Provided*, That no agent, attorney, or other person shall demand or receive any fee for his services in any pension claim arising under this act until the payment of the pension, and not exceeding $10 in amount."

Mr. BROWNE, of Indiana. Mr. Speaker——

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. HEWITT, of Alabama. I demand a second.

Mr. BROWNE, of Indiana. I rose for the purpose of making that demand, in order simply that the bill may be explained.

Mr. WARNER, of Ohio. I hope it will be agreed by unanimous consent that a second may be considered as ordered.

The SPEAKER. If there be no objection, the motion to suspend the rules will be considered as seconded.

There was no objection.

The SPEAKER. Under the rules there are now thirty minutes allowed for debate—fifteen minutes in favor of the motion to suspend the rules, and fifteen minutes against it.

Mr. THOMPSON. Before the gentleman from Ohio [Mr. WARNER] begins his remarks I would like to ask him about how much it is estimated this bill will take out of the Treasury.

Mr. WARNER, of Ohio. I will try to explain that before I get through.

Mr. Speaker, probably few subjects respecting which Congress is called upon to legislate are surrounded with greater difficulties than the subject of pensions. What these difficulties are all who have given careful consideration to the matter well understand. This fact is also evidenced by the large number of bills relating to every phase of the question that has been referred by the House to the committee reporting this bill. That there should be, moreover, a wide diversity of opinion as to legislation on this subject is not surprising.

The committee to which the several bills to which I have alluded were referred has had them under consideration for many weeks, devoting to them session after session. It has heard delegates representing various organizations of Union soldiers. It has had before it the Commissioner of Pensions during several of its sessions. It has considered, reconsidered, and discussed the subject in all its phases, and now unanimously recommends the passage of this bill in lieu of various others referred to the committee by the House.

In the preparation of this bill the committee kept in view two things: first, the just rights of the soldier; secondly, the necessity of adhering to a line of safe and consistent public policy—a policy consistent on the one hand with the obligations of the Government to its defenders, and on the other a policy safe to be followed as a precedent in any future war. The bill may not go as far as many may desire or think we ought to go in our legislation, while others will doubtless think it goes much too far; but it is believed that on a careful examination of all its provisions it will be found to be a sufficient remedy for the evils complained of in the workings of the present laws, and at the same time to be so guarded that only those justly entitled to pensions can obtain them under this act. It allows pensions for disability only, but recognizes the principle that disability incurred in the service in line of duty entitles the soldier to a pension as a right. With this principle in view the committee decided that it would not report favorably a measure granting pensions for any other cause than disability—disability incurred in the military service in the line of duty.

But it is a well-known fact that there are a large number of soldiers scattered over the country who are suffering under various degrees of disability believed to have originated in the service who are unable to procure the pensions due them from the Government, due them as a right, due them as compensation for disability, because now, twenty years after the war, they are unable to furnish the evidence required by the Department under existing law. They have become separated from their comrades, surgeons whose evidence is required are dead, officers are out of reach, hospital records are missing. The evidence required is not accessible. Yet the fact of their disability is known to their neighbors and friends, and often they were among the best soldiers, but perhaps unfortunate now in not having a hospital record. There is therefore loud complaint, and Congress is petitioned daily, as every member knows, for some measure of relief. "Why can not this man," it is asked every day, "who is disabled, and we believe disabled in the service, and who was a good soldier, obtain his pension?"

Now, the principal object of this bill is to cure this evil. Its purpose, therefore, is rather to relax the rules of evidence than anything else. It does not take away from any soldier any existing right he may have. It takes in no new classes. It does not extend the provisions of the pension laws in any direction. That is not its purpose. But, as I have said, it relaxes the rules in regard to the evidence required to establish a claim. And the committee has thought that pensions under this act should not include arrears, but should date only from the filing of the claim. The bill provides also that any claimant who is unable to furnish the proof required to establish his right to a pension under the arrears act may elect to prosecute his claim under this act and receive a pension if now disabled from the date of filing such a declaration of election. There are now on file some 185,000 claims for invalid pensions. Over 100,000 of these, if the requisite proof could be furnished, would carry arrears. This bill, I say, gives to these claimants the right to elect to prosecute their claims under this act; and in that case they

give up their claims for arrears and take pensions only from the date of filing such declaration.

The result of this, of course, will be to add to the number of pensioners; but instead of giving pensions with large arrears to a comparatively small number, it will give pensions to a greater number who are now suffering from actual disability and in present need.

Mr. WOLFORD. If the claim is just, if the applicant is entitled to a pension, why should he not, like other soldiers, have a pension with arrears?

Mr. WARNER, of Ohio. In answer to that question I will say that in many cases, while the disability had its origin in the service, it may not have developed to a pensionable degree of disability until in later years. Besides, as I have explained, the soldier is not required under this act to furnish the evidence required to procure arrears.

Mr. WOLFORD. If a man has done his duty as a soldier, and is now disabled in consequence of such service, why should not the law be as strong in his favor as in any other case?

Mr. WARNER, of Ohio. Where a claimant can prove that the disability under which he suffers originated in the service at a given time and under given circumstances, and that it has continued as a permanent disability from that date to the present time, he is entitled under existing law to arrears if he filed his claim in time, and this bill does not take away that right.

But where we give him the benefit of presumption in some degree in his favor, and do not require the same positive proof required under the arrears act, it is believed we are going quite as far as public policy would dictate when we grant him a pension from the date of his application.

Mr. STEELE. Will the gentleman allow me to ask him a question?

Mr. WARNER, of Ohio. Certainly.

Mr. STEELE. Is it not intended especially to benefit a class of soldiers who while they were sick felt a pride against going into hospital, and therefore may have no hospital record.

Mr. WARNER, of Ohio. It is intended especially to benefit that meritorious class who lack a hospital record to help them through, but who nevertheless are disabled.

This bill provides for pensions in cases of disability attributable to the service but where the proof required under existing law, twenty years after the war, can not be supplied. The fact of present disability is to be determined by a physical examination by a board of surgeons. If no disability exists, that is the end of the case. If disability exists in a pensionable degree, and it is shown by sufficient evidence that such disability is not the result of his own fault or any known cause since the war, but which there is sufficient reason to believe had its origin in the service, the soldier is entitled under this bill to a pension proportionate to the disability. This, it seems to me, is right, safe, and consistent. I now yield three minutes to the gentleman from Iowa [Mr. KASSON].

Mr. KASSON. Mr. Speaker, I carefully examined this bill some days ago, and came to the conclusion it would be of very great utility in relieving cases which bear hardly on applicants for pensions, and will therefore be very desirable to be adopted.

The third section embraces the substance of the bill which I introduced, with a modification requiring three months' service before the party can take the benefit of it—that is to say, it gives the presumption of health to every man who was duly enlisted. They have added "provided he has served for three months." So far as it goes that is very beneficial. But I desire to ask the gentleman from Ohio whether he would have any objection to my asking unanimous consent of the House to add this provision, which I believe has met the approval of the other Committee on Pensions:

That any pensioner of the United States receiving a pension by virtue of any special act of Congress on account of disability incurred by him while in the military or naval service of the United States shall be entitled to increase of such pension upon the same conditions of rerating and continuance of such increase which are applicable to other pensioners under the general pension laws.

That is to say, Mr. Speaker, under the present pension law where a man has been granted a pension during the last fifteen years by special act of Congress, under the ruling of the Pension Office he can make no application for rerating although his disability may be doubled. It is admitted to be an evil by the Commissioner of Pensions, and the object is simply to put them on the same terms with the general pensioners in applying for increase of pension. If the gentleman from Ohio will not object, I will ask unanimous consent of the House to have that included in the bill.

Mr. WARNER, of Ohio. I have no authority from the committee to accept any amendment to the pending proposition.

Mr. KASSON. I do not ask the gentleman to accept the amendment, but merely, if he will permit me, that I will ask unanimous consent of the House that that provision shall be added as an additional section to the bill.

Mr. WARNER, of Ohio. Let the gentleman send me his amendment, and I will consider it later on.

Mr. KASSON. It is an important matter to many men who have been deprived of increase of pension to which they are entitled.

Mr. WARNER, of Ohio. I should not like to cumber the bill with anything objectionable.

Mr. THOMPSON. I ask the gentleman from Ohio to answer the question which I propounded to him before he yields the floor further.

Mr. WARNER, of Ohio. My time is running, and I now yield for three minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. KASSON. My amendment certainly should be adopted, for there are many pensioners under special acts of Congress whose disability has been doubled, and they should have the same right for making application for increase of pensions that other pensioners have.

The SPEAKER. The gentleman from Arkansas is entitled to the floor for three minutes.

Mr. ROGERS, of Arkansas. In three minutes, Mr. Speaker, it is utterly impossible to explain a bill of this character, and yet I beg to invite the attention of members to the points of relief the bill is intended to give. It will be observed the leading idea upon which the pension laws have proceeded heretofore, namely, that the disability was incurred in the service, is not eliminated from this bill, but carefully preserved in it. No soldier is entitled to a pension under this bill who did not become entitled to it by reason of disability incurred in service in the field.

The first paragraph of the first section simply relaxes the rules of evidence on that subject. It provides substantially that the soldier who incurred a disability in the service but who has failed to make proof in support of his claim under the rules of the Pension Office is entitled to a pension on showing—what? First, that he served three months or more in the field and was honorably discharged; second, that by reason of wound, injury, or disease he is now disabled; third, that *prima facie* such wound, injury, or disease has not resulted from his own misconduct or bad habits or from any other known cause; and if he show these facts and it appear from the nature of the wound, injury, or disease that the disability probably originated in the service, he shall be put on the pension-rolls.

I do not believe there is any unsafe or unwise principle involved in that paragraph of the bill. It is a difficult undertaking, now that nearly twenty years have elapsed, with the many changes that have taken place in this country, to identify the disabilities incurred in the service with that service. Many diseases originating in the service developed slowly, so that actual disability was not reached for years afterward, when officers and surgeons were dead and comrades scattered. This bill does not require the positive proof identifying the origin of the disability with the service, but does require that the service be shown, that honorable discharge be had, that the disability is not the result of misconduct or vice since the service, and that the disease or injury is not inconsistent with the service, or, in other words, that it probably originated there. The committee of which I am a member thought we could safely go that far, and we believed it unwise and unsafe at this time to go further.

This paragraph of the first section was intended mainly to reach a large class of cases pending in the Pension Office, but "hung up"—if I may use that expression—for the want of the proof. I have indicated cases wherein the chief difficulty has been to identify the origin of the disability with service in the line of duty, cases where the disability is obvious, the service and honorable discharge of record; but where the origin of the disability is uncertain and almost impossible to establish we ought not to be too rigid, too exacting now in cases of this character.

Mr. BLAND. Can the gentleman from Arkansas state the number of applicants of that class?

Mr. ROGERS, of Arkansas. I will state to the gentleman from Missouri very frankly that so far as I am individually concerned I have made no inquiry upon that subject whatever. But the distinguished chairman of the committee, I understand, will give you that information in his closing remarks.

But to continue. This bill will facilitate the class of cases I have mentioned as pending in the Pension Office. But, on the other hand, the second paragraph of the first section limits the first pargraph in this, namely, that only those shall have the benefit of this act who apply under it; and if they apply under it, which they may do by so noting in their application, then the pension dates from the filing of the application under this act. So that if now and then it facilitates the granting of an unmeritorious claim, at all events it goes to a soldier, and to one now so disabled as to be unable to earn support by manual labor. In addition to this, it takes from all, however meritorious, any pension for any period of time prior to making application under the bill.

Mr. Speaker, I am aware that my time is about up. I regret I could not have the time to do either the bill or myself justice. I bear testimony to the earnestness and labor the committee gave the bill in the hope that it might meet the approbation of this body, and to some extent the demands of the soldier element of the country which clamors for a relaxation of the iron rules of evidence heretofore obtaining in the Pension Office. It is due myself to say that I did not intend until a few moments ago, at the request of the distinguished chairman of the committee that reported the bill and who has felt so much solicitude about its passage, to speak at all. I close by saying the last two sections, like the one I have discussed, briefly and poorly I know, have my unqualified assent.

Mr. BLAND. Then I understand the gentleman to say that he does not know the number of cases now pending to be affected by this bill.

Mr. ROGERS, of Arkansas. I stated frankly that I did not know the number, and, so far as I am personally concerned, I will say further to the gentleman, courteously of course, that I am entirely indifferent on that point. If the bill is based on correct principles and sound policy it ought to pass; if not, it should be defeated, and in either event without reference to the number of soldiers affected by it.

Mr. WARNER, of Ohio. I now yield two minutes of my time to the gentleman from New York [Mr. GREENLEAF].

The SPEAKER. The gentleman has three minutes remaining.

Mr. WARNER, of Ohio. I yield two minutes to the gentleman from New York.

Mr. GREENLEAF. Mr. Speaker, I am glad of the opportunity given me to emphasize what our respected chairman of the Committee on the Payment of Pensions, Bounty, and Back Pay has said, as well as what has been said by my colleague on the committee, the gentleman from Arkansas, with regard to the merits of the bill now under consideration, as well as what has been said with regard to the attention that has been bestowed upon the bill in committee. As an unpretending yet conscientious worker on that committee, I can say of my own knowledge, and do say, that the committee have expended much time and labor in the consideration of this bill, and have given to it their best thought in the confident hope and expectation that it would merit the approbation of the friends of the soldier as well as the friends of the country on both sides of the House, and pass the House without waste of valuable time or that unpleasant friction which has sometimes attended the passage of less important bills heretofore.

Our worthy chairman has stated to you that this bill meets the approval of the Commissioner of Pensions, and I presume no member of the House would question his unsupported statement of this fact, yet in order to make assurance doubly sure I waited upon the Commissioner of Pensions in person this morning, and asked him for his indorsement of the measure over his own signature. I have his indorsement of the bill here, and will ask the Clerk to read it. The paper was signed in my own presence, and will speak for itself.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., April 21, 1884.

MY DEAR SIR: In response to your request that I should examine House bill 6535, reported April 11 by the chairman of your committee, and to state whether in my judgment the provisions of that bill are practicable and susceptible of such administration as will tend to obviate some of the difficulties experienced in the administration of existing laws, by which those who have rendered efficient and arduous service to the Government in the field, and who are now disabled and unable to make the necessary proof to connect the same with the service, and as regards claims of dependent parents, and the rule of evidence contained in the third section of the bill, I have the honor to say that in my judgment the bill is a most important step in the right direction, and while not going to the extent with regard to invalid pensions which I think warranted by public opinion and justice to claimants, yet I believe it is just in its provisions and susceptible of such administration as will work justice to many worthy claimants now excluded.

As I stated in my conference with the committee on the 16th of February, I think there is a necessity for some such legislation, and I rejoice that this bill has been introduced, and trust that it will meet with favorable consideration.

Very respectfully,

W. W. DUDLEY, *Commissioner.*

Hon. H. S. GREENLEAF,
Committee on Pensions, Bounty, and Back Pay,
House of Representatives.

I presumed to ask for this letter, Mr. Speaker, believing that most if not all the members of the House who have had occasion to do business with the Pension Office have confidence in the ability, integrity, and judgment of the present Commissioner of Pensions in such matters as pertain to his office, and that they would be disposed to respectfully consider anything he might be willing to say upon so important a pension bill as we now have before us.

Mr. WHITING. Mr. Speaker, it is not the object of this bill to add another class to those who are receiving the benefit of the pension laws, but the intention is to enable those who are now entitled to a pension to have their names placed on the roll. It may seem a very simple thing to do that under existing law, but any one who has had experience at the Pension Office knows that it is not. In all cases the burden is imposed upon the claimant of looking up the comrades and officers who are to establish by their testimony his right to a pension. This may seem an easy task, but when you remember that it is nearly twenty years since the close of the war, and that many of these officers and soldiers have died or removed to a distant part of the country, or it may be that the soldier himself has removed to a distance from the place where he enlisted, the difficulty in procuring the necessary evidence is obvious. In many cases it is impossible to obtain it at any expense, even when the greatest diligence is exercised.

Again, most of the veterans are poor and have little knowledge of how to prepare a case; and the insufficiency of the fee allowed to an attorney is little inducement for him to devote very much time to securing the necessary evidence. The consequence is that, after several vain attempts to satisfy all of the requirements of the present law, the soldier gives up in despair and plods on in poverty and misery, with a keen sense of the injustice that has been done him. To secure a pension under the existing laws it is necessary to prove, first, no unsoundness at the time of entering the service; second, disability incurred in the service and its continuance down to the time of applying for the pension. Those who have had experience in administering the law are of the opinion that great injustice is done the soldier by too exacting and practically prohibitory rules of evidence in the enforcement of these provisions of the law. We may have the strongest reasons for believing that the foundation for phthisis, malarial fever, and many other diseases was laid in the service, but it is a difficult thing to prove it.

Now, the bill presented by the Committee on the Payment of Pensions, Bounty, and Back Pay provides, in section 1, that if a soldier shall have served three months and is now disabled in whole or in part from procuring his subsistence by reason of any wound, injury, or disease, which there is probable cause to believe originated in said service, he shall be given a pension.

Section 3 provides that a service of three months shall be *prima facie* evidence that the applicant was free from the disease for which he claims a pension when he entered the service.

The committee do not believe that they have opened the door too wide by this bill. We have acted on the belief that it is the intention of the Government to pension every soldier who was disabled in the service and who is suffering because of that disability. We have acted on the belief that it was not intended that the proof required should be of such a kind as to exclude a large number of worthy men.

It has been our purpose to supplement previous legislation where it has been too restrictive, and to thus carry out the intention of the Government to pension every soldier disabled in the service.

We have considered this bill word by word and line by line with Commissioner Dudley, and he approves it, and we believe that it is so safe and reasonable in its provisions that every member of the House can support it.

Mr. HEWITT, of Alabama. I now yield two minutes of my time to the gentleman from Indiana [Mr. PEELLE].

Mr. PEELLE, of Indiana. Mr. Speaker, on the 3d day of March I introduced into this House a bill on this subject and caused it to be referred to the Committee on the Payment of Pensions, Bounty, and Back Pay. I desire in my own time to have the bill I then introduced read, in order that the House may see how the Committee on the Payment of Pensions, Bounty, and Back Pay have framed the present bill, and how much of the provisions of that bill are incorporated into the bill reported by them. I will then state one of the material omissions from the bill.

The SPEAKER. The Chair will state to the gentleman from Indiana that in his judgment the bill can not be read within the two minutes.

Mr. PEELLE. Then I ask unanimous consent that it be read as far as it can be read in the time given me and that the remainder be printed in the RECORD.

The Clerk read the bill, as follows:

A bill to provide pensions for certain invalid soldiers and sailors who have been discharged from the Army or Navy of the United States after six months' service therein during the war of the rebellion, and for the widows of deceased pensioners, and to increase the rate of pension in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service as mentioned in said section for the period of six months during the war of the rebellion, and has been honorably discharged therefrom, and who is or shall become disabled by reason of a wound, injury, or disease, not the result of his own gross carelessness, disreputable conduct, or vicious habits, shall, upon making due proof of the facts under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted by virtue hereof shall be $24, which is hereby made divisible upon the basis of ability to perform manual labor: *Provided,* That no person entitled to an invalid pension under existing laws, or such as may be hereafter enacted granting pensions for disabilities contracted in the military or naval service of the United States and in line of duty, shall receive the benefits of this act. But any such applicant for invalid pension having an application therefor pending, or who shall hereafter file his application for such pension, may, by a declaration over his own signature, elect to prosecute his said claim under this act, and his pension when allowed shall commence from the date of such election.

SEC. 2. That all widows of soldiers and sailors who, as such widows, are now receiving, under existing laws or a special act of Congress, the sum of $8 per month, by reason of the death of such soldiers and sailors from a disability contracted in the military or naval service of the United States, and in line of duty, since the 4th day of March, 1861, shall, from and after this date, be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

SEC. 3. That if any invalid pensioner has died or shall hereafter die of a disability contracted in the line of duty during the war of the rebellion, or if any pensioner under section 1 of this act shall die leaving a widow or minor children under 16 years of age, or both, at the date of the death of such pensioner, such widow and minor children shall be held to be entitled, in the order of succession named, to an original pension in their own right, under existing laws, without being required to prove that the death cause of such pensioner was due to his military or naval service of the United States, and shall receive the rates now allowed by law, except that such as may be found to be entitled to $8 per month shall receive in lieu thereof $12 per month.

Mr. PEELLE, of Indiana. It will be seen that the pensions of widows have been left out of the pending bill altogether.

Mr. HEWITT, of Alabama. I now yield two minutes to the gentleman from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. Mr. Speaker, I simply rise to enter my protest against that portion of this bill which follows the word "therefor" in line 23 of the first section. I refer to the following words:

And any person who has filed or may hereafter file an application for a pen-

sion under the act of July 14, 1862, and acts amendatory thereto, or under any act entitling him to arrears, may, by a declaration over his own signature, attested before any officer duly authorized to administer oaths for general purposes, elect to prosecute his said claim under this act, which election shall be final; and in such case his pension, if allowed, shall begin from the date of filing such declaration of election, which compels the applicant for pension to waive his rights to arrears.

This bill is in the main correct, and I shall vote for it even as it is; but I protest against so important a measure being pressed to its passage without the privilege being accorded members of amending its manifest errors. If the soldier is to receive any advantage from this act he must waive rights secured to him under the present law. In other words, in order to secure that which will relieve present poverty and distress, he must abandon his right to arrears of pension. We have been told from day to day that the committee, whose chairman [Mr. WARNER] has just spoken, were to bring out a bill affording the relief so plainly demanded by the country's defenders. I submit, sir, if they do not signally fail. True, they give, but they withhold also; indeed in some things they take back from the soldier that which he already hath. It is an ungracious proceeding, and unworthy men now enjoying the heritage perpetuated by the blood and suffering of these pensioners. It is a question whether they would not be more injured than benefited by this bill. In the hope, however, that the Senate will properly amend, I give it my vote.

[Here the hammer fell.]

Mr. HEWITT, of Alabama. I yield two minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. I wish to emphasize the objection of the gentleman from Pennsylvania [Mr. BROWN] to so much of the first section of the bill as he called attention to, and to say that the gentlemen of this committee have shown to the soldier that mercy which requires him to relieve a supposedly honest claim against this Government for more money, namely, his claim for arrears, than he can receive during a lifetime of reward under the provisions of the act. It is the same kind of mercy to the ex-soldier of this country that this Government showed to those who were dying in Andersonville under its policy; and the committee refuses to report a bill to recognize the services and the sufferings of those men in the death-holes of the South.

There is another objection to the bill. If you seek to put it in the way of these men to receive their rights, you ought to add this sort of a section: that in all cases where the applicant for a pension is shown to have rendered three months' service or more in the field all injuries sustained by him when in the service shall be presumed to have been received by him in the line of duty, and the burden of the proof to the contrary shall be on the Government. You have made a provision under which the Pension Office to-day are refusing pensions to thousands of men who justly deserved them; the provision, namely, that they must establish their soundness on their entry into the service; and you are refusing to adopt the other provision that they shall be assumed to have received their injuries in the line of duty if they are shown to have rendered three months' active service.

[Here the hammer fell.]

Mr. HEWITT, of Alabama. I yield two minutes to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. The objection I have to this bill is that it restricts rather than enlarges the pension-roll. The first section provides that if it shall appear probable that the applicant received the disability in the military service, it shall be the duty of the Commissioner of Pensions to put him on the pension-roll. Why, sir, if I understand the law that is the rule now. If from the evidence it appears probable, if the weight of the evidence is that he has incurred a disability in the military service, it is the duty of the Commissioner to put the applicant on the pension-roll. But this restricts it in this, that he shall not only prove that he has incurred the disability in the military service of the United States, but he shall also show that he served three months before he is entitled to the pension.

Mr. WARNER, of Ohio. It is a matter of record.

Mr. BROWNE, of Indiana. Yes, sir. But now if he were to serve but a day and he shows by the evidence it is probable he has incurred the disability in the service, he is entitled to a pension.

Mr. WARNER, of Ohio. This does not take away any right.

Mr. BROWNE, of Indiana. I say the present pension law simply requires the applicant to show by a preponderance of evidence the probability that he has incurred the disability in the field, and he is entitled to a pension, though he may have served but a day or a week. But this bill requires, before he shall be pensioned for disability incurred in the service, that he must have had an honorable service for at least three months.

[Here the hammer fell.]

Mr. HEWITT, of Alabama. We have now a very liberal pension system. This bill proposes to further liberalize it. Under our present pension system every man who can prove that he incurred a disability, either from disease or wounds contracted in the line of duty in the service, and was honorably discharged, is entitled to a pension. That is the law as it now stands, and the proof of these facts is made under the law. The proof is taken by *ex parte* affidavits. The Government is not represented in the taking of those affidavits. And if the party can not prove to the satisfaction of the Commissioner of Pensions by *ex parte* affidavits that he contracted the disease or was wounded in the line of duty in the military service of the country it seems to me he ought not to have a pension at all.

Mr. WARNER, of Ohio. Did the gentleman not vote the other day to put on the pension-roll men not disabled at all?

Mr. HEWITT, of Alabama. Ah! that was a different thing. When twenty years more have expired and you present such a bill for your Union soldiers as I voted for on behalf of the Mexican soldiers you will find me supporting it. But that is not the question, Mr. Speaker.

What does this bill do? It says that by *ex parte* affidavits all you have got to do is to make out a probable case. Now, gentlemen who have opposed this bill on the ground of the alteration it makes in the law in that respect are very much mistaken in the view they have taken of it. It is in fact a liberalization of the law in that respect. How easy will it be for parties under *ex parte* affidavits to make out a probable case, showing that they were disabled in the service. There is no telling how many men this will put on the pension-roll. I do not want you to be deceived in that respect.

The second section has no reference to the proof, but is an extension of the pension laws. Under the present law, if a father or a mother can show his or her son volunteered, that he or she was dependent on that son for support, and that son left no widow or minor children, then the father or mother would be entitled to a pension on proof of those facts. But, Mr. Speaker, this bill proposes that if the mother or the father can show that they are a day without the means of support, dependent in the least degree on the son, and that son died in the service and left no widow or minor children, these dependent parents shall receive a pension. It is a clear extension of the pension laws.

Mr. BEACH. Is not that right?

Mr. HEWITT, of Alabama. It is a clear extension of the pension laws.

Mr. MCMILLIN. Allow me to suggest that there is a further extension in this: this bill does not require the applicant to show even that he is not able to earn a living for himself, as will be seen by reference to the provisions of that section.

Mr. HEWITT, of Alabama. It does not matter how able the applicant may be to earn a support for himself by manual labor. All that he has to show is that he is without other means of support, whether he was dependent at all or not upon the son who volunteered and was killed in the service.

Mr. WOLFORD. Will the gentleman permit me to ask him a question?

Mr. HEWITT, of Alabama. Not now; I have not time. When I get through, if I have time, I will do so.

The SPEAKER. The gentleman has one minute of his time remaining.

Mr. HEWITT, of Alabama. The third section of this bill is a proper section, and I would support it heartily if it stood alone. I have always believed that when the Government received a soldier in the service and that soldier performed faithful duty the Government should be estopped from denying that when that soldier volunteered and entered the service he was a sound and healthy man.

Mr. BROWNE, of Indiana. Permit me to say to the gentleman that I intend to vote for this bill simply because of that third section.

Mr. HEWITT, of Alabama. I do not think the gentleman need vote for the bill on that ground, for we will have an opportunity hereafter of supporting a proper bill which will include the provisions of this third section.

The SPEAKER. The time of the gentleman has expired.

Mr. BLAND. I would like to inquire of the gentleman from Ohio [Mr. WARNER] if he has any time remaining?

The SPEAKER. The time allowed under the rule for debate has been exhausted.

Mr. MCMILLIN. I dislike to trespass on the House, but I wish to have unanimous consent to ask the gentleman from Ohio [Mr. WARNER] who has charge of this bill what the demands of the bill will cost the Treasury. I think the House ought to be permitted to know that, and I think it is willing to know it.

Mr. HEWITT, of Alabama. No man can estimate that.

The SPEAKER. The House has heard the request of the gentleman from Tennessee [Mr. MCMILLIN].

Mr. STEELE. I call for the regular order.

The SPEAKER. The demand for the regular order is equivalent to an objection.

Mr. WARNER, of Ohio. I should be glad to answer the question if permitted to do so.

Mr. KASSON. In pursuance of what was said a little while ago, understanding that the gentleman from Ohio [Mr. WARNER] withdraws his objection, I desire that a very brief section of six lines may be added to this bill.

Mr. MCMILLIN. If the House is not willing to have information on this question I do not think there should be any additions put on the bill.

The SPEAKER. Then the gentleman objects?

Mr. MCMILLIN. I do.

Mr. JONES, of Arkansas. Did not the gentleman from Ohio [Mr. WARNER] reserve three or four minutes of his time?

The SPEAKER. The gentleman has occupied all his time.

Mr. WARNER, of Ohio. I supposed that I had two minutes.

The SPEAKER. The gentleman has no time remaining.

Mr. MATSON. I desire to ask unanimous consent of the House, not of the gentleman from Ohio, to suggest an amendment to this bill.

The SPEAKER. Gentlemen have objected to the offering of amendments.

Mr. MATSON. I ask permission to state the amendment.

The SPEAKER. The gentleman can do so, if there is no objection.

Mr. MATSON. It is to add to the first section the following:

And the rate for total disability under this section shall be $24 per month, which is made divisible in proportion to the degree of disability; and no account shall be taken of rank in the service in granting pensions under this section.

Mr. THOMPSON. I desire to make a parliamentary inquiry. If that request is acceded to will we then have fifteen minutes' more debate on each side?

The SPEAKER. There will be no further debate.

Mr. BROWNE, of Indiana. I would inquire why there should be a discrimination in regard to rating pensions under this bill?

Mr. BLAND. I have called for the regular order, and insist upon it.

Mr. WARNER, of Ohio. I ask to have read a very short letter from the Commissioner of Pensions; I think there will be no objection to that.

Mr. HEWITT, of Alabama. I object.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. Will it be proper for me at this time to request the gentleman from Ohio to admit the following amendment——

The SPEAKER. The regular order has been demanded on all sides of the House.

Mr. WELLER. Can I be permitted to have it printed in the RECORD?

Mr. POST, of Pennsylvania. I object.

The SPEAKER. Objection is made to all these requests. The question is on the motion of the gentleman from Ohio to suspend the rules and pass the bill, with the amendments which have been read.

The question was taken; and upon a division there were—ayes 111, noes 41.

Mr. THOMPSON and Mr. PETERS called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 57, not voting 100; as follows:

YEAS—165.

Adams, G. E.	Findlay,	McComas,	Skinner, C. R.
Atkinson,	Funston,	Matson,	Slocum,
Bagley,	Geddes,	Maybury,	Smalls,
Bayne,	George,	Millard,	Smith,
Beach,	Glascock,	Mills,	Snyder,
Bingham,	Goff,	Mitchell,	Spooner,
Boutelle,	Greenleaf,	Morgan,	Spriggs,
Boyle,	Guenther,	Morrill,	Springer,
Brainerd,	Hanback,	Morrison,	Steele,
Breckinridge,	Hardy,	Morse,	Stevens,
Brewer, F. B.	Harmer,	Murphy,	Stewart, J. W.
Brewer, J. H.	Hart,	Murray,	Strait,
Browne, T. M.	Hatch, H. H.	Mutchler,	Struble,
Brown, W. W.	Hatch, W. H.	Neece,	Sumner, C. A.
Budd,	Haynes,	Nelson,	Taylor, E. B.
Calkins,	Henderson, D. B.	Nutting,	Thomas,
Campbell, Felix	Henderson, T. J.	O'Neill, Charles	Townshend,
Campbell, J. M.	Henley,	O'Neill, J. J.	Tully,
Cannon,	Hepburn,	Parker,	Van Alstyne,
Carleton,	Hiscock,	Patton,	Vance,
Cassidy,	Hitt,	Peelle, S. J.	Wait,
Clardy,	Holman,	Perkins,	Wakefield,
Cobb,	Holmes,	Peters,	Warner, A. J.
Collins,	Howey,	Poland,	Washburn,
Converse,	Hunt,	Post,	Weller,
Cosgrove,	Hurd,	Potter,	Wemple,
Cox, S. S.	James,	Pusey,	Whiting,
Culbertson, W. W.	Jeffords,	Randall,	Wilkins,
Cutcheon,	Johnson,	Ray, G. W.	Willis,
Davis, G. R.	Jones, B. W.	Ray, Ossian	Wilson, James
Davis, R. T.	Jordan,	Rice,	Wilson, W. L.
Deuster,	Kasson,	Riggs,	Winans, E. B.
Dingley,	Kelley,	Robinson, W. E.	Winans, John
Dunham,	Lacey,	Rockwell,	Wise, J. S.
Eldredge,	Laird,	Rogers, J. H.	Wolford,
Elliott,	Lamb,	Rogers, W. F.	Woodward,
Ellwood,	Long,	Rosecrans,	Worthington,
Ermentrout,	Lore,	Rowell,	Yaple,
Evans, I. N.	Lovering,	Russell,	York.
Everhart,	Lowry,	Ryan,	
Ferrell,	Lyman,	Seney,	
Fiedler,	McCoid,	Seymour,	

NAYS—57.

Aiken,	Culberson, D. B.	Hewitt, G. W.	Singleton,
Barbour,	Davidson,	Jones, J. H.	Skinner, T. G.
Bennett,	Davis, L. H.	Jones, J. K.	Stewart, Charles
Blanchard,	Dibrell,	Jones, J. T.	Taylor, J. M.
Bland,	Dowd,	Lanham,	Thompson,
Blount,	Eaton,	McMillin,	Throckmorton,
Buchanan,	Ellis,	Miller, J. F.	Tillman,
Buckner,	Evins, J. H.	Muldrow,	Turner, H. G.
Cabell,	Forney,	Oates,	Turner, Oscar
Caldwell,	Garrison,	Pierce,	Warner, Richard
Candler,	Halsell,	Peel, S. W.	Wellborn,
Clay,	Hammond,	Pryor,	Williams.
Clements,	Hardeman,	Reese,	
Cox, W. R.	Hemphill,	Robertson,	
Crisp,	Herbert,	Scales,	

NOT VOTING—100.

Adams, J. J.	Dockery,	Ketcham,	Rankin,
Alexander,	Dorsheimer,	King,	Ranney,
Anderson,	Duncan,	Kleiner,	Reagan,
Arnot,	Dunn,	Lawrence,	Reed,
Ballentine,	Finerty,	Le Fevre,	Robinson, J. S.
Barksdale,	Follett,	Lewis,	Shaw,
Barr,	Foran,	Libbey,	Shelley,
Belford,	Fyan,	McAdoo,	Stephenson,
Belmont,	Gibson,	McCormick,	Stockslager,
Bisbee,	Graves,	McKinley,	Stone,
Blackburn,	Green,	Miller, S. H.	Storm,
Bowen,	Hancock,	Milliken,	Sumner, D. H.
Breitung,	Hewitt, A. S.	Money,	Talbott,
Broadhead,	Hill,	Morey,	Taylor, J. D.
Brumm,	Hoblitzell,	Moulton,	Tucker,
Burleigh,	Holton,	Muller,	Valentine,
Burnes,	Hooper,	Nicholls,	Van Eaton,
Chace,	Hopkins,	Ochiltree,	Wadsworth,
Connolly,	Horr,	O'Hara,	Ward,
Cook,	Houk,	Paige,	Weaver,
Covington,	Houseman,	Payne,	White, J. D.
Cullen,	Hutchins,	Payson,	White, Milo
Curtin,	Kean,	Pettibone,	Wise, G. D.
Dargan,	Keifer,	Phelps,	Wood,
Dibble,	Kellogg,	Price,	Young.

So (two-thirds voting in favor thereof) the motion to suspend the rules and pass the bill was agreed to.

The following additional pairs were announced:

Mr. BARKSDALE with Mr. ANDERSON, on the pending bill.

Mr. WHITE, of Minnesota, with Mr. TALBOTT, for this day.

Mr. FORAN with Mr. WADSWORTH, until further notice.

Mr. WHITE, of Kentucky, with Mr. MONEY, for this day.

Mr. NICHOLLS with Mr. CHACE, until further notice.

Mr. PAIGE with Mr. HANCOCK. If present, Mr. PAIGE would vote "ay" on this question.

The result of the vote was announced as above stated.

Mr. WARNER, of Ohio. Certain members of the committee and one or two other gentlemen, including the gentleman from Indiana [Mr. WOOD], desire leave to print in the RECORD remarks on the bill just passed. I ask that leave to print be granted to such gentlemen as may desire it.

The SPEAKER. Unanimous consent is asked for leave to print in the RECORD remarks on the bill just passed. The Chair hears no objection; and leave is granted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill by the following title:

A bill (H. R. 3931) to create an additional United States judicial district, and to establish circuit and district courts therein, in the State of Alabama.

The message also announced that the Senate had passed, and requested the concurrence of the House in, bills and a joint resolution of the following titles:

A bill (S. 351) for the relief of Alexander Smiley;

A bill (S. 830) for the relief of John Frasier;

A bill (S. 139) for the relief of the trustees of the Southern Illinois Normal University at Carbondale, Jackson County, Illinois; and

Joint resolution (S. R. 38) authorizing the issue of clothing to Sergeant Herman Theune, Company I, Twenty-third United States Infantry.

ORDER OF BUSINESS.

Mr. BAGLEY. I move that the House adjourn.

The question being taken on the motion, there were—ayes 66, noes 91.

Mr. BAGLEY. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion was not agreed to.

ADULTERATED FOOD AND DRUGS.

Mr. BEACH. I am instructed by the Committee on Public Health to move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Public Health be, and it hereby is, authorized to inquire into the extent and character of the adulterated food and drugs imported into the United States or exported therefrom; and to this end the said committee is authorized to send for persons and papers and to sit during the recess, if in its judgment it be necessary in the proper execution of this inquiry; and the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the House to defray the expenses of the said inquiry.

Mr. MILLS. I demand a second on the motion to suspend the rules.

Mr. BEACH. I ask unanimous consent that a second be considered as ordered.

Mr. MILLS. Oh, no; I object to that.

Mr. BEACH and Mr. MILLS were appointed tellers.

The House divided; and the tellers reported—ayes 93, noes 51.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rules debate is now in order for thirty minutes—fifteen minutes in support of the motion to suspend the rules, and fifteen minutes in opposition to it.

Mr. BEACH. Mr. Speaker, the object of this investigation is to gather facts upon which to formulate such legislation as may be necessary to check the evils resulting from our foreign commerce in adulterated commodities. The proposed inquiry relates solely to exports and imports. There is no intention to investigate adulterations in the States or the commerce in adulterated articles between the States. We propose simply, in the language of the resolution, to inquire into "the extent and character of the adulterated food and drugs imported into the United States or exported therefrom."

The subject, Mr. Speaker, is one of very great importance. It is particularly so at the present time by reason of the attitude assumed by foreign governments. I trust that I may have the attention of the House for a few moments so that we may get an intelligent vote on this proposition.

A few days since I found in the New York Herald the following article:

[By cable to the Herald.]

LONDON, *March* 31, 1884.

In the House of Commons to-day Right Hon. George J. Dobson, chancellor of the Duchy of Lancaster, replying to Mr. Thomas Duckham, Liberal member for Herefordshire, said that the foreign office had been instructed to obtain information from America regarding the importation into England of American adulterated butter and cheese.

The reading of this article suggested to my mind that probably England had in contemplation a course of action towards American dairy products similar to that which France and Germany have pursued toward our hog products. If my suspicions are well founded the urgency of the inquiry sought by this resolution is apparent. It will not do for us to abide the results of the English investigation. Commercial honesty as well as regard for the interests of our farmers and dairymen require that we ourselves should embark upon the investigation, and if we find, as I feel confident we shall, that there is just cause for the complaint, Congress should at once so regulate our foreign commerce in butter and cheese, and in fact all other articles which are the subject of adulteration, that the spurious article may be detected and not come in deceptive competition with the genuine.

In this matter of butter and cheese the statistics will justify the present action of England. We find in the report of the Chief of the Bureau of Statistics the facts in relation to our exportations of butter and cheese.

In the year 1880 we exported butter to the value of $6,690,687. In 1881 it was about the same, or to be exact $6,256,024. In 1882 it suddenly dropped to $2,864,570, and in 1883 it fell off to $2,290,665.

Our exportation of cheese for the year 1881 was valued at $16,380,248, and in 1882 at $14,058,975. In 1883 it dwindled to $11,134,526.

These are indeed startling facts, and it behooves us to inquire into the cause of this great decrease in the exportation of our dairy products. It is openly charged that the decline is owing to the spurious butter and cheese which have taken the place of the genuine article.

Upon consulting Mr. Nimmo, the Chief of the Bureau of Statistics, to ascertain, if I could, the cause, I found that during the year 1881 we exported close on to four million dollars' worth of oleomargarine butter. In 1882 the exportation of this imitation butter fell off to $308,427, but in its stead we shipped abroad an entirely new article of commerce, called oleomargarine (the oil), to the value of $2,666,197. In 1883 we shipped of this oil $4,143,748. This oil was exported to Holland and other countries to be manufactured into butter.

I inquired of Mr. Nimmo whether the article exported under the name of "butter" was genuine or in part spurious. He said he was unable to tell, that even the customs officers could not tell, for under a decision of the Attorney-General they had no right to break packages for the purpose of inspection. He furthermore said that nothing but a thorough investigation would reach the facts, and he deemed such an investigation of great importance.

The same remarks will apply to cheese. Public attention has been directed mainly to the adulterations of butter, but cheese is adulterated in an equally villainous way. They have a sort of emulsifying process whereby lard is injected. The value of the adulterated article is far inferior to that of the genuine and it is supposed to be detrimental to health. It is charged that we are exporting large quantities of this adulterated cheese, and it is openly asserted that the decline of five millions which occurred during the last year in our exportation of cheese is owing to the sensitiveness of foreign markets upon this subject of adulterations. This is a matter the committee proposes to investigate, and at the same time it proposes to ascertain to what extent England is sending us adulterated cheese. Our importation of foreign cheese during the last year was valued at about $1,000,000. That much of it was adulterated is publicly asserted. In proof of the assertion I may read an article I cut from the New York World of last Friday:

Dr. Bartley, the chemist of the Brooklyn health department, has adopted a method of determining the deleteriousness of suspected edibles that surpasses the most critical analysis in reliability. A man having complained that "English dairy" cheese was prejudicially adulterated, Dr. Bartley was directed by his department to make an analysis. He pooh-poohed the idea, and to prove that it was all a matter of imagination ate some of it. It made him so ill that he had to prescribe for himself. This testimony is worth more than a thousand whitewashing certificates.

Now, while England is investigating the adulterated cheese which it is alleged is shipped to that country from America I think it is well for us to profit by her example and inquire into the adulterated cheese which England is sending over to us.

We might also look into the adulterations which are practiced in the manufacture of lard by the intermixture of tallow, and we would probably ascertain the reason why our exportations of lard, which were valued in 1881 at over $34,000,000, fell in 1883 to about twenty-four million, a decline of ten millions in two years.

I regret, Mr. Speaker, that in the few moments allowed for this debate I can not take up and consider the various adulterated articles which enter into our foreign commerce. Those who have given the subject but little attention have no conception of the extent to which these adulterations prevail. Among our exports we find the principal adulterations to be in butter, lard, and cheese. There are others, however, to which public attention has not yet been called, but which will be brought to light by the labors of this committee. Why, only last night, in glancing over the February number of the consular reports issued by the State Department, I find that Consul Tanner, the consul at Liege and Verviers, writes under date of 6th November last in regard to petroleum, of which we exported last year about forty-five million dollars' worth, as follows:

Petroleum is imported into this consular district from Antwerp. It comes here to the wholesale dealers, and from them to the retail. Now, I am confident in my own mind that if petroleum is adulterated it is not done in the United States, and it looks, from the fact of the complaints in this instance coming from the retail dealers here, that it is doctored before it reaches their hands. By whom or when it is doctored is no business of mine, so that it is not done in the United States, and this brings me to the point. I respectfully ask the Department to have me supplied with a statement as to the quality and general condition, &c., of petroleum, such as we export for general use to Belgium, in order to vindicate our dealers from all suspicion of unfairness and adulterations.

If I can succeed in doing this by the aid of the Department, I am sure that it will redound greatly to the interest of American exporters in many other articles, and will go far toward removing prejudices here against other of our products.

Now, Mr. Speaker, I would like to call attention to the principal articles of import which are the subject of adulteration. During the last year we imported drugs and chemicals to the value of $43,716,090, upon which we received a duty of $6,053,574. For the same period we imported spices to the value of $2,018,630, upon which we received a duty of $873,886. In the same year we imported spirits, wine, and malt liquors to the value of $13,733,666, upon which a duty of $9,253,341 was paid. There was imported during last year of oils of all kinds $1,045,051.29, with a duty of $421,077.29. It is commonly believed that in most all of these articles which go to make up a vast commerce adulterations are practiced to a greater or less extent.

It is strange that my protectionist friends on the other side of the House have not seen before now the necessity of the action we propose to take under this resolution. They insist upon high duties to protect the American laborer against the pauper wages of Europe. They seem to have overlooked the fact that if we shut out by legislation these adulterated articles we would practically put an end to their importation. Under the existing high rate of duties foreign countries can not send us the pure article. They are obliged to resort to adulteration to compete with our home producers.

Now, Mr. Speaker, if it is found upon this investigation that our exports and imports are adulterated, as is charged and commonly believed, it is obviously the duty of Congress to take some action. What that action may be remains for future consideration. The paramount duty now is to get at the facts. There are two ways in which we should look at this question. The one as it affects our duty to foreign nations with which we have commercial relations; the other as it concerns our own people and the General Government. For one, I believe that honesty and fair dealing are just as important among nations as among individuals. For this reason I would require that all exported articles should be just what they profess to be. If they are adulterated let them be so marked. We can not afford to have our commercial honesty as a nation assailed.

With regard to the duty we owe our own people in the matter of imports I think there will be no dispute. The protection of the public health is a legitimate function of the Government. We would be authorized, therefore, in prohibiting the importation of all adulterated articles which are detrimental to health, and we would be equally authorized in exacting absolute purity in the foreign drugs, upon which we have to rely for the cure of sickness.

Another legitimate function of government is to protect the people against deception, where the deception is general and can be prevented only through government action. If adulterated goods are shipped to us from abroad with a view to be sold in this country at the price of genuine goods, it is the duty of the Government to stop them at the custom-house and see that they are properly branded before they are scattered among the people.

I have an illustration in point. It is well known that we have been exporting cotton-seed in large quantities. It is publicly charged that the oil is expressed from the seed and shipped back to this country as "olive-oil." Now the difference between pure olive-oil and the adulterated article can not be detected by the great mass of consumers. It requires an expert or a chemist to distinguish the genuine from the spurious. The people, however, buy the inferior article and pay the superior price. They are robbed and plundered, and the only way to stop the deception is through Government interference.

I have only time, Mr. Speaker, to allude to one other branch of this subject, and that is a highly important one. I refer to the effects of the importation of adulterated articles upon the revenues of the Government. About thirty years ago, when England was deeply agitated upon this question, and a committee of Parliament was raised for investigation, it was estimated that the loss to the British revenues by reason of adulterations exceeded £2,000,000 annually. I have no doubt whatever in my own mind that our revenues are defrauded in a much larger sum from our foreign trade in these adulterated goods, and I am anxious to gather the facts for the information of Congress.

The SPEAKER. The time for debate in favor of the motion to suspend the rules has expired. The gentleman from Texas [Mr. MILLS] is recognized to control the remaining fifteen minutes.

Mr. MILLS. I yield five minutes to the gentleman from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. Mr. Speaker, if, as one member, I can get nothing better in this direction than the resolution now proposed I must take that, but I protest, with all respect toward the committee and the House, that there is now pending in this House a bill introduced during the first two weeks of the session which is already far in advance in the direction in which the mover of this resolution would go—a proposition which is far beyond the point at which this resolution starts, and there I think we ought now to start. This bill was introduced in the Senate during the last Congress by Senator MILLER, of New York, and in the House by Mr. Flower, of that State. It was referred to the Committee on Commerce of this House, and my distinguished friend from Michigan [Mr. HORR] made an exhaustive and elaborate report upon it from that committee. That report has done more in reference to this important subject than this whole investigation can do during the brief life of the present Congress.

What is the immediate purpose of the resolution? Is it intended to call the attention of the people of the country to the adulterations of food and drugs? It does not include medicines along with foods and drugs. Why, sir, the country is already far ahead of this House in reference to this question. They are fully aroused to the need of a remedy for adulteration, and want you to apply the remedy. While we have been waiting for five months the public sentiment, as shown by the very extracts which the gentleman from New York has read from the press of the country, and by letters and personal inquiries of constituents which other gentlemen as well as myself have received, has gone already far in advance of this resolution. Is it proposed to investigate to find out whether indeed there be adulteration? Who on this floor doubts or denies it? Everybody knows it. If this House is to undertake any remedy, the bill which I hold in my hand, introduced here on the 11th of December by the gentleman from Missouri [Mr. O'NEILL], the same bill *in totidem verbis* which was approved by the Committee on Commerce in the last House, and which I had intended to reintroduce because of its merits, ought to be passed instead of this tentative resolution, which will prolong investigation through the coming summer and perhaps on through the short session of Congress, when the measure must die.

There is at hand the exhaustive investigation recently had in England, and on which the adulteration-of-foods acts are based, and on which this bill is modeled.

This bill I hold in my hand protects the Territories and the District of Columbia, and indirectly the country at large, from the importation of adulterated food, medicines, and drugs. It does more than that. The State of New York, which has by legislation and investigation attempted to meet these evils, especially with respect to certain foods, has only State power and State action; but the bill I hold in my hand does that which is more important than all laws of that character either by State or national action.

This bill was referred to the Committee on Agriculture at the present Congress. It was reported favorably by the committee of the last Congress. It does what is just and philosophical. It does what is most practical. It fixes a standard to define and classify everything coming into this country. It declares, Mr. Speaker, what is a food, what is a drug, and what is a medicine. But the resolution on that table, for which I will vote if I can get nothing better, does not include medicine, and the word "drug" does not include it.

The SPEAKER. The gentleman's time has expired.

Mr. MCCOMAS. I ask the gentleman from Texas to yield me two minutes longer.

Mr. MILLS. Certainly.

Mr. MCCOMAS. The bill I hold here sets forth eight different classifications for the information of the people of the country and of the officers of the States and of the several national Departments. It includes under medicine all things which are known and recognized as to strength, purity, and quality as medicines. It includes under food those things which have not been mixed or injuriously affected as to quality or strength, from which nothing has been abstracted or into which improper substances have not been injected, or to which inferior or cheaper substitutes have been added, as well as all imitations. It excludes food partly diseased or rotten, or, as in case of milk, the product of diseased animals, or anything colored, polished, or powdered whereby damage is concealed. It excludes all poisonous ingredients, or matter injurious to health. It excludes all matters like butterine, oleomargarine, and other adulterated foods, and it excludes all medicines which in an extreme moment may be given by a physician, but which may be a sham and a fraud upon the doctor and patient. All these things are provided for in the bill which I hold in my hand, and the Secretary of the Treasury is empowered to employ analysts and inspectors and to investigate, and its provisions, as well as the decisions of the Treasury Department, would go everywhere throughout the country to give correct standard to trade, to commerce and agriculture. Yet, sir, we are to be told after five months of a session of Congress, when we ought to be passing that bill approved thus by so many members of this body, we are to be content with the pending resolution, when we now and here should be taking care of the consumer throughout the land. This bill has been on the Calendar for a long time, and we ought to correct the evils which confessedly exist, for which this is a remedy. If, however, I am not permitted to vote for that bill now I must vote for the pending proposition. I should prefer, however, going far in advance and doing now fully and completely that which sooner or later we will be compelled to do.

I thank the gentleman from Texas for his courtesy.

Mr. MILLS. Mr. Speaker, I am not in favor of the Government interfering in the regulation of what its people eat, drink, or wear. I believe that the people of the United States are competent to determine for themselves what they ought to eat and how they will have it. I believe in that doctrine of our fathers that the people are competent to build governments and to administer them so as to take care of themselves. I do not believe the Government of the United States is inspired with any superior intelligence over the people who sent us here to make laws for them. I do not believe the Government of the United States can better determine what the people shall eat than the people can determine for themselves. Hence I am opposed to this constant interference on the part of the law-making power of the Government with the habits, food, and customs of the people at home. There is too much sumptuary legislation, as a friend has just whispered to me here.

Now, if it be wise for us to depart from this old fundamental idea in our Government and it is necessary for the Government to examine into butter or oleomargarine or whisky or anything else which enters into the consumption of the people, this is not the proper way to do it. If we are going to have an examination made about butter imported into the United States or exported to other people, the better way for us to do is to authorize the Secretary of the Treasury to have the investigation made at the custom-house. He can do it infinitely better than a floating committee of this House. He can have his inspectors and his experts, who can make examination of goods coming in and going out.

Suppose some butter is presented for examination before this committee, and they have an expert to pass upon it. How can he know what is coming in at New York on that day or the next day, or what is going out? The proper plan would be manifestly not to deputize the committee, but to authorize the Secretary of the Treasury to take such steps as in his wisdom may be necessary to have an examination made through the custom-houses, and make his annual reports to Congress. Therefore there is no necessity for the passage of this resolution.

The SPEAKER. The question is on the motion of the gentleman from New York to suspend the rules and pass the resolution.

The question was taken. The House divided; and there were—ayes 64, noes 80.

Mr. BEACH. I ask for the yeas and nays on this proposition.

The yeas and nays were not ordered, only 14 members voting in favor thereof.

So the resolution was not agreed to.

Mr. SCALES. I ask unanimous consent that my colleague, Mr. GREEN, who is absent on account of sickness, be permitted to print some remarks on this subject.

There was no objection.

ORDER OF BUSINESS.

Mr. BLOUNT. I move that the House do now adjourn.

The question was taken. The House divided; and there were—ayes 91, noes 73.

Mr. COX, of New York. I demand tellers.

Tellers were ordered. Mr. COX, of New York, and Mr. BLOUNT were appointed; and

The committee again divided; and the tellers reported ayes 31—noes not counted.

Mr. BLOUNT. There is manifestly a disposition not to adjourn, and I do not insist upon a further count.

So the House refused to adjourn.

DUTY ON WORKS OF ART.

Mr. HURD, by unanimous consent, from the Committee on Ways and Means, reported a bill (H. R. 6751) to abolish the discriminating duty on works of art the production of foreign or American artists; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. ROBINSON, of New York. Will it be in order to move that the House take a recess until half past 10 to-morrow?

The SPEAKER. It would be in order. Does the gentleman desire to submit that motion?

Several MEMBERS. Oh, no.

Mr. ROBINSON, of New York. At the suggestion of gentlemen around me I will withdraw the motion. My object was to permit this order of business to proceed to-morrow morning.

COMPENDIUM OF THE TENTH CENSUS, ETC.

Mr. COX, of New York. I am directed by the Committee on the Census to report the bill which I send to the desk, and ask that it be put upon its passage.

The SPEAKER. The bill will be read.

The Clerk read as follows:

An act supplementary to "An act to provide for the publication of the Tenth Census," approved August 7, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the number of printed copies of the reports of the Tenth Census authorized by the act entitled "An act to provide for the publication of the Tenth Census," approved August 7, 1882, there shall be printed 25,000 copies of the Compendium of the Tenth Census, of which 8,000 copies shall be for the use of the Senate, 16,000 copies for the use of the House, and 1,000 copies for the use of the Department of the Interior; that there shall also be printed and separately bound in paper covers an edition of each of the following-named monograph reports, the number of copies of each edition to be as follows, namely: Of the reports on the seal islands of Alaska, on ship-building, on the cereals, on the manufacture of glass, on the resources of Alaska, on tobacco-culture, on the factory system, on wages paid in manufacturing industries, 3,000 copies each; of the reports on the newspapers and publishing interests, on silk manufacture, on chemical products and salt, on flour milling, on meat production, on the production of petroleum, on the manufacture of coke, on the manufacture of tobacco, on the manufacture of shop tools, 2,500 copies each; of the report on cotton-culture in the United States, including reports on cotton fiber and cotton-seed oil, 3,000 copies; of the report on cotton-culture in Louisiana, in Mississippi, in Tennessee and Kentucky, in Missouri, in Arkansas, in Texas, in Alabama, in Georgia, in North Carolina, in South Carolina, in Virginia, in California, and in the Indian Territory, 2,000 copies each: *Provided*, That of the above-named separate editions one-fourth shall be for the use of the Senate, one-half for the use of the House, and one-fourth for the use of the Census Office: *Provided, also*, That the copies of the compendium and monograph reports herein provided for the use of the Senate and House of Representatives shall be distributed directly to said Senators and Members through the folding-rooms of the Senate and House of Representatives, respectively; and those for the use of the Census Office through the document-room of the Interior Department: *Provided further*, That the changes or corrections necessitated by errata in former editions of the reports herein referred to shall first be made by the Superintendent of Census. And the sum of $60,000 to defray the expenses of printing and binding the publications herein provided for shall be paid out of the appropriation made by the act of August 7, 1882, entitled "An act to provide for the publication of the Tenth Census."

Mr. SCALES. I understood my friend from New York to say that this bill which he proposes provided only for the publication of 25,000 copies of the Appendix to the Census. I understand that this embraces a great many other publications.

Mr. COX, of New York. No, sir.

Mr. SCALES. Do I understand that it only embraces the Compendium of the Tenth Census?

Mr. COX, of New York. It embraces also these monographs.

Mr. SCALES. Then I must insist upon the point of order.

I stated to my friend from New York, when he came to my desk, that I should not make any objection or raise the point of order on the proposition to print 25,000 copies of the Compendium of the Census, if that was all that his proposition contemplated; and that the committee would make no objection to that. But since this proposed measure contemplates the printing of a great many other matters, which the committee have also under consideration, I must make the point of order against it.

The SPEAKER. What point of order does the gentleman make?

Mr. SCALES. I make the point of order, in the first place, that the bill now before the House, or resolution, or whatever it is, has never been introduced into this House; it has never been before the committee; it is a subject that properly belongs to the Committee on Printing and no other, and is a matter which ought to have gone there and ought to have been reported back by that committee.

Now, sir, the rule of the House that allows this privilege on the third Monday to committees certainly intends to give it to committees which have acted on matters that have been committed to them by the House. The House never by adopting that rule intended to give any committee unlimited power over any subject to bring it before the House and submit it to a two-thirds vote. It has never been so held, and I take it there can not be any two opinions in regard to it. If my friend from New York will confine himself to what I understood him to state was the object of his bill, I will withdraw the point of order; but so long as he insists on the passage of this bill containing a great deal more than I had any idea of from what the gentleman stated to me, I must insist on it.

Mr. COX, of New York. If I thought the point of order would be sustained I would modify the bill. I hope I have not misled my friend from North Carolina. I gave him all the papers in reference to it to read—I suppose he has not had time to read them—including the matters as to monographs, which are small treatises on certain subjects specified in the bill, and which are called for every day. They are taken out of the large quarto volumes of the Census. They are very cheap, being editions bound in paper and each one on one particular subject. But if the gentleman will insist on the point of order, I will strike out anything in reference to the monographs.

Many MEMBERS. Oh, no.

Mr. COX, of New York. I would like the Speaker to decide as to the point of order.

The SPEAKER. The Chair would state what he believes to be the real question involved so far as the point of order is concerned. This is a motion to suspend the rules and pass the bill. But the Chair suggests to the gentleman from New York that that merely suspends the rule as to the time and manner of passing the bill. The question is whether a motion to suspend the rules and pass a particular bill must not come from the committee having jurisdiction over the subject-matter of the bill; for instance, whether the Ways and Means Committee could move to suspend the rules and pass a bill pending before the Committee on Military Affairs, or *vice versa*.

Mr. COX, of New York. I know it was done in previous Congresses and I thought it was a bad practice. The jurisdiction of this committee is thus stated in the resolution providing for its appointment:

Resolved, That a select committee to ascertain the result of the Tenth Census be appointed, to have the same number of members, duties, privileges, and powers as the committee of the same name had in the last Congress, &c.

Now the committee in the last Congress had the same powers as the committee in the preceding Congress; and I know when the bill was first reported here for the census we had a section as to the printing, limiting it in amount. I would not have sought to take this matter away from the Committee on Printing, except that we had more leisure time to examine into all the details, and see what had been published and what might be published. We had correspondence and petitions; and I think we have jurisdiction under certain petitions and under this resolution which I have read. But since my friend from North Carolina has misunderstood me, I will yield to him so far as to strike out all in the bill except that portion which refers to the matter connected with the compendium alone.

Mr. BLOUNT. I would like to ask the gentleman from New York if this matter was referred to his committee by resolution or by bill?

The SPEAKER. That is the question involved in the point of order.

Mr. COX, of New York. I may state that I have no room as a committee-room. I generally carry the documents of my committee in my hat and take them home with me. I can not lay my hands on the papers, but I can state to the House that we have had all sorts of petitions asking for this. I do not say this bill was sent to the committee, for it was not. But we have the general subject of the census committed to us by this resolution, and have been preparing the bill in conjunction with the Census Bureau. And when you come to suspend the rules you suspend all the rules.

Mr. SCALES. But the rules are not suspended yet.

Mr. SPRINGER. I desire to say one word on the point of order. The bill which this bill amends was reported in the last Congress by the Committee on Printing. I have never understood that the Committee on the Census had anything to do with fixing the number of volumes or providing the manner of distributing the volumes of the census. So far as the printing is concerned, the Printing Committee always had jurisdiction on this subject, and I think should have the jurisdiction of it now. I do not think the House should take the jurisdiction of an important matter like this away from that committee.

Another thing. The members of the last Congress had 186,000 volumes of the compendium distributed. The new members of this body have not any. They have had great calls on them for these volumes, and none to send in response to those requests. I had hoped when a bill was proposed here to print an additional number of the Compendium of the Census that the new members might have a larger proportion of the number. [Applause.]

I hope this matter will be left to the Printing Committee, as it was during the last session, when I had the honor to report the bill for the printing of these volumes. That bill allowed all the volumes to be distributed by members of that Congress, so that the new members have not had any.

Mr. BUDD. I wish to ask the gentleman a question. If you do not pass this bill, how are the new members to get these volumes?

Mr. SPRINGER. If you leave the matter to the Committee on Printing, I have no doubt the gentleman from North Carolina [Mr. SCALES] will bring in a bill that will do justice to new members of this House.

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. I wish to know if the Committee on Printing would not have the power to report this matter at any time under the rules?

The SPEAKER. The Committee on Printing is privileged to report at any time as to all printing for the use of the two Houses.

Mr. SPRINGER. It was reported as a privileged matter in the last Congress. I reported it myself.

Mr. COX, of New York. The Committee on Printing has the right to report at any time only such matters as relate to the current printing for the use of Congress; that was decided by Mr. Speaker Kerr.

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read as follows:

The following-named committees shall have leave to report at any time on the matters herein stated, viz: * * * The Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses.

The SPEAKER. Not merely current printing, but "on all matters of printing for the use of the House or two Houses."

Mr. COX, of New York. If the gentleman from North Carolina [Mr. SCALES] insists upon it, I will modify the resolution so as to confine it to the 25,000 copies of the compendium.

Mr. SCALES. If the gentleman will do that I will stand by the contract I made with him, and withdraw the point of order.

The SPEAKER. The Chair will state that if this proposition should be ruled out on a point of order it would not be before the House at all; and the Committee on the Census would still have the right to present another bill.

Mr. DORSHEIMER. I renew the point of order.

The SPEAKER. The gentleman from New York [Mr. DORSHEIMER] insists upon the point of order, notwithstanding the proposed modification of the bill.

Mr. KASSON. If this resolution should now be referred to the Committee on Printing, would not that committee have authority to report it at any time?

The SPEAKER. The committee has jurisdiction over the subject now, and there is a bill before it.

Mr. BLOUNT. I move that the House now adjourn.

Mr. BUDD. Pending the motion to adjourn, would a motion for a recess until 10 o'clock to-morrow be in order?

The SPEAKER. It would not.

Mr. BUDD. Could the motion for a recess be now submitted and be taken up after the motion to adjourn is disposed of?

The SPEAKER. The motion to adjourn has precedence over a motion for a recess. The gentleman can submit the motion for a recess at the proper time.

Mr. STEELE. Would it be in order for me now to yield a half a minute to the gentleman from New York?

Mr. COX, of New York. I have never yielded the floor.

The SPEAKER. The Chair understood the gentleman to yield the floor, and other gentlemen have spoken.

Mr. COX, of New York. I have never even taken my seat yet.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] spoke and then yielded the floor.

Mr. COX, of New York. The gentleman from Illinois spoke to the point of order, and I desire to reply to him.

The SPEAKER. If the gentleman has not yielded the floor, he is entitled to speak at this time.

Mr. COX, of New York. I desire to state that when a motion is made to suspend the rules on a general proposition, or by instructions of a committee on subjects over which that committee has jurisdiction, or even on subjects where they have no jurisdiction, it has been held that a suspension of the rules breaks down all the rules and the decision of the matter by the House is paramount.

The SPEAKER. If the gentleman will pardon the Chair for interrupting him, the question is whether on the third Monday of a month the Chair can recognize a committee to submit a motion to suspend the rules in relation to a subject over which the committee has no jurisdiction by an order of the House or by the rules of the House.

Mr. COX, of New York. Has the Chair decided the matter?

The SPEAKER. The Chair has not announced any decision, and will hear the gentleman on the point of order.

Mr. CALKINS. Allow me to say that while I desire the passage of the bill brought forward by the gentleman from New York [Mr. COX], yet it seems to me that the point of order made against it must be sustained, for the reason that a committee can not report a bill or resolution which they never had jurisdiction of, which the House never referred to the committee; for a committee can not originate any proposition not referred to it.

Mr. COX, of New York. Perhaps I did not make myself understood owing to the confusion in the House. Under the rule which has been read at the Clerk's desk any individual member recognized by the Speaker can move to suspend the rules and pass any bill of any kind. There is no limitation on the individual, nor is there any more limitation on the committee. Let me read the rule:

Nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, after the call of States and Territories shall have been completed, preference being given on the first Monday to individuals and on the third Monday to committees; and during the last six days of a session.

That is all there is of it. Therefore I ask that the Speaker shall decide that this proposition is in order, and that he will not take the matter from the great body of the House clamoring for these books.

Mr. HAMMOND. One word on the point of order. I do not oppose the passage of this bill; I think something of the kind would be right, but it ought to come from the committee having charge of the subject. Fortunately it can come in in a day or two, and then the matter can be properly submitted to the House without any violation of its rules.

It seems to me that the construction placed upon the rule by the gentleman from New York [Mr. COX] is altogether wrong. Suppose that the Committee on Ways and Means, when it is called, should undertake to have passed under a suspension of the rules some bill before the Committee on Military Affairs?

The SPEAKER. Or a general appropriation bill?

Mr. HAMMOND. Or a general appropriation bill?

Mr. COX, of New York. Can not an individual member do it?

Mr. HAMMOND. Such a course if allowed would lead to untold confusion. The very object of having committees is that they may report bills of which they properly have jurisdiction. The Chair is unquestionably right in the opinion he has indicated. Fortunately for us, all that is wanted of this character can be had in a very few days without violating any rule whatever.

Mr. KASSON. And determined by a majority vote.

Mr. HAMMOND. By a majority vote instead of two-thirds.

The SPEAKER. There is no difficulty, of course, in the case of an individual member moving a suspension of the rules on the first Monday of the month, because every individual member of the House has the right to introduce a bill on any subject he chooses. But it is not so with the committees of the House, for their jurisdiction and powers are defined by the rules. A committee has no right to submit any report to the House unless it relates to a subject over which it has jurisdiction by the rules of the House or by a reference of the subject to it by order of the House.

The Chair thinks it would create very great confusion in the administration of the rules and in the business of legislation if on the third Monday of the month a committee were allowed to move to suspend the rules and pass a bill relating to a subject over which the committee had no jurisdiction, and by that means take the subject away from another committee to which it properly belongs. The point of order is sustained.

Mr. KASSON. The Chair will allow me to suggest that a committee is not a committee except for a thing committed to it; as to every thing else it is a caucus, not a committee.

Mr. BLOUNT. I desire, for the satisfaction of the House, to ask the chairman of the Committee on Printing [Mr. SCALES] whether it is not the purpose of that committee to report on this subject at a very early day.

Mr. SCALES. I will say to the gentleman, as I stated in my former remarks, that the committee has already taken action upon this subject and has agreed to report a bill providing 25,000 copies of this document for gratuitous distribution by members of Congress.

Mr. BLOUNT. I wished to inquire whether that bill would not be reported at a very early day.

Mr. SCALES. It has been for several days in the hands of a member of the committee to be reported; he is authorized to report it at any time.

Mr. COX, of New York, rose.

Mr. WARNER, of Ohio. I move that the House adjourn.

The SPEAKER. The gentleman from New York [Mr. COX] rose, as the Chair supposed, to take an appeal.

Mr. COX, of New York. With all respect to the Chair, I take an appeal from its decision.

Mr. WILLIS and Mr. STEELE moved that the appeal be laid on the table.

The motion was agreed to.

Mr. COX, of New York. I move that the House take a recess until to-morrow morning at half-past 11 o'clock.

Mr. WARNER, of Ohio. I move that the House adjourn.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] had moved to adjourn, but the Chair, desiring to give the gentleman from New York an opportunity to take an appeal, did not state the motion. The question is now on the motion to adjourn.

The motion was agreed to—ayes 93, noes 60; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: Petition of Samuel W. Francis—to the Committee on Patents.

By Mr. CLAY: Papers relating to the claim of William Watts—to the Committee on Claims.

By Mr. CLEMENTS: Memorial of J. C. Gordon and others, of Catoosa County, Georgia, for an appropriation for educational purposes—to the Committee on Education.

Also, memorial of Jeremiah Manley, for relief—to the Committee on Pensions.

By Mr. COSGROVE: Petition of citizens of Sedalia, Mo., praying for the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

Also, resolutions of executive committee of Civil Service Reform Association, State of Missouri—to the Select Committee on Reform in the Civil Service.

By Mr. S. S. COX: Petition and brief relating to the case of Abraham Van Assum—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petition of William Huysett and others, citizens of Ludington, Mich., in favor of bills in the interest of the laboring class—to the Committee on Labor.

Also, memorial of citizens of Frankfort, Mich., in favor of a Michigan branch of the National Soldiers' Home—to the Committee on Military Affairs.

Also, memorial of the Michigan State board of health, in favor of a bill to prevent the introduction of infectious diseases—to the Select Committee on the Public Health.

By Mr. G. R. DAVIS: Petition of A. E. Godrich, W. W. Hoyt & Co., and 160 leading merchants, steamboat and vessel owners, of Chicago, relative to the Sturgeon Bay Canal, between Lake Michigan and Green Bay, &c.—to the Committee on Commerce.

Also, petition of N. T. Smith, of the Daily Times, &c., Huron, Dak., against the passage of the news-copyright bill—to the Committee on the Judiciary.

By Mr. DIBRELL: Petition of the Chattanooga Cadets and Chickamauga Guards, in favor of the passage of H. R. 5057—to the Committee on the Militia.

By Mr. DOCKERY: Memorial that Abijah Cain be allowed to make additional homestead entry—to the Committee on the Public Lands.

By Mr. ERMENTROUT: Memorial of the Philadelphia Civil Service Reform Association and of the National Civil Service Reform Association, New York, for passage of H. R. bill 4460—severally to the Committee on Reform in the Civil Service.

Also, memorial of the New York Maritime Association for the passage of H. R. 5892, known as the Dingley pilotage bill—to the Committee on Commerce.

By Mr. FUNSTON: Petition concerning lands purchased from the Leavenworth, Lawrence and Galveston and Missouri, Kansas and Texas Railroads in Allen County, Kansas—to the Committee on the Public Lands.

By Mr. GRAVES: Memorial of ex-Union prisoners of war, to be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. GUENTHER: Petition of citizens of Oshkosh, Wis., asking for the passage of H. R. 5057—to the Committee on the Militia.

By Mr. HAMMOND: Petition of J. M. Slade and others, of Pike County, Georgia, in favor of educational aid—to the Committee on Education.

By Mr. HARDY: Petition of weiss-beer brewers, for the repeal of the tax on weiss beer—to the Committee on Ways and Means.

By Mr. HARMER: Resolutions of the Maritime Association of the port of New York, in favor of the passage of the Dingley pilotage bill, H. R. 5892—to the Committee on Commerce.

Also, memorial of ex-Union prisoners of war, for such relief as is contemplated by H. R. 1189 and S. 44—to the Committee on Invalid Pensions.

By Mr. T. J. HENDERSON: Petition of Evelyn P. Edwards and others, citizens of Illinois, praying that a pension may be granted to Mary Sullivan, widow, &c.—to the same committee.

By Mr. HOLMAN: Papers relating to the pension claim of Joseph Perry—to the same committee.

Also, memorial of the Liberty League of New York (William Goodwin Moody, chairman of the committee on public lands), condemning the grants of public lands to railroad corporations and demanding the restoration of such lands to the public domain for homes for the people—to the Committee on the Public Lands.

By Mr. HUNT: Papers relating to the claim of Octave L. Blanchard—to the Committee on War Claims.

By Mr. KELLEY: Petition of the Women's National Indian Association, in relation to the education and citizenship of the Indians—to the Committee on Indian Affairs.

By Mr. LOVERING: Paper relating to the claim of Seth Wilmarth, of Malden, Mass.—to the Committee on Naval Affairs.

By Mr. MOREY: Petition of Josephus F. Rial, for increase of pensions to deaf soldiers—to the Committee on Invalid Pensions.

Also, petition of George W. Brock and others, of Loveland, Ohio, for increase of appropriation for the militia—to the Committee on the Militia.

By Mr. MURPHY: Joint resolution of the Legislature of the State of Iowa, relative to swamp lands—to the Committee on the Public Lands.

By Mr. CHARLES O'NEILL: Petition of William M. Runkel, asking that his name may be placed on the rolls of the Army—to the Committee on Military Affairs.

Also, petition of Mrs. Mary Taylor, asking for a pension—to the Committee on Invalid Pensions.

By Mr. PARKER: Resolutions of the Maritime Association of the Port of New York, in favor of the Dingley pilotage bill—to the Committee on Commerce.

Also, resolutions of the Assembly of New York, in favor of the protection of the rights of inventors—to the Committee on Patents.

Also, resolutions of the senate of New York, for the establishment of a gun factory at Watervliet arsenal—to the Committee on Appropriations.

Also, resolutions of the Maritime Association of the Port of New York, in favor of the improvement of the Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. PETERS: Resolutions of Company H, Second Regiment Kansas State Militia, of Sterling, Kans., in favor of H. R. 5980—to the Committee on the Militia.

By Mr. PUSEY: Resolutions of W. H. Worthington Post, No. 9, Grand Army of the Republic, Department of Iowa, relative to pensions, bounty, &c.—to the Committee on Invalid Pensions.

By Mr. REED: Petition of H. F. Blackstone and others, of Maine, for the repeal of the four-year limitation of tenure of office—to the Committee on Reform in the Civil Service.

By Mr. REESE: Petition of citizens of Georgia, asking national aid for education—to the Committee on Education.

By Mr. RIGGS: Affidavit in support of bill for the relief of James T. Dodson—to the Committee on War Claims.

By Mr. W. E. ROBINSON: Petition of Kenneth Price in behalf of bandmasters of the United States Army and of the Musical Mutual Protective Union, for the relief of United States Army bands—severally to the Committee on Military Affairs.

By Mr. J. H. ROGERS: Bill to preserve the harbor at Fort Smith, Ark., and for other purposes—to the Committee on Rivers and Harbors.

By Mr. SENEY: Joint resolution of the Ohio Legislature, asking the pensioning of prisoners of war—to the Committee on Invalid Pensions.

By Mr. SLOCUM: Petition of 234 officers of the Army for amendment of law regulating retirement of officers—to the Committee on Military Affairs.

By Mr. STRUBLE: Joint resolution of the State of Iowa, relative to swamp-land indemnity—to the Committee on the Public Lands.

By Mr. E. B. TAYLOR: Petition of W. Norris and 137 others, ex-soldiers, relating to pensions—to the Committee on Invalid Pensions.

Also, the joint resolutions of the Legislature of Ohio of the same purport—to the same committee.

Also, memorial of certain ex-prisoners of war, of the same purport—to the same committee.

By Mr. H. G. TURNER: Petition of Judge B. B. Bower, L. E. Welsh, school commission of Dougherty County, Georgia, and others, and of Solomon Oliver, R. R. Watson, and others, citizens of Dougherty County, Georgia, for an appropriation by the General Government in aid of education—severally to the Committee on Education.

Also, petition of T. W. Fleming, school commissioner, and others of Baker County, Georgia, for aid to education in the States—to the same committee.

By Mr. VAN ALSTYNE: Petition of Simon Curry and 150 others of the Organized Workingmen of the county of Albany, New York, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. WOODWARD: Resolutions of Nathan Hoyt Post, Grand Army of the Republic, of Woodstock, Wis., in favor of legislation recommended by the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *April* 22, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. MILLER, of California, presented a petition of citizens of California, praying that the duty on imported raisins be advanced from 2 to 3 cents per pound; which was referred to the Committee on Finance.

Mr. MITCHELL presented a petition of the Moral Education Society of Philadelphia, Pa., officially signed, praying that the power delegated by Congress to the National Board of Health may be so clearly defined that it will not legalize social vice; which was referred to the Committee on Epidemic Diseases.

He also presented the memorial of the Chamber of Commerce of Pittsburgh, Pa., in favor of the passage of a bill to regulate the forms of international bills of lading; which was referred to the Committee on Commerce.

He also presented a petition of the Philadelphia Board of Trade, praying that Congress pass a law for suspending the coinage of the silver dollar until there shall be an adjustment made under which silver and gold coins shall be of interchangeable relative value; which was referred to the Committee on Finance.

He also presented the memorial of the Commercial Exchange of Philadelphia, Pa., favoring the passage of the Lowell bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of A. W. Estes Post, No. 125, Grand Army of the Republic, of Oswayo, Pa., praying that Congress comply with the recommendations of the pension committee of the Grand Army of the Republic in relation to pensions; which was referred to the Committee on Pensions.

He also presented twelve petitions of citizens of Pennsylvania, praying for the passage of Senate bill 1223, making all qualified physicians equal before the law in the Government service; which were referred to the Committee on Civil Service and Retrenchment.

Mr. LOGAN presented the memorial of M. T. Smith, of Huron, Dak.,

remonstrating against the passage of the news-copyright bill; which was ordered to lie on the table.

He also presented resolutions adopted by Timothy O. Howe Post, No. 3, Grand Army of the Republic, Department of the Gulf, and resolutions adopted by Hess Post, No. 203, Grand Army of the Republic, Department of Illinois, in favor of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions and the equalization of bounties; which were referred to the Committee on Pensions.

He also presented resolutions adopted by the board of supervisors of Logan County, Illinois, in favor of the passage of a bill restoring Cornelius Fitzgerald to the pension-roll; which were referred to the Committee on Pensions.

He also presented the petition of Thomas P. Mix Post, No. 310, Grand Army of the Republic, Department of Illinois, praying the passage of general legislation favorable to soldiers; which was referred to the Committee on Pensions.

Mr. COLQUITT presented the petition of Dr. F. H. Orme and others, citizens of Atlanta, Ga., praying for the passage of Senate bill 1223, making all qualified physicians equal before the law in the Government service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. CAMDEN presented the memorial of J. William Gilkeson and others, citizens of Hardy County, West Virginia, remonstrating against the passage of the bills now pending providing for an amendment of the patent laws; which was referred to the Committee on Patents.

Mr. CONGER presented the memorial of the Armington & Sims Engine Company, of Providence, R. I., remonstrating against the passage of House bill 3617 and Senate bill 1558, reducing the time for which patents for inventions are allowed to run; which was referred to the Committee on Patents.

Mr. SAWYER presented the petition of H. L. Palmer and 45 other citizens of Milwaukee and Appleton, Wis., praying for the passage of Senate bill 1223, making all qualified physicians equal before the law in the Government service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. BLAIR presented the petition of Dr. J. Lance and 49 other citizens of Campton Village, N. H., praying the passage of Senate bill 1223, making all qualified physicians equal before the law in the Government service; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. HARRISON. I am instructed by the Committee on Military Affairs to report back resolutions adopted by George W. Rader Post, Grand Army of the Republic, Department of Indiana, in favor of granting a pension of $4 per month to all soldiers who served one year or less, and $8 per month to all who served more than one year and were honorably discharged, and protesting against the appointment of a commission of inquiry, &c., and to ask that the committee be discharged from the further consideration of the resolutions and that they be referred to the Committee on Pensions where they properly belong.

The report was agreed to.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 1631) for the relief of John W. Blake, reported it with amendments, and submitted a report thereon.

Mr. HARRISON. I am also instructed by the Committee on Military Affairs to report adversely the bill (S. 651) to authorize the President to restore Charles Brewster to his former rank in the Army. This bill was once before reported adversely by the committee at this session and recommitted for an examination of some further papers. The committee again report it adversely. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 2267) granting an increase of pension to Samuel C. Wright, reported it without amendment.

Mr. BLAIR. I am directed by the Committee on Education and Labor, to whom was referred the bill (S. 1464) creating a commission whose duty it shall be to inquire into and report upon the material, industrial, and intellectual progress made by the colored people of this country since 1865, and making appropriations for the same, to report it adversely. I so report the bill by direction of a majority of the committee. I ask that it be placed on the Calendar, and when it shall be reached for discussion I personally desire to support the bill, offering certain amendments to it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SEWELL, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1798) for the relief of Edward L. Keyes; and

A bill (S. 1920) to authorize the President, by and with the advice and consent of the Senate, to appoint Dr. A. P. Frick an assistant surgeon in the United States Army.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 282) granting a pension to A. M. Wilson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1593) granting a pension to Joseph Groves, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the Committee on Patents, submitted the views of the minority of that committee on the bill (S. 638) for the relief of George Milsom, Henry Spendelow, and George V. Watson, known as the grain-shovel patent; which were ordered to be printed.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred a resolution submitted by the Senator from Massachusetts [Mr. HOAR] on the 17th of March, "that the Secretary of the Interior be directed to report to the Senate the names of all pending applications for pensions in which the original applications have been pending for more than two years, with the condition of the same, and the reasons why the same have not been finally disposed of," to report it adversely for the reasons set forth in the letter of the Commissioner of Pensions.

The PRESIDENT *pro tempore*. The report will be received and printed and laid upon the table, if there be no objection.

Mr. HOAR. I should like to say something further upon that general question at some time convenient to the Senate. I suppose it will be as convenient a time as any when the pension appropriation bill is up.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 990) for the relief of John D. Marrion, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. COLQUITT, from the Committee on Pensions, to whom was referred the bill (S. 670) granting an increase of pension to N. J. Ingersoll, reported it with an amendment, and submitted a report thereon.

Mr. CAMDEN, from the Committee on Military Affairs, to whom was referred the bill (S. 286) granting the right of way through a military reservation to a railroad company, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 2086) for the relief of the freedmen of the Chickasaw Nation of Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BAYARD introduced a bill (S. 2087) for the relief of Henry Frank; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 2088) for the relief of M. B. Pilkinton, executrix of E. T. Pilkinton, deceased, for internal-revenue stamps lost on tobacco burned in his factory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. GARLAND introduced a bill (S. 2089) for the relief of Zeb. Ward, of Little Rock, Ark.; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN introduced a bill (S. 2090) for the relief of George Baldy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2091) for the relief of Maj. G. W. Candee; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MITCHELL, it was

Ordered, That the papers relating to the claim of Mrs. Susannah P. Swoope be withdrawn from the files, there having been no adverse report in regard to the claim.

PORTAGE LAKE AND LAKE SUPERIOR SHIP-CANAL.

Mr. CONGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is hereby directed to cause an inquiry to be made on the following points, and to report to the Senate:

First. As to the amount and value of all aids and grants of any kind from the United States to the State of Michigan for the Portage Lake and Lake Superior Ship-Canal, or to any agent, trustee, or assignee of said State of any such aids, whether person or corporation, up to the present time, computing the value of any and all lands donated therefor by the General Government at the rate of $1.25 per acre.

Second. As to all other receipts, whether tolls, grants, privileges, or moneys received by the State of Michigan, direct or through its agents, assignees, &c., as aforesaid for and on account of construction, repair, or operating said canal up to the present time.

Third. As to all proper costs and charges for expense of construction, repairs, or operating said canal up to the present time from or by the State or its said agents, trustees, assignees, &c.; and shall report to the Senate the result of such inquiry, and shall also report from the best information obtainable upon what terms and conditions it would be just and proper for the United States to procure and take possession of said canal for the purpose of making the same a free water way for the use and benefit of navigation and commerce.

Fourth. And also to inquire and ascertain upon what terms and conditions the Portage Lake and River Improvement Company will surrender and convey to the United States, for the purpose of making the same free to the general public for navigation and commerce, all their rights, title, and interest in and to the Portage River improvement, so called, with each and all the appurtenances belonging thereto, including piers, canal cuts, embankments, &c., as well as any and all rights of way to and through Portage Lake and said Portage River and the approaches thereto; and whether such terms are reasonable and proper to enable the United States to make said water way free to the public, and such other information as may be obtained relating to the aforementioned subjects.

Mr. CONGER. I move that the resolution be printed in the usual form, that I may have copies of it.

The motion was agreed to.

PRIVILEGES OF THE FLOOR.

Mr. PLUMB. If it be in order to make the motion, I will move now that Order of Business 501, being a resolution reported from the Committee on Rules yesterday, be taken up.

The PRESIDENT *pro tempore*. It will not be in order without unanimous consent until the call for resolutions is completed.

Mr. PLUMB. I was under the impression that there would be no further resolutions.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," that order is closed. The Chair lays before the Senate the Calendar under the eighth rule, pending which the Senator from Kansas moves that the Senate proceed to the consideration of the resolution reported yesterday from the Committee on Rules. The Secretary will read the resolution.

The Chief Clerk read the resolution, as follows:

Resolved, That Rule XXXIII of the standing rules of the Senate be amended by inserting after the words "judges of the Court of Claims" the words "Commissioner of Agriculture," and by striking out in line 22 the word "extension."

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kansas that the Senate proceed to consider this resolution.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the resolution.

Mr. PLUMB. I move to amend the resolution as reported by the committee by inserting the words "Commissioner of Agriculture" in the rule after "The heads of Departments."

Until the present session of the Senate the Commissioner of Agriculture was admitted to the floor of the Senate as the head of a Department. By a construction put upon the rule which is new so far as I know since I have been here, he is now excluded as not being the head of a Department, although specially named as such by the law creating the Department of Agriculture.

It is now proposed by this amend ment to the rules to put the Commissioner of Agriculture down after the private secretaries of Senators, to put him below all the persons who are entitled to admission to the floor, presumably because they have business on the floor of the Senate with Senators as such and with members of committees as such. The first in order is—

The officers of the Senate.

Next—

Members of the House of Representatives. The Sergeant-at-Arms, and the Clerk of the House.

Then—

The President of the United States, and his private secretary.

Then—

The heads of Departments.

Then—

Ministers of the United States.

Then—

Foreign ministers.

Then—

Ex-Presidents and ex-Vice-Presidents of the United States.
Ex-Senators and Senators-elect.
Judges of the Supreme Court.
Governors of States and Territories.
General of the Army.
Admiral of the Navy.
Members of national legislatures of foreign countries.
Private secretaries of Senators, duly appointed in writing; and the Librarian of Congress, and the assistant librarian in charge of the law library.
Hon. George Bancroft.
Judges of the Court of Claims.

And there it is proposed to insert "the Commissioner of Agriculture." If there is any objection to the present Commissioner of Agriculture whereby he is to be put down below the persons who come in here as a matter of courtesy, &c., let that be expressed; but I am like Paul, disposed to magnify this office. I want this officer, the head of this Department, to be admitted here because he is the head of a Department created by law, possessing important functions and increasing yearly in their importance to the people of this country. I want that recognition in the first place of him as the head of a useful branch of this Government, and I want him put in the place where he is recognized as coming upon the floor of the Senate by reason of his office and not merely as an idle courtesy which is conferred upon ex-Senators, the governors of States and Territories, the General of the Army, and those whom we wish to decorate, so to speak.

For that reason I make the motion that as the Commissioner of Agriculture is not to be considered the head of a Department he shall come in after "the heads of Departments."

The PRESIDENT *pro tempore*. The Senator from Kansas moves to amend the resolution, so as to insert the words "the Commissioner of Agriculture" after the words "The heads of Departments," in Rule XXXIII.

Mr. PLUMB. In a separate line, or paragraph.

Mr. MORRILL. I have a suggestion to make to the Senator from Kansas to which I think he will not object, and that is to insert after the words "the Commissioner of Agriculture" the words "the Secretary of the Smithsonian Institution." It will not be very frequent, I presume, that that gentleman will be likely to want to come on the floor of the Senate, but occasionally he is required to be here. I should like very much to see him on one matter this morning if I could telephone and have him come here. I presume there will be no objection to the amendment which I suggest.

Mr. PLUMB. I am in favor of one thing at a time. There is no particular relation between these two officers. There is no reason why the head of the Smithsonian Institution should be added as an amendment to my motion. The resolution was offered by me for the accomplishment of a particular purpose. When that purpose has been accomplished, if the Senate desires to add further to the list of persons who are entitled to be admitted to the floor of the Senate for any reason, either as a matter of usefulness or as a matter of courtesy, I shall have no objection; but I do not care to have the name of any officer coupled with this officer. He is entitled to be here as the head of a Department, as he always has been here until the present session of the Senate, when by some new and I think very strained construction of the rule he has been excluded, although the language of the rule remains precisely as it has been since time immemorial.

Mr. MORRILL. I shall not embarrass the Senator, but I give notice that after the action of the Senate upon the amendment proposed by him, I shall move to further amend the rule as I have suggested.

Mr. SHERMAN. This is a very small matter indeed to occupy the attention of the Senate as to where this officer should be placed in this rule. The Committee on Rules, who certainly had no feeling of unkindness against the present incumbent and who have a high respect for him, unanimously agreed that he ought to be admitted to the floor of the Senate; but we did not see any strong reason why in naming him as among those entitled to the privileges of the floor he should be placed above the ex Presidents and Vice-Presidents of the United States, ex-Senators and Senators-elect, the judges of the Supreme Court, the governors of the States and Territories, the General of the Army, and the Admiral of the Navy; but we placed the Commissioner of Agriculture, now a very important officer, below the officers I have named. We certainly desire to have the present incumbent and all future heads of the Department of Agriculture entitled to the privileges of the floor, but we thought it would be proper to place him in a little different place in the list of those entitled to the privileges of the floor from that proposed by the Senator from Kansas.

I have no objection to putting him above the heads of Departments and above the President if that will gratify him and gratify his friends, but I do not think it is in good taste to do it. I think it would be better to put him in place according to the line of duty where by common consent the people would place his office in comparison with the importance of the Department over which he presides with great ability, and that is in the class of those below the Admiral of the Navy. If it is objected to placing him below the private secretaries of Senators, who come here not for their benefit but for our convenience, place him after the Admiral of the Navy. Still I do not propose to waste any time in debating so unimportant a point as the order of precedence in this line of officials.

Mr. FRYE. The Senator from Kansas complains that there has been a new construction put upon this rule. I call his attention to the fact that two years ago there was no construction put upon the rule at all; that anybody was admitted under the rule; that the retiring-rooms here were literally full of people who had no right there; that any Senator brought any friend he pleased; that no Senator could sit there five minutes without being visited by a lobbyist; that the Senate floor became a town-meeting floor; that no one on the face of the earth was excluded; and yet for the last year we have had comparative peace and comparative comfort.

Now, it is no change of the rule which has done this. The rule in words has hardly been changed at all; but one presiding officer would construe that the Commissioner of Agriculture was to be received under "the heads of Departments;" another presiding officer would rule that he was not; and finally, at the request of the Senator from Kansas, the Committee on Rules was instructed to place a construction upon the meaning of "heads of Departments." There was but one possible construction, and that was that it meant Cabinet ministers and no one else. That construction was reported to the Senate, and of course, under it the Commissioner of Agriculture was excluded, the rules now being enforced, and not hitherto having been enforced.

Then the Senator sent a resolution to the committee referring to them the propriety of admitting the Commissioner of Agriculture. Quite a number of Senators spoke to me in relation to it and desired that he should be admitted, stating that they frequently had business with him, and it would be a great convenience to Senators to have him admitted to the floor. Regarding it as undoubtedly true that it would be a convenience to Senators to have him here, the Committee on Rules inserted his name. They did not intend to reduce his dignity or his honor by placing his name where they did. Having construed "heads

of Departments" to mean only Cabinet ministers, there was no obligation of course to insert him there, because he is not yet a Cabinet minister. He would not properly come next, because next come "ministers of the United States," and as the Senator from Ohio said, still below ex-Presidents and ex-Vice-Presidents, ex-Senators, Senators-elect, and judges of the Supreme Court.

So far as I am concerned, I do not care at all where the Commissioner of Agriculture is placed in this list. I do believe under the circumstances he ought to be placed here somewhere, and it is entirely immaterial to me where. If the Senate thinks that he ought to be put to the head of the list I certainly have no objection. It is a matter for the Senate to determine.

Mr. WILLIAMS. It strikes me that there is no place so proper to put the Commissioner of Agriculture as where the Senator from Kansas proposes to put him. He is the head of a Department. The Department of Agriculture is a Department of this Government, as much as is the Department of War or the Navy or anything else. We speak of it as the Agricultural Department, not as the Bureau of Agriculture. He is an officer of the Government, and he reports to the President just as the Secretary of the Navy and the Secretary of War and the other Secretaries do. I think it is an indignity offered to the farmers of this country that the representative of more than half the people of America is excluded from the privileges of the floor of the Senate, when all the other officers of the Government are entitled to it. I see no place so appropriate as that in which the Senator from Kansas proposes to put him for admission to the floor of the Senate. I hope it will be done without any objection.

Mr. INGALLS. Mr. President, one of the recent members of the Senate, when commiserated upon the fact that he was compelled to go to what is commonly known here as the amen corner, frankly said that any seat in the Senate was better than none; and so I suppose it might be said about the order of admission, that no matter in what order of precedence or priority a man is admitted here, it is better to come in on the floor than to be cooling his heels in the corridors.

There is a continuous importunity for admission upon the floor of the Senate. It is perhaps attributable to the very common desire among men to intrude themselves wherever they are not wanted. If there is any place or room or locality over which is placed a sign that this is intended exclusively for a certain class of people, for any reason whatever, that is the particular place where the average American wants to go, and he generally gets there. [Laughter.] This Chamber in its capacities and dimensions is not adequate to fulfill the desires of all those who would be pleased to be seated on this floor, and the Committee on Rules have been obliged to request a somewhat rigid enforcement of the regulations hitherto adopted, not because it is intended to stigmatize any person, not because there is a desire to exclude anybody from the privileges of the floor, but because the Chamber is inadequate for the transaction of the public business if it is to be occupied by persons who have no right to be here.

During the last three or four years I have heard, continuously, an appeal for the admission of the Commissioner of Agriculture on this floor. It has been a perpetual din and uproar, and we have been told that agriculture lay bleeding in the street because the Commissioner was excluded from the floor of the Senate. Mr. President, I have no objection whatever to the admission of the Commissioner to the floor if it is necessary. The Committee on Rules agreed to it unanimously. But there is just exactly as much reason why the Commissioner of Pensions should come in on this floor, why the Commissioner of Patents should come in on the floor, and why a half-dozen other officers of the Government should come in on the floor as the Commissioner of Agriculture; and I want it distinctly understood that the Committee on Rules, in asking that the rules should be enforced against this officer, had no intention whatever either of stigmatizing him or of affronting the great interest he represents.

I suppose the Commissioner apprehends that if he is placed after the judges of the Court of Claims he will not be able to obtain admission to the Chamber until all those who stand before him on the list have got in; but it ought to be distinctly understood that this matter of arrangement does not exclude the Commissioner until all the others have been admitted, that no matter where he may appear on the list of those entitled to the floor, whenever he appears at the door here properly accredited he will be entitled to come in on the floor, and if any Senator desires to see him he can see him whether the ex-Senators and governors and the General of the Army and the ministers of the United States are here or not. If it will be more satisfactory to the Commissioner of Agriculture to have his name placed at the head of this list, I shall vote with great pleasure to have it put there because it is the only way, I am convinced, to have an end of this perpetual solicitation that the rules shall be so enlarged as to permit the Commisioner of Agriculture to come in on the floor.

I hope, therefore, Mr. President, that there will be no objection whatever to the assignment that is asked by my colleague, and that the Commissioner of Agriculture will be placed wherever it will be most agreeable to him.

Mr. PLUMB. Mr. President, so far as the statement of my colleague relates to anything that has been said on this floor about the Commissioner of Agriculture by any person representing the Commissioner himself, he has simply brought that in by his imagination, because it has no foundation whatever. It is all well enough for persons to speak on this matter with the contumely which has characterized the speech of my colleague, and to speak with that sneering tone and manner which has been applied to all the efforts that have been made to enable the class of people who are sneeringly called agriculturists to have some benefit from the legislation of Congress.

For myself I can say that this matter never was spoken of between the Commissioner and myself except on one occasion, when I happened to ask him to come here, and he found he could not get into the Senate, and waited for two hours, until 2 o'clock arrived, before he could even send in his card and I be advised of his presence. I wanted to consult him about matters of legislation then pending and still pending before this body. If he is so supersensitive as has been stated I have certainly never been advised of it. The Commissioner of Agriculture is not upon a footing with the Commissioner of Pensions at all. He reports directly to the President, which the Commissioner of Pensions does not. The Commissioner of Pensions is the head of a bureau in the Interior Department and reports to his superior, who in his turn can come here and speak to Senators privately or to members of committees with reference to all matters concerning his Department which may be pending in Congress. In that way the Commissioner of Pensions is recognized on this floor and has a representative here, while the Commissioner of Agriculture has not.

Mr. HOAR. Mr. President, this amendment goes on the theory that the order of arrangement in the Senate rule depends upon the degree of honor or dignity of the persons named. Now, it is very manifest that this order depends wholly upon the order in which the officers named happened to occur to the scribe who wrote the first rule on the subject; probably that in part is explanatory of the present order, and then as other officers or persons were added from time to time to the list the persons admitted to the floor have appeared in the order in which the amendment to the rule admitting them was established. After "the officers of the Senate" come "members of the House of Representatives, the Sergeant-at-Arms, and the Clerk of the House." Then comes "the President of the United States." Does the Senator from Kansas [Mr. PLUMB] suppose that it was intended to indicate that in the opinion of the Senate the office of President of the United States was lower in dignity than the office of the Clerk of the House of Representatives or the Sergeant-at-Arms of the House of Representatives? Then come "the heads of Departments." Then come "ministers of the United States," who are by the amendment proposed by the Senator from Kansas to be placed below "the Commissioner of Agriculture," an amendment which is based on the idea that the Commissioner of Agriculture is to be put in in the order of a certain dignity which is supposed to belong to him or his office. Then come "ex-Presidents and ex-Vice-Presidents of the United States."

The theory on which the Senator proceeds is that the dignity of this officer, whoever may hold the place hereafter, is greater than that of General Grant or whoever else may have been called to the chief magistracy of the Republic and may have laid down the office.

The one person in this whole list whose presence in the list is a pure and distinctive mark of public honor, owing his place there to no official rank, comes almost at the close of the list, far below the place where the Senator from Kansas proposes to put the honorable Commissioner of Agriculture; that is Mr. Bancroft. His name was put in this rule as a tribute to an illustrious historian, scholar, and man of letters, who is perhaps the only living authority who can award a place of honor to the heroes and statesmen of our Revolutionary period and whose judgment of the character or career of any one of them would cause mankind to revise and reconsider its own if it differed from the accepted judgment. Does anybody suppose that when the Committee on Rules revised this rule they meant to place Mr. Bancroft at the foot of the list in a place of less honor than that of the Clerk of the House or executive officers or ex-members of the Senate who are named above him?

I hope the amendment will not be adopted, because while certainly nobody will suppose I desire any disrespect to the office of Commissioner of Agriculture or to the gentleman who fills it, the amendment is put on the ground that he is to be put in a certain place in this list because his office is of more dignity than that of the other persons who are named later in the rule.

Mr. PLUMB. The answer to what the Senator from Massachusetts has said is perfect. If there was no intention of making a distinction, why did not the committee accept the proposition which was made without any allegation of this kind at all? The committee on the other hand when they came to consider that proposition reported to put the Commissioner of Agriculture in a different place. There may have been some reason for that, but no reason has yet been offered. I propose to put him immediately after "the heads of Departments" and say "including the Commissioner of Agriculture." He is the head of a Department. He is entitled to go there; he is entitled, as I believe, under any possible construction of the words of the rule of which the English language can be capable, to be admitted without any amendment of the rule. I believe it was a violation of any proper construction of the rule to have

excluded him, especially after he had been admitted here for six or eight years.

The Senator from Maine says the rule prohibited everybody. That is not correct. The Commissioner of Agriculture has always heretofore come in in his own right. The people who went into the cloak-rooms never went in in their own right, except a few lobbyists who had come to be practically incorporated in the constitution by reason of having had claims pending here thirty or forty years, and of course they came in in their own right; but outside of the persons named in the rule, and of those particular lobbyists—not a great number of them—nobody did come in in his own right. The Commissioner of Agriculture did, however. Therefore his coming into this Chamber is not to be compared to the intrusion of those private persons who went into the lobby.

Mr. SAULSBURY. I understand that the Commissioner of Agriculture already has access to the floor of the Senate.

Mr. PLUMB. No.

Mr. SAULSBURY. I understand he has now under the rules access to the floor of the Senate. ["No!" "No!"] Then I misunderstood the language of the Senator from Maine, the chairman of the Committee on Rules, this morning. The Commissioner of Agriculture has access at present to the floor of the Senate. Am I right? I ask the Senator from Maine.

Mr. PLUMB. The Senator is not correct. The Commissioner of Agriculture is expressly excluded by an order of somebody, and is not permitted to come on the floor of the Chamber any more than any private citizen.

Mr. SAULSBURY. For my part I think the rule might be enlarged so as to admit him; but I understood that was the case. I supposed it was simply a social question like that as to who should be "the first lady of the land," which is sometimes agitated. I saw, therefore, no propriety in the resolution of the Senator from Kansas. I have no objection to the Commissioner of Agriculture coming on the floor, and a great many other gentlemen I think might very properly be admitted. Complaint is made because of persons visiting the floor, but I have never had occasion to make complaint. A great many gentlemen come here from different parts of the country who desire to see the Senate and to form the acquaintance of Senators. They have heard of this body, and perhaps for the first time in their lives come here and want to look at it; but we exclude them from the floor of the Senate. I think any Senator might be trusted to invite a friend on the floor of the Senate. I think our rules are too stringent on the subject. If the Commissioner of Agriculture desires to come on the floor or any Senator desires him to come, I have no objection; but I think the rule ought to be enlarged. I would suggest a reference of the resolution to the Committee on Rules, that he may be assigned to the proper place on the list.

Mr. FRYE. The Senator misunderstands. The Committee on Rules has reported a resolution admitting the Commissioner of Agriculture. The Senator from Kansas is only sensitive because he was not placed up with the heads of Departments. That is all.

Mr. SAULSBURY. Then it is a simple question of who shall be "the first lady of the land."

Mr. FRYE. That is all.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. MORRILL. I now move to amend the rule by inserting after "the Architect of the Capitol extension" "the Secretary of the Smithsonian Institution."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. INGALLS. I move the reference of that to the Committee on Rules.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that this amendment be referred to the Committee on Rules.

Mr. MORRILL. I hope that motion will not be adopted.

Mr. INGALLS. I object to its consideration to-day.

The PRESIDENT *pro tempore*. The Chair thinks the amendment is in order. The motion to refer, the Chair thinks, if agreed to would carry the resolution.

Mr. INGALLS. The resolution?

The PRESIDENT *pro tempore*. The resolution to which the Senator from Vermont offers his amendment. The general question before the Senate is on agreeing to a resolution reported by the Committee on Rules, which has been amended on the motion of the Senator from Kansas [Mr. PLUMB], but the resolution is still before the Senate. The Senator from Vermont moves to still further amend the resolution, and the Senator from Kansas [Mr. INGALLS] moves that this amendment be referred to the Committee on Rules.

Mr. INGALLS. I have no desire to carry the resolution to the Committee on Rules, but I submit to the Senator from Vermont that there is absolutely no reason whatever urged for this proposed extension. The Senator says it might possibly be convenient for this gentleman to appear on the floor and that he should like himself to see him here for a moment or two this morning if it were possible. If this exclusion is significant or valuable, if it is the intention to admit those here only who are necessary for the transaction of the business of the body, then the Senator from Vermont has given no sound reason why the rule should be extended. There certainly is not the reason for the admission of the Secretary of the Smithsonian Institution that there is for the admission of the Commissioner of Pensions, who has to do with business that is called to the personal attention of every member of this body probably a great many times every day.

I suggest that the Senator from Vermont had better ask for the consideration of a general resolution as to what further admissions to the floor shall be permitted, instead of asking that this one gentleman shall be admitted by an amendment to this pending resolution.

Mr. CONGER. The Secretary of the Smithsonian Institution is at the head of an institution known throughout the civilized world. The National Museum is connected with it. He represents perhaps, as far as this Government has any such representation at all, the literary and scientific progress of the people of the United States. He is at the head of an institution fostered by this Government, intimately connected with the question of the enlightenment of the people, the diffusion of knowledge among men; and I think myself that it would be an honor to the Senate and an honor to the country that we should recognize it from time to time as we summon the Secretary of that institution to a place here. The former Secretary, Professor Henry, reflected much credit on the literary and scientific attainments of the people of the United States. The present Secretary is a worthy successor. In view of the aid the Government has given to the institution I think it would be an honor to the Senate and an honor to the Government that its head should be recognized as worthy of a place to meet Senators in their own Chamber. I wonder that the proposition has not been made before this time. I shall very gladly support it now.

Mr. MORRILL. I am somewhat surprised that a single Senator should object to the admission of a gentleman of so great merit and whose extreme modesty we all so much appreciate. It has been common for us to apply to the Secretary of the Smithsonian Institution for various kinds of scientific investigations, on ventilation and various other subjects that I might mention.

In relation to the necessity of the Commissioner of Pensions coming here, it is impossible for that officer to answer the inquiries of Senators or Members in relation to any private bill that may be pending; it depends upon facts in his office, and therefore we seek such information through letters directed to him at his office. It is not often that he will ever be wanted here for anything else.

I do not desire to consume time, Mr. President. If there are half a dozen Senators here who are against this proposition, I shall be disposed to withdraw it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas to refer the amendment to the Committee on Rules.

Mr. INGALLS. I withdraw the motion.

The PRESIDENT *pro tempore*. The motion to refer is withdrawn. The question is on agreeing to the amendment of the Senator from Vermont [Mr. MORRILL].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. FRYE. The Senator from Kansas [Mr. PLUMB] did not offer a substitute, but only amended this resolution so that the portion of the resolution relative to the word "extension" remains.

The PRESIDENT *pro tempore*. The amendments do not touch that part of the resolution.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 2728) detaching Grundy County, Tennessee, from the southern district of East Tennessee and attaching it to the middle district of said State, and for other purposes;

A bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department;

A bill (H. R. 6535) to regulate the granting of pensions in certain cases; and

Joint resolution (H. Res. 235) to print additional copies of certain publications.

EXECUTIVE SESSION.

Mr. MILLER, of California. It is very desirable that some matters relating to our foreign affairs should have the attention of the Senate this morning at as early an hour as possible. I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and six minutes spent in executive session, the doors were reopened.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 17th instant approved and signed the act (S. 1871) authorizing the Secretary

of the Navy to offer a reward of $25,000 for rescuing or ascertaining the fate of the Greely expedition.

The message also announced that the President had on the 18th instant approved and signed the act (S. 874) to further suspend the operation of section 5574 of the Revised Statutes of the United States, title 72, in relation to guano islands.

ORDER OF BUSINESS.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair lays before the Senate the unfinished business, which will be read by title.

The CHIEF CLERK. A bill (S. 1127) to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

Mr. HOAR. I understand that the Senator from Kansas [Mr. PLUMB] will be quite willing to begin the consideration of that matter to-morrow morning; and as the morning hour to-day has been otherwise occupied, I ask consent that the Senate proceed to the consideration of the Calendar under the eighth rule—the unobjected cases.

Mr. PLUMB. Several Senators have suggested to me that it would answer every convenience in reference to the consideration of the special order that its consideration should be postponed until 2 o'clock to-morrow. While I myself am perfectly ready and willing to go on with its consideration now, I think it may possibly be that that postponement may facilitate the consideration of the bill on account of some amendments which have been proposed and which may possibly be substantially agreed to without debate. If there can be unanimous consent that this bill shall remain the unfinished business for to-morrow at 2 o'clock, I shall have no objection to the suggestion of the Senator from Massachusetts; but objection may come from other quarters.

The PRESIDING OFFICER. The Senator from Massachusetts asks the unanimous consent of the Senate that the unfinished business be informally laid aside and that the Senate proceed to the consideration of bills and resolutions on the Calendar under the eighth rule.

Mr. COKE. Before that motion is put I wish to offer an amendment to the pleuro-pneumonia bill to be printed.

The PRESIDING OFFICER. If there be no objection the amendment will be received and printed and will lie on the table.

Mr. BECK. Before the request for unanimous consent is acted upon, I desire to ask the Senator from Maine [Mr. FRYE] whether a quite important bill that he presented and gave notice he would antagonize other bills with is likely to be called up, or if the pleuro-pneumonia bill can not be taken up, why that bill can not be proceeded with now?

Mr. FRYE. On consultation with the Senator from Kansas [Mr. PLUMB], and at his very earnest request, I gave up the idea of contesting the position of bills with him.

Mr. BECK. But he does not seem to care to go on.

Mr. FRYE. I consented that he might go ahead undisturbed by any motion of mine, and I am very anxious that the Senator from Kansas should now proceed with the bill in his charge, so that at the earliest time possible the bill in my charge may come up for action.

Mr. PLUMB. I am not unwilling to go ahead; on the contrary I am quite willing to do so, but the suggestion was made that it would suit the convenience of some Senators and there was a possibility that a postponement till to-morrow might result in some composition of differences which would, perhaps, cause a diminution of debate upon this bill. At the same time I am perfectly willing to go ahead.

Mr. BECK. I only regret that the Senator from Kansas was not aware of his inability to proceed now before he antagonized other business quite as important. He might let his bill go off for four or five days just as well as till to-morrow morning.

Mr. PLUMB. The Senator from Kentucky does not intend to do me an injustice. I am not showing any unwillingness to go ahead; on the contrary, I am willing to go ahead, and I am now only waiting on the suggestion of other persons, not my own. I am entirely willing to go ahead with this bill, and have been ready from the beginning.

The PRESIDING OFFICER. Is there objection to granting the request of the Senator from Massachusetts [Mr. HOAR], which is that the unfinished business be laid aside informally, and that the Senate proceed to the consideration of bills and resolutions on the Calendar under Rule VIII?

Mr. HOAR. If that arrangement is made now in relation to the Calendar, it can have, with reasonable patience on the part of the Senate, an hour and a half or two hours to-day. Then I ask that the agreement be that the Senator from Kansas shall take up the bill in his charge at the expiration of the morning business to-morrow, instead of at 2 o'clock.

Mr. INGALLS. That is hardly just, because the morning hour to-day has been entirely consumed by other business.

Mr. FRYE. But the Calendar gets two hours now.

Mr. INGALLS. Very true; but that it is entitled to.

Mr. FRYE. It is only entitled to one hour.

Mr. INGALLS. It is entitled to the time from half-past 12 until 2 o'clock.

The PRESIDING OFFICER. The Chair reminds the Senate that this debate proceeds by unanimous consent.

Mr. INGALLS. Nobody is objecting to it.

The PRESIDING OFFICER. No one has objected. The Chair has indulged it. It is the duty of the Chair to enforce the rule.

Mr. CAMERON, of Wisconsin. No one has objected to proceeding with the Calendar.

The PRESIDING OFFICER. Is there objection to granting the request of the Senator from Massachusetts? The Chair hears none. The Secretary will call the first bill or resolution on the Calendar, under Rule VIII.

BRIDGE OVER CUMBERLAND RIVER.

Mr. JACKSON. I ask unanimous consent to call up Senate bill No. 304, Order of Business 460. It is a formal matter to which there is no objection.

The PRESIDING OFFICER. Is there objection to the consideration of the bill indicated by the Senator from Tennessee?

Mr. INGALLS. Is that on the Calendar of cases reported and not hitherto called?

The PRESIDING OFFICER. It is. The bill will be read by its title for information.

The SECRETARY. "A bill (S. 304) to give the assent of Congress to the construction of a free bridge by the mayor and city council of Nashville, Tenn., over the Cumberland River."

The PRESIDING OFFICER. Is there objection to the present consideration of this bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That the city of Nashville, a corporation organized under the laws of the State of Tennessee, be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Cumberland River at the most accessible point within the corporate limits of the said city of Nashville, county of Davidson, and State of Tennessee. Said bridge shall be constructed to provide for the free passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, and for such street-railways as may be authorized by the city of Nashville to be constructed over the same.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route; and it shall enjoy the rights and privileges of other post-roads in the United States: *Provided*, That the United States may construct a postal telegraph over said bridge without charge therefor.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans the spans thereof shall not be less than one hundred and sixty-four feet in length in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least thirty-four feet above extreme high-water mark as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river: *Provided*, That if the same shall be constructed as a draw-bridge, the draw or pivot shall be over the main channel at an accessible point, and the spans shall not be less than one hundred and sixty feet in the clear, and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of the river, and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge: *Provided also*, That the said draw shall be opened promptly by said corporation upon reasonable signal for the passage of boats; and said corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of said city of Nashville; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the middle district of Tennessee in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operations of the same.

SEC. 4. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CONGER. The title of the bill should be amended. There should be added to the title "and for other purposes," as there are some things involved in regard to the right of way for a postal telegraph.

The PRESIDING OFFICER. If there be no objection, that amendment of the title will be made. The title will stand as amended.

ABANDONED MILITARY RESERVATIONS.

Mr. COCKRELL. I ask the Senate now to consider a bill which was partly considered during the morning hour the last time the Calendar was under consideration, and is now unfinished in the morning hour. It is the first bill on the Calendar under Rule VIII, the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations. Its passage will dispense with the necessity of thirty or forty special bills and is a matter of great importance.

Mr. VOORHEES. Allow me to inquire of the Senator from Missouri whether the bill will lead to discussion?

Mr. COCKRELL. No, I think not at all.

Mr. CONGER. I hope the Senator from Missouri will not press the consideration of that bill now. I am willing that it should stand at the head of the list, but there are some amendments to it in regard to the disposition of one or two of the reservations in my State, and the appropriation of the proceeds for other purposes, that I wish to present in connection with that bill. If the Senator will let it go over and stand at the head of bills under Rule VIII, to which I presume there will be no objection, I should be glad to have it so.

The PRESIDING OFFICER. Is there objection to the bill going over, holding its place?

Mr. COCKRELL. I desire to accommodate every one and to have the bill in as perfect shape as possible, so as to dispense with special bills hereafter for the disposition of abandoned or useless military reservations. This matter has been pressed upon our attention for the last three or four terms of Congress by the War Department, and no action has been taken. I tried to see all Senators who had any amendments or suggestions to make, and conferred with them as fully as I could. I am sorry the Senator from Michigan did not advise me in advance that he had any suggestions to make. If, however, the Senator will have his suggestions ready so that we can dispose of the bill to-morrow morning in the morning hour, I am willing for it to lie over.

Mr. CONGER. I had introduced a bill in the Senate, which was referred to the committee of which the Senator is a member, in regard to the disposition of the proceeds of a part of the Mackinaw reservation, on Buffalo Island, and in my absence and without any intimation of the kind it was reported adversely and indefinitely postponed.

Mr. COCKRELL. It was reported adversely because we had reported a general bill. All special bills relating to that subject have been reported in the same way.

Mr. CONGER. I know it was, and it is for that reason that I wish to call the attention of the Senate to that subject-matter. The island of Mackinaw has been set apart as a military reservation and a national park. There is a military reservation which was reserved to Fort Mackinaw for the use of it on Buffalo Island, near by, which the Secretary of War will ask Congress to have sold under this provision perhaps, but its proceeds instead of going into the Treasury should be appropriated to the improvement of the Mackinaw fort grounds and the national park there. I wish that to be provided for in the bill.

Mr. COCKRELL. I am certain my good friend from Michigan will see that it would be very inappropriate to put a provision of that kind in a bill simply providing for the disposition of these reservations. If he wants a special bill of that kind, as a matter of course we shall consider it; but that is not really the disposition of an abandoned reservation.

Mr. CONGER. I do not know what the courtesy of this body requires, but I had introduced a bill which was three or four days before that committee, and without a word or opportunity to see anything about it it was reported adversely in my absence and indefinitely postponed. I will take the liberty of objecting to the consideration of the bill.

The PRESIDING OFFICER. The bill, being objected to, goes over.

Mr. COCKRELL. I give notice that to-morrow morning I shall move to take it up and consider it.

Mr. CONGER subsequently said: I ask permission to withdraw the objection I made to the consideration of the first bill on the Calendar.

The PRESIDING OFFICER. The objection being withdrawn, the bill holds its place under Rule VIII on the Calendar.

PENSION BILLS.

Mr. VOORHEES. I feel a very deep interest in Order of Business 391, being the bill (S. 531) granting a pension to Caroline M. McDougal, who is the widow of Rear-Admiral McDougal, now in old age and almost entirely deprived of sight. The bill has been reported unanimously from the Committee on Pensions of this body, and yesterday a similar bill came over from the House, having passed the House. If the Senate will indulge me in taking the bill up, I will move to substitute the House bill, so that when it passes the Senate it will be a law and give her the benefit of it.

The PRESIDING OFFICER. The Chair suggests to the Senator from Indiana that he learns from the Chief Clerk that the House bill referred to by the Senator is pending before the Committee on Pensions.

Mr. VOORHEES. I can move its substitution and the Senate can adopt it. I have it here.

The PRESIDING OFFICER. If the Senate had charge of the bill the Senate could certainly act upon it, if it chose to do so.

Mr. VOORHEES. I suppose the Senate can act upon any bill.

The PRESIDING OFFICER. Does the Senator submit any motion?

Mr. VOORHEES. I move to take up Senate bill No. 531.

Mr. BLAIR. I suggest to the Senator that the Committee on Pensions be discharged from the further consideration of the House bill.

The PRESIDING OFFICER. There is no question about the right of the Senator to make such a motion.

Mr. VOORHEES. I am very much obliged to the Senator from New Hampshire for that kind suggestion. I move to take up the bill.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of the bill (S. 531) granting a pension to Caroline M. McDougal.

Mr. INGALLS. It was the understanding that we should proceed with the consideration of the cases on the Calendar under Rule VIII. This method of calling up cases is unjust to those who lack the vigilance necessary to obtain the attention of the Chair. I shall not object to the consideration of the bill asked for by the Senator from Indiana, which is meritorious, but I give notice that in justice to all who desire the consideration of bills I shall hereafter object to those that are not called in their regular order on the Calendar.

Mr. VOORHEES. In the main the Senator from Kansas is right, but this is an exception.

Mr. INGALLS. I say I do not object to this bill.

Mr. HARRISON. I have a bill earlier on the Calendar very much than the one to which my colleague has called the attention of the Senate, of precisely the same character and in precisely the same situation, the Senate bill having been reported favorably, and since then a bill of the same kind having been passed by the House. I suggest to him whether we should not reach all these matters by moving to proceed now or at some early day to all the pension cases on the Calendar, passing over other business, as we have repeatedly done.

Mr. INGALLS. Why not do that now?

Mr. VOORHEES. I was just waiting until my colleague got through to make that proposition.

The PRESIDING OFFICER. Will the Senator from Indiana on the right of the Chair allow the Chair to suggest to him——

Mr. VOORHEES. With great pleasure.

The PRESIDING OFFICER. That if his motion to take up the Senate bill on the Calendar with a view of substituting the House bill for it is carried, and if that is done, it becomes a Senate bill and must go back to the House for concurrence or other action on the part of the House. If the Senator desires to reach the House bill he had better move to discharge the committee and ask the Senate to consider the House bill.

Mr. VOORHEES. I shall do that.

Mr. MORRILL. Do it now.

Mr. VOORHEES. I understand that Senate bill 531 is now before the Senate. I intend, if the Senate will bear with me for a moment, to move to discharge the Committee on Pensions from the further consideration of House bill No. 79.

The PRESIDING OFFICER. The bill is not yet before the Senate. Is there objection to proceeding to the consideration of the bill? The Chair hears no objection.

Mr. VOORHEES. I will state to my colleague that I have been trying for several days, and I have been conferring with the distinguished chairman of the Committee on Pensions, as he will bear me witness, to get a favorable opportunity, and I know no more favorable opportunity than now, to call the whole Pension Calendar.

Mr. HARRISON. I submit to my colleague that he should make that motion now, and then he will reach his case presently in order, and we shall get through with them all very easily.

Mr. VOORHEES. If I have not proceeded too far in the special case to make the general motion, I move, if the Senator from Pennsylvania, chairman of the Committee on Pensions [Mr. MITCHELL], will allow me that liberty and concur with me in it, that the Senate proceed to the consideration of the Pension Calendar and dispose of all cases upon it.

Mr. HARRISON. Bills reported favorably.

Mr. VOORHEES. Bills reported favorably and which are not objected to.

The PRESIDING OFFICER. Is there objection to the suggestion of the Senator from Indiana that the Senate do now proceed to the consideration of pension bills upon the Calendar reported favorably? The Chair hears no objection. The first pension bill favorably reported now upon the Calendar will be laid before the Senate.

FRANCIS SCOTT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 626) to increase the pension of Francis Scott and to rate him in the second grade of pensioners.

Mr. COCKRELL. Let us hear the report in that case, or some reason for it.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. VAN WYCK February 19, 1884:

The Committee on Pensions, to whom was referred the bill (S. 626) granting an increase of pension to Francis Scott, late a private in Company B, Twenty-

third Regiment Wisconsin Infantry Volunteers, examined the same and report:

That the soldier is now pensioned at $24 per month, being the rate by existing laws, being the amount allowed for loss of arm below the elbow. But the facts show, while the arm is off below the elbow, yet above the elbow of the left arm has been an excision of about four inches of the bone, so that he has no use of the arm.

Your committee recommend the passage of the bill so amended as to give him the same pension as a soldier now receives, or which shall be allowed hereafter by law to one who has lost one arm at or above the elbow; also further amended so that the increase shall take effect from the passage of this act; also by striking out of title, and in bill, the words, "and to rate him in the second grade of pensioners."

The bill was reported from the Committee on Pensions with amendments, after the word "shall," in line 5, to strike out "be rated in the second grade of pensioners; and that;" in line 7, after the word "the," to strike out "4th day of December, A. D. 1883, the said Francis Scott shall" and insert "passage of this act;" and in line 10, after the word "received," to insert "or which shall be allowed hereafter by law to one;" so as to make the bill read:

Be it enacted, &c., That Francis Scott, late a private in Company B, Twenty-third Regiment of Wisconsin Infantry Volunteers, now on the pension-roll at the rate of $24 per month, shall, from and after the passage of this act, be entitled to receive the same pension as a soldier now receives or which shall be allowed hereafter by law to one who has lost one arm at or above the elbow or one leg at or above the knee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Francis Scott."

CATHARINE BULLARD.

The bill (S. 1173) granting a pension to Catharine Bullard was announced as the next pension bill on the Calendar.

Mr. HARRISON. I move to discharge the Committee on Pensions from the consideration of House bill 406, and that the Senate proceed to the consideration of that bill in lieu of this.

The PRESIDING OFFICER. The Senator from Indiana moves that the Committee on Pensions be discharged from the further consideration of the House bill mentioned by him.

The motion was agreed to.

Mr. HARRISON. I now ask that the Senate proceed to the consideration of House bill 406, which is identical with the Senate bill which has just been read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 406) granting a pension to Catharine Bullard. It proposes to place on the pension-roll the name of Catharine Bullard, widow of Dr. Talbot Bullard, deceased, an acting volunteer surgeon, at the same rate as the widows of surgeons of volunteers are now paid.

Mr. HARRISON. The same amendment was made in the House that the Committee on Pensions of the Senate recommend, so that it reads now exactly as the Senate committee amended the Senate bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HARRISON. I think now the Senate bill had as well be indefinitely postponed.

The PRESIDING OFFICER. If there be no objection, Senate bill 1173 will be indefinitely postponed. The Chairs hears no objection, and it is so ordered.

MARTIN KELLY.

The bill (S. 909) to increase the pension of Martin Kelly, and to rate him in the second grade of pensioners, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "month," to strike out "shall be rated in the second grade of pensioners; and that;" in line 7, after the word "the," to strike out "4th day of December, A. D. 1883, the said Martin Kelly" and insert "passage of this act;" and in line 10, after the word "receives," to insert "or which shall be allowed hereafter by law to one;" so as to make the bill read:

Be it enacted, &c., That Martin Kelly, late a private in Company A of the Sixteenth Regiment United States Infantry (now of the District of Columbia), now on the pension-roll at the rate of $24 per month, from and after the passage of this act shall be entitled to receive the same pension as a soldier now receives, or which shall be allowed hereafter by law to one, who has lost one arm at or above the elbow or one leg at or above the knee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Martin Kelly."

ELIZABETH A. BARBOUR.

The bill (S. 689) granting a pension to Eliza Barbour was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments; after the word "of," in line 4, to strike out "Eliza" and insert "Elizabeth A.;" and after the word "provision," in line 7, to strike out "of the law relating to pensions" and insert "and limitations of the pension laws;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Elizabeth A. Barbour, widow of James E. Barbour, late hospital steward of the Twenty-first Regiment of Connecticut Volunteers, upon the pension-roll, subject to the provisions and limitations of the pension laws.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Elizabeth A. Barbour."

THOMAS PATTON.

The bill (S. 828) granting a pension to Thomas Patton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment; after the word "roll," in line 9, to insert:

At the rate of $4 per month until the passage of this act, and to continue hereafter at such rate as may be required by the ordinary examinations.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Patton, late a private in Company B, One hundred and forty-second Regiment New York Volunteers, said pension to commence from the date when his name was dropped from the roll, at the rate of $4 per month until the passage of this act, and to continue hereafter at such rate as may be required by the ordinary examinations.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAURA C. P. HASKINS.

The bill (S. 429) granting a pension to Laura C. P. Haskins was announced as next in order.

Mr. SLATER. A House bill for the same person has been sent to the Committee on Pensions, and I was instructed to report it back. I think it is the same as the Senate bill with the amendment reported. I ask that it may be passed over for the reason that there is some discrepancy as to the name, as to which there was supposed to be an error. I will call it up at the proper time.

The PRESIDING OFFICER. Is there consent that the bill be passed over at the request of the Senator from Oregon? The Chair hears no objection, and it is passed over.

MARY J. VAUGHAN.

The bill (S. 732) for the relief of Mary J. Vaughan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the word "of," in line 8, to strike out "his death; deducting all payments heretofore made upon her present pension certificate" and insert "the passage of this act;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, directed to place the name of Mary J. Vaughan, the widow of George Vaughan, late second lieutenant of Company K, of the One hundred and eighteenth Regiment of New York Volunteers, on the pension-roll, at the rate allowed a lieutenant's widow, to commence from the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WESLEY MORFORD.

The bill (S. 280) granting a pension to Wesley Morford was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Wesley Morford, late a private in Company K, Twelfth Regiment of Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I think the bill just passed ought to be amended so as to read "from and after the passage of this act." It seems to be in all the other bills and is not in the last one. "Subject to the conditions and limitations of the pension law, from and after the passage of this act," should be the language.

Mr. MITCHELL. There is no objection to it, but it is unnecessary under the general law, which provides that in all cases pensions shall begin from the time of the passage of the special act.

Mr. COCKRELL. There is no objection to putting it in.

The PRESIDING OFFICER. It can be done now only by reconsidering several votes or by unanimous consent.

Mr. COCKRELL. By unanimous consent.

The PRESIDING OFFICER. Is there objection to incorporating in the bill just passed the language stated by the Senator from Missouri? The Chair hears none, and the bill is so amended.

CAROLINE M. M'DOUGAL.

The bill (S. 531) granting a pension to Caroline M. McDougal was announced as next in order.

Mr. VOORHEES. The House of Representatives has passed and sent to the Senate the identical bill which the Senate committee has reported and which is now reached upon the Calendar. I wish to substitute that bill for the Senate bill, and move that the Senate proceed to the consideration of the House bill.

The PRESIDING OFFICER. Is there objection to considering the House bill referred to by the Senator from Indiana, in lieu of the Senate bill just read? The Chair hears none.

Mr. MORRILL. I should like to inquire whether on the record that bill is not now in the possession of the Committee on Pensions? If it is, the committee should be discharged before it can be considered by the Senate.

Mr. VOORHEES. My motion embraced the discharge of the committee.

The PRESIDING OFFICER. That is the first question. The Chair omitted to put that question. Will the Senate discharge the Committee on Pensions from the further consideration of the House bill referred to by the Senator from Indiana?

The motion was agreed to; and the Senate, by unanimous consent, proceeded, as in Committee of the Whole, to consider the bill (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. VOORHEES. I now move the indefinite postponement of Senate bill No. 531.

The motion was agreed to.

WILSON W. BROWN AND OTHERS.

The bill (S. 337) granting pensions to Wilson W. Brown and others was announced as the next pension bill in order on the Calendar.

Mr. JACKSON. I ask that that go over.

The PRESIDING OFFICER. The Senator from Tennessee asks that the bill be passed over. Is there objection? The Chair hears none, and it is so ordered.

ERASTUS W. BABSON.

The bill (S. 772) granting a pension to Erastus W. Babson was announced as the next pension bill in order.

Mr. BLAIR. That bill must necessarily be passed over.

The PRESIDING OFFICER. The next pension bill in order on the Calendar will be announced.

Mr. BLAIR. I ask unanimous consent to say in regard to the bill just passed over, it having been favorably reported and there being apparently no objection to it, that since the report of the bill the pensioner has died in consequence of his disabilities contracted in the service, and I desired that it be passed over in order that we may obtain the name of the widow. He leaves a widow and dependent children, and it will be necessary to amend the bill by substituting the name of the widow for that of the deceased as soon as we can ascertain it.

MARY E. MURRAY.

The bill (H. R. 1433) granting a pension to Mary E. Murray was announced as the next pension bill on the Calendar.

Mr. COCKRELL. That bill has been under consideration before, and I object to it. It will consume a great deal of time.

The PRESIDING OFFICER. Objection being made, the bill goes over.

LAURA C. P. HASKINS.

Mr. SLATER. I ask to return to the bill (S. 429) granting a pension to Laura C. P. Haskins, and I ask the unanimous consent of the Senate to make a report from the Committee on Pensions.

The PRESIDING OFFICER. Is there objection to receiving the report? The Chair hears no objection.

Mr. SLATER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 2319) granting a pension to Laura C. P. Haskins, to report it favorably, without amendment, and I ask unanimous consent for its consideration at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Laura C. P. Haskins, widow of H. D. Haskins, as a lieutenant in the One hundred and tenth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SLATER. I move that the bill (S. 429) granting a pension to Laura C. P. Haskins be postponed indefinitely.

The motion was agreed to.

KATHARINA T. WUNSH.

The bill (S. 316) granting a pension to Mrs. Katharina T. Wunsh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to strike out the words "to commence from the 15th day of May, A. D. 1880, the date of the death of said Frank Wunsh, and to continue during her widowhood" and to insert "from and after the passage of this act;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Katharina T. Wunsh, widow of Frank Wunsh, late a private in Company D, One hundred and twenty-sixth Regiment (Eleventh Cavalry) Indiana Volunteers, on the pension-roll, at the rate of $8 per month, from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJOR D. WILLIAMS.

The bill (S. 394) restoring to the pension-roll the name of Major D. Williams was considered as in Committee of the Whole. It directs the Secretary of the Interior to restore to the pension-roll the name of Major D. Williams, late captain of Company C, Twelfth Regiment Indiana Volunteers, at $20 per month, from the 13th of September, 1869.

Mr. COCKRELL. Let us hear the report in that case.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the following report, submitted by Mr. VAN WYCK March 24, 1884:

The Committee on Pensions, to whom was referred the bill (S. 394) to restore Major D. Williams, having examined the same, respectfully report:

That this bill was fully examined by committee of last session, and passed the Senate. The following report, then adopted, contains all the facts:

"Capt. Major D. Williams was mustered into the service on the 12th of September, 1863, in the Twelfth Regiment of Indiana Cavalry, and served as a brave, faithful soldier until September 19, 1864. At the battle of Huntsville, by the rearing or plunging of his horse, he was severely injured, the pummel of his saddle striking his abdomen, making a wound in the skin from which the intestines protruded.

"He continued on duty a few days, but was soon compelled to go to hospital, where shortly after he was discharged for the above cause for total disability. His participation in the fight and injury was attested by the colonel and surgeon of the regiment and other witnesses. He was placed on pension-roll at $20 per month.

"Afterward a letter was sent to the Department stating that Captain Williams had hernia before entering the Army. This letter referred to witnesses to prove assertion. A special examiner was sent to examine the case. The person writing the letter knew nothing, and his witnesses were equally ignorant. What suspicions they had were founded upon hearsay. The examiner continued the investigation with no better success, having exhausted Indiana and Michigan in his effort. Captain Williams, early in life, had hernia in left side, which when he entered the service had substantially passed away, leaving nothing but a slight puff. This did not prevent his doing duty until injury at the battle of Huntsville, and had not the remotest connection with the injury which disabled him permanently, and for which pension was issued.

"This case is so distinctly and clearly proven that we recommend the restoration of said Major D. Williams to the pension-roll from the date of his suspension, and further recommend the accompanying bill as a substitute for bill S. 1530."

The committee recommend the adoption of Senate bill 394 with an amendment.

The bill was reported from the Committee on Pensions with an amendment, to add the words "the date his name was dropped from the roll."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALONZO B. CHATFIELD.

The bill (S. 1299) to increase the pension of Alonzo B. Chatfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to add "such increase to date from the passage of this act;" so as to make the bill read:

Be it enacted, &c., That the pension of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment of Illinois Volunteer Infantry, be rerated and included as equal disability with that class of pensioners who have lost an arm at or above the elbow, under an act of Congress entitled "An act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, and for other purposes," approved March 3, 1883, such increase to date from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN ALGOE.

The bill (S. 783) to increase the pension of John Algoe was considered as in Committee of the Whole. It proposes to increase the pension of John Algoe, formerly of Company A, Tenth Regiment Michigan Infantry State Volunteers, to $50 per month.

Mr. COCKRELL. I should like to ask the committee why they have not put in the word "captain" after "formerly," so as to show his rank?

Mr. CULLOM. I do not remember exactly what the bill states on

that subject. I have no objection to the rank being stated, if it is not in the bill.

Mr. COCKRELL. It simply reads "formerly of Company A." It would seem to be giving it to a private soldier, and there are distinctions made on account of rank. I move to insert the word "captain;" so as to read:

Formerly captain of Company A, Tenth Regiment Michigan Infantry State Volunteers.

Mr. CULLOM. I have no objection to that being inserted.

Mr. BLAIR. I do not rise to object to the amendment, but this increase is made not by reason of rank, but by reason of increased disability, as I understand.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M'CLURE.

The bill (S. 1910) granting a pension to William McClure was considered as in Committee of the Whole.

Mr. COCKRELL. I move to amend the bill by filling the blank in line 5 with the words "Company A, Third Illinois Light Artillery;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William McClure, late a private in Company A, Third Illinois Light Artillery, and to pay him a pension from the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE PRINCE.

The bill (S. 1680) granting a pension to George Prince was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Prince, late a sergeant of Company I, Third New Jersey Cavalry Volunteers, at $50 per month, in lieu of the pension he now receives.

Mr. JACKSON. I should like to hear the report read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. BLAIR March 25, 1884:

The Committee on Pensions, to whom was referred the bill (S. 1680) granting a pension to George Prince, having examined the same, make the following report:

The claimant, George Prince, late sergeant Company I, Third New Jersey Cavalry, was pensioned March 22, 1866, for gunshot wound of face, at $6 per month from August 30, 1865. This was increased to $20 per month from June 6, 1866, and further increased to $24 per month from June 4, 1872. Under the act of March 3, 1883, his pension was again increased to $30 per month.

The physician who has been attending him for some years past has presented the following affidavit:

MARCH 21, 1884.

I have known Mr. George Prince for many years, and am familiar with the terrible wound he received during the late rebellion. The wound is an open one, constantly discharging an offensive secretion. During the past year his health has rapidly deteriorated, and he has become totally incapacitated for manual labor of any character. Even were he physically able, the offensive discharge from the wound and the hideous appearance of same would effectually debar him from private business or employment.

L. M. TAYLOR, *M. D.*

The applicant appeared before the committee in person, exhibited his wounds, and described his condition in answer to questions by the members of the committee. The statements made by the surgeon in the above affidavit were fully corroborated by the examination of the committee. It is one of those cases of hideous and indescribable disfigurement, combined with actual and increasing disability, exiling the sufferer from society, and rendering him at the same time, to a great extent, incapable of manual labor. He has hitherto been employed to some extent as a watchman, but his capacity to perform labor of that or any other description appears to be passing away, and in the opinion of the committee the time is not remote when he will be practically helpless. Mr. Prince also stated to the committee that he had an invalid wife and four children dependent upon him for support. The children are still young, he having married rather late in life.

The committee believe the increase to $50 called for by the bill should be granted, and recommend its passage.

Mr. JACKSON. There is no minority report presented in that case, though the committee were not unanimous in making the report. The applicant came before the committee, and stated to the committee that he was receiving $60 a month now as salary, which is a good deal above the average wages paid in the country to laboring men, and for one I doubted the propriety of increasing the pension to $50. He has a disagreeable wound about the face and has lost one eye, but he has had three increases of pension, and I doubted the policy or propriety of increasing it to $50.

Mr. BLAIR. The report has been read. I do not know that it attracted the attention of the Senate. This soldier is now drawing a pension at the rate of $30 per month, and the bill proposes to increase the pension to $50. He is a man with a wife and four children. The children are young and unable to contribute toward their own support. The wife is a sickly woman. The pensioner himself has hitherto been able to perform more or less labor as a watchman. I do not understand that he has been capable of any sort of labor that called for severe manual exertion. The principal wound that he appears to be suffering from is in the face, and was inflicted in such a way as to destroy one eye and seriously, I believe, to affect the other, so that such sight as he has is gradually and pretty rapidly failing. The wound is open, discharging constantly, and although aside from the wound when in health he must have been a fine specimen of physical manhood, yet he is now in that pitiable plight that his presence in the committee-room was a source of extreme offense to any healthy individual who was present. The man is not only disabled, but he is incessantly haunted with a consciousness that he must be an exceedingly offensive object to the best friends he has in the world.

It seemed to the majority of the committee that this was one of those cases where actual disability called for the amount of increase that was desired; and the other circumstances were such that for one I felt no capacity whatever to deny the increase called for by the bill. I know that was the sentiment of a majority of the committee, and I did not recall, until the Senator from Tennessee expressed his disagreement to the report, the fact that there was anything but a unanimous report here.

I have stated all that I care to state in regard to the case. The soldier lives in this city. Such employment as he has is that of a watchman, and that is quite precarious. The probability is that he will not be able to endure the amount of physical exertion that that requires for a great length of time, and there can not be many situations that he could fill as a watchman, for the reason that it is not often that the man would be so situated that his presence would be acceptable.

Mr. GROOME. As a matter of course, and to make the bill consistent in that regard with others that we have passed to-day, I move to amend it by inserting in line 8, after the word "month," the words "from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHANGE OF NAME OF A BANK.

Mr. MANDERSON. I ask unanimous consent to now consider Order of Business 470, being a bill to change the name of a national bank.

Mr. GROOME. I should like to ask whether we have finished the consideration of pension bills favorably reported?

The PRESIDING OFFICER. The Chair is informed that they have been concluded.

Mr. GROOME. Then I make no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1850) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY MEDICAL DEPARTMENT.

Mr. LOGAN. I desire to ask permission of the Senate to call up Senate bill 1559, being Order of Business 248. It will take but a moment.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1559) to define the title and duties of certain officers of the Medical Department of the Army.

Mr. LOGAN. In line 3 of section 1 I move to strike out "six," before "colonels," and insert "officers of the rank."

Mr. COCKRELL. How many of them are there?

Mr. LOGAN. Six.

Mr. COCKRELL. Then why not say "the six officers," so as to have no misunderstanding?

The PRESIDING OFFICER. Does the Senator from Illinois modify his amendment according to the suggestion of the Senator from Missouri?

Mr. LOGAN. I have no objection to that.

The PRESIDING OFFICER. The amendment as modified is, in line 3 of section 1, after the word "six," to insert "officers of the rank of," and to change the word "colonels" to "colonel."

The amendment was agreed to.

Mr. LOGAN. In line 6 of section 1 I move to strike out, after "surgeons-general," the word "with," and insert "continuing to have;" so as to read:

That from and after the passage of this act the six officers of the rank of colonel now authorized by law, designated as chief medical purveyor, surgeons with the rank of colonels, and assistant surgeon-general, shall be styled assistant surgeons-general, continuing to have the rank, pay, and emoluments of colonels, to be placed on the Army Register in the order of seniority of dates of present commissions as colonels.

The amendment was agreed to.

Mr. LOGAN. In line 1 of section 2, after the second word, "the," I move to insert "officers of the rank of," and in line 4, after "sur-

geons-general," to strike out the word "with" and insert "continuing to have;" so as to read:

SEC. 2. That the officers of the rank of lieutenant-colonels now authorized by law, designated as surgeons with the rank of lieutenant-colonels, and as assistant medical purveyors, shall be styled deputy surgeons-general, continuing to have the rank, pay, and emoluments of lieutenant-colonels, to be placed on the Army Register in the order of seniority of dates of present commissions as lieutenant-colonels.

The amendments were agreed to.

Mr. LOGAN. In line 11 of section 2 I move to strike out all after the word "detailed."

The CHIEF CLERK. In line 11, section 2, after the word "detailed," it is proposed to strike out "upon the recommendation of the Surgeon-General, from the grade of deputy surgeon-general or of surgeon;" so as to read:

That the deputy surgeons-general shall be assigned to such duties in the Medical Department as the interests of the service may demand. That the duties of assistant medical purveyors shall be performed by officers detailed.

The amendment was agreed to.

Mr. LOGAN. These amendments are for the purpose of making the bill clear.

Mr. HAWLEY. I wish very much to give more consideration to this bill than I can now. With these changes that are made I scarcely understand it. I know that it gives a great advantage to one particular officer.

Mr. LOGAN. Which bill?

Mr. HAWLEY. This bill.

Mr. LOGAN. I beg the Senator's pardon; it gives no advantage at all; and these changes are only to make the bill read as it ought to read. They do not affect the bill a particle except to change the language to make it perfectly clear.

Mr. HAWLEY. I am not sure that I like the purpose of the bill itself. I will object now to its further consideration, but the next time it is called up I will not object. I desire to consider it and to get the opinion of the Medical Department itself about this bill, and especially about the changes made in it.

Mr. COCKRELL. Let it be printed as it has been amended.

Mr. HAWLEY. I do not think it is necessary to go to the additional expense of reprinting it.

Mr. LOGAN. Of course I have no objection to the opinion of the Medical Department being taken, but I must say that I can not understand what the Senator means by this changing any relation of officers in the Medical Department. The only change it makes at all is to make this department conform to other departments in reference to the name and not the rank. The rank of a solitary officer in that department is not affected.

The PRESIDING OFFICER. Does the Senator from Connecticut withdraw his objection?

Mr. HAWLEY. I object, Mr. President.

The PRESIDING OFFICER. Objection being made, the question is not debatable and the bill goes over.

Mr. LOGAN. I have no objection to its going over, of course. The Senator understood the bill when it was reported; at least I thought so.

AGREEMENTS WITH SIOUX INDIANS.

Mr. CAMERON, of Wisconsin. I move that the Senate proceed to the consideration of Order of Business 408, being the bill (S. 1004) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux reservation, in Dakota.

Mr. RIDDLEBERGER. I do not feel disposed to make any objection, but I wish to state at this time that for about a month I have been waiting here to see some regular proceeding with the Calendar, and I find that that is not among the possibilities of the session. Inasmuch as the bill that I feel most interested in would be reached at any time the Calendar should be proceeded with during the morning hour, it being commonly called the Potomac free-bridge bill, I shall ask the Senate to take it up during the morning hour next Monday.

The PRESIDING OFFICER. Is there objection to the consideration of the bill indicated by the Senator from Wisconsin [Mr. CAMERON]? The Chair hears none.

Mr. HOAR. Before the bill is read I desire to give a notice. I desire to say that after the disposition of the two special orders, to wit, the pleuro-pneumonia bill and the shipping bill, I shall move to take up the bill known as the Utah bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1004) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux reservation, in Dakota.

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 1, line 546, after the word "than," to insert "one hundred and eighty-eight;" and in line 555, after the word "said," to insert "one hundred and eighty-eight;" so as to make the clause read:

That said tribes of Sioux Indians do hereby grant said railway company, its successors and assigns, the right to hold and occupy not less than one hundred and eighty-eight acres of land at the western terminus of said railway, on the eastern bank of the Missouri River, at or near the mouth of American Creek, in said Territory, for freight and passenger depots, warehouses, machine-shops, and founderies, steamboat and ferry landings, and for all other railway purposes, for the residence of its employés, and for no other purposes, and to be occupied under such regulations as the honorable Secretary of the Interior may prescribe for the protection of the Indians, said one hundred and eighty-eight acres of land to be definitely located by said railway company as soon as the necessary surveys have been made to determine the point at which the road of said company shall strike the Missouri River.

The amendment was agreed to.

The next amendment was to insert, as section 4, the following:

SEC. 4. That this act shall take effect only from and after the date of a proclamation issued by the President of the United States that satisfactory evidence has been presented to him that the several agreements herein ratified have received the assent of the Sioux Indians in conformity with the requirements of existing treaties with said Indians; and such evidence shall be presented to the President within one year from the passage of this act.

Mr. CAMERON, of Wisconsin. This proposed right of way is through that portion of the great Sioux reservation which, under the bill passed by the Senate a few days ago, will be thrown open to settlement; consequently the line will not run through the Indian reservation at all, and therefore there is no necessity for this section 4. I therefore, on behalf of the Committee on Indian Affairs, ask leave to withdraw the proposed amendment.

The PRESIDING OFFICER (Mr. DAWES in the chair). If there be no objection the amendment will be withdrawn. The Chair hears no objection, and the amendment is withdrawn.

Mr. CAMERON, of Wisconsin. In lines 360 and 361 of section 1 the date of filing is not given, and I propose this amendment: to strike out "on the — day of" and insert "filed with the honorable Secretary of the Interior in the year 1880." There was but one filing, so that that is a sufficient designation.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. In lines 92 and 93 of section 1 I move to strike out "on the — day of" and insert "in the year;" so as to read:

Filed by said railroad company with the honorable the Secretary of the Interior in the year 1880.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HAWLEY. It is probably too late to interpose; but I see certain things in the articles of agreement made with these Indians which I think ought to have been different. I suppose to attempt any change in them now would be to send this back again for further negotiations. I do not know that the objections are serious enough, but I think that a thousand acres of land is rather a large allowance to make out of this Indian territory for machine-shops and founderies at one of the termini of the road. And here is another clause that I ask attention to. I do not propose to move any amendment, but I call attention to it:

Mr. CAMERON, of Wisconsin. There is a supplemental agreement by which the railroad company agrees, if the Indians desire it, to reduce that amount from a thousand acres to six hundred and forty.

Mr. HAWLEY. Then there is on the sixth page this paragraph:

It is further covenanted and agreed that the Chicago, Milwaukee and Saint Paul Railway Company, its successors and assigns, shall have the right to occupy and hold along the line of said railway, exclusively for railway purposes, not exceeding one hundred and sixty acres of land at any one point.

The points may be contiguous for aught I know along the whole line. There is no limitation as to the number of places at which the selection of one hundred and sixty acres may be made.

Mr. CAMERON, of Wisconsin. They are to be selected with the concurrence of the Secretary of the Interior.

Mr. HAWLEY. For stations?

Mr. CAMERON, of Wisconsin. For stations.

Mr. HAWLEY. It were better to have said so. I have no doubt the motive is good, and I shall make no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CAMERON, of Wisconsin. The next bill is a similar bill, to ratify and confirm the agreement made by the Chicago and Northwestern Railway Company with the Sioux Indians, and I should like to have that taken up.

The PRESIDING OFFICER. The Senator from Massachusetts asks for the consideration of Senate bill 1496. Is there objection?

Mr. CALL. I move that the Senate adjourn.

Mr. CULLOM. I hope that motion will not be made until this bill goes through. It is like the other, though not nearly so long.

Mr. CALL. It will take a long time to read it.

Mr. CULLOM. Oh, no.

Mr. CALL. Very well; I withdraw the motion.

The PRESIDING OFFICER. The bill will be read, there being no objection to its consideration.

Mr. HAWLEY. Before the Secretary begins I desire to say that I wish to withdraw my objection to the bill as to the Surgeon-General's Office, but this bill will probably prevent its further consideration this

evening. I withdraw the objection now so that the Senator from Illinois may call it up when he pleases.

Mr. LOGAN. I will call it up in the morning.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1496) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Dakota Central Railway Company throughout the Sioux reservation, in Dakota.

The bill was reported from the Committee on Indian Affairs with an amendment, to insert as section 4 the following:

SEC. 4. That this act shall take effect only from and after the date of a proclamation issued by the President of the United States that satisfactory evidence has been presented to him that the several agreements herein ratified have received the assent of the Sioux Indians in conformity with the requirements of existing treaties with said Indians; and such evidence shall be presented to the President within one year from the passage of this act.

Mr. CAMERON, of Wisconsin. For the reasons stated by me when the former bill was under consideration I withdraw the proposed amendment of the committee.

The PRESIDING OFFICER. Is there objection to the committee withdrawing its amendment? The Chair hears none, and the amendment is withdrawn.

Mr. CAMERON, of Wisconsin. In section 1, line 198, I move to strike out "on the — day of ———, 188–." There is no necessity for that.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONTAGIOUS DISEASES OF DOMESTIC ANIMALS.

Mr. HARRIS. I move that the Senate do now adjourn.

The PRESIDING OFFICER. Before putting the motion the Chair will first lay before the Senate the unfinished business, which is the bill (S. 1127) to provide means for the suppression and extirpation of pleuropneumonia and other contagious diseases among domestic animals.

The Senator from Tennessee moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 22, 1884.

The House met at 11 o'clock a. m. Prayer by Rev. PHILLIPS BROOKS, of Boston.

The Clerk proceeded to read the Journal of the proceedings of yesterday; when,*

On motion of Mr. LORE, the reading of so much of the Journal as related to the introduction of bills and joint resolutions was dispensed with.

The residue of the Journal was read and approved.

ANNOUNCEMENT OF A PAIR.

Mr. CHACE. I rise to a question of personal privilege. I find that in the RECORD of the 20th instant I am reported as neither voting nor paired. On the 12th instant I was paired with the gentleman from Georgia [Mr. NICHOLLS], the pair to continue until further notice. In pursuance of that agreement I refrained from voting on the bill providing for the establishment of a bureau of labor statistics. Had the gentleman from Georgia been present I should certainly have voted for that bill. I think it must have been through mistake that my pair was not announced.

The SPEAKER. The Chair is advised that the statement of the gentleman's pair is now on file at the desk. Perhaps by some oversight it was not announced.

NATIONAL BANKS.

Mr. DINGLEY. I ask unanimous consent to have taken from the House Calendar for immediate consideration the bill (H. R. 5043) authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury, in trust, by national banking associations for the retirement of their circulating notes.

The bill, as amended by the Committee on Banking and Currency, was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized, out of any lawful money deposited by national banks for the purpose of retiring their circulation, under the provisions of section 4 of the act of July 20, 1874, and of sections 5222 and 5230 of the Revised Statutes of the United States, and of section 6 of the act of July 12, 1882, to purchase at current market rates, under such regulations as he may prescribe, such bonds of the United States as in his judgment will be for the interest of the Government, the bonds so purchased, together with the interest that may accrue on the same, to be held in trust and used for the payment of the circulating notes of the banks which have deposited lawful money for such payment.

Mr. HOLMAN. I think this is a matter of too much importance to be acted upon hastily, and I shall have to object.

Mr. DINGLEY. Will the gentleman withhold his objection for one moment until I can explain to the House the importance of the bill?

Mr. HOLMAN. I am willing to reserve the objection till the gentleman has made his explanation.

Mr. DINGLEY. Mr. Speaker, probably no more important measure than this relating to the currency of the country and to the prevention of its contraction can possibly be presented. It is recommended by the Secretary of the Treasury and unanimously approved by the Committee on Banking and Currency.

Mr. WELLER. I can suggest a better way of meeting the difficulty.

Mr. DINGLEY. One moment. Gentleman are aware that under existing laws national banks, when withdrawing their bonds and going into liquidation, are obliged to deposit in the Treasury lawful money, which lawful money thus deposited contracts the circulation of the country to the extent of the deposit.

Mr. WELLER. Let the national banking system be wiped out. I enter my objection to the bill.

Mr. DINGLEY. The amount of money now deposited in the Treasury of the United States by the banks is $40,000,000, contracting the currency to that extent, and the amount is being increased at the rate of $2,000,000 a month. I hope neither the gentleman from Iowa [Mr. WELLER] nor the other gentleman will object, because the bill is so simple in its provisions; what it proposes to do can be so clearly seen and is so necessary to prevent contraction of the currency.

Mr. HATCH, of Missouri. If one objection is not enough, I object.

Mr. DINGLEY. One point, Mr. Speaker. Will not the gentlemen who object consent——

Mr. WELLER. There is not anything the gentleman can say that will remove my objection.

Mr. HATCH, of Missouri. I call for the regular order.

The SPEAKER. Objection being made, the bill is not before the House.

Mr. DINGLEY. Very well; I have done my duty.

CHINESE TREATY STIPULATIONS.

Mr. BUDD. I offer, and ask unanimous consent for immediate consideration of, a resolution setting apart a day certain—Saturday, the 3d of May—for the consideration of House bill No. 1798, to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, a bill generally demanded by the Pacific coast and unanimously agreed upon by the delegations from that section of the Union.

The SPEAKER. The gentleman from California offers a resolution for immediate consideration. The resolution will be read, and the Chair will then ask if there be objection.

Mr. MONEY. Let us hear it first.

The Clerk read the resolution, as follows:

Resolved, That Tuesday, May 3, immediately after the reading of the Journal, be set apart for the consideration of the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882.

The SPEAKER. Is there objection?

Mr. HOLMAN. I believe it is confined to a single day.

The SPEAKER. It is confined to a single day.

Mr. MILLS. And not to interfere with revenue bills.

The SPEAKER. Is there objection to the introduction of the resolution?

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MORRISON. Unless the gentleman from California changes the day from next Tuesday to Saturday of next week I shall have to object.

Mr. BUDD. It does so read at present—Saturday, the 3d of May. That is my motion. I amended or changed the resolution as originally drawn so as to read Saturday, the 3d of May.

The SPEAKER. The date is right, or in accordance with the statement of the gentleman from California; but the day named is "Tuesday."

Mr. SUMNER, of California. That is a clerical error.

Mr. BUDD. That is a mere clerical error. I intended to draw my pen through the name of the day on the line, when, at the request of Mr. MORRISON, I inserted Saturday above it, and changed the figure date.

Mr. MORRISON. With the day fixed at Saturday, the 3d of May, I shall not object.

The SPEAKER. Is there objection to the present consideration of the resolution? The Chair hears no objection. All those in favor of the resolution will vote ay——

Mr. HITT. I object.

Mr. SUMNER, of California. I hope not. This is a proposition to set apart a day for the consideration of a bill that is called for and approved by nearly every citizen on the Pacific coast irrespective of party. It is not a party measure. Besides, I think the objection comes too late and I make that point.

The SPEAKER. The Chair is of the opinion that the objection comes too late.

Several MEMBERS. Too late!

The SPEAKER. The Chair heard no objection in time in response to the question if there be objection. It now comes too late.

The resolution was adopted.

Mr. BUDD moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLUMBIA RAILROAD COMPANY.

Mr. KELLEY, by unanimous consent, introduced a bill (H. R. 6752) amendatory of an act to incorporate the Columbia Railroad Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

KANSAS CONTESTED ELECTION.

Mr. TURNER, of Georgia. Mr. Speaker, I desire to give notice that to-morrow I will ask the House to consider the contested-election case of Wood *vs.* Peters, of Kansas.

Mr. RANDALL. I ask the gentleman from Georgia to amend his notice so that it will be after the disposal of the pension appropriation bill, which will come up to-day after three speeches on the tariff. But it may lap over until to-morrow. I do not know that it will lap over, but I wish to provide against every contingency.

Mr. TURNER, of Georgia. I will endeavor to accommodate the gentleman from Pennsylvania if I can.

MARY SULLIVAN.

Mr. HENDERSON, of Illinois, by unanimous consent, introduced a bill (H. R. 6753) granting a pension to Mary Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EAST TENNESSEE JUDICIAL DISTRICT.

Mr. DIBRELL. I ask by unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 2728) detaching Grundy County, Tennessee, from the southern district of East Tennessee, and attaching it to the middle district of said State, and to put it on its passage, with an amendment suggested by my colleague [Mr. MCMILLIN]. It has been unanimously reported from the Committee on the Judiciary.

The bill was read, as follows:

Be it enacted, &c., That hereafter the county of Grundy, in the State of Tennessee, shall be detached from the southern district of East Tennessee and be attached to the middle district of Tennessee, and that all process hereafter issuing against citizens of said county of Grundy from the district or circuit courts of said State shall be returnable before the district or circuit courts for the middle district of Tennessee; and that any case now pending in the district or circuit court of the United States for the southern district of East Tennessee against citizens of said county of Grundy may, at their election, be transferred to the district or circuit court for the middle district of Tennessee, at Nashville.

Mr. DIBRELL. Now read the amendment of my colleague [Mr. MCMILLIN].

The Clerk read as follows:

SEC. 2. That the county of Fentress, in the middle district of Tennessee, be detached therefrom and be added to the southern district of East Tennesse, and hereafter all process issuing against citizens of the county of Fentress from the district and circuit courts of the United States shall be returnable before said court at Chattanooga, in said State: *Provided*, That causes now pending in the middle district of Tennessee from Fentress County shall be determined when pending, except in causes where both parties consent to removal.

There was no objection, and the bill was brought before the House.

Mr. MCMILLIN'S amendment was agreed to, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SEVENTH JUDICIAL CIRCUIT.

Mr. CALKINS, by unanimous consent, introduced a bill (H. R. 6754) authorizing the President to appoint an additional circuit judge in the seventh judicial district; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HENRY SANDHAVEL.

Mr. CALKINS, by unanimous consent, also introduced a bill (H. R. 6755) granting a pension to Henry Sandhavel, first lieutenant Company H, Twenty-fourth Regiment New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY A. OLCOTT.

Mr. EATON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That there be paid to Henry A. Olcott the sum of $623 for services as assistant in the library of the House of Representatives, being the difference between the pay of messenger and that of assistant, from July 1, 1876, to December 10, 1881.

LEASE OF POST-OFFICE BUILDINGS.

Mr. SKINNER, of New York. I ask, by unanimous consent, to take up for action at this time the bill (S. 1508) to authorize the Postmaster-General to lease premises for use of post-offices of the first, second, and third classes. To meet the objection of the gentleman from Iowa [Mr. WELLER] the Committee on the Post-Office and Post-Roads have agreed to reduce the limit in the bill from ten to four years. I desire to say further there are now cases pending in the Post-Office Department where the Postmaster-General declines to make a lease, because he can not do so advantageously to the Government. This is a plain business proposition and will save money to the Government. I ask the gentleman to withdraw his objection.

Mr. RANDALL. Is there a report accompanying this?

Mr. HOLMAN. I think it had better be examined more carefully.

Mr. KASSON. It has already been examined by a House committee.

Mr. SKINNER, of New York. And reported unanimously by the Post-Office Committee.

Mr. RANDALL. If there is a report, let us have it read.

The SPEAKER. There is no report accompanying the Senate bill, but the Chair is informed that there is a report from the Committee on the Post-Office and Post-Roads on a similar bill in the House.

Mr. HOLMAN. I think we ought to have more time to consider this matter.

The SPEAKER. Objection is made to the motion of the gentleman from New York.

Mr. MCMILLIN. I demand the regular order.

The SPEAKER. The regular order is the morning hour.

QUESTION OF PRIVILEGE.

Mr. COX, of New York. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. I call the attention of my friend from North Carolina [Mr. SCALES] to the statement I now propose to make. It is personal in its character. In the debate of last evening with reference to the bill introduced by myself from the Committee on the Census, providing for the publication of the Compendium of the Census and other documents, the gentleman from North Carolina [Mr. SCALES] is reported to have said during the discussion of that question:

I stated to my friend from New York, when he came to my desk, that I should not make any objection or raise the point of order on the proposition to print 25,000 copies of the Compendium of the Census if that was all that his proposition contemplated, and that the committee would make no objection to that. But since this proposed measure contemplates the printing of a great many other matters, which the committee have also under consideration, I must make the point of order against it.

Afterward the gentleman went on to say:

If my friend from New York will confine himself to what I understood him to state was the object of his bill I will withdraw the point of order; but so long as he insists on the passage of this bill, containing a great deal more than I had any idea of from what the gentleman stated to me, I must insist on it.

Now, Mr. Chairman, from the language which I have quoted, used by the gentleman from North Carolina, it would appear that I had deceived him into the belief that my bill only contemplated the publication of the Compendium of the Census; and, furthermore, that upon the statement made by me that as it only contained provision for the publication of that document, he agreed not to make the point of order. I stated at the time, in response to that, that I tendered him all the papers in reference to the bill, including a statement as to the monographs, to examine.

I will state now again, in answer to what has been said by the gentleman from North Carolina, that I handed to him a paper to read which contemplated the publication of the monographs also, and I will further state in the presence of the gentleman from North Carolina that I told him orally that I did contemplate in my bill the printing of the monographs provided for. I showed him another paper or memorandum, which contained my calculations, namely: for the publication of the compendium, $31,960; and for the monographs, $25,500; making a total for both publications of $57,460.

I made that statement to the gentleman from North Carolina in presence of the gentleman from Illinois I think [Mr. DUNHAM], to whom I will now yield.

Mr. DUNHAM. Mr. Speaker, in support of what has been said by the gentleman from New York I wish to say that I was present at the interview that occurred on yesterday between the gentleman fron New York and the gentleman from North Carolina [Mr. SCALES] while the latter gentleman was at his seat in the Hall. The question was asked by the gentleman from North Carolina [Mr. SCALES] of the gentleman from New York how much money was involved in the matter of this publication. The gentleman from New York showed him the figures, which he had on a piece of paper, aggregating some $57,000. He showed him also the figures in detail for the 25,000 copies of the Compendium of the Census and the monographs. The gentleman from New York did state to the gentleman from North Carolina plainly that this proposition contemplated not only the printing of the Compendium of the Census but also the printing of these monographs, at the same time holding up a

piece of paper and showing him the figures, amounting to $57,000 in all, that is to say, 25,000 copies of the compendium to cost about $31,000, and the monographs to make up the balance of the $57,000——

Mr. COX, of New York. Thirty-one thousand dollars for the Compendium.

Mr. DUNHAM. Yes; $25,000 for the monographs and about $31,000 for the compendium, making a total of $57,000, covering the whole expense. It was my understanding also that the gentleman from North Carolina, on the statement made to him by the gentleman from New York [Mr. COX], would make no objection to the proposition. I make this statement because I think it is due to the gentleman from New York that the House should have a correct account of the matter.

Mr. COX, of New York. Mr. Speaker, I have seldom risen to a question of privilege in my long service in this House. Perhaps as a rule such questions do not amount to much. But I could not to-day take that chair to look this House in the face with anything in the nature of a stigma upon my good name. I require that good name to stand me in stead for any emergency, for emergencies come to us all here at times.

In addition to what I have already said I state that I showed my friend from North Carolina a statement which I had prepared and proposed to use in connection with the discussion of the subject. I do not know, as I said yesterday, whether he read it or not. I pointed out to him also the correspondence I had had with the Census Office, but I do not know whether he examined the document I left with him closely or not at all. I think the Speaker will bear me out also in the statement, that when the gentleman from North Carolina approached him with reference to this subject he mentioned the fact that the amount covered by the bill which I proposed to introduce was $57,000, covering the compendium and monograph.

Now, my relations with the gentleman from North Carolina are to me almost sacred from old associations. From the confusion, or perhaps the little jealousy about this business, or whatever it may have been, he may have forgotten for the moment my statement as to these monographs. I regard them as part of the Census Reports. He perhaps thought they might have been included in the compendium. If so, it only shows the necessity of having a full debate on these subjects before money is expended.

When the gentleman from North Carolina brings in his bill authorizing 25,000 copies of the compendium it will go to the Committee of the Whole. It contains appropriations. I advise the House now that I will then offer an amendment to print both the compendium and the monographs, at a cost amountingto some $57,000. And I trust that will be satisfactory to the old members as well as to the new members, in whose interest especially this matter was brought forward in the Committee on the Census. I ask leave to publish the statements which I hold in my hand. The one marked A was in the possession of my friend from North Carolina. The other statements are from the Commissioner of the Census and the Public Printer. They will serve to facilitate the discussion when it comes up.

The SPEAKER. Is there objection to the gentleman from New York having printed in the RECORD the statements to which he refers?

There was no objection.

Mr. SCALES. I am much surprised, and I may say pained, at the course pursued by the gentleman from New York [Mr. COX]. I was wholly unprepared for an issue of this sort, whether sustained by the gentleman from Illinois [Mr. DUNHAM] or whether unsustained by anybody but the gentleman from New York. There was no occasion for an issue of veracity. I made no charge of that sort against the gentleman from New York. I simply stated to him what my understanding was; and the gentleman knows as well as I do, in my opinion, what my understanding was, and that is the reason why he did not make this issue with me yesterday. He knows that I stated to him that if he meant to publish the 25,000 copies of the compendium, my committee had acted on that part of it and would not object to that, and that for this reason I would consent to that and would not make the point of order on it. It is true the gentleman said something to me about these monographs, and spoke of the cost of his bill, amounting to about $57,000. But I did not agree to this, and after repeated conversations I believe that he only meant to press the printing of the Compendium of the Census.

So far as the gentleman from Illinois [Mr. DUNHAM] is concerned I desire to say this, and I think the gentleman from New York will sustain me in it, that when he came to me I protested against his doing what he proposed. I told him it was wrong and did not meet my approbation. But at his urgent personal solicitation, and because of our old associations, to which he has alluded and which I had cherished as much as he, I consented not to make the point of order as to the compendium. And I may say here that because of those associations I have been somewhat surprised to find him making an issue of this sort between him and myself, when any difference should have been put down to an honest misunderstanding and settled by ourselves.

Now, Mr. Speaker, I went to you to know whether the point of order would be sustained. I said to you what the proposition would cost, but that I was disinclined to make the point of order because my committee had agreed to print the compendium, and if Mr. COX did that it could not be amended; whereas if we reported it it could. After I saw you I then went to the gentleman from New York, and I think it was not until the third interview, some time after we had the talk in the presence of the gentleman from Illinois, that the matter was finally agreed upon as to what should be done. I had told him only I thought I should do so, but I had not finally determined and he knew I had not determined, because he came to my seat after I saw you, half an hour or more after the interview in the presence of the gentleman from Illinois, and urged me not to make the point of order.

I believe the gentleman from Illinois means to state what is right, but when he says I consented to it he is totally mistaken. For while he was there I protested against it, but before the gentleman from New York left I admitted again that I would consider it and might upon such consideration agree to it; but, as I said, sir, in the outset, it was my understanding that the proposition was in accord with the action of my commmittee upon the 25,000 copies of the compendium, and this fact I stated fully to the gentleman from New York and gave him the same reason for withdrawing my opposition that I had assigned to the Speaker.

Mr. COX, of New York. I would like also, if the House pleases, to publish some extracts from some foreign journals as to the utility of these publications, showing the wonderful value attributed to them by some of the worst critics against our country in Austria, Scotland, England, &c. I desire to have them appear in the RECORD preparatory to the debate that may come up on this proposition for printing.

The SPEAKER. If there be no objection the extracts referred to by the gentleman from New York will be printed in the RECORD.

There was no objection.

Mr. COX, of New York. The bill I was authorized by the Select Committee on the Tenth Census to move for the passage of under a suspension of the rules provides for the printing, binding in cloth, and distribution of an edition of 25,000 copies of the Compendium of the Tenth Census. This edition will consist of copies of two volumes each. Sixteen thousand copies are for the use of the House, to be supplied to members at the House folding-room. Eight thousand copies are for the use of the Senate, to be supplied to Senators at the folding-room of the Senate. One thousand copies are for the use of the Department of the Interior. The cost of this edition of the compendium will be about $31,960.

There is a general and I may say a very pressing demand by members of this House and Senators for the compendium. The same may be said respecting certain reports contained in the large quarto volumes of the Census Reports.

The printing in monograph form and distribution of a number of these special reports which are mostly in demand are also provided for in this bill.

The object in printing these monographs is to meet, in the most economical manner, the repeated calls on members of Congress, as well as the Census Office, for copies of special reports which in their present form of publication are bound with the large quarto volumes of the Reports of the Tenth Census.

So far this demand has been mostly for thirty-two of the special reports.

In the paper marked A, which I now offer, is a statement showing the nature of these reports, the number of each provided for in the bill, and an estimate of the cost of their publication.

The total number of the proposed edition of Census Report monographs is 84,500. The estimated cost, as given by the Census Office, of printing this edition and binding it in paper, with illustrations, is about $25,000. This estimate is I think somewhat too low. The cost will probably be a little more.

I am satisfied that the publication of these monographs will be the most economical mode of diffusing the special information for which there is such great demand, and which could now be furnished only by a large and expensive edition of the quarto volumes of the Census Reports. The demand for this information is too great to be supplied by the distribution of the quarto volumes. The expense would be enormous.

I submit herewith, as part of my remarks, a letter addressed to me on the matter covered by this bill by the acting Superintendent of the Census Office, under date of March 19, ultimo, marked C. The bill provides, in respect to the distribution of these monographs, that one-half of the edition shall be for the use of the House and one-fourth for the use of the Senate, to be supplied to Senators and Members in the same manner as that prescribed for the edition of the compendium. The remaining one-fourth of the monograph edition is to be given to the Census Office for distribution. The following extract from a letter addressed to me by the acting Superintendent of the Census, dated March 31, ultimo, will explain the reason for supplying the Census Office with this number of monographs:

> In the preparation of these monographs many facilities were afforded this office and the authors of the reports by persons throughout the country who claimed no compensation therefor, but to whom assurances were given (or authorized) by the Superintendent of Census that they should receive copies of the particular reports in the preparation of which they have gratuitously assisted. But for such courtesy, which it is now desired to officially recognize, much greater expense would have been incurred in connection with the preparation of many of these reports; and the assurances which the former Superintendent felt justified in extending it is the earnest desire of the present Superintendent to fulfill. And it may be added that a distribution of copies to such persons

would be placing the reports in the hands of those who would be most appreciative of their value.

EXHIBIT A.

Showing the names of monographs provided for in House bill No.—, the estimated cost per thousand copies of each monograph, number of copies desired, and the cost thereof, exclusive of cost of illustrations.

Special reports.	Estimated cost per 1,000 copies.	Number of copies provided for.	Total cost.
Seal islands of Alaska	$295	3,000	$785
Ship-building	476	3,000	1,328
The cereals	289	3,000	867
Glass	197	3,000	591
Alaska	303	3,000	909
Tobacco culture	473	3,000	1,419
Factory system	134	3,000	402
Wages	635	3,000	1,905
Newspapers	730	2,500	1,825
Silk	58	2,500	145
Chemical products and salt	70	2,500	175
Flour milling	45	2,500	113
Meat production	267	2,500	668
Petroleum	500	2,500	1,250
Coke	189	2,500	473
Tobacco manufacture	111	2,500	278
Shop tools	318	2,500	795
Cotton culture, United States	130	3,000	390
Cotton culture in Louisiana	162	2,500	405
Cotton culture in Mississippi	270	2,500	675
Cotton culture in Tennessee and Kentucky	200	2,500	500
Cotton culture in Missouri	60	2,500	150
Cotton culture in Arkansas	194	2,500	485
Cotton culture in Texas	286	2,500	715
Cotton culture in Indian Territory	64	2,500	160
Cotton culture in Alabama	273	2,500	683
Cotton culture in Florida	134	2,500	335
Cotton culture in Georgia	305	2,500	763
Cotton culture in South Carolina	118	2,500	295
Cotton culture in North Carolina	143	2,500	358
Cotton culture in Virginia	51	2,500	128
Cotton culture in California	235	2,500	588
Total, exclusive of illustrations	7,715	84,500	20,558
Additional for maps, diagrams, &c			4,442
Total estimated cost			25,000

EXHIBIT B.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., February 18, 1884.

SIR: Under date of January 19, the Superintendent of Census submitted to the Secretary of the Interior an estimate of the sum required for this office during the remainder of the current fiscal year in addition to the amount heretofore appropriated for that purpose. This has been transmitted to Congress in the general estimates of deficiencies for the present fiscal year by the honorable the Secretary of the Treasury.

As the early action of Congress upon this estimate must be asked, I venture to address to you, as chairman of the House Census Committee, a statement of the general requirements of this office and the present status of its work.

First, as to the status of work: In addition to the Compendium of the Tenth Census, consisting of two octavo volumes of 923 pages and 846 pages, respectively, there have been printed and published, as forming so much of the final report, four quarto volumes, as follows:

	Pages.
1. Statistics of population	961
2. Statistics of manufactures	1,198
3. Statistics of agriculture	1,149
4. Agencies of transportation	869

Volumes V and VI, quartos of 924 pages and 848 pages, respectively, now all stereotyped and being rapidly printed, comprise the final report on cotton culture in the United States, containing monograph reports on this industry for each of the cotton-producing States.

Volume VII will comprise the report on wealth, debt, and taxation, the entire matter for which is ready for the printer and the greater part already in type.

Volume VIII will comprise the report on forestry and the lumbering industry of the country, a magnificent monograph of 1000 quarto pages, with numerous illustrations. This matter is complete, and only awaits the facilities for publication.

The succeeding volumes, the exact order of publication and of construction of which has not been definitely settled, will comprise the following reports (pages partly estimated):

	Pages.
Statistics of mortality	1,200
Social statistics of cities	1,500
Report on the production of petroleum	315
Report on quarries and building stones	400
Report on newspapers and the publishing interests	475
Report on Alaska, its resources, &c	190
Report on the fur seals of Alaska	176
Report on ship-building	200
Mining laws of the United States	687
Statistics and technology of the precious metals	800
Social statistics of mining districts	200
Statistics of the base metals and of mining east of one hundredth meridian	800
Statistics of fire and marine insurance	900
Statistics of life insurance	100
Water-power of New England Water-power of North Atlantic Water-power of Middle Atlantic Water-power of South Atlantic Water-power of Northwest Water-power of Missouri River Water-power of Mississippi River	1,000
Water Supply of cities	300
Report on shop tools	150
Report on pumps and pumping-engines Report on engines and boilers	75
Report on wool and silk machinery	50
Report on fruits and orchards Report on hop-culture Report on sheep-husbandry and wool-growing	450
Report on southern fruits	25
Report on the gas industry	50
Statistics of ice	25
Statistics of wages	500
Statistics of fisheries	600
Statistics of oyster industry	250
Statistics relating to schools, libraries, and churches	500
Statistics of the defective, dependent, and delinquent classes	1,000

Of these reports all have been completed with the exception of the report on the statistics of mortality, and of the last two, relating, respectively, to schools, churches, and libraries, and to the defective, delinquent, and dependent classes. On these there remains to be done so much work only as may require the continuous services of the present force thereon engaged for the remainder of the present fiscal year.

Many of the reports above described will be more or less profusely illustrated. Contracts for these illustrations have been made by the Public Printer, and are in various stages of advancement. In addition, there are in type or stereotyped 5,893 pages, composing parts of several of these reports.

From the statement thus briefly made it may be seen that most of the work remaining to be done in this office has relation to the publication of reports which are otherwise completed. Revision, preparation of copy for the printer, proof-reading, and correction constitute in large part our present employment.

Second, as to the requirements of the office:

In order to continue such work of revision and arrangement, which is essential to the orderly and rapid progress of publication, and to complete the unfinished work relating to the statistics of schools, libraries, and churches, and to the deaf, blind, idiotic, and insane population of the country, and the mortality statistics, it is important that the present clerical force should remain practically intact throughout the remainder of the current fiscal year, and for this purpose an appropriation of $25,000 as a deficiency has been asked of Congress. In addition thereto the Superintendent has submitted an estimate that the sum of $5,000 per month will be required from July 1, 1884, for so long as may be necessary to bring to publication the remaining volumes of the final report of the Tenth Census. The duration of such period it is difficult to estimate at this time. But it will be largely, in fact almost wholly, dependent upon the facilities of the Government Printing Office with relation both to printing and binding, and to the completion of its contracts for the various illustrations.

As these estimates of additional appropriations required for the work of the Tenth Census will naturally and properly be subjected to severe scrutiny and discussion, and may provoke a comparison of cost of the tenth with previous censuses, I venture to submit for your consideration a few figures showing in comparison the cost of the Ninth and of the Tenth Censuses, with a brief statement of the scope of each.

The Ninth Census cost, in round numbers, exclusive of engraving and printing, $3,334,000, a per capita cost, based upon the total population in 1870, of 8 cents 6 mills. There has been appropriated for the expenses of the Tenth Census, exclusive of engraving and printing, $4,775,000, a per capita cost to date, based upon the total population in 1880, of 9 cents 5 mills.

If the scope of inquiry at the two censuses had been just the same, then upon the basis of the above expenditures the results of the Tenth Census would have cost per capita 9 mills more than did the Ninth Census. But the scope of the Tenth Census was vastly larger by reason of two factors—

First. The inquiries relating to such subjects as were common to both censuses (notably the inquiries relating to the population and to agricultural industries), which were almost double those at any previous census, were much more numerous at the Tenth Census, and were framed with a view to secure more exhaustive and detailed information than was had at the Ninth Census. The cost of the Tenth Census was therefore increased not merely in proportion to the increase of population and of the industries inquired of, but by a more detailed and elaborated plan of enumeration and subsequent treatment.

Second. In addition to this, the scope of the Tenth Census included fields of inquiry untouched at any preceding census, and in truth unknown to any other single statistical work. But although heretofore without precedent in combination or in the history of censuses, the new subjects of inquiry were of such general interest as to justify their inclusion in the scheme of the most elaborate statistical work ever undertaken.

But leaving out of view the more extensive and exhaustive treatment of the old subjects, and simply considering the gross sum expended on investigations common to both censuses, it will be found that the relative cost per capita at the Ninth Census was greater than at the Tenth Census. Thus, if from the total cost of the latter be deducted the sum of expense attending new investigations which were untouched at the Ninth Census, it is shown that the sum of $4,080,480 has been expended at the Tenth Census as against $3,334,000 at the Ninth Census, or a per capita cost of 8 cents 1 mill at the Tenth against a per capita cost of 8 cents 6 mills at the Ninth Census. The Compendium of the Ninth Census was an octavo volume of 942 pages, and the final report *in extenso* was comprised in three quarto volumes of (1) 853, (2) 702, and (3) 848 pages, respectively, making a total of 2,403 quarto pages. The average cost per page of this report was $1,390.

The Compendium of the Tenth Census consists of two octavo volumes of 923 and 846 pages, respectively. The final report in quarto form will contain not less than 18,000 pages, at which estimate the average cost per page, based on amount of appropriations already made, would be $265. (These figures are in each case exclusive of the cost of illustrations and printing.)

By another method of comparison it might be shown that the increase of population in the decade from 1870 to 1880 was 30 per cent. A proportionate increase in the cost of the Tenth Census would have called for an expenditure of $4,334,000, and this proportionate increase, in view of the more elaborate treatment of the old subjects, would not have been excessive. So that the entire cost of collecting and compiling all data relating to new subjects of inquiry may be said to have cost $441,000 in excess of what might fairly have been estimated as the cost of the Tenth Census if the scope and treatment of the latter were to be uniform with that of the Ninth Census. And for this comparatively small sum the Government will have produced the noble results comprised in the reports on forestry, cotton culture, social statistics of cities, the cereals, resources of Alaska, and many other valuable and unique monographs contained in the final report of the Tenth Census.

In order that the few compilations remaining unfinished may be completed within this fiscal year, and to prevent such a reduction of force as would result in a practical suspension of the work of publication now so rapidly progressing, it will be necessary to have the additional appropriation asked for made available before the 15th of March next.

This fact has been communicated to the chairman of the Committee on Appropriations of the House, and I have the honor to ask your consideration of this letter in connection with any action which may be taken relative to an immediate appropriation. Very respectfully,

GEO. W. RICHARDS,
Acting Superintendent of Census.

Hon. S. S. COX, *Chairman Committee on Census,*
House of Representatives.

EXHIBIT C.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., March 19, 1884.

SIR: If there should be favorable action taken by the Congress with reference to printing additional copies of the Compendium of the Tenth Census it would be advisable to embody in such an edition numerous changes, consisting in part of typographical errors discovered subsequent to the issue of the original edition, together with some errors both of omission and commission in the clerical work of preparing the tables of the compendium for publication. These changes, though of more or less consequence, are not vital, and would not justify any great additional expense, but they can be readily made at trifling cost if a subsequent edition of this work should be issued.

I venture to call your attention to the matter, although I presume that an order to print additional copies of this book would be sufficient authority for the incorporation of previous omissions and for the rectification of other errors without direct legislative action.

I beg also to address you and submit, for the consideration of your honorable committee, the suggestion that separate editions of each of certain of the monographs embodied in the general report of the Tenth Census be printed, in issues of numerical size commensurate with the probable demand for each. In this way, as it seems to this office, the most economical response may be made to the popular call for different portions of the final report.

Thus notably should be published such monographs as "The Cereals," by Professor Brewer; "Ship-building," by Henry Hall; "Alaska," by Petroff; "Foresty," by Sargent; the several reports on cotton culture in the various cotton-producing States; and other monographs having both a general and special local interest.

For example, the report of Professor Swank on the manufacture of iron and steel may be presented. This monograph as at present published forms part of the general quarto volume numbered II, which is devoted to the statistics of manufactures.

An edition of 20,000 copies of this volume has been authorised, and this number may possibly be deemed sufficient to supply the demand of the country at large for the general statistics of such industries; but in addition thereto is a lively local cry for Swank from such localities as are mainly and especially interested in the manufacture of iron and steel.

To respond to this special call with the report published in present form would necessitate a further large edition of the entire volume on manufactures. The same difficulty has obtained with relation to other monographs, and applies with equal force to all the more valuable and interesting special reports. If separate editions of each of these more important monographs, ranging numerically from 3,000 to 10,000 copies, proportioned to the particular demand, each copy to be plainly bound in cloth, were authorized by the Congress, I believe that such action would in the most economical manner meet a reasonable demand, which is daily increasing, for particular portions of the final report.

Within a few days I shall have the honor to submit to your honorable committee, through yourself, a list of the monographs which the present demand would seem to indicate might most profitably be thus issued, with the numerical size of the edition of each, which in the judgment of this office is desirable, together with the estimated cost thereof.

Very respectfully,

GEO. W. RICHARDS,
Acting Superintendent.

Hon. S. S. COX, M. C.,
Chairman Census Committee, House of Representatives.

EXHIBIT D.

OFFICE OF PUBLIC PRINTER, *Washington, D. C., April* 19, 1884.

SIR: In answer to your telephonic message of this date, I beg to inform you that the unexpended balance of the census appropriation March 31, 1884, was $288,410.74.

Very respectfully,

CADET TAYLOR, *Chief Clerk.*

Hon. S. S. Cox, *House of Representatives.*

EXHIBIT E.

AMERICAN LITERATURE.

It is needless to tell our readers that the Tenth Census of the United States,* of which the first completed volume now lies before us, was the most perfect, the largest in scale, the most minute and accurate in detail, the fullest of varied information that the world has yet seen. It is equally needless for those who have any experience, direct or indirect, of American State papers to say that its records promise to be fully worthy of the work. Every detail is given in its proper place; the economical history of every State, county, and township may be traced in elaborate statistical tables; the general results are collected, worked out, and formulated with utter indifference alike to labor and cost, with profound consideration for the ignorance, laziness, and convenience of the reader. The investigator bent on pursuing some special statistical inquiry will find materials not merely provided, but arranged, catalogued, summed up to his hand. The student who, without any such special interest, seeks merely a general view of American progress during the last century will find in the first pages of the volume before us all that he can desire in a threefold form—in text, tables, and maps, all equally excellent in their way. The maps display in the most impressive and striking form the movement of population. In the first three decennia this had not been very considerable. The population was increasing steadily and constantly, as a population with no restraint on multiplication, economic or natural, is sure to increase.

The natural rate, as gathered from the widest available survey, is supposed by statisticians to be something over that expressed in the saying that population doubles in twenty-five years. And it is a significant fact that economists with no bias on the subject, certainly with no bias in favor of slavery, found in the multiplication of the slave population of the Southern States the best and most typical illustration—the case of a people breeding at a rate restrained by no prudential considerations, where economic conditions were all in favor of rapid multiplication, without that carelessness of infant life which characterizes nearly all barbarian races and counterbalances their natural rapidity of breeding. The negroes naturally multiplied as fast as they could. Their masters took care that babies worth $20 in their first year, and rising in pecuniary value with every twelvemonth, should neither be neglected, starved, nor maltreated. Apart from emigration it is probable that no people has ever multiplied so rapidly as did the negroes south of Mason's and Dixon's line from 1810 to 1860. Immigration there was; for, as the deficiency of a free colored population shows, great part of the slaves of the so-called free States were not emancipated, but exported southward; but their number was not sufficient to affect seriously the population of those States in which agricultural labor was, necessarily or not, almost confined to the negro race. But the maps before us exhibit the general, not the special, movement of population.

* Statistics of the Population of the United States at the Tenth Census. June 1, 1880. Francis A. Walker, late Superintendent; Charles W. Seaton, Superintendent. Washington: Government Printing Office. 1883.

In 1790 this was confined to a strip along the Atlantic coast from the south of Maine to the north of Georgia. The territory west of the Mississippi still belonged to France, the coast of the Gulf to Spain. Long after the acquisition of Louisiana—that is, of the whole western side of the Mississippi Valley—the greater part of that valley still remained almost unpeopled. In 1820 there was a little strip of fairly peopled country, with between twenty to forty-five souls to the square mile, along the eastern bank of the Mississippi, as far north as the Yazoo; and population had begun slowly to spread northwestward in the vast territory surrendered by Virginia to the Union, with the sole condition that slavery should never be allowed therein; the territory whose surrender cost Virginia so dearly, which furnished the best part of the armies that devastated her soil and crushed out her independence. Kentucky, Tennessee, Ohio, and a comparatively narrow belt including about one-half of Alabama, were thinly peopled, counting from two to twenty souls to the square mile. From this date the westward progress of settlement has been constant and constantly increasing. The preponderance of political power, of agricultural and mining resources, if not of commercial and manufacturing wealth, now lies west of the Alleghanies; and the real "star of empire," the dot which on American statistical maps represents the so-called center of population is in each tenth year placed a little farther from the inner slope of those mountain ranges which a hundred years ago were to all intent and purpose the extreme western frontier of American civilization.

In 1850 that point fell, somewhat singularly, in Western Virginia, one of the most thinly-peopled districts east of the Missouri. In 1880 it seems to have been almost identical with the position of Cincinnati, in the well-peopled State of Ohio. In thirty years it had moved some four degrees of longitude to the westward, still along the thirty-ninth parallel of latitude. The slowness, rather than the rapidity, of its movement will surprise those most who have most closely followed the rapid filling up of the great prairie States and the almost more rapid peopling of the western bank of the Mississippi. The greater part of the North-East, from Lake Michigan to the Atlantic, has a population of between forty-five and ninety, the greater part of the South, east of the Mississippi, one of twenty to forty-five souls to the square mile. In no considerable region, those surrounding the great cities excepted, does the population exceed the highest of these figures. But more than half the domain of the United States—Alaska of course left out of account—is still unpeopled. With the exception of a few strips in California, Oregon, Colorado, and Utah, where the population scarcely ever reaches twenty, and is generally under six, the whole region west of the one hundredth parallel had in 1880 fewer than two souls to the square mile. Great part of this region is, of course, all but uninhabitable. The great alkali desert will not, till the conditions of human life and industry have undergone some gigantic revolution, be peopled in any sense. The vast plateau drained by the Colorado and its tributaries is doomed to barrenness by the enormous depth of its water ways. But it would take four times the present population of the Union, as evenly spread as railroads and steamers can distribute them, to bring up the entire country to the standard of Iowa, Missouri, and Illinois, much more to that of Ohio, Indiana, New York, and Pennsylvania.

EXHIBIT F.

[From the Neue Freie Presse, Vienna, January 10, 1884.]

THE GRAND WORK OF THE AMERICAN CENSUS.

Among the many things about which we ought to learn from our transatlantic brethren is the manner in which they take their census.

The censuses of the countries of Europe are not to be compared in the least with the magnificent and exhaustive enumerations which the United States regularly pursues every ten years, beginning in 1790. Not alone the population, but also the relations of the population are subjects which the American census settles with an accuracy never reached and never even attempted by any European enumeration. Besides the actual enumeration of the population, the census of the United States contains the statistics of occupations, of wealth, debt, and the most accurate and particular data relating to all branches of manufacture and industry. The census also contains full information regarding the agricultural resources of the country, which serves as a basis to the continuous reports of the Agricultural Department, for it enumerates directly the number and size of farms, the value of agricultural implements, value and quantity of products, of live stock, and many other things, the knowledge of which in other countries has always been neglected, and certainly has never anywhere been inquired into to such an extent. The American census contains also the statistics of the various industries of the country, with retrospective comparisons to facilitate the proper judgment and consideration of its present magnitude. Hundreds of questions, which in the majority of the European states are slurred over, since there exists no source from which positive data can be obtained, are solved by the American census through diligent research. Any one attempting a comparison between the Austrian and American statistics of industry will soon be convinced of the utter impossibility of such an attempt.

The Government of the United States introduces its practical sense into this part also of its machinery. It seeks by statistical paths everything that bears upon any part of political economy. In Austria we often enough feel the necessity for better information, but we are not granted the means to procure it.

When during the last census the necessity of an enumeration of the industries of Austria was spoken of one encountered deaf ears only. It is even said that the few statistics that were gathered on this point can not now be printed on account of the necessary appropriation not having been granted.

The American census further includes the statistics of transportation, railroads, steamboats, canals, telephones, and telegraphs, and these complete the picture of industrial development, to the further comprehension of which such statistics as relate to insurance and public indebtedness are added. Finally, this splendid work contains in separate monographs a series of the most important articles relating to intellectual culture. We find statistics of schools, of newspapers, and various lights are thrown upon the intelligence, the illiteracy, and the mortality of the population.

The Government of the United States has published a compendium of nearly 1800 pages, which presents all the most important statistics in tabular form, which compendium was published in an edition of 25,000 copies.

But this was only to serve the purpose of giving to the public the gathered facts as quickly as possible. It was only the precursor of the imposing census work, the publication of which has been authorized by Congres.

The first six volumes are ready for the press. The first of these has just been placed in our hands, and excites not only just commendation and admiration as regards its form and press-work, but also a painful feeling of comparison with the truly trivial publication which the Austriaa Government has issued.

Aside from the tabular exhibition the American census offers abundant attractions even to those who are afraid of statistical tables. An explanatory text is added, and graphic charts and maps illustrate the volume in such numbers as were hardly ever added to any statistical work.

A rapid glance over the charts relating to the density of population, foreign and native, white and colored, temperature, rainfall, &c., is sufficient to explain the most involved statistics. These charts represent many laws of the growth of the entire country, relative to which other states have not even made the slightest attempt to obtain information. To give only one example: the advance of the center of population. We in Austria know, even now, not where the point of gravitation of the population, in the sense of the American census, exists; that point, namely, upon which the entire population bears with equal

weight. We only feel that the advance of this political point of gravitation takes place from southwest to northeast, without being at all clear whether such movement is not exactly contrary to the one which the laws of demography indicate as the natural one.

EXHIBIT G.

[From the Scotsman.]

It is not easy to witness without a pang of envy the stately procession of volumes that issue from the Census Office of the Department of the Interior at Washington. Naturally one seeks to compare with them the fruits of the labors of our own census commissioners, and to find something that will gratify national self-satisfaction. In truth, however, a comparison is barely possible. Those to whom has been intrusted the task of collecting, systematizing, and tabulating the British statistics of population in 1881 have done the best they could, and it may further be acknowledged that they have done well. There have been some notable improvements in method, and a general advance in clearness and fullness. Altogether a laborious duty has been performed, with an amount of conscientious care and ability which are pleasant to contemplate so long as the American census reports can be kept out of view. These, however, are on another plane. The hard work, the painstaking, striving after accuracy and completeness, is here; but there is also an extraordinary amount of hard thinking in combination with a remarkable talent for bringing forth the illuminating and informative virtue of statistics. No cost, also, has been spared in bestowing on the figures all the fresh meaning and significance that can be derived from colored map, diagram, and illustration. A literary and scientific staff have been employed to write upon such subjects as the history and peculiar social conditions of the leading cities of the Union, the progress and present state of its great industries, and the outstanding facts in its geology and kindred studies.

These supplementary papers are valuable both as monographs and as sidelights on the main body of facts and figures. The dry bones of statistics have been clothed in flesh and blood, and emblazoned with artistic devices, and invested with almost romantic interest. Take the massive volume which has just issued from the Department of the Interior, containing the completed returns of the population at the Tenth Census of the United States. It contains more than seventy maps and diagrams, illustrating, among other things, the distribution and composition of the population as regards race and sex and birthplace; and the climatic conditions of the country as regards temperature, rainfall, and elevation. Most of these are full-page; many of them are beautifully tinted; all of them display extreme care. The great features and even the small details of the statistical tables are focused, and, as it were, photographed in these maps. Without assistance from the reports or returns, one may gather from them a singularly full and clear knowledge of the past and present stages of the development of the American nation. Here, for instance, are a series of maps that exhibit the density and spread of population from one decennial period to another. With what vast strides the course of empire has held its westward way; with what unfailing instinct the rushing tide of population has selected the choicest and most accessible lands and the strategic points for commerce and industry; with what a bound it has cleared the Rocky Mountains and overrun the rich gold and grain yielding region beyond, leaving the mountain plateaus and deserts for leisurely after-occupation.

We are not surprised, of course, to find that the incoming hosts, having the choice of half a continent before them, still refuse to invade the pine-colored heights of Maine, or the Everglades of Florida, though these lie close to the Atlantic; and that, except where a metalliferous bait is held out, they "fight shy" of the bad lands of the Missouri or the arid deserts of Arizona and Nevada. But observe the unerring instinct with which population adjusts itself to the best conditions of soil and climate. It abhors extremes, whether of high or of low elevation, of moisture or aridity, of heat or of cold. Not one-fifth of the inhabitants choose to live below the 100-foot survey line; only 3 per cent. will consent to ascend above 2,000 feet. No less than 98 per cent. have selected a mean annual temperature between forty and seventy degrees, though over vast tracts of country the mean rises above or falls below these limits; the relatively small region having a rainfall between thirty-five and fifty inches in the year possesses nearly 72 per cent. of the inhabitants. Or examine the charts which exhibit the laws under which the colored and the foreign-born population arrange themselves in varying degrees of density, in obedience to geographical position, climate, and prevailing occupations. These two elements of the curiously mingled American nation are the complements of each other. Where the one is heavily massed, the other takes open order or holds entirely aloof. Forebodings may arise that in this inveterate tendency of the immigrant races from Europe to appropriate to themselves the Northern and Northwestern States, and the tenacious hold which the people of African blood retain on the South, we see the direful spring of future woes unnumbered to the Union.

From other maps and diagrams we are enabled to discern that the peculiar idiosyncrasies of the different European races display themselves in choice of locality and occupation, and in other ways. The Irish are discovered clinging to the Eastern States, eschewing agricultural pursuits in favor of town occupations, and becoming "congested" in the poorer parts of the great cities, as they are in the wilds of Connemara. Turning to the tables, it is found that 45.26 of the population of Irish birth were in 1880 congregated in the fifty largest towns of the Union. The German emigrants also are largely dwellers in towns, 38.73 of the emigrants of that nationality being settled in the populous centers. Compare with this the percentages of natives of England and of Scotland—29.87 and 30.01, respectively—that have chosen urban in preference to rural localities; or as furnishing a more marked contrast, the proportions of Norwegians and of Swedes found in the large cities, which are only 8.02 in the case of the former, and 14.08 in the case of the latter.

Ireland and Germany still continue to furnish the largest quota of the European immigrants to the States, and to form the chief elements of the foreign-born population of the principal cities; the Irish being predominant in eleven and the Germans in twelve out of the twenty-three towns having more than 20,000 inhabitants. Yet, alike in the cities and in the country generally, their proportion to the aggregate foreign-born population and to the total population is falling off in the case of both, while the proportion of natives of England and Scotland is slowly, and that of natives of Scandinavia rapidly, growing. The French also have relatively fallen off, while the British-Americans, the Hungarians, the Poles, the Italians, the Russians, and the Chinese have relatively increased. This curious fact, too, has to be noted in regard to the Celtic and Teutonic strains which during the past half century have most largely contributed to the peopling of the United States, that for some occult reason they decline to fuse together. Thus it appears that while in the census year there were 1,611,000 persons of Irish birth and 1,276,000 persons born in Germany living in this country, and besides these, it is calculated, about four millions and a half of persons of Irish parentage and a somewhat larger number of German parentage, the number scheduled as the offspring of marriages between men and women of the two races is "astonishingly small."

The Irish in America, indeed, intermarry very little with the native-born or with any of the other elements of the population. The same is still more true of the Scandinavians; but this is due largely or wholly to the manner in which these settlers are grouped together in compact colonies in the Northwestern States, to the strangeness of the language, and to the newness of the immigration. On the other hand, study of the maps and tables reveals the Germans yielding readily to "considerations of personal adaptiveness, of affection, of pecuniary interest, or of propinquity in mating for life, in spite of differences of speech." In the case of the English and Scottish immigrants who have no "differences of speech" to surmount, they succumb even more readily to those considerations which produce a blending of the foreign and native born population. This is greatly assisted by the wide range over which these two classes of immigrants have spread themselves. The Scotch especially have a remarkable tendency to scatter, instead of aggregating together like the Irish; from the very early history of the States we read "the Scotch were, as they are now, everywhere, though not largely in New England, nor generally in colonies anywhere." Scottish blood is therefore widely though not very lavishly sprinkled throughout the whole Commonwealth, and the American stock and the American character we may venture to say are all the richer and stronger for that admixture. The Irish themselves become cosmopolitan in their affections and blend freely with the other elements of the population when—as in the South and the West—the force of circumstances compels them to give up their gregarious ways.

Volumes of information concerning the social organization and habits of the American nation are conveyed by means of shadings of the maps and lines in the diagrams and by the very classification adopted in the tabular statements of trades and occupations. Thus the age and the stage of development of the various States and Territories is indicated with wonderful accuracy in the diagrams, showing by means of circles the bulk and proportion of the male and female population in each. Where, as in the Eastern States, it is seen that the female element appropriates to itself a full half or more of the area of the circle, civilization is fully organized and firmly planted; where, as in Colorado or Montana, it fills little more than one-fourth part of the sphere, society is a chaotic and unlovely thing, the rude work of man laboring without a helpmate. So, also, in the tables of occupations; wherever the proportion of bread-winners to the population is abnormally high, there, we may conclude, the rough pioneering work of colonization is still going on. In new and remote States and Territories the introduction of the domesticities and amenities of life can be gauged in figures. In Wyoming, while the population increased 128 per cent. in the decennial period, the numbers engaged in occupations only increased 34 per cent.; in Arizona there was an increase of 319 per cent. in population, and only 269 per cent. in workers. This does not mean that there was less industry—quite the reverse; but simply "the growth of homes with women and children in the place of the lumbering camp and the ranch, occupied by men only, all of whom were workers."

In some other States the rapid influx of immigrants, composed chiefly of adult males, has made the increase of workers keep pace with or surpass the increase of population. That influx was larger during the decade from 1870 to 1880 than in any previous period of American history or in the history of any race or nation; and to this must largely be set down the fact that over all the country the number of bread-winners has grown even more rapidly than the number of inhabitants. Agriculture still holds foremost place, but other occupations are making up on it; the rural districts still contain the great bulk of the population, but the towns are now absorbing and developing even more rapidly than the country. A strange and complicated problem is being worked out on a vast scale and on a magnificent stage. It is worth the while of the American people to spare no cost and no trouble to render its operations visible to the eye and intelligible to the mind, and they have spared neither.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. MORRISON. I move that the morning hour be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

EVENING SESSIONS FOR DEBATE.

Mr. MORRISON. Before I move that the House resolve itself into Committee of the Whole House on the state of the Union I desire to ask unanimous consent that, until otherwise ordered, there be evening sessions for the purpose of debate only.

The SPEAKER. Beginning at what hour?

Mr. MORRISON. I propose that the House shall each evening take a recess say from 5 o'clock until 8 o'clock.

The SPEAKER. Does the gentleman desire the order to begin this evening?

Mr. MORRISON. Yes, sir.

The SPEAKER. The gentleman from Illinois asks unanimous consent that from and after to-day there be evening sessions for debate, the House to take a recess from 5 o'clock in the evening until 8 o'clock; not to interfere, as the Chair supposes, with the Friday evening set apart for the consideration of pension bills.

Mr. MORRISON. No, sir; nor with any other evening devoted to any subject.

The SPEAKER. There is no other evening assigned so far. Is there objection?

Mr. ADAMS, of Illinois. Is that order intended to apply during the rest of the session?

The SPEAKER. The request is that it shall be until otherwise ordered.

Mr. DINGLEY. I would like to have the condition inserted that the order shall not interfere with any evenings otherwise assigned.

The SPEAKER. That is a part of the request. The Chair hears no objection and the order is made.

PATENT OFFICE.

The SPEAKER laid before the House a letter from the Secretary of the Interior, in response to a resolution of the House, transmitting a letter from the Commissioner of Patents in relation to the deficiency in room and insufficiency of force in the Patent Office; which was referred to the Committee on Patents, and ordered to be printed.

DEFICIENCY OF ARMY APPROPRIATIONS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Paymaster-General asking an appropriation of $275,000, to be immediately available, to supply a deficiency in the appropriation for the pay, &c., of the Army

for the current fiscal year; which was referred the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. MOREY, for one week.

To Mr. JOHN S. WISE, for three days, on account of important business.

To Mr. FORAN, for four days, on account of important business.

COMMITTEE ON THE POST OFFICE AND POST ROADS.

Mr. MONEY asked and obtained unanimous consent that the Committee on the Post-Office and Post-Roads have leave to sit during the sessions of the House.

ORDER OF BUSINESS.

Mr. MORRISON. I now move that the House resolve itself in Committee of the Whole for the purpose of further considering the tariff bill.

Mr. TALBOTT. I ask the gentleman to yield to me to offer a resolution to fix a day for the consideration of business reported from the Committee on Naval Affairs.

Mr. MORRISON. I will do so if it gives rise to no debate.

BUSINESS FROM COMMITTEE ON NAVAL AFFAIRS.

Mr. TALBOTT, from the Committee on Naval Affairs, reported the following resolution for present consideration:

Resolved, That the session of Saturday, May 10, after the morning hour, be devoted to the consideration of bills and joint resolutions reported from the Committee on Naval Affairs and bills and resolutions on the Speaker's table over which said committee has jurisdiction, except bills providing for the construction of additional war vessels; the bills and resolutions to be considered in the order agreed upon by the committee.

Mr. ANDERSON. Does that confine it to one day only?

Mr. TALBOTT. One day only.

There being no objection, the resolution was received, considered, and adopted.

Mr. TALBOTT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MORRISON. I now renew the motion to go into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (H. R. 5893) to reduce import duties and war-tariff taxes. The gentleman from Texas [Mr. WELLBORN] is entitled to the floor.

Mr. WELLBORN. Mr. Chairman, the bill under consideration is not an effort to readjust the incongruous details of our present tariff schedules; but, as I understand, it is substantially the first step in a policy which looks to the ultimate reduction of duties to a strictly revenue standard. I shall not, therefore, undertake to point out the particular inequalities and excrescences of existing laws, but, what is more pertinent to the occasion, speak to the principles and methods of protection.

The bill in its logical sequences puts protection as a system squarely on trial; and even if the bill did not, it would be idle to talk of evading or postponing the issue. The unexampled burdens of our customs duties have quickened the masses of the people on whom these burdens fall into searching, determined, remedial investigations; and the agitation thus begun is destined never to cease until the Federal power of taxation is forever brought to its rightful function, the raising revenue for the support of the Government.

Protection is doomed, and the chronicle of its fate will be read at no distant day in the legislation of a Democratic Congress. My purpose is to show the desirableness of this consummation; and I shall proceed to assign some of the reasons why it ought to be accomplished. These reasons, such of them as I shall present, may be conveniently and it seems to me logically grouped under two general theses.

First. Protection lays destructive hinderances on all the agencies of commerce and is monopoly in its worst form.

Second. Protection is an illegitimate and a pernicious use of the right of taxation.

To these arraignments I shall speak in the order of their statement; and at once to the first.

Under pretense of providing revenue protection not only raises and grants bounties, not only extorts from many to give to few, but accomplishes its objects at the expense of widespread and disastrous interference with the natural operations of trade. It is but the repetition of long-acknowledged axioms to say that rational self-interest is the universal motive, and buy where you can buy cheapest and sell where you can sell dearest the fundamental law of exchange.

The propriety of the application of this law to domestic trade none dispute.

The advantages of commercial intercourse undisturbed by factitious restrictions have been strikingly illustrated in the domestic policies of our own people. Under these policies marvelous growths have been developed. Within a few generations a continent has been reclaimed from barbarous habitudes to the highest walks and conditions of civilization; wildernesses have been subdued and their primitive solitudes broken by the teeming and prosperous homes of millions of people. Who will deny that these realizations have been largely promoted by freedom of reciprocal trade between citizens of the different States, and that further progress and development in any State would be retarded by the imposition of duties by that State upon the products of other States?

If freedom of exchange is the natural order of things and beneficial when applied to domestic trade, how does it suddenly cease to be advantageous between citizens and commodities of different nations? Does the mutual advantage of parties to an exchange depend upon the accident of birth or the condition of citizenship? The statement of the question is its refutation. Nationality has nothing to do with the economic fruits of a given trade. Competition if left to its own decisions will determine the question as unnerringly as acts the physical law in obedience to which the needle, while it may move quiveringly, still turns to the pole.

No Congress, however powerful or familiar with the forces of political economy, has either the right or the wisdom to determine for individuals from whom they shall buy or to whom they shall sell. These matters are outside the legitimate province of government, and ought not to be subjected to legislative interference further than the needs of revenue require.

Avarice and selfishness, however, unrestrained by considerations of social duty, are always in conspiracy to raise up factitious enemies to the beneficent principle of competition. At times they instigate capital to obtain, through engrossment, the whole supply of a desirable article, and thus lay outrageous extortions on all whose wants constrain them to become purchasers. At other times they successfully besiege Congresses, under the captivating plea of protecting our own citizens, to lay such duties on foreign products as will enable the home manufacturer to place upon his goods whatsoever prices he will. Each of these contrivances is an enemy to competition; both are monopolies, and of the two the last is the worst. These examples of monopoly, the one being protection as it exists, the other selected for purposes of comparison, differ widely in important particulars. In the one the wrong and injustice are the products solely of individual effort; in the other (which makes them incomparably worse) they are wrought out through the agency of Government. The one is local and transitory; the tendency of the other is to continuous expansion; and expansion, by multiplying the protected industries, serves to enlarge and perpetuate the system. Protection feeds and grows and strengthens on its own vices.

Sturtevant, in his Economics, forcibly pictures the gradual processes in the development of a protective system; and I ask the careful attention of the committee to one paragraph. In it you will recognize scenes that have transpired under your own observation within the walls of this Capitol:

> Let us suppose that up to a certain time free trade had prevailed, when persons interested in establishing some new industry had found foreign competition inconvenient and applied to the Government for a protective duty. The Government grants the request, and the revenue law is modified accordingly. The petitioners go away, for the present satisfied. Let us suppose that these petitioners were manufacturers of woolen cloth. The wool-growers are not slow to discover that on the one hand they are obliged to pay more for woolen cloths, while on the other hand they are severely pressed by the competition of foreign-grown wool. They apply for protection, and it can not be refused. This takes away a part of the value of the privilege conceded to the manufacturers of wool, and they are discontented.
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> The principle of protection is now established, and every industry which encounters any foreign competition will demand and can not be denied a share in it. The iron-men of every grade must be protected, and every dime of protection which is granted to them increases the price of machinery for the manufacture of woolens, and thus damages the woolen interest. The cotton-men, too, must be heard. They have to pay higher wages to their laborers, because the cost of living has been increased. Workmen in this climate must have woolen cloth. The cost of machinery is increased, and therefore it costs more to manufacture cotton goods. They, too, must be protected. Soon the woolen interest has lost more by monopolies granted to other industries than it gained by the one originally granted to itself, and it besieges the Government more clamorously than ever for more protection, and with much more powerful argument. It now wants to be protected, not so much against foreign competition as against the monopolies granted to other industries.
>
> These, one and all, are soon again thronging the lobbies of Congress demanding more protection. The privilege granted to one industry is destructive of that granted to every other, and no man can tell to-day whether his particular industry is on the whole benefited or injured by the protection which actually exists, or whether if the whole were at once swept away his interest would not be actually relieved of an oppressive burden. But all still worship with unfaltering faith at the shrine of exclusiveness, and clamor for more protection as the panacea for all their ills. The coal interest must have protection, however much that may injure the iron interest, and the iron interest must have protection, however that may affect the woolen and the cotton interests. If protectionists could demonstrate some great law of nature by which it might be determined with accuracy when and to what amount protection should be granted, the whole thing might be reduced to order and law and reason; but till that can be done (and it never can be done), it will present a scene of wild confusion, self-contradiction, and self-destruction.

So that protection, in its final analysis, is but a fierce war of monopolies over antagonistic special privileges, and when once inaugurated is illimitable in its possible scope. It permeates all the arteries and veins of commerce and infects the whole economic system with vicious motives and conditions. It teaches men to look to Government aid

rather than rely on the capabilities and advantages which nature has given them. It converts Congress into a theater of unseemly strife between pampered interests, each voraciously grabbing for the biggest share in the wicked monopoly of robbing the people.

Monopolies, Mr. Chairman, of all sorts and degrees "infringe the right of exchange, are unjust in nature, and odious in practice." The highest ingenuity of man would be baffled in an attempt to devise one which combines all these iniquities to a greater extent than protection. It is utterly at war with the genius of our institutions, which proclaims, wherever its voice is heard, "Equal protection of the laws to all, unjust privileges to none."

In the second place, protection is an illegitimate and pernicious use of the right of taxation. It is no answer to this charge to say that the courts of the country have never yet held a tariff schedule unconstitutional because of its protective features. It is true that the courts have not, and unfortunately there are reasons why they probably never can review the precise point. Congress has the unquestioned power to lay and collect duties for revenue. If a schedule of duties in any measure effects this end, the motives which influenced the law-makers in the arrangement of the schedule are beyond the reach of judicial scrutiny.

A tariff, therefore, might be construed mainly with a view to protection, and yet the courts of the country be powerless before the gigantic wrong, for the simple reason that the system produces some revenue. This unavoidable impotency, however, of the judiciary to restrain legislative discretion in the selection of means to a lawful end in no way affects the true constitutional principles and methods of taxation, nor does it bring in conformity to them the purposes and devices of protection. It has taught the latter, however, to intrench itself behind the former; and hence we hear of "protection" as an "incident" to "revenue." The employment of these words, in the light of existing practices, is a deceptive characterization of a system whose methods, avowedly adopted for lawful ends, are in reality destined to ulterior and wrongful uses. The alleged incident has notoriously become the chief object, and revenue serves mainly as a pretext for accomplishing protection.

Against this fraud in the use of language I protest. If protection is good, if protection is right, if protection is constitutional, let it stand on its own merits, and not seek, as has been suggested, to lean on something so respectable as revenue. If a huge system of monopolies is to be perpetuated, and fatten on the substance of the land, let it not escape the odium and execrations an appropriate appellation invites.

"Incidental protection," sir, as a designation of our present tariff is hypocritical phraseology, and a practical illustration of that treacherous device which Pollock aptly portrays in the idea of service rendered to the devil in the stolen livery of the court of heaven. It seizes upon a high constitutional right, that of taxation, designed for the beneficent purpose of enabling Government to live, and prostitutes it to the abominable office of extorting from the masses of the people to build up colossal fortunes for individuals. Such a situation is the debauchery of Government.

Taxation justly understood is not unrestrained power of disposition over private property, but power of appropriation limited to a defined end, and even when temperately exercised within the limitation the power is severe and onerous. It takes from the citizen compulsorily a part of his own property and renders no equivalent except the security Government affords for the unmolested enjoyment of that part of his property which remains. This harsh and rigorous power can be effectually confined to the end which justifies its exercise only by subjecting it to one inflexible condition, namely, that the Government shall always, as far as possible, receive the whole produce of the power. The one feature, therefore, which distinguishes legitimate taxes from other accumulations of money is the fact they go into a public treasury and are thence disbursed through prescribed channels. Not so with protection. Its processes are so insidious that they collect from the people without accounting to the Government, and from this fatal vice results two inevitable and prodigious evils: First, the exactions of protection are enormously in excess of the revenue which it yields to the Government, and no adequate return is made to those on whom the exactions are laid; second, of these excessive exactions of protection not a dollar goes into the Treasury, but the whole inures to the benefit of preferred classes.

The attempted accomplishment of these evils by direct methods, while in no whit magnifying them, would at once expose their insufferable enormities. If it were proposed to the voters of this country to raise annually by direct process of taxation vast sums of money and apply them to the building up of private fortunes, the proposition would be indignantly spurned from one end of the land to the other as a monstrous perversion of the right of taxation. To such a wrongful use of a rightful power, if openly attempted, no civilized people under the sun, however abject their political vassalage, would willingly submit. England, grandly historic in her early struggles for human liberty, has been more than once in the convulsive throes of revolution for usurpations of power not more flagitious. And yet, sir, these grievous mischiefs are precisely what protection through its artful contrivances substantially effects. This is made obvious to the commonest understanding by a glance at the nature and practices of the system. Its design is to screen certain branches of home industry from foreign competition. It accomplishes this design by laying such duties on foreign products as will either prevent or diminish their importation.

The effect upon the prices of the home products is to enhance them approximately to the extent of the duties laid on the foreign goods. These artificial enhancements of prices, cruelly extorted from the consumer by operation of law, constitute the exactions of protection in excess of the revenue which it yields to the Government. It is difficult to ascertain the full extent of these exactions. A tariff of any sort, being a charge upon consumption, is necessarily disguised in its operations, and never advises of dates or amounts those upon whom its burdens fall. The only possible security for the tax-payer lies in the principles on which the tariff is constructed. If these principles are strictly revenue, the processes, though still disguised, will work out just results; if, however, protection is the structural idea, the processes become so insidious that the grievous mischiefs stated inevitably follow. Such a system burdens consumption at all conceivable points, nor is there a time when it ceases to call for more. It lays its remorseless touch upon the cradle and reaches relentlessly into the grave.

The gentleman from Kentucky [Mr. TURNER] in the last Congress graphically portrayed its monstrous but accustomed details as illustrated in the every-day experience of the farmer.

I quote from his remarks:

Here is a statement showing a few of the burdens of the farmer: Under this tariff he rises in the morning, puts on his common flannel shirt taxed 95 per cent.; his coat taxed 57 per cent.; shoes taxed 35 per cent.; and hat taxed 92 per cent.; takes the water from a bucket taxed 35 per cent., and washes his face and hands in a tin bowl taxed 35 per cent.; dries them on a cheap cotton towel taxed 45 per cent. He sits down to his humble meal and eats from a plate taxed 50 per cent., with knife and fork taxed 35 per cent.; drinks his coffee with sugar taxed 68 per cent., seasons his food with salt taxed 69 per cent., pepper taxed 61 per cent. He looks around on his wife and children, all taxed in the same way; takes a chew of tobacco taxed 199 per cent., or lights a cigar taxed 118 per cent. And, sir, even the sunlight from heaven that pours into his humble dwelling must come through window-glass taxed 59 per cent.; and yet he thinks he lives in the freest government under heaven. Then he starts to work, puts a bridle taxed 35 per cent. on his horse, and takes his horse that has been shod—the nails used in shoeing being taxed 59 per cent., driven by a hammer taxed 20 per cent.—and hitches him to a plow taxed 45 per cent. with chains taxed 58 per cent.; and after the day's labor is closed and his family are all gathered around he reads a chapter from his Bible taxed 25 per cent., and kneels to God on a humble carpet taxed 51 per cent.; and then he rests his weary limbs on a sheet taxed 45 per cent., and covers himself with a blanket that has paid 104 per cent. Nor do these grasping manufacturers stop here, but even the broom with which his good wife sweeps the floor is taxed 35 per cent., and the cooking vessels used in preparing her husband's frugal meal are taxed 42 per cent., and the soda used to lighten his bread taxed 59 per cent. She sits down to her sewing with a needle taxed 25 per cent. and a spool of thread taxed 74 per cent., to make a calico dress taxed 58 per cent.; or if she wishes to knit warm socks, to protect her husband and children from the bitter cold, she uses yarn taxed 120 per cent.; and thus daily and hourly must the hard earnings of the laborer go to satisfy the manufacturer and add to his ill-gotten wealth.

I repeat it is difficult to tell the full measure of the excessive exactions of protection. They are susceptible, however, of approximate estimation, and were computed by the distinguished Senator from my own State, Senator COKE, in his able speech to the Senate February 8, 1882, which has so honorably associated his name throughout the country with the subject of tariff reform. The following is his estimate:

During the fiscal year just closed the value of dutiable merchandise imported into this country from abroad, as the Treasurer's report shows, was $448,061,587.95. Upon this merchandise was collected at the custom-houses $193,800,897.67, being an average of 43¼ per cent. This is the entire revenue of the Government derived from the tariff for the last fiscal year. Now, what amount do the manufacturers receive from the tariff? By the census of 1870 it was estimated that $4,000,000,000 worth of manufactured articles were consumed annually in the United States. The figures for 1880 are not yet published so as to be accessible, but following the ratio of increase in population and everything else, they must now amount to at least $5,000,000,000 each year. All these manufactures being increased in cost to the consumer by the amount of tariff duty, which, as I have before stated, is an average of 45 per cent., which goes to manufacturers, it is easy to see on that basis what the share of the manufacturer would be. But I will discount that per cent. so as to more than cover all contingencies and all drawbacks, and say they only receive under the tariff 25 per cent. on the sum total of manufactured articles consumed in the United States, and it amounts to the enormous sum of $1,250,000,000 annually; and the amount increases each year with the population and trade of the country.

So for the year 1881 the results of tariff taxation and the distribution of its proceeds may be tabulated thus:

Revenue received by the Government	$193,800,897 67
Bounty received by manufacturers	1,250,000,000 00

So that for every single dollar paid into the national Treasury under the existing tariff six and a half dollars, at the lowest calculation, go into the pockets of the manufacturers. If this vast sum of money were collected annually from the pockets of the people directly to be given to the already richest class of people in this country each year its monstrous iniquity would of course be so apparent as to defeat it. But it is collected indirectly, though as surely, in an increased price of everything they consume, in everything they eat, drink, and wear; in every tool and implement they work with; in every article which enters into the construction of the houses they live in, whether used for strength or utility or ornament; in every book or newspaper they read. This tax is as all-pervading as the atmosphere they breathe, and they have been so accustomed to it that they neither feel nor appreciate its enormity.

Applying the plan of Senator COKE'S calculation to the year 1880, the statistics of which year have been published since his speech was made, we find that the aggregate receipts from customs were $186,522,065. The dutiable imports on which these receipts were collected amounted to $459,652,883, the average rate of duty being 40.57 per cent. The total value of domestic manufactures for the same year was $5,369,579,191. From these domestic manufactures the Government of course derived no revenue, still the tariff burdens were laid on the consumer in enhanced prices.

Let us concede, however, as did Mr. Senator COKE, "to more than

cover all contingencies and drawbacks," that the enhancement of prices was only 25 per cent. instead of the full rate of the duty, 40.57 per cent.; the amount would then be $1,073,915,738. To summarize these figures, the tariff yielded to the Government in 1880 a revenue of $186,522,065, while it exacted from the people over and above what the Government received $1,073,915,738. In other words, for every dollar of revenue that the tariff carried into the Treasury it placed in the pockets of the manufacturers $5.77. The vast aggregate of these bounties, had they been raised by a direct per capita tax, would have required an assessment of $21.39 on every man, woman, and child in the land.

Mightier, more iniquitous burdens never rested upon a tax-ridden people. And yet the beneficiaries of these stupendous bounties, with an effrontery equaled only by their greed, unblushingly proclaim that the movement now going on for the relief of the people from these unparalleled burdens ought not to be countenanced because it disturbs the business interests of the country. They seek to intimidate the men engaged in promoting this great movement for popular relief by denouncing them as reckless agitators. To this impotent denunciation I have but to reply that if the words be divested of the reproach they abstractly imply and characterize only the real services performed no worthier epitaph could mark the grave of the public man of this generation than that he was "a reckless agitator."

There is no escape from the conclusion which the figures I have submitted demonstrate except in the denial of the fact that tariff duties enhance the prices of the protected products. This denial is sometimes resorted to and sought to be established by comparing the present prices of certain manufactured products with the prices of the same products years ago. The infirmity of the proof lies in ascribing to the tariff that which is entirely the effect of other causes. If these reduced prices were caused by protective duties the reduction would be local and confined to our own country, whereas we know that the prices of manufactured products are diminishing the world over, and nowhere to a greater extent or more rapidly than in free-trade England. The real causes of reduced prices are to be found, therefore, in other conditions than the tariff, conditions not peculiar to America, but common to other countries.

Among these conditions may be enumerated new discoveries in the arts and sciences, increased facilities for transportation, and particularly modern improvements in machinery, which have so largely lessened the percentage of human labor in all manufactured products.

If the truth is to be ascertained by comparison, "the truest comparison," as was said by Robert J. Walker, "is between the present price of the same article at home and abroad; and to the extent that the price is lower in the foreign market than in our own the duty, if equal to that difference, must to that extent enhance the price, and in the same ratio with the lower duty."

But a single question ought effectually to silence the miserable sophistry that tariff duties lower prices. If tariff duties do not raise the prices of domestic products, how do they protect the home manufacturer? If these duties do not enable the home manufacturer to charge more for his goods than he could otherwise do, in what conceivable way do they protect him?

But it is said that while the immediate effect of the duties is to enhance prices, the ultimate result is to lower prices by stimulating competition and thus increasing production at home. That the prices of home products can never be thus permanently reduced below the prices of foreign products is evidenced by the most familiar of commercial phenomena.

Let us suppose, for argument's sake, what could happen in few if any cases, that strong competition through a series of years has at last resulted in such increased production at home as to lower home products below the prices of foreign products. What would be the consequence? Why, simply this: The home manufacturer would begin and continue to carry his products abroad until the diminished supply left at home would raise the price here at least to the level with the prices abroad. But let us pursue this imaginary case a step further. We have now reached the point where increased production at home under tariff stimulation has begun to reduce prices of home products below the price of foreign products, and where the home manufacturer by shipping his goods abroad has so counteracted this tendency that enhanced prices reappear in the home market. The farmers of the country now come to Congress with their grievances. They tell us, and with a great deal of force, "Protection was originally put upon us under a promise that we should be ultimately compensated by a home market in which we could buy our supplies cheaper than they could be procured abroad. Relying upon this promise we have submitted for long years to high artificial prices, and now when the increased production for which we have been burdened so grievously is about to result in the low prices promised, the home manufacturer defeats the promise by shipping his goods abroad. We demand that these shipments be stopped, and insist that good faith requires it. We demand that such duties be laid on exports as will prevent domestic manufactures from going abroad, and thus secure to us the promised benefits of the home market."

I ask protectionists who advance this argument of ultimate low prices will you be willing ten or fifteen years hence when the state of things described has been reached to compel the fulfillment of the promise you make to-day by so amending the Constitution as to authorize Congress to place an embargo in the shape of duties on the exportation of our manufatured products?

Mr. Chairman, common intelligence was never insulted by a more flagrant solecism than that tariff duties lower prices. This sort of reasoning, however, reveals the desperate poverty of argument to which protectionists are reduced. To compress the outrageous absurdity into a single sentence; they ask that laws be enacted to raise prices, and then justify the laws on the ground that they lower prices.

Closely allied to this fallacy, that tariff duties lower prices, is the argument that protection compensates those upon whom its exactions are laid by the increased home demand which it creates for their products. This home-market argument is addressed mainly to the farmers, and proceeds upon the theory that protection diversifies our industries, and thus engages in manufacturing pursuits persons who would otherwise devote themselves to agriculture. To this there are two obvious and conclusive answers:

First. Agricultural classes are not the only ones upon whom the exactions of protection are laid. The countless multitudes of laborers employed in other pursuits of life are equally victims. Professional men of all kinds, merchants with their innumerable clerks and assistants, and the thousands employed in all the varied agencies of transportation, are forced to bear their parts of the burdens. The merchanic who pushes the plane and wields the hammer swells the cruel tribute by the enhanced prices he is compelled to pay, not only for the clothing for himself and family, but for the implements of his trade. Without going further into details, let each individual of the classes enumerated deduct for himself 25 per cent. from the prices he pays for clothing, household furniture, implements of trade—in a word, for all the manufactured goods he uses—and he will then have an approximate idea of the amount he contributes to the manufacturer's fund.

The second reply to the home-market argument is that the alleged advantages of protection in this respect are in no measure answerable to its exactions. As the argument is based upon the idea of equivalency, before it can be allowed any force it must be shown that the advantages which protection brings to the farmer in the way of providing a home market for his products are in some measure commensurate with the contributions it exacts from him.

By an equal per capita distribution among all the people of the United States of the excessive exactions of protection, as I have computed them, the proportion of these exactions paid by the farmers would be $473,810,729. Now what are the farmers profited by the increase which protection makes to the home demand for their products? Let me concede what no one, of course, could claim, that this increase is the aggregate of the agricultural products consumed by the employés in the protected industries, and then how stands the account?

The estimated value of farm products in 1880 was $2,212,540,927. Of these $685,867,737 were exported, leaving to home consumption $1,526,672,190. The whole number of laborers, including those dependent on them, to whom manufacturing, mining, and mechanical industries furnished employment was 7,711,983, being 15.37 per cent. of our population. This percentage of farm products consumed at home would be $234,648,515. So that the account for the year 1880 of the farmers against protection would stand thus:

To exactions	$473, 810, 729
By home market	234, 648, 515
Balance	239, 162, 214

If, therefore, the farmers of the country were relieved of the burdens of protection they could suffer to rot in their fields every dollar's worth of their products now consumed by all the employés in all the manufacturing establishments in all the land and still be gainers to the extent $239,262,214 annually.

But, sir, it is not protection that secures to the farmers the home demand they have for their products or any considerable part of it.

The persons invited into manufacturing employments by high tariffs are not all drawn from agriculture; on the contrary, by far the larger part are diverted from commerce, from navigation, from land transportation, and other pursuits. The diversion of these persons into manufacturing industries does not add anything to what would otherwise be the home demand for farm products.

Again, let it be remembered that a large part of the manufacturing industries of the country would be carried on without the aid of protection, not, it is true, with such enormous gains to the manufacturer, but still at reasonable profits. Nature has provided for America manufacturing resources unsurpassed by those of any other country. We have a healthful and temperate climate; food supplies can be produced nowhere else at lower cost; inexhaustible mountains of coal and iron abound here in close proximity; nor does an ocean lie between us and the raw materials of cotton and wool. The Southern States now produce more than one-half of the entire cotton crop of the world, while Texas and other parts of the Union can grow wool in competition with the most favored countries of earth.

Add to these natural advantages the inestimable boon of free and stable government, and we have a combination of auspicious conditions

in the face of which it is idle to insist that all needful manufacturing enterprises can not be profitably conducted. The real increase, therefore, which protection makes to the home demand for agricultural products is small.

The plea that tariff duties lower prices is simply a fallacy and the home market argument flatly contradicted by facts. My position, then, is impregnable that the exactions of protection are enormously in excess of the revenue it yields to the Government, and no adequate return is made to those on whom those exactions are laid.

What becomes of these excessive exactions is the next inquiry. And this brings me to the second evil which I charge to a protective use of the right of taxation, namely, that of the excessive exactions of protection not a dollar goes into the Treasury, but the whole inures to the benefit of the preferred classes.

It will be instructive, as it is pertinent in this connection, to note the number of persons engaged in American manufactures and the numbers engaged in other pursuits. The following table gives these facts:

TABLE 1.—*Showing numbers of persons engaged in the different industries in the United States in the year* 1880.

Agriculture		7,870,493
Professional and personal services		4,074,238
Trade and transportation		1,810,256
Total agricultural, professional services, and trade		13,754,987
Manufacturing, mining, and mechanical:		
Employés	2,718,805	
Proprietors	1,118,307	
Total manufacturing, mining, and mechanical		3,837,112
Total		17,592,099

TABLE 2.—*Showing whole numbers of persons engaged in and dependent on the different industries in the United States in the year* 1880.

Agriculture		22,120,319
Professional and personal services		11,714,938
Trade and transportation		5,996,201
Total agricultural, professional services, and trade		39,831,458
Manufacturing, mining, and mechanical:		
Employés	7,711,983	
Proprietors	3,412,342	
Total manufacturing, mining, and mechanical		11,124,325
Total		50,155,783

This second table is formed by distributing the unemployed population proportionally among the several occupations.

The table shows that of the whole population of the United States but 22.17 per cent. are engaged in manufacturing, while 77.83 per cent. are employed in other pursuits. Now if the enhanced prices of domestic products caused by tariff laws were distributed among all the persons engaged in manufactures we should still be confronted with the startling fact that more than three-fourths of the people of the United States are annually paying coerced tribute to less than one-fourth. But even this statement does not reveal the hideous mischief in its full proportions. For of the 3,837,112 persons engaged in the protected industries only 1,118,307 are owners of the manufacturing establishments. The last may be said to represent 3,412,342 persons, and this comparatively small part of our population, less than 13 per cent., are the exclusive beneficiaries of the protective bounties. In confirmation of this I have tabulated certain figures from the statistics of the last census. They relate to the three leading industries of cotton, wool, and steel, and are designed to show how much of the profits of these industries go to capital and how much to labor.

In making these tables I have followed the plan adopted heretofore by gentlemen in both ends of the Capitol; that is, from the total value of products I have deducted the sum of labor and materials, and assumed that the remainder represented the gross profits of capital. Of course there are incidental expenses, wear and tear of machinery, interest, insurance, and other items not embraced in the tables. The most liberal allowance, however, may be made for all incidental expenses, and the net profits of capital will then appear vastly out of all just proportion to the wages of labor. The first table relates to cotton manufactures, and is as follows:

Table showing gross profits to capital invested and wages to labor employed in manufacture of cotton goods in the United States in census year 1880.

Capital invested		$219,504,794
Value of products		210,950,383
Paid for materials		113,765,537
Paid for labor		45,614,419
Number of employés		185,472
From products		$210,950,383
Deduct materials and labor		159,379,956
		51,570,427
Deduct further estimated salaries to 2,115 officers and clerks		2,115,000
Leaving gross profits to capital		48,455,427

The deductions for salaries is my own estimate as to the amount. I make the allowance because the item of "labor" in this table does not embrace salaries. So that while the gross profits to capital were 22.20 per cent., labor received but $4.54 per week or 76 cents per day, and that counting only the six working days to the week.

Mr. CHACE. Will the gentleman excuse me for interrupting him a moment?

Mr. WELLBORN. Yes, sir.

Mr. CHACE. I would ask the gentleman where he gets these figures?

Mr. WELLBORN. From the census reports.

Mr. CHACE. Does the gentleman understand that the census reports do not pretend to give all the expense of labor in the cotton-factories?

Mr. WELLBORN. Some of them do; in reference to cotton they do not. The gentleman means, I suppose, the salaries of officers, &c.

Mr. CHACE. No; not that.

Mr. WELLBORN. I understand it does give all the expense of labor except the salaries of officers and clerks, and for those I have made an allowance of $2,115,000.

Mr. CHACE. If the gentleman understands that, he understands what is not so.

Mr. WELLBORN. Very well; then it is a contest between the gentleman and the Census Bureau.

Mr. CHACE. Not at all; the Census Bureau does not pretend to do so.

Mr. WELLBORN. And if the gentleman puts his opinion against the authority of the Census Bureau they can decide the matter between them. [Applause.]

Mr. CHACE. The Census Bureau does not pretend to give any such thing.

Mr. WELLBORN. Oh, I am not surprised that the gentleman smarts under this criticism of protection—not at all surprised that he should do so.

The next table relates to the woolen manufactures:

TABLE 3.—*Showing gross profits to capital invested and wages to labor employed in manufactures of woolen goods in United States for census year* 1880.

Number of employés		86,504
Capital invested		$96,095,564
Value of products		160,606,721
Paid for materials	$100,845,611	
Paid for wages and salaries	25,836,932	
		126,682,543
Leaving gross profits to capital		33,924,178

So that the gross profits to capital were 35.3 per cent., while labor—including salaries as well as wages—received but $5.73 per week, or 95½ cents per day, counting only the six working days to the week.

The last table relates to the now famous Bessemer and open-hearth steel works. And it is fine food for reflection for the protectionists who are advocating the perpetuation of this system of bounties.

Table showing gross profits to capital invested and wages to labor employed in Bessemer and open-hearth steel works in the United States for census year 1880.

Number of employés		10,835
Capital invested		$20,975,999
Value of products		55,805,210
Paid for material	$36,826,928	
Paid for labor	4,930,349	
		41,757,277
Leaving gross profits to capital		14,047,933

This table shows that the gross profits to capital were 66.97 per cent., while labor received only $8.75 per week. The figures of this last table are taken from the official report of Mr. James M. Swank, secretary of the American Iron and Steel Association, who was the special agent of the last census for the compilation of iron and steel statistics. These figures were used by Senator BECK and the present distinguished Speaker of this House in their tariff speeches in the last Congress. They presented such a startling exhibit of the magnitude of protective bounties that Mr. Swank sought by subsequent explanation to break the force of the conclusions which had been drawn from his own statistics. This explanation he made in a letter written on the 25th of April, 1882, to Hon. WILLIAM D. KELLEY, which letter was incorporated by the last-named gentleman in his speech to the House a few days subsequently. I quote from the letter:

The Senator [meaning Senator BECK] erred in confounding "labor and material" with "capital and labor," and assuming that the sum of the first two items is exactly equal to the sum of the last two, namely, $41,757,277. * * * The mistake made by the Senator and others, that the "total value of all products" ($55,805,210) produced by the Bessemer and open-hearth steel works of the United States in the census year 1880 (see page 36 of the Census Report on iron and steel) was obtained with an invested capital of only $20,975,999, would not have occurred if they had reflected that these products were not made solely with the machinery and other aids and appliances of the works mentioned, but that they were the final result of successive preparatory operations and processes of manufacture, which may have represented in the census year an invested capital of $100,000,000.

The $20,975,999 expresses only the capital invested in machinery and accessories required in the immediate conversion of pig-iron and other raw materials into Bessemer or open-hearth steel, and does not include the capital invested by Bessemer and open-hearth steel manufacturers in iron and coal mines, in lime-

stone quarries, in blast-furnaces, in founderies and machine-shops, in car works, in brick-yards, in lateral railroads, and in other enterprises necessary to the production and handling of these raw materials. The capital in these various contributory enterprises is separately given in the Census Report on iron and steel, and in other census reports. To illustrate the full significance of the distinction which is here made, but which Senator BECK and others have not made, it may be stated that in the census year 1880 the proprietors of the then existing eleven Bessemer steel works of the country operated forty-nine blast-furnaces, most of which were large, and the construction of which had cost a great deal of money.

The statistics of these blast-furnaces, including the capital invested in them, necessarily appear in connection with the statistics of other blast-furnances. They could not be combined with the statistics of Bessemer and open-hearth steel works, because their product is pig-iron and not steel. We may also add, as illustrative of the large investments which our Bessemer steel manufacturers find it necessary to make in iron and coal mines, the statistics of which will be found in their proper connection, that one Bessemer steel company in Pennsylvania has recently invested $1,500,000 in an iron mine in Michigan. To say that the whole capital invested in the production of Bessemer and open-hearth steel in this country is represented by $20,975,999 is as erroneous as to assume that the whole capital of the farmer who grows his wheat is represented by the cost of his thrashing machine."

The explanatory matter here asserted is, that in addition to the capital invested in the Bessemer steel and open-hearth works, there is other capital invested in contributory enterprises, which ought to be included in the item of "capital" before the rate per cent. of profit of the Bessemer steel and open-hearth works can be correctly ascertained.

The letter in connection with the census reports shows this assertion to be erroneous. Under the plan by which Mr. Swank compiled his iron and steel statistics, the several processes which eventuate in the finished product of steel are classified as separate industries. Indeed, as a matter of fact, they are often, if not generally, owned and operated by separate and distinct companies. In his report, for instance, Mr. Swank says "that of the raw materials used by the iron and steel works at least one-half of the iron ore and limestone, nearly all of the anthracite coal, and fully two-thirds of the bituminous coal and coke were purchased from independent producers. Under each of these industries, thus separately classified, are given the four items of "capital invested," "value of product," "value of materials," and "paid for labor."

The item "value of materials" embraces the cost of the products of the antecedent and contributory processes. So that to determine the rate per cent. of profit in any one of the several processes the calculation should be confined to the capital invested in that particular process. The whole capital invested in all the processes could properly be taken into account only in a calculation to show the rate per cent. of aggregate profit in all the processes. Whether the Bessemer steel and open-hearth companies owned and operated contributory processes or whether these contributory processes were owned and operated by other associations in no way affects the capital invested in the Bessemer steel and open-hearth establishments. The item "materials" includes all the products of these contributory processes, and such contributory process has its own separate and distinct profits.

The simile with which Mr. Swank undertakes to dispose summarily of this question of profits furnishes an apt illustration of the errors of his position.

He says, as already quoted: "To say that the whole capital invested in the production of Bessemer and open-hearth steel in this country is represented by $20,975,999 is as erroneous as to assume that the whole capital of the farmer who grows his wheat is represented by the cost of his thrashing-machine." The obvious response to this is that to say that the capital invested by the Bessemer and open-hearth steel companies in the process of manufacturing steel is represented by the whole capital in all contributory processes is as erroneous as to assume that the capital which the farmer who thrashes his wheat has invested in a thrashing-machine and the labor necessary to the single process of thrashing is represented by the whole capital invested in his farm and all the antecedent processes of growing the wheat.

There is one other paragraph in this letter which I desire to read, and to which I invite the careful attention of the committee:

Having now shown that the excessive profits referred to by Senator BECK, Mr. CARLISLE, Mr. Dunnell, and others were not realized by our Bessemer and open-hearth steel manufacturers in the census year 1880, we now frankly admit that the profits realized by most of these manufacturers in that year were more satisfactory—

Well, I guess they were. He goes on—

that they exceeded the 2 or 3 or 5 or 6 per cent. on their invested capital which, less daring, less enterprising, and very jealous men would have conceded to them. They did not, fortunately, conduct their extensive business operations in that year at a loss, as many of them had done in previous years; nor were their profits so small that at the year's close it became a question for consideration where they could borrow the necessary money, by placing mortgages on their works, to enable them so to enlarge the capacity of those works that the increased demand for their products could be met in succeeding years. They neither lost money nor received as a rule small profits, but on the contrary most of them realized handsome profits; and they immediately invested these profits in extensions to their works, with the result that the capacity of these works is to-day twice as great as it was in the census year, assuring a prompt meeting of the country's demand for their products, and at much lower prices than then prevailed.

Now, bear in mind, Mr. Chairman, that this letter was written on the 25th day of April, 1882. Remember, further, that the extensions of the works referred to were made solely out of the profits of one year's business, and then you can realize fully the force of the astounding admission that the capacity of the works was "twice as great then as it was in the census year." That is to say, the invested capital out of the profits of one year's business had approximately doubled itself. Mr. Swank writes a letter to disprove the charge that the profits of the Bessemer and open-hearth steel works in 1880 were 67 per cent.; and before he finishes his letter unwittingly confesses that these profits were in the neighborhood of 100 per cent. Verily may it be said to the gentleman from Pennsylvania [Mr. KELLEY], in reference to this explanatory letter which he adopts and incorporates in his speech: "Thy own mouth condemneth thee. * * * Yea, thine own lips testify against thee."

What these tables show of cotton, woolen, and steel establishments is equally true of all the protected industries, namely, the great bulk of the tariff bounty goes to the owners of the factory and shop, and not to the laborers employed in them.

I have a table here giving this general result.

Table showing profit to capital invested and wages to labor in all manufactures in the United States for census year 1880:

Number of employés		2,718,805
Capital invested		$2,775,412,345
Value of products		5,341,838,890
Paid for materials	$3,381,701,277	
Paid for labor	941,325,925	
		4,323,027,202
Leaving gross profit to capital		1,018,811,688

So that while the gross profits to capital were 36.71 per cent., labor received but $6.65 per week—$1.10 a day.

In the light of these figures how utterly unfounded and false the plea so philanthropically urged by protectionists that their system is for the benefit of the laboring man, that it increases wages and elevates and dignifies American labor.

Mr. Chairman, the truth is tariff laws do not enhance the wages of labor, and for the simple reason that they are legislative gifts to manufacturers. It is needless to explore the fields of political economy in quest of matter to disprove the plea when such a complete answer lies at the threshold of the investigation. If tariff augmentations of prices were the legitimate fruits of the joint operation of labor and capital they would be equitably shared by these two agents of production, for in that event the distribution would be effected by a law higher than municipal regulation, competition. It can not be too often stated nor too strongly emphasized "that competition," as some one has forcibly put it, "is no device of man, but a permanent law of nature. It as naturally bears sway in all the transactions of exchange and in the distribution of wealth between the parties concerned in producing it as the law of gravitation controls the movements of the planets in their orbits." Whenever natural forces are left to their own action competition always allots to capital fair earnings and to labor just rewards.

Enhanced profits, however, caused by tariff laws are not legitimate fruits of production. They are pure, unmixed bounties. They are beyond the reach of competition. They obey the law of their bestowal and go only to those on whom they are conferred. These enormous bounties, aggregating yearly hundreds of millions of dollars, are remorselessly laid on the farmer, the mechanic, the merchant, the lawyer, the doctor, the banker, all other classes, for the exclusive benefit of the manufacturer. They convert 87 per cent. of the whole population of the United States into "hewers of wood and drawers of water" for the small remainder. They work on a gigantic scale, and without compensation the coerced transfer to a few the private property of many millions.

No wonder that these many millions have grown impatient and wrathful under their grievous burdens. The mildest amiability can not do otherwise than characterize the system which curses and afflicts them as a scheme of legalized plunder. Its iniquities have at last exhausted forbearance, and an outraged people are on their march to final deliverance.

Mr. Chairman, I have now hurriedly sketched, as was my design, the nature, the practices, and the results of protection. The conclusion of my argument is that protection is a scheme of such odious monopolies and such monstrous perversions of the right of taxation that it ought to be utterly destroyed. Congress should not content itself with the superficial work of removing excrescences and leveling inequalities, but should enter at once upon a policy, as does the Morrison bill, which looks to the ultimate reduction of duties to a strictly revenue standard.

The inherent vices of protection are such as not to admit of mere correctives or ameliorating remedies. If we would escape its wrongs we must destroy the system. And this, Mr. Chairman, is the great issue now on trial before the American people. It ought not to be evaded and can not be postponed. Party alignments are rapidly forming on it. Above the strongholds of protection wave Republican banners. Against these fortresses of iniquity the Democratic party is putting in motion its columns. Yea, the struggle has already begun.

Mr. Chairman, of the memorable revolutions and civil commotions which stand out as landmarks in history the grand ones are those which had their origin in popular resistance to arbitrary perversions of the powers of government. Of these grand struggles none has yet been fought which more strongly challenges the approval of the civilization of our age than the one now waged by the American Democracy for the

freedom of commerce and the integrity of taxation. The result of the contest can not be doubtful. On such an issue the Democracy will ultimately triumph. Commerce will be rescued from the merciless clutches of monopoly and taxation emancipated from the wicked uses of protection. To freedom of person and freedom of opinion, so gloriously asserted in our first Revolution, will be not less gloriously added freedom of exchange. The three, freedom of person, freedom of opinion, and freedom of exchange, accordant and harmonious, will unite in one, and together form the noblest fabric of human freedom which on this planet has yet been built. Though differing in the nature of its results and methods of achievement, this great victory for the people, while not less beneficent in character, will be broader in scope than was the triumph of the colonial arms of '76. The latter gave civil liberty to scattered and feeble colonies; the former will secure commercial freedom with the world to a compact and mighty Republic. Millions of the living hail with joy the approach of the victory; generations yet unborn will gratefully inherit its benefactions. [Great applause.]

When Mr. MCKINLEY had spoken for one hour,

The CHAIRMAN said: The time of the gentleman has expired.

Mr. BLACKBURN. I trust the committee will extend the time of the gentleman from Ohio.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Ohio be extended.

There was no objection.

Mr. MCKINLEY then resumed and concluded his remarks. [See Appendix.]

MESSAGE FROM THE SENATE.

The committee rose informally, and the Speaker resumed the chair.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States.

TARIFF REDUCTION.

The Committee of the Whole House resumed its session, and proceeded with the consideration of the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. HERBERT. Mr. Chairman, I hope I may have the attention of the House while I endeavor to reply to the speech of the gentleman from Ohio [Mr. MCKINLEY]. It is an eloquent plea for the present situation. The people are burdened with taxes, the Treasury is overflowing, money is still accumulating in Government coffers, and the people are complaining of hard times, but the gentleman from Ohio is satisfied to let things stand as they are.

His speech is a fair sample of the arguments on his side. He begins by putting us in a position we do not occupy. He calls us free-traders. The Democracy were in possession of the Government for more than a third of a century and never enacted free trade. He says the free-trade policy is to tax tea and to tax coffee. Under the Democratic tariff of 1846 coffee was free and tea was free. Under the Democratic tariff of 1857 coffee and tea were free. The Democratic party always collected a revenue by tariff taxation. That tariff always necessarily afforded incidental protection, and yet he calls us free-traders. A similar thread of sophistry ran all through his speech, and he closes naturally by an appeal to prejudice. His effort seems to be to confuse the real issue presented to the country by the Morrison bill. It was quite an oratorical success when the gentleman held up with such gusto (as if that were an argument) an advertisement which I believe he says came from some English house.

Mr. MCKINLEY. It is an advertisement in a trades journal; the advertisement of an importing house. That is all it is.

Mr. HERBERT. Suppose it to be so——

Mr. MCKINLEY. It is.

Mr. HERBERT. What does it mean? That Mr. Speaker CARLISLE has had his face pictured upon some earthenware made in England? Is that an argument in favor of retaining the present high duties upon the cheap class of crockeryware consumed by the poor people of this country? Why, Mr. Chairman, a Republican Congress in March, 1883, passed a bill which pretended to be a reduction of taxation, but which on this very article of earthenware raised the duties, compelling poor people to pay higher prices for the earthenware they use. Mr. CARLISLE opposed the bill. An importing house now advertises crockery in Carlisle shapes. The gentleman from Ohio holds up the advertisement and seems to think that is an argument in favor of continuing these high taxes. In my opinion, Mr. Chairman, if Mr. Speaker CARLISLE should be instrumental in bringing down that iniquitous tariff, raised to higher than war rates on earthenware and many other articles, as it was, he would deserve to live in bronze and marble for his efforts in behalf of the rights of the people.

But earthenware was raised and the tariff on other articles was raised, say these gentlemen, in order that home manufacturers might have the home markets. As the counterpart of this proposition, a large portion, and apparently the most effective part, of the gentleman's speech was upon the value of this home market to the American farmer. He says 90 per cent. of all the farm products of this country are consumed in America, and his argument is that we are indebted to protection for that. What are the facts? His figures are as erroneous as his conclusions. I have made some calculations which are here before me upon the figures of 1880. I selected that year only because the census shows how much the farmers of this country produced. The figures, which I took from the reports of the Government statistician, show how much was exported.

I hunted up these figures for myself to be sure I was accurate. I took none of them from second hands. The entire farm products of the United States in 1880 amounted in value to $2,213,000,000. I use round numbers for the sake of convenience. Of this sum we exported farm products amounting to $683,000,000; so that, deducting exports from products, we have consumed by the entire population of the United States $1,530,000,000, not quite 70 per cent., instead of the 90 per cent. of the gentleman from Ohio. And we find that the much-despised foreigner furnished us a market for $683,000,000 of our agricultural products. In other words, the paupers, as they are called, whose cheap goods it is the purpose of the gentleman from Ohio to prohibit our farmers from buying, actually buy from our farmers more than 30 per cent. of all they produce.

Now, how much to the farmer is the value of the home market furnished by the manufacturing, mechanical, and mining classes all put together? They constitute but 22 per cent. of the population. Not one-third of them are in any manner protected, as it is called, by these prohibitory laws. Taken all together, the laborers in all these industries are, as I shall attempt to show, injured by the shackles the law has placed upon their industry. This is the table I have taken from the census returns: All occupations, 17,392,099; agriculture, 7,670,493; personal and professional services, 4,074,238; trade and transportation, 1,810,256; manufacturing, mechanical, and mining, 3,837,112. These, with the women and children and others dependent upon them, constituted our population. Those in the fifth class constitute, as I have said, only 22 per cent. of the whole. That fifth class comprises brick-makers, builders and contractors, bakers, butchers, carpenters, masons, and a hundred other occupations whose workmanship finds no competition with imported articles. Largely more than half of those embraced in that class can never by any possibility find their products competing in this country with the foreign article. But embrace them all, and they constitute but 22 per cent. and consume but $336,000,000, or 15 per cent. of what the farmer makes, while the foreigner furnishes a market for 30 per cent. If those who seek to compel the farmers by law to buy all their goods from them at their own prices could only buy all the farmer's produce at prices fixed by the farmer, there would be some reciprocity. But all the surplus cotton and wheat and bacon and other produce must be exported and must compete with that produced by labor abroad, and the foreign market and the home market act upon and regulate each other. Foreign demand is the only relief for a surplus at home. But what relief for the farmer do gentlemen on the other side suggest? Two remedies have been proposed. The gentleman from Pennsylvania [Mr. KELLEY] wrote a letter, I believe, recently to the West, urging the farmers there to turn their attention to sorghum—to making sorghum sugar. Now, how much sugar is imported into this country? Ninety-one million dollars' worth. That supplies our wants. Suppose the farmers of the country make, as the gentleman from Pennsylvania thinks they can, sorghum sugar and molasses and supply the country just as cheaply as it can be supplied by importation, what would be the result? This new industry would take off ninety-one millions from our exports, and would leave still about five hundred and ninety millions for foreign consumption. The agriculturist would still have no relief. He would still have to compete in foreign markets.

Then comes my friend from Massachusetts [Mr. RUSSELL], my colleague on the committee, with his little remedy. He says if we only raise the duties high enough we will eventually produce at home all the manufactured goods now imported, that we would thereby support 700,000 more laborers, and that they with those dependent upon them would be three and a half millions of people. Mr. Chairman, how long would it take this country to increase three millions and a half in population? By natural increase and immigration just about three years. So, if to please my friend we should raise a Chinese wall around us so high that we could import no dutiable goods and should produce them all at home, we would give occupation to just the number of people who will be added to our population in the next three years. And how much of what the farmer has to dispose of would they consume? Giving them just as much per capita as the farmers consume, the answer is $106,000,000; so that, if, following the plan of our friend from Pennsylvania [Mr. KELLEY], we compel our Western farmers to raise sorghum and make all the sugar we want, and then, following the plan of the gentleman from Massachusetts [Mr. RUSSELL], we raise duties so high that we could import nothing, but must make everything at home, you would thus get consumers for 197,000,000 of farm products. But as you had $683,000,000 surplus, that would leave you about $486,000,000 still undisposed of, and the farmers of the West and of the South would still have to look abroad for purchasers.

You can not dodge these facts. They can not be evaded. To export

our agricultural products is an absolute necessity, unless the gentleman perhaps would recommend our farmers, after they shall have made $91,000,000 worth of sorghum sugar and after having fed away $106,000,000 worth of products to Mr. RUSSELL'S 700,000 laborers, who are to make all the goods that are now imported, to put the whole surplus of $466,000,000 worth of produce into peanuts and to stay at home to eat them. [Laughter.] Besides our agricultural exports the foreigner buys from us more than five and a-half million dollars' worth of timber and more than three millions in rosin and turpentine.

Now, Mr. Chairman, these propositions, I hope gentlemen will excuse me for saying, are simply absurd; but they are made by the ablest advocates of war-tariff taxation. If practicable what would they lead to? Direct taxation. If we imported nothing we should collect no revenue at our custom-houses, and just in proportion as the law is prohibitory and tends to give the home manufacturer the home market, just in proportion as the consumer is compelled to buy at home more high-priced goods, just in that same proportion will he have imposed upon him the additional burden of internal taxation. I ask you, gentlemen, have those who seek to monopolize the business of selling manufactured goods to the American consumer become so greedy that they are unwilling to let the American citizen pay at least a portion of his taxes in the price of his goods, or are you determined he shall pay all that price to you and then pay his taxes besides?

But the gentleman from Ohio said we had advanced more rapidly in manufactures and otherwise since the adoption of a high tariff than before. Is that so? I propose to answer him with other figures, not even put together by myself, but by the Superintendent of the Census, General Walker. I refer you to a table in the second volume of the census—that volume devoted to manufactures. That table furnishes a complete and unanswerable reply to everything said by the gentleman from Ohio [Mr. MCKINLEY], and to all that can be said on that subject.

It shows, in the first place, that from 1850 to 1860 manufactures advanced more rapidly than during any previous decade. It shows, secondly, they advanced more than at any subsequent decade. Here it is:

The per cent. of increase in the gross value of manufactured products for the decade from 1850 to 1860, which I shall call the first decade, was 85 per cent.; in the second, from 1860 to 1870, it was 79, and in the third, from 1870 to 1880, it was 58 only.

The percentage of increase in the net value in the first decade was 84, in the second 63, and in the third 41 per cent. The capital invested and wages paid increased in a somewhat like proportion, though the number of hands fell off as machinery improved and increased in value. But the advance of wages during that first decade, according to this table, was greater than it was in either of the two following decades. Here are the tables, prices in 1870 reduced to gold:

Table showing increase of manufactures.

	1850–1860.	1860–1870.	1870–1880.
	Per cent.	*Per cent.*	*Per cent.*
Gross value of manufactured product	85.05	79.54	58.59
Net value of manufactured product	84.13	63.31	41.40
Capital invested	89.38	67.80	64.66
Wages paid	60.03	63.76	52.78
Hands employed	36.86	56.64	33.04

Table showing increase in wages.

Year.	Average yearly wages.	Increase.	Increase.
	Dollars.	*Dollars.*	*Per cent.*
1850	247 11		
1860	288 86	41 75	16.9
1870	302 07	13 21	4.5
1880	346 86	44 79	14.8

The country developed as never before or since under that Walker tariff system, a system that necessarily afforded some protection. Every wisely prepared and properly adjusted tariff will do that. This Committee on Ways and Means in reporting the pending bill reported no free-trade measure. It is simply a reduction that we propose, and that is all. The difference between the present law and the bill we now propose is simply the difference between the very high protective tariff and a lower tariff, still affording protection. That is the issue and the only issue before this House.

Mr. KING. Will the gentleman state how much it is proposed to reduce the whole amount of the collections?

Mr. HERBERT. I have not the figures at hand, but some $31,000,000 in round numbers. The figures are appended to the report.

But, going back and taking the same census returns for the period between 1850 and 1860, the farm values advanced throughout the United States as follows: In the first decade 103 per cent., and in the second decade—that is, from 1860 to 1870—only 10 per cent. That reduction in the latter period of course was due largely to the war and the destruction of the labor system of the South, and it would be manifestly unfair to compare those two periods.

But in 1870 the labor system of the South had become settled. We were then producing more cotton than we produced before the war, getting more money in gold for the crop than before the war, and exporting millions of dollars' worth of timber more than before the war; so that it is fair to compare the advance of the whole country from 1870 to 1880 with that which took place between 1850 and 1860; and yet, Mr. Chairman, the advance in the values of farms between 1870 and 1880 was only 39 per cent., while under the Walker tariff, from 1850 to 1860, the increase was 103 per cent.

Now, sir, there is no answering these figures if the census returns for which we paid so many millions of dollars are worth anything, for these figures are furnished by that bureau, and if they prove anything at all they do prove beyond a doubt that a low tariff is better for manufactures, better for farms, and better for the whole country and every industry in it, than a high tariff. Yet these gentlemen say that we must adhere to this war tariff, now nearly twenty years after the close of hostilities; for that is the issue made by the bill—whether we will adhere to war-tariff taxation or reduce it.

We have had two war tariffs in this country. In 1812 Congress raised the tariff by adding 100 per cent. to then existing duties. In that law it was provided that the increase should cease two years after a treaty of peace. But after the treaty of peace the people who had their fingers in the pockets of others procured the repeal of the limitation and the high duties were continued. There ensued just such a struggle as we are having now. The people wanted relief from war-tariff taxation, the manufacturers wanted it continued. The people were paying the taxes, the manufacturers were eating them. History is but repeating itself. During the late war high rates were necessary to raise immediate revenue. The Morrill tariff, which was a distinctly protective tariff, was imposed in March, 1861.

The bill now pending before this committee reduces nothing below the rates fixed in that law. We present a measure of moderate reduction, one that should command the support of every citizen, whether protectionist or not, who is not in favor of war taxation in time of peace. In August, 1861, after hostilities had begun, war rates were imposed. In December, 1861, there was a further addition to the duties. In 1862, in order to raise still more money, an internal-revenue tax was imposed on domestic manufactures. Then, in order to compensate for these duties and prevent dangerous foreign competition, higher tariff rates were imposed. These internal-revenue taxes soon after the war were repealed, but the war tariff was allowed to remain substantially untouched, and continued substantially unchanged until 1870. Then, in 1870, there was a revision. That revision did take off about twenty-eight millions of tariff duties. The principal protected article to which the knife was put was sugar, but that did not grow in New England. The other substantial reductions were made mostly by putting on the free-list articles which did not grow in this country and the tariff upon which simply put money in the coffers of the Government and not in the pocket of any favored citizen. It was not really relief from war-tariff taxation. And now let me call attention to the fact that the changes made in that revision of 1870, just like the changes made in the revision of 1883, were all, wherever deemed practicable, in the direction of substituting specific for ad valorem duties.

These specific duties gradually became prohibitory. That is the general effect of that system. That is why our friends on the other side are so much in love with it.

I will take up a book of tables here compiled by a Government statistician, Mr. Charles Evans, in which he classifies, arranges, and calculates upon the duties from 1867 to 1878. I select, as an illustration, table No. 427.

If we examine this table we get a clear idea of the operations of the tariff, and how the decline of prices at home and abroad, continually going on as processes of manufacture improve, operates under specific duties gradually to exclude the foreign article, give the home manufacturer a monopoly of the market, and shut off all revenue. In this table the duty is what we call a compound duty; but the ad valorem duty is but light, 15 per cent. The heaviest part of the duty is the specific, 6.5 cents per square yard. That specific duty remains the same whatever the price of the cloth. If the price per yard should be 13 cents, then 6.5 cents would be 50 per cent. If the price should fall to 6.5 cents per yard, then 6.5 cents duty would be 100 per cent. Now look at the table. The foreigner cheapened the price per square yard, which is the unit of value, from 17.5 cents per yard in 1867 down to 13.1 cents per square yard in 1878. But we see the ad valorem duty rose from 52 per cent. in 1867 to over 64 per cent. in 1878.

In the mean time the foreign article was gradually being driven out of the market. We collected $871,000 duties in 1867 to help pay taxes. In 1878 we got only $68,000. Now, what of the price the consumer was paying for the home manufactured article? It was, of course, nearly or quite 21.58 cents per yard in 1878, which is the amount of the duty added to the price of the foreign article. This must be so, because there was still $68,000 worth imported during that year, and there would have been no importation if the home-made article had been selling very decidedly lower. By this table we see at the end of that twelve

years the home manufacturer is very nearly in possession of the home market. To give him absolute control of it is what our friends over there say they desire. That was the purpose of the revision of 1883. Here is the table:

Duties on jeans, denims, drillings, bed-tickings, &c., and exceeding five ounces to the square yard—printed, painted, or colored—over 100 *and not over* 200 *threads per square inch, counting warp and filling.*

Fiscal year ended June 30—	Quantity.	Value.	Rate of duty.	Amount of duty received.	Additional and discriminating duty.	Average value per unit of quantity.	Average duty reduced to ad valorem.
1867	9,546,779.50	$1,672,624 85	6½ cts. per sq. yd. and 15 p. c.	$871,434 36	.....	.175	52.09
1868	6,566,237.50	945,975 30	.....do.....	568,701 78	.....	.144	60.11
1869	7,346,427.00	1,054,261 00	.....do.....	635,656 90	$153 59	.143	60.29
1870	6,536,102.75	912,153 10	.....do.....	561,669 70	413 15	.139	61.57
1871	5,715,533.00	773,128 05	.....do.....	487,478 90	571 60	.135	63.05
1872	5,520,259.00	739,092 00	.....do.....	469,680 61	175 50	.134	63.54
1873	16,789.00	2,228 00	.....do.....	1,425 49	.....	.132	63.98
	4,030,155.00	561,929 97	6½ cts. per sq. yd. and 15 p. c. less 10 p. c.	311,624 80	87 90	.139	55.45
1874	2,154,416.00	292,751 00	.....do.....	165,554 80	39 10	.136	56.55
1875	1,393,866.50	186,146 00	.....do.....	106,657 50	203 46	.133	57.32
	479,715.00	63,174 00	6½ cts. per sq. yd. and 15 p. c.	40,657 61	.....	.132	64.36
1876	71,260.00	9,924 00	6½ cts. per sq. yd. and 15 p. c. less 10 p. c.	5,508 48	10 10	.139	55.51
	1,045,126.00	138,561 00	6½ cts. per sq. yd. and 15 p. c.	88,717 38	14 62	.132	64.03
1877	734,980.50	97,226 00	.....do.....	62,357 69	17 62	.132	64.14
1878	813,885.50	106,306 00	.....do.....	68,848 47	.....	.131	64.76

Now, what does that mean? Let me go back to the table. Suppose 13.1 cents to be the lowest price at which the foreigner can lay that cloth down in an American port; with duty added it would cost 21.58 cents. Let us suppose the American supplies the market at 20 cents; there will then be not a yard imported. The consumer is paying 7 cents a yard more for his common cotton goods than he could get it for abroad; the Government is losing $871,000 revenue annually; and my friend from Massachusetts [Mr. RUSSELL] is happy because the home manufacturers control the home market.

Mr. McCarthy, of the Ways and Means Committee, in 1870, when the bill revising the tariff was up for discussion, said that they had put into it as largely as possible specific duties; and now you can see exactly what made that tariff gradually more and more prohibitory. Do you gentlemen of the Democratic party remember that in 1876, when we attacked that tariff, in our platform we arraigned it as a masterpiece of injustice? We said it yielded a gradually dwindling revenue. That is just what it did.

Our customs revenue was, for 1873, $184,000,000; 1874, $160,000,000; 1875, $154,000,000; 1876, $145,000,000; and the revenues continued to diminish until the great financial boom of 1879–'80 came and caused an abnormal increase of imports.

That was the effect of that tariff; that was the intended effect of making the duty specific. And precisely that same course was taken—that is to say, specific duties were further substituted for ad valorem rates in this revision, this so-called reduction of 1883. I say, and the figures show, that there was not even a substantial temporary reduction of rates.

It is sometimes said that the tariff ought not to be a political question; that it ought to be adjusted on business principles. Perhaps, sir, that is so; but, sir, so long as there are two parties in this country, one of which relies on the masses of the people for support, and the Democracy is such a party, and while the other party has its source of strength, as the Republican party has, in the organized monopolies of the land, just so long will the tariff question be a vital political issue until it is settled on the basis of fairness and justice to all people and all classes. We can not avoid the issue unless we abnegate the rights of the people who sent us here. Where do parties now stand? In 1876 the Democracy assailed the tariff. Tilden was elected by the people, but defeated by the Electoral Commission.

In 1880 we again arraigned the tariff. That time we were defeated at the polls. But how was it done? By bribery in Indiana and bribery and illegal voting in New York city and Brooklyn. But there was probably another reason. The tariff question did perhaps injure us in that campaign because we did not fight the battle upon our platform. We dodged the issue in the discussion which, in my opinion, we had made, even too sharply, in our declaration of principles. I do not believe that when revising and reducing the tariff we ought entirely to disregard the existing conditions of the industries of the country. That is not the intention of the Democratic party; and yet the platform of 1880 was so worded as to allow ingenious orators to make it appear that, regardless of consequences, we intended to cut down tariff rates at once to the revenue point.

There was another reason. When we made that issue in 1880 it was precisely at the time of the great revival in our financial condition. From January 1, 1879, to November 1, 1880, $160,000,000 had been added to the currency. The tidal wave of prosperity was almost on its curl. The Republicans said to the workingmen: "You are fully employed; your wages have advanced; do you want a change?" And to the farmers: "You are getting good prices for your wheat and your bacon, and all your produce; do you want a change?" The people were slow to see that their prosperity was in spite of a high tariff; that it was the result of their own industry, their economy, their wonderful natural resources, their bounteous crops, their timber and turpentine, and a wide foreign market, which had poured into our lap the shower of gold which, with the remonetization of silver, had brought about the long-deferred resumption of specie payments.

Sir, cast your eye back over the history of our country. It is written everywhere the people never yet indorsed a proposition for industrial reform while in the midst of prosperity. If you would have the workingman listen to you as you advocate reform, go to him when wages are falling off, when mills are on half-time.

Go to him now, when his employers have had the tariff increased on woolens and have not increased his wages. Go to him now, when the tariff has been increased on earthenware, on fine cotton goods, on hosiery, on silks, all on the pretense that it is for the benefit of labor, and when not a single manufacturer of earthenware, of cotton goods, of hosiery, or of silks has increased the wages of labor, and he will lend you his ear. And now is the time to talk to the farmer. He is getting 75 cents for wheat that last year was worth $1.15. Still he must export.

Russia is extending her wheat-fields. Servia is increasing her products. India is becoming a dangerous competitor. Still he is absolutely bound to meet all competitors in a foreign market. If he tries Judge KELLEY'S advice and fills this land with sorghum sugar, that would equal in value but one-seventh of his present surplus. Mr. RUSSELL'S remedy, importing three and a half millions of people to consume his produce while they make his goods at high prices, would take but a fraction more. While the sun shines and the rain falls and the American farmer works, we will have a vast surplus with which to seek the markets of the world. We hedge ourselves about by a high-tariff wall to keep out the manufactures of England, France, and Germany. England is seeking a pretext to keep out our cattle. France and Germany hunt excuses to exclude our bacon and pork, and our Republican friends would build our wall higher, hem in our farmers, and tell them they must raise sorghum or die. Mr. Chairman, there is a remedy, and we must point it out to the people. Lower these high walls that shut us out from the world. Unfetter labor and give it a chance. Now is the time, now is the golden opportunity for industrial reform. Let us begin it at once, moderately, but firmly and wisely.

Mr. Chairman, I have said that in 1876 and 1880 we made the tariff issue. I have shown how we were cheated in one of those campaigns and why we failed in the other. The Forty-seventh was the very first Congress for eight years in which the Republican party had possession of both branches. As soon as they saw that Congress was theirs they were faced with this question: "Shall we dare to make another Presidential campaign without having revised the tariff?"

The answer came up from all over the country everywhere, "No, you dare not risk that issue again." On the one side the tax-payers were demanding relief from war-tariff taxation; on the other, those who were profiting by this taxation demanded its continuance. The party was in

a predicament. The question was how not to do it and yet appear to do it. This was the task to which the Forty-seventh Congress addressed itself. They began by consuming the whole of the first session debating the question of a tariff commission. This they established and sent it roving over the land. Then they went to the country in the Congressional elections of 1882, and the people, doubting whether they would make a tariff revision at all, sent this Democratic House here with a large majority.

Then we came back here to the last session of the Forty-seventh Congress. The Republicans were absolutely obliged to make a pretense of passing a bill reducing tariff taxation. They therefore commenced work in both ends of the Capitol, and they finally passed the Senate bill. Congress never before recognized a tariff bill as having rightfully originated in the Senate. When that bill came before this House the majority dared not submit it to a vote for fear that the Democrats, combining with certain Republicans, might agree to the Senate bill. They therefore devised a rule, unheard of in all previous parliamentary history, that a vote in favor of sending the bill to a conference committee should count in favor of sending it there, and a vote against the proposition should not count at all. In that way they got it into the juggle of a conference committee, and the conference committee reported the bill, which was passed.

They now say that that bill was a reduction. A reduction in what? Look over it and you will find in the first place that all through the bill, from the beginning down to the very end of it, duties were reduced on goods that were not imported or imported only in small quantities, but whenever they came to such a thing as a basket clause, a "not-otherwise-provided" clause, under which the Government was getting a large revenue, they raised the duties on that.

For the sake of illustrating how they proceeded throughout I take up the cotton schedule. Here are fifteen articles on which they lowered duties, and in nearly every case the amount imported is small. Certain it is that they seldom missed an opportunity of making an apparent reduction when they could do so and still leave the duty prohibitory. The very largest item in the whole list is where the imports amount to $13,121,000. They raised the rates on that item from 35 per cent. to 40 per cent. Mr. Chairman, I have carefully noted throughout the whole bill, so far as the tricks of new changes and classifications will permit, the items raised and the items lowered. I could point them all out, but have not the time. Suffice it to say that in almost every case where the duties were raised imports were coming in freely and paying handsome revenue to the Government. The object of raising the duties was, of course, to prohibit importations.

My friend from Massachusetts [Mr. RUSSELL], who was a member of the Ways and Means Committee in that Congress, and himself a manufacturer, said in his speech on this bill, "If present rates," the rates of 1883, "are maintained, it is hoped we shall rapidly reduce the importation of 'manufactured goods.'" Now, of course, he knows what he is talking about, and he boldly proclaims that it is the hope of those who framed the bill, which it is claimed reduced tariff taxation, that it should prove prohibitory—in other words, that it shall reduce revenue, not by lightening the burden of the consumer, but by preventing him from importing goods. That is the purpose of that law. But there are things about it darker still. New classifications were imported into it which have actually deceived the Government statistician himself, and even my friend from Massachusetts. I refer now to the 3½ cents per square yard rate in the cotton schedule. That is a new classification so adroitly put in that the statistician, Mr. Evans, in calculating the rates, estimated that there had been a reduction on the class of goods covered by it. In point of fact it covers goods, cheap goods in common use, which were formerly dutiable at 35 per cent. ad valorem and are by this bill raised to, some of them, as high as 140 and 150 per cent. Here is a table showing cost prices and rates of duty:

BLACK CRINOLINE LINING.

	Cost per yard in Glasgow.	Width.	Custom-house valuation here.	Amount of duty per running yard.	Equal to an ad valorem duty of—
Numbers.	*Pence.*	*Inches.*	*Cents.*	*Cents.*	*Per cent.*
1	1⅞	32	2.80	4.00	143
2	1⅛	32	3.04	4.00	131
3	1⅜	32	3.55	4.00	112
4	1¼	32	3.79	4.00	106
5	2	32	4.06	4.00	98
6	2⅛	32	4.30	4.00	93
7	2¼	32	4.56	4.00	87
8	2½	32	5.58	4.00	71
9	1⅛	36	3.04	4.50	148
10	1⅜	36	3.55	4.50	127
11	1¼	36	3.79	4.50	118
12	2¼	36	4.56	4.50	98
Average duty					111

Cost prices and rates of duty—Continued.

6-4 TARLATANS.

	Cost per yard in Glasgow.	Width.	Custom-house valuation here.	Amount of duty per running yard.	Equal to an ad valorem duty of—
Numbers.	*Pence.*	*Inches.*	*Cents.*	*Cents.*	*Per cent.*
1	2	50	4.06	6.25	153
2	2⅛	50	4.56	6.25	137
3	2¼	50	5.07	6.25	123
4	2½	50	5.58	6.25	112
5	3	50	6.09	6.25	102
6	3⅛	50	6.60	6.25	94
7	3½	50	7.10	6.25	88
8	3¾	50	7.61	6.25	82
9	4	50	8.12	6.25	77
10	4½	50	9.13	6.25	68
Average duty					103

I have here samples of these goods [exhibiting]. The gentleman from Massachusetts said in his speech the other day this was an accident. I do not see him in his seat at this time; I wish he was. He is mistaken; it was not an accident. Senator BECK, on the 2d of February, 1883, as will be seen by reference to the RECORD of that session, part 2, page 1950, called attention to this very thing. Again, the gentleman says these goods are not manufactured in this country. This is true as to tarlatan and Swiss mulls. But as to the black crinoline linings, there are three firms engaged in their manufacture: Andrew McLain, of New York; the Irving Manufacturing Association, of Staten Island; and R. & S. Adams, of Paterson, N. J.

But I can not dwell on these particulars. In the woolen schedule is an item which comprises women's and children's dress goods, goods that run from 18 cents up to 30 cents per square yard. By the tariff of 1883 the duties on those goods are raised from about 50 per cent. away up to over 100 per cent.

Here again the Government statistician was deceived by the new classification into computing that there was a reduction of the duty from 68 per cent. down to 64 per cent., when there really had been an increase of the duty.

"For ways that are dark and tricks that are vain" commend me to the tariff bill of 1883.

You have all seen, I suppose, the tables showing the imports and exports and the reductions or the increase of duties for the first six months after the present tariff law went into operation. That table showed that, taken altogether, even upon this calculation where the Government statistician was in many respects deceived, there had been a reduction of perhaps 1.40 per cent. I do not undertake to give the exact figures.

Mr. HOBLITZELL. One and seventy-four one-hundredths per cent.

Mr. HERBERT. Now, it should be remembered that this bill was passed March 3, 1883, and was to go into operation on the 1st of July. Therefore importers rushed in rapidly goods of the classes upon which the duty would be raised. In fact, the imports for the month of June were increased about $10,000,000 over the amount imported for the month of May. Goods upon which the tariff was made more prohibitory were brought in as rapidly as possible before the new duties took effect. All this is to be taken into consideration, and in view of this and the other facts to which I have alluded we are bound to conclude that there was absolutely no reduction at all—not even 1.74 per cent.

But since that table has been made it tells so strongly against the work of the last Congress upon the tariff that Mr. Nimmo, the statistician of the Government, for whom I have the highest respect, has been put to work, at the request of some of our Republican friends, to see whether he can not get up figures to explain his own figures. He has been at that work now for about two months. I have called on him day after day to ask for those figures, but I have not been able to get them.

How is he to proceed? He proposes, or rather he is asked, to account for the failure of the Republican Congress to reduce duties as it pretended to do, by asking us to take into consideration the fact that goods have fallen in price, and that as goods declined in value the ad valorem duty, as I have heretofore explained, rose. This, it will be claimed, accounts for there not being any greater reduction. Now, I wish it distinctly understood that I have no imputation to make against Mr. Nimmo on account of this one-sided, short-sighted calculation upon which he is engaged and has been so laboriously for the past two months. I have no idea he would ever undertake, of his own accord, any such lame excuse for the failure of the Forty-seventh Congress to carry out its promise to the people. He has doubtless been requested to figure out the results that would follow if certain facts are considered and all others left out of the calculation. If I were going to give Mr. Nimmo a sum I should ask him to calculate what would have been the result if the Forty-seventh Congress had done what it professed to do, reduced

duties 20 per cent. It certainly would not take two months to tell me. As it is, by getting information from merchants about the fall in the price of goods, and ignoring the fact, if he shall do it, which everybody knows, that the same class of goods have not been imported this year as last, that the goods on which rates were raised were rushed in before July 1, and that those on which the duties were lowered were held back till after July 1, 1883, he may make a few cents difference. But no statistician can get around the fact that the calculation made by his bureau on the same imported goods, the goods imported in 1883 under the old law and under the new law, made a difference of only 2.38 per cent., and that difference would have been still less, probably nothing, if the calculator had not been deceived by the occult classifications, some of which I have pointed out.

The truth is, Mr. Chairman, that though the tariff may remain stationary, the general ad valorem goes down a little every year. This has been the case, I believe, every year since 1880. Why is this? Simply because the system of specific duties, as I have explained, gradually squeezes out the higher-rated goods, and only those on which the duties are low can get in at all. There would have been a reduction of the general ad valorem rate that year, even if the tariff had not been touched.

Mr. Chairman, the present arguments of the gentlemen who desire to hold on to war-tariff rates is absolutely incompatible with their position in former times. In 1864, when the House was being urged to adopt the proposed high tariff, Mr. MORRILL, of Vermont, said:

This is intended as a temporary measure, a war measure, and we must as such give it our support.

Again he said:

Protection was never defended on any other ground than that in the end the consumer obtained his supplies more cheaply.

In 1870, after a glowing picture of the progress we had made in our iron and steel industries, the gentleman from Pennsylvania [Mr. KELLEY] said:

A few more years of such wonderful progress and we will produce from our own coal and iron our entire supply of iron and steel, and compete with England in supplying the demands of the world. * * * Keep your duty high enough to induce other men to build furnaces and rolling-mills, and before *five years* [the Italics are mine] you will find American iron cheapened to the level of the markets of the world, and that without a commensurate reduction of wages.

In the light of his speech in the RECORD of to-day, what a prophet he was!

Sir, no one can deny the benefits arising from competition. If manufactures are maintained here and at the same time maintained abroad, if our tariff is put low enough to allow us the benefits of competition at home and competition abroad, the competition of nation with nation and of manufacture with manufacture will be of avail to lower prices. There is no doubt of that.

But, sir, to shut out by a high tariff all foreign competition, to give the home market absolutely to the home manufacturer, breeds monopolies that rob the people, rob labor of its hire, and impede and delay the development of our resources.

Take the Bessemer Steel Association, composed of the eleven companies engaged in that business in America. For the purposes of monopolizing and controlling the American market all these companies are one. I think it was in 1872 they paid the Vulcan Works of Saint Louis at the rate of about $70,000 per annum to lie idle. A tariff of $28 per ton, imposed upon the pretense that it was for the benefit of American labor, enabled them to turn hundreds of laborers out of employment.

Take another specimen. A new process of making steel directly from the ores was invented in England—the Thomas-Gilchrist process. It was, as Mr. Wharton, a member of the Bessemer Steel Association, admitted before the Ways and Means Committee on the 5th February last, "a better and cheaper process" than the Bessemer. It is believed to be adapted to the ores in Tennessee, Alabama, and Georgia. Southern men were negotiating for the patent, which had been sent over from England for sale. The Bessemer Steel Association stepped in and purchased it for $225,000.

This was more than two years ago, perhaps three. The process Mr. Wharton admitted had not proved to be adapted to the ores owned by the members of the association. They had tried it, but so far it had not proven a financial success. But they have not tried it and have not permitted it to be tried in the South. Let gentlemen remember that this point was made on this floor two years ago, and the attention of the country called to it. Then let them turn to the testimony of Mr. Wharton, to which I have referred, and read it fully. Let them see how he avoids and is not prepared to answer fully in reply to the questions with which he is pressed, and then let them read carefully the letter appended to his testimony and sent to the committee after his examination, as the best evidence he could produce that the process had not been withheld from Southern fields, and they will be driven to the conclusion that the Bessemer Steel Association have never intended that the process should be used where it would develop the resources and add to the wealth of the country.

The letter is as follows:

OFFICE OF THE BESSEMER STEEL COMPANY, LIMITED,
Philadelphia, October 29, 1883.

MY DEAR SIR: Replying to your application for a license for your company to use the patents owned by this association, and relating to the Basic process, I have the pleasure to report as follows:

This association will grant you a license to use the patents referred to at $1 per ton royalty, an advance payment of $50,000 to be made at the time the license issues as royalty on the first 50,000 tons of metal treated under the license.

Hoping the above will prove satisfactory, I am, very truly, yours, &c.

JNO. M. KENNEDY, *Secretary*,
Per ROBT. F. KENNEDY.

H. S. CHAMBERLAIN, Esq.,
President Roane Iron Company, Chattanooga, Tenn.

Certainly it was never expected that the Roane Iron Company should pay $50,000 in advance for the privilege of trying an experiment, when no exclusive right to any district or territory was applied for, and of course the proposition was not accepted. What gentleman can defend before the people a prohibitory tariff that fosters such monstrous monopolies as this? And who can defend a tariff framed, as it was claimed, with so much of tender solicitude for the rising cotton industries of the South, which raises the duty on card-clothing and all cotton machinery?

Our Republican friends, when years ago they desired to encourage the production of beet-sugar, permitted machinery for that purpose to come in free. When they wish to encourage cotton manufactures they raise the tariff on cotton machinery, and machinery constitutes half the plant of a cotton-mill.

But, Mr. Chairman, to go back to the proposition of the gentleman from Pennsylvania made in 1870, that high tariffs induce home competition, and home competition gradually brings down prices toward the level of the foreign article. This is precisely the proposition to which the Morrison bill furnishes a square, fair answer. It meets these gentlemen on their own ground. We say to them, "You have had this high tariff for twenty years, and if during that time you have brought down the price of home-manufactured goods more nearly to the level of the foreign article, then as a matter of course you can afford the reduction of one-fifth now proposed."

On the other hand, if you have not been able during all these twenty years to bring down prices more nearly to the level of the foreign articles, if prices abroad have fallen just as rapidly as they have here, and if the gap that separates your prices from theirs is just as wide now as it was then, so that you can not now stand so moderate a reduction as one-fifth, then the very foundation argument upon which you base your system is a sham and a fraud, and to keep up the duties will be simply to compel the people of America to pay high prices for goods forever.

The Morrison bill is framed to compel the defenders of the present tariff to take one horn or the other of this dilemma.

It was said by the gentleman from Texas [Mr. WELLBORN] who addressed the committee this morning, that we could not find any perfectly accurate mode of ascertaining how much protection costs the consumer. I think we can, provided we take as true the assertion of the manufacturers and their friends that a reduction of one-fifth the duties would enable the foreigner to undersell them. If this be so, then they are selling their manufactures to the American consumer at a price at least equal to the price of the foreign article with four-fifths of present duties added. If this be the price we are paying them for their wares, then let us estimate how much of any home-manufactured article we consume and calculate how much four-fifths of the present duties on the home consumption of that article would be, for that, according to these gentlemen, is the increased price we are paying, and we can come exactly at the result.

I have prepared a table based on the figures for 1880. I take that year because we have the exact amounts of products given in by the manufacturers themselves. Then I get from the reports the amounts exported. Deducting these exports from the amounts manufactured, we have the amounts consumed at home. Then I get from the Government reports the average ad valorem rates on each class of manufactures. I take four-fifths of this rate as representing the increase of price, which, according to the friends of the present system, the manufacturers are compelled to have in order to live, and thus I arrive at the result.

Here is the table, which shows the amounts the tariff compels American consumers to pay on each of the following classes of goods, according to returns of the census of 1880, on the hypothesis that manufacturers would be undersold if present duties should be reduced one-fifth:

HOME CONSUMPTION.

Earthenware:	
Manufactured	$7,942,729
Exported	216,576
Home consumption	7,726,153
Glass manufactures:	
Manufactured	21,154,571
Exported	749,866
Home consumption	20,404,705
Cotton manufactures:	
Manufactured	210,950,383
Exported	9,981,418
Home consumption	200,968,965
Wool manufactures:	
Manufactured	267,252,913
Exported	216,576
Home consumption	267,036,337

Iron and steel:	
Manufactured	296,557,685
Exported	12,605,576
Home consumption	283,952,109

AD VALOREM RATES OF 1880 REDUCED ONE-FIFTH.

Earthenware:	*Per cent.*
Ad valorem duty	42.3
One-fifth off	8.0
Increase paid	34.3
Glass:	
Ad valorem duty	50.4
One-fifth off	10.0
Increase paid	40.0
Cotton:	
Ad valorem duty	38.7
One-fifth off	7.0
Increase paid	21.7
Wool:	
Ad valorem duty	58.7
One-fifth off	11.0
Increase paid	47.7
Iron and steel:	
Ad valorem duty	42.1
One-fifth off	8.0
Increase paid	34.1

BONUS PAID BY CONSUMER.

Earthenware	$2,626,892
Glass	8,161,882
Cotton	42,203,482
Wool	128,177,441
Iron and steel	96,533,717
Total	277,703,414

On the items alone of earthenware, glass, cotton, wool, iron, and steel, altogether it foots up $277,703,000 as the amount over and above the above the cost price of foreign articles the people of this country pay to home manufacturers of those articles, unless these manufacturers are telling you an untruth when they say they can not stand 20 per cent. or one-fifth reduction.

The CHAIRMAN. The gentleman's time has expired.

Mr. BLOUNT. I move that the gentleman's time be extended until he concludes his remarks.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

Mr. HERBERT. Now, Mr. Chairman, that is a vast sum it takes annually to pay these protected industries. If any farmer, now getting about 75 cents for his wheat, wishes to calculate how much this system of protection costs, let him get a copy of the Compendium of the Census; let him take all these protected industries and let him make a calculation in this way, and then he will arrive at some idea of the amount he is paying for the benefit of this home market. Then let him remember that the price of his wheat and bacon is regulated largely by the foreign market, while the price he pays for his goods is regulated by law, and ask himself whether he is in favor of that law as it stands.

A good deal has been said here about wool. Our Ohio friends, I think, have taken a mistaken view of that question.

Let us look at it a moment. The wool raised in Ohio in 1880 was 25,003,756 pounds. At 30 cents its value would be $7,501,127. According to the table I have given, the whole United States paid that year $128,177,441 bonus on manufactures of wool alone. Ohio's population is one-sixteenth of the whole population of the United States, so that would make it that Ohio paid a bonus on home-made woolen goods for the year 1880 amounting to $7,690,646, not one dollar of which increased price went into the Treasury. In other words, Ohio could afford to give every pound of wool made in Ohio for the privilege of buying her woolen goods alone for that year in the cheapest market. She would make about $190,000 by the operation.

Mr. EATON. That is if your figures are right.

Mr. HERBERT. They are right provided the Census is correct and the ad valorem duties given by the Government statistician are correct, and provided always the manufacturers are correct when they say they must have more than four-fifths of the present duties to prevent themselves from being undersold; but just here I feel myself bound to admit that I do not believe those manufacturers are correct in their statements who say the country can not stand the moderate reduction of one-fifth the duties. The most intelligent cotton manufacturers of the South tell us they could get along better with absolute free trade.

There were Ohio farmers before the Committee on Ways and Means who said that wool-growing had not been profitable for several years past. If it be not a profitable production, why then let it stand in the way of tariff reform at this very time when we have a golden opportunity to appeal to the people to decide the question?

Mr. Chairman, I have a sympathy for the wool-growers. There is no doubt they were cheated by the woolen manufacturers in the tariff of 1883. The Morrison bill recognizes that fact, and as it limits the reduction of wool to the figures of the Morrill tariff of 1861, it reduces the duties on wool very slightly—not more than half as much; in fact, not half as much, when we consider the 60 per cent. limitation, as on woolens. Wool, it is true, has fallen in value; so has everything else. But a tariff that should admit a freer importation of fine wools that can not be grown in this country to mix with our coarser wools will certainly have a tendency to make the demand better for common wools.

Mr. Chairman, as I said before, I do not believe we can or ought to come suddenly down by a step that would create distress among our industries from the present system, but we must come down. That is denied to-day, but it has heretofore been admitted by all, even by the greatest men in the Republican party.

I send to the desk and ask to have read an extract from a speech made by General Garfield on this floor in 1870.

The Clerk read as follows:

I hold that a properly adjusted competition between home and foreign products is the best gauge by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with the foreign product, but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the prices as they please. This is my doctrine of protection. If Congress pursues this line of policy steadily, we shall year by year approach more nearly to the basis of free trade, because we shall be more nearly able to compete with other nations on equal terms. I am for a protection that leads to ultimate free trade. I am for that free trade which can only be achieved through a reasonable protection.

Mr. HERBERT. Garfield was subsequently compelled by his associates practically to recede from that position, and now the Republican party seems committed to the maintenance of war-tariff rates forever.

The gentleman from Ohio [Mr. MCKINLEY] who preceded me criticised the Morrison bill, said it would be impossible, or at least difficult, to execute such a law. His first point was that there must be experts to classify and experts to value the same piece of goods. There are, and always have been, in the custom-houses experts to do that precise thing. It is necessary now under the present law to count the threads to the square inch, to weigh, to measure, to value, and to classify. All that is necessary under the general provisions of the Morrison bill is to get the duty under the present law and strike off one-fifth. That is the real difficulty with the gentleman from Ohio. He is unwilling to strike off that one-fifth. Where the Morrill tariff operates the pending bill provides a ready mode of determining classifications. I do not believe there would be found a single case unprovided for. If so, it would drop into the unprovided-for clause. But those clauses too are reduced one-fifth, and there comes in the gentleman's difficulty again. His purpose is to give the home manufacturer absolute control of the home market.

The British Parliament, by the navigation act, passed in 1651 and amended in 1660, sought to do the same thing to secure what it called a home market for the colonies. It prohibited them from shipping their products anywhere else but to Great Britain.

Bancroft, in his history, says this was one of the mainsprings of the Revolution. But the British Parliament defended it on precisely the same grounds the protectionists now use to justify similar restrictions—restrictions which prevent us from buying of anybody but them. The navigation act was passed, the preamble said, for the purpose of "maintaining a greater correspondence and kindness between the subjects at home and those on the plantations," and after reciting several reasons which were intended to show that those restrictions were for the benefit of the colonists Parliament winds up the preamble by justifying itself on precedents, "it being the usage of other nations to keep their plantation trade exclusively to themselves." That is what the American monopolists want to do, "keep their plantation trade to themselves."

It is claimed that all this is for the benefit of the American laborer. There never was a more hollow pretense. That is conclusively shown by the fact that though the law of 1883 raised the duty on many classes of goods, and though the manufacturers of these goods were before the Committee on Ways and Means and were cross-examined, not one of them as I remember had raised wages. But it is claimed that the high tariff has raised wages. The truth is that for the last thirty years wages have been advancing at home and abroad—in protective America, in free-trade England. It is part of the progress of civilization.

Consul Lane, March 31, 1883, writing from England and arguing for protection, says:

The tendency of the English workman's social life within the sphere of that quality is upward. His recreations and general surroundings are gradually getting better, his observation larger, and his ambition stronger.

Consul-General Merritt, London, November 30, 1883, says in an article which is carefully prepared to make English wages as low as possible:

On general principles I should judge that the great difference hitherto existing between wages in the two countries is lessening rather than increasing.

Consul Shaw, writing December 6, 1883, says that in England the wages of cotton weavers and spinners, reckoning from 1850, had advanced, up to 1860, 16.85 per cent.; to 1870, 43.59 per cent.; to 1877, 64.47 per cent.; to 1883, 74.72 per cent.

Robert Howard, secretary of a labor association at Fall River, Mass.,

testified before the committee on the relations between labor and capital:

I worked in England for upward of seventeen years as a mule-spinner and a piecer for the mule-spinner (that is simply an assistant), and my opinion of the workmen in that branch of industry, relatively in the United States and in England, is that the English spinner is in a far better condition.

I might multiply extracts but will not take the time.

The condition of the laborer is improved and will continue to improve because he is better educated, better fed, has better machinery, can produce more and find a wider market for his products. When you free the American laborer from those onerous restrictions which now fetter and cramp him; when you give him access to the markets of the world and let his best customer, the American farmer, prosper; when you take away from his employer the privileges of monopoly, of combining and regulating production at will, and thus turning labor out of employment, he will take care of himself, for no one who studies the question can fail to see that, after all, to labor organizations much of the improved condition of labor is due.

Adolph Strasser, president of the National Cigar-makers' Union, testifies before the committee on capital and labor:

The wages in England are higher than they are in Pennsylvania. In the State of Pennsylvania the average wages among the cigar-makers is from $2 to $6 a week, the lowest in the United States. The cigar-makers in that State are the poorest paid in this country. They work cheaper than the Chinamen of San Francisco, and they do not receive even that wages in cash; they have to take it in scrip and truck.

THE TRUCK SYSTEM.

Several years ago I tried to organize the cigar-makers of Pennsylvania. I went to Quakertown, in Berks County. I found that the cigar-makers at the end of the week received a note from the employer which was good in the grocery store, and as soon as the grocery-man had $100 of those notes he delivered them back to the manufacturer at a discount of 10 per cent.; in other words, the manufacturers were buying back their own notes at a discount of 10 per cent., and the cigar-makers very seldom saw any cash.

The difference between the wages of farm laborers in America and Europe is greater than the difference between the wages in the same countries of labor in the skilled industries. All labor is akin, and if the laws of man will but permit the laws of God to operate more freely and our boundless resources to be fully developed, the American laborer in the field and in the workshop, on land and sea, will take and keep his place in the vanguard of civilization.

Mr. MORRISON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, had come to no resolution thereon.

BUSINESS FROM THE JUDICIARY COMMITTEE.

Mr. TUCKER. I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Saturday, the 17th of May, after the reading of the Journal, be assigned for the consideration of such business as may be presented by the Committee on the Judiciary; this order not to interfere with the consideration of general appropriation or revenue bills, or prior special orders, and to continue in force until one day has been occupied by the Committee on the Judiciary.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. TUCKER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. HANCOCK. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, and I hope we shall be able to conclude it to-day. Pending that motion I move that all debate on the substitute offered by the gentleman from California [Mr. ROSECRANS] be limited to twenty minutes.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the bill (H. R. 6094) making appropriations for invalid and other pensions; and the Clerk will report the pending substitute, proposed by the gentleman from California, upon which, by order of the House, general debate has been limited to twenty minutes.

The Clerk read as follows:

Strike out the whole paragraph commencing with line 23, and insert the following:

"That from and after the 1st day of July, 1884, the duties now by law devolving upon pension agents shall be performed by paymasters of the United States Army, to be detailed for that purpose and stationed at such places as may be deemed most advantageous for the convenient, effective, and economical execution of the work by the Commissioner of Pensions and the Paymaster-General of the Army, under such regulations as they may prescribe, subject to the approval of the President. And the Paymaster-General of the Army may assign to perform duty under the foregoing provision any officer of his Department now on the retired-list of the Army who may be deemed suitable, and who, while doing such duty, shall be allowed full instead of the three-fourths pay he is allowed on the retired-list: *Provided*, That the pay of officers detailed for these duties and the allowances for clerk-hire, stationery, postage, office-rent, and messengers shall be those authorized in the Pay Department, and no more."

Mr. HANCOCK. Mr. Chairman, the substitute offered by the gentleman from California has been subject to consideration in the Committee on Appropriations, and while they recognize the substitute as possessing very considerable merit, they do not deem it expedient to make so radical a change in the payment of the pensioners as that substitute contemplates, lest there may be confusion, consequent delay, and disappointment, to the prejudice of the pensioners, many of whom are to a large extent dependent upon the little pittance they get from the Government for their daily sustenance. For these reasons and upon the conclusions reached by the Committee on Appropriations I did not deem it necessary or desirable to protract the discussion any longer, and therefore I suggested that debate be limited to the length of time which has been indicated by the chairman.

I do not wish to occupy the attention of the committee further than, as I have done, to state the conclusion of the Committee on Appropriations, and very briefly to state the reasons that induced that conclusion.

I will yield now a portion of the time, or such portion as the gentleman from California [Mr. ROSECRANS] may desire, if he wishes to address the committee further upon the substitute which he has offered.

Mr. ROSECRANS. Mr. Chairman, I submitted that amendment to the Committee of the Whole at our last session and gave the reasons which then occurred to me why that change would be just to the service, and I spoke of the economy of expense that would result from the same. I have now to state that a further consultation with the Paymaster-General confirms the statements which I made in committee, to wit, that the disbursements can be made so as to save $84,000 in the next year's expenditures, on the hypothesis that the same number of paymasters are employed as there are agencies now, and on the further hypothesis that four of these paymasters shall be taken from the retired-list. But if a less number of paymasters will suffice, and it is the belief of the Paymaster-General that a greatly reduced number will answer the purpose, then the economy will be largely increased.

Now a word with regard to the question whether there will be any difficulty that will impede in any manner the regularity of the payments as they are now being made by the pension agencies, provided the committee shall think proper to adopt this amendment. On that question I have the assurance of the Paymaster-General that within three weeks after the passage of the bill, or after notice that preparations were to be made for that purpose, there would be no difficulty whatever in having every payment made as regularly and as completely as it now is, to the entire satisfaction of the recipients of the pensions.

I have one more remark to make. My friend from Illinois [Mr. CANNON] and the honorable gentleman from New York [Mr. HISCOCK] asked me what was the average cost of payments made during the war. I find that in a disbursement of one thousand millions of dollars and upward, including all losses by casualties, by the defalcations of officers, and by the failure of a bank in which there were deposits, the entire cost of losses and expenses of disbursement amounted to seven-tenths of 1 per cent. And therefore we have reason to believe that the expectations formed as to the making of these disbursements to pensioners, that they will be conducted with equal precision, with equal economy, and with equal safety from loss to the public, will be realized.

I beg to call the attention of the committee to one more point. It has been, I understand, from time to time an idea brought forward in this House or in Congress that the payments to pensioners could be made from Washington by the Secretary of the Treasury, in the same manner that payments are made of interest on bonds. I have found that those gentlemen who are most careful of the interests of the pensioners are apprehensive that that would be too sudden and too great a change. But in conversation with the Paymaster-General I find he is of opinion that instead of needing eighteen paymasters he probably would be able to reduce the number to four or five, who have their clerks already paid. For these reasons I trust the amendment will meet with favorable consideration in the committee.

Mr. WARNER, of Ohio. Will my friend from California allow me to ask him a question?

Mr. ROSECRANS. Yes, sir.

Mr. WARNER, of Ohio. Would this lead to an increase in the number of paymasters?

Mr. ROSECRANS. It does not at all increase the number of paymasters.

The CHAIRMAN. Five minutes remain to be used in favor of the amendment. The Chair will recognize the gentleman from Indiana [Mr. MATSON].

Mr. MATSON. What I wish to say will not perhaps occupy more than two minutes. The pending proposition provides in substance that

supernumerary paymasters of the Army shall be detailed to fill these offices of pension agents. I was disposed to favor that proposition because I thought it was clearly shown that the salaries of pension agents could be saved in that way to the people, and for that reason only.

But I understand the Committee on Appropriations, since this matter was discussed on Thursday last, has concluded a change ought not to be made. I think I am entitled to the belief that that conclusion has been reached upon some sort of agreement and understanding that the number of paymasters shall be reduced. If, therefore, those who favor this proposition can accomplish the substance that they propose to accomplish by it, the reduction of unnecessary officers, I think they will be satisfied; and I apprehend it is not worth while to press this matter with the Committee on Appropriations against us upon it. I am in favor of the proposition and have been all the time; but if we are to understand that the supernumeraries, at least a number equal to the number of pension agents, shall be stricken from the roll, then we are satisfied.

Mr. STEELE. I desire to ask the gentleman from Indiana [Mr. MATSON] whether the law does not now provide that the number of paymasters shall be reduced to forty?

Mr. MATSON. I can not say positively as to that.

Mr. STEELE. That is the law.

Mr. MATSON. There is no question about the right of Congress to reduce the number.

Mr. STEELE. The number has been reduced by law. The law provides there shall be no new appointments in the Pay Corps until the number in that corps has been reduced to forty.

Mr. MATSON. The number may have been reduced, but there are still supernumeraries.

Mr. STEELE. There are one hundred and seventy-three posts, nineteen armories and arsenals, three recruiting depots, and one engineer depot where payments have to be made. That will give them all the business they will be able to attend to.

Mr. ROSECRANS. How many times a year have they to pay at the posts?

Mr. STEELE. They ought to pay once every month, but as a matter of fact I believe they pay troops only every two months.

Mr. ROSECRANS. The officers every month, the soldiers every two months.

Mr. STEELE. They have to travel over a large extent of territory.

Mr. TOWNSHEND. There will be a proposition to reduce the Pay Corps to a still smaller number.

Mr. STEELE. Hence the more reason why the transfer should not be made. I wish it to be distinctly understood that I have implicit faith and confidence that the payments will be efficiently and honestly made by the Pay Department should the transfer be made.

Mr. GREENLEAF. I have great respect for the judgment and well-known abilities of the gentleman from California who offers this amendment to the bill now under consideration; and yet, unpleasant as the duty is to me on this account, I am constrained to oppose the amendment. I object not only to the radical change in the present system for the payment of pensions proposed by my distinguished friend from California, but also to the reduction in the number of pension agents of the United States from eighteen to twelve, as contemplated by the bill; and I object because I believe that such reduction, or such change, would be prejudicial to the interests of hundreds of thousands of men, women, and children in the land who are now drawing pensions, or who may hereafter draw them, by greatly increasing the distance between the remaining twelve agencies, adding much to the cost and trouble of communicating between them, or by experimenting with a new and untried system—half civil, half military—when the old system of pension agencies has proved so satisfactory for so many years.

And I find that I am by no means alone or singular in the view I take of this matter. I find also opposed to the contemplated change that large, that most worthy and highly honored fraternity of my fellow-citizens of New York known as the Grand Army of the Republic, numbering over 26,500 honorably discharged soldiers and sailors of the Army and Navy of the United States.

I hold in my hand, sir, a printed copy of a series of resolutions unanimously adopted at the late annual encampment of the Grand Army of the Republic in my own city of Rochester, forwarded to me by the department or State commander, respectfully protesting against any change in the present system for the payment of pensions; and I will ask the Clerk to read them as a portion of my remarks. It will be observed that in the third and last resolution the Senators and Representatives in Congress from the State of New York are requested to favor the continuance of the present system of pension agencies.

The Clerk read as follows:

HEADQUARTERS DEPARTMENT OF NEW YORK,
GRAND ARMY OF THE REPUBLIC,
Rochester, N. Y., January 31, 1884.

DEAR SIR: At the annual encampment of the Grand Army of the Republic held in this city January 30, 1884, the following resolutions were unanimously adopted:

Resolved, That this encampment of the Grand Army of the Republic for the State of New York disapproves the proposed action by Congress to change the system of payment of pensions, for the reason that the interest of the Government is wholly safe under the present agency system, while the convenience and necessities of the pensioners are far better served than they could be under a system of payment at or from Washington.

Resolved, That the promptness and reliability of the agency system which have been approved by twenty years' experience, give that system a just preference with pensioners, and that in the apprehension that any change might not operate so well to the advantage of the Government and the pensioners, we discourage any movement in the direction of a change of methods.

Resolved, That the Senators and Representatives in Congress from the State of New York be requested to favor the continuance of the present agency system for the payment of pensions, which is economical, thorough, and safe, and which to Government and people has proved satisfactory in its practical operations.

JOHN A. REYNOLDS,
Department Commander.
J. A. ADLINGTON,
Assistant Adjutant-General.

To Hon. H. S. GREENLEAF.

Mr. ROSECRANS. Will the gentleman from New York [Mr. GREENLEAF] permit me to ask him a question?

Mr. GREENLEAF. I will, with pleasure.

Mr. ROSECRANS. The question is this: Do you understand that my amendment proposes to change the present system of paying pensions?

Mr. GREENLEAF. I do, most assuredly.

Mr. ROSECRANS. Then I have the pleasure to tell you and this committee that it does not. It only changes the officers who are to do the work, and has no more effect on the system than would the employment of Mr. A to do the work now performed by Mr. B as a pension agent.

But the proposition of the Committee on Appropriations to reduce the number of pension agents to twelve would to that extent change the present system of paying pensions. So also would that system to which allusion has been made, that the payment should be made by the Secretary of the Treasury. My proposition is not to change the system, but to have officers of the Army detailed to perform the duty now performed by eighteen pension agents.

Mr. REED. The gentleman from California means, then, simply to impose civil duties upon military officers?

Mr. ROSECRANS. Not at all, not in the slightest degree; that is an entire mistake.

Mr. GREENLEAF. Now, Mr. Chairman, we have in these resolutions an expression of the will of at least 26,500 veteran soldiers and sailors upon this subject from a single State—veterans, who are the most deeply interested in this proposed legislation of any class of citizens in the State; and this expression of their will, it is seen, is clearly and unmistakably averse to the contemplated change in pension agencies; and if there be 26,500 veteran soldiers opposed in one State, how many more, in all probability, must there be opposed in all the States, could their full numbers be known?

Many of these men who thus protest, it should be remembered, are disabled soldiers and sailors, whose welfare we have at heart, whose interests we seek to protect. Therefore, believing as I do that the complete revolution in the system for the payment of pensions proposed by the gentleman from California, or the reduction in the number of agencies from eighteen to twelve, as proposed in the bill, would be detrimental to the interests of those whom, above all others, we are seeking to benefit, I should regard myself as recreant to my duty as their unworthy representative on the floor of this House if I did not in their name and in their behalf oppose with both voice and vote these contemplated innovations on the present system of pension agencies.

I shall vote against both propositions. But I do not wish to be understood from anything I have said as reflecting in the least upon the motives or good faith either of the gentleman from California who offers this amendment or the gentleman from Texas who has charge of the bill; on the contrary, I have no reason to doubt that both these gentlemen are as loyal to the interests of the disabled soldier as I am, or as is the gentleman from Indiana [Mr. MATSON] who preceded me on the floor—and this is saying a good deal. We differ only, I am sure, as to the best mode of accomplishing an object devoutly wished by both sides of the House.

The CHAIRMAN. The time of the gentleman from New York [Mr. GREENLEAF] has expired. There are three minutes of the time left for debate in opposition to the amendment.

Mr. HANCOCK. I will reserve my time for the present.

The CHAIRMAN. The time in favor of the amendment has been exhausted.

Mr. HISCOCK. If the gentleman from Texas [Mr. HANCOCK] will yield to me I will occupy the time.

Mr. HANCOCK. With pleasure.

Mr. HISCOCK. I have in my hands a message sent to Congress by President Buchanan, to which I desire to call attention for a moment. It was a message transmitted to Congress on account of this item in the sundry civil appropriation bill:

For the completion of the Washington Aqueduct, $500,000, to be expended under the plans and estimates of Captain Meigs, and under his superintendence.

The President transmitted to Congress a message in which he said that if it was the purpose of Congress to take from him, or in any way interfere with, his power to command the officers of the Army, then such legislation was unconstitutional and void; that he did not believe that Congress had the power to transfer new duties to new officers, to abolish one office and transfer the duties to another. It is a well-rea-

soned message, and I believe will commend itself to every gentleman who will take the trouble to read it as sound constitutional law.

The CHAIRMAN. The time allowed by order of the House for debate on the pending amendment has been exhausted. The question before the committee is on the amendment submitted by the gentleman from California [Mr. ROSECRANS], in the nature of a substitute for a portion of the pending paragraph.

The question was taken; and upon a division there were—ayes 32, noes 62.

So (no further count being called for) the amendment was not agreed to.

Mr. DIBRELL. I move to amend the paragraph in the manner stated in the proposition which I send to the Clerk's desk.

The Clerk read as follows:

Strike out of lines 25 and 26 "$174,400" and insert in lieu thereof "$50,000;" at the end of line 33, strike out "twelve agents" and insert "one agent;" and in line 34, after the word "pensions," insert the words "whose office shall be in the city of Washington, and whose salary shall be $5,000 per annum;" so that it will read:

"For pay and allowances of pension agents: For salary, fees for preparing vouchers, rent, fuel, lights, and postage on letters to the Executive Departments and to pensioners, $50,000: *Provided*, That from and after July 1, 1884, agents for the payment of pensions shall receive only $5 for each one hundred vouchers, or at that rate for a fraction of one hundred, prepared and paid by any agent in excess of 4,000 vouchers per annum: *Provided, further*, That from and after October 1, 1884, there shall be no more than one agent for the payment of pensions; whose office shall be in the city of Washington, and whose salary shall be $5,000 per annum; and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the pension agents to not exceeding the number aforesaid; and so much of sections 4778 and 4780 as is in conflict with this provision be, and the same is hereby, repealed."

Mr. DIBRELL. The object of that amendment is to reduce the number of pension agents to one, and to have the office of that agent in the city of Washington. I think it is just as easy to pay pensioners from Washington as from other places throughout six or eight or a dozen States. For instance, there is a pension agency in my own State, and the pensioners of nine States are paid from that agency. Even the pensioners of Virginia, which State extends up in sight of Washington, are paid from the pension office in Knoxville, Tenn., and the pensioners of the State of Louisiana are also paid from that office.

I can not for the life of me see why they can not all be paid from Washington as well as from these different agencies. I know that every gentleman who has a pension agency in his district will oppose this proposition; but it will save from one hundred to one hundred and fifty thousand dollars of the amount proposed by this bill, and I think it is right. The Treasury Department pays the interest on the bonded debt four times a year, and why should we not have an agency in this city to pay the pensioners as easily and readily as they are now paid?

Mr. BOUTELLE. I will call the attention of the gentleman to the fact that the proposition which he has submitted has had practically the consideration of one of the committees of this House and also of the Commissioner of Pensions, who has made it the subject of a letter which will be found on page 33 of Miscellaneous Document No. 43 of the present sesssion. In that letter the Commissioner states at some length some of the serious objections to the change proposed.

These objections are so familiar to members of this House that I deem it unnecessary to state them in detail. I will, however, state that one serious objection lies in the fact that under the law the checks for the payment of pensions are not permitted to be made out until within a few days of the time of payment, the object being that the pension checks shall not be paid except to persons whose disabilities existed up to a date immediately preceding the payment. Owing to that fact any attempt to have these payments made from Washington would necessarily and inevitably involve a delay which would be a serious detriment to the pensioners. The Commissioner of Pensions, in the letter to which I have called attention, says:

There are not far from 315,000 pensioners on the roll at the present time. The vouchers upon which they are paid quarterly are prepared by the pension agents and sent to the post-office addresses of the pensioners before the quarterly payments become due.

Mr. DIBRELL. Will the gentleman allow me a moment right here? The report of the Commissioner of Pensions states that by the reduction of pension agencies from fifty-seven to eighteen there has been a saving of 33 per cent. in the expense of making the payments. Does he not?

Mr. BOUTELLE. I am now addressing myself to one of the particular reasons against the proposed change from the present mode of payment through pension agencies in different parts of the country to a system of payments from Washington. The Commissioner further says:

The vouchers, as provided by law, must not be executed before the 4th day of March, June, September, and December of each year, on which days the quarterly pensions become due.

The great bulk of the vouchers are executed on the 4th and 5th of the "pay month," and sent by mail to the agent who is to pay the pension.

Taking the whole roll of pensioners, the following will represent the percentage of payments made during the first ten days from and after the day when pensions become due.

After giving a list, which I will not read, he continues:

To accomplish such results requires an intelligent and efficient clerical force as a permanent force, and this augmented by the employment of an average of ten temporary clerks to each agency for an average period of fifteen days during each quarter.

He takes, as a specific case for illustration, the agency in the State of Ohio, and after reciting the figures he goes on:

I deem it the most important point in the consideration of this question to consult the convenience and well-being of the several thousand pensioners, whether they shall receive their pensions expeditiously or be subjected to a delay from a week to three or four. Among the thousands of pensioners the indigent class are numbered by thousands. To them the difference of a day or two is one of suffering, hunger, and want. Take our larger cities, where agencies are located and where the pensioners can appear in person and receive their pension, and what is witnessed? Long before daylight a crowd is gathered at the agency (waiting for the agent to open his office), this constantly increasing as the day advances, requiring the attendance of police, that the rights of one may not be disregarded by others as they wait their turn for payment.

The appearance of these pensioners who so impatiently avail themselves of an early payment shows too plainly the sufferings from not only their wounds or disease, but hunger and want of proper clothing.

Nearly 50,000 pensioners are paid in person at the agencies, where they can receive a check "payable to bearer," and upon which they can without delay or expense receive its proceeds. It is not infrequently the case where checks are issued payable to their order that find themselves obliged to pay a discount; also a fee to some one to identify them.

The hours of labor at the several agencies are governed very largely by the amount of work to be done. On the morning of the day when the payments become due it is customary with many of the agents to commence paying as early as daylight, and their force of clerks is kept busy until 11 and 12 o'clock at night until the rush is over.

I deem it unnecessary to read further from this statement made officially by the Commissioner of Pensions, the responsible officer in charge of this department of the Government. I do desire, however, to say that while I have failed to hear it stated here that there is any demand from any quarter for a change in the well-settled, thoroughly-organized, and efficient system of pension agencies, there are protests from every part of this nation where a Grand Army of the Republic post is established, or wherever there are pensioners to be paid, against any interference with this system, which is doing its work so well.

Mr. DIBRELL. The Commissioner of Pensions, on page 20 of the report, says:

We are paying 25 per cent. more pensions than before the reduction from fifty-seven to eighteen was made; and are doing it at 33 per cent. less cost.

This is one reason why I say we ought to reduce the number of these agents to one. The very statement read by the gentleman from Maine [Mr. BOUTELLE], that there are now crowds of pensioners rushing to the office for payment at stated periods, is one reason why they should be paid by letter. We can in this way avoid all this crowding. With our present mail facilities all the pensioners can be paid in two or three days, as their payments become due.

I propose to allow for this work as many clerks and as much money as may be necessary to have pensions paid promptly. I do not wish that there shall be a single day's delay that can possibly be avoided, but I do wish to save the $150,000 or $200,000 a year now unnecessarily paid to pension agents. Before the reduction was made in the number of these agencies we had four of them in Tennessee. Now we have but one, and that agency makes payments for nine States. There is no reason why the pensioners can not be paid from Washington just as well as by these few pension agents in widely separated portions of the country.

Mr. BOUTELLE. Will the gentleman allow me to answer him by referring to the statement of the Commissioner of Pensions that, "if pensions should be paid from the Treasury (quarterly as now), and by a force organized for that purpose, the average period which a pensioner would have to wait before payment would be forty-five days."

Mr. DIBRELL. I admit that every pension agent in the country has had petitions gotten up by posts of the Grand Army of the Republic and everybody else whose signatures could be obtained against this proposition. But that does not make it right to continue the present system. As the Commissioner himself states, there was a reduction of 33 per cent. in the expense by reducing the agencies from fifty-seven to eighteen. If these agencies be now reduced to one we can make a further saving of $150,000 to $200,000 a year.

Mr. CANNON. I wish to call the attention of the gentleman from Tennessee [Mr. DIBRELL] to the fact that since the reduction of the number of agencies the saving is not so much in the decrease in the number of agencies as in the reduction of the fees for vouchers from 30 cents to 15 cents each, and the proposition has already been adopted by the House to make a further reduction of this fee to 10 cents on each voucher.

Mr. DIBRELL. That will give them about $120,000 a year as fees.

The question being taken on the amendment of Mr. DIBRELL, it was not agreed to; there being—ayes 22, noes 65.

Mr. HISCOCK. I move to amend by striking out the proviso at the end of the paragraph.

The CHAIRMAN. The Clerk will read the portion proposed to be struck out.

The Clerk read as follows:

Provided further, That from and after July 1, 1884, there shall be no more than twelve agents for the payment of pensions; and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the pension agents to not exceeding the number aforesaid; and so much of sections 4778 and 4780 as is in conflict with this provision be, and the same is hereby, repealed.

Mr. HISCOCK. Mr. Chairman, in my judgment we have reduced the pension agencies to the lowest possible number consistent with the speedy and I might say the economical administration of this branch

of the service. As has already been stated upon the floor, this work must all be done within a few days every quarter; and in order to do it promptly it is necessary for each pension agent to organize a force for the purpose of preparing the vouchers. This is now a temporary force. But if you reduce the number of agencies below eighteen the result in my judgment will be to build up in time a permanent force for the doing of this work. All that is claimed in favor of the proposition embraced in this bill is that it will save the salaries now paid to six of these agents. It will not reduce the sum which is to be paid upon vouchers; it will not reduce any of the other expenses. These officers have been located in different parts of the country with reference to the convenient payment of pensioners. Many of the offices are in public buildings, where there is no rent to be paid. It seems to me well enough to allow the law to stand as it now is.

One word further. We are constantly passing in this House bills to put upon the retired-list officers who rendered meritorious service for the Union during the war of the rebellion. Upon the passage of bills of that kind there is scarcely a division; they go through promptly. Now, I have been furnished with a list of the men holding these positions. Of the eighteen pension agents, sixteen, as I understand, were officers of high merit during the late war, and a large number of them suffered severe wounds. They are crippled for life, and I doubt not if they were to come to this House a bill would be passed to put them on the retired-list.

I say to gentlemen of this committee it would make their hearts bleed to go to the Pension Office and read there the letters recommending these men for this position, giving the history of the wounds they have received and from which they are still suffering. One of the agents is the daughter of a soldier, and the effect of this provision may be to retire her from the service. I believe her father held the place previous to her taking it. Now she may be retired.

It seems to me, Mr. Chairman, that legislation putting out these old men, these old veterans, who have taken these offices on the recommendation of their companions in arms, that legislation to put out that class of men had better be abandoned entirely. They are absolutely pensioners; they are entitled to pensions from the Government. One of them lives in my town. He suffered the amputation of one of his arms up to the shoulder-joint; he is an invalid for life, and incapable of doing manual labor. He and one other are the only ones, I believe, who have survived that operation. I am told by a gentleman who sits at my right that the agent at Milwaukee belongs to that same class.

These wounded soldiers are entitled to pensions from the Government, and the Grand Army of the Republic has come here and asked this system of payment shall not in any way be interfered with. And they had supposed when they did that they had saved their old companions in arms. They did not believe any attempt would be made to reduce the number.

Now, Mr. Chairman, I ask gentlemen to let these men, thus recommended as they have been by their companions in arms in almost every instance, I beg you most earnestly to let them alone and allow the law to remain as it stands to-day.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, this matter was fully considered in the committee. There were various propositions and a good deal of argument pro and con as to each.

One was that the entire payment should be made from the city of Washington. That was the amendment of the gentleman from Tennessee [Mr. DIBRELL], and I may say it had the strong advocacy of the Treasurer of the United States. I at first favored it, but was outvoted in committee. I believe I may say that so far as my own action is concerned.

The other proposition considered in committee was that of the gentleman from California [Mr. ROSECRANS]. It was then thought that the number could be reduced, and I find here, in the testimony given by Mr. Dudley himself, that he stated that while he does not recommend any reduction, he thinks the agency at Augusta, Me., and the one at Concord, N. H., might possibly be consolidated.

The proposition was to reduce to nine, or one-half. It was finally settled, and I thought with general concurrence, although perhaps there were some who disagreed, that the number should be twelve. We were strengthened in that position because we saw no necessity for agencies at Columbus, Louisville, Pittsburgh, and Knoxville. Fixing on some one point would obviate the necessity for the other three of them.

Again, as I have already said, the agencies at Augusta and Concord should be consolidated.

I can see why the gentleman from New York [Mr. HISCOCK] feels some interest in the matter. We see no necessity for an agency at Syracuse and one at New York city. We did not want to touch the system in any particular. We had no desire to embarrass the prompt payment of pensions to pensioners. On the contrary, we state we can safely reduce the number to twelve and, by decreasing the number of officials, save to the Treasury $24,000 per annum.

There has never been any petition against this. There was never any occasion for any petition on this subject whatever from members of the Grand Army of the Republic, for there was no one on either side or any proposition from any source that meant to embarrass the prompt payment of pensioners. But I know how sensitive these men are and how easily they are worked upon by the men who pay them, and without meaning any disrespect I will say the petitions which have been gotten up were at the instance of these pay agents themselves.

We have now come to a period when we can, without detriment to the pensioners themselves and with manifest economy in the public expenditures, reduce these agencies; and I do not believe that there would be a protest from any source where the manner in which the payments are made is intelligently understood.

I would not like to say that the Commissioner of Pensions favors the reduction proposed, nor, on the other hand, would I like to say that he has put any vehement protest before the committee against some consolidation. I hope, therefore, the amendment of the gentleman from New York will not prevail, but that the committee will be sustained in its effort to make this change, which has been carefully considered by the committee, and which can produce no embarrassment or friction in any direction whatever.

Mr. HISCOCK. I move to strike out the last word.

I do not know that I clearly understood the gentleman from Pennsylvania in saying that the result of this bill might be to abolish the pension agency at Syracuse or that it was contemplated. What was the remark of the gentleman?

Mr. RANDALL. I stated simply the effect of this consolidation; and my inference was a very correct one, that it would possibly abolish the agency either at New York or Syracuse. In such a struggle I suppose Syracuse would have to go under.

Mr. HISCOCK. I do not believe, Mr. Chairman, that Syracuse would be in any great danger even if there was a consolidation as proposed in this bill, because I believe that many smaller tracts than the great Empire State and with far fewer soldiers to be paid would probably have two agents.

But, sir, I shall not blush for advocating this amendment, even if I am liable to be charged with selfishness in doing so.

Mr. RANDALL. I do not charge anything of that kind.

Mr. HISCOCK. Well, that I am interested in the matter; for I believe that when this class is made up as it is, when this pension agent at Syracuse is, as I have described him to be, a man who in the service of his country was mutilated for life, who is unable to engage in the active pursuits of life—I say when such a case as that is presented, it is my duty as well as my pleasure to raise my voice in protest against any legislation that will strike at him or at the class that he represents. If these people were civilians, if they were capable of supporting and taking care of themselves, as they are not in many instances, you might say then, "Reduce them," and there would probably be little protest. But I do not put it too strong when I state that they are absolute pensioners upon the Government and dependent upon that employment for their support. This law is itself substantially a pension-roll for the benefit of the wounded and disabled soldiers, or, if it is not, it ought to be.

Mr. RANDALL. Let me interrupt the gentleman to say that I hope all such as he describes will be retained. But there are many pension agents who have never been in the Army, so far as I know.

Mr. HISCOCK. I do not know of that. But take the case of the agent at Chicago. There, as I have shown, the agent is the daughter of a soldier. Now, some one has said that Chicago would retain her office. That may be true; but retaining the office at Chicago is not of necessity retaining this lady as the officer in charge of it. It is to be a consolidation of offices, and when consolidated, when the number is reduced, they will be assigned to different points for accommodation in making payments to the pensioners.

Now, this list is made up of a character of men that we can not afford to interfere with; and I say to the chairman of the Committee on Appropriations that when he reduces them to twelve he invades that list of wounded men and pensioners. I do not know who they are in the State of Pennsylvania, and I care not. In that State one of them, I believe, at least, if not more, was not in active service. I think one was a soldier, but not engaged in a department of the service perhaps which would entitle him to consideration of this kind. But you can make the reduction without striking at men that no member of this committee, in my judgment, would desire to interfere with.

I now ask, in conclusion, the attention of the committee while I read what the Commissioner of Pensions has said upon the subject:

> In the matter of the reduction of the number of pension agencies I may simply state that I would not be justified in placing myself on record in favor of such change. One of the first considerations proper, it seems to me, is the convenience of the pensioners, when the same is compatible with good public policy. Therefore I do not think the change proposed is a wise one.

Now, it is true that by this reduction $24,000 can be saved. But it is a small amount in comparison with the injury that it may do. The President has already the right to reduce where it is necessary the number——

[Here the hammer fell.]

Mr. DEUSTER was recognized.

Mr. RANDALL. We leave it entirely with the President.

Mr. HISCOCK. If I may be permitted to answer that suggestion of the gentleman from Pennsylvania——

The CHAIRMAN. The gentleman from Wisconsin is entitled to the floor.

Mr. RANDALL. If the gentleman will permit me I simply wish to say that the consolidation proposed by this bill is left entirely in the hands of the President, as all other consolidations have been of these officers heretofore.

Mr. HISCOCK. I understand that the provision of this bill is mandatory on the President.

Mr. RANDALL. Certainly; of course he would hardly decrease his patronage.

Mr. DEUSTER. The reduction of pension agencies from the present number (eighteen) to twelve is a matter that concerns many of my constituents. I believe that a further reduction of these agencies would not be either for the benefit of the Government or pensioners, particularly in the West, where the great extent of territory renders the matter of distance from the place of payment an important item in the time within which payments can be received by pensioners. It may be true that the present agents pay all pensions more rapidly than the former agents to the number of fifty-four, but this is due to new methods, by which a larger number are paid each day; but there is a point beyond which the number of such daily payments can not be made with safety to the Government or the agents. To make a reduction, therefore, of $24,000 at the cost of delay in payments to a large number of needy pensioners, and at the cost of the loss to the Government of the personal supervision of payments by agents, would be poor economy, when it is remembered that these agents are expected to disburse $80,000,000 of the Government funds. That these disbursements are now made rapidly and with less expense to the Government than any other disbursements of the Government will be evident from the report of the Commissioner of Pensions, and that any considerable amount in the cost of such disbursements can be saved to the Government without loss in promptness of payment is hardly possible. Therefore I shall feel bound to support the amendment of the gentleman from New York.

The *pro forma* amendment was withdrawn.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. HISCOCK] to strike out the last proviso of the section.

The question being taken, there were—ayes 25, noes 73.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the second section of the bill, as follows:

SEC. 2. That section 1 of the act entitled "An act relating to claim agents and attorneys in pension cases," approved the 20th day of June, A. D. 1878, be, and the same is hereby, made applicable to bounty, arrears-of-pay, lost-horse, and bounty-land cases, and pension cases in which arrears of pension are or shall be claimed or granted. And the fee of $10 prescribed by law shall not be payable to nor demanded or received by any agent or attorney in any pension case, whether for arrears or otherwise, or in any bounty, arrears-of-pay, lost-horse, or bounty-land case, in whole or in part, until such claim shall be allowed. Upon allowance of arrears of pension and pension cases the Commissioner of Pensions shall direct that the same be paid by the proper pension agent in the manner provided for in sections 4768 and 4769 of the Revised Statutes. And the provisions of section 5485 of the Revised Statutes shall be applicable to any person who shall violate this act.

This act shall apply to pending as well as all future applications for allowance of arrears-of-pay, lost-horse, arrears-of pension, and pension cases: *Provided*, That where the pensioner obtaining a pension, or an increase thereof on a pending application, has heretofore paid to his agent or attorney a sum equal to the whole or any part of the fee by this act allowed, said pensioner shall be entitled to credit for the same against the sum which would otherwise be payable as aforesaid to such agent or attorney.

Mr. ROGERS, of Arkansas. I move to strike out section 2 of the bill and substitute in its stead what I send to the desk.

The Clerk read as follows:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears-of-pension, or bounty-land claims until the allowance of the claim.

SEC. 3. That all fees in pension claims shall be paid by the agent for paying pensions out of the first installment of pension due the claimant, and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions.

SEC. 4. That the fee in all pension, arrears-of-pension, or bounty-land claims shall be $10, except in cases of special written contract, filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 28, 1878, and prior to the passage of this act, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service and otherwise competent to advise and assist such claimants in the presentation of their cases; and such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or presumptive claimant by word, circular, letter, or by advertisement.

SEC. 6. That any agent or attorney, or other person instrumental in prosecuting any claim for pension, or arrears thereof, who shall directly or indirectly contract for, demand, or receive, and retain, any compensation for his services or instrumentality for prosecuting a claim for pension, or arrears thereof, greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

Mr. HANCOCK. I desire to make a statement in reference to this proposed amendment.

The CHAIRMAN. The gentleman from Arkansas is entitled to the floor for five minutes on his amendment.

Mr. ROGERS, of Arkansas. I understand the gentleman from Texas having this bill in charge on behalf of the Committee on Appropriations accepts this amendment. Am I correct?

Mr. HANCOCK. I have no right to accept the amendment, but I want to state to the committee that this amendment as first presented and printed in the RECORD has been considered by the Committee on Appropriations, and they have directed me to say it was acceptable to them; and if agreeable to the Committee of the Whole, they are willing it should be adopted in lieu of the second section of the pending bill, and I have no doubt it will be if they have a chance to vote on it.

Mr. ROGERS, of Arkansas. With the understanding which has been stated by the gentleman from Texas, I have no disposition to make any remark. I will simply make this suggestion in addition to what has been said by the gentleman having this bill in charge, that this amendment was thoroughly and carefully matured by the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and I was instructed to offer it as a substitute for this second section. With that remark I have nothing further to say, unless some gentleman of the committee desires some explanation.

Mr. MATSON. I desire to ask the gentleman from Arkansas whether this amendment in any way affects any existing contracts so as to allow a claim agent to charge those for whom he may have already filed claims a larger fee?

Mr. ROGERS, of Arkansas. I answer that question in the negative. It was the intention of the committee that the amendment should not allow contracts already made to be increased, or new contracts to be made in lieu thereof, and that the bill should not be retroactive in any respect.

Mr. HART. I do not desire to oppose the amendment; but I would say that it is a matter of such important legislation that I think we ought to read it carefully and understand what we are doing. It seems to me the committee had better rise, that we may have a chance of examining it. Otherwise, I propose to make the point of order.

The CHAIRMAN. The gentleman is too late in making the point of order.

Mr. CUTCHEON. There was considerable confusion while the amendment, which is somewhat lengthy, was being read. I will ask the gentleman from Arkansas [Mr. ROGERS] to explain in a few words the difference between his substitute and the second section of the bill.

Mr. ROGERS, of Arkansas. In response to the suggestion of the gentleman from Michigan [Mr. CUTCHEON], I will endeavor to explain as nearly as I can the difference between the substitute which we offer and the section as reported in the pending bill. Before doing so, however, I will state that in order that the members of the committee might have ample opportunity to examine and criticise the proposed substitute, and to offer objections to it if there were found to be any objections which were tenable, I asked and received permission of the House to have it printed in the RECORD, and it will be found in the RECORD of April 17, 1884. It is due, however, that I should say that since that time some slight alterations from the printed text have been made.

Mr. WARNER, of Ohio. Recommended by the Commissioner of Pensions?

Mr. ROGERS, of Arkansas. Not only recommended by the Commissioner of Pensions but recommended by the committee after due consideration and explanation by him in the presence of the committee. Those changes, however, are not important. The chief difference will be found in section 4 as printed in the RECORD, but section 5 as read by the Clerk. Section 4 of the substitute as originally proposed conferred a general power upon the Secretary of the Interior to prescribe regulations for the admission of parties to practice before the Pension Bureau and to govern himself as a sound policy might dictate upon that particular subject. The substitute as now proposed prescribes the exact powers which the Secretary of the Interior may exercise in that regard. The only difference, therefore, between the two provisions is that the one is specific, while the other is general; the one gave a general power over the whole subject to the Secretary of the Interior, the other points out specifically what he shall require of parties practicing before the Pension Bureau as regards their efficiency, moral character, &c.

There are some other suggestions which I want to make in response to the question of the gentleman from Michigan [Mr. CUTCHEON], which is a very proper one. In the second section, as reported in the bill from the Committee on Appropriations, there is a provision in relation to lost-horse claims. The committee offering this substitute thought that provision was unimportant and unnecessary. As I said on a former occa-

sion, no one can now put in a claim for lost horses except officers of the Army, and we thought they were capable of attending to their own interests.

Mr. TOWNSHEND. The gentleman is mistaken; claims for lost horses can be presented by privates.

Mr. ROGERS, of Arkansas. I have been informed differently.

Mr. TOWNSHEND. Privates of cavalry regiments can present such claims. I know from my own knowledge that many of them furnished their own horses.

Mr. ROGERS, of Arkansas. Accept that then to be true, and that I have been wrongly informed; still the time has expired in which claims of that character can be filed at all. Why then extend the provisions of this act to them when it can have no sort of effect on that class of claims? We therefore propose to leave them where the law heretofore has left them.

The CHAIRMAN. The five minutes allowed by the rule for debate in support of the amendment has been exhausted.

Mr. TOWNSHEND. I rise, Mr. Chairman——

The CHAIRMAN. Does the gentleman rise to oppose the amendment?

Mr. TOWNSHEND. I do so far as——

The CHAIRMAN. The Chair will suggest that by order of the House a recess must be taken at 5 o'clock; and therefore unless debate is made brief the bill can not be finished before that time.

Mr. STORM. I will ask unanimous consent that the time of the gentleman from Arkansas [Mr. ROGERS] be extended. He has been called upon for an explanation, and we desire to hear it fully.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. STORM] asks that the time of the gentleman from Arkansas be extended.

Mr. TOWNSHEND. I want to use only about a minute, and I will yield the remainder of my time to the gentleman from Arkansas.

I introduced the original provision which appears in the bill now before the House. My object was to protect claimants against the Government from the sharps hanging about this city who endeavor to entrap them into contracts for large fees.

I wish, however, to call attention more particularly to one point the gentleman has alluded to. He seems to be under the impression that there are no claims for lost horses except those presented by officers. In that he is mistaken. There were cavalry regiments whose privates furnished their own horses, and there are many such claims now before the Department unadjusted and undisposed of. I want to protect that class of claimants, for the reason that I have constituents who have been entrapped into making contracts to pay to claim agents here one-third, and in some cases one-half, of the amount which may be recovered for their lost horses.

I am not desirous of opposing the amendment which has been offered except for the purpose of drawing attention to this fact, and also to state that hereafter when the opportunity shall present itself I shall insist upon some action being taken which will protect other claimants against the Government besides pension claimants from the same troubles and difficulties which arise in their cases.

Mr. MATSON. If the gentleman will allow me, I will say that the gentleman from Kentucky, Colonel WOLFORD, commanded a regiment which furnished its own horses.

Mr. TOWNSHEND. And every gentleman here from the North knows that there were a number of regiments where the privates furnished their own horses.

My object in introducing the original provision in the bill was to protect applicants for pensions. I first limited the amount of the fee to $10. I am, however, willing on that point to yield to the views of others and will not oppose an amendment to raise the amount which may be allowed.

Mr. ROGERS, of Arkansas. If my friend from Illinois will examine the matter he will find that the time within which claims for lost horses could be preferred expired January 9, 1884.

Mr. TOWNSHEND. But hundreds of such claims, filed before that date, are now pending.

Mr. ROGERS, of Arkansas. The response to that is this: The committee presume that in all those cases the parties had already made contracts; and we thought it unwise and unconservative legislation to undertake to interfere with contracts already made under existing law. Therefore the committee left out of consideration the question as to that class of claims.

Mr. CUTCHEON. I would like to inquire whether this has the approval of the Department?

Mr. ROGERS, of Arkansas. It has.

Mr. WARNER, of Ohio. Every word of it.

Mr. HOUK. What does the substitute provide as to the limitation of the fee?

Mr. ROGERS, of Arkansas. The limitation is $25; and that amount is not to be allowed except in a certain class of cases—difficult cases.

Mr. WARNER, of Ohio. And the provision is not retroactive.

Mr. HENDERSON, of Iowa. The present law, I understand, limits the fee to $10.

Mr. ROGERS, of Arkansas. Yes, sir. This provision allows a fee of $25 in a difficult class of cases.

Mr. RANDALL. Subject to the discretion of the Commissioner.

Mr. WARNER, of Ohio. The provision is not retroactive; and the Commissioner has approved every word of it.

The amendment was agreed to.

Mr. ROGERS, of Arkansas. The Commissioner has prepared and we have adopted as our report an epitome in regard to this whole subject of legislation. I really think this document is valuable enough to be preserved, and if I can have unanimous consent I would like to have it printed in the RECORD.

The CHAIRMAN. It may be printed as a part of the gentleman's remarks, if there be no objection. The Chair hears none; and it is so ordered.

The document is as follows:

[Report to accompany bill H. R. 3882.]

The Select Committee on Payment of Pensions, Bounty, and Back Pay, to whom was referred the bill (H. R. 3882) amending the pension laws relating to claim agents and attorneys in pension and bounty-land cases, have had the same under consideration, and, with some slight amendments, recommend its passage in lieu for all others on that subject.

The subject being one of such vital interest to the claimants for pension, as well as securing uniformity in practice and providing the means which will enable the Pension Office to be divested of much useless labor now entailed upon it by the existing law relating to attorneys, your committee deem it proper to give something of the history of legislation on this subject and the effects thereof, believing the same in itself is a good and sufficient reason for new legislation.

The periods covered by legislation on this subject may be divided into three:

The first from 1862 to 1870, and governed by the acts of July 14, 1862 (sections 6 and 7), and that of July 4, 1864 (section 12). The first act provided that an agent or attorney in a pension or bounty-land claim should receive as his compensation a fee not to exceed the sum of $5 for making out and filing a declaration, and an additional sum of $1.50 for each affidavit required and filed as additional testimony, except the affidavit of surgeons.

The second-named act (1864) repealed the former, and provided that such agent or attorney should be entitled to a fee not to exceed the sum of $10, the same to be in full compensation for all services rendered in obtaining such pension, and that such fee should not be demanded or received, in whole or in part, until the pension was obtained.

The second period was from 1870 to 1878, governed by the act of July 8, 1870 (section 7), wherein it was provided that the fee of agents and attorneys, for the preparation and prosecution of claims for pension and bounty land, should not exceed the sum of $25. Such agent or attorney was required to file with the Commissioner of Pensions for his approval duplicate articles of agreement, without cost to the claimant, setting forth the amount of fee agreed upon. Also that in such cases where no fee-agreement was filed, the fee should not exceed $10. It was further provided that the fee in any case should not be paid, except upon the allowance of the same, and then to be paid by the pension agent out of the first payment of the pension.

The violation of the provisions of either of the acts before mentioned so far as they related to attorneys and their fees was made a misdemeanor.

The third period was from 1878 to the present time, and governed by the act of June 20, 1878. This act is quoted in full, as follows:

"An act relating to claim agents and attorneys in pension cases.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, It shall be unlawful for any attorney, agent, or other person to demand or receive for his services in a pension case a greater sum than $10. No fee-contract shall hereafter be filed with the Commissioner of Pensions in any case. In pending cases in which a fee-contract has heretofore been filed, if the pension shall be allowed, the Commissioner of Pensions shall approve the same as to the amount of the fee to be paid at the amount specified in the contract. Sections 4768, 4769, and 4786 of the Revised Statutes shall not apply to any case or claim hereafter filed, nor to any pending claim, in which the claimant has not been represented by an agent or attorney prior to the passage of this act.

"SEC. 2. Section 4785 of the Revised Statutes is hereby repealed.

"Approved June 20, 1878."

Prior to 1862 there was no statutory provision relating to agents or attorneys and their fees. They were at liberty to make such contracts as they pleased, and not infrequently received a greater portion of the pension for such services as they rendered.

The initiatory steps taken by the act of July 14, 1862, soon demonstrated by its practical workings that the question of the fee should be more clearly defined in order to give any sort of protection to the claimant. It so loosely guarded the claimant's interest that an unscrupulous attorney could for unnecessary or even pretended services increase his compensation, and against such a procedure there was no adequate remedy.

The limit of the fee to $10 as provided by the act of July 4, 1864, was the first step taken which offered any guarantee for the protection of the claimant against extortion. The limit of fee to $10 was a fair compensation at that time, indeed, more liberal than would be a twenty-five-dollar fee at present. The class of invalid cases then filed were almost wholly on account of gunshot wounds, and it was the exception to the rule when any evidence was required which was not contained in the declaration. In other words, the great bulk of the claims then filed were established upon the record.

It was during this period that the work of the Pension Office assumed such proportion that afforded opportunities for experience. The magnitude of its work had then fairly commenced. It was during this and the former period, that is, prior to 1870, that upon the allowance of a pension the certificate granting the same was transmitted direct to the attorney in the case. It was the rule with the attorney during this time to take from his client a general power of attorney, which not only authorized him to prosecute his claim, but to receive his pension certificate, execute the vouchers for the pension, and receive, as such attorney, the amount of pension due. The most favorable means, it will be seen, was provided under the law to assist a dishonest agent to swindle his client. The abuses of this character were many, and often the pensioner was in ignorance of the amount which had been allowed him, as the same would be appropriated by his attorney. This was regarded as the one great weak point in the then existing law, and from the experience afforded came the act of July 8, 1870.

This act increased the amount of fee from ten to a maximum of twenty-five dollars, payable only in such cases where a contract was filed which should stipulate the amount of fee in case it was to exceed $10.

The claimant in such case was permitted to exercise a judgment of his own. As before stated, the fee under this act was contingent upon the allowance of the claim, and it was unlawful to demand or receive any fee, or part thereof, not only if the claim was not prosecuted to a successful issue, but the same could not be received by the attorney except from the pension agent out of the first payment of the pension.

The general feature of this law secured the interest of the claimant, protected that of his attorney, and guaranteed the payment of the fee whenever he ful-

filled the terms of his contract; served as a check upon filing unmeritorious claims, as an attorney generally would fail to file and prosecute the same unless there was a reasonable chance of success, for otherwise he would receive no fee. It is true that abuses existed while this law was in operation, as they will always exist under any statute. There would be technical violation of the same in some instances; in others, by evasive acts and means employed by the unscrupulous, whereby they might succeed in their dishonest ends in such manner that it would often be impossible to sustain a criminal action against them.

The act of June 20, 1878, reversed the order of things entirely. It reduced the fee or rather limited the same to $10. It left the attorney and the claimant to adjust the payment, the amount only being limited by law. In its operations it failed even to protect the claimant as to the amount of fee, only to the extent that any one attorney could not receive a greater sum than $10, while others might succeed one after another to the attorneyship and "bleed" the claimant.

We feel justified in quoting from the report of Commissioner Dudley at length upon the necessities of a statutory substitute to the existing law. On pages 16 and 17, report for the year June 30, 1883, the Commissioner says:

"I can perhaps add nothing new to what I have already said in my reports of 1881 and 1882 upon this subject further than to say that the evils complained of have greatly increased and will continue, and that the present situation calls for immediate action on the part of Congress. The questions affecting the relations of claimants and claim agents and their status before this office as practitioners are, all things considered, the most perplexing and annoying which arise in the administration of the Pension Bureau.

"The construction which has heretofore been placed upon the act of June 20, 1878, by which agents claim and exact generally their fee in advance, has, I think, operated to practically exclude from the practice many educated, responsible, and useful attorneys, and has attracted to it many ignorant, unscrupulous, and useless persons, whose only object seems to be, first, to procure applications from soldiers, regardless of merit, to be filed through them, and then, while acting simply as transmitters of the papers, assiduously dun the claimant until the ten-dollar fee is secured, and thereafter practically abandon the case, like a 'squeezed orange,' preferring rather to seek new victims than expend time in serving old ones. Rules must be framed and practice adhered to which will protect as far as possible the unwary claimant in his dealings with this class of men. As it is impossible to discriminate, respectable, industrious, and useful agents, who are honestly endeavoring to forward the interests of their principals, justly complain of the severity and rigor with which we are compelled to enforce our rules of practice.

"I quote from my report of 1881, as follows: 'In my opinion the actual results of the enactment of June 20, 1878, have been deleterious to the interests of the claimants and agents alike; to claimants, in that the abolishment of the contingency of success and the removal of the security to the agents has stimulated many irresponsible persons, who could be of no possible service to the claimants, to invite a general application of soldiers for pension, regardless of disabilities incurred, by which, after filing the claim, they may obtain in advance the legal fee of $10 and thenceforth abandon the claim, thus encumbering the files of the office and hindering and delaying meritorious claimants; to the agents, by degrading the profession and bringing into disrepute an otherwise legitimate employment. Agents in good standing and well informed in pension law and practice, when their fee depended upon the successful prosecution of the claim, would, and I believe did, examine and scrutinize the merits before risking years of labor, and refuse to file cases without merit. Unpleasant friction between the principal and agent was avoided by the contingent fee and security of payment, because of the identity of interests.'

"I recommend that Congress re-enact the laws in force prior to June 20, 1878, upon this subject, and make such provision as will protect the Department and claimant alike from ignorant and useless agents, and protect and assist well-informed and useful ones."

And from the report of 1882, as follows:

"In my last annual report I dwelt upon the subject of claim agents and attorneys and their fees. Experience fully justifies me in my opinion in all that was said in that report touching this subject, and I wish to refer to it and make it a part of this. Much time and labor are spent in the prosecution of claims by attorneys and agents, who, after years of labor, find themselves limited to a fee of $10, and in self-interest resort to subterfuges and devious methods to obtain a greater fee from the claimant. I think this office should be relieved from the vast amount of annoyance caused by the petty prosecution of men, perhaps not otherwise dishonest, who find the opportunity offered by the receipt of large sums of arrears of pension by their principals to collect from them a greater fee than is allowed by the act of June 20, 1878, too great a temptation to be borne.

"Wherever such cases come to my knowledge it is my duty, and I have endeavored to discharge it by prosecuting the offender and recommending that he be disbarred from practice. The offense is often so trifling that it is exceedingly annoying to be compelled to set so much force upon such small and seemingly unimportant outside matters. In my opinion the remedy lies, as I have before recommended, in the substantial re-enactment of the law in force at the time said act of June 20, 1878, was passed, the salient points to be covered being, first, the establishment of a reasonable fee for the claim agent or attorney; second, the agreement therefor to be by written contract, which, as to the amount of the fee, shall be subject to the approval and discretion of the Commissioner of Pensions, and the form to be prescribed by him; third, the payment of such fee to be contingent upon the successful prosecution of the claim; fourth, the payment thereof to be made by the pension agent, such guarded provisions to be enacted as will prevent injustice being done claimants whose claims are already on file, where payment of some part of the fee has been made in advance, so that the claimant shall have the full benefit of such payment. I can not but believe that a well-guarded law of this character will attract to the pension practice an honorable and upright class of regular attorneys who can not now afford to undertake the business for the fee, and who are unwilling to be annoyed by such employment under the restrictions as they exist under the present law.

"In this connection I would recommend that section 5485, prescribing a penalty for the reception or retention of an illegal fee, be amended as follows: Strike out the words following 'than is provided,' in line 5 in said section, the words in the title 'pertaining to pension,' and insert in lieu thereof the words 'by law.'".

Commissioner Dudley informs the committee that the construction which has been given the act of June 20, 1878, did not prohibit agents and attorneys from receiving from claimant the fee stipulated by that act in advance, either in whole or in part. In other words, the agent was permitted to collect his fee without securing to his client any guarantee that he would prosecute the claim to a final determination.

The Commissioner further informs us that immediately after the passage of the act of 1878 his predecessor commended its provisions, believing that the incentive on the part of attorneys to "draw up" claims was checked, and that the falling off in the numbers filed gave promise that those which were filed would prove to contain a larger percentage of meritorious claims; that the attorney being left entirely with his client in the matter of fee, would be less likely to file a claim without merit, it being presumed that a claimant who would file a claim deficient in merit would not pay a fee to his attorney unless he secured a pension.

These presumptions the Commissioner informs us were more apparent than real, and subsequent experience has fairly demonstrated them to be erroneous. He says that for the six months immediately following the act of June 20, 1878, there was a falling off of upward of 25 per cent. in the number of claims filed. As the numbers filed increased during the pendency of the bill in Congress, and the change was so radical, aftertime has shown the suspension was but temporary. The period following the six months quoted and up to July 1, 1880, was that covered by the arrears act of 1879. Since that time, however, that is, since the limitation imposed by the arrears act, the number of claims filed (excluding 1812 and increase claims) have increased at an annual average of 110 per cent. compared with the six months referred to, and an annual average increase of 63 per cent. compared with the average of the years 1877 and 1878.

The abuses practiced, which the present fee-law fails to prohibit or prevent, so clearly pointed out by the Commissioner in his annual report, by no means show the extent to which they are carried. He says that by a construction put upon that act by his predecessor, an attorney may file a claim for pension, and before taking any further action demand and receive his fee of $10, either in whole or part, in advance, and if paid in part only, abandon the claim because of failure to secure his whole fee at the start, leaving the case to be operated upon in like manner by another attorney, or the attorney may file the declaration knowing from the facts stated that the claim is without merit or without title under the law, and concealing this from his client, who may be in ignorance of the fact, exact a fee from him; or the claim may be rejected by the Pension Office, upon facts shown by a medical examination, and the action taken withheld from the claimant by his attorney until the fee in full is paid. In this latter case, if the full fee of $10 has been paid and the claimant believes he can succeed in satisfying the Pension Office that he is entitled to a pension, he usually finds himself obliged to secure the services of another attorney and pay another fee, as the first attorney, having already received $10, the maximum amount, finds it no longer to his interest to perform any more labor in that case.

Cases are numerous where the evidence is apparent that it is the intention of the attorney to do no more than to file the claim, secure as much of the fee as he can, and then abandon it.

Attorneys and agents do business under names and firm styles which evidently are taken for the purpose of evading criminal liability in case of detection of fraud, partners often having no existence save on paper. In other cases an attorney will practice under a name or firm style. One or more of his or their clerks or some member of their family will also appear as constituting another claim agency. The first of either who secures a client will obtain the fee. If the case is rejected one of the other named will at once secure the attorneyship in the case, informing the claimant of their ability, in their belief, to secure favorable action. Then a second fee is secured.

There seem to be several of these "chains of attorneys" having but one head and proprietorship, and by such cunning devices are enabled to "bleed" the claimant, and at the same time, if detected in violation of law and suspended from practice, secure to one of their "branches" the attorneyship in the claims on their (?) files, and thereby operate to again receive the full fee without regard to what may have been paid in the former instance.

This class of claim agents will oppose the reforms proposed by the bill herewith submitted, but it is confidently stated that the reputable and valuable class of claim agents, who faithfully represent their clients, and should be excepted from the above strictures, will heartily welcome the reforms hereby proposed.

The present limit of fee to $10 practically excludes the local attorneys and throws the business into the hands of those who conduct large claim bureaus.

In small communities where the claimant can meet his attorney and explain to him circumstances whereby he can proceed intelligently to obtain the necessary testimony in his case, and where also the witnesses or many of them may reside, the difficulties are much lessened in proving his case. But with a fee limited to $10 the country practitioner finds it unprofitable to devote his time to such services and impossible to either devote the time required for the fee or compete with the larger firms located here, who can render him much less valuable services. It should be remembered in this connection that the great proportion of claims require considerable testimony.

From the Commissioner's report it is shown that among the pending claims 92 per cent. are on account of disease and combined disabilities, the remaining 8 per cent. only being gunshot wounds.

In the dependent class even more testimony is necessarily required.

In the substitute for the present law the general features contained in the acts of July 4, 1864, and July 8, 1870, have been combined, preserving the former and limiting the latter to certain classes of cases. The other changes are such as are necessary to adapt them to subsequent changes in the law, as well as curing such defects as have from time to time been brought to the attention of the Pension Office.

We append hereto correspondence forwarded to this committee by the Secretary of the Interior pertinent to this subject:

DEPARTMENT OF THE INTERIOR, *Washington, March* 11, 1884.

SIR: I have the honor to inclose herewith a copy of a communication, dated December 19, 1883, from the Commissioner of Pensions, based upon complaints which have reached his office relative to the practice of attorneys for claimants for pension of demanding the payment of fees in advance of the allowance of the pension, and suggesting that a rule be established by this Department prohibiting the demand of such advance fees.

The Commissioner deems the matter of much importance in the interests of claimants and of the Government, and as there may be doubt whether a proper construction of the act of June 20, 1878, relating to fees in pension cases, would justify the Department in taking the action proposed, I have concluded to submit the subject to your committee for consideration as to the propriety of further legislation.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. A. J. WARNER,
Chairman Committee on Payment of Pensions, Bounty, and Back Pay, House of Representatives.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., December 19, 1883.

SIR: In view of the many complaints made by applicants for pension of the wrongs and injustice they have suffered at the hands of unscrupulous claim agents and attorneys in their dealings with them, and in view of the questionable practices and methods resorted to by such agents and attorneys in obtaining and prosecuting business before this office, to some of which wide publicity has been recently given in the public press, I have the honor to present the subject for your consideration to ascertain whether a rule of practice can not be established to remedy the evils complained of.

But before entering upon the question of remedy it is deemed not inappropriate to give a statement of the various acts and statutory provisions relative to fees of attorneys and claim agents for services rendered by them in the prosecution of such claims, and the following statement is therefore submitted, namely:

Prior to the passage of the act of July 14, 1862, there does not appear to have been any legislation on the subject, and pension applicants were left free to enter into such agreements with attorneys and claim agents, and to pay them such

sum for the prosecution of their claims as was mutually agreed upon; and they generally executed and delivered to their attorneys or claim agents powers of attorney authorizing them to receive and receipt for their pension-money when it should become due and payable. From this money when received the attorneys or claim agents would deduct the amount of the fee agreed upon, which was, as a general rule, one-half of the full amount of pension-money received at the first payment.

The first legislative enactment relative to fees in pension cases is the said act of July 14, 1862. The sixth section of that act provides that the fees of agents and attorneys "for making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the Pension Office with the requisite correspondence," shall not exceed $5, except "in cases wherein additional testimony is required by the Commissioner of Pensions, for each affidavit as required and executed and forwarded (except the affidavits of surgeons, for which such agents and attorneys shall not be entitled to any fee), $1.50."

This section was repealed by the twelfth section of the act of July 4, 1864, which provides "that the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowances before the Pension Office, under this act, shall not exceed the following rates: For making and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the Pension Office with the requisite correspondence, $10; which sum shall be received by such agent or attorney in full for all services in obtaining such pension, and shall not be demanded or received in whole or in part until such pension shall be obtained."

Section 4 of the act of June 6, 1866, provides "that no claim agent or other person shall hereafter charge or receive more than 25 cents for preparing the papers necessary to establish a pensioner to receive a semi-annual payment of his pension."

Section 7 of the act of July 8, 1870, provides that "the fee of agents and attorneys for the preparation and prosecution of a claim for pension or bounty land, under any or all the various acts of Congress granting the same, shall not exceed in any case the sum of $25. It shall be the duty of the agent or attorney of record in the prosecution of the case to cause to be filed with the Commissioner of Pensions, for his approval, duplicate articles of agreement without additional cost to the claimant, setting forth the fee agreed upon between the parties, and which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for pension or bounty land, and no agreement is filed with and approved by the Commissioner as herein provided, the fee shall be $10 and no more."

And section 9 of the same act provides "that the Commissioner of Pensions shall forward the certificate of pension granted in any case to the agent for paying pension where said certificate shall be made payable, and at the same time forward therewith one of the articles of agreement filed in the case and approved by the Commissioner, setting forth the fee agreed upon between the claimant and the attorney or agent, and when no agreement is on file, as hereinbefore provided, he shall direct that a fee of $10 only be paid said agent or attorney." And section 10 of that act makes it "the duty of the agent paying such pension to deduct from the amount due the pensioner the amount of fee so agreed upon, or directed by the Commissioner to be paid where no agreement is filed and approved, and forward or cause to be fowarded to the agent or attorney of record named in said agreement, or, in case there is no agreement, to the agent prosecuting the case, the amount of the proper fee, deducting therefrom the sum of 30 cents in payment of his services in forwarding the same."

Section 31 of the act of March 3, 1873, provides "that no agent or attorney or other person instrumental in prosecuting any claim for pension or bounty land shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding $25," and the balance of the section fixes the penalty for the violation of it and other provisions of the pension laws.

These various acts were in substance revised in sections 4768, 4769, 4785, and 4786 of the Revised Statutes, and the provisions of those sections remained in force until the passage of the act of June 20, 1878. This act provides that "it shall be unlawful for any attorney, agent, or other person to demand or receive for his services in a pension case a greater sum than $10. No fee contract shall be filed with the Commissioner of Pensions in any case. In pending cases in which a fee contract has heretofore been filed, if the pension shall be allowed, the Commissioner of Pensions shall approve the same as to the amount of the fee to be paid at the amount specified in the contract. Sections 4768, 4769, and 4786 of the Revised Statutes shall not apply to any case or claim hereafter filed, nor to any pending claim in which the claimant has not been represented by an agent or attorney prior to the passage of this act."

"SEC. 2. Section 4785 of the Revised Statutes is hereby repealed."

Although the provision of the twelfth section of the act of June 4, 1864, prohibiting agents and attorneys from demanding or receiving, in whole or in part, any part of the fee until the pension become due and payable, was not continued in subsequent legislation, it was kept up as a rule of practice in this office until after the passage of the act of June 20, 1878. Soon after the passage of that act my immediate predecessor, without, as I am advised, having had any conference or consultation with the Secretary of the Interior, changed that practice; and, although no order was formulated on the occasion, he decided in effect that there was nothing in the pension laws, as they then stood, forbidding claim agents or attorneys from demanding or receiving their fee of $10, allowed by the said act of June 30, 1878, in whole or in part, in advance of the allowance of pension claims filed subsequent to the date of its passage, or in advance of the rendition by them of any services in the prosecution of the same.

The opinion is expressed by Mr. Commissioner Bentley in a letter addressed to the then Secretary of the Interior, dated July 13, 1878. That letter appears to have been written under the following circumstances, to wit: Immediately after the passage of the act of June 20, 1878, a number of claim agents and attorneys doing business in this city called upon Mr. Bentley and verbally requested him to "direct that the pension certificates to be issued in claims filed after the passage of the act relating to claim agents and attorneys in pension cases approved June 19 (20), 1878, be delivered to the agent or attorney who aided in the prosecution of the claim, to be held as a security for his fee." Mr. Bentley having verbally refused to give such direction, they then addressed a communication, in writing, to Mr. Secretary Schurz, bearing date June 24, 1878, and containing the same request. This communication was referred to Mr. Bentley for an expression of his views on the question involved therein. As, in giving his views on that question, he also sets forth the reasons which led to, and the objects which were expected to be gained by the passage of the act referred to, no apology would seem to be required for quoting almost his entire letter, which I proceed to do.

After alluding to the laws relative to the fees of claim agents and attorneys, as they existed prior to June 20, 1878, and the fact of the passage of the act of that date and the amount of the ten-dollar fee allowed thereby, &c., he proceeds as follows, namely:

"Except upon the point of reducing the maximum fee, the provisions of the act were commended by me to the committees of Congress which had the subject in consideration, and mainly for the following reasons:

"First. The duty of revising the fee contracts was one of great difficulty and could not be performed satisfactorily either to the Commissioner or to the attorney.

"Second. The guarantee of the payment of the agent's fee, contained in the provision that it should be paid him by the agent for paying pensions, when connected with the *ex parte* system in force for the adjustment of the claims, operated as an encouragement both to claim agents and to claimants to present and prosecute claims for pensions.

"Third. Altogether the provisions in relation to the agent's fee entailed directly upon the bureau much unnecessary labor in executing them, and indirectly by bringing forward a very large number of claims which are without merit.

"I need only to refer to the number of original claims for invalid pension which have been filed within the last four fiscal years (Table I), as compared with the number of cases of the same class filed in the four years immediately preceding, to the constantly increasing number of pending cases in spite of the greatly increased number of cases which have been disposed of during the last two years, and to the fact that notwithstanding the very liberal rules by which the cases are adjudicated, nearly 50 per cent. of the number decided were rejected, to satisfy any considerate observer that there is, to say the very least, too little attention paid by the claim agents to the character of the claims which they procure, file, and prosecute. Another important feature should be mentioned.

"A few claim agents and firms located at Washington and at some other central points represent a large majority of all the claims which are filed by attorneys in the later years. Some of the attorneys publish periodicals under 'catching titles,' in the interest of their occupation, and with others advertise widely their peculiar facilities for the prosecution of pension claims, and it has resulted in bringing into their hands a large majority of the pension claims which are prosecuted by attorneys being entirely unacquainted with the merits of the claims they represent. Whenever fraud is discovered in one of them they are prompt to deny responsibility upon the ground of their personal ignorance of the claimants and of the merits of the claims.

"The situation is believed by me, and was supposed by Congress, when considering the act of June 19 (20), 1878, to be largely attributable to the encouragement to filing claims contained in the law as it previously stood.

"The communication addressed to you alludes to the fact that before the enactment of the statutes which were repealed or modified by the act of June 19 (20), 1878, it was the custom to deliver the pension certificates to the attorneys. It is the fact that such was the custom, and it is also the fact that the abuses which grew out of that custom and the law authorizing attorneys to draw the pension upon powers of attorney was the reason for the passage of the act of July 8, 1870, to which I invite attention. The provisions for the payment of the attorney's fee by the pension agent were substituted in that act for the former practice of delivering the certificate to the attorney, evidently with a view of protecting the pensioner from the cupidity of the attorney; but while it has measurably protected the pensioner, experience has shown that it has encouraged the filing of claims against the Government to such an extent that the present enactment was deemed necessary to protect the Government in that direction.

"If the request of the claim agents that the pensioner's certificate of title be delivered into their hands, to be held as security for their fees, shall be granted, little will be gained by the act of Congress, for that would practically nullify that portion of the act which proposes to leave the claim agents to their own efforts for the collection of their fees. Besides, such a course would be a practical disregard by the Department of section 4745, Revised Statutes, which declares void every 'pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension.' And in view of the provisions of section 4766, Revised Statute, requiring the pension to be paid directly to the pensioner, such a disposition of the pension certificate would often embarrass both the Government and the pensioners in making the quarterly payment, as it would frequently happen that the pensioner would not have his certificate to exhibit to the magistrate upon the execution of his pay voucher, as he is required to do.

"It is proper to add in reply to the suggestion made by the claim agents of the dishonesty of the claimants in general, by reason of which, without security, they will not be able to recover their fees in a majority of cases, that I do not entertain so poor an opinion of claimants who present honest claims. It is not in my judgment at all necessary to adopt the view presented by the claim agents in this respect; and even conceding that pension claimants will not pay their attorneys who aid them unless compelled to do so, the attorney has his complete remedy. Under the act of June 19 (20), 1878, he may collect his fee in advance, in whole or in part, without regard to whether he will be finally successful in the case; and if the claimant has confidence in the merit of his claim he will not object to making a small advance to cover actual disbursements and a portion of the services of his attorney, if required to do so."

Without stopping to canvass the reasons given by Mr. Bentley for the passage of the act of June 20, 1878, I may in short say that, in my opinion, they were and are wholly insufficient, and that the beneficial results which were expected to follow its passage have not been realized; that instead of the number of pension claims coming in being reduced, they have been filed in largely increased numbers; and instead of the ranks of attorneys and claim agents becoming depleted, they have been swollen to still larger proportions and increased, injuriously in quality and in quantity, from 4,000 to 16,000, as estimated by a firm of reputable claim agents of this city.

To illustrate his idea that the guarantee of the payment of the claim agents' or attorneys' fees, as provided in the act of July 8, 1870, "operated as an encouragement both to claim agents and to claimants to present and prosecute claims for pension," and that in consequence thereof arose the necessity of the passage of the act of June 20, 1878, Mr. Bentley calls attention to the increase in the number of claims filed during the four years ending June 30, 1878, over those filed in the four immediately preceding ones, or the four years ending June 30, 1874. From Table V, on page 31 of my last annual report, it appears that during the last-named period invalid Army pension claims were filed as follows:

1871	8,837
1872	8,857
1873	8,728
1874	9,302
Total	35,724

And for the first-named period there were filed in—

1875	11,926
1876	17,030
1877	16,532
1878	18,812
Total	64,300

This shows the increase in the number of claims filed during the four years ending June 30, 1878, over the number filed during the immediately preceding four years to have been 28,576.

In all these eight years the fees of claim agents and attorneys were allowed and paid, under the provisions of the act of July 8, 1870, and the subsequent revisals thereof, as hereinbefore indicated. It is unnecessary to inquire into either the cause of the argument or its soundness, or to try to discover whether other causes than the fee laws were or were not instrumental and used in causing such increase in the number of pension claims filed in this office during the period of time alluded to. But if this increase necessitated the passage of the act of June 20, 1878, what shall be said of the enormous increase in the number of pension claims filed, commencing immediately after the passage of that

act? Turning again to Table V, it will be seen that for the four years immediately succeeding its passage there were filed Army invalid-pension claims as follows:

1879	36,835
1880	110,673
1881	18,455
1882	29,004
Total	194,967

This number is not only in excess of the number filed during either of the periods of four years named by Mr. Bentley, but is more than 94,000 in excess of the number filed during both, or the entire period of eight years. And it will be seen from Table V, on page 86 of my last annual report, that there were filed in this office during the last fiscal year 35,069 of this class of claims, or more than double the number filed in any one of the eight years named by Mr. Bentley, except one (1878), and largely in excess of the number filed in any one of the twenty-one preceding years, except the years 1879 and 1880. And there have been filed during the first seven months of the present fiscal year 12,909 claims, an average of more than 2,500 per month.

This vast increase in the number of Army invalid claims, filed since the passage of the act of June 20, 1878, is unquestionably due to its passage, or rather to the system inaugurated by claim agents and attorneys, on the promulgation of the unfortunate decision of Mr. Bentley that they had the right to demand and receive their fees, in whole or in part, in claims filed subsequent to its passage, before the allowance of the same.

That Mr. Bentley acted from the best and purest motives in recommending the passage of the act referred to, and in the full belief that its provisions would conserve alike the interests of honest pension claimants and of the Government, there can be no question; nor that he acted from the same motives in promulgating his decision above referred to. Nor is there any reason to doubt that if he could have foreseen the results which have followed the passage of the act, or the effect of his decision, that he would never have recommended the passage of the one or have promulgated the other.

Being firmly of the opinion that the passage of the act under consideration had worked and was working injuriously to the interests of claimants and claim agents, as well as to those of the Government, I expressed my views thereon, which will be found under the head of "agents and attorneys," on the ninth page of my report for the fiscal year ending June 30, 1881, and are reported in and found on page 16 of my report for the last fiscal year, as follows, to wit:

"In my opinion the actual results of the enactment of June 20, 1878, have been deleterious to the interests of the claimants and agents alike; to claimants, in that the abolishment of the contingency of success and the removal of the security to the agents have stimulated many irresponsible persons, who could be of no possible service to the claimants, to invite a general application of soldiers for pension regardless of disabilities incurred, by which after filing the claim they may obtain in advance the legal fee of $10, and thenceforth abandon the claim, thus encumbering the files of the office and hindering and delaying meritorious claimants; to the agents, by degrading the profession and bringing into disrepute an otherwise legitimate employment. Agents in good standing and well informed in pension law and practice, when their fee depended upon the successful prosecution of the claim, would, and I believe did, examine and scrutinize the merits before risking years of labor and refuse to file cases without merit. Unpleasant friction between the principal and agent was avoided by the contingent fee and security of payment, because of the identity of interests.

"I recommend that Congress re-enact the laws in force prior to June 20, 1878, upon this subject, and make such provision as will protect the Department and claimant alike from ignorant and useless agents, and protect and assist well-informed and useful ones."

Since those views were expressed, official observation and official experience have fully confirmed my belief in their correctness and justified their utterance. As then, I am now fully satisfied that the act of June 20, 1878, should never have been enacted, and now, as then, I am of the opinion that it should be repealed.

But to return to Mr. Bentley's letter. In it he states that of the large number of claims disposed of during the last two years immediately preceding the date of his letter (July 13, 1878) nearly 50 per cent. of those decided were rejected. This statement was made to show the nature of the character of a very large number of those claims; and, if correct, there would seem to be no room to doubt that at least an equal percentage of those filed since June 20, 1878, have met or will meet when decided the same fate. It is believed that the larger the number of claims filed under the present system is the larger will be the percentage of rejections.

And how can this great influx of unmeritorious pension claims be stopped? Can it be done in any other way than by inhibiting claim agents and attorneys from demanding or receiving their fees in advance? Have they that right now? Was Mr. Bentley's opinion that they had such right under the act of June 20, 1878, a correct view of its provisions? To determine this question we have to consider those provisions in connection with previous acts of Congress in order to get at its intention in its enactment. For this purpose we will have to turn again to the twelfth section of the act of July 4, 1864, which prohibited claim agents and attorneys from demanding or receiving their fee in any pension claim in whole or in part until "such pension shall be obtained."

This prohibition was not in so many words carried into the act of July 8, 1870, but it was in effect, for attorneys and claim agents under the provisions of that act could not obtain their fee until the claims for pension had been allowed and the pension certificates issued thereon and transmitted to the United States pension agent at the agency where the pension was made payable, accompanied with an order to pay such fee as was approved by the Commissioner of Pensions if there was a contract, not exceeding $25, or if there was no contract the fee of $10 fixed by law. And these provisions were continued in the act of March 3, 1873, and also in the sections of the Revised Statutes hereinbefore named, and remained in force until the passage of the act of June 20, 1878.

It will thus be seen that from July 4, 1864, to June 20, 1878, Congress jealously guarded the interests of pension claimants and saved them from the expenditure of any money for attorneys' fees until their claims had been allowed. And during the period of time claim agents and attorneys freely and extensively advertised their business, and especially after the passage of the act of July 8, 1870, they sent forth their circulars in vast numbers announcing their readiness and willingness to attend to the prosecution of pension claims on the condition that their fees were not to be paid unless nor until the claims were allowed; and when they filed articles of agreement fixing the amount of fee agreed upon the same condition was inserted therein. Nor did they cease to so advertise, and after Mr. Bentley's opinion had been promulgated—and that they did not understand prior to such promulgation that they had any right to demand or receive fees in advance is evidenced by their efforts, as hereinbefore stated, to have the pension certificates, when issued, placed in their hands as security for the payment of their fees; and that the claimants did not so understand it is evidenced by the innumerable letters written by them to this office, after the claim agents had commenced their widespread dunning business, making inquiries whether their attorneys had the right to demand fees in advance and whether it was their duty to pay the same before their claims should be allowed.

But does the act of June 20, 1878, give permission to demand or receive fees in advance? In view of the previous prohibitory provisions of law on the subject, is it reasonable to suppose that Congress intended to have such construction placed on its provisions? The act makes it "unlawful for any attorney, agent, or other person to demand or receive for his services in a pension case a greater sum than $10."

Manifestly this means that a pension claimant shall pay but $10 for all services necessary to complete his case, and that $10 is to be in full satisfaction to any and all persons rendering services in a pension claim. It would be a clear evasion of the law to permit one agent to file the declaration and receive $10 for that service, another to secure a part of the evidence and for his service receive $10, and the third to perform still other service and receive $10 therefor, and so on *ad libitum*. But if the law be construed as permissive of demanding the fee in advance, the greed of gain will, as it in point of fact often does, lead the agent to concentrate his whole effort in the obtaining the fee of $10, and drop the case when obtained, to allow the repetition of the process by some other agent.

Again, how can the fee be paid for services in a pension case which had not yet been rendered? So long as human nature is human nature, so long will a just regard for the rights of pension claimants require the strictest construction of the law of which it is susceptible in their favor, and a liberal construction of the act of June 20, 1878, would require service before payment.

Aside from the provisions of this act, neither an attorney, claim agent, or any other person who has agreed to prosecute a claim for pension for the sum of $10 has any right to demand payment of the fee, in whole or in part, until he has rendered all the services he stipulated to perform, unless there was an express contract to that effect. Every person of ordinary intelligence knows this to be the law. And the prediction is unhesitatingly ventured that in no instance will there be found a pension claim on file in this office in which any agreement, expressed or implied, was made that the fee should be paid in advance, or in which the claimant understood that he was to pay such fee until the services for the rendition of which it was promised had been performed.

This being the case, compensation can only rightfully follow performance, and consequently the attempts on the part of claim agents and attorneys to collect pay for services not yet performed can only be looked upon as violative of the terms of the implied contract and a gross infringement upon the rights of pension claimants. And persistence in such practice on the part of any claim agent or attorney, after due notice given, ought to be treated as sufficient cause for his disbarment. Should an order or rule of practice to this effect be promulgated, there can be no doubt that there would very soon follow a marked diminution in the number of fraudulent and otherwise unworthy claims filed in this office for adjudication. It would not only afford protection to claimants, but it would save the Government vast expenditures of money in the examination and adjudication of claims possessing no merit. Could this class of claims be excluded, the force in this office would be left free to consider and act upon claims of a better character. Fraudulent claims and claims without merit not only consume time in their examination, but, from the great number of them filed, can not but cast suspicion upon really meritorious claims.

It would thus seem to become a matter of public policy to formulate and promulgate an order or ruling of the nature of the one above indicated, for the protection alike of the interests of claimants and of the Government, and for that purpose the same is most respectfully but earnestly recommended.

Very respectfully,

W. W. DUDLEY, *Commissioner*.

Hon. SECRETARY OF THE INTERIOR.

In the Supreme court of the District of Columbia, holding a criminal term.

The United States vs. A. B. Webb. Violating section 5480 of the Revised Statutes of the United States.

The court said:

This indictment is founded on section 5480 of the Revised Statutes; and although that section has frequently been read, yet, as it is the basis of the prosecution, I shall read it again:

"If any person having devised or intending to devise any scheme or artifice to defraud or be affected by their opening or their intending to open," &c.

Under this statute it is necessary to show on the face of the indictment that there was a scheme or artifice to defraud; it must be shown that it was either a successful fraud or an attempt at fraud upon some person else; and, thirdly, it must be shown that it was for the purpose of effecting this fraud upon the party to be defrauded the person who got up the scheme or artifice used the mails of the United States. It is necessary, of course, that the indictment should set out a scheme and artifice to defraud. The first question is whether this indictment does present a scheme or artifice to defraud anybody. Now, I do not propose to go over this indictment word for word and analyze and criticise it; that I did to some extent on a previous occasion when the case was before the court; but I shall content myself with stating what I understand to be the sum and substance of the indictment.

There was a woman who had been the widow of a soldier who died in consequence of a disability contracted in the service of the Government. After his death she remained a widow for some time and then remarried, and her name was Hannah Pratt by her second marriage, and she lived in the State of New Jersey. The facts set out in the indictment are that this defendant having become acquainted with her history, with her husband's history, conceived the idea that he would apply to her to give him a power of attorney to prosecute her claim for pension as the widow of her first husband. Well, it is said that on the facts stated in the indictment she had no claim, no foundation for a claim. There was no manufacture of a story, or an artifice or scheme by the defendant, however, to deceive her in this respect. All the facts in regard to the claim he obtained from her; she swore to them; and the facts are true, so that there was no manufacture of a scheme or artifice in getting up those facts on the part of the defendant. She was not imposed upon. The defendant merely applied to her for her appointment of him as her attorney to prosecute a claim for pension on those facts.

Now, there was no scheme there. Where is the scheme or artifice then? The scheme or artifice, if it exist anywhere, must be that he represented to her that those facts constituted a good claim, and that he would secure the allowance of her claim if she would give him money. The amount was small—$10. It is not stated that she paid him any money. She did not pay him, although she employed him to prosecute the claim. She employed him with a full knowledge of all the facts. No attempt to deceive her by him in regard to those facts. The only attempt set out in the indictment is that he used those undoubted facts to prevail upon her to file the claim for a pension, and to employ him as an attorney to prosecute it. Then the device and artifice ought to be found in his representation as to the validity of the claim. But the indictment does not show that he warranted the claim. The indictment does not pretend that he told her that he could secure the claim. The indictment does not set out anywhere that he assured her that he could recover that claim, but the correspondence, the letter which is set out in the indictment, does give her encouragement to hope for a favorable decision, and on that suggestion emanating from him it was that he asked her to pay him the $10 in advance.

Now, here is a statement, fair statement, made by the defendant before the application, with all the facts in the case, and he encourages her on those facts to apply for a pension. Had he said to her, "I know that these facts are sufficient to constitute a good claim, I warrant this claim, I know it will be allowed," why there might have been some foundation to show that that was an artifice; there would have been a falsehood; because you can not have a scheme or artifice in the meaning of this law without falsehood in it. But where is the falsehood in his representation? There was no falsehood; he did not tell her that she was entitled to her claim. He simply encouraged her to make application

and assured her that he would prosecute the claim with fidelity, vigor; that was his habit, and that was all. Well, now, where is the artifice there? Was there a fraud in that? If there was a frand in that, the indictment ought to set out wherein the fraud consisted. Now, this indictment does not say that the Department had decided over and over again that the facts set out in her petition were not sufficient to maintain a claim for a pension.

If these facts that I have stated constitute a basis themselves for this prosecution, then it was necessary that the indictment should set out exactly where the misrepresentation consisted. In what would the falsehood consist if he represented to her that she was entitled to this claim? Well, then, the indictment ought to set out wherein the claim was unfounded. Fraud will not be inferred by a court or by a jury from mere conjecture itself; there must be facts set out to make the fraud. Fraud is an inference of law from facts. There can be no fraud without facts. And the indictment to be good must state the facts sufficient to constitute a fraud. Well, here there was no false representation at all in fact; mere representation that he was an attorney, and that he would prosecute her claim earnestly, diligently, and that he hoped for success. That is about the substance of it. That was his opinion about it. Well, where is the falsehood in that, if it was a falsehood? And if he was not sincere in his declaration, it was an expression of an opinion; and men are not criminally liable for expressing an opinion, and especially are lawyers not subjected to a prosecution for erroneous opinions.

If some member of the bar should write to a gentleman at a distance and say to him: "I understand that you have a title to a certain piece of property in this District and your title is so and so," setting out the links in the title, beginning with the Government itself. "Now, I think that there is a fair chance of recovering this property, if you will employ me and give me a retainer fee." And the client, with all the facts before him, and with this opinion of the lawyer—whether it be a sincere opinion or not, it is an opinion—with all the facts before him, the client says: "Well, you can bring the action. Here is your money." The action is brought, and it fails. Is it possible that any lawyer would contend that that would be the foundation for a criminal prosecution? Why the proposition would not be entertained for a moment by any lawyer.

Now, it is said in the argument here by way of illustration by Mr. Worthington, that if a lawyer were to inducee a client to employ him to bring a suit for the recovery of a claim that had been long since barred by the statute of limitation; and he knew it could not be recovered, that that would be a fraud. I do not think it would.

When I was at the bar myself, an instance occurred thirty years ago. I was employed to bring a suit against the firm of Mills & Seaton on an old claim more than twenty years standing—been barred six times by the statute. And I succeeded and collected the money. Well, those are chances in the profession.

If there is no artifice used to mislead, no falsehood as to facts, then there is no foundation for the charge of this kind. An expression of opinion as to the validity of a claim, the law has always held, is not a fraud. The rules of the law are general. A man may be dishonest in expressing an opinion even, and yet he is not liable to a prosecution for fraud in regard to that; because if a law held one man responsible for his opinion in one case, that was to be the general rule for all cases; and so that every man who happens to express an erroneous opinion it must be left to a jury to decide whether he was honest in it or not. The law is founded on good sense, and it requires an averment of facts and not the expression of an opinion.

Buyers and sellers fill the world; and the seller tries to dispose of his wares, and he lies about the quality of his wares. And the seller, he lies about the quality too, and probably the purchaser lies about his opinion. Generally the seller has the advantage in the number on his side, and yet these things are done knowingly; everybody knows that the man who lies in this way does not believe what he is saying; but the other party has the same right to judge that he has. I speak now of matters of opinion.

In regard to matters of fact: If one man, in dealing with another, makes a statement of fact, or what he claims to be fact, which he knows is false, by which he gains the money or property of the other, he is obtaining money under false pretenses; unless it was in regard to a matter that the other had as good knowledge of as he. If the man to whom he tells the story (his false story) knows about the same things just as well as the man who tells the falsehood, why there is no ground; that is a matter about which both stand upon an equal footing. It is a matter as to which one man has no more advantage than the other. If one man tries to sell a horse to another and the horse is blind, spavined, and there both parties examine the horse. Well, the owner of the animal says: "Here is a sound horse; look at it." The other man looks at the horse's eyes and sees that they are blind; looks at his legs and there is a spavin there, but still he buys him. Well; can the purchaser turn around and go into a criminal court and prosecute the other man for lying to him? No; he is lying about the matter that the other man knew as much about and was as good in it as he himself. The lying must relate to facts that are not known by the other party.

If a man wants to be perfectly secure in his dealings he can say: "You say that this horse is sound? I say that he is not sound; I don't think he is sound." Well, the other says, "I will warrant him." Well, the warranting will hold, but in case of that kind there is no deceit. A man may be liable upon his warrant against the facts, but he is not liable, criminally, unless there is a fraudulent deceit as to facts. There is an action on the case for deceit. It is well known to lawyers—any students who have read law upon that subject know what I have stated. Lord Holte once said, in a case of prosecution of a party for obtaining money under false pretenses, "Why, is the court to protect all the fools in the kingdom?" [Laughter.]

Men are supposed to be able to take care of themselves, generally; and if one man overreaches another he does not give the other the right to go and prosecute him criminally, unless there has been some concealment of facts, some false statement in regard to facts by which the other party is deceived in regard to a matter of fact, of which he has had no opportunity of judging, and not in regard to a matter of opinion.

Now, in this indictment, although there is a great flourish of generalities, charging "with fraudulent intent" and "fraudulent purpose," "design," and all that, in the writing of this letter; but that does not amount to anything at all; those general terms do not amount to anything. The law requires specification; it requires the prosecutor to lay his finger upon fact; to show on the face of the indictment, in the first place, that there is fraud in the case.

Now, this indictment sets out a letter; but the letter, as I have already said, contained no assurance that the claim was good. It merely says: Here are the facts of your case; I have got them from yourself; I will prosecute your claim and try to recover it if you will give me $10. And she, with the full knowledge of all the facts in the case, takes the risk. Now who was deceived there? Was she deceived? Was there any attempt to deceive her? She was not imposed upon, because she did not employ him; and that is evidence in fact that there was no artifice, no scheme. It is a fact to be considered. Here is an indictment which charges an artifice, a scheme, to defraud her upon the face. There is no artifice or scheme to defraud her; and she saw it; she saw it and she did not employ him. The scheme was not successful in employing her so far as her opinion goes; there was no deception as to facts.

Now I may say a word, although it may not be exactly upon a subject which arises on the face of this indictment, but it is connected with the case, so that if this case should ever go to trial it would be a subject of inquiry probably for the rulings of the court.

Now, it is contended on the part of the defense here that the facts set out in this woman's case entitled her to a pension—the fact. And that if this defendant had represented to her that her claim was good she was not then wronged in that opinion. Well, that may be so. I am inclined to that view of the law myself. But I do not know that this court has any authority to revise the decisions of the Commissioner of Pensions The Commissioner of Pensions is the officer of higher authority in matters of pension.

Mr. WORTHINGTON. An appeal lies to the Secretary of the Interior.

The COURT. But there is no appeal to the courts, unless, possibly, there might be a case of mandamus; but the remedy by mandamus is so difficult to maintain, and there are so few courts that have the jurisdiction—this being the only court in the United States that has that jurisdiction in regard to officers of the Government—that we may regard the remedy in the courts as out of the question. The Department of Interior mainly (the Commissioner of Pensions) is the judge who has to decide finally upon these questions; and you must take his decision then, probably, as law, because he is the ultimate judge. He may be wrong in the law, but he is the ultimate judge; and we must submit to his decision, right or wrong.

But then we know that officers change sometimes. The Commissioner of Pensions sometimes goes out, the Secretary of the Interior sometimes goes out, and new officers come in; they come in with different views, and former decisions are overruled. That is often the case. That is often the case in Executive Departments, and it is often the case in courts. A lawyer has the right to take his chances; and althougl. he may believe that under this present sitting of officers his chance may be small to his client, yet, if he honestly believes that his claim is good, he may file the claim there and let it lie—take his chances hereafter of a change in officers.

Now, I want to say a word or two in regard to this law, these laws; but I may say this: that the laws on the subject of pensions have changed so often, there have been so many laws passed and so many repealed, so many amended, and the intervals between an amendment and a restoration of the provisions of these laws have been sometimes so short that a man becomes bewildered; don't know what the effect of the amendment may have, and in this condition of things it would be very strange if a lawyer should be punished for making a mistake in an opinion.

Now, here I hold in my hand the pension laws, decisions, and rulings of the Pension Office, marked 1882. It quotes in these words, on page 39, section 4708, pension laws:

"The remarriage of any widow, dependent mother, or dependent sister entitled to a pension shall not bar her right to such pension to the date of her remarriage, whether the application therefor was filed before or after such marriage; but the remarriage of any widow, dependent mother, or dependent sister having a pension, such pension shall cease."

Now, there is a provision of law which is reported to be in effect in this book in 1882, and this book is circulated among pension agents. Well, if that is the law, the remarriage of this woman was no obstacle to her claim to arrears of pension due her before her marriage to the second husband. That was a law at that time up to as late, at any rate, as the adoption of the Revised Statutes in 1874; and in this book it is inserted and not marked "repealed" on the margin or anything of the kind.

If that law was in existence, then undoubtedly this woman was entitled to her arrears of pension between the death of her first husband and her remarriage. After her remarriage of course she lost the right to a pension. Well, so the matter stood for a number of years. Then the next section, 4709, required that the application should be filed within five years after the right thereto has accrued; otherwise the pension shall commence from the date of filing the last evidence necessary to establish the same. Well, that would put an end to this woman's claim, because the claim was not filed within five years; but that section was repealed by the act of 3d of March, 1879. Well, here is another statute, the statute of January 25, 1879, and this statute relates to arrears of pensions. Now, there is a difference between pensions and arrears of pensions. After a pension has been for a considerable time in arrears without being applied for, the law speaks of it as "arrears of pensions;" and this law provides, after section 1, as follows:

The first section probably I ought to have read first. Well, there is nothing in that to interfere with the right of the widow that I see; but on the contrary it directs that the Commissioner of Pensions shall take steps for the purpose of carrying this law into effect, for the purpose of paying these arrears. So that up to the 25th of January, 1879, not only was the widow who had remarried entitled to her arrears of pension between the date of the death of her first husband and her remarriage, but the law of 25th January directs, takes special care that the Commissioner of Pensions shall provide for the payment of such arrears. Now, that was so up to the passage of the act of 7th of August, 1882. Now, this act seems to be in the same line with the last act on the subject. Now, there is a recognition of the widow's right; but she is spoken of as a widow, and if the widow remarry the child or children shall be entitled from the date of the remarriage.

There is nothing in that law to deprive a remarried widow from claiming her arrears of pension; on the contrary, it recognizes her right to an arrears of pension. But there is another law, and that is the act of March 3, 1879; but still that is later than January 25, 1879. The last recognizes the widow's right or the remarried woman's right to a claim for pension. At the same session of Congress and five or six weeks later an act was passed, it is claimed, and took away the right of the widow, and section 11 of that law is in these words. Does it relate to arrears of pension or does it relate to pension? It seems to me that it relates to pensions.

"That if it is not filed prior to the first day of July, 1880, the pension shall commence from the date of filing the application."

Now, it is contended that it was under this law that it became perfectly clear, so absolutely sure, settled thing, that a lawyer who would advise a woman who had been a widow of a soldier and remarried to file her application for arrears of pension was committing a fraud by giving that advice. Was it a fraud? Who can tell? Where's the lawyer? Suppose this thing were relieved of the weight of authority from the executive department. Where is the man that would say that is a clear case? My own individual opinion is that the widow was still entitled to claim her arrears, but not the continuing pension after her remarriage.

Now, what was the condition of things when this crime was committed by Webb? It was said that this crime was committed on the 22d of June, in the year of our Lord 1882. Well, concede what is claimed by the prosecution: this crime was committed on the 22d of June, 1882. On the 7th of August, that same summer, this other law was passed, which gave the widow in my opinion the arrears of pension. That law was probably pending at that time. The lawyer had a right to speculate on the chances of the passage of the law. Even if he believed the Pension Office were right as to the law as it then stood—but in this confusion of legislation, this multiplication of verbiage in the law, if a lawyer should make a mistake, how could it be charged that it was a crime? Hardly charged that it was an error of judgment.

Now, these expressions are thrown out not because they relate to anything that appears on the face of the indictment, but merely with a view to what might take place in case this case was ever brought to a trial before a jury. I see now how impossible it would be for the Government to get a verdict on the facts in such a case as this. I feel, therefore, the more willing to lay hold upon the objection which arises in my mind fairly upon the face of the indictment.

I sustain the demurrer to this indictment.

For the same reasons I shall set aside the decision of the court made a few weeks ago in the Fitzgerald case. The crime committed by Fitzgerald in that

case is charged to have been committed on the 25th day of April, in the year of our Lord 1883. Well, that was nine months after the passage of the act of 7th August, 1882; and so, that if the act of August 7, 1882, restored the widow's right, the remarried widow's right, to her pension, it seems to me as a reasonable construction, then, this case is so much stronger than the other case, because, by the act of the 7th of August, 1882, which was not enforced at the time that that crime was committed, because that was committed (if it were a crime) in June, before the passage of the act of 7th of August, 1882; but this case is weaker because of the passage of the act of the 7th of August, 1882.

This offense is not charged to have been committed until the spring of 1883; and as to the other facts upon which I have commented in regard to the Webb case, they are almost identical in both cases. The Fitzgerald case I say is a stronger case than the Webb case.

Mr. HANCOCK. I move that the committee rise and report the bill back to the House, with the amendments.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, had directed him to report back the same with sundry amendments, and with a recommendation that it be passed as amended.

Mr. HANCOCK. I move the previous question upon agreeing to the amendments reported from the Committee of the Whole and upon ordering the bill as amended to be engrossed for a third reading.

The previous question was ordered; and under the operation thereof the amendments were agreed to, and the bill as amended was ordered to be engrossed for a third reading, and was accordingly read the third time.

The SPEAKER. The question is now upon the passage of the bill, on which the rules require that the yeas and nays be taken.

Mr. HANCOCK. I presume the hour for the recess will arrive before the call of the yeas and nays can be concluded.

Mr. TOWNSHEND. By unanimous consent the bill might go over, and the yeas and nays be taken to-morrow morning.

Several members objected.

The SPEAKER. The Chair will state that if the call of the roll be commenced, it must be concluded before the Chair announces the recess.

Several MEMBERS. Regular order.

The question was taken; and there were—yeas 180, nays 2, not voting 140; as follows:

YEAS—180.

Adams, G. E.	Dowd,	Lawrence,	Skinner, C. R.
Aiken,	Dunham,	Lovering,	Skinner, T. G.
Alexander,	Ellwood,	Lyman,	Snyder,
Arnot,	Ermentrout,	McCoid,	Spooner,
Atkinson,	Everhart,	McComas,	Spriggs,
Bagley,	Evins, J. H.	McMillin,	Springer,
Barr,	Forney,	Matson,	Steele,
Bayne,	Garrison,	Maybury,	Stevens,
Beach,	George,	Millard,	Stewart, Charles
Bisbee,	Glascock,	Miller, J. F.	Stewart, J. W.
Blanchard,	Goff,	Miller, S. H.	Stone,
Blount,	Greenleaf,	Milliken,	Storm,
Boutelle,	Guenther,	Mitchell,	Strait,
Breckinridge,	Hammond,	Morrill,	Struble,
Brewer, J. H.	Hancock,	Morrison,	Taylor, J. M.
Brown, W. W.	Hardeman,	Murray,	Thomas,
Brumm,	Hardy,	Neece,	Thompson,
Buchanan,	Hart,	Nelson,	Tillman,
Buckner,	Hatch, H. H.	Oates,	Townshend,
Budd,	Hatch, W. H.	O'Neill, J. J.	Tucker,
Burnes,	Haynes,	Parker,	Tully,
Caldwell,	Hemphill,	Patton,	Turner, H. G.
Calkins,	Henderson, D. B.	Payson,	Vance,
Campbell, Felix	Henderson, T. J.	Pierce,	Van Eaton,
Campbell, J. M.	Henley,	Peel, S. W.	Wait,
Cannon,	Hepburn,	Peelle, S. J.	Wakefield,
Carleton,	Herbert,	Peters,	Warner, A. J.
Cassidy,	Hewitt, G. W.	Pettibone,	Warner, Richard
Clements,	Hiscock,	Poland,	Washburn,
Cobb,	Hopkins,	Potter,	Weaver,
Collins,	Houk,	Pryor,	Weller,
Cosgrove,	Houseman,	Pusey,	Wemple,
Cox, W. R.	Howey,	Randall,	White, J. D.
Crisp,	Hunt,	Ray, Ossian	Whiting,
Culberson, D. B.	James,	Reed,	Wilkins,
Culbertson, W. W.	Johnson,	Rice,	Williams,
Cutcheon,	Jones, B. W.	Riggs,	Willis,
Dargan,	Jones, J. H.	Rockwell,	Wilson, James
Davis, G. R.	Jones, J. T.	Rogers, J. H.	Wilson, W. L.
Davis, R. T.	Jordan,	Rogers, W. F.	Winans, E. B.
Deuster,	Kasson,	Rosecrans,	Wolford,
Dibrell,	King,	Russell,	Wood,
Dingley,	Lacey,	Seney,	Worthington,
Dockery,	Lamb,	Seymour,	Yaple,
Dorsheimer,	Lanham,	Shaw,	York.

NAYS—2.

Bennett, Reese.

NOT VOTING—140.

Adams, J. J.	Bowen,	Chace,	Davidson,
Anderson,	Boyle,	Clardy,	Davis, L. H.
Ballentine,	Brainerd,	Clay,	Dibble,
Barbour,	Breitung,	Connolly,	Duncan,
Barksdale,	Brewer, F. B.	Converse,	Dunn,
Belford,	Broadhead,	Cook,	Eaton,
Belmont,	Browne, T. M.	Covington,	Eldredge,
Bingham,	Burleigh,	Cox, S. S.	Elliott,
Blackburn,	Cabell,	Cullen,	Ellis,
Bland,	Candler,	Curtin,	Evans, I. N.
Ferrell,	Hutchins,	Muldrow,	Shelley,
Fiedler,	Jeffords,	Muller,	Singleton,
Findlay,	Jones, J. K.	Murphy,	Slocum,
Finerty,	Kean,	Mutchler,	Smalls,
Follett,	Keifer,	Nicholls,	Smith,
Foran,	Kelley,	Nutting,	Stephenson,
Funston,	Kellogg,	Ochiltree,	Stockslager,
Fyan,	Ketcham,	O'Hara,	Sumner, C. A.
Geddes,	Kleiner,	O'Neill, Charles	Sumner, D. H.
Gibson,	Laird,	Paige,	Talbott,
Graves,	Le Fevre,	Payne,	Taylor, E. B.
Green,	Lewis,	Perkins,	Taylor, J. D.
Halsell,	Libbey,	Phelps,	Throckmorton,
Hanback,	Long,	Post,	Turner, Oscar
Harmer,	Lore,	Price,	Valentine,
Hewitt, A. S.	Lowry,	Rankin,	Van Alstyne,
Hill,	McAdoo,	Ranney,	Wadsworth,
Hitt,	McCormick,	Ray, G. W.	Ward,
Hoblitzell,	McKinley,	Reagan,	Wellborn,
Holman,	Mills,	Robertson,	White, Milo
Holmes,	Money,	Robinson, J. S.	Winans, John
Holton,	Morey,	Robinson, W. E.	Wise, G. D.
Hooper,	Morgan,	Rowell,	Wise, J. S.
Horr,	Morse,	Ryan,	Woodward,
Hurd,	Moulton,	Scales,	Young.

So the bill was passed.

On motion of Mr. TOWNSHEND, by unanimous consent, the reading of the names was dispensed with.

Mr. PEELLE, of Indiana. Mr. Speaker, I am paired with Mr. CLARDY on political questions; but on this question, as we would have both voted the same way, I have voted.

The following pairs were announced:

Mr. FYAN with Mr. PETTIBONE, until further notice.

Mr. RANKIN with Mr. ROBINSON, of Ohio, until further notice.

Mr. COOK with Mr. CULLEN, until further notice.

Mr. SHELLEY with Mr. THOMAS, until further notice.

Mr. BURNES with Mr. CALKINS, until further notice.

Mr. MOULTON with Mr. DAVIS, of Illinois, until further notice.

Mr. DARGAN with Mr. BRUMM, until further notice.

Mr. GIBSON with Mr. SMALLS, until further notice.

Mr. LEWIS with Mr. MCCORMICK, until further notice.

Mr. COVINGTON with Mr. HOLTON, until further notice.

Mr. BROADHEAD with Mr. VALENTINE, until further notice.

Mr. KEAN with Mr. DIBBLE, until further notice.

Mr. MULLER with Mr. BREITUNG, until further notice.

Mr. LE FEVRE with Mr. MOREY, until further notice.

Mr. REAGAN with Mr. HORR, until further notice.

Mr. STOCKSLAGER with Mr. KEIFER, until the 26th.

Mr. GEORGE D. WISE with Mr. LIBBEY, until the 24th.

Mr. HEWITT, of New York, with Mr. JOSEPH D. TAYLOR, until the 24th.

Mr. GREEN with Mr. HOOPER, until May 4.

Mr. JONES, of Arkansas, with Mr. MCKINLEY, until April 28.

Mr. O'HARA with Mr. KLEINER, until April 24.

Mr. BALLENTINE with Mr. STEPHENSON.

Mr. FORAN with Mr. WADSWORTH.

Mr. NICHOLLS with Mr. CHACE, except on the tariff.

Mr. CONVERSE with Mr. RANNEY.

Mr. MILLS with Mr. ROWELL.

Mr. YOUNG with Mr. PAYNE, until April 28.

Mr. DAVIS, of Missouri, with Mr. PHELPS, until April 25.

Mr. PAIGE with Mr. JOHN S. WISE, for to-day.

Mr. DUNN with Mr. SMITH, for to-day.

Mr. CLARDY with Mr. PEELLE, of Indiana, for to-day.

Mr. EVANS, of Pennsylvania, with Mr. FOLLETT, for this afternoon.

Mr. DAVIDSON with Mr. BURLEIGH, for this day.

Mr. TURNER, of Kentucky, with Mr. PERKINS, on the pension appropriation bill. Mr. PERKINS would vote "ay" and Mr. TURNER "no."

Mr. BRUMM. I was paired on political questions, and not regarding this as one, and in order to make a quorum, I have voted.

The vote was then announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. VALENTINE, for three weeks, on account of important business.

To Mr. FINDLAY, for one day, on account of important business.

To Mr. CABELL, from evening sessions, for ten days, on account of sickness.

Mr. HANCOCK moved to reconsider the vote by which the bill passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then (at 5 o'clock and 15 minutes p. m., in pursuance of previous order) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m. resumed its session.

The SPEAKER. By order of the House, the session this evening is for debate only; no business to be transacted.

Mr. MORRISON. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House, Mr. HATCH, of Missouri, in the chair.

THE TARIFF.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for general debate only on revenue bills.

Mr. EVANS, of Pennsylvania. Mr. Chairman, knowing that much would be said by gentlemen of very much larger legislative and practical business experience than myself upon the question now before the House, I had about arrived at the conclusion not to occupy the time of the committee; but when I turned to the Census Report and found that there were 1,400 manufacturing industries in my district, I felt that I would be derelict in my duty to my constituents if I permitted this opportunity to pass without raising my voice or entering my solemn protest against the passage of this bill, which, if enacted into a law, will further depress the manufacturing industries and great business interests of the people of this country. It is admitted that most classes of goods were never manufactured at lower prices or with smaller profits than at the present time. If this be true, how then can the manufacturer stand a further reduction of 20 per cent., which of itself in many instances is a greater profit than he now realizes?

The duties are too low now on a number of articles to make it profitable to manufacture them in this country, and so low on others that they afford but little protection. The result is that some industries have been entirely destroyed and others so crippled that they barely exist.

Our manufacturers, having carefully considered the revision of the tariff in the last Congress and its bearings for good or evil upon the productions of their establishments, and by mutal concessions as to wages and profits on the part of the laborer and the manufacturer, had so arranged their affairs as to be able to produce their commodities, except in such instances as have been referred to, at reasonable profits, and to give to their workmen fair but not exorbitant wages.

Relying on the supposed stability of the law, they have gone on in the hope that further changes would not be made, at least in the way of reduction of duties, for some time to come. All the manufacturers ask is fair protection and stability of legislation; so that, when they have once ascertained the amount of foreign and domestic competition, they know how to adjust their business to continue therein at living profits to themselves and good wages to their hands.

What the manufacturer in this country fears the most is competition with cheap foreign capital and labor. In those countries whose capital and labor come most closely in competition with our own the rate of interest on capital is not more than one-half what it commands with us, and the wages of labor are about in the same proportion. Cheap capital and low wages give the foreign manufacturer a vast advantage over our dear capital and good wages. And hence it becomes the patriotic duty of Congress, legislating for the whole nation, to enact such laws as will enable our citizens to enter into fair competition with the people of other lands.

Unfortunately our legislation has been of a halting, hesitating, and uncertain character so far as the admission of foreign commodities into the country and in competition with our own is concerned.

Many tariffs general and special have been enacted within the last twenty or thirty years, and as soon as the manufacturer has adjusted his business to the new order of things, and is making satisfactory progress, a new system of duties is enacted, and he is compelled to change his machinery and business to meet the changed state of affairs, frequently at great loss to himself, and of consequence to those whom he may employ.

This constant tinkering with the tariff and ever-varying system of duties is embarrassing to all business enterprise, and checks the prosperity of the people. If we could only maintain a permanent and steady system of duties, all who engage in enterprises that produce commodities which come into competition with foreign products would know exactly how to arrange their affairs so as to meet the competition thus forced on us by cheap capital and low wages of labor. It is true that American enterprise can almost always adjust itself in time to the new order of things. But in so doing it is at considerable expense and much embarrassment.

The tariff of 1883 was an innovation on preceding tariffs, but our people were with few exceptions gradually accommodating themselves to its provisions. Now we are threatened with a new revision, and upon an entirely different principle from what has heretofore been established. The agitation of the subject has already had a disturbing effect upon some of the industries of the country, and men whose capital is embarked in business enterprises are awaiting with anxiety our legislation on the subject in this Congress. The present tariff is not as satisfactory as it should be, but the proposed revision has not been asked for by any considerable body of men or the people. No masses of men have been so injured by the existing laws, or if they have they have not yet had time to find it out so as to call for relief; but, on the other hand, numerous committees representing great communities have protested against any changes of duties until the laws on the subject as they now stand shall make manifest the full effect of their operation.

The proposed tariff can not be regarded as a business man's tariff, but a scheme of politicians and doctrinaires. The former think that political capital can be made out of it; the latter think that it will be a triumph of their particular beliefs; the former hope by it to obtain political power and possession of the government; the latter, the propagation of their politico-economic theories. All this is done under the thin veil of a love of the people. It is not based on any scientific, logical, or commercial principles. As the cost of production and the demand and the supply of different commodities are continually changing, and not in fixed proportions to each other, so must duties change in unequal proportions; on articles that are subject to similar duties this year it may be right and proper to affix different duties a year or two henceforth.

Foreign competition in certain articles may be greater than in others, and thus require greater duties on imports to enable our people to compete with the cheap labor and capital that produced them. To such considerations the proposed tariff (House bill No. 5893) has no reference. It ignores them all; it has reference to a single idea, namely, the reduction of the national revenues by a horizontal reduction of 20 per cent. on the duties imposed by the tariff of 1883. This is not a principle, it is only an experiment. In this, however, its promoters will probably suffer disappointment.

Low duties do not always reduce revenues; generally speaking, they increase them by reason of the increased importations of cheap foreign commodities. While the evil of a plethoric treasury is not thereby avoided, a greater evil is incurred in the crippling or destruction of American industries, with the concomitant suffering imposed on the workingmen of the nation. The 20 per cent. is a premium offered to the foreign manufacturer, as it enables him to throw his products into our markets, and sell them at a less cost here than heretofore, and at the same time at increased profit over the cost of production.

When a foreign manufacturer can sell any kind of iron at $20 per ton with a duty on it of $6 per ton, if the duty should be decreased to $5 per ton he can sell his iron at $19 per ton under the proposed tariff and make 20 cents more on each ton than he did before the reduction of the duty. In this way the American consumer does not get the whole benefit of the reduction of the duty; a greater or less portion goes to the foreigner. In some cases the former gets no benefit at all.

There is another very objectionable feature in this bill, and that is the application of ad valorem rates to so many of our importations. It is well known that frauds are constantly practiced upon the Government by undervaluation, which results in loss of revenue, and is unjust to the honest manufacturer. Instead of endeavoring to avoid existing evils, you are opening the door to a very large increase if you pass this bill.

It is notorious that the foreign manufacturer has the advantage over the American manufacturer of from 50 to 100 per cent. in his cheaper capital and labor, and if foreign products of such labor were admitted duty free our manufactures would be driven from the market and the country would be supplied with goods of foreign manufacturers. The lower the duties the nearer to this state of things will our country come.

If a tariff should be so adjusted as to give the foreigner the command of our market the first result would probably be to furnish us cheaper commodities, but as soon as his command of the market became complete our furnaces, forges, cotton and woolen manufactories would be closed, and the laboring population would be thrown out of employment or forced into some other uncongenial occupations, such as agriculture or commerce, probably already filled and incapable of bearing further competition. Then would come a struggle for existence such as this country has never seen. The capitalist would have closed his works because of their unprofitableness. Although he would suffer, yet his means would enable him to wait for better times. Such a crisis, while it is a matter of inconvenience and a cessation of profits, does not necessarily work suffering to him. Not so, however, with the workingman. When the demand for his labor ceases his capital and profits are gone. With loss of wages come want and suffering. No more then for him are the comforts of a well-provided home; no food and raiment of a better quality for his wife and children; no books and papers for his own and children's intellectual welfare; nothing but poverty, with scarcely a ray of hope for the future, awaits him.

You may say that this is an overdrawn picture. It is not so, the half has not been told, as hundreds of persons who have visited the manufacturing districts of England and Scotland will testify. What says that earnest, conscientious man, the late secretary of the Tariff Commission, Robert Porter, of the condition of the laboring classes in Manchester and Dundee?

In the former some of the houses had bare wooden floors, some had red-brick floors, some had bare flag-stones. Hardly one had a vestige of carpet. By far the largest proportion of the operatives live from hand to mouth, generally in one room, in which a few chairs, a deal table, a bedstead, four or five cups and saucers, a few dishes and plates, a wash-tub, a sauce-pan, and a kettle comprise the chief articles of furniture. Everything in many cases, including the sleeping and family washing, is done in the general room. An old shawl and a dirty print gown, and wooden shoes, which clatter on the sidewalk, form their toilet.

Of Dundee, in the spinning and weaving districts, he says:

The wages are not over $2.25 per week, and the best of the workingmen only

live from hand to mouth and in squalid misery. In some districts the operatives live in houses totally unfit for human habitations; the are low one-story buildings, with but one room on a floor and windows about two feet square. I actually found in some whole families living like animals on the bare ground; and in one the mother of a family lay dying literally of starvation! The children were poor, pinched, half-starved little creatures. I visited at least a dozen houses in this part of Dundee and found the inmates almost all in the same state of misery and want. In one district alone 50,000 operatives were receiving alms annually. They lived principally on bread.

This testimony of the social condition of these people is further corroborated by the American consul, Mr. Wells, whose report is just issued from the State Department. He says:

Skilled artisans get $6.87 per week, laborers $4.75, boiler-makers $8.50. In the jute and linen works $2.50 per week is the average. These working people are poorly provided for in the way of house accommodations. There are in Dundee 8,620 houses of one room only, in which there is a population of 23,670, and 16,187 houses of two rooms into which are crowded 74,374 men, women, and children. If to these be added the three-roomed houses, with the people living in them, it shows that 118,000 of the 140,000 inhabitants of this community live in houses of one to three rooms. The rents are as follows: For a three-roomed house, $77.50; for a two-roomed, $48 per year, payable semi-annually, and for a one-roomed house, 60 to 75 cents per week. It will be seen that a large proportion of these people live in houses of one and two rooms each, and especially upon these poor denizens the devastation of infectious diseases almost entirely falls. Statistics show that nine-tenths of the deaths are from fevers.

Many of these habitations are wretched in the extreme, containing little furniture, and occasionally are without even a bed. In some of these hovels five or six human beings are sheltered, with nothing to lie on but the floor, and covering themselves with jute burlaps which they take in to make into hand-sewed bags.

A manufacturer of my district who visited England several years before Mr. Porter related the same sad story of the condition of these people.

Humanity revolts at such scenes of poverty and wretchedness, and yet there is in this country and in this House a powerful party who will at the first opportunity force this iniquitous starvation system of free trade upon our people.

I have said on other occasions, and will repeat it here, that if the protective principle is to be entirely eliminated from our tariff, and free trade to prevail, every mechanic and workingman in our mills, furnaces, and other classes of manufactories may at once prepare for a reduction of wages corresponding to those of foreign countries. If they do not, every cotton and woolen factory, every rolling-mill and forge will stand idle; and even with submission, poverty, degradation, and, in some instances, starvation will be its sequel.

Self-preservation is the first law of nature. Therefore to protect ourselves against the pauper labor of foreign lands can be no crime. Some one has said that "protection is Pennsylvania's birthright and we do not intend to trade it off for free trade." No, not even to place it in the hands of one of her own sons born of noble Whig ancestry, but if chosen as your candidate for the Presidency will be compelled to stand on a platform false to the principles of protection to American industry and in direct opposition to the principles which his father, in his day so ably advocated and defended.

It is true that the bill under consideration does not contemplate free trade pure and simple, yet it does reduce duties on our principal industries to such an extent as to peril the prosperity of many of them. At present they are working on a narrow margin, and a small reduction of duties would work serious harm, ruining some and injuring all.

Let us now examine a few of the imports. Take iron and steel in their various forms; cotton, woolen, and leather goods. It appears from the report of the Bureau of Commerce and Navigation for 1883 that we imported of those articles in that fiscal year to the amount of $40,837,000, and of cotton manufactures we imported $32,359,000 worth; of woolen manufactures we imported to the value of $51,044, and of leather to the amount of $12,653,000; total, $136,893,000. A very large portion of these commodities could have been manufactured in this country under higher duties; but if the reduced rates as provided by the bill are to be allowed to prevail, the amount of imports of those articles will be greatly increased, while our own productions of a similar character will be diminished.

With regard to iron, the census of 1880 tells us that in that year there were in the United States 1,430 establishments for its manufacture, employing 159,536 hands and paying them $62,778,548 in wages and creating $335,949,591 of products. In the manufacture of cotton goods there were 1,005 establishments, employing 185,365 hands, of whom 121,365 were women and children, paying $45,614,419 in wages and in products to the wealth of the nation $210,950,383 per annum. In woolen goods (omitting carpets, felt goods, hosiery, and worsteds) there were 1,990 establishments, employing 86,504 hands, of whom 40,526 were women and children, paying $25,836,392 in wages, and adding $160,606,721 to our national wealth each year. Thus we see in these three industries alone there are 4,425 establishments, employing 367,405 hands, paying them $134,229,529 in wages, and creating productions to the amount of $707,506,705 in a single year.

These figures are large, but when we read the statistics of all the mechanical and manufacturing industries the figures are simply amazing. The Census Report of 1880 gives the whole number of our mechanical and manufacturing establishments as 253,852, with a capital of $2,790,272,606, employing 2,025,335 male hands above 16 years of age, 531,639 females above 15 years old, 181,921 children and youths; paying them $947,953,795 per annum; using 3,396,823,549 in materials, and creating $5,369,579,191 of finished products in a year for the markets of our own country and the outside world. A large proportion of these industries will be more or less affected by the reduction of duties as proposed by this bill, for the decrease of duties will be followed by an increase of importations, and will not only displace that amount of our productions, but will lessen the demand for our home labor and will lower the wages of the workingman.

Should the proposed reduction of 20 per cent. result in the displacement of our products of labor to such an extent as to force down wages only 5 per cent. to meet the foreign competitor, it would result in a loss to the American artisans and mechanics of nearly $50,000,000 per annum in their wages. To this, Mr. Chairman, they will never submit any longer than returning elections shall give them an opportunity to right a wrong. They can not afford to take the low wages of other countries and pay the high prices for living that are entailed on the mechanic and laboring man in those countries.

To show the disparity of the condition between our own workingmen and those of European nations whose commodities come into competition with ours, I insert a comparative table of the prices of the necessaries of life and the rates of wages in the United States and Europe, as condensed by Mr. Spofford, our Librarian, from the report of the Secretary of State on the state of labor in Europe; from which it will be seen that the foreign laborer receives much lower wages and has to pay more for the cost of provisions than the American worker. This is the latest report from official sources.

Comparative retail prices of the necessaries of life in Europe and the United States in 1878.

[Condensed from the report of the Secretary of State on the state of labor in Europe, derived from facts reported by the United States consuls: Washington, 1879.]

	Belgium.	France.	Germany.	Italy.	Switzerland.	Great Britain.	United States.	
							New York.	Chicago.
Beef:								
Roast, per pound	$0 20	$0 22	$0 22	$0 20	$0 30	$0 22	$0 12 to $0 16	$0 08 to $0 12½
Corned, per pound	16	16	13	12	18	$0 18 to 20	08 to 12	04 to 07
Beans, per quart			10	13		09	07 to 10	05 to 09
Bread, per pound	$0 04 to 05	03	$0 03 to 07	06	04	03½ to 04½	04 to 04½	04 to 04½
Butter, per pound	20 to 50	25	22	28	36	29 to 38	25 to 32	16 to 40
Coal, per ton			4 25	11 00		2 65 to 4 10	3 00 to 5 25	3 00 to 6 75
Codfish, per pound				09		0 06 to 0 08	06 to 07	05 to 09
Coffee, per pound	30 to 40	30	35	32	30	28 to 50	20 to 30	16 to 40
Eggs, per dozen	20 to 25	18	20	18	20	14 to 30	25 to 30	10 to 24
Flour, per pound		04	05½	10	07	03½ to 04½	03 to 04	02½ to 04½
Lard, per pound	20	20	21	22		12 to 18	10 to 12	06 to 10
Milk, per quart			04	07	05	05 to 09	08 to 10	03 to 06
Mutton, fore-quarter, per pound	16	16	14½	15	18	16 to 17	09 to 10	05 to 12½
Oatmeal, per pound			08			03½ to 04½	04 to 05	04 to 05
Pork:								
Fresh, per pound	16	14	17	13	18	10 to 16	08 to 10	04 to 05
Salted, per pound	16	14	17	18	20	10 to 16	08 to 10	06 to 12
Bacon, per pound	18	20	20	22		12 to 16	08 to 10	07 to 12
Sausage, per pound	20	16	19	20		18	08 to 10	06 to 10
Potatoes, per bushel	56	50	50	1 15	60	68 to 2 00	1 40 to 1 60	60 to 80
Rice, per pound			09	06		03½ to 08	08 to 10	05 to 10
Soap, per pound			10	04		05½ to 09	06 to 07	03 to 08
Sugar, per pound	15 to 20		11	08½	08	05½ to 10	08 to 10	07 to 10
Tea, per pound			75		50	43 to 88	50 to 60	25 to 1 00

Comparative rates of weekly wages paid in Europe and in the United States in 1878.

[Condensed from the report of the Secretary of State on the state of labor in Europe, derived from facts reported by the United States consuls: Washington, 1879.]

	Belgium.	Denmark.	France.	Germany.	Italy.	Great Britain.	United States.	
							New York.	Chicago.
Bakers	$4 40	$4 25	$5 55	$3 50	$3 90	$6 50 to $6 60	$5 00 to $8 00	$8 00 to $12 00
Blacksmiths	4 40	3 90	5 45	3 55	3 94	7 04 to 8 12	10 00 to 14 00	9 00 to 12 00
Bookbinders		3 72	4 85	3 82	3 90	6 50 to 7 83	12 00 to 18 00	9 00 to 20 00
Bricklayers	6 00		4 00	3 60	3 45	7 58 to 9 03	12 00 to 15 00	6 00 to 10 50
Cabinet-makers	4 80		6 00	3 97	4 95	7 70 to 8 48	9 00 to 13 00	7 00 to 15 00
Carpenters and joiners	5 40	4 25	5 42	4 00	4 18	7 33 to 8 25	9 00 to 12 00	7 50 to 12 00
Farm laborers			3 15	2 87	3 50	3 40 to 4 25		
Laborers, porters, &c	3 00			2 92	2 60	4 50 to 5 00	6 00 to 9 00	5 50 to 9 00
Painters	4 20	4 15	4 90	3 92	4 60	7 25 to 8 16	10 00 to 16 00	6 00 to 12 00
Plasterers	5 40			3 80	4 35	7 68 to 10 13	10 00 to 15 00	9 00 to 15 00
Plumbers	6 00		5 50	3 60	3 90	7 13 to 8 46	12 00 to 18 00	12 00 to 20 00
Printers		4 62	4 70	4 80	3 90	7 52 to 7 75	8 00 to 18 00	12 00 to 18 00
Shoemakers		3 30	4 75	3 12	4 32	7 35	12 00 to 18 00	9 00 to 18 00
Tailors		4 10	5 10	3 58	4 30	5 00 to 7 30	10 00 to 18 00	6 00 to 18 00
Tinsmiths	4 80	3 90	4 40	3 65	3 60	6 00 to 7 30	10 00 to 14 00	9 00 to 12 00

Our consul stationed at Cologne, Germany, reports: Masons, per day, 70 cents; carpenters, per day, 50 to 72 cents; engine-fitters, per day, 71 to 77 cents; blacksmiths, per day, 67 to 71 cents. In this country the same mechanics get from $2.25 to $2.75 per day for the same kind of labor.

There is no instance, probably, where the benefits of a protective tariff have been more strikingly exhibited than in the manufacture of steel rails. When they were first introduced they were imported at a cost of $150 in gold per ton. Congress saw the importance of fostering the industry in our own country, and at once put on a duty sufficiently great to compete with similar manufactures abroad, and the result was that in a very few years we could manufacture a superior article at a low cost, and steel rails can be bought in the markets to-day for $35 to $40 per ton. This great reduction gave an impetus to the railroad system of the United States, and from 31,286 miles of railroad in 1861 the mileage has increased to 117,717 miles in 1883—more than all Europe combined, extending the blessings of railroad facilities through all the States and Territories, at the same time giving employment both in the building and the running of these roads to thousands of people. This was a great boon to the young farmer, and especially those of small means, who felt compelled to go West to make a living and who hoped to increase their fortunes by the gradual increase in the value of lands.

As soon as the railroad was built within a reasonable distance of him he found at the nearest railroad depot or station a cash market for the products of his mountain or prairie farm. But it was not the farming interests alone in the far West that were benefited by the railroad interests which were built up by the protection given to American industries. The great mineral wealth of that section was likewise fostered and developed enormously by freer access and cheaper freights.

The report of the Tariff Commission gives the following comparative table of wages in the iron trade in England and in Pittsburgh, Pa.:

	England.	Pittsburgh.
Puddling, per ton	$1 94	$5 50
Shingling, per ton	29	77
Rolling in puddling mills, per ton	29	68
Rolling and heating, per ton	1 80	4 80
Common labor	$0 56 to 72	1 30 to 1 50

Edward Young, former Chief of the Bureau of Statistics, having gone aboard under the auspices of the Government to gather statistics of this character, made the following report:

Wages in rolling-mills in 1878, *per week.*

	Middlesborough, England.	Pennsylvania.
Puddlers	$10 50	$21 15
Top and bottom rollers	16 05	27 50
Rail-mill rollers	21 05	40 00
Merchant-mill rollers	12 10	36 83
Machinists	8 89	15 56
Engineers	8 47	15 24
Laborers	4 65	8 58
Iron-molders	6 77	11 00
Pattern-makers	7 01	14 69

Attempts are being made almost constantly to induce the farmer to believe that the duty on iron necessarily increases the cost of his agricultural machinery and that the tariff generally is a burden to him. But the average farmer has sufficient intelligence not to be caught with such sophisms. He has learned enough to assure him that it is a triple advantage. In the first place, the duty on the component parts of agricultural machinery enabled our mechanics to have a fair chance in our own markets, and the consequence is that 1,943 agricultural establishments were in operation in 1880, competing with each other, reducing prices, and making $68,640,486 worth of implements for the farmer. If it were not for these manufactories, which furnish the machinery for sowing and reaping, the vast prairies of the West would to a large extent be unbroken, but now, with little bodily labor to the husbandman, they are raising large crops of grain, which these railroads carry at reasonable rates to the seaboard, a portion of which, after those engaged in mechanical and other pursuits in our own country are fed, is sent abroad to feed the people of other nations. The great advantage that the farmer reaps under a system of protection to domestic industries is that wherever a manufactory is established it furnishes a market for his products.

On the borders of my district flows the river Schuylkill. From Philadelphia to Reading, Pa., its banks bear an almost continuous line of iron, woolen, and cotton manufactories. A few miles farther north runs the Lehigh; its banks from Easton to Mauch Chunk are dotted with manufacturing establishments equally busy producing national wealth. In the county of Montgomery, one of the counties which I have the honor to represent, there are, as shown by the census of 1880, 840 manufacturing establishments, with $13,789,709 of capital employed, using materials to the amount of $13,189,461, and producing $20,656,993 worth of material annually. There are 11,638 persons employed daily; this includes men, women, and children. The total amount of wages paid in the year was $3,596,298 and the average per capita was $309 annually. The net profits of these 840 establishments is shown to be $3,043,711, and to each individual manufacturer $3,625 annually.

What I desire to show is: First, that these manufactories support 37,295 persons, and as they are consumers and not producers of agricultural products they make for the farmer a market, and, as it were, at his own door. Such a market enhances the value of his land, and should he desire to sell it to engage in some other occupation or to retire from labor, he will find that he can obtain a much higher price for it than he could have done before the manufactory was established near him.

As corroborative evidence of the assertion that it not only makes him a market at his door but a better and more diversified market, and that his land is worth more per acre by reason of its proximity to it, I would refer you to the statistics furnished in a report from the Agricultural Department.

In the seven manufacturing States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware the total value of manufactured articles is $3,021,405,831; total number of acres under cultivation, 53,919,546; the value of the farm lands alone $2,552,695,060, and the average value per acre $47.34.

We will now take the second group of seven States, with very much less manufacturing and themselves remote from the manufacturing centers, namely: Maine, New Hampshire, Vermont, Ohio, Michigan, Indiana, and Illinois. Total value of manufactures, $1,247,046,686; total number of acres under cultivation, $105,587,433; total value of farm lands, $3,558,969,239, and the average value per acre, $33.71; a difference of over 44 per cent.

My district, with 1,400 manufacturing establishments, joins Philadelphia, with 8,567 manufacturing establishments. The farm land, by reason of its proximity to this great market, is worth from $125 to $500 per acre; the nearer the market the higher the price, as much of it is used for vegetables and small fruits, known as truck-farming.

The appreciation of the value of a home market is shown by the actions of the people of my little town, who have advertised in the Philadelphia papers, through their council, that they would give a certain

number of acres of land and would exempt from municipal taxation the property of any individual, company, or corporation who would erect and carry on any unobjectionable manufacturing business in said borough which would employ not less than one hundred hands.

In the second place I desire to remind the committee that it is not the farmer alone who is benefited by these manufactories: the shopkeeper, the shoemaker, the carpenter, the tailor, the hatter, in fact all the different occupations and professions are mutually encouraged and built up wherever the people are largely engaged in manufacturing industries. But the farmer has, in addition to the benefits mentioned, a direct protection in the duties laid upon a number of articles that he produces. By the schedule prepared at the request of the Committee on Ways and Means, and attached to the bill, it appears that the producer of flax-straw is protected by the existing tariff $5 per ton; flax, not hackeled or dressed, $20 per ton; dressed flax, $40 a ton; tow of flax and hemp, $10 per ton; hemp, $25 per ton. Sugars, 2¾ to 3½ cents per pound; wools, from 10 to 36 cents per pound; on butter and cheese, 4 cents per pound; on hams, bacon, and lard, 2 cents per pound; on wheat and barley, 20 cents per bushel; on corn, oats, and corn-meal, 10 cents per bushel; potatoes, 15 cents per bushel; and on other products various rates of duty. Surely the farmer and planter can not complain that they do not receive any benefit from a properly adjusted tariff.

But you say the farmer needs no protection on his productions. Let us look at this for a moment. The Bureau of Statistics gives the following importations of agricultural products into this country during the years 1882 and 1883:

Live animals	$4,000,000
Breadstuffs and farinaceous foods	12,667,000
Fruit	18,000,000
Hay	1,000,000
Potatoes	1,000,000
Provisions of various kinds	1,800,000
Butter	939,000
Rice	1,893,406
Total	41,299,406

And it is the opinion of the best-informed political economists that the farmer will soon need a much higher protection on his cereal products to prevent importation of like products into this country to feed the millions of our people who are employed in manufactures and different pursuits other than agriculture. It is an admitted fact that we can no longer rely upon a foreign market for their consumption. British America, India, Australia, and Russia are building railroads and improving their facilities to make cheaper transportation.

India alone has increased her exports of wheat enormously in the last four years. In 1880 she exported 4,000,000 bushels; in 1881, 12,000,000 bushels; and in 1883, 36,000,000 bushels. Her soil is fertile and well adapted to wheat-raising. It is said that the rates of freight from India and Russia to Liverpool are no higher than from the United States to Liverpool. Her rate of wages, although having risen 100 per cent. in the last thirty years, is now about 8 cents per day; farm labor can be had for 5 cents per day.

It is with this pauper labor we will have to compete in our exports of grain; and at the rate they are increasing their annual products we will not only be compelled to give up the foreign market, except in times of failure, but they will be knocking very soon at the doors of our ports with their cereal products. Then you will find that the farmer will plead as he has never pleaded before for protection, and instead of 20 cents per bushel on wheat and barley he will want perhaps three times that amount. It is said that wheat can be produced at a profit in India for 30 cents a bushel.

There are employed in agricultural pursuits in the United States 7,670,493. If these people are to compete with the pauper labor of India and Russia in the production of wheat and other cereals, they of all others will stand most in need of protection.

But the farmer will say, or you do for him, that you must lower your duties on manufactured goods, then the foreign manufacturer can afford to exchange his goods for our wheat and flour. This argument has been strongly urged by the other side of the House. You have heard of the "man who held the penny so near his eyes that he could not see the dollar."

Let us look into this policy and see if agriculture can live without manufactures. All past experience teaches us that no nation can be prosperous on agriculture alone. For examples look at Egypt, Turkey, India, Ireland, Norway, and Sweden, countries almost wholly given up to agricultural pursuits. Labor in Sweden is worth 7 cents per day, in India and Turkey from 5 to 8 cents per day. England furnishes most of these people with their manufactured articles. In the first place it must be borne in mind that 92½ per cent. of our agricultural products, except cotton, are consumed at home, and the remainder, 7½ per cent., is exported. Now, the question arises would it be best for us to give up our own market by throwing these people out of mechanical employment, or had we best do all we can to hold the home market and as much of the foreign as is possible without destroying our own? We also find that 98 per cent. of all our manufactured products are consumed in our own country. Out of $5,369,519,191 of manufactured articles only $111,890,001 are exported. It would be better to sink the 7½ per cent. of agricultural products in the sea than to lose the market for the whole $5,369,579,191, which would be the inevitable result if we cease to protect our own industries.

"No; there is another alternative left," you will say; "let the manufacturer reduce his profits and his workingmen their wages if they want to compete with the foreign manufacturer." Let us follow out this logic. There are paid out in the United States in salary and wage labor $6,000,000,000 annually. Reduce this amount to the same standard paid in foreign countries. The amount then would not exceed $3,000,000,000 or $4,000,000,000. By this procedure you would reduce the purchasing power of these people to the same extent you reduced their wages. But you would do more than this; you would drive thousands from the loom and the spindle, from the forge and the furnace, into agriculture, where they would become your competitors instead of your consumers.

It is enough to say that the farmer is not so ignorant and deficient in common sense as not to know that a tariff that would diminish the ability to buy of all those engaged in our mining and manufacturing industries would seriously cripple his market. The home market is his main dependence, and he can not afford to support a policy which would be ruinous to his interests.

Mr. Chairman, I fail to see who in this country would be benefited by the proposed reduction. At least no producer, be he farmer, manufacturer, miner, mechanic, or skilled or unskilled workman, would be benefited. But the foreign manufacturer and the importer would be greatly benefited.

It is claimed that there is another class who would be benefited, and who have constituted themselves into a league, known as the Free Trade League of America, with their headquarters at New York. Every member of this House has been flooded with its literature, and the Committee of Ways and Means have listened to their sophistries presented by paid counsel. The members of this league are shown to be, by Mr. RUSSELL, of this House, men of large fortunes, living on their incomes, "who measure day by day the purchasing power of their fixed incomes as they apply it to the articles of high living," as they term them. As Mr. RUSSELL has well said, the number of men who live entirely upon their incomes is entirely too small to shape our industrial policy. These are the gentry who send to Europe for their clothing; nothing good enough manufactured in this country for them to wear. They are the agents of the Free Trade Cobden Club for distributing free-trade documents throughout the United States. They are the supporters of the free-trade journals known as the London Iron and Coal Trades Review, Iron Monger, London Spectator, and Pall Mall Gazette.

Let us see how they regard the election of Mr. CARLISLE Speaker of this House and the Morrison tariff bill:

The London Iron and Coal Trades Review, for December 7, 1883, says:

Our best customer for iron, steel, hardwares, and many other goods has long been the United States, notwithstanding the very heavy duties that are there levied, and the greatest interest is always manifested by our business men in American politics where they are likely to affect the tariff. It is pretty evident that the protectionists are no longer to have it all their own way, and consumers may before long have the right of buying in the cheapest market, wherever that may be.

The Machinery Market, a London publication, said in January last:

The year is likely to see important political changes on the other side of the Atlantic, which will have their influence on business here. Events move rapidly in America, and the coming triumph of the Democratic party there means the triumph of the free-trade movement in the States. It is not to be supposed that there will be free imports into the States; but "a tariff for revenue only," which is the leading cry of the Democrats, will open an immense additional field for the sale of English manufactured goods in the States.

The same journal said in March last:

Although our exports of machinery and hardware to the States have slightly increased, taken on the whole, during the last few years, our exports thither of iron and steel and their manufactures show a marked decline during recent years. The value under this heading amounts for the month of January last to about £395,000. It appears, therefore, on the whole, we are buying nearly as much in the way of manufactures in iron and steel, machinery, &c., from the States as we are selling to them. The result must be looked upon as miserable, and is not equal to our position as a manufacturing country. The United States is a producing country, not a manufacturing, in the sense to which we apply this term to ourselves. It is high time we turned our attention actively elsewhere for a better customer, not forgetting at the same to watch the opportunities which the tariff reduction in the States will open out to us.

The London Iron and Coal Trades Review, for February 8, 1884, says:

Though our trade with the United States has fallen off very much of late, that country still occupies the position of our leading customer, and every change in its condition yet has its influence upon our market. It is, therefore, important to notice that the intelligence from the other side has been of a rather more encouraging character during the last few days. The consumption of pig-iron now balances the production (though this is not because the former has increased; it is because the latter has been reduced), and with small competition prices will doubtless improve. At present, and for some time past, there has been little chance of supplying English pig-iron at a profit in the States, owing to the very low prices of native iron. But the most satisfactory news is that on Monday Mr. MORRISON, the chairman of the Ways and Means Committee, introduced another tariff bill in the House of Representatives. Considering that it was only last year that a tariff bill was passed which considerably reduced the duties on a large number of articles, the introduction of another bill so soon affords a sign that the protective doctrine is a good deal 'played out.' The new bill proposes a reduction of 20 per cent. in the duties, to take effect from July 1, but no relief will be given in the matter of luxuries. Mr. MORRISON and his colleagues who have drawn up the bill have shown their wisdom in placing in the free-list a number of raw materials, such as copper and iron ores, slack, and coal. Though the bill may not pass without considerable modification, it will probably result in a substantial reduction.

To these opinions we may add the following blunt but frank admission by the London Spectator on the 8th of December last:

Of course the north of England holds that American free trade would be greatly to the interest of British manufacturers.

And this from the Pall Mall Gazette:

The progress of the Morrison bill will be watched with considerable interest by English exporters to the American market, inasmuch as it can hardly fail to tend in their favor.

Thus you see how closely and with what deep interest the manufacturers of England are watching every move made by this Congress in the interest of free trade. Their only hope is in the success of the bill and the further success of the Democratic party in the coming elections, when they look for a tariff for "revenue only."

Protection to our infant industries for a series of years has had a beneficial effect in reducing the cost of many articles, so that we now obtain them far below the price charged for the foreign article. When the English had command of our markets we were compelled to pay from $15 to $19 per dozen for their saws. But now under the fostering care of protective duties we are no longer subjected to their exorbitant charges, for Disston and others supply us at nearly half the cost, and they send them to England and there sell them for $10 per dozen. The same may be said in reference to our shovels. The Rowlands, of Cheltenham, Pa., and the Ameses, of Massachusetts, supply us, and send large quantities abroad. Myers & Ervien, of my district, make, with others, all the forks we need, and ship largely to England, Ireland, France, Germany, Prussia, Russia, and Australia. All this was impossible when duties were low and our manufacturers unprotected.

Last autumn I had the pleasure of visiting the little town of Pullman, Ill., which is composed entirely of mechanics and operatives engaged in car-building. I found at this place a savings-bank which had only been established last May. I found that these people had on deposit in that bank $170,000, and that the daily deposits made by these 2,500 workingmen were about $500. This led me to investigate the matter somewhat further. I found that in 1883 there were 2,876,438 depositors in the savings-banks of the country, whose aggregate deposits amounted to $1,024,856,787, making an average to each depositor of $356. These were nearly altogether the savings of the workingman, laid away either to buy for himself a home or for a season of adversity, if one should come, and in the mean time affording him an income in addition to that arising from his labor.

The advocates of free trade insist that the exchange of products between nations should be as free as possible, some even insisting that revenue for the expenses of Government should be raised by direct taxation. They cite England as a nation that comes nearest to a free-trade country of any one among civilized nations. They point to her great commercial prosperity, her wealth, power, and extended dominions. They do not point, however, to her laboring population, who are starving on low wages. They are careful not to allude to the fact that her farm hands can scarcely earn enough to buy the cheapest kinds of food and clothing, and that the workmen of her mills and manufactories are among the worst fed and the worst clothed of any laboring people of Europe. Neither do they allude to the fact that six out of every one hundred of England's subjects are the inmates of an almshouse or receiving outdoor relief, and that 3.68 per cent. of the whole population of Great Britain and Ireland is in a similar condition.

Considering further the fact that 4,698,098 of the people of Great Britain emigrated to the United States between the years 1820 and 1879, presumably to better their condition, it would seem that that kingdom was not the paradise of the laborer, and considering also the fact that Europe sent to our shores between 1820 and 1883 the enormous number of 12,196,295 of her people, it would appear that they are not afraid of the "oppression" of a country whose people live under a protective tariff system. This tide of emigration, continually increasing by letters from emigrants here to their friends at home, is a convincing proof that the down-trodden and oppressed people of Europe consider this country the paradise of the workingman. And unless England especially does something to improve the condition of the laboring classes the time is not far distant when certain portions of her dominion will be almost depopulated. Her whole system is wrong. If she would pay her working people better wages they would then become consumers. But what workingman in England can wear a broadcloth coat, or what workingwoman can wear a silk dress? What working man or woman there can eat meat even once a day, or bread baked from wheat flour spread with good wholesome dairy butter? By their system of free trade and low wages they degrade, impoverish, and starve their people, and as a consequence destroy their home market.

The people of America pursue an entirely different policy. We believe in fair wages to the workingman and workingwoman, so that they may enjoy the comforts of home life. We believe in free education, so that their children may be fitted to enter any of the professions or other avocations of life; to not only occupy our seats in the Halls of Congress, but, if needs be, to become the Chief Magistrate of the nation, the highest office in the gift of the American people. We have at least two illustrious examples of men who under the fostering influence of our system of protection and free institutions have been called to fill that exalted position, namely, Lincoln and Garfield. The poor farmer in this country is not known by his blouse and the workingman by his check, which must be worn in free-trade Europe to show to which class they belong. Said the lamented Garfield:

Thank God and thank the founders of the Republic and the later patriots who have made the Declaration of Independence a reality, here in America there are no classes! Our society does not resemble the crust of the earth with its impassable barriers of rock, but resembles rather the waters of the mighty sea, deep, broad, boundless, but yet so free in all its parts that the drop which mingles with the sand at its bottom is free to rise through all the mass of waters until it flashes on the crest of the highest wave. There is no boy in America, however humble his birth or in whatever capacity his lot may be cast, who if he has a strong arm, a clear head, and a brave heart, may not by the light of our schools and the freedom of our laws rise until he shall stand foremost in the honor and confidence of his country. Not so in England.

Says an editor of an English periodical:

I have studied the agricultural interests of my country carefully for twenty-five years, and I have never known one, not one, who was born and reared in the ranks of mere farm laborers that ever rose above his class and became a well-to-do citizen.

What a sad commentary on the feudal free-trade system of his country.

Mr. Chairman, I am a protectionist. By that I do not mean that I am in favor of a prohibitory tariff that would exclude all foreign products from our country, but I do mean that I am in favor of such duties as will give to American workmen protection against the cheaper labor and capital of other lands. This is all that is needed; for with his superior education, inventive genius, his skill, his improved machinery, his indomitable energy, he will be able to compete with any and all in the great struggles of life.

The principle of protection is as old as the Constitution itself. It was inaugurated by the First Congress of the United States on the 4th day of July, 1789, in the very second act that was passed, as follows:

Whereas it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandise imported:

Be it enacted, &c.

That principle has been steadily advocated by almost every administration since then. It had been recognized and favored by Washington, Hamilton, Franklin, and by the Democratic Presidents, Jefferson, Madison, Monroe, and Jackson, and by none more earnestly than by a late Democratic candidate for the Presidency, Horace Greeley. The Democratic party should not forsake or abandon the principles of its time-honored leaders under a senseless cry of "A tariff for revenue only." The principle of protection has become interwoven with our whole national policy, and though frequently attacked and sometimes crippled by insidious enemies it must survive, while the parties that attack it will be lost and forgotten. It is a natural, not an artificial policy. It is the same policy which in the discharge of a natural duty actuates men to aid and assist their families and friends, and a Government that will not protect its own citizens and give them aid and comfort in their undertakings can not expect them to be willing or able to give it a very hearty support.

The prosperity of the citizen is a part of the prosperity of the nation, and when the citizen fails to secure a competence the Government is a sufferer in proportion.

Following, then, in the footsteps and traditions of the early statesmen of the Republic, as manifested from time to time in their tariff systems, I believe with them in the policy of adequate and sure protection to American industry. I believe that American workmen should have the preference in doing the work that may be required to be done for the benefit of the American people. Believing also that the present bill, if enacted into a law, would deprive them of that preference and allow an impolitic interference by foreign competition of cheap labor, I most earnestly protest against the passage of this bill, and hope that there is wisdom enough still left in this Democratic House to defeat it.

Mr. ELDREDGE. Mr. Chairman, the great object of all civilized governments is to protect the person and property of its subjects or citizens. The money to pay the expenses of our Government is principally raised by duties upon imports, and the present law, known as the tariff law, discriminates between the rich and the poor. This is not just and ought to be remedied, and it can only be remedied by a complete revision of the tariff. I have hundreds of constituents who support their families by the labor of their hands, that pay a greater sum into the Treasury than many of my constituents who are worth from one hundred thousand to half a million of dollars. The poor man has nothing for the Government to protect but his personal rights, while the rich man's property is to be protected as well as his personal rights. It was not the intention of the founders of this Government that such manifest injustice should be practiced. It was the intention that every citizen should receive full protection of his person and property, and that he should pay toward the expense of the Government in proportion to his means and the amount of property he had to protect.

The tariff can not be so adjusted or arranged as to make the rich pay their due proportion of taxes, but it can be so arranged as to approximate it. The only way to reach the wealthy is by an income tax, which ought to be levied upon every man receiving his income from interest-bearing notes, bonds (private or public), and stocks, whether railroad, mining, or manufacturing; for all the profits which are derived from these sources are paid by the producers and laborers of the country.

A protective tariff is not in accordance with the spirit of our institutions, is contrary to sound political economy, and is a destructive policy for this and all other countries. All legislation which seeks to build up a prosperous nation by permitting a comparatively small and privileged class of manufacturers and producers to levy for their personal benefit an inordinate tax tribute upon the great mass of the people who are compelled to use and consume their goods is unjust, unwise, and ruinous.

There are no natural and there should be no artificial objections to buying in the cheapest and selling in the dearest market—it is the inalienable right of every freeman.

The Government must be supported with dignity and honor, must pay all its obligations, and to do this the Government is justified in imposing a moderate, non-exclusive, and non-protective tariff duty, the sole purpose and effect of which shall be to meet its necessities—such tariff for Government benefit only. Such a tariff is what is meant by free trade by the Democratic party and all others who oppose a protective tariff system.

The heaviest burden now borne by the American people is the unjust, unfair, robber-like system known as a protective tariff. It is no more nor less than a bonus levied upon a very large majority for the benefit of a few manufacturers, which compels them to pay much higher prices for almost every manufactured article they are compelled to consume.

By increasing enormously the cost of living a protective tariff oppresses the laborer and the farmer, and by its operation has destroyed our merchant marine, while it has fostered and enriched monopolies by impoverishing the great mass of farmers and laborers.

The protective system is only kept in existence by the most corrupt system of lobbying, extravagance, and official corruption, which it tends to produce and extend.

The present system is on many articles exclusive, and by thus preventing importations of foreign goods deprives the Government of the opportunity of deriving a legitimate revenue by a moderate tariff and of reducing the price of the domestic article as well as of imported goods. All industries worthy of existence can be maintained and flourish independent of hot-house, artificial aid. If they can not, the Government has no right to call upon one class of the people for aid by taxing them for the benefit of those who have invested their money in a profitless business.

Those who favor a protective system say that without it the price of labor would be so reduced that the laboring classes of the community could not subsist.

To what laboring class of community do they refer? Simply to those employed by the great manufacturing monopolies of our country, and not to the millions of farmers, mechanics, and others employed in all other avocations, all of whom pay tribute to these huge monopolies.

But these claims that the price of labor would necessarily be reduced is not true, as the prices paid to laborers in manufacturing establishments under the old revenue tariff and those paid under the present protective tariff abundantly prove.

They claim that it requires skilled labor for manufacturing purposes, and that skilled labor requires higher prices than unskilled labor.

Let us examine this and see how much higher wages the great monopolies pay their laborers than the common or unskilled laborer receives. Let us see what some of these great monopolies pay their unskilled labor. The census for 1880 shows that there were 805 companies or organizations engaged in the production of iron-ore for that year, and that the production of ore amounted to 7,971,703 tons. The same census shows that there were just 31,668 persons employed by these 805 organizations in this branch of industry.

The same census says this 31,668 persons in 1880 were paid as wages $9,538,117. Now, divide this large sum of money by 300, the number of working days in a year, and you will find it to be $31,793. This, then, is the amount of money paid out each day to 31,668 persons. Now apply division again, and divide $31,793 by 31,668, the number of persons employed, and you will see that each man will receive a fraction over $1 a day wages as the result of protection to American labor in mining iron-ore.

Now, let us take from this same census the skilled labor used by these poor iron monopolies and see what munificent prices this protective system enables them to pay. The value of the iron and steel manufactured in 1880, as shown by the census, was $296,557,685, a far greater sum than the product of iron-ore; and that the total number of persons employed in this work was 140,975, who received in wages for the year 1880 $55,476,785. Now, apply the same rule to these figures by dividing the $55,476,785 by 300, the number of working days in the year, and you will find that $184,922 was paid out each day to all of these workmen, and when you divide this amount paid out each day with 140,975, the number of persons to whom it is paid, we find that each man has received the munificent sum of $1.30 per day; and these are the high prices that the iron monopolists are paying these unskilled and skilled laborers who are putting millions into their pockets yearly by reason of protection, which obliges every man in the United States to pay a bonus for every pound of nails or any tool or implement of iron or steel which he uses.

When we take the wages paid the men who mined the ore at $1 per day, and the wages of the men who worked in the iron-mills in manufacturing iron and steel, which was $1.30 per day, we find that these iron monopolists paid on an average to their employés the great sum of $1.15 per day.

Now, this same census for 1880 contains these facts, as any one can demonstrate who will take the trouble to search the iron statistics. In 1880 there were produced: Pig-iron, 3,780,000 tons; duty, $7 per ton; profits guaranteed by tariff, $25,500,000; bar and rod iron, 808,000 tons; duty, $22.40 per ton; profit from tariff, $18,000,000.

Plate and sheet iron, 532,000 tons; duty, $33.60 per ton; profits from tariff, $18,000,000. Iron rails, 467,000 tons; duty, $15.68 per ton; profits from tariff, $7,500,000. Steel rails, 741,000 tons; tariff, $28 per ton; profits from the tariff, $21,000,000. Steel bars, &c., 242,000 tons; duty, $50 per ton; profits from the tariff, $12,000,000. Other products, 540,000 tons; duty, $22.40 per ton; profits from tariff, $12,000,000.

This is what the tariff did for the iron and steel men for the year 1880—$114,000,000 profit made by virtue of the tariff. At the same time they could only pay the men who did the labor to produce these immense profits the beggarly sum of $1.15 per day.

Out of whose pockets did this $114,000,000 come and into whose pockets did it go?

This same census shows that the woolen, cotton, leather, and hundreds of other manufacturers whose goods are protected by a high duty pay their laborers but a trifle more wages than the same class of workmen receive in England, which is a free-trade country.

Again, this same census shows that in 1880 in the State of Michigan there were 4,873 manufactories of all kinds; and that the number of persons employed in all these factories was 77,591, and that the total amount of wages paid these employés for that year was $25,313,682. Divide this amount of money by 300, the number of working days in a year, and we have $843,789, the amount paid each day for wages; and when this sum is again divided by the number of persons who were employed it shows that there was paid each person employed a fraction less than $1.09 per day, showing what extraordinary high wages these manufacturers do pay; and yet they cry, "Reduce the tariff and you reduce wages."

The fact is, labor is like any commodity; its price depends upon the law of supply and demand; and no matter whether these protected manufacturers are making 25 or 50 per cent. upon their capital, they will hire their workmen just as cheap as they can.

The question of taxation is the one great question of the day. This high protective tariff was the offspring of the manufacturers when they saw the necessity of raising large revenues to pay the expenses of the war and to pay the debt which it produced, and long since it was needed for that purpose they have, by organized lobbies and paid writers, succeeded in preventing its modification, until the people have demanded, by their election to this Congress of a large majority who favor it, a complete remodeling of this outrageous tariff system now in existence.

The election of the presiding officer of this House was proof conclusive of the feeling and determination of the people. I say people, because those who are in earnest in favor of tariff reform are not all of the Democratic party.

The strife for Speaker was not for men. All three of the men who received Democratic votes had the entire confidence of the Democratic members of the House. The question was simply "tariff reform or a continuance of the protective system;" and note the result—one hundred and thirty-six for reform to fifty-two for protection.

The protective system is doomed, or else the people are doomed to slavery.

A people can not long prosper under a system which draws from their hard earnings annually millions to enrich and build up a few monopolists, who are already worth their ten, twenty, thirty, forty, fifty, and a hundred millions each—not one dollar of it earned by their own labor, but every cent of it earned by the farmers, mechanics, and laboring classes, and paid over to them through the machinery of this legal robbery known as a protective tariff.

This demand for tariff reform has not been made for party purposes. The people have asked that the burdens of taxation be more equitably distributed and that they be lessened, as the Government is raising more than an economical administration of affairs requires.

The Republican party is responsible for its being made a political issue. They know that the great majority of manufacturers, the railroad kings, the monopolists of all classes, upon whom they can depend for money to pay the expenses of political campaigns, belong to their party, and with the money furnished by these men who are directly interested in having this protective system continued, and by the aid of over 100,000 Federal office-holders, they believe they can beat the people in their demand for this reform.

I am glad that this issue has been forced upon the Democratic party, for by it will the Republican party lose a heavy per cent. of its voters. The farmers, mechanics, and laboring men who are asking, nay, demanding these reforms, care nothing for party traditions, and thousands of voters who have acted with the Republican party will no longer submit to the enormous and unequal taxation which is the result of this outrageous protective system.

Let the issue be squarely made, "protective tariff" on the one side and a "tariff for revenue only" on the other, and then, with all the money that the monopolists will pay into the election fund and with the legion of Federal office-holders upon the one side, and the tax-ridden people upon the other, we will be able to see whether money and patronage can induce the people to continue a party in power whose central idea is in direct and absolute opposition to their best interest.

It is true this issue will lose to the Democratic party many voters, notably in Pennsylvania and the New England States, for not all of these manufacturing lords belong to the Republican party; but those States are Republican anyway, and can be no more so under this issue than any other.

The great agricultural States, who are forced to pay this tribute-money to Pennsylvania and the New England States, are fully aroused, and determined that their demand for more equitable taxation shall be respected.

They are tired of paying $2 extra upon every thousand feet of lumber in their fences, their houses, and barns, and from 2 to 5 cents per pound for their wire fences; from 25 to 60 per cent. upon the dishes from which they eat their humble meals; from 1½ to 2 cents per pound on all the nails in their fences and buildings; 1 cent and upward for every pound of iron in their farming tools and implements; and, in short, to pay from 40 to 100 per cent. on every manufactured thing they buy, from the diaper that covers their baby's limbs to the shroud and coffin that envelop their dead and the shovel that digs their graves.

They know, too, that not a dollar of all this colossal tax, which for the whole country is estimated to amount to more than five hundred millions annually, goes into the Treasury of the United States. It swells the millions of the owners of the mines of Lake Superior and Pennsylvania, most of whom reside in Boston; it rolls up wealth for a couple dozen men, more or less, who own all the standing pine in the State of Michigan and Wisconsin; it builds palaces and buys fast horses for the owners of the salt-wells; it makes princely fortunes for the few, while the many gravitate toward pauperism.

Since this system has been in force in this country a few men have grown rich beyond the wildest dreams of previous times, while the millions have for the first time in the history of the country come to know what the want of bread is. Wherever it has been most rigidly applied—as in Pennsylvania—there the rich have grown richest and the poor have grown poorest, and American freemen in relation to their employers have become most like slaves.

And it is upon this outrageous system of robbery that the Republican leaders are asking the people to continue it in power. Can it be possible the people will longer submit to the continuance in power of a party whose cardinal principle will sooner or later make them slaves?

I voted a few days since to restore the tariff upon wool. Some claim that this was inconsistent with my views as a tariff reformer. I think it is not. The last Republican Congress reduced the tariff on wool and increased it on woolen goods. I believe this was unfair, and against the interest of the farmer and in favor of the manufacturer of woolen goods.

I was in favor of restoring the duty on wool, and then let it stand the 20 per cent. cut with woolen goods which this bill would give it, which would be more equal and just. Had the tariff on wool been restored, until this bill became a law the price of woolen goods would not have advanced a particle, because home manufacturers of woolen goods would have to sell in competition with imported woolen goods, and the advanced cost of wool would have been entirely at the expense of the manufacturer, and woolen goods would not have cost the consumer any more than they now do.

This view, I think, was taken by the Republican members of the States where the woolen factories exist, as nearly all of them either dodged the vote or voted against restoring the duty on wool, because they saw it would be against the interest of the manufacturer of woolen goods to raise the price of the raw material.

With the exception of the members representing the woolen factories, the same Republican party who last year voted to reduce the tariff on wool voted to restore it, showing that what they claimed last year to be right this year they claim to be wrong. I do not abate one jot or tittle from my opposition to a protective system, but I believe that farmers should have a fair chance with the manufacturers and no more. They do not ask special privileges; they simply demand equal justice to all alike, and this they do not get under the present tariff law.

They are willing that the duty on wool, which is the only thing they produce upon which a tariff is of any sort of benefit, shall be cut down whenever there shall be a reduction upon woolen goods and upon almost every article they consume, so as to equalize and reduce taxation to the necessities of the legitimate expenses of the Government economically administered. The duty on wool not being restored, I shall be obliged to vote to reduce the tariff on wool 20 per cent., as fixed in this bill, or lose the opportunity of voting to reduce the tariff 20 per cent. upon hundreds of articles used by the farmers and the laboring people throughout the country. I therefore deem it in the interest of the farmer and laboring classes to vote for this bill, though it cuts down the tariff on wool.

I do not consider this bill as coming up to what the people demand or expect. It makes no pretensions to the correcting the inequalities of the present tariff law, but strikes off 20 per cent. indiscriminately, while it puts a few articles upon the free-list. But as it affords *some* relief, I am willing to vote for it, and trust that future legislation will afford the relief which the people so imperatively demand—a tariff system which will equalize taxation between the producers of the raw material, the manufacturer, and the consumer, and so as to raise no more revenue than is actually required to pay the expenses of an economical administration of the Government.

Mr. CANNON addressed the committee. [See Appendix.]

Mr. LANHAM. Mr. Chairman, in the opening of this discussion the vanguard of the opposition was led by the "father of the House," the learned statesman from Pennsylvania [Mr. KELLEY], in a very eloquent and pathetic speech. Regarding him as the essential exponent of the protectionists, and his utterances as *ex cathedra*, I did myself the pleasure to hear every word he said. He drew a pitiable picture of the pauperism of England; he went abroad to study "the short and simple annals of the poor" and find examples of wretchedness and misery. While listening intently to his graphic recitals and melancholy description of the want and woe of foreign humanity I wondered to myself if it had ever occurred to the distinguished gentleman that there was such a thing as a cisatlantic poverty.

Have we no poor among us? Are there none here whose energies have been paralyzed by hunger; whose brains have been overthrown and whose hearts have been broken by the degradation of penury? Have we no wretched tenement houses with squalid inmates; no stout, able-bodied men who rack their minds to invent some methods for the procurement of the bread of the morrow; no wasted women and mendicant children? Have our crowded cities no destitute? Are all our sons of toil prosperous? Are there no striking, hunger-maddened operatives in American Birminghams and Manchesters? I doubt not that spectacles as sad and gaunt as those observed by the gentleman in England could with less difficult search be discovered in this "land of the free and the home of the brave."

Is there not fast growing up in happy, proud America an aristocracy of wealth? Is not pauperism continually increasing? I think no reflecting man can hope to successfully dispute the assertion that in "these ends of the earth" misrule and mal-legislation have produced millionaires and paupers with equal pace. Have not high tariffs and class enactments increased the riches of the rich and degraded the poverty of the poor? For every capitalist there is more than one tramp. The time was in this country when plutocrats were scarce; the time is when they abound. The time was, within the memory of the venerable gentleman from Pennsylvania [Mr. KELLEY], when there was not a millionaire in the United States; the time is when every great city can furnish a score. The time was when almshouses and "soup-troughs" were not needed; the time is when the tired and dejected and hungry poor are glad to partake of any public or private charity. The time was when republican simplicity was a virtue; the time is when purse-proud and supercilious native Americans are aping royalty. The time was when our laws were made for the benefit of all; the time is when they are enacted for the special advantage of the few. The time was when all patriots felt a community of interest in universal prosperity; the time is when avarice seeks to dominate our councils and the pen of greed to indite our statutes. The time was when political righteousness exalted our nation; the time is when political sin and legislative injustice are a reproach to our people. The time is coming in the near future, if not now at hand, when American freemen will express their sovereignty, assert their power, and vindicate their majesty, and demand of their servants, in a manner that will enforce obedience, that every species of class legislation, every statutory inequality, every selfish act shall be expunged from the records of our national law.

It were practically impossible at this day for any man to suggest anything new or essentially different from the manifold thought and treatment which the subject of Federal taxation has received in this country from time to time. It has engaged the attention and inspired the research of governmental philosophers for more than a century, and statesmen and essayists have in turn given it their current contributions. It has been so oft discussed, critically considered, and profoundly explored that the very language employed is generic, the platitudes identical, the illustrations parallel, the methods threadbare. With a very slight adjustment of transposition, and the elimination of modern data, it will be discovered upon close inspection that much of our recent literature upon this subject is but the adroit reproduction of what was said scores of years ago.

I can not, therefore, hope to attract this committee or interest the country by the presentation of any purely original ideas or the submission of any fresh or newly invented measures of policy. I may not even escape the appearance of plagiarism, and may both wittingly and unconsciously appropriate the thoughts and expressions of greater men who have gone before me. And yet, as a representative of the people, I have felt called upon to express myself and formulate my convictions, as best I can, upon what I conceive to be the most important question which is to-day before the country. It is, in my judgment, not only of paramount national magnitude, but constitutes the boundary line which separates the great political parties which are contending for the administration of the Government.

No greater, graver, or more difficult and responsible function belongs to Congress than that involved in tax legislation, and nothing should receive more careful scrutiny and patriotic investigation. The modes of State taxation are clearly indicated, practically exemplified, and thoroughly understood. The citizen of the town, county, or State, by reference to his tax receipts, if not from a draft upon his memory, can tell just how much he is required annually to contribute out of his substance toward the support of his local government. He is able to reduce it to mathematical exactness, for the figures are at his command and the processes are familiar to him. The tax assessor and collector came to him in succession and practically instructed him in a manner not mysterious nor difficult of comprehension; and the instrumentalities employed were direct, positive, and intelligible, the objects of the exactions were distinctly within his cognition, and that, too, whether he were well versed in political economy or non-conversant with state-craft, whether lettered or unlearned. The transfer from the private pocket to the public treasury was simple, though perhaps severe.

The Federal approaches to the citizen's purse are complex, indirect, and circumstantial, and hence obstructive to ordinary understanding. What manner of man in this great Government can readily answer, or answer at all, and indicate with anything approaching accuracy, the amount of money in dollars and cents required of him during the year just past, or any year within the last score, in support of the United States? Who on this floor could furnish the information? A distinguished statesman in the Forty-sixth Congress and now an honored member of this House [Mr. HURD] said:

> The statistics will show that every head of a family who receives $400 a year in wages pays at least $100 on account of protection.

This estimate would show that the laboring man who has a family has extracted from him one-fourth of his annual earnings "on account of protection," not for the support of his Government, but to advance special interests and promote individual welfare. It would have been a most tedious if not impossible task for any American tax-payer, I care not how skillful in mathematics or conversant with Federal statutes or expert in custom-house rules and regulations he may have been, to have commenced on the 1st day of January, 1883, with all the lights before him, and by the most scrupulous observance of his food and raiment, investments and expenditures, specifics and ad valorems, every art and part of the cost of his daily life, up to the 1st day of January, 1884, and then told how much taxes he paid to the General Government during the year, either in separate items or aggregate amounts; and the problem would be still more embarrassing if it involved the segregation of the legitimate contributions to governmental support from those which went to the benefit of class interests through maltaxation.

A great metropolitan journal (New York Herald, February 15, 1883), speaking upon this subject, announced the following startling statement:

> We do not exaggerate in the least when we assert that there are not fifty men in the country, including experts, who can go over either the House or the Senate tariff bill and say without the most elaborate study and careful calculations what its numerous provisions mean, or in which of them the present rate of taxation is increased and in which lowered. Even an expert in iron and steel finds the wools and woolens schedules totally unintelligible to him. An expert in woolens can not comprehend the metal schedule; and as to the average citizen, at least two-thirds of both these bills would be as unintelligible to him as Hebrew or Arabic. And this is a law under which we are all to live.

Statesmen of confessedly great capabilities in the last Congress admitted their want of familiarity with the provisions of the bills which proposed to tax the people. It does seem that in a country like ours the laws on so important a subject ought to be so constructed as to enable the citizen to comprehend his relation as a tax-payer. Free and sovereign people are not content to be kept in groping incertitude upon a question so vitally affecting them. The very substruction of our institutions is the virtue and intelligence of the people and the consent of the governed. Simplicity is putatively a distinguishing characteristic of republican government, and its very genius rests upon the foundation that each man is a factor in its composition, with full privilege of participation in the exercise of political power and a perfect right to have the laws defined with such perspicuity as may be adapted to his comprehension. Tax laws unduly rigorous and inexplicable are doubly abominable.

I crave the indulgence of the committee if in the discussion of the pending bill I enter at some length into the consideration of doctrinal and fundamental propositions. I can not to my own satisfaction discuss the question apart from certain basic principles which I think ought to control tariff legislation:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.—*Article 1, section 8, Constitution.*

These words appear in the forefront of granted power, first in the enumeration of delegated Federal authority under this all-important section, and were manifestly foremost in importance in the minds of the framers of our organic law. From them are to be gathered legislative warrant for the levy and collection of taxes. The power is not only specifically expressed, but the objects and purposes of its exercise are carefully limited and well defined. No constitutional taxation can be imposed except to promote and legitimately subserve the ends designed.

The desiderata in tariff laws are constitutional authority, the public weal, uniformity, and simplicity. I have been reared in that school of politics whose primary lesson is the non-exercise of doubtful powers. The first thing learned by an American citizen in connection with his civic conditions ought to be that his country has a written constitution, upon which its entire organism is predicated, and furnishing the supreme guide for his political faith and practice. No legislator can afford to support any measure which has not for its warrant, "Thus saith the Constitution."

Every Representative here is the trustee of his people, an agent acting under a specific power of attorney, and bound to the observance of his instructions not merely by his responsibility to his constituency but by the most sacred obligation that can operate upon the conscience of man. Upon any proposition of Federal legislation we are logically referred to these special instructions, and a faithful consultation thereof is our reasonable duty. Permit me to say that I have marked with regret and humiliation the indifference and at times outright derision with which constitutional allusions and objections have been received and treated upon this floor.

I have observed with pain the pointless efforts at ridicule which have been directed against those, some of them venerable in the public service and sound in patriotism, who have sought to prevent infractions of the Constitution. There is a visible relaxation of fidelity and devotion to this great charter of popular liberty; the ligaments that connect the hearts of some of us thereto, I solemnly fear, are giving way. Such things, in my humble judgment, prognosticate a decadence of national vigor and an inevitable destruction of republican polity. When it shall happen that we utterly lose sight of fealty to and reverence for the Constitution of the fathers Freedom will leave us, and carry on the wings of its returnless flight every hope and confidence in the integrity and perpetuity of our institutions.

If we tax the people as intended and limited by the Constitution we must do so in order to pay the debts of the Government and to subserve the general well-being of the country. I do not believe that debt is a blessing, but a burden to be removed. I do not believe that the perpetuation of the national indebtedness will conduce to national prosperity, nor do I regard as dangerous the legitimate accumulation of the means to discharge the same. If a tariff system be adopted with a view to raising revenue taxation will be lighter, the necessities of life cheaper, and the public Treasury can sooner respond to obligations in the hands of national creditors. Reduction of tariff duties, governed by a revenue standard, implies not a decrease but an increase of money in the Treasury.

A high tariff levied for protection lessens the amount of import duties and diminishes the public revenues. The American Protectionist, perhaps the ablest journalistic champion of high taxation in this country, in its issue of May 19, 1883, says:

> Tariff for revenue would naturally raise more [revenue] than a protective tariff, while under the protective system if too much come in the simple and obvious remedy would be to raise the tariff and thereby decrease the importations.

In the views of the minority upon the bill now under consideration is to be found a corresponding statement, as follows:

> This proposed reduction will inevitably increase foreign importations, and, as a consequence, will, as all experience teaches, increase our revenues.

When the importations are decreased by protective duties the revenues are diminished, the means of "paying the debts" are embarrassed and curtailed; and to raise the tariff in order to reduce or prevent the accumulation of the revenues is to ignore and violate the Constitution, to oppress the people with high prices for what they are obliged to have, to compel them to pay tribute in aid of private business, and to impair "the general welfare" for the benefit of special classes. To carry out this idea to its logical sequence the Constitution should be reversed and read as follows:

> Congress shall have power to lay taxes to prevent importations, to avoid and indefinitely postpone the payment of the debts, and to promote the special welfare of certain classes of the people at public expense, and without regard to uniformity.

It will require just such a construction as this implies of this clause of the Constitution to sustain the reasoning of the protectionists and to find authority for the tariff laws which have been in operation for so many years. That is "general welfare" which secures the greatest good to the greatest number. The organic law and the patriots who made it never for a moment contemplated any species of class legislation.

The central idea, the mud-sill of our Government, is that all men are equal; that one man is as good as another; that there shall be "exact justice to all and exclusive privileges to none." The converse of this is odious to every true American. Where in express language or by any sort of rational implication is to be found the semblance of constitutional authority for laying the burdens of taxation upon the shoulders of the many for the benefit of the few? Where in the philosophy of our system of government is to be found the right of any man to invoke and receive such legislative assistance to advance his private business to the detriment of others? I am one of those who believe that

in this period of our national greatness, if private enterprise, personal vocation, and individual employment can not prosper by their own spontaneous forces and native energies, and without the auxiliary and extraneous support of legislation, then their business activities had better cease in the interest of the general good and common prosperity.

It is a poor business that will not afford its own advantages, furnish its own rewards, and control its own results, and ought to be abandoned. It is simply and obviously unjust to take from the substance and products of other pursuits to prop and support that which is not self-sustaining. The unconstitutionality, the apparent inequality, the palpable injustice of a protective tariff, it seems to me, ought to furnish all-sufficient objections to its continuance. I love and admire that statesman who introspects his own motives, analyzes his own sense of personal rectitude, and upon any public measure propounds the self-interrogatory "Is it right?" and admeasures his conduct by the response.

A tariff judiciously and equitably levied, with an eye single to constitutional terms and purposes, is not objectionable. Although the word is distasteful and its etymology refers us to historic spoliation, still it is the constitutional method for the obtention of revenue, and there is no immediate prospect of its disuse. It will be time enough to talk of absolute free trade when the public debt is liquidated.

In order to raise revenue for governmental purposes it is a fact that the tariff must draw its supplies, in the main, from articles in common use and for which there is a general demand. I believe in making all dispensable and luxurious commodities contribute as far as possible to the support of the Government, and upon all such I would impose all the burdens they can bear, with profit to the common revenue fund. I wish it were so that we could run the Government upon such receipts; but that is not possible. A very large per cent. might be assessed upon diamonds, for instance, and if no evasion of duties were to occur the amount of taxes derived therefrom would not be considerable.

The value of importations from this source for the twelve months ending December 31, 1883, under what, at first blush, would seem to be comparatively a very low rate of duty, was only $372,397. The highest possible duties might be attached to rare and costly articles, and yet the importation thereof would be of necessity so limited as to bring but little money into the Treasury; because being used almost exclusively by the rich, and hence a minority of the people, the demand therefor is confined to that class and the use thereof purely voluntary. Let luxuries, I repeat, stand all the tax they can, with benefit to the Government; but it will not do to contend that the needed revenues or any very considerable amount thereof by imposts can be drawn from such sources. With a prohibitory tariff they would not be imported; with a well-adjusted revenue tariff they would add their part to the general fund.

The contrast presented in the difference between the duty on a diamond and that on a blanket is very striking (and that on the latter is iniquitous); but it is useless to say that they will each bear the same rate with profit to the Government. More people use blankets than diamonds; blankets they are obliged to have; diamonds must be dispensed with by some and can be by all. The wool of the sheep is in universal demand; the hair of the camel only partial. There are more blankets than diamonds, more sheep than dromedaries. We use more sugar than civet; one is sold by the hogshead, the other by the ounce. The demand for iron is greater than that for lace, for common metals than delicate embroidery. Besides, minute and imponderable substances can be concealed and smuggled and duties thereon evaded; but bulky materials can not escape inspection. This will serve to emphasize the idea that the taxes are essentially derived from those commodities which enter into daily use and consumption. It would not, I think, be extravagant to assert that seven-tenths of our annual imposts are thereby supplied.

But while this is the case, the cardinal purpose in the mind of the legislator should be to so reduce taxation as to make subsistence cheap and render all necessary articles as inexpensive as possible to the great majority of the people, and at the same time operate to produce the required revenue; and to this end I do not favor the abolition of the excise on whisky, because it may be made to lighten the burdens which oppress the necessaries of life.

Any theory of taxation which has for its foundation discrimination in favor of classes or particular individuals at the expense of the greatest number of the people is unsound in policy and unjust in result. If we must have a tariff, let its proportionate burdens be borne by all. Let us not make "fish" of one industry and "flesh" of another. Let not the so-called "business interests" of the country have any greater exemption from tariff reductions, or enjoy more privileges of draining the public, than the producers of the crude materials.

What is business? Is it confined to those who manufacture what others have produced? That is a business interest which is honestly engaged in any honest labor. Honest work, whether of mind or hand, is equal in dignity. It would be wrong to place the raw materials produced in the United States on the free-list and assess high duties upon the manufactures thereof; and it would be equally inequitable to make manufactures free and the raw materials dutiable. The furnace and spindle, the shop and the arts, are not above the pick and the shovel, the field and the flock. The man who works in the shade or at the forge and employs scientific machinery is not superior to him who toils in the sun or exploits the ores of the earth and utilizes his physical brawn.

The capitalist who converts the crude elements into the finished fabrics should not be preferred over him who invests his means in the procurement of the original materials. The "general welfare" will be conserved by treating all alike. We occupy too high a position among the nations of the world, possess too many resources of native independence, to be unwilling or afraid to do right and act justly with each and all of our citizens. We can not afford to show any favoritism in our legislative enactments. No reason for fostering the interests of one portion of our people, for protecting the business enterprises of one locality, for upbuilding one more than another, at the expense and to the detriment of the great mass, now exists.

The present is an age of air-lines and transcontinentals, of electric miracles and potent motors; enterprise is stimulated to its highest pitch; every industry is supplemented by all the appliances of modern science; the harp of the era is attuned to the music of progress; the surges of time and human capability have beaten back the shores of our primitive conditions; we are no longer an inchoate nation, but one of the great powers of the earth, able to assert ourselves in competition with the nationalities of the universe. We have yet a boundless area of uncultivated and productive soil, upon which millions of thrifty, earnest people may find homes, and from which may be derived "bread to the eater and seed to the sower;" the opportunities for earning an honest livelihood are not stinted; everywhere the bounties of nature solicit the hand of art and labor. The danger with us is that in our phenomenal development we may lose sight of first principles; that plutocracy, class interest, corporate influence, and lesions of the Constitution, by gradual and insinuating encroachments, may eventually undermine the political structure which the fathers built.

That plan of taxation which proceeds on the ad valorem idea is the simplest, most equitable, and most easily comprehended. I do not believe in the combination of ad valorem and specific duties upon the same article where it can possibly be avoided. I want to see our duties so simplified that a colloquy with the merchant can apprise the customer of the exact amount of tax the consumer is required to pay upon a given article, so that the observant citizen may be able to ascertain how and to what extent he contributes to the support of his General Government. If the people could only know and fully realize the burdens they are compelled to bear, and the purposes of their imposition; if the present Federal levies were made upon them by direct taxation after the methods pursued by the State governments, such a revolt, such a storm of public indignation would be raised, as would sweep away, with irresistible force, every vestige of protection which deforms our statute-books.

Mr. Chairman, I am in cordial sympathy with the essential purpose of the bill reported by the Committee on Ways and Means. As a general thing it is a movement in the right direction, but it does not in all respects commend itself to my unqualified approval; for as I conceive it falls short of accomplishing all the needed reform, and at best is but a conservative approach thereto. I should have much preferred some thorough and *de novo* legislation, with a presence of simplicity and absence of confusion, upon this subject—some bill independent of any reference to the act of 1883, or the "Morrill tariff" of 1861, and not requiring a tedious investigation and laborious analysis of past enactments in order to ascertain the duties to be imposed on and after the 1st of July, 1884. The country demands and expects of the majority in this House the inauguration of some measure of substantial reform, and the faith of the Democratic party is pledged to relieve the people. To fully execute this purpose there must be excluded from consideration every thought of protection to particular persons or special localities, and the question must be viewed supremely from a national standpoint. If one industry is to be specially fostered, all others can with equal propriety demand protection. If one Representative insists upon public bounty for a special interest in his district, he opens the door for a general application; and such a course will but perpetuate existing conditions. While I have neither the time nor the ability to properly discuss the entire bill, still I feel specially called upon to announce my position upon one of its features, and I desire to do so in a plain and unmistakable manner. The people whom I have the honor to represent are entitled to know my views, and the right and duty are with me to define myself before them and the country.

I am a humble representative, in part, of the greatest wool-producing State in the American Union, and come directly from a district which contains more sheep, I assume, than any other in the United States. The increase of this industry in Texas, even during the last year, is truly remarkable. On the 1st of January, 1883, as shown by assessment-rolls, the number of sheep rendered for taxes in my State was 4,491,600. The February report for the present year from the division of statistics of the Department of Agriculture places the estimated number in January, 1884, at 7,956,295; more than 1,000,000 in excess of that of any other State or Territory. The same estimate puts the aggregate number in

all the States and Territories at 50,626,626, giving to Texas more than one-seventh of the total.

I may fail to convince the opposition, and may not satisfy the sheepmen of the country, that the proposed reduction in the tariff on wool will not injuriously affect the wool business; that it will not measurably embarrass that interest and depress prices. I might content myself by saying—what ought to be a conclusive reason—that it is unjust and unconstitutional to tax the great body of the people to protect that or any other interest; that protection to one sheep-raiser, if it increases the cost of the consumer's necessities, means oppression and injustice to fifty other good citizens engaged in other pursuits, and that the conscientious discharge of apparent duty is infinitely above and beyond any consideration of the mere consequences involved.

But I do not believe, in the presence of living facts and the truth of history, that high tariffs on wools necessarily bring high prices to the wool-grower. I am not prepared to state the exact extent to which the character of wools produced in Texas enters into competition with that imported from foreign countries, but feel warranted in the statement that it is limited.

Mr. HURD, in his recent admirable speech, said:

There are three grades or classes of wool in the market—first, the superfine or the Silesian wool; second, the intermediary or combing wool; and third, the coarse carpet wool. Of these America does not produce the superfine wool or the carpet wool, and it can not produce them. Therefore no duty on them can be of any benefit to the farmer of this country. He does not grow them.

As to the intermediary grade this is the situation: The wools of the foreign countries have a fiber and texture which our wools do not possess, and the American manufacturer needs them to mix with American wool to produce the best results. No man can have a good suit of clothes made from American goods alone. From England, from France, and other parts of the world we want the wool with their fiber to make the best product for our manufacturer in his work of supplying the home demand.

* * * * * * *

I believe every pound of American wool of intermediary grade that comes into this country will make more valuable every pound of wool raised here. The basis of my proposition on this point is that the foreign wool does not come into America in competition with American wool, but to supplement its deficiencies. This is no idle theory of mine.

As to the general effect of the tariff on the prices of wool in this country I take the liberty to quote in addition the following extract from a very able published letter of Senator J. H. SLATER to the secretary of the wool-growers' convention of Oregon, of date December 30, 1883:

It has been demonstrated over and over again from the statistics of wool prices in this country, covering a period of many years, during which time wool has been subjected to varying duties, sometimes practically prohibitory, at other times letting in the lower grades entirely free, with a moderate duty upon the higher and firmer grades, that the domestic product has always borne better prices under low tariffs or when wool was free than during periods of high duties. This fact has been reiterated in this country and elsewhere many times by publicists of the highest character.

In corroboration of this statement I invite attention to the following quotations from the forcible speech of Hon. WILLIAM M. SPRINGER in the last Congress:

In 1867 the wool-growers of the country and the manufacturers of woolen goods succeeded in inducing Congress to impose protective duties on the importation of foreign wools, and also to impose such additional duties upon importations of foreign woolen goods as would compensate them for the loss they would sustain by reason of the duties on the raw material. The tariff upon wool prior to 1867 had been fluctuating under various acts of Congress from 1824 to 1865. Some of these acts placed the duties very low. From 1858 to 1861 wool costing 20 cents per pound or less was on the free-list, and all other wools paid a duty of 24 per cent. ad valorem. From 1862 to 1864 the duty on wools costing 18 cents per pound and less was but 5 per cent. ad valorem, and over 18 cents and less than 24 cents it was 3 cents per pound, and over 24 cents per pound in price 9 cents per pound in duty.

Between 1865 and 1866 the tariff on wool costing 12 cents per pound and less was 3 cents per pound, and costing over 12 cents up to 24 cents per pound the duty was 6 cents per pound, and between 24 cents per pound and 32 cents per pound the duty was 10 cents per pound and 10 per cent. ad valorem; and on all wools costing over 32 cents per pound the duty was 12 cents per pound and 10 per cent. ad valorem. The act of August 22, 1866, slightly changed these duties, but they remained substantially the same until the taking effect of the act of March 2, 1867, the law now in force. I will not recapitulate the various tariffs imposed by the act of 1867. The classification prepared by Government experts embraces one hundred and sixty-eight different standard samples of wool to be taxed under this law. The duties, however, vary from 18 to 110 per cent.

These burdens are very unequally distributed on the different classes of wool, carpet wools being taxed at the rate of from 18 to 39 per cent. ad valorem, while fine wool pays from 37 to 88 per cent. in the grease, and from 31 to 96 per cent. if washed, and from 73 to 110 per cent. if in scoured condition. It will be seen that the high tariff upon fine washed and scoured wools has had a marked effect upon the manufacture of woolen goods in this country, and has worked greatly to the injury of both the wool-growers and manufacturers, as will be seen as I proceed further.

The wool-growers felicitated themselves after the passage of the act of 1867 upon the success which had attended their efforts in securing a protective tariff on their product; but we will see how far their expectations have been realized. Their object in securing tariff legislation was to prevent foreign wools from competing with their products. They desired to practically exclude many classes of wool from our markets in order that they might receive greater prices for all they might raise. I shall be able to prove that, so far from realizing their expectations, the market has actually been depressed; that in the States east of the Mississippi and Missouri Rivers the number of sheep has vastly decreased, and that the price of wool has averaged less per pound since the high tariffs were imposed than prevailed previously under low tariffs.

* * * * * * *

I have stated that since the passage of the protective tariff act of 1867 up to the present time, a period of fifteen years, the price of wool in this country has been less than it was for the fifteen years next preceding that time. This proposition is not left to conjecture or speculation. Fortunately for the position which I assume the most accurate and reliable data upon this subject have been preserved, and herewith I present for careful examination the following statement furnished by the Chief of the Bureau of Statistics of the Treasury Department:

Statement showing the average price of medium American washed clothing fleece wool from 1824 to 1881, inclusive.

[United States Economist and Dry Goods Reporter, January 31, 1880, data furnished by Mauger & Avery, 49 West Broadway, New York city.]

Year.	Average price.	Year.	Average price.
	Cents.		*Cents.*
1824	44¾	1853	53¾
1825	42	1854	43
1826	39	1855	37¾
1827	32½	1856	45
1828	36	1857	46½
1829	36½	1858	36½
1830	45¾	1859	47
1831	61½	1860	47½
1832	47½	1861	38¾
1833	50¾	1862	50½
1834	54	1863	75¾
1835	56½	1864	87¼
1836	60¾	1865	82
1837	50½	1866	63
1838	42	1867	50¾
1839	49¾	1868	46
1840	41½	1869	49
1841	44½	1870	46½
1842	37½	1871	55
1843	30	1872	70½
1844	35¾	1873	55½
1845	37½	1874	54½
1846	32½	1875	51¾
1847	40	1876	44
1848	34½	1877	42¾
1849	34½	1878	40½
1850	38½	1879	37¼
1851	41¼	1880	46
1852	38¼	1881	40

JOSEPH NIMMO, JR.,
Chief of Bureau.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
February 3, 1882.

The average price for the fifteen years preceding 1867 was 58.8 cents per pound.
The average price for the fifteen years succeeding 1867 was 48.6 cents per pound.

These statements, supported as they are by facts and figures, are exceedingly cogent and to my mind unanswerable. But be that as it may, with me the solution of the matter, as before intimated, does not depend upon the possible results to one class of business enterprise, but upon doing what is right. I can not, as a public representative, sworn to support the Constitution, seeking general justice, economic administration, and fair dealing to the entire people, ask that wool be protected, if it has to be done at the expense of all other interests, and thereby lay the foundation for the protection of everything else which clamors for class legislation. I consent to and shall vote for the reduction on wool as proposed by the bill under consideration, as well as for all other reductions contemplated, as far as they go, believing that to the extent of such reductions the general well-being of the people will be promoted. But while this is the case I wish to contend that an average reduction of only 19.99 per cent. on wool is not met by an average reduction of 15.06 per cent. on the manufactures of wool, as estimated under this bill.

The following statistical statement, prepared at my request by the Chief of the Bureau of Statistics, shows the operations of the tariff upon wool and the manufactures thereof, and the relative difference in the results of the old law and the act of March 3, 1883.

Value of imports of wool entered for consumption in the United States and the ad valorem rate of duty collected during the following periods:

Articles.	During the six months ended December 31—					
	1882.		1883.		Increase. + Decrease. —	
	Value.	Ad valorem rate of duty collected.	Value.	Ad valorem rate of duty collected.	Value.	Ad valorem.
	Dollars.	*Per ct.*	*Dollars.*	*Per ct.*	*Dollars.*	*Per ct.*
Clothing wool	1,210,689	55.46	2,399,515	44.73	+1,188,826	—10.73
Combing wool	135,123	50.19	615,677	43.48	+ 480,554	— 6.71
Carpet wool	3,505,980	27.79	4,345,385	25.02	+ 839,405	— 2.77
Manufactures of wool	22,400,387	66.71	22,064,512	68.90	— 335,875	+ 2.19

JOS. NIMMO, JR., *Chief of Bureau.*

TREASURY DEPARTMENT, *Bureau of Statistics, March* 7, 1884.

From this it appears that the duty on the character of wools therein stated was decreased, while that upon woolen manufactures was increased as indicated, under the act of the Forty-seventh Congress. The inequality was glaring enough under the old law. The reasonable proportion and adjustment of rates would have demanded under that a very considerable reduction on the manufactures of wool to have equalized them with those upon the raw materials. And now while the present bill limits the maximum rate of duty on wools and woolens at 60 per cent. ad valorem, and is *pro tanto* a relief to the people, yet I think it preserves and perpetuates, to a greater or less extent, many of the original vices, and in addition provides—

That nothing in this act shall operate to reduce the duty above imposed on any article below the rate at which said article was dutiable under "An act to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March 2, 1861, commonly called the "Morrill tariff."

This clause prevents, it is true, a 20 per cent. reduction on some characters of wool, but comes, I think, materially to the aid of certain woolen manufactures, and allows the duties thereon to remain too high. I do not favor any indorsement of the maladjustment or cabalistic features of the existing tariff law. In my judgment the pruning ought to be thorough and the reformation radical. "What is worth doing at all is worth doing well." If existing conditions are condemned, it seems to me that the ax ought to be laid to the root of the tree; if the tares are to be separated from the wheat, why not collect them all, and apply the fire? I believe in an intrepid policy and a heroic treatment of this national disease. If it be wise and proper to agitate the tariff question—and that it is I entertain no doubt—the agitation, it seems to me, should be comprehensive, and the work of reformation extend all along the line.

No skirmishing, no half-way measure, no temporizing expedient will elicit popular commendation or endure the test of enlightened criticism. If the desired and necessary legislation can not be accomplished—and under the present composition of Congress I fear it is hopeless—a courageous assertion of principle, an exhibition of the faith within us can be made. Now, I have no adverse criticism to make upon the pending bill, save the propriety of eliminating therefrom the defects and inequalities which characterize the past enactments; if they are to furnish the model, if it were left to me, I would lop off their excrescences, heal their deformities, and eschew their vices. But if in the judgment of wiser men it be now impracticable to obviate these imperfections, I shall support the bill in its present shape in the interest of harmony and concert of action. For one, I am willing to lay upon the altar of the common country every selfish consideration, and that my people shall rely upon their natural resources, their own protective energies, the legitimate profits of their own pursuits, unaided by any tribute to be extracted at the toil and expense of their fellow-men.

It is neither impolitic nor improper to demand an equivalent concession at the hands of others. The humblest shepherd, who in the solitude of the Western prairies attends his flock and listens to the bleating of his lambs, is the peer of the grandest millionaire in the crowded city, whose music comes from the hum of his spindles and the clang of his machinery. The one is just as good, just as nobly born, just as American, just as much entitled to consideration as the others. Equal rights is the transcript of the paternal mind, planted in the cornerstone of our republican edifice, and when by ruthless hand removed, the stately structure will be in ruins. I would adorn this idea by the splendid language and patriotic sentiment of our distinguished Speaker [Mr. CARLISLE], who, in discussing the Tariff Commission, said:

The unskilled and unpretending laborer who guides the plow and gathers the harvest is as much entitled to the protection of the law and to the encouragement of the Government as the scientific artisan who has mastered all the mysteries of his craft. Each one of the busy millions who helps to create and distribute the varied products of this wonderful land of ours has an undoubted right to demand an equal participation in all the advantages conferred by the laws of his country; and I repudiate every definition of American industry or American labor which excludes a single honest and useful occupation. Whoever challenges the right of the humblest citizen, whatever may be his trade or occupation, to an equal participation in the benefits conferred by the Government so long as he bears an equal share of its burdens, denies the equality of man; whoever asserts that one class of men or one species of industry has a right to exact tribute from another for its own benefit, or has superior claims upon the consideration of the Government, asserts a doctrine utterly at war with the first principles of our political system. To call such a doctrine the "American doctrine," and to announce it in high-sounding and patriotic phrase, is simply an attempt to hide its deformity beneath a rhetorical and sentimental garb, and will deceive no one who looks beyond the surface.

These living words and imperishable truths will forever do credit to the heart that conceived and the tongue that uttered them. Far be it from me, while candor compels these suggestions of imperfections, to interpose, if I could, the slightest obstruction to the passage of this bill. If nothing more can be accomplished, I hail it as a partial relief, and give it welcome, as the beginning of a great and glorious work, whose consummation is supremely desired, and will result, when selfish motives and sectional partisanship shall be absorbed by American patriotism—when the devoted servant and faithful lover of his country shall rank higher in political excellence than the mere Democrat or the Republican.

Upon this great question, in conclusion, I beg to express the conviction that here is the battle-ground; on this field victory is to be won, or from this contest will come defeat, disastrous and terrific. This issue minifies all others; upon none else can the great combat be successfully waged. The Constitution is with us; the justice of the case is with us; the hopes of the future are with us; our day and generation demand an unfaltering consecration to the work before us. May we "quit ourselves like men," as the representatives of the great party of the people, and ultimately furl our flags in the federation of mankind, the universal brotherhood of a common citizenship.

Mr. DOCKERY addressed the committee. [See Appendix.]

Mr. WARNER, of Tennessee. Mr. Chairman, to argue this question correctly we must consider all the avenues whence revenue flows into the bosom of our Government, where it comes from, and to what branches the pruning-knife should be put.

TAXATION.

Taxation is a question in which every citizen should feel the deepest and most vital interest. The Constitution of the United States, section 8, declares:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

So the United States Government has three general ways by which it can support itself. It may do so by all three, any two, or one.

There are some incidental revenues collected; some are collected from the sale of public lands. In the origin the General Government owned no public lands, they all belonged to the States, but soon after the adoption of the Constitution many of the States ceded a part of their territory to the United States, to wit:

	Acres.
New York and Massachusetts	202,187
Virginia (exclusive of Kentucky)	165,659,680
South Carolina	3,136,000
Georgia	56,680,930
North Carolina	29,184,000
Connecticut	4,300,000
Total	259,171,797
Louisiana purchase	756,961,280
Florida purchase	37,931,520
Mexican treaty	336,443,520
Purchase from Texas	65,130,880
Gadsden purchase	29,142,400
Alaska	369,529,600
	1,823,180,387

HOW DISPOSED OF.

Sold	200,000,000
Given to States as swamp lands	70,000,000
Given to States for internal improvements	8,000,000
Given to States as salt springs	1,000,000
Given to States of Florida, Oregon, and New Mexico	3,000,000
Given to States for schools and colleges	79,000,000
Land bounties for military and naval services	61,000,000
Homesteads	56,000,000
Timber culture	10,000,000
Canals and wagon-roads	6,000,000
Desert-land act	1,000,000
Given to States for railroads	36,000,000
Patented to railroad corporations	11,000,000
Total	542,000,000

Besides, the estimate of the Land Office is that it will require 125,000,000 acres to satisfy the claims of the corporations, and these claims are based upon grants demanding work to be done that has not been done; hence, as these lands have not been earned they should revert to the United States.

Besides the above there have been in small bodies 6,000,000 acres disposed of, leaving now undisposed of 1,273,946,438 acres.

The above policy has in many particulars been wrong. More especially, as our Government now exists, there should be no more ceding of land to States, no more patents or gifts to railroads or any other corporations, but sales to private settlers in such way as will not foster monopolies or create landlords, and the money arising therefrom used in the payment of the public debt and supporting the Government.

THE POST-OFFICE DEPARTMENT.

In the origin this Department was small, only about five hundred offices; but it has kept pace with the growth of the Government until now it extends all over the United States, there being in round numbers nearly 48,000 offices; of miles, 110,208 by railroads, 16,093 by steamboats, and 226,865 star-route service, being a grand total of 353,166 miles. This is a very important Department of the Government; through it friends can communicate with each other though they live thousands of miles apart, each knowing how the other is succeeding in life.

The Government issues the stamps and places them on sale in the various post-offices throughout the country; the people buy and pay money for them; they are placed on the various mail matter, which is put in the post-office, where the stamps are canceled and the mail sent to its place of destination, though the distance may be thousands of miles. Anywhere within the limits of this great Government 2 cents will carry an ordinary letter, while if a private person was hired to do this it would cost some $200 or more. This Department costs some $42,000,000 annually, and has been made self-sustaining; but whether it will be under the law of 2-cent stamps or not I do not know. With

the same amount of mail heretofore transported it will fall short some $10,000,000 or $12,000,000. This Department should be made self-sustaining, because—

First. Carrying the mail is a contract between the Government and each citizen sending mail. The citizen pays the Government to carry his mail and the Government carries it for pay. Each should pay for the labor the Government performs for him. The great masses of the people, the laboring classes, the toiling millions, send but little mail; only a few letters a year. It is the bondholders, bankers, railroaders, manufacturers, merchants, newspaper men, and lawyers that send the great bulk of the mail in business transactions, that receive the great labor of the Government; hence they should pay for it. It is wrong to tax one class to forward the business of another, or to impoverish one to enrich the other.

Second. This tax is the easiest and cheapest to collect of all taxes—no tax-assessor, no tax-collector; the money is paid into the bosom of the Government without expense or cost.

Third. It is a national tax; it comes from every part of the Government wherever there is a post-office, and in proportion to the benefits received.

Fourth. The stamp is equivalent to the money issues of the Government, bottomed upon its faith, is paid for in labor, taken up, and canceled.

Fifth. Each citizen gets an equivalent in labor for the money paid the Government.

DIRECT TAXES.

As said before, there are three general ways by which the Government can support itself. I will discuss each of these in their proper order.

First. Congress shall have power to lay and collect taxes. The word "taxes" usually embraces both direct and indirect taxes, but as used here it was only intended to embrace direct taxes. To strengthen this view, in the latter part of the section under consideration the manner of laying and collecting indirect taxes is fixed, but the word "taxes" is dropped, for that paragraph reads thus:

All duties, imposts and excises shall be uniform throughout the United States.

Certainly it could not have been the intention of the framers of the Constitution to leave Congress with unlimited power over taxes and the property of the people, for there is no other clause or section in the Constitution that fixes the manner of laying and collecting taxes; there are two sections fixing the manner of levying and collecting direct taxes. Section 2, "Representation and direct taxes shall be apportioned among the several States according to their respective numbers," &c.; "the other section, 9, "No capitation or other direct taxes shall be levied except in accordance with the next previous census." Now, "if taxes," as used in the section under consideration, does not mean direct taxes, Congress would be in this dilemma: they would have the power to lay and collect taxes, but the manner of laying and collecting would not be fixed; while the manner of laying and collecting direct taxes would be fixed, the power to lay and collect would not be fixed. It would be next to absurdity to suppose the framers of our Constitution would commit such a blunder as this. The reasonable conclusion then is, as heretofore stated, that taxes must mean direct taxes.

Direct taxes are taxes upon land and the poll, and were intended by the framers of our Constitution to be levied only in cases of war, where necessity demanded it. This has been the understanding of every Congress that has met since the adoption of the Constitution, for we find only two or three epochs in the history of our Government where they have been laid and collected, one immediately after the war of 1812, another during and since our late war. Besides, it is not within the power of mortal brain to make this tax equal, for it is apportioned according to population. To illustrate: here are two States, one a small State, but densely populated, poor lands, the people nearly all engaged in manufacturing; the other a large State, four times the size of the small one, rich and productive lands, sparsely populated, its population only equal to that of the small one, and lands worth four times as much per acre. Here one State would pay sixteen times as much according to the value of its lands as the other, and even in this the lands belonging to church corporations, charitable institutions, benevolent societies, school corporations, and cemeteries must be free, constituting about one-third in value of all the State's lands. This is only one species of property; belongs to one class of our people; is the basis of all wealth, foundation, groundwork, and mudsills of the continuity of human and animal existence. From it all wealth is acquired. It is the gift of our Heavenly Father to the human family without price; it is taxed by the States, counties, and corporations. Therefore the burdens of the taxes of the General Government should be removed from it.

POLL-TAX.

It is argued, let the tax go upon the poll; that will make it equal. It is the equality of this that makes it odious. The poll is taxed by the States, counties, and corporations; to put the United States tax upon the poll the poor would have as much to pay as the rich. Our Government promises every citizen protection in life, liberty, property, and the pursuit of happiness. Experience demonstrates that property causes nine-tenths of the legislation and expenses of the Government in making and enforcing laws to protect it. Why should it not pay for these expenses? Besides, the rich float in seas of luxury, dine at their sumptuous tables, lull in their golden parlors, and sail in their silvery chariots; own the great bulk of property, their broad domains dotted with sheep, hogs, cattle, horses, and mules. They own the railroads, turnpikes, manufacturing establishments, and banks. In a word, all the wealth of the world may be counted as belonging to that class. The law throws its strong arm around and over all this property and shields it from invasions from abroad or trespass at home.

The double-breasted, brawny-armed, and horny-handed laborer comes to the rescue of the law, breasts the bullets, drives back the invading foe and quells an insurrection, thereby securing the property of the rich. Land is the cream and labor the machinery that converts it into butter. The toiling millions in the interior of our country, pursuing the varied avocations of life, adapt everything to the wants, necessities, and desires of human life. They build the railroads, turnpikes, plank-roads; open the gold and silver veins of the earth; the coal, iron, and marble arteries of the blue-capped mountains and rock-ribbed ridges are by their strength brought forth and laden the avenues of commerce.

They began in the origin with the Indian trails, converted them into dirt-roads, turnpikes, and railroads with their mighty engines, rolling up millions for transportation, to satiate hunger, obliterate famines, and feed the starving world. They clear the land, build fences, rear houses, and cultivate farms, bring forth from the sunny South its great mountains of cotton, from the great West its countless millions of agricultural products, from the East its grand machinery to take the place of manual labor, and by the goodness of God enrich the world, as it rolls on, in the great increase of population.

These are the very pillars of society; upon their shoulders rest the human family; and domestic animal creation is upheld like driftwood upon the bosom of the waters moving down the great ocean of time to the abyss of eternity.

God gives us the material; labor molds it; here centers all wealth; from the beginning it was decreed that man should eat bread by the sweat of his brow. It is pursuing this law that causes nations to flourish and lands to flow with milk and honey; let the aqueducts of nature be opened, the arms of labor unchained, by removing the taxes of the General Government as far as practicable from both, that they be not shorn of their strength, but, Samson-like, go to the seat of wealth, open the treasures of the earth, and pour them into the avenues of commerce till all are filled to overflowing; then the bloom of health will swell in our national cheeks.

EXCISE TAXES.

This is a tax on all privileges and internal property, save land. This, too, was intended by the framers of our Constitution as a war tax, or tax of necessity. Here the wisdom of the framers of the Constitution is plainly presented. They were seeking to make a perpetual government, and at the same time to support the General Government upon something that did not support the States, counties, and corporations. They looked out on the broad bosom of the ocean and saw three-fourths of the surface of the earth was covered with water. They saw the mighty naval power of Great Britain, France, Spain, and many other foreign nations. They saw that in war a nation was in labor, and that it required much more to feed a nation in labor than one at rest; that two mighty nations at war would send forth their herculean armadas to plow the ocean's bosom till the waters thereof would grow angry and foam in madness; that commerce would be driven from the lines of both, and on the outskirts pirates would play upon it until so crippled that the nation must perish of sheer hunger unless there was some other source of revenue beside imposts. They therefore conferred the power upon Congress to lay and collect internal revenue, in order that the life of the nation might be preserved and the revenue laws enforced. This view is strengthened when we see every Congress since the adoption of the Constitution has so understood it, for we find only three epochs in the history of our Government when this tax has been laid and collected: one after the Revolutionary war up to 1802; one immediately after and during the war of 1812, and one during and since our late war, showing conclusively that in time of peace our Government has been supported by import duties.

But suppose internal revenues are to be levied and collected, upon what shall they be levied? Shall it be upon privileges? What privileges? The privilege of selling whisky, brandies, wines, beer, sale of tobacco, sale of merchandise generally, theaters, opera-houses, circuses, menageries, hotels, boarding-houses, &c. The above are taxed by the States, counties, corporations; they are pursuits followed for a livelihood. But it is said these are evil occupations; sow tares and thistles in our midst—crime generators. This certainly can not be true so far as selling tobacco, merchandise, keeping hotels and boarding-houses are concerned. These are laudable occupations and pursuits of necessity. But suppose the sale of whisky, brandy, wines, beer, &c., is evil. The Government is *particeps criminis;* it grants the license, receives a part that is made.

If this is an evil, and corrupting the morals of our country, the Government should, with its strong arm and giant body, go to the root of the evil and tear it out. That evil may be removed, but this is a ques-

tion pertaining to the States, as the power is only conferred on the General Government to lay and collect excises (or internal taxes), and not to abolish or destroy property or privileges allowed by the States not in conflict with the Constitution of the United States or States thereof. Shall this tax be levied upon property? What property is there to levy it on? To levy it upon cotton would be sectional. It is only grown in eight or ten States as a general product. To require these States to support the General Government would be a violation of our Constitution.

It was this principle that brought about the Revolution. England claimed that the colonies were her children; she had rocked them in their cradles, gave them nourishment from her breast, protected and defended them in childhood, and consequently they should assist in paying governmental expenses. The colonies admitted they were the children of England, that she had protected them, but claimed that they were entitled to the same privileges as other English subjects. All of her other children had representation in Parliament, in the House of Commons; they had none. If England would give them representation in that body, as was allowed her other children, they were willing to be taxed; otherwise they were not. England replied: "You are my children and have no right to dictate terms. You are spoiled. I will give you the lash."

The Colonies replied: "We will fight. Give us liberty or give us death." Hence arose the dark and dense clouds of war, marching to the beat of the low-muttering thunder and the light of the vivid lightning, and for seven long and weary years the national heavens opened its flood-gates and sprinkled blood over our noble land; at the end of which time the clouds passed away. Liberty was born. The beautiful political heavens smiled with thirteen little satellites fixed in the vaulted sky. The lovely babe perched upon the nation's brow, dressed in swadling-clothes, the child of the finest pedigree of the known world save our Lord and Saviour, its father's brave blood, its mother's hard toil. How we should admire and love our predecessor's child; now grown to manhood, holding the scepter of equality, maintaining that all were born free and equal politically; now straining the nerves of 50,000,000 people to maintain its purity in its pristine state, wafted by the sea, ocean, and gulf; wings rustling upon their borders, and sending the sweet zephyrs to the interior of all the United States of America.

Shall we put this tax on railroads and manufacturing corporations? They are taxed by the States, counties, and corporations. They are pursuits for a livelihood, followed only by a portion of our people, and are necessary for the development and prosperity of our great and glorious land. It is true this would be more national than upon cotton, for these are not sectional—they extend to all parts of the United States. Still they are certain species of property, and belong to classes of our community; and not to tax them by the General Government would give the States a better chance to support themselves and let Congress have full power to control interstate commerce.

Again, shall this tax be put upon the products of the soil, such as wheat, corn, tobacco, &c.? These are but the children of land and labor, and when the father and mother is not taxed, the children should not be. To tax the children would be to burden the parent and choke the strength of nature; it is this that gives sustenance and continued vitality to the human family and animal creation. Let nature be developed; let the arm that develops her be free and untrameled. It is this that causes nations to grow rich, its seas to float in luxury. It is this that fills the avenues of commerce and breads the starving world; that lulls the children to sleep and chants the laugh of happiness from their parents. It is this that cements the affection of the people to the Government, and makes them glory in its prosperity; that drives from it the winged imps of hell and lets shine the golden rays of heaven. Why should we choke the aqueducts, sewers, and avenues of the earth from whence all wealth flows, and leave grim death to perch upon our nation's face, chain labor, impoverish commerce, and let poverty swing at every door?

I am opposed to any United States tax upon the products of the soil in the hands of the producer, or in the hands of his immediate vendee. Remove it as far as possible from both land and labor that the treasures of the earth may be disemboweled and the thoroughfares of commerce be filled to overflowing. The toiling millions have groaned under the leaden weight of taxes till they have become weak; bond-ridden, bank-ridden, tax-ridden, and poverty-stricken, till they are crying out, "We are heavy-laden and need rest." Lift the hand of liberty, and wave the flag of peace and plenty, that the gentle zephyrs may be found in every cottage-door, hatred driven from the heart of the nation, and love plant its staff to its very core.

If we have an excise (internal-revenue tax) it should be on incomes, under a well-regulated and graduated system, and the sales of whisky, brandy, wine, and beer, under a well-regulated license system; and if upon tobacco, it should be in its manufactured state, beyond the hands of the producer or his immediate vendees.

Income is the child of capital. Our Government promises us protection in life, liberty, property, and the pursuit of happiness. Experience demonstrates that nine-tenths of legislation and expenses of government are incurred in the making and enforcing laws to protect property. Then why should not property pay this expense?

The strong arm of the law is thrown around property, and when invaded by a foreign foe or inland enemy the laborer is called out to maintain the law, drive back the invader or quell an insurrection, that the law may be maintained and property preserved. Besides, this would be a national tax; it would come from every part of the Government and from every occupation, and easily paid—only a small part of man's growing wealth. It may be argued that this is a tax upon industry. So it is, and every tax is a tax upon industry, for all taxes are paid with money, and money can only be obtained through industry.

The difference is, income trickles down the sides of capital like globules of water down the mountains till it strikes branches, creeks, rivers, and finally lodges in the great ocean of wealth, while the muscle of the laborer's arm is his only capital and the use of it his only income; besides, it is his bread, his life-preserver, and earned by the sweat of his face. Put this tax upon labor or the products of the soil and you tax the bread his family eat to satiate their hunger, and leave them, Lazarus-like, lying at the gate of the rich, crying for the crumbs that fall from their tables. You put a millstone to his neck to drag through the weary paths of life, and thus choke the avenues of wealth in all their variations.

THE INTERNAL-REVENUE SYSTEM.

This system is odious to the people, and the manner in which it is carried on shocks human justice. Direct taxes were assessed against the States and once collected by State officers and turned over to the General Government, but not so with internal revenue. Under our present system it is collected by officers of the United States. The President appoints them, the Senate confirms the appointments, and they are sent out all over the United States, several thousand, to do the President's bidding and electioneer for him. They travel armed and equipped, and with armed escorts travel through the country, to the terror of all good and law-abiding citizens; arrest men upon mere suspicion, and often create this suspicion, and upon the most trivial, ignorant, and unintentional violation of the laws. For instance, for the sale of a leaf or two of tobacco grown upon their own land, rather than put their neighbors to the trouble of riding five or six miles to some cross-road store to buy it, they are carried sometimes two or three hundred miles from home to be tried by a judge not of their land and a jury not of their peers, frequently prejudiced against the accused.

It is often the case that the prisoner is poor and his witnesses poor, so that he is not able to bear their expenses in going to court; hence the prisoner is caught a long way from home without money, friends, or proof. He looks through the microscope of the future and sees the scales of justice are against him and the dark doors of a dungeon parting for his admittance into prison as a convict. There is no escape; so he pleads guilty, though innocent of any heinous crime. If only fined, he is not able to pay it; hence a felon's cell is his fate. He feels degraded, and when he finds himself incarcerated within the walls of a prison with thieves, robbers, and murderers, animosity swells in his bosom against a government that would so unjustly and cruelly degrade him in his own estimation and that of his friends and a government that has become the instrument of inhumanity and cruelty; consequently the Government is thrown into disrepute and hatred by its own citizens all over the country.

This is not the worst. These officers are proud of their existence. They think the Government demands much of them, that they will be sustained in whatsoever they may do. So they go forth, confiscate property of citizens on their own *ipse dixit*, without judge or jury, a power higher than the President, supreme judges, or Congress, even kings, a monstrosity in a republican form of government, unknown to the Magna Charta, constitution, or laws of civilized nations. But it is said the party has a remedy where he is too poor to fight the Government, employ counsel, and undergo a long suit with all prejudices against him. So he is bound to submit quietly to these appalling and unprecedented outrages.

But suppose the citizen should imagine himself in a free country and should resist these unlawful aggressions; the least resistance subjects him to being murdered on the spot. The State feels aggrieved; her laws have been invaded, her dignity insulted; she promised her citizens protection in life, liberty, property, and the pursuit of happiness; here one of them has been murdered, so she takes hold of the murderer to avenge the wrong done. Ah! the United States can not bear this; she must come with her giant arms and colossal body and protect the accused, tear him loose from the State courts, carry him to the bosom of the Federal court to be tried, where judge, jury, prosecuting attorney, and marshal are all favorably inclined to the prisoner, believing it for the protection of the Federal law; the trial comes on, the district attorney presses it forward, the marshal summons a few witnesses, who may know but little about the case; he can not find the witnesses, because there is no one to inform him of those who know all about the case, though they may be a hundred miles nearer than the ones he summoned.

So the case is thus put to the jury, and the accused is liberated, a verdict being brought in of not guilty. He returns to where the crime was committed, the citizens see him at liberty, pronounced not guilty by a jury; they realize the fact that their neighbor is locked in the icy hands of death; their hearts swell, their veins pulsate to see the law thus ad-

ministered, the young blood swells to overflowing, they take the law into their own hands, ambush the murderer, and shoot him down. So one murder begets another. Like the tyrannical tax-gatherers of Rome (the publicans), they became so odious to the people that citizens waylaid them on the roads and shot them down for their own safety.

Think for one moment. Suppose the President, any of his Cabinet, Supreme Judge, Senator, or Representative in Congress were to go to any State and commit a like crime, he would be tried by the State courts and punished for the crime. Go even further. Suppose the Czar of Russia, or any other foreign ruler, should come to any State of this Union and commit a like crime, they would be tried and punished by the State courts and laws. Then why have these revenue agents grown so great; upon what meats have they fed? Are they superior to queens, czars, emperors, presidents, judges, and senators? Whence came the wind that blew them so much power? Are they of nobler birth, superior in blood, born of better parents, nursed at purer breasts than all the balance of the people? Are they the elect to rule and inhabit the political heavens? It is not the individual officer under this system so much to be condemned as the law—the system itself. It places the officers where their desire is extreme to fulfill their duty, to do which their acts must be arbitrary and more military than civil; hence the Government feels duty bound to shield its actors in the claimed execution of its arbitrary laws.

Ah! it is the United States Government with her giant arms and massive body raising the huge dagger of consolidation, sending it quivering to the hearts of States' rights and shedding their life-blood upon their own ruin. This is but the shadow, the forerunner of the coming storm; we must recede or liberty, our noble son, like the dying swan that never utters a syllable till death's ruthless arrow has pierced his breast, will sing his farewell song as he passes into the arms of grim death. Have we no remedy? I answer, we have. One is to abolish the internal-revenue tax entirely; the other is to gradually retire and reform it and place it upon such articles as is easiest borne, that will require the fewest officers, as heretofore set forth, and thus get rid of the horde of officers and storekeepers now preying upon the people.

If placed upon incomes and the sales of whisky, brandy, wine, beer, &c., it seems to me that the Government, with one commissioner in each State, could have these taxes assessed and collected by State officers and paid over to said commissioners, and when one of these officers violates the law let him be amenable to the State laws, tried where the crime is committed and by the authority of those whose laws have been violated. This would inaugurate a system of impartial trials, and teach the citizen that he is as much respected in his place as the officer is in his, generate love between the officer and citizen, dismiss some 6,000 blood-suckers, and lift from the shoulders of the people some $15,000,000 or $20,000,000 annually above all expense of collecting; it would restore our choked liberties to the bloom of health and aid to perpetuate our Republic.

IMPOSTS AND DUTIES.

These relate to taxes alone upon imports. As it is seen, the Constitution forbids taxes upon exports except to pay inspection fees. The object of this was to encourage home industry and production; but what is the effect? If the producer raises anything for foreign markets and ships abroad himself, the foreign merchant knows what it cost to raise and ship it and what tariff, if any, is put upon it; hence he only pays cost and carriage. Our home merchants can by contract ship cheaper than the producer; so when the producer sells to merchants at home they buy everything upon shipping prices, deducting the price it costs the producer to ship, and tariff, if any; hence does not ship one-fourth abroad. Thus the home and foreign markets are supplied.

So it is seen the producer sells in the lowest market in the world, but the rule shifts when he comes to buy. All articles shipped from foreign markets here, first, have the cost of making; second, cost of shipping; third, the duty and imposts or tariff—all of which must be paid by the foreign merchant before he can sell here. So our merchant must pay this, and when he sells to consumers must charge it. When our manufacturers sell to our merchants they exact the same price as the foreign merchant, getting the benefit of both the shipping and tariff. So when the merchant sells to consumers he must add all of this to his sales; hence the consumers buy in the highest market in the world. True, the tariff has some good and some bad features.

In the first place it seems to have been the intention of the framers of our Constitution that the Government of the United States should be supported in times of peace upon something not taxed by the States, counties, or corporations thereof. And impost is the only thing under our Constitution they can not tax (except probably United States bank notes, bonds, and property, &c.); and this seems to have been verified by every Congress that has met since the adoption of the Constitution, for there have been fifty-three years in the history of our Government when the tax on imports alone supported the Government (except incidental taxes), from 1802 to 1813, from 1820 to 1861, and at all other times there has been a tariff duty imposed. Besides, a tax upon imports is national, and comes from every consumer in proportion to what he consumes, all over the United States, and is a tax the least known of any as it is indirect. Not one out of twenty knows when he pays it. In 1791, under Washington's administration, the United States debt was $75,463,476; from this time until 1801 it gradually increased until it was $82,976,204—a period of ten years.

In 1801 the debt was $83,038,050. During the aforesaid ten years the excise tax was in existence. From 1801 to 1813, under Democratic administrations, said debt gradually decreased to $45,120,150, including the purchase of Louisiana at $15,000,000; outside of this it would have been $30,000,000. In 1802, under Jefferson's administration, the excise tax was repealed on stilled and distilled spirits, on refined sugar, on license to retail dealers, on pleasure carriages, and on stamps, and in 1799 direct taxes were repealed, during which twelve years the people prospered more than ever before.

In 1813 direct taxes were again levied and collected. While the debt was $78,408,669 in 1799 it was only $55,962,827 in 1813. In 1816 direct taxes were again repealed partially, and gradually down to 1818, when the above debt was $103,466,633. From 1820 to 1861 there was no direct or excise tax, and the debt gradually diminished till 1860, when it was $64,769,703. So the prosperous years of our Government has been from 1801 to 1813, and from 1820 to 1861, when there was neither direct nor excise tax. For these fifty-two years the Government was supported upon imposts and duty taxes only as a general tax, and for forty-one years of adversity it has had direct, excise, and impost-duty taxes, with the tariff high. Twenty-three years of this time has been during and since our late war, and only nineteen before.

Does this not clearly demonstrate that when all three of these taxes are in existence, the increase of officers and burdens of collection is trebbled upon the public, thereby burdening them with leaden weight till storms of adversity sweep down upon the whole country like an avalanche from the mountain-sides. In proportion as you burden the people with Government officers and taxes, in that proportion you lessen their ability to support States, counties, corporations, churches, schools, and to feed and clothe themselves and those depending upon them. We must remember the taxes that support the General Government come off of the same people that support States, counties, corporations, churches, and schools.

High and numerous taxes mean heavy and uncalled-for oppression, adversity, paupers, slaves, and serfs on the one side, and lords, nabobs, and monopolies on the other, while low taxes equally laid and collected from one common source means prosperity and equality and general protection under the law, the destruction of lords, nabobs, monopolies, and masters, and a general diffusion of freedom and liberty to all. But the bad feature is the great cost of collection. Statistics show that one-fifth only of our consumption is imported from abroad and four-fifths manufactured at home. Of this one-fifth the taxes collected under the tariff are over $200,000,000 annually; so while this sum goes into the Treasury, four times that much goes into the coffers of the manufacturers, making $800,000,000. Thus it takes $1,000,000,000 out of the hands of the consumers to get into the Treasury $200,000,000.

Here the great difference arises between the political parties that have existed since the foundation of our Government. One party has contended that Congress has the power to lay and collect imposts and duties for protection; that is, protection is to be the primary object, the leading object, the kite, and revenue the tail; while the other party has contended that revenue must be the primary object, the leading object, the kite, and protection the tail. These parties have assumed such proportions in times of political excitement that the Government would tremble from center to circumference like the upheaving banks of a belching volcano.

This difference originated in the formation of the Government. One party contended that as much power as possible should be conferred upon the General Government, and as little as possible retained by the States; while the other contended that as little as possible should be given the General Government, and as much as possible retained in the States. So, upon the adoption of the Constitution, each party assumed its construction of it, one claiming that it should have a broad, liberal, and latitudinarian construction; that it was the intention of the framers to give as much power as possible to the General Government under the language used; every intendment and resolution should favor the conveyance of a power; every doubt should go to the Government; hence every power should be considered conveyed, expressly conveyed, every implied or incidental power necessary to carry into effect the express ones, and every implied power related to or connected with an express or a necessary implied one.

While the other party contended that the Constitution should have a strict and literal construction, and was so intended by the framers, they were taking power from thirteen sovereigns and giving it to one. Wherever they intended a power should be conveyed they said so in so many words. The fact that they have not said so is a resolution against the conveyance of the power. If they had intended to have conveyed it, how easy it was at the time to have said so. Every doubt should favor the retention of power in the States. The General Government is one of delegated powers; the powers not delegated are retained. Therefore the General Government should have only such powers as are expressly delegated and such implied powers as are absolutely necessary to carry into effect the expressed ones, and none others; never exercise an original implied power or any power merely because it was related to an expressed or necessarily implied power.

The Democratic party from the foundation of the Government maintained the latter construction, while all other parties that have sprung up like mushrooms and died out have maintained the former construction. From the views heretofore enunciated have arisen the difference between the political parties on the clause of the Constitution now under consideration. The clause read thus:

> Congress shall have the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

The broad constructionist contends that this section confers upon Congress two separate powers: one to lay and collect taxes, impost duties and excises, the other to pay the debts, provide for the common defense and general welfare; hence Congress has unlimited power over both of these. Their will is the law; their conscience, their discretion, the only boundary line. Their power over taxation and the general welfare is as boundless as the vaulted heavens. There is no power on earth to limit it. Hence the section should read thus: "Congress shall have power to lay and collect taxes, duties, imposts and excises, and also the power to pay the debts, provide for the common defense and general welfare."

The strict constructionist contended that these paragraphs only conveyed one power. One of them conveyed a power, the other limited the power conveyed. If this be not true there would be no need of any other clause in the Constitution conferring any power on Congress, for unlimited power is already conferred; the balance of the power conferred would be but a rehearsal of what had already been done; besides, it never was the intention of the framers of the Constitution to give Congress unlimited power over the property of the States and people. This would be taking the sovereignty of the States and people and vesting it in Congress; hence creating an aristocracy with unlimited sovereign power. Therefore this section should read thus: "Congress shall have the power to lay and collect taxes, duties, imposts and excises, for the purpose of paying the debts, providing for the common defense, and general welfare," &c.; hence the necessity for and reason why other clauses follow this, conveying other and separate powers.

Now, let us test these constructions. If the former be true, then the will of Congress is the law of taxation, and they can lay and collect taxes for whatever purpose they choose. Their conscience is their only limit. If they willed to do so, they could lay and collect taxes to build railroads, plank-roads, turnpikes, churches, school-houses, manufacturing establishments, establish banks, build mills, cut canals, keep in operation all of the above things, buy land, and in a word for any and all purposes they willed; thereby float every vestige of property from the States and people into the bosom of the United States; hence destroy the States and reduce the people to serfdom. So the idea that this is an indestructible union of indestructible States is a mere farce, for Congress would have the power to destroy the States.

Each member of Congress would have as much power as the Czar of Russia and could sway the scepter as arbitrarily. Hence instead of having one tyrant we would have three hundred and twenty-five in the House and seventy-six in the Senate, increasing tyranny four hundred and one fold. It would be like turning so many wolves loose amid a flock of lambs; the earth would grow sick with blood and pine for law and order. Each Congressman would have his political and personal enemies and their friends would flock to their aid for the spoils, four hundred and one armies marching in our midst. This once happy land, land of liberty, the asylum of the oppressed world, the land of civil and religious liberty, the land of peace and plenty, the recognized friend of the world, approaching nearest the attributes of heaven, the model of modern governments, with earth's noblest gems, where freedom of speech, freedom of the press, freedom of religious worship, freedom of office, freedom of the ballot-box, and political equality are recognized as its grand and leading attributes, would be converted into a land of misrule and bloodshed, anarchy, and tyranny; a land of vipers, with their forked tongues poisoning the very air we inhale at every breath.

Such is certainly contrary to the intention of our constitutional framers and foreign to a republic. I will lay down a rule of construction that is a rule of reason and common sense, to wit: If the framers of the Constitution intended to make a republican form of government and used language of double meaning, it should have that construction that would make it a republic; but if they intended to make it a monarchical form of government and used language of doubtful meaning, we should give it the construction to make it a monarchy. Now, who can doubt the soundness of this rule? Reason drives all opposition before it like the golden rays of the morning sun drives away the mists. Apply this rule and we must be convinced beyond all doubt that Congress has not unlimited power over taxation, but only the power to lay and collect for the purpose of paying the debts, providing for the common defense and general welfare of the United States, and for no other purpose. This view is strengthened and conclusively proved by the very nature of our Government.

The Government promises each citizen protection in life, liberty, property, and the pursuit of happiness. Which means equal protection to all, poor as well as rich, weak as well as strong, low as well as high, old as well as young, idiot as well as giant. While the citizen promises the Government to fight for it in war, and support it in war and peace, these promises are mutual, and the Government is as much bound to fulfill its part of the contract as the citizen is his. The Government can not sacrifice the life of one man for the benefit of another, but only for its own protection. So the same with liberty and property.

If one man takes the property of another and converts the same to his own use, the Government when appealed to must compel the restoration of the property or its equivalent. So the Government has no more right to take the property of one man and give it to another, than the man has himself, for this would be destroying the property of one and enhancing that of another, which would be class legislation, and enable Congress to make lords and nabobs of one class, and serfs, paupers, hewers of wood and drawers of water of the other. This same principle of protection applies to partnerships, classes, corporations, and industries. On the other hand the citizen promises the Government to fight for it; hence the Government can not call upon one man to fight for another, or one society or corporation to fight for another, but for the Government alone; and the Government must quell insurrections, punish affrays, assaults, and batteries.

Again, the Government can not call upon one man, society, corporation, class, or industry to support another. The citizen only promised the Government to support it, and the Government can only call upon the citizen to support it. This is the full extent of the promise of the citizen to the Government, and the Government has no right to call upon him for any more. By parity of reasoning, then, Congress has no right to tax one industry to support another; so a tariff the primary object of which is protection is both unconstitutional and contrary to the nature and fundamental principles of our Government. The powers of taxation are all embraced in the same section of the Constitution, to wit: Congress has power to lay and collect taxes, imposts, duties and excises, &c. So the same power exists in Congress to lay and collect taxes and excises that does to lay and collect imposts and duties, and if Congress has the power to lay and collect imposts and duties for protection, they have the equal power to lay and collect taxes and excises for the same purpose. Hence the poll and lands could be taxed for the protection of manufacturing establishments; so could privileges and all internal property; hence the very basis, foundation, and nature of our Government would be perverted. Equality and liberty would cease.

If by nature manufacturing establishments can not maintain themselves, then it would be impoverishing nature to tax other industries to sustain them, and in proportion as nature's laws are violated we grow weak, impoverish our country, and make pygmies of our people. Everything was intended to follow natural laws in order to give it the greatest strength. If a country is by nature an agricultural one, let its primary object be agriculture. If commercial, let its leading object be commerce. If manufacturing, let its main object be manufactures. If all these be equal, let each stand upon its own natural facilities, and each maintain itself without burdening the other; let not one be burdened to support the other, for in that proportion you weaken all. If there was a reason to tax other industries to support manufactures that reason no longer exists, and it is a maxim that when a reason for a law ceases the law ceases.

There might have been a time in the infancy of this Government when protection was needed. In the origin of this Government there were only thirteen States, containing an area of 350,000 square miles, sparsely settled. The howl of the cougar, growl of the bear, and war-whoop of the savage commingled and echoed amid the tall cane waved by the gentle sea zephyrs. There were no railroads, no turnpikes, no inland navigation, only about 3,000,000 inhabitants, about five hundred post-offices, and about $2,000,000 worth of property. The muskets had just been stacked, cannons muzzled, and swords sheathed. True, the dark clouds of war had passed away, and the gentle breezes of freedom were fanned through the interior by the rustling of the sea wings. Still, the footprints of its sad effects were visible at every door. We were met with the horrible sight of a widow with five or six children clinging to her apron-strings, with a one-legged or one-armed man or a wrecked body upon some cottage bed.

It required every able-bodied man to clear the lands, build the fences, and make bread for the helpless families; there was neither money nor labor to spare for manufacturing purposes. Then manufacturing was in its infancy; it had to be rocked in its cradle; it needed nourishment; hence could reasonably nurse at agriculture's breast. Not so now. From thirteen States we have advanced to thirty-eight; from an area of 350,000 square miles we have to-day 4,000,000; from less than $3,000,000 in revenue we have now $400,000,000; from $2,000,000,000 we now have over $42,000,000,000 of property; from 3,000,000 of inhabitants we have over 50,000,000; from 500 post-offices we have over 47,000; from no railroad we have 115,000 miles, tapping every commercial city, town, village, and hamlet almost in all of our interior, transporting $18,000,000,000 worth of commerce annually, and pouring the surplus into ocean ports; from no inland navigation we now have over 20,000 miles plowed by steamboats, tapping every water city and emptying the surplus into ocean ports; from no outland commerce the bottoms of

vessels of every nation flood the bosom of the ocean till the waves roll from one to the other and their flags dot the air as the lily does the valley. From little seacoast and few ports we now have over 6,000 miles of coast and over 100 ports of entry; from no labor in manufacturing establishments there is now over 2,500,000; from no capital there is now employed $5,000,000,000 in manufacturing enterprises coping with the world, and manufacture four-fifths of what is consumed by 50,000,000 of people, while the balance of the world only manufacture one-fifth of what we consume. We send one-fifth we manufacture to other lands; from an infant they have grown to be a giant in the past century.

The question is asked, "Can they not now stand alone? Are they not grown to manhood? Pray tell me, how long will they continue to suck the life-blood from their mother's breast? Can she not wean them?" They stand as a mighty giant, feeding upon better and sweeter meats than all other industry, controlling some three or four hundred thousand votes, besides monopolies of gigantic proportions. Take the banks, who control several hundred thousand voters, $5,000,000,000 worth of property; the great railroad corporations, equally as powerful in controlling votes and capital, and besides the interior transportation. They form a trinity, they are triplets; the same blood flows through the veins of each; here the three great attributes of the nation are under the control of huge corporations.

Even England, when she wants to go to war, must get on her knees to the Rothschilds for money. Think of the condition of our own Government, with banks controlling the currency of the country, manufacturers controlling that branch, and the great railroad corporations controlling transportation of the country. No way to manufacture implements of war or clothing for soldiers, no way of transporting soldiers, munitions of war, or provisions for them. No money to pay for services, clothing, or provisions. The nation must get upon her knees and pray to her God for deliverance. Unite the power of these great corporation, and to-day they can march to the city of liberty, take the Government by the throat, and choke it down as a pigmy in the hands of a giant.

The creation of great moneyed corporations is monarchical in its tendency; by it the nation is shearing itself of that much sovereign power and vesting it in petty governments in its midst. Corporations are invisible, intangible beings; they have no soul, can commit no crime; they are neither responsible to God nor man. The Government should retain control of its own currency, rein all corporations under its control to the letter of their limit, let the States create and control corporations, that their power be divided and not united, and the Government keep all its sovereignty within its own bosom. The great principles of the Democratic party on the tariff have been enunciated from the foundation in their platforms, as follows:

THE DEMOCRATIC PARTY AND THE TARIFF—WHAT THE DEMOCRATS HAVE AFFIRMED TOUCHING PROTECTIVE TAXES IN ALL THEIR PARTY PLATFORMS.

[From the New York World.]

The first Democratic platform was adopted by the party, then called "Republicans," as distinguished from the Federalist party, in a Congressional caucus at Philadelphia in 1800, the year in which Jefferson was first elected to the Presidency. It demands:

"6. Free commerce with all nations, political connection with none, and little or no diplomatic establishments."

The next Democratic platform, known as the "Locofoco" platform of 1838, was adopted by the first national convention for nominating candidates for the Presidency. It proclaims—

"Hostility to any and all monopolies by legislation because they are violations of the equal rights of the people.

"The true foundation of republican government is the equal rights of every citizen in his person and property and its management."

The next Democratic platform was that of 1840, adopted by the Presidential convention at Baltimore, which contains these resolutions:

"*Resolved*, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country.

"5. *Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government."

The Democratic convention of 1844 reaffirmed the fourth and fifth resolutions of the convention of 1840.

The Democratic national convention of 1848—

"*Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government, and for the gradual but certain extinction of the debt created by the prosecution of a just and necessary war. And that the results of Democratic legislation in this and all other financial measures, upon which issues have been made between the two political parties of the country, have demonstrated to careful and practical men of all parties their soundness, safety, and utility in all business pursuits.

"*Resolved*, That the fruits of the great political triumph of 1844 have fulfilled the hopes of the Democracy of the Union, in the noble impulse given to the cause of free trade by the repeal of the tariff of 1842, and the creation of the more equal, honest, and protective tariff of 1846, and that in our opinion it would be a fatal error to weaken the bands of a political organization by which these great reforms have been achieved and risk them in the hands of their known adversaries, with whatever delusive appeals they may solicit our surrender of that vigilance which is the only safeguard of liberty."

The Democratic convention of 1852—

"*Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the public debt.

"*Resolved*, That in view of the condition of popular institutions in the Old World a high and sacred duty is devolved with increased responsibility upon the Democracy of this country, as the party of the people, to uphold and maintain the rights of every State, and thereby the Union of States, and to sustain and advance among them constitutional liberty by continuing to resist all monopolies and exclusive legislation for the benefit of the few at the expense of the many."

In 1856 the Democratic national convention—

"*Resolved*, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion of our common country."

It also repeated verbatim the first resolution quoted above of the convention of 1852, and then it—

"*Resolved, finally*, That there are questions connected with the foreign policy of this country which are inferior to no domestic questions whatever. The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world, and, by solemn manifestations, to place their moral influence at the side of their successful example."

In 1860 both the Douglas and Breckinridge platforms reaffirmed the resolutions of 1856, quoted above.

In 1864, the continuation of the civil war, which made imprudently high duties necessary to raise sufficient revenue, precluded the necessity of discussing the extraordinary and willingly endured burdens imposed by it on the people of the Northern States, and nothing was said about the tariff.

The Democratic convention of 1868 demanded—

"3. Payment of all the public debt of the United States as rapidly as practicable, all money drawn from the people by taxation, except so much as is requisite for the necessities of the Government, economically administered, being honestly applied to such payment. * * *

"6. * * * A tariff for revenue upon foreign imports and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufactures and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country."

In 1872 the Democratic convention (so called) at Baltimore—which was, in fact, a Greeley and not a Democratic convention at all—did not adopt any Democratic resolutions, but indorsed the platform of the Liberal Republican convention held at Cincinnati, which contained the following curious declaration making the tariff "a local issue:" * * * "We remit the discussion of the subject (protection and free trade) to the people in their Congressional districts and the decision of Congress thereon, wholly free from executive interference or dictation."

This is the only hiatus in the chain of assertions by the Democratic party of the doctrine of a tariff for revenue only. It resulted in the shameful defeat of a candidate supported by the party in defiance alike of principle and of policy.

In 1876 the Democratic convention spoke with no uncertain voice:

"We denounce the present tariff, levied upon nearly four thousand articles, as a masterpiece of injustice, inequality, and false pretense. It yields a dwindling not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufacturers at home and abroad and depleted the returns of American agriculture—an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue."

In the Democratic platform of 1880 the old doctrine was tersely reproclaimed:

"Home rule, honest money, consisting of gold, silver, and paper convertible on demand; the strict maintenance of the public faith, state and national, and a tariff for revenue only."

Here it is seen the Democratic party has never fostered monopolies, but have maintained a tariff for revenue, and advocated equality in all industries, special favors to none. Every tariff, even for revenue, protects manufacturers to the extent of four times the amount of revenue raised. What more can they ask? If 50 per cent. be placed upon an article imported, they sell the same article manufactured here 50 per cent. higher than they otherwise could, as I have heretofore demonstrated. Pennsylvania wants the tariff high on iron, South Carolina on rice, Louisiana on sugar, and many of the Middle States on wool, &c. but this is all local. A tariff should be national, and so arranged as to bring the most revenue with the least duty. It is argued that a protective tariff brings the markets nearer to us; the cheapest market is always the nearest financially.

If my next-door neighbor would charge me 25 cents to sharpen a plow, and one a mile off charge me 10 cents for the same work, the one farthest away would be the nearest to me financially. So the same reason applies to all. I buy and sell—in the cheapest market for what I buy, and the highest to sell. A high tariff is an embargo, and fosters monopolies and destroys revenue. A low tariff gives more freedom to trade, breaks down monopolies, and increases revenue by increasing importation. The discrimination in the tariff should point in favor of labor and the great masses of the people; hence the duty should be, as much as possible, taken from such articles as are the prime necessities of life. Salt should be on the free-list, as it is used by every man, woman, and child to preserve and adapt food to the nourishment of the human body; also matches—they are of universal utility; trace-chains, plows used for farming, chopping-axes—these are the laborer's absolute necessities in cultivating the land, protecting us from cold, and procuring the necessary sustenance of human and animal life; also sewing, darning, and knitting needles, and brooms, because they are the absolute necessaries of housewifery, used by our poor, burdened women.

The Bible should be, because it is the book of God. It should be so cheapened as to lay upon the mantel of every family. If we tax the Holy Ghost, upon the same principle we should have a right to tax the Son and Father. It is a shame and disgrace to a religious and enlightened people to tax the Bible and prevent the spread of religion, when God has given us the earth, air, and water, with all their treasures, free of charge, and only retained one day to himself out of every seven. It is a wonder there is not a tax on air and water, and even upon the soul

as it leaves the body, and a sentinel at the gate to charge entrance fee for entering heaven. If these were not impossibilities they certainly would have been on the tax-list.

The only vestige of happiness and enjoyment of liberty left for the poor toiling millions on earth is the ballot-box and a free seat in heaven hereafter. Strike them down and his last hope is doomed, doomed! Shall it be said that this great and grand Republic will tax the oil from them, that their lights will be out when the bridegroom comes, and leave them in darkness forever, forever? May God forbid. I lay out the foregoing as a general line of policy which I think should be pursued. The duty on brooms is 35 per cent.; revenue received in 1882 $1,125.25; 1883 to June 30, $746.50. Needles 25 per cent.; duty $111,-534.23 in 1882; in 1883 to June 30, $105,301. Matches 35 per cent.; duty 1882, $788.88; 1883 to June 30, $4,267.09. Salt, in all kinds of packages, 12 cents per 100 pounds; in bulk, 8 cents per 100. Total, 1882, $715,243.13; duty 1883 to July 30, $705,844.48. The fiscal year is from June 30 of each year.

The Bible being mixed up with other publications, I can not tell the exact duty on it for each year, but it is 25 per cent. So the total revenue received on the above articles for the fiscal year from June 30, 1882, to June 30, 1883, is $1,644,843.56 in duties on imports, and four times as much by the manufacturers at home, making $6,519,374.26. Total account taken from the laboring men and women of our country annually, $8,164,217.82 on these few articles of absolute necessity. Trace-chains, plows for farming purposes, and chopping axes, I am not able to ascertain, being mixed up with other articles. These would be immense.

RECAPITULATION.

First, let the public lands be sold to private settlers only and the money used for the payment of the public debt and supporting the Government.

Second. Make the Post-Office Department self-sustaining.

Third. Put the internal revenue upon articles heretofore mentioned, such as income, sale of whisky, brandy, wine, &c., so as to have the fewest possible number of officers to collect it. Dismiss the seven or eight thousand revenue officers; relieve the Government of paying ten or twelve million dollars in salaries thereby.

Fourth. Remove the Government taxes from land, labor, and the products of the soil in the hands of the producer and his immediate vendee.

Fifth. Remove the tariff as far as possible from the prime necessities of life.

Sixth. Cut down the salaries of officers, from the President to corporal, to a comparative basis of other pursuits of life.

Seventh. Lessen the number of Presidential appointees, now consisting of about 115,000. Put the pruning-knife of the nation to the tree of government; cut from every branch the dead limbs and excrescences; let them fall to the ground, they but cumber the tree; remove from all the avenues the blood-suckers, leeches, and hungry office-seekers that plunder the Treasury, feed upon the fat of the land, and impoverish the masses of the people; bring back to the cheeks of the nation the former red, rosy bloom of health; let its heart be filled with healthy blood swelled to mountain size. Swing upon the pendulum of liberty, and at every throb send out through the arteries and veins the pure, real, healthy blood to all extremities, that the impoverished may once more be fattened.

The tariff bill approved March 3, 1883, is one of monopoly and paid for by the laborer. It discriminates in the wrong way; it fosters capital and burdens labor; besides I conscientiously believe it is unconstitutional. The Constitution requires that all revenue bills shall originate in the House. Here a bill originated in the House to reform the excise (internal-revenue taxes) and passed and was thus sent to the Senate, where a bill to establish a tariff (duty and impost tax) originated, and was attached to the House bill as an amendment.

In the English Parliament all revenue bills have to originate in the House of Commons and they go to the House of Lords. No amendment can be attached to them whatever; they must pass as they left the House or be rejected. The reason for this was that the people had the taxes to pay and the House of Commons was elected by the people, was their immediate representatives, and could be called to account for any unnecessary burden in taxes, while the House of Lords did not depend upon the people for their offices, but inherited them by blood. Our Congress was formed somewhat after the manner of the English Parliament. This House is elected by the people and is the people's representatives, while the Senate is elected by the Legislatures of the States and represents the States as sovereigns.

Now the only difference and additional power given to our Senate over the House of Lords is the power to amend revenue bills; the amendments must be germane to the bill. And, on the same subject-matter, if a bill originates in the House to lay and collect direct taxes, the amendment must be on the subject of direct taxes; if to lay and collect excise (internal taxes), then the amendment must relate to internal taxes; if on imposts and duties (taxes on imports), then the amendment should relate to import taxes. If the Senate had a right to originate a tariff bill by way of amendment, then they would have a right to tack on a direct tax, when there was no law to lay and collect direct taxes, thereby originating a direct tax bill; thus the power of amendment would be converted into the power of originating, consequently would be carrying out the doctrine of a broad and latitudinarian construction of the Constitution.

A strict adherence to the Constitution and a literal construction of the same, with only such incidental powers as are absolutely necessary to carry into effect the express power, is the true doctrine to preserve the liberties of the people and maintain the continuity of this Republic. The Democratic party has adhered to this doctrine from the origin of the Government. Other and various parties have sprung up on the disaffection of that party at different times and epochs in the history of the Government, but like wet-weather springs vanished when the rain ceased.

This grand old party maintained and tolerated all the grand and noble elements of a republic, recognizing the sovereignty as in the people, and all free governments as founded on their authority, equal rights to all, exclusive privileges to none; general legislation for all, special legislation for none; freedom of thought and freedom of expression, freedom of speech and freedom of the press, freedom of the pen and freedom of the tongue, freedom of the ballot-box and freedom to hold office; equality in the distribution of public burdens and taxation to support the Government alone, freedom of religious worship and a general distribution of knowledge, freedom of air and water, equal protection in life, liberty, property, and the pursuits of happiness. No lords; no kings; open courts. No star-chamber, no king's benches, no perpetuities in office or property, no primogeniture laws or tying up property to endless generations to come; developing the resources of nature in accordance with her laws, and recognizing labor as an honorable occupation.

These great principles are interwoven in the very idiom of Democratic speech and action; they inhale them at every breath, cultivate them at every step, sleep with them at night, and walk with them by daylight, play with them in the green fields, and sail with them on the broad ocean, decorate them with flowers, and smooth the path they tread. They are the grand old guards of liberty and the Constitution, rocked in Democratic cradles, and nursed at Democratic breasts, fed at the tables of Democracy, and reared by Democratic hands, and to succeed in 1884. The party must stand on the Constitution, with liberty in the right hand, justice in the left, cross the Rubicon, and march to the heart of Rome through the ballot-box.

THE PEOPLE'S INTEREST IN 1884.

The storm is approaching; its foreshadow is cast. The political winds are sweeping over 4,000,000 square miles of territory and over the heads of 50,000,000 of people. The foundations of monopolies are trembling. Let the winds of liberty sweep over every hill, through every valley, and the toiling millions be awakened to due vigilance. This is the price of liberty. All must recognize that it will be a calamity to the country if the Democratic party does not succeed in 1884. Why a calamity? I answer, from the very nature of things. Under the rule of the Republican party, allying themselves with the capitalists and monopolists, they have made the rich richer and the poor poorer, until the time has come when this state of affairs must not, can not, and should no longer exist.

We are told that this country is rich and growing richer. True the Government is rich with $140,000,000 surplus in the Treasury, and a few have grown fat and show great wealth in the statistics of the country, but the great masses show but little; poverty covers them with rags and their children cry for bread. Let every man be wide awake, a sentinel on watch at liberty's door. Summons all from the hills, hollows, and valleys to the ballot-box. Sweep down tyranny as the mighty avalanche does the mountain-side. Roll up millions from every quarter for the great conflict of 1884, and liberty will once more perch upon the nation's brow in its full plumage and healthy robe. Seek to tear down no body, no industry, no class, but stand to the flag of freedom. Let it wave overhead in the air, and let no one tear it or this Government down. In case we win, reform will take place; the shackles will be stricken from the people, and general emancipation will take place; thus equality of rights will be accomplished in a legitimate and statesmanlike way by the people and for the people; but if the people lie idle and allow monopolists to take charge of them for four years longer, God alone can tell the destinies of this proud nation.

Mr. RIGGS. Mr. Chairman, it can not be expected that in the short time allowed me I will attempt any general discussion of the tariff question. I shall therefore only attempt, in perhaps a very irregular way, merely to notice two or three phases of the arguments presented here by those who advocate protection.

That the question is an important one is attested by the fact that it has excited on this floor and at the other end of this Capitol, almost from the beginning of our Government down to this time, perhaps the ablest, the longest, and the most earnest debates that have occurred upon any question, save the secession movement and questions growing out of slavery. Its importance is further attested by the fact that it has for some time been constantly discussed by the newspapers of the country, and the discussion has now been taken up by the people, so that at the present time, at anyrate in the West, they are inquiring for documents, books, speeches, and papers on the tariff question.

The issue presented by the bill under discussion is a plain one. We all know—those who administer our financial affairs tell us, and nobody doubts—that we are annually raising millions upon millions more money by taxation than is needed by the Government, and the question is how to avoid raising more money than is necessary; what provision shall be made to cut down taxation, and the revenue, so as to benefit the people.

In the brief time allowed me I wish to notice particularly one argument which has been stated and restated, which has been pressed upon the House in this discussion and urged upon the people through the public press and by speakers of the Republican party on all possible occasions. They tell us that since the Republican party assumed the reins of government in this country and adopted as the governmental policy the protective tariff our progress has been remarkable. Well, it has been remarkable. Our progress from the beginning of the Government to the present time has been remarkable. It will challenge the admiration of every American, of every thoughtful person who studies the rise and history of governments. But I deny that it is properly attributable to the protection policy, and I believe a review of our tariff legislation and an examination of our statistics will justify my position.

The history of tariff agitation in this country shows a continual struggle on the part of manufacturers and other favored interests to increase their advantages and interests by means of legislation, which will give them artificial advantages not possessed by or provided for others. During the early history of our Government "incidental protection," as it is called, was asked for by the interests named, merely on the ground that they were "infant industries," and unable, because of their "tender years," to compete with their more mature rivals in other countries.

The history of our tariff legislation shows that they have never been satisfied with the artificial advantages which have been accorded them by Congress from time to time; they have not been satisfied even with what has been asked for by themselves. Having obtained by legislation all the protection they asked for at one period, they have almost invariably soon begun to clamor for more. And far too often, in my humble judgment, they have obtained what they asked. At first and for a long time their demands were placed on the ground of their infancy; they simply wanted encouragement during the infantile period. Emboldened by their success in shaping legislation for their own advantage in the past, they have finally assumed a more advanced position, and demand "protection for protection's sake." It is not put upon the ground that they are still in their infancy, for as to many of them that plea after over a hundred years of existence would be so palpably absurd that even a protectionist has not the effrontery to plead it longer.

Our first tariff schedule, arranged, I believe, in 1789, sometimes called the Hamilton tariff, because prepared by Alexander Hamilton, laid an average duty of about 8 per cent. on the whole list of dutiable articles. Cottons and woolens bore a duty of 5 per cent. under this legislation. And that was considered high by many of our people.

Our second tariff law was enacted in 1816. Under this cottons and woolens bore a duty of 25 per cent., to be reduced by the terms of the act to 20 per cent. in three years thereafter.

Our third tariff act became a law in 1824. Under it the duties on woolens were about 30 per cent., to be raised the next year after its passage to 33⅓ per cent. The duties on cottons were about the same, and the average on all dutiable articles was about 33½ per cent.

The fourth general revision of our schedule occurred in 1828. The duties on woolens and cottons were again increased, and the average on all articles was about 43 per cent. So great were the increased burdens of the people under this act that a deep discontent was manifested, and it became evident that there was a real demand for reform. Congress entered on the work and was met by powerful opposition from those among its members who were more friendly to the protected and pampered "infant industries" than to the laboring classes, who had to pay dearly for the protection. So powerful were the protected "infants" that the friends of the people found it necessary, in order to secure any measure of relief, to enter into a compromise with their opponents, and the result was what is sometimes called the "compromise tariff" of 1832, under which the tariff duties were somewhat lowered, so that they averaged about 32 per cent. on the whole list between the years 1833 and 1842. And this was our fifth tariff act of a general nature.

The next general legislation on this subject was the act of 1842—the sixth—under which the previously protected interests secured a greater degree of protection than they enjoyed under the "compromise tariff;" this existed only four years.

In 1846 there was passed our seventh tariff act, generally known as the "Walker tariff," under which duties were placed lower than they had been for some time before. The average under this act was about 23 per cent.

In 1861, the war between the States having begun, more revenue was needed by the Government. The "infants" and their friends made the most of this necessity, and under our eighth general tariff act—the "Morrill tariff" of 1861—they secured in the main very high rates of duty on all their products liable to meet competition from abroad.

The average of the duties under this act was not far from 50 per cent., and some of the "infants," then a quarter of a century old, secured protection to the extent of 100 per cent. No other revision of a general nature occurred till last year, when our present tariff act, the ninth in number, was passed, ostensibly for the purpose of reducing tariff taxation and relieving the burdens of the people. As a matter of fact, the reductions are, as a rule, insignificant, and in some notable and important instances duties are thereby increased. The protective element is retained throughout. Indeed, it was confessedly devised and passed by the friends of the protective policy, and no one who has any fair knowledge of the subject can, in my humble judgment, sincerely believe that it was passed in good faith for the purpose of relieving the overtaxed and suffering consumers of the country.

War-tariff taxes had been maintained long after the necessity for them, so far as the Government was concerned, had ceased. The demand for a reduction had become so urgent that it could no longer be disregarded with impunity, nor postponed by such devices as a "tariff commission." Some relief, or something which could for the time being be claimed as in the nature of relief, must be furnished. Under this condition of things the protection party, after intercourse with the various "infants" of this country through its Tariff Commission, conceived and in great travail brought forth the present tariff act, which, if the President of the United States and the Secretary of the Treasury are to be believed, has not furnished the just measure of relief that was demanded. The President, in his last annual message, speaking on this subject of tariff, says:

> I have no doubt that still further reductions may be wisely made.

The Secretary of the Treasury, in his last annual report, speaking of the same subject, says:

> There ought to be a reduction of taxation.

And again, speaking of the same subject and of the tariff act passed last year, he says:

> So the question still presses, what legislation is necessary to relieve the people of unnecessary taxes? As elsewhere suggested, it should not be assumed that the surplus in the Treasury will be consumed by lavish expenditures for objects of doubtful expediency or legality, or that the scheme which has been proclaimed, of exacting money from the people for the purpose of returning it to them by filtering distribution through State governments, will find any favor with Congress or the people.

And further on he says:

> The question recurs: Shall we now seek again for that reduction which was not attained, and is it now advisable to attempt a reduction of the revenues for future years to arise from duties on imports? There was general agreement that a substantial reduction of the tariff should be made. The estimates of the Tariff Commission and of the Senate committee show what was the contemplated reduction. The actual results so far obtained indicate that the reduction labored for has not been effected by the new tariff act. It is to be considered, too, that the failure is not to be charged to the increase of importations keeping up the amount of customs revenue. The statistics of our foreign commerce show that there has not been an increase chargeable therewith. As to the principles of reduction, if a revision be practicable, there seems to be little disagreement. The reduction should be made on articles entering into general consumption as necessaries.

And still further on in the same report, speaking of the position of the Treasury Department on this question, he says:

> It adheres, however, to its conviction that ultimately the just and expedient method of relief from taxation and of limiting the revenues to the needs of an economical government must be found in a reduction of the duties on imports.

Here it is conceded that prior to the passage of the act of 1883 substantial reductions of duties on imports were absolutely necessary, and it is also conceded that such reductions were not attained by the passage of that act; at any rate, not in the degree demanded.

It is true both these public functionaries, while plainly stating that further reductions can be wisely made and ought to be made, still advise us that it is not expedient to undertake it now. Why not? If a substantial general reduction from the modified Morrill tariff was demanded by and was due to the people, and it is conceded the act of last year did not accomplish the desired reduction, and conceded further reduction is necessary and may be wisely made, I can conceive of but one real reason.

The House of Representatives, where all such measures must originate, is Democratic, and if the reduction in taxation which is admittedly due to the people should be made now, the Democracy would no doubt receive from the relieved people of the country some of the credit, and that might have something to do with determining who shall control public affairs for the next Presidential term. Fairness requires me to state, and I do so cheerfully, that these officials undertake to furnish a different reason. In this attempt the President says:

> The results of the legislation of the last session of the Congress have not as yet become sufficiently apparent to justify any radical revision or sweeping modifications of existing law.

And the Secretary of the Treasury makes substantially the same statement. Mr. Chairman, have they really furnished any reason for longer delaying the much-needed relief? Have we not had a hundred years of experience in tariff legislation? Have we not before us, in two large volumes, the results of the arduous labors of that immortal makeshift, the Tariff Commission, which we were told before its creation would certainly furnish the material and information necessary to enable the Forty-seventh Congress to construct a just tariff act that would

afford a substantial reduction of tariff taxes? The reason assigned is not sufficient. With our large cash surplus lying in the Treasury and being daily increased by the revenues collected from the people, with the experience of a hundred years to draw upon, I insist there is no reason why we should not at once proceed to do that which the President and Secretary of the Treasury say ought to be and must eventually be done.

The gentlemen upon the other side of this House, who are opposing this bill with a remarkable degree of unanimity, do not put their opposition upon the reason assigned by the official head of their party and reiterated by their Secretary of the Treasury. They base their opposition on the ground that reduction of customs duties is not necessary; that it would in fact be injurious, if not even disastrous, to the country.

In support of their theory they point with enthusiasm to the wonderful growth of our country in material wealth, and especially to the growth of its manufacturing interests during the two decades in which their protection policy has prevailed. That growth has, indeed, been wonderful. We can point to it with just pride and satisfaction. It is sufficient to excite the admiration of our free-trade neighbors beyond the Atlantic. But is it properly attributable to the protection policy? If it can be shown that the rate of growth was greater under a revenue policy what will gentlemen on the other side say? When this argument is presented we are justified in resorting to the statistics. We have them furnished to us by the Commissioner of the Census, and here they are, the values being stated on a gold basis, which is the only correct one in such instances:

	Value of manufactured products.	Rate per cent. of increase.
1850	$1,019,109,616	
1860	1,885,861,676	85.05
1870	3,385,860,354	79.54
1880	5,369,579,191	58.59

These official statistics show that during the last decade in which the Walker tariff was in force, and under which duties were generally much lower than in either of the decades since then, the rate per cent. of increase of manufactured products was higher than it has been since. They further show that under the much-lauded protection policy the rate per cent. of increase has been constantly shrinking.

Some one may ask, "Did we not have much more capital invested in manufactures in 1880 than in 1860?" I answer yes; and we had a much greater population, which of course demanded more manufacturing. Whatever increase there was in manufactures was the result of our natural growth in population, and was not induced by the high-tariff taxes the people paid.

The unlimited resources of our country, the great natural advantages we enjoyed, coupled with the energy and progressive character of our people, brought the increase in spite of the protection policy of the Republican party, which had control of the affairs of the Government during the period in which that policy has last prevailed.

The statistics from the same source also show that there was a like decrease in the per cent. of gain in the amount of capital invested in manufactures. The following table shows the results in that particular:

Years.	Capital invested in manufactures.	Per cent. of gain.
1850	$533,245,351	
1860	1,009,855,715	89.38
1870	1,694,567,015	67.80
1880	2,790,272,606	64.66

Statistics from the same official source also show that from 1870 to 1880 the per cent. of gain in the amount of money paid for wages by the manufacturing interests of the country decreased. I give the official table here:

Year.	Wages paid by manufacturers.	Per cent. of gain.
1850	$236,759,464	
1860	378,878,966	60.03
1870	620,467,474	63.76
1880	947,953,795	52.78

This table shows an increase of the per cent. of gain from 1860 to 1870 over that from 1850 to 1860. This increase is no doubt due to the fact that during more than four years of that period a very large portion of the able-bodied males of our country were in the Army, which all of us know increased all classes of wage rates. The significant fact shown by this table is that during the decade from 1870 to 1880 the rate per cent. of gain of wages paid decreases materially. And it should be borne in mind that during that decade the protection policy enjoyed the palmiest days it has ever seen in this country.

For the purpose of enabling those who care to do so to consider in connection with the above statistics those showing the increase and the per cent. of gain or increase of our population during the same decades I give here another table:

Year.	Population.	Increase.
		Per cent.
1850	23,191,876	
1860	31,443,321	35
1870	38,558,371	22½
1880	50,155,783	30

I will not occupy any of the brief space of time allotted to me in discussing the relations between the increase of our population as shown by this last table and the facts shown by the preceding tables. The relations and the bearings of one on the other are, in some respects at least, so obvious as to need no comment.

The opponents of the bill under discussion also say that the reduction of duties is not necessary, and would, as they allege, be disastrous, because they say protection decreases the selling price of the protected article. In other words, they say if we place a high rate of duty on imported articles, thereby excluding them from our country altogether and preventing competition from foreign sources, the same classes of articles manufactured here will as a consequence sell for less money.

I do not understand why such a consequence should logically follow such premises. And to show that it does not, at least in one notable instance, I will here again resort to official figures. The wool tariff has been a source of much solicitude in some quarters recently. In 1867 the "wool tariff" act was passed, by which a high and protective duty was laid on all imported wools. It was confessedly done for the purpose of protection. Hon. Columbus Delano, late president of the Ohio Wool-Growers' Association, in an address delivered by him on the 16th of last January, on the occasion of his retirement from that office, said:

No proposition, however, is susceptible of clearer proof than this: that since wool-growers have had the security for their business afforded by the act of 1867 there has been a constant diminution in importations, a constant increase in domestic production, and a constant reduction in price.

That distinguished body of "experts" who composed the Tariff Commission made, officially, the same statement in regard to the alleged "constant reduction in price" of wool under the high-wool tariff. At page 28 of their report they say:

As a result of augmented production the price of wools has been reduced to the consumer.

They attribute the "augmented production" to the high tariff, and then allege that the augmented production reduced the price, and in support of their allegation as to the price they make this further statement:

The average price of the United States wool-clip in the Boston market, in currency, was:

1867	51 cents.
1870	46 cents.
1875	43 cents.
1880	48 cents.

And here they left the matter of price. Is their statement a frank and fair one? Do their figures bear out their assertion and the assertion of Hon. Columbus Delano on the reduction of price under the high tariff? Apparently they do, but really they prove the contrary. I call your attention to the fact that they say the "average price" given by them is stated "in currency" values. Now, in 1867, when this high tariff was placed on wool, a dollar in currency was worth less in gold than at any subsequent time.

If they had seen proper to be candid, and had put their calculations on a gold basis, which is the only correct one for measuring real commercial values, their table quoted above would have stood as follows:

The average price of the United States wool-clip in the Boston market, in gold, was—

1867	36.2 cents.
1870	37.3 cents.
1875	38.1 cents.
1880	48.0 cents.

This shows a constant increase of the average price. The increase during the first eight years after the high duty was established was not great, but in the thirteen years covered by the Tariff Commission's calculations it was enormous—about 33 per cent. So that on the figures of that commission, which was strongly protectionist in its tendencies, its own statements on this matter of prices and the pretense of the wool-growers as placed before the world by their representative and champion, Hon. Columbus Delano, are not based on a foundation of fact. For the convenience of any who may wish to verify or test these calculations as to the gold value, I give here a table based on the official statements of the Treasury Department, showing the average annual

value in gold of a dollar in currency in each fiscal year and each calendar year during the period covered by the calculations.

Table showing the annual value in gold of $1 in currency each calendar and fiscal year from 1867 to 1880, inclusive.

	Calendar year.	Fiscal year ending June 30.
1867	.724	.709
1868	.716	.715
1869	.752	.727
1870	.087	.811
1871	.895	.887
1872	.089	.894
1873	.879	.873
1874	.899	.893
1875	.087	.888
1876	.898	.878
1877	.954	.927
1878	.992	.976
1879	1.000	1.000
1880	1.000	1.000

Other figures might readily be given to show the absurdity, not to say falsity, of the claim that a high tariff reduces the price of the domestic article. Is it necessary to furnish statistics to show such a claim is not true as a general thing? Why is "protection" asked? Is it not for the benefit of those who are "protected?" Would it benefit them to reduce the price of their commodities? The real truth is that protection keeps the prices of the protected articles higher than they would otherwise be. Now, who pays for this protection? Evidently the consumers of the protected articles.

In the case of wool, almost if not quite everybody in the country contributes to it. Woolen goods of all kinds are more costly with that high tariff on wool than they would be without it. When the humble mother buys the blanket in which she wraps her baby she pays for a part of it. When she buys the stockings to protect its little feet she pays for more of it. When she buys the woolen clothing it must have in after years she pays for still more of it. When the baby has grown to manhood he begins to assist in paying for protection. When in old age he lies upon his death-bed the blankets adjusted about him by loving hands are taxed, first and last, about 100 per cent. to pay for "protection." And thus, from the cradle to the grave, the consumers of woolen goods are called on to aid in providing protection—and for whom? Those who are clamoring here for an increased duty on wool tell us it is for the benefit of "the farmer." All at once they have developed a wonderful solicitude for him.

Let us consider that phase of the question. If the abominable system really reduced the price of wool as claimed, how could it protect him? A great many farmers have a few sheep. Very few have large flocks. For the purpose of getting at the real facts in this matter and showing the true relation which this wool "protection" actually bears to the farmers I will give here a statement showing approximately the sheep and wool statistics of the State in which I live—Illinois. Number of flocks, 39,803; number of sheep, 1,037,073; average number to the flock, 26; gross annual wool-clip, 6,093,066; number of pounds to the sheep, 6; average price per pound in 1880, 48 cents.

We are told by the advocates of protection for wool that here are 39,000, nearly 40,000, farmers in Illinois alone who will be benefited by the protection policy, and we are charged with being inimical to the interest of the farmer because we refuse to make the tariff on wool practically a prohibition of importation and thereby raise the price of the home-grown commodity. If that plan decreased the price as claimed, I do not think these farmers, each with twenty-six sheep, would thank us for such protection. But of course that claim is utterly groundless. Now, the average number in the flock being twenty-six, and the average annual yield per head six pounds, the average crop to the farmer is one hundred and fifty-six pounds.

The amount of protection each farmer will receive per year under the high tariff of 1867, even if he receives in the price the full benefit of the whole protection, will not exceed a few dollars. Is this clear gain? Not by any means. Each one of these farmers must buy blankets, stockings, coats, and other woolen goods, on which he will pay prices enhanced by this protection policy to a degree that will wipe out his small amount of protection and draw largely on his other funds.

This is the inevitable result to ninety-nine out of every one hundred of the sheep-owners. The few who own immensely large flocks and make a business of growing wool upon an extensive scale will be benefited by the protection, but the mass of those classed by gentlemen as "flock-masters" will be injured by it.

Now I wish for a moment or two to ask your attention to the manner in which the "wool tariff" of 1867 was secured. On this I will resort to the address of the chief representative of the Ohio wool-growers, from whom I have already quoted. He frankly tells us how it was done. He says:

> The wool tariff of 1867 was not a general tariff law. It was simply an act of Congress to carry out and enforce a solemn agreement deliberately made after much consultation and consideration between producers and manufacturers of wool in the United States. It was enacted mainly for the protection of the wool-growers and to encourage sheep-husbandry, and was properly called a "wool tariff."
>
> The reasons for this agreement are both obvious and forcible. Wool-growers prior to this law had received no substantial legislative protection, while manufacturers had obtained all they demanded and more than they needed.

The effrontery displayed is unsurpassed, and the naïve frankness of the whole address is admirable. He says the manufacturers of woolen goods had obtained all the protection they demanded "and more than they needed." Bear this in mind—they had more protection than they needed. In the same connection he says:

> Observe the consequences: Manufacturers of wool were prosperous and capital sought investment in their business. Their monopoly gave them control of our markets and prosperity attended their pursuits. Their accumulated capital could not be concealed, for its existence was seen in Western corporations, in Eastern companies going West for investments, and in the general ownership of Western property and Western enterprises.
>
> New England was too small to absorb the constantly increasing capital of her industrious, prosperous, well-protected manufacturers.

These monopolists in the woolen manufacturing business, who "had obtained all they demanded" and "more than they needed" of the blessings of protection, had grown so immensely wealthy that "New England was too small to absorb the constantly increasing capital of her industrious, prosperous, well-protected manufacturers." Yes; Hon. Columbus Delano, late president of the Wool-Growers' Association in that State, whence arises the principal part of the clamor for an increase of tariff on raw wool, tells us frankly that in 1867 the manufacturers of woolen goods had all the protection they demanded and more than they needed, whereby they had obtained enough of somebody's money to render them too wealthy for New England to contain them. They had on his showing become monopolists.

And what does he do? Do he and his wool-growing friends undertake to have Congress remove any of this excessive protection which these manufacturers do not need, and which has already made monopolists of them? No. On the contrary, they enter into a contract—"a solemn agreement, deliberately made"—with these same confessedly overprotected monopolists, under and as a result of which "solemn agreement," by some means always accessible to the "well-protected manufacturers" when they want legislation, the wool-tariff bill was passed; and the large flock-masters of the country were also passed—passed from the honest, fair-dealing classes of self-reliant industry to the overprotected, grasping monopolist classes. And after telling us that the high tariff on wool, which I have shown increases the price to all consumers, was obtained by entering into "a solemn agreement, deliberately made" with what he himself calls overprotected monopolists, to influence legislation here in years gone by, he and his friends appeal to us in this Congress to increase the tariff on raw wool. I am glad to know it will certainly not be done.

The whole scheme is for the protection and enrichment of the few at the expense of the many. This is true of all the so-called protection schemes. Protection has built up and perpetuated gigantic monopolies, which have imposed on the people of this country long enough. It has induced the aggregation of capital in a few hands. It has destroyed the small industries which once enlivened the villages, towns, and smaller places all over the country, and caused the manufacturing interests to concentrate mainly in great centers. It has made the rich richer and the poor poorer.

If protection protects, it does so by maintaining higher prices than would otherwise prevail on the protected articles. If it does this, then some of our own people pay for it and others reap the benefit. It will not do to tell us all are equally benefited by it. If all are equally benefited, then nobody is protected. If the gentleman from Missouri [Mr. DOCKERY], who has just closed an excellent speech against the iniquitous system, is protected equally with the gentleman from Pennsylvania [Mr. EVANS], who this evening sought to show us its shining virtues, and if the latter is equally protected with me, if each is protected equally with every other one, then we are really in the same attitude as if protection had never been thought of. We are relatively in the same position as if the system did not exist.

If protection gives each individual an equal chance and an equal benefit with each other one, then you may just as well tell me a man can grow rich by taking money out of his right pocket and putting it into his left one as to tell me our prosperity can be promoted by such a system. If all do not reap an equal benefit from the system, then the hard-earned money of some is taken from them on false pretenses and without consideration and put into the pockets of others who have no right to it. And this latter is the real fact. The laborers and wage-earners are paying more for the necessaries of life than they ought to pay.

The manufacturers, who as a rule are rich enough already, are thereby amassing more riches, spending the warm season at the seaside, and diversifying their pleasures by visiting the capital in the winter, on which occasion they combine business with pleasure, and seek a little more protection at the hands of Congress. Of course they tell us that they are seeking it from purely disinterested and philanthropic motives—for the sole purpose of enabling them to pay better wages to their operatives and to enable them to compete with the "pauper labor" of Europe. The

protection being granted, they immediately go or send some one across the Atlantic and make wholesale contracts with those same "pauper laborers," and import them to this country to work on low wages, and thereby drive our own laboring classes out of employment. Testimony taken by one of the committees of this House this winter and reported by its chairman, himself a protectionist, shows that such labor has been so imported into this country by some of these disinterested and philanthropic protected interests.

Mr. Chairman, I would like to notice some other phases of the case, and especially some of the horrifying word-pictures of European poverty and squalor and want which have been drawn here. The gentlemen who have sought to convince us and convert us to the protection theory by such means know full well that it is not necessary to cross the Atlantic to find the originals for such pictures. They know also that those in England are no more to be attributed to the British free-trade policy than those here are to be attributed to our protective policy.

In England the larger part of this abject poverty may be fairly attributed to those defects in their government always attendant on a system of royalty and feudal tenures. In this country it is attributable in some instances to one cause, in other instances to others, intensified a little in each by the higher prices which the absolute necessaries of life bear on account of the high tax on nearly all things consumed by the poor.

Mr. Chairman, I am admonished that the brief time allowed to me has about expired. I desire to say in conclusion that I am glad the issue is so plainly made here. I hope there will be no more temporizing, no juggling with words. If we are to continue a system which builds up colossal fortunes for the few at the expense of the many, let us have it so determined on a plain, unmistakable issue. If a different and, in my humble judgment, much more beneficent policy is to prevail let us have it so settled, with a perfect understanding of how it is obtained and what it is to be. For my own part, I would not if I could secure success by a compromise of those ends which make it desirable.

Mr. PRICE. Mr. Chairman, if the whole of mankind would observe the Golden Rule in their dealings and intercourse with each other, if all the governments and peoples of the earth would put out of sight all considerations of personal or political distinctions, and each should be willing to regard the interests of each of the others as exactly equal to his own, and would be as solicitous for the welfare of all the others as for his own, if men and nations were entirely unselfish, then I might be willing to indorse the doctrine of "buying where we could buy the lowest, and selling where we could sell the highest."

"But if any provide not for his own, and especially for those of his own house, he hath denied the faith and is worse than an infidel," was said centuries ago, and it establishes two facts:

First. That men and nations are selfish.

Second. That when that fact is recognized it is criminally wrong to neglect a watchful care over and protection of our own.

I lay down the following rules of personal and political action:

First. I must care for and protect my family rather than yours.

Second. I must take care of the interest of the people who sent me here rather than of the interest of the people of any other district.

Third. I must legislate for the prosperity of the people of the United States rather than of the people of any other nation on earth. Following this rule as applied to this question of "protection," or "free trade," or "tariff for revenue only," or "tariff for revenue with incidental protection," and I am led to the conclusion that it should be settled on the principle of "protection" and only "protection."

The distinguished gentleman from Illinois who sits before me [Mr. MORRISON] I understood to favor a "tariff for revenue with incidental protection."

Mr. MORRISON. Not a bit of it.

Mr. PRICE. Well, then his plan is a tariff for revenue without any protection.

Mr. MORRISON assented.

Mr. PRICE. And I favor a tariff for protection only. One of us is radically wrong.

I hold to the doctrine adopted by some of our most sagacious writers on political economy, that "the wealth of a nation should support its government," and to raise our revenue by taxing consumption is in direct violation of this principle, because a family of five persons whose whole worldly wealth is not greater than $1,000 will consume as many of the necessaries of life as a family of the same number who possess wealth equal to $100,000.

Upon the principle laid down, "that the wealth of a nation should support its government," the first-named family should pay $1 while the second should pay $100, while under the plan of "tariff for revenue" each would pay the same amount.

Mr. ADAMS, of New York. I would like to ask the gentleman whether I understood him correctly as stating that he does not believe in the doctrine that a nation ought to have the right to buy where it can buy the cheapest and sell where it can sell the dearest. I simply want to get the gentleman right on the record.

Mr. PRICE. I am perfectly willing to be put on record. I said if this world were entirely unselfish, and that if each one would take the same guardian care over another that he would of himself, I would indorse that doctrine. I will now say that until we reach that condition of society I will not indorse the doctrine of buying where you can buy the cheapest and selling where you can sell the dearest. The application of the same principle would, with equal certainty, destroy the theory of a "tariff for revenue with incidental protection." The only question remaining to be settled is which policy would best advance the interests and well-being of the American people, "free trade" or "protection?"

No government on earth is like ours, therefore no precedents have been established to guide us unerringly in deciding this question. The workingmen of other countries, with the product of whose labor ours comes in competition, are not called upon or permitted to exert the same influence in governmental affairs that the workingmen of America do. Therefore the same necessity does not exist that he should own himself, own his home, and be entirely free to govern himself and to regulate his political action, guided only by his own conscience of right and duty. A higher degree of intelligence is required of the workingmen of America than is necessary in any other country, because every American is a voter, and to that extent a ruler, and every consideration of prudence would dictate that his intellectual condition should be of a higher order, participating as he does in the Government, than is required of those who live beneath the government and of whom the task of reflection or independent action is not demanded or guaranteed.

To secure these results the most liberal scale of wages should be paid to the workingmen of our country, that they may thereby become sufficiently intelligent to meet all the high requirements of citizenship, not because he is any better, or purer, or more patriotic, but because he is a part of the Government. Brought, as he would be by the adoption of the principle of free trade, in competition with that other class, he would have no time for self-culture, he could know but little of the spirit or purpose of our form of government, and would be in the worst possible condition to exercise that highest and most important act of citizenship, the elective franchise.

Again, I deem it of the first importance that every citizen of our common country should be attached to our common form of government, desire its perpetuity, and feel disposed to vigilantly guard it from domestic enemies and foreign foes. These can not be the feelings of a man who is either overworked or underfed. No man can be attached to a system of laws which reduces him to a condition of semi-slavery, that sends him at night to a home of bare walls, bare floors, a tired, ragged, and dejected wife and children, with nothing to read, and too tired to read a book or paper if he had it.

"Tariff for revenue only" must have the inevitable tendency to produce this result, because the working people would thus be brought in direct competition in the battle of life with men of other countries whose aspirations or ambitions are on no higher plane.

Mr. WELLER. Will the gentleman permit me to ask him a question?

Mr. PRICE. Yes, sir. I am willing to yield to any gentleman for a question.

Mr. WELLER. Is it not true that we have within the jurisdiction of our Government to-day want and poverty, and do they not occur in parts of the country that enjoy all the benefits of the protective system which the gentleman advocates?

Mr. PRICE. Yes, sir; and we have snakes, we have cholera and small-pox, and we have a thousand ills that afflict humanity, no one of which is attributable to the protective system. [Laughter.]

Mr. WELLER. I will be glad to ask one further question, if the gentleman will yield.

Mr. PRICE. Certainly.

Mr. WELLER. To what does the gentleman attribute the want and poverty that is inflicted upon the people, if in no part due to the protective system?

Mr. PRICE. I attribute 99 per cent. of it to the saloons kept by pirates, legalized by demagogues, and patronized by fools. [Laughter.]

Mr. WELLER. I am pleased to know the gentleman's idea in the premises.

Mr. PRICE. If any gentleman wishes enlightenment I am pleased to be interrogated. I have no opinions which I wish to keep secret on this or any other subject.

It would be madness to place one entirely ignorant of the act of navigation at the helm of a ship on which were embarked fifty millions of the human family, with all they possessed or held dear, and equally absurd to place that precious freight in the hands of one who, being skilled, cared not to make a safe and prosperous voyage. It is equally shocking to every common-sense idea of self-preservation to make or keep the American voter in a condition of ignorance of the genius and purpose of our republican form of government, or to subject him to such a condition of affairs as will weaken his attachment to it and leave him reckless and indifferent as to its future progress or decay. It is not for the protection of the manufacturer, as such, that I plead, but it is for the American citizen, the American voter, and thus the American ruler. It is of great importance that we study and adopt the best methods of producing cotton, grain, cattle, and utilizing all the various agencies that tend to the highest and happiest type of civilization. But it is of infinitely more importance that we pursue the best course to

produce the highest type of men—great, broad, intelligent, independent men—

> Men whom the spoils of office can not buy—
> Men who can stand before a demagogue
> And damn his treacherous flatteries without winking;
> Tall men, sun-crowned, who live above the fog
> In public duty and in private thinking:
> For while the rabble with their thumb-worn creeds,
> Their large professions and their little deeds,
> Mingle in selfish strife, lo! Freedom weeps,
> Wrong rules the land, and waiting Justice sleeps.

Men who, when they deposit their ballot, fully realize that they are discharging the citizen's most sacred duty, as he thereby places his hand upon the machinery of the State freighted with the possessions of fifty millions of freemen, and with the hopes of this and all succeeding generations, and giving tone and direction to a republic resting upon the intelligence, patriotism, and morality of its people. All this is a necessity if, as is alleged, such a system should make an additional cost to the consumer of 10 or 100 per cent. But I deny that such is the theory or tendency of protection. To prove this permit me to call the attention of the country to a few facts.

Galvanized fence-wire can now be bought for $60 per ton. A ton will make a four-wire fence two hundred rods long, or it will cost 30 cents per rod. A four-board fence six inches wide at $15 per thousand will cost 56 cents per rod. The distance around forty acres of land is three hundred and twenty rods. The difference, then, in the cost of fencing forty acres is $83.20; besides, something is saved in the number of posts used and something more in nails. The posts will last longer, because the pressure of the wind is not so great, and the wire will last much longer than the boards. Apply this principle to all the fences in all the country, and the amount saved to the farmers is simply enormous, probably sufficient to greatly overbalance all the additional cost to the agriculturists on all other articles of consumption affected injuriously by a protective tariff. There can be found none who will dispute the fact that this cheap iron wire is the legitimate result of "protecting our home manufactures."

But you say, strike the tariff from lumber and thus reduce the price $2 per thousand feet. I answer that such would not be the effect of admitting lumber free, that it would simply enable the Canadian lumber-dealer to raise his price that amount, which he would do, as all mankind are about alike to the extent of taking all they can get for the article or commodity they have for sale.

But suppose that I am in error in this conclusion, I deny that the agriculturist would be benefited by the reduction were it to take place—because in the State of Wisconsin alone the number of men engaged in the lumber business is about 35,000. It is fair to presume that each man is one of a family of at least three persons, which would make an aggregate of 105,000 persons who are consumers and not producers of agricultural products. It employs about 28,000 horses and 7,000 oxen. It will cost $13,125,000 to pay these men, which is kept and circulated at home. It will cost $5,110,000 to feed these men. It will require 10,500 tons of corn and oats to feed these oxen four months in the year, and 10,500 tons of hay. It will require 81,760 tons of corn and oats and 76,650 tons of hay to feed these horses. The value of these horses and cattle is about $6,650,000. These horses and cattle have to be renewed once in four years.

Now, you strike the tariff from lumber of, say, $2 per thousand feet on 3,500,000,000 feet, and you destroy this home market to the farmers of Wisconsin and the adjoining States to an amount equal to an annual sale of horses and oxen of $1,662,500; also for 92,260 tons of corn and oats; also of 87,150 tons of hay; also of $1,662,500 worth of meats, flour, potatoes, beans, butter, cheese, &c., consumed annually by the persons engaged in this branch of manufacturing; and when you have thus paralyzed this industry, the wheels of our mills cease to revolve, when the sound of the ax and the saw are no longer heard, and our smokeless chimneys stand as monuments of our stupidity, then you will have accomplished the grand and thrilling "horizontal" feat of becoming dependent on a foreign market—with a people who care nothing for our national prosperity—for your supply of lumber, while our forests, penetrated as they are by railroads and settlers, will be rapidly destroyed by fires, hurricanes and other natural causes.

But you ask, why can not we make a paying business of producing lumber as cheap as Canada? I answer we can; but we can only do it by a terrible sacrifice somewhere. The pine timber standing costs us at least $2 per thousand feet more than theirs. Our taxes are much higher. We pay more for horses, cattle, and all kinds of provisions than they do. We pay from 75 to 100 per cent. more for wages than they do. We feed our men better than the laborers are fed anywhere else on earth, and as we can not change the items of cost of stumpage or of taxes so as to make them equal, the only way we can successfully compete with them, unaided by a protective tariff, is to bring wages down even lower than theirs and adopt the "pea-soup" regimen upon which their men so largely subsist; and I have already tried to point out that to thus degrade the American citizen and voter would be inhuman, unpatriotic, and suicidal.

But failing to do either of these, what follows? This army of 105,000 consumers of agricultural products would find their "avocation gone," and they would of necessity be hurled into the ranks of agriculturists, thus decreasing the demand and increasing the supply of the goods he has for sale, destroying his home market and compelling him to transport his products hundreds of miles to find a consumer. The only reason that an acre of land within thirty miles of New York city is worth more than an acre of land in Wisconsin is that the one is so near the consumer that the transportation between the two is so slight as to be almost imperceptible, while in the other case the cost of transportation added to the cost of production is barely covered by the price at the place of market, and because there are many cheap, heavy, and bulky products that will not bear the cost of transportation at all. I have in my possession abundant evidence, based upon more than a third of a century of active experience in the lumber and agricultural branches of business that the price of farm products and the scale of wages appreciate or depreciate exactly as the price of lumber goes up or down.

I have thus far spoken mainly of but the effect that protection has upon one State and upon two branches of industry; but when you come to apply the principles to all the States and all the creative industry of our whole country it is to me a matter of astonishment that men could be misled by the false light presented by those who would make exceptionally good English statesmen, but who fit very awkwardly into an American Congress.

But it is urged that this bill should pass for the purpose of reducing our revenues. Why should we reduce our revenues? We owe a national debt of about $1,400,000,000. We owe the Indians a large sum, and I say without fear of successful contradiction that in honor and equity we owe our soldiers more than the revenues of a decade at the present rate of a million a day. Men will prate for a reduction of revenue and then pare down the appropriations for the postal service so as to very seriously cripple that service by making it impossible to carry intelligence of passing events to a people who are anxious to be served at their own cost.

Men will prate of reduction in the face of the fact that we have no navy or means of coast defense but such as would and does excite the ridicule of the civilized world. A fourth-class vessel of a fourth-class power could to-day steam up the Potomac and bombard the Capitol or sail into the port of New York and destroy the city; and yet men will subject the national property and national honor to all these risks, with no other hope than to get up a cheap reputation for an economy they never have and are not to-day practicing. "Reduce the revenue," when of our fifty millions of people there are over one-eighth of the whole number who can neither read nor write; in the face of the fact that our whole governmental system rests upon the intelligence, patriotism, and morality of the people, and no means of lifting this dark pall of ignorance that stands as a permanent menace to our national existence, except by an appropriation from our national revenues.

It is said that while wages are higher here the cost of living is so much greater that the one neutralizes the other. The all-sufficient and conclusive answer to this is that men come here from all the free-trade countries of the world to labor and none go from here to stay there. We should "protect" from all causes that tend to deteriorate the standard of citizenship. The early settlers were made up of the boldest thinkers, most adventurous minds, and the finest specimens of physical manhood of other nations; these mingling and intermixing has resulted in making the American citizen in all that goes to make up a great people the peers if not the superiors of any other nation. But to-day we are in great danger, from coming in contact with a lower type of more recent emigration, of lowering our standard, and such must inevitably be the result of compelling our people to enter into competition with a class of men any one of whom can live a week on a rat.

The following statement of the scale of wages paid to workingmen in manufacturing counties and non-manufacturing counties I think should convince all that the wiser, better, and safer policy is "protection," that it will foster manufactures and create diversified industries; and at the same time it can not fail to convince the farmers that they are not his true friends who denounce the "American system" and argue for "free trade" or tariff for revenue only.

The following official tables show the local variation of prices in each State.

States.	Counties.	Value of products of manufactures.	Total land in farms.	Value of farm lands.	Value per acre.
Alabama:	*No.*	*Dollars.*	*Acres.*	*Dollars.*	*Dolls.*
Manufacturing counties	2	2,785,685	481,484	3,152,779	6 55
Other counties	64	10,779,819	18,373,850	75,801,869	4 13
Total	66	13,565,504	18,855,334	78,954,648	4 19
Arkansas:					
Manufacturing counties	1	1,859,198	173,395	2,058,079	11 87
Other counties	73	4,896,961	11,888,152	72,191,576	6 07
Total	74	6,756,159	12,061,547	74,249,655	6 16
California:					
Manufacturing counties	6	96,217,320	2,116,416	76,972,137	36 37
Other counties	46	20,001,653	14,477,326	185,079,145	12 78
Total	52	116,218,973	16,593,742	262,051,282	15 79

The following official tables show the local variation of prices in each State—Continued.

States.	Counties.	Value of products of manufactures.	Total land in farms.	Value of farm lands.	Value per acre.
	No.	*Dollars.*	*Acres.*	*Dollars.*	*Dolls.*
Colorado:					
Manufacturing counties	2	10,383,397	78,317	3,460,553	44 19
Other counties	29	3,876,762	1,087,056	21,648,670	19 91
Total	31	14,260,159	1,165,373	25,109,223	21 55
Connecticut:					
Manufacturing counties	3	122,572,296	967,946	69,537,959	71 84
Other counties	5	63,124,915	1,485,595	51,525,951	34 68
Total	8	185,697,211	2,453,541	121,063,910	49 34
Delaware:					
Manufacturing counties	1	17,805,608	253,939	18,757,836	73 87
Other counties	2	2,708,830	836,306	18,031,836	21 56
Total	3	20,514,438	1,090,245	36,789,672	33 74
Florida:					
Manufacturing counties	1	1,366,785	5,759	83,200	14 45
Other counties	38	4,179,663	3,291,565	20,208,635	6 14
Total	39	5,546,448	3,297,324	20,291,835	6 15
Georgia:					
Manufacturing counties	7	19,331,604	995,971	9,181,254	9 22
Other counties	130	17,109,344	25,047,311	102,729,286	4 10
Total	137	36,440,948	26,043,282	111,910,540	4 30
Illinois:					
Manufacturing counties	10	340,527,740	4,470,503	196,518,392	43 96
Other counties	92	74,336,933	27,203,142	813,076,188	29 89
Total	102	414,864,673	31,673,645	1,009,594,580	31 87
Indiana:					
Manufacturing counties	7	73,226,591	1,508,599	74,233,562	49 21
Other counties	85	74,779,820	18,912,384	561,002,549	29 66
Total	92	148,006,411	20,420,983	635,236,111	31 11
Iowa:					
Manufacturing counties	9	37,355,066	3,018,517	97,434,304	32 28
Other counties	90	33,690,860	21,734,183	469,995,923	21 62
Total	99	71,045,926	24,752,700	567,430,227	22 92
Kansas:					
Manufacturing counties	5	16,050,363	1,006,965	24,699,803	24 53
Other counties	99	14,793,414	20,410,503	210,479,133	10 31
Total	104	30,843,777	21,417,468	235,178,936	10 98
Kentucky:					
Manufacturing counties	10	56,659,426	1,571,585	57,335,970	36 48
Other counties	107	18,823,951	19,923,655	241,962,661	12 14
Total	117	75,483,377	21,495,240	299,298,631	13 92
Louisiana:					
Manufacturing counties	2	20,456,396	49,075	1,010,663	20 59
Other counties	56	3,748,787	8,224,431	57,978,454	7 05
Total	58	24,205,183	8,273,506	58,989,117	7 13
Maine:					
Manufacturing counties	5	58,246,405	2,288,037	50,607,054	22 12
Other counties	11	21,583,388	4,264,541	51,750,561	12 14
Total	16	79,829,793	6,552,578	102,357,615	15 62
Maryland:					
Manufacturing counties	8	101,635,101	1,904,199	93,199,562	48 94
Other counties	16	5,145,462	3,215,632	72,303,779	22 49
Total	24	106,780,563	5,119,831	165,503,341	32 33
Massachusetts:					
Manufacturing counties	4	453,360,766	1,292,876	74,819,191	57 87
Other counties	10	177,774,518	2,066,203	71,378,224	34 55
Total	14	641,135,284	3,359,079	146,197,415	43 52
Michigan:					
Manufacturing counties	6	74,928,516	1,500,690	60,373,468	40 23
Other counties	72	75,786,509	12,306,550	438,729,713	35 65
Total	78	150,715,025	13,807,240	499,103,181	36 15
Minnesota:					
Manufacturing counties	6	55,507,084	1,508,251	39,581,999	26 24
Other counties	72	20,558,114	11,894,768	154,142,261	12 96
Total	78	76,065,198	13,403,019	193,724,260	14 45
Missouri:					
Manufacturing counties	9	139,598,517	2,309,339	49,433,922	21 41
Other counties	106	25,787,688	25,569,937	326,199,385	12 76
Total	115	165,386,205	27,879,276	375,633,307	13 47

The following official tables show the local variation of prices in each State—Continued.

States.	Counties.	Value of products of manufactures.	Total land in farms.	Value of farm lands.	Value per acre.
	No.	*Dollars.*	*Acres.*	*Dollars.*	*Dolls.*
Nebraska:					
Manufacturing counties	2	5,866,751	495,434	9,456,461	19 09
Other counties	68	6,760,585	9,449,392	96,476,080	10 21
Total	70	12,627,336	9,944,826	105,932,541	10 65
New Hampshire:					
Manufacturing counties	5	60,258,153	1,880,602	47,725,874	25 38
Other counties	5	13,719,875	1,840,571	28,108,515	15 27
Total	10	73,978,028	3,721,173	75,834,389	20 38
New Jersey:					
Manufacturing counties	6	208,670,151	368,675	35,562,438	96 46
Other counties	15	45,710,085	2,561,098	155,333,395	60 65
Total	21	254,380,236	2,929,773	190,895,833	65 16
New York:					
Manufacturing counties	13	896,651,665	4,981,545	310,699,132	62 37
Other counties	47	184,044,931	18,799,209	745,477,609	39 65
Total	60	1,080,696,596	23,780,754	1,056,176,741	44 41
North Carolina:					
Manufacturing counties	3	4,141,335	542,488	3,550,625	6 55
Other counties	91	15,953,702	21,821,070	132,242,977	6 06
Total	94	20,095,037	22,363,558	135,793,602	6 07
Ohio:					
Manufacturing counties	12	249,632,186	3,388,305	229,903,034	67 85
Other counties	76	98,666,204	21,140,921	897,594,319	42 46
Total	88	348,298,390	24,529,226	1,127,497,353	45 97
Oregon:					
Manufacturing counties	3	5,543,941	678,769	13,123,679	19 33
Other counties	20	5,387,291	3,535,943	43,784,896	12 38
Total	23	10,931,232	4,214,712	56,908,575	13 50
Pennsylvania:					
Manufacturing counties	13	596,122,801	3,930,549	340,912,032	86 73
Other counties	54	148,695,644	15,860,792	634,777,378	40 02
Total	67	744,818,445	19,791,341	975,689,410	49 30
Rhode Island:					
Manufacturing counties	1	82,083,318	193,544	11,180,683	57 77
Other counties	4	22,080,303	321,269	14,701,396	45 76
Total	5	104,163,621	514,813	25,882,079	50 27
South Carolina:					
Manufacturing counties	3	8,384,219	1,471,846	8,387,900	5 70
Other counties	30	8,353,789	11,985,767	60,289,582	5 03
Total	33	16,738,008	13,457,613	68,677,482	5 10
Tennessee:					
Manufacturing counties	4	19,003,353	1,119,004	19,955,465	17 83
Other counties	90	18,071,533	19,547,911	156,794,372	9 56
Total	94	37,074,886	20,666,915	206,749,837	10 00
Texas:					
Manufacturing counties	3	5,139,720	554,512	5,671,879	10 23
Other counties	207	15,580,208	35,737,707	164,797,007	4 61
Total	210	20,719,928	36,292,219	170,468,886	4 70
Utah:					
Manufacturing counties	1	1,933,221	51,320	1,932,585	37 66
Other counties	22	2,391,771	604,204	12,082,593	20 00
Total	23	4,324,992	655,524	14,015,178	21 38
Vermont:					
Manufacturing counties	1	6,244,391	344,860	10,368,736	30 07
Other counties	13	25,109,975	4,537,728	98,977,274	21 81
Total	14	31,354,366	4,882,588	109,346,010	22 40
Virginia:					
Manufacturing counties	6	33,731,492	1,624,304	19,429,261	11 96
Other counties	93	18,049,500	18,211,481	196,598,846	10 80
Total	99	51,780,992	19,835,785	216,028,107	10 89
West Virginia:					
Manufacturing counties	2	11,207,436	244,624	11,955,131	48 87
Other counties	52	11,659,690	9,949,155	121,192,044	12 18
Total	54	22,867,126	10,193,779	133,147,175	13 06
Wisconsin:					
Manufacturing counties	15	96,101,406	4,720,777	159,941,426	33 88
Other counties	48	32,154,074	10,632,341	197,768,081	18 60
Total	63	128,255,480	15,353,118	357,709,507	23 30

The reader will observe that in every State there is a difference in value of lands in favor of the manufacturing counties, and that where there is little manufacturing there is small difference, and where the products of manufacture are of large value lands bear a high price. That this differentiation may be easily seen the following classification is made:

The following official tables show higher land values in manufacturing counties.

FIRST GROUP.

States.	Manufacturing counties.		Other counties.	
	Acres.	Value per acre.	Acres.	Value per acre.
Massachusetts	1,292,876	$57 87	2,066,203	$34 55
Rhode Island	193,544	57 77	321,269	45 76
Connecticut	967,946	71 84	1,485,595	34 68
New York	4,981,545	62 37	18,799,209	39 65
New Jersey	368,675	96 46	2,561,098	60 65
Pennsylvania	3,930,549	86 73	15,860,792	40 02
Delaware	253,939	73 87	836,306	21 56
Total	11,989,074	71 85	41,930,472	40 33

SECOND GROUP.

Maine	2,288,037	22 12	4,264,541	12 14
New Hampshire	1,880,602	25 38	1,840,571	15 27
Vermont	344,860	30 07	4,537,728	21 81
Ohio	3,388,305	67 85	21,140,921	42 46
Michigan	1,500,690	40 23	12,306,550	35 65
Indiana	1,508,599	49 21	18,912,384	29 66
Illinois	4,470,503	43 96	27,203,142	29 89
Total	15,381,596	43 54	90,205,837	32 03

THIRD GROUP.

Wisconsin	4,720,777	233 88	10,632,341	18 60
Minnesota	1,508,251	26 24	11,894,768	12 96
Iowa	3,018,517	32 28	21,734,183	21 62
California	2,116,416	36 37	14,477,326	12 78
Total	11,363,961	32 90	58,738,618	17 14

FOURTH GROUP.

Maryland	1,904,199	48 94	3,215,632	22 49
Virginia	1,624,304	11 96	18,211,481	10 80
North Carolina	542,488	6 55	21,821,070	6 06
South Carolina	1,471,846	5 70	11,985,767	5 05
Georgia	995,971	9 22	25,047,311	4 10
Florida	5,759	14 45	3,291,565	6 14
Alabama	481,484	6 55	18,373,850	4 13
Louisiana	49,075	20 59	8,224,431	7 05
Texas	554,512	10 23	35,737,707	4 61
Arkansas	173,395	11 87	11,888,152	6 07
Tennessee	1,119,004	17 83	19,547,911	9 56
West Virginia	244,624	48 87	9,940,155	12 18
Kentucky	1,571,585	36 48	19,923,655	12 14
Missouri	2,309,339	21 41	25,569,937	12 76
Kansas	1,006,965	24 53	20,410,503	10 31
Nebraska	495,434	19 09	9,449,392	10 21
Colorado	78,317	44 19	1,087,056	19 91
Oregon	678,769	19 33	3,535,943	12 38
Utah	51,320	37 66	604,204	20 00
Total	15,358,390	21 95	267,874,722	8 27

VARIATION BY STATES AND GROUPS.

These States aggregate the value of $5,336,465,954 in products of manufactures, the grand aggregate in 1880 being $5,369,579,191 for all the States and Territories of the United States. Now, the eighteen States and one Territory in the group which has the least manufactures produce a value of $676,427,860, or 12.6 per cent. of the total for the United States, a fraction of 1 per cent. for each State. These may well be considered agricultural States.

The third group includes four States, also essentially agricultural—Wisconsin, Minnesota, Iowa, and California—in which there is a quite general determination not to remain in the category of one-idea communities in industrial development. They have $391,585,577 in manufacturing production, or 7.3 per cent. of the grand aggregate for the whole country.

The second group is rounding into symmetry in industry and realizing the benefits of such a status in high prices of lands and farm products, and rapid increase in wealth and culture. This class includes the States north of the Ohio River—Ohio, Michigan, Indiana, and Illinois—and also Northern New England. These seven States return a production of $1,247,046,686, which is 23.2 per cent. of the whole. These may be deemed industrial as well as agricultural.

But there are seven other States in which the industries are more equally balanced than any other, which make more than half the industrial production of the United States, worth $3,021,405,831, or 56.3 of all. These are found in Southern New England and the Middle States, and may properly be grouped together.

They include all manufacturing production except six-tenths of 1 per cent., scattered through two States and nine Territories. The tabulation by States is as follows:

Aggregate value of products of agriculture by States, acres of land in farms, and value of farm lands, by States and groups of States.

FIRST GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Massachusetts	631,125,284	3,359,079	146,197,415	43 52
Rhode Island	104,163,621	514,813	25,882,079	50 27
Connecticut	185,697,211	2,453,541	121,063,910	49 34
New York	1,080,696,596	23,780,754	1,056,176,741	44 41
New Jersey	254,380,236	2,929,773	190,895,833	65 16
Pennsylvania	744,818,445	19,791,341	975,689,410	49 30
Delaware	20,514,438	1,090,245	36,789,672	33 74
Total	3,021,405,831	53,919,546	2,552,695,060	47 34

Aggregate value of products of agriculture by States, acres of land in farms, and value of farm lands, by States and groups of States—Continued.

SECOND GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Maine	79,829,793	6,552,578	102,357,615	15 62
New Hampshire	73,978,028	3,721,173	75,834,389	20 38
Vermont	31,354,366	4,882,588	109,346,010	22 40
Ohio	348,298,390	24,529,226	1,127,497,353	45 97
Michigan	150,715,025	13,807,240	499,103,181	36 15
Indiana	148,006,411	20,420,983	635,236,111	31 11
Illinois	414,864,673	31,673,645	1,009,594,580	31 87
Total	1,247,046,686	105,587,433	3,558,969,239	33 71

THIRD GROUP.

Wisconsin	128,255,480	15,353,118	357,709,507	23 30
Minnesota	76,065,198	13,403,019	193,724,260	14 45
Iowa	71,045,926	24,752,700	567,430,227	22 92
California	116,218,973	16,593,742	262,051,282	15 79
Total	391,585,577	70,102,579	1,380,915,276	19 70

FOURTH GROUP.

Maryland	106,780,563	5,119,831	165,503,341	32 33
Virginia	51,780,992	19,835,785	216,028,107	10 89
North Carolina	20,095,037	22,363,558	135,793,602	6 07
South Carolina	16,738,008	13,457,613	68,677,482	5 10
Georgia	36,440,948	26,043,282	111,910,540	4 30
Florida	5,546,448	3,297,324	20,291,837	6 15
Alabama	13,565,504	18,855,334	78,954,648	4 19
Louisiana	24,205,183	8,273,506	58,989,117	7 13
Texas	20,719,928	36,292,219	170,468,886	4 70
Arkansas	6,756,159	12,061,547	74,249,655	6 16
Tennessee	37,074,886	20,666,915	206,749,837	10 00
West Virginia	22,867,126	10,193,779	133,147,175	13 06
Kentucky	75,483,377	21,495,240	299,298,631	13 92
Missouri	165,386,205	27,879,276	375,633,307	13 47
Kansas	30,843,777	21,417,468	235,178,936	10 98
Nebraska	12,627,336	9,944,826	105,932,541	10 65
Colorado	14,260,159	1,165,373	25,109,223	21 55
Oregon	10,931,232	4,214,712	56,908,575	13 50
Utah	4,324,992	655,524	14,015,178	21 38
Total	676,427,860	283,233,112	2,552,840,616	9 01

In Wisconsin the lands in the manufacturing counties are valued at $33.88 per acre, and in non-manufacturing counties at $18.60 per acre; difference, $15.28 per acre.

The average wage to farm hands in 1882 was $17.90 per month and board, and in the lumber woods it was $27.90 and board. A difference of $10 per month on 35,000 men would make $350,000 per month, or $4,200,000 per annum, or $120 for each man per annum.

And in the face of these facts and figures these men who oppose "protection" would have the farmer, when he is protected to the extent of—apples, 10 per cent. ad valorem; garden seeds, except sugar-beet, 20 per cent. ad valorem; beef and pork, 1 cent per pound; hams and bacon, 2 cents per pound; lard, 2 cents per pound; butter and cheese, 4 cents per pound; wheat, 20 cents per bushel; corn, rye, oats, and barley, each 10 cents per bushel; barley, patent or hulled, ½ cent per pound; oatmeal and rye-flour, each ½ cent per pound; wheat flour, 20 per cent. ad valorem; potato or corn starch, 2 cents per pound; all other starch, 2½ cents per pound; cleaned rice, 2½ cents per pound; hay, $2 per ton; hops, 8 cents per pound; potatoes, 15 cents per bushel; milk, preserved or condensed, 20 per cent. ad valorem; and when official figures prove that manufacturing enhances the value of his land over 100 per cent. in addition to all the advantages it affords him of a home market, I say they would lure him by the seductive song of "tariff for revenue only" to lend his political influence to the advancement of a theory the tendency of which is to bring them to the condition that the farmer in France once occupied when he yoked his wife and daughter to the plow.

OVERPRODUCTION.

I do not believe with the gentlemen who say we are overproducing. In my judgment there is in the markets of the world an abundant demand for all our productions, but they are not looked up or sought out. If our foreign ministers and consuls whom we send abroad as the accredited agents of our Government were business men, new markets would be found, new avenues of trade opened up, and a market found for all our products. These men are too often selected from the machine politicians, or are simply divine poets or dreamers, when they should be selected from the boards of trade of our cities, with a greater reference to extending the markets of America than their adaptability to adopt the customs of courts and denationalizing themselves by becoming imitators of customs and rules of etiquette which, while we need not quarrel with, we belittle ourselves by imitating.

Mr. CULBERTSON, of Kentucky. Mr. Chairman, in the bill now

being considered we have one more effort to lower the duties now imposed on the foreign producer for the favor of being allowed to sell his products in the United States. Again a thrust is made at the laboring classes of our country. The free-traders of America seem to have a deep-seated enmity toward the people who work. Ever vigilant, wary, and cunning, the free-traders wait, with cool purpose and steady hand, their opportunity to strike labor to the ground, to bring American labor in close competition with the starvation prices of Europe and Asia. It develops the old fight, the self-constituted aristocrat against the unpresuming plebeian. Emanating, as it does, from aristocratical ideas, we could hardly expect the theory of free trade to hold anything in common with the toilers of the nation. We all know free trade benefits only the rich. Those who do not need help it helps, while the poor laboring person is ground still closer to the dust. This bill says it is a "bill to reduce import duties and war-tariff taxes."

We might say in truth it was for the purpose of crippling the prosperity of many of our industries directly, and all of them indirectly, and for the purpose of favoring foreign laborers, who pay no State, county, or city taxes, nor do they in any way support the United States, but in time of war are our enemies. The free-traders urge the reduction of our tariff because our revenue is too large. I have heard it several times on the floor of this House. Now think of it. A nation in debt (with notes out) considerably over a thousand million dollars, whose political economists say we are getting too much revenue! We have no Navy. The little Republic of Chili could take our capital and all our great cities. Our harbors and rivers are unimproved. Millions ought to be spent on the education of the people, the only way to perpetuate our Republic. American ships should carry our mails to all foreign countries, bringing us in contact with those people. Our pork now goes to France through England and Belgium. The Government owns less than one-tenth of its post-offices, and skins around in the little villages for the cheapest rent. Here is work to be done which would take all our surplus revenue and well repay the nation. In the face of the cry of too much revenue the free-traders insist on keeping the tax on the farmers' product of tobacco.

The bill assumes that a tariff is a tax. So do the free-traders all. A tax on the people is their cry. This is the old howl we have heard ever since a difference of opinion on this subject began. We are told in good earnest the duty is added to the price the consumer ought to pay; the consumer pays the duty. Never was argument more fallacious, false, or more unreasonable. No duty was ever collected from an article, the home production of which became large, under that duty without the price becoming lower to the consumer. The duty thus becomes a benefit and not a tax. Taxes are so often spent foolishly without doing the good they ought, that the very name tax has become hateful. For this reason the free-traders call a tariff a tax in order to reap the benefits of a prejudice. If we could not make the articles we import, if we did not compete, then indeed we would be at the mercy of the foreigners, as we have been in the past, and they could add the duty to the price, which they would surely do; but thanks to a protective tariff we become competitors for our own market, and to-day we are very respectable manufacturers as a nation. We could live comfortably, yes richly, without a foreign ship ever reaching our shores, without buying a foreign production of any kind.

But our learned free-traders ignore the fact that our production competes with the foreign maker and importer, thus forcing him to ask less than he would if we did not produce the same article. This we could not do without either the protective tariff or the low wages of the foreigner and his cheap money. Then our own manufacturers compete with each other, causing a still further decline in prices. Therefore it is plain a protective tariff is a benefit to the nation and not a tax to the people.

A gentleman of my acquaintance, a man of worth and standing, who spent some months in England and Scotland, was told by several of the most intelligent manufacturers there that they thought tariff duties were paid to a great extent by the English producer and not by the consumer in America. The feeling in England is that the higher the duties they encounter the lower they had to sell, and the less they could pay their labor, to make a profit on their business. They said we sell as cheaply now to the French as we did before they increased their duties, and we know we pay the duties, and not the French consumer of the goods.

Messrs. John & James Dobson, of Philadelphia, among the largest makers of blankets, give an instance—they could give many. A gentleman bought a five-pound blanket in England, paying $4.45 for it. Our duties were then $4.90, making the total cost of the English blanket $9.35. The same blanket—weight, size, stripes, and all—could have been bought at home for $5.20, 75 cents more than the English product. But we must remember if there were no blankets made in America we must pay very much more for the English blanket. Our competition had brought down the price of the English article.

Besides all this, the work of the American blanket was done in America; sheep-growers, herdsmen, shearers, spinners, weavers, the makers of machinery both iron and wood, coal-diggers, engineers, iron-workers, ore-diggers, clerks, &c., all had a hand in this American blanket, and they spent their wages in America. They paid the farmer for flour, bacon, and all he raises, not forgetting his tobacco. The doctor, preacher, lawyer, all got some of these wages. The State, county, and city taxes were paid in America. The railroads, hotels, &c., got their full share. How much of this kind of thing did the men who made the English blanket do for America? Taxes increase the price because our own citizens pay them; a tariff reduces the price because it is paid by foreigners, and stimulates home competition and keeps our gold at home. The effect of a tariff may not be felt in a day or a year, but it will not be long before its beneficial results will be seen.

Washington, Jefferson, Clay, Jackson, Webster, and Lincoln did not think a tariff a tax. The president of the German commission to our centennial exposition said in his report: "The present condition of American manufactures shows the fallacy of the free-trade doctrine, that the productions of a country are raised in price by protective duties." And the German Empire is to-day enforcing protective duties. Napoleon created the best sugar industry in the world for France after years of subsidizing, protective tariffs, and even prohibition of imports. At first sugar was high, but how fully have the people been recompensed, repaid. Now they not only make their own sugar, hundreds of thousands of tons of cheap, good sugar, but they export it. And to-day France is enforcing a protective tariff. The history of tariffs is the same in England. Woolens and iron were highly protected for years, and the prices grew cheaper up to the time they tried to make the world believe they were free-traders.

Spool-cotton illustrates the effects of protection. For years the English had control of our market, asserting that the consumer paid the duty. Our competition reduces the price 25 per cent. After several more years of competition the price has been reduced fully 50 per cent. and we find we have control of our own market, saving $3,000,000 per year to the people in price besides establishing a prosperous industry in our own country, and keeping our money at home, eating the farmers' products, paying State, county, and city taxes, &c. All this was done while a high protective tariff was levied on spool-cotton. It is worse than idle to say a tariff is a tax.

Cotton goods we used to import at 50 cents a yard before we had cotton mills have since been exported at 6 cents per yard. The price of cotton hosiery has been reduced nearly one-half since 1860. Delaines we imported in 1860 at 35 cents per yard have been made in America and sold for 20 cents per yard, the purchaser getting a better article than that imported. Standard sheetings, drillings, bleached shirtings, prints, print-cloths are all fully 25 to 50 per cent. cheaper per yard in 1882 than in 1860, and to-day, in place of importing all our domestic ginghams, as we did a very few years since, we make them in America of better quality and cheaper than we can buy elsewhere. The fact is you can buy many kinds of cotton goods as cheap in America as any place in the world. The reduction in the prices I have just referred to is directly attributable to the protective tariffs imposed or adopted in July, 1861, and afterward. How shallow, then, seems the assertion that the natural price of an article is the American price after taking off the duty.

Up to March, 1883, the duty on standard sheetings was 57 per cent.; the price of such sheetings was 8 cents per yard. Take the duty, 57 per cent., from the cost, 8 cents, and you have 3.40 cents per yard the price according to free-trade reasoning. But 3.40 is less than half the price you would have to pay any place; therefore it is seen again the tariff is not a tax on the consumer, because we have seen the prices steadily decrease, although a high protective tariff was imposed.

The same experience has attended our silk industry. We are producing about thirty-five million dollars' worth per year, paying good prices to the operatives. We have reached some degree of excellence in making silk. Our machine-twist silk on spools is superior to the French or Italian silk, although they have had many years' experience. For years our silk-makers have had the closest foreign competition, but strange to say, while the duty was 40 per cent. during the last twenty years, the price has decreased 30 per cent. and the quality of the silk has improved, the money kept in this country, and hundreds of people found good wages for work. Wool stands in the same relation to a tariff. During our low tariff from 1850 to 1860 the increase in the number of our sheep was only 3½ per cent., while during the ten years of protective tariff, from 1870 to 1880, the gain was 43 per cent., and the wool from these sheep was all bought by American mills, the wool amounting to over $100,000,000. We had six hundred and sixty-eight woolen-mills in the West and seven hundred and ninety-four in the East. Shall we allow this great industry to be crippled by lowering the tariff? In the face of a protective tariff prices of wool goods gradually and constantly decreased, became cheaper fully 25 per cent. The lower grades of wool goods are made better in America than abroad, and if you consider their quality they are cheaper than those made in foreign countries. Fine broadcloths may now be cheaper abroad, but the universal history is, as you build up home competition the prices of home products and the foreign article go down. One of the United States consuls in Ireland reports:

Cheap clothing in the United States is cheaper than here. Ireland has enjoyed free trade with England for eighty years, her wool-mills are about destroyed, and her people pay more for common clothing than the Americans do with their tariff for protection.

In 1880 $46,000,000 was paid for the manufacture of wool, which produced two hundred and thirty-four and a half-million dollars' worth of fabrics. We have increased our wool product in the last forty years over $200,000,000, and it is the fear of further increase in that direction that sends the cry across the water from England, "A tariff is a tax," to be taken up and reiterated by our wise men who favor low tariffs. I say again, will we cripple the prosperity of this great industry? No.

Mr. John Roach says that several kinds of iron of which he buys largely, such as ship plates, angle-iron, bolts, rivets, and other irons have been 25 per cent. cheaper from 1870 to 1880 than from 1850 to 1860, the former during a protective period of tariff, the latter during a revenue tariff. For twenty years before we commenced to make steel we bought English steel at 16 and 18 cents per pound.

After our protective tariff our people commenced making steel, and the price soon came down to 13 and 15 cents per pound. During the latter part of the late war our steel sold for 32 cents, while the English asked 45 cents. It is dangerous to depend on a foreign country for your supplies in time of war. The English sell steel cheaper to America than to any other country, the idea being to break down our steel industry; and between the English and our tariff tinkers this great plant begins to stagger; it may soon fall. Bessemer steel rails were not made in this country in large quantities before 1870, although the manufacture was commenced in 1867; up to this time the English controlled the market, charging us $150 per ton for rails, in gold—not greenbacks—no; they spurned them. Even the spurious Englishman, the Canadian, would not have greenbacks. In 1870 our protected competition had reduced the price of rails to $50.37, gold, in England, equal to $57.93 in our currency. These prices allowed the English to lay down steel rails in New York for $63 per ton, currency. Since that time our mills have furnished the country with over 3,000,000 tons at an average cost of $59 per ton, our currency, and during the last two years large quantities could have been bought at less than $40 per ton. This rail manufacture employs over 20,000 American workmen, to whom is paid seven and a half million dollars as wages. Is it not better to pay this large sum to American workmen than to pay it to English workmen?

During the winter of 1879–'80 the representatives of 24,000 miles of railroad petitioned Congress for the retention of the duty on rails, being sensible of the benefits the protective tariff had been in reducing the price of rails. During the period between 1850 and 1860 the English sold us large quantities of iron rails, brittle and of little worth. They charged us $50 per ton. Now we buy American steel rails for less than $40 per ton.

We now see in the steel industry that our tariff fostered and made it possible for us to make steel rails; that we thus established a great industry, and that such rails became cheaper all the time as we advanced in their manufacture; and were we to stop making rails, soon the price would go up; but in the face of all these facts, our astutes still cry a tariff is a tax.

The manufactures of cut nails show the same principle. Before America invented cut nails we used those made by hand. They sold readily for 25 cents per pound, and were largely imported, our money going out for them. In 1824 the duty on all nails was put at 5 cents per pound. This duty was maintained for years. In four years, or 1823, nails were sold at 8 cents per pound. In 1830, 1835, 1840, 1844, 1846 they ranged from 5 to 6 cents per pound, and within a few years I have seen them sold for 2 cents per pound. It must be noted that in 1830, six years after the duty of 5 cents per pound had been arranged, the nails were sold at the exact amount of the duty, 5 cents per pound, to the consumer. In 1833 the price fell befow the duty; in 1842 the price was 2 cents per pound below the duty. Now, who paid the duties? Think of it. Were they a tax on the consumer? Was the duty added to the price?

This same experience attaches to all our industries. We used to pay English makers from $16 to $20 per dozen for saws we now make for $10 and $11 per dozen. The same story attends axes, shovels, cutlery, and, indeed, all the articles we can make. Thus it is again proven that as we protect the manufacture in our own country the prices are reduced to the consumer and the quality is much improved, and our gold kept at home.

In 1877 we imported only 75,804 ounces of quinine with a protective tariff. The duty was taken off quinine; the importation of it steadily increased, until in 1883 we imported 1,055,764 ounces, and our manufacturers of quinine are moving to Germany because they can make it cheaper there. This is one of the triumphs of free trade. This will be the end of our wool, silk, iron, sugar, and other industries if low tariffs or free trade prevail.

This Morrison bill proposes to take the duty off salt, to make it cheaper. I pity the man who wants salt cheaper. Within the last six months I have seen good salt in barrels of 280 pounds shipped one hundred miles by water, hauled up the Ohio River bank, put on cars and taken forty miles by railroad, and put down to the merchant for 90 cents per barrel. The prices at the Western places of production have been from $1.80 in 1866 to 74 cents per barrel in 1882. Who wants salt cheaper? Not the dairyman, because he sells his cheap salt in his dear butter. If the tariff is taken off the result will be the already tottering salt industry will fall, then prices of the imported will go up, and our gold will go out, without paying State, county, or city taxes.

In 1878 a French senatorial commission for the purpose of examining their foreign trade visited America, and in their report said:

A veritable economical revolution has taken place in the United States under the shelter of the prohibition system. They have organized a powerful industry, which rivals England in cheapness.

Thus speaks a man who certainly had no prejudices in our favor, and thought he was speaking the truth. In Canada the people tell their government how they have to pay the duties on wheat, wool, coal, lumber, &c., that they sell in the United States; here our wise men say we have to pay it; the Canadian knows. Shall we send abroad nearly $45,000,000 wages we pay our shoemakers and the hundreds of millions we pay other workers in our factories because we can buy a little cheaper? If we do, how are we to get these millions back? Had we not best keep the money in our own country? Then we have a chance to get it.

A short time since I heard a gentleman say on the floor of this House, "No good woolens are made in America." This is a common assertion among free-traders, and one of their excuses for buying the foreign article. The French commissioner to our centennial exhibition in 1876 was an expert in wool manufacture. In his report to his government he says:

The Americans can justly claim a very large share in the progress attained in woolens at the present day, and this progress especially in staple goods for general consumption has done serious injury to the markets of France and England. We are forced to admit that our manufactures of Vienna and of Bischwiller—

Famed French mills—

can no longer compete either in cost or quality with the goods of this American company—

Globe Woolen Company.

These and other mills make beautiful goods, as any merchant will tell you. For honest wear a great many American brands are excellent, and are often sold for imported goods. The enemies of our industries have succeeded in the past in making our people believe our goods were not as good as foreign fabrics, and we have gone from home to buy a poorer article than we had at home.

The prejudice of our people against American goods comes from the assertions of free-traders, oft repeated, that nothing could be made in America as good as goods made abroad, and from ignorance on the subject. We are told by lawyers who never were in a wool-mill that we can not make good cloths. Now we prefer the evidence of the French expert to his government to any evidence given us by a college professor or trained lawyer, whose school of learning in this line consists of a knowledge of cloths they have bought to wear. We have made great strides in making cloths. Let us foster the industry until we learn to make the finest and best in the world, and, as is the natural end of protection, the cheapest. Think of the thousands of laborers connected with the wool industries, from the shepherd to the tailor. Think of the millions of money invested in its different branches, paying out in 1883 $70,000,000 for work.

The absurdity of the cry, "Tariff is a tax," is fully demonstrated by applying to the farm-products the tariff. There is nothing the farmer produces that is not protected except eggs, and they are the only thing a farmer produces that are unreasonably high. Now, does any one suppose wheat is 20 cents per bushel higher than it would be if the tariff of that amount was taken off; does any one believe that the 200,000 bushels of potatoes imported in 1870, on which a duty of 15 cents per bushel was laid, increased the price of our 250,000,000 bushels potatoes, raised here, 15 cents per bushel? No one believes it. Yet this is free-trade doctrine.

This bill permits foreign hay to come in free of duty, while our farmers have thousands of tons on hand they can not sell. How these tariff reformers do love the honest farmer! The effort of all free-traders is to make the farmer believe they as consumers pay the duties. For a time they succeeded, but experience has taught the farmer better. They have seen that as manufactories sprang up near them they had a better market at their doors than they formerly had at a distance of hundreds of miles. And they know the more mechanics or non-producers there are near them the better the market they have. They, the farmers, also see that while they sell for good prices, their clothing, and in fact all they want to buy, is at reasonable rates and getting cheaper each year. Thus it is, as we have shown, it is to the farmer's interest to have a protective tariff, keeping in prosperous condition our factories, and in fact the whole country. No class of people are better patrons of the farmer than the hard-working manufacturer. He uses more tobacco and other products of the farmer per capita than any other class. As a class they do hard work, get good pay, and live generously.

I have seen in a manufacturing district in my own State hundreds of barrels of flour from distant agricultural States, large quantities of potatoes from the Northwest, proving that the more non-producers of grain we have the better it is for the farmer. Let us compare the purchasing power of the farmer's products during the low-tariff period prior to 1860 with the period since, during which protective tariffs prevailed. We find that the purchasing power of a bushel of wheat, corn, oats, a pound of butter, cheese, wool, tobacco, or anything the farmer

raises is double during protection what it was during low tariffs. For instance, a pound of cheese would buy under free trade 4.74 pounds of salt; under protection it would buy 13.76 pounds of salt, and so with calico and almost anything else. This is the true valuation: how much will the farmer's products buy?

The railroad freights from Chicago to New York on wheat averaged during 1880 19¼ cents per bushel. Now, if there was a diversity of employment throughout the States this 20 cents freight could largely be saved to the farmer. In place of selling in New York he would sell at home. Professor Nimmo, the statistician, says none of the manufacturing States export their agricultural products. Take the great State of Pennsylvania, for instance. She consumes all her products and produces about enough to supply her people. She produced in 1880 19,500,000 bushels of wheat, 46,000,000 bushels corn, 34,000,000 bushels oats, besides large amounts of rye, buckwheat, potatoes, &c., and sold it all at home, thus saving the 20 cents transportation the Minnesota farmer pays to New York. Twenty cents per bushel is a snug profit.

This is true prosperity. Now, suppose the State of Iowa had manufacturing establishments sufficient to consume her products of agriculture, she would more than save the 20 cents freight to New York, because a home market is better than a city market. Iowa has vast capacity for the manufacture of sugar of different grades. Her climate suits both the Chinese sugar-cane and the sugar-beet. It is now well known that Chinese cane will do well wherever corn grows well, and this cane is rich in sugar.

And yet, in the face of Professor Nimmo's statement that manufacturing States did not export grain and provisions and that the other States did export grain and provisions, and that the State of Pennsylvania sold her agricultural and provision products at home because of her large amount of manufacturers, or non-producers of grain—in view of all this, I say, apparently sensible men will ask you what benefit is the tariff to the farmer.

The United States exported last year eight hundred and four and a quarter million dollars' worth. Seventy-seven per cent. of this were the products of agriculture, coming in direct competition with the low-priced labor of India and Russia, which is paid only a few cents per day. We could not compete with this labor if they were not farther from market than we are, their charge being on one bushel from 50 to 75 cents. Besides, they have none of our agricultural machinery. They farm as people did two thousand years ago. But they are fast coming up with us, and we must soon consider the Pennsylvania plan of having a market at home. Our farmers can not live like the naked and starving East Indians, nor like the serfs of Russia. Ninty-four per cent. of our exports of provisions and breadstuffs come from the West, where little manufacturing is done.

In 1840 each farmer had in the United States five persons who did not farm to buy of him; in 1880 each farmer had seven persons to buy of him who did not produce agricultural products. The farmer knows his prices depend on how much he has to sell and how many there are to buy of him. We see he had nearly 50 per cent. more people to buy of him in 1880 than he had in 1840. Why is this so? Simply because for nearly twenty years before 1880 the manufactories had been stimulated to exertion by a protective tariff, and there was a demand for workmen in the factories, and they worked in factories in place of on farms. Had not this been the case the natural increase and emigration would have given us 3,000,000 more farmers than we did have in 1880, increasing the farmer's product that much. Benjamin Franklin wrote to Chief-Justice Marshall saying every manufacture encouraged in our country makes part of a market for provisions within ourselves, and saves so much money to the country.

But we are still told a tariff does the farmer no good. The cotton crop increased in quantity about 33 per cent. between 1860 and 1880; the price went up about 2 per cent.; the foreign demand only increasing 2¼ per cent., while the home demand increased 86 per cent., while prices for the manufactured article decreased 50 per cent. These facts prove the benefits of a home market, namely, price of raw cotton increased, price of manufactured goods reduced, and the home demand nearly doubled. The export of cotton has scarcely any increase since 1866, because a market at home demanded it at better prices and less trouble than attended foreign trade. There are 341 cotton-mills in the Southern States, producing from thirty-five to forty million dollars' worth of goods. Furnaces, rolling-mills, and nail-factories are springing up in the South. As people see and experience the benefits of diversity of employment they drop free-trade notions, turning their backs to the theorists who know nothing in practice. Therefore the South is not so strongly free trade as formerly.

If the American workingman is so much abused by our tariff as the free-traders proclaim, why do workers come to us in great numbers to stay and work? They come from all countries, and the Canadian papers seem to be alarmed at the number of workingmen leaving Canada for the United States. If the American workman is suffering from the effects of protective tariffs, as free-traders say, why do we go abroad to buy a quarter million tons pig-iron, a quarter million tin plates, steel rails, bar-iron, &c., all of which Americans would be glad to make? Why do we import a half million tons iron ore dug by foreign labor, thus making our labor in America still less, and now you try to reduce the price of labor still more by reducing the tariff to allow still further importations of goods made in foreign lands? No, Mr. Free-trader, you do not like the laborer, and your actions prove it.

Compare our workman with those of Europe; there you know him by his dress, here you do not. The European gets about half what the American does for work, and the English farm-laborer's condition is poor in the extreme. We hear it said the European lives so much cheaper he can afford to work cheaper. The truth is, because he works so cheap he is compelled to live cheap. Our worker lives like a nabob compared with the European. I have taken the retail markets of two manufacturing cities in England, Oldham and Manchester, and carefully compared them with those of the United States, and find their prices fully as high as ours. These items comprise sixty-six articles, from coffee to blackberries. I subjoin the list. The clothes our workmen wear can not be bought cheaper in England. Shoes, calico, hosiery, muslins, hats, caps, axes, shovels, spades, cutlery, furniture, clocks, common woolen apparel, pots, pans, kettles, and provisions are as cheap in the United States as in England.

General Jackson said: Where has the American farmer a market for his surplus products? Except for cotton he has neither a foreign nor a home market. Nothing is more true than the trite saying that the farmer needs the mechanic to buy his products and the mechanic needs the farmer to buy his wares. Leaving out cotton and tobacco, we have enough mechanics to consume our agricultural products except one-tenth, and at the rate we were growing up to March, 1883, that one-tenth would have been taken up in a few years. What the country most needs is a stable, unchanging policy as to tariffs. A continuous change unsettles business, produces general uneasiness, and is unconvincing to thousands as to which policy is correct.

The mere introduction of this imperfect bill has done a great deal of harm. Who demanded further reduction of tariffs? Not the mass of the people, I assure you; the people are for protective tariffs. No one called for this measure except the paid agents of English manufacturers, English and American importers, and the theorists.

But the advocates of this bill have made a departure. Formerly the low-tariff theorists were willing to have protection as an incident, but these later-day plunderers will have none of it; no protection for them. Either intentionally or accidentally, these aggressive advocates of free trade seem sincere. Some of them do not like to be called free-traders, but they always levy duties in the interest of free trade and never in the interest of protection. They say, and doubtless honestly, the end will not be reached violently, but nevertheless we will reach it, namely, free trade. And if we do reach free trade, then comes the prices for labor and the manner of living enjoyed by the workingmen of Europe, where a very large portion of the operatives live with their families in one room, often five and six persons in a room. Besides the discomfort, this crowding together tends to disease, and the statistics go to prove it, showing that nine-tenths of the deaths from fever occur among this crowded population. While their house room is of the most scanty dimensions, the food is of the plainest kind and reduced to a small variety, meat forming a very small part of subsistence. This is still worse in Belgium, this kingdom rivaling England in cheap production; consequently, being her rival in cheap labor.

A few years since the secretary of the interior for Belgium said in his report to the government that the long-continued low price of labor and consequent low or poor living had caused the race to go back, to deteriorate; that the Belgians were not as strong mentally or physically as formerly." Think of this people who fought successfully the most powerful nation on earth (for freedom of thought) being finally brought to grief by hard work, poor living, and poor pay. In Europe women perform all kinds of labor, from carrying the hod to the top of the house or striking in the blacksmith-shop to currying the horses.

In Italy, where the people are remarkably free from intemperance, their wages are less than half the amount the American is paid. The Italian workman lives in a miserable house; his provisions cost as much as if he lived in America; he is forced to eat less. For breakfast he simply drinks a cup of poor coffee; at noon beans cooked in olive-oil or lard, or in place of this corn-meal, boiled or fried, with a small amount of wine, is eaten; at 6 p. m. to the above is added salt fish or salt pork, with vegetables. Fresh meat is very rarely eaten, and macaroni, which we have thought the standard national dish, is really beyond the reach of the poor, and is only to be had by the comparatively rich. These are the habits we must come to if we undertake to rival Europe in prices.

How insincere the tears the free-traders shed for the laboring man. He knows who his friends are. He knows when you send a dollar to England to buy it does not furnish him work, but does give work to the Englishman. That dollar is lost to the workingman of America forever, and he knows it.

Our home market consumes fourteen-fifteenths of the fifteen thousand millions produced by our various industries, showing the benefits to be derived from home trade. We import $33,000,000 worth of hemp, jute, and flax. Why not raise it on our farms and keep this industry at home? We import $15,000,000 of linen goods. Both these items need protection. We can produce all these items as well as foreign nations. The linen industry of England was developed under the most stringent, vigorous, and extreme protection. This is all we need. At

first the goods may be high, but soon competition at home and abroad will reduce the price, well repaying the nation.

We do now hear the distant thunder of our workingmen because these English, these Belgians, and these Italians are brought here to free America under contract (their passage-money being advanced) to work at cheap rates, which is to them a mine of wealth. Is it economy, political, moral, or any other kind, that we should try to force our workingman to the level of these poor foreigners, who after centuries of oppression, of poor living, and poor pay have come to look upon their lot as the normal condition of man? They can not realize a workingman owning his home, living on the best the market affords, dressing on holidays as well as any one, reading a daily newspaper, and being a man of influence.

As all observing persons know, the habits, surroundings, and manner of living greatly influence the character of a people. The Americans are the greatest people on earth, because they are healthy and free; they think as they please and do their own thinking; they live well; the brain as well as the body is fed by nutritious and stimulating food; they live in roomy and pleasant houses, and they feel they are as good as any one. All these blessings are caused by good wages produced by the protective tariff. Our people are not deteriorating; they are not going back or retrograding; they are marching forward, and our cry is "Onward!" Free trade puts us on a level with Europe. We believe in laws being made for the good of the majority of the people, 90 per cent. of whom are workers. No free trade for us. We are glad to see a very strong and intelligent protective party springing up in England, which will soon give the capitalist of England as much trouble as the tariff party of America.

John Stuart Mill said of the free-trade idea that it was "an assumption founded on sentiment," and the practical advocates of tariffs, those who have experienced the benefits of protection to the nation and themselves, know what they mean when they talk. The theorist of the office or college does not. They are the persons with the assumption founded on sentiment. We fear our people do not realize the value of our home market. Leaving out cotton and tobacco, over 90 per cent. of the agricultural products of the United States is consumed at home, and the sure way to prevent the agricultural crisis the croakers predict is to encourage the non-producers of grain and thereby consume the 8 or 10 per cent. we now send abroad.

Do foreign nations buy of us because they love us? Look at the spirit displayed by France and England during our late war. They and others gloried in our destruction. No; they buy from us because it is economy to do so. Whenever it ceases to be economical to buy of us, that moment we lose their trade. There is no sentiment in it, but purely a matter of dollars and cents. If we do debase ourselves enough to buy carpets for the White House in England, if we do buy carpets for rooms in the Capitol building of the English, and go to France to buy the dishes for the President's table, the English and French do not buy our wheat, cotton, or tobacco any quicker. No; they buy of us for economy; and we know they are doing their utmost to become independent of us, which they will accomplish before many years. The wheat and the cotton of the Indies already puts in its appearance against its western rival, America. And when the English have created cheap transportation to and from India, good-by to our wheat traffic with England. Our farmers can not compete with the miserable, starving, naked farmer of India. Then let us while we may construct new markets at home.

Such bills as we now have to consider gladden the hearts of the English exporters and manufacturers. The London Iron and Coal Trade, a prominent newspaper, says:

> We can not sell iron at a profit in the United States owing to the very low price of native iron, but the most satisfactory news is that on Monday Mr. MORRISON, the chairman of the Ways and Means Committee, introduced another tariff bill in the House of Representatives. Considering that it was only last year that a tariff bill was passed which considerably reduced the duties on a large number of articles, the introduction of another bill so soon affords a sign that the protection doctrine is a good deal played out. Mr. MORRISON and his colleagues who have drawn up the bill have shown their wisdom in placing on the free-list a number of raw materials, such as copper and iron ores, slack, coal, and salt.

This is the way the English exporter talks. It pleases them to think protection is on the wane in America. Any one who reads English papers will testify they always are exceeding glad at the prospect of a reduction in the tariff.

If our free-traders say truly that the tariff is simply added to the price and the consumer pays it, why should these English be so much interested? They would know there was no money out of their pockets; they simply added the duty to the price. But the English resort to ever conceivable device, both fair and foul, to accomplish the reduction of our tariffs. Money is spent in profusion on newspapers that sell themselves for the ruin of their country; clubs are organized; immense numbers of tracts are distributed; for years college professors have been bought to teach the political economy of free trade, and it is a rare thing to find one who does not teach it. British gold has been spent in profusion for years to make America a farming country to buy England's manufactures. The English know they pay the tariff; therefore their fearful kicking. Our whisky men who do add the tax to the price do not grumble about it; nothing goes out of their pockets. How different they act compared with the English exporter.

America seems to be a good place to trade in, and if an Englishman or Frenchman wants to sell goods here we charge him so much license for the privilege, because he does not agree to become an American soldier if we need one; nor does he pay any city, county, or State tax, and is of no use whatever to the United States. This license is called a tariff. Some want a very low tariff or none at all, while others want a tariff sufficient to keep our laborers on good pay and diet. The friends of this bill say they want to reduce the tariff because the revenue is too large; but they refuse to abolish an internal tax on the people, which is quite distasteful.

We are constantly referred to England for example by free-traders. You would think they were all English to hear them talk. But England raises one hundred million of her revenue by charges at her custom-house, which they call custom revenue. We call it tariff. This custom revenue protects many of their products, and is applied to more than fifty articles, and for all that they claim to be free-traders. They collect one hundred and thirty-four millions by excise-tax, sixty millions by stamps, fifteen millions by land-tax, property, income-tax, sixty millions; from post-office, thirty-five millions; telegraph, nine millions. So it seems the English people pay an internal tax of three hundred and thirty-five millions, her total revenue being four hundred and forty-five millions.

You see plainly our free-traders have taken the English idea: Hold on to the internal tax, the tax on the citizen of America, but let up on the English citizen; do not tax him! True, he is no earthly use to America, he is her sworn enemy, but do not tax him; but the poor devil of an American, who pays all the taxes and who risks his life for the Government, tax him! The English admit that while the labor on an article made in England is only 52 per cent. of its cost, it amounts to 73 per cent. in America. English statisticians say this. We think it is safe to say that the cost of everything produced in America for sale in market is composed of 75 per cent. labor.

Therefore labor represents a very large majority in everything, not only mechanical products, but agricultural products. Labor composes a large majority in the cost of all things, from the broken stone on the road to the Treasury note.

Therefore it is very plain that a reduction of prices means a reduction of labor. It can not be concealed, it can not be denied. We know a reduction of tariffs is an approach toward close competition with English labor, and must mean a reduction in price of American labor. Shall we do it? By our protective system we have arrived at a state of wealth, prosperity, and influence possessed by no other nation. Our common people live as no other people do. Free trade means the curtailment of this happy state of affairs. If we keep our gold in America we each have a chance to get it; if we send it abroad for goods it is gone from us forever.

Therefore I appeal to the workers of the United States—and I mean any person who must do something for a living, from the stone-breaker to the lady who counts Treasury notes—to look this question square in the face, to think for themselves, and to say what they think. It seems to me a very simple question. Protection to American industries causes general prosperity, not of a part but of the whole United States, because it diversifies the employment of the people and keeps our gold in America—at home.

We have seen that a tariff is not a tax; that it is not added to the price the consumer ought to pay; that the country has been uniformly prosperous with protective tariffs and the reverse with low tariffs. A very few years since cut nails were sold at 2 cents per pound and less, while the tariff was 1½ cents per pound. No one will believe this tariff of 1½ cents per pound was included in the price of the nails sold at 2 cents per pound. Is a tariff a tax on the people?

To protect the American workingman is patriotic; to prefer the English or French workman is the reverse. Our workman is our soldier; he fights the battles of the nation; he gives life and energy to the business and concerns of humanity. Imagine an American army of free-traders, English agents, college professors, lawyers, superannuated clergymen, and importers! Are they not a bold set of men? And yet they are all the classes that muster under that banner of free trade. I warn free-traders to be careful how they press the worker; he knows that free trade benefits only the rich at the expense of the poor. Turn to the history of Italy, Spain, and Mexico, reduced to beggary by long years of free trade. As they awake, one by one, from their sleep, they commence prosperity and advancement by adopting a system of protective tariffs.

Turkey, India, and Ireland are fit representatives of free trade; their manufactures are tumbling to the ground, their people have become the most miserable of agriculturists, with no national life or energy left of a once mighty people. Think of the splendors of India of the past, the once powerful Turk, and the happy Ireland! Where are their glories now? Where turn to find their wealth and power of former years? We answer, look in the treasuries of the robber nation of the earth, false and perfidious England, who, under the guise of a Christian nation, has committed all the crimes in the calendar of crimes. This same England

brought these nations from opulence and power to degradation and vassalage by compelling them to practice the system of free trade. England and her agents now seek to do the same thing with America. Beware of English influences, supremely selfish, insincere, and greedy. They are to be feared. Let no American be so unpatriotic as to preach free trade. Let no American so far forget his country as to seek her destruction in this way.

APPENDIX.

PURCHASING POWER OF THE FARMER—A COMPARISON.

The average prices of seven leading farm products and of seven leading manufactured articles on the imports of which duties are levied, for five free trade or revenue tariff years and for five protective tariff years, are given in the following tables, prepared by Hon. JONATHAN CHACE, M. C., of Rhode Island. He took his prices from a report of Hon. Mr. Burchard, of Illinois (a free trader), from the New York Journal of Commerce (free trade), and from the Philadelphia Prices Current of Iron:

Let us see what the farmer's articles would buy in the market:

Table No. 1.

Articles.	Average prices in five free-trade years ending in 1850.	Average prices in five protective-tariff years ending in 1880.
Wheat, per bushel	$1 22.8	$1 30.2
Corn, per bushel	64.4	52.9
Oats, per bushel	42.3	38.72
Butter, per pound	15.0	24.68
Kentucky tobacco, per pound	5.82	8.48
Wool, per pound	35.58	44.74
Cheese, per pound	6.3	9.94
Coal, per ton	5 63.0	3 62.3
Liverpool salt, per sack	1 34.8	72.22
Bleached sheeting, per yard	14.43	11.78
Prints, per yard	10.05	7.95
No. 1 pig-iron, per ton	25 65.0	21 75.0
Refined bar-iron, per ton	76 82.0	50 82.0
Railroad iron, per ton	58 27.0	40 15.0

Table No. 2.

	Salt.	Coal.	Bleached sheeting.	Prints.	Pig-iron.	Bar-iron.	Railroad iron.
One bushel of wheat would buy—	*Sacks.*	*Lbs.*	*Yds.*	*Yds.*	*Lbs.*	*Lbs.*	*Lbs.*
Under free trade	.91	422	8.51	12.21	107.3	35.8	47.23
Under protection	1.80	719	11.04	16.27	144.00	57.35	72.6
One bushel of corn would buy—							
Under free trade	.47	256	4.46	6.4	56.24	18.78	24.76
Under protection	.73	328	4.49	6.65	54.49	23.32	29.55
One bushel of oats would buy—							
Under free trade	.31	168	2.93	4.20	36.94	12.33	16.26
Under protection	.536	240	3.27	4.89	39.87	17.07	21.63
Ten pounds of butter would buy—							
Under free trade	1.112	597	10.39	14.92	131	43.74	57.69
Under protection	3.417	1,530	20.95	31.04	254	108.82	137.87
Ten pounds of cheese would buy—							
Under free trade	.474	250	4.36	6.28	55.02	18.37	24.23
Under protection	1.376	619	8.43	12.52	102.36	43.82	50.53
One pound of wool would buy—							
Under free trade	.264	141	2.46	3.54	31.06	10.37	13.68
Under protection	.661	296	4.05	6.00	49.16	21.64	21.08
Ten pounds of Kentucky tobacco would buy—							
Under free trade	.431	231	4.03	5.79	50.82	16.97	22.34
Under protection	1.117	526	7.19	10.66	87.33	37.38	47.37

Average retail price of the several articles named, and which are used by the working classes of Oldham and vicinity:

	Average price.
Good flour, per dozen pounds	$0 38
Good meal, do	38
Good potatoes, per 20 pounds	20
Good cabbages, each	4
Good eggs, per dozen	30
Good pickles, per small bottle	10
Good milk, per quart	8
Good lard, per pound	16
Good butter, do	28
Good tea, do	49
Good ground coffee, do	32
Good unground coffee, do	40
Good sugar, do	7
Good molasses, do	5
Good bacon, do	15
Good ham, do	22
Good beef, do	20
Good mutton, do	22
Good pork, do	18
Good cheese, do	16
Good currants, do	10
Good raisins, do	12

Average retail price of the several articles named, &c.—Continued.

	Average price.
Good rice, per pound	6
Good sago, do	6
Good carrots, do	3
Good turnips, do	3
Good onions, do	2
Good fruit preserves, do	9
Good washing soap, do	8
Good washing powder, do	8
Good candles, do	12
House rents per week (average)	1 03
Annual borough rate	4 85

Retail prices of the articles named below in Manchester retail markets.

Bread (brown)	four-pound loaf	$0 12 to $0 15
Bread (white)	do	10 to 15
Sugar	per pound	05 to 08
Tea	do	44 to 80
Coffee	do	28 to 40
Bacon	do	10 to 24
Butterine	do	14 to 24
Dripping	do	12 to 18
Butter	do	20 to 40
Cheese	do	12 to 24
Pork	do	12 to 20
Veal	do	13 to 25
Ham	do	12 to 28
Mutton and beef	do	13 to 25
Lamb	do	20 to 28
Tripe	do	12 to 16
Fowl	per pair	75 to 1 05
Ducks	do	75 to 1 50
Rabbits	each	25 to 50
Hares	do	50 to 98
Grouse	per pair	60 to 1 00
Pheasants	do	90 to 1 80
Pigeons	do	20 to 40
Geese	per pound	12 to 18
Herrings and bloaters	per couple	03 to 08
Codfish	per pound	05 to 12
Salmon	do	20 to 40
Brill	do	08 to 14
Halibut	do	12 to 20
Turbot	do	12 to 20
Rice	do	03 to 08
Flour	for from 5 to 7 pounds	25 to .....
Macaroni	per pound	12 to 16
Sago	do	04 to 08
Tapioca	do	04 to 08
Oat-meal	do	04 to 09
Molasses	do	03 to 04
Barley (pearled)	do	03 to 06
Lentils	do	04 to 08
Haricot beans	do	03 to 06
Dried peas	do	03 to 06
Split peas	do	03 to 06
Green peas	per peck of 20 pounds in shell	12 to 30
Bread beans	do	18 to 30
New potatoes	per pound	02 to 05
Old potatoes	do	01 to 1¼
Cabbages	each	02 to 06
Carrots	per pound	02 to 04
Turnips	do	02 to 04
Parsnips	do	02 to 04
Cauliflower	each	03 to 08
Rhubarb	per dozen heads	25 to 75
Tomatoes	per pound	12 to 25
Beets	per dozen	02 to 04
Preserves	per pound	07 to 25
Eggs	per dozen	16 to 48
Cherries	per pound	06 to 16
Strawberries	do	08 to 32
Gooseberries	do	04 to 08
Black, red, and white currants	do	08 to 20
Raisins (dried)	do	10 to 30
Currants (dried)	do	06 to 12
Dates (dried)	do	08 to 20
Figs (dried)	do	08 to 28
Prunes (dried)	do	06 to 16
Plums (various)	do	06 to 16
Damsons	do	12 to 16
Greengage	do	06 to 16
Oranges	per dozen	18 to 36
Pears	per pound	03 to 12
Apples	do	02 to 12
Almonds (Valentia, &c.)	do	20 to 40
Bilberries	do	08 to 14
Blackberries	do	06 to 10
Celery	per dozen heads	36 to 75
Cranberries	per pound	08 to 14

TABLE 9.—*Mechanical engineering.*

Description.	Male or female.	Wages earned weekly in—				
		a1850.	1860.	1870.	1877.	1883.
Fitters	Male	.....	$7 29	$7 29	$7 78	$7 78
Turners	do	.....	7 29	7 29	7 78	7 78
Boiler-makers	do	.....	7 29	7 29	8 27	7 78
Smiths	do	.....	7 29	7 29	8 51	8 02
Molders	do	.....	7 29	8 27	8 75	8 75
Laborers	do	.....	3 65	3 65	4 14	4 14
Percentage increase on 1850		.....	.....	2.42	12.73	10.30

a Assumed to be same as in 1860.

Average increase in each trade between 1850 and 1883, 10.30 per cent.

TABLE 10.—*Coal mining.*

Description.	Male or femal.	Wages earned weekly in—				
		1850.	1860.	1870.	1877.	1883.
Colliers	Male	$4 74	$6 24	$5 93	$6 95	$6 38
Engineers	do	4 48	5 35	5 77	8 67	7 90
Smiths	do	5 71	5 89	5 71	7 56	7 13
Joiners	do	5 16	5 55	5 95	8 45	7 39
Carters	do	3 73	4 05	4 16	5 29	4 42
Draymen	do	3 47	3 99	4 50	5 81	5 14
Dischargers	do	3 97	4 18	3 83	4 58	4 90
Bricklayers	do	4 58	8 75	7 82	8 47	8 16
Percentage increase on 1850			22.78	24.64	55.64	43.53

Average increase in each trade between 1850 and 1883, 43.53 per cent.

TABLE 11.—*Building.*

Description.	Male or female.	Wages earned weekly in—				
		1850.	1860.	1870.	1877.	1883.
Joiners	Male	$5 83	$6 32 to $6 81	$7 78	$9 38	$8 83
Joiner's laborers	do	4 14	4 14	4 38	5 26	5 52
Bricklayers	do	6 32	7 29	7 78	10 49	9 38
Bricklayers' laborers	do	4 14	4 58	4 96	5 79	6 08
Masons	do	5 83	6 56	7 29	9 03	7 94
Masons' laborers	do	4 14	4 38	4 96	5 51	4 96
Plasterers	do	6 32	6 81	7 78	9 24	8 83
Plasterers' laborers	do	4 14	4 86	5 35	5 83	5 53
Percentage increase on 1850			10.12	23.11	48.21	39.76

Average percentage increase in each trade between 1850 and 1883, 39.76 per cent.

TABLE 12.—*Iron manufacture in England.*

Description.	Male or female.	Wages earned weekly in—				
		1850.	1860.	1870.	1877.	1883.
Puddlers	Male	$10 95	$9 73	$9 73	$10 95	$11 68
Hammermen	do	17 02	14 59	14 59	15 81	15 81
Forge rollers	do	12 16	10 95	10 95	12 16	12 16
Ball furnacemen or heaters	do	14 59	12 16	14 59	15 81	12 16
Wire-rollers	do	29 19	31 62	24 33	29 19	29 19
Wire-drawers (say)	do	19 46	19 46	19 46	13 65	10 95
Galvanizers	do	19 46	12 16	12 16	10 46	9 73
Mechanics	do	6 81	7 29	7 29	7 54	7 54
Laborers	do	4 38	4 38	4 86	4 86	4 86
Percentage decrease on 1850			8.78	11.98	10.16	14.88

Average decrease in each trade between 1850 and 1883, 14.88 per cent.

The above tables were furnished the American consul at Manchester, England, by George Lord, esq. president of the Manchester chamber of commerce, and are the result of most reliable and pains-taking inquiries, and are very valuable statistics.

Mr. GEORGE. Mr. Chairman, in the consideration of the problem of the revival of the foreign shipping interests of this country during this Congress, I have been forcibly impressed with the intimate bearing upon this important subject of the principles of free trade and protection. We shall find in the decline of American foreign shipping interests one of the most striking illustrations extant of the effects of free trade and one of the most forcible admonitions against allowing the predominance of England's wishes and ideas concerning our home policy.

The question of the revival of American ship-building is one of great practical importance. In 1826 over 92 per cent. of American commerce was carried in American bottoms; in 1837, 82 per cent.; in 1848, 77 per cent.; and in 1855, 75 per cent. was thus carried. The latter was the year when our foreign shipping interests were at their height, after which a gradual decline occurred, accelerating rapidly during the rebellion and continuing till 1881, when only 16 per cent. of the American commerce was carried in American bottoms. From 1855 we find a rapid decline in the building of vessels for the foreign trade. In that year we built 507 vessels; in 1856, 463; in 1857, 307; in 1859, 107. Let us not, however, be misled as to the import of these figures. The American flag decreasing in size in the ratio of this decrease of percentage from 1855 to the present as frequently pictured is misleading. The American flag, excepting relatively, has hardly been shrinking. When you compare the tonnage of 1856 with that of the present, making the reasonable estimate that every ton of steam is equal to five of sail, it will be seen that our flag floats over nearly as much foreign commerce as in 1856. The decrease of percentage carried has resulted principally—mark this—from the increase of American commerce, while American ships have not increased in proportion.

In the main our legislation up to the year 1849 was wise, and our interests were promoted thereby until a change of situation demanded new measures, not yet afforded; but unwise legislation and diplomacy have, however, occurred, to the damage and destruction of American interests. It is computed that if our vessels to-day carried the same percentage of the foreign trade as in 1856 our citizens would now be earning $118,000,000 more of money annually.

Now, what have been the causes, and what is the remedy?

That we may fully understand the question, let us consider side by side the history of English and American shipping. There have been two competitors for the carrying trade of the high seas—two great leviathans, as it were, struggling for the mastery of the deep—England and America; and by presenting their policies, practices, and progress since they became competitors, the cause of our shipping decay and the remedies will become as apparent as the noonday sun.

These two powers have been making most remarkable history during the last century. Previous to 1855 our tonnage exceeded that of any nation excepting England. Our shipping interests were composed of two great branches—ship-building and ship-owning—mutually dependent on each other. Although labor in the United States was much dearer than the pauper labor of Europe, yet as ships were built principally of wood—this material being much cheaper in the United States than in England—it counterbalanced the cheaper labor of that nation and enabled the American ship-builder to compete successfully with the ship-builder of England. The American ship-owner, with dearer capital and employing dearer labor, found himself when afloat upon the high seas in open competition with the cheaper labor and capital of England; but the laws, however, of the United States shielded him with a protective clause, and provided a 10 per cent. discriminating duty against all imports into American ports in foreign bottoms.

The act of June 7, 1794, laying "duties on goods, wares, and merchandise imported into the United States," contained this clause:

> That an addition of 10 per cent. shall be made to the several rates of duties above specified and imposed in respect to all goods, wares, and merchandise which after the said last day of June instant shall be imported in ships or vessels not of the United States.

These facts, together with our superior activity, our inventive genius, unbounded energy—the skill of the new blood of this country—resulted in faster ships, manned by fewer men, and in cheaper transport, and enabled the American flag to float on every sea in competition with any foreign land. We not only carried 75 per cent. of our own commerce, but much of that of other nations.

During the administration of President Polk, however, some very interesting and important events occurred. England had been watching our success with a covetous eye; she well knew that she could not lead us so long as wood constituted the principal material for ships. England bought some wooden vessels of us about this time, well knowing that she lacked the timber and that no legislation could enable her to produce it. She knew that she could not compete with us when she had to import three cargoes of timber from the United States for every ship she built in competition with us. But, mark it, she never bought from us a single iron ship. For a number of years England had been casting about for something to take the place of wood. Commerce she knew was demanding more rapid transportation, vessels of greater strength and speed—smaller consumers of coal with larger capacity for carrying. Iron solved the problem, and England, wide awake and vigilant, did everything in her power to promote and develop the wonderful revolution which occurred about this time from wood to iron and from sail to steam. This turned the tide against the American ship-builder, for the cost of an iron ship is made up principally of the labor from the ore in the mine until it is finished and ready to float; and as labor was cheaper in England than in the United States, the power of the American ship-builder was gone never to return so long as he was compelled without protection or more favorable conditions to compete with the cheaper labor of England.

About this time also protection was withdrawn from the American ship-owner, and foreign vessels were admitted into American ports on terms of perfect freedom. For in 1847 Mr. Bancroft, acting under instructions, had proposed to England, as the President at that time had authority to do, that the two nations should mutually open their ports to the ships of the other. In 1849 England accepted the tender. This had the effect to repeal the law of 1794 and to give the English iron ships, then coming into use, the freedom of our ports. It accorded them free trade, and has proven a mistaken policy.

The law which authorized this abrogation was passed in 1815, over thirty years before, when the situation was entirely different. Then we were supreme with our wooden vessels; but our successes abroad were impeded by the restrictive policy of England preventing our vessels trading with her and her colonies. But England would never exchange favors until she found it would pay her and not us to do so. Therefore, thirty years after, when through the supplanting of wood by iron hulls and paddle-wheels by iron screws it seemed likely that England would soon lead America because of her cheaper labor, then England was ready; and then we should have declined. During all the time that American vessels could have enjoyed such a mutuality England would not

permit it. Just as the change enabled the English vessels to enjoy the benefit, we allowed it on all foreign ships and opened our ports to absolute free trade in shipping; but fortunately Mr. Buchanan, as Secretary of State, reserved our coastwise trade. The only wonder now is that we did not open up that also to English vessels, for we have generally done about whatever England desired.

Thus was the American foreign shipping interest exposed to the free trade of the world, and of course in competition with the cheaper capital and pauper labor of England it was impossible for us to succeed, and the wonder is that our foreign shipping has survived as long as it has. The British lion it seems never gets ready to lie down with the American lamb until there is a fair prospect of the lamb being inside. All agree now that the revolution from wood to iron was the occasion for the decline. But why? Simply because it took away the advantage we had hitherto possessed of cheaper material which had balanced England's cheaper labor; and with free trade upon the high seas, through the repeal of the 10 per cent. differential duty, the result was inevitable. When American manufacturers on land could not successfully compete even for home markets against the manufacturers of England on a free-trade basis, much less could we have expected American ships without discriminating protective duties to have successfully competed on the ocean with English ships for the carrying trade of our country. The free trade accorded foreign ships has run off our American ships. This is now so apparent that "he who runs may read."

Instead of our legislation having then protected our shipping interests until they are "protected to death," as some glibly assert, the truth is that it has been exposed to free trade and has been compelled to suffer the legitimate consequence. Free trade on the high seas killed America's foreign shipping interests. Since 1849 every American-built vessel or every American-owned vessel floating on the ocean, and competing for the carrying trade of this and other countries, instead of being protected to any extent, even the slightest, has on the contrary been exposed to the fullest and freest operation of free-trade competition with the pauper labor and cheap capital of foreign countries. No other result than such as witnessed could have been anticipated.

Luckily, however, we did not expose our coastwise commerce to free-trade competition; we protected it by prohibiting any foreign vessel from participating in it; and to-day, as I will show further on, it is the most prosperous of all the carrying trades, is safer, more profitable, and cheaper than any existing elsewhere.

ENGLAND PROVIDES FOR HER OWN SHIPPING.

During all this time England was resorting to every other method possible to benefit her shipping interests. She appointed commissions to investigate the whole matter. In 1821 she first employed her steamers in the postal service, but the receipts were less than the outlay and a large annual loss to the government occurred; yet public opinion determined that a system which promoted public prosperity and national defense was not because of cost to be abandoned, for, as the English treasury committee said in 1853, the object which led to the formation of these mail contracts was to afford a rapid, frequent, and effectual communication to distant ports and to their foreign possessions, to foster maritime intercourse, and to encourage the production of a superior class of vessels which would promote the commerce and wealth of the country in time of peace and assist in defending its shores against hostile aggression.

These expectations were realized, and the commerce and the general welfare of England wonderfully enhanced. It was not merely to enable her ship-owners to establish themselves in the carrying trade and earning of profits that England appropriated of her funds so liberally. She fully realized the bearing of increased postal communication on the wealth and progress of the nation at large. England was the great manufacturing country of the world, and she wanted all nations to buy her goods, and that her productions might be successfully introduced throughout the world she gave her steamship lines the most radical and effectual protection. She thus not only secured commercial conquests in peace, but insured a merchant marine easily available for war. Evidently England did not think, as some of our theorists do to-day, that it made no difference who carried her mails so they were carried the cheapest.

Between 1840 and 1860 England paid out under her board of admiralty $120,000,000 to steamships. The amount annually paid was equal to 30 per cent. on the capital invested. The citizen of no other nation could afford to meet the ship-owner of Great Britain in open competition; for it was not only a competition with the English citizen, but also with the treasury of Great Britain. Call it what you may, bounty, subsidy, or liberal mail-pay, England since 1848, when America changed her policy, has paid over $165,000,000 to English shipping interests; while America has only paid about $25,000,000 to American vessels, and out of its abundant generosity to citizens of other countries has given $7,000,000 to English vessels to carry American mails.

Strange as it may seem, America has been subsidizing English mail steamship lines, thus needlessly nursing a foreign commercial viper that it might strike back at our commerce and our national life.

AMERICA BECOMING PASSIVE.

While England was thus liberally subsidizing her own mails, assisted by us, what were we doing? Nothing. Simply sleeping while our commercial enemy was sowing tares.

For a few years previous to 1847 we seemed to realize the desperate efforts of our English commercial rival to supplant us upon the high seas, and our policy was liberal toward American vessels carrying American mails. Congress entered into fair contracts for mail-pay to several lines, and had vested the authority in the Department to extend liberal contracts to any American foreign line. President Polk's enlightened policy in this respect, however mistaken it was in the other, I mention is worthy of all commendation. Substantial aid was rendered the Collins, Bremen, Havre, Aspinwall, Pacific, Havana, and other lines. But the policy prevailed only a few years. British influence and other causes soon led to its abandonment. No more contracts were made, and those already in existence were to cease at the expiration of their periods. Thus were American ships exposed to all the competition of free trade, to the cheap capital, cheap ships, and cheap labor of England, without any protection; in other words, scuttled and deserted upon the high seas.

Men like Webster, Bayard, Clayton, and McLane protested, but to no avail. By that act America gave up the high seas to England, and in a few years, as these contracts expired, the competition under free-trade principles witnessed the turning point—1855, when our carrying trade commenced to decline. England thereafter took the lead rapidly, and America has since been continually dropping behind. The policy of England since that time has been to remove all burdens upon English shipping and to afford all necessary protection, while the policy of the American Government has been to deny any protection and to retain upon our statutes all the burdensome restrictions which should have been removed. Up to about 1846 England was aggressive and America was retaliatory. England has since increased her aggressiveness, while America has passively allowed her to grasp our carrying trade. At that time our laws and the laws of England relating to merchant marine were substantially the same. In 1852-'53-'54 the Parliament of England began a revision and removed every burden from her vessels engaged in her foreign trade, while we simply looked on and did nothing.

BUREAU OF COMMERCE.

England created a board of trade, whose watchful supervision has greatly aided the English merchant marine and commerce. Nothing of the kind has ever existed in the United States.

TAXATION.

England removed her tax on the valuation of the ship as personal property and taxed only the income. America taxed the ship as personal property in the several States from 2 to 3 per cent. upon its valuation. In England, if the line earned nothing there was no tax; in America, even if running at a loss, or rotting at a dock alongside an English vessel busily loading under the operation of free trade, it was taxed from 2 to 3 per cent. per year on its value. Two per cent. in capital is a terrible handicap to bear. What man could succeed in competition with another if compelled to pay 2 per cent. more for his capital invested?

Some of our States have changed their system, but others retain it; and possibly only the power of the United States Government in the exercise of its right under the Constitution to regulate commerce can inhibit this unjust discrimination through prevention of municipal taxation of instruments of commerce engaged in trade with foreign nations, either directly or by changing the *situs* of the property through registration in the District of Columbia.

During the war, in addition to other burdens, income taxes were imposed on what little our ships made, on their gross receipts, and on every passenger ticket sold. How was it in regard to

OUR CONSULAR SYSTEM?

England appropriates money for hers; we tax American shipping to support ours; in fact, we even collect a surplus revenue. Last year the consular system of the United States took from the Treasury $750,000 for its support, and turned into the Treasury from taxes on shipping $830,000—$80,000 more than was necessary to support the whole consular system. England, on the contrary, remodeled her law so that during the last year she only taxed English ships about $200,000 for this purpose, and appropriated from her public treasury for the support of her foreign consular service the sum of $1,300,000. The English consuls not being dependent upon fees collected off ships for their support have no inducement to become "robbers on a four-years' raid." The United States, on the contrary, as has been forcibly said, compels her consuls to scrape their fees from American ships.

HOSPITAL SERVICE.

England established an excellent hospital system for seamen and sustained it, not by taxing her shipping but by appropriations and private contributions. The United States established an excellent system also; but, unlike any other nation, in order that the system might be self-sustaining, it taxes the ships 40 cents per month on each seaman.

ADVANCE WAGES.

England's remodeled law requires no advance wages. America forces its ships to pay before the cruise three months' advance wages, which requirement experience has demonstrated is a benefit principally

to sailor boarding-house landlords, and has given rise to notorious "blood-money" systems.

EXTRA WAGES.

England in 1854 repealed her law requiring the payment to every seaman discharged in a foreign port three months' extra wages; but America retains this burden, although the reason for it has long since ceased to exist.

LIMITED LIABILITY.

England provided that the responsibility of a part owner should be only the extent of the interest in the vessel. Under our law a serious question arises, causing hesitancy in the minds of many capitalists through the uncertainty of the law, whether a part owner will be held individually liable for all the debts and charges upon the vessel.

TRANSPORTATION OF SEAMEN.

On American vessels are imposed the burdens of transporting seamen destitute or disabled at rates wholly inadequate, allowing only $10 for any voyage; a burden not imposed by any other nation.

TONNAGE DUES.

England levies none, but America imposes a tax of 30 cents a ton per annum. However, as this is borne largely by English vessels, the discriminating effect is not so bad. Yet, under the law as it has stood for years, there is an unjust discrimination against American sailing vessels that were compelled to pay as much for one or two trips per year as an English steamship did for a dozen trips. It also discriminated locally against our Pacific coast grain fleets to Europe, which make but one trip in a year as against the ten or twelve trips of the grain steamships of the East. These discriminations are partly removed by the proposition to change it to a tax upon each entry of 6 cents per ton. Under our free-trade treaties we are prohibited from taking it off American vessels without also taking it off from foreign ones.

ENGLISH AND AMERICAN MEASUREMENT.

According to our measurement laws we include the officers' quarters, engine and boiler space, and coal-bunkers, while all other nations measure only the net carrying capacity of the ship. This has a burdensome effect on American ships, not only in the payment of tonnage dues at home, but wherever charges are based on tonnage capacity it makes it cost our vessels about 33 per cent. more for wharfage, for repairs on dry-docks, for dockage, for passing through the Suez Canal, and other charges of like character.

THE BRITISH LLOYDS.

There are other discriminations to which I must allude and from which American vessels suffer. My attention has been called to it by merchants engaged in wheat shipments from the Pacific coast to England; but the evil is general. It is the growth of years of accumulating power, not on the part of a British Parliament but by the Society of the British Lloyds. This powerful institution of British merchants and underwriters in the interest of British shipping has fixed unjust and unwarranted distinctions in favor of English iron vessels in marine inspection, classification, and registration, and in premium rates for insurance and charter rates for freight.

LIBERAL MAIL PAY.

Since 1830 England has paid more than $250,000,000 for mail service. Even since 1855, the commencement of the decline of American shipping interests, from the reports of the British postmaster-general we find that England has paid in subsidies or liberal mail pay to English ships for carrying her mails over $106,000,000.

Let me give a single instance: Great Britain contracted for a line of steamships between an English port and Brazil for the carrying of the mails and the opening of a new line of trade, giving them an absolute subsidy of $2,500,000 and guaranteeing 6 per cent. dividend, with a provision that if the dividend should exceed 8 per cent. the British Government should get a share of it; thus making England practically copartner in the enterprise. In fact, England has invariably pursued this policy when it became necessary either to establish a new important line or to run off a foreign competitor, and has only dispensed with a subsidy when it was no longer necessary. On the contrary, how has America treated her ships? They are required to carry the foreign mails for compensation which is practically nothing.

Our law compels American vessels to dance attendance on the pleasure of the postmasters of the port before a clearance can be had. They can not leave without the mail. In many instances they are compelled to carry it at a loss. As for instance, the Pacific Mail Steamship Company paid out in San Francisco for land carriage for the Australia mails from the post-office to the docks more money than it received for carrying the mails to Australia. From the official report of the Postmaster-General it will be seen that the Department receives from postage collected on matter sent to foreign countries the sum of $2,100,230.46, and that the entire amount paid out for transporting the mails to foreign countries was $402,112.33, leaving a profit to the United States, at the expense of our ships, of $1,697,818.13.

To show how unjust the present law is, I will state that we allow for carrying our domestic mails 57½ cents per mile on an average, while our foreign mails are allowed from three-fourths of 1 cent to 2½ cents per mile. While our law thus restricts the compensation we allow to American vessels, it permits us to contract to any extent with English or other foreign vessels for the carrying of the United States mails.

The bill now before Congress on the House Calendar proposes to remedy this evil by allowing the Postmaster-General to enter into contracts with the lowest responsible bidder for the carrying of the mails upon the sea as upon the land.

Now a word as to the general policy. It is a question of prosperity in peace and safety in war. Ours is a great country, with varied resources and of wonderful capacity for development. Our people are wide-awake, inventive, energetic, progressive, and prosperous. Our growth has been rapid and unprecedented, and the surplus productions, both raw and manufactured, of this great nation will be seeking every mart of the world. Like England in the past, we will profit by the many new avenues opened for trade and commerce. As the mail facilities followed the pioneer of the West and did its effective work in the development of our country, as the mail service of England opened the way for the establishment of new marts of commerce to England, so will the extension of a like policy by America redound to her welfare and prosperity.

Many striking instances can be given where exports have wonderfully increased as ocean mail facilities had been extended; in fact, the experience of the world has undoubtedly demonstrated that steam mail lines are the keys which open foreign ports to maritime commerce. Take an instance from the Pacific coast: before the postal contract was made in 1875 with the colonial government of Australia, whereby the Pacific Mail Steamship Company was paid a subsidy or mail pay of $400,000 per annum to enable it to open a line between San Francisco and Australia and New Zealand, our exports amounted almost to nothing, carried as they were by a few sailing vessels running at rare intervals. What now is the result? A rapid growth of commerce, increasing yearly until our exports have reached over 93,510 tons of our manufactures and merchandise. The policy of England in this and other respects since the time when our shipping interests were at their height has resulted in an increase of the steam fleet of England from 304,550 tons in 1854 to 5,120,000 in 1883, or more than the ocean steam tonnage of all the rest of the world. Under her policy of encouragement to steam and iron vessels that interest has increased in the last twenty-nine years 1700 per cent. Her earnings have increased from $120,000,000 in 1854 to $380,000,000 in 1883. England knew that it was to her interest to monopolize our carrying trade; she knew that her flag carried influence; that it carried with it respect from all the nations of the earth, as they became familiar with it as the trade of its nation expanded.

ENGLAND'S ACTION DURING THE WAR.

It is a most significant fact that immediately on the commencement of our late war England began the construction of fifteen ironclads. Since 1863 England expended upon her navy $156,000.000. And right here let me call attention to a fact worthy of special consideration, that of all the engines in the model and unequaled navy of England not one was built in a government navy-yard, but all were given to private builders. More than 80 per cent. of her naval marine was built in private ship yards, this being England's way of encouraging her ship and engine builders. This policy of encouraging private shipbuilders and home industries has been one of the potent causes of the wonderful growth and development of that industry in England. Now more than half the navies of the world are built in English ship yards, and nearly all governments are dependent upon her for their naval ships.

It was England's grand commercial scheme to make the South an immense cotton and corn plantation from which she could procure these products and in return could sell her manufactures. When the war commenced, born of the results of this free-trade idea and of slavery, notwithstanding England had taunted us for years on account of our national crime, she suddenly saw her chance and exerted every nerve to profit from the result. England wanted our carrying trade, and that she might keep alive the internal dissensions between two great sections of this country she bought the cotton of the South and sold her the means to fight the North. She connived at confederate cruisers preying without mercy upon the commerce of the United States. She allowed her merchants to fit out iron vessels of light draught and great speed as blockade-runners, seven hundred and thirty-three of which were captured by the United States while loaded with munitions of war from the mother country and with cargoes valued on appraisal at more than $26,000,000.

During the war, through capture by anglo-confederate cruisers or sales to avoid capture, we lost one-third of our foreign-going shipping. Whenever we withdrew a ship England put one on; and when she saw that she had control of the carrying trade, finding the power of the United States aroused, she turne dher back upon the South. Great Britain's success at home, through these and other causes, has enabled her to put over $680,000,000 into ships. She owns more than half of the ocean steam tonnage of the world, and over one-half of the steamships of France and Germany are built in England. More than one-half of the world's foreign trade is to-day carried in English ships. Between the commencement of the war, in 1860, and 1870 England's shipping increased 400 per cent.; and when the war was over she was in almost full possession of our carrying trade. Of course during this

terrible conflict of arms the energies and the capital of our country were engrossed for four long years. Instead of building our shipping up, we were tearing it down with powder and shot and shell.

England all this time was intrenching herself in the position we had occupied, building up her great iron-ship yards and securing advantages which only time could overcome. When our war was over speculation raged; interest, which had been high on account of the money demands of the Government, increased as the soldiers returned to their homes, becoming borrowers of capital with which to invest again in business, and the undeveloped West was affording large returns for the use of money, and, as said by the late Commodore Vanderbilt, 7 per cent. could never drive 5 per cent. off the sea. Our country was absorbed in the questions of reconstruction, of the payment of the public debt, of resumption of specie payments, and of other like important subjects. Our Navy was composed of old line-of-battle ships of no practical use in modern warfare; inventions in the art of naval warfare required new and better vessels. Since the war we have appropriated for the construction of new modern ships only $3,200,000—a sum less than that expended by the smallest nation in the world. Three millions for this great nation with its extensive coast and foreign interests, as against $4,000,000 by the Argentine Republic, $7,000,000 by Chili, $18,000,000 by Holland, $90,000,000 by France, and $160,000,000 by England.

While English workshops under the operation of her beneficent policy have prospered, while the Clyde has become the great manufacturing center for the world, it might be interesting to know what has become of the new workshops stimulated into existence during the civil conflict. I quote from a statement made by Mr. John Roach:

The Allaire Works, in which was built the first steam-engine that ever carried a ship across the Atlantic, has been turned into a "tomb-stone" factory. The Novelty Works have become a gas-house; the Continental Works, owned by Mr. Roland, who built in one hundred days the little monitor which saved the nation's capital and probably the nation's life, have been given over to other business. The Fulton Works became an oil factory; the Neptune Works, a saw-mill. Webb's famous yard, in which were built part of the navies of Russia and Italy, became a lumber-yard; the great Franklin Forge, a brewery; and Steers's and Westervelt's and the other ship-yards of New York have all disappeared. Merrick & Sons, of Philadelphia, and the great Marine Engine Shops of Boston are closed; the tools and machinery which it had taken years to accumulate were sold at auction, having no more value than old iron, or if the plants had been in the heart of Africa instead of in the ports of a great nation needing more ships to carry its products than any other in the world.

One of the practical questions of the day is:

SHALL WE HAVE A NAVY?

Some say we do not need one because no foreign nation will declare war with us; that we are able to defend ourselves; that by the aid of a few torpedoes sunk in our harbors we could destroy any vessel of war attacking our coast. It is not well to feel too sanguine. War we know is the heritage of men, and we should not content ourselves with the idle hope of perpetual peace. The plowshares are liable at any day to be beaten into swords and the pruning-hooks into spears, and when war does come it is swift and terrible. Exposed and unprepared, the damage inflicted upon us would be beyond calculation. Even granting a certain degree of immunity from wars directed against us by other powers, yet occasions may arise when through wrongs done our American interests abroad we may desire to go to war—a condition of affairs liable to exist any time when the rights of our people, the just claims of our commerce, or the foreign policy of our nation are infringed.

Foreign nations, however, know that to-day we are unable to cope with them on their own domains or upon the high seas. Our remonstrances against infringement on our rights abroad would receive a more respectful consideration did foreign nations but know that behind our protest stood a potent power; that we possessed at least a sufficient navy to strike the point, for the time being, with effective blows or terror, even to a nation having a thousand million dollars' worth of merchant marine floating upon the high seas. If we differ as to the extent of carrying the principle that in time of peace we should prepare for war, we should at least pursue such a course as will the better enable us to make ready in haste when an emergency arises. While we may not need a very great navy, we should, however, be ready to build one promptly. By fostering ship-industry and ship-yards at home we take one of the most effective steps toward securing that desirable end.

DOES IT PAY TO BUY AND RUN SHIPS?

This is a practical business question, and it must be solved by ascertaining the real impediments in the way of success and how to remove them. The life of an iron vessel is about thirty years. The cost of running for the first two or three years equals the original cost of the ship. Therefore the building cost is to the running cost about as 1 is to 15. Thus it will be seen that the principal question is the cost of running. But first as to the cost of building. This is entirely a labor question, and in building iron vessels for the foreign trade our ship-builders are now and have been since the revolution from wood to iron subjected to the full competitive effect of the cheaper labor of England. We can yet build wooden vessels, quality for quality, as cheaply as they can be built anywhere, even after paying American wages to our workmen. But as to iron or steel ships the situation is different. Much of the labor which an American ship-builder has to employ costs him over 60 per cent. more than on the Clyde. We have directly protected every kind of labor in the United States other than the ship-building of foreign trading vessels. We have protected the factory man for the land, but our ship-factories for the sea, exposed to the cheapest labor of all nations, receives no immediate protection at our hands. Is that right; and could we have expected a different result? To suppose that we hitherto could have competed with England on the high seas on the basis of free trade is absurd.

Now, as to the cost of running. After the vessel is set afloat at an enhanced price, in order to run under the American flag the burdens from competition and bad laws must be removed.

The labor expense of running is against American vessels, and although many of our sailors are foreigners, quite a number of Americans are employed, and the comparison of the labor expense of operating American and English steamships of the same class, engaged in the same trade, during the same time, shows that for every dollar expended on the English ship for labor, the American ship paid one and a half dollars. There are now engaged in the foreign trade under the American flag thirty-four steamers, with a capital of $15,000,000 in ships and appliances. The greater part of this property has not paid a dollar dividend for many years, and the remainder has not paid 2 per cent. This is the statement of one of the largest owners, who is authorized to represent seven-eighths of the capital invested in these ships. I presume it is true that they are now kept afloat principally because of other American interests connected therewith, some of them, for instance, being but water extensions of American railway systems

Even a vessel costing nothing, engaged in the foreign trade in competition with an English ship, would find the difference on the single item of taxation and wages so great in favor of the foreign ship that running would be unprofitable, and much more so when the original cost—whether built in England or America—and interest thereon is taken into consideration. What practical remedy, then, would it be to enable us to go to England to buy ships and try to run them under American registers with the situation as it is? And what practical remedy would it have been to have had during all these years a "free registry" law? Some contend that the absence of such a law is the cause of the trouble, but it is evident that the same causes which would have sent us to England to buy ships would have sent us there to run them. During all that time England not only could build ships cheaper, but she could run them cheaper.

To show the practical bearing of cost of running, I call your attention to one significant fact, that notwithstanding the revolution from wood to iron much of the carrying trade of the world is still done in wooden vessels. The cost of construction of these vessels is less in the United States now than in 1856, and the same relative situation exists to-day, so far as other nations are concerned, as then; yet, notwithstanding, we have surrendered to England the carrying trade in wooden vessels also. Why? Because wooden-ship building and wooden-ship owning interests are mutually dependent; our ship-building depending upon remunerative employment of our ships, and our wooden-ship owners have found to their sorrow, since the repeal of all differential duties by treaties, that other nations are able to manage and run their vessels cheaper than we can.

No one can otherwise account for the fact. Neither tariff laws nor free-ship restriction can be summoned into service to explain the decline in wooden ships. It is a plain, startling, and convincing illustration of the effect of free trade on a single industry—wooden-ship building and ship-owning for foreign trade. And here it is pertinent to inquire why any free-trader, whose sole purpose is to get what he wants to-day the cheapest, ought to have any concern about the revival of American shipping? Why should he seek to change the situation? Why should he not let well-enough alone? Because, from his standpoint, as England is doing our work cheaper than we can do it ourselves, all therefore is well.

EFFECT OF AMERICA'S HOME PROTECTION POLICY.

Able gentlemen upon this floor have hitherto sought to make us believe that the protective policy is responsible for the decline in America's foreign shipping. They argue that protectionists have tried to put a wall about this country to destroy the usefulness of ships by destroying the foreign commerce. It is true our nation has sought to become independent of other countries, to decrease useless transportation of our raw material to foreign manufacturers and the manufactured articles back, besides securing many incidental benefits such as enhanced home markets, increased pay to our laborers, the keeping of our money at home, &c.; and instead of this policy, as claimed, building a wall around our country and destroying our commerce, it has on the contrary wonderfully enhanced it, and instead of shipping in we ship out. As we have grown in diversified industries and wealth we have become producers of much we could not formerly produce, and as a result our commerce has grown rapidly.

During the time of the maintenance of the American policy of protection the foreign commerce of this country, which some gentlemen would have us believe is rapidly being obliterated, has on the contrary been making most wonderful advancement. It indeed has assumed grand proportions. It has grown from a half billion dollars at the close of the war to over a billion and a half in 1883. According to David A. Wells, the total wealth of the United States increased from $16,150,000,000 in 1860 to $64,636,000,000 in 1880. At no period in the history of this

country has our foreign commerce increased more rapidly than during this era of protection. The value of our imports and exports is to-day over three times as much as in 1855, when our foreign shipping began to decline. In 1856 the value of our exports and imports was $642,000,000; and 75 per cent. was carried in American vessels. In 1881 but 16 per cent. was thus carried, although the American commerce had increased to $1,675,000,000. In 1860, when our shipping was almost at its highest point, our exports of agricultural products was about $3.60 each for 30,000,000 people. In 1882 our exports of the same products had reached the sum of $12.40 for each of 50,000,000 of our population. Even during the last year, according to the report of the Secretary of the Treasury, our foreign commerce has increased over $40,000,000.

This is indeed a wonderful picture of prosperity under the American protective policy. Instead of our foreign commerce declining, it has grown with almost unmeasured pace. The commerce upon the high seas of the United States alone, to say nothing of the increased commerce of the world in which American ship-building and ship-owning might engage, was never so great, so valuable, or so profitable as now. Mr. Wells says that the increase of the international commerce of the globe between 1850 and 1880 was estimated as high as 240 per cent. Under the policy of protection to American industries we had been able to make more money in producing than in carrying our products. Hitherto we have found it more profitable building iron locomotives to haul by land than in building iron ships to haul by water.

America has not been idle. The trouble is not now, and never has been, for want of commerce to carry, and no one can so claim; and no public man should so insinuate unless imbued with an idea of deceiving. With rapidly increasing American commerce, the trouble is American ships have given place to English ships through free-trade competition upon the high seas for our carrying trade. Great as this commerce is, the internal commerce of this country far exceeds it in magnitude. I will not attempt to state its wonderful and rapid growth since 1860, for every one knows that our progress has been almost beyond belief. Our manufactures in this young nation in 1880 had reached the enormous sum of $8,000,000,000. Yet since the close of the war we have paid off in indebtedness over $3,500,000,000, to say nothing of State, county, and municipal debts.

During this era of protection it is seen that commerce, both internally and externally, in its wonderful growth and development has absorbed the energy, skill, and capital of the nation; and instead of doing our own carrying, we have simply been hiring others to do it for us. We have paid them with our surplus wheat and cotton. But times are now changing; more diversity of industry is necessary; and we should extend, if possible, the benefits of our protective system upon the high seas. Let us build and own our own ships; let us carry our own products and compete for the carrying trade of the world. The avenues formerly open to capital are being occupied; the West is being settled; the iron bands are laid, and capital is now seeking fresh fields. The figures which I have cited show that on land where protection has had full operation our productions, our riches, our purchases of raw material, luxuries, &c., abroad have swollen our foreign commerce, while our shipping interest, unprotected and exposed to all the storms of competition from free trade, has declined. And yet men say we have been protecting American shipping interests until they are protected to death.

How, in the face of the facts, any man can assert that America has at any time since Polk's administration protected American shipping outside of our coasting trade, it is impossible for me to imagine.

PROTECTED COASTWISE TRADE.

Our coastwise trade has prospered. Mr. McLane, present governor of Maryland, stated upon this floor in the last Congress that "no shipping trade in the world is more prosperous." It shows a greater growth than that of the coastwise marine of any other nation, notwithstanding many railroads have been built to compete with it for the carrying trade, and to-day it is three times greater than that of Great Britain. The rates of transportation are kept low by domestic competition. American capital has constantly crowded into the construction and operation of coastwise vessels. Through the effects of coastwise protection this country is to-day the second iron-ship building nation in the world. Through its operations private ship-yards were developed at home which proved useful during our civil war, building over three hundred vessels for our Navy; and one American establishment has during the last ten years launched over $25,000,000 worth of iron vessels.

As the condition of our foreign shipping shows the blighting effect of free trade, so the wonderfully prosperous condition of our coastwise shipping shows the beneficent effect of protection.

CAN WE BUILD IRON SHIPS?

Of course we can. Our natural resources in coal, iron, and timber, the materials of which ships are built, are superior to those of any other country. This is the age of iron, the king of all metals, and the nation that can not produce it must forever be weak and without the means of self-defense. No nation can afford to be dependent upon another for iron. Were it not for the iron bands laid all over our immense territory the question of the maintenance of one central government would be a more serious one than at present. Our iron resources under the operation of protective legislation are developed far ahead of every other nation except England, and the practical result which we hope soon to reach is to be able to produce iron for ship-building in reasonable competition with that nation. This metal has been rapidly cheapening in this country during the last twenty years through the effects of our protective policy. From 1870 to 1880 our iron products increased 100 per cent. and the price was reduced 25 per cent.

Iron-ship building, although of but ten years' growth in the United States as against a growth of forty years in England, is making rapid progress. In ten years the difference between the cost of building an iron ship in America and on the Clyde has decreased over 50 per cent. The present difference in cost of iron vessels, both sail and steam, is probably an average of only 15 per cent. against America; but this is almost balanced by better material and finish, resulting in greater durability and strength, and by difficulties and delays occasioned by accident in being obliged to send to England, where the patterns are, in order to duplicate parts of machinery.

Fifty years ago we imported a locomotive from England as a sample. We now build millions upon millions of dollars' worth for home use and are able to compete with England in all parts of the world. Nearly all the locomotives used in the English colonies are built in the United States. We are able now, because of the great development of this industry, to build them better and cheaper than England; and we have been able to export since 1870 over twenty million dollars' worth of locomotives alone. If we can successfully build locomotives by protecting that industry and furnishing work for them to do, why can we not by a similar policy successfully build a ship of the same material? England has simply developed and used the iron ship, while America has developed and used the iron locomotive.

Iron in this country is regulated by the price in England, and follows it as closely as the mercury in a thermometer follows a change in the temperature. There are two great iron-producing and iron-competing countries, and in case America should stop producing a monopoly would be thrown into the hands of England which would be turned against us. Every motive, every interest, prompts us to maintain our protective policy toward our great iron industries. An eminent member of the last House said upon this floor that he had supposed that it was settled by the teaching of statesmen and the experience of nations that a country that was to be free, powerful, and progressive must contain and hold within itself the means of its own independence, the material of its own development, and the weapons of its own power; that we had a continent as an inheritance; that God had given this country great possibilities for ourselves, for the development of our principles, and for the extending of our influence all over the world; and that it was the duty of our National Legislature to provide all measures necessary to keep within our grasp, so far as might be, the dominion of the seas—that common arena, where progressive nations meet and measure their power in war and peace.

This doctrine has received the sanction of the great minds of this country from Washington down. The Father of his Country thought it a strange thing for a navigating people who could build to purchase their marine. All history proves that no commercial state ever maintained its supremacy upon the ocean unless it built its own vessels as well as sailed them. Interwoven in interest with nearly every industrial pursuit of our country are the twenty-five different classes of labor which are employed from the forest and the mine to the completed vessel. While the American mechanic and manufacturer and merchant sailor ask no protection for brains or energy or ingenuity, yet they do ask and they have a right to ask an equal chance in competition with the people of other countries. They ask for something which will bridge the chasm between the cost of labor in England and the cost of labor in America. I believe an American-built, an American-owned, and an American-manned merchant marine is a vital necessity in peace and essential as a naval reserve in war. When we buy our ships abroad we develop foreign interests, we deprive ourselves of the benefits of home industry, and a war with the very nation upon which we are dependent for ships may overtake us any day. Our nation should be sufficient unto itself.

FREE MATERIALS.

But it is said that the tariff in its operation upon the costs of materials from abroad, as, for instance, iron, has been a great drawback, and to partly remedy the evil, as claimed to exist, that free materials should be admitted, so that vessels can be built cheaper. I believe I state their position fairly. If it meant to remove all duty on raw material which could not be produced at home but must be purchased abroad, and which could not by the encouragement afforded by the protective system be produced at home, I should be quite disposed to favor it if in the interests of encouragement to ship-building. But the free-material cry as raised means not free raw material, but free advanced manufactured material. For instance, take cordage; the bills introduced in Congress propose to admit it for this purpose free of duty—legislation which would strike a fatal blow at the cordage works of this country upon the coast, which find in the ship-builders the purchasers of the great portion of their manufactures.

The "free material" idea means that the American ship-builder must and will go 3,500 miles to the Clyde for his materials. The great

outlay for transportation, freight, commission, and insurance would place the American builder at heavy disadvantage in competition with the builder upon the Clyde. Even the short distance from the Clyde to the Thames was such a disadvantage that it broke up the ship-yards when the Clyde was improved, and the Thames builders were compelled to move to the Clyde—the location of the iron, coal, lime, and other materials. We can no more succeed in ship-building by purchasing our materials in England for iron ships than England succeeded in building wooden vessels with wood from Maine. No practical American ship-builder has any faith in such a scheme, and not one is asking for it.

Mr. Cramp stated some time since that he had in his own yards five first-class iron steamships in process of construction, requiring 16,000,000 pounds of iron, costing on completion $2,500,000; and that the repeal of all the dues would not benefit him $10,000, and while it would possibly afford him that much temporary gain it would, on the contrary, inflict upon him a permanent loss by probably closing the furnaces and mills to which he looked for supplies. The American ship-builders do not even use the legislation in that line already upon the statute-books. Sections 2513 and 2514 of the Revised Statutes allow the use of lumber, timber, hemp, manila, iron and steel rods, bars, spikes, nails, and bolts, copper, and composition metal necessary for the construction of vessels for the foreign trade, and all articles of foreign production needed in the repair of vessels in the foreign trade free of all duty, and yet Mr. Roach, the leading American ship-builder, says that since that law went into operation he has built ten million dollars' worth of vessels for the foreign trade, and has never once made use of it. If taking the duty off imported material will cheapen ships, if this is the object sought, why not cut directly across and admit the foreign ship-duty free and be done with it?

FREE SHIPS.

The law which restricts the right of American registry to vessels built in this country has come down to us from the time of Washington with the indorsement of such men as Jefferson, Adams, Madison, and Monroe. For nearly a hundred years, both in prosperity and adversity, no English ship has been allowed the benefit of an American registry, and the "free ship" advocates propose the repeal of the law as the great remedy for evils that have arisen since 1849.

While we are seeking to remove some of the burdens resting upon American shipping, a proposition to take a burden from foreign ships is proposed as a remedy.

Mr. Chairman, if the American merchant marine is reinstated it will be by fostering it and not its rivals; and no policy looking to England for the supply of our vessels can be safe or wise. The proposition misnamed "free ships" is an admission founded solely on the effects of past operation under free-trade competition that it is perfectly useless for Americans to attempt to build or run American ships in competition with English ships, or even to attempt any policy of building up ship-yards at home which can compete with the Scotchman upon the Clyde; and that hereafter we should patronize English ship-yards for ships and register and run them as American vessels. "Free ships" means to buy of England. No other nation will have them for sale.

Consider for a moment the "free ships" proposition. While all our American ship-building industries are taxed for the support of this country, it is proposed to let the ship-builder of England, who has paid nothing toward its support, sell his products in our market without duty. Should they not at least pay a sum equal to the raw material, machinery, and outfit of the ship before they are thus admitted along with the product of our country to the privilege of American registry? This cry for "free ships," as it is called, arose through agitation in England's interest when a war-cloud had appeared in Europe; when England had six hundred millions of capital invested in her merchant marine, endangered by the possible warlike complications; when she desired, through this change in our navigation law, through fictitious titles and mortgages, possibly to transfer her shipping to American registry for protection until the war-clouds had blown over, then to be retransferred to England, that it could be more cheaply operated. At this time there were one hundred millions of capital invested in foreign ships coming into the port of New York alone.

The cry was raised all over this country and in the halls of legislation, and it has been kept alive by the press of our great commercial city, whose large influential importing houses are but the agents of English manufacturing interests, and by England, who wants us to buy from her rather than to build, and in her hope that eventually this will be an entering-wedge into our coastwise trade which she so greatly covets. If we admit English ships to American registry in foreign trade, why not admit them into the coastwise trade? Shall you say that a man may buy an English ship and yet not use it anywhere he pleases? England well knows there is no stopping place in principle until we have opened our whole coastwise trade to her vessels. In the face of the figures given it is evident that even were we to admit English ships to American registry under the operation of the present laws and situation, it would be impracticable to run them. If it be merely the privilege of buying and running an English ship for profit, any American can now much better enjoy that privilege under the English law.

England formerly had almost a monopoly of the manufacturing industries, producing in excess of her home consumption, and therefore she desired America and every other nation to allow her free trade. England now has a monopoly of ship-building and ship-owning, and wants America and all other nations to open their ports to her ship-builders and ship-owners.

The decadence of American foreign shipping interests is not caused by any law providing that American vessels only shall be admitted to American registry, and no mere repeal can afford any practical relief. France had a free-ship clause, and yet without avail. With her cheaper capital and labor she has been compelled to resort to subsidies, and to-day is paying both bounties and subsidies to her ship-builders and ship-owners. In 1870 her steam tonnage was, in round numbers, 150,000 tons; in 1880 it was 277,000 tons; in 1882 it had reached 364,000 tons; and in 1883, under the effects of the mileage compensation or subsidy to merchant ships, it rose to 667,000 tons. When this French bounty law was passed Bismarck said it would "create for France a powerful navy which might prove of effective service in time of war, and a merchant marine, the handmaid of all industries of agriculture and commerce."

WE NEED NOT DO WHAT ENGLAND DESIRES.

It is no argument, Mr. Chairman, that America should do a certain thing because her commercial rivals desire it. Look back over our shipping legislation and tell me of a single act that England did not want us to do that has not resulted in our benefit. Tell me of a single act that England desired us to do that has not resulted in our commercial injury. England wanted us to give her ships free trade, and we did it; she wanted us to take off our 10 per cent. protection to American bottoms, and we did it. She wants us to admit free material and to cut down our revenue and to repeal our tariff laws, and to buy our ships from her and admit them to American registry. She wants our coastwise trade. She wants us, if we will not go farther, to continue in the future as in the past; and I regret to say some of us seem to be willing, for every proposition coming before the American Congress for years looking to some substantial aid to our American shipping interests has been kicked about like a beggar's hat in the street.

Great Britain wants us to content ourselves with our present worthless Navy; to let her build our merchant ships, to do our carrying trade, to pay her for carrying our mails, and to let her continue without competition in her policy of building new markets all over the world for her surplus products. England does not want us to afford any protection to either ship-building or ship-owning in America, nor to pay any bounties or subsidies, or to award any mail contracts to American vessels. She does not want us to carry our own mails, either for liberal pay or otherwise, nor to take any steps looking to the protection of our American shipping interests, or the growth of our American trade abroad.

Now, Mr. Chairman, I do not charge that honorable gentlemen upon the floors of the American Congress are speaking intentionally in the interest of British shipping. I ascribe to them as patriotic motives as I claim for myself. But I do say that not a word has ever been stated upon the floor of the House in behalf of free ships or free materials or free trade that British manufacturers, British ship-yards, and British shipping interests do not applaud to the echo.

The last thirty years might well be termed the period of the commercial war of Great Britain upon our mercantile marine. That great "Sovereign of the Seas" has conquered every deep-water port in our country and secured perfect freedom to her ships and shipping, and now seeks to guide and direct our national policy in other respects, not with authority or violence, but by every device of policy, by her press and speakers, her merchants and underwriters, and by every form of influence that a great and powerful nation can exert. Will she further succeed? We shall see.

Now, Mr. Chairman, one word in addition. This Government needs revenue. It will not adopt entire free trade, and thus be compelled to raise its needed funds by direct taxation. A tariff tax will be maintained and tariff dues will be laid hereafter as in the past, mainly upon articles imported and sold here from abroad in competition with the productions of our own people. It will be a tariff wisely adjusted so as not to foster monopolies, and will be limited to the necessities of good government and the public welfare.

Let these tariff dues hereafter be so adjusted as not only to afford incidental protection to our home productions but also to afford like aid to our merchant ships engaged in our foreign carrying trade, as it formerly did from 1794 to 1849. Let our wonderful development on land and our rapid increase of commerce abroad be supplemented by a growth and triumph of our shipping upon the high seas. Let the experience of the past give us wisdom in the future.

Mr. PRICE. Mr. Chairman, how much of my time remains?

The CHAIRMAN. The gentleman has ten minutes remaining.

Mr. PRICE. I will reserve it, as I wish to yield it to the gentleman from Iowa [Mr. McCOID], who is not now here.

Mr. MORRISON moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. ADAMS, of New York, having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the state of the

Union had, according to order, had under consideration the bill (H. R. 5893) to reduce duties on imports and war-tariff taxes, and had come to no resolution thereon.

And then, on motion of Mr. MORRISON (at 10 o'clock and 25 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEACH: Resolutions of Radcliff Post, No. 205, Grand Army of the Republic, Department of New York, in regard to pension legislation—to the Committee on Invalid Pensions.

By Mr. BLOUNT: Petition for the passage of Senate bill appropriating money for school purposes in the several States—to the Committee on Education.

By Mr. W. R. COX: Petitions of George S. Baker, William H. Mitchell, and 279 others, citizens of Franklin County, North Carolina, requesting aid from the General Government for the cause of education—to the same committee.

By Mr. HANBACK: Resolutions of Logan Post, No. 177, Grand Army of the Republic, Department of Kansas, relative to pensions—to the Committee on Invalid Pensions.

By Mr. HAYNES: Petition of members of George S. Cram Post, Grand Army of the Republic, and ex-soldiers of the late war, asking certain pension legislation—to the same committee.

By Mr. KING: Petition for the improvement of Bayou D'Arbonne, Louisiana—to the Committee on Rivers and Harbors.

By Mr. MORGAN: Resolutions of T. H. Richardson Post, No. 93, Grand Army of the Republic, Department of Missouri, requesting Congressional action upon pensions—to the Committee on Invalid Pensions.

By Mr. MORRILL: Petition of Seneca Light Artillery Regiment, of Kansas State Militia, in favor of H. R. 5980—to the Committee on the Militia.

Also, memorial of the National Association of ex-Union Prisoners of War, asking for the passage of H. R. 1189—to the Committee on Invalid Pensions.

By Mr. NUTTING: Resolutions of the General Assembly of New York, in regard to patents, &c.—to the Committee on Patents.

By Mr. CHARLES O'NEILL: Protest against the increase of silver coinage from the Philadelphia Board of Trade—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Commercial Exchange of Philadelphia, favoring the passage of the uniform bankrupt bill known as the Lowell bill—to the Committee on the Judiciary.

By Mr. W. F. ROGERS: Memorial of the Merchants' Exchange of the city of Buffalo, for the speedy passage of the bankrupt act—to the same committee.

By Mr. ROSECRANS: Petition of 9 officers of the Fourteenth Infantry and 2 of the Fifth Artillery, in favor of the passage of H. R. 2613—to the Committee on Military Affairs.

Also, petition of 3 officers of the Eleventh Infantry, in favor of the passage of S. 1677—to the same committee.

By Mr. T. G. SKINNER: Petition of 375 citizens of Hertford County, North Carolina, and of Thomas Latham and others, of Plymouth, N. C., for educational aid—severally to the Committee on Education.

By Mr. SINGLETON: Papers relating to the claim of James R. Bowles—to the Committee on War Claims.

By Mr. YAPLE: Resolution of the Michigan State board of health, relative to the prevention of the introduction of infectious diseases into the United States—to the Select Committee on the Public Health.

By Mr. YOUNG: Papers relating to the claim of John R. Jones—to the Committee on War Claims.

SENATE.

WEDNESDAY, *April* 23, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

AGRICULTURAL PRODUCTS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying report, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate of the United States:

I transmit herewith a report of the Secretary of State in response to a resolution of the Senate of February 29, 1884, requesting information concerning the respective average production, consumption, exportation, and importation of wheat, rye, corn, and cotton in foreign countries, together with statistics showing the production and surplus or deficiency in the crops of the past two years in each of such countries; an estimate of the probable requirements of such products from the United States to meet the wants of these countries before the crops of the coming crop-year are ready for market, and other available information concerning the questions to which the resolution refers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, April* 22, 1884.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in answer to a resolution of the 26th ultimo, a letter of the Light-House Board on the subject of the reduction and lowering of the light on Portland Head, in the State of Maine; which was read.

Mr. FRYE. Should not that letter go to the Committee on Commerce?

The PRESIDENT *pro tempore*. The Chair thinks so. The Chair was about to state that if there be no objection the letter, with the accompanying report, will be printed, and referred to the Committee on Commerce.

Mr. FRYE. There is something for consideration there. A week before that letter was written there was a vessel lost by reason of the change in that light, and for no other reason.

The PRESIDENT *pro tempore*. If there be no objection the letter, with the accompanying report, will be printed, and referred to the Committee on Commerce.

HOUSE BILLS REFERRED.

The bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 6535) to regulate the granting of pensions in certain cases was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 2728) detaching Grundy County, Tennessee, from the southern district of East Tennessee and attaching it to the middle district of said State, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. Res. 235) to print additional copies of certain publications was read twice by its title, and referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of the German Society of Pennsylvania, praying that the plan proposed by Oliver Evans Wood, of Philadelphia, for effecting the better delivery of letters from European countries may receive the careful consideration of Congress; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented the memorial of Doying & Hindricksen, publishers of the Illinois Courier, Jacksonville, Ill.; the memorial of F. K. and A. W. Bastian, publishers of the Fulton Journal, Fulton, Ill.; the memorial of H. J. Dunlap, publisher of the Gazette, Champaign, Ill.; the memorial of the Southern Illinois Press Association; the memorial of Abraham E. Smith, publisher of the Gazette, at Rockford, Ill.; and the memorial of Pierce, Burton & Co., publishers of the Daily Express and the Weekly Herald, at Aurora, Ill., remonstrating against the passage of the bill to copyright news; which were ordered to lie on the table.

Mr. DAWES. I present a petition very numerously signed by business men of the city of Boston, praying for the continuance of the fast-mail service that was provided for in the law of last year. As the Post-Office appropriation bill embracing that matter has passed the Senate and will soon be before a committee of conference, I move that this petition lie on the table.

The motion was agreed to.

Mr. SHERMAN presented resolutions adopted by Burnham Post, No. 358, Grand Army of the Republic, Department of Ohio, in favor of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions and the equalization of bounties; which were referred to the Committee on Pensions.

He also presented the petition of David H. Coyner, late private Company A, One hundred and twenty-eighth Regiment Ohio Volunteers, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. MILLER, of California, presented a concurrent resolution of the Legislature of California, which was read, and referred to the Committee on Agriculture and Forestry, as follows:

Assembly concurrent resolution No. 10, relative to the establishment of experimental stations in connection with agricultural colleges.

Whereas there is now pending before Congress a bill to establish national experimental stations in connection with the agricultural colleges of the various States: Therefore, be it

Resolved by the assembly (the senate concurring), That our Senators and Representatives in Congress be requested to use their utmost endeavor to secure the passage of said bill.

Resolved, That the governor of the State of California be requested to transmit a copy of this resolution to each of our Senators and Representatives.

H. M. LA RUE,
Speaker of the Assembly.
JOHN DAGGETT,
President of the Senate.

Attest:

THOS. L. THOMPSON,
Secretary of State.

Mr. DOLPH presented resolutions adopted by the J. B. Matthews Post, No. 6, Grand Army of the Republic, Department of Oregon, praying for the passage of such legislation in regard to pensions as is recom-

mended by the pension committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

Mr. MANDERSON presented a petition of Sedgwick Post, Grand Army of the Republic, Department of Pennsylvania, praying for certain legislation in regard to pensions; which was referred to the Committee on Pensions.

Mr. HAWLEY presented a memorial of Holmes, Booth & Hayden, manufacturers, of Waterbury, Conn., and a memorial of the Illinois Watch Company, of Springfield, Ill., remonstrating against the repeal or hostile modification of the present patent laws; which were referred to the Committee on Patents.

He also presented the petition of Alonzo A. Warner and 34 other members of Morton A. Taintor Post, No. 9, Grand Army of the Republic, of Colchester, Conn., praying for the extension of the arrears of pension act, increase of widows' pensions, and other pension legislation; which was referred to the Committee on Pensions.

He also presented a petition of the New Haven (Conn.) Clock Company and other citizens of New Haven, Conn., praying for the passage of Senate bill No. 1924, reorganizing the Patent Office; which was referred to the Committee on Patents.

Mr. PLATT. I present a petition of numerous manufacturers, engineers, inventors, and others, citizens of the United States, with reference to the proposed legislation on the subject of patents. It is a supplemental petition to the one introduced by the Senator from New Jersey [Mr. MCPHERSON] the other day when the bill was recommitted. I move that the petition be referred to the Committee on Patents.

The motion was agreed to.

Mr. MITCHELL presented a petition of Skelley Post, No. 9, Grand Army of the Republic, of Gettysburg, Pa.; a petition of John A. Croll Post, No. 156, Grand Army of the Republic, of Kittanning, Pa.; a petition of George P. Scudder Post, No. 340, Grand Army of the Republic, of Equinunk, Pa.; a petition of Billings Post, No. 392, Grand Army of the Republic, of Nicholson, Pa.; a petition of Sofield Post, No. 49, Grand Army of the Republic, of Osceola, Pa.; and a petition of McCullough Post, No. 367, Grand Army of the Republic, of Waynesburg, Pa., praying that Congress comply with the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions and the equalization of bounties; which were referred to the Committee on Pensions.

He also presented a petition of the Maritime Association of the port of New York, praying for the passage of House bill 5892, known as the Dingley pilotage bill; which was referred to the Committee on Commerce.

He also presented the petition of H. M. Pollock and 80 other citizens of Indiana County, Pa., praying for the passage of the Robinson bill to pension ex-prisoners of war; which was referred to the Committee on Pensions.

Mr. PENDLETON. I present a memorial of the publishers of the Democrat and Journal, of Sidney, Ohio; a memorial of the publishers of the Torchlight, Xenia, Ohio; a memorial of the publishers of the Chronicle and Weekly Democrat, of Delaware, Ohio; and a memorial of the publishers of the Bulletin, of Miamisburg, Ohio, remonstrating against the passage of the bill commonly called the news-copyright bill. The bill has been reported adversely, and I move that the memorials lie on the table.

The motion was agreed to.

Mr. PENDLETON. I present a petition of the National Association of ex-Union Prisoners of War, of Cleveland, Ohio; the petition of Burnham Post, No. 358, Grand Army of the Republic, Department of Ohio; the petition of Post No. 239 of the same association, Department of Ohio; and the petition of J. C. McCoy Post, No. 1, Grand Army of the Republic, Department of Ohio, praying the attention of Congress to various pension bills that are pending before it. I move that the petitions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PENDLETON. I also present the petition of a great many citizens of Covington, Ohio, in relation to Senate bill No. 1223, now pending before the Senate, and I am requested to have the petition referred to the Committee on Civil Service and Retrenchment. It relates to a bill providing that there shall be no preference to one school of medicine or surgery over another in medical appointments of the Government service. I do not know how the bill came to be referred to that committee, but the request made to me is that the petition be so referred. If it be not properly referred, it can be reported back and the reference changed. I move the reference of the petition to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. PENDLETON. I present a joint resolution of the General Assembly of the State of Ohio, calling the attention of the Senate to Senate bill No. 11 and House bill No. 1189, providing for pensioning the prisoners of war who were confined in the so-called confederate prisons during the late war. I presume the memorial has been heretofore presented by my colleague [Mr. SHERMAN], and I do not ask to have it read. I move that it be referred to the Committee on Pensions.

The motion was agreed to.

Mr. FARLEY. I present a concurrent resolution of the Legislature of the State of California, relating to the establishment of experimental stations in connection with agricultural colleges, similar to the one presented this morning by my colleague [Mr. MILLER]. I move that it be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

SAINT MARY'S FALLS CANAL, MICHIGAN.

Mr. CONGER. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 1988) for the government and control of the Saint Mary's Falls Canal, Michigan, to report it without amendment, and I ask for its present consideration.

The PRESIDING OFFICER (Mr. HOAR in the chair). Is there unanimous consent for the present consideration of the bill?

Mr. COCKRELL. Let it be read for information.

The PRESIDING OFFICER. The bill will be read in full for information.

The Chief Clerk read the bill.

Mr. CONGER. When the State of Michigan relinquished——

Mr. INGALLS. One moment. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent for the present consideration of the bill.

Mr. INGALLS. I was about to say that the bill is too important and involves too many serious considerations to allow it to be passed without debate or consideration.

Mr. CONGER. Will the Senator hear an explanation of it?

Mr. INGALLS. I will object, withdrawing the objection sufficiently long to enable the Senator from Michigan to make his explanation.

Mr. CONGER. Thank you.

When the State of Michigan relinquished to the United States the Saint Mary's Falls Canal the Government accepted the canal and passed a law for its acceptance, but it passed no law giving any power to control the passage of boats and regulating and controlling the canal. The State of Michigan had a law on that subject, the effect of which was lost in the transfer. The Secretary of War, the Chief of Engineers, and General Poe, within whose department this is, have sent to the House of Representatives, which I have here, a report, with a bill, which is the bill that has been read. I introduced the bill, which was referred to the Secretary of War from these departments, and the Committee on Commerce have unanimously recommended the adoption of the bill. It is the same bill, with the same powers and the same control, varied to suit the necessities of the canal, which the Senate passed for regulating the Sand Beach harbor of refuge on Lake Huron.

I ask that the Secretary read the communication of the Secretary of War, and I ask the attention of the Senator from Kansas to it. The importance of acting immediately upon it is that navigation is now commencing, and it is found that there is no competent authority to regulate the passage of boats and to prevent injury to this important work, which has cost the Government about $3,000,000. The Senate will see from the papers submitted that it is very desirable that action should be had immediately to meet the opening of the canal this spring. I ask the Secretary to read the letter from the Secretary of War and the engineers.

The PRESIDING OFFICER. The letter will be read, if there be no objection.

The Chief Clerk read as follows:

WAR DEPARTMENT, *Washington City, January* 12, 1884.

The Secretary of War has the honor to transmit to the House of Representatives, for the information of the Committee on Rivers and Harbors, a letter from the Chief of Engineers, dated January 10, instant, submitting a copy of a communication from Lieut. Col. O. M. Poe, Corps of Engineers, with an accompanying draught of "An act for the government and control of the Saint Mary's Falls Canal, Michigan."

The views of Colonel Poe as to the importance of legislation by Congress looking to the protection and preservation of the great and valuable public works at the locality named, which are concurred in by the Chief of Engineers, have also the concurrence of this Department.

ROBERT T. LINCOLN,
Secretary of War.

The SPEAKER *of the House of Representatives.*

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., January 10, 1884.

SIR: I have the honor to submit herewith a copy of a communication from Lieut. Col. O. M. Poe, Corps of Engineers, with inclosed draught of "An act for the government and control of the Saint Mary's Falls Canal, Michigan," and to commend the same to your consideration. Colonel Poe states the necessity for some action of Congress looking to the protection and preservation of the great and valuable public works at the locality named, and I concur in his views.

I beg, therefore, to recommend that the papers be sent to the Speaker of the House of Representatives for the information of the Committee on Rivers and Harbors and such action as the necessities of the case seem to require.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ROBERT T. LINCOLN,
Secretary of War.

UNITED STATES ENGINEER OFFICE,
Detroit, Mich., December 10, 1883.

SIR: Experience has shown the great advantage derived from the operation of the act of Congress vesting in the Secretary of War the control of the harbor of refuge at Sand Beach, Lake Huron, Michigan, and establishing penalties for the non-observance of the law and the regulations promulgated thereunder.

The result has been to secure "the greatest good to the greatest number," without making the regulations at all onerous to the shipping interests.

The more costly and equally important improvement of Saint Mary's Falls

Canal, Michigan, which now represents an expenditure of nearly $3,000,000, is without the protection of any such specific law, and I deem it very desirable that legislation should be had at this session of Congress.

With this object in view I have the honor to transmit herewith the draught of an act which is intended to accomplish the purpose. It is modeled upon the act approved June 19, 1882, for the government and control of the harbor of refuge at Sand Beach, Lake Huron, Michigan, the language of which has been modified only so much as is necessary to adapt it to the work in question.

I have to request that, if approved, this draught be forwarded through the proper channels for such action as may be deemed proper.

I am, sir, very respectfully, your obedient servant,

O. M. POE,

Lieut. Colonel of Engineers, &c., Bvt. Brig. Gen., U. S. A.

The CHIEF OF ENGINEERS, U. S. A.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. INGALLS. I object.

The PRESIDING OFFICER. The Senator from Kansas objects.

Mr. CONGER. I suppose the bill goes upon the Calendar, then?

The PRESIDING OFFICER. The bill will be placed upon the Calendar.

Mr. CONGER. I give notice that after the introduction of bills I shall make a motion to consider the bill this morning.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred Senate Executive Document No. 28, Forty-eighth Congress, first session, being the report of the Inspector-General of the Army of the United States of an inspection of the Soldiers' Home at Washington, D. C., in compliance with the provisions of an act of Congress prescribing regulations for said home and for other purposes, approved March 3, 1883, and also a message of the President of the United States transmitting a communication from the Secretary of War relative to an appropriation for the Soldiers' Home, reported an amendment intended to be proposed to the sundry civil appropriation bill, appropriating $20,000 for additional clerical force in the auditing department of the Treasury, to be used only in adjusting the amounts due the Soldiers' Home at Washington; which, on motion of Mr. SEWELL, was referred to the Committee on Appropriations and ordered to be printed.

Mr. KENNA, from the Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred the bill (S. 1014) for the relief of the corporation of Roman Catholic Clergymen of the State of Maryland, report back the bill and ask to be discharged from its further consideration, the subject-matter of the bill having been referred to the Court of Claims by the Committee on War Claims of the House of Representatives under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

The PRESIDING OFFICER. What disposition does the Senator from West Virginia propose of the bill?

Mr. KENNA. I do not know of any action to be had by the Senate with reference to it. The matter is before the Court of Claims, sent there by the committee of the House, and I presume that informally these papers might take the same course.

The PRESIDING OFFICER. The Chair understands that the report is not that the bill has been sent under the authority of the act of last winter by the Committee on Claims of the Senate, but that the subject-matter has been sent to the Court of Claims.

Mr. KENNA. I understand that the subject-matter has been sent there on precisely a similar bill, so that in fact the whole matter is before the Court of Claims. The bill may go on the Calendar, I presume.

The PRESIDING OFFICER. The bill will be indefinitely postponed if there be no objection.

Mr. KENNA. That might involve final action on the claim.

Mr. BECK. Let it go on the Calendar.

Mr. KENNA. I ask that the bill be placed on the Calendar.

Mr. CAMERON, of Wisconsin. The Committee on Claims, as has been stated by the Senator from West Virginia, has an official communication from the Committee on War Claims of the House, from which it appears that a bill identical in terms with the bill reported back by the Senator from West Virginia has been referred to the Court of Claims under the so-called Bowman act. It seems, therefore, that inasmuch as the whole matter is now before the Court of Claims, the bill had better be indefinitely postponed.

The PRESIDING OFFICER. If there be no objection that order will be made. The Chair hears none, and the bill will be indefinitely postponed.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, to report it with amendments.

Mr. PLUMB. There are a good many reasons why it is important that the bill should pass now. The inception of a great enterprise is to some extent dependent on it. While the bill is not what I think it should be, at the same time probably its passage now would result in a conference on the part of the two Houses and it may be perfected. I ask unanimous consent that the bill may be considered now. It is a local matter.

Mr. INGALLS. I hope my colleague will allow the bill to go over until after we get through with the morning business. Then I shall have no objection to its consideration.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Woldran, reported it without amendment, and submitted a report thereon.

Mr. HILL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1727) to grant letter-carriers at free-delivery offices thirty days' leave of absence in each year, reported it with an amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the petition of Robert Otis, administrator *de bonis non* of Roger A. Hiern, praying the payment of a certain amount of money allowed by the commissioners of claims on account of a steamboat sold to the Government by said Hiern, reported adversely thereon.

The PRESIDENT *pro tempore*. The prayer of the petitioner will be denied and the committee will be discharged from the further consideration of the petition, if there be no objection.

Mr. COCKRELL. Let the report be agreed to.

The PRESIDENT *pro tempore*. The Chair thinks the order denying the prayer of the petitioner is agreeing to the recommendation of the report. The Chair will state it the other way if it is preferred.

Mr. COCKRELL. The rule says the report shall be agreed to.

The PRESIDENT *pro tempore*. If there be no objection it will be ordered that the report be agreed to and the prayer of the petitioner denied.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 1384) for the relief of James S. Clark & Co., reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 1570) for the relief of H. K. Belding, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Mrs. Sallie Carroll, executrix and devisee of William T. Carroll, deceased, praying for compensation for timber and wood taken by the United States military authorities, and used in and about the forts erected for the defense of the city of Washington, D. C., submitted a report thereon, accompanied by a bill (S. 2092) for the relief of Sallie Carroll; which was read twice by its title.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 1744) for the relief of Mrs. Martha L. Burch, submitted an adverse report thereon.

Mr. COCKRELL. Let that go on the Calendar until I can see the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2093) to provide for the appointment of an acting secretary of the Smithsonian Institution; which was read twice by its title, and referred to the Committee on the Library.

Mr. HAWLEY introduced a bill (S. 2094) to remove the political disabilities of Louis Marquart; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2095) to remove the political disabilities of John L. Cowardin; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLATT (by request) introduced a bill (S. 2096) authorizing the Commissioner of Patents to rehear the application of Stephen V. Benét for patent for cartridges; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. GROOME introduced a bill (S. 2097) to incorporate the North Capitol and Glenwood Cemetery Horse Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes; and

Joint resolution (H. Res. 236) authorizing the Secretary of War to loan two hundred flags to the city of Charlotte, N. C., for the celebration of the Mecklenburg Declaration of Independence.

SAINT MARY'S FALLS CANAL, MICHIGAN.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under the eighth rule.

Mr. CONGER. Before taking up the Calendar I move to take up for present action the bill (S. 1988) for the government and control of the Saint Mary's Falls Canal, Michigan.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Michigan.

Mr. INGALLS. The report having been made this morning, it requires unanimous consent, I suppose.

Mr. COCKRELL. Certainly it does.

The PRESIDENT *pro tempore*. The Chair was not advised that the report was made this morning.

Mr. CONGER. The bill was placed on the Calendar this morning.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the bill. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. HOAR. The bill has just been read, in the absence of the Chair for a few moments, for the information of the Senate. Perhaps under those circumstances it will not be necessary to read it through again.

The PRESIDENT *pro tempore*. If there be no objection the reading of the bill at length, as in Committee of the Whole, will be dispensed with, it having just been read for information. Is there objection? The Chair hears none.

Mr. HARRIS. I should like to have the Senator in charge of the bill, as I was not in when it was read, state briefly as he may, the general object and purpose of the bill.

Mr. CONGER. The report to the House of Representatives, which is printed and on the table, was read. The Senator did not probably hear it?

Mr. HARRIS. It was read before I came in.

Mr. CONGER. That report is a letter from the Secretary of War to the House of Representatives, accompanied by a bill, of which this is an exact copy, recommending its passage, to control the Saint Mary's Falls Canal. As I said before the Senator came in, it has also the approval of General Wright, the late eminent Chief of Engineers, and the bill was sent to the Department for the approval of the Department by General Poe, in charge of the department where the Saint Mary's Falls Canal is.

Mr. HARRIS. That statement is satisfactory to me so far as I have anything to say.

Mr. CONGER. It is an exact copy of the bill for the control of the harbor of refuge on Lake Huron, which the Senate and House of Representatives have passed and which is now a law. The necessity for the passage of this bill immediately is that when the State of Michigan last year turned over the canal to the General Government and it was accepted by the General Government, there was no law passed to regulate the canal, the law of Michigan on the subject not being in force under the United States. As the canal is about to be opened, it is very important that that work, which cost $3,000,000, should be under the immediate control of the General Government and its officers.

Mr. GARLAND. I ask the Senator from Michigan if he considers now as a fact that the canal is really the property and under the control of the Government at present?

Mr. CONGER. It was accepted by the Government, and officers have been appointed for superintending the canal; but there is no law which gives them any power as such officers to control the passage of boats and the mooring of them along the canal, and where they may be moored, or how they shall be passed. There is no law to prevent obstructions in the canal or the throwing in of ballast, or anything of that kind. The bill corresponds in all its features with the law which we passed in regard to the harbor of refuge on Lake Huron. It was prepared by the Department, and comes with the recommendation of all these officers. I introduced the bill, as prepared and sent here in the printed report of the Department which was read a few moments since.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABANDONED MILITARY RESERVATIONS.

The PRESIDENT *pro tempore*. Order of Business 246, being the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations, will now be laid before the Senate under Rule VIII.

Mr. COCKRELL. I desire to call the attention of the Senator from Michigan [Mr. CONGER]. He has an amendment to offer to this bill. It was read over yesterday evening and left at the head of the Calendar, in order that he might have an opportunity of offering the amendment this morning; but he advises me that he has not had time to prepare it. If there be no objection, under the circumstances I ask that this bill remain at the head of the Calendar, to be the first case to-morrow, so as to give the Senator from Michigan an opportunity of preparing the amendment he desires.

The PRESIDENT *pro tempore*. The Senator from Missouri asks that this bill be passed over, retaining its place at the head of the Calendar under Rule VIII. Is there objection? The Chairs hears none, and it is so ordered.

TIMBER DEPREDATIONS.

The bill (S. 1544) to amend section 5388 of the Revised Statutes of the United States in relation to timber depredations, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That section 5388 of the Revised Statutes of the United States be amended so as to read as follows.

"Every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the lands of the United States which in pursuance of law may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than $500, or be imprisoned not more than twelve months, or both, in the discretion of the court."

Mr. MORGAN. I should like to inquire of the chairman of the Committee on Indian Affairs whether that bill is intended to apply to Indians as well as to other persons. Is it intended to prevent Indians cutting timber on their own reservations?

Mr. DAWES. The Senator will observe that the Revised Statutes apply to all other reservations, but omitted by accident Indian reservations. It is wanton and willful trespasses upon those reservations that are punished, and none others.

Mr. MORGAN. What classes of persons are punishable? Will the Secretary read the amendment again?

Mr. DAWES. It was not intended to extend to what the Senator suggests.

The PRESIDENT *pro tempore*. The amendment recommended by the Committee on Indian Affairs will be again reported.

The amendment was read.

Mr. MORGAN. I suppose that it was the intention of the committee that an Indian might cut timber on an Indian reservation; still it is not so expressed in this particular language. Does the general law provide that Indians may cut timber on the land reserved to the tribes?

Mr. DAWES. Will the Senator repeat his interrogatory?

Mr. MORGAN. Does the general law provide that Indians may cut timber on the lands reserved to the tribes?

Mr. DAWES. The general law provides that Indians under the charge of Indian agents may occupy and use the land on Indian reservations precisely as the Indian agent may direct. This would not reach such a case. It would only reach wanton and willful trespasses. This is prepared, it is proper to state, by the Secretary of the Interior.

Mr. MORGAN. A wanton and willful trespass committed by an Indian on timber upon lands within an Indian reservation would not be punishable, under our existing system, in the Federal courts, for our laws, except where it is otherwise expressly provided, do not extend to the Indians on reservations. In the case to which I called the attention of the Senate recently, the case of the murder of Spotted Tail, the Supreme Court of the United States decided that the Federal courts in Dakota had no jurisdiction to try an Indian for murder in that case, because he was not included within the criminal laws of the United States, and our jurisdiction of a criminal character did not extend to him. But if an Indian should commit a wanton depredation upon timber on an Indian reservation, this bill it seems would require that he should be punished in the courts of the United States, just as a white man would be.

Mr. DAWES. If an Indian belonging to some other reservation or an Indian separated from a tribe should invade an Indian reservation and commit a wanton trespass there, and could not be restrained by any moral restraint and could not be made answerable for the damages, I think he would be liable to prosecution and exposed to some light punishment under the discretionary power provided in this bill; but an Indian upon a reservation acting under the authority of the Indian agent or with the permission of the Indian agent could never be considered as committing a wanton or a willful trespass.

Mr. MORGAN. I have no amendment that I wish to offer to this bill with a view of improving it. I merely wanted to call the attention of the chairman of the Committee on Indian Affairs and the chairman of the Committee on the Judiciary to the extremely crude and unsatisfactory character of our laws with respect to the punishment of Indians for crimes.

Mr. DAWES. In this connection I should like to call the attention of the Senator from Alabama, if I may in this way, to a very sweeping provision in the Indian appropriation bill touching on the matter to which he has alluded, a matter which it seems to the committee having it under consideration deserves the serious attention of all members. It has reference to this very matter of the commission of offenses by Indians. I think this bill is without objection.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY MEDICAL DEPARTMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1559) to define the title and duties of certain officers of the Medical Department of the Army.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LOGAN. I move to amend the title by striking out the words "define the title and duties" and inserting "change the designation and

title" so as to read: "A bill to change the designation and title of certain officers of the Medical Department of the Army."

The amendment was agreed to.

CUSTOMS DUTIES.

The bill (S. 7) to authorize the payment of customs duties in legal-tender notes was announced as next in order.

Mr. SHERMAN. That is reported adversely, and unless the Senator from Kentucky [Mr. BECK] desires——

Mr. BECK. I desire to have a vote on it, and I desire the yeas and nays on it.

Mr. SHERMAN. Then I object to its consideration.

Mr. BECK. Then I move to take it up, the objection to the contrary notwithstanding.

The PRESIDENT *pro tempore*. The Senator from Ohio objects to the present consideration of the bill.

Mr. SHERMAN. I do it because the Senator from Vermont [Mr. MORRILL] who made the adverse report is absent.

The PRESIDENT *pro tempore*. Whereupon the Senator from Kentucky moves that the Senate now proceed to the consideration of the bill notwithstanding the objection.

Mr. BECK. I am entirely willing that it shall retain its place until the Senator from Vermont comes in. I introduced the bill to authorize the taking of legal-tender notes at the custom-houses. The Treasury Department is now doing it in violation of law; and I desire to legalize its action. The committee prefer that the Department should act in violation of law rather than in accordance with law.

The PRESIDENT *pro tempore*. The question is not open to debate.

Mr. BECK. I am willing that the bill shall retain its place on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Kentucky withdraws his motion to proceed to the consideration of the bill, and asks unanimous consent that it be passed over, retaining its place on the Calendar.

Mr. HOAR. I rise to a parliamentary inquiry. Will not the Senator from Kentucky have the same right to make his motion at any time, whether the bill goes over now under objection or not?

The PRESIDENT *pro tempore*. He would have the same right to make the motion after the end of the morning business and before 2 o'clock, or at any other time, in fact, as the Chair thinks, under the new rules.

Mr. HOAR. Then I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BECK. Then I renew the motion to proceed to the consideration of the bill now.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to proceed to the consideration of the bill notwithstanding the objection.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Is it in order now to have the bill read for information? Several Senators do not know what the bill is. It has not yet been read.

The PRESIDENT *pro tempore*. The Chair doubts whether it is in order on this motion, but the Chair will have it read for information if there be no objection. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That hereafter legal-tender notes of the United States shall be received at par for all customs duties for all sums required to be paid therefor by any person, firm, or corporation.

The PRESIDENT *pro tempore*. The question is on the motion that the Senate now proceed to the consideration of this bill notwithstanding the objection.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I desire to announce that I am paired on all questions with the Senator from New York [Mr. MILLER].

The roll-call was concluded.

Mr. MITCHELL (after having voted in the negative). I am paired with the Senator from West Virginia [Mr. CAMDEN]. I inadvertently voted; I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn.

Mr. COKE. My colleague [Mr. MAXEY] is absent in Texas, and is paired with the Senator from Rhode Island [Mr. ANTHONY]. My colleague would vote "yea" if here.

The result was announced—yeas 22, nays 26; as follows:

YEAS—22.

Beck,	George,	Morgan,	Van Wyck,
Brown,	Gorman,	Pendleton,	Vest,
Call,	Groome,	Pugh,	Walker,
Cockrell,	Jackson,	Ransom,	Williams.
Coke,	Jonas,	Saulsbury,	
Garland,	Lamar,	Vance,	

NAYS—26.

Aldrich,	Edmunds,	Logan,	Riddleberger,
Allison,	Frye,	McMillan,	Sawyer,
Blair,	Hale,	Manderson,	Sewell,
Cameron of Wis.,	Harrison,	Miller of Cal.,	Sherman,
Conger,	Hawley,	Morrill,	Wilson.
Cullom,	Hill,	Palmer,	
Dawes,	Hoar,	Platt,	

ABSENT—28.

Anthony,	Dolph,	Jones of Florida,	Miller of N. Y.,
Bayard,	Fair,	Jones of Nevada,	Mitchell,
Bowen,	Farley,	Kenna,	Pike,
Butler,	Gibson,	Lapham,	Plumb,
Camden,	Hampton,	McPherson,	Sabin,
Cameron of Pa.,	Harris,	Mahone,	Slater,
Colquitt,	Ingalls,	Maxey,	Voorhees.

So the motion was not agreed to.

CATHERINE SCHOOLS.

The bill (S. 750) granting a pension to Catherine Schools was announced as next in order.

Mr. JACKSON. That is an adverse report, and I object to the consideration of the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

JOHN M'NELLIS.

The bill (S. 806) for the relief of John McNellis was announced as next in order.

Mr. SHERMAN. That is reported adversely, and I suppose there is no desire to have it considered.

Mr. BECK. It was unanimously reported adversely by the Committee on Finance, but the Senator from Illinois [Mr. CULLOM] asked that it might go on the Calendar until he looked at it. I do not know what he thinks now.

Mr CULLOM. I hope the case will be allowed to pass over. I do not know whether I shall object to the report or not.

Mr. SHERMAN. Let it go over.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over.

B. JENNINGS.

The bill (S. 510) for the relief of B. Jennings was considered as in Committee of the Whole. It provides for the payment of $3,114.66 to B. Jennings, late register of the land office of the United States at Oregon City, to reimburse him for money expended between June 1, 1859, and December 31, 1860, for additional clerical services and extraordinary expenses during that period not heretofore allowed or paid.

Mr. CAMERON, of Wisconsin. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. SLATER February 19, 1884:

The Committee on Public Lands, to whom was referred the bill (S. 510) for the relief of B. Jennings, respectfully report:

That the claimant, B. Jennings, was register at the United States land office at Oregon City, in the State of Oregon, and between April 1, 1859, and January, 1861, he paid out of his private funds for clerical service in his said office the sum of $3,114.66, as shown by vouchers forwarded to the General Land Office under date of December 17, 1860, in obedience to a circular letter of the Department of date August 6, 1860.

This claim was reported to Congress by the Department and its payment recommended in 1861.

The history of this claim is very fully set forth in a letter addressed to Hon. H. M. Teller, Secretary of the Interior, by the Commissioner of the General Land Office, of date February 6, 1884, from which the following is taken:

"By circular instructions from this office, dated August 16, 1860 (copy herewith), registers and receivers were directed to transmit tabulated statements of amounts paid by them for clerical services rendered under acts of Congress approved August 20, 1818 (vol. 3, p. 466, U. S. Stats.), and August 18, 1856 (vol. 11, p. 91, U. S. Stats.).

"In compliance with said instructions, B. Jennings, register of the land office at Oregon City, presented a statement, supported by the proper vouchers (copies herewith), from which it will be seen that the several amounts paid by him aggregate $3,114.67. On January 19, 1861, the then Commissioner of this office addressed a communication to the acting Secretary of the Interior, recommending an appropriation to pay this claim, and December 21, 1880, this office again recommended the payment of the above amount.

"The extraordinary services rendered by the clerks employed by Mr. Jennings were occasioned by the large number of donation claims passed upon in the Oregon City office, there being of this class 9,040, besides the selection of school and other lands as set forth in a statement made to this office by Mr. Jennings on December 17, 1860. (See copy herewith.)

"Mr. Jennings has complied with the requirements of the Department by filing the necessary accounts and vouchers. I am of opinion that the claim is a just one."

In a subsequent communication of the same date, addressed to the Secretary of the Interior, the Commissioner further says:

"Referring further to my report of the 6th instant on Senate bill No. 510, for the relief of B. Jennings, late register at Oregon City, Oreg., I have the honor to state that neither the register nor receiver at that office had at any time public moneys of the United States in their possession applicable to payment of salaries of clerks, and that the payments by Mr. Jennings for such services must therefore have been paid from his private funds."

It is unquestioned that additional and extraordinary clerical services were required in bringing up the business of this office, that such services were secured and paid for by Mr. Jennings, and that the Government has had the full benefit of these services and has never reimbursed Mr. Jennings therefor.

Therefore your committee recommend that the bill should pass.

LAND OFFICE, OREGON CITY, *December* 17, 1860.

SIR: Herewith please find vouchers No. 1, Thomas J. McCarver; No. 2, Samuel Holmes; No. 3, Thomas J. McCarver; No. 4, D. B. Hannah; No. 5, Edward T. Jennings; No. 6, William L. White, and No. 7, William B. Campbell, and tabular statement on account of reasonable compensation for additional clerical services and extraordinary expenses in the land office at Oregon City.

Your circular letter of 16th August last requires a statement of the kind of service rendered. The services are various, consequent upon the large arrearage of labor growing out of the donations to actual settlers in Oregon.

This communication has been delayed some five or six weeks, that I might be able to give in detail all and every species of extraordinary labor growing out of donations. After this delay, with diligent investigation I find myself no nearer accomplishing the end than when I first began.

Bearing in mind the terms of the act of 1818, the allowance thereby made for clerical assistance, I desired to ascertain the aggregate area of land the Government had given away, thereby depriving this office of the percentage contemplated by that act for clerical aid. The record shows the number of claimants,

but does not show conflicts, area, or any of the existing embarrassments. Upon the receipt of your circular above referred to, 16th August last, with the assistance of the clerk, Mr. White, I commenced searching records, maps, and papers, determined to give a full history of all the facts connected with the duties and labors in this office, but finding the search so materially trespassing upon the more important business of the office, I was compelled to abandon the further search, and submit the case with a brief statement. The records show 8,040 donation claims upon surveyed lands, and over 1,000 upon unsurveyed lands; many of the latter, however, have been located upon the respective townships in which they reside after the surveys were completed.

I have examined about 5,000 claims, and if those not examined will compare with those examined, will embrace about 2,400,000 acres of land. This land at $1.25 per acre would have been a neat little sum in the Treasury of the United States. An office in the receipt of that amount of money from the sales of public lands, the probability is there would be but little difficulty in obtaining appropriations for clerical aid, fuel, lights, and other expenses in the land office; but as Congress saw fit to donate lands to actual settlers in Oregon, it is fair to presume a consideration; if so, the Government is as much under obligation to perfect the title to their claims as if they had paid for their land in cash.

The additional labor growing out of donations, being an excess of labor over and above the ordinary sales of public lands:

1. Filing, recording, and platting notifications.
2. Taking primary proofs, filing and recording the same.
3. Taking the final proofs, filing and recording the same.
4. Adjusting conflicts of boundaries.
5. Change of boundaries, to avoid conflicts, or to include their improvements.
6. To hear and determine difficulties between husband and wife as to the division of their claims.
7. Selection of lands by university commissioners in broken legal subdivisions, made so by donation claims.
8. Selection of lands by superintendent of common schools in lieu of sixteenth and thirty-sixth sections, taken by donation.
9. Furnishing abstracts of notifications to surveyor-general of claims entitled to survey.
10. Additional labor in tract-books.
11. Additional labor in making donation certificates accompanied by special plats.
12. Copying a map of papers preparatory to making donation certificates.
13. Numerous correspondence.

The first, second, third, seventh, and eighth will not longer be burdensome to this office. The fourth, eleventh, twelfth, and thirteenth, the labor will be immense, for which no correct estimate can be made.

The labor above enumerated embraces the character of service rendered by the clerks employed by me. One class of service, however, not mentioned is that performed by E. T. Jennings, as notary public, without charge to parties visiting the office.

I most respectfully ask your assistance in procuring an appropriation to meet the expenses and liabilities thus incurred.

Very respectfully, your obedient servant,

B. JENNINGS, *Register.*

COMMISSIONER GENERAL LAND OFFICE, *Washington, D. C.*

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS J. CASSARD.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 63) authorizing Augustus J. Cassard to accept a gold medal conferred upon him by the Government of France.

Mr. PLUMB. Will the Senator who reported that measure tell us who Mr. Cassard is? The resolution does not say.

Mr. WILSON. There is a brief report. The Calendar does not show that any report accompanies the joint resolution, but there is a brief report, which I ask to have read.

The Chief Clerk read the following report, submitted by Mr. WILSON February 19, 1884:

The Committee on Foreign Relations, to whom was referred the application of Augustus J. Cassard to be permitted to accept a gold medal conferred on him by the Government of France, submits the following report:

The Secretary of State, in a letter of January 19, 1884, responding to inquiries relative to the facts in this case, says:

"That for eight months prior to February, 1881, Mr. Cassard, our consul at Tampico, rendered valuable service to the French Government by taking charge of its consular archives and interests, there being during that period no French consul in that district. For this service Mr. Cassard could receive no compensation, and therefore the French Government desired to present a medal as a mark of its appreciation thereof."

A gold medal has been prepared by the French Government and forwarded through the proper diplomatic channels, but as it can not be delivered to or accepted by Mr. Cassard without the permission of Congress, the committee present the joint resolution accompanying this report and recommend its passage.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRESPASSES ON INDIAN LANDS.

The bill (S. 1545) to amend section 2148 of the Revised Statutes in relation to trespassers on Indian lands was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in line 10, after the word "dollars," to strike out "and" and insert "or."

The amendment was agreed to.

The next amendment was, in line 11, after the word "year," to insert "or both, in the discretion of the court."

The amendment was agreed to.

The next amendment was, in line 13, after the word "dollars," to strike out "and not less than $500."

The amendment was agreed to.

The next amendment was, in line 15, after the word "years," to strike out "nor less than one year."

The amendment was agreed to.

Mr. MORGAN. I should like to hear the bill read now as it is amended.

The Chief Clerk read the bill as amended, as follows:

Be it enacted, &c., That section 2148 of the Revised Statutes of the United States be amended to read as follows, namely:

"Every person who, without authority of law, enters and shall be found upon any Indian lands, tribal reservation, or lands specially set apart for Indian purposes shall, for the first offense, upon conviction thereof, pay a fine of not more than $500, or be imprisoned at hard labor for not more than one year, or both, in the discretion of the court; and for every subsequent offense shall, upon conviction thereof, pay a fine of not more than $1,000, and be imprisoned at hard labor for not more than two years; and the wagons, teams, and outfit of such person or persons so offending shall be seized and delivered to the proper United States officer, and be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the United States: *Provided, however*, That the provisions of this section shall not apply to immigrants or travelers peaceably passing through such Indian lands, tribal reservations, or lands especially set apart for Indian purposes, without committing any willful trespass or injury to person or property."

Mr. MORGAN. It seems to me that is a very harsh bill, to punish a man for trespassing on an Indian reservation by a fine of $500 and imprisonment. He may have no evil intent at all. If he is merely found upon the reservation without a license he is to be fined and imprisoned to that extent. It seems to be a very harsh provision indeed. I should like the Senator who reported the bill to indicate what policy is to be subserved, what end of justice is to be attained by the passage of a measure like this.

Mr. DAWES. The existing law is in these words:

SEC. 2148. If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of $1,000.

Under the provision of law there have been combinations, associations of individuals invading the Indian Territory, who have been brought up and fined $1,000, and taken the poor debtor's oath and gone back and repeated over and over again the offense, because they can be relieved from any penalty by simply taking the poor debtor's oath. The object of this bill is to provide some penalty that will reach and punish such a man, and the bill as amended puts it entirely within the discretion of the court within certain maximum limits. As originally drawn there was a minimum limit, but it was thought by the committee that there might be cases where there should be nothing more than a nominal fine, and there would be cases and there have been cases of such an aggravated character that a fine of $500 or imprisonment for the maximum time would be a just and proper punishment.

The United States has been, as the Senator knows, defied over and over again by a band of lawless persons invading the Indian Territory and attempting to establish colonies there, leading deluded people from their homes in the neighboring States with their substance down upon land in the Indian Territory only to be driven off from the ground by the United States authorities, and to suffer great loss and privation—innocent persons, at the head of whom would be a man who has gone through three or four processes of having the fine of $1,000 imposed upon him, and then taking the poor debtor's oath and going back into the States and finding a company of confiding and innocent persons to follow his lead. It is to meet that case.

Mr. MORGAN. As I understand the reading of the bill——

The PRESIDENT *pro tempore*. The Senator from Alabama has once spoken on this question. If there be no objection the Senator from Alabama will proceed. The Chair hears no objection.

Mr. MORGAN. As I understood the reading of the bill, if a person is found unlawfully——

Mr. DAWES. No; if he enters unlawfully is the phraseology.

Mr. MORGAN. All persons are prohibited from entering Indian reservations without a license or permission from the agent under the general law. It seems to me that the committee have not been very happy in the selection of phrases to define the offense they wish to punish. Any invasion of the territory of Indians with a view to get their lands or occupy their country or any conspiracy to invade it ought to be punishable in the manner this bill provides; but the mere entry upon the land not with an intent to invade or not with intent to occupy, but by misadventure, ought not to be an offense in the meaning of the law; and it seems to me the Senator ought to take into consideration the modification of this language so as not to include people of this kind.

Mr. DAWES. The Senator will allow me to say——

Mr. MORGAN. I have said all I desired to say.

Mr. DAWES. The committee considered the propriety of inserting the word "willfully."

The PRESIDENT *pro tempore*. The Senator from Massachusetts has once addressed the Senate on this question. Is there objection to his again speaking?

Mr. DAWES. I thought I was using up some of my friend's time.

The PRESIDENT *pro tempore*. The practice of the Senate does not allow the substitution of time. Is there objection to the Senator from Massachusetts proceeding?

Mr. MORGAN. To give us both a chance to understand it, I object to the further consideration of the bill this morning.

Mr. DAWES. No Senator can be more desirous than I am to get this bill as it ought to be, and I will state to the Senator why the word "willfully" was left out——

The PRESIDENT *pro tempore*. Does the Senator from Alabama withdraw his objection?

Mr. MORGAN. For the purpose of a statement.

Mr. DAWES. I will state why the word "willfully" was not inserted. The bill was drawn by those who administer the criminal law, and the committee toned it down in the manner indicated by the amendments, taking away the minimum in all cases for the purpose of reaching cases that had no aggravation. Coming to consider the propriety of inserting in this bill the word "willfully," we were met by the suggestion that it would be impossible to show that a man willfully and intentionally committed this trespass upon the territory, and that it might embarrass very much the administration of the law; on the other hand, with no minimum of penalty it could safely be left to the discretion of the court. If the Senator does not think that wise, I am sure I have not the slightest objection to inserting the word "willfully" as a qualifying term.

Mr. PLATT. Mr. President——

The PRESIDENT *pro tempore*. The bill is objected to, the Chair understands.

Mr. DAWES. I hope the Senator from Alabama will withdraw his objection.

Mr. MORGAN. I ask unanimous consent of the Senate that the objection shall not displace the bill on the Calendar.

Mr. PLATT. I should like to make a single suggestion before the bill goes over.

The PRESIDENT *pro tempore*. The Chair hears no objection to the Senator from Connecticut proceeding.

Mr. PLATT. If this is intended to punish a person who unlawfully enters upon Indian territory I think the bill had better say so rather than to say "without authority of law." I do not know that there would be any difference in the two phrases, and yet as it says "without authority of law" and then provides that that phrase "shall not apply to emigrants or travelers," it might be held to include persons who went into the territory upon a perfectly lawful undertaking, but who had no special authority of law to go there.

Mr. DAWES. If I may be allowed to continue the explanation——

The PRESIDENT *pro tempore*. Is there objection to the Senator from Massachusetts again addressing the Senate? The Chair hears no objection.

Mr. DAWES. I do not think it is open to that criticism for this reason: Everybody must obtain permission to go upon Indian territory if he wants to go there with authority of law, and every one who does not have that permission is there unlawfully. The peculiarity of the phraseology is to meet that case. I wish the Senator from Alabama would let the bill pass if he is satisfied, or, if he thinks it best, move to insert the word "willfully."

Mr. MORGAN. I ask unanimous consent that the bill go over till to-morrow without losing its place on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that this bill be passed over, retaining its place on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

A. H. VON LUETTWITZ.

The bill (S. 556) for the relief of A. H. Von Luettwitz was announced as next in order.

Mr. SEWELL. In the absence of the Senator from South Carolina [Mr. HAMPTON], who made the adverse report in this case, I ask that the bill go over without prejudice.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that this bill be passed over, retaining its place on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

GEORGIA COTTON CLAIMS.

The bill (S. 601) to provide for hearing and determining the claims of the State of Georgia for captured and abandoned property of said State seized by the United States was announced as next in order.

Mr. MANDERSON. In the absence of the Senator from Georgia [Mr. BROWN] who desired that that bill should be placed on the Calendar notwithstanding the adverse report, I ask that it be passed over, not to lose its place.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that this bill be passed over, retaining its place on the Calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

MADISON FEMALE INSTITUTE.

The bill (S. 1130) for the relief of the Madison Female Institute, located at Richmond, Ky., was announced as next in order.

Mr. BECK. I desire to call the attention of the chairman of the Committee on Claims to that bill. I ask that it shall be passed over for the present without losing its place on the Calendar. The report goes on the assumption that $10,000 was paid to the trustees. There is a mistake about that, and the War Department says it is a mistake. I think I shall have the facts by to-morrow, and when I get them I shall move the recommitment of the bill to the Committee on Claims to consider the facts.

The PRESIDENT *pro tempore*. Is there objection to passing over the bill, retaining its place on the Calendar under Rule VIII? The Chair hears no objection, and it is so ordered.

SARAH E. E. PERINE.

The bill (S. 1240) for the relief of Sarah E. E. Perine, administratrix of the estate of William Perine, deceased, was considered as in Committee of the Whole. It provides for the payment to Sarah E. E. Perine, administratrix of the estate of William Perine, deceased, $132,493.23, being the amount due to William Perine, as found by the Selfridge board, for building the light-draught monitor Naubuc and the iron tugboats Triana and Maria.

Mr. HARRIS. Let the report on that case be read.

The Secretary read the following report, submitted by Mr. PIKE February 20, 1884:

The Committee on Claims, to whom was referred the bill (S. 1240) for the relief of Sarah E. E. Perine, administratrix of William Perine, having considered the same, make the following report:

That the claimant is the widow and administratrix of the estate of the late William Perine, of New York city.

That on the 2d day of April, 1863, said William Perine entered into a contract with the United States to build the light-draught monitor Naubuc, and on the 20th day of December, 1863, he entered into a contract with the United States to build the iron tug-boats Triana and Maria. Soon after the contracts were made the Navy Department began ordering radical changes and alterations in the construction of the vessels. The making of these changes by the contractor as required involved him in great delay; in the mean time, in 1864, the price of materials and labor largely advanced, a state of facts that could not have been contemplated by the contractor at the time of making his contracts or in any way guarded against. The Government would not release him, the vessels were wanted and must be had, and the Department made direct promises that he would be fully remunerated for all losses.

In the summer of 1864 orders were sent to Perine to stop work on the Naubuc, and it was not until the middle of December following that he was allowed to proceed with his contract on that vessel, and during the time of this suspension the plans were changed so that he was directed to convert the Naubuc into a torpedo-boat instead of a light-draught monitor.

It was during this time that the greatest increase of price of labor and material occurred. Workmen had to be discharged when the order came to stop work, and when re-employed it was at the advanced rates; changes also of material were made which necessitated purchasing at the then increased market price.

On account of these delays caused by alterations made by the Navy Department, the completion of these vessels was delayed until long after the time named in several contracts, and the cost largely exceeded contract price.

An appeal was made to Congress for relief, and on March 9, 1865, the Senate passed the following resolution:

"In the Senate of the United States, March 9, 1865.

"*Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price, and the allowance for extra work, and report the same to the Senate at its next session. None but those who have given satisfaction to the Department to be considered."

Under said resolution the honorable Secretary of the Navy appointed a board, consisting of Commodore Thomas O. Selfridge, Chief-Engineer Alex. Henderson, and Paymaster C. H. Eldridge, which convened at the Brooklyn navy-yard June 5, 1865, and continued in session for more than six months.

William Perine, coming under the terms of said resolution, presented his claim to said board, with the vouchers and the evidence in support of it, and was allowed the following sums, namely:

Light-draught monitor Naubuc	$36,533 44
Iron tug-boat Triana (hull and machinery)	52,472 81
Iron tug-boat Maria (hull and machinery)	43,586 98
Total	132,593 23

See Senate Ex. Doc. No. 18, first session Thirty-ninth Congress.

On January 31, 1866, this report was referred to the Committee on Naval Affairs of the Senate, which committee on March 22, 1866, made a report thereon (No. 45, first session Thirty-ninth Congress), accompanying a bill for the payment of the awards thus made. In said report the committee say:

"From June till December last the board organized by the Secretary of the Navy, under the Senate resolution, composed of eminent officers of the Navy, was engaged in hearing evidence and investigating the claims of these parties. That investigation seems to have been fairly, carefully, and thoroughly made. It was by officers of the Department, and the award, which the committee believe to be substantially right, should be adopted as the basis of relief to the parties, and therefore the committee report the accompanying bill."

One of the awards has been paid by joint resolution of March 30, 1867, 15 Stats., 353, by which Donahue, Ryan, and Secor were paid $179,000 for losses sustained by them in constructing the Comanche. Amount allowed by the board, $179,993.80.

In addition, the following special acts have been passed to relieve contractors in similar cases, to wit:

Act of February 18, 1873, to relieve the heirs of George C. Bester, $125,000, 17 Stats., 733.

Act of June 1, 1872, to pay Charles W. Whitney $50,000, 17 Stats., 671.

Act of June 10, 1872, to pay J. S. Underhill $23,310.75, 17 Stats., 691.

Act of March 2, 1875, to pay Daniel S. Mershon, jr., $46,715.08, 18 Stats., 635.

In view of the facts that the above claims were examined by a committee appointed specially to investigate such claims, and that the sum of $132,593.23 was found to be rightfully due William Perine for extra labor and expense on his contracts (see report of the Secretary of Navy, Thirty-ninth Congress, first session, Senate Ex. Doc. No. 18), the committee recommend that the bill pass.

Mr. HARRIS. I have no objection to this bill going over without prejudice, holding its place under Rule VIII, but I should like to have time to look a little more carefully at the report before I allow its passage. I would therefore ask that the bill go over without prejudice, holding its place on the Calendar.

Mr. PLATT. Will the Senator withdraw that motion for a moment?

Mr. HARRIS. Certainly.

Mr. PLATT. It appears here that a board organized in 1865 reported that this claim ought to be paid. Now, I should like to inquire why it is that no effort has been made to obtain payment of it from 1865 to the present time. I think that might as well be explained this morn-

ing; or I should like to know whether efforts have been made from 1865 up to the present time to obtain the passage of a resolution or bill for the payment of the claim. The sum of $133,000 is quite a little item, and I should suppose that some measures would have been taken by the parties who supposed that they were entitled to the money under that board's ruling to obtain the payment of it.

Mr. PIKE. Mr. President, this Mr. Perine became deeply involved in consequence of the large expenditure incurred in building these vessels, and in consequence of the numerous changes made by the Government in the progress of the erection of the monitors and torpedo-boats. He had to encumber all his property to obtain means, in consequence of which he failed and finally died. The claimant here is his widow. The reason why the claim was not prosecuted was in consequence of these embarrassments and the death of the principal claimant. The committee were unanimous and thoroughly satisfied that the claim was due and had not been paid. Being satisfied of that, they thought this was a sufficient apology why the statute of limitations should not be applied. Indeed there is no statute of limitations against a claim of this kind.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] asks unanimous consent that this bill be passed over, retaining its place under Rule VIII.

Mr. HARRIS. I should like to inquire of the Senator from New Hampshire when was the application made to Congress for relief in this case? How long ago?

Mr. PIKE. Three Congresses ago, as I believe, and it has never been unfavorably reported, but has gone off without receiving the assent of both branches.

Mr. HARRIS. Then after the finding of the board there were fifteen or sixteen years before any application was made to Congress for relief in this case.

Mr. PIKE. It was some time. I do not remember the number of years.

Mr. HARRIS. I ask that the bill go over as I have indicated.

Mr. PIKE. The report has been read to-day, and it states that in 1865 several of these claims were passed upon by the board appointed to carry out a resolution of the Senate, and some of them have since been acted upon and paid. There is no objection to the request of the Senator from Tennessee if the bill will not lose its place.

Mr. HARRIS. That was my request.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. Res. 236) authorizing the Secretary of War to loan two hundred flags to the city of Charlotte, N. C., for the celebration of the Mecklenburg Declaration of Independence, was read twice by its title, and referred to the Committee on Military Affairs.

CONTAGIOUS DISEASES OF DOMESTIC ANIMALS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business of yesterday, being the bill (S. 1127) to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

Mr. PLUMB. Mr. President, the House of Representatives sent over to the Senate in February House bill 3967 on this same subject; I do not remember the number in the order of business. I move that the Senate proceed to the consideration of that bill in lieu of the Senate bill on the same subject.

The PRESIDENT *pro tempore*. The Senator from Kansas, pending the consideration of the Senate bill, moves to proceed to the consideration under Rule IX of the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

Mr. COKE. Mr. President——

The PRESIDENT *pro tempore*. The question is not open to debate.

Mr. COKE. I desire to ask the Senator from Kansas a question. I ask if his motion is substantially to substitute the House bill for the Senate bill?

Mr. PLUMB. That is what it amounts to, though it retains its position as a House bill.

Mr. HARRIS. The Senate bill is a special order, I believe, and the unfinished business. The motion of the Senator from Kansas is that we consider the House bill on the same subject instead.

Mr. PLUMB. Yes, sir.

The PRESIDENT *pro tempore*. The motion requires unanimous consent, the Chair thinks. The Chair will ask the consent of the Senate. The Senator from Kansas asks unanimous consent that House bill 3967 be substituted as a special order for consideration in the place of the present special order Senate bill 1127, and that Senate bill 1127 take its place on the Calendar of General Orders. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

Mr. PLUMB. If in order, I move that the reading of the bill in full be dispensed with, and that it be read by sections for amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill be read by sections for amendment, as in Committee of the Whole. Is there objection? The Chair hears none. The first section will be read.

Mr. PLUMB. Before that I desire to say simply that in moving this substitution I desire to avoid as many points of controversy as possible. The House bill 3967 was the subject of extended debate in the House and was passed at the close of that debate; and as the result of the debate what was section 4 of that bill was stricken out which provided for the employment of surgeons at the hands of the Commissioner of Agriculture under certain circumstances.

Mr. VEST. Section 5 of the Senate bill?

Mr. PLUMB. Section 5 of the Senate bill. So far as I am concerned myself, in order to be reasonably certain of getting some legislation, I am willing that the bill shall be passed as it came from the House, leaving out section 4 of the House bill or section 5 of the Senate bill.

I desire to say further that so far as I am concerned I shall not debate this bill unless I am compelled to do so in some way in the course of its consideration. With this section out, it simply provides in substance for an extended, comprehensive, and authentic investigation. I do not think in the present condition of things or in any condition of things that can possibly exist in this country such an investigation can be otherwise than productive of good. As the matters now stand the British Government has an interdict against our cattle to this extent: they are required to be slaughtered in the yards in which they are landed; they are not permitted to be driven into the interior at all. That makes them worth in round numbers $15 per head less than cattle which are not thus quarantined. The cattle from Canada, for instance, upon whatever ground it may be placed, are permitted to be driven into the interior of Great Britain, and are consequently worth $15 a head more for the same class and weight of cattle than the American cattle are.

It has been urged with reference to this bill that we are simply giving currency to reports adverse to our cattle, and that has come to me from sources which are entitled to and receive my highest respect; but what Congress knows or what Congress says is a very small portion of what the country knows or what the country says, and it is impossible that Congress should in any way by any action of its own convey to the British public or to the British authorities an idea of soundness upon the part of our cattle unless that is accompanied by some investigation which possesses respect by reason of its authority and the character of the men engaged in it. If Congress to-day were to pass unanimously an act or a resolution stating that no disease prevailed in this country, it would not lift the interdict against our cattle abroad at all. It is, therefore, incumbent on us to take some other measure, and it is useless to disguise the fact that pleuro-pneumonia has had an existence in this country if it has not now. It can not be disguised, either, that the highest veterinary authority in this country has recently stated, and it has been stated in the public prints devoted to the protection and promotion of the cattle interest of this country, that that disease did prevail here.

It is also stated, and I believe it to be true as it has been stated on this floor and elswhere, that other diseases prevail among cattle in this country, not seriously perhaps, but to that extent which makes it necessary that the General Government or some proper authority shall adopt measures to segregate from the great body of the cattle to be transported abroad such cattle as may by any possibility have any of these contagious or communicable diseases. When that is done we may reasonably expect to be relieved from the foreign quarantine. Until that is done, not only will the quarantine continue to exist, but we may at any time be expected to be confronted with a stricter quarantine than already exists. If no disease exists in this country, how can it be better determined than by an investigation such as this bill will cause? It will be an investigation, not by a State government interested, perhaps, in the question from a local standpoint, but it will be under the authority of the General Government, presumably by men not only qualified to determine the actual facts as they exist, but at the same time without any local influence or bias which would either determine them against the fact or which would in any way qualify the judgment they might render.

I can not conceive myself of any interest in this country opposed to the passage of this bill. On the other hand, all the principal cattle associations of the country have advocated its passage. The men who want to sell their cattle in the home market, the men who want to sell them in foreign markets, the men who are interested in the uninterrupted course of trade in this great commodity, the men who want the highest prices, and who, on the other hand, want protection against the irruption into their yards of diseased cattle brought from abroad or from other portions of this country, all ask for this legislation. There

is a singular unanimity of sentiment among cattle producers in favor of legislation such as has been proposed, and even of more stringent legislation than is embraced in the House bill.

The Senator from Texas [Mr. COKE], with that care for the interests of that great State which always characterizes him, has proposed an amendment to which I see no objection. When the proper time comes I shall be willing, so far as I may, to consent that it shall be incorporated as part of this bill; not the entire amendment proposed by him, but a part of it.

The PRESIDENT *pro tempore*. The Chair will state the situation of the question. The bill when it was before the Senate on a former occasion was read, and when it went back to the Calendar of General Orders there had been offered and was pending, on section 3, page 3 of the present print of the bill, an amendment by the Senator from New York [Mr. MILLER]. The pending question before the Senate, as shown by the Journal and the RECORD and according to the recollection of the Chair, is on agreeing to the amendment proposed by the Senator from New York to the third section of the bill. The amendment will be read, so that the Senate may understand precisely what the pending question is.

The SECRETARY. In section 3, after the word "disease," in line 23, it is proposed to strike out the following words:

Provided, That the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter, and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle.

And to insert in lieu thereof——

Mr. MCPHERSON. I understood that the Senator from Kansas proposed that the House bill be taken up in lieu of the Senate bill. I find no such amendment in the bill I have in my possession, called House bill 3967, and, if I understood the Chair aright, this is an amendment reported from the committee.

The PRESIDENT *pro tempore*. This is a reprint of the House bill. On the 12th of March, 1884, the amendment reported by the committee on the 10th of March was withdrawn, and the bill was ordered to be reprinted with certain amendments proposed by the committee and the amendment intended to be proposed by the Senator from Ohio [Mr. SHERMAN]. The RECORD shows that the Senator from New York [Mr. MILLER]—and that conforms to the recollection of the Chair—then offered the amendment which the Secretary is now reporting. The Secretary will report the words proposed to be inserted as well as the words proposed to be stricken out.

The SECRETARY. The words to be inserted are:

And whenever a State or Territory in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation fails to make provisions for its extinction, or to co-operate with the plans of the Commissioner of Agriculture for the extinction of the disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare the said State or Territory, or such part of said State or Territory as is dangerous to the animal interests of the country, in quarantine, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

Mr. COKE. I understood that this amendment was not to be insisted on now.

Mr. PLUMB. I desire to have the amendment divided and the question taken first on striking out. I think really there are two amendments, one to strike out and one to insert, because the matter to be inserted is not in any way cognate to or on the same subject as that which is stricken out.

The PRESIDING OFFICER (Mr. HOAR in the chair). To call for a division is the Senator's right under the rules.

Mr. WILLIAMS. The purpose is to substitute for the House bill the bill and amendments as reported by the Committee on Agriculture of the Senate.

Mr. PLUMB. That is what we have already done.

Mr. WILLIAMS. Then why have this striking out?

Mr. PLUMB. This was an amendment reported by the committee.

Mr. MORGAN. If I understood the Senator who has charge of the bill, he is satisfied to strike out all that the committee has stricken out, and is also satisfied that the words proposed by the committee to be inserted shall not be inserted.

Mr. PLUMB. I am willing to strike out that portion which the committee strikes out, and not to insert the other matter.

The PRESIDING OFFICER. The Chair will put the question on striking out from line 23 to line 28 of section 3.

The motion to strike out was agreed to.

The PRESIDING OFFICER. The question now recurs on inserting the words which have been read in lieu of the matter stricken out.

The motion to insert was rejected.

The PRESIDING OFFICER. The next amendment reported by the Committee on Agriculture and Forestry will be read.

The SECRETARY. In section 10, after the word "of," line 1, it is proposed to strike out "two hundred and fifty" and insert "five hundred;" so as to read:

SEC. 10. That the sum of $500,000, to be immediately available, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

Mr. MCPHERSON. Do I understand that the Committee on Agriculture have reported that $500,000 is necessary to start this machinery?

Mr. PLUMB. The Committee on Agriculture reported in favor of an appropriation of $500,000, or so much thereof as might be necessary. As far as that part of it is concerned I will say, however, that if anybody is disposed to contest it, and if the Senator or any one else prefers the original sum, I shall withdraw the amendment on behalf of the committee, if I have the power.

Mr. MCPHERSON. I have not examined this bill lately very carefully and do not know all the provisions it contains or what interpretation may be placed upon many of them; but inasmuch as this is only a scheme of investigation, and I think that is all that has been claimed for it by the chairman of the committee, it seems to me that the sum of a quarter of a million dollars will be amply sufficient to commence the investigation, the purpose being to establish a bureau of animal industry and employ twenty inspectors, whose sole business it shall be to investigate into the condition of affairs that exist in every State. I take it that those gentlemen when appointed will strive very earnestly to earn their money and to perpetuate their power and functions. I think it is not necessary to appropriate so large a sum of money as is proposed by the Senate committee for such a purpose.

While I am on my feet and while the amendment is pending, perhaps it would be as well for me to say all that I wish to say in regard to the whole measure. I do not know what necessity there is for legislation of this character. We know what alarm was spread broadcast over this country within the past three or four months, according to the lights we now have, without any cause whatever, for no pleuro-pneumonia is found to exist anywhere; and the foot-and-mouth disease about which we heard so much a few years ago, that the State of Kansas desired an appropriation of $50,000 to stamp out in that State, on investigation was found not to exist; and in fact no disease of a virulent character exists anywhere in our country. It seems to be the opinion on the other side of the water, where we market very largely our surplus meat product, that disease does exist. And how do they gain that information? Simply from such agents as it is the purpose of this bill to employ.

Two years ago no protest was made at the English ports against the introduction of cattle from this country; but upon statements made by the Agricultural Department from some of its agents, by excitement all over the country, by untruthful statements regarding the condition of the cattle and hog industry of this country, the British Government was impelled to pass laws. Those laws restricted certain countries, certain districts, from the importation of cattle into England. They were called infected districts, and on the testimony we ourselves furnished the United States was called an infected district, and thereafter, under an order issued by a department of that government, American cattle were impounded at the port of arrival, the Senator from Kansas says at a disadvantage and a loss to the people of this country of more than $15 per head.

Mr. COKE. Will the Senator permit me to ask him whether he does not speak from practical experience as an exporter and shipper of cattle.

Mr. MCPHERSON. Somewhat. I have this further to say, that up to this hour, as I have the best authority for saying, there has never been an animal shipped from the United States of America landed at a British port which was afflicted with pleuro-pneumonia or with the foot-and-mouth disease or any other disease which imperiled England's herds of cattle. It was one of the means the British Government has taken to protect the cattle industry of its own country. I do not criticise it. I find no fault with it. It is a matter for themselves to deal with. If they prefer dearer food for their people and better prices for the agricultural products of their country, it is for them to decide.

But there is a condition existing among cattle shipped from this country to the other which is not one of perfect health. Many Senators know that if you take an animal from the State of Texas, for instance, and ship it by long and continuous rail travel to the port of New York or Philadelphia or Baltimore, place that animal on board a steamship, exposed as it must be necessarily to severe storms, to change of air, to cold winds and different temperatures, it does engender in the animal a certain kind of disease which perhaps affects both the lungs and the throat. It can only be called a severe cold. Many of the animals reaching the English ports have been condemned because it was declared that they were affected with grievous disease, and although the disease itself upon investigation did not show it to be a virulent disease, in proof of the statement they assumed to make they called forward as witnesses the testimony of the American authorities that disease existed all over this country.

Mr. President, I believe the effect of this bill will simply be to multiply these cases; will simply be to discredit our own product in every market where we deal. The German Government have absolutely prohibited the American hog product from their ports. They found a certain disease among the hogs of this country. It exists there and in

every other country in a tenfold worse form than it does here; yet it furnished an excuse.

All the British Government wants is an excuse to absolutely prohibit even the reception of our cattle at their ports. After the investigations that have taken place on this subject, when in reality not a single trace of disease exists anywhere among the cattle of this broad land that is at all alarming, I think it is exceedingly unwise for this Government to appropriate $250,000 for the purpose of sending out twenty inspectors, whose whole duty it will be to find it, and who if they fail to find it will be immediately dismissed as being of no further service. I think it exceedingly unwise to pursue this system of legislation.

I quite agree with the honorable Senator from Kansas when the alarm was spreading as to a disease existing in the State of Kansas. I know very well that in this country one of the great industries is cattle raising, and I know what the effect would be if a disease of this character should become very widespread; but I have found that there is no one so much interested as the owners of the herds and their neighbors the owners of neighboring herds and the States themselves where this great cattle industry is carried on. I do not believe there is a State in this Union but what will take immediate steps for the purpose of suppressing disease at whatever cost. But that is entirely different from conferring powers on twenty inspectors, many of whom would have no particular knowledge of the disease they were to inspect or of the duties they were called on to perform. They will simply be furnishing more and more erroneous information upon which to base the absolute refusal of other governments to receive our products at all.

Mr. COKE. Mr. President, I concur most fully in the remarks made by the Senator from New Jersey [Mr. MCPHERSON], and congratulate myself that a gentleman of his great intelligence and large practical experience in the business of raising and dealing in stock is here to give testimony before the Senate as to the effect and probable operation of this bill. I have given a good deal of attention to this bill, to the report of the Commissioner of Agriculture, to the report of the veterinary surgeons to the Treasury Department, and have examined all the literature on the subject within my reach, and I do not believe that a more pernicious bill to the great stock-raising interests of this country can be constructed than the one before us now. It ought to be entitled "A bill to provide for slandering and depreciating the value of the great stock interest of the United States." That this will be its effect is absolutely certain.

Now, Mr. President, take the consular reports. Here is Consular Report No. 38, with a very elaborate report from consuls resident in England. It will be remembered that the professed object of this bill is to give our cattle and other stock exported to foreign countries clean bills of health in order to insure for them good prices. Here is a report of the consul resident at Liverpool. He gives the losses by cattle disease in England under the heading, "Progress of foot-and-mouth disease in Great Britain in 1883." He gives the inroads of the diseases in each month of the year, and the total number of cattle attacked for the period given is 199,612.

One hundred and ninety-nine thousand six hundred and twelve cases of foot-and-mouth disease right where we are sending the bulk of our cattle exports for sale. It has not been pretended that a single case of foot-and-mouth disease has gone from this country to Europe, except such cases as were contracted by cattle that were healthy when they left our shores but were carried over in vessels which brought diseased cattle here and became diseased in crossing the ocean because the ships carrying them had not been disinfected. It is not pretended that any disease has been exported from this country to Europe in any other way; it is not pretended that a single case of pleuro-pneumonia has ever under any circumstances gone from America to any foreign country.

I have searched the consular reports; I have searched the agricultural reports; I have looked into all the literature on this subject. I find it asserted in one of the reports of the veterinary surgeon of the Agricultural Department that it is not pretended that any case of pleuro-pneumonia ever left this country for Europe, and that no case of foot-and-mouth disease has ever been carried to Europe from the United States except those cases that were contracted on board of English ships which had brought infected cattle to this country and had not been disinfected before our cattle were put upon them.

These being the facts, no disease ever having been carried from this country to Europe, why is it that our cattle are quarantined and put at a disadvantage when they are landed in England, as we are informed by the Senator from Kansas [Mr. PLUMB]? While Canadian cattle are driven into the interior, ours must be slaughtered upon the wharves and are not allowed to be carried into the interior. Why is this? Certainly it is not because England has suffered from disease imported from this country. The cause of it is to be found, as the Senator from New Jersey [Mr. MCPHERSON] said, in the reports of our own executive department.

Speaking of the diseases of hogs which cause our hog product to be excluded from Germany, here is part of a letter and a dispatch which bears on that subject. I read from the argument of Mr. Emory Storrs on this subject:

Referring to the correspondence between Mr. Morton and the Secretary of State, as published in the report made quite recently by the President to the House Committee on Foreign Affairs, I first quote from a letter addressed by Mr. Morton to Mr. Frelinghuysen, under date of February 28, 1882, in which he says.

Here is the letter:

"I must state that the renewal of the objection made to the importation of American pork is not to be attributed solely to the hostile influence of the minister of commerce and of those who have adverse private interests in the matter, but mainly to the publication in some American papers of supposed fatal cases of trichinosis. These reports, which have been circulated, unfortunately, by the American Correspondence, a New York Franco-American weekly sheet, printed partly in French, are copied by the French papers, and its paragraphs upon American trichinosis have received a rather wide circulation. I inclose herewith, for your information, two of these paragraphs, which appeared in the Correspondence of January 28 and February 11.

"Many people have called at the legation to ascertain if there was any foundation for these reports. I have not hesitated to declare that, in my opinion, they were spurious, and that there was nothing like an epidemic of trichinosis existing in the United States."

Again, at page 75 of the same report, other statements of the same character are grouped; and at pages 86 and 87 Mr. Morton telegraphs to Mr. Frelinghuysen that—

"It was stated in the chamber that Dr. Detmers, who was charged by American Government to investigate the trichinosis question, advised in his official report that all the hogs of the districts where trichinæ had made their appearance should be destroyed. Important to be fully informed."

To that telegram Mr. Frelinghuysen replied, under date December 29, 1883, in this way:

"Detmers stated incorrectly in 1878-'79, in report on swine plague, no trichinæ, that disease was very prevalent in the West."

That is the dispatch from our Secretary of State. He telegraphs to the American minister, of course deriving his information from the reports of the Agricultural Department, that trichinæ is very prevalent throughout the West. What has been the result?

Mr. PLUMB. I think if the Senator will read the report more carefully he will find that he refers to what is called the swine plague, and not trichinæ at all. The swine plague was very prevalent in the West some years ago.

Mr. COKE. I read the Secretary's language:

Detmers stated incorrectly in 1878-'79, in report on swine plague, no trichinæ, that disease was very prevalent in the West.

Mr. PLUMB. He was referring to the swine plague.

Mr. COKE. Well, it is swine plague, then; they call it trichinæ over in Europe.

Mr. PLUMB. They do not call it trichinæ. That was hog-cholera, and hog-cholera differs from it.

Mr. COKE. It is a diseased animal, and they do not draw the distinction. That information comes from the Agricultural Department. It is telegraphed to Europe, and there as a result Germany has excluded our swine product, and France has excluded nearly all of it. When we find that these reports about our cattle and our swine which are made by the Departments of our own Government are going abroad and fixing a stigma upon our cattle, or hogs, and other live-stock, we are gravely asked in this bill to appropriate $500,000 for the purpose of enlarging the influence of the department in giving circulation to these slanders against our products.

As an evidence of the manner in which things are done in that department, I desire to call attention to a report made to the Secretary of the Treasury by three gentlemen who were designated to act upon what is known as the Cattle Commission.

Mr. WILLIAMS. What is the date of the report?

Mr. COKE. December 21, 1883. They report at great length, and their conclusions are embraced in what I will read:

UNDER WHAT CONDITIONS CAN CERTIFICATES OF HEALTH BE FURNISHED WITH AMERICAN CATTLE EXPORTED.

The conditions prerequisite to a perfect quarantine of health in our cattle exported are:

For lung-plague.—That the governors of the States in which this infection exists shall put in force such measures as shall prevent the removal of any bovine animal out of the contaminated area, and above all, its introduction into any public stock-yard through which export cattle are drawn.

For Texas fever.—That the National Government shall prevent the shipment northward out of the area infected with Texas fever of all cattle whatsoever, excepting from the beginning of November to the beginning of March.

Under the action of such laws, rigidly administered, it would be safe to give a certificate of soundness, as regard these two plagues, to export cattle, and such a document should secure and maintain the confidence of all, and ought to bring a relaxation of the English restrictions if anything short of the absolute extinction of lung-plague in our midst will.

There are still other measures for which legislation is required, and as these are equally important with those above referred to, we beg to be allowed to submit them in brief.

What plagues? Pleuro-pneumonia and Texas fever. Here is a department of this Government branding the natural condition of one-third of all the cattle in the United States—branding the normal, natural condition of these cattle as a condition of disease like that which affects cattle stricken with pleuro-pneumonia and the putrid foot-and-mouth disease.

I have here a report from the Agricultural Department which gives the area infected with the Texas fever. It commences in Northern Virginia and extends southward to the Rio Grande. It embraces ten States and the Indian Territory; it embraces 15,000,000 of the 45,000,000 head of cattle in the United States; yet these officials of the Agricultural Department have not hesitated to publish to foreigners and to

the world that these 15,000,000 head of cattle, worth at $30 a head $450,000,000, are sick of disease, and that such a plague as fits it to be classed with pleuro-pneumonia.

What are the facts with reference to Texas fever? Cattle in Virginia, North and South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Arkansas, Texas, and the Indian Territory, though healthy themselves, are said to communicate this disease. They are the cattle which furnish the beef for the inhabitants of those States and the milk and butter they use. They are healthy. Their hair glistens in the sun. They are fat and sleek. A Texas steer can jump a ten-rail fence and put a quarter-horse to his metal to catch him on the prairie. He makes his own living on the range. Nobody feeds him; and in the spring when he is ready for market he is magnificent beef. Yet the Agricultural Department brands this stock as being afflicted with a plague which is classed with pleuro-pneumonia.

I have here the testimony of gentlemen engaged in the cattle business in Chicago to the effect that from 300,000 to 350,000 head of Texas cattle annually are marketed at Chicago. They say:

WASHINGTON, D. C., *March* 21, 1884.

SIR: In reply to your inquiries concerning the sickness among cattle, commonly called "Texas fever," as to how it is regarded at the Union Stock-Yards, Chicago, Ill., we will state the following as facts coming under our personal observation:

The number of Texas cattle received at the stock-yards, Chicago, per year, will run from 300,000 to 350,000 head.

The sickness called "Texas fever" is not regarded with any special apprehension by the trade generally, as for a number of years past it appears to be diminishing.

The trade at the above-named yards in stock and feeding cattle and milch cows is very large, amounting to $500,000 to $1,000,000 per month. This trade is continuous, lasting the year round, there being no business day in which buyers are not operating, and during the warm months, when Texas cattle mostly arrive, buyers take store cattle and milch cows the same as if there were no Texas cattle in the yards. Cow dealers and store-cattle dealers take hay which has laid before Texas cattle to feed their own stock. These dealers often yard their own cattle in pens in which Texas cattle have stood to avail themselves of the feed left uneaten by the Texas cattle. In short, Texas cattle have worked themselves out from their former reputation as being highly dangerous to bring in contact with our native cattle. Authenticated cases of "Texas fever" of late years are scarce, and the percentage of mortality arising therefrom is so small compared with the aggregate transactions that dealers pay but little attention thereto.

Very respectfully,

B. F. HARRISON.
F. D. BARTLETT.

A large trade is done in Texas cattle at Kansas City, a large trade at Saint Louis, a large trade in New York and Philadelphia. I do not know how many are marketed in those places, but in the city of Chicago from 300,000 to 350,000 head are marketed annually, and finer beef is not to be had on this continent. Yet our own Agricultural Department has stigmatized it in a way that if possible it would have been driven from our home markets, and it has been seriously depreciated in foreign markets.

Mr. WILLIAMS. I should like to ask the Senator, if it is not interrupting him too much, if he is undertaking to deny that Texas cattle carried to the North during the summer season will communicate a fatal disease to the native cattle of that part of the country?

Mr. COKE. If the Senator will just wait a moment I will get to that. I say that Texas cattle and cattle from this infected district, as it is called by the Agricultural Department, are healthy cattle; that they furnish healthy food, healthy milk and butter, the food upon which the people in all those States subsist. I presume if one of those gentlemen could see a drove of our Texas steers ready for market and see the activity necessary in the drivers and their horses to keep them on the trail they would come to the conclusion that they were not very sick after all.

But this is not the worst of it. What is the recommendation here? It is recommended "that the National Government shall prevent the shipment northward out of the area infected with Texas fever of all cattle whatsoever, excepting from the beginning of November to the beginning of March."

Mr. MCPHERSON. What do you read from?

Mr. COKE. I read from the report of the Cattle Commission, made by James Law, E. F. Thayer, and J. H. Sanders. Without meaning any disrespect to these gentlemen, I say that this recommendation is simply an outrage. When are our cattle fit for market? It is only from about the last of April until about the 1st of November. They feed and fatten on the natural grasses of the prairies and plains. All through the South the cattle fatten upon what we call the range. It is only in the spring and summer that they are fit for market, and yet that very period is the time these gentlemen have selected when they shall not be driven to market. If this bureau of animal industry is to be managed by gentlemen with no more regard for rights of the people whom I represent than this report would indicate, I would advise my constituents, if the bill passes with the plenary powers they ask for, to get rid of their cattle, because they would be worthless to them hereafter.

The Commissioner of Agriculture has reported the area infected with Texas fever, and here is the report of his veterinary surgeon to the Treasury Department, in which he advises that cattle in the area affected by Texas fever shall not be permitted to go out of that country between March and November, the only time when they are fit for market. Our cattle have to make their own living in the South. They are not fed; they grow upon the ranges, and in the winter season, the time the market is left open to them, it is about all they can do to make a living on the range. It is not until spring, or, as we say out West, when "grass rises," that the cattle commence to pick up, and along about April or May to become fat. But these gentlemen say they must be quarantined from the 1st of March.

I say that if you give the powers asked for in this bill upon the recommendation of the veterinary surgeons of the Agriculture Department and the Cattle Commission, our cattle, from Virginia to the Rio Grande, at the only season of the year when they are fat enough for market, will be quarantined. As was remarked by a Senator now near me, the bill is a suspension of the writ of habeas corpus and a declaration of martial law as to all cattle from Virginia southward to the Rio Grande.

I will now speak of what the Senator from Kentucky [Mr. WILLIAMS] asked me a while ago. It is said of Texas cattle or cattle from Virginia, North Carolina, or any of the States embraced within the infected area, driven north into a different climate, if they graze on a field, and afterward the Northern or native cattle follow them and graze on the same field, the Northern cattle take the disease and die. I presume that is true; but there is this about it: you can put the Texas cattle in the same car with Northern cattle and transport them anywhere and the Northern cattle do not take the disease. No sort of contact produces it. It can be communicated and is communicated only by Northern cattle pasturing after the Texas cattle. You can put them in the same car and carry them together; you may feed them in the same lot on dry food, as is done at Chicago every day, as I have certificates here showing, and no disease ensues. When the Northern cattle go behind Texas cattle grazing on the same range, if they are taken sick you may take the sick Northern cow and carry her among a thousand other Northern cows and she does not communicate any disease. The disease comes only from grazing after the Texas cattle by the native cattle of the North.

This thing is well understood. I am told by my friend from North Carolina [Mr. VANCE] that there is a law in North Carolina forbidding the driving of cattle from the lower country up into the mountains at certain seasons of the year. The people understand this thing in all these States. They understand it thoroughly in Texas. Northward of us lie Missouri, Kansas, and Colorado. Those States have stringent quarantine laws, which our people respect, and are bound to respect, because they have shotguns behind them. They know how to enforce their laws there. The people on the Atlantic seaboard understand this disease. This report says it has existed in North Carolina one hundred years. The only place from which there would be any danger is Texas. Texas is hemmed in by the most rigid State quarantines. They can not get out of Texas to the detriment of other stock. There is a trail laid out for them through the Indian Territory upon which no other cattle go.

Texas or splenetic fever is called a disease. It is not a disease. No man has ever been able to explain it. When the people understand exactly how to handle cattle so as to avoid any evil consequences of this so-called disease, where I ask is the necessity of our having the Agricultural Department publishing to Europe and to the rest of the world that one-third of the cattle in the United States, 15,000,000 head, worth $450,000,000, the chief staple of food of all the inhabitants of the country where they are found, are affected with a deadly plague? Why is it that the Agricultural Department is so persistent in crying aloud the horrors of a dreadful cattle-plague when none exists, thereby destroying the marketable value abroad of our cattle? Why is it that they make these advertisements? There is but one reason for it. Twice has this bill been kicked without ceremony out of the Senate, and it comes here again. That department is determined to aggrandize itself; that department is determined to take charge of all the stock in this country. It is determined to lay its hand not only on the cattle, but the bill embraces the horses, the sheep, the hogs, the goats, and the next step will be to take charge of the fowls also.

I now ask the attention of Senators to some information that I will give them. Let me read:

UNION STOCK-YARDS, *Chicago, Ill., April* 14, 1884.

TO EMORY A. STORRS, *Riggs House:*

There never has been any sickness among cattle here that any one pretended to call contagious pleuro-pneumonia or foot-and-mouth disease.

E. TITUS WILLIAMS,
Superintendent Union Stock-Yards.

Mr. MCPHERSON. Will the Senator allow me right in this connection to emphasize the statement made by Mr. Williams? It is well known that Chicago is the great central point; that cattle from every State and Territory in the Union seek a market there. If disease existed anywhere it would be absolutely certain to show itself in those stock-yards after the cattle had been shipped over long routes, consuming days in transportation to reach the city of Chicago. If disease existed anywhere it would be developed there, by reason of the perils and privations of the trip. The stock are deprived often largely of food and

water for a long time. I only wished to emphasize the statement made by Mr. Williams.

Mr. COKE. I am very much obliged to the Senator.

Again:

JERSEY CITY, N. J., *April* 15, 1884.

Hon. EMORY A. STORRS, *Washington, D. C.:*

Our receipts of cattle at the yard in the year 1883 were 423,800 head. We have never had any pleuro-pneumonia, foot-and-mouth disease, or any other contagious disease at these yards.

E. L. LAMBERT,
Assistant Treasurer.
NEWTON & GILLETTE.
DANIEL TOFFEY & CO.
J. F. SADLER & CO.
SPERMAN & CULVER.

Again:

EAST LIBERTY, PA., *April* 15, 1884.

To E. A. STORRS:

We, the undersigned, certify that we have been in the cattle business at these yards for the last ten years; have never had any stock affected with pleuro-pneumonia, foot-and-mouth disease, or any other contagious disease. The receipts at this yard of stock and fat cattle are about 400,000 head per year.

O. H. ALLERTON,
Sup't P. C. S. Yards.
HOLMES, LAFFERTY & CO.
JACOB RENEKER & SONS.
BRIGGS & DRUMM.
SADLER, McCALL & CO.
HUFF, HAZLEWOOD & IMPATH.
J. B. HEDGES & CO.
JOHN HESKEL & CO.
H. C. MILLER.
H. C. ROWLEN.
J. B. HUFF.

Again:

NEW YORK, *April* 17.

EMORY A. STORRS:

We received and yarded 250,000 cattle last year, and had not a single case of pleuro-pneumonia or foot-and-mouth disease.

J. B. DUTCHER,
President Union Stock-Yard and Market Company.

Now I wish to read an affidavit with reference to the Texas fever. I have the original here on my table:

Robert Strahorn, H. H. Conover, Lewis R. Hastings, and Reuben P. Conger, being first duly sworn, upon their oaths state:

That they are now engaged in buying and selling cattle at the Union Stock-Yards of Chicago, and have been so engaged for at least twenty years past; that the annual receipts of Texas cattle at said stock-yards amount to from 300,000 to 350,000 head, and that the disease known as "Texas fever" is not now regarded at said stock-yards with any apprehension, and has not been so regarded for years, and that any fears that may have been entertained in the past at said stock-yards on that score have been dispelled by reason of almost total immunity from said disease at that point.

That the average number of cattle received and sold at the said stock-yards weekly is about 36,000 head, and that sellers, buyers, and owners of the same—in short, every one handling cattle there—have no hesitation in yarding calves, milch cows, stockers, feeders, fat cattle, or any other cattle in the pens that have just been occupied by Texas cattle, and allowing them to drink water from the same troughs and to eat the hay left by the Texas cattle; and that, in short, the authentic cases of "Texas fever" at said stock-yards have been so small in comparison with the aggregate transactions in Texas cattle that the disease has come to be regarded there as an exploded theory.

R. STRAHORN.
H. H. CONOVER.
L. R. HASTINGS.
R. P. CONGER.

Texas fever, a great plague, so reported by the veterinary surgeon of the Agricultural Department, as existing in cattle which furnish healthy food for one-third or one-fourth of the people of the United States, occupying about one-third of the area, and numbering one-third of all the cattle of the United States, 350,000 head of them marketed annually in one single city, a plague which as I have shown exists only in the imagination of certain officials in this city, it is one of the principal objects of this bill to provide against.

You have heard about the pleuro-pneumonia. Where is it? Here is one of Dr. Salmon's late reports, veterinary surgeon for the Agricultural Department. He says, speaking of pleuro-pneumonia:

Glancing over the territory which I have stated to be infected—and it must be confessed that it is not extensive—a single farm, with perhaps five animals, in Connecticut, about four counties in New York, as many in New Jersey, two or three counties in Maryland, and possibly a few stables in Delaware and Virginia.

Again:

Now, while it is true that pleuro-pneumonia has existed in the East for forty years without having been carried to the West, it must be admitted, from what has occurred so many times in Pennsylvania and Connecticut, that there has been danger of this, and that this danger is increasing with the larger number of cattle now being shipped in that direction.

For forty years it has existed in this country and no case has ever gone west of the mountains. So the very gentlemen who recommend this bill say the disease exists only in one or two places in Connecticut, two or three places in New York, as many in New Jersey, and two or three counties in Maryland.

Mr. McPHERSON. When it is found to exist, I should like to ask the Senator from Texas if there is any evidence to the contrary showing that it is not immediately stamped out?

Mr. COKE. Certainly. I was going to state that Dr. Salmon says that in the States where this report locates it (possibly except Virginia; I think I will not have to except Maryland; but it exists only in two or three stables in Virginia) each one of the States has a rigid provision on its statute-books providing for stamping out the disease wherever it manifests itself. That is all there is of pleuro-pneumonia. Not one case of it has ever been carried from this country to Europe, as the consular reports say.

Mr. McPHERSON. It could not exist in New Jersey for an hour under our laws.

Mr. COKE. The Senator from New Jersey says it could not exist in New Jersey for an hour, where they have a provision for buying up diseased cattle and slaughtering them at once. Here is the great bugaboo. There have been perhaps a dozen cases of so-called pleuro-pneumonia, which has been in the country according to these gentlemen for forty years, and no case has ever gone west of the Alleghany Mountains. Why all this cry about pleuro-pneumonia when there is none of it? Would it not have appeared in Chicago, where their cattle transactions amount to $200,000,000 a year? Would it not have appeared in the stock-yards in New York, at Philadelphia, at Jersey City? Yet I have read you certificates stating that no single case has ever appeared at either one of those localities. Would it not have appeared at Saint Louis or at Kansas City? Yet who has ever heard of a case suspected of being west of the Alleghany Mountains? The only basis for this bill is sensational reports gotten up by gentlemen belonging to the Agricultural Department for the purpose of building up the importance of that department and getting a large expenditure of public money, the creation of fat places, and the exercise of more power.

Who are so much interested in sound cattle, in a steady, reliable market, in the absence of panics, in the absence of anything to unsettle values in the market as the gentlemen of the stock-yards of Chicago, Jersey City, New York, Philadelphia, and other points from which I have read certificates? It must be remembered that these gentlemen are also producers of cattle. They have their ranches all over the West. They have many of them in my State; they have them all through the stock-raising country. Yet you find these people, representing the vast interest in stock in this country, rising up as one man and protesting against the passage of this bill. Why is this? This thing will affect their pockets. If there was any virtue in it it would save them money; but they are practical men, they are wise men in their business, and they believe that to place this power in the hands of the Agricultural Department would be ruinous to them.

Are they wrong, Mr. President? When you find the veterinary surgeons gravely recommending a quarantine upon 15,000,000 head of cattle, keeping them out of market at the only time when they are fit for market, are these men to be blamed for being unwilling to intrust the great stock interests of this country to a department which must depend upon such advisers?

The whole basis, the whole foundation upon which this bill rests, when it comes to be inspected and analyzed, is found to be absolutely worthless. It is based upon a false clamor, upon sensational reports, upon grossly exaggerated statements, upon imaginary facts, and upon a selfish desire for personal advancement, comfortable salaries, and easy places.

So much for the bill generally. I desire at this time to call attention particularly to one or two of its provisions. I read from the first section:

And the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose—

That is, to make the investigation into the health of cattle and all sorts of stock—

not to exceed twenty persons at any one time.

"Not to exceed twenty persons at any one time." They are to investigate the cattle of 50,000,000 people, scattered over a continent. Who are they? They are to be appointed by the Commissioner of Agriculture, a very honorable gentleman, but who is as liable to be mistaken as anybody else in men. See the immense power. When they report to him he can not go out and examine; he must act upon their recommendation and advice. What do they go out for? They go out to hunt disease. They will find it. Their bread and meat, their office, will depend on finding disease in American cattle, American hogs, American horses, and in all sorts of American stock, because the more disease they will find the more necessity there will seem to be for their services. It is a premium offered for defamation and slander upon the great live-stock interests of the United States.

With such a bureau as this organized, who can foresee the result? Twenty men scouring the country, looking for a sick steer, a sick hog, or a sick horse, of course they will find them. They will report them with a flourish of trumpets, and the next electric wave will waft it under the ocean to Europe, and our stock, our cattle, and our hogs will take another tumble, and we will have other restrictions placed upon them. That will be the result. No other result could happen. Section 2 of the bill provides:

That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men familiar with questions pertaining to commercial transactions in live-stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious, infectious, and communicable diseases. The compensation of

said agents shall be at the rate of $10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under this act.

Here are two agents to have charge of the great interest of stock transportation through the United States. Besides, they have to prescribe the methods of treating sick animals and how to extirpate infectious diseases. They must also be experienced stock-raisers and commercial men besides. Did any two gentlemen ever have more diversified labors placed upon them before? If you can find a man who is a good cow-doctor, a good horse-doctor, a first-rate broker, and a good railroad man, an expert commercial man, as well as a practical stock-raiser, it does seem that $10 per day (which is the amount fixed in the bill) will be very poor pay. He certainly would be able to earn more than $10 a day; yet these vast interests are to be placed in the hands of two men who can be hired at this price to be chaffered with and beset with competing bids by railroad companies, cattle companies, and stock-brokers, each anxious and willing to pay for special privileges and advantages. You can not safely intrust such an interest to any two living men who can be hired at $10 a day, or $20 a day, or $50 a day.

Remember, these men are to investigate and report. The Commissioner of Agriculture can not examine for himself; he must rely upon these two men; and when they come with their report he must adopt it or not act upon any sufficient information. The cattle alone of the United States in 1880 numbered thirty-nine millions and some hundred thousand head. I suppose they now number 45,000,000 head. Twenty-five dollars a head would bring a thousand and two hundred and fifty million dollars. Yet that does not include the horses, the hogs, the sheep, the goats, and other stock which are embraced in the bill. If I had to estimate the value of the cattle interest in the United States I would say it was a billion five hundred million dollars' worth at least. Yet the annual product of that great interest is to be subjected in its marketing, in its transportation, in the methods of sanitary treatment, upon which so much of its value depends, to the discretion of two individuals and twenty other agents specially commissioned to hunt out diseases among stock. They are to have the great railroad companies bidding at them, they are to have great stock companies bidding at them, they are to have temptations placed before them such as no men have ever had in the history of this country.

I ask Senators if it is right, if it is fair, to reach out and lay the hand of the Government upon this vast property and subject it to such conditions? It is unrepublican; it is undemocratic; it is not in accord with our methods. Let our people alone. They can attend to their own business. The States are ready to stamp out pleuro-pneumonia wherever it may manifest itself. They are stamping out the foot-and-mouth disease wherever it exists. They are quarantining against Texas fever, and have rendered it perfectly innocuous. Where, then, is the necessity for a bill which embraces the entire live-stock interest of this country and hands it over to the guardianship of the Commissioner of Agriculture, who must depend upon the advice of twenty cheap agents and two cheap supervisors, liable to be bought out and influenced to a betrayal of the interests of the people? Why should the thing be done? If the Cattle Commission and veterinary surgeons will only stop libeling and defaming the cattle of the United States we will hear no more of restrictions in Europe upon their importation. Our hog products and the importations of our cattle in foreign countries have suffered from restrictions, and commenced to suffer from the time that the unholy ambition of the Agricultural Department was directed toward this object, from the time that the reports of our Government through that department fixed a stigma upon the health of our cattle and other stock.

This bill, if passed, will give no relief, but will aggravate all the evils we now suffer from. It will involve a vast and annually increasing expenditure of money. It will multiply officials and harass the people with impertinent surveillance in their domestic affairs.

Why is it that in Canada they get full prices, when with as good stock we have to submit to a discount of from $12 to $15 a head, as was stated by the Senator from Kansas? It is because in Canada they have not a lot of agents who are ambitious to increase their power and magnify their salaries and have a good thing made out of a bureau of animal industry.

Mr. President, the bureau of animal industry of these United States is among all the people of this great country. Their intelligence prompted by their self-interest is the watchful guardian of that bureau. It costs the Government nothing. It may cost the State something, but they pay it and attend well to their own business.

I say to you and I say to the Senate that in my judgment it would be a great misfortune to pass such a bill as this. We are doing too much of this sort of thing; we are taking hold too much of the people's business. We are not submitting enough to that intelligence which we know exists among the people, and which we believe is the only guarantee for the excellence and stability of our Government.

Our Government is not a paternal one; it is a Government of granted, delegated, and enumerated powers, and proceeds upon the theory that the people know how to attend to their own business without the aid of the Commissioner of Agriculture or anybody else when it comes to raising and taking care of cattle, hogs, horses, sheep, &c. I say let the people alone. This bill was driven from the Senate twice before, each time after only about an hour's debate, and it ought to go out of the Senate again. There is no virtue in it now more than there was then. We had up a scare here about the foot-and-mouth disease in Kansas, pronounced, when it first broke out, by one of the veterinary surgeons of the Department in a dispatch to be the genuine article, the European foot-and-mouth disease—at least he was so reported in the papers, and I read the dispatch. We had that scare, and it turns out to be baseless and groundless.

Mr. GEORGE. Does it not exist in Kansas?

Mr. COKE. The conclusion there is that there is none in that State and never has been any there. Upon the spur of that panic we passed through Congress a bill appropriating $50,000 to be sent to Kansas to suppress the disease. If it had not been for that, manipulated as it was artfully for the purpose of advancing legislation of this character, this bill would not stand in the Senate one hour any more than it did when it was before the Senate twice heretofore.

There is no pleuro-pneumonia in this country. The records show it. The certificates from the stock-yards at Chicago, New York, Philadelphia, and all the points from which I have read certificates state the fact. The Senator from Kentucky [Mr. WILLIAMS] shakes his head. They state the fact to be true that no pleuro-pneumonia or foot-and-mouth disease or any other contagious disease has been in those stock-yards for twenty years. Cattle from all over this country, from everywhere, go into those yards, and if the disease was anywhere in the country those would be the places to find it. So there is no cause for this bill; there is no ground for it; there is no reason for it. You spend the people's money; you annoy and harass the people in the management of their own business unnecessarily by passing it.

If the bill is modified into a bill providing for thorough quarantining to prevent infection from landing in this country I am willing to vote for it. I am willing to vote for another modification that shall so establish quarantine posts for exported meats and live-stock that nothing diseased can go out of the country. I am willing to go as far as any man ought to go to keep out foreign disease, and if any should get in here to keep it from being sent abroad again, to stamp it out at our quarantine stations on the coast. I am willing to do that, but I am not willing to appoint two supervisors and twenty detectives to go smelling around every man's stable and cow-lot and pig-sty to see if he can not find something to report to the Agricultural Department so that a charge of disease may be made out of it.

I am not willing to do that. The Commissioner of Agriculture needs no such assistance. The people are attending to this thing themselves; the profits of their business depend on giving it good attention, and they do not want any assistance from the Agricultural Department. The States are doing their whole duty; and the theory upon which gentlemen invade States for the purpose of taking hold of their police powers is that they are not doing their duty. That is the only theory on which they go into the States. It is not true in this case. The States are doing their whole duty. Missouri and Kansas and Colorado are taking care of Texas fever, and the States where pleuro-pneumonia and foot-and-mouth disease are alleged to exist are destroying it as fast as it appears.

Mr. MCPHERSON. Mr. President, I can add nothing to what has been said by the honorable Senator from Texas [Mr. COKE]. He has exhausted the whole subject. If anything more could be said, the reason and argument may be found in a document which I notice upon my table this morning, and which is also on the table of every Senator: "The animal industry bill; argument for the substitute and additional documents, by Emory A. Storrs, of Chicago," which is an intelligent and complete answer to every argument made by the friends of the measure. I commend it to Senators, and regret very much that it has not been earlier placed on our tables in order that it might be fully digested. I find on page 42 of that document what purports to be an editorial from the New York Tribune of March 18, which I ask to have the Secretary read, as it seems to me to state in a more concise manner than I possibly can the whole reasons for which this legislation is sought.

The Secretary read as follows:

FIFTH.

[Editorial from the New York Daily Tribune, March 18, 1884.]

WHAT TO DO ABOUT ANIMAL DISEASE.

There has not been before in many years such general health among American cattle and hogs as there is now. The late swine commissioners—one of whom visited twenty-six States—found practically no disease. There is, and probably always will be, occasional trichinæ, a very small percentage, but the "experts" know little or nothing of its cause; it affects our pork perhaps no more than that of other countries, and the one and easy safety is in thorough cooking. The "cholera," which has been made excuse for selfish sensationalism so costly to producers, had "disappeared" last fall, according to official admission. But how about pleuro-pneumonia? Not an item of proof has been brought against the many competent witnesses who testify that there is very little of that.

Whence, then, all this noisy affirmation? It emanates from a few persons already in Government employ, and naturally anxious to enlarge and perpetuate their easy places. Every slight local sickness is magnified and telegraphed over the whole land, as was the case the other day in Columbia County, New York. The alarmists are thoroughly organized; they have been working toward this one end half a dozen years, and it is proverbial that plea is much more active than protest. But we are not saying—and never have said—that there is no pleuro-pneumonia in the Atlantic States. It would be strange if there were not, with our frequent cattle importations from the infected fields of Europe. Let what there may be be "stamped out," but do it in a sensible, business-like way.

If the few States claimed to be infected are not deemed capable of dealing

with the disease, as in Massachusetts and elsewhere, then let the Government put the whole matter into the hands of some one practical, honest, business man, with authority to quarantine, to buy, to kill, and bury or burn, calling to his aid all necessary assistants and co-operation; and then let him present the bill, with vouchers for every item of expense. But to organize for this simple work the proposed new "bureau of animal industry," and that, too, in connection with the not highly esteemed "Agricultural Department" at Washington, and equip it with a quarter of a million dollars and twenty men appointed by political intrigue, is to repeat on a mammoth scale the "hog-cholera" disgrace and the "grasshopper" folly of past years.

So of "foot-and-mouth disease," of which we have lately heard in Maine and Kansas. That, too, if it is here at all, was also imported. Get rid of it at once in the same simple way above suggested; and, our coasts once clear of these much-talked-of sources of danger, let us see that we stop bringing any more of either infection across the Atlantic, since quarantine restrictions seem to prove ineffectual. For why should the whole vast cattle interests of America be put in jeopardy for the profit of the few who ship cattle here for speculative purpose? We have a good plant of all the leading thorough breeds of Europe; let us make the best of them, and likewise of our own hardy, healthy natives, which contain elements capable of unsurpassed development.

But, after all, it is one comfort to reflect that this costly sensationalism which has characterized the agitation of "contagion" will not be wholly without compensating results if it serve indirectly to draw attention to the important truth that health in domestic animals, as in human creatures, can only result from wholesome food, pure air, comfortable quarters, and general provision for maintenance of strength. Western hogs can not keep well nested in mud and cold, or in sties reeking with filth, and eating frozen, moldy corn; nor Eastern cows in crowded, unventilated stables, with fermenting brewers' grains, glucose, meal, and half-decayed ensilage as insufficient feed. When all stock-keepers humanely regard the comfort of their animals there will not be a hook left for hungry alarmists to lay hold upon.

Mr. WILLIAMS. Mr. President, I am sorry that my friend from Texas [Mr. COKE], in the ardor of his feelings, has been carried so far in the denunciation of the motives of the men who are asking the passage of this bill through Congress. I am sure he intended no personal disrespect to me.

Mr. COKE. Certainly not.

Mr. WILLIAMS. I say I am sure of that, nor to the great body of stock-raisers in this country; and I can say to him after that storm of denunciation, that I am still standing out in the open air, and not at all disturbed by this Texas norther.

I have given a great deal of thought and investigation to this subject, representing, as I do, a constituency deeply interested in stock-raising, and being a stock-raiser myself. I wish the Senate all understood this question as well as I do. I wish they had examined it as thoroughly as the papers before us might have enabled them to do. Understanding it as I do, I am deeply impressed with the importance of something being done by Congress in the premises, not only for the purpose of protecting the health of our own domestic herds, but for the further purpose of placing our foreign meat trade upon a surer and better basis. Already four of the principal governments of Europe have prohibited absolutely the importation of our hog product into their ports; and England, the largest consumer and best customer for our breadstuffs and meats, has imposed restrictions on our live-cattle trade that have well-nigh destroyed that business, and all this for what? Because we have no inspection or sanitary laws in this country that will give our foreign customers a reasonable assurance that the live animals and dead meats we send them are healthy and wholesome for food.

In view of the further fact that we are in the very near future to lose our supremacy in the grain markets of Europe, it behooves us well to look to the meat trade. In consequence of abundant crops in this country and failures in Europe for three or four years we have had the command of the British grain market, immensely to the profit of our farmers, but we are losing that, and to-day wheat is 10 cents cheaper in Liverpool than in the city of New York. All this time that our abundant harvests have enabled us to make these enormous shipments abroad our old rivals have been strengthening their competitive powers by railroads and by the erection of grain elevators on the Baltic and Black Seas, until they are ready now to drive us out of the European market; and Great Britain, not at all discouraged by her unsuccessful efforts to produce cotton in Egypt and India, has turned her attention to the development of the wheat-growing interest in her Asiatic colonial possessions, and we have it upon the best authority that within the last twelve months India alone has sent to the markets of Great Britain 40,000,000 bushels of as good wheat as is produced on the face of the earth, and in twelve months more the expectation of Great Britain is that she will receive her whole supply from her own colonial possessions; and where shall we then be if we lose our meat and grain markets both? It behooves the Congress of the United States to be looking well to our traffic in meat, that our farmers may have the means of concentrating their grain into flesh, which is more profitable even now than to ship the grain, for one bushel of wheat will make twelve pounds of pork.

I do not propose to discuss the constitutional power of Congress, notwithstanding the Senator from Texas denounces this measure as unconstitutional in all its provisions. But he gives us no argument to sustain his declaration, and his vehement denunciations fail to carry conviction with them. He says that this bill is placing the whole cattle interest of the South Atlantic and Gulf States, including Texas, in the hands of an agricultural commission. That is a wide mistake. The bill does not propose to place all the cattle anywhere in the hands of a commission. If they are all diseased there is not a commission on earth that could manage them, and all they can do is to recommend that the Texas cattle be kept at home until they can be sent abroad with safety; and if they are all healthy, as the Senator seems to think, this commission will have no control over them. We have no occasion here to draw our authority from the general-welfare clause, because there is an express provision in the Constitution giving Congress absolute control over commerce with foreign nations and between the several States, which covers completely the entire question.

It is amazing to me that Senators will persist in so misunderstanding this bill and misrepresenting its provisions from misunderstanding them. They say that it interferes with the reserved powers of the States and with the rights of private property. Now, sir, this is a mistake. This bill does not undertake to interfere with the local authorities in the slightest particular. It proposes to act in harmony with them in devising the best method of preventing the spread of infectious diseases among our domestic animals and of arresting and extinguishing them where they are found.

The amendment reported from the committee of the Senate provides that when this commission shall have promulgated rules and regulations to be adopted by them for the benefit and guidance of all drovers and public carriers engaged in the transportation of live-stock, they shall present the same rules to the several States wherein the diseases complained of may be found to exist; and if those States will accept and adopt those rules or suggest others that will be equally efficacious, the commission raised under the auspices of the Department of Agriculture shall act in harmony and concert with them and actually pay for the cattle they may necessarily destroy for the public good.

But if a State does not and will not take any steps to arrest the spread of these diseases from its own borders into other States, then the President upon proper information is authorized by his proclamation to put that State in quarantine and forbid the transportation of its cattle into other States. Is there anything wrong in that? Is there anything violative of the reserved rights of the States or of the liberties or property rights of the people? Shall a State be permitted to make herself a hot-bed of pestilence, and send a constant stream of disease and death into her sister States to destroy the property of the people? And will great lawyers tell us that there is no remedy? There is a remedy, sir, in the Constitution, and Congress has the power to apply that remedy. There can be no doubt of that.

Mr. President, it is something amusing to me to see how these cattle bills stampede the Texas herds as if you had shaken a red flag in their faces; the cattle all run away; but the gallant Senator throws himself in the breach and covers their retreat. Oh, he says, you may pass what bills you please against pleuro-pneumonia and foot-and-mouth diseases, but you must let my Texas cattle alone; you must not touch them. I should like to know if these Texas bulls belong to a royal race; if they are sacred like the cattle of the Brahmins of India, that they shall be given the freedom of a whole continent, with full liberty to roam where they please and gore every man's ox with impunity. I know all about these Texas cattle. A Texas steer is a great, tall, long, thin, slab-sided brute, with wide-extended horns, sometimes seven or eight feet from tip to tip. He is said to have come from the bulls whose exploits delighted the old hidalgos of Spain; but notwithstanding his high historic descent, my judgment is that he is entitled to no more privileges in this democratic country of ours than common cattle.

The Senator denies that there is any disease among his cattle in Texas, but he admits that at certain seasons of the year they are capable of communicating a disease which kills all other cattle that graze with them on the same pastures. That admits the whole question. I do not want a stronger argument for my side.

But the Senator says the people down his way have got to understand this thing and they are regulating it themselves. Ah, Mr. President, we Western stock-raisers are not willing to trust to the honor of the cattle-trader and the cowboy for the security of our herds. We do not want to rely on the shotgun to defend them any longer. We want a law passed by the Government of a common country that shall protect these herds and hold those Texas cattle back within her borders until a certain season of the year when the observations of scientific men and the experiments that have been made tell us that they can be carried North with impunity. And why shall it not be done? The State of Missouri not long ago passed a law prohibiting the introduction into that State of Texas cattle except during a certain season of the year. The Supreme Court of the United States decided that law unconstitutional, upon the ground that Congress had the exclusive right to control commerce between the States of this Union. Texas herself has no law to forbid it. The Supreme Court has decided that the adjoining States can not prohibit it, and great lawyers here tell us that the National Government can not, and therefore this great cattle interest of the country hangs up between the devil and high water and there is no help for it, no security for it.

The Senator says it is nobody but the officers of the Government and people who want places who advocate the passage of this bill. Let me tell him it is the whole stock-raising people of the country. All the agricultural associations, stock journals, and stock-raisers of the West and Northwest have memorialized Congress, and so have many of the State Legislatures, asking some remedy against the spread of these destructive animal diseases, and especially the disease known as pleuro-pneumonia or lung-plague among cattle.

Who is opposing it? There is one—Emory Storrs, a distinguished lawyer from the city of Chicago, I understand has been here lobbying against the stock-raisers of his own country. Who send him here? A lot of cattle salesmen in the city of Chicago. I know a great many of them myself. Not one of them is a cattle-raiser in the sense we ordinarily understand it out West. They are cattle-men who sell cattle on commission, and it is their interest to have the largest number possible in their yards, sick or well. It is said that two of those men are interested in the Eastern calf trade, buying calves and selling them in Chicago.

I want to read to the Senate a very short paragraph from the Breeders' Gazette, the first stock paper in America, in reply to the efforts being made by these commission men to defeat this bill, and I should further state that some of them, as I am informed, are engaged in the dead-meat trade with Europe, in slaughtering beeves and shipping them in ice to Liverpool, and therefore are opposed to the live-cattle trade. Here is what this Gazette says:

It is an important and significant fact that no other interests save those represented by Mr. Storrs have opposed the passage of this bill, and as he has in the opening of his argument named these parties, I beg leave to direct the attention of the members of the Senate to the fact that none of them are in any sense farmers or cattle-raisers.

Colonel Sanders, editor of the Gazette, knows every one of them.

If any of them are interested at all in the business of breeding and raising cattle, it is only incidental, and has but little bearing on their views upon questions that affect their main business as brokers and shippers, who handle cattle on a commission at so much per head.

These are the cattle-men of the West who oppose this bill. What do you say to the great meeting held at Cheyenne two or three days ago? Five hundred of the greatest stock-raisers in that country assembled there and sent a petition here.

Further on the Gazette says:

On the other hand, it may also be well to bear in mind that the passage of some such measure as that now pending in the Senate has been urgently petitioned for by every agricultural society of any prominence in the great cattle-raising regions, and by nearly every representative body of cattle-raisers in the United States. This of itself is a significant fact, and ought to lead Senators to ponder well before they oppose the passage of this bill.

Mr. COKE. Will the Senator permit me to ask him if Dr. Sanders is on the Cattle Commission?

Mr. WILLIAMS. He is a member of the Cattle Commission, and forty times as good authority as the men who oppose it, because he was selected for his practical knowledge of the business.

Mr. COKE. He joined in the report to the Secretary of the Treasury which I mentioned.

Mr. WILLIAMS. He did. He is a trusted officer of the Government, in whose judgment and opinion we have confidence, and not one of these outside fellows. I know more about this matter than any one of these men. I am a stock-raiser and familiar with the whole business and with many of the men who are interested in this great industry in the West. I know that this bill is desired by nineteen-twentieths of all the farmers and stock-raisers throughout the entire West.

Gentlemen say that there is no pleuro-pneumonia in this country. My God! If the Senator will read these voluminous reports, signed by the Treasury Cattle Commission, the head of which was Dr. Law, of Cornell University, they will be satisfied that the disease exists to-day in New Jersey, New York, Pennsylvania, Delaware, Maryland, and in the District of Columbia. I know it is here, for I have seen it myself right in this city this winter.

Mr. COKE. I read from Dr. Salmon's report the places where it exists.

Mr. WILLIAMS. Did you read Dr. Law's report? Did you read the Cattle Commission report?

Mr. COKE. Only Dr. Salmon's report. He gave the places.

Mr. WILLIAMS. Here is the report signed by Dr. Law and the two associated with him. There is no doubt about it. The Senator from New Jersey has doubts, but I do not think he knows much about it, for he had the candor a few years ago when the subject was under discussion to say he had never seen a case and did not know what it was, and I am satisfied of it from what he said to-day. Here is a report from his own commissioner of the State of New Jersey, in which he states the number of counties in which he found it.

Mr. MCPHERSON. If the Senator will permit me to interrupt him——

Mr. WILLIAMS. Certainly.

Mr. MCPHERSON. I will say that while the State which I have the honor in part to represent here is charged in these reports with being one of the infected, I have never yet been able to discover a case of pleuro-pneumonia in the State after diligent search. It is this of which I complain, that these gentlemen who desire $500,000 to go searching with a lantern and search-warrant all over this country are just as ignorant of that fact as the Senator from New Jersey. It may be in other States, but I have no knowledge of it. In short, I think I have knowledge that it does not exist in my State, notwithstanding the report.

Mr. WILLIAMS. That is a question of opinion, and while I may be perfectly willing to trust Dr. MCPHERSON, from New Jersey, with questions of law, finance, and naval affairs, I am not disposed to trust him with cattle diseases. I stated distinctly that men selected for their eminence in the very profession to which we have called them state that the disease exists. There is no doubt about that.

The Senator from Texas says that his cattle have no disease, and he wants to except them from the operation of the bill. What we want to do is not only to eradicate this disease from our own herds but to regain our lost meat market abroad. Complaints have come to this country from the British authorities at London and Liverpool that Texas cattle were being shipped there. What we want is that our cattle may be allowed not only to enter the ports of England but when they get there be taken into the interior of the country, where they may recover from the wounds, bruises, and fever incident to a long voyage in this country of one or two thousand miles sometimes and the sea voyage besides. But as it is they are compelled to be slaughtered in the abattoirs immediately after arrival. This has resulted in a loss to our cattle-men of fifteen to twenty dollars per head upon animals thus sent abroad.

If you allow Texas cattle to go there they will never remove their restrictions. I think, Mr. President, all the denunciation of the Departments and the officers and the veterinary surgeons and the Agricultural Commissioner and everybody connected with this bill was entirely gratuitous on the part of the Senator from Texas, and it is so unlike him, that I regretted exceedingly that in the heat of debate he was led into that style of denunciation, for he is extremely amiable ordinarily.

The Senator from Texas says that the disease existed a great while in portions of the States along the Atlantic seaboard, and never yet got beyond the Alleghany Mountains. What is the reason? The reason is to be found in the fact that the cattle trade has all been from the West to the East, and the price of cattle has always been higher in the East than the West. I never saw a New Jersey animal in the State of Kentucky in my life. I never saw a New York cow or young steer in Kentucky; but I have seen thousands of Kentucky cattle in the New York markets. But with the enormous growth of cities in the East, and great demand for milk and butter, the dairy interest has become very important, and there has been a demand in the West for the young stock of the East, and they are now gathered up and shipped by the thousand West. It is said on good authority that last year they received forty or fifty thousand dairy calves shipped to Chicago alone, to be distributed over the grazing lands of the West. This is where the danger lies to which we are constantly exposed.

Mr. GEORGE. I desire to ask the Senator from Kentucky whether I am to understand him to admit the position stated by the Senator from Texas that no case of pleuro-pneumonia has ever occurred west of the Alleghany Mountains.

Mr. WILLIAMS. I do; and I want to keep it from going there. That is exactly what we are after. The difference between me and him and the Senator from New Jersey and those of us out West who support the bill is just this; that we have not the disease among us and do not want it, and are willing to be taxed to secure this end; but these men who have the disease among them do not want to keep it back. There is not a case of it in Kentucky and never has been, but I am fearful it will come every day.

We know that pleuro-pneumonia is a deadly disease; we know that it is incurable; we know that it is ineradicable practically. For that reason we want to keep it out. It is now confined within five or six States or portions of those States in a belt of land about three hundred miles long and one hundred and fifty wide, and we want to exterminate it there before it spreads farther. The States have tried for twenty or thirty years, and have shown themselves powerless to eradicate it, and we are now invoking the strong arm of the Central Government to throttle and stamp it out wherever it can be found, as the only means of preventing its spread and the only means of enabling us to have healthy cattle shipped abroad. That is why we are so anxious about this thing.

We know in Kentucky that our short-horned cattle will be of less value to us if this disease once gets where our blooded bulls are wanted to improve the native stock; and that it must go there unless prevented is absolutely certain. Its march is slow but constant, and it may break out any day. The great cattle interests of the country demand that Congress shall do something.

This bill in my judgment is one of the most important that has been before Congress since I have had the honor of a seat in the Senate. It interests more people and affects a greater amount of property than any bill to-day on the Calendar of either House. It interests everybody in the country who eats meat, butter, or cheese, or drinks milk, or wears shoe-leather, everybody from the humble Irish woman with her little brindled bell-cow up to the great cattle king whose cattle graze on a thousand hills.

Senators, think of the immensity of the cattle interest. We had in 1880 40,000,000 neat cattle in this country, and as cattle double in number every three years, and about one-fourth of them are slaughtered for beef, we may reasonably calculate that we have to-day something over 50,000,000 head in the United States, worth not less than $30 a head, which amounts to fifteen hundred millions of money invested in cattle. It is the largest of all our varied industries; its annual production exceeds all the cotton, the sugar, the tobacco, the rice, and the

wheat produced in this country. Now, what is that unexampled product? Twelve millions of cattle, the largest, fattest, and best, are slaughtered every year, worth not less than $600,000,000.

The National Dairy Association states that the butter crop annually is worth $350,000,000; cheese, $36,000,000; milk and cream $100,000,000; making a sum total of cattle production of $1,088,000,000 annually. How insignificant, then, every other industry appears when compared with this greatest of all. How small the iron industry, the woolen industry, the cotton industry, compared with this great cattle industry that is now asking Congress for aid and protection—protection not against competition, foreign or domestic, but protection against malignant diseases imported from abroad and planted in several States of this Union along our Atlantic seaboard, embracing the very ports from which we ship our live cattle abroad and through which we import most of the high-priced cattle brought here for breeding purposes.

This bill is directed chiefly against pleuro-pneumonia, although its provisions are broad enough to take in Texas fever. And why should it not take that in? Why should it be exempted? The bill is directed chiefly against pleuro-pneumonia, because foot-and-mouth disease, while it is a very contagious one, is not dangerous at all; it does not kill 2 per cent. of the cattle it attacks; it affects their flesh, and in England causes them to lose one year's growth, which is enormous in countries where it costs fifty or sixty dollars a year to keep an animal. But pleuro-pneumonia is a most fatal and pestilential disease, imported from foreign countries and domiciled in ours.

The Senator from Texas says that we have slandered and calumniated our own cattle; that we have placed a barrier by publishing the facts. Does he want us to act dishonestly in the matter? If the disease is in our own midst, why not investigate it, go at it and destroy it? Why shall we conceal it and cheat our customers in the Old World to which we send our products? I think honesty is the best policy always and at all times and everywhere. The most fatal of all diseases that afflict meat cattle are the rinderpest, which has never been in this country; the foot-and-mouth disease, which has been introduced, but by our quarantine arrangements, imperfect as they are, has been stamped out, and has not been allowed to spread generally through the country; but of all of them the most persistent, the most insidious, the most fatal, is the disease called contagious pleuro-pneumonia or lung-plague, so pronounced by the veterinary surgeons, men of science, and doctors of the Old World and New World, who have given thirty years' labor to the investigation of this disease, its prevention and cure.

It is said to have originated in the center of Asia, whence have come all the plagues that have scourged our race. It made its appearance in Eastern Europe and desolated the steppes of Russia of their cattle, swept through the Carpathian Mountains into Austria and Bohemia, over Germany, Holland, Denmark, and Sweden, and has only been exterminated and extirpated by the most heroic treatment, by slaughter. It was carried to the south of Africa, to Cape Town, in the body of a single Dutch bull, and carried to Australia by a short-horn cow, and those two animals communicated the disease to the cattle of those remote countries, and in a few years all the great herds, amounting to many millions, have been destroyed, and those great ranges converted into sheep-walks. It was brought to the United States; to Brooklyn, N. Y., first; afterward to New Jersey and Pennsylvania in two or three importations, and has fastened itself there, and is there to-day. There can be no doubt about that.

The most eminent men in science have examined the question. You may say that veterinary surgeons are not men of science, but they are as highly accomplished and educated as any in the medical profession. The truth is that all the discoveries in medical science, both in pathology and anatomy, and the testing of remedies have all been made upon animals first; and the progress of medicine and surgery has been more through animal anatomy and pathology than all the other sources combined.

Why, sir, who was Humboldt? Who was Agassiz? Who was Cuvier? Who are all those naturalists who have thoroughly examined the habits, the nature, the structure, the anatomy, the physiology, and the whole make-up of the lower animals? They are men of science, who have made all the achievements in the medical profession as it relates to the human structure, animal and human pathology, animal and human anatomy. They are so nearly identical, that it is impossible for a man to be a good doctor in the one without some proficiency in the other. I do not like to hear these men sneered at as cow-doctors and horse-doctors, men of the very highest character for science in the land.

They tell us that this disease is in our midst; they tell us the danger is imminent, that if it once gets on the unfenced ranges of the West it is perfectly ineradicable; that it is possible by isolation, by slaughter. and disinfection to stamp it out in the circumscribed area in which it now exists, but if it once spreads on the prairies the cattle of the far West are gone.

It is perfectly apparent to my mind that the efforts of the States are wholly inadequate to remove this disease. It has assumed proportions too gigantic to be controlled by State efforts. The subject may have belonged to State jurisdiction once, but it has assumed such magnitude that I might say it has grown out of the jurisdiction of the States and has become a national one, and falls under the proper jurisdiction of Congress, for I do assert that a subject may grow beyond the power of a State and become so gigantic that it changes its character from being a subject of State jurisdiction and becomes a national one, as in this case.

In old times, before we had any railroads, the young cattle of the country were kept upon the farms where they were born until they were old enough to be fed. Then they were gathered up by a class of men who stall-fed them and put them upon the market. In this simple way of doing business there was little danger of contracting disease; but now, with our multiplied facilities for transportation a new system has sprung up. The stock of the country are raised until they are one, two, or three years old, and are taken to market by rail hundreds of miles through three or four States to the best markets of the country, and sold just like goods are sold, to be redistributed. How is it possible under this new system for State authority to meet the exigencies of this great demand and protect the health of our country? The thing is impossible. The States can not and will not do it.

Here is a great interest that is liable to be stricken down, as it has been in the Old World, in Europe, in Asia, in Africa, and the great demand for our meats is owing to the destruction of cattle in Eastern and Central Europe. That is what induced the British to undertake to raise cattle at Australia and Cape Town.

They were destroyed by this very disease that our people are invoking the aid of Congress to expel from our midst. It is useless to talk about putting our foreign trade on a better footing until we exterminate this disease at home. You can not prevent its spread without striking a blow at the disease itself. The States will not do it, and the nation must. That it has every power I have not a doubt, even to the extent of quarantine, absolute quarantine, between the States.

Let me say to the Senator from Texas and others who have spoken slightingly of this proposition, who have talked about it as a granger project, that the farmers and stock-raisers of the country hear with indignation the terms of opprobrium, the epithets of derision and contempt with which this bill is spoken of here.

Mr. COKE. The Senator will permit me to say that I used no such expressions at all. I represent as many millions of cattle as the Senator does hundreds of thousands, and I represent a farming constituency, and I used no such expressions.

Mr. WILLIAMS. I understood that the Senator, in speaking of veterinary surgeons appointed by this Government, who were looking after this disease, treated them with great contempt. He dealt not only in anathema but in ridicule. His speech was filled with it. I may have misunderstood him, of course, and if I have I beg his pardon.

Mr. COKE. I spoke of the reports of the veterinary surgeons and the reports emanating from the Agricultural Department defamatory of the health of American cattle.

Mr. WILLIAMS. I hope I have misunderstood the Senator.

Mr. President, I introduced a bill similar to this the very first session of my service in the Senate, and I have been pressing it ever since. I hope this bill will pass. The amount asked is a mere bagatelle when compared with the great interests involved, and I think the people are entitled, the farmers of this country are entitled, at the hands of Congress to something. I know that if it were a question involving great constitutional principles of law, if it were a question involving the rights of capitalists, they through their agencies would stir up a tremendous excitement over it; but the farmers have nobody here to speak for them; they have no lobby. I was in Chicago last fall, and there five hundred cattle-raisers met, representing twenty-six States and Territories of this Union, the most intelligent body of men I ever saw assembled together. They resolved to appoint a committee to visit Washington, and I think three of them came and staid two days and went home. That is the sort of lobby the farmers have. They trust, however, their claims in the hands of Congress, the House of Representatives and the Senate of the United States, believing that they will do them justice.

ENROLLED BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal;

A bill (H. R. 406) granting a pension to Catharine Bullard; and

A bill (H. R. 2319) granting a pension to Laurena C. P. Haskins.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

WOMAN SUFFRAGE.

Mr. BROWN. Mr. President, I ask the consent of the Senate to present at this time the minority report on Senate joint resolution No. 19, proposing an amendment to the Constitution of the United States rela-

tive to granting the right to vote to the women of the United States. I ask that the minority report be printed with the majority report, which has been heretofore presented.

The PRESIDING OFFICER (Mr. PENDLETON in the chair). The Senate has heard the request of the Senator from Georgia.

Mr. INGALLS. Let the document be reported at the desk.

Mr. COCKRELL. It is simply the views of the minority on the resolution referred to the Committee on Woman Suffrage, Senate joint resolution No. 19. When the report was made, permission was given to the minority to submit their views at a subsequent time. These are the views of the minority of the committee. We ask that they be printed with the report.

Mr. INGALLS. That is satisfactory.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Georgia. It will be so ordered.

PETITIONS AND MEMORIALS.

Mr. COCKRELL. I present the petition of the executive committee of the Missouri branch of the Indian Rights Association of Missouri, praying for an increase of the appropriations made in the House appropriation bill for Indian education, signed by Bishop Robertson, of the diocese of Missouri, the chairman of the executive committee. I move its reference to the Committee on Appropriations.

The motion was agreed to.

Mr. DAWES presented a memorial of citizens of Monroe County, New York, protesting against the passage of certain patent bills; which was referred to the Committee on Patents.

Mr. HOAR. There were a large number of petitions and remonstrances, before that bill was recommitted, laid upon the table. I move that they all be referred to the Committee on Patents.

The PRESIDING OFFICER. That order has already been made, the Chair is informed by the Secretary.

Mr. FRYE presented a resolution of the members of the E. G. Parker Post, Grand Army of the Republic, of Kittery, Me., indorsing the recommendations of the pension committee of the Grand Army; which was referred to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. INGALLS. I move that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 56 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 23, 1884.

The House met at 11 o'clock a. m. Prayer by Rev. DOUGLAS F. FORREST, D. D.

The Journal of yesterday's proceedings was read and approved.

LOAN OF FLAGS.

Mr. DOWD, by unanimous consent, introduced a joint resolution (H. Res. 236) authorizing the Secretary of War to loan two hundred flags to the city of Charlotte, N. C., for the celebration of the Mecklenburg declaration of independence; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized to loan to the mayor and aldermen of the city of Charlotte, N. C., two hundred United States flags, to be used in decorating said city at the approaching celebration of the one hundred and ninth anniversary of the Mecklenberg declaration of independence of May 20, 1775: *Provided*, That satisfactory security be given for the safe return of said flags and that the Government be at no expense for transportation.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DOWD moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW YORK INDIAN LANDS IN KANSAS.

Mr. PERKINS. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 2047) to provide for the sale of certain New York Indian lands in Kansas.

The bill was read, as follows:

Be it enacted, &c., That those persons being heads of families or single persons over 21 years of age who have made settlement and improvement upon, and are *bona fide* claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment dated the 14th day of September, 1860, for three hundred and twenty acres of land each, were issued to thirty-two of said Indians, shall be, and hereby are, authorized and permitted to enter and purchase at the proper land office at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding one hundred and sixty acres according to the Government surveys, at not less than $3 per acre, payment to be made in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts respectively from date of entry at 6 per cent. per annum; and the moneys arising from such sales shall be paid into the Treasury of the United States in trust for and to be paid to said Indians, respectively, to whom said certificates were issued or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior at any time within five years from the passage of this act, and in case such proof is not made within the time specified, then the proceeds of such sale, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States.

SEC. 2. That any lands not entered by such settlers at the expiration of one year from the passage of this act shall be offered at public sale in the usual manner at not less than $3 per acre, notice of said sale to be given by public advertisement of not less than thirty days; and any tract or tracts not then sold, together with such tracts as have heretofore been, or may hereafter be entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided, shall be thereafter subject to private entry at the appraised value of said tracts.

The amendments of the committee were read, as follows:

Strike out the following words: "In three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts respectively from date of entry at 6 per cent. per annum," and in lieu thereof insert "in cash at time of purchase."

In the second section strike out the following words: "Together with such tracts as have heretofore been, or may hereafter be, entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided."

Mr. BLOUNT. We can not understand the amendments as they are read.

Mr. SCALES. I object to the consideration of the bill.

Mr. PERKINS. Permit me to explain before the gentleman insists on his objection.

Mr. SCALES. Does this come from any committee of the House?

Mr. PERKINS. Yes; from the Committee on Indian Affairs.

Mr. SCALES. Is it a unanimous report?

Mr. PERKINS. It was reported unanimously, with two amendments, which have been read. There are about 8,000 acres of these lands occupied by the men provided for in this bill. They have been in possession for twenty years, constantly making improvements. There has been no litigation, but under existing law they can not acquire title to the lands they hold. The object of the bill is to give them an opportunity to get a title, and at the same time that something may be given to the Indians for their certificates of allotment. As it is now the Indians get nothing, while the settlers are without title. Every thing, therefore, is in a chaotic and confused condition. This is to relieve the existing embarrassment. The settlers are to pay $3 an acre for these lands which they have been in possession of for so many years and which they have cultivated and improved, and the money received is to be turned over to the Indians in interest.

Mr. SCALES. Does the gentleman from Kansas think that $3 an acre is enough for lands which these settlers have entered twenty years ago without authority? If these questions are answered satisfactorily I will withdraw my objection.

Mr. BLOUNT. I object, and demand the regular order of business.

UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

Mr. PAYSON, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 5479) to prevent unlawful occupancy of the public lands; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. BLOUNT. At the suggestion of several gentlemen around me I withdraw the demand for the regular order.

Mr. HUNT. Then I ask unanimous consent to offer for present consideration a resolution.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That Saturday, May 24, after the reading of the Journal, be assigned for the consideration of the bill (H. R. 4987) for the encouragement of the American merchant marine, and to promote postal and commercial relations with foreign countries: *Provided*, Said bill is not sooner reached under the terms of the special order of February 29.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SINGLETON. I shall object to it unless it is modified to exclude from its operation the special order already assigned for business from the Committee on the Library.

Mr. RANDALL. And if that is incorporated I shall object to it.

Mr. HOLMAN. Unless there is an exception in favor of reports from the Committee on the Public Lands, appropriation bills and revenue bills, I think objection will have to be made to it.

Mr. HUNT. I am perfectly willing to modify the resolution to meet the views of all gentlemen.

Mr. SINGLETON. I can not consent that the special order, the consideration of the Library bill, shall be set aside. If it makes the proper exception I will not object.

Mr. HUNT. As I have said, I will make all the modifications that are demanded.

Mr. RANDALL. Then I object.

The SPEAKER. Objection being made, the resolution is not before the House for consideration.

ZEB. WARD.

Mr. ROGERS, of Arkansas, by unanimous consent, introduced a bill (H. R. 6756) for the relief of Zeb. Ward, of Little Rock, Ark.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. HOLMAN. I demand the regular order.

Mr. WELLER. I hope the gentleman will withdraw the request for the regular order to give me permission to have printed in the RECORD a memorial of ex-Union soldiers praying the passage of certain House bills. This is a sample copy of a number of others which have been sent to me.

Mr. HOLMAN. I will withdraw the demand, so as to permit the request of the gentleman from Iowa to be made or for the reference of bills only.

The SPEAKER. The title of the memorial proposed by the gentleman from Iowa will be read.

The Clerk read as follows:

Memorial of ex-Union prisoners, praying the passage of House bill 1189 and Senate bill 44.

The SPEAKER. Is there objection to the printing of the memorial in the RECORD?

There was no objection.

The memorial is as follows:

HEADQUARTERS NATIONAL ASSOCIATION OF EX-UNION PRISONERS OF WAR,
Cleveland, Ohio, April 3, 1884.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the ex-Union prisoners of war, through their national association, would respectfully set forth that they were soldiers and sailors in the service of the United States in the late war for the suppression of the rebellion, and that while acting under the orders of their superior officers and performing the duties incident to such service they were made prisoners by the armed enemies of the United States and endured prolonged terms of imprisonment, and for various reasons this imprisonment was attended by the most extraordinary hardships. Even the very imperfect and incomplete records in possession of the War Department of the mortality among the Union prisoners of war shows that these hardships must have been incomparably greater than those incident to service in the field. Without going into details, it will only be necessary to point out that the death-rate among any given number of prisoners and at any given time was very much higher than among a corresponding number of soldiers engaged in the prosecution of an active campaign. For instance, the report of Professor Joseph Jones, the confederate surgeon in charge of the prison at Andersonville, shows the following percentage of deaths to the mean number of prisoners confined there in each of the first five months that the prison existed:

March, 1864	3.77
April, 1864	3.76
May, 1864	4.72
June, 1864	5.38
July, 1864	6.64
August, 1864	10.09

Professor Jones' report goes on to say: "We observe a progressive increase of mortality from 3.77 per cent. in March to 10.09 per cent. of mean strength in August. The ratio of mortality continued to increase during September, for notwithstanding the removal of one-half of the entire number of prisoners during the early portion of the month, 1,767 deaths are registered from September 1 to 21.

"The entire number of Federal prisoners was about 40,611, and during the period of near seven months, from February 24 to September 21, 9,479 deaths were recorded; that is, during this period nearly one-fourth, or, more exactly, one in 4.2, or 23.3 per cent., terminated fatally."

But even these figures fall very far short of properly representing the terrible mortality, for the reason that of the total of 40,611 prisoners received at Andersonville over 30,000 came in after the opening of the great campaigns in May, and the bulk of those that survived were taken away in September, so that many thousands who were brought to death's door there died in other prisons or on the road to them. Of those who were left behind at Andersonville, one in every three died in September, and one-half of the remainder died in October. When it is remembered that these were vigorous, healthy young men, nearly all from the fighting lines of Generals Grant and Sherman, and consequently seasoned to privation and hardship, and that the average imprisonment in Andersonville was less than three months, the destructive strain upon the constitution of even a short confinement becomes better understood.

It is the universal testimony that the conditions in the other prisons was much worse, and the accompanying loss of life much greater than in Andersonville, but as no statistics of Charleston, Cahaba, Columbia, Macon, Millen, Mobile, Camp Ford, Jackson, and Montgomery have ever been found, and those of Salisbury, Richmond, and Danville are very vague and imperfect, it is impossible to sustain these assertions with the proof of figures.

Enough is known, however, to make it beyond dispute that of the 125,000 prisoners who were taken from the time of the battle of Gettysburg, when the exchange was interrupted, to the close of the war, at least 60,000 died while in prisons or immediately after passing through our lines. The War Department has a record of 29,956 of these, and presumptive proof enough to swell the number to 47,445.

Your memorialists would therefore submit as an undeniable scientific truth that where the exposure of a body of men to privation and hardship has resulted in killing fully one-half of them in an incredibly short time, the strain on the constitutions of the survivors must have wrought hopeless and irreparable injury. All physicians agree that no man ever wholly recovers from any physical strain or injury. It is simply impossible that the man who managed to survive what killed so large a proportion of his comrades should not have his vital energies lowered, his capacity for work diminished, and his days shortened by what proved so fatal to them. It could not help disabling him as effectually as a crippling wound would have done.

Therefore your memorialists respectfully pray your honorable bodies to award to each prisoner of war such measure of relief as is contemplated by House bill 1189 and Senate bill 44.

Your memorialists would further submit as a sufficient reason for granting the pensions prayed for that the terms of their imprisonment were undoubtedly protracted and the evils from which they suffered greatly aggravated by the military necessity which compelled a refusal of exchange for many months toward the close of the war, that the Confederates in their military extremity might not have the benefit of 100,000 well fed, vigorous men whom the Government had in its military prisons. The retention in Southern prisons during the last part of 1864 and the early part of 1865 of some 30,000 or 40,000 starved and broken-down Union soldiers, neutralized, at the most critical period of the war, three or four times that number of stalwart and well-fed Confederate soldiers, who, had they been in the field, would have greatly increased the perplexity of the situation, protracted the war much longer, and added immensely to its cost. Your memorialists freely recognize that it was their soldierly duty to remain in prison if that would contribute to the advancement of the Government's military objects, and they did it with such cheerfulness and resignation as they could muster for any duty that the Government required of them, but they sustained grave physical injuries by so doing, and they claim that this entitles them to the same consideration and relief as if they received the same amount of injuries upon the march or the battle-field.

And thus your petitioners will ever pray.

C. C. SHANKLIN, *President, Cleveland, Ohio.*
B. R. FINLAYSON, *First Vice-President, Detroit, Mich.*
JOHN C. HAWLEY, *Second Vice-President, Washington, D. C.*
REV. J. S. PRESTON, *Chaplain, Lyons, Mich.*
J. C. PALMER, *Secretary, 58 Huron Street, Cleveland, Ohio.*
A. S. McCORMICK, *Treasurer, Rockfield, Carroll County, Ind.*

NAVAL APPROPRIATION BILL.

Mr. RANDALL. I am instructed by the Committee on Appropriations to report back the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, with the amendments of the Senate; and I am instructed further to move non-concurrence in all of the Senate amendments to that bill. And upon that I demand the previous question.

Mr. KASSON. I would like to inquire of the gentleman from Pennsylvania if these are the amendments which embrace the provision for additional cruisers?

Mr. RANDALL. It includes all of the amendments of the Senate.

Mr. KASSON. Do I understand that it is the bill upon which the Senate has ingrafted an amendment providing for an increase of the Navy?

Mr. RANDALL. The Senate have increased the bill about six and one-half millions of dollars. It provides for the construction of additional cruisers.

Mr. REED. The Committee on Appropriations recommend non-concurrence?

Mr. RANDALL. They do.

Mr. REED. Why?

Mr. RANDALL. The committee think that this is the best mode of procedure.

Mr. KASSON. May I ask the gentleman from Pennsylvania if it is proposed to consider these amendments in the House or in the Committee of the Whole?

Mr. RANDALL. Under the rules, if the conference committee of the respective bodies should differ, it is competent——

Mr. KASSON. But the gentleman does not answer my question.

Mr. RANDALL. Let me finish my statement. I say it is competent in case of a disagreement to come into the House and report that fact or that they have agreed, as the case may be. It is then within the power of the House to recede or not, as it sees proper.

Mr. KASSON. But the gentleman does not seem to comprehend my question. There is of course no difficulty as far as the gentleman's statement is concerned with reference to the right of the House to agree or disagree to the report of the conference committee; but on the point of order these amendments should go to the Committee of the Whole on the state of the Union. Now, what I ask is whether he wishes to consider these amendments in the House with some time for debate, or go into the Committee of the Whole under the rule and consider them there?

Mr. RANDALL. This is a motion to non-concur in all of the amendments of the Senate——

Mr. KASSON. But this raises the entire question of provision for the additional ships of war, and ought to be considered by the House. I desire that there may be some time for debate upon it.

Mr. RANDALL. I propose to execute the instructions of the Committee on Appropriations, to move non-concurrence in the amendments, and I have demanded the previous question, which of course will allow some debate.

Mr. KASSON. Then I make the point of order that the amendments should be considered in Committee of the Whole House on the state of the Union.

Mr. REED. Under the rules of the House the point of order sends this to the Committee of the Whole.

The SPEAKER. The gentleman from Iowa makes the point of order that the report must first be considered in Committee of the Whole House on the state of the Union. The Chair thinks the point of order is well taken.

Mr. RANDALL. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union; and pending that I move to limit debate to one-half minute.

Mr. KASSON. I hope the gentleman will not insist upon that motion.

Mr. RANDALL. Well, if the gentleman from Iowa wants any debate and will indicate how much time, perhaps we can arrange it.

Mr. KASSON. It can not be done now at any rate. There must be some general debate before the motion to limit debate would be in or-

der. Several gentlemen may want to be heard upon this. It is a very important question, and I will object to any limitation now.

Mr. RANDALL. The gentleman then objects to limiting debate to one-half minute at this time?

Mr. KASSON. I shall certainly object to such a limitation.

Mr. RANDALL. Then I shall withdraw the motion. I did not suppose the gentleman would object to a motion of that sort, my only object being to expedite the public business. There was no opposition, so far as I know, in the Committee on Appropriations to the course which I have indicated on the floor.

Mr. KASSON. The gentleman will see at once this raises the whole question of an increase of our naval equipment and provision for national defense, and I am not willing for one that the House should *pro forma* dissent absolutely from an appropriation for that purpose. If the gentleman from Pennsylvania will give assurance that he is disposed to allow an enlargement of the bill in the direction named, then so far as I am concerned——

Mr. RANDALL. What does the gentleman mean by an enlargement of the bill?

Mr. KASSON. I mean an enlargement of it by an additional appropriation for the further construction of naval vessels and the arming of them.

Mr. REED. I do not suppose that the gentleman from Pennsylvania is in favor of arming them.

Mr. BUCKNER. I suggest to the gentleman from Iowa that he is premature in raising this discussion now. If he waits till a conference report comes in, possibly his objection, whatever it is, may be obviated. If not, the committee of conference could then be instructed on the question at issue.

Mr. KASSON. The gentleman from Pennsylvania is now acting under authority of the Committee on Appropriations. I wish him simply to express the opinion of that committee, if he has authority to do it, that they are disposed to make some further provision in the direction indicated by the Senate amendments. If he has no authority to make any such declaration, then I desire some consideration of the Senate amendments in the Committee of the Whole.

Mr. RANDALL. I have no authority to commit any one but myself on that subject.

The SPEAKER. The point of order being made, the bill and the Senate amendments are referred to the Committee of the Whole House on the state of the Union. The gentleman from Pennsylvania [Mr. RANDALL] moves that the House resolve itself——

Mr. RANDALL. I do not make that motion. I am under agreement to let the tariff discussion go on for the present.

Mr. KASSON. Do I understand that the point of order has been decided?

The SPEAKER. It has; and the bill and amendments are now in Committee of the Whole House on the state of the Union.

Mr. RANDALL. I will state that one of the reasons which induced the Committee on Appropriations to recommend non-concurrence was to expedite the appropriation bills and to secure an early adjournment of Congress.

CIVIL SERVICE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House, letters from subordinate officers of customs at the port of New York in relation to the construction of section 1754 of the Revised Statutes and of civil-service laws as to preference given to honorably discharged soldiers and sailors; which was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

JEAN DUGAT'S REPRESENTATIVES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report of the Commissioner of the General Land Office in the case of the private land claim of the legal representatives of Jean Dugat, in Louisiana; which was referred to the Committee on Private Land Claims.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I am instructed by the Committee on Appropriations to report back the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, with amendments by the Senate, and to move that the House non-concur in the Senate amendments.

Mr. REED. The same point of order applies to that bill as to the naval appropriation bill.

Mr. KASSON. I think we had better consider it in the same way.

The SPEAKER. The gentleman from Illinois, from the Committee on Appropriations, reports back the Post-Office appropriation bill with Senate amendments, and recommends non-concurrence in the amendments. Is the reading of the amendments asked for?

Mr. KASSON. Reserving the point of order, I ask the gentleman from Illinois what are the principal amendments in which the committee recommend non-concurrence?

Mr. TOWNSHEND. We recommend non-concurrence in all the amendments. The object is to get a committee of conference and to see if we can not come to an agreement.

Mr. KASSON. My impression is that there are some amendments adopted by the Senate in which we ought to concur under provisions of existing law. I make the point of order.

Mr. CANNON. I agree with the gentleman from Iowa that the bill should be considered in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order that the amendments of the Senate must have their first consideration in Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND. Does the bill then go to the Committee of the Whole?

The SPEAKER. It does.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal;

A bill (H. R. 406) granting a pension to Catharine Bullard; and

A bill (H. R. 2319) granting a pension to Laurena C. P. Haskins.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. 280) granting a pension to Wesley Morford;

A bill (S. 304) to give the assent of Congress to the construction of a free bridge by the mayor and city of Nashville, Tenn., over the Cumberland River, and for other purposes;

A bill (S. 316) granting a pension to Mrs. Katharina T. Wunsh;

A bill (S. 394) restoring to the pension-roll the name of Major D. Williams;

A bill (S. 626) to increase the pension of Francis Scott;

A bill (S. 689) granting a pension to Elizabeth A. Barbour;

A bill (S. 732) for the relief of Mary J. Vaughan;

A bill (S. 783) to increase the pension of John Algoe;

A bill (S. 828) granting a pension to Thomas Patton;

A bill (S. 909) to increase the pension of Martin Kelly;

A bill (S. 1299) to increase the pension of Alonzo B. Chatfield;

A bill (S. 1680) granting a pension to George Prince;

A bill (S. 1850) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln; and

A bill (S. 1910) granting a pension to William McClure.

KANSAS CONTESTED ELECTION.

Mr. TURNER, of Georgia. I now call up the contested-election case of Wood vs. Peters, from the State of Kansas.

The SPEAKER. The Clerk will read the resolution reported by the committee.

The Clerk read as follows:

Resolved, That S. R. Peters was duly elected a member of Congress from the State of Kansas, and is entitled to his seat.

Mr. BENNETT. If this is the proper time to do so, I desire to submit a motion to substitute the resolutions contained in the report of the minority for the resolution reported by the majority.

The SPEAKER. This is the proper time to submit that motion. The gentleman from North Carolina proposes as a substitute for the resolution of the committee the resolutions reported by the minority, which the Clerk will read.

The Clerk read as follows:

Resolved, That Samuel R. Peters, of Kansas, is ineligible to the seat in the House of Representatives of the Forty-eighth Congress now held by him.

Resolved, That Samuel N. Wood, of Kansas, is entitled to said seat.

Mr. ELLIOTT. Mr. Speaker, I desire to state the facts of this case and call the attention of the House to the single question involved. At the November election in 1882 the electors of the State of Kansas voted for four members of Congress at large. The five candidates receiving the greatest number of votes were S. R. Peters, E. N. Morrill, B. W. Perkins, L. Hanback, and S. N. Wood. The contest is between S. R. Peters and S. N. Wood. Peters received 16,502 more votes than Wood and has qualified as a member of this House.

Wood claims the seat occupied by Peters on the sole ground that Peters was ineligible at the time of the election, and that all the votes cast for him are to be treated as though not polled. If Peters was ineligible, his ineligibility grew out of the following facts: Peters was elected judge of the district court of the ninth district of Kansas in November, 1879, for the term of four years, beginning on the second Monday of January, 1880, and ending on the second Monday of January, 1884. He qualified as judge of said district and continued to discharge the duties of the office until after the November election in 1882, but resigned some time prior to qualifying as a member of this House.

Article 3, section 13, of the constitution of Kansas, which was in full force at the time of the election in November, 1882, and is still a part of the constitution of that State, is as follows:

The justices of the supreme court and judges of the district courts shall at stated times receive for their services such compensation as may be provided by law, which shall not be increased during their respective terms of office: *Provided*, Such compensation shall not be less than $1,500 to each justice or judge each year; and such justice or judge shall receive no fee or perquisites, nor hold any office of profit or trust under the authority of the State or the United States during the term of office for which said justices or judges shall be elected, nor practice law in any of the courts of this State during their continuance in office.

Under the facts stated Peters was undoubtedly within the inhibition of this provision of the constitution of Kansas, and if the constitution of that State is binding upon this House, then it is very clear that Peters is not entitled to the seat he now occupies. So far as Peters's status is concerned the only question raised by the record is whether a State can superadd other qualifications for members of Congress than those prescribed by the Constitution of the United States. This is an important question, and if it was a new one would require very careful consideration, and there might have been room for differences of opinion, but other cases in this House and in the Senate have preceded this involving the same question, and after protracted and exhaustive discussion have all been decided in one way, and that against the power of the States to prescribe any other qualifications for members of Congress than those named in the Constitution of the United States. Article 1, section 2, of the Constitution of the United States provides that—

No person shall be a Representative who shall not have attained the age of 25 years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

The Constitution of the United States by this section prescribes certain qualifications for the office of Representative in Congress, and, having exercised the power, it has been exhausted, and neither Congress nor the States can add other qualifications. It comes within a well-settled rule of construction that the enumeration of certain requisites of qualification is equivalent to a prohibition of authority to impose others. This position is greatly strengthened by a quotation made by the minority in their report from the remarks of Mr. Dickinson, made in the constitutional convention when the section of the Constitution relating to qualifications of Representatives in Congress was under consideration. Mr. Mason moved—

That the committee of detail be instructed to receive a clause requiring certain qualifications of landed property and citizenship of the United States in members of the National Legislature, and disqualifying persons having unsettled accounts with or being indebted to the United States from being members of the National Legislature.

Speaking upon this resolution, Mr. Dickinson said:

I am against any recital of qualifications in the Constitution. It is impossible to make a complete one, and a partial one would by implication tie up the hands of the legislature from supplying omissions.—*Elliott's Debates on the Constitution*, volume 5, pages 370 and 371.

It is difficult to understand why this extract from Mr. Dickinson's speech was quoted by the minority in their report unless it was for the purpose of giving the greatest possible sanction to the views expressed in the report of the majority. It is a significant fact also that no member of the convention who spoke after Mr. Dickinson attempted to controvert the correctness of the principle enunciated by him. The minority in their report have not quoted with entire accuracy the language employed by Mr. Dickinson. As he is reported in Elliott's Debates he uses the word "legislature" instead of "legislatures," and it is evident that he meant the National Legislature, or, in other words, Congress. He was speaking to the resolution of Mr. Mason, and in that resolution Congress is designated by the words "National Legislature."

What Mr. Dickinson intended to say and did say was that an enumeration of certain qualifications for Representatives in Congress would by implication tie up the hands of Congress from supplying omissions.

I thank the gentleman who prepared the minority report for this most valuable authority—the authority of a distinguished member of that illustrious body which framed the Constitution we are called upon to construe.

From whence do the States derive power to prescribe qualifications for members of Congress? The power is not delegated to them by any provision of the Constitution of the United States. The office is essentially a Federal one, and it is clear to me that unless some section of the Constitution of the United States can be pointed out which gives the States the power to prescribe qualifications for Representatives in the Congress of the National Government no such power exists.

The minority of the committee contend that this power is found among the reserved rights of the States, and article 10 of the amendments to the Constitution, which provides that "the powers not delegated to the United States by the Con titution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," is cited in support of the position. When the Constitution of the United States was adopted by the people comprising the then States an essentially new government was created, and its powers under its organic law are not to be interpreted or ascertained by reference to the temporary compact between the States which preceded it under the Articles of Confederation.

Congress such as we now have under the Constitution is a creature of that instrument, and the States did not prior to the birth of the National Government possess the right to send representatives to a congress which had no existence; and it is seemingly clear that they did not possess the power to prescribe qualifications for representatives to a body unknown to the world until the adoption of the Federal Constitution. I think it is very plain that article 10 of the amendments to the Constitution can have no application to the question involved in this case. The right of the people of the States to send Representatives to the Congress of the United States is not a right growing out of the sovereignty of the respective States. The right to elect Representatives to Congress does not spring from the State governments, but is a right growing out of the formation of the National Government. The States could not have reserved powers they did not possess. The eligibility of a person to an office can only be ascertained by reference to the law under which the office was created. Any other doctrine might be exceedingly disastrous in its results.

If it is once established that the States can prescribe qualifications for Representatives in Congress, then they may prescribe as many and such as they please. They may impose such qualifications as would render ineligible nine-tenths of the citizens of the United States who are qualified under the provisions of the Constitution of the United States. We would have very likely one class of citizens disqualified under the constitution of one State, and another class under the constitution or laws of another State. We have an illustration of what would take place in the case at hand. The constitution of Kansas provides that all her judges shall be ineligible. Other States have no such provision. The citizens of the United States residing within the limits of the State of Kansas are prohibited from choosing as their Representatives in Congress certain of their number who have been citizens of the United States for more than seven years and are upward of 25 years of age. The same class of citizens who are ineligible in Kansas possess all the qualifications prescribed by the constitution of Pennsylvania, and may be sent here by the citizens of Pennsylvania to represent them in Congress.

The State of New York might provide in her constitution that no citizen should be eligible to a seat in Congress unless he was the owner of real estate of the value of $20,000; and Virginia might say that no citizen of the State who owned a foot of real estate should represent her people in the National Legislature.

If the views of the minority shall be adopted, representation in the Congress of the National Government will be under the control of the State governments, and such qualifications could be prescribed as would prevent representation and destroy Congress.

I think the question involved in this case is too well settled to require elaborate argument at this time. I desire to call the attention of the House to a few of the authorities on this subject. I quote from Story on the Constitution, volume 1, sections 626 and 627:

Now it may properly be asked where did the States get the power to appoint Representatives in the National Government? Was it a power that existed at all before the Constitution was adopted? If derived from the Constitution must it not be derived exactly under the qualifications established by the Constitution, and none others? If the Constitution "has delegated no power to the States to add new qualifications, how can they claim any such power by the mere adoption of that instrument which they did not before possess?"

The truth is that the States can exercise no powers whatsoever which exclusively spring out of the existence of the National Government which the Constitution does not delegate to them. They have just as much right, and no more, to prescribe new qualifications for a Representative as they have for a President. Each is an officer of the Union, deriving his powers and qualifications from the Constitution, and neither created by, dependent upon, nor controllable by the States. It is no original prerogative of State power to appoint a Representative, a Senator, or President for the Union.

I also cite Paschal's Annotated Constitution, page 305, which is to the same effect.

Chancellor Kent, in his Commentaries, volume 1, page 28, note F, says:

The question whether the individual States can superadd to or vary the qualifications prescribed to the Representative by the Constitution of the United States is examined in Mr. Justice Story's Commentaries on the Constitution, volume 1, pages 99 to 103, but the objections to the existence of any such power appear to me to be too palpable and mighty to admit of any discussion.

I am not aware that any law-writer of ability has ever taken the opposite view to that so clearly expressed by the two eminent jurists from whom I have quoted. The precedents established by this House and the United States Senate most clearly sustain the view taken by the majority of the Elections Committee in this case.

The cases of Turney *vs.* Marshall and Fouke *vs.* Trumbull, of Illinois, to be found in Bartlett's Contested-Election Cases, from 1834 to 1865, page 167, are directly in point. The tenth section of the fifth article of the constitution of the State of Illinois, which was adopted on the 6th day of March, 1848, is in the words following:

The judges of the supreme and circuit courts shall not be eligible to any other office or public trust of profit in this State or the United States during the term for which they were elected, nor for one year thereafter. All votes for either of them for any elective office (except that of judge of the supreme or circuit court) given by the General Assembly or the people shall be void.

Marshall and Trumbull had been judges of Illinois and at the time they were elected to Congress were within the prohibitory provisions of the constitution of that State. The two cases were considered together by the Committee on Elections, and they reported to the House that in the opinion of the committee a State could not add to the qual ifications prescribed by the Constitution of the United States for Representatives in Congress. The minority of the committee insist that the report in the Illinois cases was made long after the cases were disposed of by the House, and that these cases are not authority upon the question involved in the case under consideration. The facts are that Mr. Bingham, in offering the resolutions in these cases, stated as clearly the questions involved as they appear in the report subsequently made and said that he would file a report very soon.

As to Marshall, the discussion was made upon the single question of

the power of a State to superadd to the qualifications prescribed to Representatives in Congress by the Constitution of the United States. It was not pretended that he was not within the spirit as well as the letter of the prohibitory provision of the constitution of Illinois. Marshall's term of office as judge would not have expired until the 10th of June, 1855. He resigned on the 10th of August, 1854, and was elected a Representative in Congress on the 7th of November, 1854. He resigned the office of judge less than three months prior to his election as a Representative in Congress.

The resolution that Marshall was duly elected and was entitled to his seat was adopted by the House without division, and the resolution that Fouke, the opponent of Trumbull, was not entitled to a seat was passed by the decisive vote of 125 to 5. The same arguments that are now made in the minority report were then stated in an exceedingly able argument made by Mr. Harris, of Illinois, in favor of the binding force of the Illinois constitution.

Randolph's opinion and Jefferson's doubting letter were quoted. There can be no doubt, therefore, about the question upon which the Illinois cases turned.

Trumbull's case, determined by the Senate in 1855 by the decided vote of 35 to 8 in favor of his right to a seat in the United States Senate notwithstanding he was within the prohibitory provisions of the constitution of Illinois, would seem to be authority on the question we now have under consideration, which is entitled to great respect.

In the debate on Trumbull's case, Senator Pugh of Ohio, stated the position now taken by the minority of the commitee, with great power, but when the vote was taken the Senate declared against the position of Senator Pugh by nearly five to one. I submit that Senator Pugh's opinions are not to be considered authority against the determination of the Senate. The decision of the court is better authority than the opinions of the advocates of either side of the case.

I will not longer take the time of the House in the discussion of this question. The report of the majority of the committee is sustained by the ablest law-writers of the country, who have discussed the question; it is sustained by the cases heretofore determined by this House and the Senate, and I believe the committee will be sustained by the House in the case now under consideration, and the question settled for all time to come.

If Peters was ineligible it is beyond question the well-settled rule of this country that the minority candidate is not entitled to be seated. In this case the majority against Wood was 16,502. It requires a reasonable amount of assurance on the part of Wood to ask for a seat in this House after his own people have repudiated him by so decided a majority, but if he is legally entitled to it it should be given him.

The minority in their report cite many authorities to sustain the position that when the majority candidate is ineligible the minority candidate is entitled to the office. Nearly all the authorities cited are English, and the English rule has never been adopted in this country. I shall content myself with citing a few leading cases and authorities on this question for the reason that in my judgment the House will not reach the consideration of this question. This House in the case of Smith *vs.* Brown, 2 Bartlett, 395, determined by a vote of 102 to 30 that the minority candidate was not entitled to a seat when the majority candidate was ineligible. Mr. DAWES, in the course of an able report in the case referred to, says:

> The will of the majority expressed in conformity with established law is the very basis on which rest the foundations of our institutions, and any attempt to substitute therefor the will of the minority is an attack upon the fundamental principle of the Government, and if successful will prove their overthrow.

It is, however, claimed that this House in the cases of Hodge *vs.* Reed and Wallace *vs.* Simpson, both from South Carolina, declared that minority candidates were entitled to be seated when it appeared that the majority candidates were ineligible under the second clause of the fourteenth amendment to the Constitution of the United States. The minority of the committee fall into grave error when they make the statement that any such doctrine was established by the House in these cases. I have carefully examined the record, and ascertain that just the contrary is true.

In the case of Hodge *vs.* Reed (Election Cases of 1869–'70, page 540), the committee reported that Hodge was entitled *prima facie* to the seat. The board of canvassers issued a certificate to Hodge after one had been issued to Reed, and their reason for so doing was made the basis of the Election Committee's report. The board of canvassers state their reasons as follows:

> That the election at which the said Reed appears to have been elected was accompanied by such grave and widespread disorder and outrages on the part of the political friends of the said Reed as in their judgment to make the apparent result different from the result which a free and orderly citizen would have secured.

In the case of Wallace *vs.* Simpson (Contested-Election Cases, 1869-'70, page 553) the House on the 25th of January, 1870, adopted the resolution reported by the minority of the Committee on Elections, which is as follows:

> *Resolved*, That W. D. Simpson is not entitled under resolution of March —, 1869, to a seat from the third district of South Carolina, by reason of ineligibility, and that A. S. Wallace is not entitled to such seat, because he was not by the greatest number of votes duly elected by the people of that district.

This case was subsequently reported to a committee on the merits, and it is claimed that the House in seating Wallace on the report made by Mr. Cessna recognized the doctrine that a minority candidate is entitled to the seat when the majority candidate is ineligible.

The committee to whom this case was referred was Cessna, RANDALL, and HALE. Cessna made the report to the House, and when he did so stated that both his colleagues differed with him as to the proposition that—

> When one of two candidates is ineligible the votes given for him are of no effect and the other candidate is elected.

The case was really determined by the committee and the House on the ground that—

> Intimidation and violence may invalidate the vote of a precinct or county, and the vote in the peaceable counties is to determine the result.

See Election Cases 1869–'70, page 731.

The precedents of this House, then, are all against the proposition that minority candidates can under any circumstances be seated. McCrary, in his work on Elections, page 209, lays down the American rule as follows:

> Thus it will be seen that the weight of authority in this country is decidedly against the adoption here of the English doctrine. And we think that sound policy, as well as reason and authority, forbids the adoption of that doctrine in this country. It is a fundamental idea with us that the majority shall rule; and that a majority, or at least a plurality, shall be required to elect a person to office by popular vote. An election with us is the deliberate choice of a majority or plurality of electors. Any doctrine which opens the way for minority rule in any case is anti-republican and anti-American.

I trust that the man who was fairly elected by an overwhelming majority may be allowed to retain the seat he now occupies, and that this House will not now commit itself to the doctrine that the qualifications of members can be fixed by the States.

Mr. Speaker, I will reserve the remainder of my time.

The SPEAKER. The gentleman has thirty minutes of his time remaining.

Mr. TURNER, of Georgia. I ask unanimous consent of the House that the contestant, Mr. S. N. Wood, may be heard for an hour.

The SPEAKER. The House has heard the request of the gentleman from Georgia [Mr. TURNER]. Is there objection? [After a pause.] The Chair hears none.

Mr. WOOD (the contestant) proceeded to address the House, and at the expiration of an hour the hammer fell.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAY. I ask consent of the House that the time of the gentleman be extended.

Mr. RYAN. I hope that the time may be extended until the gentleman has finished his remarks.

The SPEAKER. If there is no objection the time of the gentleman will be extended.

There was no objection.

Mr. WOOD (the contestant) resumed and concluded his remarks. [See Appendix.]

Mr. PETERS. Mr. Speaker, I am reminded of a paragraph I once saw, taken from some Western paper. The editor of the paper went to church on a Sabbath evening. In preparing the announcement of the service in his next week's paper he stated that he had attended the church on the Sabbath evening and listened to a very fine discourse, but was unable to hear the conclusion of it, for the reason that he had to go home for breakfast. I hardly expected to be able to make any remarks to-day on this case for the reason that I feared before the contestor could complete the reading of his very lengthy remarks the day would have ended.

After the able presentation of the case by the gentleman from Pennsylvania [Mr. ELLIOTT] and the searching legal argument made by him, it is unnecessary for me to say anything on the legal points of this case. I shall detain this House for but a few moments in order to present one or two features in connection with the case which have not been presented, and which, in justice to myself, I deem it necessary to present.

So far as it is necessary to state the vote in this case, it is as follows:

S. R. Peters (contestee)	99,866
E. N. Morrill	98,340
B. W. Perkins	98,338
L. Hanback	97,357
S. N. Wood (contestor)	83,364

Four candidates for Congress were elected from the State at large. The members of the House will therefore see that the contestor in this case lacked 16,502 votes of a majority; in other words, that the sitting member received 16,502 more votes than the contestor. There is no claim of any fraud; there is no claim on the part of any one that in this case there were any illegal votes.

But the claim is put forward that by reason of these votes having been cast for a person who was ineligible therefore they were as so much blank paper and should be cast aside and not counted. And this position was assumed because of the notice which it was claimed was given to the voters of the ineligibility of the sitting member. To this point I wish to call the attention of the House for a few moments.

This notice, if it was valid at all, was either an actual or a constructive notice, or perhaps both. I know it is an old maxim which is not to be denied, that every voter is presumed to know the law. But it

is also a fact that if the voter is presumed to know the law he is also presumed to know the construction that has been placed upon that law by the courts of the State and by the legal writers who have written on the subject, and not only by the courts of the State and the legal writers who have written on the subject, but also by any tribunal that has had occasion to pass on the questions. It is claimed that the constructive notice was obtained by reason of the provision in the constitution of the State of Kansas. So far as it applies to this case, that provision is as follows:

The justices of the supreme court and judges of the district courts shall at stated times receive for their services such compensation as may be provided by law, which shall not be increased during their respective terms of office: *Provided*, Such compensation shall not be less than $1,500 to each justice or judge each year; and such justice or judge shall receive no fee or perquisites nor hold any office of profit or trust under the authority of the State or the United States during the term of office for which said justices or judges shall be elected, nor practice law in any of the courts of the State during their continuance in office.

That is the provision of the constitution which, as claimed by the minority report, notified all the voters of the State of Kansas of the ineligibility of the sitting member. Now, if there was nothing further than this, if there had been no judicial construction placed upon this provision of the constitution, then the claim of the minority of the committee might be of some force. But when you consider the proposition which I asserted a few moments ago, that in so far as this constructive notice operates it must embrace also the decisions made by the courts and the proper tribunals in construing any provision of law, you will see that whatever notice this constitutional provision gave must be taken in connection with the notice which was given by these tribunals in construing this provision of the constitution.

Now, the voter of Kansas who started out to find the construction of law in relation to this constitutional provision having heard something of Justice Story, a noted law-writer, and believing him to have been a man recognized as high authority by the courts of the country, would at once turn to that author and endeavor to ascertain what construction he had placed upon this character of prohibitions in State constitutions.

Turning to Story on Constitution, the voter reads:

If a State Legislature has authority to pass laws to this effect, they may impose any other qualifications beyond those provided by the Constitution, however inconvenient, restrictive, or even mischievous they may be to the interests of the Union. The Legislature of one State may require that none but a Deist, a Catholic, a Protestant, a Calvinist, or a Universalist shall be a Representative. The Legislature of another State may require that none shall be a Representative but a planter, a farmer, a mechanic, or a manufacturer. It may exclude merchants, and divines, and physicians, and lawyers. Another Legislature may require a high-moneyed qualification, a freehold of great value, or personal estate of great amount. Another Legislature may require that a party shall have been born and always lived in the State or district, or that he shall be an inhabitant of a particular town or city. In short, there is no end to the varieties of qualifications which, without insisting upon extravagant cases, may be imagined. A State may, with the sole object of dissolving the Union, create disqualifications so high and so singular that it shall become impracticable to elect any Representatives.

And again he reads from the same author:

The truth is that the States can exercise no powers whatsoever which exclusively spring out of the existence of the National Government, which the Constitution does not delegate to them. They have just as much right, and no more, to prescribe new qualifications for a Representative as they have for a President; each derives his powers and qualifications from the Constitution, and is neither created by, dependent upon, nor controllable by the States. It is no original prerogative of State power to appoint a Representative, a Senator, or President for the Union. These owe their existence and functions to the united voice of the whole, not a portion of the people.

From this reading the voter would be notified by the high authority of Judge Story that this provision in regard to the ineligibility of the sitting member was absolutely null and void.

And the voter might go further. Having learned that Chancellor Kent was a man well recognized as high authority in the law, that he was the Blackstone of America, he might turn to the first volume of Kent's Commentaries and find that this learned writer approves the construction placed upon the law by Justice Story. Thus he would see that two renowned legal authors declare this inhibition in the constitution of the State of Kansas to be absolutely null and void.

But not content with this, he would go to the only tribunal that has power to pass finally upon a question of this kind; and there he would ascertain that in the case of Fouke *vs.* Trumbull and the case of Turner *vs.* Marshall, both these cases having been decided in the House of Representatives, and also in the Trumbull case in the Senate, it had been declared emphatically by these bodies respectively that these inhibitions in State constitutions are in conflict with the national Constitution, and therefore null and void.

I ask any reasonable member of the House whether the constructive notice in this case did not notify the voter of the State of Kansas that the inhibition of the State constitution was null and void, and, therefore, the ineligibility of the sitting member could not be maintained on that ground.

Why, sir, to hear gentlemen speak on the part of the minority of the committee, one would think that the voters of the State of Kansas had nothing to do but study laws and constitutions upon these questions. I desire to say that the people of Kansas find something to do besides studying the laws and the constitutions of the States and of the United States. It would be strange if the voter of Kansas were obliged to acquaint himself with these laws and the constructions of the courts to decide which was right and which was wrong, and, if he should decide wrongfully, lose his vote for Representative in Congress. The voters of the State of Kansas found time during the last year to raise 200,000,000 bushels of corn and 27,000,000 bushels of wheat. Ay, sir, they found time during the last year to raise wheat, corn, oats, rye, and flaxseed of the value of $93,440,000—$12,000,000 more than the entire value of the gold and silver product of the United States for the same year. Let my distinguished friend from Colorado [Mr. BELFORD], who prides himself justly upon representing the gold and silver Rocky Mountain mining camp, put that under the brim of his sombrero.

McPherson County in my district is now, and has been for two years, the banner wheat and broom-corn county of the world, and yet this county in age is not half-way through its "teens."

Sir, in the district in which I now reside there is a county named after the lamented General Sedgwick that raised 7,000,000 bushels of corn last year, and only a short time ago loaded up a train of thirty cars with corn and sent them to Cincinnati as a gift-offering to relieve the sufferers by the Ohio flood. Another county in my State, in the district of my colleague [Mr. RYAN]—and I will charge him nothing for this advertisement—a county named Butler, found time to send twenty-seven car-loads to Cincinnati as a gratuitous offering to the sufferers by the Ohio flood. The nation has donated generously out of its plethoric Treasury, but these two counties alone have given ten thousand dollars' worth of corn.

The people of Kansas have something else to do, and they do something else, than study up constitutional questions. I know it is said, and it may be truthfully said, that Kansas is only the third State in the Union in the raising of agricultural products; but you must bear in mind that Kansas is young yet. When the procession of States passes under the wire in the year 1900 Kansas will be in the lead and will be looking back over her shoulder to see what older State is blinking in the dust of her progress. It must be a bad day when the average Kansan can not inject a first-class advertisement into the driest kind of a legal argument. But to return to the question of notice.

Now, if the voter of the State of Kansas is bound by constructive notice, as claimed, then this notice says to him that the inhibition in the constitution of that State is nugatory and void, and he can therefore go and vote for the person of his choice with the greatest assurance that this constitutional provision will not be enforced.

It is claimed that notice was given through the newspapers of the State by a discussion, and that this discussion was sufficient to apprise the voters of the ineligibility of the sitting member. A discussion in the newspapers presents the idea that there are two sides to be discussed. If there was but one side to it, and that was the side as claimed by the contestor, then there would have been nothing to discuss; but the very fact there was discussion in the newspapers suggests at once the idea that the newspapers themselves discussed not an *ex parte* case but that they discussed both sides of this case, and if they discussed both sides of this case they also presented not only the clause of the constitution of the State of Kansas now under consideration, but they presented also to the voter through the public prints the rulings of the various tribunals on that clause of the constitution, and those rulings declared it to be null and void; so that, view it as you please, consider it an actual or constructive notice, either or both, they were in favor of the rights of the sitting member and entirely opposed to the rights of the contestor.

Was the voter bound to know that Story and Kent were wrong; was the voter bound to know that the House of Representatives in the Trumbull and Marshall cases was wrong; was the voter bound to know the United States Senate was wrong? And I say, as a matter of law, that, right or wrong, the decision of this tribunal was binding on the voters, and is in favor of the eligibility of the sitting member.

But I go further than this and say that under the great weight of authority in this matter the question of notice is unimportant.

Now, I will not cite any authorities in relation to that point. My friend from Pennsylvania [Mr. ELLIOTT] has cited all the authorities on the question. They are all one way, except in the case of the few authorities from the State of Indiana. Those of you who have given any attention to the minority report in this case will have ascertained that contestor relies almost altogether on English authority, and I submit these English authorities are not of much force on that subject in this country because of the difference in the two governments. In one of them the voice of the queen is the voice of God, while in the United States the voice of the people is the voice of God. But I will not take up the time of the House by citing any authorities on this question.

But I hear some one say, why are you so interested in this branch of the case? If you are not eligible to a seat why need you have any uneasiness or anxiety about who should occupy it? Permit me to suggest I have an intimate acquaintance with the sitting member, and I have been on terms of closest confidence with him for forty-one years, and that I know the reason why the sitting member has anxiety in relation to this branch of the case. And I will state the reason for his anxiety. If there is any member of the House who has doubt on the legal question involved in this case then he should give the people who sent me here the benefit of that doubt and resolve it in favor of the voice of the people.

Again, I do not desire to have the people of the State of Kansas who have been so kind to me punished, and that is another reason why I have anxiety on this branch of the case. On account of the people of the State of Kansas, and especially on account of the people of that judicial district over which the sitting member had the honor to preside for eight years, that elected him three successive times to a judicial position without any opposition, and which also voted to send him here with almost the same unanimity, if there is any one to be punished for the offense claimed by the contestor to have been committed against the constitution of Kansas, I say then punish me, but do not punish my people by putting in my place a Representative whom they have repudiated by 16,502 votes.

I might add right here that the Congressional district in which I now reside has to-day renominated me for election as a Representative in the Forty-ninth Congress by acclamation, so that if I have sinned against the Constitution that is a pardon extended to me by my people which is very gratifying to my feelings. I will accept that renomination without much deliberation, and as it is equivalent to an election, if you put me down and out of the Forty-eighth Congress, I will rise up again in the Forty-ninth, when none can molest or make me afraid.

I have referred to the cases of Marshall and Trumbull. I desire to call attention to another feature in this case in connection with the decision in those noted cases. The contestant as well as the report made by the minority of the committee seek to break the force of the decisions and conclusions reached in the cases referred to by showing that while Trumbull and Marshall violated the letter of the law, they did not violate the spirit of the law; and therefore we may reasonably conclude that if the sitting member here has not violated the spirit of the law he is entitled to a seat by parity of reasoning.

Let us see now if the sitting member has violated the spirit of the law in this case, and if so in what respect. The spirit of the law is that a judge shall not use his judicial position for the purpose of securing political preferment. Is not that the spirit of the law? Where is there a man within or without the sound of my voice that will dare charge that the sitting member in this case ever used his judicial position to secure political preferment? If such had been the case, could it not and would it not easily have been shown? Would the evidence not have been seized upon? Could it not have been easily procured and referred to the Committee on Elections? And if there had been such evidence, and it was true, it would have been most damaging to the sitting member and against his right to a seat, because it would show that he was not only unworthy to hold a judicial position, but that he was also unfitted to hold a seat upon this floor, and he should be spurned from this Hall. In the absence of such proof (and there is absolutely no proof attempted to be brought of that kind), but in the absence of such proof, the presumption of honesty and official rectitude is in favor of the sitting member thus far in the case. But it is claimed further that Marshall and Trumbull resigned before the election, and therefore they did not violate the spirit of the law by being in office at the time of the election. I say to you that a proper exercise of official duty never violated the spirit of a law. It is the misuse of official position that wounds the spirit of the law if it is wounded at all. Therefore the question whether Marshall and Trumbull were upon the bench at the date of the election is no factor in determining the legal question presented here.

But how is the comparison when carried a little further? At the time the judgments in favor of Trumbull and Marshall in this House and in the Senate were given, the inhibition in the Illinois constitution, if it ever was of any force, had not expired, but existed against them—that is to say, the expiration of the official term and one year thereafter had not expired as required by the constitution of that State. Consequently if that inhibition was in force it was bearing directly against them, not only at the time of election but also at the time the judgment was pronounced in their favor. How is it in the case now under consideration? It is disclosed that the sitting member was last elected to the bench in the year 1879, for four years; and hence you will readily see that the inhibition of the constitution of the State of Kansas, if it ever was of any force, has long since ceased to operate or exist in the present case.

I now desire to call attention to the constitutional inhibition under consideration and submit a few thoughts in addition to those so ably presented by the gentleman from Pennsylvania [Mr. ELLIOTT]. I assert—

First. That the inhibition, if of any force at all, is nothing more than a mere request. If the State can constitutionally command that a person shall not be eligible, but has no power to enforce the command, then it ceases to be a command. And even conceding that the right to prescribe additional qualifications was reserved to the State, there being no power to enforce the right, it amounts to nothing more than a mere request. In short, conceding the right of a State to prescribe qualifications to have been reserved by the State and by the people, the fact that the power to enforce was not reserved renders any prescribed qualification inoperative, and of no further force than a mere request. The Legislature of the State might by a joint resolution make the same request, or the voters might by a petition make the same request as to additional qualifications other than those prescribed in the Constitution of the United States; but, being powerless to enforce these qualifications, they could not be considered anything more than a mere request.

Waiving all questions of conflict between the national and State constitutions for the sake of the argument upon this branch of the case, we assert then that the prohibitory clause in the constitution of the State of Kansas was simply a request to the people of the State not to elect a judge to a national office during the term for which he had been elected to a judicial position, which request the people might or might not heed, as best suited their supreme will. That the voters of the State have so interpreted this provision is supported by their actions on several occasions. In 1870 Hon. D. P. Lowe, judge of the sixth judicial district of the State, whose term as judge had not expired, was elected as a Representative from the State at large to the Forty-second Congress. In 1874 Hon. W. R. Brown, my predecessor as judge of the ninth judicial district, and whose term had not expired, was elected as Representative from the third district to the Forty-fourth Congress. In the same year Hon. John R. Goodin, judge of the seventh judicial district, whose term had not expired, was elected as a Representative to the Forty-fourth Congress from the second. He was a Democrat, and defeated Hon. S. A. Cobb, the Republican candidate, who was a member of the Forty-third Congress from the State of Kansas. This clause of the constitution was then treated and considered as a mere request not only by Republican voters of the State but also by the Democratic voters of the State.

Second. The State can not superadd qualifications. The decision in the Marshall and Trumbull case was right then and is right now, and the inhibition in the Kansas constitution so far as it applies to members of Congress is null and void. The eligibility under the national Constitution is conceded. If eligible under the national Constitution, can a State constitution render the same person ineligible? If so, then the latter can nullify the former, and the lesser becomes the greater. It is argued that there is no conflict between the national and State constitutions in relation to the qualifications of a member of Congress; or that the clause of the national Constitution is simply negative and prohibitory, and hence, the State has the right to add affirmative qualifications. If the State has the power to add to the qualifications set out in the national Constitution, then to render the power valid and forceful it must be able to enforce the qualification or it must have the right to call upon Congress to enforce it. The State is powerless to enforce such a law, because it has affirmatively granted that power to the House. The House can not enforce a State law because it is a legislative and not an executive body.

Concede the absurd proposition that the National Government has the right to enforce a State law without being legally invoked by the State, and it would not be the legislative but the executive department that would be called upon to enforce such law. If the legislative department should be called upon to enforce such a law it would place it in conflict with the executive department, which is the only law-enforcing power in the Government. If the State then can enact a law and can call upon the House to enforce it, then a single State and the House can destroy the representation of that State in Congress, and a number of States acting in concert with the House can destroy the Government. National disintegration would thus be made easy. Any law that gives to the State the power to destroy the Government is in conflict with the national Constitution, and also with the very spirit and essence of the Government itself.

If a State may add to the qualifications of a member, then it may say that the member shall not be more than 27 years old; the national Constitution says he shall not be less than 25; and if the State can say he shall not be more than 27, it can thus nullify the spirit of our national Constitution, which seeks the benefit of age and experience in its legislative department. If this can be done, then a State could pass a law that no person should serve more than one term in Congress, and call upon the House to enforce it; and yet where is the statesman, either actual or fancied, that would assert that a State could enact a law that would prevent the re-election of a member of Congress, and have the right to demand of the House an enforcement of such a law. Again, the national Constitution says, in substance, the member must be a citizen of the United States for seven years. If the State can add additional qualifications it can say that no person who is American-born shall be eligible, and that only persons who have been born in England, or Ireland, or Germany, and who have been citizens of the United States not less than seven years nor more than ten years, shall be eligible. The statement of the proposition carries with it its own refutation.

If the additional qualification prescribed in the Kansas constitution now under consideration is not in conflict with the provisions of the national Constitution, then none of those provisions instanced by me would be in conflict. The legal principle involved is the same; the absurdity of the proposition does not affect its legality. The proposition may be absurd and unreasonable and unjust and dangerous to the very life of the Government itself; but if you concede the right of the State to add any additional qualifications to those prescribed in the national Constitution, then you must concede this power to its fullest extent, limited only by the prohibition in the Constitution of the United States.

The provisions of section 2 of article 1 of the Constitution, fixing the qualifications of the Representative, standing alone are in the nature of a

negative prohibition; but when taken in connection with section 5 and with the first clause of section 2 it is an affirmative provision, and according to the rule of law well established and now never questioned, that the express mention of certain things in a provision excludes all others, a State is prohibited from affixing any additional qualifications to those of members of Congress. To place any other construction upon the constitutional provision under consideration is not only unreasonable in itself, but leads to the destruction of the very life which it was intended to promote and maintain.

Again, sovereignty must reside with the power to enforce. Sovereignty denotes the possession of the highest power in any given sphere. As applied to the qualifications of a member of Congress, it denotes the possession of the highest power to determine these qualifications. Is there any doubt or question as to where this power is lodged? Concede this power to have existed in the State prior to the formation of the National Government; what follows? When the National Government was created and the national Constitution was accepted by the States they delegated this power to the General Government. If the power to determine the qualifications of a member of Congress was delegated to Congress, then the sovereignty of the State over the qualifications of a member of Congress passed also with the power, because the sovereignty must reside with the power. The sovereignty, to prescribe a part of the qualifications, could not be retained by the State and the remaining part and the power to enforce all be delegated to Congress. Sovereignty in any given sphere in the very nature of political association is indivisible. A division of sovereignty over any given subject-matter would beget conflict.

There is not a single right reserved to the State which the State has not the power to enforce. The National Government can not go into a State and enforce a State law. If the State delegated to the General Government the power to make a law, it also delegated the power to enforce it. If a State reserved the right to make a law, it also reserved the power to enforce it. The power to make and the power to enforce are both necessary to create the sovereignty.

Hence if the States delegated to the General Government the power to enforce certain qualifications this delegation of power carried with it all of the power both to make and to enforce the qualifications, and the right of a State to prescribe any qualifications does not exist.

Again, article 1, section 2, of the Constitution of the United States prescribes the component parts of the House of Representatives: "Shall be composed of members;" declares how often they shall be chosen, "chosen every second year by the people of the several States." Prescribes the character of the people who shall vote in the States, "the electors in each State shall have the qualifications requisite for electors in the most numerous branch of the State Legislature." It then fixes the qualification of the member by saying, in substance, he must be 25 years old, a citizen of the United States of seven years' standing, and an inhabitant of the State in which he shall be chosen.

If the Constitution of the United States added nothing else, then it might with some plausibility be claimed that some rights were reserved to the State in relation to the qualifications of a member; but the Constitution fixes in well-chosen language the tribunal to decide upon the question of qualification.

Article 1, section 5, says: "Each House shall be the judge of the election returns and the qualifications of its own members." This negatives the idea that any right in relation to the qualifications of a member is reserved to the State. The power to adjudicate is not given to the State, but to each House. Jurisdiction is the right and power to hear and determine a mooted question. The State may prescribe additional qualifications, but it has no power to hear and determine them. It is futile to give to a State the right to make a law but withhold from it the power to enforce it. Suppose Kansas should enact a law that no one but a Republican should be elected to Congress. If any rights to prescribe qualifications of members of Congress are reserved to the State, then the State has the power to pass such a law, but it would be powerless to enforce it.

No State has the right to make a law unless it also has the power to enforce it; it is illogical to say that by implication the framers of the Constitution intended to permit a State to prescribe additional qualifications to those in article 1, section 2, but expressly took from the States the power to enforce such additional qualifications. It would be granting the power to make a law but withholding the power to enforce it. The power to determine the qualifications of a member of Congress was delegated by the people in the Constitution of the United States to the respective Houses of Congress; and each House has exclusive jurisdiction to hear and determine this question of qualification. The decision of any other tribunal is not binding because it is an unwarranted assumption of power. If there is no power in a State to enforce a qualification, then the power to make the qualification is useless and of no effect. Concede the power of a State to make qualifications in the premises, and you concede the power to the State to render ineligible every citizen within its borders, and thus by a combination of States destroy the Congress.

Legally, a right and the power to enforce it go together. If there is no power to enforce then there is no right. It is the power to enforce that establishes the right. If the power to enforce the right does not exist, then the right does not exist, As an abstract proposition there can be a law without a penalty, but such a law is dormant, powerless, forceless. Law is a rule of action, commanding what is right and prohibiting what is wrong, prescribed by some supreme power. The idea of command naturally suggests the power to enforce obedience to the command. One person may have the power to command and another the power to enforce; one branch or department of government may have power to make law and another department may execute the law, but they must be co-ordinate departments under one general system. We therefore with great confidence reassert that sovereignty must reside with the power to maintain or enforce, and that as the National Government has the power through its branches of Congress to determine the qualifications of members, therefore the National Government has the power and all of the power to prescribe the qualifications of its members.

Now, I will not say anything further upon the case except to thank the gentlemen who make the majority as well as the minority report for their uniform courtesy to me, and also to thank the Committee on Elections for extending the same uniform courtesy in all that pertains to the present case. After all, Mr. Speaker, the will of the people, let me say in conclusion, is the supreme power in this Government. Expression of that will of the people sent the sitting member here to represent them. That expression of the will of the people is untarnished by fraud or by any informality that can take away its potency. In obedience to that mandate I am here. It remains for this House to say whether the will of the people, thus formally expressed, shall be ignored and its herald and Representative sent from these legislative halls. Confidently believing that my case has been carefully and fairly presented, I submit to the decision of this House the mutual interests of my people and myself.

Mr. BENNETT addressed the committee. [See Appendix.]

Mr. PETTIBONE. I do not wish to occupy the attention of the House, Mr. Speaker, for a single moment longer than they want to hear me. [Cries of "Vote!" "Vote!"]

Mr. HENDERSON, of Iowa. That is a very dangerous statement to make on this floor. [Laughter.]

Mr. PETTIBONE. I hear no suggestion that I should quit now [laughter], and therefore I am encouraged to go on, and I will do so, giving my friend from North Carolina time to get his wind back again. [Laughter]. In a few words, then, what have we here? A contested-election case between Mr. Wood and Mr. Peters, of Kansas. It is conceded on all hands that Mr. Peters got 16,502 honest majority.

I wish Democrats to hear me, for I am a democrat myself, but perhaps some gentlemen may not believe that. [Cries of "No!"] A democrat is to let the people rule, and I am in favor of the people doing that very thing. Let some Democrat here rise up and deny that proposition.

A MEMBER. You are not that sort.

Mr. PETTIBONE. I say a democrat is one who is in favor of allowing the people to rule. Then what have we here? I concede, and gladly concede, the Constitution of the United States and the laws of Congress made thereunder are not the supreme law of this land. Then what? Why, then, of course the laws of Kansas must be. Then the State must be supreme. There is no escape from the conclusion. Now, what do we find here? Democrats, you State-rights men, I am talking to you. Here is a State that has given 16,500 majority in favor of the sitting member and against the contestant. Now, I wipe out the United States, I concede that the United States and its Constitution and laws have nothing to do with the subject under discussion. Admit all that; and then what?

Mr. WOLFORD. Now you are coming back to the Republican party. [Laughter.]

Mr. PETTIBONE. And then, I say, what? What is left to you? Why, then the State of Kansas, and nothing else. And now, Democrats, listen a moment longer. Do you know, have you yet discovered, that the word "State" in the Constitution means three things? There is the Territorial State of Kansas. Did the Territorial State of Kansas send Judge Peters here, or send Mr. Wood here? No. What next? Why, then you have the people of Kansas, the men and the women and the children who live there. Well, then you have the political State. Now, I will tell you Democrats something that you have never understood before. When the rebellion came along we Republicans said you can not go out of the Union, and when the war was over were you out or in?

Mr. WOLFORD. Will the gentleman permit me to make a correction? It was the Union men who said you could not go out.

Mr. PETTIBONE. I ask the question, were you out or in? You were in. Well, the soil was in, was it not? The soil of the States was in. The lands were in and the people were in, but were the Democratic confederate State governors in the Union?

Several MEMBERS. They were.

Mr. PETTIBONE. What? Will any Democrat say they were in?

Mr. VANCE. We think that way down in my country.

Mr. PETTIBONE. Do you say that the State of North Carolina was in?

Mr. VANCE. Yes.

Mr. PETTIBONE. I am glad to have it put on the records of this

country that the gentleman from North Carolina has stated that the governor of that State, where the governor had sworn that he would not support and defend the Constitution of the United States, but that he would support, protect, and defend the constitution of the Confederate States, was a governor in the Union. Furthermore, your Legislatures—were they in the Union? Every member had sworn that he would support and defend the confederate constitution, but that he would not support and defend the United States Constitution. Were they in the Union? Your judges had sworn that they would support the constitution of the confederacy; were they in the Union? Yet the gentleman says that the State was in the Union.

Why, Mr. Speaker, there was a man once from my own town; his name was Andrew Johnson. Did you ever hear that name, you Democrats?

Mr. COSGROVE. Frequently.

Mr. PETTIBONE. Well, Andrew Johnson said when the war was over that the rebellion had left the State of North Carolina—now listen my friend on my right here who said North Carolina was in the Union—Andrew Johnson said the war had left that State devoid of all civil government. Now, who wrote that opinion for him? William H. Seward. I am talking now to you Democratic lawyers on this side of the House. That was written by William H. Seward.

Mr. COSGROVE. Will the gentleman permit me to ask him a question?

Mr. PETTIBONE. Most assuredly.

Mr. COSGROVE. Was it for that declaration that your party sought to impeach him?

Mr. PETTIBONE. Oh, good Lord! [Great laughter.] Oh, lame and impotent conclusion!

Gentlemen, I want any North Carolina lawyer on this floor to get up here in this House and say that the political State of North Carolina, the political government of North Carolina, the political legislators and political judges of North Carolina were in the Union when the war closed. William H. Seward was just as good a lawyer as you or I. Jeremiah Black, whom you and I know was the adviser of Andrew Johnson, was as good a lawyer as there is on this floor, but Johnson said that the political State of North Carolina was dead.

Now, furthermore, the Supreme Court of the United States, in the case of White against Texas, has said exactly the same thing. The Supreme Court said it also in Luther against Borden.

Now, what do I mean by all this? Simply this, that while I admit that the Constitution of the United States and the laws made thereunder are the supreme laws of the land, but yet assume that this is not so for argument's sake; I will grant that it is not. Then when you come to Kansas what have you? Let us see. The political state of Kansas does not elect members of Congress here. Who does? Is it not the popular state of Kansas, the democracy, the people. The men, the voters of the state of Kansas, are the ones who do it. I ask you if that is not true?

Now I come back to this report which we have made from the Committee on Elections; and recollect we have nine Democrats and six Republicans on that committee; and eight Democrats and six Republicans say that when the people of Kansas, the people who are the source of power, send a man here he shall be accorded his seat. You Democrats, I want you to listen to me, because I wish to teach you the very fundamental principles of democracy. Evidently you have not learned them yet. [Laughter.] You do not know them. I say to you that the citizens of the United States, the honest voters of this country, the common sense of a large majority of the people, ought to determine, and they will determine, questions of this kind; and I want you to put yourselves on record to the contrary, you apostles of shame-faced democracy, if you will. When, then, the people of Kansas, by a majority of 16,500, have said that Judge Peters shall come here and represent them, and when you have had three cases from that same State of men who were sitting as judges in Kansas who were elected and permitted to hold their seats here, I say and hope, in the Lord's name, that you will turn Peters out and put Wood in. I am done. [Laughter.]

The SPEAKER. The Chair desires to state there was a mistake in announcing the time of the gentleman from North Carolina [Mr. BENNETT] had expired. Another gentleman was occupying the chair when the gentleman began his speech. The gentleman from North Carolina had only spoken forty minutes when the Chair announced that his hour had expired.

Mr. HART. I am a member of the Committee on Elections and would be entitled to address the House. I wish to yield to my friend from North Carolina [Mr. BENNETT] whatever time he may require.

Mr. TURNER, of Georgia. Has the gentleman from North Carolina concluded his remarks?

Mr. BENNETT. I desire to yield five minutes of my time to the gentleman from Illinois [Mr. SPRINGER], who wishes to make a statement to the House; and I will for the present reserve the remainder of my time.

Mr. SPRINGER. A similar case to this originated in the State of Illinois; in fact two cases, which have been cited. One is known as the Trumbull case, which has been already referred to. The most recent case was that in which the present Senator CULLOM was elected a United States Senator by the last General Assembly of the State of Illinois. At the time of his election he was the governor of that State. The constitution of the State of Illinois contains this clause:

> Neither the governor, the lieutenant-governor, auditor of public accounts, secretary of state, superintendent of public instruction, nor attorney-general shall be eligible to any other office during the period for which he shall have been elected.

In the middle of his term as governor the last Legislature of the State of Illinois elected Mr. CULLOM to the United States Senate. That election was not brought about without a contest on the part of the Democratic members constituting the minority of that Legislature: and in that contest they were aided very materially by a very respectable minority of the Republican members of that Legislature.

That minority, represented by the Democratic party, placed upon the records of that general assembly a protest against the election of Governor CULLOM, a solemn protest that the person who had been declared elected by the joint action of the two houses of the Legislature was ineligible under the constitution of the State of Illinois to hold that office.

I understand that that opinion was reached after mature reflection and consultation upon the part of the minority members of that Legislature, and the opinion was shared by a no less distinguished legal authority than ex-Governor John M. Palmer, of that State. Therefore at least in one State of this Union the Democratic members of the Legislature are on record as declaring that such an election as this now before the House was without warrant and was illegal.

It is due, however, to some of those gentlemen and to some of the Republican members of the Legislature who protested against that election to say that they were of the opinion that the clause in the State constitution to which I have referred affected the Legislature only; in other words, that the members of the Legislature were under a moral responsibility to their own constitution, which they had sworn to support, not to elect a man to the office of United States Senator who was by the constitution ineligible to hold the office.

However they may have been divided in that respect, the Democratic minority placed upon the record their protest, and it stands to-day as the voice and sentiment of the Democratic party of the State of Illinois upon a question similar to the one now before this House. For that reason, and because my own mind has been brought to a similar conclusion by a careful investigation of this subject, I shall vote to declare this seat vacant, and ask the people of Kansas to obey their own constitution and to send some one to this body who is qualified under the constitution of Kansas as well as the Constitution of the United States to occupy a seat on this floor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed and requested the concurrence of the House in bills and a joint resolution of the following titles:

A bill (S. 510) for the relief of B. Jennings;

A bill (S. 1544) to amend section 5388 of the Revised Statutes of the United States in relation to timber depredations;

A bill (S. 1599) to change the designations and title of certain officers of the Medical Department of the Army;

A bill (S. 1988) for the government and control of the Saint Mary's Falls Canal, Michigan; and

Joint resolution (S. R. 63) authorizing Augustus J. Cassard to accept a gold medal conferred upon him by the Government of France.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal;

A bill (H. R. 406) granting a pension to Catharine Bullard; and

A bill (H. R. 2319) granting a pension to Laurena C. P. Haskins.

ELECTION CONTEST—WOOD VS. PETERS.

The House resumed the consideration of the contested-election case of S. N. Wood *vs.* S. R. Peters, of Kansas.

Mr. TURNER, of Georgia. I would inquire of the gentleman from Indiana [Mr. LOWRY] if he desires to address the House at this time?

Mr. LOWRY. In response to the inquiry of the gentleman from Georgia [Mr. TURNER], I will say that I think that in the present temper of the House I would not be justified in occupying its attention at this time.

Mr. TURNER, of Georgia. Then I move the previous question on the resolution reported by the majority of the Committee on Elections, and the substitute offered therefor by the gentleman from North Carolina [Mr. BENNETT] on behalf of the minority.

Mr. BENNETT. If in order I would like to ask a division of the vote on the resolutions offered by the minority.

Mr. TURNER, of Georgia. Is it in order to demand a division of a proposition submitted as a substitute?

The SPEAKER. The Chair thinks the substitute contains two distinct propositions, one declaring that the sitting member is not entitled

to the seat, and the other declaring that the contestant is entitled to the seat.

Mr. TURNER, of Georgia. My reason for the inquiry is that the proposition offered by the gentleman from North Carolina [Mr. BENNETT] was intended as an entire substitute for the proposition submitted by the majority of the Committee on Elections. According to my limited experience of parliamentary law the vote is first on the entire substitute, and there can be no division of it, as I understand, when it is offered for another proposition. But I defer to the superior judgment of the Chair.

The SPEAKER. The Chair concedes that there is some difficulty relating to the application of the rule.

Mr. BENNETT. It was so decided in a former case.

The SPEAKER. The Chair did so decide once, but had some doubt whether in that particular case it was a correct decision, inasmuch as in that case there was some question whether there were two separate and distinct propositions. But there is no such difficulty in this case, and the Chair thinks that the division of the question can be demanded.

The previous question was ordered.

The SPEAKER. The question is upon the adoption of the amendment proposed by the gentleman from North Carolina [Mr. BENNETT] as a substitute for the resolution reported by the majority of the Committee on Elections.

Several MEMBERS. Let it be read.

Mr. BENNETT. Did the Chair rule that my substitute was not divisible?

The SPEAKER. The Chair ruled that it was divisible; that the first and second resolutions embraced in the substitute could be voted upon separately, as each is a complete proposition in itself, not dependent upon the other. The Clerk will read the first division of the substitute.

The Clerk read as follows:

Resolved, That Samuel R. Peters, of Kansas, is ineligible to the seat in the House of Representatives in the Forty-eighth Congress now held by him.

The question being taken on agreeing to the first division of the substitute, it was not agreed to; there being—ayes 20, noes 106.

The SPEAKER. The Clerk will read the second division of the proposed substitute.

The Clerk read as follows:

Resolved, That Samuel N. Wood, of Kansas, is entitled to said seat.

The question being taken on the second division of the proposed substitute, it was not agreed to; there being ayes 2—noes not counted.

The SPEAKER. The question now recurs upon the adoption of the resolution reported by the Committee on Elections, which will be read.

The Clerk read as follows:

Resolved, That S. R. Peters was duly elected a member of Congress from the State of Kansas, and is entitled to his seat.

Mr. BENNETT. I call for the yeas and nays on the adoption of this resolution.

The yeas and nays were not ordered, only 9 voting in favor thereof.

The resolution was then adopted.

Mr. TURNER, of Georgia, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the amendments of the Senate to the naval appropriation bill.

Mr. CALKINS. Before the question is put on this motion, may I be permitted to inquire who it was that made the point of order sending this bill to the Committee of the Whole.

The SPEAKER. The gentleman from Iowa [Mr. KASSON].

Mr. CALKINS. I take the liberty of asking the gentleman from Iowa to withdraw that point and allow the bill to come before the House and be acted on, in accordance with the suggestion of the Committee on Appropriations, who have agreed substantially as to the course which the bill should take. I hope the gentleman from Iowa will allow this bill to go to a committee of conference by unanimous consent. I dislike to make the request; but the Committee on Appropriations are agreed upon this matter.

Mr. KASSON. If, on behalf of that committee, the gentleman from Indiana [Mr. CALKINS] can say that they are disposed to consider favorably the Senate amendments, I have no objection to his suggestion. My object is to avoid any possible appearance of unanimity in the House against those amendments of the Senate.

Mr. RANDALL. I can not hear what the gentleman is saying.

The SPEAKER. The House will come to order.

Mr. CALKINS. Of course I am unable to say what the committee of conference may agree upon; I make the request simply because the Committee on Appropriations, the majority and minority of the committee, have marked out a plan by which action may be taken; and it seems desirable not to interfere with that course which has been marked out, as I understand, with the assent of all parties.

The Committee on Appropriations have agreed to allow the amendments of the Senate to be non-concurred in in the House and sent to a committee of conference. I hope the gentleman from Iowa will withdraw any objection to the adoption of that course.

Mr. REED. I hope that at some suitable time the gentleman from Pennsylvania [Mr. RANDALL], if that request is concurred in, will give opportunity for proper discussion of the questions involved in some of these amendments, which are deemed important. If the course suggested is desired simply as a method of procedure for the purpose of getting at the matter in a more satisfactory way, I do not suppose anybody on this side will object.

Mr. RANDALL. It has never been my practice to attempt to thwart the wishes of members where they have made reasonable requests as to debate. Of course I have no power to bind any one else than myself. I suppose that upon the report of the conference committee, if that committee should agree as to the entire bill, gentlemen would have the right to discussion; and so far as I am concerned I would not be unwilling that thirty minutes, or such time as may be reasonable under the circumstances, should be allowed for such discussion.

Mr. REED. I do not think it best that there should be now any statement as to the time, because we can only judge as to the reasonableness of any particular time for debate when the occasion presents itself.

Mr. RANDALL. I am willing to judge of the necessity of that matter at the time when the bill comes back from the conference committee.

Mr. KASSON. In making the point of order I had no other view than to exhibit the position in which the bill is placed by the amendments of the Senate and to indicate the strong feeling existing to some extent on both sides of the House in favor of those amendments. I think we ought to have an assured time for proper debate, whether it be now or after the conference committee shall have reported.

Mr. RANDALL. The gentleman and I might differ as to what would be "proper debate." I think I have said enough as to what my probable course will be. I do not propose to have any further statement extorted from me.

Mr. KASSON. Then I must say that thirty minutes will not be satisfactory; and I insist on my point.

Mr. RANDALL. Then I ask a vote on my motion that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CONVERSE in the chair.

The CHAIRMAN. The House is in Committee of the Whole, and the pending question is the consideration of the amendments of the Senate to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

Mr. RANDALL. I move that the amendments be read in order.

The first amendment of the Senate was read, as follows:

Insert these words: "Which shall specify the special necessity for such travel;" so it will read as follows:

"For two secretaries, one to the Admiral and one to the Vice-Admiral, clerks to paymasters, clerks at inspections, navy-yards, and stations, and extra pay to men enlisted under honorable discharge; commission and interest, transportation of funds, exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, which shall specify the special necessity for such travel."

Mr. KASSON. I wish to ask the gentleman from Pennsylvania [Mr. RANDALL], chairman of the Committee on Appropriations, whether he wants the amendments read before the general debate has taken place.

Mr. RANDALL. I am willing to take the negative recommendation of the committee on all of them, or I am willing to except any amendment the gentleman may indicate.

Mr. KASSON. If the gentleman will not state the general purport of the amendments, and the reason for opposing them, I will say briefly for my part what I wish to say.

Mr. RANDALL. I am acting under the directions of the committee. I propose to extend to the other side of the House all the rights they have under the rules. [Cries of "Vote!"] I will indicate to the House what proceeding I mean to take.

Mr. HOLMAN. I hope the formal reading of the Senate amendments will be waived. I understand the gentleman from Iowa does not insist upon their being read.

Mr. KASSON. I will not if the gentleman from Pennsylvania will state them to the committee; but the committee ought to be advised of what those amendments are.

Mr. TOWNSHEND. The amendments have all been printed and are accessible to every member.

Mr. RANDALL. There are twenty amendments which are of importance in this, that they increase the aggregate of appropriations $6,328,980. There is one reduction in the bill of $5,000.

Mr. KASSON. I have asked the chairman of the committee the usual explanation of the question before the House, and have further asked him to make a statement of the reasons for which he asks the House to-day to oppose these Senate amendments. If he desires to leave it on that statement, I will give briefly the reasons why I think the House should support the amendments. I regret that the gentle-

man from Pennsylvania does not consider it a question of some importance to what object it is proposed to devote these $6,000,000 which the Senate proposes to add to the bill. I regard the object as the fundamental point in the amendments of the Senate. He has contented himself with simply saying that they appropriate more money than the House did. Why have they done it? For what object have they appropriated these additional amounts, and why does not the gentleman from Pennsylvania say something to enlighten the House why we should not concur in it?

Now, sir, in my opinion this question of constructing some additional vessels for our Navy is not surpassed in importance by any measure now pending in the House of Representatives, with one possible exception. It is a question which concerns national defense. It concerns national honor and national safety. In the debate on the bill which occurred the other day, I am glad to say that on both sides of the House gentlemen asserted themselves in favor of further appropriations for the Navy. And my friend from Pennsylvania knows perfectly well that the interest and main interest in these Senate amendments is not in the amount of money appropriated, of which he has chosen to enlighten the House, but it is in the object of that appropriation and the purpose to be accomplished.

Now, these amendments, as I understand them, are to provide for arming the three cruisers which are soon to be completed, and which without the appropriation now made will be as ineffective as so many toy-ships set afloat in the harbors of the country. With great right the Senate have added an appropriation to furnish the guns required by the cruisers now approaching completion. Is there anybody in the House—does the gentleman from Pennsylvania himself profess that these ships will be of any use without armament? If so, is it not a question of proper attention from this House whether those guns should not be made and delivered on board those ships as speedily as possible after their completion? Of what use are these ships without guns? Of what possible service can they be? And yet the chairman of the Committee on Appropriations meets this point, not with a statement as to the necessity or otherwise of the appropriation, but with a simple declaration that the amendment of the Senate increases the amount of the appropriation. That is all.

Then again, sir, these amendments of the Senate propose to continue the rebuilding of our Navy by authorizing the construction of four additional cruisers, as recommended by the naval advisory board, acting under the authority of Congress; and the addition of these four makes a total provision of only seven ships in all for the Navy of the United States, to adapt it to the prosecution of modern warfare and to provide for the defense of our interests upon the high seas. And the gentleman from New York, not now in his seat, I refer to Mr. DORSHEIMER, said rightly the other day that it is simply going in the direction of providing a small, compact, and efficient Navy for the honor and the safety of our common country. Are we to be answered that we shall not be permitted to meet the exigencies of the Government in that direction because it costs some money to provide the ships and to arm them? And yet, sir, that is the simple, bold answer made to my inquiry by the gentleman from Pennsylvania.

I wish I could persuade this House to remember the time when the Navy of this country was the pride and boast of the whole United States. Prior to this late lamentable and unhappy internal war of ours that Navy was the object of devoted care by all parties and by all sections of this country, and by none more than by the Democratic party of the United States. There never was a banquet held at which public men were present, there never was a popular meeting or assembly at which toasts were offered, where one of the regular standing toasts failed to be "The Army and Navy of the United States." Our children in the schools were taught to read of the brilliant naval victories and achievements, victories which still illuminate the pages of the entire story of our national existence. They were taught to remember as they grew up that in the last great naval war with England our little, compact, but efficient Navy captured over fifty British war vessels with 800 guns and brought them under the dominion of the American flag, and with a loss to our Navy of but 25 ships and 350 guns. We have been raised from childhood (thank God I am old enough to remember that time) to admire, and honor, and love this arm of our national defense.

But what is the condition of sentiment to-day? Now your Iroquois clubs, and your free-trade clubs that used to shout for "free trade and sailor's rights," and all your political clubs meet and dissolve and enjoy the banquet without a word to praise or to commemorate this once brilliant arm of our national strength.

Mr. Chairman, I appeal to gentlemen of the other side on this subject because it indicates the decay among politicians and those who consider themselves statesmen of those sentiments of national honor and national glory which underlie to a great extent our national prosperity and always our national safety.

Sir, we have had such a navy as I desire to see again; a navy not too large nor overwhelming in its numbers and power, not for fitting out great squadrons in sea fights, but a navy which can pass quickly from port to port, which can successfully pursue hostile cruisers that would otherwise blockade our ports and shut us off from the commerce of the world in time of war; and which can fight without having to haul down the flag before the like ships of any nation in the world. You admit, gentlemen, that we have not such a navy to-day. You admit that we are in a defenseless condition in that respect as compared with all the great and some of the minor nations of Europe. You admit that the situation demands relief. I ask you, then, why is this not the time to relieve ourselves from that mortifying embarrassment and restore, partially at least, this means of maintaining the honor, the importance, and the safety of our country?

If I made that appeal to you gentlemen when our Treasury was empty, when we were obliged to impose further taxes to accomplish the result, you might shake your heads and say the time is inopportune. But I make the appeal to you when no additional tax need be levied to accomplish it. I make the appeal when the Treasury of the country is overflowing and while you are asking what can we do by our legislative authority to diminish the surplus already accumulated and restore the money to circulation among the people. Am I not right, then, in saying that now, to-day, this hour, is the time, the day, and the hour to proceed with the work of construction?

I speak with more than ordinary feeling, Mr. Chairman, because I know that these national necessities spring upon nations most unexpectedly, and that we are ourselves to-day in a situation which may prove disastrous, that which may result in defeat, dishonor, and humiliation because we have not the means to assert our rights or to defend ourselves.

I speak with confidence because even in the country papers of the far West they are arousing popular opinion to great interesti n this question of a restored navy. I speak with earnestness because we have now at this moment serious questions with more than one foreign government which affect our national interests, and in the far West our exports to the degree of hundreds of millions. I speak also because I know that the arm of your executive Government is partially paralyzed by the consciousness that foreign governments believe it can not back its position with that degree of physical force which every nation in the world now recognizes as a necessary addition to the moral force of national demands.

Sir, if there was time to point the attention of the House to the present operations of other governments, I should but re-enforce the arguments in favor of these appropriations. There is a revival in France of the spirit of foreign acquisition of which we read in nearly every morning's paper, and it is extending to different parts of the world. We are having irritating questions with Great Britain, arising out of her interior difficulties, and they are presenting themselves every month as the history of the times proceeds. We find also that, not content with regulating affairs upon the European and the Eastern continents, foreign aggressions are made and are contemplated against our rights, unanimously asserted, and with intense spirit, in this country in relation to Central and South America. They are not only meditated but have been begun. Foreign influence under the protection of a foreign government has already seized one of those great interocean lines of communication which have been the occasion of international contest and struggle between this country and foreign governments for fifty years. Quietly the work goes on. One is yet left to us; only one—that great natural route by the way of Lake Nicaragua which now has been neglected for two years; neglected by the last Republican Congress, I say it to its shame; neglected by this present Congress so far. That will soon pass from our control and become the property and subject to the domination of alien governments, unless we are prepared to defend with the right hand of physical power our asserted superior right to control that great route.

Wherever I look, sir, to the East or to Central America, I see the progress of measures directly hostile to our interests, directly hostile to our rights, directly in the teeth of the policy which every government we have had for fifty years has asserted to be vital to us. Yet I venture to say here that if we can secure our rights in no other way this House, if I do not mistake its temper, would declare war rather than see the control of the Nicaragua route pass out of the power of the United States.

Mr. Chairman, it is for these and like reasons that I have been unwilling that either our own people or any foreign country should suppose that we were indifferent on this floor to a proposition to increase our means of naval defense to the extent named in these amendments. If we were to show that indifference it would simply be an assurance to those who are contemplating these aggressions that we were indifferent to our own great interests, and that we would not have either the spirit or the power to assert our rights and defend them by force of arms.

I am glad to say, sir, that national views like these have prevented this question from being made a party question in the other branch of Congress. These very amendments come to us indorsed by a large majority, and that majority obtained by the votes of gentlemen who do not belong to the Republican party, and who, thank God, love their country, its honor, and its flag, and are ready to give blood and money for its defense. [Applause.]

I hope that in this House the record may at some proper time show that when it comes to a question of national honor and national safety there is no division on this floor on party lines—that on such a question we know neither North nor South nor East nor West. And I appeal

to my friends in the opposition, especially to those from the South—whose help has been given in another place to these amendments—I appeal to them to help us restore that old sentiment of honor and admiration toward our Navy which can not be restored until we put our flag afloat upon the seas on strong ships, with trained and gallant sailors, who are ready to defend it with their guns and their lives.

At some time gentlemen on both sides of the House ought to be allowed to make a record in support of these Senate amendments. But I have no desire, and I wish to assure the gentleman from Pennsylvania [Mr. RANDALL] that I have had no desire to increase his difficulties or to prolong this debate. I do not intend to call for the yeas and nays. I do not know that I shall call for a division. But I do believe that the majority of this House, and I know that the majority of the country desire to put our flag in a condition of safety upon the high seas. They do want a respectable navy. They want our vessels to be furnished with guns when built, and they wish to be exempt from that danger of national humiliation which is ever present to any nation in the world which is not prepared with blood and with physical force to defend its rights and its honor. [Applause.]

Mr. RANDALL. I understand that the gentleman from Maine [Mr. REED] desires to speak.

Mr. REED. I was in hopes that the gentleman from Pennsylvania [Mr. RANDALL] would explain to us what these amendments are which he desires us to disagree to.

Mr. RANDALL. I will do so before I ask the committee to rise.

Mr. REED. I should be very glad to hear the gentleman's statement concerning those amendments of the Senate, and so would the House; and possibly after we have heard his explanation there may not be any criticism.

Mr. RANDALL. Then the gentleman does not want now or during this sitting to take up any time in the discussion of those amendments?

Mr. REED. I desire to have the gentleman from Pennsylvania explain to the House the nature of the amendments which he asks us to disagree to.

Mr. RANDALL. The other side has an hour to speak, and the gentleman can take his time now.

Mr. REED. Then the gentleman does not desire his remarks to be criticised.

Mr. RANDALL. Yes; I do, fully.

Mr. REED. Then will the gentleman be kind enough to make them now? It may be that his remarks will be beyond criticism.

Mr. RANDALL. No; but I suppose that the minority of the Committee on Appropriations would have criticised me if my action in the committee or out of it had been capable of any construction that warranted criticism. The amendments of the Senate are all printed, are easily understood, and I have no doubt the gentleman himself has read them with care.

Mr. REED. The gentleman does me a great deal of honor in that supposition.

Mr. RANDALL. Oh, no.

Mr. REED. But I have not read them. The method by which we obtain information in the House is ordinarily by discussion. The suggestion I make to the gentleman from Pennsylvania is that he shall present to us his views on the subject.

Mr. RANDALL. But you would object if after having made this explanation and closed the discussion upon the amendments to this bill I should ask the committee to rise to close debate.

Mr. REED. I do not think the gentleman from Pennsylvania should undertake to close the debate after he had made his statement. But I do think he should now make his statement and allow a reasonable opportunity for reply. If then he sees fit to rejoin, that is the ordinary and proper method of discussion.

I submit to the gentleman from Pennsylvania that while it may be eminently proper for him, having in view simply his own side of the House, to state to them that the Senate amendments involved the appropriation of more money, and end the discussion of them there. Nevertheless ordinary parliamentary courtesy, which sometimes goes beyond the absolute necessities of the case, might indicate that he should condescend to explain to the House at large, just as if he did not know that he had at his back gentlemen who cared nothing about what were in the Senate amendments either one way or the other.

I do not think the gentleman ought to assume that this House is going to be governed entirely by his simple statement that there is more money involved in the Senate amendments. It is possible that if there is more money involved in them there may be reasons for it. At least I hope the gentleman will state to us the reasons why he asks us to non-concur in the amendments of the Senate. Surely that is a reasonable request, especially as he would have an entire right to reply should any gentleman criticise his statement.

Mr. RANDALL. I am always accommodating, and especially as I need not now take any advantage of the position which I hold, for as far as I know the attitude of the Committee on Appropriations in reference to this particular mode of procedure is without any dissent among its members.

I will not now undertake to answer anything that has been said about the paralysis of our Navy, except to say that no one on this side of the House is responsible at all in any respect; nor has any one who is in sympathy with this side of the House been guilty of any neglect in that particular.

When this bill went to the Senate it appropriated $14,334,695.95. It comes back to us appropriating $20,863,675.95; an increase in the aggregate of $6,528,980. The additions are composed in detail of the following items: To the monitors, $2,000,000; to the steel cruisers, $2,500,000.

Let me pause here a moment to say that the provision inserted by the Senate in regard to the steel cruisers is in substance, if not literally, a bill now on the Speaker's table from the Senate in relation to the same subject. It is a remarkable coincidence that the Senate, after ten or twenty years of struggle against incorporating legislation upon appropriation bills, should have seen fit to depart from their position occupied during all that period of time in so significant a manner as this. I will ask the Clerk to read what one of the Senators, the Senator in charge of the bill, stated in the Senate in reference to this matter, as the reason for inserting this bill wholesale into the body of an appropriation bill.

The Clerk read as follows:

Mr. HALE. Then, setting aside the question of order, is this not a reasonable thing for us to do in the relation of the two Houses? I want to remove, if I can, the feeling the Senator has that the Senate is now doing anything that may look like coercing the House. I agree fully with him that that can not be done by either House, but I do think, and I hope he will support me in this, that it is legitimate and fair and not encroaching upon the other House to put on this appropriation bill this amendment, which our rules allow us to do, simply to bring the matter before the other House.

Mr. RANDALL. Now, Mr. Chairman, I will not discuss at this time the merits of the proposition for the construction of these cruisers except to suggest that wisdom dictates we should not enter upon the building of new cruisers on this bill, at least when there is a bill on the same subject pending in the Naval Committee and another bill from the Senate on the Speaker's table. In this remark I waive altogether the question whether the cruisers already authorized and now in course of construction are a complete success.

The next item is $680,000 for ordnance. When the opportunity offers and time permits I am quite ready to discuss very fully in the light of information since derived the question whether the Navy Department is a proper Department to be intrusted with the expenditure of that amount of money.

The next item is $55,000 for the construction or purchase of a torpedo-boat. The next is an increase of $143,000 in the appropriations for the Bureau of Equipment and Recruiting. The next is an increase of $480,000 in the appropriations for the Bureau of Construction and Repair. Then in the Bureau of Steam-Engineering there is a proposed increase of $290,000. There is also an appropriation of $150,000 for the purchase of tools for the navy-yards of the United States in connection with the construction of steel cruisers; and this in the face of the fact that the Secretary of the Navy has authorized the closing of all the eight yards except three.

Now, the Committee on Appropriations in asking the House to dissent *en masse* from these amendments thought the business of the country would be facilitated by such a course, and that an intelligent and wise conclusion would perhaps be reached through the agency of a conference with the Senate. This is our reason for asking the House to non-concur in these amendments, embracing as they do so large an amount of money.

Mr. REED. Mr. Chairman, I am very glad to have so satisfying an explanation made by the gentleman from Pennsylvania [Mr. RANDALL]. It is formed upon the model of the explanations which he ordinarily gives to the House—explanations which I can see by previous votes are satisfactory to the House. He states no reason whatever for the conclusions to which he arrives; he simply states to the House that he has arrived at certain conclusions. The first of these is that vessels should not be built by the Navy Department. Now, one would ordinarily suppose that the Navy Department was created for the purpose of building vessels. Yet the gentleman from Pennsylvania gives us no other reason for not building vessels than, first, that they are liable to be built by the Navy Department, and secondly, that there is a bill for that purpose now on the Speaker's table. Yet he knows that the bill now on the Speaker's table is there not for life, but for death. In other words, he does not want any provision in this bill for building cruisers, because there is another bill of similar purpose on the table which he knows can not pass.

Now, these are broad views for the Congress of the United States to take upon a subject like this. Their soundness the gentleman from Pennsylvania will have the satisfaction of seeing ratified, undoubtedly, by his side of the House; and I suppose that satisfaction is more supreme and serene in his mind than any flight of oratory or any of those explanations which gentlemen in charge of large measures ordinarily vouchsafe to the community whose interests are intrusted to their care. If so, all I can do is to commend him to the satisfaction which is pretty sure to follow. Still the public will very naturally judge of the character of the majority which satisfies itself by such reasons, and will necessarily be charmed at the result of its efforts for reform made a year

or two ago; and the whisper of the next Democratic candidate for President as to the generality of reform which is to be distributed over this country will broaden and increase in its incoherence. [Laughter.]

Now, think of a nation of 55,000,000 people without any navy treated to these two reasons why it should not build a navy: first, that the Navy Department would be liable under the amendment of the Senate to build the vessels; and secondly, that there is another bill pending which can not by any possibility pass, and therefore we should not pass this!

Now, just think of it for a moment. Here you are with the responsibilities of the country upon you. The gentleman from Pennsylvania takes a gentle refuge in the past—that home of the Democracy—the place where they live, and from which they never go. He says, "We are not responsible for the paralysis of the Navy; that belongs to the past." To-day the gentleman from Pennsylvania is chairman of the Committee on Appropriations. If he is not responsible for the present, who is? I suppose we are! The fact is, as I have had occasion to remark in this House before, when anything has to be done they have to come to us. The gentleman says he is not responsible for the paralysis of the past. Who is responsible for the paralysis of the present? Will he undertake to deny his responsibility for a naval appropriation bill that passed this House with no appropriations for ordnance? Will he undertake to deny that the paralysis which will ensue if these vessels go afloat without a single gun on them is due to him, so far as he is got? Why, sir, what an attempt! Does the Democratic party intend to go before the country and simply disclaim responsibility as to the past, hoping thereby to shirk its responsibility as to the present? Is that the position for a great party enlisted not merely in the interest of reform but "general reform?" [Laughter.]

I do sincerely hope I shall live long enough, for I am promising myself thereby a very long life—I do sincerely hope, Mr. Chairman, I shall live long enough to see the gentleman from Pennsylvania and those whom he so thoroughly represents step out of that dead and buried past, and undertake to do something, and not to be everlastingly hiding themselves behind what has already taken place.

While it is true my friend from Pennsylvania is not in every respect the controller of the Democratic party, yet in relation to every matter of appropriation he has the most absolute control. And that is why I address my remarks to him. It is because in his pocket is the whole of this situation.

Why, how many times has he risen in his place in the House here, and without a single statement of reasons, for he never gives reasons, has he carried the opposition to a proper expenditure of the public resources? While it is granted freely that it is the duty of the Congress of the United States to be economical in its expenditures, nevertheless the sole object of raising revenue is to buy what the United States want. That is the sole excuse of taxation of any kind—that the nation wants it.

What does my genial friend say?

Mr. MORRISON. You have a good many other excuses, such as protection and the like.

Mr. REED. Ah, always harping upon my daughter. [Laughter.] The gentleman from Illinois wants to reduce the revenues of the Government, and he can not conceive of but one way of doing it, and that is by lowering the tariff of duties. Why has not he, with his broad views of life and duty—and it seldom happens a man has the opportunity to address two Democratic leaders of such distinction on one occasion [laughter and applause]—why does it not happen, with his broad views of life, broader than those of the gentleman from Pennsylvania, that in his anxiety to reduce the revenues of the country he has not raised the tariff? Why, that is the way to do it.

Mr. MORRISON. That is your way.

Mr. REED. And the Democratic constitutional lawyers of this country would have another opportunity for another hundred years to discuss the constitutionality of what Washington, and Jefferson, and Andrew Jackson performed without the slightest doubt either of its constitutionality or its propriety. [Laughter and applause on the Republican side.]

But I am wandering from my main subject. [Laughter.] I address myself to the gentleman from Pennsylvania because his associates accept his opinion, and it is a high tribute under the circumstances.

Mr. RANDALL. And some of yours.

Mr. REED. And some of them accept some of mine. Those gentlemen on the other side who deserve it ought to be proud of the high compliment just paid them so unconsciously by the gentleman from Pennsylvania. [Laughter and applause on the Republican side.]

I wish to appeal to you as a party; you can not any longer go before this country with this talk of non-responsibility. Why are you not men enough to take some responsibility? Why are you not men enough to do what you know this country wants? Why are you not men enough to give us the beginning of a Navy?

Oh, the gentleman from Pennsylvania says, we will never have any war; hereafter it is to be all peace, and the Representative of the Quaker city undoubtedly believes in that. The history of mankind is to the contrary, and it shows that no wise nation with surplus revenue ever before presented the defenseless spectacle which this country presents. I summon you, then, gentlemen, to the duties which were intrusted to you, and the responsibility of non-fulfilment of which will be upon you. [Applause on the Republican side.]

Mr. RANDALL took the floor.

Mr. CALKINS. I ask the gentleman from Pennsylvania to yield to me for a moment.

Mr. RANDALL. Certainly.

Mr. CALKINS. I desire to make a statement for the benefit of this side of the House especially, and in justification of the Committee on Appropriations. It was determined by that committee, as has been said by the chairman, to non-concur in all of these amendments and let them go to a committee of conference. Not for the reason the minority of that committee was not in favor of the amendments, but for the purpose of facilitating, if possible, the passage of the bill in some way that the Navy of the country might be benefited. We claimed, and we believe it now, the better way was non-concurrence in these amendments, so as to let them go to a committee of conference, where they can be better reached and discussed. It is known to all parliamentarians on the floor, and I believe it was so decided by the distinguished chairman of the Committee on Appropriations when he was Speaker, that a motion at any time to recede from non-concurrence brings up the particular amendment for discussion. And hence we agreed to allow this to be non-concurred in so that the matter might be facilitated and the bill passed. I hope now that the amendments may be read through and that non-concurrence will be had in them, and the action take place as suggested by the gentleman from Pennsylvania on behalf of the committee, and that the bill be disposed of immediately.

Mr. RANDALL. I now yield five minutes to the gentleman from New York [Mr. DORSHEIMER].

Mr. DORSHEIMER. Mr. Chairman, I wish to take this opportunity to say that I think some of these amendments of the Senate, which it is proposed by the Committee on Appropriations to reject, should be concurred in by this House. I will refer in the first place to the amendment which provides for the purchase of the armament for the four new cruisers now in course of construction. Since this subject was before the House last, one of these vessels has been launched and the other three will be in the water before this House meets in its session in December next.

There is at present, notwithstanding the doubt and confusion which was thrown upon the subject when the appropriation bill was before the committee—there is now no doubt whatever that no money is actually available under the law which can be appropriated for the armament of these ships, and we are placed in the extraordinary position which the chairman of the Committee on Appropriations said he wished to avoid, of building four vessels and making no provision for the armament they were designed to carry. In my judgment this House should withdraw from the untenable position in which it has been placed; not only because it is a wise policy to withdraw from that position, but because the plainest dictates of patriotism require that we should withdraw.

We are building four vessels, the first of a class or type designed to be built for this Government under the plans which we have adopted and under the policy of rehabilitating the Navy of this country and putting it on a proper footing; and I wish to ask if there is anybody here who pretends that any party can stand in the face of the people of this country which opposes the rehabilitation of the Navy?

Mr. Chairman, I am not asking for a great navy. I am not asking for such a navy as France has, nor would I expect that this Government should maintain such a navy as England possesses, or even such a navy as Germany has. But I would like to see a navy at least such as that belonging to Portugal or Denmark. I would ask nothing more at this time. But are we to be denied even that?

I would like to see our Navy in such a condition that the great cities of our seaboard, the city where I live and the city where the chairman of the Committee on Appropriations lives, may not be, as they now are, directly at the mercy of any of the third-class powers of the world with whom we might come in conflict. But as to whether these cities are in that condition of defenselessness now, and are at the mercy of foreign governments, if they are willing to take information upon the subject, I refer gentlemen to the General of the Army and to the Admiral of the Navy for their opinion.

Then, sir, I say further, that the House should go on, that the country and the party require that the House should go on and order the additional vessels; and that if we do not act, and act immediately, we will meet the severe judgment of the country at large for our failure. If we fail in this respect to meet the wishes of the people of this country we will subject ourselves especially to the condemnation of our own home constituencies who are bound up in the glory and in the honor of the Navy, associated with its past as no other party in this country has ever been.

But, sir, they tell us we must wait. They tell us we must determine whether the four ships which we have begun to construct will succeed. They tell us that it is an experiment. Has it come to this? Have we come to that position that a nation, which at one time could dispute the possession of the seas with the most powerful of the nations of the earth, must wait to see whether one ship will float before we un-

dertake to build another! Time was, Mr. Chairman, when it was not necessary for even the average intelligent American to wait in order to make up his mind whether the lines and the form and the rigging of the vessel were suited for service upon the seas [applause on the Republican side], and I am amazed——

The CHAIRMAN. The time yielded to the gentlemen from New York has expired.

Mr. RANDALL. In reply to the gentleman from New York, I want to say that I am not willing, in view of the fact——

Mr. DORSHEIMER. May I interrupt the gentleman for a moment?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DORSHEIMER. I wish to interrupt the gentleman from Pennsylvania to ask how much time he yielded to me.

Mr. RANDALL. I yielded five minutes.

Mr. DORSHEIMER. I understood that I was to have ten.

Mr. RANDALL. The gentleman misunderstood. I made no such promise. The gentleman from New York asked for fifteen minutes, and then ten minutes. I stated to him that the time I would yield to him depended upon the time occupied by gentlemen upon the other side, and also upon reaching 5 o'clock, so that I might move that the committee should rise before that time.

Mr. DORSHEIMER. I understood differently.

Mr. RANDALL. The gentleman will not undertake to say that I gave him an absolute promise.

Mr. DORSHEIMER. I certainly so understood.

Mr. RANDALL. You did not so understand.

Mr. DORSHEIMER. Then, when it comes to that, I say that I did.

Mr. RANDALL. I say that you did not.

Mr. DORSHEIMER. And I put my words against yours in the presence of this House.

Mr. RANDALL. I say this, that when the gentleman took the floor I said to the Chair that I yielded to him five minutes.

Mr. DORSHEIMER. That I did not hear.

Mr. RANDALL. All around me know that is the fact.

Mr. DORSHEIMER. That I did not hear; but when I left the gentleman he gave me the assurance that I should have ten or fifteen minutes.

Mr. HENLEY. I heard the statement made by the gentleman from Pennsylvania [Mr. RANDALL], and it was exactly as the gentleman from Pennsylvania has averred it to be.

Mr. KASSON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. KASSON. I took the floor having a right to it for one hour, and I yielded to the gentleman from Maine [Mr. REED]. When the gentleman from Maine got through the gentleman from Pennsylvania [Mr. RANDALL] spoke—still, as I supposed, in my time.

Mr. RANDALL. Oh, no.

Mr. KASSON. I claim this hour.

Mr. RANDALL. The gentleman from Iowa yielded the floor.

Mr. KASSON. If the Chair considers that I am still entitled to the floor, I desire to yield to the gentleman from New York [Mr. DORSHEIMER] some time.

The CHAIRMAN. The Chair understood the gentleman from Iowa to yield the floor, and that the gentleman from Pennsylvania resumed it.

Mr. RANDALL. I move that the committee rise.

The question being taken, there were—ayes 116, noes 41.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union, having had under consideration the naval appropriation bill and the amendments of the Senate thereto, had reached no resolution thereon.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union; and pending that motion I move that when it does so all debate on the amendments of the Senate shall close in one minute.

Mr. KASSON. I desire to say that under the circumstances the gentleman ought to allow a few minutes, and let the gentleman from New York [Mr. DORSHEIMER] conclude his remarks.

Mr. RANDALL. I do not think the gentleman from New York is asking anything from me.

Mr. KASSON. I make the point of order that the time has come to take a recess.

The SPEAKER. The time has not quite arrived.

Mr. KASSON. Does the gentleman from Pennsylvania decline to accept my suggestion?

Mr. RANDALL. My motion is pending.

The SPEAKER. The gentleman from Pennsylvania moves that the House now resolve itself into Committee of the Whole House on the state of the Union, and pending that motion he moves that all debate on the Senate amendments to the naval appropriation bill close in one minute.

Mr. KASSON. I move to amend by making the time twenty minutes.

Mr. CALKINS. The gentleman from Pennsylvania will see we will exhaust the time in a moment.

Mr. RANDALL. That is not my fault.

Mr. CALKINS. Let us have the recess now without further difficulty.

Mr. RANDALL. I demand the previous question on my motion.

Mr. KASSON. And on my amendment.

The SPEAKER. The amendment is pending.

Mr. RANDALL. I demand the previous question on both.

The affirmative vote was taken on ordering the previous question; and there were—ayes 90. Before the Speaker began to count the negative vote,

Mr. CALKINS said: I make the point of order that the time for the recess, 5 o'clock, has now arrived.

The SPEAKER. The House is dividing. The Chair thinks the vote should be completed.

Mr. CALKINS. I do not abandon the point of order, and I desire the ruling of the Chair upon it. My point is that even when the House is dividing, when the hour arrives at which, under an order of the House, a recess should be taken, that breaks the order of business, and the prior order should be executed.

The SPEAKER. This presents of course a different question from that which is presented when a roll-call is proceeding at the hour fixed for a recess. It is a question which has never been decided. The Chair is inclined to think that under the order of the House he is obliged to declare the House in recess. The call for the previous question is pending.

Mr. RANDALL. When does it come up again?

The SPEAKER. It comes up as unfinished business to-morrow after the morning hour. The gentleman from Illinois [Mr. TOWNSHEND] will preside as Speaker *pro tempore* during the evening session. The House is now in recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. TOWNSHEND in the chair as Speaker *pro tempore*.

THE TARIFF.

Mr. MILLS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering revenue bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. ADAMS, of New York, in the chair.

The CHAIRMAN. The House being now in Committee of the Whole, the order of business for this evening, under the resolution adopted by the House, is debate only on the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. YAPLE. Mr. Chairman, I am opposed to a protective tariff, because it protects the wrong man. It is an obstacle in the path of natural progress. It is a process of transferring wealth from the pockets of one man into the pockets of another without returning any equivalent, and that is robbery. It breeds antagonisms of interests and engenders a war of classes. It builds up monopolies, and every monopoly is an infringement of some right of industry. It is the folly of trying to get rich by increasing the cost of living, of trying to encourage industry by burdening it with taxes, of trying to build up commerce by prohibiting trade.

What is a tariff? It is simply a tax on the exchange of goods. For whatever purpose imposed, whether for the sake of protection, so called, or for revenue only, it is always and simply a tax which the Government levies on goods brought to our shores from other countries. Exchange is the source of all life and wealth. The value of every day's work is its value in exchange. Exchange is a benefit to all parties concerned. Protection, however, denies this fundamental fact of political economy, and affirms that commerce is not a mutual benefit but a swindle; that in every trade one side or the other must lose.

The protective tariff party in this country has by the voice of its orators declared that it would be better if the shores of this nation were surrounded by oceans of fire instead of water; that the Almighty, who is a free-trader, made an economic blunder in connecting England and America by a great highway of commerce. The protective policy is to-day advocated by one party in this country as the permanent, settled policy of the nation. Now, the perfection of protection is prohibition. Its object, then, can not be to secure a revenue to the Government, because without commerce there would be no source of revenue. Revenue is derived on the foreign goods that come to our shores. Protection is secured only as foreign goods are kept out. Protection, therefore, begins just where revenue ends.

The Government gains only as it secures a revenue; now the question is, who gains by protection? Somebody gains something, but not the Government. It is legislation in the interest of particular classes, and class legislation has ever been a blighting curse upon human society, the greatest obstacle to the growth and prosperity of the common people. It is wrong in principle, and what is wrong in principle can not be right in practice.

It is claimed for this protective policy that in the end it secures industrial autonomy and commercial independence; that it develops and

multiplies home industries by compelling the nation to produce everything it wants within its own borders. That is the philosophy of compelling every man to produce everything he wants and thus make him commercially independent. "Independence of commerce is the independence of the savage." The richest nation is really the most independent nation, because it is the better able to command the fruits of the soil and the products of the industries of other lands, and riches are the fruit of free thought, free labor, and free trade. [Applause.]

Freedom is a necessary condition of wealth and independence. To blockade commerce is to cut off one of the greatest sources of wealth and means of support. Trade is simply trade, whether between nations or individual men. In a certain sense there is no such thing as trade between nations; it is all trade between individual men. Foreign commerce rests upon precisely the same grounds as domestic commerce. There is just the same reason for the one as for the other. All commerce rests upon the inequalities existing among men and nations.

There is endless variety in nature; diversity of zones, soils, climate, geographical position, and natural productions, and it is on this diversity that international commerce depends, the same as domestic commerce depends on the diversity of tastes, habits, and aptitudes among men. Nature rebukes the doctfine that one nation should be independent of commerce with other nations. In the configuration of the continents God has made the different nations of the earth mutually dependent, and it is just as good political economy to compel each man to produce everything he wants, as to compel each nation to produce everything it wants.

This country is nothing if not commercial. Restrict our commerce and you smite to that extent the soil with blight and chain the wheels of progress. The channels of commerce are the outlets for the fruits of our labor and genius, and the means of securing for our own benefit the arts, literature, science, and natural productions of other lands. Deprive a man of the benefits of commerce with other men and you convert his life into a barren desert. Deprive this nation of the benefits of commerce with other nations and you stop the flying train and sailing ship, close the doors of our factories, put out the fires in our furnaces, and cover with weeds our opulent fields. A protective tariff is simply an act of Congress to amend an act of the Almighty. [Applause.] It does not and can not augment the industries of a country.

A tax has no productive power; it is not a means of development; it is not a source of wealth. It always takes something, but never gives anything. The natural and practical effect of a protective tariff is to redistribute the rewards of industry, prevent the natural diffusion of wealth among those who create it, and center it in fewer hands. It is a tax on the whole people for the benefit of a few. To impose a tariff on a foreign-made article is to increase the price of it, and if the tariff be at all protective, it raises the price of it to a height sufficient to make it dearer than the home-made article or to exclude it from the home market altogether. The home commodity, which was naturally of higher price, is thus by the intervention of law made the cheaper of the two, and in consequence commands the home market. The home manufacturer is thus given a complete monopoly of the home market.

Who pays this duty, or the excess in price of the domestic above that of the foreign article? We say the home buyer—that is, the people of the country which imposes the tariff. Who gains this excess? The home manufacturer. The protectionist claims that the duty is paid by the seller, not the buyer, and is in fact a tax on foreign industry. In 1880 we imported pig-iron to the value of $11,619,000 on which the customs duties amounted to $4,318,000, equivalent to a duty of 36½ per cent. ad valorem. Who paid that duty of $4,318,000? If the foreign seller paid it, then for every one hundred dollars' worth of pig-iron he received only $63.50.

The world is one vast field of industry. Each nation is a market, for whose trade every other nation is striving. The pressure of universal competition reduces the prices of the products of other countries to a point so low that a further reduction of profits by the payment of duties to us would induce them to withdraw their trade rather than continue it with us. Gain is the only inducement to trade. Is it reasonable to suppose that England, or any nation, would continue to send products to our market unless the prices ruling here were sufficiently high to cover the cost of production there, the cost of transportation, the duty imposed, and leave a margin of profit? England sends her products here to make profits, not losses. Prices rule high here in consequence of the tariff.

The effect of the tariff is to prevent the consumer from purchasing at lower prices than the prices fixed by the home manufacturer. It prevents foreign competition from reducing prices at home, and thus enables the home manufacturers by combinations to maintain prices at a high standard. It makes possible the system of confederated monopolies which to-day crushes out home competition, and curses as with blight the whole land. Suppose that England should impose an import duty of 5 cents a bushel on wheat, would the price of wheat fall 5 cents a bushel in the United States? Would the American, shipping wheat to England, pay that duty, so that the price of wheat to the English consumer would be no more in consequence of it?

If it be true that the imposition of a duty on articles imported from England makes no difference to the American consumer, then the converse of this proposition must also be true, that removing the duty would make no difference to him. Or if it be true, as is now claimed, that the effect of a protective tariff is to decrease prices of home commodities, then the converse of this proposition must also be true, that the effect of removing the tariff would be to increase prices of home commodities. Is it possible to tax foreign industry? If so, every consideration of economy and patriotism should prompt us to raise the entire revenue of the country in that way, and lift every burden from the shoulders of American labor. If that is possible, I would be most heartily in favor of it. Why not in that way compel England and France and other nations to pay our debt? It is a cruel despotism that refuses such a relief to our labor, especially when its costs nothing.

But, Mr. Chairman, a tariff from its very nature does affect prices, does increase prices, and we have a confession of this fact in the records of Congress from the protectionists themselves. In 1872 a bill was passed which exempted from duty for the period of one year all building material except lumber for the benefit of the citizens of the city of Chicago, which in the fall of 1871 was laid in ashes by the great fire. How was Chicago benefited by that act? It furnished to her citizens for a time a cheaper market in which to buy the material, except lumber, for rebuilding the city. It was an act designed for the relief of the Chicago buyer, not the foreign seller; but if tariff taxes are paid by the seller all the benefits resulting from a remission of those duties flowed into the pockets of the foreign seller. This was probably the view which the lumber lords of Michigan and Wisconsin took of the matter, and so, with their great, warm hearts overflowing with the milk of human kindness, they came to Washington and at great cost and effort to themselves succeeded in depriving the foreign seller of any benefits from a repeal of the duty on lumber! [Applause.]

That act is a public confession that tariff taxes increase prices to the consumer and that duties are paid by the buyer. Now the working classes are the greatest buyers and largest consumers in any nation, and the burdens of this tariff system fall heaviest upon them. It increases the cost of everything they have to buy, and thus reduces the purchasing power of their labor.

It is frequently said that the workingmen of this country pay no taxes; that the rich men, the men whose wealth is evidenced by non-taxable greenbacks, national-bank notes, and Government bonds, support the Government. It would be nearer the truth to say that the Government supports the rich on protection pap, and that the workingmen support both the Government and the rich. The industry of this country pays all its taxes and debts of every kind and nature.

To say that the workingmen pay no taxes is simply to say that they have nothing to eat, nothing to wear, and no homes to live in. Labor pay no taxes? What does labor have to buy that is not taxed? There is a tax on almost everything that is raiment, shelter, or implement of toil. Who pays the tax of 2½ cents per pound on the blacksmith's hammers and of 4 cents per pound on horseshoe-nails? Who pays the tax of nearly 50 per cent. on salt? Who pays the tax on lumber, on iron, on woolen goods, on paper, on books, on all the means of living, of education, and of grace (for even the Holy Bible is taxed)? Has the great "God-and-morality" party utterly abandoned missionary work, that it refuses even a free Bible? These taxes are paid by the buyer, and the working classes are the largest buyers in any nation. They consume the largest amount of the necessaries of life, and the taxes on necessaries are higher in proportion than the taxes on luxuries. Mahogany, rosewood, and satinwood, unmanufactured, are exempt from duty. Pine, unmanufactured, the material out of which the homes of labor are built, is taxed $2 per thousand feet. Matches are taxed 35 per cent. ad valorem; precious stones, 10 per cent. ad valorem. Woolen blankets are made dear to the suffering poor; cosmetics are made cheap for the false faces of a useless and shoddy aristocracy.

One has only to read our infamous tariff laws to see how at every point the burdens of taxation fall heaviest upon the consumers of the necessaries of life. The manufacturer in the end pays no part of these taxes, not even on the raw material which he uses. His taxes do not come out of his income. They are put as an increased price on his commodities, and whoever buys his goods pays his taxes. The importer, the jobber, the retailer, all add their taxes to the selling price of their goods, and the buyer pays the whole shot.

Now, the protection that does not protect the consumer is a cheat and a fraud. But the protectionist asks, "If protection tends to increase the price of protected goods, how do you account for the fact that during the twenty years of our protective policy the average of prices in this country has cheapened?" He says: "We have had a protective tariff and the average of prices has cheapened; therefore the tariff has caused lower prices." It might be answered that England has had free trade, and that the average of prices in that country has cheapened, and that therefore free trade has caused lower prices there. There is no relation whatever of cause and effect between the tariff and lower prices. That which in its very nature tends to increase prices can not at the same time tend to decrease them.

Art and science and inventive genius have been at work blessing and enriching the world, while most legislation has cursed it. Art and science are democratic and work for the good of all mankind. Art and science are builders of democracies, the grandest temples beneath

the skies. [Applause.] What we owe to material progress, which has showered its blessings upon the whole earth and tended to bring about political and social equality among men, the protectionist claims for his tariff policy. He forgets the beneficent law, enacted by the Almighty, that underlies all production: that in a natural, normal development of human society labor tends constantly to rise in value, and capital and the products of labor tend as constantly to decline in value; that the products of the farm tend to increase in value relatively to the products of the factory, and labor to increase in value over all.

Every reaper and mower, every useful invention tends to increase the purchasing power of labor and cheapen all the products of labor. The natural effect of every useful invention is, first, to increase the productive power of labor; second, to cheapen the cost of production; and, third, to increase the facilities for exchanging the products of labor. Art and science have been at work cheapening the cost of production, manufacturing, and transportation, and cheapening the cost of living to all classes. They have brought us many blessings during the last twenty years—the richest in the world's history—in spite of the hostility of Congress. [Applause.]

Our protective tariff has been an obstacle to cheaper production and manufacturing, and has thereby increased the cost of living and reduced the purchasing power of labor. Prices in this country would be still cheaper if the work of the inventor was supplemented with the work of a better political economy. Robert Fulton, before whose statue in yonder hall I have stood in silent admiration for hours, did more for the freedom of trade, for the emancipation of commerce from the slavery of protection, than all the acts of Congress from the beginning of this Government to the 23d day of April, A. D. 1884. [Applause.]

But it is claimed that to do away with our protective policy would bring our own labor in competition with the pauper labor of Europe, and reduce our labor to starvation wages, or force it out of employment altogether; that free trade means the employment of foreign labor and the discharge of our own. This is only another form of the old argument that commerce is a swindle.

Sir, we are a commercial nation, and a commercial nation as such does not and can not employ foreign labor. What do we do in commerce? We simply exchange the products of our labor for the products of foreign labor. We can not buy unless we sell; we can not sell unless we produce something to sell. Our own labor is our purchasing power, and the more we buy the more it must be employed to produce something to pay for what we buy. The way to stimulate and multiply industries at home is not by restricting or destroying commerce, but by extending its lines in all directions around the circle of the earth. Commerce secures to our labor the benefits of the best skill and highest art of other countries, and brings it into competition with the best—not the poorest—thought and labor of the world. The way to starve labor is to force it to sell in the cheapest, a free market, and buy in a restricted, the dearest market. Commerce of ideas brings mental wealth. Commerce of physical labor brings material wealth.

The question of highest concern to the laborer is how he can get the largest returns for his work. It is not more sweat, but more food, better clothes, and better homes that labor wants. Labor is the builder and supporter of the state, and the greatest problem for the state should be how to increase the purchasing power of labor. Labor is the nation's right arm of power and of glory, and whatever paralyzes its arm or deprives it of strength or reduces its purchasing power is a blow at the nation's life.

Mr. Chairman, why prohibit the importation of the products of foreign labor and yet allow the foreign laborer to come here duty free? Why let him come by the thousands and millions to compete with our labor on our own soil, and lower its wages in every field and factory and mine, and yet deprive our labor of the benefits of cheaper living and lower prices, which would result from opening to it the markets of the world? The labor of this country has no protection, even under our protective tariff, against the competition of the cheap pauper labor of all the world. It must meet that at the very threshold of its own home. The tariff protects home commodities, but not home men. Which is of the greatest value to the State, pig-iron or man? What labor wants is a protection against the iron-fingered, vulture-hearted monoply of the home manufacturer. What labor wants is a competition that reduces the cost of living, not a combination that reduces wages. We have free trade in labor, and now let us have competition in woolen blankets and the necessaries of life.

One of the greatest benefits claimed for the protective policy is that it appreciate the wages of labor in the protected country, but just the opposite of this is the fact. I believe it is agreed among all political economists, and affirmed by all experience, that wages depend upon the productiveness of labor, upon the wage fund, or the amount of capital available for the employment of labor, and upon the amount of labor in the market. Now if protection increases wages, it must either increase the productive power of labor, the fund out of which it is paid—that is, the capital of the country—or reduce the number of laborers competing for work.

A tariff, I repeat, is a tax, and a tax can not be a productive force; it can not increase the supply of capital or diminish the supply of labor. If you can increase the capital of this country by any system of taxes, I say pile the taxes on. I am willing to be made richer that way even. If wealth is the product of law, then what need is there of work? Why not exempt labor from taxation? A protective tariff was never designed to increase the wages of labor. With our scarce population, with our abundance of cheap lands and raw material, the wages of labor were always high in this country.

The manufacturers said they could not compete with foreign countries and pay the high wages of labor here. They must have a dearer market for their goods, and the protective-tariff system was inaugurated to protect our manufacturers against the high wages of labor in our own country. They paid their labor with the products of their factories. The higher the wages of labor, the more of their products it required to pay for a day's work. To increase the prices of their products was to increase their paying power, to buy more labor with a yard of cloth, or, in other words, to reduce the purchasing power of a day's work. The value of a day's work is determined not by the greenback, silver, or gold dollar which it receives in payment—that is a mere incident—but by its purchasing power, what it will buy of the necessaries and comforts of life.

The protective policy is the policy of wrapping up more days' work in a woolen blanket, not of putting more blankets into a day's work. It works just the wrong way. The manufacturers say now just what they said in the beginning, that labor is cheap in England and high in the United States from natural causes, and we must neutralize the effect of high wages here by increasing the paying power of the products of our factories—wrapping up more labor in a woolen blanket. I am glad that the wages of labor are high in this country, and I wish they were higher, as they ought to be. I am opposed to any system that neutralizes the effects of high wages and lowers the compensation of the American laborer. I want to see this Government legislate just a little in the interest of the men who work and support it, and not altogether in the interest of unproductive capital. Protection protects the capital employed in the protected industries, but leaves the laborer exposed to every danger. It is capital's gain and labor's loss.

If protection increases wages, then wages should be higher in Germany than in England. Dear land and pressure of population are the conditions of both countries, and Germany is protected by tariff laws. Yet labor in England has nearly double the purchasing power of labor in Germany.

Protection asks an exclusive market for certain commodities. What does that mean? It means to narrow the markets to the toilers in the field and factory and mine, and thus lower the profits of their labor. The farmer living near Detroit may be able to obtain more of the articles of living and implements of husbandry for his wheat and corn just across the line in Canada than he can in his own city, but the Government compels him to pay a penalty for doing so, and thus reduces the purchasing power of his wheat and corn. The Government makes it unprofitable for him to trade in Canada and forces him to buy at home at prices fixed by the home manufacturer. The wheat he sells, however, must meet in competition rival wheat from all the nations in the open markets of the world.

The farmer enjoys all the benefits of competition when he has anything to sell, but when he wants to buy competition is strangled by law. If Liverpool fixes the price of every bushel of wheat he sells, why should not Liverpool fix the price of his clothes, building material, farm machinery—of what he buys? Protection promised the farmer a home market and increased prices for his products, but it has not furnished either. When it made that promise it probably meant the manufacturer. A market is made up of consumers who have something to buy with. Protection cannot increase the number of consumers, but it can and does decrease consumption by stealing from labor its means of buying. Every farmer knows that the home market has not kept pace with the productions of the soil, and that the prices of his products are fixed in foreign markets.

All improvements in the processes of production, manufacturing, and transportation should yield continually increasing harvests of wealth to the farmer; raise the price of things at their place in production more nearly to the price of things at their place in consumption; enable him to buy a larger quantity of flour with his bushel of wheat, and with a pound of wool to purchase a greater quantity of cloth manufactured from it. Under the operation of natural laws the pound of wool (raw material) increases in value relatively to the cloth (finished product) made from it. Under the operation of our protective tariff it declines in value. The race after cheapness, which the distinguished gentleman from Pennsylvania [Mr. KELLEY], with his usual elegance, characterizes as "nasty," is the struggle of man for comfort, enjoyment, wealth, and better civilization. To cheapen products, to bring increased comforts and better living to labor, and thus increase its rewards, is the triumph of science, and I trust will be the glory of Democratic legislation. [Applause.]

I voted against the restoration of the old tariff on wool because I am opposed to increasing the tariff on any article. Whatever inequalities there may be under our present law between the tariff on the raw material and on the manufactured article I would equalize by a further reduction of the tariff on the manufactured article. Instead of increasing the tariff on wool, decrease it on woolen goods. To compel the farm

to pay tribute to the factory is an industrial and political abomination. Protection further diminishes the profits of the farmer by increasing the cost of transporting his products from the field to the market.

It is estimated that the cost of the construction of railroads in this country has been increased by the tariff on lumber, iron, steel, and other material used in their construction $3,000 per mile. Does this increased cost come out of the pockets of the railroad companies? Not at all. They get it back from the people in increased freight and passenger charges. The farmers of this country have paid a tribute of nearly 10 cents on every bushel of wheat exported during the last twenty years in increased transportation charges caused by this tariff system. The transportation companies shift the burdens of taxation onto the farm, and when you reach the farm you reach bottom.

The only way the farmer can get rid of taxes is to pay them. He can prey upon nobody and is therefore preyed upon by everybody. The farmer plows his field with a protected plow, sows his wheat with a protected drill, harvests and thrashes it with protected reapers and thrashers, hauls it to the railroad in a protected wagon, loads it into a protected car, and sends it over protected rails to an unprotected market. When he comes to count his returns he finds that it has cost him about two bushels of wheat to get one to market. He works his own land on shares, keeping one-third himself, and giving two-thirds to support the patriotic policy of protection to home industries. [Applause.]

Protection is an obstacle to cheap transportation. Every swamp is a protectionist. Every sand-bar in our rivers is a protectionist. Every corduroy road in our woods is a protectionist. We spend millions of dollars annually to remove obstructions to navigation in our rivers and harbors. Every dollar is invested in the interest of cheaper transportation and freer trade. We bridge rivers and tunnel mountains; we girdle the earth with lines of railroads and steamships to facilitate exchanges. Every locomotive and steamboat is a free-trader. What is the object of all this expenditure of labor and money—of these inventions to sail the waters and fly over the land? Lower freights, and consequently cheaper prices of goods.

But what is gained, if when we exchange our productions for the products of other lands and bring them home the Government builds across our pathway the sand-bar of a protective tariff which we must first remove by the payment of duties. A protective tariff is simply a sand-bar in the channels of commerce, and its removal would let in blessings to every home of labor and not cost the Government a penny.

Another reason given by all industries which ask for protection why they should have it is that they can not live without it. That is an admission that they are not naturally productive. An unproductive industry is an unprofitable one. The labor and capital employed in it yield no benefits. The aggregate of wealth produced in the country is to that extent diminished and an injury done the whole people. If a man's business does not pay, the only privilege the Government ought to give him is the simple privilege of changing his business. If the farmer meets with reverses and losses he must stand it. He is obliged to protect himself by his industry and intelligence.

If one of these protected interests meets with a reverse of fortune it at once appeals to the Government for more protection. To grant it is to tax the whole people for the benefit of private individuals. This, however, the protectionist denies. He says that to maintain it at any cost, or by any means, is a public benefit; that the compensations are furnished in the diversity of industries created; that without a protective policy our people would cease manufacturing and become wholly an agricultural people. A tariff is necessary, therefore, to compel the people to engage in different kinds of work. Now, a factory is no more the product of law than a store is. Manufacturing is just as natural to man as agriculture and commerce.

Diversity of industries springs from diversity of talents, aptitudes, and circumstances. It comes of itself in the natural order of social and national development. The Almighty made provision for it in the constitution of man. Tariff laws can not create diversity of industries unless they have power to create diversity of talents. A factory is the fruit of man's capacity and comes in answer to his wants. Law may by conferring upon some particular industry artificial privileges induce a greater amount of labor and capital to engage in it, but that, instead of creating, prevents a natural diversification of industries. That is precisely the effect of a protective tariff.

One of the greatest of statesmen and political economists, Hon. S. S. Cox, says "capital is more widely diffused, intelligence is more general, the people higher in the scale of life where there is a multitude of small industries;" but the effect of a protective tariff is to draw labor and capital, for labor always follows capital, away from the numerous smaller industries and create in both a tendency to a few great ones. Its tendency is to centralization, and centralization tends to unity, not diversity. We must have agriculture and commerce as well as manufactures. Laws which discriminate in favor of either and against the others are injurious to the country. When the protectionist says we must build up our manufactures, I answer, not only that, but we must build up agriculture and commerce. The permanent success of manufactures necessarily depends on profitable farms and increasing commerce. The industries of the country are correlative, and the permanent success of each is to be found only in the success of all. A nation prospers when every class unites for common interests and common rights.

Another reason continually urged during the last few years for maintaining our tariff system is that it is necessary in order to raise the revenue to pay off the debt entailed upon us by the war. The object of protection, however, is not to raise revenue. Its object is to secure to the home manufacturer an exclusive market for his goods. Revenue is derived on the goods imported; protection is secured only by restricting importations. In so far as a tariff is protective it prevents revenue. It is simply a tribute levied upon all the labor of the country for the benefit of some particular interests, and if all the money that has been paid by the people to the manufacturers under this system, aptly called the brigandage of a class, had been paid to the Government the national debt could have been wiped out long ago; that is, unless it had been perpetuated in the interests of the national banks and other monopolies. The philosophy of helping labor pay its debts by stealing its earnings, of raising revenue by stopping trade—that is protection.

Another argument constantly recurring in the writings and speeches of the advocates of protection is that it equalizes the unequal conditions of labor in this and foreign countries, and thus places our labor on an equal footing with foreign labor. Can this difference be equalized by a protective tariff? To do this the tariff must have the effect of making labor dearer in foreign countries or of making it cheaper here. Do our tariff laws have the effect to increase the wages of labor in England? In what way is it possible for us by any kind of tariff system to make labor dearer in England? Who asks for protection to increase the wages of foreign labor? It is asked in the interest of American, not of foreign labor. How, then, can we equalize the difference, which all admit is a difference in wages, between labor in the United States and England? We can do so only by cheapening American labor. How can we do that? Ah, we have already learned how. By means of a protective tariff equalize the conditions of sale between the two countries, make it impossible for the labor of this country to buy in the cheaper markets of foreign countries, enhance the cost of its living, and reduce its purchasing power.

Our tariff system is absolutely powerless to change or affect the conditions of production in foreign countries. It can not change the climate of England; it can not impoverish her soil; it can not increase the number of her births or decrease the number of her deaths; it can not limit her fields of coal or mines of iron; it can not destroy the energy or the genius of her people; it can not make them more ignorant or less efficient in work. All these conditions remain the same whether we have a tariff or not. It can not change our own climate; it can not augment our natural resources; it can not make us wiser or more fruitful in inventions. All the conditions of production here remain the same whether we have a tariff or not. The only thing it can do is to change the conditions of sale. It affects prices, and always to the detriment of our own labor. I wish I had power to illustrate the thought like the clear and pellucid Bastiat, or like that wonderful word-painter, the author of "Free Land and Free Trade." Mine, however, is no artist's work.

Suppose that Pennsylvania was the only State in the Union—and she thinks she is, but will find out that she is not—and suppose that Pennsylvania speculators should conclude to devote themselves to fig culture. They know that the Almighty has so arranged things that figs can not be raised in Pennsylvania for less than $10 apiece. They accordingly demand, and as a matter of course get, a duty of 999 cents imposed upon foreign figs. With the help of this duty these Pennsylvania speculators say that the conditions of fig culture are now equalized between Pennsylvania and foreign countries. But every man of sense knows that the conditions of fig culture in Pennsylvania and in other climates are just the same, and that it is only the price of figs in Pennsylvania that is changed. Every man knows that, in that case, if he buys an imported fig he pays the Government $9.99 for the privilege, and that if he buys a Pennsylvania fig the increased price which he pays in consequence of the tariff goes into the pockets of the Pennsylvania fig-raiser. He knows that if he buys a genuine native fig he must pay a large amount of extra labor for it, and he naturally wonders how it benefits him. He puts in more work and gets less figs.

The only way possible to equalize the difference in the wages of labor between England and America by a protective tariff is to reduce the purchasing power of labor here by increasing the cost of what it lives on, the products out of which it is paid.

Mr. Chairman, I am in favor of fostering every industry, because national industry produces national wealth; but let our industries be fostered for the common good, and not for the especial benefit of a few. Those who create the wealth of the country ought to have a proprietary interest in it, and in a natural development of society wealth diffuses itself among the people and goes into the pockets of its rightful owners. Our protective policy can not add a farthing to our national wealth; it only redistributes it—transfers it from the hands of honest toil into the coffers of Shylocks.

Class legislation is the fruitful mother of all monopolies, and every monopoly created and sustained by law is a robber of labor. Science may furnish labor with arms of iron and fingers of steel; the good genius of invention may lighten its burdens and increase its productive-

ness a million-fold; the cunning of man may hitch to the wheels of industry every force of earth and sky; but if a fair and equitable distribution of its products is prevented by class laws, labor is only the menial serf of its capital lord. With a varied and fertile soil, genial skies, a hard-working people, and the application of science to their work, there has been an enormous increase in the production of wealth in this country—but who owns it? What is labor's share? How much more of the comforts and necessities of life will a day's work purchase?

Sir, this constant increase of wealth is accompanied by an almost constant decline in the proportion of that wealth which goes to support productive industry. It will not do to answer that wages are high in this country. It will not do even to answer that the rate of wages is increasing, because the cost of living is increasing in a greater ratio. You must go further and show that the purchasing power of labor is constantly increasing or you do not show any real prosperity among the working classes. That you can not do until we repeal every law that neutralizes the effect of high wages, every law that appreciates the value of salt, lumber, coal, iron, and clothes, and depreciates the value of the laboring man. There is nothing in all the earth so sacred as man, not even pig-iron, and every law that depreciates the value of his labor is an infamous cheat and a damnable fraud.

We often hear this protective system spoken of as the American system and its opponents as the supporters of the British system. We borrowed this system, with some other bad things, from England. It is not a native of this country. It is "grafted fruit." The American system, if I understand the genius of democracy, is a system of equal rights and equal privileges for all and special favors to none. England tried this protective system, and it blighted her soil, closed her factories, and blockaded her commerce. It bred discontent among her people. Threats of revolution filled the kingdom with fear. Labor went hungry and clothed in rags. The people were pauperized and driven to madness. Read the history of England by Harriet Martineau if you do not believe me when I say that protection brought England to the verge of penury and decay. Miss Martineau says that—

A committee of inquiry into the cause of the distress of the people reported in 1842—

The time when the fruit of protection had fully ripened—

that a fourth of the population in Carlisle was in a state bordering on starvation, actually certain to die of famine unless relieved by extraordinary exertion. In the woolen districts of Wiltshire the allowance to the independent laborer was not two-thirds of the minimum in the work-house, and the large existing population consumed only a fourth of the bread and meat required by the much smaller population of 1820. In Stockport more than half of the master spinners had failed before the close of 1842; dwelling-houses to the number of 3,000 were shut up, and the occupiers of many hundreds more were unable to pay rates at all; 5,000 persons were walking the streets in compulsory idleness; millwrights and other trades were offering a premium on emigration to induce their hands to go away. At Hinckley one-third of the inhabitants were paupers; more than one-fifth of the houses stood empty, and there was not work enough in the place to employ properly one-third of the weavers; in families where the father had hitherto received £2 per week and laid by a portion weekly, and when all was now gone but the sack of shavings they slept on, exertions were made to get "blue milk" for children to moisten their oat-meal with, but soon they could have it only on alternate days, and soon water must do.

That, Mr. Chairman, was the fruitage of protection in England. It was not until she blotted from her statute-books her infamous protective laws that England entered upon her career of industrial and commercial supremacy. It was not until she pursued the path which Watt and Crompton and Cartwright pointed mankind that England won her victories in the fields of industry grander than any Waterloo.

Sir, in the discussion of this question we should keep in view not local, sectional interests, but the national life and prosperity. What is the best national policy? I believe that policy is best which secures a natural harmonious development of all our interests, agricultural, commercial, and manufacturing; which grants equal privileges to all, special favors to none. I believe that policy is the worst which discriminates in favor of one interest and against another, which kills one business to build up another, which assassinates labor by unholy class legislation. I believe therefore that a gradual but certain reduction of our labor-degrading, monopoly-creating tariff taxes to the basis of a tariff for revenue only is demanded by the best interests of the nation.

Productive industry is the only capital that enriches a people, and its burden should be made as light and its yoke as easy as possible. We are not afraid of England's cannon, and why should we be afraid of her workshops and her factories? With our boundless treasury of natural wealth, with our splendid harbors and magnificent rivers, with the energy, virtue, skill, and inventive genius of our people, this nation is a majority against the world in peace or in war. [Applause.]

Mr. WOOD. Mr. Chairman, I regret any contest between the great industries of the country, and I am not here to strike one of them, but to bring them into harmonious relations by pointing out the abuses of our protective system. Their differences are business questions, arising from the changing conditions of a new and growing country and from the present unjust and unequal tariff act. The protectionists can not through partisan warfare silence the reasonable demands of great industries like agriculture and transportation, which have so generously supported them over a quarter of a century. The people have the right to insist upon a fair distribution of burdens and the gradual repeal of class legislation. There is common ground for adjustment and harmony.

It is wisdom for the industry possessing the greatest advantages through a law of Congress to divide them with others of equal importance and insure the business stability of both. The proposition before the House is reduction of tariff taxation. The public Treasury is overflowing with an idle surplus. Shall Congress permit high taxation to continue without necessity? Duties upon imports should be levied to raise revenue sufficient to support the Government and pay its just debts and obligations. No higher duties are necessary for any interest of this country at the present time. This kind of tariff makes sufficient revenue the object of the law and protection to home industries the incident. This is the Democratic doctrine.

A protective tariff makes protection to home industries from foreign competition the object of the law and sufficient revenue the incident, which is the Republican doctrine. Which one is best for the people of the whole country? Not which is the best for New England or Pennsylvania, Indiana or California. We are aided in choosing one of these doctrines by an examination of the present tariff act, enacted in 1861 as a war measure. It has been amended several times since, and may now be called a high protective and partially prohibitory law. The Democratic platforms of all the States condemn this law in unmeasured terms, and no Republican platform ever written indorses it. They are for protection, they say. Then why do not their platforms indorse the present tariff act as the work of the party? No, they skillfully avoid that by advocating a protective tariff. If the present law is right, let it alone; but if it is wrong, we should try to correct the wrong. Party integrity forbids concealment of our intentions on this great public question until we have the power to enact a law. The cause of tariff reform needs no evasion now for future advantage.

GROSS INEQUALITIES.

The present law contains gross inequalities, which impose the greatest burdens upon labor and men of moderate means, while those able to stand the burdens of taxation bear the least of all. The law provides that all low-priced goods, such as poor people must buy, shall pay nearly double the duty that fine grades of goods pay, which are purchased only by men of ample means. The purpose of this law was to levy the highest tax upon all goods that laboring people must buy. Why? It is fair to say that forty millions of our population are poor people and persons of small estates. They buy large quantities of low-priced goods of all kinds, and a high tariff upon them brings enormous profits to the manufacturer. This was wrong, for labor should be lightly burdened, because the poorest paid.

In another way the law is unjust. All agree that the citizen should pay taxes on his property values only. If he pays more tax than his neighbor who owns many times his property, it is an unjust and partial exaction, and he is deprived of one right of American citizenship—equal taxation by the law. It is impossible to compel the rich men and corporations in this country to pay their share of indirect tax under this unequal law, and it is quite as impossible for the poor to escape a greater tax than they should pay. This objection should be enough among fair-minded men. There are many thousands of men in this country worth from fifty thousand to hundreds of millions of dollars, not considering vast corporate wealth. A poor man buys $100 in woolen or mixed woolen goods per year, on which the average duty is 65 per cent. Here he pays $65 as an indirect tax, while his property will not inventory $1,000.

The millionaire pays this indirect tax also when he buys protected goods, but his most extravagant consumption will not begin to make his indirect taxation as high as that paid by the man owning $1,000. If the man worth $1,000 pays $65 indirect tax upon $100 of woolen goods, his annual purchase, how much tax must the millionaire pay to be equal with him? He must pay ten hundred times $65, or $65,000. The millionaire must pay $65,000 on this one article to make his indirect tax equal to the indirect tax of $65 paid by the man owning $1,000. It requires one thousand people to pay $65 each to be equal to the $65,000 which the millionaire never pays, but which he should do on the basis of equal taxation. This he does not begin to do. This calculation applies to the purchase of all other imported goods. In proportion to property values the rich man pays comparatively nothing, while the poor man pays an extravagant tax. The indirect tax under the protective system does not touch the wealth of the country, but falls upon the person, and very hard upon the laboring man, for he should not be burdened more than his wealthy neighbor. It is a high tax upon property purchased, not upon property owned, which unavoidably bears hard upon poor people. It being a tax paid by the person, when he buys protected goods it follows that over 40,000,000 of our population, old and young, pay nearly all the indirect tariff tax, while the wealth of the country pays comparatively nothing. If this system of taxation is necessary then it should be as low as can be with a view to sufficient revenue.

This system overrules the whole theory of American taxation. All bankable wealth, all corporate wealth, all other wealth escapes under the present tariff law. If we must have a high indirect tax to protect

home industries, it ought to be based upon property values; then wealth could not go comparatively free. If there can not be an approximate equality of the burdens of taxation, then we should abandon the system rather than burden the poor of our country. I regret to say that a Republican Congress made this unjust and unequal law and maintained it ever since 1861, though its wrongs upon the consumer were frequently pointed out.

In 1882 a reform of this iniquitous law was attempted, but the work then done was not reform at all. The Tariff Commission made tariff schedules reducing the rate of taxation 25 per cent., but the Forty-seventh Congress refused to adopt them. It made and adopted independent schedules, which reduced taxation less than 2 per cent. I call attention of the House to the President's message to Congress. I ask the Clerk to read the extract I send to the desk.

The Clerk read as follows:

To make a start in the proposed reduction of revenue from imports, the Tariff Commission had been created. In good faith it undertook the work. In its report to Congress it said: "Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country. * * * Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction. Entertaining these views, the commission has sought to present a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent."

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The chairman of the Senate Committee on Finance, in explanation of the bill before the Senate last year, which after various amendments became a law, estimated at $45,000,000 the reduction of the revenue which would follow the changes in the tariff proposed thereby.

These intentions and calculations have not been verified.

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So the question still presses, what legislation is necessary to relieve the people of unnecessary taxes?

Mr. WOOD. The President said, "so the question still presses what legislation is necessary to relieve the people of unnecessary taxes." Unnecessary taxes existed to such an extent as to call a special reference to it by a Republican President. It exists to-day as strong as ever, and will this House refuse an honest reduction? This bill reduces taxation over thirty millions. Will my Republican friends take the good advice of their President and aid us to make this moderate reduction? I appeal to them to do so, for the people demand it. It is a reasonable demand, because their tax burdens are unnecessary.

The average duty under the new law is about 42 per cent., against 44 per cent. under the old law, and the gross inequalities of the old law were carried into the new one without change. Under the system of high taxation of the old law the surplus revenue exceeded one hundred millions. The new act does not materially lower this, as you see by the slight reduction of the duties. The people are not blind to the conduct of Congress, and this pretentious reform will not deceive them.

I want to be fair with the manufacturer, but he should act fairly with consumers of manufactured goods. The manufacturer who has a practical monopoly by high protection will not say his monopoly is right.

I want the Clerk to read what two or three manufacturers say on this subject.

The Clerk read as follows:

Mr. Barnett Whorff, a Skowhegan manufacturer, says:

"I was brought up a Whig and in favor of a protective tariff, but it is not so clear to my mind at the present time that a high protective tariff is for the best interest of the country and majority of the people thereof. The iron and woolen industries are the most highly protected of any and are suffering the most to-day. I have used iron to some extent for forty years, but think that my business was never more depressed than now, not by competition with foreign manufacturers—for there is no importation of axes into this State or country of any amount; a few may be brought from New Brunswick and a few from Canada—but the trouble seems to be overproduction or general stagnation in business, so that it is difficult for me to form an opinion on the tariff question satisfactory to myself. I think that coal and salt should be on the free-list. It is not so clear to my mind as to lumber. I am in favor of a revision of the tariff, and think that all the necessaries of life used by the laboring class should be on the free-list, or nearly so."

Two Republican manufacturers of Belfast, Sherman and Thompson by name, step out boldly with these sentiments:

"We do not object to the Morrison bill. Lumber, salt, and coal free will benefit more than injure. We are manufacturers and wish to have our manufactures protected, but too much protection is morally wrong and injurious. According to our observations Republicans as well as Democrats favor low tariff in this vicinity on necessaries. Rum, tobacco, and such like we would place on the high-list."

Mr. WOOD. The abuses and inequalities of the present tariff mainly arise from the specific duties imposed, and I cite a case in point: In Schedule I a specific duty of 3½ cents per square yard of bleached cotton under 100 threads to the square inch and a duty of 4½ cents to the square yard of the same grade of unbleached or colored goods is charged to the importer, and the specific duty is increased on the same kind of goods over 100 threads to the square inch. There are more than a dozen classes of these goods now paying similar specific duties; but to illustrate the enormity of this tariff take one class of cotton goods 36 inches in width, which costs 1½ cents per yard to manufacture in Glasgow; the custom-house valuation at New York is 3.4 cents per yard. This makes a duty equal to an ad valorem duty of about 148 per cent.

If you calculate Scottish money worth nearly double our own, it would make the duty over 80 per cent. ad valorem. Out of twelve kinds of cotton goods imported the tariff is more than 112 per cent. on seven, and one class in the dozen is as low as 71 per cent. The specific duties on these articles average 111 per cent. ad valorem according to the value of American money. This enormous tariff is levied upon a class of goods constantly needed and chiefly used by the poor classes of our people, while silk, broadcloth, and velvets do not pay an average of half as much duty. The manufacturers in Glasgow buy our cotton, which is raised, gathered, ginned, and prepared for the market by thousands of laboring people, and manufacture it into all kinds of cotton fabrics, send them to American markets, and compel the thousands of laboring people to pay this enormous duty, as it is charged to them in the price of the article, though it is directly paid by the importer. Does this tariff benefit labor?

England buys our wool in large quantities and imports it free of duty. Her manufacturers pay no Government tax on this raw material. This wool is commingled with finer grades of wool produced in other countries and manufactured into woolen and part-woolen fabrics of all kinds, and shipped to the American ports, where a duty of 65 per cent. is paid, and then it enters the American markets, and the laboring people who guarded, fed, and sheared the sheep, washed the wool, and prepared it for the market, as well as those who raised the grain, buy their clothing with 65 per cent. bounty added, $6.50 for every $10 paid for woolen or part-woolen clothing. Does this tariff benefit labor? England and other countries buy our raw materials, import them free of duty. They are manufactured into goods of all kinds and shipped to the American markets, and our Government collects high duties upon the goods made from the raw materials our people have sold, and compels the very producers of them and their workmen to pay these high duties when they purchase the goods. Does this benefit labor? This high bounty comes out of the wages of labor and out of the pockets of the producer. Every person in this land uses cotton goods; and whom does this tariff benefit? The manufacturer of New England only. Why? The duty is so high as to partially prohibit the import of this class of cotton goods. During the war the duty on these grades of cotton goods was 35 per cent. ad valorem. Then one-half of all that our people consumed was imported.

Under the present high specific duty only one-fifth of all we consume is imported, yet the import fixes the price for the home manufacturer and the consumer pays it. Why should this enormous duty of 111 per cent. be levied upon this class of goods, when the labor cost in Scotland is only 15 per cent. and in the United States only 25 per cent. of the cost of the manufactured article? To build up home monopoly. That is the answer. In this instance there is just enough of the imported article to establish the price of this class of goods manufactured in the United States. The mills of New England manufacture four-fifths of the entire amount consumed in this country, and pocket 111 per cent., the average duty, for every yard sold to our people. The home manufacturer will not undersell the importer, because he wants the benefit of the duty which the importer pays to the Government. If he did undersell the importer, then there would be no imports at all of this class of cotton goods, but there is imported one-fifth of the entire amount consumed by the people, on which the average duty of 111 per cent. is paid.

This duty is added to the selling price, for the importer must have the duty paid back when he sells the article. This, then, fixes the price of one-fifth of the cotton goods consumed. Will the other four-fifths manufactured here sell for a less price than the one-fifth? Certainly not. The home manufacturer sells the four-fifths, his own manufacture, at the same price as the imported one-fifth is sold, and takes the benefit of the shameful duty.

Can my Republican friends give an excuse for their vote in the Forty-seventh Congress in favor of this shameful duty? Did they not know that vote maintained a home monopoly that unjustly takes money from the scant wages of labor and extorts unwilling tribute from the consumers all over this country?

SCHEDULE J.

In this schedule all cotton thread, yarn, or warp yarn, in skeins or bundles or other form, if worth 25 cents per pound, the tariff is 10 cents per pound; if worth over 25 cents and less than 40 cents, the tariff is 15 cents per pound; and so on through the list. The goods described in this schedule pay a duty nearly one-half of their market value. If the farmer paid this rate of tax upon his property he would be driven into bankruptcy. Ten per cent. interest is a high rate for money loaned, yet the farmer and the workingman pay 40 to 50 per cent. upon all this class of goods they buy. But the end is not here. From the cotton yarn, warp, and thread which pay this enormous duty is manufactured cotton cloth and other goods, which are loaded down also with duties ranging from 50, 80, to 148 per cent. ad valorem. So duty upon duty is added when one class of goods is used to manufacture another kind.

WOOLEN SCHEDULE.

I now go to the wool and woolen schedule of this famous reform law, and I find wool, the raw material, paying a duty of 33⅓ to 40 per cent. per pound, according to value. From wool is manufactured cloth,

shawls, flannels, blankets, wool hats, knit goods, and many other articles, all loaded down with an additional duty of 85 to 88½ cents per pound. Women's and children's dress goods made wholly or in part from the dutiable wool pay specific duties equal to an ad valorem duty of 65 to 75 per cent. per square yard! Count the yards necessary to dress the average family, and you will have some idea of the shameful tribute paid by the consumer. You must not stop here in calculating tariff prices. Count the tariff rate upon the cotton warp and again upon the warp when woven into cloth.

SCHEDULE C.

I call attention of the House to Schedule C, metals, &c., and see what duties iron and steel pay. Begin with iron ore. Iron ore is charged with a duty of 75 cents per ton. From the ore is made pig-iron, which is charged with a duty of $6 per ton. Pig-iron is run into bar-iron, &c., and that pays a duty of $20 per ton. Bar-iron, round iron, and flat iron is made into spikes, nails, and other articles, which pay a duty of $25 per ton, while horseshoe-nails, hob-nails, wire nails, wrought-iron and steel nails pay a duty of $80 per ton; chains pay $35 to $50 per ton, and fence-wire $12 per ton. These rates apply substantially to iron and steel blooms. The blooms are made into iron and steel goods of every description, such as saws, files, rivets, nuts, rods, screws, and edge-tools of every kind, and all are charged with other high duties. I ask the Clerk to read a statement made in the discussion of steel duties.

Allow me to call attention to the profits of the iron and steel industries. In 1880 there were 1,005 establishments, with a capital of over $230,971,874. Their iron and steel products were valued at $296,557,685; value of material, $191,271,150; wages paid, $55,476,785. The profit is $49,809,750, or 21.56 per cent. on the capital invested. The average wages paid was $1.31 per day. In 1880 there were thirty-six establishments engaged in the manufacture of steel, with $20,975,990 capital. Their manufactured product amounted to $55,805,210; value of materials, $36,826,928; wages paid, $4,930,349. The profit was $14,047,933, or 67 per cent. upon the capital. Average wages paid $1.50 per day. Here is astounding profits and low wages. This is protection for you in full.

The Clerk read as follows:

We beg to call your attention to the duties on steel as mentioned in Schedule C, metals, in the act of March 3, 1883, wherein, after providing certain rates on all kinds and qualities of steel, an additional duty of 1 cent per pound is levied on steel circular-saw plates. This discrimination makes the duty on these amount to 4½ cents per pound. Previous to the enactment of this law the duty on steel circular-saw plates up to 46 inches in diameter was only 3 cents per pound, and above 46 inches in diameter it was 3½ cents per pound and 10 per cent. ad valorem. The present rate of duty is equal, on an average, to about 35 per cent. of the foreign market value of the article. We use these plates largely in our business, and consider the present duty excessive and unjust, and respectfully hope that your bill will remove this discriminating paragraph and have steel circular-saw plates taxed no more than other grades of steel of the same value.

THE STEEL DUTIES.

[Copy of a letter addressed to the Iron Age, and published by that paper in its issue of March 13, 1884.]

To the Editor of The Iron Age:

SIR: Your article entitled "Consolidation of manufactures," in your issue dated February 28, seems to be against the consumer of steel and his efforts and wish for a reduction of the tariff on that necessary commodity. Your sympathies are more strongly expressed in favor of the manufacturer of steel and his success in keeping up the high duties, which some consumers have felt to be oppressive. You are right in saying "there is no reason why a steel works should not also make axes, saws, shovels, &c.," and no sane consumer of steel will attempt to dispute the statement. Many consumers of steel, however, who have succeeded in establishing industries have reason to complain about a tariff that is giving the steel-makers such a profit that they are rich enough to invest capital in the manufacture of axes, saws, shovels, &c., and put them in the market at prices that are ruinous to those who have been their customers and out of whom they have made their riches.

At the same time these consumers have not realized profit enough from their business to allow them to engage in making steel. Many who have heretofore voted for and advocated a tariff for protection now believe that the popular cry for protection has been used in some places not merely for the purpose of securing protection but to secure the creation of monopolies. Can any one show that duties of $44.80 per ton on low grades and $95.20 per ton on the high grades of crucible steel are needed for protection only? These high duties have been the means of keeping up high prices and unequal profits. They are duties that are so highly favorable to the producer of a raw material that he is enabled to manufacture goods out of it at a price which while it affords him a profit will be ruinous to those who do not make their own raw material. These rates seem too high to one who has advocated protection from the days of Henry Clay to the present time and a consumer of steel who believes that they operate in favor of monopoly and against the principles of protection.

AN OLD PROTECTIONIST.

Mr. WOOD. Human genius could not devise more jobbery covered by the forms of law than is contained in the metal schedule of this reform act.

SCHEDULE M.

I call attention to Schedule M of this odious law. It contains paper of all kinds. I am asked, "Why do you desire to reduce the tariff on paper, when it is only 15 to 20 per cent.?" Let us see. The raw material, wood pulp, is charged with 10 per cent. ad valorem. The raw material out of which paper is made is loaded down with high duties, and when it is manufactured into paper for blank-books, bound or unbound, then another duty of 20 per cent. ad valorem is added. When printing-paper, sized or unsized, used for books or newspapers is made, then 15 per cent. more is added. This kind of dodging to hide a high protective tariff is called reform.

GLASS SCHEDULE.

The people pay for window-glass $3,000,000 per year as class exaction. How? The amount imported last year was about $1,427,073. The duty paid the Government was $979,738, or about 67 per cent. The home manufacture last year was valued at five millions. It sold for the same price as the imported article, and the domestic manufacturer received the benefit of the 67 per cent. duty upon this sum, which makes $3,350,000 paid by the people, not one cent of which went into the public Treasury. It is idle talk that the home product did not sell for the same price as the imported article. If the domestic manufacturer undersold the importer, then the import of glass would cease, but the importer did sell in the American markets near one million and a half dollars of window-glass, and the home product did not undersell it so as to drive the imported article out of the markets.

No party can stand before the consumers of this country and sustain a tariff like this. But this is what my Republican friends on the other side of this House call reform. Is robbery of the consumer more complete? No other civilized country imposes such burdens upon the many to support the few under the guise of national benefit. Every laboring man in this country, whether in the factories or out of them, pays an enormous tax when he clothes himself and family. There are about 9,000,000 of laboring men in the United States independent of the farming class. You can almost count the millions taken from their daily wages annually by this cruel and exacting law. There are about 8,000,000 farmers who bear the same burden. This tariff law takes from the pockets of the people over $500,000,000 annually. No other people could stand this unjust drain of annual profits for any considerable time, and our own people, owning in fee splendid farms of incomparable soil, aided by the improvements of farm machinery, are able to produce enormous quantities of the cereals and all farm products for home and foreign markets; but withal they are only able to stand the pressure for a few years, when financial distress comes and involves a vast number of them.

DIVERSIFIED INDUSTRY.

The present tariff, unequal in its protection, is ruinous to diversified industries. Capital is selfish. It seeks the investment that brings the heaviest returns. The tariff on cotton and woolen goods, iron, and steel is so protective that it stimulated unnatural prices, which invited an overbalance of capital for investment in these industries, and the result is overproduction. I ask the Clerk to read from the report of Mr. Swank for the American Iron and Steel Association, made May 1, 1883.

The Clerk read as follows:

At the beginning of June nearly all the mills referred to (rolling-mills of Pittsburgh and the West) were closed by a general strike which continued until the last of September, when work was resumed upon the scale of wages which had previously prevailed. During the strike of four months the prices of rolled iron did not advance, notwithstanding the stoppage of so many mills, a fact which clearly demonstrated that the capacity to produce this form of iron had again, as in the panic years, exceeded the demand. * * * At the same time it must be frankly admitted that our rolling-mill capacity has for some time been in advance of the consumptive wants of the country, and that the check to the overproduction of rolled iron which was afforded by the strike of 1882 was in no sense a calamity to the manufacturers.

Mr. WOOD. Many unprotected industries languish all over this country because of the unequal investment of capital in the highly protected industries, and labor is poorly paid or wholly unemployed. The class favoritism of this Government has caused depression in all kinds of business. The equanimity of trade, the only basis of true prosperity, is disturbed by the overproduction of the standard goods, and the millions of money invested in them is now inactive and helpless, and a sympathetic depression pervades all other industries. This is the history of protection.

INJUSTICE TO FARMERS.

Protection compels the farmer, numerically the greatest class of consumers, to pay high prices for all he buys, while he is compelled to sell the products of the farm at free-trade prices. The protective tariff establishes the price of manufactured articles at home, but fails to establish a price for wheat and beef. That is fixed in the free-trade markets of the world. Farmers buy under protection and sell under free trade. High protection makes high prices for imported goods. If the domestic manufacturer sold his goods cheaper than the imported article they would exclude the latter from our markets. The home manufacturer will not compete with the importer, because it is against his interest to do so. He wants enough of the imported article to come into our markets to pay the high duties and establish prices. That is the index for the home product.

The prices of domestic manufactured goods will not be fixed by home competition under high protection. We can have competition among domestic manufacturers only by enacting a prohibitory tariff to exclude imports altogether or have no tariff at all. The manufacturers do not want a prohibitory tariff nor free trade. They want a high protective tariff that admits foreign goods to our markets on payment of high

duties, and they take the price of the importer, after duties paid, for their price. Here is an example: The Government received about thirty millions of revenue from the import of manufactured woolens last year. The home product amounted to four times the imported article, or about two hundred millions. The average duty on woolens is about 65 per cent. ad valorem.

The importer paid the Government thirty millions in duties, charged it to the selling price of his goods, and our people purchased them and paid the duties; but when the people purchased the two hundred millions of the home-manufactured article they paid no less price for it than they did for the imported article. If the people could buy the home product cheaper would they buy the imported article? Certainly not. There is no difference in the prices of the imported and domestic article. The farmers and other consumers pay 65 per cent. on two hundred millions of the domestic product, which goes to the benefit of the manufacturer.

This tribute given and none returned brings periodical distress to the farmer, and he is met with the sneering query, "If you have anything to sell, can not you get a good price for it?" He has sold his products to the minimum and has saved little or nothing from the prices received, for the reason the tariff has robbed him, silently robbed him, at the end of a series of years. He has sold at Liverpool prices instead of the promised high prices of the home market. No class of men work harder and save less than the average farmer. We are told that the farmers have prospered under protection. They have prospered in one way, and that is in the increased value of their farm lands, which came by crowded settlements and shipping facilities. Value their lands at $50 per acre, count cost of labor, fencing, farming implements burdened with protection prices in all their parts, keeping work-horses, and he can not raise wheat for less than 80 cents per bushel and corn for less than 20 cents.

I agree that Western farms show evidence of prosperity; but how many years of patient toil do they represent? You must go back forty to fifty years for a beginning on these farms. If protection has made good farms, it has been slow indeed. A man works forty years from daylight to darkness upon his farm, makes himself a hard taskmaster, and if he is economical in his living before he dies he can build a barn worth $800 and a house worth $1,500 to $2,000. Yes, farms look prosperous by a lifetime of toil and close economy.

Tell me this is the fruit of a protective tariff! No; that yields him exceeding bitter fruit. All the farmer wears and uses in his business from his pocket-knife to a tin pan is forced up to double its value by tariff law, while he sells his farm products at home and abroad for prices fixed by competition in Europe. Talk to the farmers about pauper labor! They are forced to sell their wheat at Liverpool, if they sell at all, and there they come in direct competition with the pauper labor of the Baltic, where only $18 per year is paid for farm labor, and a worse competition with the labor of Egypt. Why the anxiety to protect manufacturing industries, many of them over fifty years old and worth millions of dollars, from the pauper labor of Europe, while you see the large body of agriculturists, on whom the prosperity of the country depends, selling the products of their labor in competition with the poorest of all pauper labor, the unskilled labor of Egypt?

HOME MARKET FOR THE FARMERS.

The promise of protection is a home market for farm products. That is a humbug. The American people can not and never will consume the products of the American farm. To do that you must import 20,000,000 people and put them in the factories and workshops. Then a worse result would follow on the other side—overproduction of manufactured articles. In 1880 the American people only consumed 64 per cent. of the farm products. I heard a Western farmer say, "Why, see for yourself. Take the surplus of six great farm States, then count the number of people protected and their employés, and each one of them would have to eat six barrels of flour per day, a ton of beef, 1,000 pounds of bacon, chew a hogshead of tobacco, and drink twenty gallons of Kentucky whisky." It is nonsense. They advise less farmers. That would not increase consumption and would not lessen production materially, as improved farm machinery takes the place of men on the farm. The home market for farm products goes farther away every year.

In 1860 the farmers raised $170,000,000 in wheat, and exported $4,070,764, or 2½ per cent. of the product.

In 1870, high-protective-tariff year, they produced $550,000,000 in wheat, and exported $47,171,229, or 14 per cent. of the product. In 1880, same tariff, they produced $425,000,000 in wheat, and exported $190,546,305, or 36 per cent of the total product. The export of pork will average $70,000,000 annually since 1870, excepting the time of French and German interdiction. The export of beef and beef cattle exceed this during the same years. There was also a large export of corn and provisions. Farm products overstock the home markets more and more every year, though protection has been on trial for nearly thirty years to fulfill the great promise of a home market for the products of the farm. It is a failure.

THE WORLD'S MARKET FOR FARMERS.

The splendid soil of the great West and South will always produce a large surplus. The seasons never fail to bring it from mother earth. What shall we do with it? I answer, sell it in the markets of the world and bring the gold and products of other countries home. Gold is enduring wealth. It is unlike the exchange of commodities that soon perish. Protection is the great barrier to the world's markets for our agricultural and manufactured products. The people of other countries will not trade with us if we make trade expensive to them by payment of high duties. The Government can not enact laws making international commerce expensive to foreign peoples and then ask them to buy of us what we have to sell but not buy of them unless they first pay high duties for the privilege of selling goods in our markets. The trouble is we treat the rest of the world unfairly. We want free trade when we sell our products to other countries but have high protection against the people of other countries selling to us. Many countries have retaliated and others are doing so.

The French and German exclusion of American pork, a great farm product, was only retaliation. I admonish the farmers to vote for their own interest upon this important question, for the foreign markets in American cereals and meats is threatened by our high protective policy against the commerce of the world. When the open markets of the world are closed to the American farmer what will he do with his surplus? England, our greatest foreign market, is encouraging wheat-raising in India, where twelve bushels to the acre can be produced by the crudest farming, and in 1881 and 1882 she received from India nearly 40,000,000 bushels of wheat, against 75,000,000 from America.

Do our farmers know how important the foreign markets are to them? Over six hundred millions of dollars' worth of American farm products are sold in foreign markets annually. Break down this great market by continuing your protection policy, and where will this six-hundred-million surplus go? As I have said, the commercial traders of other countries will not permit America to build up a great trade with them in agricultural products when America closes her ports to their trade by high protective duties and heavily taxes our people to do it that a favored class may prosper.

The farmer is told that there is a tariff upon farm products, but how does that benefit him? Not any. Why? Will farm products in any considerable quantities be shipped to the United States when our own farmers produce more than they want and have a large surplus to sell in the world's markets? When our farmers raise grain and provisions and sell them in the open markets of the world against all competition, will the agricultural products of other countries come to America? It is very plain that the tariff duties levied upon farm products is no benefit to the farmer and may just as well be taken from the list. Without foreign markets wheat will rot in the stack and provisions go to waste. Farmers are advised by the protectionists to quit farming; only produce enough for home consumption. Then the laboring people would bear the burdens of dear bread and meat. That policy would lessen production, but what kind of a policy is that? Lessen the business of farmers to increase other industries!

Cramp one great industry for the benefit of another is strange advice indeed. Prosperity will not result that way. New England wants her cotton-mills protected but extends no protection to the Western flouring-mill. Pennsylvania insists on high protection for iron and steel but cares not for the protection of Western wheat, flour, and meats, and she could not give protection if she would. If it were possible to compel New England and Pennsylvania to pay a duty of 50 to 100 per cent. upon every barrel of flour and every dollar's worth of Western hams and beef, butter and cheese she consumed it would even up the tariff and be fair; but Congressmen could not sleep until it removed such duties, for all New England would be in Washington before twenty-four hours. Yet New England receives, by a law of Congress, a tribute of 50 to 100 per cent. from the Western farmer upon her manufactured products and holds on with the grip of death. It is not fair. It is not right.

The protective system arrays section against section, for special favoritism granted by this Government to a class of the people at the expense of all the other classes will not be borne in silence, and ought not to be. Our protective policy has driven our merchant vessels from the high seas, and our ocean trade is carried in foreign-built ships owned by citizens of foreign countries. The immense cost of ocean transportation is paid to foreign ship-owners, and millions of money is taken away from our channels of trade. The wheat and meat shipped from America to England pays a double charge for the round trip, for the reason the ship returns to New York with ballast, and therefore the cost of one voyage is taken out of the farmers' wheat, flour, and beef. If the returning vessel could ship the products of other countries here which are excluded from our markets by high protection, then half the cost of transportation would be saved to the pockets of the farmer, an item of great importance.

Why is England so great in trade and commerce? She was not made so by internal trade with her own people, but by the commerce of the world. America to-day can trade in all the countries where England trades and offers better advantages for the world's commerce, and it will come if we welcome it. It will not come without reciprocity. America must trade with the world if the world trades with America. Then the agricultural surplus will go rapidly away and our manufact-

ured products find willing purchasers over the seas; then labor will be employed and amply paid. But our protection policy says to England, to France and Germany, to Mexico and the South American States, that America will not trade with you; we want none of the world's commerce; we are independent of the rest of the world in this age.

This policy says keep away, if you please, from our shores. We are establishing a new world and will trade only with ourselves. We are going to cut loose from the rest of the universe and know the nations of the earth no more forever. We believe Confucius was right when he built a wall against civilization and rejected the commerce of all peoples and all nations. We are going back a few thousand years in commercial history, for our latter-day commerce is all wrong. The world's trade is mischievous. No more trade outside of the United States is the policy. Erect a great sign on the Atlantic shore from Maine to Florida to tell the denizens of other countries to come here no more, to order ocean ships to lower sail and turn back with their cargoes. We are going to build home markets. We want none of your trade, none of your money, none of your civilization. We have a monopoly of these, and are going to keep them.

This policy means no merchant marine to whiten the sea with the sails of commerce; cease all continental navigation, cast compass and chart into the sea. Men of the Mississippi Valley, rich in millions of grain, loading down the highways of commerce, ship no more on the waters of the great river that rolls majestically down to the sea. Halt at the ocean's wave. Do not say we are seeking the world's market for the millions of surplus produced in the grandest valley of the world. Sir, we want a Moses to lead the agricultural children through the wilderness of protection. They want a Joshua to lead them out of bondage and over the sea, when protection will be swallowed up forever.

REVENUE TARIFF OF 1848.

Under the revenue tariff of 1848, which continued until 1861, manufactories rapidly increased and the country became prosperous, and no one thought of changing this tariff law until the war came upon us. Scheming men took advantage of national distress and procured the amendment of that law, from time to time since the war, solely for their personal benefit. What was the result? Many men became millionaires and many the owners of many millions in a short time. Such an aggregation of wealth in the hands of the few was not known before 1861. What does it mean? That certain classes were favored by this Government to make money off of the people. This extraordinary wealth was taken from the pockets of the many. It shows a bad state of economy. Why did you, my Republican friends, inaugurate this system? Why do you maintain it? Statistics are cited to show prosperity under protection. What are they on this point? Between 1850 and 1860 the wealth of this country increased from seven billions to sixteen billions. It more than doubled in ten years under the revenue tariff. Between 1860 and 1880, under a protective tariff our wealth increased nineteen billions. It required twenty years to double under a high protective tariff. Protection shows a decrease of 50 per cent. when compared with the years of a revenue tariff.

NEW ENGLAND INDUSTRIES.

I am told that New England industries can not exist without high protection. That means they must be supported by the rest of the country. They can not support themselves. They must live from taxing the people of the United States. Well, all of us would like to live that way. If a man starts a business in New England that does not pay, it is fashionable to apply to the Government to aid him. The Government in the hands of the Republican party is used as a machine to aid the industry that is not able to go alone, and all the people are commanded by law to step up and pay taxes indirectly to build it up and enrich the owners. The industry itself does not pay its owners, but the people of the country pay for it the profits it never earns. The owner draws a sort of pension from individual pockets and keeps the industry running as a kind of plaything. The owner tells everybody, "My machine don't pay; but the people pay me to run it, and as long as they pay me I am going to do it."

Oh, what a Government! This policy must cease. The Government is a good deal what the party in charge makes it. The people will not permit this great Government to be used to enrich men, because it is so wrong and unjust. We will never have a firm basis of business under protection. It is the father of inflated prices and the cruel mother of reverses. Take one instance. The copper industry flourished near Baltimore and in Massachusetts before 1861. Our people then had a good commercial trade with Chili, which took our manufactured goods and gave us in return copper ores, brought in return cargo in American ships, and smelted by American workmen. During the war everybody demanded a high tariff, and the copper-mine owners of Michigan obtained high duties on copper ore.

The American smelting works were crushed and the workmen thrown out of employment. We lost our commercial trade with Chili, and England took advantage of our blunder and has our old trade with Chili to-day. Why all this loss? To build up the owners of a copper mine in Michigan. The Michigan copper men sell their copper cheaper in England than they do to our own manufacturers, and we are therefore depressed at home for the advantage of foreign consumers of copper. This mine needs no protection. It is able to stand against the world and make reasonable profits.

I am told the woolen and cotton industries can not exist without high protection. That doctrine has caused all the reverses in these industries. True, the high tariff stimulated them, and they sailed on a high plane of prosperity for a season, but it was only a strong stimulant that did it. It was not the business itself that brought such enormous and unnatural profits, but the influence of the stimulant. Your protection is only a stimulant. It gives no lasting benefits. It is like any other stimulant, only lasting for a time, when a break-down must come. The difficulty in these stimulations is that the whole business of the country naturally adjusts itself to the stimulating forces, and when the break comes all is disastrously affected, and in the end more harm than good falls upon the country.

The business of the country, the great industries, must get out of the notion that Government stimulus is of any lasting benefit. The protective stimulus made prices of woolen and cotton goods so high that the people were dissatisfied and clamored for cheaper goods. What was the result? Human genius went to work and produced counterfeit imitations of the genuine article, and the demand was so great for cheaper goods that the country was soon flooded with them. Combings, flax, rejected wool, shoddy, and all kinds of cheap materials were so skillfully woven and finished as to present the appearance of genuine woolen and cotton goods, and they entirely undersold the true articles. A reduction of the tariff will reduce the prices. Why? The imported cottons and woolens can sell for a lower price with the payment of smaller duties, and the home product must come down to the price of the imported article or not sell at all. You see how the tariff affects prices.

Our protection friends tell me a high tariff does not make high prices, and they argue the point all over the country, but when we talk of low tariff, oh, then prices are wonderfully affected and they will starve. They concede lower prices by a lower tariff, but they will not concede high prices by a high tariff. When the time comes that there is not such a wide difference in the cost of the genuine and the spurious article, then the people will buy the good in preference to the bad, and the latter must quit the market; then these depressed industries will do a regular business on a firm basis. This is a law of business.

If our great industries can not exist now after so many years of high protection, then it is conclusive proof that the system is a failure and it is no use for the country to longer support them. They bitterly complain when the tariff is even talked about. The agitation of the subject, they say, unsettles business. If all this be true, what unsound foundations they rest upon. They are built upon the sand, to fall when the tide rises. If their foundations are so frail that they give away when business principles are discussed, then protection is a complete failure to build up home industries. If it builds not better than that we had better abolish the system. If the business of the country can stand high taxation that produces an annual surplus of one hundred millions, it can certainly stand the agitation that proposes a reduction of over thirty millions, which this bill proposes to do. I never heard before that agitation for a reduction of taxes hurt the business of the country.

HOME COMPETITION TO REDUCE PRICES.

My protection friends tell me to keep up a high tariff and soon home industries will compete and high prices will come down. The people have relied upon this promise for near thirty years, for they are patient and kind to our manufacturing industries. I would do nothing to hurt them, but they must not hurt all the people indefinitely. I am talking for the benefits of our industries and not against them. I am their friend and would do any just and reasonable thing for them, but I sincerely tell them their advantages over the people, given by a law of Congress, is not for their lasting benefit and is a great wrong upon their patrons, the people, whose cordial support and confidence they can not dispense with.

What more competition in iron and steel, woolen and cotton goods can we have? These industries have produced a large surplus, and any more of them would do no good. They already manufacture more than they can sell in the home markets. They will not compete on prices as long as the price is fixed by the importer. They know that the importer must gauge the price by the duty he pays and the cost of transportation. If our high tariff did not increase and maintain high prices, why are two hundred and fifty iron and steed manufacturers petitioning Congress not to lower the tariff on iron and steel? Why are the woolen and cotton manufacturers doing the same thing? The promise of home competition, like the others made, has not been fulfilled.

Parley Banks is a heavy dealer in woolens and cottons in Indianapolis, Ind. He goes to Scotland and England and buys one or two hundred thousand dollars in cotton and woolen goods. He pays 65 per cent. duty to this Government. He goes to the New England mills and buys the same quantity of woolen and cotton goods, and pays no

duty to the Government. He ships the imported and domestic goods to his wholesale house in Indianapolis. Now, will he sell the product of the New England mills cheaper than the imported article? Certainly not. If he did, the home product would soon go out of his store while the imported article would remain there. You must see there can be no competition under this system. You do not find men dealing wholly in the domestic article and others dealing wholly in the imported article. If that was the business situation, competition would arise between the domestic and the imported article, but men are too smart in this age to permit such conditions in business, and there is no remedy to lower prices but by reducing the tariff. I am credibly informed that over half of the capital invested in our highly protected industries belongs to English capitalists, and the benefits of high prices are for England more than for America.

PROTECTION NO BENEFIT TO THE PEOPLE.

My protection friends point me to the expanded business of the country during the last twenty years and ask me to contemplate the grand result of the protective system. Pardon me while I examine this claim, for if it is true then I am a protectionist. What is high protection? I answer that it is high taxation. Does high taxation benefit the country? Does it help the people? Does high taxation bring commercial blessings to the commonwealth? I can not recall the truth of such a claim in any event. The country has developed in the face of the protective system. In the last twenty years great railroads spanned the continent. The rich lands of the great West became homesteads for millions of producers. The mineral wealth yielded bountifully when railroads opened the way to American capital and Yankee energy. Science and inventive genius have encircled the nations with the telegraph and fast-going steamships have brought all countries together. Our population has increased millions upon millions in twenty years. Emigration has been unprecedented in numbers. Increasing labor and increasing wants of the millions have expanded the business of the country as much as anything.

I seriously object to protection, because it makes the rich richer and keeps down the poor to a common level. I think the poor people and owners of small estates number about 40,000,000 of our population. An unjust exaction of $5 apiece aggregates two hundred millions. These people have not materially improved their financial condition in the last fifteen years. They have lived and raised their families, but have not generally increased their estates. These pay the high protective duties. The millions come from them. The classes that have prospered under protection have done so at the expense of these 40,000,000 of people. What does protection cost the people? They pay as a tribute over five hundred millions per annum, not one cent of which goes into the public Treasury. This fact is fully shown by a table I have marked Exhibit A. If this enormous drain of hard-earned money was collected as home taxes are, the indignation of the people could not be controlled. They pay it in percentage upon all they buy at the dry-goods and grocery stores.

When they buy cotton or woolen goods of any class or kind they pay 65 to 111 per cent. When they buy boots and shoes they pay 30 per cent.; brooms and brushes, 30 per cent.; buttons, 45 per cent.; carpets, 49 per cent.; clothing, from 40 to 60 per cent.; felt goods, 50 per cent.; drugs and chemicals, 37 per cent.; flavoring extracts, 50 per cent.; food preparations, 20 per cent.; furniture, 50 per cent.; glass, 68 per cent.; hats and caps, 30 to 50 per cent.; house-furnishing goods, 25 to 45 per cent.; hosiery, 45 to 55 per cent.; leather, 30 per cent.; linen goods, 40 per cent.; millinery goods, 40 to 50 per cent.; rubber goods, 25 to 30 per cent.; soap, 20 to 28 per cent.; sugar and molasses, 15 to 35 per cent.; tinware and copperware, 45 per cent., varnish, 40 per cent.; flannels and blankets, 65 per cent.; women and children's dress goods, 64 per cent.; and so on through the list of six hundred articles charged with an average duty of 42 per cent. They are described, with rate of tariff, with cost of labor in each article, and excess of tariff over cost of labor, in a table marked Exhibit B.

Everything the people buy is loaded down with this enormous tax. There is no escape from paying it when you buy any kind of groceries or goods. The people do not know when they pay it. It is a silent theft of small amounts on everything, great and small, the people buy. If any farmer will keep account of all he buys at the store and take the tariff table I have marked Exhibit B, he can safely calculate the silent tax he has paid by reason of high protection.

Mr. Speaker, I am a conservative man, but I am in doubt whether I would support open petit larceny in preference to this ceaseless, silent theft of the people's money. It is larceny made lawful by an act of Congress, and it succeeds in taking from the pockets of 50,000,000 of people over $500,000,000 every year. It goes to over three hundred kinds of industries.

REDUCTION OF TAXATION TO FOLLOW REDUCTION OF EXPENDITURES.

The people want reduction in taxation. We are reducing expenditures. That will not help the people. All expenditures might cease and the people would derive no benefit from it without any reduction of the rates of taxation. I would leave the hundred million surplus in the Treasury in the pockets of the people. Let it be used in business and circulate in the channels of trade. We do not want a surplus in the public Treasury. Cut down the rates of taxation. This bill cuts off over thirty millions. It tends in the right direction.

LABOR.

The monopolists appeal for protective duties to pay for labor. Their solicitude for labor is touching. No man desires to hurt American labor, and no one does so but the monopolists themselves. They employ 5 per cent. of the labor of the United States. They do not speak for all the other labor in the country. They do not speak for agricultural labor. What does protection offer for all the labor of the country outside of the factories? Nothing. The laborers in the factories and mills of New England are not paid more wages than is paid in England, all things considered. There is no inducement for the skilled labor of other countries to seek this country for employment. The English cotton-weavers are paid from $4 to $8.60 per week; New England weavers get $4.82 to $8.37 per week. English spinners get $7.20 to $10.30 per week; American get $7.07 to $10.30 per week. In 1881 the Lancashire mills paid average wages of $8 per week to men and $5.65 to women. In England clothing is 50 to 100 per cent. cheaper, while house-rent is 50 per cent. less than in this country. English labor is as well paid as American labor. The price of labor is governed by competition. Labor is not protected by any law. The monopolist has high protection on his goods, but free trade in labor.

I have heard enough of the protection cant on this floor about labor. I am disgusted with such hypocrisy. The wages of labor in all industries in all countries are fixed by supply and demand. What solicitude have the rich corporate industries for labor? They have been able to gather unnatural fortunes through the class legislation of Congress, and yet they did not increase the wages of their workmen. Their unnatural gains represent in part the dues of laboring men. When large profits can not be made any other way they begin to cut down the moderate wages of the workingman until they are below the living point, when labor "strikes" become necessary to enforce the demand for better wages to buy bread.

Talk to me about well-paid labor under protection! There is not a protected industry in the United States having well-paid labor. It is hired as cheaply as it can be had. They do not ask, "What can this or that laboring man live for and educate himself and family?" No, that is not considered. They say, "What can it be had for in the labor market?" The protective system has made labor an auction-block. Strong men, with weeping dependents appealing for bread and clothing, charged with 65 to 80 per cent. over the actual value, mount the labor-auction block with competition for the auctioneer. He can make no demand for living rates. He can not name the price for daily toil. The chains of monopoly around his brawny arms tell him he is a slave. The monopolists gather around the auction-block when the auctioneer cries, "Going, going, at $1.50 per day."

The owners of bursting bags of gold, wrung from all the people by a law of Congress—profits never earned—make no bid, and witness the scene with the cold indifference of the black master of the Austrian dungeon. "Going, going, at $1.25 per day," cries the auctioneer, and still the monopolist is silent as the hour before final doom. "Going, going, going, at $1 per day," cries the auctioneer, and monopoly bids him in, counting the profit saved, while the brawny arms implore the mercy of Providence for him and his in this land of overflowing plenty. I turn my head from sickening nausea when I hear it again and again repeated on this floor that labor is well paid under the protective system. France and Germany have protection, and their laborers are not near as well paid as the wagemen of free-trade England, while England employs more men and manufactures more than all the protected countries excepting the United States. The laboring man in the protected industries has no liberty, no rights which the employer dare not invade. His labor is not only bought and sold in the market, but the highest and most sovereign right of American freemen is demanded and held in the hand of the monopolist. When he buys his labor he says, "I have bought his vote. I own his labor and I own his vote."

Is this freedom or human slavery? Does this elevate the laboring man? Does it make him a man? Where is his citizenship? I shall hail the day as one of glad tidings when laboring men can be free, independent, and able to dictate terms equally with the employer, and have the full and free enjoyment of American citizenship. I shall labor for him to bring this grand result while I have a voice on this floor or elsewhere. The workingman has no protection for his own capital—his labor—this side of the throne of grace. Look at the great industries, employing 64 per cent. of foreign labor at low wages, and yet the gilded tongue of hypocrisy talks blandly for American labor. The essence, the oil of this hated hypocrisy burns brightly in all the lost regions below—the far-hidden sepulcher for "man's inhumanity to man."

Hear, oh, ye protectionists, what the laboring men of Pittsburgh, Allegheny County, Pennsylvania, say in their just and righteous petition to the American Congress.

That the present issue on the tariff question interests us more than any other

bill now before Congress; that no matter whether there is a protective or a revenue tariff, it makes no difference to us, as we receive no proportionate benefit from it. We have already submitted to a horizontal reduction in our wages of from 10 to 20 per cent., forced upon us by our employers on the plea that they could not afford to pay us our previous wages, while no change had been made in the tariff that could affect them. They receive all the benefits from the tariff, and we have to submit to all the reductions they impose upon us.

Therefore, we are in favor of the 20 per cent. horizontal reduction in the present tariff.

We demand that our rights shall be acknowledged, and that we shall receive our proportionate share of any tariff that may be levied for the protection of the American workingmen against competition with the pauper labor of Europe; that we are not to submit to any reduction in our wages below the amount guaranteed by our proportionate share of the tariff, and that the local competition between the manufacturers shall not be used by them to lower our wages at their pleasure unless the tariff has been reduced a corresponding amount.

The Washington Star comments:

The protected manufacturers of Pennsylvania had better look out. Their employés are rapidly arriving at the conclusion that the tariff protects the manufacturer, not the workingman; capital, and not labor.

Laboring men are largely interested in extended markets for the products of their labor. If their labor products will not sell, then labor must go unemployed. Labor products must sell in the markets of the world to keep laboring men well employed.

There is nothing to hinder the labor of Europe from coming here to compete with our labor. They frighten laboring men by the cry of pauper labor of Europe. Pauper labor is worth nothing anywhere. It is of no value to any industry. It is pauper labor because it can not be anything else on any conditions whatever. I speak by the official reports when I declare that skilled labor in Europe is paid as well as American labor, all things considered; and when the manufacturer says that he wants a tariff to pay labor and that he can not manufacure in this country as cheaply as in England on account of the higher price of labor, mark it down that he is untruthful. But I would give him the cost of his labor in the tariff. That is more than the farmer gets.

The average cost of labor is 17½ per cent. of the manufactured article. The average tariff now is 42 per cent. Cut down the tariff tax to 30 per cent. for the present. That gives him a large percentage over the cost of labor, and with that he should be satisfied. Any industry failing with the cost of labor donated to it ought not survive. The protectionists, when talking to laboring people, hold up the poorly paid and pauper labor of Europe. When speaking to farmers they say: Let us alone now; we will soon compete among ourselves (which is not probable), then prices will come down. If prices decrease by the promised competition among "ourselves," then what will they do about the wages of the poor laborer, to whom they have appealed for protection to keep up prices so that they could pay him good wages?

The defense of protection is founded upon deception of the people, and any cause that can not exist without deceit to uphold it ought to go down. Our working people are told that the laboring people of other countries do not live so well as the American workmen. I think that is true, but what is the cause of it? The only countries in Europe whose inhabitants and resources are enough like ours for comparison are Belgium, Denmark, France, Germany, Great Britain, Ireland, and the Netherlands. Their average population is two hundred and twenty-seven to the square mile. Our population is fourteen to the square mile by the census of 1880. Making due allowance for uninhabitable regions, sixteen to two hundred and twenty-five is a fair comparison.

Now, no man wants to be told that sixteen persons can live better off of a square mile of land than two hundred and twenty-five can. Protectionists try to scare the farmers by stating that their 700,000 workmen will turn farmers, and then farm products will be worth nothing on account of overproduction. In the first place, the industries are not going to stop. Their workmen will not leave them. Our industries are able to compete with any others on the earth. I will discuss this hereafter. But if the workmen did turn farmers the agricultural interest would not be affected. Every two or three years several hundred thousand emigrant farmers come, scatter all over the land, and the farming interest is not disturbed.

The wages of the 700,000 operatives in the factories at a round figure, $10 per week, $500 per year, amounts to $350,000,000 per annum. I said the people pay over $500,000,000 as a tribute by reason of protection. If the people paid these operatives to remain idle, they would save one or two hundred millions annually.

A large proportion of the tariff is taken out of the wages of the workman. That may be strange, but it is true. Many industries manufacture nothing but cotton warp and yarn. Another industry manufactures coloring matter. There are high duties upon warp and yarn and coloring matter. There are many industries manufacturing cotton cloth and other forms of cotton goods, and their owners buy the cotton warp and yarn or thread and pay the duty thereon. The duty paid, or a proportion of it, if not all, comes out of the wages of the operatives who make the cloth. Why? In this instance the warp and yarn are equivalent to raw material, and the wages of labor are always gauged by the cost of raw material.

If the raw material is enhanced in price by high duties, then labor must be cut down, for the manufacturer will not cut down his profits. Again, one industry makes pig-iron, another buys the pig-iron and pays the price with the duty added, and manufactures iron and steel blooms, on which high duties are also levied. These blooms are purchased by the owner of another industry at Indianapolis, and he pays high duties on the price of the goods, and by the labor of his men manufactures from these blooms iron and steel goods of every description. Here the iron and steel blooms are equivalent to raw material, and it is made expensive by high-tariff duties. The increased cost of the raw material or its equivalents by high protective duties is taken out of the wages of the men.

Our workman may get a small percentage more wages than is paid in England, but he works faster and more hours than the Englishman; so, in fact, he is no better paid than they are. Then protection takes a part of his wages back when he buys his groceries and his clothing, which the Englishman does not pay. I fail to see what advantage the English manufacturer has over the American. The chief import from England is cotton and woolen goods. The English manufacturer buys our cotton and wool and imports them free of duty, and pays no more for them than our domestic manufacturers pay. In other words, the American manufacturer buys wool and cotton at home for the same price as the Englishman, and these home raw materials are chiefly used in the domestic manufacture of cotton and woolen goods.

It is safe to say that our class and quality of wool and cotton can not be purchased any cheaper in any other country, or the English manufacturer would not buy them here, but buy them cheaper elsewhere if he could; so these great home raw materials cost the American manufacturer no more than they cost the Englishman. And here again the home market fails to consume our cotton. The disadvantage is on the side of the Englishman. He pays the charges of shipment to England and again pays the charges of shipment to New York of the manufactured article. The American manufacturer has the advantage of the English manufacturer in the cost of these raw materials when you include as part of the cost of them the expense of shipment to England and back again to our ports in manufactured form.

I have shown there is no material increased cost of labor in the American industries; the only difference in the rate of wages arises from the fact that the American works more hours and does more work, and therefore earns the slight difference. American capital is abundant and offers as cheaply as English capital. Our manufacturing machinery is modern and better than any in Europe. Our labor is as skilled and better than that of any other country. Our home markets are equally as good. The per capita tax in England is $14.53. In the United States it is $12.80. Our manufacturers have the advantage of the Englishman in the amount of taxation. If we had free trade our manufacturers could more than hold their own, and they know it very well. Clearly, a moderate tariff will amply protect them. We want no free trade, but reform in the tariff. The first protective tariff was enacted in 1789. It provided for an average duty of 8½ per cent., to continue only seven years, to give "infant industries a start."

Our fathers were not strong protectionists. The present tariff duties average nearly 43 per cent., and we are nearly one hundred years from the economic times of the old "founders." They had just passed through the baleful experience of the class favoritism of the English Crown, and were not willing to establish this hated principle in American institutions. They saw, as we will see, that protection is the worst foe to American labor. There must be a market for the products of labor or it will suffer. Labor is of no value if its products can not be sold. Therefore laboring men are directly concerned in large markets for the sale of labor's products. In this respect their interest is identical with that of the American farmer. England, France, and Germany send the products of their laboring men all over the world for sale. When labor's product sells the laboring man is kept employed. So our manufacturers should, like the farmer, seek the markets of the world.

Protection will not allow them to do this. Other nations say to America, "Take off the high charges you put upon our products and we will trade with you. We are not going to trade with you unless you will trade with us." This situation is perfectly natural. In another way the interest of the laboring man is identical with that of the farmer. If our protective policy is continued we will lose the foreign markets for our surplus farm products, and as a consequence the farmers will stop producing any surplus. The result will be dearer bread and meat at home, the life-food for the laboring man.

Protectionists advise less farmers and no surplus for foreign markets. Agriculture is the dominant business in America. Limit the great surplus, and you can not avoid dear bread and meat to the non-producer, and this result would strike hard, very hard, at the wood, iron, and steel industries, for this business chiefly consumes the wood manufactures and the iron and steel goods. No surplus would also cut off the flow of millions of dollars of foreign gold and commodities to this country, and our channels of trade would lose a potent power and all business would recede into narrower circles. A full foreign trade is an element of national strength. It is large and rapid exchanges of the world's commodities, large consignments coming in and equally large

ones going out, ever enlivening the channels of trade, to the invaluable benefit of labor and the producer.

A PROTECTIVE TARIFF IS UNCONSTITUTIONAL.

Mr. Chairman, I oppose protection upon the ground that it is class legislation. The Federal Constitution gives no power to Congress to favor one class of our people over all others. The only power it confers upon Congress is to make laws to raise revenue. A greater power has been assumed, it is true, for the purpose of protection. This offensive doctrine, carried to its legitimate end, transforms this Government into a parental institution scarcely less abhorrent than the repulsive governments of Europe. The best minds there are drawn to the side of the prevailing government by official favoritism, which is the act of the government itself. Class favoritism is universal in all the old governments of the East, and it has always been so. The founders of our Government knew this well, and they put a limitation upon it in the Constitution.

The limitations are that duties shall be levied for revenue, not for protection, and that the States of the Union shall not levy duties upon trade and commerce. The Articles of Confederation left the power to the States to levy duties for any purpose, be it protection or revenue. When the Constitution was formed this general power was transferred to the General Government, and limited to duties to raise sufficient revenue. A duty is essentially a tax. It is fixed and levied by the law itself. At least it is analogous or equivalent to a tax, and the legal rules governing taxation would apply to duties levied and collected. It is settled by judicial decisions that a tax can not be levied and collected for any other than a public purpose. The principles discussed in the Tax cases leave the judicial mind little doubt that they would be applied to the question of duties levied and collected if it should ever come before the courts. In the case of Loan Association *vs.* Topeka (20 Wallace, 663, 664, and 665) Chief-Justice Miller said:

> Of all the powers conferred upon government that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise is in its very nature unlimited. It is true that express limitations on the amount of tax to be levied or the things to be taxed may be imposed by constitution or statute, but in most instances for which taxes are levied, as the support of the government, the prosecution of war, the national defense, any limitation is unsafe. The entire resources of the people should in some instances be at the disposal of the government. The power to tax is therefore the strongest, the most pervading of all the powers of the government, reaching directly or indirectly to all classes of the people.
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> It was said by Chief-Justice Marshall, in the case of McCulloch *vs.* The State of Maryland, that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent. imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals as in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.
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> To lay with one hand the power of the government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms. * * * We have established, we think beyond cavil, that there can be no lawful tax which is not laid for a public purpose.
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> It is undoubtedly the duty of the Legislature which imposes or authorizes municipalities to impose a tax to see that it is not to be used for purposes of private interest instead of a public use, and the courts can only be justified in interposing when a violation of this principle is clear and the reason for its interference cogent. And in deciding whether in the given case the object for which the taxes are assessed falls upon the one side or the other of this line, they must be governed mainly by the course and usage of the government, the objects for which taxes have been customarily and by long course of legislation levied, what objects or purposes have been considered necessary to the support and for the proper use of the government, whether state or municipal. Whatever lawfully pertains to this and is sanctioned by time and the acquiescence of the people may well be held to belong to the public use and proper for the maintenance of good government, though this may not be the only criterion of rightful taxation.
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> But in the case before us, in which the towns are authorized to contribute aid by way of taxation to any class of manufacturers, there is no difficulty in holding that this is not such a public purpose as we have been considering. If it be said that a benefit results to the local public of a town by establishing manufactures, the same may be said of any other business or pursuit which employs capital or labor. The merchant, the mechanic, the inn-keeper, the banker, the builder, the steamboat owner are equally promoters of the public good, and equally deserving the aid of the citizens by forced contributions. No line can be drawn in favor of the manufacturer which would not open the coffers of the public treasury to the importunities of two-thirds of the business men of the city or town.

This position is supported by other courts of the highest character. In the case of the Inhabitants of Jay (60 Maine, 124) is declared the same doctrine. In the case of Lowell *vs.* City of Boston the supreme court of Massachusetts asserts the same rule. In the case of Jenkins *vs.* Anderson (103 Massachusetts, 74) the same doctrine is fully recognized. The same principles are stated in Curtis *vs.* Whipple by supreme court of Wisconsin (24 Wisconsin, 350) and in the subsequent case of Whitney *vs.* Fond du Lac the same principle is considered and reaffirmed. These cases declare the doctrine to be that taxation can be imposed for public purposes only. Protection means taxation for individual purposes. It means taxation of all the people for favored classes.

If this power exists in the Constitution, then I submit it can not be withheld in any instance. If this power exists, Congress has no discretion whatever in the premises but to obey the Constitution, and what is the logical result? All that is necessary is for some person to start some business that does not pay, and of itself never will pay, then come to Congress, command it to obey the Constitution, get high protective duties imposed equivalent to a high license to stop the world's competition, and compel his neighbors to pay him tribute. If the power to deal out protection exists, it must be dealt out to all who may ask for it in any kind of business. Such a construction of the Constitution destroys the very object of this Government—equality of the citizen before the law. No reasonable being will hardly take this view of the Constitution.

CLASS LEGISLATION.

Protection, in substance and almost in form, is a subsidy granted to home industries. If Congress donated to the woolen industry 65 per cent. of the value of its annual product, and repeated the donation to all other protected industries, and ordered the same paid out of the public Treasury, it is difficult to see how it would be better or worse than to allow them to collect the same amount stealthily from the pockets of the people by the protective system. The only difference is the method of getting the money. The Government gets money from its people by direct taxation and duties on imports; substantially the same thing. The monopolists extract money from the pockets of the people by indirect taxation.

The tax in one case is direct, or its equivalent, and in the other case the tax is indirect. In principle they are one and the same thing, effect the same purpose, and differ only in the method of getting the money. Therefore protection is no more, no less, than the grant of a subsidy to certain classes, providing they shall collect the money from the people instead of the Government. The subsidy is granted by Congress, with a roundabout way of collecting it, instead of taking it directly from the Treasury. The Government might as well pay it as to compel the people to pay it by law. The distinction is small. We have one infant industry one hundred and twenty-four years old—the glass-bottle industry. Congress by law gave it protection of 66 per cent., and this old infant cries for more. It compels the people to pay $6 per gross for bottles that can be imported for $3.60, and it employs Belgian workmen instead of Americans; yet it cries loudly for protection to pay American labor! Pardon me while I cite a few instances of class legislation.

A tariff of 48.42 per cent. is levied upon earthen and glass ware for the pecuniary benefit of a few manufacturers, and results in taxing 50,000,000 consumers over $14,000,000. Is this class legislation?

An import duty of 40.79 per cent. is levied upon certain kinds of iron, steel, and other metal manufactures for the pecuniary benefit of the few engaged in that business, and 50,000,000 consumers are taxed over one hundred and twenty millions. Is this class legislation?

There is an import duty of 18.37 per cent. on wooden wares, including lumber, for the benefit of a few persons engaged in that business, which results in despoiling 50,000,000 consumers of the enormous sum of forty-six millions and a half of money. Is this class legislation?

Let me illustrate the abandoned wickedness of this system in another way: A citizen pays an average of $1.50 for the protection of the State and county; he pays $8 for the nominal protection of the Federal Government, and he pays $11 for the benefit of protected classes. A family of five persons pays for State and county purposes $7.50. For Federal protection, $40; for favored classes, $55. The citizen, the ordinary family, pay more to the protected classe by laws of Congress than they do to the county, State, and Federal Government.

Statistics show that the industries are worth over five billions of money, while all the farms and their improvements are worth ten billions. The industries are worth over half as much as the whole farmland interest of this country, and still they demand high special privileges over everybody else.

I appeal to the farmers to unite for their own interest, for it is time they spoke upon this subject. Stronger laws will be enacted in the near future to satisfy the greed of the protected classess, that will yoke them down like the Hebrew children, and their appeals thereafter for fairness and justice will be scoffed at as mercilessly as the decrees of Pharaoh scourged these children of Israel. In 1883 the iron industry sold nearly twenty-three millions of iron and steel goods to English purchasers. The woolen industry sold nearly twenty-seven millions of wool and woolen goods in England, and the leather manufacturers sold nearly seven millions of their goods. These sales were made in the home of free trade, the home of so-called pauper labor. When our industries sell nearly sixty millions of manufactured goods in the home of free trade I have no faith in their cry for labor, and I am convinced they can manufacture these goods as cheaply in this country as they are manufactured in England.

England and other countries have prospered more by the system of barter and exchange of the products of land and labor than by the payment of metallic money. This system so largely prevailing in their vast commercial relations enables them to keep their metallic currency at home as solid bankable capital. There is scarcely any limit to trade by a judicious system of exchange, but trade based upon metallic or other currency can not safely far exceed its volume in any country.

It forces our currency out of the country. Importers carry away our gold; exchanges could keep it at home. The protective system destroys unlimited trade in exchanges of commodities. Our exports of farm and manufactured products call for payment in metallic currency. Commodities will not be taken, because our duties stand against them.

It is clear that our foreign trade would grow to great prominence in the commercial relations of the world which this great country is able to give if the protective system did not stand in the way. This unprogressive system out of the way, the system of exchanges would naturally follow, and this country would receive the gold and products of all countries in exchange for our farm and manufactured products, and every industry would move with ceaseless activity, and labor would chant the chorus of hard times no more.

Attention is called to the high prices during the war and to their continuance thereafter for several years as proof that protection had nothing to do with prices, that they are so much lower now than they were then, while the tariff remained unchanged. The answer to that is plain. There was inflation in prices of goods and real estate and everything else, which was due to the wide difference between the values of metallic and paper currency. After the period of resumption the prices of goods and real estate adjusted themselves to the specie basis, and there has been no material change since, excluding spasmodic fluctuations.

Mr. Chairman, I say with regret that the Republican party in Congress has far exceeded my worst apprehensions in its measureless subserviency to the exactions of the monopolist, and I view with alarm the class legislation it holds up to the world. The favored class its policy has built up has become so powerful for oppression that it boldly defies the people, in Congress and out of it. Sir, it is a conflict between right and wrong. This conflict will not cease until the rights of the people triumph. There is no middle ground between right and wrong. Those who favor revenue reform will stand by the Democratic party; those who favor monopoly must stand against it.

The time has come for this earnest contest. If revenue reform drives old Democrats out of the party, be it so; I can only say "Farewell, old Democrats." They ought not remain in the ranks and stab its vital principles to death under cover of Democracy. I do not want them to leave us—no, not one; we need their power and experience in the great battle for reform. I ask them to sacrifice a fraction of their local interests and join the ranks of the old party in this glorious contest. Principle must no longer be sacrificed for policy. The people want to know where we stand. I will stand or fall for tariff reform. In this fight many good Republicans will join our ranks. The independent vote will be with us. Here is my platform:

An immediate adjustment of the tariff laws, so that noneof the people shall be taxed for the purpose of protecting any class, and that no more revenue shall be raised from imports than is necessary for the support of the Government, economically administered, and the payment of all just obligations. This will satisfy the people all over this land.

I thank the House for its kindness.

EXHIBIT A.—*Statement showing amount of incidental taxes annually imposed on the people of the United States in the increased cost of home products by reason of discriminating duties on imported articles of like character, together with the value of such home products, the amount of wages paid and number of hands employed, and the imports and duties received thereon, for the year* 1882.

Articles affected by the tariff.	Merchandise imported during the fiscal year ended June 30, 1882.			Value of home products, census year, 1880.	Average number of hands employed. Boys under 16 and girls under 15 counted as one-half a hand.	Total amount in wages during the year.	Estimated rate of increase ad valorem.	Incidental taxes, being the increased cost of home products by reason of the tariff.
	Values.	Duty received.	Average ad valorem rate.					
	Dollars.	*Dollars.*	*Per cent.*	*Dollars.*	*Number.*	*Dollars.*	*Per cent.*	*Dollars.*
Chemical products	21,517,169	6,718,561	31.32	117,377,324	28,895	11,840,704	20	23,475,464
Earthenware and glassware	13,822,043	6,693,257	48.42	31,632,309	30,674	13,130,403	45	14,234,539
Metals—iron and steel, and all metal manufactures	74,427,988	30,358,936	40.79	604,553,460	290,000	122,648,191	20	120,910,692
Wood and woodenware	8,654,327	1,589,851	18.37	311,928,884	185,426	47,817,199	15	46,789,332
Sugar and molasses	94,540,269	49,210,573	52.05	(*)			40	4,846,714
Tobacco	8,216,132	6,000,961	73.03	118,665,366	81,809	25,041,257	25	29,666,341
Cotton and cotton goods	34,868,044	13,482,167	38.67	210,950,383	170,363	45,614,419	20	42,190,076
Hemp, jute, and flax goods	33,578,076	9,844,652	29.32	5,518,866	4,329	1,238,149	20	1,103,773
Wool and woolens	47,679,502	29,254,234	61.36	267,182,914	145,341	47,351,628	40	106,873,165
Silk and silk goods	38,535,475	22,632,490	58.73	41,033,045	28,554	9,146,705	50	20,516,522
Books, paper, &c	4,923,620	1,406,787	28.57	65,960,405	25,274	9,895,995	20	13,192,081
Sundries	62,410,690	17,272,269	27.68	665,699,693	337,216	129,881,399	20	133,139,938
Total	433,173,335	194,464,758		2,440,502,649	1,327,881	463,606,049		556,938,637

*Planters' product for 1880 was: Sugar, 196,759,200 pounds; molasses, 16,573,273 gallons. Number and wages of laborers not stated.

EXHIBIT B.—*Statement showing the value of product, amount paid for hired labor, and ratio of latter to value of product, in all industries, as returned at the Tenth Census, with the rate of duty (tariff) on each industry or article of chief value entering into the same; also excess of tariff over cost of labor in all protected industries.*

	Per cent.
Average paid for labor	17.7
Average rate of duty, under act March 3, 1883	40.0
Excess of tariff over cost of labor	22.3

Mechanical and manufacturing industries.	Each industry during the census year (1880).			Rate of duty (tariff).	Excess of tariff over cost of labor.
	Value of product.	Amount paid for labor.	Percentage paid for labor.		
All industries	$5,369,579,191	$947,953,795	17.7	40 per cent.	22.3 per cent.
Agricultural implements	68,640,486	15,359,610	22.4	Wood chief value, 35 p. c	12.6 p. c.
				Iron or steel chief value, 45 p. c	22.6 p. c.
Ammunition	1,904,966	361,778	19.0	Shot, 3c. per lb	43.7 p. c.
				Shell, 45 p. c	26.0 p. c.
				Gun-wads, 35 p. c	26.0 p. c.
				Percussion-caps, 40 p. c	21 p. c.
				Gunpowder—value 20 cents or less per pound, 6c. per lb.; valued over 20 cents per pound, 10c. per lb.	16.6 p. c.
Artificial feathers and flowers	4,879,324	1,081,040	22.0	Crude, 25 p. c	3 p. c.
				Dressed, 50 p. c	28 p. c.
Artificial limbs	137,024	43,833	32.0	35 p. c	3 p. c.
Awnings and tents	1,968,942	334,463	17.0	35 p. c	18 p. c.
Axle grease	365,048	41,407	11.3	10 p. c	— 1.3 p. c.
Babbitt metal and solder	262,950	18,745	7.1	Manufactures of metal, n. o. s., 45 p. c	37.9 p. c.
Bagging, flax, hemp, and jute	3,511,653	827,759	23.6	Valued at 7c. or less per sq. yd., 1½c. per lb.; valued over 7c. per sq. yd., 2c. per lb.	7.9 p. c.

EXHIBIT B.—*Statement showing the value of product, amount paid for hired labor, and ratio of latter to value of product, &c.*—Continued.

Mechanical and manufacturing industries.	Each industry during the census year (1880).			Rate of duty (tariff.)	Excess of tariff over cost of labor.
	Value of product.	Amount paid for labor.	Percentage paid for labor.		
Bags:					
Other than paper	$9,726,600	$776,026	8.0	40 p. c.	32.0 p. c.
Paper	4,112,566	439,620	10.7	15 p. c. as manufactures of paper	4.3 p. c.
Baking and yeast powders	4,760,598	466,252	9.8	20 p. c. (n. e.)	10.2 p. c.
Baskets, rattan and willow ware	1,992,851	657,405	33.0	30 p. c.	— 3.0 p. c.
Bellows	26,900	6,875	25.6	Wood and leather, 35 p. c.	9.4 p. c.
				Metal, 45 p. c	19.4 p. c.
Bells	1,065,824	280,169	26.3	45 p. c.	18.7 p. c.
Belting and hose:					
Leather	6,525,737	606,087	9.3	30 p. c.	20.7 p. c.
Linen	23,000	4,500	19.6	40 p. c.	20.4 p. c.
Rubber	1,085,000	131,721	12.1	30 p. c.	17.9 p. c.
Billiard tables and materials	2,289,758	400,779	17.5	35 p. c.	17.5 p. c.
Blacking	1,491,474	168,183	11.3	25 p. c.	13.7 p. c.
Blacksmithing	43,774,271	11,126,001	25.4	Bar-iron, .8, 1, and 1.1c. per lb. Hoop, band, or scroll, 1, 1.2, and 1.4c. per lb. Axles, axle bars or blanks, 2½c. per lb. Hammers and sledges, 2½c. per lb. Bolts, blanks, bolts, rivets, 2½c. per lb. Chains, 1¾, 2, and 2½c. per lb. Hob horseshoe nails, 4c. per lb. Ox, mule, and horse shoes and spikes, 2c. per lb. Steel bars, coils, and sheets, valued at not over 4c. per lb., 45 p. c.; valued above 4 and not above 7c. per lb., 2c. per lb.; valued above 7 and not above 10c. per lb., 2½c. per lb.; valued above 10c. per. lb., 3½c. per lb. Files, rasps, and floats, 35c., 75c., $1.50, and $2 per doz., according to size. Wire rods, 6c. per lb. Borax, 3c. per lb. The average ad valorem rate of all iron and steel, and manufactures of, is about 40 p. c.	Average, 15 p. c.
Blueing	344,824	50,245	14.6	20 p. c.	5.4 p. c.
Bone, ivory, and lamp-black	661,376	80,249	12.1	25 p. c.	12.9 p. c.
Bookbinding and blank-book making	11,976,764	3,927,349	32.8	Leather, 30 p. c.	Average, —3.64 p. c.
				Paper, 15 p. c.	
				Gold-leaf, 30.8 p. c.	
				Ink, 30 p. c.	
				Twine, 35 p. c.	
Boot and shoe:					
Cut stock	7,531,635	735,482	9.8	30 p. c.	20.2 p. c.
Findings	2,144,945	451,075	21.0	30 p. c.	9.0 p. c.
Uppers	790,842	170,425	21.5	20 p. c	—1.5 p. c.
Including custom work and repairing	196,920,481	50,995,144	25.9	30 p. c.	4.1 p.c.
Rubber	9,705,724	1,469,038	15.1	25 p. c.	9.9 p. c.
Boxes:					
Cigar	2,903,465	748,657	25.8	30 p. c.	4.2 p. c.
Fancy and paper	7,665,553	2,373,948	31.0	35 p. c.	4.0 p. c.
Wooden, packing	12,687,068	2,769,135	21.8	30 p. c.	8.2 p. c.
Brass and copper, rolled	14,329,731	2,524,169	17.6	45 p. c.	27.4 p. c.
Brass castings	10,808,742	2,729,794	25.3	45 p. c.	19.7 p. c.
Brass-ware	1,523,098	411,329	27.0	45 p. c.	18.0 p. c.
Bread and other bakery products	65,824,896	9,411,328	14.3	20 p. c.	5.7 p. c.
Brick and tile	32,833,587	13,443,532	40.9	20 p. c.	—20.9 p. c.
Bridges	8,978,122	1,882,179	21.0	Wood, 35 p. c.	14:0 p. c.
				Metal, 45 p. c.	24.0 p. c.
Bronze castings	670,912	64,072	9.5	45 p. c.	35.5 p. c.
Brooms and brushes	10,560,855	2,424,040	23.0	Brooms, 25 p. c.	2 p. c.
				Brushes, 30 p. c.	7 p. c.
Buttons	4,449,542	1,645,130	37.0	Metal, 45 p. c.	9 p. c.
				Silk, 50 p. c.	13 p. c.
				All other, 25 p. c.	— 12 p. c.
Calcium lights	51,443	10,912	21.2	Metals, 45 p. c.	23.8 p. c.
Cardboard	959,145	116,410	12.1	15 p. c.	2.9 p. c.
Card-cutting and designing	51,670	18,215	35.3	Metals, 45 p. c.	9.7 p. c.
				Paper, 15 p. c.	— 20.3 p. c.
Carpentering	94,152,139	24,582,077	26.1	Metals, 40 p. c.	13.9 p. c.
				Manufactures of wood, 35 p. c	8.9 p. c.
Carpets:					
Rag	861,710	190,792	22.1	40 p. c	17.9 p. c.
Other than rag (woolen)	31,792,802	6,835,218	21.5	49.78 p. c.	28.28 p. c.
Wood	102,170	23,750	23.2	30 p. c	6.8 p. c.
Carriage and wagon materials	10,114,352	2,733,004	27.0	35 p. c	7 p. c.
Carriages and sleds, children's	1,677,776	462,852	27.6	35 p. c	6.4 p. c.
Carriages and wagons	64,951,617	18,988,615	29.2	35 p. c	5.8 p. c.
Cars, railroad, street, and repairs, not including establishments operated by steam-railroad companies	27,997,591	5,507,753	19.7	Metal chief value, 45 p. c.	25.3 p. c.
				Wood chief value, 35 p. c.	15.3 p. c.
Celluloid and celluloid goods	1,261,540	242,798	19.2	Celluloid, 20 p. c.; goods, 35 p. c.	15.8 p. c.
Charcoal	975,540	390,697	40.0	Free	
Cheese and butter factory	25,742,510	1,546,495	6.0	Milk, 10 p. c.	4 p. c.
				Cheese, 4c. per lb. = 25.49 p. c.	19.49 p. c.
				Butter, 4c. per lb. = 18.40 p. c.	12.40 p. c.
Chocolate	1,302,153	82,258	6.3	2c. per lb. = 6.5 p. c.	—.2 p. c.
Cigar-molds	111,820	32,020	28.6	Wood, 35 p. c	6.4 p. c.
				Metal, 45 p. c.	16.4 p. c.
Cleansing and polishing preparations	500,280	91,455	18.3	Chemical, 25 p. c.	6.7 p. c.
				Polishing, 25 p. c.	6.7 p. c.
				Varnish, 40 p. c	21.7 p. c.
Clock cases and materials	50,500	15,000	29.7	35 p. c.	5.3 p. c.
Clocks	4,110,267	1,622,693	39.5	30 p. c.	— 9.5 p. c.
Cloth finishing	222,560	62,790	28.2	35 p. c.	6.8 p. c.
Clothing, horse	695,000	137,400	19.8	Cotton, 35 p. c.	15.2 p. c.
				Woolen, 50 p. c.	30.2 p. c.
Clothing:					
Men's	209,548,460	45,940,353	21.9	Cotton, 35 p. c.	13.1 p. c.
				Woolen, 60 p. c.	38.1 p. c.
				Linen, 40 p. c.	18.1 p. c.
				Silk, 50 p. c.	28.1 p. c.
Women's	32,004,794	6,661,005	20.8	Cotton, 35 p. c.	14.2 p. c.
				Woolen, 60 p. c.	39.2 p. c.
				Silk, 50 p. c.	29.2 p. c.
				Linen, 40 p. c.	19.2 p. c.

EXHIBIT B.—*Statement showing the value of product, amount paid for hired labor, and ratio of latter to value of product, &c.*—Continued.

Mechanical and manufacturing industries.	Each industry during the census year (1880).			Rate of duty (tariff).	Excess of tariff over cost of labor.
	Value of product.	Amount paid for labor.	Percentage paid for labor.		
Coal-tar	$466,800	$65,500	14.0	20 p. c.	6.0 p. c.
Coffee and spices, roasted and ground	22,924,894	1,370,699	6.0	Spices, ground, 5c. per lb. = 38 p. c.	24.0 p. c.
Coffins, burial cases, and undertakers' goods	8,157,760	1,895,805	23.2	Wood, 35 p. c.	11.8 p. c.
				Metal, 45 p. c.	21.8 p. c.
Coke	5,359,489	1,198,654	22.4	20 p. c.	—2.4 p. c.
Collars and cuffs, paper	1,582,571	151,576	9.6	15 p. c.	5.4 p. c.
Combs	951,395	374,785	39.4	30 p. c.	—9.4 p. c.
Confectionery	25,637,033	3,242,852	12.6	5c. per. lb. = 38 p. c.; 10c. per. lb. = 55 p. c. and 50 p. c.	25.4, 42.4, and 37.4 p. c.
Cooperage	33,714,770	8,992,603	26.7	35 p. c.	8.3 p. c.
Coppersmithing	2,087,773	520,302	24.9	45 p. c.	20.1 p. c.
Cordage and twine	12,492,171	1,558,676	12.5	Tarred, 3c. per lb. = 28.8 p. c.	16.3 p. c.
				Untarred, 2½c. per lb. = 21 p. c.	8.5 p. c.
				All other, 3½c. per lb. = 28.8 p. c.	16.3 p. c.
Cordials and sirups	331,233	42,928	13.0	Cordials, $2 per gall. = 127 p. c.	114.0 p. c.
				Sirups, 35 p. c.	22.0 p. c.
Cork-cutting	1,566,555	232,846	14.9	25 p. c.	10.1 p. c.
Corsets	6,494,705	1,745,969	26.9	35 p. c.	8.1 p. c.
Cotton compressing	1,271,700	573,005	45.1	35 and 45 p. c.	
Cotton goods	210,950,383	45,614,419	21.6	Average, 38.3 p. c.	16.7 p. c.
				Thread, 50.2 p. c.	28.6 p. c.
Cotton-ties	262,351	38,069	14.5	35 p. c.	20.5 p. c.
Crucibles	1,445,641	284,169	19.7	25 p. c.	5.3 p. c.
Cutlery and edge tools	11,661,370	4,447,349	38.1	50 and 45 p. c.	11.9 and 6.1 p. c.
Dentistry, mechanical	1,860,647	269,044	14.5	Teeth, 20 p. c.; metals, 45 p. c.	5.5 and 30.5 p. c.
Dentists' materials	860,758	237,729	27.6	Average, 45 p. c.	17.4 p. c.
Drain and sewer pipe	480,261	114,542	23.8	Earthen, 25 p. c.	1.2 p. c.
				Iron, 1c. per lb. = 32 p. c.	8.2 p. c.
Drugs and chemicals	38,173,658	4,157,163	10.9	37.1 p. c.	26.2 p. c.
Dyeing and cleaning	1,613,943	511,886	31.7	35 p. c.	3.3 p. c.
Dyeing and finishing textiles	32,297,420	6,474,364	20.0	Estimated, 35 p. c.	15 p. c.
Dyestuffs and extracts	5,253,038	512,097	9.7	Free. Extracts 10 p. c.	
Electric lights	458,400	117,500	25.6	45 p. c.	19.4 p. c.
Electrical apparatus and supplies	1,074,388	224,758	20.9	45 p. c.	24.1 p. c.
Electroplating	1,975,700	620,848	31.4	45 p. c.	13.6 p. c.
Emery-wheels	322,022	58,253	18.1	20 p. c.	1.9 p. c.
Enameled goods	321,511	41,926	13.0	45 p. c.	32 p. c.
Enameling	182,758	56,836	31.1	45 p. c.	13.9 p. c.
Engravers' materials	85,764	39,840	46.5	45 p. c.	—1.5 p. c.
Engraving and die-sinking	1,180,165	419,646	35.6	45 p. c.	9.4 p. c.
Engraving:					
Steel	2,998,616	1,951,745	65.1	Steel plates, engraved, 25 p. c.	—40.1 p. c.
				Steel plates, prepared, 45 p. c.	—20.1 p. c.
Wood	734,728	333,590	45.4	Wood, engraved, 25 p. c.	—20.4 p. c.
				Wood, prepared, 35 p. c.	—10.4 p. c.
Envelopes	3,000,617	344,143	11.5	25 p. c.	13.5 p. c.
Explosives and fireworks	1,391,132	216,069	15.5	100 p. c.	84.5 p. c.
Fancy articles	2,817,230	1,036,672	36.8	Average, 38.4 p. c.	1.6 p. c.
Felt goods	3,619,652	439,760	12.1	Carpets, 40 p. c.	27.9 p. c.
				Woolens, 50 p. c.	37.9 p. c.
				Roofing, 20 p. c.	7.9 p. c.
Fertilizers	23,650,795	2,648,422	11.2	Free	—11.2 p. c.
Files	2,486,533	957,412	38.5	35c., 75c., $1.50, and $2.50 per dozen; average, 56.7 p. c.	18.2 p. c.
Fire-arms	5,736,936	2,700,281	47.1	Shotgun barrels, 10 p. c.	—37.1 p. c.
				Breech-loading shotguns and pistols, 35 p. c.	—12.1 p. c.
				Muskets, rifles, and other fire-arms, 25 p. c.	—22.1 p. c.
Fire-extinguishers, chemical	204,693	84,750	71.4	45 p. c.	26.4 p. c.
Flags and banners	119,600	27,375	22.9	Silk, 50 p. c.	27.1 p. c.
				Bunting, 62.8 p. c.	39.9 p. c.
				Cotton, 35 p. c.	12.1 p. c.
Flavoring extracts	1,195,637	129,343	10.8	50 p. c.	39.2 p. c.
Flax, dressed	1,310,231	268,420	20.5	$40 per ton = 7.7 p. c.	—12.8 p. c.
Flouring and grist mill products	505,185,712	17,422,316	3.4	Wheat flour, 20 p. c.	16.4 p. c.
				Rye flour, ½c. per lb. = 10 p. c.	6.4 p. c.
				Corn-meal, 10c. per bush. = 20.71 p. c.	17.3 p. c.
				Oat-meal, ½c. per lb. = 10 p. c.	6.4 p. c.
				Bran and other mill-feed, 20 p. c.	17.3 p. c.
Food preparations	2,493,224	318,253	12.8	20 p. c.	7.2 p. c.
Foundery and machine-shop products	214,378,468	65,982,133	30.8	45 p. c.	14.2 p. c.
				Sand, 10 p. c.	—2.7 p. c.
Foundery supplies	215,650	27,303	12.7	Pig-iron, $6.72 per ton; scrap iron, $6.72 per ton = 37.2 p. c.	24.5 p. c.
				Wood molds, 30 p. c.	17.3 p. c.
				Coal, 75c. per ton = 24.1 p. c.	11.4 p. c.
Fruit-jar trimmings	485,503	104,501	21.5	Rubber, 30 p. c.; metal, 45 p. c.	8.5 and 23.5 p. c.
Fruits and vegetables, canned and preserved	17,599,576	2,679,960	15.2	35 p. c.	19.8 p. c.
Fuel, artificial	102,000	10,000	9.8	20 p. c.	10.2 p. c.
Furnishing goods, men's	11,506,857	2,644,155	23.0	Silk, 50 p. c.	27 p. c.
				Woolen, 60 p. c.	37 p. c.
				Linen, 40 p. c.	17 p. c.
				Cotton, 35 p. c.	12 p. c.
				India rubber manufactures, 30 p. c.	7 p. c.
Furniture	68,037,902	20,383,794	30.0	Manufactured, 35 p. c.	5 p. c.
				Silk reps, 50 p. c.	20 p. c.
				Woolen reps, 55 p. c.	25 p. c.
				Marble slabs, 50 p. c.	20 p. c.
				Hair-cloths, 23 p. c.	—7 p. c.
				Varnish, 40 p. c.	10 p. c.
Furniture, chairs	9,807,823	3,311,286	33.8	See articles for Furniture, above	See Furniture.
Furs, dressed	8,238,712	1,389,284	16.9	20 p. c.	3.1 p. c.
Galvanizing	1,884,695	244,799	13.0	45 p. c.	32.0 p. c.
Gas and lamp fixtures	4,329,656	1,469,287	33.9	45 p. c.	11.1 p. c.
Gas machines and meters	1,334,091	397,108	29.8	45 p. c.	15.2 p. c.
Glass	21,154,571	9,144,100	43.2	Common window, average per cent., 68.5 p. c.	25.1 p. c.
				Polished window, 25.2 p. c.	—18.0 p. c.
				Fluted or rough plate, 36.2 p. c.	—7.0 p. c.
				Plate-glass, 85.8 p. c.	42.6 p. c.
				Silvered glass, 28.8 p. c.	14.4 p. c.

EXHIBIT B.—*Statement showing the value of product, amount paid for hired labor, and ratio of latter to value of product, &c.*—Continued.

Mechanical and manufacturing industries.	Each industry during the census year (1880).			Rate of duty (tariff).	Excess of tariff over cost of labor.
	Value of product.	Amount paid for labor.	Percentage paid for labor.		
Glass, cut, stained, and ornamented	$2,535,209	$706,768	27.9	45 p. c.	17.1 p. c.
Gloves and mittens	7,379,605	1,655,695	22.4	Kid or leather, 50 p. c	27.6 p. c.
Glucose	4,551,212	605,802	13.3	20 p. c.	6.7 p. c.
Glue	4,324,072	600,018	13.9	20 p. c.	6.1 p. c.
Gold and silver:					
Leaf and foil	1,614,040	410,647	25.4	Gold-leaf, $1.50 per pack = 30.8 p. c.	5.4 p. c.
				Silver-leaf, 75c. per pack = 100.8 p. c.	75.4 p. c.
Reduced and refined	9,548,188	178,696	1.9	Free	
Graphite	210,000	35,225	16.8	Crude, free	
				Manufactures of, 20 p. c	3.2 p. c.
Grease and tallow	13,730,013	556,015	4.0	Grease, 10 p. c	6.0 p. c.
				Tallow, 1c. per lb. = 13.5 p. c.	9.5 p. c.
Grindstones	184,555	57,040	30.9	$1.75 per ton = 14.4 p. c.	—16.5 p. c.
Gunpowder	3,348,941	510,550	15.2	Valued 20c. or less per lb., 6c. per lb. = 37.6 p. c. Valued over 20c. per lb., 10c. per lb.	12.4 p. c.
Hair-work	1,467,723	323,315	22.0	Hair-cloth, 30 p. c	8.0 p. c.
				Hair, curled, 30 p. c.	8.0 p. c.
				Hair seating, 23 p. c.	1.0 p. c.
				Bracelets, braids, curls, &c., 35 p. c.	13.0 p. c.
				Human hair, manufactured, 40 p. c	18.0 p. c.
Hammocks	110,352	17,576	15.9	35 p. c.	19.1 p. c.
Hand-knit goods	446,354	137,720	30.9	Woolens, 55 p. c.	24.1 p. c.
				Cottons, 40 p. c.	9.1 p. c.
Hand-stamps	318,618	82,895	26.0	Metal, 45 p. c.	19 p. c.
				Rubber, 30 p. c.	4 p. c.
Handles, wooden	1,656,698	436,664	26.4	35 p. c.	8.6 p. c.
Hardware	22,653,693	6,846,913	30.2	45 p. c.	14.8 p. c.
Hardware, saddlery	3,651,021	960,432	26.3	35 p. c.	8.7 p. c.
Hat and cap materials	2,217,250	463,854	20.9	Silk, 50 p. c	29.1 p. c.
				Cloth, 65.8 p. c.	44.9 p. c.
				Leather and cloth, 35 p. c.	14.1 p. c.
				Metals, 45 p. c.	24.1 p. c.
Hats and caps, not including wool hats	21,303,107	6,635,522	31.1	Straw, grass, &c., 30 p. c.	—1.1 p. c.
				Silk, 50 p. c.	18.1 p. c.
High explosives	2,453,088	164,864	6.7	(See Gunpowder.)	
Hones and whetstones	224,130	52,961	23.6	Free	—23.6 p. c.
Hooks and eyes	370,078	88,321	23.9	45 p. c.	21.4 p. c.
Hosiery and knit goods	29,167,227	6,701,475	23.0	Cotton, 40 p. c.	17 p. c.
				Woolens, 55 p. c.	32 p. c.
House-furnishing goods	1,332,188	216,890	16.3	Earthenware, common, 25 p. c.	8.7 p. c.
				China, 55 p. c.	38.7 p. c.
				China, 60 p. c.	43.7 p. c.
				Cutlery, 45 p. c.	28.7 p. c.
				Glassware, 45 p. c.	28.7 p. c.
				Willowware, 30 p. c.	13.7 p. c.
				Woodenware, 35 p. c.	18.7 p. c.
				Linens, 40 p. c.	23.7 p. c.
				Cottons, 35 p. c.	18.7 p. c.
				Metals, 45 p. c.	28.7 p. c.
Ice, artificial	544,763	140,885	25.9	Chemicals, 25 p. c.; metals, 45 p. c	19.1 p. c.
Ink	1,629,413	230,284	14.1	30 p. c	15.9 p. c.
Instruments, professional and scientific	1,639,094	588,751	35.9	35 p. c	—.9 p. c.
Iron and steel	296,557,685	55,476,785	18.7	Average, 40.9 p. c.	22.2 p. c.
Iron bolts, nuts, washers, and rivets	10,073,330	1,981,300	19.7	2½c. per lb. = 72.2 p. c.	25.3 p. c.
Iron doors and shutters	495,060	103,269	20.9	45 p. c	24.1 p. c.
Iron forgings	6,492,028	1,329,151	20.5	2½c. per lb. = 45 p. c.	24.5 p. c.
Iron nails and spikes, cut and wrought	6,529,240	1,255,171	22.3	Cut, 1½c. per lb. = 31.7 p. c.	9.4 p. c.
				2c. per lb. = 72.2 p. c.	49.9 p. c.
Iron pipe, wrought	13,292,162	1,788,258	13.5	2½c. per lb. = 42 p. c.	28.5 p. c.
Iron railing, wrought	1,300,549	369,903	28.4	45 p. c.	16.6 p. c.
Iron work, architectural and ornamental	2,109,537	474,711	22.5	45 p. c.	22.5 p. c.
Ivory and bone work	1,454,901	414,701	28.5	Billiard and bagatelle balls, dice, &c., 50 p. c	21.5 p. c.
				Other ivory work, 30 p. c.	1.5 p. c.
Japanning	190,080	65,562	34.5	40 p. c.	5.5 p. c.
Jewelry	22,201,621	6,441,688	29.0	25 p. c.	—4.0 p. c.
Jewelry and instrument cases	131,670	51,000	38.7	Wood, 35 p. c.	—3.7 p. c.
				Metal, 45 p. c.	6.3 p. c.
				Silk, 50 p. c	11.3 p. c.
Jute and jute goods	696,982	141,979	20.4	Jute butts, $5 per ton = 15.6 p. c	—4.8 p. c.
				Jute yarns, 35 p. c.	14.6 p. c.
				Burlaps, oil-cloth foundation, and manufactures of, not otherwise specified, 40 p. c	19.6 p. c.
Kaolin and ground earths	1,455,757	310,909	21.4	$3 per ton = 32.7 p. c.	11.3 p. c.
				Ochers, ¼c. per lb. = 39.5 p. c.	18.1 p. c.
Kindling wood	2,480,953	526,861	21.2	35 p. c.	13.8 p. c.
Labels and tags	865,825	149,268	17.2	Paper, 15 p. c.	—2.2 p. c.
				Metal, 45 p. c.	27.8 p. c.
				Cotton or rubber, 35 p. c.	17.8 p. c.
Lamps and reflectors	3,357,829	742,423	22.1	45 p. c.	22.9 p. c.
Lapidary work	544,089	142,075	26.1	25 p. c.	—1.1 p. c.
Lard, refined	23,195,702	546,258	2.4	2c. per lb. = 13.9 p. c.	11.5 p. c.
Lasts	765,296	308,975	40.4	30 p. c.	—10.4 p. c.
Lead, bar, pipe, sheet, and shot	5,600,671	316,363	5.6	Bar 2c. per lb. = 63.5 p. c.	57.9 p. c.
				Pipe, sheet, and shot, 3c. per lb. = 62.7 p. c.	57.1 p. c.
Leather:					
Board	689,300	121,015	17.6	30 p. c.	12.4 p. c.
Curried	71,351,297	4,845,413	6.8	20 p. c.	13.2 p. c.
Dressed skins	15,399,311	2,441,372	15.9	20 p. c.	4.1 p. c.
Goods	2,020,343	459,318	22.7	30 p. c.	7.3 p. c.
Morocco (see Dressed skins)				10 p. c.	
Patent and enameled	166,000	12,800	7.7	30 p. c.	22.3 p. c.
Tanned	113,348,336	9,204,243	8.1	20 p. c.	11.9 p. c.
Lightning-rods	801,192	73,718	9.2	45 p. c.	35.8 p. c.
Lime and cement	5,772,318	1,579,313	27.4	Lime, 10 p. c.	—17.4 p. c.
				Cement, 20 p. c.	—7.4 p. c.
Linen goods	602,451	124,046	20.6	40 p. c.	19.4 p. c.
Liquors:					
Distilled	41,063,663	2,663,967	6.5	$2 gall. = Cordials, 127 p. c.	120.5 p. c.
				Brandy, 83.3 p. c.	66.8 p. c.
				Spirits from grain, 302.4 p. c.	795.9 p. c.
				Spirits from other materials, 322.9 p. c.	231.4 p. c.

EXHIBIT B.—*Statement showing the value of product, amount paid for hired labor, and ratio of latter to value of product, &c.*—Continued.

Mechanical and manufacturing industries.	Each industry during the census year (1880).			Rate of duty (tariff).	Excess of tariff over cost of labor.
	Value of product.	Amount paid for labor.	Percentage paid for labor.		
Malt	$101,058,385	$12,198,053	12.1	Bulk, 20c. per gall. = 56.8 p. c.	44.7 p. c.
				In bottles, 35c. per gall. = 39.3 p. c.	27.2 p. c.
Vinous	2,169,193	216,559	10.0	Champagne, $1.75, $3.50, and $7 per doz. = 56.2 p. c.	46.2 p. c.
				Still wines, in bulk, 50c. per gall. = 78.8 p. c.	68.8 p. c.
				Same, in bottles, $1.60 per doz. = 28.7 p. c.	18.7 p. c.
Lithographing	6,912,338	2,307,302	33.4	Stone, 20 p. c.	— 13.4 p. c.
				Metal, 45 p. c.	11.6 p. c.
Lock and gun smithing	1,317,810	368,967	28.0	45 p. c. (see Fire-arms)	17.0 p. c.
Looking-glass and picture frames	2,596,219	2,471,105	25.8	35 p. c.	9.2 p. c.
Lumber:					
Planed	36,803,356	5,890,724	16.0	In addition to duty on lumber if planed on one side, 50c. per M ft.	Average, about 16 p. c.
				Planed on two sides, $1 per M ft.	
				Planed on one side and tongued and grooved, $1 per M ft.	
				Planed on both sides and tongued and grooved, $1.50 per M. ft.	
Sawed	233,268,729	31,845,974	13.7	Hemlock, whitewood, sycamore, and basswood, $1 per M ft. = 11.4 p. c.	— 2.3 p. c.
				All other, $2 per M ft. = 14.6 p. c.	0.9 p. c.
Malt	18,273,102	1,004,548	5.5	20c. per bush. = 24.1 p. c.	18.6 p. c.
Mantels, slate, marble, and marbleized	1,030,660	318,009	30.4	Slate, 30 p. c.	— 0.4 p. c.
				Marble, 50 p. c.	19.6 p. c.
Marble and stone work	31,415,150	10,238,885	32.6	Marble, 65c. per cubic ft. = 90.7 p. c.	58.1 p. c.
				Marble, manufactures of, 50 p. c.	17.4 p. c.
				Stone, dressed, $1 per ton = 22.1 p. c.	— 10.5 p. c.
				Stone, manufactures of, 20 p. c.	— 12.6 p. c.
Masonry, brick and stone	20,586,553	6,880,866	33.4	Brick, 20 p. c. (see Stone, above; also, Lime and cement).	— 13.4 p. c.
Matches	4,668,446	535,911	11.5	35 p. c.	23.5 p. c.
Mats and matting	439,370	125,129	28.5	20 p. c.	— 8.5 p. c.
Mattresses and spring beds	5,288,234	868,325	16.4	Mattresses, 30 p. c.	13.6 p. c.
				Steel wire, average, 38 p. c.	21.6 p. c.
Millinery and lace goods	9,577,840	1,661,044	17.3	Laces, 40 p. c.	22.7 p. c.
				Silks, 50 p. c.	32.7 p. c.
				Feathers and flowers, 50 p. c.	32.7 p. c.
				Straw goods, 30 p. c.	12.7 p. c.
Millstones	355,519	96,534	27.2	20 p. c.	— 7.2 p. c.
Mineral and soda waters	4,741,709	1,065,633	22.5	30 p. c.	7.3 p. c.
Mirrors	304,000	42,900	14.1	30 p. c.	15.9 p. c.
Mixed textiles	66,221,703	13,316,753	20.1	Dutiable according to material, from 35 to 60 p. c.	14.9 to 39.9 p. c.
Models and patterns	908,830	389,837	42.9	Wood 35 p. c	— 7.2 p. c.
				Metals, 45 p. c.	2.1 p. c.
Mucilage and paste	16,700	3,090	18.5	20 p. c.	1.5 p. c.
Musical instruments and materials	853,746	293,062	34.3	25 p. c., 45 p. c.	— 9.3, + 10.7 p. c.
Musical instruments, organs and materials	6,136,472	2,142,539	34.9	25 p. c., 45 p. c.	— 9.9, + 10.1 p. c.
Musical instruments, pianos and materials	12,264,521	4,663,193	38.0	25 p. c., 45 p. c.	— 13.0, + 7.0 p. c.
Needles and pins	1,378,023	392,214	28.5	Needles, 25 p. c.	— 3.5 p. c.
				Pins, 30 p. c.	1.5 p. c.
Nets and seines	291,765	54,112	18.5	25 p. c.	6.5 p. c.
Oil:					
Castor	653,900	44,714	6.8	80c. per gall. = 62.1 p. c.	55.3 p. c.
Cotton-seed, and cake	7,690,921	880,836	11.5	25c. per gall. = 20 p. c.	8.5 p. c.
Essential	248,858	24,030	9.7	25 p. c.	15.3 p. c.
Illuminating, not including petroleum refining	510,000	20,950	4.1	25 p. c.	20.9 p. c.
Lard	4,721,066	161,672	3.4	25 p. c.	21.6 p. c.
Linseed	15,393,812	681,677	4.4	25c. per gall. = 60.8 p. c.	56.4 p. c.
Lubricating	2,925,501	208,145	7.1	25 p. c.	17.9 p. c.
Neat's-foot	259,086	16,554	6.4	25 p. c.	18.6 p. c.
Resin	238,471	14,590	6.1	25 p. c.	18.9 p. c.
Oil-cloth:					
Enameled	1,062,000	116,627	11.0	40 p. c.	29.0 p. c.
Floor	4,752,587	733,235	15.4	40 p. c.	24.6 p. c.
Oleomargarine	6,892,939	212,952	3.1	As butter 4c. per lb. = 18.4 p. c.	15.3 p. c.
Painting and paper-hanging	22,457,560	7,920,866	35.3	Paints, 33 p. c.; hangings, 25 p. c.	— 2.3, + 10.3 p. c.
Paints	23,390,767	2,132,255	9.1	33 p. c.	23.9 p. c.
Paper	55,109,914	8,525,355	15.5	Printing, unsized, 15 p. c.	— 0.5 p. c.
				Printing, sized, 20 p. c.	4.5 p. c.
				Common, 15 p. c.	— 0.5 p. c.
				Writing, 25 p. c.	9.5 p. c.
Paper-hangings	6,267,303	874,921	14.0	25 p. c.	11.0 p. c.
Paper patterns	512,550	40,538	7.9	15 p. c.	7.1 p. c.
Patent medicines and compounds	14,682,494	1,651,596	11.2	50 p. c.	38.8 p. c.
Paving materials	1,024,243	244,339	23.9	20 p. c.	— 3.9 p. c.
Pencils, lead	279,427	102,233	36.6	50c. gross and 30 p. c. = 54.5 p. c.	17.9 p. c.
Pens:					
Gold	533,061	172,207	32.3	45 p. c.	10.7 p. c.
Steel	164,000	88,500	54.0	12c. per gross = 39.6 p. c.	— 14.4 p. c.
Perfumery and cosmetics	2,203,004	238,259	10.8	Cologne, $2 per gall. and 50 p. c. = 59.2 p. c.	48.4 p. c.
				Other perfumery, 50 p. c.	39.2 p. c.
Photographic apparatus	104,305	41,314	39.6	45 p. c.	5.4 p. c.
Photographing	5,935,311	1,751,118	29.5	Photographs, 25 p. c.	— 4.5 p. c.
				Silk cases, 50 p. c.	20.5 p. c.
				Metal cases, 45 p. c.	15.5 p. c.
Photographing materials	142,000	25,310	17.8	Chemicals, 35 p. c.	17.2 p. c.
Pickles, preserves, and sauces	2,407,342	259,454	10.8	35 p. c.	24.2 p. c.
Pipes, tobacco	628,688	226,306	36.0	70 p. c.	34.0 p. c.
Plated and britannia ware	8,596,181	2,453,361	28.5	35 p. c.	6.5 p. c.
Plumbing and gas-fitting	18,133,250	4,770,389	26.3	Metal, 45 p. c.; earthenware, 25 p. c.	18.7 p. c.
Pocket-books	1,769,036	484,947	27.4	35 p. c.	7.6 p. c.
Postal cards	190,000	10,000	5.3	15 p. c.	9.7 p. c.
Printing and publishing	90,780,341	30,531,657	33.6	25 p. c.	— 8.6 p. c.
Printing materials	421,316	98,878	23.5	Paper, unsized, 15 p. c.	— 8.5 p. c.
				Paper, sized, 20 p. c.	— 3.5 p. c.
				Type, 25 p. c.	1.5 p. c.
				Ink, 30 p. c.	6.5 p. c.
Pumps, not including steam-pumps	3,644,631	652,749	17.9	Wood, 35 p. c.	17.1 p. c.
				Metal, 45 p. c.	27.1 p. c.

EXHIBIT B.—*Statement showing the value of product, amount paid for hired labor, and ratio of latter to value of product, &c.*—Continued.

Mechanical and manufacturing industries.	Each industry during the census year (1880).			Rate of duty (tariff).	Excess of tariff over cost of labor.
	Value of product.	Amount paid for labor.	Percentage paid for labor.		
Racking hose	$5,512	$1,200	21.8	30 p. c.	8.2 p. c.
Refrigerators	1,739,731	423,680	24.4	30 p. c.	5.6 p. c.
Regalia and society banners and emblems	815,638	174,097	21.3	25 p. c.	3.7 p. c.
Registers, car-fare	6,600	4,875	73.9	45 p. c.	— 28. 9 p. c.
Rice cleaning and polishing	3,133,324	110,467	3.5	Rice, cleaned, 2½c. per lb. = 95.7 p. c.	92.2 p. c.
				Rice, uncleaned, 1½c. per lb. = 78.8 p. c.	75.3 p. c.
				Paddy, 1½c. per lb. = 102.1 p. c.	98.6 p. c.
Roofing and roofing materials	6,227,284	1,411,133	22.7	Tin plate, 1c. per lb. = 27.2 p. c.	4.5 p. c.
				Sheet-iron, 49.5 p. c.	26.8 p. c.
				Sheet-iron, 48.9 p. c.	26.2 p. c.
				Sheet-iron, 40.2 p. c.	17.5 p. c.
				Roofing, felt, 20 p. c	— 2.7 p. c.
				Pitch, 20 p. c.	— 2.7 p. c.
Rubber and elastic goods	13,751,724	2,295,972	16.7	Wholly of rubber, 25 p. c.	8.3 p. c.
				Boots and shoes, 25 p. c.	8.3 p. c.
				Manufactures of, 30 p. c	13.3 p. c.
Rubber, vulcanized	767,200	154,700	20.2	25 p. c.	4.8 p. c.
Rules, ivory and wood	66,200	19,974	30.2	30 p. c.	0.0 p. c.
Saddlery and harness	38,081,643	7,997,752	21.0	35 p. c.	14.0 p. c.
Safes, doors, and vaults, fire-proof	3,352,396	1,096,504	32.7	45 p. c.	12.3 p. c.
Salt	4,829,566	1,260,023	26.1	8c. per 100 lbs. = 73.3 p. c.	47.2 p. c.
Salt, ground	361,656	44,997	12.4	12c. per 100 lbs. = 36.6 p. c.	10.5 p. c.
Sand and emery paper and cloth	262,374	30,970	11.8	20 p. c.	8.2 p. c.
Sash, doors, and blinds	36,621,325	8,540,930	23.3	35 p. c.	11.7 p. c.
Saws	3,943,105	1,226,370	31.1	40 p. c.	8.9 p. c.
Scales and balances	3,252,460	783,019	24.1	45 p. c.	20.9 p. c.
Screws	2,184,532	456,542	20.9	6, 8, 10, and 12c. per lb., according to size; average, 53.9 p. c.	33.0 p. c.
Sewing-machine cases	2,064,837	683,338	33.1	35 p. c.	1.9 p. c.
Sewing-machines and attachments	13,863,188	4,636,099	33.4	45 p. c.	11.6 p. c.
Shingles, split	47,952	11,394	23.8	35c. per M = 13 p. c.	—10.8 p. c.
Ship-building	36,800,327	12,713,813	34.5	50 p. c.	15.5 p. c.
Shirts	20,130,031	5,403,096	26.8	35 p. c.	8.2 p. c.
Shoddy	4,989,615	400,326	8.0	10c. per lb. = 23 p. c.	15.0 p. c.
Show-cases	1,172,172	329,230	28.1	Wood, 35 p. c.; metal, 45 p. c.	6.9 and 16.9 p. c.
Silk and silk goods	41,033,045	9,146,705	22.3	50 p. c.	27.7 p. c.
Silversmithing	263,931	76,640	29.0	45 p. c.	16.0 p. c.
Silverware	2,253,630	675,943	30.0	45 p. c.	15.0 p. c.
Slaughtering and meat-packing, not including retail butchering establishments.	303,562,413	10,508,530	3.5	Pork, 1c. per lb. = 11.2 p. c	7.7 p. c.
				Bacon and hams, 2c. per lb. = 10.2 p. c	6.7 p. c.
				Beef, 1c. per lb. = 12.7 p. c	9.2 p. c.
				Tallow, 1c. per lb. = 13.5 p. c.	10.0 p. c.
				Lard, 2c. per lb. = 13.9 p. c.	10.4 p. c.
Smelting and refining	8,411,100	158,300	1.9	Gold and silver ores, free; copper, 2¼c. per lb. = 24.6 p. c.	22.7 p. c.
				Iron, 75c. per ton = 28.4 p. c.	26.5 p. c.
Soap and candles	26,552,627	2,219,513	8.4	Fancy soap, 15c. per lb. = 28.4 p. c.	20.0 p. c.
				Soft soap, 20 p. c.	11.6 p. c.
				Candles, 20 p. c.	11.6 p. c.
Soda-water apparatus	1,075,569	169,235	15.7	Metal, 45 p. c	29.3 p. c.
				Marble, 50 p. c.	34.3 p. c.
Spectacles and eyeglasses	1,182,142	450,897	38.1	45 p. c.	6.9 p. c.
Sporting goods	1,556,258	411,854	26.5	Manufactures of metal, 45 p. c.	18.5 p. c.
				Manufactures of wood, 35 p. c.	8.5 p. c.
				Manufactures of leather, 30 p. c.	3.5 p. c.
				Manufactures of ivory, 50 p. c.	23.5 p. c.
				Cards, playing, 100 p. c.	74.5 p. c.
Springs, steel, car, and carriage	3,654,862	699,412	19.1	45 p. c.	25.9 p. c.
Stamped ware	3,512,423	868,043	24.7	45 p. c.	20.3 p. c.
Starch	7,477,742	919,197	12.3	Potato or corn, 2c. per lb. = 71.6 p. c	59.3 p. c.
				All other, 2½c. per lb. = 72.2 p. c.	59.9 p. c.
Stationery goods	5,898,322	1,159,893	19.7	Books, papers, &c., 25 p. c.	5.3 p. c.
				Writing-paper, 25 p. c.	5.3 p. c.
				Manufactures of paper, 15 p. c.	— 4.7 p. c.
				Manufactures of glass, 45 p. c.	25.3 p. c.
				Manufactures of metal, 45 p. c	25.3 p. c.
				Manufactures of rubber, 30 p. c.	10.3 p. c.
				Manufacturesof leather, 30 p. c.	10.3 p. c.
				Manufactures of wood, 35 p. c	15.3 p. c.
Steam fittings and heating apparatus	5,127,842	1,305,739	25.5	45 p. c.	19.5 p. c.
Stencils and brands	472,514	139,639	29.6	45 p. c.	15.4 p. c.
Stereotyping and electrotyping	724,689	312,208	43.1	25 p. c.	18.1 p. c.
Stone and earthen ware	7,942,729	3,279,535	41.3	Brown and common, 25 p. c	— 16.3 p. c.
				China, plain, 55 p. c	13.7 p. c.
				China ornamented, 60 p. c	18.7 p. c.
Straw goods	9,345,759	2,556,197	27.4	30 p. c.	2.6 p. c.
Sugar and molasses, beet	282,572	62,271	22.0	(See below.)	
Sugar and molasses, refined	155,484,915	2,875,032	1.8	Sugar not above 75°, by the polariscope, 1.4c. per lb., and .04c. per lb. for every degree additional —average, about 46 p. c.	44.2 p. c.
				Molasses not above, 56°, 4c. per gal. = 15.9 p. c.	14.1 p. c.
				Above 56°, 8c. per gal. = 35.7	33.9 p. c.
Surgical appliances	906,303	265,372	29.3	35 p. c.	5.7 p. c.
Tar and turpentine, not including farm products	5,876,983	1,623,061	27.6	20 p. c.	— 7.6 p. c.
Taxidermy	82,500	22,000	26.7	Free	
Telegraph and telephone apparatus	1,580,648	458,406	29.0	45 p. c.	16.0 p. c.
Terra-cotta ware	554,343	206,650	37.3	25 p. c.	— 12.3 p. c.
Thread, linen	1,200,000	260,000	21.7	40 p. c.	18.3 p. c.
Tinware, copperware, and sheet-iron ware	48,096,038	10,722,974	22.3	45 p. c.	22.7 p. c.
Tin-foil	416,849	100,673	24.2	45 p. c.	20.8 p. c.
Tobacco, chewing, smoking, and snuff	52,793,056	6,419,024	12.2	Leaf, 35c. per lb. = 65. 2 p. c.	53.0 p. c.
				Manufactured, 40c. per lb. = 182.0 p. c	169.8 p. c.
				Snuff, 50c. per lb. = 119.2 p. c.	107.2 p. c.
Tobacco, cigars, and cigarettes	63,979,575	18,464,562	28.9	$2.50 per lb. and 25 p. c. = 89.4 p. c.	60.5 p. c.
Tobacco, stemming	1,879,535	170,871	9.0	30 p. c.	21.0 p. c.
Tools	4,236,568	1,489,531	35.2	45 p. c.	9.8 p. c.
Toys and games	1,562,513	512,786	32.8	35 p. c.	2.2 p. c.
Trunks and valises	7,252,470	1,786,586	24.6	35 p. c.	10.4 p. c.
Type founding	2,330,298	950,693	41.1	25 p. c.	— 16.1 p. c.

EXHIBIT B.—*Statement showing the value of product, amount paid for hired labor, and ratio of latter to value of product, &c.*—Continued.

Mechanical and manufacturing industries.	Each industry during the census year (1880).			Rate of duty (tariff).	Excess of tariff over cost of labor.
	Value of product.	Amount paid for labor.	Percentage paid for labor.		
Umbrellas and canes	$6,917,463	$1,158,682	16.8	Silk or alpaca umbrellas, 50 p. c	33.2 p. c.
				All other umbrellas, 40 p. c	23.2 p. c.
				Canes, 35 p. c	18.2 p. c.
Upholstering	7,158,893	1,353,334	18.9	Average, 35 p. c	16.1 p. c.
Upholstering materials	1,837,705	523,417	28.5	Average, 35 p. c	6.5 p. c.
Varnish	5,721,174	366,716	6.4	40 p. c	33.6 p.c.
Vault lights and ventilators	273,395	66,204	24.2	45 p. c	21.0 p. c.
Veneerings	292,205	35,730	12.2	20 p. c	7.8 p. c.
Vinegar	3,418,038	413,451	12.1	7½ c. per gall. = 37.6 p. c	25.5 p. c.
Washing-machines and clothes-wringers	1,182,714	176,287	14.9	35 p. c	20.1 p. c.
Watch and clock materials	300,195	86,050	28.7	25 p. c	— 3.7 p. c.
Watch and clock repairing	2,712,819	866,996	32.0	25 p. c	— 7.0 p. c.
Watch-cases	4,589,314	976,041	21.3	25 p. c	3.7 p. c.
Watches	3,271,244	1,712,276	52.3	25 p. c	— 27.3 p. c.
Whalebone and rattan	526,777	75,003	14.2	Whalebone, 30 p. c	15.8 p. c.
				Rattans, 10 p. c	— 4.2 p. c.
Wheelbarrows	227,392	72,489	31.9	Wood, 35 p. c	3.1 p. c.
				Metal, 45 p. c	13.1 p. c.
Wheelwrighting	18,892,858	5,074,799	26.9	35 p. c	8.1 p. c.
Whips	1,698,633	415,007	24.4	35 p. c	10.6 p. c.
Windmills	1,010,542	244,197	24.2	35 p. c	10.8 p. c.
Window blinds and sash	2,826,518	479,133	17.0	35 p. c	18.0 p. c.
Wire	10,836,605	1,982,731	18.3	Wire, 1½, 2, 2½, and 3c. per lb.; galvanized, 2, 2½, 3, and 3½ cts. per lb. = 27.1 p. c.	8.8 p. c.
				Covered with cotton, 5½, 6, 6½, and 7c. per lb. = 12.2 p. c.	— 6.2 p. c.
Wire-work	9,127,818	1,708,165	18.7	Iron-wire rope, 2½, 3, 3½, and 4c. per lb. = 72.2 p. c.	53.5 p. c.
				Steel-wire rope, &c., 3½, 4, 4½, and 5c. per lb. = 44.3 p. c.	25.6 p. c.
Wood preserving	101,110	14,717	14.6	20 p. c	5.4 p. c.
Wood pulp	2,256,946	444,778	19.7	10 p. c	— 9.7 p. c.
Wood, turned and carved	6,770,119	2,148,914	31.7	35 p. c	3.3 p. c.
Woodenware	5,235,474	1,539,571	29.4	35 p. c	5.6 p. c.
Wool hats	8,516,569	1,893,215	22.2	Flannels, blankets, hats of wool, knit goods, balmorals, yarns, and other manufactures of, 10c. per lb. and 35 p. c., 12c. per lb. and 35 p. c. = 62.8 p. c.; 18c. per lb. and 35 p. c. = 68.4 p. c.; 24c. per lb. and 35 p. c. = 67.9 p. c.; 35c. per lb. and 35 p. c. = 62.1 p. c.; average, 65 p. c.	48.5 p. c.
Woolen goods	160,606,721	25,836,392	16.1	Women's and children's dress goods— 5c. per yd. and 35 p. c. = 63.5 p. c.; 7c. per yd. and 40 p. c., 9c. per yd. and 40 p. c. = 64.9 p. c.; 35c. per yd. and 40 p. c. = 63.7 p. c.; average, 64 p. c.	49.5 p. c.
				Cloth— 35c. per lb. and 35 p. c., 35c. per lb. and 40 p. c. = 65.8 p. c.	49.3 p. c.
Worsted goods	33,549,942	5,683,027	16.9	Carpets, 45c. per sq. yd. and 35 p. c., 30c. per sq. yd. and 30 p. c., 25c. per sq. yd. and 30 p. c., 20c. per sq. yd. and 30 p. c., 12c. per sq. yd. and 30 p. c., 15c. per sq. yd. and 30 p. c., 8c. per sq. yd. and 30 p. c. = 49.8.	33.3 p. c.
Zinc	2,725,165	666,970	24.5	Block or pigs, 1½ cts. lb. = 39.1 p. c	14.6 p. c.
				Sheets, 2½c. lb. = 58.3 p. c	33.8 p. c.
				Manufactures of, 45 p. c	20.5 p. c.

Mr. ROBERTSON. Mr. Chairman, I do not desire to occupy very much of the time of the committee in the discussion of the question now pending, "whether we will reduce the tariff on import duties and war taxes," and I would be content to rest the case where it is, as it has been ably and exhaustively presented; but representing an agricultural district, whose interest is so much at stake, is, Mr. Chairman, the excuse for me raising my voice and occupying the valuable time of the committee.

I am not so egotistical as to arrogate to myself the flattering unction that when I shall have concluded I will have given the committee or the RECORD any original thoughts upon this very complex and vexed problem, but I will content myself by following the beaten track and not attempt to blaze a new road; following in the wake, as I believe I will, of the most enlightened statesmen and economists of this and other countries.

Tariff is another word devised for the word taxes, doubtless to deceive the people; and taxes mean oppression and tyranny when they exceed the legitimate demands of government. I know they tell us it is no use agitating the question of tariff reform at this session, because you can not pass the Morrison bill or any bill of like import. I will grant that we can not, and why? Because the whole Republican party, aided by a few protectionist Democrats, are opposed to it, and opposed to any measure that looks to the amelioration of the people, to lifting from their shoulders the burdens that have so long held them between the upper and nether mill-stone; but I tell you agitation means victory, and the people will one day see how they have been wronged and oppressed, and they will arise in their power and might and shake off the manacles that have so long bound them. The tyranny of the tariff is worse, far worse, than the tyranny of human slavery. But, recurring to the word "agitation," I say again it means victory. Why? Because all the great battles of the world that have been fought and won have been won by a continuous, unceasing, and aggressive war.

If the Abolitionists had not agitated the question of freedom would we not still have been cursed with human slavery? It was agitation that wrenched from an unwilling king Magna Charta, which forms the basis and is the foundation of American liberty. It is only tyrants, time-servers, and cowards who deprecate agitation.

The people intend to continue agitating this question until the last vestige of oppression is lifted from them and the revenue collected reduced to an extent to meet only the demands of the Government economically administered. The Democratic party, as a party, is committed to tariff reform; by it and on it we must stand or fall. There is no dodging, no dallying. The issue is upon us, and far better for that Democrat who does not read the handwriting on the wall that a mill-stone were hanged about his neck and he pitched in the middle of the sea. There is no way to straddle the ditch; there is no use trying to sit on one side the fence and lean on the other. The people have made the issue, and they intend that their Representatives shall either fish or cut bait or go ashore. The people are instinctively right. They are patient and long-suffering, but when once aroused from their unsuspecting contentment they are fierce in fight.

A government controlled by one man is a despotism; by a few an oligarchy, and by many a republic; and if this be a republic, then the many are going to rule and control it, and not allow longer a few to gloat and fatten off of their hard earnings.

This bill does one thing if no more; it places the Democratic party upon its ancient platform; it is an earnest of what it would do if it could. While it is not all that its friends would desire, it is a step in the right direction. It shows that we would do what we have professed; that we would relieve the country of its burdens if we should come into power. The bill refutes the oft-repeated statement that the Democratic party has no policy and nothing to offer the people.

What need have we for protection? Why protect any industry? If we protect one, why not all? Who asks the protection of the farmer in

his wheat, corn, &c.? No one. Then I say we need no protection for any branch of industry. We are the greatest producing country in the world, have the finest water-power on the face of the earth, and more than 3,000 miles from any competitive market. Is there any reason why the many should pay tribute to the few? Is it fair; is it just? If the manufacturers and their operatives are engaged in a business that is unremunerative, let them seek homes on the broad prairies of the West or seek repose in the salubrious climate of the Pacific slope. Protection means the violation of one of the cardinal principles of our Government: "Equal rights to all; exclusive privileges to none."

The distinguished gentleman from Pennsylvania [Mr. KELLEY], in opening the debate on the protectionist side of the House, said that they wanted high-priced goods and abolition of the internal revenue. We accept the issue, and are willing to go before a tax-ridden people with the issue thus sharply defined, conscious of the right and confident of success.

Why abolish a system that pays annually into the Treasury millions of dollars, and that collected at less expense than any other revenue derived by the Government, unless it be to further burden the poor people of this country by continuing this new tax? The people must have blankets and shoes; they do not need whisky, brandy, beer, and tobacco; they can and ought to do without these luxuries, but the shrieking winds of winter demand clothes and shoes. The Government must be run, the current expenses paid, the soldiers, their widows and orphans must be paid, and the money must be raised either by taxing the luxuries or the necessities of the people. Which, then, gentlemen will you do? The people say reduce the tariff, but retain the internal-revenue system, inquisitorial as it is.

I do not care to discuss this proposition of taxation in all its economic, philosophical, and statistical relations to our form of government; that has already been done by abler and more competent gentlemen upon this floor and at the other end of the Capitol; but I will say by way of explanation of the present or Morrison bill that the average rate of tariff upon dutiable articles imported into this country is about 43 per cent. ad valorem, and this bill proposes a horizontal reduction of 20 per cent., or in other words, the bill proposes a reduction of 20 per cent. of the taxes now collected from the people under the present tariff.

I listened the other day to the gentleman from Pennsylvania [Mr. KELLEY] with the profoundest respect, and when he was relating the poverty of the poor workingman of free-trade England, happy, merry England, I was profoundly impressed. Never in my life had such horrors been pictured with such persuasive eloquence, which was as gentle as the lapse of stream or the travel of star; but then, I thought, is not its counterpart in protected America? Would not Philadelphia, New York, Boston, furnish counterparts to his jaunt to London, Paris, and Berlin? While listening, as I said before, with the profoundest respect, admiration, and sympathy, I was reminded of a preacher who lived in Boston, and who on every Sunday morning preached a sermon upon some calamity and drew a moral from it.

On one Sunday he preached a sermon on the visitations of Divine Providence on those who teach doctrines contrary to His will, the subject having been suggested by the lightning during a thunder-storm on Saturday preceding having struck the Unitarian church, which was on the opposite side of the street from his own church, his church and the Unitarians being very much at outs. He said that the lightning having struck the church and destroyed it, it was an indisputable evidence of the Divine displeasure, because the Unitarians taught unorthodox religion. But by chance the lightning the next Sunday struck his church and knocked it into smithereens, and by the kindness of some of his brethren on the next Sunday he was invited to preach in their church. He accepted, and true to his creed of drawing inferences and reading the Divine will by the casualties of nature, he preached one of his characteristic sermons, and took as his text: "Those whom the Lord loveth he chasteneth."

If the people only knew and could appreciate how they have been robbed, pillaged, and plundered by the Republican party for the last twenty years they would arise as one man and sweep it from existence. Millions have been exacted from them as bounty for their masters, the iron-mongers of Pennsylvania and the manufacturers of New England.

In this connection I will quote a sentence I find in Senator BECK'S late speech:

> Our present system of taxation is the most onerous ever imposed upon any people, and is utterly destructive of the prosperity of our country.
>
> Our present tariff is also most unequal, oppressive, and unjust. It is grievously onerous upon agriculture, commerce, navigation, ship-building, &c., * * * The present tariff, besides the tax of $150,000,000 a year upon imports, the duties on which are paid by the people into the Treasury in gold, exacts another tax of at least $350,000,000 a year in the enhanced prices of rival protected domestic articles. This can be readily proved by comparing the prices current in gold of such domestic articles with the prices of similar articles produced in other countries. Thus, the tariff taxes the people of the United States to the extent of $500,000,000 a year, of which only $150,000,000 goes into the Treasury, and the remaining $350,000,000 goes into the pockets of the protected classes.

I oppose protection upon three distinct grounds:

First. Because it is against public policy.

Second. It is an unjust discrimination against the many in favor of the few.

Third. It is unconstitutional to collect more taxes than are necessary for the legitimate demands of the Government.

I will not elaborate the first two propositions, because their simple statement is sufficient, and I will content myself by quoting one authority to sustain the third.

Justice Miller, of the Supreme Court of the United States, says:

> To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.
>
> Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." "Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes."
>
> Coulter, J., in Northern Liberties *vs.* St. John's Church, says, very forcibly, "I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the government for the purpose of carrying on the government in all its machinery and operations; that they are imposed for a public purpose."

Another has said:

> The Constitution being the supreme law of the land, we must adhere to it, or we are at sea, without rudder or compass. By its observance we have the only true means of obtaining liberty. Neglect, forget, disregard, disobey it, weary of its commands, and you will lose liberty itself. Obey, cherish, respect it, and liberty will flourish and bless us and our posterity.

The majority of the Democrats of this House have made a record of which all the people have a just right to be proud. We have stood up and contended for relief to all of her people; we have stood upon the platform of taxing the luxuries and not the necessaries of life; in other words, our motto has been "cheap clothes and dear whisky." Is not that a noble, generous, and magnanimous motto? Is it not one that will be indorsed by every mother and philanthropist in all this broad land?

Mr. BAGLEY. Mr. Chairman, it would seem a work of supererogation on my part to attempt to enlighten the members of this House on the subject of the tariff, for I know that I am surrounded by gentlemen who have grown gray in the study of the subject, and whom I am willing and glad to acknowledge as my schoolmasters, while I fear I should prove, even with all the wisdom they have at command, but a dull and unprofitable pupil.

I have always, Mr. Chairman, looked upon the question as one the most difficult of solution that the statesmen of this country have grappled with, and I believe it has provoked more antagonisms and wider differences of opinion than any other that has been presented. Its details are so numerous and its adjustments, to be equitable to all our interests, are so fraught with the necessity for close and wise discriminations and distinctions that it requires a master hand to frame its provisions. It has been the habit and policy of the party in power to continue and maintain the excessive import duties which were made necessary by a serious and exhaustive war until they have become almost unendurable, and the people of this great country are crying out in anguish for relief.

It is time that the policy which has made the rich richer and the poor poorer should be abandoned, and that a policy be instituted which looks to the well-being and the protection of the laboring citizens of this Republic. The slogan of the protectionist has been and is that a high tariff gives protection to American labor. It is a catchword and a fallacy that has served well its turn, and the people have been deluded and have put their necks quietly in the yoke, accepting as truth what common sense and the history of the country prior to the great war proves the opposite.

Sir, it is time now, after twenty years of struggle, that the legislators of this country should begin to look to the interest and study the well-being of the weary toiler for bread. Too long has legislation been exclusively in the sole interest of the millionaire, the manufacturer, and the monopolist. The material interests of the wealthy and those who are amply provided for have received attention, while those who have delved in the mines and in the ditches and tilled the soil have been ignored.

As I said before, I am not an adept upon the subject of tariff legislation, but I know upon general principles that the excessive taxation in an emergency like war is not required in times of peace; and I well recollect that the purchasing power of money was much greater prior to the war than now. It may be true that the laborer in some industries did not receive as much then as at the present day; but it is also true, and I think has been demonstrated, that his wages have not increased proportionately with the cost of living. To what is this inequality attributable? Every man who votes in this House, if he will speak the honest convictions of his heart, will say that it is the present high tariff on imports, and he knows, furthermore, if this tariff is reduced to that point which will bring to us the manufactures and products of foreign lands in fair competition with our own, that not only will our manufactures receive an impetus but the laboring citizens of this country will have a fair chance in the struggle for existence. I believe this proposition is as clear as the sun at noonday when no clouds obscure the sky.

To my mind it is so, and when our ports are opened to foreign nations for the introduction of their products, exacting only a reasonable and fair tribute, this truth will be demonstrated. But so long as this

prohibitive system is continued, and the consumer is taken by the throat and the pound of flesh is demanded, so long will the people murmur, and so long will bankruptcy and ruin, closed workshops and factories, with hungry men and women and children ready to obey mob laws, continue to afflict us. Sir, it may seem extravagant language, but the danger is imminent. I say what I believe when I say that the continuance of this system has filled our land with tramps, who are forced to resort to any means for a living.

Such things were not known in the good old days of Democratic rule, when every man received his due, and the son of toil was not robbed of the results of his labor by being crowded to the wall by an excessive tax to overflow the already plethoric purse of his millionaire employer. This state of things is the prolific fertilizer which grows agrarianism, communism, and the like. It is the soil which germinates trades unions and combinations of laborers and workingmen and other associations, who think themselves oppressed by employers, and who honestly believe that they do not receive their fair proportion of the profits of their labor. It is this which provokes the constant antagonism between capital and labor.

The workingman receives his daily or weekly or monthly dole for service, and studies carefully how he shall make it serve to feed his family and obtain necessary comforts. He becomes a financier, and figures with a shrewdness that would do credit to a railroad magnate or a rich speculator in stocks. At the same time he observes another who may be growing rich from the results of his skill, and he gets restless at the thought. He has been taught that all men are created equal, and endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness; but he discovers that the equality ceases when capital and labor are in conjunction; that while he is vouchsafed life, and, in a limited sense, liberty, his pursuit of happiness is vain. While meditating over his imagined or apparent wrongs, capital, always on the alert for greater profits, seeing the industry in which he is engaged prospering, enters into competition, and the industry being overcrowded, overproduction results, the workshop is closed, and he is thrown out of employment, perhaps penniless.

Sir, would this state of things ever exist, could it exist, without an iniquitous prohibitive tariff which gives to the manufacturer an excessive and exorbitant profit, and which excites the cupidity of capital and induces it to enter into competition, causing overproduction and consequent overstocking the markets? Sir, with a tariff properly adjusted, and which would give to our own manufacturers that profit which a healthy business should reap, no danger would ever accrue either to the capitalist or the laborer. The two would be brought closer together, the laborer getting the hire of which he is worthy and capital the increase to which it is entitled. No inducements would then be presented for speculative capital to engage in and interrupt the standard industries of the country, but production would proceed in a rational and business-like manner, and panics and financial disturbances would seldom occur. The present tariff is a bribe to capital to destroy certain industries which are overprotected, and, paradoxical as it may seem, the protector becomes the destroyer. The great misfortune of all is that labor, which is the creator of capital, is the keenest sufferer.

Protection to American labor! If so, why is it that the man who is employed in the so-called protected industries is forced to utilize the labor of his wife and children to obtain enough to support the family? Wages should be so adjusted that the head of the family might be able to earn sufficient to obtain the necessaries of life, leaving the wife to her domestic duties and the children to gain an education.

Most of the gentlemen in this House no doubt are cognizant of these facts, for they are apparent wherever these protected industries are conducted. I do not say that this condition of things is applicable to all these industries, for there are branches in which the women and children can not engage; but nevertheless when it is the case they are forced to other occupations to help maintain the family. Sixty cents, or even a dollar, a day is insufficient to feed three or five human beings, clothe their bodies, shelter them, and furnish the other necessaries incident to existence, and hence the mother and children must contribute their mite for the general welfare.

Will it be said that with a reformed and moderate tariff the wage-earners will receive still less? Not with truth. The bottom has been reached through the cupidity and selfishness of human nature; but with a tariff that will reduce the cost of living the poor worker may be enabled to give a respite to his suffering and overworked wife, and to his children those advantages which are enjoyed by the children of his wealthy neighbor. Sir, this very system is a blow at our educational interests. By its operation thousands of children are kept from school from sheer necessity to gain their living, and they grow up often without even the first rudiments of an education, the absence of which is frequently the prolific source of vice and misery. What we need is a system that will teach these people that they are freemen, not serfs or slaves, and it can not be done by crowding them to the wall and making them mere machines for getting daily bread.

As legislators, we talk bravely about appropriating millions for educational purposes, and wisely about educational systems, but you can do but little until you have placed the people in a position where their physical welfare is not paramount. When you have done this they may be induced to consider the question of mental improvement. Mr. Chairman, I have alluded more particularly in what I have said to protected American labor, and I wish to refer briefly to the laboring citizen who is not protected. In this list—I will not say class, for in this sense we should have no classes in America—are the mechanics, the farmers, and the citizens of small means, who generally receive for their labor a compensation far greater in proportion and amount than those who are so beneficently protected. These wage-earners live in ease and comfort compared with the laborer in the mills.

Notwithstanding the great improvements and increase in labor-saving machinery and devices, the carpenter, the bricklayer, the stonecutter, and other artisans are in demand, and are often enabled to command the situation; they do not receive the protection—so called—vouchsafed by the high tariff. On the contrary, they are prevented from laying by something for days of enforced idleness by the excessive tariff which takes from their earnings to fill the already overflowing coffers of the privileged and protected capitalist. I make no war on capital. Properly managed and wisely and justly administered for the benefit of labor as well as for its possessor it is an engine of progress, and wields a power capable of making a people and a nation great. But if used only for accumulation, regardless of the rights of those who are its creators, yet dependent upon it, it becomes a source of tyranny, and crushes those it should sustain and build up. In this latter condition it becomes arrogant, selfish, sordid, and there is no cause so potent to produce this character and disposition as to grant it special privileges and protection. This it finds in the present system of excessive taxation, and hence its advocacy for its continuance. This may be human nature. Perhaps the chief end of man is to get all he can and keep all he can get, but I hesitate to believe it.

When our cupidity is excited, and prospects of great advantage and large profits are in view, moral nature is sometimes debased and runs riot in the cause of selfishness; but with the removal of temptation better impulses prevail, and we have kindlier feelings for our neighbor.

Mr. Chairman, it is time, as I said before, to consider the interests of the wage-earner, the man and the woman whose only expectation in this world is to get enough to eat and drink and to be clothed withal. By the imposition of a high tariff we have ignored their interests and have made them believe, until now, that it was all for the protection of American labor. The people begin to study out, to cipher the sum, and find that in Europe the cost of living is much cheaper than in this country, and that the laboring citizens are much better off there than here. Of course, I expect this statement to be denied, but it is nevertheless a fact, that the laborers under the low tariff are in comparative ease and comfort, and have less of struggle than of highly-protected America, barring, of course, the difference between a monarchical and a republican form of government.

It makes a vast difference, Mr. Chairman, to the man of moderate means whether he pays $5 more or less for a suit of clothes, or whether the cost of maintaining his family is 50 cents more or less per day. If by a reduced tariff he can live for 50 cents less per day, and will use the proper economy, thereby laying by the $150 per year, it soon swells into a moderate little fortune, which produces the condition of mind that makes him a man among his fellows, and he begins to see that he is susceptible of improvement, and exercises that independence of thought which should characterize a free man. As an illustration of the sentiment that is growing and that must culminate in the overthrow of this robber tariff, I wish to quote from an interview recently had with that sage and statesman, Horatio Seymour. He said, upon being questioned, that he believed the two great topics of the day are our carrying trade and the tariff, and with regard to the tariff that it is to excite great interest in the future. He says:

I think in the main the Democratic party is in favor of revenue tariff and the Republican party is in favor of protective tariff. The question is, can we expect to sell our agricultural products to Great Britain free of charge when we say it is our duty to protect the products of our factories by taxation upon imports from other countries?

The Republican party is evidently bent upon taxing out foreign products and "protecting" by prohibition. The Republican party virtually says to England, "We will not admit your products here except as it suits our convenience." I fear England will retaliate.

Question. Is that the reason you are a low-tariff advocate—fear that England will retaliate?

Answer. By no means the only reason. The cause for possible retaliation is what I deplore as unwise and injurious. Besides that is the effect of high tariff upon our own people, and particularly those in humble circumstances. For instance: I have two intelligent men in my employ. One is an Irishman and the other an Englishman. One day they were talking of the relative cost of existence here and abroad. They said it cost them double the amount for clothing here that it did at home. This puzzled me some time, but I came to understand it at length. The goods came here under a heavy duty. The importer sells the cloth to the jobber and he figures a profit on the duty as well as upon the primary cost of the goods. The jobber again sells the goods and exacts his profit upon the amount he pays, which includes the high protective duty originally levied. The goods pass to the small retail dealer, who in turn charges up a profit on the import duty that accompanies the goods. They reach the laboring man at last at a cost double that of the same goods to the British workman. Paints, oils, iron, and lumber come highly taxed. The result is that the man working at $1.50 a day, and who builds himself a house from his earnings, is compelled to sustain the added cost represented by the high tariff imposed by his own Government upon the material used in the construction of the house. The same rule holds good with reference to other items of expense in living. No; it is not alone that I fear British retaliation, but because I see the oppressive operation of a high-tariff

system upon the people of this country. And the incidental possibility of retaliation by England would add the further evil of a closed avenue for the sale of our own products.

This conversation between the Irishman and the Englishman is a homely though true and just statement of the protection tariff system. It enriches the rich and impoverishes the poor. And the advocates of this system would take the tax from the non-essentials of life, whisky and tobacco, so as to keep up the protection to the manufacturers and the monopolist. This is what the laboring classes do not understand. Those are famous friends of the workingman, and of the workingman's wife and children, who insist upon taking the tax off whisky and tobacco and keeping the tax on coal, clothes, salt, sugar, rice, and other necessaries of life. The fondness of the people who favor high tariffs for the laboring man is one of the most touching things in the whole range of Pecksniffian sentimentalism.

We are told very frequently and with the utmost earnestness that extreme protection taxes the wealthy citizens, who consume luxuries, more than the masses of the people, who are the consumers of the mere necessaries of life. I borrow some statistics and arguments from a New York paper, which does not advise or advocate at this time tariff agitation, but which is in the habit of telling the truth. It asks this question:

WHERE DOES TARIFF TAXATION FALL?

The total value of dutiable merchandise imported into the United States during the year ending December 31, 1883, was $481,960,362. Of this amount the value of what may be classed as luxuries was as follows:

Art work	$1,756,818
Books, engravings, etchings, &c.	2,951,278
Watches and watch materials	2,221,703
Embroideries, laces, insertings, &c.	12,000,000
Fancy articles, feathers, perfumery, &c.	7,894,156
Fruits and nuts	17,407,807
Furs	5,235,133
Jewelry	900,027
Precious stones	8,550,818
Gloves	3,589,653
Musical instruments	1,656,421
Silk dress goods	16,821,441
Silk wearing apparel, laces, ribbons, &c.	18,280,474
Perfumed soap	105,664
Wines	8,220,322
Tobacco, cigars, &c.	11,442,965
Total	119,034,680

This, of course, includes some articles which can scarcely be called luxuries, such as cheap clothing, chewing tobacco, &c. But for the purposes of general classification they can neither be called necessaries of life nor of the industries of the country.

This leaves a total value of dutiable merchandise imported into the United States in 1883 of $362,925,682, the tax upon which falls upon the mass of the people directly or indirectly, and not upon the wealthier class. The value of sugars and molasses imported last year was $94,867,664, or over $15,000 more than the value of art works, embroideries, perfumeries, feathers, fancy furs, diamonds and other precious stones, silk dress goods and other articles of silk manufacture put together.

Now, Mr. Chairman, such exhibits, if read and understood, should stir the people to the profoundest depths, at least that part who compose our laboring population. It is the misfortune of the advocates of a high tariff that they lose sight of the interest of the wage-earner in their desire to advance the prosperity of certain industries, infant industries, if you please, wherein capital alone is to be benefited, and delude themselves with the cry of protection to American labor. That is a popular sentiment and deceives many, but it is nevertheless the wolf's clothing which hides the enemy that strikes at the object which it pretends to aid and protect.

Much has been said, Mr. Chairman, about the prosperity this country has enjoyed under the operation of a high tariff. Did not this country prosper with a low tariff? Can it be said that there ever has been a time in our history that we have not prospered beyond that of any other people, unless it may be at times when overproduction has produced temporary checks, and panics have ensued, causing disturbances in trade which resulted in individual failures and embarrassments, but which in effect simply cleared the financial atmosphere, and when the storm subsided we have gone on with renewed energy in our progressive race. You can not place such a dead weight upon our people as to crush them. You may retard, you may hinder, and this has been the effect of a high tariff, but you can not stop them. There is too much nerve, too much force, too much enterprise for that; but you can stay them in the onward march by too much protection.

It is as fair to attribute to the system we denounce great crops, bright skies, and universal health as to give it the credit of this nation's prosperity. The advocate of a high tariff argues that our national development is referable to his favorite system, and he falls back upon his hackneyed idea to prove it without proof that it protects American labor. In the words of another, whose statements are to the point, I will say that a high tariff limits us to our own markets. The Chinese wall which it erects around our borders, if it keeps our markets for ourselves, it at the same time limits and restricts us to our home markets. This policy of exclusiveness, which is a relic of barbarism, is checking and impeding our national growth as is shown by the fact that our exports of protected manufactured products has decreased from 17.5 per cent. of our whole exports in 1859–'60, under a low tariff, to 12.5 per cent. in 1880 under a high tariff. If a high tariff attracts and stimulates any particular industry for a time, it is an unnatural stimulation and is soon followed by overproduction, closing of mills, and distress among the laboring classes. Owing to the great energies of our people the tendency is constantly toward overproduction, and the time has come when it is necessary that our laws should be so framed as that our commerce may be unfettered. Perhaps no more striking illustration of the evils of a high tariff can be found than in what has resulted from our national policy with respect to ships. Our laws have since 1865 been framed with respect to our ships upon the most strict protective policy. A person not a citizen is unable to buy, own, or use an American ship, and all the materials which enter into the construction of a ship have been the subjects of the very highest tariff. The result has been that our merchant marine has been almost annihilated. In 1865 the total foreign trade carried in American ships was 75 per cent. of the whole; and in 1881 it was reduced to 16.2 per cent.

But the most startling evil of our high tariff is its result in enriching one class or certain classes to the impoverishment of all the others. From the census returns of 1880 it is easily established that the tariff of that year exacted and extorted from our home consumers over $240,000,000 to pay, and which went as a bounty into the pockets of, the manufacturers of iron and steel and cotton and wool in this country.

By what authority, I would ask, has this or any other nation the right to take from the pockets of a portion of the people $240,000,000 a year to pay as a bounty to another portion? And the worst feature of this enormous bounty is that its burdens mainly fall upon the poorer classes who are least able to bear them. Our wealthiest men are taxed about 2 per cent. of their savings to pay this enormous bounty, while the great mass of the laboring people are taxed about 80 per cent., forty times as much. Here are these facts staring us in the face and yet people wondering at the disproportion between the rich and the poorer classes, and wondering why it is that so much pauperism, distress, and hardship exist among the laboring classes.

Again, upon general principles, there is no justification for a high tariff. It is the continual cause of commercial derangement and disorder. It is an interference with and violation of the laws of nature and morality. A high tariff is born of sin and iniquity and has no justification. It does not increase wages; on the contrary it decreases them. Does it prevent the importation of the pauper labor of Europe, so called? No restriction is placed upon the pauper labor of Europe coming here to the utmost extent to crowd the prices of labor down, while by the high tariff the price of nearly all manufactured goods which the laboring man must use is enhanced to the detriment of the laborer and consumer and for the sole benefit of the manufacturer. Take the countries of Europe today and you will find that the highest wages are paid in the countries having the lowest tariff. England pays its operatives highest wages, and so on down until in Italy and Russia, where the tariff is the highest, the laboring classes are poorest paid and in the worst condition.

Our country never was more prosperous than under its low tariff. From 1847 to 1860 was a period of real and general prosperity, with the exception of a short six months' disturbance in 1857, followed by greater prosperity immediately afterward. In 1860 the country never enjoyed more real and general prosperity. And wages have, considering the purchasing power of money, been highest in this country under a low tariff. The laboring classes are the worst sufferers from a high tariff, as I have already shown. The burdens of it fall heaviest upon them, and the idea of a high tariff protecting the laboring classes is absurd. It protects as the wolf protects the lamb.

Another argument recently advanced is that by reducing the tariff we shall increase our revenue and consequently our surplus. This terrible surplus has been a great bugbear to some statesmen, and it must be admitted that it has had a tendency to create a disposition for extravagance, as exhibited by unnecessary and enlarged appropriations for certain purposes. It is not perhaps conducive to economy. We are apt to be more generous with an overflowing Treasury, but it is a vastly different thing when extorted from the hard earnings of the people from what it is when its creation reduces the cost of living and the comfort and happiness of the people is enhanced.

If this is a danger of a reformed and moderate tariff, I say, let the danger come. We are ready to meet it. I think the suffering we may endure will be mitigated by the comforts and satisfaction that will accrue. We can try to be brave under such a calamity. The time is not far distant when all the surplus created by a low tariff will be needed for pensions, for internal improvements, and for the thousand other demands which will be pressing upon a great and rapidly growing country. Individuals who by reducing their cost of living increase their surplus are not likely or apt to become alarmed, and surely the statesmen of America need not fear a surplus if they will exhibit true statesmanship in its disbursement. We need not quail at the prospect of a surplus in the Treasury if by its accumulation the whole people are to be benefited. It is a matter which need not excite our fears.

The alarm of the high protectionist is apparent from the fact that he deals in misrepresentations and epithets, and not in sound and convincing argument. He claims for his favorite system protection to American labor, which is false and delusive, and charges upon the tariff reformer free-trade intentions. He knows that it is protection to American capital that he seeks at the expense of American labor, and he

knows that absolute free trade is an impossibility and has no advocates. He knows that free-trade in its fullest sense would bring upon us internal taxation to its fullest extent, including the income tax, all of which is obnoxious and objectionable and contrary to the American idea of taxation.

The party of tariff reform is not one of free-trade. It is a party in the interest of all the people of America, and particularly of the laboring citizen. It is the party of right and truth and honesty. Crushed to the earth as it has been time after time by fraud and the heavy hand of capital, yet it will rise again and in time assert its dignity and its beneficent power.

Mr. Chairman, I deal not in statistics. I have few figures to prove the correctness of my position. I have only the apparent, palpable truth. It is the cause of humanity for which I plead. I would see the poor man, the laboring citizen, have his rights, for he it is more than any other who rushes to the defense of the country in an emergency. I would have labor receive its just due, and would have no specially privileged classes. I would treat all alike. To do this we must reform and reduce the tariff; we must lift the burden which crushes and oppresses labor, unloosen the bands which bind and hamper our industries, let in the products of other nations, and thereby let out the products of our own. With the whole world for a market, and exchanging products with genuine reciprocity, nothing can stand in the way of our progress, our greatness, our happiness, our glory, and our power.

Mr. WELLER addressed the committee. [See Appendix.]

Mr. PETTIBONE. I desire to say a few words in a statesmanlike manner, if I know the meaning of that word, with regard to the great question now pending before the American people. I believe that behind every honest dollar that ever has been earned in the United States there is one honest dollar's worth of labor; and I believe, further, that that is the best policy not only for the United States but for every country in the world to follow that shall set the most men at work on legitimate and honest and faithful wages so as to give, in the language of Scripture, the laborer his hire. I believe that all America is to be the great center in the future of human industry; that it is to be the center of the energies of all the world, and that our country is to be mistress of both land and sea; that our country is to lead the nations onward into that purer and better future when man shall be brother to man the world over.

Mr. MILLS. Will the gentleman yield to me for a motion that the committee rise? He will have the floor when the House is next in committee.

Mr. PETTIBONE. I yield for that motion.

Mr. MILLS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. TOWNSHEND having resumed the chair as Speaker *pro tempore*, Mr. ADAMS, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5893) to reduce duties on imports and war-tariff taxes, and had come to no resolution thereon.

And then, on motion of Mr. MILLS (at 10 o'clock and 15 minutes p. m.), the House adjourned.

PETITIONS ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUCHANAN: Petition of citizens of Troup County, Georgia, praying for the passage of the Blair educational bill—to the Committee on Education.

By Mr. CRISP: Petition of John A. Cobb, M. Speer, S. H. Hawkins, J. W. Wheatly & Co., and others, citizens of Georgia, asking that aid be granted to the World's Industrial and Cotton Exposition, to be held at New Orleans—to the Committee on Appropriations.

By Mr. ELDREDGE: Petition of William Bell Post, No. 10, Grand Army of the Republic, Department of Michigan, favoring the passage of the increase-of-pension bill—to the Committee on Invalid Pensions.

By Mr. MILLARD: Resolutions of Henry Wilson Post, No. 68, Grand Army of the Republic, and of Eldridge Post, No. 199, Grand Army of the Republic, Department of New York, relating to pensions, &c., for a pension to Enoch Hunt—to the same committee.

Also, petition of F. C. Payson and others, for a pension to Enoch Hunt—to the same committee.

By Mr. PATTON: Petition of citizens of Pennsylvania, asking for pensions for ex-prisoners of war—to the same committee.

By Mr. PUSEY: Joint resolution of the Legislature of Iowa, relating to swamp-land indemnity—to the Committee on the Public Lands.

By Mr. RAYMOND: Memorial of the Chamber of Commerce of Grand Forks, Dak., and citizens of Red River Valley, relative to the improvement of the Red River of the North—to the Committee on Rivers and Harbors.

Also, petition of N. T. Smith, of Dakota, against the passage of the bill to secure a copyright on news—to the Committee on the Judiciary.

Also, memorials of J. H. Carleton Post, No. 17, and of Colonel Ellsworth Post, No. 21, both of Dakota, relative to pensions—severally to the Committee on Invalid Pensions.

By Mr. W. E. ROBINSON: Petition of the trustees of Glenwood Cemetery, Prospect Hill Cemetery, and numerous others, in favor of H. R. 5786, to incorporate the North Capitol and Glenwood Cemetery Railroad Company in the District of Columbia—to the Committee on the District of Columbia.

By Mr. VAN EATON: Petition of more than 100 citizens of Natchez and vicinity, in the sixth district of Mississippi, in favor of national aid to common schools in the States—to the Committee on Education.

By Mr. WAIT: Petition of Mrs. Deborah L. Earl, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition of E. J. Hiatt and 248 others, citizens of Morgan County, Ohio, for the restoration of the wool tariff of 1867—to the Committee on Ways and Means.

By Mr. WELLER: Joint resolution of the Legislature of Iowa relating to swamp-land indemnity—to the Committee on the Public Lands.

Also, petition of W. H. Morrison, D. B. Wirt, and 44 others, against the passage of any amendment to the Constitution to limit the power of the people to maintain a representative popular government; also against the further issue of currency to the banks and in favor of issuing legal-tender paper money instead, and for other purposes—to the Committee on the Judiciary.

By Mr. JOHN WINANS: Petition of John T. Fish and others, of H. S. Winsor and others, of Myron A. Baker and others, and of A. S. Spooner and others, to increase the salaries of United States circuit and district judges—severally to the same committee.

By Mr. WOODWARD: Resolutions of Henry Miles Post, No. 47, Grand Army of the Republic, Department of Wisconsin, in relation to pension laws—to the Committee on Invalid Pensions.

By Mr. YORK: Petitions of citizens of Wilkes County, North Carolina, asking for public schools—to the Committee on Education.

SENATE.

THURSDAY, *April* 24, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

INTERSTATE COMMERCE.

Mr. WILSON. I wish to state that if it shall be convenient to the Senate I propose to-morrow at 2 o'clock to call up the resolution introduced by me on the 17th of this month on the subject of interstate commerce, for the purpose of submitting some observations to the Senate thereon.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* announced his signature to the following enrolled bills, which had heretofore been signed by the Speaker of the House of Representatives:

A bill (H. R. 2319) granting a pension to Laurena C. P. Haskins;

A bill (H. R. 406) granting a pension to Catharine Bullard; and

A bill (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, in relation to certain appropriations required for his Department to supply deficiencies for the current year; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FRYE. I present the petition of the governor of Maine, members of the executive council, the secretary of state, and some leading cotton manufacturers of the State, in favor of an appropriation, or of governmental aid, to the Cotton Exposition to be held in New Orleans, in Louisiana. Maine is about as far as one can reach from Louisiana within the limits of the United States, and I am very glad to see that Maine takes an interest in that exposition. I commend the request to the Committee on Appropriations, and sincerely myself hope that an appropriation, and a suitable one, will be made. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. HALE presented resolutions adopted by the E. S. Parker Post, Grand Army of the Republic, Department of Maine, in favor of the passage of such legislation in regard to pensions as recommended by the pension committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

Mr. HARRISON presented resolutions adopted by Kenesaw Post, No. 47, Grand Army of the Republic, Department of Indiana, favoring such legislation by Congress as will comply with the recommendations of the pension committee of the Grand Army of the Republic in relation to pensions; which were referred to the Committee on Pensions.

Mr. SHERMAN presented resolutions adopted by Cary Johnson Post, No. 404, Grand Army of the Republic, Department of Ohio, and resolutions adopted by P. H. Swigart Post, Grand Army of the Republic, De

partment of Ohio, favoring such legislation as will comply with the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions and the equalization of bounties; which were referred to the Committee on Pensions.

Mr. HILL presented resolutions adopted by Thornburgh Post, No. 2, Grand Army of the Republic, Georgetown, Colo., and resolutions of Veteran Post, No. 42, Grand Army of the Republic, Denver, Colo., favoring the passage of certain pension bills; which were referred to the Committee on Pensions.

He also presented the resolution of the Denver (Colo.) Chamber of Commerce, remonstrating against the passage of certain bills in relation to patents now pending in Congress; which were referred to the Committee on Patents.

Mr. MILLER, of California, presented a resolution of the Chamber of Commerce of San Francisco; which was read, and referred to the Committee on Appropriations, as follows:

THE CHAMBER OF COMMERCE OF SAN FRANCISCO.

Whereas the Chamber of Commerce of San Francisco has already memorialized Congress for an increase of the Navy; and

Whereas the presidents of the representative commercial and manufacturing public bodies of this city have asked especially for the completion of the Monadnock, as more immediately essential to the safety of San Francisco: Therefore,

Resolved, That the Chamber of Commerce does hereby approve and confirm this action, and would respectfully represent to Congress that the isolated and helpless condition of this port in case of war, the ease with which a hostile navy could pass the entrance of the harbor, and the immense risk at stake on such a venture, demands the immediate completion of the Monadnock.

Adopted by unanimous vote April 15, 1884.

HORACE DAVIS, *President.*
Attest: MORRIS MARCUS, *Secretary.*

Mr. MILLER, of California, presented resolutions adopted by the Chamber of Commerce of San Francisco, Cal., favoring the passage of appropriations required for the Presidio at San Francisco; which were referred to the Committee on Appropriations.

Mr. WILLIAMS presented the petition of C. W. Minnin, late private Company I, Fourteenth Kentucky Volunteer Infantry, praying that his name be placed on the pension-roll; which was referred to the Committee on Pensions.

Mr. CONGER. I present the petition of F. W. Brooks and other citizens of Michigan, praying Congress to set aside the United States overflowed and marsh lands of Lake Saint Clair as a preserve for the people. I ask that the communication, if it can not otherwise go into the RECORD, may be read; but if it can, I have no objection to its being printed in the RECORD without being read.

The petition was ordered to be printed in the RECORD, and referred to the Committee on Public Lands, as follows:

Petition asking Congress to set aside the United States overflowed and marsh lands of Lake Saint Clair as a preserve for the people.

To the honorable Senate and House of Representatives of the United States:

Whereas a bill was introduced in the last Congress to enable the United States Land Commissioner to sell the extensive marsh and overflowed or shoal-water lands in the United States waters of Lake Saint Clair, which lands are one of the most notable resorts for shooting and fishing in the nation and most highly esteemed for the same, the purpose of the bill being to enable private parties to become the owners of this large territory and make the same a close private shooting preserve to the exclusion of all right and privilege of the people therein, which bill was not perfected by Congressional act; and

Whereas two bills have been introduced into and are being considered by the present Congress, the purpose of which bills is to give title and ownership of the greater and most valuable part of the territory above described to private and interested individuals upon plea of old-time claims to contiguous islands, which claims profess to have been founded in the days of English rule; and

Whereas title to the islands proper, if established, should not convey ownership of the many miles in extent of adjacent marsh and overflowed or shoal-water lands, which also represent much financial value and present great temptation to private greed for their possession; and

Whereas the bills introduced to give and confirm title to the aforesaid claimants admit a claim to the territory in question to be existing on the part of the United States: Therefore,

We pray you that no title pass or be confirmed which is not unmistakably demanded by indisputable legal right and justice, and that the United States unsurveyed marsh and overflowed lands of Lake Saint Clair and bordering the divisions of the Saint Clair River be set aside permanently as a national preserve in common for the people of the United States, subject to such regulations as may be established by rightful authority. And, further, we earnestly deprecate the policy which is being extensively practiced, of Government's selling the shoal-water and marshy margins of our great lakes and other Government waters—the people's patrimony—to private parties, to be converted by them into close private shooting preserves, to the perpetual exclusion of the people in common therefrom, which restriction and monopoly will, in the future, be deeply felt as a standing public aggravation and outrage of magnitude, and is contrary to both good public policy and justice. Such favorite grounds for game and shooting throughout the nation are fast passing, and largely have already passed to private ownership and control; therefore we express our belief that Congress should allow such proceeding to go no further, but should set aside such territory as a preserve in common for the people, subject to appropriate and efficient provisions and regulations.

Mr. CONGER presented the memorial of A. B. Carrier, of Frankfort, Mich., remonstrating against the passage of the news-copyright bill; which was referred to the Committee on the Library.

Mr. PENDLETON presented resolutions of the P. H. Swigart Post, Grand Army of the Republic, Lucas, Ohio, praying for the passage of certain pension laws recommended by the pension committee of that organization; which were referred to the Committee on Pensions.

Mr. VEST. I present the petition of the Saint Louis American Medical College, and of a number of citizens of Monroe City, Missouri, praying for the passage of Senate bill 1223 prohibiting any discrimination between physicians belonging to the different schools of medicine as to medical appointments under the Government of the United States. I do not know before what committee the bill is pending. It ought to be before the Committee on Civil Service and Retrenchment. I want this petition referred to the same committee before which that bill is pending.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The petition will be referred to the Committee on Civil Service and Retrenchment.

Mr. MITCHELL. I present the petition of James J. Edmunds and fourteen other pensioners of South Bethlehem, Pa., praying that the present system of disbursement of pensions be preserved. I understand that the pension appropriation bill contains a clause on that subject, and I move the reference of the petition to the Committee on Appropriations.

The motion was agreed to.

Mr. MITCHELL presented the memorial of William F. Stewart Post, No. 180, Grand Army of the Republic, Uniontown, Pa.; the memorial of Holt Post, No. 403, Grand Army of the Republic, Fredonia, N. Y.; the memorial of Sedgwick Post No. 37, Grand Army of the Republic, York, Pa.; and the memorial of William J. Wise Camp, No. 8, Sons of Veterans, Division of Pennsylvania, in favor of the passage of certain bills granting land-warrants and pensions to ex-Union soldiers; which were referred to the Committee on Pensions.

Mr. MITCHELL presented the petition of D. J. Taylor Post, No. 113, Grand Army of the Republic, of White Haven, Pa., praying Congress to enact such laws as are necessary and proper to enforce sections 1754 and 1755 of the Revised Statutes of the United States relating to appointments to office; which was referred to the Committee on Civil Service and Retrenchment.

He also presented two petitions of citizens of Pennsylvania, praying for such legislation as will make up the difference in value between the currency in which soldiers of the late war were paid and gold; which were referred to the Committee on Military Affairs.

Mr. RIDDLEBERGER presented the petition of J. N. Carpenter, pay inspector, United States Navy, praying to be reimbursed for losses incurred by the disallowance of certain of his accounts; which was referred to the Committee on Naval Affairs.

Mr. GROOME. I present the petition of 184 citizens of Maryland, resident in Talbot County, praying for an appropriation of $10,000 toward improving the harbor at Eastern Point, in that county, by deepening the channel of the Third Haven River. I will state that the town of Easton, for whose benefit this appropriation is asked, is the largest town on the Eastern Shore of Maryland, and I think the one growing most rapidly in population. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (S. 1898) to provide for the formation and admission into the Union of the State of Tacoma, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. MILLER, of California. The petition of Miguel Capella, a subject of Spain, praying for reimbursement for losses sustained during the late war, was referred to the Committee on Foreign Relations. I am instructed by that committee to report it back with a statement that Rule VII forbids the reception of a petition from a foreigner unless it is transmitted by the President of the United States. The committee are therefore of opinion that they have no jurisdiction of this case, and they report the petition back with a recommendation that the papers be taken from the files and returned to the petitioner by the Senator who presented the petition.

The report was agreed to.

Mr. MILLER, of California, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. 2098) to amend section 4078 of the Revised Statutes; which was read twice by its title.

He also, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy, reported it without amendment, and submitted a report thereon.

Mr. HILL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2062) to provide for the deposit in the Treasury of the receipts of the money-order system and for the payment of its expenses out of appropriations, reported it without amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 1447) to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill, or Kill Von Kull, and to establish the same as post-roads, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 738) to constitute a bureau of commerce and navigation in the Treasury

Department, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1407) to amend the pension laws, and for other purposes, reported it with amendments.

Mr. SHERMAN. If the Senator is willing, I should like to have the amendments read. That is a bill in which great interest is taken, and if there is no objection I should like to have it read as amended.

Mr. JACKSON. Then the amendments will have to be read in connection with the bill.

The PRESIDENT *pro tempore*. The Senator from Ohio asks that the bill just reported by the Senator from Tennessee on the subject of fees of pension attorneys, &c., be read for information as proposed to be amended.

Mr. SHERMAN. That is it; so that it will go into the RECORD.

The PRESIDENT *pro tempore*. The Secretary, if there be no objection, will read the bill as it is proposed to amend it.

The Chief Clerk proceeded to read the bill.

Mr. SHERMAN. I withdraw my request, because I see the amendments are so scattered through the bill that it will probably be difficult to understand it. I can not understand it myself as read. It may be printed in the RECORD as proposed to be amended.

The PRESIDENT *pro tempore*. The further reading will be dispensed with, and the bill as proposed to be amended will be printed in the RECORD, if there be no objection.

The bill as proposed to be amended by the Committee on Pensions is as follows:

Be it enacted, &c., That the act entitled "An act relating to claim agents and attorneys in pension cases," approved June 20, 1878, is hereby repealed.

SEC. 2. That sections 4768, 4769, and 4786 of the Revised Statutes are hereby made applicable also to all cases hereafter filed with the Commissioner of Pensions, and to all cases so filed since June 20, 1878, and which have not been heretofore allowed, except as hereinafter provided.

SEC. 3. That section 4785 of the Revised Statutes is hereby re-enacted and amended so as to read as follows:

"SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding $25; nor shall such agent, attorney, or other person demand or receive such compensation, in whole or in part, until such pension or bounty-land claim shall be allowed."

Provided, That when it shall appear to the Commissioner of Pensions that, in addition to the usual *ex parte* presentation of any such claim and the prosecution thereof in the Pension Bureau, there shall be conducted a special examination by an examiner of the Pension Office of such case, and the agent of record has not for any reason attended the same, and that claimant has heretofore employed another person to act as his attorney or counsel at the taking of depositions at such special examination, it shall be lawful to allow such additional attorney a fee of $5 for each day so employed in such special examination while attending the hearing before the special examiner, together with his expenses incurred in so doing while actually present with the special examiner, to be shown by a sworn statement of items to be made and proven before such special examiner, such account to be made a part of his report, and be paid by the pension agent out of the first payment of such pension as may be allowed.

SEC. 4. That section 4786 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 4786. The agent or attorney of record in the prosecution of the case may cause to be filed with the Commissioner of Pensions, for his approval, duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for pension or bounty-land, and no agreement is filed with and approved by the Commissioner as herein provided, the fee shall be $10, and no more. And such articles of agreement as have been heretofore, or may hereafter be, filed with the Commissioner of Pensions are not authorized, nor will they be recognized, except in claims for original pensions, claims for increase of pension on account of a new disability not before alleged, in claims for restoration where a pensioner's name has been or may hereafter be dropped from the pension-rolls on testimony taken by a special examiner of this office showing that the disability or cause of death on account of which the pension was allowed did not originate in the line of duty, and in cases of dependent relatives whose names have been, or may hereafter be, dropped from the rolls on like testimony, upon the ground of non-dependence, and in such other cases of difficulty and trouble as the Commissioner of Pensions may see fit to recognize them: *Provided*, That no greater fee than $10 shall be demanded, received, or allowed in any claim for pension or bounty-land granted by special act of Congress, nor in any claim for increase of pension on account of the increase of the disability for which the pension had been allowed, nor in any case filed in the office of the Commissioner of Pensions after June 20, 1878, and prior to the date of this act: *And provided further*, That no fee shall be demanded, received, or allowed in any claim for arrears of pension or arrears of increase of pension allowed by any act of Congress passed subsequent to the date of the allowance of the original claims in which such arrears of pension or of increase of pension may be allowed.

"The articles of agreement herein provided for shall be in substance as follows, to wit:

"ARTICLES OF AGREEMENT.

"Whereas I, ——, late a —— in company —, of the —— Regiment of —— Volunteers, war of 1861 (or if the service be different, here state the same), having made application for pension under the laws of the United States:

"Now, this agreement witnesseth, that for and in consideration of services done and to be done in the premises, I hereby agree to allow my attorney, —— ——, of ——, the fee of —— dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney, in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions, and then the same shall be paid to him or them in accordance with the provisions of the act of Congress approved ——, ——.

"(Claimant's signature.)

"(Two witnesses' signatures.)

"STATE OF ——,
"*County of* ——, *ss:*

"Be it known that on this the —— day of ——, A. D. 188–, personally appeared the above-named —— ——, who, after having had read over to —— in the hearing and presence of the two attesting witnesses the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be —— free act and deed.

"(Official signature.)

"And now, to wit, this —— day of ——, A. D. 188–, I (or we) accept the provisions contained in the foregoing articles of agreement, and will to the best of my (or our) ability endeavor faithfully to represent the interest of the claimant in the premises.

"Witness my (or our) hand the day and year first above written.

"(Signature of attorney.)

"STATE OF ——,
"*County of* ——, *ss:*

"Personally came —— ——, whom I know to be the person he represents himself to be, and who, having signed above acceptance of agreement, acknowledged the same to be —— free act and deed.

"(Official signature.)

"And if in the adjudication of any claim for pension in which such articles of agreement have been, or may hereafter be, filed, it shall appear that the claimant had, prior to the execution thereof, paid to the attorney any sum for his services in such claim, and the amount so paid is not stipulated therein, then every such claim shall be adjudicated in the same manner as though no articles of agreement had been filed, deducting from the fee of $10 allowed by law such sum as claimant shall show that he has paid to his said attorney.

"And any payment to any person or persons of fees under this act in excess of $25 in the aggregate shall be illegal within the purview of section 5485 of the Revised Statutes, the object of this act being to protect claimants from the payment of any greater fee than that provided herein for services rendered them by a person or persons in successfully prosecuting their claims for pensions, which shall in no case exceed in the aggregate the sum of $25 in each case, except as provided in this act for services and expenses in cases under special examination."

SEC. 5. The Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. And such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or prospective claimant by word, circular, letter, or by advertisement.

SEC. 6. No firm shall be allowed to practice before the Department of the Interior as agents or attorneys of a claimant until each individual of said firm is known to and by name appointed by the principal, and the name of each partner shall appear in the body of the power of attorney or other instrument constituting such firm as agent or attorney by their firm name and style; and upon the withdrawal or death of any one of such individuals constituting such firm the surviving partner shall notify both the claimant and the Interior Department of that fact, and such agency shall survive to the remaining partner under such name and style as shall then be agreed upon between the surviving parties. Nothing in this act or in any law of the United States shall be construed as creating or permitting an interest in a pension or bounty-land warrant in favor of an agent or attorney, or coupling with any power of attorney granted by claimant in a pension or bounty-land case any interest in the claim or pension or land-warrant granted thereunder. Nor shall any power of substitution, conveyed in a power of attorney in a pension or bounty-land claim be recognized unless accompanied with the written request of the claimant that the particular person or firm sought to be substituted be so recognized.

Mr. JACKSON, from the Committee on Claims, to whom the subject was referred, reported a bill (S. 2099) for the relief of Hiram Johnson and others; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 274) to pay Hiram Johnson, and other persons herein named, the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JACKSON. The Senator from New Hampshire [Mr. PIKE] wishes to submit the views of the minority in this case.

Mr. PIKE. I desire to present the views of the minority in the case reported on by the Senator from Tennessee as Senate bill No. 2099.

The PRESIDENT *pro tempore*. If there be no objection, the views of the minority will be received and ordered to be printed.

Mr. WILLIAMS. I suppose while the Committee on Pensions are making reports it is perfectly in order for me to make an inquiry of that committee in regard to a bill that is in their hands.

Mr. JACKSON. I will state to the Senator from Kentucky that the committee are now actually considering that bill. They have it now under consideration.

Mr. WILLIAMS. The Senator has not heard the announcement of it yet.

Mr. JACKSON. I presume the Senator refers to the Mexican pension bill.

Mr. WILLIAMS. The bill I wish to inquire about is the bill to pension the Mexican war soldiers.

Mr. JACKSON. That is the bill to which I refer and which we are considering.

Mr. WILLIAMS. The bill has passed the other House, and has been a long time in the hands of the Pension Committee of the Senate. I hope they will report it soon. I should dislike very much to move to discharge the committee and take up the bill and put it on its passage, but with the explanation of the Senator from Tennessee I rest satisfied that it will not be long before we shall have an opportunity of considering it.

Mr. FARLEY, from the Committee on Naval Affairs, to whom was referred the bill (S. 578) for the relief of Dennis W. Mullan, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. SHERMAN, from the Committee on the Library, reported a communication from the State Department, addressed to the chairman of that committee, in reference to a proposition made by Mr. B. F. Stevens, dispatch agent of the United States at London, concerning a plan formed by him to supply transcripts of certain unpublished papers appertaining to the history of the United States in the state-paper offices of England and France, to be added to the archives preserved in the State Department, and moved that it be printed and recommitted to the Committee on the Library; which was agreed to.

STATUE OF CHIEF-JUSTICE MARSHALL.

Mr. HOAR. I am directed by the Joint Committee on the Library to report a joint resolution relative to the ceremonies of the unveiling of the statue of Chief-Justice Marshall and to ask for its present consideration.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information.

The joint resolution (S. R. 80) relative to the ceremonies of the unveiling of the statue of Chief-Justice Marshall was read the first time at length, as follows:

Resolved, &c., That the two Houses will attend the ceremony of unveiling the statue of Chief-Justice Marshall on Saturday, the 10th day of May, 1884, at 1 o'clock, p. m.

That the Joint Committee on the Library are authorized to make all necessary arrangements for such ceremonial, and that the sum of $1,500, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated to defray the expense thereof, to be added to the contingent fund of the House of Representatives, and disbursed on the order of said committee.

By unanimous consent, the joint resolution was read the second time, and considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURPLUS DEPOSITS WITH THE STATES.

Mr. MORRILL. On behalf of the Committee on Finance, I move that the resolution referred to the committee on April 16, in relation to the act of Congress making a deposit of moneys in 1836, be printed for the use of the committee.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MILLER, of California, introduced a bill (S. 2100) to amend section 2971 of the Revised Statutes, relating to merchandise in United States public stores or bonded warehouses; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. JONAS introduced a bill (S. 2101) for the relief of Nancy Johnson Lonsdale, Bettie Erwin Brockett, and Laura G. Johnson, heirs at law of E. P. Johnson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORMAN (by request) introduced a bill (S. 2102) for the relief of William E. Woodbridge; which was read twice by its title, and referred to the Committee on Patents.

Mr. CALL introduced a bill (S. 2103) to prevent the sale of adulterated food in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

SMITHSONIAN REGENTS.

Mr. MORRILL introduced a joint resolution (S. R. 81) filling an existing vacancy in the Board of Regents of the Smithsonian Institution; which was read the first time by its title.

Mr. MORRILL. I ask for the present consideration of the joint resolution, as I think there will be no objection to it.

The PRESIDENT *pro tempore*. The joint resolution will be read for information.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives, &c., That the existing vacancy in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress," occasioned by the resignation of Peter Parker, be filled by the appointment of James C. Welling, of the city of Washington.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 264) for the relief of F. G. Schwatka and wife.

The message also announced that the House had passed a joint resolution (H. Res. 135) authorizing the Secretary of War to lease certain lands to the board of fish commissioners of the State of Michigan; in which it requested the concurrence of the Senate.

ABANDONED MILITARY RESERVATIONS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under the eighth rule. The Chair will call the attention of the Senate to the fact that under Rule VIII Orders of Business 249, 250, and 251 appear in the printed Calendar for to-day. It is a misprint. Those three numbers belong to the Calendar under Rule IX. Order of Business 246, being Senate bill 1581, will now be announced under Rule VIII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations.

The PRESIDENT *pro tempore*. The bill was read at a previous sitting.

Mr. COCKRELL. I ask that the committee amendments may be now acted upon.

The PRESIDENT *pro tempore*. The Senator will perceive from the printed order of business that there are no committee amendments reported with the bill.

Mr. COCKRELL. The Committee on Military Affairs reported an amendment on the 29th of February, 1884.

The PRESIDENT *pro tempore*. That would not be before the Senate now until offered. The Senator from Missouri can offer it.

Mr. COCKRELL. I offer it, then, as coming from the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senatof from Missouri offers an amendment from the Committee on Military Affairs. The amendment will be read.

The CHIEF CLERK. At the end of section 2, line 41, it is proposed to insert the following additional proviso:

And provided further, That all patents heretofore issued, and approved State selections, covering any lands within the old Fort Lyon military reservation, in the State of Colorado, declared by executive order of August 8, 1863, are hereby confirmed; and the rights of all entrymen and settlers on said reservation to acquire title under the homestead, pre-emption, or timber-culture laws are hereby recognized and affirmed to the extent they would have attached had public lands been settled upon or entered; and such portions of said reservation as shall not have been entered or settled upon as aforesaid shall be disposed of by the Secretary of the Interior under the provisions of this act, including lands that may be abandoned by settlers or entrymen.

Mr. COCKRELL. I can state briefly the reason why this application is made as to this particular reservation. This reservation was made a number of years ago, and was supposed to have been abandoned, so as not to be a reservation, and was treated as public land open to settlement and cultivation. Patents have been issued for the land and it has been actually disposed of, and is now nearly all in the hands of actual settlers. It has been discovered that there was an original executive order declaring it a military reservation. That order can only be set aside by an act of Congress.

Mr. MANDERSON. This would not come in under the general amendment that I suggested to the Senator?

Mr. COCKRELL. Not at all. It requires a special provision. We not only exempt this abandoned reservation, but we confirm the titles that have been issued by the Land Office. Already patents and certificates of location have been issued, and we simply declare that the reservation shall be treated as if it had been public domain from the time it was opened up by the Department.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COCKRELL. In section 2 the committee report to strike out the proviso in lines 31, 32, and 33, and the word "further," in line 34.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The CHIEF CLERK. In section 2, lines 31, 32, and 33, it is proposed to strike out: "*Provided*, That the said lands shall not be subject to location by warrant or scrip of any description, nor to the homestead, pre-emption, or timber-culture laws of the United States: *And;*" and in line 34, to strike out the word "further," after "provided."

Mr. CALL. I should like to hear from the Senator from Missouri what his purpose is in that amendment. It seems to me that while it might be very well to protect persons who have made *bona fide* locations heretofore, or who have a *bona fide* homestead upon the land, it is not well to continue in this proposed act that permission. These lands are generally valuable.

Mr. COCKRELL. If the Senator will permit me, that is the very reason why the provision is stricken out. These lands are all to be sold and they are not to be subject to any of these provisions. Therefore it was useless to put that provision in. The Commissioner of the General Land Office says that as the whole bill provides for sales those words would only complicate it.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was agreed to.

Mr. BOWEN. I move to add to section 2:

And provided further, That actual settlers now on any part of the Pagosa Springs or old Lewis military reservation, in Conejos County, in the State of Colorado, now entitled by law to take a homestead or pre-emption, shall be entitled to locate thereunder the lands so occupied, not exceeding one hundred and sixty acres in a body, according to the Government surveys and subdivisions.

The committee will probably not antagonize this amendment when I make a statement. On the 22d of May, 1877, the Executive issued

an order, under section 2380 of the Revised Statutes, setting apart one mile square at Pagosa Springs for town purposes, and on the 28th of January, 1879, a military reservation embracing six miles square, but excepting the town site just mentioned. In point of fact, while this stands according to the report of the Secretary of War as a military reservation, it never was so occupied at all. The troops stopped for a short time on the town site, which was created by executive order before the creation of the military reservation, but in a few months were moved over to the western part of the State, and Fort Lewis as it now exists was established there. This was called Fort Lewis at Pagosa Springs, but the troops never have occupied any part of the reservation except the part embraced in the town-site order. It never was really occupied, but technically it is a military reservation yet, and in order to enable settlers to settle on that six miles square it is necessary to have this amendment. I do not think the committee will antagonize it.

Mr. WILSON. I should like to have the amendment reported.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment of Mr. BOWEN.

Mr. WILSON. I suggest to the Senator from Colorado that the limitation respecting the right to enter a homestead should be confined to those who under the law are entitled to enter a homestead on that reservation.

Mr. MANDERSON. I was about to suggest to the Senator from Colorado that I had drawn several amendments to this bill covering the class of cases described by him and referred to by the Senator from Iowa, and I will ask at the proper time that the Senator from Colorado shall consider these general amendments and see whether they will not reach the case at which he aims.

Mr. WILSON. It seems to me that according to the terms of the amendment as proposed any person entitled under the laws of the United States to enter a homestead upon the public lands, though not an occupant of any part of this reservation, might still be entitled to enter upon it. I do not suppose that is the purpose of the Senator from Colorado.

Mr. BOWEN. Certainly not.

Mr. WILSON. But at the same time that construction might be given to the amendment.

Mr. BOWEN. I think the amendment is worded to cover the point, but I will withdraw the amendment for the time being and offer it later if the other amendments to be offered do not cover the case.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. MANDERSON. I offer several amendments to the bill and ask that they be read by the Secretary in the order in which they are numbered.

The PRESIDENT *pro tempore*. The Senator from Nebraska offers sundry amendments.

Mr. MANDERSON. They are numbered consecutively.

The PRESIDENT *pro tempore*. The first offered will be read.

The CHIEF CLERK. In section 2, line 36, after the word "reservation," it is proposed to insert:

Or settled thereon prior to June 1, 1883, in good faith, for the purpose of securing a home and of entering the same under the general laws.

So as to read:

And provided further, That any settler who was in actual occupation of any portion of any such reservation prior to the location of such reservation, or settled thereon prior to June 1, 1883, in good faith, for the purpose of securing a home and of entering the same under the general laws, and has continued in such occupation to the present time, and is by law entitled to take a homestead, shall be entitled to locate under the homestead laws the land so occupied, not exceeding 160 acres in a body, according to the Government surveys and subdivisions.

Mr. MANDERSON. I couple this proposed amendment with others to the same section having a design to meet the case presented by the Senator from Colorado and others of a similar character.

This subject-matter is one of vast importance to the people of the frontier States. The amount of land set apart for military reservations in the United States, as shown by the report of the committee, is nearly three millions of acres—2,920,580 acres. Of these lands there have been already abandoned by the Government and no longer used for military purposes nearly 800,000 acres. There have been abandoned in the State of Nebraska, Fort Hartsuff, with 3,251 acres; Fort McPherson, with 19,000 acres; Fort Sedgwick, with 40,960 acres, and Camp Sheridan, with 18,225 acres; making in that State alone 81,436 acres of abandoned land.

The effort has been made for several years past by special bills to throw the lands of these respective forts upon the markets, either under the general land laws of the United States or by sale, under such regulations and restrictions as might be made by the Interior Department, but these efforts have repeatedly failed; and I am heartily glad to see that the Committee on Military Affairs have reported by general bill a course through which these lands can be placed upon the market. Of the reservations that I have named, Hartsuff was abandoned in 1881, McPherson in 1880, Sedgwick in 1871, and Sheridan in 1881, and during all the years that have elapsed since the abandonment of these lands for military purposes they have remained unoccupied by the military and practically open for civilian settlement. It is also the fact that prior to the location of many of these forts citizens had already under the homestead and pre-emption acts settled upon these reservations. They were not disturbed by the military authorities but were permitted to remain there, and in many instances within the State that I have the honor to represent citizens were invited even after occupation by the military authorities to make settlement on these lands. They took advantage of that protection which was afforded by the nearness of the settlement to the reservation, and settled there under the invitation and that protection. Now there are parties upon all these reservations, not only in Nebraska but perhaps in all the States having public lands open to entry, persons who have settled under this sort of invitation and under, as they supposed, the protection of the general land laws.

I propose to extend the provisions of this bill by these amendments so that any settler prior to June 1, 1883—and I fix that date simply that some date may be fixed in the bill; I am not tenacious that it shall be retained—any settler upon the public lands who has gone there in good faith for the purpose of obtaining a home under the homestead or pre-emption acts, having the right so to do, shall be protected in his settlement; and the different amendments to this section that I propose, four in number, reach that result.

Mr. BOWEN. Mr. President, I have no objection to this amendment if the Senator will change the date from June 1, 1883, to January 1, 1884. Quite a number of these settlements were made during the last summer and fall, and they would be cut off by the date he proposes. I move to amend the amendment by striking out "June 1, 1883," and inserting "January 1, 1884."

Mr. MANDERSON. I see no objection to that change, and shall be very glad to adopt it.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Senator from Colorado moves to amend the amendment by striking out "June 1, 1883," and inserting "January 1, 1884." The Senator from Nebraska accepts the amendment to his amendment. The amendment will be so modified.

Mr. COCKRELL. I hope if this amendment is agreed to that the Senator from Colorado will not press his amendment.

Mr. BOWEN. This amendment covers it.

Mr. COCKRELL. This amendment covers all possible cases of merit and right.

Mr. CALL. I think we should be very cautious in adopting this amendment and in the language in which it is couched. This amendment gives to any settler who was upon these lands prior to January, 1884, the right to take a homestead. The effect of that it is very difficult to see. Some of these reservations lie in the immediate vicinity of towns. There is one in the State of Florida, a reservation known as Fort Brooke, which lies immediately adjacent to the town of Tampa; and the town is here and the people of that country petitioning that these lands may be given by act of Congress to the town for school purposes. They were immediately adjacent to the town and necessary to it in a great many respects. If there had been any settler on these lands who had gone there (which was impossible on a military reservation) in good faith for the purpose of settlement I should have no objection to his right being protected, and so if any one has acquired a right under the law in any other respect; but it seems to me we are creating rights by this amendment. We are giving to those who may happen to have been trespassers on these lands at the time named, in actual possession of it, no matter how, the status of right. If they have it under the law we should not take it away from them. If they have it not we should not give it to them, thus creating in the month of April, 1884, a legal status which did not exist until the passage of this bill with the amendment.

Mr. COCKRELL. I heartily sympathize with the remarks of the distinguished Senator from Florida, but I do not think that they are applicable to this provision of the bill. The amendment offered by the Senator from Nebraska provides for a case where any person has actually settled in good faith for the purpose of making a home and for the further purpose of perfecting his title to that land under the homestead or pre-emption laws.

This bill was not intended to encourage wrong-doing and trespass upon the valuable military reservations and it does not encourage them, and this proviso of the Senator from Nebraska leaves the question of good faith and the manner of the settlement to the Secretary of the Interior. If men have settled there for the purpose of speculation, or if they have jumped a military reservation in violation of the rules and regulations at the time, they could not have made a *bona fide* settlement. This is for the purpose of relieving and protecting a large number of settlers upon various military reservations in the great West where they did not know and had no means of knowing that there was a reservation, though there was one. You take the reservation referred to by the Senator from Colorado. It was supposed to be no reservation. Why? Because the Government had taken a reservation west of it and called it by the same name.

The settlers did not understand but what that act abandoned and opened up this reservation to actual settlement. So it is with various other military reservations in the country. They cover an expanse of five or ten miles square. There is nobody living on them. The lands around them are very much in the same situation. There are no marks and boundaries to designate them, and persons go and settle upon them

believing that they have a right to settle there; but when the reservation boundaries are surveyed they are within the boundaries. Many of the large reservations provided for in this bill have been abandoned, and there has not been a soldier on them for five or six and in some cases ten years. It is simply for the purpose of protecting such settlers, but not for the purpose of protecting those who may go and jump the lands and attempt to speculate on them.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. MANDERSON].

The amendment was agreed to.

Mr. CONGER. Mr. President——

Mr. MANDERSON. Will the Senator from Michigan allow the other amendments to be read to the same section, so as to complete it?

Mr. CONGER. Yes, sir.

The PRESIDING OFFICER. The next amendment of the Senator from Nebraska will be read.

The CHIEF CLERK. In section 2, line 37, after the word "entitled," it is proposed to strike out "take a homestead" and insert "make such entry;" so as to read:

That any settler who was in actual occupation of any portion of any such reservations prior to the location of such reservation or settled thereon prior to January 1, 1884, in good faith for the purpose of securing a home and of entering the same under the general laws, and has continued in such occupation to the present time, and is by law entitled to make such entry, shall be entitled, &c.

Mr. MANDERSON. This is simply to complete this section.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the Senator from Nebraska will be read.

The CHIEF CLERK. In line 38 of section 2, after the word "to," it is proposed to strike out "locate under the homestead laws" and insert in lieu thereof the word "enter;" so as to read:

Shall be entitled to enter the land so occupied, not exceeding one hundred and sixty acres in a body, according to the Government surveys and subdivisions.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska offers another amendment, which will be read.

The CHIEF CLERK. It is proposed to add to section 2:

Provided, That said lands were subject to entry under the public-land laws at the time of their withdrawal.

Mr. MANDERSON. I suggest that that amendment be after the word "subdivisions," in line 41, as there has been an amendment already acted upon, proposed by the Senator from Missouri, to the end of the section.

Mr. COCKRELL. I suppose the amendment ought to come in at the end of line 41.

The PRESIDING OFFICER. The amendment will be placed there. The question is on the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska offers another amendment, which will be read.

The CHIEF CLERK. In section 3, line 4, after the word "lots," it is proposed to insert "not heretofore sold by the United States authorities;" so as to read:

SEC. 3. That the Secretary of the Interior shall cause any improvements, buildings, building materials, and other property which may be situate upon any such lands, subdivisions, or lots, not heretofore sold by the United States authorities, to be appraised in the same manner as hereinbefore provided for the appraisement of such lands, subdivisions, and lots, and shall cause the same, together with the tract or lot upon which they are situate, to be sold, at public sale, to the highest bidder for cash.

Mr. MANDERSON. This amendment, followed by one at the end of section 3, is to reach another class of cases. After the abandonment of many of these reservations for military purposes the War Department ordered the sale of the public buildings situated on the reservations. The buildings were sold without the land. Many of them are of a character that forbids their removal, being built of concrete in some instances. I propose by this amendment, and another to be added at the close of the section, that after the appraisement of these lands a certain portion of them, on which the buildings are placed, shall be sold at the appraised value to the purchaser of the building, if he should elect to purchase the land, that option being allowed him for sixty days after notice to him by the Department.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska offers another amendment, which will be read.

The CHIEF CLERK. It is proposed to add to section 3:

Provided, That where buildings or improvements have been heretofore sold by the United States authorities, the land upon which such buildings or improvements are situated, not exceeding the smallest subdivision provided for by this act, shall be offered for sale to the purchaser of said improvements and buildings at the appraised value of the land; and if said purchaser shall fail for sixty days after notice to complete said purchase of land, the same shall be sold under the provisions of this act.

The amendment was agreed to.

Mr. CONGER. I offer the following amendment, to be added to section 3:

Provided, That the proceeds of the military-reservation land sold on Bois Blanc Island, near to Fort Mackinac military reservation, shall be set apart as a fund for the improvement of the national park on the island of Mackinac, Michigan, under the direction of the Secretary of War.

In regard to the military reservation on Bois Blanc Island, Michigan, located near Fort Mackinac, in the Straits of Mackinac, the message of the President declares:

Military reservation declared by the President November 8, 1827 (embracing about one-half of the island), and used for the purpose of supplying the post of Fort Mackinac with fuel and timber, having become unnecessary for military purposes, and a continual source of expense to the Department to keep off trespassers (it having valuable timber on it), and the military authorities having recommended its disposition, the reservation was reported by the Department for the action of Congress by letters to the House of Representatives dated, respectively, December 7, 1874, December 31, 1875, and March 20, 1878 (*vide* Report No. 19, H. R., Forty-fourth Congress, first session).

There is also a light-house reserve on the island.

The commanding officer at Fort Mackinac reported as follows, under date of December 18, 1874:

"There is no improvement on the island by the military. The old maps show Government wharves or docks; they have long since been washed away or rotted down. They were small affairs, and evidently built for the purpose of getting out timber and wood for the use of the post."

A part of the military reservation on the adjoining island of Mackinac was made a national park by act of Congress approved March 3, 1875, which declared that the land—

Hereby is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a national public park, or grounds, for health, comfort, and pleasure, for the benefit and enjoyment of the people.

Section 2 declares that "said public park shall be under the exclusive control of the Secretary of War," to make regulations, &c.

This reservation has a tract of land of 9,199.43 acres. It is unsuitable for settlement for agricultural purposes and is valuable for the timber, being in the main a rocky island, but the people of that region and the people of Michigan have requested that the proceeds of this sale shall be set apart for the improvement of the national park. It will not amount to a great deal, but this provides that whatever this land sells for shall be set apart as a separate fund to be used by the Secretary of War for the improvement of one of our national parks.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. MANDERSON. Looking at the amendment acted upon and adopted at the end of section 3 on my motion, I suggest that certain words be inserted. It provides that where buildings have been purchased and the land is to be sold to the purchaser of the buildings, it shall be an amount of land not exceeding the smallest subdivision provided for by this act. I suggest that it should be "not exceeding the smallest subdivision on such reservation," because there might be a reservation upon which it was not proposed by the Interior Department to lay out any town lots, and so there would be nothing smaller than a quarter-section and in some instances not less than forty acres of land.

Mr. COCKRELL. Say "smallest subdivision or lot provided in such reservation."

Mr. MANDERSON. Very well. I ask unanimous consent to make the amendment suggested.

The PRESIDING OFFICER. If there is no objection the modification suggested by the Senator from Nebraska will be made.

Mr. CONGER. That should come in before the amendment I offered.

Mr. COCKRELL. It does not affect that amendment at all.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRESPASSES ON INDIAN LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1545) to amend section 2148 of the Revised Statutes of the United States, in relation to trespassers on Indian lands.

Mr. DAWES. The Senator from Alabama [Mr. MORGAN] has prepared an amendment which is satisfactory to him, and I offer it at his request. Immediately after the words "Indian purposes," in line 8, where the bill reads "set apart for Indian purposes shall for the first offense," between "purposes" and "shall," I move to insert:

With intent to occupy any such land or reservation, or any part thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. H. VON LUETTWITZ.

The bill (S. 556) for the relief of A. H. Von Luettwitz was announced as next in order.

Mr. COCKRELL. That is an adverse report.

The PRESIDING OFFICER. Does the Senator from Missouri object to the consideration of the bill?

Mr. COCKRELL. I move to postpone it indefinitely if nobody wants any other disposition made of it.

Mr. SEWELL. The Senator from South Carolina [Mr. HAMPTON] reported the bill.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from South Carolina——

Mr. HAMPTON. I think the present occupant of the chair is interested in this bill, and I suggest that it be passed over informally without losing its place.

Mr. COCKRELL. I object to its consideration. Let it go onto the other Calendar.

The PRESIDING OFFICER. The next bill on the Calendar will be reported.

GEORGIA COTTON CLAIMS.

The bill (S. 601) to provide for hearing and determining the claims of the State of Georgia for captured and abandoned property of said State seized by the United States was announced as next in order.

Mr. GROOME. That is an adverse report.

The PRESIDING OFFICER. Does the Senator from Maryland object?

Mr. GROOME. Yes, sir.

The PRESIDING OFFICER. The next bill will be reported.

MADISON FEMALE INSTITUTE.

The bill (S. 1130) for the relief of the Madison Female Institute, located at Richmond, Ky., was announced as next in order.

Mr. COCKRELL. I do not see the Senator from Kentucky [Mr. BECK] who introduced the bill.

Mr. WILLIAMS. My colleague had the bill passed over informally yesterday for the purpose of filing some additional proof. I hope it will not be acted on this morning, but that that order will be continued.

The PRESIDING OFFICER. If there be no objection the bill will be passed over informally, retaining its place on the Calendar.

SARAH PERINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill for the relief of Sarah E. E. Perine, administratrix of the estate of William Perine, deceased.

Mr. PLATT. I am unwilling to vote upon this bill without further light than I have upon it. Unless it shall be more fully explained I shall object to its further consideration. I should like to have the opportunity, which I have not had, to examine the executive document which is quoted in the report of the committee.

The PRESIDING OFFICER. The bill goes over.

Mr. PLATT. I have no desire to object to it, to throw it into the other Calendar if anybody desires that it shall retain its place under this.

Mr. PIKE. Does the Senator desire to have a further postponement?

Mr. PLATT. I shall be unable to vote for the bill at the present time, and I must object to it if a vote is to be claimed at the present time. I have no desire to throw it over into the other Calendar, however. I wish to examine the executive document which is quoted in the report, as I have not had the opportunity yet to do so.

Mr. PIKE. I have no objection to its being passed over, retaining its place on the Calendar under Rule VIII.

The PRESIDING OFFICER. If there is no objection the bill will be passed over, retaining its place on the Calendar under Rule VIII.

MARTIN KENOFSKY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1596) for the relief of the heirs of Martin Kenofsky. It provides for the payment to the heirs or legal representatives of Martin Kenofsky of $8,861, in full of all demands for and on account of the claim of Kenofsky for the proceeds derived from the sale of $4,992.50 of gold coin belonging to him and used in the service of the United States.

Mr. COCKRELL. Let the report be read.

Mr. WILSON. There is a report accompanying the bill, and before the Secretary reads it I wish to state that there are two corrections which should be made in it on account of misprints. In the first line of the second paragraph in the report it is stated that Martin Kenofsky was a subject of the Emperor of Prussia. That should be "Russia," and a reference to the statutes on page 2 of the report is made to read the act of May 20, 1863, when it should be May 20, 1862. If the Secretary will read the report it will give an explanation of the case and its character.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the report, submitted by Mr. WILSON February 20, 1884, which, as corrected, is as follows:

The Committee on Foreign Relations, to whom was referred the several petitions, papers, and documents in the case of Martin Kenofsky, submit the following report, accompanied by a bill, the passage of which is recommended.

Martin Kenofsky, a subject of the Emperor of Russia, came to the United States in 1853, and in 1859 settled at Grenada, Miss., where he continued to reside until March, 1864, when he alleges he left his home in order to avoid conscription in the military service of the Confederate States. He was making his way to Memphis, Tenn., then in possession of the Union forces, having in his possession as the result of many years of toil in the line of his trade (that of a boot and shoe maker) $4,992.50 in gold coin. While pursuing his way within the Union lines he was arrested by the military authorities of the United States, taken to Memphis, put in prison, and deprived of his gold coin. He was not tried for any offense, was soon after discharged, but his money was not restored to him.

On May 27, 1865, Kenofsky addressed a petition to Hon. E. M. Stanton, Secretary of War, stating his case, and requesting a restoration of his money. This was forwarded through Maj. Gen. C. C. Washburn, then in command of the United States forces at Memphis, with his indorsement thereon, as follows, namely:

HEADQUARTERS DISTRICT WEST TENNESSEE,
Memphis, Tenn., May 27, 1865.

Respectfully forwarded to the Secretary of War, with the remark that the facts in the within paper are accurately stated so far as I can ascertain. The gold taken was taken a short time before I took command at Memphis, in April, 1864, and went into the hands of General Hurlbut, by whom it was taken away when he was relieved. I found Kenofsky in prison and in irons when I took command, and soon after released him and sent him out of the lines, that he might return to Grenada, Miss. Federal officers who were in Grenada in 1863 assure me that he showed our officers and men great attention, and officers now occupying the post of Grenada assure me that it is known that he was always a friend to our Government.

I think he was roughly handled, probably more so than the facts would justify.

C. C. WASHBURN, *Major-General.*

With this indorsement the petition of Kenofsky reached Secretary of War Stanton, and was by him referred to Lieutenant-General Grant, with direction for him to require of General Hurlbut an explanation of the subject and a statement of the whereabouts of the gold.

In due course of official routine the following statement was received from General Hurlbut, namely:

NEW ORLEANS, *June* 22, 1865.

I have the honor to report on the within case, principally from memory, as the records of the Sixteenth Corps are not accessible to me.

Some time in March, 1864, a Jew cotton and gold dealer and smuggler was arrested by the provost-marshal's force at Memphis in the act of passing the lines South with a quantity of gold.

This was contrary to Treasury regulations, the orders of General Grant, and my own orders.

The case was reported to me by Capt. George A. Williams, first lieutenant, United States Infantry, then provost-marshal at Memphis. I directed the man to be imprisoned and tried and ordered the gold to be confiscated to the use of the United States, all of which appears upon the records of the Sixteenth Army Corps.

The gold, the amount of which I can not now give, was sent under my direction by Captain Williams to Saint Louis or Chicago, and converted into paper currency at proper premiums.

My headquarters were removed to Cairo; at that place the messenger in charge reported to me the amount of United States notes the produce of the exchange, $8,861.

This amount was taken up by me and has been lawfully used in the secret service of the United States, for which I am at all times ready to account and display proper vouchers.

The annexed account will show the statement of this particular fund up to the 4th May, 1864, when I ceased to command the Sixteenth Army Corps.

The amount of $5,001, charged to Lieut. Col. W. H. Thurston, assistant inspector-general, Sixteenth Army Corps, was left with him for use of my successor in command of the corps. No successor was appointed, and that sum was paid back to me by him and expended in the Department of the Gulf.

I am satisfied that this man has no claim on the United States, but request that a report be required from Capt. George A. Williams, First United States Infantry, as to his merits.

I am, very respectfully,

S. A. HURLBUT,
Major-General Volunteers.

The Treasury regulation in force at the date of the arrest of Kenofsky having relation to gold coin is as follows, namely:

"All transportation of coin or bullion to any State or section heretofore declared to be in insurrection is absolutely prohibited, except for military purposes, and under military orders, or under the special license of the President, and no payment of gold or silver or foreign bills of exchange shall be made for cotton or other merchandise within any such State or section. All cotton or other merchandise purchased in any such State or section to be paid for therein, directly or indirectly, in gold or silver or foreign bills of exchange, shall be forfeited to the United States." (Reg. XXII, Trade Regulations, September 11, 1863.)

This regulation was issued under and by virtue of the authority given to the Secretary of the Treasury by section 3 of the act of May 20, 1862.

But the same act, in section 4, provides:

"That the proceedings for the penalties and forfeitures accruing under this act may be pursued, and the same may be mitigated or remitted by the Secretary of the Treasury in the modes prescribed by the eighth and ninth sections of the act of July 13, 1861, to which this act is supplementary."

Section 9 of the act referred to declared—

"That proceedings on seizures for forfeitures under this act may be pursued in the courts of the United States in any district into which the property so seized may be taken and proceedings instituted; and such courts shall have and entertain as full jurisdiction over the same as if the seizure was made in that district."

The following order was issued by the Secretary of War to the officers and soldiers of the Army in aid of the enforcement of the Treasury regulations:

WAR DEPARTMENT, *September* 11, 1863.

The attention of all officers and soldiers of the Army of the United States, whether volunteer or regular, is specially directed to the revised regulations of the Secretary of the Treasury, approved by the President, dated September 11, 1863, and they will in all respects observe general order of this Department No. 88, and dated March 31, 1863, in regard to said revised regulations, as if the same had been originally framed and promulgated with reference to them.

EDWIN M. STANTON,
Secretary of War.

General Order 88, here referred to, provided, among other things, that—

"All other property abandoned or captured or seized as aforesaid shall be delivered to the agent appointed by the Secretary of the Treasury."

Kenofsky's gold came within this provision, and the disposition made of it was contrary to both the law and the Treasury regulations.

The claimant was diligent in pursuing his remedy. He commenced in May, 1865, and followed it in all the ways open to him until the date of his death, which occurred in the city of New Orleans, September 29, 1880. After his death his widow presented her petition to Congress for relief. She died on or about February 7, 1881, leaving seven children in destitution. The lawfully appointed tutor of the children and many citizens of New Orleans then petitioned, on behalf of the orphans (who, it is represented, were, at the date of the said petition now before your committee, being supported by the Widows and Orphans' Home of said city), for relief and the repayment to the estate of Kenofsky of the money taken from him as hereinbefore stated.

The United States seems to have received the use and benefit of said money, but not through the methods provided by law. It therefore seems to your committee just that the amount for which said gold was sold, to wit, the sum of $8,861, should be paid to the legal representatives of the said Martin Kenofsky, and to that end report herewith a bill, with a recommendation that it do pass.

Mr. MORGAN. The Committee on Foreign Relations, to whom this bill was referred because of the fact that Kenofsky was an alien, made the best examination they could of it, and acting upon the evidence submitted the committee have made a correct report. Upon the evidence, as far as it goes, this bill ought to pass. Still I have the impression very strongly, gathered perhaps from some information that I had about current events in the South during the war, that this man was one of the class of smugglers who passed back and forth between the confederate country and the rest of the United States for the purpose of buying goods in the markets in the Northern States and selling them in the confederate markets.

I cannot identify this person; but I know that in the section of Alabama and Mississippi where Kenofsky was found by the Federal troops men of the class referred to in this report were engaged in those smuggling practices. No evidence is submitted to the committee or the Senate on either side of that question; and it has occurred to me that this is a proper case to go under a resolution of the Senate to the Court of Claims under the provisions of the act of March 3, 1883, the first section of which reads:

That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt.

This case it seems to me falls clearly within the provision of that act, and I should be glad if the Senate would refer it to the Court of Claims to see whether this party is entitled to this claim upon the question I suggest. There is no evidence about it in the testimony submitted, but it occurs to me that it must be a claim of that sort. I will therefore move, or if a resolution is necessary to be drawn up in form I will offer a resolution that this claim be referred to the Court of Claims under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

The PRESIDENT *pro tempore*. Will the Senator from Alabama put his motion in writing, in order that the Chair may see whether it comes within the law?

Mr. CONGER. I was about to suggest that the bill go over, standing at the head of the Calendar until the next legislative day.

Mr. MORGAN. I have no objection to that, so far as I am concerned.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that this bill be passed over, retaining its place on the Calendar under Rule VIII, if the Chair correctly understands him.

Mr. CONGER. Yes, sir.

The PRESIDENT *pro tempore*. Is there objection?

Mr. WILSON. I have no objection to that course being taken.

Mr. CONGER. That had better be done than have its consideration objected to now.

Mr. WILSON. I prefer that, especially in view of the question raised by the Senator from Alabama, concerning which a complete answer it seems to me can be given in a very few words. So I have no objection to its going over, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over retaining its place on the Calendar under Rule VIII.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 135) authorizing the Secretary of War to lease certain lands to the board of fish commissioners of the State of Michigan was read twice by its title.

The PRESIDENT *pro tempore*. The Chair thinks the proper reference of this resolution is to the Committee on Fish and Fisheries.

Mr. CONGER. The little piece of land proposed to be set apart for the purpose named is a narrow strip of land between Sault Ste. Marie Canal and Saint Mary's River, two hundred feet wide, and ought to be available in connection with the canal. I think if it were sent to the Committee on Commerce they would understand the subject better than any other committee.

The PRESIDENT *pro tempore*. If there be no objection, in view of the suggestion of the Senator from Michigan, the joint resolution will be referred to the Committee on Commerce. The Chair hears no objection, and that will be the reference.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. 431) for the relief of Sallie A. Spence;

An act (S. 503) to increase the endowment of the University of Alabama from the public lands in said State; and

An act (S. 1063) to amend the Revised Statutes of the United States relating to the District of Columbia, and for other purposes.

CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock has so nearly arrived that the Chair thinks it probable that no bill can be acted on between now and that hour. Therefore if there be no objection the Chair will lay before the Senate the unfinished business of yesterday.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, the pending question being on the amendment proposed by the Committee on Agriculture and Forestry, in section 10, line 1, after the word "of," to strike out "two hundred and fifty" and insert "five hundred;" so as to read:

SEC. 10. That the sum of $500,000, to be immediately available, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

Mr. McPHERSON. I understood the chairman of the committee to say yesterday that he would not press that amendment.

Mr. PLUMB. If I had had opportunity yesterday I should have been glad to withdraw it if I had the power; but the disposition seemed to be to speak on the amendment, and so it was left over until to-day.

Mr. McPHERSON. I will wait till that is acted on before saying anything further.

Mr. PLUMB. I think the proper way would be to put it to a vote and have it voted down.

The PRESIDENT *pro tempore*. The practice of the Senate is that an amendment reported by a committee comes into the possession of the Senate differing from an individual amendment, and, therefore, can not be withdrawn.

Mr. McPHERSON. Then I wish to ask the member in charge of the bill from the Committee on Agriculture if he will consent to a recommittal of this bill. The Senator will notice that the bill now before the Senate does not make provision for more than one-half the subjects that ought to be included in an investigation of this character. I speak particularly of that kind of regulation which should govern the importation of cattle into this country. Let me state exactly for a moment the position under which they come and in which they are held in quarantine. A quarantine has been established in the State of New Jersey a few miles from the port of New York, where all bulk of the live cattle brought from the other side to our country arrive. There stock imported from the other side are impounded, and may be impounded for ninety days.

If, for instance, a drove of cattle should arrive from some infected district in Europe and disease should develop itself while they were at the quarantine grounds, and if that herd of diseased stock were followed by a herd of well animals that did not come from an infected district, that came from a region where no disease had ever appeared among them, they would be forced to go to the same quarantine grounds and be more or less infected by contact with the diseased herd. They also would be impounded for the period required by law, and then they would be scattered all over the Western country. I look upon the present system of impounding animals, not only at the port of New York but at other ports where quarantine grounds are established, as being perhaps the best means that human ingenuity could devise for spreading disease by requiring the well herds to be impounded with those that are diseased. There is no system of disinfection that can possibly be brought into use that can absolutely prevent a well animal from taking disease when required to be fed at the same pasture with diseased stock.

No provision is made in this bill for any case of that kind; but you propose by a large appropriation of money and by twenty or thirty inspectors to undertake to find disease where it does not exist, and you do not reach at all the defects of the existing system which make the importation and spread of disease possible and even probable. You do not touch another phase of the difficulty which I respectfully submit to this intelligent committee should also have been included in this legislation. It is said by other persons, particularly in England, that the embargo placed on our live-stock at the port of reception on the other side is owing to the fact that disease exists. Why not make provision in the same bill for an adequate and proper system of inspection of all animals exported when they leave the different ports of our country, so that they shall leave here with a clean bill of health? Let this Government undertake to say, under authority of law and by a responsible inspector appointed who is qualified to perform the duties and to give a clean bill of health to all animals leaving our ports, that when they leave such a port they are perfectly healthy, that they do not come from infected districts where disease is known to exist. I claim that that would be an important step toward opening the English ports to the reception of our cattle, without the stringent, arbitrary, and oppressive rules which now prevail in this respect.

These two subjects should be included and incorporated in a bill of this character. If the committee will consent to a recommittal, then the committee can properly prepare a bill. It is well known to every Senator that it is impossible to take these subjects and present them as amendments to a bill now pending in the Chamber, because they require a great deal more consideration than could be given by any individual Senator moving the amendments or by the Senate itself in considering them.

The bill is of so important a character that it should be well digested,

well and intelligently prepared by the committee, and should cover every phase of the difficulty which now confronts us. The committee could report it back within a week. For one, I will willingly consent that the bill when reported back shall have the same place it now has in the Senate for consideration by the Senate.

I want to suggest to the honorable Committee on Agriculture, and especially to the gentleman who has charge of this bill, that there is a bill reported by the Committee on Foreign Relations, introduced by the Senator from California [Mr. MILLER], and now upon the Calendar, which presents a very clear, logical, and proper method for the inspection of cattle leaving the different ports of this country and giving them a clean bill of health, preventing the exportation of any diseased animals whatever. I will also call attention to a substitute which is offered for that bill and to the very able report submitted from the Committee on Foreign Relations by the Senator from California [Mr. MILLER] on the 19th of March last, which I commend to the consideration of the Committee on Agriculture and the consideration of the Senate. And I submit in all fairness whether, after having properly examined every phase of the question, the measure of the Committee on Foreign Relations does not present a more feasible, a more equitable, and a juster method of reaching the difficulty, and still equal to any emergency that may possibly arise. I think the bill reported back from the Committee on Foreign Relations, with one or two sections of the bill now under discussion by the Senate, will reach every difficulty, and certainly the Senate will pass such a bill in much less time than will be occupied in the discussion of this imperfect and crude measure which is now before us, and which only reaches one point of the difficulty, and that not the main point.

I ask the Committee on Agriculture to assent to my proposition that the bill be recommitted, and certainly so far as my individual vote is concerned I shall be very glad to aid the committee in getting their bill back into the same position it now occupies, and I do not think the Senate under the circumstances would deny that right.

Mr. VEST. There can be no sort of necessity for postponing the consideration of this bill in order to incorporate among its provisions the other enactment now on the Calendar which came from the Committee on Foreign Relations. While we may pass both this bill and the bill reported from the Committee on Foreign Relations—both relate to cattle—yet the question of quarantine domestic regulations as to cattle in the United States and those in regard to exportation are not necessarily or should not necessarily be considered together.

This measure has passed the House of Representatives; it has come to the Senate, and we can not disguise from ourselves the fact that a necessity arises for some legislation on this subject. My principal objection to the measure has been removed by the action of the committee in the Senate when they struck out what was known as the fourth section of the House bill and the fifth section of the Senate bill.

I never could, as I said before, give my vote for a bill which coerced the States, or which permitted the General Government to enter into the domestic arrangements of the States upon the subject of cattle. I never could have supported any such measure as that; but I say, with all respect to the argument of the Senator from Texas [Mr. COKE] yesterday, that I can see no objection to this bill as it now stands before the Senate. There is nothing coercive in it. It simply prevents the spread of contagious and infectious diseases among cattle of the United States, and the only section which is subject even to criticism is the third section of the bill as it now stands, the fourth section being stricken out. The third section provides:

> That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities—
>
> Not coerce them—
>
> to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations in paying for the animals it is deemed necessary to slaughter and in such disinfection and other means as may be necessary to extirpate the disease.

In other words, if the Commissioner of Agriculture adopts certain rules and regulations, upon the advice of veterinary surgeons or otherwise, he must communicate them to each State and Territory and propose to that State or Territory that these rules and regulations be adopted. If the State or Territory declines to accept the proposition, that is a question for the State or Territory to determine for itself. If the State or Territory, after seeing the proposition and considering it, determines to adopt new rules and regulations for itself, the General Government can not force its own opinion or its own system upon it. It is for the State to act for itself. It is entirely within the construction of the Constitution. There can be no doubt in regard to the constitutionality of this measure. In the case of Gibbons *vs.* Ogden, decided by Chief-Justice Marshall, it was emphatically declared that the General Government might propose to aid the authorities of a State in carrying out quarantine or health regulations, that this power was unquestionably vested in the General Government; a very different proposition from that from which the committee has receded now.

The section stricken out was coercive. It said that if the States declined to accept the rules and regulations adopted by the United States, then the Federal Government might go into the State, take possession of the infected animals, slaughter them if it pleased to do so, and override the State authorities. I never could have voted for a proposition of that sort. But here is simply an amicable proposition on the part of the General Government, "We will assist you if you see proper to accept that assistance in extirpating the disease, with superior instrumentalities and superior power on our part," and the State authorities can accept it or reject it at their pleasure.

That is the whole of this bill; and there is no sort of question but that some action should be taken. Recently in the State of Kansas and in the State of Missouri the newspapers were filled with rumors in regard to the existence of what is known as the foot-and-mouth disease. The effect of those rumors in the imperfect and inchoate condition of this subject, with the inflammable public sentiment that exists upon it, has been to inflict the greatest injury upon the cattle trade. It has in the city of Kansas City, where I reside, cost the dealers there hundreds of thousands of dollars; it has struck the market down; and it has arisen principally from the fact that the people, the stock-growers of the country, know that there is no system on this subject, that nothing has been done by Congress or by the State authorities.

This bill, if adopted, will go very far to allay public apprehension. If it is adopted now in its present shape it will simply say to the stock-growers of the country, "We are prepared to assist the State authorities; Congress is ready to do all it can in a proper and constitutional manner to eradicate the disease of pleuro-pneumonia." That this disease exists there can be no sort of question. It exists in the Eastern States, and the very greatest apprehension exists among the stock-growers of the West that it will be carried to the Western States. But a few days ago there was a convention of the stock-growers of Wyoming, representing the largest cattle interests in the United States, and they passed resolutions declaring that there was immediate urgency for something to be done to prevent the spread of this disease.

There can be no sort of necessity for recommitting this bill. We can dispose of it now. We have it now before us in the least objectionable form, not subject to any constitutional objection, and demanded by the public sentiment of the West. It is the easiest and best method to dispose of it.

Mr. MORGAN. Mr. President, the print of the bill that I have before me is as it has been reported back by the committee March 10, 1884. I inquire of the Chair whether that is the print that is being considered now by the Senate?

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair is informed by the Secretary that that is not the print which is now being considered.

Mr. MORGAN. The Senator from Missouri [Mr. VEST] stated, as I understood him, that section 4 of the bill had been stricken out.

Mr. MILLER, of California. The bill we are now considering is House bill 3967.

Mr. MORGAN. That is what I have got. The bill that I have before me is H. R. 3967, certified by John B. Clark, jr., as Clerk of the House, and it contains certain amendments proposed by the Committee on Agriculture.

The PRESIDING OFFICER. The bill which is being now considered was read twice, and referred to the Committee on Agriculture and Forestry March 12, 1884.

Mr. MORRILL. But by unanimous consent the House bill was taken up in lieu of the Senate bill, as I understood at the time.

Mr. MORGAN. This is the House bill, certified by the Clerk of the House, which I hold in my hand now.

The PRESIDING OFFICER. The Chair was incorrect in his statement. The bill was referred to the Committee on Agriculture and Forestry February 29, 1884, and then, as the Chair is informed by the Secretary, on March 12, 1884, it was withdrawn and an amendment reported.

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER. The original bill as it came from the House, as it now appears to the Chair, being referred to the Committee on Agriculture and Forestry, that committee reported the original bill back amended by striking out that bill and inserting a substitute.

Then, at a subsequent time, on March 10, the bill was recommitted, and the original House bill reported back with some amendments to its text. The Senator from Alabama probably has before him the original House bill as reported back from the committee and ordered to be reprinted, "Calendar No. 345," but the House bill as reported back with some few amendments to its text is being now considered.

Mr. MORGAN. I understood yesterday that the Senate by a vote struck out of section 3, on page 3, so much of the bill as follows the word "disease," in line 23, and that that is all that has been stricken out.

The PRESIDING OFFICER. The Senator is correct, as the Chair is informed by the Secretary.

Mr. MORGAN. Then all of section 3 of the bill down to line 23 remains in and is now before the Senate.

The PRESIDING OFFICER. The Senator is right, the Secretary informs the Chair; and then the amendment, down to line 40, including the word "district," in line 40, was disagreed to yesterday.

Mr. McPHERSON. As I understand it, the committee reported in favor of striking out the words after "disease," in line 23, down to and including the word "cattle," in line 28.

The PRESIDING OFFICER. That is true, and the amendment was agreed to yesterday; and then the amendment in italics, from line 28 to line 40, inclusive, was disagreed to yesterday.

Mr. McPHERSON. I understood at the time—I do not know that I was correct—that that part which the committee recommended be stricken out the Senate refused to strike out.

Mr. PLUMB. Oh, no.

The PRESIDING OFFICER. The Senator from New Jersey is not correct in that. The words were stricken out.

Mr. MILLER, of California. How far has the Committee of the Whole progressed upon this bill? What is the pending question now?

The PRESIDING OFFICER. Section 10 is now under consideration. The bill has been read through, and an amendment to that section is now under consideration.

Mr. MORGAN. Then I inquire of the Chair whether the motion of the Senator from New Jersey to recommit this bill is before the Senate?

The PRESIDING OFFICER. The Chair is not advised that the Senator from New Jersey has moved to recommit. He suggested the propriety and appealed to the Senator from Kansas to consent to a recommittal.

Mr. McPHERSON. I move a recommittal of the bill.

The PRESIDING OFFICER. That motion is in order and is the pending question.

Mr. MORGAN. Mr. President, certain inquiries were addressed by the Senate to the Committee on Foreign Relations touching the exportation and importation of diseased meat and diseased cattle. That committee, under the instruction of the Senate, have taken into consideration the first branch of the resolution and reported back a bill which contains very well-considered provisions, thoroughly considered both by the Committee on Foreign Relations and by the Department of the Treasury, providing certain additional legislation to secure the exportation and importation of healthy, sound cattle and meats of various descriptions. I always supposed that that subject would more naturally go before the Committee on Commerce, but inasmuch as the question involved included some of our relations, with foreign governments, particularly with Germany and France, it was the pleasure of the Senate to send that matter to the Committee on Foreign Relations; and so that bill was reported back.

I can see no reason at all why that bill and so much of this bill as the Senate may consider to be proper should not form one system. They all relate to the same general topic, and although one relates chiefly, if not entirely, to foreign exportation and importation from abroad, and the other to domestic regulation of this food question, still it seems to me that they would properly form a combined system, and I hope the Senate before we get through with this bill, on the motion of the chairman of the Committee on Foreign Relations or some other Senator who feels authorized to make the motion, will have the opportunity of determining whether they will not consider both these measures together. If the Senate will take that course with it, I would not be prepared to recommit the bill, because I believe that when we come to consider the bill reported by the Committee on Foreign Relations very little objection will be found to it, and that would leave only the part of this measure which we are now considering to be investigated by the Senate.

I cannot deny, Mr. President, the constitutional power of the Congress of the United States to establish a bureau of animal industry. There are a number of bureaus established in the different Departments of the Government which have a certain necessary relation to the governmental powers which belong to the United States Government and which must be exercised through the assistance of Congress, and this I conceive to be one of them, not because I believe that Congress, in virtue of the power to regulate commerce or in virtue of any power it may have even to assist the States in their quarantine regulations, has the jurisdiction over a subject like this within the States, but it must be remembered that we have nine large Territories and the District of Columbia which are exclusively under the control of Congress as to legislation, if we choose to exercise that control. In some of these Territories we have delegated legislative powers to Territorial Legislatures, reserving to Congress, I believe, in every instance, the right of repeal or amendment of the acts of the Territorial bodies.

In this broad domain of nine large Territories we find the great ranges of the United States in Arizona, New Mexico, Idaho, Wyoming, Washington Territory, Dakota, and so on. There are those vast plains covered with grass, which are not occupied and perhaps will not be occupied by private owners for a great many years to come. They are a sort of universal common of pasturage in favor of the people of the United States who may choose to go there and fatten their herds and drive them from place to place over that vast expanse of territory. Congress has the exclusive power of legislation over that territory, and in virtue of that power it certainly may do anything that a State could do for the purpose of suppressing the diseases of cattle or regulating the passage of cattle from one of those Territories to another.

So far as the bill goes in the direction of asserting the power of Congress, which is exclusive over the territory which is under its own sovereign and sole control, I can find no constitutional difficulty in the way of its enactment. I have very great doubt about the policy of the enactment, for the reason that it looks to a specific subject which it seems to me is more likely to endanger the value of our herds and flocks upon those great plains than to benefit them.

I concur in the view taken by the Senator from Texas [Mr. COKE] yesterday and by other prominent gentlemen who have had occasion to argue this question before committees and elsewhere, that perhaps we can do nothing which is better calculated to stir up a false impression in respect of the diseased condition of our cattle than to appoint a commissioner with two assistants and twenty subordinates whose business it will be to search for the existence of diseases or alleged or supposed diseases of cattle throughout those broad plains. I am apprehensive about a thing of that sort. Some three or four weeks ago, when a proposition was brought here to appropriate $50,000 for the purpose of assisting the State of Kansas in the suppression of the foot-and-mouth disease, I felt then, and I so expressed myself on the floor of the Senate, that we were doing more real harm to the cattle interests of this country in that sort of legislation and in the clamor that we sent abroad authenticated by our own apprehensions, to say the least of it, than we should be able to get rid of in a good while, and that we were then inflicting a very serious injury upon the commerce of the United States in this very important item.

It turned out, I suppose, that that was entirely a mistake; that it was a false clamor; that it was something which was not justified by the facts at the time, and that the mistake grew largely out of the inefficiency or else out of the inattention of veterinary surgeons and other men who professed to be skilled in the diseases of cattle. We were informed at that time that the Legislature of Kansas was about to be convened under a proclamation of the governor for the purpose of taking into consideration the ravages of the foot-and-mouth disease in that State. I have never heard whether the Legislature met, or, if it met, whether it accomplished anything, or attempted to accomplish anything, or found any occasion for taking action on the subject. The whole matter has passed away; it appears that the country has become entirely composed in respect of its fears and its apprehension on that subject.

Mr. PLUMB. If it would be agreeable to the Senator to be informed at this point about what the State of Kansas did I shall be very glad to state it.

Mr. MORGAN. I should like to know, because I do not know.

Mr. PLUMB. The Legislature of Kansas, after a brief session, at which it did nothing else, passed an act for the extirpation, so far as legislation could provide for anything of that kind, of contagious diseases among cattle, and provided for the appointment of a veterinary surgeon to assist the governor and the other State officials in carrying out the law. That law is in operation and the surgeon has been appointed. I wish to say to the Senator that it is not by any means certain yet—and I say it with a great deal of regret—that all the anticipations which I had about the disease at the time the excitement was at its height were not justified. That matter has yet to be determined. There is great doubt as to exactly what the difficulty is out there, and it is a doubt which has been of very great magnitude to the State of Kansas and to all that section of country.

Mr. MORGAN. At all events I believe the subvention of $50,000 which we were to pay to Kansas to assist her in exterminating that disease has not been passed by the other House and the whole matter has fallen to rest. I am not complaining of the Senator from Kansas that he became excited upon a question of this kind, because it is enough to alarm and excite any person, but I was calling attention to the fact that we are under the difficulty continually of false clamor and misapprehension upon questions of this kind, as we are in respect of yellow fever, cholera, small-pox, and other infectious and contagious diseases that visit the human family, and which are supposed to be imported from abroad.

But we find that the difficulty, whatever it was, was met promptly by the State government; that measures were taken to enact laws for the purpose of repressing whatever of difficulty or danger there might have been among the cattle of Kansas, and the whole country has gone to sleep now. I am very glad indeed that we are in a cooler and more quiet atmosphere upon this question, because we can consider it more appropriately than we could have done under the pressure of the alarm which was heralded through the newspapers of the country and which found its way upon the floor of the Senate.

I repeat that I participate in the apprehensions which have been expressed elsewhere, that if we organize this bureau of animal industry for the purpose of looking out for infectious and contagious diseases of cattle and appoint these inspectors, whose business it will be to hunt up these diseases, and pay them salaries from year to year and make

the continuance of their offices dependent upon their success in finding some ground of complaint against the cattle of the United States, we shall be for a long time suffering much greater evil from their reports and their interference than we have ever done heretofore upon any suspicion in regard to the existence of disease among cattle in the United States.

I of course have no practical or scientific knowledge at all on this subject. I must get my information from scientific and practical men, from men who are continually engaged in dealing in cattle. I would therefore take the opinion of the Senator from New Jersey [Mr. McPHERSON], who, as I am informed, has dealt to the extent of perhaps a hundred thousand or two hundred thousand head of cattle annually for years past, before I would rely on my own opinion upon a question of this kind. I would take the opinion of the brokers and butchers and traders in cattle in Chicago, that great market, and in New York, Boston, Baltimore, and Philadelphia, those great places of consumption and of exportation of cattle to foreign countries, before I would take the opinion of any expert in respect either of the existence or the extent of this disease. We are informed by them, as I understand, that the foot-and-mouth disease and pleuro-pneumonia have never had any substantial or real existence west of the Alleghany Mountains in this country. That seems to be a fact that is established beyond dispute. If that is true, it limits the area of this debate very greatly in respect of what is to be the future effect of our legislation upon that vast region of country lying west of the Rocky Mountains; we can discard that entirely.

I am gratified to believe, too, that the healthy elevated lands of the West and the Northwest and the Southwest, upon those vast expanses of territory that we have in our domain, contribute to the healthful condition of animals as well as of the human family perhaps beyond any other country in the world. I suppose that beyond the Mississippi River and the Missouri River and up in Dakota, throughout all of our vast territorial possessions, there is the most universally salubrious climate to be found in the world. The grasses are fine and fattening, giving strength to animals; they have hitherto raised enormous herds of buffalo and other grazing animals, and now they sustain perhaps a larger number of valuable herds than any other equal portion of the world.

I suppose also, from the fact that we find an enormous percentage of foot-and-mouth disease and pleuro-pneumonia existing in Germany, and in England particularly, there must be something due either to the climate of those countries or to the crowded condition of the herds of cattle there which has produced and fostered these diseases. I concur in the opinion, therefore, for it is a logical deduction, expressed by the Senator from Texas [Mr. COKE] yesterday, that the cattle which may be brought from those foreign countries are more likely to get well themselves and become good animals on our Western plains than they are to infect the herds which are out in that country. It seems to me that it must be a rational conclusion that there is wanting in the Territories that cause of disease and of fatality which has so seriously affected the cattle in the more confined regions of Germany and England.

I therefore am perfectly able to dismiss from my own mind the apprehensions which have been so seriously and so boldly expressed by Senators on this floor in respect of the future spread of either of these serious diseases among the herds of the West. I believe that we are legislating so far as that portion of the country is concerned west of the Alleghany Mountains without there being any necessity for the introduction of this new system of espionage and inspection into that region of the world. I would confine the operations of whatever investigations or whatever remedies we propose to administer through the laws of Congress to that portion of the United States where the disease is found, if found at all. Even east of the Alleghany Mountains we are assured that its presence here is due far more to the fact of its importation than to the fact of its having been germinated within this country.

We are also informed by several Senators that all of the State governments east of the Alleghany Mountains have it perfectly in their power, as it is said, to "stamp out" this disease. That is a technical phrase the precise meaning of which I do not understand. I suppose it means extirpating the disease by the destruction of all animals infected with it or suspected of being infected with it. But whatever may be its extent, or whatever may be the nature of the remedies which we shall apply to the stamping out or extirpation of this disease, I have yet to hear a single suggestion from any Senator that any of the States east of the Alleghany Mountains, including the District of Columbia, are in any sense incompetent or unable for want of money or otherwise to stamp out or extirpate this disease.

That brings this question down to a nutshell. There is very little in it, perhaps there is nothing in it except of a dangerous character, when we consider all the rest of the United States and the Territories exclusive of that portion which lies to the east of the Rocky Mountains. Does the fact of the presence of foot-and-mouth disease or of pleuro-pneumonia in the States east of the Alleghany Mountains require of Congress that we should anticipate an epidemic of some kind to occur among the cattle and provide in advance by national legislation in aid of the States?

I concur in the opinion stated by the Senator from Missouri [Mr. VEST] that all that we can do, so far as the States of the Union are concerned, is to vote subvention or assistance in the way of money to aid the States in whatever measures they may see proper to adopt for the quarantine of cattle or for the extirpation of the disease by slaughtering them. I do not believe that the Congress of the United States has a right to go into any State of the American Union with its laws and there enforce, either in accordance with or contrary to State laws, any measure deriving its vitality and power from our enactment, for the purpose of dealing with this subject.

I find in section 3 of the bill, what I suppose to be the remaining part of it not stricken out, the assumption of an authority by Congress that is not justified by the Constitution of the United States, or if that question is one that is not to be debated any longer in the Senate, that is not justified in wise and sound policy. The Senator from Missouri in his remarks upon section 3 of the bill, that part of it which remains, I think has fallen into an error as to the legal effect of this enactment. I am reminded by the argument made by the Senator from Texas yesterday (which I have not had an opportunity of reading this morning for want of time) of the decision made in the case of The Railroad Company *vs.* Husen, where it was held that the statute of the State of Missouri which prohibited the introduction of cattle from Texas, and I believe also from Kansas, was unconstitutional, because it was the exercise of a power to regulate commerce or to prohibit commerce between Texas, Kansas, or any other State and the State of Missouri. In that case, however, it was distinctly admitted that any State of this Union might prohibit the introduction of diseased animals within its borders in the exercise of its police powers, its power to quarantine. These are admitted and confessed powers; but the legislation of a State in order to be constitutional upon a matter of this kind must proceed upon the idea that the cattle that are to be introduced into the State are diseased or in some way injurious to the public welfare. In connection with that authority let us consider the first part of section 3 of the bill as it remains. It provides—

> That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act.

Senators who believe in the power of Congress to prohibit commerce between the States under the guise of regulating it or under any supposed necessity of prohibiting it in order to prevent the introduction of vice or of contagious diseases, &c., would of course give effect to an act of Congress which would prohibit the importation of cattle from Kansas into Missouri. If Congress, according to the theory that those Senators adopt, should enact a positive law for sufficient reasons to prohibit the introduction of cattle from Kansas into Missouri, they would of course hold that that was constitutional legislation. They would be obliged to do it. I could not, because I do not believe that the power to regulate commerce goes to that extent, and it was never intended under the grant of power to regulate commerce that the power to prohibit it between the States was given to Congress. But I am arguing upon the hypothesis of the friends of that view of the Constitution, who maintain the constitutional power of Congress to legislate for the suppression of cattle diseases or for the suppression of commerce between the States, if Congress chooses to do it. Now, you propose to empower the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of such diseases.

Mr. BAYARD. The Senator does not think that suppression and regulation are the same?

Mr. MORGAN. Extirpation.

Mr. BAYARD. Extirpation and regulation?

Mr. MORGAN. I do not. I am arguing this upon the hypothesis that is contended for by Senators who claim that Congress has plenary jurisdiction over the subject, and that Congress may go into any State and pass laws for the purpose of extirpating a disease among cattle there or for the suppression of a disease among cattle there. I am supposing that we have a Commissioner of Agriculture of that opinion, and that we have a Congress and Executive of that opinion.

The Commissioner of Agriculture is empowered by the third section of this bill to prepare the rules and regulations for the extirpation and suppression of these diseases. When he prepares those regulations they become a part of the law of the United States, just as the rules and regulations which govern the importation of goods, prepared and propounded by the Secretary of the Treasury, become a part of the laws of the United States, and they are laws to this extent, that you may inform against a man and convict him of crime because he violates a regulation imposed by the head of a Department under an authority of the character given in the third section of the bill. In other words, the rules and regulations of the Department become a part of the law of the land.

Now take the case of The Railroad Company *vs.* Husen. Suppose that the State of Missouri desires to prevent the passage of cattle from the State of Kansas through her territory for any reason whatever to market at Chicago. Here are the rules and regulations enacted by Congress; for that is what it amounts to. These rules and regulations,

based upon the idea of extirpating disease and preventing its communication to other herds in other States and localities, absolutely prohibit the carrying of cattle from Kansas into Missouri or through Missouri to Chicago. The State of Missouri, in order to encourage her own cattle-growers or in order to protect them against disease or the expectation or fear of disease, enacts a law that "we hereby adopt, ratify, confirm, and place upon the statute-book as a law of the State of Missouri the rules and regulations that have been adopted by the Commissioner of Agriculture."

Then, what have you got? You have got an act of Congress co-operating precisely with an act of the Legislature of the State, both in the same words, both enacted for the same purpose, both co-operating together, for the purpose of preventing the passage of cattle from Kansas into Missouri or through Missouri to the market. We in that way enable a State, by our Congressional consent in advance, to prohibit cattle from coming from Kansas, whether they are diseased or whether they are not, for the Commissioner of Agriculture may very well conclude that in order to prevent the spread of this disease or in order to stamp it out or extirpate it, it is necessary to quarantine all the herds of Kansas. "There is a suspicion that there are some diseased cattle among those herds. We can not eliminate the diseased from the sound cattle, and therefore we will pass a broad regulation that there shall be no cattle carried from Kansas into Missouri or through Missouri into Chicago." In this way you empower the Commissioner of Agriculture and any one State to shut right down upon the cattle trade of any other State.

It may be argued, will any State do as bad a thing as this? Will any State take advantage of laws for the purpose of affecting or embarrassing the commerce of a sister State? I am not prepared to say that they would do such things, but it is enough for me to say when I vote upon a measure that I do not put the power in their hands to do it. If I put the power in their hands to do it and they afterward do it for any reason whatever, it makes no difference how good it may be in morals, I am the one who confer the authority and I am the responsible man for that abuse of power and authority. It is a dangerous power in the hands of anybody, and the bill as it is framed puts not merely the general character of the cattle of any section of the Union into the hands of these inspectors and the Commissioner, but it actually enables them in framing regulations and rules for the extirpation of this disease to entirely shut up the commerce of this country in cattle. Under a regulation of this kind, as the herds from Texas move to the North, that vast body of animal food which is yearly supplying the necessities of the human family throughout the civilized world almost, as it is collected and fattened along in the spring and early summer months and moves to the North—I would naturally expect that the persons having herds farther north that might be infected by cattle passing over the plains troubled with this splenetic fever would invoke the power of the Commissioner of Agriculture to say to Texas: "You shall export no cattle on foot or by rail through our country to the North."

Congress has prohibited it through her Commissioner of Agriculture, and she has the power to regulate commerce between the States. Missouri, Illinois, Indiana, or other States have also prohibited it by a concurrence of action with the Commissioner of Agriculture. We have therefore two sovereignties to consent, in one or both of which we certainly find ample power to enforce their will to repress absolutely the passage of cattle through this country which are suspected by anybody of being dangerous to the herds in the country through which they may pass. I can not but see in that view of this case a very great danger, and one that I should like to avoid. I believe also that it is not a proper, to say nothing of its being an unconstitutional, method of legislation for Congress to adopt the act of a State Legislature not yet put upon the statute-books because one of its public officers may choose hereafter to adopt it and make it a part of the regulations to be issued under an act of Congress.

Now, look at this part of the third section of the bill:

> Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations in paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease.

We have a provision in the Constitution of the United States that private property shall not be taken for public use without just compensation, and another, which comes still nearer home to the protection of property, which is that no man's property shall be taken from him without due process of law. Here is a provision for the slaughtering of cattle, and at least an implied provision for paying for them. Under what conditions are the cattle to be slaughtered? Who is to determine the fact that they are in such condition as that they should be slaughtered and their carcasses thrown away, for I presume if they are slaughtered under this provision their carcasses would necessarily be thrown away or destroyed—cremated, perhaps? Who is to determine that? An officer of the Government of the United States, or else a State officer, is to determine it without any trial before a jury of inquest, a body of commissioners, sworn officers, without hearing evidence, without any form or semblance of process of law or judicial proceeding.

We can not authorize any officer of the United States Government today—we could not authorize the Secretary of the Treasury to go into the State of New York, the State of Massachusetts, or any other State, and cause animals to be slaughtered at his will and pleasure because he might suspect that they were infected with some disease, even though that suspicion might be supported be the opinion of the best veterinary surgeons of the country. We have got no such power. If we undertake to condemn private property so as to take it from its owner because of its being infected, we must do it at least under the semblance of process of law. We must give the owner a chance to be heard. In other words, we can not declare martial law against the cattle of the United States within the States and send our executive officers out to enforce that law against those animals.

Of course I do not put the cattle of the country upon a footing with human beings in respect of their personal liberty or personal rights, but I do put the right of property upon a footing with any other right possessed by any man in this country under the Constitution of the United States. The proposition I assert is that we can not, without defining the terms and conditions upon which an officer is to act, give him a roving commission to go through the United States and condemn and slaughter cattle without giving to the owner thereof an opportunity to be heard upon the question of necessity or the question of the lawfulness of the slaughter. The Congress of the United States, neither in the Territories nor in the District of Columbia nor in the States, has no power to come to me and to say you shall surrender your property to be destroyed by any human being in the world unless the Congress has first stipulated in a law the conditions and circumstances under which that condemnation and slaughter shall take place.

Mr. BECK. Will the Senator from Alabama, if he pleases, allow me to make a suggestion in this connection in regard to the slaughtering of these animals?

Mr. MORGAN. Yes, sir.

Mr. BECK. I see no limitation in the bill as to the price to be paid, and one trouble has occurred to me, if the Senator will allow me to state it. There are very many cattle all over the country that are bought at fictitious prices, $8,000 or $10,000. Certain breeds of Durham cattle are bought at fabulous prices. Many of them prove to be barren and are worth nothing but beef prices; yet the men have paid enormous prices for them. I suppose it would be very little trouble, if a person desired to cheat the United States, to give them a bottle of rifled Cincinnati whisky or cocculus indicus, and thus present the appearance of disease, and have them slaughtered as though they were infected. Then they would prove the price paid for the cattle, four, five, six, eight, or ten thousand dollars, when in fact from their knowledge of their condition they would be glad to take $50. I see no guard against that class of frauds in this bill, which I say might be imposed to any extent by anybody who sought to make sale of cattle found to be useless by giving them an appearance of being infected by disease and getting some cow-doctor to decide that they had it.

Mr. MORGAN. There are no guards in this bill and none intended to be put in it. It is not necessary on the theory of the bill that there should be any guards in it, for the reason that we delegate the legislative power to the Commissioner of Agriculture and we ask him to exert it according to his own discretion. Probably it would be entirely unfitting and inappropriate in a bill of this sort that we should presume to say upon what conditions cattle might be condemned and slaughtered, or the manner in which they should be condemned and slaughtered, or what precautions should be taken to prevent the fraudulent abuse of this power, or any other matter connected with it. It is an application of the legislative power for the condemnation of private property, to sacrifice and slaughter, into the hands of the Commissioner of Agriculture. That is the whole of the case.

I can not vote for a bill of this kind. If we must legislate to establish a bureau for investigation, and if we want to confer upon that bureau power to condemn cattle, &c., we must prescribe, according to my view of our duty, the conditions upon which that bureau shall act and the manner in which it shall act; and we must give every owner of property some opportunity to be heard in advance of the action proposed to be taken by the commission. It seems to me that the part of the bill which has been stricken out in section 3, while it relieves the bill very much from what I consider to be odious features, does not by any means relieve it of its real difficulties and trouble. While I concede that there may be some necessity for the establishment of a bureau of animal industry, particularly as we have these large areas still to form into States—and they are under our guardianship and peculiar protection until that new political event occurs—still I believe that there is a great deal of danger in intrusting to these men the power that the bill confides to them.

I therefore can not vote for the bill in its present shape. I will vote for the bill if it is modified so as to establish within proper bounds a bureau of animal industry. I am willing to give them all the money

that is necessary for making proper inspections if they are supposed by Congress to be necessary to be made; but I can not consent to confer upon the Commissioner of Agriculture or any other person this arbitrary power of legislation, which is simply an abdication of our authority on this question.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the motion of the Senator from New Jersey [Mr. MCPHERSON] to recommit the bill to the Committee on Agriculture and Forestry.

Mr. PLUMB. Mr. President——

PATENT OF RUDOLPH LESCHOT.

Mr. PLATT. I am compelled to be absent to-morrow and perhaps for two or three days, and I desire to make a request before leaving, which is that Order of Business 270, under Rule VIII, being the bill (S. 419) for the extension of letters patent to the heirs of Rudolph Leschot, deceased, may be passed over without prejudice until my return. I do not propose that there shall be any agreement with the Senate, but I desire to make that request.

The PRESIDING OFFICER. The request of the Senator from Connecticut will be noted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate numbered 41 to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, and had disagreed to the residue of the amendments of the Senate to the said bill.

ENROLLED BILL.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6538) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota.

CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey [Mr. MCPHERSON] to recommit the bill to the Committee on Agriculture and Forestry. Is the Senate ready for the question? [Having put the question.] The ayes appear to have it.

Mr. PLUMB. I understood that the Senator from Connecticut [Mr. PLATT]——

The PRESIDING OFFICER. Does the Senator from Kansas ask for a division on the question?

Mr. PLUMB. No, Mr. President.

The PRESIDING OFFICER. The ayes have it, and the bill is recommitted.

Mr. PLUMB. I was on the floor, and the Chair had recognized me I think. I was about to make some remarks on the question pending the declaration of the vote.

The PRESIDING OFFICER. The Chair had fully stated the question, and asked the Senate if it was ready for the question, after which the question was put. If the Senator chooses the Chair will entertain a demand for a division, and that will leave the question open to debate, but without such demand debate is not in order.

Mr. PLUMB. I gave way to the Senator from Connecticut, and while I so gave way the Senator's colleague engaged me for a moment. I supposed the matter under consideration was that presented to the Senate by the Senator from Connecticut.

Mr. CAMERON, of Wisconsin. I was of the same opinion.

The PRESIDING OFFICER. While the Chair remembers distinctly that the Senator from Kansas rose and addressed the Chair, when the Senator from Connecticut had ceased to speak the Chair stated the question, and asked if the Senate was ready for the question, and after a pause put the question. It is competent for the Senator from Kansas now to ask for a division on the question.

Mr. PLUMB. Is it not competent for me to address the Senate pending the division?

The PRESIDING OFFICER. It is not. A division must be demanded, as the result had been announced.

Mr. HOAR. I ask unanimous consent that it may be considered as if the question had not been taken.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the question is open to debate.

Mr. PLUMB. Mr. President, the proposition to recommit the bill would have the effect undoubtedly, if carried, to destroy it. It is not made by any one friendly to the bill, but by a Senator who has confessed that he is opposed to it, and has stated very succinctly his reasons for being opposed to it. If it should be recommitted I think it would be practically the expression of the Senate that no such bill as this would be entertained favorably by the Senate at this session, and the committee, I have no doubt, would consider itself instructed to that effect. Therefore, at the proper time I shall have no objection to having the sense of the Senate tested upon this question by the vote taken upon the motion to recommit.

One of the arguments used against the bill is that it is unlimited on the part of the Agricultural Bureau (which seems to have excited the ire of certain members of this body) to give something to do upon the part of certain veterinary surgeons to get a living in their calling out of the United States Treasury. It is a conspiracy, according to the Senator from Texas and the Senator from New Jersey, having just about that scope. In that conspiracy there has been enlisted not only the House of Representatives, which after a debate of several days passed the bill, the Committee on Agriculture which reported it to the Senate, and the Senate itself substantially, but more than that, every agricultural association almost in the entire country, the Legislatures of a number of great States, the Stock-Growers' Association of the United States, under whose auspices this bill was drawn, and all these great interests have entered into this conspiracy. This conspiracy exists, having the main purpose, according to the charges that have been made, of simply giving employment to twenty veterinary surgeons and a couple of other officers to be employed under the terms of the bill. It is a good deal of a conspiracy, but it is for a very immaterial and ignoble object if the conspiracy exists.

This subject has been before the stock-growing people of the United States and before all the people of the United States for a number of years. The Senator from Texas dwelt with great force upon the fact that it had twice failed to pass the Senate. I have great respect for this body and shall have for some time to come, I have no doubt; but I fail to see that that has anything to do with this question. The Senate has frequently failed to pass measures that were for the benefit of the body of the people of the United States. It has sometimes done things that it felt subsequently called upon to undo. While the Senate has acted thus hesitatingly and thus adversely, the tide has constantly risen outside, and I venture to say to-day that there is not an intelligent stock-grower in the United States who is not in favor of Congress legislating upon this important question, and if he differs with the bill at all, it is substantially because it does not go far enough.

The Legislature of the State of New York as late as last January passed resolutions favoring the enactment of a law to carry into effect the recommendations of the Treasury Cattle Commission which so excited the ire of the Senator from Texas yesterday, stringent as they are, going much further than the bill goes. The Wyoming Stock-Growers' Association passed resolutions indorsing this bill. The Stock-Growers' Association of New Mexico have done the same thing. The New York Stock-Growers' Association which met in January last met largely for the purpose of formulating the opinion of that important and intelligent body of men upon this question. They sent a committee here which substantially drew the bill before the Senate, with the addition of the fifth section, which has been stricken out. These men believe that a measure of this kind is necessary for the great interest which they represent, and it has not been described by the Senator from Texas or any other Senator on this floor as a matter of greater magnitude than it really is.

Mr. COKE. Will the Senator from Kansas permit me to ask him a question?

Mr. PLUMB. Yes, sir.

Mr. COKE. I propound this question to the Senator from Kansas: Do you find in the resolutions of the Legislature of any State or any body of stock-raisers or any assemblage interested in this question, that any demand has ever been made to Congress to include the so-called splenetic or Texas fever in any legislation that they have asked for?

Mr. PLUMB. I do not know that Texas fever has been dignified by mention, but it will get some before this debate is over that will be satisfactory I hope to the Senator from Texas.

Mr. COKE. I ask the Senator for a frank answer to my question.

Mr. PLUMB. The Legislature of the State of New York adopted a resolution calling upon Congress to pass a bill to carry out the recommendations of the Treasury Cattle Commission, which were to the effect that Texas cattle should not during six months in the year be permitted to go out of that State.

Mr. COKE. If the Senator will permit me, I have never heard of that resolution of the Legislature of the State of New York.

Mr. PLUMB. There has been a good deal of useful information abroad in this land which I presume the Senator from Texas has not heard of.

Mr. COKE. I will state that in all the resolutions of all the different bodies recited in the report of the committee of the other House which reported this bill not a single one of them asked for legislation against the Texas or splenetic fever, but only against pleuro-pneumonia.

Mr. PLUMB. The bill does not mention Texas fever. It mentions "contagious, infectious, and communicable diseases," and if Texas fever is not a communicable disease nor a contagious disease then the bill does not apply to it. In addition to that the Iowa Improved-Stock Breeders' Associations have petitioned for the passage of this bill. The Legislature of the State of Iowa have done the same thing. The Stock-Growers' Association of the State of Kansas, embracing representatives located in every county in that State, thoroughly representative of the

stock interests of that State and of as much importance to the people of that State as the interest of Texas cattle is to the people of Texas, have also petitioned for the passage of this bill.

Now, who opposes the bill? I do not mean on constitutional grounds, but on interested grounds. The Senator from Texas and a few men interested in the commission business in cattle, men who would just as soon sell a diseased animal as a sound one, because the commission is just the same, which is 12½ cents a head. We have had here the spectacle of men who are interested in the selling of diseased cattle, or of cattle without reference to whether they are diseased or not, sending an attorney here, and I have a telegram from him on my desk in which he represents himself as being a sort of high joint commission; and he says he is arbitrating this question with somebody outside, and will I not please withhold this bill until he and the man he is conferring with have agreed upon something which they shall consent that Congress may pass. I have here a letter from the president of the stock-yard association of Kansas City, which I will put against the declaration of the stockmen of Chicago who have been quoted, and I may say for that body of men, represented by the manager of the association, that they do not want to sell diseased cattle to the people of this country or any other. They are interested in a trade which is legitimate; they are interested in maintaining it as a legitimate trade, and they handle as many Texas cattle as any other stock-yards in the world.

The PRESIDING OFFICER. Does the Senator desire to have the paper read?

Mr. PLUMB. I should be glad to have the paper read.

The PRESIDING OFFICER. The Secretary will read the paper.

The Secretary read as follows:

KANSAS CITY STOCK-YARD COMPANY,
GENERAL MANAGER'S OFFICE,
Kansas City, March 10, 1884.

DEAR SIR: I duly received a copy of the Hatch bill as passed by the House, also your letter of 4th instant, for which I am obliged. I think your views as to the importance of a stringent law for quarantining and stamping out infectious diseases among live-stock entirely correct. There was an effort made to have the Kansas City Stock-Yards and the people doing business there make a movement similar to that made at the Union Stock-Yards, Chicago, where, as you are no doubt aware, a series of resolutions was passed in opposition to this bill. I thought at the time that the Chicago people had made a mistake, and opposed anything of the kind being done here as being against the public policy and as being opposed to the real interests of the great majority of the stockmen who did business with us. The existence at this time of an infectious disease among cattle in the vicinity of Neosha Falls shows the necessity of a law which will provide prompt and decisive means for stamping out such diseases, and in view of the immense interest which all of the States in this section of the country have in the live-stock business, I shall be very glad if the present bill, with any necessary amendments, becomes a law of the land.

Yours, truly,

C. F. MORSE, *General Manager.*

Hon. P. B. PLUMB.

Mr. PLUMB. I will ask that the memorial of the committee of the national stock convention that met in Chicago in November, 1883, be inserted in the RECORD without being read, and also the resolutions of the Wyoming Stock-Growers' Association, and the resolutions of the New Mexican Stock-Growers' Association.

The PRESIDING OFFICER. If there be no objection the papers referred to by the Senator will be inserted in the RECORD.

The papers are as follows:

A memorial of the committee of the national stock convention held in Chicago, November, 1883.

To the Senate and House of Representatives
of the United States in Congress assembled:

Your petitioners respectfully set forth that at a national convention of live-stock breeders of the United States, representing twenty-two of the principal stock-growing States and Territories, held in the city of Chicago, November 16, 1883, they were appointed a committee for the purpose of presenting to your honorable bodies a statement of the losses which the live-stock interests of the country suffer by reason of the restrictive regulations now enforced by foreign governments against the importation of American live-stock and meat products into their respective countries.

We believe that these regulations are, to a great extent, inspired by motives other than those publicly assigned. It is claimed that our cattle are infected with a disease known as contagious pleuro-pneumonia, and that our swine are diseased in various ways—but more particularly with trichinosis. It is further alleged that we have no adequate system of inspection of either live-stock or dead-meat products. While the facts do not fully bear out these allegations, yet they contain a sufficient amount of truth to give them a degree of plausibility.

The facts are briefly these: The disease of lung-plague exists to a limited extent in circumscribed localities along the Atlantic seaboard, where it was first introduced by importation from Great Britain and Holland. Various State laws have been passed for the suppression of this disease and several hundred thousand dollars expended, but owing to the lack of united action by the several States, and the difficulty of regulating by State enactments the commerce between the States, it has been impossible so far to entirely eradicate the disease, except in the single State of Massachusetts, which took immediate action on discovering the disease, and by prompt measures, at an expenditure of about $100,000, successfully eradicated it.

There is also a certain amount of disease existing among the swine of the United States, but certainly to not nearly so great an extent as is represented abroad. The statistics of our export trade show that we are now annually losing millions of dollars by reason of these restrictions. The number of neat cattle in the United States, as estimated by the census of 1880, is 41,171,000, representing an estimated value of $1,250,000,000. The number of swine is 43,000,000, representing an estimated value of $300,000,000. Our export of live-stock and meat products during the fiscal year ending June 30, 1882, aggregated $120,000,000; for the fiscal year ending June 30, 1883, they aggregate only $107,000,000, showing a decrease of $13,000,000. This great and rapidly growing interest is not only seriously embarrassed by reason of the restrictive regulations imposed by foreign governments against our meats, but the actual existence of the cattle interest is imperiled by the prevalence of contagious pleuro-pneumonia or lung-plague, which prevails, as yet to only a limited extent, as hereinbefore stated.

In proof of this strong statement it is only necessary to cite the case of Australia, where formerly vast herds of cattle roamed the extensive plains of that country as they now do the plains of our own western frontier. In the year 1858 a single cow infected with the lung-plague was imported into that country from England, and from that one animal the disease extended to the ranges of the interior and entirely destroyed the herds of whole districts of country, so that the raising of cattle was abandoned in consequence. The same state of affairs occurred in South Africa. We cite these cases to show what would be the result of the infection of our own western ranges now teeming with millions of cattle. That they have not already become affected is due solely to the fact that the traffic in live-stock has been almost entirely from the West to the East, except during the year 1880, when a large trade in eastern dairy calves sprang up between the West and the East. The State of Illinois, forseeing the fatal effects likely to result from this trade, promptly passed a law prohibiting the traffic in such calves within her territory, thereby substantially breaking up the dangerous traffic.

In consequence of the restrictions which Great Britain imposes upon our exports of live cattle, animals taken from this country bring an average of $15 per head less than if the same class of cattle were exported from Canada, where a rigid examination of cattle is enforced and no disease is known to exist, thus placing our cattle industry at a serious disadvantage in competition with countries against which no restrictions are imposed, and tending constantly to lessen the aggregate of our export. A much greater percentage of losses is sustained by reason of the restrictions imposed by foreign countries upon our pork products.

For fuller and more complete information we respectfully refer you to the reports of the United States Department of Agriculture and of the United States Treasury Cattle Commission.

In view of losses already sustained and of the yet greater dangers menacing us, we most earnestly recommend that your honorable bodies enact such laws as will not only relieve us from the unjust suspicion which attaches to our live-stock and meat products abroad, but that you will also take proper measures to provide for the extinction of the disease of contagious pleuro-pneumonia, which can only be done by the slaughter of all infected cattle and the thorough disinfection of infected premises.

The United States Treasury Cattle Commission, who have made a very thorough examination of the subject, estimates the expense of such a measure at $1,500,000. Large as this sum is, it is a mere trifle in comparison with the losses already sustained. In our opinion not more than $500,000 need be made immediately available, and it is to be hoped that after the work has been properly inaugurated it may be found that a much smaller sum than that first named may be sufficient; but in any case we wish to particularly urge upon you the necessity of immediate, thorough, and complete work. We further respectfully recommend, with a view to removing the prejudice of our foreign customers, whose trade it is desirable for this country to retain, that a rigid system of inspection of all meat products for foreign export be provided for and enforced, the expense of such inspection to be borne by the exporter.

In order that the States whose Legislatures are now in session may take immediate measures to co-operate with the provisions of a bill to carry out these recommendations, your early consideration of this measure is earnestly urged.

And your petitioners will ever pray, &c.

J. B. GRINNELL, Iowa.
T. CORWIN ANDERSON, Kentucky.
JOSEPH M. CAREY, Wyoming.
D. W. SMITH, Illinois.
DONALD ROBB, Arizona.
N. M. CURTIS, New York.
D. COOPER AYERS, M. D., Wisconsin.
LEVI STOCKBRIDGE, Massachusetts.
S. R. THOMPSON, Nebraska.
GEORGE V. LAURENE, Pennsylvania.
WILLIAM J. WILSON, Colorado.
E. M. HUNT, M. D., New Jersey.

WYOMING STOCK-GROWERS' ASSOCIATION, *Cheyenne, April* 8, 1884.

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On motion of Mr. John Clay, the financial agent of the Wyoming Cattle Company, which owns one of the largest herds in the world, the following resolutions were received with immense applause and unanimously adopted:

"Whereas it has been actually demonstrated to this association that contagious pleuro-pneumonia actually exists in certain of the Atlantic States, which demands national legislation for its suppression; and

"Whereas a committee was sent to Washington by the national cattle-breeders' convention which met in Chicago in November, 1883, which committee prepared a careful and conservative bill covering all the necessary measures, which bill has passed the House of Representatives and is now before the Senate of the United States; and

"Whereas certain commission firms and cattle dealers of the Union Stock-Yards of Chicago have seen fit to oppose such legislation and to send a committee with legal counsel to Washington to lobby for the defeat of this bill; and

"Whereas members of said firms have repeatedly stated in public interviews in the Chicago press that they opposed said bill because its covert object was to quarantine the State of Texas under the plea of existing contagious diseases and thus prevent the bringing of Texas cattle into the Chicago market in summer: Therefore,

"*Resolved*, That we hereby desire to express in most emphatic language that this association of cattle-growers, representing $200,000,000 invested in breeding cattle, approves, indorses, and supports in their fullest sense the measures of said bill; that they regard these measures absolutely and vitally important to the permanent security of their business; that as producers and contributors to the taxable wealth of the country in one of the largest industries in the United States they demand from Congress such measures of protection as it has heretofore granted to the other great producing industries.

"*Resolved*, That we regard the interest of the commission firms of the Union Stock-Yards of Chicago as those of brokers only, limited to the commission which they receive for selling the stock; that the vast interest represented as centering in those yards is not the property of these men, but the property of those who produced it; that the firms referred to would not suffer by its entire destruction, except in consequent loss of business to themselves.

"*Resolved*, That in answer to a suggestion of injury to the Texas interests that members of this association are the largest customers for Texas cattle in the West, and hope and expect to remain so; that 150,000 head of Texas cattle have been bought by the members of this association for delivery the coming summer, and that it knows of no cattle disease in any part of Texas which could justify the application of quarantine measures in that State; and, lastly,

"*Be it resolved*, In view of the above facts, that this association regards the action of the commission firms above mentioned as originating in a selfish and narrow view of their own interests as highly injurious to the vast cattle-producing industry of the plains, and deserving of our unqualified censure; further, that in earnestly approving of and desiring the immediate passage of said ani-

mal-industry bill it is our duty to appoint a committee to voice this opinion in Washington and to use every honest means to secure this end."

* * * * * * * *

Mr. Babbitt offered the following resolution; which was adopted:

"Whereas this association finds that it has been seriously injured by the pooling arrangement prevailing among the buyers on the Chicago stock-yard; and

"Whereas the prices of hay, together with yardage, constitute a heavy tax upon the value of our cattle: Therefore,

"*Be it resolved*, That it is incumbent upon this association to examine any and all measures which may result in the opening of another market for our cattle, whereby a higher return may be obtained; that the plan proposed by Mr. Frewn and explained by our secretary in his report offers a possible method of getting our own beeves, and also lighter cattle if desired, to the very highest market, namely, that of Great Britain; that the executive committee is hereby instructed to obtain the fullest possible information on the above points and report their conclusions to the association, either by circular or at a special meeting."

NORTHERN NEW MEXICO STOCK GROWERS' ASSOCIATION,
Springer, April 7, 1884.

* * * * * * * *

Mr. Head then introduced a resolution regarding the cattle-industry bill now before Congress, and urging the necessity of the passage of the bill. The resolution passed unanimously, and the secretary was instructed to send a copy of it to Senator Plumb and Delegate Manzanares.

Mr. PLUMB. I am also informed by one of the Senators from New Hampshire that the legislature of that State has passed a resolution recommending substantially such legislation as is now pending before this body. Is there any necessity for this legislation? The Senator from Texas yesterday said there was no pleuro-pneumonia anywhere except in a very limited area in this country. Grant that there is none except there, as the Senator from Kentucky [Mr. WILLIAMS] well said yesterday, for the first time in the history of this interest in this country there is a movement of cattle from the East to the West. The dairy interests of the West have become large, and we are seeking to improve our herds by getting high-bred animals from the East. They are going out into Illinois, into Michigan, into Wisconsin, into Kansas, into Iowa, and away out on the plains. That has become a very important industry in the Western States. They go out at all ages, from calves up to two and four years of age, and cows and bulls. It is a trade which is constantly increasing, and it is of great interest to that section of country to improve the breeds of these animals; and yet at every touch they are apprehensive that the animals they get from the East may be impregnated with some disease which, once started upon those great ranges, can never be thoroughly stamped out. Admitting that the disease is just as insignificant as the Senator from Texas says, is not the mere suggestion, the mere hint even, that a damage of that kind might result to this great food interest of our country enough to warrant Congress in adopting measures of a preventive character?

The Senator from New Jersey must be mindful of the fact that his own State has legislated upon this question. Is there any pleuro-pneumonia in this country? The Senator from New Jersey says there is none, but the Legislature of his State has appropriated money to pay for stamping it out, and to pay for the animals that have been destroyed in the belief that they possessed it. Will he set up his word against that of the veterinary surgeons of his State, men possessing high reputation?

Mr. MCPHERSON. May I ask the Senator a question?

Mr. PLUMB. Undoubtedly.

Mr. MCPHERSON. Is there any evidence in the Senator's possession now that it has not been stamped out in the State of New Jersey?

Mr. PLUMB. I do not know that there is any evidence that it has not been, and yet no man can tell that it ever has been stamped out thoroughly. It is an insidious disease. After the best has been done that can be done, there may still be some animals left that have not been reached. Besides, that State borders upon the great State of Pennsylvania. There may be a herd adjoining the line between those States that may be affected, and the operation of the laws of New Jersey could not reach that herd, and thus the disease would be communicated on the other side of the line. I understand from the report of the Treasury Cattle Commission that it is the fact that this disease has been carried across the line into the State of Pennsylvania. At all events, it has been found on both sides of the line in such a way as to lead to the belief that it has been carried across, and it has evoked the operations of those two States, the States of Pennsylvania and New Jersey, to stamp it out.

The operations of the States will necessarily be limited and measurably ineffective. The decision which the Senator from Alabama quoted to-day, the Railroad Company *vs.* Husen, was a decision which involved the constitutionality of a law of the State of Missouri, which had attempted to prevent the introduction of Texas cattle into that State. The Supreme Court of the United States held that that law was unconstitutional because it was a regulation of interstate commerce. The traffic in cattle and all things which concern it become questions of the regulation of interstate commerce, and that is within the competency of Congress alone. It is not within the power of the State of New Jersey to prevent the introduction of cattle within the limits of that State, because under this decision the court say that transportation is essential to commerce, or rather it is commerce itself, every obstacle to or burden laid upon which by legislative authority is regulation, and that regulation can only be adopted, carried on, and made effective by Congressional action.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. PLUMB. Yes, sir.

Mr. JONES, of Florida. I infer from the argument the Senator is now making that he derives the power to pass this bill from the power to regulate commerce. Does he think that the power to regulate commerce in the General Government can touch subjects of commerce before they are in a condition to be transported, cattle in the field or goods in the warehouse, which are a part of the general property of the State?

Mr. PLUMB. I think they can if they are of a kind that are subject to be and which in the very nature of things must be transported before they can be sold. You can not say of one animal that it is a subject of Federal jurisdiction and of another that it is not. It can not be the question of the intent of the owner that shall determine the constitutionality of the power of the General Government to put its hand on that animal and say it shall be dealt with in a certain way. It is the fact that it is itself a subject of interstate commerce, and that one of the most obvious purposes in connection with it is that it shall be transported to some distance or to a market outside of the State for use.

Mr. JONES, of Florida. All cattle are not necessarily raised for transportation.

Mr. PLUMB. No; and the argument of the Senator from Florida would rest simply in saying that as all cattle are not necessarily for transportation therefore the Federal power can not touch any unless they shall in fact be transported.

Mr. MCPHERSON. Will the Senator from Kansas yield to me for a question?

Mr. PLUMB. Yes, sir.

Mr. MCPHERSON. Does the Senator from Kansas believe that the power to regulate commerce as provided for in the Federal Constitution carries with it the power to prohibit commerce?

Mr. PLUMB. A regulation may be prohibition. Regulation would necessarily be prohibition for a particular period of time.

Mr. MCPHERSON. I do not know whether the word "regulate" as used in the Federal Constitution carries with it any such extraordinary or enlarged power as the Senator from Kansas indicates. I have never yet believed that the power to regulate is the power to absolutely prohibit. When the Senator undertakes to say that under any condition of things that to-day exists or that has been found to exist in the experience of the past there is any power in this Government to say that cattle from the great State of Texas should not leave the State for six long months, I think he is carrying the interpretation of the power to regulate to a point which has never been done before.

Mr. PLUMB. There is nothing of that kind in this bill. The Senator from New Jersey has been afflicted with what was the matter with the Senator from Texas yesterday.

Mr. MCPHERSON. If the Senator will yield one moment further: he now makes a denial that he brought it in as argument at all that any such thing is found in this bill. The Senator quoted that and made use of it. He quoted the report of the Cattle Commission, who recommended that the cattle in the State of Texas, because it was possible to communicate disease from those cattle, should be prohibited from leaving that State for six months. If I did not understand the Senator to say that he fully approved of that report, then I will confess the fault is with me and not with him. I certainly so understood him, and to concede that under that clause of the Federal Constitution, to wit, the power to regulate, it was perfectly competent for Congress to pass such legislation as would absolutely prohibit.

Mr. PLUMB. I think it is. I think it is perfectly competent for Congress to do it; but there is nothing of that kind in the bill; and the Senator did not understand me, or at least I did not say (whatever the Senator may have understood), that I indorsed the recommendation of the Treasury Cattle Commission. I only referred to it incidentally in connection with the argument of the Senator from Texas yesterday. I am only alluding to the bill now. What is in the bill I indorse. I would go much further if it were in my power, but that is not necessarily a subject of discussion here.

Mr. WILLIAMS. The Senator from Kansas allows me to respond for one moment to the interrogatory of the Senator from New Jersey in relation to the power of Congress over commerce to regulate it. The power to regulate commerce necessarily extends to the extent of prohibition, else where do you get your power of quarantine, where does Congress get the power to lay an embargo upon foreign trade? The clause of the Constitution which gives to Congress power to regulate commerce with foreign nations and between the several States is as absolute in respect to interstate commerce as it is to foreign commerce. To regulate means that Congress shall have power to adopt all needful rules and regulations necessary to conduct commerce in such a manner that it shall not injure the health, the lives, or the property of the people, whether those dangers come from abroad or whether they come from State to State. It is to see that commerce is conducted so that it shall not damage the people in their health, their lives, or their property. We do not go to the general-welfare clause or the common-defense clause of the Constitution for power over this question. That power is as absolutely clear as any other grant of power which is enumerated in the Constitution.

Mr. PLUMB. I do not care to get into a discussion of the constitutional question. That has been thoroughly discussed elsewhere. It ought to be sufficient to say that when the States themselves have attempted to do that which would prevent the introduction of diseased cattle into their limits from outside, the Supreme Court has said that that was beyond their power. To deny the power to the General Government is to deny the power anywhere. In the case which I have before me that was the precise issue involved. The State of Missouri had attempted by a statute to quarantine against Texas cattle, which it is known convey disease. Even the Senator from Texas, their special advocate on this floor, admits that such is the case.

Mr. COKE. Will the Senator permit me to interrupt him?

Mr. PLUMB. Yes, sir.

Mr. COKE. Does not the Supreme Court in its decision in the Missouri case recognize the right of any State to quarantine against diseased cattle?

Mr. PLUMB. I presume that it would recognize the right to quarantine against diseased cattle, provided that question could be determined by due process of law before any steps were taken. In other words, while that was being determined by the slow process of the law the disease by its swifter processes would have affected the herds of the entire State. But it is enough to say that all the ingenuity of all the Western States that have attempted and have tried to quarantine against Texas cattle has been insufficient to pass any law which would stand the test of scrutiny in the Supreme Court. They have all been declared to be unconstitutional.

We have heard a great deal about the question of advertising disease. Even the Senator from Alabama [Mr. MORGAN] could not make his constitutional argument without saying that on the whole we were constantly doing injury to the interests of this country by advertising the existence of disease. That which is known of this country is known irrespective of what Congress says or does, and the smallest part of that which is published and what makes up the great sum of the intelligence of the people of this country is what transpires on this floor. We have not advertised this thing, and no law that we may pass will advertise it. It has been advertised as far and wide as newspapers go, as wide as human intelligence extends. The old countries, Great Britain notably, take care of the health of their people and of their interests, and they are constantly on the lookout for matters of this kind, and they do not apply to us, but they embargo their own cattle and thereby advertise to us, on the theory which is so often repeated, that they have diseased cattle among their own herds.

The newspapers have given this to the winds; the stockmen themselves have done it by their own appliances in reference to the spread and prevention of this disease, and we can not shut it out, we can not stop it. If Congress to-morrow or to-day were to pass a joint resolution unanimously, saying that there is no disease in this country, it would have no more effect abroad or anywhere else on public opinion than the Pope's bull against the comet. It is not in our power to put our heads in the sand and prevent mankind from seeing the remainder of our bodies exposed. People do not judge of the truth or the falsity of facts in matters of this kind by means of joint resolutions or laws of Congress. We have got to recognize the fact in the first place that wherever cattle are they are liable to disease, and we have for our own safety as well as that of people abroad to adopt measures which will prevent the spread of disease, and which will guarantee the health and healthfulness of the food products which we sell abroad.

But, Mr. President, the Senator from New Jersey should not have spoken about this question of advertising, because his own State, by a law passed as late as 1880, adopted means to stamp out the pleuro-pneumonia in New Jersey. Why was not his potential voice heard in that State at that time, saying to them, "Hush, you will give this thing away; you will hurt the State of New Jersey and its stock interests; just stop and do not legislate on this question; nobody will ever find it out." The State of New Jersey, not admonished by a warning of that kind, enacted a law providing for stamping out pleuro-pneumonia, and other States have done the same thing, Rhode Island, Pennsylvania, New York, New Hampshire, Minnesota, Nebraska, Michigan, and so on. The State of Michigan even has sinned so much against common sense as to provide as follows in section 3 of its cattle act:

SEC. 3. No cattle brought from Texas or the Indian Territory shall be permitted to pass through this State, or any part of the same, from the 1st day of March to the 1st day of November, in each year.

I have no doubt if they could hear the powerful voice of my friend from Texas they would be informed that Texas cattle do not communicate disease to other cattle; but the State of Michigan needs a great deal of enlightenment on that point.

But, Mr. President, we buy a great many cattle from Great Britain. We are interested all the while in getting better breeds of cattle from the other side of the water, and Great Britain is interested in selling them to us; and yet they have put upon their statute-book their law of 1878 providing for the most careful and thorough inspection upon the assumption that pleuro-pneumonia and the foot-and-mouth disease and other diseases exist among the cattle and the sheep and the hogs of that great realm. Talk about the power that is conferred upon the Commissioner of Agriculture by this bill! Let me read now from the orders of the privy council, based on the law of 1878, showing to what extent they go in England.

Mr. JONES, of Florida. Certainly it is not claimed that under our form of government the American Congress has the powers of the British Parliament.

Mr. PLUMB. I am not discussing the constitutional question at all. I am discussing simply the question of advertising this thing and of the necessity of whatever power is conferred in this bill to do the act which shall accomplish the purpose in view. Here it is said:

It shall not be lawful for any person to send or carry, or cause to be sent or carried, on a railway, canal, river, or inland navigation, or in a coasting vessel, or on a highway, or thoroughfare, any dung, fodder, or litter that has been in a pleuro-pneumonia, or a foot-and-mouth disease, or a sheep-pox, or a swine-fever infected place, or that has been in any place in contact with or used about a diseased animal, horse, ass, or mule, except with a license of the local authority for the district in which such place is situate, on a certificate of an inspector certifying that the thing moved has been, as far as practicable, disinfected.

And so all the way through this great volume which I hold in my hand are contained the most minute regulations. Cattle can not come from an infected district, can not be sold at public auction anywhere, or exhibited for sale in a market-place without a special permit naming the animal to be sold, &c. The people of Great Britain are not afraid of advertising the existence of disease there; they admit its existence just as it is with us. They simply say "we are showing our good will in regard to this matter; we exhibit to the people of the world the fact that we have adopted wise precautions against the spread of disease." They subject all cattle to inspection in such a way that if the Senator from New Jersey, or any one else, goes there to buy a high-bred animal to be imported into this country, he may be certain that he buys an animal that is healthful. That is what we have got to do.

But the Senator from New Jersey says let us not submit ourselves to a law of inspection. I am not so much concerned about the British people as I am about the American people. I want a law to prevent the spread of disease here, and can we suppose that, if disease exists here and is going unchecked from State to State and spreading itself all over this country, any measure of inspection we can adopt will convey to the people on the other side the assurance that the cattle that we send them are free from it?

Mr. MCPHERSON. Will the Senator bear with me one moment?

Mr. PLUMB. Certainly.

Mr. MCPHERSON. The mistake that the Senator makes in his argument is that his premises are not true. I deny *in toto* his premises. His argument would be exceedingly good if his premises were true. He speaks of the spread of disease all over this country, the facts being that there is no such thing in the country, and no spread of it therefore. His superstructure is built upon a very slim foundation, in fact on no foundation at all.

Mr. PLUMB. Why, Mr. President, against the testimony of the Senator from New Jersey which of course if he was testifying of a thing he knew about would be as good as that of anybody else, against his *fiat*, his *dictum*, here is the testimony of the veterinary surgeons of his own State, of the Legislature of his own State who passed a bill for the destruction of the cattle disease, the report of the Cattle Commission of the Treasury Department, and the report of the veterinary commission of his own State. Does he mean to say, in view of these, that there is no disease in this country?

Mr. MCPHERSON. The Senator will bear with me again. I submit it is not exactly fair to bring in as an argument on this bill what took place in New Jersey, what existed in New Jersey years ago. I submit also that it is not exactly fair as part of his argument to bring in what New Jersey has done toward stamping out this disease within its own borders. It is certainly no particular disgrace to the people of New Jersey if they found disease even in animals existing in that State, that they took hold of the case and dealt with it and stamped it out. That was the end of it. I only ask that other States may do the same thing without coming to the Congress of the United States and having discussions of this character, giving notice to foreign nations that we discredit the great products about which the honorable Senator from Kentucky [Mr. WILLIAMS] spoke so eloquently yesterday. Why should we discredit our own animals in foreign nations? New Jersey, finding the disease existing to a limited extent in its own borders, immediately took hold of it by its own Legislature and put an end to it. This can be done by other States without any of the trammels that are intended to be placed on business by the bill of the honorable Senator from Kansas.

Mr. PLUMB. Mr. President, we are not dealing with a hypothetical case. We are dealing with a case which has existed as a matter of fact, with an embargo which to-day rests upon this product, and with the necessity of doing something which shall remove that embargo.

In the first place, while I do not doubt the good intentions of the State of New Jersey, I can not suppose that the actions of that State are not as well known abroad as the actions of Congress are known abroad, and consequently the legislation of that State, the publications made in the newspapers about the effort to stamp out the disease, about its existence, and all the other things connected with it, have been as well known abroad as though they had been the subject of discussion in the Senate or in the House of Representatives of Congress.

In the next place, State action is ineffectual. Suppose the disease does exist in the State of New Jersey, that State is not going to quarantine against cattle going out. It will leave that for other countries to do, and it will permit animals to be sent out of that State that have the disease if any one is willing to buy them. I am speaking of this because it is a common thing. Everybody would do the same. We permit an animal to go out to any quarter of the globe if anybody wants to buy it. Self-interest would prevent a diseased animal from coming in. It wants a quarantine against the introduction of diseased cattle into the State. All the State will quarantine against will be, so far as it can, against the introduction of cattle from outside within its own limits, and that, as I have said, it can not effectually do because of the decision of the Supreme Court of the United States. Therefore Kansas is not protected against New Jersey by the operation of the New Jersey law, and when Kansas comes to protect itself against New Jersey the Supreme Court comes in and says she can not do it. We have been protected by the fact that heretofore cattle have gone from the West to the East, and not from the East to the West, and therefore the disease has not had opportunity to make its way West.

Now, Mr. President, I shall refer somewhat to the argument of the Senator from Texas upon this question of the Texas fever, and I desire to say in the beginning that I sympathize entirely with him in his expressions of interest in regard to that great industry of his State. He worthily represents it, he is justly solicitous about it, and I do not desire that that industry in his State shall be put under any ban that may not be necessary; and yet he admits himself that the cattle from Texas carry the disease where they go among domestic animals. He did not need to make that admission. There is not a cattle-grower in the State of Kansas, or the State of Missouri, or the State of Illinois, or in fact I might say in any State west of the Alleghany Mountains, that does not recognize it, and there are very few of them that have not had occasion to feel it in their purses. Some years they do not seem to communicate it. It is an enigma, and it is sometimes regarded as a myth; but again on the trail of where the Texas cattle go it is as though that vast country had been burned by fire. Every animal sometimes within miles of where these cattle have gone will die, and the better the cattle the more certain they are to die.

But the Senator from Texas stated yesterday that the people there regulate it themselves, and how? He said they regulate it by the shotgun. So they do sometimes. It is because of the feeling of insecurity that comes from the lack of any effective quarantine that the people take the law into their own hands, and sometimes it does happen that men who bring cattle into Missouri and into Kansas from Texas during the summer season are met by shotguns. Men are defiant of interstate commerce or of any other thing which threatens them with the destruction of all the interests they have gathered up at such great labor and such great sacrifice and which may at any time disappear.

This has been the subject of legislation in Missouri; it has sometimes divided parties; it has been the most important question sometimes which has been the subject of enactment by the Legislatures of Kansas and Missouri; and with all that has been done the prohibition has not been wholly effective.

It is true that out of this discussion, out of the necessity of the situation, has come an adjustment, and so long as it can be observed the trade may be carried on with safety. Men drive cattle from Texas to the Indian Territory and hold them there during the summer months. It is well understood and recognized that after frost comes there is no danger from the disease, and therefore cattle which are held in the Indian Territory until after frost can be driven with safety into Kansas, and men buy them, and the commerce between those two States in cattle has become a great one, and nobody desires to interrupt it, nobody desires to prevent it; but everybody who has material interests there does desire that it shall be so regulated, so managed, and so under control that it can be carried on without danger of the irruptions that occasionally happen whereby great losses occur to domestic cattle in the States of Kansas and Missouri. The losses in the State of Kansas, I have no doubt, from the death of domestic cattle by the Texas fever would aggregate as much as all the profits that have been made out of that trade by the people of that State. Of course they are not so equally distributed.

Some men make during the course of years great profits. Other men who do not engage in it, but who have been subjected to contact with the cattle driven from Texas to Kansas, have lost an entire herd. As I said before, the better the cattle the more certain they are to die. Men say because, as the Senator from Texas says, they can jump a ten-rail fence, because they can outrun a quarter-horse, and all that sort of thing, therefore they cannot be diseased. Mr. President, the answer to that is the answer which the man in jail gave to the lawyer who said: "You can not be put in jail, my dear friend, for this offense." "My dear sir," he said, "here I am." The cattle die wherever Texas cattle are driven, all along their track, and whatever it may be, splenetic or whatever kind of disease, it is truly a disease to the cattle that are affected by it, and who die on account of it.

The Senator from Texas read yesterday some dispatches from Chicago stating that it had never occurred in Chicago. I have here the testimony taken by the Treasury Cattle Commission in regard to Texas fever, which has resulted from the introduction of cattle through the Chicago yards into other portions of the country:

Joseph Breck, Brecksville Road, lives five miles from Cleveland. He has fifty-five cows, and sells their milk in the city. Occasional cases of parturient apoplexy are the only affections from which his cows die. Upon examination I found his cows healthy. He buys fresh cows from the farmers in the country around, and sometimes goes into Indiana and buys a car-load at a time. His cows run at pasture except during the time they are milked, at which time they are fed grain, and sometimes hay or cornstalks. Farmers two or three miles from him have lost cows of Texas fever, but with that exception there is no disease among the suburban dairies.

W. A. Ramsay, superintendent of the Saint Louis stock-yards, says—

That the only disease among cattle here was Texas fever, and that this year there had been less than ever of that disease. The cause of its becoming less and less each year, he thought, was due to the fact that the cattle in Texas were becoming more domesticated.

That is to say, they can not jump quite so high fences—

Large numbers of well-bred bulls were taken into the State every year and had greatly improved the grade of cattle. A greater amount of land is being cultivated, which changes the character of the herbage and may have some influence in preventing the disease. The number of deaths was greatest in 1876 from Texas fever. He stated that there was but very little trade in eastern dairy calves; the majority of that stock goes to Chicago market and is distributed from there.

Mr. W. S. Hensley, another cattle-dealer, said—

He had never seen a case of lung-plague in the yards or anywhere else; does not know what the disease is. Had not seen three steers sick with Texas fever this season. Other years numbers of cattle had died from it, but it was becoming less and less prevalent each year, due, he thought, to the better breeding of cattle in Texas.

And at Detroit—

The Texas cattle disease has been transmitted to Michigan cattle by their occupying pens which had been previously occupied by Texas cattle. An instance occurred some years ago in which eight Michigan steers were driven from the yards to Dearborn, a village ten miles from Detroit; they all died shortly afterward of the Texas cattle fever. Texas cattle are still brought to the yards, but they are not put into the same yards as other cattle, and in consequence of greater care being exercised no deaths have occurred during the last two years. This is the only contagious disease which has been contracted in or spread from the cattle-yards on Twentieth street.

Mr. BAYARD. What was the date of that?

Mr. PLUMB. September, 1881. There is abundant testimony of the same kind from other quarters, which I will not detain the Senate by reading. I do not mean to say that there ought to be an absolute embargo all the year on Texas cattle; I do not mean to say either that there ought to be anything more than a qualified embargo for any portion of the year. All I do say is that Texas cattle do communicate disease; that there is no unreason, but there is great reason, therefore, that their transportation from place to place without the borders of that State should be the subject of regulation, and that that regulation should be designed to prevent any communicable fever reaching the herds of those who have built up stock interests of their own and who have rejoiced in the bettering of the grade of their cattle from year to year, thus adding to their own wealth and to the wealth of the country. They should not be exposed to this great and dangerous infection.

Mr. BAYARD. Will the Senator pardon me? I have listened to the various statements he has read from this report and I do not remember to have heard in any case the fact that the disease was communicated by cattle from Texas. They use the words "Texas fever," but I do not find in any of the statements where the disease is traced to cattle driven from Texas. They speak several times of cows distant two or three miles taking the fever, but that might be engendered elsewhere than from cattle which are transported from a great distance. It certainly is a paradox in all medical history, as certainly in all ordinary reason, that either a man or an animal can communicate that which he or it does not possess, and in this case the statement is that these cattle are perfectly healthy; indeed, as I heard the Senator read just now, that the more healthy they are the more liable they are to communicate the disease to others. I can not help thinking that there is a great deal that is loose, that is exaggerated, that is not connected with any sufficient data in the way of facts.

Mr. PLUMB. If I had supposed that this would be questioned at all I should have exhibited to the Senator authority on the subject that he would not have doubted.

Mr. BAYARD. I mean to say the authorities I have read are in favor of the idea I suggest.

Mr. PLUMB. I think the Senator is mistaken. While people speak of the Texas fever and sometimes omit to state that it is communicated by Texas cattle, at the same time the fact that it is communicated by Texas cattle is the one thing, and the only thing, that stands as Texas fever. Consequently if it is not communicated by Texas cattle it is not Texas fever—that is to say, within this range I have spoken of—because this exists at places where Texas cattle alone of all Southern cattle are sold.

But if the Senator from Delaware had been listening closely he would have observed that the gentleman who spoke of the disease at Detroit says distinctly:

An instance occurred some years ago in which eight Michigan steers were driven from the yards to Dearborn, a village ten miles from Detroit; they all died shortly afterward of the Texas cattle fever.

They were destroyed by their occupying pens which had been previously occupied by Texas cattle. There is no question about this mat-

ter, and the Senator from Texas himself admits this to be the case. I do not say that they are in a condition of absolute health; that I do not know; but certainly they are healthy so far as concerns anything which affects their activity or the value of their carcasses for beef or any of the other ordinary uses to which cattle are put. But they do themselves communicate to other cattle a disease the most deadly of all diseases ever known so far as I have had any experience among cattle. Before this debate closes I shall be glad to have the testimony of the Senator from Missouri on that point, as I have no doubt he has tried, as almost every lawyer in his State has, cases in which this very question has arisen.

Mr. McPHERSON. Will the Senator from Kansas yield to me for one moment?

Mr. PLUMB. Yes.

Mr. McPHERSON. I hold in my hand a copy of the New York World of to-day, which gives telegraphic information from the other side that the British Parliament are now engaged in a discussion of the cattle bill. The appropriate department of that government is forced to execute its law as regards the infected districts. I should like to ask the Senator from Kansas if any argument other than the one he is now making would be needed in the British Parliament to convince that body of men that American cattle should be ejected or debarred from entering the British ports anywhere? In justice to the intelligence of that body of men I should say without hesitation that that was all the argument needed, all the proof needed to convince them that it was decidedly dangerous to allow a live animal from the United States of America to even have a foothold upon British soil.

Now, one word more. Let me ask the honorable Senator from Kansas, if that result were reached, if the bill to-day passed by the British Government should become a law, the natural result would be an absolute depreciation in the value of all the animals of this country; not those intended for export, not our surplus, because it is the surplus that always determines the value of the entire product. The value of every pound of cotton raised in this country is determined by the value of the amount exported to Liverpool and London. There would be a depreciation of more than 3 cents a pound upon the entire meat product raised in this country by reason of that embargo by the British Government. Subtract, if you please, that loss in the next year from all possible contingencies or damage that may arise by reason of disease which to-day does not exist in this country except in the imagination of some people—subtract that loss in one year, if you please, from the whole measure of damage that can possibly result, and it is very small in the ratio of this vast interest involved. The statement of the Senator from Kansas alone, without any effort on the part of any other Senator, speaking as he does as the representative upon the floor of the committee having charge of this measure—that statement alone, read upon the floor of the British Parliament, would do more damage to the cattle industry of this country than all the disease that is likely to happen in the next forty years.

Mr. PLUMB. Mr. President, it happened that about six years before I opened my head on this question the British Parliament passed an act substantially prohibiting the introduction of American cattle into the British ports—that is to say, prohibiting their being taken beyond the point of landing.

Mr. McPHERSON. The honorable Senator from Kansas is too intelligent for me to undertake to explain to him that provision and the reasons for it. The English Government, like the American Government, desires to protect the industries of its own people. The cattle industry in England has been a very large one. They were able for a long period of time to supply the people of that country with all the meat they needed. The time came when they were unable to supply them except at a very large price. The British Government to-day unquestionably are engaged in some scheme that will bring to their aid at this particular time that vast industry, representing the agricultural interest of England; they desire some measure of protection which will bind them to the existing government and give it the influence and support of that large class of people. For one, interested as I am, in sympathy as I am, feeling as I do in support of the interests of my own country, I am very much perplexed and very much pained to find that where there is no cause but this widespread assertion Senators will rise in their place in the Senate and will assist any such scheme as will turn the surplus of this country, that we desire so much to get rid of, back upon our own people and find no market for it anywhere.

Mr. PLUMB. As I said, years before I ever opened my head on this subject the British Government had adopted the rule of which we are now complaining. They did it for reasons which were satisfactory to them. One of two things is true: either they sincerely believe it or they do not. If they believe it, it is in our power to remove the doubt and the distrust with which our cattle are regarded by a thorough inspection at home preparatory to their going abroad and the necessary measures to prevent the spread of the disease and also extirpate it where it can be done. If they were insincere, and if, as the Senator from New Jersey now says, it was done, not because our cattle had disease, but because they desired to put up a barrier in behalf and for the benefit of the cattle producers of the British Islands, then I ask him how all this debate does any hurt?

But beyond all that he says long before anything was said here the cattle interest of this country took alarm, and they themselves, the very men whose property has been depreciated by this rumor in regard to the disease, the very men whose property is depreciated for the reason that there is no definite way of determining the existence of disease and giving that to the world, have been besieging the halls of Congress, through the public press, in public meetings held for the purpose, and asking this legislation; and as the Senator from New Jersey, himself interested in only one aspect of this case, only in the abattoir part of it, only in the commission handling of cattle, sets himself up as an authority on this question——

Mr. McPHERSON. Do I understand the Senator to say that the Senator from New Jersey is interested in any aspect of the case?

Mr. PLUMB. I understood the Senator to say so to the Senator from Texas yesterday.

Mr. McPHERSON. The Senator from Texas yesterday asked me if I had had any knowledge or experience on the subject, and I answered him. Let me read from the RECORD exactly what I said. I think I used the word "somewhat."

Mr. COKE. That was the answer.

Mr. McPHERSON. I want to say to the Senator from Kansas, and in saying it to him to say to all Senators, that the Senator from New Jersey is not interested directly or indirectly in any aspect of the case except as a cattle-grower. There is no aspect of the case in any shape or form other than that, and that to a very limited extent. My occupation is as a farmer, and in no other aspect of the case am I interested in the least. If I were interested to any extent, great or little, in the matter, it would not change my mind as to what would be a proper measure of legislation in the premises.

Mr. PLUMB. I beg the Senator's pardon for anything I may have said that seemed to impute to him anything that was wrong. I did not mean to do that. I did not assume in the slightest degree that his interest, whatever it might be, was not entirely proper. I understood him to say something more than I find in the RECORD. I have not examined the RECORD this morning. I am very glad to be corrected by him, and to say further that what I remarked was not with the design of imputing anything to him, but simply to appeal to him not to allow the interest which he seemed to have in the free course of trade to prevail against the interest which the people who are at the back of this trade themselves believe is to be subserved by the passage of this bill, and upon that I stand. Here are the cattle-men themselves, whose every interest is touched by this legislation, who have been touched heretofore in their pockets by the adverse legislation of Great Britain, who believe that this is the best way to demonstrate to Great Britain and to the world that our cattle are not diseased; or if they are diseased, that if we have the power to stamp it out we will adopt measures to that end in order that the cattle we send abroad may go abroad absolutely free from any suspicion of being otherwise than entirely healthy. They know what they want better than I know, better than any Senator on this floor knows, and it is because they do know that I am here urging that this measure, so important to them, and so important to the great interests of this country, shall be passed, that they shall have this little pittance at the hands of Congress to enable their products to take their old place in the markets of the world free from any suspicion that they are not what they assume to be, fit articles of human food.

Mr. COKE. Mr. President, I desire the attention of the Senator from Kansas for a few minutes. I asked the honorable Senator while he was speaking to name a legislative body, or a body of stock-raisers or of farmers, or a public assembly anywhere in the United States that had ever asked legislative action for protection against the so-called "Texas fever." The honorable Senator did not reply directly at first, but after a while did say that the Legislature of the State of New York had requested such legislation. I replied to the Senator that I had never heard of such action of the Legislature of New York. The Senator remarked in reply that there might be other things I should hear of yet on this subject that I had not heard of.

Now, I call the Senator's attention to the action of the Legislature of the State of New York. I have it here. It is recited in the report of Mr. Hatch, accompanying the House bill, the same now before us. Here is the resolution:

Resolved (if the senate concur), That the Senators of this State in Congress be instructed, and the Representatives of this State be requested, to use their best efforts to secure the enactment of a law to carry into effect the recommendations made by the Treasury Cattle Commission in its report transmitted to Congress in February, 1882, for the extinction of the lung-plague and to provide means therefor, or to secure such other legislation as may speedily and effectually accomplish the result.

The honorable Senator in reply to me said that this resolution asks for the enactment of a law in accordance with the recommendations of the Treasury Cattle Commission. That commission asked and recommended the enactment of a law that would quarantine not only Texas cattle but all cattle in the infected belt at least seven months in the year, and in addition legislation on the "lung-plague." I thought, and so did everybody else, from the honorable Senator's reply, that the resolution of the Legislature of the State of New York covered the entire recommendations of the Cattle Commission, but upon reading the resolution I find that it is confined to a request to Congress to carry out

the recommendations of the Cattle Commission as to lung-plague or pleuro-pneumonia, and as to nothing else. The Texas fever, which is classed as a plague with pleuro-pneumonia in the report of that commission, is not mentioned or alluded to in the resolution of the Legislature, and no other inference can be drawn from that fact than that it was purposely omitted.

The Senator from Kansas said that a national convention of live-stock breeders of the United States, representing twenty-two of the principal stock-growing States and Territories, held in the city of Chicago, November 16, 1883, presented to the House a resolution asking that the Texas fever and all other infectious and contagious diseases be dealt with.

Mr. PLUMB. I simply said that they recommended the passage of this bill; that is all.

Mr. COKE. I have the memorial of that convention in my hand. I find it printed in the RECORD of January 16, 1884. Here is the way it reads:

In view of losses already sustained and of the yet greater dangers menacing us, we most earnestly recommend that your honorable bodies enact such laws as will not only relieve us from the unjust suspicion which attaches to our live-stock and meat products abroad, but that you will also take proper measures to provide for the extinction of the disease of contagious pleuro-pneumonia, which can only be done by the slaughter of all infected cattle and the thorough disinfection of infected premises.

The Senator was again mistaken; the passage of this bill was not asked for by that convention, but only a law providing for the extinction of pleuro-pneumonia was asked for. This bill would embargo Texas cattle, and this resolution asks for no such thing.

That is the great convention which assembled at Chicago, referred to so triumphantly by the Senator from Kansas. I have here the resolutions of the Kansas State board of agriculture:

Resolved, That our members in Congress be, and they are hereby, respectfully requested to favor such legislation as may be necessary to determine and clearly define the territory in the United States now infected with the disease among cattle known as pleuro-pneumonia, and to circumscribe and stamp out this much-dreaded disease in this country by the purchase, if necessary, at the expense of the Government, and slaughter of all animals infected with the disease or known to have been exposed thereto.

Pleuro-pneumonia! Not one single allusion to the Texas fever in any of these memorials, in any of these resolutions. I stated that such was the case to the Senator from Kansas when he was on his feet. He denied it, and I propose to show that I was right:

Also the following joint memorial from the Legislature of Montana concerning pleuro-pneumonia in cattle.

Then follows the memorial:

We, your memoralists, therefore respectfully request the passage of some measure by your honorable body which will tend to effectually eradicate this fearful disease; and if no better or surer method is offered, we would beg leave to suggest the purchase by the Government of all cattle affected by the disease and their immediate destruction.

Again:

Also the following resolutions from the Stock-Breeder's Association of Minnesota, held at the Board of Trade rooms, Minneapolis, December 19, 1883, indorsing the action of the national convention of live-stock breeders of the United States held at Chicago—

From whose memorial I have just read—

and to which reference has been made:

"*Resolved*, That we heartily indorse the foregoing resolutions, and that we ask our Senators and Representatives at Washington to use all honorable means, when the matter is brought up for consideration, to secure such legislation for the protection of our cattle and meat products as the Secretary of the Treasury and the above committee deem expedient."

Every single memorial and resolution referred to in that report, every one referred to by the honorable Senator from Kansas, speaks of pleuro-pneumonia and of that alone. Even the resolutions of the Stock-Breeders' Association of the State of Kansas, the State nearest our great Texas cattle ranches, say nothing about Texas fever, and memorialize Congress for protection against pleuro-pneumonia. What are we to infer from this, Mr. President? What are we to infer from these most significant facts, when the live-stock breeders, and Legislatures, and boards of trade, and other representative bodies meet and pass resolutions and have this subject under consideration, when they absolutely refuse to mention the existence of this Texas fever? What are we to infer from them? Are we to draw the conclusion from their silence on this subject that they desire to class Texas fever with pleuro-pneumonia, when they expressly decline to do it?

The Senator from Kansas says they did mean to include Texas fever, but he gives no reason why they did not say so in their memorials. The fact that the Congress of the United States never yet has been asked by anybody except by the veterinary surgeon of the Agricultural Department and by the Treasury Cattle Commission for legislation upon the subject of the Texas fever is one that can not be denied. The Treasury Cattle Commission have discovered that the Texas fever is a great plague, and although that report was made in 1883 and many of these memorials have been adopted since, not one of the bodies having this great interest in charge has followed suit; and when these bodies were expressly approving the work of this commission and had it under consideration they confined their approval specifically to the measures recommended for the suppression of pluero-pneumonia, saying not a word about its recommendation in regard to Texas fever. If they had used affirmative language of disapproval of the action of these officials touching the so-called "Texas fever," their expression of condemnation could not have been stronger than is implied in their silence on this subject.

Mr. President, I repeat what I said yesterday, that a great interest, not only in my State but extending from Northern Virginia to the Rio Grande, has been libeled and defamed by officers of the Government of the United States. This property has been depreciated; it has been excluded from foreign markets by reason of this assault upon it by these officials; and I do say that the assault was absolutely gratuitous and unnecessary, because the men who raise stock, who deal in stock, who are producers as well as brokers, testify universally that these cattle are not afflicted with any plague and that a little management in handling them is all that is needed.

That these are facts there is no doubt. I say to the Senate that one line of law or enactment applicable to the Texas fever or to Texas stock will be purely gratuitous on the part of Congress, because not one single voice has demanded it except the report that has been made by two or three Government officials, who know less about it than anybody else who has ever bestowed any attention on the subject.

Mr. President, with reference to the pleuro-pneumonia I hold that the great weight and mass and bulk of the testimony before the Senate goes conclusively to show there is no pleuro-pneumonia in this country and that no necessity exists for the passage of this bill. If it be held that pleuro-pneumonia exists at all in this country it must be conceded that it is confined to a few States, in two or three of the Eastern States, in each one of which stringent laws for its suppression exist, and that it is promptly suppressed when it shows itself.

The honorable Senator from Kansas talks about memorials. I admit that he has read quite a number of memorials asking for the extirpation of pleuro-pneumonia, but I submit respectfully to the Senate that the testimony shows that the memorialists were not informed and were laboring under a misapprehension. Refer to these memorials, and, either in the preamble or in the resolution itself of all of them you find the agricultural reports referred to as showing the existence of pleuro-pneumonia in the country. Every time you find the report of the Commissioner of Agriculture referred to to prove the existence of pleuro-pneumonia; and who, I ask, ought to know best, the Commissioner of Agriculture or the hundreds of men with their millions of dollars invested at Chicago, Jersey City, and East Liberty, and other stock-yards whose certificates have been read here, that in twenty years there has not been in one of these great yards a case of pleuro-pneumonia? I read these certificates to the Senate yesterday, but as some Senators may not have heard them I will read them again:

UNION STOCK-YARDS, *Chicago, Ill., April* 14, 1884.

To EMORY A. STORRS, *Riggs House:*

There never has been any sickness among cattle here that any one pretended to call contagious pleuro-pneumonia or foot-and-mouth disease.

E. TITUS WILLIAMS,
Superintendent Union Stock-Yards.

Mr. WILLIAMS. Will the Senator allow me one moment? I will save him the trouble of all this argument. We do not assert that it has ever been in Chicago or west of the Alleghany Mountains as yet. What we want to do is to keep it from those localities.

Mr. COKE. I will make my own argument if the Senator pleases. Again:

JERSEY CITY, N. J., *April* 15, 1884.

Hon. EMORY A. STORRS, *Washington, D. C.:*

Our receipts of cattle at the yard in the year 1883 were 423,800 head. We have never had any pleuro-pneumonia, foot-and-mouth disease, or any other contagious disease at these yards.

E. L. LAMBERT,
Assistant Treasurer.
NEWTON & GILLETTE.
DANIEL TOFFEY & CO.
J. F. SADLER & CO.
SPERMAN & CULVER.

Again:

EAST LIBERTY, PA., *April* 15, 1884.

To E. A. STORRS:

We, the undersigned, certify that we have been in the cattle business at these yards for the last ten years; have never had any stock affected with pleuro-pneumonia, foot-and-mouth disease, or any other contagious disease. The receipts at this yard of stock and fat cattle are about 400,000 head per year.

This is signed by the superintendent of the yards and a large number of firms.

Again:

NEW YORK, *April* 17.

EMORY A. STORRS:

We received and yarded 250,000 cattle last year, and had not a single case of pleuro-pneumonia or foot-and-mouth disease.

J. B. DUTCHER,
President Union Stock-Yard and Market Company.

These reports come from all these great stock-yards in which are congregated cattle from the North, South, East, and West, not casually, not occasionally, but every day, the transactions amounting to millions daily, and yet there never has been a single case of pleuro-pneumonia or contagious disease in any of them, in some for ten years, and in others for twenty years. What conclusion must we draw from this fact? I regard it as absolutely certain that it must have gone into these yards if the disease had an existence in the country. If any gentleman desired information on the subject of the health of cattle, where could he

go with greater certainty of obtaining it fully and accurately than to these great receptacles of all the merchantable cattle of this country?

Gentlemen say these men are brokers and interested and not to be relied on. I saw a number of them here—some eight or ten of them—and, if I am any judge of men, they are the peers of any business men I have ever met, having honest, open, intelligent faces, brimful of energy and hard practical sense, just such men as are always successful; that is the character of men—men who stand high, men of good repute, men of influence and force and character. If such men can not be believed, human testimony can not be relied on.

Objection has been made that these gentlemen have seen fit to employ an attorney to represent their interests in this matter in this city. It is not necessary for me to defend Emory Storrs in any tribunal where he is permitted to speak for himself. I feel it but just to say of him here, however, that he is a gentleman distinguished for his ability as a lawyer, standing high socially and in every way as an honorable gentleman, and I do not believe that these citizens of Chicago could have been more ably represented by anybody that I know than they are by him. He has made his arguments and laid them upon the desks of Senators, frankly stating that he is the retained attorney of those he represents, and sought to approach their intelligence by logic and facts. That is all he has done. If you call that lobbying, be it so; I regard it as honorable and legitimate legal service.

The earnestness and activity with which the people who do the great cattle business at the great commercial centers of the country oppose this bill is proof conclusive to my mind that it is radically wrong. Anything which affects the stability of their business is pernicious alike to them and to the breeders of cattle. Any unsettlement of values is hurtful; anything that disturbs the even tenor of healthy and legitimate commerce goes against the interest and the pockets of these gentlemen. I do not care if they are brokers; they handle the cattle of this country and they pay to the producers the annual profits reaped from what they sell.

Mr. President, if the gentlemen who have sent these certificates here are not credible witnesses, if all their interest does not lie on the side of truth, if their interest is not on the side of the producers of this country, I am willing that you may cast aside their testimony. You can not hurt the producers of cattle without wounding these gentlemen. Their highest interest is to be found in the highest prosperity of the producers. The greatest profits they can make are to be found in a healthy commercial intercourse and a stable market for cattle products. Their interest is precisely that of the farmer and cattle-breeder.

All they have in their business depends for its safety on law and order, on the steadiness and stability and uninterrupted flow of the current of the cattle trade. Panic, uneasiness, instability, fluctuation, which it is the professed object of this bill to provide against, but which these eminently practical and intelligent and successful men believe will be promoted and produced by its passage, is always hurtful and often ruinous to them and exactly in the same proportion to the breeders of cattle.

The memorials referred to by the Senator from Kansas are very explicit in demanding legislation for protection against pleuro-pneumonia. The memorialists evidently derived their information as to the existence of this disease from the reports of the Department of Agriculture. The gentlemen whose certificates I have read, with extensive practical knowledge running through many years, testify that there is not and has not been in the great stock-yards of this country a case of pleuro-pneumonia for twenty years. Weigh the testimony and decide which is right. The Senator from Kansas admits that no case of this disease has ever occurred west of the Alleghany Mountains. All of his memorials come from the West except that from the Legislature of New York. The memorialists derive their information from hearsay, while the gentlemen whose certificates I have read handle cattle every day of their lives in the great stock-yards of the country and speak that which they personally know.

Mr. WILLIAMS. Will the Senator allow me to ask him a question?

Mr. COKE. Yes, sir.

Mr. WILLIAMS. I do not want to misunderstand him and I do not think he wants to be misunderstood. Does he say that there has been no case of pleuro-pneumonia for fifteen years in the United States?

Mr. COKE. I say these gentlemen have testified that there has been no case in the stock-yards, where two and a half millions of cattle annually pass for sale and on the market, coming from everywhere in the United States where cattle are raised, for twenty years; and I say that is a great fact, overcoming all the hearsay of these memorialists.

The Senator from Kansas says that it is only recently that cattle have commenced to go from the East to the West, and in that way he accounts for the non-existence of pleuro-pneumonia in the West. Why, Mr. President, within my knowledge cattle have been imported extensively from the East into Texas for fifteen years past. For twenty years past imported animals have been carried out to the plains in the West and in the Western States, and Texas cattle bought up and put with them for breeding purposes, and the product constitutes to-day the great herds of Montana and Wyoming and Colorado and New Mexico and all the Western States and Territories. The experience of all in the West and Southwest negatives the statement of the Senator from Kansas. So his argument fails to account for the absence of this disease from the West.

Where is pleuro-pneumonia to be found? They can not locate it except to guess at it in some three or four places, and the only gentleman who professes to have any knowledge within hearing of these cases when they were read here was the Senator from New Jersey, and he promptly said that the cases attributed to New Jersey had no existence in fact. The pleuro-pneumonia can not be located except in the Agricultural Report and in the reports of the veterinary surgeons. In these it abounds, and from these sources it goes forth to disturb and unsettle values and plague the great interests involved. It was from these sources that the memorialists of the West, under a feeling of alarm, were inspired, although not one of them had ever seen a case of pleuro-pneumonia.

They believe, as most people do, that everything printed in a book officially is true, and therefore they commence to memorialize Congress to help them. But here are these hard-handed men, and as I have heard them called, hard-headed men, who for twenty years have controlled the great stock-yards where all the cattle of commerce of this country are congregated for sale, men dealing every day with stock which would have developed disease if any had existed in cattle in this country, they come here and say, fresh from the *res gestæ* of the transaction, "There is no contagious disease here."

Now, will the Senate grant the extraordinary powers given in this bill upon insufficient testimony? If the testimony were overwhelming, if the testimony were predominating in its affirmation of the existence of contagious disease among our cattle, I should have nothing to say, but simply get the best bill I could; but it will be accepted as an undeniable proposition that we should not pass such a bill as this except upon the clearest proof of a necessity for it, and I refer you to the testimony on which I have been commenting to establish as far as it can be done the contrary. It is very difficult and usually impossible to prove a negative. I think that has been as nearly done as it can be in this instance.

Mr. President, I will read an extract from the New York Herald, a cablegram from London bearing on this subject:

LONDON, *April* 22, 1884.

In the House of Commons to-day Right Hon. George J. Dodson, chancellor of the Duchy of Lancaster, confirmed the report that fifteen head of cattle had been found at Wimpole, in Cambridgeshire, infected with the foot-and-mouth disease. These were a portion of a herd of fifty-one head recently sent into Cambridgeshire from Liverpool, and the cattle inspector at Liverpool had reported that they were from America. Mr. Dodson asserted, however, that the cattle could not have come from America, the inspector to the contrary notwithstanding, as all American cattle are slaughtered at the ports where they are landed. The last Canadian cattle, moreover, landed at Liverpool, April 12, were perfectly sound. Furthermore, Mr. Dodson said he did not believe there was any foot-and-mouth disease in either the United States or Canada. He moved, therefore, to restore the cattle bill to the original form in which it was introduced in the House of Lords by Baron Carlingford, lord privy seal.

The motion was lost by a half-dozen votes. Chancellor Dodson does not believe there is any foot-and-mouth disease here. Without any fact we are asked to legislate against an imaginary evil, unsustained and unsupported by any testimony except that of the gentlemen who expect to perpetuate themselves in office by the passage of this bill. I hardly think their testimony ought to be admissible against that of citizens engaged in honest and legitimate trade, who have shown their capacity to manage the entire commerce of this country in cattle by the fortunes they have amassed, and whose integrity, although they are cattle brokers, is vouched for by the community in which they live.

I will read here, in conclusion, Mr. President, a letter on the subject of the Texas fever. I read it yesterday, and I will repeat it, because I want it known. Truth will go very slowly, while false representations go in seven-league boots; but I am going to start this truth right after it, giving it a fresh start to-day as I gave it one yesterday, because I believe it is for the public interest for the whole truth to be known about this thing:

Robert Strahorn, H. H. Conover, Lewis R. Hastings, and Reuben P. Conger, being first duly sworn, upon their oath state:

That they are now engaged in buying and selling cattle at the Union Stock-Yards of Chicago, and have been so engaged for at least twenty years past; that the annual receipts of Texas cattle at said stock-yards amount to from 300,000 to 350,000 head, and that the disease known as "Texas fever" is not now regarded at said stock-yards with any apprehension, and has not been so regarded for years, and that any fears that may have been entertained in the past at said stock-yards on that score have been dispelled by reason of almost total immunity from said disease at that point.

That the average number of cattle received and sold at the said stock-yards weekly is about 36,000 head, and that sellers, buyers, and owners of the same—in short, every one handling cattle there—have no hesitation in yarding calves, milch cows, stockers, feeders, fat cattle, or any other cattle in the pens that have just been occupied by Texas cattle, and allowing them to drink water from the same troughs and to eat the hay left by the Texas cattle; and that, in short, the authentic cases of "Texas fever" at said stock-yards have been so small in comparison with the aggregate transactions in Texas cattle that the disease has come to be regarded there as an exploded theory.

R. STRAHORN.
H. H. CONOVER.
L. R. HASTINGS.
R. P. CONGER.

This was sworn to before a notary public, and I have the original affidavit here.

I do not wish to say anything more about this Texas fever. Who-

ever says it is a plague, or that it is dangerous, or that it is beyond careful handling, is not acquainted with it. There is but one condition under which it is communicated, and that is where Northern unacclimated cattle graze in a field where Texas cattle have been pastured. Then they will take disease at a certain season of the year, but the Northern cow that takes it may be put into another field with one hundred other Northern cows and not one of them will take it from her. It stops with the first transmission, and its transmissibility ceases with the first white frost. That is all there is about it; that is the Texas fever; that is the great plague which has prompted the veterinary surgeons in this city and elsewhere to class Texas fever with lung plague and the foot-and-mouth disease.

Why, Mr. President, one-sixth—I beg Senators to note this fact—one-sixth of the cattle of the United States are now within the limits of Texas. I will not overstate—it is between one-seventh and one-sixth (about half way between)—of the cattle of the United States are in Texas. The Treasury Cattle Commission recommend to this Government to quarantine these cattle from the beginning of March to the beginning of November, the only time that they are fit for market. Take that amount of beef out of our market and you cut the supply short at least a third. It is all the laboring man can now do occasionally to buy a good beefsteak. By quarantining the cattle in the great belt said to be infected with the Texas fever one-third of the beef of the country would be kept out of the market, and up goes the price on the consumers of this country.

It is very true if that were done it might be that some big stock companies, some people who raise beef, some persons who have a great many cattle, would realize a much larger profit on them; but you must remember that it is your consuming laboring people who would have to pay this increased cost. If the recommendation of the Cattle Commission is enforced by enactment of Congress it will be a sorry day for the laboring people of this land.

Mr. JONES, of Florida, obtained the floor.

Mr. McPHERSON. Will the Senator from Florida yield to me? I suppose he does not wish to go on at this hour. It is now 5 o'clock.

Mr. JONES, of Florida. I yield.

Mr. McPHERSON. I move an adjournment.

Mr. COCKRELL. Will the Senator withdraw that motion?

Mr. McPHERSON. I will.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 24, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ON FOREIGN AFFAIRS.

Mr. CURTIN. I ask unanimous consent to offer the resolution which I send to the desk for present consideration.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the session of Tuesday, May 13, after the morning hour, be devoted to the consideration of such business as may be presented by the Committee on Foreign Affairs.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. I think as a matter of safety to the public business an exception should be made, first, of revenue and appropriation bills; then of reports and bills from the Committee on Public Lands. If those three things are expressly excepted I shall not object.

Mr. CURTIN. I will make those exceptions.

Mr. SINGLETON. Except also prior orders.

Mr. HOLMAN. I object to prior orders being excepted. I insist those which I have indicated are the only exceptions which should be made.

Mr. COX, of New York. Let the resolution be again read.

The SPEAKER. The resolution as now modified will be read.

The Clerk read as follows:

Resolved, That the session of Tuesday, May 13, after the morning hour, be devoted to the consideration of such business as may be presented by the Committee on Foreign Affairs, not to interfere with the consideration of general appropriation bills, revenue bills, or reports and bills from the Committee on Public Lands.

The SPEAKER. The gentleman from Mississippi [Mr. SINGLETON] objects unless prior orders are also excepted.

Mr. CURTIN. I will add "or prior orders."

Mr. REED. It seems to me that the bills that are to be presented ought to be specified, that we may know if any of them are objectionable.

Mr. CURTIN. We intend to present the bill in reference to French spoliations and the bill in reference to the indemnity to China.

Mr. COX, of New York. Do the committee propose to present the bill in reference to paying foreign steamships interest on their tonnage tax?

Mr. CURTIN. No, sir.

Mr. REED. The resolution asks for only one day?

Mr. CURTIN. That is all; and we expect to dispose of those two bills on that day.

Mr. REED. I do not object so far as the China indemnity bill is concerned.

Mr. COX, of New York. I understand the gentleman from Pennsylvania to say that only the two bills he has indicated shall be considered.

Mr. CURTIN. Yes, sir.

The SPEAKER. The gentleman from Pennsylvania has stated that he desires to call up the French spoliations bill and the Chinese indemnity bill.

Mr. HOLMAN. I shall have to object.

MERCHANDISE IN BONDED WAREHOUSES.

Mr. ROSECRANS, by unanimous consent, introduced a bill (H. R. 6757) to amend section 2971 of the Revised Statutes, relating to merchandise in United States public store or bonded warehouse; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AGRICULTURAL EXPERIMENTAL STATIONS.

Mr. ROSECRANS, by unanimous consent, also presented a concurrent resolution of the Legislature of the State of California, requesting the California delegation to favor the bill for the establishment of national experimental stations connected with the agricultural colleges; which was referred to the Committee on Agriculture, and ordered to be printed in the RECORD.

The resolution is as follows:

Assembly concurrent resolution No. 10, relative to the establishment of experimental stations in connection with agricultural colleges.

Whereas there is now pending before Congress a bill to establish national experimental stations in connection with the agricultural colleges of the various States: Therefore,

Be it resolved by the assembly (the senate concurring), That our Senators and Representatives in Congress be requested to use their utmost endeavor to secure the passage of said bill.

Resolved, That the governor of the State of California be requested to transmit a copy of this resolution to each of our Senators and Representatives.

H. M. LA RUE,
Speaker of the Assembly.
JOHN DAGGETT,
President of the Senate.

Attest:

THOS. L. THOMPSON,
Secretary of State.

F. G. SCHWATKA AND AMELIA SCHWATKA.

Mr. GEORGE. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (S. 264) for the relief of F. G. Schwatka and wife, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to F. G. Schwatka, sr., of Salem, Oreg., and to Amelia Schwatka, his wife, out of any money in the Treasury not otherwise appropriated, the sum of $6,000, to be equally divided between them, in full of their claim against the Government of the United States for their donation claim taken by the War Department, in sections 6 and 7, in township 8 north, range 10 west of the Willamette meridian, in the State of Oregon, and what is now known as Fort Stevens.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I believe this was before the House in the last Congress.

Mr. GEORGE. It is the same bill.

Mr. HOLMAN. As the facts are not very fresh now in the recollection of members, I hope the gentleman from Oregon will be permitted to make a short statement in regard to them. I do not remember the exact character of the bill.

The SPEAKER. The gentleman from Oregon will be permitted to make an explanation, subject to objection.

Mr. GEORGE. The object of this bill is to pay old Mr. Schwatka and his wife, the aged parents of Lieutenant Schwatka, of Arctic fame, for the Oregon donation land claim which was taken by the United States military authorities for a military reservation in 1852, with the promise at the time that they should be paid for it. They have never received their pay, although continuously applying for relief. Bills have been favorably reported a number of times, in one House or the other, to pay this claim, yet they have not received their money. This bill has twice passed the Senate. As to the value of this property, I suppose the United States would not to-day take $100,000 for it. It occupies a commanding position at the mouth of the Columbia River, having the same relative position to that river as the headlands in San

Francisco adjacent bear to the Golden Gate, lands for which the United States paid from $100,000 to $200,000.

Under this bill these parties will be paid $6,000 for their land where now stands Fort Stevens. This in reality is only part compensation for this valuable tract of land which has been taken away from them, and for which they have not received a penny during all these long years.

There certainly can be no objection to the bill; there has been none on the part of any committee that has considered it. It has been unanimously recommended to the House by the Committee on Claims, and I trust we shall no longer delay justice to this aged couple. Mr. Schwatka is now over 80 years of age, and has recently suffered two amputations of a broken leg. He is now, I understand, on a bed of sickness, and at best has but few more years for this world. I trust this House will accord me its unanimous consent to consider and pass this bill.

Mr. HOLMAN. If I understand correctly, this land was entered either under the homestead or the pre-emption law.

Mr. GEORGE. Under the Oregon donation-land act which was a special act applicable to the State of Oregon and Territory of Washington.

Mr. HOLMAN. And before these parties had perfected their title the Government took the property?

Mr. GEORGE. The military authorities of the United States came and took possession of it, promising that these parties should be paid for their land.

Mr. HOLMAN. Had they made improvements?

Mr. GEORGE. They had been living on this land two years, cultivating and improving it all that time.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. GEORGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF COMMITTEE ON INDIAN AFFAIRS.

Mr. WELLBORN. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The SPEAKER. The resolution will be read, after which there will be opportunity for objection.

The Clerk read as follows:

Resolved, That Saturday, the 31st of May, after the reading of the Journal, be set apart for the consideration of bills and resolutions reported from the Committee on Indian Affairs and bills and resolutions on the Speaker's table over which said committee has jurisdiction, the bills and resolutions to be considered in the order the committee may indicate; this order not to interfere with revenue or general appropriation bills or reports from the Committee on Public Lands.

Mr. SINGLETON. I shall have to object to that.

LEASE OF LAND TO MICHIGAN FISH COMMISSIONERS.

Mr. COBB. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the joint resolution H. Res. 135, and that it be now taken up for consideration.

The joint resolution was read, as follows:

Joint resolution (H. Res. 135) authorizing the Secretary of War to lease certain lands to the board of fish commissioners of the State of Michigan.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is directed and hereby duly authorized to lease to the State board of fish commissioners of the State of Michigan the parcel or strip of land lying north of and adjoining the Saint Mary's Falls Ship-Canal, and between said canal and the rapids of the Saint Mary's River, in the county of Chippewa and State of Michigan, including such portion of the lands reserved for the use of the canal as are not now needed for canal purposes, upon condition that the premises so leased are to be used solely by said commissioners for the culture and propagation of food-fishes and the residence of the employés of the commission, and that the use of said premises by them shall in no way interfere with the use of the same lands for canal purposes whenever required by the United States Government. The Secretary of War is requested to cause the removal of all persons now occupying any part of the said premises on or before July 1, A. D. 1884. The lease to said commissioners shall be rent free and the buildings to be erected by said commissioners shall be first approved by the engineer officer in charge of the canal.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. BLOUNT. I hope we shall have some explanation of it.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] desires to reserve the right to object until an explanation has been made.

Mr. COBB. I will state for the benefit of the gentleman from Georgia and the House that this joint resolution provides for leasing to the board of fish commissioners of the State of Michigan a strip of land lying north of and adjoining the Saint Mary's Falls Ship-Canal, in Northern Michigan. The proposed lease will not interfere in the least with the use and privileges of the canal. The piece of land proposed to be leased, as the committee has found, is now used only by Indians who visit the falls for the purpose of fishing. The site is very desirable for the location of such fixtures as the fish commissioners of Michigan may require for the purpose of propagating food-fish. The resolution provides that the property leased shall not be used in any way by the fish commissioners to interrupt or injure the rights of the United States in the canal; and that whenever the Government may desire the use of this ground it shall be at once surrendered. The resolution I think is well guarded, and its passage is certainly very desirable under the circumstances.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the joint resolution; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. COBB moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW YORK INDIAN LANDS IN KANSAS.

Mr. PERKINS. Yesterday morning when I desired to take from the House Calendar for consideration the bill (H. R. 2047) to provide for the sale of certain New York Indian lands in Kansas objections were made. Those objections have never been withdrawn, and I ask that the bill may be considered at this time. While it is a matter of vast importance to the parties interested, it is entirely local in its nature, and there is no objection to the measure by those who have examined it.

Mr. MONEY. Let the right of objection be reserved until the bill has been read.

The bill and amendments were read. They were published in yesterday's RECORD.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. BLOUNT. I do not rise for the purpose of objecting, but simply to say that when the request was made yesterday for the consideration of this bill I then objected because the facts did not appear which I have since learned to exist; that is, that these Indians do not occupy these lands at all, but they are occupied by settlers who have been induced to go there by reason of the acts of the Government.

Mr. PERKINS. They have been occupied by settlers for more than twenty years, who have improved them and developed them. The Indians do not object to this bill; in fact a few years ago they were here through their agent proposing to accept $2.50 an acre for these lands, and this bill proposes to give them $3 an acre because of the lapse of time. They are now getting no use or benefit or enjoyment from these lands, while settlers have been in quiet, undisturbed possession of them for more than twenty years, but they can not get title to them.

Mr. BLOUNT. I understand furthermore that the settlers occupying these lands were induced to go there by reason of various official acts of the Government.

Mr. PERKINS. That is the fact. In 1858 the Secretary of the Interior declared that these New York Indians had forfeited their right to these lands. Subsequently a commission was appointed by the Secretary of the Interior to go there and make an investigation, and that commission found that there were something like a hundred or more Indians who had rights to these lands and were entitled to them. The report of that investigation was reviewed by the Secretary of the Interior, and he cut the number down to thirty-two, as provided by this bill. Certificates of allotment were issued to those thirty-two Indians.

Afterward President Buchanan issued a proclamation opening up these lands for settlement, and these Indians have never been in possession of these lands since that time, but they have been held in quiet and undisturbed, I will not say undisputed, possession by settlers, who, however, are unable to obtain title to them on account of the claim of these Indians. No suit has been instituted against the settlers on behalf of these Indians for the purpose of evicting them, and the property has passed from hand to hand by quitclaim deeds. The Indians favor the passage of this bill, which provides that the money derived from the sales of this land shall be paid into the Treasury for the benefit of these allottees or their heirs.

Mr. CHACE. How did the Indians forfeit their right to this land?

Mr. PERKINS. Because, as the Secretary of the Interior decided, they did not go there and possess it. Under the treaty of 1838 the New York Indians were to go there and occupy this land, and the Government was to give $400,000 to pay the expense of moving them there. The Government did not furnish the money, and the Indians, except a few, never went there.

Mr. CHACE. Yes; that is it. The Government made an agreement with the Indians, did not carry it out, and then says to the Indians that they have forfeited their lands.

Mr. PERKINS. The Indians were willing a few years since to accept $2.50 an acre for this land, and we propose by this bill to pay them $3 an acre.

Mr. CHACE. I think this bill should be discussed.

The SPEAKER. The Chair understands the gentleman from Rhode Island [Mr. CHACE] to object.

Mr. PERKINS. I hope the gentleman will withdraw his objection.

BUSINESS OF POST-OFFICE COMMITTEE.

Mr. MONEY. I am instructed by the Committee on the Post-Office

and Post-Roads to report for present consideration the resolution which I send to the Clerk's desk.

Mr. CHACE. I will withdraw my objection to the bill of the gentleman from Kansas [Mr. PERKINS].

Mr. MONEY. I ask consideration of the resolution which I have sent up.

Mr. STEVENS. I understand the gentleman from Rhode Island [Mr. CHACE] to say he withdraws his objection to the bill called up by the gentleman from Kansas [Mr. PERKINS].

The SPEAKER. There is another matter now before the House. After that has been disposed of, the Chair will again recognize the gentleman.

The Clerk read as follows:

Resolved, That Saturday, May 31, after the reading of the Journal, be assigned for the consideration of such business as may be presented by the Committee on the Post-Office and Post-Roads, prior orders excepted.

The SPEAKER. Is there objection to the present consideration of the resolution just read?

Mr. HOLMAN. I think the bills which it is proposed to consider should be named in the resolution.

Mr. MONEY. They are all on the Calendar; there are a number of bills on the Calendar.

Mr. HOLMAN. Unless the bills are named I shall have to object.

The SPEAKER. Objection is made, and the resolution is not before the House.

NEW YORK INDIAN LANDS IN KANSAS.

The SPEAKER. The gentleman from Rhode Island [Mr. CHACE] withdraws his objection to the request of the gentleman from Kansas [Mr. PERKINS] for the present consideration of the bill to provide for the sale of certain New York Indian lands in Kansas. Is there further objection?

Mr. HOLMAN. I understand that there were thirty-odd allotments made to the New York Indians.

Mr. PERKINS. The evidence was that thirty-two Indians had gone there and taken possession of some portion of this reservation, and in consequence of that certificates of allotment were issued to them for portions of this land. They have not taken possession of the lands since or asserted the right to occupy them.

Mr. HOLMAN. Where are they now?

Mr. PERKINS. Some of them are living in Kansas, some in the Indian Territory, and some perhaps in Wisconsin. It is not known to the settlers where they are, but the bill provides that the money received for these lands shall be paid into the Treasury of the United States, so that those entitled to it can go there and obtain it upon proof of their identity.

Mr. HOLMAN. I understood the gentleman from Kansas to say that a few years ago some of them were here in relation to this matter. By whom were they represented?

Mr. PERKINS. They were represented by Mr. Cobb, of Kansas, at one time a member of this House.

Mr. HOLMAN. Ah! he represented those who lived in his State; or did he represent some who lived elsewhere?

Mr. PERKINS. He assumed to represent the entire thirty-two allottees, and on their behalf he offered to accept $2.50 an acre, while this bill proposes to give them $3 an acre.

Mr. HAMMOND. Withdraw objection and let it pass.

Mr. WELLER. I hope the gentleman will not do it.

Mr. HOLMAN. Has it the recommendation of the Commissioner of Indian Affairs?

Mr. PERKINS. He recommended that the settlers should pay $3.45 an acre.

Mr. JONES, of Arkansas. Was there not a commission appointed some years ago to consider this whole subject?

Mr. PERKINS. Yes, sir.

Mr. JONES, of Arkansas. And was it not agreed that those settlers should have this land on payment of $3.45 an acre?

Mr. PERKINS. A little more than that.

Mr. JONES, of Arkansas. They did not think it right to give that; they defied the Government and would not pay that amount for land they had no title to. I object to the consideration of the bill.

Mr. HAMMOND. That is a new fact.

Mr. PERKINS. They did not defy the Government.

Mr. RANDALL. I call for the regular order.

Mr. HUNT. I ask the gentleman to yield to me.

Mr. RANDALL. I will withdraw it for the gentleman from Louisiana.

Mr. BAGLEY. I renew it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, notified the House of the passage of bills of the following titles, in which concurrence was requested, namely:

A bill (S. 1004) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux reservation, in Dakota; and

A bill (S. 1496) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Dakota Central Railway Company throughout the Sioux reservation, in Dakota.

COMMERCE COMMITTEE.

Mr. SEYMOUR. I ask unanimous consent to submit the following resolution for present consideration.

The Clerk read as follows:

Resolved, That on Wednesday, May 14, 1884, the House will take a recess until half past 7 o'clock p. m.; and that the evening of said day be set apart for the consideration of such bills reported from the Committee on Commerce, and Senate bills upon the Speaker's table, relating to the erection of bridges over navigable rivers, as the committee shall designate, and that this special order continue from evening to evening (except Friday evenings) until all such bills on the House Calendar and the Speaker's table shall have been considered and acted upon by the House, not to interfere with appropriation and revenue bills and special orders heretofore made; and that in the consideration of each bill, and its amendments, not more than thirty minutes shall be consumed in debate, fifteen minutes on each side.

Mr. KEAN. I object.

Mr. RANDALL. I demand the regular order of business.

CALL OF COMMITTEES.

The SPEAKER. The regular order of business is the call of committees for reports.

FRAUDULENT PATENTS.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 4398, a bill (H. R. 6758) authorizing the Attorney-General to institute proceedings touching land, mines, or mill sites when a patent has been fraudulently obtained; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. TUCKER, from the Committee on the Judiciary, also reported back adversely the following bills; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4849) compelling the residents of one State to attend as witnesses in the courts of another State; and

A bill (H. R. 5000) relating to suits by the United States to set aside land patents.

COUNTERFEITING.

Mr. TUCKER, from the Committee on the Judiciary, also reported, as a substitute for H. R. 3985, a bill (H. R. 6759) to define and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments, and of banks and corporations authorized by the laws of said governments; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WOMAN SUFFRAGE.

Mr. TUCKER, from the Committee on the Judiciary, also reported back adversely joint resolution (H. Res. 25) proposing an amendment to the Constitution of the United States; which was laid on the table, and the accompanying report ordered to be printed.

Mr. REED presented the views of the minority; which were ordered to be printed with the majority report.

ROCK ISLAND AND DAVENPORT BRIDGE.

Mr. SEYMOUR, from the Committee on Commerce, reported, as a substitute for H. R. 4992, a bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE AT ANOKA.

Mr. SEYMOUR, from the Committee on Commerce, also reported back favorably the bill (H. R. 4489) to authorize the construction of a highway bridge across the Mississippi River at Anoka, Minn., above the Falls of Saint Anthony; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE AT TONAWANDA, N. Y.

Mr. SEYMOUR, from the Committee on Commerce, also reported, as a substitute for H. R. 5098, a bill (H. R. 6761) respecting a bridge at Tonawanda, in the State of New York; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER MISSOURI RIVER.

Mr. SEYMOUR, from the Committee on Commerce, also reported, as a substitute for H. R. 2385, a bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point between the north and south lines of the county of Douglas, in the State of Nebraska, and to make the same a post-road; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. CLARDY, the Committee on Commerce was discharged from the further consideration of the joint resolution (H. Res. 171) approving the charter by the General Assembly of the Choctaw Nation to the Poteau Slackwater Navigation Company; and the same was referred to the Committee on Rivers and Harbors.

PUGET SOUND COLLECTION DISTRICT.

Mr. GLASCOCK, from the Committee on Commerce, reported—in lieu of the following bills, which were ordered to lie on the table, namely, the bill (H. R. 4366) making the city of Seattle, in Washington Territory, in the Puget Sound customs district, a port of delivery; and the bill (H. R. 4367) making the city of Tacoma, in Washington Territory, in the Puget Sound customs district, a port of delivery—a bill (H. R. 6763) making the cities of Tacoma and Seattle, in Washington Territory, in the Puget Sound customs district, ports of delivery; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MISSISSIPPI RIVER WATER POWER AND BOOM COMPANY.

Mr. LONG, from the Committee on Commerce, reported, as a substitute for H. R. 5766 a bill (H. R. 6764) to authorize the Mississippi River Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER NEAR FORT SNELLING.

Mr. LONG, from the Committee on Commerce, also reported back with amendments the bill (H. R. 5436) to authorize the construction of a foot, carriage, and railroad bridge across the Mississippi River at some point between Fort Snelling and the Falls of Saint Anthony, in the city of Minneapolis, in Minnesota; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CLAIM OF JOHN E. WHEELOCK AGAINST VENEZUELA.

Mr. LAMB, from the Committee on Foreign Affairs, reported a joint resolution (H. Res. 237) in reference to the claim of John E. Wheelock, a citizen of the United States, for imprisonment by the Government of Venezuela; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. LAMB. I ask unanimous consent that this report be printed in the RECORD.

The SPEAKER. That can not be done under this call. Under this call the committees report simply for reference to the calendars.

Mr. ROBINSON, of New York. I ask for the reading of the resolution appended to the report, which is very brief.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be directed to bring to the attention of the Government of Venezuela the claim of John E. Wheelock, a citizen of the United States, for indemnity for gross outrages and tortures inflicted upon him by an officer of said Venezuelan Government, and to demand and enforce in such manner as he may deem best an immediate settlement of said claim.

INTERNATIONAL PRISON CONGRESS.

Mr. HITT, from the Committee on Foreign Affairs, reported back the joint resolution (H. Res. 225) to authorize the President to appoint a commission to the international prison congress; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. ROSECRANS, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 6307) for the relief of George Baldy; and the same was referred to the Committee on Claims.

ADVERSE REPORTS.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported with adverse recommendations, bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 5748) to correct the military record of Daniel McAlpin, a soldier of the war of 1812; and

A bill (H. R. 193) to fix the date of entry into the military service, and to correct the military record of officers now in the regular Army who served as officers of volunteers and regular Army; and

A bill (H. R. 54) authorizing the Secretary of War to remove the charge of desertion from the record of Private Earnest Beechner.

JOHN S. CHISM.

Mr. OURY, from the Committee on Indian Affairs, reported with amendments the bill (H. R. 1699) for the relief of John S. Chism; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN FLETCHER.

Mr. PEEL, of Arkansas, from the Committee on Indian Affairs, reported back the bill (H. R. 429) for the relief of John Fletcher; which was reported to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHEROKEE INDIAN LANDS, ETC.

Mr. PEEL, of Arkansas, from the Committee on Indian Affairs, also reported back a resolution and sundry memorials of citizens of the Indian Territory referring to lease of lands to citizens of the United States, and to the disbursement of $300,000 by Cherokee authorities; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CYRENUS BEERS AND OTHERS.

Mr. SKINNER, of North Carolina, from the Committee on Indian Affairs, reported with amendments the bill (H. R. 5911) for the relief of Cyrenus Beers, or his personal representatives, and also the personal representatives of Vail and Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. G. FILL AND OTHERS.

Mr. FINERTY, from the Committee on Indian Affairs, reported with amendments the bill (H. R. 2684) for the relief of J. G. Fill, Elwood Hoopes, and George Burnham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DELAWARE INDIANS.

Mr. STEVENS, from the Committee on Indian Affairs, reported back the bill (H. R. 5991) to pay the Delaware Indians the amount ascertained to be due them for stock under provisions of the fourteenth article of the treaty of July 4, 1866; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SIOUX OR DAKOTA INDIANS, MINNESOTA.

Mr. STEVENS also, from the Committee on Indian Affairs, to which was recommitted the bill (H. R. 842) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, reported the same with further amendments; which was referred to the Calendar of the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DELAWARE INDIAN LANDS, KANSAS.

Mr. STEVENS, from the Committee on Indian Affairs, also reported back the bill (H. R. 5990) to pay the Delaware Indians the value of certain lands in Kansas, in compliance with treaty stipulations; which was referred to the Committee on Appropriations.

MARRIAGES IN UTAH TERRITORY.

Mr. ALEXANDER, from the Committee on the Territories, reported, as a substitute for H. R. 946, a bill (H. R. 6765) to provide for the manner of solemnizing marriages in the Territory of Utah and to provide for the recording of certificates of marriages therein, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. JOSEPH D. TAYLOR submitted the views of the minority of the committee on said bill; which were ordered to be printed with the report of the committee.

PUBLIC BUILDING AT FORT SCOTT, KANS.

Mr. PUSEY, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 2067) for the erection of a public building at Fort Scott, Kans.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BOARD OF EDUCATION, HARPER'S FERRY.

Mr. AIKEN, from the Committee on Education, reported back with an amendment the bill (H. R. 1625) to authorize the Secretary of War to convey by deed to the board of education, district of Harper's Ferry, West Virginia, a lot of ground numbered 2, in block 13, with buildings thereon; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendment and report, ordered to be printed.

COLORED SCHOOL, MORGANTOWN, N. C.

Mr. AIKEN, from the Committee on Education, also reported, as a substitute for H. Res. 107 for the relief of the first common-school district (colored) for Burke County, North Carolina, a joint resolution (H. Res. 238) for the relief of the African Methodist Episcopal Church and the Zion Methodist Church (colored) and the trustees of the school for the colored children of Morgantown, N. C.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES H. ROBERTSON.

Mr. VANCE, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. 5106) to amend the date of letters patent to James H. Robertson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES F. PARIS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3177) granting a pension to Charles F. Paris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN MALONEY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5926) granting a pension to John Maloney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE D. GUTHREY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5922) for the relief of George D. Guthrey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RUTH STRATTAN.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5923) granting a pension to Ruth Strattan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH H. LAWLER.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 229) granting a pension to Elizabeth H. Lawler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHERINE H. GLICK.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6514) for the relief of Catherine H. Glick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, order to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 315) granting a pension to Joseph C. Arnold;
A bill (H. R. 4378) for the relief Josephine D. Hellyer;
A bill (H. R. 5011) granting a pension to Frederick Fehlhaber; and
A bill (H. R. 3883) for the relief of Charles A. Sugg.

CHANGE OF REFERENCE.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1832) for the relief of Rufus Barker, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

J. H. IVERS, ALIAS J. H. WILSON.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN LUMPHREY.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5762) for the relief of Ann Lumphrey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ABEL J. LEWIS.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5951) granting a pension to Abel J. Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ANNA J. FOSTER.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 5651, a bill (H. R. 6766) granting an increase of pension to Mrs. Anna J. Foster; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA A. SHEALEY.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2245) granting a pension to Eliza A. Shealey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIET H. PALMER.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4085) for the relief of Juliet H. Palmer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. VIRGINIA ZEILIN.

Mr. PATTON, from the Committee on Invalid Pensions, also reported a bill (H. R. 6767) granting an increase of pension to Mrs. Virginia Zeilin; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accommpanying report, ordered to be printed.

ELIZABETH HOOD.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4263) granting a pension to Elizabeth Hood; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MAGARET M'CORMICK.

Mr. PATTON, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 2687) granting arrears of pension to Margaret McCormick; which was laid on the table, and the accompanying report ordered to be printed.

THEODORE ARTZ.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1439) granting a pension to Theodore Artz, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Pensions.

The motion was agreed to.

MARIA L. STRONG.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back the bill (H. R. 6591) granting an increase of pension to Maria L. Strong; and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Pensions.

The motion was agreed to.

CHARLES A. FULLER.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5795) increasing the pension of Charles A. Fuller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWIN THOMAS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6182) granting a pension to Edwin Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and the accompaning report ordered to be printed.

MRS. NANCY BISER.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4970) for the relief of Mrs. Nancy Biser; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JULIA M. REYNOLDS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6184) granting a pension to Julia M. Reynolds; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported adversely the following bills and petitions; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6340) for the relief of Magdalena Miller;
A bill (H. R. 6341) for the relief of Sarah Manz;
A bill (H. R. 1030) for the relief of Annie McCarthy, widow of George P. McCarthy;
A bill (H. R. 5977) for the relief of Hiram De Grofft;
A bill (H. R. 5354) granting a pension to Alecia Durant;
A bill (H. R. 4969) for the relief of C. M. Benson;
A bill (H. R. 6475) for the relief of Seth Graves;
A bill (H. R. 6180) granting a pension to Mrs. Mary M. Ord;
A bill (H. R. 6175) for the relief of Jacob Newberger;
A bill (H. R. 6479) granting a pension to Alexander Hamilton;
A bill (H. R. 3712) granting a pension to Mary E. Hill;
A bill (H. R. 5975) for the relief of Richard P. Harman;
A bill (H. R. 2469) granting a pension to Michael Wood;

A bill (H. R. 5547) to place the name of Mary Jane Root on the pension-roll;
A bill (H. R. 6477) for the relief of Isaac P. Lockman;
Petition of James B. F. Randall;
Petition of Sarah E. Graves;
Petition of John W. Morgan;
Petition of Charles McClelland;
Petition of Ann Mahar;
Petition of Anna Hessen;
Petition of George Messeck;
Petition of Henry Hecking;
Petition of Catharine Hoey;
Petition of Henry J. Knox; and
Petition of Theodore J. Samuels.

INCREASE OF PENSIONS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:
A bill (H. R. 5498) granting a pension to Albert E. Magoffin;
A bill (H. R. 3193) granting a pension to Joseph A. Porter;
A bill (H. R. 5242) granting a pension to Austin B. Lynch;
A bill (H. R. 2090) granting a pension to John W. Alyea; and
A bill (H. R. 584) to increase the pension of William Seamans.

ADAM STUBER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3944) granting a pension to Adam Stuber, and it was referred to the Committee on Pensions.

SARAH NICOLL CRANE.

Mr. STEELE, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 1930) granting a pension to Sarah Nicoll Crane; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH R. BENJAMIN.

Mr. STEELE, from the Committee on Pensions, also reported back adversely the bill (H. R. 2026) to pension Joseph R. Benjamin; which was laid on the table, and the accompanying report ordered to be printed.

SALLY MALLORY.

Mr. LAIRD, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 1056) granting an increase of pension to Sally Mallory; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WARREN SAMS.

Mr. YORK, from the Committee on Pensions, reported back with amendments the bill (H. R. 3352) to restore the name of Warren Sams on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STATE NATIONAL BANK OF LOUISIANA.

Mr. VAN ALSTYNE, from the Committee on Claims, reported back with amendments the bill (H. R. 2203) for the relief of the State National Bank of Louisiana; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

J. L. WHITAKER.

Mr. LORE, from the Committee on Claims, reported back with amendments the bill (H. R. 4449) for the relief of J. L. Whitaker; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES Q. SHIRLEY AND FRANCIS DE LONG.

Mr. ELLWOOD, from the Committee on Claims, reported back adversely the bill (H. R. 5716) for the relief of James Q. Shirley and Francis De Long; which was laid on the table, and the accompanying report ordered to be printed.

JOHN TAGGART.

Mr. PRICE, from the Committee on Claims, reported back favorably the bill (H. R. 5078) for the relief of John Taggart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. C. P. CULVER.

Mr. PRICE, from the Committee on Claims, also reported a bill (H. R. 6768) to appropriate for the relief of Mrs. C. P. Culver the sum of $840; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. H. FAULKNER AND MARY WOODLER.

Mr. DOCKERY, from the Committee on Claims, reported back with an amendment the bill (H. R. 4914) for the relief of H. H. Faulkner and Mary Woodler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID N. HARRISON.

Mr. DOCKERY, from the Committee on Claims, also reported back favorably the bill (H. R. 4626) for the relief of David N. Harrison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PERRY A. LEATHERBERRY.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, reported back favorably the bill (H. R. 21) for the relief of Perry A. Leatherberry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report ordered to be printed.

WILBUR F. HINMAN.

Mr. GEDDES, from the Committee on War Claims, reported back favorably the bill (H. R. 4881) for the relief of Wilbur F. Hinman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. TURLEY.

Mr. GEDDES, from the Committee on War Claims, also reported back favorably the bill (H. R. 1511) for the relief of William H. Turley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROSA VERTNER JEFFREY AND OTHERS.

Mr. ROWELL, from the Committee on War Claims, reported back with an amendment the bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. H. TIBBITS.

Mr. WEAVER, from the Committee on Private Land Claims, reported back with an amendment the bill (H. R. 6164) for the relief of W. H. Tibbits; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POLICE REGULATIONS DISTRICT OF COLUMBIA.

Mr. SPRIGGS, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 3448) relating to the police of the District of Columbia, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELECTORAL COMMISSION OF 1877.

Mr. SINGLETON. I have been instructed by the Committee on the Library to report the following for reference to the Committee on Appropriations, to be added as an item in the sundry civil appropriation bill:

The Clerk read as follows:

To enable the Joint Committee on the Library to purchase the painting of the Electoral Commission of 1877 by Mrs. C. Adele Fassett, $15,000.

The SPEAKER. That is not in order during this call.

Mr. SINGLETON. I present it only for reference to the Committee on Appropriations.

Mr. O'NEILL, of Pennsylvania. I should like also to add another amendment to that, to go to the Committee on Appropriations, for the purchase of a portrait of Rev. Ashbel Green, D. D., Chaplain of the First Congress.

The SPEAKER. That is not in order at this time. The Chair is calling committees for reports.

Mr. SINGLETON. Let my amendment go to the Committee on Appropriations.

The SPEAKER. It is referred, the Chair hearing no objection.

DELAY IN ENROLLED JOINT RESOLUTION.

Mr. NEECE, from the Committee on Enrolled Bills, submitted a report under the resolution of the House that the Committee on Enrolled Bills be instructed to inquire into and report the cause of the delay in forwarding to the President for his approval joint resolution passed on the 11th instant appropriating $300,000 for the relief of the sufferers by the floods of the Ohio River; and the same was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

NORTH GERMAN LLOYD STEAMSHIP COMPANY.

Mr. JONES, of Arkansas, from the Committee on Ways and Means, reported back favorably the bill (H. R. 721) for the relief of the North German Lloyd Steamship Company; which was referred to the Com-

mittee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. I now call for the regular order of business.

The SPEAKER. The regular order is the unfinished business of yesterday. At the time the House took a recess the gentleman from Pennsylvania moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of proceeding to the consideration of the amendments of the Senate to the bill (H. R. 4616) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes; and pending that he also moved that the debate be limited to one minute, to which the gentleman from Iowa [Mr. KASSON] moved an amendment to limit the debate to twenty minutes, on which the previous question was demanded.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered, and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER. The question is now upon the amendment proposed by the gentleman from Iowa, which is to limit the debate to twenty minutes instead of one minute.

The question was taken.

The House divided; and there were—ayes 72, noes 84.

A MEMBER. Tellers.

Mr. RANDALL. We may as well have the yeas and nays at once.

Mr. BLOUNT. I hope that will not be demanded.

Mr. RANDALL. At the suggestion of the gentleman from Georgia I will not insist upon the demand.

Mr. REED. This is only on a question of twenty minutes' debate.

Mr. MILLER, of Pennsylvania. And ten of them to be given to the gentleman from New York.

Mr. RANDALL. I withdraw the demand.

So (no further count being demanded) the motion to limit debate to twenty minutes was not agreed to.

The motion to limit debate to one minute was then agreed to.

The SPEAKER. The question now recurs upon the motion of the gentleman from Pennsylvania that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CONVERSE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to the naval appropriation bill, and by order of the House general debate has been limited to one minute.

Mr. RANDALL. Mr. Chairman, there is but a single remark I wish to make in reply to what was said by the gentleman from Maine—his remark in reference to this side of the House following my lead in regard to appropriation bills. I think it due to myself to say that in reference to the pending bill my judgment as to the amount involved and as to the manner of its expenditure has been made up by the opinion of the gentlemen who feel with me politically as to the proper appropriation of the money, and that I have in no particular taken any initial step in this relation except such as was founded upon their judgment, and not resting upon my own opinion. In other words, I recognize that in this particular I am but voicing the opinion and the judgment and the convictions of the majority upon this floor.

The CHAIRMAN. By order of the House all general debate upon the amendments of the Senate has been exhausted.

The Clerk will now report the several amendments of the Senate, which will be considered as non-concurred in as they are reached, unless objection is made and a separate vote demanded.

Mr. CALKINS. That will be satisfactory. Then when the amendment is reached on which it is desired to have a separate vote it can be called for.

The CHAIRMAN. Of course.

The amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 were read and severally non-concurred in.

Amendment of the Senate numbered 41 was read, as follows:

To complete the ordnance outfit of the three new steel cruisers and one dispatch boat, $500,000.

Mr. BLACKBURN. Mr. Chairman, I believe there will be five minutes allowed on either side on this amendment.

The CHAIRMAN. The question is on the motion of the Committee on Appropriations that the Committee of the Whole House on the state of the Union do non-concur in this Senate amendment. That motion is not debatable.

Mr. BLACKBURN. I will ask, in the event of a motion being made to concur in this amendment No. 41, whether debate is not in order for five minutes for and against it?

The CHAIRMAN. The motion to concur would of course take precedence, and would be debatable under the five-minute rule.

Mr. RANDALL. Was not the debate limited by order of the House on all of the Senate amendments to one minute?

Mr. REED. That referred only to the general debate. Of course the debate on each amendment under the five-minute rule would still remain.

The CHAIRMAN. The Chair understood the motion to apply to general debate only.

Mr. KASSON. It could not possibly cut off the five-minute debate in that way.

Mr. BLACKBURN. I understand, then, that the motion to concur takes precedence of the motion to non-concur?

The CHAIRMAN. The Chair has so held.

Mr. BLACKBURN. Then I move to concur in amendment No. 41, which has just been read; and I simply desire in support of that motion to say——

Mr. RANDALL. I understand the debate has been closed.

Mr. BLACKBURN. Only the general debate. I ask the Chair to rule whether a motion to concur is not open to debate under the five-minute rule.

The CHAIRMAN. The Chair has already so held.

Mr. BLACKBURN. In support of this motion I simply desire to say that I am voting to non-concur in all of the amendments of the Senate which have been incorporated in this bill, and expect to continue to do so throughout the bill, except as to this single amendment. This amendment providing an amount of money, as specified therein, was placed upon the bill on the recommendation of the Navy Department, together with supplementary statements made from that Department and on motion in the Senate Chamber of a distinguished Senator from my own State. We have now commenced the construction, and we have finished one, of these four vessels, costing in the aggregate three millions in money. This amendment of the Senate simply proposes to provide the armament and put it upon these ships when completed. I did not vote for the construction of these ships. I did not favor that policy at the time the law was passed. But, sir, with three millions of money invested already, I, for one, am not willing to go before the country refusing an appropriation of $500,000 for the purpose of making these vessels available in providing armament for them to carry.

Gentlemen may determine it for themselves. For myself I shall not refuse, when the Senate proposes to provide the armament for the vessels already in construction, to give the sum of money found necessary for that purpose.

I therefore move to concur in this amendment, for I do not want the House or any part of it to stand before the country refusing to man with guns the ships that have already been appropriated for and partially constructed.

I yield whatever time remains to me to the gentleman from New York [Mr. HEWITT].

The CHAIRMAN. The gentleman has two minutes and a half of his time remaining.

Mr. HEWITT, of New York. When the naval appropriation bill was pending in the House in Committee of the Whole I intended to discuss the matter of the appropriations for ordnance. I was, unfortunately, ill during the whole week, and was therefore not able to do what I had intended to do at that time, and to say to this House that I had made the most careful examination of the figures submitted by the Ordnance Bureau with reference to the arming of the new cruisers now under way, and I satisfied myself that every dollar which they asked for, amounting, if I remember rightly, to $466,000, was absolutely necessary in order to put guns upon the new ships under way. I was very sorry when I found the bill went out of the House without that provision contained in it. I trust now, without regard to party and without regard to the other questions involved in these amendments, this House will see to it, as to ships for which we have paid the money, on which we must lose the interest until these guns are put upon them, that the money is provided by the action of this committee.

There are other questions behind this on which I am in full accord with the Appropriations Committee. I believe the monitors are a total failure. I believe every dollar spent on them is wasted, and I shall never vote, as I never have voted, a single dollar in behalf of the monitors.

I also believe we ought not to build any new cruisers until we know whether those now under way are good for something or not. But we can not tell whether they are good or not until we put guns on them and float them and try what they can do in the open ocean.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] is recognized.

Mr. BLOUNT. I trust this side of the House will do for the Appropriations Committee of this House what has been done heretofore by whatever party has been in control of it. The committee have recommended a bill which has passed the House. The Senate has seen fit to make amendments thereto. It has come back; and the distinguished gentleman from Pennsylvania [Mr. RANDALL], expressing the unanimous voice of his committee, has asked to-day a usual thing, to vote to non-concur and bring together the conferees of the House and Senate in conference to settle the differences between the two Houses. That

is all there is in this question; and I trust that the majority of this House, whatever their opinion may be as to whether or not the armament shall be placed on these vessels, will not strike their committee this unusual blow. For one, sir, I am willing to trust it; and I will say, notwithstanding the taunts that have come from the other side of the House on the matter of expenditures and what the Government needs, the people of this country from one end of it to the other are as willing to trust the distinguished gentleman now in charge of this matter as any other man in this country. [Applause.]

Mr. Chairman, I care not how we may differ upon other matters, it is due to that committee to follow this usage. It is said, sir, we should place the armament upon these vessels at once. It is said, "Why invest the money in these ships and not place them at once in service? Where is your commerce? Are there not any of your vessels lying in ordinary?" If it should so happen to these, is it an unusual thing? It is constantly happening; and should it happen to these vessels there is nothing very wonderful about it.

Again, sir, I do not wonder that gentlemen on this and the other side of the House should be insisting on making the expenditures as large as they can at this time in view of the Presidential election. It has not always been their policy. In 1859 and 1860 Mr. SHERMAN, now a distinguished Senator, led the opposition to the Democracy in this House, and they were constantly doing what is said to be so heinous in us. In the fiscal year ending June 30, 1859, the estimates for the Navy were $14,000,000; the appropriations were $14,000,000; the expenditures were $14,000,000. In the next year the estimates were $13,000,000, and the appropriations $10,000,000. The estimates for the fiscal year ending June 30, 1861, were $11,000,000, and the appropriations were brought down to $9,000,000. All that while there was great complaint against the extravagance on the part of the Democratic party. The other party insisted that $9,000,000 was sufficient for the Navy. Now they are clamorous for unusual and extraordinary expenditures. I hope, sir, that this House will trust its own committee in conference with the Senate conferees.

Mr. BELFORD. I move to strike out the last word.

Mr. CALKINS. I ask the gentleman from Colorado to yield to me for a moment.

Mr. BELFORD. I yield to the gentleman.

Mr. CALKINS. I only want to say, in reply, that while the minority of the Committee on Appropriations did consent to non-concurrence in these amendments, they are nevertheless all of them individually in favor of concurrence in this item at the earliest practicable moment, and our assent to the recommendation of the committee was for the purpose of bringing about that result when we could. We are ready to vote for it at any time.

Mr. BELFORD. I will never forget the intense excitement I went through during the war, when I was a mere boy; and I want to express my sense of the great service that was performed by the Monitor so discredited by the gentleman from New York. I think it was the Merrimac that came down the James River armed and loaded, capable of attacking New York or Philadelphia; and Mr. Ericsson, with a provident genius, constructed a little monitor, and with that monitor we destroyed the aggressive power of the rebellion.

It is a beautiful spectacle to see the distinguished gentleman from New York standing here and endeavoring to discredit an invention of that kind. That is only equaled by the cowardice and cupidity of the Democratic party with reference to the expenditure of money for the building of our Navy. Does that gentleman dare to stand on the floor of this House and in the face of the potent, visible, and supereminent fact that the little Monitor saved our country practically on the waters, endeavor to discredit that vessel? I would like to see him stand here and assume the responsibility of such a declaration of discredit. He had better look after his iron-works. [Laughter.]

We will try to look after our Navy. I tell you, gentlemen [passing down the aisle and over to the Democratic side of the House amid great laughter], I tell you gentlemen from the South and the West, and I say it with boldness and courage, that if you follow out the policy of the gentleman from Pennsylvania [Mr. RANDALL] you will not see the glimmering of the gloaming in the next Presidential election. [Laughter on the Republican side.] What we want is liberal appropriations to construct our Navy. [Laughter on the Democratic side, and cries of, "Of course!"] Yes, sir; that is what we want. How are we going to compete with England or with any other foreign nation?

Have you not got the money in the Treasury? You Democrats have the majority in this House. Yet this gentleman from Pennsylvania, the chairman of the Committee on Appropriations [Mr. RANDALL], proposes to cut down, to cheese-pare, to peanut this whole business, so that if we should get into a war we will not be able to compete with any foreign nation on the face of this earth.

I am appealing to you Democrats to do what is right and just and liberal to this country when you have the power; because if you do not do it, I assure you that you will not carry the next Presidential election, and it would be absolutely immaterial whom we may nominate. [Laughter on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLAND. How much do you want in Colorado of this money for a navy?

Mr. BELFORD. We do not want a cent in Colorado.

Mr. RANDALL. The committee think that this amendment should be non-concurred in and should go into a conference, with the other questions relating to the rearmament of the Navy.

Mr. BELFORD. I withdraw my *pro forma* amendment.

The CHAIRMAN. The question is upon the motion of the gentleman from Kentucky [Mr. BLACKBURN] that the amendment of the Senate, No. 41, be concurred in.

The question was taken; and upon a division there were—ayes 114, noes 92.

Before the result of the vote was announced,

Mr. RANDALL said: I desire to give notice now, so that members may not go away, that I shall ask a yea-and-nay vote in the House on this amendment.

Mr. BLACKBURN. That is right.

The CHAIRMAN. Does the gentleman call for tellers?

Mr. RANDALL. I do not; I only give notice that I shall call for a yea-and-nay vote in the House.

The CHAIRMAN then announced the vote and stated that the amendment of the Senate had been concurred in. [Applause on the Republican side].

The next amendment of the Senate, on which a separate vote was asked, was amendment No. 42, to insert the following:

That it shall be the duty of the Secretary of War and the Secretary of the Navy, with the assistance of the gun-foundery board, which is hereby revived, to report to Congress, on the first day of the next ensuing session, a plan and estimate for the preparation and purchase of plant for a gun-factory to complete guns from 6-inch caliber to 16-inch caliber, including buildings and shrinking-pit, and to report the full and detailed estimate for the cost of the work aforesaid, and whether the same can be better and more economically performed in establishments owned by the Government, or by private contract, or by a combined system, whereby the said work can be accomplished partly by the Government and partly by private contract, and in what annual installments the said appropriations can most economically be made.

The CHAIRMAN. The Committee on Appropriations recommend non-concurrence in this amendment.

Mr. TALBOTT. I move that the amendment be concurred in; I think that ought to be done. I will state that this amendment of the Senate proposes to revive a board organized under the naval appropriation bill of March, 1883. That board has visited the ordnance founderies and gun-factories of all the European nations, and has sought and obtained a great deal of valuable information, which is contained in their report to the Secretary of the Navy, which has been submitted to Congress.

The most important thing in that report is this: the board states that they visited the gun-founderies of France, of England, of Austria, and of Prussia; but the most important statement made by them to this American Congress was that they were not allowed to visit the great Krupp gun-works, and therefore could make no report to Congress as to the capacity of that establishment.

It is a fact acknowledged by all intelligent men that no matter what class of vessel you may build, they can not be constructed so as to resist the highest-power guns that have been manufactured and are being now manufactured. This government with its population of 50,000,000 people, the richest government to-day on God's earth, is without a single high-power gun, and if we were to have war to-morrow we would be without means of defense against other nations. The answer which may be made to gentlemen who say when their attention is called to this fact that we can buy guns when needed is that such a dependence is entirely fallacious, because if we should have war with a foreign nation we never could get guns here.

It is important that this Government should have a gun-foundery of its own, and that Congress should appropriate the money for that purpose. We ought to have all the information we can get on this subject. I therefore ask the House to concur in the amendment of the Senate which proposes to revive and continue this board. It will not cost the Government a single dollar outside of the traveling expenses of the members of the board, because the original proposition provided that they should receive no pay outside of their salaries as officers of the Army and Navy.

That board has reported that we should have two gun-founderies, one for the Army and one for the Navy. The amendment of the Senate provides for only one. I do not object to that. But I do say that as a matter of public policy, and also as a matter of economy, as will be demonstrated to this country in time to come, this amendment should be concurred in. And not only that, but whenever this board shall report to Congress where this gun-foundery should be established, no matter what it may cost, the Government should appropriate the necessary amount of money to provide an establishment for constructing guns of the highest power known to the world.

Mr. RANDALL. There is a question of policy involved in this amendment which should have consideration in conference: whether this Government shall at its own expense and at an enormous cost acquire a plant for the manufacture of these guns or whether that should be left to the enterprise of private manufacturers.

The experience of the Government in this connection, so far as I have been able to learn, has not been favorable. In 1862 the Government erected a shop or, as I suppose it may be said, established a plant for work of this character at the Washington navy-yard, the cost, as I am

advised, having been $400,000. But the results of that expenditure have not reached the expectations of those who were zealous in its advocacy. I think, in view of all that has occurred in the past as to appropriations in this direction, this matter had better be left to the discretion of a conference committee. I hope therefore that the recommendation of the Committee on Appropriations in favor of non-concurrence will be agreed to.

Mr. TALBOTT. I desire to state that concurrence in this amendment will not involve a single dollar of additional expense. The object is only to have a report made to this Congress by the board already authorized.

In answer to the statement of the chairman of the Committee on Appropriations [Mr. RANDALL] that our experience in matters of this kind has been unfavorable, I wish to say that according to the report of this board the French Government encourages the manufacture of steel, and it makes the guns. Now, in this country, while there is encouragement as to the manufacture of steel, capital does not receive sufficient invitation from Congress to undertake the manufacture of these guns.

Mr. RANDALL. The gentleman is mistaken. There are in this country two parties entirely capable of making guns of the largest practicable caliber.

Mr. TALBOTT. This whole subject has been heretofore investigated by the Committee on Naval Affairs, who came to the conclusion that the Government has never given sufficient encouragement for the investment of capital in the manufacture of guns, and without such encouragement no one is going to establish a gun-factory.

Mr. RANDALL. The gentleman is mistaken.

Mr. COX, of New York. Mr. Chairman, I did not catch exactly the last words of the gentleman from Maryland [Mr. TALBOTT]. He is my colleague upon the Committee on Naval Affairs. But I do not understand that this subject has come before that committee in any formal way at this session or that we have passed upon it at all.

Mr. TALBOTT. I did not mean to make such a statement.

Mr. COX, of New York. Mr. Chairman, whenever I am in doubt about an amendment of the Senate to an appropriation bill I vote to non-concur. I will not take such a doubtful matter from the hands of an intelligent committee on appropriations or a well-informed conference committee. Why should we *eo instanti* concur in an amendment to carry out the ideas of the Senate? Rather leave it to the conferees to make the best arrangement possible in the interest of the people as expressed in this popular body.

Some years ago I argued in favor of making guns of small and large caliber; not for cruisers of this class, but for fortifications and coast protection. I know that we must prepare in time for the manufacture of such guns. To make a large gun like the Krupp ordnance occupies not only months but years. When this matter comes back matured, as I trust it will, from the committee of conference, we shall know better how to vote, and at that time I shall speak more at length upon it, for I have given it considerable study.

I can not agree with the idea of my colleague upon the Committee on Naval Affairs that because of some little previous legislation we should now upon an appropriation bill adopt the plan of the Senate. It is wise to distrust the Senate on appropriation bills. Our fathers distrusted the Senate on "money bills." Our constitution-makers distrusted that body in such matters as a body aloof from the people. Nor, sir, am I in favor, especially in a Presidential year, of giving so much money and such perilous power to the dominant party. [Applause on the Democratic side.] Therefore I am a little delicate about yielding to all these cunning monetary amendments of the Senate on bills of this character.

Mr. TALBOTT. Mr. Chairman, I move to amend the amendment by striking out the last word. I did not mean to say that the Committee on Naval Affairs in this Congress had investigated this subject, and I did not so state. The Committee in the Forty-seventh Congress did investigate it.

Mr. STORM. Who was chairman of that Committee in the Forty-seventh Congress?

Mr. TALBOTT. Mr. Harris, of Massachusetts.

Now, sir, the chairman of the Committee on Appropriations [Mr. RANDALL] and the gentleman from New York [Mr. COX] appear reluctant to trust the administration with the expenditure of money in naval matters. I submit it is proper we should have a Navy; and we have no right to say that any one man, or two men, or three men shall stand in the way to prevent our doing what public opinion demands and public necessity requires. We should have a Navy.

So far as the present amendment is concerned it does not appropriate a dollar. It proposes simply to continue the board of Army and Navy officers who are now serving without any extra pay. It is proposed simply that this board submit to Congress a plan, with specifications, for the construction of a gun-factory. That is the whole effect of the amendment.

Mr. RANDALL. I wish to suggest one difficulty in connection with this matter. Among these officers of our Army and Navy there are at least two in one or the other branch of the service who have an enormous number of patents in connection with the manufacture of guns. Hence it is a question of great concern where the construction of these guns should be lodged, whether it should be left to individual enterprise or whether the Government should have a plant of its own. If the Government is to have a plant of its own, these officers should be restrained from receiving any extra emolument in connection with the manufacture of these guns. I know very well that a distinguished citizen of my own State, Admiral Dahlgren, once invented a gun which was said to be practically beyond the power of powder to burst. But with this exception our experience in the manufacture of guns—the Rodman guns and others—has not been such as to create confidence, in my mind at least, as to the propriety of the Government entering upon a large expenditure of money in the manufacture of this class of guns.

Mr. TALBOTT. I should like to say to the gentleman from Pennsylvania as to the interest of Army officers there is a provision of law contained in the Revised Statutes that no officer of the United States Army or Navy can receive one particle of payment from the United States Government for any patent he makes.

Mr. RANDALL. I do not think that statute is as far-reaching as the gentleman states it, but at all events it might bear the investigation of the conference committee.

Mr. TALBOTT, by unanimous consent, withdrew his formal amendment.

The amendment of the Senate was then non-concurred in.

The next amendment on which a separate vote was asked is as follows:

To enable the President to strengthen the naval establishment of the United States the sum of $2,500,000 is hereby appropriated, to be expended as follows and under the following limitations: For the construction of one cruiser of 4,500 tons displacement, one cruiser of 3,000 tons, one dispatch vessel of 1,500 tons, two heavily armed gunboats of 1,500 tons each, and one light gunboat of 750 tons, and one gunboat, not to exceed 900 tons; this boat to be built on plans and specifications to be furnished by the Admiral of the Navy, and under his supervision and directions, subject to the approval of the Secretary of the Navy; one steel ram, as recommended by the first naval advisory board, November 7, 1881; one cruising torpedo-boat, advocated by the same board and by the present advisory board in its memorandum of November 21, 1882; and two of the harbor torpedo-boats recommended by said first board and in the report from the Bureau of Ordnance of November 1, 1883, all of which are recommended in the annual report of the Secretary of the Navy. And, under existing law, it shall be the duty of the advisory board appointed in conformity with an act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, approved August 5, 1882, to advise and assist the Secretary of the Navy, in his office or elsewhere, in all matters referred to them by him relative to the designs, models, plans, specifications, and contracts for said vessels in all their parts, and relative to the materials to be used therein, and to the construction thereof, and especially relative to the harmonious adjustment, respectively, of their hulls, machinery, and armament; and they shall examine all materials to be used in said vessels, and inspect the work on the same as it progresses, and have general supervision thereof, under the direction of said Secretary. But said board shall have no power to make or enter into any contract, nor to direct or control any officer of the Navy, the chief of any bureau of the Navy, or any contractor. Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof, in all its parts, including the hull, engines, and boilers, shall have been provided or adopted by the Navy Department, and shall have been approved, in writing, by said board, or by a majority of the members thereof, and by the Secretary of the Navy; and after said drawings and specifications have been provided, adopted, and approved as aforesaid, and the work has been commenced, or a contract made for it, they shall not be changed in any respect, when the cost of such change shall in the construction exceed $500, except upon the approval of said board, or a majority of the members thereof, in writing, and upon the written order of the Secretary of the Navy; and if changes are thus made, the actual cost thereof and the damage caused thereby shall be ascertained, estimated, and determined by said board; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of said board or a majority thereof, as to the amount of the increased or diminished compensation said contractor shall be entitled to receive, if any, in consequence of such change or changes. And for the construction of all which vessels the Secretary of the Navy shall invite proposals from all American ship-builders and builders of machinery who shall show to the satisfaction of the Secretary of the Navy that within three months from the date of the contract their ship-yards will be equipped for building and repairing iron and steel steamships, and constructors of marine engines, machinery, and boilers; and the Secretary of the Navy is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the naval advisory board; and in the event that such vessels, or any of them, shall be built by contract, such building shall be under contract with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for due completion of the work as the Secretary of the Navy shall prescribe; and no such vessel shall be accepted unless completed in strict conformity with the contract, with the advice and assistance of the naval advisory board, and in all respects in accordance with the provisions of the act of August 5, 1882, except as they are hereby modified; and the authority to construct the same shall take effect at once: *Provided*, That the Secretary of the Navy shall utilize the national navy-yards, with the machinery, tools, and appliances belonging to the Government there in use, in the building of said ships, or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government.

Mr. O'NEILL, of Pennsylvania. I desire to amend the amendment of the Senate by adding the following:

The Clerk read as follows:

Provided, That at least three of the vessels herein provided for shall be constructed in the navy-yards of the United States.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I hope the committee will see the propriety of adopting this amendment before concurring in the amendment of the Senate, and I desire to have that amendment to the amendment carried because I believe the navy-yards of the country are better adapted this day to construct these vessels than are the ship-

yards of private ship-builders. I think if the Government builds three of these ships in the navy-yards of the United States we will have vessels which will test from day to day, which are superior in construction to those built in private ship-yards or those constructed in the navy-yards of the country. I believe to-day the Government navy-yards generally are better equipped for this purpose, and I know very well, sir, and I think every member of the committee knows, that the naval vessel built in a navy-yard is built a complete ship, to last, because the cost is not absolutely limited, while vessels built by contractors, although they will be built according to the very word and letter of the contract, yet would not be built as vessels which are paid for by day's work in Government navy-yards and over which is the supervision of officers of the Navy of the United States.

Why, Mr. Chairman, the Senate amendment almost gives away the question, and I have no doubt the lines to which I am going to refer were put into the amendment at the suggestion of the Secretary of the Navy, he knowing that the means of building in the navy-yards are far superior to the means provided in private ship-yards belonging to citizens of the United States.

I will call the attention of the committee to the lines to which I refer. They are lines 467 to 473, page 20 of the bill, and are as follows:

> And for the construction of all which vessels the Secretary of the Navy shall invite proposals from all American ship-builders and builders of machinery who shall show to the satisfaction of the Secretary of the Navy that within three months from the date of the contract their ship-yards will be equipped for building and repairing iron and steel steamships.

They appear to me to be giving away the whole question, and to be an intimation from the Secretary of the Navy himself, not intended perhaps, that the ship-yards of the Government are prepared now to go on with the construction of iron and steel steamships, and that the ship-yards of private builders are not ready.

Mr. COX, of New York. Will the gentleman allow me to ask him a question?

Mr. O'NEILL, of Pennsylvania. Certainly.

Mr. COX, of New York. I do not disagree with my friend from Pennsylvania altogether, yet I should like to ask him if he knows how many private yards there are in this country where this thing could be done.

Mr. O'NEILL, of Pennsylvania. I know of two private yards, or rather two were in my mind.

Mr. COX, of New York. Only two?

Mr. O'NEILL, of Pennsylvania. Let me name you the ones I refer to. I will give you afterward others. I speak of the ship-yards in the locality in which I live. The ship-yards of the Messrs. Cramp, in the city of Philadelphia, the ship-yard of Mr. John Roach, at Chester, Delaware County, in which are building vessels all the year round, and several other ship-yards on the Delaware, also doing a large business. Besides, the Delaware River is the only stream of water in the country fitted for the construction of iron and steel steamships. I would say the two yards mentioned are fully equipped for many purposes, also others on the Delaware; but the Secretary of the Navy, in the language prompted by him, as I said before, and I have no doubt he knows it, says that it would take three months to equip those ship-yards so they could build vessels suited for naval purposes.

There is within a limit of seven or eight miles from the ship-yard of Mr. Roach, and within about the same limit from the ship-yard of the Cramps, located the navy-yard at League Island, which was specifically taken by the Government for the purpose of using it in the building of iron and steel steamships and constructing machinery and armament. The land upon which it is located was given to the Government by the city of Philadelphia and accepted for this kind of ship-building.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MILLER, of Pennsylvania, was recognized, and yielded his time to Mr. O'NEILL, of Pennsylvania.

Mr. O'NEILL, of Pennsylvania. As I was stating, these two leading ship-builders of the city of Philadelphia, or on the Delaware River, are within certainly not more than fifteen miles of each other, and between the two is this League Island navy-yard. There are also other private ship-yards within this limit of distance.

Why, within three months' time after the order is given that navy-yard at League Island, at a very comparative small expense, can be so prepared as to be able to turn out the best-built ships that have ever been constructed for the Navy of this country, or in any other country for any other navy. A very little addition to its present appliances will enable the work to be done now and these vessels to be built in the completest manner.

Sir, it has been attempted to be argued against taking this yard for this purpose, and also in favor of closing it, as contemplated, that it would cost millions of dollars to complete it and to put it in shape to build first-class iron and steel vessels. Now, I want to say here in the presence of this committee and place it on the records that an official who never was at the League Island navy-yard but for a moment, the Secretary of the Navy—for he did make a visit there on the Tallapoosa once, and on that occasion inspected the yard in about an hour—and the commission appointed to investigate the condition of the navy-yards of the country, a commission created for the purpose of advising the closing of certain yards, who did not see much more of League Island than the Secretary, dared to report that it would cost countless millions, I may say, to complete that navy-yard. I say it now in the hearing of this committee, and wherever my voice may be heard, and wherever what I have said may be read, that the men who reported such a statement to this country never did examine the subject, never cared to examine it, but were appointed to follow out the dictates of the Secretary of the Navy, and recommended the closing of that yard and two or three others which have been of the greatest use to this country in the building of our ships or the repairing of them, because of the causeless prejudice existing, which was well-known to that commission before entering upon its duties.

Mr. Chairman, I offer this amendment in good faith, and I would like to have the committee agree to the Senate amendment as I have proposed to modify it.

Again, at the very end of this amendment of the Senate the Secretary admits, as will be seen, the fact of numerous costly tools and appliances on hand in the navy-yards of the Government, whereby he proposes to the Senate committee and to the Senate in the consideration of this matter that these useful and valuable tools and materials may be utilized, if not by the navy-yards of the country, that they may take them to the ship-yards of the contractors who get the contracts for the construction of these ships and permit them to use them.

Mr. Chairman, I think the whole of this Senate amendment in that respect displays a total ignorance and total want of information and knowledge of the condition of the navy-yards by the persons who drafted that proposition. I hope that this committee will agree to my amendment. Why, three ships built at the League Island navy-yard, or a single ship if but one is built there, will stand as a model, so to speak, to the proprietors of the private ship-yards, and present a test as between a ship built at one of our Government yards, where we use our own tools and our own appliances and where we have skilled mechanics and laborers capable of building the best ships in the world, as against those which are built by private ship-yards under the contract system. There we have the appliances nearer ready and the ships can be built at no greater expense and in as little time; and although I am well aware that if these contracts are let to our private ship-yards the contractors who get them will live up to their contracts and build the ships according to the conditions demanded, still I hold that if we have the appliances ourselves, as we have, and while we have that class of skilled labor, the best that the country can afford, it is our duty to utilize our yards and our skilled labor, and build our own vessels.

[Here the hammer fell.]

Mr. BLAND. Mr. Chairman, one listening to the discussion going on with reference to this bill might suppose that we were either in the midst of a war or at least that the declaration of war was deemed to be at hand. Of what great utility would it be if we had the best fleet or the best navy in the world to-day? What would you do with it? We are asked to make large appropriations for the purpose of building up a navy to go the way, I suppose, that all the rest of the money that we have appropriated for the last fifteen or twenty years in that direction has gone. About three hundred and eighty-five or four hundred millions of dollars have been wasted in the manner proposed by those who advocate the re-establishment of the Navy This money had better be appropriated, sir, and devoted to the payment of the public debt, the reduction of the interest-bearing debt of this country, which is a tax upon our people.

And not only that, sir. The great source of weakness to this nation to-day is our public debt, and a reduction of it is its greatest source of strength. That is beyond all comparison to navies or armies; and the gentlemen on the other side of the House will excuse us if, after they have expended in fraudulent contracts and wasteful extravagance nearly half a billion of dollars under pretense of building up a navy, we will not at their bidding intrust so much money to them until we know a little better than we do to-day how it will be expended.

It was suggested by my friend from New York who last addressed the committee that in Presidential years it was not very safe sometimes to expend very large sums of money in this way. A gentleman from California a short time ago addressed this House, and in the course of his remarks held up in his hand a ballot, which he said under the orders of the authorities of the naval establishment in his district the employés of that establishment were compelled to go and deposit and to vote against him as a Democrat.

How much of this money will be spent in that way? Who will have the contract? Who will control it? How many hundreds of laborers will be thus compelled to go and cast their ballots in a particular way or lose their employment?

No, sir. I say it is the duty of this House, a duty we owe to the country, that not a dollar shall be appropriated for any other purpose except the expenditures necessary to carry on this Government; and no election corruption fund should go in on any appropriation bill.

Mr. GIBSON. I move to strike out the last word.

Mr. Chairman, I doubt whether there is anything in the history of American legislation that is more painful than the discussions that have occurred in the last twenty years on the subject of the American Navy.

It has been constantly repeated upon one side or the other—it matters not which side had power—that the Navy was one large mass of corruption, and that the money voted for building up the Navy was used for political and for corrupt purposes.

Let these charges be either true or false, we are confronted with the fact that America, with all of her needs for commerce, with all her immense undeveloped wealth and resources, to-day has no navy to defend her commerce or her trade on the sea. Whether this has arisen from Republican corruption or whether it has arisen from Democratic cupidity or not, we are confronted with this fact to-day; and the question now is, will the Democratic majority of this House declare it is willing to sit still for years to come and allow us to remain without a navy worthy of this great people? I for one, whether the Republican party has been corrupt or not, am willing to stand here and vote for a just, fair, and honest appropriation of the money of the people, that they may have a navy to represent their interests on the waters of the earth.

Mr. HENLEY. How do you know the money appropriated will be devoted to that purpose?

Mr. BLAND. I ask the gentleman from West Virginia, what you would do with a navy if you had it to-day?

Mr. GIBSON. I would put it on the seas.

Mr BLAND. You would let it rot.

Mr. HENLEY. You would have plenty of excursions and plenty of voting at navy-yards in the interest of the party controlling the expenditure.

Mr. GIBSON. I have heard no argument used against building a navy except that it might interfere with the election of some gentlemen in certain Congressional districts.

Mr. SPRINGER. That is a good reason.

Mr. GIBSON. It has been said here that this country does not need a navy. It is a mere begging the question and unworthy of a Representative to say we need no navy because we are not at war.

Mr. BLAND. I would ask the gentleman from West Virginia, what would you do with a navy to-day if you had it? That is the question. What would you do with it?

Mr. GIBSON. I will tell you what we would do with it. We would give our business men confidence to go out in the world and establish trade. We would unlock the labor and the industry of the country. You men who are engaged in bulling and bearing the markets would no longer be able to do so. You know we have no trade, and if we follow your lead we never will have trade. [Applause on the Republican side.]

And now, Mr. Chairman, it is because I desire to see American commerce revived, because I desire to see our commercial interests have some protection, that I am willing and anxious to build up a navy. And if this country has no honest men to expend its money, we had better lower our flag and seek protection under the flag of some other country.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. O'NEILL] to concur in the Senate amendment with an amendment.

Mr. CALKINS. Before the question is put, may I ask whether if the amendment of the gentleman from Pennsylvania is ingrafted upon the amendment by the Senate there can be separate votes on his proposition and on non-concurring in the amendment as amended?

The CHAIRMAN. There could not be unless a division is demanded.

Mr. COX, of New York. I demand a division. I would like to vote for the proposition of the gentleman from Pennsylvania, but not for the amendment of the Senate.

Mr. RANDALL. If the amendment of the gentleman from Pennsylvania should be adopted it would still remain in the power of the committee to vote against the amendment as amended.

The CHAIRMAN. It would not, if the question was taken on the motion as originally made that the committee concur in the Senate amendment with an amendment. A division is demanded. The Chair will first take the question on the amendment of the gentleman from Pennsylvania, which the Clerk will again read.

The Clerk read as follows:

Add the following proviso:
"*Provided*, That at least three of the vessels herein provided for shall be constructed in the navy-yards of the United States."

Mr. TILLMAN. Is it in order to move to strike out the last word?

The CHAIRMAN. It is.

Mr. TILLMAN. I make that motion. I am as good a friend of the Navy of the United States as any man on this floor or off of it. It was the traditional policy of my State before the war, inculcated by all her great men, that the United States ought to have a splendid navy but a small army. I am here to persist in that policy as far as I can consistently with my duty as I see it. But this bill as amended by the Senate does not foreshadow that, if the vast sums of money proposed to be set apart by Congress for the Navy should be so set apart, it will be applied honestly for that purpose. On the contrary I assert, and if I had the time I could demonstrate, that it covers a stupendous fraud, fairly to be presumed from recent conduct of the Secretary of the Navy with reference to the eight-hour law, for the purpose of buying the next Presidential election. And that is to be done under the pretext of being the laborer's friend by means of the eight-hour law. Therefore it does not matter whether we adopt the Senate amendment as it stands or take the amendment proposed by the gentleman from Pennsylvania [Mr. O'NEILL]. I affirm that if either be adopted these ships will be constructed in such navy-yards of the United States as will yield the most good in the way of subsidizing voters in closely contested States in the Presidential election of next November.

What is meant by the eight-hour law? I will venture to remark that there are probably not twenty men on this floor who understand it. I frankly admit that I should not myself understand it thoroughly if I had not been on the Committee on Education and Labor of the Forty-sixth Congress, and have had occasion in the discharge of official duty to study it from its origin to the present day and trace it through slime and corruption in almost every Department of the Government. But, again I ask, what is meant by the eight-hour law? It is well known that from the vernal to the autumnal equinox we have daylight and pleasant weather, so that those engaged in physical labor may work ten hours or twelve hours, and some fourteen hours or even sixteen hours, between dawn and twilight. But from the 21st of September until the 21st of March, excepting where you can use gas or electric lights, and have mineral coal to heat up workshops and factories, eight hours is about all the time that can be used in that way out of the twenty-four, either in private or Government workshops.

In 1868 a Massachusetts statesman, Mr. Banks, for the purpose as I contend of capturing the popular vote among the laboring classes in the then approaching Presidential election, introduced a bill which passed Congress that purported to be an eight-hour law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLAND. I will take the floor and yield my time to the gentleman from South Carolina.

Mr. TILLMAN. Thank you, sir. That law passed in 1868 reads in these words:

Eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed, or who may be hereafter employed, by or on behalf of the Government of the United States.

A bald declaration, a mere declaratory law as to what should constitute a day's work for the Government by its employés where there was no contract. There is nothing in it prohibiting the Government and the laborer from stipulating that a day's work shall consist of ten hours or twelve hours of labor. There is no penalty attached to a Government officer for working an employé longer than eight hours, and paying for only the time that he works. In other words, it was a voice and nothing more and intended to deceive.

At the most it only undertook to regulate what might be considered a day's work in the absence of a special agreement, as the Government regulates time by hours and minutes and seconds. But in all Government establishments, where the Government officers chose to do so, they from the passage of the eight-hour law in 1868 down to 1877 claimed authority to require only eight hours' work for ten hours' pay during the six summer months, and many of them so exercised that authority mostly for corrupt political purposes as I believe.

In 1862 Congress passed the following mandatory act in regard to wages:

That the hours of labor and rate of wages of the employés in navy-yards shall conform as nearly as is consistent with the public interest with those of private establishments in the immediate vicinity of the respective yards, to be determined by the commandants of the navy-yards, subject to the approval and revision of the Secretary of the Navy.

Here is a just rule for regulating wages, and it is the law of the land to-day, although it has been omitted from the Revised Statutes. But, notwithstanding, it is still of force.

The Secretary of the Navy, the immaculate gentleman whom it is proposed by these Senate amendments to clothe with almost dictatorial power to put his hand into the Treasury and expend many millions as he sees fit, has lately assumed the responsibility of violating that law and spitting upon the interpretation given to the eight hour-law as held by the Supreme Court of the United States. There were so many abuses under this eight-hour act, where real or pretended contractors employed laborers, and the laborers sued the Government, claiming ten hours' pay for eight hours' work, that the matter was carried to the Supreme Court, and that court decided, in the case of Martin, (4 Otto), that it was only a mere declaratory law. And since that time (that decision was rendered in 1877), for the last six years, every officer of the Government and the head of every Department has conformed to that decision and to the act of 1862 regulating wages, until the present Secretary of the Navy commenced about a year ago to defy the statute and trample upon the decision of the court preparatory to using the navy-yards for party purposes in the next Presidential election, to which end he only needs large appropriations.

Mr. O'NEILL, of Missouri. I would like to ask the gentleman a question.

Mr. TILLMAN. I have not time now to answer questions. Let me make myself understood first, and then I will answer any question if you will extend my time.

Mr. O'NEILL, of Missouri. I merely wanted to ask the gentleman if he referred to the Martin case.

Mr. TILLMAN. I so stated.

[Here the hammer fell.]

Mr. KASSON. It is with no little regret, Mr. Chairman, that I see politics introduced into this discussion. In all I had to say yesterday I endeavored to appeal to the good sense and tranquil judgment of members on the theory that patriotism occasionally controls both sides of the House. I am sorry that this morning three gentlemen on the other side have introduced purely party questions of administration into this discussion, and have declared it to be their judgment that we ought not to vote any money for the Navy because the administration which will have the expenditure of that money belongs to the opposite party.

As was said by a Democratic Senator in another place, party hostility to a public officer is not a point which can be made against the demands of the public service. Party prejudices against an administrator appointed under the laws and the Constitution of the country can not justify a refusal of necessary appropriations. Gentlemen know perfectly well that if this were the real cause of their difficulty they could provide further, as they have now provided largely, that the naval advisory board or any commission of naval offices, headed, if you please, by a Democrat or composed of Democrats, should direct the disbursement of every dollar of the fund appropriated. When my honored friend from South Carolina [Mr. TILLMAN], who began patriotically but ended in a partisan spirit, declares that this is a proposition for a fraud, I wish to call his attention to the fact that he has made a charge which rests upon no foundation that he can avow.

Is it a fraud to administer the eight-hour law? Does the Democratic party, represented by him, wish to take the position that this law, so earnestly demanded by the laborers of this country, shall stand in the way of building a navy for the United States? Shall it be an obstacle in the present and in all the future? Is it pretended that the present Secretary of the Navy—with whom, perhaps, no man on this floor has less intimate relations than I—has performed one act of administration that will not bear the most rigid investigation by either side of this House? Knowing him but little, but knowing more of his Department, I challenge that investigation into the minutest act of his administration. Whoever may be at the head of that Department, whether the present Secretary of the Navy or a representative of the Democratic party or of any other political element in this country, it is according to the Constitution and laws our business to intrust him with the expenditure of the moneys needed for the public safety, and especially needed for this great branch of the public service.

Is it to be further maintained, as indicated by the gentleman from New York [Mr. COX], that the laboring men of this country if employed in constructing vessels under this bill are expected to vote against the Democratic party? Have they no independence? The law of the land is different now from what it was years ago, when workmen of this class were assessed by Democratic agents for money to pay election expenses? Does not the gentleman know that we would impeach a Secretary of the Navy or any subordinate officer within the reach of impeachment who should attempt to coerce Government employés into voting for any party against his will?

If you take the ground that no laboring man shall have employment in navy-yards or in the Government service, but shall be starved first, for fear he will vote against you at the next election, we accept that ground of contest and will go before the country.

[Here the hammer fell.]

Mr. WELLER and Mr. COX of New York addressed the Chair.

The CHAIRMAN. The Chair feels bound to recognize the gentleman from New York.

Mr. KASSON. I would like to have the same extension of time which was conceded to the gentleman from South Carolina [Mr. TILLMAN].

Mr. CANNON. If the Chair will recognize me I will yield to the gentleman from Iowa [Mr. KASSON], and the gentleman from New York can be recognized hereafter.

Mr. COX, of New York. Very well.

Mr. CANNON. I will yield my time to the gentleman from Iowa.

Mr. KASSON. I desire to further call attention to the issue which is raised by the political opposition excited against this bill, the issue avowed this morning, as it was indicated by the gentleman in charge of the bill yesterday. We are told substantially by gentlemen on the other side that whatever interests of the country may be imperiled, they are not willing to have the expenditures for the Navy made under the present administration of the Government. Why, sir, the election is to take place in November, and you may put upon this bill an amendment that no contract shall be made and no money expended until January 1, 1885. Nay, more; if this be the ground of your opposition, you may say that no contract shall be made and no money expended until the 4th of March, 1885, when whoever may have been the choice of the people will become the President of the United States.

I wish gentlemen to see that this defense is hollow when the proposition is to proceed with the work of rebuilding the Navy. I care nothing whether a voter who may be put at work on these ships is a Democrat or Republican. I have never indorsed interference by politicians with the personal rights of voters who are laboring men. I have no record to go back on; I have no protestations of purity to make. When any man of any party shall attempt to dominate by undue influence the vote of any laboring man by threatening his bread, whether that man may be in private or public employment, that moment my vote will be given for whatever punishment of such officer the law will allow.

The truth is, Mr. Chairman, we have passed beyond those old days of bosses and of boss rule and dictation of laborers. The moral sentiment of the country everywhere, except possibly the Democratic party in Ohio, which still goes for spoils I take your permission to say, Mr. Chairman, is in favor of following up the principles of civil-service reform, and of delivering the minor employés of Government from the dictation of mere political power. That same spirit reaches into the navy-yards of the country, and will be found operative in the future unless some party shall come into power which takes the ground that civil-service reform is a humbug, and that boss rule is better than the rule of principle and purity.

I renew now the invocation which I made yesterday to eliminate this question from what is an unjustifiable assumption of probable official misconduct, and to let it be determined by the simple rule of what patriotic duty requires of members on both sides of the House. Let us bring back the spirit of the country to that which my honorable friend from South Carolina [Mr. TILLMAN] represents as the prevailing spirit in the days before the war, which spirit I pray Heaven may yet dominate both sides of the House before the session is over in respect to the Navy of the United States. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. COX, of New York. Mr. Chairman, the invocation of my friend from Iowa, speaking from a political and partisan standpoint, has not impressed this House into sympathetic solemnity. His prayer has not ascended higher than the escutcheon of his own State in the æsthetic ceiling above us. [Laughter and applause.] The gentleman prays God that the civil-service reform may go on. He then reads my friend from South Carolina a lecture because that eloquent member imagines that he sees some fraud, I think erroneously, in some supposed eight-hour portion of this bill. But why did not my friend from Iowa [Mr. KASSON], whose hands are so callous with toil—[laughter]—who loves the laboring man with so much ardor, who cares so much for the navy-yards because in them are found the weary mechanic and laborer—why did he not before the elections two years ago, when assessments were made upon the Navy employés to sustain the sinking fortunes of his moral party, enter a protest vigorous enough to have stopped them? [Applause on the Democratic side.]

Mr. KASSON. Allow me to say that no evidence was presented to prove the charge that assessments had been made in navy-yards. [Cries of "Oh!" on the Democratic side.]

Mr. COX, of New York. Just let me say——

Mr. KASSON. I mean on laboring men in the navy-yards.

Mr. COX, of New York. Why, Mr. Chairman, is it not of record that the Secretary of the Republican central committee, the Hon. Jay Hubbell, sat here when his own circular was read? Was its genuineness denied? Was it not read in the presence of the gentleman from Iowa and accepted by him as true—accepted with all the accompanying evidence? I well remember the debate. Why did not the gentleman from Iowa then, instead of making a qualified denunciation of assessments laid on navy-yard employés, life-saving employés, upon the clerks of the Department, upon the little pages on this floor—upon the very hostlers in the Indian school at Carlisle, Pa.—raise his eloquent and prayerful voice in denunciation of the rascality and pollution of his own party? [Applause on the Democratic side.]

Mr. KASSON. One reason is, I suppose, that it is very difficult to be sincerely pious whenever the gentleman from New York gets the floor. [Laughter.] The other was, as he will remember, I did denounce it if it had been made; and the third is, I still assert neither then nor since, according to my recollection, was a single instance of an assessment upon a laborer in the navy-yards given.

Mr. COX, of New York. The gentleman uses the word "if." Shakespeare says your "if" is a great peacemaker. [Laughter.] I know the gentleman as a diplomat and a debater has great skill. I feel sometimes as another in Shakespeare said: "An I thought he had been valiant, and so cunning in fence, I'd have seen him damned ere I'd have challenged him." [Laughter and applause.] The gentleman from Iowa winked at these proceedings.

Mr. KASSON. No.

Mr. COX, of New York. But he is not the friend of laboring men. He has no interest in them. His votes show it. I know whereof I speak. I can turn to the record to prove it. But when he compliments our friend from South Carolina about his traditional Carolinian desire for a grand navy, he compliments a gentleman whose words deeply wound the district and city I represent, the party I love, and the laboring and mechanic element of which has made this country the marvel of advancement!

The laboring men of this country have asked little and received less from legislation in our land than any other class. Yet they are the architects of our greatness. War fills a loftier niche in the Pantheon of nations, but labor after all, is the conquering hero. It enriches. It does not spoil. It constructs. It does not mar, unmake, or demolish.

Our men of toil do not bewail their lot, nor whine their woes. They ask not to rust, but to rest. They would not be idle, except to work again

with more cheerfulness. To toil is the bitter lot of all: nay, not of all—of the many.

> Such hath it been—shall be, beneath the sun,
> The many still must labor for the one.

These creators of our property and opulence, desire to taste the joy that comes from and after their labor. They crave to be within the charmed circle of social and domestic companionship; not merely as relief from carking care, but for moral and mental recreation and improvement.

The working man is greater than the tools of his trade, more potent than the forces his invention evokes for shortening hours and saving labor and grander than his most marvelous machinery; because he is the microcosin that contains them all. It is his mind and soul as well as his body that craves respite for their enlargement and inspiration. Without it "his saws are toothless and his hatchets lead." Without it he shrivels into the slavish condition of the boorish peasant of Russia or degenerates into the shiftless improvidence of the lazzaroni of Italy.

I can not help, sir, as I look at my Democratic friend from South Carolina, exclaiming, as this stab comes from him, "*Et tu, Brute!*" [Laughter.] The gentleman from South Carolina refers to a decision of the Supreme Court. He attempts to bolster up his anomalous position by the decision in 4 Otto, page 400. It is the case of Martin. We are all familiar with it. This question was raised in that case, as he alleges. I deny that it was raised or decided in the Martin case.

Mr. Chairman, although Secretary of the Navy Thompson predicated his order of 1877 on this case—compelling eight-hour men to receive a proportionate reduction of wages—yet I believe this Martin case had no merit. It was not pertinent to the order of the Secretary. Martin worked under a special contract. He was paid extra wages, as we know. He then made a claim under the act of May 18, 1872, for additional wages. The claim was adjusted. The amount found due under the act was paid. He gave a receipt in full. Did not this relieve the Government from all further indebtedness?

It is, therefore, not a test case in this connection. But I do claim for the laboring men who make up the great body of my constituents, and the Democratic party, which is largely made up of laboring men, claims also that the law of 1868 should be carried out or repealed. Execute it or repeal it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MCMILLIN was recognized and yielded his time to Mr. COX, of New York.

Mr. COX, of New York. I am very much obliged to my friend from Tennessee.

That law was passed on the 25th of June, 1868. It enacted that eight hours should constitute a day's work for all laborers, workingmen, and mechanics then employed or thereafter to be employed by or on behalf of the Government of the United States. These are its significant words. It is not an ambiguity. It is as clear as the tones of a bell. Finding this law shamelessly neglected, General Grant, the President of the United States, on the 19th of May, 1869, issued a proclamation for its enforcement. He recited the law and directed that no reduction should be made in the wages on account of the reduction of the hours.

I will do further credit to that distinguished soldier and statesman by saying that in May, 1872, he issued another proclamation of the same tenor and with more emphasis as to wages. He said that there should be no reduction on account of wages to the laborers by reason of the application of that law.

Mr. BELFORD. Was he a Republican or a Democrat?

Mr. COX, of New York. He was originally a Democrat and carried into the Republican party some of the good old Democratic law-abiding opinions. These staid by him in his political eclipse.

Republican officials have not always enforced this law. It was not in force at all or very indifferently executed from 1877 to 1883. Nevertheless, Mr. Chairman, I will do credit to the present Secretary of the Navy. On the 26th of March, 1883, he issued orders for its operation. More than that, he directed that from the 25th day of August to the 19th day of September, 1883, while a certain vessel was under repair at Cramp's ship-yard or in their dry-dock in Philadelphia, the men who were employed ten hours per day should receive wages at the rate of one and one-fourth day's wages for each long day of ten hours. He thereby carried out the law in a most practical and satisfactory way without fraud or juggling. That much I say for the Republican administration of this law.

I therefore say to my friend from South Carolina that if he would fight that law, let him contend for its repeal. Let him not denounce its execution or its executors. It is on the statute. It is unrepealed. General Grant once said that the way to test the value or mischief of a law is to put it in execution. If it was badly conceived its repeal would be the consequence.

Mr. Chairman, I am not now discussing or complaining of this naval appropriation bill because it adds to or takes work from the navy-yards or because it gives work to private yards. I have my opinion, and my constituents have theirs and their interests in that matter. Nor do I complain of the amendment of the Senate because it says or does not say anything about the eight-hour law. There is no allusion to the eight-hour law in this bill. I demand that, if the work is to be done at all on these cruisers or any other vessels, the law shall have its sanctity and vigor vindicated. Let all laws be executed, as well when it concerns the mechanic as when it touches your railroad grandees or bonded millionaires.

What I apprehend in the amendments of the Senate increasing our bill several millions is, as I said before, that as we are in a Presidential year—a year of exceptional excitement and temptation in politics, a year when the very best men might fail to be entirely just, a year when even my distinguished friend from Iowa might perhaps at some frail moment of his administrative existence, if he were a Cabinet officer, almost succumb before the allurements, persuasions, and corruptions of his party. Therefore, sir, in voting money for expenditure during this year is it not best to appropriate carefully? Are these navy-yards, where party leaders have their tape-worm tickets, and by miserable devices, briberies, and intimidation control voters, the purest places for the use of our vast surplus? Is it not best, sir, representing the popular and dominant voice in this House and country, to use the money of the people with heedful provision? Is it not wise to be wary and chary in adopting suspicious amendments that come to us from that unaccountable body our Senatorial House of Peers? [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. KASSON. Mr. Chairman, I wish to be heard for a few moments more, because in the pungent and incisive manner of my elegant friend from New York city [Mr. COX] he has seen proper to assume a vein of ridicule in reference to this naval question, and has not properly considered the present condition of the law or its effects upon the independence of laborers in navy-yards.

Now, let me remind the House—for we forget in a few years the condition of the law—that the first movement in the direction of civil-service reform of which we are now speaking was made by the Republican party in this House in 1867 by the act of the 2d of March of that year. It may relieve some misapprehensions on the part of the other side of the House if I read this law. It is now section 1546 of the Revised Statutes:

> No officer or employé of the Government shall require or request any workingman in any navy-yard to contribute or pay any money for political purposes, nor shall any workingman be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

There is the law which Republicans passed to cure an evil practice which had been inherited from the old Democratic rule of navy-yards.

Mr. SPRINGER. Was any man ever dismissed under that law?

Mr. KASSON. This has been the law since 1867; and if it has been violated I have no personal knowledge of it; as to that I have nothing except the charges made by partisan gentlemen on the other side. But wherever a violation has taken place it has been within the power of the persons knowing of it, if they had the proof of it, to bring it to the attention of the executive government and to demand that the officer violating the law be dismissed.

Mr. SPRINGER. Does the gentleman from Iowa not know that that law was openly violated during the last Congressional election by circulars sent out from this city by the national Republican committee?

Mr. KASSON. The gentleman from Iowa does not know that this section was violated in the last election in a single instance. If any gentleman did know of it, it was his duty to make a record of the fact, to bring it to the attention of the Executive, and to demand the dismissal of the officer.

Mr. SPRINGER. It was known publicly, and the circular sent out has been read from the Clerk's desk here many times.

Mr. KASSON, Oh, no. The gentleman from Illinois confuses different things as to these circulars. By authority of the committee circulars were sent out, but not to the laborers in the navy-yards. There is no charge that a laborer in the navy-yard ever received one of those circulars. If such a thing was done it was done without the authority of the committee.

Mr. SPRINGER. All the employés of the Departments received those circulars. That is within the knowledge of everybody.

Mr. KASSON. That has nothing to do with this law which I have read.

Mr. SPRINGER. And they were received by many postmasters throughout the United States.

Mr. KASSON. That is not this law. We are speaking of the navy-yards, and I say the employés of the navy-yards were protected by law.

Mr. SPRINGER. The law will prove as valid to protect them as the other law proves valid to protect others.

Mr. KASSON. We afterward passed in a Republican Congress a law to protect the others. That law I reported myself from the Committee on Civil Service Reform, and it is now in force.

Mr. TILLMAN. Will the gentleman from Iowa allow me to ask him a question?

Mr. KASSON. Certainly; with great pleasure.

Mr. TILLMAN. The gentleman from Iowa says the law protects

the laborer. I want to ask him if the eight-hour law which has been restored in defiance of the statute of Congress and the decision of the Supreme Court by an order of the Secretary of the Navy—if that eight-hour law does not permit him to pay a common laborer in a navy-yard $3 a day for eight hours' work and 75 cents for every two hours additional work, so that he will get $3.75 pay for what a laborer in a private ship-yard doing the same amount of work only gets $3.

Mr. KASSON. That I understand to be, if anything, the direct consequence of the law. The present Secretary of the Navy has done nothing but carry out the law. If he has done more, let him be investigated.

[Here the hammer fell.]

Mr. HENLEY. I think the country will receive with a keen sensation of genuine amazement the statement of the gentleman from Iowa to the effect that employés in navy-yards at the last election were not made the recipients by Mr. Jay Hubbell of these political assessment circulars.

I wish to draw the attention of the gentleman from Iowa and of the House to the fact that a short time antecedent to the last Congressional election Mr. Dorman B. Eaton, well known in civil-service reform circles, published an article in the North American Review, in which he challenged contradiction of the assertion that no one in the employment of the Government of the United States, no person in the civil-service, had escaped assessment by means of these circulars. In the last campaign, upon every stump in my Congressional district from which I addressed the people, I read this article and challenged denial thereof, and asserted that there could not be found upon the rolls of the civil service of this Government a human being who had not received one of these circulars.

Mr. BELFORD. I would like to ask my friend from California one question.

Mr. HENLEY. Not at this time.

Mr. VAN EATON. I wish to say to my friend from California that I did the same thing in my canvass. He is exactly right in what he has stated.

Mr. HENLEY. Exactly. And I further made the same statement in addressing some five or six hundred of the employés of the Mare Island navy-yard in my own district, and challenged denial then and there of the fact, and nobody denied it there.

This gentleman who wrote the article in the North American Review went on to say that every employé of the Government, from the highest to the lowest, from the employés in the light-house at Hell Gate to those at the Carlisle Indian School in Pennsylvania, the pages, the old women in the Departments, every one was the recipient of one of these assessment circulars; and yet the gentleman from Iowa, with a wonderful degree of oblivion of what was going on in the country, which from end to end rang with denunciation of it, and what was so apparent to the intelligence of every one else, tells us that he knew nothing of it.

Mr. BELFORD. Now, will the gentleman allow me to put my question?

Mr. HENLEY. Certainly. The gentleman from Colorado is always at liberty to interrogate me.

Mr. BELFORD. Is it not a fact that during the administration of James Buchanan, which was the last administration you had, he levied assessments on every clerk in every Department, the Navy, Post-Office, Interior, and everywhere else? Is not that the fact?

Mr. HENLEY. I do not know how that may have been. The gentleman was a Democrat himself then, and I do not know how it may have been under the inspiration of his leadership. [Laughter.] It is a little bit further back than I can go. [Laughter.] Now, an attempt has been made upon the other side sedulously to throw the odium——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WELLER. I move to strike out the last word, and will yield my time to the gentleman from California.

Mr. HENLEY. I thank the gentleman. As I was saying, an attempt has been made upon the other side to throw odium upon our side and place us in the attitude of antagonizing the equipment of a navy which should be commensurate with the dignity and glory of this country. The question is whether or not that charge is made in good faith, and whether we are really amenable to it and all that it implies.

The position in which we find ourselves now is simply this (and I intend to resort to such precision and plainness of statement as the subject requires): We find, according to the history of the Republican party heretofore in dealing with the administration of naval affairs, that money has been poured into the lap of that party in the most unstinted abundance; yet what has been the result? It is not a pleasant thing for me to stand up here and detail to the country the results which have followed therefrom. We all know they have been spoliation, theft, and all manner of maladministration.

They now say, "Give us this appropriation and we will not do that any more." Well, we do not know whether you will or not. [Here the hammer fell.] At least we do not care to trust you.

Mr. THOMAS. I rise to address myself directly to the question under consideration, and that is whether or not the amendment proposed by the gentleman from Pennsylvania [Mr. O'NEILL] shall be adopted. I may not be following the general order observed here this morning, but I shall certainly endeavor to bring myself within the rules of the House and of the committee. [Laughter.]

It is proposed by that amendment that one-half of the vessels contemplated by the Senate amendments shall be constructed in the navy-yards of the Government. I am opposed to doing anything of the sort. I am opposed to building one of these vessels in the navy-yards of this country, for the reason that it will cost the Government three times as much to build them in the Government navy-yards as it will to have them built by contract with private establishments. It has been demonstrated and is susceptible of proof that work in the navy-yards of the country has cost $3 where it would have cost only $1 had it been done by contract. I am therefore opposed to this amendment.

Mr. BELFORD. By contract where? In this country or abroad?

Mr. THOMAS. By contracts in this country. My opposition to this amendment is based upon the knowledge of the correctness of what I state after a thorough and conscientious investigation of the subject. The Secretary of the Navy in his last report says:

These establishments—

Government navy-yards—

must first be thoroughly reorganized in such a way as to exclude all political considerations from their management, otherwise bad and expensive work will be the result. We can not afford to destroy the speed of our naval engines in order to make votes for a political party. Whatever other governmental agency may be conducted with partisanship, a great naval workshop, dealing with the hull of a modern steel ship, its fittings and equipment, and with the complexities of its machinery, can not be successfully so managed. No charge of favoring private ship-building establishments should deter any one from asserting that, until the navy-yard workshops are managed on business principles and without regard to politics, the construction and repair of the new American Navy should be committed to those builders who employ or discharge their foremen and all their artisans according to their skill as mechanics and without caring for their political opinions or votes.

Mr. BOUTELLE. From what are you reading.

Mr. THOMAS. I am reading from the last report of the Secretary of the Navy, and I indorse most fully and heartily what he says. It has been urged here during this session of Congress, and was urged during the latter part of the last session of Congress, that in some way, not explained and not explainable, in some mysterious way, if these vessels should be let out by contract the Government would be swindled, or some private ship-building establishment would be benefited to the exclusion of others. Now, I want to say that experience disproves that charge and shows it to be without foundation.

The last Congress authorized the building of three steel cruisers and of a dispatch-boat, and they were required to be built by contract, after full plans and specifications had been prepared and adopted by the advisory board and the Secretary of the Navy and after full opportunity had been given to all builders to bid for the contracts. They were advertised in compliance with the law, and we find that they were bid for by five different firms in this country. They were finally awarded to the man who took the contract to build them for $315,000 less than the amount of the lowest bid, and $774,100 less than the engineers and officers who would have built them in the Government navy-yards estimated they could be built for. Therefore I say that we have before us information to show that the only safe and economical way of building these vessels is to have them built by contract after proper competition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMAS. I wish some gentleman would yield to me five minutes more time.

Mr. CALKINS. I will yield five minutes to the gentleman, if I can be recognized for that purpose.

The CHAIRMAN. That will be done, if there is no objection.

Mr. THOMAS. I thank the gentleman. As I was saying, the contract for constructing these vessels was taken for $315,000 less than the lowest of the five bids and $774,100 less than the estimates made by the board of advisory officers to construct them in the Government navy-yards.

Therefore I say that as business men and as patriots, having at heart the interests of our common country, dealing with this proposition as a business proposition, and in that light alone should it be dealt with, we can not afford to relegate the building of any part of these ships to the navy-yards, especially while it is even possible to charge that they are being used for political ends. There ought to be no politics in this question. The necessity for the rebuilding of our Navy is a national necessity. It is one that appeals to every Representative here, to every citizen throughout the length and breadth of the country. I am sorry that the tocsin has been sounded, the bugle-blast sent forth to Democratic Representatives on this floor that it is not safe to adopt this measure lest by reason of the glory which may follow such action a Republican President might be again elected. Gentlemen, I hope you will not descend to any such demagogical, any such partisan, any such unworthy consideration in dealing with this question. It can not affect the election of a President, and, if it could, there is a greater object to be considered—the protection and preservation of our common country.

I was delighted beyond measure to see the Senate amendment attached to this bill, for I think, as I have before said, that the rebuilding of our Navy is a prime necessity, and that no party considerations should deter us from taking hold of the question in a manly, business-like, patriotic way and carrying on the work to proper completion.

Mr. RANDALL. Unless the Committee of the Whole will give unan-

imous consent to limit debate on this question I move that the committee rise.

The CHAIRMAN. What limitation of time does the gentleman propose?

Mr. RANDALL. Ten minutes.

The CHAIRMAN. Is there objection to closing the debate on this proposition in ten minutes? The Chair hears none.

Mr. HEWITT, of New York. Mr. Chairman, I concur with the gentleman from Illinois [Mr. THOMAS] in all that he has said in regard to the impropriety of building new ships in the navy-yards of the Government, and I concur heartily with the statement of the Secretary of the Navy in reference to the evils of politics in those navy-yards. I venture to say there is no man in this country who can speak from better knowledge of those evils than the Secretary of the Navy. I expected, Mr. Chairman, that the gentleman from Illinois would bring forward the testimony of Admiral Porter (which gentlemen will find published in the RECORD as a part of the debates at the other end of the Capitol) in regard to the extravagant administration of our navy-yards. There is thus full concurrence of testimony on the part of politicians, of public officers, of mechanics, and of men of business, that work cannot be done in the navy-yards as economically as in private ship-yards.

I concur also in the general proposition that this country wants a navy; that we can not do without it; and notwithstanding the question of my friend from Missouri [Mr. BLAND], there is plenty of work for our naval vessels to do provided they are capable of the work, which may come upon them, like a thief in the night, without warning.

But, Mr. Chairman, if the Democrats were in power to-day, and if their own Secretary of the Navy were to expend this money, I should oppose the amendments sent here by the Senate, for the reason that we have now four ships under construction, built upon plans of great novelty, embracing many features that have never yet been tried in men-of-war; and for us, in view of this experiment the result of which can not be determined in less than a year, to go on and appropriate more money before the question is settled whether such expenditure is wise, seems to me monstrous folly.

Mr. CALKINS. The gentleman will allow me to suggest that the only criticisms on those vessels apply to small parts of them—not the larger parts.

Mr. HEWITT, of New York. The gentleman will excuse me. The criticisms extend far beyond the mere details of the vessels. There are some things in those vessels—such as the fire-brick furnaces—which are unknown in ships of war, and it is a very doubtful question whether they will not be found impracticable.

Mr. CALKINS. Those matters can be changed.

Mr. HEWITT, of New York. Yes, they can be changed; but changes in great structures of this kind cost enormous sums of money.

Mr. RANDALL. And involve the breaking of contracts.

Mr. HEWITT, of New York. Yes, sir.

If we build a navy we do not want to repeat our experience of the past, but to get a good, honest, efficient navy. I will go further, and state to the gentleman from Indiana that it was my fortune during the last summer to visit and carefully inspect the English fleet that had come back from Alexandria after having destroyed that great port. I have studied the plans of those ships as well as I could with my limited knowledge of machinery and ships; and I feel convinced that the vessels which we are building are not equal to those already in the service of other nations. And I was told by the officers of that great fleet which bombarded Alexandria that the British Government would build no more ships of the speed we propose; that it had better ships upon the stocks, that for fast cruisers nothing under eighteen or nineteen miles an hour would be regarded as desirable for the British navy. And let me remind the House that the steamship Oregon has just crossed the ocean at a speed for the whole voyage exceeding eighteen miles per hour, and that not one of our new vessels could keep within sight of her, even if they realize the promises made for them. How can they be called "commerce-destroyers?"

It seems to me, Mr. Chairman, we ought to pause in this business until we know what we are going to get. I put politics out of the question. This is simply a question of sound judgment and business experience, such as we would apply in our private affairs and ought to apply to these great public expenditures.

But, further, I am not willing to trust the expenditure of this additional money to the present Secretary of the Navy. I will affect no concealment. I will state I know him as a most able, astute politician, and I believe in all expenditures of the public money he is an entirely honest man. Yet, having had some experience of what he will do when he is put in a place of great emergency, I for one——

[Here the hammer fell.]

Mr. HEWITT, of New York. I hope some gentleman will yield me further time.

Mr. HISCOCK. Will my colleague tell the House to what he refers?

Mr. HEWITT, of New York. I am ready to tell the House to what I refer.

Mr. BLOUNT. I will take the floor and yield to the gentleman.

Mr. BRUMM. I object, unless you extend the time generally.

Mr. CALKINS. Do not object to his proceeding.

Mr. BRUMM. I do, unless the time is extended generally.

Mr. WHITE, of Kentucky. I will take the floor and yield to the gentleman from New York.

Mr. HISCOCK. I insist that the gentleman's time ought not to be extended if these charges are to be made against public officials, one of them, too, a Cabinet officer.

Mr. RANDALL. Your side asked for it.

Mr. HEWITT, of New York. I have time and will answer. Under the guidance of my friend and colleague from New York [Mr. HISCOCK], chairman of the Committee on Appropriations of the last House, a provision was inserted in the appropriation bill by which the Secretary of the Navy was directed to dispose of certain condemned ships and certain ordnance stores which were no longer required for public use. That act was passed in 1882—the precise date escapes me, but I believe it was in August, just before the Congress adjourned. The Secretary was enjoined by that act to pay the proceeds of that sale into the Treasury of the United States. He was not allowed to retain it an hour.

Under a subsequent act passed March 3, 1883, giving similar authority as to vessels, he proceeded to have appraised and condemned a large number of vessels, which were sold in September last, and produced, according to his annual report, something over $300,000, which, added to the sales of condemned stores, made a total of nearly $500,000, which he was bound by law to cover into the Treasury.

Now, when this bill was pending in the House about a month ago I went to the Treasury Department to find whether that money had reached the Treasury. I went through bureau after bureau and no trace of it could be discovered. By the terms of the sale that money was payable to the Secretary in thirty days after the day of sale, which was on the 21st September last. I ascertained that the money had been paid, and yet up to within three weeks—for I believe that covers the time the bill was under consideration—up to within three weeks the money had not reached the Treasury of the United States.

Now, I make no charge whatever of improper use of that money. I do not believe the Secretary of the Navy would misappropriate one dollar of it; but this I say, that if he kept that money in the hands of some subordinate agent in the city of New York or the city of Boston or some other place, $500,000 in money which ought to have been in the Treasury of the United States, he neglected his duty.

I found after very thorough inquiry that $50,000 had been received from the navy agent or purchasing agent or whatever he may be called in the city of New York on an open check, and the officer in charge of the bureau was unable to say on what account it came, except it came to the credit of the Navy Department, and there it was an open warrant waiting some explanation from somebody.

Mr. BELFORD. New York thieves seem to be running the money of the country. [Laughter.]

Mr. HEWITT, of New York. All I say is I will not trust a public officer to spend money who retains public funds in his custody which by virtue of law should be in the Treasury. I do not know what use, if any, may have been made of it; but I know this, there is no obligation on him to pay it into the Treasury until after the next election, unless he does it under obligation of the law, which he has not respected so far as I could get any information at the Treasury Department.

I did not know this debate was coming up or I would have gone to the Treasury to see whether the money is there now. It may be there now for aught I know. If not, it is in somebody's custody, possibly drawing interest which does not inure to the benefit of the United States.

[Here the hammer fell.]

The amendment of the gentleman from Pennsylvania [Mr. O'NEILL] was disagreed to.

Mr. TILLMAN. I offer the following amendment.

The Clerk read as follows:

Provided, That hereafter no watchman, shipkeeper, laborer, workman, or mechanic shall be permitted to work more than eight hours in any one calendar day for the Government of the United States except in cases of emergency, when they shall receive extra pay, per diem, at the rate of eight hours' work.

Mr. RANDALL. I hope the gentleman will not offer to attach that to the pending paragraph, because the recommendation of the committee is to non-concur in the Senate amendment, and his amendment should be voted upon separately and be determined on its merits.

Mr. COX, of New York. I raise the question of order upon that amendment.

The CHAIRMAN. The Chair is bound to sustain the point of order if insisted upon.

The question is now upon the motion of the gentleman from Pennsylvania [Mr. O'NEILL] to amend the amendment of the Senate.

The amendment was not agreed to.

The CHAIRMAN. The Clerk will now report the next amendment of the Senate.

The Clerk read as follows:

Amendment No. 45:

For procuring tools and otherwise preparing for the construction of iron or steel ships, $150,000, the same to be expended in fitting for construction of the hulls of such ships such navy yard or yards as may be deemed most advantageous to prepare and use for such work.

Mr. CALKINS. I move to strike out the last word for the purpose of being heard for a few moments.

Mr. Chairman, I did not intend in the discussion of these amendments of the Senate to be drawn into anything like a general discussion either with reference to the policy of the Government toward building these ships or with reference to defending the party of the present administration against attacks. It is the easiest matter in the world for gentlemen to charge fraud generally. It has become a popular cry throughout the country, and it is very easy for any gentleman to get upon the floor here or upon the stump and raise this cry of fraud. But it is a very different question when it comes to the proof. I therefore do not intend at this time to attempt any defense of the Secretary of the Navy or of his administration of the Navy Department. At the proper time I shall take occasion to lay before this House some facts, and I will then challenge the House, the majority of the House, to the truth of the assertions which I shall then make.

But the gentleman from New York, Mr. HEWITT, always sensational, has already launched upon the House indirectly a charge against the Secretary of the Navy. It amounts to this, stripped of all verbiage, that he sold a certain number of condemned ships under the act of August 5, 1882, and received in money the amount of $384,753, which sum has not been paid into the Treasury up to this time. Now if there is anything in the charge or the insinuation, that is it.

Mr. HEWITT, of New York. Up to a month ago, when I inquired, it had not been paid in.

Mr. CALKINS. Very well; but that is the statement of the gentleman, and I am only calling attention to what he said.

Mr. Chairman, I have already dispatched to the Secretary of the Navy to come to the House, and until he comes I can not give to the committee his explanation; but in advance of it I want to say that explanation, when it does come, I will vouch for that it will be sufficient and satisfactory to every member of this House.

A MEMBER. How do you know?

Mr. CALKINS. I have that much confidence in the Secretary of the Navy. I know him, and I answer for him.

Now a step further. This continual charge against public men, this continual besmirching of men in official positions, ought not in good conscience or in good faith to be tolerated or longer indulged in. Especially is that so, Mr. Chairman, when the charge is unsupported by evidence. It is easy to blast the reputation of any man in these times. Why, sir, Mr. Franklin a hundred years ago predicted the exact situation that we see to-day. He said there would come a time in this country, under the strong partisan prejudices and passions of the hour, with a press behind each party, that would continually blast the reputation of public men. I am loath to believe that the public men of to-day in either party in this country are any more corrupt than they were in any of the days of former administrations.

I believe, Mr. Chairman, that it should be the duty as well as the pride of all men of all parties, before launching charges of corruption and letting them roll from their mouths as sweet morsels, to hesitate and reflect on what they are about to do. They should be careful to guard the reputation of men in public life. And when a man is found unfaithful to his trust, then I believe it to be the duty of every man to rise up above party considerations and let no guilty man escape. I prefer, Mr. Chairman, rather than to make these charges against men in official positions—I prefer to believe in the honesty and integrity and the good faith of the men who are administering the affairs of our Government, no matter to what party they belong.

Now, one thing further with reference to the Secretary of the Navy. I confess to the House that as a Republican I did not have the regard for the Secretary of the Navy that some of my friends had. But a close contact with that gentleman and a careful search into the affairs of that Department, so far as I have been able to make it, has convinced me that of all the Secretaries we have ever had the present Secretary of the Navy is the ablest, and is, I would not say more honest than any of his predecessors, but at least as honest as any who has ever occupied that position in the history of the Government.

[Here the hammer fell.]

Mr. HISCOCK was recognized and yielded his time to Mr. CALKINS.

Mr. CALKINS. So I say to you, Mr. Chairman, that a charge by so distinguished gentlemen as the gentleman from New York and the gentleman from Missouri that they are unwilling to place at the discretion and disposal of the present Secretary money to build up a navy is too illiberal and narrow even for the Democratic party. Why, sir, you have got the power through your committees to scrutinize and search every single dollar and cent of expenditure. You have got more than that. You have got the power where any contract that is made by the Secretary is tainted with fraud to absolutely abrogate it. For fraud abrogrates all contracts. Your power is absolute. To stand in the presence of the people of the country, who are demanding a navy for the protection of their harbors and their commerce, and undertake to say as an excuse that you are unwilling to trust the Secretary of the Navy with the disposal of these funds is even too narrow, I say, for the Democratic party. I say that you are alienating, as you have done in the past, the great independent journals of the country from you; that you are alienating and will continue to alienate by this policy the great independent thought that controls this country. And if I were to desire to mark out party lines, nothing would suit me as a Republican better than to see you hew to such narrow limits as this. I think, I trust at least, that I can look beyond all party considerations to the glory and honor of my country.

Indeed, it was the tradition in the old times to have a navy, and a good one, for this country. It will not do for you gentlemen to say that in the past the Republican party is responsible for the condition of the Navy. You had the lower House of Congress ever since 1874. There were but a few years intervening after the close of the war until that time. At that time, as I had occasion to point out to you, naval architecture was undergoing an entire reconstruction. The money that was attempted to be spent then in building up a navy you say has been misapplied; and yet it was spent on the very vessels that had proved the great success of the national cause in the recent war. But because naval architecture was undergoing an entire reconstruction you stood here since 1874 palsied and paralyzed in the presence of a decayed and decaying navy and refused to build up and put upon the waters of the globe a navy consonant with the grandeur and magnificence of this country. The people will no longer hold you guiltless. The time has come when they demand action from you. As the Admiral of the Navy said the other day, when our ships entered the ports of a barbarous or a semi-barbarous people in order to enforce protection a gunboat must go first.

I say the people will hold you guiltless no longer. Looking to the magnificent cities that line the borders of our country, in view of the millions of treasure piled up in these cities, I say it is a standing invitation for the smallest powers of the globe to make an attack upon them. The gentleman represents the city of New York; I come from the interior of the country, where foreign ships can never touch one of my people. But for the honor and glory of my country I ask that you protect New York. I ask that you protect Boston, Baltimore, Philadelphia, Charleston, and San Francisco.

A MEMBER. And Washington.

Mr. CALKINS. All the cities. They are ours. They belong to our country. [Applause.]

[Here the hammer fell.]

Mr. SPRINGER. I ask my friend why the last Congress did not make all these appropriations, when both branches were Republican?

Mr. CALKINS. The moment we had it in our power to do so we undertook to launch these steel cruisers.

Mr. BRUMM. The amendment now before the committee proposes the preparation of the navy-yards for the building of such ships as we may deem necessary should be built. I am sorry that my friend on my right took the ground that he was opposed entirely to the building of ships in our navy-yards. I agree with him that we should by private enterprise build our ships to a certain extent, and perhaps near to the full extent; but not entirely. A policy should be adopted by this Government that keeps us prepared for war in times of peace, and yet should never permit this Government to place entirely in the hands of private men the building of vessels for an emergency. The Government should establish and keep its own yards, in which it may in time of emergency build its own ships, in addition to those that may be built by private enterprise.

It is proposed to us not to build any ships until we first find out the results of experiments in other countries. Why, when this experiment has been tried others will follow. Progress is the law which governs the era we are living in. One experiment will follow the other, and the argument of the gentlemen on the other side will be as good argument a hundred, nay, a thousand, years from now as it is to-day. Let us build with the advantages we have and the knowledge we have, and keep pace with foreign nations. Let us experiment ourselves, and not halt because, forsooth, it may cost a few dollars in money. Another objection is urged. Another gentleman on the other side of the House is afraid that the laboring men will be paid too much for too little work. I will not comment on that. I have only to say that I am not afraid of the laboring man getting one penny too much, nor am I here to stop the building of vessels because he may not have to work long enough.

Mr. TILLMAN. Will the gentleman allow me to ask him a question?

Mr. BRUMM. My time is too short to allow questions; otherwise I should be glad to yield. They all agree that our navy is in a desperate condition. We stand here, like boys, defying the thunderbolt with popguns, with nothing at all afloat to defend ourselves against the great navies of the Old World.

What else? We know that we ought to have a navy, but gentlemen say they will not allow this administration to build it. They raise the old cry of "fraud." Why, gentlemen, you represent a party which has been dead as a national party for twenty-four years, and the reason of your death-warrant was that at that time you stole the entire armament of our Government, robbed us of all our cannon and of everything which the last Democratic administration could lay their hands upon. You sent our vessels of the Navy adrift into places where they would become the prey of the enemies of the land. You represent a party that robbed us of Army, Navy, and all that you could lay hands on. And now your only excuse for refusing to appropriate money to

build a navy is that the party controlling the Government may, as you did, commit fraud.

Mr. SPRINGER. We never stole the Presidency.

Mr. BRUMM. You tried to, and because you could not get it you endeavored to break up the Government.

Mr. WOLFORD. While I expect to vote against concurring in the amendments of the Senate, every one of them, for reasons which I shall give if I have time, I wish to state first what I am in favor of in reference to a navy.

Our Navy is insufficient, and your party, gentlemen on the other side, is responsible for it. You destroyed and sold the navy we had, one of the best navies in the world, and did not sell it for enough to pay the cost of selling. And you have always stood in the way of a good navy.

I want such a navy as will protect our commerce on every sea. I want an appropriation sufficient to build fortifications around every city on the seacoast, and I do not care what that may cost. But before I want that done I want a reduction in the tariff which will enable us to get iron cheap enough to build vessels in which to carry our commerce. I want the commerce of America to be carried on American bottoms and under the American flag. To-day you have no flag worth speaking of on the high seas, and you are responsible for it.

You have no protection for our commerce and you have no commerce in American vessels to protect. I want a commerce, and I want a navy sufficient to protect that commerce, and I want fortifications upon the seacoast that will enable us to defy every nation and all the nations upon the earth.

But I want no such navy as you are talking about building now. I want a navy that will go upon the high seas ready and prepared to meet the nations of the earth. The ships that you are talking about now can be sunk by two shots from any navy in the world now in existence. [Laughter.]

You are not talking about doing what the great interests of this great people demand or what is demanded by the honor of this country. Come up like patriots and help us to build a navy that is worthy of the name of a navy, worthy of the United States, and to build up a commerce that would be worthy of that navy and of our nation.

Mr. BRUMM. Why do you not do it? You have the majority.

Mr. WOLFORD. You say that I belong to a dead party, to a party that has been dead for twenty years. I tell you that I hear in the distance even now the sound of the trumpet of a resurrection which will bring that party into power. [Great laughter.] And when that party comes into power, with an honest Democratic party in power, with a President Democratic, with Congress Democratic, with the Departments Democratic——

Mr. BRUMM. But the trouble is that you have not any honest Democratic party at all.

Mr. WOLFORD. Oh, you are so honest that you hate to hear anything said about honesty. I know you and your party. [Renewed laughter.] I want a party which, when it shall come into power, will not undertake to use the labor of the country to buy votes with as you have done. Do you deny that?

The SPEAKER. The time of the gentleman has expired.

Mr. KING. I will take the floor and yield my time to the gentleman.

Mr. WOLFORD. I say I want to see the Democratic party come into power. It has been out of power long enough to have all the corruption of the party rot away from it. [Laughter.] It has been out of power so long that it will come in a pure party, determined to build up a pure Government, and to do all that is necessary for the honor and glory and dignity of the country. I want to see that party build up a navy. I want to see it build fortifications; and do not be afraid, I will see it. I want to see it do these great works for the nation's honor and the nation's glory.

Mr. MILLIKEN. The trump of the resurrection may bring them in; that is all that will do it.

Mr. WOLFORD. But you will have no part in the first resurrection. [Great laughter.] You will not be among the blessed and the holy who will take part in the first resurrection. There will be several resurrections roll along before you will come in; you need have no fears about that. [Great laughter.]

When some of you charge the Democratic party with being opposed to a navy you charge what you know to be false. [Laughter.] The whole Democratic party is in favor of a navy, of a grand navy; but they are not in favor of your popgun navy, of such a navy as you propose to build.

Mr. PETTIBONE. Semmes is in favor of a navy.

Mr. WOLFORD. He is, is he?

Mr. PETTIBONE. Yes. Why are not you in favor of a navy?

Mr. WOLFORD. I am.

Mr. PETTIBONE. No, you are not.

Mr. WOLFORD. We will have a navy that will be worthy of the nation after you gentlemen have been killed off, which you will be directly after the next Presidential election. [Laughter.] Mind if you are not.

Mr. MILLIKEN. As my friend from Kentucky is a genial gentleman, I would like to ask him another question—whether this bill creating this "popgun navy" has not come from a Democratic committee?

Mr. WOLFORD. Great mercy, no! [Laughter.] It came from a Republican committee in the Senate. Why, sir, can you not see Republicanism in it? Anybody can see that. I do not care who advocates this proposition, you have got this thing so abominably fixed, your party has grown so corrupt—you do not deny it, you can not deny it [laughter]—your party has grown so corrupt that there is no doing anything with you. [Laughter.]

I was going to say the time will soon come when these things will all be set right; and then I am for having the best navy in the world. I do not believe in the idea of having America second to anybody. I want the best fortifications in the world upon our seacoast. I want our country to have the best commerce in the world on our own vessels; and I want them built by American labor. That is the way to protect American labor—put out this work to private contract, and allow American laborers to be paid for fair work. I want to protect American labor. I want also to protect American honor. My distinguished friend from Indiana, when he talked about the honor and glory of our country, appealed to my heart; and I thought, "Oh, if you could only see clean Democrats come into power, how the honor and glory of the country would be advanced!" Then the country will prosper as it did of old. When that time comes we shall not see corruption practiced by spending money to keep men in power. We shall not see any of those vile abuses which are a disgrace to any political party and a disgrace to the country.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. I shall never live to see that day.

Mr. RANDALL. Unless there can be an understanding in regard to the termination of debate, I shall move that the committee rise with the view to limiting debate on this proposition to ten minutes. I understand that the gentleman from Illinois [Mr. CANNON] and the gentleman from Indiana [Mr. HOLMAN], both members of the Committee on Appropriations, desire to be heard.

Mr. CANNON. I hope the gentleman will say fifteen minutes. I may wish to occupy a little more than five minutes, probably not.

Mr. HISCOCK. Say ten minutes on each side.

Mr. RANDALL. I am pressed on all sides to have this bill disposed of speedily; but I assent to the suggestion of the gentleman from Illinois [Mr. CANNON] that further debate be limited to fifteen minutes—one-half that time on each side.

The CHAIRMAN. Is there objection to the limitation of time proposed by the gentleman from Pennsylvania? The Chair hears none. The Chair will recognize the gentleman from Illinois [Mr. CANNON] to control one-half the time and the gentleman from Pennsylvania [Mr. RANDALL] the other half.

Mr. CANNON. Mr. Chairman, I did not intend to take part in this debate and should not have done so but for the intimation made by the gentleman from New York [Mr. HEWITT] in his peculiar method—protesting when he made the intimation that he had confidence in the honor and honesty of the Secretary of the Navy, at the same time, while looking him in the face and saying "Hail! good fellow," striking him under the fifth rib.

The gentleman from New York intimated that the Secretary of the Navy had sold these condemned vessels, and in doing so had not complied with the law by covering the proceeds into the Treasury, stating further that in his zeal to see whether the law had been complied with he had gone to the Treasury Department and found out the facts. Behold what a plain tale will put down that charge.

The law requires the head of each Department to make a report to Congress at the commencement of each annual session. I hold in my hand the report of the Secretary of the Navy, which has been printed for four months and more, which was placed before Congress on the first Monday of last December. The gentleman from New York as well as every other member of the House has had opportunity to consult it. If he will turn to page 19 of the main report he will find that the Secretary of the Navy there tells about the sale of these vessels; and then if he will turn to the exhibits on pages 162 to 167 he will find a statement of every vessel that was sold, of the advertisement that was made, of the appraisement, and of the amount that each ship brought. He will find further an extract from the law of March 3, 1883, which provides that from the proceeds of the sales made by virtue of the act certain expenses shall be paid connected with the sale and the cost of removing the unsalable vessels, all of which had not been paid at the time of making this report and I presume has not been yet paid, and while all the money is deposited with the Treasurer of the United States it should not be finally covered into the Treasury until these expenses are paid. I will insert a part of these documents at length at the close of my remarks, sufficient to show that the charge of the gentleman from New York is wholly without foundation.

Mr. CALKINS. I ask the gentleman to yield to me so I may have a telegram read from the Secretary of the Navy.

Mr. CANNON. Certainly.

Mr. CALKINS. I send up to be read the following telegram.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, D. C., April 24, 1884.*

To Hon. W. H. CALKINS:

The proceeds of sales of old vessels, amounting to $384,753, as appears by my report, page 19, were immediately deposited in the Treasury of the United States and have there remained, except that drafts have been for advertising and expenses of sale.

W. E. CHANDLER,
Secretary of the Navy.

[Applause on the Republican side.]

Mr. CANNON. I want now a minute in conclusion.

The CHAIRMAN. The gentleman has four minutes of his time remaining.

Mr. CANNON. I had no knowledge of that telegram until it was read here, but it does nothing more or less than in substance cover the statements in the public reports, to be seen of all men, published last December.

I thank God, Mr. Chairman, that I am not so organized that I am compelled at all times, in season and out of season, to distrust every public officer or every private citizen.

I thank God, again, I do not belong to a party which is placed in such a strait its leader or leaders are compelled in teeth of the facts to insinuate false charges against the honesty and honor of public officials. [Applause on the Republican side.]

I will now read from the report of the Secretary of the Navy, pages 162 and 163, the memorandum concerning the sale of these vessels:

Memorandum concerning the sale, under the fifth section of the deficiency act, approved March 3, 1883, of vessels stricken from the Navy Register.

In accordance with the provisions of an act of Congress, approved August 5, 1882, making appropriations for the naval service, boards were appointed to examine all the vessels of the Navy and to report which of them were unfit for further service, or if the same were unfinished in any navy-yard, to report which could not be finished without great and disproportionate expense; and if the Secretary of the Navy concurred in opinion with the boards, he was directed to strike the names of such condemned vessels from the Navy Register and report the fact to Congress. These boards made their examinations, and upon their reports, concurred in by the Secretary, the following-named vessels have been stricken from the Navy Register: Congress, Guard, Kansas, Plymouth, Emerald, Massachusetts, Sabine, Connecticut, Iowa, Niagara, Oregon, Ohio, Pennsylvania, Virginia, Florida, Blue Light, New Orleans, Colossus, Java, Susquehanna, Glance, Burlington, Supply, Sorrel, Antietam, Dictator, Frolic, Relief, Pawnee, Rose, Benicia, old Monadnock, Narragansett, Nyack, Saco, Tuscarora, Alaska, Worcester, Canandaigua, Jean Sands, Shawmut, Savannah, Santee, Phlox, Wyoming, Roanoke, Cyane.

The fifth section of the act making appropriations to supply deficiencies, approved March 3, 1883, authorized the Secretary of the Navy to invite proposals for the purchase of such of these vessels as it was deemed to the interest of the United States to sell. Under this authority proposals were invited by advertisement June 21, 1883, for the purchase of the following-named condemned vessels, and the bids were publily opened at the Navy Department September 20:

Congress, Guard, Kansas, and Sabine, at Portsmouth, N. H.
Iowa, Niagara, and Ohio, at Boston, Mass.
Blue Light and Florida, at New London, Conn.
New Orleans, at Sacket's Harbor, N. Y.
Susquehanna, at New York, N. Y.
Burlington, Glance, Sorrel, and Dictator, at League Island, Pa.
Frolic and Relief, at Washington, D. C.
Worcester, Shawmut, and Savannah, at Norfolk, Va.
Roanoke, at Chester, Pa.
Pawnee and Seaweed, at Port Royal, S. C.

All of these were sold to the highest bidders, with the exception of the Florida and Pawnee, for which there were no bids.

The highest bid for the Niagara, $29,000, was accepted; but as there was an apparent misunderstanding as to her condition at the time of sale, the matter is still open.

The total appraisement of these vessels was $271,300. The amount for which they sold was $308,273, an advance of $36,973.

As the condemned vessels at the Mare Island navy-yard had not been appraised, and proposals could not be invited for their purchase in June, 1883, when the others were offered, they were advertised August 13, the bids to be opened November 20. They were the Alaska, Benicia, Narragansett, Nyack, Saco, Tuscarora, and old Monadnock.

All of these were sold with the exception of the Benicia, for which no proposals were received. They were appraised at $58,800, and were sold for $76,480, an advance of $17,680 over the appraisement.

The total appraisement of all the vessels sold under the statute was $330,100, and the amount for which sold $384,753, an advance of $54,653 over the appraisement.

No vessel was sold at less than the appraised value. The money received has been placed on deposit with the Treasurer of the United States, subject to check by the Secretary of the Navy, as the expenses connected with the sale and the cost of removing the unsalable are to be paid from the proceeds of the sale.

The cost of advertising, from bills paid thus far, amounts to $4,363.98. There are still some outstanding bills on that account.

The act of March 3, 1883, above mentioned, further provided for readvertising vessels in case they were not sold when first offered, and that the cost of advertising such should be paid from any forfeiture under the terms of the original sale. It still further provided that in the event of any condemned vessel under construction in the yards, unworthy of being completed, that could not be properly sold, and it became necessary to remove the same, the cost of such removal should be paid out of the net proceeds derived from the sale of other vessels. It was thought to the interests of the service to remove the following of that class: Massachusetts, Connecticut, Oregon, Pennsylvania, Virginia, Colossus, Java, and Canandaigua. Some of these vessels are now being broken up, and a similar disposition will be made of the others.

The Wyoming, Antietam, Supply, Emerald, Santee, Phlox, and Jean Sands, although stricken from the Navy Register, have been retained for purposes at the yards and stations for which they can be made useful. No disposition has been made of the Plymouth and Rose.

There has been no readvertisement of the vessels offered but not sold.

Copies of the advertisements and a list of the proposals received are herewith transmitted.

JNO. W. HOGG, *Chief Clerk.*

NAVY DEPARTMENT, *November 30, 1883.*

The CHAIRMAN. The gentleman has one minute remaining.

Mr. CANNON. I will reserve that.

Mr. HOLMAN took the floor.

Mr. HEWITT, of New York. I ask the gentleman to yield to me one minute.

Mr. HOLMAN. I will yield to the gentleman from New York for that time.

Mr. HEWITT, of New York. I repeat, Mr. Chairman, that seeing it stated in the report of the Secretary as quoted by the gentleman from Illinois [Mr. CANNON] that the vessels and old stores had been sold and the amount of the money received, I went personally to the Treasury and asked if it had been covered in. I was taken by the clerks from bureau to bureau and was told that not one dollar had been covered into the Treasury, but that a draft for $50,000 had been received from some officer in New York, the purport of which the Treasury had no knowledge. That is the exact statement I made before and which I repeat now. And it will appear by what the gentleman says that the money, if it is in the Treasury, and they told me it was not——

Several MEMBERS. Who told you?

Mr. HEWITT, of New York. The head of the bureau.

Several MEMBERS. What bureau?

Mr. HEWITT, of New York. His name I do not know. I first went to the Register of the Treasury, Mr. Bruce, and he informed me that so far as he knew nothing had been received. He sent a clerk, who went from bureau to bureau with me until finally we came to this bureau to which the remittance came, and I was told $50,000 only had been received, but whether on that account or not no one knew.

Mr. HEPBURN. Let me put an inquiry to the gentleman.

Mr. HEWITT, of New York. Certainly.

Mr. HEPBURN. Why did you not go to Mr. Chandler?

Mr. HEWITT, of New York. I did not.

Mr. HEPBURN. But why did you not?

Mr. HEWITT, of New York. I will answer, if time be given to me. I was taken ill, and did not return to the House for a week.

Mr. KASSON. The Secretary of the Navy says it was deposited with the Treasurer in a certain place.

Mr. HEWITT, of New York. What treasury? I know of none but the Treasury of the United States, and it was not there so far as I could discover. I was told by Mr. Bruce, the Register of the Treasury, that he had no record of money so deposited, and it is his duty to keep the record of the receipts into the Treasury.

And now, when the investigation is made, gentlemen will find that although the money may be in the custody of the Treasurer of the United States, it is not covered into the Treasury in the manner the law requires, but it is still subject to the control of the Secretary, and that is the gravamen of my statement.

Mr. KASSON. Why did you not go to the Treasurer?

Mr. HEWITT, of New York. I did, but he was not in. [Derisive laughter on the Republican side.]

Mr. BRUMM. May I ask in what capacity the gentleman sought that information—from what committee?

Mr. HEWITT, of New York. I am a member of the Committee on Expenditures in the Navy Department.

Mr. HOLMAN. Mr. Chairman, the display of feeling to which this amendment to increase the naval appropriations has given rise is not indicative of any public anxiety. On the contrary, it is periodical. It is what may be called a spasm in legislation. It is witnessed on this floor at almost regular intervals and has been ever since the oldest member of the House came here, but in much greater intensity in the more recent years. This paroxysm of fear for the national safety is quite appalling; yet in the midst of this wild anxiety, this feverish expression of the abject fear of gentlemen for the safety of our shores, the people of this country whose homes are in such fearful peril have been and are in a state of calm repose. [Applause and laughter.]

Looking at the real facts of the case and into the cause of this wild demand for a great navy, we may well ask, whose voice is it that comes up here tremulous with anxiety and solicitation for the public safety? Is it the voice of the people? If so, in what form does it come? In what manner have you heard it expressed? No, sir; it does not come from the people; they utter no cry of alarm and no demand for the expensive show of naval power; but from the ingenious and patriotic men who are to be interested and enriched in the expenditure of the millions of money covered by these amendments. In tones of pathetic pleading and in the fervor of patriotic impulse they plead for the national safety and would torture even the traditions of our fathers for argument for a great navy.

But, I ask gentlemen, from what period does that tradition come? Is it from seventy years ago when our fathers improvised a navy that held the seas against the power of the British navy? Your traditions are against a great navy, and against it for the same reason that they are against a great army; both are and always have been equally enemies of free government. To this voice is joined that of the great capitalists, grown timid over excessive wealth. These are the two appealing voices heard in this House, and honorable gentlemen deceived by the fervor of the appeal mistake them for the public voice and repeat them in words of burning eloquence on this floor. Yes, sir, the men who are to reap the profits out of the millions you are urged with such vehemence to

expend from the public Treasury under the guise of a patriotic purpose, and the other the timidity of your overgrown capitalists who have lost faith in the people and free government—estates out of harmony, by their exceptional magnitude, with free institutions, and which you have rendered possible by class legislation and favoritism in legislation; these are the two forces which find utterance on this floor in this patriotic appeal!

The people demanding a great navy! Why, gentlemen can with equal truth say that they are demanding a great army, for the purpose of the one is exactly the same as the other. What nation, from Russia and Great Britain to Spain and Portugal, has a great navy that has not an army in proportion; and what nation uses its great naval and military power except to overawe its own people and hold at defiance neighboring states? Yes, sir, in all ages the great navy and the great army have been employed for the same purpose. What nation, sir, that oppresses its people by a splendid navy does not employ that navy in subjugating and overawing its own people at home, its colonies abroad, and encroaching on rights and territories of less favored states? None can be named, either in the past or present. No, sir, our fathers did not imitate the wretched vanity and ambition of kings in seeking to display a formidable navy as an emblem of power of the rising Republic, but a small and unpretending navy, adapted to the incidental wants of government in its relation to the world at large was all that our fathers deemed necessary even in the infancy of our Republic. Our greatness as a people was not achieved under the shelter of either a great army or navy, but through the grander pursuits of peace.

Talk of commerce being sheltered and protected by the Navy! Has your commerce been disturbed even for a moment by an external force for the last seventy years? Is the vast commerce of Great Britain, Germany, and France with us protected upon the high seas or on our shores or in our ports by the navies of those nations? Do armed ships convoy the merchant vessels? Is our great line of commerce on the coasts of the Mediterranean or anywhere else protected by our Navy? What an absurdity! Why, sir, your commerce, vast as it is, is carried by the common carriers of the world, the ships of all nations. Thirty-one of thirty-seven vessels in our Navy in commission seaworthy and respectable ships, respectable for the purposes for which they are needed and used; grand symbols of a people great by the arts of peace! We have but three in the Mediterranean. All of the others are scattered over the globe as the convenience for visiting in a friendly way, generally without purpose or design, the ports of the maritime nations may suggest. An occasional trip for observation in a general way, sometimes to aid a consul in a half-civilized nation, or to give a nation a friendly salute, or bear some memento to some ambitious prince in the growing states of the remote East, is about the circle of employment, and has been in the main throughout our history except in four great emergencies in one hundred years, when improvised navies brought us immortal glory. The Navy is not protecting your commerce.

Your commerce is in no peril; it neither asks nor needs protection. Your Navy never has been engaged in protecting commerce since piracy by the common act of the nations was made a crime against the human race. You hold the world at bay by your peaceful commerce and by the majesty that dwells in a great and prosperous people too conscious of their power to employ it in the cause of injustice or oppression. Your carrying trade is done alike by your own ships and by ships of all the nations. I admit you are not to a large extent the common carriers of commerce, but your commerce is none the less for that, and so cosmopolitan is this commercial intercourse that many of your merchants sail vessels under the flags of other nations.

Mr. Chairman, I protest against this appeal to this unmanly and un-American timidity, this pretense of public danger from abroad as an expression of American sentiment. Your Navy now, with the monitors and cruisers you are building and have no excuse for completing, is immensely greater than this Government has ever before had in a time of profound peace. The American people are not timid; they are not fearful that their great name among nations will lose its power for peace by any act of folly or injustice of its rules. With no relations except those of commerce with any, dealing justly, as our fathers have done, with all nations; with vast oceans separating us from any aggressive, and greater in resources than any other nation, why should we imitate the old monarchies on the unmanly plea of public danger? No, sir; the plea is not genuine. The great navy and the great army that in due course will follow it if the people do not rebuke the beginning are not to protect your commerce but to overawe your own people. Look at the immense navy of Great Britain. Is it employed in protecting commerce? No; but in upholding her power and overawing her colonies. No, sir, the moral power of 55,000,000 of people such as this nation can boast of with no plans of conquest or ambition needs neither standing armies nor great navies to command the respect and forbearance of the world. [Applause on the Democratic side.]

Mr. CANNON. I now resume the floor, and desire to say in conclusion that the gentleman from New York went for malfeasance in a public officer and succeeded only in showing his own ill-will, and I am sorry to say, for I can not often say it of him, his ignorance of the published reports of the Department——

The CHAIRMAN. The time allowed for debate has expired. The question is now on the motion of the Committee on Appropriations to non-concur in the amendment which has been read.

The motion to non-concur was agreed to.

The CHAIRMAN. The Clerk will now report the next amendment.

The Clerk read as follows:

Add after the word "dollars," in line 505 of the printed bill, the words "to be immediately available."

Mr. TILLMAN. I ask leave now to offer the amendment, of which I gave notice some time ago, to amend the amendment of the Senate by adding what I send to the desk.

The Clerk read as follows:

Provided, That hereafter no watchman, shipkeeper, laborer, workman, or mechanic shall be permitted to work more than eight hours in any calendar day for the Government except in cases of emergency, when they shall receive extra pay for service at the rate of eight hours work per diem.

Mr. COX, of New York. I raise the point of order that that is new legislation.

The CHAIRMAN. Does the gentleman from South Carolina desire to be heard on the point of order?

Mr. TILLMAN. I should like to know on what ground the gentleman from New York bases the point of order. But I would prefer that he should withdraw it.

Mr. COX, of New York. I will withhold the point of order to allow the gentleman to speak in support of his amendment.

Mr. TILLMAN. I wish to prevent the application of the money that may be appropriated by this bill to purposes of fraud which can be perpetrated to the extent of one or two million dollars under what some might call the color of law if the Senate amendments shall prevail. I am a good friend to the Navy and I am a good friend to the laboring man, but I am opposed to an aristocracy of labor. I am opposed to permitting the laborers who are employed on behalf of the Government to get 25 per cent. more money for the same sort of work that is done by laborers in private establishments in the vicinity of where the public work is done.

As I said a while ago, the Secretary of the Navy about a year since revived the eight-hour law, claiming that it was in force, after all the Secretaries of all the Departments for six years, from 1877 down to 1883, had held that they were obliged to pay only the same wages in winter or summer as are paid by private employers for labor of the same kind in the vicinity. Not only has the Secretary of the Navy revived the eight-hour law in spite of the statute of 1862 and the decision of the Supreme Court of 1877, but the Secretary of War has done it also. He did it in January last. And the eight-hour law is to come on the stage and answer the purposes in this Presidential election that the star-route frauds did four years ago, unless my amendment or something like it be adopted.

The Secretary of War will control all the river-and-harbor fund if a river-and-harbor bill be passed. He employs a large number of laborers in the Ordnance Department, and upon the fortifications. The Secretary of the Treasury will also likely expend five or six millions on public buildings this year, so that thousands and tens of thousands of laborers will be employed in connection with the War and Navy and Treasury Departments between now and the Presidential election. And those laborers, no matter of what grade, whether common laborers or experts, can get 25 per cent. more wages from the Government than they could get from private employers for the same amount and kind of work. And will not that make every laborer employed by the Government or by an officer of the Government dependent on the favoritism, political influence, or partiality of the officer or the Secretary that employs him? Will it not make him dependent and control his vote? Will he not be disposed to submit to assessments for political purposes if necessary, in order to be retained as a laborer in the public service?

Sir, I protest that the country is not aware of the meaning of the revival of the eight-hour law by a mere order of the heads of those two Departments. It has a purpose; and that purpose, if this bill passes as amended by the Senate, is to use the fund appropriated to employ laborers, perhaps at the Boston navy-yard, or the Brooklyn navy-yard, or the Mare Island navy-yard, or wherever it will do most good to carry out the political projects of their employers next November. There ought to be some restraint placed upon the usurped discretion of Secretaries of Departments to prevent them from using the taxes paid by millions of private laborers to either pamper or corruptly control the votes of the few laborers on public works.

Mr. COX, of New York. The gentleman from South Carolina anticipates discussion on the eight-hour law. He does it on this naval appropriation bill. Is it relevant here and now? How can one fathom the logical and legislative connection between the two subjects?

The gentleman charges fraud in the execution of this law. Where is the fraud if not in its non-execution? If there be any fault or fraud is it not because the law is not executed; or, if executed, not uniformly throughout the United States?

Mr. TILLMAN. Will the gentleman deny that all the Departments have acquiesced in the Supreme Court decision for six years and that these Secretaries have disregarded that decision?

Mr. COX, of New York. The gentleman has had his fifteen minutes.

Mr. TILLMAN. I wish the gentleman from New York to answer

that question. Have not all the Departments acquiesced in the Supreme Court decision for six years?

Mr. COX, of New York. I answer questions only when put to me *suaviter in modo*. If not, I desire to assume the *fortiter in re*.

Mr. TILLMAN. Can not the gentleman answer that question?

Mr. COX, of New York. When the gentleman from South Carolina charges fraud in this matter he makes an attack on the laboring men of this country. They demand its execution. They reprobate its dilatory or exceptional or partial execution. The Departments have not executed this law uniformly. It is one thing on the California coast, another on the Mississippi or Atlantic. The employés at some places are compelled to work nine and ten hours per day; at other places eight hours. At the Rock Island (Ill.) arsenal they work nine or ten hours, while at the arsenal at Frankford, Philadelphia, the eight-hour law has prevailed since an order of Secretary Lincoln of January 3, 1884.

Mr. NEECE. Within the last ten days the employés at Rock Island have been placed on eight hours.

Mr. COX, of New York. I am glad to know that the Secretary of War recognizes the cogency of the law. It was not to be expected that that excellent administrative officer—who bears an honored name for his father as well as himself—should have been very forward in doing that which other Cabinet officers had so long disregarded. Upon petitions of employés he issued his orders and they were carried out as follows, namely: Arsenal at Benicia, Cal., January 3, 1884; arsenal at Frankford, Philadelphia, Pa., January 9, 1884; national armory, Springfield, Mass., March 1, 1884; arsenal, Watervliet, N. Y., March 1, 1884; arsenal, Rock Island, Ill., April 3, 1884.

So much for the War Department. How is it with the United States Treasury Department? I have a letter here from those interested that some 200 laborers in the public stores of New York city work from one to three hours extra per day without extra compensation.

It was only the other day the Secretary of War, at my instance, reduced the hours of labor at the practicing-ground for ordnance at Sandy Hook to eight hours. There was no fraud, but great justice, in making this uniformity. In other cases laborers have to work for the Government over the eight hours a day and get nothing extra for the time beyond the requirements of the law.

The gentleman from South Carolina seems to have this as a special trouble on his mind. He is unhappy because some of the Departments are endeavoring to execute this law. Again, I ask him where is the fraud? I can see none unless it be in Congress, which holds out its promise to the ear of honest laborers and breaks it to their hope. Or it is the administration of the law in failing to compel its functionaries to carry out the law as it now exists.

The laboring men of this country are in earnest about their protest on this subject. We made the law, and have winked at its breach. Proclamation has been made for its execution by Presidents and Secretaries, and we have not upheld the example or compelled its general observance.

These breaches of the law and this neglect to execute its provisions have called out signal sympathetic remonstrances from the workingmen of our country. Gentlemen talk loosely who sneer at this demand. Labor has not asked much from Government to ameliorate its harsh conditions. Its lawful demands should be regarded cheerfully and promptly by those who are so ready to anathematize their illegal demands. It is for us to set the example of law-abiding before we shoot down artisans or call forth the State militia or Federal arms to enforce obedience to the law.

In recent assemblages of laboring folk there has been no uncertain sound on this topic. Thousands have openly clamored and they are yet clamoring for the general and unexceptional execution of this law. It must be executed. I speak no new thoughts on a new theme. I speak consciously for the eight or ten millions of laboring men who are watching this matter. I speak for those who are connected as employés with the Government as well as for those outside who hope by the example of the Government that their own lives will be cheered and bettered by the lessening of their hours of toil.

It was said here once in debate by Senator HOAR, then a member of this House, that the experiment was tried in the Springfield arsenal, both as to eight hours and ten hours. With what result? This: That men would do more work the year round for the Government in eight hours than when they were required to work ten.

Mr. MCMILLIN. Then why do you pay for the additional two hours 25 per cent. more?

Mr. RANDALL. I suggest that the gentleman should confine his remarks to the point of order.

Mr. COX, of New York. I bow to the call of the gentleman from Pennsylvania.

Mr. RANDALL. I shall hereafter insist that the debate be confined to the point of order.

Mr. COX, of New York. I was about to conclude these remarks, which are not upon the point of order. They were in response to my friend from South Carolina [Mr. TILLMAN]. I will say, finally, that whether it be physical labor, or mental labor, or moral labor, or religious labor, more can be accomplished in well-doing in eight hours, with the additional respite and recreation thus afforded, than can be done in ten hours. I believe that there is a higher law, mental, moral, and divine, which solves this industrial problem. If the gentleman from South Carolina would study that law heedfully he would find the beauty of its provisions in the benignity of its operation and the improvement of our toilers. Ay, even in his own case he would find out that if he would rest more he would be stronger. [Laughter.] "Whoso wanteth rest will also want of might!"

Mr. TILLMAN. I would ask the gentleman if he is in favor of paying Government laborers more than laborers in private establishments?

Mr. COX, of New York. I am for executing the law. It is on the statute-book, and you can not get rid of it except by repealing it.

Mr. TILLMAN. The Departments have got rid of it for six years.

Mr. COX, of New York. Who is to blame for that? They; not those intended to be beneficiaries of the law.

The CHAIRMAN. The point of order has been made against the amendment of the gentleman from South Carolina [Mr. TILLMAN]; the Chair sustains it, and holds that the amendment is not in order.

The Clerk resumed and concluded the reading of the amendments of the Senate.

Mr. RANDALL. I now move that the committee rise and report its action to the House.

Mr. CALKINS. Before that is done I desire to state that there were some words omitted from the dispatch from the Secretary of the Navy which I had read when the gentleman from Illinois [Mr. CANNON] was addressing the committee. With those words added, the dispatch will read as follows:

The proceeds of the sales of old vessels, amounting to $384,753, as appears by my report, page 19, were immediately deposited in the Treasury of the United States, and have there remained, except that drafts have been * * * for advertising and expenses of sale, and expenses of taking to pieces two old vessels on the stocks, as allowed by law.

The motion of Mr. RANDALL was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, and the Senate amendments thereto, and had directed him to report a recommendation that all the amendments of the Senate be non-concurred in except amendment numbered 41, and that that amendment be concurred in.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. O. L. PRUDEN, his Secretary; who also announced that the President had approved and signed bills and a joint resolution of the House of the following titles:

An act (H. R. 3956) to amend section 2527 of the Revised Statutes, relating to the district of Gloucester;

An act (H. R. 4993) making it a felony for a person to falsely and fradulently assume or pretend to be an officer or employé acting under authority of the United States, or any Department or any officer thereof, and prescribing a penalty therefor; and

Joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress.

NAVAL APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the naval appropriation bill.

The SPEAKER. The Committee of the Whole recommend non-concurrence in all of the amendments of the Senate to the naval appropriation bill except amendment numbered 41, and as to that amendment the committee recommend concurrence.

Mr. RANDALL. In order to facilitate business and save time I will move that the report of the Committee of the Whole be accepted so far as it relates to all the amendments of the Senate, except amendment numbered 41, and on concurring in that amendment I demand the yeas and nays.

The SPEAKER. The question will be first taken upon adopting so much of the report of the Committee of the Whole as recommends non-concurrence in the Senate amendments.

The question was taken, and that portion of the report was agreed to.

The SPEAKER. The question is now upon concurring in the Senate amendment numbered 41.

Mr. BEACH. Let that amendment be reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read the amendment, as follows:

Insert the following:

"(41) To complete the ordnance outfit of the three new steel cruisers and one dispatch-boat, $500,000."

Mr. RANDALL. On that I demand the yeas and nays. I will inquire of the Chair whether a negative vote on the recommendation of the Committee of the Whole to concur in a Senate amendment is not equivalent to a non-concurrence on the part of the House?

The SPEAKER. It is always so held.

Mr. CALKINS. How is that?

The SPEAKER. If the House shall refuse to adopt the recommenda-

tion of the Committee of the Whole to concur in the amendment of the Senate just read it will be equivalent to a non-concurrence. On that question the gentleman from Pennsylvania [Mr. RANDALL] asks for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 127, nays 106, not voting 89; as follows:

YEAS—127.

Adams, G. E.	George,	Lyman,	Rosecrans,
Adams, J. J.	Gibson,	McComas,	Rowell,
Aiken,	Goff,	Maybury,	Ryan,
Anderson,	Greenleaf,	Millard,	Singleton,
Bayne,	Hanback,	Miller, S. H.	Skinner, C. R.
Beach,	Hart,	Milliken,	Slocum,
Belford,	Hatch, H. H.	Mills,	Smalls,
Bingham,	Haynes,	Money,	Smith,
Bisbee,	Henderson, D. B.	Morrill,	Spooner,
Blackburn,	Henderson, T. J.	Morse,	Steele,
Brainerd,	Hepburn,	Muldrow,	Stephenson,
Breckinridge,	Herbert,	Murphy,	Stewart, Charles
Brewer, F. B.	Hewitt, A. S.	Nelson,	Stewart, J. W.
Browne, T. M.	Hill,	Nutting,	Strait,
Brown, W. W.	Hiscock,	Oates,	Sumner, C. A.
Brumm,	Holmes,	O'Neill, Charles	Talbott,
Calkins,	Houk,	O'Neill, J. J.	Taylor, E. B.
Campbell, Felix	Howey,	Parker,	Thomas,
Campbell, J. M.	Hurd,	Payson,	Thompson,
Cannon,	James,	Peelle, S. J.	Tucker,
Culbertson, W. W.	Jeffords,	Perkins,	Van Eaton,
Cutcheon,	Johnson,	Peters,	Wait,
Dargan,	Kasson,	Pettibone,	Wakefield,
Davis, G. R.	Kean,	Poland,	Washburn,
Dingley,	Kelley,	Potter,	Wilson, James
Dorsheimer,	Ketcham,	Price,	Wilson, W. L.
Dunham,	King,	Ray, G. W.	Winans, John
Ellwood,	Lacey,	Reed,	Wood,
Everhart,	Laird,	Rice,	Woodward,
Evins, J. H.	Lanham,	Robinson, W. E.	Worthington,
Finerty,	Long,	Rockwell,	York.
Funston,	Lovering,	Rogers, W. F.	

NAYS—106.

Alexander,	Dockery,	Lamb,	Spriggs,
Arnot,	Dowd,	Lore,	Springer,
Bagley,	Dunn,	Lowry,	Stevens,
Ballentine,	Eaton,	Miller, J. F.	Storm,
Barbour,	Elliott,	Mitchell,	Sumner, D. H.
Barksdale,	Ermentrout,	Morgan,	Taylor, J. M.
Bennett,	Ferrell,	Morrison,	Throckmorton,
Bland,	Forney,	Muller,	Tillman,
Buchanan,	Fyan,	Mutchler,	Townshend,
Buckner,	Garrison,	Neece,	Tully,
Burnes,	Geddes,	Patton,	Turner, Oscar
Cabell,	Glascock,	Pierce,	Van Alstyne,
Candler,	Halsell,	Peel, S. W.	Vance,
Carleton,	Hammond,	Post,	Warner, A. J.
Cassidy,	Hancock,	Pryor,	Warner, Richard
Clardy,	Hardeman,	Pusey,	Wellborn,
Clements,	Hatch, W. H.	Randall,	Weller,
Connolly,	Henley,	Rankin,	Wemple,
Converse,	Hewitt, G. W.	Reese,	Wilkins,
Cosgrove,	Hoblitzell,	Riggs,	Williams,
Cox, S. S.	Holman,	Rogers, J. H.	Willis,
Cox, W. R.	Houseman,	Scales,	Winans, E. B.
Crisp,	Hunt,	Seney,	Wise, G. D.
Culberson, D. B.	Jones, B. W.	Seymour,	Wolford,
Curtin,	Jones, J. H.	Shaw,	Yaple.
Dibble,	Jones, J. T.	Skinner, T. G.	
Dibrell,	Jordan,	Snyder,	

NOT VOTING—89.

Atkinson,	Davis, R. T.	Keifer,	Ray, Ossian
Barr,	Deuster,	Kellogg,	Reagan,
Belmont,	Duncan,	Kleiner,	Robertson,
Blanchard,	Eldredge,	Lawrence,	Robinson, J. S.
Blount,	Ellis,	Le Fevre,	Russell,
Boutelle,	Evans, I. N.	Lewis,	Shelley,
Bowen,	Fiedler,	Libbey,	Stockslager,
Boyle,	Findlay,	McAdoo,	Stone,
Breitung,	Follett,	McCoid,	Struble,
Brewer, J. H.	Foran,	McCormick,	Taylor, J. D.
Broadhead,	Graves,	McKinley,	Turner, H. G.
Budd,	Green,	McMillin,	Valentine,
Burleigh,	Guenther,	Matson,	Wadsworth,
Caldwell,	Hardy,	Morey,	Ward,
Chace,	Harmer,	Moulton,	Weaver,
Clay,	Hemphill,	Murray,	White, J. D.
Cobb,	Hitt,	Nicholls,	White, Milo
Collins,	Holton,	Ochiltree,	Whiting,
Cook,	Hooper,	O'Hara,	Wise, J. S.
Covington,	Hopkins,	Paige,	Young.
Cullen,	Horr,	Payne,	
Davidson,	Hutchins,	Phelps,	
Davis, L. H.	Jones, J. K.	Ranney,	

So the amendment was concurred in.

The following pairs were announced:

Mr. YOUNG with Mr. PAYNE, until April 28.

Mr. STOCKSLAGER with Mr. KEIFER, until April 26.

Mr. GREEN with Mr. HOOPER, until May 4.

Mr. JONES, of Arkansas, with Mr. MCKINLEY, until April 28.

Mr. DAVIS, of Missouri, with Mr. PHELPS, until April 25.

Mr. BOYLE with Mr. LAWRENCE, until April 28.

Mr. FIEDLER with Mr. BREWER, of New Jersey, until April 26.

The following-named members were announced as paired on political questions until further notice:

Mr. HARDY with Mr. ROBINSON, of Ohio.

Mr. COOK with Mr. CULLEN.

Mr. SHELLEY with Mr. THOMAS.

Mr. MOULTON with Mr. OCHILTREE.

Mr. LEWIS with Mr. MCCORMICK.

Mr. COVINGTON with Mr. HOLTON.

Mr. BROADHEAD with Mr. VALENTINE.

Mr. DIBBLE with Mr. KEAN.

Mr. GRAVES with Mr. BREITUNG.

Mr. LE FEVRE with Mr. MOREY.

Mr. REAGAN with Mr. HORR.

Mr. FORAN with Mr. WADSWORTH.

Mr. NICHOLLS with Mr. CHACE.

Mr. HEMPHILL with Mr. RANNEY.

Mr. BLOUNT with Mr. RUSSELL.

Mr. FOLLETT with Mr. WHITE, of Minnesota.

Mr. DAVIDSON with Mr. JOHN S. WISE.

The following were announced as paired for this day:

Mr. DEUSTER with Mr. GUENTHER.

Mr. PAGE with Mr. JOSEPH D. TAYLOR.

Mr. KLEINER with Mr. O'HARA.

Mr. BELFORD with Mr. CLAY.

Mr. WARD with Mr. STRUBLE.

Mr. COBB with Mr. ATKINSON.

Mr. MATSON with Mr. WHITE, of Kentucky.

Mr. BURLEIGH with Mr. MURRAY.

Mr. COLLINS with Mr. WHITING.

Mr. BUDD with Mr. MCCOID.

Mr. BELMONT with Mr. KELLOGG.

Mr. FINDLAY with Mr. ROBERTSON.

Mr. TURNER, of Georgia, with Mr. RAY, of New Hampshire. On this question Mr. TURNER would vote "no" and Mr. RAY "ay."

Mr. ELLIS with Mr. MCMILLIN. On this question Mr. ELLIS would vote "ay" and Mr. MCMILLIN "no."

Mr. AIKEN. I desire to state that my colleague [Mr. HEMPHILL] has been called home on account of sickness in his family.

The result of the vote was announced as above stated.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the amendments of the Senate to the Post-Office appropriation bill.

AMERICAN COLLEGE AT ROME.

The SPEAKER. Before putting the question on the motion of the gentleman from Illinois [Mr. TOWNSHEND] the Chair will lay before the House a message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I transmit herewith, in answer to a resolution of the House of Representatives of the 21st instant, a report of the Secretary of State, with the accompanying papers, in relation to the threatened confiscation of the American College at Rome by the Italian Government.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., April 24, 1884.

The message, with the accompanying documents, was referred to the Committee on Foreign Affairs, and ordered to be printed.

FEES OF WITNESSES, ETC.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Attorney-General, asking an appropriation to supply deficiencies in the appropriation for the current fiscal year for fees of witnesses and jurors in United States courts; which was referred to the Committee on Appropriations.

DEFICIENCY IN DEPARTMENT OF JUSTICE.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Attorney-General, asking an additional appropriation for miscellaneous items, stationery, horses, and wagons for the current fiscal year; which was referred to the Committee on Appropriations.

ENROLLED BILL.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 6538) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LONG for ten days, beginning April 25.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

The SPEAKER. The Committee on the Levees and Improvement of the Mississippi River ask permission to sit during the sessions of the House.

There was no objection, and it was ordered accordingly.

REPRINTING OF A BILL.

On motion of Mr. SLOCUM, by unanimous consent the bill (H. R. 2228) to remove certain burdens from the American merchant marine was ordered to be reprinted.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I move, Mr. Speaker, that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the amendments of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

Mr. RYAN. I ask the gentleman from Illinois to let these amendments remain as they are until the return of the gentleman from Michigan [Mr. HORR]. There can be no conference until that gentleman returns.

Mr. TOWNSHEND. When the gentleman from Michigan was here in the committee-room on last Monday it was understood and agreed by the committee we should ask for non-concurrence in all the Senate amendments and the bill should be sent to a committee of conference, when no further action would be taken until the return of the gentleman from Michigan. I am only carrying out the understanding and agreement I had on that occasion.

As the point was made yesterday by the gentleman from Iowa [Mr. KASSON], who is not a member of the committee, that the amendments must have their first consideration in the Committee of the Whole House on the state of the Union, I am now only moving to go into committee for their consideration, so they may be reported back to the House and sent to a committee of conference, where they will remain until the return of the gentleman from Michigan, who was on the subcommittee with me. I trust the House will let the amendments take that course. If the gentleman from Iowa should withdraw his point of order it would expedite matters.

Mr. KASSON. I wish to say I simply made the point to save the rights of the gentlemen whom I did not see here, and who as members of the Post-Office Committee were interested in this matter as profoundly and as wisely as the members of the Committee on Appropriations can be. The gentleman from Pennsylvania [Mr. BINGHAM] is present now and I suppose there are others, and I wish to say I will object to nothing those gentlemen may wish.

Mr. TOWNSHEND. I wish only to carry out the agreement.

Mr. BINGHAM. I will state there can be no objection to the proposition of the gentleman from Illinois, with the simple declaration from this side of the House it shall not be taken as strengthening in conference the position on the other side or weakening that on this.

Mr. TOWNSHEND. Certainly.

Mr. RANDALL. That matter being settled, I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the Senate amendments.

The motion was agreed to.

Mr. TOWNSHEND. I now move the amendments of the Senate be non-concurred in.

The motion was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The gentleman from New York [Mr. ADAMS] will preside as Speaker *pro tempore* during the evening session.

And then, on motion of Mr. RANDALL (at 4 o'clock and 25 minutes p. m.), the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by Mr. ADAMS, of New York, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The business before the House is limited by order to debate only on revenue bills.

Mr. MORRISON. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COSGROVE in the chair.

THE TARIFF.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union, for debate only upon the tariff bill.

Mr. PETTIBONE. Mr. Chairman, on yesterday I began to address the House, but gave way to a motion to adjourn, as was then fitting, with the understanding that I should reoccupy the floor when the House again went into Committee of the Whole. And to-night I have only to say in brief that I believe while speech is silver silence is gold, and I know this great country is not anxious to hear any one talk at length upon the subject of the tariff and the bill before the House. Still, sir, a few words from myself may not be inopportune, representing as I do a district and a State which is entirely mediterranean. I chose that word deliberately. We speak of the great sea that washes the south of Europe as the Mediterranean—the sea that is in the midst of the land—and so of the interior States of America that have no ocean bordering them; they are mediterranean.

One of them happens to be the great State of Tennessee, midway between the North and the South and the East and West. It has 11,000 square miles of coal lands. Its mountains are ribbed with iron ore; its waters are perennial; they neither dry up nor freeze up. It has about the same number of square miles of cotton lands. It is a land of varied agriculture, with all the productions which go to the gladdening of the farmer's heart, and to the material, the raw material, which is used in the bettering of man's estate. But, sir, in the past it has been known as an agricultural State. The people have exerted their energies in the production of those things which went to feed the world and to furnish the raw material to clothe the world. I stated on yesterday what it seems to me is a truism, that behind every honest dollar's worth of property in this great world of ours is just one honest dollar's worth of hard work.

It seems to me that this proposition embraces the bottom truth in all systems of political economy. "In the sweat of thy brow shalt thou eat bread," was the declaration that covered all of the children that ever sprang from our common forefather. Now, in this country and in this great Republic of America to-day we have what? We have an immense territory stretching out between the oceans, a land, a power, whose seat is in the midst of the nations, whose dominions are around her feet, and whose rulers are lords of the east and of the west. Every fact and every indication point to this consummation, that in this Republic the great work of the regeneration of humanity is to be wrought out. But we have got to do it by plain and honest square hard work. No miracle is to be wrought here. But to-day and now we shape the future in the wise policies or unwise, as we will, which shall determine the course of the future in our country.

One of the functions of this Congress is to raise revenue to carry on the Government; and that we have got to do. We have two ways to do it, by a tariff or tax upon the foreign commodities coming into our markets, on the one hand, or by a direct tax upon the energies of the people or upon the fruits of their labor upon the other. Free trade with the world means the taxation of our own people by direct legislation.

I understand, Mr. Chairman, and I know that the latter course has some advantages; and I understand, on the other hand, that there is not a political organization in this country that has ever presumed to take that stand. That would be free trade, allowing all commodities to come into our country without taxation, and wipe out anything and everything in the shape of customs exactions or custom-houses, and then we will have free trade and the benefits of free trade, if there are any. No one proposes that. Will any one seriously propose it to-day, and now, and here? We will relegate that by the common consent of all men at least to the twentieth century and to the time of the general disarmament of nations and the coming in of the political millennium.

Now we have to raise between three and four hundred millions of dollars every year to carry on this Government. I do not question, Mr. Chairman, that the bill now pending before this House would raise that revenue. I do not doubt it. On the other hand, I believe that the bill reported by the chairman of the Ways and Means Committee would more than furnish a sufficient amount of revenue, coupled as it is with no pretense that we should abolish the internal revenue now being raised upon a few articles to the amount of one hundred and fifteen or one hundred and twenty millions of dollars each year.

But, Mr. Chairman, I do not propose, after the clear, exhaustive analysis of the bill now pending before the committee which was made by the gentleman from Ohio [Mr. MCKINLEY] in his speech upon this subject—I do not propose to discuss the bill further than to say that by lowering the duty on foreign goods the result would be a larger importation of foreign goods; and with a larger importation it is clear that if it rose to more than 20 per cent. of the present importation more revenue would be derived from it than from the present law as it stands upon our statute-book. Whatever we buy we have to pay for.

Now, whether it is wisest to purchase more goods from Europe than we now do, or stimulate the production of those very goods within our own country, is the question for us to determine. I say, behind every honest dollar's worth of property in America there is an honest dollar's worth of labor. That system is best for our country and for every country which shall set the most men at work and give to labor its widest, broadest, and best employment. And I am in favor of the protective system not so much because it gives us revenue, for I grant we can get that under a free-trade tariff, under a tariff for revenue only, but we shall have idle men in our streets and hunger at the board of the man who desires day by day to sell his labor.

Sir, near my own town, near my own home, we have a wide and a flowing river, and across it is built a mill-dam. There is water-power enough there to turn a million spindles, and yet it turns only one poor water-wheel, that grinds the corn and the wheat of the neighboring farmers. And seeing the water go over the dam, I recognize that that is love's labor lost. It is wasted power gone forever. So it is with the laboring men of our country. If they can not sell their labor between sunrise and sundown they never can sell it. It is wasted and it is gone.

We export to Europe and to foreign countries each year something

like $800,000,000 worth of products in value. We import something in the neighborhood of seven hundred millions. The result is there is a balance of trade in our favor of about $100,000,000 each year. At present times are easy; the country is prosperous; but it is prosperous because we have 15,000,000 of our people engaged in the manufactories, that give us the result of the mechanic's handiwork on the one hand and make largely a market better for us than all our foreign markets on the other hand. As the years shall go on we shall take no backward step. Our manufactures of to-day, which exceed, I understand, about three times the amount of all our exportations to foreign countries, will swell in volume, and factories will be built all through these great States of the South and West, where free-trade views, according to the doctrinaires and teachers of that school, have prevailed.

I wonder, Mr. Chairman, that I never find in any book or any speech taking the free-trade side any conception of the fact that the building up of manufactories adds immensely to the value of the farming lands in the neighborhood; that it adds immensely to the value of the coal and the iron ore and the zinc and the marble and the woods of the forest; ay, to the very water-powers that have been tumbling over the rocks since the beginning of creation and waiting for the hand of man to chain them up and set them to work.

Your free-trader says, "Buy where you can buy cheapest; sell where you can sell dearest;" and, as with all general terms, fraud lurketh there. As we lawyers are accustomed to say, fraud lurks in general statements. Now, if free trade is right, I hope it may prevail. If it is good for the country and for everybody, it will be good for me and for my children. But, on the other hand, we have found in this country that when we set our people to work it has been and only been when we had a tariff strong enough and high enough to shut out the products of the pauper labor of Europe and make a market for our own industrious, hard-working men, wherein they might sell their labor and secure the results of their toil and get the price for which they had wrought while it was yet to-day.

I concede, Mr. Chairman, I freely grant, that if we could always have peace between the nations, if all men spoke the same language, if equal civilization pervaded the world, we ought to have in that happy condition free trade and not a single customs office. But while we see in Europe 4,500,000 men in arms, while we see the navies of war floating over the seas of the world and carrying the flags of England and France and Spain and the rest of the great countries of the world, and while national animosities may lead to national wars, we find the necessity of taking care of our own, and seeing to it that all that ministers to human comfort, that all those things that are required in the daily uses of our common life, should be produced in our own country; and then we are independent and we are free because we are not dependent on any people, on any handicraft, on any market except our own.

This country is yet young. This country is yet undeveloped. But whenever we have started any single industry it has turned out that competition has done for us what it always has done for every people and what it must always do. It has lowered prices in the end.

Within the last ten years I have ridden in the cars from this city to Memphis, and over every foot of that ground the cars rolled over rails which were made in Birmingham, England. And yet those iron rails, those parallels of steel, went over the grandest ore-beds which have yet been found in this land. We have changed all that. And now and to-day, with our 125,000 miles of railway, we are importing scarcely a single steel rail.

What shall we do in twenty years? Why, we shall double this mileage of railways. Yes, and while I have said that now not only do we iron all our railways and not only is it true we are going to double these miles in the next generation, but as the result of the protective tariff of 1861, which was forced upon us by the exigencies and necessities of civil war, we have actually reduced, as my friend from Massachusetts [Mr. RUSSELL] says, the cost of those rails to one-third.

In other words, we to-day buy steel rails at about one-third of the price we had to pay for them twenty years ago. We have employed thousands and thousands of workmen, we have opened markets for our farmers, and we have roused up an energy in our country which is shown by the building of new cities, by the construction of new furnaces, by the establishment of new centers of human industry, and by making the very forest to resound with the music of the trip-hammer and the ringing of the factory-bell.

I do not believe in the penny-wise and pound-foolish policy which would say to-day, throw open your markets to the world. Yet I am glad that the time has come when upon this floor we have men who have the courage of their opinions. I may be wrong; you may be wrong. If free trade is right, thank God we have now, and I believe for the first time in the history of our country, men upon this floor who dare say so. Casting aside all pretenses, they tell us frankly that the present bill is a step in the direction of free trade; that free trade is a consummation to which they wish to lead us.

I am glad it is so. Sooner or later in all controversies we have got to get down and discuss clean, honest principles. It was so in the old slavery days. Men talked about the curse of slavery, about the spread of slavery. That was right. Every one knew that it was a step toward the abolition of slavery. Finally and at last the two great forces were marshaled on the field of this continent, and either slavery or freedom had to go to the wall, and we all knew it. Thank God! it was slavery that went down.

And this other contest is going on in this country now. Free trade, absolute, clean, bare free trade, without any shilly-shallying, without any obstruction, is going to be the issue. The battle has been opened, and I honor the men who have the courage of their opinions and say what they mean and mean what they say.

But what have we here in this bill? Why, sir, it is the old tariff bill of 1861, with a proposition to cut it down 20 per cent., with two or three exceptions, to razee it, to plane it down; that is confessedly what this bill is. Our objection to it is this: In 1861 we tariff men did not know as much as we know now; we had not then the experience which we have acquired since 1861. The schedules of the tariff as it was made up have drifted away from us. We say that this proposition is neither wise on the one hand nor honest on the other. That is our opinion of it.

Yet I do not doubt that the gentleman who has reported this bill to the House has felt that such was his duty, and that in reporting the bill and standing by it with a loyalty which commands my respect and all my admiration he was doing a good thing for his country, because he so believed, because he believed that any measure which shall cut down our redundant revenues, which shall lower the price of foreign goods, and which shall be a step, long or short, in the direction of free trade is a consummation which he has fought for, talked for, and prayed for. And I commend the courage of the gentleman and of his supporters in manfully taking this course and throwing aside all other pretenses.

Our whole country I say is vitally interested on the one hand in maintaining a market for the labor of our men, and on the other hand in keeping open a competition of markets for the products of the farm and of the garden. Why, sirs, our food supplies which now feed the world, not only ourselves but foreign countries, are finding more and more competitors in foreign markets. Less and less in the future will be the comparative demand from foreign countries for our food supplies. On the other hand, fertility fades away toward the westward, and the wheat crop that used to be the main source of revenue of the farmer of New York has passed beyond the valley of the Genesee. No longer is Ohio the source from whence comes the food supply of Europe in the way of breadstuffs. It has passed to the prairies of Indiana and Illinois and Wisconsin, and we are tapping the fresh fields of Dakota and New Mexico, of Western Kansas, California, and Oregon.

But a better civilization is following in the pathway of the frontiersman and the pioneer. Behind them is coming the growth of the arts, the mechanic arts, which minister to all the wants of man's estate. Pennsylvania is to-day traveling to Tennessee, and Pittsburgh is finding a child at Birmingham, Ala., and another at Chattanooga, and another at Nashville, and another at Knoxville. This wave of advancing prosperity in the way of a diversification of our industries is spreading over the West and the South. The plant that is put there is happily denominated a plant; it is planted to stay.

Cities are rising, great industries are springing up. Shall we now and here enter upon a policy that shall put out the furnace-fires at Birmingham and at Pittsburgh? Shall we to-day adopt a policy that shall cause an influx of foreign goods and make glad the hearts of manufacturers in old Birmingham in England, rather than in new Birmingham in Alabama? Let the issue be sharply drawn; let facts be presented. Let it be seen that in this country wherever we have fostered industries the result has been that we have brought down the price of the commodity which comes from that industry, while we have widened the markets for that commodity, widened the demand for it, and widened the supplies which that industry has created.

As to cotton, why, sir, this country is the garden field of the world for cotton. We shall always raise the cotton which shall clothe the world. Shall we spin it and weave it? Right in the cotton-fields there is labor without employment six months in the year, as I and Southern men do know, which ought to be utilized in the spinning of that cotton. If it were woven and spun in our country the additional value given to that material would be garnered by us, and more wealth, more comfort, more of the means of livelihood would be had by the people who live in the region of the cotton fields. They in turn would buy more from the men of the Northland, from the cities of the East, from the factories of New England, from the food States of the Northwest. They would have the means to do it with. One thought I wish to give emphasis to (and I am going to close as I began) and it is this: that is the best policy for any country, for any State, for any county, for any town, for any family, which sets the most people willingly to work and gives them good pay for the labor they perform.

And that is the clean-cut distinction between freedom on the one hand and enforced labor or slavery on the other. Free thought will give this people wisdom. Free labor in our country will give us wealth, provided it be protected, provided that while in its infancy that protection is given which you would give to the child to-day, not because to-day his labor is worth anything, not because to-day he is grown to man's estate, but you see the promise of manhood in the boy, and you cultivate and educate him for what he is yet to be and to do.

I know it is said, why shall we always stand by these infant industries? A great many of them, Mr. Chairman, to-day do not need protection. We need no particular protection for American watches; they are going abroad. We need no protection for Ames's shovels; they are used in Australia. But these industries have grown up under the beneficent protection of American tariff laws; and along with them will grow up these other industries if we are wise in our day and generation and maintain the tariff as it stands to-day, not complete, not perfect, but, Mr. Chairman, the best tariff we have ever had down to the present time.

And, sir, I feel that on this question I voice the sentiment of the rising South, that land which was once the free-trade portion of our country, the land that used to send here Calhoun and John Randolph of Roanoke. To-day the land of Randolph and the land of Calhoun, freed from the blight of African slavery, is demanding a protective tariff at the hands of its representatives in Congress.

And I welcome the contest which is before us. Tennessee, the land of Jackson; Kentucky, the land of Henry Clay; Carolina, the home of Calhoun, and old Virginia, the chosen home of the Washingtons and Madisons and Jeffersons and Masons, freed from the curse of human slavery, are to-day determined that they will build up in that great Southern land a diversified industry, a wider and more magnificent civilization than has ever yet been known south of the Potomac. Her citizens are now excited on this subject, and they are clamoring to-day for tariff literature, for the facts and the figures upon this subject. They are demanding that their coal fields may be opened, that their iron mines may be dug into, that their water-powers may be utilized, that their people shall have better wages than they ever had before and larger employment and more means to make glad the homes of the Southland, and to make fair with silks and jewels her daughters in their loveliness.

We are glad this debate is on. I for one welcome it. Let us have the fullest, freest and completest discussion upon this subject. Let the question be presented to the people during the coming summer in all its manifold phases; and let the right prevail. I tell you, gentlemen, that away yonder in November there is a tornado coming, and it is not going to be a free-trade tornado by any sort of means.

American markets for American workmen, the largest liberty for all, the widest diversification of our industries, the largest prosperity for our common land—these, Mr. Chairman, are the sentiments which I wish to voice here in behalf of my constituents. [Applause.]

Mr. HALSELL. Mr. Chairman, the statements made by the minority of the Committee on Ways and Means in opposition to the passage of the bill under consideration are in striking contrast with the recommendations of the President of the United States in his message to the Forty-seventh Congress. He said:

> To make a start in the proposed reduction of the revenue from imports the Tariff Commission had been created. In good faith it undertook the work. In its report to Congress it said early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country.
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> Such a reduction of existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction. Entertaining these views, the commission has sought to present a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction in rates, including that from the enlargement of the free-list and the abolition of duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent.

He further said, recognizing the unmistakable demand of the conservative opinion of the country for a reduction of tariff duties and the justness of that demand:

> I heartily approve the Secretary's recommendations of immediate and extensive reductions in the annual revenues of the Government. It will be remembered that I urged upon the attention of Congress at its last session the importance of relieving the industry and enterprise from the pressure of unnecessary taxation. It is one of the tritest maxims of political economy that all taxes are burdensome, however wisely and prudently imposed.
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> And though there have always been among our people wide differences of sentiment as to the best methods of raising the national revenues, and indeed as to the principles upon which taxation should be based, there has been substantial accord in the doctrine that only such taxes ought to be levied as are necessary for a wise and economical administration of the Government. Of late the public revenues have far exceeded that limit, and unless checked by appropriate legislation such excesses will continue to increase from year to year. For the fiscal year ended June 30, 1881, the surplus revenue amounted to $100,000,000; for the fiscal year ended 30th June last the surplus revenue amounted to $145,000,000. The report of the Secretary shows what disposition has been made of these moneys. They have not only answered the requirements of the sinking fund, but have afforded a large balance applicable to other reductions of the public debt.
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> But I renew the expression of my conviction that such rapid extinguishment of the national indebtedness as is now taking place is by no means a cause for congratulation; it is a cause rather for serious apprehension. If it continues, it must be speedily followed by one of the evil results so clearly set forth in the report of the Secretary. Either the surplus must lie idle in the Treasury or the Government will be forced to buy at market rates its bonds not then redeemable, and which under such circumstances can not fail to command an enormous premium, or the swollen revenues will be devoted to extravagant expenditure, which, as experience has taught, is ever the bane of an overflowing Treasury.
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> It was made apparent, in the course of the animated discussions which this question aroused at the last session of Congress, that the policy of diminishing the revenue by reducing taxation commanded the general approval of the members of both Houses. I regret that because of conflicting views as to the best methods by which that policy should be made operative none of its benefits have as yet been reaped.

These were wise and patriotic statements, and such as should always characterize the Chief Executive of a great nation. They looked to the interest of a whole country, not alone to the special interest as to a particular locality, not exclusively to Pennsylvania's pig-iron interest, not to Ohio's wool, but to all the great interests of the nation. The important question now for the consideration of the American Congress is, if a substantial reduction of tariff duties was demanded by the best conservative opinion of the country in 1883, has the revision of the tariff by the last Congress in its practical operations met that demand required by the "best conservative opinion of the country?"

Under the law existing prior to the act of March, 1883, the value of dutiable merchandise imported into the United States for six months ending December 30, 1882, was $260,856,273, and the duty paid was $111,266,000, or 42.65 per cent. on the value; and under the act of March 3, 1883, the value of dutiable merchandise imported for six months ending December 31, 1883, was $235,898,109, and the duties paid amounted to $96,514,136 or 40.91 per cent. on the value thereof. Thus it will be seen that instead of the reduction of 20 or 25 per cent. as was contemplated by the commission, it is only 1.74 per cent. on the basis of the above values. So that if it was a "measure of justice to consumers" in 1883 that there ought to be a substantial reduction of tariff duties, and was demanded by the best conservative opinion of the country, that same measure of justice to consumers and that same demand by the best conservative opinion of the country exist now with as much, or more, force as then.

Yet, sir, in the face of the statements of the Tariff Commission, whose duty it was to investigate the question, and the recommendations of the President, we are told by the minority of the Committee of Ways and Means, headed by the distinguished gentleman from Pennsylvania [Mr. KELLEY], that "the reduction proposed by the bill now under consideration is 20 per cent., and it is a noteworthy fact that not a single interest in the United States has asked for it: neither the manufacturer, the miner, the laborer, the farmer, nor the consumer has requested or demanded the proposed reduction. On the contrary, every interest, manufacturing, laboring, and agricultural, represented before the Committee on Ways and Means, have protested most earnestly against the change recommended by the majority of the committee."

Now, sir, I do not know who was before that committee, but I have no doubt but that the manufacturer and the monopolist were there protesting against having their immense profits cut down by reducing the duty on imported goods coming in competition with their "infant" industries.

The poor, oppressed, tax-ridden farmer, laborer, and consumer were not there. They had not the time nor money to become lobbyists to demand that their burdens should be lightened. They must remain at home and labor and economize to pay their tribute money to the manufacturer and monopolist, who are by this tribute money enabled to travel in magnificent style to the nation's capital and appear before the Committee of Ways and Means and seek to have the fetters which have for twenty long years bound the laboring man made more secure.

Sir, these men must rely on their Representatives for relief. They have instructed them what to do. Their voice was heard in the tidal wave which swept the country in 1882, speaking in no uncertain sound for relief from the heavy burdens they have so long endured. That voice, sir, is still ringing in the ears of their Representatives on this floor and demanding of them to redeem their pledges made to break the manacles and set them free. These heavy burdens were placed upon the people, and they were told that it was for a temporary purpose, that it was necessary to pay the enormous debt incurred by the war of the rebellion.

A patriotic people submitted to the burden without a murmur, and worked and toiled through summer's heat and winter's cold that the Government might meet her obligations and maintain her honor, but now, since that temporary necessity no longer exists for the imposition of these heavy burdens and a surplus of $150,000,000 is in the Treasury, an oppressed people demand that they be relieved. They are met by the protectionist in response to that demand that "it will disturb business." It will of necessity force down the price of labor in the United States; it will stimulate imports, increase competition from abroad, which can only be successfully met by reducing the cost of labor or material or both of the home product. The President, in his message to Congress referred to, said in reference to the reduction of revenue from imports, "though it may be temporarily inconvenient, it will be ultimately beneficial to the special interests affected by such reduction."

The reduction proposed by the bill under consideration is no greater than that contemplated by the Tariff Commission, and as no substantial reduction was effected by the operations of the act of March 3, 1883, no greater disturbance of business would follow the passage of this bill than would have taken place had the expected reductions in that bill been realized. The reasoning of the minority of the Committee of Ways and Means is that the heavy import duties and war-tariff taxes must continue to oppress the great body of the American people for all

time to come for fear that a reduction will "disturb business." Sir, this argument is an insult to the laboring men of this country. Are their hard earnings to be extorted from them and go into the pockets of the favored class for fear that the apprehensions of the timid may be realized and business be disturbed?

The surplus revenue of over $100,000,000 comes mostly from the agriculturists, and the manufacturers who are the recipients of this extortion have united against those engaged in the unprotected industries, backed by a great monopoly money-power, to prevent them from getting relief. Sir, no free people on earth have ever submitted to such drafts upon their hard earnings as the laboring people of the United States. Their just demands were disregarded by the party in power in the last Congress, notwithstanding the recommendation of the President. The Republican Congress failing to respond to the "best conservative opinion of the country," that sentiment was emphasized in the election to the Forty-eighth Congress of a large majority of Democrats, pledged to meet that just and reasonable demand. Shall they be disappointed again?

The people, despairing of getting any relief from the Republican party, have turned their eyes to the grand old Democratic party, which is pledged to tariff reform. Thousands upon top of thousands who have been acting with that party are deserting it and joining the Democratic party, on whose banners are inscribed in letters of living light, "Tariff reform and an honest and economical administration of the Government." Under these banners they will march in triumph to victory in November next. In advance of that victory the people are looking to this Congress to break the shackles which have bound them for nearly a quarter of a century.

Just as long as it was necessary to raise a revenue to meet the obligations of the Government, although it resulted in enriching the manufactures of the country, they did not protest; but when there is no longer a necessity for the imposition of heavy burdens and the Treasury is overflowing with money they are unwilling longer to have the results of their sweat and toil pour into the pockets of the "favored few" to swell their princely fortunes. I deny that the reduction of the tariff will be detrimental to the interest of labor. In the first place wages are high in this country on account of the natural advantages we have over other countries.

Our vast territory of rich soil enables the people by the use of the best machinery of any nation in the world to have a large product of labor, and in the next place the import duties on the necessaries of life average 40.91 per cent., and by reason of this tariff the home commodity is enhanced often to the full extent of the tariff duty; consequently wages must be higher than in countries where no such duties are imposed. But if these duties were taken off wages would not be reduced a greater per cent. than they are increased by reason of the tariff; consequently the purchasing power of the wages paid would be equal to that which is now paid. "It will stimulate imports, increase competition from abroad, which can only be successfully met by reducing the cost of labor or material, or both, of the home product." I have already shown that a reduction of the tariff can not injuriously affect labor.

The stimulation of imports and the increase of competition from a reduction of tariff duties would be of great benefit to the whole people, except the greedy manufacturer. It would cut down his 37 per cent. profit on his capital to a reasonable profit, and thus enable the workingman to save some of the fruits of his labor. Nothing is truer than that statement, which has been made a thousand times, that under the operations of the protective-tariff system the rich have been made richer and the poor have been made poorer. It has created powerful monopolies all over the country, and they have made combinations to perpetuate their power, and when there is an attempt to reduce the heavy burdens on the people they are always on hand to resist it. The result of these oppressions has been to divide the people into two classes, the rich and the poor, between whom there has been engendered a feeling of bitterness, and thus the whole social economy is being disturbed.

A reduction of tariff duties will not reduce the cost of material of home products. It is a well-settled principle in political economy that the cost of any commodity depends upon the supply and demand. This principle holds good in every article of commerce.

Another objection urged by the minority of the committee to the passage of this bill and the reduction of the tariff is, "the proposed reduction will inevitably increase foreign importations, and as a consequence will, as all experience teaches, increase our revenues, to which every interest of the country is opposed. I will not stop to inquire whether the result would be as stated; but if it be true, it affords a splendid opportunity for doing that which it is very desirable should be done—abolish internal taxation, and thus relieve the country of that army of collectors, deputy collectors, gaugers, storekeepers, clerks, inspectors, and other employés engaged in that department. The whole theory of the protectionists is a sham and a falsehood.

The hideous monster is being unmasked. The thin veil of hypocrisy is being removed. The constantly increasing facilities for the diffusion of knowledge among the masses of the people have afforded them an opportunity for the investigation of the various questions affecting their interest, and they are now coming to their own conclusions, and are no longer deceived by designing demagogues. Information is no longer confined to the great centers of thought, but the most obscure corners of our country are supplied with abundant means of information. The subject of the tariff is better understood by the masses of the people of the United States to-day than at any previous period in her history. Hence the urgent demand made by the large majority of the people for relief from this terrible slavery. The reduction of the tariff will not close the manufactories, neither will it be detrimental to manufactures, but on the contrary will stimulate them, by enabling us to export more largely than we do now under the present system. This proposition is based on sound reason, and philosophy and history demonstrate its truthfulness.

This country possesses advantages for manufacturing superior to any country in the world. In her bosom lie embedded inexhaustible mines of coal and iron. Her water-power is unequaled. The vast cotton fields of the South, the illimitable plains of the West for the raising of sheep, the magnificent forests, and the finest machinery of any country, all combine to invite the enterprising to utilize these great agencies of wealth; but on account of the irrational and outrageous tariff system, adopted in the supposed interest of manufacture, they remain comparatively unappropriated, and thus by unwise legislation these grand gifts of nature for the extension of the glory and grandeur of our country are thrown away. This miserable system of protection has crippled our enterprise, and other countries more wise are reaping a golden harvest from the trade of the world. Shall this condition of things longer exist, or shall the American Congress be equal to the importance of the subject, and by a wise reduction of tariff duties place our country where she justly belongs, in the lead of the world commercially.

It has been truthfully said that experience is a wise teacher. Let us be taught by the experience of other nations. Forty years ago England had a protective tariff, and under it her manufactures went down to the lowest ebb. After a long experience she discovered the secret of her drooping industries. The protective tariff was taken off, and the result was that her manufacturing interest began at once to revive, and she stands in the front rank of the commerce of the world. Not only have her manufacturing interests been promoted, but wages were raised from 30 to 50 per cent. As a further proof of the fallacy of the argument of the protectionists, wages are higher in England without protection than in Germany with protection. England employs in her textile industries about 1,000,000 hands and 650,000 hands in her metal manufactures. Her manufactures are found everywhere.

In 1881 in woolen goods and yarns the exports of England were $103,000,000, and the United States only $400,000. This is a most humiliating exhibit for this great country. The American mills, as shown by the distinguished gentleman from Ohio [Mr. HURD] on this floor a few days ago, can manufacture double what they now do. Why is this? The answer is easy. The enhanced price of the manufactured article on account of the duty on wool has placed it out of competition with the foreign article where no such tariff exists. The mills are not in operation more than half the time.

Another humiliating spectacle is presented by the United States in the exports of her cotton goods to those countries which by reason of location are our natural customers. I mean Mexico, Central America, British Honduras, British West Indies, United States of Colombia, Venezuela, British Guiana, Brazil, Uruguay, Argentine Republic, Chili, Ecuador, and Peru.

In 1880 the exports to these countries from the United States were $3,899,400, while England to the same countries exported $51,235,000, $48,335,600 more than the United States. England buys our cotton, manufactures it, and sells the manufactured article so cheap that we are driven out of the markets almost at our door, and all the result of our tariff system. The textile fabrics made in this country are $521,300,000; of that amount we export $10,216,576 and import $122,350,000. Sir, this is an alarming state of facts, especially in view of another important fact, and that is the danger of our agricultural products being excluded from foreign nations.

The agricultural industry contributes 77 per cent. of the whole of our exports and the manufacturing only about 12 per cent. Our agricultural exports have very largely increased in the last twenty years. In 1880 the value of our breadstuff exported amounted to $288,000,000 and provisions to $152,000,000, so that the exports of our grain and provisions are of the highest importance to us. While we have had this large export trade in grain and provisions for many years, there have sprung up some powerful rivals in the grain trade, to wit: Russia, Australia, India, Algeria, and some other countries. They have been watching with jealous eye this large trade in grain, and are determined to compete with us for it. There has been a fresh impetus given to the production of grain in these countries, and already we have felt its influence. It is estimated that we have exported 40,000,000 bushels less up to this time than was estimated. The cause no doubt is that India and the other countries I have mentioned have largely increased their exportation the last few years.

In 1879 India exported 2,000,000 bushels; in 1880, 4,000,000; in 1883, 36,000,000. The soil of India is as well adapted to the cultivation of wheat as that of the United States. It is estimated that she has 20,000,000 acres adapted to its culture, and that these lands are constantly being improved and becoming more productive, and it is esti-

mated that instead of 240,000,000 bushels now produced in a few years the yield will be double, so that with the constantly increasing exports from these countries with their cheap transportation they will drive the United States from the markets she has heretofore had. England, always watchful of her interest, is encouraging India, and is doing everything she can to cheapen the carrying of her products.

The great danger now to the United States is that by reason of the encouragement given those countries, and especially India, in the raising of grain, there will be an overproduction, and one of our important exports will be cut off or greatly crippled. The protectionists, recognizing the situation, have seized upon these facts as arguments in favor of their theory. They say, threatened with the loss of foreign markets for our breadstuffs, we must extend our home market, the establishment of diversified industries, the increase of workers in trades, manufactures, commerce and transportation, who will exchange their labor for the products of agriculture, the creation of a home demand for the fruits of the earth.

Sir, it is the greatest folly to talk about throwing up a Chinese wall around the United States and confining her industries within her own limits. They say that if our farm-stuffs are not going abroad more than ever do we need protection, in order that we may find use for them at home. I admit, in view of the facts I have referred to in reference to our grain exports, that it is necessary that labor should be diversified, so that if there is an overproduction of agricultural products the laborer can find employment in manufactures; but that can never be done as long as the protective tariff policy is adhered to.

History shows that a high tariff is detrimental to the manufacturing interest. I have shown that when England had a high tariff her manufactures drooped, but so soon as the burdens were removed they sprang into new life, and are in more prosperous condition to-day than ever before. From 1850 to 1860, when the United States had the lowest tariff she had had since 1812, her manufactures increased more rapidly than they ever did before or since. So that the only way to meet the dangers from overproduction of agricultural products is to encourage manufactures, and take from agriculture a part of its productive power and place it in manufactures and thus diversify labor, which can only be done by removing the burdens on raw material and thereby cheapen the cost of production and cheapen the cost of transportation.

Sir, the laboring people all over this country are becoming alarmed, and well they may be. They are looking forward to the near future with fearful apprehension. They are constantly on strikes for higher wages. Manufacturing establishments are constantly suspending operations and the operatives thrown out of employment. The result of these things is that they are forming powerful associations everywhere for the purpose, if possible, of averting the terrible storm that is threatening to burst with fearful fury upon their heads. They have seen powerful corporations and monopolies made rich off their labor and toil, and when they appeal to the legislative department of the Government for relief they are met by these corporations and monopolists bringing all their power to bear to prevent them from being relieved.

The laborer and mechanic have made America the grandest country on the earth. They have transformed the wilderness into the fruitful fields and flowery gardens. Beautiful cities have sprung up all over this fair land by their magic touch. They have brought the remote parts of this large country into almost daily communication by means of railroads. And yet as a reward for their toil and labor their lives are made miserable by employers and corporations. This condition of things can not much longer exist. Those laboring men who have brought the country to her glory and greatness will assert their rights and their power at the ballot-box, and will hurl from power the party which has turned a deaf ear to their petition for clothing and bread for their wives and children. The laboring man is told by the protectionist that it is for his benefit that manufacturers must be protected. The manufacturer tells him unless his "industry" is protected he can not pay him wages adequate to his needs. I will call your attention to some facts to show the generous sympathy he has with the laborer who works in his factory.

The census reports for 1880 show there were in the United States 1,005 establishments engaged in the production of iron and steel. They employed 133,203 males of the age of over 16 years, and, including 66 females, 7,775 below that age. The capital invested was $230,971,874. The whole value of the steel and iron products is stated at $296,557,685. The materials used were $191,271,150, and the wages paid were $55,476,785. The total amount of materials used and wages paid amounted to $246,747,935, which, deducted from the total value of the products, leaves $49,809,750, the gross profits, which is equal to 21.56 per cent. on the capital invested, while the wages paid to the employés amounted to $393.50 per annum per capita, or $1.31 per day. In the same year it is shown in the steel manufacture the profit on the capital invested was 67 per cent., and the average wages paid was $1.50 per capita per day.

The iniquity of protection is made further and more strikingly manifest when the operative comes to expend the wages he has been paid for clothes to protect his children from the cold blasts of winter. He pays back to the manufacturer $1.64 of his wages for one dollar's worth of the goods he himself has manufactured. In other words, his dollar of wages pays for 36 cents of goods. He is told that unless the manufacturers are protected he will be in the same condition of the pauper laborer of Europe. Protectionists are constantly parading the condition of the laborers in the factories of England. They represent them as being in a most miserable and wretched condition of poverty and almost starvation, but occasionally we find a protectionist who has investigated the subject to learn for himself whether or not what he has heard is true of their condition, and to make history true he speaks out that frankly which he has seen.

A correspondent of the Pittsburgh Dispatch, a protection paper, writing from Birmingham, England, which is one of the largest manufacturing places in the United Kingdom, says:

> And now let me say briefly, and once for all, that a careful inspection of the localities where working people most do congregate in this wonderful world of manufactures has proved to me, as it will prove to any one taking similar pains, that here, where one expects to find pauper labor by comparison with America, there is a condition of comfort in habitation, clothing, and food which can not be exceeded in any Americanmanufacturing locality. This may be treason, but if it is, my protectionists friends are at liberty to make the most of it. I do not assert that the condition of these workmen is what it ought to be. I only assert that if it be worse than that of American workmen, then the difference is concealed with wonderful success. I am not advancing, by any means, the opinion that it is time to apply the theory of free trade to America, but merely reiterating what I have often said and always believed, that the assertion of Republican politicians that protection was in the interest of the workingman was buncombe, for if it was of any benefit at all the workingman got none of it, but the capitalist all.
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> If I was not altogether certain of my premises then, I am now. I will agree to exhibit better houses for working people, with just as ample food and comfortable clothing and as many bank deposits in this Birmingham district, according to ratio of population, as can be found in any manufacturing district of America. It would make the most loyal Pittsburgher ashamed of his own city to note here the actual superiority in comfort and cleanliness of the streets and houses where live the common working classes. Courts, alleys, and domiciles are clean, and lack the foul odors which are smelled everywhere on the back streets and alleys of Pittsburgh. I searched in vain for a plague-spot. I asked for the location where there were the most poor and went there. I propounded all sorts of impudent questions to the inhabitants. I penetrated to the obscurist courts and alleys, making inquiries for imaginary persons my excuse, and my conclusion was that so far as we must have a poor class—a class which must struggle hard for bare necessaries—it would be well to have them live as they do here, if possible. Everything, too, speaks of good government. Hell-holes, such as exist in some parts of Pittsburgh, seem to be unknown here. The gin-mills and tap-rooms are compelled to close promptly at the hour fixed by law. To judge from the police statistics, crime is here reduced to a minimum.

The same appeals made to-day to the laborers of this country by the protectionists were made to the laborers of England forty years ago when she had a high protective tariff as we have now. The laborer was told then that if the tariff was reduced the manufactories would be closed and they thrown out of employment and that their wives and children would come to want. The most frightful pictures of ruin and desolation were constantly presented to their gaze. They were kept in doubt and uncertainty. They were told that the importation of cheap goods coming in competition with their manufactures would close their mills, shops, and founderies, and that bankruptcy and ruin would ensue. These are familiar arguments to us. We have heard them on the other side of this House from the beginning of this discussion. Under the withering blows struck at the monopolies of Great Britain she was induced to reduce her oppressive tariff duties. Did it close her factories, mills, and shops? Forty years' experience answers the question. In 1840 her exports of merchandise amounted to the sum of $310,000,000. In 1882 her exports of merchandise amounted to $1,533,000,000.

The laboring people in the United States, as they did in England, have come to the conclusion that the arguments of the protectionists for a high duty on imports are a fraud and a delusion. About five hundred of the Paterson silk-weavers I learn have prepared a memorial to Congress asking that the policy of high protection on imports be abandoned.

Their reasoning, as gathered by a reporter of the Sun, is as follows:

> No matter what the tariff was, the working class received no benefit from it; their wages were neither advanced when the tariff was increased, nor were they reduced when it was lowered; their condition is worse every day, while the manufacturers have all got rich, build mansions, drive fancy turnouts, extend and beautify their mills, and live a life of luxury, all on the strength of the protective tariff, which is supposed to benefit employé and employer alike, but which in fact benefits the latter.

Sir, the issue is squarely presented in this bill. Shall there be a reduction of the war tariff of 20 per cent., or shall the same oppression remain upon the people which has been upon them for twenty years? Shall the poor workingman still continue to contribute his labor for the further enriching of the manufacturer? These are the questions which this Congress must settle. I appeal to the Democratic members of this House to stand by the traditions of the party, and come to the rescue of an oppressed people. The reductions proposed are moderate and reasonable. Shall this Congress, with a surplus of over $100,000,000 in the Treasury, still continue that surplus by taking it from the pockets of the people?

The Republican party, under the pretext of raising money by high import duties to pay the public debt of the United States, have betrayed the people and turned them over to the tender mercies of the monopolists whom they have created all over this country. Under the protective policy of that party the large part of the wealth of this great nation has been centered in the pockets of a few individuals. If this protective policy is continued much longer, almost the entire wealth of this country

will be held by a few intolerant moneyed aristocrats, and the great body of the people will be hewers of wood and drawers of water for them.

Mr. ROWELL. Mr. Chairman, it had not been my intention to speak upon this bill. So many members more experienced in legislation than myself have manifested a desire to engage in the tariff discussion that I had determined to content myself with attending to those duties assigned me in this Congress. But it is now evident that party alignments are to be made upon the tariff issue in the approaching Presidential campaign, and, holding very decided views upon the questions involved, I shall take the opportunity offered me at this session to express them as the discussion proceeds. I hear the Democracy called upon to rally around their traditions, and I am not surprised; for about all there is left of Democratic principle is a tradition.

Had I not believed it before I should now be certain that there is a resurrection, for the discussion upon this bill and every other political discussion in this House since the present Congress assembled has been a constant resurrection of dead and buried doctrines. The small-clothes of an infant Republic are brought out from the closet, held up to our admiring gaze, and the great nation of to-day is asked to clothe itself in these habiliments of fifty years ago.

After nearly a quarter of a century of prosperous existence under a tariff system designed to protect and encourage American industry, we are invited to a review of its effects, and the Democratic party, encouraged by its return to power in this House, now appeals to the people for approval upon the issue of tariff reform and ultimate free trade, and we have just been gravely told that the election of this Democratic House was a deliberate approval of its tariff policy and a command to proceed with the work of re-establishing the doctrines of old-time Democracy.

Now, I do not remember events just that way. It occurs to me that the last national campaign in which the tariff was made a distinctive issue was in 1880, and that the result of that campaign was the election of a Republican President and the return of a Republican House to succeed a Democratic one.

If my memory is not at fault, we were settling some of our family difficulties two years ago, disciplining each other in a friendly way, so that we might be the better equipped for the contest of 1884, and thus you gentlemen of the other side got the benefit of our dissensions.

If gentlemen are desirous of knowing the will of the people upon the issue presented by this bill they will find it in the verdict of 1880 and the triumph of the Republican party. I am not a prophet, nor the son of a prophet, and am not proposing to make cheap capital by prophesying what will be the result of the election next November. It is sufficient for me to consider what ought to be the result.

If I understand the political philosophy of free-trade and revenue-tariff Democrats, it is that any attempt to direct, regulate, or interfere with the world's commerce or in any way to erect legal barriers against absolute freedom of trade between the people of different nations is wrong in principle and injurious in results, violative of natural rights and destructive of individual prosperity. Because import duties at the ports of entry do interfere with the freedom of trade between this and other countries, according to the doctrines of the free-traders they ought not to be imposed. On the other hand, those of us who do believe that it is within the legitimate province of law to encourage and build up the industries of the country assert that it is not only not injurious but is productive of the greatest benefit to impose such duties, not only to obtain revenue but to protect our labor and preserve our market. And yet the Democratic party, in another direction, is a protectionist party, for they joined us in enacting a law to prevent Chinese immigration, an act both of protection and prohibition.

What, pray, was the purpose of that law if it was not to protect the American laborer from being obliged to compete in the labor markets of this country with cheap Chinese labor? To be consistent you ought to repeal that law and to vote against that other bill now upon the House Calendar, to restrict foreign immigration to this country under labor contracts, a bill which I venture to assert very few of your number will care to oppose. The Chinese have learned to live cheaply, to have few wants and fewer hopes, and can therefore, if permitted to come freely to our shores, drive American labor out of all the labor markets or force them to come down to the Chinese standard of living and acting. Can any gentleman point out the difference between the Chinaman supplying our markets with the product of his labor here or the product of the same kind of labor in his own country? In either event the profits are not retained here to beget new industries and enhance our wealth.

When I am told that it is not the province of the law-making power to interfere with the natural laws of trade, that commerce knows no national boundaries, and that it is an interference with natural right to deny to other nations as free an entrance into our markets as is enjoyed by our own citizens, I answer it is and ever has been and ever will be the business of legislation to supplement the labors of individuals in directing, diversifying, and augmenting the industries of the country.

In opening common highways, in aiding the construction of railroads and canals, in tunneling mountains and bridging rivers, in improving rivers and harbors, in establishing post-routes and telegraph lines, we are but using the law-making power to bring the people and the products of their industry into useful communion and profitable interchange. We are simply making it possible that the wants of the people may be supplied, that life may be made enjoyable, and the products of labor may find a market. We pass laws to regulate the traffic on railroads.

We limit the amount which may be taken as interest; we fix the hackman's charges and the miller's tolls; we prohibit combinations to forestall the market. Everywhere, in all our statute-books, are laws designed to control and direct and diversify our commerce and trade within our own borders, and no political party is bold enough to question the expediency of such laws. We go further still, and enter the sacred precinct of home, and compel the attendance of children at school. We fix the age and limit the hours for the performance of labor, all very shocking, no doubt, to Democratic traditions of pioneer life or of unpaid labor. In the daily appeals with which we are entertained for a return to the customs of the fathers we can almost hear the music of the spinning-wheel and the hand-loom.

Still I suppose the other side of the House will concede that these laws are tolerable, because they only affect ourselves. It is another question to interfere with the freedom of trade as applied to the inhabitants of other countries. If an English laborer, or even an English monopolist, wants an untaxed entry into our markets for the products of his mill or his mine, it is both unconstitutional and impolitic to deny the privilege, if you are right in your reckoning. It will not do to encourage the opening our iron mines and thereby utilize our natural wealth, or the sinking of coal-shafts that our coal deposits may be made use of, for in so doing we are interfering with the natural right to buy in the cheapest markets. If my lands are less productive than yours, if you can raise corn and wheat cheaper than I can, on that account I must let my lands lie idle and buy of you, because you can afford to sell cheaper than I can produce. It matters nothing that I may be idle the while, that my land may grow up in weeds, its capacities for production be lost; being idle I may have nothing to buy with; still, as it is nature's law and democratic politics, I must be content, forgetting that the proposition is a temporizing one, and that the cheap article of to-day may be the dear one of to-morrow because I have ceased to produce.

Fortunately, theories may sometimes be overturned by facts, and we are not without facts to guide us. From 1833 to 1861, with two short exceptions, the Democratic theory of a tariff for revenue only prevailed in this country. From 1861 to 1865 we were engaged in the destructive business of war, war within our own borders and among ourselves, a war which withdrew millions of our people from the business of producing and engaged them in the work of destruction. For the succeeding ten years we were engaged in repairing the destruction and losses resulting from war.

In the eight years terminating June 30, 1883, our exports of merchandise exceeded our imports more than $1,300,000,000. In the previous forty years our imports of merchandise exceeded our exports $1,600,000,000 in round numbers, specie values.

In that forty years we consumed products of the value of $1,600,000,000 more than we produced in this country exclusive of gold and silver and not including permanent improvements and property on hand and used in business. From 1835 to 1861, inclusive, there were only seven years in which we exported more merchandise than we imported.

And yet, after we had recovered from the effects and made up the losses resulting from war, and a sufficient time had elapsed for the results of our protective policy to be fully manifested, it only took eight years to make up all except $300,000,000 of this poverty-producing drain upon our resources.

In the same forty-eight years we exported more than we imported of coin and bullion more than $1,000,000,000, and in the forty years, not including the last eight, $1,100,000,000 in round numbers, so that some $700,000,000 of this sum must have gone to pay interest on the debts created by this policy of buying in the cheap markets of other countries instead of encouraging the development of our God-given resources, keeping our money at home to employ and pay our own laborers, to increase our wealth and means of happiness. Here was gold and silver amounting to two-thirds as much as all of our coin and paper circulation to-day sent out of the country, most of it to try the costly experiment of competing with the accumulated capital of centuries, the cheap labor, the grinding poverty, and the buried hopes which Old World systems have produced. More than $400,000,000 of this coin and bullion went out from us between 1850 and 1860.

By the acquisition of California and the discovery of its rich gold mines we were apparently able to live under this oppressive competition, but in 1860 we discovered that it was but an appearance. With this gold kept in the country it would have been impossible for our banking system to have collapsed as it did. With this gold retained in the land of its production a paper currency, with a nation's wealth pledged for its redemption, could not have been discredited so that $2 of it were worth less than one of coin.

If low tariff means anything it means larger importations and less consumption of home products, and therefore less work for American laborers, unless at the same time this system enables us to find a larger market abroad.

It is a little difficult to discover the wisdom of transporting our products to distant countries when if we will we may have a market for the same product at home. The export and import statistics prove that low tariff does not enlarge our foreign market. Stated concisely, free trade or a tariff for revenue only mean unrestricted competition with the capital, the labor, and the methods of living in all countries. It means that the American producer of whatever kind must be able to place his goods at the door of the consumer and sell them as cheaply as can the English or German or French or Chinese producer, and at a living profit, or that the American producer must surrender the market to his foreign competitor, and by so doing again narrow the field of competition and leave the consumer once more at the mercy of the importer. Free raw material means that the American mine-owner and his workmen must place his ore and his coal at the door of the manufacturer in free competition with the same class of producers in other countries, and, failing to do so, must leave his ores unmined, his coal in its native bed, and so again narrow the boundaries of competition and remove an inducement to fair profit and reasonable prices; and this is done at the expense of sending our money out of the country and of leaving our native wealth unused.

In discussing the wool question a few days ago the gentleman from Ohio [Mr. HURD] urged a reduction of the tariff on wool, that we might have cheap woolens, cheap clothing for the laboring men, and then, with ready resource, he showed to the wool-growers that low tariffs in the past had resulted in high-priced wool.

His figures were correct, the process simple; with our markets thrown open to an almost unrestricted entry of foreign wools and woolens, who wonders that the flocks went to the slaughter-houses, that a great industry was destroyed, that production was diminished, that the price of wool went up, that cheaper clothing proved a delusion, and that the balance-sheet of trade against us grew larger and larger, while the demand for labor grew less and less.

Since the commencement of this session of Congress we have heard almost daily complaints that England has usurped the carrying trade on the high seas, and that the glory of the American merchant marine has departed. It is claimed that this result has been brought about by high tariffs; that if we were permitted to invest our money in English raw material and import free of tax we could then build iron ships and compete successfully for ocean traffic. Again I ask gentlemen to use their memories. I trust they have not forgotten that our shipping was driven from the seas by English cruisers; that while we were engaged in a life and death struggle for American unity England was lending aid and comfort to the enemy and at the same time taking possession of the carrying business on the sea. That when we were able to turn our attention to this business we found ourselves superseded, and were driven to commence anew to build a merchant marine to compete not only with the possession, but with wealth untold.

But it does not stop here. Free-trade England, with all her faith in the efficacy of her theories, especially when she wants an opportunity to drive us out of our own markets, was not content to allow even this unequal competition. With bounties liberal beyond measure, with release of taxation, with liberal protection, she has made competition impossible.

If there is any conclusion to be drawn from this condition of things, it is that protection of some kind has enabled England to hold on to her ill-gotten advantage, and that America must reduce the price of all labor which enters into ship-building and the production of building materials at least 30 per cent. before she can build ships as cheaply as England can; that we must give equal bounties and employ English seamen before we can use the vessels when built; and taken together it proves that we can not open our markets to free competition without a destruction of a large part of our industries, and consequently of our power to keep our millions of wage-workers in profitable employment.

The gentleman who has just taken his seat has drawn us a picture of American poverty. Other gentlemen during the course of this debate, by a curious system of figuring, have shown us what insignificant wages our American laborers, skilled and unskilled, are earning as compared with the cost of living, all intended to show how happy the English workman is under free trade and how miserably poor the American laborer is under protection. I shall not be surprised to hear it demonstrated before this discussion ends that the greatest boon that can be given to our laboring people is a decrease of wages. It may go to the extent that no wages at all would be a blessing if coupled with the privilege of looking at well-filled stores of cheap foreign-made goods.

Of course we have poverty here. It is landed upon our shores in the shape of 600,000 men, women, and children from across the water every year. An army of unskilled laborers, most of them moneyless, unaccustomed to our ways of living and working, strangers in a strange land, come hither to our tax-oppressed land to find a home and the work and the pay that they could not find in the land of their birth. But they are not America's poor; they are Europe's poor. And because American enterprise and capital can not always develop new industries fast enough to absorb this never-ending tide of unskilled labor, our protective system is held responsible. What other nation ever did or ever could take care of such an emigrant army of full-grown workers—workers who must find employment or starve?

Is our system to blame because we have not yet discovered some statutory process of creating wealth, that we may distribute it to them on their arrival? They know, if you do not, that the strong, the temperate, and frugal come here to prospective homes of comfort, to schools for their children, and to declining age unfretted by care for the morrow. We have no need to consult the tables in the Census Reports to know that the largest half of our laboring population, foreign and native, live in homes which they own. We need only consult our memory and then use our eyes to know that we have largely increased our means of comfort since 1861.

Compare the furnishing of the houses of to-day of the farmer, the cottager, laborer with the furnishing of twenty-five years ago, and it is a transformation that centuries have failed to work in other countries. Under a protective tariff we have learned to earn, to produce, and to appreciate these comforts—the luxuries of other lands; and we have done this without enhancing the price.

I had occasion a few days ago to find out the retail price of such articles as the farmer and the artisan usually buy, in 1859–'60 and in 1883–'84, taken from a merchant's books in a Western village. These goods were purchased in the same wholesale market, means of transportation and other incidents affecting cost not materially changed, and I find that none of these articles are dearer and many of them are cheaper now than they were in 1859–'60, and it must be borne in mind that the retail price is the cost to the farmer and the artisan.

It was asserted last evening in the course of this debate that farmers were heavily burdened in getting their produce to market owing to the heavy duty on those articles which are used in constructing and operating railroads. Yet the freight charges on American railroads to-day are less than a half of what they were in 1860. In short, I assert, without fear of successful contradiction, that everything a farmer buys in the shape of clothing and farming utensils and in the freighting of his produce to market, kind for kind and quality for quality, is cheaper under a protective tariff to-day than it was under a revenue tariff and unrestricted competition with other countries in 1860. Still we are told the farmers are taxed to death or to poverty, and yet we are constantly reminded of the dangers threatening by the sending hither of vast capital to buy up large bodies of our land. Taxed to death, and yet capital is constantly seeking landed investment and we are enacting laws to preserve our unoccupied domain for the use of the actual settlers.

If gentlemen would learn the secret of this enhancement of the value of lands they would find it in the fact that a farmer's outgo s for all he requires to cultivate his farm, except labor, are less and the net selling price of his products is greater than under the old tariff system. I am not unmindful of the fact that from 1873 to 1880 farm lands were greatly depressed in price in the Western States; nor am I unmindful of the other fact, that in the flush times of inflated currency, when speculation was rife, we borrowed largely from the East and from Europe and mortgaged our farms to secure repayment, and that thereafter we sent away all the net profits of farming to pay the high rate of interest, so that nothing was left to stimulate trade, to develop new industries; and as a necessary sequence when pay-day came we were unprepared for it, our lands were thrown upon the market for what they would bring, and that many men were bankrupted before we finally lifted the incubus of debt from our shoulders and ceased to pay tribute. And I remind gentlemen that our experience is but another illustration of the danger of importing more than we export, and the consequent drainage of money from the country.

Again, I invite attention to a matter of common knowledge, and that is that in every considerable village or city in the North and West where there are enterprising men substantial inducements are being held out to attract manufacturing industries, and that wherever these industries go they are followed by increased prosperity not only for the city or village but for the surrounding country, for they attract population, bring the consumer and the producer nearer together, lessen cost of transportation, make a market for a large class of farm products that would otherwise be valueless and which not infrequently determines the question of profit or loss in farming.

Go to any little village which for twenty years has not increased beyond a hundred inhabitants, whose business is represented by a store, a blacksmith shop, and a corner grocery. Start a tile factory or sink a coal shaft, something to make use of nature's wealth and give employment to labor, and in two or three years the little village has grown to a thousand inhabitants with a thousand mouths to be fed, and a new farm market has been built up.

Mr. PETTIBONE. And eggs are selling higher.

Mr. ROWELL. Yes; eggs are selling higher. They have increased from 3 cents to 12½ cents per dozen—no small item, for according to the last census report the egg product of the country was worth $55,000,000.

Now, Mr. Chairman, what does all this mean? It means that in this country the Almighty has planted wealth under the hills and under the prairies! It means that our whole country is a vast field of agricultural wealth! It means that we possess almost everything within our borders necessary to a nation's happiness, its prosperity, and its growth in wealth and intelligence.

What does free trade with other countries mean? It means that the coal shall continue to slumber in its bed; that the iron ore shall be left

where it was planted; that the water which ought to turn the factory wheels shall go on unused to the ocean; it means that because under other systems of government, with other hopes and aspirations, men have learned to live cheaper; to have fewer wants and to expect to end their lives in the workhouse. We must conform to their methods and teach our people to live as they live and endure as they endure, so that the rich may remain rich and the poor may be always poor, and remain always with us.

If cheapness and unrestricted competition is what we are after let us take down the bars against Chinese emigration. Let every workhouse in Europe open its doors and pour upon us its poverty-stricken inmates, so that we may have the cheapest of cheap labor.

For one, I am unwilling that America shall conform its system of government to that of any of the nations of any continent. I am unwilling that Old World methods which have hardened humanity, which have crushed out hope, shall be transplanted here. Here we have fifty-five million people to compete with each other and not a slave among them. Here all are equal before the law, and all avenues of preferment are open to the rich and the poor, the high and the low alike. It would seem that here is sharp enough competition to keep profits within the bounds of reasonableness and to make a fair distribution of the good things and the burdens among all the people, and that to open up our ports to the untaxed entry of foreign products such as can be equally well produced here is unfair competition, a world-wide competition, which must in the end compel a readjustment of our methods of life, which will leave us all the burdens and transfer to other countries a large share of the good things which are ours by right of our fortunate position, our magnificent country, our intelligent population, and our liberal laws.

It is this home competition which regulates prices, whether of home or foreign products consumed here. It is unequal competition with all the world that in the end destroys our own industries, our own competition, and eventually enhances cost to the consumer. The conclusion is irresistible; under our present system of tariff duties foreign producers pay the largest share of the expense of our Government, and to that extent relieve our own people of the burden, so that our tariff instead of being a tax upon the people is a release from taxation, and the passage of this bill will not only not relieve the people of the burdens of taxation but will inevitably increase them.

We hear a great deal about monopolists in this debate. A man who happens to own a coal bank or an iron mine or a factory and has means to employ labor is in the Democratic vocabulary a monopolist, and to get rid of the evil we must cease to have employers in this country, so that we may have the privilege of buying from the monopolists of other countries. We must have no employers, for then we shall have something to sell and somebody to buy, somebody besides the food-producers, and it might interfere with our ability to furnish Europe with cheap food in exchange for her cheap manufactures.

We are continually told how prosperous we were under Democratic revenue tariff, and how our prosperity has departed under the present duties. Have gentlemen been sleeping a Rip Van Winkle sleep for the last twenty years, are they still asleep, and unmindful of the rapid strides we have made as a nation? Are they unmindful of the fact that in that time we have fought through a war unparalleled for its destruction of property; that we have recovered from its losses; that we have attained to a national credit scarcely equaled by the oldest and richest nations; that we have reclaimed an empire in the Northwest and West and dotted it all over with prosperous homes; that cities have sprung up as if by magic, and that the seaboard has ceased to be the center and home of our manufactures?

Have you kept your eyes closed in your travels over our broad country? Whether we study the census reports or make use of common knowledge, from the utter collapse of business and threatened universal bankruptcy in a time of profound peace in 1860, as a result of Democratic policies now sought to be restored by this bill, we have risen above our misfortunes until we are the marvel of the world. And we are not likely ever to return to those simple habits which belonged to a new country when all were farmers and planters.

The hum of the factory and the smoke of the furnace will continue to fret the Democratic heart while they add to the general wealth and increase the means of happiness among all the people, no matter how earnestly we are bid to return to the good old days of the fathers. One other thing we are told, that the laboring man demands and requires this reduction of tariff. Do you know any place in this country where associated labor is clamoring for free trade? Do you not know that you are trembling at the possible issue of your attempt to pass this bill because the great army of laboring men, knowing better than you their needs and wants, and knowing as you ought to know that the passage of this bill will send many of them out of employment, can not by any party ties be forced to vote against their own interests? You say it is the manufacturers and monopolists who are demanding protection. I say to you that wherever in this country there is a labor organization of intelligent men, men educated in the free schools of America, men who read and understand, who have libraries in their houses, wherever you find associations of men of this character you will find a standing menace against Democracy if you go into the campaign with the Morrison bill for an issue. You can not go before the people and say that this bill does not mean eventual free trade, that it simply makes a horizontal reduction of 20 per cent., retaining the adjustments which Republicans made, because you have declared that this bill is but the beginning. You have said, "Send us back to power and we will make further reductions and changes; keep us in power long enough and we will wipe out all barriers which stand between us and free competition in the world's markets." The issue is made up; by it you must stand or fall. This debate is but the beginning of that wider discussion, which will not stop until it has reached every voter in this land and culminated in a decision at the ballot-box. On our side we welcome the issue and await with confidence the final verdict.

Mr. WOLFORD. Mr. Chairman, I propose to speak some five or ten minutes to-night, hoping to have the opportunity to finish my remarks on some other evening. I propose, in the course of the hour allotted to me, to demonstrate to the satisfaction of the gentleman who has just taken his seat [Mr. ROWELL] and my distinguished friend from Tennessee [Mr. PETTIBONE] that this bill, although it is not the bill that I desire, will increase the demand for labor and increase the price of labor; that it will protect labor.

I propose to demonstrate this by an argument which you can not resist or controvert. I propose further to demonstrate that a properly adjusted tariff (and I agree with the gentleman who has just taken his seat that there will be another tariff bill, another reduction)—I propose to demonstrate that a properly adjusted tariff in this country, one that will give happiness, peace, prosperity, equal rights, and equal privileges to all, is that tariff which levies such duties as are needed to furnish revenues for the support of the Government; and I do not mean a niggardly support of a great Government like this, but support of the Government in the fullest, fairest sense of the term. I mean, sir, to build up our navies; I mean to build up our fortifications; I mean to have money enough in the Treasury of this country to do all this and enough besides to pay our debts. Do gentlemen object to that? Do gentlemen who oppose this bill say that we never ought to pay these debts?

Mr. BROWN, of Pennsylvania. We do not say that.

Mr. WOLFORD. Then why do you object to getting more money into the Treasury? If that is the result of the bill, what objection can there be? I believe that there will be sense enough in the American people to vote for those who support this measure if its effect should be, as I hope it will, to get a little more money into the Treasury. I am not afraid of that. More money in the Treasury—you say the bill will bring more money into the Treasury. I repeat the hope that it will.

I agree with the gentleman who has just taken his seat [Mr. ROWELL] that it will bless the country by bringing more money into the Treasury, although we look at the question from different standpoints. Do you think the Democratic party of this country is opposed to having more money? They think it will go into the Treasury, and they expect to come into power in this country, and when they come into power they will have prudence enough and sense enough not to squander it or waste it upon every corruption like the Republicans have done. You believe they will not take care of the Treasury of this country as in times of old. But I tell you that there is no fear of a little more money in the Treasury as long as it is in the hands of the Democratic party. I would object to it myself if you had the charge of it. But you will not have it.

But do you know, gentlemen, what the amount of the debt is? You tell me that it is $1,400,000,000. That is a large amount of money, but that is not the amount of the debt. Where are your hundreds of millions to meet the payment of your pensions every year? Where is the debt you owe the Indians? Where is the money to meet the tens of thousands of debts of all kinds over the country that you have not yet had audited—debts created by the war, but which will be paid and should be paid? Claim after claim will come, several hundred thousands of claims which have not yet been allowed, and expenditures of every kind that must be met, and I make the assertion, and I defy any man of reasonable sense to contradict it, that before you get through with it the debt will amount to $2,000,000,000. That is a great debt and you have got to met it, and are gentlemen a little afraid lest we will get too much money in the Treasury? Then, in addition to what I have said, you have got to educate the children of this country. There is a bill passed by the Senate to aid the States in the education of the children of the country.

Mr. BROWN, of Pennsylvania. You are talking like a Republican now.

Mr. WOLFORD. Well, if the Republicans would talk that way and act that way we would soon get clear of all difficulties. [Laughter.] But I say there is a bill for that purpose.

Mr. BROWN, of Pennsylvania. That bill has passed the Senate, has it not?

Mr. WOLFORD. Yes, and it will come to this House, and I hope you will vote for it.

Mr. BROWN, of Pennsylvania. Of course I will. It came from the Republican Senate.

Mr. WOLFORD. I do not care where it came from; it is a good bill, and I hope you will support it. You will find that the Democrats are willing to spend money when they get it under their control, and

they will spend it wisely and honestly, and the Democrats are not afraid to have too much money in the Treasury so long as they control it. They have no objection whatever to its being there. Now I want to talk on this subject for a very few moments, then I will yield to a motion that the committee rise, and conclude my speech hereafter. I say, sir, that the Democrats might be a little afraid to trust you Republicans with it, but they will not be afraid to trust themselves. They do not object to that; but I will tell you what they do object to and what the heart and soul of the whole of the freemen of free America object to. They do object to what you call protection. They want to strip it of its falsehood and fraud; and they object under the name of protection to parties that need no protection laying a heavy tax upon them. That is what they object to and protest against.

Mr. MORRISON. Will the gentleman now yield for a motion that the committee rise?

Mr. PETTIBONE. Go on for twenty or twenty-five minutes longer.

Mr. WOLFORD. I will give way; and if you will come here on Saturday I will convince you of your folly. I will yield for the motion that the committee rise.

Mr. MORRISON. Then I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. ADAMS, of New York, having taken the chair as Speaker *pro tempore*, Mr. COSGROVE reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, had come to no resolution thereon.

And then, on motion of Mr. MORRISON (at 10 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Petition for an appropriation of $1,000 for survey, &c., of Osage Run from mouth to Linn Creek, Missouri—to the Committee on Rivers and Harbors.

By Mr. BUCHANAN: Petition from citizens of Talbot County, Georgia, praying for the passage of the Senate educational bill—to the Committee on Education.

By Mr. CANDLER: Petition of citizens of Hall County, Georgia, for the passage of the Blair bill—to the same committee.

By Mr. CASSIDY: Resolutions of the Bar Association of Salt Lake City, relative to the salary of the chief-justice of Utah—to the Committee on the Judiciary.

By Mr. CLAY: Petition of H. C. Wilkey, postmaster at Columbus, Ky., for reimbursement for postage-stamps, &c., taken from his office by burglars—to the Committee on Claims.

By Mr. DUNHAM: Petition of the president, directors, and members of the Chicago Board of Trade, favoring the passage of the bankrupt law—to the Committee on the Judiciary.

By Mr. ERMENTROUT: Memorial of D. R. Clymer, in favor of Government letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNEY: Petition of I. W. Ellis, Reuben Saunders, and others, citizens of Blount County, Alabama, favoring the passage of Senate bill in support of common schools, &c.—to the Committee on Education.

By Mr. HANBACK: Petition of certain citizens of Lincoln County, Kansas, relating to the distribution of certain documents for use of public schools—to the same committee.

By Mr. HARDY: Petition of William L. Carr and Lottie A. Carr, for the extension of the term of the letters patent granted to William S. Carr—to the Committee on Patents.

By Mr. HART: Resolutions of Carey Johnson Post, Grand Army of the Republic, of New Vienna, Ohio, relative to pensions—to the Committee on Invalid Pensions.

By Mr. HERBERT: Petition of the Montgomery Chamber of Commerce, of the directors of the Alabama State Fair Association, of F. C. Randolph, C. T. Pollard, and others, in favor of an appropriation to the New Orleans Cotton Exposition—severally to the Committee on Appropriations.

By Mr. LAIRD: Resolutions of Seward Post, No. 3, Grand Army of the Republic, Department of Nebraska, relative to pensions—to the Committee on Invalid Pensions.

By Mr. MAGINNIS: Resolution of Ben Hopper Post, No. 4, Grand Army of the Republic, Department of New Mexico, relative to pensions, &c.—to the same committee.

By Mr. MILLARD: Resolutions of Dawson Post, Grand Army of the Republic, Spencer, N. Y., relative to pensions, &c.—to the same committee.

Also, petition of the bricklayers of city of Binghamton, N. Y., relative to labor contracts, &c.—to the Committee on Labor.

By Mr. MORRILL: Petition of Company B, Kansas State Militia, Robinson, Kans., asking for the passage of H. R. 5980—to the Committee on the Militia.

By Mr. OATES: Petition of Isaac F. Culver, county superintendent, &c., and 52 others, citizens of Bullock County, Alabama, in favor of the passage of the Blair educational bill—to the Committee on Education.

By Mr. PAYSON: Petition of sundry citizens of Washington Territory, for the forfeiture of the Northern Pacific Railroad land grant—to the Committee on the Public Lands.

By Mr. ROSECRANS: Resolutions of the Chamber of Commerce of San Francisco, Cal., for the immediate completion of the ironclad Monadnock—to the Committee on Appropriations.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., for the appropriation recommended by the Secretary of War for more suitable and permanent accommodations at the Presidio military reservation at San Francisco—to the same committee.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., relative to the opinion of the Attorney-General in regard to goods in United States bonded warehouses of class 3, and asking that such opinion be not enforced for ninety days—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., asking that the work of improving the Sacramento and Feather Rivers be continued, and urging the resurvey of San Francisco, Suisun, and San Pablo Bays—to the Committee on Rivers and Harbors.

By Mr. SENEY: Petition of F. M. Kelly, J. H. Hodge, and 31 others, ex-soldiers of Seneca County, Ohio, for the passage of pending bills to relieve ex-soldiers—to the Committee on Invalid Pensions.

By Mr. SNYDER: Petition of citizens of Greenbrier and Monroe Counties, and of citizens of Fort Spring, W. Va., relative to Sunday mails—severally to the Committee on the Post-Office and Post-Roads.

By Mr. E. B. TAYLOR: Memorial of Burnham Post, Grand Army of the Republic, relating to pensions—to the Committee on Invalid Pensions.

By Mr. H. G. TURNER: Petition of J. N. Evans and others, and of the grand jury and others, of Early County, Georgia, for an appropriation in aid of education in the States—severally to the Committee on Education.

By Mr. A. J. WARNER: Petition of I. Hague and 433 others, citizens of Monroe County, Ohio, asking that the tariff be restored on wool—to the Committee on Ways and Means.

By Mr. JOHN WINANS: Petition of William P. Bently and 210 others, of Wisconsin, for adequate protection to American growers of tobacco against the pauper labor of foreign countries—to the same committee.

By Mr. YAPLE: Petition of George Buck, Theodore Merrill, John Galligan, and others, citizens of Kalamazoo, Mich., for the establishment of a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

SENATE.

FRIDAY, *April* 25, 1884.

Prayer by Rev. G. J. LUCKEY, of Peoria, Ill.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The PRESIDENT *pro tempore* announced his signature to the following enrolled bill, which had heretofore been signed by the Speaker of the House of Representatives:

A bill (H. R. 6538) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter of the Chief of Engineers, submitting reports of Maj. G. L. Gillespie, Corps of Engineers, of the examination and survey of the Passaic River between Passaic and Paterson, in the State of New Jersey, made in compliance with the requirements of the river and harbor act of August 2, 1882; which was referred to the Committee on Commerce, and ordered to be printed.

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the naval appropriation bill, which has been returned from the House of Representatives with a message concerning the Senate amendments. The message of the House of Representatives will be read.

The Chief Clerk read as follows:

Resolved, That the House concur in the forty-first amendment of the Senate to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, and non-concur in the residue of the amendments of the Senate to said bill.

Mr. HALE. I move that the Senate insist upon its amendments disagreed to by the House and ask for a conference.

I wish to say that the action of the House upon the naval appropriation bill and upon the amendments which were sent to it by this body has been to reject all of them with the exception of the amendment providing for the armament of the steel cruisers now building. The Senate put on an amendment covering that to the amount of $500,000, and

after controversy in the House that body agreed to that amendment upon the yeas and nays by a considerable majority.

The PRESIDENT *pro tempore*. The Chair thinks reference to the proceedings of the House is not in order.

Mr. HALE. I do not propose at all to discuss the proceedings of the other House. The amendments that the Senate put on, covering the important features of additional cruisers, for going on with the completion of the ironclads, the monitors, for fitting up a navy-yard or navy-yards in order that they may be enabled to compete with private builders, the provisions for additional guns and armament for the Navy generally, and the provision reviving the gun-foundery board, have all been rejected.

Therefore, that these matters may be brought between the two Houses to a conference, I move that the Senate insist on its amendments disagreed to by the House and ask for a conference.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate insist on its amendments non-concurred in by the House of Representatives and ask for a conference upon the disagreeing votes of the two Houses thereon.

The motion was agreed to.

The PRESIDENT *pro tempore*. How shall the committee be appointed?

Mr. HALE. By the Chair.

The PRESIDENT *pro tempore*. That order will be entered if there be no objection.

ADJOURNMENT TO MONDAY.

On motion of Mr. BAYARD, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3931) to create an additional United States judicial district, and to establish circuit and district courts therein in the State of Alabama.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented resolutions adopted by W. H. Deering Post, No. 247, Grand Army of the Republic, of Antwerp, Ohio, favoring such legislation as is recommended by the pension committee of that organization in regard to pensions; which were referred to the Committee on Pensions.

Mr. LAPHAM presented resolutions of the assembly of the Legislature of New York; which were referred to the Committee on Patents, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN ASSEMBLY, *Albany, April* 11, 1884.

Whereas the incentive and rewards given to inventors, by the Constitution of the United States and the laws of Congress passed thereunder, have done more, perhaps, than any one cause to advance our whole country to the front rank in wealth, resources, and industries among all nations of the world; and

Whereas any material change in those laws would, in the opinion of this House, seriously retard our progress as a people: Therefore,

Be it resolved, That our Senators and Representatives in the United States Congress are respectfully requested to approve the passage of any bill which would have the effect to discourage inventions by impairing the value of patented property, or of imposing any conditions on the owners of such property in prosecuting and maintaining their rights to the full value of their said property, which are not equally applicable under the laws of Congress to the rights of all property, and the remedies provided to protect the same, for all citizens of our entire country.

Resolved, That this House heartily approves of such amendments to existing patent laws as shall provide speedy and full punishment for all persons who appropriate the patented property of others without authority of law, and manufacture and sell the same to innocent purchasers and users thereof, to the great annoyance in some cases of the user, and to the great injury of the rightful owner of such property in all cases.

Resolved, That a copy of these resolutions be forwarded to each Senator and Representative in Congress.

By order:

C. A. CHICKERING, *Clerk*.

Mr. LAPHAM presented resolutions of the New York Board of Trade and Transportation, remonstrating against the proposed reduction of the lifetime of a patent from seventeen to five years; which were referred to the Committee on Patents.

He also presented a resolution of the Board of Trade of Albany, N. Y., remonstrating against the passage of the House bill providing for the construction of a bridge over the Hudson River, known as the "Storm King" bridge; which was referred to the Committee on Commerce.

He also presented resolutions of the Buffalo Merchants' Exchange, in favor of the passage of an act to suspend the coinage of silver dollars at this session, or to repeal the act under which they are coined; which were referred to the Committee on Finance.

He also presented resolutions of the Legislature of New York, urging the necessary appropriation for the establishment of a gun-factory under the control of the Government at Watervliet arsenal at West Troy, N. Y.; which were referred to the Committee on Military Affairs.

He also presented resolutions of the Merchants' Exchange of Buffalo, N. Y., in favor of an appropriation for the support of the Signal Service; which were referred to the Committee on Military Affairs.

He also presented resolutions of the executive committee of the Civil Service Reform Association of Missouri, approving the resolution of the National Civil Service Reform League that Congress should repeal the law by which the tenure of administrative offices are fixed at four years; which were referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions of the Board of Trade of Albany, N. Y., urging the passage of the bill (H. R. 3538) for the improvement of the Erie Canal; which were referred to the Committee on Commerce.

He also presented resolutions of the Maritime Association of the Port of New York, in favor of the passage of House bill No. 5892, known as the Dingley pilotage bill; which were referred to the Committee on Commerce.

He also presented resolutions of the Maritime Association of the Port of New York, urging the further improvement of Buttermilk Channel by the removal of the remainder of the shoal between Governor's Island and the Brooklyn shore in the State of New York; which were referred to the Committee on Commerce.

He also presented resolutions of Grover Post, No. 98, Grand Army of the Republic, of Cortland, N. Y., in favor of the passage of a bill to pension all veterans; which were referred to the Committee on Pensions.

He also presented a petition of ex-Union prisoners of war, citizens of Cleveland, Ohio, praying Congress to award each prisoner of war such measure of relief as is just and equitable; which was referred to the Committee on Pensions.

He also presented resolutions of E. D. Holt Post, Grand Army of the Republic, Fredonia, N. Y., resolutions of Cross Post, Grand Army of the Republic, Seneca Falls, N. Y., resolutions of Grand Army of the Republic Post, Ithica, N. Y., resolutions of Gould Post, Grand Army of the Republic, Phœnix, N. Y., resolutions of Henry Wilson Post, Grand Army of the Republic, Slatersville, N. Y., resolutions of Ratcliff Post, Grand Army of the Republic, Department of New York, and resolutions of the Grand Army of the Republic Post of Kings County, New York, urging early action by Congress upon the recommendation of the national committee on pensions of the Grand Army of the Republic; which were referred to the Committee on Pensions.

Mr. CONGER presented resolutions of the Albert Nye Post, Grand Army of the Republic, of Romeo, Mich., in favor of such legislation on the subject of pensions as is recommended by the general committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

Mr. HAWLEY presented a memorial of the Terry Clock Company and 17 other manufacturers and inventors of Pittsfield, Mass., and the memorial of Barnum & Root, manufacturers, of Connecticut, remonstrating against the repeal or hostile modification of the present patent laws; which were referred to the Committee on Patents.

Mr. SAWYER presented the petition of H. O. Watrous Post, No. 93, Grand Army of the Republic, praying for an increase of pensions to ex-Union soldiers; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. 1339) granting a pension to Frank Gray, reported it without amendment, and submitted a report thereon.

Mr. CALL, from the Committee on Education and Labor, to whom was referred the bill (S. 1572) to encourage Indian education in the Territory of Dakota, reported it without amendment.

Mr. GEORGE, from the Committee on Education and Labor, to whom was referred the bill (S. 2042) to protect American laborers, reported it with amendments.

Mr. BLAIR. I am directed by the Committee on Education and Labor, to whom was referred the bill (H. R. 1340) to establish and maintain a bureau of labor statistics, to report it without amendment. I give notice that at an early day I shall ask the Senate to consider the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (S. 1484) to provide for the study of physiology, and the effect of intoxicating, narcotic, and poisonous substances upon life, health, and welfare, by the pupils in the public schools of the Territories and the District of Columbia, reported it without amendment.

ACTING SECRETARY OF THE SMITHSONIAN INSTITUTION.

Mr. SHERMAN. I am directed by the Joint Committee on the Library, to whom was referred the bill (S. 2093) to provide for the appointment of an acting secretary of the Smithsonian Institution, to report it without amendment; and as this is a matter of formal administration I ask that it be acted upon now.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Chancellor of the Smithsonian Institution may, by an instrument in writing filed in the office of the Secretary thereof, designate and appoint a suitable person to act as Secretary of the institution when there shall be a vacancy in said office, and whenever the Secretary shall be unable from illness, absence, or other cause to perform the duties of his office; and in such case the person so appointed may perform all the duties imposed on the Secretary by law until the vacancy shall be filled or such inability shall cease. The said Chancellor may change such designation and appointment from time to time as the interests of the institution may in his judgment require.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I should like to hear some reasons for the passage of the bill.

Mr. SHERMAN. This is the ordinary provision made to provide for the absence of Professor Baird. Professor Baird may sometimes be absent, and this provision is substantially similar to what is provided for other offices and Departments of the Government, to fill the duties of the office during his absence or disability or inability.

Mr. COCKRELL. Not to supplant him in any way?

Mr. SHERMAN. Not at all. I believe it was recommended by the Board of Regents of the Smithsonian Institution.

The PRESIDENT *pro tempore*. At the request of the Secretary, the Chair understands.

Mr. SHERMAN. At the request of the Secretary. It is to provide for a contingency common in other Departments of the Government.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN SILK FLAG.

Mr. SHERMAN. I am also directed by the Joint Committee on the Library to report back a resolution submitted by the Senator from California [Mr. MILLER] and to recommend its passage. As it is a very brief matter, I ask for its present consideration.

The Chief Clerk read the resolution, as follows:

Resolved, That the silk flag presented by Mr. Joseph Neumann, of California, to the Senate and accepted by the Senate on the 12th day of July, 1870, the said flag being, it is believed, the first American flag made of American silk, be deposited in the Smithsonian Institution for exhibition and preservation.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to it.

Mr. HAWLEY. I have not the slightest objection to the resolution, but I wish merely to put on record my grave doubt as to whether that is the first native American flag. It is my duty as a representative of the Connecticut manufacturers to say that.

Mr. SHERMAN. We do not say that it is the first by adopting the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 2104) to authorize the sale of certain public lands to the Arizona Mineral Belt Railroad Company; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MILLER, of California, introduced a bill (S. 2105) authorizing the President of the United States to appoint Passed Assistant Engineer Nathan B. Clark a chief engineer on the retired-list of the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. INGALLS introduced a bill (S. 2106) granting a pension to L. V. Hollyfield; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2107) granting a pension to John A. Shuckers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2108) granting a pension to Adam Stuber; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2109) granting a pension to John Galloup; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2110) to provide for the sale of certain New York Indian lands in Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 2111) for the relief of Eugene V. Layraft; which was read twice by its title, and referred to the Committee on Pensions.

MADISON FEMALE INSTITUTE.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the Chair lays before the Senate the Calendar under Rule VIII. The first bill on the Calendar will now be reported.

The bill (S. 1130) for the relief of the Madison Female Institute, located at Richmond, Ky., was announced as first in order upon the Calendar.

Mr. BECK. The other day I asked that that bill might lie over for a day or two, until I could receive more accurate information from the Department. The committee proceeded upon the idea that $10,000 had been paid, and the Department advised me that more had been paid. I ask the chairman of the committee if he objects, and if there is no objection I should like to have the bill recommitted to the Committee on Claims for further examination.

Mr. CAMERON, of Wisconsin. I have no objection to that course.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the bill be recommitted to the Committee on Claims.

The motion was agreed to.

ESTATE OF WILLIAM PERINE.

The bill (S. 1240) for the relief of Sarah E. E. Perine, administratrix of the estate of William Perine, deceased, was announced as next in order on the Calendar.

Mr. HARRIS. I promised the Senator from Connecticut [Mr. PLATT] who is now absent from the Senate that I would ask that that bill be not considered during his absence. If the Senator having it in charge will allow it to lie over in its place on the Calendar until the return of the Senator from Connecticut, I have no objection to its taking that course. If the Senator is not willing for it to take that course, I shall be forced to object to its consideration; but I have no desire to object if it is agreeable to the Senator having the bill in charge to let it lie over in its place on the Calendar until the return of the Senator from Connecticut.

Mr. PIKE. I dare say the Senator from Connecticut changed his mind, for he told me that he did not desire to have action delayed on the bill if he should not be present when it came up again. However, I presume he spoke to the Senator from Tennessee afterward. I consent that the bill may go over, retaining its place at the head of the Calendar.

The PRESIDENT *pro tempore*. Is there objection to the bill being passed over, retaining its place at the head of the Calendar, until the Senator from Connecticut shall return, or a reasonable time? The Chair puts it in that form in order that the bill may not be called to-morrow, to save the time of the Senate.

Mr. HOAR. There was another case where the Senator from Connecticut made a similar request. Is the Senator from Tennessee sure that he also desired this bill to go over?

Mr. HARRIS. I am not confounding the two cases. I understood the Senator from Connecticut. He made a distinct request of the Senate that another bill, which will be reached later, should not be considered during his absence.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Tennessee that Order of Business 260 be passed over, retaining its place until the return of the Senator from Connecticut? The Chair hears none, and it is so ordered.

RUDOLPH LESCHOT'S PATENT.

Mr. HOAR. I shall have to be absent from the Senate for a little while, and I ask unanimous consent that a like order be made in regard to Order of Business 270, the bill (S. 419) for the extension of letters patent to the heirs of Rudolph Leschot, deceased, which is a case in charge of the Senator from Connecticut [Mr. PLATT]. He desired me to make the request.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill named by him be passed over, retaining its place on the Calendar under Rule VIII.

Mr. COCKRELL. That is, that it retain its place and be not objected to when reached to-day on the Calendar?

The PRESIDENT *pro tempore*. Yes. Is there objection? The Chair hears none, and it is so ordered.

MARTIN KENOFSKY.

The consideration of the bill (S. 1596) for the relief of the heirs of Martin Kenofsky was resumed as in Committee of the Whole.

The PRESIDENT *pro tempore*. The bill having been read on a former occasion, the Senator from Alabama [Mr. MORGAN] moved, or gave notice of his intention to move, to refer the bill to the Court of Claims, and the Chair asked him to reduce his motion to writing in order that it might conform to the statute and the rule.

Mr. MORGAN. On further consideration of that matter and on consultation with the Senator who reported the bill and the Senator from Louisiana [Mr. JONAS], I have made up my mind that I shall not submit the motion I indicated at that time.

The PRESIDENT *pro tempore*. The motion will be withdrawn, and the bill open to amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPARTMENT OF AGRICULTURE.

The bill (S. 1597) to enlarge the powers and duties of the Department of Agriculture was announced as next in order.

Mr. KENNA. Shortly after the bill was reported I gave notice of a desire to offer a substitute for the bill. The substitute by permission of the Senate was printed. I should like, if there be no objection, that the substitute may be read.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia now offer the substitute as an amendment?

Mr. KENNA. Yes, sir.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from West Virginia will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That there shall be at the seat of Government an Executive Department to be known as the department of industries, and a secretary of industries, who shall be the head thereof.

SEC. 2. That there shall in the department of industries a division of agriculture, and to superintend said division a commissioner of agriculture, who shall be a practical agriculturist, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to receive a salary of $5,000 per annum.

SEC. 3. That for the purpose of collecting and disseminating all important and useful information concerning agriculture, and also concerning such scientific matters and industrial pursuits as relate to the interests of agriculture, the secretary of industries shall organize the following bureaus in the division of agriculture, namely:

First. The bureau of agricultural products, which shall include divisions of botany, entomology, and chemistry, and the chief of which bureau, who shall be a practical agriculturist, shall investigate the modes of farming in the several States and Territories, and shall report such practical information as shall tend to increase the profits of the farmer respecting the various methods, the crops most profitable in the several sections, the preferable varieties of seeds, vines, plants, and fruits, fertilizers, implements, buildings, and similar matters.

Second. The bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection, growth, and use, the causes, prevention, or cure of contagious, communicable, or other diseases, and the kinds, races, or breeds best adapted to the several sections for profitable raising.

Third. The bureau of lands, the chief of which shall investigate and report upon the resources or capabilities of the public or other lands for farming, stock-raising, timber, manufacturing, mining, or other industrial uses. And all powers and duties vested in the commission now known as the Geological Survey, together with all clerks, employés, and agents, and all instruments, records, books, papers, &c., are hereby transferred to the department of industries. And the secretary of industries shall institute such investigations and collect and report such information, facts, and statistics relative to the mines and mining of the United States, and facilities for their ventilation and general operation, as may be deemed of value and importance.

SEC. 4. That in addition to the duties imposed by chapter 10, title 7, of the Revised Statutes, the secretary of industries shall cause to be collected and report the agricultural statistics of the United States; and also all important information and statistics relating to industrial education and agricultural colleges; to labor, and demands and prices therefor, in this and other countries; to markets and prices; to modes and cost of transporting agricultural products and live-stock to their final market; to the demand, supply, and prices in foreign markets; to the location, number, and products of manufacturing establishments of whatever sort, their sources of raw material, methods, markets, cost of transportation, and prices; to such commercial or other conditions as may affect the market value of farm products or the interests of the industrial classes of the United States. And the secretary is hereby authorized to establish such divisions in this bureau and to make such monthly or other reports as he shall deem most effective for the prompt dissemination of such reliable information respecting crops and domestic and foreign markets as will be of service to the farmers, miners, mechanics, laborers, or other industrialists of the United States.

SEC. 5. That there shall be in the department of industries a division of commerce, and to superintend said division a commissioner of commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $5,000 per annum.

SEC. 6. That all divisions and subdivisions, bureaus or parts thereof, heretofore attaching to the Treasury Department by virtue of the provisions of chapter 10 of title 7 of the Revised Statutes, relating to the Bureau of Statistics, which shall hereafter be known as the bureau of external commerce; title 48, relating to commerce and navigation; title 49, relating to the regulation of vessels in foreign commerce; title 50, relating to the regulation of vessels in domestic commerce; title 52, relating to the regulation of steam-vessels; title 56, relating to the Coast Survey; title 55, relating to lights and buoys; sections 4801, 4802, 4803, 4804, 4805, 4806, of chapter 1, title 59, relating to hospital relief for seamen; and chapter 265 of the acts of the Forty-fifth Congress, second session, relating to the Life-Saving Service, or by virtue of any law amendatory of said several provisions, or regulations in pursuance thereof, shall, from and after the passage of this act, be parts of the division of commerce in the department of industries; and the secretary of industries shall establish in said division of commerce a bureau of internal commerce, to be organized and governed as other bureaus in said division.

SEC. 7. That all duties devolving upon the Secretary of the Treasury by virtue of the several provisions mentioned in the preceding section shall, from and after the passage of this act, be performed by the secretary of industries. The authority conferred and the duties imposed by said several provisions upon the register of the Treasury shall, from and after the passage of this act, be exercised and discharged by the commissioner of commerce. All bonds authorized by any of the provisions aforesaid to be made payable to the Register of the Treasury shall, from and after the passage of this act, be made payable to the commissioner of commerce.

SEC. 8. That section 158, title 4 of the Revised Statutes, is hereby amended by adding at the end thereof the following words:

"Eighth. The department of industries."

SEC. 9. That this act shall not be construed to interfere with the present organization of the various departments, divisions, subdivisions, and bureaus embraced herein, except with reference to the transfer thereof to the department of industries, subject to the general provisions of law relating to regulations in the various Departments of the Government and appointments to office therein.

SEC. 10. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. BAYARD. I understand the paper which has been read is intended as a substitute for the entire bill. It is a very complicated measure in many sections, and it is quite impossible for it to be disposed of under the five-minute rule. The question of enlarging a department of this Government is not going to be passed upon lightly. The creation of a new Cabinet officer with all the detail of duty that is necessarily implied, is a thing of very grave consideration.

I take it for granted that the proposed substitute will be printed in the RECORD, and that it may be examined and understood I shall object to the present consideration of the bill.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Delaware objects to the present consideration of the bill under Rule VIII. The Chief Clerk will report the next bill on the Calendar.

UMATILLA RIVER WATER-RIGHT.

The bill (S. 938) confirming to W. S. Byers & Co. the right to take and use water from the Umatilla River, on the Umatilla reservation, in the State of Oregon, for manufacturing and other purposes, was considered as in Committee of the Whole.

The PRESIDING OFFICER. Certain amendments are reported by the committee which will be announced.

Mr. MORGAN. From what committee does the bill come?

The PRESIDING OFFICER The Committee on Indian Affairs.

Mr. MORGAN. Is there any report accompanying the bill?

Mr. SLATER. There is a report.

The PRESIDING OFFICER. Report No. 208.

Mr. MORGAN. I supposed from the length of the preamble and the recitals in it that perhaps the preamble stood for a report. I did not know.

The PRESIDING OFFICER. The committee reports in favor of striking out the preamble. Does the Senator desire that the report be read?

Mr. MORGAN. No, sir.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SLATER February 20, 1884:

The Committee on Indian Affairs, to whom was referred the bill (S. 938) confirming to W. S. Byers & Co. the right to take and use water from the Umatilla River, on the Umatilla reservation, in the State of Oregon, for manufacturing and other purposes, report:

That in July, 1870, permission was given by the Indian Bureau to certain parties in the town of Pendleton to take water from the Umatilla River, on the Umatilla Indian reservation, in the State of Oregon, and convey the same to the town of Pendleton "for irrigating, manufacturing, and milling purposes;" that a ditch was constructed and water conveyed to said town, a distance of something like a mile or more.

That subsequently W. S. Byers acquired the right of said water and constructed a mill at the town of Pendleton, for the manufacture of flour. That the said Byers and those who have since been associated with him in said mill have expended a large sum of money in the improvement of said mill and the addition from time to time of new and improved machinery, until the property is now valued at about $100,000. That the machinery of said mill is adapted only to the use of water as a motive power, and without the water-power, derived as stated, the said mill and property would be practically useless and become nearly a total loss to said company.

The facts and circumstances connected with the permission to take water from the Umatilla River is clearly and forcibly stated by Hon. H. Price, Commissioner of Indian Affairs, in a letter addressed to the Secretary of the Interior of date January 31, 1884, in which he says:

"The records of this office show that under date of April 23, 1870, the Superintendent of Indian Affairs for Oregon, Col. A. B. Meacham, transmitted a petition signed by George A. La Dow, F. Coots, Lot Livermore, O. T. Thompson, and George W. Bailey, citizens of Pendleton, Oreg., praying for permission to construct a water ditch across a portion of said reservation (Umatilla) to the town of Pendleton for irrigating, manufacturing, and milling purposes. Colonel Meacham recommended the granting of the petition, and accordingly, by letter dated May 18, 1870, he was authorized by this office to grant the privileges asked for if it could be done without injury or detriment to the Indians or their property; and upon the express condition that no permanent rights should attach or become vested, and that any ditch or canal dug or constructed, and the use of the same, should be subject to the control of and to be discontinued at the pleasure of the Department.

"In pursuance of this authority, Agent Boyle, the then agent at the Umatilla agency, gave written permission to the parties to construct the ditch. His letter, a copy of which is on file in this office, is dated July 7, 1870. It recites the conditions imposed by this office as follows:

"In granting this permission to construct the water-ditch it is upon the express condition that no permanent right shall attach or become vested, but that any ditch or canal dug or constructed, and the use of the same, shall be subject to the control of and to be discontinued at the pleasure of the Department.

"On the strength of the authority thus given a very large sum of money has been expended by Byers & Co. in the construction of a flour and grist mill, and the purchase of machinery therefor.

"The ditch has been in constant use since its construction, and the privilege has been of untold benefit to the people of Pendleton and surrounding country, and of no little service to the Indians themselves. I believe the right should be confirmed to Byers & Co., and I so recommend. No damages can result to the Indians thereby."

Your committee recommend that the bill be amended in line 13 by striking out the words "and other."

Amend also by striking out, after the word "assigns," to the end of the bill, and add as follows: "This act shall in no way impair or affect any existing right to a reasonable use of the water of said stream for agricultural purposes."

Amend also by striking out the preamble.

And when so amended your committee recommend that the same be passed.

Mr. HARRISON. The case, according to the report, seems to be this: In 1870, under a license granted by the Commissioner of Indian Affairs, these parties constructed a ditch to take water from a stream somewhere on the Umatilla reservation, the ditch being something like one mile in length. They paid nothing for the right to the Indians or anybody else. It was expressly stipulated in the grant that it was a mere license revocable at the pleasure of the Indian Department. It seems they have gone on and constructed a mill and are using this water-right, which I should conclude to be a very valuable one, taking the water not at a point where they have any riparian rights at all, but where if there are any riparian rights they belong to the Indians.

It is not clear by the report whether the point at which the water is taken from the stream is within the reservation as now reduced under recent legislation, but if it is it seems to me there is no reason why a

valuable water-right, as this evidently is, should be confirmed to these gentlemen without the payment of a dollar to anybody. The bill is an absolute confirmation of their title, so far as the Government can confirm it, for all future time, when they have paid no consideration for it to any one. It is intended to give them an exclusive right to a large body of water which may be valuable for other purposes, and to which other people may have some right, so far as I know from the report; and I do not think the bill ought to pass.

Mr. SLATER. The right attaches just over the line on the territory of the Indian reservation, probably not more than from forty to one hundred rods within the Indian reservation. The ditch itself follows down through the land that was intended to be sold for town purposes by a bill passed during the last Congress; and there are only about forty acres that are affected at all by this water-right. The Indians have had a very large advantage already from the construction of this mill, and the whole surrounding country is interested in the continuance of the mill. It is true this water-right has become valuable, but only by the money of these investors, W. C. Byers & Co., and I think that to ask them to pay for what they have really created by the investment of their capital after they have shown the value of the privilege in this way is making a very considerable claim upon them. They ought not to be asked now to submit to any exaction of this character.

The Indian Bureau, understanding the question perfectly well, do not think any compensation should be asked as long as it stands in this way. They have already been compelled to pay very large sums of money by parties who claimed rights adjacent, I think some six or seven thousand dollars, in order to settle their rights and draw things down to a point where nothing would intervene between them and a perfect title except the permission of the Department, which this bill seeks to confirm. It would be an act of injustice to these people not to confirm their right, the result of which would be to place them in a position to be blackmailed, rendering their property insecure and causing a very great depreciation.

Not only that, but the Indians themselves are personally interested in the continuance of this mill, which will furnish them a market for whatever they have to sell. It furnishes them means of procuring flour; and it is the only point within forty miles where they can procure flour. The whole country there is interested in this property.

The PRESIDING OFFICER. The amendments reported by the Committee on Indian Affairs will be read.

The amendments reported from the Committee on Indian Affairs were, in line 13, after the word "manufacturing," to strike out "and other;" in line 16, after the word "assigns," to strike out "and each of said parties shall take and become seized of the rights herein confirmed in the ratio of his interest held and owned in the said firm of W. S. Byers and Company," and insert "this act shall in no way impair or affect any existing right to a reasonable use of the water of said stream for agricultural purposes;" so as to read:

That the right of W. S. Byers, Robert G. Thompson, and Jeremiah Barnhart, now constituting the firm of W. S. Byers & Co., of the town of Pendleton, in the State of Oregon, to take water from the Umatilla River at a point on the southwest quarter of the southwest quarter of section 1, in township 2 north, range 32 east of the Willamette meridian, on the Umatilla reservation, in the said State, in the manner and to the extent heretofore and now taken by the said Byers & Co., and to convey the same, by means of a ditch, race, or otherwise, to the mill of said company in the town of Pendleton, for manufacturing purposes, together with the right of way for said ditch or race as at present constructed through and over lands of the said reservation, is hereby confirmed to them, their heirs and assigns. This act shall in no way impair or affect any existing right to a reasonable use of the water of said stream for agricultural purposes.

Mr. COCKRELL. In line 10, after the word "and," I move to strike out "now" and insert "on January 1, 1884;" and then in line 14, I move to strike out "at present," and after the word "constructed," in line 15, to insert "on said January 1, 1884," so as to confine them to the use and privileges they had on January 1, 1884, and not what they may have put in after the introduction and pendency of this measure.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

Mr. COCKRELL. I restrict them to the use they had made prior to and on January 1, 1884, and not to extend to any subsequent use they might acquire.

Mr. SLATER. I shall make no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Indian Affairs, to strike out the preamble.

The amendment was agreed to.

Mr. HARRISON. The title should be amended by striking out "and other." As the bill limits the use of the water to manufacturing purposes the words "and other" in the title ought to be stricken out.

The PRESIDING OFFICER. The Senator from Indiana moves to amend the title by striking out the words "and other" before "purposes."

The amendment was agreed to.

C. M. WILCOX.

The bill (S. 139) for the relief of C. M. Wilcox was announced as next in order.

Mr. CAMERON, of Wisconsin. That is adversely reported.

Mr. COKE. I see that this bill has been adversely reported. I understand that my colleague [Mr. MAXEY], who is now absent in Texas, made a minority report. I ask that the bill go over, retaining its place on the Calendar, until his return.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and that order is made.

Z. M. PETTIGREW.

The bill (S. 566) for the relief of Z. M. Pettigrew was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 5, after the word "thousand," to strike out "$722.50" and insert "$100;" so as to make the bill read:

That the Secretary of the Treasury is hereby authorized and directed to pay to Z. M. Pettigrew, late postmaster at Eureka Springs, Ark., $1,100, in full compensation for the moneys paid by said Pettigrew for clerk-hire in the post-office, and for the ordinary expenses of said office.

Mr. COCKRELL. I should like to hear the report.

Mr. WILSON. There is a report accompanying the bill. I ask that the report be read.

The Secretary read the following report, submitted by Mr. WILSON February 21, 1884:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 566) for the relief of Z. M. Pettigrew, having duly considered the same, submit the following report:

The committee called on the Post-Office Department for the facts in the case, and for its opinion concerning the same. The First Assistant Postmaster-General in a letter dated February 13, 1884, gave the following response:

"In reply I herewith inclose the petition and vouchers submitted by the said Pettigrew, through Hon. S. B. MAXEY, under date of January 23, 1882, and have to request that the said petition and letter be returned to this office at your convenience, as they form part of the records of the Department.

"For your further information I append herewith copies of reports made by Inspector M. La Rue Harrison, under date of May 13, 1881, relative to the needs and importance of the Eureka Springs post-office.

"Upon the report of Inspector Harrison an allowance of $600 a year for clerical assistance in separating the mails was made, to take effect from July 1, 1881, and under section 125, Postal Laws and Regulations, 1879, an additional allowance of $900 for temporary clerical assistance, to be distributed as recommended in said report, was made, making a total of $1,500 a year for clerk-hire. But the records of the Department show that the said Pettigrew was appointed postmaster January 15, 1880, and that his successor was appointed June 29, 1881; therefore the allowance mentioned above did not afford any relief to the said Pettigrew.

"Under the operation of the act of July 12, 1876 (section 117, Postal Laws and Regulations, 1879), the compensation of the postmaster at Eureka Springs was limited to $250 a quarter, exclusive of money-order commissions, during the incumbency of the said Pettigrew; but upon a report received by this office September 8, 1881, from the Auditor of the Treasury for the Post-Office Department, the returns from the Eureka Springs office for the four quarters ending June 30, 1881, were reviewed, and, in accordance with the requirements of section 116, Postal Laws and Regulation, 1879, the salary of the postmaster was fixed at $1,600 a year from October 1, 1881.

"The reports for the period named above show the receipts of the office to have been as follows:

Quarter ended September 30, 1880	$795 28
Quarter ended December 31, 1880	879 83
Quarter ended March 31, 1881	1,386 90
Quarter ended June 30, 1881	1,896 89
Total	4,958 90

"From the statement herein made, it will be seen that Mr. Pettigrew's successor secured the benefit of the adjustment of salary and the allowance for clerk-hire, as made to take effect July 1, 1881; and that the said Pettigrew did not receive any remuneration other than his compensation as a fourth-class postmaster.

"It also appears that Mr. Pettigrew made frequent applications for an allowance for clerk-hire, and that his requests were declined, for the reason that the limited appropriation for clerks in post-offices at the disposal of the Department would not warrant favorable action in his case.

"That part of the claim for rent, fuel, and light could not have been allowed, as there is no authority in law by which allowance for the purposes named could be made at an office of the fourth class, to which class the office at Eureka Springs belonged at that time.

"In conclusion, I have no hesitancy in recommending that relief be granted in the form of a reasonable sum to reimburse Mr. Pettigrew for the amounts expended for clerk-hire during his incumbency as postmaster at Eureka Springs, Ark."

The claim presented by Mr. Pettigrew is shown by the papers in the case to be as follows:

Schedule of expenses incurred and paid by Z. M. Pettigrew in conducting the post-office at Eureka Springs, Ark., from July 8, 1880, to March 31, 1881, inclusive.

Clerk-hire, as per voucher	$1,410 00
Office-rent, as per voucher	270 00
Fire-wood, as per voucher	35 00
Coal-oil for light, as per voucher	7 50
	1,722 50

This statement is sworn to by Mr. Pettigrew, and the vouchers covering the amounts paid for clerk-hire are sworn to by the parties to whom the money was paid.

As there was no law under which the Department could have made an allowance for rent, fuel, and light to the postmaster at Eureka Springs, the committee reject so much of the claim as covers expenditures for those items and recommend an allowance of $1,100 on account of money expended for clerk-hire. This will be at the rate of $1,500 a year for the time that Mr. Pettigrew held the position of postmaster and in harmony with the allowance made to said office by the Department.

The committee therefore report back the said bill with an amendment reduc-

ing the amount named in it to $1,100, recommending the adoption of the same and the passage of the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. RANDLE.

The bill (S. 1482) for the relief of William H. Randle, of Nashville, Tenn., was considered as in Committee of the Whole. It provides for the payment to William H. Randle of $400, on account of the loss of a registered letter containing $400 by reason of a defective postal car, which sum was paid by Randle immediately after the loss of the letter.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WARD B. BURNETT.

The bill (S. 1388) to increase the pensionof General Ward B. Burnett was announced as next in order.

Mr. COCKRELL. Let that be passed over. There is an adverse report.

The PRESIDING OFFICER. The bill will be passed over.

MISSOURI HOME GUARDS.

The bill (S. 1518) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards was considered as in Committee of the Whole.

Mr. COCKRELL. I ask that part of the report be read in the case.

The Secretary proceeded to read the report submitted by Mr. COCKRELL February 5, 1884, and read as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1518) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards, have duly considered the same, and submit the following report:

On February 12, 1884, the Adjutant-General of the United States Army addressed to Mr. COCKRELL, of your committee, a letter as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 12, 1884.

SIR: As numerous applications have been received at this office for discharges from service in the cases of members of the Missouri Home Guards, whose claims for pay were adjudicated by the Hawkins Taylor Commission, under the act of March 25, 1862, and the several acts supplementary thereto, and as no speeific authority of law is vested in the Department to grant these requests, the act referred to providing only for pay, bounty, and pension, I have the honor to invite your attention to the matter, with a view to such action as may be deemed just and proper, and to inclose herewith for your consideration the rough draught of a bill which it is thought will remedy any defect in existing laws on this subject.

Very respectfully, your obedient servant,
R. C. DRUM, *Adjutant-General.*

Hon. F. M. COCKRELL,
United States Senate.

Mr. COCKRELL, on February 13, 1884, presented the bill inclosed to him in the foregoing letter, and the same (S. 1518) was referred to your committee.

On the 28th of January, 1882, Mr. COCKRELL addressed a letter of inquiry in regard to the Hawkins Taylor Commission to the Secretary of War, and received the following in reply:

WAR DEPARTMENT, *Washington City, February* 11, 1882.

SIR: In reply to your letter of the 28th ultimo, asking whether the Hawkins Taylor Commission, appointed under act of March 25, 1862, to visit the State of Missouri to adjust the claims of the "Home Guards," included in their action claims of the "Enrolled Missouri Militia," and, also, whether the same has been printed, and what action taken thereon, I have the honor to invite your attention to the inclosed report of the Adjutant-General of the Army concerning the subject-matter of inquiry.

Very respectfully, your obedient servant,
ROBERT T. LINCOLN, *Secretary of War.*

Hon. F. M. COCKRELL,
United States Senate.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 7, 1882.

SIR: I have the honor to return herewith the letter of Hon. F. M. COCKRELL, United States Senator, in which he requests to be informed whether or not the commission appointed by the President (known as the Hawkins Taylor commission) to examine all claims arising under the provisions of the act approved March 25, 1862, audited or considered claims of the "Enrolled Missouri Militia;" also, whether the report of the commission has been printed, and what action has been taken on said report, and in reply to report that under the act approved March 25, 1862, the Secretary of War was authorized to allow pay, bounty, and pension to the officers and men actually employed in the military service of the United States prior to March 25, 1862, in the western department, or department of Missouri.

By joint resolution approved July 12, 1862, all payments under the act of March 25, 1862, were suspended, and the President was authorized to appoint three commissioners to examine all claims arising under the act before referred to, and report the same to the Secretary of War within sixty days after the passage of the resolution.

The commissioners appointed by the President under the joint resolution referred to were Hawkins Taylor, esq., of ——, Charles T. Sherman, esq., of Ohio, and Francis T. Russell, esq., of Missouri.

By the joint resolution approved February 16, 1863, the provisions of the joint resolution of July 12, 1862, were revived so as to allow the commissioners six months after the 16th of February, 1863, within which to make their report.

The commission, under the law, could and did only allow claims for pay (personal-service pay), bounty, and pension for service rendered prior to March 25, 1862, date of approval of the act authorizing payment.

The commission allowed the claims of such organizations only as were called into service by special authority of the commanding generals of the departments, or under a general invitation from them to form home guards, and which performed actual military service in the field under such calls.

The claims for pay and bounty allowed by the commission were paid at Saint Louis, Mo., by officers of the Pay Department of the Army especially designated for that duty.

The claims for pension allowed by the commission were to be settled by the Interior Department and entered on the regular pension-lists.

The original manuscript report of the commissioners is on file in this office, but no printed copies thereof appear to have been made.

The commission did not audit or consider claims of the "Enrolled Missouri Militia," as said militia were not ordered to be enrolled until July 25, 1862.

I am, sir, very respectfully, your obedient servant,
R. C. DRUM, *Adjutant-General.*

Hon. SECRETARY OF WAR.

Mr. COCKRELL. The reading need not go further. Then there is a reference in the report to various acts. On the 22d of January, 1864, the proceedings of the Hawkins Taylor board were confirmed, and appropriation was made to pay the claims audited by them, and under these laws and proceedings the Missouri Home Guards were paid for their services a bounty, and their pensions were provided for by the authority of the United States; but no provision was made for certificates of discharge to be issued to them, and this bill is simply to remedy that omission and authorize the Secretary of War to issue certificates of discharge according to the lists furnished.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

POTOMAC FREE BRIDGE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1477) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C.

The PRESIDING OFFICER. There are amendments reported by the Committee on the District of Columbia.

Mr. RIDDLEBERGER. I ask for the reading of the report accompanying the bill from the Committee on the District of Columbia, report No. 154.

The Secretary read the following report, submitted by Mr. RIDDLEBERGER February 11, 1884:

The Committee on the District of Columbia, to whom the subject was referred, submit the following report:

Congress, by act approved February 23, 1881, authorized the construction of a bridge across the Potomac at or near Georgetown. The point was to be selected by the Secretary of War, the bridge to be a substantial iron and masonry bridge with approaches, and $140,000 was appropriated therefor; but this was to be the maximum cost, and was to include the cost of a substantial bridge across the canal and any and all approaches. It was further provided that a draw of sufficient width to permit the free passage of vessels navigating that part of the Potomac River should be constructed in said bridge, unless it should be constructed upon, or by the side of, the present aqueduct and at the same or greater elevation above the water.

The Secretary of War was authorized, in his discretion, to purchase the Aqueduct Bridge now crossing the Potomac River at Georgetown, provided the same could be purchased for $85,000 and a good title acquired, allowing the Alexandria Canal Company, or its present lessees, to maintain at their own cost a canal aqueduct of the same width and depth as the one now in use, and to attach or suspend it to the bridge, the construction, attachment, and maintenance of such canal aqueduct to be determined by the Secretary of War, but without cost or liability to the United States or the District of Columbia. In accordance with the terms of said act, the Secretary of War, determining that it was for the public interest to purchase the bridge at the site of the present Aqueduct Bridge, instituted proceedings to procure the necessary rights, franchises, and privileges. The parties claiming to be the parties in interest refused to accept the terms of the act. The fee of the property is in the Alexandria Canal Company, but it is held under a ninety-nine years' lease by the Alexandria Canal, Railroad and Bridge Company. The lessees showed a willingness to treat for a relinquishment of their franchise, but the lessors, by a formal resolution, adopted at a meeting of the stockholders in Alexandria, May 16, 1881, refused to "accept the act of Congress." It was then determined to select a new site for the bridge, and, after due consideration, one was selected at a point known as the Three Sisters, above the Aqueduct Bridge. Specifications were prepared and proposals invited for building said bridge. The lowest bid received was for the exact amount appropriated, and proposed the construction of a bridge insufficient in strength. The Secretary of War submits a detailed estimate for a substantial bridge at the Three Sisters, showing that it will require for the bridge proper, approaches, and necessary inspection and tests of work an additional sum of $61,000 for what is known as a "deck bridge," and for a through bridge, which is considered preferable, an additional sum of $19,000, or a total additional sum for a through bridge at the Three Sisters of $80,000.

Secretary Lincoln recommends this appropriation in the following terms (see Executive Document 156, Forty-seventh Congress):

"I have the honor, in view of the foregoing, to recommend that an additional appropriation of $80,000 be made to give practical effect to the act of February 23, 1881, and that said act be so amended as to permit the payment of necessary expenses previous to the award of the contract and thereafter in supervising its performance."

In 1852 one of the most distinguished engineers in the United States, Charles Ellett, jr., recommended in the strongest terms the same point for the bridge, and the recommendation was concurred in by the corporation of Georgetown.

The following indorsement was made on that report by leading citizens of that city, which the committee submit:

Having the fullest confidence in the correctness of Mr. Ellett's opinion, and that a bridge can nowhere else be erected so as to secure the great objects of promoting the general welfare and public convenience, without inflicting loss or injury upon any party however remotely interested in the improvement, we most earnestly and respectfully pray that Congress may adopt the same, and make an appropriation for its seasonable erection.

In conclusion, your memorialists also beg leave, most respectfully, to renew the expression of the opposition of the people and authorities of Georgetown to the erection of any more bridges below their harbor, as well as to any plans or schemes for other purposes that may invade the rights to which they are justly and naturally entitled.

H. ADDISON.	A. H. PICKRELL.
WM. H. TENNEY.	H. C. MATTHEWS.
WILLIAM S. NICHOLS.	MARIMIS WILLETT.
F. W. RISQUE.	ROBT. OULD.
A. H. DODGE.	JUDSON MITCHELL.
B. J. SEMMES.	

GEORGETOWN, D. C., *December* 22, 1852.

In his report at that date Colonel Ellett named $297,870 as the cost of the bridge. He says:

"in making this estimate, as in arranging the plan of the structure, I have not deemed it at all expedient or proper to practice a close economy

"It would seem to be more appropriate, in designing a structure to be erected within sight of the Capitol for the conveyance of all travel across the Potomac on the great northern and southern thoroughfare, rather to seek to make the edifice a monument of strength and stability worthy of the site and its purposes. I shall therefore submit a liberal estimate and assume that a work of the first order is to be erected."

More than 3,000 petitioners have heretofore memorialized Congress on this subject, stating their grievances and requesting relief. It appears that under the provisions of various acts of Congress all the bridges which afford access to the city of Washington have been purchased by the United States and thrown open to the public, with the exception of the Aqueduct Bridge, upon which tolls alleged to be exorbitant are collected, to the inconvenience and positive detriment of the citizens of Washington and the country lying south of it, especially the people of Alexandria, Fairfax, Loudoun, and other counties in Virginia, who, being largely engaged in the dairy and trucking business, require constant intercourse with their customers in this city and Georgetown.

The soundness of the policy which seeks to remove all unnecessary barriers to personal and commercial intercourse between the residents of a large and rapidly growing city and surrounding country having been fully recognized by Congress in the various acts passed for the purchase of all other bridges in the immediate vicinity of Washington, and declaring them free bridges, the committee can not doubt that similar action will be taken in this case.

Congress is committed to the policy of free commercial intercourse also by the purchase of all turnpike roads running into the District, and declaring them free roads.

The United States to-day pays the Aqueduct Bridge Company $500 for the use of the bridge for the Fort Myer teams alone.

Thousands of people who annually go to Arlington to honor the nation's dead are taxed by this corporation.

In conclusion, your committee submit that past experience demonstrates that it is a waste of time to treat with the aqueduct company, and after a careful investigation of the title to the Aqueduct Bridge are convinced that a title could not be secured for many years, if at all. The decision of the United States circuit court of last week, adverse to the claim of the United States to the Virginia stock, and the appeal from that court to the supreme court of appeals, is not the beginning of the delays and difficulties that would follow an effort to secure title from the several conflicting interests in that bridge.

In the mean time a practical prohibition to travel to this section of Virginia would remain.

The committee therefore report the accompanying bill, and recommend its passage.

Mr. RIDDLEBERGER. I will simply state that a few days ago I gave notice that I should ask the Senate to take up this bill on Monday next. It may be that there may be no objection to it on the part of any Senator, but some may have expected that it would not be taken up until Monday. I do not propose to do anything wrong in the matter, but I propose to go right on with the bill now if it is within the proprieties of the Senate to do so.

The PRESIDING OFFICER. The Chair hears no objection to proceeding with the bill under Rule VIII. Amendments are proposed by the Committee on the District of Columbia, which will be read in their order.

The first amendment was after the word "bridge," in line 16, to insert "which said bridge shall not be less than fourteen feet in the clear above the water-line of said canal;" so as to make the first proviso read:

Provided, That the said Secretary of War shall construct a bridge upon such plan as shall cost no more than the amount herein appropriated, and which cost shall include the construction of a substantial iron bridge over the Chesapeake and Ohio Canal and highway, and any and all approaches to the said iron bridge, which said bridge shall not be less than fourteen feet in the clear above the water-line of said canal; and not exceeding $15,000 of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties, and with good and sufficient sureties, to be approved by the Secretary of War, for the construction and completion of said bridge, including the masonry, iron-work, and approaches, at a cost not to exceed $220,000.

The amendment was agreed to.

The next amendment was, after the word "that," in line 27, to strike out the following words:

The sum which may be expended under this act shall be treated and regarded as a part of the general expenses of the District of Columbia, and the United States shall be credited with the amount which it may pay under this act for the erection of said bridge upon its 50 per cent. of the expenses of the District of Columbia, as provided in the act of June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia."

And to insert in lieu thereof—

One-fourth of the expense of the construction of said bridge shall be charged to and paid by the District of Columbia, and the balance (three-fourths) of the sum hereby appropriated shall be paid out of the Treasury of the United States.

Mr. CAMERON, of Wisconsin. I observe by the amendment that one-fourth of the entire expense of the construction of the bridge is to be charged to the District of Columbia and three-fourths to the United States. I desire to inquire of the Senator from Virginia who has charge of the bill why the State of Virginia should not be required to pay a portion of the expense of the construction of this bridge? It is equally for the advantage of that State as for the advantage of the District.

Mr. RIDDLEBERGER. I would say to the Senator that I believe the only people who have not free access to the City of Washington to-day are the Virginia people. Every highway leading into this city has been made free, every toll-gate has been removed from every public road that was once a toll-road leading into the District of Columbia, and it was all done by this Government, by act of Congress. There is a very good reason why Virginia should not be required to pay any portion of this expense. In asking Congress to pass this bridge bill in 1881, and again in 1884, we are asking them to confiscate 2,720 shares of stock in the Aqueduct Bridge, which were once to that State a profitable investment. Virginia has been asking Congress to confiscate that property only that they may erect another bridge over which her people may have access to this capital city. We have been so tied up with what has been called the lease of the Aqueduct Bridge as that it has been impossible for anybody on the other side of the Potomac River to get here or anybody on this side to get there without paying the most exorbitant toll known over any bridge or highway in the United States. Fifty cents is exacted for the privilege of driving across the Aqueduct Bridge to Arlington and back. Children must pay two cents for foot passage. Nobody can come from the other side of the Potomac to market without paying a toll of 20 cents per head for the horses that drag the carts or the horses that pull the wagons.

But the question which the Senator from Wisconsin propounds is, Why should not Virginia pay some of this expense? I think my answer is sufficient, that in giving up 2,720 shares of that stock, almost one-half the Aqueduct Bridge that stands there to-day, we are certainly giving enough.

Mr. CAMERON, of Wisconsin. For whose benefit is that given up?

Mr. RIDDLEBERGER. We take it for granted that it is for the benefit of the lessees of the Aqueduct Bridge on account of the contract made by the Government of the United States as a party, to which Virginia was not a party, and she has not even the poor privilege of signing the contract that forfeits her stock.

Mr. CAMERON, of Wisconsin. If it is given up for the benefit of the United States I can see the force of the argument, but if it be given up for the benefit of some private party I certainly fail to see that it has any force whatever.

Mr. RIDDLEBERGER. I can inform the Senator that if it is given up at all it will go to the United States Government, because the very moment you construct a bridge at the Three Sisters that moment you destroy all the profits that these lessees have been getting from the Aqueduct Bridge, and they will abandon it, and you will then get back the property that belongs to you. It is the only way that you will ever get it. They have it till 1899, according to the lease.

In 1881 you passed this same bill except only that you said the Secretary of War might have discretion to buy the Aqueduct Bridge. The lessees never will sell it, never will abandon the lease for which they pay a thousand dollars to the Government of the United States, and then have a contract with that Government by which they get back $500 for the privilege of passing supplies across to Fort Myer. The Government of the United States, though it appears to have a lease for a thousand dollars, gives back half of it for the transportation of commissary stores to Fort Myer. They will never give it up, and their report shows that with this contract they have been realizing on an average more than $12,000 a year actual profit from that bridge. In view of this fact, I feel sure that there is but one way by which we can ever have free ingress and egress to and from this city, and that is by renewing the bill Congress passed in 1881 without that provision giving discretion to the Secretary of War, so as to require the construction of a free bridge at a point close to the Aqueduct Bridge.

I have heard some Senators suggest that we were a mile and a half above the Aqueduct Bridge. It is not three-eighths of a mile from the Aqueduct Bridge to the point at which it is proposed to locate this bridge, and I want to ask Senators' attention to that. It is not three-eighths of a mile from the Washington end of the Aqueduct Bridge to the point where it is proposed to construct the new bridge. On the other side of the river the distance is a mile and a half—a mile and a half of rugged, hilly road, that now requires people to go three miles out of their way to get to the city of Washington over the Aqueduct Bridge that subserves no purpose except the benefit of the people of Alexandria city and county who have the benefit of the Long Bridge. It is a mile and a half on the other side. The fair way to discuss this question is to consider the distance on this side; and the people on the other side of the river who choose to use the new bridge can come to the city of Washington by a mile and a half less distance on this proposed bridge than they can possibly do over the Aqueduct Bridge.

Mr. President, I do not propose to go into an elaborate discussion of this matter, and I do not suppose I have any right to do so.

The PRESIDING OFFICER. The Senator's five minutes have expired.

Mr. RIDDLEBERGER. I wanted to answer the question of the Senator from Wisconsin and to call the attention of the Senate to the fact that they are only asked to do now what they did once before, and I hope they will do it promptly.

Mr. INGALLS. Mr. President, on the 23d of February, 1881, Congress passed "An act to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes." The second section of that act provided:

That for the purpose of establishing a free bridge, and in lieu of erecting the bridge provided for in the preceding section, the Secretary of War may, in his discretion, purchase the Aqueduct Bridge now crossing the Potomac River at Georgetown: *Provided*, Said bridge with all the appurtenances, rights, and franchises connected therewith, including piers and real estate for abutments and approaches, can be purchased for a sum not exceeding $85,000; which sum or so much thereof as may be necessary may be paid out of the money appropriated by this act: *Provided further*, That a good and sufficient title thereto can be secured to the United States, to be approved by the Attorney-General of the United States.

This is followed by certain other provisions in relation to things to be done and acts to be performed by the Alexandria Canal Company or their lessees in connection with the canal aqueduct that is connected with the bridge. The negotiations which the Secretary of War entered

into at that time for the purpose of securing a title to the Aqueduct Bridge fell through in consequence of the unwillingness of the parties in interest to comply with the terms of this act. Since that time, and since I may say the reporting of this bill from the Committee on the District of Columbia of the Senate, all the parties in interest have formally agreed to accept the terms of the act of February 23, 1881, so that at this time by the payment of the sum of $85,000 the Government can secure absolutely the title to and the possession of the Aqueduct Bridge and a free bridge can be obtained probably within the next thirty days.

This bill passed the Committee on the District of Columbia against my judgment and was reported on the 25th of February last, since which time it has been lying on the Calendar. I think that any person who examines the topography of the Potomac River, and who is familiar with the requirements of the communities which this bridge is to accommodate, would have no hesitation in reaching the conclusion that if there is no objection arising from the difficulty of obtaining the title to this property or of securing the substructure there in case it might be thought necessary to put a new structure upon the piers, the site occupied by the Aqueduct Bridge is vastly preferable to any other that has ever been suggested.

In connection with this subject it is perhaps appropriate that I should call the attention of the Senate to a communication from General Hazen, the Chief Signal Officer of the United States, who was addressed upon the subject, as to the interests of the Government in connection with this matter. If the Government of the United States is to be called upon to pay three-fourths of the cost of this structure, evidently its interests and convenience ought to be consulted. It is desirable that some means of easy and ready access should be obtained to Arlington, to the National Cemetery, to Fort Whipple where the Signal Service of the Government is largely carried on, on the heights to the north of Arlington.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COCKRELL. I ask that the Senator's time be extended, or if I have the floor in my right I yield my time to him.

Mr. HARRIS. I suppose by unanimous consent the Senator from Kansas may proceed.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. INGALLS. It will be impossible to conclude the proper consideration of this bill in the time that is to elapse between this period and that when the regular order will come before the Senate. I have no objection, if the consideration of the bill can be continuously carried on, to its being discussed now; but in view of the importance of the subject and of the amount that the United States Government will be called upon to expend if the bill becomes a law, it is obviously unjust that a matter of this consequence should be considered under the application of the five-minute rule and debated till 2 o'clock. I shall not be able to present the views that I wish to submit and the documentary evidence bearing upon the subject in my possession, within the time between this and the morning hour. I would, therefore, suggest to the Senator from Virginia that perhaps the bill might go over until a subsequent day when this whole matter can be presented.

Mr. HARRIS. If the Senator from Kansas will yield a moment I will suggest to him and the Senator from Virginia, and if they approve I will ask the unanimous consent of the Senate that this bill may hold its place subject to be called up by the Committee on the District of Columbia, and when called up freed from the limit of five minutes' debate. It is important that the bill should be considered as early as we can satisfactorily consider it; but in view of the information the Senator from Kansas is now giving the Senate in respect to the Aqueduct Bridge, or the piers of that bridge, I think it is important that the committee should, at I care not how early a day, thoroughly consider the information that the Senator from Kansas is now giving, in order that it may come here prepared to give a distinct recommendation in respect to the matter the one way or the other.

Mr. RIDDLEBERGER. I understand the Senator from Kansas will not be here after to-day for some time, in all probability.

Mr. INGALLS. That is true. I shall be compelled to leave the city to-morrow, on business that imperatively demands my attention, and may not return until the close of the following week. But at the same time it seems to me that, inasmuch as there have been two decisions of the circuit court of the United States for the eastern district of Virginia, communicated to the committee since the date of this report, bearing directly upon the interests of the Government in the subject-matter of the controversy, that it would be proper that this bill should be further considered by the committee. I feel delicate about asking that the bill should be committed, because I opposed it in committee. It was reported against my consent, by a majority of the committee. By that action, of course, I am bound. If I were with the majority of the committee, I should ask that the bill might be recommitted, but I do not feel at liberty to make that motion.

Mr. HARRIS. If the Senator will allow me, I repeat as one who favored the reporting of this bill with the recommendation that it pass, that in view of the information the Senator from Kansas discloses, I am not satisfied to proceed with the consideration of the bill until the committee have thoroughly considered the information given by the Senator from Kansas. Instead of recommitting, however, if the Senate will give its consent that the bill may hold its place on the Calendar subject to be called up by the committee, giving the committee time to consider the matter suggested by the Senator from Kansas, I would propose that course. I do not desire to delay the consideration of the bill one moment longer than is absolutely necessary to develop the information that the Senate ought to have before it takes final action on the measure.

The PRESIDING OFFICER. Does the Senator from Tennessee make any motion?

Mr. HARRIS. Does the Senator from Virginia consent to the suggestion that I make?

Mr. RIDDLEBERGER. I have not understood it. What is the suggestion?

Mr. HARRIS. Then I will put it in a tangible form. I ask the unanimous consent of the Senate that this bill may hold its place upon the Calendar subject to be called up by the Committee on the District of Columbia at such time as it may be ready to act upon it, and that in the mean time the committee will consider the information developed by the remarks of the Senator from Kansas.

Mr. RIDDLEBERGER. I understand that it is on the Calendar and will come up regularly on Monday morning.

The PRESIDING OFFICER. The Senator from Virginia will permit the Chair to say that the Senator from Tennessee proposes that when called up it should be as under Rule IX, when he first mentioned it.

Mr. HARRIS. That it should be relieved from the five-minute limit as to debate.

Mr. RIDDLEBERGER. It will come up regularly on Monday morning.

The PRESIDING OFFICER. Certainly.

Mr. RIDDLEBERGER. It is the unfinished business of the morning hour.

Mr. HARRIS. There is no unfinished business of the morning hour.

Mr. RIDDLEBERGER. I understand so.

The PRESIDING OFFICER. The bill will be in order under Rule VIII on Monday.

Mr. RIDDLEBERGER. Then there is no necessity for accepting any proposition about it. It just goes over until Monday, and I should like the Senator from Kansas, whatever objections he has to the bill, to file them to-day, because, as I understand, he will be away on Monday. If he can have that privilege I should like to suggest that he file his objections to-day, so that the bill may not be prejudiced by his absence.

The PRESIDING OFFICER. Unless gentlemen make some agreement soon the Chair must announce that the hour of 2 o'clock has arrived.

Mr. COKE. If the proposition is for the committee to call this bill up at any time during the morning between 12 and 2 o'clock under Rule VIII, I have no objection to interpose.

Mr. HARRIS. That is exactly my proposition, that it hold its place on the Calendar under Rule VIII, but shall be relieved from the five-minute limit as to debate when called up.

Mr. CAMERON, of Wisconsin. I shall object to relieving it of the five-minute limit of debate.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

Mr. HARRIS. I now ask the Senator in charge of that bill, and the unanimous consent of the Senate, that the Senator from Kansas [Mr. INGALLS] may proceed with whatever statement he may desire to lay before the Senate in respect to the bridge bill, in order that the Committee on the District of Columbia may at least have his views clearly and distinctly expressed when we come to act upon the state of facts that he may suggest to the Senate.

The PRESIDING OFFICER. The Chair should perhaps state that the Senator from Iowa [Mr. WILSON] gave notice that at this hour he would ask that the regular order be suspended that he might submit some remarks upon a pending resolution.

Mr. WILSON. The suggestion made by the Senator from Tennessee with reference to the information which the Senator from Kansas desires to put in possession of the Senate concerning the bridge bill would seem to be of some importance in view of the fact that the Senator from Kansas expects to be absent from the city. If it is thought best for me to give way for him to do that, I shall certainly do so.

Mr. INGALLS. I think I have the information that I shall desire to lay before the Senate in such shape in the form of written and printed matter at my disposal that I can place it probably in the hands of some other member of the committee so that the Senate can be definitely advised as to the relative rights of the parties in the matter. But I still think that the Senate will not be in a condition to act intelligently upon this matter until the committee have had further time to examine it and report in view of what has occurred since the bill was reported on the 25th of February.

Mr. HARRIS. I desire to give notice that I am not willing to proceed with the consideration of this bill until the committee shall have further considered it, and I desire to obtain that consideration at the expense of as little delay as possible, but whatever may be necessary I shall insist upon.

Mr. RIDDLEBERGER. The Senator from Tennessee will permit me to say that all the information which is printed in the pamphlet to which the Senator from Kansas refers was before the committee; every line of it was before the committee except the opinion of the judge of the United States district court, but the substance of that opinion even was before the committee, the committee understanding the whole purport of it. There is nothing new in this document at all.

Mr. INGALLS. The Senator is strangely mistaken, because he must be aware that long since the report was filed the lessees of the Alexandria Canal Company have left with the committee their formal acceptance of the act of February 23, 1881. That was never before the committee for its consideration and could not have been, because it came in long since the committee reported the bill.

Mr. RIDDLEBERGER. Mr. President——

The PRESIDING OFFICER. This discussion continues by unanimous consent.

Mr. RIDDLEBERGER. I ask consent simply to make a brief statement, because Senators think about these matters sometimes on Saturday and Sunday.

Mr. PLUMB. As this is likely to ripen into something of a debate, unless it subserves the special convenience of some member who may not be present at a subsequent period when the bill shall come up in the ordinary course, I shall feel constrained to object, because I can not conceive in the first place that it is of as much importance as the measure pending which has the right of way, and in the second place the debate now undoubtedly will cover a space that will be covered at a future consideration of this bill. Therefore, without any disrespect to the Senator from Virginia, I object to the further continuation of debate.

INTERSTATE COMMERCE.

The PRESIDING OFFICER. The Senator from Iowa [Mr. WILSON] is entitled to the floor.

Mr. PLUMB. For this purpose I understand the unfinished business is simply informally laid aside.

The PRESIDING OFFICER. The resolution of the Senator from Iowa will be read.

The Chief Clerk read the following resolution, submitted by Mr. WILSON April 17, 1884:

Whereas the Constitution delegates to Congress the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes:" Therefore,

Be it resolved, That it is competent for Congress, in the exercise of the power so delegated, to provide by law for such regulation of the transportation of commerce among the several States as shall include a system of maximum and minimum rates of charges for the same; for free competition between the limits so fixed; for the prohibition of discriminations of any kind whatever, either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points; for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce may avail itself of the all-rail or part rail and part water routes of the country; for the prevention of such pooling arrangements and agreements, to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States; for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock," and for the promotion of the true interests of both the corporations employed in such transportation and the people and localities engaged in such commerce, by an enforcement of the principles hereinbefore stated, and thereby induce harmony and stability in the affairs of the said corporations, people, and localities.

Mr. WILSON. Mr. President, the principles and elements of this resolution are formulated in Senate bill No. 1142, "to establish a board of commissioners of interstate commerce, prescribe the duties thereof, and for other purposes," introduced by me on January 17 last, and referred to the Committee on Railroads. Several other bills relating to the same subject are also before that committee, and are doubtless receiving at its hands the prudent and considerate attention which their admitted importance demands.

Mr. CULLOM. The Senator from Iowa will allow me a word. On behalf of the Committee on Railroads I desire to state for the information of the Senator as well as the Senate that the committee are prepared to report a bill on that subject, and I shall, on behalf of the committee, report it perhaps on Monday, and ask the Senate to fix an early day for its consideration.

Mr. WILSON. Mr. President, the principles, subjects, and interests treated of in these bills are of such character as to enjoin greatest care and most conservative action in whatsoever may be done concerning them. The field of legislative action into which they extend is not a new one, though many of its most forceful characteristics are of comparatively recent origin. It is an old field with many new occupants. How best to treat it and them is a problem at which we may work long and diligently before effecting a perfect solution. It is so complex that we may well be content to work it out by sections.

The forces which have evolved the unexampled conditions of development and progress in this country have been both subtle and aggressive. So noiselessly have they wrought on in their ceaseless advances that we have but imperfectly understood them, and so rapid and wondrous have been their results that our attention has been so firmly held in contemplation of effects that we have been too unmindful of the causes which produced them. Each of the later decades of our national life has been marvelously fruitful of effects in aid of our material, intellectual, educational, and moral progress. So forcefully true is this that when we bring to our contemplation the sum total of the last four decades in this regard we seem to have been put into possession of a new world. We have not failed to notice the changes which have been going on. On all occasions and under all circumstances we have boastingly proclaimed them. The increase of population, the development of our material resources, the accumulation of our wealth, the wonders of our scientific achievements, the bewildering successes of our inventors, the sturdy on-march of our educational institutions, methods, and systems, the excellent instrumentalities and modes of our great inland commerce, and each and every other factor which has come to be a part of our much bepraised national case has singly, and have as an aggregation, been proclaimed to ourselves at home and to the world abroad in our most pronounced and resonant sounds of praise. And in these several respects we have nothing to blush for even though the whole world looks into our face. So far as these facts are concerned we have a possession of transcendent magnificence.

We deal with this possession through our laws, and here we find the weakest point in our case. The progress of the science of law-making has not been as great as the forces which evolved the results named have been active. We have not fitted our system of laws to the new conditions which so suddenly have come upon us. Hence we feel those frictions which jolt and jar our movements. We have grown in all directions and in every respect so rapidly that we have been neglectful of that careful study of the changes which have transpired and of the new relations which they have imposed. But while this is true it is no new happening in the experiences of peoples and governments. It seems more pronounced in our case because of the rapidity of its development and its exceptional character in almost every regard. But the fact remains that we have developed and progressed more rapidly than our laws have been adjusted to the facts and movements.

No more striking illustration of the truth of this statement exists than that presented by the subject to which the resolution now before the Senate and the bills alluded to by me relate, and I am not unmindful of the great difficulties which surround it. But that subject is not exceptional in this regard. Indeed, all of the great changes which have transpired in the recent past of this country present to us characteristic difficulties in degree more or less perplexing. And the fact that great difficulties attend the subject now before us merely serves to define its character and importance as one calling for resolute and at the same time considerate and conservative legislative action. These three elements should be present in whatever law we may enact for the regulation of the transportation of the interstate commerce of this country, for when we come to legislate on this subject we will treat of one whose ramifications are bounded by those lines which define the territorial jurisdiction of the nation, whose touch is both forceful and delicate in every section and community of the country and in and about every industry and employment of our people. The methods and appliances through which it now operates constitute it one of the comparatively new forces of our present civilization, and have enabled it to do more toward inducing the conditions attendant upon trade and commerce than any other one thing that has transpired since we became an independent people and government.

So far as concerns interstate commerce, this comparatively new force practically has had its own way. But there is a conviction as widespread as the country that this great force should be put into right relations with the people and their business and true interests wheresoever they are and of whatsoever kind they be. But this can not be safely and wisely done by the introduction of new principles into such legislation as we may enact. It is regulation based upon recognized and established principles, and which shall alike be fair and just to all parties and interests concerned, that is demanded, and not an application of experimental interferences which may result in more harm than good. Any system of regulation which fails to recognize the reciprocal relations existing between the public, which is the aggregation of the people and their varied interests, the individuals constituting the components thereof and their multiform occupations, and the transporting corporations will almost certainly result in harmful interferences from which all will soon pray to be released. And hence we must be careful not to allow the follies and interferences of the transporting corporations to induce us to engage in efforts and reprisals through methods as questionable as those against which we lodge our complaints. Public laws are not proper repositories for resentments and revenges. And the makers of public laws must be careful to exclude from their work the resentments which far too often characterize the actions of the private individual.

This rule has been observed both in the resolution now under consideration and in the bill to which I have referred. Neither of them propose a system for the regulation of interstate commerce not founded in

its every feature upon firmly established principles of law concerning the several matters to which they relate. It is not their purpose or office to declare new rights, but to recover the possession and assure the enjoyment of those that are as old as our law; to apply to the new conditions which have become established in this country through proper methods established by law the principles which have attached to the common carrier and his employment from the earliest times of the common law, and we cannot excuse non-action in the premises. There is cause for the action proposed, and it is quite time that a start be made toward a recognition of the necessity for a just, considerate, and effective legislative response to the demands which come to us from all sections of the country.

Mr. President, there are some things embedded in the practical administration of the transportation system of this country which must be reached and removed. But it is well to remember that while this is indisputably true it is equally true that many most desirable and admirable things are to be found therein. The case is far from being wholly bad, though it often is presented to the public in that light, and here it also is well to remember that the Government and the public are largely responsible for the presence of some of the worst features of the case, while the administration of the system is entitled to credit for some of its most admirable factors and results. Hence in our investigation of the case we will not find either party wholly on the debit or wholly on the credit side of the general balance-sheet.

There is no more interesting study connected with the development and progress of our country than that which discloses the introduction and growth of the railway system. And we can not wisely legislate on the subject without first having devoted patient and toilsome care in studying the wondrous details which thread it in every part. This is no field for passion or prejudice or revenge to enter upon. We find in it the highest character of legislative duty, and this can not be discharged with wise efficiency except by an observance of those rules which enforce even-handed justice.

When we consider that the construction of railroads commenced in this country as late as 1827, and was not fairly under way until 1835, and that we now have in operation about 121,000 miles, representing in one way and another a capital investment stated at about $6,383,477,210, we find ourselves at once in a bewildering field of inquiry, and a proper degree of reflection concerning the data which this field of inquiry furnishes to us will force us to the conclusion that the absence of thought and care on the part of the public, the States, and the General Government during the several stages of the development of our railway system has induced, organized, and given force to many of the most embarrassing features of the case. Many of the complaints present in the minds of the people are readily traceable to this cause. From the beginning the public, the States, and the General Government seem to have given themselves up almost wholly to effecting present needs, desires, and purposes, and to have given little or no thought as to what consequences might be projected into the future by their action.

The General Government was the last to act; but it was as oblivious to the effect of its action on the future as the public and the States had been. More thought, greater care might have saved the country from many of the causes of complaint on which the people plant themselves now. But it is not just to hold either the public, the States, or the General Government as criminally negligent in this regard. It is always easier to look back and find fault than it is to look forward and act wisely, and it is not fair to use this easier process as a means for denouncing the actors of the past as criminal because they did not, by resorting to the harder method, save us from the effects of which we now complain. The public, the States, and the General Government, so far as their action concerned the development of the railway system of the country, moved in the direction of encouragement rather than on lines of repression. They felt the pressure of a need and they meant to create a servant to supply it. They little thought how soon a free servant may become a master, and so did not encumber it with appliances of restraint. They were impelled by the subtle and persistent forces to which I referred at the beginning of my remarks, and without understanding them gave them free play.

This is not a new feature in the movements of men or governments. When new agencies first appear in the progressive activities of a people they are very apt to be allowed great freedom of action and rarely feel the curb of restraint. And especially is this true of such as promise to promote business interests by accelerating its operations and expanding the field of its conquests. The railway agency was not an exception to this rule. The first experiments with it fixed it as one of the most forceful factors that had appeared in the business world. Its every advance tended to confirm the judgment of the people in favor of its great utility. And this fact induced that unguarded liberality of treatment toward this new factor in our civilization and those who were engaged in promoting it on the part of the people and their governments, whether municipal, State, or national, and from which have outgrown most if not all of the evils now found in the powers and practices of railway corporations, and of which individuals, communities, and the general public to-day complain.

The result here involved was not a necessity, but it was a natural consequence of that want of proper consideration of the possibilities of the case so often present in human affairs. This is quite apparent to us now. Experience has given us demonstration of its truth. But the teaching of experience, while it is invariably forceful, is not always desirable. It often inflicts punishment as well as great rewards. Every nation's life, as well as every human life, is crowded full of proof of this fact, and the wonder is that we have not derived greater benefit from it than we can lay claim to. But I know of no other rule of conduct that will improve our predicament in this regard than the one which imposes the duty of thought before action. If we fail to observe the wise caution of this rule we should remember that a dutiful concern for our own failings will be more becoming than unrestrained complainings.

Step by step, year by year, the railway system of this country grew. In 1830 only twenty-three miles of railway were in operation in the United States; in 1840 there were 2,821 miles in operation; in 1850, 9,021 miles. The growth of the system had been unrestrained, and but little thought had been given to the possible consequences which might arise from the incautious grants of power made to railway corporations. What they asked for was given upon the asking and as a matter of course. The country was feeling the beneficial effects of a comparatively new force. Individuals, towns, cities, counties, and States involved themselves in various ways to impel the development of the system, each intent on an immediate gain of profit or other advantage, and all unmindful of whatsoever else might come. But this was not a new feature in the progress of human affairs. On the contrary, it was but a repetition of what has occurred as often as new and forceful factors have appeared in the operations of men and in the march of the world's civilization. It is only when unrestrained methods, gathering force from their freedom of action, begin to manifest how closely everything in organized society is related by asserting as their own powers which belong more or less in common to all that they excite attention to their movements and induce resistance.

The railway system had not reached this juncture at the period of time to which I have referred. In 1850 the railroad had so well demonstrated its power as a developing force that it arrested the attention of the legislative department of the General Government. It is true that its characteristics then were quite primitive when compared with what they now are. The railroad of 1850 in its construction, equipment, and administration would present a strange and even laughable contrast with the trunk lines of to-day. Still it was a masterful spirit and gave promise of doing for the country just what appeared to be its great need. Our States and settlements had advanced toward the West until we were forced to take cognizance of the vast possibilities of the regions of the prairies and the plains. There was an almost limitless empire to conquer and subdue for and to the use and purposes of our restless and progressive population. Illinois had been admitted into the Union as a State in 1818. She possessed vast capabilities, but in 1850 her population had reached only 851,470 souls. The best portions of the State were not occupied and could not be for want of adequate means of reaching a market. Her possibilities were recognized by all, but they were locked up in the bosom of her grand prairies. The railroad offered a key to unlock the great treasure-house, let the waiting people enter and possess themselves of the riches therein stored.

The tendered key was accepted, not merely by the impatient and importunate people of Illinois, but by the nation. The subject was introduced into Congress by Mr. Douglas, then a Senator from that State. The result was the passage of the act of September 2, 1850, making a grant of lands to the State, which was devoted to the construction of the Illinois Central Railroad. I shall not now stop to discuss either the merits or the defects of that act. It began a policy relative to the public lands and railroads which had a long run in Congress and a wide application to the country. The country approved it, and for many years it would have been difficult for any man to have secured an election to Congress from any Western State in opposition to that policy. Indeed, I may state the case in stronger terms, and say that it would have been extremely difficult to have secured an election to Congress from any of those States except by an approval of that policy and upon a pledge to promote it. Everybody then was in favor of it, just as everybody is opposed to it now. State legislatures were memorializing Congress at every session to apply the policy to their respective States, political conventions and public meetings were resolving, business organizations and private citizens were petitioning in favor of the application of the policy to their particular sections and interests. These importunities were common and almost universal. What was the result? Why, that the grants of public lands made during the years in which that policy had its run amounted to an aggregate of about 209,904,807 acres, of which, according to the estimate of the Commissioner of the General Land Office, the States and companies in interest have received and will receive title to some 185,297,517 acres.

But while this action was being had and the land-grant policy was having its run, no one cared to inquire into the value of the public domain that was given away. Indeed, it was said everywhere and by everybody that the great possession which the nation had in its public lands was worthless unless it could be utilized, and that this would never be except through the construction of railroads; and so one-half of the

lands within given limits were granted and the Government doubled its minimum price on the half which it reserved; and it was also urged in favor of the policy that it would be a forceful ally to the homestead measure by assuring transportation to market within easy reach of the many thousands who would establish themselves in free homes under the operation of that beneficent law; and thus the Government was to make money by selling its reserved lands within the limits of the grants at double minimum price, and the people were to have comparatively easy access to other portions of the public domain, from which they could take their farms and homes without money and without price.

The policy had its beginning; it ran its course and it reached its end. Then commenced a course of complaint which became as general against the once favored policy as importunities had been widespread in its favor. Doubtless there are solid grounds of complaint. But the careful observer will readily detect many substantial benefits standing alongside of them. The case is not wholly bad by any means. Imperfect, unguarded, and unbridled as the policy was, it wrought out wondrous results for this country. It did what the people and the Government desired it should do. It induced a development in the States and Territories covered by it unprecedented in the affairs of any people. The year 1850, which marks the inauguration of the policy, found those States and Territories with an aggregate population of 2,749,324. The census of 1880 shows that they then possessed a population of 20,662,104. It is not necessary to follow these figures into the lines of details which they suggest relative to the agriculture, manufactures, commerce, mines, wealth, and the moral and educational conditions which abound in the regions covered by them. From the State of Illinois, where the policy first quickened the forces of development and progress, to the Pacific States, where its influence was last felt, the things which were done in those twenty years bewilder us when we contemplate them, and would have been quite beyond our belief had they been suggested at the beginning. They well repay us for the policy which evolved them, and they would not have been but for its adoption.

The people and Congress regarded it as a means to make possible the things which are now facts. The thought of the country, of the private citizen, and the public man was directed to the creation of an agency which should upbuild States, unfold the riches of unoccupied regions, induce wealth, supply productions and commodities, evolve commerce, and promote the general welfare. It failed duly to consider the questions of checks and balances with which to restrain that agency in right lines of action, and to keep it in harmony with great, varied, complex and in many respects delicate interests which its movements established. It acted in one line and for one purpose, and waited for the spur of experience to give it other directions and a broader comprehension, and now a decent regard for consistency will not justify the Government, nor political parties, nor statesmen, nor private citizens, in turning to rend the agent which they all invoked to conjure the surpassing magnificences which have come to them.

In the vast regions covered by that policy, now the most prosperous on the globe, possibilities were abundant, but they could not make States, nor wealth, nor business, nor progress. They embraced them all, but something was needed to unlock the embrace and give freedom of action, and hence the railroad was invoked, loaded with Government aid, and sent out to unlock that embrace, give freedom of action, turn possibilities into facts, push civilization across the continent, develop and establish the superb empire which is the pride and glory of our people to-day. It obeyed the call. It stretched its lines where there was no business to support it and created it. It grew strong and wrought out every purpose and result it was ordered to effect. It did more than this. It established a new era in its own movements. Having developed States, created business, supplied the elements of commerce, and quickened mere possibilities into realized facts, it put an end to the policy of extending Government aid to railway corporations. But railroad-building did not stop. Lines were constructed in all directions through the wondrous empire opened up by the policy which had exhausted itself and died. It had supplied business for unaided roads and they were built, and their multiplication is going on to-day. The policy had demonstrated how business would spring into life and ever-increasing volume whenever the railroad touched it with its quickening forces. It was no longer a question of doubt whether business must precede the railroad or the railroad precede business. No matter which condition prevailed, success was reasonably assured. So perfectly has this been made to appear that we are now apt to wonder why we ever were in doubt about it, and why we ever extended aid to railroad corporations at any time. The results confound us and often confuse our judgments, and right here we are confronted by one of the most important and delicate phases of the whole case.

The magnitude of the railway system, comprehending in its comparatively limitless ramifications every section of the country and every element of business, trade, commerce, and material interest, renders it a subject of most solicitous concern to the people. A growing conviction has ripened into a definite judgment that the time has arrived for the Government to carefully consider and wisely adjust the relations subsisting between the system in its methods of administration and the affairs of the people. A number of the States have acted for themselves in this regard. But their powers are circumscribed by their own borders, and are wholly inadequate to meet the exigencies of the general case. Congress, therefore, has been appealed to for national legislation as a means through which to place the great transportation agent of the country into right lines of action, and to hold it there. Every portion of the country has demanded that the power of Congress to regulate commerce among the several States shall be put in motion, and that laws be enacted to effectuate right relations, conditions, and practices between the people and this most potential of all their commercial agencies.

This demand for regulative legislation is not a mere caprice of the people. Its growth has been gradual, and it had its origin in substantial causes of complaint. It doubtless has been intensified by designing and skillful manipulation of subjects which have no proper relation to the commercial features of the case. The manipulations have been in great degree worked from the political standpoint, and too often for the promotion of personal and partisan ends rather than for proper commercial objects and right public purposes. Passions have been inflamed by denunciations of railroad corporations as unconscionable recipients of land grants and other subsidies from the Government without any regard being paid to the fact that the grants were quite as willingly given as received; and that the whole business was but a part of the policy to which I have already adverted as having had the support of the entire country.

But if all of the propositions relative to questions said to be involved in those grants and the alleged forfeitures connected with them had been enacted into laws, the real and most important matters at issue between the Government, the people, and the railroad corporations would still remain unsolved and untouched. If Congress should declare a forfeiture of every railroad land grant ever made by it, the great commercial problem would still remain as completely untouched and unsolved as it is to-day. And even the questions embraced in the several acts of forfeiture would still remain subjects for judicial determination; and it seems to me that if a general act had been passed by Congress years ago directing the Attorney-General to proceed in the courts against all land-grant companies alleged to be in default of the conditions running with their several grants for the purpose of obtaining judicial determinations of forfeiture against them, great practical results would have been reached and much useless agitation avoided. This would have removed the entire subject from Congress where it has consumed years of time without producing any compensatory results. And it seems to me that it would be wise to enact such legislation now; for this would put all cases of alleged forfeiture in course of speedy adjustment, and would secure to the Government and the companies such judicial determination of the questions involved as must ultimately come, no matter what character of legislation we may enact.

Had the course here suggested been adopted at the beginning of the controversy relative to lapsed land grants, all of the rights which the Government may have lost during the years of ineffective agitation in Congress would have been reserved to it and to the people. The commencement of the action by the Attorney-General would have held in reserve every right of government and people through every stage of progress and on to the termination of the case. The commencement of an action in court is notice to everybody. But mere agitation in Congress is notice to no one; mere discussion in Congress, whether it be general in its character, or with special and definite reference to particular companies, interests, and grants, could not have the effect of notice, nor the force of protection to public rights. Nearly ten years ago the Supreme Court of the United States passed on the question here involved in the case of Schullenberger *vs.* Harrimon, 21 Wallace, 44, and reasserted the long-established doctrine relative to grants and forfeitures in this language, namely:

> In what manner the reserved right of the grantor for the breach of the condition must be asserted, so as to restore the estate, depends upon the character of the grant. If it be a private grant, that right must be asserted by entry or its equivalent. If the grant be a public one, it must be asserted by a judicial proceeding authorized by law, the equivalent of an inquest of office at common law, finding the fact of forfeiture, and adjudging the restoration of the estate on that ground; or there must be some legislative assertion of ownership of the property for breach of the condition, such as an act directing possession and appropriation of the property, or that it be offered for sale or settlement.

Mr. MORGAN. If it will not interfere with the Senator from Iowa I will state to him that the Committee on Public Lands have reported a bill almost precisely the same as the measure referred to. It is now on the Calendar, and I hope that it will be called up at an early day.

Mr. WILSON. I am glad to hear the statement of the Senator from Alabama, and I am only sorry that action was not taken years ago in connection with this very important subject.

The case of Schullenberger *vs.* Harriman was a case in which there had been an admitted breach of the condition of the grant, which was one to the State of Wisconsin to aid in the construction of certain railroads within that Commonwealth. But the court after declaring the rule I have quoted, followed it with this conclusion:

> In the present case no action has been taken, either by legislative or judicial proceedings, to enforce a forfeiture of the estate granted by the acts of 1856 and 1864. The title remains, therefore, in the State as completely as it existed on the day when the title, by the location of the route of the railroad, acquired precision and became attached to the adjoining alternate sections.

Congress might have declared a resumption of the grant by a legislative act as soon as a breach of the condition on which it was made transpired. But even this could not have prevented the State or the companies on which it had conferred the grant from resorting to the courts for the determination of any controverted facts or judicial questions connected with the transaction, and so also Congress could, without declaring a forfeiture by legislative act, have directed the Attorney-General to institute judicial proceedings against the defaulting State or company and thereby reserved to the Government every right existing at the commencement of the action. And so it might have done by the enactment of a general law applicable to all alleged forfeitures by breach of condition and relieved itself of the ineffectual agitation about the resumption of lapsed land grants which has run through more than ten years of time and from which no result has been derived so far as a recovery of forfeited lands is concerned. And I can but believe that it would be the better course now to rid Congress entirely of this phase of the railroad question by sending it to the courts, with definite instructions to the Attorney-General to keep it there in each and every case until all of the rights of the Government and of the States and companies shall have been resolved by the only power that can conclusively do it. If delay should occur there it can work no harm to the rights of the Government or the people. But delay here endangers both. It is delay I wish to avoid, as well as to intrench against the loss of existing rights, by putting the judicial power into action. And it seems to me that no grantee corporation can afford to object to the adoption of means for the speedy adjudication of all disputed questions pending between it and the Government. But if such objection be made it must rest on the fact that legislative delay consumes the rights of the Government, and that continued and ineffective Congressional agitation and discussion are more helpful to the corporation than would be resolute judicial proceedings. On all accounts it seems to me it would be well to get this question out of the way by the method suggested, in order that it may no longer complicate the more important one which so greatly affects the commercial and other material interests of the country.

How to deal with this latter question is a problem presenting many seeming complications. But when we subject it to the crucial test of pertinent inquiry and earnest thought much of this seeming disappears and a sense of surprise occasioned by the simplicity of the problem takes possession of our minds. We find most of the difficulties almost purely imaginary, and this is but a repetition of the results which come of the application of thoughtful methods to the treatment of almost all phases of human affairs.

I shall not stop to discuss the question of the power of Congress to act in the premises. That Congress has power to regulate commerce among the several States is nominated in the bond of the Constitution. That this power is sufficiently comprehensive to embrace the full volume of the problem involved in the matter of the transportation of commerce among the several States has been affirmed by the courts over and over again. Commerce among the several States exists. The Constitution confers on Congress the power to regulate it. "The power is coextensive with the subject on which it acts."

This is the doctrine declared by the courts. Hence the subject on which the power acts is its only limitation. Commerce among the several States has become too great a factor in our national existence to justify the admission of a doubt concerning the power of Congress to regulate it. The subject is too closely allied with everything involved in the general welfare to allow of any admission that it is beyond the power of Congress to regulate it. And the very fact that the railway power has become so strong in its assumptions of freedom in the choice of its own modes of action as to deny the power of Congress to regulate it is a command for prompt, resolute, just, and comprehensive legislation concerning it. That it is a power of comparatively recent growth, with its hand upon every interest known to the affairs of our people, renders it none the less important, but rather all the more imperative that efficient action should be taken in the matter of its proper regulation. That it has been allowed to up-build itself by a resort to that element of sovereignty which we call the right of eminent domain fixes not only its own importance as one of the instrumentalities of our national development and of the activities of our people but also the necessity for its regulation by law. The great gifts which it has received from the nation are cumulative evidence that its true office is to serve the public in just ways for reasonable reward, and that it is the servant and not the master of the commerce of the country. The great returns it has made to that commerce and to every phase of our progress and to the multifarious interests of society and of individuals conspire to prove how well it may deserve just treatment if it be but just itself. It has indeed given to our people many most admirable returns. It has given to them the best organized system of transportation in the world and in many respects the cheapest. It has given to them greater comfort in travel than is possessed by any other people. It has made itself necessary to their business and their comfort. It has organized a system in the lines of business administration in general and in detail second only to that of the Government itself, if, indeed, this exception can be allowed. But notwithstanding all of this its claim to be exempt from governmental regulation can not be admitted. The most that it is entitled to claim in this regard is that the laws to be enacted for its regulation shall be fair and just, and this character of regulation it needs even for its own defense against itself; for, conceding all that I have said in its favor, it is a chronic exhibition of more inexcusable follies than can be found in any other great department of business and affairs in this country.

The absence of good faith in the relations of the railroad companies with each other has become a matter of common remark and of public scandal. The more pools, combinations, and joint arrangements they make with each other, the greater their tribulations in many respects seem to grow. Newspaper columns are week after week crammed with accounts of meetings of general passenger agents, convocations of general freight agents, conferences of the general managers of different groups of lines, and givings-out of commissioners of disturbed pools. To-day the East-bound pool meets, to-morrow the West-bound pool, next the Ohio River pool, then the Iowa pool, next the Southwestern pool, again the Pacific pool, all because some member of one or the other of the pools has not kept faith in the common effort to eliminate the element of competition from the transportation of the country. The combinations of to-day are disrupted to-morrow. A secret cutting or an open war of rates in one or more groups of lines is an almost constant disturber of commercial calculations. Combination penalties seem to have no more effect in holding the contracting parties to their agreements than do the penal sections of criminal laws in the prevention of crime.

The very pretext on which pools and combinations are alleged to be based, that of assuring certainty, is eliminated from the case. This is harmful to the railroad corporations and injurious to the public. The pool and the combination destroy legitimate competition and give the public no equivalent in return. Oppressive rates even might be got along with if they but assured equality and stability. The business of the country might stand the absence of legitimate competition in the matter of transportation if it could but plant itself on the element of certainty and equality in regard to rates. But it can not prosper as it should in the absence of both competition and certainty; and the managers of the great railway interests of this country, aggregating reported capital amounting in round numbers to about $6,000,000,000, ought to feel humiliated in view of their demonstrated inability to administer their great trust more nearly on the basis of correct business principles. It is no credit to them that the securities which represent the capital invested in the great properties intrusted to their management were subjected to a shrinkage between January, 1883, and January, 1884, amounting to about $1,500,000,000. This fact alone shows that the great interests involved very much need some conservative regulation by law. And the men intrusted with the care and management of these great interests themselves admit the need of legislative regulation. For what are the frequent meetings of general passenger agents, convocations of general freight agents, and conferences of general managers to which I have referred but quasi-legislative bodies vainly endeavoring to do by discussion and agreement what governments do by law? And what are these vain and ineffectual efforts but so many admissions that some forceful system of regulation is the one thing most needed by the railroad corporations, to say nothing of the public interest in the case?

And here it is well to keep in mind that not the transportation question alone is involved in the railroad problem. There is the great question of the character and stability of value of the securities which the corporations have put upon the market and into the hands of the people of this country and of Europe. Here is a public consideration which it would be well for public law to have some care of. No such financial element in our national care should be wholly left to the capriciousness of managers who can not keep faith in the matter of their own agreements for thirty days at a time. The non-managing holders of railway bonds and stocks, numbering many thousands of our people, are seriously affected by the instability of the system of management which disturbs their investments; and whatsoever affects them in this respect reaches over and touches the general public interests, and often unsettles the entire business interests of the country. It was a railway-security brick that started the whole business row to tumbling in 1873.

Mr. President, let us not be unmindful that stability in railway securities is becoming more and more important in this country every day. Public securities are rapidly passing away. If no interruption comes to our national peace and prosperity for a few years our national debt will have disappeared. No United States bonds will then supply lodging places for the surplus capital of our people. So, too, are the State debts melting away. Economy and prudent administration can and doubtless will retire the State bonds which now afford opportunities for the investment of many millions of our people's money. Every United States and State bond retired brings us nearer to the time when some other kind of security must offer safety and stability to our constantly swelling volume of surplus capital. We are making more money than can profitably be used in the productive industries and desirable improvements of the country. If we drive it into the former, overproduction will result. If we divide it between the two, we supplement overproduction with recklessness in improvements, and surely will reach disaster. But, force it as much as we may, it will not all go in

the direction and to the uses indicated. There always will be hundreds of millions seeking more or less permanent investment, with no inconsiderable proportion needing a class of securities which may be readily converted into money. A people whose annual increase of wealth amounts to about $1,000,000,000 must have some kind of convenient securities which will answer the ends here indicated, to say nothing of the demands for such obligations by trust funds, temporary investments, and other uses known to our current financial affairs; and as our public policy, both national and State, is rapidly retiring the securities which possess the characteristic of absolute safety, we should do our utmost to provide a substitute of as nearly like character as the possibilities of the case will admit of.

It would not be wise to force our people to look to foreign securities; for this would complicate their financial conditions with the uncertainties constantly present in European international, political, and monetary affairs, and which might in time involve this country in controversies with the nations of the Old World leading to a disruption of our peaceful relations with them. On all accounts it is best for us to keep this possible element of discord and danger out of our case. We already have advanced far enough to see that as this nation goes on in its future activities and developments it will have quite enough to do in taking care of its own concerns without seeking either political or financial entanglements with other countries. And when we consider in this connection what the history of other nations demonstrates, that financial complications are in the forefront as causes of international disturbances, we should be ready and willing to avoid any course of action tending to lead us into them. Our policies in this regard should be American; and of such organization and action as will afford our people home opportunities for the use and investment of the free capital of their vast and rapidly increasing wealth. A conservative regard for the means within our possession will lead us into safe ways for reaching this most desirable end; and it will be prudent for us to consider whether or not the field of railway securities is not a promising one for us to enter upon in our endeavors to supply some class of securities to take the place of United States and State bonds as they pass away and ultimately disappear from the financial convenience and uses of our people. They represent the most potent factor in our commerce among the several States. That commerce is vast, and is steadily advancing in ratio of increase bordering on the marvelous. It is a source of supply seemingly exhaustless. It embraces all of the industries of our people and all that they produce. Put it and these and that forceful factor which our railway securities represent into the harmonious relations which contentment with each other is sure to induce, and we will have made a long stride on the line of duty of supplying something to take the place of our disappearing public securities.

How can this be done? It is demonstrated that it can not be done by present methods. The failure which has attended the efforts of the railway corporations to put harmony and stability into their system proves that they can not do it, and many of their practices show that they do not mean to do it if left free to pursue their own ways. They have entered upon fields which do not belong to them. They have adopted methods of administration which produce friction and discord. They have forgotten that it is their duty to attend to their own business and to let all other classes of business alone. They have assumed to exercise a power which the Constitution forbids even to Congress and to the States. The Constitution says that—

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

But the railway managements do so discriminate in their regulations relative to river, lake, and ocean ports that shippers have no choice in this regard. Vast quantities of the products of the West would seek the port of New Orleans by the water line of the Mississippi River but for the fact that they are shut off therefrom by the system of freight rates which the railway companies apply to interstate commerce. Like discriminations apply to the ports and commerce of all the States, and our people because of these discriminating rates are shut out from and deprived of the use of the national water ways of the country. Neither Congress nor the States can do this thing which is done by one of the chief instrumentalities of commerce. The power to discriminate is prohibited by the Constitution to Congress and to the States in order to maintain the equality of the States and to promote the interests of commerce. But the chief commercial agent steps in and exercises the power in spite of the Constitution, the Congress, and the States, and this is one of the things which must be put out of the way before good-will and harmonious relations can be established between the railway corporations and the people who supply the traffic which makes up the interstate commerce of the country.

Another feature in the railway management which is a sore vexation to localities and sections throughout the country is found in its assumption of the power to determine where business may be done. The exercise of this power extends to the making and unmaking of cities and towns, the enrichment or impoverishment of sections of country, and interferes with the freedom of selection in the movements of business and the uses of capital. If this pernicious practice were carried on to a like extent by the Government we would have frequent armed insurrections all over this land. Let the Government attempt to determine when and where capital may be employed in any proper industry, and when and where it may not be, it would first encounter the inhibitions of the Constitution, and if it could in any way overcome these and persist in such a practice, then a revolt of the people would put an end to the usurpation. But this is a common practice in railway management. Nothing is more common than for that management to determine that a particular kind of business shall not be allowed to establish itself and thrive in a given town, city, or other locality; that some may become manufacturing centers and that others shall not; that wholesaling may plant itself in some and be excluded from others; that mining may flourish in some places and be repressed in others. And so this potential commercial agency assumes a mastership over every interest and section wholly foreign to the purposes of its creation, and at war with every principle of sound public policy. That the repressive hand of public law should be placed on such practices does not seem to admit of a doubt; and until it is done, rightfully and effectively done, that condition of harmony and good feeling between the railways and the people so essential to the best interests of both can not exist.

Another practice common to railway management remains to be noticed, and it is one of the most unjust and irritating in the list. It is that of the discriminations applied to individuals engaged in like business in the same town or locality. Interferences of this kind in the private affairs of the people are simply monstrous, and while they continue the good feeling and right relations can not be established and maintained between the people and the corporations so much to be desired as an aid in promoting the general welfare, and especially in the regard to which I have directed attention in connection with the securities of such corporations. And it is no wonder that the pools, combinations, and agreements formed and entered into for the protection of railway companies by men who practice these wrongs on others are punctured, collapsed, or exploded almost as fast as created by the action of the element of bad faith among themselves. Men must practice justice in order to command its presence as an agent in the promotion of their own affairs. It is a grand power that directs the operations of the law of retribution, and in the end we find that it is no respecter of persons. The great corporation which disturbs and distresses the business of the private citizen will get no sympathy from the general public when calamity comes to it.

The feeling and principle here involved we find developed from time to time in the spasmodic efforts of the people to obtain and enforce laws containing many just and some unjust provisions; in the harsh verdicts which so often come from juries in railroad cases; and in many other ways in which the resentment of the people is from time to time manifested. It is useless to say that these things ought not to be. They will be as long as the cause which induces them remains. Neither ought to be; and it is the true office of wise public action through the instrumentalities of Government to see to it that an end be put to both, and when this office shall be entered upon in earnest, conservative good-faith it will readily be discovered that the task is not so difficult as we have been accustomed to believe. Let the spirit which guides the movement be of such character and purpose as will be content with the employment of fair, usual, and just methods for reaching the right results desired, and we will be astonished by the comparative ease with which the work can be done. If we only will be as diligent and careful in our efforts to reform the recognized abuses to which I have directed attention as all have been unmindful of their inception and careless of their development, we can soon establish conditions concerning which there will be but little ground on which to plant complaint.

Mr. President, the true interests of this nation lie in a general distribution of business and employment throughout the country. Wherever local conditions are favorable to the establishment of any business, of whatever department of industry it may be, there it should be free to plant itself without let or hinderance from those who manage the transportation of the country. A policy which diversifies employment of capital and labor in every State is the best for all, and consequently most promotive of the public safety and the general welfare. It is not best to force all of our manufacturing industries to a comparatively few centers. A few years ago the youth of our country could find abundant employment in all of the towns and villages of the land. Mechanical trades flourished in them all. Each trade produced all of the articles to it belonging. The industrial education, now so universally discussed and demanded, was then to be had in the mechanic shops of all of our centers of population, from country village to great city. The industrial school was in every city, town, village, and in all of the shops of each throughout all of this land, and these shops were all filled with our youth, whose clever hands learned the use of tools which brought the daily bread and laid the foundations of thrift, success, and fortune.

But the methods of that time have passed away. The mechanic shop of that recent past, in which was manufactured by the hands of the apprentices and journeymen therein employed all of the articles in its line of trade, no longer exists. Machinery now does nearly all of the work which the hands of youth and men were wont to do. The proprietors of the shops of the town and country village now buy in the cities the articles which they sell to their customers; and although such shops still represent the trades which once gave constant local employment to jour-

neymen and apprentices within their walls, they are now mere places of sale and repairing, and no longer of employment and manufacture. And so our youth can not learn the trades, nor even how to manipulate the machine which has supplanted the hands, except as they go from home, its good influences and wholesome restraints, to places more or less distant where our present system of railway management is pleased to allow manufacturing establishments to thrive. A system of centralization, enforced by the coercive power of the present methods of those who administer the transportation of the country, is surely tending to the establishment of social, moral, political, economic, and business conditions which can not be promotive of the public good.

I do not charge that those who are charged with the great and responsible, forceful, and delicate duties which pertain to the transportation system work with a purpose to produce harmful results to the country, its population or its business. I am willing to concede that they are working to a plan which to them seems most conducive to the general welfare. But we all know how a theory, no matter how erroneous it may be, when once it gets possession of the minds of men is almost sure to dominate their better judgment; and how they will resist the force of facts in order to hold on to their theoretical ways. This applies to all men, and to all human activities. It is the one thing, more than all others, which forces true progress to make haste slowly. But in spite of it junctures do arrive when the better and general judgment of communities breaks through the restraint, pushes aside the mistaken theories, recognizes the true nature of the facts involved, and establishes the conditions with which they harmonize. These junctures are the milestones that mark results and distances along the way over which true progress carries a people and advances a country.

We have reached one of those junctures in the affairs of this country, and the general judgment is that the theories on which our transportation system is administered are unsound and obstructive of the general welfare. And in no respect is this more apparent than in the tendency to enforce the centralization to which I have directed attention. Our people have come to realize that a policy which will tend to distribute industries and diversify employment, carrying the former into all localities as in former times, and placing the latter within the reach of the youth of the country as was once the case, is the best for all concerned. The establishment of a policy which will assure to our people a just equality in the matter of transportation will accomplish this now almost universally recognized need. And this will apply no harsh rule to the corporations engaged in the business of transportation. It will not tend to diminish the volume of the traffic they now enjoy, nor will it deprive them of a just compensation for the service to be rendered. It will reintroduce into the business of the country in all of its departments the wholesome influence of a fair competition, now almost wholly excluded by the methods of a coerced centralization and defensive combination. It will tend to distribute throughout the country efforts, measures, and methods which lead to accumulations of wealth and induce the legitimate use of capital in localities where it belongs, and in which it will find remunerative investment. And most assuredly it will be an important agency in the production of that harmony between the people and the corporations so much to be desired for the promotion of the true interests of both.

Mr. President, I shall not pursue in detail the several propositions embraced in the pending resolution. But I may safely venture the statement that not one of them can be omitted from such law as Congress may enact without seriously impairing its efficiency. Nor is there one of them which, if put into practice by the railway corporations themselves in such manner as to be equally applied to all of them, would not tend to promote their best interests. Nor is there one of them that proposes to enlarge the present lawful rights of any city, town, locality, firm, association, individual, or corporation. The trouble is not that the rights do not exist, but that they are not respected in the action and administrative methods of those who manage the transportation system of the country. I could fill many pages of the RECORD with definite facts in support of this statement; but this is rendered unnecessary by the universal knowledge which holds them in possession. Almost every community in the country could supply its quota of such facts. Inequality of treatment, unfair discriminations, harassing interferences relative to the affairs and business of communities and individuals exist everywhere, exciting complaint and inducing exasperation. Nor can these facts be brushed out of the way by general denials and oft-repeated declarations of the steady decline in the average rates for transportation. The denials are not true and the reduced average rates is a mere deception when applied to the specific causes of complaint presented. There has been a marked reduction in the average rate per ton per mile by the railways of the country. There has been a constant improvement in many of their methods.

But neither of these features of the case have any application to the practices which the resolution under consideration declares should be subjected to regulations by law. A diminished average rate is not a sufficient answer to the complaints growing out of discriminating, unstable, capricious rates to which communities and individuals are subjected. It is poor recompense to the city, town, village, firm, association, or individual whose business is repressed by discriminations to be told that the average rate per ton per mile for transportation is much less than it was ten years or five years ago. What the complaining parties want, and what of right they are entitled to, is an equitable sharing in the methods which induce the reduction of the average rate. If the railway companies had so administered their business of transportation as to apply the fact of reduction to all in just proportion, which would have involved the abolition of discriminations and the repression of the industries and business of communities, individuals, and other patrons, we would now be dealing with a case very different from the one before us. It is because they have not done this that Congress is asked to enact regulations for its enforcement. This is the answer to the specious and ever-obtruded plea that a steady reduction of the average rate for transportation is going on. The railway companies have no right to practice the inequalities complained of and then ask to have them justified by showing a reduction in the average charge for service. Let them come with a showing of that fair treatment of their patrons which equality enforces, and they may then, with good reason, ask Congress to withhold an exercise of its power to regulate commerce among the several States.

Mr. President, it seems to me that there is no more important subject invoking the attention and action of Congress than the one presented by this resolution and the bills to which I have alluded, nor is there one more entitled to prompt, conservative, and comprehensive action. I would be glad if there were no necessity for action in this behalf. I am not inclined to impose legislative enactments upon the business affairs of the people and country unless good and sufficient cause demands it. When business is pursuing its own legitimate channels, guided by its own laws and in obedience thereto, I am disposed to let it alone. Its own proper laws are best adapted to its effective and successful movements. When it departs from these and thereby brings harm to the general welfare, the true office of legislation is to restore it to the domination of its own laws from which it has departed. To this extent we may safely go, and to this degree the demands of a very high duty, it seems to me, require us to proceed in the matter of our commerce among the several States. At all events, it seems to me, we should make a start in the direction indicated. This done, even though imperfectly, we will have prepared the way for time and experience to carry us on to wise and thorough work.

I now move that the resolution be referred to the Committee on Railroads.

The motion was agreed to.

CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

The PRESIDING OFFICER. The Senate resumes, as in Committee of the Whole, the consideration of the unfinished business of yesterday, being the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals. The pending question is on the motion to recommit.

Mr. JONES, of Florida. Mr. President——

The PRESIDENT *pro tempore*. Will the Senator from Florida pardon the Chair for asking him to suspend for a moment to allow the disposition of a bill from the House of Representatives?

Mr. JONES, of Florida. Certainly.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

Mr. PLUMB. It will be observed that the House has non-concurred in all the amendments of the Senate. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and ask for a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. PLUMB, Mr. ALLISON, and Mr. BECK.

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. LOGAN, and Mr. BECK the conferees on the part of the Senate on the disagreeing votes of the two Houses on the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The message also announced that the House had passed a bill (H. R. 5966) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln, and to increase the capital stock of the First National Bank of Nashville, Tenn.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 264) for the relief of F. G. Schwatka and wife; and

A bill (H. R. 3931) to add certain counties in Alabama to the northern district therein, and to divide the said northern district after the addition of said counties into two divisions, and to prescribe the times and place for holding courts therein, and for other purposes.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Florida to give way for a few moments that I may ask the Chair to lay before the Senate the action of the House of Representatives on the special deficiency bill, which has just come from the House, and that the Senate may receive the conference report.

The PRESIDENT *pro tempore.* Has the Senator from Iowa the conference report?

Mr. ALLISON. I have just sent it to the clerk's desk.

The PRESIDENT *pro tempore.* The report of the conference will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 7, and 13, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000."

And the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed by said Senate amendment insert the following: "That the accounting officers of the Treasury are hereby authorized to settle and allow, if found correct, the accounts of the disbursing clerks of the Interior Department for the fiscal years 1882, 1883, and 1884, for disbursements made on account of support of the Freedmen's Hospital and Asylum by transfer of any unexpended balance, and apply the same to purposes for which the subdivisions of the appropriations for said institution for the years above mentioned are exhausted. And the payments made to clerks, watchmen, laborers, laundresses, and teamsters of said hospital for the fiscal years 1882, 1883, and 1884 may be allowed and chargeable to the appropriation for clothing, bedding, forage, transportation, and miscellaneous expenses for said fiscal years respectively; but the aggregate amounts appropriated for the expenses of the hospital and asylum for the above fiscal years shall not be exceeded because of the transfer herein authorized. The amount of said transfers for the fiscal year ending June 30, 1884, shall not exceed $1,000."

And the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment and add at the end thereof the following: "Except in cases of sudden emergency involving the loss of human life or the destruction of property."

And the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.
SAM. J. RANDALL,
JAMES N. BURNES,
W. H. CALKINS,
Managers on the part of the House.

The PRESIDENT *pro tempore.* The Secretary will now report the resolution of the House of Representatives on the conference report.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *April* 25, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes.

The PRESIDENT *pro tempore.* The question now is on concurring in the report of the committee of conference.

The report was concurred in.

HOUSE BILL REFERRED.

The PRESIDENT *pro tempore.* The Chair will lay before the Senate a bill from the House of Representatives for reference.

The bill (H. R. 5966) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln, and to increase the capital stock of the First National Bank of Nashville, Tenn., was read twice by its title.

Mr. MANDERSON. If the Senator from Florida will yield I should like to have the bill put on its passage.

Mr. JONES, of Florida. I do not know; it is getting very late in the evening, and I shall have to decline to speak altogether if I am interrupted any further.

Mr. MANDERSON. I do not desire to interrupt the Senator if he does not wish to yield.

The PRESIDENT *pro tempore.* The bill will be referred to the Committee on Finance. The Chair will state to the Senator from Florida that all that has been done was done under the rules, which the Chair felt it its duty to do.

Mr. JONES, of Florida. I understand that, Mr. President.

Mr. MANDERSON. I desired to call attention to the bill just received from the other House to change the name of the Marsh National Bank of Lincoln, Nebr. During Wednesday's session the Senate passed a similar bill, and I ask unanimous consent that that bill may now be placed on its passage. It seems to me a matter of importance to the parties concerned.

The PRESIDENT *pro tempore.* Does the Senator from Florida yield for that purpose?

Mr. JONES, of Florida. Yes, sir.

The PRESIDENT *pro tempore.* The Senator from Nebraska asks unanimous consent that the House bill just laid before the Senate be now considered. Is there objection? The Chair hears none. The bill before the Senate as in Committee of the Whole, and will be read.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore.* The Chair is not advised whether the last section was contained in the Senate bill.

Mr. MANDERSON. No, sir; it was not. I was not aware that that section had been added to the bill. The bill, as it passed the Senate, merely changed the name of the Marsh National Bank; it had no reference to the Nashville bank. I presume, therefore, it will have to be referred.

The PRESIDENT *pro tempore.* If there be no objection, the bill will be referred to the Committee on Finance.

CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, the pending question being on the motion of Mr. MCPHERSON to recommit the bill to the Committee on Agriculture and Forestry.

Mr. JONES, of Florida. Mr. President, I do not intend to pursue the line of argument that has been followed up by those who have preceded me in the discussion of this bill. I take it that every Senator will concede that before a measure of this kind is enacted into the form of a law we ought to be able to satisfy our minds that there exists authority in the Constitution for it.

Of course we all know that there has been a good deal of loose legislation of late years passed through both Houses of Congress, but after a full review of this bill, testing it in every possible way by the standard of the organic law, I am free to say that it is the most extraordinary measure I have ever known introduced in the Senate.

Notwithstanding all that has been said against the constitution of the Senate, I am inclined to think after all that it is the best security and safeguard for the interests of the States and the people. Of course the rules of this body will not permit me to refer to the House of Representatives, although if I were to follow the example set me by some Senators here in the discussion on the naval bill I would be at full liberty to refer to it; but I have confidence in the Senate, and when I find a bill like this coming here from the popular branch of the Government I am inclined to think that the framers of the Constitution were not at fault when they created a body in which the States are especially and particularly represented without regard to population or anything else.

This body, I say, was created by the framers of the Constitution as the especial guardians of the rights of the States. Each State has here equality of power, and I do not remember an instance within my time of service here when it has not been ready to vindicate the great principle on which its organization is based. It has often been called the house of lords; popular clamor has been raised against it; but, notwithstanding all that, when it comes to the consideration soberly of those great questions which affect the interests of the political communities that we are here representing, I think it will be found that this at last has been the safeguard of the rights of the people and the States.

I have never known a bill that infringed those rights more than this does. In my opinion it violates nearly every principle of the Constitution. I asked the Senator from Kansas the other day under what clause of our fundamental law could be found authority to pass this bill. Well, he said, he was not prepared to discuss the constitutional question. I do not say that I am, and those who know me in this body know that I have never been a stickler for an illiberal construction of our fundamental law, that I have always been disposed to go as far as any rational man could go in giving it a liberal and fair interpretation in the interest of the people and the States.

If I wanted to select a text for my argument or speech on this bill I would take the tenth amendment, and it is a part of the Constitution which we have all sworn to support:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Now, sir, where can be found power to enact this bill? If it can not

be found in the authority to regulate commerce I say it can not be found at all, and there is where the advocates of it place it.

What does the first section of this bill propose? The Commissioner of Agriculture is to organize a bureau of animal industry and appoint a surgeon to report in respect to the domestic animals of the United States, their protection, use, and diseases, &c. He is authorized to employ a number of persons, not exceeding twenty, to aid in carrying out the act. If I were disposed to quarrel with the verbal structure of this bill and had anything of the qualities of a humorist, I could push it to the extreme of absolute ridicule. What would not fall under the phrase "domestic animals," as employed in this first section? It would embrace horses, cows, chickens, poultry of every description, hogs, sheep, and everything in that line. "Animal" is defined to be "any living sensitive creature having the power of locomotion but inferior to man." Somebody's imagination that is broader than mine can take in how much that embraces. The poet Young says:

> Were they as vain as gaudy-minded man,
> Their arts and conquests animals might boast,
> And claim this laurel crown as well as we.

This commission is authorized to take into consideration the state and condition of all domestic animals—dogs, horses, pigs, every description of animals. The hen-roosts of the States are to be invaded by Federal officials. Into the lady's parlor, where her lap-dog is found, is to be intruded the arm of the Federal Government under the provisions of this bill; that is, if the officers who are designated to give effect to it will carry out its literal meaning. They need not resort to construction, because the plainest interpretation will tell you that "domestic animals" embrace every description of creatures that I have enumerated. They are not required to go any further with respect to those animals than to inquire into their condition and report upon it, and they are to get a per diem for this service, and the report is to come here from the Agricultural Department. Ah, Mr. President, this is getting far away from the landmarks of the Constitution.

I wish to know if when this fundamental law of ours was brought into existence, due to the necessity to regulate commerce with foreign nations and between the States, it was contemplated by its framers that jurisdiction over cows and horses and dogs and swine was a necessity that gave rise to its formation. Chief-Justice Marshall has told us in his great opinion in the case of Gibbons *vs.* Ogden that it was the necessity for a power to regulate commerce which gave us this grand organic law. But was it this kind of commerce? No, sir; it was commerce as understood in an enlightened and liberal sense, that related to traffic between nations and between States in a comprehensive sense, and not the exercise of a mere municipal police power to go down into the households and to the farm-seats of the people of America and undertake to control their domestic and private affairs.

I say we have gone at times a good way from the landmarks of this sacred instrument——

Mr. PLUMB. How about the school bill?

Mr. JONES, of Florida. I will discuss the school bill with you at the proper time. I have given my reasons for my vote on that already. This is not the school bill, let me tell the Senator from Kansas. That related to men; this to brutes.

The second section of this bill empowers, or authorizes, at least, the appointment of two United States stock-raisers, who are to report upon the best method of transporting and caring for animals—that is, all kinds of animals, not cattle—to provide for the extirpation of pleuropneumonia and the spread of other contagious and infectious diseases among every description of animals, dogs, cats, swine, sheep, hogs, cows, horses—everything that comes under the head of animal this bill authorizes. It may be said that the poverty of human language is so great that the average legislator can not describe a cow any better than by employing the word "animal." I tell those interested in this bill that the word "animal" goes far beyond a cow, and would be so held by any tribunal and would be held so by the officers empowered to carry out the provisions of this act.

Then the third section authorizes the Commissioner of Agriculture to prepare such rules and regulations as he thinks proper for the "suppression and extirpation of said diseases," that is, diseases affecting all kinds of animals, for the word "animal" is carried all through this bill. I should like to know where Congress gets authority to delegate this power to the Commissioner of Agriculture. This bill has been reformed since first introduced, to make it more acceptable to the Senate; but under this power to make rules here given to the Commissioner everything that was in it before can be introduced. This body has no authority to delegate its legislative power to any commissioner. Where rules are authorized to be made by the courts authority is given in the fundamental law, but authority is not proper to be given in cases of this kind to a commissioner; they may have the effect of statutes upon the rights and the interests of the people and communities where they are made to operate.

He is to invite the State authorities to co-operate in the enforcement of this act, and whenever the plans of the Commissioner for the suppression of disease are accepted by a State or the plans of the State are accepted by the Commissioner the latter is empowered to spend the money that is to be appropriated by this bill. Then if he makes rules authorizing the use of slaughter-pens in every locality in the country the $500,000 appropriated by this bill may be used and employed to compensate the cow-owners whose herds are killed in the Federal slaughter-houses.

But it does not confine itself to cows. It still keeps up the word "animal," for I think when this bill was framed those who drew it expected it to have a much more extensive operation than some imagine; and under this provision of it they could set up a corps of dog-killers in every town and village in the country and slaughter the dogs in midsummer when their presence might be dangerous to the inhabitants, and their owners claim compensation for them under the provisions of this bill. A dog is an animal and a domestic animal, and comes within the literal meaning of the bill.

So then here we have authority to organize an establishment under the authority of the United States to slaughter domestic animals of every description, and to pay their owners for them, if disease should be apprehended or contagion be suspected. And this is all under the power to regulate commerce between the States as contemplated by the framers of the Constitution!

Now mark, Mr. President, as I go on, the objectionable features of this bill as a regulation of commerce. The Commissioner is authorized to invite the State authorities to co-operate in the enforcement of this act, and when they come to a common agreement about it then they can get the money. I ask any Senator who has read the provisions of our Constitution with respect to the subject of commerce and the decisions of our highest court upon that question, where can be authority for this concurrent power?

The leading case on that subject, as every lawyer knows, is the great case of Gibbons *vs.* Ogden, in which the talent of Oakley and of Emmet, men among the first counsel that America had at that day, endeavored to impress upon the mind of the Supreme Court that the commercial power of Congress under the Constitution was a concurrent power and could be exercised by the States concurrently with the General Government. That was a test case, and I say here that the principle of it has never been departed from in any decision now upon the records of our courts.

The commercial power given by the Constitution is an exclusive power, and the States have nothing to do with it. They can not go into any copartnership with this Government with respect to the cattle business or anything else. It never was intended that two sovereignties should blend themselves together in matters of this kind to carry out any public policy relating to the people of the States. After the great arguments that were made in the case of Gibbons vs. Ogden, Chief-Justice Marshall summed them up on this point in a few words. He said:

> It has been contended by the counsel for the appellant that as the word "to regulate" implies in its nature full power over the thing to be regulated, it excludes necessarily the action of all others that would perform the same operation on the same thing. That regulation is designed for the entire result, applying to those parts which remain as they were as well as to those which are altered. It produces a uniform whole, which is as much disturbed and deranged by changing what the regulating power designs to leave untouched as that on which it has operated.

Mr. Webster, who was the leading counsel in this case, contended for that principle, and his argument prevailed:

> He contended, therefore, that the people intended in establishing the Constitution to transfer from the several States to a General Government those high and important powers over commerce which in their exercise were to maintain an uniform and general system. From the very nature of the case these powers must be exclusive.

No lawyer of recent days has denied the correctness of that legal proposition; and still this bill under this supposed power to regulate commerce authorizes the Commissioner of Agriculture to enter into a kind of partnership with the State authorities and to get their consent to this act, or for them to adopt some rules themselves, and then for him to consent. Is that a sound constitutional principle? This Government is independent of the governments of the States, and the governments of the States with respect to every power and authority reserved in the tenth amendment are independent of the Government of the United States. It was intended that this condition of things should exist.

Then what does this bill further provide? It provides that whenever the Commissioner of Agriculture declares that there exists in any State contagious disease, and the State fails to provide for its extinction and co-operate with the Commissioner, the President is authorized to put a stop to the transportation of cattle from such State. What does this do? It gives the Commissioner of Agriculture authority to put a veto upon the decision of a sovereign State of this Union. If the State decides that there is no necessity for the intervention of this sanitary power and the Commissioner disagrees with it, the decision of the Commissioner is to prevail, and upon his certifying the facts to the President, the President can destroy by a scratch of his pen the commerce of that State, as far as catttle are concerned, with the whole world. That is the bill.

The ultimate decision is left with this little man—not little in the sense that some might regard him, but little officially when compared with the authorities of a State in reference to a matter relating to its own domestic policy and interest—and the Commissioner of Agricult-

ure is to come up and say, "My opinion is contrary to yours, and I insist that this national quarantine shall be put in operation against your State, and you can not help it." The President's proclamation then goes out, and that State is cut off from the privilege of commercial intercourse with the whole world as far as her trade in cattle or animals of any description is concerned.

Sir, if this is not the exercise of the police power of a State, what is it? It is not the exercise of the commercial power, for that can be demonstrated. It is an attempt to exercise what every jurist from the foundation of this Government has asserted to be a power that belongs to the States, the inspection power expressly reserved to the States, acknowledged by Chief-Justice Marshall in his decision in the case of Gibbons *vs.* Ogden.

It is well understood by those who have investigated this subject that there is a class of laws known as inspection laws. They are laws which prepare articles for export and give a guarantee to the public of the country and of the world that they are in a condition for exportation, for sale, and for consumption as food. If ever there was a law that could be considered an inspection law, this is that law, and it is well known to those who have considered the subject that commercial regulations under our system have never touched articles of commerce until after the inspection laws of the States had been executed.

After the States have exercised their power under the inspection laws and prepared the articles subject to them for transportation, then the commercial power of the Union comes in and can regulate them as articles of export, but not before; and nobody has ever claimed that under the power to regulate commerce in this Government the power to carry on a system of inspection with reference to goods of any description could be claimed. The Constitution itself expressly recognizes the authority of the States to adopt and carry out an inspection system. Clause 2 of section 10 of article 1 reads:

> No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws.

What are "inspection laws?" Here you have the express authority of the fundamental law for the position that the inspection laws of the States were never to be interfered with by the General Government, and that in derogation to the principle giving to the United States authority to levy a tax on imports for general expenses, falling within the enumerated powers, the States under the Constitution could be permitted to levy a tax upon exports to meet the charges attending inspection of commodities to be sent abroad from the respective States for sale. So where are you going to confine this?

Do you pretend to say that cattle are not merchandise, that horses, that hogs, that everything which the productive energies of man bring into existence do not fall under the jurisdiction of inspection laws? The purpose and object of all inspection laws is to see that the articles sent to foreign countries or to other States are such as will warrant their exportation as healthy products; and this bill proposes to take this power away from the States where it was left expressly by the Constitution and give it to the General Government. Let me read a little as to what is meant by "inspection laws:"

> The inspection laws are very important regulations of trade. Tucker says: "There seems to be one class of laws which respects foreign commerce, over which the States still retain an absolute authority; those, I mean, which relate to the inspection of their own produce, for the execution of which they may even lay an impost or duty, as far as may be absolutely necessary for that purpose. Of this necessity it seems presumable they are to be regarded as the sole judges."

That is a quotation from Tucker's Blackstone, and this is added to the argument by the very eminent counsel in the case of Gibbons *vs.* Ogden, and worthy of reflection because his views received the sanction of the court. On this question Mr. Emmet said:

> The extent and importance of this system of regulations does not strike the mind at the first view; nor do the powerful inferences it affords to show the concurrent right in the States to regulate commerce. Judge Tucker has very imperfectly stated their extent. They do indeed regulate in almost every State the foreign trade so far as it is connected with our produce to be exported; but they do not confine themselves to produce to be exported; they relate to imports also. They act by restraining, and sometimes prohibiting, the exportation and importation of certain articles.
>
> Before examining those laws it may be asked from whence is the right of restraining derived but from the more extended right of prohibiting? The difference between regulation or restraining and interdiction is only a difference of degree in the exercise of the same right, and not a difference of right. The article in the Constitution, article 1, section 10, impliedly allows that right to be in the several States, and the right to enforce their laws by any other means than imposts and duties, and therefore by prohibitions of exports or imports. The right does not depend on the idea that the thing prohibited or restrained from being exported or imported is dangerous or noxious, even if that could *ex necessitate* create a right and give it to the State instead of the Congressional jurisdiction; on the contrary, the rules and enactments seem arbitrary.

And he cites for instance a law of New York, enacted under this power that I speak of, that prescribed the number of hoops and the size of the barrels and casks in which articles of export had to go out of the country. The Supreme Court in this same case, the opinion being delivered by Chief-Justice Marshall, adopted the views of the distinguished counsel, so far as the inspection laws were concerned, although the court did not concur with him in his illustration of the principles to the extent to which he carried them. Here is what Chief-Justice Marshall says about them:

> That inspection laws may have a remote and considerable influence on commerce will not be denied; but that a power to regulate commerce is the source from which the right to pass them is derived can not be admitted. The object of inspection laws is to improve the quality of articles produced by the labor of a country, to fit them for exportation, or, it may be, for domestic use.

Mr. President, if I had been called upon to frame language with especial reference to the object of this bill I could not have used words more strongly than those of the Chief-Justice of the United States expounding the Constitution in regard to our inspection laws:

> They act upon the subject before it becomes an article of foreign commerce or of commerce among the States, and prepare it for that purpose.

Mark that. They act upon the cattle in the field, the goods in the factory. Everything while it is a part of the general mass of property in a State the inspection laws act upon, and the Federal power can not go there.

> They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government—all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, &c., are component parts of this mass.

That is the language of a man who above all others in this country understood the Constitutition, and it can not be charged against him that he ever restricted it to narrow limits because the school of politics that differed from him—if I am permitted to mention politics at all in connection with the name of so illustrious a judicial officer—the school of politics that disagreed with him at the time he lived in contended that he carried the provisions of the Constitution far beyond the bounds intended by its original framers; and still in this very opinion, the leading one upon the subject of the rights of the States under the commercial power, he expressly reserved to the States the authority to inspect every article that they raised within them for export and to put it into a condition to secure profitable returns to the producers.

After those articles are put on shipboard, after they are on railways, it may be, it is possible that the Federal power may be invoked for some sanitary purpose; but so long as they form a part of the great mass of the property of the respective States, there is no authority in this Government to go there and make any laws in regard to them.

This idea is further illustrated by Chief-Justice Marshall in the case of Brown *vs.* The State of Maryland, in 12 Wheaton, when he is speaking of where the power of the Federal Government begins and where that of the States ends in matters of this kind. Here was a case where the State of Maryland attempted to levy a tax upon imports that had paid duty at the custom-house before bulk was broken and before the goods formed a part of the general property of the State, and it was held that the Maryland law was unconstitutional, because, as Chief-Justice Marshall contended, the importer had a right to the full benefits of the import after having paid his tax to the Federal authority, and he could not be required by the State to pay a license to dispose of those goods in bulk after they had passed the custom-house. But he did not stop there; he went on and said that after the property passed from the custom-house and became a part of the general mass of the merchandise and property of the State, then the unlimited power of State authority and taxation extended to it.

Now, what is the provision of this bill? It is to operate upon a description of property in the fields of the West and of the South before it is in any condition to be shipped anywhere. As I have shown awhile ago, under the authority of this bill the Federal office-holder can go into the fields in Florida and Texas and Alabama and Kansas and set up an arbitrary system of inspection and of health laws in regard to this description of animals, and cats and dogs if he wishes, and set aside all State authority and say: "I require certain things to be done before you can be permitted to transport your goods to a foreign jurisdiction."

Mr. President, before passing from this part of the subject I can not help observing upon the jealousy of the framers of the Constitution in regard to exports, for while it gives authority to levy a tax upon imports it expressly denies authority to Congress to levy a tax upon exports. They were fearful that that power might be derived by implication; and now what was the reason of that provision?

This is an instrument that has been guarded in every line. When the framers of the Constitution denied to this Government authority to levy a tax upon exports it was not without a purpose. It was the design and purpose to leave the genius of commerce the fullest possible scope. We have known of instances where by the exercise of this power to levy taxes on exports the most unfortunate results have followed by the action of foreign countries; but this Constitution says Congress shall not levy a tax upon exports, and still under the power to regulate commerce it is claimed that we may put a barrier against any State under the decision of the Commissioner of Agriculture and impoverish thousands of men whose goods may be as fit for exportation as those of any other people in the Union.

I think we have gone far enough in this direction, and it is time to call a halt. If any of the States have diseased cattle, let them kill them and draw upon the treasury of their own people to pay for them.

Reference has been made to the quarantine law, and I think we have gone a little too far in that direction, much farther than the early fathers of the Constitution contemplated, because you will find, Mr. President, that in 1789 and 1796, all along the period when the Constitution was first adopted, by general consent of the leading minds of this

country the subject of quarantine was left with the people of the States, and Congress passed laws requiring the officers of this Government to respect the quarantine laws of the States. Those laws are yet upon the statute-book. They came from men who participated in the framing of the Constitution, and who at least understood it as well as the generation that now lives.

So it was with the pilot laws. In 1789 Congress authorized the adoption of the existing pilot laws of the States, and they have continued from that day to this to regulate this important subject. This was the spirit in which the early fathers understood the Constitution, but we have been going on from one point to another until there is hardly a relation, however private or domestic, that it is thought this Government ought not to reach.

I say, Mr. President, that the best and surest security we have for the continuance of this system of government is to keep its powers within the limitations prescribed in our organic law; that the diversified interests of this continent are too great for any uniform system, and that so long as the powers of this Government are employed in regulating those matters which can be properly made the subject of uniform regulation without producing conflicts of local interest, we shall have the best guarantee for its continuance.

But I say if the time shall unhappily arrive when, departing from the genius of this grand structure, you carry this Federal authority into every domestic concern of every State throughout the land, you will have laid the seed for future trouble and dissension, and perhaps more than that. God forbid! Let us stand by this great organic charter. It is ample for all legitimate purposes. Let us understand the Constitution as its framers understood it. Do not let us give half a million dollars to a lot of inspectors to go down among the herds and swine of the States to pry into the private affairs of the people and interfere with them. Leave those people to their domestic institutions and they will take care of themselves, but do not educate them up to the idea that there is to be a remedy found here for every little inconvenience or necessity that may arise in the course of human affairs within the States.

The Senator from Kansas a while ago alluded to the school matter. I gave my reasons for my support of the school bill, but I say to him and to anybody that thinks with him that there is no authority in that measure for this. I said that in voting a few millions of dollars, after the examples of the past, to the aid of the common-school systems of the States without interfering with their autonomy or their management, I was doing nothing but what had been done for generations before; that I was in the line of preparing and qualifying ignorance to enjoy the benefits of freedom, and giving security to this grand popular system which I hope is destined to live as long as the world shall last. It was not a vote in the direction of impairing the foundations of this grand structure, but it was in the line of strengthening it and improving it, as I think.

But I see the tendencies of measures like this. I see that after you get a cattle bill or a bill relating to one particular branch of industry there will be applications here for a hundred others from a class of people that are as meritorious as those who raise cows.

I have heard it stated here time and again, and very unwisely as I thought, that certain avocations, certain classes of the American people were not obtaining the advantages they were entitled to under this Government. Mr. President, I have never heard that sentiment advanced here except with regret. This is not a government of classes, it is a government of equality, and no class has any special claim upon it for favors. We do not know the laborer, the farm hand, the factory hand, the mechanic, the cow driver. The people who were intended to live under and enjoy the benefits of this Government are the American people without regard to condition, avocation, or rank; and all this legislation looking to favors to particular classes, to the promulgation of the idea that this description of person or that have not got all out of this Government they ought to have, is a thing that never ought to be put forth by any representative man.

Sir, I venture to say that in the early days of the Government if anybody had brought forth a bill like this under the power to regulate commerce, it would not have received a moment's thought in either House of Congress. This only shows the necessity even at this day of keeping within the reasonable limits of the fundamental law. I think that this bill is a clear and open violation of it.

Mr. WILLIAMS. Will the Senator allow me to ask him one question before he sits down?

Mr. JONES, of Florida. Certainly.

Mr. WILLIAMS. I ask him how he can justify upon the principles of his argument on this bill his vote upon the bill to aid in the support of our common schools and the yellow-fever bill. I should like him to do that before he sits down.

Mr. JONES, of Florida. I have said repeatedly that that is no argument. I say the cases are not analogous. I say that the health laws of no country and no quarantine system as understood ever were intended to refer to cattle. I say that cattle are merchandise; they are brutes; and what I have said about the school question I need not repeat.

I gave my reasons for it, and I thought I found authority in the Constitution for it. That may be a matter of difference between myself and my friend. I said that this Government had brought into existence 5,000,000 citizens and invested them with political power. They were not cattle or horses. They were sentient creatures, invested with great public rights and duties toward this Government; and after this Government had decided to place them in this responsible position, however late it may have come, I thought it was perfectly competent for it to aid in qualifying them for the discharge of the great trusts put upon them. But that is not the case with diseased cattle in this country or anywhere else; and when the framers of this instrument intended to form it in 1789 and to make it a system to operate upon the people instead of States, as it formerly operated, it was not intended that it should operate on cattle.

I say there is ample authority within the States to take care of this subject for themselves, and when you come to analyze this bill it will be found to be a bill that intends to carry out of the Federal Treasury the money necessary to pay for the diseased stock which a little disease may render it necessary to destroy in the respective States. This $500,000 is to be employed to pay for the slaughtered herds that the cattle health of some States may require to be slaughtered. I am not prepared to go quite that far.

Mr. WILLIAMS. If the Senator will allow me he has not touched the main question.

Mr. JONES, of Florida. I should like for the Senator to touch it.

Mr. WILLIAMS. I will state it. The Senator was a very earnest advocate of the yellow-fever bill.

Mr. JONES, of Florida. I was not an earnest advocate of it. I may have voted for it.

Mr. WILLIAMS. He made an argument and a very able one, according to my recollection, in favor of it; but I may possibly be mistaken.

Mr. JONES, of Florida. I think I voted for it.

Mr. WILLIAMS. How can he justify his vote for the yellow-fever bill with his vote upon this bill? Because he must admit if the Congress of the United States has power to regulate commerce so as to protect the health and lives of our people it has power to regulate it so that it shall not damage them in their property.

Mr. JONES, of Florida. It has been some time since the quarantine bill was before the Senate. I remember that it guarded very particularly the rights of the States.

Mr. WILLIAMS. I have the act right here. It gives full value.

Mr. JONES, of Florida. To which act does the Senator refer?

Mr. WILLIAMS. The yellow-fever act that passed Congress. Here it is. It recognizes the full power of Congress, and authorizes quarantine not only against foreign countries but between the States.

Mr. JONES, of Florida. I will thank the Senator if he will not interrupt me; he can speak hereafter. I claim that men are not brutes, and while I might be disposed to preserve the public health I recognize the distinction between cattle and men. I say that no quarantine system in the civilized world has ever before been held to embrace cattle. It is not known under the quarantine system. It is a police power relating to brutes, and whenever you use the word "quarantine" you mean to guard the health of individuals against contagion from individuals.

Mr. WILLIAMS. The Senator certainly understands that the quarantining of a ship stops the vessel, its crew, and cargo. All can be stopped by a law of Congress, so that it touches property as well as person.

Mr. JONES, of Florida. The laws of the United States are supreme in matters of commerce; they can stop anything. The authority of the United States Government with respect to commerce is very general and very unlimited; but so far as the power of quarantine is concerned it has not, as I understand, been taken away from the States. It is exercised to-day by all the States in this Union, in New York, Massachusetts; and although there has been a little additional power given there the system itself has remained substantially the same.

Mr. WILLIAMS. Yet here is a law expressly——

Mr. JONES, of Florida. If the Senator will not interrupt me I would rather that he should make his speech upon that point after I get through. That is no reply to the argument that this is not a regulation of commerce but the exercise of the police power of the State. That is the point I am making. If the Senator will refer to it he will find that the State quarantine systems in my State are just as intact as they were before that law was passed; and in New York——

Mr. WILLIAMS. The Senator will not deny that there are many powers belonging to the National Government which the States have been allowed to exercise, and which Congress may resume at any time; for instance, the power in regard to wharfage and mileage. He must admit that they are commercial powers if he will not admit that Congress has a right to control commerce so that it may not carry disease to men or disease that may destroy their property, either from abroad or from State to State. There can be no escape from the logic of that argument.

Mr. JONES, of Florida. We might differ about that, but I say the power to regulate commerce is an exclusive power in this Government and can not be delegated to anybody; and that, as has been stated here,

it is not a police power. The quarantine power is not a commercial power strictly speaking. Judge Marshall said it was not. I do not follow him implicitly in everything, but he is great authority.

I say that this is the first attempt, so far as I know, to establish a quarantine system with respect to cattle.

I admitted very frankly in the outset of the argument that we have gone a great way; but that only shows the danger we are in of going too far. As I said in a former debate here, I attach no consequence and I never refer to previous votes in the Senate for any purpose. That amounts to nothing. I claim the right of changing my opinion at any time. But I say that the two questions are not analogous, and that there is a great distinction between the system to which the Senator refers, looking to the preservation of the health of men, women, and children, and a system which authorizes the Federal Government to go into a State and slaughter the cattle of the people and set off a boundary against the exportation, which is merchandise, and its property, and thus possibly bring ruin to thousands of men.

Mr. WILLIAMS. The Senator does not seem disposed to understand me. I want to ask again the question, do you deny that Congress has the power to prohibit the introduction of diseased animals from abroad?

Mr. JONES, of Florida. That is not this question.

Mr. WILLIAMS. Yes, it is.

Mr. JONES, of Florida. No, sir.

Mr. WILLIAMS. If Congress can prohibit their introduction from foreign countries under the commercial power, can not Congress under that same power prohibit the traffic in diseased cattle between the States? In my judgment Congress has exactly the same absolute power over the commerce in both cases, whether it is international or interstate.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The question is on the motion to recommit the bill to the Committee on Agriculture and Forestry.

Mr. COKE. I move that the Senate do now adjourn.

Mr. PLUMB. I ask the Senator from Texas to withhold his motion for a moment, until I can make a statement.

Mr. COKE. I will withhold the motion for a moment.

Mr. PLUMB. I shall hope that on Monday the consideration of this bill may be concluded, and that we may have a vote upon it. While I do not ask for any understanding upon that point, I simply give notice that I shall ask the Senate to come to a final conclusion upon the bill at Monday's session.

Mr. COKE. I renew my motion.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 25, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed joint resolutions and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 80) relative to the ceremonies of the unveiling of the statue of Chief-Justice Marshall;

Joint resolution (S. R. 81) filling an existing vacancy in the Board of Regents of the Smithsonian Institution;

A bill (S. 1545) to amend section 2148 of the Revised Statutes of the United States, in relation to trespassers on Indian lands; and

A bill (S. 1581) to provide for the disposal of abandoned and useless military reservations.

SALAMANCA, N. Y., A PORT OF DELIVERY.

Mr. BREWER, of New York, by unanimous consent, introduced a bill (H. R. 6769) to establish a port of delivery at Salamanca, N. Y.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMERICAN MERCHANT MARINE.

Mr. HUNT. I ask unanimous consent to submit for immediate consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Saturday, May 24, after the reading of the Journal, be assigned for the consideration of bill of the House No. 4987, for the encouragement of the American merchant marine, and to promote postal and commercial relations between foreign countries, not to interfere with revenue and appropriation bills and reports, and consideration of bills from the Committee on Public Lands and prior orders of the House, provided said bill is not sooner reached under the terms of the special order of February 29.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RANDALL. If the exception of prior orders includes the bill for a building for the Congressional Library, I must object.

The SPEAKER. The bill excepts all prior orders. Objection is made.

KICKAPOO RESERVATION IN KANSAS.

Mr. MORRILL. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 3201) to provide for the sale of the Kickapoo diminished reservation in Kansas.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The Clerk proceeded to read the bill. Before he concluded,

Mr. MORRISON said: I must object.

BRIDGE AT NASHVILLE, TENN.

Mr. CALDWELL. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 304) to give the assent of Congress to the construction of a free bridge by the mayor and city council of Nashville, Tenn., over the Cumberland River.

Mr. BEACH. I object.

ALABAMA JUDICIAL DISTRICTS.

Mr. HEWITT, of Alabama. I ask unanimous consent to take from the Speaker's table the bill (H. R. 3931) to create an additional United States judicial district, and to establish circuit and district courts therein, in the State of Alabama, with amendments by the Senate, that I may move concurrence in the Senate amendments.

The SPEAKER. The Senate amendments will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Strike out all after the enacting clause and insert as follows:

"That the counties of Sumter, Greene, Hale, and Pickens, included in the southern district of Alabama, and the counties of Tuscaloosa, Bibb, Shelby, and Talladega, included in the middle district of Alabama, shall be hereafter included in and constitute part of the northern district of said State.

"SEC. 2. That the said northern district is hereby divided into two divisions, which shall be known as the northern and southern divisions of the northern district of Alabama. The southern division of said northern district shall include the counties of Sumter, Greene, Hale, Pickens, Tuscaloosa, Lamar, Fayette, Walker, Jefferson, Blount, Bibb, Shelby, Saint Clair, Etowah, Calhoun, Cleburne, Clay, Talladega, Cherokee, and De Kalb; and a term of the district court and circuit court of the United States for said northern district shall be held for said southern division at the city of Birmingham, in said county of Jefferson, twice in each year, on the first Mondays in March and September. The remaining counties in said northern district shall constitute the northern division thereof; and the terms of the district and circuit courts of the United States for said northern division shall be held therein at the times and place now prescribed by law.

"SEC. 3. That all offenses hereafter committed in either of said divisions shall be cognizable and indictable within the division where committed; and all grand and petit jurors summoned for service in each division shall be inhabitants thereof; and all offenses committed within either of said districts prior to the time this act goes into operation shall be prosecuted and tried as if this act had not been passed.

"SEC. 4. That all civil suits not of a local character which shall be hereafter brought in the circuit or district court of the United States for the northern district of Alabama, in either of said divisions, against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside; but if there are two or more defendants, residing in different divisions, such suit may be brought in either division; and all mesne and final process, subject to the provisions of this act, issued in either of said divisions, may be served and executed in either or both of the divisions.

"SEC. 5. That all civil suits and proceedings now pending in the circuit or district courts in said State shall not be affected by this act.

"SEC. 6. That this act shall be in force from the 1st day of January, 1885; and all laws and parts of laws in conflict with this act are hereby repealed."

Amend the title so as to read:

"An act to add certain counties in Alabama to the northern district therein, and to divide the said northern district after the addition of said counties into two divisions and to prescribe the times and places for holding courts therein, and for other purposes."

The SPEAKER. Is there objection to the present consideration of the Senate amendments?

Mr. SKINNER, of New York. I object.

ORDER OF BUSINESS.

Mr. MCMILLIN. I will have to demand the regular order. The last three or four calls for consent have resulted in nothing.

The SPEAKER. This being Friday, the regular order is the call of committees for reports of a private nature.

Mr. MCMILLIN. As there was a call yesterday of committees, I move to dispense with the morning hour.

The SPEAKER. Before the Chair puts that motion he will submit some personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GRAVES, for ten days, on account of important business.

To Mr. DORSHEIMER, until Tuesday, April 29.

To Mr. GOFF, for five days, on account of important business.

To Mr. HEMPHILL, for ten days, from to-morrow, on account of sickness in his family.

To Mr. BUDD, until Tuesday.

CORRECTION OF REFERENCE.

The SPEAKER. The Chair desires to have a correction made. On

the 7th March the gentleman from Pennsylvania [Mr. KELLEY], from the Committee on Ways and Means, reported a bill to amend section 2743 of the Revised Statutes. By an oversight the bill was sent to the Committee of the Whole House on the Private Calendar. It is a public bill, and the Chair thinks the Committee of the Whole House on the Private Calendar should be discharged from its further consideration and that it should be placed on the Calendar of the Committee of the Whole House on the state of the Union, as of that day. If there be no objection that will be done.

There was no objection.

VOTE ON NAVAL APPROPRIATION BILL.

The SPEAKER. On yesterday the Chair announced the result of the vote on concurring in the forty-first amendment proposed by the Senate to the naval appropriation bill as 136 in the affirmative and 106 in the negative. The Chair was under the impression at the time there was some mistake about the affirmative vote, but on a hasty re-examination of the roll-call the mistake was not discovered. The true vote was 127 in the affirmative and 106 in the negative. The mistake occurred in summing up the votes cast on the second call of the roll.

ALABAMA JUDICIAL DISTRICTS.

Mr. SKINNER, of New York. I withdraw the objection to the consideration of the amendments of the Senate to the bill called up by the gentleman from Alabama.

The SPEAKER. But the regular order has been demanded by the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. As the amendments have been read and may probably be concurred in without objection, I withdraw the call for the regular order.

The SPEAKER. Is there objection to the present consideration of the Senate amendments to the bill (H. R. 3931)?

There was no objection.

The amendments of the Senate were concurred in.

Mr. HEWITT, of Alabama, moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARSH NATIONAL BANK OF LINCOLN, NEBR., ETC.

Mr. WEAVER. I ask consent to take from the House Calendar for consideration at this time House bill 5966, to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the name of the Marsh National Bank of Lincoln, Nebr., a corporation transacting business in Lincoln, Lancaster County, and State of Nebraska, shall be changed to the Capital National Bank of Lincoln, whenever the board of directors of the Marsh National Bank of Lincoln shall accept the new name by resolution of the said board, and cause a copy of said resolution, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance be made within six months after the passage of this act, and that all the expenses incident to such change, including engraving, shall be borne and paid by said bank.

SEC. 2. That the debts, dividends, liabilities, rights, privileges, and powers of said Marsh National Bank of Lincoln shall devolve upon and inure to the said Capital National Bank of Lincoln whenever such change of name is effected.

SEC. 3. That nothing in this act contained shall so be construed as in any manner to release the Marsh National Bank from any liability, or affect any action or proceeding in law in which said bank may be or become a party or interested.

The SPEAKER. Is there objection to the present consideration of the bill which has just been read? [After a pause.] The Chair hears none.

Mr. CALDWELL. I move to amend the bill by adding that which I send to the Clerk's desk.

The Clerk read as follows:

SEC. 4. That the First National Bank of Nashville, located in the city of Nashville, in the State of Tennessee, is hereby authorized to increase its capital stock in accordance with existing law to any sum not exceeding $1,000,000, notwithstanding the limits heretofore fixed in its original articles of association and determined by the Comptroller of the Currency; and the Comptroller of the Currency is hereby authorized to fix the limit of increase of the capital stock of the First National Bank of Nashville, Tenn., at $1,000,000.

The SPEAKER. The question is upon the amendment offered by the gentleman from Tennessee [Mr. CALDWELL].

Mr. BEACH. I do not object to the consideration of these bills, although I think it possible that I ought to do so. A few days ago I introduced a bill authorizing the Comptroller of the Currency to change the names of national banks. There is no reason why we should have this special legislation in each case. I think that a general bill might be passed in the time that would be consumed in passing any one of these special bills.

Mr. WEAVER. The gentleman does not object to this bill?

Mr. BEACH. I do not.

The SPEAKER. The gentleman can not now object. The Chair asked for objection and none was made, and the bill is before the House for consideration. The question is upon the amendment proposed by the gentleman from Tennessee.

The amendment was agreed to.

The bill as amended was then ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. BUCKNER. The title of the bill should be amended so as to indicate the purpose of the amendment to the bill.

The SPEAKER. The title will be amended to conform to the amendment made to the bill.

Mr. WEAVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MCMILLIN. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports of a private nature, this being Friday.

Mr. MCMILLIN. I move to dispense with the morning hour for the call of committees.

The SPEAKER. That requires a two-third vote.

The question was taken; and upon a division there were—ayes 94, noes 16.

Mr. DEUSTER. No quorum has voted.

Tellers were ordered; and Mr. MCMILLIN and Mr. DEUSTER were appointed.

Mr. MCMILLIN (one of the tellers). Nothing but private bills can be reported to-day, and I supposed there would be no objection to dispensing with the morning hour for that purpose.

The House again divided; and the tellers reported that there were—ayes 144, noes 19.

So (two-thirds voting in favor thereof) the morning hour was dispensed with.

Mr. MCMILLIN. I now move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

Mr. DIBRELL. Pending that motion I move that all general debate on private bills to be considered to-day be limited to thirty minutes on each bill.

The SPEAKER. That can not be done except as to the bill under consideration.

Mr. MCMILLIN. The gentleman can make that motion in regard to the pending bill.

Mr. DIBRELL. I will do so.

Mr. HOLMAN. I move to amend the motion so as to allow debate for an hour on the pending bill. That is one of the most important of all the bills on the Private Calendar. It involves a principle which has arrested in an unusual degree the attention of this House—that of recognizing the old Spanish-Mexican grants with their indefinite limits; and where by any accident the Government has disposed of the lands claimed under this grant, to allow patents to be issued to be located elsewhere, which have come to be worth and are worth now all the way from $5 up to $20 an acre.

The SPEAKER. The motion to limit debate is not debatable.

Mr. DIBRELL. I desire to state that my object in making the motion was to limit debate on each bill. I think that thirty minutes is enough time to expend in debate to explain why any bill should or should not pass. We have heretofore discussed one private bill for three days, and the one now under consideration in the Committee of the Whole will be discussed for three days unless some limit is placed upon debate.

The SPEAKER. The gentleman from Tennessee [Mr. DIBRELL] moves to limit debate on the pending bill in Committee of the Whole to thirty minutes, fifteen minutes to be allowed on each side. The gentleman from Indiana [Mr HOLMAN] moves to amend so as to allow one hour for debate.

Mr. WARNER, of Ohio. And I move to amend the amendment so as to allow two hours for debate. This is an important debate.

The SPEAKER. The first question is on the amendment to the amendment.

The question was taken; and upon a division there were—ayes 17, noes 75.

So (no further count being called for) the amendment to the amendment was not agreed to.

The SPEAKER. The question now recurs upon the amendment of the gentleman from Indiana to limit debate to one hour.

Mr. DIBRELL. I will accept that amendment and modify my motion accordingly.

The SPEAKER. The amendment having been accepted, the question then is upon the motion to limit debate upon the bill now under consideration in Committee of the Whole House to one hour.

The motion was agreed to.

The SPEAKER. The question now recurs upon the motion of the gentleman from Tennessee [Mr. MCMILLIN] that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering business on the Private Calendar.

MRS. MYRA CLARK GAINES.

The unfinished business coming over from Friday last was the bill (H. R. 1000) for the relief of Myra Clark Gaines.

The CHAIRMAN. By order of the House the general debate upon this bill has been limited to one hour.

Mr. BROWNE, of Indiana. Is it in order to ask that the bill be now read? A number of gentlemen now here have never heard it.

The CHAIRMAN. If there be no objection, the bill will be read.

There being no objection, the bill (as published in the proceedings of last Friday) was read.

Mr. HOLMAN. Mr. Chairman, I feel quite confident——

Mr. COSGROVE. Mr. Chairman, I would like to know something about the division of time.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] is recognized. The Chair understands that he made the motion in the House allowing one hour for debate.

Mr. HOLMAN. I am recognized, and under the rules of course that gives me an hour, I believe.

Mr. COSGROVE. Then the other side is to have no time at all! Is that the gentleman's idea?

Mr. WARNER, of Ohio. That is the rule of the House.

Mr. HOLMAN. I am sorry the rules are so arbitrary. [Laughter.]

Mr. COSGROVE. The gentleman from Tennessee——

The CHAIRMAN. The Chair hopes that gentlemen will make some arrangement.

Mr. HOLMAN. I have no doubt that will be done.

Mr. COSGROVE. I would like to have an understanding now.

The CHAIRMAN. The Chair can only recognize a gentleman for one hour under the rules.

Mr. COSGROVE. I rise to a parliamentary inquiry. The gentleman from Tennessee [Mr. DIBRELL] made a motion in the House that debate on this bill be limited to thirty minutes, to be divided, fifteen minutes on each side. As an amendment to that motion the gentleman from Indiana [Mr. HOLMAN] moved to substitute one hour. The gentleman from Tennessee accepted that amendment, which implied, as a matter of course, that there should be a division of the time.

The CHAIRMAN. The Chair will state that if the gentleman from Missouri [Mr. COSGROVE], who is in charge of this bill, had claimed the floor the Chair would have recognized him. The Chair hopes that the gentleman from Indiana and the gentleman from Missouri will arrange a division of the hour.

Mr. HOLMAN. I think the time should be divided.

Mr. COSGROVE. That is all I want.

Mr. HOLMAN. But my friend must ascertain how much time——

Mr. MULDROW. Does the gentleman from Indiana say that the time should be equally divided?

Mr. HOLMAN. I think it should be divided; and it is important to ascertain how much time the gentleman from Mississippi [Mr. MULDROW] and the gentleman from Missouri [Mr. COSGROVE] have already occupied.

The CHAIRMAN. In the absence of objection the Chair will recognize the gentleman from Indiana for half an hour.

Mr. HOLMAN. I shall have to object to that for the reason I was stating, that when this bill was under debate on last Friday the gentleman from Missouri and the gentleman from Mississippi discussed it at length. I presume the gentlemen together occupied an hour. How is that?

Mr. MULDROW. I presume not. I suppose we occupied fifteen or twenty minutes. Very little time was occupied in discussing the bill; most of the time was spent in reading the report.

Mr. HOLMAN. Whatever time was occupied in reading the report, which was in behalf of the bill, and the time occupied by my two friends ought to be counted as time already occupied in favor of the measure. I apprehend that will be found to be about one hour.

Mr. MULDROW. It does not seem to me fair that the gentleman from Indiana should now occupy a whole hour. But very few members were present the last time the bill was discussed; and for the opposition to occupy the whole hour now allowed for discussion must, I think, strike the mind of the House as evidently unfair. I suppose the gentleman from Indiana will not insist upon any such procedure. My understanding when we went into Committee of the Whole was that we were to have one-half of the time.

Mr. COSGROVE. That was also my understanding.

Mr. MULDROW. If I had not so understood I should have insisted upon the House fixing a division of the time.

Mr. HOLMAN. I wish to say——

Mr. COSGROVE. I want to raise another point——

The CHAIRMAN. The Chair will state that the hour is now running.

Mr. HOLMAN. I hope it will not be regarded as now running. This debate, of course, is by implied consent. What objection is there to allowing another hour for debate? This is one of the most important bills on the Calendar.

Mr. MULDROW. I have no objection to another hour.

Mr. WARNER, of Ohio. Let there be two hours, to be equally divided.

Mr. COSGROVE. But before the first hour is exhausted let us go back into the House and have the House fix the time.

Mr. MULDROW. In order to settle the question in the House, I move that the committee rise.

The motion of Mr. MULDROW was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 1000) for the relief of Myra Clark Gaines, had come to no resolution thereon.

Mr. MULDROW. I move that when the House goes into the committee further to consider Mrs. Gaines's bill the time for debate be limited to two hours, and that it shall be equally divided between those who favor and those who oppose it.

The SPEAKER. The House has made an order to limit debate, and the only way is to reconsider that vote.

Mr. MULDROW. I move to reconsider that vote.

Mr. CALKINS. Was the motion made to reconsider and lay upon the table?

The SPEAKER. It was not. The question is on the motion to reconsider the vote by which debate was limited in committee to one hour. The noes seem to have it.

Mr. MULDROW. I ask for a division.

The House divided; and there were—ayes 43, noes 64.

Mr. HOLMAN. No quorum has voted.

The SPEAKER. The point is made that no quorum has voted. [Cries of "Oh, no!"] The Chair will appoint as tellers Mr. MULDROW and Mr. WARNER, of Ohio.

Mr. HOLMAN. They are both on the same side.

The SPEAKER. The Chair will appoint the gentleman from Tennessee in place of the gentleman from Ohio.

Mr. MCMILLIN. I ask gentlemen to content themselves with a less time than two hours. This bill was discussed on last Friday when we were in the Committee of the Whole House on the Private Calendar.

The SPEAKER. That is not the point before the House.

Mr. MCMILLIN. I only wish to make that suggestion in order that we may reach some conclusion.

Mr. MULDROW. I suggest that the hour to which general debate is limited be equally divided between the respective sides.

Mr. MCMILLIN. I will move then by unanimous consent the time be equally divided between those who favor and those who oppose the bill.

The SPEAKER. It can only be done by unanimous consent. The House has already limited the debate.

Mr. HOLMAN. That is so fair a proposition it could not be refused if the bill had not already been debated on one side for more than an hour.

Mr. MULDROW. There was debate on the other side last Friday by the gentleman from Illinois [Mr. TOWNSHEND].

Mr. COSGROVE. The gentleman from Tennessee moved that the House go into committee for the consideration of the Private Calendar, and further, that the debate on the pending bill be limited to thirty minutes. That was amended on the motion of the gentleman from Indiana [Mr. HOLMAN] to extend the time to one hour. I ask if the original rule that it be equally divided can not apply to this one hour?

The SPEAKER. There was no rule.

Mr. COSGROVE. I understood it to be made.

The SPEAKER. It is never made in the House. The division of time can only be made by unanimous consent. The order of the House under the rule is simply to fix the time during which debate shall continue.

Mr. MCMILLIN. The propriety of that rule has been so universal there should be no objection to carrying it out in this case.

Mr. HOLMAN. There is no objection to it, and no one pretends to do anything against it. The only thing objected to is after the other side has already had an hour of debate on this proposition they now come in and ask for half of the other hour, which would make an hour and a half on one side and only half an hour on the other. I do not object to any reasonable division of time. After the House has allowed an hour in favor of the measure already, last Friday, I think the only honorable solution of the present difficulty is to give each side an hour to-day, and I hope the House will not object to that proposition.

The SPEAKER. The gentleman from Tennessee and the gentleman from Mississippi will take their places as tellers.

Mr. MCMILLIN. I hope I may be indulged for one moment in order that we may reach some conclusion by which we will obviate the necessity of having a vote. Will the gentleman from Indiana be content with three-fourths of an hour in opposition to the bill, and then that there shall be half an hour in favor of it?

Mr. WARNER, of Ohio. Let the present hour run against the bill, and then let half an hour be given in favor of it. Let that arrangement be made.

The SPEAKER. Let the proposition be submitted, and the Chair will put it to the House.

Mr. WARNER, of Ohio. Let the present hour run against the bill, and then let the time be extended for half an hour in favor of it.

Mr. McMILLIN. Say three-quarters of an hour in favor of the bill.

Mr. WARNER, of Ohio. No; my proposition is an hour against the bill and half an hour in favor of it.

Mr. McMILLIN. Then, Mr. Speaker, I ask by unanimous consent, in order to obviate a vote, that there be one hour of debate in opposition to the bill and half an hour to be given to those who favor it.

Mr. WARNER, of Ohio. I think that will be satisfactory.

Mr. McMILLIN. There having been discussion the last time the bill was up in favor of it——

Mr. HEPBURN. I object.

Mr. MULDROW. I hope the gentleman will withdraw the objection.

The SPEAKER. Unanimous consent is asked that debate in Committee of the Whole on the bill under consideration shall be limited to one hour and a half, one hour of which is to be occupied by those in opposition to the bill, and a half hour to those in favor of it.

Mr. DUNHAM. I would like to inquire how much time has been already occupied in favor of the bill?

Mr. MULDROW. Not very much time in debate. The report was read, which consumed some time.

The SPEAKER. Is there objection to the request which the Chair has submitted?

Mr. HEPBURN. I withdraw the objection.

So (no further objection being made) the motion to limit debate was agreed to.

Mr. McMILLIN. I move that the House do now resolve itself into Committee of the Whole for the consideration of bills upon the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. Cox, of New York, in the chair.

MRS. MYRA CLARK GAINES.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill for the relief of Mrs. Myra Clark Gaines.

Mr. HOLMAN. Mr. Chairman, I trust, on account of the important principle involved in this bill, that it will receive the careful attention of the committee, for I feel quite confident that a careful consideration of the bill will create a very grave doubt in the mind of any gentleman as to whether there is any validity in the claim presented.

Mr. Chairman, I find, on examining the papers on file in this case, a petition presented before the House on the 9th day of December, 1881, a petition signed by the claimant named in this bill, and referred to the Committee on Private Land Claims. In that petition the land which is the subject of this claim is referred to in the following brief terms:

> Your memorialist further represents that subsequent to the confirmation of the title of said land to her father, the heirs of General La Fayette were suffered to locate a small fraction of their grant within the boundaries of the said 1,920 toises square of land, —— acres of land.

The writer of this paper, it will be seen, like most of us, seemed to have some difficulty in reducing the grant to acres.

The petition further states that a patent was granted to the La Fayette heirs by the Government of the United States. Now that is one of the elements of this claim, a small portion of the land, and I will use the exact terms of the petitioner herself:

> The heirs of General La Fayette were suffered to locate a small fraction of their grant within the boundaries of the said 1,920 toises square of land, —— acres of land, which were by patent granted to the said heirs of La Fayette by the Government of the United States.

Mr. Chairman, there is a very brief reference made in the report of the committee to the House on this bill, a very brief reference, indeed, to the fact that the claim does not come before Congress on the recommendation of the Secretary of the Interior, but it is so briefly made that it might well have been entirely overlooked. Now, the fact is that as far back as 1873, on the 14th of April of that year, the Department of the Interior submitted to Congress an exhaustive report upon this claim; and I desire to have read for the consideration of the committee the concluding portions of it, and for the purpose of enabling gentlemen to hear more distinctly I will ask the Clerk to read the portions of this report which I have marked.

The Clerk read as follows:

> This claim was presented to Commissioner James O. Cosby, and by him reported in the name of John Lynd as No. 19, in register C (Am. State Papers, Public Lands, D. Green's edition, vol. 3, p. 54), as being, in his opinion, not valid according to the laws, usages, and customs of the Spanish Government. By the heirs of John Lynd this claim was also presented to the United States district court for the eastern district of Louisiana, under the act of June 14, 1844, and by said court confirmed; but on appeal being taken to the United States Supreme Court, that court rejected the claim on the ground that the grant was made after the date of the treaty of St. Ildefonso, and was therefore void. Subsequently, under the act of June 22, 1860 (12 Stat., p. 85), Lynd's heirs again presented their claim to the United States district court, January 15, 1861, obtained a decree in their favor, and on appeal to the United States Supreme Court, said claim, to the extent of 32,025 arpents, was finally confirmed to the said heirs of John Lynd (11 Wall., p. 632). Since said decree by the Supreme Court, however, Lynd's heirs have filed a remittitur for 17,513.40 acres of land, thus reducing the area confirmed to 9,740.35 acres.
>
> In this case the claimant has not filed the sworn statement describing the supposed location of her claim, as required by section 1 of the act of June 22, 1860; neither is there any legal evidence of the authenticity of the grant to Lynd, except that found in the record of the court in the case of Lynd's heirs, and upon which the confirmation in their favor is founded; nor is there any evidence to show Daniel Clark's rights to any part of said land, except the sale to him, in 1812, of 5,470 arpents; nor any evidence whatever to connect the alleged title of the present claimant with that of John Lynd or Daniel Clark.
>
> The claim of Mrs. Myra Clark Gaines to claim No. 6 is therefore rejected by this office.
>
> It will be observed that there are no original title-papers filed as a part of the case in any of the claims above mentioned; neither is the loss of said originals proved or even averred; nor are the documents introduced to show the contents of such original papers in any way authenticated so as to be competent as secondary evidence to be introduced after a proper foundation had been laid; and in part of the said claims there is no evidence to connect the alleged title of Daniel Clark with that of the Spanish grantees; and there is a total failure of evidence in all of said claims to show any title or interest of the present claimant thereto. Even the translations of such of these documents as are in a foreign language are not certified to have been correctly made, nor are they correct, notably in the translation of the word "arpent," which is uniformly translated "acre."
>
> Under none of the rules of evidence as administered in the courts of this country would the papers filed with and transmitted by the register and the receiver in these cases be received as proof of any right whatever; and in considering said papers I have not deemed it necessary to point out every instance in which they were inaccurate or otherwise faulty, as would have been done had they been of a character to be treated as evidence. In addition, however, to what has already been said, your attention is respectfully invited to the following: In claim No. 3, said to be founded on a sale by the Spanish authorities, the patent is alleged to have been made in 1801, or more than two years anterior to the date of the order of survey, all of which is clearly erroneous; for in such sales the order of survey must issue, the survey of lands be made and returned, the land appraised, and its appraised value paid, or its payment secured, before the issue of patent. In claim No. 4 it is not shown that Mrs. Taylor was the wife or widow of Gilbert Andry, or had any legal interest in the land alleged to have been conveyed by her to Danial Clark. In claim No. 5, the alleged figurative plans, six in number, represent in the aggregate 50,941 arpents, while the accompanying field-notes describe only five tracts, representing in the agregate 40,024 arpents, and the rights of Daniel Clark therein are claimed under a mortgage from Power, but the necessary acts to convey title to Clark after a failure to pay the consideration for said mortgage are not shown.
>
> In claim No. 6, Daniel Clark's title from John Lynd to 26,555 arpents of the land is claimed under a mortgage, in 1807, of an undivided 14,012½ arpents of tracts Nos. 1 to 11, inclusive, containing 32,025 arpents, yet no attempt is made to show the performance of the necessary acts to convey title to Clark after a failure to pay the consideration for said mortgage, and this, too, nothwithstanding Clark is alleged to have purchased 5,470 arpents of said land nearly five years after the date of said mortgage; and in the copy of said alleged "act of sale" filed in the case, the said land is stated to have been encumbered with but two mortgages, neither of which were in favor of Daniel Clark. It may also be added that a duly authenticated copy of a record has been filed with an application for scrip to satisfy the confirmation to Lynd's heirs for this identical land, by which copy it appears that said mortgage to Clark in 1807 had been annulled and extinguished by an act executed before B. Van Pradelles, notary, and dated August 10, 1880.
>
> The accompanying affidavit of Richard Robles, to the effect that the translations of "certificates of title-deeds of Beverly Chew, Thomas Urquhart, John Lynd, Don Philip Enoul Dugue, Thomas Power, and Juan Pollock, from the Spanish into the English language," were made by him to the best of his knowledge and ability, were sent up by the register and the receiver with their report on the above-mentioned claims, but said affidavit was not attached to any of the translations filed in support of said claims.
>
> Very respectfully, your obedient servant,
>
> WILLIS DRUMMOND,
> *Commissioner.*
>
> Hon. C. DELANO,
> *Secretary of the Interior, Washington, D. C.*

Mr. HOLMAN. It will be observed, Mr. Chairman, that the conclusion of the Commissioner, which is the conclusion arrived at upon an exhaustive statement of facts, is that there was no valid foundation for this claim. It is stated incidentally, I see, in the report that some papers have been subsequently submitted to the Secretary of the Interior, and that he had said if those papers had been before him prior to this report being made the report would have been different.

Mr. MULDROW. That was the statement of the Commissioner of the General Land Office. The Commissioner of the General Land Office now says if all the facts had been before him which now appear in the case his decision would have been different.

Mr. HOLMAN. Where is that?

Mr. MULDROW. It is in the hands of the gentleman from Missouri [Mr. COSGROVE].

Mr. HOLMAN. I desire to have it read.

The fact appears further from this report that as far back perhaps as 1799 these original grants are said to have been made; that as to the land in question the title depended on this mortgage, or two mortgages, and it is certainly shown very clearly that the title can not be derived from that source, as these mortgages had been extinguished. It is further shown that there is no connection between the title of General Clark and that under which Lynd asserted claim from the Spanish Government.

Mr. MULDROW. Will the gentleman from Indiana allow me now to interrupt him?

Mr. HOLMAN. Not to read that paper.

Mr. MULDROW. I understood the gentleman desired to have it read.

Mr. HOLMAN. I do not desire to have it read in my time.

Mr. MULDROW. Then I will ask the gentleman to permit it to be read at this time in connection with his remarks.

Mr. HOLMAN. I will yield for that purpose in a few moments. The claim after this lapse of time is of itself subject to grave doubts of its validity. The lapse of time can not be overlooked. In tracing back

this claim to ascertain its validity you have got to go back nearly ninety years. And the report made by the Commissioner of the General Land Office, and which comes before you from the Secretary of the Interior, shows with what uncertainty you attempt to trace a shadowy title like this back through a long series of years. If it is true that this land or any part of it was granted to La Fayette and became ultimately the property of his heirs, it is easy to understand what motives there were more than half a century ago to open up this investigation and assert this claim. But this matter remained in absolute abeyance until as late as 1860, when the act of Congress was passed authorizing this inquiry and for the purpose of settling the claims of Louisiana derived from Spain. That law being limited, I believe, to six years, was permitted to nearly expire before any steps whatever were taken. That law was extended three years until 1869; and in that period this imperfect statement, the total insufficiency of which is shown by the Commissioner, was filed in the General Land Office, and was the basis of the investigation made by Cosby on the ground and with the original records so far as there were records before him, and on which he based his report that the claim was without foundation. I will yield to the gentleman from Illinois [Mr. TOWNSHEND] to have the report of the committee of a former Congress on this subject read, and that he may make such remarks as he may think proper.

Mr. TOWNSHEND. On last Friday I obtained the floor when this case was called up, and having a recollection that in the Forty-fifth Congress I was a member of the Committee on Private Land Claims, and was one of the subcommittee appointed to take charge of this question and make a report on it, I attempted at that time, without having any opportunity to examine the record, to give briefly the result of the conclusions we reached after investigation. I have since then, just now, indeed, obtained the report made at that time, and will send it to the Clerk to have it read. I will say, however, before the Clerk commences to read, that the investigation made by the subcommittee, composed of Mr. Gunter, Mr. CALDWELL, and myself, was very thorough and patient on our part. We examined all the original documents. There were some documents which had not been translated. These were translated for us. And after getting at all the facts that could be presented by the attorney of Mrs. Gaines, who appeared before the committee and elaborately argued the case—after a thorough investigation of the whole of the facts presented to us we reached the conclusion embodied in this report, which I now ask the Clerk to read.

The Clerk read as follows:

The Committee on Private Land Claims, to whom was referred the petition of Myra Clark Gaines, asking a confirmation of title to 85,207 arpents of land described in Ex. Doc. No. 60, first session of the Forty-third Congress, ask to make the following report:

Mrs. Gaines, by petition, avers that she is the sole heir of John Clark, deceased, and as such claims to be the owner, and asks Congress to confirm to her title to 85,207 arpents of land situate in the State of Louisiana, and in case said lands have been appropriated by the Government, to issue to her an equivalent in certificates.

This claim is founded upon three several supposed Spanish grants: One to Thomas Urquhart, for 50,000 arpents of land, dated November 29, 1803; the second to Philip E. Dugue, for 40,000 arpents, dated January 17, 1801, and the third to John Lynd, dated July 12, 1806, for 32,025 arpents.

Your committee, on examination of the exhibits and other proofs filed, find that the said Thomas Urquhart, previous to the date of the alleged grant to him by the Spanish authorities, presented a plan and survey of 50,000 arpents to Morales, intendant of the then Spanish province, and requested a conveyance or patent for the lands surveyed and described in said plan and surveys.

The conveyance from Morales to Urquhart, dated November 29, 1803, is not for the 50,000 arpents, as averred in the petition of Mrs. Gaines, but for 10,263 arpents only. (See translation of Exhibit 3, Ex. Doc. No. 60, first session of the Forty-third Congress, page 36.)

On the 3d day of December, 1803, the said Urquhart conveyed to Daniel Clark (father of Mrs. Gaines) the 50,000 arpents described in his original plan and surveys, which is 39,773 arpents in excess of the original grant by Morales to him above mentioned, and the amount claimed and asked to be confirmed by Mrs. Gaines on account of the said grant to Urquhart.

A mere mention of these facts is sufficient to clearly demonstrate that Clark only acquired title to 10,263 arpents under the grant from Urquhart to him, as he (Urquhart) only acquired title to that amount by the original grant from the Spanish authorities.

It is admitted in the petition, and the proof shows, that on the 31st day of May, 1867, Mrs. Myra Clark Gaines, as the only heir of John Clark, deceased, conveyed by regular deed to Caleb Cushing the 10,263 arpents of land described in the original conveyance by Morales to Urquhart, and embraced in the deed from Urquhart to Daniel Clark, and that the same has been confirmed to him (Cushing) by decree of the Supreme Court of the United States and scrip issued for the same. Under this state of facts, your committee are unanimous in the opinion that the claim of Mrs. Gaines to the 39,773 arpents of land on account of the Urquhart grant from the Spanish authorities should be rejected.

It is also alleged in said petition that Morales, intendant-general of the then Spanish province of West Florida, on the 17th day of January, 1801, conveyed to Philip E. Dugue 40,000 arpents of land; that afterward Dugue conveyed the same to Thomas Powers and he to Daniel Clark for a valuable consideration.

The documents filed in support of this claim are—

1. Copies of alleged figurative plans and field-notes of survey for seven tracts of land, purporting to have been surveyed by Carlos Trudeau in 1804, in favor of Philip E. Dugue, pursuant to an order of survey dated October 27, 1803, the seven tracts aggregating 40,000 arpents.

2. Uncertified copy of alleged patent from Morales to Dugue, dated January 17, 1801, for the above-mentioned lands.

3. Uncertified paper writing, purporting to be translation of the above alleged patent.

4. A petition dated March 16, 1869, to the register and receiver, acting as land commissioners, signed by W. H. Wilden as attorney for Mrs. Myra Clark Gaines. This petition is not verified under oath, though it is signed and has a jurat attached.

5. The claimant failed to file with the register and receiver the sworn statement as to the supposed location of her claim, as required by section 1 of the act of June 22, 1850; neither has any legal evidence been presented of the authenticity of the alleged grant by the Spanish authorities to Philip E. Dugue; nor is there any evidence showing or establishing a chain of title from Dugue to the present claimant.

It will be observed that there are no original title papers filed as evidence in support of either of the above-named grants; neither is the loss of said originals averred or proven; nor are the documents introduced to show the contents of such original papers in any way authenticated so as to be competent as secondary evidence to be introduced after a proper foundation had been laid; and there is a total failure of evidence to show a conveyance of title from Dugue to Thomas Powers, and from Powers to Daniel Clark, through whom Mrs. Gaines claims title.

In considering said papers your committee have not deemed it necessary to point out all inaccuracies, as would have been done had they been of a character to be treated as evidence. Under none of the rules of evidence recognized and enforced in the courts of this country would the papers filed in this case and transmitted by the register and receiver of the local land office be received as proof of any of the rights claimed by petitioner.

In addition, it will be observed that in the claim founded upon a supposed sale and grant by the Spanish authorities to Dugue, the patent is alleged to have been made in 1801 (and the exhibits sustain the averment), more than two years anterior to the date of the order of survey, all of which is clearly erroneous; for in such sales the order of survey must issue, the survey of the lands be made and returned, the land appraised and its appraised value paid, before the issue of patent.

In the opinion of your committee, the evidence wholly fails to establish the right of Mrs. Myra Clark Gaines to the 40,000 arpents of land claimed under the alleged grant from the Spanish authorities to Philip E. Dugue, dated January 17, 1801, and recommend that said claim be rejected.

The last of these claims to be considered is for 5,470 arpents of land conveyed by the Spanish authorities to John Lynd, and afterwards by Lynd to Daniel Clark.

The evidence filed in this case shows that on the 12th day of July, 1806, Morales conveyed to John Lynd eleven tracts of land, numbering from one to eleven, inclusive, and amounting in the aggregate to 32,025 arpents. On the 12th of August, 1812, the said Lynd conveyed to Daniel Clark the 5,470 arpents described in plan number 6 of the original conveyance from Spain to Lynd, as shown by Exhibit 7, filed in this case.

The exhibits filed in this case as evidence of title are not the original conveyances, but certified copies, without proof that the originals were lost or mislaid, and would not alone be satisfactory as to the transfers claimed in the petition of Mrs. Gaines. But on the 15th of January, 1861, the heirs of John Lynd, deceased, presented their claim to the United States district court, for a confirmation of title to the 32,025 arpents of land described in the original conveyance from the Spanish authorities to Lynd, which conveyance the court in all respects sustained as legal and valid under the act of Congress passed June 22, 1860, and at the December term, 1870, on an appeal, the Supreme Court of the United States affirmed the decree of the court below to the full extent of the grant. (See 11 Wallace, page 632.)

On the 20th day of December, 1872, the Lynd heirs entered a remittitur for 5,470 arpents on account of the conveyance from John Lynd to Daniel Clark, made on the 12th day of August, 1812, previously referred to in this report, and of which the following is a correct copy:

November term, 1872.—Widow and heirs of John Lynd *vs.* United States; No. 5.

FRIDAY, 20 *December*, 1872.

Present, his honor E. H. Durell.

On motion of L. Janin, esq., solicitor for plaintiffs herein, and on suggesting to the court that on the 8th day of July, 1869, the said plaintiffs obtained a decree in this court for scrip for 27,253.75 acres of land, equivalent to 32,025 arpents, by them claimed, which decree was on appeal affirmed by the Supreme Court of the United States at December term, 1870, as reported in the eleventh volume of Wallace's Reports, page 602;

And on further suggestion of the fact of which they and their counsel were heretofore ignorant, and which has been recently ascertained and brought to their attention, that John Lynd, through whom they claim, by act passed before P. Pedesclaux, notary public in this city, on the 11 August, 1808, sold to John Forbes & Co. 15,134 arpents of the land embraced in their said claim, and that on the 12th August, 1812, he also sold, by act passed before Michael the Armas, the further quantity of 5,470 arpents of the land embraced in their said claim, making in the aggregate 20,604 arpents, equivalent to 17,513.40 acres so by him sold, which being deducted from the decree in plaintiffs favor for 27,253.75 acres in scrip, would leave a balance in scrip of 9,740.35 acres;

And on further suggestion that the attorney of the United States for this district has been directed by the Attorney-General of the United States, under date of 25 June, 1872, to file a bill of review for the purpose of withdrawing from said decree the portions of the land so sold;

And on further suggestion that said plaintiffs protest against the abatement of said 5,470 arpents, claimed to have been sold to Daniel Clark, to any other persons, and that plaintiffs intend to contest before the proper tribunal any other person's claim thereto; and further, on referring to the letter to this effect of date 29 November, 1872, addressed by said plaintiffs to J. R. Beckwith, esq., attorney of the United States for this district, herewith filed—

It is ordered that the said plaintiffs, by their counsel, be now allowed to enter a remittitur of scrip for 17,513.40 acres of land, and that the said decree in their favor be accordingly amended by making a deduction therefrom of the quantity of land so sold by said John Lynd, to wit, 17,513.40, thus reducing the same to a decree for 9,740.35 acres in scrip.

New Orleans, December 17, 1872.

LOUIS JANIN, *of Counsel for Plaintiff.*

The original grant from the Spanish intendant to John Lynd being held legal and valid by the Supreme Court of the United States, the deed from Lynd to Daniel Clark (father of Mrs. Gaines) formal, and the remittitur being entered for the land conveyed by Lynd to Clark, in the opinion of your committee the right of Mrs. Myra Clark Gaines, as the only heir of Daniel Clark, deceased, to the 5,470 arpents claimed under the Lynd grant, is fully sustained, and patents should be issued to her where the lands have not been appropriated by the Government, and an equivalent in certificates or land scrip where they have been.

To secure the rights of the claimant (Mrs. Myra Clark Gaines), your committee report the accompanying bill and recommend its passage.

Mr. TOWNSHEND rose.

Mr. SPRINGER. I wish to ask my colleague, how much did the bill accompanying that report allow?

Mr. TOWNSHEND. The bill did not pass.

Mr. SPRINGER. How much did it allow?

Mr. TOWNSHEND. It provided for allowing 5,470 arpents.

Mr. SPRINGER. Will the gentleman state what were the provisions of the bill which the committee recommended?

Mr. TOWNSHEND. The conclusion of the committee was, after an investigation of all the evidence presented, that Mrs. Gaines was not entitled to more than 5,470 arpents; and there was doubt in the minds

of the committee whether she was really entitled to anything. The bill, I believe, never passed. It was reported to the House, lay on the Calendar, but never got through.

Mr. COSGROVE. Will the gentleman from Illinois permit me——

Mr. TOWNSHEND. I wish first to answer my colleague [Mr. SPRINGER]. I will briefly recapitulate the results of the finding of the committee. It will be seen that the claims of Mrs. Gaines at that time, as set forth in her petition to Congress, were based upon three grants that were made by the Spanish Government: one to Thomas Urquhart for 50,000 arpents of land, one to Philip E. Dugue for 40,000 arpents, and the third to John Lynd for 5,470 arpents, making some ninety and odd thousand arpents of land. Mrs. Gaines has abandoned her claim now, I believe, under the Dugue grant.

The result of the investigation made in that Congress has convinced even Mrs. Gaines that she is entitled to nothing under the Dugue grant, and therefore it is not necessary for me to discuss the result of the investigation of that grant that was made in that Congress.

I will say further that at that time Mrs. Gaines, through her counsel, ex-Senator Foote, of Mississippi, had full opportunity to present before that committee all the evidence that could possibly be obtained, and the committee gave weeks and months, as my recollection is, to a patient and most thorough investigation of all the facts that surround the case.

The Urquhart claim, as has been shown by the reading of the report, rests upon a grant that was in reality for only about 10,000 arpents. The record shows, the title-papers show, the correct translation of the original grant of the Spanish Government and all the evidence show that Mrs. Gaines was entitled to only about 10,000 arpents under that claim. And evidence in her own handwriting shows that she had conveyed those 10,000 arpents to her counsel, Caleb Cushing.

Mr. MULDROW. The gentleman is in error evidently in his statement of facts. I am sure he does not desire to make a statement of fact before the House which is unfounded.

Mr. TOWNSHEND. I will only say that we found this to be true.

Mr. MULDROW. There were 10,000 arpents in one grant, and those were conveyed to Caleb Cushing. But there were other grants than the one which was conveyed to Caleb Cushing.

Mr. TOWNSHEND. I have read only hastily the report of the present committee of this House. I understand that that committee takes the ground which was taken by the committee of the last Congress, that Mrs. Gaines had not completed her evidence before the Commissioner of the Land Office for the whole 50,000 arpents; that there was something lacking in the evidence. Am I correct in that?

Mr. COSGROVE. She had not then filed her affidavit, but she did so under the general act.

Mr. TOWNSHEND. She then filed her petition, came before the Commissioner of the General Land Office with it, and the Commissioner found that she had not according to law shown that she was entitled to a larger allowance than the 10,000 arpents which were afterward conveyed to Caleb Cushing.

Mr. HOLMAN. And the grant for the 10,000 arpents which was conveyed to Caleb Cushing was found to be a valid grant?

Mr. TOWNSHEND. That was found to be a valid grant, and it was conveyed by her to her counsel.

Mr. MULDROW. And the Supreme Court in finding that grant valid virtually passed upon the whole title of the entire 50,000 arpents.

Mr. TOWNSHEND. Let me get through with my statement of what we found at that time. I have no desire in making this statement to do anything more than to contribute what light and knowledge I have upon this subject. I want to see the ends of justice attained in this case as well as in all others. I simply desire to put before the House the result of our investigation in the Forty-fifth Congress, and to state the reasons why we made this report, so that future Congresses might have before them the result of our investigation in this case. I am very glad the report is on record so that members may be enabled to reach a just conclusion in the case.

What did we then find? We found that the title was incomplete; and it is now confessed to be so by Mrs. Gaines, who has, as I understand, since been able to get up some affidavit by a man named Cox, or something else, and has taken that affidavit before the Commissioner of the General Land Office, who has indicated in a kind of way that if he had had that affidavit before him at the time he might possibly have recommended the confirmation of the 50,000 arpents.

Mr. MULDROW. Allow me to state that the report of the Commissioner of the General Land Office is not based upon that affidavit, but is predicated mainly upon the fact that the act of 1860 provided that wherever there was a survey and a segregation from the common domain of a land claim, that gave the party such a right as to enable him to come before Congress for a confirmation of his title.

Mr. TOWNSHEND. That is enough now; let me go on. I have heard nothing said, I have seen nothing in the report of the committee or elsewhere that changes my conviction. In that Congress we found that only 10,263 arpents had been granted to Urquhart; that he had acquired title to only that amount of land. I will read further from the report what we found:

It is admitted in the petition, and the proof shows, that on the 31st day of May, 1867, Mrs. Myra Clark Gaines, as the only heir of John Clark, deceased, conveyed by regular deed to Caleb Cushing the 10,263 arpents of land described in the original conveyance by Morales to Urquhart, and embraced in the deed from Urquhart to Daniel Clark, and that the same has been confirmed to him (Cushing) by decree of the Supreme Court of the United States and scrip issued for the same.

That is the decree that gentlemen are harping upon as a basis to a further allowance for some 39,000 arpents of land. I read further in regard to the Urquhart grant:

Under this state of facts your committee are unanimous in the opinion that the claim of Mrs. Gaines to the 39,773 arpents of land on account of the Urquhart grant from the Spanish authorities should be rejected.

That disposes of all that is claimed under the Urquhart grant. The present committee has disposed of all that Mrs. Gaines claimed at that time under the Dugue grant; but she and her counsel were as persistent in their demands under that grant as she is now in insisting upon her rights under the Urquhart grant. But she has abandoned her claim under the Dugue grant. We come now to the Lynd grant. I again read from the report:

The evidence filed in this case shows that on the 12th day of July, 1806, Morales conveyed to John Lynd eleven tracts of land, numbering from 1 to 11, inclusive, and amounting in the aggregate to 32,025 arpents. On the 12th of August, 1812, the said Lynd conveyed to Daniel Clark the 5,470 arpents described in plan No. 6 of the original conveyance from Spain to Lynd, as shown by Exhibit 7, filed in this case.

The exhibits filed in this case as evidence of title are not the original conveyances, but certified copies, without proof that the originals were lost or mislaid, and would not alone be satisfactory as to the transfers claimed in the petition of Mrs. Gaines. But on the 15th of January, 1861, the heirs of John Lynd, deceased—

Not Mrs. Gaines, but the heirs of John Lynd, deceased—

presented their claim to the United States district court for a confirmation of title to the 32,025 arpents of land described in the original conveyance from the Spanish authorities to Lynd, which conveyance the court in all respects sustained as legal and valid under the act of Congress passed June 22, 1860, and at the December term, 1870, on an appeal, the Supreme Court of the United States affirmed the decree of the court below to the full extent of the grant. (See 11 Wallace, page 632.)

On the 20th day of December, 1872, the Lynd heirs entered a remittitur for 5,470 arpents on account of the conveyance from John Lynd to Daniel Clark, made on the 12th day of August, 1812, previously referred to in this report.

From an investigation of documents in the Spanish and English languages which would almost fill a dry-goods box we were not able to discover that she was entitled on any consideration whatever to more than 5,470 arpents; to that extent we reported in favor of her claim. I have not time to refer to the details of the testimony.

Mr. LAIRD. Was that the excess of land for which the Lynd heirs entered a remittitur?

Mr. TOWNSHEND. The Supreme Court of the United States confirmed the Lynd grant to the extent of 32,025 acres; but it was subsequently found upon evidence that 5,000 arpents and more had been conveyed to the ancestors of Mrs. Gaines. Therefore, after the Supreme Court had confirmed the whole grant, the Lynd heirs came in and entered a remittitur for these 5,470 arpents.

We found that the title of Mrs. Gaines was good as to those 5,470 arpents, and therefore reported a bill granting her that quantity of land. I believe that if the same conclusion should now be reached by this Committee of the Whole the ends of justice will be attained, and she will get all that she is entitled to.

It is clear Mrs. Gaines has been convinced that her claim based upon the grant to Dugue was unfounded; and she has absolutely abandoned that claim. As I understand, she comes here now simply with affidavits—*ex parte* affidavits no doubt, the parties to which were not subjected to cross-examination, no effort having been made on the part of the Government to search up testimony contradicting the statements made in these *ex parte* affidavits. Upon these affidavits, as I understand, the committee of the last Congress and the committee of the present Congress base the allowance of the claim of Mrs. Gaines to some 39,000 arpents of land.

I do not wish to say anything more. I have not the slightest feeling in this case; I merely wanted to contribute to this discussion whatever knowledge I may have in regard to the case.

Mr. LAIRD. Is the gentleman satisfied as to the identity of the land he speaks of and that which this committee has reported in favor of giving to Mrs. Gaines?

Mr. TOWNSHEND. The lands the title to which is discussed in the present report are identically the same as those the title to which was considered by the committee in the Forty-fifth Congress. There is no question about that. It is admitted in the report that they are the same.

Mr. COSGROVE. I understand the gentleman that so far as the committee of which he speaks decided in favor of the title of Mrs. Gaines there is no question about the matter.

Mr. TOWNSHEND. As to the 5,470 arpents?

Mr. COSGROVE. Yes, sir.

Mr. TOWNSHEND. There was some question; but I believe it best perhaps to err on the side of mercy, and I would vote to give her 5,470 arpents.

Mr. SPRINGER. I would like to ask my colleague a question. If we allow the title of Mrs. Gaines to the 5,470 arpents covered by the report made in the Forty-fifth Congress, then I understand the only matter in dispute relates to the 39,000 arpents under the Urquhart grant.

Now let me see if I understand the matter. That case has been the subject of litigation in the Supreme Court of the United States. The claimant in this bill deeded 8,000 acres——

Mr. TOWNSHEND. Ten thousand acres.

Mr. SPRINGER. Deeded 10,000 acres to Caleb Cushing.

Mr. TOWNSHEND. And that was all she was entitled to under the grant.

Mr. SPRINGER. That question was taken to the Supreme Court of the United States.

Mr. TOWNSHEND. Yes, sir; and the title of Cushing was confirmed.

Mr. SPRINGER. Now, I desire to know whether that litigation did not in fact embrace the whole of the claim known as the Urquhart grant?

Mr. TOWNSHEND. It is my understanding that the court passed upon the whole question as to what Mrs. Gaines was entitled to under the Urquhart grant, and held that she was only entitled to that number of acres.

Mr. SPRINGER. Then my colleague holds that the question has been adjudicated by the Supreme Court against the claimant in this case?

Mr. TOWNSHEND. I think it has.

Mr. MULDROW. The gentleman from Illinois [Mr. TOWNSHEND] is mistaken as to the decision in the Cushing case. The court did not decide that Mrs. Gaines was not entitled under the Urquhart grant to other lands than those which had been conveyed to Cushing.

Mr. SPRINGER. That is a question of fact which I would like to have settled.

Mr. TOWNSHEND. Let me read the facts on that point as stated in the report to which I have already referred:

It is admitted in the petition, and the proof shows, that on the 31st day of May, 1867, Mrs. Myra Clark Gaines, as the only heir of John Clark, deceased, conveyed by regular deed to Caleb Cushing the 10,263 arpents of land described in the original conveyance by Morales to Urquhart, and embraced in the deed from Urquhart to Daniel Clark, and that the same has been confirmed to him (Cushing) by decree of the Supreme Court of the United States and scrip issued for the same. Under this state of facts, your committee are unanimous in the opinion that the claim of Mrs. Gaines to the 39,773 arpents of land on account of the Urquhart grant from the Spanish authorities should be rejected.

Mr. HOLMAN. I reserve the remaining portion of my time.

Mr. SPRINGER. That was a claim not for an undivided portion, but the whole of it.

Mr. TOWNSHEND. That is my recollection of the understanding of what Caleb Cushing claimed.

Mr. MULDROW. How much time has the gentleman from Indiana left?

The CHAIRMAN. He has eleven minutes, which he proposes to reserve.

Mr. COSGROVE. I now yield for five minutes to the gentleman from New York [Mr. ROBINSON] who introduced this bill.

Mr. ROBINSON, of New York. Mr. Chairman, having introduced this bill, it is proper that I should say a word or two in its favor.

Mrs. Myra Clark Gaines is a marked character in history and the story of her life a romance and a mystery.

Just about eighty years ago there lived in New Orleans a young Irishman, handsome, polished, brave, and energetic; a favorable specimen of that race which has given to America so much of its wit, beauty, and bravery; so many of its wealthy merchants, eloquent orators, and gallant soldiers. He was a leading merchant of that gay city, and in adventurous journeys and dealings among the Indians and the French settlers on the Mississippi had amassed a large fortune, which was vastly increased by inheritance from his uncle.

In all his transactions he was prosperous and everything he touched turned to gold. On the tide of pleasure he carried full sail. No door of fashion nor any woman's heart was closed against the young and fascinating merchant of that tropical city. It was a city of wealthy bachelors, of gayety and pleasure and luxury; of merchant princes and successful traders. Haughty grandees and notable representatives of the old French and Spanish society mingled in its marts or reclined beneath its magnolias. At the head of its wealth and in its gayest circles of elegance and luxury stood Daniel Clark, a native of Sligo, in Ireland, and the father of Myra Clark Gaines. In business he was bold and skillful, in character restless, imperious, and ambitious, submitting to no control except his own will, and amenable for his acts only under the code of honor, so well understood in his neighboring Galway.

Justice Wayne, of the Supreme Court, described him as "a man of no ordinary character or influence on those who were about him. His natural fitness to control became habitual as his wealth and standing increased, and it was exercised and involuntarily yielded to by all who associated or were in business with him. He was a man of high qualities, energetic, enterprising, courageous, affectionate, and generous, but with a pride which had yielded to no mortification until his affection subdued it to a sense of justice in behalf of his child."

In this same gay city on the crescent of the Mississippi, there lived Zulime Carriere, known as the wife of Monsieur De Granges, by birth a nobleman of France, but in business a shopkeeper in New Orleans. Zulime was a girl of exquisite and voluptuous beauty, such as would have justly furnished a theme for the pen of the author of Lalla Rookh. At the age of 13 or 14 she married Jerome De Granges, and was about 20 when Daniel Clark made her acquaintance, and became her husband on their discovery of the fact that her marriage with De Granges was void, because a previous wife to whom he had been married in France was still living.

The marriage of Daniel Clark and Zulime was private. The ceremony was duly performed by a priest; her sister, Madame Despau, and two friends of Mr. Clark from Louisiana and New York being witnesses.

In the city of New Orleans, in the month of December, 1806, Zulime gave birth to a daughter, Myra, the present claimant in the bill before this House. She never knew her father, and until she grew to womanhood knew nothing of her mother nor of her own history. She was born in the house of M. Boisfontaine, a refugee from San Domingo, and the friend and confidential agent of Mr. Clark, who placed Myra, immediately after her birth, in the charge of his brother-in-law, Col. S. B. Davis.

In 1806 Mr. Clark was elected to Congress as a Delegate from the Territory of "Orleans," and took his seat on the 1st day of December in that year, representing the Territory as its first Delegate in the short term of the Ninth Congress and both terms of the Tenth, and was succeeded in the Eleventh Congress by Julian Poydras, who took his seat the last day of May, 1809. When Mr. Clark first entered Congress Gen. George Clinton, of New York, was President of the Senate, and Nathaniel Macon, of North Carolina, was Speaker of the House. There werethen three Territories—Indiana, Mississippi, and Orleans. Among the members of the Senate were Henry Clay, of Kentucky, and John Quincy Adams, of Massachusetts, and among the members of the House were Theodore Dwight of Connecticut, Josiah Quincy of Massachusetts, Matthew Lyon of Kentucky, and John Randolph of Virginia. Ohio had then only one member in the House, while Massachusetts had seventeen and Virginia twenty-three. In the Twelfth Congress, November 11, 1811, Louisiana was admitted as a State, with Thomas B. Robertson as its sole Representative, two years before the death of Daniel Clark.

Myra was born the same month in which her father took his seat in Congress, and, as his marriage was not publicly known, the wealthy and handsome Delegate was a welcome guest in the gayest circles of Washington and Baltimore, and enjoyed the society of the celebrated beauties of the latter city, to one of the loveliest of whom, a granddaughter of the last and illustrious signer of the Declaration of Independence and afterward wife of a noble marquis and lord-lieutenant of Ireland, it was said he became engaged. A story (perhaps only a story) is told of a journey undertaken from New Orleans to Baltimore by Zulime to find whether the rumor was true, and that from her carriage in front of the princely mansion of the father of the lady with whom rumor had associated his name she saw him with the captivating beauty promenading on the piazza.

In 1812 Colonel Davis, with his family and his reputed daughter Myra, moved to Philadelphia, and afterward to a handsome residence in the suburbs of Wilmington, in Delaware. Here she became acquainted with a young gentleman, William Wallace Whitney, of a numerous and wealthy family of Binghamton, in New York, and they became lovers, and after many romantic adventures, including a midnight ride to Wilmington, alone, in a stormy night, to warn her lover that his life was threatened if he dared again to visit Colonel Davis's mansion, they were married. Previous to the marriage her reputed father had become reconciled with her lover, and the marriage took place at his mansion, after some difficulty on the day of the wedding in procuring a license, which was not obtained till near midnight.

This was in 1832. She had grown up to womanhood, and not until her marriage at 26 did she realize the truth that the wealth of the New Orleans millionaire was hers, hers as his only legitimate child and by his will of 1813, the year in which he died, which had been concealed and destroyed, which declared Myra Davis his daughter and only legitimate child, and which left to her the whole of his estate. It was proved on substantial testimony and confirmed in 1861 after a legal warfare of thirty years. Part of that estate is the subject of this bill, and here, as everywhere else, this brave and beautiful little woman is met with unaccountable opposition. Why is that opposition renewed now and here? Part of this very claim transferred to General Cushing has been allowed in our courts without opposition. We seem to be bent on fighting alone with worthy women. That fact would lead us almost to curse our sex. This perpetual warfare against women is not manly. Why do we now oppose granting justice to this noble lady on the plea that it is granting too much land to any single individual? If we are earnest in this matter let us assail the possessions of the Astors or other male monopolists, and not take away the legal, just, and honest possessions of this venerable and heroic woman.

In her legal war of half a century she has met with malignant opposition. In her case the law's delays have been fearfully provoking and expensive. Legally entitled to millions, she has sometimes hardly known how to obtain a penny for the sustenance of her life. Even now she

feels the pangs of poverty amid the plenitude of her possessions. One of her biographers has said:

The little fortune received at her marriage soon melted. She had spent the whole of her husband's estate. She had borrowed of his family, and she had borrowed of every one who was bold enough to listen to her persuasive voice, for she "talked the money out of their pockets." Nobody could listen fifteen minutes to her without sharing in her enthusiasm and perfect conviction of ultimate success. She had feed the ablest lawyers in the land with princely retainers when she had money, and she had more than once pleaded her own case when money could not be obtained. She knew the law perfectly. She had mastered details as well as principles. She knew precedents and did not stumble upon quibbles. Once it is said she spoke two hours and a half to a jury and won her case.

I only wish I could yield to her for fifteen minutes now to hear how eloquently and successfully she would overwhelm the opponents of her claims in the bill.

Born in 1806; the daughter of an Irish gentleman, inheriting her father's courage and her mother's beauty; in early life marrying the object of her love; going with him to her native city to contend for her rights and to reclaim her inheritance; her young husband dying of yellow fever in the first legal encounter; finding again a devoted protector in the gallant Major-General Gaines, who nearly eighty years ago, then a young lieutenant, arrested Aaron Burr and brought him to Richmond for trial about the time she was born, and afterward so distinguished himself in the war of 1812 against England at the battles of Chrystler's Fields and Fort Erie; her father nearly eighty years ago a Delegate in this Congress, in which the rights of his daughter are now so strenuously resisted; venerable in years, yet full of life and radiant in her unfading beauty; reading without glasses the finest print, and writing with steady hand her matchless manuscript, rivaling the finest copper-plate, with an eye undimmed and a heart undaunted; her ringing laugh and silver voice the still vigorous echoes of charming music which has thrilled with pleasure the most refined circles of Northern, Southern, and metropolitan society, she comes to-day and asks this Congress to restore to her a small portion of the property which has been so long and so unjustly kept from her. She is now a resident of this city, surrounded by six of her grandchildren and others, including the venerable French maid who so faithfully waited on her mother until her death, over thirty years ago, all dependent on her and in need of support, which she could and would so plentifully give them if she were allowed to possess her own property, part of which this Congress now hinders her from obtaining.

It is over forty years since I first met her, with her venerable and heroic husband, at New Haven, to which they had come to visit his son and my classmate then lying sick in Yale College, blockaded with snow. From time to time since then I have had the pleasure of meeting her, often victorious and still belligerent, during her long and valiant struggle for her rights. Like all who have known her I highly esteem her, and it is with pride and pleasure that I am here to-day to demand from this House the immediate passage of this bill for her partial relief.

Mr. COSGROVE. I will now yield to the gentleman from Mississippi.

Mr. MULDROW. If I can get the attention of the House for a few minutes, I think I will satisfy the judgment of every man who will listen that if there ever was a meritorious case before the House, one that demanded what the petitioner asked, the case of Mrs. Gaines is that one.

Now, sir, to begin at the outset, there is no controversy whatever as to this grant. No committee has ever found, and it is not pretended, that there was not a grant from the Spanish intendant then in charge of the affairs of Spain in that part of the territory which covered this land. There has never been a question that Morales, as such intendant, made a valid grant to John Lynd of a part of the land claimed by this petitioner.

That fact I say is not controverted. The committee in the Forty-fourth Congress, to which reference has been made, found that fact. The very committee of which the gentleman from Illinois himself was a member found that to be true; and the committees in the Forty-seventh and the committee in this the Forty-eighth Congress all found that there was no question that there had been a grant from Morales, the Spanish intendant, to John Lynd.

In the possession of the gentleman from Missouri [Mr. COSGROVE] is the absolute deed in fee of the 5,000 arpents from John Lynd to Daniel Clark.

Mr. TOWNSHEND. We admit that, so far as the 5,000 arpents are concerned.

Mr. MULDROW. Very well. Then the only question is this: Is this petitioner the heir and legatee of Daniel Clark? If so, that settles the controversy.

Now, that point has been decided in a number of cases that have risen in the prosecution of her claims and which have gone before the Supreme Court, and the first case reported in 6 Wallace, of Gaines *vs.* The City of New Orleans, reviewed the whole history of Daniel Clark's grant and the rights of Mrs. Gaines under the will of Daniel Clark, and reached the conclusion that not only was Mrs. Gaines the legatee of Daniel Clark under the will of 1813, the last will, but also that various pieces of property in New Orleans and in other parts of Louisiana which had been conveyed by the executors of the first will of Clark, made in 1811, were absolutely null and void, and that Mrs. Gaines was entitled to the property of her father, Daniel Clark, with the exception of that portion which had been conveyed by order of the courts of Louisiana by Relf and Chew, the executors of Daniel Clark, that is, all that had been conveyed by them within twelve months after filing their letters testamentary. It seems that by the statutes of Louisiana at that time executors were forbidden to transfer property after twelve months from the date of their letters testamentary, and the Supreme Court declared that all conveyances made after that time were null and passed no right or title.

Now, does not that statement of facts show a clear right and title in Mrs. Gaines to the 5,000 acres of land which her father obtained from Lynd? There can be no possible question of that. But further, she claims the residue of the 50,000 arpents which were originally conveyed to Clark, other than that portion which she herself had conveyed to Caleb Cushing, amounting to something over 10,000 acres, in payment of his counsel fees in prosecuting her various claims.

Mr. Chairman, it is a part of the history of this country that no woman has ever made such heroic endeavors in the assertion of her rights over such a long period of years and under so many difficulties and under such adverse circumstances as has the petitioner in this case. As stated by the gentleman from New York, not knowing even until the time of her marriage that she was the heir of her father, not knowing who her father was up to that period, except from mere rumor, and then discovering it by accident, I say that no woman has ever been compelled to resort to such heroic endeavors as she has been compelled to resort to by reason of the circumstances attending her life in support of her just claims.

There have been no less than ten or twelve cases which have been carried up to the Supreme Court of the United States in order to vindicate some of the claims to the title of this lady to a part of her father's property; and to-day, with all of the vast estate which Daniel Clark left in this country and Louisiana, amounting, it was supposed, to millions of dollars at the time of his death, this woman, in consequence of the vast expense attending all of this litigation in the pursuit of her claim, is to-day almost a pauper.

Again, Mr. Chairman——

Mr. BLAND. Let me ask the gentleman a question——

Mr. MULDROW. I would prefer not to yield for a question unless it is directly pertinent to this point.

Mr. BLAND. I will not interrupt the gentleman if he prefers it.

Mr. MULDROW. I have only fifteen minutes, and I desire now to explain what rights Mrs. Gaines has under the Urquhart grant. There were nine grants in all made by Morales, the Spanish intendant, to Thomas Urquhart. The testimony shows that there is no question about the nine grants having been issued. The very grant that went before the Supreme Court, under which Caleb Cushing claimed 10,000 acres of this land, recited that at the time of the purchase of these 10,000 acres Urquhart purchased over or about 40,000 acres additional. The papers are there to show that there was an actual survey and location of the 50,000 arpents; and that they were set off to him by the Spanish Government. But the merit of the case does not stop even there. The papers show that he paid the money for the 50,000 arpents to the Spanish Government; and that point has not been controverted, nor has it been controverted or questioned by the gentleman, a member of the Committee on Private Land Claims, who prepared the report of the committee in the Forty-fifth Congress.

Then there is no question that the 50,000 arpents were granted to Thomas Urquhart when the 10,000 were granted which were confirmed by the decree of the Supreme Court to Caleb Cushing as a part of his payment for fees as counsel for Mrs. Gaines in the various suits brought by her in the several courts of this country. Now, then, you ask where is the evidence of title from Urquhart to Daniel Clark? We have the deed now here in the possession of the gentleman from Missouri, and I regret that I have not time to have it read in the short time which I have as a part of my own remarks; but if any gentleman questions its authenticity or its existence I will only say that it is there to be seen and examined by any member of the committee. The deed from Urquhart of the 50,000 arpents to Daniel Clark recited that Urquhart obtained the 50,000 arpents from the Spanish intendant then of the city of New Orleans at the time that the grant was made. In the first report read by the gentleman from Indiana he cited from the American State Papers to show that the Supreme Court at one time held that all grants of this character were not to be recognized; or rather that none of the grants of this character were to be recognized by the courts of this country.

The report went on to give his reason for that decision: that the United States at one time claimed that when France and Spain entered into the treaty known as the treaty of San Ildefonso, in the year 1800, Spain had yielded up any rights she had had in that territory to the French, and that the treaty of 1803 between the United States and the French Government conveyed all the claims of France to that territory to the United States; and that therefore Spain, having no title or right to that territory, the United States could not recognize her right to make title to any one. But the Supreme Court in this case of Lynd, to which reference has been made, has declared that by the act of 1860 the United States Government has recognized the rights of all parties who claim

under the Spanish intendant in the actual possession of and exercising dominion over that territory from 1800 to 1810. Now, these grants were made by Morales between 1800 and 1810, and are fairly protected and provided for in that decision of the Supreme Court in that case.

Mr. BLAND. As the gentleman is on that branch of the case he will pardon me for asking him why the courts did not settle the whole case.

Mr. MULDROW. The act of 1860 provided two remedies. One was through the courts and one was through a board of commissioners. Caleb Cushing pursued his remedy through the courts; and therefore his claim went directly to the Supreme Court of the United States. But there was another remedy also provided, that the party making application should petition a board of commissioners under the act of 1860. Mrs. Gaines's lawyers pursued that course. But the act provides that where that course is pursued Congress shall afterward confirm the grant to the parties who present their claim to these commissioners and pursue that remedy. And, therefore, the case is now here. The commissioners allowed the claim. It was first rejected by the Commissioner of the General Land Office, because the court, it was contended, held that the United States would not recognize this character of grants. But that was before the act of 1860 was passed. And a further ground upon which he rejected it was that there were certain technical requirements made by the act of 1860 which had not been complied with. One was the making of affidavits in regard to the quantity of land embraced and describing it by metes and bounds. But when those technical defects were remedied, then the Commissioner of the General Land Office said it was a good grant and the title ought to be confirmed. And that report is in the possession of the gentleman from Missouri [Mr. COSGROVE].

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. MULDROW] has expired.

Mr. TOWNSHEND. Before the gentleman from Mississippi takes his seat will he allow me to ask him a question? He speaks of a decision having been rendered on the Urquhart grant, as I understand him, confirming the title of Mrs. Gaines, where Caleb Cushing got 10,263 arpents. And the gentleman claims, as I understand, that that covered also the 32,000 arpents.

Mr. MULDROW. The 32,000 arpents?

Mr. TOWNSHEND. What I want to get at is this: Is there any decision of any court showing that Mrs. Gaines is entitled to an acre beyond what Caleb Cushing got?

Mr. MULDROW. Yes; and the papers are here showing that. The only point before the court was as to the 10,000 arpents conveyed by Mrs. Gaines to Cushing. It did not involve the title to the remainder of the 50,000 arpents except as an incidental proposition.

Mr. CUTCHEON. What was conveyed to Caleb Cushing was a part of the 50,000 arpents?

Mr. MULDROW. Yes, sir; it is all included in substantially the same title.

Mr. COSGROVE. There is no question about it. Here is the decision.

Mr. TOWNSHEND. I desire to hear it. Where is the decision reported?

Mr. COSGROVE. It is an abstract. There was a decision rendered by the district court of New Orleans.

Mr. TOWNSHEND. Oh! it is a decision of a New Orleans court?

Mr. COSGROVE. And then the United States attorneys carried that decision by appeal to the Supreme Court of the United States, and the Supreme Court unanimously confirmed the decision of the district court.

Mr. TOWNSHEND. In what reports is that decision?

Mr. MULDROW. It was never put in any of the reports. It is a manuscript opinion.

Mr. TOWNSHEND. What I can not understand is why that decision rendered so long ago by the Supreme Court was never printed in the United States Reports.

Mr. COSGROVE. The practice is that where the Supreme Court merely confirms a decision of the court below, and does not render an original decision, it is not put in the reports.

Mr. BLAND. I wish the gentleman from Missouri [Mr. COSGROVE] to explain why this case is not also pursued in the courts as well as the case of Caleb Cushing.

Mr. COSGROVE. I will explain that to the gentleman.

Under the act of 1860 this claimant was enabled to present her claim and have her title confirmed in one of two ways: she could present her claim to Congress or to the courts. By the advice of her attorneys she chose to get her title confirmed by the process by which we are now seeking to confer it upon her. The result has been what you know. From Congress to Congress she has had every report in her favor except one; but the reports have not been acted on, and the remedy has never been granted.

Mr. BLAND. Has there been any explanation made why the one case went before the courts and the other before Congress?

Mr. COSGROVE. I will tell you. Mrs. Gaines conveyed a portion of the Urquhart grant, which is the only grant now in dispute. The title to the Lynd grant is conceded to be in her.

Mr. TOWNSHEND. And the Dugue grant is now abandoned.

Mr. COSGROVE. A portion of the Urquhart grant was conveyed by Mrs. Gaines to Mr. Cushing, and he obtained a judgment in his favor vesting the title to that portion of the grant in him. The court in passing upon that claim of Mr. Cushing said that it was clear——

Mr. BLAND. I understand that. What I wish to understand is why, if she gave this land to Mr. Cushing as a fee, he did not prosecute her claim to the whole amount of the grant.

Mr. COSGROVE. She conveyed this portion of the grant to him and he brought his suit to confirm his title to it.

Mr. BLAND. What did he do for the purpose of having her part of the grant confirmed?

Mr. COSGROVE. I can not tell.

Mr. BLAND. As I understand it, he got this land from her as his fee for acting as her attorney.

Mr. TOWNSHEND. Perhaps Mr. Cushing found out that she was not entitled to any more of the grant, and he took all of it for his fee.

Mr. MULDROW. Ten thousand acres of the grant went to him as his fee, and the remaining part of the grant remained to Mrs. Gaines.

Mr. CUTCHEON. I desire the gentleman from Missouri [Mr. COSGROVE] to answer this question: whether or not the Cushing grant and the land which is involved in this bill came to Mr. Clark, the father of the claimant, through the same deed or the same patent?

Mr. COSGROVE. It is included in the same deed.

Mr. CUTCHEON. It was part and parcel of it?

Mr. COSGROVE. Yes, sir. Thomas Urquhart had nine grants made to him by the Spanish intendant, Morales, for the following amounts: 3,000 arpents, 9,000, 940, 1,248, 602, 3,900, 10,263, 7,000, and 14,047; making a total of 50,000 arpents.

Mr. CUTCHEON. Then if Mrs. Gaines had not divided her holding and made a grant of a portion of it to Cushing it would have all gone up to the court on the same basis?

Mr. COSGROVE. Exactly. She had no greater title than that which she conveyed to Mr. Cushing, and she had no less. The old title from Urquhart to Mr. Clark, her father, is made in one deed which I have now before me. There is no question about the original grants; they are here in Spanish, and have been translated. The only objection made to them is that in the translation the translator used the word "acre" instead of "arpent."

Mr. HEWITT, of Alabama. And an acre is more than an arpent.

Mr. COSGROVE. I want to say one other thing. The gentleman from Indiana [Mr. HOLMAN] intimated that this would be very valuable land scrip. I hold in my hand a letter of the Commissioner of the General Land Office in which he approves of this bill. The bill confines the location of any land under the scrip issued in pursuance of this act if it shall pass to such lands as are offered for public sale and are worth only $1.25 an acre. That divests this scrip of the character which he seeks by implication to place upon it.

Now, after passing on this question the present Commissioner of the General Land Office says that had these facts which were then before him been laid before his predecessor undoubtedly the decision of his predecessor would have been in favor of this grant. The present Commissioner says:

> I do not consider that I have jurisdiction to now review, under the act of 1860, the action taken by my predecessor in this case, which was not prepared and presented here by the district land officers in the manner contemplated by that act. If Commissioner Drummond had been furnished with the original papers, certified copies, and other evidences which have been presented to Congress and the Congressional committees relative to these claims now under consideration, it is probable that the office report would have been favorable as to the validity of the grants.

Mark the language: not of the grant, but "of the grants." I desire to say that I have talked with Commissioner Drummond, who at the time made this adverse report, and he stated to me and to the gentleman from Mississippi [Mr. MULDROW] that he was now satisfied that Mrs. Gaines was entitled to this grant, and that had the evidence now before the House and the committee been before him he would have had no hesitation whatever in saying that she was entitled to this land.

It seems to me that the title of this lady to this land is as completely traceable by record evidence as any title can be traced. I was the chairman of the subcommittee to which this matter was referred. I examined it at my leisure and with care, and was able to see nothing in it that was not all straight. I never saw this lady in my life, and do not know that I ever will. I have come to the conclusion that this is a just claim; and whatever may be the merits of the claimant, she ought to have justice done her. If she is entitled to ten acres she ought to have it, and if to 10,000 or 50,000 acres she ought to have it.

Mr. LAIRD. Will the gentleman permit me to ask him a question?

Mr. COSGROVE. Certainly.

Mr. LAIRD. How was the issue presented at the time the title of Cushing was settled?

Mr. COSGROVE. It was presented by a petition which I have here. It states that "the petition of Caleb Cushing, a citizen of the State of Massachusetts, respectfully shows"—and then he goes on to show that this land was granted to Urquhart, was deeded by Urquhart to Clark——

Mr. LAIRD. Was his claim resisted?

Mr. COSGROVE. It was resisted by the district attorney of the United States and an appeal taken from the district court to the Su-

preme Court, and the Supreme Court affirmed the decision of the district court.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] has ten minutes of his time remaining.

Mr. HOLMAN. I wish to refer to the report made to Congress by the commissioner appointed under the act of 1860, and to show how it happened that the grant to the extent of the conveyance to Cushing should have been confirmed without any reference to the question of title as to the balance.

I read from the report of the commissioner:

That part of this claim for 50,000 arpents for which an uncertified copy of an alleged Spanish patent is filed, namely, 10,262 arpents, appears as No. 18 in Cosby's Register C (American State Papers, D. Green's edition, volume 3, page 54). But with respect to the remainder of the 50,000 arpents claimed no report previous to that now under consideration appears to have been made.

In this case the claimant has not filed the sworn statement describing the supposed location of her claim, as provided by section 1 of the act of June 22, 1860.

A MEMBER. That was afterward supplied.

Mr. HOLMAN (continuing):

Neither is there any legal evidence in the case of the authenticity of the grant, figurative plans, or field-notes of survey upon which said claim is founded; nor is there any evidence whatever to show that Daniel Clark died seized of any part of said claim.

There has been no decision of the Supreme Court bearing on any part of these lands except the 10,202 acres, as to which this report of Mr. Cosby, the commissioner, leaves it a matter of at least fair inference that the claim was valid. To that extent the matter is left in somewhat indefinite terms; but as to the residue the positive statement is that there is no evidence to support the title. I trust, therefore, as a matter of common justice between this lady and the Government and our people who are interested in the land question, that at least the provision as to the 39,731 arpents will be stricken from the bill.

Now, as to the other branch of this claim, the claim to the 5,470 arpents, I wish to call the attention of my friend to the shadowy nature of the testimony in support of the title of the claimant.

In this case the claimant has not filed the sworn statement describing the supposed location of her claim, as required by section 1 of the act of June 22, 1860.

That is the Lynd claim. I concede that afterward a sworn statement was made.

Neither is there any legal evidence—

Now, here is an officer of this Government charged with a thorough investigation of this matter upon the ground, not at a remote point where testimony could not be readily procured. This commissioner representing the Government made investigation years ago upon the ground where these transactions are said to have occurred.

Neither is there any legal evidence of the authenticity of the grant to Lynd—

Gentlemen seem to content themselves with tracing the title from Lynd, who claimed under the Spanish grant; yet the question raised by this commissioner at the very outset was as to the validity of the grant to Lynd.

Neither is there any legal evidence of the authenticity of the grant to Lynd, except that found in the record of the court in the case of Lynd's heirs, and upon which the confirmation in their favor is founded; nor is there any evidence to show Daniel Clark's rights to any part of said land, except the sale to him in 1812 of 5,470 arpents; nor any evidence whatever to connect the alleged title of the present claimant with that of John Lynd or Daniel Clark.

Now, Mr. Chairman, in view of the hurried manner in which we are compelled to investigate these subjects, guessing as we are obliged to do in reference to these old transactions of eighty years ago, it seems to me that in reference to these 5,470 arpents it would be safer to guess in behalf of the claimant than in behalf of the Government; for the presumptions are rather in her favor upon the basis of the statement in the report of the commissioner to which I have referred. In view, therefore, of the character of this statement, I shall move to strike out that part of this bill which undertakes to assert title to the balance of these 50,000 arpents, the claim to which, as shown by this report of an officer of the Government made years ago, in the absence of any motive so far as known to do injustice to this claimant, is absolutely without foundation.

Mr. SPRINGER. You concede the title of Mrs. Gaines to the 5,470 arpents?

Mr. HOLMAN. I think upon the strength of the statement in the report of this commissioner there may be some foundation for that claim.

The CHAIRMAN. General debate on this bill is now exhausted.

Mr. SPRINGER. Then I call for the reading of the bill by paragraphs for amendments under the five-minute rule.

The several sections of the bill were read, as follows:

Be it enacted, &c., That patents shall issue in the usual manner to Myra Clark Gaines, her heirs and assigns, for all of the aforesaid lands which the Commissioner of the General Land Office shall find to be vacant, unappropriated, and undisposed of by the United States, which patents shall operate only as a relinquishment of title on the part of the United States, and shall not in any wise impair or preclude any adverse claimant or claimants from the right to assert the validity of their claim or claims in a court or courts of justice: *Provided*, That no mineral lands shall be granted by this act, or located by the scrip to be issued pursuant to this act.

SEC. 2. That for all of said lands which have been disposed of by the United States, or otherwise lawfully appropriated, the Commissioner of the General Land Office shall issue in lieu thereof certificates of location of the character prescribed by the sixth section of the act of Congress approved June 22, 1860, entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes."

SEC. 3. That the provisions of the act of Congress approved January 28, 1879, entitled "An act defining the manner in which certain land-scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives," shall apply to all the certificates of location which are issued under this act as aforesaid.

Mr. CUTCHEON. Mr. Chairman, I observe that in the first section of this bill the lands involved are referred to as "the aforesaid lands," which are described in the preamble. I think therefore the preamble should be read, in order that the House may understand what lands are referred to.

The CHAIRMAN. If there be no objection, the preamble will be read.

The preamble was read, as follows:

Whereas it appears that Myra Clark Gaines, as the legal representative of Daniel Clark, deceased, of Louisiana, is entitled to 39,737 arpents of land, being a portion of a grant made by Spain to Thomas Urquhart, and 5,470 arpents, being a portion of a grant made by Spain to John Lynd, amounting altogether to 45,207 arpents, equal to 38,457 acres of land: Therefore.

The CHAIRMAN. The question is on laying the bill aside to be reported favorably to the House.

Mr. HOLMAN. I desire to move an amendment to the preamble, which is made, very properly, I think, a part of the bill. I move to amend by striking out all after the word "entitled," in the second line, down to the word "five," in the fifth line. The words I propose to strike out are as follows:

To 39,737 arpents of land, being a portion of a grant made by Spain to Thomas Urquhart, and.

Mr. COSGROVE. The gentleman from Indiana concedes that in so far as the title to the lands in question was derived by the father of this claimant from Lynd, she is entitled to confirmation. But, sir, if there is any difference between these titles as to their absolute validity I can not discover it. The only difference is the difference of fact—that the claim derived from Urquhart embraces a greater number of acres; but there is no difference as to the validity of the titles. I have before me the title-papers in Spanish with English translations. The nine separate grants made by Morales, the Spanish intendant, to Thomas Urquhart, are set out in full in both languages.

Then in addition to that we have the deeds from Urquhart to Daniel Clark, father of Mrs. Gaines. The Supreme Court and the courts of the United States and the courts of Louisiana have decided not less than three or four times that this claimant is the only legal heir of the estate of Daniel Clark, deceased.

Mr. HOLMAN. The statement of Cosby was that there was no testimony showing that this claimant had any relationship to Clark. It is now shown she was Clark's daughter, and it is on that ground, that she is the daughter of Daniel Clark, her claim is allowed to the extent of 5,000 arpents. The presumption, then, is in her favor.

Mr. COSGROVE. Yes. He states that the presumption is that this lady is the legal heir and is entitled to whatever interest Daniel Clark had in these lands. Here are deeds showing as perfect a chain of title to this land as it is possible to see in any case.

Then, in regard to the expression used by the Commissioner that the affidavit required to be filed under the act of 1860 had not been done, and that in rejecting this claim he rejects it on the ground that the statutory requirements up to that time had not been complied with, I wish to say that an act was subsequently passed extending the time in which this testimony could be filed, and during that period, which extended the provisions of the act of 1860, Mrs. Gaines filed with the proper officer of the Government the affidavits which were required by that act, and thus supplied the defect in the papers cited by the gentleman from Indiana, thereby wiping out in this case whatever there was of want of proof.

Mr. HOLMAN rose.

Mr. COSGROVE. I can only yield for a question, and not for an argument.

Mr. HOLMAN. I only wish to ask a question.

Mr. COSGRVOE. I will yield for that purpose.

Mr. HOLMAN. How do you explain, then, the fact that this lady came to Congress if she had a claim which could be sustained elsewhere?

Mr. COSGROVE. I endeavored to answer that question before, but will now answer it again, so the committee may understand it. She was advised by her attorney that under the construction he placed on the act of 1860 it was a more speedy and direct remedy to come to Congress than to go into the courts. Her grantee, Caleb Cushing, took the other course, and the Congress of the United States confirmed his title. It was due only to a mistake of her attorney in advising her, as it now proves to have been, that she pursued the wrong remedy.

Mr. HOLMAN. That is to say, she did not act on the advice her attorney gave her.

Mr. COSGROVE. Caleb Cushing was not her attorney, and did not give her that advice.

The CHAIRMAN. The gentleman's time has expired.

Mr. LAIRD. I will take the floor, Mr. Chairman, and yield my time to the gentleman from Missouri.

Mr. COSGROVE. Mr. Chairman, I wish to read what the Commissioner of the General Land Office, Mr. McFarland, said in regard to this bill, for I understand the gentleman from Mississippi who was a member of the Land Committee, and, if I recollect truly, chairman of that committee at one time——

Mr. MULDROW. I was a member of it.

Mr. COSGROVE. The gentleman from Mississippi addressed to the Commissioner of the General Land Office a letter in which he invites the opinion of the Commissioner on the pending measure. To that letter the Commissioner of the General Land Office replied, taking some exception to the bill which had been introduced, suggesting amendments to it. This bill now before this committee is the one approved by the Commissioner of the General Land Office, and in passing on that question he says this—I read from his letter dated January 31, 1882:

If Commissioner Drummond had been furnished with the original papers, certified copies, and other evidence which has been presented to courts and Congressional committees relative to the three claims now under consideration, it is probable the office report would have been favorable as to the validity of the grants. It appears from examination that two of the grants and a portion of another, under which Mrs. Gaines now applies for relief, have been confirmed by the Supreme Court of the United States, which settled the title in the original grantees from Spain.

That is what he says, and that report referred to here is the very report read at the Clerk's desk as a part of the remarks of the gentleman from Indiana. Since that report was made this evidence, then wanting and necessary in order to establish the validity of this title, has been funished and filed with the proper office in conformity with the act of Congress.

I will read an extract from the proceedings in the case of The United States *vs.* Caleb Cushing:

And the petitioner now begs leave to specify the lands which are sold by the said Morales to the said Urquhart and Andry & Pollock, and which are embraced in this claim, and to show their present condition: First, of the 50,000 arpents sold by the said intendant, Morales, to said Thomas Urquhart on the 29th of November, 1803, there is included in said conveyance by the said Myra Clark Gaines to the petitioner a tract of 10,263 arpents.

The title of Urquhart was before the court because Mrs. Myra Clark Gaines made a deed to Cushing and of course she could have had no greater title than her father, and the father could have had no title except what he derived from Urquhart. And the court passed upon that question inferentially if not directly; because if the whole of the grant was not valid then certainly a part of it could not have been valid, because they were made identically under the same forms of law. Now, the deed from the Spanish Government shows that Urquhart paid the money into the Spanish treasury on account of the grant. The deed itself expresses the consideration, says that it was sufficient, that the coin was paid into the treasury of the Spanish Government, naming the amount, and there is therefore as good a chain of title in connection with this property as can possibly be made with reference to any piece of property in this country.

Mr. PETTIBONE. Mr. Chairman, I desire to be heard only for a few moments with reference to the subject-matter now under discussion. I shall occupy the time of the committee but very briefly.

Myra Clark Gaines is a name which has become historic in this country. We know that the grant of land purchased by Jefferson from the great Napoleon—Louisiana—was once owned by the Government of Spain. The preamble of this bill declares a fact which I suppose no gentleman on this floor would undertake to question, that Thomas Urquhart, while Spain owned that great eminent domain, purchased a large tract of land which was subsequently sold by him to Daniel Clark, the father of Mrs. Myra Clark Gaines.

For fifty-four years of her life that indefatigable little woman has been petitioning, pleading, fighting for her rights through the channels of the courts and has finally come to Congress for its action. Her right has been also declared to a part of this land by the Supreme Court; and now this grant of land which was purchased by Urquhart from Spain, and which under our treaties was to be recognized as valid, has been taken by the Government, and at this late day this committee report, on an examination of the whole subject, that Myra Clark Gaines may have the lands yet undisposed of, and other lands in lieu of lands which the Government has sold, but which rightfully belonged to her. That is to say, she is to have lands in lieu of the lands which were sold to Urquhart by the Spanish Government, and which he paid for, but which this Government occupied. It provides that she may have in land scrip an equal amount of acres, and this bill proposes at this late day to do her only justice.

Mr. Chairman, it is the supreme concern of the great government of the universe that justice may be done to all, and I hope that this bill which has been carefully considered in the committee, and which my honored friend on my right [Mr. ROBINSON, of New York] presented to this House, may pass and that we may ring down the curtain, feeling that justice has been done to this little woman after fifty-four years of as gallant a fight as was ever made in this world by one single individual. I hope, sir, that the American Congress will vote this bill through at once, and do justice to this good woman in her old age. She is now 79 years old, and I hope that rectitude which ought to distinguish all the acts of this Government may be exhibited in the votes of members in support of this measure.

Mr. BELFORD. Mr. Chairman, I propose now to support this bill, although my first impression was against it. From my earliest infancy I have heard of Mrs. Myra Clark Gaines, the lady who has been strugling and battling in the courts of this country to secure her legal rights to her father's property. I have heard to-day some of the most extraordinary legal arguments that have ever been submitted to any body of men on the face of this earth; and in my judgment there is no lawyer here who has sense enough to fill out a blank subpœna who would sign his name to those arguments, and will not appear in the RECORD upon the basis that he now stands upon. I venture that assertion and I do not believe that it will be contradicted.

What is the question here presented? Here is a land grant made by the Spanish Government to a Mr. Urquhart before that portion of our territory had been acquired from Spain. That grant was made to the father of Mrs. Gaines. She has a derivative claim from him. Subsequently she made a grant of 10,000 acres, a part of this same claim, to Mr. Caleb Cushing, who, in order to establish his title to the grant, brought a suit, which went to the Supreme Court of the United States, and I am advised by the gentleman from Missouri that that court, after a full investigation of the question, affirmed his title to the land. Now, on what did the title of Mr. Cushing rest, except on the title that Mrs. Gaines had acquired from her father? It could rest on nothing else. It must stand or fall with that.

But notwithstanding all of those circumstances, gentlemen are willing to rise here and claim that she had no valid right. Instead, however, of standing year after year in the courts of this country in costly litigation to sustain her title, she comes to the Congress of the United States and asks, as she has a perfect right to ask, this body to confirm her title. Old and wearied, tired, and practically worn out with half a century of litigation, have not we got the gallantry and the manhood and the dignity to confirm her claim! I believe we have. That is all I wish to say, Mr. Chairman.

The CHAIRMAN. The debate on this amendment is exhausted.

Mr. CUTCHEON. I move to strike out the last word.

I make this formal motion, Mr. Chairman, simply for the purpose of saying that it is not very often that my mind is changed by one of these debates in the House. But I confess that in this case I came to the consideration of this claim prejudiced against it, and thought after what I had heard from the gentleman from Illinois when this question was presented, one week ago from to-day, that when it came before the House I should be compelled to vote against it.

But after hearing the explanations of the gentleman from Mississippi [Mr. MULDROW] and the gentleman from Missouri [Mr. COSGROVE] I do not see that as honest men we can do anything else than to give this woman her rights. If the statements made by the gentlemen who have reported this bill are to be relied upon—and of that I make no question—she is certainly entitled to this land or to the substitute which this bill provides.

Let us look at it a moment. There is no question but she is the heir of General Clark. If he had title she has title. There is no doubt General Clark was the grantee of Urquhart. If Urquhart had title General Clark had title. There is no doubt Urquhart had a grant from the Spanish Government, and if the Spanish Government had title then Urquhart had title; and there is no question made here but that the Spanish Government had title to this land. The chain, then, is complete from the Spanish Government to this claimant. I can not see how we can get away from it. We sit here as a court. We were told by the gentleman from Mississippi [Mr. MULDROW] that two modes of obtaining redress were provided: one through the courts, which Caleb Cushing pursued; one through commissioners and Congress, which Mrs. Gaines has pursued by advice of her counsel. We are sitting here as a court, and are bound by our judicial oath to do justice to this woman. And I do not see how as a matter of honesty and good faith we can fail to vote for this bill. I did not think a week ago that I should reach this conclusion; but with all the facts before me I can not do otherwise than vote for the bill, and I have offered this formal amendment for the purpose of saying so.

Mr. BRUMM. As I understand this bill proposes to restore title so far as the Government is able to lands which are considered by the Committee on Private Land Claims to belong to Mrs. Gaines; and as to the lands which the Government can not restore it is to issue scrip to Mrs. Gaines or her heirs for lands to be located wherever she pleases.

Now if my understanding of the character of the bill is correct, then I shall say, so far as the first proposition is concerned, if that constituted the whole bill with a different proviso substituted for the second proposition I would vote for it. That is, if the Government has deprived this woman of the title to any lands that belong to her the Government ought to return to her the title to those lands. If there are other lands the Government can not return to her, then it is indebted to her for the amount of the value of those lands; and the Government ought to pay its honest debt and pay this woman, as it pays every other creditor of the Government, in dollars and cents.

Mr. Chairman, I am opposed to granting land-scrip for one acre more except for homestead purposes and the right of way for railways. If we have had experience of any measure that has recoiled upon the action of this Government, that has been evil in its tendency, it is the

issue of land-scrip and allowing the holders to watch their chances and pounce upon every acre of land just as the lands are being developed and thus obtain the advantage of *bona fide* and honest purchasers.

This is not the only bill of the kind before the House. There are bills here involving the taking up of thousands and thousands of acres of land. I say this Government ought to pay its honest debt, and pay it in dollars and cents. This is simply carrying out a policy that was inaugurated here years ago, and against which there is a cry coming up from every section of the country. It is a policy that means practically the entailing of our lands and robbing our posterity of them. We have already robbed posterity of thousands and millions of acres too much. And the evil is growing. I for one can not see how my friend before me [Mr. ROBINSON, of New York] can consistently vote for such a bill; a man who stands here as an advocate of free lands for free homes; a man who stands here—and I know he is honest in it—against the robbery of lands. I am surprised that he should vote for such a proposition simply because the Government owes this woman. Whether it does or not, and the question is a doubtful one——

Mr. ROBINSON, of New York. Will the gentleman from Pennsylvania allow me to say a word?

The CHAIRMAN. The time of the gentleman has expired.

The *pro forma* amendment was withdrawn.

Mr. ROBINSON, of New York. I renew the *pro forma* amendment.

I say to the gentleman from Pennsylvania [Mr. BRUMM] that I am in favor of limiting the robbery of this land from the people. I go as far as he can go and I am as honest as he can be in opposition to that, and particularly on the part of foreign nobles and wealthy men, who come here and monopolize the land which belongs to the people. But while I am opposed to that sort of robbery I am opposed also to the robbery which is proposed to be done here by that gentleman and others who oppose this bill. When I am opposing robbery I oppose particularly the robbery of a venerable and worthy woman in her seventy-ninth year. If I will rob any one I will rob a man or a foreigner or the Government before I will rob her.

Mr. MULDROW. I move that the bill, with amendments, be laid aside to be reported to the House.

The CHAIRMAN. The pending question is on the amendment to the preamble proposed by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I wish to extend my amendment further by striking out the three last lines of the preamble. I ask that the whole amendment as now modified may be reported.

The Clerk read as follows:

Strike out, in lines 3, 4, and 5, the following: "39,737 arpents of land, being a portion of a grant made by Spain to Thomas Urquhart, and;" and strike out all of lines 7, 8, and 9; so that as amended it will read:

"Whereas it appears that Myra Clark Gaines, as the legal representative of Daniel Clark, deceased, of Louisiana, is entitled to 5,470 arpents, being a portion of a grant made by Spain to John Lynd: Therefore.

Mr. HEPBURN. I want to ask a question of the gentleman who has this bill in charge. I desire to know if the scrip proposed to be issued by this act may be located on the unoffered lands of the United States?

Mr. COSGROVE. It can not be.

Mr. HEPBURN. On the unsurveyed lands of the United States?

Mr. COSGROVE. No, sir; only upon offered lands at a price not exceeding $1.25 an acre.

Mr. MULDROW. The bill in its third section refers to and makes part of the bill the provisions of the act of Congress approved January 28, 1879, entitled "An act defining the manner in which certain land-scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives." One of the provisions of that act is: "That said entry be made only on lands subject to private entry at $1.25 per acre."

The question was taken upon the amendment of Mr. HOLMAN; and upon a division there were—ayes 18, noes 61.

Mr. HOLMAN. I believe no quorum has voted.

Tellers were ordered; and Mr. COSGROVE and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported that there were—ayes 34, noes 83.

The CHAIRMAN. No quorum has yet voted, and the tellers will continue their count. Gentlemen are requested to vote, so that the committee may not find itself without a quorum.

The tellers continued the count, and reported that there were—ayes 38, noes 95.

Mr. HOLMAN (one of the tellers). That is not a quorum, I believe.

The CHAIRMAN. No quorum has voted, and the Chair will direct the roll to be called.

Mr. MULDROW. I hope that will not be done. There are members here who have not voted.

Mr. BELFORD. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. I desire to inquire whether the party which has seventy majority on the floor of this House can not furnish enough members, with the aid of the Republican party, to make a quorum? [After a brief pause.] I will withdraw that inquiry. [Laughter.]

The CHAIRMAN. The tellers will continue the count, and gentlemen are requested to vote to make a quorum.

Mr. HOLMAN (one of the tellers). With the understanding that the text of the bill is still subject to amendment, I will not insist upon a further count.

The CHAIRMAN. The Chair will state that the text of the bill has been passed by the committee, and it requires unanimous consent to amend it now.

Mr. COSGROVE (one of the tellers). I would rather go through with the count now than to go over the whole matter again.

The tellers continued their count, and reported that there were—ayes 55, noes 110.

So the amendment of Mr. HOLMAN was not agreed to.

Mr. BLAND. Is it in order to move an amendment to the bill?

The CHAIRMAN. It is not.

Mr. BLAND. Can I offer a substitute for the bill?

Mr. MULDROW. I make the point of order that the time has passed when a substitute can be offered.

The CHAIRMAN. The Chair will consider the question.

Mr. SPRINGER. I desire to call attention to the fact that the preamble of this bill is really a part of the text of the first section; that is, the text of the first section would be absolutely meaningless without the preamble. The preamble is referred to in the text of the bill and made a part of the text. If you leave out the preamble the bill would not mean anything. Having perfected the bill, this is the only time in which a substitute for the whole bill can be voted upon. Therefore it is in order after the text of the bill has been perfected to vote upon a substitute for the entire bill.

The CHAIRMAN. The Chair is inclined to rule, and does rule, that a substitute for the bill and the preamble would be in order.

Mr. BELFORD. Is not that practically an amendment to the bill?

The CHAIRMAN. A substitute for the whole bill, including the preamble, would be in order.

Mr. BLAND. I offer this substitute which I send to the Clerk's desk.

The Clerk read as follows:

Whereas it appears that Myra Clark Gaines, as the legal representative of Daniel Clark, deceased, of Louisiana, is entitled to 39,737 arpents of land, being a portion of a grant made by Spain to Thomas Urquhart, and 5,470 arpents, being a portion of a grant made by Spain to John Lynd, amounting altogether to 45,207 arpents, equal to 38,457 acres of land: Therefore,

Be it enacted, &c., That patents shall issue in the usual manner to Myra Clark Gaines, her heirs and assigns, for all of the aforesaid lands which the Commissioner of the General Land Office shall find to be vacant, unappropriated, and undisposed of by the United States, which patent shall operate only as a relinquishment of title on the part of the United States, and shall not in any wise impair or preclude any adverse claimant or claimants from the right to assert the validity of their claim or claims in a court or courts of justice: *Provided*, That no mineral lands shall be granted by this act or located by the scrip to be issued pursuant to this act.

SEC. 2. That for all of said lands which have been disposed of by the United States, or otherwise lawfully appropriated, there shall be paid to the claimant the sum of $1.25 per acre out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. The question is now upon the substitute for the preamble and the bill.

Mr. BLAND. I offer that substitute so that if the bill passes money shall be paid instead of land.

Mr. HOLMAN. That is right.

Mr. COSGROVE. I would like to ask the gentleman a question. Will the gentleman vote for this bill if the substitute shall be adopted?

Mr. BLAND. The crying evil in this country is the monopoly of the public lands. If we are to remain a free people, it must be by encouraging individual settlement and ownership of the soil of this country. Any measure that looks to a monopoly of the land of this country ought no longer to receive the sanction of this House or of this Congress.

We had better pay this lady $5 an acre for this land than to give her an opportunity to monopolize a single acre of the public land. It is claimed, I believe, by the friends of this bill that this scrip will be worth only $1.25 an acre. Therefore whatever land this lady may be entitled to she will lose nothing by the adoption of this substitute, while the people of the country would gain everything when they gained their rights to the public lands of the country for homestead settlement by private citizens.

We have gone too far, sir, in granting land-scrip, in giving portions of our public domain for railroads or other public improvements, in squandering the public lands for all sorts of purposes and on all occasions, until the people of this country are beginning to believe that Congress, in its lavish disposition of the public domain, will deprive them of all opportunity for further settlements by homestead entry. Indeed, sir, it is even now almost impossible for a man to pre-empt a piece of land for a homestead. He must search through the whole domain of this Government in order to find one hundred and sixty acres suitable for cultivation and not already monopolized by some railroad company or some land speculator under these grants of land-scrip, &c., by Congress.

Unless the substitute which I now offer be adopted, I hope the House will vote down this bill, as it should vote down every bill that looks

to allowing speculators to monopolize the public domain. If this lady is entitled to anything give her the money.

Mr. MULDROW. If the bill be amended so as to give her the money will the gentleman vote for it?

Mr. BLAND. Mr. Chairman, that is not the proposition. I am not ready to say that I shall vote for the bill under any circumstances. I think this question is one which ought to have received the attention of the courts; it might properly have been referred to the Court of Claims. But certainly I will not vote for this or any other bill which looks to issuing land-scrip to any individual in such a way that the public domain may be speculated upon and monopolized.

Mr. MULDROW. Mr. Chairman, the committee in this case has simply pursued the law of 1860, under which this woman has brought her claim before Congress. The law directed the manner in which she should proceed, and that mode has been pursued. The law also provides what shall be the remedy where the Government has disposed of any portion of the land in question. It provides in such cases for the issuance of scrip, as proposed in this bill. This scip, when issued, is to be located on lands not exceeding in value $1.25 per acre. I hope, therefore, that the substitute of the gentleman from Missouri [Mr. BLAND] will be voted down.

Mr. SPRINGER. I wish to ask the gentleman from Mississippi [Mr. MULDROW] whether there is any portion of the original land which may be patented under the bill.

Mr. MULDROW. I understand there is some, but as to the precise quantity I am not able to answer.

Mr. SPRINGER. Where is the land located?

Mr. MULDROW. In the State of Louisiana.

Mr. SPRINGER. Does the gentleman know what that land is worth?

Mr. MULDROW. I do not. But I know that parties who bought it from the Government paid not less than $1.25 per acre for it, or they would not have obtained it.

Mr. SPRINGER. If the Government has sold the land to other parties, then of course the original land can not go to the claimant in this case.

Mr. PETTIBONE. Nobody expects that.

Mr. MULDROW. It is evident that the land must have been worth at least $1.25 an acre, because otherwise it would not have been disposed of by the Government.

Mr. SPRINGER. But I want to know whether under this bill any of the original land covered by these grants will go to the claimant?

Mr. PETTIBONE. Yes; all that has not been sold by the Government.

Mr. SPRINGER. How much of the original land has not been sold by the General Government?

Mr. MULDROW. I can not answer that question, but only a small part; the bulk of it has been sold.

Mr. SPRINGER. It seems to me the Committee on Private Land Claims should have furnished the House with information which would have enabled us to adjudicate this case correctly. It is possible, I understand, that some of the identical land may be recovered by the claimant under this bill. On the other hand, if none can be recovered, she is to be paid in scrip. It is very material as to the merits of this case to know whether the claimant is to get the original land covered by the grants from Spain, or whether she will receive scrip, which may go into the hands of speculators to be located upon choice bits of the public domain, large portions of which have already been taken up by corporations or others who have gone out there to gather in all that is good of the public lands.

Mr. MULDROW. In reply to the gentleman from Illinois [Mr. SPRINGER], I desire to say it is impossible under the bill that this scrip should be issued for other lands than such as have been heretofore offered by the Government for entry at $1.25 per acre. This scrip can not possibly be located upon any unoffered lands of the Government. The provision made in this bill for this claimant is the very least which could be made in any event for any claimant having a just demand of this nature against the Government.

Mr. BRUMM. Is the gentleman opposed to the substitute?

Mr. MULDROW. I am opposed to the substitute of the gentleman from Missouri.

Mr. HEPBURN. I move *pro forma* to amend by striking out the last word. Before we vote on this proposition, which involves an expenditure of a sufficient quantity of lands of the United States to make homes for four hundred settlers, I think gentlemen should be reminded of some of the pledges they have made as to the disposition of the public lands.

It is assumed by the friends of this measure that the Government of the United States is indebted to the beneficiary in this bill in a sum equal to about $45,000. Instead of paying this sum in money, they propose to appropriate as payment 38,000 acres of land belonging to the public domain. Remember this is to be done as payment of a debt. There is no reason why payment should be made in this particular manner except, as some gentleman has said, that it is in the line of precedent.

If it is in the line of precedent, I suggest it is a most unwise one, and that the following of that precedent is in direct face of a pledge which has been made by every one of the political parties of this country. The Democratic national convention in its last session used this language in respect to the public domain:

> The public credit and the public money for public purposes solely, and the public lands for the actual settlers.

That was Democratic doctrine four years ago, that the public domain should be preserved for the actual settler; that that was the only use to which it should be put, and that it should not be used in the payment of claims against the United States.

The Greenback party in its national convention said in the fifth plank of its platform:

> And henceforth the public domain is to be reserved exclusively as homes for actual settlers.

The Republican party over and over again has indulged at various conventions in substantially the same declaration.

Now we propose to go back on all these pledges and use the public land as a medium for the payment of ordinary debts, and that, too, in the face of the fact there is abundance of money in the Treasury to meet all its demands.

Mr. Chairman, there are to-day being hawked about the streets of Washington varieties of scrip, some I think worth $100 an acre. I have not had an opportunity to examine how far provision of law would limit the value of these lands, but I am fully persuaded there must be some job, there must be some extraordinary and unusual advantage, that there must be something covered up here, or else this claimant would be glad to have the money rather than the land. I have no doubt, sir, it will ultimately be found by some construction this scrip can be used for the purpose of taking up lands when the actual settler can not get them or at a time he can not get hold of them.

There is land-scrip now used for the purpose of locating them on grants heretofore made to railroad companies now in process of resumption. In one instance they have been located on a town of 1,800 inhabitants, in another of 1,200 inhabitants, and in another instance upon a grave-yard near a town. The lands can be located through this means where the lands have not been offered for sale, and in some instances without the lands having been surveyed. A great advantage is given to the holder of them.

While I am not prepared to say with positiveness those contemplated under this act are of this class, yet I am not prepared to say they are not, and therefore I am unwilling to vote for this proposition. I am certainly unwilling to vote for it in the face of the pledges my party has made, and I think other gentlemen on this floor should have like hesitation.

[Here the hammer fell.]

Mr. COSGROVE. I wish to say to the gentleman from Iowa that the bill was drawn specially to guard against the issuance of scrip of the character to which he has referred.

Mr. HEPBURN. It does under the act of 1860, but does it under the other act of 1879?

Mr. COSGROVE. I understand it does.

Mr. HEPBURN. I understand it does not.

Mr. COSGROVE. The Department having it in charge construes it differently from the gentleman.

So far as the gentleman may think there is something behind this, I can only say it expresses exactly all that it is intended to mean. Early at this session of Congress the matter was referred to me, and I have sought diligently by every means in my power to ascertain all the facts, and I undertake to say, so far as I know, if there ever was a claim presented to this or any other Congress divested of anything that looks like a job it is this.

Mr. HEPBURN. I do not mean to question the indebtedness, but I am quarreling with the manner of paying it. Why do you wish to go outside of the ordinary rule of payment? Why not pay it in greenbacks? Why not pay it in legal-tenders or in standard silver dollars? Why not pay it in the ordinary way payments are made?

Mr. COSGROVE. I yielded to the gentleman for a question and not a speech. Now, if I thought my colleague [Mr. BLAND] offered his substitute in good faith I would vote for it.

Mr. BLAND. I will say I did offer it in good faith.

Mr. COSGROVE. I asked you whether you would support the bill if the substitute were adopted, and you declined to answer.

Mr. BLAND. I will support the substitute; but whether I will support the bill is another question. If the case is a good one it should be passed in such a way as to preserve the public lands.

Mr. COSGROVE. I presume, Mr. Chairman, that this lady would herself infinitely prefer to have the money, if Congress will vote it to her, rather than this scrip which the bill proposes.

Mr. BRUMM. Then let me ask the gentleman why not accept the substitute?

Mr. COSGROVE. For the simple reason that I am not authorized to do so by the committee. I am acting under the directions of the committee which reported this bill, and that is the reason. I am not acting in an individual capacity, but simply as the representative of the committee.

Now, I presume as an individual, and I will take the liberty of say-

ing it here, that if I had the right to speak for myself alone I should be willing to accept the substitute, because I would infinitely prefer it to the original bill.

But to the question raised by the gentleman from Iowa [Mr. HEPBURN] I wish to say that this bill is simply in accordance with the custom and the practice of Congress in similar cases; that is, to issue land-scrip when the Government has taken possession of property belonging to others under such circumstances; and the bill does not make a wholesale transfer of the public domain, as the gentleman has stated. It makes no change whatever of the laws in that respect. It has no reference to a wholesale grant of the public domain to railroad corporations or others. It is a nice thing to come in here and undertake to connect a claim of this character with the grants of public lands heretofore made to railroad corporations, when it has no relevancy whatever to it. It has no more connection with the grants to such corporations than it would have to a land grant in the moon.

Again, I will say to the gentleman that this scrip is issued not in one single certificate, but in a variety of certificates, and they can be transferred to persons who wish to become actual settlers on the public domain. It serves exactly the same purposes in that respect, so far as settlers are concerned, as all other scrip issued by the Government serves. And this talk that we are about at one fell swoop to wipe out the public domain in the payment of a debt of thirty or forty thousand dollars is all sound but no substance. It has no foundation to stand upon. If the bill passes the certificates provided for will be issued in accordance with the Congressional subdivisions of the public domain, and I presume will be transferred or offered for sale and sold if possible in the market.

Mr. HEPBURN. Let me ask the gentleman if he voted for the Holman resolution?

Mr. COSGROVE. The Holman resolution? I did, sir.

Mr. HEPBURN. You did? Well, did not that provide that the lands of the United States should be reserved expressly for the homesteaders?

Mr. COSGROVE. I will answer the gentleman by saying that this bill does exactly that and nothing else. It reserves these lands for actual settlers. That is the very thing that I have been trying to state to the gentleman from Iowa. It does that, and it is strictly in accordance with the spirit of the resolution proposed by my friend from Indiana, which I supported then and support now.

Mr. HEPBURN. But this bill requires the settlers, if they purchase the scrip, to pay at least $1.25 per acre on taking the lands for settlement. It therefore reserves that much of the public domain from homestead settlement, which could be made without the payment of this $1.25 an acre.

Mr. COSGROVE. I understand that; but I also understand that there are a great many lands entered in this country and are paid for by the acre which are not entered by homesteaders. There are more lands entered at the purchase price than are taken by homestead entry.

Mr. EATON. May I ask the gentleman from Missouri a question?

Mr. COSGROVE. With pleasure.

Mr. EATON. Did the committee find that so many thousand acres of land had been taken by the United States from the petitioner as claimant?

Mr. COSGROVE. In substance they did.

Mr. EATON. Did they find that the value of the lands so taken was $1.25 an acre?

Mr. COSGROVE. Some was worth that, some more.

Mr. EATON. Very well; then it may be assumed that the lands are worth $1.25 an acre?

Mr. COSGROVE. Yes, sir.

Mr. EATON. Then I propose to vote for the substitute; and I can answer the question which I understand the gentleman from Missouri [Mr. BLAND] was supposed to have declined to answer: that I would rather, if the Government of the United States owes this lady this claim, pay her $40,000 or $50,000 than to give her the land. If, then, this is a just claim, let us give her the money.

Mr. MULDROW. Will the gentleman from Connecticut permit me to interrupt him for a moment?

Mr. EATON. Certainly.

Mr. MULDROW. I will say to the gentleman that this lady pursued her remedy under the methods provided by prior acts of Congress. The act of 1860, under which she pursued her remedy, provides just how her payment shall be made in the event the lands had been disposed of by the Government.

Mr. EATON. It provides that she must be paid in other lands?

Mr. MULDROW. Yes, sir; and unless Congress goes back on its promises she must be paid in that manner. This bill is therefore made to conform to the act of 1860; and the committee regarded that as the only remedy that this lady had, as it provides that she shall be paid by the Government in scrip to the same extent that her lands had been disposed of by the Government. That is all the bill proposes.

The CHAIRMAN. The time for debate on this amendment has been exhausted.

Mr. CUTCHEON. I move to strike out the last word.

It appears to this committee now that Mrs. Gaines is the owner, lawful and equitable, of this entire parcel of land, but that as regards a portion of it the United States has taken it, appropriated it, and sold it, and that it has now passed beyond the control of the Government. It is proposed by this bill to recompense Mrs. Gaines for that which the United States has taken and appropriated, and the sole question is, how shall we do it? By a previous statute it is provided that it shall be done in scrip. This bill simply pursues the course marked out by the previous law. But it is competent for this Congress now to make a new law governing this case.

I agree entirely with the gentleman from Missouri on my left [Mr. BLAND] in regard to the public policy that should govern the disposition of the public domain. And it seems to me that if we can reduce this to dollars and cents it will be a wiser policy than it will be to grant this scrip that may be laid on the public domain anywhere, we do not know where. I therefore, for one, shall support the substitute which has been offered, because I believe it embodies what is the wiser public policy and the safer one for us to pursue.

Mr. BLAND. I want to state to my colleague [Mr. COSGROVE] that this amendment was offered in good faith; and I want to state further that, so far as I am concerned, I have given no intimation that there was any job connected with this bill, and I am sure there will be no job connected with it if my colleague knows it, for he is not one of those who deal in jobs; he is not a jobber.

That the bill is reported in conformity to past statutes is conceded. It is also in conformity to the past practice of Congress in granting lands in lieu of those the Government has disposed of. That also I admit. But what I object to is proceeding further with this sort of policy. I consider that it is better to pay money for lands the Government has sold than to issue scrip for lands which may be bought up by speculators so that the lands of the Government will be monopolized.

Therefore I have offered this substitute. The question whether I shall vote for the bill if the substitute is adopted has nothing to do with the merits of the case. I do not say I shall vote against the bill. So far as I have heard the case there are some merits in it. How far those merits go I am not able to determine just at this time. But I am sure the bill will have greater strength if the substitute is adopted than if it remains in its present shape.

The *pro forma* amendment was withdrawn.

Mr. BRUMM. I move to strike out the last word. Mr. Chairman, under this bill the whole amount of lands that could possibly be given to the beneficiary would be equal to 38,457 acres. And this land, so much as may still be in the possession of the Government or that the Government will be able to restore under the bill and under the substitute, will be restored by patents to the beneficiary. As to the balance the substitute provides that she shall receive—what? Why, that she shall receive the amount of the maximum value of the land-scrip that you propose to give under the original bill. The only objection that the gentlemen have to this rests on the fact that the committee has set its eye upon one point, and because they have said so we ought not to go back on anything they have done. There is no question as to the merits of the proposition. There can be none, for we offer you by this substitute the amount of the maximum value. It is not an estimate even. We give you the whole maximum value of every acre, and yet you are not satisfied with that.

Why, Mr. Chairman, the whole amount may only be a few thousand dollars. For aught we know the Government may get back a great deal, perhaps 50 or more per cent. of the whole; and you will have only to give the money for the balance.

My friend from Iowa [Mr. HEPBURN] has read the platform of the Democratic party as bearing upon this proposition and has referred to the Holman resolution. I want to remind my Republican friends of the fact that the Republican party came into existence when Abraham Lincoln was elected, with this great slogan: "Lincoln and free homesteads." You owe your very existence to the principle involved in this bill. I do not care as to the practice of Congress. It is the principle involved that is all-important; and I say both sides of this House are solemnly committed to not granting any more land-scrip to the amount of a single acre, except for homesteads.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 566) for the relief of Z. M. Pettigrew;

A bill (S. 938) confirming to W. S. Byers & Co. the right to take and use water from the Umatilla River, on the Umatilla reservation, in the State of Oregon, for manufacturing purposes;

A bill (S. 1482) for the relief of William H. Randle, of Nashville, Tenn.;

A bill (S. 1518) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards;

A bill (S. 1596) for the relief of the heirs of Martin Kenofsky; and

A bill (S. 2093) to provide for the appointment of an acting Secretary of the Smithsonian Institution.

MYRA CLARK GAINES.

The Committee of the Whole resumed its session.

Mr. HEWITT, of Alabama. I move to amend section 2 of the substitute by striking out all after the word "appropriated," in the second line of that section, and inserting in lieu thereof the following:

The number of acres so disposed of shall be ascertained by the Commissioner of the General Land Office and by him certified to the Secretary of the Treasury, who is hereby authorized and required to pay to said Myra Clark Gaines a sum of money equivalent to $1.25 an acre for said lands so disposed of and so ascertained; and there is hereby appropriated out of any money in the Treasury not otherwise appropriated a sum sufficient to pay the same.

Mr. BLAND. I accept that amendment.

The CHAIRMAN. Then the question will be on the substitute as modified.

Mr. SPRINGER. I move to amend by adding to the substitute the following:

Provided, That the whole amount appropriated under this bill shall not exceed the sum of $8,000.

Mr. PETERS. I desire to inquire of the Chair whether, if the substitute as modified shall be adopted, scrip will be paid to the claimant for the amount that has not been appropriated by or disposed of by the United States?

The CHAIRMAN. The Chair can not answer that question; it is argumentation.

Mr. HOLMAN. The proposed substitute cuts out all scrip; there will be no scrip under the proposed substitute.

The CHAIRMAN. The question is upon the amendment of the gentleman from Illinois [Mr. SPRINGER] to the substitute as modified.

Mr. SPRINGER. I desire to speak to that amendment. If adopted my amendment will allow $2 an acre for 4,000 acres of land, which is in round numbers about the number of acres that is covered by the undisputed part of this claim. I have therefore placed the whole amount to be paid under this bill at $8,000, and I think that is ample.

I believe that when Caleb Cushing filed his claim in the court, the decision of which was affirmed by the Supreme Court of the United States, he intended to embrace and did embrace in that claim all of the grant known as the Urquhart grant. That amount of the claim was then recognized as valid and affirmed by the Supreme Court. That is all there is of that claim. It was adjudicated and nothing of it left for any future claim. The very wording of Caleb Cushing's petition shows that he was not claiming a portion of that grant but all of it.

Mr. COSGROVE. I beg the gentleman's pardon.

Mr. SPRINGER. I have read the petition over very carefully and understand it in that way.

Mr. COSGROVE. He says directly to the reverse.

Mr. SPRINGER. I know that is claimed by some, but a careful reading of the petition will bear out the statement I have made. Now, here is a Committee of the Whole House adjudicating a claim worth $40,000, conceding all that is said in support of it, when material facts are disputed on this floor. For this reason, if for no other, I am unprepared to vote for the disputed part of this claim, but will vote for a liberal amount of money to pay the undisputed part of it.

One thing further. I am opposed to paying any part of the debts of the United States in scrip to be located on the public lands. The United States as a country is not a pauper that it must set aside now and then a portion of its assets to pay its just debts. The public domain, through the platforms of all the political parties and by the solemn pledges of this House, is to be reserved for actual settlers, and not to be doled out in scrip to pay the debts of the United States.

If the Government of the United States owes anything it is amply able to pay every cent of it. This Government is not a pauper. It has over $400,000,000 in its Treasury now. Its Treasury is groaning under the weight of the silver dollars and the gold dollars that are lying in its vaults. Yet it is here proposed to pay what you call an honest claim by scrip to be located on the public lands. I am opposed to paying any of the debts of the Government of the United States in that way.

Mr. RANDALL. With the permission of the gentleman from Tennessee [Mr. MCMILLIN] I desire to submit a motion that the committee rise in order that I may submit to the House a conference report on the deficiency appropriation bill.

Mr. MCMILLIN. I have no objection.

Mr. RANDALL. I move that the committee rise.

Mr. COSGROVE. I desire the floor when the Committee of the Whole shall again resume the consideration of the pending bill.

The CHAIRMAN. The Chair will recognize the gentleman.

The motion of Mr. RANDALL was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the Private Calendar had had under consideration the bill (H. R. 1000) for the relief of Myra Clark Gaines, and had come to no resolution thereon.

DEFICIENCY APPROPRIATION BILL.

Mr. RANDALL. I now submit a conference report, which I send to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 6073) "to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes," having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 7, and 13, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed by said Senate amendment insert the following:

"That the accounting officers of the Treasury are hereby authorized to settle and allow, if found correct, the accounts of the disbursing clerks of the Interior Department for the fiscal years 1882, 1883, and 1884 for disbursements made on account of support of the Freedmen's Hospital and Asylum by transfer of any unexpended balance, and apply the same to purposes for which the subdivisions of the appropriations for said institution for the years above mentioned are exhausted; and the payments made to clerks, watchmen, laborers, laundresses, and teamsters of said hospital for the fiscal years 1882, 1883, and 1884 may be allowed and chargeable to the appropriation for clothing, bedding, forage, transportation, and miscellaneous expenses for said fiscal years, respectively. But the aggregate amounts appropriated for the expenses of the hospital and asylum for the above fiscal years shall not be exceeded because of the transfer herein authorized. The amount of said transfers for the fiscal year ending June 30, 1884, shall not exceed $1,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and add at the end thereof the following: "Except in cases of sudden emergency involving the loss of human life or the destruction of property;" and the Senate agree to the same.

SAM. J. RANDALL,
JAMES N. BURNES,
W. H. CALKINS,
Managers on the part of the House.
W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the explanatory statement of the House conferees, which under the rules accompanies this report.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill making appropriations to supply certain urgent deficiencies for the fiscal year 1884, and for other purposes, submit the following written statement in explanation of the action recommended on each amendment in the accompanying conference report, namely:

On amendment No. 1: Appropriates $128,000 for fuel, lights, and water for public buildings.

On amendment No. 4: Strikes out the sum of $16,000 proposed for heating, hoisting, and ventilating apparatus.

On amendment No. 5: Appropriates $5,393.18 for stationery for use in wrapping and mailing the reports of the Tenth Census.

On amendment No. 6: Appropriates $15,000 for incidental expenses of land offices.

On amendments numbered 7 and 8: In lieu of the language stricken out and that proposed to be inserted the following is recommended as a substitute, namely:

"That the accounting officers of the Treasury are hereby authorized to settle and allow, if found correct, the accounts of the disbursing clerks of the Interior Department for the fiscal years 1882, 1883, and 1884 for disbursements made on account of support of Freedmen's Hospital and Asylum by transfer of any unexpended balance, and apply the same to purposes for which the subdivisions of the appropriations for said institution for the years above mentioned are exhausted. And the payments made to clerks, watchmen, laborers, laundresses, and teamsters of said hospital for the fiscal years 1882, 1883, and 1884 may be allowed and chargeable to the appropriation for clothing, bedding, forage, transportation, and miscellaneous expenses for said fiscal years, respectively; but the aggregate amounts appropriated for the expenses of the hospital and asylum for the above years shall not be exceeded because of the transfer herein authorized. The amount of said transfers for the fiscal year ending June 30, 1884, shall not exceed $1,000."

On amendment No. 12: In lieu of the matter proposed to be stricken out inserts the following: "And hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property."

The bill as agreed to appropriates in all $1,671,579.87.

SAM. J. RANDALL,
JAMES N. BURNES,
W. H. CALKINS,
Managers on the part of the House.

Mr. RANDALL. Mr. Speaker, I am now ready to answer any inquiry which any member may wish to make in reference to this report. In the absence of any such inquiry I will state that the disagreement between the Senate and the House as to the amounts of expenditure involved in this bill were in the main quickly settled. The real point in controversy was upon the twelfth amendment of the Senate, which proposed to strike out the following provision in the bill as passed by the House:

And hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law.

This provision was inserted by the House because, under a practice which has grown up, clerks in the Departments here and perhaps Government employés elsewhere, having been employed, as it may be said, after hours, have demanded additional compensation for service thus rendered. The House conferees hold that cases of this kind ought to have been reached by existing law as contained in the following provision of the legislative, executive, and judicial appropriation act approved March 3, 1883:

That hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other em-

ployés, of whatever grade or class, in their respective Departments not less than seven hours of labor each day, except Sundays and days declared public holidays by law or executive order: *Provided*, That the heads of the Departments may by special order, stating the reason, further extend or limit the hours of service of any clerk or employé in their Departments respectively, but in case of an extension it shall be without additional compensation.

In the face of that provision claims have been presented for extra services performed here and elsewhere by employés of the Government who had been engaged after hours. Some of these claims arose in connection with the life-saving stations. The House conferees, adopting what they believed to be a fair construction of the law, held that a clerk or other employé of the Government should be controlled in the same manner as individuals in the employ of a private person or corporation, and when the necessity arises for additional service, or for working outside of regular hours, should render such service without additional pay. Upon this point arose the difficulty. The Senate proposed to strike out the provision adopted by the House. The conferees have reached a compromise by allowing the House provision to stand with the addition of the words "except in cases of sudden emergency involving the loss of human life or the destruction of property."

It was urged that there had been, and might again be, occasions when the life-saving organization of the Government might require the service of persons not regularly provided for by law; and for this reason the clause I have just quoted was added.

I believe the Secretary of the Treasury in recently assigning clerks to duty in connection with the rebate of the tobacco tax has adopted the construction of the law for which we contended, and which we claim is justified by the terms of the act. When the Secretary of the Treasury or any other officer of the Government has occasion to demand from any clerk or other employé service outside of the usual regulations, the rendering of such service should not, under a proper construction of the law, involve any claim whatever for additional pay.

The SPEAKER. The question is on agreeing to the report of the conference committee.

The report was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 264) for the relief of F. G. Schwatka and wife; and

A bill (H. R. 3931) to add certain counties in Alabama to the northern district therein, and to divide the said northern district after the addition of said counties into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. ALLISON, and Mr. BECK.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. LOGAN, and Mr. BECK.

MYRA CLARK GAINES.

Mr. McMILLIN. I rise for the purpose of moving that the House again resolve itself into Committee of the Whole House on the Private Calendar; and pending that motion I move that all debate upon the amendments pending in Committee of the Whole to the bill for the relief of Myra Clark Gaines be limited to ten minutes.

The motion was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the Private Calendar was then agreed to.

The House accordingly resolved itself into Committee of the Whole House (Mr. COX, of New York, in the chair) and resumed the consideration of the bill (H. R. 1000) for the relief of Myra Clark Gaines.

Mr. COSGROVE. I suppose the time will be divided equally. I am willing to do that.

I wish to call the attention of the gentleman from Illinois [Mr. SPRINGER], who said that when Mr. Cushing got his confirmation of 10,000 arpents it was a confirmation of all the lands Mrs. Gaines had under what is known as the Urquhart grant, to the petition of Caleb Cushing presented to the Federal court on that question. It is as follows:

> And the petitioner now begs leave to specify the lands which were sold by the said Morales to the said Urquhart and Andry and Pollock and embraced in this claim, and to show their present condition: First, of the 50,000 arpents sold by the said intendant, Morales, to the said Thomas Urquhart on the 29th of November, 1803, there is included in the said conveyance by the said Myra Clark Gaines to the petitioner a tract of 10,263 arpents only.

That settles the question; there was only included 10,000 arpents of the original 50,000.

Mr. COBB. Then why was not the whole claim presented?

Mr. COSGROVE. Simply because only that portion belonged to Mr. Cushing, and not to Mrs Gaines.

Mr. MULDROW. The other part was in possession of Mrs. Gaines.

Mr. COSGROVE. I reserve the remaining portion of my time.

Mr. SPRINGER. Mr. Chairman, if I understand the petition filed by Caleb Cushing in this case, it does not claim that the part he was asking was a part only of this grant, but it sets forth in the beginning he is claiming the whole land.

Mr. MULDROW. That is a mistake.

Mr. SPRINGER. It reads in this wise:

> The petition of Caleb Cushing, of the State of Massachusetts, respectfully shows that by a deed of sale and conveyance to him executed by Myra Clark Gaines, of the city of New Orleans, your petitioner has become owner of the tract of land hereinafter mentioned, situate in the State of Louisiana, between the Mississippi and the Perdido Rivers, and north of the river Iberville; that said Myra Clark Gaines was entitled to the said tract as the sole heir and devisee of the late Daniel Clark, of New Orleans; that the said Daniel Clark acquired the same by deed of sale hereinafter mentioned from Thomas Urquhart, Gilber Andry, and George Pollock, to whom the lands had been sold by one Ventura Morales, acting as intendant of the Spanish province of West Florida.

Now, that is the basis of his claim. It goes on to state subsequently that some one deeded 50,000 acres of this land to some one in Philadelphia, and the sale was declared utterly void.

Mr. MULDROW. It says that it was only a part of the 50,000 arpents.

Mr. SPRINGER. This sets forth a claim of Caleb Cushing, and it says it is for the whole of it and not for a part of it.

One word further. It seems to me such an important matter as this should have been fully understood by the committee which reported it, so that at least we should be able to understand the facts in the case. We may dispute about the law, but there is no reason why we should dispute about the facts.

Mr. MULDROW. What part has not been explained?

Mr. SPRINGER. First, as to whether any part of the original grant is subject to location under this bill. That question has been asked, and it has not yet been answered. We do not know whether any portion of the original grant is subject to location.

Mr. MULDROW. The committee showed there was a grant from Morales to Urquhart for 50,000 arpents of land, and from Morales to Lynd for 32,000 arpents. It showed that Lynd of his grant conveyed to Daniel Clark something over 5,000 arpents. The committee showed that Urquhart had conveyed to Daniel Clark 50,000 arpents which he had obtained from Morales, the intendant of the Spanish province. We showed that Urquhart had paid the Spanish Government solid cash for the grant to him.

Mr. SPRINGER. It seems to me important to know whether we are voting scrip to be located on the public domain or whether we are merely restoring the identical lands to this claimant. That is important, and this committee does not tell us whether we are voting scrip to be located on the public domain or restoring to this claimant the land her ancestors derived from the Spanish Government.

Mr. WARNER, of Ohio. That answers in part the question I desired to ask the gentleman in charge of this bill.

Mr. SPRINGER. And that is the very question in dispute, and the committee either do not know or do not state whether we are doing one thing or another. The information is not satisfactory and not sufficient to enable us to act intelligently upon it. It may be that the original land was worth very little, while the scrip may be worth a great deal. Now, let us have the information.

Mr. MULDROW. I will say to the gentleman from Illinois that under the provisions of this bill she only gets scrip for the land that was taken.

Mr. SPRINGER. But I want to know what the value of the land taken was and what it is proposed to give in return for it.

Mr. WARNER, of Ohio. I wish to ask some member of the committee a question. I understand these grants were fixed originally by proper metes and bounds, and that certain parts of them have been sold and titles made by the Government to various settlers. Now, how much or how large a part of the lands comprised within the original grant now under consideration remains undisposed of in that way, and how much are we to pay, if we were to pay in money value for this property?

Mr. MULDROW. My impression is that there is but little of the original grant remaining. It has been nearly all taken up. Of course land-scrips would be issued in lieu of it.

Mr. COSGROVE. I now yield two minutes to the gentleman from Nebraska [Mr. WEAVER].

Mr. WEAVER. Mr. Chairman, the gentleman last on the floor makes complaint that the committee has not explained this matter fully. If he would read the report of the committee he would find that they have explained fully and thoroughly every proposition embraced; every question that has been asked here on the floor has been fully answered, and it has been shown by the title-bond resting there

before the gentleman from Missouri that the same title that covers these 39,000 arpents asked to be confirmed here is the same title on which Caleb Cushing rested his case which was affirmed by the Supreme Court.

And, calling attention to a legal proposition, I would like to ask the gentleman from Illinois, who last raised the question, if Caleb Cushing had in his petition announced the proposition that it was the grant—the original grant—which was conveyed to him, how could that affect the right of a third and disinterested party and who was not a party litigant to the case before the court? I ask him how, as a legal proposition, does he pretend to say that could affect the right of Mrs. Gaines?

Mr. SPRINGER. If the gentleman from Nebraska will pardon me, I will state that if Caleb Cushing had claimed this land in that case, and the court made the award or ruling as to that land, the case is *res adjudicata*.

Mr. WEAVER. Caleb Cushing claimed that which he had by virtue of a deed which rested upon the same ground as that now upon the table before the gentleman from Missouri; and if his title was good, and the court decided that it was, then Mrs. Gaines's title is good under the same decision.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. WEAVER. I should like to have about ten minutes on this point.

Mr. COSGROVE. I will yield a minute more to the gentleman from Nebraska.

Mr. WEAVER. Calling attention now to the further proposition, the whole objection that has been urged to this bill has been urged to this second section of the bill, and I venture the assertion, and rest it upon the law written on your statute-books, that we needed no second section to the bill. Under the act of Congress providing for the final adjustment of private land claims section 6 of that act covers the land in controversy. By that act, which was passed in 1860, it was provided that in all cases where there had been a finding that any parties were entitled to lands, and the lands had been disposed of by the United States, the United States could issue scrip in lieu thereof; that is, provided it did not exceed in value $1.25 per acre. And now the bill under consideration affirms a finding in its preamble as to the right of this claimant to these 39,000 arpents; and that finding once having been made, it is not necessary for further legislation to entitle this lady to her rights and to her scrip. Now, the law to which I have already referred, and which is in existence upon the statute-books, establishes that right.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

The gentleman from Missouri has one minute remaining.

Mr. COSGROVE. Mr. Chairman, I have, so far as I am individually concerned, as I stated a short time ago, no objection to giving this claimant the money instead of the land-scrip. If I was permitted to act simply upon my own judgment, I would readily assent to that proposition; but acting for the committee, and under its instructions, I am not at liberty to accept the substitute. The question with me as to the statute referred to by the gentleman from Nebraska last on the floor, and also a short time ago by the gentleman from Mississippi [Mr. MULDROW], is whether Congress is not compelled in obedience to that statute to grant the land-scrip in this case, and whether if we should adopt the substitute here it would not be in conflict with that act. But I am not prepared to say whether it would or not.

Mr. HEWITT, of Alabama. It would repeal it.

Mr. COSGROVE. There is no clause in the substitute repealing that act; and if the substitute should pass, I think it would be in conflict with it.

I presume it would be infinitely better for this lady to have this money. I know nothing of what is her own wish except what I can infer from what I have heard in regard to her poverty and straitened circumstances—for I never saw the lady so far as I am aware; but from what I have heard of her I believe she would infinitely prefer to have the money rather than the land-scrip. I simply submit that to the judgment of the committee. For my own part I shall be compelled under instructions from the committee to vote for the original bill.

Mr. BLAND. Is this a unanimous report of the committee?

Mr. COSGROVE. It is.

The CHAIRMAN. Debate has been closed by order of the House. The question is on the amendment of the gentleman from Illinois [Mr. SPRINGER] to the substitute.

The question being taken, the amendment was not agreed to.

The CHAIRMAN. The question is now on the substitute proposed by the gentleman from Missouri [Mr. BLAND].

The substitute was adopted.

Mr. MULDROW. I move that the bill as amended by the adoption of the substitute be laid aside to be reported favorably to the House.

Mr. SPRINGER. I call for a division.

The committee divided; and there were—ayes 97, noes 7.

Mr. SPRINGER. No quorum. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Missouri, Mr. COSGROVE, and the gentleman from Illinois, Mr. SPRINGER.

The committee again divided; and the tellers reported—ayes 137, noes 28.

So the motion was agreed to; and the bill as amended was laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

The Clerk reported the title of the next bill, as follows:

A bill (H. R. 3937) for the relief of Willis N. Arnold.

The CHAIRMAN. The Chair understood the gentleman from Ohio [Mr. GEDDES] who reports this bill to ask that this bill and the one which follows, the bill (H. R. 1477) to pay Hiram Johnson and other persons certain sums of money, be informally passed over without losing their place on the Calendar.

Mr. MCMILLIN. The two bills go together.

There being no objection, the two bills indicated were informally passed over without losing their place on the Calendar.

MRS. MARGARET CASSIDY.

The next business on the Private Calendar was the bill (H. R. 3950) for the relief of Mrs. Margaret Cassidy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret Cassidy, widow of Peter A. Cassidy, deceased, $2,500, in full compensation for the past, present, and future use of the patent of said Peter A. Cassidy for his invention of machine for cutting vellum cloth.

The report (by Mr. MOREY, from the Committee on Patents) was read, as follows:

The Committee on Patents, to whom was referred the bill (H. R. 1370) for the relief of Mrs. Margaret Cassidy, having considered the same, and accompanying papers, recommend the passage of the accompanying bill as a substitute for bill H. R. 1370.

The facts upon which this recommendation is based are so fully set forth in House Report No. 1768, Forty-sixth Congress, second session, that your committee ask to make it a part of their report, and append papers that are pertinent.

[House Report 1768, Forty-sixth Congress, second session.]

"The Committee on Claims, to whom was referred the petition of Mrs. Peter A. Cassidy for compensation for a machine invented by her late husband and now in use by the Government, have considered the same, and respectfully report:

"This claim was considered and favorably reported upon by the Committee of Claims of the Forty-fifth Congress (Forty-fifth Congress, third session, Report No. 8), but no final action was reached.

"Their report was as follows:

"'Peter A. Cassidy was employed in the Second Auditor's Office of the Treasury Department from August 1, 1867, to October 10, 1876. While thus employed he invented and caused to be patented a machine for cutting the vellum cloth extensively used in repairing vouchers, &c. By means of this machine he was enabled to do the work which would otherwise have required five men. This is shown by the Auditor, and the machine is still in use, and is considered indispensable by the Auditor. By a statement of Joseph Barton, now in charge of archives division, under the old plan two men could cut twenty-five strips in five cuts; by the new device one man can cut fifty strips in two cuts.

"'The machine was patented July 11, 1876. Peter A. Cassidy died in January, 1878, without having received any compensation from the Government for the use of his invention, and his attending physician, William Ward, says that this circumstance preyed upon his mind and added to the causes that produced his death. He left the petitioner (his widow) and eight children. She asks that the Government pay to her the sum of $10,000 for the use of her husband's invention. By the use of the machine one person can do the work of twenty-five.

"'It is manifestly just that the Government should pay for the use of the patent, and we think $2,500 not an unreasonable sum for that use. We therefore report the accompanying bill with the recommendation that it do pass.'

"This committee concur in the conclusions and recommendations of the former committee, and report the accompanying bill."

APPENDIX.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
October 1, 1877.

Peter Cassidy was employed in this office from August 1, 1867, to October 10, 1876, during which time he performed his duties satisfactorily. While employed here, Mr. Cassidy invented and caused to be patented a machine for cutting the vellum cloth used extensively in repairing vouchers. By means of this invention he was enabled to do the work which would other wise have required five men. The original machine is still in use every day in this office and is considered indispensable.

E. B. FRENCH, *Auditor*.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
Washington, March 3, 1882.

SIR: In reply to your indorsement of the 1st instant, requesting to be furnished with the information called for by the inclosed letter from the subcommittee on patents, United States Senate, I have the honor to make the following report:

First. The Department is still using Peter A. Cassidy's patented machine for cutting vellum cloth.

Second. The Department has never, to my knowledge, compensated said Cassidy for the use of said invention, and I have no reason to believe he was ever so compensated.

For a period of nearly four years, commencing in the year 1875, women, averaging over thirty in number, were constantly employed in this office in mending mutilated Army rolls. In that work they used vellum cloth cut in slips. Mr. Cassidy invented his machine and put it in operation some time in the spring of 1876. It was subsequently patented.

* * * * * * *

Adopting Mr. French's estimate—that one man with the machine will do the work which would otherwise have required five men—and I believe that esti-

mate to be a fair one—I am enabled to approximate the value of the machine to the Government.

Since January 1, 1876, 1,780 rolls of cloth have been purchased and used in mending mutilated Army rolls. The cutting of twelve rolls with the machine is a fair day's work. The 1,780 rolls would in that way be cut in six months, and the labor of four men for six months or one man for two years saved.

I think $2,500 would be an adequate sum for the Government to pay for the past, present, and future use of the machine.

Very respectfully,

O. FERRISS, *Auditor.*

Hon. CHAS. J. FOLGER,
Secretary of the Treasury.

[Decision by the Supreme Court—The United States *vs.* Burns (Wallace's Reports, vol. 12, page 242, December term, 1870).]

If an officer in the military service, not specially employed to make experiments with a view to suggest improvements, devises a new and valuable improvement in arms, tents, or any other kind of war material, he is entitled to the benefit of it, and to letters patent for the improvement from the United States equally with any other citizen not engaged in such service; and the Government can not, after the patent is issued, make use of the improvement any more than a private individual without license of the inventor or making compensation to him.

The following decision is also pertinent:

"Public employment is no defense to the employé for having converted the private property of another to the public use without his consent and without just compensation. Private property, the Constitution provides, shall not be taken for public use without just compensation, and it is clear that that provision is as applicable to the Government as to individuals." * * * (Mitchell *vs.* Harmony, 13 How., 134; U. S. *vs.* Russell, 13 Wall., 627.)

Mr. VANCE. My colleague on the committee [Mr. MOREY] is not present, but the facts in this case are all set forth in the report made by that gentleman.

The bill has received the sanction of the Committee on Patents in three if not in four different Congresses. It has now the unanimous sanction of the committee of the present Congress. We think it is right. This woman, for whose benefit the bill is presented, has a large family and she has no other resource. She has no one else to look to in regard to the value of the patent, as the Government alone makes use of it. If there be no objection I will move that the bill be laid aside to be reported favorably.

Mr. WARNER, of Ohio. I desire before that is done to ask a question or two. I understand the inventor of the machine was in the employment of the Government?

Mr. VANCE. Yes, sir; he was.

Mr. WARNER, of Ohio. In the Second Auditor's Office. Was this work entirely independent of the work he was employed to do?

Mr. VANCE. Yes, sir.

Mr. WARNER, of Ohio. It formed no part of the work for which he was paid?

Mr. VANCE. It was a different thing, entirely.

Mr. WARNER, of Ohio. Did the inventor derive any profit from his invention outside of the Government?

Mr. VANCE. I said a moment ago he did not.

Mr. WARNER, of Ohio. It has not gone into use anywhere?

Mr. VANCE. No, sir. No one except the Government uses it. It is used for making army rolls and things of that kind.

Mr. WARNER, of Ohio. It is more particularly adapted for the use of the Government?

Mr. VANCE. Yes, sir.

Mr. WARNER, of Ohio. It would seem an invention worth $2,500 to the Government might be worth something to others.

Mr. VANCE. It has not been used by any one else.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALONZO GESNER.

The next business on the Private Calendar was the bill (H. R. 1299) for the relief of Alonzo Gesner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to approve for payment, if on examination he finds the surveys were made in accordance with the report and approval of the surveyor-general of the State of Oregon of date December 1, 1877, certain surveys of the public lands made by Deputy-Surveyor Alonzo Gesner, namely: Townships 16, 17, 18, 19, and 20 south, range 16 east of Willamette meridian, making 54 miles and 3.09 chains of township lines, and 300 miles and 61.92 chains of section lines, at the rate of $7 per mile for township and $6 per mile for section lines, amounting, in all, to $2,182.91.

Mr. GEORGE. As this bill has already passed the Senate in three different Congresses, and has been twice unanimously recommended by committees of this House, unless some gentleman desires the reading of the report I shall move that the bill be laid aside to be reported favorably to the House.

Mr. WARNER, of Ohio. I ask for the reading of the report.

The report (made by Mr. LEWIS, from the Committee on the Public Lands) was read, as follows:

The Committee on the Public Lands, to whom was referred bill H. R. 1299, having had the same under consideration, submit as their report thereon the report of this committee in the Forty-seventh Congress.

The following is the report of said committee:

[House Report No. 1012, Forty-seventh Congress, first session.]

"Mr. STRAIT, from the Committee on the Public Lands, submitted the following report, to accompany bill H. R. 1367:

"The Committee on the Public Lands, to whom was referred the bill (H. R. 1367) for the relief of Alonzo Gesner, having had the same under consideration, report the same back with the recommendation that the bill do pass.

"A bill identical with this (No. 53) has passed the Senate at the present session. The facts in relation thereto are set forth at length in the report of the Senate Committee on Public Lands (No. 53 of the present session), and your committee adopt said Senate report as a statement of the reasons why the bill should pass, namely:

"'It appears from the papers in this case that Alonzo Gesner, of Oregon, on September 6, 1876, entered into a contract, No. 251, with the United States surveyor-general of Oregon, to survey public lands in said State, described as follows, to wit:

"'Fourth standard parallel southwest, through ranges 20, 19, 18 east, to the intersection with the Des Chutes meridian; and also the exterior boundaries of townships 18, 19, 20 south, ranges 18, 19, 20 east, and townships 16, 17, 18, 19, 20 south, range 17 east; and also the subdivisional lines of townships 18, 19, 20 south, ranges 19, 20 east, and townships 18, 19 south, range 18 east, and townships 16, 17, 18 south, range 17 east, Willamette meridian, Oregon.

"'That on April 7, 1877, Alonzo Gesner, from his camp in the field on Bear Creek, Wasco County, Oregon, wrote to the United States surveyor-general of Oregon, calling his attention to the large settlement then being made in townships 16, 17, 18, 19, and 20 south, range 16 east, and that the settlers therein were desirous of the survey of the above-described lands. That these townships contained a large area of excellent and valuable agricultural lands, and also abounded in rich mineral deposits. That being on the ground, and in view of the great expense of transporting a surveying party to this remote distance and back, Alonzo Gesner asked the United States surveyor-general of Oregon that he be permitted to proceed at once to the survey of the townships named, and that they be added to his contract of September 6, 1876; and that, feeling assured of the compliance of the said United States surveyor-general with his said request, he further stated that he should proceed at once to the survey of the exterior and subdivisional lines of said townships, trusting to secure the approval of said United States surveyor-general thereto.

"'That on April 19, 1877, the bondsmen of said Alonzo Gesner gave their consent that said Gesner might survey the exterior and section lines of said townships 16, 17, 18, 19, 20 south, range 16 east, amounting to 54 miles and 3.09 chains of exterior lines, and 300 miles and 61.92 chains of section lines, and which, at the rate of $7 per mile for township and $6 per mile for section lines, amounted to $2,182.91. That on August 18, 1877, said surveys were authorized by said United States surveyor-general of Oregon, upon the condition that the consent of his bondsmen be obtained, and the United States surveyor-general, deeming it to be for the best interests of the Government, asked the Commissioner of the General Land Office to approve the same. That on December 28, 1877, the United States surveyor-general for Oregon indorsed the account of said Alonzo Gesner to the Commissioner of the General Land Office as United States deputy surveyor for his said work done under his said contract of September 6, 1876, and also with the permission of his bondsmen and with his approval. All of which the Commissioner of the General Land Office, on January 23, 1878, disallowed, for the reason that the same had not been included in the original contract of Alonzo Gesner, and which had been approved by the Commissioner. That the account for the work of said deputy surveyor was approved by the surveyor-general of Oregon on December 10, 1877, and forwarded to the Commissioner of the General Land Office, and is now of record in the United States Treasury Department. That the field-notes of the said surveys were duly approved by the surveyor-general December 1, 1877.

"'That duplicate township plats of said surveys were duly made and filed in the United States local land offices at The Dalles and Lake View, Oreg., on December 20 and December 30, 1877, respectively, and copies thereof forwarded to the Commissioner of the General Land Office. That the said township plats have never been withdrawn from the local land offices, but that the same remain on file and of record in said offices; and that the lands so surveyed are, and have been since the filing of the plats, subject to entry as public lands under the laws of the United States. That said surveys amount to 54 miles 3 chains and 9 links of township lines and 300 miles 61 chains and 92 links of section lines, and which, at $7 per mile for township lines and $6 per mile for section lines, amounts to the sum of $2,182.91; and which amount is still unpaid and claimed as due said Alonzo Gesner on account of said surveys.

"'That a bill for the payment of the amount due Alonzo Gesner (S. 734) passed the Senate on June 19, 1878 (see Senate Journal, second session, Forty-fifth Congress, p. 779, June 19, 1878); and which bill was thereafter referred to the Committee on the Public Lands of the House, by it favorably considered, and by it ordered to be favorably reported to the House with a recommendation that it should pass, but which report failed to be made to the House in time to be acted upon during the Forty-fifth Congress. That the amount as stated in said Senate bill No. 734 was $3,033.27; but that since the date of the introduction of the pending bill there has been paid of said amount the sum of $850.36 for the survey of two townships, in pursuance of the original contract and certain substitutions thereunder, leaving still unpaid the sum of $2,182.91 on account of said surveys.'"

The committee recommend the passage of the bill as reported.

ORDER OF BUSINESS.

Mr. MCMILLIN. If this bill is to give rise to any discussion, I shall move that the committee rise.

Mr. WARNER, of Ohio. I think the committee should rise.

Mr. MCMILLIN. I make that motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House had had the Private Calendar under consideration, and had directed him to report back with favorable recommendation the bill (H. R. 1000) for the relief of Myra Clark Gaines with an amendment, and the bill (H. R. 3950) for the relief of Mrs. Margaret Cassidy without amendment.

SANTIAGO DE LEON.

The House then proceeded to the consideration of the bill (H. R. 1724) for the relief of Santiago de Leon, coming over from Friday last as unfinished business.

The SPEAKER. The question is upon the passage of the bill; and upon that question the yeas and nays have been ordered by the House.

Mr. HOLMAN. The yeas and nays on this bill were ordered on my demand. The vote by yeas and nays was taken on Friday last and resulted in no quorum voting; but there was such a large majority in favor of the passage of the bill that I do not desire to insist further upon the yeas and nays. The object I had in view was merely to ascertain the pleasure of the House on a claim of this character.

The SPEAKER. Then if there be no objection the order of the

House directing the yeas and nays to be taken on the passage of this bill will be vacated.

There was no objection, and it was ordered accordingly.

The bill was then passed.

REMOVAL OF CHARGES OF DESERTION.

The next bill reported from the Committee of the Whole House on the Private Calendar, coming over from Friday last, was the bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion.

The SPEAKER. This bill was reported from the Committee of the Whole with sundry amendments.

Mr. BROWNE, of Indiana. I ask that the amendments be read, and I would be very glad for the House to preserve order while they are being read by the Clerk, as this is a very important bill.

The Clerk read as follows:

In line 10, strike out the word "twenty-second" and insert the word "first;" so that it will read: "or until the first day of May, 1865."

In line 11, after the word "company," insert the words "or in the United States naval forces;" so that it will read: "or who subsequently enlisted in another regiment or company or in the United States naval forces."

At the end of line 13, section 2 of the printed bill, insert the following:

"*Provided*, That the provisions of this act shall not be applicable to any soldier who willfully deserted for the purpose of obtaining a bounty or other pecuniary reward by re-enlistment; and the granting of relief in each case shall be discretionary with the Secretary of War after an investigation of the facts."

At the end of section 4 add the following:

"Unless such absence without leave resulted from his confinement as a prisoner of war."

The SPEAKER. Is a separate vote asked on any of these amendments?

Mr. HOLMAN. I ask a separate vote on the amendment next to the last.

Mr. BROWNE, of Indiana. I hope the gentleman who may be in charge of this bill will allow the suggestion of an amendment to the amendment proposed to the second section. That amendment contains certain provisions as to soldiers, using the word "soldier" only. The bill is intended to apply to soldiers, sailors, and marines. I suggest that the amendment should be modified in that respect.

Mr. GEDDES. There can be no objection to that; it was an inadvertence, I think, that the words the gentleman indicates were left out.

Mr. BROWNE, of Indiana. Then I move to amend the amendment by inserting, after the word "soldier," the words "sailor or marine."

The SPEAKER. If there be no objection, the words suggested will be inserted in the amendment.

There was no objection.

Mr. HOLMAN. I ask that the amendment be again read.

The SPEAKER. The amendment as modified will be again read.

The Clerk read as follows:

Insert at the end of line 13, section 2, the following:

"*Provided*, That the provisions of this act shall not be applicable to any soldier, sailor, or marine who willfully deserted for the purpose of obtaining a bounty or other pecuniary reward by re-enlistment; and the granting of relief in each case shall be discretionary with the Secretary of War after an investigation of the facts."

Mr. HOLMAN. The last clause of that amendment I think neutralizes the entire effect of the provision. That discretion is already lodged in the Secretary of War by an act of the last Congress.

Mr. BROWNE, of Indiana. I would ask the gentleman if he proposes to submit the question of relieving a sailor or marine from the charge of desertion to the Secretary of War? Ought that not to be determined by the Secretary of the Navy?

Mr. HOLMAN. I am not referring to that so much as to the effect of the last clause of the amendment, which leaves every case of relief provided for by this bill to the discretion of the Secretary of War. That discretion is already vested in him, and gentlemen are aware that the present law is entirely inoperative.

Mr. ERMENTROUT. On that account?

Mr. HOLMAN. I move to amend the amendment by striking out these words:

And the granting of relief in each case shall be discretionary with the Secretary of War after an investigation of the facts.

Mr. WARNER, of Ohio. That will strike out entirely the discretionary part, will it not?

Mr. HOLMAN. It will.

Mr. WARNER, of Ohio. And makes the operation of this bill absolute if it shall become a law?

Mr. HEWITT, of Alabama. Both for meritorious and unmeritorious soldiers.

Mr. HOLMAN. All alike.

Mr. STORM. If it is not stricken out it will kill the bill.

Mr. WARNER, of Ohio. I do not think the House is ready to pass a measure which shall put upon precisely the same plane the intentional deserter and the meritorious soldier, the man who fought the war through and the man who deserted, no matter what the purpose of the desertion might be. It seems to me it will be doing great injustice to the deserving soldier to put him upon the same footing with the man who intentionally deserted his colors and his command, it may be while in the field.

Mr. HEWITT, of Alabama. And in the face of the enemy.

Mr. WARNER, of Ohio. Many such desertions were possibly made for the purpose of obtaining the large bounty offered. The discretion and the power of examining into the facts of each case certainly ought to be lodged somewhere.

Mr. HOLMAN. Will the gentleman yield to me for a moment?

Mr. WARNER, of Ohio. Well.

Mr. HOLMAN. Is not the Secretary of War, by an act of the last Congress, already invested with the discretionary power to relieve a soldier from the charge of desertion in every case where he may be entitled to relief?

Mr. WARNER, of Ohio. I do not understand that he has the power now except in certain cases.

Mr. CURTIN. He says he has not; and he is supported by the opinion of the Solicitor.

Mr. HOLMAN. My friend remembers very well the act of last session, in which, after it passed the House, the Senate inserted a provision giving this discretionary power to the Secretary of War; and this discretion was found at once to make the act nugatory.

Mr. STORM. The gentleman is mistaken; it was the words "intentionally deserted" that caused the difficulty.

Mr. HOLMAN. If members of the House desire not to accomplish the relief which this bill started out to afford, of course the language to which I have referred should remain in the bill. But if it is right that relief should be granted in the cases included by the bill, why not have that relief become directly operative by virtue of the law instead of depending upon the discretion of the head of the War Department?

Mr. WARNER, of Ohio. The reason for conferring a discretionary power upon the Secretary of War is this: It is difficult to frame a law in general terms which will not possibly include both the deserving and the undeserving; and the object of this discretion on the part of the Secretary of War is that he may make an investigation in each case and discriminate so as not to grant relief to those who deserted for the purpose of escaping military service or for the purpose of obtaining bounty by joining another regiment. The Secretary of War is authorized by this provision to inquire into the circumstances under which in each case the desertion took place. It seems to me very necessary that this power should be lodged with that officer. We should not pass a sweeping measure which may include those who really intended to desert as well as those who were erroneously marked as deserters.

Mr. HOLMAN. Does my friend mean to say that this bill covers everybody?

Mr. WARNER, of Ohio. Pretty nearly everybody.

Several MEMBERS. Oh, no.

Mr. HOLMAN. Surely the bill does not authorize an honorable discharge to a soldier who intentionally deserted, who was, for instance, a "bounty-jumper."

Mr. JONES, of Wisconsin. Mr. Speaker, who has the floor?

The SPEAKER. The gentleman from Ohio [Mr. WARNER] took the floor, and as the previous question was not demanded he was entitled to the floor for an hour.

Mr. WARNER, of Ohio. I yield to the gentleman from Wisconsin [Mr. JONES], reserving the residue of my time.

Mr. JONES, of Wisconsin. The gentleman from Ohio [Mr. WARNER] had sat down; and I think I am entitled to recognition.

Mr. WARNER, of Ohio. Does the gentleman wish to move the previous question?

Mr. JONES, of Wisconsin. Yes, sir.

Mr. WARNER, of Ohio. Then I surrender the floor.

Mr. JONES, of Wisconsin. This bill has already been debated for two days; and I think the House is tired of the discussion. I have risen for the purpose merely of moving the previous question.

Several MEMBERS. That is right.

The SPEAKER. The gentleman from Wisconsin moves the previous question upon the amendments reported from the Committee of the Whole House, and upon ordering the bill to be engrossed and read a third time.

Mr. STEELE. I desire to move to recommit the bill.

The SPEAKER. That motion is not in order at this time; it will be at a later stage.

Mr. SPRINGER. I hope the gentleman from Wisconsin will withdraw the call for the previous question, in order that a motion may be made to refer the bill to the Committee on Military Affairs. The bill is so confused in its present form——

The SPEAKER. Debate is not in order. The question is on ordering the previous question.

The previous question was ordered.

The question being taken on the amendment of Mr. HOLMAN to the amendment reported from the Committee of the Whole House, it was not agreed to.

The SPEAKER. The next question is on agreeing to the amendments reported from the Committee of the Whole House.

Mr. ROGERS, of Arkansas. Is it in order to demand a separate vote on each of the amendments?

The SPEAKER. The gentleman has that right.

Mr. ROGERS, of Arkansas. I make that demand.

The SPEAKER. The Clerk will read the first amendment reported from the Committee of the Whole House.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry. The previous question having now been ordered, may I not move at this time to recommit the bill?

The SPEAKER. Not at this time. The gentleman may move to recommit when the previous question is demanded on the passage of the bill.

The amendments of the Committee of the Whole House on the Private Calendar were then severally read and agreed to.

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. Is it in order at this stage of the proceedings, by unanimous consent, to offer an amendment applying the provisions of this bill to the Navy as well as to the Army?

The SPEAKER. Only by unanimous consent.

Mr. CUTCHEON. I ask unanimous consent, then, and the committee are ready to accept such an amendment.

The SPEAKER. Is there objection?

Mr. HAMMOND. Yes; I object.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. JONES, of Wisconsin. I demand the previous question on the passage of the bill.

Mr. STEELE. I move to recommit the bill to the Committee on War Claims.

Mr. SPRINGER. I suggest the gentleman modify his motion so as to refer the bill to the Committee on Military Affairs.

Mr. STEELE. I will modify my motion in that respect and move the bill be referred to the Committee on Military Affairs. The reason why I did not make the motion in that way in the first instance was that I am myself a member of the Committee on Military Affairs.

The SPEAKER. The pending question is on the motion to refer the bill to the Committee on Military Affairs.

The House divided; and there were—yeas 61, nays 73.

Mr. STEELE. I make the point that no quorum has voted.

The SPEAKER appointed as tellers Mr. JONES, of Wisconsin, and Mr. STEELE.

The House again divided; and the tellers reported—yeas 55, nays 104.

Mr. STEELE. I make the point that no quorum has voted.

Mr. RANDALL. Several members have come into the House since the division, and I suggest the tellers retain their places.

Mr. STEELE. I object.

The SPEAKER. The vote has been announced, and no quorum has voted.

Mr. STEELE. I move the House take a recess until half past 7 o'clock this evening.

The SPEAKER. It is not in order to take a recess when a quorum has not voted.

Mr. STEELE. Then, I demand the regular order of business.

The SPEAKER. The regular order of business is on the motion to refer to the Committee on Military Affairs.

Mr. STEELE. It will save time to have the yeas and nays.

Mr. McCOID. I demand the yeas and nays on the motion to refer.

Mr. HAMMOND. And I ask for tellers on the yeas and nays.

The SPEAKER. Only twenty-four have voted in the affirmative, which is not a sufficient number.

Mr. STEELE. Count the other side.

The SPEAKER. There is no other side. The rules of the House direct that one-fifth of a quorum shall be necessary to order tellers, and that is fixed.

The yeas and nays were ordered.

Mr. STEELE. I move to reconsider the vote by which the yeas and nays were ordered.

Mr. COSGROVE. The gentleman voted on the other side.

The SPEAKER. But there was no record of the vote.

Mr. PERKINS. I move that the motion to reconsider be laid upon the table.

Mr. CANNON. And on that motion I demand the yeas and nays.

The SPEAKER. Twenty-six have voted in the affirmative.

Mr. MONEY. Count the other side.

Mr. STEELE. The time has arrived for taking a recess, and I demand the regular order.

The SPEAKER. Under the order of the House, a recess will now be taken until half past 7 o'clock this evening, for the purpose of considering pension bills on the Private Calendar. At the evening session the gentleman from Tennessee [Mr. McMILLIN] will occupy the chair as Speaker *pro tempore*.

And then (at 5 o'clock p. m.) the House took a recess until 7 o'clock and 30 minutes p. m.

EVENING SESSION.

The recess having expired, the House at 7 o'clock and 30 minutes p. m. was called to order by Mr. McMILLIN as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House assembles to-night.

The Clerk read as follows:

Ordered, That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 7.30 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole for the consideration of the Private Calendar under the order just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the Private Calendar. The Clerk will report the first bill.

Mr. MATSON. I ask unanimous consent that we pass over informally all of the bills which may be upon the Calendar until we reach the bill H. R. 1164, at the top of page 29.

There was no objection, and it was ordered accordingly.

ELENOR STOUGH.

The next business on the Private Calendar was the bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elenor Stough, widow of George W. Stough, late major of the Eighty-eighth Regiment Indiana Volunteers.

Mr. MATSON. The report in this case has been read at a former sitting of the House. I move, therefore, that the amendment proposed by the committee, which is to add the words "from and after the passage of this act," be agreed to.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES E. HENDRICKS.

The next business on the Private Calendar was the bill (H. R. 2059) to increase the pension of Frances E. Hendricks, reported adversely from the Committee on Invalid Pensions.

Mr. MATSON. I ask unanimous consent that that bill be passed over informally to-night, to retain its position upon the Calendar.

There was no objection, and it was ordered accordingly.

MARY L. AND ELLA WALKER.

The next business on the Private Calendar was the bill of the Senate (S. 465) for the relief of Mary L. Walker and Ella Walker.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to direct the payment, out of any money in the Treasury not otherwise appropriated, to Mary L. Walker and Ella Walker, sole surviving daughters of Lieut. Col. Calvin Walker, late of the Thirty-third Regiment of New York State Volunteers, the pension granted by certificate No. 209900, to the said Calvin Walker, computing the amount due to the day of his death only.

The report is as follows:

Mr. BAGLEY, from the Committee on Invalid Pensions, submitted the following report, to accompany bill S. 465:

The Committee on Invalid Pensions, to whom was referred the bill (S. 465) for the relief of Mary L. Walker and Ella Walker, having considered the same, report as follows:

That this case was considered by the Senate Committee on Pensions at the second session of the Forty-seventh Congress, and report thereon (No. 963) made as follows:

"The claimants, Mary L. Walker and Ella Walker, are the sole surviving daughters and children of Lieut. Col. Calvin Walker, late of the Thirty-third Regiment of New York Volunteers. Colonel Walker applied for a pension on account of disabilities received in the service and in the line of duty, and completed his proofs during his lifetime.

"The case in the Pension Office was submitted for admission on the 8th of May, 1882, and was subsequently allowed at the rate of $7.50 per month from the 4th day of October, 1861, but the certificate therefor was not issued until the 27th day of May, 1882. Colonel Walker died on the same day and about four hours after the certificate in his case was issued as aforesaid. The Commissioner of Pensions construes the law governing the payment of pensions to be that the representatives of a pensioner in case of death are not entitled to receive the pension granted the decedent unless the check for the amount allowed is received and indorsed by the pensioner.

"The committee are of the opinion, however, that in cases where the pension certificate has been actually issued before the death of the person found to be entitled to a pension there is equity and justice in paying the amount so allowed to the needy children of the pensioner, as in the present case.

"The committee, upon a careful examination of all the facts bearing upon the case, deem it a deserving and meritorious one for special legislation."

The present bill is in the exact language of the one then reported.

Your committee, believing that the above report correctly sets forth the material facts in the case, adopt it, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. APOLLINE A. BLAIR.

The next business on the Private Calendar was the bill (H. R. 2984) granting arrears of pension to Apolline A. Blair, widow of the late General Francis P. Blair.

Mr. MATSON. I ask unanimous consent that we also pass over this bill informally for this evening, on account of the absence of the gentleman from Missouri [Mr. BROADHEAD].

There was no objection, and it was ordered accordingly.

JOHN GALLOUP.

The next business on the Private Calendar was the bill (H. R. 555) granting a pension to John Galloup.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John Galloup, late a corporal of Company F, Sixty-ninth Regiment Enrolled Missouri Militia, subject to the provisions and limitations of the pension laws, and pay him a pension from and after the passage of this act.

The report is as follows:

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following report, to accompany bill H. R. 555:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 555) granting a pension to John Galloup, submit the following report:

We find that claimant enlisted August 12, 1862, and was discharged November 25, 1864. His service was in Company F, Sixty-ninth Regiment Enrolled Missouri Militia. His application for pension was made April, 1882. Paragraph 3, section 4693 of Revised Statutes, provides that pension claims of militiamen must be proved prior to July 4, 1874.

The evidence is clear that he received his disability in the service, and the committee recommend the passage of the bill.

Mr. HEWITT, of Alabama. Mr. Chairman, this report is very brief and does not tell us what the disability was, or that he had any disability. "The evidence is clear" is all that is said upon the subject "that he received his disability in the service." There is nothing, however, in the report or in the bill to show what the disability was. It nowhere appears from the report that he has any disability at all. This is one of these militiamen of Missouri, and I would like to have some information upon this point.

Mr. MORRILL. I wish to say to the gentleman from Alabama that the wounds referred to were proven to the satisfaction of the Pension Office, and no question was made on that ground. No point was made against the applicant by reason of that fact, but under this section (4693, paragraph 3) of the Revised Statutes it is provided that the claims of these militiamen must be proved prior to July 4, 1874. Not knowing that, or for some other reason, he did not put in his application in time. For that reason the office could not allow the pension. This House during the present session has made an invariable rule to grant pensions to that class of people, and it has been done in some dozen or more cases. I know that I reported five cases of that kind myself. I did not suppose, therefore, in preparing the report that there was any necessity for setting forth the facts as to the disability for the reason that it had been proven to the satisfaction of the Pension Department.

Mr. HEWITT, of Alabama. I only wanted an explanation as to the case, as I thought it best the House should understand exactly the circumstances. I make no objection to the claim on the statement made.

Mr. MORRILL. Thank you.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DECATUR HAMLIN.

The next business on the Private Calendar was the bill (H. R. 2070) granting a pension to Decatur Hamlin.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Decatur Hamlin, employed as scout for the Tenth Regiment Indiana Volunteers, and who, while in action, received wounds that compelled the amputation of a leg.

The report is as follows:

Mr. MORRILL, from the Committee on Invalid Pensions, made the following report to accompany bill H. R. 2070:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2070) granting a pension to Decatur Hamlin, submit the following report:

The claimant was never mustered into the United States service. In 1861 he accompanied the Tenth Regiment of Indiana Volunteers (a three months' regiment) in its campaign in West Virginia as a volunteer aid or scout, without pay or allowance of any kind, and did valuable service in that capacity, and especially so at the battle of Rich Mountain. The colonel of the Tenth Indiana Regiment urged Mr. Hamlin to be mustered into the service, or take some position where he could receive pay, but he declined, stating that he had a competency and did not desire any compensation. He continued to perform the duties of a scout until the Tenth Regiment of Indiana Volunteers was mustered out of service.

In July, 1862, he went to Saint Louis and offered his services to General Frank P. Blair, who accepted them, and sent him in charge of quartermaster stores down the Mississippi River. After making several trips, one of which was to Milliken's Bend, La., General Blair ordered him to take charge of hospital stores, receiving and shipping them on steamboats, and delivering them at the several hospitals on the river. The most of these goods were voluntary contributions from the loyal citizens of the North, and were sent to the hospitals at Memphis, Helena, and Milliken's Bend. He was thus employed until November, 1863, when, by order of General Blair, he took charge of a large amount of supplies on steamer J. C. Swan, with orders to ship the same to Memphis, Natchez, Baton Rouge, and New Orleans. After performing this duty he took passage on the steamer Henry von Phul, having in his charge two sick furloughed Illinois soldiers, who were returning to their homes. At Morganzia Bend a rebel battery of six guns opened fire on the steamer, one of the balls striking claimant on the right leg just below the knee, shattering the bone and tearing the flesh in a terrible manner, necessitating the amputation of the limb above the knee.

For all this service claimant makes affidavit that he never asked or received from the United States Government any compensation whatever; that he had at that time a competency and therefore gave his services freely, without desire or expectation of pay; that he was during this time offered positions in the service which would have been both honorable and remunerative, but that he declined them because he wanted to give his services to his country.

Claimant has since lost his property, largely owing to his disability, and now needs the aid of that Government that he so unselfishly served in 1862 and 1863.

The testimony in this case is of a high order, is clear and conclusive; a large number of prominent and credible witnesses speak in warm terms of the high character and standing of the claimant. Had he been mustered into service he would have received a liberal pension for the past twenty years. His services were more valuable to the country than they could possibly have been as a private soldier.

Believing that his unselfish devotion to his country entitles him to her warmest gratitude and to a hearty and generous support during his declining years, your committee recommend the passage of this bill.

Mr. HEWITT, of Alabama. I just want to call the attention of the committee one moment to this case. This report gives the service of this man, and says that he was not an enlisted soldier, but was performing military service. After performing this duty he took passage on a steamer, having in his charge two sick furloughed Illinois soldiers returning to their homes, and on the steamer while on that service he was wounded. Now, if he had been a soldier, regularly enlisted, and was returning home on the steamer and was wounded, he would not have been entitled to a pension under the law. It seems that after he had performed the military service which he had voluntarily agreed to perform without pay, and doubtless deserves credit for that, and ought to have pay, yet he gets aboard the steamer returning home, had quit the service, and was on his way as any other citizen, and he is wounded by some battery of the enemy. Now, it seems to me that he was not more than a citizen.

Mr. PERKINS. Will the gentleman from Alabama allow me to interrupt him?

Mr. HEWITT, of Alabama. Certainly.

Mr. PERKINS. This man was on duty in the command of General Blair. He had been ordered down the river under charge of hospital stores and was on his return to his place of duty. He was on duty.

Mr. HEWITT, of Alabama. The report does not show that.

Mr. PERKINS. That is the fact. He did not return on the vessel in consequence of its being detained in the distribution of the stores; and as he was returning to his place of duty the soldiers were put under his charge.

Mr. HEWITT, of Alabama. If those are the facts a very different case is presented.

Mr. PERKINS. Those are the facts.

Mr. MORRILL. This report does not say he was returning home; he had been down the river with the stores and was returning to Saint Louis, where he had been ordered from. His was one of the most peculiar cases I have met with in all my experience. Having a competency he decided to serve in the war without receiving a dollar of pay. He did so and was wounded as is here stated. The evidence is clearer, more concise, and stronger than in almost any case I have seen. The steamboat he went down on was not prepared to return when he was going back, and the commanding officer put these sick soldiers in his charge to take them back to Saint Louis.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ZELICA T. DUNLAP.

The next business on the Private Calendar was the bill (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll.

The bill was reported with amendments. As proposed to be amended it was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Zelica T. Dunlap, late widow of the late Lieut. Col. James E. Dunlap, of the Twenty-ninth Illinois Infantry, to be paid from the date of the passage of this act.

The committee also recommended that the title be amended so as to read as follows:

A bill granting a pension to Zelica T. Dunlap.

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4041 for the relief of Zelica T. Dunlap, have had the same under consideration, and submit the following report:

Lieut. Col. James E. Dunlap, of the Twenty-ninth Regiment Illinois Volunteer Infantry, was commissioned in the United States service August 27, 1861, and resigned by the advice of military surgeon, because of serious disease contracted during the siege of Fort Donelson, and died therefrom May 12, 1863, leaving this claimant as his widow, and one young child dependent upon her.

Congress granted claimant a pension under the name of Zelica T. Dunlap, by special act, on the 3d day of March, 1871. Meantime the widow, being in reduced circumstances financially, remarried on the 6th day of February, 1870, and prior to the passage of the bill granting her a pension. This marriage, instead of relieving her from her embarrassments, proved most unfortunate, and was followed by desertion and divorce, the latter being granted by decree of court on the 10th day of May, 1883.

It appears that the pension granted her by act of Congress was passed after and during her second marriage; but, under the construction of the law by the Pension Office, it was decided that she could not take the benefit of the relief so ordered by Congress, and no money has been paid to her thereon. Under these circumstances, and in view of the intention of the former act, of which she has had no benefit, the committee recommend that the provision for her relief be passed, to take effect from and after the passage of the act.

Your committee, therefore, recommend that the bill do pass, with an amendment providing that said pension shall be granted subject to the limitations and provisions of the pension laws, and striking out of said bill the provision as to restoring her to the pension-roll.

Mr. VAN ALSTYNE. It strikes me this is one of the cases which on grounds of public policy should not pass without objection. We are always disposed to grant pensions in deserving cases, and in many in-

stances perhaps we grant them on very slight grounds. But there are instances where principles are involved which should lead us to hesitate somewhat.

I suppose the stability of society depends very much on the sacredness of the household, and it appears to me there is that involved in this bill which tends to impair that relationship.

It seems that this party was granted by act of Congress heretofore a pension for the reason that she was then supposed to be a widow of a deceased soldier and that she was in embarrassed pecuniary circumstances. It turned out, however, that instead of her being a widow she was a married woman, and when the act was presented to the Department for recognition and payment they entered a protest, that she being a married woman was not entitled to receive the benefit under the act. She has not, therefore, been the recipient of the pension.

For some reasons she sought to obtain a divorce from her husband. The committee indicate in their report that the husband was of that character or possessed of those habits that would not commend him as a proper companion in life, and that therefore she sought relief and obtained a divorce from him. That may be true; but it strikes me the committee ought to hesitate and inquire whether it be so as a matter of fact.

I venture to say that there are many instances where, if the circumstances were like those in this case, there would be a very strong inducement for separation from the husband, and strategy might be resorted to to effect a separation to the extent of a divorce in law. That, sir, is the ground of my objection, and I think it should address itself to the consideration of this committee with some considerable force, whether or no the Congress of the United States should lend its aid to the procurement of a divorce between husband and wife to enable the divorced wife to obtain a considerable sum of money from the Government for her support and maintenance.

Mr. HOLMES. I did not understand from the remarks of the gentleman from New York that he made objection to granting a pension to this widow of Lieutenant-Colonel Dunlap on the ground that she was not entitled to a pension. I understood him rather to base his objection merely on the ground that divorces might be procured hereafter for the purpose of getting pensions. It can not be denied that Lieutenant-Colonel Dunlap was a very able and efficient officer, and that he sacrificed his life in the Army for the benefit of his country. There can be no doubt that he died of disease contracted in the Army; that he died during the war immediately after going out of the service.

It is true Congress granted this claimant a pension. She not knowing of the fact that a pension was about to be granted, remarried about that time. But as a matter of fact and of date the pension was granted a short time after her marriage, she knowing nothing of it.

She has a child dependent upon her for support. Her second husband proved to be not what she thought him, to put it in the mildest form. Her alliance was an unfortunate one, indeed, and she procured a divorce from him. She now stands before this Congress no better and no worse from the fact of having married the man with whom she lived but a short time.

Mr. McMILLIN. Will the gentleman permit me to ask him a question at this point?

Mr. HOLMES. Certainly.

Mr. McMILLIN. Is it not the fact that in all cases where pensions are granted under the general law to widows of deceased soldiers and they marry again the pension ceases on the second marriage?

Mr. HOLMES. That is true under the general law.

Mr. McMILLIN. And is it not also the fact that the death of the second husband fails to revive the pension on behalf of the widow?

Mr. HOLMES. Certainly.

Mr. McMILLIN. Then what policy can justify us in doing that which is practically a reward for voluntary separation, when it is not done in the case of the death of the second husband?

Mr. HOLMES. That is just what I am going to inform you of.

Mr. McMILLIN. You will have some difficulty in explaining the matter satisfactorily.

Mr. HOLMES. If parties applying for pensions were bound by the decision of the Pension Office, then there would be no use whatever in their coming before this House with bills for relief. If we were bound by the decisions of that office in reference to granting pensions, either for the last war or any other war, then there would be no use in applicants bringing their cases here. But we are continually reversing the rules of the Pension Office by our action here. This House has no rule except the rule of right and justice in granting pensions as I understand it.

Mr. McMILLIN. Another question, and on that point.

Mr. HOLMES. With pleasure.

Mr. McMILLIN. Do you think that by Congressional action there should be any greater favor bestowed on a divorced widow in a case like this than would be bestowed upon a widow in the case of the death of the second husband? As to the question of justice, I would like the gentleman to answer, especially when it is remembered that these divorced widows have voluntarily placed themselves in a position to forfeit the pension granted them on account of the death and services of their first husband.

Mr. HOLMES. I will answer the gentleman's question by asking him one. I will ask him this question, whether or not it is true that her husband having been a gallant and meritorious officer during the war she is not as much entitled to a pension as is the widow of a brigadier-general or major-general who has obtained the passage of a bill in this House for a pension entirely irrespective of their circumstances?

Mr. McMILLIN. I will say to the gentleman that I think there should be no pension granted in the case of a person divorced after a second marriage.

Mr. HOLMES. That may be a matter of taste, but it does not affect the equities of this case in the least.

Mr. McMILLIN. As to the question of granting a pension to a widow of a brigadier-general, I will state to the gentleman that I do not agree to the doctrine that there should be a large pension granted to the widow of an officer and a small pension granted to the widow of a private soldier.

Mr. HOLMES. The gentleman and myself might or might not differ about that. But I am talking now about what Congress has done in the past, what has been the rule which has governed Congress. I say that there has been no rule governing Congress in the matter of granting these pensions, except the rule of the meritorious circumstances attending each case. And I say that if there ever was a meritorious case it is the case of Lieutenant-Colonel Dunlap and the applicant here, his wife, who appears before the House asking for a pension.

The objection is urged here that this lady married again. I would ask if marriage wipes out in full the equities of this lady? That is the question. If her first husband had not become disabled in the service, if he had not entered the service at all, is it not a fact that he probably would have been living at this time and been able to support his wife by his own exertions? The reasons why she is now obliged to rely upon her own labors for her own support is that she sacrificed her husband to her country, and because of that circumstance she has not to-day the benefit of the support which he would otherwise have been able to provide for her. I understand that the second marriage was only for a few months.

Mr. STRUBLE. May I ask my colleague a question?

Mr. HOLMES. With pleasure.

Mr. STRUBLE. I came in rather late, and did not hear the reading of the bill and the report. I would inquire of my colleague what rate of pension is proposed to be given by the bill?

Mr. HOLMES. That will be governed by the limitations and provisions of the pension laws. I do not know of any reason why this bill is not an equitable bill. I do not know why it should be refused merely for some little technicality.

If this bill is to be refused on account of some little technicality, why not then refuse all the pension bills which are brought here because of some technicality raised in the Pension Bureau, and not attempt to pass any bill unless the rules which govern the pension service authorize a pension to be granted? If we are here to raise objections to these bills on account of a second marriage, for instance, or because some "i" is not dotted or some "t" is not crossed, then we might as well abandon all the pension business that comes before Congress.

Congress sits here as a sort of appellate court, as it were, in these pension cases which have been rejected for some technicality or other by the Pension Bureau. This is not a case in which the widow applies for a pension twenty years or more after the death of her husband. There is no doubt at all about the circumstances which surround this case.

I suggest, Mr. Chairman, that this is a perfectly good case; and the mere technicality that this lady has been remarried for a short time should not prevail against the granting of the pension. I certainly trust that gentlemen will not press the objection.

The amendments reported by the Committee on Invalid Pensions were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

SARAH J. CHIPMAN.

The next business on the Private Calendar was the bill (H. R. 5686) granting a pension to Sarah J. Chipman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Chipman, widow of Charles B. Chipman, deceased, late a private in Company C, Ninth Veteran Reserve Corps, such pension to be granted from and after the passage of this act.

The report was read, as follows:

Mr. HOLMES, from the Committee on Invalid Pensions, submitted the following report (to accompany bill H. R. 5686):

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1992) for the relief of Sarah J. Chipman, widow of Charles B. Chipman, deceased, having had the same under consideration, report as follows:

Charles B. Chipman, deceased, claimant's husband, enlisted on the 6th day of May, 1861, in Company I, Third Regiment Wisconsin Volunteers. He re-enlisted in Company I, Third Regiment Veteran Reserve Corps, and was afterward transferred to Company C, Ninth Veteran Reserve Corps. He was mustered out of the service August 24, 1866, having been in continuous service more than five years. The record and evidence shows that up to the time of his enlistment, and for a considerable time afterward, he was a sound man. While in the service the soldier, on or about May 1, 1864, contracted amaurosis (paralysis of the retina) in both eyes, which almost entirely destroyed the sight.

About August 1, 1873, in the city of Washington, D. C., the soldier fell, as would appear, from inability to see his way, struck his head upon the sidewalk or curbstone, was found lying there delirious. This fall, as all the evidence shows, caused insanity, and the soldier was shortly after taken to the Government Hospital for the Insane, in the District of Columbia, where he died, June 25, 1875, of epileptic convulsion and organic disease of the brain. The soldier had been pensioned from August 24, 1866, at $8 per month, on account of amaurosis of both eyes. This pension was increased to $20 on May 28, 1870, and to $24 by act of June 8, 1872, and December, 1874, to $50 a month.

The application for pension by this claimant was rejected by the Pension Office on the ground that the malady of which the soldier died was not contracted in the service, and that it was not the direct result of any disease so contracted. Your committee hardly think it possible to read the evidence in this case without coming to the conclusion that this soldier's disability and death were the result of the loss of sight acquired in the service, on account of which he stumbled over a stone in his way, seriously injured his head, became insane, and died as stated. The examining surgeons who investigated his case reported as follows:

W. D. Stewart, M. D., says:

"This man's vision was good from the time he entered the service in May 6, 1861, to June, 1864, over three years. At this time he observed that his eyesight was failing. The history and symptoms as stated by him is that of subacute inflammation of the retina of both eyes, resulting in complete and probably incurable amaurosis from fatigue and exposure in the line of military duty."

W. W. Potter, examining surgeon, says:

"Has amaurosis of both eyes; vision nearly destroyed; only large objects in immediate proximity to eye can be discerned. In walking upon the street a personal attendant is required, and for many other purposes assistance is needed. Disability equivalent to the loss of a foot and hand and permanent in its present degree. Total, second grade."

J. O. Stanton, examining surgeon, says:

"This man is suffering from partial loss of sight of both eyes, probably from amaurosis. The eyes are inflamed slightly; pupils dilated and insensible to the light; can distinguish objects with great difficulty. He is incapacitated for performing manual labor."

As will be seen, the loss of sight caused the fall which resulted in insanity and finally the death of the soldier. It seems hardly necessary to assert that but for the loss of sight, as the physicians say, while in the service in the line of duty, the soldier would have lived many years longer, and would probably never have sustained the injuries that he received in the fall, and which in its result occasioned his death. The fact that the Government granted him a pension, and increased it from time to time under the rigid rules of the Pension Office, would be an estoppel on the claim that the Government was not liable, and that his injuries did not arise in the service while in the line of duty. We hardly think it worth while to be technical with the soldier who first served with credit five years in the most trying time of our history, and whose widow now asks the small pension at the hands of the Government.

The claim for the minor child, Ulysses Chipman, is perhaps not worth considering at this time, unless arrears be granted. The minor would only be entitled to $6 or $8 without the passage of this act, at most, being now nearly 16 years of age.

Your committee therefore recommend the adoption and passage of the accompanying substituted bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

C. A. CILLEY.

The next business on the Private Calendar was the bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place the name of C. A. Cilley, of North Carolina, late a major and assistant adjutant-general of United States Volunteers, and brevet colonel of United States Volunteers, on the pension-roll, subject to the limitations of the pension laws.

The report was read, as follows:

Mr. J. S. WISE, from the Committee on Invalid Pensions, submitted the following report (to accompany bill H. R. 4856):

The Committee on Invalid Pensions, to whom was referred bill H. R. 4856, having considered the same, beg leave to submit the following report:

There seems to be some technical trouble in procuring medical certificates as to the disabilities of Colonel Cilley, such as are required by the Pension Office, but a careful examination of the papers filed by him satisfies us that his present diseased and enfeebled condition is the result of service and exposure in the Army, and we recommend the passage of the bill.

Colonel Cilley was a gallant officer, and is an honorable man. He avers most solemnly that his diseased condition is the result of his exposure and service, and his contention is fortified by the proofs filed.

LENOIR, N. C., *February* 15, 1884.

MY DEAR SIR: This is to certify that I have personally known Col. Clinton A. Cilley since 1866, during which time he has been my patient. About ten years since he applied for treatment for neuralgia, and I advised the removal of several decayed teeth which seemed to be the irritating cause of the trouble. Their removal gave only temporary relief, and his malady, "progressive locomotor ataxia," has continued until his whole system seems a perfect wreck. He has tried every remedy advised by the very best physicians, has spent several months at the hot springs in Arkansas, with the hope of obtaining relief, all to no purpose.

I am satisfied that his disease was caused by exposure during the war, and as a soldier of the United States he should have a pension, and I hope the Committee on Invalid Pensions will recommend it.

Very respectfully,

J. MASON SPAINHOUR, *D. D. S.*

Hon. R. B. VANCE,
Washington, D. C.

FEBRUARY 18, 1884.

I certify that I have known personally Col. C. A. Cilley for a number of years (say seven), and that during almost the entire period he has been an invalid, losing from year to year his physical strength. He has, in my opinion, what is technically termed progressive ataxia, and is totally incapacitated for performing any manual or physical labor whatever. The foregoing is submitted by me, a practicing physician of this (Caldwell) county, North Carolina.

W. W. SCOTT, *M. D.*

Sworn to and subscribed before me this February 18, 1884

[SEAL.]

M. E. SHELL,
Clerk Superior Court of Caldwell County.

LENOIR, N. C., *February* 18, 1884.

I have known Col. C. A. Cilley as a sufferer from neuralgia for a number of years. Part of the time he has been under my treatment for neuralgia in its local forms, affecting the lumbar region, the course of the sciatic nerve, and lower extremities; and also in its more general form of neurasthenia. He has failed to derive permanent benefit from treatment and also a course at Hot Springs, Ark. The nerves of sensation are not only affected, but the motor nerves, especially of the lower extremities, are so seriously affected that he walks with difficulty. He has been so seriously affected as to prevent his practicing his profession; and, in my opinion, he ought not to try to do so now.

R. L. BEALL, *M. D.*

Sworn to and subscribed before me this February 18, 1884.

[SEAL.]

M. E. SHELL,
Clerk of Caldwell County.

STATE OF NORTH CAROLINA,
County of Caldwell:

This day came before me, an acting magistrate for the county aforesaid, A. A. Scroggs, M. D., and made oath, in due form of law, that he has been well acquainted with Col. Clinton A. Cilley, late of the Federal Army, ever since shortly after the surrender; has been his family physician and his own medical adviser for over fifteen years.

Like many others, Colonel Cilley came out of the war in apparent health; for a season this continued, when, notwithstanding his uniformly temperate life and correct habits, a series of what was adjudged a kind of nervo-rheumatic pain, exceedingly untractable and severe, developed in his system, whose persistence, in spite of treatment, both hygienic and medicinal, pointed with almost unmistakable evidence to the privations and exposures of army life as the primary source of a shocked and diseased nervous system, now unfitting him for the labors and successful prosecution of the duties of his profession, and constantly threatening him with still greater disabilities.

This affiant further certifies that he has no claim or interest whatever in making this affidavit.

A. A. SCROGGS, *M. D.*

Sworn to and subscribed on this 20th day of February, A. D. 1884, before me.

[SEAL.]

M. E. SHELL,
Clerk of Caldwell County.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington D. C., February 20, 1884.

SIR: In response to the personal request of Hon. R. B. VANCE relative to your claim for invalid pension, you are informed that the claim awaits the testimony indicated by the marked paragraphs of the accompanying circular letters. When the testimony herein called for is furnished the claim will receive prompt attention.

Very respectfully,

O. P. G. CLARKE,
Acting Commissioner.

CLINTON A. CILLEY,
Lenoir, Caldwell County, North Carolina.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 20, 1884.

SIR: In the claim for invalid pension No. 445384, of Clinton A. Cilley, lieutenant of Company C, Second Regiment Minnesota Volunteers, the testimony indicated in paragraph No. — should be furnished.

1. The affidavit of the family physician (or other competent testimony), which should show what the claimant's physical condition was at and prior to enlistment, especially whether he was free from locomotor ataxia.

2. The testimony of all the physicians who have attended him since the date of his discharge from the service, showing explicitly the history and degree of the disability from alleged locomotor ataxia during each year, the dates and duration of all treatment administered, and a full description of the disability in all its phases.

It is especially important that the physician who first attended the claimant after his discharge from the service should state the date at which his attendance commenced and his condition at that time, especially if he suffered from locomotor ataxia. (The affidavit should be, as far as practicable, in the language and handwriting of the physician.)

3. If the claimant can not furnish the medical testimony indicated in paragraph No. 2, he should state the fact and reasons under oath, and there should be furnished that of persons by whom he was employed, fellow-workmen, or neighbors, showing what his physical condition was at the date of their acquaintance, and what it has been each year since to the present time, and especially to what extent he has been incapacitated for obtaining subsistence by manual labor in consequence of locomotor ataxia.

The statement of the witness in regard to the manner in which the claimant was affected should be full and definite, and they should show how they obtained a knowledge of the facts to which they testify.

Very respectfully,

WM. W. DUDLEY, *Commissioner.*

CLINTON A. CILLEY,
Lenoir, Caldwell County, N. C.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
February 20, 1884.

SIR: In the claim for original invalid pension No. 445384, of Clinton A. Cilley, the testimony indicated in paragraph No. — should be furnished.

1. The affidavit of a commissioned officer or first sergeant of claimant's company, setting forth when, where, and under what circumstances the alleged locomotor ataxia was contracted.

2. The affidavit of the surgeon, of assistant surgeon, of claimant's regiment as to treatment for locomotor ataxia while in the service. It is desirable that the description of the disability should be, as far as practicable, in the handwriting of the surgeon.

The following names and addresses of officers of the claimant's company and medical officers of his regiment are given, with the view of assisting him in furnishing the required evidence:

Reg. Surg. B. H. Bingham, lives at Oshkosh, Wis.
Reg. Surg. Moody C. Tallman, lives at Oshkosh, Wis.
Hospital Steward J. V. Smith, lives in Pepin County, Wisconsin.
Asst. Reg. Surg. J. L. Armington, lives at Cannon River Falls, Minn.
Asst. Reg. Surg. Otis Ayers, lives at Le Sueur, Minn.
Asst. Reg. Surg. William Brown, lives at Chicago, Ill.
Capt. U. S. Baily, lives in Jasper County, Minnesota.
Lieut. H. K. Coure, lives at Waverly, Iowa.
Lieut. Jules Capon, lives at Wabasha, Minn.
Lieut. Mathias Thoney, lives at Glencoe, Minn.

Very respectfully,

WM. W. DUDLEY, *Commissioner.*

CLINTON A. CILLEY,
Lenoir, Caldwell County, North Carolina.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
February 20, 1884.

SIR: In every claim to invalid pension it is necessary that the following infor-

mation should be furnished by the claimant if it does not appear in his declaration:

1. He should state under oath the nature and locality of the wound or injury or the name or nature of the disease for which pension is claimed.
2. He should state under oath when and where the alleged locomotor ataxia was contracted and the circumstances of the origin of each.
3. He should state under oath whether he has been in the military or naval service since ——— —, 18—.
4. He should state without oath the names or numbers and the localities of all hospitals (whether regimental, brigade, division, corps, post, or general hospital) in which he was treated while in the service, giving, as nearly as possible, the dates of treatment in each. If he was not treated in the service he should state that fact.
5. His post-office address (and in cities the street and number of his residence should be stated without oath).

In the claim No. 445384, of Mr. Clinton A. Cilley, the information indicated by paragraph No. 2 has not been furnished and should be supplied.

Very respectfully,

WM. W. DUDLEY, *Commissioner.*

CLINTON A. CILLEY,
Lenoir, Caldwell County, North Carolina.

Mr. CRISP. I wish to get some information about this case from the gentleman from North Carolina [Mr. VANCE], who appears to have introduced the bill.

Mr. VANCE. I shall very gladly answer any question of the gentleman.

Mr. CRISP. As I understand the report, this soldier was not affected in any way by disease at the time of his discharge?

Mr. VANCE. The testimony of the surgeons is that when discharged he was not apparently diseased, but the disease from which he is now suffering began to develop immediately after his discharge, and they testify that they believe from their scientific knowledge that the disease originated in exposure during the war.

Mr. CRISP. As I understand the report, there is in this case no evidence of any army surgeon at all. When the gentleman speaks of the "testimony of the surgeons," I suppose he means the family physician and others at home. If I have understood the report correctly, there is no evidence of any disease for two years after the war—two years after the man's discharge; and then he became subject to neuralgia. I do not understand there is any evidence that he contracted this neuralgia in the military service of his country.

I believe it is stated in a certificate of one of the physicians that he might have done so. But I submit that nothing in the character of the affliction under which this man suffers connects it necessarily with his service in the Army. As we are aware, neuralgia is as often found in persons who never have been exposed as in those who have been. I submit that without some other evidence to satisfy this Committee of the Whole that the disease in this case was contracted in the service we should not (however much we may sympathize with the applicant) put him on the pension-roll.

My object in addressing my inquiry to the gentleman from North Carolina was that he might state any facts, if such existed, within his knowledge to justify the action now asked of us. I confess for myself that upon the reading of the report I have failed to discover anything authorizing the Committee of the Whole to believe that this gentleman contracted his ailments in the Army. This not appearing, I can not, unless something more be submitted, vote to put him on the pension-roll.

Mr. VANCE. Mr. Chairman, the case of Colonel Cilley is somewhat peculiar. It appears from the report that he could not furnish in support of his application the testimony of the surgeons with whom he was associated in the war, because up to the time of his discharge the disease had not developed. Doctor Scroggs, Doctor Beall, and Doctor Spainhour certify that in their opinion the disability of Colonel Cilley was brought about by exposure in the Army. Doctor Scroggs is eminent in his profession. These other gentlemen are also men of character and scientific attainments. As I have said, his case is a peculiar one, and Colonel Cilley not being able to furnish the testimony of Army surgeons, produces before Congress the evidence of other surgeons who examined him and who were well acquainted with his condition immediately after the close of the war. Doctor Spainhour certifies that he has been acquainted with Colonel Cilley from the year 1866, about a year I suppose after his discharge.

Colonel Cilley was not able to make a case perfectly satisfactory to the Commissioner of Pensions. If he had been able to do so his application would not be here to-night. He is regarded as having been a very excellent officer during the war, and it is believed by those acquainted with him that his present disability (which has caused him to spend a great deal of money, he having made several trips to the Hot Springs in Arkansas) is the result of his service in behalf of his country.

He is not a native of North Carolina, but, as I believe, of Michigan. He removed into North Carolina after the war; he has a high character there. The people have perfect confidence in his statements. I think that under the circumstances his application to Congress for a pension ought to be granted.

Mr. HEWITT, of Alabama. Mr. Chairman, I think this is one of the weakest cases which has ever been brought before the House for a pension. I am satisfied the House will pass it, because members come up here to pass bills. [Laughter.] That is the object of coming here. But I want to call their attention to this case. Ordinarily we never pass a bill in the House until it has been finally disposed of at the Pension Office. This case is pending in the Pension Office to-day. There has been no decision in that office in reference to it. In January or February of this year this applicant was informed of what was necessary to make out the proof in his case, even giving him the residence of the surgeon of his regiment, of his colonel, his lieutenant-colonel, and the other officers. He was given notice of where each one of these parties lived, and at the same time he was informed what was necessary to be proved in order to substantiate his claim for a pension. Instead of acting as pensioners ordinarily are required to do, he comes here to this Congress and asks us to relieve him of the duty of making out his case before the Pension Office.

Now, sir, I can see no more reason why we should require a private soldier to prove his case before the Pension Office than a colonel, or why one should be relieved and not the other. I believe this is the first case—it is certainly the first one in my recollection—where a claim has been brought here before it was disposed of at the Pension Office.

Mr. BROWN, of Pennsylvania. I do not know of any such rule as that stated by the gentleman from Alabama, and I think he is mistaken about the existence of any such rule. I do not see why a man should not bring his claim here at any time. I know of nothing to prohibit him from doing so.

Mr. BROWNE, of Indiana. My friend from Pennsylvania is not aware of the fact that the Invalid Pensions Committee, whether of the House or of the Senate, has adopted a rule where a pension is claimed under circumstances when it might be allowed under the general law, it must first go to the Pension Office.

Mr. HEWITT, of Alabama. And be disposed of.

Mr. BROWNE, of Indiana. Yes; rejected, or what has been done in this case, the claimant requested to furnish evidence which he can not obtain.

Mr. MATSON. That is the inflexible rule of our committee.

Mr. BROWNE, of Indiana. And always has been.

Mr. MATSON. I had no knowledge of the fact in reference to this case before this evening. If it is pending there in the Pension Office, then I say this bill ought not to pass here to-night. Before being considered here it should be acted on finally there.

Mr. BROWNE, of Indiana. Allow me to make the suggestion that in fact all pension claims which have not been allowed are still pending in the Pension Office. Rejection is in no case final.

Mr. HEWITT, of Alabama. That is true.

Mr. BROWNE, of Indiana. This case is still there, even if rejected, and the Commissioner will take it up when additional proof is furnished.

Mr. HEWITT, of Alabama. There is no evidence that any final action has been taken on it.

Mr. WARNER, of Ohio. Let me read a paragraph from the testimony of Commissioner Dudley on this very point.

The Clerk read as follows:

The COMMISSIONER. That is my idea. There is a rule of the Pension Office, based on an old law of 1831, which provides that upon the discovery of merit in a pension claim which under the rules of procedure and the laws must be rejected, the Commissioner is authorized to certify to Congress the case, with his recommendation that a special act be passed; and I have issued an order, which is in operation now in the office, by which all chiefs of divisions in which claims are adjudicated understand that where a rejected case possesses merit it may be certified in that way, and we have already certified to this session of Congress a large number of cases which in our judgment ought to receive consideration, and I am glad to see that the committees are acting on our recommendation without any further solicitation.

Mr. VANCE. I wish to say, with the permission of the gentleman from Alabama, one word further in regard to this matter. This applicant, Colonel Cilley, considered the letter of the Commissioner as being tantamount to a rejection of his claim, as he required him to furnish certain proof which he could not obtain. As he viewed the matter in that light, he then came directly to Congress for the relief which in my judgment he ought to have.

Mr. HEWITT, of Alabama. Then in this case the applicant was not able to prove by the surgeon of his regiment or by any of the officers of his regiment, because the names and residences of these were sent to him by the Commissioner of Pensions in February last—he was not able to prove by any of them that he contracted this disease in the service; and therefore, not being able to make the proof required by law, he comes to Congress to get us to pass a bill for his relief, and relies upon the testimony of parties who were not with him in the service at all. Now, I submit to this House that if Colonel Cilley contracted his disease in the service, would not the evidence of the surgeons and officers or the men who served with him in the Army be of more effect and have greater weight than the evidence of these men in North Carolina who were fighting on the other side, and did not know anything about him?

Mr. PETERS. Will the gentleman from Alabama permit me to make a suggestion?

Mr. HEWITT, of Alabama. Certainly.

Mr. PETERS. The report in this case states that there was no apparent disease while he was in the service, and therefore he could not have been treated for it during his service in the Army; consequently none of the surgeons in the service with him at that time could have furnished evidence upon that point.

Mr. HEWITT, of Alabama. I have only one other remark to make

in reply to that. The law requires a man when he makes his application for a pension to go before a board of surgeons appointed to represent the United States. This applicant has done no such thing. He has not gone before any such board of examining surgeons. We ought to have that evidence here—the evidence of surgeons who have inquired into and investigated his condition and reported upon it as to whether he contracted the disease in the service or not.

Mr. MORRILL. May I ask the gentleman a question?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. MORRILL. How could Colonel Cilley go before this board of examiners until he had been notified or ordered to do so by the Commissioner of Pensions?

Mr. HEWITT, of Alabama. Then, I have but to say in answer to that question, we had better wait until he does go before the board. Let us wait until he is ordered before the board. Let us not take the testimony of these home physicians. We all know how easy it is for a man's home physician to certify to his case and how unreliable such reports ordinarily are.

Mr. MATSON. Mr. Chairman, I am satisfied that this case is still pending in the office. I see that the last letter in reference to it is dated on the 20th of February, and the report was made on the 7th of March. It is a clear violation of the rule of the committee to act upon cases which are pending in the office and not rejected, although, as remarked by my friend from Indiana, when rejected they are still pending. But this case has not been acted upon yet by the Pension Office.

I suggest, therefore, that it be passed over until the gentleman from North Carolina [Mr. VANCE], within a reasonable time, can have action taken upon it in the office; and I suggest also that it be allowed to remain upon the Calendar in its present position. It will be in accordance with the rule adopted by the committee. I therefore ask unanimous consent that that course be taken with reference to it.

The CHAIRMAN. Without objection this bill will be informally passed over, retaining its place upon the Calendar.

There was no objection, and it was ordered accordingly.

WILLIAM B. SMITH.

The next business on the Private Calendar was the bill (H. R. 5004) for the relief of William B. Smith.

Mr. MORRILL. Mr. Chairman, the gentleman who reported this bill is absent to-night. I ask therefore that it be laid aside informally, not to lose its place upon the Calendar.

There was no objection, and it was ordered accordingly.

MISS MARY P. M'BLAIR.

The next business on the Private Calendar was the bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary P. MacBlair, daughter of Thomas Parkin MacBlair, late a purser in the United States Navy.

The report is as follows:

Mr. G. W. HEWITT, from the Committee on Pensions, submitted the following report, to accompany bill H. R. 2677:

The Committee on Pensions, to whom was referred the bill (H. R. 2677) granting a pension to Mary P. MacBlair, have had the same under consideration, and submit the following report:

Miss Mary P. MacBlair is the daughter of the late Thomas P. MacBlair, who served in the Navy as purser from November 11, 1839, to his death, February 17, 1857. He died on board the Merrimac, after more than seventeen years of arduous and gallant service. Three children survived him, his wife having died one year previous to his death. His children were granted a pension, by special act, at the rate of $30 a month, from the father's death till May 12, 1870, when the youngest had reached the age of sixteen years. Purser MacBlair died poor, leaving his children nothing save a good name. One of the children is now dead. Of the two surviving, Alice is insane and is confined in an asylum; the other, Mary P., who seeks relief at the hands of Congress, made her own living until her health gave away under hard work, and her eyes began to fail.

Added to her blindness is serious spinal disease, and she is wholly incapable of earning a living. She has no home and no relatives able to aid her. At present she is in a charitable institution in Philadelphia, but will not be permitted to remain there longer than two or three months. Being as helpless now as when her father died, she needs the protecting care of the Government which that father so gallantly served, and your committee think her claims for a pension as strong now as they were when she was an infant. The general pension laws now give pensions to children of tender years because it is presumed that they are unable to support themselves until they are 16 years of age. But if from sickness or any physical or mental cause a soldier's child is unable to earn a living, the spirit of the law would require that the pension be continued.

Taking into consideration all the facts in this case, Miss MacBlair, as the worthy daughter of a brave man who lost his life while in his country's service, her misfortunes, and her utter incapacity to earn an honest living, your committee report the bill for her relief, with an amendment thereto, back to the House, and recommend that it pass.

Mr. PETERS. Mr. Chairman, I would like to ask the chairman of the Committee on Pensions a question in reference to this case. Has this lady been unable to make her living ever since her father's death?

Mr. HEWITT, of Alabama. Oh, no. She drew a pension up to the time that she was 16 years old, and then for a number of years she supported herself. She was here for a part of the time working in one of the Departments, but her eyesight gave way and she contracted spinal disease, and is now totally incapacitated from performing any kind of labor for her own support.

Mr. STEELE. She is in a charity hospital now.

Mr. HEWITT, of Alabama. She is temporarily in a charitable institution.

Mr. PETERS. Is it contemplated by the chairman of the Committee on Pensions to establish a precedent that whenever a person who has once been pensioned, as this lady was, becomes disabled by reason of age—a person who happens to be the child of an officer—that the Government shall take care of them?

Mr. HEWITT, of Alabama. No; that is not the proposition here at all.

Mr. PETERS. Is not that the proposition set forth by this bill?

Mr. HEWITT, of Alabama. No; it is not proposed to establish a precedent; but this bill simply follows a precedent which was set on last Friday evening, I believe, when you passed a bill to continue the pension for a soldier's son who was an idiot.

Mr. MORRILL. This is entirely a different case.

Mr. HEWITT, of Alabama. And that is the same reason we grant the pension in support of this woman. The law gives a pension to children of soldiers entitled to a pension until they reach the age of 16, because the law presumes that they are not able to take care of themselves until they arrive at that age.

Well, now, you passed a bill here last Friday evening—I do not remember all the circumstances—but I know it was the case of a lady, the daughter of an officer or a soldier, who became over 16 years of age and you continued the pension. And why? Because she was as helpless as she was in her infancy; and there was just as much reason to continue the pension after she became 16 years of age as there was before. It is just so in this case. Here was a child of a soldier, of a man who died in the service. The Government gave her a pension during her infancy and till she arrived at 16 years of age. And, why? Because her father was a soldier who died in the service leaving her an infant, helpless and not having the capacity to support herself. Now we present the same child that the Government gave that pension to, in the same physical condition, incapacitated to support herself as she was then; and we say she falls not within the letter but within the spirit of the law.

Mr. PETERS. Let me call the attention of the gentleman from Alabama to the distinction there is between this case and the case to which he refers. Pensions have been granted by this House and by other Houses to certain parties who have remained disabled, or, in other words, have remained infants after the age of 16 years; who never became able to support themselves. The disability of infancy continued, although that age had been passed. But that is not the case here.

Mr. HEWITT, of Alabama. I beg the gentleman's pardon, it is not a case of the disability of infancy.

Mr. PETERS. It is practically so.

Mr. HEWITT, of Alabama. A person 21 years old is not in a condition of infancy. It is the incapacity of supporting themselves that continues, and not infancy, and that incapacity arises from some other cause than infancy. That is the reason why you granted the pension in the case referred to.

Mr. PETERS. The gentleman from Alabama does not seem to get the point I am seeking to make. All the bills that have been passed of that character thus far, according to my recollection, were cases in which the parties were just as entirely unable to support themselves after the age of 16 years as they were before that time. In other words, there had been no interregnum between the age of 16 years and the age, say, of 18 years in which the parties were able to support themselves. Here is an interregnum. The party after having arrived at the age of 16 years was supposed, under the presumption of the law, to be able to support herself, and therefore the pension was withheld; and she did support herself for a number of years; but afterward, by reason of some misfortune, she ceased to be able to support herself, and now she comes in and asks support from the Government. It is an entirely different case from those we have passed in this Congress heretofore.

Mr. MATSON. I desire to say to the gentleman from Kansas [Mr. PETERS] there has been one case like this which passed this Congress, the case of the daughter of Colonel Murray, of the Pennsylvania Volunteers, where the daughter became an invalid. The case referred to by the gentleman from Kansas was from my own State; it was the case of one who was an imbecile from infancy. But, as I have said, there has been a case very similar to that reported by the gentleman from Alabama, the case of the daughter of Colonel Murray, of the Pennsylvania Volunteers, which has passed the House, and I think has passed the Senate, during this Congress.

Mr. PETERS. That case escaped my attention. I did not remember any precedent for the case now under consideration.

Mr. SLOCUM. I am very certain no gentleman on this floor who understands this case will raise any objection to granting this pension. This officer died leaving three daughters. They were granted pensions under the law of the Government of $20 a month each. One of them died soon after her father's death. To-day another one of those daughters is in one of the insane asylums of Pennsylvania. The remaining one came here to Washington while General Grant was President, and the officers of the Government knowing the circumstances of that young lady gave her a place here. She served here as long as her eye-sight permitted. Just as long as she was able to gain her living she served

here faithfully. When her health failed she was obliged to give up her position.

She is to-day in a charitable institution, an institution supported by private charity. Grant there has been an interregnum, that there has been a lapse of time of a few months or years during which she has not received the pension, that is no reason why it should not be restored to her. I appeal to the gentleman from Kansas to withdraw his objection. This is a case which appeals to our sympathy and appeals to our sense of justice. This lady is worse situated to-day than she was when 15 or when 14 years of age, at which time she was entitled by the laws of the country to a pension. She is now infinitely worse off.

Mr. MORRILL. I desire to ask the gentleman from Alabama [Mr. HEWITT] a question. Has this case been rejected by the Pension Bureau?

Mr. HEWITT, of Alabama. It is not a case in which the Pension Bureau could grant a pension.

Mr. MORRILL. Then the case has not been there?

Mr. HEWITT, of Alabama. No, sir.

Mr. BROWNE, of Indiana. If it had been claimed this lady was entitled to a pension under any law of the United States the case would not have been brought here. If she is not entitled to a pension under the law, why send it to the Pension Office?

Mr. MORRILL. I only wish to call attention to the inconsistency of the gentleman from Alabama, who has stood here Friday night after Friday night opposing every pension bill presented from this side, and now we find him presenting himself a bill weaker than any we have passed, and because it is his ox that is gored he is calling out.

Mr. RANDALL. The gentleman from Alabamahas no special interest in this case.

Mr. MORRILL. I do protest against being compelled to stand up here night after night and defend against the gentleman from Alabama cases infinitely stronger than the case he now presents. The gentleman from Alabama either ought to cease his opposition to our bills or withdraw bills of this character introduced by himself.

Mr. RANDALL. I wish to say to the gentleman from Kansas that if he wants to punish the gentleman from Alabama I beg he will not do it over a Pennsylvania case.

Mr. MORRILL. I desire to say to the gentleman from Pennsylvania [Mr. RANDALL] that I shall vote heartily for this bill.

Mr. HEWITT, of Alabama. I did not know I had been opposing all the pension cases that came up here. That is rather news to me, and I think it is news to this House. I have simply been occasionally calling attention to cases, but I have not been resisting them. I did resist one a while ago, one which I think ought to have been resisted. But you have never presented a meritorious case here for any soldier from any part of the country which I have not supported.

Mr. HOUK. Will the gentleman from Alabama [Mr. HEWITT] permit me to ask him a question?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. HOUK. I have noticed that the gentleman from Alabama has constantly been in the habit of criticising the reports made in these pension cases because they did not set out all the testimony. Now I notice that this report is lacking in that very respect; yet I am going to vote for this bill.

Mr. HEWITT, of Alabama. I believe I did criticise, the other evening, a report of the gentleman from Tennessee [Mr. HOUK] in which he referred to what a surgeon said concerning the disability that was contracted in the service. My criticism was that we could have told better what was right in that case if the report had set out exactly what the surgeon really said.

Mr. HOUK. And so we could better tell about this case if the gentleman from Alabama had set out in his report all the testimony.

Mr. HEWITT, of Alabama. I think so; it is probably true in regard to this case.

Mr. HOUK. I am going to vote for the bill myself.

Mr. BROWNE, of Indiana. If the committe is ready to vote on this question I will not detain it a moment.

Several MEMBERS. Vote! Vote!

Mr. RANDALL (to Mr. BROWNE). No; go on and say what you want to say.

Mr. BROWNE, of Indiana. This case is not without precedents. Such cases have repeatedly passed the Congress of the United States within the last few years; I say, repeatedly.

Now, to state the matter tersely, here is the case of a child of a deceased soldier of the United States. That child has now to be supported by charity, either by private charity, or by the charity of some municipality, or by the Government. Under the general laws of the United States this claimant, as has been well said by the gentleman from Alabama [Mr. HEWITT], was entitled to a pension up to 16 years of age, because the presumption of the law is that up to that age the child is incapable of supporting itself. It is true that in this case that disability is not shown to have continued immediately beyond the arrival of the child at the age of 16 years. As the gentleman from Kansas well says, there is an interregnum.

But subsequently, after she had made a gallant struggle to maintain herself, the condition which she was in at 16 years of age and before returned to her. The practical question presented to this committee is, will the Congress of the United States, will the people of the United States allow the dependent son or daughter or widow of a soldier who died in the service of his country to become a subject of charity? [Applause.]

That is the practical question. Shall we send her to a poor-house in a city to be maintained, or to a poor-asylum in the county to be maintained? If we do that, the cost of the maintenance will come from the pockets of the people, from the treasure of the people. Shall we allow the people in a particular locality to maintain this woman? Will we remit the case to the town, city, county, or State, or will we do what we ought to do in all cases like this, and say that they are wards of the nation, and we will not merely support them as mendicants, but we will assign them to honorable positions upon the pension-rolls of the country? And we will do it because we regard the memory of the parent who laid down his life in his country's service. If we have made no such precedent, then let us make one to-night. [Applause.]

Mr. PETERS. I want to say just one word, as I made the objection in the first place to this bill. My object in making that objection has been accomplished. It was this: to emphasize this precedent so that we might stand by it in future. That was my object in making the inquiry I did. I believe in this precedent, whether the House has ever made it before or not, and I am ready to make it to-night. But I want to emphasize it so that in future it can be pointed to, not merely in the case of a soldier who died before the last war, but in the case of the family of every soldier who was connected with the last war.

Mr. WARNER, of Ohio. Because this case will be made a precedent I think the attention of the Committee of the Whole ought to be directed to just what it means. If it would not be made a precedent, and upon it hereafter thousands of such cases go through Congress, then I should have nothing to say.

If we are ready to take the position indicated by the gentleman from Indiana [Mr. BROWNE], that the daughters and sons of soldiers who at any time in their lives after they have passed the age of sixteen years become dependent shall be placed on the pension-roll, then of course we are prepared to establish this precedent. I know very well that this bill and almost any other bill that comes up at these evening sessions will pass. Perhaps, taken by itself, this bill ought to pass; I am not going to express my judgment upon it. But to establish the principle that the daughter or son of any soldier who has died in the service, who may become dependent at any period of life after 16 years of age, shall be restored to the pension-rolls, is a precedent that I for one am not willing to make. I might be willing to go so far, and I think I would be willing to go so far, as to provide in a general law that any child of a soldier, drawing a pension up to 16 years of age, whose dependence at that age and afterward continues by reason of imbecility or insanity or any other such cause shall have the pension continued. I would be willing to pass a general law to cover all that class of cases.

But to go further and say that after a lapse of years, and when perhaps old age comes on, if dependence then returns the party shall be again placed on the pension-roll, is a step which I think we ought not to take, and if, as the gentleman last on the floor [Mr. PETERS] said, this case is to be taken as a precedent for all cases of the same class, then I am opposed to the passage of this bill.

Here is where precedents are made; and they become very often damning precedents. There is a proverb which says, "With one's own spurs and another man's horse, a man can outride the wind." So, when gentlemen come here to pass pension bills and establish precedents; to take not their own money, but the public money, which somebody must pay, and which in fact they must pay who earn little, there seems to be no limit to the amount that may be taken.

Now this specific case, regarded only as a specific case, I shall not oppose; but I do wish to enter my protest against this bill being taken as a precedent for any such purpose as that indicated—to establish the principle that after a lapse of time during which, on account of the independence of the party, the pension has ceased, he may, upon the return of dependence, be again placed upon the pension-roll. I see no other way to meet such cases than to leave them to the organized charities of the States, which are better managed than Government charities. [Cries of "Vote!" "Vote!"]

Mr. BRUMM. Mr. Chairman, I hope that this bill is going to pass. I take the floor, not for the purpose of discussing the merits of the case, but to speak of a principle which seems to be presented here, and which I think it will be no loss of time to discuss. I refer to the question of precedents as affecting legislation. In my judgment, precedents are matters which legislators ought never to consider, except that when a principle has been recognized and acted upon we may learn from its practical effects the operation of that principle.

I am not surprised that this question as to precedents has been raised by the gentleman from Kansas [Mr. PETERS], because he has recently left the bench; and the judicial mind—the mind of the well-trained lawyer—is so peculiarly constituted that it can not take a step without referring to precedent. In fact, to a judge the last decision of a court is the law. But as legislators we are "a law unto ourselves." The principle which legislators must recognize is that "acts of parliament derogatory from the rights of subsequent parliaments bind not."

I have sat here by the hour and heard gentlemen cite precedents and

precedents when questions of specific merit were involved. In this way I have seen hour after hour wasted. Why, gentlemen, it is our duty to change precedents. We are here to make laws, and though we may occasionally by a specific declaratory act say what the law is, our main duty as legislators is to change existing law and to make new laws. This is a principle that we ought to bear in mind for our government here, for it is one of vital importance with reference to progress in public affairs. Forgetfulness of this principle fills our RECORD page after page with matter which to us as legislators amounts to nothing.

Mr. RANDALL. Mr. Chairman, no member who has thus far spoken on this bill has failed to concede the meritorious character of the claim. The only opposition to the bill seems to arise from an apprehension that in the future some bill of a like character may be presented and passed.

A MEMBER. Some bill much weaker.

Mr. RANDALL. Some bill much weaker. But I beg that this meritorious measure shall not suffer by reason of any apprehension of that kind. When another bill of similar class comes here let us act upon it as I propose that we act on this—upon its merits.

Mr. WARNER, of Ohio. Now, Mr. Chairman, before the vote is taken allow me one word upon the point just suggested by the gentleman from Pennsylvania [Mr. RANDALL]. That gentleman says, "Let us vote upon this bill on its merits, and when the next bill comes up let us do the same as to that." But may we not expect that when the next bill comes, whatever may be its merits, some gentlemen may say, "Oh, we have already passed a bill of that character and have established the precedent; therefore we ought to pass this." I believe the chairman of the committee reporting this bill [Mr. MATSON] has taken that ground distinctively—that a few evenings ago we established the precedent by putting such cases on the pension-roll.

Say what we will about precedents, they are all-powerful in the legislation of this House. We all know that. If I believed that this bill was to be taken as a precedent, was to be regarded as establishing the principle that when a person once entitled to a pension, but who for a time has been independent, shall again become dependent that person shall be restored to the pension-roll, I should feel bound to ask that the vote on this question be taken by a quorum of the House. But under the circumstances and with the protest which I have made, and accepting the assurance of the gentleman from Pennsylvania [Mr. RANDALL] and others that this bill will not be taken as a precedent to put through other bills less meritorious, I shall not ask such a vote.

The CHAIRMAN. The question is upon the amendment reported by the Committee on Invalid Pensions.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT L. WILLEY.

The next business on the Private Calendar was the bill (H. R. 709) granting a pension to Robert L. Willey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert L. Willey, late a corporal of Company H, First Regiment Heavy Artillery, Maine Volunteers.

The report was read, as follows:

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, submitted the following report:

Robert L. Willey enlisted July 25, 1862, in Company H, First Regiment Maine Heavy Artillery, and served continuously until March, 1865, when, because of his long and continuous services, he was granted leave of absence for twenty days to visit his home in Maine. On his way home he contracted a cold, and his furlough was extended for twenty days from March 28, 1865. On April 10, 1865, he was requested by the citizens of his town to aid in firing a salute in honor of the surrender of Lee, and while thus engaged, and without any fault on his part, he had his right arm so badly injured by the premature explosion of a cartridge that its amputation at shoulder-joint became necessary. These facts are shown by the records of the War Department. He was honorably discharged the service because of this disability August 30, 1865. His application for pension has been rejected by the Pension Office, to which he applied February 16, 1866, because the disability was not incurred in line of duty.

The faithful services of the claimant, his disqualification for the performance of manual labor, and consequent dependence upon his friends for support seem to your committee sufficient grounds to grant the relief asked for, and therefore return the bill and accompanying papers with the recommendation that the same do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I ask to have printed in the RECORD a letter from the Commissioner of Pensions in regard to this claim.

Mr. WARNER, of Ohio. Let it be read, as it relates to this case.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., April —, 1884.

SIR: Referring to the claim for invalid pension, No. 102684, of Robert L. Willey, late private of Company H, First Maine Heavy Artillery, I have the honor to state that it appears that the claimant, while at home in Maine on a sick-furlough, was engaged in firing a salute in honor of the surrender of Lee's army, and while so occupied the gun was prematurely discharged and his right arm blown off, necessitating amputation at the shoulder-joint, for which disability he was discharged from the United States service. The fact that the man was on sick-furlough and not acting under orders in firing the salute debars him from receiving pension under the general laws, but the equities of the case are such that I do not hesitate to recommend that a pension be granted him by a special act of Congress.

If it is possible to grant a pension with arrears from date of discharge, I think this is certainly a case in which such action should be taken, and I so recommend.

I am, sir, very respectfully,

W. W. DUDLEY, *Commissioner.*

The CHAIRMAN *of the Committee on Invalid Pensions,*
House of Representatives.

Mr. BOUTELLE. Mr. Chairman, I have no desire to occupy the time of the committee for more than a moment in regard to this case, because I know the pressure of business and the necessity of proceeding with these pension cases as rapidly as possible. There are other deserving cases to be considered and I have no desire to unnecessarily delay them a single instant.

The CHAIRMAN. The bill has been laid aside with a favorable recommendation, no objection having been made.

Mr. BOUTELLE. I understand that, Mr. Chairman, but the bill fails to do full justice to the worthy claimant according to the testimony even of the Commissioner of Pensions. I feel it to be my duty, therefore, under the circumstances—and I will not recapitulate all the facts in the case—to move an amendment. This man served in the Army faithfully for more than three years, and was at home on sick-leave. If he had met with any disability because of his disease, there would have been no hesitation in granting him a pension from the date of that disability. Therefore, I move to add to the bill the words "as of the date of his discharge, August 30, 1865."

Mr. BROWN, of Pennsylvania. I hope the gentleman will not do that, as it will provoke discussion.

Mr. BOUTELLE. I have no desire to provoke discussion.

Mr. MATSON. I had the letter read not for the purpose of indorsing the proposition to give this man arrears of pensions. I think the amendment ought not to pass.

Mr. RAY, of New Hampshire. In this case we think we have done what is right by reporting a bill to put this man on the pension-roll from the date of the passage of this act.

Mr. COSGROVE. I make the point of order that the bill has been laid aside to be reported to the House with the recommendation that it do pass.

Mr. BOUTELLE. For fear of imperiling the passage of this bill, I will withdraw the amendment.

The CHAIRMAN. The bill has been laid aside with a favorable recommendation.

SALOME ANN WALKER.

The next business on the Private Calendar was the bill (H. R. 3656) granting a pension to Mrs. Orrin Walker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Mrs. Orrin Walker, widow of Orrin Walker, late of Company K, Twentieth Maine Volunteers, subject to the laws regulating pensions.

The amendments of the committee were read, as follows:

Strike out "Mrs. Orrin," and in lieu thereof insert "Salome Ann;" and amend the title so as to read: "A bill granting a pension to Salome Ann Walker."

The report of the committee was read, as follows:

Mr. OSSIAN RAY, from the Committee on Invalid Pensions, submitted the following report:

Salome Ann Walker is the widow of Orrin Walker, late private Company K, Twentieth Regiment Maine Volunteers, who enlisted July 22, 1862, and served until July 14, 1865, when he was honorably discharged. He was pensioned from July 14, 1865, to September 3, 1877, at the rate of $8 per month, for a severe gunshot wound in the left thigh and perineum, which was increased to $10 per month from March 31, 1873, for additional disability from intermittent fever.

The soldier died June 3, 1882, and his widow made application for a pension after her husband's death; but the Pension Office rejected her claim on the ground that the direct and immediate cause of the soldier's death was not the result of disability contracted in the service.

The soldier was wounded by a minie-ball at Gettysburg, in the left thigh, it being flexed at the time. The bullet entered the upper and inner fleshy part of left thigh, passed upward and backward, wounding scrotum and perineum, and passed out on right side of anus, causing a large cicatrix along the whole track, adhesion of abductor muscles of thigh, and much weakness, numbness, and pain. This is the account of the deceased soldier's condition as given by examining surgeon, Dr. F. H. Brown, of Paris, Me., in his certificate of June 19, 1866.

The history of the case is, briefly, that from the time of his discharge to his death in 1882 Walker grew worse from year to year, the latter part of the time having become weak and emaciated. The immediate cause of his death, after only six days' illness therefrom, is alleged to be "subacute inflammation of the stomach, with severe constriction of the upper bowel." But your committee are fully satisfied this sudden fatal result was mainly attributable to his diseased and feeble condition, caused by his severe wound and the hardships of his army life.

The widow is an old lady, without any property, and is in a very destitute condition.

Believing it is altogether more probable than otherwise that her husband would have recovered from the stomach and bowel trouble from which he was suffering at the time of his decease had he been otherwise sound, and that he could have survived the disabilities he contracted while in the service but a few months, we unanimously report in favor of the passage of the bill for her relief, with an amendment striking out the words "Mrs. Orrin" in the title and in the fourth line of the bill, and inserting therein instead the words "Salome Ann."

The amendments were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M'MANUS.

The next business on the Private Calendar was the bill (H. R. 2908) granting a pension to James McManus.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James McManus, late a private in Company B, Twelfth Regiment Illinois Volunteer Infantry, his pension to date from May 5, A. D. 1864, the date of his discharge from the United States Army.

The amendment of the committee was read, as follows:

Strike out the following words:

"His pension to date from May 5, A. D. 1864, the date of his discharge from the United States Army."

And in lieu thereof insert the following:

From and after the passage of this act.

The report of the committee was read, as follows:

Mr. D. H. SUMNER, from the Committee on Invalid Pensions, submitted the following report:

Claimant enlisted August 1, 1861, and served as a private in Company B, Twelfth Illinois Volunteers, until May 5, 1864, when he was discharged on a certificate of disability.

He filed his application for a pension December 31, 1879, alleging that at the siege of Corinth, Miss., in the month of May, 1862, while lifting logs on the breastworks, he incurred a right inguinal hernia, and contracted disease of the heart and rheumatism.

James Harrington, a nurse in post hospital at Corinth, Miss., saw claimant in said hospital just after the last battle of Corinth, in October, 1862, when he was suffering from an ailment in his legs, and was unable to wait on himself, and affiant had to wait on him.

John Clark, a comrade of claimant, knew him in 1863, and remembers that he was sick and treated in the Overton Hospital in Memphis from some time in September to the middle of October, 1863.

B. F. Jones, of Poweshiek County, Iowa, states that claimant was in his charge at the poor-farm in and for said county about eighteen months during 1877 and 1878, during which time he was totally unable to make a living by manual labor, on account of the disabilities hereinbefore mentioned, for which he was frequently treated, but being of a chronic form, did not yield to medical skill.

Dr. A. J. Hare, of Milwaukee, Wis., states that he was late surgeon at the soldiers' home near that city, and that claimant was under his medical care at intervals for four years prior to October, 1882, for chronic valvular disease of the heart and chronic bronchitis, and that claimant also suffered from inguinal hernia and was totally disabled.

Dr. S. J. F. Miller, also a surgeon at said soldiers' home, states that the records of the hospital show that claimant was admitted to the home August 5, 1878, with disability as follows: Right inguinal hernia, valvular lesions in the heart, rheumatic trouble, and in December, 1880, he was troubled with chronic bronchitis, having a very severe cough, and was emaciated and very weak.

The reports from the Surgeon-General's Office show that claimant was under treatment in regimental hospital at different dates from May, 1862, to June 3, 1863, for intermittent fever, dysentery, and rheumatism.

August 24, 1881, claimant was examined by the Milwaukee board of examining surgeons, who reported that no disability existed.

June 13, 1881, claimant was examined by the board of examining surgeons at Fond du Lac, who reported the existence of inguinal hernia, emaciation, and debilitation.

Upon this testimony the examiner made a favorable submission for the allowance of a pension with the degree of disability as one-half from 1864 to 1874, as three-fourths from 1874 to 1878, and as a total from 1878 to the time of submission.

But the case was finally rejected upon the ground that no disability had existed since the time of discharge.

Your committee, however, believe that the mere opinion of the Milwaukee board of examining surgeons, upon one brief examination, ought not to stand against the certificate of disability given claimant at the time of his discharge, the testimony of comrades who knew of his sickness while in the service, the regimental hospital records showing the treatment for over a year, the keeper of the poor-house in Iowa, who had him under treatment for eighteen months, the two surgeons at the soldiers' home, near Milwaukee, who treated him for several years, the Fond du Lac board of examining surgeons, and finally the opinion of the pension examiner, who submitted the case for approval upon the evidence.

Wherefore we report favorably, recommend the passage of the bill, and ask that said committee be discharged from its further consideration; provided, however, that said bill be amended by striking out the words "his pension to date from May 5, A. D. 1864, the date of his discharge from the United States Army," and adding to said bill the words "from and after the passage of this act."

The amendment was agreed to.

Mr. HEWITT, of Alabama. I wish to call attention to the fact that the claimant, August 24, 1881, was examined by a board of surgeons, who returned there was no disability, although a board, June 13, 1881, reported there was. It seems to me the last board which reported no disability should have more weight than the first one.

Mr. MATSON. I will suggest to the gentleman from Alabama that this bill gives the man no rating at all. He will still have to be examined to see what rate of disability would be allowed him, which would depend, of course, upon his condition. It can do no harm, therefore, to pass it in this form.

Mr. HEWITT, of Alabama. It seems to me that he should not be put upon the roll unless there is some disability shown. However, I will not make any objection, though we ought to know the disability.

Mr. MORRILL. That will be established by the rating of the board.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

AZZUR W. READER.

The next business on the Private Calendar was the bill (H. R. 3466) granting a pension to Azzur W. Reader.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Azzur W. Reader, late a carpenter's mate in the United States Navy, and pay him a pension from the 1st day of September, A. D. 1865, being the date he was discharged from the service of the United States.

The report is as follows:

Mr. D. H. SUMNER from the Committee on Invalid Pensions, submitted the following report, to accompany bill H. R. 3466:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3466) granting a pension to Azzur W. Reader, having had said bill under consideration, submit the following statement of facts:

Claimant enlisted March 22, 1865, as carpenter's mate on the United States steamer Kate, and was honorably discharged September 1, 1865, and filed his application June 10, 1879, for pension on account of injury near the spine, received on or about June 15, 1865, on the Mississippi River, between Memphis and Vicksburg, caused by arising from scrubbing his hammock, in answer to call to "swing hammocks," and striking the under side of the muzzle of the bow-gun with force sufficient to prostrate him, and to prevent his rising without assistance; which injury produced hernia and resulted in total disability, the bruise having been so great as to produce slight hemorrhage of his right kidney and blood in his urine.

It further appears that claimant returned to his home in Fond du Lac, Wis., immediately after his discharge September 1, 1865; was in very poor physical condition and confined to his house for six months or more; was treated by Dr. Smead (since deceased), who informed him that he was about to have a breach or rupture, which fully developed as soon as he tried to get around; and that claimant did not know what his injury would result in until he was examined by Dr. Smead a few days after his arrival home.

Frederick A. Meyer, who was in the service with the claimant, corroborates claimant's declaration as to how the injury was received and as to the time and the manner as alleged.

S. A. Reader, also in the service with the claimant, corroborates the above, and says he was detailed by the officer in command to wait upon claimant.

Thomas W. Pate, a pilot on said steamer, also fully substantiates the foregoing statements.

George W. Rogers, late acting lieutenant, commanding said steamer, states that when he took command of the vessel named, claimant was off duty, and confined to his hammock in consequence of injuries received on board, and that claimant appeared to affiant to be badly hurt, and that he detailed one of the crew to wait upon claimant.

N. H. McGuire, late acting assistant surgeon on said steamer, does not remember treatment of claimant, but does remember, on receiving an order to discharge about one-half of crew (addressed to all surgeons in Mississippi squadron), that he placed claimant's name among the number because Lieut. George W. Rogers, the commander, requested it on account of claimant's disability.

Mrs. S. A. Lilleston says that she boarded with wife of claimant in summer of 1865; that in the early spring of that year claimant and two youngest sons went into the Navy; that some time in June or July, 1865, claimant's son wrote home that his father had received an injury; that affiant continued to board with claimant's wife, and that on his return from the Navy, in the fall of that year, claimant was poor in flesh and very feeble, and that his condition was attributed to the injury referred to, which, as affiant was informed and believed, resulted in an aggravated case of hernia.

Charles W. Brown, a neighbor of claimant, says that claimant came home in late summer or early fall of 1865, and complained of back or lower part of spine; likewise of very severe cutting pains in front at bottom of bowels; that a short time after and during the same season claimant showed him a hernia, and that claimant has been entirely incapacitated for labor since that time.

C. B. Bartlett, Henry Shattuck, and Azro B. Taylor, all neighbors of claimant, say that when he returned home from the service he was very poor in flesh, pale, and emaciated, and that they learned he was suffering from a rupture or hernia brought on by an injury received in the service.

Col. C. K. Pier, late of the Union Army, states that claimant's disability for labor is total, and believes claimant's statements entitled to full credence.

Dr. T. F. Mayhan, present mayor of the city of Fond du Lac, Wis., treated claimant, soon after his discharge and return to his home, for inguinal hernia of the right side, and has treated and examined him from time to time since June, 1866, to the present time, and has always found him suffering from the same malady.

Drs. F. A. Bishop, S. S. Bowers, and A. H. Dorris, all of said city of Fond du Lac, have all treated and examined the claimant at different times between the time of his discharge from the service and the present time, and have found him afflicted as before stated, and all agree that his disability for performing manual labor is total.

The evidence is clear that claimant was sound when he enlisted, so far as appeared or could be known, and that when he returned from the service he had the disability as alleged in his claim for a pension.

The claim for pension was rejected because there is no hospital record of t reatment, and upon the opinion of the pension medical examiner that the injury received was not sufficient to cause the result complained of and established, and from that he infers that the trouble existed before enlistment.

In the opinion of your committee the proofs are ample to establish the right of the claimant to a pension, and it is held that the conclusion of the Pension Office is based upon a technical rule, from the effect of which the claimant ought to be relieved.

Wherefore, we report favorably, recommend the passage of the bill, and ask that said commitee be discharged from its further consideration; provided, however, that said bill be amended by striking out the words "from the first day of September, anno Domini eighteen hundred and sixty-five, being the date he was discharged from the service of the United States," and adding to said bill the words "from and after the passage of this act."

The amendments proposed by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORLANDO CULVER.

The next business on the Private Calendar was the bill (H. R. 5215) granting a pension to Orlando Culver.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Orlando Culver, late a corporal of Company F, Fifth Wisconsin Volunteers.

The report is as follows:

Mr. D. H. SUMNER, from the Committee on Invalid Pensions, submitted the following report (to accompany bill H. R. 5215):

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5215) granting a pension to Orlando Culver, having had said bill under consideration, submit the following statement of facts:

Claimant enlisted May 10, 1861, and served until March 6, 1862, when he was honorably discharged, having contracted rheumatism and neuralgia in October, 1861, when in the line of duty, by exposure and hard service, when he was sent to hospital, where he remained until discharged.

He applied for pension May 21, 1880, and his claim was rejected March 21, 1883, upon the ground that the record made by the surgeon who examined him for his discharge showed that the disability existed before enlistment, and that the Milwaukee medical examining board reported against him upon the ground that the members thereof could not find that he was afflicted as claimed.

Notwithstanding the rejection of this claim by the Department, the Department examiner, Vivian Brent, recommended its allowance in the following words:

"From my examination of all the evidence submitted in this case, I am of the opinion that the claim should be admitted for neuralgia and rheumatism. I think that claimant has been disabled for performing manual labor during the years since his discharge."

The examiner then makes a statement of the time, from 1862 to 1882, inclusive. Then, in a separate statement, he further says:

"Notwithstanding the statement in the certificate of disability in this case as to the prior existence of rheumatism, I think the claim should be admitted, in view of the strong evidence of credible witnesses as to prior soundness and freedom from disability at and prior to enlistment."

The disability of the claimant, not only from the time of discharge, 1862 to 1882, inclusive, but at the present time, is established by Dr. Hugo Philler, the local United States medical examiner, Dr. Albert Kendrick, Dr. Albert M. Warner, Dr. V. L. Moore, Dr. J. E. Bacon, so far as medical evidence is concerned; and by Capt. I. M. Bean, now collector of internal revenue at Milwaukee, in whose company claimant served; John J. Gibbs, A. C. Hawes, John Ross, and George Klock, comrades and neighbors of claimant, who have known him since boyhood.

The disability is rated at $4 per month by all the foregoing physicians and others.

The committee recommend the passage of the bill with the following amendment: Add at the end of the bill the words "from and after the passage of this act."

The amendment of the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MATHEW O. REGAN.

The next business on the Private Calendar was the bill (H. R. 1631) to increase the pension of Mathew O. Regan.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Mathew O. Regan, late of Company E, Third Regiment United States Artillery, at the rate of $24 per month, according to the provisions of the act increasing pensions, approved June 18, 1874, instead of $18 per month, which he now receives.

The report is as follows:

Mr. D. H. SUMNER, from the Committee on Invalid Pensions, submitted the following report, to accompany bill H. R. 1631:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1631) granting a pension to Matthew O. Regan, having had said bill under consideration, submit the following statements of facts:

Claimant is now receiving a pension of $18 per month, and has been since June 8, 1872, for amputation of the right forearm two and a half inches below the elbow.

The claim is that the amputation is so near to the elbow-joint that it is not possible to either use the stump or to attach to it any artificial help, so that the disability is equal to an amputation above the elbow-joint, for which he would receive the sum asked for, $24 per month.

Your committee is of the opinion that the disability is equal to an ordinary amputation above the elbow, and therefore report favorably, recommend the passage of the bill, and ask that the committee be discharged from its further consideration; provided, however, that said bill be amended by adding thereto the following words: "from and after the passage of this act."

Mr. MATSON. Mr. Chairman, there is evidently a mistake of law in this bill. This man is receiving $24 now under the law. This appears to have been a copy of a bill introduced at a time when he was receiving under the law but $18 per month, and the effort was then made to increase it to $24 in consequence of the fact that his disability is equal to the loss of an arm above the elbow. Since then, however, the law has been changed so that he would draw the pension which this bill proposes now to grant him. The purpose of the bill, as set forth plainly in the report, is to give him the same pension as if his arm had been taken off above the elbow. That is evident from the report itself.

I therefore move to strike out, in line 6 of the bill, the words "twenty-four," and insert in lieu thereof "thirty;" so that it will read: "thirty dollars per month."

The CHAIRMAN. The Clerk will report the amendments proposed by the gentleman from Indiana.

Mr. SUMNER, of Wisconsin. Mr. Chairman, I had prepared an amendment to this bill in addition to the amendment recommended by the committee in the report, which is as follows: That the same be amended by striking out "twenty-four," in line 6, and inserting "thirty." In line 8, strike out "June 18, 1874," and insert in lieu thereof "March 3, 1883;" and also strike out, in line 9, the words "eighteen dollars per month," and insert in lieu thereof the words "twenty-four dollars per month." I therefore move that the original report be so amended.

Mr. MATSON. I withdraw my amendment.

The CHAIRMAN. The question is on agreeing to the amendments proposed by the gentleman from Wisconsin.

The amendments were agreed to.

The amendment proposed by the committee, to add at the end of the bill the words "from and after the passage of this act," was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SIDNEY B. TULLAR.

The next business on the Private Calendar was the bill (H. R. 5213) to restore Sidney B. Tullor to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to and place on the pension-roll the name of Sidney B. Tullor, late first lieutenant of Company B, Sixteenth Wisconsin Infantry, and to pay him at the same rate, $12 dollars per month, that he received before, and to be paid from the time he was suspended from said roll.

The following amendments were reported by the committee:

In line 5, strike out "Tullor" and insert "Tullar."

Amend the title so as to read:

A bill to restore Sidney B. Tullar to the pension-roll.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5213) to restore Sidney B. Tullar to the pension-roll, having had said bill under consideration, submit the following statement of facts:

The claimant is now and has been since the year 1850 a resident of the village of East Troy, Walworth County, Wisconsin, and was 69 years of age August 22, 1883.

He enlisted in September, 1861, and received a commission as first lieutenant Company B, Sixteenth Wisconsin Infantry, November 14 of the same year, and was in active service and in good health until about the 1st of April, 1862, when he was taken with a very severe attack of diarrhea near Pittsburg Landing, but as it was apparent that a battle must soon be fought, and being in command of his company, he remained on duty in camp until the battle of Shiloh was fought, April 6, 1862, when, although sick and very weak from his attack of diarrhea, he went into that battle with his company, and, under the excitement of the conflict, kept up and remained on duty during the three days of that memorable battle.

As soon as the battle was over he was also taken with what is commonly called camp fever and placed in hospital, where he remained under constant medical treatment, being very sick, until about the 1st of June, 1862, when, although not able to walk, and being reduced almost to a skeleton, and still suffering from both diseases mentioned, he was taken home by a special detail for that purpose.

The fever was communicated to five of the members of his family, who were all very sick, and one of them died within seven weeks after his return. In the latter part of July, 1862, the fever left the claimant, but about the same time the diarrhea assumed the chronic form, from which he has never recovered. The claimant had never been sick and had never taken medicine up to the time he was attacked with these diseases in the Army.

When the claimant was sent home from the hospital he was honorably discharged upon a certificate of disability. He applied for and in 1873 received a pension of $12 per month, with arrears from the time of his discharge, for chronic diarrhea, his general condition being as follows:

About two years after his discharge he recovered to such an extent as to be able to walk and ride about and attend to light business not requiring much exertion a part of the time, but was frequently confined to his house for days at a time and not able to do anything on account of that disease and its effects. He always bloats after eating, and any exercise or work that necessitates standing or walking for any considerable length of time causes his feet and legs to swell. These conditions have continued to and exist at the present time. During this period of disability he has been treated by and prescribed for by Drs. Charles L. Stoddard, formerly of said village of East Troy, but now of La Crosse, Wis.; C. S. Blanchard and D. W. Rector and P. O. Griste, of said village of East Troy; E. B. Wolcott, of Milwaukee (now deceased), and Dr. Ellsworth, of Elkhorn, Wis.

For some reason unknown to the claimant he was cited to appear and did appear in May, 1880, before the Milwaukee board of examining surgeons, and was examined as to the state of his disability. This board made an adverse report, and his pension stopped for a short time. The claimant not being satisfied with the result, and making complaint that injustice had been done him, he was notified to appear and did appear before the Madison board of examining surgeons, and was again examined as to the state of his disability in September, 1880. This board made a favorable report, and his pension was restored, with arrears. In September, 1882, claimant was notified to appear and did appear before one Alex. McC. Wilson, special examiner, and also before said Milwaukee board of examining surgeons, for further examination as to the state of his disability, upon which examination an adverse report was made and claimant's pension again stopped, the claimant being at this time 68 years of age.

Twelve of the citizens of the said village of East Troy, including Drs. Blanchard and Rector, appeared and testified before said special examiner. The effect of the testimony of these citizens fully sustained the foregoing statement of facts. Their testimony also fully establishes the fact that the claimant has been and still is a man of first-class standing and character in the community in which he lives, and that he has received and does receive from his neighbors and fellow-citizens their highest esteem and fullest confidence.

Wherefore, your committee report favorably, recommend the passage of the bill, and ask that said committee be discharged from its further consideration; provided, however, that said bill be amended by striking out the word "Tullor" in the title of the bill and substituting therefor the word "Tullar," and by striking out the word "Tullor" from the text of the bill and substituting therefor the word "Tullar."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

Mr. MATSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House had had under consideration pension bills on the Private Calendar, and had directed him to report back sundry bills, some with and some without amendment.

BILLS PASSED.

The SPEAKER *pro tempore*. The Clerk will first report those bills which are reported without amendment.

Bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 555) granting a pension to John Galloup;

A bill (H. R. 2070) granting a pension to Decatur Hamlin;

A bill (H. R. 5686) granting a pension to Sarah J. Chapman; and

A bill (H. R. 709) granting a pension to Robert L. Wiley.

The bill (S. 465) for the relief of Mary L. Walker and Ella Walker, reported from the Committee of the Whole House without amendment,

was ordered to a third reading; and it was accordingly read the third time, and passed.

Bills of the following titles were reported from the Committee of the Whole House with amendments; the amendments were severally concurred in, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough;

A bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair;

A bill (H. R. 2908) granting a pension to James McManus;

A bill (H. R. 3466) granting a pension to Azzur W. Reader;

A bill (H. R. 5215) granting a pension to Orlando Culver; and

A bill (H. R. 1631) to increase the pension of Mathew O. Regan.

The bill (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll was reported from the Committee of the Whole House with amendments.

The amendments were concurred in, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Zelica T. Dunlap."

The bill (H. R. 3656) granting a pension to Mrs. Orrin Walker, was reported from the Committee of the Whole House with amendments.

The amendments were concurred in, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Salome Ann Walker."

The bill (H. R. 5213) to restore Sidney B. Tullor to the pension-roll was reported from the Committee ot the Whole House with amendments.

The amendments were concurred in, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill to restore Sidney B. Tullar to the pension-roll."

Mr. MORRILL. I move to reconsider the several votes by which the bills have been passed, and also move to lay the motion to reconsider on the table.

The latter motion was agreed to.

And then, on motion of Mr. BAGLEY (at 9 o'clock and 50 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolutions of Post No. 3, Grand Army of the Republic, Department of Pennsylvania, relating to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. CARLETON: Resolutions of Albert Nye Post, Grand Army of the Republic, Department of Michigan, relating to pensions, &c.—to the same committee.

By Mr. CANDLER: Petition of citizens of Milton County, and of citizens of Cherokee County, Georgia, for the passage of the Blair bill—severally to the Committee on Education.

Also, petition of citizens of Rabun County, Georgia, for the passage of the Blair bill—to the same committee.

By Mr. FINDLAY: Petition relating to the claim of William H. Rogers—to the Committee on Claims.

By Mr. GARRISON: Petition of James W. Shely, for pay as a fireman—to the Committee on Accounts.

By Mr. HAMMOND: Petition of H. L. Culberson and others, of Fulton County, Georgia, in favor of Federal aid to education—to the Committee on Education.

By Mr. JEFFORDS: Petition of Rev. W. F. Adams and others, citizens of Vicksburg, Miss., asking the passage of the Senate educational bill—to the same committee.

By Mr. KETCHAM: Petition for the relief of Charles W. Torrey—to the Committee on Foreign Affairs.

By Mr. MAYBURY: Petition of Herman Voss and others, of Detroit, Mich., in favor of the pending bills in the interest of labor—to the Committee on Labor.

By Mr. MILLIKEN: Petition of Francis Young and others, for pensions to soldiers who enlisted in the Aroostock War—to the Committee on Pensions.

By Mr. MONEY: Petition for national aid to education—to the Committee on Education.

By Mr. NELSON: Resolution of the Republicans of Stevens County, Minnesota, in convention assembled, in favor of the Morrison tariff bill—to the Committee on Ways and Means.

By Mr. PETERS: Resolutions of Company I, Second Regiment Kansas State Militia, praying for the passage of H. R. 5980—to the Committee on the Militia.

By Mr. ROCKWELL: Petition of Business Men's Association of Springfield, Mass., for the passage of the bankrupt law now pending before Congress—to the Committee on the Judiciary.

By Mr. T. G. SKINNER: Petition of J. B. Baum and 42 others, for educational aid—to the Committee on Education.

By Mr. D. H. SUMNER: Petition of citizens of Fond du Lac, and of citizens of West Bend, Wis., relative to the judiciary of the United States Federal courts—to the Committee on the Judiciary.

By Mr. WOLFORD: Petition of citizens of Adair County, Kentucky, together with the certificate of a number of physicians as to his physical condition, asking for a pension for Milton Judd—to the Committee on Invalid Pensions.

Also, petition of citizens of said Adair County, for the improvement of the Cumberland River—to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 26, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. ELLIS. I call for the regular order.

Mr. RANDALL. I ask the gentleman to yield to me for a moment.

Mr. ELLIS. I withdraw the call for the regular order for a few minutes.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] desires to call up a privileged matter.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. I ask that the message from the Senate in relation to the naval appropriation bill be read.

The SPEAKER. The Clerk will read the message of the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *April* 25, 1884.

Resolved, That the Senate insist upon its amendments to the bill of the House (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HALE, Mr. LOGAN, and Mr. BECK be the managers of the conference on the part of the Senate.

Mr. RANDALL. I move that the House insist on its disagreement to the Senate amendments, and that the request of the Senate for a conference be complied with.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House the gentleman from New York, Mr. HUTCHINS, the gentleman from Pennsylvania, Mr. RANDALL, and the gentleman from Indiana, Mr. CALKINS.

ENSIGN L. K. REYNOLDS.

Mr. COX, of New York. I ask consent to report from the Committee on Naval Affairs for present consideration a joint resolution (S. R. 26) granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria. It is a unanimous report of the Committee on Naval Affairs. It is to authorize Ensign Reynolds to receive a medal for saving a dozen lives. He has gone off on the Greely relief expedition, but the good-will of Congress can follow him by telegraph and perhaps reach him at Halifax or some other place. I have tried several times to get consideration of this joint resolution.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That Ensign L. K. Reynolds, United States Navy, be, and he is hereby, granted permission to accept the decoration of the Royal and Imperial Order of Francis Joseph, awarded him by the Austrian Government in recognition of heroic conduct in saving the lives of the crew of the Austrian bark Olivo, November 24, 1879.

The SPEAKER. Is there objection to the present consideration of the joint resolution which has been read?

Mr. ROBINSON, of New York. I must object, unless a very brief statement is allowed. I would do anything for this gallant officer. I am willing to vote the thanks of Congress to him, for he is a deserving young man. He can get more honor from the Government of the United States by our passing a resolution of thanks than he would receive from these ribbons and nonsense of this kind, which are utterly ridiculous in comparison with the approbation of the American people. I want to be heard two or three minutes upon it.

Mr. COX, of New York. I do not object to yielding to the gentleman two or three minutes.

The SPEAKER. Is there objection to the consideration of this joint resolution?

Mr. MORRISON. I object.

Mr. RANDALL. Any other day will do as well.

Mr. COX, of New York. I hope there will be no objection. I am willing to yield three or five minutes to my colleague [Mr. ROBINSON].

Mr. MORRISON. I will withdraw my objection.

Mr. COX, of New York. I now yield three minutes to my colleague, or five minutes if he wants it.

Mr. ROBINSON, of New York. I want ten minutes at least.

Several members objected.

The SPEAKER. The objection is renewed by several members.

Mr. ROBINSON, of New York. I am glad of it.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I ask consent to take from the Speaker's table the message of the Senate upon the Post-Office appropriation bill for the purpose of acceding to the request of the Senate for a committee of conference.

The message of the Senate was then taken up, announcing that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and asked for a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. ALLISON, and Mr. BECK.

Mr. TOWNSHEND. I move that the House insist upon its disagreement upon the Senate amendments and consent to the conference asked.

The motion was agreed to.

The SPEAKER announced the following as the conferees on the part of the House: Mr. TOWNSHEND, Mr. HOLMAN, and Mr. HORR.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes.

SPANISH FERRY-BOAT NUESTRA SEÑORA DE REGLA.

Mr. POLAND. I ask unanimous consent to take up for present consideration the first bill from the Senate on the Speaker's table. It is Senate bill No. 652, to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to make proper payment to carry into effect the decree of the district court of the United States for the southern district of New York, bearing date December 10, 1883, in the case of the Spanish ferry-boat Nuestra Señora de Regla, her tackle, &c., illegally seized by forces of the United States in 1861, to the claimant and appellee therein named, or its legal representative, with interest from the date of said decree.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. HOLMAN. If there is a report I hope it will be read.

The SPEAKER. This is a Senate bill now on the Speaker's table. If there is no objection the gentleman from Vermont [Mr. POLAND] will be permitted to make a statement.

Mr. HOLMAN. If there is a report from the Committee on the Judiciary of the House on this subject, I should like to hear it read.

Mr. POLAND. This is the first bill which was sent to us from the Senate, I believe. Precisely the same bill has been reported by the Committee on the Judiciary of the House, I think the very first bill reported this session from that committee, and there is a report submitted by that committee.

Mr. HOLMAN. Let that report be read.

The SPEAKER. The report will be read, the right to object being reserved.

The report (made by Mr. DORSHEIMER) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 2842) to carry into effect the decree of the district court of the United States for the southern district of New York, in the case of the Spanish ferry-boat Nuestra Señora de Regla, respectfully submit the following additional report:

The committee find and report the following facts upon which this bill stands:

The steamer Nuestra de Regla was built in New York for the claimant, a railroad company in Cuba created by the laws of Spain. She was delivered to an agent of the claimant on the 6th of November, 1861, and sailed for Havana in command of a Spanish master. She was a side-wheel steamer of about 300 tons burden, built to run on a ferry between Havana and a terminus of the railroad company's railroad.

On her way down the coast she went into Port Royal, and while there the quartermaster of the United States at that port offered to purchase her for the use of the Government. The master declined to sell, as he had no authority. She was then, on the 29th of November, seized by Gen. Thomas W. Sherman, in command of the United States forces. In communicating the fact of the seizure to the Adjutant-General of the Army on the 2d of December the General said:

"If this steamer I have seized is confiscated she should be left here. She is just the thing we want, and admirably adapted for these waters and our purpose. She is new and exactly such a boat as they have at the Jersey City ferry in New York. Will carry 1,000 men and will not draw over six or seven feet."

No judicial proceedings were then instituted for her condemnation, but an arrangement was entered into between the Chief Quartermaster of the United States and the captain of the vessel, the substance of which was that the vessel was to be taken and used by the Government as a transport for troops, stores, and other things, and pay $200 a day for her use, but if the vessel should be confiscated the contract was to be void. Either party had a right to terminate the contract after ten days. This arrangement was made December 16, 1861.

The vessel was used by the Government under this arrangement until the 29th of January, 1862, when she was delivered to the flag-officer of the Navy in command at that station, but the vessel continued to be used as before till about the 1st of March, when she was sent to New York.

On the 9th of June, 1862, a libel of information in prize was filed in the district court of the southern district of New York by the United States in behalf of themselves and the naval captors in interest, and on the same day she was attached by the marshal of the United States and the usual monition was issued and served. The vessel was appraised by order of the court, and then, by order of the court, delivered to the Navy Department.

Then there followed some negotiation and correspondence between this Government and that of Spain in regard to the vessel, but no result was reached by these efforts. The information for libel went on in the district court, and it was decided that the claimants were entitled to restitution of the vessel, and a reference ordered to ascertain the damages. On the report of a commission the district court rendered a judgment fixing the damages at the large sum of $214,884. The United States appealed from the decree, and at the October term, 1872, of the Supreme Court it was decided "that the vessel was not lawful prize of war, or subject of capture, and that the claimant was entitled to indemnity for the losses sustained by the seizure and employment of the vessel." The court decided, however, that the damages allowed were excessive and improperly assessed, and so the case was remanded for further proceedings in the district court. The case is reported in seventeenth of Wallace, page 31.

Under this remand the case was again referred to a commission, and upon his report the district court assessed the claimant's damages at $308,932.38.

The United States again appealed to the Supreme Court, and the case was again decided by that court, October term, 1882. That court held again that the steamer was not lawful prize or subject of capture, and that the owner was entitled to fair indemnity for his losses sustained. But the court again held that the damages had been improperly assessed, and were too large.

Upon all the facts reported and appearing in the record the court decided that the claimant, for the value of the vessel and damages for the detention and delay, was entitled to have damages amounting to $65,000, with 6 per cent. interest thereon from the time of the order of restitution, June 20, 1863, and the case was remanded to the district court with directions to enter a judgment for the claimant on that basis. On this remand judgment was entered in the district court of the southern district of New York, as directed by the Supreme Court.

The committee have not deemed it necessary to recite all the circumstances and details of the history of this litigation, but give only the substantial facts and refer to the record and opinions of the Supreme Court.

Mr. HOLMAN. I take it for granted that the proceeding of the court is conclusive, and that the judgment ought to be paid. From the action of the court on the subject of interest it would apparently seem at first blush that there was no statutory authority fixing the rate of interest relating back to the time when the vessel was ordered to be redelivered, which I believe was in 1863; I am not certain as to the date. But even if the Supreme Court might properly pronounce such a judgment under the statute, I desire to say that I understand from the gentleman from Georgia [Mr. HAMMOND] that the statute fixes the rate of interest on final judgments at 5 per cent.

Mr. POLAND. I have the opinion of the Supreme Court here.

Mr. HOLMAN. That is sufficiently stated in the report of the committee. If, as I have suggested, the law fixes the rate of interest at 5 per cent., how can the Supreme Court properly go beyond the rate of interest so prescribed, and that, too, on the final judgment, not having relation back to a given date? I hope the gentleman from Georgia will call attention to that statute.

Mr. HAMMOND. The gentleman from Indiana [Mr. HOLMAN] asked me if there was any law authorizing interest on final judgments. I told him that there was a law since 1863, codified into section 1090 of the Revised Statutes, and that the rate of interest prescribed was 5 per cent. That relates to cases in which no interest is reserved by contract. I do not mean to say, however, that that would extend to the judgment of a court fixing the rate of interest at any particular rate, for that would depend entirely upon the judgment of the court. As I understand, we are now simply trying to provide money to pay the final judgment.

Therefore the question of statutory interest I submit does not come into consideration in this case. The difference of 1 per cent. ought not at any rate to raise any difficulty in the face of a judgment of the Supreme Court.

Mr. HOLMAN. This question of interest upon amounts found to be due by the Government is one of the most difficult questions with which we have to deal, and one of the most important. I trust the gentleman from Georgia [Mr. HAMMOND] will read the statute bearing on the question.

Mr. HAMMOND. I read section 1090 of the Revised Statutes:

SEC. 1090. In cases where the judgment appealed from is in favor of the claimant, and the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid, but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.

Then the next section is as follows:

SEC. 1091. No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest.

Now, what I meant to say was that when the Supreme Court pronounces a judgment for interest we are, I should think, concluded by that judgment; and when we pass a bill to make payment we must pay according to the terms of the judgment.

Mr. RANDALL. I agree fully with the gentleman from Indiana [Mr. HOLMAN] that this is an important matter. I do not pretend to say what the law upon this question is; on a matter of that kind I would prefer to rely upon the judgment of the gentleman from Georgia [Mr. HAMMOND].

But I will say that in my experience upon the Committee on Appropriations in connection with estimates from the courts or other authorities that send in statements of judgments to be met by appropriations no such estimate has included a separate item for the principal of the debt as required by the judgment and another item for the interest.

Mr. HAMMOND. The judgment here requires the payment of both.

Mr. POLAND. I have here a copy of the opinion of the Supreme Court in this case.

Mr. HOLMAN. We do not question that the decision is correctly stated in the report. I wish to call attention to the specific language of the statute, because our action upon this case is to be a precedent, and a very important one, for I know of no question that is pressing upon Congress at this time more earnestly than this question of interest. The language of the statute, as read by the gentleman from Georgia, is very explicit.

In cases where the judgment appealed from is in favor of the claimant—

That is just this case—

and the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment.

Now, I do not entertain a doubt that in the absence of evidence to the contrary it should be presumed that the claim was presented to the Secretary of the Treasury at the date of the rendition of the judgment; and interest should be computed from that date. I submit to my friend from Vermont [Mr. POLAND] that the Supreme Court of the United States, its attention having been called to this statute, could not have gone beyond its express provisions and limitations; and therefore this claim should draw interest from the date of the rendition of the judgment. I trust the gentleman will acquiesce in this view.

Mr. RANDALL. The point which I wished to make was that in cases of judgments carrying interest against the Government of the United States Congress should in some way be made immediately aware of the fact that interest is running against the Government. Otherwise a debt might be running upon interest while the money would be in the Treasury and could be promptly paid and interest thereon saved. I will illustrate by referring to the case of the Geneva award. About seven and a half million dollars of this money have been expended thus far. There is interest accumulating in favor of the fund, and this interest now aggregates, as I am advised, two and a half millions. In this way the interests of the United States may be suffering.

It is very important, therefore, that this matter of interest upon judgments against the United States should be made plain, and that officers of the Government should advise Congress promptly in relation to the existence of such judgments.

Mr. POLAND. The statute which the gentleman from Georgia has read has no application to this case. If there had been a judgment in the circuit court, affirmed by the Supreme Court of the United States, the statute would have applied. But in this instance the district court rendered judgment for a very much larger sum than we now propose to pay. The Supreme Court reversed that judgment because the damages were assessed too high, and sent the case back for another trial. The district court then assessed the damages at a much larger sum than it had awarded the first time, but reported the items of the claim. The Supreme Court cut down the amount to $65,000, and said that the party should have judgment for this sum and 6 per cent. interest. The case does not come within the statute that my friend from Georgia has read.

Mr. HOLMAN. Mr. Speaker, I believe that in all cases partaking of the nature of a chancery proceeding the appellate court may pronounce final judgment upon the facts, and in some States this may be done without reference to the case being in the nature of a chancery proceeding. Here was an appeal from a large judgment; and the judgment was affirmed as to a given sum. The case stands upon the same footing as a case of remittitur, except that the Supreme Court in this instance passed judgment upon the facts as presented by the record. But the same principle is involved and the same result reached as in the case of an affirmance of a judgment on an appeal.

This case is covered certainly by the spirit of the statute, and almost by its letter. So that I must object to the precedent which would be set by this bill. This is the first instance in which the statute has been directly ignored——

Mr. POLAND. If my friend will look——

Mr. HOLMAN. So far as this action of the House is concerned; that is, within my recollection.

Mr. POLAND. There have been twenty.

Mr. HOLMAN. But they have not come to my knowledge. There may be such cases. But I can not consent to the establishing of such a precedent.

Mr. HAMMOND. Let me call the attention of the gentleman from Indiana to the fact——

Mr. SLOCUM. I demand the regular order of business. [Cries of "Oh, no!"]

Mr. POLAND. I hope not.

Mr. SLOCUM. Yes, I do; as this will take up the whole day.

The SPEAKER. The Chair understands the gentleman from Indiana to object.

Mr. HOLMAN. Unless the statutory provision touching interest is recognized I must object to the measure.

The SPEAKER. The Chair so understood the gentleman from Indiana, and the gentleman from New York demands the regular order.

Mr. TUCKER. I wish to say——

The SPEAKER. This is no longer before the House.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. RAY, of New Hampshire, till Tuesday next.

To Mr. JONES, of Alabama, until May 10.

CLAIMS APPROPRIATION DEFICIENCY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a supplementary list of claims allowed by the accounting officers of the Treasury under appropriations which are now exhausted; which was referred to the Committee on Appropriations.

INDIAN DEFICIENCIES.

The SPEAKER, by unanimous consent, also laid before the House a letter of the Secretary of the Treasury, submitting supplementary estimates of the amount necessary to pay claims allowed by the accounting officers of the Department for services rendered and supplies furnished to the Indian service for the fiscal year of 1884 and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

AMERICAN MERCHANT MARINE.

Mr. SLOCUM. I demand the regular order of business.

The SPEAKER. By order of the House this day has been set apart for the consideration of the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign-carrying trade.

Mr. SLOCUM. Let the bill be read.

The bill and amendments were read.

Mr. SLOCUM. I ask for the reading of the report of the committee.

The Clerk read as follows:

Mr. SLOCUM, from the Select Committee on American Ship-building and Ship-owning Interests, submitted the following report:

The Select Committee on Ship-building and Ship-owning Interests, to whom was referred the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, having had the subject under consideration, submit the following report:

In devising measures to revive the declining American merchant marine engaged in the foreign carrying trade, the first step to be taken is to remove all those burdens and annoyances imposed by legislation, which increase the cost of sailing the vessels we already have in this trade beyond the cost of sailing competing foreign vessels, not subject to such impositions. Obviously few persons will care to build or buy vessels to enter the foreign trade in free competition with British vessels so long as such vessels can not be sailed to as great advantage under the flag of the United States as under the British flag.

Until after 1852, when Great Britain, under the lead of her newly established board of trade, began to revise her merchant shipping acts in the interest of her merchant marine, her laws were similar to our own, and the vessels of both nations sailed under substantially the same conditions. From that time to the present it has been the policy of the English Government to remove every burden and extend every facility and encouragement to her merchant marine in the foreign trade, while the laws of the United States relating to our merchant marine in this trade remain substantially as they were enacted more than three-fourths of a century ago.

Your committee are of opinion that Congress would be derelict in its duty to a great national interest which is so intimately connected with the prosperity of the people in peace, and so essential to the nation's defense and safety in war, if it did not at once inaugurate measures looking to the modification of our shipping laws so as to make them as favorable to an American vessel sailing under the Stars and Stripes as are the laws of the United Kingdom to an English vessel sailing under the British flag.

The laws of the United States relating to our merchant marine are so extensive and complicated that in order to intelligently revise them in all their parts and adapt them to existing conditions the services of an official expert in maritime affairs will be necessary. There are, however, some burdens imposed on our merchant marine but not imposed by other maritime nations, so well understood, so clearly unjust and discriminating, whose removal is so generally asked by ship-owners and commercial men in all parts of the country that their immediate abolition is unanimously recommended by your committee. These burdens are as follows:

EXTRA WAGES.

The merchant shipping laws of the United States as they were enacted three-fourths of a century ago, and as they still remain, provide that no seaman shall be discharged from an American vessel in a foreign port without the exaction by the consular officer from the master or owner of the vessel of three months' extra pay, except in a few cases. One-third of this exaction goes to the Government to reimburse it in part for relief and transportation extended to destitute American sailors in foreign ports, and two-thirds to the seaman, subject to such deductions for expenses of the seaman as the consular officer sees fit to make.

These laws were wise and proper when nearly all the seamen on American vessels were citizens of the United States and when the only means of communication with foreign ports was by sailing vessels, making long voyages at irregular times. Under such circumstances the policy of this and other commercial nations was, by means of extra wages exactions, to force vessels in the foreign trade to ship seamen for the round voyage, so that they might be returned to their homes.

But these conditions have passed away. Ninety per cent. of the seamen of American vessels in the foreign trade and 80 per cent. of those manning British vessels are foreigners—Portuguese, Italians, Norwegians, &c., making a class of professional seamen who are as much at home in one port as another. The great body of them, including even most of the American seamen in the foreign trade, desire to leave the vessel as soon as it reaches the outward port of destination; and as seamen no longer discharge the cargo as they formerly did, the

vessel prefers that they should leave. Far too frequently the master of the vessel resorts to cruel treatment to induce the seamen to desert, in the expectation that by so doing he will avoid the exaction of extra wages, which, in the case of a vessel discharging twenty seamen, amounts to from $1,200 to $1,500. Frequent disputes arise between consular officers, masters of vessels, and seamen over the settlement of questions involving extra wages, until American ship-masters and ship-owners have become so thoroughly disgusted with the exactions and annoyances growing out of the extra-wages system, known now only to the merchant shipping laws of the United States, that it is regarded as almost a misfortune to sail under the American flag.

Nearly thirty years ago England abolished the extra-wages system almost entirely, retaining an exaction of only one month's extra wages or an equivalent in a few cases, and the change has proved of great advantage to seamen and ship-owners.

As the seaman is cared for, and, if necessary, furnished transportation by the Government, both under the American and English laws, the abolition of the extra-wages system leaves him amply protected, takes away all inducement on the part of the master to abuse the seaman in order to cause him to desert, puts an end to the controversies about extra wages, and removes a serious discriminating burden imposed on the American merchant marine. These desirable results will be accomplished simply by having the Treasury assume the expense of providing for destitute American seamen in foreign ports, which, for the last fiscal year, amounted to $31,596, instead of exacting it from vessels in the form of extra wages. Last year the sum received by Government from American vessels was $39,220, or nearly $8,000 more than the whole amount expended for relief of seamen in the foreign trade. As the Government receives only one-third of the extra wages, the aggregate exaction from vessels for extra wages was nearly $100,000.

We recommend, therefore, that existing merchant seamen laws be amended so as to authorize the discharge of a seaman at the termination of his shipping agreement, or for the causes known to our statutes and the principles of maritime law, on the payment of the wages then due, and so as to forbid the exaction by a consular officer of any extra wages except for five causes; first, sale of a vessel in a foreign country; second, refusal or neglect to suitably provide a vessel on report of inspectors; third, intentional and unnecessary continuance of a voyage contrary to agreement; fourth, cruel treatment; fifth, hurt or injury received in the service of the vessel; and in each of these cases the exaction to be only one month's extra wages.

OFFICERS OF VESSELS.

Inasmuch as so large a proportion of the seamen of American vessels are aliens, it frequently happens on a foreign voyage, on the disability of the mate of the vessel, that it becomes necessary to supply his place with an alien until the return of the vessel to the United States. We recommend a modification to this extent of the law which requires all the officers of an American vessel to be citizens of the United States.

TRANSPORTATION OF SEAMEN.

Under the existing laws American vessels are required to transport destitute American seamen from a foreign port to the United States when requested by a consular officer of the United States, and are allowed only $10 for each seaman so transported, without regard to the length of the voyage. The justice of increased compensation for long voyages is so clear that we recommend an increase to $20 for voyages of over thirty days, and such additional compensation as the First Comptroller deems just when the destitute seaman is so ill or disabled as to be unable to do duty. We further recommend that the number of seamen which any vessel shall be compelled to transport be limited to one for each hundred tons burden, instead of two, as now.

ADVANCE WAGES.

The practice of paying advance wages to seamen has been productive of so grave abuses that friends of the sailor have long sought to prohibit such payment, in order that there might be no fund from which to draw "blood money" and encourage sailor landlords to bleed seamen. The English Government some years ago prohibited the payment of advance wages, and has followed up her original legislation with stringent amendments. While we recognize the difficulty of enforcing legislation against the evils of sailor landlordism, yet we recommend that a step be taken in this direction.

As a necessary complement to the prohibition of the payment of advance wages, we recommend that every vessel be required, on a foreign voyage, to carry a complement of clothing, and supply the same to seamen as they may be needed, at a reasonable cost.

CONSULAR FEES.

American vessels in the foreign trade are subjected to the payment of fees for the official services of consuls, which our laws compel every vessel to avail themselves of. These fees are not only burdensome in the expense necessitated, but also particularly annoying on account of the contentions between consul and master to which they give rise. England wisely abolished the most of such charges on her merchant marine a quarter of a century ago. It would be a just and wise step for Congress to abolish these fees for services to American vessels, which last year amounted to $96,210; and where consular officers are paid in whole or in part by fees, to authorize the Secretary of the Treasury, under such checks as will prevent improper claims, to allow such officers the same compensation for such services from the Treasury as they would have received had the fees been exacted from vessels, until such time as fixed salaries may be prescribed for all consular officers.

THE TONNAGE TAX.

The existing laws imposing an annual tax of 30 cents per ton on all vessels entering the ports of the United States from foreign ports discriminate against American shipping, for the reason that a large proportion of our vessels engaged in the foreign trade are sailing vessels, making long voyages, and entering our ports not much oftener than once a year, while the foreign steamships, which are controlling so much of our carrying trade, enter from eight to ten times annually. Practically, therefore, we impose a tonnage tax of 30 cents per ton on each entry of such American vessels in our foreign trade, and only 3 cents per ton on each entry of an English steamship. Under our reciprocal treaties with England and other maritime nations we can not impose upon British and other foreign vessels engaged in our foreign trade a larger tax than we impose upon ours; but a decent regard for our own ought to lead us to change the mode of assessment from an annual to an entry tax. This is fair, as the tax should be adjusted to entries or voyages which represent business done, rather than time, as the latter inevitably discriminates against sailing vessels. Moreover, this is precisely the basis on which England imposes her light-dues, which take the place of our tonnage tax.

Notwithstanding England's light-dues assessment is over 12 cents per ton at each entry and clearance for vessels arriving from an American port, and a smaller tax on vessels making shorter voyages, yet in order to make our tonnage tax as light as possible we recommend that it be fixed at 6 cents per ton for the long-voyage foreign trade and 3 cents per ton for the short-voyage trade, in the latter case not to exceed 15 cents per ton per annum. This modification of our tonnage tax will diminish somewhat the amount realized, which in the last fiscal year was $1,320,590, of which $1,057,961 was paid by foreign vessels and $262,629 by American vessels; but it will diminish the amount paid by most American vessels in the foreign trade. In the short-voyage trade with Canada and Mexico, which is largely held by American vessels, it will abolish the tax.

THE HOSPITAL TAX.

Our excellent Marine-Hospital Service, for the care of sick and disabled seamen, is supported by a tax of 40 cents for each seaman (20 cents per seaman up to 1870), which is collected of the vessel, although the vessel is authorized to deduct it from the wages of every sailor. The cost of the service for the last fiscal year, exclusive of alterations of hospital building, was $434,526.

The receipts from the tax were $414,834, of which $329,508 was for seamen in the coastwise trade, $81,507 for seamen in the foreign trade, and $3,818 from the revenue marine. This tax nearly paid the entire expense of the Marine-Hospital Service, which prior to 1870 required an annual appropriation of more than a hundred thousand dollars from the Treasury. There is no tax imposed on vessels or seamen of the British merchant marine for this purpose. English marine hospitals are supported by appropriations by the government and charitable contributions.

Whatever may be said of the justice and wisdom of our hospital tax for seamen in the coastwise trade, it must be evident that our tax for seamen in the foreign trade operates to the disadvantage of American vessels in the free competition on the ocean. While it is true that the tax may be deducted from the wages of the seamen, yet notwithstanding this the testimony is conclusive that American vessels seeking to employ seamen in competition with an English vessel in the same port must either pay the seamen additional wages to cover the tax or else take the inferior seamen left after the English vessel has had its pick of seamen. Obviously, therefore, unless this tax is abolished, and the expense of hospital treatment of seamen in American vessels in the foreign trade borne by the Government, as it is by England, it will be impossible for an American vessel in this trade to navigate the ocean as cheaply, in this respect, as its English competitor. Not only this fact, but also the further facts that seamen in the foreign trade are absent a large part of the time for which the tax is assessed, and that our vessels in the foreign trade pay a tonnage tax (from which coastwise vessels are exempt) much larger than the expense of treating their disabled seamen in hospitals, would seem to justify the abolition of the hospital tax on the former at least, and the assumption by the Government of the comparatively small expense of treating such seamen.

FACILITIES FOR UNLOADING CARGO.

Special facilities are given by existing law for the unloading of "vessels propelled in whole or in part by steam." Inasmuch as most American ships in the foreign trade are sailing vessels, there is no good reason why they should not have the same facilities for discharging cargo under our laws that foreign steamships have. We recommend, therefore, an amendment of sections 2962 and 2870 so as to put sailing vessels and steamships on the same basis in this respect.

REIMBURSEMENT OF IMPROPER EXACTIONS.

Under the provisions of existing laws the Secretary of the Treasury has no authority to remit any penalty or fine or refund any charge illegally or excessively imposed on vessels by consuls and collectors after the same has been covered into the Treasury. As some time necessarily elapses before any claim for remission or reimbursement can be presented to the Treasury, in a large number of cases the Secretary frequently finds himself unable to do simple justice. Inasmuch as an appeal to Congress in such cases is a very inadequate and frequently impossible remedy, we see no reason why the authority of the Secretary to do justice in such cases should not be exercised after as well as before the money illegally or improperly exacted has been covered into the Treasury; and we recommend such a provision of law.

We do not by any means suppose that the removal of the discriminating burdens herein named will alone revive the American foreign carrying trade, especially that large part of the foreign trade which requires steamships. The removal of these burdens, however, is essential as a preliminary step, but other measures must follow. Reserving other measures for further consideration, your committee report back the accompanying bill (H. R. 2228) as amended, with a unanimous recommendation for its passage.

Mr. SLOCUM. Mr. Speaker, the provisions of this bill are so clearly set forth in the report I shall not consume any time in its discussion.

Our navigation laws, like those relating to the militia, have not been changed for almost a century; they are to-day what they were eighty years ago. For fifty years they were precisely the same as those of England. Thirty years ago England modified her laws, and her commercial marine has increased because of that modification.

The bill under consideration proposes to make our navigation laws somewhat similar to those passed by England thirty years ago. This subject has attracted the attention of our people. It has been before Congress for eight or ten years. In the Forty-sixth Congress a special committee was appointed which made a voluminous report. The last Congress appointed a special committee, consisting of three Senators and six members of the House, inviting every person who had an interest in the subject to appear in person or by writing. That committee held sessions in the city of New York for over a month, hearing everybody who felt any interest in the subject. That committee made certain recommendations on certain points. In regard to the change of our navigation laws the committee were united.

The committee of this year has presented in this bill only such measures as the committee of the last Congress were united on. The measures on which that committee differed, the measures upon which we supposed there would be a difference in this House, have been submitted in separate bills. I allude to the bill authorizing the purchase of ships by our citizens and free registry. I allude also to the question of State taxation upon our shipping; I allude to the question of pilotage. All of those things have been excluded from this bill, and we have presented only such measures as we believed would meet the unanimous approval of this House. It is only a measure to sweep away some of the old laws which have been in existence upon our statute-books for nearly a century, and which by the unanimous consent of all ship-owners and ship-masters as well as the merchants of this country should be at once swept out of existence.

I am not going, sir, to occupy the attention of the House any longer, for the simple reason that this bill must be passed to-day if it is passed at all. It is demanded, I believe, by the public interests and necessities, and I will not endanger its passage by occupying a single moment of time longer.

I will now yield twenty minutes to the gentleman from Wisconsin on the committee [Mr. DEUSTER].

Mr. HAMMOND. Before the gentleman from New York takes his seat, I did not understand him exactly, and would like to ask whether this bill undertakes to relieve shipping from all State taxation?

Mr. SLOCUM. No, sir. As I have said, we avoided that question altogether.

Mr. DEUSTER. Mr. Speaker, I can not agree with those who believe that the chains which other nations have forged about the world's commerce are so firmly clasped that they may not be loosed when it is once our earnest aim to reconquer for our merchant marine the proud position which in former days it held on the high seas.

Statistics show a striking development and an astounding advance in the movements of the trade of Great Britain and of most of the maritime powers of Europe as compared with those of our own trade. The European fleets cover now the ocean, and the commerce of the world is subservient to them. Great Britain, Germany, France, the Netherlands, and Sweden and Norway, all surpass us under their policy of free ships in the share which they have taken of the navigation of the world.

Germany, which commenced by buying ships of foreign construction, is now building in every ship-yard, and while our tonnage in the foreign trade has been reduced during the last thirty years from 4,400,000 tons to 600,000, the German tonnage in our own trade has within the same period grown from 166,000 tons to 1,252,184, and the British from 935,836 tons to 7,676,279. Even China and Japan have outrun us in the race for the commerce of the seas.

But in spite of the wonderful commercial achievements of the European maritime nations, I still think that it is an erroneous assumption to believe that their control of the world's commerce can be so firmly held that no means can be found by which the United States may not secure a proportionate share of this commerce. I believe rather that the time is near when the American flag will again float on the high seas, when it will again enter the contest for the maritime and commercial supremacy of the Atlantic and of the Pacific. And the means for the acquirement of this supremacy is to be found in the passage of a wise and judicious shipping law, a law inspired by the necessities of a great people ready and able to avail itself of the lessons taught by the progressive march of civilization.

OUR PRESENT NAVIGATION LAWS AND THEIR BURDENS AND WRONGS.

The pending bill, Mr. Speaker, contains many provisions looking to the amendment of our present shipping laws. But as the success of our merchant marine must naturally depend upon the existence of laws calculated to place it on an equality with all of its competitors for the trade of the oceans, I regard it as appropriate to point out such defects in our present navigation laws as in my judgment would operate disadvantageously to our vessels when in search for trade. I have, however, no disposition to needlessly criticise these laws. I will, on the contrary, rather admit that at the time of their adoption they were in harmony with the condition of affairs which then governed our commerce, and I will not question their adaptability to the status which they were originally to effect. But if they were once beneficial, they are not so at present, and it becomes therefore now necessary to confront their defects and to strip off the fungus growth which has come with the passage of time, in order that a wiser legislation may adapt itself to the changed condition of things.

It must be borne in mind that during the thirty years that have elapsed since the commencement of the decline of our shipping interests our navigation laws have remained unchanged in every particular, and this in view of a changed condition of affairs in the world of commerce. They remained stationary, while those of other maritime powers lost their original resemblance to ours and were remodeled on the basis of a more recent experience and greater enlightenment. Of the progress of the last thirty years our shipping laws know nothing, and they are therefore utterly unsuited to the pursuit of the commerce of to-day.

Among the vexed questions which now require a legislative settlement in connection with our shipping interests is especially that of the tax on tonnage. The amount of this tax, as collected by the Government on the tonnage of vessels entering our ports in 1882, was about $1,750,000, of which, however, only the sum of $250,000 was collected from American vessels. In its ultimate effect this tax tends but to a prohibition of trade, and it involves a principle which the maritime world has outgrown. Its natural tendency goes toward an obstruction of the due course of trade by the imposition of a burden which directly lessens the profits of the voyage. It is a manacle to commerce and should be done away with. But though the desirability of the abolition of this tax has been admitted on this floor, it is proposed to continue it on the ground that it principally falls upon foreign vessels. The fact that our own citizens, that some of our foremost merchants, have prayed to be relieved from it is not to be considered, and we are asked to deny justice to our own citizens, and to deny it for a reason that sets at defiance the principle of amity which should primarily regulate our international relations.

In 1852 and subsequently the Parliament of England removed from her navigation laws all provisions which were in any wise oppressive and burdensome to vessels engaged in the foreign trade. At the same time our own Legislature was too firmly held in the shackles of tradition to awake to a sense of what was going on around it. Our navigation laws were therefore preserved as heirlooms, and our Government failed to comprehend the isolation in which it was placed at a time when harmony was prevailing among all other maritime powers. Our Government and our Congress did not even recognize the important fact that a new era in ship-building had dawned, born of new conditions of trade, and so they slept on, like the vagabond of the Catskills, and longer than even he, for thirty good years, without awakening to an understanding of how our shipping interests had been frittered away.

To enter now into some details, let me say here that I am opposed to the retention of all legal provisions according to which a mate must necessarily be an American citizen. I am in accord with the propriety of requiring this qualification in the master of a vessel, but not in his subordinates. Merit and capacity should be the tests in such cases, and a prohibition of any promotion below the rank of a mate, for the want of American citizenship, could not but cause inefficiency in the service. Such provisions of law are not in the line of justice, nor are they calculated to lead to the development of a well-conducted mercantile marine.

When we reflect that 90 per cent. of the crew of American vessels are of foreign birth and that many of them make use of any proximity to their homes to avail themselves of that provision of our navigation laws which allows three months' extra wages where a seaman is discharged at a foreign port by the authority of the American consul resident there, it is, moreover, made very apparent that this provision, too, is a dangerous one and deserving of repeal, as it offers a premium to fraud, while it is at the same time a burdensome and oppressive tax upon the ship-owner.

Another injurious burden from which our merchant vessels have suffered has been their liability to transport destitute seamen to their homes for a fixed compensation of $10, regardless of the actual expense of such transportation.

Our consular fees collected from ship-owners are, besides, in many respects oppressive. They encourage speculation and peculation and an improper administration of the consular offices. England pays her consuls a million of dollars annually to attend to her shipping business; to secure attention to their business, we, however, make our own ship-owners pay annually into our consulates a like amount. A government does not entitle itself to respect by sending its representatives abroad to earn their salaries from private individuals.

The system of advance wages, too, is equally opprobrious and a source of injury to the seaman; for it destroys his efficiency by disheartening him through the thought that all which he is to earn by his hard labor is already gone.

All these obnoxious provisions of our shipping laws should be repealed, and in their stead enactments should be adopted which will impose as light a burden on the American ship-owner as foreign powers have thought it wise to assign to theirs. Only in this way will our ships have any chance in the contest for supremacy.

There is furthermore no principle that I regard as demanding more prompt settlement than that of the liability which is at present attached to part owners of vessels. It will prove a great inducement to capital to make investments in the shipping interest if this liability be fixed and limited by the amount of the original investment. This is a much-needed reform, and I trust that it will receive due consideration.

As to the mooted question of a State taxation of maritime property, it is to be stated that three States have relieved this class of property from taxation, and I believe I am justified in saying that most of it, while this state of affairs exists, will be owned in those States, and that eventually other States will adopt similar legislation, so that any Federal legislation will become unnecessary on this subject. In the face of the doubts to which some of our most distinguished lawyers and jurists have given utterance relative to the authority of Congress to enact a law for the exclusive taxation of maritime property, I have indeed no desire to express any opinion as to the constitutionality of such a law. But I am on the whole strongly of the opinion that a radical change in the entire system of our navigation laws is imperatively necessary, if our ships shall ever again successfully breast the surface of the oceans.

THE CAUSE OF THE DECLINE OF AMERICAN SHIPPING.

From former discussions on the part of Congress I gather that the decline of American shipping has been charged to various causes. But I am satisfied that the most direct and natural cause of this decline can be found in the initiation by England of the building of iron ships, which superseded the class of vessels that had hitherto controlled the transportation and carriage of American freights. The genius of our statesmen seems to have been clouded in the days when England was assuming the supremacy of the seas; for they did not comprehend the power of the propeller nor the magic of steam. To these agencies mainly, to which all the maritime powers of Europe at once resorted, is due the credit which is now attributed to England for the revolution which it largely caused in the commerce of the Atlantic.

To charge the decline of our shipping to the influence of our tariff is an undertaking for which no just foundation will ever be found, and in an article of the North American Review, written by Professor Sumner,

I find indeed a statement of facts which verifies this view. In that article Professor Sumner says:

No doubt these changes—

From wood to iron and from sails to steam—

have been the chief cause of the decline of ship-building in this country, and legislation has had only incidental effects. It is a plain fact in history that the decline in American ship-building began before the war and the high tariff.

The course of England in regard to our shipping during the war, mingled with the exploits of the confederate cruisers, aggravated perhaps the situation still further, and all these evils culminated when capital, immediately after the war, seeking railroad and other speculative investments, had no eyes for such a conservative investment as was offered by the stocks and property of the merchant marine.

OUR LOSSES.

One of the first results of our suicidal naval policy is well shown in the statement that in 1845 the freights transported in the foreign trade upon American vessels were 82.9 per cent. of the whole, while in 1882 this percentage was reduced to 15.5. The statistics relating to the Suez Canal illustrate, besides, the little enterprise and scope that characterize our shipping interests. In the two years following the opening of this great highway of commerce 3,286 English steamers passed through it, and during the same period but eight American steamers.

But the strongest illustration of the deleterious consequences of the decline of our shipping is perhaps to be found in the fact that the charges for freights, if estimated for the fiscal year ending June 30, 1883, at 20 per cent. of an aggregate of American exports and imports to the value of $1,475,132,831, would reach the sum of $295,036,566, and that, on the basis of their tonnage, American vessels received of this magnificent sum but the meager share of $41,908,045, or 22 per cent., while foreign ship-owners pocketed the bulk, or $252,128,521!

AMERICAN ENTERPRISE EVER VICTORIOUS, IF AIDED BY PROPER LEGISLATION.

While England and the continent were devoting their surplus capital to the improvement of their marine, we were engaged in sowing the seed of other great enterprises which were soon to bloom forth and bear golden fruit. Capital, energy, and skill assailed the valleys, the plains, and even the mountain-sides, and called the teeming wealth hidden in the soil out into the bright sunshine. Agriculture was crowned as the primal industry, and all did homage unto her; and from a magnificent beginning her growth has proceeded, and her form has assumed such superb proportions that the world can not but admire and envy. To-day we can furnish food for the entire world, and the first part of the problem, the solution of which is to determine our commercial supremacy, is clearly demonstrated. We are the producers who will supply the markets of the world. The necessities of life have indeed brought to light the part that nature has destined us to perform in the work of feeding the nations. It only remains for us now to prepare the way to transport the products of our soil to every quarter of the globe. And if we solve this problem we may dictate terms to the world of commerce.

But while we contemplate the glad picture of our agricultural achievements, it is worth our while to consider that our merchant marine is now dwindled almost to nonentity, and to look for the means of its speedy revival. I claim that the prosperous condition of our agriculture is due to wise and judicious legislation, and in a similar legislation will, I believe, be found the remedy for the present depression and ruin of our shipping industry.

The principal element which has entered into our legislation concerning agriculture has been that by which we have welcomed to our shores the implements, the discoveries, and the inventions of other lands, which, applied to our bounteous soil and used in the manipulation of its products, have brought forth abundant harvests and have made these harvests available to meet the wants of all mankind.

In admitting to our shores these agents of agriculture without let or hinderance, we have relied upon nothing but the normal action of the natural laws of trade, and to the adoption of this policy alone is to-day due the perfected condition of that industry.

OUR MERCHANT MARINE.

But can we not also apply this policy to our languishing shipping interests? Are we not now to be told that we must strike from the tariff list the steel, iron cable, pipes, tubes, cordage, and wire-rope, and all those things which go to make up the excess in the cost of the American materials employed in the building of iron ships? Let this once be done, and why can we not then build ships? Our capacities for pre-eminence in mercantile pursuits are boundless, and to the skilled shipwright our shores offer a field for unlimited enterprise which he could nowhere else hope to find. From one end of the country to the other there is an abundance of everything which enters into the construction of a ship. And yet with all this we can not build ships. With all our opportunities we seem to have forgotten the traditions of our past, and it looks almost as if we had lost sight of the glory of the future.

A very distinguished member of this House [Mr. COX] described a year or two ago the condition of our merchant marine in so pointed a manner and with such graphic language that I can not forbear to quote him, and this so much the more as this condition has since in no wise been changed. Said he:

The time was when, amid the glory and pride of our country, our models of ships and adventures at sea were the theme of lyre and the praise of eloquence. Our ships were comfort and wealth in peace, hope and safety in war. They were the horn of plenty and the nursery of seamen for the maintenance of our independence and rights.

Why should America not have her part in these glories of the sea? Was she not discovered by the genius, daring, and devotion of Columbus? Were not our colonies created into commonwealths by the men who braved the dangers of the sea to found here new empires? Our country is born of the sea. Its freedom is born of the wind and wave. Shall these praises forever be an echo of the past?

Are we to take no part in the enlightenment and progress in science and art of which commerce is the procreant and infallible cause?

Has the sea rolled back and away from us at the command of the insolent monarchs of capital?

Amid this divided marine dominion in which one power alone has half the power of the ocean, shall America sit scepterless and forlorn, dethroned, ignoble, dispirited, and disgraced?

The ensign of our nationality takes its stars from the vault of heaven. By them brave men sail. It is now an unknown emblem upon the sea. We welcome every race to our shores in the vessels of other nations. Our enormous surplus which feeds the world is for others to bear away. We gaze at the leviathans of commerce entering our harbors and darkening our sky with the pennons of smoke; but the thunder of the engines is under another flag, and the shouting of the captains is in an alien tongue.

Others distribute the produce, capitalize the moneys, gather the glories and elevate their institutions by the amenities and benignities of commerce.

THE PRESENT MEASURE FOR RELIEF.

A bill to permit the unrestricted purchase of ships has been under consideration by a committee of this House, which was chosen in response to a well-defined and loudly-uttered demand of the people for a grant of the right of such purchase. And that bill comes now to us with a majority report adverse to it of 6 to 4, to be immediately assailed by the advocates of subsidies and of rebates, because they happen not to be satisfied with what it permits. Its opponents act indeed boldly and without a semblance of disguise, and an important committee of this House embodies their wishes in a plain, unblushing refusal to comply with the demand of the people for a merchant marine. And this demand is refused in the face of the accepted and universally recognized principle that the wisest legislation is that which promotes the greatest degree of productive industry.

The bill pending now before us embodies the principal features of the English merchant shipping law. A similar law was also adopted by France. And under both these laws the British and French shipping industries have been marvelously stimulated and developed. Yet in the face of this development the United States have clung blindly to their old and fatal maritime policy, and while they have ignored the growth of European navies, these navies have rapidly secured the supremacy of the highways of the universe. Their maritime victory, their success is not now to be disputed, and if we are wise we will accept it as an urgent monitor to follow in their footsteps. Compared with the shipping laws of Great Britain and France, our present navigation laws are but a fraud upon our commerce and a menace to ship buyers and builders. They are but a dangerous relic of a past period of our naval and commercial history, and they ought not a day longer to be tolerated upon our statute-books.

WHY SHOULD AMERICAN SHIP-YARDS BE IDLE?

It has been said that we can not build ships, and that if we bought them or built them we could not compete with the iron ships and the established trade of England on the Atlantic. But Mr. Roach assures us that notwithstanding the higher wages which he pays to his skilled workmen he can build just as cheap and fast a ship as can be turned out of any English ship-yard, and I am of the same opinion. Our resources are vaster and incomparably superior to those of foreign countries. Our facilities are greater than they can possibly exist elsewhere, and after the duty shall once have been repealed from certain materials that enter into the construction of ships, so that we will be enabled to purchase cheaply what we can not make ourselves, I contend that we can even build better and cheaper ships than those which are now built by the ship-builders on the Clyde.

A HIGHER RATE OF WAGES NOT INJURIOUS TO AMERICAN SHIP-BUILDING.

It is alleged as a reason for the depression of our ship-building industry that the cost of American labor and material is so much in excess of the cost of the English labor and material that we are unfit to compete with our English neighbors, and an attempt is made to force the friends of the shipping interest apparently into the position of advocating the lowering of the wages of the American workman. But I prefer that this same workman render himself a decision as to who is most his friend, the man who seeks to rehabilitate our merchant marine, which gave once honorable employment to thousands, or the man who, voicing the cry of protected capital, insinuates that we seek to degrade labor! Any such insinuation is a piece of low demagogism.

Were it but admitted that it was not within our power to build a vessel at as low a cost as it can be constructed on the Clyde, I am nevertheless at a loss to comprehend that a larger expense for wages, and consequently a somewhat larger cost of construction, would so affect a merchant vessel of exclusively American construction as to interfere with its operations in a process of competition with a foreign vessel of equal tonnage. In spite of any greater cost of construction, an American ship possesses invariably compensating advantages which must more than overbalance a real or apparent disadvantage of a higher cost, and these advantages are geographical advantages. In measuring the probable value and usefulness of an American merchant vessel our proximity to Canada, Mexico, and South America must ever be taken into consid-

eration. These countries are destined by nature to form an invaluable continuation of the chain of our coastwise trade. Our proximity to them alone involves figures against which a higher cost of our vessels would make little display, and in view of this invaluable advantage we can at all times well afford to construct our vessels at a somewhat higher cost.

THE VALUE OF GOOD LAWS AND OF PLUCK.

If we are in search of the beneficial effects of self-reliance, pluck, and a liberal legislation, we can observe them in the earlier history of our own merchant marine.

It is known to but few that this marine dates its existence back to the seventeenth century. Yet in 1660 six hundred American sail plowed already the waters of the Atlantic. Then for a hundred and thirty years a reign of universal free trade prevailed, and under its impetus the year 1789 found our merchant marine developed into a fleet of 124,000 tons, controlling a hundred thousand tons of foreign trade and besides a large domestic coastwise trade, together with extended fisheries.

In that year, also, to meet the effects of a series of offensive and restrictive treaties which had just been concluded between the principal European maritime powers, we issued, to the great astonishment of those powers, peremptorily our declaration in favor of the freedom of the seas and against the continuation of the right of search and other maritime abuses.

Boldly we defied the navies of the world. Fearlessly we possessed ourselves of the broad seas. Our ships sailed to all parts of the world, and in the short space of sixteen years our tonnage engaged in the foreign carrying trade grew, as a consequence, from 124,000 tons to 749,341.

But soon there were no bounds to the hostility of the foreign powers against our ships and our commerce, and through the brutal impressment practices of Great Britain and the restrictive decrees of France it was sought to sweep the oceans of American shipping.

Yet it was this very hostility which developed our merchant marine and which made it invincible. Thousands of American seamen had been taken from our ships. Nearly 2,000 American ships with their cargoes were confiscated under the decrees of Great Britain and France. This was not to be endured, and soon the American flag waved defiantly over the waters.

Soon, too, the indignation to which insults and wrongs had given rise among the American people, and especially among our sailors, brought forth good fruits, and the world witnessed in 1812 a marvelous exhibition of daring, of glorious heroism. For three years the contest continued. We captured 2,500 British ships, and the value of an aggressive course was once more demonstrated.

It required but twenty-one years more, and the supremacy of the seas was almost ours. Four hundred and eighty million dollars' worth of commerce came now annually to and from our shores, and in 1850 nearly 2,500,000 tons of an aggregate of 8,000,000 tons of shipping, which were then handled at our ports, were carried by American ships. In thirty years we had reached a point where, having built 4,000,000 tons of shipping, we were suddenly compelled to hire a million and a half of tons to meet the demands of our carrying trade.

BUY AND BUILD.

Mr. Speaker, I should not be inclined to favor the mere granting of the right to buy and register foreign vessels unless this step involved an avowed determination on the part of Congress to grant this right mainly as a mere stepping-stone to the greater work of building ships for our merchant marine. The former would prove in my mind rather an injury than a blessing; but unite the two propositions, and I see in their union the happiest results. The passage of the pending bill can not therefore but be an earnest that the Government has roused itself from its long lethargy; that it is no longer willing to sanction and tolerate the revolting idea that our carrying trade to the extent of more than $200,000,000 in freights shall remain in the hands of any enterprising foreign ship-owner who will underbid us for its carriage. Its passage is in fact to demonstrate that the deadly touch of ignorance and blindness has been removed from our minds and our eyes, and that the warm blood of revivification is again to be imparted to the American merchant marine. Then will it again be found that we have seamen worthy of the name, and that the same energetic spirit which once made America the mistress of the seas is still regnant within her bosom.

The investment in the construction of an American ship of an amount of capital one-third greater than that at which a vessel of equal capacity can be constructed on the Clyde places, with the accompanying burden of interest on the increased cost, undoubtedly the former at a striking disadvantage, if used in an equal competition; but such is actually the disadvantage under which the American-built ship now labors. This is wrong, and we certainly are responsible for the correction of this wrong. And therefore I think, Mr. Speaker, that no work which this House can accomplish at this session will create such a feeling of enthusiasm in the country as the recognition of the popular desire for a renewed supremacy of the American flag upon the high seas.

The time has come when we should grant to every citizen who desires to become a ship-owner the absolute right to go into the markets of the world and to select his ships wherever he deems best. Let him buy the best and cheapest vessel wherever it may be found, and then allow him the same privileges, the same ownership in that vessel, which he would under our laws enjoy in any other property if bought abroad. Do not deny him the advantage of registry. Do not shut him off from the coasting trade. Reverse rather, unhesitatingly, your present policy. In short, give the amplest protection to the ship-buyer, and if you do this your experiment will create a navy.

We want to buy ships and to build ships, but we want no subsidies. We want the removal of the odious legal restrictions which have so long hampered our maritime enterprise. We ask only to have our ships freed from the dusty spider-web of antiquated legislation, that they spread their wings again amid the buzz and hum of the seaports of the world.

Mr. COX, of New York. Mr. Speaker, I have already argued the questions connected with our maritime resuscitation in former Congresses. I was on the special committee in the last Congress for the investigation of these maritime questions. We reported with much accord measures for the amelioration of our shipping interests. Therefore it is that I presume to claim your attention.

May I quote from the conclusion of the report (report 1827, second session Forty-seventh Congress), I had the honor to draft for the minority of the joint committee? It is the text from which I propose to discourse:

The decadence of our shipping and its causes are all too familiar to the public mind. The selfishness which prevents its resuscitation are no less familiar. It is an old, old story. The minority of the committee would repeat it in detail were it not known to every tyro in commerce and economy. They would rehearse it if, by studying the causes of the decay, we could remove the effects. The simple truth is, the removal of the causes of decay would not revive shipping. Our shipping interests have been choked by other interests—choked to death. Restrictions cumber our statutes. In a country so abundant in production as ours, which seeks every market, and is unlimited in its range of enterprise, the capital policy is, *mare liberum*. Give us a free sea and freedom to trade upon its bosom, permit us to buy in the best market the materials to fashion vessels of the best quality and to buy the completed ship where our competitors buy their vessels, and even without the opportunity which foreign wars may give to our carrying trade, and with the aroused inventive faculty of America consequent upon our freedom to use our energy and skill, and with the natural laws and their conditions to aid intelligence and interchange, and we may once more find the capital, labor, and genius of our countrymen evoke from the sea, as they have from the land, its most valued treasures. Our merchant marine languishes for lack of liberty. Its revival must come from the enlargement of our freedom.

The minority of the joint select committee while concurring with the report as to the measure reported by the committee, desire also to present two other propositions:

First. For the admission free of duty of all the materials finished and perfected and ready to put together in a ship; and

Second. For the free admission to American registry of ships built abroad.

Is it worth while, sir, to say to the American Congress at this stage of our improgressiveness that our foreign shipping is a mere skeleton? Why, sir, its very dry bones protrude from the sands where it stranded. Its prostration has not been caused so much by being left alone, as a Senator once called it, a poor orphan, cared for by no paternal government. It has been ruined by overcoddling. Too much unhealthy petting within our own coasts and waters has been its death. It lacked the free air and wild wave of competitive energy.

I am surprised, I was about to say mortified, that in a Congress made up, I think, of a majority of men who should cultivate the liberalities of interchange, whose party watchwords and platforms are inspired by the spirit of freedom—that on this bill, which has many good features, nothing appears that would substantially restore the dominion we once held upon the seas. While copying so many English maritime lineaments in more recent parliamentary legislation we have not transcribed in this measure the main feature of the English code, to wit, free registry and free purchase of ships in the markets of the world.

My friend in front of me pertinently suggests what I accept, that we have failed to adopt free trade in all of the materials which enter into the present ship-building in its new modes, conditions, and qualities.

I regret, sir, that my party, after obtaining this splendid majority here, is not permitted to vote upon any proposition to unburden the iron and steel vessel in whole or in its parts. Yes; this is a bill ostensibly to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade; but our ships are not really relieved by the sections reported from the exactions of the custom-house and the prohibitions of our navigation laws. These exactions do more to paralyze our foreign trade than all the other elements of discouragement combined.

Our shipping has been lost to us partly because since our war there has been a change from building the old wooden vessels to the construction of those of iron and steel. England had the advantage of us in that direction. This is perhaps the procreant and paramount cause of her outstripping us in the career of commercial greatness. What a terrible fall is here! Less than a half-century ago, in 1840, we carried in American ships the same percentage that foreign ships now carry. Then we carried about one-sixth of our imports and exports in American bottoms; now foreigners carry about five-sixths of our imports and exports. Oh, most marvelous and humiliating decline! And yet we have increased in the value of our imports and exports from $231,227,465 in 1840 to $1,567,071,700 in 1882. We present the piteous spectacle of a great and advancing nation whose shipping laws deliberately turn over to foreigners, and especially to the British, of whom we are most jealous, a sum equivalent to nearly one hundred and forty millions of fares and freightage. A wise prescience in this Congress, such as this

House displayed in 1870, on the recommendation of President Grant, but in which the Senate did not concur, would have brought to our country these vast largesses.

I will not now argue, for I have already done it elaborately and often, the causes which led to this unexampled decay of our shipping. We all know now that it was not the war or its Alabamas that caused its decadence, for if the war destroyed any of our vessels the more need existed for building others to replace them.

Nor will I refer to the fact that the various legislative experiments made here, such as the Lynch law of 1872, intended to help wooden vessels, have been more or less failures. It is certain that they have been fruitless of permanent good.

True, we have passed one bill at this session which may do something toward showing us our defects and the causes of our defeats, and thus lead us through the collation of information to rebuilding our lost carrying trade. I refer to the bill for the creation of a bureau of navigation. I hope that bureau will blaze out a pathway for the restoration of our shipping, but I have not much faith in mere bureaus. When I see a Democratic majority here compelled to listen to clauses in a bill and reports adverse to Democratic platforms and free policies I do not expect much from Departments which are incrusted all over with the illiberal policies of the dead and fruitless past.

Mr. FINDLAY. May I interrupt the gentleman from New York?

Mr. COX, of New York. Certainly.

Mr. FINDLAY. I understood a moment ago, if I heard the gentleman correctly, that in his judgment it would have been a very important feature and one that he would like to have seen ingrafted upon the bill if the committee in their report had allowed the materials that are imported into this country from abroad and which enter into the construction of ships to be imported free of duty. Now, I wish to say to the gentleman that there is a provision to that, effect already upon the statute-books.

Mr. COX, of New York. I know all about that for that is a subject we have discussed here before; but I am referring now to a different provision.

Mr. FINDLAY. And the gentleman will find that provision is made for that in section 2513 of the Revised Statutes, and I call his attention to it.

Mr. COX, of New York. I know about that.

Mr. FINDLAY. And the only reasons why there was not such a provision as he has indicated placed in the bill was that there was that existing law for it already.

Mr. COX, of New York. Ninety per cent. of it.

Mr. FIEDLER. No, sir; there is no 90 per cent. about it. It is all admitted free, as he will find.

Mr. COX, of New York. Well, the gentleman will have his own time and we will not discuss that question here. I am sure either he or I have gotten hold of the wrong law. Materials are not free, else why my amendment last Congress and my present amendment?

Under our present condition of affairs men who are building ships now prefer to build them all iron or steel, and there is a burden upon the plates which enter into the construction of this class of ship-building. My amendment is not covered by any existing law. If it were it could do no harm even if it did no good. My amendment would allow the material which enters into the steel or iron ships to come in, not to disturb any one's industries, but to assist such industries by making free the plates and other "raw material" of ships.

My amendment, wherewith I propose to supplement the free-ship amendment, provides that—

All or any part of the materials, whether wood, steel, or iron, copper, yellow metal, bolts, spikes, sheathing, trenails, canvas for sails, whether flax or cotton; rigging and cordage, whether hemp, manila hemp, or iron wire; anchors and cables, iron plates, castings and forgings, angle-irons, beams, masts, yards, rivets, bolts, nuts, screws, engines, boiler plates and tubes, and machinery, and all other materials and appliances which may be necessary for the construction and equipment, in whole or in part, of vessels of not less than 3,000 tonnage, to be built and furnished in the United States after the 1st day of August, 1884, for the foreign trade, including the trade between Atlantic and Pacific ports, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purposes no duties shall be collected or paid thereon.

It will thus be seen, Mr. Speaker, that these materials and appliances comprehend all that may be necessary for the construction and equipment of vessels. It will also be seen that, unlike the law of 1872, it is not limited to wooden ships. It is intended for the latest style and build of craft. Besides, it will be seen that I propose to limit the vessels thus to be constructed and equipped out of these free materials to 3,000 tons measurement. Why is this? Not because I do not favor the fullest right of our citizens to buy a ship of any kind or size wherever they choose, but because I desire to carry my amendment. As I may not succeed with my best thought, which I have so often contended for here, may I not defer somewhat to the less advanced ideas of those who are timid and fearful lest we may destroy our coasting trade and our existing industries?

Therefore, sir, I shall offer to this bill such an amendment as will limit the registry to foreign-built vessels over 3,000 tonnage. That should go along with or go before the admission of free materials. Thus you will aid the ship-owner while you help the ship-builder. To one you give liberty to buy; to the other the privilege to build. From one you take away the odious restriction and prohibition, and for the other you lay at his feet for iron and steel ships what we have done by the law for wooden vessels.

If it be said, Mr. Chairman, that the purchase of ships or materials for them abroad to be freely imported here will ruin our ship-yards, I answer as I did here on the 6th of January, 1883, that—

In time, as in Germany, the ownership leads to repair, and repair to building. The number of ship-yards and workshops increases, and the tonnage leaps up under this impulse. That which seemed a mustard-seed becomes a mighty tree. Every nation has tried the free-ship experiment but the United States, and we are lowest to-day in our proportionate share of the navigation of the world. No one can say it is a failure until it is tried. All other schemes—and especially its opposite, protection—have been tried and failed. The commercial eminence of Great Britain, not to speak of Germany, France, Italy, and Norway, is supreme logic for the trial of the experiment. Germany is the best illustration; she has not as good coal and iron as we have, but she began to buy her ships on the Clyde, as we might have done a score of years ago. She is now building her own iron steamships. She builds now more than she buys. She has never subsidized. Her tonnage in 1856-'57, when ours began to decline, was but 166,000 tons; last year she had 950,000; ours in eleven years dropped from 4,400,000 to 600,000, and all its vast income was lost.

Last week I read that a new steel steamship, the Rugia, of 6,500 tons, was turned out for our trade from the Vulcan Works at Stettin, warranted for the safety of 1,200 passengers, with steel life-boats and steam stearing-gear and a refinement in the reversal of her engines in seven seconds. German growth has been in iron-screw steamers, which she began to buy abroad. They could not afford to wait, this phlegmatic people, for their own ship-yards to arise, but began to repair in the blacksmith-shops and little founderies of their "free towns," and now where the little furnace glowed mighty engines are made to mate the ocean in its wildest tempest!

Even Japan has a fleet of fifty-seven iron steamers, and China leaves us laggard and unprogressive. Fifty years of Cathay—nay, twenty years—is worth more than a century of our experience.

Twenty years ago Norway and Sweden traded with us and had but 20,000 tons in the trade; now they have 850,000. The Viking is abroad, and we are stupidly looking on. Everybody is making money out of our carrying and commerce but ourselves. What avails it that ours is the largest carrying trade of any nation since we do not do the work? It adds to the humiliation.

Are there other remedial agencies? Yes, sir. Let us exempt our ships from taxation—local, if it be not already done in most of the States. It is not necessary perhaps to do that in this bill; besides, the power is questioned. Let us exempt from Federal taxation vessels in our foreign trade. I would go with the intelligent gentleman from Maine [Mr. DINGLEY] and my distinguished colleague from New York [Mr. SLOCUM] in enacting the various measures of this bill, such as the sections relative to seamen and their discharge and wages, to consuls and their duties and fees, to tonnage taxes and other exactions, and to warehousing, loading, penalties, &c.

But I would go further. I would repeal the tonnage-tax altogether as a burden out of the war. I would make ship supplies free, adopt new rules for the new classes of seamen and the new elements of seagoing and ship-building, make as inexpensive as possible to builder and merchant the running of ships, and reduce if not repeal altogether the hospital-tax on the sailor.

Yet after all these petty reforms there would be the main thing to be done. Without liberty to buy and build, all these reliefs will be in vain. The great desideratum, freedom, will be wanting. That left out, the rest is of little moment. The bill will fall as useless for a revival of our merchant marine as that of the act of 1872.

We want, sir, no mere partial relief. Little patches and repairs can not rehabilitate or strengthen our commerce upon the sea. It has to be built anew, on new ideas and material. You may do all you please; modify your shipping laws to suit every little detail of local complaint. You may remove all these various burdens which hinder the restoration of our merchant marine, such as the English code has removed. I will aid you in all this. I would go further; I would compensate in a fair way for mail service, without giving bounties or subsidies. I would take away compulsory mail carrying, which is a cruelty, if not a vice of administration. I would abolish, and I am sorry this committee has not proposed to abolish, all intermediaries which so vex and try the patience and purse of our shippers—I mean the shipping commissioners, who stand between the ship-owner or the captain and the men employed as seamen on the ship, to the detriment of commerce. I would prohibit the advance wages and the "blood money," which has been so often referred to here as an unpleasant incident or impediment to the restoration of our shipping interests. These reforms I would make. But after all the capital delinquency remains. It will remain so long as our citizens are tethered within a narrow round of purchase and construction.

All the details of the nineteen sections of this bill are insignificant. They remove the mere insect bites upon the skin. Their removal will not eradicate the deep-seated disease that now preys upon the vitals of our commerce.

When we look at the English codes and notice how under their administration that people have dominated the commercial world from China to Peru and from Africa to "farthest Ind," we may learn something for instruction and remedy.

Why should not the amendments I propose receive the help of the commercial and border States as well as of those States where commercial freedom is taking hold of the popular mind, as in the North-

west and South? This so-called shipping-restoration bill of the committee is a misnomer. It is a mere bagatelle without my amendment. It is Hamlet, Polonius, King, Queen, and all left out of the play. The gentleman from Maine ought to have accepted the free-ships and free-materials amendments, especially as the statutes of the United States now provide for wooden-ship materials to come in free. These things he ought to have done, and not to have left the others undone. His infinitesimal benefits to the commercial marine are well enough as far as they go, but they do not reach the point at issue. It is not asked so much that Americans should be relieved from the extra cost of sailing their ships as that they should first be relieved from the extra cost of the ships themselves. The remission of consular fees, of three months' extra pay, of tonnage and hospital dues, which are the only financial gains of any importance, would aggregate in the expense of sailing a steamship of the value of $500,000 at the most liberal calculations not more than $5,000 per annum. This is all the bill does, leaving out my amendment.

Now, the gentleman from Maine himself knows, for he has stated it as the result of his correspondence with Scotch ship-builders, that they will build such steamships as were instanced in the evidence before our committee last Congress for 30 per cent. less than the price charged by Mr. Roach. In such a ship as has been referred to this difference would then be $150,000 if she cost $500,000 abroad. Let the gentleman make this simple calculation: Interest on the superfluous $150,000, $9,000; insurance at 7 per cent., $10,500; wear and tear and depreciation (which it is customary to allow at 7 per cent.), $10,500; total, $30,000. Thus it will be seen that while by saving $5,000 we place ourselves on a par with Englishmen in the cost of sailing our ships, we remain at a disadvantage of $30,000 in running them.

In view of these indisputable facts why should we still continue to protect foreigners in our carrying trade and shut out our own people from the profits that might accrue to them? Why give to the Briton the $140,000,000 fares and the freightage when our enterprising capitalists are eager to invest their millions in this country under our flag, shorten the Atlantic passage, and make their ships useful to this country in time of war? Why drive them under foreign flags?

After all, Mr. Speaker, it comes down plainly to this, as I said fifteen years ago in Maine and ten years ago in this House, that our navigation laws will not let us build, our tariffs will not let us buy, and so we are derelict to ourselves and shamed before the world. Give us the right to build under fair conditions, and let us repeal our navigation laws so as to buy, and we are handicapped no longer in this splendid race for oceanic adventure and profit.

But gentlemen say to you, Mr. Speaker, that our registry laws are protective of our commercial interests; that but for them our ship-owning and ship-building interests would fail. Why, how could we be worse off than we are now? These grand props and pillars in our commercial edifice, have they not been from the earliest times of the Government? Is not their gathered wisdom now apparent in the piteous spectacle of a shipless Republic—a foreign nonentity? These navigation laws have had their opportunity to resuscitate shipping. Have they done it? They are now in vigorous existence, and yet we have scarcely one vessel that crosses the Atlantic under our ensign.

Oh, yes; we are emulous of the daring of the Drakes and other worthies of the days of Spanish, Dutch, English, and Portuguese enterprise. Oh, yes; when we transport from Egypt that strange and mysterious monolith Cleopatra's needle from that ancient realm to our new hemisphere were we not prompt to allow the adventurous and skillful Lieutenant-Commander Gorringe a free registry for the Egyptian steamer Dessoug which bore its strange freight from Alexandria to New York and bound the land of the Pharaohs and Plotemies to the land of Washington and Franklin? Oh, yes; we send our adventurous young men to the regions of enduring ice, to ravish from frigid nature some of her mysterious secrets; and in doing this do we hire a vessel from one of our own petted builders, or make our rescuers sail in ships whose robust timbers have drunk their stoutness from the balmy air of Florida and whose armors of iron have received their sinewy might in the forges of Pennsylvania? In this humane adventure we receive one of our vessels as a gift from our rival and another we buy from strangers. Over both float our flag. Our navigation laws are repealed, forsooth, only when the Government is in dire need. The registry doors of the Treasury fly open only before the request of archæology and the cry of humanity from the heart of our sympathetic people.

Have we indeed deserted the sea? It is said that we have vessels made in our own ship-yards for our coastwise trade, and under certain conditions and laws we build vessels for certain countries abroad. But the great body of our tonnage that once floated on the sea with our foreign adventure is swept from the very bosom of the deep. Three years ago I traveled 17,000 miles on the ocean and saw but once our flag over a steamer. This fatal condition is not because we have not had registry laws that are absolutely prohibitory. This great downfall may not be the direct and traceable consequence of these very laws, but while they exist we cannot recuperate our olden strength. They paralyze.

As a representative of the great emporium of commerce, and at the proper time, under advice from our best and most worthy merchants, I wish to make an amendment to this bill, providing that from and after its passage it shall be lawful for any citizen or citizens to import iron or steel built ships of not less than 3,000 tons measurement free of duty, and such ships shall be admitted to an American registry, provided that such ships shall be the exclusive property of a citizen or citizens of the United States; and provided further, that such ships shall be excluded from the coastwise trade. I make this attempt to approximate my principle so as to save any question. This proposition is not based, as I would prefer, on any general principle that we ought to allow ships to come in whether for purposes of foreign or of coastwise trade; or in other words, the right to buy the best and cheapest vehicles of transportation.

But I am now proceeding on the idea of equity, *cy pres*, it is called, to get as near as possible to the right, if we can not reach altogether the right.

Mr. BRECKINRIDGE. Will the gentleman allow me to make a suggestion just there?

Mr. COX, of New York. With pleasure.

Mr. BRECKINRIDGE. There was a most important delegation from Philadelphia before the Committee on Rivers and Harbors a few days since, and they said the only line of steamers between an American and a foreign port that floated the American flag at this time was one line between Philadelphia and Europe. That was their statement; only that, and none other.

Mr. COX, of New York. And that line——

Mr. BRECKINRIDGE. Nearly broken up.

Mr. COX, of New York. That line is bankrupt to-day, as I understand, and I am sorry for it; or, to be more exact in my information, let me say as to the statement of the gentleman from Arkansas [Mr. BRECKINRIDGE] about the owners of this American line of steamers, that the line is run by the Pennsylvania Railroad Company. That company owned a few worthless American-built steamers; these the company sold, but the line is operated by running chartered foreign-built ships. So you see, sir, American capital is now engaged in foreign commerce. Is it not a shame that our money has to hide in clandestine ways under foreign flags?

Mr. O'NEILL, of Pennsylvania. I understood the gentleman from New York to say that there is scarcely a steamship leaving the port of New York sailing under the American flag. I do not suppose there is one steamship sailing to Europe from the port of New York under the American flag, and there has not been, if my recollection be correct, since the breaking down of the Collins line of steamships. Now, sir, if the gentleman from New York will permit me, I wish to say that the enterprising merchants of the city of Philadelphia——

Mr. COX, of New York. The gentleman will have plenty of time of his own to make his statement.

Mr. O'NEILL, of Pennsylvania. Only a moment. The enterprising merchants of the city of Philadelphia for ten years sustained a line of four steamships built by the capital of the enterprising men of Philadelphia; and those steamships are still sailing from the port of Philadelphia to the port of Liverpool every week or every two weeks, as it may be.

I do not pretend to say that they have sailed them at a profit, for they have not done so. But I want to improve this opportunity of setting before this House the enterprise of the business people of Philadelphia, who, after having invested two and a half millions of dollars in building these four steamships, the best steamships ever built in this country, and built on the Delaware River, now find that they are not profitable. They are not bankrupt exactly, but I know they are sailing without a profit.

Mr. COX, of New York. I do not dispute what the gentleman from Philadelphia [Mr. O'NEILL] says, nor do I find fault with—in fact I applaud the enterprise of those gentlemen who, under the obstacles presented by our legislation, have endeavored to do so much for our flag and commerce. I know that, disgusted and wearied with our laws, capital has gone abroad. It has been invested, as I have said, under foreign flags.

Mr. O'NEILL, of Pennsylvania. I think not.

Mr. COX, of New York. I hope not.

Mr. O'NEILL, of Pennsylvania. I am sure not.

Mr. COX, of New York. I hope not; but the great body of men who were once interested in ship-building have mostly gone into other employments and other business. They have abandoned their old calling. Our laws drove them from their ventures by sea. Our ship-masters of the elder day are gone. Who is there to take their place? The pride of the ocean in the old packet days has disappeared. Where are our maritime steel steamers to keep up with the time and herald our future? Our ship-building as a trade has no longer apprenticeship. It is almost an obsolete art. Sir, who is responsible for the supineness and neglect by which so much has been lost? Who, if not Congress? While we have lent a listening ear to men who would clamor and scheme to obtain our "surplus" for their own selfish ends, we have not raised the old banner on the ocean as the symbol of our freedom and the proof of our heroism and enterprise.

Perhaps I should not find fault with the fact that our old and best merchants have given over the bravery and pluck, the risk and romance of their old pursuit. In the minority report on this subject, which I submitted in the last Congress, I stated, hypothetically rather, that no

great increase or revival would take place until we had reached a maximum in other lines of labor and enterprise, especially in agriculture. When that maximum is reached and our energies are diverted to other channels the ocean may have its former attraction and yield its opulent remuneration to our people.

I am not prepared now to say that we have made money or that we have lost money since the war by allowing others to carry our produce abroad. Perhaps at the rate at which they have carried it we could afford to allow them that office of carrier while our labor was more remunerative in other spheres. Although it may not be or may not seem that we have made money, or that we have lost money by reason of this foreign trade going into other hands, nevertheless it may be true that our quick-witted men of enterprise have not hitherto been so very much at fault in allowing other nations to do our carrying trade.

Mr. MCADOO. Allow me to ask the gentleman a question.

Mr. COX, of New York. Certainly.

Mr. MCADOO. Was there not a plank in the Democratic national platform in 1876 in favor of free ships?

Mr. COX, of New York. I believe there was, but I am not debating this matter from any political or partisan standpoint.

If I were disposed to make the straight issue according to my own convictions, I would either allow foreign ships to be brought into this country for free registration, or if it were insisted that we needed revenue, would lay a tariff tax upon them of so much per ton ad valorem, say 25 or 20 per cent., or at least allow the material for ship-building to be bought in the markets of the world and entered without duty, for the renewal of our grass-grown ship-yards and the employment and training of the future builders of our maritime fleet.

I am sorry that in reporting this bill the committee has not taken notice of one great grievance which our ship-owners in Maine as well as in New York and elsewhere have complained of; that is, the necessity of abolishing the office of ship commissioner. At the proper time I will show how that office has been abused in New York city. I will move, as I moved before in this House in the last Congress, that that office shall be placed under the control of the Secretary of the Treasury, that the appointing power shall be vested in him, and that there shall be no fees collected and no salary demanded for the execution of the present laws in relation to the shipping of seamen.

This is the demand of our shippers in relation to that office. I hold as a general principle that the Government has no right to interpose intermediaries between the ship-master or the ship-owner and the servants or sailors whom he employs. There is not such an exceptional condition of things with respect to sailors that we should break down a system of fair dealing between man and man, or allow, as in the case of New York Commissioner Duncan, any man to have his three sons and one nephew to absorb all the sums paid into his office in order to keep the members of his family running on large salaries.

But I have not the time to do more than to append a statement to these remarks as to this officer. This statement is from the answer of the New York Times in a libel suit brought by the commissioner. It is a crying evil that this nepotism and disregard of law should so long go unrebuked. Since there is no other way to remedy the evil I will offer an amendment on that very subject. I will offer the same one which passed this House at its last session. I hope it will be accepted by the gentleman from Maine [Mr. DINGLEY]. He assisted me in modifying it then when it was presented.

Mr. FINDLAY. Will the gentleman permit me to ask him one question?

Mr. COX, of New York. With pleasure.

Mr. FINDLAY. I would ask the gentleman whether his opposition to the provisions of the existing law, providing for the appointment of a commissioner, is an opposition to the office itself or to some man who happens to fill that particular office in New York?

Mr. COX, of New York. To both.

Mr. FINDLAY. Whether the opposition is to a shipping commissioner or to Commissioner Duncan?

Mr. COX, of New York. It is to both. My constituents are opposed to the law itself and to the man who executes the office, to say the least, most unsatisfactorily. The law is bad, but the execution of it is worse. This House will see, when the occasion offers, the facts in the suit brought by this Commissioner Duncan against the New York Times for libel—in that suit, in which he got 12 cents for his character, and nothing at all, according to the verdict, for what the Times said about his execution of the duties of this office. If this be understood, and the court record will demonstrate it, there will not be one man in this House or Senate who will not vote to remove the commissioner by vacating an office which is so unhappy in its operation.

Mr. SLOCUM rose.

Mr. COX, of New York. I know that my colleague [Mr. SLOCUM] is impatient to get a vote on this bill. Perhaps I am speaking from rather too much fullness on this subject. If my colleague had given to it the anxious study that I have in committee and elsewhere he would not be impatient with me. That study commenced nearly twenty years ago. Perhaps it was this view of this question that led the citizens of New York at first to send me here as their representative. I crave my colleague's indulgence. I know that he is a man who would use the sword to cut the Gordian knot of debate. He has used the sword otherwise with great credit to himself and honor to the country. I hope this gentle compliment will keep him in his seat for about one minute longer. [Laughter.]

I believe, sir—and with this I will conclude—that we can not build ships of steel or iron in this country while our present tariff remains except at a loss of from 20 to 33 per cent. I am not speaking of wooden ships, but of iron and steel ships.

I do not know otherwise how we shall revive our shipping except through some miracle from Heaven or some conflict on earth. In the Crimean war our vessels did much carrying for the belligerents and trading generally. We received great and paying income from that source. Perhaps European wars will disturb the disgraceful monotony of our present incompetency and inadequacy in shipping and commerce.

We have now presented to this House by my colleague [Mr. ADAMS] a bill which comes from New York merchants, Mr. Corbin and his associates. They are men of capital, enterprise, and integrity. They propose to start their vessels from the eastern end of Long Island and cross the ocean by their improved ships in five days. And, sir, they ask for no subsidy. They ask only that they shall have the privilege of buying their ships in the open market of the world and of being registered on our list. Why should such enterprise be subjected to vexatious prohibitions? Why should these projectors be driven under alien flags?

When the causes of our commercial ruin have been brought home to the understanding of our toilers in the ship-yards and the merchants in their counting-rooms, the system of prohibition is doomed. Is American industry to be forever like an imaginary cripple, afraid to lay aside its crutches though he be able to walk better without them? Repeal our restrictive laws, and five years will not roll away before we will by free labor hold our own market and contend with the foreigner successfully in the markets of the world.

There are marvels of physical progress coming fast forward. They astound by their wondrous utilities. We have lately had before committees of this House—the Shipping Committee, the Naval Committee, and I think the Committee on Commerce—a distinguished ex-captain of the Swedish navy. I refer to Captain Lundburg. He is a fit compatriot of Ericsson and Nordenskjöld. He has developed and shown us his plan. It is generally accepted, I believe, by gentlemen who have studied it and by experts. He demonstrates that his vessels may cross the Atlantic in less than five days. What marvel next?

In my despair at the dilatory, not to say unwise, legislation here for the revival of our navigation I turn as a believer in our material advancement to the Baconic inductions of physics and the probable results of our utilitarian methods of research. Invention is not a newborn muse, which descants upon a new order to usher in a new era; for the ancients reckoned the inventor as among the heroes and demi-gods along with the founders of empire. What may not come in the form of material development to relieve us and bring back our olden and golden glory upon the sea! Our age is one of natural forces with wondrous practical applications. These forces, including the vapor of water and the spark of electricity, along with other elements not yet known, are the subtile agents harnessed by man, powers we know not what or whence, but powers in league with the reason and genius of man, to do his work on land and ocean for the amelioration and civilization of our kind.

By these forces we are day by day bringing nations closer and closer to each other. Oceans no longer divide. That mysterious realm is no longer an abyss. It is bridged. The elements harmonize and unite. Where once there was a flaming bound, now there are well-known paths over the bosom of the deep, traced by the genius of Maury and traveled by the steamer which mates the ocean in its wildest saturnalia. This House, elected on principles of reciprocity and liberality, may, in harmony with material advancement, at least do what was done by the last Republican House, which, professing no special creed on these topics and although it repented of its generous vote the next day and reversed its action, did adopt the two propositions I have here urged—one for free materials, to help the ship-builder, and the other for free ships, to help the ship-owner. I trust that these may clasp hands, and go as one and together, for the enhancement of our mercantile marine and for the glory of our starry flag. [Applause.]

Mr. SLOCUM. Mr. Speaker, I believe that every member of this House desires to see this bill become a law. It is a bill of nineteen sections. Unless it passes to-day it will be lost. I therefore ask unanimous consent that the consideration of the bill by sections be proceeded with under the five-minute rule. In this way ample time will be allowed for debate, and if this proposition be agreed to the friends of the bill can hope for its passage before the adjournment this evening; otherwise I think there is danger of its failure.

Mr. PARKER. Considering that the committee and those whom the committee have authorized to speak in their place have occupied an hour and a half or more on this bill, the speaking happening to have come entirely from that side of the House, I make objection, knowing that my name is next on the list, and that, unless the committee control the entire time, I may have an opportunity to say something in regard to the bill.

The SPEAKER *pro tempore*. The Chair will state to the gentleman

from New York that the discussion has occupied in all fifty-five minutes.

Mr. PARKER. Then I correct my remark in that respect.

Mr. DINGLEY. Only fifteen minutes have been occupied by the committee.

Mr. SLOCUM. The time has not been occupied by the committee at all. The gentleman from New York [Mr. PARKER] is entirely mistaken.

Mr. PARKER. Did not the gentleman from Wisconsin [Mr. DEUSTER] occupy time on behalf of the committee?

Mr. SLOCUM. I move that general debate on this bill be closed in thirty minutes; and on that motion I call the previous question.

The SPEAKER *pro tempore*. The motion can be entertained by unanimous consent only. Is there unanimous consent that general debate on this bill be closed in thirty minutes? The Chair hears no objection.

Mr. PARKER. If I can be recognized for fifteen minutes I shall be satisfied.

Mr. SLOCUM. Certainly.

The SPEAKER *pro tempore*. By unanimous consent general debate on this bill will close in thirty minutes. The Chair recognizes the gentleman from New York [Mr. PARKER] for fifteen minutes.

Mr. PARKER. Mr. Speaker, I felt an interest in the remarks of the gentleman from Wisconsin [Mr. DEUSTER], for he resides upon one of the great lakes which might be much affected by the provisions of this bill, and more by other provisions which ought to be in it. But I failed to notice that he said much in relation to the local interests of the northern lakes, while he gave a great part of his time to the general subject of shipping.

I sympathize largely with the suggestion of my colleague [Mr. COX] that this bill does not go far enough. It is well enough, perhaps, so far as it goes; but it seems to me it brushes away too few of the barnacles attached to our shipping.

Besides, the bill, in my view, while it relates very largely to matters affecting our sea-going ships, does not embrace sufficiently the commerce of the lakes. As I understand this bill, after some study of its provisions, it covers merely relief as to officers of vessels, wages of seamen, deserting seamen, destitute seamen, seamen's supplies—these are matters of importance in their sphere, but still not of the greatest importance The bill touches further the question of consular fees (proposing to reduce them somewhat), the tonnage tax, the hospital tax, warehousing, unloading after sunset, and the refunding of fines and penalties.

This I believe is the full scope of the bill, and it only touches minor and petty points generally on these subjects of embarrassment to commerce.

Now, sir, upon the lakes we have special interests affected by the embarrassing navigation laws, most of them the outgrowth of legislation in behalf of war taxes, and we have no opportunity to get the benefits we are entitled to in the way of relief unless they are attached to this bill.

One of these elements of which we have occasion largely to complain is the tonnage tax of 30 cents per ton.

Mr. DINGLEY. Allow me to say to the gentleman from New York that I have an amendment to submit on behalf of the committee which will abolish the tonnage tax.

Mr. PARKER. That, then, will be a large benefit. I have not read the amendment to which the gentleman refers, but I trust it will do that, and not only as to Canada, but as to all the waters of all the contiguous territories of Puget Sound, of the Rio Grande, and of the Gulf of Mexico. I will say, however, no more on that, trusting the amendment will be accepted and that it will do all the gentleman suggests.

The next is the hospital tax, which I understand the provisions of this bill will remove entirely, including the lakes. Is not that so?

Mr. DINGLEY. Vessels on the lakes in the foreign trade.

Mr. PARKER. That will be satisfactory with an amendment, and will remove one of these embarrassments to commerce that now exist.

I come to certain minor embarrassments which exist in reference to the item to be paid to collectors of ports. One of these is the entrance fee, another is the clearance fee, another the charges made in ports upon tugs which are at work in local duty. There are several of these specified which are serious embarrassments to commerce. They are intended purely for the purpose of protecting customs duties. In effect they charge upon the commerce of the country the expense of collecting customs duties. I shall offer an amendment at the proper time which will practically reduce many of these charges, to which I trust the committee will make no objection. For instance, on the St. Lawrence River and on the lakes wherever we have commerce with Canada the trips are short, they are multiplied and they are many, and as a consequence entrance and clearance fees are frequently repeated. A ship going out from an ocean port pays its entrance and clearance fees once in eight days, or once in six months, or a year or two years; but here on our northern lakes and St. Lawrence coast a vessel trading between Ogdensburg and Brockville, for instance, has to take out its papers of clearance in leaving port and to pay its entrance fees on entering the port of Brockville, only twelve miles distant. It has again to pay its clearance fee out of Brockville and its entrance fee into Ogdensburg; it has to pay the same each way. These fees are repeated, although the vessel may go backward and forward a dozen times a day. A tug with half a dozen barges making a trip twelve miles is compelled to pay on every barge, although loaded only with lumber or other coarse merchandise, an entrance and clearance fee just the same as though it were a steamship handling a large and valuable cargo. So it is in reference to this tonnage tax and these entrance and clearance fees; they hamper commerce, and especially hamper lake and river commerce because of the short trips run.

Next, I will ask the attention of the House to the consular certificates, in reference to which I propose at the proper time to offer an amendment. In the North there are no consuls on our side sent by the Canadian or British Government, but it is only an expense of our own Government in order to protect the collection of our customs duties. The law requires a vessel going to and fro between the United States and Canada to pay $2.50 for each consular certificate or certified manifest in order to clear and come on its voyage. If the trip is made by a tug hauling barges or canal-boats loaded with lumber or any other rough material the charge of $2.50 has to be paid on every vessel by every consignor for his separate certificate. Every consignor has to pay for his separate certified manifest $2.50 to the consul every time the tug and a half-dozen canal-boats or barges loaded with lumber and coal move from the other side to this, amounting in all, it may be, to a charge of $15 per trip. And for what?

I will challenge any man to show any benefit which is derived by our commerce, our trade, or our business by these charges which we are required to pay. It is simply outrageous to demand them, and at the proper time and in the proper place I shall ask the committee to accept, and if the committee does not accept I shall ask the House to vote for, a proper amendment removing these taxes and restrictions.

Mr. SKINNER, of New York. Let me ask my colleague a question: if his examination of this bill has enabled him to say whether it gives relief to steam-yachts used for pleasure purposes, conveying passengers from one port to another?

Mr. PARKER. I have not examined the bill sufficiently to be able to state whether it covers that point or not. It does not seem to be affected by the bill so far as I have examined, but the gentleman from Maine will be able to give satisfactory information upon the point.

Now, sir, I do not wish to take up the time of the committee any further than to put before it these interests which we have a right to be heard upon, and which we have a right to have acted upon intelligently and fairly, and for the relief of which we have a perfect right to ask. I have no doubt that in the formation of a bill of this character, when such unnecessary and unreasonable restrictions are shown, the proper relief will be granted. And as to the other elements of relief, with reference to our shipping, I am ready to combine with other gentlemen in going very far; and while I may not say that I am prepared to go quite so far as the gentleman from New York himself (though I have in a previous Congress voted perhaps against the majority of my party for his propositions with reference to free ships), yet I say I am willing to go at least a good way with him or any other person who is ready to remove the anomalous and outrageous restrictions upon our commerce.

I believe, sir, that the time has come when public opinion requires, regardless of parties or politics, that something shall be done in this direction, and that it is ready to demand that the embarrassments and burdens existing so long upon our shipping shall be removed, and that this removal shall affect not only the navigation of vessels that sail from the ports of New York and Baltimore or ports in the State of Maine, but also shall relieve the shipping upon our northern frontier.

Mr. FINDLAY. Mr. Speaker, I did not intend to make a speech upon this bill, because it comes before the House with the unanimous report of the committee, where all of its provisions have been amply discussed and considered from time to time before the committee reached a conclusion upon it, and for myself I am fully prepared to vote upon the bill without any further consideration.

But the gentleman from New York [Mr. COX] made a statement covering an amendment which he says he has in hand, and will offer further on in the consideration of this bill, with reference to the importation of materials which enter into the construction of ships, and which statement on his part I think calls for contradiction upon the spot. That statement, as I understood it, was that all the materials which enter into the construction of a ship in its original composition, as well as all materials which are used for the purpose of repairing a ship afterward, are now subject to such high duty under our existing tariff laws that it is impossible for our ship-builders to import them and make a ship to compete with the iron ship-builders. Now, in response to that I wish to say that since 1872 there has been a law upon the statute-books which provides that all materials of every possible kind which enter into the original construction of a ship, when imported, shall be exempt from duty, and that all materials that are used for the repairs of a vessel, provided it is to be used in the foreign trade, shall be exempt from duty.

Then I understood him to say further that that was a provision that was in some way intended to benefit coastwise vessels or coastwise trade; and that it did not apply to vessels engaged in the foreign trade.

Mr. Speaker, exactly the opposite of that proposition is true, because the limitation in the statute is that these exemptions are made in favor of vessels to be used in the foreign trade. Whenever they are used in the coastwise trade they can only be used for the period of two months in one year. So that upon neither point was the gentleman from New York correct. And in order to set the matter at rest I send up to the Clerk's desk and ask to have read sections 2513 and 2514 of the Revised Statutes.

The Clerk read as follows:

SEC. 2513. All lumber, timber, hemp, manila, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and finished after the 6th day of June, 1872, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and, upon proof that such materials have been used for such purpose, no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year, except upon the payment to the United States of the duties on which a rebate is herein allowed.

SEC. 2514. All articles of foreign production needed for the repair of American vessels engaged exclusively in foreign trade may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of Treasury may prescribe.

Mr. COX, of New York. Allow me one moment, in response to my friend from Maryland, to say that I had a misapprehension when he first interrupted me as to the particular statute he was alluding to. I spoke of the statute covering the 90 per cent. rebate and other matters. But this particular clause, as was said by my friend from Maryland, in the debate last year, and as we all know, had only reference to wooden vessels.

Mr. DINGLEY. But it has reference to these materials which shall be used in the construction and repairs of the vessels.

Mr. COX, of New York. But it did not comprehend all the materials that enter into the construction of iron or steel vessels, and therefore my comprehensive amendment would sweep in the whole by allowing everything of that kind to come in, whether it be used in iron, steel, or wooden vessels. That was the point.

Mr. FINDLAY. I do not know what construction the Secretary of the Treasury has put upon the sections which have been read. But certainly the language "iron and steel rods, bars, spikes, nails, and bolts," &c., covers articles which enter into the composition of iron vessels, and those are provided for. Let me read the language of the act:

All lumber, timber, hemp, manila, and iron and steel rods, bars, spikes, nails and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States—

Not wooden vessels, but "vessels built in the United States"—

for the purpose of being employed in the foreign trade, &c.

And that provision has been in force ever since 1872. We have not availed ourselves of it. Why? Because of the difference of the price of labor in this country and in the Old World.

Mr. HAMMOND. Let me ask the gentleman whether there is any provision there for steel or iron plates?

Mr. FINDLAY. The section provides for "iron and steel rods, bars, spikes," &c., just as I read.

Mr. HATCH, of Michigan. It does not include iron and steel plates, which are the principal part of the material entering into the construction of an iron vessel.

Mr. HAMMOND. No provision is made for iron and steel plates.

Mr. FINDLAY. Let me say to my friend from Georgia that while that remark may be true so far as the original construction of the vessel is concerned, when you come to the succeeding section, section 2514——

Mr. HAMMOND. But that is confined to repairs and does not relate to the construction of vessels originally.

Mr. FINDLAY. That section which covers the matter of repairs says "all articles of foreign production."

Mr. HAMMOND. That applies to articles of foreign production needed for repairs only.

Mr. FINDLAY. Yes, sir; that section applies to articles needed for repairs. The statement of the gentleman from New York [Mr. COX] was that articles we imported from abroad which entered not merely into the original construction of the vessel but which entered into the repairs of a vessel were subject to such high duties under existing tariff laws that we could not build or repair.

Mr. COX, of New York. If the gentleman will allow me I will repeat what has been the construction of the Department, and what we debated here before; what my friend from Maine [Mr. DINGLEY] accepted; what came out of a discussion between my friend from Virginia [Mr. TUCKER] and gentlemen on both sides. And it is this: that this section had reference entirely to articles which entered into the construction of a wooden ship for the foreign, not the home trade. You remember our discussion about that. It was generally agreed this amendment was necessary. And now I ask my friend from Maryland, if there is any doubt about it, and he desires to have ships, iron, steel, or wooden, built as cheaply as possible, why will he not vote for an amendment which will help the city of Baltimore and its shippers and ship-builders to build their ships more cheaply by the admission of all these materials ruled out by the construction of the Secretary of the Treasury?

Mr. FINDLAY. I will vote for the amendment.

Mr. COX, of New York. All right. Then we are on the same side.

Mr. FINDLAY. Not merely that, but I will say to the gentleman I signed the report along with the minority of the committee in favor of buying ships abroad, in favor of free ships. But then I also intended whenever the matter came up for discussion before the House to couple with that a provision that that law should not go into effect for at least two or three years, in the mean time protecting the rights of our own ship-builders here so as to give them a fair chance with foreign builders. In other words, I want to give the most liberal construction to those two sections, and also to carry out such a provision as my friend from New York has suggested. Then if our ship-builders at home could not build a ship in competition with ship-builders abroad, I was ready to say, let us buy ships wherever we can.

Mr. COX, of New York. Why not do both?

Mr. DINGLEY. While I stand there I recognize the fact that we have a bill before us. I recognize the fact that there are other measures before this Congress, and that we are crowded and pressed for time. I recognize the fact that every amendment offered to this bill lessens the chance of the bill passing, owing to the want of time. I therefore stand by the committee because I want to see something done; and rather than not have something done I will oppose any amendment, including even the class of amendments suggested by the gentleman from New York. That is all. It is not because I differ with the gentleman; it is because I am afraid that we may fall between two stools here and get nothing.

Mr. COX, of New York. I will say this in response to the gentleman from Maryland, and I am sure it will not prolong the debate, because it will not be necessary to talk upon it so much in the five-minute debate. I am glad to see that he and myself are like the two colored people in New Orleans who debated a question for two hours and voted on the same side. We are in hearty accord. The gentleman does not want these propositions carried out now on this bill; but I want them carried out now and taken to the Senate. If the Senate does not accept these propositions for free materials and free ships, I am perfectly willing and content to go before the country with such a bill as I can get. I am content to do the best we can to get rid of these minor obstructions on commerce. And I hope the Democratic party and men on the other side, like my friend from the Saint Lawrence district [Mr. PARKER], who have cultivated the liberalities of our party in other days, will join together and make if possible some relief for our ship-owners and ship-builders.

Mr. DINGLEY. I will use the remaining minute for general debate simply for the purpose of saying that I have refrained from replying to the suggestions which have been made by the gentleman from New York [Mr. COX] because this bill does not include any of the matters which he has been discussing, and it is the desire of the committee reporting the bill to confine the discussion so far as possible to the matters that are treated of in the bill. Therefore I wish to say that because I do not now take occasion to dissent from some of the things which he has said I do not desire the conclusion to be reached that they are not dissented from by members on this side and many members on the other side. Some other time, when the bill to which he refers shall come before the House, I shall take occasion to express my views on the subject.

The SPEAKER *pro tempore*. By unanimous consent, general debate on this bill is now closed. No order has been made as to the manner in which the bill shall be considered after the closing of general debate. The Chair supposes that the gentleman from New York [Mr. SLOCUM] intends to ask that the consideration of the bill be now proceeded with under the five-minute rule.

Mr. SLOCUM. That is my proposition.

The SPEAKER *pro tempore*. Is there objection to considering this bill under the five-minute rule at this time? [After a pause.] The Chair hears no objection.

The first section of the bill was read, as follows:

Be it enacted, &c., That the last clause of section 4131 of the Revised Statutes be amended so as to read as follows:

"All the officers of vessels of the United States shall be citizens of the United States, except that in cases where, on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer."

No amendment was offered.

The second section was read, as follows:

SEC. 2. That section 4580 of the Revised Statutes be amended so as to read as follows:

"SEC. 4580. Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that said seaman has completed his shipping agreement, or is entitled to his discharge under any act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman, and require from the master of said vessel, before such discharge shall be made, payment of the wages which may then be due said seaman; but no payment of extra wages shall be

required by any consular officer upon such discharge of any seaman except as provided in this act."

No amendment was offered.

The third section was read, as follows:

SEC. 3. That section 4583 of the Revised Statutes be amended so as to read as follows:

"SEC. 4583. Whenever on the discharge of a seaman in a foreign country, on his complaint that the voyage is continued contrary to agreement, the consular officer shall be satisfied that such voyage has been designedly and unnecessarily prolonged in violation of the articles of shipment, or whenever a seaman is discharged by a consular officer in consequence of any hurt or injury received in the service of the vessel, such consular officer shall require the payment by the master of one month's wages for such seaman over and above the wages due at the time of discharge."

No amendment was offered.

The fourth section was read, as follows:

SEC. 4. That section 4561 of the Revised Statutes be amended so as to read as follows:

"SEC. 4561. The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due. But if, in the opinion of the inspectors, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty."

No amendment was offered.

The fifth section was read, as follows:

SEC. 5. That section 4582 of the Revised Statutes be amended so as to read as follows:

"SEC. 4582. Whenever a vessel of the United States is sold in a foreign country, and her company discharged, it shall be the duty of the master to produce to the consular officer the certified list of his ship's company, and also the shipping articles, and to pay to said consular officer for every seaman so discharged one month's wages over and above the wages which may then be due to such seaman; but in case the master of the vessel so sold shall provide said seaman with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, then no payment of extra wages shall be required."

The Select Committee on American Ship-building and Ship-owning Interests recommend the following amendments:

In line 10 strike out "provide" and insert "with the assent of;" and in line 11, after the word "seaman," insert the words "provide him;" so that it will read:

But in case the master of the vessel so sold shall, with the assent of said seaman, provide him with adequate employment on board some other vessel, &c.

The amendments recommended by the committee were agreed to.

The sixth section was read, as follows:

SEC. 6. That section 4600 of the Revised Statutes be amended so as to read as follows:

"SEC. 4600. It shall be the duty of consular officers to reclaim deserters and discountenance insubordination by every means within their power, and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where deserters are apprehended the consular officer shall inquire into the facts; and if he is satisfied that the desertion was caused by cruel treatment, he shall discharge the seaman, and require the master of the vessel from which such seaman is discharged to pay one month's wages over and above the wages then due; and the officer discharging such seaman shall enter upon the crew-list and shipping-articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and the facts as to his discharge or re-engagement, as the case may be, and subscribe his name thereto officially."

Mr. SLOCUM. I am instructed by the committee to move to amend the section just read by inserting before the word "cruel," in line 10, the words "unusual or;" so that it will read:

And if he is satisfied that the desertion was caused by unusual or cruel treatment, &c.

The amendment was agreed to.

The seventh section was read, as follows:

SEC. 7. That section 4581 of the Revised Statutes be amended so as to read as follows:

"SEC. 4581. If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States to the full amount thereof; and if any seaman shall, after his discharge, have incurred any expense for board or other necessaries at the place of his discharge, before shipping again, or for transportation to the United States, such expense shall be paid out of such arrears of wages and extra wages, which shall be retained for that purpose and the balance only paid over to him."

The amendments recommended by the committee were to strike out "and," in line 7; also, strike out the word "such," in line 12, and insert in lieu thereof the word "the;" and also insert in line 12, after the words "extra wages," the words "received by the consular officer;" so that it will read:

Such expense shall be paid out of the arrears of wages and extra wages received by the consular officer, &c.

The amendments were agreed to.

Mr. ROSECRANS. I desire to suggest a verbal change in the section. It is to strike out the word "shall" after the word "seaman" in line 8, and to insert the word "shall" before the word "have" in the same line; so that it will read:

If any seaman after his discharge shall have incurred any expense, &c.

Mr. SLOCUM. There is no objection to that.

The amendment was agreed to.

Mr. SLOCUM. I move to further amend, in the fourteenth line, by striking out the word "him" and inserting in lieu thereof the words "such seaman;" so that it will read:

The balance only paid over to such seaman.

The amendment was agreed to.

Section 8 was read, as follows:

SEC. 8. That section 4584 of the Revised Statutes be hereby repealed.

No amendment was offered.

Section 9 was read, as follows:

SEC. 9. That section 4578 of the Revised Statutes be amended so as to read as follows:

"SEC. 4578. All masters of vessels of the United States, and bound to some port of the same, are required to take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding $10 for each person for voyages of not more than thirty days, or not exceeding $20 for each person for longer voyages, as may be agreed between the master and the consular officer; and certificates of transportation shall be assignable; but if any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the First Comptroller of the Treasury shall deem proper. Every such master who refuses to receive and transport such seaman on the request or order of such consular officer shall be liable to the United States in a penalty of $100 for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than one man to every one hundred tons burden of the vessel on any one voyage."

The committee recommend the following amendments:

In line 10 strike out "or" and insert "and;" in line 12, after the word "and," insert the words "said consular officer shall issue;" in the same line strike out "of" and insert the words "for such;" in line 14, after the word "transportation," insert the words "which certificates," and in same line strike out "but" and insert "for collection," so that that portion of the section will read as follows:

"All masters of vessels of the United States, and bound to some port of the same, are required to take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding $10 for each person for voyages of not more than thirty days, and not exceeding $20 for each person for longer voyages, as may be agreed between the master and the consular officer, and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection."

The amendments were agreed to.

Section 10 was read, as follows:

SEC. 10. That it shall be, and is hereby, made unlawful in any case to pay to any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person, or to pay any person, other than an officer authorized by act of Congress to collect fees for such service, any remuneration for the shipment of seamen. Any person paying such advance wages or such remuneration shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not less than four times the amount of the wages so advanced or remuneration so paid, and may be also imprisoned for a period not exceeding six months, at the discretion of the court. The payment of such advance wages or remuneration shall in no case absolve the vessel, or the master or owner thereof, from full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit, or action for the recovery of such wages: *Provided*, That this section shall not apply to whaling-vessels: *And provided further*, That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his wife, mother, father, grandmother, grandfather, child, grandchild, brother, or to any savings-bank for the benefit of such seaman, but to no other person or corporation. And any person who shall falsely claim such relationship to any seaman in order to obtain wages so allotted shall, for every such offense, be punishable by a fine of not exceeding $500. This section shall apply as well to foreign vessels as to vessels of the United States; and any foreign vessel the master, owner, consignee or agent of which has violated this section, or induced or connived at its violation, shall be refused a clearance from any port of the United States.

The committee recommend the following amendments:

In line 13, after the word "case," insert the words "as herein provided;" in lines 21, 22, and 23, strike out the words "father, grandmother, grandfather, child, brother, or to any savings-bank for the benefit of such seamen," and insert in lieu thereof the words "or other relative;" and after the word "dollars," in line 27, insert the words "or imprisonment not exceeding six months, at the discretion of the court."

The amendments were agreed to.

Mr. SLOCUM. I am instructed by the committee to move to strike out sections 10 and 11 of this bill.

The SPEAKER *pro tempore*. Section 11 has not yet been read. The Clerk will read the section, after which the gentleman can submit his motion.

Section 11 was read, as follows:

SEC. 11. That every vessel mentioned in section 4569 of the Revised Statutes shall also be provided with a slop-chest, which shall contain a complement of clothing for the intended voyage for each seaman employed, including boots or shoes, hats or caps, under clothing and outer clothing, oiled clothing, and everything necessary for the wear of a seaman; also a full supply of tobacco and blankets. Any of the contents of the slop-chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at a profit not exceeding 25 per cent. of the reasonable wholesale value of the same at the port at which the voyage commenced. And if any such vessel is not provided, before sailing, as herein required, the owner shall be liable to a penalty of not more than $200.

Mr. SLOCUM. By instructions of the committee I move to strike out sections 10 and 11 of this bill.

Mr. COX, of New York. I would like to hear some reasons for striking out these two sections. The committee seem to have matured them, have presented them to the House, and, as I understand, they are gen-

erally accepted by commercial men. I would like to know what new light my friends have received. I think substantially these sections were in the bill of the last session.

Mr. SLOCUM. The committee are in favor of the enactment of the provisions contained in these two sections; they were unanimous on the subject. But the attention of the committee was called by the Secretary of State to the provisions of the tenth section, beginning with line 29. I will ask the Clerk to read the comments of the Secretary of State on that section which have induced the committee to recommend that sections 10 and 11 be stricken out.

The Clerk read as follows:

SEC. 10. Particular attention is called to lines 29 to 33 which extend the penalties to foreign vessels as well as to our own. I am of the opinion that we have no right to interfere with masters of foreign vessels in the matter of the shipment of their crews.

The SPEAKER *pro tempore*. If there be no objection——

Mr. COX, of New York. There is objection to striking out the provision. I want to hear some good reason for doing so (if there is any) besides that given by the Department of State. I do not see why we have not control over these foreign ships in our ports; why we can not establish these police regulations connected with this business. I think the first thought of the committee was wisest and best. If you strike out this humane provision there will be hardly anything in this bill worth having, very little at any rate so far as we have gone. I hope the committee will retain what seems to be a most valuable provision according to our humanitarian views about sailors.

Mr. HEWITT, of New York. Why would not the criticism of the Secretary of State be met by striking out the last clause of the section?

Mr. DINGLEY. That would make a serious discrimination against American vessels. If that were done, foreign vessels could ship their crews in our ports at a great advantage over American vessels. Unless the provision be applicable to foreign as well as American vessels, it ought not to be adopted at all.

Mr. COX, of New York. I would like my friend from Maine [Mr. DINGLEY] to say whether our pilotage dues, our light-house dues, and all these various other exactions are not made applicable to foreign ships.

Mr. DINGLEY. But they apply to foreign vessels in the same manner as to American.

Mr. COX, of New York. I would not discriminate between the two classes of vessels.

Mr. DINGLEY. I understand that the opinion of the Secretary of State is founded on the principle of the comity of nations, that under this principle one nation regards the vessel of another within its ports as practically foreign territory, and therefore leaves such vessel to ship its seamen according to the laws of its own nationality.

Mr. COX, of New York. With all respect to my friend from Maine, and the Department of State, I believe our laws can reach foreign vessels in our ports.

Mr. DINGLEY. The gentleman will observe I do not say whether I accept the reasoning of the Secretary of State; but I understand that is the ground upon which his suggestion is made.

Mr. COX, of New York. But I believe I have heard the gentleman from Maine say heretofore that he could answer the reasoning of the Secretary of State. I think he is paring down his bill too far and too much. I am sure my friend the chairman of the committee [Mr. SLOCUM] will confirm what I say.

Why, sir, some two or three years ago a bill introduced by myself was passed in this House—and it has not been contested—requiring foreign steamers leaving our ports to be provided with the same sort of life-saving appliances and to undergo the same inspection as our own vessels. Why not? I would put the foreign and American vessels on a parity in this respect. Why discriminate against our own and in favor of foreign vessels? When our vessels go into the port of Liverpool or Southampton the English laws operate upon them and are executed. Why can we not do the same thing and make our laws applicable to foreign vessels in the ports of New York, Boston, Baltimore, or Galveston? How can we administer our laws in regard to immigrants, how can we mitigate the austerities and horrors of the "middle passage," unless the laws of our States and the Federal Congress apply to foreign vessels coming to this country to trade? They have all the advantages of commerce with this country; let them take the burdens also equally with our own vessels.

This argument about the comity of nations comes naturally from a polite department, the Department of State. I would rather accept suggestions from the Treasury Department, where there is not so much sauvity and comity and nice diplomatic usage and phraseology. Let us look after our own vessels and at the same time enforce reciprocity with reference to vessels coming into our harbors from abroad.

Mr. DIBBLE. As a member of the committee I concur very fully in the remarks of the gentleman from New York [Mr. COX]. He has stated more eloquently than I could have done some of the reasons which induced a minority of the committee to withhold concurrence from the recommendation to strike out these clauses of the bill.

In reference to a vessel of one nation in the port of another, it is a matter of dispute, in which able admiralty lawyers differ, as to how far the sovereignty of the vessel's flag prevails against the municipal regulations of the port of another nation which such vessel has entered. As to the distinction attempted to be applied to foreign vessels in the concluding provision of the tenth section, it is the opinion of one of the ablest admiralty lawyers in this country, I understand, that provisions as to advance wages can be enforced against foreign vessels in American ports as well as against domestic vessels. While the foreign vessel is under the flag of its own country, still it takes upon and from American soil the seamen it ships, and in many instances takes citizens of the United States as such seamen. Therefore, Mr. Speaker, I hope the sections will not be stricken out.

Mr. ADAMS, of Illinois. Mr. Speaker, when the tenth section was read it struck me that the last few lines were open to some question. The question is merely how far the law will enable us to go. But if it is desirable to control the masters of American vessels in this respect, we can safely adopt this section, leaving it for the courts to decide how wide may be its application. I think it would be questionable policy to take out of this bill a provision in regard to American vessels (if that provision is admitted to be a good one) simply because there is some question of law as to whether it can apply to foreign vessels in our ports.

But, Mr. Speaker, the reason I rise now is to ask why, if the Secretary of State objects to a few lines of section 10, we therefore should strike out of this bill section 11? It may be that there is a logical connection between the two sections; that is to say, seamen before they begin their voyage are defrauded by land-sharks in port, but that is no reason why we should not compel American ships to carry a slop-chest, and therefore take away part of the motive that seamen have to waste their advance wages, that waste, extravagance, and liability to fraud being the motive for taking away the right to advance wages altogether. Admitting we should not prohibit the payment of advance wages, should we not as far as we can take away that motive in the mind of the sailor which renders the payment of advance wages an abuse? Why should we not compel the ship to give him at a reasonable rate those articles the purchase of which at unreasonable rates forms the abuse mentioned in section 10?

The SPEAKER *pro tempore*. Debate on this amendment is exhausted.

Mr. DINGLEY. It is perhaps due to the House the question presented in this proposition should be a little better understood. Even admitting, according to the opinion given by the Secretary of State, we have no right to apply the provision to foreign vessels, I wish to say in response to the suggestion of the gentleman from Illinois that to strike out that part of this section which applies the provision to foreign vessels, leaving it bearing on American vessels alone, would work a serious discrimination against American vessels and ought not to be done.

Now, as to the point of advance wages, there is no difference of opinion in the committee or among the friends of the American merchant marine, or I may say on the part of the merchant marine of any country in the world, if any provision of law can be devised which can be executed to forbid the payment of advance wages to seamen that it would work a great good to the seamen of the merchant marine. The law of the United States to-day goes a long distance in reference to prohibiting the payment of advance wages. It forbids the payment of advance wages to any person but the seaman himself. That is the state of the law to-day; but this bill undertakes to go further and to prohibit the payment of advance wages even to the seaman himself. Now England has tried legislation in this direction. She has been legislating for more than fifteen years to break up the practice of paying advance wages to seamen for the reason the seamen are so much under the control of sailor landlords that the moment they obtain their wages they go into the hands of these sailor landlords. England has legislated and amended her law from time to time, but the sailor landlords in every instance have been able to get around whatever provision it has enacted. I hold in my hand a communication from the United States consul at Liverpool, giving some information as to the working of the British law, of which this is in some measure a copy. It is as follows:

CONSULATE OF THE UNITED STATES OF AMERICA,
Liverpool, April 28, 1883.

DEAR SIR: I am in receipt of your letter of the 31st March in reference to the recent act of Parliament which prohibits the payment of advance wages in the British merchant-marine service.

From inquiries made I gather that the law in the main is evaded, and therefore is not beneficial to the ship-owners nor satisfactory to the seamen.

By the act of Parliament referred to advances were made illegal, and the deduction of such from the seamen's wages at the time of his discharge was made unlawful.

To evade the law and keep the system actually in force the ship-owners now issue bonus notes promising to pay an amount equal to one or two months' wages, as the case may be, in consideration that the seaman sails in the ship, the sum stated to be paid by way of bonus and not on account of wages. When the seaman receives the bonus note he signs a paper the purport of which is that he has received the amount in cash, clothes, board, &c., the same to be deducted from his wages.

I append a copy of such bonus note, with receipt.

Another practice is to have the seaman sign articles at the rate of 1*s.* for the first month (or for the first two months, where advance is to be given, as in the case of long voyages), and give him a memorandum credit, which the sailor may negotiate with his boarding-master for the difference between the 1*s.* and what the actual wages would have been, usually £2 10*s.* per month. This latter method of evading the law seems now to be preferred.

There can be no doubt that the law at present is systematically evaded, and has become a dead letter as far as advances are concerned.

It was thought that the new law would encourage seamen to take more care of their earnings when discharged and so enable them to ship again without advance, but so far such has not been the result, the proportion of seamen shipping without really receiving advance not being greater than under the old system.

The ship-owners and seamen appear to agree that the new law is not to their interest and would gladly return to the old one again.

Yours, very respectfully,

S. B. PACKARD, *Consul.*

BONUS NOTE.

To ——— ———: In consideration of your signing articles and sailing in the ship ——— on her next voyage from ———, I undertake to pay to you, or to such person as you shall name by writing, by indorsement on this agreement, the sum of £— by way of bonus and not on account of wages, such sum to be paid ten days after ship's sailing.

Dated this —— day of ———, 188-.

———— ————,

Owner or agent of the above-mentioned ship.

[Copy of memorandum credit.]

LIVERPOOL, ——— 188-.

Received from Captain ——— ———, ship ———, the sum of £— in cash, clothes, board, &c. The same to be deducted from my wages account.

———— ————.

Witness: ——— ———.

As will be seen, it is there stated that the English have been unable to enforce their law, as by various devices the sailor landlords were able to get around the law. It has been productive of more harm than good.

There is therefore this view of the question joined to the suggestion of the Secretary of State, which leads me seriously to question whether we are prepared to-day to vote on the provision contained in this section. Having presented the points which seem to me to bear upon it, I am prepared to concur in whatever may be most agreeable to the members of the House.

Mr. ADAMS, of Illinois. I wish to ask the gentleman a question before he sits down.

Mr. DINGLEY. Certainly.

Mr. ADAMS, of Illinois. He perhaps did not notice that my chief point was that admitting—and I do admit—there is some question about the possibility of enforcing section 10, is it not desirable to retain in the bill section 11, which provides ships shall keep a slop-chest and sell at reasonable rates those articles the purchase of which at unreasonable rates is a part of the abuse we have under discussion.

Mr. DINGLEY. In answer to the gentleman I will say the law as it exists at present obliges vessels to carry slop-chests, and provides a certain class of articles shall be carried, but it does not go so far as is proposed in this section, and there is not a sufficient penalty. There would be no objection to including section 11 even if the preceding section be voted down. I wish to say for myself I am entirely content to accept whatever view the House may take of the question.

Mr. COX, of New York. I move to strike out the last word for the purpose of more sedately vindicating the position I took awhile ago with reference to this subject. I made some investigation of this proposition on a bill to which I then referred, and I will now call the attention of the House briefly to the law in this case.

The proposition as laid down by writers upon the law of nations covering the exact point in controversy is—

That the jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself.

That you will find laid down in Wheaton, page 140, in which he quotes from the decision of Chief-Justice Marshall as giving him the predicate for what follows. Then it is laid down further that the right of one nation to carry on a commerce with another is not a natural right, but has its foundation in treaty—

And relates to that branch of the law of nations termed conventional. The treaty that gives the right of commerce is the measure and rule of that right. Every nation has the right to choose whether she will or will not trade with another, and on what conditions she is willing to do it. If one nation has for a time permitted another to come and trade in the country, she is at liberty whenever she thinks proper to prohibit that commerce, to restrain it, to subject it to certain regulations; and the people who before carried it on can not complain of injustice.

That is laid down in Vattel's Law of Nations, page 40, and also in Wheaton's Law of Nations, in which various treaties are recited.

It will be seen, sir, that this, in the language of Vattel, "depends upon the option of a nation to annex any additions it may be see fit to the admission of foreign vessels into its ports, whether they be public or private."

That right is clearly laid down by all writers on international law.

It is a principle of the English rule under the common-law system that "the king is lord of the whole shore, and particularly is he the guardian of the ports and havens which are the inlets and gates of the realm." And in England all the great paths of the sea were established by the statutes of 4 Henry IV, chapter 20, which prohibited the landing elsewhere under pain of confiscation. This will be found by reference to 1 Blackstone, 263. The same rule prevails in this country, wherein by our statutes foreign vessels are prohibited from discharging their cargoes at any port unless it be designated by law as a port of entry, and the local laws for the regulation of ports apply alike to domestic and foreign vessels. This is covered by our statutes, No. 2771 *et seq.*

Owing to the fact that life was in danger, in peril, by these tramps of the seas bringing immigrants to our shores, we undertook, by a law passed two years ago, to inspect all of these foreign vessels. They made complaint to the Department, these steamship companies, stating that they were unduly subjected to police regulations. But that was not said for the better class of vessels, because it was to their interest to have the vessels, these tramps of the sea, which promised to run riot on the sea and disturb the decency of the exchange of passengers and freight, inspected and brought under proper regulations. And so it comes to this, as established by the law of nations almost from time immemorial, by the laws of international justice, by the best writers and all good thinkers, and by the sovereignty and territoriality of a people, that we have the same right in our ports to make regulations for the admission of any vessels of foreign nations as the Government of Great Britain has to make regulations for our ships which enter at her ports. One of the recognized duties of the Government is the preservation of the life and health of its citizens; upon this all writers agree, and public safety and sanitary laws are common to the statutes of all civilized countries.

Mr. HATCH, of Michigan. Mr. Speaker, I wish to find out, and perhaps some gentleman on the committee who has this bill in charge will be kind enough to answer the question, which will obviate the necessity for offering an amendment which I had prepared, whether it was intended by gentlemen of the committee that the provisions of section 11 of this bill will apply to vessels engaged in commerce on the great lakes?

Mr. DINGLEY. It will not.

Mr. HATCH, of Michigan. It occurs to me upon a brief reference to that statute that it will.

Mr. DINGLEY. There is no objection to an amendment which will make it clear, if the gentleman wishes to offer one.

Mr. HATCH, of Michigan. Of course vessels engaged in the navigation of the great lakes, as, for instance, between the ports of Michigan and the ports of Canada or other points, when on short voyages, are subject to these restrictions. I will send to the Clerk's desk and ask to have read an amendment which is calculated to remedy the trouble.

Mr. DINGLEY. Will the gentleman allow me to correct my answer? I supposed he was referring to another section. This section applies to all vessels.

Mr. HATCH, of Michigan. Section 11 should not apply to all vessels. I propose to add to the section what I send to the desk.

The Clerk read as follows:

The provisions of this section shall not apply to vessels navigating the great lakes or the waters connecting the same.

Mr. HATCH, of Michigan. I think also the words should be added "on the river Saint Lawrence."

The SPEAKER *pro tempore.* The Chair will remind the gentleman from Michigan that before that amendment can be put there is an amendment proposed to that section by the committee, which must first be disposed of. The Chair will entertain the amendment of the gentleman from Michigan at the proper time.

Mr. HATCH, of Michigan. I will offer it hereafter.

Mr. HUNT rose.

The SPEAKER *pro tempore.* Does the gentleman from New York [Mr. COX] withdraw the formal amendment?

Mr. COX, of New York. Yes, sir.

The SPEAKER *pro tempore.* The gentleman from Louisiana [Mr. HUNT] is recognized.

Mr. HATCH, of Michigan. I had not surrendered the floor.

The SPEAKER *pro tempore.* The gentleman from Michigan will proceed. The Chair will recognize the gentleman from Louisiana later.

Mr. HATCH, of Michigan. While I am on the floor I desire to add a word in favor of the amendments to be submitted to section 12 by my friend from New York. Under the provisions of the existing statutes it would seem as if there had been a set purpose to legislate against the vessels navigating the great lakes of the Northwest on the right hand and on the left. They are embarrassed by the constant levying of fees. Port dues, tonnage dues, hospital dues, and all sorts of exactions and penalties are imposed on these vessels, and for what purpose I have never been able to understand. I see no good purpose subserved by any such policy, and I hope the time has come when that portion of our commerce can be relieved of these exactions and of these burdens.

I will make one further remark, as perhaps this is all I shall have to say on this bill, and it is this: Standing here on the floor of this House a protective-tariff man, yet am I so interested in the building up of the merchant marine of the United States that I will vote for a bill which shall relieve our shipping of all these burdens, of all dues, and I will favor the enactment of a law which shall authorize Americans to purchase ships abroad. I am entirely in favor of free ships and the relieving of our merchant marine of all these various exactions.

The SPEAKER *pro tempore.* The gentleman from Louisiana [Mr. HUNT] is recognized.

Mr. HUNT. I do not claim the floor at this time.

The SPEAKER *pro tempore.* The Chair is of the opinion that the amendments reported by the committee to section 11, perfecting the

text, should first be voted upon before the motion to strike out is entertained.

The amendments proposed by the committee to section 11 were agreed to.

Mr. DINGLEY. I hope the chairman of the committee will withdraw the motion to strike out those two sections.

Mr. SLOCUM. The proposal to strike out these two sections was made out of deference to the opinion expressed by the Secretary of State. The committee were unanimous in their judgment in reporting those sections when the bill was framed, and they would be glad to see them kept in now. They believe both sections are represented. The proposal to strike out was only made through deference to the Secretary of State. We are willing the House should decide as to that without respect to the recommendation made by the committee. I therefore withdraw the motion, leaving it in the hands of the House.

The SPEAKER *pro tempore*. The question is then upon the amendment proposed by the gentleman from Michigan [Mr. HATCH], which the Clerk will read.

The Clerk read as follows:

Add to section 11 the following:

"The provisions of this section shall not apply to vessels navigating the great lakes, or the waters connecting the same, or the river Saint Lawrence."

Mr. DINGLEY. I suggest the addition, "or any vessels in the United States engaged in the coastwise trade."

Mr. HATCH, of Michigan. I accept that and will make it a part of my amendment.

Mr. DIBBLE. I desire to add also after the words "river Saint Lawrence" the words "or the Gulf of Mexico."

Mr. COX, of New York. If there is an exception made of the navigation of the Saint Lawrence, the Gulf of Mexico, the lakes, and the coast, the Mississippi River also and everything should be excepted.

Mr. DINGLEY. The coastwise trade includes the Mississippi River.

Mr. HATCH, of Michigan. Is there a foreign trade on the Mississippi River?

Mr. DINGLEY. No, sir.

Mr. HATCH, of Michigan. There is at New Orleans. I accept the amendment suggested by the gentleman from South Carolina [Mr. DIBBLE].

Mr. DIBBLE. The only thing I have to say in support of my amendment is that there is no necessity for a slop-chest with so many articles in it for a vessel navigating the Gulf of Mexico. In crossing the ocean there is a necessity for it in some cases. That is the distinction.

Mr. ADAMS, of Illinois. It has occurred to me if the amendment of the gentleman from South Carolina be adopted it might exclude some vessels you do not want to exclude, vessels starting from the Gulf of Mexico to foreign ports, while those you want to exclude, those going across the Gulf, are included in the words "engaged in the coastwise trade." I think the amendment of the gentleman from South Carolina is unnecessary and injurious.

Mr. DIBBLE. The words "engaged in the coastwise trade" would not apply to vessels starting from a port in the Gulf of Mexico and going to a port in Cuba, for instance. It is but ninety miles from Key West to Havana, and I suggest on such a voyage they do not want a slop-chest.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Michigan [Mr. HATCH] has accepted the amendment of the gentleman from South Carolina [Mr. DIBBLE] as a part of his own. The question is on the amendment as thus modified.

The amendment as modified was agreed to.

Mr. PARKER. I desire to offer an amendment to come in as a new section before section 12.

Mr. DINGLEY. I suggest to the gentleman that he had better wait until we reach the end of the bill.

Mr. PARKER. There are other amendments which I desire to offer, the nature of which are such that I must submit this amendment here or lose the right to make them by the rules of the House.

The SPEAKER *pro tempore*. The Chair is of opinion that an amendment must be germane to either section 11 or section 12 to be in order at this place.

Mr. REED. And new sections must be offered at the end of the bill?

The SPEAKER *pro tempore*. New sections must be put in at the end of the bill.

Mr. PARKER. I submit to the ruling of the Chair.

Mr. COX, of New York. I move to amend section 11 by adding that which I send to the Clerk's desk.

The Clerk read as follows:

And that all laws or parts of laws requiring the payment of any remuneration to the shipping commissioner for the shipping of seamen, if shipped by said master or owner, be and the same are hereby repealed: *Provided*, That the duties of ship commissioners at home ports shall be performed by collectors of the several ports of the United States, and that no fees shall be charged for said services.

Mr. DINGLEY. I make the point of order that the amendment is not germane to the section.

The SPEAKER *pro tempore*. The Chair thinks that the section does not relate to shipping commissioners.

Mr. COX, of New York. It has reference to the shipping of seamen.

Mr. DINGLEY. There is no reference to shipping of seamen in section 11.

The SPEAKER *pro tempore*. The Chair is of the opinion that the proposed amendment would be more appropriate at the end of the bill as a new section.

Mr. COX, of New York. Is it too late to offer an amendment to section 10 of this bill?

The SPEAKER *pro tempore*. The Chair thinks it is.

Mr. COX, of New York. I ask consent to offer an amendment to section 10.

Mr. DINGLEY. I suggest to the gentleman to reserve his amendment until the end of the bill is reached.

Mr. COX, of New York. I will do so if there is no point made on it then.

Section 12 was read, as follows:

SEC. 12. That on and after July 1, 1884, no fees shall be charged or collected by consular officers for the official services to American vessels and seamen named in the tariff of consular fees prescribed by order of the President. Consular officers shall furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel, with the fee so prescribed for each service, and make a detailed report to the Secretary of the Treasury of such services and fees, under such regulations as the Secretary of State may prescribe; and the Secretary of the Treasury shall allow consular officers who are paid in whole or in part by fees such compensation for said services as they would have received prior to the passage of this act.

The committee recommend the following amendment:

In line 2, after the word "fees," insert the words "named in the tariff of consular fees prescribed by order of the President;" and in lines 5 and 6, after the word "seaman," strike out the words "named in the tariff of consular fees prescribed by order of the President."

Mr. DINGLEY. That is merely a transposition of a phrase.

The amendment was agreed to.

Mr. PARKER. I offer as a substitute for section 12 as amended that which I send to the Clerk's desk.

The Clerk read as follows:

SEC. 12. That on and after July 1, 1884, no fees named in the tariff of consular fees prescribed by order of the President shall be charged or collected by consular officers for the official services to American vessels and seamen, or for the services specified in section 2851 of the Revised Statutes of the United States, so far as the same is applicable to merchandise shipped in vessels owned by American citizens and coming from adjacent foreign territory. Consular officers shall furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel and its cargo with the fee so prescribed for each service, and make a detailed report to the Secretary of the Treasury of such services and fees, under such regulations as the Secretary of State may prescribe; and the Secretary of the Treasury shall allow consular officers who are paid in whole or in part by fees such compensation for said services as they would have received prior to the passage of this act.

Mr. DINGLEY. I make the point of order on that substitute that as far as it provides for the abolition of fees for invoices it is not germane to the bill. Invoice fees are charges upon the importation of goods, and are a part of the customs laws, and have nothing to do with the vessel.

Mr. PARKER. I submit that the point of order will not lie against this amendment. The bill which the committee has presented here is a bill entitled "A bill to remove certain burdens on the American merchant marine, and encourage the American foreign trade." Now, I suppose that anything which will come under these two specifications is germane to this bill.

The gentlemen who framed this bill and the gentlemen here who have heard it read and discussed know that repeatedly in the progress of the discussion reference has been made to consular action, consular fees, consular charges, and the duties performed by consuls. The section under consideration is a section to mitigate consular fees; that is all there is of it. I propose to add another item of consular fees to those which are included in this section. The subject of this section is the mitigation of consular fees. Therefore another item of consular fees which it is found bears heavily upon our shipping is germane to the section under consideration.

The fees to which my amendment refers are the fees specified in section 2851 of the Revised Statutes. They are also fees which are specified in the order referred to by the committee in this section "named in the tariff of consular fees prescribed by the order of the President." It is one of the very fees prescribed by the President, and therefore one of the fees which this section proposes to abolish.

The SPEAKER *pro tempore*. The Clerk will read section 2851 of the Revised Statutes mentioned in the substitute proposed by the gentleman from New York [Mr. PARKER].

The Clerk read as follows:

For every verification of an invoice and certificate before a consul or commercial agent, such consul or commercial agent shall be entitled to demand and receive from the person making the same a fee of $2.50. But each shipper shall have the right to include all articles shipped by him in the same invoice.

Mr. DINGLEY. Further upon the point of order, I desire to say that this bill, including the present section, proposes to relieve the American merchant marine from certain burdens. Invoices for the shipment of goods are not burdens imposed on any vessel. They are simply a part of the customs regulations of the country. Shippers abroad are required to verify their invoices before American consuls, and the amount of fees received from this source last year was more than $700,000. Therefore the amendment opens an entirely new question—a

question which addresses itself to fees arising from our customs regulations, not a dollar of which is paid by any vessel.

Mr. DIBBLE. Section 2851 of the Revised Statutes comes under Title XXXIV, Collection of Duties. The section of this bill which it is now proposed to amend deals simply with such fees in the tariff of consular fees as pertain to the ships and to the masters of vessels—matters connected with the subject of this bill. In the collection of customs duties, a matter entirely beyond the jurisdiction of the Committee on Shipping, it is necessary that the consul or consular agent should verify invoices for the shipment of goods to this country. These fees to which the amendment of the gentleman from New York relates can therefore have no possible connection with this bill. If he had introduced a bill proposing to abolish section 2851 of the Revised Statutes it would not have been referred to the Committee on American Ship-building and Ship-owning Interests, but to the Committee on Ways and Means. This shows, Mr. Speaker, that the amendment is in no way germane to the subject-matter now under consideration.

Mr. HEWITT, of New York. Upon the question of order I wish to say that I made an elaborate argument in this House in favor of the abolition of the fees which my colleague [Mr. PARKER] now proposes to abolish; but my proposition was to abolish them on goods shipped in foreign as well as domestic vessels. I prepared an amendment for this purpose to be offered to this bill; but upon investigation I concluded, as the amendment related to the collection of customs, not to offer it upon this bill. I will, however, say to my colleague that in a bill which I have now prepared and which is under consideration in the Committee on Ways and Means it is proposed to abolish these fees, thus effecting the object he desires to accomplish.

Mr. DINGLEY. Then I make a further point of order, that this amendment is the substance of another bill pending in the House.

Mr. HEWITT, of New York. No, sir; the bill has never been introduced in this House; it is merely under consideration for report to the House. Hence the point of the gentleman from Maine [Mr. DINGLEY] will not stand.

Mr. PARKER. I feel at liberty to say only a word more. I regret the alacrity and activity with which the committee seems inclined to object to everything beyond what they have already agreed upon. I doubt very much whether, with a view to the success of the bill, it is best to be too strict in the consideration of amendments in the House.

But I wish to call the attention of the Chair to the further suggestion that in the consular regulations (a copy of which I hold in my hand) the item to which I refer is included in the "tariff of consular fees prescribed by order of the President," which is the specific and only object of this section. The language of the consular regulations is:

No. 36. Invoice, including declaration in triplicate, $2.50.

Mr. DINGLEY. That is not a service to the vessels, but a service to the shippers of goods.

Mr. HEWITT, of New York. My colleague [Mr. PARKER] will allow me to say that what he has read is included in the list for convenience. But the President has no discretionary power as to fees on invoices. That matter is regulated by statute. He has a discretionary power as to services rendered to ships. That is the distinction.

Mr. PARKER. If I felt sure or could have the assurance of my colleague that the bill to which he refers will certainly come before the House for definite action, I should be in a measure reconciled to a ruling against this amendment.

Mr. HEWITT, of New York. I give my colleague the assurance that if I can procure a favorable report I will do so. But I can not pledge the Committee on Ways and Means to report any bill that has not yet received their sanction.

Mr. PARKER. I must ask the ruling of the Chair upon the point of order, insisting that for the reasons I have stated the amendment is germane to this section.

The SPEAKER *pro tempore*. The Chair is of opinion that the point of order is well taken. That portion of the proposed substitute which differs from the text of this bill proposes to repeal the fee which may be collected by a consul under section 2851 of the Revised Statutes. That fee is an imposition upon the shipper of merchandise to this country, and may be collected by the consul from the person proposing to ship the goods. The bill under consideration is a bill "to remove certain burdens on the American merchant marine, and encourage the American foreign carrying trade." The amendment does not relate to burdens upon ships, but to fees to be paid by shippers, and is therefore not germane to this section.

Mr. HEWITT, of New York. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Add to section 12 the following:

"But not to exceed in the aggregate in any fiscal year the amount of fees collected at each consulate for such services during the fiscal year ending June 30, 1883."

Mr. DINGLEY. That amendment, I believe, is satisfactory to me.

Mr. SLOCUM. The committee, I think, are ready to accept that amendment.

Mr. DINGLEY. I suggest to the gentleman from New York [Mr. HEWITT] whether the words "during the fiscal year ending June 30, 1883," ought not to be omitted, because this bill is to run from year to year.

Mr. HEWITT, of New York. The object of that phrase is to furnish a measure of the compensation of the consul.

Mr. DINGLEY. But will not that measure apply also to years which are to come?

Mr. HEWITT, of New York. My object is that the fees collected for this service during the fiscal year ending June 30, 1883, shall be the measure of compensation for all years to come.

Mr. DINGLEY. But suppose the business in any port should largely increase in the future?

Mr. HEWITT, of New York. I admit hereafter it will be subject to correction. What I wish to say is this—this is a proposition the House had better understand. The reason why I offer the amendment——

Mr. DINGLEY. Suppose you put in the words "for the prior fiscal year," so that if the business of the port should increase quadruple for instance——

Mr. HEWITT, of New York. I say the limit of the last year, and for the reason which I will explain to the House. We have abolished by this provision all fees, and as a matter of course the captain of a ship will do everything for the consul. He will go to him on every possible occasion and there will be a fee not to be paid by the ship but by the United States, and the result will be there will be collusion between captains of ships and consuls piling up these fees to be paid out of the Treasury of the United States. If we make the fees received at a consulate during the last fiscal year the gauge of his fees and he can not get any more, there can not be any possible collusion. It is to avoid extravagance and abuse, which would result from innumerable services captains would be glad to render occasion for on the part of consuls where the fees would have to be paid out of the Treasury and not paid by the ship.

Mr. DINGLEY. I am in accord with the object the gentleman from New York has in view; but it should be borne in mind the fees are limited to the service prescribed by the proclamation of the President. There can be but one service of a kind for each vessel.

Mr. HEWITT, of New York. While the vessel will now only get one of these services, the captain may go and get the whole of them. There is a list of thirty-odd fees, and he would be years having to pay any more. The captain in collusion with the consul would go and have the whole thirty-six rendered, whereas now he will have only one or two.

Mr. DINGLEY. What is the proposition of the gentleman?

Mr. HEWITT, of New York. To limit the compensation of each consul to the fees collected in the fiscal year ending June 30, 1883. When business increases hereafter it will be necessarily subject to new legislation, but in the mean time there is a liability to gross abuse unless this amendment is adopted.

Mr. DINGLEY. So long as this is a tentative proposition, to be followed I trust with some provision of law fixing a definite salary for every consul——

Mr. HEWITT, of New York. I agree that ought to be done.

Mr. DINGLEY. I do not know there is an objection to the amendment.

The amendment was agreed to.

Section 13 was read, as follows:

SEC. 13. That section 4213 of the Revised Statutes be amended so as to read as follows:

"SEC. 4213. It shall be the duty of all masters of vessels for whom any official services shall be performed by any consular officer without the payment of a fee to require a written statement of such services from such consular officer, and after certifying as to whether such statement is correct to furnish it to the collector of the district in which such vessels shall first arrive on their return to the United States; and if any such master of a vessel shall fail to furnish such statement he shall be liable to a fine of not exceeding $50, unless such master shall state under oath that no such statement was furnished him by said consular officer. And it shall be the duty of every collector to forward to the Secretary of the Treasury all such statements as shall have been furnished to him, and also a statement of all certified invoices which shall come to his office, giving the dates of the certificates and the names of the persons for whom and of the consular officer by whom the same were certified."

The SPEAKER *pro tempore*. There being no amendment proposed, the Clerk will read section 14.

Section 14 was read, as follows:

SEC. 14. That in lieu of the tax on tonnage of 30 cents per ton per annum heretofore imposed by law, a duty of 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from the West India Islands or the Bermuda Islands, or from any port or place in the Republic of Mexico, or from any place south of Mexico down to and including Aspinwall and Panama, or from any port or place in the Dominion of Canada or Newfoundland, or from the Sandwich Islands; and a duty of 6 cents per ton is hereby imposed at each entry on all vessels which shall be entered in the United States from any other foreign port: *Provided*, That nothing in this act shall be construed to repeal sections 2793 and 4220 of the Revised Statutes: *And provided further*, That the vessels herein named which shall have paid their tonnage tax for the current year, as heretofore provided, shall not be liable to the tax herein levied until the expiration of the certificate of last payment of said tax. And sections 4223 and 4224, and so much of section 4219 of the Revised Statutes as conflicts with this section, are hereby repealed.

The SPEAKER *pro tempore*. The Clerk will read the amendment proposed by the committee.

The Clerk read as follows:

Add the words "port or" before the word "place," in line 8.

The amendment was adopted.

Mr. DUNN. I move to strike out the section and substitute for it what I send up to the Clerk's desk to be read.

The Clerk read as follows:

Strike out section 14 and substitute the following:

"That from and after the 1st day of September next no duties upon the tonnage of foreign vessels or vessels of the United States shall be levied by virtue of sections 4219, 4223, 4224, and 4225 of the Revised Statutes of the United States, except such foreign vessels as enter from ports into which vessels of the United States are not permitted to enter for trade; and except, further, the vessels of such foreign nations as impose discriminating duties on the vessels of the United States.

Mr. DUNN. Mr. Speaker, this substitute proposes to absolutely abolish all the tonnage tax on foreign vessels as well as on vessels of the United States, subject to the exceptions named in the substitute. The tonnage tax collected as I am informed (and I do not pretend to be accurate on this point) is $1,300,000 per annum—$300,000 on American, and $1,000,000 on foreign vessels. All will admit that all taxation accumulates on the objects of taxation and is at last paid by the consumer. The great trouble of the American shipping interest is it is loaded down with onerous burdens of taxation under which it is impossible to continue prosperously and profitably.

This tax was entirely repealed in 1829, and, as I am informed, was never revived until after the war began in 1861. It is a war tax. There is no necessity for it. No people in any country in this world are willing to pay a tax unless there is a necessity for it, however inconsiderable the tax may be; and the feeling of the American people of to-day is in favor of the entire repeal of all unnecessary taxes. The modification, the reduction of excessive taxation is demanded. While we can not hope by this kind of an amendment alone to revive American shipping and set our people in successful competition with the shipping interests of other countries by giving them a standing among the commercial nations of the world such as they once had, it is a measure which will remove a small burden at the expense of a small sum from the Treasury which is not needed there.

The gentleman from New York, in all of his long and useful experience in this House, never gave more wholesome advice than he has given to-day in the direction of the restoration of American shipping. He stated all of the conditions needed, except, in my judgment, one single one, which he overlooked. He said, "Give us free registration for ships bought abroad; give us free material for the construction of ships in our own yards, not only ships for foreign trade and market but for our own domestic trade and market." If he had said, "Give also such freedom of trade throughout the world as will enable these ships to secure cargoes wherever they can find them, to be brought profitably to our own ports," he would have stated the whole case and all of the conditions that are required. It will be in vain that we make free ships and free material so long as trade and commerce are fettered and burdened with war-tariff taxation which amounts to prohibition as to a vast volume of trade that would be possible under more favorable conditions. There will never be a revival of American shipping until there is something for American shipping to do profitably.

It is these burdens of taxation of all kinds, great and small, taxes upon every element that enters into the shipping interest, that are bearing it down; taxation upon the commodities that must form the cargoes of the ships as well as upon the material of which the ships are built—all of these are what have destroyed American shipping. Our shipping interests have gone down as taxation has gone up, and in the exact ratio.

And now if taxation is high from the necessities of a great war, so our shipping interest is as low as these burdens can possibly depress it. It has absolutely been driven from the seas; and I favor the policy of removing every burden upon trade and commerce wherever it may be found and in whatever shape it exists. It is but a small sum in this case, about $1,300,000. It is a mere bagatelle to the Treasury, but it is a great burden upon our feeble shipping interests, all tending in the direction of crushing and destroying it.

Mr. DINGLEY. Mr. Speaker, the proposition of the gentleman from Arkansas is an exceedingly important one, and ought to receive the most careful attention of this House. It is practically a proposition to abolish the tonnage tax on the vessels of all nations except those of Spain, which is the only nation that maintains a discriminating charge against American vessels.

It proposes to abolish a tax which last year yielded to us $1,320,500, of which amount $1,057,961 was paid by foreign vessels and only $262,539 by American vessels. It is a proposition, therefore, to remit over $1,000,000 of tax on foreign vessels and but $260,000 on American vessels. And it proposes to do that without in the first instance securing from foreign nations an abolition of the tax imposed upon American vessels. For example, to-day England imposes in the shape of light-dues taxes upon American vessels which amount to 12 cents per ton. We impose an equivalent tax, which we call a tonnage tax, of 30 cents per year. But the bill which is under consideration proposes to reduce that tax to 6 cents for each entry. If this amendment should be adopted English steamers, for example, making ten trips a year to our ports will be admitted to all of the ports of this country without charge as to rate of duty or tonnage tax. They will be allowed to come in free of tax; but the American vessels of the Philadelphia line, for instance, which make regular trips to Liverpool, will be charged 12 cents per ton on every entry at that port, or $1.20 per ton per year.

The proposition therefore is, as I have said, to admit British and other foreign vessels without any light-house duty or tonnage tax, but allow at the same time Great Britain to tax American vessels 12 cents per ton on each entry, or if they be steamships, $1.20 per ton per year. That seems to be a very serious objection to the amendment.

Now, I am in favor of the abolition of the tonnage tax on certain conditions, namely: that that tax shall also be abolished, or all equivalent taxes, on American vessels which are now imposed by foreign nations. Otherwise I should object to it, and I think the objection is and will be a serious one if the House will consider it. Because for this House to vote to abolish all this tax upon foreign vessels and still leave the foreign nations to impose their taxes upon our vessels seems to me to be the most unwise and unnecessary legislation that could be proposed. On the contrary, if we are to take steps in that direction let us continue the tonnage tax and arrange to apply it as England arranges her light-house tax, and then authorize the President to suspend the collection of the tax as to the vessels of other nations which abolish the tax as to our own.

Mr. DUNN. What is the necessity? Do we need the revenue? Does the Government need the revenue derived from this source?

Mr. DINGLEY. But if the Government is to remit the revenue derived from this source to foreign vessels, it ought to get something in return. It ought not to give this to foreign vessels and at the same time allow foreign nations to tax our vessels. It would be better to say to foreign nations: "If you will relieve our vessels we will relieve yours."

Mr. DUNN. My idea is, every burden of taxation we put on their tonnage is simply an addition to the cost of what they deliver to us, and is paid by our consumers and is a tax on our own people, not on them.

Mr. DINGLEY. If so, then there is an additional reason for getting reduced the large taxes paid by vessels which enter the ports of Great Britain—12 cents a ton. This proposes only 6 cents, half the British rate. Let us do this so as to induce foreign nations to take their burdens from us, and not relieve foreign vessels to the extent of a million dollars when we only relieve American vessels to the extent of $260,000, without saying to them, "We will relieve you on condition you will relieve our vessels." That is my objection to the amendment.

Allow me further to say the committee propose to change the mode of collecting the tonnage tax so as to collect it for each entry. That should be the rule. It is the rule which England adopts in levying her light-house tax. In doing so we especially relieve our vessels. Nine-tenths, yes, fifteen-sixteenths of the American vessels engaged in foreign trade are sailing vessels. A large proportion of them make but one entry a year, and they are taxed under existing laws 30 cents a ton for each entry, whereas an English steamer comes in ten times a year for only 30 cents. That is to say, we tax our own vessels 30 cents a ton and the British steamer only 3 cents a ton on each entry. The committee propose to change the mode of levying the tax so as to levy it at each entry. And then they are willing, after making that arrangement, to say to foreign nations: "If you will take off the tax on American vessels in your ports, we then and on that condition will take the tax off yours."

Mr. ELLIS. I move to strike out the last word.

The American Congress is to-day face to face with a subject which in my judgment is the most important which can engage its consideration—a bill to remove certain burdens upon American shipping. As that interest lies stranded and desolate, with only its glorious memories about it, it must be lightened, it must be relieved, and everything which tends to hold it in its present stranded position must be taken off.

I support the amendment of my friend from Arkansas [Mr. DUNN]. The only argument against it that has fallen from the lips of my learned and distinguished friend from Maine [Mr. DINGLEY] is based on the *lex talionis*—the law of retaliation. And everybody knows that law always injures the weaker. Why? A tax of $300,000 upon the American merchant marine is equivalent to a tax of $3,000,000 upon the British merchant marine, so great is the difference between their tonnage.

Now, what does the amendment of my friend from Arkansas propose? It proposes to remit a million of dollars of taxation which we do not need; for our chief political problem to-day is to get rid of our surplus revenue. Then we do not need it for revenue. We are endeavoring to get rid of the excess of revenue, and we do not need it for that purpose.

This is following the line of the legislation of 1829, when the American Congress repealed the tonnage tax—repealed it, as I am informed, unconditionally, and the result was most beneficial to our shipping. Our shipping was then very much depressed. This depression had steadily increased from 1822 until it was in a deplorable condition in 1829; and then the Congress of that time voted to repeal this tonnage tax in order to lighten the burdens on shipping. The result was a steady growth up to 1861.

Now, sir, I propose in supporting this amendment that we remit this revenue for one or two or three years; that we do away with this taxa-

tion for two or three years; that we repeal it for two or three or four years in order to set these nations an example of liberality. It is a burden of $200,000 or $300,000 a year upon the American merchant marine. What are we trying to do? We are trying to lighten the burdens on the American merchant marine. I have already alluded to the vast discrimination which this tax makes as against the American merchant marine. It weighs it down, it burdens it, and should be removed.

I feel strongly upon this subject. I feel there is no subject so important as this to the prosperity, the glory, and power of this nation. I feel that the freer you make your shipping, the less you tax your shipping, the more you extend your commercial power, the more you extend your marine power, the more swiftly will grow the greatness and glory of the country. And it is an effort in that direction to get rid of the tax that does us no good whatever. It is an endeavor simply to remit a tax of $1,000,000 on foreign vessels in order to get rid of two or three hundred thousand dollars on American vessels; and I trust the House will adopt it.

Our example in years gone by has been followed by other nations. We repealed the light-tax in 1830, and in 1849, I believe, England, the last of the nations to do so, followed our example and repealed the light-duties in regard to American vessels. It is for the purpose of setting them this example and to relieve American shipping of this burden that I shall earnestly advocate the amendment of the gentleman from Arkansas [Mr. DUNN]. It was a war tax imposed in 1861, in war times, and for war purposes, and had it not been for the war it would not have been upon the statute-book to-day.

Mr. DUNHAM. I desire to say that I have myself been engaged in business where this tonnage tax has caused expense not only to myself, but I can plainly see that the tax really comes out of the farmer, especially in the Western States.

Every year I have been in the habit of shipping large quantities of grain to Canadian ports. It has been invariably the case that when I applied to a vessel agent in Chicago for a vessel to go to a Canadian port with a load of corn or wheat the answer at once was, "I have not paid my tonnage dues, and I shall want a half a cent or a cent per bushel extra to pay me for going to a Canadian port." That has been the answer, even though the Canadian port was very near to an American port. Only last fall I was compelled at times to pay the same rate of freight to Sarnia, near Port Huron in Michigan, that the rate to Buffalo was on the same day and at the same minute. Why? Because of this tonnage tax.

I am sorry to say that the vessel-owners at times, as it is natural that they should do, take advantage of this tonnage tax in order to get an increased rate of freight. For instance, they would charter a vessel in August to one party and say that they must have a half a cent or a cent a bushel extra freight on account of this tonnage tax; and they would say that all through the season to others to whom they chartered vessels. They would thus practically get this half a cent or a cent per bushel extra every time they chartered a vessel, and the money comes out of the farmer while the vessel-owner does not suffer.

It is for that reason that I am in favor of no tonnage tax whatever, in order that the farmer or American producer may save this money rather than have it go into the pockets of the American vessel-owner.

Mr. ELLIS. I withdraw the *pro forma* amendment.

Mr. EATON. I move to strike out the last word. I am not quite satisfied with the amendment of my friend from Arkansas [Mr. DUNN]. I am not second to any member on this floor in my desire to place the shipping interest of this country upon a proper basis. In the other branch of the National Legislature I had the honor years ago to endeavor—unsuccessfully, I admit—to place the shipping interest of this country upon a proper and legitimate basis.

I am in favor of free ships, free iron, free anything that will give to the American merchant marine its former position on the ocean. But I do not quite see how this amendment of my friend from Arkansas will tend to that end, nor do I quite see the force of the argument of my friend from Louisiana [Mr. ELLIS].

"It won't do," to use the expression of a distinguished Senator from Ohio in years gone by, "it won't do" to say that we do not need the revenue. That is a poor argument, permit me to say, for any government to use that owes from fifteen hundred to two thousand millions of dollars. We need all the legitimate revenue which we can obtain; and permit me to say to my friend from New York [Mr. COX] I desire no other, because I desire none but a constitutional revenue. But we need it all, let it come from whatever source it may.

The argument of my friend from Louisiana [Mr. ELLIS], ingenious as it was, does not satisfy my mind. Perhaps it is my fault, not his. I would rather do this: increase the tonnage tax upon the vessels of every foreign country on earth, and discriminate in favor of American bottoms; I would rather do that.

Mr. ELLIS. And have yourself discriminated out of foreign ports by foreign nations.

Mr. EATON. Not yet; not until we have something to be discriminated in.

Mr. ELLIS. That would result in the absolute destruction of whatever glimmer of hope remains for the revival of American commerce.

Mr. EATON. I do not so see it. Such is not my reading of the history of a thousand years; I do not so understand it myself. The mere assertion by my friend from Louisiana, however much I may regard his judgment, does not convince me. I would discriminate in favor of American bottoms and against foreign bottoms. They must come here to get our cotton, our wheat, and everything that is shipped to foreign ports.

Mr. DUNN. Will the gentleman allow me to inform him——

Mr. EATON. Yes, for I have no doubt I need the information.

Mr. DUNN. The present law discriminates in favor of American bottoms. The tonnage tax on American-built ships is only half what it is on foreign-built ships.

Mr. EATON. I am glad of that.

Mr. DUNN. And our commerce has perished under the influence of that law.

Mr. EATON. My friend has not informed me of anything; I knew that before. [Laughter.] I would take it all off; I would not have any tonnage tax on American ships, and I would have a tonnage tax on foreign ships. We are paying annually $115,000,000 in gold and silver to foreign ship-owners in our freights and in our passage-money, and now you propose to take off the tonnage tax from foreign-built ships.

I do not see that it is in the line of my duty, favoring as I do everything that looks to the advantage of the merchant marine of the United States, to take off this tonnage duty from foreign ships.

Mr. ADAMS, of Illinois. It occurs to me that the argument of the gentleman from Maine is delusive when he says that $1,000,000 of this tax comes from foreign vessels and only $300,000 from ours. The reason of the difference is that we have not so many vessels. The burden on each American ship is as great as the burden on each foreign ship. In my judgment, the tonnage laws as they now exist are really a discrimination against American vessels; and this discrimination the amendment proposed by the committee will increase. If you have an entry tax of 3 cents a ton, it will be upon an American steamer making twelve voyages a year 36 cents per ton in each year, instead of 30 cents as required by existing law.

Mr. DIBBLE. Will the gentleman allow me to ask him a question?

Mr. ADAMS, of Illinois. I would prefer that the gentleman should answer one, as I do not profess to be familiar with this question.

Mr. DIBBLE. This bill limits the tax in any one year to 15 cents a ton.

Mr. ADAMS, of Illinois. That is on short voyages. I am talking about long voyages. I am speaking of those American steamships that we are anxious to build up which shall cross the Atlantic not merely to England, but to France, Germany, and Spain.

Mr. DINGLEY. The gentleman will allow me to say that an amendment which will be offered in due time provides that the amount of this tax shall not exceed 30 cents per ton in any one year.

Mr. ADAMS, of Illinois. Do I understand the gentleman to say that the committee amendment to which he refers will not increase, but will rather reduce the present burden? Will it increase or diminish the burden now resting on American and foreign ships alike for voyages between this country and Europe?

Mr. DINGLEY. It will decrease the burden as to the great majority of vessels—as to nearly every American vessel; for most of the American vessels in the foreign trade are sailing vessels.

Mr. ADAMS, of Illinois. I refer to steamers.

Mr. DINGLEY. Where foreign and American steamers make the same number of trips the charges will be alike; we propose to make no discrimination. And let me say to the gentleman from Arkansas [Mr. DUNN] that he was mistaken when he said, in answer to the gentleman from Connecticut, that we put a less charge upon American vessels than on foreign vessels. Under our reciprocal treaties with other nations, the charges must be uniform.

Mr. DUNN. Since I made the remark my attention has been called to such a provision in the treaty of Washington; but when I made my statement I was guided by the reading of the statutes which were in existence prior to that treaty.

Mr. ADAMS, of Illinois. We want to encourage our iron and steel steamships which shall ply between American and foreign ports. If we reduce the tax on American and foreign vessels alike we discriminate in favor of American ships. The rate of interest on capital invested being less in England than the rates which capital can command in this country, the more we diminish the tax the more we diminish the advantage which English ships have from the lower rate of interest upon capital. Therefore I am in favor of a reduction of these taxes, and I believe I will vote with the gentleman from Arkansas for their entire repeal.

Mr. EATON. I withdraw the *pro forma* amendment.

Mr. SLOCUM. I move the previous question on the pending section and amendment.

Mr. ELLIS. I hope the gentleman will allow me——

Mr. SLOCUM (to Mr. ELLIS). If you want to kill the bill go on and talk.

Mr. ELLIS. I do not want to kill the bill, but to make it really what it purports to be. I ask the gentleman to allow five minutes' further discussion.

The SPEAKER *pro tempore*. Debate is not in order pending the demand for the previous question.

Mr. SLOCUM. I insist on my motion.

Mr. O'NEILL, of Pennsylvania. If the previous question is going to cut off the opportunity to offer further amendments I hope it will be voted down. I have a very material amendment to offer to the section.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. O'NEILL, of Pennsylvania. Indeed, I think that if the gentleman from Arkansas [Mr. DUNN] knew the amendment I desire to offer he would withdraw his and allow mine to come in.

The SPEAKER *pro tempore*. The question is on ordering the previous question on the pending section and amendment.

Mr. PARKER. I wish to make a parliamentary inquiry.

The SPEAKER *pro tempore*. State it.

Mr. PARKER. Will the adoption of this motion cut off the right to make further amendment?

The SPEAKER *pro tempore*. It will to this section only.

Mr. PARKER. If the gentleman will permit me I will say I trust it will be voted down. This is an important section, and I think we have a right as legislators on this floor to submit amendments and to explain them.

Mr. O'NEILL, of Pennsylvania. If the previous question is ordered it will cut off amendments to this section?

The SPEAKER *pro tempore*. It will.

Mr. O'NEILL, of Pennsylvania. That is not what the gentleman from New York wants nor what I want.

Mr. SLOCUM. I will give the gentleman an opportunity to offer his amendment, and will modify my demand for the previous question, confining it to the pending amendment.

The previous question was ordered.

The question recurred on Mr. DUNN'S substitute.

Mr. SLOCUM demanded a division.

The House divided; and there were—ayes 26, noes 78.

So the substitute was rejected.

Mr. O'NEILL, of Pennsylvania. I move to insert in line 11, after the words "6 cents per ton," the words "not to exceed in the aggregate 30 cents per ton in any one year." I would go a long way to have the entire tonnage tax repealed. I am not ready at this time to vote for that repeal, because other nations discriminate against us. I do not think the substitute of the gentleman from Arkansas was explicit enough on that point. My amendment leaves the law as it is to-day. The committee reported 6 cents a ton, which is double what the law is.

Mr. DINGLEY. Thirty per annum.

Mr. O'NEILL, of Pennsylvania. Which is about 3 cents per ton as voyages are now made. My amendment is to let the law remain as it is, at 30 cents per ton in the aggregate for any one year, and I hope it will be adopted.

Mr. SLOCUM. I do not object to that.

The amendment was agreed to.

Mr. DINGLEY. I offer an amendment which will abolish the tax as to vessels engaged in trade from Canada, and for this reason: The committee, when we reported this, were uncertain whether Canada had abolished her tax on American vessels or not.

A MEMBER. They have.

Mr. DINGLEY. We have since learned they have, and that carries out the principle adopted by the committee. I offer the following amendment.

The Clerk read as follows:

Strike out the words "or from any port or place in the Dominion of Canada or Newfoundland," and strike out all after "port," in the thirteenth line, to and including "Revised Statutes," in the sixteenth line, and insert, "provided, that vessels engaged in trade between the United States and the Dominion of Canada shall be exempt from the payment of the tax herein authorized."

Mr. SLOCUM. I offer the following as a substitute for the section and pending amendment, and on that I demand the previous question.

The Clerk read as follows:

SEC. 14. That in lieu of the tax on tonnage of 30 cents per ton per annum heretofore imposed by law, a duty of 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the Sandwich Islands, or Newfoundland; and a duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign ports: *Provided*, That the President of the United States shall suspend the collection of so much of the duty herein imposed on vessels entered from any port in the Dominion of Canada, Newfoundland, the Bahama Islands, the Bermuda Islands, the West India Islands, Mexico, and Central America, down to and including Aspinwall and Panama, as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed on American vessels by the government of the foreign country in which such port is situated, and shall upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of change in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply, and the rate or rates of tonnage duty, if any, to be collected under such suspension: *And provided further*, That all vessels which have paid the tonnage tax imposed by section 4219 of the Revised Statutes fro the current year shall not be liable to the tax herein levied until the expiration of the certificate of last payment of the said tax. And sections 4223 and 4224, and so much of section 4219 of the Revised Statutes as conflicts with this section, are hereby repealed.

Mr. SLOCUM. I move the previous question upon that section and the pending amendment.

Mr. PARKER. I wish to make an inquiry.

The SPEAKER *pro tempore*. Debate is not in order. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The first question is upon the substitute proposed by the gentleman from New York [Mr. SLOCUM].

The substitute was agreed to.

The section as amended was agreed to.

The SPEAKER *pro tempore*. The Clerk will now report the next section.

The Clerk read as follows:

SEC. 15. That the tax of 40 cents per month authorized to be assessed and collected from the master or owner of every vessel of the United States engaged in the foreign trade, for every seaman employed on such vessel, is hereby abolished on and after July 1, 1884; and so much of the expense of maintaining the Marine-Hospital Service as shall arise from the relief of such seamen as are employed on vessels engaged in the foreign trade shall on and after such date be borne by the United States. And so much of sections 4585 and 4587 of the Revised Statutes as authorizes the assessment and collection of such hospital tax for seamen employed on vessels of the United States engaged in the foreign trade, or requires the masters of such vessels to render an account of the number of seamen on said vessels for the purpose of assessing such tax, is hereby repealed.

Mr. ADAMS, of New York. I have an amendment to offer to this section 15, which I send to the desk.

The Clerk read as follows:

In line 3 of section 15, after the words "United States," strike out the words "engaged in the foreign trade." In line 6 strike out the words "so much of." In lines 7 and 8 strike out the words "as shall arise from the relief of such seamen as are employed on vessels engaged in the foreign trade;" and in lines 13 and 14 strike out the words "engaged in the foreign trade;" so that as amended it will read:

"SEC. 15. That the tax of 40 cents per month authorized to be assessed and collected from the master or owner of every vessel of the United States, for every seaman employed on such vessel, is hereby abolished on and after July 1, 1884; and the expense of maintaining the Marine-Hospital Service shall on and after such date be borne by the United States. And so much of sections 4585 and 4587 of the Revised Statutes as authorizes the assessment and collection of such hospital tax for seamen employed on vessels of the United States, or requires the masters of such vessels," &c.

Mr. ADAMS, of New York. My purpose in moving the amendment to the pending section is to make this bill conform, if I can, to a similar bill now pending in the Senate, and I will read the fifteenth section of that bill:

SEC. 15. Sections 4585, 4586, and 4587 of the Revised Statutes, relating to the assessment and collection of a hospital tax for seamen, are hereby repealed, and the expense of maintaining the Marine-Hospital Service shall hereafter be borne by the United States.

By striking out the words I have indicated it will be seen that it will make the House bill conform in all respects to the bill of the Senate, the corresponding sections of which I have just read. I did intend to move the exact language of the Senate bill for this section as a substitute. But the act of March 3, 1875, is not incorporated into the Revised Statutes of the United States. Now, I can not see why it is that the bill reported to this House did not repeal *in toto* all the tax. Why repeal the tax as to vessels engaged in the foreign trade and not to those engaged in the coastwise trade?

It seems by the act of 1875 there was some doubt in the mind of the courts and the parties called upon to construe the act as to the meaning of the word "seaman" where it is used in the statutes referred to in the Senate bill; and in chapter 156 of the act of 1875, section 3, it is provided as follows:

SEC. 3. That the term "seaman" wherever employed in legislation relating to the Marine-Hospital Service shall be held to include any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation.

It will be seen that the word "seaman" applies to all who may be employed on board the vessel, and the inequality of the act may thus be seen at a glance. The seamen themselves have petitioned Congress to repeal this tax.

Now, I presented to the House, and I also hold in my hand here, a petition of the sailors and seamen and other employés on board of these coastwise vessels extending from Philadelphia to Hartford, asking a total repeal of this law. As an act of justice to them I think they are entitled to the relief prayed for. It is a tax imposed by no other government upon its seamen, and I submit to the committee that it should be forthwith repealed.

The wages paid to seamen upon our coastwise vessels are not, as I am informed, in excess of $16 a month; and they are the only class of citizens in our country who are directly taxed for the support of any hospital in the country. I know well enough that if a bill were introduced here to tax all of the railroad employés, all of the car conductors, or any other employés engaged in any other branch of industry that you might name 40 cents each as a direct tax for the purpose of supporting an asylum or hospital of any kind, it would not receive one vote in this House from any member present on the floor. And in view of the fact that this causes considerable irritation and annoyance between the owners of vessels and these seamen, I ask that the amendment I have offered be incorporated into this bill. I now ask the Clerk to read a paragraph from a New Orleans paper upon this subject.

The Clerk read as follows:

THE MARINE-HOSPITAL TAX.

The assessment of 40 cents per month upon seamen, steamboat deck-hands, roustabouts, and others, without regard to the compensation paid them, has for a long time been the subject of discussion by the friends of the class affected by the exaction. Steps have recently been taken to lay this matter before Congress in the form of a petition to abolish the tax on the laboring men, nearly all of whom are poor, and defray the expenses of the Marine-Hospital Service out of the United States Treasury as other public institutions are maintained.

One is surprised to see such an equitable proposition antagonized by those who profess to be the friends of all who earn their living by the work of their hands and personal services. Yet a good deal of opposition has been engendered by, as near as we can learn, a few persons, whose reasons therefor are not very clear, operating upon the minds of others whom they habitually and adroitly deceive as to the facts and figures of the present system and the merits of the controversy. It is, in our judgment, unjust to tax workingmen pure and simple at all for any purpose whatever.

Their services are absolutely necessary to maintain the commerce of the country, both outward and inward. From this commerce the Government derives its chief revenue and capital satisfactory profits. The one is already sufficiently taxed in the tariff bill to exempt it from further burdens, while in our judgment the other, the Government, can well afford to provide for the sick and disabled of those to whose manual efforts the commerce and the resulting revenue are so largely indebted. The cause seems to us akin to that other which was espoused by The Item about a year or two ago and so forcibly presented to Congress by its friends that it was finally won. We refer to the reduction of fees for licenses granted to officers and skilled employés of steamboats. These fees, which were excessively severe, have been reduced to a mere nominal tax, which, as we learn, is now cheerfully paid. But poor Jack and the common steamboat hands are yet subject to an exaction of 40 cents a month—$4.80 per annum, which is retained by the vessel out of their pay monthly, and turned over to the marine-hospital fund—sometimes.

[Here the hammer fell.]

Mr. ADAMS, of New York. I ask the privilege of incorporating with my remarks the following schedule of taxes collected for the support of the hospitals:

Comparative statement of the marine-hospital tax collected and expenses, by districts, for 1883.

Districts.	Aggregate of dues collected.	Seamen treated in hospital.	Seamen furnished office relief.	Total cases.	Average cost per case.	Tax paid per seaman per month.	Tax collected.	Average cost per month, *a*	Amount expended.
	Dollars.	*Number.*	*Number.*	*Number.*	*Dollars.*	*Cents.*	*Dollars.*	*Cents.*	*Dollars.*
Great lakes	118,454	2,232	5,514	7,746	10 45	40	47,381 74	68½	80,976 80
Ohio	68,792	1,127	3,849	4,976	8 01	.....	27,516 57	58	39,849 08
Mississippi	70,236	2,113	2,759	4,872	10 46	.....	28,094 17	72½	50,952 86
Gulf	83,595	1,658	3,117	4,775	11 79	.....	33,439 13	61¾	51,533 29
Total and average	341,077	7,130	15,239	22,369	9 98	40	136,431 61	65½	223,312 03
North Atlantic	125,700	1,028	2,416	3,444	14 30	40	50,280 30	39½	49,232 00
Middle Atlantic	300,182	1,949	3,259	5,208	10 26	.....	120,073 01	17 9/10	53,448 74
South Atlantic	158,282	2,315	4,803	7,118	9 39	.....	63,312 94	42½	66,852 36
Pacific	116,278	934	1,122	2,056	21 97	.....	46,511 33	38½	45,180 55
Total and average	700,442	6,226	11,600	17,826	12 05	40	280,177 58	30⅛	214,713 65
Grand total and average	1,041,519	13,356	26,839	40,195	10 90	40	416,609 19	42	438,025 68

a On the assumption that every seaman had treatment.

The South Atlantic district includes cost of maintaining hospital for insane.

The above is made up as follows, fines not included:

Collected from registered vessels, foreign trade	$81,507 49
Collected from licensed enrolled vessels, coastwise, including lake and river vessels	329,508 21
Collected from revenue vessels	3,818 83
Total	414,834 53

There are about 1,200 men engaged in fishing trade that do not pay any dues.

Mr. COX, of New York. I believe I had the honor of presenting a petition signed by a good many people in favor of the retention of this tax to support these hospitals. Evidence has been brought to me that that petition was signed by men who do not understand its full import. I desire to make that statement. My opinion is it would be wise for us now to remove the burden from this class of people. I do not see, as my colleague has said, why we should exempt people employed on railroads from a tax to support them when sick, or to care for them in hospital, and leave this tax remaining on sailors.

I do not propose to make a long argument; but I wish to say I have a letter here from Dr. Hamilton, of the United States Marine-Hospital Service, which I ask to have read, and which will confirm my vote in favor of the proposition of my colleague.

Mr. McMILLIN. Will the gentleman allow me to ask him a question?

Mr. COX, of New York. Certainly.

Mr. McMILLIN. You say you see no reason why the Government should impose a tax in support of a marine hospital and not have a tax for the support of sick railroad-men and men in other employments. Then I ask you why the Government should keep up a hospital for the employés of the marine service when it does not for railroad employés? That is what the amendment will do.

Mr. COX, of New York. The fact remains that ever since our Government has been established there has been provision made by hospitals for this improvident class of men called sailors. They are subject to all sorts of inclemencies; and I think this is no more than just on behalf of these men who go round and about the earth and who have not the domesticities which Congressmen always enjoy. I call for the reading of Dr. Hamilton's letter.

The Clerk read as follows:

TREASURY DEPARTMENT,
UNITED STATES MARINE-HOSPITAL SERVICE,
OFFICE OF THE SURGEON-GENERAL,
April 25, 1884.

MY DEAR SIR: I have been asked to give you my opinion on the matter of the position of the service in relation to the reduction of the marine-hospital tax, and possibly its abolition in case Congress chooses to maintain the service without taxation, and in regard to that can only say that this whole question is viewed as beyond the province of this office, and it does not seem that it could in any way be injured by Congress assuming its support, as it now does that of the other humanitarian services.

The beneficiaries of the service are in large part homeless waifs who are not subject to the operations of the local poor laws, and consequently it would appear to be a humanitarian act for the United States to take care of them when sick or disabled, and one almost necessary for the honor of the country, if it is deemed best to change the present method. Concerning the wisdom of that change it seems to resolve itself into a financial question only, about which I do not think the opinion of this office is entitled to any special weight.

Very truly, yours,

JOHN B. HAMILTON.

Hon. S. S. COX, *M. C.*

Mr. WILSON, of Iowa. I move to strike out the last word.

This is a question, Mr. Speaker, upon which I can speak for a moment without playing the demagogue to any extent. There are no seamen in my district. We have no waters in Iowa that float anything. It seems to me, in view of the fact that those men do not get more than half the wages we pay to Iowa farm hands, and in view of the fact that no other workmen of any kind have taxes levied upon their wages for the purpose of supporting the hospitals, that there is a distinction here which I should like to see wiped out, and wiped out now. It is entirely opposed to the whole spirit of our institutions. The rule of taxation is to levy taxes upon men who are able to pay taxes.

The American merchant marine must be built up some day. And to you gentlemen who wonder whether any amendments to our laws now would help to build up American shipping I would like to take this occasion to say that just as soon as capital gets through building railroads it will build you all the ships you want. We people in the interior are making the money to build both the railways and the merchant marine eventually. No country can have a merchant marine without sailors. No country can have a navy without sailors. It is coming to the time when we shall have a merchant marine and a navy both, and looking to that time every discrimination against that class of men should be removed, and should be removed now.

Mr. SLOCUM. I ask unanimous consent of the House to vacate the order for an evening session for debate for this evening only, in order that the House may continue the consideration of the pending bill this evening.

Mr. WILSON, of Iowa. You would not get a quorum at an evening session.

Mr. DINGLEY. Let the gentleman from New York ask that the session may be extended beyond 5 o'clock.

Mr. SLOCUM. I make that request.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. SLOCUM] asks unanimous consent that the order of the House requiring that a recess be taken from 5 until 8 o'clock this evening be vacated.

Mr. RANDALL. Does the Committee on Ways and Means consent to that?

The SPEAKER *pro tempore*. The question is, does the House consent to it? Is there objection?

Mr. RANDALL. I object until I know that the Committee on Ways and Means consent.

Mr. MORRISON. For my part I am willing to give my consent.

The SPEAKER *pro tempore*. The gentleman from New York asks unanimous consent that the order for a recess be abrogated for this evening, in order that the session may be continued——

Mr. BLOUNT. Beyond 5 o'clock?

The SPEAKER *pro tempore*. Until the House adjourns. Is there objection?

Mr. DUNHAM. I ask the gentleman from New York if he can not go on and finish the bill now?

The SPEAKER *pro tempore*. That is the object which the gentleman from New York desires to accomplish.

Mr. DUNHAM. Then I do not object.

There being no objection, the order for a recess was vacated for this evening.

The SPEAKER *pro tempore*. The question is upon the amendment submitted by the gentleman from New York [Mr. ADAMS].

Mr. MCMILLIN. Is debate exhausted on the pending amendment?

The SPEAKER *pro tempore*. It is.

Mr. MCMILLIN. Then I move to strike out the last word, in order to call attention to one feature of the amendment proposed by the gentleman from New York [Mr. ADAMS], which I think ought to receive deliberate consideration before it is adopted by this House. I have no objection to repealing the law imposing the tax which he has mentioned, if experience has proven that it is not right.

But I do not think the House ought to adopt the second provision of his amendment. In commenting upon it the gentleman from New York offering the amendment [Mr. ADAMS] and his colleague [Mr. COX] both laid stress upon the fact that there ought not to be a tax of this kind imposed upon seamen any more than there should be a tax imposed upon the employés of railroad and other transportation lines and of interior steamboat lines for the purpose of taking care of their sick and disabled. Thus far their argument is good. But what further does the amendment propose? It proposes that the Government of the United States shall assume charge of this marine hospital and pay for its maintenance.

Mr. ADAMS, of New York. As the Government assumes control of the Life-Saving Service.

Mr. MCMIILLIN. In other words, it proposes that a hospital for the benefit of this class of persons shall be supported out of the public Treasury, shall be provided for out of the revenues derived from the masses of the people. To that feature of the amendment I object. I do not see any reason for it. For years we have got along without it.

What excuse can any Representative living in the interior give to his constituents for providing means to support a hospital for these men; for providing that another class of employés not in the Government service shall be taken care of by the Government, whereas when any of his own constituents become afflicted they must take care of themselves. There is no sufficient reason for such action on our part. While I am entirely willing to repeal the tax upon the sailor and place it in another shape upon the ships, if experience has proven that to be the best, I do not think that, without any tax either upon the shipping or upon those to be benefited by the maintenance of this hospital, the people at large should bear the expense of maintaining it.

Mr. MCADOO. It seems to me that the argument of the gentleman from Tennessee [Mr. MCMILLIN] is entirely fallacious. In the first place, the brakeman on a railroad is a citizen of some State, county, or city which can take care of him in such institution as they may tax their citizens to support. But the sailor is peculiarly a representative of the Federal power.

Mr. MCMILLIN. But a citizen of some State.

Mr. MCADOO. He is peculiarly the representative of the United States upon the high seas and upon the waters of the United States. There is another consideration: the Government now supports this hospital in part. So far as the argument of the gentleman from Tennessee [Mr. MCMILLIN] goes, I will say that the Government is now obliged to pay out more money for this purpose than it has received from this tax.

I think the whole tax should be abolished, that we should lighten to that extent the burdens which are now bearing down American shipping. I do not see any reason for this discrimination against the American seamen and in favor of foreign seamen. The amount collected from seamen engaged in our foreign trade last year was $81,507.49, while the amount collected from those engaged in our domestic trade was $329,589.21.

In other words, it is the domestic sailor who is paying the most of this tax by our law, and it is the domestic sailor which the gentleman from New York [Mr. ADAMS] is seeking to free from this thralldom. I think this great and rich Government should be able to support this institution. The tonnage tax which this House to-day has refused to abolish will furnish more than will be necessary to support an institution of this kind.

Mr. ADAMS, of New York. Three times over.

Mr. MCADOO. I believe if members of the Congress of the United States could stand of a fine summer's day at the Narrows of New York and see the foreign flags which are floating in the air from the mast-heads of foreign vessels in those waters they would be willing to do something which would tend to some extent to revive American shipping. We want this burden stricken from our shipping. We want the white stars of democratic freedom to replace in American and all other waters the red, angry cross of Saint George.

I do not want to indulge in any debate on this question more than is necessary, because I hope this bill will pass. It may be only a modicum of what is needed, but we should pass this bill and then hereafter do what further is needed.

Mr. SLOCUM. I do not desire to oppose the amendment of the gentleman from New York [Mr. ADAMS]. I simply want the House to understand exactly what it means. We paid for the support of this marine hospital last year $450,000, and we collected by means of this tax $400,000. The General Government, therefore, contributed to the support of these marine hospitals the sum of $50,000.

These institutions are supported just precisely as the Soldiers' Home up here is supported. Every month when pay-day comes around the paymaster deducts a quarter of a dollar from each soldier's pay and it goes to the support of this home up here, so that when a soldier is discharged he can go there and find a resting place. This tax is on the same principle. We take out of the sailor's wages 40 cents every month, and when he gets sick he is furnished with a home.

Mr. ADAMS, of New York. You do not mean to say that where a soldier is kept for the remainder of his life on the tax of 25 cents a month it is the same as supplying hospital accommodations to a sailor who contributes 40 cents a month?

Mr. SLOCUM. It is precisely the same in principle. If the House of Representatives think it proper to take the burden of this tax on the Government, I have no objection to it But I want the House to understand exactly what it is doing. The proposition is simply to support this special class of the community at the expense of other classes. I now move the previous question upon the pending section and amendment.

The previous question was ordered.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry. I do not think the House understands the amendment we are to vote upon.

The SPEAKER *pro tempore*. The question is upon the amendment offered by the gentleman from New York [Mr. ADAMS], which will be read.

The Clerk read as follows:

In line 3, strike out the words "engaged in the foreign trade."
In line 6, strike out the words "so much of."
In lines 7 and 8, strike out the words "as shall arise from the relief of such seaman as are employed on vessels engaged in the foreign trade."
In lines 13 and 14, strike out the words "engaged in the foreign trade."

Mr. HOLMAN. I ask for the reading of the section as it will read if the amendment be adopted.

The Clerk read as fo ows:

SEC. 15. That the tax of 40 cents per month authorized to be assessed and collected from the master or owner of every vessel of the United States, for every seaman employed on such vessel, is hereby abolished on and after July 1, 1884; and the expense of maintaining the Marine Hospital Service shall on and after such date be borne by the United States. And so much of sections 4585 and 4587 of the Revised Statutes as authorizes the assessment and collection of such hospital tax for seamen employed on vessels of the United States, or requires the masters of such vessels to render an account of the number of seamen on said vessels for the purpose of assessing such tax, is hereby repealed.

Mr. HOLMAN. I rise to a parliamentary inquiry. What particular amendment is it that has the effect to throw upon the United States the support of the marine hospital?

The SPEAKER *pro tempore*. There is only one amendment pending, that offered by the gentleman from New York [Mr. ADAMS].

The question being taken on agreeing to the amendment, there were—ayes 74, noes 44.

Mr. HOLMAN. I make the point that no quorum has voted. This is a very important amendment.

Tellers were ordered; and Mr. ADAMS, of New York, and Mr. HOLMAN were appointed.

Mr. HEWITT, of New York. If the count by tellers can be suspended for a moment I wish to state that if this amendment be adopted I propose to move to insert, after the words "United States," in line 9, the words "and defrayed out of the receipts from the tonnage tax." This practically puts the burden on the vessel, and should, it seems to me, remove all difficulty.

Mr. HAMMOND. It comes out of the Treasury all the same.

Mr. BROWNE, of Indiana. I call for the regular order.

The House divided; and the tellers reported—ayes 97, noes 69.

So the amendment of Mr. ADAMS, of New York, was adopted.

Mr. HEWITT, of New York. I move to amend the section by in-

serting after the words "United States," in line 9, the words "and defrayed out of the receipts from the tonnage tax."

Mr. HAMMOND. I rise to a point of order, and submit that as the previous question has been ordered upon this section no further amendment to it is in order.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

Mr. HEWITT, of New York. I hope the gentleman from Georgia will withdraw that point.

Mr. EATON. I hope not. Let this money come out of the Treasury. The tonnage tax goes into the Treasury.

The SPEAKER *pro tempore*. The previous question having been ordered on the section, it is not subject to further amendment.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry. Would it be in order now to move to strike out the fifteenth section entirely? If so, I make that motion.

The SPEAKER *pro tempore*. The Chair is of opinion that a motion to strike out the section is in the nature of an amendment to the section, and is not in order now, the previous question having been ordered.

Mr. HOLMAN. I believe the previous question was ordered only on the pending amendment.

The SPEAKER *pro tempore*. On the section and the pending amendment.

Mr. HOLMAN. I think the motion was for the previous question on the pending amendment.

The SPEAKER *pro tempore*. As the Clerk informs the Chair, the motion was that the previous question be ordered upon the section and pending amendment. The previous question having been ordered in that form, this section is not subject to further amendment.

Mr. MCMILLIN. I rise to a parliamentary inquiry. Was the section as amended adopted?

The SPEAKER *pro tempore*. That is not necessary. It is not the custom to take a vote on each section as we pass it.

Mr. HOLMAN. That makes it more extraordinary. The previous question should be called on the pending section as well as the amendment.

The Clerk read as follows:

SEC. 16. That section 2966 of the Revised Statutes be amended by striking out the words "propelled in whole or in part by steam;" so that said section as amended shall read as follows:

"SEC. 2966. When merchandise shall be imported into any port of the United States from any foreign country in vessels, and it shall appear by the bills of lading that the merchandise so imported is to be delivered immediately after the entry of the vessel, the collector of such port may take possession of such merchandise and deposit the same in bonded warehouse; and when it does not appear by the bills of lading that the merchandise so imported is to be immediately delivered, the collector of the customs may take possession of the same and deposit it in bonded warehouse, at the request of the owner, master, or consignee of the vessel, on three days' notice to such collector after the entry of the vessel."

No amendment was offered.

The Clerk read as follows:

SEC. 17. That section 2872 of the Revised Statutes be amended by adding thereto the following:

"When the license to unload between the setting and rising of the sun is granted to a sailing vessel under this section, a fixed, uniform, and reasonable compensation may be allowed to the inspector or inspectors for service between the setting and rising of the sun, under such regulations as the Secretary of the Treasury may prescribe, to be received by the collector from the master, owner, or consignee of the vessel, and to be paid by him to the inspector or inspectors."

Mr. WARNER, of Ohio. I move to amend by adding the following:

The Clerk read as follows:

And on all such merchandise imported in vessels of the United States the owners of such vessels citizens of the United States shall be entitled to receive 5 per cent. of the duties collected by the Government.

Mr. DINGLEY. I make the point of order that amendment is not germane.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and rules the amendment out.

The Clerk read as follows:

SEC. 18. That whenever any fine, penalty, forfeiture, exaction, or charge arising under the laws relating to vessels or seamen has been paid to any collector of customs or consular officer, and application has been made within one year from such payment for the refunding or remission of the same, the Secretary of the Treasury, if on investigation he finds that such fine, penalty, forfeiture, exaction, or charge was illegally, improperly, or excessively imposed, shall have the power, either before or after the same has been covered into the Treasury, to refund so much of such fine, penalty, forfeiture, exaction, or charge as he may think proper, from any moneys in the Treasury not otherwise appropriated.

Mr. GEORGE. I move the following amendment:

The Clerk read as follows:

SEC. 19. That section 2776 of the Revised Statutes is hereby amended by adding thereto the following:

"*Provided*, That vessels arriving at a port of entry in the United States laden with coal, salt, railroad-iron, and other like articles in bulk, may proceed to places within that collection district to be specially designated by the Secretary of the Treasury, by general regulations or otherwise, under the superintendence of customs officers, at the expense of the parties interested, for the purpose of unlading cargoes of the character before mentioned."

Mr. GEORGE. That is recommended by the Secretary of the Treasury.

The amendment was agreed to.

Mr. COX, of New York. I propose an amendment, to come in after the section just adopted.

The Clerk read as follows:

SEC. 20. That from and after the passage of this act it shall be lawful for any citizen or citizens of the United States to import iron and steel built steamships of not less than 3,000 tons measurement free of duty; and such ships shall be admitted to American register: *Provided*, That said ships shall be the exclusive property of a citizen or citizens of the United States: *And provided further*, That such ships shall be excluded from the coastwise trade.

Mr. COX, of New York. I do not propose to debate this.

Mr. DINGLEY. I was going to make a point of order on it, but I will not do so. But as I understand the amendment will be ruled in order, I will not take up the time.

Mr. COX, of New York. I am much obliged to the gentleman. I do not propose to debate it except to say I copied it from a bill which passed Congress in 1870, under the recommendation of General Grant. At the time of the German and French war a great many German vessels were lying at Hoboken, and General Grant recommended they should be taken under the American flag. He recommended they should be free at 1,000 tons; but I propose 3,000, and except the coastwise trade. I do not wish to interefere with such an industry, and although this is not my ideal or what I want, yet I think it is fair and just.

Mr. KASSON. Insert the words "and internal."

Mr. DINGLEY. I desire to oppose the amendment. In the first place, even if it should be adopted its effect can hardly be otherwise than to defeat the whole bill. Therefore I think so long as it is a proposition which has been reported to the House in substance at least, if not exactly the same, and which is now upon the Calendar, the gentleman from New York should allow it to remain until it is reached in a legitimate way.

Mr. COX, of New York. Was it not an adverse report?

Mr. DINGLEY. Yes; but there is a minority report for free ships.

Mr. COX, of New York. I only want a vote taken now. I think if it goes to the Senate the Senate will agree to it.

Mr. DINGLEY. I am unwilling to detain the House, but this is a matter of so much importance that I feel called upon to state my objections to it somewhat in detail.

It proposes to overthrow the policy adopted by the First Congress under the Constitution, and approved by Washington, Adams, Jefferson, and Madison. I object to the proposition for these, among other reasons:

1. The admission of foreign-built ships to an American register free of duty, as proposed by the amendment, would obviously be a serious injustice to our ship-builders, in view of the fact that neither the existing tariff nor any proposed tariff legislation admits any other completed manufacture, involving so much skilled labor as does a vessel, without the payment of at least 30 per cent. duty.

2. The free-ship policy looks to the purchase abroad of whatever vessels we may want for the foreign trade, and would inevitably result in the destruction of the ship-building industry in this country. The average wages paid in an American ship-yard are at least 50 per cent. higher than in the English ship-yards. With this disadvantage no capitalists would invest the money required to establish extensive iron-ship yards in this country (for as yet iron-ship building is in its infancy here) with the knowledge that they must compete with English builders in a common market. No industry producing manufactured goods could have ever been established in this country if similar imported products of foreign manufacturers had been admitted free of duty. Whatever we might be able to do after the lapse of a sufficient time to secure the needed plant and obtain the requisite experience, the admission now of foreign-built ships free of duty to American registry would effectually prevent the development of iron-ship building in this country.

The example of Germany is frequently cited as proof that free ships in the United States would lead to the establishment of iron-ship yards here, as it is claimed to have done in that country. But it should be borne in mind that Germany had, and still has, as cheap labor as England, and therefore was not placed at any disadvantage in competition with the latter, except in the single direction of want of experience in the business; and this is soon overcome where other conditions are equal. But the United States, on the other hand, has not only the same temporary disadvantage of lack of experience in iron-ship building, but also the constant disadvantage of higher wages for labor.

It is said that the free-ship policy, as formulated in the pending amendment, leaves the construction of vessels for the coastwise trade to American ship-builders, and that the demand for such vessels will build up iron-ship building.

Unquestionably if the free-ship policy should obtain a footing under the limited plan proposed by the pending bill it would be but a short time before it would be amended so as to include the coasting trade.

Even if this were not probable, it should be borne in mind that iron-ship building can never be greatly extended, and iron-ship yards, capable of building the class of iron steamships requisite for transatlantic and transpacific service and war purposes, established to any considerable extent, unless we build vessels for the trade requiring vessels of such tonnage. This reason alone makes it even more necessary to guard against the free admission of large vessels than of small.

If it is expected to induce business men to invest the requisite capital to successfully establish and maintain iron-ship yards in this country to an extent sufficient to meet our requirements for vessels of the best

type in peace and war it is necessary to give them to understand that they are not to be met at the beginning of their enterprises with the free, open competition of the well-established ship-yards on the Clyde, whose owners will be sure to put forth special efforts to break down in its infancy an industry in this country which might prove in five or ten years a troublesome competitor.

3. If we should adopt the policy of admitting foreign-built ships free of duty to American register, and thus open to any one the privilege of buying vessels on the Clyde for the foreign trade, it would not materially increase the tonnage of the American merchant marine, for two reasons: first, because ship-building and ship-owning are so linked together that the one interest rises and falls with the other; and, second, because the chief obstacle to a revival of our foreign carrying trade is not the first cost of an American vessel, but the difficulty of profitably sailing it after it is built.

No instance can be found in history where a nation has obtained and maintained a strong position on the ocean so long as it has relied on other nations to build its vessels. The ship-using nations have always been the ship-building nations, and *vice versa*. If we can not devise a policy to enable us to build our own vessels, we may rest assured that it will be utterly useless to think of permanently reviving our foreign carrying trade by adopting the policy of buying our ships of English builders. It is the ship-builders who are the largest ship-owners. It is the ship-builder who in nine cases out of ten is the prime mover in putting vessels into the carrying trades. It is the ship-builders who are to-day mainly instrumental in keeping afloat the remnant of the American merchant marine in the foreign trade. Adopt the free-ship policy, and instead of building up our merchant marine, it will tend to drive out of the business the men who are to-day making so gallant a fight for American ships.

It is suggested that most of the practical ship-owners oppose the free-ship policy as an injury rather than an aid to the revival of our foreign carrying trade. A prominent ship-owner of New York, in response to an inquiry, recently stated that if the free-ship policy should be adopted he would prefer to retire from the business rather than to go to England to buy his vessels; and that even if he should overcome his patriotic instincts so far as to buy a British-built vessel to save a small amount in the first cost, he should not think of sailing it under the American flag, because he could sail it more profitably under the British flag, and save more money in this way than by the original purchase.

The fact that a vessel can be sailed more profitably under the British flag than under ours presents the real difficulty in the way of a revival of our foreign carrying trade, a difficulty which free ships would not overcome. The insufficiency of the free-ship remedy was admitted by the most intelligent and prominent promoter of this policy when he said to the joint select committee of the Forty-seventh Congress that—

> If Americans could not use foreign-built ships when they desired to do so in the coasting trade, they would prefer to own them, as they own them now, under the British flag, because it is more economical.

In other words, few Americans would care to buy British vessels and sail them under an American register, with existing conditions, unless they could put their vessels into the coasting trade.

One of the officers of the only American transatlantic steamship company, which has four American and four chartered British vessels, recently stated that his company is thinking of selling their American vessels to British owners, and then chartering them to run under English laws, because they can be sailed more profitably under the British flag than under ours. When American ship-owners are ready to sell their vessels for this reason, it is idle to talk about free ships being a remedy for the decline of the American merchant marine in the foreign trade.

If the revolution in marine architecture from wood to iron and sails to steam had not come to England's aid, her adoption of the free-ship policy in 1849 would have utterly failed to aid her shipping. Between 1849 and 1855 the merchant marine of the United States increased 1,877,985 tons, while that of the United Kingdom increased only 894,828 tons; and this advantage on the part of the merchant marine of the United States would have continued under England's free-ship policy had not a new factor come in. This is conceded by Mr. W. S. Lindsey, the most prominent promoter of the British legislation of 1849, who, speaking in his History of Merchant Shipping of the first year's results of that policy, says:

> Our [the British] ship-owners naturally viewed with great alarm the rapid strides made by American shipping. Nor were their fears allayed by a reference to the board of trade returns, wherein it appeared that while the increase of British shipping had in the year previous to repeal been 393,955 tons, there had been a decrease in the year after repeal of 180,576 tons. Our position appeared, therefore, critical; and had it not been for the resources we held within ourselves [referring to iron, coal, and cheap labor] and the indomitable energy of our people, foreign shipping might then and there have gained an ascendency which might not afterward have been easily overcome. * * * We had one advantage which our great American competitor did not possess. We had iron in abundance, and about this period we were specially directing our attention to the construction of iron ships to be propelled by the screw.

Speaking subsequently of the contest for supremacy of the seas between 1853 and 1854, the same distinguished English ship-builder says:

> A very large amount of capital had been invested by Americans in the famous ships employed in the California trade; but even these before the close of 1854 were becoming unremunerative, owing to the competition of British iron and screw steamers, which were the main weapon whereby we bade defiance to the competition of all other nations in the general ocean race then just commenced.—*Lindsey's Merchant Shipping*, page 358.

The whole subject has recently been carefully investigated by the Italian Government, which, notwithstanding Italy has had all the alleged benefits of a free-ship policy for twenty years, finds that of 2,904,969 tons of merchandise landed at or shipped from Italian ports in the year 1882, only 293,883 tons were carried in Italian steamers, while 2,133,133 tons were carried in English steamers. Referring to the views of Italian statesmen on the efficacy of the free-ship policy, United States Consul Crain, at Milan, in a report to the State Department under date of November 5, 1883, says:

> Italians have been at liberty for more than twenty years to buy steamships on the Clyde or elsewhere, but this privilege has done nothing for the expansion of the steam marine. The policy of free ships has had a long trial in France, Germany, Austria, and other countries with no better result. History affords no example of a sea-going people who were not also a ship-building people. The industries of ship-building and navigation are so wedded by a community of interests that they can not be divorced without mutual destruction. Flourishing ship-yards levy a tribute upon the skill, labor, and resources of a country and direct its attention and energies to sea-going enterprises as nothing else can Even if this were not so, the difficulties of negotiating the purchase on favorable terms of costly steamships in distant countries, or of arranging credits, of securing the faithful construction of types required for particular services and other apparent disadvantages, would be sure to bring disappointment to a people trusting to foreign ship-yards for its marine. This is the view universally taken in Italy, and the aim will be to infuse life and vigor into ship-building establishments.

4. The most serious objection to the free-ship policy in the United States is that its inevitable tendency would be to prevent the successful maintenance of such extensive ship-yards as are essential to build war vessels and transports for offensive and defensive purposes, and thus to deprive the nation of an indispensable means of defense.

If the main object of a revival of the American foreign carrying trade be to secure the profits of the business, as many seem to assume, then we are needlessly wasting our time in seeking any new legislation. Americans have to-day a better opportunity to secure the profits of the carrying trade without troubling Congress than they could possibly have with free-ship legislation. They can buy nearly the whole interest in as many British vessels as they desire; can sail them under British laws much more profitably than they can be sailed under our laws, and pocket the profits in New York counting-rooms as effectually as though they resided in London.

The simple statement of this fact shows that the importance of an American merchant marine arises not so much from the profits of the carrying trade as from considerations of national safety and defense. The legislation adopted by the first Congress under the Constitution in relation to navigation was predicated on the view that an American merchant marine and American ship-yards were essential not only for commercial independence, but also and especially for national security. During the debates on the various measures proposed in that first Congress to insure the construction and use of American vessels (one of which measures was that provision which the pending bill proposes to repeal), Mr. Madison gave utterance in the House of Representatives, May 4, 1789, to the views of the founders of our Government when he said that such legislation was essential because—

> We have maritime dangers to guard against, and we can be secured from them in no other way. * * * We must pay for the national security.

In his celebrated report on commerce Jefferson gave utterance to the same views in the following language:

> Our navigation involves still higher considerations. As a branch of industry it is valuable, but as a resource of defense it is essential. The position and circumstances of the United States leave them nothing to fear from their landboard, and nothing to desire beyond their present rights. But on the seaboard they are open to injury; and they have then, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen and artists, and establishments in readiness for ship-building.

It seemed clear to such patriots and statesmen as Washington, Madison, and Jefferson that an American merchant marine could be maintained only by building our vessels in home ship-yards, and that such ship-yards were essential for national safety and defense. It is impossible for any nation to maintain navy-yards of sufficient extent to do more than repair public vessels and to slowly construct a few naval vessels in time of peace. Less than 20 per cent. of England's great naval marine was built in her navy-yards. Over 80 per cent. was built in the private ship-yards whose establishment she had encouraged.

Admiral Porter, in his recent testimony before the Senate Naval Committee, referring to the dependence of every nation on its private ship-yards, said:

> As a matter of policy Great Britain encourages private ship-building yards. The salvation of the country in case of war would depend on these; and we should follow the example of Great Britain. * * * When war comes we should have these great ship-building places, with their plant accumulated during peace.

What would have been the result of the appearance of the confederate iron-clad Merrimac in Northern waters if the Government of the United States had been obliged to send to England to have an iron-clad built to cope with her? In all probability if there had not been private ship-yards in this country capable of building a monitor in a hundred days the Merrimac would have appeared in our unprotected harbors as a messenger of destruction, would have broken the blockade of Southern ports, and probably have secured the recognition of the confederacy by France

and Great Britain. It is a fact recognized by history that the rebellion was dealt its most deadly blow by the blockading fleet, which cut off its supplies, and this fleet could not have been constructed if we had not possessed extensive private ship-yards. Nearly three hundred vessels, of over 160,000 tons burden, were built for our Navy in our private ship-yards during the civil war, and five hundred vessels were drawn in addition from our merchant marine.

5. The necessity which exists for maintaining extensive private ship-yards, for recourse in case of war, must lead our Government, in the exercise of reasonable prudence, to adopt such a policy as will look to the building of our merchant marine, as well as our ships of war, in this country. Self-defense compels us to dismiss any policy which proposes to rely on England or any other foreign country for whatever vessels we may want, for under such circumstances we should be at the mercy of the nation which built our ships. If we can not now successfully build iron and steel vessels to compete on the open ocean with those built in English yards, because England has the start of us in planting extensive ship-yards, and because she has an advantage in cheaper labor and possession of the foreign carrying trade, it is all the more necessary that we should at once take efficient steps, as a measure of commercial independence and self-protection and national security, to put ourself in a position to compete and build our own vessels.

If our Government would do half as much to encourage our merchant marine and our ship-yards as England has done, we could build up both in the next decade. So far as wooden sailing vessels are concerned, we have been building them since the passage of the act of June 6, 1872, as cheaply, quality for quality, as any other nation. The principal reason that sailing vessels of foreign nations are gradually driving our own sailing vessels out of the foreign trade is because they are subject by law to less charges and burdens than ours.

Iron ship-building is an industry of forty years' growth in England, but scarcely ten in the United States. Indeed it is only five years since the resumption of specie payments gave us a fair chance. In spite of the fact that there has been little demand for American steamships for the foreign trade, because they could not be sailed under as favorable conditions as their English competitors, yet in that brief period iron and steel ship-building has made good progress. Half a dozen yards have been established, machinery designed, skill acquired, many of the obstacles overcome, and the cost of construction, in comparison with the cost of the same in the Clyde yards, steadily reduced. Ten years ago it cost from 30 to 45 per cent. more to build iron and steel steamers here than in England. During the last year this difference in cost has been greatly reduced, until to-day, according to the statements of Messrs. Gorringe and Cramp, of Philadelphia; Roach, of Chester, Pa.; and Gibbons, of Wilmington, Del., iron sailing vessels can be built here at a cost not exceeding 8 per cent., such first-class passenger steamers as cross the Atlantic at a cost not exceeding 12 to 15 per cent., and steamers intended more for freight than for passengers at a cost not exceeding 20 per cent. of that for similar vessels on the Clyde.

Ship-builders express entire confidence that if any means can be devised to create a demand for American vessels by making it profitable to sail them, within ten, if not within five, years they can build iron and steel steamers as low as they can be built in England, provided they are not broken down in the start by the free introduction of foreign-built vessels. They point to the fact that notwithstanding our labor costs more than that of Europe, yet American genius can and does largely overcome this by labor-saving inventions, and by the tendency of even immigrant workmen to accomplish more under the stimulus of our climate, of our more generous living, and of the ambitions aroused by our free institutions.

The first and most obvious duty of Congress is to devise measures that will tend to make it as profitable to sail an American vessel under American laws and conditions as to sail a British ship under British laws and conditions, on the assumption that the first cost is the same. This problem successfully solved, and the problem of the construction of vessels will be easily mastered. It is certain that unless this first problem can be successfully solved few persons will care either to buy British ships or to build American ships for the foreign trade. If the friends of the policy of buying British ships will postpone the free-ship agitation for the present and unite with the friends of the policy of building American ships to secure a successful solution of the first problem it will greatly aid in reaching satisfactory conclusions on the vitally important question of reviving our merchant marine in the foreign trade.

It should be borne in mind that the life of an iron steamer is from thirty to forty, and some claim fifty years, distributing the cost so as not to exceed 2 or, at most, 3 per cent. each year; but the annual expense of running an ocean steamer is nearly 30 per cent. of the first cost of the vessel. This shows of how small consequence is a difference of 12 or 15 per cent. in the first cost of a steamer, distributed over thirty years, as compared with the much greater difference in yearly sailing expenses. Assuming that a first-class passenger iron steamer that can be built for $500,000 in England will cost 14 per cent., or $70,000 more here, and that the annual interest (5 per cent.), depreciation (4 per cent.), and insurance (6 per cent.) on that extra cost will be 2 per cent. per annum on the total cost in excess of that of a British rival, yet this is not more than half the annual charges imposed by law upon an American sailing vessel in the foreign trade.

But I will not argue the question of free ships further. I will, however, appeal to gentlemen, without regard to their views upon the free-ship question, to vote against an amendment calculated to defeat the bill under consideration. The ship-owners of the country unanimously ask for the relief granted by the bill.

Mr. COX, of New York. Mr. Speaker, my friend from Maine has made a speech, and I propose to reply to him in the remainder of my five minutes. We know that in 1840 we had 83 per cent. of the carrying trade of this country in our own vessels, while the foreign shipping was only about 17 per cent. In 1883 the conditions were reversed entirely. Fifteen per cent. only of our commerce was then carried in our own vessels, and the rest in foreign vessels. That is the condition to-day. How shall we remedy it? Not by this simple section about little things which we have been considering to-day in this bill. but by some vital reform. There is no other way to reach it. You must strike at the real root of the matter. That is what the amendment proposes.

But I do not propose, as my friend from Maine will do me the justice to recollect, to limit it to the completed ship. That is not my intention. I want to go further. I want also the materials of which the ship is made to come in free, in order that we may build ships here. A gentleman from Maine got that law on the statute-books which was read by my friend from Maryland [Mr. FINDLAY] to-day so that the materials that went into the construction of a wooden ship would be admitted free. That helped Maine. It gave free material to Maine. Now we want free material of iron and steel, including the plates that go to make these great steamships. I hope thus to make the law applicable to Maine and other places, and so that there should be no objection on the part of Maine I have limited it to 3,000 tons, and also excluded from its operation the coastwise trade. Is there anything more liberal than that? Can there be any objection to it?

Therefore I ask gentlemen, inasmuch as we have some time here, and this is perhaps the only opportunity we can have in this session of Congress to act upon this measure, to give me a square vote for it, and if the Senate does not adopt it, I give my friend from Maine my promise that I will do all I can on conference or otherwise to have the bill passed as he reports it here to-day with the simple modifications and ameliorations intended by the bill. But I want to try the Senate on the bill.

[Here the hammer fell.]

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES, from the Committee on Appropriations, by unanimous consent, reported a bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. MCMILLIN. I reserve all points of order upon that bill.

AMERICAN MERCHANT MARINE.

Mr. CONVERSE. I offer as a substitute for the amendment of the gentleman from New York [Mr. COX] that which I send to the desk.

The Clerk read as follows:

That from and after the passage of this act 5 per cent. of all import duties, payable according to law, shall be remitted on all articles of merchandise imported from any foreign country in vessels of American build and register.

Mr. COX, of New York. I raise the point of order on the proposed substitute of the gentleman from Ohio. I refer the gentleman to a decision made in the last Congress, where on a tariff bill I moved free ships and my amendment was ruled out of order. And that rule operates *vice versa*.

The SPEAKER *pro tempore*. The Chair sustains the point of order. The amendment of the gentleman from Ohio is not germane.

Mr. REED obtained the floor.

Mr. EATON. Will the gentleman from Maine yield to me for a moment?

Mr. REED. If the gentleman desires to speak, I will yield to him to speak now and will take the floor later.

Mr. EATON. I wish to ask the gentleman from New York to change the figure in his amendment from 3,000 to 4,000 tons.

Mr. COX, of New York. I believe I would be authorized by the sentiment around me to make it 3,500 tons.

Mr. EATON. There is scarcely an ocean steamer but has a tonnage of four or five thousand tons.

Mr. COX, of New York. I will call it 4,000 if the gentleman from Connecticut will give me his valuable assistance.

Mr. REED. I think it is a matter of very great regret that the gentleman from New York [Mr. COX] for the second or third time within my knowledge should present an amendment which if adopted would be well calculated to ruin this bill. The men who are engaged in commerce have repeatedly requested of Congress relief from the burdens which are depicted in the report and a large number of which are removed by this bill. Every man who was a member of the last Congress can recollect that it was precisely this thing which destroyed the bill that was before that Congress.

Mr. COX, of New York. Will the gentleman allow me to correct him?

Mr. REED. I have only five minutes.

Mr. COX, of New York. I only wish to say that the amendments the gentlemen refers to never went to the Senate. He is mistaken about that.

Mr. REED. I submit to the House it is very undesirable that such a course should be taken now. Let us treat this measure fairly. This is not a political matter. There are certain things here on which we are all agreed. There are some other things, like free ships, on which we are not agreed at all. And the Committee on Shipping, like wise and sensible men, have determined to ignore the questions on which we differed and present a bill involving the questions upon which we agree. Now, shall that wise and sensible harmony be interrupted by the proposition of the gentleman from New York, presented here simply because it is his pet scheme and measure.

I say to this House that the reason why we are not to-day engaged in foreign commerce with large steamers of 4,000 tons burden is not owing to the cost of ships here, but is owing to the impossibility of our engaging in that commerce on equal terms whenever the ships are built. The fact that a vessel is built on the Clyde can never alter the great fact that capital in America upon land is worth 6 per cent. per annum, while capital on the sea is not worth over 4.

And to-day the directors of the Philadelphia Steamship Line are considering a proposition whether they shall offer it for sale. That is a line already owned by Americans. And it makes no difference whatever whether the vessels are built here or abroad, that ineradicable difference of 2 per cent. in the value of capital can never be taken away by the action of the gentleman from New York.

You may ask, then, why do I object to this proposition? The answer is that it goes on the statute-book as an entering-wedge, preventing any of those real measures which will finally result in the revival of American commerce. If you say to me, "Let us reduce the value of capital in the United States," I need not answer that those words are folly. For we can not, in order to compete with all the nations of the world, strike 2 per cent. from the earnings of every dollar in the United States. Do not let us hunt these chimeras any longer. Let us like men face the facts of the situation, and not indulge in any vague vaporings which lead to no honest result in any man's mind. Why bring this question on a bill of this kind? I appeal to you gentlemen who have been misled by this free-ship theory to give way now, and not permit this bill to be clogged by a measure upon which we differ so widely, and for opposing which we can give so good reasons. Do not let us by these quarrels among ourselves deny to the ship-owners of this country these simple measures of relief which are contained in this well-considered and sensible bill.

Mr. COX, of New York. I desire to correct the statement made by the gentleman from Maine [Mr. REED] in the warmth of his debate. And I make this statement: In the last Congress, when the bill, after careful consideration, was reported by the committee, it was reported with the understanding that an amendment of free ships and free materials should be offered. That amendment was placed at one time on the bill. The next day the House reconsidered it, and for reasons which I need not stop now to state struck it off. The bill went to the Senate without those provisions. That is the truth.

Mr. REED. I am very glad to give the gentleman from New York an opportunity to tell the truth.

Mr. COX, of New York. The gentleman's little facetiousness I think is very inopportune just now. I am in tolerably good earnest about this, as he is. It touches his wooden-ship interest and it touches my friends who are interested in iron and steel ships. But what I rose to say was that when the bill went to the Senate these propositions were not in it. The bill was held in the Senate for a long time before it was matured, and it came back to this House I think between 2 and 3 o'clock in the morning of the 4th of March. I was here, willing to help my friend from Maine pass the bill as it came to the House somewhat lacerated and dislocated, but it was not here from the Senate in time. That is the reason it failed.

Mr. REED. No, sir.

Mr. COX, of New York. Yes, sir, and I appeal to your colleague [Mr. DINGLEY].

Mr. REED. I think you had better appeal to me first.

Mr. COX, of New York. I appeal unto Cæsar, who is the chief of this business.

Mr. REED. That is so, he is the chief; and he asks this House not to adopt this amendment. Let us follow our leader.

Mr. COX, of New York. But on the matter of fact he is with me.

Mr. REED. Permit me?

Mr. COX, of New York. Certainly.

Mr. REED. I remember distinctly the circumstances under which the bill was lost. It was lost under the leadership of a gentleman from Illinois not now a member of this House, and its loss was the result of a somewhat acrimonious debate extending over two days, the debate resulting from the introduction of this very same amendment.

Mr. COX, of New York. It was in the Senate some three or four weeks after that.

Mr. REED. I can not help that. The loss of the bill was the result of that debate, and I make the assertion, which is correct, as all of the members of the House now present well know.

Mr. COX, of New York. Then I come to the proposition before the House, and I shall ask the yeas and nays upon it. This is the only opportunity which we shall have to give to American enterprise the same privileges that all the world has, of going into the markets of the world and buying their vehicles of transportation. Any of us can buy a carriage or other vehicles abroad for transportation. We can buy a locomotive abroad and bring it in under our tariff. But, along with bad literature, ships are the only things absolutely prohibited by this unkind, ungenerous legislation, which has been copied from old English legislation, and which England has long since tabooed as unworthy of any era except that of barbarism.

Mr. DINGLEY. The proposition of the gentleman from New York is not to admit ships subject to duty, but free of duty.

Mr. REED. And I wish to say that the vote on this proposition can not be made a test vote, for I believe a great many men will not permit this bill to be involved with that old and disputed question of free ships. I hope the gentleman from New York [Mr. COX] will not ask for the yeas and nays, and embarrass gentlemen in that way. I appeal to him not to do so.

Mr. EATON. I wish to correct one idea of my friend from Maine [Mr. REED]. He speaks of the difference in the value in capital; that capital on land is worth 6 per cent., while capital on sea is worth only 4 per cent.

I desire to say to my friend that four years ago, and it is known to more than one gentleman on this floor, if the free-ship bill could then have been passed there was pledged $10,000,000 of American capital to be used in purchasing twenty of these ships. That fact, if it be one, and I assert it to be a fact, is an answer to the reasoning of the gentleman from Maine. There were men at that time ready to advance money to go into this enterprise.

Mr. REED. And the reply to that is very simple The fact stated by the gentleman is an anticipated fact; my statement about the Philadelphia ships is an ascertained fact.

Mr. EATON. I do not know about the Philadelphia ships; that has nothing to do with this matter.

Mr. SLOCUM. I regret that my colleague [Mr. COX] has raised this question, because by it he will place in a very false position gentlemen on this side of the House who are just as good friends of the measure which he advocates as he is himself.

With regard to this bill I propose to stand by the policy that was adopted by the committee reporting it. I hold in my hand a report of the committee made in the last Congress. There are communications from more than a hundred different merchants and ship-owners of New York; there is the evidence given orally before my friend's committee of many persons. They all point to certain measures; they all agree on certain measures which they want adopted for the relief of our commercial marine. The committee without a single exception, the three Senators and the three Representatives, all agreed that those should be put into the form of a law.

When at the opening of this session I came to read that report I agreed with my colleagues on the committee that we would select those measures that all had then agreed upon should be adopted and we would embody them in a bill and stand by that bill; that the things that were in dispute we would leave outside of the bill, and this free-ship question was one of them. I do not want to see this bill beaten by bringing in a question about which we differ. There is no dissenting voice on the bill as it stands to-day; we all agree to it as we all ought to.

I am in favor of this proposition by itself; but I am opposed to jeopardizing this bill by introducing upon it this amendment. My colleague [Mr. COX, of New York] is no better friend than I am of the theory of allowing our people to purchase ships wherever they choose. I believe it is a great measure, which would relieve our carrying trade. But if you put it on this bill you seal the fate of the bill beyond redemption. It will be defeated, as it was last year. I hope that the friends of the bill (whatever may be their views in regard to free ships) will vote against this amendment.

The SPEAKER *pro tempore*. Debate on the amendment is exhausted.

Mr. HAMMOND. I move the formal amendment to strike out the last word. I understand that the proposition introduced by the gentleman from Ohio [Mr. CONVERSE] in regard to a reduction of 5 per cent. on the duties on goods used in ship-building was ruled out of order. The only question, then, before us is whether this amendment to allow free registry to ships of over 4,000 tons burden will kill the bill. The title declares it to be a bill "to encourage American foreign carrying trade." If I believed such would be its effect, I would, contrary to my convictions, vote against the amendment. But in view of the statement of the gentleman from New York [Mr. COX] that if the Senate should strike out this proposed provision he then will decline to press it any further, I do not see why the adoption of this provision by the House at this time can endanger the ultimate passage of the bill. If the Senate should desire to get rid of it, that body can strike it out, and when the bill comes back we can agree to it in that shape. But without this amendment what is the relief to be given by the bill? It

would not build up our foreign carrying trade. To attempt such a great work by it alone would be like feeding an elephant with goat's milk. [Laughter.]

The gentleman from Maine [Mr. REED] has said that the difference in the interest in money here and in England will forever prevent the building up of a merchant marine until that difference is wiped out by the course of trade. That is true; and there is nothing for us to do but to wait until that event shall occur or to offer some extra inducements for capital to go in this direction. I do not know whether that is wise or not. When I used to read in history of Napoleon pointing out to the great British statesman the little island and saying: "What a small space England occupies on the earth," I sympathized with the Englishman's grand reply: "But with her commerce she circles the world." But since I have seen our rapid development on land, our magnificent stretches of railways cutting through the mountains and cleaving the plains, I rather feel a grander pride that we build railroads which must be kept up, affording labor to men, while England follows only the ocean-path that God with the elements repairs. And now I do not care whether our money goes into ships. If our capital brings better interest on land, if it feeds poverty, if it furnishes work for muscle, I shall never regret that it is expended upon American soil. But in the name of common sense, if we are to encourage American foreign carrying trade let us do something that looks like encouragement, that is encouragement. [Applause.]

Mr. SLOCUM. I move the previous question upon the amendment of my colleague [Mr. COX, of New York].

The previous question was ordered.

The SPEAKER *pro tempore*. The question is on adopting the amendment offered in the form of an additional section by the gentleman from New York [Mr. COX].

Mr. COX, of New York. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 69, not voting 142; as follows:

YEAS—111.

Adams, J. J.	Dibrell,	McMillin,	Strait,
Aiken,	Dockery,	Matson,	Sumner, C. A.
Alexander,	Dunn,	Miller, J. F.	Sumner, D. H.
Arnot,	Eaton,	Mitchell,	Taylor, J. M.
Bagley,	Eldredge,	Morrison,	Thompson,
Ballentine,	Evins, J. H.	Morse,	Throckmorton,
Beach,	Forney,	Muller,	Townshend,
Blanchard,	Fyan,	Murray,	Tully,
Breckinredge,	Garrison,	Neece,	Turner, H. G.
Buchanan,	Glascock,	Oates,	Turner, Oscar
Buckner,	Greenleaf,	Ochiltree,	Vance,
Budd,	Guenther,	O'Neill, J. J.	Van Eaton,
Burnes,	Halsell,	Pierce,	Warner, Richard
Cabell,	Hammond,	Peel, S. W.	Wellborn,
Caldwell,	Hancock,	Post,	Weller,
Campbell, Felix	Hatch, H. H.	Pryor,	Wemple,
Candler,	Hatch, W. H.	Rankin,	Williams,
Clements,	Henley,	Rogers, J. H.	Willis,
Cobb,	Hewitt, A. S.	Rogers, W. F.	Wilson, W. L.
Cosgrove,	Hewitt, G. W.	Seney,	Winans, E. B.
Covington,	Hill,	Shaw,	Winans, John
Cox, S. S.	Holman,	Singleton,	Wise, G. D.
Cox, W. R.	Jones, B. W.	Skinner, T. G.	Wolford,
Crisp,	Jones, J. H.	Spriggs,	Woodward,
Culberson, D. B.	Kleiner,	Springer,	Worthington,
Dargan,	Lanham,	Stevens,	Yaple,
Deuster,	Lovering,	Stewart, Charles	York.
Dibble,	Lowry,	Storm,	

NAYS—69.

Adams, G. E.	Evans, I. N.	McCoid,	Slocum,
Bayne,	Everhart,	McComas,	Smith,
Boutelle,	Finerty,	Milliken,	Spooner,
Brainerd,	Funston,	Morrill,	Steele,
Brewer, F. B.	George,	Nutting,	Stephenson,
Brewer, J. H.	Haynes,	O'Neill, Charles	Stone,
Browne, T. M.	Henderson, T. J.	Parker,	Taylor, J. D.
Brown, W. W.	Holmes,	Peelle, S. J.	Thomas,
Campbell, J. M.	Houk,	Pettibone,	Tillman,
Collins,	Howey,	Poland,	Wait,
Converse,	Hunt,	Price,	Warner, A. J.
Culbertson, W. W.	James,	Ray, G. W.	Washburn,
Cutcheon,	Jeffords,	Reed,	White, J. D.
Davis, R. T.	Johnson,	Rice,	Whiting,
Dingley,	Kasson,	Robinson, W. E.	Wilson, James.
Dunham,	Kean,	Rockwell,	
Ellis,	Ketcham,	Rosecrans,	
Ellwood,	Lyman,	Skinner, C. R.	

NOT VOTING—142.

Anderson,	Burleigh,	Elliott,	Henderson, D. B.
Atkinson,	Calkins,	Ermentrout,	Hepburn,
Barbour,	Cannon,	Ferrell,	Herbert,
Barksdale,	Carleton,	Fiedler,	Hiscock,
Barr,	Cassidy,	Findlay,	Hitt,
Belford,	Chace,	Follett,	Hoblitzell,
Belmont,	Clardy,	Foran,	Holton,
Bennett,	Clay,	Geddes,	Hooper,
Bingham,	Connolly,	Gibson,	Hopkins,
Bisbee,	Cook,	Goff,	Horr,
Blackburn,	Cullen,	Graves,	Houseman,
Bland,	Curtin,	Green,	Hurd,
Blount,	Davidson,	Hanback,	Hutchins,
Bowen,	Davis, G. R.	Hardeman,	Jones, J. K.
Boyle,	Davis, L. H.	Hardy,	Jones, J. T.
Breitung,	Dorsheimer,	Harmer,	Jordan,
Broadhead,	Dowd,	Hart,	Keifer,
Brumm,	Duncan,	Hemphill,	Kelley,
Kellogg,	Money,	Pusey,	Stockslager,
King,	Morey,	Randall,	Struble,
Lacey,	Morgan,	Ranney,	Talbott,
Laird,	Moulton,	Ray, Ossian	Taylor, E. B.
Lamb,	Muldrow,	Reagan,	Tucker,
Lawrence,	Murphy,	Reese,	Valentine,
Le Fevre,	Mutchler,	Riggs,	Van Alstyne,
Lewis,	Nelson,	Robertson,	Wadsworth,
Libbey,	Nicholls,	Robinson, J. S.	Wakefield,
Long,	O'Hara,	Rowell,	Ward,
Lore,	Paige,	Russell,	Weaver,
McAdoo,	Patton,	Ryan,	White, Milo
McCormick,	Payne,	Scales,	Wilkins,
McKinley,	Payson,	Seymour,	Wise, J. S.
Maybury,	Perkins,	Shelley,	Wood,
Millard,	Peters,	Smalls,	Young.
Miller, S. H.	Phelps,	Snyder,	
Mills,	Potter,	Stewart, J. W.	

So the amendment was agreed to.

The following pairs were announced until further notice:

Mr. YOUNG with Mr. PAYNE, until April 28.

Mr. STOCKSLAGER with Mr. KEIFER, until April 26.

Mr. GREEN with Mr. HOOPER, until May 4.

Mr. JONES, of Arkansas, with Mr. MCKINLEY, until April 28.

Mr. DAVIS, of Missouri, with Mr. PHELPS, until April 25.

Mr. BOYLE with Mr. LAWRENCE, until April 28.

Mr. FIEDLER with Mr. BREWER, of New Jersey, until April 26.

Mr. JONES, of Alabama, with Mr. LONG, until May 5.

Mr. MULDROW with Mr. GOFF, until April 30.

Mr. REESE with Mr. MILLIKEN, until April 28.

Mr. PATTON with Mr. O'HARA, until April 28.

Mr. POTTER with Mr. HART, until April 28.

Mr. HARDEMAN with Mr. BARR, until April 28.

Mr. WOOD with Mr. RAY, of New Hampshire, until April 29.

Mr. FOLLETT with Mr. CONNELLY, on the tariff question.

Mr. NICHOLLS with Mr. WHITE, of Minnesota, on the tariff question

The following-named members were announced as paired on political questions until further notice:

Mr. HARDY with Mr. ROBINSON, of Ohio.

Mr. COOK with Mr. CULLEN.

Mr. SHELLEY with Mr. HISCOCK.

Mr. DOWD with Mr. HOLTON.

Mr. LEWIS with Mr. MCCORMICK.

Mr. BROADHEAD with Mr. VALENTINE.

Mr. DIBBLE with Mr. KEAN.

Mr. GRAVES with Mr. BREITUNG.

Mr. LE FEVRE with Mr. MOREY.

Mr. REAGAN with Mr. HORR.

Mr. FORAN with Mr. WADSWORTH.

Mr. NICHOLLS with Mr. CHACE, except on tariff.

Mr. HEMPHILL with Mr. RANNEY.

Mr. BLOUNT with Mr. RUSSELL.

Mr. FOLLETT with Mr. WHITE, of Minnesota.

Mr. DAVIDSON with Mr. JOHN S. WISE.

The following were announced as paired for this day:

Mr. LAMB with Mr. LIBBEY.

Mr. SNYDER with Mr. HANBACK.

Mr. PHELPS with Mr. DAVIS, of Missouri.

Mr. MILLS with Mr. ROWELL.

Mr. BENNETT with Mr. PETERS.

Mr. BARKSDALE with Mr. BINGHAM.

Mr. HOPKINS with Mr. HARMER.

Mr. CANNON with Mr. SCALES.

Mr. CLAY with Mr. STRUBLE.

Mr. EZRA B. TAYLOR with Mr. CASSIDY.

Mr. RANDALL with Mr. ANDERSON.

Mr. HOBLITZELL with Mr. PERKINS.

Mr. VAN ALSTYNE with Mr. LACEY.

Mr. BLAND with Mr. BELFORD.

Mr. FERRELL with Mr. ATKINSON.

Mr. ROBERTSON with Mr. BRUMM.

Mr. PAIGE with Mr. DAVIS, of Illinois.

Mr. WILKINS with Mr. CALKINS.

Mr. HERBERT with Mr. KELLEY.

Mr. MAYBURY with Mr. HEPBURN.

Mr. HOUSEMAN with Mr. SMALLS.

Mr. CARLETON with Mr. HENDERSON, of Iowa.

Mr. LAWRENCE. I am paired with my colleague, Mr. BOYLE. If he were here, I would vote "no."

Mr. WOOD. I am paired with Mr. RAY, of New Hampshire, and have refrained from voting. If he were here, I would vote in favor of this proposition for free ships.

The vote was then announced as above recorded. [Applause.]

Mr. HEWITT, of New York. I move the following additional section.

The Clerk read as follows:

SEC. 21. That the expense of maintaining the Marine-Hospital Service shall be defrayed out of the receipts from the tonnage tax hereinbefore provided for, and so much thereof as may be necessary is hereby appropriated for that purpose

Mr. HOLMAN. I move to add to that the following.

The Clerk read as follows:

Provided, That section 15 of this act shall not take effect until the 1st day of July, 1887.

Mr. DIBBLE. I make the point of order that section 15 has been passed.

The SPEAKER. Still it would be in order to insert the provision here.

Mr. ADAMS, of Illinois. I hope the amendment providing that the expense of the Marine-Hospital Service shall be defrayed out of the tonnage tax will not be adopted, for the reason, if adopted, there will be a claim one or two years hence for the retention of the tonnage tax; and as I believe that tax is a tax on every farmer in the Northwest who sends his grain to the markets of the world, I trust that within a short time it will be reduced or removed, so that they may be relieved of this burden. I hope the House will consider that the provision that the cost of this service shall be paid out of this particular fund is objectionable and is not in the line of economy. In the end it comes out of the public Treasury, at least as I understand it. As to the amendment to the amendment, I think it should be 1885 at least, because perhaps we shall not have a sufficient appropriation for 1884.

Mr. HEWITT, of New York. It seems to me that as the hospital service arises out of the mercantile marine of the country, its expense ought to be defrayed by that branch of our business for which the expenditure is incurred. The effect of my amendment is to charge the money spent for the sailors upon the ships, and that is the place were it ought to be charged; and no consideration that hereafter the tonnage tax may be repealed has any weight in arguing against that proposition, because if we did not have the tonnage tax it ought to be put on in order to defray this hospital service.

Mr. ADAMS, of New York. I hope the House will not sustain the amendment of the gentleman from Indiana to the amendment proposed by the gentleman from New York. If any remedial measures are to be passed at all, and as the amendment which I proposed to section 15 was passed by the House, I submit that it ought to go into effect immediately and not be postponed until 1887. The purpose of the amendment is very patent. Its effect would be the destruction of the other section that has been passed by the House, and I call upon the members of this body not to support the amendment postponing the operation of this law until 1887. No reason has been assigned by the gentleman from Indiana why the operation of the act should be postponed to 1887, and it is safe to assume that if any reason could be urged the gentleman would be the first to discover it.

Mr. SLOCUM. I now demand the previous question upon the pending amendment and the amendment to the amendment.

The previous question was ordered.

The SPEAKER. The question is upon agreeing to the amendment proposed by the gentleman from Indiana to the amendment of the gentleman from New York.

The House divided; and there were—ayes 14, noes 97.

Mr. HOLMAN. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HOLMAN and Mr. SLOCUM were appointed tellers.

Mr. HOLMAN. At the suggestion of several gentlemen around me that a quorum perhaps is not present I will not insist upon the demand.

So (the point of order being withdrawn, and no further count being demanded) the amendment to the amendment was not agreed to.

Mr. TOWNSHEND. I now wish to offer an amendment in the shape of a new section to the bill.

The SPEAKER. The previous question is pending. The question is upon the amendment of the gentleman from New York, which has been offered as an additional section.

The House divided; and there were—ayes 72, noes 55.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the last section of the bill.

The Clerk read as follows:

SEC. —. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed; and this act shall take effect and be in force on and after July 1, 1884.

Mr. SLOCUM. I now move the previous question upon the engrossment and third reading of the bill.

Mr. TOWNSHEND. I have an amendment to offer.

The SPEAKER. The previous question is demanded.

Mr. TOWNSHEND. I had asked the recognition of the Chair before the gentleman demanded the previous question.

The SPEAKER. The Chair did not recognize the gentleman at that time. Several gentlemen have informed the Chair that they desired to offer amendments.

Mr. TOWNSHEND. Then I ask whether the gentleman from New York can move the previous question while amendments are still to be offered to the bill?

The SPEAKER. Why not?

Mr. TOWNSHEND. This question is before the House as in Committee of the Whole, is it not?

The SPEAKER. It is not. The previous question has been demanded.

Mr. TOWNSHEND. My proposition is to offer an additional section to this bill, proposing to allow free material for ship building to come in.

The SPEAKER. Debate is not in order.

Mr. TOWNSHEND. I hope the gentlemen from New York will not insist upon the demand for the previous question. I want to offer an amendment which will allow free materials to our ship-builders, so as to place them upon a full equality with ship-builders of foreign countries.

Mr. COX, of New York. We promised to give them free material also as a complement to free ships. I hope my colleague will yield for that purpose.

Several members demanded the regular order.

The SPEAKER. The question is upon ordering the previous question on the engrossment and third reading of the bill.

Mr. TOWNSHEND. I hope those in favor of allowing free material to our ship-builders will vote down the previous question.

The SPEAKER. The motion is not debatable.

The question was taken on ordering the previous question.

The House divided; and there were—ayes 107, noes 25.

Mr. ADAMS, of Illinois. I make the point of no quorum.

Several MEMBERS. Too late.

The SPEAKER. The Chair thinks the point is not made too late. A quorum not having voted, the Chair appoints as tellers the gentlemen from New York [Mr. SLOCUM] and the gentleman from Illinois [Mr. ADAMS].

The House divided; and the tellers reported ayes 125.

Mr. ADAMS, of Illinois (one of the tellers). I withdraw the demand for further count.

So (further count not being called for) the previous question was ordered.

Mr. TOWNSHEND. I merely wanted to have it known that I was offering a proposition for free material.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. SLOCUM. I demand the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. The question is on the passage of the bill.

Mr. O'NEILL, of Pennsylvania. I call for the yeas and nays.

The yeas and nays were not ordered—only six members voting therefor.

So the bill was passed.

Mr. SLOCUM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF THURMAN ACT.

Mr. THOMPSON. I desire to make a privileged report.

The SPEAKER. The gentleman from Kentucky desires to make a privileged report from the Committee on Pacific Railroads.

Mr. THOMPSON, from the Committee on Pacific Railroads, reported a bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also, to amend an act approved July 2, 1864; and also an act approved May 7, 1878, both in amendment of the said first-mentioned act; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. THOMPSON. I am directed by the committee to ask permission for any of its members to have printed with the report of the committee separate views on the bill.

There was no objection.

ENROLLED BILL SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes.

And then, on motion of Mr. BAYNE (at 5 o'clock and 40 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLOUNT: Petition of citizens of Butts County, Georgia, asking for the passage of the Senate bill in aid of education—to the Committee on Education.

By Mr. W. W. BROWN: Memorial of Scofield Post, No. 49, Grand Army of the Republic, Department of Pennsylvania, in favor of the recommendation of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, memorial setting forth a sure remedy for mouth-and-foot disease of cattle—to the Committee on Agriculture.

Also, memorial of Bradford Post, No. 141, Grand Army of the Republic, Department of Pennsylvania, in favor of the recommendation of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. CALKINS: Petition of Houghton Post, Grand Army of the Republic, Department of Indiana, praying for pensions for all honorably discharged soldiers—to the same committee.

By Mr. CRISP: Petition of J. A. Tomberlin, S. D. Fuller, S. Bowen, D. Johnson, and others, citizens of Wilcox County, Georgia, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. CURTIN: Resolutions of the John F. Croll Post, No. 156, Grand Army of the Republic, Department of Pennsylvania, and resolutions of the William J. Wise Camp, Sons of Veterans, of Pennsylvania, indorsing the recommendation of the pension committee, Grand Army of the Republic—severally to the Committee on Invalid Pensions.

By Mr. L. H. DAVIS: Petition of citizens of New Madrid, Mo., for an appropriation for building levees on the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. EATON: Papers relating to the claim of John B. McDonnell—to the Committee on Claims.

By Mr. ERMENTROUT: Memorial of Boyd & Hicken, and others, of New York, in favor of the repeal of all tonnage duties—to the Committee on Commerce.

Also, memorial of the Philadelphia Board of Trade, for passage of H. R. 5892, known as the Dingley pilotage bill, and for an appropriation for the Hydrographic Department—to the same committee.

Also, memorial of the Maritime Association of New York, for relief of American shipping—to the same committee.

Also, petition of Jacob Knabb and numerous citizens of the eighth Congressional district of Pennsylvania, for a pension to Mrs. Rebecca Kupp—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of G. A. Weaver and others, of Upson County, Georgia, in favor of aid to education—to the Committee on Education.

By Mr. KEIFER: Petition of Frank A. Kates, recording secretary Mad River Assembly, Knights of Labor, Springfield, Ohio, and 100 others of the same place, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. KLEINER: Resolutions of Dela Hunt Post, No. 152, Grand Army of the Republic, Department of Indiana, for the equalization of bounty, &c.—to Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. S. W. PEEL: Papers relating to the claim of Leonard M. Thompson—to the Committee on War Claims.

SENATE.

MONDAY, *April* 28, 1884.

Prayer by Rev. J. E. IRISH, D. D., American consul at Cognac, France.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 14th instant, a report of the Commissioner of the General Land Office relative to an alleged error in the survey of the eastern boundary of California; which was referred to the Committee on Territories, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FARLEY. I present a memorial of the Manufacturers' Association of California, signed by a large number of manufacturers. It is short, and I ask that it be read.

The memorial was read, and referred to the Committee on Patents, as follows:

To our honorable Senators and Representatives from California in the Congress of the United States:

The Manufacturers' Association of California respectfully address you this memorial in relation to the present situation regarding patents for inventions, and earnestly invoke your active opposition to such bills as have been or hereafter may be introduced into either branch of the national Congress hostile to the progress of science and the useful arts by limiting the just protection to their respective discoveries and appliances.

It is with surprise and fear that we have recently learned of bills greatly impairing if not practically destroying the rights heretofore conferred upon inventors having been favorably considered by the House of Representatives, and we view with anxiety the action of the honorable Senate upon them and with alarm the consequences which may follow their enactment.

We consider the proposed changes radical and unjust, and liable to seriously injure many and great existing interests, and prevent completion of numerous prospective enterprises, by withdrawal of capital and confidence, and raising perilous obstacles to our country's inventive, industrial, and manufacturing progress.

We therefore earnestly and most respectfully protest against the proposed changes and all similar provisions which abridge the usefulness of the Patent Office Department or impair the protection heretofore afforded.

In presenting this request and protest we beg to remind you of some great facts of history which are a part of the common knowledge of the world, namely:

That the general advance of each civilized nation in knowledge and intelligence, in enjoyment of increased comforts and luxuries, and accumulation of wealth has been greatest where inventors are best protected, and that this advance is chiefly due to their discoveries and productions.

That the patent laws do not, nor have they ever given the inventor anything beyond an exclusive right for limited time to use or sell that which he had himself created. For this reason the country has lost nothing nor can it lose anything by continuing the patent laws, as wisely provided for in the Constitution of the United States, in all their force and integrity.

That the great inventions and useful discoveries made by inventors in the United States have constituted an advance highway, on which our country marches, a proud leader of the nations of the world in all that makes a people intelligent, comfortable, rich, happy, and independent.

That under the incentive and protection afforded to inventors by our patent laws inventions and improvements have multiplied rapidly, furnishing easier and cheaper methods for agriculture, manufacturing, mining, transportation, and travel.

That the hours of daily labor have been reduced, while the means of livelihood, with enlarged comfort in our homes, have been greatly increased through the changes these inventions have wrought.

The benefits derived by the country from inventive genius and mechanic skill are so immeasurably greater than inventors have gained from the people that comparison ceases.

Referring to these general truths, we send you this memorial, protesting against the threatened action inimical to the patent laws, and earnestly soliciting your hearty efforts toward continuing the wise policy which has added so much toward the expansion, prosperity, strength, and glory of our nation, and respectfully express our desire that you will exercise your influence to preserve the body and intent of our patent system, and that all changes be confined to details for correction of abuses and to make it more effective.

Respectfully, yours,

THE MANUFACTURERS' ASSOCIATION OF CALIFORNIA.
A. S. HALLIDIE, *President.*
IRVING M. SCOTT, *Vice-President.*
N. W. SPAULDING, *Treasurer.*
GEO. C. HICKOX, *Secretary.*
W. T. GARRATT,
ARPAD HARASZTHY,
ISAAC HECHT,
ALANSON H. PHELPS,
A. L. TUBBS,
WM. HARNEY,
S. P. TAYLOR,
DAVID KERR,
Directors.

Mr. MILLER, of California. I present a similar memorial of the Manufacturers' Association of California, remonstrating against proposed legislation by Congress inimical to the present patent laws and impairing the rights of inventors. I move that it be referred to the Committee on Patents.

The motion was agreed to.

Mr. DAWES. I present the petition of Thomas Ashby and 52 other citizens of Massachusetts, who call upon Congress in the name of the intelligent workers of the United States to enact "such amendments to the Chinese restriction acts as are satisfactory to the Pacific coast delegation in Congress." They represent that such is the administration of the law on the Pacific coast by the officials there at this time as to break down all barriers, and every class of Chinese, whether merchants, laborers, mendicants, or criminals, may enter our ports under the name of business men, students, or travelers, and they demand, they say, therefore, in the name of American artisans, "that Congress shall enact such amendments to the Chinese restriction acts as will make it a criminal offense to bring to this country such hordes of degraded beings, who are a worse blight to the country than ever was the slave power of the South."

Mr. President, I recognize the right of all my constituents to petition Congress at all times upon all subjects when they deem it their duty or their inclination so to do, and I shall present such petitions, but whether I could support such amendments to the Chinese immigration law as would be "satisfactory to the Pacific coast delegation in Congress" would depend altogether upon the character of those amendments. While I shall be the organ of my constituents to the extent of presenting their petition, I withhold my assent to amendments until I shall know the character of such amendments.

I think the petition had better be referred to the Committee on Foreign Relations.

Mr. MILLER, of California. The bill has been reported to the Senate, and I think the petition had better lie on the table.

Mr. DAWES. As the committee have reported, let the petition lie on the table.

The petition was ordered to lie on the table.

Mr. HOAR. I present a petition praying for a fast-mail train from Boston to New York, signed by the president of the Central National Bank of Portsmouth, N. H., Hon. Frank Jones, a former member of Congress, and a large number of business men. I move that the petition lie on the table.

The motion was agreed to.

Mr. DOLPH presented the petition of the Board of Trade of Portland, Oreg., praying for the passage of a law suspending the coinage of silver dollars and for the discontinuance of bills of the denomination of one and two dollars; which was referred to the Committee on Finance.

Mr. MCMILLAN presented a petition of citizens of Groton, Dak., and a petition of citizens of Dodge Center, Minn., praying that all qualified physicians may have equal rights in the Government service; which were referred to the Committee on Civil Service and Retrenchment.

Mr. LOGAN. I present the petition of a great many citizens known

as inventors and a set of resolutions that they have agreed upon. The petition is in the following language:

To the Senate and House of Representatives in Congress assembled:

The undersigned, inventors, manufacturers, and citizens of Chicago and vicinity, respectfully petition our honorable Senators and Representatives to oppose by all legitimate means the pending legislation in Congress hostile to the progress of American invention.

This petition is circulated in accordance with the following resolutions, unanimously adopted at a meeting of the citizens of Chicago and vicinity, held in this city March 24, 1884.

The resolutions referred to are as follows:

We, as the representative inventors and manufacturers of Chicago, having in view the object and scope of our patent law as now embodied in the statutes of this country and construed by the decisions of the courts, and believing all proposed legislation upon the subject of letters patent now before Congress to be vicious in its end and purpose, and destructive to the rights of all inventors or manufacturers under letters patent; and having in view especially section 2 of an act recently passed in the House of Representatives under suspension of the rules and referred to the Committee on Patents of the Senate, and the same having been reported back to the Senate unanimously that it pass, as follows:

Section 2 of the act: "That when in any case the use complained of was an article or device made by the defendant, or his agent, or employé, for his own use and benefit, and not in the manufacture of an article for sale, the measure of recovery shall be a license fee. If in any such case a license fee shall not have been established under the patent or patents sued on, then in any action at law the jury, and in any action in equity the court, shall ascertain what, under all the circumstances of the case, would be a reasonable license fee: *Provided, however*, That this section shall not apply to machinery held for sale or used for manufacturing purposes:" Now, therefore,

Be it resolved, That under the emergency existing for immediate action, we hereby express our condemnation and disapproval of the above act, principally for the reasons that it destroys all vested rights of inventors and owners of patents in their property or of using the same in any instance for their own protection, and is, in fact, a license and an invitation to all pirates and violators of patent property to appropriate the inventions of others, leaving to the inventors and owners of patents only the bare possibility of collecting an uncertain sum, to be determined by the uncertainties of a jury or judge, at the termination of a necessarily tedious and expensive litigation; and

Be it further resolved, For the above and other cogent reasons, that there be expressed by petition that the above act, and all other acts now pending of an analogous character, are destructive to the rights of inventors and detrimental in the highest degree to constitutional and guaranteed rights of inventors in the progress of science and the useful arts; also

Be it resolved, That a copy of these resolutions be forwarded immediately to the Representatives and Senators, to be acted upon at once in the spirit of these resolutions; and that petitions be at once circulated among the inventors and manufacturers and all citizens, that they may express their protest against such unjust and class legislation, and that no further Congressional action be taken upon the above act until the will of the people is thus expressed by petition.

Be it resolved, That we have an entire confidence in the high honor, justice, and ability of our Representatives and Senators, and believe that the above designated and all analogous legislative action has been sprung upon them by designing men, having in view the supposed grievances of the few, without regard to or due consideration of the great interests and principles involved in the issue.

The petition which I present is eighty feet in length, and signed by numerous inventors and persons interested in patented articles. I move that the petition be referred to the Committee on Patents.

The motion was agreed to.

Mr. LOGAN presented the petition of Robert B. Patton, late private Company I, Second Regiment of Arkansas Cavalry Volunteers, United States Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of ex-Union soldiers, praying that Robert C. McKee, late private Company G, Twentieth Regiment Indiana Volunteers, be restored to the pension-rolls; which was referred to the Committee on Pensions.

Mr. LOGAN. I present resolutions of the Board of Trade of Chicago in reference to the transportation of goods in bond connected with foreign trade, and quite a number of resolutions suggesting amendments to the law as it now exists, and also amendments to bills which have been offered. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. LOGAN. I ask that the amendments suggested in the resolutions may be incorporated in the RECORD, so that Senators can have an opportunity of examining them. They have been very carefully considered.

The paper was ordered to be printed in the RECORD, as follows:

Copy of resolutions adopted by the Board of Trade of the city of Chicago, April 22, 1884.

Resolved, That this board heartily indorse the action of the special committee of the Chamber of Commerce of the State of New York in reference to international bills of lading, as set forth in their report adopted March 6, 1884; and that this board, fully appreciating the importance of the object desired, pledges itself to co-operate with the said Chamber of Commerce by urging upon our Representatives in Congress their hearty support of the proposed measure when it shall come before them for action.

But inasmuch as a large foreign business is done from Chicago and other inland cities in this country on through bills of lading issued by the various inland rail and water transportation companies in connection with ocean lines and other ocean vessels, they recommend and earnestly urge that the proposed law shall be so amended that it shall apply equally to all goods so carried under such bills of lading; otherwise, in the event of a law such as that proposed being passed without including in its provisions all goods shipped on through bills of lading from interior points, the seaboard exporter would be at a decided advantage over his Western competitor, in that the former would be able to insist upon and receive a bill of lading much more valuable than the latter.

Besides, unless it shall be made to so apply, the law could be practically nullified in so far at least as would pertain to that portion of the vessel's cargo consisting of goods on through bills of lading issued by parties or corporations other than the owners, agents, or masters of ocean vessels; and your committee recommend that the various sections of the proposed law be so changed, as follows:

Section 1: After the word "States," in second line, insert "and every railway company, transportation company, or fast-freight line, and every vessel plying on the inland lakes or other water ways within the United States that issue through foreign bills of lading on behalf of or in connection with vessels."

Section 2: After the word "manager," in the second line, insert "or the owners, manager, or agents of any railway company, transportation company, or fast-freight line, or of any vessel plying on the inland lakes or other water ways within the United States carrying goods on a through bill of lading to be delivered at the seaboard to any vessel to be transported by said vessel on the high seas."

Section 3: After the word "manager," in second line, insert the words, "or the owners, managers, or agents of any railway company, transportation company, or fast-freight line, or of any vessel plying on the inland lakes or other water ways within the United States, carrying goods on a through bill of lading, to be delivered at the seaboard to any vessel, to be thence transported by said vessel on the high seas."

Section 5: After the words "refusal of," in fourth line, insert the words, "any public carrier," and after the word "agent," in same line, insert the words, "of any vessel;" also, in same section, after the word "such" and before the word "vessel," in the eighth line, insert the words "public carrier, or."

Section 6: After the word "manager" insert "or any railway company, transportation company, or fast-freight line, or any vessel plying on the inland lakes or other water ways within the United States, carrying goods on a through bill of lading, to be delivered at the seaboard to any vessel, to be thence transported by said vessel on the high seas, their owners, managers, or agents."

Mr. LOGAN presented an affidavit of Zack T. Hundley, a citizen of Dakota, in support of a bill heretofore introduced for the relief of William T. Hundley; which was referred to the Committee on Pensions.

Mr. MANDERSON presented a petition of A. Lincoln Post, No. 10, Grand Army of the Republic, Department of Nebraska; a petition of Bob Mercer Post, No. 145, Grand Army of the Republic, Department of Nebraska; and a petition of Boomer Post, No. 118, Grand Army of the Republic, Department of Nebraska, praying certain pension legislation; which were referred to the Committee on Pensions.

Mr. MITCHELL presented a petition of Bradford Post, No. 141, Grand Army of the Republic, Department of Pennsylvania; a petition of Bryson Post, No. 225, Grand Army of the Republic, Department of Pennsylvania; and a petition of Taggart Post, No. 350, Grand Army of the Republic, Department of Pennsylvania, in favor of the recommendations of the pension committee of the Grand Army of the Republic in relation to pensions, &c.; which were referred to the Committee on Pensions.

He also presented the petition of the Commercial Exchange of Philadelphia, in favor of an appropriation for the support of the Hydrographic Department; which was referred to the Committee on Appropriations.

He also presented the petition of the Commercial Exchange of Philadelphia, in favor of the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. PENDLETON presented resolutions adopted by W. H. Doering Post, No. 248, Grand Army of the Republic, Department of Ohio, Antwerp, Ohio, and resolutions adopted by Bishop Williams Post, Grand Army of the Republic, Shade, Athens County, Ohio, praying such legislation as is recommended by the pension committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

Mr. COCKRELL presented a resolution adopted by Col. Jacob Smith Post, No. 72, Grand Army of the Republic, at Trenton, Mo., indorsing the suggestions of a committee appointed by the Grand Army of the Republic on the subject of pensions, &c.; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present a petition of Franklin Shanks Post, No. 100, Grand Army of the Republic, Department of Missouri, indorsing the action and recommendations of the committee on pensions of the National Encampment of the Grand Army of the Republic, as follows:

First. Pensions to be granted disabled ex-prisoners without requiring proof that disability is the result of imprisonment.

Second. The extension of the arrears act until January, 1885.

Third. The increase of widows' pensions from $8 to $12 per month.

Fourth. Proof of soundness prior to enlistment to be assumed in the absence of an adverse record.

Fifth. Increase of pension for the totally or partially maimed.

Sixth. Increase of pension of minor children to $5 per month.

Seventh. Continuation of soldier's pension to widow or dependent relatives, regardless of causes of death.

Eighth. Pensions for all honorably discharged ex-soldiers and sailors now disabled and dependent on their own labor for a support and have reached 65 years of age without requiring proof of the origin of their disability.

Ninth. Proof of physical disability and dependence upon others than those legally bound for their support, together with the fact that the soldier or sailor left no widow or minor child, to be sufficient to entitle dependent parents to pension.

Tenth. Legislation defining the status of pension-clients and their attorneys.

Eleventh. An equitable equalization of bounties.

Also, by unanimous resolution of said post at a regular meeting, the following is respectfully submitted:

That when an applicant for invalid pension dies, either from effect of disease contracted in the service or otherwise, after having filed his declaration and before the same has been finally settled, the widow or surviving children should have the legal right conferred on them to prosecute said claim to a conclusion, and in the event of the original claimant being found entitled to pension then the widow, if alive, should receive what was due said applicant at the time of his death, or in case of her death his children should be entitled to receive the same.

This petition is numerously signed by members of that post I move that it be referred to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MITCHELL, from the Committee on Pensions, to whom was re-

ferred the bill (S. 1641) for the relief of the widow of Edward M. Wilkins, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom the following bills were referred, submitted adverse reports thereon, which were agreed to; and they were indefinitely postponed:

A bill (S. 962) to grant a pension to James M. Kirk;

A bill (S. 963) to place on the pension-roll the name of Philenda Carran, mother of Francis M. Carran, late a private in Company B, One hundred and twenty-first Regiment New York Volunteers; and

A bill (S. 202) for the relief of John L. Cunningham.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the joint resolution (S. R. 56) for the relief of Martin and P. B. Murphy, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Railroads, to whom were referred the following bills, reported them adversely; and they were postponed indefinitely:

A bill (S. 826) to provide for the appointment of a commission to investigate the subject of railroad transportation;

A bill (S. 840) to establish a board of railroad commissioners, to regulate interstate commerce, and for other purposes; and

A bill (S. 1142) to establish a board of commissioners of interstate commerce, prescribe the duties thereof, and for other purposes.

Mr. CULLOM, from the Committee on Railroads, reported a bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes; which was read twice by its title.

He also, from the Committee on Pensions, to whom was referred the petition of William Young, late private in Company F, Twenty-third Michigan Infantry, praying for a pension, submitted an adverse report thereon, which was agreed to; and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and they were postponed indefinitely:

A bill (H. R. 569) granting a pension to Ruben Marshall;

A bill (H. R. 570) granting a pension to N. H. Clements; and

A bill (H. R. 562) granting a pension to H. E. Van Trees.

He also, from the same committee, to whom was referred the bill (S. 484) granting a pension to Charles H. Noble, submitted an adverse report thereon, and moved its indefinite postponement.

Mr. CONGER. I ask the Senator if the bill shows from what State the applicant comes?

Mr. PLUMB. That case, I think, is from Kansas.

Mr. CULLOM. I do not remember the State the soldier lived in.

The PRESIDING OFFICER (Mr. HOAR in the chair). The Chair is informed that the person mentioned in the bill was a member of an Illinois regiment. The residence is not stated.

Mr. PLUMB. I ask that the last four bills reported by the Senator from Illinois from the Committee on Pensions be placed on the Calendar.

Mr. CULLOM. I think I know, perhaps, the cases to which the Senator from Kansas refers. There are three cases where the parties were in the Kansas State militia, and in that service suffered severely and are disabled. The committee report against the bills granting pensions to these persons for the reason that they had nothing to do with the service of the Government of the United States. I suppose those are the cases to which the Senator refers.

Mr. PLUMB. I want those three cases and the case of Mr. Noble, the last one reported, placed upon the Calendar.

The PRESIDING OFFICER. If there be no objection, the votes severally indefinitely postponing these bills will be reconsidered, and the bills will be placed upon the Calendar with the adverse reports of the committee. The Chair hears none, and it is so ordered.

Mr. CAMDEN. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 784) granting a pension to James S. Donahue, to report it adversely. I ask that it be placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and they were indefinitely postponed:

A bill (S. 1200) granting a pension to Mrs. E. G. C. Abbott; and

A bill (S. 1676) granting a penson to John F. Hinman.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2066) providing for a resurvey of township 12 south, of range 27 east, in Putnam County, Florida, reported it without amendment.

BILLS INTRODUCED.

Mr. COCKRELL (by request) introduced a bill (S. 2113) for the relief of Emile V. Audibert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 2114) granting a pension to Alonzo Raymond; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LAPHAM (by request) introduced a bill (S. 2115) for the relief of Abraham Van Assum; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2116) for the relief of Henry Starr; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2117) for the relief of Mathilda Victor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LOGAN introduced a bill (S. 2118) granting a pension to James E. O'Shea; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KENNA introduced a bill (S. 2119) for the relief of Dudley D. Smith in his own right and as administrator of Whitcomb Smith, deceased; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 2120) granting a pension to Milley Ann McGinnis, widow of John McGinnis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BECK introduced a bill (S. 2121) for the relief of Wilson Ryan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GEORGE (by request) introduced a bill (S. 2122) for the relief of John L. Lake, jr.; which was read twice by its title, and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate to print the report of the National Academy of Sciences.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 465) for the relief of Mary L. Walker and Ella Walker;

A bill (S. 652) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla; and

A joint resolution (S. R. 80) relative to the ceremonies of the unveiling of the statue of Chief-Justice Marshall.

The message further announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WALDO HUTCHINS of New York, Mr. SAMUEL J. RANDALL of Pennsylvania, and Mr. W. H. CALKINS of Indiana managers at the conference on the part of the House.

The message also announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. R. W. TOWNSHEND of Illinois, Mr. W. S. HOLMAN of Indiana, and Mr. R. G. HORR of Michigan managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 555) granting a pension to John Galloup;

A bill (H. R. 709) granting a pension to Robert L. Willey;

A bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough;

A bill (H. R. 1631) to increase the pension of Mathew O. Regan;

A bill (H. R. 1724) for the relief of Santiago de Leon;

A bill (H. R. 2070) granting a pension to Decatur Hamlin;

A bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair;

A bill (H. R. 2908) granting a pension to James McManus;

A bill (H. R. 3466) granting a pension to Azzur W. Reader;

A bill (H. R. 3656) granting a pension to Salome Ann Walker;

A bill (H. R. 4041) granting a pension to Zelica T. Dunlap.

A bill (H. R. 5213) to restore Sidney B. Tullar to the pension-roll;

A bill (H. R. 5215) granting a pension to Orlando Culver; and

A bill (H. R. 5686) granting a pension to Sarah J. Chipman.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 26th instant approved and signed the act (S. 1252) for the relief of Millie E. Hays, widow of John Hays, deceased.

THE CALENDAR—BILLS PASSED OVER.

The PRESIDING OFFICER (Mr. HOAR in the chair.) If there be

no "concurrent or other resolutions" the Chair lays before the Senate the first case upon the Calendar under Rule VIII, being the bill (S. 1240) for the relief of Sarah E. E. Perine, administratrix of the estate of William Perine, deceased. This case, by the order of the Senate, is to stand without prejudice until the return of the Senator from Connecticut [Mr. PLATT]. The Chair lays before the Senate the next case on the Calendar, which is the bill (S. 139) for the relief of C. M. Wilcox. The Chair understands unanimous consent has been given that that case shall remain without prejudice until the return of the Senator from Texas [Mr. MAXEY], and a like consent was given in regard to the bill (S. 419) for the extension of letters patent to the heirs of Rudolph Leschot, deceased, to continue during the absence of the Senator from Connecticut [Mr. PLATT]. Order of Business 272, being Senate bill 1477, is the next business in order on the Calendar.

POTOMAC FREE BRIDGE.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 1477) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C.

The PRESIDING OFFICER. The bill has been read, and the question now is upon the adoption of a pending amendment, which will be read for the information of the Senate.

The CHIEF CLERK. In line 27, the Committee on the District of Columbia report to strike out the following words:

> The sum which may be expended under this act shall be treated and regarded as a part of the general expenses of the District of Columbia, and the United States shall be credited with the amount which it may pay under this act for the erection of said bridge upon its 50 per cent. of the expenses of the District of Columbia, as provided in the act of June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia."

And to insert in lieu thereof—

> One-fourth of the expense of the construction of said bridge shall be charged to and paid by the District of Columbia, and the balance (three-fourths) of the sum hereby appropriated shall be paid out of the Treasury of the United States.

Mr. HARRIS. I ask the Senator from Virginia [Mr. RIDDLEBERGER], and with his assent I shall hope to get the consent of the Senate, to let the bill go over without losing its place on the Calendar, if possible, until the Committee on the District of Columbia can investigate to its own satisfaction certain facts that I, as a member of that committee, deem it material should be thoroughly investigated before the Senate proceeds with the consideration of this bill. I do not want to delay its consideration; I prefer that it shall hold its place on the Calendar, so that it may be called up at any time when the committee has had an opportunity of investigating the matters to which I refer. But sooner than allow the consideration to proceed I shall feel bound to object, in order that we may investigate those matters to our satisfaction before proceeding with the consideration.

If the suggestion I make meets the approval of the Senator from Virginia, I will ask unanimous consent that the bill be passed over and hold its place on the Calendar. Is the Senator from Virginia willing to have that course pursued?

Mr. RIDDLEBERGER. I am not, sir.

Mr. HARRIS. Then I object to the further consideration of the bill.

Mr. RIDDLEBERGER. I thought the Senator was going to permit me to answer him before he filed his objection.

Mr. HARRIS. I withdraw the objection for that purpose, but I understood the Senator as answering in the briefest and most emphatic possible manner, and that is the reason why I proceeded to make my objection.

Mr. RIDDLEBERGER. Yes, sir; I propose to ask the Senate, if the Senator from Tennessee insists upon his objection, to take up the bill notwithstanding the objection. If the bill has not friends enough to take it up, I assume that it will not have friends enough to pass it.

The reason why I do not consent to the proposition of the Senator from Tennessee is because there is no new matter to go back to the committee. The Senator from Tennessee I understand has been upon that committee for some years past. I think I heard him speaking of preserving the consistency of his record upon that committee for a number of years past. If there is one single paper filed here since the bill was reported that was not before that committee as far back as 1881, then I shall quickly consent even to recommitting the bill. I have been in that committee-room, and I find there every paper filed in 1881 that has been filed by Wells, Duncan & Co. since they have ascertained that the Committee on the District of Columbia first reported the bill favorably. Every paper is filed save and except only the report of Bvt. Brig. Gen. W. B. Hazen, which is addressed to a private citizen with an official title. That is the only one.

There is no question for the Senate to consider that any member of it can possibly desire to have referred back to that committee but the one which proceeds from the lessees of the bridge, who ask the Congress of the United States to pay the judgment liens that rest to-day more heavily upon those piers than the rotten structure which is called a bridge and which we are asked to buy in addition. That is all that it can be desired to have referred back, and I say that the Senate ought to be prepared now to hear it; it ought to be prepared to pass upon it.

If there is any question that the Senator from Tennessee will say has not been thoroughly considered and name what question it is, and if I can understand that it is a question which has not been considered, I shall quickly assent to his proposition. But I can not see it. I have been three months with this bill before the committee and before the Senate. I know that the bill has been prejudiced by a suggestion of its defeat elsewhere. That is a great mistake. This bill has not been defeated anywhere. The bill which has suffered defeat is just the bill that it is proposed to model this one after by amendments; that is, to make Congress pay the judgment liens of the Alexandria Canal Company and to pay Wells, Duncan & Co. $85,000 for property that they do not own a cent of and never have owned.

I want this bill to stand upon its merits, and to stand upon the report of the committee; and if the Senator from Tennessee can not show me some specific question that he wants reconsidered, I must ask that the Senate take up the bill notwithstanding his objection.

Mr. HARRIS. I certainly have no objection to the Senator's asking the Senate to take the bill up notwithstanding the objection. That is his right. I have habitually favored a free bridge across the Potomac for years. I still favor the construction of a free bridge across the Potomac. My recollection is, however, that for the last six years a majority of that committee, if not with unanimity, has preferred the Aqueduct Bridge to any other locality for a bridge across the Potomac. I have preferred it, and my judgment is that it is the proper place for the bridge. Our difficulty has been heretofore that we have never seen that we could acquire a title that we could ask the Senate to accept for the piers or for the Aqueduct Bridge. The present chairman of the committee [Mr. INGALLS], in whose legal opinions I have very great confidence, informed the committee at the meeting next before the last that in his opinion the matter had now assumed an attitude in which we could secure an absolute title clear and satisfactory.

If that can be done I prefer the Aqueduct Bridge to the bridge at the Three Sisters, and though I favored the report of the bill that the Senator now presses, believing as I did at that time that it was impossible to obtain title to the Aqueduct Bridge and being earnestly in favor of a free bridge across the Potomac, and I took that as the last resort, I shall never favor the passage of this bill until I have ascertained with absolute certainty that we can not acquire a satisfactory title to the Aqueduct Bridge.

I therefore renew my objection to the further consideration of the bill.

The PRESIDING OFFICER. The Senator from Tennessee objects, and the bill goes over under the rule. The Senator from Virginia now moves that the Senate proceed to the consideration of Senate bill 1477, being the bill which has just gone over. Is the Senate ready for the question?

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Under the rule the motion is not debatable. The Senator from Georgia.

Mr. BROWN. I do not wish the Senator from Virginia to be misled as to the course that some of us as members of the committee will take on his proposition. As the Senator from Tennessee has stated, I favor, and very earnestly favor, the construction of a free bridge across the Potomac at one or other of the points designated. But in view of the statement made by the Senator from Tennessee I shall be unwilling to vote to take up this bill at this time and act upon it until that question is investigated. The Senator from Virginia stated that no doubt any one who would be willing to vote for the bill would be willing to vote to take it up. I should vote for the bill if it was on its passage, but I shall not vote to take it up now until the question has been investigated. I think it would be wiser for the Senator from Virginia to accept the proposition of the Senator from Tennessee, and let the bill hold its place on the Calendar.

Mr. HARRIS. I prefer that if it be possible.

Mr. BROWN. So I understand; but if the Senator from Virginia will not accept that and shall press his motion to take it up, as one member of the committee I shall be obliged to vote against it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia.

Mr. RIDDLEBERGER. I understand the Chair to state that the motion is not debatable.

The PRESIDING OFFICER. The motion is not debatable; all the debate has proceeded so far by the indulgence of the Senate.

Mr. RIDDLEBERGER. I simply wish to state, with the indulgence of the Senate, that I can perfectly understand how, by a majority vote against taking up this bill on the motion now made, its standing may be prejudiced.

Mr. HARRIS. That will be the result.

Mr. RIDDLEBERGER. But I understand perfectly, too, that I have had ninety days' notice of this same contest. There is nothing new in it; it is the same old contest that has existed since 1881; and I had just as well accept the situation now as at any other time. There is nothing in it but the same old Wells and Duncan fight against a free bridge, for it is perfectly understood that the title to that old bridge still——

Mr. HARRIS. I beg to say to the Senator from Virginia, if he will allow me, that if he attributes any declaration of mine or any act of mine to Wells or Duncan or anything except a sense of duty, he makes

an insinuation unworthy of himself and altogether unjust to me and one that is utterly without foundation. I have never seen and do not know either of the persons to whom he refers.

Mr. RIDDLEBERGER. I would have supposed that the Senator's years of experience would have restrained him from suspecting even for a moment that I was making a charge against him. I do mean to say this and this only: that but for the papers filed here by Wells, Duncan & Co., and printed and laid around indiscriminately, there never would have been a proposition to recommit this bill, because there would have been no suggestion of a reason for it to the mind of the Senator from Tennessee or anybody else. The reason he asks for it is because of the suggestions made by these papers of Wells, Duncan & Co.

I hope the Senator understands better now. That is what I meant by the suggestion I made and all that I meant. I made no reflection upon the Senator's course in this matter. But I do say that the Senator from Tennessee ought to know that there can not be a title acquired to that property unless we assent to the conditions laid down in their papers which have been laid upon the desks of Senators here and of gentlemen in the other end of the Capitol that we shall pay the judgment liens upon their old bridge and pay them $85,000, and then rebuild the old bridge, rebuild the aqueduct, and ask Congress, according to the reports of the engineers, for half a million dollars to do it with.

Mr. HARRIS. Will the Senator from Virginia allow me? The question he refers to is a legal one. He gives his opinions as to the possibility of acquiring title to the piers of the Aqueduct Bridge. The Senator from Kansas [Mr. INGALLS], the chairman of the Committee on the District of Columbia, expressed an opinion at the meeting before the last to the committee directly the other way; and the Senator will pardon me for saying that I have quite as much—I will not say more, but if he were present I should be bound to say more—confidence in the legal opinions of the Senator from Kansas than I have in those of the Senator from Virginia.

Mr. RIDDLEBERGER. The Senator must understand that I accept that; but the Senator from Kansas has no legal opinion upon this question which he will vouchsafe to the Senate, and the Senator from Tennessee, with all due deference to him, I undertake to say, will not vouchsafe an opinion on that question.

Mr. HARRIS. I only want time to investigate it to see what I shall conclude.

Mr. RIDDLEBERGER. I would be willing to give time, but there ought to be some distinction drawn between time and eternity. This question has been pending ever since 1854, and it is in the Supreme Court of the United States to-day, and as long as Wells, Duncan & Co. control it there it will remain. I am asking for a free bridge that this generation may possibly have an opportunity of passing over, and not wait until the conclusion of the litigation which commenced in 1854 and is still pending in the Supreme Court of the United States, with half a dozen other cases appealable following it, to determine whether we are to have a free bridge or not. That is the important question, and that is the reason I ask that the bill be taken up.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia that the Senate now proceed to the consideration of the bill (S. 1477) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C., notwithstanding the objection.

Mr. PIKE. Mr. President, I think the request of the Senator from Tennessee is a reasonable one and ought to be yielded to by the Senator from Virginia. It is only a difference of a week. It leaves the bill on the Calendar and it will come up as soon as the Committee on the District of Columbia can have an opportunity to examine the papers. The Senator from Tennessee may know about these papers; he has been on the committee some time; but quite a number of us have not. Those papers that have been talked about were not printed until a few days ago and have not been examined by the committee. I believe there is no opposition in the committee on the part of anybody to the proposition that there ought to be a free bridge. The only question of division is whether or not we shall utilize the present bridge, the Aqueduct Bridge, as it is called, or build an entirely new one. The papers recently presented and the propositions recently submitted to the committee the committee can examine next Friday and it can be settled then. It is quite likely that there will be no division of sentiment about it. If it is persisted in, I think the motion to proceed to the consideration of the bill now ought to be voted down, so that the committee may have an opportunity to consider this new matter recently printed and recently presented to them.

The PRESIDING OFFICER. The Chair will again ask for consent to the proposition of the Senator from Tennessee.

Mr. HARRIS. Do I understand the Senator from Virginia to consent to it?

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that this bill stand over without losing its place upon the Calendar. Is there objection? The Chair hears none, and consent is given. The next bill on the Calendar will be reported.

Mr. RIDDLEBERGER. I did not understand the proposition.

Mr. HARRIS. My objection, then, will be considered withdrawn, Mr. President.

Mr. RIDDLEBERGER. I ask the Senate to take up this bill, notwithstanding the objection. That was my motion.

The PRESIDING OFFICER. After the suggestion of the Senator from New Hampshire [Mr. PIKE] the Chair again asked for consent to the proposition of the Senator from Tennessee [Mr. HARRIS], that the bill stand over until to-morrow without losing its place.

Mr. RIDDLEBERGER. Until to-morrow?

The PRESIDING OFFICER. That, of course, is the only operation of the request.

Mr. RIDDLEBERGER. I understand the Senator from Tennessee wants the bill postponed until the committee can consider it.

Mr. HARRIS. If the arrangement I suggested is not satisfactory to the Senator from Virginia we shall have exactly the same scene to-morrow morning we are having now. I do not intend, so far as I can prevent it, that this bill shall be considered here until the committee have had an opportunity of examining the questions to which I have referred.

I am willing to say in addition, however, that I am willing to meet the committee at a special meeting at any day that may be named for the purpose of taking up the matter and considering it. I have no desire to delay the consideration of the bill one moment longer than is absolutely necessary for us to give to the Senate satisfactory information as to the best location for the bridge and the best thing to be done considering the public interests both of the people of the District and the people of Virginia.

Mr. CAMERON, of Wisconsin. Now, Mr. President, I object to the further continuation of the debate.

The PRESIDING OFFICER. The Senator from Virginia [Mr. RIDDLEBERGER] moves that the Senate now proceed to the consideration of Senate bill 1477 notwithstanding the objection.

The question being put, there were on a division—ayes 22, noes 13; no quorum voting.

Mr. FRYE. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from New York [Mr. MILLER].

Mr. SLATER (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. VEST (when his name was called). I am paired generally with the Senator from Kansas [Mr. PLUMB]. I do not see him in his seat.

The roll-call was concluded.

Mr. HARRIS. I desire to announce that my colleague [Mr. JACKSON] is necessarily absent from the city, and is paired with the Senator from Maine [Mr. FRYE] upon all questions, as I understand.

Mr. COKE. My colleague [Mr. MAXEY] is also absent, and is paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. JONES, of Florida (after having voted in the affirmative). I am paired with the Senator from Colorado [Mr. BOWEN]. I do not see him here. I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn.

Mr. COCKRELL (after having voted in the negative). I am paired with the Senator from Iowa [Mr. ALLISON] who has been called out of the Senate Chamber for a few minutes. In consequence of that I withdraw my vote. I do not know how he would vote.

Mr. HAWLEY. My colleague [Mr. PLATT] is paired with the Senator from Oregon [Mr. SLATER].

The result was announced—yeas 26, nays 15; as follows:

YEAS—26.

Aldrich,	Frye,	Hoar,	Riddleberger,
Cameron of Wis.,	Gibson,	Lapham,	Sawyer,
Coke,	Gorman,	Logan,	Sewell,
Conger,	Hale,	Manderson,	Van Wyck,
Cullom,	Harrison,	Miller of Cal.,	Wilson.
Edmunds,	Hawley,	Morrill,	
Farley,	Hill,	Palmer,	

NAYS—15.

Bayard,	Camden,	Harris,	Ransom,
Beck,	Colquitt,	Morgan,	Vance,
Brown,	Dolph,	Pendleton,	Voorhees.
Call,	Hampton,	Pike,	

ABSENT—35.

Allison,	Garland,	Lamar,	Pugh,
Anthony,	George,	McMillan,	Sabin,
Blair,	Groome,	McPherson,	Saulsbury,
Bowen,	Ingalls,	Mahone,	Sherman,
Butler,	Jackson,	Maxey,	Slater,
Cameron of Pa.,	Jonas,	Miller of N. Y.,	Vest,
Cockrell,	Jones of Florida,	Mitchell,	Walker,
Dawes,	Jones of Nevada,	Platt,	Williams.
Fair,	Kenna,	Plumb,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The Chair will state the question, after which the report will be read again for information.

Mr. RIDDLEBERGER. Before the report is read I will now state to the Senator from Tennessee that inasmuch as the Senate has taken up the bill relieved from the five-minute rule, if he desires to make any motion that will carry it over for a few days for him to give consideration to these matters, without prejudice, he can suggest that motion and I shall cheerfully yield; but I want to put the bill in a condition where it can have some hearing without a new reference to the committee.

Mr. HARRIS. In view of the information given to the committee and given to the Senate two or three days ago by the chairman of the Committee on the District of Columbia I suggested then as I did again this morning, that this bill should hold its place on the Calendar and should not be considered until the Committee on the District of Columbia had an opportunity of investigating the questions in respect to the Aqueduct Bridge. Before I can support this bill I desire and intend to investigate those questions. If the Senator from Virginia will suggest a time to which he is willing to let the bill go over, he will but have conformed to the only wish I have expressed from the beginning. But inasmuch as the Senator evidently has a majority with him, I am not inclined to antagonize the majority further than to express my own view and to vote my own way. I think it would be better, however, for all parties concerned that the consideration of the bill be postponed, say for a given number of days or for a week, and in the mean time let the committee meet and consider these questions deliberately, and come in here, as we probably shall, a unit in respect to the bill.

Mr. RIDDLEBERGER. I will state to the Senator from Tennessee that the reason I suggested that he make the motion is because I am not sufficiently acquainted with matters here and do not want to make a motion that might prejudice the bill when it is called.

Mr. HARRIS. If the Senator will allow me, I will ask unanimous consent that the further consideration of the bill be postponed for one week, unless the District Committee shall ask for its consideration at an earlier day.

Mr. RIDDLEBERGER. I shall yield to that cheerfully.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the bill be postponed until one week from to-day.

Mr. RIDDLEBERGER. Without prejudice and retaining its present place on the Calendar, relieved of the five-minute rule.

Mr. HARRIS. The vote just taken relieves it of the five-minute rule, but it still holds its place on the Calendar under Rule VIII. My request was that it go over for one week, unless the District Committee shall ask for its consideration at an earlier day.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that this bill be postponed for one week, retaining its place on the Calendar under Rule VIII, but not subject to the five-minute rule of discussion, unless the District Committee shall ask for its consideration at an earlier day. Is there objection? The Chair hears none, and it is so ordered.

MOBILE AND OHIO RAILROAD COMPANY.

The joint resolution (S. R. 4) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company was announced as next in order.

Mr. BROWN. As a Senator interested in that bill is now absent, and it is a measure that I do not think can properly be discussed under the five-minute rule, though I am in charge of it, I suggest that it go over to the other Calendar.

The PRESIDENT *pro tempore*. The joint resolution will be passed over.

JOHN K. HUMMER.

The bill (S. 1176) granting a pension to John K. Hummer was announced as next in order.

Mr. HARRISON. That is reported adversely, and I ask that it may go over. I may want to say something about it.

The PRESIDENT *pro tempore*. The bill is objected to, and goes over.

JUDGE-ADVOCATE-GENERAL'S BUREAU.

The bill (S. 838) to consolidate the Bureau of Military Justice and the Corps of Judge-Advocates of the Army, and for other purposes, was announced as next in order.

Mr. COCKRELL. That bill was prepared and reported by the Senator from Texas [Mr. MAXEY] who is now absent, and probably it would be better that it should go over, without losing its place on the Calendar, until his return.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the bill be passed over, retaining its place on the Calendar under Rule VIII. Is there objection?

Mr. SEWELL. If the Senator from Missouri will withdraw his objection——

Mr. COCKRELL. I do not make any objection.

Mr. SEWELL. All the members of the committee understand the bill thoroughly, and there is no occasion to have it go over that I can see.

Mr. COCKRELL. I only made the suggestion. If the Senator desires to go on, very well.

The PRESIDENT *pro tempore*. The reading will proceed.

The Secretary read the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with amendments. The first amendment was, in line 5, to strike out "judge-advocates" and insert "Judge-Advocate-General's;" so as to read:

That the Bureau of Military Justice and the Corps of Judge-Advocates of the Army be, and the same are hereby, consolidated, under the title of Judge-Advocate-General's Department.

The amendment was agreed to.

The next amendment was, in line 11, after the word "and," to strike out "five" and insert "four;" so as to read:

And four judge-advocates with the rank, pay, and allowances of majors.

The amendment was agreed to.

The next amendment was to insert, as section 2, the following:

SEC. 2. Promotions in the Judge-Advocate-General's Department, as provided in the first section of this act, shall be by seniority, up to and including the rank of colonel.

The amendment was agreed to.

Mr. SEWELL. I move to amend, in line 13 of section 1, after the word "selected," by inserting "by seniority."

Mr. LOGAN. That is in the bill, I think.

Mr. SEWELL. Not in the bill as read. I think we agreed on it in committee and it ought to be there.

Mr. LOGAN. I find it is in the second section, the amendment reported by the committee.

The PRESIDENT *pro tempore*. The amendment reported will be read for information.

The Secretary again reported the amendment adopted as section 2.

Mr. SEWELL. That would probably cover it, but the other would make it more certain, as this is a reorganization.

Mr. LOGAN. Very well; I have no objection to the amendment.

Mr. SEWELL. I move to insert the words "by seniority" after "selected," in line 13 of section 1.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. SEWELL. There is a report in this case, which ought to be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. MAXEY February 26, 1884:

The Committee on Military Affairs, to which were referred the bills (S. 838, S. 899, and S. 1541) to provide promotion in the Corps of Judge-Advocates, respectfully submits the following report:

The organization of this branch of the service differs from all others of the staff. There is one officer with the rank of brigadier-general and seven with the rank of major, and there is no provision for promotion. The great incentive of promotion is wanting. However long a man may serve and however faithfully, he enters, lives, and dies with the same rank. It seems to the committee that this ought not to be. The Secretary of War was called on, on behalf of the committee, and his views solicited. Under date 25th instant he transmits to the committee a communication, as follows:

WAR DEPARTMENT, *Washington City, January 25, 1884.*

SIR: I have the honor to acknowledge the receipt of your communication of the 23d instant, inviting my attention to Senate bill 899 for promotion in the Corps of Judge-Advocates, and requesting information thereon with recommendations, and in reply thereto to state that the Corps of Judge-Advocates of the Army now consists of seven officers, all having equal rank, that of major.

Existing legislation provides for a reduction of the corps to four officers as its permanent organization, to be reached through casualty. These officers have been in service under their present commissions as judge-advocates for the following terms:

One, twenty-one years and two months.
One, nineteen years and four months.
One, nineteen years and three months.
One, eighteen years and eleven months.
One, eighteen years and six months.
One, eighteen years and two months.
One, ten years and five months.

One of this number is at all times on duty as professor of military law at West Point, a detail which of itself gives the officer the local rank and pay of a lieutenant-colonel; so that so far as the present cost to the Government of the promotion provided by the bill under consideration is concerned it would include only an increase of $500 per annum for five officers, or an aggregate of but $2,500.

The anomalous condition of the corps, the only one in the Army in which there is no promotion, is due to the fact that when the Army was reorganized, in 1866, while all other corps were given an organization with different grades of rank, a certain number of judge-advocates were retained in service with a restriction that their service should be terminable at the will of the Secretary of War. This restriction was removed by the act of February 25, 1867.

It is believed that the absence of all hope of advancement for officers of this corps, while they see officers who have been their juniors in rank promoted to be their seniors, is an injustice that should be remedied, and that in view of the fact that, with the exception of one of them, who will soon be retired, they are so nearly of an age, the principle of promotion contained in the bill for longevity of service would be the most advisable and fairest remedy. It is to be borne in mind that the duties of these officers are of a character to station them at headquarters of military departments, where the question of rank becomes of moment, and also that with increased years there has come to them increased demands of expenditure without the increased income which service in any other corps would have given.

In view of the foregoing I earnestly recommend the passage of Senate bill No. 899.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. S. B. MAXEY,
Of Committee on Military Affairs, United States Senate.

These views of the Secretary of War are deemed by the committee eminently just to this very important and useful corps of officers and promotive of the best

interests of the service. The committee, however, believes that the Corps of Judge-Advocates should be organized with graduated rank similar to other corps. Wherefore the committee reports back S. 899 and S. 1541, and recommends that they be indefinitely postponed, and reports back S. 838 amended as shown by the bill submitted with this report, and as amended recommends that said bill 838 do pass.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. D. MORRISON.

The bill (S. 895) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison, was considered as in Committee of the Whole. It provides for the payment of $408.10 to J. D. Morrison, surviving partner of C. M. & J. D. Morrison, of Rockbridge County, Virginia, being the excess of taxes improperly and unlawfully collected of them for whisky distilled by them in January, 1866.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. M'CLINTOCK.

The bill (S. 919) for the relief of John M. McClintock was considered as in Committee of the Whole. It is a direction to the Commissioner of Internal Revenue to reopen and reconsider the claim of John M. McClintock for the refunding of certain taxes alleged to have been improperly and illegally assessed and collected to the amount of $3,600; and if upon reopening and reconsidering the claim the Commissioner shall find these taxes, or any part of the same, to have been illegally or improperly assessed and collected from the claimant, it is made his duty to audit and ascertain the amount of taxes so illegally and improperly collected from the claimant, deducting, however, any legal unpaid taxes which the claimant should have paid and did not pay, if any there shall be, under section 103 of the act of June 30, 1864, entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M'NAMARA.

The bill (S. 1352) for the relief of William McNamara was announced as next in order.

Mr. COCKRELL. That was reported adversely by me, and at the instance of the Senator from South Carolina [Mr. BUTLER] it was placed on the Calendar. I therefore object to its consideration, but will not move its indefinite postponement, because he is absent.

The PRESIDENT *pro tempore*. The bill is objected to, and goes over.

JOHN H. WALKER.

The bill (S. 83) for the relief of John H. Walker, late a captain in the United States Army, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 3, after the words "that the Secretary of War be directed to," to strike out the words:

Reimburse Capt. John H. Walker, Fourteenth United States Infantry, the value of certain personal property destroyed by fire in his quarters at Camp C. F. Smith, in the Indian country, Arizona, in February, 1869. That the amount paid shall not exceed the sum of $1,500, which shall be paid out of any money in the Treasury not otherwise appropriated.

And in lieu thereof to insert:

Ascertain and determine the value of the personal property lost by Capt. J. H. Walker, of the Fourteenth United States Infantry, destroyed by fire in his quarters at Camp C. F. Smith, in the Indian country, in Oregon, in February, 1869, without fault or neglect on his part; and the amount so ascertained shall be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That no allowance be made for any property destroyed except what was useful for such an officer while in quarters, engaged in the public service, in the line of duty, and not exceeding in amount the sum of $500.

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT J. BAUGNESS.

The bill (S. 445) for the relief of the heirs or legal representative of Robert J. Baugness was considered as in Committee of the Whole. It proposes to direct the Secretary of War to correct the record of Robert J. Baugness, late a private in Company I, Thirty-seventh Illinois Volunteers, so as to remove the charge of desertion, and the proper accounting officers of the Treasury to pay to the heirs or legal representative of Baugness the bounty and allowances that would have been due him had not such charge of desertion appeared against him on the rolls.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAURA PRINE.

The bill (S. 986) granting a pension to Laura Prine was announced as next in order.

Mr. COCKRELL. That bill is reported adversely, and I object to its consideration.

The PRESIDENT *pro tempore*. The bill is objected to, and goes over.

IOWA INDIAN TRIBE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1108) to provide for the sale of the Iowa Indian reservation, in the States of Nebraska and Kansas, for the issuance of a patent for a reservation for the Iowa tribe of Indians in the Indian Territory, and for other purposes.

The Secretary proceeded to read the bill.

Mr. MANDERSON. I desire to ask whether the Secretary is reading Senate bill 1108?

The PRESIDENT *pro tempore*. He is reading Senate bill 1108, Order of Business 286.

Mr. MANDERSON. I notice by the report of the committee that they recommend the indefinite postponement of Senate bill 1108 and recommend the adoption of a substitute therefor. I think it quite evident that there is a misprint in the Calendar. Senate bill 1108 is not the one recommended.

The PRESIDENT *pro tempore*. The report on file is a report of the bill with amendments. The original text of the bill is now being read.

Mr. MANDERSON. Of the bill as recommended by the committee?

The PRESIDENT *pro tempore*. Of the bill as reported from the committee, and the amendments of the committee have not yet been reached. On the 26th of February the bill was reported with an amendment, which is to strike out all after the enacting clause and insert a long amendment, which is printed at the end of the original bill. If there be no objection, the reading of the original bill will be dispensed with, and the Secretary will read the amendment recommended by the committee.

Mr. CAMERON, of Wisconsin. I think that is the better course.

The Chief Clerk proceeded to read the amendment of the committee, which was to strike out all after the enacting clause and insert:

That with the consent of the Iowa tribe of Indians, expressed in open council, the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold, the remainder of the reservation of the Iowa Indians, lying in the States of Nebraska and Kansas. The said lands shall be appraised in tracts of forty acres each, by three competent commissioners, one of whom shall be selected by the Iowa tribe of Indians and the other two shall be appointed by the Secretary of the Interior.

SEC. 2. That after the survey and appraisement of said lands the Secretary of the Interior shall be, and hereby is, authorized to offer the same through the United States public-land office at Beatrice, Nebr., at public sale to the highest bidder. In cases where improvements have been made by any Indian or for the United States upon such lands, such improvements shall be separately appraised: *Provided*, That no portion of such land shall be sold at less than the appraised value thereof, and in no case for less than $2.50 per acre, and to none except such as purchase the same for actual occupation and settlement, and who have made and subscribed on oath before the register of said land office and filed the same with said officer of the land office at Beatrice, Nebr., that it is his good-faith intention to settle upon and occupy the land which he seeks to purchase and improve the same for a home; and, except in case of the death of the purchaser, unless said party shall have executed his declared intention by making improvements and being in actual occupation of said land by actual residence thereon at the time for making the second payment, he shall forfeit the payment already made, and the land shall be subject to resale as hereinafter provided. Each purchaser of said lands at such sale shall be entitled to purchase one hundred and sixty acres of land and no more, except in cases where a tract contains a fractional excess over one hundred and sixty acres. If the excess is less than forty acres, is contiguous, and results from inability in the survey to make township and section lines conform to the boundary lines of the reservation, and no other objection exists, the purchase of such excess shall be allowed. Such purchaser shall pay one-fourth of the purchase price at the time said land is bid off, one-fourth in one year, one-fourth in two years, and one-fourth in three years, with interest on the deferred payments at the rate of 5 per cent. per annum; and where there are improvements upon the lands purchased, which shall have been separately appraised, the purchaser shall pay the appraised value of such improvements at the time of purchase in addition to the amounts hereinbefore required to be paid. No patents shall issue until all payments shall have been made; and on the failure of any purchaser to make payment as required, he shall forfeit the land purchased, and the same shall be subject to entry and sale at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.

SEC. 3. That if any member of said Iowa tribe of Indians residing at the date of the passage of this act upon any of the lands authorized to be sold by the second section of this act, and who has made valuable improvements thereon, shall elect to remain on the lands occupied by him, such lands shall be withheld from sale; and the Secretary of the Interior shall cause a patent to issue to the person so electing for one hundred and sixty acres of land, to include his said improvements, which patent shall be of the legal effect, and declare that the United States does and will hold the land thus patented, for the period of twenty-five years, in trust, for the sole use and benefit of the patentee, or in the case of his decease, of his heirs according to the laws of the State in which said land is situated, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs, as aforesaid, in fee, discharged of said trust, and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands thus patented, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

SEC. 4. That the proceeds of the sale of any improvements belonging to individual Indians shall be paid to the Commissioner of Indian Affairs, in trust, to be expended for the benefit of the Indians to whom such improvements belonged. The proceeds of the sale of any improvements belonging to the United States shall be deposited in the Treasury of the United States; and the proceeds of the sale of said lands, first deducting therefrom the cost of the survey, appraisement, and sale, and the expense of removing the Indians to the Indian Territory, as hereinafter provided, shall be placed to the credit of said Iowa Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent. per annum, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior.

SEC. 5. That the President of the United States be, and he is hereby, authorized to cause a patent to be issued to the Iowa tribe of Indians for the following-described lands in the Indian Territory, namely: Commencing at the point where the Deep Fork of the Canadian River intersects the west boundary of the Sac

and Fox reservation; thence north along said west boundary to the south bank of the Cimarron River; thence up said Cimarron River to the Indian meridian; thence south along said Indian meridian to the Deep Fork of the Canadian River; thence down said Deep Fork to the place of beginning; which lands were set apart for the permanent use and occupation of the Iowa and such other Indians as the Secretary of the Interior might see fit to locate thereon, by an executive order dated August 15, 1883.

SEC. 6. That the patent authorized by the preceding section to be issued to said Iowa tribe of Indians shall be of the legal effect, and declare that the United States does and will hold the land thus patented for the period of twenty-five years in trust for the sole use and benefit of said Iowa tribe and such other Indians as the Secretary of the Interior may see fit to locate with them, and that at the expiration of said period the United States will convey the same by patent to said Iowa tribe of Indians in fee discharged of said trust and free of all charges and incumbrances whatsoever.

SEC. 7. That whenever the Indians who may be properly residing upon said Iowa reservation shall desire allotments of lands in severalty, the Secretary of the Interior shall cause allotments to be made to such Indians in quantity as follows:

To each head of a family, 160 acres.

To each single person over the age of 21 years, 80 acres.

SEC. 8. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior, the President shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust, for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That the foregoing conditions, restrictions, and limitations shall not extend beyond the expiration of the time expressed in the patent herein authorized to be issued to the tribe in common: *And provided further*, That these patents when issued shall override the patent authorized to be issued to the tribe as aforesaid, and shall separate the individual allotment from the lands held in common, which proviso shall be incorporated in the tribal patent.

SEC. 9. That the Secretary of the Interior may, with the consent of the Indians, expressed in open council, cause the removal of that portion of the Iowa tribe residing upon said Iowa reservation in Nebraska and Kansas to the Iowa reservation in the Indian Territory, and expend such sum as may be rendered necessary by such removal, and for the comfort and advancement in civilization of said Indians, and of the Iowas already residing in the Indian Territory; and the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of such expenses and for the expenses of the survey, appraisement, and sale of said Iowa lands; and the amount so expended shall be reimbursed to the United States out of the first proceeds of the sales of said lands.

Mr. GORMAN. I move to amend the amendment proposed by the committee, in section 2, line 10, by striking out "two dollars and fifty cents" and inserting "ten dollars;" so as to provide that these lands shall not be sold for less than $10 an acre.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The question is on the amendment of the Senator from Maryland to the amendment of the committee.

Mr. GORMAN. This reservation is now surrounded by settlers and is exceedingly valuable. As I understand, the land is worth from ten to twenty dollars an acre. The limit provided by the committee's amendment is that it shall not be sold for less than $2.50 per acre. My amendment will provide that the sale shall not be for less than $10 per acre.

Mr. VAN WYCK. I would suggest to the Senator from Maryland that the danger of his proposition is that while some of this land is undoubtedly worth $10 an acre some of it is worth probably much less than $10 an acre, and I see no reason for making a departure from the rule established in all cases of this kind that the land shall be appraised, and that in no instance shall it be sold at less than $2.50 per acre. Why does the Senator desire at this time and in this bill to change the policy of legislation on this matter and insert $10 an acre, when it never has been asked for before? Undoubtedly some of the land will be appraised at more than $10 an acre and some at less, because it will really not be worth $10 per acre. It must sell for at least the appraised value, but not less than $2.50 an acre.

Mr. DAWES. I think that two dollars and a half is less than the land will be appraised at; but whether $10 is too much I am not quite able to say. The Senator from Kansas [Mr. INGALLS] who is now absent had charge of this bill, and in committee the amount was discussed. I think it would have met the judgment of the Senator from Kansas to have the limit considerably higher than it is. We put in $2.50 per acre, which is according to the old rule. But land in Kansas is worth a great deal more now than it was when this rule was established. I think it ought to be raised; I am not quite prepared to say it ought to go up to $10 an acre. I think, perhaps, if the Senator would make his amendment $8 or $5 it would be better. The land has to go at the appraisal, and the appraisal may be above $5, notwithstanding $5 is fixed; but if it should be put at $10, and some portion of it should be poor land it might embarrass very much, if not prevent the sale altogether. I think under a faithful execution of the law it would make no difference whether $2.50 or $10 was named; the only benefit of having it at $10 rather than $2.50 is to strengthen the moral tone of the appraisers. I agree that there is some necessity for that, but whether that is not an overstraining of the matter remains to be considered.

Mr. MANDERSON. I hope the Senator from Maryland will modify his amendment so as to make the least amount at which this land can be sold $5 an acre instead of ten. There are 16,000 acres of land in this reservation. Of that 16,000 acres, 10,800 acres are in the State of Nebraska and 5,200 acres in the State of Kansas. I know enough of that country to know that it is impossible to find a body of land of that extent that is uniformly worth as much as $10 an acre. I think, perhaps, all of it might be worth at least $5 an acre; and if the Senator will modify his amendment so as to make the price five instead of ten dollars I do not think it would meet with any opposition from any one interested in that section of the country.

As suggested by the Senator from Massachusetts, the difficulty is that if the amount is fixed at $10 much of this land may be left unsold. That certainly would be objectionable in the interest of the Land Department and in the interest of the Indians to whom this money is to go. I hope the amendment will be so modified.

Mr. GORMAN. I believe the minimum fixed by this bill will be all that the Government will receive when this land is sold. While I have no personal knowledge of this reservation, the information which I have derived from various quarters since the committee has considered this bill, and in part from the Senators representing the States in which the land is located, leads me to believe that the greater portion of the reservation at a fair sale would bring exceeding $10 an acre, and the estimate has been placed as high as $25 an acre. It is exceedingly valuable.

I have no other object than to protect the Government, This bill provides for the removal of these Indians to the Indian Territory and gives them a tract of land at the end of twenty-five years, which simply means that if any of these Indians are alive at the expiration of twenty-five years they will have disposed of all their lands and will be paupers on the hands of the Government. I propose that from the sale of their present reservation we shall realize something to provide for them hereafter. I prefer to have the vote of the Senate on my proposition of $10 an acre, which I do not conceive to be excessive.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 3967. The pending question is on the motion of the Senator from New Jersey [Mr. MCPHERSON] to recommit the bill.

Mr. DAWES. I hope that will be laid aside until the Indian bill can be disposed of. I hope the Senator from Kansas will allow us a few minutes to dispose of this bill.

Mr. PLUMB. If it can be disposed of without debate, I have no objection; but if it is to lead to debate which will take up any considerable period of time, I shall not consent.

Mr. DAWES. Of course I can not tell. There is only the proposition of the Senator from Maryland [Mr. GORMAN] that the price shall be $10 an acre to be voted on. That will be the only proposition likely to lead to debate, I think. I ask unanimous consent that the pending order may be laid aside temporarily, and we shall see whether we can finish the bill.

Mr. MORGAN. I shall have to object to that.

The PRESIDING OFFICER. Objection is made by the Senator from Alabama.

COAL LANDS IN WHITE MOUNTAIN RESERVATION.

Mr. GORMAN. I ask consent of the Senate, as I shall probably be absent to-morrow, that Order of Business 289 may be informally passed over without perjudice when it shall be reached on the Calendar to-morrow.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that Order of Business 289 Senate bill No. 1651, to authorize the leasing of coal lands on the White Mountain Indian reservation, in the Territory of Arizona, shall not be acted upon when called in his absence and that it retain its place on the Calendar under the eighth rule. Is there objection?

Mr. CAMERON, of Wisconsin. I think that bill may as well be recommitted to the Committee on Indian Affairs. I move that the bill referred to by the Senator from Maryland be recommitted to the Committee on Indian Affairs.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the bill just referred to be recommitted to the Committee on Indian Affairs. Is there objection? The Chair hears none, and the bill is recommitted.

HOUSE BILLS REFERRED.

The bill (H. R. 1724) for the relief of Santiago de Leon was read twice by its title, and referred to the Committee on Claims.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 555) granting a pension to John Galloup;

A bill (H. R. 709) granting a pension to Robert L. Willey;

A bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough;

A bill (H. R. 1631) to increase the pension of Mathew O. Regan;

A bill (H. R. 2070) granting a pension to Decatur Hamlin;

A bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair;

A bill (H. R. 2908) granting a pension to James McManus;

A bill (H. R. 3466) granting a pension to Azzur W. Reader;

A bill (H. R. 3656) granting a pension to Salome Ann Walker;

A bill (H. R. 4041) granting a pension to Zelica T. Dunlap;

A bill (H. R. 5213) to restore Sidney B. Tullar to the pension-roll;

A bill (H. R. 5215) granting a pension to Orlando Culver; and

A bill (H. R. 5686) granting a pension to Sarah J. Chipman.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 578) to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to the Ellis County Agricultural Society of Kansas;

A bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade;

Joint resolution (H. Res. 239) to fill vacancies existing in the board of managers of the National Home for Disabled Volunteer Soldiers; and

Joint resolution (H. Res. 240) to print 12,500 copies of eulogies on Thomas H. Herndon, late a Representative in Congress.

ENROLLED BILLS.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 465) for the relief of Mary L. Walker and Ella Walker;

A bill (S. 652) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla; and

Joint resolution (S. R. 80) relative to the ceremonies of the unveiling of the statue of Chief-Justice Marshall.

CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey [Mr. MCPHERSON] to recommit the bill to the Committee on Agriculture and Forestry.

Mr. BAYARD. I hope this bill will be recommitted. If it is the intention of the Senate to acquire information in respect of the two diseases referred to in the bill, I hope that they will be content to put in operation the present ample machinery of the Government for the purpose of obtaining such information, and not resort to an extension of the bureaucratic system that it seems to me is covering the country all over with agencies of the General Government, instead of the natural means of relief, local knowledge, local self-government, local self-interest, to attend to local affairs.

But besides that tendency, which I think is most alarming in its progress, I do not see how it can well be denied that the present bill, framed as it is, contains in many sections direct invasions of power admittedly belonging to the States and entirely outside of Federal cognizance, that have been pointed out with ability and perspicuity by the honorable Senator from Texas [Mr. COKE] and by others who have considered this bill; and I hope the committee from whom the bill was reported may now take it and at least eviscerate from it these obviously unwarranted features.

If the General Government is to pass into this enormous system of medication of diseased cattle everywhere, if it is to assume the whole ground and field of power of quarantine for such diseases, if the Treasury of the country is to be opened to unlimited drafts for the amount in payment for these things, let it at least have the semblance of control by distinct provisions of the charter under which we assume to act. The bill is so open to criticism that it is scarcely worth while for me to add my own to those already more ably given.

I have only risen to say that I hope there will be no objection on the part of friends of the measure or its general object to allowing it to be recommitted, in order that if it does appear again in the Senate it may at least come in less objectionable shape.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey [Mr. MCPHERSON] to recommit the bill to the Committee on Agriculture and Forestry.

The question being put, there were on a division—ayes 10, noes 10; no quorum voting.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. BECK. Let us have the yeas and nays. Their call will develop whether there is a quorum.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. BECK] asks for the yeas and nays on the motion to recommit.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Tennessee [Mr. JACKSON]. If he were present, I should vote "yea" and he would vote "nay" on this motion.

Mr. KENNA (when his name was called). I am pnired on all questions with the Senator from New York [Mr. MILLER]. I do not know how he would vote. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. COLQUITT (after having voted in the affirmative). I am paired with the Senator from Ohio [Mr. SHERMAN]. I withdraw my vote.

Mr. COKE. I desire to announce that my colleague [Mr. MAXEY] is absent from the city, and is paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from Delaware [Mr. SAULSBURY]. I am not aware how the Senator from Delaware would vote. My colleague would vote "nay" if present. The Senator from Delaware, I am informed, would vote "yea."

Mr. CAMERON of Wisconsin. I am requested to announce that the Senator from New Jersey [Mr. MCPHERSON] is paired with the Senator from Nevada [Mr. JONES]. The Senator from New Jersey, if present, would vote in favor of recommitting the bill and the Senator from Nevada against it.

Mr. COCKRELL. I paired some few moments ago with the Senator from Iowa [Mr. ALLISON], who was called out, but I voted because I believed he would vote "nay."

Mr. CAMERON of Wisconsin. He would.

Mr. COCKRELL. Then I will leave my vote stand.

Mr. GORMAN. On this question I am paired with the Senator from Colorado [Mr. BOWEN].

The result was announced—yeas 13, nays 30; as follows:

YEAS—13.

Bayard,	Farley,	Morgan,	Vance.
Beck,	Gibson,	Pendleton,	
Brown,	Hampton,	Pugh,	
Coke,	Harris,	Ransom,	

NAYS—30.

Aldrich,	Frye,	McMillan,	Sawyer,
Call,	George,	Manderson,	Sewell,
Cameron of Wis.,	Harrison,	Miller of Cal.,	Van Wyck,
Cockrell,	Hawley,	Mitchell,	Vest,
Conger,	Hill,	Morrill,	Williams,
Cullom,	Hoar,	Pike,	Wilson.
Dawes,	Lapham,	Plumb,	
Dolph,	Logan,	Riddleberger,	

ABSENT—33.

Allison,	Fair,	Jones of Nevada,	Sabin,
Anthony,	Garland,	Kenna,	Saulsbury,
Blair,	Gorman,	Lamar,	Sherman,
Bowen,	Groome,	McPherson,	Slater,
Butler,	Hale,	Mahone,	Voorhees,
Camden,	Ingalls,	Maxey,	Walker.
Cameron of Pa.,	Jackson,	Miller of N. Y.,	
Colquitt,	Jonas,	Palmer,	
Edmunds,	Jones of Florida,	Platt,	

So the motion was not agreed to.

Mr. COKE. I inquire if there is an amendment pending? If not, I have an amendment to offer.

The PRESIDING OFFICER (Mr. HOAR in the chair). There is an amendment pending to section 10, to strike out "two hundred and fifty" and insert "five hundred."

Mr. PLUMB. I ask the Senate to vote down that amendment. I believe I have no authority to withdraw it.

The PRESIDING OFFICER. If there be no objection the amendment will be considered disagreed to. The Chair hears no objection, and it is so ordered. The Senator from Texas [Mr. COKE] now moves an amendment, which will be read.

The CHIEF CLERK. It is proposed at the end of section 6 to insert:

Provided, That the so-called splenetic or Texas fever shall not be considered a contagious, infectious, or communicable disease within the meaning of sections 4, 5, 6, and 7 of this act, as to cattle being transported by rail to market for slaughter when the same are unloaded only to be fed and watered in lots on the way thereto.

Mr. COKE: I desire to make a very brief explanation of this amendment.

Section 6 is the principle one named in the proviso. The object is to take away the power from any authority to declare quarantine against Texas cattle being transported to market for slaughter by rail. All the testimony that has been adduced here is conclusive that it is absolutely safe to transport Texas cattle by rail in the way proposed by the amendment. Thirty per cent. of the $207,000,000 worth of cattle handled in the Chicago market last year was Texas cattle, carried there during the months of the year when the Treasury Cattle Commission would advise that they be quarantined, and the testimony from the Chicago stock-yards is that there was no case of sickness from the Texas fever at all.

I have read these certificates sufficiently often for the Senate to be well informed with reference to them. I will call attention to another fact, and that is that no legislative body, no body of stock-raisers or stock-breeders, no association of any sort, many of which bodies have sent memorials here on the subject of pleuro-pneumonia, has in one single instance asked for legislation against Texas fever. In addition to that, I call attention to resolutions of the great convention of stock-breeders in the West, including the Wyoming Cattle Association, in which this resolution was adopted:

Resolved, That, in answer to a suggestion of injury to the Texas interests, the members of this association are the largest customers for Texas cattle in the West and hope and expect to remain so; that 150,000 head of Texas cattle have been bought by the members of this association for delivery the coming summer, and that it knows of no cattle disease in any part of Texas which could justify the application of quarantine measures in that State.

Not only is the negative true, that nobody has ever called upon Con-

gress for legislation on this subject, but here is an affirmative resolution from a great body of stock people in the West declaring that there is no disease in Texas that could justify quarantine as to the cattle from Texas.

I call the attention of the Senate again to the fact that the cattle of the United States are estimated somewhere between 42,000,000 and 45,000,000 head. In 1883 the comptroller's books of the State of Texas showed that taxes were assessed on 6,040,000 head in that State. The usual rate of increase in that State is 33⅓ per cent. per annum. If you put it down to 25 per cent., or to 20 per cent., you will see that the cattle of that State amount now to upward of 7,000,000 head, about one-sixth of the cattle of the United States. At $20 a head the interest of that State is worth $150,000,000. This interest is too great to be put within the discretion of anybody, or to be quarantined, to be shut out from the market to the detriment of the consumers of this country when no one has been heard calling upon Congress for legislation for protection against any disease that those cattle may have.

My amendment simply provides that these cattle may be transported by rail, that they may not be taken off the railroad except to be fed and watered in lots by the side of the railway on their way to the market where they are to be slaughtered.

It is well known by those who are posted as to the so-called Texas fever that you may put Northern cattle and Texas cattle in the same car and transport them a thousand miles and no disease is communicated. You may put them in the same lot, and no disease is communicated by one to the other. The only circumstances under which the disease is communicated are where the Northern or unacclimated cattle graze on a pasture that has been fed on by Texas cattle, but the Northern cow that receives the disease under those conditions is incapable of transmitting it to any other. You may take a Northern cow that has the Texas fever and put her in a lot with a thousand other Northern cows that have not been subjected to the same conditions and they will not take it from her. The disease dies out with the first transmission, it is not capable of being transmitted second-hand, and the first white frost that comes destroys all germs of it.

When the nature of this disease is understood it is plainly seen that there can be no danger in ingrafting this amendment upon the bill, because the cattle are to be transported by rail and fed and watered in lots by themselves on the railroad on their way to market where they are to be slaughtered. I will read again, because there may be some gentleman here now who did not hear it a few days ago, an affidavit and letter——

Mr. WILLIAMS. Will the Senator allow me to ask him a question, so that I may understand the application of his argument? Do I understand the Senator as proposing the second proviso in the amendment be had printed?

Mr. COKE. No, sir; I do not offer that. Here is the letter to which I refer, and I ask the attention of Senators to it:

WASHINGTON, D. C., *March* 21, 1884.

SIR: In reply to your inquiries concerning the sickness among cattle, commonly called "Texas fever," as to how it is regarded at the Union Stock-Yards, Chicago, Ill., we will state the following as facts coming under our personal observation:

The number of Texas cattle received at the stock-yards, Chicago, per year, will run from 300,000 to 350,000 head.

The sickness called "Texas fever" is not regarded with any special apprehension by the trade generally, as for a number of years past it appears to be diminishing.

The trade at the above-named yards in stock and feeding cattle and milch cows is very large, amounting to $500,000 to $1,000,000 per month. This trade is continuous, lasting the year round, there being no business day in which buyers are not operating, and during the warm months, when Texas cattle mostly arrive, buyers take store cattle and milch cows the same as if there were no Texas cattle in the yards. Cow dealers and store-cattle dealers take hay which has laid before Texas cattle to feed their own stock. These dealers often yard their own cattle in pens in which Texas cattle have stood to avail themselves of the feed left uneaten by the Texas cattle. In short, Texas cattle have worked themselves out from their former reputation as being highly dangerous to bring in contact with our native cattle. Authenticated cases of "Texas fever" of late years are scarce, and the percentage of mortality arising therefrom is so small compared with the aggregate transactions that dealers pay but little attention thereto.

This letter is signed by B. F. Harrison and F. D. Bartlett, and there are gentlemen in the Senate who know them. I desire also to call attention to the following affidavit:

Robert Strahorn, H. H. Conover, Lewis R. Hastings, and Reuben P. Conger, being first duly sworn, upon their oaths state:

That they are now engaged in buying and selling cattle at the Union Stock-Yards of Chicago, and have been so engaged for at least twenty years past; that the annual receipts of Texas cattle at said stock-yards amount to from 300,000 to 350,000 head, and that the disease known as "Texas fever" is not now regarded at said stock-yards with any apprehension, and has not been so regarded for years, and that any fears that may have been entertained in the past at said stock-yards on that score have been dispelled by reason of almost total immunity from said disease at that point.

And it must be remembered that this trade has been going on all the time with perfect freedom, without any restriction whatever.

That the average number of cattle received and sold at the said stock-yards weekly is about 36,000 head, and that sellers, buyers, and owners of the same—in short, every one handling cattle there—have no hesitation in yarding calves, milch cows, stockers, feeders, fat cattle, or any other cattle in the pens that have just been occupied by Texas cattle, and allowing them to drink water from the same troughs, and to eat the hay left by the Texas cattle; and that, in short, the authentic cases of "Texas fever" at said stock-yards have been so small in comparison with the aggregate transactions in Texas cattle that the disease has come to be regarded there as an exploded theory.

R. STRAHORN,
H. H. CONOVER,
L. R. HASTINGS,
R. P. CONGER.

I submit the amendment to the Senate upon these reasons.

Mr. GEORGE. Mr. President, I hope the friends of the bill will allow this amendment to be adopted. The provision which it contains seems to be entirely innocuous so far as the cattle of the West are concerned, and it seems, for the reasons stated by the Senator from Texas, to be a very necessary provision for the protection of the cattle-growers of his State.

I shall vote for the bill if this amendment is adopted, however, with some reluctance, mainly upon assurances from Senators representing Western States in which the cattle interest is very large that a measure of this sort is necessary to protect the property of their people.

I hope, sir, that the amendment of the Senator from Texas will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. COKE].

The amendment was agreed to.

Mr. MORGAN. In section 3, line 20, after the word "investigations," I move to strike out that portion of the text which remains as yet in the bill, which reads as follows:

In paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease.

If the Senate votes to strike out those words, I shall then move to insert in line 20, after the word "in," the words "making and reporting;" so as to read:

The Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in making and reporting such investigations.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. Mr. President, I move that amendment because I believe it is necessary in order to make this a constitutional measure of legislation. Suppose we were to admit that because a man has a sick horse, a sick cow, a sick dog, or any other sick species of property, therefore it is the duty of the Government of the United States to prevent some other man's horse, or cow, or dog from getting sick, and that we should kill it and pay for it at its value. Suppose we should admit it to be a correct principle of legislation and public policy that because a man's property gets sick and may endanger the life or health of some other man's property, therefore we shall kill that property and slaughter it and pay for it at full value or at any value, still I can not reconcile it to myself to vote for a measure that authorizes the Commissioner of Agriculture, in concurrence with the State authorities or without such concurrence, to pass upon the question of the slaughtering of the animal, its condemnation to death, and the compensation to be paid for the animal, without any notice being given to the owner, or without any sort of legal process for determining the fact whether the animal ought to be slaughtered to attain the purpose in question, or what the price should be at which the animal is to be paid for. The bill leaves all these matters entirely indefinite. According to this provision in section 2—

Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations in paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease.

This is rather a jumble of language, and ideas too, and it is a very considerable jumble in respect of our political system in this country, for here we give to the Territorial Legislatures, which we have a perfect right to control by our legislation, as much power to determine when animals shall be slaughtered and paid for and upon what conditions and how much shall be paid for them, as we give to State Legislatures. That is a confused way of presenting a very important question. I should not like to pass an act of Congress, and yet I know we have the right to do it, to authorize the Territorial Legislatures of the different Territories to take a man's personal estate and condemn it for any purpose to be destroyed absolutely because that Legislature might think it was for the public benefit that we should authorize it to be done.

But the rights that we have in reference to the States and in reference to the Territories are totally dissimilar. When a State has advanced to the political condition of being a sovereign in the American Union we have nothing further to do with her local legislation, we have nothing further to do with her police laws or whatever may be necessary to protect the health of animals or men, except only that when the State finds itself unequal to the task of doing these things we

may vote money for the purpose of assisting the State. But here we have States and Territories put in the same category; we exercise over them the same power, and of course we concede to them the same constitutional authority under our system of laws.

We then proceed and we say that if a Territorial Legislature, or the properly constituted authorities in a Territory, signify their readiness to co-operate for the extinction of any contagious or infectious disease, and they shall co-operate with the Commissioner of Agriculture, thereupon a state of law takes place operating within that State or within that Territory, enacted not by Congress, enacted not by the States, certainly not enacted by the two tribunals in co-operation, for they can not co-operate in such matters, but enacted by the *ipse dixit* of the State or Territorial authorities on the one hand and the Commissioner of Agriculture on the other—most important enactments, enactments of a very stringent character, enactments that approximate in their spirit and effect the declaration of martial law, a law by which a man's property can be seized and condemned out of hand without anything else being done or said about it than merely the co-operation of the Commissioner of Agriculture with the State or Territorial authorities decreeing that it shall be so condemned.

After we have enacted this bill we shall no longer, I suppose, flatter ourselves with the boast that this is a land of law. We may say it is a land of law except in those instances where Senators have devised schemes by which they have transferred the law-making power from their own hands into the hands of the Commissioner of Agriculture, and he, co-operating with the Territorial or State Legislatures, enacts or decrees what shall be the law.

Suppose we find a case where a man's herds are affected with pleuro-pneumonia. He has a herd, we will say, of a thousand head of cattle and fifty animals of that herd are affected with pleuro-pneumonia. Whose fault is it? It can not be the fault of the Government, either local or general, that the disease has attacked the man's herd. Whose fault is it if the yellow-fever attacks a man's family and destroys his household? Whose fault is it if the father and mother of a little child are swept away by some epidemic disease? It is not the fault of legislation, either local or general, and I have yet to understand that it is any part of the duty of a government to relieve a man from losses because of the misfortunes which attend human life or animal life. I have yet to learn that it is any part of the duty of any government whatsoever to pay a man for his herds because they may become diseased. I say, suppose that fifty head out of a herd of a thousand are attacked with pleuro-pneumonia; thereupon the Commissioner of Agriculture and the State or Territorial authorities co-operating come together, and they say it is necessary in order to protect the remainder of this man's herd and to protect the community at large that those fifty head of valuable cattle shall be destroyed. As a matter of course it may be necessary to do it; but where should the loss fall? Will the Government set itself up as possessing the duty, or the power either, to draw from the public Treasury to compensate that man because disease has attacked his cattle and it is necessary to kill them in order to stop the disease? Surely, sir, this is the very romance of extravagance and of folly in legislation. The absurdity of it has never before been paralleled in the history of legislation. When you say that because a man's herd is attacked with disease and it becomes necessary for the protection of the remainder of his own property that he should destroy them, therefore it must result that the Government of the United States from its Treasury must pay the man for what he loses in consequence of this visitation of Providence.

I will take, if you please, the ravages of the cotton insect in the Southern States, which in the last ten years have decreased the product of the cotton crop not less than $100,000,000 in value, doubtless very far beyond that. This plague visits a cotton plantation; it gets into the center of it. Unquestionably by destroying the crop, by pulling it up and putting it upon the fire, you can stop the spread of the plague in that locality; but it takes to itself the wings of the wind and it flies from plantation to plantation until the whole country is involved in it. In regard to one of the most valuable of our export crops and of our crops of home consumption, a matter that concerns the farmer and the planter, a visitation of Providence, may be checked, may be extirpated, may be stamped out if you will spend money enough and take pains enough and employ labor enough to accomplish the job. Suppose I should bring in here a bill providing that whenever a cotton farm is attacked with the caterpillar, thereupon it shall be the duty of the Commissioner of Agriculture, in co-operation with the constituted authorities of Alabama, to stamp out the visitation upon that crop, and that they shall assess the value of the cotton that is to be destroyed in order to make the stamping out a successful process. I should be laughed out of the Senate if I should bring in a proposition so absurd as that; but it seems that other Senators can do so, representing vast interests in the Northwest, and they are not only not laughed out of the Senate, but they are encouraged to believe that it is a constitutional and a just system of legislation.

Mr. BAYARD. Why not compensate for droughts?

Mr. MORGAN. Of course; why not compensate for droughts? Why not compensate the people of Michigan, when the fires break loose in their forests and burn up vast domains of beautiful, splendid timber? Why not address yourself, as it seems to be the duty or the conceived opinion of duty on the part of Senators, to the remedy of compensating for all human calamity out of the Treasury of the United States?

Sir, we are going to make a laughing-stock of ourselves if we keep on in this course of legislation. Take the caterpillar that infests some of the harvest fields of the Northern States and eats up the grass, the wheat crops, the rye, the oats, &c. Is Congress to send the Commissioner of Agriculture out with his means of extirpation to protect the crop and to pay for all the farmer loses in the mean time, or to pay for all which it may be necessary to destroy in order to circumvallate the march of the army-worms and prevent them from proceeding to destroy the crops of the country? We have no right to do that. To come down to the plain, common-sense, square fact, it is an abuse of the powers that the people of the United States have conferred upon us here.

More than that, I am not willing to allow a bill to go out of the Senate by my vote which confers the absolute power of discretionary legislation upon anybody else. We are sent here to legislate for this country in connection with the House of Representatives, and not to delegate powers to the Commissioner of Agriculture in co-operation with State or Territorial authorities or any other set of men for the purpose of enacting laws in this country. When you come to execute this proposed law upon a herd of cattle and condemn them to slaughter and then to pay for them, you can not find written upon any statute-book the authority to do it and the conditions upon which it shall be done or the nature of the judicial or due processes which shall be exercised in the execution of this very important and very delicate power. You propose to leave all that in the discretion of the Commissioner of Agriculture in connection with the powers of State or Territorial authority with whom he may co-operate.

That is not legislation in the sense of the American Constitution. A law enacted in accordance with the American Constitution must be read as to its whole import and as to its whole legal effect from the face of the statute-book itself. A law which is to be interpreted not by what is spoken on the face of the statute but by something that is to be done outside, *aliunde*, something that is to be done hereafter by some person else, resting in the discretion of that person, is not a law within the meaning of the Constitution of the United States, and when we enact it we put upon the statute-book a void authority, and it would be held void if it was tested in any court in the world. If the Commissioner of Agriculture in connection with the State authorities should proceed under this act of Congress to condemn the property of any man whatsoever, they would make themselves liable in an action of trespass for the value of the property, if he chose to bring suit against them. Why so? Not perhaps for the want of authority in the enacting bodies, but because the Congress of the United States, if it passes the bill in the form in which it is presented here now, would have left the matter in such an indefinite shape as that no man could say that that was a law which would protect an officer in its execution, for we can not give to an officer in this country power to protect himself against trespass merely by saying to him, "you shall have legal authority to proceed to take any man's property that you please, and upon your own discretion and judgment condemn it to slaughter or to destruction."

If we were to name the Commissioner of Agriculture, Hon. George B. Loring, in a bill, and say that the Congress of the United States hereby confers upon Hon. George B. Loring, Commissioner of Agriculture, within the District of Columbia, where we have supreme power of legislation, authority to take the personal property of A or B at his will and discretion, upon his own private judgment, and condemn that property to slaughter and to draw upon the Treasury of the United States to pay for it such a sum of money as he might think it was worth, that act of Congress would not protect the Commissioner of Agriculture against a suit in trespass in the courts of the District of Columbia. I must think that there is not a lawyer in the sound of my voice to-day who does not appreciate the value of that proposition, and who must not see that the manner in which the committee have brought this matter to the attention of the Senate of the United States is not the manner or the method required by the Constitution of our country.

I therefore think that that much of this bill ought to go out, and if we intend to condemn cattle to slaughter, we ought to express the conditions upon which they are to be condemned, the nature of the inquiry which is to precede the condemnation, and then, if we are to pay for them as condemned and slaughtered cattle, we ought to say something about the value or the price at which they are to be paid for and the manner of ascertaining that value or that price. But the bill is a mere roving commission, giving to the Commissioner of Agriculture the power to slaughter cattle where he pleases, and pay for them at such prices as may suit his own judgment.

There is a good deal more in this bill. One feature in it I desire to allude to now. I do not consider this a fair bill at all; I consider it a very unjust bill. While I give to the Senators who are trying to put the bill upon the statute-book full credit for patriotic motives and sentiments and for an earnest purpose only to do good and not to do harm, yet they put it within the power of the cattle-dealers of the Northwestern States to destroy the cattle trade of the South. In one view of the case perhaps I ought not to object to it. I find that the enor-

mous herds of cattle that are raised in Texas, and a good many raised along the Gulf coast and the South Atlantic, find their way to market through the green pasture fields of the interior of this country, the fields in which they are fattened and prepared for market by railway chiefly after they get in reach of the great railway systems of the country. All are transported to Chicago or else to the Northeast, it makes no difference whether they are intended for the local or whether they are intended for the foreign market. All of our products take that route.

We send very little cotton, or rice, or sugar, or tobacco, or any other Southern product except our lumber (and not very much of that either) by way of the sea around to New York out of our own ports. Almost everything is drawn into the great railway system of the country, and is swept into this tide of commercial migration from the Southwest to the Northeast. I will suppose a case. I will suppose that the great herdsmen of Wyoming, of Idaho, and of Dakota, of the general Northwest, who are occupying free of charge the vast public domain, upon which they are growing rich and fat, should desire to monopolize the market of Chicago, or the market of Buffalo, or the market of New York, or Philadelphia, or Boston, or the market abroad: they can by an arrangement between the Commissioner of Agriculture and some of the States and Territories put a barrier against the exportation of cattle from the Southern States toward those Northern markets in the season of the year to which the Senator from Texas has so often alluded when alone the cattle upon the Southern plains are fit for human food, and when alone they can be transported conveniently or profitably to market. This combination is entered into with a view of putting up the price of cattle in the Northern and Northeastern markets by creating a scarcity at a particular season of the year. Supposing those men have such intentions and supposing that their interests lead them in that way, what power do we not put into their hands to get the control of the Northern markets and to raise the price of meat to any figure that they please? Senators who feel that they are flattering the industrial people of this land, the farmers, &c., had better be aware that they are flattering rather a shrewd set of men, who not only look through the thin glass of their pretenses and pretensions but bore and penetrate deep into these questions and will have an understanding about them. Here we are lodging the power in the hands of a Territorial government——

Mr. BECK. If the Senator at this point will allow me to make a suggestion in the line in which he is now speaking it may save me from making a speech hereafter. The great mass of the herds owned in Wyoming and the Northwestern Territories are owned by foreign corporations, with their headquarters in London. Millions of dollars are thus invested. Those people have no interest in the United States except to have their cattle eat the free grass of the country. The Territorial Legislatures are their creatures; they put them there and they keep them there. They will name the cow-doctor who is to examine their herds. They bring cattle from Europe and all parts of the world, and when they have unprofitable stock, either barren or otherwise, which may have cost them a good deal, if this bill passes what is to prevent those foreign corporations and the Legislatures that they make and own from having those cattle killed in their interest and any price paid for them that they may see fit to demand?

Mr. MORGAN. The remarks of the Senator from Kentucky [Mr. BECK] are very pertinent and very forcible. More than that——

Mr. WILLIAMS. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Wait a moment. More than that, the Senator from Kentucky [Mr. BECK] might have added that this very influence in the Northwestern Territories of the United States in the ownership of those enormous herds has found its way into the Parliament of Great Britain and the administration is now put severely to test. Gladstone's administration is being assailed and being put severely to test this very day in the Parliament of Great Britain in the controversy which has arisen between those very American herdsmen here and the government there in respect of the rejection of cattle from the Northwestern plains. That great and substantial government is to-day being agitated to its very core by the consideration of the question which those herdsmen in the Northwest, foreign men whose capital is here employed in the production of cattle, is pressing home upon the British Government, and now the English Government are being heard to say, and they published it in their blue-book within the last few days, an authentic declaration on the part of the government that the foot-and-mouth disease and pleuro-pneumonia have never yet found a lodgment in the United States except where they were exported from abroad. They have come down to an official declaration on that subject, and while they are trying to persuade their own people that there is no foot-and-mouth disease and no pleuro-pneumonia here, Senators on this floor, crazed with the idea that they are flattering the farmers and herdsmen of this country, are trying to make this part of the world believe that these diseases are all over this land.

That is the condition we are in. We are arguing and voting here to prove that there is an awful calamity resting upon or threatening the people of the United States, making it necessary that we should resort to very extraordinary powers, if we ever possessed anything like a shadow of what we are contending for, while the British people are being forced to the conclusion by their own government and by the pressure of the ownership of those herds in the Northwest by those British capitalists that the foot-and-mouth disease and pleuro-pneumonia do not exist in this country, or if they exist at all it is a mere sporadic affair caused by the importation of these diseases from abroad.

Mr. WILLIAMS. Will the Senator allow me to interrupt him there for one moment?

Mr. MORGAN. I will.

Mr. WILLIAMS. The Senator seems to assume that the persons who are urging this thing upon Congress are foreigners, and that a large majority of the cattle-owners of the West and Northwest are foreigners. That is a wide mistake, I assure the Senator from Alabama, because last year I happened to be in Chicago when there was a national meeting of the stock-raisers. Nearly all the great herds of the West were represented there. There were a little over five hundred gentlemen present, representing the stock-growing interest of the whole West and Northwest, and there was not one single foreigner in that assembly of as intelligent gentlemen as I ever saw in a legislative or any other assembly in my life. I know there are some foreigners who own herds.

Mr. BECK. Will my colleague allow me to ask him whether there are not organizations in England with tens of millions of dollars capital invested in herds of cattle over the Northwest? Is not that true?

Mr. WILLIAMS. We hear a great deal about it in the newspapers. I know one thing, because I have a great deal more familiarity with the cattle interest than my colleague——

Mr. BECK. I doubt it.

Mr. WILLIAMS. I know that not one-twentieth part of the cattle of the Northwest is owned by Englishmen or people of any other country except our own. I know there is not a foreigner in my State who owns a herd, and my State is as much interested in this question as any State in the Union. I know that those gentlemen who met in Chicago were not foreigners; they were American citizens and cattle-growers, and every single one of them joined in a resolution memorializing Congress for the passage of this or a similar bill to protect their interests.

Mr. MORGAN. I did not make any statement upon my own authority about the ownership of the herds in the Northwest. I have seen it stated in some of the official reports here. The Senator from Kentucky on my left [Mr. BECK] made the statement in respect of the ownership of those herds, and I find in the statement a very good reason why it is that the pressure of public opinion is getting to be so great upon the British Government as to cause them to assert now most solemnly that it is all a humbug about foot-and-mouth disease and pleuro-pneumonia existing in this country.

Mr. PLUMB. The Senator certainly has some authority for that statement. He made it I supposed rather facetiously, but he is now making it seriously, and I call for his proof.

Mr. MORGAN. I will go to Republican papers, such as the New York Herald, the Tribune, and Times.

Mr. PLUMB. Those newspapers do not convey any such idea at all.

Mr. MORGAN. I beg pardon; they have contained such statements in the last three or four days. The Senator has been so busy about something else that he has not kept abreast of the question; he is quite behind on it. I have not thought it necessary to prepare myself with the papers here, but will do so before the debate is closed if the Senator wants to see them. Everybody else seems to know it except the Senator in charge of the bill.

Last Thursday or Friday, when the Senator from Texas [Mr. COKE] was arguing the question about the non-prevalence or non-existence of foot-and-mouth disease and pleuro-pneumonia west of the Alleghany Mountains, the Senator from Kentucky [Mr. WILLIAMS] rose in his place and said he would admit that there was not any such case of disease west of the Alleghanies and never had been.

Mr. WILLIAMS. I do say that, but——

Mr. MORGAN. Now, that is admitted again. That is a most remarkable thing.

Mr. WILLIAMS. If the Senator will allow me for a moment in that connection, for I do not want him to cut my sentence in two, I said that it was not there, and it is because we want to keep it from getting there that I am so earnest in regard to the passage of this bill.

Mr. MORGAN. The leprosy has never been out in the Senator's section of the country either, and why not amend the bill so as to arrange for a board of doctors to investigate the subject of leprosy and to watch the lepers throughout the country and see if they can not prevent the leprosy from getting into Kentucky? What shall we not expect to do or attempt to do next? The cholera is not yet in Kentucky. It has been there in some preceding years. Let us have a board to prevent the ingress of cholera into the State of Kentucky.

Mr. WILLIAMS. Have we not such a board?

Mr. MORGAN. I do not know of any.

Mr. WILLIAMS. I do.

Mr. MORGAN. The Senator is wiser than I am in the matter if he thinks there is any cholera board here to prevent the introduction of cholera into Kentucky.

Mr. WILLIAMS. The Senator certainly knows that we have a National Board of Health, whose principal duties have been transferred to the Marine-Hospital Bureau, and the law gives them power over the

cholera, yellow-fever, small-pox, and all contagious and infectious diseases among men. I allude to the yellow-fever act, which is on the statute-book.

Mr. MORGAN. We have a National Board of Health, whose powers I am very glad to know have been transferred to some established organization under our laws, for the purpose of protecting the coast lines against the ingress of disease from foreign countries. We have bills reported here in the Senate now for the purpose of putting it into the power of the Secretary of the Treasury to establish quarantine upon our coast, to prevent the introduction from abroad of diseases of the very character that the Senator refers to.

What is desired in this bill is to supplement all legislation of that kind, to supplement the Cattle Commission of the Treasury Department that is now in operation and is now quite adequate I suppose to find out when disease gets to Kentucky. The worst feature of the bill that is now in contemplation is to find out whether disease may ever get there. The object of this bill is to supplement all of this with a bureau of animal industry. I do not object to that if a bureau of animal industry is wanted, and if we have not bureaus enough let us have some more. If there are not office-holders enough in the United States Government let us fix up a few more for the people to pay. A few hundred thousand dollars a year do not make any difference to a government as rich as this. It makes no difference if the people are poor, you have them under your feet, you can hold them down, and if you want to put your foot on their neck and crush them, that is all right; it is what you are doing in every respect anyhow. Put on the pressure, create a few more offices if you must have a bureau of animal industry, and if Kentucky is about to get diseased or sick for want of a bureau of animal industry I shall have to vote for that feature of the bill.

But the question I am discussing is the power you are going to give to the bureau after you get it created. Are you going to give them autocratic and discretionary power to do as they please, and that too in the face of the confessed fact that there is not and never has been a case west of the Alleghany Mountains of either of the diseases at which this bill is apparently leveled?

More than two-thirds, yes, nine-tenths, of the area of the United States never had a case in it of a disease of this kind, and in order to prevent its going there or to smooth down the anxious apprehensions of the Senator from Kentucky [Mr. WILLIAMS] and the blooded-stock owners of that State we are to spend a large amount of money annually, and we are to confer extraordinary powers upon a board, the like of which no board has ever claimed even in the United States of America.

The yellow-fever board, the Board of Health, with all the control that it claimed over the health of the country and to prevent the death of thousands and tens of thousands of men, women, and children, never claimed the right to condemn their property out of hand and to burn their houses in order to stop the ravages of the disease. The most they could do was sanitation, medication, burial, food, and clothing, and the necessary appliances for restoration to health. It was never supposed that the Congress of the United States had a right to set a torch to Memphis and to burn it up in order to prevent the yellow-fever from raging through that city. But here you lay your knife to the throat of the cattle and property and you destroy pell-mell. You get a man who wants to magnify his office and wants to earn his $5,000 a year, or whatever it may be, with his twenty inspectors, or whatever the number may be, out of the public Treasury. He hunts and rummages about over the land until he finds what he conceives to be a case of pleuro-pneumonia. He raises a clamor about it. Of course it is re-echoed in the Senate of the United States, for it seems of late that the Senate has got to be little less than a mere sounding-board for the calamity and clamor which come up from the country, and after this clamor has been raised then legislation must supervene, the Constitution must get out of the way, arbitrary powers must be given to these men. Why? Because in hunting around, as these veterinary surgeons did, it appears in the State of Kansas they found a few cattle with frozen feet, and raised the cry that it was foot-and-mouth disease, had the Senate of the United States alarmed out of its propriety, and the governor of a State assembling a legislature in solemn conclave to meet that disease. When they got together the veterinary surgeons reversed their opinions very quietly; Kansas passed a few enactments on the subject of providing hereafter for scares of that kind, retired from the field, and left the country in peace. That is the situation.

I will assist the Senator from Kentucky [Mr. WILLIAMS] in getting up his pet scheme of an animal industry bureau and having some man to go there and preside over it, and some other man to nose about among the cattle of the country to see if he can not find some excuse for the act after we have passed it, but I can not consent, by my vote at least, to allow that individual or that bevy of men, whoever they may be, to take the laws of this country into their own hands and to treat property as they may see proper to treat it, destroy it at their own will and pleasure and pay for it at the price they please. I therefore move to strike out, first, that portion of the bill beginning in line 21 of section 3, as follows:

In paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease.

Mr. BECK. Mr. President, I desire to say only a word or two in regard to this amendment. I am entirely willing to give the Commissioner of Agriculture, or any other official of this Government whom the Committee on Agriculture may see fit to select, the power to make all the investigation necessary into the origin of diseases of cattle and the character of them, to aid the States to quarantine against them, and to take all the necessary steps that the Government of the United States can place in the hands of any of its officials to protect the herds of the country. But when it comes to a power of indiscriminate slaughter and of paying what they please for anything, then I am opposed to that branch of it.

It is conceded by everybody, my colleague concedes it, that there is not a case west of the Alleghany Mountains to-day and never has been. That fact is established if authority can establish it. That being the case, what necessity is there to place in the hands of any body of men the power to slaughter the cattle of the country until we have a thorough investigation made first as to whether the disease exists anywhere in the country? Its existence is denied by the Senator from New Jersey [Mr. MCPHERSON]. My colleague, I believe, says he has seen cases right here, and of course that ends it; but it is denied by gentlemen representing the States named that it exists. It is admitted by my colleague himself that there is not a case and never has been in the State that he and I represent, or in any of the great States of the West where cattle are being raised by the thousands. Why, then, is it necessary to give this absolute power of slaughter?

I said a little while ago what I know to be true (although my colleague may have seen five hundred men at Chicago, and there were no Englishmen among them), that the largest cattle-raising corporations in the whole Northwest, especially in Texas, and in Wyoming and other Territories, are English companies, managed by their managers, owned abroad, people who have no interest in that soil except to have their cattle eat the free grass, and when they withdraw them there is nothing left in the Territory except the ground with the grass eaten from it.

Why, I ask, should those men have the power that the bill gives them to co-operate through the Territorial Legislatures that they themselves have placed there, their own cow-boys constituting part of them, and when they seek to make a sale of poor animals that they have brought from England or elsewhere, barren cows, if you please, as I said the other day, that they may have bought at from five to eight thousand dollars apiece and nobody knows they are worthless except themselves, they can by any fraud, by poison, by any means, make those worthless animals have the appearance of pleuro-pneumonia or any other disease and have them slaughtered and paid for at the price that they can prove they paid for them—why should that authority be given to anybody? Is every man who owns a cow or speculates in one necessarily honest? Are we to place ourselves at the mercy of all bodies of men everywhere in States and Territories who may become largely interested in having their own cattle slaughtered in order to get the price that they see fit to demand?

It is no unusual thing for the very highest-priced animals to prove utterly worthless for anything but beef prices. That I suppose we all know. Here is a bill without any limitation whatever. Whenever the Territorial Legislature and the Commissioner of Agriculture agree that any disease exists he can have them slaughtered and paid for without any limitatiom whatever. If we provide that beef prices shall be paid, that is one thing; if we are to pay the prices those gentlemen see fit to prove they paid in regard to some herds of Alderneys, Jerseys, or particular breeds of Durhams, that is another and a different thing and of much more danger.

We ought to so legislate at least as not to make it to the interest of any man in the United States to have his animals killed in order to get pay out of the United States Treasury. No man will deny that, I presume; and when it is admitted that there is not a case of the disease in any of the States west of the Alleghanies at least, and perhaps not even in the United States or in any of the great Territories, why is this haste, before an investigation is made, before any effort at quarantine has been made, before we have exhausted the power that we have a legitimate right to give to our Commissioner to prevent the propagation of it, to have a hue and cry raised such as was raised in Kansas the other day, whereupon we voted $50,000 for a myth, and it turned out, as the Commissioner of Agriculture now reports, that it was caused by the eating of ergot in bad rye? Why in advance of an investigation should we be paying this amount of money and placing it at the disposal of any officers of the Government or any combination of men or put it in the power of anybody to make it to their interest to defraud us?

That is the objection I have to this bill. If it is confined, as it ought to be in a preliminary investigation, to a thorough, comprehensive, careful examination into all the matters connected with the disease, to its transportation, to its movements, and to quarantine against it, to everything in regard to the cattle of the country, I will vote and vote freely for it; but the Committee on Agriculture, not content with that, begin by giving this power even to Territorial Legislatures. I have much less faith in them than I have in the Legislatures of States. I know how they are composed; I know who they are. It is no slander to say that in many of those Territories the cattle-owners send their own men to the Territorial Legislature, and nobody can go unless he is in the interest of those very cattle-owners; and as I know, and as anybody knows

who takes care to investigate it, those cattle-men are made up of corporations, many of them foreign corporations, not even citizens of the United States. You propose to give the power to make the United States pay for any cattle that they can make any cow-doctor believe is diseased, if it is to their interest to make them appear to be diseased.

Mr. MORGAN. "Any contagious, infectious, or communicable disease."

Mr. BECK. Anything, no matter what; a "contagious, infectious, or communicable disease"—and then kill the animals by the hundred, kill all that are worthless, that they know are worthless, when nobody else knows whether they are worthless or not, and they are to be paid high prices for them after they are proved to be diseased.

I know of no such way of finding a market for useless animals as this bill would give to every dishonest man who saw fit to take advantage of it. There are dishonest men in all trades, I suppose. I presume there is no body of men who might be quite scrupulous in their dealings, or private men who would think it a particular hardship to take all they can get out of the Government of the United States.

Therefore, in the passage of this measure I shall insist, before it can get my vote, that it shall be limited to making the most thorough possible investigation, to establishing the most rigid quarantine which any State may see fit to impose, and to give our officers full power to co-operate with the local authorities everywhere in preventing the spread of the disease, in doing anything that is necessary.

Surely, as I said before, as there is none of the disease claimed to be in any of the great stock-raising regions of the West, none west of the Alleghanies, the information that we shall get under such a bill as I am willing to support will by next December enable us to take any further steps that the investigation may develop to be necessary, and if the quarantine that States see fit to establish is not as broad and as comprehensive as Congress may think it ought to be, Congress can then take the additional step.

In the mean time the amendment proposed by the Senator from Alabama I think ought to be agreed to, and the power to destroy the cattle, the power to commit fraud, should be guarded. I have named only the men in the extreme West because we know that there are many of them not our own citizens, and that their cattle are not seen by anybody but themselves and their employés, and there is no means of detection. If we should go into this matter now without further knowledge I think it would be a great mistake.

Mr. PLUMB. Mr. President, before the Senator from Alabama [Mr. MORGAN] rose I had prepared an amendment which I think would have obviated all this speaking and all this objection. The amendment I proposed was not to obviate any objection I had to the power or the propriety of its exercise when an emergency should arise, but simply to make the bill harmonious with itself. In the other House when the bill was under consideration it had a section 4 which provided in substance that if any State did not accede to the request of the Commissioner for co-operation, then the Commissioner of Agriculture, under the direction of the President, might proceed himself to very thorough and effective measures for the extirpation of the disease, including the destruction of animals. That section was stricken out. That made it unnecessary to have so much of the preceding section as provides for the destruction of animals. The Committee on Agriculture in considering this matter inserted what in its own opinion ought to be done, what the House had striken out.

I said in offering the bill to the consideration of the Senate the other day that I was willing that the section which the Committee on Agriculture had inserted should be stricken out. It has been stricken out, and I have designed to move myself an amendment, not going quite so far as that of the Senator from Alabama, which accomplishes the same purpose—at all events, the purpose which the Senator from Kentucky [Mr. BECK] has expressed.

The objection of the Senator from Alabama relates to the question of power. As much as I esteem that Senator, and with as much pleasure as I listen to him, I can not escape the conclusion that in some way unconsciously to himself he always speaks of this Government as though it was somebody else's Government and not his own. He has constantly in his mind the exercise of some power on the part of this Government, as though power to him was offensive, and I can not conceive how it could be offensive to a man who truly and rightfully regarded himself as a citizen of this great Republic and one of its servants. I do not object to the Government exercising power in places where the power is proper to be exercised and where it is necessary for the protection of the people and in the rightful assertion of its sovereignty, and whether it be the destruction of an infected animal or the quarantine of a community to prevent the spread of disease, if that be necessary for the general welfare, then it is plainly within the purview of the constitutional powers conferred upon Congress.

Something has been said about foreigners holding cattle in this country. I may say about that if I had my way I would not let them own cattle, land, or anything else; but it is inconceivable that cattle-men, whether they be Englishmen or whether they be Americans, would want to depreciate the value of their own products in foreign markets. They do not want to do that. It may be talked about just as men please; there is a great feeling of uneasiness about this matter throughout all the cattle-holding section of the country. I beg Senators to understand that Wyoming, the Northwest, the Southwest, and the extreme West do not own the most valuable herds in this country. They are only atoms in the great sum total of the forty or fifty million cattle that are held in this country, because the cattle held elsewhere are not only greater in number, but of a greater average value. The alarm once spread affects an interest so great, so widely spread over the country, that it takes a long time to eradicate even an idle rumor or an idle fear.

What we want is something that can do this and do it in such a way that the men with cattle on the prairies, or wherever they are, may go on about their business believing and realizing that there is a power strong enough and sufficiently armed with means to everywhere advise them in an authentic way of exactly what they have to fear, or, when they have no reason to fear, of that fact also. When the rumor was in the State of Kansas, to which allusion has been made, if the power given by this bill had been in existence that alarm would not have extended all over this country; we should have had means to have settled it. It has but recently been settled, if at all; only by a conference of men from different portions of the country to settle the question, and by experiments which could not be tried in a moment nor in a day, and by that very class of men that the Senator from Texas is so afraid of. He is afraid that they will say that is a disease which is not a disease, in order to justify their continuance in Government employ; but they did not say anything of that kind when they came to investigate the matter thoroughly. After giving plenty of time to determine in a practical way, they have determined that the disease did not exist, and until that was determined and until they did announce it there was not only a paralysis in that trade, but it stopped the immigration of people into that country, and the effect of it has spread to other States as well.

Since that has been done I have seen a dispatch in a Kansas paper to the effect that the governor of that State, under the authority of the law recently passed in Kansas, has been advised by the commission appointed by him to quarantine against cattle to be brought into Kansas from portions of Pennsylvania, Virginia, and Maryland lying east of the Alleghany Mountains, the whole of New Jersey and Delaware, and that part of New York lying south of the north line of Pennsylvania. There is an attempt on the part of a State to quarantine. It may be ineffective, but it expresses the ever-present fear; and the governor of that State is of the same politics as my friend from Alabama. I do not know but that he might be just as much afraid of the exercise of the same power, the same function by the General Government as is the Senator from Alabama; but in the presence of that which threatens the greatest interest in his State, himself a practical man, and interested with the people and interested himself in his own person and in his own pocket, he yields to the inevitable and has asked that the power shall be given to him by the Legislature of the State to control quarantine. But that will be ineffective. No one can tell whether the cattle coming into that State come from sections of the country that are infected or not. It can not be done; and if it could be done the Supreme Court has decided that the power thus sought to be exercised by the States is unconstitutional. It only remains, therefore, to deposit the power somewhere by law of Congress in such a way that it may be exercised for the benefit of all and in such a way that when it once is exercised the result may be satisfactory and give satisfactory assurance all around. That is all that is necessary.

The British Government have not, at least so far as I have seen—and I have read all the dispatches on that subject—committed themselves to the statement that no disease exists in our country, because there still remains the embargo against our cattle. I want to remove it. It has been said by individuals in Parliament that the disease did not exist; there has been confusion about it, some men wanting the cattle brought in without let or hinderance and other men contending for more strict legislation and a more close supervision; but after all the Government itself has not been convinced by these arguments to the extent of lifting the embargo that prevails against our cattle. A proper disposition is growing up now, and if something of this kind is not done and if we can not demonstrate in some authentic way to the British government and to all people that the cattle of America are not diseased, the cattle from the Northwest will take a route, not from New York and not from Baltimore, but they will be loaded on the upper lakes and carried on Canadian routes of travel and transportation in order to reach British ports as Canadian cattle and not as American cattle. It is an easy thing to be done.

Why this quarantine by the governor of Kansas on cattle coming from certain portions of the country if the disease does not exist? Why have commissions in New Jersey with a permanent annual appropriation for the purpose of stamping it out, with the results published to the world? Why the declarations made constantly by persons competent to know, as I think Senators on this floor are not competent to know, that the disease does exist not in an aggravated way, not all over the country, because no one has said that, but existing in such a way that unless some restriction, some investigation is had, it may spread, and the design of this bill is simply to prevent it and to enable us to give through the proper sources that will convey with authority the actual facts to people all over the world that American cattle are healthy, or if they are not healthy that disease is kept within certain

small limits in such a way as to prevent the result of contagion to the great herds of the country or generally throughout the country?

Mr. President, I had prepared amendments to strike all of line 21 of section 3, and to strike out the words "to extirpate," in line 23, and insert words so as to make the clause read:

The Commissioner of Agriculture is hereby authorized to expend as much of the money appropriated by this act as may be necessary in such investigations, and in such disinfection, and in other means as may be necessary to prevent the spread of the disease.

That was the amendment which I prepared, and which I thought would cover all this question, and eliminate the objection which the Senator from Kentucky [Mr. BECK] has made and others have made to the extraordinary power to be, as they thought, given by this bill.

But now in regard to that power, before anything can be done under this bill, even with the language which I propose to strike out, the governors of thirty-eight States have got to be consulted, they have got to have submitted to them the means, the appliances whereby this extirpation is to be carried on. It is not a thing to be hidden under a bushel, it is exposed to daylight, exposed to the criticism of the chief magistrates of thirty-eight States at a mutual conference between them, authorized by law, and forced not only by the sense of responsibility of the Commissioner of Agriculture acting under the order of the President, but by that of the governors of the several States themselves. I do not think it would be possible that we could deposit power anywhere subject to a more thorough supervision or one that would be less liable to be exercised in a doubtful way.

I know the idea that you can not submit anything to anybody for fear that we shall get some dishonest men in our employ who will beggar the Government is somewhat prevalent. I do not want to give doubtful power or one that may be extravagantly exercised to an official, but, as I have said, we have got to leave power with somebody. We appropriate lump sums to be expended under the direction of the Secretary of the Navy, a million dollars here and a million dollars there, and so under other officials. We take all that risk; we must do it in carrying on great governmental purposes; and it is to the honor of the American people and to the credit of humanity generally that these trusts are rarely betrayed. I have no doubt that there will be some abuses under this bill or any other bill which we can pass which commits responsibility to anybody, but they are only such as are inevitable. There will be no more chance that this bill will result in some man's killing an animal to make the Government pay an extraordinary price for it than there will be that some man will himself buy an animal of that kind which he does not want, and pay more for it than it is worth.

Accidents will happen, and of course now and then there will be betrayals of trust; but they will only be such as I think are inevitable, and I do not object myself to conferring this power; and if it had not been for the determination of the committee to make this bill in harmony with a certain idea, to leave it as much as possible free from contest with the House, I would have insisted for myself, as I think the committee would have insisted, on this provision for payment as it originally was; but the fourth section having gone out, and this being a necessary adjunct to that and, standing alone, not necessary to the purpose of the bill as it is, with the fourth section out, I am entirely willing to have it modified; and I think the amendment which I have proposed better answers the purpose than that of the Senator from Alabama, and I think he will say so.

He proposed to limit the thing wholly to investigation, but it can not, even with the consent of the governor of a State, do anything for the purpose of disinfection and preventing the spread of disease. Why not let the States and the General Government co-operate in some way for the prevention of the spread of disease? Why limit it simply to investigation and report to Congress after the damage has been done? Why not do those things which can be done to co-operate fairly without the exercise of a doubtful power, or a great power not a doubtful one to prevent the spread of a disease, the spread of which may be injurious in the highest degree to the material interests of the people of the United States?

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). Does the Chair understand that the Senator from Kansas has offered an amendment?

Mr. PLUMB. I will offer an amendment if it is in order.

The PRESIDING OFFICER. The Chair is of opinion that it is in order.

Mr. MORGAN. It is in order as an amendment to my amendment.

The PRESIDING OFFICER. No; the Senator from Alabama moves to strike out lines 21, 22, and 23 of section 3. The object of the amendment of the Senator from Kansas is to perfect the text, which takes precedence of a motion to strike out.

Mr. MORGAN. I was in no hurry to offer this amendment. I waited to see whether the committee or the Senator in charge of the bill intended to modify the bill to the effect he now suggests, and I am entirely willing to accept his modification. At the same time I think he leaves very dangerous words in the bill in line 22—"and in such disinfection and other means." The words "other means" I think are dangerous words in the text of the bill as it will stand if his amendment prevails. "Other means to prevent the spread of disease." That might include and I think would include perhaps the slaughtering of animals, whether it includes paying for them or not.

I do not wish to be hypercritical upon the text of this measure. I am willing, as I have announced before, that whatever powers we possess shall be exercised for the purpose of enabling the Agricultural Department to investigate and give full and rapid information as to the spread of the disease, and to make any recommendation that may be thought necessary toward its extirpation. The Senator from Kansas mistakes me very much if he supposes that I have any fear of the exercise of the powers of the Government of the United States. Very far from it. I think that I can show by the history of my brief course in this body that I have never hesitated to exercise the powers of the Government of the United States in any matter where the public necessity or general welfare required it. What I am afraid of about matters of this kind is myself and the Senator from Kansas. I am afraid of that disposition which all men entertain who are in power to assume undue authority to themselves. There is the trouble about our position here. I never believed that when the people of Alabama sent me here to this Senate they expected me to legislate on those subjects which are confided by the Constitution to the State authorities. There are a good many I could name, but I do not wish to be disagreeable about it, some of which have been recently exercised in my humble judgment.

I believe that I have come here for the purpose of exercising the constitutional functions of a Senator in respect to the powers of the Government of the United States, and I take this occasion to say that I will go perhaps beyond many Senators who are supposed to be liberal constructionists in the exercise of those powers of a national character which do belong to our Government, and I will state further that I do claim a good many of these powers from what is called international law, the traditions of governments in existence centuries before ours existed. I am proud to believe that the Government of the United States in all its foreign relations has power, except so far as it is restrained by the express terms of the Constitution, equivalent to that of any government in the world. I believe that the undervaluing of the powers of the Government of the United States in the particular to which I now refer has caused calamity to this country heretofore, and has caused us on some very important occasions to omit to do those things which were necessary for the national honor and the national glory and prosperity.

So it is not the Government of the United States and its powers that I fear, but it is the usurpation by members of the two Houses of authority which the Constitution has not conferred upon us, and especially so when we have a very plethoric Treasury behind us, with the temptation to make assaults upon it and find a convenient excuse and opportunity for continually pumping money out of that Treasury in order to gratify our constituents. There is where my fears come from.

I do not appreciate, as I have said before, that there is any great public demand or necessity for a bureau of animal industry. Still, as an honorable committee of this body have recommended it and have given assurance to the country that it is a necessary part or adjunct of the Government, I am willing to go to the extent of ordaining it and paying its regular allowance, putting it in place among the other bureaus, some of which have become so obsolete in respect of the powers they exercise as scarcely to be noted. I am willing to go to that extent; I am willing to give that bureau the power of investigation; but I am not prepared to say that I am willing to give to that bureau the power to act in co-operation with the State governments in devising the best plans of extirpating disease. At the same time, Mr. President, I think I can discover too broad language used in connection with the exercise of that power, which might become extremely dangerous in different parts of the country; I will not say North, South, East, and West, for it is as dangerous to one section as another. It is a more dangerous exercise of power perhaps to deprive the people along the crowded States of the Northern Atlantic coast of food at the proper rates of charge than it is to deprive the railway companies of the profit they make in the transportation or the herdsmen of the profit they would make in rearing cattle.

Now, suppose a case—not because I believe it will necessarily exist—but suppose a case that is within the probabilities of this bill. That is enough for me to say. Suppose that some of the States or Territories, Texas and Kansas and Colorado and Arizona and New Mexico, all of which are getting to be countries of immense importance in the rearing of cattle, desire to impose a commercial ban between that great storehouse of supply in the South and Southwest, to say that those cattle shall not go to market in the North and Northeast, or shall not go abroad, giving to men lying north and east of this boundary line the control of the market. Suppose that they should come to a conclusion or have a desire of that kind; it could be very easily accomplished. One or two States or Territories, acting in co-operation with the Commissioner of Agriculture, could say: "One of the means, 'the other means,' necessary to extirpate this disease is to prevent the introduction of these cattle, prevent their transportation, prevent them from passing through these different States." There you lodge a power in the hands of these different institutions of government, local and national, which you very poorly define. Your bill gives broad discretionary power.

You lodge the power, and then if it should be abused whom do you go to to make an inquiry in respect of the reasons why the power was thus abused? You must go to the Senate and the House; it is our duty in legislation to so guard our legislation as that there can be no loop-hole left whereby a man can abuse the real powers conferred and at the same time justify himself in public estimation as one who observes the law.

I am not afraid of the corrupt exercise of power by the States or even by the Territories, nor am I afraid of its corrupt exercise by the Commissioner of Agriculture. At the same time it is my duty, I think, to put the necessary guards into the bill so that it shall be a matter next to impossible that they can corruptly combine together for the purpose of controlling the markets in this country.

Now, I take occasion to say another thing. In making this argument I am arguing against what I believe to be the real interests of the Southern and Northwestern country, for if you may prevent Alabama cattle and Texas cattle from going to the grazing-grounds of Tennessee, Kentucky, Illinois, Indiana, and Ohio, for the purpose of being fattened for market; if you can pass a decree here constitutionally and lawfully that these cattle could never pass to the north of a certain line, because in passing to the north they might infect herds there with splenetic fever, I can understand at once that those cattle would rush to the ports of the South, and they would be loaded upon ships at New Orleans, and Mobile, and Pensacola, and Savannah, and Charleston for the purpose of being exported to the Northeastern markets along the Atlantic and for the purpose of being exported to Great Britain. I can understand that, and I can see how, if this bill had passed in the form in which it was originally presented, there would accrue doubtless to the people in the South and Southwest large commercial advantages from its enactment, for then we should have established our slaughtering-houses down in our own section of the country, and in refrigerator cars we would send our beef to New York, to Chicago, to Cincinnati, and to other places, instead of driving it or transporting it alive and slaughtering it in that country, where the profit of slaughter is very great. We should transfer that industry to the South and prepare the meat there for foreign use. I believe cattle-beef have gone from Texas ports to foreign countries and have been sold in the markets there.

But, sir, I was not referring to that in any remarks I have hitherto made in this matter. I was putting my case entirely upon what I believed to be the constitutional powers of this Senate, and seriously, as a Senator, I am denying to myself the right to exercise powers which are reserved in the Constitution of the country to the members of the Legislature of my own State. I do not wish on the floor of the Senate to legislate for Alabama in respect of her local and internal affairs. I do not wish to usurp the authority which belongs to men to whom the people of my State have constitutionally delegated it, and which supersede any right of mine to interfere in their affairs. If the State of Alabama from any public cause, from any calamitous event, gets into that condition where she must have the assistance of the Federal Government in aid of her domestic powers of quarantine or her police powers in order to preserve the health or the welfare or the peace of her people, I would not hesitate to vote a subvention to that State for her assistance; but in coming to that proposition I would leave my State free to judge and determine for herself, and I would not undertake to anticipate by what I might do on this floor those things that are left by the constitution of my own State in the hands of the representatives in the Legislature thereof.

That is the difference between myself and the Senator from Kansas, as I understand it. The Senator from Kansas must feel that he is here to legislate for his State, notwithstanding they have got a Legislature that can be convened continually and upon the slightest apprehension of danger, as they were the other day for the purpose of dealing with a question of this sort. Neither, sir, do I wish to come here and ask the people of the United States to vote $50,000 to help the State of Alabama repress any disease or calamity in that State. It is too small an amount of money. Our necessities are not as great as that. I hope they never will be.

Now, inasmuch as the amendment of the Senator from Kansas is before the Senate, and has precedence of mine because it is an amendment to perfect the text, I will move to strike out of the amendment of the Senator from Kansas the words "and other means," so as to leave some checks and guards upon the power that we confer on the Commissioner of Agriculture, for "other means" means all other means, any other means, every other means, and I think the qualification that would be put upon the text as offered by the Senator from Kansas by the striking out of these words would make this whole section acceptable, at least to myself. I trust the Senator from Kansas will not object to that amendment.

Mr. PLUMB. I should not object to that except for this: I think in connection with the State there ought to be power to fix some sort of quarantine, not a very restrictive one perhaps, but not limited simply to disinfection. I do not think that the words "other means" there are objectionable, or that the means to be exercised there would be the kind the Senator from Alabama has indicated; but there ought to be some general term to express the exercise of such power as might be necessary in a given case in connection with the State authorities to not only disinfect but to quarantine, prevent the spread.

Mr. MORGAN. Put "quarantine" in, so that we shall understand what it means.

Mr. PLUMB. I have no objection to putting in the words "disinfection and quarantine measures."

Mr. MORGAN. Very well; "and quarantine measures."

The PRESIDING OFFICER. The Senator from Kansas modifies his amendment.

Mr. PLUMB. I modify my amendment.

Mr. MORGAN. Let it be read as modified.

The PRESIDING OFFICER. The amendment will be read as modified.

The SECRETARY. It is proposed to strike out line 21, section 3, as follows:

In paying for the animals it is deemed necessary to slaughter.

And in line 22 of section 3 to strike out the words "and other means" and insert in lieu thereof "and quarantine measures." Also, in line 23, to strike out "extirpate" and insert "prevent the spread of;" so as to read:

The Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease.

The PRESIDING OFFICER. The Chair understands that the Senator from Alabama withdraws his amendment.

Mr. MORGAN. I withdraw my amendment.

Mr. WILLIAMS. Mr. President, I listened to the law as advanced by the Senator from Alabama and my colleague and to their views on the general merits of the bill. So far as the law aspect of the question is concerned their position is that it is an interference with the right of a State for the National Government to aid it in the execution of a power clearly belonging to that State, even upon the request of that State, when the result to be accomplished by that joint action is to inure principally to the benefit of the whole people of the United States. They did not support that law by any argument or by any authority, and in my judgment it is not law at all. I have not come here fortified by an array of authorities, the decisions of courts, or the opinions of eminent statesmen upon this point, but I know it has been acted upon, and it has been decided that the National Government may aid the State in any lawful purpose where the benefit is general to the whole country.

The next proposition of both those gentlemen is that the individual whose property is interfered with must bear all the loss caused by detention or destruction, although it be done for the common good. That is not justice; that is not right. Both of them deny that any disease exists at all. Both of them say they are willing to vote for a bill that appropriates money to investigate the subject. Why, sir, we have had investigation going on for five years upon this very question. The very first year——

Mr. BECK. My colleague will allow me to remark that I said there was no disease at all west of the Alleghany Mountains, on his authority. That was it.

Mr. WILLIAMS. I admit that; but the Senator from Alabama said there was not any anywhere, and the Senator from Texas said in his speech on Friday that there was not, and the Senator from New Jersey expressly declared that in his judgment there was none in his State or anywhere else.

Mr. MORGAN. If the Senator will allow me, I only said that the proof from the Senator from Kentucky who now has the floor was that there is not now and never has been a case of foot-and-mouth disease or pleuro-pneumonia west of the Alleghany Mountains.

Mr. WILLIAMS. But I understood the Senator to say there was none anywhere else.

Mr. MORGAN. Not at all.

Mr. WILLIAMS. What were his remarks in relation to that?

Mr. MORGAN. I did not make any remarks on that point at all.

Mr. WILLIAMS. I misunderstood the Senator then, but I did not misunderstand the Senator from Texas and the Senator from New Jersey. I am sure of that, because their speeches are both in the RECORD. But both the Senator from Alabama and my colleague have taken the ground that there is no necessity at present for anything but investigation. During the very first session of my service in this body I introduced a bill looking in the very same direction and substantially the same bill that is now before us, and I was met then with the objection that we wanted first to investigate. We had a long discussion for two sessions, and the result was that a commission which has been called the Treasury Cattle Commission was appointed, composed of two eminent veterinary surgeons, men of science, and one practical business man, to investigate this whole subject. They did proceed to investigate. They visited all the great cattle marts of the country, East and West. I hold in my hand the result of their labors for more than twelve months. They all say that no pleuro-pneumonia is known to exist west of the Alleghany Mountains, but they say that it is domiciled in five of the Atlantic States, around the very ports through which we ship our cattle abroad and through which we introduce those that we import for improving our own herds.

The Senator from New Jersey [Mr. MCPHERSON] said that no such disease existed in his State. The Senator from Texas [Mr. COKE] re-

lied upon him as very high and eminent authority, as being a farmer, a cattle-man, a trading man, and familiar with the whole business connected with cattle. I happened to turn back to the RECORD of one of the sessions a few years since, when the Senator from New Jersey made the following statement in a speech upon this floor in response to what had been said by the friends of the bill then pending, which was similar to the one now before the Senate:

Mr. MCPHERSON. May I interrupt the Senator a moment? I think the State of New Jersey has been slandered about enough without some attempt at defense. I wish to say to the honorable Senator that the people of New Jersey want neither sympathy nor charity. We have no diseased animals to send to Iowa or any other State. It is true there is some disease among animals in New Jersey, but it is found in stables where there is a heated and tainted atmosphere; but where the cattle are allowed to roam, as they are in the Western country, in the open air, and have pure and wholesome food, there is no difficulty. We have never known a case of disease in New Jersey except under the conditions I have named; and I believe that it is perfect nonsense to assert that pleuro-pneumonia or any other disease among cattle can be found in the Western country, where they have a wide range, with plenty of pure air and plenty of wholesome food. What disease we have in New Jersey—and I admit we have some there, and also in New York—is occasioned by the evils in transportation, by which animals are exposed to tortures and privations, brought to market and put in stables in a confined and heated air, and given unwholesome food, swill-slop, and so on.

Mr. PADDOCK. I should like to inquire of the Senator from New Jersey if there have been any cases of pleuro-pneumonia in his State that he knows of?

Mr. MCPHERSON. I do not know what pleuro-pneumonia is.

There is the eminent veterinary surgeon, the honorable Senator from New Jersey who sets up his opinion against that of the Treasury Cattle Commission, composed of men selected specially for their fitness for that investigation, and whose authority my friend from Texas is so ready to adopt. He admitted that he knew nothing about it, and I am satisfied from his speech last made that he did not know anything about it, for I must say that I never heard as much ignorance expressed on a subject in so few words in all my life. The Senator is good authority on naval affairs but not good upon cattle diseases.

He further said that there was no disease in his opinion in his State. Now I want to look to that. They have in New Jersey a State cattle commission with veterinary surgeons and the whole machinery and paraphernalia for investigation and extermination of the disease, and the only thing needful with them is money enough to run that machine. Now what did the veterinary surgeon of that State say a few years since? After examination in nineteen counties he reports that he found the disease of pleuro-pneumonia in eleven counties, as follows:

Total inspections by counties from March 26 to December 15, 1879.

Counties.	Herds.	Number.	Sick.
Hudson	1,090	7,968	208
Bergen	494	2,521	20
Union	26	356	11
Essex	302	1,960	4
Middlesex	66	591	11
Mercer	175	1,672	14
Somerset	26	496	.....
Morris	22	396	5
Monmouth	106	1,415	14
Ocean	5	91	27
Warren	6	91	.....
Burlington	60	1,584	6
Hunterdon	42	400	18
Cumberland	3	138	.....
Salem	8	103	.....
Camden	220	3,492	.....
Atlantic	3	15	.....
Passaic	2	12	.....
Gloucester	7	311	13
	2,663	23,612	351
Reinspections	.....	16,697	.....
Total	.....	40,309	.....

And yet the Senator from New Jersey says there is no disease in his State. This is a report made to his governor showing that three hundred and fifty-one animals were diseased with pleuro-pneumonia, enough to infect every herd in this whole country, in the one little State of New Jersey.

Several Senators have asked me to show where the disease now exists in the United States. "It has been denied," said one Senator to me, "by the Senator from Texas and the Senator from New Jersey that it has a domicile anywhere at this time in the United States." Now I will show where it exists by the report of the Treasury Cattle Commission that we authorized by law and paid a salary for their labors in investigating this disease. They say:

THE PLAGUE IN NO WAY DISAPPEARING.

While we submit the above undeniable proof of the absence of the lung-plague from the West—

These very gentlemen state that they had examined all the great cattle-marts of the West and found none there—

we are not to be held as for a moment indorsing the optimist views of some as to its decline in the East. The governor of New York, in his annual message, congratulates the State "that while the cattle disease, known as pleuro-pneumonia, which formerly menaced the farmers in this State, is not entirely eradicated, it has been confined to limited areas, and seems to be gradually disappearing. With a single exception, not likely to cause further trouble, the disease has been confined to a small portion of Long Island, and it is hoped that it may be speedily and entirely eliminated from our territory."

That is what the governor says in his message. Here is what the commission say:

It is much to be regretted that the governor should have been so far misled. He has in his regular employ no professional inspectors to inquire into the status of the disease in the State, and manifestly trusts to the owners of diseased herds to report to his office. Every one acquainted with the disease knows that this is the last thing the city dairyman would think of doing, and therefore the fact that no such reports have been made by no means implies that the disease does not exist.

So much for New York. They further say:

An impression has been created that the disease has now very little prevalence in New Jersey, but in a visit to Newark, on January 2 and 3, Professor Law found within the limits of a single street at Orange four infected herds, while others were reported in adjacent villages. So far as could be learned, not one of these had been visited or put under any restriction on behalf of the State.

So much with regard to New Jersey.

With regard to Pennsylvania, it may be said that in spite of a very liberal system of indemnity, which is one of the most effective measures that can be devised, the disease was at first perpetuated by the preservation of chronic cases, and throughout by the admission of cattle from all sources and for all purposes—store and beef—into a common market. It is understood that chronic cases are now condemned, but on the other hand the indemnity has been reduced from sound value to one-half, and this, together with the infected markets, have so far served to keep up the disease.

And I noticed this morning in the papers that this very disease has broken out in Washington County, Pennsylvania; that veterinaries have been sent to that place who have telegraphed to the governor and asked him to quarantine Washington County. In that connection let me present a letter from a member of the other House:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., April 28, 1884.

DEAR SIR: A disease, thought by local medical men to be pleuro-pneumonia, has broken out in Cross Creek Township, in Washington County. I went several days since to Hon. G. B. Loring, and he promised to send his veterinary surgeon as soon as he returned from the West, and he expected he would return that day. Several cattle in a valuable herd of Mr. Vance, of our county, have died. This is all the information I have on the subject.

Yours, truly,

G. V. LAWRENCE.

Hon. J. I. MITCHELL.

GENERAL WILLIAMS: This is in reply to my inquiry.

Very respectfully,

JNO. I. MITCHELL.

I continue with the report of the Treasury Cattle Commission:

In Maryland a commission was created to attend to the disease, but we have learned nothing of their doings. A State veterinarian was also appointed with orders to report, for the governor's action, all cases of the plague. Extensive prevalence of lung plague was discovered, but we have not learned that the governor has taken any active measures to stamp out the affection. In the old stock-yards on Baltimore street (Baltimore and Potomac, and Pennsylvania) we found on inquiry that cattle from all quarters are admitted indiscriminately, whether from the infected city stables or the uninfected Western States, and that cattle for export, and those for store purposes at home, are shipped to their destination from these inclosures so recklessly exposed to infection.

The result has been that New York, New Jersey, and Pennsylvania have made frequent complaints of infection introduced into these States by infected cattle from Baltimore, and even in Washington we were informed of infected cows having been sent to that city from the capital of Maryland. Partly to remedy this state of things, new stock-yards (Baltimore and Ohio) have been constructed at Baltimore, into which, we were informed, only Western and Southern cattle were to be admitted, but here again a fatal blunder was committed; Virginia was accounted a Southern State, Virginia cattle were admitted, and as a result on the first day the yards were open four chronic cases of lung-plague were detected in them.

* * * * * * * *

The ports of New York, Philadelphia, and Baltimore, being situated in infected localities, and the stock-yards at each of these places being open to cattle from all sources, including the infected vicinity, it is manifest that even Western cattle, coming through these yards and shipped from these ports, can not be guaranteed free from the germs of this plague.

Is not this proof? Will any Senator deny that the evidence of these men should weigh far more with this body than the loose statements of the men around the cattle-yards? The Senator from Texas read with great exultation some statements from Chicago and one from East Liberty, one of the great yards near Pittsburgh, in which the men stated that they had never known a case of pleuro-pneumonia there.

Now, Mr. President and Senators, whose testimony shall we take; the cow-boys, the commission men of the stock-yards, or the intelligent, scientific surgeons and physicians whom we have selected to make this investigation, which they have reported elaborately in the book before me to the Congress of the United States? The last men in the world to look to for information would be those about the cattle-yards. They are interested in keeping it back. They get their commissions; they get pay for the use of the cattle-pens whether the cattle are sick or well; they feel no interest in reporting cases.

Another fact is that cattle-traders carry their cattle to these cattle-yards to sell, and not to bury. They do not take cattle there that are reeling as they walk with disease in an advanced stage. If one of their herds becomes infected they pick out such as they think will live through the voyage, live to reach the market. So they do not take any cattle that are far advanced in disease or in any advanced stages of it. They take only such as will look well and are apparently in good health; and hence these cattle-yards are the worst places in the world to detect the presence of infectious disease, and they are the best places to disseminate it.

Do you suppose that these men are going to report it? Do you suppose that the owner of a dairy is going to report it? Never. They make money in the dairies whether the cows take the disease and die or not. A cow gives fifteen to twenty quarts of milk a day, which is sold at 10 cents a quart, which is $2 a day for the cow; for one month it is $60, and it costs but $4 a month to keep her. If she lives two months, which she is likely to do and almost certain to do, because this is not a rapid disease, the man may keep the cow and the moment she gets sick take her to a butcher and get half price, and fill up her place with a fresh cow and go on and make money.

The report of the Cattle Commission shows that the dairymen make enormous profits by losing half their cows every year. It is easily seen why these people are not interested in uncovering the disease. The moment a cow begins to decline in her milk, while yet in pretty good flesh, they slip her off and sell her to a butcher, and sometimes some of us, this very day probably, have breakfasted on steaks made out of cows taken from the dairies in this way and slaughtered.

So far, Mr. President, as co-operative action between the States and the General Government is concerned, these very Treasury cattle commissioners recommend it in preference to all other modes. It is the very one suggested in the bill, and I will read to the Senate what they say on that subject. It is very short:

REASONS FOR FEDERAL ACTION.

First. The disease is like a common enemy, and as the Constitution does not forbid the operation of the Federal Government within a State for the repulsion or extinction of an enemy of the nation, so nothing should hinder a similar action with such a dangerous and insidious enemy as lung-plague.

Second. The danger being common, the funds to avert the danger should be supplied out of the national exchequer.

Third. Action under one controlling head will be uniform and harmonious everywhere. In the past the conflicting laws and orders in two adjacent States have been most perplexing to dealers and others, and have furnished a temptation to smuggling.

Fourth. Those that transgress the law, and especially in the matter of smuggling, can be seized and punished anywhere by Federal authority, but not by State authority should they have escaped over the State line.

Fifth. Federal authority can follow smuggled cattle into any State or Territory and confiscate them or quarantine; State authority can not.

Sixth. If the Federal Government can not interfere within a State, such State may neglect this disease indefinitely and render it permanent, to the peril of all the others.

Seventh. The British Government declines to accept the assurances of the individual States, and will only accept the guarantee of the Federal Government that any infectious disease has been thoroughly stamped out or its extension beyond the infected regions effectually provided against. To secure this directly and without possible objection, the Federal Government must so connect itself with this work as to be able to attest the results.

REASON FOR STATE ACTION.

One great advantage of suppressive measures by State governments is that the latter can command the active co-operation of municipal authorities and police, and thus without any extra outlay can thoroughly control all movement of cattle and insure a speedy extinction of the disease. It is sincerely to be hoped that in case the matter is placed entirely in the hands of Federal authorities such invaluable help will be freely accorded them by order of the mayors of the cities or governors of the States. Any co-operation of this kind, however, must be hearty and thorough in order to be of any material advantage to the work.

Professor Law was here the other day, and he told me that after looking over the whole subject for four or five years he was satisfied that the best bill that could be passed would be one that would provide for co-operative action between the States and the National Government; that the States are as anxious to co-operate with us as we are with them; that all the States where the infection now exists had ample laws and machinery in operation ready for its extinction provided they had the money to run that machinery with. He said the difficulty was the States would not appropriate money enough.

Mr. President, I did not intend to make a speeeh when I arose, but I felt it incumbent on me to answer the statement made by the Senator from Texas and the Senator from New Jersey two or three days since, in which they asked with an air of triumph where the disease was to be found. If the gentlemen had read carefully, as they might have done, this report of the Treasury Cattle Commission which they were instrumental in having made, they would have known without making the interrogatory where the disease would be found. I felt it incumbent on me to answer that.

So far as the English Government is concerned, I notice in the papers of the last two or three days that a bill has been returned to the House of Commons, recommended unanimously by a committee for its passage, to authorize the privy council absolutely to prohibit the introduction of cattle from any foreign country unless they are accompanied by an assurance that the disease does not exist in that country, putting the entire onus of proof on the country from which the cattle come. When that is done we shall lose our cattle trade entirely with Great Britain. That bill is now pending before the British House of Commons, and it will undoubtedly pass.

Gentlemen say the whole of these restrictions are gotten up in Great Britain in the interest of the cattle-men of that country; that the Government is lending itself to them. This is a wide mistake. The Government of Great Britain is more interested than any government on earth in free trade in bread and meat. She has thirty-six million people, and does not raise half enough bread to feed them. She has but six million cattle, not one-sixth of what would be necessary to feed her people if beef was abundant and cheap. We have one head of cattle in this country for every human being; Great Britain has but one to every six, and it has been the study of that government ever since the time of Sir Robert Peel and Cobden in the passage of free-trade laws to increase the meat supply of that country. In 1842 they threw open their ports to the cattle of the world, and Great Britain was soon inundated with diseases imported from the continent of Europe, and with pleuro-pneumonia chief among them.

Mr. WILSON. Will the Senator allow me to interrupt him a moment in connection with the subject to which he is now directing his attention—that is, the probable action of Great Britain?

Mr. WILLIAMS. Yes, sir.

Mr. WILSON. I noticed yesterday, Mr. President, the dispatches in the papers to which the Senator has referred with regard to the probable action of the British Government. The people of the State of Iowa, feeling a great deal of interest in the subject involved in this pending bill, I took occasion to-day to address a note to the Commissioner of Agriculture, asking him whether he had any information not generally known concerning the action of the British Government. I received a reply from him which treats of that in part, and also treats of the subject of cattle diseases in some other respects. If the Senator will yield for the purpose I will have it read.

Mr. WILLIAMS. I will yield with pleasure.

The PRESIDING OFFICER. The communication will be read by the Secretary.

The Chief Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 28, 1884.

SIR: In reply to yours of this date, allow me to state we are informed by the latest intelligence from England that the exclusion of cattle for one year at least has been determined on by Parliament. It is understood there and here that Mr. Gladstone's defeat on the foot-and-mouth disease in the United States indicates that the cattle-men in England are determined to keep out American beef.

I desire to state in addition that the cattle disease in Kansas and Illinois has been carefully investigated by Professor Salmon, the veterinarian of this Department, and has been found not to be foot-and-mouth disease, but gangrene caused by ergot, an opinion with which most of the local authorities now agree. Dr. McEachran, a veterinarian from Canada, however, insists still, I am told, that the disease is foot-and-mouth disease, and that while gangrene in the human subject may be caused by ergot, he has never learned that it occurs in cattle from the same cause, and this notwithstanding well-known published authorities to this effect. It is understood that Dr. McEachran proposes to report his views to the English Government for the guidance of their policy toward the United States on the cattle question.

From this it is manifest that if there was ever a time when the condition of American cattle should be thoroughly understood and the spread of all contagious diseases guarded against for the benefit of the breeder and feeder, both in the domestic and the foreign market, it is now.

American meat products, both on the foot and slaughtered, are entitled to the confidence of the consumer; and the assurance that the Government is caring for its good condition will do much to inspire this confidence at home and abroad, and to protect the vast animal industry of the country against suspicion and unreasonable attack.

Very respectfully, your obedient servant,

GEO. B. LORING,
Commissioner of Agriculture.

Hon. JAMES F. WILSON, *United States Senate.*

Mr. WILLIAMS. I thank the Senator from Iowa for that interruption. It is exactly in the line of my own argument and my own views.

I was going on to say that the rule and policy of the British Government for one hundred years has been to secure its supplies, if not at home, from her own colonial possessions. Her population increased in the small pent-up isle until it pressed upon home subsistence, so that she could not feed her people with the products of her own soil. Then the policy of feeding them from her own colonial possessions began. She bent her influence to afford her people free corn and cattle.

I was saying when this interruption took place that when she opened her ports cattle came in and they brought diseases with them which decimated her domestic herds, and after losing to her people $400,000,000 by the disease known as pleuro-pneumonia, and after spending uncounted millions in efforts to extirminate it, she appointed a commission to investigate cattle diseases in connection with the supply of meat and milk; and that commission, after a careful and thorough and exhaustive investigation, submitted a report to the government that notwithstanding the millions of cattle that had been brought into the country by free trade, yet the meat supply of Great Britain had not been increased, because the diseases introduced by the imported cattle killed more native ones than the supply by importation.

What a fact that is! Her policy was to plant colonies in South Africa at Cape Town, one of the finest grazing countries under the sun, a vast extent of country 3,000 miles in length and 2,400 in breadth, covered with grass tall and waving, like the richest prairies of our own West. She started population there; she started the rearing of cattle there; she did the same thing in Australia, but accidentally a few animals infected with this disease were sent there for the purpose of improving the native herds, and they communicated the disease by infection and destroyed in both those countries all the great cattle ranches upon which she expected at some future day to rely for her supply of meat.

The disease has destroyed the cattle in Eastern Europe to the Carpathians, to the Tyrol, to the great steppes of Russia, and Europe can no longer furnish the supply needed to England; and that is the reason of the recent demand for American cattle; and, Senators, if we act wisely we shall make provision for the re-establishment of our cattle

trade with Europe upon a basis that shall be enduring; but it can not be done unless we eradicate a disease of which Great Britain is afraid. She has exterminated pleuro-pneumonia in her own country practically, and while she has spent millions of money to do that, she does not want to introduce it from other countries; and I say she is right.

No man can say that the British Government is opposed to healthy cattle coming from foreign countries; no man can say that she is in collusion with a few hundred cattle-raisers, the dukes and noblemen of the country, who own great estates. She has not one-sixth enough cattle to feed her own people if beef was cheap and abundant as it would be if we could send her our healthy herds to-day. No doubt the owners of cattle estates in England are glad of the embargo and interdiction, but the government can not be blamed for it. That government is the most paternal in the world. It protects its citizens. Wherever the British flag floats a British subject is safe under its protection.

No nation looks to the interests of its people as Great Britain does. Tell me that she is in the interest of a few cattle-men in England, and would close her ports against all the world! I know that the graziers in England and Ireland would be glad to see the ports thrown open to-day, and the English Government would be glad to throw them open if they thought that they could do it without introducing disease from this country. That we have it here there can be no sort of question. It is useless to disguise or deny the fact. It is useless to attempt to deceive the world. We can not do it. It is here. It is here to stay unless it is grappled with by the strong arm of the National Government and pulled up by the roots. The States will not do it, and the National Government must, if it expects to provide a market for its people.

Just think of us with our 50,000,000 cattle. Suppose we shipped 2,000,000 of them only to England, and England can take that number. They would be worth not less than $100 apiece in England. There is $200,000,000. Then we could ship $150,000,000 of pork, making $350,000,000, and we could increase this amount indefinitely, which would be far more profitable than our present market for grain.

I will not speak any more. I would a great deal rather come to a vote on the question. I am satisfied that the bill is going to pass, and it ought to pass. I know that the whole people of the West favor it, whatever else a few cattle-commission men and cow-boys about the yards may say—men who buy the cattle and take them to their stalls. They are the men and the commission men who sell them in the yards who are opposing this bill, and not the people who are raising the cattle.

Mr. WILSON. Mr. President, I shall occupy the attention of the Senate but for a moment, and merely to say that it seems to me the advices from abroad which appeared in the papers of yesterday and the letter read at the desk a few minutes ago from the Commissioner of Agriculture put us in possession of an important fact, which is that the British Government is proposing affirmative action against the introduction of American cattle into England. That antagonizes what has been a pretty important feature in the matter of dollars and cents in the foreign commerce of this country. That fact we have in possession.

Now, it seems to me that the suggestion made by the Commissioner of Agriculture in the letter read is a very practical one in view of that fact, that suggestion being that inasmuch as this affirmative position in hostility to that branch of our commerce is being taken by Great Britain, it is proper not to say necessary for us to manifest a determination on the part of this Government to give our cattle a good bill of health as we put them into the foreign commerce. Take the fact of the attitude of the British Government and take that suggestion which will have a tendency to modify, if not change entirely that action abroad, and it seems to me we have in the two facts an argument that ought to have some weight toward inducing the Senate to pass this bill. This will be a step in the direction of inducing foreign governments to withhold their hostile action against us, showing upon our part our determination to protect our cattle against disease in order that those that go into our foreign commerce shall go with a clean bill of health.

I do not care to occupy the attention of the Senate longer on this bill. The great interest that the people of my State feel in it has induced me to say that the facts stated and the suggestions made by the Commissioner of Agriculture ought to have considerable weight in inducing the passage of this bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB].

Several SENATORS. Let it be reported.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In section 3 it is proposed to strike out line 21, as follows: "In paying for the animals it is deemed necessary to slaughter;" in line 22 to strike out "other means" and insert "and quarantine measures;" and in line 23 to strike out "extirpate" and insert "prevent the spread of;" so that the clause will read:

> The Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease.

The amendment was agreed to.

Mr. BAYARD. Now that that amendment has been adopted, I suggest to the Senator from Kansas that the necessity for an appropriation of half a million dollars is obviated. By section 10, $500,000 is made immediately available. I suggest to the Senator that $50,000 is a very ample amount for the objects to which this bill has been reduced, and therefore I move that amendment, or rather I would prefer that he should move it.

Mr. PLUMB. I was going to move an amendment, but not to reduce the amount quite so much as the Senator from Delaware proposes to reduce it. I think the amount ought to be larger than that he names; but I call his attention to the fact that it is not now $500,000 but only $250,000 as the bill came from the House.

Mr. BAYARD. What does the Senator propose to make it?

Mr. PLUMB. One hundred and fifty thousand dollars. I move in section 10 to make the sum $150,000.

Mr. BAYARD. I move to amend the amendment by making the amount $50,000.

The PRESIDING OFFICER. The Senator from Kansas [Mr. PLUMB] moves to amend by striking out "two," in section 10, line 1, and inserting "one;" so as to read: "That the sum of one hundred and fifty thousand dollars, to be immediately available," &c.

Mr. PLUMB. I hope the Senator from Delaware will think better of his proposition, or at all events that the Senate will not adopt it. This is not only a matter of great importance but every interest that inspires this investigation now, if it shall be undertaken, requires that it shall be so thorough that there can be nothing left in the shape of question hereafter about the result of it. Let it be made so thorough that when Congress assembles next December we may know then whether we need to do anything further or not to put ourselves in the position we ought to occupy in order not only to give security at home but give currency to this great product of ours abroad.

The PRESIDING OFFICER. The Senator from Delaware moves to amend the amendment of the Senator from Kansas by striking out "one hundred and ;" so as to read: "That the sum of fifty thousand dollars," &c.

The question is on the amendment to the amendment.

Mr. WILLIAMS. I hope that will be voted down.

Mr. BAYARD. Mr. President, the sum of $100,000, the difference between my suggestion and that of the Senator from Kansas, seems a very immaterial matter in these days, when we are dealing so magnificently with public moneys and are resorting to very easy methods of spending that to which we do not personally contribute. I have no doubt that in the vast business to which this whole question relates, the cattle of a single State, the great empire, Texas, being counted by the million, such a sum as $100,000 may seem very small, and I do not doubt that it is a very small sum in proportion to the value of the interest at stake.

My objection to this whole bill is not simply the question of expense, because I believe that if there was an intelligent ownership, a private ownership of the cattle to be affected by this measure on the one hand, and the possibility of eradicating or preventing this spread of disease on the other, the amount originally mentioned in this bill of half a million dollars might be very economically and wisely dispensed. That is not the state of the case, for the Government of this country is not the owner of those cattle, nor responsible for their health.

This bill is nothing in the world but another illustration of the principle of socialism that is fast growing under our practices of legislation and penetrating every branch of this Government and entering into almost every detail of our public expenditure. Who ever before heard that the private property of citizens, existing in the shape of live-stock, horses, horned cattle, animals of any description, was to be protected against disaster and disease at the cost of the Government of the United States; that Congress, at the public cost, was to become the veterinary surgeon for all the sick animals throughout the country?

Why, Mr. President, if we were sitting here as the Legislature of one of the States, with that greater breadth of jurisdiction and absence of limitation that belongs to the government of the States, as compared to this Government of delegated powers of the union of the States, such a measure as this would be in my opinion most questionable and dangerous. Even if, under our limitations of power, we were permitted legitimately to pass this measure of local and individual and class relief, it would not in my judgment be a wise thing for the Government to be intervening as this bill now proposes, and others will soon further intervene and substitute the money of the community and the legislative care of Congress for the individual energy, prudence, and self-preservation of the citizens.

Day by day the doctrines and practices of a paternal government are speciously and tentatively expanding over the country, and the habit of popular thought is unhappily becoming accustomed to them.

Under a popular Government like ours I can see nothing but ruin and confusion in pursuing such a course of legislation, in which the true objects and legitimate functions of our form of government are wholly overlooked, and there is great danger that its powers will be transferred into the hands of the strong under the plea and pretense of protecting and aiding the weak.

What does this measure propose? That cattle, the private property of citizens, which are afflicted or threatened by diseases of a certain nature shall be cared for, cured, or, if necessary, killed, and the spread of the dis-

ease by such means averted or the ailment eradicated. And how is this to be done? By the owner? By the local authorities? No, the owner is to be relieved from all expense or duty in relation to his property, nor are the police powers and local government to be intrusted with the protection of the community. But the Treasury of the people of the United States is to be opened, and at their expense and by the active agency of their officials the work is to be done. In other words, the business of insurance against disease and other dangers incident to the business of cattle-raising is to be adopted by Congress at the cost of the public.

Disease and death among cattle are sometimes inevitable and the owner must expect to meet them and cure or avoid them or suffer the loss. His prudence, his care, are the true safeguards. Extend the proposition and principle of this bill and what private loss and adversity must not be cared for and compensated out of the public Treasury? Extend even the classification of diseases and what will it lead to? That the Congress and Treasury of the United States shall become insurers, *gratis*, against misfortunes and accidents which in the common course of nature assail every species of useful and valuable domestic animals.

I do not see where Senators are to draw the line between remunerating the owner of a sick horse or cow or a sick sheep or any other animal, and remunerating him for the loss of domestic service from an epidemic and contagious disease that has caused the illness of a wife or child or laborer or whoever else may contribute to the support of his family; and yet that is what this bill in its principle and effect surely contains. Misfortune comes in a thousand shapes; it is inherent to human affairs, and whether it shall come by fire or by flood, or on the wings of pestilence, whether it shall ravage herds and flocks of cattle or invade human habitations and carry with it death, desolation, and loss, yet it is incident to human life and part of its checkered dispensations. Such trials and losses must be met by individual energies and the sense and duty of individual self-protection. The community is not to bear such losses nor assume to compensate the losers.

Such misfortunes do not constitute a legitimate ground for resort to society at large for compensation. If a government shall assume the care, control, and compensation for such losses of its individual members, what is the result? Communism, socialism, in which individual liberty and independence is merged and lost.

This is what is illustrated by the principle of the bill which the Senate is now considering. I commend to the Senate an article now in my hand, written by one of the foremost thinkers of the day, who lately in this country was warmly welcomed by its highest intelligence, and is admitted to be a political instructor of authority. Mr. Herbert Spencer, in an article on the "Coming slavery" in the Contemporary Review of this month states his views, which may be read with profit by those who are seeking by legislation to relieve every difficulty incident to human affairs and to find by governmental intervention a cure for every evil. To us who are bound by the limitations of a written charter of powers which we have each sworn to support it seems to me his language ought to appeal with additional force.

I beg leave to read from his article upon the futility and danger of constant intervention by official power, and to show how "the liberties of a people must be surrendered in proportion as their material welfares were cared for."

> There does not occur the inquiry whether there are at work other agencies capable of dealing with evils, and whether the evils in question may not be among those which are best dealt with by these other agencies. And obviously, the more numerous governmental interventions become the more confirmed does this habit of thought grow, and the more loud and perpetual the demands for intervention. Every extension of the regulative policy involves an addition to the regulative agents—a further growth of officialism and an increasing power of the organization formed of officials.

This bill is palpably a step in that direction. I could find I think good reason for challenging the right of any constitutional statesman to vote as is found on pages 3 and 4 for a power in the President of the United States upon information derived from the Commissioner of Agriculture, to declare that any State or Territory of this Union or any part of a State or Territory of this Union is dangerous to the animal interests of this country, and may be put in quarantine, and that he may regulate or prohibit the transportation of cattle out of said State, Territory, or district. Was there ever so wild a project as that? What becomes of that clause of the Constitution which prohibits duties upon exports from any State? What becomes of that clause of the Constitution that prohibits Congress, much less the President or the head of the Agricultural Department, from quarantining, prohibiting the exportation of cattle from a State or any part of a State which may be declared to be dangerous to the animal interests of the country? Mr. President, this clause may be dangerous to the animal interests of the country, and I declare that section is a blow to the integrity of the Constitution of the United States.

Mr. HAWLEY. May I ask the Senator a question?

Mr. BAYARD. Certainly.

Mr. HAWLEY. I do it for my own information. Am I mistaken in supposing that that paragraph upon which he is commenting has been disagreed to, the paragraph in italics reported as the recommendation of the committee?

Mr. PLUMB. It has been disagreed to.

Mr. HAWLEY. It is not in the bill now. I agree with the comments of the Senator from Delaware, or if that paragraph were there I should agree with him entirely.

Mr. BAYARD. I was not aware of the fact that it had been stricken out.

Mr. HAWLEY. Will the Senator from Delaware permit me another suggestion? I think another line to which he objects and I would object also is out.

Mr. BAYARD. Do I understand the Senator to say that the language in italics, from line 28, at the bottom of page 3, in section 4, to line 4, at the end of the section, has been stricken from the bill?

Mr. HAWLEY. It has been disagreed to.

Mr. BAYARD. I am very glad to hear it.

Mr. HAWLEY. There is another change in the bill which will assist the Senator as it has me in favoring the bill perhaps, and that is that line 21, section 3, on page 3, has been stricken out also.

Mr. BAYARD. I was aware of that, and it was upon that that I moved my amendment to cut down the amount of the appropriation; and I believe also that section 4 has been stricken from the bill. I ask the Chair if that is so, or I ask the Senator from Kansas who has charge of the bill whether section 4 has been stricken out?

Mr. PLUMB. Section 4 has not been stricken out, and it is not my purpose at all events to strike it out. I think that is a proper section to retain in the bill.

Mr. BAYARD. Did I not understand the Senator that it was the intention to strike it out?

Mr. PLUMB. I spoke of section 4 of another bill, the words of which are precisely the same as the portion in italics which has been stricken out.

Mr. BAYARD. Mr. President, the fourth section of the bill is wellnigh as objectionable as the lines of the twelfth section, which my friend from Connecticut tells me have been stricken out, because it gives to the Secretary of the Treasury the power to establish regulations for the exportation and transportation of live-stock without limit, because it can be such as the investigations may require in the discretion of the Commissioner of Agriculture and the Secretary of the Treasury. So that in the face of the Constitution expressly prohibiting the granting of preference to the ports of any State over another, prohibiting the Government of the United States from laying any export tax whatever, there is here a grant of power to these two departmental officers to regulate at their own will the exportation and transportation of live-stock from any State of the Union—to allow as to some States, and deny it as to others, thereby creating a preference expressly forbidden by the Constitution.

Mr. President, I regret to say that from recent experience I believe appeals for the restrictions of power by Congress to the limits of the Constitution are of little avail. I am perfectly aware, for reasons that are not very hard to find, that the doctrine of strict construction of the Constitution which was at one time steadily and faithfully upheld in a large portion of the Union, meets now but little regard and has little weight; but I am glad to believe also that, though it is coming slowly, there is rising surely in this country a belief that liberty, civil, religious, and political, has its best chance for perpetuation under this selected instrument and scheme of government, the Constitution of the United States, that the necessities of local self-government are being better appreciated in certain sections of the country where, in my humble judgment, they were too little regarded in times gone by. There was a time not long ago when appeals for the conservation of local self-government and State rights fell upon the ear of the people of the Northern States as synonyms for the defense of negro slavery, and therefore the phrases became odious to such hearers because of their association, and a man could scarcely speak of State rights and local self-government of a strict construction of the powers of Congress but he was at once set down as a sympathizer or an advocate of the system of negro slavery.

Slavery, thank God, is dead. It has perished; it no longer has existence in this land. But the need of State rights, of local self-government, of a limitation of the authority of Congress to the delegated powers of the Constitution does exist, and never were more needed than they are to-day to protect property and individual liberty. In the face of a bill like this, where the functions of Government are sought to be perverted into channels of private relief, and individual and State duty and power are to be supplanted by the officials and money of the Federal Goverment, the necessity of appealing to a stricter construction of the Constitution is indeed manifest. Whether such appeals will be heeded or heard with favor in this Chamber I have but too much reason to doubt; but it will be heard outside, and it will meet with respect and attention outside of Congress; and I mistake greatly if the complexion of those Congresses which are to assemble hereafter will not be determined in large measure by the respect paid to those restraints upon Congressional powers which are essential for personal liberty and local self-government, which are intended to repress the socialistic tendency and principle of which this bill is but an exemplar. This constant intervention by Government in tasks that belong to the individual, and which American citizenship needs for its development and its proper exercise, must cease, or ours will become as bureaucratic a government as that of Russia.

Therefore, sir, even if my votes may not be effective, and there may

not be a popular echo and a response to the views that I express, it shall not cause me to be silent, for I utter them under a profound conviction of their truth. They were true when the Government was founded, and our fathers looking forward saw that these checks and balances of power were required over a country as circumscribed in space and scant in population as ours was then; and every reason that made local self-government and individual effort necessary one hundred years ago is multiplied to-day and exists in greater force than ever. I can not see how any man can look over this land with its immense area, with the diversity of habits of occupation, the necessities of all those interests that may seem to clash in rivalry, but which properly considered are simply constituents each of the other, and under the theory on which this Government was formed and established can and will, under the free impulse of American institutions and American manhood, find abundant remedy for all important local tasks and duties in the management of which we are threatened with the pernicious, useless, this worse than useless intervention by the General Government with its multiplying officials and overflowing Treasury.

Mr. WILLIAMS. I understand the Senator from Delaware to take the ground that it is not competent or constitutional for Congress to grant powers to make rules and regulations or to declare quarantine against foreign nations or foreign commerce. I understand it to be his position that it is not constitutional for Congress to grant that power to any officer of the Government. I do not understand it so. I ask the Senator from Delaware where Congress got the power to authorize Mr. Jefferson to lay the embargoes of 1807 and 1808 upon our commerce with all the world, by which he declared rules for its government and under which he terminated commercial relations between this country and all the nations of the earth and brought home the American ships from every sea under the sun?

Mr. BAYARD. The Senator sees of course that this is not a general embargo. You are here undertaking to discriminate against individual States and in favor of others.

Mr. WILLIAMS. The power of laying an embargo is the highest possible exercise of the power of quarantine. It is the highest possible exercise of the power to regulate commerce. It is absolute in the Congress of the United States as between our commerce with foreign nations and between the States of the Union. Again, I ask, where did Mr. Jefferson get the power to impose the embargo upon our commerce with all the world, which brought home our Yankee ships to their harbors, where they lay at anchor and rotted and fell down piecemeal in their harbors, and drove the Yankee nation to change their industry from commerce to manufactures, and drove thousands of them to seek homes in the West?

These are questions which I ask the gentlemen of strict construction to answer. They are unanswerable. If you can lay an embargo and stop all commercial intercourse with every nation on the face of earth, you can restrict it, you can regulate it, you can limit it; and if you have that power over foreign commerce, you have under the Constitution of the United States the same power over interstate commerce, the trade between the different States of the Union.

Mr. JONES, of Florida. Will the Senator permit me to say a word on that point?

Mr. WILLIAMS. Yes, sir.

Mr. JONES, of Florida. I will say to the Senator that the power exercised by Mr. Jefferson was in pursuance of authority given by Congress as a part of the war power and not a commercial power, and that the question came to the Supreme Court of the United States and the authority of Congress to do it as a war power was affirmed.

Mr. WILLIAMS. We were then at war with no nation on earth; we were at peace with all the world, and it was to avenge ourselves against Napoleon and against the government of Great Britain for their impositions upon our own commerce. The war of 1812 grew out of those very embargoes, by which the Democratic party declared that we would nail the colors of the country to the mast of our ships and declare for "free trade and sailors' rights." These are my views upon that question.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Delaware [Mr. BAYARD] to the amendment offered by the Senator from Kansas [Mr. PLUMB].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Kansas [Mr. PLUMB].

Mr. HARRIS. Let the amendment offered by the Senator from Kansas be reported.

The PRESIDING OFFICER. The amendment will be reported by the Secretary.

The SECRETARY. In section 10, line 1, before "hundred" it is proposed to strike out "two" and insert "one;" so as to read:

That the sum of $150,000, to be immediately available, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

Mr. BROWN. I move to amend the amendment by striking out, after the word "hundred," the words "and fifty," so as to read: "That the sum of one hundred thousand dollars, to be immediately avail, able."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia [Mr. BROWN] to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment to the amendment was rejected, there being on a division ayes 14, noes 27.

The PRESIDING OFFICER. The question now is upon the amendment offered by the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. VAN WYCK. In section 1, line 7, I move to strike out the words "number, value, and," before the word "condition;" so as to read:

To investigate and report upon the condition of the domestic animals of the United States.

There is no reason why there should be any census taken of the number and value of the cattle. That would imply a vast deal of labor as well as the expenditure of a great deal of money. Those words were stricken out in the Senate bill by the Committee on Agriculture.

Mr. WILLIAMS. These men can very easily get the number and value of the animals.

Mr. VAN WYCK. It would take a long while. Let them report upon the condition of domestic animals, which is all that is necessary, and not upon their value and number.

Mr. WILLIAMS. I will state to the Senator that it would be a very easy matter to get the number and value, because all the States have boards of agriculture with those statistics in their possession.

Mr. VAN WYCK. That may be, but you are requiring that to be done here by these officers, by which you would incur a large expenditure. The object is to extirpate the disease among cattle, and all you desire to know is their condition, not their number and value. It is not necessary for this purpose that their number and value should be ascertained.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

The amendment was agreed to.

Mr. HARRIS. I ask that the Secretary report the amendment proposed by the Senator from Kansas and adopted a few minutes ago in section 3, from line 20 to and including line 23.

The PRESIDING OFFICER. The Secretary will read the clause as amended.

The Secretary read as follows:

The Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease.

Mr. HARRIS. I move to amend by inserting, after the word "disease," the words "from one State or Territory into another."

The only word I have to say in favor of this amendment is that there is no question about the power of Congress to regulate commerce between the States. There is just as little question in my mind about the fact that Congress has no power to regulate it within a single State; and it is for that reason that I offer the amendment.

Mr. PLUMB. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee [Mr. HARRIS].

The amendment was agreed to.

Mr. MORGAN. I desire to inquire of theSenator in charge of the bill in reference to the compensation to the employés, not exceeding twenty in number, to be appointed by the Commissioner of Agriculture, as provided in section 1 of the bill. I do not find in my reading of the bill any provision fixing the compensation of those employés. The bill provides that—

The Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose, not to exceed twenty persons at any one time.

Mr. PLUMB. There is no provision as to their compensation. This is simply analogous to the provision already existing in a limited way, whereby the Commissioner, when he is required to get special persons, either names the compensation himself and requires them to accept it, or enters into such negotiations as may result in a mutual agreement on the point. As these are not expected to be salaried persons, but to be employed from time to time, you ought either to fix a per diem compensation or leave it to be fixed at the discretion of the Commissioner of Agriculture.

Mr. MORGAN. These are experts, persons supposed to be skilled in veterinary investigations, or otherwise they would be of no service. I thought our recent experience in employing people of this class and professional men ought to caution us that we ought to put some restrictions into the bill. Their compensation ought not to exceed a hundred dollars a day while they are engaged in the prosecution of these diseased cattle, finding out the nature of their diseases, and instituting their coroners' inquests upon cattle. After the word "time," in section 1, line 15, I move to insert:

At a compensation not to exceed $5 a day while employed in the service of the Government.

Mr. WILLIAMS. I hope that will be voted down.

Mr. PLUMB. That would simply render it impossible to employ persons possessing the proper qualifications.

Mr. MORGAN. If that is not enough, let some Senator suggest what will be a sufficient amount. We ought to fix it in this bill. I would suggest also that the Commissioner of Agriculture has the assistance of two agents, in addition to his own skill and his own judgment about such matters, "who shall be practical stock-raisers or experienced business men, familiar with questions pertaining to commercial transactions in live-stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious, infectious, and communicable diseases."

Those agents would naturally be veterinary surgeons, and their compensation is $10 a day. Those he has the right to appoint and keep in office during all seasons and at all times. They are entitled with all necessary expenses to $10 a day "while engaged in the actual performance of their duties under this act." These are agents or officers of the Government. It seems to me that when we give the Commissioner of Agriculture the power to appoint not to exceed twenty additional employés for the same purposes, and men who must have naturally an equal degree of skill, we are not to expect that they shall receive greater compensation than the two special agents who are selected from all the people of the United States to give information upon these very important matters.

I suggested $5 a day. If some Senator thinks that is not enough let him suggest what would be a reasonable compensation; but I insist on its being fixed in the bill.

Mr. BROWN. I ask the Senator from Alabama if he would accept as an amendment the insertion of the words "with his necessary expenses," so as to read "$5 a day, with his necessary expenses."

Mr. MORGAN. Yes; I will accept that.

The PRESIDING OFFICER. The Senator from Alabama modifies his amendment as indicated. The question is on agreeing to the amendment as modified.

Mr. CONGER. Mr. President, I see no objection to this proposition, and I rather think that the proper persons could be employed to perform this duty at even less price. I am on the side of economy to-day very much. The amendment that has been already adopted here with but one dissenting voice (and that was so weak that I could hardly hear it myself) confines the operation of the bill, the action of the Commissioner of Agriculture, to the prevention of diseased cattle and diseases going from State to State and from Territory to Territory, and of course confines the entire operation of the bill and all expenditure under it to the imaginary lines that divide States. Nobody can examine into the condition of cattle in a State under this measure; nobody under it dare inquire into the diseases and condition of cattle until they are brought across State lines.

Mr. DAWES. The Senator entirely mistakes it. It does not confine it to the imaginary line; it only confines it to cattle that cross the line.

Mr. CONGER. I am coming to that. I could have gotten to it myself, but I am glad of the assistance of the Senator from Massachusetts. I say the bill confines the operations of this proposed law as to inquiring into diseases of cattle and the modes of prevention to the simple fact of the disease, or the cattle appearing with disease, crossing State lines and Territorial lines. It is a beautiful bill. No man dare, if he knows where the State line is, step a rod over into the State on either side to see whether an animal is diseased or not. If he does he is violating this law and exceeding the powers granted and restricted. He is not only violating the Constitution of the United States, but casting discredit upon this august body of Senators and the Congress of the United States.

Now, what is the use of paying men any great amount of money to stand along a State line and keep diseased cattle back from crossing? A ranchero can do that. A cow-boy is the proper agent of this Government to stand along there or to ride his pony along the line. What more is wanted? What is the price paid for rancheros and their day's work and the cow-boys watching herds? They learn the duty of keeping them in some parts of the country from trespassing upon wheat-fields, upon grain, from going over lines, from trespassing upon neighbors' property.

The cow-boy is the man we want to carry out this measure. We do not need the eloquent speech of the Senator from Delaware to show constitutional rights and the dangers of socialism and communism. We do not need that he should bring Herbert Spencer across the Atlantic to instruct us in the best means of preventing the spread of diseases among our cattle. A ranchero is the man we want. Five dollars a day is too much, unless you are going to pay him for the use of a pony and allow him to ride, you might say to ride rough-shod, over State lines; for the only thing that is allowed to go along the State lines is the ranchero to drive back and forward the cattle that are trespassing upon State rights and violating the Constitution and bringing communism and socialism into this country, and permitting Herbert Spencer to spread his views over the land. That is all that is necessary here.

I wonder at any hesitation about adopting without a word this amendment, and I wonder at the hesitation of even Senators, on the other side of the Chamber more especially, hesitating to reduce it to $3 and to $2 or to a dollar and a half. Why should not the great, bold Senators rise to the dignity of the occasion and with economic impulses and economic forces burst forth here in language unmistakable and in language audible, protesting against the employment of men to keep cattle from coming up to a State line? The dignity of a State line might warrant a higher pay, but the necessity of the occasion and the service does not require a higher amount of compensation than $3 a day. We have got down to that in this great thing.

I wonder how the cattle-raisers of the West, the agriculturists of the West, when they have heard and read, as they will—for undoubtedly the Associated Press will carry the remarks of the Senator from Delaware with lightning speed to every point where the telegraph reaches before to-morrow morning—I wonder how the cattle-men of the West, with their millions and millions of cattle, will feel when they see that the Senate has hesitated a moment to reduce the guardians of their property from five dollars a day down to three. They are watching members of this body with an anxious eye just now, and especially these aspirants for the Presidency, to see whether they not only would preserve the Constitution of the United States; but whether they are faithful guardians of the Treasury of the United States. These cattle-men contribute largely to the money placed in the Treasury, and they will call to account every man who votes away an unnecessary dollar or an unnecessary dime in keeping cattle from running over State lines.

Let us be consistent and let us rise to the dignity of this occasion. I would not make the motion to reduce it further, but the economic gentlemen on the other side who are cutting this and all other bills which had some magnitude and some importance before desire the opportunity of showing to the world how economical they are, and I forego the pleasure myself and leave it to them to stand forth as the advocates of economy and the watch-dogs of the Treasury.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN] as modified.

Mr. PLUMB. Let it be reported.

The SECRETARY. In section 1, line 15, after the word "time," it is proposed to add:

> At a compensation not to exceed $5 per day, with necessary expenses while employed in the service of the Government.

Mr. MORGAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. I notice that the salaries provided are as follows:

> The salary of the chief of said bureau shall be $3,000 per annum, and the Commissioner shall appoint a clerk for said bureau, with a salary of $1,500 per annum.

Then he shall appoint two competent agents who shall receive $10 a day and expenses while engaged in the service of the Government. The salary that is proposed at $5 a day, not considering the expenses, is at the rate of $1,825 a year. I suppose that inasmuch as the committee had provided nothing in the way of a regulation for the expense of these employés about one-half the money that they propose to pay to the two select commissioners would be a sufficient compensation, and I think so now. I think that after we have fixed that salary we are likely to have a large number of applicants for these places. We shall find competent men enough to practice medicine or to inspect cattle at $5 a day and expenses to put the Republicans, if they should be in power in this body, to a good deal of trouble in picking between their friends as to who shall occupy these places.

I fixed this rate in the hope that some Senator, if he saw proper to raise it and to put it to the test of the Senate, would suggest some higher sum if he thought more was needed or more deserving. So far as I am concerned, that is my best judgment as to what it ought to be, and I have therefore asked that the vote should be taken by yeas and nays so as to get a definite expression from the Senate on that subject.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. MAXEY (when his name was called). During my absence I was paired with the Senator from Massachusetts [Mr. DAWES] and afterward with the Senator from Rhode Island [Mr. ANTHONY]. That pair has been transferred now to the Senator from Nevada [Mr. FAIR], and I vote "yea."

The roll-call was concluded.

Mr. HAMPTON. I was requested to announce that the Senator from Georgia [Mr. COLQUITT] is paired with the Senator from Ohio [Mr. SHERMAN].

Mr. FARLEY (after having voted in the affirmative). I announce my pair with the Senator from Arkansas [Mr. GARLAND], and withdraw my vote. I do not know how he would vote on this amendment. I am paired with him on the passage of the bill, and not knowing how he would vote on this amendment I withdraw my vote.

Mr. CAMDEN. I was requested to announce the pair of the Senator from Maryland [Mr. GORMAN] with the Senator from Colorado [Mr. BOWEN] on this question.

Mr. LAPHAM. My colleague [Mr. MILLER] is paired with the Senator from West Virginia [Mr. KENNA].

The result was announced—yeas 16, nays 27; as follows:

YEAS—16.

Bayard,	Coke,	Harris,	Pendleton,
Brown,	Frye,	Jones of Florida,	Pugh,
Call,	George,	Maxey,	Ransom,
Camden,	Hampton,	Morgan,	Vance.

NAYS—27.

Aldrich,	Dolph,	McMillan,	Plumb,
Allison,	Harrison,	Manderson,	Sawyer,
Cameron of Wis.,	Hawley,	Miller of Cal.,	Sewell,
Cockrell,	Hill,	Mitchell,	Vest,
Conger,	Hoar,	Morrill,	Williams,
Cullom,	Lapham,	Palmer,	Wilson.
Dawes,	Logan,	Pike,	

ABSENT—33.

Anthony,	Farley,	Jones of Nevada,	Saulsbury,
Beck,	Garland,	Kenna,	Sherman,
Blair,	Gibson,	Lamar,	Slater,
Bowen,	Gorman,	McPherson,	Van Wyck,
Butler,	Groome,	Mahone,	Voorhees,
Cameron of Pa.,	Hale,	Miller of N. Y.,	Walker.
Colquitt,	Ingalls,	Platt,	
Edmunds,	Jackson,	Riddleberger,	
Fair,	Jonas,	Sabin,	

So the amendment was rejected.

Mr. MORGAN. On looking over this bill I find this language used frequently in different clauses of it: "Contagious, infectious, or communicable diseases," without reference to whether they are dangerous or destructive to the value of cattle for food or not. That phrase is common in the bill. It occurs in various places. It seems to me that there ought to be some restriction upon that. I find upon looking through a book sent to me by the librarian, on the subject of diseases of cattle, that there are quite a number of infectious and communicable diseases, some of which I suppose are not of a very dangerous character, such as epizootic and other diseases which are included in the description of this bill, but might have possibly no effect on the value of the cattle in the market.

I suggest to the Senator in charge of the bill that he put in some restrictive words such as "dangerous contagious, infectious, or communicable diseases." It will not do, it seems to me, to enact here that you may put in quarantine all cattle that may have contagious, communicable, or infectious diseases that may not be dangerous to other herds in the sense of destroying their value as property or their usefulness as food. It seems to me the language in the bill is very broad. I prefer to suggest it to the Senator from Kansas to see if he can find some words of restriction to control the subject.

Mr. PLUMB. I do not anticipate such a construction will be put on this bill as the Senator from Alabama seems to anticipate. The language is broad, it is true, but it is impossible to describe all the diseases. They may not have technical names which are common to them everywhere; and therefore it is necessary to use general terms. There is no objection to putting in the word "dangerous," perhaps, so as to read "dangerous contagious, infectious, or communicable diseases." That would add to its value perhaps, but I do not think it would.

I do not anticipate that whoever carries out this bill will carry it out in any different sense from what the Senator from Alabama himself would do, and I do not think it is worth while to be imagining or in any way indulging in the belief that this bill is to be carried out in a way to make its enforcement ridiculous or anything of that kind. Whoever is charged with the responsibility of administering this bill, if it shall become a law, will be just as much desirous of justifying himself in that responsibility as the Senator from Alabama or any member of this body would, and I do not believe, therefore, that any ill will come from it in any way, or that it will be carried out in any way that will not meet with the wishes of the Senator.

Besides, this bill as it stands now provides simply for an authoritative and extensive investigation. It does not commit any power which any one by any strain would call dangerous to the hand of anybody. And what is the reason for limiting the investigation? Why should we not have it as thorough as any one chooses to make it, in order that at some subsequent session of Congress we shall have before us all the information in regard to everything which in any way affects the value of domestic animals? It is true it does not limit them by terms to those diseases which affect the value of the animals, but in the ordinary course of the operations of the law that will be inevitably the case.

Mr. MORGAN. I supposed that the object of this bill was to prevent the spread of disease by the transportation of cattle from place to place that might have communicable diseases, as I presumed all the time of a dangerous character. That was evidently the understanding of the Senate, for we have put in an express provision on the motion of the Senator from Texas that the splenetic or Texas fever shall not be considered a dangerous, infectious, or communicable disease within the meaning of the act. That is a very communicable and very dangerous disease in some phases of it, in some sense of the word, if it is a disease at all.

I therefore thought that inasmuch as we had confined the bill down to an investigation of the diseases of cattle, we would not go into a scientific inquiry into all the diseases with which cattle might be affected which might be communicable or infectious or contagious, unless those diseases were of a dangerous character, and would therefore require some preventive remedy. I do not understand now that the Senate is engaged in a scientific exploration of cattle diseases simply, but we want to find out whether there is something existing in this country or which may exist in this country which will invoke the very extraordinary powers of the Government of the United States in a preventive way to destroy the disease, to prevent its circulation and its communication to other herds of cattle throughout the country.

It seemed to me that there should be something here to qualify the extent of the investigation. We are paying certain men large salaries; we are paying certain other men salaries which the Senate has refused to define at all, allowing the Commissioner of Agriculture to put them at any price he chooses. He can employ as many as twenty experts or twenty cow-boys or twenty agents, and make his own terms with them, and the contract when made of course is obligatory on the Government, and we must pay the sum of money to supply the demand. The business of these men is to investigate diseases. They are to investigate all diseases, not those that are dangerous to herds of cattle, but all diseases of animals. Of course these men will have a broad field of operations throughout the myriads of cattle that roam over the plains of this country. They will be going about from day's end to day's end and year's end to year's end in search of diseases they may find out to be contagious, infectious, or communicable, whether they are light or whether they are heavy and dangerous in their character or not.

It seems to me this is very loose legislation and that the Senator in charge of this bill ought to oblige the Senate by putting the scope of the powers of this investigating board somewhere within range of restriction, and certainly not allow them to go through the country and search for diseases of cattle that may be contagious or communicable or infectious, but after all are not dangerous. I do not think that that was the purpose of the Senate when it started to enact this bill, or of the House when it sent the original bill here.

We have been hearing that the necessity for this bill has been occasioned by the fact that the herds of our country were very much threatened with dangerous diseases, and that our commerce was to be affected abroad by it. And now we have simmered down until we have got to an investigation of all manner of diseases by agents whose service we refuse to price in advance, and they will go about through the country very busy in finding out whether the epizootic exists or a great many other diseases mentioned in this book, some of which are communicable and infectious and others are not. It seems to me that the words ought to be restrained. I therefore move to insert the word "dangerous" before "contagious."

The PRESIDING OFFICER. The Senator from Alabama moves to insert after the word "of" in line 9, section 2, the word "dangerous."

Mr. WILLIAMS. I do not think that amounts to anything.

Mr. MORGAN. Then you ought to vote for it.

Mr. WILLIAMS. I will take it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. VAN WYCK. It has been stated here already that there is a very large power given to the Commissioner in regard to fixing the compensation of the persons to be employed, and as they will all probably have a per diem, the language is used here "with all necessary expenses while engaged in the actual performance of their duty." That is in section 2. I would give them $10 a day, which of course, will be all the working days in the year, three hundred, and they have a precedent for including Sundays also, a precedent in the charges of the star-route counsel. This will include an annual salary of $3,000 a year or more, without any sort of doubt.

Mr. HARRIS, I rise to ask the Senator from Nebraska if he will yield to me in order that I may move that the Senate do now adjourn?

Mr. WILLIAMS. I think we can get a vote on this bill and do something else to-morrow.

Mr. HARRIS. Probably we may if we stay all night.

Mr. PLUMB. Before we adjourn, if that be the sense of the Senate, I hope we may have an understanding that at some hour to-morrow, to be agreed upon, the bill shall be disposed of.

Mr. HARRIS. I do not know that the Senator from Nebraska will yield to me.

Mr. VAN WYCK. I trust that a little time will be given for some amendments, without much discussion, to perfect the bill and make it in such a way that in a few months or a year we shall not be called upon to explain why we passed this bill.

Mr. PLUMB. I have no objection to an adjournment or to the Senator from Nebraska having all the opportunity he wants to move amendments, but we ought to have an understanding that the bill shall be acted on to-morrow at some hour, say 4 o'clock or 3 o'clock.

The PRESIDING OFFICER. What is the proposition of the Senator? Will he state it again?

Mr. PLUMB. I propose that, by unanimous consent, it be agreed that to-morrow at 3 o'clock debate be closed on the bill, and the Senate then proceed to vote on the bill and pending amendments.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that to-morrow at 3 o'clock debate shall close on the bill

and the Senate shall proceed to vote on the then pending amendments and on the bill. Is there objection?

Mr. MORGAN. I wish to say to the Senator from Kansas that very early after this bill was taken up I said that I hoped the chairman of the Committee on Foreign Relations would bring forward the bill reported by that committee bearing on this subject in reference to our export and import trade. That bill has been considered by the Committee on Foreign Relations, and also by the Treasury Department, and I think is a very good measure. I see that the Senator from California is rising in his place, and I hope with a view of offering that as an amendment. Of course if that bill is offered as an amendment, this agreement ought not to be entered into.

Mr. MILLER, of California. If there is to be an adjournment I will propose this amendment with a view of having it printed, that Senators may examine it and determine whether they would like to have it incorporated in this bill or not.

The PRESIDING OFFICER. The Senator from California offers an amendment as additional sections to the bill. It will be printed. Is there objection to the proposition made by the Senator from Kansas? The Chair hears none, and it is agreed to.

Mr. MORGAN. I intended to object in consequence of the fact that the Senator from California was offering his amendment.

The PRESIDING OFFICER. There is objection then, and the understanding proposed is not agreed to.

Mr. MILLER, of California. I do not think there will be any trouble about my amendment, because if it leads to much discussion the amendment will be withdrawn.

Mr. ALLISON. I move that the Senate do now adjourn.

Mr. CONGER. Has the understanding been assented to?

The PRESIDING OFFICER. There was objection, and the understanding was not arrived at. The Senator from Iowa moves that the Senate adjourn.

Mr. FRYE. Before the question is put on that motion, I ask unanimous consent to offer certain amendments to the House bill known as the shipping bill, in order that they may be printed.

The PRESIDING OFFICER. The proposed amendments will be received and printed. The question is on the motion of the Senator from Iowa [Mr. ALLISON].

The motion was agreed to; and (at 6 o'clock and 2 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 28, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday's proceedings was read and approved.

SPANISH FERRY-BOAT NUESTRA SEÑORA DE REGLA.

Mr. POLAND. I ask unanimous consent to take from the Speaker's table, for present consideration, Senate bill No. 652, to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla.

Mr. HOLMAN. On Saturday I objected to that bill. I had supposed up to that time that the provision of the statute touching the question of interest on judgments against the United States applied to the judgments rendered in the district court and affirmed by the Supreme Court. But on examination I find that the statute does not apply except to judgments rendered in the Court of Claims. I know, therefore, of no reason why the judgment in this case should not be paid.

Mr. HAMMOND. I stated that in the debate the other morning.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOMES FOR DISABLED VOLUNTEER SOLDIERS.

Mr. ROSECRANS. I ask unanimous consent to report from the Committee on Military Affairs for present consideration a joint resolution to fill vacancies existing in the board of managers of the national homes for disabled volunteer soldiers.

The joint resolution was read, as follows:

Resolved, &c., That William B. Franklin of Connecticut, John C. Black of Illinois, and Thomas W. Hyde of Maine be, and are hereby, appointed managers of the National Homes for Disabled Volunteer Soldiers to fill vacancies occasioned by the expiration of the terms of office on the 21st day of April, 1884, of William B. Franklin of Connecticut, John M. Palmer of Illinois, and Charles W. Roberts of Maine.

There being no objection, the joint resolution (H. Res. 239) was read three times, and passed.

Mr. ROSECRANS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELLIS COUNTY AGRICULTURAL SOCIETY, KANSAS.

Mr. HANBACK. I ask unanimous consent to take from the House Calendar for consideration at this time the bill (H. R. 578) to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to the Ellis County Agricultural Society, of Kansas.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That, by and with the advice and consent of the Secretary of War, the Secretary of the Interior is hereby authorized to sell to the Ellis County Agricultural Society, of Kansas, on such terms as he may designate, a portion of the Fort Hays military reservation, not to exceed one hundred and sixty-five acres in extent, and having such metes and bounds as the Secretary of War may designate.

The Committee on Military Affairs recommend that the bill be amended by adding to it the following:

Provided, That the War Department shall retain entire control of Big Creek and all the timber along its banks on each side.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLOUNT. I would inquire from what committee the bill comes?

Mr. HANBACK. From the Committee on Military Affairs.

Mr. BLOUNT. Is it the unanimous report of the committee?

Mr. HANBACK. It is the unanimous report, and is indorsed by the Secretary of War and the General of the Army.

Mr. HOLMAN. I suppose there is some report accompanying this bill, and I should be glad to have it read.

The SPEAKER. The report will be read, the right to object being reserved.

The report (made by Mr. MORGAN) was read, as follows:

The Committee on Military Affairs, to whom was referred bill H. R. 578, submit the following report:

That the bill provides for the sale of a portion of the military reservation at Fort Hays, Kansas, not to exceed one hundred and sixty acres, and the metes and bounds to be fixed by the Secretary of War, to the Ellis County Agricultural Society, of Kansas.

There appears to be no objection to the passage of the bill. The same was referred to the War Department for its opinion, and in reply received the following letter, which is made part of this report and is marked Exhibit A.

The committee therefore recommend the passage of the bill, with an amendment providing for the entire control of Big Creek and of the timber on its banks by the War Department.

The following is the amendment of the committee:

"*Provided*, That the War Department shall retain entire control of Big Creek and all the timber along its banks on each side."

EXHIBIT A.

WAR DEPARTMENT, *Washington City, March* 6, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st ultimo, stating that you have under consideration, as a subcommittee on Military Affairs, H. R. 578, Forty-eighth Congress, first session, a bill "to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to Ellis County Agricultural Society, of Kansas," and requesting the views of the Department on said bill.

In reply, I beg to inform you that the matter was referred to the commanding officer at Fort Hays, who reports thereon as follows:

"The tract of land within referred to lies wholly on the north side of Big Creek, the post and almost the entire reservation being on the south side, and has been used by the Ellis County Agricultural Society, of Kansas, by authority of the Secretary of War, per letter from the Adjutant-General United States Army, dated Headquarters of the Army, Adjutant-General's Office, Washington, D. C., September 19, 1883, for the purposes of their annual fair.

"It is believed that there can be no objection to disposing of that portion of the reservation to the society named, provided that the bounds be so fixed as to leave to the Government the entire control of the creek at that point, and of the timber on its banks. The tract alluded to is useful for no other purpose, but the restrictions named are considered essential to the interests of the post."

The report of the commanding officer of the post of Fort Hays is approved by the department and division commanders, by Lieutenant-General Sheridan, and also by this Department.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. CHARLES H. MORGAN,
Of the Committee on Military Affairs, House of Representatives.

Mr. HOLMAN. I have no doubt it is entirely proper that this public object shall be accomplished by the sale of this property. But this purports to be a private sale, and there is no intimation that there shall be an appraisement of the property. I would suggest to the gentleman from Kansas [Mr. HANBACK] that the bill be amended by inserting a provision requiring this property to be sold at not less than the appraised value, to be ascertained in the usual manner in such cases.

Mr. HANBACK. I am willing to accept that amendment.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] will reduce his amendment to writing. The first question will be upon the amendment reported from the Committee on Military Affairs.

The amendment reported from the committee was agreed to.

Mr. HOLMAN. I now move to amend by inserting the words "for not less than the appraised value thereof, such value to be ascertained as in other cases of the sale of lands subject to appraisement."

The amendment was agreed to.

The bill as amended was then order to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. HANBACK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATUE OF CHIEF-JUSTICE MARSHALL.

Mr. SINGLETON. I ask unanimous consent to take from the Speaker's table, for consideration at this time, Senate joint resolution No. 80, relative to the ceremonies of the unveiling of the statue of Chief-Justice Marshall. It is important that this resolution should be passed at once, as the time is short and some preparations have got to be made.

Mr. TALBOTT. The day fixed in that resolution for the unveiling of the statue of Chief-Justice Marshall is the same day that was fixed by order of the House for the consideration of bills from the Committee on Naval Affairs, the 10th of May. I shall have no objection to the consideration of this joint resolution, provided the House will consent to change the day for the consideration of naval business to the 24th of May instead of the 10th, there being no special assignment for the 24th. If that is agreed to, I will not object to the present consideration of the joint resolution.

Mr. RANDALL. Let the order for the consideration of business from the Committee on Naval Affairs be read.

The SPEAKER. The joint resolution of the Senate will be read, after which the Chair will direct the Clerk to read the order of the House in relation to business from the Committee on Naval Affairs.

The joint resolution of the Senate was read, as follows:

Resolved, &c., That the two Houses will attend the ceremony of unveiling the statue of Chief-Justice Marshall, on Saturday the 10th day of May, 1884, at 1 o'clock p. m.

That the Joint Committee on the Library are authorized to make all necessary arrangements for such ceremonial, and that the sum of $1,500, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to defray the expense thereof, to be added to the contingent fund of the House of Representatives, and disbursed on the order of said committee.

BUSINESS FROM COMMITTEE ON NAVAL AFFAIRS.

The SPEAKER. The Clerk will now report the order of the House concerning the consideration of business from the Committee on Naval Affairs.

The Clerk read the following resolution:

Resolved, That the session of Saturday, May 10, after the morning hour, be devoted to the consideration of bills and resolutions reported from the Committee on Naval Affairs, and bills and resolutions on the Speaker's table over which said committee has jurisdiction, except bills providing for the construction of additional war vessels; the bills and resolutions to be considered in the order agreed upon by the committee.

The SPEAKER. The gentleman from Maryland [Mr. TALBOTT] asks consent to change the date for the consideration of business from the Committee on Naval Affairs from the 10th of May to the 24th of May.

Mr. COBB. I must object.

Mr. TALBOTT. I hope the gentleman will not object.

Mr. COBB. I intend to object to any more special orders.

Mr. TALBOTT. This is a special order already made.

Mr. COBB. But you want to change the date of it.

Mr. TALBOTT. Because the day which was assigned to this special order is taken for the unveiling of the statue of Chief-Justice Marshall.

Mr. COBB. If that is the case, I will withdraw my objection.

Mr. TALBOTT. The day fixed for the unveiling of the statue was fixed by the Senate since the special order was made by the House.

Mr. RANDALL. The Senate order for the unveiling of the statue should prevail, whether the other does or not.

The SPEAKER. If there is no objection the day fixed by the special order of the House for the consideration of business from the Committee on Naval Affairs will be changed from May 10 to May 24.

There was no objection, and it was ordered accordingly.

UNVEILING OF STATUE OF CHIEF-JUSTICE MARSHALL.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution which has been read? [After a pause.] The Chair hears none.

The joint resolution (S. R. 80) relative to the ceremonies of the unveiling of the statue of Chief-Justice Marshall was accordingly taken from the Speaker's table, read three several times, and passed.

Mr. SINGLETON moved to reconsider the vote by which the joint resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPT. WILLIAM H. GILL.

Mr. BINGHAM. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 3557) for the relief of Capt. William H. Gill, and that the bill be now taken up for consideration.

The bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. HOLMAN. I trust the right of objection may be reserved until the gentleman from Pennsylvania can explain the object of the bill.

Mr. BINGHAM. The object is simply to make consistent with the act of 1882 the longevity record of Captain Gill. The act gives him his grade and rank, but does not give him credit for his anterior service. The report of the Committee on Military Affairs makes this statement:

The bill (H. R. 3557) gives no pay to Captain Gill for the time he was out of the service, but simply provides that his "longevity record" shall be made consistent with the "grade and rank" conferred by the act of March 4, 1882, restoring him to the Army.

The bill simply enforces the intent of the act of Congress which gave Captain Gill the same grade and rank he held at the time of his resignation.

The bill carries with it no pay at all. Captain Gill is to-day the ranking officer of his corps, but is the junior in longevity record.

Mr. WARNER, of Ohio. I must object to the passage of bills of this kind by unanimous consent. I call for the regular order.

INDEX OF PRIVATE CLAIMS.

Mr. ERMENTROUT. I rise to make a privileged report from the Committee on Accounts. That committee has directed me to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to continue the preparation of a digested summary and alphabetical list of the private claims presented to the House of Representatives, so as to include the unfinished portion of the Forty-seventh Congress and the Forty-eighth Congress; and the expense of performing the said work shall, under the direction of the Committee on Accounts, be paid out of the contingent fund of the House.

Mr. HOLMAN. I presume that we are not all of us informed as to how these payments are made.

Mr. ERMENTROUT. I can inform the gentleman. The compensation is a per diem—the same paid to all per diem clerks, $6 a day.

Mr. HOLMAN. How many persons are or have been heretofore employed in this work?

Mr. ERMENTROUT. In former Congresses the number has been as high as six; but I do not think more than three will be required.

Mr. RANDALL. Then let us say three.

A MEMBER. What is the purpose of the resolution?

Mr. ERMENTROUT. The resolution provides for continuing the preparation of an alphabetical list of private claims. The manuscript for the Forty-seventh Congress has been prepared and is awaiting publication until the completion of the list for the Forty-eighth Congress.

Mr. WARNER, of Ohio. It is very important to have this list completed.

Mr. HOLMAN. I hope the gentleman from Pennsylvania will include in the resolution a provision that no more than three persons shall be employed.

Mr. ERMENTROUT. I agree to that proviso, as I think it will include all the necessary labor. I move to amend the resolution by adding:

Provided, That not exceeding three persons shall be employed in said work.

The amendment was agreed to.

The resolution as amended was adopted.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I think now we had better have the regular order.

The SPEAKER. The regular order has been demanded. The report just considered was a privileged report.

DISTRIBUTION OF JOURNALS OF CONGRESS.

Mr. SMITH. I send to the desk for present consideration a report from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania [Mr. SMITH] presents, as the Chair understands, a privileged report, which the Clerk will read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Interior be, and he is hereby, authorized to distribute the surplus copies of the Journals of the two Houses of Congress in his charge among such public, college, and law libraries as have not already been supplied with the same.

Mr. SMITH. I ask that the report accompanying this resolution be read.

The SPEAKER. This is not a privileged report. It does not relate to printing for the use of the two Houses, but merely to the distribution of documents. The regular order has been demanded by several gentlemen.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. ROGERS, of New York. I rise to make a privileged report from the Committee on Printing.

The SPEAKER. If the gentleman has a privileged report it is in order.

Mr. ROGERS, of New York. The committee have directed me to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences, with its appendices, be printed in the

usual octavo form, but that the four accompanying memoirs be printed in quarto form; and that 1,000 additional copies of the report and memoirs be printed for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Academy of Sciences.

The report accompanying the resolution was read, as follows:

The Committee on Printing, to whom was referred Senate concurrent resolution authorizing the printing of the report of the Academy of Sciences, together with additional copies of the same, submit the following report, and recommend the passage of the resolution:

The act incorporating the National Academy of Sciences, March 3, 1863, provides that it shall report its proceedings and investigations to Congress, and free of charge. These reports are always printed. The report in question contains two memoirs of great public value, which have been prepared at the request of Congress.

While these memoirs and other features of the report merits general circulation, the committee is of the opinion that an additional number should be printed for the use of members of the academy who receive no compensation for their services to the Government. The committee therefore recommend the printing of the additional copies provided for in the Senate resolution.

The estimated cost is $1,937.90 for the usual number, and $541 for each additional thousand.

The resolution was adopted.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF EULOGIES.

Mr. HERBERT. I ask by unanimous consent, Mr. Speaker, to introduce a joint resolution for the printing of eulogies on Thomas H. Herndon, deceased.

The SPEAKER. The regular order has been demanded and the Chair can not ask unanimous consent at this time.

Mr. HERBERT. I appeal to the gentleman from Ohio who made the demand for the regular order to withdraw it until I can submit the usual resolution for the printing of these eulogies.

Mr. WARNER, of Ohio. I withdraw my demand for that purpose, although it is a bad precedent to withdraw demands for the regular order when once made, but this is an exceptional case.

Mr. HERBERT, by unanimous consent, introduced a joint resolution (H. Res. 240) to print 12,500 copies of the eulogies on Thomas H. Herndon, late a Representative in Congress; which was read a first and second time.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed of the eulogies delivered in Congress upon the late Thomas H. Herndon, a Representative-elect to the Forty-eighth Congress from the State of Alabama 12,500 copies, of which 3,000 shall be for the use of the Senate and 9,500 for the use of the House of Representatives. And the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Thomas H. Herndon, to accompany said eulogies, and for the purpose of engraving or printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HERBERT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY IN NAVAL PROVISIONS APPROPRIATIONS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Navy, transmitting a communication from the Bureau of Provisions and Clothing in explanation of estimated deficiency in the provisions appropriations for the current fiscal year; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. BISBEE, for one week.

To Mr. SCALES, from Monday next, for one week.

To Mr. CULBERTSON, of Kentucky, until May 3.

To Mr. BENNETT, indefinitely, on account of business.

To Mr. CHACE, until Wednesday next, on account of sickness in his family.

To Mr. KASSON, being called home on business.

To Mr. DOWD, for five days, on account of important business.

JUDICIARY COMMITTEE.

By unanimous consent, leave was granted to the Judiciary Committee to have printed for the use of that committee such reports of testimony and hearings before it as they may deem necessary for the proper consideration of matters submitted to it by the House.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of States for the introduction and reference of bills and joint resolutions. Under this call resolutions and memorials of State and Territorial Legislatures are also in order for reference to appropriate committees, and also resolutions of inquiry addressed to heads of Departments.

ALLOWANCE TO CALIFORNIA, OREGON, AND NEVADA.

Mr. GLASCOCK introduced a bill (H. R. 6772) to authorize an allowance to the States of California, Oregon, and Nevada of 15 per cent. of the direct tax levied under the act of August 5, 1861; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEMUEL ADAMS.

Mr. MITCHELL introduced a bill (H. R. 6773) granting a pension to Lemuel Adams; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DANIEL DE LEE.

Mr. WAIT introduced a bill (H. R. 6774) for the relief of Daniel De Lee and the payment to him of bounty money; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

EDWARD WILCOX.

Mr. WAIT also introduced a bill (H. R. 6775) granting a pension to Edward Wilcox, imbecile son of Leonard Wilcox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOVERNMENT POLICY TOWARD INDIAN TRIBES.

Mr. WAIT also presented resolutions of the General Assembly of the State of Connecticut in regard to the policy of the Government toward Indian tribes; which were referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD. It is as follows:

GENERAL ASSEMBLY, *January Session, A. D.* 1884.

[House joint resolution No. 187.]

Whereas believing that the education of Indians and their voluntary citizenship in the United States will most justly, quickly, and economically solve the Indian problem: Therefore,

Resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to aid in the passage of resolutions solemnly pledging the faith of the nation to the Indian policy embodied in the following principles:

First. That the unpaid sum pledged for educational purposes by the Government as part payment for the cession of lands by Indians be appropriated for the purchase of stock, farming implements, tools, &c., for Indian manual-labor schools.

Second. That so much of the net proceeds of the sale of public lands as may be necessary shall be set apart for the purpose of creating a permanent fund for education of Indians.

Third. That lands in severalty, making their titles inalienable for twenty-five years, and United States citizenship may be granted at once to all Indians who so desire.

Fourth. That the legal personality of all Indians may be granted, and that protection of law may be given them as it is to all other races within these United States.

Fifth. That the civilization of Indians may be hastened by providing for and rewarding their civilized industries.

Resolved, That the governor be requested to transmit a copy of the foregoing resolutions to each of the Senators and Representatives in Congress from this State.

STATE OF CONNECTICUT, *ss:*
Office of Secretary of State.

I hereby certify that the foregoing is a true copy of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 26th day of April, A. D. 1884.

[SEAL.] D. WARD NORTHROP,
Secretary of State.

NEWTON A. LANE.

Mr. HITT introduced a bill (H. R. 6776) granting a pension to Newton A. Lane, private Company A, First Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS PINKERTON.

Mr. WOOD introduced a bill (H. R. 6777) granting a pension to Francis Pinkerton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS WOOD.

Mr. MATSON introduced a bill (H. R. 6778) for the relief of Thomas Wood; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JESSE S. HARROLD.

Mr. LAMB introduced a bill (H. R. 6779) granting an increase of pension to Jesse S. Harrold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE E. FRENCH.

Mr. PEELLE, of Indiana, introduced a bill (H. R. 6780) granting a pension to Caroline E. French; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALLACE FOSTER.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 6781) granting an increase of pension to Wallace Foster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN WOOLLEY.

Mr. HOLMAN introduced a bill (H. R. 6782) granting a pension to

Susan Woolley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. N. M'CLURE.

Mr. RYAN introduced a bill (H. R. 6783) granting a pension to T. N. McClure; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH O. HUNTER.

Mr. RYAN also introduced a bill (H. R. 6784) granting a pension to Joseph O. Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES R. WHITE.

Mr. FUNSTON introduced a bill (H. R. 6785) to restore Charles R. White to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIVERS BANKS.

Mr. PETERS introduced a bill (H. R. 6786) granting a pension to Rivers Banks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM L. HALL.

Mr. PETERS also introduced a bill (H. R. 6787) for the relief of William L. Hall; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM CRUMPTON.

Mr. PETERS also introduced a bill (H. R. 6788) for the relief of William Crumpton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN H. CHILDS.

Mr. BLACKBURN introduced a bill (H. R. 6789) for the relief of John H. Childs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEIL LARY.

Mr. BLACKBURN also introduced a bill (H. R. 6790) for the relief of Neil Lary, of Bourbon County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. W. SOUTH.

Mr. BLACKBURN, also introduced a bill (H. R. 6791) for the relief of J. W. South, of Frankfort, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LA FAYETTE ADERY.

Mr. BLACKBURN also introduced a bill (H. R. 6792) for the relief of La Fayette Adery, Bourbon County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. C. YOUNG.

Mr. BLACKBURN also introduced a bill (H. R. 6793) for the relief of W. C. Young, of Fayette County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM ASHMERT.

Mr. BLACKBURN also introduced a bill (H. R. 6794) for the relief of William Ashmert, of Paris, Bourbon County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NANCY N. PROFFITT.

Mr. HALSELL introduced a bill (H. R. 6795) for the relief of Nancy N. Proffitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN P. BARRETT.

Mr. ROBERTSON, of Kentucky, introduced a bill (H. R. 6796) for the relief of John P. Barrett, Ohio County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IRA PERRY.

Mr. HOBLITZELL introduced a bill (H. R. 6797) to rerate the pension of Ira Perry; which was read a first and second time; referred to the Committee on Invalid Pensions, and ordered to be printed.

COLUMBIA HOSPITAL FOR WOMEN.

Mr. COLLINS introduced a joint resolution (H. Res. 241) to provide for the continued reports of the Columbia Hospital for Women and Lying-in Asylum; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LLOYD W. HIXON.

Mr. STONE introduced a bill (H. R. 6798) granting a pension to Lloyd W. Hixon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH BOTTOMLY.

Mr. LACEY (by request) introduced a bill (H. R. 6799) granting a pension to Elijah Bottomly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. FOREMAN.

Mr. NELSON introduced a bill (H. R. 6800) for the relief of William H. Foreman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOAN OF CANNON AND SMALL-ARMS.

Mr. ALEXANDER introduced a joint resolution (H. Res. 242) authorizing the Secretary of War to loan four cannon and five hundred stand of small-arms for the reunion of the Union soldiers of Southern Iowa and North Missouri, at Milan, Mo.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES R. DUNCAN.

Mr. BUCKNER (by request) introduced a bill (H. R. 6801) for the relief of James R. Duncan; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LEE L. BETTERTON.

Mr. FYAN introduced a bill (H. R. 6802) for the relief of Lee L. Betterton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN T. BRAKE.

Mr. FYAN also introduced a bill (H. R. 6803) granting a pension to John T. Brake, Sixth Regiment Provisional Militia, Missouri Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALTER NELSON.

Mr. WEAVER introduced a bill (H. R. 6804) for the relief of Walter Nelson; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JOHN WATSON.

Mr. WEAVER also introduced a bill (H. R. 6805) granting a pension to John Watson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISONERS OF WAR.

Mr. KEAN introduced a bill (H. R. 6806) for pensioning prisoners of war who were confined as hostages in confederate military prisons during the late war; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

MARGARET REGAN.

Mr. ROBINSON, of New York, introduced a bill (H. R. 6807) for the relief of Margaret Regan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL J. HEWSTON.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 6808) to increase the pension of Michael J. Hewston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENT LAWS.

Mr. BAGLEY presented resolutions of the assembly of the State of New York, relative to the patent laws; which were referred to the Committee on Patents, and ordered to be printed.

JOHN L. COWARDIN.

Mr. SLOCUM introduced a bill (H. R. 6809) to remove the political disabilities of John L. Cowardin; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LOUIS MARQUART.

Mr. SLOCUM also introduced a bill (H. R. 6810) to remove the political disabilities of Louis Marquart; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARGARET MOORE.

Mr. COX, of New York, introduced a bill (H. R. 6811) for the relief of Margaret Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALLIE BARRY HOWE.

Mr. ROGERS, of New York, introduced a bill (H. R. 6812) for the relief of Sallie Barry Howe, widow of the late Capt. Albion Howe, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM WILLS.

Mr. CULBERTSON, of Kentucky (by Mr. JAMES), introduced a bill (H. R. 6813) for the relief of William Wills; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE H. STRICKLAND.

Mr. JAMES introduced a bill (H. R. 6814) to muster Jesse H. Strick-

land as colonel of cavalry into the service of the United States, and to pay him for his services from June 30, 1863, to March 31, 1864, inclusive; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILO BEARDSLEY.

Mr. MILLARD introduced a bill (H. R. 6815) to rerate the pension of Philo Beardsley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHAN J. SHARP.

Mr. JOHNSON introduced a bill (H. R. 6816) for the relief of Nathan J Sharp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VESTED RIGHTS.

Mr. VANCE (by request) introduced a bill (H. R. 6817) to protect persons from imposition and more effectually secure to them a vested right; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INDIANS IN THE UNITED STATES.

Mr. YORK (by request) introduced a bill (H. R. 6818) to provide for the settlement of all matters in controversy between Indians in the United States arising under treaty and otherwise; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FREDERICK FORD.

Mr. McCORMICK introduced a bill (H. R. 6819) for the relief of Frederick Ford; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LAWSON STEPLETON.

Mr. McCORMICK introduced a bill (H. R. 6820) granting a pension to Lawson Stepleton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. M. PERKINS.

Mr. GEDDES introduced a bill (H. R. 6821) granting a pension to F. M. Perkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH HENDERSON.

Mr. GEDDES also introduced a bill (H. R. 6822) granting a pension to Elizabeth Henderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HAMILTON C. DAGNE.

Mr. HILL (by Mr. WILKINS) introduced a bill (H. R. 6823) for the relief of Hamilton C. Dagne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHAN B. CLARK.

Mr. CURTIN introduced a bill (H. R. 6824) authorizing the President of the United States to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, a chief engineer on the retired-list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TESTIMONY FOR COMMISSIONER OF PENSIONS.

Mr. CURTIN also introduced a bill (H. R. 6825) conferring jurisdiction on Federal and State courts to take testimony in cases pending in the same on the request of the Commissioner of Pensions; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REBECCA KUPP.

Mr. ERMENTROUT introduced a bill (H. R. 6826) granting a pension to Rebecca Kupp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BANKING ASSOCIATIONS.

Mr. ERMENTROUT (by request) also introduced a bill (H. R. 6827) relative to national banking associations and their circulation; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LYMAN H. FOWLER.

Mr. STORM introduced a bill (H. R. 6828) granting a pension to Lyman H. Fowler, of Berwick, Pa.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL MILLER.

Mr. STORM also introduced a bill (H. R. 6829) granting a pension to Daniel Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM J. GRIER.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 6830) granting a pension to Adam J. Grier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM BAKER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 6831) granting a pension to Hiram Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRISON DINGES.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 6832) granting a pension to Harrison Dinges; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DE WITT CLINTON LEWIS.

Mr. EVERHART introduced a bill (H. R. 6833) granting arrears of pension to De Witt Clinton Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES D. KUNKLE.

Mr. CONNOLLY introduced a bill (H. R. 6834) granting an increase of pension to Charles D. Kunkle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BERNARD DONOHUE.

Mr. CONNOLLY (by request) also introduced a bill (H. R. 6835) granting a pension to Bernard Donohue; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REV. A. LUISELLI.

Mr. YOUNG introduced a joint resolution (H. Res. 243) to authorize Rev. A. Luiselli to import an organ free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his secretary.

WILLIAM RANDALL.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 6836) for the relief of William Randall on account of loss of registered letter by reason of defective postal car; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PUBLIC BUILDING AT JACKSON, TENN.

Mr. TAYLOR, of Tennessee, also introduced a bill (H. R. 6837) making an additional appropriation for the enlargement and completion of the court-house and post-office at Jackson, Tenn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EDWARD A. WEYMAN.

Mr. MILLER, of Texas, introduced a bill (H. R. 6838) referring the claim of Edward A. Weyman to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY RICKLEFSEN.

Mr. MILLER, of Texas, also introduced a bill (H. R. 6839) granting a pension to Henry Ricklefsen, of the revenue-marine service; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JOHN A. WHEELER.

Mr. POLAND introduced a bill (H. R. 6840) for the relief of John A. Wheeler, First Vermont Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. MONTEITH.

Mr. POLAND also introduced a bill (H. R. 6841) granting a pension to George W. Monteith, Company F, Tenth Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM DANIELS.

Mr. SNYDER introduced a bill (H. R. 6842) granting a pension to William Daniels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF MRS. SARAH TALBOTT.

Mr. WILSON, of West Virginia (by request), introduced a bill (H. R. 6843) for the relief of the legal representatives of Mrs. Sarah Talbott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FOREIGN MANUFACTURES STAMPED AS AMERICAN.

Mr. GUENTHER introduced a bill (H. R. 6844) to prohibit the importation of articles of foreign manufacture bearing a stamp, mark, or imprint conveying the impression that such articles are of American manufacture; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHALES W. FAUST.

Mr. GUENTHER also introduced a bill (H. R. 6845) for the relief of Charles W. Faust; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EASTERN PRESBYTERIAN CHURCH, DISTRICT OF COLUMBIA.

Mr. GUENTHER (by request) also introduced a bill (H. R. 6846) for the relief of the Eastern Presbyterian church in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HIRAM HASKELL.

Mr. DEUSTER introduced a bill (H. R. 6847) for the relief of Hiram Haskell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMPSON BEAVER.

Mr. WOODWARD introduced a bill (H. R. 6848) for the relief of Sampson Beaver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. VAN WAGENEN.

Mr. JONES, of Wisconsin, introduced a bill (H. R. 6849) for the relief of James H. Van Wagenen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAYTON D. TYLER.

Mr. JONES, of Wisconsin, also introduced a bill (H. R. 6850) for the relief of Dayton D. Tyler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY D. READER.

Mr. SUMNER, of Wisconsin, introduced a bill (H. R. 6851) for the relief of Mary D. Reader; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

The SPEAKER. The call of States and Territories has been concluded, but if there be no objection the Chair will now recognize gentlemen who were not in their seats when their States were called. The Chair hears no objection.

LIGHTING RIVERS BY ELECTRICITY.

Mr. COSGROVE (by request) introduced a bill (H. R. 6852) to authorize the lighting of the navigable rivers of the United States with electricity; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

G. A. NORTON.

Mr. ROSECRANS introduced a bill (H. R. 6853) for the relief of G. A. Norton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT SMITH AND PINE BLUFF HARBORS, ARKANSAS.

Mr. BRECKINRIDGE submitted the following resolution; which was referred to the Committee on Rivers and Harbors:

Resolved, That the Secretary of War is hereby requested to furnish at once to this House any information he has received, from the engineer in charge, of changes that have taken place since the last official report to Congress and that are taking place in the harbors of Fort Smith and Pine Bluff, Arkansas, including threatened cut-offs and the erosion of the banks of the harbor.

MARSHALL WILLARD.

Mr. NEECE introduced a bill (H. R. 6854) granting a pension to Marshall Willard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH F. MOTT.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 6855) granting a pension to Elijah F. Mott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives:

I transmit herewith a report of the Secretary of State in relation to the bill for the support of the diplomatic and consular services.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, April* 28, 1884.

The SPEAKER. This message, with the accompanying documents, will be referred to the Committee on Appropriations and ordered to be printed.

Mr. RANDALL. I suggest that the documents be referred and the committee empowered to order the printing if they should deem it necessary.

Mr. KEIFER. I believe it is usual for the House to order the printing of all communications of this kind.

Mr. RANDALL. If any considerable number of members of the committee desire the printing, of course it will be done; but I think it would be best to leave the printing discretionary with the committee.

Mr. KEIFER. If there is any question as to the propriety of printing the document, I make no objection to the course proposed.

The SPEAKER. The message and accompanying documents will be referred to the Committee on Appropriations, with discretion on the part of the committee to have them printed if it be deemed necessary.

THE COTTON CENTENNIAL EXPOSITION.

Mr. ELLIS, by unanimous consent, from the Committee on Appropriations, reported, as a substitute for H. R. 6679, a bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

JAMES MONTGOMERY.

Mr. WILSON, of Iowa, by unanimous consent, introduced a bill (H. R. 6857) for the relief of James Montgomery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. H. DENNY.

Mr. WILSON, of Iowa, by unanimous consent, also introduced a bill (H. R. 6858) granting a pension to D. H. Denny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT OF COLUMBIA BUSINESS.

Mr. MULDROW. I ask for the regular order.

The SPEAKER. By order of the House this day is set apart for the consideration of such bills as may be called up by the Committee on the District of Columbia.

Mr. MULDROW. The unfinished business in the Committee of the Whole House on the state of the Union is the bill (H. R. 3810) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, District of Columbia. The bill had been discussed, but no final action had been reached. I move that the Committee of the Whole House on the state of the Union be discharged from its further consideration. I am directed by the Committee on the District of Columbia to do that with a view to the recommittal of the bill.

Mr. BLOUNT. The status of the matter is this: Tellers were ordered and there was no quorum voting.

The SPEAKER. The motion of the gentleman from Mississippi can only be entertained by unanimous consent.

Mr. BLOUNT. That is what I supposed.

Mr. MULDROW. I ask consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bridge bill, and that it be recommitted to the Committee on the District of Columbia.

Mr. BLOUNT. I object.

PERSONAL EXPLANATION.

Mr. HEWITT, of New York. I desire, Mr. Speaker, to be recognized on a matter of personal privilege.

Mr. MULDROW. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MULDROW. Is that permissible at this stage of the proceedings?

The SPEAKER. The Chair knows no reason why it is not if it is a question of personal privilege. The Chair has not heard the statement of the gentleman from New York.

Mr. MULDROW. I thought I had the floor to submit a request, which was objected to.

Mr. HEWITT, of New York. I waited until the gentleman had finished his request.

The SPEAKER. The gentleman's request was submitted to the House and objected to, whereupon the gentleman from New York was recognized on a question of personal privilege.

Mr. HEWITT, of New York. Mr. Speaker, on Thursday last, during the debate on the amendment to the naval appropriation bill, I made a statement that the Secretary of the Navy had not complied with the law. This statement was controverted, and I have since been subjected, I am told, to very considerable criticism where the facts are either perverted or not fully understood.

I ask the Clerk to read a short passage from the act of March 3, 1883.

The Clerk read as follows:

Any vessel sold under the foregoing provisions shall be delivered to the purchaser upon the full payment to the Secretary of the Navy of the amount of such proposal or offer, and the net proceeds of such sale shall be covered into the Treasury. But no vessel of the Navy shall hereafter be sold in any other manner than herein provided, or for less than such appraised value, unless the President of the United States shall otherwise direct in writing. In case any vessel now in process of construction in any navy-yard has been or shall be found to be unworthy of being completed, and has been and shall be condemned under the provisions of said act, and can not properly be sold, and it becomes necessary to remove the same, the cost of such removal shall be paid out of the net proceeds derived from the sale of other vessels hereby authorized to be sold.

Mr. CALKINS. May I ask the gentleman what that act is?

Mr. HEWITT, of New York. It is the act of March 3, 1883.

Mr. CALKINS. What has been read is not in the act before me.

Mr. HEWITT, of New York. What the Clerk read was from the statutes.

Mr. CALKINS. That is not the language under which the sales took place.

Mr. HEWITT, of New York. The sales were made under the act of March 3, 1883, as the gentleman will find by referring to the report.

Mr. CALKINS. I agree they were sold under the act of March 3, 1883, but the act as read is not like the one I have before me.

Mr. HEWITT, of New York. The Clerk read it from the statute-book. It can be read again.

Mr. CALKINS. I only call the gentleman's attention to the fact I have stated.

Mr. HEWITT, of New York. The gentleman is mistaken. The Secretary reports under that act he sold vessels to the amount of $384,753. The act directed that money to be covered into the Treasury.

I now ask to have read a statement from the Treasurer of the United States.

The Clerk read as follows:

TREASURY OF THE UNITED STATES, *Washington, April* 25, 1884.

There was deposited by the Secretary of the Navy to the credit of his special account on the books of this office in September, October, and November, 1883, $312,716.05, from which there was checked out at sundry times $240,225.89, of which $200,000 was deposited in general Treasury as a miscellaneous receipt, sale of old vessels under section 5, act of March 3, 1883, leaving to the credit of special account $72,490.16. In addition there was deposited by the Secretary of the Navy with the assistant treasurer at San Francisco on November 30, 1883, to the credit of Hon. William E. Chandler, Secretary of the Navy, $46,287, which amount still remains on deposit according to the latest report of the assistant treasurer. The deposit in general Treasury of $200,000 was made April 18, 1884.

A. U. WYMAN,
Treasurer United States.

Furnished at request of Hon. A. S. HEWITT.

Mr. HEWITT, of New York. Now, Mr. Speaker, in reply to my statement that this money had not been covered into the Treasury, the Secretary of the Navy sent to this House a dispatch, which I will send to the Clerk's desk, also to be read.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, D. C., April* 24, 1884.

To Hon. W. H. CALKINS:

The proceeds of sales of old vessels, amounting to $384,753, as appears by my report, page 19, were immediately deposited in the Treasury of the United States and have there remained, except that drafts have been for advertising and expenses of sale.

W. E. CHANDLER,
Secretary of the Navy.

Mr. CALKINS. There was also an addendum to that dispatch, which will be found on the next page.

Mr. HEWITT, of New York. Then I will ask to have it read also, as I want the whole statement of the Secretary to appear.

Mr. CALKINS. The addendum relates to the expense of selling and of taking to pieces the two old vessels. It will be found on page 3656 of the RECORD.

Mr. HEWITT, of New York. Then I ask that it be read.

The Clerk read as follows:

Mr. RANDALL. I now move that the committee rise and report its action to the House.

Mr. CALKINS. Before that is done I desire to state that there were some words omitted from the dispatch from the Secretary of the Navy which I had read when the gentleman from Illinois [Mr. CANNON] was addressing the committee. With those words added, the dispatch will read as follows:

"The proceeds of the sales of old vessels, amounting to $384,753, as appears by my report, page 19, were immediately deposited in the Treasury of the United States, and have there remained, except that drafts have been * * * for advertising and expenses of sale, and expenses of taking to pieces two old vessels on the stocks, as allowed by law."

Mr. HEWITT, of New York. Those expenses are certified to in the document from which I read. They amount to about $37,000.

Now, Mr. Speaker, it is to be observed that the law requires the net proceeds arising from the sales of these vessels to be covered into the Treasury of the United States. The Treasurer says that they were not covered into the Treasury, but were deposited with him to the credit of the Secretary of the Navy and subject to his checks.

When money is covered into the Treasury of the United States it can only be taken out by act of Congress. That was the evident intention of the law which has been read from the desk. The Secretary of the Navy, instead of putting the net proceeds from these sales into the Treasury, as required by the law, where he could not get it out except by appropriations made through Congress, saw fit to deposit it with the Treasurer of the United States to his own credit, where it was subject to his individual draft, and, as the Treasurer tells me, he could have taken the whole amount out at any time on his mere check without a voucher of any kind whatever. Now, the Secretary exercised a wise discretion for which I commend him in depositing this money with the Treasurer of the United States rather than with a private bank; but it was not in the Treasury in the sense which the law intended, where it could not be subject to his check or his draft. On the contrary, he put it where it was subject to his check and his draft, which the law forbids.

It will be remembered that complaint was made of me that I did not find out when I made my statement on the floor that this money had been placed with the Treasurer. I will acknowledge that I was somewhat humbled when the gentleman from Illinois brought to my knowledge the fact that in the appendix to the report of the Secretary, and which appendix I had not then seen, there was a statement that the money had been deposited with the Treasurer of the United States.

I have been reproached with not having taken sufficient care to get at this fact. I went to every officer of the Treasury that had the accounts of money covered into the Treasury of the United States, and each one told me that it had not been covered into the Treasury. I did not go to the Treasurer for the simple reason that he does not keep these accounts; but I did go immediately after the debate in the House the other day, and I was informed that the money had been deposited by him as stated, but that it was the first occasion so far as he knew, and so far as the clerks in the Department knew, in which any money had ever been deposited with the Treasurer of the United States to the credit of the Secretary of the Navy. Therefore if I was in fault gentlemen will be a little merciful, because if I did not go immediately to the Treasurer of the United States to ask this information it was owing to the fact in the first place that it was not the proper place for the deposit of the money, and, secondly, because no man would have deemed it necessary to go there for the information since such a deposit had never been made before.

Again, in regard to the amount of money, about $500,000 is the joint receipts from the sales of the vessels and of the stores. The whole of this money has been in some way or somehow subject to the control of the Secretary of the Navy. On the 19th day of April, six days before I made the statement in this House, and three or four weeks after making the inquiry, the sum of $200,000 is directed to be covered into the Treasury of the United States; that is to say, one week ago. The money had been lying there for six months without interest, and as I believe in violation of the obligation of the law. But suddenly $200,000 of this money is directed to be covered into the Treasury of the United States, which is a practical admission that the money has not been in the right place. Upon receiving that information I addressed a letter to the Secretary of the Treasury of the United States asking him whether any money had yet been covered into the Treasury of the United States as the proceeds from the sales of the vessels or of the stores, and I ask now to have the letter of the Secretary read.

The Clerk read as follows:

TREASURY DEPARTMENT, *April* 25, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of this date asking to be informed whether any money has been covered into the Treasury since June 30, 1883, by the Secretary of the Navy, as proceeds of sales, giving dates, and amounts so covered into the Treasury.

In reply you are informed that there does not appear to have been any amount technically "covered into" the Treasury by warrant in the name of the Secretary of the Navy on account of sales during the period mentioned, but the records show that there was deposited with the United States assistant treasurer at San Francisco, Cal., to the official credit of the Secretary of the Navy during the period ended November 30, 1883 the sum of $46,287. This amount remained unchanged April 12, 1884, the date of the last return received from San Francisco.

During the month of October, 1883, four deposits were made with the Treasurer of the United States, Washington, D. C., to the official credit of the Secretary of the Navy, aggregating the sum of $277,000, and during the period from April 12 to April 19, 1884, the balance was reduced $200,000.

This latter amount was deposited to the credit of the Treasurer of the United States, and is now in process of being covered into the Treasury, but the warrant is not yet issued.

Very respectfully,

CHAS. T. FOLGER, *Secretary.*

Hon. ABRAM S. HEWITT,
House of Representatives.

Mr. HEWITT, of New York. So it appears that up to the present moment not one dollar of this fund is actually covered into the Treasury, but $200,000 of it on Saturday last was "in process" of being covered into the Treasury of the United States. Now, I charged that the law had not been complied with; that all the money derived from the sales of the vessels, the net proceeds, should have been covered into the Treasury. As a reason why this was not done gentlemen point to a subsequent clause of the law which says that certain vessels were to be broken up and the expense of breaking them up was to be deducted from the net proceeds of the sales of vessels. There is such a provision, I agree, and the construction, it seems to me, is perfectly plain. The net proceeds of the sales of vessels, less the expense of the sales, was to be covered into the Treasury, not deposited with the Treasurer subject to the check of the Secretary of the Navy. But when the vessels were broken up then there was authority to the Secretary of the Treasury to withdraw from the funds so covered into the Treasury the expense of breaking up these vessels, and that was to be done under the law, by a Treasury warrant, and can be done in no other manner. The authority to apply the money is contained in the words at the close of the section, "the cost of such removal shall be paid out of the net proceeds derived from the sale of other vessels hereby authorized by law." This can not mean the money which remains after the cost of breaking up vessels is paid, but it must mean the "net proceeds" of the vessels which were positively ordered to be covered into the Treasury. In other words, it is the Secretary of the Treasury and not the Secretary of the Navy who is to supply the money for breaking up the vessels.

Therefore I think the Secretary of the Navy is mistaken in his view of the law. The law says the net proceeds shall be covered into the Treasury. And that means the moment the net proceeds of the sales of the vessels are known those net proceeds are not subject to any deduction for breaking up ships. Those net proceeds tell their own story. It is what the ships produce; it is that which is to go into the Treasury. And then there is to come out of the Treasury, chargeable to this fund so covered into the Treasury, the money necessary to pay the cost of breaking up the vessels.

This I understand to be the law. But whether it be the law or not, I imputed then and impute now no intention on the part of the Secretary of the Navy to do any dishonest or dishonorable thing. On the contrary, I expressly disclaimed it. And now I wish to say further, that so far as I have observed the administration of the Secretary of the Navy in his Department it has been most creditable. I believe the whole tone of the service has been raised.

But that is not the issue in this case. The issue is whether he, a great officer of the Government, has obeyed the clear command of the law. I criticised what I believed to be his disobedience of it. I criticise it still. I do not make the hypercritical comments which I might make on the fact that his dispatch is apparently misleading when he says "deposited in the Treasury," instead of saying "deposited with the Treasurer of the United States." In the one case, if actually done, it was not subject to his check; in the other it was. I will not criticise the fact that part of the money is deposited in San Francisco instead of in Washington. Those are slight errors. I do not criticise the fact that the amount was misstated to be $384,000, and also misstated by his clerk to be $384,000. I do not criticise the fact that one of the vessels was not paid for and that really the amount is $29,000 less. When the Secretary sent his dispatch here he did not seem to know the fact that he never had had the $29,000. All that is consistent with rectitude of purpose and action. What I complain of is that he kept this fund under his own personal control.

As to the Secretary's motives I do not impugn them. I simply deal with the facts as I find them. It is the duty of members of Congress to watch closely the mode of handling the public funds. I deal with the fact that he kept this large sum of money subject to his control when the law required it to be placed beyond his control. If he could have put $200,000 one week ago into the Treasury he might have done it six months ago, for there was no possibility that this large sum of money could be required even for the purposes he claimed he had a right to retain it for. If he had a right to retain it for six months he had a right to retain it for six years, till the last of these rotten old vessels that can not be sold shall be broken to pieces.

I repeat that could not be the intention of the law. But if the Secretary thought it was the intention of the law I cheerfully acquit him of all purpose to violate it. Nevertheless it was violated according to the best construction I can put on it, and according to the opinion of competent lawyers whom I have consulted.

Mr. CALKINS addressed the Chair.

Mr. MULDROW. I wish to inquire of the Chair how long this discussion is to run?

Mr. CALKINS. Not long on my part.

Mr. HEWITT, of New York. I hope the gentleman from Indiana will be heard.

Mr. MULDROW. Do I understand the gentleman from Indiana claims to speak as a matter of right?

Mr. CALKINS. Yes, sir; as a matter of right, as a matter of privilege.

The SPEAKER. The gentleman from Indiana has not yet stated his purpose. The Chair supposed he rose to make a statement as to the matter on which the gentleman from New York [Mr. HEWITT] has spoken.

Mr. CALKINS. I rise to a question of privilege. But before proceeding I desire to call the attention of the House to three consecutive charges which the gentleman from New York [Mr. HEWITT] made against the Secretary of the Navy. In his first speech relating to this matter on Thursday last—I read from the RECORD—speaking of this money, he said:

I went through bureau after bureau and no trace of it could be discovered. By the terms of the sale that money was payable to the Secretary in thirty days after the day of sale, which was on the 21st September last. I ascertained that the money had been paid, and yet up to within three weeks—for I believe that covers the time the bill was under consideration—up to within three weeks the money had not reached the Treasury of the United States.

That was the charge; not that the money had not been covered into the Treasury, as the gentleman erroneously states now, but that it had not reached the Treasury.

Mr. HEWITT, of New York. Will the gentleman allow me to say, whatever I may have said, whether the language there is sufficient to express my meaning or not, I was following the law and meant covered into the Treasury; and I subsequently stated so.

Mr. CALKINS. The gentleman is as much mistaken in his explanation of the law as he was in the use of his language.

Mr. HAMMOND. Let the gentleman from Indiana read the preceding sentence.

Mr. CALKINS. The gentleman from New York is as much mistaken in his supplementary explanation as to what the law is as he is as to what he said. He went on to say:

Now, I make no charge whatever of improper use of that money. I do not believe the Secretary of the Navy would misappropriate one dollar of it; but this I say, that if he kept that money in the hands of some subordinate agent in the city of New York or the city of Boston or some other place, $500,000 in money which ought to have been in the Treasury of the United States, he neglected his duty.

The charge was that it had not reached the Treasury, and consequently, by innuendo, it was in some other place. But what is the next charge?

Mr. HEWITT, of New York. Will the gentleman allow me right there——

Mr. CALKINS. One moment. When I have got through reading I will listen to the gentleman. What is the next charge made by the gentleman?

I found after very thorough inquiry that $50,000 had been received from the navy agent or purchasing agent, or whatever he may be called, in the city of New York, on an open check, and the officer in charge of the bureau was unable to say on what account it came except it came to the credit of the Navy Department, and there it was, an open warrant waiting some explanation from somebody.

After being interrupted then by the gentleman from Colorado [Mr. BELFORD] the gentleman from New York [Mr. HEWITT] went on to say:

All I say is I will not trust a public officer to spend money who retains public funds in his custody which by virtue of law should be in the Treasury. I do not know what use, if any, may have been made of it; but I know this, there is no obligation on him to pay it into the Treasury until after the next election, unless he does it under obligation of the law, which he has not respected so far as I could get any information at the Treasury Department.

The second charge by way of innuendo is that, this money not being "in the Treasury," there was no obligation on the part of the Secretary of the Navy to pay it into the Treasury until after the next election. It was not "in the Treasury" because it was to be retained until after the next election. That is charge No. 2. The last charge is this:

I did not know this debate was coming up or I would have gone to the Treasury to see whether the money is there now. It may be there now for aught I know. If not it is in somebody's custody, possibly drawing interest which does not inure to the benefit of the United States.

That is charge No. 3. Now I will hear the gentleman.

Mr. HEWITT, of New York. When the gentleman began to read from my remarks he began to read from the third paragraph. Now if he will kindly read the second paragraph, or allow me to read it, it will probably clear up the meaning of the words "in the Treasury" as I used them in what I said. Will the gentleman allow me to read it?

Mr. CALKINS. I have no objection to the gentleman reading it right now. I have put before the House the three charges the gentleman made. As to the question about "covering into the Treasury" I will speak in a moment.

Mr. HEWITT, of New York. If the gentleman will do me the justice to let me read it now——

Mr. CALKINS. I would prefer that the gentleman should read it in his own time, and not now.

Mr. HEWITT, of New York. But the gentleman has read only portions of my remarks.

Mr. CALKINS. I read all of the three charges made by the gentleman against the Secretary of the Navy.

Mr. HEWITT, of New York. If the gentleman will not do me the simple justice to allow me to explain——

Mr. CALKINS. I would not do injustice to any man in the world. If the gentleman has anything to read that will throw light upon the three charges which he made and which I have read from his speech, he may read it now. I think it will throw no light upon them at all; I know what it is.

Mr. HEWITT, of New York. This is what I said:

Under a subsequent act passed March 3, 1883, giving similar authority as to vessels, he proceeded to have appraised and condemned a large number of vessels which were sold in September last and produced according to his annual report something over $300,000, which, added to the sales of condemned stores, made a total of nearly $500,000, which he was bound by law to cover into the Treasury.

That was the charge which I made against him, that he did not "cover it into the Treasury."

Mr. CALKINS. Very well. I have stated before that the gentleman made the charges which I have specifically pointed out to the House. I have allowed him to supplement what he then said in those charges by reading another portion of his speech in which he was talking of what the law requires. Now I will come immediately to the law, and I will show that the gentleman, not being a lawyer, is as much out of the true line in that statement as he was in making the statement upon the floor on Thursday last which I have just read. I will read now section 5 of the act of March 3, 1883, under which these vessels were sold, and I will read all the sections:

It shall be the duty of the Secretary of the Navy to cause to be appraised, in such manner as may seem best, all vessels of the Navy which have been stricken from the Navy Register under the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, approved August 5, 1882. And if the said Secretary shall deem it for the best interest of the United States to sell any such vessel or vessels, he shall, after such appraisal, advertise for sealed proposals for the purchase of the same, for a period not less than three months, in such newspapers as other naval advertisements are published, setting forth the name and location and the appraised value of such vessel, and that the same will be sold, for cash, to the person or persons or corporation or corporations offering the highest price therefor above the appraised value thereof; and such proposals shall be opened on a day and hour and at a place named in said advertisement, and record thereof shall be made. The Secretary of the Navy shall require to accompany each bid or proposal a deposit in cash of not less than 10 per cent. of the amount of the offer or proposal, and also a bond, with two or more sureties, to be approved by him, conditioned for the payment of the remaining 90 per cent. of the amount of such offer or proposal within

the time fixed in the advertisement. And in case default is made in the payment of the remaining 90 per cent., or any part thereof, the Secretary, within the prescribed time thereof, shall advertise and resell said vessel under the provisions of this act. And in that event said cash deposit of 10 per cent. shall be considered as forfeited to the Government, and shall be applied, first, to the payment of all costs and expenditures attending the advertisement and resale of said vessel; second, to the payment of the difference, if any, between the first and last sale of said vessel; and the balance, if any, shall be covered into the Treasury.

That is it, "the balance, if any, shall be covered into the Treasury."

Mr. HEWITT of New York. That is the case of a vessel not sold and which is to be resold. Now, will the gentleman read on as to the others?

Mr. CALKINS. The terms of the provision——

Mr. HEWITT of New York. Will the gentleman read on?

Mr. CALKINS. The terms of the provision for covering the money into the Treasury apply to the whole fund. You can not limit the provision to those vessels which are resold. I construe the law to reach the whole fund, and the whole expenditure under the law.

Mr. HEWITT of New York. Will the gentleman read the rest of the clause?

Mr. CALKINS. Certainly.

Provided, however, That nothing herein contained shall be construed to prevent a suit upon said bond for breach of any of its conditions. Any vessel sold under the foregoing provisions shall be delivered to the purchaser upon the full payment to the Secretary of the Navy of the amount of such proposal or offer, and the net proceeds of such sale shall be covered into the Treasury.

Mr. HEWITT, of New York. That is it. As each vessel is sold the net proceeds are to be paid into the Treasury.

Mr. CALKINS. Mr. Speaker, the gentleman and I can not indulge in any play upon words. The law requires that "the net proceeds of such sale shall be covered into the Treasury." The net proceeds of what?

Mr. HEWITT, of New York. Of the sale of the vessel.

Mr. CALKINS. And the net proceeds are the amount remaining after the payment of all expenses?

Mr. HEWITT, of New York. Yes, sir.

Mr. CALKINS. Now I will show the gentleman before I get through that the Secretary of the Navy had not done paying the expenses in connection with the sales of these vessels——

Mr. HEWITT, of New York. And never will be.

Mr. CALKINS. And he could not, therefore, turn the money into the Treasury. Now, how could the Secretary cover the proceeds of the sale of a vessel into the Treasury until he had paid the expenses of the sale? The gentleman says he never will be done paying these expenses. That is on a par with the extravagant statements which the gentleman has frequently made on this floor.

Mr. HEWITT, of New York. Then I take it back, and say "may never be paid."

Mr. CALKINS. The act continues:

But no vessel of the Navy shall hereafter be sold, &c.

I need not read further, because I have read all that refers to the disposition of the proceeds of these sales.

Now, Mr. Speaker, I come to the manner of executing that law; and the gentleman could have found out the facts by inquiring at the Navy Department of the bureau officers who have had these sales in charge. What is the fact? Advertisements were published, appraisements were made, the proposals were sent in, and when the bids were opened parties who submitted those bids came forward, some with drafts, some with checks, some with money. The officer in charge of the matter—because the Secretary of the Navy simply directed the proceedings—took these drafts or checks or money constituting the 10 per cent. advance, and sent them from his office directly over to the Treasury, where they were deposited as the law requires. He could not cover the money into the Treasury until the net proceeds had been ascertained.

What next did he do? Then the sale of these vessels took place. As fast as the money was paid (and this the gentleman could have found out if he had made inquiry) the money was carried right over to the Treasury Department, and there deposited to the credit of the Secretary of the Navy on special account. Why? Because if the money had been covered into the Treasury an act of Congress would have been required to get it out in order to pay the expenses. But the money being deposited to his account, the Secretary of the Navy could check against it, provided he presented a voucher within the law which would pass the auditing officer, not otherwise; and the gentleman knows it. After money has been deposited on the public account it can not pass the auditing officer until a sufficient voucher is presented showing that the expenditure is for a purpose within the law. Now, what did the Secretary of the Navy do? He had the right to deposit this money anywhere.

Mr. MULDROW rose.

The SPEAKER. The gentleman from Indiana [Mr CALKINS] will suspend his remarks. The gentleman from Mississippi [Mr. MULDROW] rises, as the Chair understands, to a question of order, which he will state.

Mr. MULDROW. I have no desire to interrupt this debate except for the reason that this is a day set apart for the consideration of business from the Committee on the District of Columbia; and I make the point of order that the discussion now proceeding does not present a privileged question which has the right to consume the time appropriated to business of the District of Columbia.

Mr. CALKINS. I submit that if there has been, as charged by the gentleman from New York, a violation of the law on the part of an officer of this Government, it is a little ungracious that the explanation should not be allowed to accompany the charge. I trust, therefore, my friend from Mississippi will withdraw his point and let me go on for a few moments.

Mr. MULDROW. How much time does the gentleman desire?

Mr. CALKINS. I can not indicate exactly—not more than ten or fifteen minutes.

Mr. MULDROW. I withdraw my objection, so that the gentleman may proceed ten or fifteen minutes longer.

Mr. CALKINS. Thanks. Now, Mr. Speaker, I have shown that the gentleman from New York made three specific charges, which he has come back this morning and modified by saying, first, that he intended to say the money was not covered into the Treasury as provided by law. I submit to the judgment of any gentleman in this House whether that law requires that the money be covered into the Treasury until the net proceeds are ascertained.

But what did the Secretary of the Navy do? I make this statement for the Secretary: that without any knowledge that there was any gentleman pursuing him through the Treasury Department, without any knowledge that inquiry had been made on the subject, rather than have so large a fund standing to his special credit, he voluntarily covered $200,000 of the money into the Treasury on April 18, 1884, and before these accounts were closed, leaving to his credit a sufficient sum to draw against to pay the expenditures which the law contemplates shall be paid out of these proceeds. Now, what is the fact? The sales of these vessels amounted to a gross sum, as the Secretary stated in his report, of $383,000 in round numbers. It is true that by mistake on the part of the Navy Department, or some person connected with it, the sale of the ship Niagara had to be canceled because it was advertised to be sold with boilers and engines in the vessel. It turned out they were not in the vessel, and the Secretary could not retain the 10 per cent. of the amount bid and it had to be paid back when the sale was canceled. That comes out of the sum reported by the Secretary, because, as I have said, the contract has since been canceled and the vessel is unsold.

What is the next fact? The amount of money deposited, as shown by the letter the gentleman had read from the Treasurer, a substantial copy of which I have in my hand, shows the Secretary of the Treasury and the telegram of the Secretary of the Navy of last Thursday exactly agree. The sum deposited in the subtreasury at San Francisco (the place where a part of these vessels were, and they had to be sold by the officers there and the proceeds deposited in the subtreasury there), added to the amount deposited in the Treasury here, make up the exact sum the vessels sold for.

What is the next step? The gentleman again by insinuation said the material sold, amounting to $138,000 in round numbers, has not been accounted for by the Secretary in this statement. Does not the gentleman from New York know the Secretary of the Navy has no personal contact with that at all? These materials are sold at the different yards by the commandants of the different yards, and the money is paid to the different paymasters in those yards, and these reports of sales are made to the Secretary of the Navy in the ordinary course of business from these yards. Not a dollar of that money ever comes into the hands of the Secretary of the Navy at all. These paymasters settle directly as disbursing officers with the Treasury Department.

Am I right in that? Yes; section 3622, Revised Statutes, will give the gentleman proper information on that subject. And if he had taken pains to look up the law—as much pains to look up the law as he has to form charges against the officers of the Government—he would have been spared the mortification of making indirect charges against the Secretary on this account, which are so easily shown to be without foundation. I have given, Mr. Speaker, the exact history of this transaction. I will not go specifically into detail. I have the details here as to the sales of this old material; $71,386 is the amount which actually so far has been placed in the Treasury by the different officers of the different yards. The balance is in their hands, but will be covered into the Treasury before the beginning of the next fiscal year, as is the custom of the Departments, and will be accounted for after paying out the expenses of the sales under the law.

I have the specific amounts here, which any gentleman may get by calling on the auditor; but I will not take up the time of the House to read them.

Now, the gentleman charges that the Secretary of the Navy violated the law because he did not cover this money into the Treasury within six months after the sale. The fact is, this money was not paid six months ago. The longest time was five months ago. The Secretary of the Navy had deposited this money in the Treasury at the time it was received, which was not a violation of law, but exactly within the terms of the law.

The gentleman's next charge is that this is the first time an officer has ever deposited money to his special credit.

Mr. HEWITT, of New York. I said the Secretary of the Navy.

Mr. CALKINS. This is the first law so far as I know or am informed

that ever authorized the Secretary of the Navy to do it. The other laws have been general, declaring that the gross amount should be covered into the Treasury and reported to Congress to make appropriations for the necessary expenses.

Mr. HEWITT, of New York. I said any account, gross or net.

Mr. CALKINS. This is the only law ever authorizing the Secretary of the Navy so to do that I know of, and he pursued the exact course provided.

Mr. HEWITT, of New York. Did not the law say "cover into the Treasury?"

Mr. CALKINS. Oh, yes; the net proceeds, whenever those are ascertained, and, as I have said before, the net proceeds are not ascertained until the expenses have been paid and deducted from the gross proceeds.

Mr. BELFORD. What does it cost to break these vessels up?

Mr. CALKINS. There remain the Colossus, Massachusetts, the Oregon, the Pennsylvania, the Java, and Virginia yet to be broken up. It cost to break up the two vessels already broken up about $30,000. I do not expect to give the exact sum, but the two vessels already broken up cost about that sum. There yet remain six vessels to be broken up. What is the further fact? After a vessel is broken up the material is sold and the Government receives the net amount after deducting expenses. That is why this money is yet to the credit of the Secretary of the Navy; and the reason is apparent to any man who will consider the matter, that if it were covered into the Treasury it would require an appropriation from Congress to get it out and apply it to these expenditures.

Mr. HEWITT, of New York. Let me ask the gentleman, if he, as a lawyer—for I do not claim to be one—will say that under the law as it now stands, and the proceeds had been paid in, the Secretary of the Treasury would not be authorized to pay it out again on account of the necessary expenses attending the carrying into execution of the law?

Mr. CALKINS. Not without a special act of Congress, if I understand the gentleman's question.

Mr. HEWITT, of New York. I ask the gentleman if the law is not sufficiently broad as it is to authorize such payments?

Mr. CALKINS. It is not.

Mr. HEWITT, of New York. That is your judgment as a lawyer?

Mr. CALKINS. That is my judgment as a lawyer, and I am willing to submit it to the judgment of every lawyer on this floor.

Mr. HEWITT, of New York. I have been advised by lawyers that it was a plain proposition, and that he would have that right.

Mr. CALKINS. The gentleman from New York must know that when money is covered into the Treasury under the law it becomes a part of the general fund of the Treasury, and cannot be taken out to be used for any purpose unless by regular appropriations.

Mr. HEWITT, of New York. But there is a law already providing for this special payment.

Mr. REED. No, there is not.

Mr. CALKINS. By no means, there would be no authority for it.

Now, Mr. Speaker, I have completely, I think to the satisfaction at least of every reasonable man, vindicated the foul charge which the gentleman made last Thursday against the Secretary of the Navy; and I want to say in the presence of this House and of this country that my deliberate judgment is that every honest and candid man will simply say that this performance of the gentleman from New York in shifting his ground as he has done this morning is a mere subterfuge. That is my judgment, and I believe will be and is the judgment of every man who heard his former statement. In his remarks last Thursday he would have this House and the country to understand, and I submit that was the gravamen of his charge, that the Secretary of the Navy was dishonest and corrupt in the particulars which he specified. For what can be more dishonest or corrupt than to take advantage of a Government position and hold money belonging to the people and allow it to draw interest, not for the people's benefit or for the benefit of the Government! What could be more corrupt than the indirect charge that a great officer of this Government was keeping the money of the people and would not turn it into the Treasury, but would hold it until after the next political campaign?

Now, sir, it is against these very charges that I inveigh. It is against that sort of innuendo, that sort of indirection that I raise my voice. I know that some men are so constituted that instead of deliberately walking up and attacking a man fairly and openly, they spring from a dark alley with dagger in hand to attack their victims. I do not think that is honorable warfare; nor do I think, sir, that on this floor any gentleman who occupies a position such as the gentleman from New York occupies ought to make an attack upon a man in this way. If he dared not make a direct charge, common decency and common honesty ought to have warned him to keep his mouth closed until he had evidence to support such charges. That is all I wish to say. [Applause on the Republican side.]

Mr. HEWITT, of New York, rose.

Mr. MULDROW. Mr. Speaker, I would like to inquire how much time the gentleman from New York proposes to occupy?

Mr. HEWITT, of New York. I shall only occupy about five minutes.

Mr. MULDROW. Then I will not demand the regular order until the expiration of that time, but I give notice now to gentlemen that I shall insist upon the regular order immediately afterward.

Mr. HEWITT, of New York. Mr. Speaker, with the personal remarks of the gentleman from Indiana I confess that I do not care to deal. That is not in my line. Vituperation is no answer to argument.

This is the fact: that I made no imputation either by way of indirection or subterfuge, nor have I dealt any blow of the assassin, as the gentleman chooses to call it, against the Secretary of the Navy. I can leave the Secretary of the Navy with his own record and I can stand upon mine.

But when the gentleman says that I have shifted my ground from the charge which I made when last this subject was before the House, I refer him to the official record of the proceedings of this House. The last words that I uttered in the House on that subject were as follows:

And now, when the investigation is made, gentlemen will find that although the money may be in the custody of the Treasurer of the United States, it is not covered into the Treasury in the manner the law requires, but it is still subject to the control of the Secretary, and that is the gravamen of my statement.

Now, then, I reiterate this statement, and I have proven it. When the gentleman refers to these old materials which he says the Secretary of the Navy is not responsible for, I refer him to the law bearing upon the subject, of August, 1882, which the Secretary has not complied with any more than he has complied with the law in regard to the sale of the vessels.

And when any such old material can not be profitably used as aforesaid the same shall be appraised and sold at public auction after public notice and advertisement shall have been given according to law under such rules and regulations and in such manner as the said Secretary may direct. The net proceeds arising from the sales of such old materials shall be paid into the Treasury. It shall be the duty of the Secretary of the Navy annually to report in detail to Congress, in his annual report, the proceeds of all sales of materials, stores, and supplies made under the provisions of this act, and the expenses attending such sales.

His report does not contain a word upon the subject beyond giving the gross amount of sales as $138,000. The gentleman from Indiana holds a paper which he says contains the detailed information. He asks why I did not go to the Secretary of the Navy to get this information. The law required this information to be placed "in his annual report in detail, with the expenses of the sales."

Mr. CALKINS. You will find it all there, if you will only look.

Mr. HEWITT, of New York. I beg the gentleman's pardon. I have searched every page and can not find it. I will be glad to be referred to it, and will make the necessary correction if the gentleman will show it to me. I find a statement of the sales of the vessels.

Mr. CALKINS. You will find it after the report as to the sales, the amount of which is $138,000.

Mr. HEWITT, of New York. But the law says it shall be reported in detail with the expenses of the sales.

Mr. CALKINS. The Secretary makes rules and regulations and you know what they are. If you look into the report of the Secretary you will find that the yards make these reports and that they are included in their annual reports.

Mr. HEWITT, of New York. The gentleman says my charge against the Secretary of the Navy that he does not comply with the law is not true. I have pointed him in regard to the sales of the vessels to one violation of the law when the Secretary failed to pay the net proceeds into the Treasury. The gentleman tried to obscure that plain mandatory provision of the law by referring to the portion of the act which relates only to unfulfilled sales and to which my charge had no reference.

And now as to old materials the gentleman says I have insinuated something. I do not insinuate anything. But I charge that the provisions of the statute have not been complied with, and that this Congress is not in possession of the information which the Secretary is bound to give in regard to the sales of these old materials. More than that; I have asked the Treasurer if he has any deposits for sales of old materials, and he says he has not. I have no doubt they are on deposit somewhere. I repeat and reiterate the fact that the provisions of the law have not been complied with by a great officer of this Government; and if I had done less than I have done in stating the facts to the House and the country I should have failed in my duty as a Representative on this floor. [Applause on the Democratic side].

Mr. CALKINS. I desire to have printed in the RECORD a statement of the law and the facts as to these old materials as prepared in the Department.

Mr. HEWITT, of New York. I have no objection to that.

The statement is as follows:

SALES OF MATERIAL.

The sales of material were authorized in the act of August 5, 1882, which directed the Secretary of the Navy "to cause an account to be taken of the stock of stores and supplies pertaining and belonging to the several bureaus of the Navy Department, in which account shall be stated the original cost of each article and the date of purchase, so far as the same is known, and cause an appraisement of the present value of such stores and supplies to be made and entered in such account; and said appraised value, when so entered, shall hereafter be the price at which they shall be charged in accounting with the several bureaus. Such appraisal shall be made by boards of officers of the Navy to be designated by the Secretary; and all such stores and supplies that shall be found by boards of appraisers to be unserviceable for use in the Navy, shall be condemned and sold in the manner hereinafter provided for the sale of old materials, and the proceeds thereof, after deducting the cost of such appraisal, condemnation, and sale, shall be paid into the Treasury."

Owing to the length of time required for an account to be taken of all the property in the hands of the Navy Department and its bureaus, and for making an appraisal, and for condemnation of what was unserviceable, the sales did not

take place until September and October, 1883. The gross amount realized, as stated in the Secretary's report, page 19, was about $138,000, from which was to be deducted under the law "the cost of appraisal, condemnation, and sale," and the net proceeds were to be paid into the Treasury. The sales were made by public auction, at the various yards and stations, the paymasters at the yard receiving the proceeds, paying the costs therefrom, and themselves depositing the proceeds in the Treasury.

Remittances from the paymasters, as well as their accounts, are sent direct to the Treasury, without going to the Navy Department, and the accounts are audited in the same manner as other accounts by the accounting officers of the Treasury.

Of the total amount, $71,000 has been deposited, according to the books of the Treasury, by remittances made from time to time by the paymasters, to be covered into the Treasury as "miscellaneous receipts." Deducting the costs of the sales, there remains about $50,000 still in the hands of the various paymasters, to be by them covered into the Treasury when all accounts shall have been settled. In some cases a delay in settlement has arisen from claims of purchasers that the articles sold were not of the quality, quantity, or measurement represented. A further delay has been caused by the fact that the Bureau of Ordnance having on February 26 presented the question to the Department whether under the law of March 3, 1875, the proceeds of the sale of ordnance material were not applicable to the purchase of new material, the question, after consultation with the officers of the Treasury, was decided affirmatively, and the proceeds of such sales, as far as the same had not already been covered in, were directed to be retained for the purposes of the bureau.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. RANDALL. As to the communication from the Secretary of State in relation to the bill for the support of the diplomatic and consular service, communicated to the House this morning in a message from the President, I understand it will be more satisfactory to the other side of the House to have it immediately printed, to which I give ready assent.

The SPEAKER. If there be no objection the message and accompanying letter will be printed.

There was no objection.

BRIDGE OVER THE POTOMAC.

Mr. MULDROW. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills reported by the Committee on the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. VANCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering reports from the Committee on the District of Columbia. The unfinished business is the bill (H. R. 3810) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C. The pending motion was to lay the bill aside to be reported favorably to the House.

Mr. BLOUNT. Tellers had been appointed on that motion.

Mr. MULDROW. In consequence of the absence of the chairman of the Committee on the District of Columbia, the gentleman from Virginia [Mr. BARBOUR], I ask that the further consideration of the bill be not had at this time, and that it be passed over without prejudice.

Mr. BLOUNT. I wish to say that the debate on the bill had been concluded. Such debate had been had as was satisfactory to the gentleman from Virginia and the Committee on the District of Columbia, and a motion was made to lay the bill aside to report it favorably to the House. Tellers had been ordered on that motion. I do not see any reason for postponing the further consideration of the bill.

The CHAIRMAN. The tellers reported that no quorum had voted.

Mr. BLOUNT. That is exactly the condition.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the bill be passed over informally.

Mr. MULDROW. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MULDROW. Is it not in order to withdraw the motion to lay the bill aside to be reported to the House with a favorable recommendation?

The CHAIRMAN. The Chair thinks not, except by unanimous consent.

Mr. BLOUNT. The Chair had ordered tellers to ascertain the sense of the committee on that question.

Mr. WARNER, of Ohio. I did not understand that debate was necessarily closed upon that bill.

Mr. BLOUNT. Debate on the bill was not necessarily closed; but the object was to dispose of it, to lay it aside and take up another bill.

The CHAIRMAN. Is there objection to passing the bill over for the present?

Mr. BLOUNT. I object.

The CHAIRMAN. The tellers, the gentleman from Alabama, Mr. SHELLEY, and the gentleman from Georgia, Mr. BLOUNT, will resume their places.

Mr. WARNER, of Ohio. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WARNER, of Ohio. I desire to ask what was the condition of the bill at the time the vote was being taken, and particularly whether the motion to substitute the aqueduct site for the site at Three Sisters had been adopted? I do not remember whether it had been or not. I think we should know how the bill stands before we proceed to vote upon it.

The CHAIRMAN. The committee had considered the bill and reached that point that a motion was made to lay it aside and report it favorably to the House; and on that motion a quorum did not vote, whereupon tellers were ordered.

Mr. WARNER, of Ohio. I will ask for the reading of the bill as it stood at the point when the vote by tellers was ordered.

The CHAIRMAN. Is there objection to the reading of the bill?

There was no objection.

The Clerk began the reading of the bill, but was interrupted by

Mr. MULDROW, who said: I object to the consideration of this bill at the present time.

Mr. BLOUNT. The gentleman can not do that. The tellers are on the floor and the Committee of the Whole is dividing.

Mr. HOLMAN. I submit that after a bill has been under consideration the question of consideration can not be raised upon it; it comes up as unfinished business.

Mr. RANDALL. If I understand this matter the request is made that the bill be passed over for the present because of the absence of the chairman of the Committee on the District of Columbia. That, of course, must be done by unanimous consent. The bill relates to a portion of his own district, and I really think as a matter of courtesy the Committee of the Whole should allow the bill to be passed over.

Mr. MULDROW. I objected to the consideration of this bill, and the first matter to be decided is whether the Committee of the Whole will now consider the bill.

Mr. BLOUNT. In reply to that I wish to say that the Committee of the Whole has already determined to consider the bill, and it has been considered for some time and it comes up now as unfinished business. Not only that, but tellers had been ordered upon the motion to lay the bill aside and report it favorably to the House when the committee last had this bill under consideration.

Mr. RANDALL. And the Committee of the Whole was dividing?

Mr. BLOUNT. It was dividing.

Mr. RANDALL. I will ask the gentleman if he does not think that this is a reasonable request to make, when the chairman of the committee reporting the bill is absent?

The CHAIRMAN. Does the gentleman from Mississippi [Mr. MULDROW] object to the consideration of this bill at the present time in Committee of the Whole?

Mr. MULDROW. I do.

The CHAIRMAN. Then it is the duty of the Chair to report that fact to the House.

Mr. BLOUNT. Is it not too late for such an objection as that to be made, even if in order at all on unfinished business? The Chair had already directed the tellers to take their places, and the gentleman from Ohio [Mr. WARNER] had asked that the bill be read, to which there was no objection, and the reading of the bill had been commenced by order of the Chair.

The CHAIRMAN. And then the gentleman from Mississippi [Mr. MULDROW] made objection to the consideration of the bill at the present time.

Mr. BLOUNT. I submit that that objection comes too late, even if it was in order at all.

Mr. WARNER, of Ohio. It was not only too late, but I hold that the gentleman from Mississippi could no more raise that objection to-day than he could during the last session of the Committee of the Whole when this bill was under consideration and after its consideration had been begun. Besides, the reading of the bill having been commenced to-day, I submit that an objection to the reading of the bill is also too late.

Mr. BLOUNT. The Chair had ordered the tellers to take their places.

The CHAIRMAN. But the tellers had not taken their places.

Mr. BLOUNT. That makes no difference.

Mr. WARNER, of Ohio. I will state that for myself I am willing that the whole matter shall go over.

Mr. STORM. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STORM. What would have been the next step on the day when this bill was under consideration in Committee of the Whole after the committee divided and found itself without a quorum on the motion to lay this bill aside to be reported favorably to the House?

The CHAIRMAN. It would have been the duty of the Chair to report to the House the fact that the Committee of the Whole had found itself without a quorum.

Mr. STORM. Then why should we not commence at that point now?

Mr. MORSE. If my friend will allow me, I will answer him by saying that we do not commence at that point now from the very fact that the committee to-day finds itself with a quorum.

Mr. RANDALL. I do not gainsay the parliamentary correctness of the position of the gentleman from Georgia [Mr. BLOUNT]; but I do say that where an act of courtesy is asked, in view of the absence of the chairman of the committee, and where the subject-matter of the bill relates to his own district, it is but seldom that the House has ever refused to extend that courtesy.

Mr. BLOUNT. As the gentleman puts it upon a matter of courtesy,

allow me to say that this bill was taken up and discussed for a very large part of the day. The gentleman from Virginia [Mr. BARBOUR] was here that day and had charge of the bill. After discussion the mind of the Committee of the Whole was against the bill, as evidenced by a vote of about two to one against laying the bill aside to be reported favorably to the House. The point of order was then made that no quorum had voted. The bill now comes up to-day as unfinished business, and the committee should proceed to dispose of it.

I do not understand that this is a matter that relates to the district of the gentleman from Virginia [Mr. BARBOUR]. It is a question whether or not the people of this District and of the country are to be taxed for the construction of a free bridge across the Potomac. It has been constantly held in the discussion here that this bridge is not in the interest of the district of the gentleman from Virginia, but is in the interest of this city and of the Government, because the Government has a national cemetery at Arlington and a Signal Service post across the Potomac. I do not think it is fair to put this question on a matter of courtesy simply after it has gone so far. The bill was fully discussed, to the satisfaction of the gentleman from Virginia, who was here.

Mr. RANDALL. I do not want to discuss the merits of the bill at all. If it is a bill of the character which the gentleman describes, the two-third vote against it is not likely to be lessened, and I shall probably be found with the gentleman from Georgia [Mr. BLOUNT] in the position that this bridge is not properly located. But I do say that as proposed it will cross the Potomac into a portion of Virginia which is embraced in the district of the gentleman from Virginia [Mr. BARBOUR], the chairman of the committee having reported this bill, who is now absent from the House.

Mr. BLOUNT. And I wish to say that the gentleman from Virginia was apparently satisfied with the discussion of this bill, and the motion had been made to lay it aside to be reported favorably to the House. The Committee of the Whole understands the bill fully, and I think think while the matter is in the minds of members it is due to the country that it should be determined one way or the other.

Mr. SPRIGGS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SPRIGGS. Being entirely unacquainted with the rules of this House I will ask this question: Is it ever too late for a majority of this House to be courteous to the absent chairman of a committee? As regards the merits of this bill, I was not here when it was taken up, and I do not know what was said in reference to it.

But the question involved is whether or not there shall be a free bridge built somewhere. There is no question that the District of Columbia and the inhabitants of the State of Virginia are interested in this question, because at Georgetown there is now a bridge over which no one can pass with a double team without paying a toll of 50 cents, which is a very great tax to everybody having occasion to use that bridge.

All that is asked by the committee now is that this question be not considered for the present. In the House the request was made that the bill be sent back to the committee, but gentlemen for some reason or other captiously object. It can not be possible that it is in the interest of the people of the District of Columbia or the people of Virginia. It may possibly be in the interest of the men who own the toll bridge. I can not see any other interest which any one can have in insisting that this question be now discussed when the committee desire its postponement. Therefore I ask that the House by a majority vote, if it is possible, extend the courtesy which is asked by reason of the absence of the chairman of the committee.

Mr. BLOUNT. I wish to say a single word in reply to the gentleman from New York [Mr. SPRIGGS]. The law under which this District is governed does not contemplate that the District Committee shall have jurisdiction over a matter of this kind. It directs that the District commissioners make their estimates, which, under the rules of this House, go to the Committee on Appropriations. The Committee on the District of Columbia has no more jurisdiction over this question than the Committee on the Territories, or any other committee. It does not become the gentleman, in view of this fact, to say that any one has objected "captiously," when the rules of this House do not intend that his committee shall have jurisdiction of this question.

The CHAIRMAN. The gentleman from Mississippi [Mr. MULDROW] asks unanimous consent that this bill be laid aside without prejudice, retaining its place on the Calendar. Is there objection?

Mr. BLOUNT. I object.

Mr. MULDROW. Now, Mr. Chairman, I object to the consideration of the bill.

The CHAIRMAN. The gentleman from Mississippi objects to the consideration of the bill. The committee will rise and report the objection to the House.

Mr. STORM. I raise the point that it is too late to object to the consideration of the bill, the bill having been considered.

Mr. BLOUNT. I think the gentleman from Pennsylvania [Mr. STORM] is correct in his point. The Chair had directed the tellers to take their places, and they had advanced for that purpose, when the gentleman from Ohio asked for the reading of the bill, which the Clerk was doing——

The CHAIRMAN. The Clerk, as the Chair understands, had not begun to read the bill, and the tellers had not taken their places when the gentleman from Mississippi made the objection.

Mr. WARNER, of Ohio. The Clerk had commenced the reading.

Mr. BLOUNT. I submit that the reading of the bill had begun.

Mr. McCOMAS. Since that time there have been further proceedings, and at least two speeches upon the merits of the bill by the gentleman from Georgia. The gentleman from Mississippi now objects to the further consideration of the bill, which has twice been debated by the gentleman from Georgia. I ask whether that is not in order at this time?

Mr. BLOUNT. I submit that according to the statement of the gentlemen from Maryland [Mr. McCOMAS] the bill has been considered and debated.

Mr. MULDROW. I withdraw my objection to the consideration of the bill.

The CHAIRMAN. The tellers will take their places.

Mr. WARNER, of Ohio. The reading of the bill having been begun——

The CHAIRMAN. Does the gentleman from Ohio call for the reading of the bill?

Mr. WARNER, of Ohio. I call for the continuance of the reading which was begun.

The CHAIRMAN. Is there objection to the reading of the bill?

Mr. MORSE. I object.

The CHAIRMAN. The tellers will take their places.

Mr. WARNER, of Ohio. I desire the Chair to rule on the point of order whether, the reading having begun, an objection can come in now and prevent the completion of the reading.

The CHAIRMAN. The Chair has ordered the tellers to take their places.

Mr. WARNER, of Ohio. But I think the Chair must rule on my point of order.

The CHAIRMAN. It is the recollection of the Chair that the bill was not in course of reading—that the Clerk had not begun the reading.

Mr. WARNER, of Ohio. That is a question which the Clerk can settle. I am certain I heard some portions of the bill read.

The CHAIRMAN. The gentleman from Ohio states that the bill was in course of reading. If that be true, the Chair will order that the bill be read.

The Clerk resumed and concluded the reading of the bill.

Mr. MULDROW. I desire to say that if this bill should be reported back favorably to the House I will make a motion to recommit it to the Committee on the District of Columbia.

Mr. BLOUNT. I submit that debate is not in order.

Mr. MULDROW. I only wanted to make that statement.

Mr. STORM. I object to debate.

The CHAIRMAN. The tellers will take their places.

Mr. MOULTON. Will the Chair state the question?

The CHAIRMAN. The question is on the motion that the bill be laid aside to be reported favorably to the House.

The committee divided; and the tellers reported—ayes 87, noes 46.

Mr. BLOUNT. I do not raise the point of no quorum.

So the bill was laid aside to be reported favorably to the House.

Mr. HARDEMAN. I give notice, Mr. Chairman, that we will ask for a vote by yeas and nays on this question in the House.

COMPLETION OF DISTRICT SEWERAGE SYSTEM.

The CHAIRMAN. The Clerk will read the next bill in order.

The Clerk read as follows:

A bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $500,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of completing the principal main drainage and the auxiliary sewers of Washington and Georgetown, in accordance with the plans on file in the office of the engineer commissioner of the District of Columbia.

SEC. 2. That notice for proposals shall be given and contracts for the construction of said sewers made in the manner now provided by law in cases of building new sewers in the District of Columbia: *Provided*, That notice for proposals shall be given for thirty days; and in addition to the newspapers in which notice is now required to be given, said notice shall also be given in one newspaper for thirty days in each of the cities of Chicago, Cincinnati, Saint Louis, Louisville, and Richmond.

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to pay, out of the aforesaid appropriation, for the construction of said sewers, in the manner now provided by law for similar work done in said District.

SEC. 4. That 50 per cent. of the amounts so paid by the Secretary of the Treasury upon the warrants of the commissioners of the District shall be charged to the said District in the same manner that the cost of similar work is now charged: *Provided*, That the amount so charged to the District of Columbia shall be reimbursed to the United States, without interest, in annual installments of $50,000, commencing with the fiscal year of 1885 and 1886.

Mr. SHELLEY. I ask for the reading of the report which accompanies the bill.

The Clerk read as follows:

Mr. SHELLEY, from the Committee on the District of Columbia, submitted the following report:

The purpose of this bill is to complete the system of sewerage in the District of Columbia and provide for an appropriation of $500,000.

The committee have taken pains to inform themselves of the necessity and advantages resulting to the citizens of the District as well as to the officials of the Government who temporarily reside here.

Upon investigation we find that the usual appropriation for purposes of this character is not sufficient to enable the authorities to make such improvements as the rapid growth of the city requires. And they are therefore compelled to resort frequently to temporary expedients, in order to protect the citizens as well as transient residents from the evils consequent upon an imperfect system of drainage. They are thus forced to spend large amounts of money for mere temporary improvements, which in the end are in a manner wasted.

We have therefore come to the conclusion that economic as well as hygienic considerations require that the sewerage system should be completed without delay. The hygienic advantages are so ably presented in the accompanying letter from Dr. Smith Townshend, health officer of the District, that we append it to our report as a part thereof.

The amount of money saved in the cost of construction by reason of having the whole appropriation available at once, to be used upon a well-matured plan, will more than equal the interest of the money appropriated.

And, besides, the authorities will, from the completeness and thoroughness of such system of sewerage, be enabled to proceed with the improvements of the streets in a manner suitable to the continued growth of the city.

Your committee therefore report the accompanying bill as a substitute to the House, and recommend its passage.

HEALTH DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, March 31, 1884.

DEAR SIR: It would hardly seem necessary for me to enter into any argument from a sanitary standpoint to show the advisability of or necessity for the passage of the bill making an appropriation for the completion of the sewerage system of the District of Columbia. All the authorities on hygiene and public health, from the earliest to the latest, agree that an undrained soil and accumulation of ground water are the conditions most productive of phthisis (consumption) and what are known as malarial diseases.

To prevent the pollution of the ground air about dwellings is the first step in importance when aiming to secure a perfect sanitary condition, and water remaining on the soil and becoming stagnant is one of the most common and prolific sources of this pollution.

In my annual report for the year 1880 I took occasion to show that the extensive works for draining the subsoil undertaken in all civilized countries for the advancement of agricultural projects have incidentally exerted a very beneficial influence upon public health. The construction of sewers for removing the surface water and the liquid refuse from houses has had the important effect of diminishing mortality, which effect is largely attributable to the drying of the subsoil by lowering the ground water. The investigation of Dr. Buchanan with the object of determining the influence of the sewerage works of England on the public health have demonstrated this fact beyond a doubt. The following table shows the general improvement which has taken place in the health of twelve towns, principally in consequence of drainage operations:

Name of place.	Population in 1861.	Average mortality per 1,000 before construction of the works.	Average mortality per 1,000 since completion of the works.	Saving of life, per cent.	Reduction of typhoid fever, rate per cent.	Reduction of phthisis, rate per cent.
Banbury	10,238	23.4	20.5	12½	48	41
Cardiff	32,954	33.2	22.6	32	40	17
Croydon	30,229	23.7	18.6	22	63	17
Dover	23,108	22.6	20.9	7	36	20
Ely	7,847	23.9	20.5	14	56	47
Leicester	68,056	26.4	25.2	4½	48	32
Macclesfield	27,475	29.8	23.7	20	48	36
Merthyr	52,778	32.2	26.2	18	60	11
Newport	24,756	31.8	21.6	32	36	32
Rugby	7,818	19.1	18.6	2½	10	43
Salisbury	9,030	27.5	21.9	20	75	49
Warwick	10,570	22.7	21.0	7½	52	19

This statement, given under the eminent authority of Dr. Buchanan, the medical officer of the local government board of London, forms an unanswerable argument in itself. The large saving of life (32 per cent.) in the towns of Cardiff and Newport, and the very great reduction of typhoid fever and phthisis, seem almost incredible, but its truth is beyond question. I might comment at length upon this table, but the figures speak for themselves.

I can not enter upon any lengthy discussion of the merits of drainage and sewerage as applied to our city, as I am not in possession of information as to the population of wards or squares sewered and not sewered, whereby I might give you a comparison of the deaths resulting from certain diseases in the separate sections. I send you, however, herewith two maps, one prepared by Captain Greene, assistant to the engineer commissioner, in 1880, to show the location of the sewers, and the other, prepared in the health department during the same year, to show the location of the deaths from lung diseases in the city during that year. I have marked corresponding sections on these maps showing the large proportion of deaths in unsewered portions of the city which are sparsely populated. Of course there are many deaths shown in other quarters than the two marked and where sewers are laid; but taking into consideration the population of the unsewered as compared with the sewered portions, the death-rate preponderates largely in favor of the former. I regret that I have not figures of population by sections to illustrate this fact more satisfactorily, but any one acquainted with the maps and the city can readily point out the location of the densely populated sections and those sections more sparsely settled.

As I said in the commencement, I hardly think an argument in favor of sewerage as productive of improvement in sanitary conditions, and consequent promotion of the public health, is necessary. There can be no reasonable question on this point; and I trust that the committee will act favorably upon the request for aid in the performance of the very necessary work of completing the system of sewerage for the District of Columbia.

Very respectfully, &c.,

SMITH TOWNSHEND, M. D.,
Health Officer District of Columbia.

Hon. CHARLES M. SHELLEY,
Committee on the District of Columbia, House of Representatives.

Mr. SHELLEY. It is hardly necessary for me to add anything, as the report just read explains the necessity for this appropriation. I know it is a large amount to be appropriated for any one purpose in the District of Columbia, but the question of sewerage is a very important one, not only to citizens, but to visitors and those who sojourn here for a short time. The manner of extending the sewerage system heretofore practiced by the commissioners has not been economical or successful. They have not had the means necessary to extend it from time to time in the best way. They had to resort to all kinds of temporary expedients to furnish relief to particular localities. By making this appropriation the commissioners will be able to construct all of the main sewers, so that the annual appropriations derived from the revenues of the District will be sufficient to make lateral and auxiliary sewers which may be necessary to complete the system, and it is important to the health of the District that these main sewers should be constructed as rapidly as possible. Besides that, it is the most economical way to do the work. Temporary or small contracts cost more than if the whole system were let out under one contract. The amount of money involved will invite such competition that the price at which the work can be done will be sufficiently low to justify the advance of the amount by the General Government, to be paid back by the District in annual installments. The Government has entire control of the revenues of the District, and there is no possible chance for the District to avoid paying it back. I will yield now to the gentleman from Mississippi.

Mr. MCMILLIN. I wish to inquire relative to a proviso in the fourth section of the bill, which not only provides, in accordance with action heretofore taken, the Government shall bear one-half of the expense, but it forces the Government to pay the entire cost, and it will not get its money back for five years. Why is it the Government is to furnish this money for that length of time, and without interest, when it has a large debt upon which it is paying interest?

Mr. SHELLEY. The purpose was to make the matter as light on the District as possible, when it did not entail additional expense. Annual appropriations often increase the total amount of such works, and the Government itself will save money by making at once appropriation for the necessary work. We thought in that view of the question it would be very well to forego the interest. By making the appropriation at once we can save from 15 to 25 per cent. of the cost price of the work.

Mr. MCMILLIN. If the District of Columbia is making that amount can it not afford to reimburse the Government the interest?

Mr. SHELLEY. The amount of interest is not important at all. I do not think it would hurt either if required to be paid or otherwise. The District will have so many lateral sewers and so much else to do to complete its system, in addition to its proportion called for on this improvement, it ought to be relieved from the payment of interest on this advance.

I yield now to the gentleman from Mississippi.

Mr. JEFFORDS. Mr. Chairman, there seems to have been a general concurrence of sentiment as to the advisability of this measure on the part of all persons having charge of the affairs of the District of Columbia. The commissioners of the District of Columbia, the health officer of the District, and the Committee on the District of Columbia have given to this matter a thorough and careful consideration, and for once every person connected therewith seems to be agreed that this question is one of vital importance to the health of the city.

Now the report which has been read sets out all the facts that we need to have. Dr. Townshend's report at the same time ought to satisfy every member of this House that this is a question of paramount importance and pressing necessity. I do not understand, therefore, why I am called upon to say a word in favor of a proposition which nobody, it seems to me, objects to or ought to object to. It may seem that because it is proposed temporarily that the Government shall furnish all of the money in the first instance and then receive back whatever portion belongs to the District of Columbia to furnish, is the only question that needs any consideration, discussion, or explanation. That the system of sewerage is demanded by every person who knows anything about this District there is no question, and probably no two opinions.

Sir, I am loath at all times to take up the time of this House by speaking upon any question that comes before it, and in this case I think absolutely that I am doing the cause no good by detaining the House further, since I can not conceive of an objection resting against the measure. I trust, therefore, that the bill will go through and without lengthy discussion.

Mr. SHELLEY. I now yield to the gentleman from Mississippi [Mr. MULDROW].

Mr. MULDROW. I have no desire to say anything with reference to this bill unless there is some objection to it. It ought to strike the mind of every member at once that it is a matter of great importance to have this work done.

The CHAIRMAN. What motion does the gentleman from Alabama make?

Mr. SHELLEY. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. Without objection the bill will be laid aside.

Mr. HOLMAN. Mr. Chairman, I hope that will not be the action of the committee on this bill. I thought, sir, that we had gone to the very outer edge, to the extreme limit, of liberality in appropriating money from the public Treasury to relieve the property-holders of this

District from their just share of taxation. But this goes even a step further, and advances or proposes to advance a half a million of money out of the public Treasury to do the ordinary work of draining the city, and at the same time run the risk of the refunding of one-half of the money by the city at some future time, without interest and without any provision to secure the return of the half of the half million chargeable to the District. I have heard it stated, and I have no doubt that the statement is substantially correct, that we are paying out of the public Treasury annually to relieve the property-holders here from taxation more than was paid for the first seventy-five years of our history for corresponding purposes.

Why, a few years ago, Mr. Chairman, it was deemed ample provision for this District if the United States, on account of its property here, appropriated one-half of the sum necessary to keep up the police force and the fire department; and even that was called in question year after year. But now the policy seems to be so ingrafted into legislation that it is deemed necessary, right, and proper, that we shall pay one-half of the general expenses of the District and all of the expense of keeping and embellishing the public parks and all public grounds, and we are expected to levy a tax upon the whole people of this country of one-half of the amount annually required for the expenditures of this District. To what extent the private property of this District has been protected from taxation by that method is shown in the fact that the rate of taxes is to-day, I believe, but 1½ per cent. upon the usual valuation of property. That is to say, the total tax levied upon the property of this District upon the assessed value of the property is less than one-half of the tax paid in any other considerable city of the country. And I venture to say, sir, when you take into consideration all the other elements of taxation from which property in this city is exempt, that the property in this city pays but little over one-third the tax borne by the people of other cities.

Gentlemen must bear in mind that the people of other cities are taxed to keep up their public parks and everything affording embellishment and recreation; here the whole charge is borne by the people of the whole country, millions of whom will never see these elegant and costly parks.

Mr. MULDROW. In that connection let me interrupt the gentleman to say that my understanding is this 1½ per cent. does not cover the special taxes levied for special purposes or improvements; and that tax for special improvements is also chargeable to the particular property which is benefited by the particular improvement.

Mr. HOLMAN. I excluded the special tax from my estimate. In my own State all property in any considerable city is subject to a taxation, State, township, county, and local included, fully twice as great as that borne by property in this city. There is one fact that gentlemen ought not to overlook, that until our public men came to be largely identified with the ownership of property in this city, in some instances beyond the ownership of homes even indeed to the extent of holding real estate for speculation—until that practice sprang up the whole people of the United States were not taxed for the purpose of largely relieving the property here from the ordinary burdens of taxation. But it would seem that just as those property interests grow so grows the determination to relieve property here from bearing its proper and legitimate burdens of taxation.

I am well aware of the fact that special causes, social or otherwise, are gradually gathering around this capital which have a tendency to influence legislative action. That is not at all surprising or remarkable. But it is remarkable that we should permit our interests in property to influence even in the remotest degree the acts of Congress touching such measures of legislation as involve that property. There have been great changes in the last few years. But a few years ago the ownership of property here in this capital by public men was almost unknown. John Quincy Adams, when he wrote in his note-book on taking his seat in the Senate that he had disposed of his bank stock lest it should be thought that his interest in the Bank of the United States should in any degree influence his conduct as a legislator, is a common yet noble example of the views of our public men of former years; yet we have entered into an arrangement of partnership touching taxation between this District and the United States by which, when a member of the House or Senate, owning property here, votes at all, he must vote in regard to this very question of relieving his own property from its legitimate burden of taxation or imposing on it the burden it should bear—a most delicate power to exercise.

Mr. STORM. I desire to ask the gentleman if sewerage and other municipal improvements were made in this city as made in other municipalities in other sections of the country, taking in view the property benefited by the improvement, what should be the proportion the General Government should pay for these improvements?

Mr. HOLMAN. A mere bagatelle.

Mr. STORM. That is what I supposed.

Mr. HOLMAN. Nobody would object that in making sewers or any other features of local improvement here the United States should bear its portion of the burden in proportion to the value of its property. But my friend from Pennsylvania will remember that in the eagerness which personal interest always creates here and everywhere else to throw burdens on the whole people instead of on the property interested, an extraordinary theory has sprung up that the public highways, the streets and alleys, the parks that we adorn and improve for the embellishment of this city, the very monuments, memorials, and fountains we erect, the grounds in which they stand, are all the property of the United States, and should be assessed and taken into account in determining what proportion of the burden the United States should assume.

It is a most extraordinary suggestion, but of course it took hold. It is the most extraordinary suggestion that ever came from the ingenious few who live by devising means to reach the earnings of the many. Every State in the same sense owns the public highways. Did anybody ever suppose that that threw burdens on the State? As to your public property at capitals and county seats all over the Union, it is understood that the burden shall not be thrown on the body-politic, but on the private property of the citizens. But the proposition here that the United States should bear this burden as a property-holder would be scouted. If you submit this proposition to any fair-minded man who has no property interest here he would say at once that if the United States bear their portion of the burdens of this District in proportion to their property employed in public affairs in its relations to the other property of the District, it is the last cent of burden in supporting the government of this District the labor of the whole people of the United States should be called on to bear.

When I first had the honor of coming upon this floor a plain, unpretending simple government was carried on here in this city, administered by a mayor and common council. It was a government directly in harmony with your institutions, and was a pure, honest, efficient government. But men saw the opportunities of making fortunes by pressing upon Congress that extraordinary organization which is known as the District government, consisting of a governor and a legislative body. And then and not till then here at your capital money began to flow from your Treasury in costly and corrupting expenditure. Then the effort was made to produce exactly the result which our fathers intended should not be produced in locating the capital here; their purpose being that a community should grow up around the capital in harmony with your institutions, not large enough by social influence or otherwise or by large business interests to influence the action of Congress.

No point could have been selected so favorable to the patriotic views of the men of that day who fixed here the seat of government. It was not a place for commerce, because it lay beyond the point where commerce from the ocean could be made available. It was no place for manufacturing industries; they would go either northward or southward on the great bay. The point was selected where in the nature of things a great and powerful city could not be built up; a community would arise such as would be convenient, suitable, and proper for the public offices and capital of the country.

But the effort has been made deliberately since 1869 to give your capital such proportions as that at least by its social influence it should control the action of Congress. I admit that up to this time the force of that influence is only seen in these extraordinary measures by which the property-holders here are relieved from just and reasonable burdens—burdens borne by the people of other cities of this country—and the weight thrown on the tax-payers of the entire country. I do not believe that is right. I never have seen the time since that scheme of 1869 sprang up which right under the eyes of Congress built up that enormous debt of $33,000,000, half of which is believed to be fraudulent, and the payment of which you have guaranteed and the one-half of the interest on which you are paying regularly and the principal of which you will ultimately pay—I have never seen the time when by my vote my constituents should be taxed to bear the burden here beyond that which the property owned by the United States should bear in its just relations to the other property of the District. I am willing to vote that, but nothing more. But that would be a mere bagatelle. Every improvement connected with the Government property has been paid for out of the Treasury in full. You have paid the whole of that, and now you are called upon to make improvements for the benefit of the other property of the District and relieve it of its just and reasonable burdens.

Mr. WORTHINGTON. May I ask the gentleman a question?

Mr. HOLMAN. Yes, sir.

Mr. WORTHINGTON. What is the proportion of the property owned by the Government in the city of Washington?

Mr. HOLMAN. If you take all the real estate, the streets, the alleys, the parks, public buildings, charitable institutions, monuments, and fountains into the account and charge them all to the United States, including all the public grounds appropriated to the benefit of the population of this District, it is said their aggregate value will be one-half the value of the whole property of the District. But what an idea—appraising streets! In determining what portion of the tax a given tax-payer should pay, to say that the streets and public highways should be taken into account is an idea that has never been suggested anywhere except right here, and that for the purpose of trying to create a burden on the whole people which ought to be borne by the citizens of this District.

Mr. SHELLEY. This bill originated with myself. I was not influenced by any personal consideration whatever in suggesting it. I

do not, unfortunately, own any property in the District of Columbia. I have no social relations here that have any particular influence on me. Nobody suggested to me such a measure as this, not even the commissioners of the District. Whatever of merit or demerit there is in it I am responsible for it.

Having no personal interest in it, but having, as I thought, a responsibility which charged me with the duty of limiting and economizing in every possible way the expenses and the resources of the Government, I saw that the completion of this system of sewerage would be accomplished most economically to the Government by appropriating the amount required at once. We are now called upon to make these appropriations from year to year, and the work is to be let out in small contracts and the sewers built in small sections. We can not go on and complete a comprehensive system of sewerage by these small annual appropriations. Therefore, looking at it from the most selfish standpoint in favor of the Government of the United States, it seemed to me that the most economical way was to make the appropriation at once and have all the work contracted for and carried on at the same time.

I am not conscious of there operating on me any of the influences of which the gentleman from Indiana [Mr. HOLMAN] speaks. I have no personal interest of any kind in this matter. It is true I am somewhat concerned about my health, as I am about the health of the members of Congress and of all citizens of the country who have occasion to come here. I believe that the health of members of Congress and of the people brought here would be better preserved by a prompt and complete system of sewerage. I now yield to the gentleman from New York [Mr. SPRIGGS].

Mr. MCMILLIN. Before the gentleman yields the floor I desire to ask him what objection he can have to striking out the proviso to which I called attention, the proviso of section 4, which I will read:

Provided, That the amount so charged to the District of Columbia shall be reimbursed to the United States, without interest, in annual installments of $50,000, commencing with the fiscal year of 1885 and 1886.

If the gentleman will pardon me one suggestion, I will state that I think the interest both of the Government of the United States and of the District of Columbia requires that that proviso should be stricken from the bill. The interest of the Government requires it, because we ought not to loan money without interest when we have such an enormous debt hanging over us, $250,000,000 of which we could pay to-day if we had the money. And it is not for the interest of the District of Columbia, because by these means we would be heaping upon them a debt for a future day, when we ought to try to make their revenues meet their obligations as they arise.

According to the statement of the gentleman from Indiana [Mr. HOLMAN] the taxes in this District are only about one and a half dollars on the hundred, and with such taxes the revenues of the District certainly ought to meet its obligations. We ought not to fasten a debt upon this District running through a period of years, especially in view of the fact stated by the gentleman from Alabama [Mr. SHELLEY] that there are other sewers to be constructed in order to complete the system, which will make drafts hereafter upon the resources of the District. I ask the gentleman to let that proviso go out.

Mr. SHELLEY. You mean the one relating to the payment of interest?

Mr. MCMILLIN. Yes; I mean the second provision of the fourth section of the bill. The first provision of that section, which meets the difficulty the gentleman from Indiana [Mr. HOLMAN] speaks of, is as follows:

That 50 per cent. of the amounts so paid by the Secretary of the Treasury upon the warrants of the commissioners of the District shall be charged to the said District, in the same manner that the cost of similar work is now charged.

But the second provision of the section provides that even that 50 per cent. shall not be paid by the District at present, but shall be paid in from one to seven years.

Mr. HOLMAN. My friend from Tennessee [Mr. MCMILLIN] will observe that in order to accomplish his purpose the word "charged," in the first portion of the section, should be stricken out and the word "paid" inserted.

Mr. MCMILLIN. Certainly.

Mr. HOLMAN. I would suggest that the words "charged to," in the third line of the section, should be stricken out and the words "paid out of the funds of" inserted, and that the word "charged," in line 5, should be changed to "paid;" so that it will then read: "50 per cent. of the amount so paid by the Secretary of the Treasury * * * shall be paid out of the funds of the said District, in the same manner that the cost of similar work is now paid." I suggest to my friend that unless this 50 per cent. is now paid by the District it will not be paid at all. If you loan this money to the District it will never be paid, according to my experience.

Mr. MCMILLIN. After the Government of the United States has shouldered one-half of the expenses of this work I do not think it is good policy to accustom the District to look to us to advance the money to meet the other half of the expense; I agree with my friend from Indiana on that. I trust my friend from Alabama [Mr. SHELLEY] will consent to let the proviso of this fourth section be stricken out, and let us proceed at least on the system that we have proceeded upon heretofore. That certainly is all the magnanimity which the District of Columbia asks of us, for the gentleman says that is all which they have asked, he having originated this bill himself.

Mr. WORTHINGTON. Will the gentleman allow me to make one suggestion?

Mr. MCMILLIN. Certainly.

Mr. WORTHINGTON. The gentleman says that the rate of taxation in this District is $1.50 on the hundred dollars. I understand that real estate in the District is assessed at about its full valuation. That certainly does not occur in very many other cities.

Mr. MCMILLIN. That is what in contemplation of law is supposed to occur elsewhere. I presume that when you come right down to the bottom facts it will turn out that while the people of this District are as honest as other people they are characterized by the same evasions of full taxation as characterize people elsewhere.

Mr. WORTHINGTON. I desire to say that so far as it has come to the knowledge of the committee the real estate of this city seems to be assessed at about its full valuation.

Mr. SPRIGGS. Mr. Chairman, I regret that this bill, which seemed to the committee to be so fair, should meet with any opposition. The only question which arose in the committee was whether or not the United States in this case should not bear the whole cost of this improvement. It seems to me if gentlemen would properly consider this question they would feel very much as some members of the committee felt in regard to it. Some gentlemen, I apprehend, do not take into consideration the fact that this system of sewerage in this city is required more on account of this being the seat of Government than for any other reason. If the citizens of this District were simply required so to provide for themselves, they would not expect to adopt such a system of sewerage as that now contemplated. Not only the people of this District but our people at home are interested in this question. There is nothing in which the citizens of the whole country are more interested than the providing of such sewerage as may be necessary for the health of the inhabitants of this District and those who may transiently reside here, as is the case with members of Congress. It seems to me that the point raised by the gentleman from Indiana is not a wise one, and I think on further consideration he will not press it.

It has been said that the rate of taxation in this District is light as compared with that in other cities. The rate here is now reduced, it is true, to 1½ per cent. But a few years ago it was 3 per cent. Why has it been reduced? Because of the economical manner in which affairs have been conducted by those now charged with the administration of the District government. As has been stated in the report, it was believed best that the money to be expended for this improvement should be provided before the lettings for the work were made. Persons proposing to contract for the work, knowing the money to be secured by an act of this character so that the work would be paid for by the United States immediately upon its completion, would take contracts at much lower rates than if they were obliged to depend on payment by means of assessments and collections from the property to be benefited.

It seems to me that no gentlemen interested in the improvement, the beauty, the health of the city of Washington can object to the reasonable provision of this bill in regard to the advance to be made by the Government. The District of Columbia is in such a condition that it can not at this time raise the $250,000 necessary as its proportion of the expense of this great work. The Government is simply asked to loan this money—to loan it, it is true, without interest, because the officers of this Government and the people of the United States are as much interested in the preservation of the health of this city as the citizens themselves. It would not be necessary, as I have already intimated, that this extensive system of sewerage should be gone into if it concerned only the permanent residents of this District. It is because this is the capital of the United States, and because the whole people are interested in the health of the city, that this extensive work is demanded at the present time. It does seem to me the Government of the United States is not asked to contribute more than its fair share.

It has been said "The United States are now by law paying one-half of the expenses of the District government," why not adhere to that rule? It has been said also that the United States own more than one-half of the entire property of this District, and I suppose that is conceded to be true. If so, then this Government is not paying any more than it ought to pay.

Now this particular work being unnecessary except on account of the interests which the whole people have in this city as the seat of government and the temporary residence of many of the people of the States, is it unreasonable that the Government should loan to the District of Columbia for five years, even though it be without interest, the proportion of the expense which belongs under the existing law to the District? That is all there is about it.

One gentleman has said he would not ask the people of his State or district to contribute for such a purpose as this. Sir, I am entirely willing that the people of my district should understand that I personally would be in favor of the United States paying this whole tax, because the people of the country at large are more interested in this matter

than merely those of the District of Columbia. But we do not propose that this whole expense shall fall upon the Government of the United States, because of the entanglements which might ensue if it should be asked to do so. We think it best that the District should pay its half. We ask simply that the United States loan to the District $250,000, the proportion of the expense belonging to the District of Columbia, this amount to be repaid at the rate of $50,000 each year. Nobody will pretend that the credit of the District of Columbia is not good. Nobody will pretend that the security is not ample. Nobody can doubt that this sum of $50,000 annually will be paid as required by the bill. It seems to me that no gentleman interested in the health of this District can object to this reasonable provision of the bill. I hope, therefore, that the bill will pass.

Mr. POTTER. I certainly agree that the health of the District of Columbia is important; as important as the health of any other city in the land. But we should not forget that all the other cities of the country not only pay all the taxes of those municipalities, but they pay also the taxes upon the Government buildings located there. Before a Government building is erected in the States it is exacted that the land shall be conveyed to the Government upon condition that the property shall be forever exempted from taxation. The taxes upon public buildings in the city of New York where I reside constitute a very large burden, and they are levied exclusively upon the property of the citizens who reside there.

Mr. SPRIGGS. Do they not belong to the citizens?

Mr. POTTER. No, sir; the court-house and post-office are the property of the United States. The property where the post-office is situated was sold to the Government for $500,000, while at the same moment private individuals were offering $1,500,000 for it, and they would have paid taxes upon it forever. That property was conveyed to the Government of the United States, and the city of New York is taxed for all the street service, all the health service, and for every other service in connection with that property.

Mr. SPRIGGS. Does not the city of New York get the benefit of those buildings?

Mr. POTTER. They are not built more for the convenience of the city of New York than the public buildings here are built for the convenience of this city.

Mr. SPRIGGS. Did you not ask the Government to build them?

Mr. POTTER. The Government of the United States built its custom-house in New York in order that it might collect its customs——

Mr. SPRIGGS. That is a public building erected in the city of New York by public appropriations.

Mr. POTTER. It was built as you build every public building here, for the public service and in precisely the same way. We pay our taxes in the city of New York. They exceed $2.25 on the value of the property in that city. That that burden is to be increased by having to pay taxes for the purpose of exempting from taxation the people here in the city of Washington is more than I am willing to consent to.

It seems to me this proposition contained in the pending bill to loan the money of the Government without interest for five years to the District of Columbia can not be justified. If we are to furnish the money on account of the public health, it is perfectly clear to my mind that this District ought to pay a just interest at least on the amount which is to be advanced by the Government. In my judgment if there is any doubt the amount of money will not be repaid by the District of Columbia I insist then this improvement should not be made until the taxes are held to the amount furnished.

Mr. SHELLEY. There can be no doubt, because the revenues of the city go into the Treasury of the United States and are appropriated therefrom by Congress. The commissioners cannot spend a dollar without first having an appropriation made therefor by Congress.

Mr. SPRIGGS. It can not be gotten out of the Treasury except by act of Congress.

Mr. SHELLEY. It goes into the Treasury of the United States, and estimates are made at each Congress upon which the appropriations for the District of Columbia are based.

Mr. POTTER. The proposition is to take out of the Treasury of the United States without the payment of interest the sum of $500,000 to complete the sewerage system of the city of Washington. There is to be no charge on that account against the property here in the District of Columbia for the next five years in the way of payment of interest. It is a proposition to levy that much on the other cities of the United States for the benefit of the holders of the property in this District. I submit that is manifestly unjust to be enacted into law by this House.

Mr. WARNER, of Ohio. With the amendment proposed by the gentleman from Indiana to the first part of section 4, striking out the proviso, I am prepared to support the bill. But I do not agree with the gentleman that people living a thousand miles from here are more interested in the sanitary condition of this city than are the people living here themselves. Until they are willing and ready to pay their proportion of this improvement I am not willing to vote to appropriate from the Treasury of the United States to make this improvement for them. The people of this city are not taxed as heavily as the little town in which I reside. They are not taxed as heavily as the people of most of the large cities of the country.

If these improvements are needed they are needed by them more than by anybody else, and they must be willing to come forward and pay their share of the expense. When they are ready to do that I will be ready to vote the appropriation, but not until then.

Mr. BLOUNT. Mr. Chairman, the organic act to which I had occasion to refer when the Committee on the District of Columbia was called before requires that estimates shall be made by the commissioners of the District of Columbia and submitted to the Secretary of the Treasury, and that he shall examine and as far as he approves shall send them to Congress for action thereon. The rules of the House declare the Committee on the District of Columbia shall have jurisdiction of all questions concerning the District except matters of appropriation. They provide for a District of Columbia appropriation bill, in which are to be reported such appropriations as the Committee on Appropriations shall see fit to recommend to the House. The Committee on the District of Columbia is expressly excluded from action on subjects of appropriation.

Now, there has been no submission of estimates on this subject in accordance with the requirements of the law. There has been no application to the committee on the part of the commissioners for this work, and I submit these regulations were intended to control the discretion of the House and to inform us by proper estimates as to what ought and what ought not to be done. I submit we ought not to make any appropriation involving the taxation of the people of this District unless done in regular course under the rules of the House.

There are probably other expenditures the District might deem of greater importance. I submit we are acting unwisely when we throw down all bars erected carefully to guard against undue expenditure. I do not believe we ought to go one step further in making appropriations in this irregular way.

Mr. LORE. Will the gentleman point out the law which provides that all the appropriations for this District shall be made by the Committee on Appropriations?

Mr. BLOUNT. I have not so stated. I have stated only, in order that there might be intelligent action on the part of the House, the organic act required in terms that where any improvements were intended in this city the first thing to be done was a recommendation on the part of the commissioners of the District of Columbia to be sent to the Secretary of the Treasury, and that thereupon he should examine those estimates and exclude therefrom in his recommendation to Congress such as he did not approve, and that then, that being done, it was for Congress to determine what part of these estimates they should provide for. In that connection I said the rules of this House, not the law, provided that all appropriations for the District of Columbia must go to the Committee on Appropriations, and to facilitate that idea the House created a bill especially providing for appropriations for the District of Columbia. In that way we know what we are doing, for under the rules of the House it contains an appropriation based upon the estimates of the commissioners which have undergone the scrutiny and recommendation of the Secretary of the Treasury and afterward the action of the Committee on Appropriations. If any other committee may come forward in defiance of the rules of the House, if the Committee on the District of Columbia, which is denied by the rules, may come forward with such propositions, complications would arise, and we would be likely to get into endless confusion.

Mr. Chairman, I do not like the proposition of a loan. During the last Congress, or perhaps the preceding Congress, a very large sum of money was voted for the purpose of increasing the water supply of the District, and in that connection we made an advance to the District by issuing bonds; and, sir, it was not contemplated in that debate that the money so advanced would be refunded to the Federal Government within a period of twenty years. This will be something of the same kind, for here is another proposition of a similar character; and eventually we will find ourselves, if this precedent is adopted, in a condition that whenever the people are not willing to stand additional taxes for the current year there shall be a loan from the Federal Treasury to help them out. I believe, sir, that we have done enough when we have declared that the Federal Government will defray one-half of the expenses of the District. There are no other people in this country so favored as the people in this District in this matter. Why, it has been alleged by way of answer to this, that one-half of the propety here belongs to the United States. But the great bulk of that item, it should be borne in mind, is the streets, the reservations, and the avenues, which were intended for the benefit of the city and which the people of the city enjoy almost exclusively.

I had occasion to say before that for the first seventy years in the history of this capital the Federal Government had not expended as much as was paid out of the Treasury on the part of the United States for the very next year after this act went into effect in this city. It was by reason of the great favor of Congress that this most extraordinary thing was done, whereby we assumed the payment of one-half of the expenses; and I contend that this thing of the District coming forward session after session and asking us to help them from the Federal Treasury has gone to a limit beyond which it was ever contemplated. I would like to know if any member on the committee is able to state how much has been already advanced in this manner. I know in this one single item of the improvement of the water facilities it ran some-

where up into the millions, and I think we ought to stop it. We have done enough. We have been exceedingly liberal, and I do not think we ought to go any further in that direction. It is not safe legislation, nor is it just to the balance of the country.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COLLINS having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

A bill (S. 83) for the relief of John H. Walker, late a captain in the United States Army;

A bill (S. 445) for the relief of the heirs or legal representative of Robert J. Baugness, deceased;

A bill (S. 838) to consolidate the Bureau of Military Justice and the Corps of Judge-Advocates of the Army, and for other purposes;

A bill (S. 895) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison; and

A bill (S. 919) for the relief of John M. McClintock.

EXTENSION OF SEWERAGE SYSTEM, DISTRICT OF COLUMBIA.

The Committee of the Whole resumed its session.

Mr. STORM. Mr. Chairman, if this involved only a question of the improvement of a town or city in any one of the States of this Union, it would in all probability be a very simple thing to adjust. But the moment that members on this floor come to deal with matters of this kind, pertaining to the General Government, they look upon it in an entirely different light with reference to the principle upon which they are to act. Take the case of the Hot Springs reservation, for instance. The Government spent there the sum of $90,000 in building sewers or drains. Probably that much more will be required to complete the work; and yet more than one-half of that is entirely upon private property, and on the other half of it the Government own property on one side and private individuals on the other. And yet the whole expense is thrown upon the Government; a principle that gentlemen would repudiate at once if it was applied to their own municipalities. But when we come to Washington we find just this condition of affairs. I do not suppose the Government owns one-tenth of the property through which it is proposed that this extended sewerage system shall pass; and yet we are asked to assume one-half of the total expenditure, and at the same time guarantee the payment of the other half and pay interest upon it also.

Mr. BLOUNT. That is it exactly.

Mr. STORM. Now, in the case of the Hot Springs you will say that the Government owns a valuable piece of property there; that the hot water is an exceedingly valuable possession and belongs to the Government. But the existence of the hot water is what confers immense value upon private property there.

The same may be said here. It may be argued that the Government of the United States owns valuable property. So it does; but private property is enhanced in value by the existence of the Government property here, and the improvements made by the Government upon its property confers immense value upon the property of the private citizens. There is no town in the Union that would not donate lands to the Government to build such improvements upon, and that would not be willing to assume all of the expense of laying off and grading the streets, providing a proper system of sewerage, and doing all that might be necessary to improve the town for the purpose contemplated, because the existence of the Government property would confer value upon private property. Without the existence of the public buildings here and other Government property the private property would be much reduced in value. But the citizens, the private owners, now seek a further donation by imposing a burden upon the rest of the country for the purpose of extending this sewerage system, very little of which will be upon Government property. The beneficiaries will be the owners of private property.

Mr. SPRIGGS. The gentleman will remember that the United States owns the streets also.

Mr. STORM. I know there is a theory that the United States owns all of the streets, and these parties expect the Government to pay largely for the theory. I know there is a difference of opinion with reference to that matter in many of the States. In some it is presumed that the private citizens have a fee-simple in the soil to the middle of the street and the public has only an easement over it. Now, that is the case here. The Government has an easement only in the streets.

The Government makes and keeps up its own parks at great expense. It is true those parks are very pleasant and confer great value on the property adjoining them. That is all right. I am willing the Government should keep those parks, beautify them, plant trees in them, erect fountains in them, furnish them with statuary, and all that. The Government provides for all its own property proper sewerage. And it provides the paving for that property. But after that is done what more, in justice and in equity, is required of the Government? I say when the system of sewerage strikes private property and benefits it, that private property should bear the expense of the improvement to the amount it is benefited.

It was not, as the gentleman from Indiana [Mr. HOLMAN] has well said, until gentlemen connected with the General Government, Representatives and Senators in Congress, became interested in private property here that this system of legislation has been inaugurated, which I say does injustice to the Government in order that the burdens of taxation belonging to the individual tax-payers of this city may be escaped.

Mr. MULDROW. I think that the intimation that this report is being urged by officials of the Government does injustice to them and to the committee that reported this bill. I have heard of no officials of this Government asking for this improvement except the District commissioners and the District engineer, whose duty it was to report to Congress what improvements they thought desirable to be made and the amount of money that ought to be expended for those improvements. And the gentleman from Georgia [Mr. BLOUNT] is mistaken when he says that no recommendation has come from the District commissioners on this subject. A communication has been received from the commissioners in which they recommend the appropriation asked for by this bill and urge upon the attention of Congress the great importance of this subject to the people of the country. The city engineer also makes a report favorable to it. There are but few cities of this country where it is so difficult to have a successful sewerage system as in the city of Washington.

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. MULDROW. Yes, sir.

Mr. BLOUNT. I desire to know whether the commissioners of the District of Columbia have made estimates in pursuance of the law and referred them to the Secretary of the Treasury and whether such estimates for this purpose have come back approved to this House, as the law requires?

Mr. MULDROW. I understand that provision of the law to be for the current expenses and not for any special appropriation which the commissioners may ask at the hands of Congress.

Mr. BLOUNT. I have never understood that there was any such distinction.

Mr. MULDROW. But there are estimates here from the city engineer, in which he shows every item of appropriation asked and where it ought to be expended and how it ought to be expended.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SHELLEY. I yield the gentleman five minutes.

Mr. MULDROW. Perhaps there are few cities in this country where it is so difficult to apply a sewerage system as to the city of Washington. In order to make this city healthful by a sewerage system the sewers ought to be carried deep enough under the earth to disgorge themselves in the deep water of the Potomac River; to do so they must be at least eight feet below the surface of the earth; and the city engineer reports that they have found great difficulty in so constructing the sewers that that object shall be accomplished.

Now, sir, healthfulness in this city is a matter of importance to all the people of the country who come here. It is right that the Government, having charge of the interests of all the people of the country, should contribute liberally toward making this city healthful for those who are compelled to spend a great part of their time here in the prosecution of their public duties and public functions. There are thousands of public employés and officials of the Government in this city who are looking anxiously for the proper improvement of the sewerage system of this District. Nowhere are the people of the country so much interested in proper sanitary regulations as in this District. And when we consider the fact that the Government laid out this city upon a most extravagant plan, making broader streets and more of them, broader avenues and more of them, upon which vast expenditures are being annually made for the purpose of keeping them in proper repair, which would not have been necessary if the people of the city had been left to themselves to lay out the city according to their own plans and their ideas of utility and economy—in view of that fact it is right that the Government should contribute liberally toward the expenses of keeping up the city, providing for the improvement of its thoroughfares, providing for the adornment of the streets, the highways, the parks, and the public grounds, and for preparing and maintaining a proper system of sewerage for the health of the people who live in the District permanently, as well as those who visit this city on business.

I myself, sir, would be opposed ordinarily to the Government lending money for any such purpose as this. But here we find an extraordinary condition of things. We find this work pressed upon the attention of Congress by the District commissioners, by the city engineer, by the health officer of the government; and we find that the money belonging properly to the city treasury will not justify the expenditure which is necessary to make this sewerage improvement. Now what are we to do? The health and the lives of the people are involved in this matter; and the District only asks that we loan the money for a given time in order to enable it to contribute its part of the expense of this proposed improvement. I am willing, so far as I am personally concerned as a member of this House, that the District of Columbia should be taxed to the

extent of the interest on this loan which it asks. But the committee saw fit to find that that would not be a liberal course on the part of the Government when there were so many Government officers here and so much Government property involved in this matter. Therefore I have stood with the committee; but personally I should be entirely willing to see the property of the District taxed to that extent for the benefit of this loan. But I am fully convinced that this improvement ought to be made and ought to be made at once; and it is in the interest of economy, as shown by the report of the engineer, that the money should be appropriated in bulk instead of by piecemeal from year to year. It seems to me that is a matter that ought to address itself to the good sense of the members of this body.

Mr. SHELLEY. I now yield to the gentleman from Delaware [Mr. LORE].

Mr. LORE. I think that we all have a very natural and pardonable pride in the city of Washington. It certainly is the most beautiful city, as reported and agreed upon all hands, or among the most beautiful in the world. We have here people of all the other nations who have any relations whatever with our Government; representatives of all foreign nations find their domicile here with us in our city.

I have heard it said, and so far as I can learn I believe it to be true, that nine-tenths of the people in this city are either directly connected with the Government or are dependent upon those who are connected with the Government. This is therefore purely a Government city. Indeed, it is true it was laid out simply as a seat of government; yet at one time a large portion of it was under water, particularly when there was any flood in the Potomac.

We need not now refer to the times spoken of by the gentleman from Indiana [Mr. HOLMAN], when, as he says, an economical government prevailed in this District. Suffice it to say that Congress in its wisdom has seen fit to take from this District every right except the right to be governed as Congress may dictate. No person living here has a right to vote; the elective franchise is taken from every person living in this city, unless he is a citizen of some State, and then he must go home to exercise that right.

This District has always been recognized and is recognized to-day as simply the creature of the Federal Government. I say that we have a natural pride in this city, and that natural pride ought to lead us to endeavor to make it a city worthy of our people, a city to which we would not be ashamed to invite the representatives of foreign nations; a city in which we, the representatives of our people, can come together and not have our lives and health endangered by a system of sewerage which is not only not perfect, but is a disgrace.

I have nothing to say in advocacy of the man who once controlled the government of this District other than this: Whatever may have been his derelictions, the fact is apparent that the city of Washington is what it is to-day very much because of the creation of that man's brain. Its beauty has been magnified tenfold by the plans which he devised and by the system which he inaugurated for making it an attractive place of residence.

I have no hesitancy in saying that in the pride which I, as one of the people of the United States, have in this city I would be willing that the entire amount required for the creation of a proper system of sewerage for this city should be paid by the Government of the United States out of the Treasury of the United States, inasmuch as we have taken this District absolutely under our control. As I understand it, every requirement of law has been met in this case. Estimates have been made and submitted to the Committee on the District of Columbia, and they are here now. The engineer of the District has recommended this measure in strong terms, and I will ask that his letter be read by the Clerk.

The Clerk read as follows:

OFFICE OF THE ENGINEER COMMISSIONER,
Washington, D. C., April 3, 1884.

SIR: In response to your request I transmit herewith a tracing showing the system of main sewers of Washington and Georgetown, referred to in your bill providing for its completion, together with an estimate of costs of the several parts remaining to be done. I would suggest that the verbal amendments indicated on the inclosed copy of the bill be adopted.

Nobody can question that the health and comfort of every individual who is called upon to make his home here, even for a limited period, are largely dependent upon a perfected sewerage system; the completion of such a system at an early date is in fact a matter of most vital importance, but to accomplish this within any reasonable time is simply an impossibility, if we are compelled to rely, as heretofore, on the limited means that can be derived from District revenues. It can be done only by an advance of a sum sufficient to construct at once the larger trunk sewers, and this can be accomplished in the simplest manner as proposed by your bill; the District can readily repay its share of the advance at the rate of $50,000 per annum, and still have available for reasonable progress on the smaller lateral sewers leading into the main trunks a sum sufficient to keep up with the wants of the District in this respect.

In addition to the vital question of health, the completion of the trunk sewers will afford the only means of relief against the repeated overflows which occur in many sections of the city with every hard rain or summer shower. Existing sewers are totally inadequate to carrying off the rainfall at such times, and, becoming gorged, the water backs up into buildings in such a way as to cause great distress and loss in many cases; further, the excessive head of water and volume of flow through such sewers subject them to a strain which they were never designed to bear, and threaten them with serious damage at every recurrence of that condition of affairs. When the trunk sewers are completed, the sewerage capacity of each drainage area will be ample to carry off all the water and thereby obviate the evil referred to.

It is also to be observed that the estimated cost of the proposed work will be less if the means are available for its completion as a whole, instead of doing it in short sections, with inadequate appropriations and under small contracts. The saving to the Government from this course, on its share in the final cost of the work, will more than equal the interest on the sum named in the bill as an advance to the District.

I would, in conclusion, call attention to the fact that this bill aims to accomplish only what is imperatively necessary for providing the main channels for sewerage and drainage, which must be constructed in advance of the numerous laterals leading thereto; that the construction of these laterals will keep pace with the advance of building operations and other local improvements; and the aggregate expenditure for their completion will not fall far short of a million of dollars. This will be in addition to the sum advanced by the bill for the main sewers, but will be required only in annual installments of such small amounts comparatively that we may confidently expect to meet all reasonable demands on that account without going outside of the current income of the District.

Very respectfully,

G. J. LYDECKER,
Major of Engineers, United States Army,
and Engineer Commissioner District of Columbia.

Mr. SHELLEY. I now yield to the gentleman from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. I desire, Mr. Chairman, only to call the attention of the gentleman from Georgia [Mr. BLOUNT] briefly to his misapprehension of the organic act of the District of Columbia. It seems to have been his conception, and it was a most remarkable conception, that the Congress of the United States could not appropriate any money for a specific purpose in this District unless it should come through this mode of procedure, should be recommended by the commissioners of the District, referred by them to the Secretary of the Treasury, and then be passed upon by the Committee on Appropriations of this House.

If the gentleman will look at the organic act of this District, which I now hold in my hand, he will find that that requirement applies as, *a priori*, everybody would suppose it would apply, only to the regular and current expenditures for this District. The commissioners must make their annual report, in which under existing law they must set forth the amounts of money which will be required for the support of the government of the District and for the various charities and other enterprises which are here maintained. That is the whole purpose of that requirement. The organic act was intended not only to provide in what proportion the money of the District should be expended with the money of the Government of the United States, but that when it was expended for the current expenditures and ordinary needs of the government of the District it should be under these natural and necessary safeguards.

Every day which is given to the Committee on the District of Columbia in this Congress bills have been brought forward and passed appropriating money without first going through that procedure, which is only required for the expenditure of public money under existing law in the absence of specific appropriations. The Forty-fifth Congress appropriated money for the carrying out of a system of sewerage in this District, and from time to time money has been appropriated for that purpose. It is rather late now to say that the objection which the gentleman has raised can apply to this matter. This bill does what every other bill of specific appropriation does—it meets a public need by a specific appropriation.

The estimates which, in the absence of a specific act, would be required to be sent to the Secretary of the Treasury are brought to the Committee on the District of Columbia and to Congress; and dollar for dollar, street for street, and item by item the particulars and estimates for this improvement are given.

It seems to me that gentlemen who claim that caution and care should be exercised in order to secure an economical expenditure of public money have two duties to perform; the one is to oppose the improper expenditure of public money, and the second is to be careful that when opposing such improper expenditure they are not themselves going squarely in the face of a proper economy.

I think that any man who will study the map which I hold in my hand and the accompanying estimates must say that on the face of this map the crying need for this improvement is apparent. I can not undertake to say that this plan and these estimates are absolutely correct; I am not an engineer; but the presumption, well known to lawyers and to every man of common sense, is that every public officer acts in the discharge of his duty.

In the letter which has been read from the Clerk's desk we have been informed that there is danger that the waters from the spring rains may engorge themselves and overflow many parts of this city. Why? Because many of the main sewers which were constructed in the period to which reference has been made are too small to receive these currents; and where there are large sewers here and small sewers there only a limited quantity of water can pass through.

The very title of this bill ought to remove some of this misconstruction. It is a bill "making an appropriation for the completion of the sewerage system of the District of Columbia;" and it provides money for the purpose of completing the "principal main drainage and the auxiliary sewers." And we are told (I mention it frankly to the House), we are told by the engineer that the money which you now appropriate will not complete the sewerage of this city.

If any gentleman will have the goodness to examine the estimates and show wherein they are wrong I shall be among the first to vote against

making this appropriation. But these estimates come from sources upon which we are accustomed to rely as intelligent and true in our appropriations from year to year for this District. The commissioners earnestly recommend this improvement. The engineer warns us that this piecemeal method of improvement is a wasteful expenditure of money, and that if the main sewers are now built the lateral branches can afterward be constructed out of the current expenditures of the District. When we come to build those small lateral sewers the appropriations should follow the course suggested by the distinguished gentleman from Georgia. The recommendations of the commissionsrs should come directly through the Secretary of the Treasury to the Committee on Appropriations. But it is well known that the Committee on Appropriations will not originate legislation for the specific needs of this District, and the procedure of this House and its predecessors, under the rules, shows that the examination of such matters has been the main function of the Committee on the District of Columbia.

It is stated, Mr. Chairman, that on certain charts now in the custody of gentlemen on this floor the defective sewerage of the city is well marked out, and the prevalence of certain diseases in particular localities is directly attributed to the deficiency here and there in the sewerage system. As will be found by an examination of the map, a large part of this improvement is to be made in the eastern part of the city. Fully one-half of the expenditure, as indicated by the red lines on the map, is to be east of the Capitol, not where the main moneys of the Government have been expended.

I charge gentlemen to remember that if heretofore money has been expended in this District by influences which ought not to have operated upon the representatives of the people—I do not say that such has been the case—such expenditures do not seem to have been made east of the Capitol. I repeat, an examination of this map must show any member that these improvements are to be carried out on a general principle, which must confute his doubts and answer his objections.

Now, if for the health of this city, for the health of the employés of the Government in both wings of this Capitol and in the various Departments, this improvement be required, the law of 1878 has provided that the expense of such work shall be divided between the city and the General Government dollar for dollar. This measure, so loudly demanded by public sentiment and public health, is also earnestly asked for by the health officer of the District, whose office was created by the organic law and whose functions embrace matters of this kind. He says this improvement is essential to the health of the city and should not longer be delayed. If the engineer is to be heard on this matter, he says that you will save several times the interest on this money by making the appropriation now in the manner here proposed. If the views of the commissioners of the District are entitled to any consideration, we have had their communication that it is not for the bridge that they care particularly, but that the demands of the health of the people of this city require the completion of the main lines of the sewerage system. If with this concurrent testimony, so ample, and which ought to be conclusive, the mere little matter of interest is regarded by any gentleman as an objection, I apprehend (though I have not conferred with the gentleman in charge of this bill) that the whole committee, rather than endanger the health of this capital, rather than have Congress neglect the duty which is incumbent upon it, would be willing that the provision in regard to allowing this loan to run without interest should be withdrawn. This change being made, gentlemen who oppose the bill can only do so on the ground of being opposed to sewerage, or perhaps on the narrow, contracted idea that every man should build his own sewers; and then what a city you would have for the capital of the United States!

Mr. SHELLEY. I move to amend by striking out, in line 7 of section 4, the words "without interest," and inserting "with interest at the rate of 4 per cent. per annum."

Mr. BLOUNT. Mr. Chairman, the gentleman who has just taken his seat [Mr. MCCOMAS], because, forsooth, a bill making appropriations for this District, and coming from the Committee on the District of Columbia, has occasionally passed through this House, has assumed as a necessary and absolute consequence that the Committee on the District of Columbia has jurisdiction of this subject, and that Congress contemplated that everything beyond what he sees fit to call the ordinary current expenses of the District of Columbia should be provided for through the District Committee by special bill.

Now, sir, the rules of the House are as clear as man could make them on this question.

Mr. MCCOMAS. Does the gentleman deny the power of Congress?

Mr. BLOUNT. I never questioned the power of Congress, and the gentleman misapprehended me entirely when he made such an argument. To that I will address myself directly.

I was asking the attention of the House to the organic act and the mode of procedure designed to protect the Government and the District of Columbia, stating how estimates were to be made and what limitations were put upon them. I do not mean to say when Congress had passed one law a subsequent Congress could not change it, but I have referred to the organic act in order to show the mode adopted in order to guard the interests of the Government and the District of Columbia by preventing loose legislation being carried through.

Let me call attention to the rule of the House. Page 78, Rule X, provides:

RULE X.

OF COMMITTEES.

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, viz:

Then Rule XI provides as follows:

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating—

* * * * * * *

30. To the District of Columbia, other than appropriations therefor: to the Committee for the District of Columbia:

Now, would the gentleman have the House, in the face of this plain rule prohibiting the committee from having anything to do with appropriations for the District of Columbia, believe, because forsooth inadvertently the House passed an appropriation for a bridge or some similar item reported from that committee, it was established as a precedent all appropriations relating to the District should come from the Committee on the District of Columbia? He certainly will not venture to do so when he is aware of what the rule is, and I think I need say nothing further on that point.

The gentleman assumes I have said Congress could not legislate except in a given way. Why, sir, I simply referred, and I am only repeating what I have already said, to what the organic act of this District provided, that in order to guard the members of the House coming up here from all parts of the country against the imposition, against the importunity, if you please, of local officers in this District without any supervision from any sources whatever, Congress provided the estimates of the commissioners should go first to the Secretary of the Treasury, and when approved by him they should be sent, in so far as they were approved with his recommendation, to the House. But what do we find right in the face of that? The gentleman has had read from the Clerk's desk a communication from an officer of this District, an engineer, in response to the District Committee in reference to an item over which that committee has no jurisdiction, and in response to a single member of that committee, he sends in his opinion. The gentleman says some estimates were made, but why were they not submitted to the Secretary of the Treasury? Why should not the usual course have been pursued as contemplated by the organic act before coming to Congress?

The gentleman attempts to meet this objection by saying this is a matter of ordinary expenditure. Why, sir, it is no more a matter of ordinary expenditure than the police force or any other expense of city government. The expense of sewers is a part of the ordinary expense of all the cities of the country, or else my observation is much at fault. The gentleman from Indiana [Mr. COBB] who has had charge of the appropriations for the District of Columbia in this House for several years states they have annually included something in reference to the sewerage of this city. It was intended by the organic act and by the rules of the House that such appropriations should be provided for in bills to be reported from the Committee on Appropriations.

Mr. MULDROW. I understand Congress passed an appropriation bill, reported from the Committee on the District of Columbia, for a bridge at Georgetown, and that it has been the universal practice in the case of such special appropriations for the Committee on the District of Columbia to report them to the House for action.

Mr. BLOUNT. I wish only to say this in answer to the gentleman. He calls this a special matter, and he says the House has sometimes reported through the District Committee appropriations of money. What better answer could I give than to read from the rule that bills containing appropriations for this District shall not come from the Committee on the District, as it has no jurisdiction over the subject, but shall come from the Committee on Appropriations, which has jurisdiction. The rule states the Committee on the District shall not have jurisdiction where there is a dollar of appropriation involved. What better answer can I give to the argument because this committee has consideration of this specific subject therefore we must set aside the law in reference to the District and the rules of the House relating to the appropriation of money.

Mr. MULDROW. Will the gentleman permit another question?

Mr. BLOUNT. Yes, sir.

Mr. MULDROW. I wish to ask the gentleman where he finds it in the rules of the House providing that appropriations of this character shall come through the general Appropriations Committee of the House?

Mr. BLOUNT. I will answer the gentleman in the language of the rule which I have already referred to:

Subjects relating to the District of Columbia other than appropriations therefor: to the Committee for the District of Columbia.

Mr. MULDROW. But where is there any authority in the rules for the Appropriations Committee to take jurisdiction?

Mr. BLOUNT. The gentleman will find that in the same rule:

Subjects relating to appropriation of the revenue for the support of the government: to the Committee on the District of Columbia.

Mr. MULDROW. For the support of the Government!

Mr. BLOUNT. Yes, sir; and the gentleman from Delaware [Mr.

LORE] stated, what no one I presume will deny, that the Federal Government has control here, and is the government in the District of Columbia. If it is not, then there is no other, and in exact accordance with that construction the House provided for appropriations for this District through the Committee on Appropriations.

Mr. LORE. But I did not say that this was an appropriation of the government of the District of Columbia.

Mr. BLOUNT. The gentleman misapprehends my statement. I said the gentleman declared that there was no government here except the Federal Government.

Now, sir, I hold in my hand a bill reported from the Committee on Appropriations by Mr. FOLLETT, covering all of the expenses of this District. But will the gentleman from Mississippi undertake to say that under the rules of this House this committee has not jurisdiction of appropriations for the District of Columbia after the uniform practice of the House on this subject is known to him?

Mr. MULDROW. The difference between the gentleman from Georgia and myself is this: I say it has been the practice and the habit of the House to refer the usual current appropriation bills to the Committee on Appropriations; that is to say, appropriations providing for the current expenditures of the District government. But where special legislation is asked for the District which requires appropriation, or where special appropriations are asked for the District, the practice has been to report the bill from the Committee on the District of Columbia.

Mr. BLOUNT. Mr. Chairman, I admit that occasionally the Committee on the District of Columbia have come in here in violation of this organic law with a recommendation not based upon any estimates from anywhere for such subjects, as, for instance, the construction of a bridge. Just last Monday week—and I ask the attention of the House to it, for I say it is improper that it should be done—on the last District day in this House the District of Columbia Committee came in here with a provision in reference to the construction of a free bridge across the Potomac River, when the organic act in express terms provides that in the matter of bridges the commissioners of the District shall make their reports to the Secretary of the Treasury, and he shall make his estimates and submit them to the Congress for the appropriation, if they consider it proper to grant it.

Mr. SHELLEY. Will the gentleman from Georgia yield to me for a question?

Mr. BLOUNT. Yes, sir.

Mr. SHELLEY. Does not the gentleman know that the Forty-sixth Congress appropriated $140,000 for the construction of that bridge? That law is still on the statute-books and the money is now available in the Treasury for the construction of the bridge. The Chief Engineer of the Government, General Wright, made a report to the Secretary of War upon the subject, and the Secretary of War made his report to Congress, recommending an additional appropriation of $80,000 for the construction of this bridge across the Potomac River. It was thought at that time, or assumed, that the District government had nothing to do with the matter; that it was under the control and direction of the Federal Government. But, notwithstanding that, the District government was required to pay one-half of the expense of the construction of the free bridge.

Mr. BLOUNT. Mr. Chairman, I have yet to learn that the Secretary of War is the Secretary of the Treasury, and that the Secretary of War is charged with making estimates for the District of Columbia which the organic act expressly declares shall be made by the Secretary of the Treasury and the commissioners. I do not know when the gentleman says that this "was thought" to whom he refers or who thought that was the case. I do not know how much force is to be given to that impression, not knowing the persons who entertain it. But I do know from a careful reading of the statutes, and as far as I am able to form an opinion as to what construction ought to be given to them, that the District of Columbia Committee has no right over the question, as I have already shown.

Mr. SPRIGGS. Will the gentleman allow me to ask him a question?

Mr. BLOUNT. I will be glad to yield to the gentleman if I can have sufficient time, for I want to answer all the questions that may be asked in reference to this.

Mr. SPRIGGS. If the gentleman does not wish to be interrupted I will not ask him.

Mr. BLOUNT. I will yield to the gentleman for a question.

Mr. SPRIGGS. Will the gentleman then state whether we did anything more than advise the appropriation of this sum, and whether it is not a perfectly legitimate and proper thing for us to do, and whether, if approved by Congress, it does not become the law? I ask the gentleman if that is not all we did?

Mr. BLOUNT. I have read the rule upon this question already in the hearing of the House twice and I need not read that again.

Mr. SPRIGGS. I ask the gentleman the question, because I stepped into the room of the Committee on Appropriations and asked the gentleman from Pennsylvania [Mr. RANDALL] the same question, and he replied that there was no sort of doubt about it. That I understand also to be the opinion of Mr. CALKINS.

Mr. BLOUNT. I do not know what Mr. RANDALL said about it. I submit that the practice of the House in reference to the District of Columbia appropriation bills, from the time of the passage of that organic act onward as to the manner of making appropriations for the District of Columbia, is entirely as I have stated it.

The gentleman refers to the fact that a bridge or some little matter has gone through here from time to time. That I admit. It is an abuse. The appropriations ought to be made, in my judgment, just as the organic act contemplated. If that applies in the matter of a bridge which is specifically designated, why not also in reference to sewers? How does the District of Columbia Committee get hold of the matter of an appropriation at all?

Mr. SHELLEY. If the gentleman will allow me I will explain how the District of Columbia gets hold of the matter. This bill was regularly introduced, and was referred by the House to the Committee on the District of Columbia.

Mr. BLOUNT. Yes, sir. The gentleman from Alabama introduces this bill himself, I presume, and then writes a letter to the engineer.

Mr. SHELLEY. I referred the bill to him.

Mr. BLOUNT. Yes. He refers the bill to the engineer, when Congress had provided a different mode of procedure to get at what is right and proper.

I do not mean to say my friend does not think it ought to be done. I make no question as to that. I have no doubt my friend believes what the engineer says. But I do say a body like this, having control of the public Treasury, ought not to follow the gentleman from Alabama in this matter, but ought to adopt the mode which has been prescribed for ascertaining what is right and proper in the premises. The appropriation bill for the District of Columbia will come into this House and be considered in due course. All the appropriations it proposes ought to be considered connectedly and we ought to know what we are doing. I hold in my hand a bill reported by the gentleman from Ohio [Mr. FOLLETT] from the Committee on Appropriations for the expenses of the government of the District of Columbia, and I find this item:

For interest and sinking fund on the public debt, exclusive of water bonds, $1,213,947.97.

Nearly one million and a quarter of interest.

The gentleman from Delaware has seen fit to eulogize the gentlemen who were responsible for all this extravagance in violation of law and left us a debt of $26,000,000. When that debt had been incurred there was an appeal on the part of this District, representing that they had no control of the subject, that there had been mismanagement, that there had been maladministration, that there had been lawlessness, that there had been robbery, and that it was equitable and just the people of the country should come in and assume one-half of the public debt. And we are now paying over a million and a quarter of interest on that debt, exclusive of the water bonds.

Still they are not satisfied. That interest has to be paid. And yet we are called upon in addition to make continual advances. Where is the other city in this country which has such advantages as the city of Washington always has?

A great deal has been said about the health of this city. Why, sir, the statistics will show there is not a healthier city in the United States than the city of Washington. Why may they not take the ordinary course in reference to this matter? I trust, sir, that we shall make no more advances. We are paying half the interest now on between twenty and thirty millions of debt which we never contracted. We have advanced several millions of dollars to pay for additional water facilities. And now here is this proposition. For one, sir, I will not give my vote in favor of this irregular proceeding. If occasionally a bill has passed through contrary to the rules of this House, contrary to the contemplation of the law on this subject, let there be no more such bills passed. We owe it to the people who do not live in Washington, we owe it to the people who live in this country from one end of it to the other, to say that this just and wholesome law as to estimates for the District receiving the sanction of the Secretary of the Treasury before they are considered here shall be always observed. Even with that restraint upon us we have involved the Government already in a large debt, as the interest provision which I have read from the appropriation bill discloses; and I trust that we will right here and now decide that this is not the time to make appropriations in this way.

Mr. MULDROW. I move that the committee rise for the purpose of limiting debate on this bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VANCE reported that the Committee of the Whole House on the state of the Union, having had under consideration business of the Committee on the District of Columbia, had directed him to report back with amendments the bill (H. R. 3810) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown. He further reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia, and had come to no resolution thereon.

BRIDGE OVER THE POTOMAC.

The SPEAKER. The Committee of the Whole House on the state of

the Union has reported with amendments the bill (H. R. 3810). The question is first on the adoption of the amendments.

Mr. MULDROW. My object in moving that the committee rise was to obtain from the House an order to limit debate on the pending bill in relation to sewerage. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia, and pending that, I move that all general debate on the bill be limited to one minute.

Mr. HOLMAN. Would that motion have priority of a motion to recommit the bill (H. R. 3810) reported by the Committee of the Whole now before the House?

The SPEAKER. If the motion to recommit had been made it would have been in order. But another motion is now pending.

Mr. MULDROW. It is my intention at the proper time to move to recommit the bridge bill.

Mr. COVINGTON. I suggest to the gentleman that he make that motion now.

Mr. MULDROW. Very well; I move to recommit the bill (H. R. 3810) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, to the Committee on the District of Columbia.

The motion was agreed to.

SEWERAGE SYSTEM OF THE DISTRICT.

The SPEAKER. The gentleman from Mississippi [Mr. MULDROW] moves that the House resolve itself into Committee of the Whole House on the state of the Union; and pending that he moves that all general debate on the bill now under consideration in the Committee of the Whole be limited to one minute.

The motion to limit debate was agreed to.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (S. R. 80) relative to the ceremonies of the unveiling of the statue of Chief-Justice Marshall;

A bill (S. 465) for the relief of Mary L. Walker and Ella Walker; and

A bill (S. 652) to carry into effect the decree of the district court of the United States for the southern district of New York in case of the Spanish ferry-boat Nuestra Señora de Regla.

SEWERAGE SYSTEM OF THE DISTRICT.

The SPEAKER. The question is now on the motion of the gentleman from Mississippi [Mr. MULDROW] that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. VANCE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole to consider bills reported by the Committee on the District of Columbia. By order of the House general debate is limited to one minute on the pending bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia.

Mr. MULDROW. I do not desire to say anything further in way of general debate, and will therefore ask that the bill be now read by sections for consideration under the five-minute rule.

The Clerk read the first section, as follows:

Be it enacted, &c., That the sum of $500,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of completing the principal main drainage and the auxiliary sewers of Washington and Georgetown, in accordance with the plans on file in the office of the engineer commissioner of the District of Columbia.

No amendment was offered.

Section 2 was read, as follows:

SEC. 2. The notice for proposals shall be given and contracts for the construction of said sewers made in the manner now provided by law in cases of building new sewers in the District of Columbia: *Provided*, That notice for proposals shall be given for thirty days; and, in addition to the newspapers in which notice is now required to be given, said notice shall also be given in one newspaper for thirty days in each of the cities of Chicago, Cincinnati, Saint Louis, Louisville, and Richmond.

No amendment was offered.

Section 3 was read, as follows:

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to pay, out of the aforesaid appropriation, for the construction of said sewers, in the manner now provided by law for similar work done in said District.

No amendment was offered.

Section 4 was read, as follows:

SEC. 4. That 50 per cent. of the amounts so paid by the Secretary of the Treasury upon the warrants of the commissioners of the District shall be charged to the said District, in the same manner that the cost of similar work is now charged: *Provided*, That the amount so charged to the District of Columbia shall be reimbursed to the United States, without interest, in annual installments of $50,000, commencing with the fiscal year of 1885 and 1886.

Mr. SHELLEY. I move to amend the section just read, in line 7, by striking out the word "without" and inserting the word "with," before the word "interest;" also by inserting, after the word "interest," the words "at the rate of 4 per cent. per annum;" so that the proviso will read:

Provided, That the amount so charged to the District of Columbia shall be reimbursed to the United States, with interest at the rate of 4 per cent. per annum, in annual installments of $50,000, commencing with the fiscal year of 1885 and 1886.

Mr. HOLMAN. I do not think that amendment will be of any value, notwithstanding the high respect I have for the judgment of my friend from Alabama [Mr. SHELLEY] who submits it. I feel quite confident from our experience since this extraordinary movement was entered upon in this District in 1870 that this money never will be refunded to the Treasury of the United States, that Congress will not increase the rate of taxation here unless it is done in connection with the subject-matter itself.

If it is really the intention of the Committee of the Whole that this money shall be refunded, the refunding of it must be provided for at the very outset; the change of law required to make the necessary assessments must be provided for now. Ever since that unexampled period of corruption which occurred here, covering the years 1872, 1873, and 1874, when this enormous debt was piled up which we are now paying, and one-half of which is undoubtedly without any just foundation—ever since then every measure like this has been found ineffectual, for the reason that the amount of levy now made barely meets the current expenses of the District.

Therefore, for the purpose of trying to meet this emergency, and if necessary to secure the construction of this sewer which gentlemen seem to suppose should be promptly done, I offer a substitute for the proviso of section 4. Before it is read I wish to say that the most healthy city in the country, before this experiment was tried in the District, was Washington city. I myself resided here with my family for fourteen years, in that part of the city which is said now to be unhealthy, without any case of sickness occurring in it. Malaria was not then known, and the universal healthfulness of the city was a matter that did not admit of dispute or discussion. It is only since the drafts upon your Treasury have become so enormous and rapid that the health of this city must be provided for by expenditures out of the public Treasury.

Mr. SPRIGGS. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. SPRIGGS. Does the gentleman think that because this city has been improved it has become more unhealthy?

Mr. HOLMAN. I do not say that.

Mr. SPRIGGS. You say that it used to be more healthy than it is now.

Mr. HOLMAN. I think it a healthy city now, a remarkably healthy city; and it was a model of healthfulness a few years ago.

Mr. SPRIGGS. Does the gentleman think that the drafts on the Treasury have caused malaria here?

Mr. HOLMAN. I think that the drafts on the Treasury are based on malaria. But I ask the Clerk to read the substitute which I propose to the proviso of section 4 of this bill.

The Clerk read as follows:

And the commissioners are hereby authorized to add to the rate of taxation on the assessment of the property of the District a per cent. sufficient to meet the expenditures on behalf of the District authorized by this act; and the current cost of said work shall be paid in equal parts by the District and the United States: *Provided*, That said commissioners may postpone the commencement of said work for such time as they shall deem expedient.

Mr. HOLMAN. The reason why I put on that last clause is that the District might not be prepared to pay its proportion at once, and it should be left discretionary with the commissioners when to begin work.

Mr. SPRIGGS. There is no objection to the first part of the substitute.

Mr. SHELLEY. I would be willing to accept the first part, authorizing an assessment on the property of the District to pay its part of the cost of this work in annual installments. I am informed by the District commissioners that the $50,000 which will be required to be paid annually under this bill can be paid out of the revenues of the District as they come in now without any injury to the other interests that are committed to their charge.

Mr. BLOUNT. In this connection I desire to call attention to this provision of the organic act of the District:

Provided, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real estate not exempted by law, and on personal property not taxable elsewhere $1.50 on every hundred dollars, according to the cash value thereof.

I wish to know if the amendment proposed will increase the rate of taxation authorized by the provision I have read?

Mr. SHELLEY. I suppose it will take the place of that provision so far as this special assessment is concerned.

Mr. BLOUNT. The gentleman does not meet my point. I have read the general provision of the organic law of the District.

Mr. SHELLEY. That is for general purposes.

Mr. BLOUNT. But there is no exception here; the provision is general. I will read it again:

Provided, That the rate of taxation in any one year shall not exceed $1.50 on every $100 of real estate not exempted by law, and on personal property not taxable elsewhere $1.50 on every $100, according to the cash value thereof.

I ask my friend whether this amendment will necessitate an amendment of the organic law or whether that will be its effect?

Mr. SHELLEY. If the amendment be adopted, it would be a provision for this special appropriation.

Mr. BLOUNT. My friend does not catch the point of my inquiry. Has the rate of taxation in this District now reached the point of $1.50 on the $100?

Mr. SHELLEY. It has.

Mr. BLOUNT. Then this provision will have the effect to change the organic law and authorize a larger rate of taxation than the organic law now allows.

Mr. SHELLEY. That would be the effect of it. But, Mr. Chairman, the increased assessment will not be necessary. The District commissioners say that the annual revenues at the present rate of taxation will enable them to pay this money back at the rate of $50,000 a year. As the money raised by taxation must be paid into the Treasury of the United States, it can not get out of the Treasury except by act of Congress; therefore there is no danger that the revenues of the District will not be appropriated to the payment of this debt.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Alabama [Mr. SHELLEY].

Mr. BLOUNT. I wish to say a word further.

The CHAIRMAN. Debate is exhausted.

Mr. BLOUNT. I move to amend the amendment by striking out the last word. I submit that this provision of the organic law limiting the rate of taxation is a conservative one. It was deliberately agreed upon by Congress, and was intended to protect the tax-payers of this District. It was intended to prevent extravagant appropriations.

This provision that the rate of taxation upon real estate and personal property should not in any event exceed $1.50 on every $100 was probably adopted deliberately in the light of the records of this District with reference to the waste of public funds, in the light of the enormous debt which had been created, running from $20,000,000 to $30,000,000. Now, I ask whether, in view of the history of affairs in this District, it is not right that we should pause before adopting this departure from the organic act?

Mr. HOLMAN. My friend certainly perceives, from the drift of opinion expressed here, a determination to pass this measure in some form. He knows that the present rate of taxation in this District, 1½ per cent., is the lowest known in any city in the United States; is not up to the average rate of taxation in one-half the cities of this Union. Unless a provision of this kind be adopted there will be no money to meet the current expenses of this city, unless you provide for them out of the public Treasury.

Mr. BLOUNT. I will not assume, as the gentleman from Indiana assumes, that this House intends to violate this organic law of the District. I will not help to do it. I will not by my vote grant one single dollar to be taxed upon the people of this District beyond the restraining provision of this organic act. If the House sees fit to pass such a provision, of course it has the power; but if you do it in one instance you will have set a precedent. It will be argued, as it has been to-day, that the organic act has no restraining influence upon this House. I do hope that this Committee of the Whole will not adopt this provision changing the limitation of the organic act, and will not abandon the rules of this House in reference to appropriations for this District.

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from Alabama [Mr. SHELLEY], which will be read.

The Clerk read as follows:

In line 7 of section 4 strike out "without interest" and insert "with interest at the rate of 4 per cent. per annum;" so that the proviso will read:

"*Provided*, That the amount so charged to the District of Columbia shall be reimbursed to the United States, with interest at the rate of 4 per cent. per annum in annual installments of $50,000, commencing with the fiscal year of 1885 and 1886."

The amendment was agreed to; there being—ayes 78, noes 1.

Mr. HOLMAN. I ask the Clerk to read my amendment as I have now modified it.

The Clerk read as follows:

In line 3 of section 4 strike out "charged to" and insert "paid out of the funds of."

In line 5 strike out "charged" and insert "paid."

Strike out the proviso and insert the following:

"And the commissioners are hereby authorized to add to the rate of taxation on the assessment of the property of the District a per cent. sufficient to meet the expenditure on behalf of the District authorized by this act; and the current cost of the said work shall be paid in equal portions by the District and the United States: *Provided*, That said commissioners may postpone the commencement of said work to such time as they deem expedient."

Mr. HOLMAN. I ask the Clerk to read the section as it will stand if my amendment be adopted.

The Clerk read as follows:

SEC. 4. That 50 per cent. of the amounts so paid by the Secretary of the Treasury upon the warrants of the commissioners of the District shall be paid out of the funds of the said District, in the same manner that the cost of similar work is now paid. And the commissioners are hereby authorized to add to the rate of taxation on the assessment of the property of the District a per cent. sufficient to meet the expenditure on behalf of the District authorized by this act; and the current cost of the said work shall be paid in equal portions by the District and the United States: *Provided*, That said commissioners may postpone the commencement of said work to such time as they deem expedient.

Mr. SHELLEY. Is not the amendment as just read subject to a point of order?

Mr. BLOUNT. I would like to know what the point of order is.

Mr. SHELLEY. That the amendment changes existing law.

Mr. HOLMAN. Clause 3 of Rule XXI has no relation to a bill of this kind. This is not one of the general appropriation bills.

The CHAIRMAN. The Chair will have the rule read.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject-matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment being germane to the subject-matter of the bill shall retrench expenditures.

Mr. HOLMAN. The Chair will perceive that applies only to general appropriation bills, of which there are thirteen.

Mr. BLAND. It retrenches the expenditures of the Government; that is to say, the amount of money taken out of the public Treasury will be reduced by this amendment.

The CHAIRMAN. The Chair overrules the point of order.

Mr. WILSON, of West Virginia. Mr. Chairman, I rise to oppose the amendment, and I do so on the ground I think it is entirely unnecessary. As I understand the facts of the case, the current revenues of the District of Columbia from the present rate of taxation as now prescribed of one dollar and a half on the hundred dollars of taxable property afford sufficient amount for the payment of the annual installments of this advanced money as they shall accrue. That, I understand, is the information given to the Committee on the District of Columbia by the District commissioners, that they can set apart out of the current revenues at the present rate of taxation annually the amount provided to be reimbursed the Government for its advance for the construction and completion of this system of sewers.

I understand the only reason why it is proposed to appropriate the sum of $500,000 now instead of spending $50,000 or $100,000 annually in the construction of the system is that the work can be done far more cheaply and far more efficiently by making one contract of it than by spreading it over five or six years and completing it in detail.

That is one reason, to save money to the Government and the District; and the other reason is that the health of the city, which will be improved, requires the immediate construction of this system of sewerage.

Mr. BLAND. Do you expect to expend the whole of that half million of dollars in one year?

Mr. WILSON, of West Virginia. I have no doubt the commissioners, if the system be adopted, will carry it forward as rapidly as possible.

Mr. BLAND. Do you expect it can be done in one year?

Mr. WILSON, of West Virginia. I suppose it can be done during this year. We believe it ought to be done within the year. The only reasons the Government is asked to advance the money are those that I have already stated, and the amendment of the gentleman from Indiana is not necessary, because the amount requisite to meet these annual installments and accrued interest on them can be realized out of the current rates of taxation in the District.

Mr. HOLMAN. I am quite certain from what has been shown in the Committee on Appropriations the gentleman is laboring under a mistake, and that this money will have to be collected in this way or it will never be collected at all. I suggest he insert the words "if they shall find it necessary to enable the District to meet its portion of such expenditure." Has my friend any objection to that?

Mr. WILSON, of West Virginia. I do not think it is necessary to do that.

Mr. HOLMAN. Is my friend opposed to saving the public money?

Mr. WILSON, of West Virginia. I do not differ with my friend on that point. I listen to him always with respect and very often agree with him in the views he expresses. But, sir, I was merely going to say that the money collected from taxes in this District is paid into the Treasury of the United States and is appropriated from the Treasury by acts of Congress. Now, if it is necessary there might be added to the fourth section a provision of this character, which I think will meet the views of the gentleman from Indiana.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MULDROW obtained the floor and yielded to Mr. WILSON.

Mr. WILSON, of West Virginia. I was simply going to say that it seems to me the objections of the gentleman from Indiana can be met by a simple proviso in this form:

And the Secretary of the Treasury is hereby directed to set apart and cover into the Treasury, out of the taxes of the District of Columbia paid into the Treasury under the provisions of existing law, the said several installments, with interest, as they shall become due to the United States.

Mr. HOLMAN. Now, if the gentleman will permit me, I will say that the very commissioners of this District have found it necessary to resort to a cheese-paring process, if you please, as it is frequently termed on this floor, with reference to your charitable institutions even. Your very charities in this District are being narrowed to meet the necessities of the District upon the present basis of taxation—1½ per cent.; and the contest, the gentleman will find sooner or later, on this floor will be whether or not you shall give support to charities which belong distinctly to the District of Columbia out of the public Treasury. One and one-half per cent. on the assessed value of property is no tax for a city like this, which is one of the wealthiest in proportion to its numbers in the country. The most of the cities throughout the country pay from 3 to 4½ per cent.

Mr. WILSON, of West Virginia. But I think my friend from Indiana will find that the District of Columbia is now annually expending on the sewerage system more than is required to pay back the annual installments of the Government.

Mr. HOLMAN. Well, if they are not called upon to make the assessments then of course they will not make it. If it is necessary to make the assessments they ought have the privilege.

Mr. BLAND. I move to strike out the last word.

If the present revenues of the District of Columbia will meet the demands of the bill without the amendment of the gentleman from Indiana, the amendment hurts no one, but if gentlemen are mistaken as to the extent of the revenues, then the amendment, I think, is a very important one.

But the bill seems to me a very extraordinary one in many respects. I do not know, sir, why it is that the Government of the United States should be called upon to loan this money to any one when it is itself so largely in debt.

I know there is a sort of popular sentiment now existing that we have an immense surplus of revenue in the Treasury. It is a debauching and dishonest sentiment; for no government has a surplus of revenue that has over one and a half billion of dollars of indebtedness to meet more than its revenue. Two hundred millions of dollars to-day is due, and it is a duty, Mr. Chairman, to pay that money out on the public debt; and when the Government does that there is no surplus revenue left to loan to anybody. I do not see why the government of the District of Columbia should not improve its own sewers like other cities, and do so gradually and annually as it is able to do it. If the people of this District are not in a condition to expend over $50,000 annually in improving sewers, what right have they to demand that Congress will spend a half million for that purpose, and lend it to them without interest? None whatever, sir.

But we are told, Mr. Chairman, that the work for which this half million of dollars is proposed to be appropriated by this act is to be let out I suppose under one contract. Some individual is to make a big sum of money out of it. That would seem to be at all events the possibilities of the bill.

Mr. SHAW. Some other Shepherd will turn up.

Mr. BLAND. I do not suppose that Shepherd will turn up again, as he is a long distance away from Washington at this time. But why can not $50,000 be appropriated from the revenues of the District of Columbia under the provisions of existing law and the same amount from the Government, and then if it is necessary to let out several contracts to different contractors it ought to be done, and it may be done cheaper next year than this. Certainly there are poor men in this country and in this District who could take a small contract who could not take a contract involving half a million of dollars.

In the first place, I say it is not just to the tax-payers of this Union. It is not just to this Government. This Government is not out of debt. It has more debts to pay to-day than it has money to meet its obligations with, and it had better meet these debts, and should meet them, before it talks about loaning money to the District of Columbia in this way. Nor is it good policy to appropriate half a million of dollars in this manner and in one amount. You do not expect to expend it in less than four or five years, the time given to the District of Columbia in which to refund the money.

[Here the hammer fell.]

Mr. SHELLEY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VANCE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia, and had come to no resolution thereon.

Mr. MULDROW. I move that the House resolve itself into Committee of the Whole House on the state of the Union; and pending that motion, I move that all debate on the pending section and amendments thereto be limited to one minute.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. VANCE in the chair.

The CHAIRMAN. The House in Committee of the Whole resumes the consideration of the bill (H. R. 6526). By order of the House all debate on the pending section and amendments thereto is limited to one minute.

Mr. HOLMAN. I desire to modify the proposition I have submitted by inserting after the word "commissioners" the words "if they shall deem it necessary to enable the District to meet its portion of said expenditure." I ask the Clerk to read the amendment as thus modified.

The Clerk read as follows:

And the commissioners, if they shall deem it necessary to enable the District to meet its portion of said expenditure, are hereby authorized to add to the rate of taxation on the assessment of the property of the District a per cent. sufficient to meet the expenditures on behalf of the District authorized by this act, and the current cost of the said work shall be paid in equal portions by the District and the United States: *Provided*, That said commissioners may postpone the commencement of said work till such time as they may deem expedient.

Mr. MULDROW. I ask for a vote now on the amendment.

The question being taken on Mr. HOLMAN'S amendment as modified, there were—ayes 34, noes 44.

Mr. HOLMAN. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Mississippi [Mr. MULDROW] and the gentleman from Indiana [Mr. HOLMAN].

The committee again divided; and the tellers reported—ayes 58, noes 60.

The CHAIRMAN. The amendment is not agreed to.

Mr. HOLMAN. No, sir; I still insist on the point that a quorum has not voted.

Mr. MULDROW. I hope the gentleman from Indiana will not insist on a quorum.

Mr. RANDALL. Yes; this is a large sum of money.

Mr. HOLMAN. If the figures to be reported by the tellers are changed I will not insist.

The count was resumed, and the tellers reported—ayes 61, noes 61.

The CHAIRMAN. A quorum has not voted.

Mr. MULDROW. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VANCE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia, and had come to no resolution thereon.

PRAIRIE COUNTY, ARKANSAS.

On motion of Mr. DUNN, by unanimous consent, the papers in the case of the claim of Prairie County, Arkansas, were taken from the files of the House and referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSON, for ten days from this date, on account of important business.

To Mr. WHITE, of Kentucky, for ten days after to-day, on account of important business.

To Mr. MITCHELL, for three days from April 28, on account of important business.

To Mr. PARKER, for one week, on account of important business.

To Mr. BARR, until May 8.

ORDER OF BUSINESS.

Mr. WELLER. I move that the House now take a recess until 8 o'clock.

The SPEAKER. The Chair supposes for debate only on the tariff bill, under the order of the House requiring a recess from 5 o'clock until 8 o'clock?

Mr. WELLER. Yes, sir.

The motion was agreed to.

The SPEAKER. The gentleman from Tennessee, Mr. MCMILLIN, will preside at the evening session as Speaker *pro tempore*.

The House accordingly (at 4 o'clock and 50 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by Mr. MCMILLIN as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The business before the House is limited by order to debate only on revenue bills.

Mr. MORRISON. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MATSON in the chair.

THE TARIFF.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for debate only upon the tariff bill. The gentleman from Kentucky [Mr. WOLFORD] is entitled to the floor. He has forty-five minutes of his time remaining.

Mr. WOLFORD. Mr. Chairman, the people of the United States are not opposed to paying a tax to support the Government, to pay its debts, and to provide for the general welfare. But they are opposed, or at least a portion of them are, to paying heavy war taxes for the purpose of supporting and making immensely rich the manufacturing classes in the community.

The provision, sir, in the Constitution of the United States to provide for the general welfare does not mean and can not mean to tax one class of men, or in fact the whole community, for the purpose of benefiting a few. The general welfare is a good expression, placed in our Constitution for noble and grand purposes. It is the only charitable thing that is attached to that grand instrument. Our fathers in their wisdom foresaw that it would be necessary, by tariff or otherwise, laid upon foreign importations, to provide for supporting the Government and to provide for every emergency, for foreign war or for domestic war; to provide for everything that could be imagined that the passions of the people or the vindication of great rights might bring upon this people.

They foresaw further that it would sometimes become necessary to protect a single individual at home when cast into a dungeon; that Congress should provide a remedy by habeas corpus for his delivery, or when oppressed in a foreign land, that Congress should have the means under the general-welfare clause to protect him and do him good. They went further: they foresaw that the time would come when the poor and indigent and oppressed people would need the material aid of the Government, and they in their wisdom provided for that. That is what the general-welfare clause means.

It never did mean and never can mean oppression; welfare does not mean oppression. It never did mean unjust and unequal and burdensome taxes to make a few rich; that is not welfare. It never meant in any shape anything that would do harm. Its meaning is good; to promote happiness, security, and prosperity; to relieve the distressed; to comfort those that are in circumstances where they need comfort. These are the only charitable words that are thrown into our Constitution. They were put there by the wisdom of our forefathers, who foresaw every emergency that would come up.

I have said that they never intended that taxes should be collected from the people to be put into the pockets of the favored few. Under our present tariff law, which is a violation of every principle of right and justice and every principle that obtains in the Constitution that secures our liberty and vindicates our want, men, contrary to their will, poor men who can not spare the money, laboring men who have to labor for their livelihood, are compelled to put into the pockets of the manufacturers $5 where one goes into the Treasury of the United States. This is exceedingly oppressive, and considering the vast amount of manufactured articles that are in the United States it becomes very oppressive, very burdensome, more than human nature can stand, and more than it ought to bear.

I advocate this bill because it will relieve part of the distress that is brought upon the people by this unjust taxation. But I go further; I desire to see the day come when the whole thing will be reversed; when we will go further than this bill goes and have a tariff purely for revenue, and revenue alone; when we will change the matter so as to charge a small tax upon every article that comes from abroad, and in that way fill our Treasury to overflowing. For that will do it. When you open the doors to the commerce of the world and lay a small tribute upon it, I say it will fill our Treasury in abundance.

I want to see the day come when by wise legislation we will change the figures and let $5 go into the Treasury from the tariff where one goes into the pockets of the manufacturers. That would be just. When you have a tariff at all you must have some protection. I do not care whether you call it incidental protection, or what kind of protection you call it, it is a protection in that sense.

But it is a great relief to the people to take these burdens from them. I have heard gentlemen say here, learned gentlemen, with long faces and solemn countenances, "Oh, you must not reduce the tariff as you Democrats talk of reducing it, for if you do you will open the floodgates of all the world and goods will pour in here and become so cheap that they will break down all our manufactures, and will put out the fires of our furnaces." More than one gentleman has very earnestly appealed to Congress not to let cheap goods come in here. In Heaven's name, I do not care how cheap they are if I have to buy, and the poor people of the country do not care.

These same men make another argument that astonishes me. They urge with great zeal that you should not let foreign goods come in here and make goods cheap, as if that was not what the people want. They tell you that there has been overproduction in all the manufacturing industries not only in the United States, but all over the world.

Now, in the first place, what does that mean? That means that there is so much money made by manufacturing that all the capital that can get a chance to be invested in it goes there. But they have made so much, have produced so many goods, that they tell you they can not sell them. But I have not heard one of these distinguished gentlemen have the bravery, for I do call it moral bravery, to tell the truth and let the people know the whole truth about it, and say that they want to hold England off, that they want to hold the whole world off until we can sell our overproduction here, for if their overproduction comes here it will make goods so cheap that we can not sell our overproduction.

The people want cheap goods; they desire them. If you will let the overproduction of the world come in here, I do not care how cheap it makes them, you will please the people, and in the full meaning and true intent and spirit of the Constitution execute that portion of it which says "provide for the general welfare of the people." This will be providing for the general welfare by bringing them cheap goods.

There are to-day in the United States many millions of ragged, dirty, ignorant children that are oppressed by the tariff and crushed almost to death. The people would shout for joy if they could hear that cheap goods were coming here so that they could be dressed decently and made to feel their manhood and their strength. Many a mother's heart would leap with joy to see the father of the family and the children able to purchase goods to make them comfortable and enable them to enjoy life.

Do not talk to me about its being a curse upon this nation to have cheap goods. I say the whole country would rejoice. And in thus supplying cheap goods you would not put out your furnaces; you would not destroy anybody's rights or interfere with anybody's just interests. In my heart and soul I do believe it will reduce the price of goods one-half when you bring down the tariff to what it really ought to be—when you bring it down so as to put only a small tax upon every article of high price or low, according to the value. And when that day comes the poor people of the country for once in their lives will not only have the privilege of buying where they can buy cheapest, but they will have the pleasure of buying the best, the most beautiful. The poor mothers and fathers of the land will have the great joy of seeing their children arrayed in beauty.

And, sir, there will be another effect. It will rouse the pride of the rising generation. I am talking now with reference to the interests of the poor. It is the poor whose cause I plead; it is the poor for whom I propose to legislate. The rich men can take care of themselves. I say that when you have thus reduced the price of everything that would make life comfortable—when you have enabled the families of the humble classes to supply themselves with everything to eat and everything to wear and everything beautiful with which to adorn themselves, you will cause a thrill of gladness in the proud heart of the boy who has been oppressed by poverty, who has been dragging a life of wretchedness and rags, thinking, "I am of no good upon earth; there is no hope, no promise for me; there is no chance for me to lift myself up. It is true that our institutions give merit, industry, and intelligence the right to rise; but I can not rise; I am oppressed; I am borne down forever." But reduce this unjust, this wicked, and I will say this robber tariff to what it ought to be, and you will give new life to the whole country.

But gentlemen say, "If you reduce the tariff and bring down the price of goods, you stop our manufactures." You ought to tell the truth to the people and say candidly, "We want to prevent goods coming here from abroad until we can cheat the people by making them buy what we have overproduced." Why, gentlemen, it was your own judgment that made you produce more than was necessary for the supply of the country; and you ought to abide the consequences of your judgment; you are rich enough to do so.

But you say, "It will put out our furnaces." When gentlemen talk so loudly and eloquently and look so solemn over this question of putting out the furnaces it reminds me of the worm that never dies and of the fire that is never quenched—the worm that feeds upon the life-blood of the poor laboring people of this country; the fire that burns the flesh of the needy and crushes them down forever. I want to put out such furnaces as that. Do you not want to do the same? I ask every patriot, do you not want such furnaces as those put out? You will not put out the righteous furnace; you will not put out a furnace that is kept alive by honest labor and by the honest use of capital in order to fill up the country and make it happy. No such furnace as that will be put out.

As I have said, I propose to demonstrate not only that to reduce the tariff to what it ought to be would relieve the poor and make the people happy, but that instead of diminishing the price of labor it would increase it. I wish to call the attention of the committee a few minutes while I undertake to prove this proposition.

Why should a fair and just reduction of the tariff stop manufactures? Why should it reduce the price of labor? Before undertaking to prove that such a measure will increase the price of labor I will advert for a moment to what has been said by a dozen or more speakers on our side in the way of demonstration that even if wages be reduced the working people will be able to buy goods so much cheaper that their wages will do them more good. But the advantages of reducing the tariff will make themselves felt with double force when it is realized that it will increase the price of labor.

Now, after reducing the tariff, what is necessary to increase the price of labor? In the first place we want to build ships enough to carry the commerce of the world. I am supposing that you have reduced the tariff so as to invite cheap goods of all the world to come to our soil, that they may be purchased by our people at such prices as they have never

enjoyed before. When you have done that you have to build ships. What a vast amount of labor it will take for years to come to build ships enough to float the commerce that will come from abroad to our shores, to put this carrying trade under the protection of our flag. This is one way in which laborers will get increased prices for their labor. More laborers will be demanded; more ships will be needed.

But, sir, I go further and say that when you have reduced the tariff, though you have gone great lengths in the proper direction, you have not gone far enough. Wise legislators, after reducing the tariff, ought to provide a home for every poor man upon the vast domain of the United States. But think of it! Give them good and cheap goods so they can live on this domain of the public lands and support their families. Then there is a vast body of laborers which will come in and enjoy the results of this beneficent system. It must be a system, one and complete. It must be one general, coherent, and satisfactory system. It must not be singular, exceptional, and unfair. It must be a general reduction of the tariff in favor of the general welfare. The Constitution must shine out in all its beauty and strength. It must be a minister of mercy, an angel of consolation and peace.

You must encourage all the men of the country to go out and settle upon the lands and cultivate farms. Let them build houses in waste places. To do this they require lumber. That is another vast branch of industry, and it will repay the laborer abundantly. The new settlers need more lumber, and they must have it. This bill puts lumber on the free-list and relieves it of taxation, and that is only right and proper.

There are, too, vast ore deposits in the earth which ought to be dug up. That is another productive field where labor can be employed. These laborers need not be engaged in raising wheat or corn or cattle or any other food product. Let them dig up the iron, copper, gold, silver, lead, and other ores. Let them dig it all up, and let them thereby infuse new life and vigor into all industrial pursuits. It will come like the voice of salvation into the hearts of the people, and the amount of happiness which will result can only be measured by the genuine rejoicing of the people. [Applause.] The people will rise and the nation will rise to additional energy and strength and to greater glory. Industry will thrive, laborers will go to work, and we shall have that prosperity which all must desire.

But that is not all. Railroads will have to be built, for the removal of heavy exactions from the people will increase the extent of our productions and more railroads will be required to carry them everywhere.

You will have to build more ships. The building of railroads and ships will require more iron and more steel and more lumber and more labor.

But that is not all you want. The Lord only knows how many railroads and how many ships you will need to carry the cheap and abundant commerce which will come in with a reduction of the tariff. When that commerce shall grow up it will put to work numberless laborers. It will find the ways and means to spread itself over the face of the earth.

No man can tell how many railroads we will need. They will be built all over the country. If capital no longer finds that good investment in manufactures which it now does it will be put into the construction of railroads. It will go wherever it can make good profit.

Thus the laborer on the farm and in the field and in the mines and everywhere else will find remunerative employment. Corn and wheat, beef and pork, iron and steel, all will find a ready market.

This country surpasses all others in the production of fruits which the world wants. Every kind can be raised here, and their production will give employment to a large number of laboring people.

Then, Mr. Chairman, we shall need our water communications improved and our river navigation opened up. It will bring about competition, and while it will afford cheap transportation it will also give employment to another large branch of industry.

As the nation rises in glory, in beauty, in kindness, in prosperity, in trade, in commerce, in labor, in liberty, men from every clime will come in to help us.

I am not talking about pauper labor; I am talking of honest and helpful labor which will come in and rejoice with us and help and be helped, so that the beneficent effect will be common to them and to us.

By the time you have opened up all your rivers and improved all your harbors, dug out all your canals, built all your railroads, given transportation to all your commerce, you will have labor enough for all your wants for ages to come. That is what you want to-day in place of the system of tariff monopolies, which make the rich richer and the poor poorer. We shall have honesty and decency right along. When my Republican friends come to realize the benefits which will accrue they will wonder the system was not adopted long ago. Instead of the one-hundredth or the one-tenth of our resources being developed we will have them producing good results in all directions.

When we open the door to every enterprise and encourage every energy of our people, what will be the result? If the laboring man can not get good wages in manufacturing he can get it in the mines, he can get it in clearing out rivers, he can get it on the railroads, and it will increase the demand for labor; and in the end the manufacturers will have to do just this, what they have never done, that is, divide their profits with the laborers and increase the wages of labor.

Mr. SHAW. That will be a good divide.

Mr. WOLFORD. That is what they ought to do. That is what they will have to do in the end. But if you permit them to go on under the operation of this iniquitous system, by which they can pile up their own capital and crush down and tread under foot the laboring people, the cupidity of man will never let them do it. They will hold labor down with heavy heel while they have such unjust power over it. You never knew a man to grow rich that he did not want to grow richer. You never knew a man to become richer that he did not become more vicious. Did you ever hear of a man who was so rich that he did not want to be richer? Did you ever hear of one so rich that he did not want to oppress his dependents? I have never heard of one or read of one, and God knows I have never seen one. Now, I have laid down a plan that I think will satisfy any gentleman that works it out. Of course I do not intend to go into all the minutiæ or all the details in a short speech of three-quarters of an hour of how it is all to be done, but I lay down the principles and you can apply them.

But another thing: that is not all that will be accomplished by the reduction of these enormous taxes. You will revive the arts and the sciences. Meeting-houses will be built all over the land; colleges will spring up; churches will everywhere be erected; and not only will the homes of our people be beautified and made happy, but there will be created a demand for ornaments, works in precious metal, workmen will be in demand in the fine arts, in all things that will please the eye and gratify the taste and enlighten and cultivate the minds of a great and happy and prosperous people, and that will establish a demand for thousands of laborers in those various arts. Talk of the schoolmasters and schoolmistresses! Why, it will give a new impetus to education. It will create a new demand for their services by putting into the minds of the people a desire to read and to be great. I talk now, Mr. Chairman, of those who have been downtrodden and oppressed. I speak of the poor people of this country in whose minds will be created a desire for education, and with education comes the taste for art and all those little things that adorn and beautify life.

All these things will increase the demand for schools. The teachers will find employment, and you will have another vast army to feed and clothe, and who will be the guardians of the morality and the education and the culture of the nation. The intellect of the people will grow. You need not tell me—for I said the other evening I was in favor of national aid to schools—you need not tell me, I say, that this change will not be of service in that direction. I am in favor of the educational bill; I am in favor of that which will aid in exterminating illiteracy in our land. I am in favor of the parental aid; in favor of State aid and the aid of our counties to the cause of education; and why in God's name and the general-welfare clause can not this great Government aid in the education of our own people? We have a government unlike any other upon earth.

Every citizen of every State—and you need not talk to me of State rights; it is a humbug and a delusion when you come to such a thing as that—I say, then, that we have a Government unlike every other government on God's green earth. Every male child that is born in the United States is a citizen of two governments—a citizen of the State in which he lives; and it is the duty of that State to educate him. If you would have intelligent voters, intelligent citizens, intelligent neighbors, if you would have a great country, if you would have men great in the arts and literature, it is a necessity that you educate them. And then also they are citizens of the United States. Has the Government of the United States no feeling or care for the citizens? In mercy's name, will you tell me that if a great and kind and benevolent—for our Government is in one sense, although my distinguished friend from Pennsylvania some weeks ago said it was not, an eleemosynary institution—I say it is, in the grandest, noblest, and highest sense of the word, an eleemosynary institution. It is a vast charitable institution, in which every citizen has an equal interest.

It is a power that protects and defends. It is a government in which every man has an interest. It is a government in which there are none but citizens, and no man has a right to oppress or make his fellow-man afraid. Neither have the State governments the right to do so. It is the honor and glory of the citizen that all the Government is our own. I do not talk now of the governments of other countries; I do not talk of despotisms; I am not talking of monarchies; but I am talking of a great, enlightened, and free and prosperous people, where every man is lord, where every man is master of the situation, where every man is a citizen in the highest, the noblest, and the best sense of that term in his duty to the Government and in the reciprocal duty of the Government to him.

But now I think I have brought classes enough to the mind of every gentleman, and I do not propose to go into particulars, but allow you to cipher out the plan for yourself on the mere basis of the suggestions I make. I assert, and experience will prove the truth of the assertion, that whenever the day comes, as God grant it may soon come, when your tariff is adjusted as I have indicated, the light of happiness and prosperity will beam upon this nation with a brilliancy and splendor

that will surpass all that we have known in our past history. Some day it will be done. I am old, and may not live to see it in all its fullness and glory, but young men will see it and bless the men that called it into being. When you have done it, all the nation will rejoice, and the bowed head of labor will rise and rejoice. When you have done it you will have brought glory and wealth and honor to the nation; you will have lightened the burdens of labor. Take the man who is unable under your present oppressive tariff to buy his family decent clothes, make him able to adorn them, and he will gladly avail himself of the opportunity, and fill their hearts with gladness, their homes with happiness; for his pride and honor and the honor of the nation will make him do it.

But when you have done all this you have only begun the grand work of reformation; for this is a reformation—this Morrison bill. It will prove to be so before this century is completed; for, whether you stifle it in this Congress or not, it will pass. It is founded upon the eternal principles of right; it is founded upon truth itself and it will triumph. I go further. I say this Morrison bill will be hailed by a future generation as the harbinger of freedom—I mean the harbinger of freedom in its purest sense, a condition of freedom in which every man may assert his manhood and every lady her ladyhood; when the poor man's daughter under the system I am talking about can learn music, can learn all the arts and sciences; when she can cultivate polish of mind as well as the rich man's daughter. She may never be the equal of the rich man's daughter in wealth; but in that which is greater than wealth, in the ornaments of the mind, in the beauty of the soul, in the finer feelings of the nature, she will be her peer; and the world will come to recognize that superiority in refinement, in intellect, in beauty of mind is the superiority which triumphs; that riches are only pelf and trash and count for nothing before an intelligent people.

In the name of a great nation I ask why there should be a distinction between the rich and the poor. Give facilities for educating all alike and all will want to be educated. Even if you were not to vote the money, when you have once freed those illiterate classes and given them a chance to live, in the end they will educate themselves. I say in the end they will all be educated.

But it will do more than that, for that is only the beginning. When it opens all these vast forests of ours and makes the wilderness blossom like the rose and the solitary places to be glad—when it has done all that it has not yet done all. But it will ultimately unite the whole of this nation in the bands of a common brotherhood.

Do not talk to me about building a wall around this country and making a brotherhood by force. When you put them on a common footing of equal rights they will be a brotherhood by love and by sympathy. The rich man will need the poor man, and the poor man will need the rich man's money. They will be a band of brothers all marching to the same great end, all engaged in the same great fight of overcoming the obstacles of humanity and accomplishing the highest and noblest civilization based upon the foundation of American freedom. When they find themselves united in that they strike hands together as a band of brothers joined together by the eternal principles of interest and love, and there will be no more quarreling. But when you undertake to make a man work like a dog for another and only get kicks, his soul becomes discontented, and it ought to become discontented. That is the natural result.

But pursue the course you are now pursuing and you will have all sorts of strife and bloodshed and all sorts of attempts at revolution. Every bad and hateful passion of the human heart will be brought into play. Pursue the course I have indicated in these remarks, and all the noble feelings of the human heart and all the finer emotions of the human soul will be called into play, and malice and hatred and unjust distinctions will vanish; and the people will be one people moving on to one great goal. Now, is not that a beautiful picture? And it will be realized. It must be. The kingdoms of this world never can become the kingdoms of the Lord and of His Christ until you begin in just such a way as this and accomplish the work in this manner.

When you have done this you have only begun. Trading with all the nations of the earth you come to learn that those you have prejudices against are not as bad as you thought they were. It breaks down the prejudices of nations. It breaks down the distinctions between peoples. No man will be a foreigner to you when you have the commerce of the whole world coming here and you and your tradesmen are going there and your intercourse one with another is of every-day occurrence. The world will become a great band, a great brotherhood. And when the world looks on at the glory of America rising in her manhood and her power and her strength, then they will say, "Behold what freedom can do!" Free thoughts, free speech, a free press, and free trade—trade with all the world—that is what is wanted to make a nation happy and glorious and great.

When I say free trade I mean in a comparative sense, so that you will be free to trade with all the world. Do that and you will be happy and great, and kings will abdicate their thrones; or if they do not the people of the Old World, seeing what a great people you are, not quarreling, one not trying to oppress another or trying to make him unhappy or miserable, will admire the spectacle and will quote the language of Burns when he said—

> Man's inhumanity to man
> Makes countless thousands mourn.

And they will begin to say: "We want no tyrants in our lands, we want no inhumanity; we want no man that will crush us to the earth and starve our children and not even give us leave to work to support our families."

Rising in their manhood and in their power there will be a glory and a dignity, a beauty and a power in human nature, that will transcend even the imagination of the most enthusiastic. It will hurl them from their thrones if they do not change their course, and the world will become free and great and happy. Everything that can make a man happy and good, beautiful and grand, will be brought into the world.

If my distinguished friend from Pennsylvania [Mr. KELLEY] was here to-night I would tell him this was the way to redeem those poor beasts that he saw in London. And I want to talk just a minute about that. More than one of the orators upon the other side—and it is strange how eloquent and educated men can make the worst side appear the better and the black appear the white—I say it is strange that more than one of them has invited your attention to the pauper labor of Europe. They tell you that they make trace-chains and make women work on them. But they do not tell you all; there is more than that. I have seen women work in America, and they were proud to work; they were not ashamed to work if necessity required it.

But they say that women make trace-chains there, and Mr. CHACE, of Rhode Island, told my friend and colleague Mr. TURNER that they sold trace-chains here for 65 cents and they sold them for 80 cents in England. No wonder, if they have such a hard time making them. Is it not strange that they are afraid to allow English trace-chains to come here for fear of breaking down American trace-chains when they are so cheap here?

It is a contradiction of terms, and any one who can strip the disguise from their statements can see that it was a falsehood fabricated for the occasion. I do not say that members of Congress would fabricate anything, but they have suffered themselves to be made the dupes of crafty men.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOLFORD. My subject is not exhausted yet. I ask leave to print another speech; I will not take this and revise it.

The CHAIRMAN. Is there objection to the gentleman printing the remainder of his remarks?

Mr. BROWN, of Pennsylvania. I understand the gentleman wants to print another speech. This one is too good to leave out; I want him to print this one.

Mr. WOLFORD. Oh, they are taking this down and will print it.

There was no objection, and leave was granted accordingly.

Mr. STORM. Mr. Chairman, I propose to state in as brief a manner as I can the reasons that govern my actions on this bill. It might be inferred from the tone of debate on the bill under discussion that there were two parties here, one for absolute free trade and the other for absolute prohibition. Yet I take it there is no member in this body ready to avow himself for the one or the other.

The friends of this bill seek by it to ultimately secure a tariff for revenue only; its Republican opponents declare themselves protectionists for the sake of protection only. The former would make the imposition of customs duties simply a matter of revenue; the latter would make it simply a matter of protection. I accept neither theory, and belong to neither of the parties. Neither represents the true and real sentiments of the Democratic party, or the teachings of its greatest statesmen.

It is true that the bill before the House could be voted for by a Republican protectionist, and he could not in so doing be fairly charged with being either a free-trader or a revenue reformer. It is absurd to call the "Morrill tariff" of 1861, which is made the basis of the bill under consideration, either a free-trade or a revenue-tariff measure.

It is the unconcealed purpose lying back of this bill that gives tone and color to this discussion. Its author and its champions on this floor have very frankly declared that it is only the first step in the journey to a tariff for revenue only, and ultimately to free trade; that this particular bill, objectionable as it is to its framer and friends, is only an earnest of what is to come, a solemn pledge of something better in the near future, a half of a loaf which to them is better than no bread, as the only measure that can rally enough support in this Congress to secure for it any consideration. This measure would be rejected by its present friends with scorn if they had a majority here friendly to a more sweeping and comprehensive measure.

It is not what is in the bill that causes this discussion to be watched with intense interest, but what is not in it; not what it says on its face, but what is boldly threatened by its advocates that makes us pause. It is because of this menace to the interest, peace, and prosperity of the country that induced me to vote against the consideration of this bill, and when its consideration is ended will induce me to vote against its passage. The friends of this measure can not say that they

have been forced into this position; they have voluntarily and recklessly assumed it, and they glory in the fact.

I do not, Mr. Chairman, belong to that school of economists who believe in protection simply for the sake of protection, nor to the party which believes in a tariff for revenue simply for the sake of revenue.

There have always been in the world two classes of men, the practical man and the theorist. The theoretical and practical are rarely found in a marked degree existing in the same person. When the mind once enters the realm of abstractions it forgets and ignores the tangible facts of human life. The worst foe to a mere abstraction or fancy is a stubborn, unyielding fact. Therefore the theorist likes to get away from facts and from the daily routine and experience of human existence. If the theorist finds some trouble, some fact that will not come within the law of his theory, he says, "So much the worse for the fact."

Political economy is a science based upon observation and experience. It does not and can not rank with the exact sciences; is not like the science of geometry, founded upon maxims and propositions universally and necessarily true and generally accepted, but is based upon human investigation of the daily affairs of life, where prejudice, passion, and ignorance come in and render correct deductions difficult. When we reflect that more than a century has passed since Adam Smith wrote his Wealth of Nations we are compelled to admit that the science of political economy has not achieved a high rank in the social sciences.

How many of its fundamental propositions, so called, are settled to-day? Scarcely any two writers on the science to-day are agreed on the definitions of rent, interest, wages, profit, value, wealth, or money.

One very recent and popular writer, Mr. Henry George, has attempted to overthrow the scientific notion of wages and rent, and another has attempted the same with interest. The one traces all our troubles to private ownership in land, the other to the interest allowed on the loan of money, both of which are denounced as robbery. Equally unsatisfactory has this science been when it has attempted to investigate the causes which produce prosperous times or hard times in our history. One scientist arbitrarily assumes that free trade was the cause, another says protection, another currency, and so on.

I have made these observations, Mr. Chairman, to discourage the recklessness which has characterized some of the friends of this bill, in their dogmatic assumptions and propositions which can not be admitted as self-evident, nay, which are unsupported by the facts of human experience.

As a specimen of these *ex cathedra* dogmatic statements, take the one that has been repeated twenty times in this debate—that the tariff adds to the price of the protected article a sum equal to the duty imposed; that the laboring man gets no benefit from the tariff; that the whole duty imposed on the domestic manufactures goes into the pocket of the manufacturer; that protection is a hinderance to the manufacturing interest of the country. All these assumptions have been refuted by facts.

Take the one that assumes that the tariff adds to the cost of the protected article a sum equal to the duty. The history of the manufactures of pig-iron and steel railway bars disproves the assertion. I select them as specimens for the reason that the duties on these two articles have excited as much debate as any other two items in the tariff schedule, and because my own State and district are largely interested in their production. The duty on pig-iron in 1846 was fixed at 30 per cent. ad valorem, and decreased in 1857 to 24 per cent. In 1861 it was fixed at $6 per ton; in 1864 increased to $9; in 1870 it was reduced to $7; in 1872 to $6.30; afterward raised to $7 again, and in 1883 reduced to three-tenths of 1 cent per pound, or $6.72 per ton.

Now, what are the facts? The average cost of pig-iron in the United States from 1850 to 1860—usually designated the free-trade decade in our history—was $26.47. The average cost in coin from 1870 to 1880, which may be called the protection decade, when there was more railroad building and a greater demand for iron than ever before, was $26.96, a difference of only 49 cents a ton. And to-day No. 1 foundery-iron is quoted at $20 per ton; No. 2 at $19; No. 3 gray forge at $17; mottled iron at $16, and white iron at $15, an average on the five grades in common use of $17.40. In this case was the amount of the duty added to the article, and by so much was its cost increased? Or did it have the effect of increasing competition between the home and foreign manufacturer of pig-iron, by which it was reduced in cost to the American consumer more than $9 per ton since 1860?

How stands the case with steel railway bars? The manufacture of steel rails under the Bessemer process was first undertaken in this country in 1864. Then we were paying in gold from $80 to $112 per ton for English steel rails. Our mills were not ready to receive orders till 1867, and then the price ranged from $72.50 to $77.50 in gold for English steel rails. In 1870 Congress imposed a duty of 1½ cents per pound, or $28 per ton, on steel railway bars, when English steel railway bars were selling in England in gold at $55 per ton. Ten years after our mills were prepared to receive orders the price fell to $40 per ton. In 1882, owing to the extraordinary demand for steel railway bars in this country, the price advanced to an average of $48.50 per ton for 1882. On the 1st of January, 1883, it fell to $40 a ton, and on the 1st of January, 1884, to $35, and the New York quotations to-day are from $33 to $34 per ton.

Again I ask, was the duty of $28 per ton in 1870, or of $17 per ton to which it was reduced in 1883, added to the cost to the consumer? Or did the competition between our home and foreign market, stimulated and encouraged by our duty, bring down the cost of steel railway bars from $58 in 1870 to $35 in 1884? The conclusion is irresistible. *Ex uno disce omnes.*

We should accept no proposition until experience, observation, and statistics warrant it.

Political parties have always differed on the tariff question. Even individuals of the same party differ, as we are pained to know. There is room for honest difference of opinion on the subject, for the reason that I have already given, that there are no absolute ultimate truths which every exact science must possess as a criterion. And our friends on the other side are no better off than we are. The power of the party lash and discipline have served to keep down discontent in this body, but the ablest journals in that party are as strong for this bill as Mr. MORRISON himself.

Here is the plank in the New York State convention platform on the tariff question:

IV. Its approval of that policy of protecting home industry from foreign competition which has through a century of national being encouraged immigration, rewarded labor, fostered enterprise, and assured unparalleled progress and prosperity, all variations from which policy have been the occasion of business confusion and disaster, and which, therefore, is alike justified in intelligence and by experience.

And here is the very terse editorial comment as found in the New York Times the day after the convention:

The resolution as to protection, so far as its meaning can be made out, is false in fact and mistaken in doctrine, and does not represent the convictions of the Republican party in the State.

When it is remembered, too, that the Times's candidate pulled through that convention, while Mr. Blaine, whose candidacy was so warmly espoused by the Tribune, the organ of the protectionists, was defeated, further comment is unnecessary.

If the tariff question were an open one; if we were just beginning to lay the foundation of some broad empire, and our national surroundings justified it, we would probably all be free-traders and in favor of the greatest possible commercial freedom. We are not living in such an age. We are not called upon to frame a code of laws for some new nation just commencing in history.

We are here in the westering sun of the nineteenth century, in a nation of 55,000,000 people, called upon to meet the demands of the "living present," and not to anticipate the wants of a coming century; we are living in an age when commercial rivalry and jealousy characterize every civilized nation on the globe. We are confronted with a policy that had its origin in the beginning of our Federal Government, and had the sanction of President Washington. To that system we are indebted for much of our marvelous prosperity and increase in all those things which constitute us a mighty continental nation. This system, coming down to us from our forefathers, is so embedded in the laws, habits, and thoughts of our people that it will not down at the bidding of any set of madcap theorists.

I am not now eulogizing a high proteetive tariff for the sole purpose of protection. I find no warrant for such a tariff in that clause of the Constitution which empowers Congress to lay and collect duties on imported goods and merchandise; if revenues were not needed to meet the obligations and expenses of the Government I could find no warrant in the Constitution for imposing them. But when the necessity arises for imposing duties I am as firmly of the opinion, independent of the practice of the Government for nearly one hundred years, that we have the constitutional right so to adjust them as to discriminate in favor of our home manufactures and home labor; not adjusted to foster monopolies, but to prevent them.

But my opinion may go for naught. The uniform practice of the Government has been either to make protection the primary object and revenue a mere incident, as it was in the tariffs of 1824 and 1828, or to make revenue the primary object and protection the incident, as was the case in the Walker tariff of 1846 and the tariff of 1857. The ablest expounders of the Constitution, and among them I name Story and Webster, uphold this view. Tariff for revenue, with incidental protection, was the doctrine of our forefathers, and of all great Democratic leaders of former times.

Hamilton is counted as high authority among the high protectionists. But who will say that his scheme of taxation would ever have seen the light of day had it not been for the strong financial needs of an infant government for revenue to pay its expenses and to meet its revolutionary obligations? Revenue was his object and aim; in his admirable report, it is true, he showed how this burden of taxation could be made to aid our infant manufactures; his plan was so wise and so successful that it won for him the matchless eulogium pronounced on him by Daniel Webster when he said:

He smote the rock of the national resources, and abundant streams of revenues gushed forth. He touched the dead corpse of public credit, and it sprung upon its feet. The fabled birth of Minerva from the brain of Jove was hardly more sudden or more perfect than the financial system of the United States as t burst from the conception of Alexander Hamilton.

Washington, who signed the first tariff bill "to protect manufactures," said:

The safety and interests of the people require that they should promote such

manufactures as tend to render them independent of others for essential, particularly for military, supplies.

Jefferson, in his message in 1802, said that the proper protection to American industries was one of the "landmarks by which to guide ourselves in all our proceedings." In 1808, in his message to Congress, he congratulated the country that the new manufacturing interests would, under "protecting duties," become permanent.

Monroe, in his inaugural in 1817, said:

Our manufactures will likewise require the systematic and fostering care of our Government.

Jackson, in 1824, in his letter to Dr. Coleman, said:

The American farmer has neither a foreign nor a home market except for cotton. Does not this clearly prove that there is too much labor employed in agriculture and that the channels of labor should be multiplied? Common sense points out at once the remedy. Draw from agriculture the superabundant labor and employ it in mechanism and manufactures, thereby creating a home market for your breadstuffs and distributing labor to a most profitable account, and benefits to the country will result. Take from agriculture in the United States 600,000 men, women, and children, and you at once give a home market for more breadstuffs than all Engl and now furnishes.

And he also said "that our manufacturing interests ought to have extended to them adequate protection, that our manufacturers and laborers may be placed in fair competition with those of Europe."

In his message December 7, 1830, he upheld the constitutional power of Congress to maintain and adjust duties on imports "with a view to the encouragement of domestic branches of industry." To these can be added the names of Dickinson, Dallas, Wright, Buchanan, and other distinguished Democrats of the past.

I feel that no Democrat can be read out of his party who holds views on the tariff question similar to those held by such a host of departed patriots and statesmen.

In view of the well-known diversity of sentiment on the tariff question, it was my opinion in the beginning that the reduction of taxation could not be made on customs duties. Therefore I favored the repeal of all internal taxes, and so declared myself when the bonded whisky bill was under discussion in this House. And I still think the wisest and most popular act this Congress can perform in the way of lifting the burden of taxation from the people is to repeal all internal taxes. I thought we could all agree to wipe out a system of taxation that is unpopular, undemocratic, and expensive, and which remains to-day the most disagreeable reminder of war times and "war taxes."

But it seems now that a large majority of this House, on both sides, are opposed to the repeal during this Congress of taxes on spirits distilled from grain. This action takes out of the control of the House about $75,000,000 of revenue. The Secretary of the Treasury for the fiscal year ending June 30, 1885, has estimated the revenues from internal taxation at $120,000,000. According to this estimate only $45,000,000 would remain subject to repeal. But by a modification of the sinking-fund law in such a way that the interest annually accruing and 1 per cent. per annum of the debt only shall be paid, according to the original sinking-fund law, and a reduction of our expenses to the necessities of the Government, economically administered, a much larger amount of revenues could be released and a larger burden would be removed.

Is it wise policy to continue the payment of the public debt as rapidly as we have been for the last few years? At the rate of present reduction the generation that fought the war will pay the debt. Last year we paid on the interest $59,160,131.25, and to the sinking fund and principal of the public debt $134,178,756.96. I claim that $90,000,000 was unwisely paid, and instead of reducing taxation and revenues $45,000,000 the reduction should be just twice that. I do not claim that a public debt is a public blessing; but this generation has paid about one-half of the war debt. The credit of the Government is such that her whole indebtedness could be carried at 3 per cent. interest.

The bonds are in great demand for investment by banking, insurance, and savings institutions; they are absolutely necessary if our national banking system is to be continued. Then why continue the law which authorizes the Secretary of the Treasury to apply the surplus revenue to the payment of our outstanding bonds? Indeed, we ought to get rid of that surplus, not by wild schemes of legislation and lavish expenditures, as it is proposed by the public-buildings bill, or by some river-and-harbor appropriation, but by reducing revenues. Let us remove from the gaze of the member from Colorado this tempting surplus.

But in spite of the strong and urgent reasons presented for the repeal of internal taxes not raised from spirits distilled from grain a majority of the Committee of Ways and Means have introduced "a bill to reduce import duties and war-tariff taxes." Strange title for a bill which makes a war tariff its basis! The bill speaks of war-tariff taxes, yet omits all internal taxes, which are pre-eminently war taxes. We have never resorted to internal taxes except in times of war or to meet war expenses. Why this omission? A settled determination to eliminate every protective feature from our statutes is the only honest reply to the question. To accomplish this purpose, a number of gentlemen speaking for the bill before us, have expressed themselves in favor of restoring the odious and inquisitorial income tax.

Why this tender regard for those engaged in distilling spirits and this supreme indifference and studied disregard of those engaged in manufacturing enterprises?

The friends of this system after their defeat in this House on the bonded whiskey bill succeeded in passing in this body by a large vote a resolution declaring that this Congress would not interfere with the whisky interests by repealing the tax on it. It would have been more just and more satisfactory to the country and to the manufacturing, commercial, and laboring classes of the nation had we passed a similar resolution giving repose and assurance to a class of people as deserving as those who distill spirits from grain.

The people are everywhere asking, "What good do you propose to accomplish by this agitation of the tariff question?" Our last act of general revision of the tariff kept the business of the country in excitement and suspense for two years; it went into effect only in July last. We have reports of its operations for only eight months. Are we unwilling to wait long enough to see what one year's imports will yield? Are we to treat tariff legislation like the boy did his hill of beans, who dug them up every morning to see if they had sprouted?

By your tariff agitation you have kept the manufacturing interests of the country on tenter-hooks for more than two years, and by your present bill you propose to keep them there for two years more. How long do you suppose they can stand the strain?

Its agitation in the last Congress drove the Republican party out of power in this branch of the Legislature, not because it was alone in the agitation, but because it was the responsible party in power. If we on this side of the House are wise, we will ponder well this lesson of experience. Because this agitation is useless I am opposed to it. A bad tariff with few changes is better than a good one which is constantly changing. In the former case the capitalist and laborer can discount the future; in the latter case it is impossible to do so.

I am satisfied that had our tariff laws been less subject to changes, many branches of industry now needing the fostering care of the Government might be self-sustaining. But what is our history on the subject of tariff legislation? It has been as variable and changeable as the rise and fall of the mercury in the thermometer. Since 1789 there have been passed sixty acts, more or less general, affecting customs duties. Five of them, namely, 1790, 1816, 1846, 1861, and 1883, were general repealing statutes. Some, like the acts of 1824, 1828, 1833, 1842, and 1857, made radical and sweeping changes. Besides we have done a great deal of tariff legislation in treaties, the most pernicious method of all tariff legislation. From 1790 to 1861, a period of seventy-one years, twenty-two years would cover the whole protective period—the period from 1824 to 1846. Yet during this period no less than five changes were made in the rates of duty. Prior to 1861 it never had five consecutive years of repose.

Is it any wonder that this "infant," which my friend from Tennessee [Mr. WARNER] has abused in his very able speech, has not grown up to strong and vigorous manhood? It has suffered not only from the neglect and hatred of its enemies, but from the over-indulgence of its friends. How did Great Britain achieve her supremacy in the commercial and manufacturing world? It was by a system of protection, commencing in the reign of Edward III, and persistently adhered to until 1846, a period of more than five centuries. Not till then was she prepared to dispense with all protection.

That the present tariff legislation abounds in inequalities, wrongs, and imperfections, I am free to admit; that there are some things too highly and others not sufficiently protected, can not be denied; that a general revision, at a proper time, on a business basis is a desideratum which few will gainsay. The bill under consideration does not meet a single one of these objections. It is an indiscriminate reduction, based upon no sound principle. It will not even accomplish the one single object its framer had in view—that is, the reduction of revenues.

Mr. HEWITT, of New York, whose knowledge of tariff laws both as a large and practical manufacturer and as a profound student of economic science, has expressed his fears that it will not reduce revenues. This candid statement has had much to do in convincing me that this bill ought not to pass. I do not want to go home to my constituents and say that I supported a bill which was at best a mere pretense and a sham.

The chairman of the Committee of Ways and Means seems to have overlooked a very simple fact—one that lies at the basis of his own political philosophy as a revenue reformer—that a reduction of customs rates does not result in a reduction of revenues, but on the contrary, and within certain limits, results in an increase of revenues. A tariff for revenue only presents a very simple task. The free-list must be enlarged, and the duties collected from a few leading articles of general consumption. A model is furnished to our friends in the British tariff.

This bill, then, is merely a measure of agitation for the sake of agitation—agitation because the majority which controls this side of the House desire agitation; agitation that must be fruitless in view of the fact that the other branch of the legislature will not concur with us and the Executive will not approve it. I could even rest content with mere negative results were it not for the serious effect this agitation will have on the political prospects of that organization which we all on this side of the House desire to see succeed in the coming political contest that is near at hand.

Some of the friends of this bill have felt it necessary to explain the defeat of General Hancock in 1880. The explanation is that we did

not stand by the revenue plank in the platform of 1880. I am satisfied that if we had placed upon that clause in the Cincinnati platform of 1880 the same interpretation that the Democratic members from Texas and Illinois now place upon it we would not have carried a Northern State. Six weeks before the election General Hancock was far ahead in the race. His splendid and unimpeachable record was rapidly placing him ahead of his opponent, whose record had been besmirched by his own party friends.

The Republican party was at its wits' ends. A happy thought struck it. They agreed to abandon the hopeless task of defending a damaged reputation and a contradictory record, and put the Democrats on the defensive on its tariff plank in the platform, which found its way there in a moment of thoughtlessness produced by the enthusiasm consequent upon General Hancock's nomination. From the moment that policy was adopted we were doomed. Explanation of the clause was unavailing; the tide set against us and continued so till the end of the campaign.

Will we, then, with this sad experience before us, repeat this folly just on the eve of your nominating convention? Such madness and folly seem incomprehensible.

I have no doubt that the gentleman from Ohio [Mr. MCKINLEY] was truly sincere when he said the other day that he thanked this side of the House for the position it had taken on the tariff question; that we could now no longer say our policy was not free trade.

The present bill is not "a tariff for revenue only." It has no semblance to such a measure. It is only an acceptance of all the alleged vices inherent in a high protective tariff. It has adopted compound duties—duties specific and duties ad valorem. It has adopted one maximum limit for iron, another for wool, and another for cotton manufactures, and then a general minimum limit for all (the Morrill tariff of 1861), with a list of exceptions as large as the items included in the general bill.

If this bill should become a law our tariff system would become one of the most complicated specimens of legislation which the ingenuity of man ever contrived. Take one of the simplest items for calculation affected by this bill—pig-iron. This bill provides in the first place for a 20 per cent. reduction of present duties. We then refer to the present law and find it to be on pig-iron three-tenths of 1 per cent. a pound, three-tenths of 1 cent in 2,240 pounds gives the duty of $6.72. Reduce this 20 per cent., which is $1.344, and it leaves $5.376. But this brings us below the grade line of the "Morrill tariff," which is $6 per ton. So we must throw away the $0.624 excess and reduce only $0.72. Here it is made necessary to refer to three distinct acts to find a single duty on a simple item. Is this the feast that revenue reform invites us to partake of?

All laws relating to our revenues ought to be as simple as it is possible for human skill and science to make them. As little as possible should be left, in their administration, for experts and revenue officers to guess at, whereby importers are robbed and the Treasury plundered. Departmental construction in many cases has defeated the intention of Congress, and has opened a wide door to frauds, litigation, and confusion.

Want of time is another excuse given for this bill. Well, Mr. Chairman, if a proper bill introduced in the beginning of the first session of Congress, with fifteen months before it, can not be considered and matured, what are we to do? Change the Constitution and increase the term of office of Representatives to four or six years so as to prevent the bill from dying every two years? Or must we at last leave the question to scientific and practical experts—in other words, to a "commission," which has been so well abused here?

I frankly admit that the task of framing a general tariff measure based on correct principles is almost herculean. It will tax the powers of the most athletic mind and comprehensive statesmanship. That we can frame one that will do complete justice and give entire satisfaction to all our varied and complicated industries no one seriously believes. The best bill that we can pass will be in the end a compromise of conflicting interests and a partial reconciliation of antagonisms. But even this consideration is no justification for the course pursued by the framers of this bill. It is a complete admission of incompetence or indifference.

Incidental protection was a feature in all our early tariff legislation. In that policy this generation of men is not responsible; that rests with our forefathers, as I have shown. Wise or unwise originally, it has entwined itself into all our legislation for nearly a century, and we can not now uproot it unless we overturn the foundations on which our social and industrial fabric rests. One of the speakers in this debate has called it a "loathsome cancer" in the body-politic; if such it is, your proposed surgery will end the life of the unfortunate subject. Its ligaments have spread till they penetrated every vital organ of the patient.

It came into our legislation by the votes and influence of statesmen from a section of the country which of late years has opposed it, and against the votes and protests of men from a section that now supports it. It is one of the strangest occurrences in our political history. Calhoun, who afterward became the champion of free trade, voted for the tariff measures of 1816. Webster, speaking and voting for New England, voted against the bill of 1816 and 1824. He represented in Congress then a section of the Union whose attention was largely absorbed in commerce.

But under the stimulus of protective duties these people turned their attention to manufactures. Their commerce was in a measure abandoned for the more profitable enterprise of manufacturing all kinds of goods and wares. Millions of money and capital soon became invested in New England, New York, New Jersey, and Pennsylvania in manufacturing establishments. Their policy changed to meet changed conditions of life. History furnishes no parallel to their rapid growth and development. Your census reports show what the progress has been. We contemplate it with pride and patriotism. Free trade may have done as well for us, but this we do not know; we do know what incidental protection has done for us. Shall we then in our avarice or ignorance kill the goose that lays the golden egg?

It is true that after this system had been in operation nearly forty years, its early friends from the South began to oppose it for the reason that its system of servile labor made it more profitable for the people of that section to remain agriculturists and producers of cotton, sugar, rice, and tobacco. But in law and in morals the South was estopped. She induced us of the North to invest our capital in manufactures under the temptation of protective duties; we did so, and the destruction of that system now would involve us, with them, in ruin. I can hardly believe that the South will give its support to this bill.

I look upon that section of the country with great interest. The ball and chain on her progress have been removed by the war. To-day she presents a spectacle truly grand and sublime. Out of the ruin and devastation wrought by a gigantic civil war, with all her institutions, laws, and governments involved in the general disaster, her property destroyed, her land desolate, her civilization turned upside down, her hopes, aims, and ambitions blasted and disappointed, she emerges a a mighty and puissant nation, adapting herself with an alacrity not witnessed in the history of nations to her changed circumstances and conditions.

What a future opens up for the South! Possessed of a fruitful soil, a genial climate, with a variety and richness of productions not surpassed by any people on the face of the earth, the South has in herself all the elements of a great empire. Magnificent streams with water-power facilities to spin the cotton of the whole world, a coast-line furnishing harbors for the commerce of a mighty nation, only await the advent of capital and enterprise to place the South in the front as a manufacturing people.

I saw a statement only a few days ago that $28,000,000 had in the space of sixty days gone to the South from the North for investment in railroad and manufacturing enterprises. She lost in the great contest of sections because Heaven so willed it; yet there is a field of contest where a victory may be won by her more glorious than that obtained by her late triumphant foes, a victory whose laurels will not be stained with blood, and which will not leave behind it widows and orphans, bitterness and hate. There are peaceful achievements for this brave, chivalric people which will be "no less renowned than war." It is to be accomplished in the workshop, the factory, the farm, and in the ship-yard. All she needs is encouragement of the same kind that New England and the North have had.

If it be true that the cotton and woolen manufactories of New England and the furnaces and rolling-mills of Pennsylvania were built up by tribute—as has been said here in debate—extorted from you, will you now, when New England and Pennsylvania are willing to pay tribute back to you, say, "No, we don't want it?" Will Alabama, the great cotton-growing State of the Union, when the prospect of transferring the cotton manufactures of Lowell to the banks of the Mobile, say, "We want none of your aid?" I could imagine in such a case a reason why New England might refuse such aid; I can not imagine why the South should refuse it.

Mr. Chairman, I have never been considered a protectionist for the sake of protection. I had the honor to serve in this body in the Forty-second and Forty-third Congresses. The tariff question was under consideration several times during those four years. I invariably voted for the reduction of customs taxes. I voted to put salt on the free-list; also to place tea and coffee there. I voted for the 10 per cent. reduction in the act of June 6, 1872, and said at that time that I was willing to vote for a larger reduction. But since then a great many reductions have been made, and only last year a large reduction in tariff rates was again brought about. I represent large iron and manufacturing interests in my district, and I am assured by men perfectly disinterested that another reduction at this time of 20 per cent. would close up some establishments and utterly ruin others.

The industrial interests to be affected by this legislation are immense. By the last census it is shown that there were in the year 1880 253,840 establishments in the United States with an invested capital of $2,790,233,506, and employing 2,738,950 hands, who receive $947,919,674 for wages; these establishments annually operate on materials valued at $3,394,340,026, and turning out an annual product of $5,369,667,706. These figures possess an eloquence beyond the power of human utterance. They are facts.

Much has been said about the farmer in connection with the tariff. It can not be denied that to a great extent his foreign market has been

cut off, and he can no longer depend upon it. England, formerly his best customer, is supplying herself from a cheaper market, from Russia, from the Baltic, and from Australia. If that be true, are we going to increase his embarrassment by diverting from manufacturing channels $2,790,233,506 of capital and nearly 3,000,000 laborers, and force them into agricultural pursuits? There is where this capital and labor in the main must drift. The cheap, fertile lands of the West and South will tempt them in that direction. Instead of being consumers of the farmers' products, they will become producers of their own.

It is also said that the tariff robs the laboring man as well as the farmer. Yet it is a remarkable fact that while the laboring man may not always get his fair share of the profits produced by capital and labor, he has presented no request or petition during this whole agitation, covering several years, for a reduction of tariff duties. The laboring interest of this country is well organized. It is watching every bill introduced into this House which directly or indirectly concerns them, and we are hearing from them every day on bills before us. But no branch of the labor organization, by committee, attorney, petition, or otherwise, has appeared before you asking you to pass this bill. On the contrary, they are opposed to it. In view of the feeling which labor is now supposed to entertain against capital, is it to be supposed that if the tariff is only a contrivance by which the capitalist is to enrich himself at the expense of the laborer the latter would even keep silent?

It is one of the remarkable facts in this whole investigation that no one representing the farmer or laborer as a class has appeared in their behalf to favor this bill. All this talk about the tariff being hostile to the farmer and laboring man is pure gush. The large profits realized by capitalists on their investments is another assertion that has no foundation in fact. Many have acquired fortunes, as has been the case in mercantile and other pursuits, but when compared to the number who have failed and lost all their investments they are few.

There have been occasions when parties have purchased iron plants, for instance, at a sheriff's or assignee's sale at one-third or one-fourth the actual value, and a "boom" in the iron business taking place, as it did a few years ago, fortunes have been made in a few years. But these are phenomenal cases and furnish no standard by which to judge the business. Overproduction has been discussed as another reason why our tariff legislation should be repealed. But overproduction cheapens prices, and the consumer, for whom the friends of this bill are so solicitous, gets the benefit.

I admit that it is desirable that the current of trade and business ought to flow evenly; it is better that there should be no overproduction or scarcity in manufactured articles, and when the individual shall appear with a remedy for overproduction or underproduction, for panics, booms, and hard times, he will be regarded as the greatest benefactor of his age. The unsolved problem of political science to-day is to find some method by which the balance of trade may be regulated, by which supply and demand may be so maintained that an equilibrium may be established between them. It can not be solved by destroying the supply, as is proposed by some who would strike down our manufacturing interests. The plan is like the Yankee's remedy to prevent a horse from throwing off his bridle, which was to take the bridle off and use a halter.

Mr. Chairman, if the bill before us is amended so as to conform to the views indicated in these remarks, and a repeal of all internal taxes except those on spirits distilled from grain be included, I will vote for the bill; if not, I shall oppose it; and in doing so I can not be considered as opposed to a just revision and reduction of customs duties, nor as indorsing the errors, wrongs, and inequalities of our existing tariff laws.

I now yield the remainder of my time to my colleague [Mr. LAWRENCE].

Mr. LAWRENCE. I am very much obliged to my friend and colleague who has taken his seat [Mr. STORM] for his courtesy in yielding me a portion of his time; and not only that, but for his very able and exhaustive argument upon this subject. I am only sorry that every member of this House was not present to hear him, it was such an able argument on this question, and in such great contrast to the one we heard from the gentleman just before him.

Mr. Chairman, although the provisions of the Morrison tariff bill have been fully and freely discussed here and in the public journals of the country, and nothing especially new can be said, yet I offer no apology for the time I may consume in expressing my opinion, for my constituents are very deeply interested in the questions involved, and on the final issue of the measure. Among them are large manufacturers, employing many laborers; then agriculturists, producers, wool-growers, stock-men, with their associations organized for the common good. Miners, excavating millions of tons of coal; men in charge of schools, academies, colleges, merchants, mechanics; and intelligent discussions have been had in primary meetings by thoughtful, intelligent men on all phases of the questions involved in this act. And when I enter my solemn and emphatic protest against this measure, fraught with such peril to the substantial interests and prosperity of the country, I speak the sentiments of at least four-fifths of my constituents without regard to party proclivities.

For the last fifty years periodical attacks have been made on the American system—so named in the days of Clay, Webster, and Stewart. In 1816–1829, and on until 1841 and 1846, these attacks generally came from leading men of the South—Calhoun, McDuffie, Hayne, Hammond, and others; but for twenty years or more just passed the teachings of Southern men who owned their laborers and were mostly engaged in raising cotton have found advocates in the Western States of the Union. The cause of this has doubtless been the fact that among them there were few manufacturing establishments, most of the population was engaged in agricultural pursuits, and, raising cattle for the Eastern markets, were essentially producers, and quite naturally embraced the idea so common that duties levied on the products of goods manufactured abroad enhanced the price to them here. This narrow view of the question has often led to this repeated and almost perpetual cry against manufacturers as a class of monopolists enriching themselves at the expense of others. Thoughtful men who examined the subject saw that one of the essential conditions to the growth and prosperity of any country was a proper division of labor, a diversity of employments; and Providence had wisely provided for this by giving some localities rough lands not suited to agricultural purposes, but with water-power and great advantages for manufacturing purposes, and under these lands was found stone, coal, iron ore, and the raw material in great abundance; then in other places rich farming and grazing lands for the production of the cereals, meat, &c., for food.

The wise policy of our fathers was to encourage diversified industries, build up manufactories in iron, wool, cotton, &c., where laborers could be employed, where there would be an army of consumers to take and use in a home market the products of the farmer. To do this it was absolutely necessary to place a tariff on foreign goods at that time, not so much for revenue to support the Government as for protection to our infant manufactories. Of course all sensible men knew in 1816, about twenty-seven years after the adoption of the national Constitution, with limited means, with little skilled labor and little machinery, we could not compete with England, and our wisest statesmen saw that by a just system of imposts on all goods manufactured abroad that could be manufactured here would tend to build up and strengthen our own industries and create rivalry and competition in the United States, and hence the adoption of this policy as an essential system. It was bitterly assailed, and the same cry was then made that is now, that the poor man would be oppressed and must pay the duties, and that direct taxation to sustain the Government was preferable. The sequel proved that this healthy competition at home brought about by the tariff policy reduced some articles in a few years below the duties imposed. It was laid down by Hon. Andrew Stewart (one of the ablest defenders of the protective system) "that there never was a high protective tariff imposed on any article where the price was not in the end reduced."

Glass manufactured abroad at one time cost $12 per box. A duty of $4 was placed on it, and the competition in our own market reduced it to $2 per box, just one-half the duty. Four cents per pound was put on cut nails when the price was 12 cents per pound, and the competition brought them down to 3 and 4 cents per pound, even less than the duty.

Many of the most able and trusted leaders of the old Democratic party were bold and fearless advocates of this system, and none more so than Jefferson and Jackson. Their teachings are repudiated by the free-trade wing of the Democratic party to-day, and Senator BECK, of Kentucky, boldly warns Mr. RANDALL and his branch of the party what they may expect. In his speech recently delivered in the Senate he used this language:

> Men who think they are Democrats and take the position that the Senators from Vermont and Ohio do will find but little comfort inside the Democratic camp after the national convention meets.

Last year a revision of the tariff was made by the aid of an intelligent commission, authorized by Congress, to meet the demands made by many good men that in the present advanced stage of manufactures in this country some reduction of duties on specific articles might be properly made. The intention was to get some permanent basis where the country would rest and be free from agitation. The just protection afforded by the act of 1867 to some interests, especially wool grown in this country, was unwisely and unjustly reduced, and it was hoped this duty could be restored when an examination showed it necessary to the safety and encouragement of the American wool-grower coming in competition with the wool grown on cheap lands and by cheap labor abroad. Yet, instead of allowing this to be done and permitting the work of the commission and the act of Congress to stand as a fair concession to this spirit of free trade, this Morrison bill is pressed upon the country before a trial could be made of the act of 1883, and alarm, distrust, and almost a panic is produced in the manufacturing and commercial business of the country, which may lead to disastrous results, and this not by any action or demand from the people, but to create an issue on a question of vital interest which may assist this particular and dominant wing of the Democratic party to succeed at the coming election.

This horizontal 20 per cent. experiment was made in 1857, when there was no necessity for it, and made the revision of 1861 necessary; and the act making a 10 per cent. reduction in 1872 was repealed in 1875. It is an indiscriminate method of striking at all interests, and so incongruous (as shown by the able analysis of the gentleman from Ohio, Mr. MCKINLEY, himself a member of the Committee of Ways and Means)

that no officer of the custom-house or importer can understand it. And very properly did Mr. BECK, the able Senator from Kentucky, say:

I admit that we have not been able to present a very satisfactory bill for relief from tariff taxation in the House of Representatives.

How significant this admission by one of the ablest of this free-trade branch of this party.

In 1872 the Democratic platform had in it this declaration:

That there are in our midst honest but irreconcilable differences of opinion with regard to the respective systems of protection and free trade; we remit the discussion of the subject to the people in their Congressional districts and the decision of Congress thereon wholly free from Executive interference or dictation.

Now, as they come nearer and nearer to the open declaration of free trade (a position already assumed by some of their boldest leaders who declare for open ports all over the world) they propose, as a party, to tolerate no local differences; but they defiantly and imperiously demand that all Democrats who are not with them and for this bill are against them, and their proper place is in the Republican party.

This measure which you determine to make the shibboleth of your faith, and to which all who can remain in the party must subscribe, and on which you boldly stake the perpetuity of your party, will never meet the approval of the people. Can you ask any intelligent or thoughtful man to condemn a policy which has borne such fruit? When you go to the farmer, the mechanic, the laborer, and tell him this protective system is pernicious, that they are taxed to support the rich manufacturer, he turns with a significant smile and points you to the unexampled growth and prosperity of his country. He tells you that any system is a good one which will feed and clothe and make happy and contented 55,000,000 people; which has been so strong as to invite and induce 17,000,000 foreigners to share with us these blessings, and under which this country has grown from a small family of thirteen colonies into an empire with thirty-eight States and nine outlying Territories.

In the year 1860 the total wealth of the United States was estimated at about $16,150,000,000; this represented the accumulations of the nation from the earliest history of the country to the year the war broke out—a period of about three hundred and fifty years, more or less. David A. Wells, esq., one of the ablest champions of free trade, estimated the wealth of the country in 1882 at $64,636,000,000, which shows an increase in wealth of 400 per cent. in twenty years. The wealth of Great Britain was estimated by Mr. Mulhall, of the Royal Society of London, in 1882 at $40,640,000,000. If these estimates are approximately correct, the increase in our wealth as a nation in twenty years has been $3,846,000,000. We have been under a fair protective tariff all these twenty years. Mr. Charles S. Hill, statistician of the State Department of the United States, estimated our national wealth in 1880 at $55,000,000,000. This would appear fabulous if the calculation was not based on actual facts and figures. We have reduced the national debt from $2,600,000,000 to $1,600,000,000 in these twenty years under fair protection. While we have generally kept the balance of trade in our favor, we have by care and general prosperity increased our population 20,000,000. The population of our large cities has doubled. The product of our coal mines has increased from 14,000,000 tons in 1860 to 80,000,000 tons in 1880.

The number of farms in the United States in 1860 was estimated at 2,000,000, and in 1880, 4,000,000, and the value of these has increased from $3,000,000,000 to over $10,000,000,000. The product of cereals increased under protection from 1,230,000,000 bushels in 1860 to 2,700,000,000 in 1880, over 100 per cent. The value of live-stock has risen from $1,000,000,000 in 1860 to $2,500,000,000 in 1880, and the annual products of the farm have risen to $3,000,000,000.

The tariff of 1867 on wool stimulated that industry and the number of sheep from 22,000,000 in 1860 to 40,000,000 in 1884, and the home products of wool have increased from 60,000,000 to 240,000,000 pounds. These facts and figures are taken from carefully prepared statements of Mr. R. B. Porter, of the late Tariff Commission, and Mr. E. P. Martin, of New York, who has given the subject patient and careful investigation, and they show to all reasonable men that this wise system of protecting labor of our own country, manufacturing our own goods in all departments of production on our own soil, consuming the produce of the agriculturists in the home market, has enabled us to pay fair wages for labor and has added in the general aggregate to our national wealth in an unparalleled ratio. Instead of spending our money abroad we have kept it at home, the balance of trade has been generally in our favor, and it is estimated that 90 per cent. of production goes to pay for labor, and this is spent among our own people.

This statement of results is so overwhelming that I can not see how our opponents are to meet it. It is a full, complete, unanswerable argument to all the theories of the advocates of this measure. In the light of such facts, how do you expect to convince the laboring men of the country that they are oppressed and pay to make the manufacturers rich while they grow poorer and still poorer? You greatly underrate the intelligence of this class of our citizens when you thus appeal to their passions and prejudices. Among the class of toilers in our mills, mines, and workshops you find many who have had practical lessons on this subject and read and understand the political economy and wisdom which underlies this whole economic and self-sustaining system better than you do, and are entirely satisfied with the results. They understand the plain and simple proposition that goods of all descriptions, whether composed of wool, cotton, silk, steel, or iron, must be manufactured for the common wants and demands of the country, and when you propose this shall be done on the other side of the Atlantic by the cheap labor of European countries and the product carried here free of duty they answer you with the common-sense argument which you have failed to comprehend: "We have the raw material growing in fleeces on our own sheep, the cotton raised on our own soil, the iron ore in our own hills, the coal in inexhaustible quantities for fuel, and oil to lubricate the machinery of the world; we have the machinery, the skill, the industry to run our own mills, to produce most that we need for the common uses of men. We have willing and intelligent laborers, and we will give them the preference, because they are identified with us as citizens, having a common interest with us in all that pertains to the wealth, happiness, and prosperity of our common country."

Our manufacturers can not compete with foreigners in the same business (unless protected by proper impost duties which go into the common Treasury) by reducing the price of labor to the standard abroad. Do you demand this on the mistaken plea that you will buy goods cheaper? Do you not see that Cobden free-trade clubs are being formed in many localities in the United States, boldly demanding the overthrow of this beneficent system under your teachings? Suppose you could succeed in electing your candidate to the Presidency and obtaining control of both Houses of Congress, and reduce the duties to your standard (which some of you frankly admit is only opening the door to your ultimate purpose of the entire and absolute abrogation of all impost duties), what would be your condition? Of course your manufacturing establishments must go down, because American laborers will not, can not live at such prices as could be offered them. You drive the American from his own market and foster the mills and workmen abroad, and having succeeded by your policy in accomplishing this, the foreign manufacturer takes control of your market without competition and at once raises the price of his goods to suit himself. You will then have driven your own manufacturers out of the market which of right belonged to them and given to those who owe you no allegiance, thrown millions of men out of employment, destroyed or impaired the value of hundreds of millions' worth of property in mills and machinery, and sent into agricultural and other pursuits those whose business you have destroyed or rendered unproductive, breaking up our whole economic system and this proper division of labor, and giving us a nation of producers with no home market for our surplus products. Contemplate thoughtfully the inevitable result of your policy, your great national industries blotted out and a prey to the cupidity of Great Britain, your country flooded with goods manufactured abroad, the products of British capital and degraded labor, and no means to purchase them; millions of honest men idle, with parents and children in want, because you have taken away their birthright in this free land and given it to the subjects of a foreign power.

The concession made to the clamor for a reduction of the duties in the tariff of 1867 by appointing a commission to examine and revise it with a view to permanent reduction was in my judgment a mistake. The country was prospering, laborers were receiving adequate compensation for work, and were for the most part entirely contented. We were exporting more than we were importing; the future seemed to be full of promise.

The modifications and reductions recommended by the commission were so changed in the House and Senate that really it might have been claimed little of the work of the commission was left, and so conflicting were the provisions that it required an expert to harmonize them before being authoritatively published.

The depression in the general business of the country for the last year has been caused for the most part by these changes, and now absolute distrust and a well-grounded fear of the passage of the Morrison bill has well-nigh produced a panic among the manufacturers of all kinds of domestic goods. They hesitate to make contracts ahead. They fear the ascendency of this free-trade party, and must exercise caution. They will make no outlays for new buildings, will add nothing to their capital, will run cautiously with a limited number of hands. Like the engineer in charge of a train where bridges and trestles are weak, he moves with caution, afraid to put on steam and make the run in the usual time. Give him positive assurance that the road is in excellent condition—bridges strong, tunnels well arched, road-bed solid—and he goes fearlessly and rapidly to his destination.

Let business men be assured that the Republican party shall be kept in power, that the proper protection shall be given us under their tariff of 1867, and steam will be applied, confidence restored, and the train will run on full time with ample provision on hand.

Mr. Chairman, before I close I desire to say a word in behalf of an interest which has suffered very much by the tariff of 1883, and in which my constituents are very deeply interested, and which will be literally destroyed (at least so far as Pennsylvania, Ohio, and West Virginia are concerned) if the bill now before us should pass. The wool-growing and sheep-breeding interest is second to none in importance in the United States, and is essential to the happiness and comfort of the whole people.

At least $150,000 was lost in last year's crop alone to the counties I represent by the reduction in the tariff of 1883, and yet some members of Congress from agricultural and wool-growing districts voted for it. Few of these will ever do so again. While many have seen and examined a statistical and interesting presentation on this subject made before the Committee of Ways and Means by Hon. Columbus Delano, of Ohio, president of the National Wool-Growers' Association, very many have not, and as it presents the subject in detail and at very much greater length than I have time to devote to any similar preparation, and the statements made are entirely in accord with my sentiments, I append them that I may give them circulation over my district.

These tables for the most part are taken from official papers in the Agricultural and Treasury Departments here and are entirely reliable. Indeed, on a subject affecting so vitally the whole country, we can not afford to be incorrect. Examine them in detail and you will find them interesting and instructive on this question. This whole question will be committed to the electors of the country in November next, and an emphatic declaration against it, and those who would make it the established policy of the country, would possibly prevent its introduction into the Forty-ninth Congress. It can not now pass a Republican Senate or meet the approval of the Executive. This is the last speech I shall make on it here, as in all probability I shall not return; but my successor will be in accord with the sentiments I have expressed, and at least one district will remain true to the policy of our fathers on this vital question.

APPENDIX.

THE TARIFF—WOOL.

WASHINGTON, D. C., *February* 20, 1884.

Statement of Mr. Columbus Delano.

Mr. Columbus Delano, of Ohio, addressed the committee on the subject of the duties on wool. He said:

Mr. Chairman and gentleman of the committee, the duty which I have undertaken to perform before this committee in behalf of the wool-growers of the United States is simply to urge the reasons for a restoration of the wool duties in the tariff of 1867. It is not my purpose to discuss the bill which is now pending before you, and which goes by the name of your chairman, or the general principles of economic legislation, except as they may be incidentally involved in the propositions which I have to make. It is a duty which I have undertaken with reluctance, and so far as I am concerned, I am indebted to the voluntary hospitality (so to speak) of the committee for the privilege of appearing here, as I made no request to be heard.

I wish to invite your attention, therefore, to the skeleton of my argument.

I shall endeavor to show, in the first place, that wool-growing had no prosperity in the United States worthy of that name until the act of 1867 was passed. Under that head I shall attempt to show you what magnitude and importance it has assumed under the influence of that legislation, and under the promise, implied, if not expressed, that the legislation was to be permanently secured to the wool-growers and to their industry.

Then I shall attempt to show you the influence of the tariff of 1883 on this prosperity, both from facts outside of the record and from an examination of facts which are exhibited in the administration of your customs in the first six months of the influence of this law of 1883.

These, with an answer to some of the arguments that have been made against a restoration of the tariff of 1867 and in favor of that of 1883, constitute a skeleton of my remarks.

PROTECTIVE DUTY ON WOOL.

During the first thirty-five years of the Republic the National Legislature offered no encouragement to the production of wool, but it was admitted free of duty. The tariff act of May 22, 1824, first recognized the importance of wool-growing and contained the following clause:

"On wool a duty of 20 per cent. ad valorem until the 1st day of June, 1825; afterward a duty of 30 per cent.: *Provided*, That all wool the actual value of which at the place whence imported shall not exceed 10 cents per pound shall be charged with a duty of 15 per cent. ad valorem."

The act of May 19, 1828, advanced the duty on wool costing 10 cents per pound and over to 4 cents per pound and 40 per cent. ad valorem until the 30th of June, 1829, from which time an additional ad valorem duty of 5 per cent. was imposed yearly until the whole ad valorem duty should amount to 50 per cent. When this tariff bill was under discussion in the House of Representatives Mr. Stevenson, of Pennsylvania, said: "Hemp, iron, spirits, wool, and woolens are equally entitled to protection." In the Senate Mr. Benton proposed to insert a clause laying a progressive duty of 10 per cent. per annum on wool until it should amount to 50 per cent. ad valorem and 5 per cent. afterward until it should amount to 79 per cent. The act of July 14, 1832, which took effect March 3, 1833, admitted free of duty wool costing 8 cents or less per pound, and imposed a duty of 4 cents per pound and 40 per cent. ad valorem on wool costing 8 cents and over per pound. The act of 1842 imposed 5 per cent. on wool costing not over 7 cents, and 3 cents per pound and 30 per cent. ad valorem on all others. In 1846 the specific duty was abolished, and in 1847 the ad valorem was reduced to 24 per cent. The tariff of 1857 admitted free all wool costing 20 cents or less per pound, and that of 1861 imposed a duty of 5 per cent. on wool costing less than 18 cents, 3 cents per pound for that costing 18 to 24 cents, and 9 cents on that costing over 24 cents per pound. The act of 1864 advanced the rates to 3 cents per pound for wool costing 12 cents or less, 6 cents for that costing from 12 to 24 cents, 10 cents per pound and 10 per cent. ad valorem on that costing from 24 to 32 cents, and 12 cents per pound and 10 per cent. on all costing over 32 cents per pound.

This history of protective legislation on wool is given for the purpose of substantiating the observation that legislation previous to the tariff act of 1867 failed to afford such protection as would justify American agriculturists in investing largely in the business of wool-growing, and this fact made apparent the necessity for the act of 1867, which afforded to wool-growers the first adequate protection ever extended to them.

The act of March 2, 1867, provided that all wools should be divided into three classes for the purpose of fixing duties, namely: first, clothing; second, combing; and third, carpet wool.

Upon wools of the second class and of the first, unwashed, of the value of 32 cents or less per pound, a duty was imposed of 10 cents per pound, and 11 per cent. ad valorem; exceeding 32 cents in value, 12 cents per pound and 10 per cent. Upon wools of the third class, valued at 12 cents or less per pound, a duty of 3 cents per pound; exceeding 12 cents, 6 cents per pound. Washed of the first class were required to pay double duty, and scoured, of all classes, to pay three times the duty imposed on unwashed. These rates continued without change until July 1, 1883, except from August 1, 1872, to March 3, 1875, when there was a reduction of 10 per cent. therefrom.

The tariff of 1867, so far as it affected the respective interests of the wool-producers and the manufacturers of woolen goods, was the result of an agreement arrived at after long consideration and in a spirit of compromise. In its consummation the late Mr. Henry S. Randall and Dr. John L. Hayes exerted a strong influence. Its wise, just, and equitable provisions are easily demonstrated by statistics in regard to the production of wool before and since its passage.

It appears from reliable statistics that during the last four census years the number of sheep and the production of wool were as follows:

Census years.	Sheep.	Wool.
	Number.	*Pounds.*
1850	21,723,220	52,516,959
1860	22,471,225	60,264,913
1870	28,477,951	100,102,387
1880	43,576,899	235,648,834
1883	50,500,000	320,000,000

It will be seen from the above table that the increase in the number of sheep in the decade from 1850 to 1860 was only 748,055, equivalent to 3½ per cent.; but from 1860 to 1870 it amounted to 6,006,675, or 27 per cent. This augmentation was largely due to the protective tariff of 1867, the influence of which was felt during the subsequent decade, as the increase of more than 15,000,000 (15,098,948), or 53 per cent., in the number of sheep conclusively proves. From information that is believed to be trustworthy the number of sheep in the United States in the year 1883 was 50,500,000, an increase of 6,923,101 in three years, or 5.3 per cent. annually, the same average percentage of increase as occurred in the decade from 1870 to 1880.

The increase in the quantity of wool produced during the same period is still greater in proportion. This is accounted for in the following manner: Wool-growers having secured the assurance of the domestic market, by the act of 1867, at once took measures calculated to increase the production of wool. One of the methods necessary to accomplish this end was to increase the number of sheep; the next and most difficult was to make the animals produce a larger quantity of wool, and to this end the wool-growers of the West expended large sums of money for the purpose of procuring breeding animals that would cause their flocks to carry heavier fleeces. The result of this was that the increase in the average weight of fleece rose from 2½ and 3½ pounds to 5 and 5½ pounds, according to location. The cost of this experiment in breeding was much greater than one inexperienced in the business would suppose, but its successful result is demonstrated by the quantity of wool that the census tables now show was produced by the sheep of the United States and the average weight of their fleece.

Wool-growing was rarely remunerative as an industry in the United States until after the passage of the act of March, 1867. Since that time, until the reduction of duty under the act of 1883, American producers have been able to compete successfully with those of foreign countries, and our sheep farmers have been induced to multiply their flocks and increase the number of their sheep until there are, at the present time, more than one million persons (1,020,728) who are flock-masters, exclusive of those on public-land ranches. The statement hereafter given, prepared by the statistician of the Department of Agriculture, shows the number of flocks of sheep in each State and Territory of the Union, except those on public-land ranches. In view of the foregoing facts the United States Tariff Commission made the following observation, namely: "The phase of the industry of wool-production that arrests the attention of the economist is its general distribution. Not a State in the Union, and in some of these not a county, but has some portion of its wealth invested in wool production." Then referring to the act of 1867, the report continues: "The law fixing these duties was passed * * * with the approbation of the entire body of producers * * * the wisdom which guided its promotion has found substantial vindication in the growth of sheep husbandry during the past fifteen years. As a result of augmented production the price of wools has been reduced to the consumer." (See report, page 28.)

The report then proceeds to give the average prices of the United States wool clip in Boston for four periods, as follows: In 1867 (before the influence of the tariff had reduced the price), 51 cents per pound; in 1870, 46 cents; in 1875, 43 cents; in 1880, 48 cents.

The following conclusions are justified by what has been stated: that the number of sheep has been nearly, if not quite, doubled since the passage of the tariff act of 1867; that the quantity of wool annually produced is three times as great as it was at that date; and that the cost to the consumer had been reduced (prior to the passage of the act in 1883) about 6 cents per pound, or at the rate of 12 per cent. To produce these results wool-growers have expended many millions of dollars to obtain the best strains of blood for breeding purposes, in the construction and adaptation of farm buildings to meet the necessities of summer care and winter feeding, and in various other ways, all of which has been done under solemn compact with the manufacturers, sanctioned by an act of Congress, which guaranteed to the producers the home market for their wool. This is what the act of 1867 meant.

It follows logically and conclusively that any change in the tariff act of 1867 that fails to do what that law has done, namely, secure to the wool-growers of the United States the home market, will surely injure and tend to destroy an industry that gives employment to more than 1,000,000 flock-masters and several million employés, and adds each year to our national wealth more than 300,000,000 pounds of wool, valued at over $100,000,000, and 12,000,000 carcasses for food, valued at about $50,000,000.

EFFECTS OF THE ACT OF 1883.

The passage of the tariff act of March 3, 1883, has already crippled this important industry, and if the rates of duty imposed by the act of 1867 be not restored its destruction may be regarded as an accomplished fact.

If required to give reasons for these conclusions, I submit the following:

First. The price of wool before the passage of the act of 1883 was barely remunerative; the subsequent reduction of prices has been so great as to preclude profit, except perhaps in some of the Territories and sparsely-settled States, where the price of land is exceedingly low. I venture to state, without fear of successful contradiction, that the clip of 1883 has been sold by the producers at prices varying in different States from 2 to 5 cents per pound less than the clip of 1882. The producers in no States, so far as I am informed, sold at a reduction of less than 2 cents; in many of the States the reduction was greater, and in the States of Ohio, Pennsylvania, and West Virginia I venture to estimate it at an average of 4 cents or more per pound.

The actual loss on the clip of this year, estimated at 4 cents per pound, amounts to about $12,000,000. It is pertinent to ask, does the percentage of reduction to the consumer in the prices of woolen goods equal that in the price of wool?

It may be stated that the market quotations are made up or averaged from the prices at which wool has been sold or is held after it left the hands of the growers. The producers were compelled to sell their clip, for in many instances it furnishes the means of subsistence and of carrying on their business. They were met after the clip was ready for market with the reduction caused by the

act of 1883, and they were in effect told that they must sell at a reduced price or find no purchasers.

That the importations have not been so large as some anticipated results from the fact that the wool-growers were compelled to part with their clip at a reduced price or permit the manufacturers to supply themselves more extensively with foreign wools. In short, to retain the domestic market they were compelled to reduce the price of their wools to a point that limited importations.

Second. The duties imposed by the act of 1867 were no more than were absolutely required to exclude such foreign wools as enter into competition with ours. Therefore the results of the act of 1883 are already observed in the large increase in the importation of wools from Australia and South America. The superior advantages for producing cheap wool that Australia possesses are not generally understood, and for that reason I desire to refer to the report of Mr. Owen Spencer, our consul-general at Melbourne, in which he states that the number of sheep in the British Australian colonies during 1880 and 1881 was 72,239,359, or nearly double the number contained in the United States. He says:

"The pastoral wealth of Australia is enormous; its capabilities for wool-growing are practicably unlimited; its mild climate and general adaptation to grazing purposes obviate the necessity of providing food and shelter during the winter; nature, in her bounty, has provided these. It is believed that Queensland alone could easily raise from 30,000,000 to 40,000,000 head of cattle without cultivating an acre of ground for fodder or spending a sixpence for the improvement of the natural pasturage."

Published statements from the Treasury show the large increase in the quantity of wool entered for consumption during the six months after the act of 1883 went into operation, namely, from July 1 to December 31, 1883, as compared with the corresponding period of the preceding year.

Of clothing-wool, amount paying duty in the six months ended December 31, 1882, 5,364,466 pounds. Amount in the six months ended December 31, 1883, 10,431,655 pounds. Increase nearly 100 per cent. (94.46 per cent. or 5,067,189 pounds).

The quantity so entered for consumption during the six months after the act went into operation, being 10,431,655 pounds, nearly equaled the quantity entered during the whole preceding year, that being 11,546,530 pounds.

Of combing-wool, the increase was more marked; the quantity paying duty during the six months ended December 31, 1882, was only 523,442 pounds, and only 1,373,114 pounds during the whole fiscal year ended June 30, 1883, while during the six months after the act went into operation the quantity that was entered for consumption was 2,664,456 pounds, being more than five times the quantity entered in the corresponding period of 1882, and nearly double that which was so entered during the entire fiscal year of 1882-'83.

Of carpet-wools the increase in six months was nearly 10,000,000 pounds, the relative figures being as follows: Entered for consumption in six months ended December 31, 1882, 24,769,229 pounds; six months ended December 31, 1883, 34,150,552 pounds; increase 38 per cent., 9,381,323 pounds.

It is worthy of mention that during the period of four months from March 3 to July 1, 1883, before the tariff act under consideration went into operation, the importation of foreign wool largely increased, and upon arrival was stored in bonded warehouses awaiting the 1st of July, on which day clothing and combing wools could be entered for consumption at a reduction in the rates of duty equal to about 10 per cent. ad valorem.

The quantity of wool remaining in the bonded warehouses of the United States on the 30th of June, 1883, was 26,972,660 pounds, the largest quantity being warehoused at Boston, 16,653,114 pounds, in the vicinity of the most extensive woolen mills of the country. Of the remaining 10,319,546 pounds, 8,665,121 were stored in New York warehouses.

Having shown that the reduction of the rates of duty on wools under the act of March 3, 1883, was greater than on woolen goods, and that this reduction caused a large increase in the quantity of foreign wools that entered into consumption during the six months ended December 31, 1883, as compared with the corresponding period of 1882, it is pertinent to inquire whether the reduced rates on woolen goods was sufficient to cause an extensive inflow from foreign countries.

Official returns made to the Treasury Department show that the value of woolen goods that entered into consumption during the first six months under the operation of the tariff act of 1883, as compared with the corresponding six months in the year immediately preceding, was as follows:

	Value.	Amount of duty.	Equivalent percentage ad valorem.
Six months ended December 31, 1882...	$22,400,387	$14,943,626	66.71
Six months ended December 31, 1883...	22,064,512	15,203,183	68.90
Decrease in 1883	335,875		
Increase in 1883		259,557	2.19

From the above it will be observed that so far from being an increase in the value of woolen goods imported during the first six months under the new tariff, there was a slight decrease; and in place of a reduction in the average ad valorem duties there was an increase of over 2 per cent. This shows either that there was a decline in the value of woolen goods imported during the first half of the fiscal year 1883-'84, or that there was a considerable increase in those kinds of goods paying higher ad valorem rates of duty, as, for example, fine cloths, worsted goods, &c

PROTECTIVE POLICY OF GOVERNMENT.

Economists who have been in favor of protective legislation by the Congress of the United States have regarded it as of the highest importance that a protective tariff should not only serve to encourage manufacturing, mining, and agricultural industries, but should also in especial manner protect labor.

The low rates of wages paid to the working people in those countries that compete in our markets with domestic products and their sad condition are well known to the members of this committee, some of whom have personally investigated the condition of the toilers in the mills, factories, shops, and mines of Europe. To such gentlemen it is unnecessary to say that one of the principal objects of protective legislation is to prevent the degradation of our working people to the level of those in foreign countries.

In the manufacture of woolen goods great improvements in automatic and other machinery used have been made in recent years, until the number of human hands now employed in the various processes is comparatively small. In the vast products of woolen and worsted mills during the census year 1880, amounting in value to $267,262,913, the aggregate number of employés was only 161,557, and nearly 20,000 of these consisted of boys and girls under fifteen years of age. Highly important as this industry is, and deserving, as it does, ample encouragement from the National Legislature, its claim for protection, on the ground that it employs labor, is far surpassed by the wool-producing industry, an industry numbering 1,020,000 proprietors, who are the owners of 50,500,000 sheep, of an aggregate value of $250,000,000. These proprietors are, as a rule, freeholders, and the value of the land required for summer and winter feed for their flocks can not be estimated at less than $10 for each animal, thus aggregating $500,000,000. These flock-masters, in conducting their business, afford constant employment to more persons than they number themselves, the whole exceeding 2,000,000 persons.

The ingenuity of American inventors has not been able to provide automatic or other labor-saving machinery to diminish the number of employés. Men are required, strong, self-reliant men, in the successful prosecution of this industry. Neither boys nor women can endure the constant fatigue and vigilance attendant thereon. Here is an opportunity to encourage labor, and this labor, I beg your committee to remember, is not performed in buildings where the laborers are sheltered from storms, nor where the temperature is modified by artificial heat, but it is performed in the open air, where the laborers are exposed to the extreme heat of summer and to the extreme cold of winter, all of which must be endured.

Let me add that these laborers are extensive consumers of manufactured products, of protected articles of every description, woolen and cotton goods, clothing, boots and shoes, hats, fire-arms, cutlery, nails, iron and steel products of all kinds, sugar, rice, and everything that our country makes or produces, and by legislation protects, these agricultural laborers consume. The only material protection ever given them, or that they have seriously demanded, is that now under consideration. Do you expect to turn them away with the unphilosophical and fallacious theory that they are producers of "raw material," deserving no protection? Should you do so your answer will be, in my judgment, as crude as their production is "raw." But, gentlemen, treat them as you may, they are not only producers of wool, but they are men and patriots. They will contribute in the future as in the past toward the payment of your public debt and the replenishment of your Treasury, and should an enemy approach our shores, and money and muscle be needed for the preservation of our institutions, these humble sheep-farmers will give, as some of them have heretofore given, money, personal service, even their sons and their own right arms for the maintenance of the nation's integrity and honor.

THE COMPARATIVE EFFECT OF THE ACT OF MARCH 3, 1883, ON THE WOOL AND THE WOOLEN INDUSTRIES.

A comparison of the effect of the tariff act of March 3, 1883, on these two allied industries may not be out of place in an argument to show the justice and propriety of restoring the duties on wool as they were under the act of 1867.

It has already been stated that this act was the result of an agreement between the producers and manufacturers in wool. It was made after much consideration, and in order to settle a controversy between these two interests that had been coeval with their existence. In this controversy the manufacturers had always been victors and thereby had retarded the growth of sheep husbandry and diminished the production of domestic wool. This so-called agreement deserves a stronger name; it was a solemn compact for a union designed to be enduring, upon which the producers of wool might rely. Upon the faith of this treaty they did rely, and expended large sums of money in the prosecution of their business, thereby increasing its growth and advancing its prosperity with a rapidity almost marvelous, as has been shown by the facts and figures already submitted. The magnitude of the expenditures made by wool-growers, since the passage of the act in 1867, would, if stated, hardly be credited by those having no practical knowledge of the business. The act of March 3, 1883, was an abrogation of this treaty and without reason. It was really an act of divorce without cause and without alimony, and it deserves to be set aside and annulled, and the original treaty restored.

RELATIVE REDUCTION OF DUTIES ON WOOL AND ON WOOLENS.

A few facts and figures will show how the reduction of duties by the act of 1883 has affected the respective industries of wool-growing and wool-manufacturing, and the figures will substantiate some observations already made.

The comparative rates of duty on wools and on woolens under the respective tariff acts of 1867 and 1883, and the average ad valorem rates on each class of wool and on each of the classes or kinds of woolen goods separately and in groups, are shown by recent tables prepared by the Treasury Department. By these tables it is shown that, on the foreign wools that enter into competition with ours, namely, clothing and combing wools, the average reduction of duty was about 10½ per cent. On foreign manufactures of wool the average reduction was 6½ per cent. While, therefore, wool-growers have suffered so large a reduction in the protective duty on their product, with no compensatory advantages, the manufacturers of woolen goods have been largely compensated by the reduced price of wool, domestic as well as foreign, as I have already shown.

Of the $42,000,000 of woolen goods imported into the United States during the last fiscal year, ended June 30, 1883, dress goods constituted more than one-half, or $22,619,106, the duty on which, under the act of 1867, averaged 68¼ per cent. ad valorem. Under the act of 1883 the average would be 64½ per cent., being a reduction of only 4¼ per cent. The next in value was woolen cloths, amounting to $10,806,324, the average duty on which was 73.3 per cent., and under the present act it would be 64½ per cent., a reduction of 8.9 per cent. Of the other articles imported, no one exceeding $1,400,000 in value, the average reduction in duty under the act of 1883, as computed on the imports of the last fiscal year, was as follows: On manufactures of wool not specified, 9.92 per cent.; woolen and worsted yarns, only $433,363 in value, 10.68 per cent.; woolen and worsted shawls, 6.53 per cent.; wearing apparel, 9.45 per cent.; webbings, bindings, braids, &c., 7.15 per cent.; carpets, mats, rugs, 7.65 per cent.; shirts, hosiery, &c., 1.59 per cent.; shirts, drawers, and other articles, except hosiery, being only 1.03 per cent.

As already stated, the average ad valorem reduction on $40,837,565 of the total importation of woolen goods during the last fiscal year ($42,129,336) was only 6½ per cent., or, to be exact, 6.23 per cent.

It is respectfully submitted that if the wool-producing and wool-manufacturing industries are to be injured by legislation, no unfairness or unjust discrimination should be made by Congress. The relative interests of producer and manufacturer were carefully considered in 1866-'67, and the tariff act of 1867 was satisfactory to each alike, and as a result both have enjoyed prosperity.

Referring again to the reduction of the duty on clothing and combing wools, it has been asserted by some that the reduction in the dividing line in the value of wools paying 10 and 12 cents per pound respectively, from 32 to 30 cents, would, to a considerable extent, compensate wool-growers for the abolition of the ad valorem rates. This story might have been believed by the proverbially credulous marine, but no intelligent sailor or wool-grower believed it then or believes it now. The remorseless logic of figures fails to demonstrate the truth of the predicted result. The official returns, showing the duties paid upon wool during the fiscal year ended June 30, 1883, gives the following results: Clothing wools, value 32 cents or less per pound, 11,466,637½ pounds; value over 32 cents per pound, only 57,478 pounds, or one pound costing over 32 cents to every 199½ pounds costing less than 32 cents. In the aggregate imports from foreign countries during that year no wool is valued at above 25 cents per pound, except from Australia, from which country the direct importations amounted to 2,604,701 pounds, valued at $656,045, being an average cost of 25.2 cents per pound.

One of the reasons given by the manufacturers for insisting upon the reduction of the duties on wool is that it was necessary in order to compensate for the reduction of the duties on woolens. As a protectionist I have never been able to recognize the validity of this argument. These two productions, so far as legislative protection is concerned, stand upon their own respective merits. When properly considered I think it will be found that there is no logic in the assertion that because the duties on woolens are reduced the duty on wool should necessarily be reduced also. One who believes in the doctrine of protection does not admit that a protective duty upon an article produced in this country, where all the circumstances connected with its production are favorable, is necessarily increased in price to the extent of the duty.

The theory of the protectionist is that under the conditions above alluded to domestic competition will reduce the price of the article to the minimum cost of its production; that the protective duty is only a security to the domestic manufacturer that he shall not have his business destroyed by a temporary inundation from other countries, where capital is plentiful and labor cheap. The protective duty is simply a security to the manufacturer to induce him to invest his capital in a business which by domestic competition will produce an article as cheaply as it can be produced and at the same time furnish a market for it at home.

Now, the assertion of the manufacturers before alluded to, if it rests upon any logical basis, is a claim that by reducing the duty on wool they will cheapen the article for their own consumption, not for a single year, but as a rule for the future. Apply their logic to manufactured fabrics. Do they admit that the protection they receive increases the price of their goods? They have claimed for the last half a century that the reason for their demand for protection was not to increase the price of their goods, but to give them the command of their domestic markets and prevent their industries from being destroyed by overwhelming inundations from abroad. Hence they have always claimed, and have generally had, as they have at this moment, under the act of 1848, such protection as secures them against the calamity before referred to.

Any legislative duty that fails to secure to the domestic fabric the control of the home market fails to amount to protection. Apply this principle to the article of wool. As before stated, the duties of 1867 barely secured to the American producers the home market. Importations were made to some extent even unde the act of 1867, but that act gave to the producers of wool the control of the market at home; but the act of 1883 fails to do this. I do not say that its authors so intended, but I do say without fear of contradiction that under this law woolgrowers can not control the domestic market.

At this very point I invite the attention of the committee to the facts of the case as they have been heretofore presented to you. The 320,000,000 of pounds of wool, being the clip of 1883, have yielded to the producer this year an average of 4 cents less per pound than was received for the clip of 1882. Why? Because the tariff of 1883 fails to secure the home market to the producers and they are driven to this reduction in price in order to prevent importations, and unless they receive relief by legislation the producers will be compelled to make similar reductions from time to time, until finally they are driven to a choice either to continue in the production of wool at a price that is not remunerative or to gradually diminish and finally abandon the business. Surround this question by whatever figures and estimates you may, the simple fact remains as it is here stated. Hence the legislative authority of the United States must say whether they will suffer this industry to languish, decrease, and in certain places, notably Pennsylvania, West Virginia, Ohio, and Wisconsin, perish, or restore the tariff of 1867 and leave the wool-growers of the United States to the privilege of supplying the wool which the protected manufacturers consume.

I proceed to consider some of the other reasons given by the manufacturers to establish the proposition that the wool tariff of 1867 ought not to be restored. The president of the late Tariff Commission is reported to have said in a defense of the action of the last Congress that "The low condition of wool-growing in Ohio, the principal complaining State, is due to the competition in domestic territorial wools, and not to importation." I am unable to see how so intelligent a gentleman could have fallen into such grievous error. There is no wool grown in the Territories that competes with Ohio wool. Ohio wool, for certain purposes (by Ohio wool I mean that classification of wools which embraces those of Pennsylvania, West Virginia, Michigan, and other central States) is the best wool in the world. It has no equal anywhere, and in the Territories it has not even a pretended competitor.

The States above named have expended most freely in the production of a superior quality of wool, and they were stimulated to such action by their belief in the beneficial effects in the act of 1867, and that the provisions of such act would be left undisturbed. They are prepared to keep their sheep in a uniform condition of flesh throughout the entire year, to house them when necessary for their protection from the severity of the weather, and to sustain them by a steady and judicious feeding. These are the elements which contribute to produce a wool of so strong a fiber that it is superior to any other wool in the world. The same sheep transferred to the Territories yield a tender, sometimes called a rotten, fiber, and although they are treated with the best care which intelligent husbandry can afford, yet it is impossible to bring their wool to such a standard as that it will favorably compare with the fine wools of Ohio. I am prepared with samples, which in due time I will hand to the committee, illustrating the statements I have here made.

The wool which most nearly approximates that which is classified under the name of Ohio XX and Ohio XXX is grown in Australia, of which also there is a sample present. This Australian wool is but a poor substitute for the wools of Ohio, Pennsylvania, &c., and in a scoured condition the domestic Ohio wool is always preferred to the best Australian production.

To verify the argument here made, I produce a letter from Justice, Bateman & Co., who are prominent wool commission merchants of Philadelphia, and by the permission of the writers I make use of the same:

122 SOUTH FRONT STREET, PHILADELPHIA, *February* 7, 1884.

DEAR SIR: We have been requested by Mr. David Harpster to furnish you samples of wool showing the difference between Territorial wool and Ohio XX, and we send them as follows:

Sample No. 1 is showy XX Ohio, well bred and sound in fiber, selling at 42 cents here.

Sample No. 2 is the same wool from Ohio sheep driven into the Western Territories, selling at 22 cents here.

This latter wool has had the best care and attention in the Territories, but owing to the alkaline soil, or from some unknown cause, the Territorial wool is weak and tender in fiber. Owing to the reduction of duties on wool, wool-growing in Ohio, Pennsylvania, and West Virginia, where wool like our sample No. 1 is raised, is likely to be among the things of the past. This class of wool is much needed for the manufacture of worsted yarns. Large amounts of machinery for this purpose have been established in Philadelphia, but unless this wool can be raised in Ohio they will get other but less suitable from South America and Australia. The wools of the best blood after transfer to the Territories become rotten and tender in fiber and wholly unfit for worsted purposes. Sample No. 2 represents the wools transferred to the Territories. They will make some kinds of clothing, as they have fulling properties, but they are not strong. For worsted purposes, as above stated, they are wholly unfit.

Sample No. 3 is Australian. This wool is suitable for worsted purposes, although not as well adapted to it as wool like sample No. 1, Ohio wool, but if Ohio wool can not be had, American manufacturers will have to fall back on the foreign article like sample No. 3.

Yours, truly,

JUSTICE, BATEMAN & CO.

Mr. COLUMBUS DELANO,
1600 *Thirteenth Street, Washington, D. C.*

A second letter from the same parties, dated February 9, giving me leave to use the former letter, has been received, and from it I desire to make a few quotations: "The wools suitable to supply the wants of this machinery are raised principally in the above sections (Ohio, Pennsylvania, West Virginia, &c.). If wool-growing ceases to be profitable on high-priced lands, it will be transferred to the Western Territories, which do not produce wools of sufficient strength and fiber to answer for worsted purposes, and the manufacturers of worsted yarn will be compelled to import wool or close their mills. This event of course takes place when wool-growing in the old wool-growing sections becomes among the things of the past. We do not know whether it is the feed or the alkaline soil or what condition it is that unfits Territorial wools owing to weakness of fiber from ever being used, but the fact is well known.

* * * * * * *

"As the Western Territories are hardly likely to be plowed down and farmed and cultivated grasses produced, there is no reasonable expectation that they will grow the wools suitable for combing purposes which are now raised in the old wool-growing sections. There is no fine wool in the world equal to the high-bred XX and XXX Ohio, Pennsylvania, and West Virginia fleeces for strength of fiber; the Australian wools come next, and though they are not so strong, they are used largely by the American manufacturers, because they are cheaper than the Ohio wools; but at the same price in a scoured condition the manufacturers would always prefer the finest Ohio wools. Any material reduction of the duties on wool will have a tendency to make the raising of it unprofitable in the States named above, as manufacturers, in order to compete, must buy their wool at lower prices.

"The wool-grower and the woolen manufacturer are both interested in protection on both wool and goods. The American wool-grower depends upon the American woolen manufacturer for his market. American wool has been exported and tried both in England and France, but it was found better to pay return freight than to accept the best price obtainable in foreign markets."

Another error in the article before alluded to is contained in the following words:

"The total importation of clothing-wools, the competing foreign wools, in 1880, was 26,785,171 pounds, while Ohio has had to contend against an increased production of wool in the newer States from 1870 to 1880 of 101,000,000 pounds."

Here is the same error in fact reasserted under different circumstances. This paragraph admits that in 1880 there was 26,000,000 pounds of clothing-wool imported which competed with wools grown in Ohio, Pennsylvania, West Virginia, &c. But looking further at the article from which those quotations are made we find the same author asserting as follows:

"The only wools now imported are for exceptional and peculiar purposes, wools having qualities not found or not so perfectly found in domestic wools; carpet-wools, none of which are grown or can be grown profitably here; superfine electoral wools for the highest face-goods; English combing-wools, when as in 1880 there was a fashion for coarse fabrics; long and fine merino combing-wools, produced here as yet in limited quantities, for soft ladies' fabrics which have recently come into fashion."

I am unable to understand how the author justifies himself in asserting that the low condition of wool-growing in Ohio is due to the competition in domestic Territorial wools, when he admits in another paragraph that in 1880 nearly 27,000,000 pounds of clothing-wools were imported; nor do I exactly see how these two statements are consistent with the paragraph last stated, wherein he says that "the only wools now imported are for exceptional and peculiar purposes," &c.

There is one other paragraph in the article referred to to which I wish to invite attention. It is in these words:

"Although we may import limited supplies of foreign wool, the ample domestic supply regulates the cost of such raw material as we may import."

In this proposition there is a subtle error, which can not be concealed when exposed to criticism. How can an "ample domestic supply regulate the cost of importations," provided the foreign article can be imported without duty, or under such low duty as to permit its sale at a price so low as to render the production of the domestic article unremunerative? The proposition is clearly untenable and palpably erroneous. In fact, the very reverse is true, as I think all must see, namely: That a market which permits an article to be imported duty-free or with a nominal duty will be regulated by the price of the imported product; and the price of a domestic article must be regulated by the cost of that which is imported; and a reduction in the price of the domestic article is necessary to prevent or limit importation. Therefore, nothing can save the wool-growers from this reduction in price which they have endured during the year 1883 except the restoration of duties that will enable them to command the home market; otherwise the abandonment of the industry must inevitably follow.

Statement showing for the United States the number of flocks of sheep, exclusive of those on public-land ranches, the figures being furnished by Mr. Jacob R. Dodge, statistician Department of Agriculture.

Alabama	23,879
Arizona	35
Arkansas	20,595
California	4,326
Colorado	406
Connecticut	3,194
Dakota	1,819
Delaware	1,986
District of Columbia	
Florida	1,001
Georgia	25,514
Idaho	128
Illinois	39,803
Indiana	54,069
Iowa	17,220
Kansas	3,804
Kentucky	60,598
Louisiana	5,449
Maine	34,132
Maryland	10,498
Massachusetts	3,488
Michigan	62,119
Minnesota	24,208
Mississippi	15,466
Missouri	63,990
Montana	137
Nebraska	2,119
Nevada	97
New Hampshire	11,206
New Jersey	5,822
New Mexico	814
New York	75,523
North Carolina	52,541
Ohio	93,984
Oregon	4,605
Pennsylvania	72,425
Rhode Island	790
South Carolina	10,049
Tennessee	62,924
Texas	8,390
Utah	2,001
Vermont	16,573
Virginia	32,494
Washington	1,067
West Virginia	30,909
Wisconsin	58,487
Wyoming	44
Total United States	**1,020,728**

SHEEP AND WOOL.

States and Territories.	Total sheep.	Sheep on farms. *a*	Ranch and range sheep. *b*	Wool. *c*
	Number.	*Number.*	*Number.*	*Pounds. d*
The United States	42,192,074	35,192,074	7,000,000	155,681,751
Alabama	347,538	347,538	.....	762,207
Arizona	466,524	76,524	390,000	313,698
Arkansas	246,757	246,757	.....	557,368
California	5,727,349	4,152,349	1,575,000	16,798,036
Colorado	1,091,443	746,443	345,000	3,197,391
Connecticut	59,431	59,431	.....	230,133
Dakota	85,244	30,244	55,000	157,025
Delaware	21,967	21,967	.....	97,946
District of Columbia	.....	.....	.....	.....
Florida	105,681	56,681	49,000	162,810
Georgia	527,589	527,589	.....	1,289,560
Idaho	117,326	27,326	90,000	127,149
Illinois	1,037,073	1,037,073	.....	6,093,066
Indiana	1,100,511	1,100,511	.....	6,167,498
Iowa	455,359	455,359	.....	2,971,975
Kansas	629,671	499,671	130,000	2,855,832
Kentucky	1,000,269	1,000,269	.....	4,592,576
Louisiana	135,631	135,631	.....	406,678
Maine	565,918	565,918	.....	2,776,407
Maryland	171,184	171,184	.....	850,084
Massachusetts	67,979	67,979	.....	299,089
Michigan	2,189,389	2,189,389	.....	11,858,497
Minnesota	267,598	267,598	.....	1,352,124
Mississippi	287,694	287,694	.....	734,643
Missouri	1,411,298	1,411,298	.....	7,313,924
Montana	279,277	184,277	95,000	995,484
Nebraska	247,453	199,453	48,000	1,282,656
Nevada	230,695	133,695	97,000	655,012
New Hampshire	211,825	211,825	.....	1,060,589
New Jersey	117,020	117,020	.....	441,110
New Mexico	3,938,831	2,088,831	1,850,000	4,019,188
New York	1,715,180	1,715,180	.....	8,827,195
North Carolina	461,638	461,638	.....	917,756
Ohio	4,902,486	4,902,486	.....	25,003,756
Oregon	1,368,162	1,083,162	285,000	5,718,524
Pennsylvania	1,776,598	1,776,598	.....	8,470,273
Rhode Island	17,211	17,211	.....	65,680
South Carolina	118,889	118,889	.....	272,758
Tennessee	672,789	672,789	.....	1,918,295
Texas	3,651,633	2,411,633	1,240,000	6,928,019
Utah	523,121	233,121	290,000	973,246
Vermont	439,870	439,870	.....	2,551,113
Virginia	497,289	497,289	.....	1,836,673
Washington	388,883	292,883	96,000	1,389,123
West Virginia	674,769	674,769	.....	2,681,444
Wisconsin	1,336,807	1,336,807	.....	7,016,491
Wyoming	450,225	140,225	310,000	691,650
Indian Territory	55,000	.....	55,000	.....

a Exclusive of spring lambs.
b Estimated.
c Spring clip of 1880.
d Not including the following items, the result of special investigation: Texas and California fall clip of sheep reported on farms, 13,000,000 pounds; wool of other (ranch) sheep, 34,000,000 pounds; pulled wool and fleece of slaughtered sheep, 38,000,000 pounds, making an aggregate of 240,681,751 pounds

Mr. VAN EATON. Mr. Chairman, as a nation we occupy the singular position of being a sufferer from a redundant revenue, our Treasury suffers from an embarrassment of riches, while our people groan under the burdens of unjust, unnecessary, and onerous taxation. Attention has been called to this state of things in more than one executive message, in more than one report from the Secretary of the Treasury.

In his annual message to the second session of the Forty-seventh Congress, December 4, 1882, after showing that there was a surplus of revenue in the Treasury for the fiscal year ending June 30, 1882, of $145,543,810.71, the President said:

You can not fail to note with interest the discussion by the Secretary as to the necessity of providing by legislation some mode of freeing the Treasury of an excess of assets in the event Congress fails to reach an early agreement for the reduction of taxation.

I heartily approve the Secretary's recommendation of immediate and extensive reductions in the annual revenues of the Government.

It will be remembered that I urged upon the attention of Congress at its last session the importance of relieving the industry and enterprise of the country from the pressure of unnecessary taxation. It is one of the tritest maxims of political economy that all taxes are burdensome, however wisely and prudently imposed. * * * Of late the public revenues have far exceeded what was necessary for a wise and economical administration of the Government.

Then comes the report of that remarkable body, commonly known as the "Tariff Commission." Let me quote from that. On page 5 of that report, bearing the same date as the annual message just quoted from, we find the following:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by mere indiscriminate popular clamor, but by the best conservative opinion of the country.

* * * * * * *

Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.

* * * * * * *

It would seem that the rates of duties under the existing tariff—fixed for the most part during the war, under the evident necessity at that time of stimulating to its utmost extent all domestic production—might be adapted, through reduction, to the present condition of peace, requiring no such extraordinary stimulus.

* * * * * * *

Entertaining these views the commission has sought to present a scheme of tariff duties, in which substantial reduction should be the distinguishing feature. The average reduction of rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent.

This, then, was the reduction which the commission thought ought to be made in the then existing tariff; that is, 25 per cent.

In his annual message to the present Congress, December 4, 1883, quoting from the report of the Secretary of the Treasury, the President showed that for the year ending July 1, 1883, the surplus of revenue over expenditures was $132,879,444.41. True, it is estimated that for the fiscal years ending July 1, 1884 and 1885, the surplus income will not be so large.

Now, the very moderate reduction recommended by the commission was not adopted. The Republican majority in both Houses repudiated the work of their own creature. True to their long history on this subject, they determined to stand by the manufacturers, and not to afford the "relief to the consumer," which the commission said ought to be done. After long wrangling, and the rejection of every measure of relief offered on this side, a bill was finally passed, which, according to the best estimates, reduced the then existing tariff rates 1.74 per cent. The committee had recommended a reduction of 25 per cent.; this legislation came within 23.26 per cent. of that recommendation!

Now, then, we find the situation to be this: We have an overflowing Treasury, an annual surplus of $100,000,000 or over, more than we actually need; recommendations time after time from the Executive and the minister of finance to devise and put in practice some plan to reduce this annually recurring surplus; a commission created at the instance of the dominant party purposely to investigate all matters connected with the tariff, who, after carefully going over the whole ground—and a large portion of the United States—finally reported that tariff rates should be reduced 25 per cent. "as a due recognition of public sentiment and a measure of justice to consumers;" and yet in all these years no substantial reduction has been effected—certainly no "measure of relief" has been adopted up to this good hour. And now, when by the pending bill it is proposed to reduce war-tariff taxes 20 per cent.—less than the commission itself recommended, and in exact line of all the recommendations of which I have spoken—we have the extraordinary spectacle presented of an almost unbroken phalanx of opposition on the other side of this Chamber, to the moderate reduction proposed by the bill, and to any "measure of justice to the consumer."

I am not unmindful, of course, that there has been a reduction in the revenues of perhaps from thirty to forty millions annually, but neither am I unmindful how this reduction has been effected, namely, by reductions in the internal revenue, by a removal of the tax on just such articles as the people, the consumers, could dispense with. Such were the taxes on bank checks, proprietary medicines, matches, perfumery, Lubin's extract Jockey Club, and reduction of the tax on tobacco. While on all such things as the people, the laboring men and women of this country, those upon whose shoulders after all everything else rests and the prosperity of the country depends—on all such things as they must buy and use—the tax remains the same; the burden for them is not lightened, but in the language of the Boston Post, "Everything for them to wear, to eat, and make shelter remains taxed all the same, and in many cases the exactions are so outrageously high that even a Government mule must be ashamed that so grand a country as the United States could impose them!"

The fact is, that while reduction in some sort has been forced upon the dominant party, they have most carefully looked for and so far as they have gone, found some place to put it where it would not interfere with the large manufactures, "our infant industries," and most carefully would offer no "measure of justice to the consumers." So true is this that to-day, when the necessity of further reduction of revenue still presses, we find the leading opponents of the bill on either side of this Chamber, in harmonious accord in recommending the abolition of the whisky tax—internal revenue on distilled spirits. When the people ask bread they would give them not a stone, but worse, plenty of free whisky. Mr. Chairman, I confess I can not understand the statesmanship that would keep up to the highest notch the prices of all the necessaries of life, and when the laboring man is in distress, and the "poor cry in the streets," would offer as the only "measure of relief and justice" unlimited free and cheap whisky.

On this subject of the tax on whisky I wish to say I prefer it should become the settled policy of the Government to raise a portion of its revenue from a tax on spirits distilled from grain. I want to see the mode of collection changed, the internal-revenue machinery done away with, but not this particular tax; it is one, Mr. Chairman, which no one need pay unless he wishes; to escape it all he has to do is to refrain from the use of the article. It is perhaps as a tax the least oppressive of any that could be devised. So let us keep the tax on whisky and take it off our food and clothing.

TARIFF FACTS FOR POOR MEN.

The New York Herald is doing some good work in the cause of reform, and recently published some facts and tables which I quote:

If the workingman can not own his cottage and the land on which it stands, the next best thing is to have possession of them at a low rental. The price of land itself is not affected directly by the tariff, being with sunlight and air one of the very few things that are not taxed. If there had been any possible method

of "protecting" land by screwing out of the workingman a part of his scanty earnings, it would doubtless have been applied long since. If the materials that enter into the construction of a house are taxed, the cost of the house will be increased and the owner or landlord must charge a higher rent to secure a profit on his outlay. Let the following list of duties in the present tariff be examined:

	Per cent.
Nails	100
Lumber	18
Common window-glass	60
Linseed-oil	41
White lead	54
Wall-paper	25
Cement	20
Slates	25
Laths	9
Shingles	14

It is said the tariff is imposed on behalf of the workingman. Does this look like it?

Suppose a worker in a mill has saved enough to buy a modest little cottage, to which he takes his wife and children. He is not getting much for his labor, enough to support himself and family, and the expense of furnishing is quite an item. He wants to have his money go as far as possible, and cheap—that is, low-priced—goods are what he wants. Let us see how the tariff meets his wishes and to what extent it applies:

	Per cent.
Carpets	50
Oil-cloths	40
House furniture, finished	35
House furniture, unfinished	30
Clocks	30
Books	25
Earthenware	40
Glassware	55
Tin utensils	45
Chromos	25

Can it be imagined that these taxes are imposed to aid the workingman to furnish his house? Suppose they did not exist, would it not be reasonable to think that the cost of furnishing would be decreased?

In order to live, a man must eat, must be clothed, and must have shelter. In this estimate these are the necessities of life, and if their cost is made greater than is necessary it practically involves a tax upon life. Let us take some of the important articles of clothing and see how the tariff is arranged:

	Per cent.
Clothing wools	26 to 73
Flannels	62 to 68
Hats	30
Leather	20
Gloves and mittens (cotton)	35
Linens	35

These are articles used by every man, woman, and child in the country, and are necessary to their comfort. See how tenderly they are cared for by the tariff! The wonder is that such a system of taxation on the poor is allowed to remain one day.

But we are told the result of a high protective tariff is to reduce the price of the manufactured article to the consumer. Well, Mr. Chairman, if that be so, we have the extraordinary spectacle presented in this country of vast capital controlled by men of brains and energy, invested in protected industries for the sake alone of "most sweet charity," for the sole benefit of the consumer. For, if protection cheapens prices, free trade would of course, as would any reduction, increase them, and if the capitalists of the country engaged in manufacture, should ever conclude to quit investing for charity and want to add to their capital, of course they will join forces with us, and thus increase the price of their commodities and add to their profits.

That there may be periods when manufactured articles become cheap under protection, I admit; but these are spasmodic, not regular, and occur when under the hot-bed stimulus of protection there is overproduction and financial troubles threaten, and goods are forced on a glutted market.

Again we are told "protection" is for the benefit of the laboring classes. What laboring classes? First, and chiefly, of course, those who work in the protected industries. To hear the advocates of protection on this subject, one would suppose that in their favorite theory they believed they had found the workingman's paradise; this I think the distinguished gentleman from Pennsylvania [Mr. KELLEY] the other day prescribed as the panacea for all the ills such as he observed in foreign countries, notably in "merry free-trade England." According to their views, there will always be high wages and prosperity under the beneficent influences of protection, where poverty and want and "the cheap and nasty" can never come. Mr. Chairman, in this connection I desire to call attention to matters of recent date concerning these "protected" laborers, as shown in extracts from the current news of the day and as found in the daily papers.

In the first place, I presume it will be admitted that we have the protective system in pretty full force and effect; that we are and for years have been enjoying (?) a rather high protective tariff; yet I venture to say for the last year or more, in spite of the vast benefits of the system, the distress consequent on the reduction of the wages of the protected laborers, has been unparalleled by anything that has happened among laborers in other callings not so favored and protected. Read the following from the press dispatches of last fall and this spring:

NO COMPROMISE IN THE GLASS STRIKE.

PITTSBURGH, *December* 18.

The general conference committee of the glass manufacturers and their striking employés met again to-day. The committee continued in session until a late hour this evening, and adjourned without accomplishing anything. Both sides agree that further attempts to compromise will be useless, and the question is now one of endurance. The workmen say that the manufacturers will weaken after January 1. The manufacturers pronounce talk of that kind rubbish. The feeling to-night is more bitter than at any time since the strike commenced.

THE NAIL MEN IN COUNCIL.

PITTSBURGH, *December* 19.

The Western Nail Association met this morning and held a session lasting until 2 o'clock this afternoon. It was decided to close down for six weeks, from December 29 to February 11. The meeting was one of the largest ever held here, every mill in the West being represented in person or by letter. The stoppage is for the purpose of restricting the production. The stocks are light and ill-assorted, but the trade is reported to be fair. The card rate remains unchanged. The stoppage will throw several thousand men out of employment. The manufacturers hope by the suspension to improve the trade. The employés are very despondent, having already lost nearly four months this year by similar suspensions.

This afternoon 3,000 men employed in the National Tube Works at McKees port were notified of a general reduction on January 1. If the terms are not accepted the works will close down indefinitely after that date.

CUTTING DOWN THE WAGES.

NORRISTOWN, PA., *December* 24.

James Hoover & Sons and J. H. Boone & Co., iron manufacturers, announce a reduction in the price of puddling from $4 to $3.75 a ton, the wages of others being proportionately reduced.

MOUNT CARMEL, PA., *December* 24.

Work is suspended at No. 1 Franklin Colliery, near Trevorton, for three months, five hundred men being disemployed.

EASTON, PA., *December* 24.

The Thomas Iron Company, at Hokendauqua, and the Crane Iron Company, at Catasauqua, reduce the wages of employés 10 per cent. January 1. Nearly every furnace in the valley has reduced wages.

TAUNTON, MASS., *December* 24.

The Whittenton Manufacturing Company reduces wages 10 per cent. on January 7, and other mill managers say they must cut or shut down.

COTTON MILLS CLOSING.

NEW YORK, *January* 31.

A report is current that orders have been issued to stop a large number of looms in the Boom cotton-mills, Tremont and Suffolk mills, Massachusetts Cotton mills, the Lowell, Massachusetts and York Manufacturing Company mills, and Saco mine, in order to reduce production, because of the present unprofitable prices. The above are some of the largest mills in the country and represent nearly 400,000 spindles.

A THREATENED STRIKE OF IRON-WORKERS.

PITTSBURGH, PA., *April* 19.

The conference of the Amalgamated Association and the manufacturers this afternoon, contrary to expectation, resulted in a disagreement. The workmen demanded that the present rate of wages, $5.50 per ton of puddling, be continued, with the exception of an extra dollar a ton for axle-iron, which was dropped, and also presented additions and amendments, which it is claimed will increase the wages of certain classes of workmen from 5 to 20 per cent. The manufacturers peremptorily refused to accept the workmen's proposition and demanded a uniform reduction of 10 per cent., which it is claimed is necessary on account of Eastern competition and the depression of trade.

The workmen denied that a reduction was necessary, and also denied that their scale provided for any increase.

The discussion lasted three hours, when it was decided that an agreement was impossible. Both sides profess to be firm in their position. If one or the other does not yield work will be suspended at all mills in the West after June 1.

And these extracts might be multiplied almost indefinitely. And, Mr. Chairman, after listening to the glowing eulogies of the protective system, especially of its beneficent results to the laboring man, toward whom the sympathies of eulogists and manufacturers alike seem to go out, the above is rather strange reading. Oh, wondrous system, that at once cheapens to the consumer the cost of the article produced, increases the wages of the laborer, and at the same time forces hundreds out of employment in one establishment, thousands in sundry others, and often works on half time most of those who remain!

Right here, and in connection with this subject, another strange thing occurs to me. For the past two years we have been hearing repeated complaints of the importation by the wealthy proprietors of the various "protected industries" of cheap laborers from Europe. These men have been telling us for years that they desire protection in order to prevent American labor from having to compete with "the pauper labor of Europe"—I think that is about the way they put it—and now they are actually introducing that same "pauper labor" into this country, and employing it, because it can be had for less than the American labor they have forced to the striking point, by constant reduction of wages, while in the mysterious process of protection.

The gentleman from Pennsylvania [Mr. KELLEY] the other day made this remarkable recommendation:

We should forthwith prohibit the importation of cheap labor and send back to whatever country they have been shipped from men or women who have signed contracts in foreign lands or on shipboard to work at lower than prevailing American wages.

Again he says:

Statutory provision should be made that eight hours or less shall be the longest period in any one day that man or machinery may move in productive employment.

So, then, the confession is openly made on the floor of this House, and by the acknowledged leader on that side, that after all "protection" alone will not make the American laborer in the "productive employments" happy; another step is necessary; first, the "infant industry" must be protected, that this American laborer may not be forced into competition with the "pauper labor of Europe;" and next, we must pass laws to prevent his "protector" from bringing this same pauper labor to our own shores to compete on American soil with that American laborer; and finally, we must then provide by still another law that this same protected industry shall not overwork this much-protected, this same American laborer!

But, after all, there is really nothing strange in this. Once set out on the tortuous path of making men prosperous or virtuous by law and there is no end to the laws that will be needed. Properly considered, all this is but the logical sequence to the doctrine of "protection." That alone is soon found insufficient. Its advocates will not see that the fault is in the system, and they come back here for more laws, more help, and more protection! And so they will ever come, until the people rise up and do away with the whole thing. I do not think the workings or philosophy of the protective system can be better portrayed than in the following extract from a most excellent work, Economics, or the Science of Wealth, by Julian M. Sturtevant, ex-president and professor of political economy in Illinois College, and one of the most successful teachers and profound thinkers of the age:

No one will deny that it is possible that a single branch of industry might be encouraged and stimulated into more rapid growth by the monopoly of protection. Let us suppose that up to a certain time free trade had prevailed, when persons interested in establishing some new industry had found foreign competition inconvenient, and applied to Government for a protective duty. The Government grants the request, and the revenue law is modified accordingly. The petitioners go away for the present satisfied. Let us suppose that these petitioners were manufacturers of woolen cloth. The wool-growers are not slow to discover that on the one hand they are obliged to pay more for woolen cloths, while on the other hand they are severely pressed by the competition of foreign-grown wool. They apply for protection, and it can not be refused. This takes away a part of the value of the privileges conceded to the manufacturers of wool, and they are discontented.

The principle of protection is now established, and every industry which encounters any foreign competition will demand and can not be denied a show in it. The iron men of every grade must be protected, and every dime of protection which is granted to them increases the price of machinery for the manufacture of woolens, and thus damages the woolen interest. The cotton men, too, must be heard. They have to pay higher wages to their laborers, because the cost of living has been increased. Workmen in this climate must have woolen clothing. The cost of machinery is increased, and therefore it costs more to manufacture cotton goods. They, too, must be protected. Soon the woolen interest has lost more by monopolies granted to other industries than it gained by the one originally granted to itself, and it besieges the Government more clamorously than ever for more protection and with a more powerful argument. It now wants to be protected not so much against foreign competition as against the monopolies granted to other industries. These, one and all, are soon again thronging the lobbies of Congress demanding more protection.

The privilege granted to one industry is destructive of that granted to every other, and no man can tell to-day whether his particular industry is on the whole benefited or injured by the protection which actually exists, or whether if the whole were at once swept away his interest would not be actually relieved of an oppressive burden. But all still worship with unfaltering faith at the shrine of exclusiveness and clamor for more protection as the panacea for all their ills. The coal interest must have protection, however much that may injure the iron interest; and the iron interest must have protection, however that may affect the woolen and the cotton interest. If protectionists could demonstrate some great law of nature by which it might be determined with accuracy when and to what amount protection should be granted, the whole thing might be reduced to law and order and reason. But till that can be done (and it never can be done) it will present a scene of wild confusion, self-contradiction, and self-destruction.

How well this delineates what has been happening here every day since Congress met in December last! I reckon it is safe to say that not an industry in the United States, except that of the farmer pure and simple, and some of the manual mechanical industries, but what has been here howling for protection, sometimes more for themselves, sometimes less for their neighbors. In fact, so many of our "infant industries" have thronged these Halls and crowded crying through these corridors, that were this whole immense building converted into a hospital for the feeble or an asylum for the young, it would scarcely accommodate these distressed and in most instances aged infants. Their cry is "Give!" and, like that of the daughter of the horse-leech, it is still "Give!"

Among others came the sugar men. These went home and called a convention of the "representatives of the Louisiana protected industries," and made a report, which they printed and sent back here. I quote from the report of Judge Taylor Beattie, who, in speaking of their trip here, says:

At first we experienced some difficulty in securing a hearing, but finally met the Louisiana delegation to the House of Representatives. They for the most part seemed averse to any combination with other Representatives. In fact they seemed to think the sugar-planters were not the proper parties to advise them; that they understood these matters better than we did. They seemed to have something on their minds which they were averse to talking about, but which we supposed meant that they were to be governed in their action by the dictates of some caucus, which had been held or was to be held. We told them we were satisfied by a combination of votes we could prevent the passage of the Morrison bill. We stated to them one fact which came to us from * * *, and which was a bid for our vote, that if we could deliver the five votes from Louisiana [one, KELLOGG, they had already], they * * * would guarantee fifteen votes [from Ohio], representing the wool interest, to prevent the passage of the bill. The members of the Louisiana delegation were averse to making any combinations whatsoever.

How unaccommodating in the Louisiana delegation, not to be willing to trade sugar for wool, and in the proportions of one for three at that! There is much more of the same kind. And how innocently it is all said! Only a much-protected infant would be quite so unsophisticated!

In their resolutions they solemnly declare "against periodic inundation and slave-grown products." Under the circumstances, the irony of protection could scarcely go further than this. And, finally, that they "will arrange for an electoral ticket and Congressional nominations, and will support no one not fully in accord with their views!"

Then came the wool men and the sorghum men, and we were told sorghum could be made to pay in Kansas if only that sweet infant could be protected. Then came the licorice-paste men, and the lumber men, and the rice men—in fact, their name is legion—and the iron and steel men; but no, they did not come exactly, for, as is said of the poor, these "we have always with us." In connection with the sugar interest I shall ask leave to print, as part of the appendix to my remarks, an article from the American Grocer of March 27, this year.

But we are told that we have other industries in the South that demand and must have protection. Mr. Chairman, I glory in our Southern industries, factories, mines, and so on, but I undertake to say that in our genial climate they are not the puling infants it seems they are and must ever remain on the arid hills and under the bleak skies of New England. I have no fears but our people will so adapt themselves to the situation that, as the artificial stimulus of protection is withdrawn, they will grow all the stronger in the natural and healthy air of approximate free trade, and building up their industries, untrammeled by restrictive laws and repressive enactments, allowed to buy, sell, and trade where they will, and according to the great and unchanging laws of commerce, all their industries will not only survive, but flourish and possibly illustrate the doctrine of the "survival of the fittest."

The Tariff Commission on their travels through the South, in addition to the rice men and the sugar men, who plead that they could not live if duties on their particular industries were reduced, while they could live much better if they were raised, found when they got into North Carolina an enterprising farmer who thought and actually convinced them that the tax on goobers, or peanuts, ought to be raised to 2 cents per pound, and who also asked for a duty on chalk, as he said chalk deposits existed in that State. True, we get all our chalk from England in ballast, or nearly so, but the idea seemed to be to put a duty on the article and stop the ballast, and our North Carolina farmer was right; he had as good a right to have his peanuts and his chalk protected as his neighbors their rice and their sugar.

But on the question of the necessity for protection for the manufacturing and mining enterprises of the South I call attention to a letter (see appendix) from R. L. Bloomfield, esq., president of the Athens Manufacturing Company, of Georgia, a man as well qualified to speak on this subject as any man in the country, and this is only one of several of the same import received by the Committee on Ways and Means and all denying the benefit of protection for Southern industries. Its reasoning applies with like force to all industries in the South supposed to be in need of protection.

Mr. Chairman, these questions are here in the Forty-eighth Congress as clamorous as in the past, and they will continue to come until a settled policy is adopted. These troublesome matters on questions of public policy should be definitely settled, and they can be settled in only one of two ways. The one is to erect a wall of protection so high that nothing made or raised in this country can be imported, shut every interest up within these walls, and come squarely to the extreme protectionist's idea of a prosperous government, of a sea-girt Utopia, when all we produce, and all we manufacture, and all we draw from the mines will be bought, sold, and consumed "under the American flag!" The other is, gradually but surely to approach taxation only for the support of the Government. I do not believe there is any middle ground; I do not believe there is any warrant in the Constitution, in right, reason, or law, for taking money under color of law from one man's pocket and putting it into that of another, thus making the poor man and the laborer poorer and the rich man richer, and I believe the people are waking up to this fact.

Mr. Chairman, in all this protracted debate I have listened carefully to arguments from the other side. I have heard eloquently portrayed the beauties of protection and its manifold blessings to the laboring poor, and as I listened my mind involuntarily went out to the toilers in the fields in the far South, for in my section the people are mostly engaged in agricultural pursuits, and I have tried in vain to see how these beauties of protection add to their happiness, their comfort, or their well-being in any respect. They do not see it themselves, for as yet they are unlearned in the protectionist's political economy, that the true way for the laboring man to prosper is to sell in a cheap market and buy in a dear one.

True, I suppose they are not of much account in the making up of this great argument; they do not count in it as do the laborers of Sheffield, of Birmingham, of Manchester, and the wretched dwellers in the "slums of London," whose miseries a few days since were so eloquently portrayed on this floor for the purpose of pointing the moral that their condition was the result of free trade; but nevertheless let us turn to them for a moment. Take, for example, the colored laborer—and for him at least gentlemen on the other side once professed to feel a peculiar interest—and do yet I believe about election time—take, I say, for a moment the colored laborer in the cotton field or the woods, away down there by the lower Mississippi, the Pearl, the Pascagoula, the Amite, or the Gulf, and as he drives his team afield, hoes his cotton, or plows his corn let us see, if we can, how protection protects this sable man and brother.

Not one thing he raises is "protected" or has its price enhanced by any tariff rates, while not one thing he buys but is protected and has its cost to him enhanced thereby; and here the question of "free trace-chains," so sneeringly referred to the other day, does have some signifi-

cance. Doubtless there are many on this floor who have never felt the crushing weight of poverty, the actual necessity of making a dollar go as far as possible; but there are such men, and this our Southern laborer is one of them, and it is a serious matter to him to have to pay two prices for an article he must have, whether trace-chains, shoes, clothing, or sugar, in order that the proprietor in these favored and protected industries may grow rich off his necessities. That is the only phase of protection ever exhibited to the farm laborer, to the carpenter, the blacksmith, the mason, to all engaged in mechanical as well as agricultural pursuits. These are the men whose cause I plead. I ask that they be left free to buy where they can buy cheapest and sell where they can sell dearest; that this miserable net-work of so-called protective laws that hems them in on every side for the benefit of the favored few be torn asunder, and the laboring man once more become a free man in fact as well as in name.

And Mr. Chairman, the laboring man is not insensible to these evils he has so long had to endure, and everywhere he is moving to get rid of them. I think it were the part of wisdom to recognize this fact, to prepare for the coming and the inevitable change; for in our form of government what the people will, must come to pass; they are our masters, we are but their servants; in the end we must register their decrees. "The question before the legislators of to-day is simply whether they will lead or be led; whether they will respond to the demand for reform. Reform will come. Welcome it." That the revolution on this subject has fairly begun only the willfully blind can fail to see, and "revolutions never go backward."

Protection as it exists in our system must go. It is the part of statesmen to prepare for the change. If this is done, if we obey the behests of the people, if we mark well the signs of the times, if we skillfully put our house in order, the change will come so gradually that not a protected industry in the country need suffer. On the contrary, they too shall share in the benefits that must come when all our varied industries—agricultural, mechanical, manufacturing, and mining—instead of crippling each other as now, shall work together for the common good, each adding to the prosperity of the other, and resulting in the added happiness and permanent prosperity of all classes and of all callings. Then, and not till then, shall we be truly free. The time is not long; the army of reform, of true progress, is fast organizing; it gathers recruits in every section, in the very walls of the factories and in the depths of the mines as well as from the forge and the plow; it is on its march.

Dinna ye hear the slogan?

Nothing can stop it. Let us not try; let us rather prepare to welcome it.

APPENDIX.

MY DEAR SIR: The tariff bill which is now pending at Washington gives me much interest, and as I know you to be an intimate friend of many gentlemen of both Houses, I concluded you to be the most proper one to make my views known to that body touching the manufacturing interest of Georgia, which I understand has been represented as wholly joined to the idol which many manufacturers claim to be their own salvation. So far from holding to these views I claim all protection to manufacturing of every kind a direct injury. I would as soon think that a man could get life from whisky as for a manufacturer to get life from protection. Do not profits increase competition, and does not competition decrease profits? Do not tariffs tend to increase values, and do not increasing values increase cost of production? Was not the tariff decreased one year ago, and do you not see its effects in the reduction in wages to cheapen production? Reduce the tariff on every article and you will soon find it cheapened, and you will find its production cheapened, and the effect of this will be to place your products in the markets of the world in place of keeping them crowded up in a protected market.

The stimulant given to the manufacturing interest by a high tariff has called an undue amount of labor and capital from the profitable pursuits of this country and placed them in unprofitable employments, which not only render themselves unprofitable to themselves but also to all others by having to support them with a bounty to keep them in their positions, which, as I have said above, is unprofitable for the bounty receiver and the bounty payer. It is simply beyond the power of men to make much profits in this country from any vocation of life if he is forced to meet the markets of the world with his products, I care not what his business may be, simply because his cost of production is too great; and now it has become apparent from the fact that at the close of a four years' war the country was left comparatively bare of productions, and it took the past years for us to collect a stock and provide for the large population annually thrown upon our shores, which must be supplied for at least one year. This work has kept us trading among ourselves, and as my old uncle used to say, we made a good business of it, as his neighbor did, who would trade with his son Bill on rainy days and make each a dollar.

Now that our protected market is supplied we are at our row's end; we can not enter a single market outside and prosper. It was perfectly amusing to me to see in the convention held at Rochester, N. Y., the wool-growers and the wool-spinners each clamoring for reduction of tariff, one on the goods and the other on the wool. The grower said, give me cheap goods and we will give you cheap wool; and the spinner said give us cheap wool and we will give you cheap goods; and finally they compromise, each getting from the other all the duty they could squeeze out of him, caring for no others but themselves. And this is just the spirit that conceived the first tariff, and tyrannical power was what first gave it birth. Let us examine this question and see how it enters every department of life. Say an ax will cost to import it $1; we add 50 cents duty, making cost $1.50; add to this importer's profit or commission 5 per cent.; this makes $1.57½; add to this jobber's profit 10 per cent., you have $1.73½; add to this 25 per cent. retail profit, and you have $2.16½. The man who makes the ax gets $1, the Government gets 50 cents, less the cost of collection. Who gets the balance, 66½ cents? The merchants get it for advancing the tax for the use of that ax. Well, the user of the ax can not afford to lose that amount, and he must charge more for his wood in consequence. The blacksmith who purchases the wood can not afford to lose it, hence he must charge more for upsetting the ax when brought to him for repair, and now the ax ceases to be profitable with its second duty laid on it; axes are too expensive for wood-cutting, and the man must leave wood-cutting and go into a protected business in order to live; he finds a business which does not draw a bounty can not furnish a living. We soon find the protected business with an undue share of labor and money invested in it, and that's unprofitable.

What now must be done—destroy their idol, protection? Oh, no; we can not live without this protection. We are resolved what to do. Work half time; the wages must remain where they are. We can not live on less, but we will work on half time until the market becomes bare. This they prescribe for the remedy of the evil. It is not a remedy, only a relief. If any man knows anything of the mechanic's life in the Middle or New England States for the past two years, he knows that they have not had work much over half their time, simply because the articles they produce are higher than the masses can purchase. The purchasing power is not in the country. The necessities are apparent in all rural districts, but they are unable to fill their necessities. Think for one moment that this country, the plains of Texas, should be paid a bounty for raising wool after giving them the land; the plains of Kansas and Nebraska should be paid a bounty for raising cattle; the savannas of Georgia and South Carolina a bounty of 100 per cent. for raising rice; the valley of the Mississippi 25 per cent. for raising sugar. This is nothing but robbing each the other, and like all species of selfishness, we have a watchful eye on what goes in the pocket, but entirely blind at what goes out. I think I have said enough to convince any honest, disinterested mind; but nothing of what I have said ever convinced my mind of the wickedness of protection.

From 17 years of age I have always loved the government best which bestowed to the keepers of its laws the most personal liberty, and I never felt myself free when my Government denied me the privilege to sell my labor in the market where it was most needed and purchase my supplies in that market which was best supplied. Give men their liberty, and the natural advantages which each and every country is supplied with, and my word for it men will make for themselves good and wholesome livings; but my experience goes to prove that government is oftener a hinderance than a help when they undertake to assist individuals in individual pursuits. The adjusting of our tariff in a just and fair proportion between man and man is beyond the power of man, and therefore plain to my mind that it can not be justly laid. I fail to see any good in the institution, view it from whatever side I may; and while I could not ask perhaps to have the institution wiped entirely out at one blow, fearing the consequence might be the same as removing all impurities from my body in an instant, before their place could be supplied by purity I would thereby suffer more than the system could bear. I would purge it out by healthful doses until the whole body was cleansed. I fear you will complain of the length of this letter, but you know my story is not half told. I close simply from fear of wearying you.

Respectfully,

R. L. BLOOMFIELD.

Hon. POPE BARROW.

[From American Grocer and Dry Goods Chronicle, March 27.]

FREE SUGAR.

The following extract is from a prize essay read before the Planters' Association of Louisiana. If its statements are true, and we have no reason to doubt them, they prove that domestic sugar-growers are receiving greater returns from their crops than is obtained by any other class of agriculturists:

"No agricultural product in any part of the world gives a return equal to a well-conducted sugar plantation. Hitherto it has required large capital to embark in this business, but since the establishment of central factories in our State every cultivator has within his reach the means to become a sugar farmer and the certainty of obtaining a good price for his cane. Poor men in no other country have such opportunities as are here offered, for by proper cultivation they are certain of securing from $80 to $100 per acre for their cane crop, and one man can cultivate from ten to fifteen acres in cane, besides raising corn and other supplies sufficient for his family—all on land which to-day can be purchased at from $5 to $20 per acre. This new feature in the sugar industry is destined to more than double our sugar product in five years, and under favorable legislative protection this industry in the near future will assume grand proportions, for not one-half of the territory adapted to cane is as yet cultivated in this plant. It has been found that cane does remarkably well on the high lands, as proven in East Baton Rouge by sugar farmers, who are growing wealthy with small mills; and cane pays well even in the sandy soil of the other Florida parishes, where nourished by fertilizers. Recent important improvements in machinery have greatly increased the sugar yield per ton of cane, and the refuse, or bagasse, which a few years ago was a great burden to sugar planters, has recently been utilized for fuel; but a better use for it will soon be found, for it makes the best paper stock, and will in a year or two be extensively employed for that purpose. In fact, paper barrels for sugar and molasses will soon take the place of the ancient, wasteful, and cumbersome cypress hogsheads and barrels."

An average duty of over 60 per cent. is maintained on sugar and kept at that excessive rate in obedience to the demands of the domestic sugar industry.

It is claimed in the above paper that with proper cultivation $80 to $100 per acre is obtained from sugar. The tobacco crop of 1882 paid $64.32 per acre; hay, $11.44; potatoes, $43.89; corn, $11.94; wheat, $11.99; rye, $8.28; oats, $9.89; barley, $13.54; buckwheat, $9.49. These figures show conclusively that there is no necessity for a high tariff on sugar, and that as a crop it yields the producer six to eight times the return obtained from cereals. And yet the average rate of wages in the grain-growing States of the West and Northwest is from six to eight dollars per month greater than in Louisiana. Free sugar would still enable producers to get superb returns from their land as compared with grain-growers, and give to consumers a gift of $40,000,000.

CAPITAL INVESTED IN SOUTHERN MANUFACTURING AND MINING ENTERPRISES.

BALTIMORE, *March* 5.

The Manufacturers' Record will to-morrow publish a statement of two months' progress in manufactures in the South, showing the amount of capital invested in Southern manufacturing and mining enterprises during January and February. The amount is placed at $28,200,000. Kentucky shows the largest aggregate, $6,851,000, while Alabama is second with $5,210,000; Virginia, $3,830,000; Texas, $3,593,000; Georgia, $2,074,000; Maryland, $2,015,000; North Carolina, $1,227,000; West Virginia, $916,000; South Carolina, $904,000; Tennessee, $846,000, and other States little less than $50,000 each. This remarkable increase is made up of wide diversity of industries. Cotton mills now building and inaugurated since January 1 will cost over $3,250,000, and add more than 100,000 spindles to the number now in the South. As showing their faith in Southern cotton manufacturing, a number of well-established Southern mills propose to largely increase their capacity. The Eagle and Phœnix Mill, of Columbus, Ga., intend to erect a new $100,000 mill; the Rome (Ga.) cotton factory will spend $100,000 on a new mill; the Riverside Cotton Mill Company, at Danville, Va., Matthews Mill Company, at Selma, Ala., and the Birmingham (Ala.) cotton mill will expend about $100,000 or more on new mills; while in addition to these there are numerous other cotton factory projects being worked up. An immense amount of Northern and Western capital is going into the Southern industries, and the Southern people are investing in such new enterprises.

Mr. MORRISON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. MATSON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, and had come to no resolution thereon.

Mr. MORRISON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. J. ADAMS: Resolutions of the Anti-Monopoly League of New York city, in favor of the following bills: The forfeited land-grant, interstate-commerce, postal-telegraph, contract-labor, encouragement to American merchant marine, and eight-hour bills—to the Committee on the Public Lands.

By Mr. BLANCHARD: Memorial of the Louisiana Educational Society, for the passage of S. 398—to the Committee on Education.

By Mr. CUTCHEON: Petition of John C. Lake, John Becker, and others, of Muskegon, Mich., in favor of laws in the interest of the laboring class—to the Committee on Labor.

By Mr. R. T. DAVIS: Petition in favor of the establishment of the port of Dennis, Mass.—to the Committee on Commerce.

Also, remonstrance against the news-copyright bill—to the Committee on the Judiciary.

By Mr. DUNCAN: Petition of W. D. Blackburn and others, of Mechanicsburg, Pa., for grant of land-warrants to soldiers—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, of W. D. Blackburn and others, of the same place, to grant soldiers difference in value between greenbacks and gold in payment for military services—to the same committee.

Also, petition of Henry Kauffelt and 30 others, for the relief of Oliver Freet—to the Committee on Invalid Pensions.

By Mr. EATON: Memorial of the Legislature of Connecticut, relative to the education of Indians—to the Committee on Indian Affairs.

By Mr. GUENTHER: Petition of Mason Post, No. 106, Department of Wisconsin, Grand Army of the Republic, relative to pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HALSELL: Papers relating to the claim of William Thurmond; of Algernon S. Walker, executor, &c.; of Algernon S. Walker; of Daniel Stoval; of Samuel Sears; of William A. McElwain; of Joshua E. Logan; of Allen County, Kentucky; of the Cumberland Presbyterian church at Russellville, Ky.; of William L. Hudspeth; of Seboston Hecter; of James R. Harston; of James W. Herndon, administrator, &c.; of W. P. Hendricks; of James W. Foster; of C. T. & T. R. Eubank; of A. Drain; of Logan M. Dishman; of Asbury Dawson; of Samuel E. Carpenter; of Henry F. Cornelius; of M. B. W. Camp; of Ira J. Bogan, and of James Boren—severally to the Committee on War Claims.

By Mr. A. S. HEWITT: Petition of the Gotham Art Students, in favor of the abolition of the duties on works of art—to the Committee on Ways and Means.

By Mr. JEFFORDS: Papers relating to the claim of William Arthur—to the Committee on War Claims.

By Mr. MAGINNIS: Resolutions of the Board of Trade, Livingston, Mont., against the forfeiture of the Northern Pacific land grant—to the Committee on the Public Lands.

By Mr. MOREY: Petition for more liberal legislation for the ex-soldiers, by 700 members of the following Grand Army of the Republic Posts, Department of Ohio, namely: J. H. Jenkins, No. 242; Addison Clark, 151; Shreve, 207; George Crook, 325; Burnside, 137; Walter Wood, 48; McGlory, 182; Halum, 49; William H. Free, 328; James H. Bradley, 310; Meller Moody, 314; Bloom, 269, Wein, 93; Wooster, 34; Lutz, 338; Henry Hart; John Beirny, 293, and John W. McPerrin, 226—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MORRILL: Petition of Company I, Kansas State Militia, for the passage of H. R. 5980—to the Committee on the Militia.

By Mr. MURPHY: Memorial of the Board of Trade of Burlington, Iowa, relative to silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. POLAND: Petition of George W. Monteith, for a pension, &c.—to the Committee on Military Affairs.

By Mr. PRYOR: Papers relating to the claim of Sarah Townsley, administrator, &c.—to the Committee on War Claims.

By Mr. REESE: Memorial of citizens of Georgia, relative to aid to education—to the Committee on Education.

By Mr. J. S. ROBINSON: Petition of citizens of Lima, Ohio, in favor of a uniform national bankrupt law—to the Committee on the Judiciary.

By Mr. W. E. ROBINSON: Papers relating to the bill for the relief of Michael J. Heuston—to the Committee on Invalid Pensions.

Also, papers relating to the bill for the relief of Margaret Ragan—to the same committee.

By Mr. W. F. ROGERS: Resolutions of the Assembly of the State of New York, against the enactment of laws discouraging inventions—to the Committee on Patents.

By Mr. ROSECRANS: Petition of the Manufacturers' Association of California, relative to patents—to the same committee.

Also, petition of General E. A. Carr and others, officers of the Army, in favor of an act to give commissioned officers on the active-list of the Army who have served as captain for twenty years the pay and allowances of the next higher grade—to the Committee on Military Affairs.

By Mr. RYAN: Petition of Sac and Fox Indians, in regard to their annuities—to the Committee on Appropriations.

By Mr. SINGLETON: Petition of O. C. Martin and others, of Smith County, and of J. H. Alexander and others, of Attala County, Mississippi, in favor of the Senate educational bill—severally to the Committee on Education.

By Mr. SMALLS: Petition of citizens of South Carolina, relative to education—to the same committee.

By Mr. SNYDER: Petition of John Cook, for relief—to the Committee on War Claims.

Also, petition of William Daniels, for a pension—to the Committee on Invalid Pensions.

Also, petition of Washington Maynor, for a pension—to the same committee.

By Mr. STEPHENSON: Resolutions of the William P. Lyon Post, No. 147, Grand Army of the Republic, Department of Wisconsin, relative to the recommendations of the pension committee of the Grand Army of the Republic—to the same committee.

By Mr. VAN EATON: Letter of I. R. Galtney, superintendent of education, and petition of numerous citizens of Amite County, and letter of W. F. McInnis, superintendent of education, Lawrence County, and petition of numerous citizens of Jones County, Mississippi, for national aid to education—to the Committee on Education.

By Mr. WILLIS: Papers relating to the bill for the relief of Patrick O'Malia—to the Committee on Military Affairs.

By Mr. WOOD: Resolution of Grand Army of the Republic posts, for pensions and bounty—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WOODWARD: Resolution of James Mason Post, No. 106, Grand Army of the Republic, Department of Wisconsin, relative to pensions, &c.—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *April* 29, 1884.

Prayer by Rev. W. F. SHORT, D. D., of Jacksonville, Ill.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the Hou e of Representatives:

A bill (S. 465) for the relief of Mary L. Walker and Ella Walker;

A bill (S. 652) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla; and

Joint resolution (S. R. 80) relative to the ceremonies of the unveiling of the statue of Chief-Justice Marshall.

THE MERCHANT MARINE.

The bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade was read twice by its title.

Mr. FRYE. I move that the bill lie on the table for the present.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bill and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 578) to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to the Ellis County Agricultural Society of Kansas; and

Joint resolution (H. Res. 239) to fill vacancies existing in the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The joint resolution (H. Res. 240) to print 12,500 copies of eulogies on Thomas H. Herndon, late a Representative in Congress, was read twice by its title, and referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. HILL. I present a petition of citizens of Colorado residing and doing business in Denver, praying that such clerks be provided in the Comptroller's Office as will expedite the payment of rebate claims due to dealers in tobacco and cigars. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. HILL. I also present, at the request of my colleague [Mr. BOWEN], who is absent, a similar petition from citizens of Denver, Colo., which I move be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. ALLISON presented the following petitions, praying Congress to grant to each honorably discharged soldier who served in the late war of the rebellion one hundred and sixty acres of land; which were referred to the Committee on Public Lands:

The petition of Garret Post, No. 16, Department of Iowa, Grand Army of the Republic;

The petition of E. C. Little Post, No. 54, Department of Iowa, Grand Army of the Republic;

The petition of James Brownell Post, No. 222, Department of Iowa, Grand Army of the Republic;

The petition of Tracy Post, No. 52, Department of Iowa, Grand Army of the Republic;

The petition of Sheppard Post, No. 157, Department of Iowa, Grand Army of the Republic;

The petition of Jewett Post, No. 60, Department of Iowa, Grand Army of the Republic;

The petition of Blake Post, No. 114, Department of Iowa, Grand Army of the Republic;

The petition of John J. Stillman Post, No. 194, Department of Iowa, Grand Army of the Republic;

The petition of Fuller Post, No. 38, Department of Iowa, Grand Army of the Republic;

The petition of Henry Seiburt Post, No. 250, Department of Iowa, Grand Army of the Republic;

The petition of Mansfield Post, No. 159, Department of Iowa, Grand Army of the Republic;

The petition of S. E. Collins Post, No. 272, Department of Iowa, Grand Army of the Republic;

The petition of David Harding Post, No. 28, Department of Iowa, Grand Army of the Republic;

The petition of Allison Post, No. 34, Department of Iowa, Grand Army of the Republic;

The petition of Surfus Post, No. 105, Department of Iowa, Grand Army of the Republic;

The petition of Crocker Post, No. 12, Department of Iowa, Grand Army of the Republic;

The petition of Rippy Post, No. 185, Department of Iowa, Grand Army of the Republic;

The petition of Noel Morrison Post, No. 249, Department of Iowa, Grand Army of the Republic;

The petition of Bent Post, No. 278, Department of Iowa, Grand Army of the Republic;

The petition of General N. B. Baker Post, No. 88, Department of Iowa, Grand Army of the Republic;

The petition of Upton Post, No. 248, Department of Iowa, Grand Army of the Republic;

The petition of Todd Post, No. 115, Department of Iowa, Grand Army of the Republic;

The petition of John Dillin Post, No. 233, Department of Iowa, Grand Army of the Republic;

The petition of Annett Post, No. 124, Department of Iowa, Grand Army of the Republic;

The petition of John Dillin Post, No. 225, Department of Iowa, Grand Army of the Republic;

The petition of Wadsworth Post, No. 36, Department of Iowa, Grand Army of the Republic;

The petition of Randall Post, No. 142, Department of Iowa, Grand Army of the Republic;

The petition of Virtue Post, No. 174, Department of Iowa, Grand Army of the Republic;

The petition of J. V. Carpenter Post, No. 104, Department of Iowa, Grand Army of the Republic;

The petition of Buckhasen Post, No. 207, Department of Iowa, Grand Army of the Republic;

The petition of L. S. Shinler Post, No. 166, Department of Iowa, Grand Army of the Republic;

The petition of C. G. Francis Post, No. 181, Department of Iowa, Grand Army of the Republic;

The petition of Eaton Post, No. 86, Department of Iowa, Grand Army of the Republic;

The petition of John Braden Post, No. 242, Department of Iowa, Grand Army of the Republic;

The petition of George S. Comstock Post, No. 228, Department of Iowa, Grand Army of the Republic;

The petition of R. M. Smith Post, No. 269, Department of Iowa, Grand Army of the Republic;

The petition of Iuka Post, No. 131, Department of Iowa, Grand Army of the Republic;

The petition of Mays Post, No. 264, Department of Iowa, Grand Army of the Republic;

The petition of John L. Bashore Post, No. 122, Department of Iowa, Grand Army of the Republic;

The petition of Edward C. Buckner Post, No. 154, Department of Iowa, Grand Army of the Republic;

The petition of Henry Keating Post, No. 211, Department of Iowa, Grand Army of the Republic;

The petition of John L. Jordan Post, No. 246, Department of Iowa, Grand Army of the Republic;

The petition of Adam Kempel Post, No. 245, Department of Iowa, Grand Army of the Republic;

The petition of J. Q. Wilds Post, No. 109, Department of Iowa, Grand Army of the Republic;

The petition of H. Robinson Post, No. 214, Department of Iowa, Grand Army of the Republic;

The petition of Dorr Post, No. 62, Department of Iowa, Grand Army of the Republic;

The petition of ex-soldiers and citizens of Lake Mills, Winnebago County, Iowa;

The petition of Allee Post, No. 113, Department of Iowa, Grand Army of the Republic;

The petition of Sedgwick Post, No. 10, Department of Iowa, Grand Army of the Republic;

The petition of General Lyon Post, No. 133, Department of Iowa, Grand Army of the Republic;

The petition of Vandover Post, No. 119, Department of Iowa, Grand Army of the Republic;

The petition of Ersland Post, No. 234, Department of Iowa, Grand Army of the Republic;

The petition of Brush Creek Post, No. 258, Department of Iowa, Grand Army of the Republic;

The petition of F. M. Thompson Post, No. 187, Department of Iowa, Grand Army of the Republic;

The petition of N. L. McKinnie Post, No. 213, Department of Iowa, Grand Army of the Republic;

The petition of Page Post, No. 65, Department of Iowa, Grand Army of the Republic;

The petition of Hyde Clark Post, No. 78, Department of Iowa, Grand Army of the Republic;

The petition of Lee Post, No. 221, Department of Iowa, Grand Army of the Republic;

The petition of John A. Davis Post, No. 53, Department of Iowa, Grand Army of the Republic;

The petition of J. B. Steedman, No. 238, Department of Iowa, Grand Army of the Republic;

The petition of Silas Jackson Post, No. 255, Department of Iowa, Grand Army of the Republic;

The petition of Major Lightfoot Post, No. 256, Department of Iowa, Grand Army of the Republic;

The petition of Shrives Post, No. 177, Department of Iowa, Grand Army of the Republic;

The petition of Farragut Post, No. 95, Department of Iowa, Grand Army of the Republic;

The petition of William Carbee Post, No. 270, Department of Iowa, Grand Army of the Republic;

The petition of Perry A. Newell Post, No. 232, Department of Iowa, Grand Army of the Republic;

The petition of Haskins Post, No. 87, Department of Iowa, Grand Army of the Republic;

The petition of Shiloh Post, No. 126, Department of Iowa, Grand Army of the Republic;

The petition of Phil. Kearny Post, No. 40, Department of Iowa, Grand Army of the Republic;

The petition of Colonel Goodrich Post, No. 117, Department of Iowa, Grand Army of the Republic;

The petition of Yarnall Post, No. 127, Department of Iowa, Grand Army of the Republic;

The petition of William Kellogg Post, No. 186, Department of Iowa, Grand Army of the Republic;

The petition of John M. Renz Post, No. 128, Department of Iowa, Grand Army of the Republic;

The petition of Myers Post, No. 29, Department of Iowa, Grand Army of the Republic;

The petition of Shelby Norman Post, No. 231, Department of Iowa, Grand Army of the Republic;

The petition of O. P. Lewin Post, No. 169, Department of Iowa, Grand Army of the Republic;

The petition of C. C. Washburne Post, No. 282, Department of Iowa, Grand Army of the Republic;

The petition of Isemeyer Post, No. 18, Department of Iowa, Grand Army of the Republic;

The petition of Trego Post, No. 273, Department of Iowa, Grand Army of the Republic;

The petition of McKenzie Post, No. 72, Department of Iowa, Grand Army of the Republic;

The petition of Waller Post, No. 223, Department of Iowa, Grand Army of the Republic;

The petition of T. Z. Cook Post, No. 235, Department of Iowa, Grand Army of the Republic;

The petition of Bevins Post, No. 281, Department of Iowa, Grand Army of the Republic;

The petition of John Miller Post, No. 158, Department of Iowa, Grand Army of the Republic;

The petition of W. W. Warner Post, No. 46, Department of Iowa, Grand Army of the Republic;

The petition of Frank Bentley Post, No. 89, Department of Iowa, Grand Army of the Republic;

The petition of James P. Millikin Post, No. 257, Department of Iowa, Grand Army of the Republic;

The petition of Miles King Post, No. 254, Department of Iowa, Grand Army of the Republic;

The petition of Greene Post, No. 200, Department of Iowa, Grand Army of the Republic;

The petition of Willsey Post, No. 162, Department of Iowa, Grand Army of the Republic;

The petition of Don A. Carpenter Post, No. 191, Department of Iowa, Grand Army of the Republic;

The petition of Lanty Post, No. 215, Department of Iowa, Grand Army of the Republic;

The petition of Farnsworth Post, No. 42, Department of Iowa, Grand Army of the Republic;

The petition of Torrence Post, No. 2, Department of Iowa, Grand Army of the Republic; and

The petition of John Van Dorn Post, No. 206, Department of Iowa, Grand Army of the Republic.

Mr. DAWES presented a petition of citizens of Great Barrington, Mass., praying for liberal appropriations for Indian education; which was referred to the Committee on Appropriations.

He also presented a petition of citizens of Osage City, Kans., and a petition of citizens of Derby, Kans., praying that justice may be done the Nez Percé Indians now in Indian Territory; which were referred to the Committee on Appropriations.

Mr. SEWELL presented a petition of survivors of the Veteran Reserve Corps, citizens of Paterson, N. J., and a petition of Aaron Wilkes Post, No. 23, Grand Army of the Republic, Department of New Jersey, praying such legislation as is recommended by the committee on pensions of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Committee on the Judiciary, to whom the subject was referred, reported a bill (S. 2123) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also, to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned;" which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2019) to provide for the establishing of terms of court in the district of Colorado, reported it without amendment.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (H. R. 5966) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln, and to increase the capital stock of the First National Bank of Nashville, Tenn., reported it without amendment.

Mr. HARRIS. I am also instructed by the Committee on Finance, to which was referred the bill (S. 1958) to authorize the increase of the capital stock of the First National Bank of Nashville, Tenn., to report it adversely, as that feature is incorporated in the House bill just reported. I move that this bill be indefinitely postponed.

The motion was agreed to.

Mr. HARRIS. I am directed by the Committee on Epidemic Diseases to ask that a statistical table prepared by the secretary of the National Board of Health in respect to the yellow-fever, which the committee regards as containing valuable information, be printed for the use of the committee.

The PRESIDENT *pro tempore*. How many copies?

Mr. HARRIS. I suppose the usual number.

The PRESIDENT *pro tempore*. That would be upward of 1,900 copies.

Mr. HARRIS. Five hundred copies will be sufficient.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that five hundred copies of the paper he has described be printed for the use of the Committee on Epidemic Diseases. That order will be entered if there be no objection.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the petition of Wolff and Brown, asking for compensation for certain horses alleged to have been impressed into the service in Colorado in 1863, have instructed me to report the same back to the Senate adversely, recommending that the prayer of the petition be not granted, that the claim of the claimants therein made be not allowed, and that this report be agreed to.

The report was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 328) for the relief of John P. T. Davis, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 223) authorizing Secretary of War to loan to the mayor of Richmond, Va., a certain amount of flags and bunting for use at a fair, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 236) authorizing the Secretary of War to loan two hundred flags to the city of Charlotte, N. C., for the celebration of the Mecklenburg declaration of independence, reported it with an amendment.

Mr. COCKRELL. I have accompanied each of these resolutions with a report, and I desire to state that the Committee on Military Affairs does not deem such legislation judicious, and gives notice that hereafter it will report all such cases adversely.

Mr. BAYARD, from the Committee on Finance, reported an amendment intended to be proposed to the bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAMPTON. The Committee on Military Affairs have instructed me to report formally without amendment the joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made. This joint resolution has passed the House. A similar resolution has already been favorably reported upon from the Committee on Military Affairs, and I shall ask to call this up in place of the one on the Calendar when it is reached.

Mr. MORRILL, from the Committee on Finance, to whom was referred the petition of Mrs. M. D. Garrett, praying for relief on account of money paid to the sureties of her late husband, W. H. Garrett, late agent of the Creek Indians, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. MORRILL. I am instructed by the Committee on Public Buildings and Grounds to report a joint resolution in relation to the ceremonies to be authorized upon the completion of the Washington Monument. I ask to have it read; it will take but a moment.

The joint resolution (S. R. 82) in relation to ceremonies to be authorized upon the completion of the Washington Monument was read the first time by its title and the second time at length, as follows:

Whereas the shaft of the Washington Monument is approaching completion, and it is proper that it should be dedicated with appropriate ceremonies, calculated to perpetuate the fame of the illustrious man who was "first in war, first in peace, and first in the hearts of his countrymen:" Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission, to consist of five Senators, eight Representatives, three members of the Washington Monument Society, and the United States engineer in charge of the work, be, and the same is hereby, created, with full powers to make arrangements for—

I. The dedication of the monument to the name and memory of George Washington by the President of the United States with appropriate ceremonies.

II. A procession from the monument to the Capitol, escorted by regular and volunteer corps, the Washington Monument Society, representatives of cities, States, and organizations which have contributed blocks of stone, and such bodies of citizens as may desire to appear.

III. An oration in the Hall of the House of Representatives on the 22d day of February, A. D. 1885, by Hon. Robert C. Winthrop, who delivered the oration at the laying of the corner-stone of the monument in 1848, with music by the Marine Band.

IV. Salutes of one hundred guns from the navy-yard, the artillery headquarters, and such men-of-war as can be anchored in the Potomac.

And such sum of money as may be necessary to defray the expenses incurred under the above provisions, not exceeding $2,500, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. PLUMB, from the Committee on Public Lands, who were instructed by a resolution of the Senate of the 26th of February, 1883, to inquire into and report upon the questions relating to the land in Marin County, California, known as Corte de Madera del Presidio, of one square league of land, granted to Juan Read by the Mexican Government, and confirmed by the United States courts to the heirs of said Read, submitted a report thereon, accompanied by a bill (S. 2124) to authorize a suit to settle the boundaries of the grant known as Rancho Corte de Madera del Presidio, and for other purposes; which was read twice by its title.

Mr. HOAR, from the Committee on the Judiciary, reported certain amendments intended to be proposed to the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882; which were ordered to be printed.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1307) abolishing the office of assistant surgeon-general of the Army, to report it adversely. I wish to

make the statement accompanying this report that the bill we passed the other day relative to the Medical Department supersedes the necessity of the passage of a bill of this kind. Therefore I am instructed to report the bill adversely, and I move that it be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2125) granting a pension to Sarah Jane Prince; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2126) to allow soldiers or sailors who have lost an arm and leg in the military service of the United States a pension for each disability; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2127) for the relief of Mrs. S. B. Duvall, widow of the late Rev. W. P. Duvall, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2128) granting a pension to James McLaughlin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MILLER, of New York, introduced a bill (S. 2129) to provide for the erection of necessary buildings upon the Government reservation at West Point, N. Y.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2130) granting a pension to Emma De Long; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2131) for the relief of Margaret A. Caswell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PUGH introduced a joint resolution (S. R. 83) authorizing the Secretary of War, in his discretion, to make exchange of tents for Gatling guns with the National Guard of Alabama, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MORRILL, it was

Ordered, That the papers in the case of Frank A. Page be withdrawn from the files and referred to the Committee on Military Affairs for consideration with the bill (S. 2071) for his relief.

On motion of Mr. PLUMB, it was

Ordered, That the petition and papers in the case of James Eveleth, asking compensation for services "as agent of the Engineer Department of the Army to disburse certain public moneys," be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. CALL, it was

Ordered, That the papers in relation to the bill for the relief of William Burley; also the papers in relation to the bill for the relief of M. H. Hart, administrator of William Burley, be withdrawn from the files of the Senate subject to the rule.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 4539) to issue American papers to the lighter or barge Pirate, now at New York;

Joint resolution (H. Res. 237) for the relief of John E. Wheelock; and

Joint resolution (H. Res. 245) authorizing the loan of certain flags to the Portland Soldiers and Sailors' Monument Association.

LOAN OF FLAGS.

Mr. VANCE. I ask unanimous consent to call up the joint resolution just reported from the Committee on Military Affairs this morning relative to the loan of some flags of the Government to the city of Charlotte, N. C., for the annual celebration of the Mecklenburg declaration of independence.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks unanimous consent that the Senate now consider the joint resolution (H. Res. 236) authorizing the Secretary of War to loan two hundred flags to the city of Charlotte, N. C., for the celebration of the Mecklenburg declaration of independence, which was this morning reported from the Committee on Military Affairs. Is there objection to the present consideration of the joint resolution? The Chair hears no objection, and the joint resolution is before the Senate as in Committee of the Whole.

The joint resolution was reported from the Committee on Military Affairs with an amendment, in line 5, after the word "flags," to insert the words "or as many as can be conveniently spared;" so as to make the joint resolution read:

That the Secretary of War be, and he is hereby, authorized to loan to the mayor and aldermen of the city of Charlotte, N. C., two hundred United States flags, or as many as can be conveniently spared, to be used in decorating said city at the approaching celebration of the one hundred and ninth anniversary of the Mecklenburg declaration of independence of May 20, 1775: *Provided*, That satisfactory security be given for the safe return of said flags, and that the Government be at no expense for transportation.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. COCKRELL. Now let the Virginia resolution be considered.

Mr. VANCE. I ask unanimous consent to consider a similar joint resolution reported from the Committee on Military Affairs this morning in relation to a loan of flags to the city of Richmond.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 223) authorizing the Secretary of War to loan the mayor of Richmond, Va., a certain amount of flags and bunting for use at a fair.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL BANKS AT LINCOLN AND NASHVILLE.

Mr. MANDERSON. The Committee on Finance this morning through the Senator from Tennessee [Mr. HARRIS] reported favorably House bill No. 5966, which has for its object a change of the name of a national bank at Lincoln, and the authorization of an increase of the capital stock of a national bank at Nashville. It is important to the parties interested that the bill should be considered at once, and I ask unanimous consent that it be now considered.

Mr. HOAR. I should like to reserve an objection for the moment until the bill is read.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The bill (H. R. 5966) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln, and to increase the capital stock of the First National Bank of Nashville, Tenn., was read, and by unanimous consent the Senate proceeded to its consideration.

Mr. HOAR. I should like to have the Senator who reported the bill state what is the necessity for legislation in regard to the increase of the capital stock of a bank whether that is not authorized by the existing law or by the Comptroller?

Mr. HARRIS. In answer to the question propounded by the Senator from Massachusetts I will state that under the law as it now stands a banking corporation may in its original articles of association provide for an increase of its capital stock from time to time up to the maximum which is fixed in the articles of association; but after that time, if it is desired to increase the capital stock beyond that maximum, the Comptroller of the Currency holds it can only be done by the grant of the authority by Congress. Hence this banking corporation can not increase beyond half a million dollars, that being the maximum fixed in its original articles of association. I hope the answer is satisfactory to the Senator from Massachusetts.

Mr. HOAR. The Senator from Vermont [Mr. MORRILL] had made the same explanation to me in private and I thought it ought to go on the record. I have no further objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF WILLIAM PERINE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII.

The bill (S. 1240) for the relief of Sarah E. E. Perine, administratrix of the estate of William Perine, deceased, was announced as first in order upon the Calendar.

The PRESIDENT *pro tempore*. The bill was read on a previous occasion.

Mr. PLATT. I think I ought to object to the consideration of the bill under the five-minute rule.

The PRESIDENT *pro tempore*. The bill is objected to, and goes over.

Mr. PLATT. I should like to say before making the objection formally, that this is one of a class of claims which have a history, and I do not think the bill ought to be considered under a rule which will not allow the full history of that class of claims to be stated. I do not desire to delay action upon it; but I think it is but right that it shall go over into the other Calendar under Rule IX, and therefore I object to it.

The PRESIDENT *pro tempore*. The bill is objected to, and will be passed over.

Mr. PIKE subsequently said: I desire the consent of the Senate to call attention to Order of Business 260, being the bill (S. 1240) for the relief of Sarah E. E. Perine, administratrix of the estate of William Perine, deceased, which was called this morning and objected to by the Senator from Connecticut [Mr. PLATT].

Mr. PLATT. I have stated to the Senator from New Hampshire that I would to accommodate him withdraw my objection to that bill. It went over on my objection this morning.

Mr. PIKE. I desire to have it retain its place on the Calendar and be in order to-morrow morning.

The PRESIDING OFFICER (Mr. GARLAND in the chair). If there be no objection such will be the order.

C. M. WILCOX.

The bill (S. 139) for the relief of C. M. Wilcox was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. The bill has been read at length on a former occasion.

Mr. MAXEY. The bill now before the Senate was reported from the Committee on Military Affairs adversely, the views of the minority were filed, and the bill was placed on the Calendar at my request. There are some papers which I should like to have before the bill is gone into. In order to prevent any further inconvenience to the Senate I ask that the bill be transferred to the Calendar under Rule IX, and then I can have time to examine the case before its consideration.

The PRESIDENT *pro tempore*. The consideration of the bill is objected to, and it passes over into the Calendar under Rule IX.

RUDOLPH LESCHOT'S PATENT.

The bill (S. 419) for the extension of letters patent to the heirs of Rudolph Leschot, deceased, was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. This bill has been laid over for the return of the Senator from Connecticut [Mr. PLATT]. The first amendment recommended by the Committee on Patents will be read.

Mr. HARRISON. Is there a report in the case?

The PRESIDENT *pro tempore*. The Chair will state the question; after which the report will be read. The first amendment recommended by the Committee on Patents will be read.

The CHIEF CLERK. In section 1, line 4, before the word "empower," the Committee on Patents report to insert "and," and after the word "empowered" to strike out "and directed" and insert "in his discretion;" so as to read:

That the Commissioner of Patents is hereby duly authorized and empowered, in his discretion, to renew and extend, in the manner hereinafter made and provided, to George Leschot, father and heir at law of Rudolph Leschot, deceased, for a new term of seven years from and after the date of the passage hereof, the letters patent granted and issued to said Rudolph Leschot, deceased, bearing date the 14th day of July, A. D. 1863, for "tool for boring rock," &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee. The Senator from Indiana [Mr. HARRISON] asks that the report be read. The report will be read.

The Secretary read the following report, submitted by Mr. PLATT February 25, 1884:

The Committee on Patents, to whom was referred the bill (S. 419) for the extension of letters patent to the heirs of Rudolph Leschot, deceased, having considered the same, make the following report:

A bill of the same character was considered and favorably reported by the Committee on Patents at the second session of the Forty-seventh Congress. The report of last session is adopted by the present committee, and the passage of the bill, with certain amendments proposed by the committee, is recommended.

[Senate Report No. 909, Forty-seventh Congress, second session.]

Mr. PLATT, from the Committee on Patents, submitted the following report, to accompany bill S. 2311:

The Committee on Patents, to whom was referred a bill for the extension of letters patent to the heirs of Rudolph Leschot, deceased, for a tool for boring rock, have considered the same, and respectfully report:

The patent which it seeks to extend was granted July 14, 1863, for seventeen years. The invention consists in the combination of a drill-head armed with diamonds, and fitted to the end of a tubular boring bar, whereby a rotative and advancing movement is imparted to the cutting head, a forced flow of water through the said tube and head, whereby the constant rotative and advancing movement of the head cuts away the rock, and the flow of water through the drill-rod and returning outside of it brings with it the cuttings or detritus; and this is irrespective of the mechanism by which the rotative or advance movement of the drill is imparted. By its use, when the drill-head is made annular, the exact nature of the rock, strata, or mineral through which the drill passes can be ascertained. For prospecting and like purposes this feature is of great value in the saving of time and expense over the only known previous methods for accomplishing the same result.

The inventor, a native of Switzerland, was from poverty unable to introduce his invention into public use in any country from his own means, and has realized nothing from it. Those who became interested in it in the United States expended in its development and introduction into use not less than $175,000 over and above their receipts for it from all sources. During the first seven years of the United States patent the public had not purchased one machine, and the proposed extension will be, in fact, only a grant of seventeen years from the date at which the invention commenced to be used in this country. The extension of this patent will give the needy heirs of the inventor a reasonable compensation for the value of his invention to the United States, without causing the payment by the public for its use to exceed a fair consideration for the benefits it will realize from it.

The inventor obtained a patent in France for the same invention, which gave him no remuneration. He died in poverty and his father, George Leschot, who will derive the benefit from this proposed extension, is also poor.

The inventor assigned one-half of his United States patent to Lorenzo Dow, for his assistance and expenses in obtaining and introducing his patent into this country. Dow sold the patent to the Annular Diamond Drill Company, organized in 1864, receiving payment for the whole patent in stock. This company expended about $30,000, with no receipts, and failed. The stock thus proved worthless, and neither Dow nor the inventor received one dollar's benefit from it. About 1868 the patent was sold to Severance & Holt for $25,000, who in three years expended $175,000 more in attempting to bring the invention into successful use. They only received about $7,000 in all in the way of returns for this expenditure. In 1871 the American Diamond Drill Company became the owners of the patent, and in three years they expended $175,000 over the amount paid for the patent, and received only $125,000 in return for all this expense. That company then failed and went into the hands of a receiver. The receiver sold the patent in 1875 to the American Diamond Rock Boring Company. This company has expended about $300,000, and its receipts do not exceed that amount. This company lost money during the first two years of their ownership of the patent in endeavoring to introduce the invention, and it was only during the last three years of the existence of the patent that any profit at all has been derived therefrom, and that has only been sufficient to meet their prior expenses.

The invention within the last few years has worked a complete revolution in the mining interests in this country. By the employment of the hollow Leschot drill a test hole is bored in any direction, vertically, horizontally, or at any angle, leaving a core in the center of the drill or hole which may be at any time removed, and thus permit the examination of the rock, earth, or strata through which the drill has passed, and at a trifling expense compared with the old shaft-sinking method of prospecting, with a great saving also in time. A vein once lost can be easily and inexpensively found by means of this drill. It has thus been of immense value to the mining interests of this country, enabling the miners and those owning mineral properties to prospect and locate with certainty the extent and wealth of their ores and the size and position of their veins; and its use for prospecting and developing mining property has saved this country enormous sums of money which would otherwise have been expended in the older expensive systems of prospecting and development.

Nothing has been received from the invention in European countries for the reason that it has not there been applied to mining interests, there being no mining interests of sufficient consequence to warrant the expense of its introduction.

It is satisfactorily shown, first, that the invention is of great public value; second, that the inventor has received no compensation for it; third, that this failure was without his fault; fourth, that there is a reasonable prospect that the proposed extension would secure him a reasonable compensation; and fifth, that the public has not already paid for this invention and will not be burdened by the extension.

We therefore recommend the passage of a substitute, which is herewith reported, for the original bill.

Mr. HARRISON. If I understand the state of this case from the reading of the report, this patent during its lifetime passed through a number of hands. The inventor originally sold one-half of it to Mr. Dow. Then it seems that some corporation took the patent, issuing to Dow and his co-owner of the patent payment in stock. This company failed, and there was a succession of transfers, some by assignment and others, I judge, by judicial decree, of this patent from one person to another. It seems these successive owners expended large sums of money in developing the invention, and finally have brought it up so that it has got to be a most useful patent, one in general use in mining regions. It is proposed by this bill, as I understand, now to give the father of the original inventor the benefit of a seven-years' extension of this patent.

It seems to me if there is any reason for the extension of this patent the owners of the patent during its lifetime, and who have expended the marvelous sums of money that are mentioned in the report in developing it, are the persons who are entitled, at least in some measure, to the benefits of this extension; yet it is proposed to give to the representative of the original inventor the entire benefit of all their development of this patent, of their expenditure in seeking to introduce it, and to renew the patent itself for seven years to the father of the original inventor.

It does not seem to me that the bill ought to pass. I may be mistaken about it, but from the casual reading of this report it is proposed long after the expiration of the patent, and when it has come into general use, to renew an exclusive control of this valuable implement in connection with mining, and to do it for the benefit of the father of the original inventor, thus giving the inventor not simply compensation for his original labor and thought in the invention, but the benefit of all that has been expended, at a loss by the intermediate owners of the patent.

Mr. PLUMB. I think it is hardly practicable to give this matter the requisite consideration under Rule VIII, and I therefore object.

Mr. PLATT. Will the Senator withdraw his objection for a single moment, that I may reply to the suggestion that was made by the Senator from Indiana, so that the reply may go along with the suggestion in the RECORD?

Mr. PLUMB. Certainly; I withdraw the objection.

Mr. PLATT. It must be apparent to the Senator from Indiana, as to every one else, that if this was a proposition to extend this patent for the benefit of the father of the inventor in opposition to the wishes of the companies that have developed the patent, there would have been opposition on their part. There was no opposition on their part, and they are perfectly willing that the patent should be extended.

Mr. HARRISON. Will the Senator allow me to ask him whether that does not disclose the fact, which I suppose perhaps to be under this, that while this application is made for the poor father of the inventor, it is altogether possible that there is some arrangements by which these owners of the patent are to get the benefit of it?

Mr. PLATT. I presume very likely that there is some arrangement between Leschot, the father, and the present owners of the patent, whereby he will receive a fair compensation and reward for the invention of his son, and the present owners of the patent will go on manufacturing and using the machine. I think that is true in every case where the extension of a patent is asked for.

Mr. CONGER. I should like to ask whether this elderly foreigner has come across here to make any effort for his son's patent. I feel different from the Senator from Indiana about this. This is a bill to benefit a citizen of Switzerland by giving him a renewal of a patent for an invention of his son. In this country there are so many generous people ready to assist anybody abroad in securing rights that I have no doubt somebody in this land knows of this old man and that he is alive and has a right to the patent, and from some humane motive is endeavoring to help him through. I should like to know if gentlemen here know anything at all about this, if he will ever derive any benefit from it, or whether a contract for the benefit of the extension has already been made. I am somewhat familiar with these modes of bringing matters before committees by disinterested persons who want to

aid strangers and aliens and foreigners. I served some years on the Patent Committee in the other House. Times may have changed now and people may have come forward to assist this old gentleman out of pure benevolence.

Mr. PLATT. I do not know whether the Senator desires an answer. I have risen two or three times to answer, but he has kept on talking.

Mr. CONGER. I have asked my question.

Mr. PLATT. I presume the Senator from Michigan did not hear the report read. If he had he undoubtedly would not have asked the question which he has asked.

Mr. CONGER. I have read the report just now.

Mr. PLATT. The Senator will see that the committee say this patent is to be extended for the benefit of the father of the inventor.

Mr. CONGER. It says he may receive some benefit from it.

Mr. PLATT. I do not think it is true that the father of the inventor has come personally to this country to prosecute the case, but that it is done with his assent, upon his application, upon his desire, and for his benefit is true.

I do not think that there is any occasion for any criticism growing out of the fact that this bill proposes to extend a patent for the benefit of a foreigner. A native of Switzerland, where they have no patent law or had no patent law at this time, makes an invention and obtains a patent in the United States, and I do not know why, having come here under our laws and obtained a patent, he is not as much entitled or his heirs at law as much entitled as the citizens of this country to an extension.

It has been the policy of our country for many years to make no distinction between a citizen of this country and a citizen of a foreign country in the matter of patents. We invite the citizens of all countries to come here and take out patents. It is deemed to be for our advantage, for the advantage of our country, and I do not think there is anything to be gained by the criticism of the Senator from Michigan.

Mr. PLUMB. I renew the objection.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator from Kansas renews his objection to the further consideration of the bill.

Mr. MILLER, of California. I desire to ask the Senator from Connecticut a question.

Mr. PLUMB. I withdraw the objection.

Mr. MILLER, of California. How long have the owners had the advantage of this patent?

Mr. PLATT. The report states that the patent has been in operation seventeen years. The report states fully the efforts which have been made to introduce it, and so far as I know I can say to the Senators representing the mining regions that there is no opposition on the part of persons who use this machine in mining operations. I think the fact that this application for an extension is pending here is well-known throughout the country. It has been now before two sessions of Congress. I think it is well known among mining men, who prospect with it and who are entirely willing that this patent shall be extended. I certainly have heard no objection from any quarter, and I have heard from many quarters, from those who were engaged in mining operations and understood the matter thoroughly, a wish that it should be extended.

Mr. MILLER, of California. It has been in use on the Comstock to my knowledge for ten years, and in mining operations generally it has been in use ten or eleven years.

Mr. PLATT. No doubt of that.

Mr. MILLER, of California. I think the patentees have had the profits of this patent a sufficiently long time.

Mr. HOAR. What profits have they had?

Mr. MILLER, of California. I do not know what profits they have had. I know that nobody could use the diamond drill without purchasing the right.

Mr. HOAR. Mr. President, one word in reply to my friend from California. The Committee on Patents adopt a rule strict almost to harshness in dealing with these applications. Everybody knows that the patent inventions of the last thirty or forty years are what have created and multiplied the wealth of this country. They are what have made its agricultural lands habitable; they are what have made the growth of our great agricultural States in the Northwest possible. Without them we should be a nation living by the borders of the sea and on the great rivers, and for all the inhabitants of the interior without any means of cheap, easy, substantial communication with the rest of the world. The whole of our civilization has been created, fostered, and increased by the wonderful capacity with which God has blessed the brain of the American people in this generation more than all mankind in all generations that ever existed before.

It so happens that the principle of an invention such as would be protected by a patent is a subtle, delicate affair, and it is easy for persons who desire to rob an inventor of his rights under his patent, by lawsuits, by ingenious devices, by fraud, by legal capacity and skill, to very often make a patent during its life a source of expense and burden to the patentee. The class of men who make inventions are not the great scientific men; they are not men of wealth; they are not the men of education. These disclosures and inspirations come to the workman at his bench, who turns over in his mind the manner of saving the labor which is his day's occupation. That is an invariable rule almost as to the class of men who make these inventions. When a man has made such an invention benefiting the country as this man has by hundreds of thousands and perhaps millions of dollars, it is the policy of our law, as it was the policy of the farmers of our Constitution, that there should be secured to him some reasonable and moderate compensation. The Committee on Patents have adopted this rule, that in order to propose an extension of a patent in the first place it must be shown to have been of great public benefit. It must not have been a trifle. In the next place it must be shown that the inventor, without any fault of his own, has failed to receive any adequate and reasonable remuneration. In the third place it must be shown that the extension is likely to be of some benefit to him in the future; that is, he has made or can make some arrangement with some business man who will furnish the capital, if he has not got it himself, by which he can hope in the future to receive a moderate return. Fourth, it must be shown that there is nothing in the circumstances of the case which would make the extension any burden to the public. Unless these four things appear these claims are rejected.

Without going into the question of the facts in this case, these four things appeared here. The committee carefully and painfully examined the testimony and cross-examined and sifted it with the knowledge that every report they make has to run the gauntlet of hostile criticism and attack from Senators who have not examined the circumstances. I do not think it is quite fair when the committee have patiently examined this question, giving full notice, having it understood that everybody who may have adverse interests shall have a chance to be heard, and then considered it in the light of sworn testimony—I do not think it is quite fair to encounter it by a Senator who does not know anything about it getting up and guessing that after all these patentees must have had a good deal of benefit in the last ten years. If he knows any fact let him state it. We do not want to be misled; but I do not think it is quite fair to be met with sneers or guesses of this kind.

Mr. MILLER, of California. Mr. President——

The PRESIDING OFFICER. The Senator from California has spoken once.

Mr. MILLER, of California. I suppose under the rule I can not reply to the speech of the Senator from Massachusetts.

The PRESIDING OFFICER. If there is no objection the Senator will proceed.

Mr. MILLER, of California. I think it is perfectly fair when a bill comes before the Senate to discuss it and to criticise it. It does not make any difference what committee it comes from, it is the practice of the Senate to do that. I merely stated the fact that this invention had been used in the mining regions to my knowledge for about ten years, and I supposed that the patentees had had the benefit of that monopoly.

Mr. HOAR. The Senator also stated that he did not know anything about it.

Mr. MILLER, of California. I stated that I did not know any of the facts on sworn testimony, and I doubt very much whether the committee has had anything more than one side of this case. It is usual in an investigation of subjects of this character that affidavits and other *ex parte* testimony are adduced to substantiate the claim of a party desiring an extension of a patent. The committees do not get both sides of the case as a rule. I do not say how it has been in this case, but I certainly had the right to raise the question, and the Senator from Massachusetts and other members of the committee had the right to explain as to what evidence they have based their opinion upon.

I do not challenge the truth of the statement of the committee entirely; but I may be permitted to express some doubt that this case has been proven as positively and as clearly as it would have been required to be in a court of justice. That is my position in the matter. I would be the last man to withhold any benefit from an inventor who had invented a great machine or appliance which has done good to mankind. I desire that he should have the benefit of it. In this case I have not seen any evidence except the mere statement of the parties in interest, who seem to be a company who have purchased the patent from the inventor or acquired it in some way. I say I have no evidence but that the parties in interest here have received all the benefit that they were entitled to.

Mr. PLUMB. I renew the objection.

The PRESIDING OFFICER. The Senator from Kansas objects to the further consideration of the bill, and it will go over.

POTOMAC FREE BRIDGE.

The bill (S. 1477) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C., was announced as next in order.

The PRESIDING OFFICER. This bill the Chair is informed is to be passed over for one week from yesterday.

GRANT OF LETTERS PATENT.

Mr. GEORGE submitted the following resolution; which was read:

Resolved, That the Committee on Patents be instructed to report a bill to prevent hereafter the granting of any patent for any invention or discovery made by any person not at the time of such invention or discovery a citizen and resi

dent of the United States, and the committee is further instructed to inquire into the expediency of providing by law that all patents hereafter granted shall be subject to purchase by the United States for the public use, upon a fair valuation thereof.

Mr. GEORGE. I move that the resolution be referred to the Committee on Patents.

The motion was agreed to.

IOWA INDIAN TRIBE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1108) to provide for the sale of the Iowa Indian reservation, in the States of Nebraska and Kansas, for the issuance of a patent for a reservation for the Iowa tribe of Indians in the Indian Territory, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland [Mr. GORMAN], which will be read.

The CHIEF CLERK. In section 2, line 10, it is proposed to strike out "$2.50" and insert "$10;" so as to read:

Provided, That no portion of such land shall be sold at less than the appraised value thereof, and in no case for less than $10 per acre, and to none except such as purchase the same for actual occupation and settlement.

Mr. CAMERON, of Wisconsin. I move to amend the amendment by striking out "ten" and inserting in lieu thereof "five."

The PRESIDING OFFICER. The Senator from Wisconsin moves to amend the amendment of the Senator from Maryland. The question is on this amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Maryland as amended.

The amendment as amended was agreed to.

Mr. VAN WYCK. I move to amend section 2, line 4, by striking out "Beatrice" and inserting "Lincoln;" also in section 2, line 14, by striking out "Beatrice" and inserting "Lincoln." The Lincoln land office is very much nearer to the reservation and can be reached by one line of railroad, whereas to reach Beatrice it would be necessary to resort to more than one line.

Mr. MCMILLIN. What committee reports the bill?

The PRESIDING OFFICER. The Committee on Indian Affairs.

Mr. MANDERSON. I wish to suggest to my colleague that I understand these lands are situated in the land district of Beatrice. It is proposed by his amendment to have them sold at the land office at Lincoln, which is in another land district. I think myself that Lincoln is the far preferable place on account of the convenience of its being reached by railway; but it may be that some difficulty may arise on account of the land being located in another land district. I suggest that this be the amendment: instead of striking out the word "Beatrice" add the words "or Lincoln, as the Secretary of the Interior may direct." I make that suggestion to my colleague. Perhaps that will reach the purpose he has in view.

Mr. VAN WYCK. I do not know that there is any objection to that, but I do not think the fact of the reservation being in one land district or another has anything to do with the land being sold at either land office. I have no objection to the modification.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. VAN WYCK] accepts the suggestion of his colleague [Mr. MANDERSON]. The amendment will be modified so as to insert in section 2, line 4, after "Beatrice," "or at Lincoln," and after "Nebraska" to insert "as the Secretary of the Interior may direct."

The amendment was agreed to.

The PRESIDING OFFICER. The same amendment will be incorporated in line 14 of section 2. The question is on the amendment of the Committee on Indian Affairs as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. MORGAN. I observe that in this bill the committee have departed from the rule they have heretofore adopted, at least within a few years, of requiring the consent of the adult male Indians before their lands can be disposed of. This bill, as I understand it, requires the consent of the council of the Indians. I wish to inquire of the chairman of the committee what is the reason for departing from the rule which obtained in the Ute reservation, and in the Sioux reservation, and various other reservations that have been sold by act of Congress?

Mr. DAWES. There are various treaties with the Indians that require the assent of the Indians to parting with their territory in different ways. As to the Sioux reservation to which the Senator refers, it is required by the treaty that three-fourths of the male adults shall assent in writing. Other treaties require two-thirds of the male adults. There is no treaty requisition with respect to the manner of parting with this land, as I understand, although I did not report this bill. I remember that the Secretary of the Interior criticised the method of requiring the assent of the Indians generally. His view is that when the chiefs and headmen have given their assent everybody else has given his assent. But the ordinary way, where there is no treaty stipulation to the contrary, is that they give their consent in an open council, a democratic way of getting together and expressing their consent in open council. It is subject to great abuses; they may be practiced upon; and so they may under any rule that may be adopted and followed. It all depends upon the fidelity of the execution of the law.

In this case we are told that all the Indians are anxious for the passage of this bill, and that this bill comes from them for the purpose of realizing the results. The reason that the male adults' assent individually is not required is because there is no treaty stipulation to that effect.

Mr. MORGAN. I intended to ask the chairman of the committee another question about these Indians. Where is the main body of this tribe residing now?

Mr. DAWES. The main body of the tribe have gone temporarily into the Indian Territory, and are located down there upon a reservation set apart for them out of that portion of the Indian Territory that the United States purchased of the Cherokees. A few of them preferred to remain on the old reservation in Kansas, and they have remained there till some of them have taken up land in severalty upon this reservation, and some of them have gone one by one down to the Territory and joined their associates there. This body of land lies there, Indian land, unoccupied and unimproved and untaxed, and they desire to realize the cash value of this land. The Kansas people of course are desirous of opening it up to settlement. It has risen in value from the Government price to from eight to twelve dollars an acre. It is a valuable body of land, and if properly administered the fund will be of great benefit to these Indians.

Mr. MORGAN. The bill, as I understand, permits any Indian who wishes to hold land in severalty in the present reservation to do so.

Mr. DAWES. Yes; every individual has his own individual free choice either to go down into the Indian Territory or to remain where he is and take land in severalty. This will cease to be a reservation. It will be held hereafter either by individual Indians like white men or by white men themselves.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOTTERY ADVERTISEMENTS.

The bill (S. 1017) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same, was announced as next in order on the Calendar.

Mr. WILSON. The Postmaster-General greatly desires to have this bill acted on at an early day, and such is my desire; but the report of the committee is antagonized by a minority report, in which the Senator from Tennessee [Mr. JACKSON] takes no little interest. He has been called away from the city and will be absent possibly until next Monday. I therefore suggest that the bill be allowed to retain its place on the Calendar and go over until the return of the Senator from Tennessee.

The PRESIDING OFFICER. The Senate has heard the suggestion of the Senator from Iowa.

Mr. MAXEY. In addition to what is stated by the Senator from Iowa, as one of the minority I hope the suggestion will be agreed to.

The PRESIDING OFFICER. The Chair has no objection to the suggestion of the Senator from Iowa. The bill will go over, retaining its place on the Calendar.

INDIANS ON UMATILLA RESERVATION.

The bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 2, line 38, after the word "another," to insert:

And if any conveyance is made of the lands set apart and allotted as herein provided, or any contract made touching the same, or any lien thereon created before the issuing of the patent herein provided, such conveyance, contract, or lien shall be absolutely null and void.

The amendment was agreed to.

Mr. MORGAN. I desire to inquire of the chairman of the committee, or the Senator in charge of the bill, why the words "agricultural land" are used there in designating the lands that may be set apart in severalty to the Indians? Of course I am not acquainted with that section of the world; I do not know but that there may be valuable mineral land there. I desired to ask the chairman of the committee whether there was any particular reason for inserting the words "agricultural land" wherever they occur in the bill to designate the class of lands that might be set apart for the Indians.

Mr. SLATER. If the Senator will allow me, I will explain. These Indians are beginning to follow some agricultural pursuits, and the object is to give them a fair opportunity for agriculture by putting them in possession of the good agricultural land on the reservation. The word "agricultural" is used to secure that end, so that they may have good land and have an equal race with the white man.

Mr. MORGAN. Are there any valuable mineral lands there?

Mr. SLATER. None.

Mr. ALLISON. I should like to ask the Senator in charge of this bill why it is that the bill provides for the segregation of these allotted

lands in one body, and why it is not allowed to each Indian to go anywhere upon this reservation and make his allotment.

Mr. SLATER. These Indians desire to retain their organization as a separate body of Indians. They do not wish to be scattered and mixed indiscriminately among the whites. They desire to remain in a compact body. It would operate very disadvantageously both to the Indians and to the whites, and lead to constant trouble if they were scattered about. The purpose of the bill is to protect all who desire land in severalty and to ascertain the quantity necessary for that purpose, not exceeding 120,000 acres. It is very proper and very important that they should be kept in a body and maintain their tribal organization. That can not be done if they are allowed to be scattered and the land to be sold indiscriminately. There will be constant confusion about fencing and about stock and things of that kind, if that is allowed.

Mr. ALLISON. I do not see why we should make the limitation 120,000 acres. Suppose it should turn out that it would require more than 120,000 acres to supply them with good agricultural lands and comply with the specific provisions of this bill. It seems to me that we ought to allow these Indians to take whatever number of acres will be necessary to comply with the specific provisions of the bill granting one hundred and sixty acres and forty acres, &c. I do not see the necessity for that limitation.

Mr. SLATER. The Senator would have observed by looking at the provisions of the bill that in addition to agricultural lands allotted there is to be another body of timber and pasture land held in common. It will take about 70,000 acres, after satisfying the allotment, to give them pasture lands which they need, and timber land in addition. If the provisions referred to were not in the bill the commission that goes out there would be compelled to report the fact that there are more lands than can be allotted within the reservation provided; and that would delay proceedings until further action.

Mr. ALLISON. I did observe the provision the Senator alludes to, namely, that in addition to the specific allotments there shall be a general allotment for pasturage, &c., but the whole allotment will be 120,000 acres, as I understand. In other words, this bill is a mere method of dividing up the reservation, as I understand.

Mr. SLATER. Certainly.

Mr. ALLISON. So as to limit it to 120,000 acres instead of 288,000, as it is now, or whatever it is. I suggest to the Senator that the interest upon this fund should be 5 per cent.

Mr. SLATER. I have no objection to that.

Mr. ALLISON. That is the law in reference to every other Indian tribe in the United States, and I do not think we should make an exception in this case.

Mr. SLATER. I will make no objection to an amendment of that kind.

Mr. ALLISON. I move to amend the bill by inserting "five" instead of "four" per cent.

The SECRETARY. In section 3, line 10, it is proposed to strike out "four" and insert "five."

Mr. DAWES. I understood it was "five" in the original bill.

Mr. ALLISON. Is the Secretary reading from the words in italics?

Mr. DAWES. The bill had the careful examination of the Senator from Oregon.

Mr. SLATER. I supposed it was "five."

Mr. ALLISON. The Secretary read "four."

Mr. DAWES. I supposed it was "five."

The PRESIDING OFFICER. The Senator from Iowa moves to strike out "four" and and insert "five"—in what line?

Mr. ALLISON. Wherever "four" now is I move to insert "five." The Secretary read "four." I do not remember the line. I suppose it would be in section 4.

Mr. DAWES. There may be a misprint.

Mr. ALLISON. I have before me the substitute for Senate bill 1108, all printed in italics. The fourth section of the substitute is on page 10.

The PRESIDING OFFICER. The Secretary informs the Chair that the Senator from Iowa has the wrong bill.

Mr. ALLISON. I am very sorry for that.

Mr. DOLPH. I think the place where the amendment is desired is in line 10 of section 3.

Mr. SLATER. That is the point.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. In line 10, section 3, after the word "draw," it is proposed to strike out "four" and insert "five."

The PRESIDING OFFICER put the question, and declared that the ayes had it.

Mr. COCKRELL. I raise the point of order that nobody voted for the amendment and one voted against it; and how can the Chair announce that the amendment is carried?

The PRESIDING OFFICER. The Chair will put the question again.

Mr. COCKRELL. Let there be an explanation.

Mr. ALLISON. I stated a moment ago that every other Indian tribe in the United States received 5 per cent. upon their funds in the Treasury.

Mr. COCKRELL. Under their old treaties, when money was worth more than it is now.

Mr. ALLISON. Very well. This was made a general law in 1880. I can not refer to the law, but it is a statute. Every dollar of Indian trust funds now held in the Treasury pays to the several tribes 5 per cent. If that is wrong, let us change that law; but it seems to me until we do so this fund should draw the same rate of interest. I should say that the best amendment would be to say that the fund shall draw such rate of interest as the law provides. Then if we change the law hereafter to 4 per cent. these people will be placed on the same footing with other Indians.

Mr. COCKRELL. There is no treaty stipulation with these Indians, as I understand, to pay them any specific rate of interest. This is a new matter entirely. If you put in 5 per cent. interest here we shall have to pay it for all time to come. With a good many tribes the claim is that there was a treaty stipulation made from 1820 to 1840 that we should pay 5 per cent. The Government was paying then 5 and 6 per cent. interest, and now we are paying but 3 per cent. and can get plenty of money at that. Why we should pay the Indians 5 per cent. I can not understand. There is no justice in it, no equity in it, and no propriety in it.

Mr. ALLISON. I will modify my amendment so as to say "draw interest as now provided by law for Indian trust funds."

Mr. COCKRELL. "As may be provided by law." I do not want this to be a contract, so that hereafter if we should want to reduce this interest they may come in and say, "We have a contract that you can not violate." Leave it subject to the general law.

Mr. DAWES. There must be some law, or it will not draw any interest.

Mr. COCKRELL. The Senator from Iowa says we passed a general law in 1880 providing for 5 per cent. interest. Let it go under the general law.

Mr. HARRIS. I will say to the Senator from Iowa that it seems to me he can obviate the objection of the Senator from Missouri by saying "as now or may hereafter be provided by law."

Mr. DOLPH. It seems to me that there is a little misunderstanding about the condition of the law at the present time. The general bill which was passed by the Senate providing for the allotment of lands in severalty to Indians upon Indian reservations contained a provision, an amendment offered by myself, that in the purchase of the lands of the reservation not used for the purpose of allottment to the Indians the principal should not be paid to the Indians, without express authority of Congress, for twenty-five years, and that in the mean time the purchase-price should be placed in the Treasury of the United States and should bear interest at the rate of 5 per cent. per annum. I do not understand that that bill has passed the House of Representatives. It may not become a law; but if it does become a law——

Mr. ALLISON. Will the Senator allow me to interrupt him now?

Mr. DOLPH. Certainly.

Mr. ALLISON. I had no reference to that bill. That is the law without reference to the allotment bill. It is a law which has been on our statute-book for three or four years.

Mr. DOLPH. I am sorry to refer to that bill for another purpose. If that bill becomes a law, then in the purchase of lands of other Indian tribes, that is, the purchase of those portions of Indian reservations not required for the purpose of making the allotments to the Indians on the reservation, the purchase-price will be paid into the Treasury and the Indian tribe will receive 5 per cent. It seems to me it is very proper that these tribes upon the Umatilla reservation should receive the same interest. It does not seem to me to be a very important matter in making appropriations annually for the support of the Indians whether we pay them 4 or 5 per cent., as the principal can be paid to the Indians at any time by consent of Congress for their benefit and then the interest will stop.

I think it a very proper amendment to make the interest 5 per cent. instead of 4 per cent. so as to place these tribes on an equality with other tribes to whom reservations may be alloted under the general provision of the bill to which I have alluded.

Mr. MORGAN. Mr. President, I understand that this bill provides that this contract is not to be valid until it is signed by two-thirds or three-fourths of the adult male Indians of this tribe.

Mr. SLATER. A majority.

Mr. MORGAN. It is fair, therefore, that they should be notified in disposing of their lands by contract with the Government of the United States, and if they are not willing to take 4 per cent. they can insist on 5. I hope they will, because we are giving it to the other tribes without any sort of discrimination that I have heard of as yet, and I hope that these tribes when they come to make their contract with the Government of the United States will be fully informed that it is their own land they are dealing with. They are dealing with it and we are dealing with it in the sense of their being the proprietors and having a right to convey, and that therefore they will insist that they will hold on to their title and their land until they get 5 per cent. if they want it.

Mr. DAWES. I will read the existing law in reference to trust funds. I read section 3659 of the Revised Statutes:

All funds held in trust by the United States and the annual interest accruing thereon, when not otherwise required by treaty, shall be invested in stocks of the United States, bearing a rate of interest not less than 5 per cent. per annum.

Mr. COCKRELL. What is the date of that law

Mr. ALLISON. That law has been modified. It was invested in 5 per cent. funds.

Mr. DAWES. That is the law in the Revised Statutes. The margin shows that this was revised from a statute of 1841. I know there was a general law provided—I think the Senator from Iowa drafted the law—when all the funds that were in the Interior Department were transferred to the Treasury Department and put upon the books of the Treasury Department to the credit of Indians bearing a rate of interest at 5 per cent. They cease to be invested now in United States stocks, but have gone into the Treasury and stand upon the books of the Treasury to the credit of the Indians. I understand that to be the way the accounts are kept; and for several years since I have known anything about the matter it has always been provided when a new fund has been created that it should bear 5 per cent. interest. I supposed it was necessary to express the rate of interest, but the Senator from Iowa thinks the general law will cover it. I am not certain about that, because I do not put my eye on the law to which the Senator alludes.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being House bill No. 3967.

CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

Mr. VAN WYCK. I desire to offer an amendment at the end of the second section. I move to add:

When such duties take them from their home or ordinary place of business as such agents.

Mr. PLUMB. Why not make that more definite and say "when absent from their usual place of residence?"

The PRESIDENT *pro tempore*. The amendment of the Senator from Nebraska will be read.

The SECRETARY. At the end of section 2 it is proposed to add:

When such duties take them from their home or ordinary place of business as such agents.

Mr. VAN WYCK. I will modify that at the suggestion of the Senator from Kansas so as to read:

When absent from their usual place of business as such agents.

Mr. PLUMB. "Place of business or residence."

Mr. VAN WYCK. When absent from their usual place of business or residence, as such agents.

The SECRETARY. At the end of section 2 it is proposed to add:

When absent from their usual place of business or residence, as such agents.

The amendment was agreed to.

Mr. VAN WYCK. With a view of some explanation as the meaning of one or two sections, I propose an amendment in section 7, line 9, to strike out the words "within such infected district." Section 6 states "that no railroad company within the United States" shall do certain things. That extends to a railroad anywhere within the United States, and in that section no penalty is attached. The penalty is provided in section 7, and the phraseology there is:

That it shall be the duty of the Commissioner of Agriculture to notify, in writing, the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through any infected locality, and by publication in such newspapers as he may select, of the existence of said contagion; and any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other live-stock within such infected district, who shall knowingly violate the provisions of section 6 of this act shall be guilty of a misdemeanor.

The point is here, that while section 6 intends to make it a misdemeanor for any railroad company in the United States to do this, yet the section which provides a penalty restricts it so that the penalty shall be imposed only upon railroads within an infected district. Now, for instance, take the State of Texas: if by any peradventure the Commissioner should designate that as an infected district, all that would be necessary would be to drive the cattle across the State line, and when they were in the Indian Territory or in Kansas they could be taken by any railroad with impunity. They could be placed in charge of a railroad without fear of penalty even if the fact were known that the cattle were diseased, and if the railroad company knew of that fact.

Suppose that in the State of Pennsylvania there existed this lung-disease or pleuro-pneumonia and the Commissioner should declare that State an infected district, the railroads in that State notified of that fact would be subject to a penalty for the transportation of any cattle of this kind; but all that would be necessary under this proposed act for the parties would be to drive their cattle across the State line into New Jersey, and then, although the New York or Pennsylvania Railroad knew the fact that these cattle were infected with the disease, it could carry them to market with impunity.

All that I desire to know, and that we all should know, is just what is intended to be meant by this clause. We have been taught to believe that one object of the bill was to prevent the transportation of stock that had the disease into sections that were free from it. We have been alarmed in the West, and we have been alarmed more than the facts justify, at the fear of the bringing of this infectious disease into our midst. We have been told of the great danger if the disease should get into the herds of the West. It is true there is danger. We have been told that this measure is necessary to prevent that, and yet it furnishes no protection. After all that has been said about pleuro-pneumonia, if it exists at all, and there seems to be very grave doubt about that, it is confined to small localities, and if you would give the Commissioner of Agriculture power to compel better ventilation for your cattle and better feed than the refuse of distilleries we should probably hear very much less of lung-disease or pleuro-pneumonia. But we have been invited to favor this bill because it is to prevent the carrying of diseased cattle from one section to another.

It has been said that the disease does not exist west of the Alleghany Mountains, and that the danger is that by carrying cattle, old or young, to the West, first into the Chicago market and then farther west, the disease may be carried. Yet this very section in language guarantees that that can be done. I suppose this has been innocently incorporated into the bill. We are told that the bill was drawn by persons outside who felt a great zeal and interest in this matter, and the danger is that their zeal or interest has outgrown their caution, because none has been exercised in the drawing of the bill. I think that will be readily conceded.

I desire that the bill shall accomplish something when it is passed. I am constrained to vote for it. I say "constrained," because my judgment has been, and is now, that this is a specious feature of legislation; and yet the alarm has been spread in the public mind and prevails to a very great extent. The people whom I have the honor to represent on this floor feel that alarm, and therefore it is that I am constrained to defer my judgment to theirs and to vote for this measure.

At the same time I desire to have it put into such a shape that it will mean something after it has been passed and becomes a law. So I move to strike out the words "within such infected district," in order to reach any railroad company that transports cattle contrary to the provisions of section 6. As the bill stands now, either purposely or innocently, it puts no penalty except upon a railroad company within an infected district, and, as I said, if New Jersey is declared an infected district, there is no penalty to a railroad company running through New York, Pennsylvania, Indiana, or Ohio, which may load up a car-load of cattle that may be driven across the State line of New Jersey into Pennsylvania or New York and transported to the West. There is no power in this bill to prevent that.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

The amendment will be read.

The SECRETARY. In section 7, line 9, after the word "stock," it is proposed to strike out the words "within such infected district;" so as to read:

And any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other live-stock, who shall knowingly violate the provisions of section 6 of this act, shall be guilty of a misdemeanor.

Mr. PLUMB. I do not think there is any necessity to be alarmed about that provision. The Senator from Nebraska has disclosed that he is not particularly anxious about perfecting the bill.

Mr. VAN WYCK. My first object is to perfect it.

Mr. PLUMB. I think on the whole it will be seen by reading the entire section and also in connection with section 6 that there is a very proper limitation upon the liability of the owner or custodian of the vessel or boat or railroad having control over the cattle, and that that limitation should be to such control within the infected district, because only by reason of the connection of these means of transportation with the infected district could they be charged with that knowledge in any serious way which would entitle them to be properly prosecuted for a violation of the provisions of this law.

The bill might be made a great deal stronger in many different ways, but the Senator from Nebraska must remember that this is tentative legislation largely. It will not accomplish, probably, all that he or I would desire that it should accomplish as an ultimate thing, but it is the first step, and it was not designed to make it so stringent that it should be hard of enforcement or make too great a change in the condition of things now existing. At some subsequent session of Congress it may be necessary to make some changes. I think it is quite likely that as a result of the investigations the bill provides for we may hereafter be able to legislate much more intelligently than we can now. The bill provides for the investigations necessary to determine what legislation we shall need, and enters upon the question of the transportation of cattle in rather a mild way, with the design of preventing only some of the more obvious results to follow from the transportation of diseased cattle, and is not designed to represent the ultimate judgment of Congress upon this very important question.

While I sympathize very largely with the disposition of the Senator from Nebraska to make this measure still more stringent, at the same time I ask him if it is not better to leave it as it is than to enter upon anything which may be of doubtful policy?

Mr. VAN WYCK. I imagined that the bill was designed to accomplish something when it had passed, and that one purpose in view was

to quiet the dread, the apprehension, in the public mind by giving some assurance that at least there should be a check upon the transportation of cattle supposed to be diseased. If the Texas fever should become so alarming as to make it dangerous to transport cattle across into the State of Kansas and place them in the Western herds, I ask my friend if it is not a mockery to the people of that section to say that if Texas should be declared an infected district Texas cattle-owners may drive their cattle across the line, as they would have a right to do, into the Indian Territory or Kansas, and ship them on the cars with impunity and take car-loads after car-loads to other States? Why encumber this measure with sections that mean nothing? There is no protection.

I ask my friend if the Commissioner of Agriculture should declare New Jersey an infected district, is there anything in this proposed act which makes it a penalty for the railroads in New York and Pennsylvania to transport train loads of cattle brought from New Jersey, even if they may have the disease upon them? Is there anything in the bill which imposes any penalty upon them for transporting those cattle from the State line of New Jersey into Chicago, and so on further west?

The bill should mean something or nothing. It starts out in the sixth section with a provision that no railroad company in the United States shall do this thing, and yet when the penalty is annexed it is restricted only to railroads in the infected district.

Mr. COKE. Will the Senator allow me to interrupt him?

Mr. VAN WYCK. Certainly.

Mr. COKE. I understood the Senator to say it would not be contrary to this proposed act to drive diseased cattle from Texas into the Indian Territory or into Kansas and then ship them by rail.

Mr. VAN WYCK. Yes, sir.

Mr. COKE. If the Senator will look at the latter part of section 6 he will see that it forbids driving diseased cattle from one State or Territory into another.

Mr. VAN WYCK. Precisely, and that is the point I make. That provision is idle and a mockery, for there is no penalty attached to it. The bill attaches a penalty only where it will be of no use, and in the broad domain over which cattle may be transported there is no penalty annexed. Whether it is right to annex a penalty I am not prepared to say; but I want these sections not to be conflicting, and at least that we here shall not be led astray.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

The amendment was rejected.

Mr. MORGAN. I notice in section 4 what I consider to be rather a dangerous power to lodge in the hands of the Secretary of the Treasury or any other single officer of the United States Government. I will read the whole of section 4. It provides:

> That in order to promote the exportation of live-stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia or any contagious, infectious, or communicable disease along the dividing line between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which live-stock are exported, and make report of the results of such investigation to the Secretary of the Treasury—

All that business belongs to the Commissioner of Agriculture down to that point—

> who shall from time to time establish such regulations concerning the exportation and transportation of live-stock as the results of said investigation may require.

We listened the other day to a very elaborate and very able argument from the Senator from Iowa [Mr. WILSON] upon the question chiefly of transportation between the different States and Territories of the Union and our power to control it. I have not as yet heard any person who insisted upon the exercise of this power by the Federal Government who was willing to intrust it entirely to the discretion of a single officer of the Government without law.

This bill enables the Secretary of the Treasury to "establish such regulations concerning the exportation and transportation of live-stock as the results of said investigations" of the Commissioner of Agriculture "may require." It does seem to me that to put it in the power of the Secretary of the Treasury to regulate the whole subject of the transportation of live-stock by rail or by river or on foot is giving to him a very unnecessary power, a very unguarded power, one that is liable of course to abuse, and one in which we take no pains at all to express our view of what ought to be the regulations of this subject of transportation.

In line 11 of section 4, I move to strike out the words "and transportation" after the word "exportation;" so as to read:

> Such regulations concerning the exportation of live-stock as the results of said investigations may require.

So that the regulations which the Secretary of the Treasury may be authorized to make shall relate to the exportation of live-stock and not to their transportation within the United States.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. PLUMB. It seems to have been all the way through this debate the fear of the opponents of the bill that some officer of the Government of high degree and charged with responsibility under the bill would so exercise his authority as to defeat the object of the bill. The Secretary of the Treasury in the exercise of this authority is no greater a person, nor does he have any greater authority than he exercises every day in regard to matters which relate to the personal property and rights of the citizens of the country. Necessarily the power to be exercised must be great, and it must be exercised under the sense of official responsibility of the person who exercises it. More than all that, the power must be in its very nature summary. It can not be otherwise.

I think, on the whole, if the Senator from Alabama would withdraw from his consideration the bill before the Senate and observe the bill which came from the committee of which he is an honored and an efficient member, and which as I understood him to say yesterday had received his sanction, he will find that that bill commits to the President and to the Secretary of the Treasury, both of them by name, a power much greater and more liable, if there was any liability at all, to be dangerously exercised than any power committed in the bill which is now being considered.

It can not be, I think, even imagined that any Secretary of the Treasury would place restrictions upon the transportation of live-stock which were not in a wise judgment necessary for the accomplishment of the purposes named in the law which gave him the power. It will not do to say you may transport diseased stock to a port of entry for exportation and arrest them there, leaving all the power to be exercised at the port of exportation and none of it to be exercised prior to their arrival there. In the first place, there would be no wisdom in that. Where would be the wisdom in saying that the Secretary of the Treasury might prevent the exportation of cattle which had arrived at New York because they were diseased, and yet not under any circumstances prevent their going to that port by reason of the existence of the same disease in the same herds of cattle? The difference would be simply as to where the power should be exercised. The wise way of exercising the power would be to prevent the diseased cattle from going to that port. Why accumulate at any port, in New York, Baltimore, Norfolk, or elsewhere, a large number of cattle which it is known when they get there can not be exported by reason of the fact that they are diseased? It seems to me that this is sticking in the bark.

As I said, if the Senator will look at the bill which came from the committee of which he is a member he will see that the question of the importation and exportation of cattle, of the slaughtering of cattle, of the paying for cattle slaughtered, of an embargo upon the importation of all live animals and of the exportation of all articles of food, is placed entirely in the power of the President of the United States and the Secretary of the Treasury to determine in every single case, summarily and without any hearing whatever, just exactly what shall be done.

I am not discussing the constitutional feature of this question, because I know the Senator from Alabama would come back at me and say one was a regulation of the external commerce of the country and the other was a regulation of the internal commerce of the country, and one was held to be constitutional and the other might not be constitutional; but I am speaking now of the reasonableness of the power, of the wisdom of depositing it anywhere. It is a power granted all through our statutes in many particulars. If my recollection serves me aright, there is now given substantially this same power, or rather, I will say, the statutes being a little blind, the Secretary of the Treasury has already exercised power of this kind, not with as much freedom perhaps as he would otherwise have done, but it was intended to be conveyed, and substantially has been conveyed, according to the interpretation of the Treasury Department, by statutes already enacted. So I think it will be found that this is not entering upon any new ground whatever.

Mr. MORGAN. The Senator from Kansas has a bill here which I think he has not studied, for he is usually very accurate and expresses himself clearly and well in every particular. The part of section 4 to which I have invited attention does not relate to diseased live-stock alone; it relates as well to diseased as to sound and healthy live-stock. The power is given here to regulate the transportation of live-stock. That means all manner of live-stock, cattle, horses, sheep, goats, poultry, or any description of animals that may be used for food or for purposes of burden. It might include elephants and camels, so far as I know. It seems to include anything and everything. We at one sweep give to the Secretary of the Treasury the power to regulate within the United States the transportation of live-stock.

The faith of the Senator from Kansas is very great. I regret that I have not that sort of faith which makes everything whole that I bring forward and makes it unimpeachable, merely because I have the honor of asserting it, sustaining it, and supporting it. The Senator from Kansas seems to have an abiding and boundless faith in the good intentions of every officer of the Government whom he may wish to intrust with discretionary power. I can not go with him to that extent, especially when the Constitution says that Congress shall have power to regulate commerce between the States and with the Indian tribes and foreign countries. It does not say that Congress shall delegate that power to somebody else, but that Congress must exercise the power of regulation. When we get done with the subject there must be something

upon the statute-book which a man can take hold of and understand what the law is; otherwise Congress has not performed its duty. Congress can not perform its duty by merely abdicating a discretionary power into the hands of any of the officers of this Government.

I assert as my opinion that there never was a broader or more drastic violation of the constitutional authority of the Senate than is proposed in this single phrase giving to the Secretary of the Treasury the unlimited and unrestricted right of regulating the transportation of live-stock, having no reference as to whether it is diseased or whether it is sound, or to the description of it, whether to be used for human food or for the purposes of burden or draught. It makes no difference; whatever comes within the category of live-stock in the broadest definition that can be given to the term, the Secretary of the Treasury has the right to control and to regulate the transportation of. He may put regulations upon certain railway companies and certain boats which would prohibit those companies entirely from being able to comply with his terms and conditions, and therefore they would lose the whole trade.

I do not pretend to argue before the Senate that the Secretary of the Treasury, whether he is the one now in office or the one who may succeed him, or any of his successors, would willfully and wrongfully betray the people of the United States by making unjust and discriminative regulations for certain sections or against certain sections; but, sir, my duty is not performed to my constituents, at least, if I omit to put upon him checks and guards in reference to his power of regulating transportation, which shall compel him to act reasonably and justly, as well as wisely in matters of this kind. I have no right to intrust him with a discretionary power to do as he pleases over a subject of such great magnitude as this is. There are millions and hundreds of millions of dollars involved annually in the transportation of live-stock through this country. What Senator would offer in the Senate a bill, "*Be it enacted, &c.*, That the Secretary of the Treasury shall establish regulations from time to time concerning the exportation and transportation of live-stock," and stop it right there? Put that in the form of a bill by itself, and let the Senate come to vote upon it. Can the Senate be asked to pass a bill in that form, thus giving up its power and its duty prescribed to it expressly by the Constitution of making the regulations itself, giving it up into the hands of the Secretary of the Treasury or any other officer? No, sir; we can not pass a bill of that kind and discharge our duty to the country under the Constitution. Such a bill as that might well be ruled out of order in this body as one presenting a clean and clear violation of the duty of Congress.

The Senator from Kansas refers to an amendment coming from the Senator from California, which has not yet been offered but which the Senator from California had printed for the information of the body, which relates to the exportation and importation of cattle from abroad. The Senator from Kansas said that he was not at present disposed to enter upon a discussion of the question of the constitutional power of this Government to regulate the importation and exportation of cattle as contrasted with a similar power to regulate its transportation within the United States. It is not necessary for me to discuss a question of that kind until it comes up; but I will venture to suggest that after all there is a marked distinction in the exercise of these two powers, for the Government of the United States as a nation, and I use that word with a full understanding of its meaning, in its relations with foreign countries, foreign powers, has always had all the powers that belong to a great nation, or any nation, except so far as they are prohibited in the Constitution; whereas the Government of the United States in reference to the powers which it may exercise over and within the States, and over the people within the limits of the United States, is expressly restrained to the exercise of those powers granted, or such as may be incidentally necessary to carry into effect those granted powers. This is horn-book learning among men who have studied the Constitution of the United States, although there is still great room for disputation, as it appears on every occasion when these subjects arise.

I should dishonor the Government of the United States, in my judgment, as a Senator on this floor, if I were to deny to it the right to exercise every power in respect of our foreign relations and our foreign commerce that is not prohibited to it by the Constitution of the United States. There is the treaty-making power. That is a sovereign power, belonging to the crown, we will say, of Great Britain, the country from which we derived our system of government. There the treaty-making power belongs exclusively to the crown, and needs no ratification by any legislative department of the government. In our Constitution we have so modified and restricted that power as that the President can not make a treaty except by the advice and consent of the Senate. There is one of the instances in which there is an express limitation upon the powers of the Government as a nation constituted with reference to its relations to foreign powers and governments; but upon the subject of our right to control importation and exportation as it affects what we may send abroad and as it affects what we may receive from abroad, the proper doctrine of construction is that the Federal Government possesses upon those subjects all powers that are not prohibited to it by the Constitution. It is just the reverse, in my opinion at least, in respect of the powers of the Federal Government within the States, according to what I conceive to be a just rule of interpretation.

But, sir, I maintain that the Congress of the United States could not do a rasher thing or a more inconsiderate thing than to intrust into the hands of the Secretary of the Treasury, in the language of this bill, the right to regulate the transportation of live-stock through any part of this country, and that, too, without reference to its being diseased or not diseased. If we can give him that power, we may confer upon him the power to regulate all the internal commerce of the country; and we have nothing to do in order to get rid of this vexed and troublesome question except to enact a general law that hereafter the Secretary of the Treasury may make all rules and regulations that he may consider needful to regulate the transportation of internal commerce between the States or within the States of the American Union.

Now, it is not necessary to this bill that the Commissioner of Agriculture or the Secretary of the Treasury should have this power. It is entirely a gratuitous thing, and doubtless was put into the bill for the want of sufficient caution in the wording of it, but there it is. I can not understand why the committee should desire to hold this power in the bill and confer it upon the Secretary of the Treasury. Most of all, I can not understand why it is that the bill, after having received due consideration elsewhere, should have come to us with this odious outrage upon the constitution of this body, for that is the only way it can be properly characterized in my judgment. This is not a perfect bill by a great deal. The Senate have been engaged several days in trying to perfect it, and in almost every instance the committee have yielded to the judgment of the Senate upon the perfection of the bill.

While I am up I will call the attention of the Senator in charge of the bill to another matter, which ought to inform him that the bill needs purging, that it needs trimming out. In the very first section, and following along through all the different sections of the bill, is very loose language—to "report upon the number, value, and condition of the domestic animals of the United States, their protection and use." Now, what are the domestic animals of the United States? They are those that are not *feræ naturæ*. They are those that have been subjected to the use of man, and they include everything from a canary bird up to an elephant. They include cats, dogs, horses, mules, asses, cattle, sheep, goats, swine—all the domestic animals. The whole broad category of animal life that has been reduced to domestic use by the human family in the United States is included in the first section of the bill, and it is made the duty of the Commissioner of Agriculture to institute a universal examination into their condition and, as the bill stood originally, into their number and their value.

The committee have not considered this bill with that sort of critical accuracy that a law of its importance deserves. I dare say it was in consequence of that very fact, because perhaps of a very great pressure for legislation upon this subject, that the committee have brought in a bill here which in one place and another, including the one which is presented in the amendment that I now propose to it, brings forward questions of the gravest possible character and compels us to vote "yea" or "nay" upon them in a bill to which they have really no just or proper relevancy.

Mr. WILSON. Mr. President, guided by the remarks just made by the Senator from Alabama, I must say that if he understands the fourth section of the bill I do not. He treats it as one conferring an unlimited discretionary power on the Secretary of the Treasury. It does not seem to me that that is its character. I will read that section. It provides—

> That in order to promote the exportation of live-stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia, or any contagious, infectious, or communicable disease, along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which live-stock are exported, and make report of the results of such investigation to the Secretary of the Treasury, who shall, from time to time, establish such regulations concerning the exportation and transportation of live-stock as the results of said investigations may require.

It does seem to me that the latter words in that section place a definite limitation upon the discretion of the Secretary of the Treasury. He is not to have a general discretion which can deal with all of the elements of the transportation of live-stock throughout the United States, but only a discretion extending to the establishment of such regulations as may be necessary to protect our foreign commerce from the injuries likely to arise from the causes discovered by the Commissioner of Agriculture in the investigations which he pursues under the first part of the section. The results of those investigations are to be laid before the Secretary of the Treasury with such recommendations as the Commissioner of Agriculture may choose to make, and for the purpose of meeting the exigencies of our commerce through the lines of transportation the Secretary of the Treasury may establish such regulations as may be requisite thereto; and that is all the power he is to have. It seems to me that it is necessary to have some discretion lodged somewhere, in order that the lines of this bill, if it shall become a law, may be made effective.

The inland transportation to the seaboard of cattle intended for exportation abroad is quite as important to our foreign commerce as the transportation of cattle upon the ocean; it is a part of the body of the commerce; and in order to meet the opposition now being manifested by foreign governments against the export of cattle from this country to their countries we are attempting to provide such regulations as will assure healthy cattle for exportation and give reasonable grounds for

belief on the part of the countries abroad that they will be receiving through our commerce, under the regulations thus established, nothing but healthy cattle. That will maintain our commerce. That will advance the cattle interests of this country. That will afford a swelling volume of this element of our foreign commerce, instead of the diminishing one which is now going on; and to this purpose and on account of the reasons furnished by the investigations to be pursued by the Commissioner of Agriculture, the Secretary of the Treasury is to act in the formulation of these regulations, and for no other purpose nor on any other account.

It does seem to me that the general criticism based on that feature of the section by the Senator from Alabama is a mistaken one, and that the power to establish regulations in connection with transportation is absolutely necessary to give effect to whatever may come from the investigations to be pursued by the Commissioner of Agriculture.

Mr. MORGAN. I have the greatest possible respect for the opinions of the Senator from Iowa [Mr. WILSON]. He is careful and considerate in all he says; but I must express my surprise at the wide difference of opinion between that Senator and myself as to the meaning of this language and its effect, and also as to the power which he contends for on the part of the Secretary of the Treasury or any person whom we may authorize to make regulations for the transportation of commerce.

The Senator says that when the commerce arrives at the port of exportation and forms a body of traffic which we can send abroad it is the right and duty of the United States Government to see that it arrives there in such form as that it will make a proper subject of commerce and be in such a condition as that it ought to be exported. I will take, to illustrate my views of it, the question of the exportation of cotton in my part of the country. It sometimes happens that cotton sent around from New Orleans to New York becomes a little damaged by salt water, by absorption of too much moisture, particularly in times of storm. It goes there, and there the commerce of the country is deteriorated in value because of this damage. It sometimes happens also that cotton sent upon the railways is badly handled and torn, and when it gets to the foreign country our commerce loses some of its value and breaks bulk because of the indifferent manner in which it has been handled. I would regret very much if the Secretary of the Treasury should be authorized to prescribe to the people of the South whether they should carry their cotton to New York on board ships from the mouth of the Mississippi River, or whether they should be compelled to carry it by steamboat to Pittsburgh and thence by rail to New York, or whether they should be compelled to carry their whole product by rail all the way, under the power to regulate the transportation of commerce intended for exportation abroad. He certainly would have a right to regulate the shipment of the cotton, the sugar, or the rice, or of any other commodity, and to prescribe the lines of transportation or the modes of transportation that that property should undergo before it is fixed for exportation abroad.

I must confess that I have never heard a sober opinion expressed by any man yet in the Senate which was so thoroughly violative of my views of the rights and powers of this Government upon a question of this kind as that which has been stated here to-day. It seems to me that latitudinarianism in the construction of the powers we have a right to confer upon our Federal authorities has got to be the order of the day, and a man only makes himself somewhat ridiculous by supposing that it is impossible that anything can be done at all that this Government can not do. I have supposed that the right of the people to conduct commerce between the States was not subject to such regulations as the Secretary of the Treasury might be disposed to impose upon it. If after this debate a precedent of this kind is carried into the bill and into the law (as I suppose it will be, for there seems to be a majority here determined to pass the bill), we shall hereafter have no need of applying to anything but this act to justify the wildest extravagance in the exercise of any power whatsoever that we may choose to assert.

There would be some apparent check upon the power of the Secretary of the Treasury as given in this section of the bill with reference to the condition of the property transported but for the latter part of it; that is to say, the earlier part of section 4 relates to the investigations of contagious, infectious, and communicable diseases in respect of live-stock, using in this case that phrase; but the latter part of it has no relation at all necessarily to diseased live-stock or live-stock which may carry communicable diseases from one part of the country to another. It has no reference to any supposed quarantine power for the protection of the people of the interior, but it gives to the Secretary of the Treasury the right to establish, under the imperative word "shall," from time to time, "such regulations concerning the exportation and transportation of live-stock as the results of said investigations may require."

I do not know how to argue a question of that character except to say that I never have heard before in all the discussions which have taken place upon this matter of construction that anybody had claimed that we could delegate to any officer of this Government the power to control the transportation of property through our limits according to his discretion.

It is not necessary to elaborate upon the abuses to which this power would be exposed or the dangers with which it would disturb the country. If you will give to any one man who has good sense and no principle in the United States—and we have plenty of that sort—the power conferred as proposed in the fourth section of the bill, there is nothing that that man can not do for the purpose of enriching himself and his friends, or for the purpose of acquiring and perpetuating autocratic power in this land, for if I had to-day an ambition that could be gratified only with the grasp of all the material power in this country, and were heartless enough, as we find men are heartless enough, to wreck and destroy people because of love of money or love of power, I could not ask that any one should give me a more potent instrumentality than to say to me, "Sir, you have the power in your discretion to regulate the transportation of live-stock or the transportation of property through this country either intended for exportation or intended for domestic use." Give me that power and the ambition and the villainy to use it for the oppression of this people, and I could destroy the people of the United States with it or else bring them obedient to my will under all conditions and circumstances.

Never was there a more dangerous or a more desperate grasp of power than that which is conferred by the terms of this bill. It is utterly indefensible. There is not a statesman of the olden time who for one moment would have allowed such a proposition as this to intrude itself within his mind. There is no precedent for it; there is no hint of authority for it. It is condemned out of the mouths of all men who have preceded us in the history of this Government, whether they were strict or whether they were liberal constructionists of the Constitution, to give to any one man the right to regulate the transportation of property through this country at his will and pleasure. Is it necessary, in order to establish this miserable little contrivance for paying a few men a small salary and gratifying the hay-seed party in this country, that we should make a raid like this upon the Constitution of the United States and put the whole power of the transportation of the live-stock of the country in the hands of the Secretary of the Treasury without control or restraint?

Sir, it does seem to me that when Senators sometimes get their hearts set upon the gratification of a particular desire it is hardly worth while to make suggestions to them that they are violating an instrument which heretofore, if it has not now, had some sanction in the respect at least of the people of the United States. I repeat my surprise that a Senator of the bearing and ability of the Senator from Iowa should assert upon the floor of the Senate that we have a right to abdicate our authority which the Constitution in giving to us says we shall exercise—Congress shall regulate commerce between the States—that we can abdicate our authority and place that power in the discretion of the Secretary of the Treasury, and tell him, "Go, thou, and do as you please with this great and mighty power," which was intended, if it was ever intended to be exercised at all, to be exercised through the concurrent action of the two Houses, and that with the sanction of the President of the United States by his signing the bill. And then to think that the committee should bring such an assault as this into a miserable bill for the purpose of building up an inspection of diseased cattle in this country, and that passion, or freak, or frenzy, or whatever you please to call it, should have got such hold on the minds of intelligent gentlemen as that they would stumble along as they have through this bill into committing this country to the fatal error of conferring the whole power of controlling the transportation of the land into the hands of a single man, and he at the same time in the control of the Treasury of the United States.

If we must lodge this power in the hands of any man, do not let us put it in the hands of a man who controls the Treasury of the United States. He has power enough; yes, far too much. One of the curses under which this Government suffers to-day is the power lodged in the hands of the Secretary of the Treasury; and I, for one, shall hail with delight the day when the Treasury Department shall be divided into two distinct heads, and one shall stand for the receipt of customs and the other shall stand to keep an account of the expenditures. Here is the Secretary of the Treasury wielding the power of more than $300,000,000 of annual revenue coming into our vaults, and now we wish to annex to him, to this man of majesty and might holding the purse-strings of the country, the additional power of regulating absolutely by his own will the transportation of all diseased cattle, even extending to all the live-stock of the whole country.

I had supposed that when the suggestion was made to the Senator in charge of the bill the mere suggestion would have convinced the honorable Senator that there was a question presented in this fourth section sufficiently dangerous to condemn the entire bill to defeat, and which at the same time was entirely superfluous and unnecessary to the passage of the law or to its proper enforcement after it had passed; for surely after the Senate have confined the main purpose of the bill down to an investigation of the existence and character and extent of certain diseases of domestic animals there can be no reason, in order to carry into effect that power, that we should make this tremendous march to the front, reversing all the action of the Government up to this time, and that we should give to the Secretary of the Treasury the right to regulate absolutely the transportation of live-stock, whether intended for foreign exportation or domestic use, it makes no difference. He can prohibit a Texas drover from driving his cattle on foot. He can find a man a hundred miles from a railway train and say to him, "You may

ship your cattle upon the railroad, but you must not drive them on foot." That is transportation. He can select a river that he chooses to patronize, a line of steamers he chooses to patronize, his political friends, his agents and his emissaries, and his friends, say to them, "Take this transportation; you are good friends of ours and we are likely to hear from this subject in the next Presidential election."

Ah, Mr. President, it need not be said that politicians striving for the high offices of this Government will not do things as bad and far worse than that. I myself within the last few days presented to the Senate a report from the Department of Justice in which it was stated that a man in my own State who had been indicted for perjury in the circuit court of the United States, and for some half-dozen or more other offenses connected with the discharge of the duties of the very office which he now holds, had been appointed by the President of the United States in the face of the record that contained those indictments and at the time when the Department of Justice was honestly and efficiently and in good faith prosecuting that man for these crimes. Not only so, but notwithstanding the expiration of the term of office that man holds his place to-day, and the reward that he is bringing to the Administration is that he circulates from county to county and from district to district in my State for the purpose of influencing the Republican colored representatives there to vote for Arthur for President. This is but one of a series that I could detail upon this floor. The records of the Senate show what I have stated; yes, the report of the Attorney-General shows it.

In the presence of acts like these let not Senators console themselves with the belief that they can confer a power like this upon the Secretary of the Treasury and that they will not find a watchful people to see what abuses it is open to. If the President of the United States will appoint a man and send his name to the Senate for the office of marshal of the middle and southern district of Alabama when the records of the very court in which he is appointed contain indictments pending against him for perjury and those indictments are being prosecuted by the Department of Justice, it is idle for us to say that the tinge of shame will color the cheek of any man in doing anything that he may have the power to do in order to increase his political influence in this country.

I am not unmindful of these things, and when we begin to confer powers upon the Secretary of the Treasury of this unusual and abnormal character, of this dangerous character to the liberties of this people and their rights under the law and Constitution both, the Senator from Kansas need not attempt to assuage my fears by saying that he has faith that the Secretary of the Treasury will never abuse these powers. We have had faith in many men, and one of the chiefest of our misfortunes this very day is that we have too often reposed faith instead of relying upon the checks of a positive law to keep men to their duty.

The facts to which I have referred are now in the hands of your Judiciary Committee. I suppose that committee will not give us a response to the instruction of the Senate until after this political campaign has passed over. The Departments of this Government are to-day being used, as everybody on this floor must know, for the purpose of subserving personal politics, party politics being a secondary consideration.

Sir, in the face of these facts, is the Senate of the United States to indulge itself in conferring upon the Secretary of the Treasury powers as broad as those which are contained in the fourth section of this bill, and are we to be soothed into quietude by the dulcet tones of the voice of the honorable Senator from Kansas, who is an excellent, good-hearted man, when he tells us, "Have no apprehensions, my brethren; the Secretaries of the Treasury that we are going to keep in place are not going to abuse their trust?" God will that it may be so; but in the light of past experience, and very modern experience, I must say that I apprehend there is some danger.

Mr. PLUMB. If the Senator from Alabama will look at the statutes of 1882, page 313, he will find that this dangerous power has been exercised, or at least has been authorized to be exercised, by the Secretary of the Treasury for the past two years. In a paragraph of the sundry civil appropriation act there occurs this language, which was repeated in the act for the succeeding year:

To enable the Secretary of the Treasury to co-operate with State and municipal authorities, and corporations and persons engaged in the transportation of neat cattle by land or water, in establishing regulations for the safe conveyance of such cattle from the interior to the seaboard, and the shipment thereof, so that such cattle may not be exposed to the disease known as pleuro-pneumonia or lung-plague.

Not the transportation of diseased cattle, but the transportation of well cattle in such a way that they may not be exposed——

Mr. MORGAN. It provides that the Secretary of the Treasury shall co-operate.

Mr. PLUMB:

And to prevent the spread of said disease, and to establish quarantine stations—

Not in co-operation with anybody—

and provide proper shelter for neat cattle imported, at such ports as he may deem necessary, the sum of $50,000, or so much thereof as may be necessary.

Mr. MORGAN. If the Senator will allow me, he puts a convenient interpretation upon that section. All that is done there is by co-operation, not only with the States concerned, but with the men engaged in the transportation.

Mr. PLUMB. Imagine the authority of the United States co-operating with an individual! The individual would shrink to the proportions of a welt on a sound, large human body. The potentiality of the power of the United States in that case is the main thing and the only thing. The Secretary of the Treasury under that provision has just as ample power as he could possibly have under the proposed act which has been the subject of the animadversion of the Senator from Alabama, and that is repeated, as I said, in the act of the succeeding year found on page 613 of the same volume.

Mr. MAXEY. The provision which the Senator has read is confined to pleuro-pneumonia?

Mr. PLUMB. Yes.

Mr. MAXEY. It does not extend to "communicable diseases."

Mr. PLUMB. It does not say anything about Texas cattle or Texas fever, I assure the Senator from Texas.

So far as the argument in regard to the constitutional question is concerned, I do not care to enter upon that at all. The Senator from Alabama rests himself upon the unwisdom of this power being committed to anybody, and yet in the bill which he assisted in reporting to the Senate, which he stated yesterday that he favored, and which he has, I think, in the last few minutes stated that he did favor, a great deal more power upon a variety of subjects of the utmost interest to the people of the United States is committed to the President of the United States and to the Secretary of the Treasury. I wonder that the hair on the head of the Senator from Alabama did not stand on end when he read in section 18—

That it shall be unlawful to import into the United States any adulterated or unwholesome food, or vinous, spirituous, or malt liquors, &c.

The question as to whether the food is unwholesome or not is to be settled by the edict of the Secretary of the Treasury himself or by a subordinate instructed by him. More than that, in section 20 it is provided that "whenever the President is satisfied that there is good reason to believe that any importation is being made or is about to be made into the United States" of something that he does not think ought to come within the confines of the United States he is authorized to put an embargo upon it in advance. If he hears that in some of the vineyards in the wine-growing districts of France the phylloxera prevails, or some other thing which affects injuriously, according to his own sweet will and pleasure, the product of that district, and that it is likely to be imported into the United States, he is authorized at once to issue a proclamation forbidding anything from that section of country coming within the confines of his jurisdiction. Yet the Senator from Alabama, having strained at the gnat which is contained in the bill before the Senate, is prepared to swallow the saw-mill contained in the bill reported from the Committee on Foreign Relations; and so all the way through. There is not a section in the bill reported from the Committee on Foreign Relations that does not commit to the President of the United States power a hundred-fold stronger, more absolute, and more summary than all the powers that are committed by the bill under consideration to the Commissioner of Agriculture or to any other official.

Mr. President, this power so committed by the law heretofore has not been misused. It has not been sufficiently ample and somebody has got to have this discretion. It is not going to do to settle these questions by trial by jury, nor to await the slow and tedious processes of the law in regard to emergencies such as may at any time arise. This power must be lodged somewhere, and it is to the credit of the Government and to the credit of the people of the United States, the Senator from Alabama to the contrary notwithstanding, that this power has not been abused. I do not doubt that some marshal in Alabama has abused his power, and it may be, as he says, that he is down there now drumming up delegates for the Administration in anticipation of the Chicago convention; but that does not go to this case at all. We do not propose to commit this to an accidental marshal. This is committed to the responsible head of the administration. It is a matter in which there is no chance for personal profit, for any item of personal concern to enter into it. It can not be a question between two lines of transportation. There is nothing in which any Secretary of the Treasury or any President of the United States in the exercise of the power committed by this bill could consult the personal interests of any human being whatever. He might exercise it unwisely no doubt; he might administer it too laxly; he might administer it too stringently; but that he will administer it according to an unbiased judgment there can be no doubt whatever; and this power has to be committed somewhere, to somebody. While the Senator from Alabama is so apprehensive about it, the people who are to be affected by it, who own the herds of this country, who own the stock throughout its length and breadth, as a rule are in favor of it, and do not fear the exercise of the power provided for in this section.

Mr. MAXEY. Mr. President, the Senator from Kansas, referring to a statute now on the books giving the Secretary of the Treasury certain power in relation to cattle afflicted by pleuro-pneumonia, saw proper, in replying to a question, to make a fling at me by a reference to Texas cattle, which of course I was endeavoring to protect. Now I say to that Senator on the subject of Texas cattle I propose to cast just such votes as

I please, without the slightest regard to his criticisms. The point which I made is apparent to the Senate, that that law gives the Secretary of the Treasury the power specified only in the case of a specific disease, determinable by testimony in case the question was raised; but where you include infectious or other communicable diseases, that opens a wide field, and gives to the Secretary of the Treasury a discretion never given to him by any law placed on the statute-book.

In 1879 we had before the Senate a bill in relation to the transportation of animals, and that was very thoroughly discussed and the whole subject of inspection came up during that discussion. That bill was pressed with as much earnestness and zeal as this bill is. At that time, doing what I believed to be my duty, I took occasion to lay before the Senate my views. There it was proposed that the Commissioner of Agriculture should appoint inspectors of stock at every port from which stock was exported in the United States, practically beginning at Portland, Me., and winding up with Portland, Oreg. I could not see the propriety of that, and while that was the central point of that bill, I opposed it and on that occasion said:

What good will a certificate in the pocket of the owner or in the hands of the consignee of those cattle or those sheep or swine do in London, in Liverpool, in Havre de Grace, or anywhere else to which this live-stock or these dressed animals may be shipped? Bills of health of a ship are viséed by the officers of the government to which that ship is to sail, not by the officers of the government from which the ship is to sail. We, the other day, in the yellow-fever bill, in guarding against contagion, required that a bill of health should be given by the officers of our Government in South America or elsewhere where a contagious disease might be, to show that the vessel which was to sail to our ports did not have such a disease upon it. It is our officers who are to give the certificate to a vessel coming to this country, and so I say that after you may pass such a measure as this and appoint all your inspectors the certificates given by them will not be worth the paper they are written upon in any part of the world, because the governments to which the shipments are made will be governed by the reports and inspections of their own officers. You would make this system cost the people of the United States this large sum, for I tell you that under the provisions of this bill there will be an inspector at every port of this Union; and you will not only make it cost this large amount to the Government of the United States, but to every man who ships cattle, sheep, or swine it will cost these additional fees, which will aggregate a very large amount.

I take interest in this question because the State which I in part represent is to-day the largest cattle-producing State in this Union, producing under the census of 1870 3,991,158 cattle. That number will be increased by the census of 1880 to not less than 6,000,000. We raised, as shown by the census of 1870, 714,351 sheep. The last reliable data that we have, published by the Wool-Producers' Association of the United States at Boston, shows that to-day California is ahead in sheep, Ohio second, and Texas third, so that we may reasonably estimate, and I give this as my opinion, that by the census of 1880 we will have in Texas at least 2,000,000 sheep, and in all probability two and a half million. We had of swine in 1870 1,202,445. We can raise just as many as we want, for ours is a great corn and mast State, and the product of corn is yearly increasing.

At this time the principal shipment of live-stock in which we are concerned is that of cattle, and we are using every exertion to open up a direct trade in our cattle with Europe. We can send just as many cattle to market as we please, and will do so when we find it profitable. I call the attention of every Senator in the Chamber who represents a cattle-producing State to the fact that under the provisions of this bill the cattle-raiser, the sheep-raiser, and the swine-raiser are largely charged with fees to be paid to the inspector or somebody else, for, mark you, it is not provided in the bill that the fees thus raised are to go back into the Treasury of the United States to pay the $1,500 salary. That is a separate and distinct clause, and in addition to that $1,500 salary the fees are to be charged, as the bill is worded, to the owners.

But, underneath all this, what good will your certificate do? Sir, this is no new question to gentlemen who keep up with the cattle business.

In that connection I quoted this:

You will find in the New York Herald, of April 27, 1879, a dispatch from Ottawa, Ontario, Canada, dated April 26, 1879, as follows:

"In the house of commons, during a discussion on the item of $10,000 in the estimates for a cattle quarantine, Mr. Mackenzie brought up the matter of the shipment of cattle to England. He hoped that the inability to allow the transshipment of American cattle through Canada to England would be removed as soon as possible, as that trade was very valuable.

"Mr. Pope said he had asked the privy council whether, if American cattle were carefully examined by veterinary surgeons at ports of entry and shipment, American cattle could be sent by Canada to England? The answer was that there was no alternative. If such shipments were permitted Canadian cattle must be shut out of the English market. Diseased cattle from Portland have been landed in England as late as the 1st of April. None have been sent from Canada."

So you will see that the British Government will depend upon her own inspectors, not upon the certificates which may be given here, because nations are exceedingly jealous; nations will be guided by the official reports of those officers appointed by them and responsible to them.

I read that for the purpose of showing that any certificate of health given by an officer of the United States Government would not be worth in England the paper it was written upon. Now, in support of that I wish to call attention to what veterinary surgeons of the Treasury Department, James Law and E. F. Thayer, said in a report sent by the Treasury Department to the House of Representatives on the 28th of December last. I ask the Secretary to read the part I have marked.

The Secretary read as follows:

First. The great plagues of which our customer, England, is especially afraid, and to exclude which she keeps up the present restrictions on American cattle, are lung-plague and Texas fever. Neither of these diseases can be certainly detected by an examination at the port of export. As contracted in the ordinary way, by exposure to contagion, each of these affections passed through an average period of incubation or latency of thirty days, and during all these thirty days it is impossible for the most accomplished expert to detect the presence of the germ in the system. Cattle, therefore, that had been exposed to infection within seven days antecedent, as would usually happen, if at all, in the stock-yards at New York, Jersey City, Philadelphia, or Baltimore, would, without exception, pass the inspection triumphantly, but a considerable number would almost infallibly show marked symptoms of the disease before they would be slaughtered in England three weeks later. What, then, would be thought of our certificates of health?

Second. It is of the nature of an *argumentum ad ignorantiam*. Whatever value it can be supposed to possess is based on the presumption that the English Government and people will recognize it as a guarantee against the further shipment of infected cattle to England. But those who will consider the nature of the diseases to be provided against will denounce it at once as being utterly insufficient as a measure of protection, and those who are less acquainted with them will be convinced sooner or later of its futility when cattle, which arrive with a certificate of soundness, are found to be in the active stages of a contagious disease.

Third. The great body of English landholders, and all veterinarians, will view the matter at once as an attempt to obtain a concession by an appeal to what is not a reality but a false appearance, and they will only become the more confirmed in their purpose of excluding American cattle from competition in their home beef market.

Fourth. The examination of export cattle and the giving of a certificate of soundness will be misleading to our own breeders, shippers, and insurance agents, for they will naturally look upon this certificate as an assurance of soundness, and when the cattle thus certified sound are condemned by the English inspectors, it will produce a natural ill-feeling between the two nations, and charges of incompetency or misrepresentation on the part of American or English veterinarians, and finally when the true state of the case is known, to charges against the American Government for giving what purports to be a guarantee of health when no real guarantee of health can be given.

Fifth. The proposed certificates granted to exported cattle can only lead to discredit of our veterinary sanitary system as a whole. In spite of the certificates infected cattle will continue to arrive in England as before, so that the certificates will be held up to ridicule, and every other measure which we may have adopted for the suppression of the existing animal plagues or which we may hereafter adopt will be viewed with equal discredit, so that the action must prove inimical rather than favorable to the removal of the English restrictions.

Sixth. It ought to be stated that the measure proposed has already been practically adopted. Most of the exporters at New York and Boston are, or were, in the habit of employing a veterinarian to examine their export cattle and furnish a certificate of soundness for use in the English port. Again, as a rule, the underwriters generally demand such an examination and certificate to protect them against losses from the shipment of animals that are diseased or otherwise unfitted to undergo the voyage, and yet cattle have been condemned on arrival at the English ports of which the shippers testify that they have been so examined. More than this, cattle shipped from Boston and Portland, where no lung-plague exists, and where there has been no foot-and-mouth disease for thirteen years, have in spite of these examinations and certificates been condemned, some as suffering from lung-plague and some from foot-and-mouth disease. In the face of such facts it is surely preposterous to propose an official inspection and guarantee. It may be claimed that the disinfection of ships, attendants, &c., as recommended in our report, will remove the danger of that infection on board ship, which doubtless operated in some of the cases referred to, yet it demonstrates that a disease may be marked at Liverpool which was absent or unrecognizable three weeks before in America.

Seventh. To those who hope that inspection and certificates will have an immediate effect in relaxing or removing the English restrictions we commend a candid reading of Professor Brown's letter, quoted in our report. *The difficulty, he says, which they have to contend with is that from time to time cattle arrive from the United States suffering from contagious diseases.* We well know and confess that a simple inspection at the port of export can not prevent the recurrence of this. No veterinarian worthy of the name would risk his reputation on his power of recognizing lung-plague or Texas fever during the period of incubation, nor without a period of detention under his supervision. So long, therefore, as we can not seclude our infected districts, we can never hope to prevent the landing in England of American cattle suffering from one or other of these diseases, and so long as our cattle show these diseases on arrival in England we can hope for no modification or removal of the present restrictions.

It must be added that Professor Brown has just assured the Royal Agricultural Society of England that if British farmers want to protect themselves against the importation of foreign diseases there is no other alternative than to secure absolute prohibition of the importation of all live animals from countries as to which the privy council are not satisfied that they are perfectly free from contagious diseases, and that in face of this they adopted a petition to Parliament to carry out such restriction.

This holds out little hope of the removal of the English restrictions upon our export cattle consequent on an inspection on shipment, but it does suggest to us the one proper and economical course for our Federal and State governments, namely, to utterly extirpate our imported preventable animal plagues, and redeem to the nation its birthright of wholesome pastures, sound herds, and abundant and unobjectionable food.

Mr. MAXEY. It will be seen by reference to the report of the veterinary surgeons of the Treasury Department, first, that no certificate granted by the officers of the United States of inspection will weigh anything whatever in any of the foreign ports; and second, that it is misleading to the shipper himself; and third, that no veterinary surgeon can tell whether or not the cattle which are brought up for shipment are diseased at the time, because the disease does not develop itself often for thirty days. That being true in respect to foreign shipments, that being true in respect to cattle on board ships, is it not equally true in sending them on board railway trains for interstate trade? So then, so far as this great power is given to the Secretary of the Treasury to stop the shipment of cattle according to the very testimony furnished, it is a power that if granted can not be wisely exercised. So then it occurs to me that both the fourth and fifth sections of this bill are directly in the face and teeth of the report sent by the Secretary of the Treasury to the Speaker of the House of Representatives in respect to these very clauses of this bill now being considered by the Senate.

This is no new thing here. We had Senate bill 1667, April 23, 1880, on the same subject; March 15, 1880, Senate bill 1473; Senate bill 570, December 16, 1881, and Senate bill 593, December 19, 1881. All these bills have been before the Senate at different times, and the discussion of this question has been exhaustive. Now, the chairman of the Committee on Agriculture and Forestry reports this bill, and from the beginning to the end it is torn all to pieces by the Senate after it gets here. Unquestionably the bill when it was brought in was vicious, in my judgement of the very worst form and character. It has been greatly benefited, greatly advantaged by the amendments which have been made in the Senate; but that the bill has been brought in without mature deliberation and consideration is evident from the fact that the

Senate has wisely stricken out many of what the committee regarded as the most material and important parts of the bill.

The Senator from California [Mr. MILLER] came in yesterday evening with an amendment to this bill changing the nature and character of it. In my judgment this bill ought to meet with the fate which its predecessors have always met: should be sent back to the committee to be re-examined; but the votes taken indicate its passage. Still I prefer to make the points I have, that they may be considered before final action by the two Houses is had.

It may do very well for the Senator from Kansas to sneer at Texas cattle. He ought to bear in mind that Texas is the first cattle State in the Union, and is a competitor for the cattle trade with many other States, and whether he likes them or not, or whether the Senator from Kentucky [Mr. WILLIAMS], who was disposed to laugh at any cattle except those raised on blue grass, ought to know that whether he likes them or not other people do; and there are sold annually upon the markets of the world hundreds of thousands of Texas cattle, bringing millions of money into the country. Whether he likes them or not, many men do like them, and they are satisfied with them, and it would probably be a good thing for some if that great cattle trade was kept out. But it can not be.

They have even gone to the trouble of calling a particular disease "Texas fever," when the very evidence of the veterinarians of the Treasury Department and of the Commissioner of Agriculture shows that the disease which they now call the "Texas fever" has been in existence in this country for one hundred and fifty years, and one hundred and fifty years ago you had no settlements west of the Ohio or west of the Mississippi, and Texas was an unknown land, and yet this disease then existed. Sir, there is something in a name, and this was probably given for a purpose.

In respect to pleuro-pneumonia it is a remarkable fact that from the beginning to the end pleuro-pneumonia is kept to the front of this bill, but with the expression "contagious, infectious, or communicable disease." I ask you, sir, if you can not strike out the word "pleuro-pneumonia" entirely and if the bill would not be just as good without it as with it, for if you give that discretion as to what is infectious, what is communicable, what is contagious, there is no need of specifying any one by name.

The only true way, if you want to strike at any disease, is to name it, so that if the case should arise in court the evidence could be brought up in respect to that particular disease; but when you give this broad sweeping power to determine, first, what is an infectious, contagious, or communicable disease and then to stop it, you give a power which the Czar of Russia does not to-day possess. The Shah of Persia never possessed greater power than would be possessed by the executive officers of this Government under this bill. You might as well say in a code of criminal law that murder and all other felonies should be punished at the discretion of the court and jury without specifying what the other felonies were, leaving it to the court undefined to determine what was a felony. Here you name one disease and you tack on to that, under the broad, sweeping name of "contagious, infectious, or communicable disease," any and every disease which in the discretion of those whom he sends out broadcast over the country may think such, and underlying all that is what I said before. These very surgeons themselves of the Treasury Department say they can not tell when a shipment is made whether or not the animals are thus infected. Sir, it is giving a power over the commerce of the country never contemplated by the Constitution, in my judgment. It is a dangerous feature. It is one of the many measures which of late years have been sprung upon this country concentrating all power in the Federal Government at the expense of the States and the people.

How many cattle have died of the disease of pleuro-pneumonia and how many States have tried to exterminate it? It was charged that it was in your State, Mr. President (Mr. PLATT in the chair), and I believe you proved very conclusively that it was not there. The Senator from New Jersey [Mr. MCPHERSON] denied that it was in his State. It is said there are some cases in Pennsylvania, none in Delaware, a few cases in Maryland, and that is about the sum and substance of it, and a few here in this District. Where it came from I do not know, and I believe it is charged that there may be some down in Virginia, but the charge does not seem to be very well sustained. That is the whole affair. And as to pleuro-pneumonia, the veterinary surgeons lead us to conclude that the disease is of foreign origin, and that the healthy cattle shipped from the United States contract the disease on board vessels which have carried cattle thus infected. The remedy in such cases is not inspection of the cattle, but in thoroughly disinfecting ships and cars which carry cattle. But across the Alleghany Mountains, in that vast cattle region extending from Wyoming south to the Gulf and west of the Mississippi River, there has never been known a single case of this pleuro-pneumonia.

I believe in going slow about these things. It is but a short time ago that we had up a bill for the foot-and-mouth disease. I might say something about Kansas cattle, for my distinguished friend saw proper to speak about Texas cattle. Cattle in Kansas which had stood in the mud and had their feet frozen—it was rumored throughout the length and breadth of this country and sent abroad that cattle so afflicted all over the State of Kansas had the foot-and-mouth disease. That discussion did this country many millions of dollars of injury. If we had wanted to sustain the action of the house of commons in respect to their pending legislation, no better course could have been pursued to do it. But when the facts came out what was it? It was a great scare—it was a great panic. It was no foot-and-mouth disease. Yet a bill was hurried through this body, aided by telegrams, which I had the honor of voting against, I am very proud to say, and I suppose it will never become a law; but the testimony has come before the country. The consent of another House is necessary before it becomes a law.

That has been the history of this matter. For some reason or other there has been a persistent and a continuous effort in the last few years to bring this subject before the country as a matter of national legislation. The country has been in existence and going on very well, so far as I know, from the first settlement in Virginia in 1607 and in Massachusetts in 1620, and all this time the States have regulated these things very well. The pleuro-pneumonia you may have in a few States; it seems to have been confined there. It has never got beyond there. What little so-called foot-and-mouth disease you may have in Kansas can be very well provided against by taking better care of the cattle. It is not spreading.

There is some motive in all this attempt constantly to bring this subject up and make it a question of national legislation. The facts came out in the progress of the debate on the so-called foot-and-mouth disease that your own State, sir, has wholesome, well-guarded laws for the control of that whole matter, and you have done it, and every State has sufficient power to protect itself against the introduction of diseased cattle from anywhere. There is nothing in the Missouri decision to the contrary in regard to that. They have the right to do that.

I regard this bill as it now stands, stripped as it is of a very large portion of its worst features, as dangerous in the introduction of legislation calculated to centralize all power where it does not belong and to deprive the proper authorities of the States where it does belong of the exercise of this necessary power in protecting themselves against the introduction of infectious or contagious diseases; and in so far as pleuro-pneumonia is concerned, limited as it is to a very few herds and a very few States, why should this great cattle industry of the United States, of such importance to the West, be stopped or placed in a position where it can be stopped, because you place all the cattle States as under a lever with the long end of the lever in the possession of the Secretary of the Treasury? He can not in person exercise this authority; he must do it by his agents. Take the first section of this bill. I call the attention of the Senate to this:

That the Commissioner of Agriculture shall organize in his Department a bureau of animal industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the number—

Mark you—

value, and condition of the domestic animals of the United States.

It would take a thousand men to faithfully carry out that and more.

Mr. ALLISON. "Number" and "value" have already been stricken from the bill.

Mr. COKE. That amendment was agreed to late yesterday.

Mr. MAXEY. Then take out "number" and "value," and I am very glad indeed to hear, as I only reached here yesterday evening, that they have been taken out, because the expense of that would have been incalculable. But that only partially removes the objection. Take it as it stands now, and I call the attention of the Senator from Iowa to this in the bill:

Whose duty it shall be to investigate and report upon the condition of the domestic animals.

It is true that you stop him from inquiring into the number anywhere and into the value of the herds, but how can he examine the condition of the herds unless he goes through them? How can he investigate a herd unless he goes through it? And when you set men to work to go through all the herds of cattle in this country and investigate their condition as to disease and report upon it, you have an army of office-holders necessary to do it. It would take at a low estimate a thousand, and yet it is said the number shall not exceed twenty.

If there is any sincerity about the bill, if it means what it says, if there is to be a practical actual investigation of these cattle, a personal inspection, an ocular examination of cattle as to their condition, that can not be done in the office of the Secretary of the Treasury or in that of the Commissioner of Agriculture. How can you tell the condition of a herd of cattle from statistical reports? You have to go and examine them; that is the only way to do it; so that twenty, it will be found, is a matter of no importance; it would scarcely be a beginning. That is the first section. Then you come to the second section:

That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men, familiar with questions pertaining to commercial transactions in live-stock.

Stop a moment right there—"practical stock-raisers or experienced business men." The knowledge of a stock-raiser and of an experienced business man may be as different as the knowledge of a lawyer and of an auctioneer. One handles cattle in the herd, raises them up from calves, knows all about their habits, their character, their nature, the diseases

to which they are susceptible; whereas the practical business man may know nothing whatever about these things. It does not even follow that a stock-buyer understands all these diseases, because he buys the cattle after they are ready for market and then butchers or sells them. So the two characters are entirely distinct. But what then? They are—

To examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious, infectious, and communicable diseases.

So you have here two sets of officers, one set of officers provided for by the first section, and another provided for by the second section, and made in the same words, each to report upon the best method of stopping these contagious and infectious diseases. The whole bill shows a want of care in its expression, as is conclusively and abundantly established by the fact that the Senate has torn the bill all to pieces.

As to these two sections, there is no need for these two sets of officers. As to the fourth, fifth, sixth, and seventh sections, they authorize an inspection, and the very men of all others best qualified to say whether or not that inspection will be of account tell us here in the report which I have read, the men sent out by the Secretary of the Treasury himself, that it is utterly idle and useless to have that inspection for foreign shipment, and, as I said before, if it is not of value for foreign shipments, in the name of common sense how much better is it for interstate shipments? So what is the good principle of this bill I am wholly unable to see. To me it is unwise and utterly inefficient for any good purpose.

Mr. WILLIAMS. Mr. President, I did not expect to say anything more on this bill, for I have spoken so often that I am much more anxious to get to a vote than to discuss it any further; but we are entering upon a new scene. We are this morning about to enter upon a new field of discussion, which threatens to be as wide perhaps as the one we have gone over. Since the return of the Senator from Texas [Mr. MAXEY], who has not been present and heard all the discussion upon this question within the last week or ten days, he has had read at the desk of the Secretary a statement made by the Treasury Cattle Commission in regard to the difficulties of a mere inspection at the ports from which our cattle are shipped abroad of the cattle themselves to ascertain whether they can be sent abroad with a sound bill of health. The whole purpose of that report and its argument was merely to show that the diseases of which our foreign customers complain are so insidious and so slow in their development that without knowing from where the cattle have come, without knowing all the circumstances that surround them, without knowing whether they come from infected States or districts or not, it is not possible for the veterinary surgeon at the port of shipment to go through three or four hundred cattle apparently in good health and say that those cattle are absolutely healthy and fit to be shipped abroad. It was in favor of some quarantine arrangement in the States where the cattle are raised and from which they are brought to these ports that these remarks in regard to the difficulties of inspection were made. They advocate not only quarantine arrangements and examination in the States, but also examinations at the port of shipment.

The purposes of this bill are twofold: one to give assurance to our foreign customers that we are sending them wholesome food and healthy animals, and the other is to protect our own herds from malignant diseases which we know to have domiciled themselves in certain States of this Union. These are the two purposes, and how are they to be accomplished? They are to be accomplished by investigations and by measures taken by Congress upon those investigations to prevent the spread of these diseases from one State into another, and to prevent their being shipped abroad to contaminate the cattle of foreign countries in the bodies of our own cattle that we send.

It is folly for the Senator from Texas to contend that there is no disease among Texas cattle. There is not a well-informed farmer or cattle-man in the whole West who does not know that they are diseased. The writers on this subject say that every one of them has a latent disease in its body, that that disease is peculiar to these warm latitudes near the coast and around the great swamps of the South; that it is a species of malarial poison peculiar to that climate in which the young animal is born, in which he is reared, and to which his constitution becomes accustomed until he is proof in his own life against the effects of the poison, and if taken from his own native pastures to a more genial and higher northern climate he carries with him the power of communicating it to other cattle and destroying them.

These are facts. I myself have seen thousands of native cattle killed by grazing upon the same pastures with Texas cattle. In my own State and in the State of Illinois I have seen the Texas cattle smiting the prairies in every direction. I remember a friend of mine in Kentucky some years ago brought from New Orleans three or four hundred broad-horned Texas steers. He landed them at Mills Point from a steamboat, drove them across the country to the vicinity of Lexington, and in every pasture where he grazed them the native cattle that followed them upon that pasture were killed by the disease they left upon the grass. In Jessamine County in the pasture of a friend who had one hundred and fifty short-horns one of these cattle stopped, broken down, weary of travel. That animal infected those short-horns and killed nearly the entire herd. They were carried up to Fayette and Bourboun and Graves counties, and all the cattle that followed them on the same pastures afterward died of disease, until it would have been worth more than his life was to have brought another importation into that State.

I saw in Illinois once, immediately in the neighborhood of where I had a farm, a lot of Texas cattle brought there, seven hundred or eight hundred in number, by the head of the old Fall River in Fayette County, and I saw these great long-horns mingling with the herds of that State, and hundreds and thousands of the cattle died with the disease, and not a Texas bullock died. They grew and fattened and throve faster than they had done in their native prairies of the South. Examination of these cattle when brought in shows that they are diseased. An eminent English veterinarian was hired by the State of Illinois to investigate the subject. He examined more than 2,000 in the city of Chicago, and in every instance the spleen of the Texas animal was six times the size of that of an ordinary native steer, showing that it was a splenetic disease; but after remaining in that State one year that organ was reduced to its normal condition and size. All States and all men are familiar with the fact that one of these cattle taken from Texas to the North will increase in weight, in growth, and in fat twice as fast in a month as he would have done in Texas, because he gets in better health. An animal may have a disease upon him that he may communicate to somebody else and kill that person, and yet not die himself. In the human family there are instances of that kind. But I had thought after we had adopted the amendment of the Senator from Texas [Mr. COKE] that we should have had very little difficulty in the passage of this bill, allowing his cattle to be shipped to market in cars and taken out and fed in lots, so as not to graze on pastures at all seasons of the year. The Senator from Texas [Mr. COKE] admitted the fact that Texas cattle would kill at certain seasons of the year if they were taken North and grazed upon the same pastures with the native cattle of the country.

Mr. COKE. If the Senator will permit me, I will say to him that I indicated the months in which Northern cattle following Texas cattle, pasturing on the same ground, would take the disease.

Mr. WILLIAMS. That is exactly what I say, and if that be the fact it is an admission of the whole question. It gives the argument up; it is stronger than anything I have said.

Mr. COKE. I stated further that those were the only conditions under which the disease is transmittible; that you might put the Texas cattle and the Northern cattle in the same car and transport them together and the disease would not be communicated; that you can put them in the same lot and one of them in the same stall and feed them on grass, and the disease is not communicated. It is only where the Northern cattle are pastured upon the same field where the Texas cattle have grazed over that they communicate the disease.

Mr. WILLIAMS. That is exactly the danger against which we propose to provide.

Mr. COKE. And one white frost puts a stop to the whole thing.

Mr. WILLIAMS. Exactly.

Mr. COKE. And I will mention further, as you have brought up the subject—I hate to repeat it; we have been over it so often—that you may take a Northern cow affected with this disease and put her with other Northern cattle and she can not communicate it; she will not transmit it. It can be transmitted but once. The animal that takes it has no contagious disease, because no other animal can take it from that one.

Mr. WILLIAMS. In other words, it takes it in a modified form. Admitting all that to be true, take the first part of the admission, that they do communicate a disease that is fatal and destructive to every animal that follows upon the same pasture; it is a reason why a limitation should be put upon that traffic. The State of Texas has imposed none. The other States north of Texas have endeavored to do it, but the Supreme Court of the United States has decided that the States have not the power; that the power to regulate commerce belongs to the General Government. Then when we appeal to the General Government the Senator from Texas says, "We understand that thing down there very well, and we have undertaken to regulate it ourselves; our men have quit driving at dangerous seasons of the year, and if they do drive, a shotgun in Kansas and Arkansas and the States above keeps them back." Sir, I am not willing to trust to the honor and good faith of the cattle-growers. I am not willing to resort to the violence of the shotgun. I want law to govern this thing. I want the law to say upon investigations made by men of science that if they ascertain that Texas cattle can not be carried out of that State during certain seasons of the year without danger to our herds their transportation shall be restrained by law and not by violence. That is all.

The gentlemen are constantly asserting that we are scandalizing our own American cattle and destroying their currency in Europe by talking about cattle disease in the Senate. See what the newspapers say. The newspapers yesterday and to-day are stating that this disease has broken out afresh in the State of Pennsylvania in Washington County. I saw it this morning in the Louisville Courier-Journal. I have seen it in several papers here. I read yesterday a letter from a member of Congress from that very district in Pennsylvania to attest the fact that the

disease was not only in existence but that it was spreading and likely to spread.

Mr. COKE. What disease?

Mr. WILLIAMS. Pleuro-pneumonia. Now, what we want with our cattle that we ship abroad is not only that we may slaughter them in the public abattoirs at the very place where the ships arrive, but that the graziers of England shall have the right to take them into the interior of the country and fix them up and finish them off for first-class beef. That is what we want; but now no English grazier is safe in taking a Texas steer shipped there unless he knows that it was started from this country after the fall of the frost, and we do not have any frost in June or July or August. The Senator from Texas admits that after a fall of frost they are not dangerous anywhere. If these cattle are taken to England before the frost falls, they can not be taken to the farms in that country, because they would carry disease with them and infect or communicate it to the native cattle, and the British Government never will remove the restriction upon our trade until this thing is done.

We want these investigations to continue, and as the necessities of the case may occur hereafter amend the bill so as to embrace other cases or so as to exempt them from the operations of this bill. What we do want is to place in the hands of our authorities power when we send cattle abroad to accompany them with a bill of health sound and good, saying to those people, "These cattle may be relied upon with absolute assurance as being in a condition not to communicate any disease to your herds if you take them inland;" and when you do that you have accomplished an immense benefit for the country. Those restrictions never will be removed until we do something of this sort. The British Government does not know the State governments of this country. They recognize only one government, and that is the Government of the United States, not the separate States of Pennsylvania, Ohio, Kentucky, or Illinois, but the whole United States. They respect no assurance from the authorities anywhere except from the authorities of the National Government.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. JONES, of Florida. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES, of Florida. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed, in section 4, line 11, to strike out "and transportation;" so as to read:

Who shall, from time to time, establish such regulations concerning the exportation of live-stock as the results of said investigation may require.

The Secretary proceeded to call the roll.

Mr. HAMPTON (when Mr. COLQUITT'S name was called). The Senator from Georgia [Mr. COLQUITT] is paired with the Senator from Ohio [Mr. SHERMAN].

Mr. FRYE (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN].

Mr. CAMERON, of Wisconsin (when Mr. MCPHERSON'S name was called). The Senator from New Jersey [Mr. MCPHERSON] is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. PENDLETON (when his name was called). I am paired upon this question with the Senator from Indiana [Mr. HARRISON]. I do not know how he would vote, and therefore I withhold my vote.

Mr. PUGH (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. SLATER (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER].

Mr. RANSOM (when Mr. VANCE'S name was called). My colleague [Mr. VANCE], who is away with the Committee on the District of Columbia, is paired on this bill. He would vote for the amendment if present.

The roll-call was concluded.

Mr. GIBSON. I am paired with the Senator from Colorado [Mr. HILL].

Mr. MILLER, of New York (after having voted in the negative). I am paired with the Senator from West Virginia [Mr. KENNA]. As he is not in the Chamber, I withdraw my vote.

Mr. FRYE. Believing that the Senator from Georgia [Mr. BROWN] would vote "yea," I will vote "yea."

The result was announced—yeas 12, nays 24; as follows:

YEAS—12.

Bayard,	Frye,	Jones of Florida,	Morgan,
Call,	George,	Lamar,	Ransom,
Coke,	Hampton,	Maxey,	Sewell.

NAYS—24.

Allison,	Edmunds,	Manderson,	Sawyer,
Cameron of Wis.,	Garland,	Miller of Cal.,	Van Wyck,
Cockrell,	Hawley,	Mitchell,	Vest,
Conger,	Hoar,	Morrill,	Voorhees,
Cullom,	Lapham,	Platt,	Williams,
Dolph,	Logan,	Plumb,	Wilson.

ABSENT—40.

Aldrich,	Dawes,	Ingalls,	Pendleton,
Anthony,	Fair,	Jackson,	Pike,
Beck,	Farley,	Jonas,	Pugh,
Blair,	Gibson,	Jones of Nevada,	Riddleberger,
Bowen,	Gorman,	Kenna,	Sabin,
Brown,	Groome,	McMillan,	Saulsbury,
Butler,	Hale,	McPherson,	Sherman,
Camden,	Harris,	Mahone,	Slater,
Cameron of Pa.,	Harrison,	Miller of N. Y.,	Vance,
Colquitt,	Hill,	Palmer.	Walker.

The PRESIDING OFFICER. No quorum voting, the Secretary will call the Senate.

The Secretary called the roll, and 45 Senators responded to their names.

The PRESIDING OFFICER. The call of the Senate discloses forty-five Senators present. The question recurs on the amendment of the Senator from Alabama [Mr. MORGAN].

The Secretary proceeded to call the roll.

Mr. FARLEY (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE] on all amendments.

Mr. FRYE (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN], but believing that if present he would vote "yea," I shall vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were here, I should vote for the amendment.

Mr. RANSOM (when Mr. VANCE'S name was called). My colleague [Mr. VANCE] is paired with the Senator from Indiana [Mr. HARRISON]. If he were present, my colleague would vote "yea."

The roll-call was concluded.

Mr. GIBSON. My colleague [Mr. JONAS] is paired with the Senator from Wisconsin [Mr. CAMERON]. I am paired with the Senator from Colorado [Mr. HILL].

Mr. GROOME. My colleague [Mr. GORMAN] is paired on all questions connected with this bill with the Senator from Colorado [Mr. BOWEN].

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. RANSOM. I find that I was mistaken as to the gentleman with whom my colleague is paired. The Senator from Ohio [Mr. PENDLETON] is paired with the Senator from Indiana [Mr. HARRISON]. My colleague is paired, and I may be wrong about the Senator with whom he is paired.

The result was announced—yeas 15, nays 25; as follows:

YEAS—15.

Bayard,	Frye,	Jones of Florida,	Morgan,
Beck,	George,	Kenna,	Ransom,
Call,	Groome,	Lamar,	Sewell.
Coke,	Hampton,	Maxey,	

NAYS—25.

Allison,	Garland,	Miller of Cal.,	Vest,
Cameron of Wis.,	Hale,	Miller of N. Y.,	Voorhees,
Cockrell,	Hawley,	Mitchell,	Williams,
Conger,	Hoar,	Morrill,	Wilson.
Cullom,	Lapham,	Platt,	
Dolph,	Logan,	Plumb,	
Edmunds,	Manderson,	Sawyer,	

ABSENT—36.

Aldrich,	Dawes,	Jackson,	Pugh,
Anthony,	Fair,	Jonas,	Riddleberger,
Blair,	Farley,	Jones of Nevada,	Sabin,
Bowen,	Gibson,	Mahone,	Saulsbury,
Brown,	Gorman,	McMillan,	Sherman,
Butler,	Harris,	McPherson,	Slater,
Camden,	Harrison,	Palmer,	Vance,
Cameron of Pa.,	Hill,	Pendleton,	Van Wyck,
Colquitt,	Ingalls,	Pike,	Walker.

So the amendment was rejected.

Mr. HAWLEY. I think it ought to be stated, in justice to our absent friends as well as to the Senators who are present, that the difficulty in obtaining a quorum arises chiefly from the absence of the Committee on the District of Columbia, one of our largest committees. They are out inspecting the tracks about the city of Washington with reference to a bill providing for the location of a union depot here.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. If no Senator desires to reserve a separate vote on any amendment, the question will be taken on the amendments made as in Committee of the Whole in gross.

The amendments made as in Committee of the Whole were concurred in.

Mr. MORGAN. In line 9 of section 4 I move to strike out all after the world "shall" to the close of that sentence and to insert:

Co-operate with the State and municipal authorities, and corporations and persons engaged in the transportation of neat cattle by land or water, in establishing regulations for the safe conveyance of such cattle from the interior to the seaboard, and the shipments thereof, so that such cattle may not be exposed to dangerous, infectious, or communicable diseases, and to prevent the spread of such diseases.

Taking that from the language of the existing statute, which the bill as it stands now repeals. The bill as it now stands repeals the law,

which has been twice enacted by Congress, which makes the Secretary of the Treasury co-operate with the municipal authorities or corporations or persons engaged in transportation in reference to the rules and regulations which shall protect the cattle of the country against these dangers of disease.

Mr. PLUMB. I will state to the Senator from Alabama, to save him the necessity of an argument, that I shall not object to the amendment he has proposed. It is the existing statute to-day, and if he wants to insert it here I have no objection.

The PRESIDING OFFICER. Will the Senator from Alabama send his amendment to the desk, that it may be reported?

Mr. MORGAN. Yes, sir.

The CHIEF CLERK. In section 4 it is proposed to strike out all after the word "shall," in line 9, namely, "from time to time, establish such regulations concerning the exportation and transportation of live-stock as the results of said investigation may require," and to insert in lieu thereof:

Co-operate with State and municipal authorities and corporations and persons engaged in the transportation of neat cattle by land or water in establishing regulations for the safe conveyance of such cattle from the interior to the seaboard and the shipment thereof, so that such cattle may not be exposed to dangerous, infectious, or communicable diseases, and to prevent the spread of such diseases.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN].

The question being put, there were on a division—ayes 20, noes 11; no quorum voting.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FARLEY (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE] on all questions connected with this bill. If he were present, I should vote "yea."

Mr. FRYE (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN].

Mr. PENDLETON (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON].

Mr. PUGH (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. I would vote for the amendment if he were here.

Mr. SLATER (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER].

The roll-call having been concluded, the result was announced—yeas 18, nays 21; as follows:

YEAS—18.

Bayard,	Groome,	Kenna,	Morgan,
Beck,	Hale,	Lamar,	Ransom,
Call,	Hampton,	Lapham,	Van Wyck.
Coke,	Jones of Florida,	Manderson,	
George,	Jones of Nevada,	Maxey,	

NAYS—21.

Allison,	Edmunds,	Miller of N. Y.,	Voorhees,
Cameron of Wis.,	Garland,	Morrill,	Williams,
Cockrell,	Hawley,	Platt,	Wilson.
Conger,	Hoar,	Plumb,	
Cullom,	Logan,	Sawyer,	
Dolph,	Miller of Cal.,	Vest,	

ABSENT—37.

Aldrich,	Fair,	Jonas,	Sabin,
Anthony,	Farley,	McMillan,	Saulsbury,
Blair,	Frye,	McPherson,	Sewell,
Bowen,	Gibson,	Mahone,	Sherman,
Brown,	Gorman,	Mitchell,	Slater,
Butler,	Harris,	Palmer,	Vance,
Camden,	Harrison,	Pendleton,	Walker.
Cameron of Pa.,	Hill,	Pike,	
Colquitt,	Ingalls,	Pugh,	
Dawes,	Jackson,	Riddleberger,	

So the amendment was rejected.

Mr. MILLER, of California. Mr. President——

Mr. MORGAN. Before the Senator from California offers his amendment, if he will allow me I wish to correct what I suppose to be an inaccuracy in the bill.

Mr. MILLER, of California. Go ahead.

Mr. MORGAN. In line 7 of section 1 I move to strike out "domestic animals" and insert "neat cattle, hogs, and sheep;" so as to read "to investigate and report upon the condition of the neat cattle, hogs, and sheep of the United States."

I suppose that this bill was intended to provide better food for our foreign customers, as well as our own people; but inasmuch as we have got in dogs and other domestic animals, I suppose the committee does not want an investigation as extensive as that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN].

The amendment was rejected.

Mr. MILLER, of California. The Committee on Foreign Relations with considerable care prepared a bill, a part of which related to the inspection and quarantine of live cattle imported into this country and a part to the inspection of cattle of this country ready for export, and also to the inspection of meats intended for export from the United States, and have instructed me to offer the substance of that bill in the form of an amendment to the bill now under consideration, which I shall proceed to do.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk proceeded to read the amendment of Mr. MILLER, of California.

Mr. PLUMB. Is there any way to avoid the reading of this measure at length? It has been placed on the table of every Senator, not only in the shape of an amendment but in the shape of a bill reported from the Committee on Foreign Relations, and I suggest that the reading of it be omitted by unanimous consent.

The PRESIDING OFFICER. The Chair supposes that all amendments ought to be read before they are acted upon.

Mr. MORGAN. It never has been read.

Mr. PLUMB. Go on.

The Chief Clerk resumed and concluded the reading of the amendment, which is to add as additional sections to the bill:

SEC. 12. That the importation of neat cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is hereby prohibited; and any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding $5,000, or by imprisonment not exceeding three years; and any vessel or vehicle used in such unlawful importation shall be forfeited to the United States.

SEC. 13. That the Secretary of the Treasury be, and is hereby, authorized, at the expense of the owner, to place and retain in quarantine all neat cattle, sheep, and other ruminants, and all swine, imported into the United States, at such ports as he may designate for such purpose, and under such conditions as he may by regulation prescribe, respectively, for the several classes of animals above described; and for this purpose he may have and maintain possession of all lands, buildings, animals, tools, fixtures, and appurtenances now in use for the quarantine of neat cattle, and hereafter purchase, construct, or rent such as may be necessary, and he may appoint veterinary surgeons, inspectors, officers, and employés by him deemed necessary to maintain such quarantine, and provide for the execution of the other provisions of this act.

SEC. 14. That the importation of all animals described in this act into any port in the United States, except such as may be approved by the Secretary of the Treasury as quarantine stations, is hereby prohibited; and the collector of the port where such animals are landed may cause to be slaughtered such of the animals named in this act as may be, under regulations prescribed by the Secretary of the Treasury, adjudged to be infected with any contagious disease, or to have been exposed to infection so as to be dangerous to other animals; and that the value of animals so slaughtered as being so exposed to infection but not infected may be ascertained by the agreement of the collector of such port and owners thereof, if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, to be appointed by such collector, whose decision, if they agree, shall be final; otherwise, such collector shall decide between them, and his decision shall be final; and the amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the collection of customs; but no payment shall be made for any animal imported in violation of the provisions of this act. If any animals subject to quarantine according to the provisions of this act are brought into any port of the United States where no quarantine station is established, the collector of such port shall require the same to be conveyed by the vessel on which they are imported or are found to the nearest quarantine station at the expense of the owner.

SEC. 15. That whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful.

SEC. 16. That each collector of customs where any of such animals are landed shall cause careful inspection to be made by a suitable officer of all imported animals described in this act, to ascertain whether such animals are infected with contagious diseases or have been exposed to infection so as to be dangerous to other animals, which shall then either be placed in quarantine or dealt with according to the regulations of the Secretary of the Treasury; and all food, litter, manure, clothing, utensils, and other appliances that have been so related to such animals on board ship as to be judged liable to convey infection, shall be dealt with according to the regulations of the Secretary of the Treasury; and the collector of any port may cause inspection to be made of all animals described in this act intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all head-ropes and other appliances used in such exportation, by such orders and regulations as the Secretary of the Treasury may prescribe; and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of the Treasury, to be infected or to have been exposed to infection, so as to be dangerous to other animals, they shall not be allowed to be placed upon any vessel for exportation; the expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported.

SEC. 17. That the Secretary of the Treasury may cause to be made a careful inspection of all salted pork and bacon intended for exportation, with a view to ascertain and determine whether the same is wholesome and sound for human food, and may authorize the proper officer of the customs to give an official certificate clearly stating the condition in which such pork and bacon is found; and no clearance shall be given to any vessel having on board salted pork or bacon found, on such inspection, to be unwholesome for human food; but any pork or bacon may be exported to any foreign country without such inspection when it is proven to the satisfaction of the collector of customs that the same has been properly salted and packed more than sixty days prior to the date of the application for inspection or manifest for exportation; and such collector shall in that case certify to the fact that such meat was properly salted and packed more than sixty days before the date of such entry. One copy of any certificate issued by such collector or inspector shall be filed in the custom-house where such inspection is made, another copy shall be attached to the invoice of each separate shipment of such meat, and a third copy shall be delivered to the consignor or shipper of such meat; and as evidence that packages of salted pork and bacon have been inspected in accordance with the provisions of this act, and found to be wholesome and sound for human food, and for the indentification of the same, such marks, stamps, or other devices as the Secretary of the Treasury may by regulation prescribe shall be affixed to each of such packages.

SEC. 18. That it shall be unlawful to import into the United States any adul-

terated or unwholesome food, or vinous, spirituous, or malt liquor adulterated or mixed with any poisonous or noxious chemical drug or other ingredient injurious to health. Any person who shall knowingly import into the United States any such adulterated food or drink, knowing or having reason to believe the same to be adulterated, being the owner, or the agent of the owner, or the consignor or consignee of the owner, or in privity with them, assisting in such unlawful act, shall be deemed guilty of a misdemeanor, and liable to prosecution therefor in the district court of the United States for the district into which such property is imported; and, on conviction, such person shall be fined in a sum not exceeding $1,000 for each separate shipment, and may be imprisoned by the court for a term not exceeding one year, or both, at the discretion of the court.

SEC. 19. That any article designed for consumption as human food or drink, and any other article of the classes or description mentioned in this act, which shall be imported into the United States contrary to its provisions, shall be forfeited to the United States, and shall be proceeded against under the provisions of chapter 18 of title 13 of the Revised Statutes of the United States; and such imported property so declared forfeited may be destroyed or returned to the importer for exportation from the United States, after the payment of all costs and expenses, under such regulation as the Secretary of the Treasury may prescribe; and the Secretary of the Treasury may cause such imported articles to be inspected or examined in order to ascertain whether the same have been so unlawfully imported.

SEC. 20. That whenever the President is satisfied that there is good reason to believe that any importation is being made, or is about to be made, into the United States from any foreign country of any article used for human food or drink that is adulterated to an extent dangerous to the health or welfare of the people of the United States, or any of them, he may issue his proclamation suspending the importation of such articles from such country for such period of time as he may think necessary to prevent such importation; and during such period it shall be unlawful to import into the United States from the countries designated in the proclamation of the President any of the articles the importation of which is so suspended.

SEC. 21. That whenever the President shall be satisfied that unjust discriminations are made by or under the authority of any foreign state against the importation to or sale in such foreign state of any product of the United States, he may direct that such products of such foreign state so discriminating against any product of the United States as he may deem proper shall be excluded from importation to the United States; and in such case he shall make proclamation of his direction in the premises, and therein name the time when such direction against importation shall take effect, and after such date the importation of the articles named in such proclamation shall be unlawful. The President may at any time revoke, modify, terminate, or renew any such direction as, in his opinion, the public interest may require. The foregoing provisions of this section shall expire on the 4th day of March, A. D. 1887, and shall no longer be in force.

Mr. HOAR. The sixteenth section is evidently very crudely prepared. It ends by saying—

The expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported.

A large part of it is a provision for inspecting animals imported and disinfecting vessels on which they are brought in. Then a large part of the remainder is for examining animals which are not to be permitted to be placed on the vessel. How that inspection is to be paid for solely by charging it to some ship on which some other animals are exported it would be difficult to understand.

Mr. PLUMB. This is undoubtedly a meritorious measure, but it remains to be considered by the Senate. It will undoubtedly provoke an extended discussion. It is not germane to the bill which is pending.

Mr. MORGAN. Will the Senator from Kansas allow me to ask him a question?

Mr. PLUMB. With pleasure.

Mr. MORGAN. Does he propose to lay this amendment on the table?

Mr. PLUMB. I was thinking of doing so.

Mr. MORGAN. Before he does that I wish to explain my attitude.

Mr. PLUMB. I will not make the motion just now. I was going to do it. I do not desire to embark now upon a new discussion. There are other special orders pending which the Senate desires to take up. This measure ought to have a day in court by itself entirely unimpeded by the existing pending measure, and I shall therefore move to lay upon the table the amendment; but I will withhold that motion for a few moments, in order that the Senator from Alabama may make a short statement in regard to the matter.

Mr. MILLER, of California. I desire to say a word, as I offered the amendment, in explanation. If the Senator from Alabama will allow me now to proceed I shall be obliged to him.

Mr. MORGAN. Very well.

Mr. MILLER, of California. Mr. President, I have offered this amendment, in the first place, because I was instructed to do so by the Committee on Foreign Relations, who have given a great deal of attention to this subject; and second, because I believed that it supplements the bill under consideration in very important particulars. In fact, I regard the first part of this amendment, which relates to the quarantining of cattle imported and intended for export and to the disinfection of vessels, as being of as great importance to the cattle interests of this country, if not greater, than the provisions in the bill under consideration. They relate to the management of the business of the transportation of cattle in the States and the prevention and extirpation of disease in cattle within the States of the Union. This amendment proposes to prevent the introduction of diseased cattle from other countries into the United States, and by carefully prepared provisions it establishes quarantine and gives the power to the officers of the Treasury who have the matter in charge to destroy diseased cattle.

It is quite apparent from the discussion which has taken place here, and from the reports which have been made by the Cattle Commission, and from all the evidence which has been adduced on this subject, that the diseases which are so much feared and dreaded in this country come from foreign countries and chiefly from England. The pleuro-pneumonia and the foot-and-mouth disease are now being introduced into this country chiefly from England. There never has been a case of either of these diseases which has arisen in this country; it has been imported here wholly; and that is the evidence of the officers who have made reports upon the subject.

Mr. BECK. Will the Senator explain the point contained in section 21 of the amendment?

Mr. MILLER, of California. That relates to another matter which I will come to presently. That relates to the power of the President to adopt retaliatory measures where other nations have discriminated against the products of this country. I was speaking about the diseases of cattle. Professor Law and Mr. Thayer, in their report as the Cattle Commission, in July, 1883, say:

Up to the present date we have made observations in the stock-yards, the seaports, the terminal point of our cattle traffic, and that to which all infection must gravitate, but apart from the imported cases referred to we have been unable to find a single case of foot-and-mouth disease complained of.

They further say:

After a most extended and almost exhaustive inquiry, your commission have been able to find no trace of foot-and-mouth disease apart from herds which have landed from Great Britain, and which herds have been in every case segregated until the infection has entirely disappeared.

Again they say:

Our connection with the States, as well as the United States, brings us constant complaints of disease supposed to be contagious, but we have not found any evidence of the actual existence of the foot-and-mouth disease at any points among our own herds.

Now, any measure looking to the prevention or extirpation of the foot-and-mouth disease, and other diseases spoken of in this debate, which does not provide against the introduction from Great Britain and other countries of diseased cattle, is a measure which falls short of the purpose for which it is intended. It will be very difficult to show that there has ever been a case of foot-and-mouth disease except on the Atlantic seaboard; and it is certain that there never has been one west of the Alleghany Mountains. In those cases which have appeared on the Atlantic seaboard the disease was brought here; the disease was contracted from animals brought from Great Britain.

I make these general observations to show that this amendment is germane to the question that is under discussion; it is supplemental to the bill; it is as important as the bill itself, and indeed perhaps it is all that is required and all that is needed in the way of legislation on this subject.

Mr. HOAR. At some convenient time in the Senator's remarks I wish he would answer the point I have just made about the section to which I have called attention. It needs some amendment, the Senator will see.

Mr. MILLER, of California. It perhaps may need some amendment. The intention was that the expense of disinfection should be borne by the owners of the vessels disinfected.

Mr. HOAR. But how are you going to enforce this claim? Suppose the man refuses to pay it? A large portion of what is provided is for imported animals and animals that are not permitted to go on the vessel for export. Now, you say that all the expense shall be paid by the vessel on which the animals are exported, when the disinfection of the animals exported may be a very small portion of the expense.

Mr. MILLER, of California. If a vessel requires disinfection after it has brought diseased cattle from Europe, it should pay the expense.

Mr. HOAR. A very small part of what the section provides for is the disinfection of the vessel. It provides for the inspection of the animals.

Mr. MILLER, of California. I am not prepared to say but that a slight amendment there may be necessary.

Mr. HOAR. I do not want to meddle with it, because I have not studied the subject; but the Senator should put a proper amendment in before he has the proposition voted on.

Mr. MILLER, of California. I was about to remark that if there is a very great objection to this amendment the Committee on Foreign Relations—and I certainly share in that opinion—are not particular about its being incorporated on this bill. We regard this as a measure of great importance, even greater than the bill under consideration, and that it is destined to do very much more good to the cattle interest of this country than the bill that it proposes to amend, and we hesitated for some time whether we would desire to incorporate a measure like this, which has been so carefully drawn and carefully considered as this has been, upon such a bill as has been brought here from the House of Representatives. But believing that this measure ought to pass and that it is now very difficult for the House to reach any bill which the Senate may pass at this session, we thought it best to suggest at any rate to the friends of the bill under consideration that we would incorporate this as an amendment, believing that it supplements and improves and rounds out the measure and makes it of some value.

The other branch of it which relates to the inspection of meats intended for exportation, the Senate has had ample opportunity to read and digest and understand, because it was reported some time ago and

attracted a great deal of attention when it was reported. I think every Senator is perfectly familiar with the provisions and I think every Senator will agree that some such law as this ought to be enacted.

We have come to the conclusion that the discrimination made against American meats in foreign countries is unwarranted, perhaps based upon a false assumption of facts; at all events that there is no reason for the prohibition of American meats in England and France and the other countries which have prohibited them. The investigation which we have been enabled to give the subject convinced us that the American meats are not infectious, that not a single case of trichina has ever occurred in any part of Europe from the use of American salted meats, that the curing process entirely destroys the parasites. The evidence upon that subject is overwhelming. It is contained in a report which was made by the Committee on Foreign Relations and has been printed. It is voluminous, and contains all the evidence and facts which are necessary to bring any one to that conclusion.

I do not desire to take up the time of the Senate in a discussion of this measure. The Senator from Kentucky [Mr. BECK] asked me in regard to the twenty-first section as to what was meant by that. We mean precisely this: that the President of the United States shall have the power, as the head of this nation, to issue a proclamation, whenever he thinks the public interest requires it, excluding from importation into the United States any article of commerce from a foreign state which has discriminated against any product of the United States. We believe that although the time may not have come just now for the exercise of such a power, the power ought to be lodged somewhere, to be exercised as occasion may require, so that where willful discriminations are made against the products of the United States without reason, without cause, as we believe they have been and are being made today, the only way to deal with that subject is to place it in the power of the Executive of this nation to adopt similar measures in respect to those nations which discriminate against our products. That is all there is of that.

Mr. BECK. Mr. President, the reason why I asked that question of the Senator from California was to have an opportunity to say to him that this matter is entirely too important and too comprehensive, without discussing the merits of it, to be tacked on as an amendment to a bill of this sort. The twenty-first section, of course, brings up all the questions of our foreign relations with France, Germany, England, and all the other nations of Europe. The Committee on Foreign Relations published a volume, which I have read with a great deal of care and with much interest. It has also published another volume for the use of that committee, a copy of which was furnished to me by the kindness of the chairman—perhaps all Senators have not seen it—giving all the tariff laws of the nations of Europe and of all the world, I believe. When this question comes to be discussed it is going, of course, to involve a very careful consideration, and it was for that reason I suggested to him to explain the amendment so that the Senate might see that this was too great a question altogether to attach to a bill that, as I understand it, is simply giving power to the officers of the United States to manage our internal affairs so as to prevent the spread of contagious diseases of animals.

I hope to be heard when the bill comes up on many branches of it, and I did not think we could do it well on the heel of this debate, especially when an important document necessary to the full discussion of the measure has not yet been issued from the committee. They inform us in their report that discriminations have been made against us in very many instances by foreign nations, and that volume I know the Senator from California will furnish at the proper time. It has been published for the use of the committee, but not for the Senate. It is to the magnitude of the question that I desired to call attention, in the hope that the Senator from California would not press the measure now.

Mr. MILLER, of California. I will say to the Senator that there may be much force in what he says. I admit it is a great subject and one that ought to have very careful consideration by the Senate, but it must have the consideration of the Senate before very long.

Mr. BECK. I agree with that.

Mr. MILLER, of California. The measure must be considered, and I thought it might just as well be considered now in connection with this matter, which is cognate to it, which is of a like character, and we have just as much time now to debate the question and consider it as we shall have next week or the week after. Believing that the measure was of great importance to the country and would be productive of immense good and benefit not only to the cattle interests but to our commerce in meats, and also in preventing the introduction into this country of poisonous and adulterated articles of food and drink, I thought we might as well consider it and settle it now.

I did not expect there would be very much objection or opposition to the measure. I cannot see why there should be any opposition to it, particularly on the part of the friends of the bill under consideration. But if the Senate are not disposed to take up this subject and consider it, if they do not want to do anything in regard to the matter, if they want it to go over this Congress so that there will be no legislation on the subject, it is not for me to undertake to force the measure upon the attention of the Senate.

Mr. MORGAN. Mr. President, I regret very much——

Mr. MILLER, of California. If the Senator from Alabama will permit me, before he proceeds, I wish to make two or three little changes in the amendment. There are one or two verbal amendments needed, and I wish to suggest an amendment to meet the objection of the Senator from Massachusetts——

Mr. PLUMB. Let me suggest to the Senator from California before he proceeds to amend the amendment, that I propose at the proper time to make a motion to lay the amendment on the table in order to test the Senate on the question of consideration. I agreed to withhold the motion in order that the Senator from California might make the statement which he has made, and also that the Senator from Alabama, if he desired, might make some remarks upon the question.

Mr. MILLER, of California. Very well; I will withhold all amendments until that question is determined.

Mr. MORGAN. The bill which is offered by the Senator from California as an amendment to this measure is one of the most important that has been before the Senate since I have been here, and one that is demanded by the condition of the country. It is also demanded by an express resolution of the Senate, which was discussed here for some time and evolved the opinions of a number of Senators, who sent the matter to the Committee on Foreign Relations for full investigation. The resolution was divided into two propositions, upon one of which—the first—the committee was authorized to report without reference to the second. The committee have considered the subject and matured a bill and brought it back, and it will remain for the country to say whether the Senate was "thundering in the index" or whether it really intended to put our products upon such a commercial footing that they would have credit and find purchasers abroad, and also whether it is willing to put the United States Government upon such a footing as will enable us through our Chief Executive to retaliate upon those states that may dishonestly or insincerely exclude our productions upon the false premise that they are unfit for use.

I also in committee, if I am allowed to speak about what occurred in committee, voted to instruct the chairman to offer the bill as an amendment to the pending measure, thinking that there was an entire harmony of view between the promoters of the pending bill and the Committee on Foreign Relations in respect of the rest of the subject, and that this legislation would present a complete body of law, which would cover the entire subject both internally and externally. I have been therefore diligently and honestly endeavoring to try to get the bill before the Senate into a shape where I could conscientiously vote for it. The Senate have deliberately upon votes left in it certain propositions which I can not vote for because I believe they are unconstitutional.

I do not believe that the Congress of the United States have the right to confer upon the Secretary of the Treasury the power to regulate the transportation of live-stock at his will and discretion in the United States, and to determine all that is included in that broad proposition. With that out of this crude, unsatisfactory, unprofitable, and unnecessary bill, I would vote to put this important measure from the Committee on Foreign Relations upon it for the purpose of getting the action of the other House upon it at an early day, because the country requires and demands it. It is one of the most serious requirements that can be made upon the Senate of the United States from the commercial people and the agricultural and industrial people of this land.

I regret, therefore, that I shall be compelled to sustain by my vote the motion of the Senator from Kansas to lay this amendment on the table, for I do not wish to be put in a condition when we come to our final vote where I shall be compelled to vote against a measure which I esteem to be one of the most important, beneficially, that the country could possibly have because of the fact that, in my opinion, there is found in the body of the bill to which the amendment is attached an unnecessary provision which is unconstitutional.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from California [Mr. MILLER].

Mr. PLUMB. I move that the amendment of the Senator from California lie on the table.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the amendment proposed by the Senator from California be laid on the table. [Having put the question.] The ayes appear to have it. The ayes have it. The amendment is laid upon the table.

Mr. MILLER, of California. I should like to have the yeas and nays. ["Too late."]

The PRESIDENT *pro tempore*. The Senator from California asks for the yeas and nays. Is there a second?

Mr. HALE. Is it not too late to ask for the yeas and nays?

The PRESIDENT *pro tempore*. It is true that the result had been announced, but the Senate is always indulgent in those respects. The present occupant of the chair has never known a case when the yeas and nays were demanded before the Senate proceeded to other business, that the Chair declined to ask whether there was a second to the call. The Senator from California demands the yeas and nays upon the motion to lay on the table. Is there a second?

The yeas and nays were ordered.

Mr. MCMILLAN. Mr. President——

The PRESIDENT *pro tempore*. The motion to lay on the table is not debatable.

Mr. MCMILLAN. I only wished to give my reason for the vote I shall cast.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kansas [Mr. PLUMB] to lay the amendment on the table, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FARLEY (when his name was called). I am paired upon all questions with the Senator from New Hampshire [Mr. PIKE].

Mr. PUGH (when his name was called). The Senator from Kentucky who paired me with the Senator from Virginia [Mr. RIDDLEBERGER] informs me that the Senator from Virginia would vote to table this amendment. As I would do the same, I shall vote. I vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. ALLISON (after having voted in the affirmative). For the moment I forgot that I am paired with the Senator from Delaware [Mr. BAYARD]. I do not know how he would vote, and therefore I shall refrain from voting. He was unavoidably called away.

Mr. BECK. The Senator from Delaware would vote "yea."

Mr. ALLISON. Then I will allow my vote to stand.

Mr. PENDLETON. I am paired with the Senator from Indiana [Mr. HARRISON] except upon this amendment. He would have voted as I shall vote, "nay," against laying the amendment on the table. I vote "nay."

The result was announced—yeas 31, nays 14; as follows:

YEAS—31.

Allison,	George,	Lamar,	Pugh,
Beck,	Groome,	McMillan,	Ransom,
Call,	Hale,	Maxey,	Sawyer,
Cameron of Wis.,	Hampton,	Miller of N. Y.,	Vance,
Cockrell,	Harris,	Mitchell,	Van Wyck,
Coke,	Jones of Florida,	Morgan,	Vest,
Conger,	Jones of Nevada,	Morrill,	Voorhees.
Garland,	Kenna,	Plumb,	

NAYS—14.

Aldrich,	Edmunds,	Manderson,	Williams,
Cullom,	Hawley,	Miller of Cal.,	Wilson.
Dawes,	Hoar,	Pendleton,	
Dolph,	Lapham,	Platt,	

ABSENT—31.

Anthony,	Cameron of Pa.,	Ingalls,	Riddleberger,
Bayard,	Fair,	Jackson,	Sabin,
Blair,	Farley,	Jonas,	Saulsbury,
Bowen,	Frye,	Logan,	Sherman,
Brown,	Gibson,	McPherson,	Slater,
Butler,	Gorman,	Mahone,	Sewell,
Camden,	Harrison,	Palmer,	Walker.
Colquitt,	Hill,	Pike,	

So the amendment was laid on the table.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. MORGAN. Mr. President, the bill is now beyond amendment, and I suppose I may speak upon it with more freedom, without the apprehension of designing merely to kill it by any amendment I might choose to move. The bill contains one or two very curious features, to which I wish to call attention.

We have provided in the bill that the Commissioner of Agriculture with his attendants and assistants may make investigations and report of the diseases of domestic animals, and that the transportation of them may be regulated by the Secretary of the Treasury. In making his investigations and taking steps to quarantine and to prevent the spread of disease, the bill requires that the Commissioner of Agriculture shall co-operate with the authorities of the States and the Territories. When we came to the question of the transportation of cattle, the Senate refused to have any consultation with the authorities of States or Territories in respect of transportation. But a very remarkable event has taken place, which I think will have some effect, perhaps, upon the destiny of a portion of our country, and that is in regard to the Indian Territory. There is a vast body of country that is not under Territorial organization in the sense of Territorial government, and I take it for granted either that the Indian Territory is not at all provided for in the bill, or, if it is, that we have recognized the legislative power and authority of the tribes who occupy that Territory, and thus, in order to enter there for the purpose of making any investigation or of suppressing disease or anything of that sort, we must consult the authorities of the Indian Territory before we can go in there, so wisely and so splendidly has the bill been knit together.

I should have mentioned this sooner, but I witnessed the fact that the Senate is always impatient of hearing a man who has any objection to make to a pet measure. We are now involved in this category, and perhaps the outcome of it will be something that I would really like very much indeed, and that is that we shall recognize that the five civilized tribes in the Indian Territory at least, who have legislatures, who have printing presses, who have printed statutes, who have printed supreme court reports, who have all the appliances of civilized government.

I should like that the Government of the United States would condescend to consult with them upon the question whether its officers should go into their parts of the Indian Territory to ascertain the condition of live-stock as to disease and the like. We have either to put ourselves in the category where we are bound to consult the legislatures in that Territory, or that Territory is a part of the American Union to which this proposed law does not apply. The Senate can determine that question at its leisure, as I suppose it will.

The bill is a crude, imperfect jumble and confusion of contradictory measures and provisions. When the bill is printed, now that it has passed beyond the power of amendment in this body, it will astonish any man on this floor who will read it through to see how utterly confused and contradictory it is. It accomplishes no purposes at all except merely to organize a bureau of animal industry with a few salaried officers. That is all the good it can ever accomplish. The men whom we are to reward at the will and pleasure of the Commissioner of Agriculture will hunt about for causes of disease among cattle and the existence of disease among cattle. They will make themselves very busy to find out that there are diseases in order to justify their employment, and every report that they will make, whether founded upon technical scientific skill or not, whether honest or dishonest, will have a tendency to aggravate the suspicion of the rest of the world in respect of our commerce.

I have not any doubt that we have inflicted upon the stock-growers of this country to-day a loss of probably from thirty to fifty million dollars by the action we take upon this bill. We have sent out through the country a lot of men to herald what they are able to ascertain in respect of the diseases of domestic cattle, whose business it is to hunt up, and whom we reward for the activity that they may exhibit in hunting up a false clamor about our cattle. The same thing has occurred in the Senate two or three times. The honorable Senator from Kentucky [Mr. WILLIAMS] four years ago, or more, made a speech on the floor of the Senate in which he described the disease of pleuro-pneumonia. I believe he did not then allude to the foot-and-mouth disease in terms, and created an alarm through this country and through England. How much we have suffered by that I do not know. What I do assert, however, is that the Senator from Kentucky in his speeches upon this occasion has informed us that there is not now and never was a case of pleuro-pneumonia or foot-and-mouth disease west of the Alleghany Mountains.

After four years of distressing inquiry and investigation we have now come down to the proposition that there is no cause of complaint in respect of more than nine-tenths of the area of our country, and yet we are legislating in order to create against this great trade of ours the only suspicion that can be engendered against it, for at the very moment we are creating this bureau and paying men to go and find out whether the facts are as stated here or not, and to reverse the opinion expressed in the Senate, the Parliament of Great Britain is publishing in their blue-books that there is no pleuro-pneumonia or foot-and-mouth disease in the United States except that which came from England here and was transplanted from beyond the Atlantic Ocean. They are trying in order to get an opportunity to feed their people at barely living prices with our beef to keep down the very clamor that the Senate is engaged this minute in trying to keep up.

Mr. MAXEY. If the Senator from Alabama will permit me, I will call his attention to the fact that both the first and second sections of the bill not only include the investigation of cattle but of every domestic animal. Horses, hogs, mules, cattle, everything whatever known under the general designation of live-stock are covered by the bill, and the investigation will be absolutely interminable if carried out according to its terms.

Mr. MORGAN. I had seen that point and moved to strike out those words and to insert "neat cattle, sheep, and hogs." The Senate voted it down. Of course the Senate wanted an investigation into all domestic animals, into every animal wild by nature or otherwise which has been domesticated, whether fit for food or not fit for food. Every description of animal is now included within the purview of the jurisdiction of the Department of Agriculture. We have spread that department out over all animals that are capable of being diseased that are of a domestic character. That is the attitude in which we stand before the world. Professing to try to protect human food and human health, we go on for the purpose of building up this humbug, for it is nothing else, and we spread this power and jurisdiction broadcast over every domestic animal in the United States.

Then we load down the bill with provisions that are thoroughly unconstitutional. When I say that I speak for my own conscience and my own constituents. I do not speak for anybody else but for myself, for God forbid that I should ever undertake to set myself up in judgment upon another man's construction of the Constitution or his conscience in the interpretation of that instrument. But I would leave this floor never to return to it before I would cast my vote for a bill which placed the entire transportation of the live-stock in the United States under the uncontrolled direction of any man in this Government. That is one power that I did not suppose I should ever be called upon to yield into the hands of another. In doing so I have to lay down the duty which is obligatory upon me as a member of the Senate to enact laws for the control of commerce, and not to abdicate the authority conferred upon me as a Senator by the Constitution into the hands of some other man,

not to enact a law but to make his orders as he may please and when he pleases.

That is in this bill, and that is the reason why it was that I was constrained to vote against a measure which is of first and immediate importance to this country when the honorable Senator from California, under the instructions of the Committee on Foreign Relations, brought it forward. I could not vote for the bill after that had been put upon it, and I wanted to vote for that proposition.

This bill will go back to the House of Representatives. It came to us from that body in the most extraordinary shape that any measure ever yet entered the Senate within my observation. I have never before seen anything so crude, so ill-digested. I have never before seen any grasp made of constitutional power in this country equal to this measure. We have tried to amend it. The Senate has done a great deal toward amending it; the Senate has taken much of the vice out of the bill; but I dare say that when we get it into that supreme legislative tribunal known not to our Constitution, and not even to the joint rules of the two Houses, for the Houses have not established joint rules as yet, but known by a sort of common law of courtesy or comity between the two Houses, a conference committee, we shall have a bill doctored into such a shape as may suit the pleasure of that committee.

It is not the legislation as we have amended it here which will pass either House. It will pass this body, I have no doubt, but finally it will not pass either House. The subject will be relegated to that tribunal over which the Senate seems to have no control and seems to have lost all desire to control, and it will come back here not in the shape in which it is now; for when intelligent gentlemen from the Senate and from the other House feel the personal responsibility of the phraseology and arrangement of this bill they will shrink from adopting it in the form that it was sent to us from the House or in the form in which it was amended by the Senate, and they will concoct a measure of their own which will never be read in either House until it has passed both Houses, which will never be the subject of debate, which will never be referred to a committee.

That will be the history of the further progress of this legislation, and this is done on the eve of a Presidential election because gentlemen on both sides of the Chamber, I take it, are afraid to assume the responsibilities which belong to them as Senators in the presence of that great event, which controls every thought in this Chamber almost every day that we live. I confess that I am influenced by it along with other Senators. I try to resist it, with what success I am unable to say. That is the impelling cause; and but for the fact that this is a Presidential year and that that great event is now approaching we should not find the activity upon either side of this Chamber that appears to be manifested here, as I believe, in favor of the passage of a measure which is merely made to flatter a certain portion of our countrymen.

Let me say through the public organs of this body to the farmers of this land, be not deceived by men who would flatter you under temptation. Study thoroughly and deeply the principles of the Constitution of your country and your rights under the Constitution, and do not allow yourselves under circumstances like those that now exist to be persuaded that those are your best friends who choose to place before you or in the hands of your representatives the greatest amount of unjustifiable and unwarrantable power. I hope, sir, to live to see the day when the great farming communities of this country (one of whom, and a noble community it is, I represent, for the people of my State are nine-tenths of them farmers) will assert, as they will do when they think over this matter, the duty of members of both Houses of Congress to confine themselves in their legislation to those things that are prescribed in the charter of our liberties. When they get the moral power to assert this against their representatives, then this country will begin to return to the days in which the Constitution was spoken of with respect, and in which an oath to observe it was considered sacred and binding upon the human heart.

Mr. WILLIAMS. Mr. President, the Senator from Alabama has alluded to me in his speech, and seems to think that I am responsible for all the clamor in the country about pleuro-pneumonia. He says we heard nothing about it until I made a speech four or five years ago in the Senate, and since that time there has been a big scare over the whole country. I am sorry ever to alarm my people in regard to a danger that has not really existed, but believing, as I then did and now do, that there is one most imminent which threatens the destruction of their property, I am glad that I had the opportunity in the Senate of the United States to sound to them so early the tocsin of alarm. I think I demonstrated yesterday fully by the proofs that I adduced that this disease did exist and that it was increasing in the country.

I do not want to enter any further into the discussion of this matter, but wish to say two or three words in relation to the position of the Senator from Alabama upon this question. The burden of all his speeches from the beginning of this discussion has been that we were granting to the Government of the United States and to its officers unreasonable powers, unconstitutional powers, to be exercised at their will and pleasure, in their own interest and to their own advantage, to the detriment of the people of the country.

The amendment which was reported from his committee he has just stated he was in favor of himself, that he thought it a just and a wise measure, and one that ought to be adopted, but he did not want to adopt it as an amendment to this bill because the bill contains provisions which he could not support. His objections to the bill are that it clothes the Secretary of the Treasury, the President, and the Commissioner of Agriculture with powers not warranted by the Constitution for Congress to enact. I voted against tabling the amendment because I wanted to give the Senator from Alabama an opportunity to justify himself upon the Committee on Foreign Relations in offering this amendment to the bill. I wanted to hear him upon both sides of the question. Knowing his reluctance to speak always as I do, I was determined to force him into an argument to sustain that proposition which he admits that he supported in the committee and which he says this moment that he is in favor of now.

What do he and his committee propose in the amendment? What power does he propose to grant the President, the Secretary of the Treasury, and even to lesser officers of the Government of the United States? In section 13, here is the power he proposes to give:

That the Secretary of the Treasury be, and is hereby, authorized, at the expense of the owner, to place and retain in quarantine all neat cattle, sheep, and other ruminants, and all swine, imported into the United States, at such ports as he may designate for such purpose, and under such conditions as he may by regulation prescribe, respectively, for the several classes of animals above described.

Section 14 provides:

That the importation of all animals described in this act into any port in the United States, except such as may be approved by the Secretary of the Treasury as quarantine stations, is hereby prohibited; and the collector of the port—

Not only does he give this power to the President and the Secretary of the Treasury, but here is a power equally ample that he proposes to give to the collector of customs—

and the collector of the port where such animals are landed may cause to be slaughtered such of the animals named in this act as may be, under regulations prescribed by the Secretary of the Treasury, adjudged to be infected with any contagious disease, or to have been exposed to infection so as to be dangerous to other animals; and that the value of animals so slaughtered as being so exposed to infection but not infected may be ascertained by the agreement of the collector of such port and owners thereof, if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, to be appointed by such collector, whose decision, if they agree, shall be final; otherwise, such collector shall decide between them, and his decision shall be final.

Does not that cover every power and more, too, that is granted in the bill before the Senate? Further on in the proposed amendment section 17 provides:

That the Secretary of the Treasury may cause to be made a careful inspection of all salted pork and bacon intended for exportation, with a view to ascertain and determine whether the same is wholesome and sound for human food, and may authorize the proper officer of the customs to give an official certificate clearly stating the condition in which such pork and bacon is found; and no clearance shall be given to any vessel having on board salted pork or bacon found, on such inspection, to be unwholesome for human food; but any pork or bacon may be exported to any foreign country without such inspection when it is proven to the satisfaction of the collector of customs that the same has been properly salted and packed more than sixty days prior to the date of the application for inspection or manifest for exportation.

I read these provisions solely for the purpose of showing the consistency of the Senator from Alabama, for in this very amendment which came from his committee and of which he is now in favor forty times the power is proposed to be given to the officers of the Government, and to small ones, even to collectors of customs, than the bill proposes to grant.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass? Is the Senate ready for the question?

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this final vote I am paired with the Senator from Delaware [Mr. BAYARD], who was called away from the Senate Chamber a few minutes ago.

Mr. WILLIAMS (when Mr. BECK'S name was called). My colleague [Mr. BECK] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. GROOME (when Mr. GORMAN'S name was called). My colleague [Mr. GORMAN], who is opposed to the bill, is paired with the Senator from Colorado [Mr. BOWEN], who favors it.

Mr. PLUMB (when Mr. HARRISON'S name was called.) The Senator from Indiana [Mr. HARRISON] is paired with the Senator from Ohio [Mr. PENDLETON]. The Senator from Indiana, if present, would vote "yea" and the Senator from Ohio "nay."

Mr. WILLIAMS (when Mr. JACKSON'S name was called). The Senator from Tennessee [Mr. JACKSON] is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. KENNA. I announced the pair of my colleague [Mr. CAMDEN] with the Senator from Rhode Island [Mr. ANTHONY]. He is paired on this particular vote with the Senator from Tennessee [Mr. JACKSON].

Mr. PUGH (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER].

Mr. RANSOM (when Mr. VANCE'S name was called). My colleague [Mr. VANCE] is paired with the Senator from Kentucky [Mr. BECK]. If my colleague and the Senator from Kentucky were here, my colleague would vote against the bill and the Senator from Kentucky for it.

The roll-call was concluded.

Mr. PLUMB. The Senator from Ohio [Mr. PENDLETON] is paired with the Senator from Indiana [Mr. HARRISON].

Mr. BROWN. I am informed that my colleague [Mr. COLQUITT] is paired with the Senator from Ohio [Mr. SHERMAN]. My colleague, if here, would vote against the bill.

Mr. HARRIS. I simply desire to say that while the Senator from West Virginia [Mr. KENNA] has announced correctly the pair of my colleague [Mr. JACKSON] on this bill, I believe he failed to state that my colleague, if here, would vote for the bill and his colleague [Mr. CAMDEN] would vote against it.

Mr. CAMERON, of Wisconsin. The Senator from New Jersey [Mr. MCPHERSON] is paired with the Senator from New Hampshire [Mr. BLAIR]. The Senator from New Jersey is opposed to the bill and the Senator from New Hampshire is in favor of it.

The Senator from Minnesota [Mr. SABIN], who is in favor of the bill, is paired with the Senator from Delaware [Mr. SAULSBURY], who is against it.

The Senator from Colorado [Mr. HILL], who is in favor of the bill, is paired with the Senator from Louisiana [Mr. GIBSON], who is opposed to it.

Mr. ALLISON. In announcing my pair I did not state, as I should have done, that the Senator from Delaware [Mr. BAYARD] would vote against the bill, if present, and I should vote for it.

The result was announced—yeas 34, nays 9; as follows:

YEAS—34.

Aldrich,	Frye,	Lapham,	Plumb,
Call,	Garland,	Logan,	Sawyer,
Cameron of Wis.,	George,	McMillan,	Van Wyck.
Cockrell,	Hale,	Manderson,	Vest,
Conger,	Harris,	Miller of N. Y.,	Voorhees.
Cullom,	Hawley,	Mitchell,	Williams.
Dawes,	Hoar,	Morrill,	Wilson.
Dolph,	Kenna,	Pike,	
Edmunds,	Lamar,	Platt.	

NAYS—9.

Brown,	Groome,	Jones of Florida,	Morgan,
Coke,	Hampton,	Maxey,	Ransom.
Farley,			

ABSENT—33.

Allison,	Colquitt,	Jones of Nevada,	Saulsbury,
Anthony,	Fair,	McPherson,	Sewell,
Bayard,	Gibson,	Mahone,	Sherman,
Beck,	Gorman,	Miller of Cal.,	Slater,
Blair,	Harrison,	Palmer,	Vance,
Bowen,	Hill,	Pendleton,	Walker.
Butler,	Ingalls,	Pugh,	
Camden,	Jackson,	Riddleberger,	
Cameron of Pa.,	Jonas,	Sabin,	

So the bill was passed.

Mr. LOGAN. I desire to say that at the time the vote was taken on laying upon the table the amendment offered by the chairman of the Committee on Foreign Relations to the bill that has just passed I was called out, and if I had been here I should have voted for that amendment, and against laying it on the table.

HOUSE BILLS REFERRED.

The bill (H. R. 4539) to issue American papers to the lighter or barge Pirate, now at New York, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 237) for the relief of John E. Wheelock was read twice by its title, and referred to the Committee on Foreign Relations; and

The joint resolution (H. Res. 245) authorizing the loan of certain flags to the Portland Soldiers and Sailors' Monument Association was read twice by its title, and referred to the Committee on Military Affairs.

SYSTEM OF BANKRUPTCY.

Mr. MITCHELL. I desire to procure an order for the reprinting of the bankrupt bill as it passed the Senate. I have consulted with the Senator from Massachusetts [Mr. HOAR] in regard to it. The copies are entirely exhausted. There has been a large number of applications for it.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that it be ordered that the bankruptcy bill be again reprinted as it passed the Senate, the edition having been exhausted. That order will be entered if there be no objection.

AMERICAN SHIPPING.

Mr. FRYE. I move that the Senate proceed to the consideration of Senate bill 1448, to remove certain burdens on the American merchant marine.

The PRESIDENT *pro tempore*. The Chair thinks that a motion is unnecessary, as that bill is an unfinished special order.

Mr. FRYE. I thought so, but several friends of the bill had requested me to make the motion.

The PRESIDENT *pro tempore*. The Chair without any motion, if nothing else intervenes, will lay before the Senate the undisposed-of special order, being the bill (S. 1448) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes. The bill is now before the Senate as in Committee of the Whole, and will be read.

Mr. CAMERON, of Wisconsin. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 46 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 29, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk began the reading of the Journal.

Mr. BEACH. I ask unanimous consent that the reading of so much of the Journal as relates to the introduction and reference of bills be dispensed with.

There was no objection, and it was so ordered.

The remainder of the Journal was then read, and as read it was approved.

COMMITTEE ON APPROPRIATIONS.

Mr. RANDALL, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Appropriations and its subcommittees have leave to sit during the session of the House for the present session.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS FROM THE COMMITTEE ON INDIAN AFFAIRS.

Mr. WELLBORN. I ask consent to submit for present consideration the resolution I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That Saturday, the 31st of May, 1884, after the reading of the Journal, be set apart for the consideration of bills and resolutions reported from the Committee on Indian Affairs, and bills and resolutions on the Speaker's table over which said committee has jurisdiction, the bills and resolutions to be considered in the order the committee may indicate; this order not to interfere with revenue and general appropriation bills and reports from the Committee on Public Lands.

Mr. HOLMAN. I think I shall have to insist on the bills being named; that I regard as the proper practice, so that the House may know what it is to act upon.

Mr. CASSIDY. The resolution also ought to except all prior orders.

The SPEAKER. Does the gentleman from Texas [Mr. WELLBORN] modify his resolution?

Mr. WELLBORN. To make any modification of it will provoke objection from other sources. The committee ask for only one day.

Mr. BUCKNER. What day?

Mr. WELLBORN. The 31st of May.

Mr. HOLMAN. I will not object.

There being no objection, the resolution was considered and adopted.

Mr. WELLBORN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN RICHMOND.

Mr. STRUBLE, by unanimous consent, introduced a bill (H. R. 6859) for the relief of John Richmond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LETITIA CARR.

Mr. STRUBLE (by request), by unanimous consent, also introduced a bill (H. R. 6860) granting arrears of pension to Letitia Carr, mother of William Carr, late fireman steamer Lioness; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN E. WHEELOCK.

Mr. LAMB. I ask unanimous consent that the joint resolution (H. Res. 237) for the relief of John E. Wheelock be taken from the House Calendar and put upon its passage.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the President be directed to bring to the attention of the Government of Venezuela the claim of John E. Wheelock, a citizen of the United States, for indemnity for gross outrages and tortures inflicted upon him by an officer of said Venezuelan Government, and to demand and enforce, in such manner as he may deem best, an immediate settlement of said claim.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. COX, of New York. Is there a report of a committee on this matter?

Mr. LAMB. There is a unanimous report from the Committee on Foreign Affairs, recommending the passage of this joint resolution.

Mr. BEACH. It seems to me this joint resolution should be amended by inserting, before the words "gross outrages" the word "alleged." I hope my friend from Indiana [Mr. LAMB] will consent to this modification.

Mr. LAMB. The Committee on Foreign Affairs examined this question very carefully, and by a unanimous vote directed me to make this report. I do not feel at liberty to consent to any change.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BEACH. I do not object.

The SPEAKER. The Chair hears no objection; and the joint resolution is before the House for consideration.

Mr. COX, of New York. I hope my friend from Indiana will give us a statement of this case. If it is a case I have in my mind, founded on occurrences in Venezuela, I think the case a very worthy one. But we ought to be a little circumspect in instructing our State Department in regard to matters of this kind. We are legislators, and have no direct connection with the diplomatic communications of the Executive. It is, as I understand, only a moral influence at the very best which we propose to exert in this case.

Mr. LAMB. In 1881, John E. Wheelock, a citizen of the United States, went to Venezuela upon private business. While there he was arrested and imprisoned by an official of the Government of Venezuela, and subjected to tortures almost unheard of in the annals of any civilized government because he would not confess to the commission of an offense with which he was charged. He was tied up by the thumbs, he was hanged by the neck, ropes were tied to his feet and ankles, and he was suspended head downward until he was nearly dead. Almost every torture conceivable to the mind of man was inflicted upon him in order to compel him to make confession of the offense, an alleged larceny. After all this had been done, he was tried—no, not tried, but given a sort of hearing, and was discharged without one word of proof having been offered against him.

The Venezuelan Government from that hour till this has refused to grant Mr. Wheelock any reparation whatever, although from the time of the perpetration of these outrages upon his person he has never ceased to do what was in his power to secure the redress to which he was entitled. The only thing done by the Government of Venezuela has been to drive from its borders the officer who committed these offenses, thereby admitting the charges of Mr. Wheelock to be true.

Mr. Wheelock has exhausted every means in his power, as the report will show, to obtain redress. The State Department has done what it could in his behalf. This joint resolution, unanimously reported by the Committee on Foreign Affairs, authorizes the President of the United States to act upon this matter in such manner as he may deem proper in order to obtain redress for an outraged citizen of this country and at the same time to defend and uphold the honor and dignity of our Government.

Mr. COX, of North Carolina. As I understand, the officer to whom the gentleman has referred made his escape from Venezuela rather than have his conduct investigated.

Mr. LAMB. I think the officer left because he was about to be arrested and prosecuted for the offense.

The joint resolution was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. LAMB moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BARGE PIRATE.

Mr. WADSWORTH. I ask unanimous consent to have taken from the House Calendar and put on its passage the bill (H. R. 4539) to issue American papers to the lighter or barge Pirate, now at New York.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to grant and issue to the lighter or barge Pirate, now lying at New York, an American register or enrollment.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, and was accordingly read the third time, and passed.

Mr. WADSWORTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. WASHINGTON BRANK.

Mr. VANCE. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company —, Second North Carolina Mounted Infantry.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. STEELE. I call for the regular order.

Mr. VANCE. I will tell the gentleman from Indiana that this will take but a moment. It is for the relief of a soldier; he himself was a soldier and I hope he will not object.

The SPEAKER. The demand for the regular order is in the nature of an objection.

Mr. MORRISON. I move to dispense with the morning hour for the call of committees.

Mr. HERBERT. I ask the gentleman from Indiana to withhold his call for a moment to enable me to introduce a joint resolution for reference.

Mr. STEELE. I withdraw the demand for that purpose.

EXCHANGE OF TENTS FOR GATLING GUNS.

Mr. HERBERT, by unanimous consent, introduced a joint resolution (H. Res. 244) authorizing the Secretary of War in his discretion to make exchange of tents for Gatling guns with the National Guard of Alabama; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

LOAN OF FLAGS, BUNTING, ETC.

Mr. REED. I ask unanimous consent to offer a joint resolution for the loan of flags for the fair for the benefit of the Sailors and Soldiers' Monument Association of Maine.

The SPEAKER. The joint resolution will be read subject to objection.

The Clerk read as follows:

Joint resolution (H. Res. 245) authorizing the loan of certain flags to the Portland Soldiers and Sailors' Monument Association.

Be it resolved, &c., That the Secretary of the Navy, under such conditions as he may deem proper, is hereby authorized to loan to the Portland Soldiers and Sailors' Monument Association, for use at its fair at Portland, Me., in June, 1884, any flags or bunting which can be spared from Kittery navy-yard; the association paying the expense and making good any damages.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. REED moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WELLER. I demand the regular order.

Mr. COX, of North Carolina. I hope the gentleman will yield to me for a moment to offer a resolution setting apart a day for the consideration of business from the Committee on the Militia.

Mr. WELLER. I withdraw the demand for the regular order.

Mr. COX, of North Carolina. I ask the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Wednesday, May 22, 1884, be set aside to consider such bills as have been reported from the Committee on the Militia, and be continued from day to day until considered, not to interfere with bills raising revenue, general appropriation bills, or previous orders.

Mr. HOLMAN. I think that bills from the Committee on Public Lands should also be excepted.

Mr. CASSIDY. All prior orders.

Mr. RANDALL. I will object to that.

Mr. COX, of North Carolina. I have no objection to modifying the resolution as suggested by the gentleman from Indiana and the gentleman from Nevada.

The SPEAKER. Is there objection to the present consideration of the resolution as modified?

Mr. RANDALL and Mr. WELLER objected.

Mr. MORRISON. I move to dispense with the morning hour for the call of committees.

Mr. WASHBURN. I hope the gentleman from Illinois will give way to permit me to offer a resolution reported from the Committee on Appropriations.

Mr. MORRISON. Very well; I will yield for that purpose.

Mr. WASHBURN. I am instructed by the Committee on Appropriations to ask unanimous consent to introduce for immediate consideration the joint resolution which I send to the desk.

The SPEAKER. The title of the joint resolution will be read, after which objection will be asked for.

The Clerk read as follows:

Joint resolution appropriating $10,000 to defray the expenses attending the visit of the special embassy from Siam to the United States.

The joint resolution was read at length.

Mr. WELLER. I renew the demand for the regular order.

Mr. MORRISON. I move to dispense with the morning hour.

The SPEAKER. That requires a vote of two-thirds.

The motion to dispense with the morning hour was agreed to—two-thirds voting in favor thereof.

Mr. MORRISON. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union to consider revenue bills.

The motion was agreed to.

TARIFF BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in committee for the further consideration of the bill to reduce import duties and war-tariff taxes.

Mr. HISCOCK. Mr. Chairman, the present customs laid upon imported goods have been characterized by the so-called revenue reformers as a system of legalized robbery of their consumers, and their ingenuity has been taxed to the utmost to invent fitting phrase by which to describe the criminal extortions they have exacted from the poor for the benefit of the rich manufacturing monopolies, as they have been pleased to style those industries of our country wherein are invested near three billions of capital and which afford labor to 4,000,000 workers and support to nearly one-third of the population of the United States. The charge is made that these 4,000,000 workers, with their wives and children, amounting to 8,000,000 more, are supported by a taxation imposed upon that other great industrial class, those engaged in agriculture. In all the States and in all the communities where manufactures and agriculture both thrive the two classes are intermixed and alike in race, religion, language, social habits, and are entirely ignorant, the one that it is robbed by the other, the one that it robs the other; ignorant of that, as is asserted by political charlatans, a great system of spoliation is now maintained of the one class for the benefit of the other; and we find it, sir, the purpose of a great political party, that has failed after an ineffectual struggle of twenty-three years to gain public confidence and political power, now organizing upon this platform and making the effort to antagonize these two great industrial classes and force a division of parties upon a line between them, to arouse political strife where none now exists; for I am not aware they so far have divided against each other upon a political line, and whenever they shall, evil consequences only can result.

I shall not devote any portion of my time to demonstrating that the protective system of the last twenty-two years has been of great benefit to the capital invested in manufacture, and of great benefit to the labor engaged in the industries; that it has given a remunerative profit upon the capital, and more constant and remunerative employment to the workers, has not been disputed. I am aware instances have been cited where some new industries have yielded capital an excessive profit, but it has now become a recognized fact that through the labor organizations the wages of the operatives are so adjusted to the profits of the business that labor and capital each receive their equitable proportion, and no longer can the capitalist be charged with robbing the consumer; if there is any robbery it is alike the capitalist and the craftsman. And I shall not attempt to discuss those questions of political economy upon which so much has been said and written by political demagogues and statesmen; they are only bewildering and unsatisfactory.

We have so long maintained the protective system that it can be fairly judged by its results to all classes, both to the mechanic and to the agriculturist, both to the American producer and the American consumer; and if I fail of demonstrating the policy has been of equal advantage to the agriculturists and to capital invested in and workers engaged in the manufacturing industries I will gladly join with my free-trade friends. I do not believe any more than they that one industry should be supported at the expense of another. The argument is constantly made, in fact it is the only one upon which the "revenue reformers" rely, that the tax collected upon all those articles in common use among the farmers to that extent enhances their price, and is a direct tax upon the farmers and for which the farmer receives no corresponding benefit. And, sir, I shall undertake to establish that those taxes do not so increase the price, but that they do increase the value of every known agricultural product, and that while they increase the wages of labor of the farm-worker they more than compensate the farmer in the increased value of his products.

We have passed out of the period for speculation upon this great question or for assertion. The year 1860 substantially closed, as compared with our present system, the period of free trade or of a tariff for revenue only; and soon thereafter commenced our present protective policy, and we have tested it for more than twenty years and can now fairly compare the present condition as its results with what we find existed in 1860—the close, as I have said, of the free-trade era. I think, sir, I have heard some one here in this discussion assert it was impracticable to make such a comparison; others I have heard maintain that such a comparison demonstrated that agriculture was not as flourishing or profitable now as then. To all these gentlemen I reply, you have gone to the discussion of this matter without investigation; you have depended, like the gentleman from Texas, who asserted the agricultural products of 1860 were greater in value than those of 1880, upon secondary evidence, when a little more labor, a little research, would have shown you all such assertions are untrue.

Census returns have been appealed to and their tabulations paraded. Well, sir, I propose to examine them for a little while and draw some comparisons between what they exhibit for 1860 and 1880, the close of the two periods. I propose to contrast

PRODUCTION OF 1860 WITH 1880.

Statistics, sir, are edged-tools in the hands of the inexpert or the indolent, and these absurd statements have been made on the authority of census tabulations, from no fault of the census results, but from ignorance of what they are intended to mean. In the first place, the main tables include only the productions of farms, without any reference to ranches on public lands or the products of lots in towns or villages. Further, they exclude all pasturage and the dry forage of all the cereals, which now aggregate 127,000,000 acres. They exclude a variety of minor products of agriculture, which have never been embraced in the schedules. They therefore exclude all that goes into the production of meat except about half the corn crop and a small portion of the hay. None of the cereals except corn are to be considered in meat production.

In 1860 the "value of animals slaughtered or sold for slaughter" appears in the census as $213,618,692. In 1880 the value of meats of all kinds is excluded from the tabulations of farm returns, because they are obtained by special expert investigation and not by the regular enumerators. As the actual value of meats in 1880 was three to four times as much, $800,000,000, the absence of this item makes a wide difference in the comparison. The poultry product in 1860 was $50,000,000; in 1880 it was $150,000,000.

PRODUCTION IN 1860 AND 1880 COMPARED.

The enlargement of production since 1860 from the increase of agricultural machinery, from the stimulus to home consumption by extension of manufactures, and greater ability to consume largely through high wages of labor, is a wonder to Americans as well as to the world at large, and from some of the statements made on this floor it would seem to be unknown to several participants in this discussion.

The increase in farms and farm areas from 1860 to 1880 is as follows:

	1860.	1880.
Number	2,044,077	4,008,907
Acres improved	163,110,720	284,771,042
Total acres	407,212,538	536,081,835

Production was increased in far greater ratio than farms or acreage. Corn advanced from a product of 838,792,742 to 1,754,591,676, or 109 per cent.; wheat, from 173,104,924 to 459,483,137 bushels, or 165 per cent.; all cereals taken together, from 1,239,039,439 to 2,697,580,229 bushels, or 118 per cent. Cotton, in 1860, had reached an unprecedented production with a rapidity that had been phenomenal. The crop of 1859 amounted to 4,669,770 bales. Though its cultivation almost ceased for four years, it had risen to 5,761,252 bales in 1879, and to 6,949,756 in 1882.

Fifty years ago 60 per cent. of our agricultural exports was cotton. Now, while it is nine times as much in value, it constitutes only a third of the values of agricultural exports. In the same time the increase in value of meat and breadstuffs has been thirty-fold. The exports of cotton were very heavy in 1859–'60, amounting to $191,806,555 in value, but in 1883 the value was $247,328,721, though the consumption of cotton in American manufactories was enlarged in still greater proportion, from 422,704,975 to 750,343,981 pounds, with very rapid increase since 1880. In the same period the increase of exports of agricultural products was from $256,560,972 to $619,269,449.

The product of wool is four times as much as in 1860 (it was 241,000,000 pounds in 1880), of improved quality, making the strongest and most durable cloth of any manufacturing country in the world, and needing no admixture of foreign wools. In 1860 we imported half the woolen goods consumed in cloth and in wool. Now we produce about four-fifths of the consumption, and the small proportion imported is largely carpet wools of too low a grade for civilized agriculture to produce. It is true that there is a small quantity of superfine wool introduced, ours being principally of medium fineness.

The production of meat has been enlarged beyond the increase of numbers of cattle or the increment of population to be fed. Recent investigation in the Department of Agriculture has made the increase of value of cattle, by improvements in breeding upon the original stock, the sum of $287,000,000. The cattle exported from New York in 1881 averaged $93.65 and those from Boston $99.68, being mostly high-grade short-horns, while the unimproved Spanish cattle exported from Florida averaged but $14.09 and those from Texas but $16.84. The cattle exported in 1860 averaged only $38.26 per head, while the exportation of 1881 averaged $77.93 per head.

The price also indicates the great improvement in quality, as well as the stimulus of increased home consumption supplemented by the enlarged foreign demand. The Chicago prices of beeves in 1860 ranged from $1.90 to $3.75 per hundred; in 1882 extra beeves reached $6.85 per hundred.

The exports of animals in their products was in 1860 but $20,402,812. In 1881 it was $175,584,760.

And now, sir, I propose to make a comparison of values and prices. In comparing the values of products of 1860 with those of 1880 the influence of railway extension and industrial prosperity are shown in their effect on prices. It is seen that prices of many products were high in 1860 on the seaboard and low in the interior. In December of 1860 oats in New York were 37 cents per bushel; in Chicago 17 cents. Corn was 68 cents in New York; in Chicago 27 cents. Wheat was $1.35 in New York; in Chicago 75 cents.

In 1880 the aggregate value of the products of agriculture was more than double the aggregate for 1860. The comparative values of some of the principal products are as follows:

Products.	1860.	1880.	1882.
Cereals	$558,345,836	$1,329,930,517	$1,468,693,393
Cotton	211,516,625	271,636,121	309,696,500
Hay	152,671,168	410,146,545	369,958,158
Potatoes	44,459,547	81,848,474	95,304,844
Tobacco	21,710,473	38,758,215	43,189,951
Total	988,703,649	2,132,319,872	2,286,842,846

I invite the attention of the gentleman from Texas [Mr. MILLS] to these figures. I doubt if he will be content to let his statements stand; and I say to the gentleman he has but to investigate the census returns, examine them, to verify my statement—give to the investigation some labor and that honesty of purpose that distinguish him and he will verify my figures. And this is a matter over which there should be no dispute and in which there should certainly be no dishonesty. I am sure none is intended.

Now, sir, I want to call attention to farm prices in 1860, 1880, and 1882. I think, sir, I have heard it said we could not obtain them; and now bear in mind it is not the seaboard price which is to control—it includes transportation from the farm—but the price at the market point to the producer must be taken. I have worked this out at the cost of considerable labor, and I challenge its examination. If any one will take the prices current, at the nearest market in the various producing sections, of the various products, he will reach the same results; and while my average is lower than at some favored points, he will find the prices for the different years will at the same points bear usually the same comparative relations to each other, and this must be remembered in the comparison of prices which I shall make:

Average farm values of agricultural products in 1860, 1880, *and* 1882, *respectively.*

Cereals.	1860.	1880.	1882.
Wheat, per bushel	$0 72.0	$0 95.1	$0 88.2
Corn, per bushel	43.0	39.6	48.4
Oats, per bushel	25.0	36.0	37.5
Rye, per bushel	52.0	75.6	61.5
Buckwheat, per bushel	58.0	59.4	72.9
Barley, per bushel	55.0	66.6	62.8
Potatoes, per bushel	40.0	48.3	55.7
Tobacco, per pound	05.0	08.2	08.4
Cotton, per pound	09.3	09.8	09.9
Hay, per ton	8 00.0	11 65.0	9 70.0

And sir, I want to call the special attention of my friend Mr. MILLS to a production which I fear he has left out of his calculation. Perhaps he thought it inconsequential, but it is too large an interest, has become so, not to have attention. I refer to the

BUTTER AND CHEESE PRODUCTION.

The butter production of farms, as reported by the census of 1860, was 459,681,372 pounds. Inclusive of that, not entering into the farm enumeration, the entire product of the United States was about 500,000,000 pounds. In 1880 the amount returned from farms and factories was 806,672,071. The total product of the country was about 900,000,000 pounds.

The average price of butter exported in 1860 was 15 cents. As only the poorer qualities were exported the average farm price is a little higher than the seaboard price of export butter, and I estimate it at 16 cents. The range of recent prices is from 9 to 40 on the farm, with much higher rates for a small quantity of "gilt-edged" samples, yet the average is still low, but is not less than 21 cents for 1880 and 22 cents for 1882.

The export price in these years respectively was 17.1 and 18½ cents per pound.

The production of cheese advanced from 103,663,927 pounds in 1860 to 243,157,850 in 1880. Including a little unenumerated, the actual production would be about 130,000,000 and 300,000,000 respectively.

The average prices were about 9½ cents in 1860, 9¼ in 1880, and 10½ in 1882. There was a partial glut in 1880, which reduced the price. The export prices of cheese are a little higher than farm prices—10 cents in 1860, 9½ cents in 1880, and 11.2 in 1882.

As a rule prices of butter are much higher in recent years than twenty-five years ago. Cheese is now about 10 per cent. higher, as an average.

The value of all productions of agriculture for 1879, exclusive of about $400,000,000 of corn and hay consumed in the production of meat, was, approximately, $3,600,000,000. This includes all meat products, milk consumed, fruit, and various minor products not included in the census tabulation of 1880. Of this about $400,000,000 (farm value) was exported, leaving $3,200,000,000 for domestic consumption. This gives about 11 per cent. for exportation, which is more than usual, the range of recent years being 8 to 10 per cent.

In 1859 the production aggregated a value of about $1,600,000,000, of which nearly $200,000,000 was exported, leaving for home consumption a value of $1,400,000,000. The per capita value of this consumption is nearly $45 in 1860 against $65 in 1880.

Again, Mr. Chairman, I invite the closest examination of the figures I have presented, and they prove, sir, an enormous increase in our farm production and an advancement of price. And this brings me to the question, Who consumes them? Who pays for them? Whose demand makes these prices? And it will be borne in mind only 89 per cent. of them are consumed here, and there are some very pertinent facts to which I invite attention in this connection.

CONSUMPTION BY CLASSES OF OCCUPATIONS.

A statement of occupations of the American people by classes of industries shows that the proportion in agriculture is declining, the number engaged in rural industries being 47.35 per cent. in 1870 and 44.1 per cent. in 1880. The other classes have increased accordingly. This is a favorable indication, as not more than 30 per cent. of the workers of a nation as rich in resources of production as ours are necessary to produce a supply for home consumption.

Occupation.	1870.		1880.	
	Number.	Per ct.	Number.	Per ct.
Agriculture	5,922,471	47.55	7,670,493	44.2
Professional and personal	2,684,793	21.47	4,074,238	23.4
Trade and transportation	1,191,238	9.53	1,810,256	10.4
Manufactures	2,707,421	21.65	3,837,112	22.1
Total occupations	12,505,923		17,392,099	
Total population	38,925,598		50,155,783	

As the numbers reported in occupations do not include the female head of the family or children or infirm persons, each individual represents nearly three persons, the whole number being 17,392,099 in a population of 50,155,783, the persons represented in each class may therefore be stated as follows:

In agriculture	22,118,700
In manufactures and mining	11,084,428
In trade and transportation	5,216,202
In professional and personal services	11,736,453

Two-thirds of all are engaged in productive material industries. About one-tenth, those in trade and transportation, are employed in exchanges and distribution. The remainder, in domestic service, in unskilled labor, and also those included in the professions, are connected with or dependent upon manufactures, mining, and commerce, and only to a limited extent on agriculture, as farm laborers are included in the principal class of occupations. Distributing this class, therefore, among the others, and allowing for the transportation service caused by the presence of manufactures, the proportion of the population dependent on manufactures and mining may fairly be considered one-third of all; but to come within very conservative bounds we will only claim three-tenths. With a probable consumption at present values of three and a third billions of dollars, the consumption due to manufactures and mining is not less than $1,000,000,000 in the primitive values of the farm, which are materially increased by the profits of the merchants and compensation of the carriers before reaching the consumers. This is a sum equivalent to more than half the agricultural production of the country in 1860.

A transfer of a small proportion of the labor which this industrial population represents—a population now of not less than 17,000,000—to the cultivation of the soil would cause a disastrous glut in the agricultural supply, a ruinous fall in prices, and a commercial revulsion and general depression of values frightful to contemplate.

Already have we reached a point where greater diversity in agricultural production is a vital necessity of American agriculture. Already are we verging constantly on an unprofitable degree of overproduction.

Need I say more to demonstrate the dependence of the farmer upon the other great industries fostered by our laws? It gives them a market practically at their farms, certainly greatly lessens the cost of transportation, for that is shortened to the near village or not far distant city where manufacture thrives; and that near market enables them to diversify agriculture, produce its more varied and valuable fruits. Lands nearest those markets are the more valuable, because products of greater value can be sold, and which the cost of a long transportation with its delays and the cost and delays in sale at a distant market render unremunerative. Without it, where are they to market the fruits of their labor and capital? An overproduction, every one knows, lowers the prices, and now they produce 11 per cent. more than the country can consume. In Europe—abroad; is that the answer? Well, I will come to that by and by; but first let me a little further illustrate by comparison the effect of our tariff upon the farmers. And I say, sir, with great pleasure, I belong to them by ancestry, by birth, and breeding, and my sympathy, yes, my prejudices, would not allow of a word or a vote on my part against their interests.

VALUE PER FARMER.

The average value of production of each farmer was much greater

in 1880 than in 1860, notwithstanding the fact that the average size of farms had decreased from 199 acres to 134, and the number of farmers had increased from 2,509,456 to 4,225,945. Including values of farm products which are not duplicated in meat production, the proportion of each farmer was $638 in 1860 and $852 in 1880.

The value of farms, live-stock, and implements representing the permanent investment in agriculture made an aggregate of $7,980,493,063 in 1860, and in 1880 a total of $12,104,001,538.

So far, what I have said has been more directly addressed to the interest of the farmer, and I do not wish to lose sight of the fact that while the farmer, the proprietor, has had these benefits from our present system, is so dependent upon it, his laborers have shared proportionately with him. There are 3,323,876 of them.

And now a word as to the

WAGES OF FARM LABOR.

The wages of farm labor fifty years ago were estimated by experts to average $9 per month with board. The rise was slow until 1860. With the development of other industries competition for labor increased the rate of wages. The rate of wages paid wholly in cash twenty-five years ago averaged about $14 per month. The rise was rapid during the war, and in 1867 reached an average of $26, but declined with the appreciation of the currency to gold values, and still more from the effect of the period of monetary depression, and reached its minimum in 1879. The last investigation made by the Department of Agriculture in 1882, when labor was in a normal condition and currency equal in value to gold, was $18.58. An increase of fully 40 per cent. has been made since the rise of the manufacturing system.

The differences in local rates illustrate the influence of an industrial population in the midst of an agricultural district in a very striking manner. In Northern Ohio, where Cleveland and Toledo and other cities compete for labor in various industries, the average value in 1882 was $25.96 per month; in the western counties, with Cincinnati and Columbus, Dayton and Springfield, agricultural wages average $24.75. In the more exclusively agricultural counties of Eastern Ohio the average is $22.65. By such a sliding scale is the rate diminished as a penalty for lack of industrial variety.

Comparing the State of Ohio with Kentucky the decline is more abrupt, from $24.55 to $18.20.

Illinois, like Ohio, has a sliding scale just in proportion to the numbers of workers outside of rival industry in northern, central, and southern districts, from $27.52 to $24.65 and $19.87.

It was found in these investigations that in the period of manufacturing depression the wages of agricultural labor declined most in the manufacturing States, and ultimately reduced the wages of farm laborers in agricultural States. The assertion has often been recklessly made that operatives and artisans thrown out of employment do not seek agricultural labor, but these official investigations prove incontestibly the contrary, and show that the effect is serious and far-reaching. The average rate of wages in Massachusetts in 1879 was $25 and $30.66 in 1882. In New Hampshire the increase was from $19.75 to $25.25. So with other manufacturing States.

And in this connection I will call attention to the decrease in price and yet improvement in actual value in those implements of husbandry in use among agricultural workers, grass-mowers and grain-reapers, wagons, and others. And, sir, I believe I can confidently appeal to the recollection of the farmer that, taking into account quality, the prices will average 25 per cent. less now than in 1860. And this has been the result of a system of protection which, guaranteeing a home market, invited capital, organized labor, and educated it to the highest excellence, stimulated invention, and produced competition in these productions and those labor-saving machines, enabling the farmer, while he pays higher wages for labor, to employ far less to accomplish far greater results. And hence it is that we are able to show a larger production at the same cost now than we were 1860.

I have promised to again refer to the great question of what the American farmer shall do with his surplus, and whether he can safely depend upon a foreign market for it. And I propose to present a few facts in regard to the wheat production of the world and the possibilities, yes, probabilities of that production, and leave it to those who hear or read what I say to judge if a foreign market can be depended upon.

The United States now stands at the head of the wheat-producing nations of the world. Until 1874 France held the first rank. The wheat area has nearly doubled since the ninth decennial census was taken. The product of the last seven years has averaged 436,000,000 bushels. The production has increased from 100,000,000 bushels in 1849 to 504,000,000 bushels, and the per capita supply from four and a third to nine and a half bushels. One-third of the production has for six years been exported.

This was very well in years of failure and threatened famine in Western Europe. But in 1882 the usual average of 1,143,826,044 bushels was increased to 1,270,000,000. The surplus of this country was estimated at 48,000,000 bushels. India produced an excessive crop. Australasia had an enlarged product, and Egypt, Algiers, the Argentine Republic, and Chili helped to swell the supply of the world. During the entire year past the visible stocks have everywhere been increasing.

What are we doing? Simply co-operating with Great Britain in her extraordinary endeavors to reduce the price of wheat, to sustain free trade by giving cheap bread for the sustenance of low-priced labor. To this end she is building railroads in India and promoting railroad extension through the Dominion of Canada to the Pacific, and seeking to control the destinies of Egypt and other nationalities.

The effect of this overproduction is seen in a disastrous fall in the price of wheat below a remunerative basis.

The average product of wheat in British India, as given by Sir Evelyn Baring, the finance minister, was 700 pounds, or 11⅔ bushels per acre; and the acreage 21,000,000, making a product of 245,000,000 bushels. A recent official estimate makes the product of 1883 (harvested in March) 190,000,000 bushels for British India and 50,000,000 bushels for the product of native territory.

The unoccupied cultivable land in the principal provinces is officially estimated at 182,069 square miles, of which 83,600 square miles are in provinces, where 25 per cent. of cultivated area is in wheat. It is therefore possible that the area might be increased 12,000,000 to 15,000,000 acres, and with increase in native districts it is not impossible to double the present area.

Increase of railroad facilities would render available at once a larger proportion of the present production and stimulate somewhat the extension of area. The mileage in March, 1883, was 10,251, and an increase of 7 per cent. is calculated for the present year.

The exports of India in the fiscal year ended March, 1873, amounted to 3,277,781, and in 1882 37,148,543 bushels. In seven months of the past year the shipments had reached 31,027,074 bushels, fully 50 per cent. more than had ever been shipped in the same period of any previous year. The exports of five years, from 1879 to 1883, averaged 16,786,265 bushels. So the increase of ten years has been in rapidly accelerating ratio.

In Australia the present wheat crop is more than double that of 1883. The increase in South Australia, according to recent estimates, is from 7,356,117 bushels to 20,900,000, and in Victoria from 8,751,454 to 17,400,000 bushels. The value of wheat in Australia is from 3*s.* to 3*s.* 6*d.* per bushel, or 80 cents per bushel. In New Zealand the farmers are discarding primitive and exhaustive wheat growing, importing fertilizers and agricultural machinery. The average yield in 1882 was nearly twenty-three bushels per acre.

The progress of agriculture in the Argentine Republic is at present very rapid. Much of the soil is a deep, black mold, very productive. There is a strong movement from pastoral to general agriculture, toward inclosure of pastoral areas and the practice of mixed husbandry. The average export value of Russian wheat from 1873 to 1880 was $1.01 per bushel. The quantity exported was 475,000,000 bushels, or an average of 59,375,000 per annum. And, confronting these startling facts, are we to be told Western Europe will take our surplus and that we can safely destroy our manufacturing industries and change their operatives to producers from being consumers?

I have shown you that 30 per cent. engaged in agriculture will supply themselves and the balance of the population, and that we now have 44 per cent.—14 per cent. above the required number now—and we have a large overproduction. Take but 10 per cent. from manufactures, 270,742—the present production per capita in agriculture is about $400—and the result is an increase of our present surplus of $108,296,800.

Seriously, I ask gentlemen on the other side, would you make this an agricultural country? Then please give us some of the results from your standpoint. If we were all farmers, all producers of farm products; if we had been, say, for the last twenty-five years, and both the emigration to this country and the natural increase of the population had gone to the land for support, what price would these products now bring, and where would they market them?

And, Mr. Chairman, now I come to the humorous, ridiculous, or deceptive illustrations, depending upon the talent of the inventor, to convince the farmer that he is being robbed in the high price he is compelled to pay for the articles he consumes, and Mr. Sidney Smith's (I think he was the author) story of taxation has been dished up in a hundred different forms, and with countless variations, to illustrate the exactions and robberies of our present tariff system.

Gentlemen have forgotten that while agriculture has made the advance I have described so have the other industries, and with this prosperity knowledge has been disseminated, education has been extended, the press has prospered, books have been written, the census has been taken, statistics published, and thought quickened, deepened, and broadened with all the people—at least, sir, with all the people I have much knowledge of in this country; certainly in all those communities where the twin and dependent industries farming and manufacturing both thrive without jealousies, and where thrift is the rule they have grown rich. The people have grown rich—not the few, as I will soon show, but all the people—and property has brought knowledge and education, dispelled prejudice and ignorance, and you face an audience that will trip you if you make a single mistake.

I propose to make a comparison of prices for 1860 with those of 1880 of those goods farmers consume, and you will bear in mind I have taken my prices from an Eastern market, to which for other sections transportation should be added, and, unless I made the exception, the retailer's profit, and I assume this profit and transportation to be the same for both years.

In 1860 John and James Dobson, of Philadelphia, and for several years prior and subsequent to that year, were among the largest manufacturers of blankets and woolen goods in the United States. From their books of original entry I am furnished the following list of average prices for blankets during the years 1858, 1859, and 1860 compared with the average prices prevailing in 1882 and 1883 for like quality:

1860..... $2.00, $2.50, $2.25 , $3.50, $3.75, $5.00, $7.50, $8.00, $10.00, $13.00
1883..... $1.25, $1.80, $1.62½, $2.35, $3.20, $3.75, $5.50, $5.60, $7.25, $8.50

The above includes the entire line of white blankets from the lowest to the best grades per pair, standard make of what are known as plain Norway blankets. The figures show a decline of 30 per cent. to 60 per cent. in favor of the present protective system over the "for-revenue-only" or free-trade system that prevailed prior to 1861.

The wool used in the manufacture of these blankets is about 6 per cent. below the average price in 1860. All wools are based in valuation on Ohio fine fleece, which in 1860 was worth 45 cents per pound, and which is worth now 42 cents per pound. Blanket wools are of lower quality, but have the same relative value. Their books show "coarse woolen fabrics carry out the same relative rates as blankets, particularly goods used for overcoats. These were worth in 1860 $1.50 per yard. The same goods are sold to-day for 80 cents to $1 per yard. In the entire range of woolens used for wear of men and women the same relative difference exists, the present prices being from 30 to 60 per cent. below those prevailing in 1860."

How is it in reference to carpets? From 1857 to 1860, both years inclusive, the average price per yard of five-frame English body brussels carpet in England was 4*s.* 10*d.*, equivalent to $1.10 of our money. The same class and quality of carpets of American manufacture are to-day selling for $1.07 cash. Tapestry brussels carpets sold in 1860 at 75 cents per yard, and are sold here to-day at 67 cents for like quality. Standard make of American ingrain carpets sold in 1857–1860 at 75 to 80 cents per yard, and are now sold at 60 to 67 cents.

And I here give another list of comparative prices of 1860 with 1884, which will be very instructive to those who claim our protective policy has not cheapened woolen goods. The prices are taken from an account of goods of like quality actually sold:

Articles.	1860.	1884.
Pair Middlesex bed-blankets, net wholesale price	$2 75	$2 55
Pair Norway plain all-wool bed-blankets, net wholesale price	4 00	3 75
Made-up horse-blanket, burlap lined, wholesale price	2 00	1 20
Samples of Fitchburg cassimeres, all wool, 27 inches wide, wholesale price	1 05	92
Samples of Haile & Frost cashmeretts, 27 inches wide, average wholesale price	51	42
Samples of fancy cassimeres, 27 inches wide, wholesale price	65	50

Let us examine the prices of cotton goods under the revenue tariff of 1857 and the protective tariff of 1861 and subsequent years. I have here a table of prices for sheetings and shirtings, prepared by the firm of Richardson, Smith & Co , and taken from their books of original entry, and which show a difference of from 20 to 30 per cent. in favor of present prices. Here are the figures, those for 1860 being the average prices per yard for that year and those for 1884 being the average prices per yard for March, 1884:

Articles.	1860.	1884.
	Cents.	*Cents.*
Standard sheetings	8.73	6.75
Standard drillings	8.92	6.75
New York Mills bleached shirtings	15.50	10.00
Cocheco and Merrimac prints	9.31	5.43
64x64 print cloth	5.44	3.50

I have a statement made from the books of other firms.

Wholesale prices, per yard, of leading standard staple goods, bought by country dealers, January, 1860, *with prices of January,* 1884, *annexed.*

Articles.	1860.	1884.
4-4 heavy brown sheeting	$0 08¼	$0 07⅛
4-4 fine brown sheeting	08½	07
4-4 fine bleached sheeting	12½	10
4-4 common bleached sheeting	09½	06⅛
Best ticking	17	14½
Best denim	15½	14½
Lining, colored cambrics	06½	05
Corset jeans	09½	07½
Ginghams	10½	08
Standard prints	08½	06
Hublet's cotton flannel	13	11
Good twilled flannels (wool)	36	36
Good Kentucky jeans	27½	27½

Under the tariff of 1857 the duty on ordinary white crockery-ware was 24 per cent. ad valorem. Prior to March last the duty was 40 per cent. In 1860 a crate of crockery-ware was sold, including duty, for $95.30. In 1882 a crate of this same ware, including the increased duty of 16 per cent., was sold for $57.89; a difference of $37.41, which difference is owing to the establishment and successful prosecution of this industry in this country.

How is it with boots and shoes? These necessary articles of wear are not only better now in quality and more varied in variety than in 1860, but prices are lower than during the period from 1857 to 1860. Here is a table showing the prices prevailing in January, 1860, and January, 1884.

	1860.	1884.
	Per pr.	*Per pr.*
Men's rubber boots	$3 60	$3 00
Boys' rubber boots	2 40	2 18
Women's rubber boots	1 75	1 56
Misses' rubber boots	1 50	1 33
Men's overshoes	80	55
Women's overshoes	60	38
Children's overshoes	40	30
Men's best calf machine-sewed boots	4 00	3 00
Men's best calf pegged boots	3 00	2 75
Men's good common calf pegged boots	2 50	2 17
Men's best thick boots, farmers' wear	2 75	2 50
Men's good common boots, farmers' wear	2 25	2 00
Boys' good common boots, farmers' wear	1 62	1 50
Men's good double-sole kip brogan	1 37½	1 25
Men's good double-sole split brogan	1 15	1 10
Men's good common split brogan	1 00	85
Men's best calf machine-sewed Congress and Balmoral	3 50	3 00
Men's good common machine-sewed Congress and Balmoral	3 00	2 75
Men's good common buff Congress and Balmoral	2 00	1 65
Men's good common pegged Congress and Balmoral	1 60	1 25
Men's good common low-cut shoes	1 17	1 00
Men's carpet slippers	50	37½
Men's goat slippers	1 00	85
Men's grain slippers	65	55
Women's best kid and goat boots	2 00	1 75
Women's good kid and goat boots	1 50	1 25
Women's best serge Congress	1 25	1 05
Women's good serge Congress	92	80
Women's grain-pegged Polish boots	87½	85
Women's goat gored Benker's boots	92	80
Women's serge slippers	50	37½
Women's web slippers	37½	25
Boys' good kip brogans	80	75
Boys' good Congress	1 10	1 00
Boys' good split pegged Balmorals	1 10	1 00
Youths' good split pegged Balmorals	95	85
Misses' best kid or goat Polish	1 50	1 25
Misses' good common button	75	75
Children's best kid and goat	1 25	1 05
Children's good common goat	1 00	85
Children's cheap shoes	25	20

I desire to dwell a little longer upon woolen goods, they enter so largely into consumption and are in so general use. In no department of manufacture, I concede, is there such a difficulty of making a comparison of prices at different periods as in the woolen manufacture, on account of the differences of style, finish, and raw material of the fabrics from year to year. I have confronted all this in my investigations. The only article forming a proper standard of comparison is flannel, which is the basis of all card-wool cloths. In a report made to the Syracuse convention in 1871 the following statement was made by the secretary of the National Association of Wool Manufacturers:

Reliable returns from the two leading agencies in the country, representing more than twenty different establishments manufacturing flannels, show that the selling prices of flannels in September, 1869, two years after the passage of the tariff of 1867, were in one house 21 per cent., and in another 16 per cent. less in gold than in 1860. On the other hand, the books of a mill producing cloths more and of greater variety than any other establishment in the country, and employing 2,500 operatives, show an advance in wages in gold from September, 1860, to September, 1869, of 37 per cent. for female operatives and 50 per cent. for male operatives. The secretary of the Wool Manufacturers' Association in his annual report in October, 1880, says:

"The present year affords us the first opportunity for many years of making an exact comparison with the prices of 1860, since our currency is of the same value as at that period.

"Those most familiar with the markets estimate that ordinary woolen goods, constituting the great bulk of consumption, are now obtained by consumers from 12½ to 25 per cent. less than goods of the same quality could be purchased before the war. To be more specific, ingrain carpets, the principal article of consumption in this class, was sold at 12½ per cent. more in April, 1860, than in April, 1879, with wool about the same, but an increased cost of labor in the same period. I am authorized to state that dress goods selling in 1860 for 20 cents per yard are now, in 1880, selling for 15 cents per yard, a saving of 25 per cent.; that the saving to American consumers in the product of five mills in New England making dress goods of an annual value of $10,000,000 is $2,500,000, and this too with higher prices of wool to the farmer and better wages to the operatives."

Since 1880 the reduction of cost in dress goods to consumers has gone on with accelerated ratio. I have in my hands a return from the Pacific Mills, the largest mill for producing this style of goods in this country, which is as follows:

I give you below the average net prices obtained for our worsted goods for the period of six months, ending—

	Cents per yard.
May 31, 1872	20.06
May 31, 1877	16.82
May 31, 1880	15.43
May 31, 1881	14.52
May 31, 1882	11.22

Since 1882 the goods made have been of higher quality than the above, and the prices obtained have averaged a little more, though really a little lower in proportion to cost.

A statement from another mill manufacturing woolen fabrics proper, the oldest and one of the most extensive establishments, shows the greatest reduction of prices to consumers under the operation of a protective tariff. This statement, be it remembered, was not prepared for the use to which I apply it in this debate.

Memorandum of market values of the leading fabrics of the Middlesex Company, Lowell, Mass., for the years 1870, 1880, *and* 1884.

Fabrics.	1870.	1880.	1884.
6-4 repellant sacking	$1 16	$1 04	.....
6-4 blue super cassimere	4 00	3 75	$3 50
6-4 blue prime cassimere	3 75	3 50	3 25
6-4 indigo standard flannel	2 07	1 82½	1 75
6-4 indigo yacht cloth	2 50	2 25	2 25
6-4 blue railroad overcoating	3 50	3 25	3 25
6-4 indigo cadet cloth	3 00	2 75	2 75
6-4 blue police cloth	3 00	2 75	2 79
6-4 fancy shawls, 144-72 inches each	6 15	5 56	.....

The difficulty of comparing the prices of 1860 and 1880 is enhanced by the circumstance that the records of many of the mills in New England for 1860 were destroyed by the great fire in Boston in 1872. Mr. Horace Greeley's work on political economy, however, contains a statement of the prices of the most important woolen fabrics of 1859.

At my request, a gentleman skilled in woolen manufacture has added to Mr. Greeley's list of prices for 1859 the prices, obtained from manufacturers or selling agents, of the identical goods named, the prices at the present time. The prices for 1884 were furnished by the well-known houses and individuals Parker, Wilder & Co., Faulkner, Page & Co., J. B. Bradlie, J. D. Sturtevant, Wendell, Fay & Co., of Boston. In respect to a portion of the goods described in Mr. Greeley's list it may be observed that no corresponding goods of the manufacture of the present year could be found.

"The prices of the most important woolen fabrics ten years ago, 1859 (when we had comparative free trade in wool and woolens), and now," says Mr. Greeley, "are as follows, namely." I add to his column the prices in 1884:

Comparative prices of woolen fabrics in 1859 *and* 1884.

Fabrics.	1859.	1884.
Flannels per yard:		
A and T white (none made in 1884)	$0 18½	.....
A. A. F. scarlet	26	$0 24½
J. R. F. twilled scarlet	39	28½
B. twilled scarlet	26	25½
Double-weight scarlet twilled	27½	*a* 32½
F. and C	36	33¾
Talbot, R., 3-4, plain and scarlet	26	25
Ballard, bale, 4-4, white No. 1	75	674
Ballard, bale, 4-4, white No. 2	60	40¾
Ballard, bale, 4-4, white No. 3	45	7½
Ballard, bale, 4-4, white No. 4	*b* 40	42¾
Blankets per pair.		
Holland, 10-4, all wool	3 50	3 00
Holland, 11-4, all wool	5 00	4 25
Cocheco, 11-4, extra super	6 00	6 00
Cocheco, 12-4, extra super	7 50	6 00
Cumberland, 10-4	3 00	2 00
Rochdale, 10-4, super ex. super	3 50	3 00
Rochdale, 11-4	4 50	4 00
Rochdale, 12-4	5 50	5 00
Rochdale, 10-4	4 50	4 00
Rochdale, 11-4	5 50	5 00
Rochdale, 10-4, premium	4 50	4 00
Rochdale, 11-4	5 50	5 00
Rochdale, 12-4	6 50	6 00
Shawls, Middlesex County	7 00	5 56

a These goods are improved in quality.
b The Ballard Vale flannels are exceptionally fine goods, the chief cost of which is labor, and are slightly advanced because of the advance in wages of labor.

The above statement is entitled to more consideration because it was not prepared by manufacturers to suit a purpose. It is all the more reliable because of the moderate reduction it shows, and because an increase in price in some cases is stated. It shows upon the whole a substantial reduction, and this in face of the fact that the wages of labor have increased, as is declared, 15 to 20 per cent. Upon the whole there has been considerable reduction to the consumer, although the duties upon all the articles have been more than doubled by the successive tariffs of 1861, 1863, and 1867; so that this table furnishes a complete refutation of the free-trade assertion that the prices of goods are enhanced to consumers in proportion to the increase of the duties.

As to finished cloths not included in the above list, such as fancy cassimeres, of which the great bulk of clothing goods is composed, it should be observed that only a few of the old mills continue to make cloths identical with those made before 1860. I have, however, samples from two such mills which illustrate the general reduction of prices in this class of goods. They are:

Articles.	1860.	1884.
	Per yd.	*Per yd.*
Fitchburg all-wool cassimeres, 27 inches wide, wholesale price	$1 05	$0 92
Haile & Frost cassimeres, 27 inches wide, average wholesale price	51	42
Fancy cassimeres, 27 inches wide, wholesale price	65	50

Enthusiasts for protection may be disappointed that its friends can adduce no more startling illustrations of the effect of protective duties in reducing prices; but it must be remembered that the manufacture of the fabrics last referred to was firmly established years before 1860, and after the first effects of the introduction of a new fabric in reducing prices the further reduction is slow and gradual. The most striking effect of protective duties is seen in the introduction of new fabrics. The invariable effect of such an introduction by domestic manufacture of an article formerly obtained only abroad is invariably to reduce prices. Thus, delaines at their first introduction in about 1840 cost from 30 to 40 cents. They soon fell to 20 cents. Lawns, introduced in 1846, cost 27 cents. In a few years they fell to 9 and 10 cents. Kerseys, introduced in 1851, cost $2. In twelve months afterward they fell to $1.25. The introduction of lastings diminished the price one-third; that of buntings more than one-half. French moquette carpets cost, when first introduced here about fifteen years ago, from $2.50 to $3.50 per yard according to quality. The American manufacture, commenced shortly after, reduced the price to $1.45 per yard, while American machinery, stimulated by our tariffs, introduced abroad, has diminished the price in all manufacturing countries of the world.

Refined bar-iron is used to make wagon-tires, horseshoes, agricultural implements, and many other articles in which the farmer has direct interest. I insert a table showing a lower value for the last five years than for the five years ending with 1860. [See table marked A.]

I shall not present comparative tables of the values of all the iron and steel goods for the two periods—these metals are largely used in the machines and implements which have been largely reduced in price since 1860, the fashions have not changed in iron and steel goods so as to make comparison difficult—but I will take for comparison the material of which they are made, and upon which the duties are alike imposed. An examination of the prices of No. 1 anthracite foundery pig-iron shows that it is lower now than from 1855 to 1860 inclusive. [See table on opposite page.]

It will be sufficient now if I make comparison of prices of a few articles in such universal use, and unchangeable in character, that will be recognized by every farmer. I invite attention to them. I give the wholesale prices in an Eastern market, to which transportation to suit other points and the retailer's profits must be added. A reduction is the rule, and without an exception. Nails, in 1860, sold at $3.10 to $3.50 per hundred pounds, to-day at $2.40 per hundred pounds; Yankee axes, in 1860, at $10.75 per dozen, to-day the same goods sell at $7.25 per dozen, manufacturers' prices at both periods.

A.—*Average wholesale store prices of best refined rolled bar-iron in Philadelphia, from* 1855 *to* 1860 *and from* 1880 *to* 1884, *per ton of* 2,240 *pounds.*

[Compiled by the American Iron and Steel Association, from the sales-books of several prominent Philadelphia iron merchants. Per ton of 2,240 pounds.]

Years.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Average.
1855	$82 50	$80 00	$75 00	$72 50	$70 00	$70 00	$70 00	$72 50	$72 50	$75 00	$77 50	$77 50	$74 58
1856	75 00	77 50	77 50	77 50	75 00	72 50	70 00	70 00	72 50	72 50	72 50	72 50	73 75
1857	72 50	72 50	72 50	72 50	72 50	72 50	70 00	70 00	70 00	70 00	70 00	67 50	71 04
1858	65 00	65 00	65 00	62 50	62 50	65 00	62 50	60 00	60 00	60 00	60 00	60 00	62 29
1859	60 00	60 00	60 00	60 00	60 00	60 00	60 00	60 00	60 00	60 00	60 00	60 00	60 00
1860	60 00	57 50	57 50	57 50	57 50	57 50	57 50	60 00	60 00	60 00	60 00	60 00	58 75
1880	80 64	85 12	82 32	71 68	56 00	51 07	50 02	53 76	54 88	52 64	52 64	53 76	60 38
1881	56 00	56 00	56 00	56 00	53 76	53 76	54 88	57 12	60 48	62 72	64 96	64 96	58 05
1882	64 96	67 20	67 20	62 72	58 24	60 48	60 48	60 48	60 48	60 48	58 24	56 00	61 41
1883	53 76	52 64	51 52	50 40	50 40	50 40	50 40	49 28	49 28	49 28	49 28	47 04	50 30
1884	44 80	44 80	44 80	44 80	.....	.....	.....	.....	.....	.....	.....	.....	.....

Average prices of No. 1 anthracite foundery pig-iron in Philadelphia, from 1855 to 1861 and from 1880 to 1884, per ton of 2,240 pounds.

[Compiled by the American Iron and Steel Association.]

Years.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Average.
1855	$31 12½	$29 50	$27 50	$26 75	$26 50	$26 12½	$26 12½	$26 50	$28 00	$28 62½	$28 50	$27 75	$27 75
1856	27 50	27 50	27 66⅔	28 00	28 00	27 62½	27 00	27 00	27 00	26 87½	26 00	26 00	27 12½
1857	26 25	26 50	26 62½	27 75	27 87½	27 75	27 25	26 75	26 37½	25 75	23 50	23 75	26 37½
1858	23 50	22 50	22 50	22 50	22 50	22 12½	21 37½	21 50	22 00	21 50	21 75	22 50	22 25
1859	22 75	23 62½	24 50	23 87½	23 50	23 12½	23 00	23 12½	22 87½	23 25	23 25	23 12½	23 37½
1860	23 00	23 00	23 37½	22 37½	22 75	22 75	22 75	22 50	22 25	22 37½	22 75	22 50	22 75
1880	40 00	41 00	37 50	31 00	25 00	23 00	23 50	25 00	23 25	23 00	24 50	25 00	28 50
1881	25 00	25 50	26 00	25 00	25 00	24 00	24 50	24 50	25 25	25 50	25 75	26 00	25 12½
1882	26 00	26 00	25 75	25 50	25 50	25 50	25 50	25 50	26 00	26 25	26 00	25 75	25 75
1883	25 00	24 50	24 00	23 50	22 00	21 00	21 50	22 00	22 00	21 50	21 00	20 75	22 37½
1884	20 50	20 50	20 50	20 00	.....	.....	.....	.....	.....	.....	.....	.....	.....

The prices of cable chains in use among farmers (per one hundred pounds) were:

Size.	1860.	1884.
Five-sixteenths inch	$5 63–6 25	$5 50
Three-eighths inch	5 06–5 50	4 50
One-quarter inch	6 56	6 50

After an exhaustive examination, I assert that the iron and steel used by farmers, in whatever form used, into whatever machine, tool, or implement fashioned, costs from 10 to 20 per cent. less now than in 1860. For like quality of goods the average reduction is more than 12 per cent.; in many of the prominent articles it is 20 per cent.

There is one more article of consumption I must mention, glass. The taxation of the poor man's window-glass that gave him heaven's light has been so often glowingly dwelt upon that it deserves a passing notice. I have time to take but one quality or grade, but that illustrates the whole list.

According to the best data attainable, plate-glass cost the consumers of the United States, prior to the Morrill tariff of 1861, about $1.50 per square foot; from passage of this bill to establishment of factories in the United States the price was about $2.50 per square foot. The price at present is about 80 cents per square foot. And you will please remember that no part of this large reduction is due either to improved methods or improved machinery, but solely to sharp competition of American factories.

In 1882 there were in round figures 3,050,000 square feet of polished plate-glass imported into this country. This glass, at prices ruling before the Morrill bill, would cost $4,575,000; before the competition of American factories, $7,625,000; now, $2,440,000.

The difference is very large; and bear in mind that the difference above shown is but for one year, and to multiply it by 10 will give a fair idea of the amount saved to the consumers of our country by home competition in plate-glass. To go more into details, the treasurer of one of the American factories has in his possession the books of a firm of glass dealers doing business from 1863 to 1870. I compare herewith prices per square foot then and now:

1863–'70	$3 05	$2 26	$1 66	$3 39	$3 26	$2 09	$2 07
Now	93	95	76	1 04	97	73	92
1863–'70	1 68	1 98	2 11	3 67	2 62	1 74	1 88
Now	93	97	88	1 07	97	94	69

Please also bear in mind that prices named from 1863–'70 were the prices the firm of glass dealers paid for its goods. The prices named for the present are present prices to consumers, and for comparison from 20 per cent. to 30 per cent. should be added to the prices of 1863–'70 to cover freights, insurance, profits, &c.

The reduction in the price of certain lines of goods can not better be illustrated than by the statement of facts appearing in the report of our foreign commerce. In the fiscal year ending June, 1883, we exported and sold abroad:

Wood, and manufactures of	$20,996,304
Iron and steel, manufactures of	19,240,894
Manufactures of cotton	12,951,145
Leather, and manufactures of	7,923,662
Agricultural implements	3,883,919
An aggregate of	64,995,924

Without my going into detail, all who hear me and who read what I may say will understand the above exportations include and are made up substantially of those articles of which farmers and farm laborers are the great consumers and of a large portion the only consumers. How, then, does the tariff advance the price to them, since by American competition, American thrift, energy, and ingenuity, our people undersell their foreign competitors outside of the jurisdiction of our tariff laws in foreign markets?

It is a well-known fact that as to very many lines of goods, and especially in those consumed by the agricultural and laboring classes, we do not need protection, and the articles might properly be placed upon the free-list; and except for the great difficulty in drawing statutes which will describe and observe the distinctions, and for the further reason the present laws do no actual harm, would be. I have said the laws imposing customs upon goods we export do no harm. A tariff debate does not justify that remark, since participants in it will attempt to prove that burdens are imposed by our system of protection by asserting the price of certain goods are increased thereby, when they must know we manufacture those goods for the markets of the world and successfully compete with the foreign manufactures; and thus they furnish another illustration of the dishonesty that will be resorted to in order to gain a political advantage.

But the question is suggested: why these great reductions in price? And I will answer: for the five years ending with 1860 we bought goods largely abroad and paid for them from our agricultural products, but we did not export enough to pay for what we bought; the balance was against us in amount $133,616,201. The accumulated property of the country was going out of the country at the rate of from $20,000,000 to $50,000,000 each year. We did not raise enough annually to pay our annual cost of living. As a people we were growing poorer and poorer every day; and we had no home competition in goods we bought. We paid the price the foreign market put upon them, interest was high, and we did not have a competitive home market.

Mr. HERBERT. Permit me to ask the gentleman a question.

Mr. HISCOCK. Certainly.

Mr. HERBERT. If goods, say crockery, have not fallen more rapidly there than here, why is it that in the last revision it was necessary to raise the duty on crockery-ware?

Mr. HISCOCK. I will come to that in a moment and completely answer the question.

Mr. HERBERT. I hope you will not forget it.

Mr. HISCOCK. I will not; and I hope the gentleman will not forget to study the suggestive schedules I will publish with my remarks.

The Republican party came into power and enacted our present protective laws commencing with 1861, and subsequently those laws insured a home market for American goods, and we bought at home; the money ceased to flow out of the country to pay our debts abroad, and in the last eight years of this protective policy we have accumulated $1,307,229,276 of yearly balances in our favor. Europe has contributed this great volume of wealth to us. To this for the eight years add the gold and silver product of the country, amounting to $80,000,000 annually, and which we have not been compelled to export to settle yearly balances in trade against us; the money is in the country; we have had it as a people for use. The rate of interest grew lower year by year; the average reduction throughout the country has been 25 per cent. of the rate in 1860. This capital sought investment, was employed in manufactures, it organized labor; home competition educated men in new and more economical methods and processes of manufacture; it extended railroads, discovered and developed new coal-fields and copper and iron ore beds; caused sharp competition in what my colleague would call raw material, and cheapened it all. It was a sturdy contest among our own people for support, property, and the life of their industries, respectively, and prices slowly but surely fell, and yet the industries were fairly prosperous. The saving in the cost was what lowered the prices.

We are told in this connection that the rich have grown richer and we have created monopolies. I assert that all have grown richer, and that competition as a result has been extended. I have already exhibited the increase to the farmer; the laborers have grown richer, and I mention to you that in 1883 the savings-bank deposits were $1,024,856,787; and these deposits are in States or localities where manufacture is side by side with agriculture. The savings-bank deposits of New York are $500,000,000; and this immense volume of capital is seeking investment at 5 per cent. upon the dollar per annum or less. It is a fact that the young farmer usually starts out with a mortgage upon his farm, and in the savings-bank centers he pays this low rate of interest,

and in 1860 he paid 7 per cent. or more. I am now speaking of the East. The rates for both periods are higher West, but there is this corresponding difference between the two years.

But I am asked, why maintain the tariff if prices of goods are lower than in 1860, and if I claim if we reduced it there would not be a reduction in price? I do not claim there would not be a reduction in price temporarily. If we make a reduction in duty the surplus goods of other countries would be thrown upon us, and their manufacturing industries would be stimulated and our own industries would struggle for a while against it and the market would grow lower here. Our manufacturers in the end would be ruined, would yield to inevitable bankruptcy, our home market for our agricultural products would be impaired, the foreign producers would take the field and in time adjust their production and exportation to our market to the consumption and control it, and prices would advance above the present rates.

Such has been the history of the past. I for one believe that an absolutely protective tariff upon all goods in which there can not be a monopoly in the long run would be for the advantage of our people; for we accumulate wealth here very fast in the production of the fruits of the earth and the products of our mines, and that wealth would be poured into manufacture and we would have that competition here which would make very low prices; but the theory upon which we impose customs is to protect the American producer, and yet constantly force from him the lowest living prices, lest he be undersold with foreign goods and thus make a competition between the two. I am content with it. But the avowed purpose of the impending bill is to disturb this policy, break it down; and that the majority of the committee did not go further is due, as I understand it, to the fact they thought they could not accomplish more now.

In reply to the gentleman from Alabama in regard to crockery, we reduced the duty upon the common ware. Upon fine goods, namely, those decorated, and that fairly may be classed as luxuries, we increased the duties, to invite capital to develop their manufacture here, and with success, and the result of the competition has been to force down their price both here and abroad.

And it is said the revenues must be reduced. Who can tell us this bill will reduce the revenues? That is all a pretext, and gentlemen know it. There is a sure and certain way to reduce revenues. You can remove the internal-revenue tax from tobacco, and thus reduce the revenues $25,000,000; and I assert this tax is levied directly upon the poor, the article is consumed by them—it is the men of wealth who buy the imported article—and they will have it, and there is no pretense that the tax limits the consumption, or that the consumption should be limited by it more than of tea and coffee and many other articles in constant, universal use.

You may pass a law removing the tax from all distilled spirits used in manufacturing or in chemical combination that will not permit of its use as a beverage. I think I understood my colleague the other day to admit I had pressed the consideration of this question upon the Committee on Ways and Means. While you can not get at it very accurately, I believe this would reduce the revenue $30,000,000 a year, and by reducing the cost of the distilled spirits thus used would promote a still further consumption in those ways and extend the consumption of grain from which they are made, extend the market, and in the uses I have indicated the tax adds to the cost of useful and necessary articles of consumption by all classes. The tax is a tax upon the consumer. I would not remove the tax so far as it is imposed upon distilled spirits or the products of them consumed as a beverage; but there is no difficulty in formulating a law that will observe the distinction, and continue the tax upon the beverage in every form.

But, sir, the authors of this measure do not care to reduce taxes. They want an issue for the next Presidential campaign which is so near. I doubt if they want this bill passed before then in both Houses of Congress; they want it pending.

The product of our manufactures is annually five and one-half billions of dollars, the annual production of the non-precious minerals entering into manufacture is nearly one hundred and fifty millions. The chairman of the Committee on Ways and Means and his party associates have declared war upon and propose to destroy this property, bankrupt its possessors, and pauperize the millions that it now pays the wages of labor to, wages of labor that support families, that educate the young, and give homes and the comforts and pleasures of life to more than twelve millions of our people. These gentlemen would impoverish those homes, pauperize the families, rear the children in ignorance—and poverty and ignorance are the parents of crime and vice; thrifty, intelligent communities they would convert into the vicious, beggarly, ignorant, brutal, and criminal classes of the manufacturing and mining districts of the Old World. And can they convince an intelligent man they can accomplish this result, and that other classes will remain uninjured, will not share the bankruptcy, the poverty, the ignorance, and the degradation? The American people are homogeneous, and the degradation of a family injures its neighbors, however diverse their occupations. And if you degrade nearly one-third of all our people the others will share it. Morality, Christianity, and patriotism protest against the inhumanity. I have shown you that the interest of the other classes and of the country is opposed to this war of destruction. Sir, if successful, it will change our social system, introduce class distinctions into the country, and in the end will revolutionize our Government practically, if not in form. Gentlemen on the other side are constantly mourning over our tendency to centralization of power and to a strong government. Whenever the wages of labor shall be so regulated as to give but an animal support to the worker, then you must have a strong government, with its army of police; and if you would force the country upon that period you have but to impoverish the craftsman and the workingman by reducing their wages of labor by this 20 per cent. reduction.

Our country has a climate as varied and power of production as diversified, and I do not know but as great, as that of all Europe. It includes thirty-eight States, and vast Territories, each as rich in resources as a powerful state in Europe, all connected by abundant water or railroad communication. Our internal commerce exceeds that of any other continent. This they would impair, if not destroy; would neglect our own resources, destroy our home market, bankrupt our capitalists, and impoverish our people to add to the wealth of the foreign manufacturer; it may be to the advantage also of their workmen. I will concede that, but self-preservation is the first law to be observed by nations as well as by individuals, and that law is involved in your policy and purpose.

I have stated the issue fairly.

This issue has been tendered to us by the other side. With a unanimity which is certainly gratifying to me, we have accepted it upon this side of the House. You propose to tender it to the people in November next. The Republican party, I doubt not, proposes to accept the issue. You must remember that in all your localities where the hum of machinery is heard it will drown your eloquence, and where the light of the forge and of the blast-furnace is seen it will let light in upon your reasoning. I am willing for one to submit it to an audience of agricultural people, as we shall be compelled to do; and, sir, I for one shall rest content with their verdict. [Loud applause.]

I will print with my remarks a table of the products of agriculture for 1859 and 1879, the two census years that afford the basis of my comparisons, with the letter of Professor Dodge, the Statistician of the Bureau of Agriculture, who prepared the table at my request. His eminent ability, perfect fairness, and complete knowledge of the subject no one will question. I have but this to add: the same elements and calculations enter into the results for both years, and for any increase or diminution of product for one year there must be a corresponding increase or diminution for the other, and the comparative difference between the two years will remain, and remain also in the comparisons I have made.

UNITED STATES DEPARTMENT OF AGRICULTURE,
DIVISION OF STATISTICS,
Washington, D. C., April 28, 1884.

SIR: In response to your inquiry for the values of the products of agriculture of the years 1859 and 1879, respectively, including what is reported by the census and also estimates of farm production unreported and products of public lands and village lots as well, I respectfully submit the following statement:

[For table by Professor Dodge, see opposite page.]

This tabulation includes the items returned by the farm enumerators of the eighth and tenth censuses. It also adds, for both periods, the estimated production of poultry and eggs, the milk consumed, and butter and cheese made on ranches and in villages and towns as well as on farms. It gives the estimated production of meats in 1880 to correspond with the returns of such products in 1860.

In addition to all these products the list is still incomplete, and should include the annual increase or "betterment" of farm stock, exclusive of animals slaughtered, and a great variety of minor products, such as cotton-seed, the castor bean, broom-corn, various millets used as grains, volatile oils, &c.

Pasturage is not mentioned in the census, because it enters into the meat product. Nor is the stover and straw of more than a hundred million acres of grain. Of the products named above less than half the corn and a small part of the hay is duplicated in the meats, and a portion of that is offset by the unenumerated rough fodder which goes to the support of horses, mules, and working oxen, which should properly be counted in the values of products.

In brief, taking everything into consideration, I make the net value of all agricultural production on farms, ranches, and in town and village lots, in round numbers, $1,600,000,000 for the crop-year 1859, returned by the census in 1860, and $3,600,000,000 for the year 1879. As to the items, though not quite complete or absolutely beyond any necessary revision, no possible review could materially change essentially the comparison of the two periods.

I may be permitted to say that I had charge of the collection of the agricultural statistics of the tenth census and of the annual crop returns of the Department of Agriculture for a large portion of the period between 1860 and 1880, and that I know of no one else who has ever made special study of this subject. It should be remembered that no census has ever yet included all production in its schedules, and that no two agree in their list of products reported. As to values, the returns were notoriously incomplete, and from the difficulty and complexity of the subject must necessarily have been, the true results being only obtainable by tests of quantities returned and their values in average farm prices.

Respectfully,

J. R. DODGE, *Statistician.*

To Hon. FRANK HISCOCK.

Mr. Chairman, I shall print also with my remarks matter not new to the committee, and I shall not trouble it with it—extracts from reports made by Professor Dodge, which so fully illustrate the views I have expressed that I am constrained to give them such circulation as these remarks of mine shall have. They are as follows:

It was shown conclusively, by figures of the census of 1880, that increase of non-agricultural population enhances prices of lands and farm products. There was found a relation, other things being equal, of such prices to relative numbers of agriculturists and other workers. The larger the proportion of farmers, the smaller were found values in agriculture. Now, in view of the above considerations of nearness of producers to consumers, it is important to know whether, within the States, the proximity of different classes of workers increases locally such prices. It would be reasonable to suppose it would.

To test the supposition, by the figures of the census which show the value of the products of manufacture, which represent usually the largest element in non-agricultural industry, let us take the principal manufacturing counties, average

Comparison of quantities and farm values of products of agriculture of the United States produced in 1859 *and* 1879.

Products.	1859.			1879.		
	Quantity.	Price.	Value.	Quantity.	Price.	Value.
Corn.....bushels...	838,792,740	$0 43	$360,680,878	1,754,591,676	$0 39.6	$694,818,304
Wheat.....do.....	173,104,924	72	124,635,545	459,483,137	95.1	436,968,463
Oats.....do.....	172,643,185	25	43,160,796	407,858,999	36	146,829,240
Rye.....do.....	21,101,380	52	10,972,718	19,831,595	75.6	14,992,686
Barley.....do.....	15,825,898	55	8,704,244	43,997,495	66.6	29,302,332
Buckwheat.....do.....	17,571,818	58	10,191,654	11,817,327	59.4	7,019,492
Rice.....pounds...	187,167,032	3.5	6,550,846	110,131,373	6	6,607,882
Irish potatoes.....bushels...	111,148,867	40	44,459,547	169,458,539	48.3	81,848,474
Sweet potatoes.....do.....	42,095,026	40	16,838,010	33,378,693	45	15,020,412
Hay.....tons...	19,083,896	8 00	152,671,168	35,150,711	11 65	409,505,783
Cotton.....pounds...	2,274,372,309	9.3	211,516,625	2,771,797,156	9.8	271,636,121
Tobacco.....do.....	434,209,461	5	21,710,473	472,661,157	8.2	38,758,215
Pease and beans.....bushels...	15,061,995	1 33	20,032,453	9,590,027	1 50	14,385,041
Market garden *a*.....	.....	.....	16,159,498	.....	.....	21,761,250
Orchard products *a*.....	.....	.....	19,991,885	.....	.....	50,876,154
Hops.....pounds...	10,991,996	7	769,440	26,546,378	24	6,371,131
Hemp.....tons...	74,493	190 00	14,153,670	5,025	200 00	1,005,000
Flax.....pounds...	4,720,145	20	944,029	1,565,546	25	391,387
Flax-seed.....bushels...	566,867	1 00	566,867	7,170,951	1 25	8,963,689
Cane sugar.....hogsheads...	230,982	85 00	19,633,470	178,872	90 00	16,098,480
Maple sugar.....pounds...	40,120,205	12	4,814,425	36,576,061	13	4,754,888
Cane molasses.....gallons...	14,963,996	30	4,489,199	16,573,273	35	5,800,646
Sorghum sirup.....do.....	6,749,123	30	2,024,737	28,444,202	33	9,386,587
Maple sirup.....do.....	1,597,589	80	1,278,071	1,796,048	1 00	1,796,048
Beeswax.....pounds...	1,322,787	30	396,836	1,105,689	33	364,877
Honey.....do.....	25,366,357	20	4,673,271	25,743,208	22	5,663,506
Grass-seed.....bushels...	900,040	1 40	1,260,056	1,317,701	1 50	1,976,552
Clover-seed.....do.....	956,188	5 00	4,780,940	1,922,982	6 00	11,537,892
Wines.....gallons...	1,627,242	50	813,621	20,000,000	60	12,000,000
Wool *b*.....pounds...	75,000,000	26	19,500,000	240,681,751	28	67,390,890
Meats *b*.....	.....	.....	300,000,000	.....	.....	800,000,000
Butter *b*.....pounds..	500,000,000	16	80,000,000	900,000,000	21	189,000,000
Cheese *b*.....do.....	130,000,000	9.5	12,350,000	300,000,000	9.5	28,500,000
Milk consumed *b*.....gallons...	1,000,000,000	6	60,000,000	1,800,000,000	7.5	135,000,000
Poultry products *b*.....	.....	.....	75,000,000	.....	.....	180,000,000
Aggregate values.....	.....	.....	1,675,724,972	.....	.....	3,726,331,422

a As reported in the census, not including an immense home consumption.
b Census returns of farms, supplemented by estimates of ranch and town production.

the value of their farm lands, and compare the result with the average value of all the remaining farm lands within the State.

There is a great difference in the aggregate value of manufactures of the different States. Mississippi and Nevada have no county with $1,000,000 worth of manufactured products. Massachusetts has only two with less than $10,000,000, and has one with $134,567,625. Therefore it is necessary, in a comparison between the principal manufacturing counties and those of less importance, to take a different minimum of value in Alabama, as a line of separation, from the minimum taken in Massachusetts. The minimum proposed for each of the States south of Pennsylvania and the Ohio River is $1,000,000. Each county having not less than that amount of value in manufacturing production is placed in a group, and the average value of their lands compared with the average value of all the remaining lands in the State.

Then the agricultural States, in which other industries are more important, are allowed a minimum of $2,000,000 per county. In this group come the thriving Northwestern States, new and largely agricultural, yet progressive, and already diversifying their industries, rural and manufacturing, quite rapidly. They are Wisconsin, Minnesota, and Iowa, and California is classed with them.

Then come the four States of the Ohio Basin, which lie between the river and the great lakes, which are already prominent in industrial development. It is necessary to make $5,000,000 the minimum, so general is the distribution of the industries. With Ohio, Michigan, Indiana, and Illinois are placed the States of Northern New England, namely Maine, New Hampshire, and Vermont.

In a fourth group, comprising each of the Middle States, having a larger industrial development, $10,000,000 per county will make a fair exhibit of the more advanced industrial counties.

These for groups comprise all the States, except those in Southern New England, which have a very exceptional degree of industrial advancement. In these Connecticut has three of her eight counties with more than $25,000,000 each. In Massachusetts and Rhode Island the minimum is fixed at $50,000,000.

The result of this comparison shows in every State, without exception, a higher average value of farm land in that portion of each State which makes the largest value of the products of manufacturing industry. These two sections of each State are contrasted in the following statement, which also gives the totals for each State, as follows:

Statement showing the local variation of prices in each State.

States.	Counties.	Value of products of manufactures.	Total land in farms.	Value of farm lands.	Value per acre.
Alabama:	*No.*	*Dollars.*	*Acres.*	*Dollars.*	*Dolls.*
Manufacturing counties	2	2,785,685	481,484	3,152,789	6 55
Other counties	64	10,779,819	18,373,850	75,801,869	4 13
Total	66	13,565,504	18,855,334	78,954,648	4 19
Arkansas:					
Manufacturing counties	1	1,859,198	173,395	2,058,079	11 87
Other counties	73	4,896,961	11,888,152	72,191,576	6 07
Total	74	6,756,159	12,061,547	74,249,655	6 16
California:					
Manufacturing counties	6	96,217,320	2,116,416	76,972,137	36 37
Other counties	46	20,001,653	14,477,326	185,079,145	12 78
Total	52	116,218,973	16,593,742	262,051,282	15 79

Statement showing the local variation of prices in each Sta —Continued.

States.	Counties.	Value of products of manufactures.	Total land in farms.	Value of farm lands.	Value per acre.
Colorado:	*No.*	*Dollars.*	*Acres.*	*Dollars.*	*Dolls.*
Manufacturing counties	2	10,383,397	78,317	3,460,553	44 19
Other counties	29	3,876,762	1,087,056	21,648,670	19 91
Total	31	14,260,159	1,165,373	25,109,223	21 55
Connecticut:					
Manufacturing counties	3	122,572,296	967,946	69,537,959	71 84
Other counties	5	63,124,915	1,485,595	51,525,951	34 68
Total	8	185,697,211	2,453,541	121,063,910	49 34
Delaware:					
Manufacturing counties	1	17,805,608	253,939	18,757,836	73 87
Other counties	2	2,708,830	836,306	18,031,836	21 56
Total	3	20,514,438	1,090,245	36,789,672	33 74
Florida:					
Manufacturing counties	1	1,366,785	5,759	83,200	14 45
Other counties	38	4,179,663	3,291,565	20,208,635	6 14
Total	39	5,546,448	3,297,324	20,291,835	6 15
Georgia:					
Manufacturing counties	7	19,331,604	995,971	9,181,254	9 22
Other counties	130	17,109,344	25,047,311	102,729,286	4 10
Total	137	36,440,948	26,043,282	111,910,540	4 30
Illinois:					
Manufacturing counties	10	340,527,740	4,470,503	196,518,392	43 96
Other counties	92	74,336,933	27,203,142	813,076,188	29 89
Total	102	414,864,673	31,673,645	1,009,594,580	31 87
Indiana:					
Manufacturing counties	7	73,226,591	1,508,509	74,233,562	49 21
Other counties	85	74,779,820	18,912,384	561,002,549	29 66
Total	92	148,006,411	20,420,983	635,236,111	31 11
Iowa:					
Manufacturing counties	9	37,355,066	3,018,517	97,434,304	32 28
Other counties	90	33,600,860	21,734,183	469,995,923	21 62
Total	99	71,045,926	24,752,700	567,430,227	22 92
Kansas:					
Manufacturing counties	5	16,050,363	1,006,965	24,699,803	24 53
Other counties	99	14,793,414	20,410,503	210,479,133	10 31
Total	104	30,843,777	21,417,468	235,178,936	10 98

Statement showing the local variation of prices in each State—Continued.

States.	Counties.	Value of products of manufactures.	Total land in farms.	Value of farm lands.	Value per acre.
	No.	*Dollars.*	*Acres.*	*Dollars.*	*Dolls.*
Kentucky:					
Manufacturing counties	10	56,659,426	1,571,585	57,335,970	36 48
Other counties	107	18,823,951	19,923,655	241,962,661	12 14
Total	117	75,483,377	21,495,240	299,298,631	13 92
Louisiana:					
Manufacturing counties	2	$20,456,396	49,075	$1,010,663	$20 59
Other counties	56	3,748,787	8,224,431	57,978,454	7 05
Total	58	24,205,183	8,273,506	58,989,117	7 13
Maine:					
Manufacturing counties	5	58,246,405	2,288,037	50,607,054	22 12
Other counties	11	21,583,388	4,264,541	51,750,561	12 14
Total	16	79,829,793	6,552,578	102,357,615	15 62
Maryland:					
Manufacturing counties	8	101,635,101	1,904,199	93,199,562	48 94
Other counties	16	5,145,462	3,215,632	72,303,779	22 49
Total	24	106,780,563	5,119,831	165,503,341	32 33
Massachusetts:					
Manufacturing counties	4	453,360,766	1,292,876	74,819,191	57 87
Other counties	10	177,774,518	2,066,203	71,378,224	34 55
Total	14	631,135,284	3,359,079	146,197,415	43 52
Michigan:					
Manufacturing counties	6	74,928,516	1,500,690	60,373,468	40 23
Other counties	72	75,786,509	12,306,550	438,729,713	35 65
Total	78	150,715,025	13,807,240	499,103,181	36 15
Minnesota:					
Manufacturing counties	6	55,507,084	1,508,251	39,581,999	26 24
Other counties	72	20,558,114	11,894,768	154,142,261	12 96
Total	78	76,065,198	13,403,019	193,724,260	14 45
Missouri:					
Manufacturing counties	9	139,598,517	2,309,339	49,433,922	21 41
Other counties	106	25,787,688	25,569,937	326,199,385	12 76
Total	115	165,386,205	27,879,276	375,633,307	13 47
Nebraska:					
Manufacturing counties	2	5,866,751	495,434	9,456,461	19 09
Other counties	68	6,760,585	9,449,392	96,476,080	10 21
Total	70	12,627,336	9,944,826	105,932,541	10 65
New Hampshire:					
Manufacturing counties	5	60,258,153	1,880,602	47,725,874	25 38
Other counties	5	13,719,875	1,840,571	28,108,515	15 27
Total	10	73,978,028	3,721,173	75,834,389	20 38
New Jersey:					
Manufacturing counties	6	208,670,151	368,675	35,562,438	96 46
Other counties	15	45,710,085	2,561,098	155,333,395	60 65
Total	21	254,380,236	2,929,773	190,895,833	65 16
New York:					
Manufacturing counties	13	$896,651,665	4,981,545	$310,699,132	$62 37
Other counties	47	184,044,931	18,799,209	745,477,609	39 65
Total	60	1,080,696,596	23,780,754	1,056,176,741	44 41
North Carolina:					
Manufacturing counties	3	4,141,335	542,488	3,550,625	6 55
Other counties	91	15,953,702	21,821,070	132,242,977	6 06
Total	94	20,095,037	22,363,558	135,793,602	6 07
Ohio:					
Manufacturing counties	12	249,632,186	3,388,305	229,903,034	67 85
Other counties	76	98,666,204	21,140,921	897,594,319	42 46
Total	88	348,298,390	24,529,226	1,127,497,353	45 97
Oregon:					
Manufacturing counties	3	5,543,941	678,769	13,123,679	19 33
Other counties	20	5,387,291	3,535,943	43,784,896	12 38
Total	23	10,931,232	4,214,712	56,908,575	13 50
Pennsylvania:					
Manufacturing counties	13	596,122,801	3,930,549	340,912,032	86 73
Other counties	54	148,695,644	15,860,792	634,777,378	40 02
Total	67	744,818,445	19,791,341	975,689,410	49 30
Rhode Island:					
Manufacturing counties	1	82,083,318	193,544	11,180,683	57 77
Other counties	4	22,080,303	321,269	14,701,396	45 76
Total	5	104,163,621	514,813	25,882,079	50 27

Statement showing the local variation of prices in each State—Continued.

States.	Counties.	Value of products of manufactures.	Total land in farms.	Value of farm lands.	Value per acre.
	No.	*Dollars.*	*Acres.*	*Dollars.*	*Dolls.*
South Carolina:					
Manufacturing counties	3	8,384,219	1,471,846	8,387,900	5 70
Other counties	30	8,353,789	11,985,767	60,289,582	5 03
Total	33	16,738,008	13,457,613	68,677,482	5 10
Tennessee:					
Manufacturing counties	4	19,003,353	1,119,004	19,955,465	17 83
Other counties	90	18,071,533	19,547,911	156,794,372	9 56
Total	94	37,074,886	20,666,915	206,749,837	10 00
Texas:					
Manufacturing counties	3	5,139,720	554,512	5,671,879	10 23
Other counties	207	15,580,208	35,737,707	164,797,007	4 61
Total	210	20,719,928	36,292,219	170,468,886	4 70
Utah:					
Manufacturing counties	1	1,933,221	51,320	1,932,585	37 66
Other counties	22	2,391,771	604,204	12,082,593	20 00
Total	23	4,324,992	655,524	14,015,178	21 38
Vermont:					
Manufacturing counties	1	6,244,391	344,860	10,368,736	30 07
Other counties	13	25,109,975	4,537,728	98,977,274	21 81
Total	14	31,354,366	4,882,588	109,346,010	22 40
Virginia:					
Manufacturing counties	6	33,731,492	1,624,304	19,429,261	11 96
Other counties	93	18,049,500	18,211,481	196,598,846	10 80
Total	99	51,780,992	19,835,785	216,028,107	10 89
West Virginia:					
Manufacturing counties	2	11,207,436	244,624	11,955,131	48 87
Other counties	52	11,659,690	9,949,155	121,192,044	12 18
Total	54	22,867,126	10,193,779	133,147,175	13 06
Wisconsin:					
Manufacturing counties	15	96,101,406	4,720,777	159,941,426	33 88
Other counties	48	32,154,074	10,632,341	197,768,081	18 60
Total	63	128,255,480	15,353,118	357,709,507	23 30

The reader will observe that in every State there is a difference in value of lands in favor of the manufacturing counties, and that where there is little manufacturing there is small difference, and where the products of manufacture are of large value lands bear a high price. That this differentiation may be easily seen the following classification is made:

Statement showing higher land values in manufacturing counties.

FIRST GROUP.

States.	Manufacturing counties.		Other counties.	
	Farm lands.	Value per acre.	Farm lands.	Value per acre.
	Acres.	*Dollars.*	*Acres.*	*Dollars.*
Massachusetts	1,292,876	57 87	2,066,203	34 55
Rhode Island	193,544	57 77	321,269	45 76
Connecticut	967,946	71 84	1,485,595	34 68
New York	4,981,545	62 37	18,799,209	39 65
New Jersey	368,675	96 46	2,561,098	60 65
Pennsylvania	3,930,549	86 73	15,860,792	40 02
Delaware	253,939	73 87	836,306	21 56
Total	11,989,074	71 85	41,930,472	40 33

SECOND GROUP.

Maine	2,288,037	22 12	4,264,541	12 14
New Hampshire	1,880,602	25 38	1,840,571	15 27
Vermont	344,860	30 07	4,537,728	21 81
Ohio	3,388,305	67 85	21,140,921	42 46
Michigan	1,500,690	40 23	12,306,550	35 65
Indiana	1,508,599	49 21	18,912,384	29 66
Illinois	4,470,503	43 96	27,203,142	29 89
Total	15,381,596	43 54	90,205,837	32 03

THIRD GROUP.

Wisconsin	4,720,777	233 88	10,632,341	18 60
Minnesota	1,508,251	26 24	11,894,768	12 96
Iowa	3,018,517	32 28	21,734,183	21 62
California	2,116,416	36 37	14,477,326	12 78
Total	11,363,961	32 90	58,738,618	17 14

Statement showing higher land values in manufacturing counties—Continued.

FOURTH GROUP.

States.	Manufacturing counties.		Other counties.	
	Farm lands.	Value per acre.	Farm lands.	Value per acre.
	Acres.	*Dollars.*	*Acres.*	*Dollars.*
Maryland	1,904,199	48 94	3,215,632	22 49
Virginia	1,624,304	11 96	18,211,481	10 80
North Carolina	542,488	6 55	21,821,070	6 06
South Carolina	1,471,846	5 70	11,985,767	5 03
Georgia	995,971	9 22	25,047,311	4 10
Florida	5,759	14 45	3,291,565	6 14
Alabama	481,484	6 55	18,373,850	4 13
Louisiana	49,075	20 59	8,224,431	7 05
Texas	554,512	10 23	35,737,707	4 61
Arkansas	173,395	11 87	11,888,152	6 07
Tennessee	1,119,004	17 83	19,547,911	9 56
West Virginia	244,624	48 87	9,949,155	12 18
Kentucky	1,571,585	36 48	19,923,635	12 14
Missouri	2,309,339	21 41	25,569,937	12 76
Kansas	1,006,965	24 53	20,410,503	10 31
Nebraska	495,434	19 09	9,449,392	10 21
Colorado	78,317	44 19	1,087,056	19 91
Oregon	678,769	19 33	3,535,943	12 38
Utah	51,320	37 66	604,204	20 00
Total	15,358,390	21 95	267,874,722	8 27

VARIATION BY STATES AND GROUPS.

These States aggregate the value of $5,336,465,954 in products of manufactures, the grand aggregate in 1880 being $5,369,579,191 for all the States and Territories of the United States. Now, the eighteen States and one Territory in the group which has the least manufactures produce a value of $676,427,860, or 12.6 per cent. of the total for the United States, a fraction of 1 per cent. for each State. These may well be considered agricultural States.

The third group includes four States, also essentially agricultural—Wisconsin, Minnesota, Iowa, and California—in which there is a quite general determination not to remain in the category of one-idea communities in industrial development. They have $391,585,577 in manufacturing production, or 7.3 per cent. of the grand aggregate for the whole country.

The second group is rounding into symmetry in industry and realizing the benefits of such a status in high prices of lands and farm products, and rapid increase in wealth and culture. This class includes the States north of the Ohio River—Ohio, Michigan, Indiana, and Illinois—and also Northern New England. These seven States return a production of $1,247,046,686, which is 23.2 per cent. of the whole. These may be deemed industrial as well as agricultural.

But there are seven other States in which the industries are more equally balanced than any other, which make more than half the industrial production of the United States, worth $3,021,405,831, or 56.3 of all. These are found in Southern New England and the Middle States, and may properly be grouped together.

They include all manufacturing production except six-tenths of 1 per cent., scattered through two States and nine Territories. The tabulation by States is as follows:

Aggregate value of products of agriculture by States, acres of land in farms, and value of farm lands, by States and groups of States.

FIRST GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Massachusetts	631,125,284	3,359,079	146,197,415	43 52
Rhode Island	104,163,621	514,813	25,882,079	50 27
Connecticut	185,697,211	2,453,541	121,063,910	49 34
New York	1,080,696,596	23,780,754	1,056,176,741	44 41
New Jersey	254,380,236	2,929,773	190,895,833	65 16
Pennsylvania	744,818,445	19,791,341	975,689,410	49 30
Delaware	20,514,438	1,090,245	36,789,672	33 74
Total	3,021,405,831	53,919,546	2,552,695,060	47 34

SECOND GROUP.

Maine	79,829,793	6,552,578	102,357,615	15 62
New Hampshire	73,978,028	3,721,173	75,834,389	20 38
Vermont	31,354,366	4,882,588	109,346,010	22 40
Ohio	348,298,390	24,529,226	1,127,497,353	45 97
Michigan	150,715,025	13,807,240	499,103,181	36 15
Indiana	148,006,411	20,420,983	635,236,111	31 11
Illinois	414,864,673	31,673,645	1,009,594,580	31 87
Total	1,247,046,686	105,587,433	3,558,969,239	33 71

THIRD GROUP.

Wisconsin	128,255,480	15,353,118	357,709,507	23 30
Minnesota	76,065,198	13,403,019	193,724,260	14 45
Iowa	71,045,926	24,752,700	567,430,227	22 92
California	116,218,973	16,593,742	262,051,282	15 79
Total	391,585,577	70,102,579	1,380,915,276	19 70

Aggregate value of products of agriculture by States, &c.—Continued.

FOURTH GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Maryland	106,780,563	5,119,831	165,503,341	32 33
Virginia	51,780,992	19,835,785	216,028,107	10 89
North Carolina	20,095,037	22,363,558	135,793,602	6 07
South Carolina	16,738,008	13,457,613	68,677,482	5 10
Georgia	36,440,948	26,043,282	111,910,540	4 30
Florida	5,546,448	3,297,324	20,291,835	6 15
Alabama	13,565,504	18,855,334	78,954,648	4 19
Louisiana	24,205,183	8,273,506	58,989,117	7 13
Texas	20,719,928	36,292,219	170,468,886	4 70
Arkansas	6,756,159	12,061,547	74,249,655	6 16
Tennessee	37,074,886	20,666,915	206,749,837	10 00
West Virginia	22,867,126	10,193,779	133,147,175	13 06
Kentucky	75,483,377	21,495,240	299,298,631	13 92
Missouri	165,386,205	27,879,276	375,633,307	13 47
Kansas	30,843,777	21,417,468	235,178,936	10 98
Nebraska	12,627,336	9,944,826	105,932,541	10 65
Colorado	14,260,159	1,165,373	25,109,223	21 55
Oregon	10,931,232	4,214,712	56,908,575	13 50
Utah	4,324,992	655,524	14,015,178	21 38
Total	676,427,860	283,233,112	2,552,840,616	9 01

THE FARMER'S INCOME.

The fact that the group of States where industry is most diversified (those having only 18 per cent. of all workers engaged in agriculture) afford $457 per annum to each one, while the agricultural States, having 77 per cent. in agriculture, allow an annual income of only $160, is too significant to be explained away, too convincing for pretense of cavil. It stands as proof of the necessity of symmetry and completeness of the productive system, and as a forceful illustration of the solidarity of the industries.

Full acceptance of the truth that increase of non-agricultural workers enhances values in agriculture, as proven by this grouping of facts, has been nearly universal.

2. *It increases the value of production.* In the early days of the infancy of our manufactures, within the recollection of persons of middle age, wheat has been sold for less than 40 cents per bushel. There was a surplus for which there was little demand, because nearly every head of a family produced his own supply. Sixty years ago the price of our wheat exports at the place of shipment was but 70 cents per bushel, and it required eighty-eight bushels of that wheat to pay for a ton of pig-iron imported the same year. Last year twenty-five bushels of wheat would pay for a ton of pig-iron of our own manufacture, and yet we are told that farmers are ruined by the tariff on iron. The reason of this great difference is found in the fact that between four and five million tons of pig-iron are now made annually in the United States, or more than ten times as much as was produced in Great Britain sixty years ago, and more than was made there in any year prior to 1863.

Take a notable example of the crushing weight of overproduction upon price. Not many years ago, when cotton was worth 23 cents per pound, the planting returns disclosed the fact, in June, that one-third increase in area had been made. I at once predicted that with a season favoring an average yield per acre the price of middling cotton would in six months fall to 15 cents. The increase was more than a million bales and the average price of the crop was a fraction less than 15 cents, and brought to the growers $45,000,000 less than the smaller previous crop. They realized, too, that all of their extra labor had been thrown away, besides a heavy loss in addition. With no money-producing crop but cotton and no employment for idle labor in other productive industry, it is not strange that discouragement was disheartening and poverty imminent.

Again recurring to unpublished results of the census of 1880, a striking illustration of the influences of manufactures on the profits of agriculture is presented. The census returns the value of the products of agriculture reported on its schedules. Comparing the average value of production for each person (farmer or farm laborer) engaged in rural industry, we have $431 for Pennsylvania, and $180 for Virginia; $394 for Ohio, and $199 for Kentucky; $467 in Illinois, and $376 in Minnesota. Dividing again the States and Territories into four sections, the first comprising the manufacturing and mining areas, and including all having a smaller proportion than 30 per cent. of the occupied population, the working class, engaged in agricultural employments; the second section comprising all States having more than 30 and under 50 per cent.; the third including all States having 50 and not exceeding 70 per cent., and the fourth including all States having more than 70 per cent. engaged in agriculture, we have the following perfectly natural, not to say inevitable, results, namely:

Classes.	Engaged in agriculture.	Products of agriculture.	Value per capita.	Workers in agriculture.
	Number.	*Dollars.*	*Dolls.*	*Per ct.*
First class	1,060,681	484,770,797	457	16.59
Second class	1,566,875	616,850 959	394	40.12
Third class	3,017,971	786,681,420	261	58.85
Fourth class	2,024,966	325,099.388	161	77.46

Here again we see the product per man go down as the percentage of agricultural workers goes up. We see that in the manufacturing States 1,060,681 agriculturists get $484,770,797 per annum for their labor, while in the agricultural States 2,024,966 receive only $325,099,388. New Jersey has but 14.92 per cent. in agriculture, and each man earns $501, while Mississippi has 81.81 per cent., the largest proportion of any State, and each person earns but $187, the lowest average in the United States.

As with the price of land so with the value of the products of the soil. As the proportion of agricultural to other labor goes up, falls the value of a farm laborer's production by a regular, steep, inevitable gradation. The States with less than 30 per cent. in farm labor realize nearly three times as much per man as those which have over 70 per cent. in farm work. In other words, one man in

the first class realizes as much as the three men who are competing with each other, having little outlet for surplus production. Three brothers in Alabama, laboring through the year, get as much for their aggregate produce as one farmer receives in Pennsylvania, simply becausethat farmer has a brother engaged in manufacture and another in mining. It is because in one case there is a market for one product only, thousands of miles away; in the other, there are markets at every door.

The same state of facts was shown in 1870, and similar differences will illustrate the value of diversified labor in 1890.

Mr. HURD. I yield ten minutes to the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Chairman, I do not propose in this debate to consider questions not legitimately raised by the pending bill, but to confine myself to matters which naturally come up and are necessarily to be considered in determining the vote to be cast finally for or against tariff reduction. My first duty as a Representative, it seems to me, is to inquire into the condition of the Treasury and the requirements of the Government for the next fiscal year, and then to do what I can to prevent the collec-tion of more money than is necessary to meet those requirements.

It is admitted on all sides that under our present system of taxation we are collecting about $100,000,000 a year in excess of what is required to carry on the Federal Government, administered as it has been for years on a basis of extreme liberality, to say the least.

Now, the surplus revenue is dangerous in many ways. In the first place, it is a wrong done to the people of the United States to withdraw from the ordinary business of the country the sum of $100,000,000, and to hoard it up in the Treasury of the United States, to lie there idle, when it might be usefully employed in conjunction with the labor now unemployed in developing the resources of the country, while the indirect taxation, the amount of which is uncertain and unknown, and which can never go for the public good, but only for the increase of private profits, is a greater wrong, because it is both unlawful and unmeasurable.

It is an unlawful burden imposed upon the tax-payers who have long borne heavy burdens of taxation and borne them uncomplainingly, because they seemed to be required by the necessities of the Government and the people. And it is not only unjust so far as the tax-payers are concerned, but the evil seems still greater when we remember the influence of so large an amount of money in exciting legislation in favor of unnecessary objects. When revenue is collected equal only to the necessities of the Government it is carefully husbanded and only appropriated for the purposes which are legitimate and proper; but when it is so large in amount legislators are tempted to expend it upon schemes which are neither national, legitimate, nor in anyway conducive to the public welfare, but on the contrary lead to extravagance and thence to corruption, for one follows the other as surely as night follows day.

Niebuhr, the philosophic German historian, as the result of his studies said that "the sting of taxation consists in wastefulness." To save ourselves from any such danger the safe course to pursue is to collect only the needed amount of revenue. Suppose the city government of Boston, New York, Philadelphia, Baltimore, Saint Louis, or any other large city should collect one million more for one year than would be required to pay its necessary expenses; how long would that administration remain in power? Only until the next election took place, when they would be hurled out of power, as we ought to be if we do not at this time vote to adjust the income of the Government to its necessities.

It is unfortunate that this vital question should be embarrassed by the excitements and passions of a Presidential campaign, but we can not change the inevitable; and now that the issue is presented to us by a solemn vote of the House it is our sworn duty to do the best that the circumstances by which we are surrounded will permit. Whatever responsibility may be incurred by others for neglecting to do a plain and pressing duty, we can not shirk or thrust aside what is incumbent upon us to do quickly at this time.

Now, sir, I am not a free-trader, because the time has not yet come for free trade, although by the advance of all nations in economic knowledge I believe the day is not far distant when it will be adopted, if not altogether at least to a great extent, in this country. Nor am I a protectionist, because in my judgment the necessity for a protective policy no longer exists here, as our successful industries are undoubtedly able to cope with and win victories over the industries of other countries if we could have free raw materials to begin with.

I listened very carefully to the speech delivered by the honorable gentleman from Pennsylvania [Mr. KELLEY] who has made the tariff question a study for a quarter of a century, and who undoubtedly is as well informed and as honest and earnest as any man can be. If I understand him, as he stated his case, he gives his own country no credit for what has been produced from our soil, nor for our skilled labor and improved machinery, but claims that our whole prosperity is the result of protective tariffs. To that I take exception. He might as well give credit to the "Greenbackers," who sought to make the country rich by unlimited paper-money legislation, as to make our people believe that acts of Congress in favor of high tariffs are the cause of our agricultural, manufacturing, and commercial prosperity.

The truth is, all values have for their basis labor and capital, one acting upon the other, and each dependent one upon the other. If I were urged to state what I believe to be the proper platform for just and safe action at this time, I would suggest the following:

The reduction of taxation by limiting the national income to the ordinary expenses of the Government; the cessation of silver coinage for at least two years; the passage of a national bankrupt law, which every merchant whose trade is large enough to reach beyond the limits of his own State will approve; give the country free ships, free coal, free lumber, free potatoes, free sugar—in fact, free raw materials; satisfy the people that you believe in civil-service reform by your acts; show them that you are opposed to the spoils system.

This ought to be the cheapest country in the world in which to live, instead of which it is admitted that it is the dearest. I commenced business in Boston in 1850, when I boarded at the old Bromfield House at $4.50 per week, room and all. The same living would cost me to-day $24.50. That may be charged to the credit of a protective tariff system. I rented a place of business in 1859 in Dock Square, Boston, and paid $2,000 rent per annum. I remained there long enough to pay $6,600 per annum. That may be credited to the protective tariff. The first year I went there I paid $372 taxes per year on that store, while the last year I paid $1,000 on the same store. That may be credited to the protective tariff. I simply make this statement to show how ridiculous the argument seems to me as a business man that the whole prosperity of this country is due to a protective tariff. I deny that it is.

Had the report of the Tariff Commission, Mr. Chairman, been enacted into a law as it was originally presented to this House there might not be to-day any necessity for further action on this question; and for that reason I do not like the present bill, because it does not go far enough in general reduction. I would have it go so far as to settle the question for at least ten years to come. Had the committee left the bill as originally agreed upon, with a larger free-list, it would have satisfied me much better than the present measure does. In fact, I believe in putting all raw materials upon the free-list. With such a provision added to this bill, no further legislation on the tariff question would probably be required for another decade. What is feared, and justly, is the continued agitation of the tariff question. What we want is a more settled policy.

I clearly see the difficulty in the way. Here comes Ohio asking that the duty on wool shall be restored, and members of both parties from that State vote for it, and are ready to go home and say they did it all and simply for the reason that they believe they could thereby carry the election in that State. It reminds me a good deal of the action of the California delegation in reference to the Chinese immigration several years ago.. Each party in the delegation cried louder than the other, and each party tried to influence its political friends to join with it upon the assurance that the passage of that bill would insure success in the approaching election. Some one was cheated there, as we all know, and some one will be cheated in Ohio on the wool question. [Laughter.]

It is claimed that high protection means a high price for labor. Who makes that claim, and where does it come from? Pennsylvania has a fair representation in that direction.

Now, Mr. Chairman, who appeared before the Committee on Ways and Means previous to the drafting of this bill by the committee? Representatives of large associations and industries, gentlemen of means, and attorneys of large corporations, and in their arguments, with tears in their eyes, they appealed to the committee not to make any reduction in the revenues of the Government, all in the interest of the poor man! They with millions in their pockets saying nothing about themselves, but wiping away tears at the very thought of the poor man's imperiled interests.

Most of those gentlemen who did appear before that committee, if I am correctly informed, came at the suggestion and request of some of the members of the minority of the Committee on Ways and Means for the purpose of giving them the material for their arguments in opposition to this bill. Now we go to the House and listen to the speeches; a more pitiful story never was told. The gentleman from Pennsylvania [Mr. KELLEY], my colleague [Mr. RUSSELL], Mr. MCKINLEY of Ohio, and Mr. JONATHAN CHACE of Rhode Island, all use the same argument, substantially, appealing for protection to the interests of the poor man; striving to leave the impression that the Democratic party, who favor cutting down the revenue of the Government, are the enemies of the poor man. Do you think the poor men or the laboring men are fools? Would they make these arguments to-day if we were not just on the eve of a Presidential election? If this question was simply looked at as it ought to be, on business principles only, and not with a view to catching votes, a different course would be pursued by many of the advocates of protection.

Whatever fine theories gentlemen may weave into their speeches, or whatever splendid rhetoric they may use to catch the popular ear, it all resolves itself at last into the practical question of what is best for every constituency.

Now, what are the facts of the case? Is it true or not that we collect about $100,000,000 more than we need to carry on the Government? I believe it is. If everything remains as it is, of course the revenue will remain the same, or nearly so. Is it right that it should

remain so, or is it our duty to reduce it to the income which is required? If so, how? What would the result be should the bill now before the House become a law?

Some claim that this bill would, if passed, increase the revenue. Mr. MORRISON tells me that he has statistical estimates from the Government Departments which assure him that this bill would make a reduction of at least $30,000,000 per annum; hence one of my complaints against the bill. I would like to vote for a bill that would make a reduction of $100,000,000 per annum, and I hope some bill may be brought before the House having for its object such a reduction, or that amendments may be offered to the present bill that will accomplish that end. We can do that without making any reduction on whisky and tobacco. But not being responsible for the bill now before the House, and simply performing my duty as a Representative, I shall vote for this measure, believing that it will reduce the income of the Government, and for any and all amendments that lead to a further reduction up to one hundred millions. Having supported such measures, I should then feel that I had done my duty to my constituents and my country as a member of the Forty-eighth Congress.

The fact is that with all our machinery and labor fully employed we can produce more than we can consume. The safety of this Government largely depends upon the full employment of our labor, which happy result you are not now and never will be able to bring about under your present tariff system. Protection is in the interest of the rich and not the poor. The cheap talk about our trying to degrade American labor is all bosh. It is not true. The talk about our trying to put American labor in competition with the pauper labor of Europe is all bosh. Foreign labor is not at all pauper labor. I have seen a good deal of it. I have seen European laborers happy as lords—dancing, singing, drinking, smoking, and enjoying themselves more than most of our own laborers. Why? Under their system they get more enjoyment and pleasure for a great deal less money.

Our laborers do not all wear patent-leather boots or live in brown-stone houses. When you have lived to the age of most of the European countries I fear that you will have more pauper labor here than they now have there. I know many fear a change in our revenue system, but it must come sooner or later, and we might as well begin now as at any other time. Suppose you had a standing army of a million of your best men from 21 to 25 years of age, which I hope we may never see; suppose you had such a navy as many desire, and I should be glad to vote for if I had the opportunity, though I hope we shall never need it for actual war, and suffer the people to be taxed heavily to maintain these services, you would find a different state of affairs here from what you do now. Under those circumstances I presume my friends would want a little more protection than they have now.

The main trouble at the present time, as it seems to me, is that we are producing too much of everything, even too much legislation; in some places too much water, and in some too much whisky; in some places too much copper, and in others too much cotton or woolen goods. We certainly have too much protection, and too much talk in this House. [Laughter.] I desire to direct your attention especially to copper. The Calumet and Hecla mine, the largest copper mine in the word, which is largely owned in Boston, for the first time in its history recently passed a dividend. Why? Not because the mine does not yield as much as it ever did, but because the product of the mine can find no market.

With our great resources, plenty of steam and water power, and our young and healthy labor, the best machinery in the world, with capital as cheap as it is anywhere—with all these advantages we ought to be able to cope with the European manufacturers. Change your system, break down your wall, give us a chance to get out and our neighbors a chance to get in, and you will help labor as well as capital. Stop the howl for opening the doors of the Treasury. A friend of mind told me once, if you want to get rich keep poor, keep no money on hand that you do not require, put no money in the treasury that is not needed. This is my platform as a business man, and not as a politician, believing as I do that such legislation would redound to the credit of the members of this House and enhance the prosperity of our country. [Applause.]

During the delivery of Mr. MORSE's remarks the following occurred:

Mr. WELLER. Will the gentleman permit me to make an inquiry?

Mr. MORSE. Certainly.

Mr. WELLER. Paying $24.50 per week for your board now, as you have stated, would it not take more of your fixed income to pay that board, and would not more legal dollars be thus put in the way of going into the hands of producers—the laboring classes—than when you paid $4.50 per week?

Mr. MORSE. The more you pay for anything the richer you are, you mean to say. [Laughter.]

Mr. WELLER. Would it not be for the enhanced welfare of the producer, though it might be detrimental to you as a man of fixed income—an annuitant?

Mr. MORSE. I will come to that in a moment.

When Mr. MORSE had concluded his remarks, as they appear above,

Mr. STRUBLE said: Before the gentleman from Massachusetts resumes his seat I desire to ask him one question. The gentleman during his remarks narrated his experience as a practical business man in Boston. He stated that when he commenced business his expenses were low, and that as years passed those expenses and taxation increased. I wish to ask him whether he made or lost money in those years?

Mr. MORSE. I made money.

Mr. STRUBLE. I am glad of it.

Mr. MORSE. That is what I am in business for. [Laughter.]

Mr. HURD. Mr. Chairman, the tariff is a tax upon foreign articles imported into this country. While it is in the first instance paid by the importer, it is ultimately paid by the consumer. When it is levied for the purposes of the Government it is called a revenue tariff. When it is levied for the purpose of aiding individuals in their business enterprises it is called a protective tariff. To the former when laid fairly and without unjust discriminations I have no objection; but to the latter I am unalterably opposed.

On what ground shall the Government interpose to help the business of one at the expense of another? For you can not increase the price of goods of the seller without compelling the man who buys them to pay it. Why shall the Government assist one class out of the labor of another class when the one is no more entitled to the governmental protection than the other? If a man's business be a profitable one, it does not need the protection of the Government. If it be an unprofitable one, it furnishes a good reason why he should not continue it; but there is no reason why he should compel his fellow-citizens to pay higher prices for the articles he manufactures in order to make good his losses in a business into which he has voluntarily entered.

I deny the right of the Government to build up one man at the expense of another. If I am compelled by legislation to pay $150 for that which otherwise would cost me only $100, the seller has been armed with the taxing power of the Government to take from me $50 for his own benefit. I deny the right of the Government to surrender the taxing power to an individual. I deny the right of the individual to exercise it. When a man has earned a day's wages they are his own, and he ought to have the right to expend them where he pleases and where in his judgment they will do him the most good. If I can with my earnings make a better contract with a Mexican, or a Frenchman, or a Canadian, or an Englishman than with an American I ought to have the privilege of doing it; and the Government has no right to interpose except in so far as the necessities of its revenues may require.

If I have by a day's labor earned $1 it is my own. It represents the toil, the anxieties, the life of one day. It is all that I have in material product to represent that day. With that dollar I go to purchase from a Frenchman an article which I wish. The contract is about to be consummated. But the Government of the United States steps in with its power and says, "You shall not buy of this Frenchman; you must buy of an American"—a man, say, who manufactures this article at Providence, R. I. I go to him with my dollar and propose to buy the article which for that sum I could have obtained from the Frenchman. "No," says the manufacturer, "I charge more than a dollar for this article; you must pay me $2."

If I would purchase from the American I must go back to my toil and another day must go out of my life in order to get the additional dollar. I earn it and with it I buy the article from the American.

What is the significance of this transaction? By the power of the law I have been compelled to work one day against my will for the benefit of the American manufacturer. All of my effort and all of my toil for that day have been made his. In other words, for one day I have become his slave. He might just as well have awakened me in the morning hour and under the whip and the spur and the lash have compelled me to work for him until the setting of the sun as to do what he has done. Every dollar of increase of price which the protective tariff occasions is a day of slavery, and every hour of unnecessary labor that it requires is stolen from the invaluable time of individual responsibilities and duties.

I rest my whole case upon this proposition, that, subject to the necessities of the Government, every man has a right to sell where he can get the best price for what he has produced and to buy where he can buy the most cheaply. This is an approved doctrine of political economy and the plainest teaching of justice. It individualizes men; it begets in them a spirit of independence; it turns their eyes from the government to themselves. It fixes the boundary line between governmental power and personal right. It limits the authority of public administration. It teaches men that there is no arm so strong for their support as their own arm, and there is no business so successful as that which their own abilities and skill have established. In a word, it limits government to its proper sphere, and leaves individuals free to choose their own career, develop their own resources, and build up their own fortunes.

The present tariff of America is a high protective one. It increases the price of articles imported into this country 43 per cent. on the average, so that those who consume the imported articles must pay that increase. And it enables the American manufacturer to increase largely the price of the articles which he produces. It is true that the duty imposed does not always correspondingly increase the price of the similar domestic product. But the indisputable experience of the American people upon this point is that there has been an enormous increase in the price of domestic articles through the operation of the protective system.

In the few remarks I shall submit this afternoon I desire to show the

injustice and the wrong that this system of protection has done to the principal interests of America as a reason for my support of the pending bill, which proposes a reduction of the tariff rates.

And, first, what has been the effect of protection upon our foreign commerce?

It is manifest that its influences in that direction can only be injurious. Trade is mutual exchange; and foreign trade is exchange of the productions of citizens of this country for the productions of the citizens of other countries. Every hinderance to the importation of foreign goods is an embarrassment to commerce. It prevents foreign goods from coming in, and to the same extent prevents domestic goods from going out. You can not have large exportations without having large importations. There is not a dollar's worth or a pound of foreign goods that can come into America without a compensatory pound or dollar's worth of American goods going out. Just as you keep the foreign goods out so you keep American goods in.

Trade is as a road between two cities; the freer and more unobstructed it is the better for the people of both. If one erects an obstacle in one part of the road it makes difficulties in the path of exchange. If the other puts in an obstacle equally high, then the difficulties of the exchange are doubled.

Every tariff duty is a burden on foreign commerce and a hinderance to the exchange of commodities. And it is often doubly so, for it affords foreign nations excuses for keeping American goods from their countries.

More injurious still is this protective system to our carrying trade. In 1855 we built in this country four hundred vessels for the foreign carrying trade; in 1879 we built but thirty-five. In 1857 Great Britain had 950,000 tons engaged in trade between that country and this, but now she has nearly 6,000,000 tons. In 1857 we had engaged in the foreign trade over 4,000,000 tons; now we have scarcely 600,000.

I saw in the papers the other day that of all the thousands of vessels that passed through the Isthmus of Suez last year not a single one carried the American flag. Of the four hundred steamers plying between this country and the continent of Europe and other portions of the world only four have been carrying the American flag; and I understood the other day that they had been sold to a British line.

A distinguished officer of our Navy told me that on his first trip to South America, in 1859, more than half of the flags he saw in South American ports were American flags, and that when he went down there four years ago he did not see the flag of this country at all except upon the vessels owned by the Government. So completely has this carrying trade passed under foreign control that last year we paid in freight $120,000,000 to foreign vessel-owners.

It is a question of only a little time when under this policy the American flag will disappear entirely from the high seas. And I charge now that the protective system of America is largely responsible for this result. It prohibits the importation of foreign vessels for American registry. American capitalists who desire to engage in the carrying trade must buy foreign-built vessels, put over them a foreign flag, employ foreign sailors. And the greater part of the money expended in these enterprises goes into the pockets of foreign vessel-men and foreign sailors.

Upon ship-building also the effect of this system has been most disastrous. The time was when many towns in New England were thriving on account of the business of building ships. Now they have gone into decay. Why? Because of the high price of materials which protection occasions. The protective tariff makes the price of materials for building ships as they are constructed to-day so much higher here than in England, that it is impossible for us to compete with that country in that business. A vessel which would cost, if built on the Clyde, $100,000, will cost in this country nearly $140,000, in consequence of the difference in the price of materials caused by the tariff. How can we expect, with the handicapping influences of this increase of price, to compete with England in this business?

I know it has been said—it was said before the Committee on Ways and Means a few days ago by one of the prominent ship-builders of the East—that the reason we can not compete with England in this industry is the high wages which we are obliged to pay. I have the statement of the largest ship-builder on the great lakes that there is no substantial difference in the wages paid to those engaged in ship-building on the Clyde and those paid in this country; and in the experience of the very company, of which the Western ship-builder referred to is one of the proprietors, there was not long ago an instance which proves this. This company was engaged in building several vessels for a great railway line. It sent to the Clyde to get English and Scotch workmen. It brought here one hundred and fifteen, who went to work at Wyandotte, in Michigan, where they remained several months. Their wages were not satisfactory. They demanded an increase, which was refused them. After some further time spent in the service of the company they again demanded an increase. It was again refused. They resolved at a meeting that their condition was not satisfactory, then packed up their kits and all returned to the Clyde, with plenty of work to keep them in Wyandotte if they had desired to remain. And in sixty days Americans, and Pennsylvanians at that, took the work which these foreigners had abandoned and at the wages they had refused to receive.

Mr. Chairman, nothing is clearer to my mind than that the destruction of our foreign carrying trade is the result of the prohibition of American registry to foreign-built ships and the high price of materials for ship-building which the tariff occasions. There is nothing so humiliating to an American as this decadence in our shipping and our foreign trade. The oceans are free for all. They are beyond the influence of the selfish restrictive policies of any nation. Any person may go there with any craft and any flag he pleases, to sail whithersoever he desires. But in this free-for-all where is America? The adventurousness of every nation is there to grow rich but ours. The skill of the sailor of every nation is there asserting itself but ours. Fortunes are there being built up by the peoples of all nations of the earth except ours. Yet this is an ocean-bound Republic! Every ripple of the waters upon the sea-shore is an invitation to enjoy the wealth of foreign nations; and every stormy wave that beats upon the crags speaks in thundering denunciation of the policy that would lock America out of the markets of the world. [Applause.] God speed the day when the diviner thought of man's brotherhood with man shall supersede the degrading and belittling one of national isolation and foreign exclusion. [Renewed applause.]

What is the effect of this protective system upon the farmer? As in the case of all other consumers, it increases to him the price of most of the articles that enter into his daily consumption. An accurate estimate has demonstrated that this increase of price to the farmers of this country amounts to the sum of $450,000,000 annually; truly an enormous sum for this hard-worked industry to pay. And for it, Mr. Chairman, there is absolutely no compensation to the farmer in the protective system. The duties on wool and other agricultural products do not help him. For reasons which I stated on another occasion in this House the wool tariff has been of no benefit to him. It is absurd to say that the tariff on other agricultural products can help him when he produces a surplus which must find its market abroad.

But this system embarrasses him in another way. It operates to increase the prices of transportation of his grain from the West to the seaboard and to Europe. It must be remembered that when the grain of the American farmer reaches Liverpool it is there in competition with the grain of every farmer of the world. The protective tariffs of America are unable to help him there. The price of his grain is there determined by the laws of competition, and every dollar of increased price which transportation occasions makes less the residue of profit to him. The cheaper the freights to Europe for the farmer the greater his profit, and the dearer his freights the less his profits.

What is the effect of the protective system upon the rates of transportation? The expenses of building and operating railroads in this country are increased about 40 per cent. by the tariff. The cost of locomotives, of steel rails, cars, car-wheels, coal, machinery, of all manufactured articles which railroads require, is increased in the amount just named. Inevitably this increase in the price of constructing and operating the roads must be made up in increased transportation rates; and this increase of rates is what the farmer has to pay, which, when paid, takes largely away from his profit on the sale of his grain abroad.

Mr. Chairman, I agree that the rates of transportation in the last few years have been much reduced; but if the railroads can live now with the present rates, is it not plain, if by reducing the tariff you can cheapen their cost of construction and operating expenses, that they can stand a decrease in the rates? And every cent of decrease which comes will inure to the benefit of the farmer.

But, Mr. Chairman, the protective tariff does its worst injury to the farmer in the embarrassments it causes to the foreign market. Whatever may be said by gentlemen about the value of the domestic market to the farmer, the fact remains that the foreign market is necessary unless the production of cereals in this country is largely diminished. We have a surplus of more than 100,000,000 bushels of wheat for last year, and this surplus must increase rather than diminish.

It must not be forgotten, as I said a while ago, this wheat finds its market in Liverpool in competition with all the wheat of the world. The price of the wheat there is determined by competition. This competition not only fixes the price of the wheat sold there, but of every bushel sold at home. It is the Liverpool market which determines the price of wheat which may be sold at Chicago, Toledo, Milwaukee, or any of the great grain centers of the West.

Mr. WARNER, of Ohio. Does the gentleman object to my interrupting him right here?

Mr. HURD. Certainly not.

Mr. WARNER, of Ohio. I ask the gentleman whether the market at Liverpool or the demand for wheat abroad has any more effect on the price of wheat than a like demand for wheat at home?

Mr. HURD. I am speaking, sir, of the sale of the surplus of wheat production of America, which the American market is powerless to consume.

Mr. MILLIKEN. Will the gentleman permit me to ask him a single question?

Mr. HURD. No, sir; I do not care to be interrupted just now.

As I said, Mr. Chairman, this surplus sold at Liverpool fixes the price for every bushel of wheat that is sold here, and if that surplus of 100,000,000 bushels could not be disposed of abroad, but remain here,

the result would be to bring the price down at home below the cost of production.

Now, sir, this foreign market so indispensable to the American agriculturist, who always will produce a surplus to be sold abroad, the protective tariff embarrasses and threatens. It is a continual menace to it. It has already robbed America of half of the markets of the Old World and of this. The high duties in Germany and France and Italy and Spain and Portugal and Canada and Mexico are kept up avowedly in many instances in retaliation for the high duties we have against them; and thus this protective system has armed the people of all these great countries with an excuse for keeping out this surplus of American grain.

Why, Mr. Chairman, under wise modes of legislation and with wise reciprocity treaties negotiated between this country and other nations we could in less than six months, I believe, open the markets of 150,000,000 of people to the grain of the farmers of this country.

After the countries named had imposed high duties on our products there was little left of our foreign market except what England and the free cities of Germany afforded. And England, because the American tariff prevents the importation of English goods, has sought to find her food supplies elsewhere. Under the impulse of this necessity the most amazing fact of modern times has been developed. India, old and effete, from whose territory very little exportation had hitherto been made, is becoming to Great Britain the source of her grain supply. Under the influence of the policy of the Marquis of Ripon, who went out as governor-general about four years ago to that country, the Indian Government was induced to abrogate its protective tariff, and the vast markets of 220,000,000 of people were opened to the operations of the principle of free trade. Instantly the attention of England was directed to the agricultural development of that country.

Mr. KELLEY. Will the gentleman yield a moment just there—a single moment?

Mr. HURD. Yes, sir.

Mr. KELLEY. The 3 or 5 per cent. protective duty had been repealed by the Marquis of Ripon's predecessor, against the advice of his council, before Ripon went to India, and a 5 per cent. tax on raw cotton, when imported, had also been imposed before the Marquis of Ripon became governor of India.

Mr. HURD. I am perfectly aware of the proposition the gentleman states, but it is not by any means inconsistent with the assertion I have made.

Mr. KELLEY. But I did not want it charged on so humane a statesman as the Marquis of Ripon that he had done a great wrong to humanity.

Mr. HURD. Mr. Chairman, I desire to say that the Marquis of Ripon is the representative of the liberal party of England in India, sent there to secure the abrogation of India's protective tariff system and open her markets to the operation of the principles of free trade. [Applause.]

This policy has been carried out, and under Ripon's administration, as I have said, India has adopted commercial freedom. Immediately Great Britain commenced the development of India's agricultural production. Large extents of territory were made cultivable through the adoption of systems of irrigation. Railroads were commenced and the work of construction was vigorously pushed. The interior was thus opened up to the coast, so that the products of the soil could be cheaply loaded in the vessels. Then the most suitable seeds were distributed among the people. Cheap agricultural machinery was afforded them. Under this impulse wheat production was so stimulated that last year there was a production in India of more than 300,000,000 bushels, of which a large portion was a surplus above domestic consumption. Of this 40,000,000 of bushels have been exported, while five years ago there was scarcely a cargo of grain sent from the shores of that country. In the first three months of this year this exportation has largely increased over the same period of last year, indicating for this year an exportation of nearly 70,000,000 bushels.

What has been the effect of this increased production in India upon our markets? In the last nine months there has been a decline in the exportation of American cereals of $47,000,000 in value, and wheat has gone down in Chicago to less than 80 cents a bushel, the lowest price that has ever been known in that market. It is notable, Mr. Chairman, that just as the exportation of wheat has increased from India the exportation has diminished from the United States. This development of wheat production in India is the natural and the inevitable result of the protective tariff in America, which puts high duties on foreign goods. England refuses to buy of the farmers of America, who will not take her goods in exchange, and seeks her food supply from those countries who will take her productions; and thus from the farmers of America is passing away the last vestige of a foreign market.

I say to the farmer of America that the prospect for him is by no means encouraging. With elevators, granaries, and warehouses all filled to overflowing, with the old crop still unsold, with the vast fields of the great West greening to the coming harvests, with crops unexcelled in India almost ready for the market, with splendid promise among all the wheat-growing nations of the earth, and with the price of wheat less than 80 cents at Chicago, I predict that before January next the price of wheat will be so low that it will not pay the cost of production, and the corn raised on the Western prairies will be burned again for fuel as was the case years ago. When that time arrives the farmers will be beggars in the midst of their own plenty and paupers by the side of their own golden gathered sheaves. [Applause.] There is absolutely no relief to the American farmer except in the making of foreign markets for him. Talk about the home market which American manufacturers make for him! Already their demand for agricultural products is diminishing; already they are complaining of overproduction everywhere. It is not in their power to consume what the farmers of this country can produce. There are, Mr. Chairman, but two ways in which the farmer can find relief. One is for the proper authorities to make reciprocity treaties by which the markets of other nations will be open to the products of this country, and the other is for Congress to reduce the expense of living by cutting down the tariff rates.

The farmers sell in the lowest market and buy in the highest. They can not cheapen any further the cost of production, but they can reduce the tariff, cheapen the cost of living, and thus save $450,000,000 annually.

Mr. Chairman, I think it would be well for the protectionists to listen to words of wisdom now. The Morrison bill as it stands proposes only small reductions of tariff rates, which might, if passed, satisfy for the time the great agricultural people of this country; but if those interested in protection reject this bill, if they will not listen to or accept terms of compromise, then I believe that in less than a year the farmers of America will rise from the lethargy in which they are slumbering and sweep in an hour the whole system away, as in New England recently the stately structures of men's enterprise disappeared in an instant in the floods which human obstacles were powerless to restrain.

But what is the effect of this system upon manufacturing? Here it is claimed that the greatest blessings of protection are to be found. It is insisted that it develops and builds up that industry. All the gains and fortunes of our manufacturers have been attributed to it, and the sums paid as wages to labor are claimed as its results.

I have often thought that people in considering this branch of the subject do not give sufficient attention to the effect of our patent laws in giving protection. Those who manufacture with the protection of our patent system have a monopoly of that business for seventeen years. They can in most cases charge, in consequence of this monopoly, whatever they please for the article manufactured, because they are free from competition by their patent. They do not need any protective tariff. Indeed, the latter can only do them injury, for as the manufacturers of the patented article can charge the same price without a tariff as with it, the only effect of the tariff upon them is to increase the price of their raw material and plant, and thus diminish their profits. From what I have been able to learn about the history of manufacturing in this country, I am satisfied that four-fifths of those who have been successful in that business have become so through the operation of the patent laws, who if they knew their own true interest would now be bitter enemies of the whole protective tariff system.

But what is the effect of the tariff upon those manufacturers who have the protection of the tariff alone? I have been surprised at the want of knowledge exhibited by manufacturers with whom I have talked upon this subject. When I have asked them how the protective tariff affected them, I have found very few who could tell me exactly the increase of price which the tariff made to them in their business. And when I asked them how much it affected the price of their product at any particular time they were almost always unable to tell. When I have inquired how much the tariff increased the prices of their raw material and plant, and of the articles they were obliged to have in order to manufacture, I have found scarcely any who had given attention to this point. Why, Mr. Chairman, they will investigate the laws of trade, the laws of supply and demand; they will study the question of location, the question of interest, and every other question that affects their business; but they will not read the statute-books of their country in order to learn how the laws of the land affect them. And yet these very same people will say that the supporters of the Morrison bill are disturbers of business, because they propose to disturb existing laws, the methods of the operation of which upon them they admit they do not understand.

I know, however, of some manufacturers who have studied this question. I have a statement by one of the leading manufacturers in the State of Ohio, a manufacturer of paper, who says if the duties were taken off of all the plant and all the raw material he was obliged to have in order to make paper he would surrender the duty on paper itself.

Mr. JOSEPH D. TAYLOR. What kind of a manufacturer did the gentleman say that was?

Mr. HURD. He has been one of the largest manufacturers of paper in the State of Ohio. And I have the statement made by one of the largest woolen manufacturers in the State of New York, at a public meeting in Chicago, a meeting at which I believe my colleague on the Committee on Ways and Means, the gentleman from Ohio [Mr. McKINLEY], presided, to the effect that if the Government would give him free trade in brick and stone and mortar and building material and machinery and coal and wool and dye-stuffs, and all he needed in order to manufacture, he would take free trade for his manufactured product. What was that but to say that all that protection gave him

with the one hand it took away from him with the other? I believe if the manufacturers of this country in the present condition of the market would study this question, they would find that the increase of price the tariff gives them is more than consumed in the increase of the price of plant, of raw material, and of everything else they must have in order to manufacture what they sell.

Anyhow I am willing as one of the Committee on Ways and Means to propose to the manufacturers of this country, if they will show what the net result of protection is to them that I will help to pass a law giving them that net result, leaving them undisturbed in every other respect. The effect of that would be to make the rates much lower than those fixed in the Morrison bill, to leave the manufacturer as well off under the law as he is at present and give the people cheaper goods everywhere.

Mr. Chairman, all manufacturers need cheap raw materials and plant and a large market to sell to. The protective tariff deprives them of both. It increases the price of the one from 40 to 50 per cent. more than it ought to be, and it necessarily limits the other. The manufactturers all over the country now are complaining of overproduction. Overproduction is only another word for the phrase limited market; for no man overproduces who has a market large enough to consume what he makes. Our manufacturers are fastened in the American market. The very law which gives them the control of the home market deprives them of every other. The inevitable effect of protection in increasing the price of production disables them from competing with the foreigner who manufactures with cheaper material.

Sir, this very day manufacturing enterprises everywhere are in a condition of embarrassment, and, as manufacturers have testified before the Ways and Means Committee, because they have more goods on hand than they can sell. The necessity has come to them of a greater market than the domestic one, and they must have it; but they never can have it as long as the high tariff stands in the way of trade and exchange. If there ever was a day in America, Mr. Chairman, when manufacturers were benefited by protection, that day has gone now. An answer to the statement, that a continuance of protection is necessary to manufacturing, is found in the history of England. In 1844 all of the manufacturing industries of that country were in a state of stagnation, brought about by the protective system. They were unable to dispose of their surplus abroad. Their larger establishments were closed. Thousands of men were turned out to starve. The poor-houses were full. Bread riots were threatened in every city of the country. Then John Bright, Daniel O'Connell, and Richard Cobden, and others determined to begin the agitation of free trade.

Interrupted, opposed by stupid persons who were afterward to be most benefited by what they did, in 1846 they succeeded, and the most obnoxious features of the protective tariff of Great Britain were stricken out and a close approximation to free trade was made. And what has been the result to English manufactures? Never in the history of the world has there been such a growth in any business as has been witnessed in manufactures there. The highest degree of prosperity has been attained. From less than $300,000,000 worth a year the total exportation of English manufactured articles has reached more than $1,500,000,000 worth a year. The cheapening of the prices of the domestic article has enormously increased the consumption at home. England supplies, with her machinery, her cloths and her cotton goods, every nation under the sun. Princely fortunes have been made by her manufacturers, who are now monopolizing all the opportunities the world's traffic affords.

Think you that if free trade were hostile to manufacturing such would have been the result there? If the abrogation of the tariff laws brought such results to England, why should not the abrogation of our tariff laws bring similar results here? In this country now, as in 1844 in England, our manufactures are in a state of overproduction; they can not get rid of the surplus they have produced. Their laborers are striking and are turned out to starve. The England of 1844 is the America of 1884. Riots are abroad in the land; the spirit of discontent in one of the most conservative cities of the country recently suggested the bloody days of the French revolution.

Our manufacturers have not markets large enough; they have surrendered the markets of the world to England. Last year England sold abroad one billion five hundred million dollars' worth of manufactured goods, and America, exclusive of the manufactured products of agriculture, sold abroad barely seventy million dollars' worth. Fifteen hundred millions of dollars for that little stormy island and $70,000,000 for this continent! Yet we have opportunities and advantages vastly superior to hers. She has to go thousands of feet under the land and under the sea to get her iron and her coal, and go thousands of miles over the land and the sea to get her cotton and her wool. We find here our iron and coal close to the surface, on the mountains and hill-sides, and can tumble them together into the furnaces. We have the vast cotton-fields of the sunny South and the wide pasture-fields of the West for sheep to give us abundance of cheap cotton and cheap wool. It is an ineffaceable stain on the American name that the markets of the world have thus been surrendered to Great Britain, our great rival. Think you that if we could have sold abroad of our manufactured goods one billion dollars' worth last year there would have been this stagnation, overproduction, and depression?

If I could burn into the brains of the manufacturers of America one sentence, it would be this: "Turn from this constant introspection to the nations of the earth; down with the walls, out to the sea." There are 2,000,000,000 people in the world who want to buy what you make. Rise to the height of the great thought that this immense population can be supplied by you with the implements of husbandry, the tools of artisanship, and the various articles of human handicraft. But they will not take your goods until you take theirs. Let your tariff disappear, and then, oh, manufacturer, your attention will be diverted from the profitless contests of domestic competition to the generous rivalries of foreign trade; and in the easy victories which you will win a wealth will come to you of which you do not dream to-day. [Great applause.]

In conclusion, let me say a word as to the effect of this tariff system upon the wages of labor. It is claimed that the wages of the laborer are increased by protection. This can not be, except upon this theory: that by legislation you keep out of this country the products of foreign manufacturers from competition with the products of the American, and thereby the latter is enabled to charge higher prices for his goods, out of which he makes greater profits, from which he is enabled to pay and does pay larger wages to his employés.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMMOND. I ask unanimous consent that the time of the gentleman be extended. He is a member of the Committee on Ways and Means, and all the other members who have spoken have had their time extended.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Ohio? [After a pause.] The Chair hears none, and the gentleman will proceed.

Mr. HURD. It is manifest that this theory can not apply to the ordinary day laborer, or to artisans like the mason and carpenter, or to the farm worker, or the railway employé, for none of those make any articles with which similar foreign articles can come into competition. These, therefore, are all unprotected laborers, and the only influence of the tariff upon them is to increase the cost of their living, and thus to take from instead of to add to their wages.

But it is said that the laborers are benefited and wages increased in the manufacturing industries. I am perfectly willing to admit that if you will compare this country with any other country of the Old World which has precisely the same tariff policy the wages in this country will be, as they ought to be, higher than the wages there. Take, for instance, England and America, and let them both have either the same protective tariff or the same policy of free trade, and you will always find wages higher here than there. But this not because of the effect of the legislation, but as a result of the peculiarly favorable conditions for labor which we enjoy politically and territorially.

The protectionist, starting with the proposition that wages are higher here, maintains that there should therefore be protection to American labor, in order that it may not be brought into competition with the pauper labor of the Old World. My mind reaches the very opposite conclusion. The fact that we have high-priced labor here, better wages for labor, here than abroad, is conclusive evidence to me that we do not need protection, and that what we do need is the speedy opening of the markets of the world.

High-priced labor means efficient labor, skilled labor, intelligent labor, productive labor. Pauper labor means inefficient labor, unskilled, unintelligent, unproductive labor. Let competition come between high-priced labor and pauper labor, and pauper labor will always go to the wall. I can understand why the poorly paid laborers of the Old World should get down on their knees and lift up their hands and pray for protection against the high-priced labor of America; but I can not understand why the high-priced, efficient, productive labor of America should beg protection against the products of the pauper labor of the world.

Mr. Chairman, it is inevitable that when competition comes between these classes of labor, high-priced labor must always win the victory. I will mention an instance which will illustrate my meaning. Gunny-bags are made out of jute, and this manufacture is carried on very largely in Calcutta by the cheapest labor in the world, the women getting from 5 to 8 cents a day and the men from 17 to 20 cents. Within a short time, as I have been informed, a gentleman has started the business of making gunny-bags in one of our Eastern cities. He has built his structure, obtained his machinery, and he pays women employés 80 cents to $1 a day, men $1.25 and $1.50. Yet with this high-priced labor he has almost gotten control of the gunny-bag market in South America and this country. He says if you will let him have jute free he will undersell the Indian pauper labor in the streets of Calcutta itself. [Applause.]

When the markets of the world are all opened to us, what kind of labor do we want to compete with? Shall it be labor better paid, more intelligent, more productive than ours? In that case we shall soon be driven out of the market. Shall it be labor equally well paid and efficient with our own? Then it is an eye-to-eye, face-to-face, teeth-to-teeth combat. But if we are to compete with the pauper labor of the world, then all hail the coming victory of America's labor!

Mr. Chairman, while I admit that wages in this country ought to be higher than in England or any other country in the world, supposing the same legislative policy to prevail in the two countries selected for

contrast, I regret to say they are not as much higher in this country now as they ought to be, because of the evil influences of the protective system. I believe that nearly all the natural advantages which our laborers enjoy are lost through the enforcement of this artificial system of protection. Take a man who gets $1 a day in England. How much ought an American to receive in order to be equal with him? To answer this question three things must be considered: first, the expenses of living or the purchasing power of the earnings; second, the steadiness or continuance of the employment; and third, the productiveness of the labor. Now, it is admitted that, with the exception of articles of food, the expenses of living in this country are one-third more than in England.

The statistics show that American laborers will produce one-third more there than the English. During the last six years the laborers in this country have been out of employment nearly one-third of the time, while in England work has generally been steady and continuous. With these facts in view we will readily see what the American laborer should receive: one-third more in America, because of the increased cost of living; one-third more, because of the unsteadiness and uncertainty of the employment; and one-third more because of the greater productiveness of labor. This would mean that an American, to be equal to the English laborer who receives $1 a day, must receive $2. But he does not. Statistics show that in this country in all these protected industries wages are on the average a little over $1 a day, while in England in the same industries wages are but a trifle less.

But whatever be the result of this comparison, I ask you to contrast two nations similar in territory and population—one under free trade and the other under protection; or two eras of the same country—one a protective era, the other a free-trade era. Take England and Germany, for example—Germany with protection, and England with free trade; the wages in England are twice as high as in Germany. Or take England under a protective era before 1844 and under the free-trade era since. The wages of labor since the free-trade policy was adopted there have increased more than 60 per cent., and expenses of living have diminished more than 40 per cent.; so that the working classes are to-day 100 per cent. better off under free trade than they were under protection.

In this country between 1850 and 1860 we had a low tariff. The ratio of increase in wages was greater then than for the last ten years under protection. The wages of most industries were actually higher in 1860 than 1880. The expenses of living then were 25 per cent. less than now. So the laborers of America were better off under the closest approach to free trade we ever have had here than they ever have been under the policy of high protection.

There is one additional fact to which I desire to call attention; it was developed in the testimony before the Committee on Ways and Means. Many of the manufacturers admitted they have been compelled to reduce the wages of labor because, as they said, of the high price of material. That is, if they had not such high price to pay for material, if they could have obtained cheaper material, they would not have been obliged to reduce the wages of labor. What does that mean? A protective tariff makes high-priced material. It is inevitable that the situation should be just as these manufacturers stated. Every one of them wants labor and material in order to manufacture his product, and the higher the price of the material the harder will be the bargains he makes with his laborers. The high protective tariff increases the material avowedly, and when the day of stagnation comes reduction must occur somewhere. It can not occur in the price of material, for it has been made high by the arbitrary act of Congress. It must occur in the wages of labor, which are settled by the law of supply and demand. To put it syllogistically, high-priced material has compelled the reduction of wages of labor in most of the manufacturing industries of this country; the protective tariff is largely responsible for high price of material; therefore the protective tariff is largely responsible for the reduction of the wages of labor all over the land. [Applause on the Democratic side.]

Mr. Chairman, the condition of labor everywhere is unsatisfactory. The president of the Knights of Labor the other day said in a public meeting that nearly a million of men had been out of employment all through this winter. The suffering has been intense. Whole families have been removed to the poor-house. There was a discharge of five hundred men from the leading locomotive works of the United States the other day, with a promise that five hundred more should be discharged in ten days. In a town in Rhode Island not long ago whole families were in danger of starvation, and had to be supported by public charity.

Mr. CHACE. What is the name of that town?

Mr. HURD. Quidnick. [Applause on the Democratic side.]

Mr. CHACE. I hope the gentleman from Ohio will permit me positively, flatly, and absolutely to contradict it.

Mr. HURD. I can give you the particulars of the statement as I saw it.

Mr. CHACE. I have no doubt the gentleman——

Mr. HURD. It was stated that the first evidence of the condition of these poor people was found in men and women going out and picking from the frozen ground little pieces of wood that had been dropped from passing loads there during the preceding fall, and these afforded the only fuel they had. On discovering this, the people of the town gave them the charity which kept them from perishing.

Now, Mr. Chairman, in every part of the land the condition of the laboring population, as I have said, is unsatisfactory. There is complaint of the wages which are being paid to labor. I insist that these are the results of the protective system which has dragged the country away from the natural condition of free trade. We are bound to judge of these conditions as they occur, and I charge from the events of recent experience in this country that the fruits of protection in America are want, penury, and starvation. These are the glories of its triumphs, these are the jewels of its crown. I would that the workers of the country would cease to hug to themselves the delusion that protection is a help to them. It comes to them in the guise of a friend, but it is really their mortal enemy. Its hand is lifted in the attitude of benediction, but it is really raised to curse. It never will permit while it prevails that the laborers shall have the share to which they are entitled of the profits of their employers.

If, Mr. Chairman, the employer will not learn wisdom by investigating these economic questions, I hope the agitation upon this subject, now begun, will at least enlighten the workers, and that by their votes they will teach a lesson to the manufacturers, one which will give to them the markets of the world, which will open the doors that have been closed against them, and which will relegate their business to the government of the natural laws of trade. In such a condition the workingmen of America may be assured that the wages of labor will be better and the employment steadier than they have ever been under the policy of protection.

Mr. Chairman, I support the pending bill because it proposes to give relief to all of these oppressed industries. It reduces, as I understand it, the revenues of the country nearly $30,000,000; but whether it reduces the revenues or not, it unquestionably reduces taxation. It gives to the people cheap clothing, cheaper fuel, better shelter than they have heretofore received. Who, Mr. Chairman, will object to these measures of relief? Will the Republican object, when he remembers that it was his party that passed the tariff law during the days of the war, when a promise was made to the country that the tariff should be abrogated as soon as the war was over, that it was simply a temporary measure?

Will it be the Republican, whose party created and organized the Tariff Commission, which reported the very reduction proposed here by this bill, and which, while it has had control of the House and the Senate, has in one body or the other, placed lumber, coal, and salt upon the free-list? Will it be the Democrat who objects to the bill, he who belongs to a party which declared in its last national platform, as its last official utterance on this subject, in favor of a tariff for revenue only, and which in its first platform in the language of Thomas Jefferson declared in favor of commercial freedom with all nations? If he be a Democrat who does not agree with the resolutions contained in the national platform, but who prefers what is known as the Ohio resolution, then I ask him if there is anything in the Morrison bill inconsistent with that?

Mr. WARNER, of Ohio. I will answer the gentleman "yes" right there. [Applause on the Republican side.]

Mr. HURD. Then I am glad to hear it, and will be glad to have you and those who agree with you upon the records of this House in that declaration.

Mr. WARNER, of Ohio. I hope, sir, to place myself upon record just in that way.

Mr. HURD. You will be on the record in advocacy of that sentiment, and I am glad to have the gentleman say so. I had hoped, sir, that there was no man on the floor of this House who claims to be a Democrat who would object to taking off the war tax of twenty-five years ago from the people of this country. [Applause.] And if it be the meaning of the gentleman that reduction of war taxes and the giving of cheaper fuel and shelter to the people are inconsistent with the Ohio resolutions, if that be the construction he gives to the Ohio platform, I say here and now that I shall appeal to the gallant Democrats of my native State and ask them to repudiate the heresy of his platform. [Loud and prolonged applause.]

Mr. Chairman, I have no doubt of the result of that appeal, and that it will be to place the Democracy of that State where it wishes to be now, as I believe, and where it ought to be, close to the great heart of the national Democracy on this question. [Renewed applause.]

Mr. Chairman, some gentlemen say it is not politic to agitate this question now. It is too late for a Democrat to say that, sir, on this floor. There is nothing in principle in this bill, which takes off the taxes of the war, which gives the people cheap shelter, cheap salt, cheap fuel, to which any Democrat should object. There is nothing in it which is contrary to Democratic principles. The only question remaining is one of policy or expediency, as to whether the measure should be considered at this time. From time immemorial it has been the usage of the Democratic party that the majority should determine all questions of party policy. That is one of the fundamental rules of its organization. It was determined here by the Democrats of this House by a vote of two-thirds that it was expedient to consider the bill. It is too late, then, to question that decision; but, sir, even if the caucus had

not so declared, the consideration and discussion of the questions that are presented in this bill could not be prevented. Neither the ambitions nor the fears of men can stay it. The agitation has already begun. It is heard throughout the land. The people, long silent and quiet, are moving now. The culture and the chivalry of the nation, long anxious for this hour, are ready to take the lead. The conflict can not be longer delayed and the end can not be doubtful. Private extortion must yield to public right. Selfish interests must be sacrificed to the general good, and each individual's manhood must be left free, unhindered, and unhelped by Government, to work out its own destiny. And in the glorious result of the struggle I am sure that this protection giant of robbery and oppression will disappear from the land, never again to offend America by his presence nor to darken its fair fields with his shadow. [Loud and prolonged applause.]

Mr. GEDDES. My colleague from Ohio [Mr. HURD] who has just addressed the committee has again by the eloquent and impressive manner in which he has presented his views to the committee excited my highest admiration. From his youth up, at the bar and on the floor of this House, I have never failed to yield to him that admiration. And listening with the other members of this House to his eloquence, I have experienced to-day a mental pleasure that would have led me out with other gentlemen to congratulate my colleague if I had not been next in order. But, sir, at the bar and on the floor of this House I have always felt after indulging in my admiration as if I were called to come back to the stern realities of life and to realize that I lived among men and not among angels.

The tariff question has been one of the great economic questions periodically agitating the public mind from the foundation of the Government.

Taxes now imposed greatly in excess of the necessities of the Government, thereby imposing unnecessary burdens upon the people, force into prominence this question. In considering it we should not be misled by general terms sometimes used to express the principle involved. They are deceptive. We find the shibboleth of some has been and still is a "high protective tariff." They cling to this theory as if it would guard the business interests of the country against all evils.

The battle-cry of others is "free trade." Charmed by a mere theory, they overlook its impracticability. It never has prevailed in this country, and no political party has ever attempted to secure it. We might as well discuss for all practical purposes the beauties of the millennium.

The Democratic Representatives of the people almost unanimously insist on a tariff for revenue limited to the necessities of the Government economically administered. The question demands a practical view, and the plain good sense and practical experience of the people will solve it. This Government has been administered in the past on both economic theories of high protection, and tariff for revenue with incidental protection. From 1824 for ten years the policy of our tariff legislation was protection. Then for eight years the opposite tendency prevailed, which was in turn again reversed and continued until the act of 1846. This anti-protective policy—this revenue tariff with its incidental protection—then continued until 1861, when our civil war broke out, calling for large and hitherto unknown expenditure and a corresponding demand for increased revenue. From that time our legislation produced immense revenue, until the legislation of last Congress pretended to make a reduction in obedience to the general demand of the country.

During the last-named period—from 1861 until 1883—with a high protective tariff, affording protection in some directions for the mere sake of protection, enacted without reference to the interest of consumers, we had times of great depression in values, suspensions of business, laborers thrown out of employment, and bankruptcy, real or threatened, that startled the whole country. Pauperism and pinching want increased to an alarming extent. A million of men suddenly forced out of employment presented an alarming condition of things. The working classes, in whose interest it is claimed protection is granted, suffered to a degree unknown in our history before. But the working classes were not the only sufferers. The general business interests of the country suffered, and thousands of business houses failed. Reliable statistics show the aggregate amount of failures between 1865 and 1878 reached the sum $1,000,000,000.

These admitted facts, forming a part of our recent history, demonstrate that the best business interests of this country and the prosperity and happiness of the laboring masses do not depend upon a high protective tariff. The condition of the country, requiring a tariff rate at one period in our history, might so change as to demand a wholly different rate at another period. The policy, therefore, applicable in the infancy of our Republic might prove very unwise at the present period in our history. The friends of a high protective tariff often refer to the first tariff act, passed soon after the adoption of the Constitution, to justify their theory. That first act was called a protective tariff. Washington declared that it was to protect and foster American manufactures, and yet the general rate of duties under that act was but 10 per cent. ad valorem. On the other hand, the tariff act of 1846 is commonly called a revenue act, and yet the rate of duty levied under it averaged 24 per cent.

The policy that should govern a people in levying tariff duties must therefore depend upon the peculiar circumstances and condition of things existing at the time. The motives and real interests that prompted and justified certain legislation in the early history of our country no longer exist, and the same legislation at this time would be very impolitic and injurious. In the infancy of our Republic, in the absence of manufactures, with a great scarcity of capital, the wisest statesmanship sought to encourage investment in manufacturing pursuits. From 3,000,000 of population we have grown to over 50,000,000. From the thirteen feeble States we have increased to thirty-eight great States, with Territories ripe for many more. No other country possesses such marvelous resources in mines, manufactures, agriculture, mechanic arts, and everything that gives wealth and power to a nation. With these surroundings capital no longer needs protection or bounties, and taxes should not be imposed merely to induce the investment of capital in profitable enterprises. Capital can and should protect itself, except as it is incidentally aided by a tariff for revenue judiciously adjusted in favor of infant and struggling industries.

With us now labor needs protection. Fair, just, and necessary wages must be secured to labor, whether engaged in mining, manufactures, agriculture, or any other industry. Competition from abroad that tends to degrade or prejudice labor in this country must be warded off and effectually guarded against. In levying taxes and in all our legislation we must not be unmindful of the highest and best interests of the American laborer, whether on the farm, in the workshop, in our mines, or wherever found.

Again, we must not overlook in the present consideration of this question the fact that we still have a large national debt and the current expenses of our Government are great. Revenue must be raised to meet these demands. This must be done by tariff duties on imports mainly. No other plan is seriously suggested or advocated.

The Democratic party recognizes the fact that we must have large revenue and that it must be raised as I have stated. We are therefore in favor of levying these duties for revenue. Thus revenue is the object. But we can not be unmindful of the fact also that to collect by customs duties this amount of revenue will necessarily afford protection to the various and varied industrial interests needing and deserving the fostering care of Government. The Democratic party insists that the protection thus incidentally given shall be equitably and wisely adjusted. We are therefore for a tariff for revenue with incidental protection.

Mr. Chairman, the last Democratic platform of principles in Ohio very forcibly and clearly expresses a safe and sound position on this question in these words:

> We favor a tariff for revenue limited to the necessities of the Government, economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, afford just compensation to labor, but not to create or foster monopolies.

This platform of principle and policy of the Democratic party embodies all the elements that can justify or commend to our favor impost duties. It limits the amount to be raised to the necessary expenditures of the Government, and so adjusted in its details as to prevent unequal burdens. Economy and equality will thus be secured. It seeks just compensation to labor. Our republican form of government can only be maintained by a vigilant and scrupulous regard for the interests of the masses, upon whose physical and intellectual energies all our hopes depend. This platform, in keeping with the past history of the Democratic party, is an earnest protest against the policy that would degrade and oppress labor by unjust and unequal laws. It is also emphatic in its opposition to creating or encouraging monopolies.

Here we find ourselves at issue with the Republican party. The attitude of the two great parties on the tariff question is plain and easily understood. The Republican party is opposed to limiting the revenue to be collected to the necessary amount of the expenditures of the Government. They seek to encourage and aid capital by bounties, subsidies, and special privileges at the expense of labor. They impose upon the country a tariff that produces unequal, unjust, and iniquitous burdens. They have uniformly refused a just compensation to labor, and have diligently and persistently struggled to create and encourage monopolies. The Republican leaders are for a high protective tariff, protection to capital being the controlling object. They boldly announce themselves on the floor of this House for protection for the mere sake of protection. This they seek to accomplish without regard to the amount of revenue it brings the Government in excess of expenditures, or what is needed for an economical administration of the Government. This protection they would afford, though it manifestly produces monopolies and is unfriendly to the laboring interests of the country.

Mr. Chairman, the legislation of the last Congress presents a bold defiance of the well-known public sentiment of the country and reckless disregard of the interests of the people. At the opening of the first and long session of the last Congress the general public sentiment of the country conceded a change and reform of our tariff laws essential to the general interests of the country. It was known that the tariff as it existed was grossly burdensome to the people, bearing unequally upon the different interests of men, producing enormous revenue wholly unnecessary and thereby producing an overflowing Treasury. The tariff laws

then in force had been mainly imposed and adjusted as a war measure. But after long years of peace the people felt that the public interests demanded a reform of the tariff. As it existed the evil influences of it startled the people. They saw $400,000,000 flowing into the Treasury annually. Thus over $1,000,000 every day in the year was drawn from the people. Two hundred and fifty million of this sum was consumed by the current expenses of the Government. But with all the wicked waste and extravagance of the Government a surplus of $150,000,000 was overdrawn from the people.

This full and overflowing Treasury at once became the center of attraction and temptation to all engaged in the infinite variety of plunder schemes to get at it. It tends directly to encourage all manner of extravagance. The star-route scheme never could have been carried out successfully in the absence of this plethoric Treasury. In favor of all the various projects before Congress for extravagant expenditure of money it is common to refer to our overflowing Treasury.

Mr. Chairman, in the face of these facts and in open defiance of public sentiment and the general interests of the people the Republican leaders in the interest of monopolies sought and secured delay in this reform. The long session of the last Congress was consumed in appointing a commission to investigate the question. Members of Congress thus divested themselves of a duty imposed on them by their constituents and farmed out the work and responsible duties which should have been at once promptly performed. A report of that commission was made to the last session of Congress which expired on the 4th of March, 1883. On that report a bill was framed and partially considered in the House.

The tariff bill that finally passed and became a law was never considered in the House. That bill, forced through this House without discussion or consideration, became the law of the land, governing and controlling the infinite variety of interests of 50,000,000 people. The bill had been considered in the Senate, was there passed, and sent over to the House for consideration. Then came the arbitrary political procedure that deprived the minority of the Representatives of the people of all opportunity to consider or debate the bill that passed. The rules of parliamentary procedure existing from the foundation of the Government for the protection of the people were changed to meet the emergency. By that extraordinary, indeed, revolutionary means, the present tariff law was forced through to its final passage, increasing instead of diminishing the burdens of the people, and was passed in the interest of the class of men whose interests are regarded and protected by Republican leaders.

Mr. Chairman, the appointment of the Tariff Commission was a great wrong, and the practical working of it a piece of cold-blooded and heartless discrimination in favor of the overgrown monopolies of the country against the agricultural and other laboring interests. The report of the Tariff Commission was framed to favor special manufacturing interests. The men appointed on that commission were the peculiar friends of special monopolies. The commissioners should have been men as impartial and free from bias as the judges of a court. They sat in judgment to consider the rights of 50,000,000 people with interests as diversified and important as ever before intrusted to men. Agriculture, with 50 per cent. of our working population engaged in it, struggling infant manufactures, mining, and other industries were disregarded in the blind and unjust zeal of the friends of monopoly, led on by the help of members of the Tariff Commission.

The people and their representatives had the right to demand an impartial report by disinterested men. On the contrary, Mr. J. L. Hays, the president of the Tariff Commission, and who made the report to Congress, came forward as the hired instrument of monopolies and threw into the scale the weight of his influence to procure a change of the rates and classification proposed by the commission. As the agent of the manufacturers, and not as the servant of the whole people, he presented a new schedule on the manufactures of wool. This aided to produce the great wrong imposed on the wool-growers.

Senator SHERMAN, in a speech made at Findlay, Ohio, during the last campaign, as reported in the Cleveland Herald, August 26, endeavored to shield the Republican party from the responsibility for unjustly discriminating against the great wool-growing interests. In that speech he discloses the conduct of the president of the commission. He says:

> When the report of the Tariff Commission proposed repealing the ad valorem duty on wool, and leaving only the specific duty, I acquiesced, for I noticed that a ratable reduction had been proposed on woolen goods. Subsequently Mr. J. L. Hays, the president of the Tariff Commission, and who had made the report to Congress, appeared as the agent of the manufacturers with a new schedule of the duties on the manufacture of wool, greatly changing the rates and classification proposed by the commission.

Another distinguished citizen of Ohio, Hon. Columbus Delano, ex-Secretary of the Interior and president of the Ohio Wool-Growers' Association, in a recent address before the association said:

> The *personnel* of this commission was not overlooked by the manufacturers. They, with a vigilance and industry that seem worthy of commendation, did not fail to secure as its president a distinguished gentleman of great experience and ability in such matters, who was and had been for many years their agent and salaried employé. It is true, as I understand, and if so it should be mentioned, that this gentleman resigned his official relations to the manufacturers before entering upon the duties of his office. It is equally true, as I am informed, that he resumed these official relations as soon as he was *functus officio* with the Tariff Commission.
>
> It is certainly true that as soon as his duties on the commission were ended he entered upon his normal duties as agent for the manufacturers, advocating and securing changes in the report of the commission greatly beneficial and advantageous to manufacturers.

Mr. Chairman, what a mortifying exhibition of the greedy, grasping, and overreaching power of monopolies. They are organized. By the use of appliances at their command they can have great economic questions decided by their own hired and paid agents. When the overburdened people demanded a reform of the tariff the scheme of a commission was devised composed of men devoted to special interests. Is it a matter of surprise, then, that the people should rebuke and drive from place and power a party capable of such a wrong? The tariff on wool imposed by the act of 1867 should not be classed or confounded with war taxes. It was prompted by different considerations. The motives that produced it still exist to sustain it.

Agriculture, commerce, mining, shipping, manufactures, and all the diversified industries of the country are vital to our welfare; but the greatest of these is agriculture. It lies at the foundation of them all. Half the working population of our country are engaged in the business of agriculture. Our marvelous growth and prosperity rest upon this solid foundation. Ninety per cent. of our exports have been furnished by agriculture. The large excess of exports over imports for a series of years secured us the great prosperity that brought about our so-called resumption. I know Republican leaders arrogate to themselves the credit of having accomplished by a resolution of Congress this desirable result; but it was brought about by the hard work and frugality of the great farming interests of the whole country, peculiarly favored by a beneficent Providence.

The wool-tariff act of 1867 was a measure of tardy justice. It was the result of an uprising of wool-growers. They had for long years submitted to the demands and exactions of grasping, grinding, and overreaching woolen-manufacturing capitalists. They had always borne a great share of the burdens imposed upon the consumers for the benefit of Eastern capitalists.

Now, Mr. Chairman, let us look at the practical effects of the wool-tariff act of 1867. Prior to this tariff we raised in the United States but 60,000,000 pounds of wool annually, but under the encouragement of this act we raised in 1882 300,000,000 pounds. In Ohio the total clip of wool in 1860 was about 10,000,000 pounds, whereas in 1880 the product had increased to 25,000,000. Thus in Ohio wool-growing is a leading industry. It is an interest intimately and inseparably interwoven not only with agricultural pursuits, but with all our interests. This blow, therefore, inflicted by the last Republican Congress on this leading industry of our State affects all our citizens. We come to you insisting that the action of the last Congress in reducing the tariff on wool and at the same time increasing it on woolen goods was unjust and unwise. It lost to the wool-growers of Ohio $1,600,000 on the clip of 1883.

The Democracy of Ohio in State convention characterized this legislation as follows:

> The act of the Republican Congress in reducing the tariff on wool, while at the same time increasing it on woolen goods already highly protected, was iniquitous legislation, discriminating in favor of a monopoly and against the agricultural interests of the country, and ought to be corrected. And we heartily approve the action of the Democratic members of the Ohio delegation in Congress in voting against that measure.

Mr. Chairman, Democrats considered this small tariff imposed on foreign wool as a tariff for revenue with incidental protection. It fostered home industry. It could not possibly create a monopoly. It encouraged the highest and most essential form of industry. It involved the principle of the greatest good to the greatest number. It sought to make the foundation of all our greatness safe and substantial as the only judicious and wise means of protecting and saving the superstructure.

The policy of the Republican party has been to foster and protect by Government aid and class legislation manufactures and forms of industry that constitute the superstructure in our monument of growth and prosperity. They have been indifferent as to the stability and security of the foundation upon which all depended.

The Wool-Growers' Association of Ohio met in convention at Columbus, and took action in regard to the Republican legislation of last Congress in reducing the tariff on wool. Their emphatic denunciation should go to the whole country, and I therefore read it:

> The wool-growers of Ohio hereby express their indignation at the injustice done to the producers of wool and the business of sheep-husbandry by the recent action of Congress in reducing the duty on wool, and the way in which it was done is condemned by this association. These facts and others leading to the same conclusions demand of wool-growers and others connected with agricultural pursuits the most serious consideration, and lead us to the expression of the following sentiments:
>
> First. That it is our duty to commence at once and pursue unremittingly an effort to remove the injustice done to our interests by demanding a restoration of the tariff on wools, as established by the law of 1867.
>
> Second. If we fail in this, that we will insist on substantial reduction of duties on New England manufactures, because it is only just that if New England has free raw material and the benefit of the cheap wools of Australia and South America, we who use her fabrics shall have free goods and the benefit of the cheap fabrics of foreign nations.

Mr. Chairman, these utterances should be accepted as full of promise for the future, affording great encouragement to the struggling masses,

so long oppressed by taxation for the benefit of a few. This declaration of principle is by men many of them hitherto leaders in the party that did the injustice condemned. But now, smarting under the wrong imposed upon them, they use Democratic sentiments, and demand a tariff "so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, afford just compensation to labor, but not to create or foster monopolies."

We should all rejoice to find these elements for the adjustments of a tariff—these distinctive features of the Democratic creed—commanding the admiration and support of the friends of the great agricultural and laboring portion of our people. They constitute a platform upon which productive capital and labor can and should unite. This is the most important political problem now confronting us, to bring labor in every form in complete harmony with productive capital. They should go hand in hand. They must harmonize or both suffer. To continue in conflict, making war on each other, is like the hand trying to pull out the eye. When capitalists, impelled by cupidity and love of gain, seek to reduce the compensation of labor to the lowest point they produce strikes, as they are called, of our laboring men. These uprisings and earnest appeals of this class of men for fairness, equality, and even-handed justice can not be witnessed with indifference. It does not manifest any purpose to make war on capital. It is consistent with a conviction that capital is essential to the well-being, happiness, and prosperity of all workingmen. What an imposing exhibition to witness 10,000 sturdy, order-loving, and law-abiding citizens coming from their homes and their shops to make a public and solemn protest against the manifest injustice imposed upon labor by capital.

These public demonstrations of workingmen are quite common all over the country. They are prompted by the same motives. It is with them a question of bread, clothing, and shelter. They find their wages reduced to the lowest point and even beyond endurance.

I find in the New York Daily Tribune of February 3 last the following statements of one of these uprisings and the cause:

THE FALL RIVER STRIKE.

A dispatch from Fall River last night states that 8,000 cotton operatives have gone on a strike at that place, and that more may do so soon. The primary cause of this movement is a reduction in wages, which the men claim will make it impossible for them to earn more than $8 a week. They also assert that since 1874 wages in their trade have been reduced 41 per cent., and that there has seldom been a rise after a fall in wages.

It is true these strikes lost to the country, lost to the toilers and their families, millions of money. Let us learn from these strikes and their sacrifices that capital on the one hand, no matter how invested, and labor on the other, no matter how employed, should come together for the general good and prosperity. Let the laboring interests, furnishing the brain and muscle, the mental and physical energy, and capital, that builds and buys the shops, machinery, mines, and places of employment, unite on terms of equality for their mutual benefit.

As Representatives of the people we must not overlook this movement of the laboring masses to secure equality in the distribution of the necessary burdens of the Government. Our legislation must not confer special privileges, tending to make the rich richer and the poor poorer. We must wipe out all class legislation. Absolute equality can alone inspire that feeling of patriotism essential for the protection of our free institutions. Give us this, and our country will be filled with peace and plenty, virtue and safety. Affording the amplest scope and encouragement for frugal industry, we will find by the cotter's hearth, the shepherd's fold, on every farm, in all the workshops, by the wayside, and among all our laborers a love of country and devotion to our institutions which can only be found in a self-governed and well-governed nation.

At the conclusion of the remarks of Mr. GEDDES he yielded the remainder of his time to Mr. CONVERSE.

Mr. CONVERSE. I will reserve the time yielded me by my colleague, hoping to be able to add to it some further time which I may obtain from some other gentleman.

The CHAIRMAN. The gentleman from Ohio [Mr. CONVERSE] is entitled to fifteen minutes of the time of his colleague.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SEYMOUR having taken the chair as Speaker *pro tempore*, a message was received from the Senate, by Mr. MCCOOK, its Secretary, informing the House that the Senate had passed without amendment a bill and a joint resolution of the House of the following titles:

A bill (H. R. 5966) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln, and to increase the capital stock of the First National Bank of Nashville, Tenn.; and

Joint resolution (H. Res. 223) authorizing the Secretary of War to loan to the mayor of Richmond, Va., a certain amount of flags and bunting for use at a fair.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, joint resolution (H. Res. 236) authorizing the Secretary of War to loan two hundred flags to the city of Charlotte, N. C., for the celebration of the Mecklenburg declaration of independence.

TARIFF.

The Committee of the Whole resumed its session.

Mr. TURNER, of Kentucky. Mr. Chairman, before I enter upon the argument upon the tariff and bill under consideration I desire to reply briefly to the remarks of two of the leaders of this so-called "protective-tariff" system.

During this discussion upon the tariff Mr. CHACE, of Rhode Island, in his speech of April 16, and the distinguished gentleman from Pennsylvania [Mr. KELLEY] in his speech of April 15, both made personal reference to myself. They are both leaders of the protective-tariff party and Republicans. Mr. CHACE said he desired to inform me that trace-chains in England used by the farmers were worth 85 cents per pair and in this country 65 cents per pair. If this statement is true, instead of this being an argument in his favor for keeping the present high tax of 47 per cent. duty on trace-chains, it shows conclusively that there is no necessity whatever for any tariff duty on chains to protect American capitalist or labor and that they ought to be put upon the free-list, for they yield comparatively no revenue. This is a clear proposition, for if chains are worth 20 cents a pair more in England than in the United States, made with such cheap labor as Mr. KELLEY described, in the name of reason and common sense why impose on them any duty at all, especially when the importer has to pay the freight and insurance across the ocean and add it to the cost of the chains?

Mr. KELLEY, who has been a member of this House for over twenty years, coming here on the unjust doctrine of not only taxing trace-chains but every article made of iron used by the farmers and laborers, also all their clothing, hats, shoes, blankets, and all they use or wear, and who never fails to take the floor when iron of any sort is mentioned, said he wanted to inform me that trace-chains were made by poor women in England, who only got 25 cents a day, and had to pay out of that for the forge and fuel and bringing the rods to the forge. Now, if that be true, how does it come that these chains are worth 20 cents more in England? What becomes of his protective theories if the laborer in free-trade England gets more for chains than here under his protective tariff? If the protective tariff cheapens chains here, why do the manufacturers want a high tariff of 47 per cent. kept up on them? I want these two protective-tariff leaders to settle this question between them.

Mr. Chairman, at the last session, after a warm debate and much opposition in a Republican House, we reduced the duty on chains from 58 to 47 per cent.; and three days after printed protests were put upon our desks from the chain manufacturers, stating that unless we restored the duty of 58 per cent. this country would be flooded with English chains. Such are the gross inconsistencies of these manufacturers and their advocates on this floor. But when it comes to action they all want a high duty, thus demonstrating the insincerity and fallacy of their positions and showing that those manufacturers are all realizing large profits by reason of the tariff, all coming out of the farmers and those who use these chains. The Treasury gets no revenue, because the duty is prohibitive, and it might as well be 100 per cent. as 47 per cent.—both exclude the importation and prevent competition. And what difference is it whether you drown a man in forty-seven feet of water or one hundred feet? The effect is the same.

The gentleman from Pennsylvania reached a climax and said he hoped no Kentucky girl or woman would ever have to work at such unwomanly work as making chains at such starvation wages. I say to the gentleman that he need not waste his sympathy on English women, for they have to pay no tax on their clothing and the necessaries of life; but if they were here, under the system that he advocates, they would have to pay out of their small wages a tariff tax on every article of their clothing and all the necessaries of life.

As for Kentucky girls and women, they never expect to make trace-chains or do unwomanly work; they never have and never will as long as any Kentucky men are left to protect them. Kentucky girls and women expect no sympathy from the gentleman from Pennsylvania [Mr. KELLEY], for they all know that under his doctrine of so-called protection all their clothing and everything they use is taxed, not to support the Government, but to enrich the iron lords and manufacturers. [Applause.]

The gentleman from Pennsylvania [Mr. KELLEY] said in his imposing manner that I come here every Congress on the doctrine of free trace-chains. Mr. Chairman, why is it that the bill I offered to put trace-chains used by the farmers and teamsters on the free-list troubles and haunts these gentlemen so? I will tell you, sir. These gentlemen and the Republican party spent two months during the Forty-seventh Congress in debating the bill to give us a tariff commission. They acknowledged that the war tariff ought to be reduced, but contended that we must have a commission to aid us in reducing it. I knew there was no sincerity in these professions. I charged the fact that it was merely for delay that they might continue to draw their tribute from the toiling masses of the people. Many others charged the same thing.

To prove their insincerity and to demonstrate to the country that the Republican party was unwilling to give any relief to the farmers I moved to suspend the rules and pass a bill putting trace-chains on the free-list. Why? Because it would not affect the revenue, as there was little or no revenue collected on chains, and it would be of some small benefit to every farmer in the land. We demanded the yeas and nays.

The Republican members tried to prevent them, but the Democratic side of this House were strong enough and forced a yea-and-nay vote. The whole Republican party voted against giving even this small relief to the farmers, except two members. No excuse was left them, for the proposition was too simple to require a report from a "tariff commission." Their insincerity was exposed by that vote. The vote was incorporated in the Democratic campaign book, and was used by Democrats all over the United States in the canvass of 1883 at the fall elections. Those chains rattled over their heads at the elections, and many gentlemen were left at home who had voted against the bill, and this is why they are so uneasy about trace-chains and single me out.

Now, sir, I will say to the distinguished gentleman from Pennsylvania that I came here not as he says, but on a broader ground. I came on the doctrine of reducing the tariff taxation to a revenue standard. I came in opposition to the doctrine advocated by him—that you have the right to tax the great mass of the people to benefit a few manufacturers. I came here on the great principles of Democracy, and he knows I have advocated these principles and voted in accordance with them ever since I have been a member of this House. He has come here for many years—for what? To advocate the iron interest, and he has done it ably and well. I was sent here, sir, by no "ring," but by the untrammeled voice of the Democrats of the old Gibraltar district of Kentucky, the best Democrats in the world—the district that was represented here so long by that incorruptible patriot, Linn Boyd, who was twice Speaker of this House. I am from a district that has never faltered from the principles taught by Thomas Jefferson. I have great respect for the gentleman personally, but I differ from his views on taxation as wide as the poles. He comes here on the doctrine of the right to tax the whole people not for revenue, but to protect the manufacturers.

Mr. Chairman, I hope the committee will pardon this digression. I must now proceed with the argument I shall make on this tariff question—the bill under consideration.

Mr. Chairman, I assert that there is no power under the Constitution of the United States to tax the people for any purpose other than to defray the expenses of the Government, economically administered. Yet here we sit with a high protective tariff imposed upon the country by the Republican party at the last session of Congress—not enacted into a law by the deliberate opinions of the Representatives of the people by the usual routine of legislation, but by a "conference report," rushed through Congress during the last three days of the last Congress, when this House was under the control of the Republican party, not for the purpose of revenue, but to add to the wealth of a small class of manufacturers and capitalists, to give them profits of from 25 to 100 per cent., while the farmers are only making 3½ or 4 per cent. on their capital and labor. Is this right? Is this just to our constituents? We have a Democratic majority in the House, and is it not our duty to pass a bill reducing tariff taxation? Is it not a violation of our pledges to the people to sit here and see this system of legalized robbery go on? Have we not declared in our national platforms that it was wrong to collect tariff duties beyond a revenue necessary for the support of the Government? Are we to sit here and do nothing to reduce the tariff taxation? If we do, I say it is criminal on our part. If there are those who will not act with us in reducing this unjust tariff taxation put upon the statute-books by the Republicans, and thus prevent us from giving relief to the farmers and the great mass of the people, let them go upon the record, and let the country know who is responsible for the continuance of this system of unjust taxation.

Mr. Chairman, I have attempted to do my duty in exposing this system and doing all that I could to reduce the tariff rates to a revenue standard. I have spoken against it and voted against it upon all proper occasions. I shall continue to do so as long as I am a Representative on this floor if this system is kept up.

TAX ON INCOMES.

I have advocated equalizing the burdens of taxation by imposing a tax on all net incomes over $5,000, and thereby making the millionaires who pay nothing for the protection of the Government of their millions bear some of the burdens of Federal taxation, and not leave the greater portion upon the farmers and laborers of the country; and I hope it may be done by this Congress. It is right and just. Why should the men who own United States bonds by the millions pay nothing on their immense incomes? They have had a long rest, and paid no taxes for over twenty years. What patriotic services have they rendered that they should be exempt from taxation? Why should they be the pets of this Government? They purchased these bonds at from 40 to 60 cents on the dollar, most of them, and have been drawing their interest in gold even when it was over 200 per cent. premium, and paying no tax on their bonds or incomes, while all that the farmer owns is taxed. Agriculture is the great fountain of our wealth, and it ought to be fostered; at least we ought to have even-handed justice dealt out to us. We ask no bonuses or bounties, but we demand a fair, equal, and just system of taxation.

Mr. Chairman, at this session of Congress I introduced a bill to equalize the burdens of taxation by taxing the incomes of those bondholders and millionaires by imposing a tax of 3 per cent. on net incomes over $5,000, 5 per cent. on incomes over $10,000, and 10 per cent. on incomes over $100,000. I do not contend by any means that that bill is perfect; the rates of taxation may be in the estimation of this House too great. I believe, sir, upon reflection, that the rate of taxation upon incomes ought to be greater on incomes over half a million, and still greater on incomes over one million, for such an aggregation of capital in the hands of one man is dangerous in a republican government; and, besides, the tax upon them would be light in comparison with those having small incomes.

But, sir, all these matters are for future consideration, for the Committee of Ways and Means to whom this bill has been referred.

Mr. Chairman, the object of that bill I believe meets the approbation of the Democratic members of this House, and I believe of the great mass of the people, judging from the comments of the press in the East, West, and South. Certainly no one can controvert the justice of the principle involved in compelling the millionaires to pay their proportion for the protection of the Government of their millions, especially when they have paid no tax on their bonds or incomes for over twenty years.

Mr. Chairman, I hope and urge upon the Committee on Ways and Means, to whom this bill was referred, to give it early consideration, and that they will report that bill back favorably that we may have a vote on it in this House, so that the burdens of taxation may be somewhat equalized and not have a favored class paying no taxes. A small tax on incomes of those who are able to pay it would yield from seventy-five to one hundred millions of dollars and would enable us to lighten the tax on articles of necessity used by the farmers and laboring classes.

Mr. Chairman, only think, sir, of our present system of taxation. Here are these protectionists clamoring to tax the great mass of the people to add to the great profits of the manufacturers; and not satisfied with that, they want to go further and exempt from taxation the immense fortunes and incomes of these iron lords and manufacturers. Sir, could there be greater injustice? I protest against it in the name of the people I represent, in the name of the tax-ridden masses of the country.

This iniquitous and unjust system of taxation has been kept up in the interest of the New England States and Pennsylvania for over twenty years, and strange, sir, that it has been kept up so long. The South and West have been paying the tribute annually to the East under the tariff laws and increasing these immense incomes built up by this system and exempted from Federal taxation. Sir, the people are learning their rights. The star of empire moves westward. We have now the power and the strength to correct this oppression. We demand no bounties, but ask for justice. Give us "equal rights to all and exclusive privileges to none."

Mr. Chairman, the great vital question that interests the American people is the question of taxation. The total amount of revenue collected is $398,287,581. Of that sum $116,483,025 is collected upon whisky and tobacco—two articles that are not necessaries—and $210,637,293 is collected under the tariff system of taxation. There is no question better settled than that amount of taxation is not necessary to defray the expenses of the Government. The President has repeatedly told us in his messages that the revenue collected was too great, that it ought to be reduced and the taxes lessened. In his message of December, 1881, he said:

> In view, however, of the heavy load of taxation which our people have already borne we may well consider whether it is not the part of wisdom to reduce the revenues, even if we delay a little the payment of the debt. It seems to me that the time has arrived when the people may justly demand some relief from their present onerous burden, and that by due economy in the various branches of the public service this may be readily afforded.

In 1882 the President again recommended a reduction of the revenues or the taxation upon the people in his message in these words:

> I heartily approve the Secretary's recommendation of immediate and extensive reductions in the annual revenues of the Government. It will be remembered that I urged upon the attention of Congress at its last session the importance of relieving the industry and enterprise from the pressure of unnecessary taxation. It is one of the tritest maxims of political economy that all taxes are burdensome, however wisely and prudently imposed. And though there have always been among our people wide differences of sentiment as to the best methods of raising the national revenues, and indeed as to the principles upon which taxation should be based, there has been substantial accord in the doctrine that only such taxes ought to be levied as are necessary for a wise and economical administration of the Government. Of late the public revenues have far exceeded that limit, and unless checked by appropriate legislation such excesses will continue to increase from year to year. For the fiscal year ended June 30, 1881, the surplus revenue amounted to $100,000,000; for the fiscal year ended 30th of June last the surplus was more than $145,000,000. The report of the Secretary shows what disposition has been made of these moneys. They have not only answered the requirements of the sinking fund, but have afforded a large balance applicable to other reductions of the public debt.
>
> It was made apparent, in the course of the animated discussions which this question aroused at the last session of Congress, that the policy of diminishing the revenue by reducing taxation commanded the general approval of the members of both Houses. I regret that because of conflicting views, as to the best methods by which that policy should be made operative, none of its benefits have as yet been reaped.

Sir, this reads like the doctrine of the Democratic party. The President says "only such taxes ought to be levied as are necessary for a wise and economical administration of the Government." This sounds like the Democratic platform—"a tariff for revenue only"—which has been so often denounced by the Republicans on this floor and in the country.

The Republicans on this floor and in the Senate in 1882 were compelled in the debate on the Tariff Commission to acknowledge that the taxes were too high, and then instead of reducing the tariff taxation they postponed it by appointing the Tariff Commission. Sir, I and others charged then on this floor that there was no sincerity in their pledges to reduce the tariff taxation; that they only wanted delay, that the capitalists and manufacturers might continue to draw their annual tribute from the farmers and consumers of the country. Subsequent events have proved it.

The Secretary of the Treasury suggested in his report that the revenue was too much, and, sir, the $140,000,000 surplus in the Treasury demonstrates beyond controversy that the taxes are too high and ought to be reduced.

There are but few, I hope, that will have the bold effrontery to charge that the taxes on whisky and tobacco ought to be reduced and that the present high taxes on the blankets, woolen goods, and the necessaries of life used by the farmers and laborers in the land ought to be kept up.

Why, sir, even the tariff commissioners, taken from the high-protection tariff class, after traveling all over the country and examining the manufacturers themselves, were forced to recommend a reduction in the tariff taxation of 25 per cent.

The President in two consecutive messages recommended a reduction of the tariff taxation. The Secretary of the Treasury recommended it; the tariff commissioners, the appointees of the Republican party, recommended it; the people, the toiling masses, demanded it. Let us see what response has been made to these appeals by Congress. A Republican Congress met in December, 1882, and after spending nearly the whole session in an apparent effort to reduce the tariff taxation, with a bill in the Senate and one in the House, both for the avowed purpose of reducing the tariff, they brought their labors to a close on the 3d day of March, 1883; not by responding to the advice of the President and regarding the demands and wants of the people by a reduction of the tariff taxation adequate with the requirements of the Government and the wants of the toiling masses of the country, but they perpetrated an outrage and a fraud upon the tax-ridden people, not by an act of Congress, the deliberate judgment of both Houses, but by a "conference report," containing the present unjust tariff law. It was rushed through both Houses under a change of the rules, brought about by a Republican caucus without consideration. It was the most barefaced combination and legislative iniquity upon the rights of the people ever practiced in Congress. It was a fraud upon the rights of the people. It was a piece of deception which time has demonstrated.

Instead of reducing the tariff 45 per cent., as the conferees said it would, it increased the tariff taxation, where there were no disagreeing votes between the House and Senate, on large and important classes of goods; it increased the tax on cotton and woolen goods; it increased taxation on many articles used by the laboring classes beyond the Morrill war tariff, and yet we are modestly told not to disturb that iniquitous and unjust tariff enacted into a law in violation of every principle of justice and rightful legislation; that it would be impolitic to do so.

Sir, I say that the great mass of the people, the Democratic party, justice to those who have paid this tribute for over twenty years, all demand that this Democratic House shall reduce this system of legalized robbery. Mr. Chairman, what excuse could we make when we return home if we had made no attempt to relieve the people of this unjust system of taxation with an overflowing Treasury? Sir, it would be criminal on our part not to make the attempt; and as far as I am concerned I would vote to-day to reduce the tariff to a revenue standard, giving only such protection as that would afford, and it is enough. It is all the manufacturers have a right to ask under the Constitution of our country. Mr. Chairman, where is the clause in the Constitution which authorizes us to impose taxes upon the great mass of the people not for revenue, but to add to the wealth of a favored class? Sir, there is none.

Look, Mr. Chairman and gentlemen, at some of the outrages perpetrated by this so-called "conference report" that the Republicans pretended would reduce the tariff taxation.

The Bureau of Statistics, the most correct authority, furnishes the following table:

Values of imports of dutiable merchandise entered for consumption in the United States, with the amount of duty and the ad valorem rate of duty collected, during the six months ended December 31, 1882 *and* 1883.

Articles.	Six months under the old law—1882.			Six months under the new law—1883.			Increase + Decrease —	
	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Duty collected.	Ad valorem rate of duty collected.	Value.	Ad valorem.
	Dollars.	*Dollars.*	*Per cent.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Per cent.*
All dutiable merchandise	260,856,237	111,266,507	42.65	235,898,109	96,514,136	40.91	−24,958,128	— 1.74
Sugar and melada	44,432,311	23,180,590	52.17	46,800,671	23,121,601	49.40	+2,368,360	— 2.77
Iron and steel and manufactures thereof	32,499,426	12,713,996	39.12	23,698,937	7,924,225	33.44	−8,800,489	— 5.68
Wool:								
Clothing	1,210,689	671,415	55.46	2,399,515	1,073,311	44.73	+1,188,826	— 10.73
Combing	135,123	67,839	50.19	615,677	267,704	43.48	+ 480,554	— 6.71
Carpet	3,505,980	974,202	27.79	4,345,385	1,087,094	25.02	+ 839,405	— 2.77
Manufactures of wool	22,400,387	14,943,626	66.71	22,064,512	15,202,183	68.90	— 335,875	+ 2.19
Manufactures of cotton	14,967,850	5,629,658	37.61	12,067,631	4,835,714	40.07	−2,900,219	+ 2.46
Manufactures of silk	19,999,119	11,738,469	58.69	21,286,252	10,617,057	49.83	+1,287,133	— 8.86
Earthen and china ware	4,423,146	1,896,705	42.88	3,824,951	1,830,363	47.85	— 598,195	+ 4.97
Glass and glassware	4,271,305	2,327,660	54.49	3,943,197	2,187,362	55.47	— 328,108	+ .98
Spirits and wines	5,203,625	3,706,142	71.22	2,945,001	2,659,312	90.30	−2,258,624	+ 19.08
Malt liquors	511,772	227,370	44.43	490,315	235,823	48.10	— 21,457	+ 3.67

JOSEPH NIMMO, JR., *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *March* 10, 1884.

This table shows that instead of a reduction of $3,681,000, as Mr. MORRILL, of Vermont, said would result from the present tariff law on cotton goods, the tariff duty on cotton goods is increased $825,000 on the amount consumed last year, which was $37,970,610, besides the increase by reason of the tariff on the cotton goods manufactured in the United States, all of which is a bonus to the manufacturers and comes out of the pockets of the consumers, and amounts to millions.

The tables show that while the tariff on wool was reduced the tariff on woolen goods was increased over one million annually at the present rate of importation, and of course the enhanced price by reason of this tariff will be added by the manufacturers on the woolen goods manufactured in this country, which will amount to many millions, all to come out of the consumers and go not into the Treasury, but into the pockets of the manufacturers.

The tariff on silks and satins was reduced from 60 to 50 per cent., and the tariff on the cheap crockery ware used by the poor was increased. The clothing of the laborers of the country is taxed 25 per cent. higher by this conference law than it was under the war tariff. These are specimens of the relief they gave to the farmers and laborers of the country by this (I might say) conference fraud under the false pretense of reducing the tariff taxes. Sir, I have called this tariff system "robbery," and in doing so I am justified by the decision of the Supreme Court of the United States in the case of The Loan Association against Topeka, delivered by that able jurist, Judge Miller (20 Wallace, 657), in which the court say, defining the taxing power:

The power to tax is therefore the strongest, the most pervading of all the powers of the Government, reaching directly or indirectly to all classes of the people.

It was said by Chief-Justice Marshall, in the case of McCulloch *vs.* The State of Maryland, that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent. imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year of two after its passage. This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.

To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." "Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes."

Coulter, J., in Northern Liberties *vs.* St. John's Church, says, very forcibly:

I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the government for the purpose of carrying on the government in all its machinery and operations; that they are imposed for a public purpose.

In this decision the court say:

To lay with one hand the power of the government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a *robbery* because it is done under the forms of law and is called taxation.

The court further says in the same decision:

If it be said that a benefit results to the local public of a town by establishing manufactures, the same may be said of any other business or pursuit which employs capital or labor. The merchant, the mechanic, the inn-keeper, the banker,

the builder, the steamboat-owner, are equally promoters of the public good and equally deserving the aid of the citizens by forced contributions. No line can be drawn in favor of the manufacturer which would not open the coffers of the public Treasury to the importunities of two-thirds of the business men of the city or town.

So I hope my Republican friends will not say that I use harsh and unwarranted denunciation when I denounce this whole system of tariff taxation as a system of "robbery" of the great masses of the people to enrich a favored class, the few manufacturers. Mr. Chairman, all taxation should be uniform and just to all classes and all sections and all industries. Instead of this, the American Congress by a system of tariff taxation has oppressed the agricultural interest of the country, compelling the farmer to pay large and enhanced prices for nearly all he consumes, and denying him the right to reap the full fruits of his labor by selling his products or exchanging them in the best markets of the world, and all for the purpose of enriching the manufacturers at the expense chiefly of the farmers, who comprise over one-half of the population of this country, and this iniquity is perpetrated by what is known as the "protective tariff," which I believe to be nothing but legalized robbery of the great mass of the people to enrich the few under the pretext of "protecting American labor."

Mr. Chairman, the great principle underlying our Government is "equal rights to all; exclusive privileges to none;" yet no people ever submitted to such oppressive taxation as we do, not to support the Government, but to enrich a small class who have put their capital in manufactories. I have no objection to a revenue tariff to support the Government, economically administered. This is the Democratic doctrine, and would be constitutional and right. The people must investigate this question for themselves, and when they understand the injustice of this so-called protective system they must rise in their majesty and shake off the shackles that have made the farmers of the great West and South slaves to enrich the manufacturers. They must fill the legislative halls of Congress with men who will trample under foot the monopolies which are controlling the legislation of this great country and wringing from the farmers and laborers about $1,500,000,000 annually, not for revenue, but a bonus to manufacturers, by this unjust tariff.

QUESTION OF THE DAY.

This, Mr. Chairman, is the great question of the day. It is one in which every honest laborer and agriculturist is interested, whether he is a Democrat or a Republican, white or black. It is an issue from which I do not shrink, and the Democratic party must not shrink if they want the confidence of the people and if they are true to their past platforms and principles with which we have in days gone by marched to victory. The people all over this great country demand relief, and speedy relief, from this serfdom which is grinding them down every day and making them poorer in spite of close economy and industry.

Mr. Chairman, let us examine this question fairly. What is the total value of the commodities imported into the United States from foreign countries upon which a tariff duty is imposed? In 1882 it was $505,491,967; in 1883, $493,916,384. What is the amount of tariff taxation imposed upon the importations of 1883? Under the tariff now in force, $210,637,293, which is an average of 42.65 per cent; in 1881 it was 43.25 per cent. Thus it will be seen that the reduction under the great relief measure given us at the last session of Congress by the Republican party amounted to almost nothing, and yet they acknowledged that the war tariff was too high, and their own tariff commissioners had recommended a reduction of 20 or 25 per cent.

Now, what is the total amount of goods consumed upon which a tariff duty is imposed? According to the last census it is about $4,000,000,000. Thus it makes the enhanced value of the commodities by reason of the tariff about one and a half billions, which is a bonus to the manufacturers, so that the consumers pay into the Treasury collected under the present tariff $210,637,293, and pay to the manufacturers a bonus of about one and a half billions in addition.

These figures are almost incredible, but yet they are true, and from this it can be seen why these manufacturers are reveling in wealth and luxury. In the East millionaires are so numerous as scarcely to attract attention. Magnificent palaces are on every hand, their tables groaning under the luxuries of every land, fine equipages and liveried servants, such as are seen in Eastern cities and at Newport, Saratoga, and other places of summer resort every year. They own millions upon millions of bonds. National banks are too numerous to mention.

How different is it in the West and South. With the richest country in the world, with close economy, with children kept at home from school to work, indulging in no costly luxuries, yet at the end of each year our farmers can barely make the ends meet after paying their taxes.

And, sir, this has been going on for over half a century. No wonder that you see the fine cities, colleges, and everything that is grand and costly in the East. But where, sir, did the money come from that produced this result? From the pockets of the toiling masses of this country; out of the honest farmers, lawyers, doctors, and laborers of the West and South, who have paid their yearly tribute to these manufacturers, collected in violation of justice and the Constitution of our country by this iniquitous tariff system, for it all comes out of the pockets of the consumer; and not only the tariff duty, but the cost of transportation across the ocean, with the profits of the merchant, as can be plainly demonstrated. If this annual tribute was collected by tax-gatherers the people would not stand it twelve months, but it is collected in an insidious way by the merchants, as I explained fully once before in discussing this question on this floor, and which I will repeat:

A foreign merchant brings from Europe a hat, a pair of shoes; he pays the tariff duty at the custom-house, and then offers them for sale in this country. What does he ask for them? He adds to the cost in Europe the transportation across the ocean, his profits, the tariff duty. The merchant from the West or South, who buys in the East, has all this to pay; he brings them home, adds on his profits and the transportation from New York, and sells them to the farmers and consumers. Then they have all this to pay; they buy the hats, the shoes, and other dutiable goods, and wear them out. Out of their pockets, then, comes the whole amount at last.

Sir, this is bad enough, but it is insignificant compared with the bonus paid the manufacturers. How do they collect their bonuses? Simply by putting their goods up to the price of the foreign article, adding on the tariff duty, the cost of transportation across the ocean, insurance, and profit, all of which the consumers have to pay. Thus the consumers have to pay this bonus of about $1,500,000,000 to the manufacturers and the $210,637,293 tariff duties collected and paid into the Treasury by the officers of the Government. To make it still plainer: A man in New York goes into a hat-store of imported hats; he buys one. What does he pay for it? He pays the cost in Europe, transportation, profit, and the tariff duty, say $2. This $2 goes into the Treasury. He crosses the street and buys a hat made in Massachusetts. What does he pay for it? Why, the same price, because the Yankee has added on the tariff duty; then the $2 goes into the Yankee's pocket instead of into the Treasury. And so it is with 2,000 articles upon which the tariff duties are imposed. How long will the American people stand this robbery?

Mr. Chairman, of the $210,637,293 collected and paid into the Treasury upon foreign goods imported $134,557,435.69 are collected on six articles, as follows:

Sugar and molasses	$46,172,378 85
Woolen goods and wool	32,320,892 52
Iron and steel	16,590,563 93
Silk goods	19,654,946 28
Cotton goods	12,234,371 24
Flax and linen	7,584,342 87
Total on the six articles	134,557,435 69

It requires the duty on all the remaining long list of over 1,900 articles to make up the remaining $86,079,857.31 of tariff duties that goes into the Treasury, because the tariff duty is so high on all the other articles but little is imported. The tariff on most of them is almost prohibitory, and therefore the manufacturer can charge what he pleases on them.

Such is the injustice of this tariff, made to rob the farmers and other consumers for the benefit of a few manufacturers and not for revenue.

INJUSTICE OF THE TARIFF.

One of the worst features of this odious tariff is that the necessaries of life and the articles used by the poor are taxed the highest, as will be seen from a few articles which I have selected. Thus while cut-glass, used only by the wealthy, pays a tariff duty of only 40 per cent., the common window-glass, used by the poor, is taxed 45 per cent. The velvets and laces used by the wealthy are only taxed 40 per cent., and the common flannel to protect the laboring man and his wife and children from the cold of winter are taxed 69 per cent.; coarse blankets taxed 69 per cent., while broadcloth is only taxed 66 per cent. Medicines for the sick are taxed from 15 to 237 per cent., while raisins, figs, and confections are taxed only 29, 35, and 55 per cent. respectively, and champagne wine 56 per cent. Under the present tariff the poor people pay nearly double as much as the wealthy, because the duty is so much higher on the articles used by the poor laboring class than the rich, and yet the incomes of the millionaires pay no tax and have not for years. Is this justice? Ought such a system to be kept up?

Mr. Chairman, of the population of the United States over 40,000,000 are consumers not engaged in manufactories, and only about 12,000,000 are engaged in manufactories; this includes the families of the operatives. Sir, of this number not more than 3 per cent. get the immense profits from manufactories, and these immense bonuses or bounties, because the operatives have to live; they consume the necessaries of life upon which the tariff duties are imposed, like other laborers. And although nominally they may be receiving good wages, yet their wages are taken out of their pockets by the enormous duties imposed upon their clothing and the necessaries of life that they consume.

The capitalists who own the manufactories are the only beneficiaries under the tariff and reap the benefits or increased price by reason of the tariff taxation. They are pocketing an annual profit of from 20 to 60 per cent., and the poor operatives are bled by the tariff in common with the farmers of the country. Why should 45,000,000 of people be taxed under the tariff laws for the benefit of the capitalists, who see proper to run manufactories that are fully developed and competent to sustain themselves in fair competition with Europe, especially when they have the ocean across which most of the raw material has to go

and then come back after it is manufactured before it is offered for sale here?

The manufacturers have no moral or legal right to claim bounties from the farmers, merchants, lawyers, doctors, mechanics, and laborers to enrich them. If there ever was any just reason for it, it has ceased to exist; for they have had protection or bounties long enough. A continuance of the tariff at a higher rate than is necessary to defray the expenses of the Government is simply the taxation of the whole people to add to the wealth of a few, to build up, as it has done, a favored aristocracy in violation of the spirit of our institutions. I protest against it, sir, in the name of justice and the people whom I have the honor to represent.

Now let us see the amount of capital engaged in agriculture. According to the last census, total value of farms, $10,197,094,805; total value of farming implements, $406,522,364; total value of live-stock, $1,500,494,607; total amount invested in agriculture, $12,104,111,776.

The farmers are not realizing more than 3 or 3½ per cent. net, while the manufacturers are realizing from 30 to 60 per cent. I mean the capitalists who own the factories, not the poor operatives.

Sir, is it just, is it right, that the agriculturist should be discriminated against? Where is the protection given the farmer? Where is the protection given labor on the farm? There is none. We ask none. All the farmer demands is equality under the law, and he has a right to it. We are not even allowed to sell our tobacco to any one unless he is licensed and taxed by the Government.

Sir, I have been a farmer all my life, and I have felt and understood the injustice done the farmers of the country and the burdens imposed unjustly upon them and the doctors, lawyers, artisans, and laborers of the land by this unjust protective tariff system.

But, sir, we hear the continual cry that this unjust tariff system is necessary to "protect American labor." It is not true. It is a deception and a fraud upon the rights of the great mass of the people. Under what clause of the Constitution do you find the power to tax the honest farmer, to take from him the fruits of his hard labor and put it in the pocket of the manufacturer to enhance the value of his labor? Give us equal rights. You have no right to tax 45,000,000 of our people to enrich 5,000,000—no, only one and a half millions, for the operatives do not get the profit or bonus. We live in a country abounding in the raw material, the iron, coal, cotton, at our very doors.

The broad ocean across which the manufactures of Europe have to come gives you all the protection you need or ought to have. You have been protected in your infancy; you have grown to manhood; and do not keep up your cry for "protection." You have most of the banking capital; you have the bonds; you got them for 40 cents to 60 cents on the dollar; and in God's name you ought to be satisfied. If some manufactories will not pay, why, you have no right, legal or moral, to tax others to keep them up. But, gentlemen, you know that they will pay; you know that they ship plows to England and machinery of various kinds and sell them lower than they do here, and then make a fair profit. You know that while we only make 3½ or 4 per cent. in agriculture, your iron lords are realizing 30 and 60 per cent., and that you are making an average of over 30 per cent. on all manufactured commodities; but you are not satisfied, and the American people will have to rise in their might and assert their birthright to be free. The shackles of slavery have been struck from the African, yet you hold in slavery the white men of the country, the toiling masses, and compel them to pay you tribute on the necessaries of life, and deny to them the right to exchange the fruits of their labor for the commodities they need in the markets of the world. It is an outrage.

HOW IS THIS UNJUST SYSTEM OF TAXATION KEPT UP?

But Mr. Chairman, I may be asked, How is this unjust tariff system kept up? In the first place, it was enacted, as I said before, during the war under a false pretense to fill the Treasury, and ever since then it has been kept up by "rings and cliques" who were in the interest of the manufacturers and monopolists, and who sent members here who have disregarded the interest of the farmers and consumers in many instances. They have not represented the interest of the great mass of the people. Then these capitalists fill the corridors of this Capitol and the hotels with lobbyists, all in their interests. The honest farmers in the country are at home; they have neither the time nor the money to spend in coming here to see to their interests, and they are disregarded by members who are true to the interests of the capitalists, who had them nominated in conventions in which the great mass of the people had no voice.

And lastly, any reform in this tariff has been prevented by the rules of this House. In this way every bill has to be referred under the rules to a committee, and no vote can be taken on it until the committee reports the bill back to the House, either favorably or unfavorably. Many bills have been introduced looking to relief from this odious tariff by various members. I have introduced several myself during the Forty-sixth Congress and Forty-seventh Congress and during this session. What became of them? They were referred under the rules to the Committee on Ways and Means, and that committee, in violation of the spirit of the rules of this House, pocketed these bills and refused to report them in any way at all, either favorably or unfavorably, and thus they prevented a vote upon those bills of relief to the people.

I offered bills to abolish the tariff duty on all agricultural implements, a bill to repeal the tax on leaf-tobacco, a bill to put trace-chains on the free-list. What has become of them? They sleep the sleep of death in this star chamber, and there is no power under the rules of this House to resurrect them. There is no way to force this committee to report these bills. Why do they not report these bills back with an adverse report, if the committee is opposed to them? Because they would then go on the Calendar and we could have a vote on them. Members would then be brought face to face with their constituents, and they would have to vote for these bills or an indignant constituency would consign them to private life, and send men here who would represent their true interest.

Look, Mr. Chairman, for example, at the bill to put trace-chains on the free-list. Upon trace-chains there is a duty of 47 per cent., which amounts to almost a prohibition, for the whole amount of revenue collected upon trace-chains, as shown by the report of the Commissioner of Revenue, is only $1,500 in a year. Yet it is an article used by every farmer in the land and every teamster, and by virtue of this tariff millions go into the pockets of the manufacturers of chains every year as a bonus. Would any man representing an agricultural district face his constituents on the record and vote against that bill which would give the farmers free trace-chains? It would do the Treasury no harm, because the revenue is only a mere pittance, $1,500; and yet, sir, I introduced that bill during the Forty-sixth Congress, and the Ways and Means Committee had that bill during the last two sessions of the Forty-sixth Congress, and have had it during the Forty-seventh Congress and ever since the first bill day of this Congress, when I introduced it again, now four months ago, and will not make a report of the bill, either favorable or unfavorable, because it would then be in the power of a majority of this House to vote on this and similar bills.

Mr. Chairman, is it not an outrage upon the rights of the people that such an abuse of power should exist and yet no remedy provided against it? For there is none, unless you could get a two-thirds vote and pass a bill or resolution under a suspension of the rules. But, sir, a majority ought to rule in a republican government; but it is powerless here. A majority can not force from that committee the many bills that have been referred to it for the relief of the farmers and consumers of this country. Seeing this defect in the new rules when they were reported from the committee that formed the new rules of this House, I offered an amendment to force a committee to report on a bill after they had had it for thirty days and refused to report it back to the House by putting it in the power of the member offering the bill to move to discharge the committee who had had it thirty days and to give the House the right to vote on the bill, when a majority could pass it if they thought proper.

But, sir, that amendment was defeated after it had been advocated by myself and others, as will be seen by a reference to the CONGRESSIONAL RECORD of the second session of the Forty-sixth Congress, pages 1085 to 1089. Who defeated it? Why, the protective-tariff men; those men who are willing to tax the masses to enrich the few. They were the men who voted against the amendment for this evil that exists today and puts it in the power of any committee to defeat the will of a majority of the Representatives on this floor simply by refusing to report back a bill referred to them.

Sir, ought such an outrage to be tolerated in a free country, a land of boasted freedom, when seven men in the Congress of the United States can prevent the passage of a bill giving a relief to the people, although a large majority may desire to vote for the bill? It is worse than despotism. Yet such is the case under the rules of this House. It is right that this House and the country should understand this question, and therefore I have attempted to expose it in the hope that a remedy may be provided to force a committee to report a bill back to this House that has been referred to them. Personally I like and respect the members of that committee; but, sir, I felt that it was my duty to expose this grievance that has riveted upon the people this odious tariff and has prevented even a modification of parts of it in former sessions of Congress.

Mr. Chairman, Senator BECK assigns the following additional means by which this tariff system is kept up. He said:

> Mr. President, the truth is, that protectionists at last believe that they can control the legislation of the Government, and not only hold on to the subsidies they now receive, but many of them clamor for more. Their organizations are perfect, and ramify every part of the country. They elect or defeat Senators and Representatives in many places, as they think best for their interest; they own a powerful and intelligent portion of the public press; they can afford to spend and squander hundreds of millions rather than have their privileges curtailed or their bounties diminished. They have their operatives, many of them very intelligent men, so dependent upon them for the support of their families that they can, by threats of reducing their wages, if Congress dares to reduce their subsidies, make the workmen, against their interest, and often against their will, protest vigorously by petition and otherwise against all reduction of taxation. Dismissal from position follows a refusal to vote and protest as they are expected and often ordered to do. They move like well-trained veterans in every contest, knowing that the tax-paying masses have no combinations, and can have none, no hired press, and no paid advocates. The protectionists are as trained regulars in a conflict with raw militia. Union is strength; wealth is power, and a common interest is a strong bond of union.

Mr. Chairman, I desire now to show to the country and this committee that the very States in the East that are now so clamorous for protection, at one time, when they were impartial judges, entertained and

expressed the views in regard to the protective tariff that I have to-day. They not only contended that the whole system was wrong and unjust, but that it was unconstitutional. They manifested their views in memorials to Congress, in public resolutions, and in conventions, all of which denounced this odious and unjust system, and I will now refer to some of those memorials and resolutions, which I have referred to before, and to which I invite the attention of the committee.

Mr. Chairman, I am aware that the advocates for protection will be driven to say these are old arguments. But, sir, this is no answer. The Constitution is the same in this respect that it was then; the eternal principles of justice are the same now that they were then, and the reasons are more forcible to-day than they were then, for they were protesting against a low tariff on but few articles, while now we have a tariff of an average of about 41 per cent. and on about 2,000 articles.

In November, 1820, Mr. Kinsley presented to the Sixteenth Congress a memorial from Belfast, in the State of Maine, protesting against any further protection to the manufacturing interest of the country. In the same year, in the month of December, Mr. Whitman presented to Congress a memorial from a convention of delegates from the agricultural and commercial sections of the State of Maine, assembled at Portland, asking that no such tariff be adopted as was proposed at the former Congress (which was a low tariff on a few articles), in which, after presenting an elaborate argument against a protective tariff, they use this language (see Annals of Sixteenth Congress, page 1495):

Your memorialists have not been led to these remarks by any thing like hostility to the manufacturing interests. They are, on the contrary, decidedly in favor of all reasonable encouragement to promote, uphold, and cherish every thing of that kind.

But your memorialists had never dreamed it would ever be considered necessary or proper that all other interests should be made to yield as secondary and tributary to that alone. They are sure this was not the original design of the framers of the Constitution. In that instrument we find nothing about manufactures.

They, however, have pressed into their service an elaborate essay of the celebrated Alexander Hamilton on this subject. They have adopted his principles, but disregard their application. He insisted on the encouragement of manufactures so far as might be consistent with a due regard to commerce and the collection of revenue. The duties now are nearly treble what they were when he wrote, and, on an average, higher by 100 per cent. than he, in the height of his zeal for manufactures, ever recommended.

In the case of iron, the duty on which was not half what it now is, he recommended a diminution, under an idea that it was almost a raw material, necessary in every kind of mechanism; and the same with regard to molasses, which we could ourselves distill. At the time he wrote it was necessary to urge with great vehemence upon the attention of Congress this subject of encouraging manufactures in order to have it attended to, so far as might be compatible with the other great interests of the community. But he could not have foreseen this abuse and perversion of his reasoning. He never could have imagined that the time would come when it would be deemed good policy to make the people pay from 30 to 100 per cent. more for goods to the manufacturer than they might otherwise be bought for of the importing merchant.

Your memorialists believe the duties now imposed on foreign manufactures to be fully adequate to any reasonable demand on the part of the American manufacturer. All the cotton and woolen manufactories which have been providently established and well managed are perfectly satisfied with the present rate of duties. From these we hear no complaint; and they are considerably numerous in the Northern and Eastern States. All such as were established without judgment, without capital, and without the aid of any skill whatever have of course moldered into ruin. Such it can not comport with the wisdom or policy of Government to attempt to revive and uphold.

Your memorialists believe that the excitement in favor of manufacturers has had its origin rather in the improvidence and rash enterprise of some of our fellow-citizens than in any well-grounded cause of complaint. It may be that between 1812 and 1815 a state of things existed which induced individuals, in great numbers even, to plunge inconsiderately into extravagant and wild schemes in relation to manufactures. But it does not follow that the Government is, at all hazards, bound to uphold, protect, and save them from ruin.

They close that memorial with the following forcible language:

The situation of this country is in no wise similar to that of Great Britain. We have no surplus population that can not be retained but by such means. We have vacant territory without limit, and almost without price, inviting cultivation. There they must manufacture or emigrate. And notwithstanding the utmost of their exertions to find employment for their laboring poor, every seventh individual is a pauper and dependent on charity. In this country, as yet, it is not even every hundredth individual that is a subject of charity, and many centuries may elapse before the proportion will be greater, if this manufacturing mania can be kept within bounds.

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The effect of an extraordinary action is to produce reaction. If the manufacturers should now succeed the consequence will be a deficit in the revenue. A direct tax must ensue, irritation will be produced, and by the time the manufacturers shall have got their great establishments in operation a new tariff will be enacted with a view to revenue solely. When the tariff was settled in 1816 the manufacturers were duly represented. The then Secretary of the Treasury was from the city of Philadelphia, and partook, it is believed, of all the feelings of the people upon this subject. At any rate, he recommended the tariff at that time with an express view to manufactures, and his recommendations, so far as they affected manufactures, in every instance, it is understood, except in relation to iron, were implicitly adopted. At that time the manufacturers, excepting those of iron, were perfectly satisfied, and in 1818, at the instance of the manufacturers, the duty on iron was increased from $9 to $15 per ton. They at the same time requested that the duty of 25 per cent. on cotton and woolen goods, which had been limited to five years, might be made perpetual. In this also they were gratified. Your memorialists expected to have heard no more from the manufacturers about further protecting duties. But the stride they are now contemplating is, to your memorialists, truly astonishing. Nothing now will satisfy them short of $25 per ton upon iron, an article necessary in every piece of mechanism; 35 per cent. upon printed books, by way, it may be presumed, of discouraging science; 10 cents per gallon on molasses, to protect the distillers of whisky; 33½ per cent. upon cotton and woolen goods, and so upon other manufactured articles in proportion, and, to crown all, cash payment without credit for duties!

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Your memorialists have thus, with the characteristic frankness of fellow-citizens, intimated some of their views and feelings on this all-important subject. Their destinies are in the power of the National Government, on whose wisdom and justice they trust they can rely. It is for Congress to determine whether the great interests of the nation, on which depend its power, its glory, and its resources, shall be sacrificed to the cupidity of a handful of improvident and speculating manufacturers.

Signed by order and in behalf of the convention.

ARTHUR McCLELLAN, *Chairman.*
HENRY CLARKE, *Secretary.*

In same year another able memorial of a convention of delegates from Pennsylvania, assembled in Philadelphia, was presented to Congress, containing a full review of the protective-tariff system, and showing its injurious effects, part of which I will read, and regret that I can not read the whole of it, which is as follows:

Once admit that Congress may use the power of taxing imports *ad libitum* for any other purpose than that of revenue, and you give them, in reality, the power to say to the citizens of these United States, "You must devote yourselves to agriculture, commerce, or manufactures, not as you may happen to be inclined, but according to our sovereign will and pleasure." Let it never be forgotten that the question now about to be determined is not so much what may be beneficial to manufacturers, as whether Government has a right to benefit them to the manifest injury both of the agricultural and commercial classes; whether the constitutional provision against taxing exports can be rendered in a great measure nugatory by diminishing at pleasure the value of our exportable commodities through the instrumentality of a tax upon imports; and, finally, whether the direction and employment of individual capital are matters to be regulated and controlled by individual choice or by the will of the National Legislature.

If it be asked who are the rightful judges in regard to the expediency and justice of the proposed tariff, it is surely fair to answer that the payers, who constitute a very large majority of the whole nation, are certainly more competent to decide than the expectant receivers, when the only inquiry is, how much of the money of the former shall be paid to the latter, and to what extent it shall be taken not only without their consent, but in opposition both to their entreaties and remonstrances. This is the plain, unvarnished state of the case; and let sophists and casuists disguise it as they may, still, whenever it is contemplated, unadorned by the embellishments of geographical parties, and divested of the exaggerations of exclusive interests, it will be seen as a case where, on the one hand, a certain portion only of manufacturers (for very many of them are opposed to it) are importuning the Government to compel all the commercial and agricultural classes to buy their manufactures at enhanced prices or to go without; while, on the other hand, the sons of commerce and agriculture, almost to a man, are begging that they may not be exposed to any such exaction.

I wish that my time would permit me to read this whole memorial, for it presents unanswerable arguments. I wish that it could be read by every man on this continent.

I will now invite the attention of the committee to a unanimous report made by the Committee on Agriculture to the Sixteenth Congress, 1820. The committee was composed of Mr. Forrest, of Pennsylvania; Mr. Claggett, of New Hampshire; Mr. Meech, of Vermont; Mr. Richmond, of New York; Mr. Ringgold, of Maryland; Mr. Garnett, of Virginia, and Mr. Earle, of South Carolina. That able committee, after an examination of the protective-tariff system, made an elaborate report against the system, from which I will read the following extracts, page 1673, Annals of Congress, same book:

To propose to increase the wealth of the nation by increasing its taxes is enough to revolt the understandings of ordinary men; yet it seems that a mode of doing this has been discovered, and that the whole mystery lies in calling that which was before called tax—tariff. In the opinion of the committee it is the worst kind of tax, carried to the extent that is proposed; and it would be much better to raise a sum of money by direct taxes at once and distribute it in bounties among the manufacturers. We should then escape at least some of the oppressive effects of the system.

And again the committee says:

If the view that has been taken of the manufacturing system be correct, it must not only diminish the amount of national wealth, but must distribute it very unequally. This is by far the worst effect of the two. It taxes one class for the support of another, and, what is worse, taxes the poor for the sake of the rich. It thus produces that inequality which is the bane of republics; for it is, in fact, the influence of the few, or, in other words, aristocracy.

Now, though no just government will interfere by sumptuary laws to restrain the acquisition of wealth and thereby prevent inequality, so neither will any just government, by fostering particular interests at the expense of others, promote inequality. This is the opposite and the worst extreme of sumptuary laws. Nor is the inequality which is produced by the interference of the law by any means as harmless as that which results from different dispositions and different capacities in human beings. While the one may act as a salutary stimulus to industry, and its worst qualities are continually neutralized by the alienation and division of property, the other, by creating distrust in the government, produces despair and depresses industry; and the dread of retributive justice, which always accompanies wealth unjustly acquired, so far from giving rise to division of property, inevitably leads to concentration and primogeniture, to legal safeguards, corporations, charities, monopolies, and privileged orders.

The fear that the law which has given may also take away produces the necessity of usurping the law-making power. An alliance between the privileged classes is the inevitable consequence; hence a new accumulation of powers, new pretexts, and new means of oppressing the people. The Government must be rewarded for its protection by an increase of power, patronage, salaries, taxes, and a diminution of responsibility. The various Departments of the Government will no longer move in their appointed spheres, but usurp each other's authority. The State sovereignties will be merged in the General Government, and the legislative authority in the Executive. Such is the natural consequence of creating separate interests by law; such is the effect of that inequality which is produced by the interference of the law with individual wealth; such the process by which free governments are metamorphosed into aristocracies.

This is true, and we have already realized part of the picture, and I hope we may pause before we realize the remainder.

Again the committee says (page 1679, same book):

It is believed that no candid mind can fail to perceive that the effect of the manufacturing and its kindred systems will be to transfer a great portion of the wealth of the agriculturists to the other classes. If wealth is thus transferred, so are the means of education, of knowledge, and consequently of power. This is a subject which demands the serious attention of every agriculturist in the Union.

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The great influence which the manufacturers, scattered as they will be over

the whole face of the country, must acquire, will leave the agriculturists little hope that if they once assent to their system it will ever be revoked. Among the means by which their influence in the Government must be increased, the facility which they must derive from our popular modes of election, of directing the suffrages of the persons they employ, is not the least worthy of consideration.

Again the committee says, in regard to the constitutional power of Congress (page 1679):

Passing over those constitutional objections which admit of being urged with great force, that Congress can not lay taxes but for the purpose of revenue, and that this system is equally incompatible with that part of the Constitution which prescribes uniformity of imposts, and with that which forbids taxes on exportation, they will appeal only to that sacred spirit of justice which we all equally venerate and the authority of which we equally acknowledge; and they ask, in the name of that justice, whether it is possible to believe that the Congress of the United States can, without violating every principle on which our republican system is founded, tax one class of the community for the support of another; whether they can debar a man the use of the faculties he has derived from nature; compel him to abandon an occupation to which he has devoted his life and which he understands and to pursue another which he does not understand; whether it can take away the fruits of one man's industry, earned by the sweat of his brow, and bestow them on another who has not earned them? No legislature, much less a limited one, has any such right.

Those who become parties to government can not be supposed to agree to any other exactions than such as are necessary to defray its just expenses, and to preserve public order and morals. Even, therefore, if it could be made to appear that the effect of the system would be to augment the whole wealth of the nation, this object could not justify a legislature in taxing particular classes, without their consent, for the benefit of the whole. The object of government is to secure men in the exercise of their faculties, not to restrain or direct them; to secure them in the full and free enjoyment and control of their property, and not to distribute and regulate it by its own arbitrary will. It never could have entered into the contemplation of the States when they agreed to the Constitution that the General Government had a right by its legislation to change their mutual relations toward each other; to enrich one and impoverish another; to strengthen one and weaken another; and to impair, and perhaps ultimately destroy, the wealth, freedom, and happiness of them all.

The committee concludes its report by the following prophetic words, written in 1820 by those patriotic men representing in part the very country now clamoring for "protection of American industry," so called:

The people of these States, like the three great occupations that employ them, are united by the strongest ties of reciprocal interest. They feel a just pride in the inheritance bequeathed to them by their ancestors, their common freedom and glory; and they equally appreciate the blessings which they derive from that union, which is the result of their mutual exertions, and which it is mutually their interest to preserve. But these blessings must be seriously impaired without the cultivation of good will and the undeviating exercise of justice toward each other. It is by this means only that the temple of our Union can be cemented and consolidated, and that we can preserve it from the fate which the dissoluble fabrics of other governments have shared.

The committee believe that nothing can have a greater tendency to diminish our confidence in the Government of the Union and to impair our affection for it than all those measures which distribute its advantages partially and unequally. They believe that such will pre-eminently be the effect of the manufacturing system as proposed by the tariff bill that has been reported, and they fear that this is only the commencement of the system; not that they attribute any unfriendly designs or impure motives to its friends, but that the same reasoning which has begun the policy will dictate its continuance, and that the unsuccessful issue of every effort will be an argument, not for abandoning it, but for making a new attempt.

Sir, we have seen a verification of this at this session of Congress and are witnessing it to-day. Although over half a century has elapsed, although the tariff duties have been doubled and imposed on about 2,000 articles, although the manufactories have grown from infancy to manhood, yet they are trying to prevent a reduction of the tariff duties in every way.

I will now invite the attention of the committee to the memorial of the Chamber of Commerce of the city of New York against a protective tariff. It was presented to Congress February 9, 1824. I will read a few extracts from it:

The ship-builder, the carpenter, the blacksmith, the rope-maker, the dyer, the hatter, the shoemaker, the saddler, the machinist, with every other class of mechanics, and all the laboring classes of the community are identified with the merchant and the farmer. Their interests can not be promoted by an enormous duty on hemp, iron, and wool, or by laws which discourage commerce and navigation. They are the great consumers of the country, and it can not be supposed that a statute which adds to the price of every article of their clothing, of every agricultural implement, every tool used in their various trades, should be acceptable to them, especially if intended to give still further benefits to a class of citizens which has already received its full share of the protection and patronage of the Government.

Your memorialists have always believed that the true and legitimate object of taxation is revenue, and that the power "to lay and collect taxes, duties, and imposts," which is given to Congress by the Constitution of the United States, was not granted with the intention, nor will it bear the construction, that it may be so exercised as to cherish and elevate one class at the expense of all the other classes of our citizens. The Constitution imposes on Congress the great duty of "promoting the general welfare." To lay taxes which will operate as prohibitions and restrictions on trade, which will promote exclusive interests at the national expense, which impose heavy burdens on the many, and give to the few the benefits of a monopoly, can not be consistent with that sacred duty.

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Another feature of the bill before your honorable body is equally partial and impolitic. The Constitution of the United States was instituted not only to "form a more perfect union," but to "establish justice" and "promote the general welfare." Hence, the burdens on the people should be as equally distributed as possible, and laws which impose taxes having a sectional bearing ought to be carefully avoided. It is well known that in a number of the States of our Federal Union there are few or no manufactories, and that the inhabitants of those States are almost exclusively agriculturists. Is it just, is it politic, will it contribute to promote those feelings of common interest and mutual kindness on which this Union was founded and which are its strongest cement, to lay onerous duties on the consumption of the inhabitants of those States, in order to establish great workshops in other parts of our country?

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These sentiments, while they are sincerely entertained, are at the same time perfectly consistent with the opinion that the manufacturer has no more right to the favor and protection of his government than the farmer, the mechanic, the navigator, or the merchant.

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NEW YORK, *January* 30, 1824. WILLIAM BAYARD, *President.*

This memorial was presented to the Eighteenth Congress, and was a protest against a tariff not half as unjust as the present tariff, and which some gentlemen desire to continue.

I will read an extract from the memorial of the Philadelphia Chamber of Commerce in 1824, that was presented to the Eighteenth Congress. It says:

But, above all, will the influence of the new tariff be prejudicial to the interest of the agricultural States? This interest is one with which your memorialists may be thought to have no intimate concern, since their personal relations are exclusively with commerce; but the wealth, the harmony, the deviations of this great Republic are interesting to all its citizens, and they who wish, as your memorialists do, that it may be perpetual, must wish to see it administered upon principles of impartial justice to all, by which alone its perpetuity can be secured. What will be the effect of a prohibition of foreign merchandise as extensive as that now to be effected by an immediate reduction in value of the labor and capital of the cultivator to the whole extent of the increased price that he must give for the American manufacture? The evil to him is without compensation; the value of his crops he loses precisely to the extent in which the manufacturer gains; he has no means of warding off or breaking the blow. His capital is inconvertible—it is fixed forever in the one employment of agriculture. He can not participate in the golden harvest of manufactures, if it is to be a golden harvest. His habits, his situation, his working hands, are all unfit for the loom and the spindle. He has heretofore sold for as much as he could and bought for as little as he could and at such markets as he pleased, in the enjoyment of that liberty which was the great end of the Constitution. He is hereafter to buy in one market only, at such prices as a market without foreign competition will charge; and he may sell as he can, when foreign nations shall act upon the principle of taking no more from us than we do from them.

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They can not believe that commerce and agriculture are to sink into insignificance, and that manufactures, like Aaron's rod, are to swallow them both up.

I will now read an extract from the remonstrance of the Chamber of Commerce of New Haven, adopted February, 1824, and presented to the Eighteenth Congress:

The tiring and ironing of carts, wagons, plows, and harrows of the Northern farmer his chains, his hoes, shovels, spades, scythes, &c., are made mostly of foreign iron. He can not move in winter and no considerable distance in summer unless his horses and oxen are shod with iron and calked with steel. The quantity of foreign iron used in the single item of shoeing horses and oxen in this section of the country is not inconsiderable. Is it not, then, unequal and unjust that the Northern farmer should pay such an enormous tax on iron, which is to him an article of first necessity?

Much of the foreign iron imported into the United States is used in the construction of machinery and in the manufacture of nails. Bar-iron is emphatically a raw material to almost every other manufacturer except the maker of bar-iron. Iron and steel are the chief materials used in all manufactures of hardware and in fabricating the implements used in all mechanical employments. These metals are principally used and are incomparably more expensive than all other materials which are made use of in erecting the machinery employed in manufacturing cotton and woolen goods. In short, almost all tools and a great proportion of all machinery are made of these metals. Encourage other manufactures by affording to every part of the country the greatest facility in obtaining bar-iron, and you will create a demand for bar-iron; but discourage other manufactures by making bar-iron scarce and dear, and you will in a great degree destroy the demands for bar-iron itself.

A very considerable portion of the foreign iron brought into this country is used in ship-building. If such duties are imposed on iron and hemp as will cause these articles to cost nearly twice as much in this country as they cost in other countries, how is the American merchant to compete with the merchants of other countries in building and navigating ships, the former discriminating duty on foreign tonnage being almost entirely abolished?

In answer to all this the wealthy proprietors of the iron mines in the interior of Pennsylvania will reply and say, indeed, they have already said: "Let the New England people come to us for iron to shoe their horses, build their ships, and carry on their manufactures. We own ore enough to make a sufficiency of iron to supply all America, and it is a shame that it should lie dormant. We want an income from it. We will sell them as much ore for $15 or $20 as will make a ton of iron, provided they will come and dig it out of the earth and refine it. Let the Eastern people come here and make their iron, or employ somebody to do it. We have a fine productive soil, also, and can supply them with provisions while they are thus employed. In this way a market will be created at home for our surplus produce, and we shall then be rich and independent. Then money will not be sent out of the country to purchase foreign iron and encourage foreign manufactures." This the proprietor of the iron mines in the interior of Pennsylvania calls "a plain practical view of things *as they should be.*" In reply to which your memorialists respectfully ask permission to present a concise view of things *as they are.*

In the first place, money, to any considerable amount, is not sent out of the country to purchase iron. Ships employed in the Russian trade take from the United States to different pôrts in Europe fish, rice, and the cheaper kinds of ardent spirits, such as New England rum, whisky, &c., and bring back cargoes of hemp and iron. Thus the labor of the fisherman results in the production of the substantial articles of bar-iron; and, in this way, a given quantum of labor produces to the country a much larger quantity of iron than could be produced by the same quantum of labor applied directly to working the ores of our own country. Suppose the fisherman to be equally as skillful and expert in making bar-iron as he is in taking fish; even in that case he could catch as many fish in one day as would pay a Russian or a Swede for as much iron as he could himself make in three days. Under these circumstances, can it be a wise regulation which shall compel the fisherman to relinquish his occupation and go to making iron in Pennsylvania in order that he may drink up the surplus whisky which is made there, instead of exchanging whisky and fish for iron and hemp, especially when it is considered that the exchange will produce to the country at least three times the quantity of iron that could be produced by the labor of the fisherman aided by the strength of the whisky?"

Mr. Chairman, I come now to a memorable document, exceeded by none in sound logic—a remonstrance adopted at a meeting in Boston, composed of merchants and agriculturists, on the 17th of August, 1824, which was presented to the Eighteenth Congress, from which I will read a few extracts (Annals Congress, pages 3086 and 3087, Eighteenth Congress, first session):

The price of manufactures involves the cost of the raw material, the sum paid

the owner of the capital employed in working it, and the wages of the workmen. It is when the last are greatest in proportion to the whole price that industry is best paid and most encouraged.

Machines for multiplying the effects of labor may indeed produce a great profit, but it accrues to the owners of them, not to those employed in managing them. Should any one construct a machine so perfect that it would enable a single hand by merely turning a crank to supply the country with broadcloth, the possessor of this curious piece of mechanism would certainly make a fortune; but the laborer who put it in motion would receive not a cent more than the regular wages for turning a crank. The occupations in which money is laid out for complicated machinery for lands, buildings, and fixtures, to accumulate the raw material, or the means of converting it to use, or keep on hand a great quantity of the articles manufactured, so as to dispose of them most beneficially in the market, may afford a profitable investment for capital, but have no exclusive or peculiar tendency to increase the price or the amount of labor. The factory at Waltham tends to raise wages no more than every other establishment, however small its capital, which employs the same number of hands; and it is difficult to conceive a case in which industry or its reward can be increased by turning any number of men from one pursuit to another. The machines and implements for the aid of labor, which can be profitably employed with a very small capital, such as the tools of the mechanic, are most useful to the poor; those which require a large capital, to the rich. The former tend to diffuse wealth, the latter to concentrate it. Which is the most consonant to our institutions and character?

BOSTON RESOLUTIONS, DRAWN BY DANIEL WEBSTER.

I will now read the resolutions adopted by that celebrated meeting and presented to Congress, and I invite the attention especially of the members from Massachusetts and the whole committee. They were drawn and the memorial written by that great man Daniel Webster, and presented by him to Congress:

Resolved, That we have regarded with pleasure the establishment and success of manufactures among us, and consider their growth when natural and spontaneous, and not the effect of a system of bounties and protection, as an evidence of general wealth and prosperity.

Resolved, That, relying on the ingenuity, enterprise, and skill of our fellow-citizens, we believe that all manufactures adapted to our character and circumstances will be introduced and extended as soon and as far as will promote the public interest without any further protection than they now receive.

Resolved, That no objection ought ever to be made to any amount of taxes equally apportioned and imposed for the purpose of raising revenue necessary for the support of Government, but that taxes imposed on the people for the sole benefit of any one class of men are equally inconsistent with the principles of our Constitution and with sound policy.

Resolved, That the supposition that until the proposed tariff or some similar measure be adopted we are and shall be dependent on foreigners for the means of subsistence and defense is in our opinion altogether fallacious and fanciful and derogatory to the character of the nation.

Resolved, That high bounties on such domestic manufactures as are principally benefited by that tariff favor great capitalists rather than personal industry or the owners of small capitals, and therefore that we do not perceive its tendency to promote national industry.

Resolved, That we are equally incapable of discovering its beneficial effects on agriculture, since the obvious consequence of its adoption would be that the farmer must give more than he now does for all he buys and receive less for all he sells.

Resolved, That the imposition of duties which are enormous and deemed by a large portion of the people to be unequal and unjust is dangerous, as it encourages the practice of smuggling.

Resolved, That in our opinion the proposed tariff and the principles on which it is avowedly founded would, if adopted, have a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people.

Mr. Chairman, I am aware that gentlemen on the other side will say that Mr. Webster changed his opinions afterward; but let us look at the facts. In 1820 the convention met and adopted these resolutions drawn by Daniel Webster, and they were presented to Congress. After a lapse of four years, in 1824, they held another convention, and after mature deliberation the convention, one of whom was Daniel Webster, readopted the same memorial and resolutions, and Mr. Webster presented them in 1824. The constitutional provisions and the eternal principles of justice upon which these resolutions were based had not changed from 1820 to 1824, and, sir, candor must force every fair-minded man to admit that they have not changed yet. They were true then, framed by the greatest constitutional lawyer that this country ever produced, and reaffirmed by him four years afterward in one of the ablest speeches he ever made in the United States Senate, in which he used this language in regard to what was the true American policy. I commend this especially to my Republican friends on this floor who talk so much about the "American policy."

Mr. Webster said:

Sir, that is the truest American policy which shall most usefully employ American capital and American labor and best sustain the whole population. With me it is a fundamental axiom, it is interwoven with all my opinions, that the great interests of the country are united and inseparable; that agriculture, commerce, and manufactures will prosper together or languish together; and that all legislation is dangerous which proposes to benefit one of these without looking to consequences which may fall on the other.

And in regard to protecting "American industry" this is what Mr. Webster said, from which it will be seen that he did not regard manufactures as the only "American industry."

Mr. Webster said:

Gentlemen tell us that they are in favor of domestic industry; so am I. They would give it protection; so would I. But then all domestic industry is not confined to manufactures. The employments of agriculture, commerce, and navigation are all branches of the same domestic industry; they all furnish employment for American capital and American labor.

These resolutions and his speech stand to-day recorded in the archives of this Government as monumental evidence of the justice and patriotism of the great mind that drew them—as a beacon-light to guide future generations—and are as true and as forcible as the day they were drawn. And I deny that Mr. Webster ever did change his opinions in regard to these resolutions, for in a debate in the United States Senate as late as 1846, with Mr. McDuffie, Mr. Webster said:

Take it in the broadest sense, and I agree to every word of the resolutions of Faneuil Hall of 1821.

And the resolutions of Faneuil Hall are the ones I have just read.

Mr. Chairman, frequent reference has been made to Mr. Jefferson, General Jackson, and other Democrats, but no Democratic President ever advocated such a tariff as we have to-day or recognized the principles contended for by the protectionists; and Mr. Clay, of my State, to whom frequent reference has been made in this debate, never advocated such a monstrosity as this tariff, forced upon us in the excitement of a civil war under a false pretense of filling the Treasury, and continued with increased duties by the conference committee at the last session of Congress. Mr. Clay only advocated a tariff of 20 per cent., to be kept up for a few years to foster manufactories in their infancy. They have grown up to manhood, and, as I said before, the broad ocean across which most of the raw material has to be transported and then brought back to this country gives all the protection these manufacturers ought to have.

Mr. Chairman, I have read these extracts from the protests of Eastern States and refrain from reading any from the Southern States, although they were equally conclusive in the argument against a protective tariff, because I wanted to show that these very States that are now trying to rivet this system, unjust as it is, on the consumers of this great country, and which is especially unjust and oppressive upon the West and South, were at one time, when they were impartial judges, opposed to this system, and that these representatives and memorialists used arguments that were unanswerable against this system; that, too, when the tariff was only 20 per cent. and on fewer articles, and the present tariff 40 per cent. or over. But now, sir, because their interests have changed, they attempt to ridicule these very arguments and deny the facts upon which they are based, because they can not refute them or successfully answer them. These arguments are as true to-day as they were in 1820 and 1824, and apply with more force, as I have said before. We have lived to see the predictions of those pure patriots, who opposed this unjust system and who foresaw its ruinous consequences when once fastened on the country, verified after half a century of protection, after receiving countless millions from the farmers and laborers of this country and other consumers, after growing in power and wealth; yet they are not willing to let go their hold, but are determined to oppress the great majority of the people with a tariff system far more unjust and onerous upon the people than the tariffs that they denounced and protested against in 1820 and 1824.

Mr. Chairman, I hope to see the day when the tariff taxation will be reduced to an amount only sufficient to defray the expenses of the Government economically administered, and hope this Congress will reduce it certainly as low as is proposed by the Morrison bill. I would vote to reduce it to a revenue standard, because it is right and just. The people have paid tribute long enough, and I see no wisdom in only giving partial relief from a system which we denounce as wrong and unconstitutional.

Mr. Chairman, I will close my remarks by reading an extract from the speech of our able Senator from Kentucky [Mr. BECK], delivered a few days ago in the Senate, in which he comments upon the conference report by virtue of which this present odious and unjust system of tariff taxation has been enacted into a law. It ought to be read by every man in the land, and especially by every Democrat. Mr. BECK said, referring to the conference report:

It was the most shameless combination to override and disregard the rights and interests of the people that was ever successfully perpetrated. Yet the perpetrators of these wrongs have the audacity now to denounce all attempts to modify or repeal any of the burdens they, not Congress, imposed upon the country under such circumstances. I hope the Democratic party will accept the issue they tender, and lay bare their conduct in every nook and corner of the land. That done, there will be an end of such legislation, and new men will fill the places of the perpetrators of that great wrong in these Halls.

* * * * * * *

I say their conferees, because the report they made was infinitely more oppressive on the people wherever they made changes than the Senate bill was, and in many important regards far more so than the partial action of the House warranted upon the schedules on which it had acted. It increased the burdens of taxation largely on important classes of goods when there were no disagreeing votes between the two Houses, indeed when both had agreed to lower rates. It added new paragraphs with increased rates of taxation to both the woolen and cotton schedules that neither House had ever seen or heard of: it increased taxation on many articles of prime necessity to the poorest of our people even beyond the highest war rates.

In short, that conference committee violated every principle of law, justice, and precedent, and now they and their partisans make the issue before the country that all the outrages it was guilty of shall be sustained and approved. The Democratic party has accepted that issue. We denounced it in both Houses at the time. We are seeking now to modify if we can not undo the wrongs they committed. We will appeal to the people if we fail here. It is, I repeat, the great overshadowing issue of the opening campaign. It will not down at anybody's bidding. No flank movements on Danville riots, Copiah murders, Tewksbury horrors, or Cincinnati riots or "Burkings" will divert the American people from passing upon the injustice and the wrong both of the matter and the manner of the legislation of March 3, 1883, which we will insist and prove was not imposed upon the country in any proper sense by Congress, or either branch of it, but against the known will of both branches by a conference committee acting in the interest of protected monopolists, and in utter disregard of the rights and interests of the people. I know that the protectionists derive great comfort from our apparent hesitation and division. Of course we will have some stragglers, but we will get ten recruits for each straggler, and they will enlist

for the war. Does any one suppose that any Democratic constituency will indorse any man who supports, maintains, or defends the work of that conference committee and avows his determination to perpetuate the oppressive burdens it has imposed and seeks to fasten upon the country? Or that the Democratic national convention will fail to denounce the policy and practice of these oppressors? Or that we either can or ought to shrink from the responsibility of meeting that issue? Or that we can decently ask the people to turn the dominant party out of power if we propose to continue their policy, or if we dare not say we oppose it? The people despise hypocrisy, and they ought to.

If the protectionists are to be sustained in their subsidies, obtained and retained by false pretenses and revolutionary proceedings, let it be done after an open, honest, manly resistance. Sneaks and cowards never command respect. If there are Democrats who sustain that "conference bill" and its taxation, let them so vote and avow. We can stand defeat in a good cause, with justice and right on our side. Our principles may be crushed to earth; they will rise again and rise with renewed strength.

Mr. DINGLEY addressed the committee. When he had spoken for forty-five minutes,

Mr. MORRISON said: If the gentleman from Maine [Mr. DINGLEY] will yield to me I will move that the committee rise, and the gentleman will have an opportunity of concluding his remarks to-morrow morning.

The CHAIRMAN [Mr. TOWNSHEND]. The gentleman has fifteen minutes of his time remaining.

Mr. DINGLEY. I yield for a motion that the committee rise, with the understanding that I will conclude my remarks to-morrow.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TOWNSHEND reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, and had come to no resolution thereon.

DR. MARCUS WHITMAN.

The SPEAKER, by unanimous consent, laid before the House a letter from the acting Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs relative to the massacre of Marcus Whitman, in answer to a resolution of the House of Representatives of April 3; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MILLE LAC RESERVATION.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting a report of the Commissioner of Indian Affairs relative to Mille Lac reservation, in answer to a resolution of the House of Representatives of March 21; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. FORNEY, from the Committee on Appropriations, reported a bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. REED. It is understood that all points of order are reserved on the appropriation bill.

The SPEAKER. The gentleman from Maine [Mr. REED] reserves all points of order on the Army appropriation bill.

Mr. REED. I should like to inquire whether the Chair has come to the conclusion that it is necessary to reserve such points?

The SPEAKER. That is a question the Speaker is not required to decide, because the question as to points of order comes up in Committee of the Whole.

Mr. RANDALL. I will say in answer to the gentleman from Maine, and I think it is appropriate for me to say, that a practice has grown up by which these points of order are reserved. So far as my knowledge of the rules goes, it seems to me the right to make the point of order when the question is actually before the committee is as strong then as it can be made strong by a prior reservation of the right.

Mr. REED. I am very glad to hear the opinion of the gentleman from Pennsylvania.

The SPEAKER. That has also been the opinion of the Chair, though no occasion has ever arisen, in the recollection of the Chair, to decide the question.

Mr. SPRINGER. And I differ with the Speaker and also the ex-Speaker upon that question. It will be found by an examination of parliamentary authorities, that points of order must be reserved at the time the bill is reported from the committee.

The SPEAKER. At all events the question is not material now, all points of order having been reserved by the gentleman from Maine [Mr. REED].

ELIZA A. MOSES.

Mr. SPRINGER, by unanimous consent, introduced a bill (H. R. 6862) granting a pension to Eliza A. Moses; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FORT SMITH AND PINE BLUFF HARBOR.

Mr. BRECKINRIDGE. I present a privileged report from the Committee on Rivers and Harbors. It is a resolution of inquiry which was referred to the committee.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of War is hereby requested to furnish at once to this House any information he has received from the engineer in charge of changes that have taken place since the last official report to Congress and that are taking place in the harbors of Fort Smith and Pine Bluff, Arkansas, including threatened cut-offs and the erosion of the banks of the harbors.

The resolution was adopted.

Mr. BRECKINRIDGE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY J. MAGEE.

Mr. RANDALL, by unanimous consent, introduced a bill (H. R. 6863) for the relief of Mary J. Magee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Tennessee [Mr. MCMILLIN] will preside at the evening session as Speaker *pro tempore*. The hour of 5 o'clock having arrived, in pursuance of the previous order of the House the Chair declares the House in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

Mr. MORRISON. I move that the House now resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. ADAMS, of New York, in the chair.

TARIFF REDUCTION.

The CHAIRMAN. The House is now in Committee of the Whole, for debate only, on the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. WINANS, of Wisconsin. Mr. Chairman, in the brief time I shall occupy in this debate I will state my reasons for favoring the bill under consideration, but shall not enter upon a discussion of the merits or demerits of protection as a system.

As to whether it is a good system or a bad system there is the same diversity of opinion among the people I have the honor to represent upon this floor that there is in other sections of our country. With free trade would necessarily come direct taxation, and with our large public debts and pension-list likely to be increased I know of no considerable public sentiment anywhere favoring the latter.

The bill we are considering is not framed in the interest either of protection or free trade, but is presented and urged to avoid this accumulation of an unneeded surplus in the national Treasury, and as an act of simple justice to the tax-payers of the country.

When the proposition was before us to restore the duty on wool to where it was before the last revision of the tariff I voted for it in the belief that its reduction was unjust to the growers and had not resulted in reducing the price of woolen goods, but was just so much taken from the farmers and given to the manufacturers.

I believe, sir, that so long as protection is given to the manufacturers it should also be given to our farmers. In other words, I wanted the duty restored and then scaled down 20 per cent. with all other articles of importation under this bill. That having failed, in my opinion wool should be exempted from the operations of this, and in this way the same thing accomplished.

Mr. Chairman, I think I am safe in saying there is a decided majority in the West, however it may be elsewhere, who favor a reduction of taxation, who demand that taxation shall be limited to the needs of the Government economically administered. And, sir, I know of no sentiment that would authorize Congress to remove the tax from whisky and tobacco, and hence the only way by which a surplus can be avoided is by reducing our high protective duties.

A large surplus in the Treasury is not only a wrong to the tax-payers of our country, but has been regarded as an evil, and as such dangerous, leading to waste and extravagance, if not to jobbery and corruption. I am, sir, in favor of this bill as the only means by which injustice to the tax-payers and danger to the Government can be avoided. By it taxes will be lessened, the necessaries of life cheapened, and our industries still be amply protected.

Sir, this is a measure upon which the voters in my district have spoken in no uncertain terms, and I am but voicing their views and their wishes.

The bill under consideration may not be the best that could have been devised, but no other has been presented, and it is it or nothing at this session of Congress. We hear from day to day upon this floor the statements that the national Treasury is full to overflowing, having now a surplus, I believe, of about $150,000,000. And because of this large surplus all sorts of schemes are devised, I will not say inside, but outside of Congress to despoil it of this surplus, and find their way here, and we are asked, nay, urged, to give them our support.

The high protectionists naturally want some way devised to absorb

the surplus, in order that present duties may be continued. As a consequence our annual river and harbor bills are increasing; salaries of judges and clerks are being increased; educational bills are proposed; new bureaus, offices, and officers are being created; costly public buildings in many Congressional districts are being erected, and in a thousand other ways the money is being taken that should remain in the Treasury, or, better still, left with the people from whom it is taken by excessive and burdensome taxations.

Sir, let us not only reduce taxation, but let us guard our surplus now on hand and apply it to the payment of the 3 per cent. bonds, $254,000,000 of which are now payable, and save interest. Why waste it upon creeks and rivers and harbors unknown to commerce? Why give it to sections, to corporations, or to individuals? Why raise a surplus and then distribute it unequally among the States?

Sir, I believe the adoption of this bill will stop waste and extravagance, as I know it will reduce taxation and give to the people a rest long needed by them.

Let us, sir, surprise the country by an honest effort to economize our expenditures and by reducing taxation to the actual needs of the Government economically administered, and see if our every act in this direction will not be appreciated and applauded by the people we represent.

Mr. Chairman, I am especially pleased with that feature of the bill which places lumber, fuel, and salt on the free-list, and I would like to see sugar added, on which the people are now paying nearly or quite $50,000,000 annually.

These are articles that need no protection. The owners of our hard wood and pine forests in the West and Northwest are our money kings and are among our monopolists. They have acquired the lands largely at Government prices, and by combinations have controlled the markets and compelled purchasers, especially the smaller ones, to pay exorbitant prices. Why keep from our markets Canadian lumber, which if admitted free of duty would, to some extent, compete and cheapen prices? Is it not a policy that enriches the few at the expense of the many?

Why continue a policy that is fast leading to the destruction of our forests, is affecting all our streams and water ways, and will, at no distant day, place us at the mercy of Canada for our lumber? Why continue a policy to counteract which Congress has deemed it necessary to stimulate by bounties the growth upon our prairies of the very thing being so largely and rapidly destroyed?

Sir, if this Congress shall do nothing else than make this bill a law, thereby giving to the laboring classes of this country cheaper lumber, cheaper fuel, cheaper sugar and salt, and cheaper clothing, it will have earned their everlasting gratitude. All this and much more can, in my judgment, be done without reducing the price of labor, and at the same time increase the purchasing power of the earnings of the laborer. All this can be done without doing injustice to the manufacturers of our country, as they will still have all the protection needed, and all, if not more, than they can reasonably demand at the expense of the great mass of people.

Mr. Chairman, in order to obey the behests of the people I have the honor to represent here I must vote for this bill. They have declared in favor of reducing taxation to the lowest limit consistent with the payment of the just obligations of the Government, including liberal pensions to those who in time of its peril saved and secured to the nation its life. Nay, more; they have insisted that every dollar of surplus in the national Treasury shall be applied to the payment of the public debt. And they have required and I am pledged to the support of the administration in all its measures looking to economy and reform. This I regard as such a measure, and as such has been recommended by Secretary Folger and by the President in communications to Congress. I will here call attention to what they have said upon this subject in justification of this or a similar measure of relief.

The Secretary of the Treasury, in his last report, speaking of the Tariff Commission, quotes the following from their report:

> Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by mere indiscriminate popular clamor but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards as not only a due recognition of public sentiment and a measure of justice to consumers but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction.

Again—

> Entertaining these views, the commission has sought to prevent a scheme of tariff duties in which substantial reduction should be the distinguishing feature. The average reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent.

The Secretary, speaking from the official records, proceeds to say:

> The chairman of the Senate Committee on Finance, in explanation of the bill before the Senate last year, which after various amendments became a law, estimated at $45,000,000 the reduction of the revenue which would follow the changes in the tariff proposed thereby. These intentions and calculations have not been verified.

The Secretary adds:

> There was general agreement that a substantial reduction of the tariff should be made. The estimates of the Tariff Commission and of the Senate committee show what was the contemplated reduction. The actual results so far obtained indicate that the reduction labored for has not been effected by the new tariff act. It is to be considered, too, that the failure is not to be charged to the increase of importations keeping up the amount of customs revenue. The statistics of our foreign commerce show that there has not been an increase chargeable thereto.
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> In the report of this Department last year the reduction as applied to the principal classes of dutiable articles was considered somewhat in detail, and, adhering to the views there expressed, a repetition of them is unnecessary.

In the former report to which the Secretary refers he says:

> In reading the testimony before the Tariff Commission it is to be observed that with scarcely an exception the representative of every industry, while conceding that a general reduction of the tariff is proper and necessary, has claimed that its peculiar product can submit to no reduction of the protection now afforded. While the views of the manufacturers are to be weighed, it is manifest that they will never be able to agree upon a reduction of the tariff duties.

Again, he says:

> The classes of merchandise paying the largest amount of duties from customs are the following, in the order named: Sugar and molasses, wool and manufactures from it, iron and steel and the manufactures from them, manufactures of silk, manufactures of cotton, amounting to about one hundred and thirty-seven and a half millions. A substantial reduction upon each of the class of articles named is recommended. And it is believed that the time has arrived when a reduction of duties on nearly all the articles in our tariff is demanded and is feasible.
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> The cotton tariff is found complex and inconsistent, and it is no doubt true that in most of the coarser classes of cotton fabrics our manufacturers can compete with the world without protection.

The President, in his message in December, 1882, had been equally emphatic in his demands for the reduction of tariff taxation. He fully indorses the Secretary of the Treasury, saying:

> I heartily approve the Secretary's recommendation of immediate and extensive reductions in the annual revenues of the Government. It will be remembered that I urged upon the attention of Congress at its last session the importance of relieving the industry and enterprise from the pressure of unnecessary taxation. It is one of the tritest maxims of political economy that all taxes are burdensome, however wisely and prudently imposed. And though there have always been among our people wide differences of sentiment as to the best methods of raising the national revenues, and indeed as to the principles upon which taxation should be based, there has been substantial accord in the doctrine that only such taxes ought to be levied as are necessary for a wise and economical administration of the Government. Of late the public revenues have far exceeded that limit, and unless checked by appropriate legislation such excesses will continue to increase from year to year. For the fiscal year ended June 30, 1881, the surplus revenue amounted to $100,000,000; for the fiscal year ended 30th of June last the surplus was more than $145,000,000. The report of the Secretary shows what disposition has been made of these moneys. They have not only answered the requirements of the sinking fund, but have afforded a large balance applicable to other reductions of the public debt.
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> Either the surplus must lie idle in the Treasury, or the Government will be forced to buy, at market rates, its bonds not then redeemable, and which, under such circumstances, can not fail to command an enormous premium, or the swollen revenues will be devoted to extravagant expenditure, which, as experience has taught, is ever the bane of an overflowing treasury.
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> It was made apparent, in the course of the animated discussions which this question aroused at the last session of Congress, that the policy of diminishing the revenue by reducing taxation commanded the general approval of the members of both Houses. I regret that because of conflicting views, as to the best methods by which that policy should be made operative, none of its benefits have as yet been reaped.

It is seen, sir, from what I have just read, that the Tariff Commission, the Secretary of the Treasury, and the President have severally recommended to Congress and to the country a revision of the tariff, and have said that such reduction would be a "due recognition of public sentiment," would be "a measure of justice to consumers," would "be conducive to the general industrial prosperity of the country," and would be "ultimately beneficial to the special interests affected by such reduction."

And so, Mr. Chairman, the Forty-seventh Congress regarded it, or affected to regard it, and revised the tariff, claiming its revision would reduce taxation at least forty-five millions annually. But, sir, it is now well known that its revision has failed to make any considerable reduction, and the reasons then assigned, and justly assigned, for its reduction still exist—in fact are more urgent and pressing now than then.

Mr. Chairman, I am the friend of American industry, and am the friend of the laboring poor, and would not knowingly do anything to cripple the one or injure the other; but, sir, I believe this bill to be in the interest of each and both. And, in conclusion, I submit that if the Tariff Commission was right, if Secretary Folger was right, and if the President was right in recommending a reduction of duties 20 to 25 per cent. "as a measure of justice to consumers," as a "measure in recognition of public sentiment," and as a measure of "relief to the industry and enterprise of the country from the pressure of unnecessary taxation," then the friends of this bill are right, and it should receive the sanction of the American Congress.

> Yes, men of toil, you may well be sure
> They who oppose this bill love not the poor.

Mr. MORRISON. There does not seem to be any other gentleman who desires to speak to-night. I move, therefore, that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McMILLIN having resumed the chair as Speaker *pro tempore*, Mr. ADAMS, of New York, reported that the Committee of the Whole House on the state of the Union had

had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, and had come to no resolution thereon.

Mr. MORRISON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. AIKEN: Petition of the Louisiana Educational Society; also, the petition of sundry citizens of Oconee County, South Carolina, for aid to common schools—severally to the Committee on Education.

By Mr. BARKSDALE: Papers relating to the claim of Reuben Collins—to the Committee on War Claims.

By Mr. BELMONT: Petition of Martin Kalbfleisch's sons and 24 others, merchants doing business on Newton Creek, New York, asking an appropriation for the improvement of the same—to the Committee on Rivers and Harbors.

By Mr. BLACKBURN: Petition of Peter P. Little, administrator of estate of Michael Shiner, deceased—to the Committee on the District of Columbia.

By Mr. CLEMENTS: Memorial of the Lookout Mountain and Mission Ridge Horticultural Society, for an appropriation to maintain a frost signal station at Chattanooga, Tenn.—to the Committee on Appropriations.

By Mr. S. S. COX: Memorial of Capt. J. A. Duble and others, captains, masters, pilots, &c., for the purchase of land, &c., for snug harbors—to the Committee on Commerce.

By Mr. CRISP: Petition of W. J. Williams, John F. McRae, Clark Wilcox, D. M. McRae, and others, citizens of Telfair County, Georgia, asking for the passage of the Blair educational bill—to the Committee on Education.

By Mr. DIBRELL: Memorial of the Lookout Mountain and Missouri Ridge Horticultural Society, asking for frost signals at Chattanooga, Tenn.—to the Committee on Appropriations.

By Mr. FINDLAY: Petition of the Master Plumbers' Association of the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. HARDY: Papers relating to the claim of James Donagho—to the Committee on War Claims.

By Mr. HERBERT: Petition of R. E. Bolling, M. G. Wharton, and others, for revision of war-tariff taxes—to the Committee on Ways and Means.

By Mr. HUTCHINS: Petition for the improvement of the Bronx River, Westchester County, New York—to the Committee on Rivers and Harbors.

By Mr. B. W. JONES: Petition of James H. Van Wagenen for a pension—to the Committee on Invalid Pensions.

Also, petition of ex-soldiers and others of Illinois, for a pension for Dayton D. Tyler—to the same committee.

Also, resolutions of James Mason Post, No. 106, Grand Army of the Republic, Department of Wisconsin, relative to pensions, &c.—to the same committee.

By Mr. McCORMICK: Petition of citizens of Ironton, Ohio, for the passage of H. R. 5057 relative to the militia—to the Committee on the Militia.

Also, petition of citizens of McArthur, Vinton County, Ohio, of the same purport—to the same committee.

By Mr. MANZANARES: Petition of citizens of Bernalillo County, and of citizens of Valencia County, New Mexico, relating to the General Assembly of said Territory—severally to the Committee on the Judiciary.

By Mr. J. J. O'NEILL: Papers relating to the claim of Clarissa E. Gierlow—to the Committee on War Claims.

By Mr. J. S. ROBINSON: Petition of citizens of Mount Vernon, Ohio, relative to the Nez Percé Indians—to the Committee on Indian Affairs.

By Mr. W. F. ROGERS: Resolutions of the Buffalo Merchants' Exchange, for a liberal appropriation for the Signal Service—to the Committee on Appropriations.

By Mr. T. G. SKINNER: Petition of L. C. Howland and others, for educational aid—to the Committee on Education.

By Mr. TUCKER: Petition of John R. Cooke, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. WOODWARD: Resolutions of N. A. Tator Post, Grand Army of the Republic, of Reedsburg, and of Wilson Colwell Post, Grand Army of the Republic, of La Crosse, Wis., relating to pensions, &c.—severally to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *April* 30, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 20th ultimo, a letter from the Commissioner of Pensions relative to the return of the rolls of Revolutionary soldiers belonging to any of the States which are now in the possession of the United States; which was read.

The PRESIDENT *pro tempore*. The letter, with the accompanying report, will be printed and referred to the Committee on Military Affairs, if there be no objection.

Mr. CULLOM. I thought from the reading of the communication that it refers to pensions. Does it not?

The PRESIDENT *pro tempore*. It relates to the return of Revolutionary muster-rolls. The Chair will refer it to the Committee on Pensions if the Senator from Illinois desires.

Mr. CULLOM. I do not desire to have it referred to that committee unless it refers to pensions proper.

The PRESIDENT *pro tempore*. It refers to the military muster-rolls of Revolutionary soldiers.

Mr. CULLOM. Then let the communication be referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. It will be so referred.

PETITIONS AND MEMORIALS.

Mr. MANDERSON presented a petition of A. B. Fox Post, No. 175, Grand Army of the Republic, Department of Nebraska, praying for certain pension legislation; which was referred to the Committee on Pensions.

Mr. HARRISON presented a petition of Hambright Post, No. 270, Grand Army of the Republic, Department of Indiana, and a petition of Burnett Post, No. 183, Grand Army of the Republic, Department of Indiana, praying for the passage of certain laws relating to pensions; which were referred to the Committee on Pensions.

Mr. DOLPH presented resolutions adopted by Burnside Post, No. 23, Grand Army of the Republic, Department of Oregon, Ashland, Oreg., in favor of certain pension legislation; which were referred to the Committee on Pensions.

Mr. PALMER presented the petition of Mrs. Livinia Robinson, mother of Alfred W. Robinson, late a teamster in the United States Army, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Nahum Gilbert and other citizens of Allegan, Mich., praying for an increase of pension to William S. Pardee, late private Company C, One hundred and twenty-ninth Indiana Volunteers; which was referred to the Committee on Pensions.

Mr. MORRILL presented the memorial of Guy, Kimball & Gay, William L. Saunders, W. A. Patrick, and other citizens of Rutland, Vt., and of E. B. Kimball and other citizens of Gaysville, Vt., remonstrating against the proposed repeal of the present patent laws; which were referred to the Committee on Patents.

Mr. HOAR presented the petition of Wallace F. Robinson and other members of the Boston Produce Exchange, of Boston, Mass., praying for additional mail facilities; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HARRISON, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn; and

A bill (S. 1921) authorizing the Secretary of War to adjust and settle the account for arms, ammunition and accouterments between the Territory of Montana and the United States.

Mr. DOLPH, from the Committee on Claims, to whom was referred the petition of William N. Berkeley, of Alexandria, Va., praying to be paid for church property destroyed by United States troops, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. GEORGE, from the Committee on Claims, to whom was referred the petition of Thomas P. Morgan, jr., praying the payment of a certain amount of money alleged to have been earned under his contract for dredging in Norfolk Harbor, Virginia, submitted a report thereon, accompanied by a bill (S. 2132) for the relief of Thomas P. Morgan, jr.; which was read twice by its title.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 2055) for the relief of Basil Moreland, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the same committee, submitted the following report:

The Committee on Claims, to whom was referred the bill (S. 864) for the relief of William G. Ford, administrator of John G. Robinson, deceased, have carefully considered the same, and in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. MANDERSON, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 171) for the relief of J. W. Bowling and J. S. Gollady; and

A bill (S. 1270) for the benefit of Mrs. Mary H. Chawning.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the petition of Susan A. Shelby, praying compensation for cotton alleged to have been taken, captured, or sold by the United States, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. 688) for the relief of Alexander K. Shepard, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. HAWLEY, from the Committee on Printing, to whom was referred the joint resolution (H. Res. 235) to print additional copies of certain publications, reported it without amendment.

THE HERNDON EULOGIES.

Mr. HAWLEY. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 240) to print 12,500 copies of eulogies on Thomas H. Herndon, late a Representative in Congress, to report it without amendment. If there be no objection I should like to have the resolution passed. It is a mere matter of form, and might as well be disposed of at once.

There being no objection, the joint resolution (H. Res. 240) to print 12,500 copies of eulogies on Thomas H. Herndon, late a Representative in Congress, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HARRISON introduced a bill (S. 2133) granting a pension to Caroline E. French; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 2134) for the relief of William C. Spencer; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LAPHAM, it was

Ordered, That the papers in the case of Thomas H. Lawrence, late a second lieutenant in the United States revenue-marine service, be taken from the files of the Senate, and referred to the Committee on Commerce.

DISTRIBUTION OF DOCUMENTS.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be directed to inquire into the expediency of making provision by law for authorizing the Secretary of the Interior to distribute to libraries designated for the reception of public documents under chapter 7 of the Revised Statutes, one copy each of the Statutes at Large and the CONGRESSIONAL RECORD hereafter to be published, and to report its conclusion by bill or otherwise.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 767) for the relief of Columbus F. Perry and Elizabeth H. Gilmer.

The message also announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. Res. 179) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two second lieutenants; and

Joint resolution (H. Res. 209) granting the use of cannon, tents, and muskets to ex-Union soldiers for reunion purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 5966) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln, and to increase the capital stock of the First National Bank of Nashville, Tenn.; and

Joint resolution (H. Res. 223) authorizing the Secretary of War to loan to the mayor of Richmond, Va., a certain amount of flags and bunting for use at a fair.

ESTATE OF WILLIAM PERINE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII, beginning with Order of Business 260, being Senate bill 1240.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1240) for the relief of Sarah E. E. Perine, administratrix of the estate of William Perine, deceased.

Mr. PLATT. I should like to have the bill read once more.

The PRESIDENT *pro tempore*. The bill will be read for information, having been read hitherto as in Committee of the Whole.

The Chief Clerk read the bill, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sarah E. E. Perine, administratrix of the estate of William Perine, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $132,493.23, being the amount due to William Perine, as found by the Selfridge board, for building the light-draught monitor Naubuc and the iron tug-boats Triana and Maria.

Mr. PLATT. Mr. President, as I said yesterday when I objected to the consideration of the bill, the history of this claim can not be stated in five minutes, but I think within five minutes' time I can show enough to satisfy the Senate that this bill ought not to pass without further examination by the Senate or by the committee which reported it.

The bill represents one of a class of claims which were known as the claims of the ironclad contractors. In 1865 some forty or more contractors of gunboats and other vessels during the war applied to be paid extra compensation upon two grounds, one that the price of materials had advanced upon their hands during the progress of the work, and the other that the Government had changed the plans and had delayed them in the construction. The result was that Congress passed an act under which the Secretary of the Navy established a board for the examination of those claims, which was called the Selfridge board. The Selfridge board examined the claims and among others reported that it had cost William Perine to construct three vessels the amount specified in this bill; but that was solely for the reason that the materials had advanced in price after he took his contract.

Upon that report being submitted to Congress a bill was introduced to pay the contractors the amounts reported. That bill was cut down in the Senate by one-half the amount. It went to the House of Representatives and the House refused to pass the bill in that shape, but passed a bill sending all those claims to the Court of Claims, which received the concurrence of the Senate. That bill was vetoed by President Grant.

There had been previous to that time a new board organized under an act of Congress to ascertain how much of the amounts reported by the first board were the result of delay on the part of the Government or change of plan. That board reported in perhaps eight of the cases that certain amounts were the result of delay, but in the Perine case they reported that none of the claim was the result of delay on the part of the Government, and that the claim was entirely because materials had risen in price after the contract was taken.

Senators who have been here longer than I will remember that there was a good deal of scandal about the Secor claim, and the Secretary of the Navy was charged with having corruptly paid to the Secor firm $93,000. That matter was investigated at length. The Secor claim was one of these contractors' claims.

I have given this short history (concise as it must be when I can speak only five minutes) for the purpose of showing that this is a matter which has been settled in the Congress of the United States for thirteen years. Since General Grant vetoed the bill to send these claims to the Court of Claims not one claim has been paid of this class of claims. There was a prior payment of one of these claims, but since that time no claim has been paid of this sort. There are still outstanding against the Government claims of this precise nature which amount to more than $2,000,000. The payment of this claim acknowledges the duty of the Government to pay all of those claims, and therefore I insist that it ought not to be hurried through the Senate in this way.

I do not believe that the Government can adopt the principle of paying to every contractor under the Government all the money that he may have lost on his contract by reason of the fact that materials have advanced on his hands during the time within which he has been completing his contract. That is precisely the principle which is involved in this case. I can not believe that the committee——

The PRESIDING OFFICER (Mr. HOAR in the chair). The time of the Senator from Connecticut has expired under the rule.

Mr. PLATT. I move to amend the bill by reducing the sum from $132,000 to $10,000.

The PRESIDING OFFICER. The Senator from Connecticut moves an amendment. It will be reported.

The CHIEF CLERK. In lines 7 and 8 of the bill it is proposed to strike out "$132,493.23" and to insert "$10,000."

Mr. PLATT. I think I can speak to that amendment.

The PRESIDING OFFICER. There being no objection, the Chair will recognize the Senator from Connecticut.

Mr. PLATT. I can not believe that the Committee on Claims has investigated the entire history of this claim. The Committee on Claims put it entirely upon the report of the Selfridge board, as if that was the last action which had ever been taken by Congress or any board under the authority of Congress with reference to this claim. Since the Selfridge board, as I have already stated, there has been another board organized to say whether any of this $132,000 was the result of delay on the part of the Government. That board has reported that none of it grew out of delay on the part of the Government. That board was called the Marquand board. Some Senators may be able to remember it. But the committee in this report refer only to the Selfridge board.

The committee go on to state that one of these claims has been paid, the case of Donahue, Ryan & Secor, and that was paid in 1867. What the exact facts relating to that claim were I have not been able to ascertain, but I do know that it was a case which was in court at the time the board made their report, and therefore in that respect it differed from the other claims and from the claim which is now before

the Senate. The precise reason for the payment of that claim I do not know; but since the payment of that claim, as I have already stated, a bill to submit these cases to the Court of Claims was passed and vetoed by General Grant.

The committee go on to say:

In addition, the following special acts have been passed to relieve contractors in similar cases, to wit:

Act of February 18, 1873, to relieve the heirs of George C. Bester, $125,000, 17 Stats., 733.

Act of June 1, 1872, to pay Charles W. Whitney $50,000, 17 Stats., 671.

Act of June 10, 1872, to pay J. S. Underhill $23,310.75, 17 Stats., 691.

Act of March 2, 1875, to pay Daniel S. Mershon, jr., $46,715.08, 18 Stats., 635.

But I desire to say of these claims that not one of them was included among the claims which went before these boards; they are different claims. This claim is one of the class of cases which was reported upon by these two boards, which has received time and time again the consideration of Congress, and which has been backed here by a powerful lobby, which a Secretary of the Navy in an investigation testified was the most powerful lobby he had ever known before Congress. The claims upon which reliance is placed in the report of the committee are an entirely different class of claims.

I can not believe that the Committee on Claims has been fully informed with relation to the history of these cases and the facts in regard to them.

Mr. MCPHERSON. Mr. President, this is one of a class of cases that since the commencement of my service in the Senate have been usually referred to the Committee on Naval Affairs. I remember well four or five cases of like character which were referred to that committee, in the first place asking for a specific appropriation of money covering the amount the parties conceived the Government owed them. When they found the committee refused to take action upon the bills they wished that the claim might be referred to the Court of Claims in order that they might present their statement to the Court of Claims and get an award from that court.

The Committee on Naval Affairs up to this hour have refused to report to the Senate such a bill because it would be a confession that some money was due the claimants from the Government, when the facts are that not a single dollar is due. But on the application of these gentlemen with their supposed claims against the Government, two or three different boards have been appointed. First, the Selfridge board was appointed, which adjudicated every point of controversy between the claimants and the Government. The claimants receipted to the Government for everything due them. They gave a receipt in full of all debts, demands, and claims.

Afterward, and by what process I can not conceive, a new board was appointed, I think the Marquand board. They investigated the subjects which were again raised by the claimants. An award was made, if I recollect aright, which covered very largely the claims due for delay, the increased cost of material incident to and attendant upon the delay, &c., in the construction of the vessels. The claimants a second time receipted to the Government.

The Government holds to-day three receipts: the original receipt on the delivery of the property under the contract, the second receipt upon an adjusted claim, which covered every ground of controversy so far as the board were willing to allow it up to that time; and the third receipt covers everything that could possibly be resurrected in the shape of a claim on the part of the claimants.

These people are here again. A bill was introduced which has been reported back from the Committee on Claims making an award of one hundred and thirty-odd thousand dollars in this case upon exactly the same facts that two different boards of survey and adjudication appointed by the Government have completely and absolutely settled.

If it is in order to object to the consideration of this bill, so as to let it go on the Calendar where the proper discussion of the matter can be had, I object to its consideration.

The PRESIDING OFFICER. The Senator from New Jersey objects to the further consideration of the bill, and it goes over under the rule.

POTOMAC FREE BRIDGE.

The bill (S. 1477) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C., was announced as next in order upon the Calendar.

The PRESIDING OFFICER. Under the understanding of yesterday, this bill goes over for one week, unless sooner called up by the Committee on the District of Columbia.

LOTTERY ADVERTISEMENTS.

The bill (S. 1017) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same, was announced as next in order upon the Calendar.

The PRESIDING OFFICER. This bill it was agreed should go over until the return of the Senator from Tennessee [Mr. JACKSON].

INDIANS ON UMATILLA RESERVATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Iowa [Mr. ALLISON]. It will be read for the information of the Senate.

The CHIEF CLERK. In section 3, line 10, after the word "draw," it is proposed to strike out the words "four per centum per annum interest," and to insert "such rate of interest as is now or may be hereafter provided by law;" so as to read:

That the funds arising from the sale of said reservation lands, after paying the expenses of survey, appraisement, and sale, and reimbursing any Indian or Indians for the value of any improvements belonging to such Indian or Indians, and the equitable share of any Indian to the funds arising from the sale of said reservation lands as herein provided, and reimbursing the United States for improvements made by the Government and under the provisions herein, shall be placed in the Treasury of the United States to the credit of said Indians, and the same shall draw such rate of interest as is now or may be hereafter provided by law.

Mr. BECK. The Senator from Massachusetts [Mr. DAWES], the chairman of the Committee on Indian Affairs, is engaged at this moment in the Committee on Appropriations. I have sent for him. He will be here in a moment. Unless it is very pressing I should prefer not to have action upon this amendment before he comes in. I left the committee-room a moment ago, saying that I would send for him if the bill came up. I do not know anything about the bill.

Mr. SLATER. Mr. President——

Mr. BECK. The Senator from Oregon I suppose understands it.

Mr. CAMERON, of Wisconsin. I will inquire of the Senator from Oregon what rate of interest is now provided by law?

Mr. SLATER. I understand that it is 5 per cent. on all Indian trust funds.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABBY P. ARNOLD.

The bill (S. 764) granting an increase of pension to Abby P. Arnold was announced as next in order.

Mr. CONGER. That is reported adversely. I suppose it will go over.

Mr. ALDRICH. I should like to have that bill retain its place on the Calendar. It is a bill introduced by my colleague [Mr. ANTHONY].

Mr. CONGER. Let it go over, holding its place.

The PRESIDING OFFICER. If there be no objection the bill will go over, holding its place on the Calendar, until the return of the senior Senator from Rhode Island.

WASHINGTON MONUMENT COMPLETION CEREMONIES.

Mr. MORRILL. I ask unanimous consent to call up the joint resolution reported yesterday in relation to the Washington Monument. I think there will be no objection to its passage.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent to take up Senate joint resolution 82.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the joint resolution (S. R. 82) in relation to ceremonies to be authorized upon the completion of the Washington Monument.

Mr. MORRILL. In line 4, after the words "five Senators," I move to amend by inserting the words "appointed by the President of the Senate," and after the words "eight Representatives," I move to insert the words "appointed by the Speaker of the House of Representatives."

The amendments were agreed to.

Mr. MORRILL. I desire to say that a small appropriation is necessary to cover some incidental expenses, for even a cannon can not be fired with ammunition belonging to the United States without accounting for it, and if there is any powder burned it will have to be paid for.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CINNABAR AND CLARK'S FORK RAILROAD.

The bill (S. 1373) granting the right of way to the Cinnabar and Clark's Fork Railroad Company was announced as next in order.

Mr. HARRISON. That bill proposes to grant a right of way some forty miles in length through the Yellowstone National Park. I do not want to make an objection that will carry it off the Calendar under Rule VIII, but I ask that it may be passed over without prejudice until the Committee on Territories, which committee has been giving some consideration to this subject, may consider the question whether there is not some route which this road can take that will not invade the park. We shall have a meeting of that committee on Friday, and I ask unanimous consent that the bill may retain its place on the Calendar and be passed over until our committee can look into it.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the bill be passed over, retaining its place on the Calendar. Is there objection?

Mr. CULLOM. As I understand, the Committee on Railroads have

no objection to that if the Committee on Territories will give it early consideration.

Mr. SAWYER. I was going to say that I hope that will be done.

The PRESIDING OFFICER. There being no objection, it is so ordered.

CHRISTIAN KROPP'S ADMINISTRATOR.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1072) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased. It provides for the payment to Samuel B. Seat, of Montgomery County, Tennessee, of $933.72, to refund to Seat the amount hitherto paid by him in excess of what was actually due by him to the United States, and which he paid in satisfaction of an erroneous judgment.

Mr. PLATT. Is there a report?

The PRESIDING OFFICER. There is. The report will be read.

Mr. CAMERON, of Wisconsin. The report on that bill is very long. I think the Senator from Oregon [Mr. DOLPH], who reported the bill, can in a very few minutes state the substance of the report, and that that will be satisfactory to the Senate.

Mr. PLATT. I do not ask for the reading of the report if some member of the committee will make an explanation.

Mr. DOLPH. Mr. President, the facts in this case are about as follows: On the 17th of February, 1869, Thomas T. Carter, intending to be engaged in the business of a distiller in the vicinity of Clarksville, Tenn., entered into a bond to the United States in the sum of $5,000, with Thomas B. Harrison and Christian Kropp as sureties. In April, 1874, the United States commenced a suit upon said bond against Carter as principal and Harrison and Kropp as sureties. No service was had upon Carter, he having left the State, but service was had upon Kropp and Harrison, the sureties, in June or July, 1874. Thereafter Kropp died, and the claimant, Samuel B. Seat, was appointed administrator of his estate, and on the 8th of May, 1878, the suit was brought to trial in the United States district court for the middle district of Tennessee, and judgment obtained against the sureties, and in favor of the United States for $1,168.08. Execution was issued and the amount of the judgment was paid into court by the administrator of Kropp. It afterward appeared that while the amount for which the judgment was rendered was the amount of taxes legally due from Carter, Kropp had not been surety of Carter at the time when all the taxes accrued, and that the judgment was erroneous to the extent of $933.72. The administrator, Seat, thereupon made an application to the Commissioner of Internal Revenue for relief under section 3220 of the Revised Statutes, which authorized the Commissioner, subject to regulations prescribed by the Secretary of the Treasury, on appeal being made to him, to remit, refund, and pay back all taxes erroneously or illegally assessed or collected. The Commissioner of Internal Revenue rightfully thought that inasmuch as the money had been paid upon a judgment he was not authorized to pay it back upon the application, and so notified the applicant. Thereupon the attorney of Seat wrote to the collector asking whether, if the court which rendered the judgment would correct it, upon application made, he, the Commissioner, would thereupon refund the money under the provisions of this statute. The Commissioner answered in substance that if such a correction of the judgment should be made the claim for refunding the money would be considered; and also wrote to the district attorney in regard to the matter. Application was made to the court and the judgment was corrected. The recital of the record of the proceedings shows that the court determined that the judgment was erroneous to the extent of the $933 72. Thereupon the application to the Commissioner of Internal Revenue was renewed, and he, supposing that he now had authority to refund the money, made out a voucher for that purpose and submitted it to the Secretary of the Treasury, and the Assistant Secretary of the Treasury, Judge French, approved the repayment of the amount, and the claim so allowed was stated by the Fifth Auditor. When it came to the First Comptroller of the Treasury he refused to allow it.

Thereupon a suit was brought in the Court of Claims, and that court decided that the court in correcting the judgment had acted without authority, without jurisdiction, two years having elapsed since the judgment was rendered; that the power of the court to amend the judgment was gone after the term at which the judgment was rendered had expired, and that it was not competent for the district attorney to consent to the amendment of the judgment even when directed to do so by the Commissioner of Internal Revenue, and that inasmuch as the court had acted without jurisdiction the judgment was still in force and the Commissioner of Internal Revenue had no authority under the statute to repay the money, and that the Court of Claims had no jurisdiction to render a judgment in favor of the claimant.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair will state to the Senator from Oregon that his time has expired.

Mr. DOLPH. I shall be through in a moment.

The PRESIDING OFFICER. If there be no objection the Senator will proceed. The Chair hears none.

Mr. DOLPH. It therefore clearly appears that the judgment rendered against the claimant was rendered for too large a sum by mistake, and that the claimant being the administrator of Kropp and coming into the case just before the trial was not familiar with the facts, and a proper defense was not made, and the committee say that "by the excusable inadvertence of the claimant the judgment rendered in the district court of the United States for the middle district of Tennessee, on May 8, 1878, in favor of the United States, and against the claimant as administrator of Christian Kropp, was erroneous to the extent of $933.78," and that the amount should be refunded to him.

Mr. WILSON. I should like to ask the Senator how long after the entering of the judgment was it before this petitioner commenced his proceedings to have it corrected?

Mr. DOLPH. It was very soon after.

Mr. WILSON. I understood the Senator to say that some two years had expired.

Mr. DOLPH. It was the 19th of February, 1880, and the money was paid on the 9th of July, 1878, but two years had elapsed before the court that rendered the judgment undertook to correct it. The order of the court attempting to correct the judgment shows conclusively that the original judgment was entered by mistake. The United States having received the money and it being in the Treasury, the committee thought it ought to be refunded, and we ought not to hold that the judgment was conclusive upon Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT WHARF AT WILMINGTON, N. C.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C. It proposes to direct the Secretary of the Treasury to cause an examination to be made of the wharf in front of the custom-house and other property at the port of Wilmington, N. C., offered by E. E. Burress, president of the First National Bank of Wilmington, and on inquiry as to the necessity of the use of the property described for the revenue-marine service and other customs purposes at that port, and if it shall be found advantageous and necessary for such purposes, to purchase the same at a reasonable price, not exceeding $30,000.

Mr. MCMILLAN. Upon the letter of the Department accompanying the papers in this case and upon the statement from the Department the committee were unanimously of the opinion that the bill should be reported favorably.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGES ACROSS WILLAMETTE RIVER.

The bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 3, after the word "draw-bridge" to strike out "or other form of draw;" so as to read:

That any bridge built under the provisions of this act may, at the option of said railway company, be built as a draw-bridge, or with unbroken or continuous spans.

The amendment was agreed to.

The next amendment was, in section 2, line 16, after the word "of," to insert "such width as the Secretary of War shall determine, and which shall be;" so as to read:

Provided, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed with an opening over the center of the channel of such width as the Secretary of War shall determine, and which shall be at least one hundred feet in the clear, and the piers of said bridge shall be parallel with the current, and the draw of said bridge shall be over the main or deep channel of the river, as may be fixed and determined by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 4, line 4, after the word "thereof," to insert "or the corporations or persons controlling the same;" so as to make the section read:

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, or the corporations or persons controlling the same, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRUSTEES OF ISAAC R. TRIMBLE.

The bill (S. 91) for the relief of the trustees of Isaac R. Trimble was announced as next in order.

Mr. MCMILLAN. Is there any report accompanying the bill?

The PRESIDING OFFICER. There is a report.

Mr. MCMILLAN. Let it be read.

Mr. CONGER. I have been looking for the report through my list of reports, but it did not happen to be filed there. I wish this bill

might go over, retaining its place on the Calendar, until the report can be examined.

Mr. HAWLEY. The Senator from South Carolina [Mr. HAMPTON] having the bill in charge can explain it. There is a full report. It is a proposition that received the approval of the Committee on Military Affairs. It gives these petitioners a chance to be heard before the Court of Claims on the equities of their claim. The Senator from South Carolina understands the case better than I do.

Mr. CONGER. May I inquire of the Senator whether this bill makes the decision of the Court of Claims a final judgment, or whether it is to be reported to Congress again?

Mr. HAMPTON. I have the bill——

Mr. CONGER. Let the bill be read again. It is short.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the claim of the trustees of Isaac R. Trimble against the United States for the construction and use by the War Department of Howe's patent truss in the bridge over the Potomac River be, and the same is hereby, referred to the Court of Claims for hearing and adjudication; and to that end jurisdiction is hereby conferred on said court to proceed as a court of equity and to render judgment therein.

Mr. CONGER. I think the bill should be amended so as to direct the court to report the result of their findings to Congress. That is the form of the general law.

Mr. PLATT. You want it under the Bowman bill?

Mr. CONGER. Yes, sir. It could go there for examination and a report of the findings of the court without the passage of this bill, unless there is some limitation.

Mr. PLATT. I understand what is called the Bowman bill to be this: that any committee of either House, or either House of Congress, may refer any claim pending before it to the Court of Claims to hear the facts and report the facts to Congress. The chairman of the Committee on Claims may correct me if I am wrong.

Mr. CAMERON, of Wisconsin. The Senator has stated it a little broader than it is.

Mr. PLATT. I understand also that the Court of Claims has recently determined that the fact that more than six years have run against a claim does not deprive them of jurisdiction under the Bowman bill. They have rendered a decision to that effect.

Mr. CAMERON, of Wisconsin. Not to that effect exactly. If the Court of Claims ever had jurisdiction of a claim, and more than six years has elapsed, the court holds that under section 3 of the so-called Bowman act it has not jurisdiction to hear that claim. If it never had jurisdiction, then of course no statute of limitations ever has run against it, and I suppose it never had jurisdiction of this case; I do not know whether it had or not, but if it never had jurisdiction to hear and try this case, then there is no statute of limitations in the way.

Mr. PLATT. I may not be able to state exactly just what the court has decided with reference to the question whether it has jurisdiction in these cases, but I think it is this: In claims for the use of a patent by the Government, if there was anything which looked to a license or an agreement on the part of the patentee that the Government might use it with the expectation of compensation, they hold that in those cases there was an implied contract within the meaning of the original act of jurisdiction; but where it is simply a case where the Government has used a patent without any consent whatever of the inventor or the owner of the patent, I think that question is still open, and that it is undecided in that court whether they have jurisdiction in those cases or not. Several cases have been heard which have been leading along toward a decision of that question, but I think it is still open.

The PRESIDING OFFICER. The Chair will direct the Secretary to read the third clause of Rule XV for the information of the Senate.

The Chief Clerk read as follows:

3. Whenever a private bill is under consideration, it shall be in order to move, as a substitute for it, a resolution of the Senate referring the case to the Court of Claims, under the provisions of the act approved March 3, 1883.

Mr. CAMERON, of Wisconsin. It might be in order to move to refer it, but it is possible that the Court of Claims would have no jurisdiction even if Congress did refer it.

The PRESIDING OFFICER. The Chair understood the Senator from Minnesota to call for the reading of the report.

Mr. CONGER. The report is very long.

Mr. MCMILLAN. I withdraw the request for the reading of the report.

Mr. CONGER. I would suggest to the gentleman making the report that the bill be amended so that the case may be examined by the Court of Claims, as provided in this bill, but with no authority to render judgment, and that the court report its finding to Congress. My objection is to leaving to the decision of the court by this bill the finding of an unlimited amount of damages for the use of any patent. I have no objection to the court finding the facts in the case and the right of the party and reporting to Congress, and then an appropriation may be made, if one is needed.

Mr. MAXEY. The original report in this case adopted by the Committee on Military Affairs was submitted by myself on behalf of the committee at the last Congress, and that report after very careful consideration by the committee was adopted without dissent, and the bill was presented to the Senate and was passed by the Senate unanimously *in hæc verba* as it is now reported. The bill failing in the House, it was reoffered in the Senate and referred to the committee, and came back from the committee with a favorable report at the present session.

The report itself shows quite clearly that this is a case where the Court of Claims should hear and determine as a court of equity, and in that view, as it is a question of fact, the committee directed the bill to be reported conferring upon that court the authority to hear and determine the case just as any other case of a disputed claim between the Government and a private individual. I think myself that if the Senator from Michigan would hear the report read he would find that the bill is properly worded as it is now, and that the Court of Claims ought properly to have jurisdiction. The bill itself is framed upon a decision of the Supreme Court involving the title and right to this truss in the Railroad Company *vs.* Trimble, in 10 Wallace. The title was found by the court to be in the assignees of Trimble. This claim is for the use by the Government of a patent precisely like the use by the railroads. In that case the assignees recovered. In this case the United States is the user of the truss; and the claimants, the assignees of Trimble, simply ask that the Court of Claims take this case up as any other claim against the United States and hear and determine it.

That was our view of it, and I will suggest to the Senator from South Carolina that the bill as it is is properly drawn and should remain as reported.

Mr. CONGER. The committee report that—

In the opinion of the committee, the claimants have a right to establish the use by the Government of their patent; that they have not been paid therefor, and the reasonable value of use, and to introduce evidence of ownership and loyalty. In short, the examination made by the committee shows a state of case which, in the judgment of the committee, entitles the claimants to a hearing in the Court of Claims.

I have no objection to a hearing in the Court of Claims if it be according to the general law applicable to other parties. Let there be a hearing and a finding of the facts reported to Congress. In order that an amendment may be drawn to that effect for the consideration at least of Senators, I ask that the bill go over by common consent without losing its place on the Calendar.

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent that this bill may be passed over informally, holding its place on the Calendar under Rule VIII. Is there objection? The Chair hears none.

DAVID WOOD.

The bill (S. 1553) to remove the charge of desertion against David Wood was considered as in Committee of the Whole. The preamble recites that David Wood, a boy under 11 years of age, was constantly with the Sixth Missouri Cavalry for over one year, doing efficient work as orderly, and was mustered for pay on two occasions as bugler of Company A, Wood's Battalion, Sixth Missouri Cavalry, and was with the Army through Arkansas to Batesville, Clarendon to Helena, and was taken sick with malarial fever at Helena, Ark., in August, 1862, and his attending physician declared that his immediate removal to a northern climate was necessary to his restoration to health; that his father, in command of the regiment, resigned and obtained leave of absence and took him to his home in Kansas, not knowing that he had been mustered for pay as a soldier; and that David Wood was afterward reported as a deserter, and so stands upon the muster-roll of the battalion. The bill therefore directs the Adjutant-General of the United States to place the name of David Wood upon the Army-roll of the United States, and issue to him an honorable discharge from the Army of the United States, to date from August 12, 1862.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question is on the preamble.

The preamble was agreed to.

VACATION OF AN ALLEY.

The bill (S. 869) to vacate an alley in square 234 in the city of Washington was considered as in Committee of the Whole. It proposes to authorize the commissioners of the District of Columbia, in their discretion, to convey to the owners of abutting lots the ground occupied by the alley running east and west in square 234, between certain lots described in the city of Washington, D. C., and to vacate and close up the alley if the owners shall appropriate for public use, as an alley, an area of ground in the same square equal to that in the alley to be conveyed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF WILLIAM G. WALKER.

The bill (S. 1691) referring the joint claim of T. A. Walker and Augusta C. Todd for proceeds of cotton to the Court of Claims for adjudication was announced as next in order.

Mr. CAMERON, of Wisconsin. The report had better be read.

The Secretary read the following report, submitted by Mr. GARLAND March 3, 1884:

The Committee on the Judiciary, to whom was referred the petition of T. A. Walker and Augustus C. Todd to have their claims referred to the Court of Claims for adjudication, beg leave to report:

That heretofore, as a rule, they have reported adversely to individual peti-

tions for the removal of the bar of the statute of limitations, but this case arises on an exceptional state of facts.

First. The matter complained of was committed by the unauthorized act of the guardians or tutors of these petitioners when minors, and whose duty it was to protect them and their estate instead of squandering it.

Second. Petitioners were minors when the acts complained of occurred, and remained such until the statute bar accrued, and both of their guardians or tutors have long since died and their estates are entirely insolvent.

The Treasury Department heretofore passed adversely on the claim, but upon the want of testimony and the conflict of testimony as well, and on no other grounds.

Under these circumstances the committee think this a meritorious case for the Court of Claims, and can not form a precedent for the future for action in such applications, and that the prayer of the petitioners should be granted, and therefore report a bill to that end.

Mr. CONGER. This is one of the old cotton claims, and there is nothing in the report to show any facts or circumstances connected with it. I object to its consideration.

The PRESIDENT *pro tempore*. The bill being objected to goes over.

Mr. GARLAND. I hope the Senator will not object to that. The Committee on the Judiciary has, I believe, since I have been connected with it, enforced the rule, and this is the only case where it has relaxed the rule as to the statute of limitations. The report shows that these were two minors at the time the acts took place and were minors long after the application was made to the Treasury Department, and that their guardians, who disposed of the cotton, have died and their estates are insolvent. The Treasury Department simply denied relief; but, without committing the United States in any way, we simply send the parties to the Court of Claims, removing the bar and letting them be heard there. The report was unanimous from the Committee on the Judiciary.

Mr. CAMERON, of Wisconsin. It does not appear from the report what was done with the cotton, whether it was sold and the proceeds covered into the Treasury or not.

Mr. GARLAND. The report was not made at length on those points, but I can state that their guardians, as alleged in the report, sold this cotton—at least that is the statement—and the Government got possession of it under the act of Congress, and it was sold and the proceeds paid into the Treasury. They petitioned the Treasury Department for relief. The Treasury Department passed upon the case, holding that there was a conflict of testimony as to the ownership, and there being a conflict the Department refused to grant relief. In the mean time the statute bar applied against these minors. It is a very exceptional case, and it is the only one since I have been connected with the Committee on the Judiciary where they have reported in favor of removing the bar of the statute.

Mr. CONGER. Under the usual custom and rule of the Senate, I do not know how this case ever got to the Committee on the Judiciary. It is purely a claim against the Government, belonging to the Committee on Claims, and I think the report should state the facts, especially as the bill provides for sending the case to the Court of Claims for final judgment, and there is an adverse report of the Treasury Department against the claim. I do not feel willing to let it stand under the five-minute debate, and I object to its consideration.

The PRESIDENT *pro tempore*. The bill being objected to, goes over.

ESTATE OF FRANK SOULÉ.

The bill (S. 336) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLATHEAD, KOOTENAY, AND UPPER PEND D'OREILLES INDIANS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1706) to accept and ratify an agreement with the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and to make the necessary appropriation for carrying out the same.

Mr. GARLAND. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. CAMERON, of Wisconsin, March 4, 1884:

The Committee on Indian Affairs, to whom was referred the bill (S. 1706) to accept and ratify an agreement with the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians for the sale of a portion of their reservation in the Territory of Montana, required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same, have examined the same, and report as follows:

On the 22d of July, 1882, Joseph K. McCammon, Assistant Attorney-General, was directed by the Secretary of the Interior to proceed to the Flathead (Jocko) Indian reservation, in Montana, for the purpose of conferring and arranging on the part of the United States with the Indians on said reservation for the extinguishment of their title to so much of the land of that reservation as is required for the right of way for the Northern Pacific Railroad through it.

The act of July 2, 1864 (13 Stat., 365), incorporating the Northern Pacific Railway Company, besides granting that company a right of way across the public domain, also provided that the United States should extinguish, as rapidly as might be consistent with public policy and the welfare of the Indians, the Indian title to all lands falling under the operation of the act and acquired in the donation to the road.

By the second article of the treaty between the United States and the confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreilles Indians, concluded at Hell Gate, in the Bitter Root Valley, July 16, 1855 (12 Stat., 975), duly ratified and proclaimed, it is provided that "if necessary for the public convenience, roads may be run through the said reservations, and on the other hand the right of way, with free access from the same to the nearest public highway, is secured to them, as also the right in common with citizens of the United States to travel upon all public highways." This provision was extended by a subsequent treaty with the same Indians.

In 1881 the Northern Pacific Railway Company, through its president, requested the Secretary of the Interior to proceed, in accordance with the act of 1864, to extinguish the Indian title to a certain strip of land, designated in plats filed in the Department, running across the Jocko reservation, which land was required for the road-bed of the company.

Mr. McCammon was thereupon sent out as a commissioner to secure the cession of this land.

The terms of the agreement made by Mr. McCammon with the confederated tribes of the Flathead, Kootenays, and Upper Pend d'Oreilles Indians, resident on the Jocko or Flathead reservation, in Montana, are, briefly stated, that a strip of land not exceeding 200 feet in width, aggregating about 1,300 acres, together with about 130 acres for station purposes, are ceded to the United States, the consideration being $16,000, which is at the rate of $11.18 per acre. And further, the United States agrees to pay to individual Indians $7,625 as compensation for damages to improvements of fenced or cultivated fields which may be sustained by reason of the surrender and relinquishment of the lands above described.

The bill reported by your committee is approved by the Secretary of the Interior, and provides for the ratification and confirmation of the aforenamed agreement.

The amount of $7,625 for the payment of damages to individual Indians was paid by the Northern Pacific Railway Company to the Secretary of the Interior, and was by the Secretary's orders disbursed to the Indians referred to by Major Roman, their agent.

The remaining sum of $16,000 was paid by the company to the Secretary of the Interior, and by him it was deposited to his official credit in the Treasury of the United States. The bill reported contains a clause ratifying the action of the Secretary of the Interior in disbursing the $7,625 to individual Indians for damages incurred, and the Commissioner of Indian Affairs is further authorized and directed to deposit the said sum of $16,000, which now stands on the books of the United States Treasury to his official credit with the Secretary of the Treasury, to be covered into the Treasury to the credit of the confederated tribes of Flathead, Kootenay, and Upper Pend d'Oreilles Indians, to be expended in manner provided for in said agreement.

The agreement was undoubtedly made in strict conformity with the act of July 2, 1864, and was in compliance with all existing treaty obligations. It was duly ratified by the chiefs and headmen and heads of a majority of the families, being a majority of the male members of the tribes interested, and seems to have been drawn with a due regard to the interests of the Indians.

The committee think the agreement should be affirmed, the previous action of the Secretary of the Interior ratified, and the $16,000 paid by the company placed to the credit of these Indians. They therefore recommend the passage of the bill.

Mr. GORMAN. I move, in section 3, in the proviso, after the word "may" in line 14, to insert "with the approval of the Secretary of the Interior;" so as to read:

Provided, That the said United States Attorney may, with the approval of the secretary of the Interior, accept such sum of money in satisfaction of any such injury or damages, &c.

Mr. CAMERON, of Wisconsin. I have no objection to the amendment.

The amendment was agreed to.

Mr. VEST. In section 4 there is a provision in regard to the money received for damages hereafter by reason of fires caused by the Northern Pacific Railroad running through this reservation, and the provision is that in the case of an individual Indian "the amount covered into the Treasury shall be expended for his sole benefit." The Flathead Indians of Montana are in an advanced stage of civilization compared with the other Indians. They had missionaries among them fifty years ago, and they have farms along the route of this railroad and own a considerable amount of stock. I visited the reservation last summer as part of the Indian Committee and held a council with them.

This clause refers to the damages that may be recovered hereafter from the North Pacific Railroad by reason of damages to stock, or by fires produced by the company. I never read this bill before; but I submit to the Senate that where an Indian is so far advanced in civilization as to have cultivated land, fenced it in, built him a house, and is able and competent to manage a farm, the money should be paid to him directly, and let him do what he pleases with it.

The PRESIDENT *pro tempore*. The hour of 2 o'clock has arrived.

Mr. VEST. I do not want to stop the passage of the bill.

The PRESIDENT *pro tempore*. It becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (S. 1448) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes.

Mr. VEST. We can finish this Indian bill in a few moments, and I move that we continue its consideration. I will not delay it a second. It is an important matter to these Indians, because they distrust the Government of the United States, and this is one of the principal grievances they brought up in the council last summer, that this money had been promised them and had not been paid. I tried to explain to them that Congress had adjourned before the money was actually paid by the railroad company, but they did not understand it and said we had broken faith with them.

The PRESIDENT *pro tempore*. The shipping bill being under consideration the Senator from Missouri moves that the Senate proceed with the consideration of the bill last up.

Mr. HARRIS. I ask the Senator to request that it be informally laid aside.

Mr. VEST. Very well, I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the unfinished business be informally laid aside in order that the Senate proceed with the consideration of Senate bill 1706. Is there any objection? The Chair hears none, and the bill is again before the Senate as in Committee of the Whole.

Mr. VEST. I move to strike out the last two lines of sections 4, 8, and 9, as follows:

Covered into the Treasury shall be expended for his sole benefit.

And insert:

So recovered shall be paid directly to said Indians.

So as to read:

To be expended by the Secretary of the Interior for the benefit of said Indians in such manner as he may deem for their best interest, except in the case of an individual Indian, when the amount so recovered shall be paid directly to said Indians.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM SHANNON.

Mr. PLUMB. I ask unanimous consent to reconsider a bill which was indefinitely postponed. On the 1st day of April the Committee on Pensions reported back the bill (S. 1114) granting an increase of pension to William Shannon adversely. The RECORD shows that I requested that the bill be placed on the Calendar, and it was done; but the Journal says the bill was indefinitely postponed. Some testimony has been now furnished, or is ready to be furnished in that case, and I ask unanimous consent that the action of the Senate indefinitely postponing that bill may be reconsidered, and the bill recommitted to the Committee on Pensions.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Kansas asks unanimous consent of the Senate that the vote by which the bill referred to by him was indefinitely postponed be reconsidered. Is there objection?

Mr. CULLOM. Are there not three of those bills?

Mr. PLUMB. No; I am not alluding to the cases the Senator from Illinois has in mind.

Mr. CULLOM. I hope this will be done.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the bill was indefinitely postponed is reconsidered.

Mr. PLUMB. I now move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 28th instant approved and signed the act (S. 264) for the relief of F. G. Schwatka and wife, and on the 29th instant the joint resolution (S. R. 80) relative to the ceremonies of the unveiling of the statue of Chief-Justice Marshall.

AMERICAN SHIPPING.

The PRESIDING OFFICER. The Senate resumes the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1448) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes.

Mr. FRYE. I ask that the first reading of the bill be dispensed with, and that it be read by sections for amendment, amending each section as reached, if there are amendments to be offered to it, and not going back to it after it has been passed over.

The PRESIDING OFFICER. The Senator from Maine asks the unanimous consent of the Senate that the first reading of the bill shall be by sections for amendment, not to return to a section after amendments to it have been considered. Is there objection?

Mr. BECK. I doubt whether any member of the Senate outside of the Committee on Commerce has carefully considered the bill, or would be able to understand the scope of the amendments to the law unless the bill is either read or explained in the first place. It was explained by the Senator from Maine [Mr. FRYE] a month or six weeks ago, but we all know how rapidly such explanations pass away from the minds of Senators engaged in a variety of other things.

Mr. FRYE. If the Senator will allow me, as each section would be reached I should very briefly state what was the amendment proposed to the existing law.

Mr. BECK. Many of the amendments meet with my cordial approbation, but as we pass along they seem to bear upon others, what may be good or bad depending upon what shall be done at last. There are toward the close of the bill mail contracts provided for which seem to me to be only a change from the old name of subsidy; and there are other amendments offered by the Senator yesterday, some of which I regard as the most valuable parts of the bill, particularly the first section of the amendment that he offered in regard to the discharge of seamen when they arrive at an American port.

I understand that some action has been taken in the committee this morning in regard to amendments that we do not yet understand except by information from members of the committee, some having been agreed to and perhaps others not. The amendment which I think will control my vote on a good many other matters is the amendment offered by the Senator from Missouri [Mr. VEST] at the time the bill was originally reported, which really reaches further than any of them.

Unless there shall be some explanation made by the Senator from Maine as to the general scope of the bill, I would rather that it should be read, because I desire to be heard in regard to the scope of the bill and especially as to the amendment of the Senator from Missouri.

Mr. MORGAN. The bill ought to be read in full, so that the country may understand what it is we are legislating upon. I shall insist upon its being read.

Mr. FRYE. I have no objection if it is desired to have the bill read.

The PRESIDING OFFICER. The Secretary will read the bill for the information of the Senate, after which the bill will be open to amendment.

The Secretary proceeded to read the bill, and having read the first two sections,

Mr. MCPHERSON. Is there any particular necessity for the reading of the bill except to read it by sections?

Mr. MORGAN. I have called for the reading under the rule. I insist on it.

The PRESIDING OFFICER. That question has been propounded to the Senate, and the reading of the bill has been demanded. The Secretary will proceed.

The Secretary resumed and concluded the reading of the bill.

Mr. BECK said:

Mr. PRESIDENT: I desire to have read from the Secretary's desk, as a part of the remarks I propose to make, the amendment offered by the minority of the committee through the Senator from Missouri [Mr. VEST].

The PRESIDING OFFICER. The Secretary will read the amendment indicated by the Senator from Kentucky.

The SECRETARY. It is proposed to add as additional sections to the bill:

SEC. —. That section 2513 of the Revised Statutes of the United States be amended so as to read as follows, namely:

"SEC. 2513. All or any part of the materials, whether wood, steel, iron, copper, yellow metal, bolts, spikes, sheathing, trenails; canvas for sails, whether flax or cotton; rigging and cordage, whether hemp, manila hemp, or iron wire; anchors and cables; iron plates, castings, and forgings; angle-irons, beams, masts, yards, rivets, bolts, nuts, screws, engines, boiler plates and tubes, and machinery, and all other materials and appliances which may be necessary for the construction and equipment, in whole or in part, of vessels, whether steam or sail vessels, to be built and furnished in the United States after the 1st day of January, 1885, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purpose, no duties shall be collected or paid thereon."

SEC. —. That from and after the 1st day of January, 1885, any citizen or citizens of the United States may purchase the whole of any steam or sail vessel, no matter where said vessel may have been built, whether within the United States or in a foreign country, or whether said vessel may have been owned in whole or in part by an alien or aliens; and said vessel shall be registered free of duty, as to her hull, spars, appliances, outfit, and equipment (including boilers, engines, and machinery, if a steam-vessel), as a vessel of the United States, by the collector in any port of entry of the United States to whom application for such registry may be made by said citizen or citizens, in the same manner as though said vessel had been built in the United States.

Mr. BECK. Mr. President, I have caused the proposition submitted by the minority of the committee to be read, because I regard it as the most important question that we either have been or will be called upon to consider during this session. Our action will determine whether we intend to compete hereafter for our share of the ocean-carrying trade of the world, or whether we propose to surrender it absolutely to foreign nations; whether we intend in time of peace to train sailors for our defense in war, or be content to prostrate ourselves at the feet of other maritime powers.

I assume that we will not be guilty of the folly of maintaining by needless taxation 100,000 sailors in idleness in costly public armed ships, waiting for strife, simply to parade our flag in foreign ports, where it is never seen at the masthead of a merchant vessel. That exhibit would add nothing to our dignity as a people or to the restoration of our "prestige" as a maritime power. We might with as much propriety obtain permission to erect liberty-poles in foreign ports on which to flaunt our flag, unless we have merchant ships to guard and protect.

Mr. Jefferson commended, as one of the fundamental needs of the Government, "a well-disciplined militia, our best reliance in peace and for the first moments of war till regulars may relieve them."

Our sailors in the merchant marine are the militia of the sea, easily converted into regulars. The maintenance of such a marine, convertible, in part at least, into efficient cruisers, is the best "encouragement to agriculture and of commerce as its handmaid."

We are now seeking to construct a new navy, modeled on the idea of preventing war by having a class of armed ships capable of running down and capturing the merchant ships of our enemies. I do not understand that either the cruisers now being built or those proposed to be constructed are expected to enter into a conflict with the great ironclads of European nations, nor do I understand that we propose to build such

a naval armament as they maintain any more than we think of keeping up a standing army equal to theirs. We must rely upon land batteries with great guns, capable of penetrating any armor, such as Krupp is making for other people, aided by gunboats, torpedoes, and such appliances as the skill of our engineers can develop.

I desire, above all things, a well-equipped, convertible merchant marine, which costs the Government nothing, which earns money in time of peace instead of squandering it; the ships and sailors of which will be ready for the service of the Government if we should ever be engaged in war. Such a fleet we can obtain; but it can only be done by liberalizing our policy and giving our people every facility for purchasing and running the ships they buy at the cheapest possible rates. There is no sentiment in business. Success in trade consists in the dollars and cents to be made or saved by the individuals who engage in the ventures. It is no consolation to an American ship-owner, who is handicapped by the high price he had to pay for his ships, to know while he is losing money in competition with foreigners who use cheap vessels that some shipbuilder on the Hudson or the Delaware made money by selling to him the ship he uses at the high price he paid. He would rather be unpatriotic enough to take and run a ship built on the Clyde which cost him $200,000, and make money by it, than lose money on a duplicate of it built on the Delaware which cost him $300,000.

He sees our manufacturers, railroad managers, Bessemer-steel makers, and all others buy their machinery, rails, and patent processes in any country in the world where they can buy them cheapest and best, and employ their operatives upon the best terms they can, while he is prohibited by law from even raising the American flag or claiming the protection of his Government for his ship, if he buys her from any other than an American ship-builder, and even if he does he can not hire sailors to man her, except upon conditions which make them cost him 30 per cent. more than his competitors pay the same men when they employ them. Of course these unjust laws have destroyed the American merchant marine in the foreign carrying trade, and it can not be revived until they are repealed. It is no answer to say that the navigation laws are time-honored, or that they were enacted by the fathers of the Republic. Conditions have changed. All our ocean competitors then had the same or more stringent restrictive laws; now they have repealed them all.

What would the world think of an American turfman who would insist on weighting down his horse with one hundred and fifty pounds, when all his competitors of the same age carried ninety pounds, and when distanced and his money gone insisting on repeating it, and refusing to change because his father and his grandfather had always put up that weight. Then, the forefathers of his competitors put up one hundred and fifty pounds on their horses also, but because the present generation of turfmen have reduced the weight to ninety pounds, that, he insists, is no reason why he should abandon the time-honored and long-established rules of his ancestors. I assume that the world would think his conduct as absurd and ruinous as it now regards the conduct of the American Congress in adhering to barbarous navigation laws which all the world but ourselves have repudiated and abandoned.

It must not be forgotten that trade and commerce are carried on by private individuals and not by governments. The citizen makes or loses; he must consult his private interest, but his government should see to it that he has fair play in his competition with other people, and that he is not handicapped, oppressed, or discriminated against by either foreign or domestic legislation.

I know that all the interests in the country that either are or are seeking to be subsidized protest against free ships. Of course they do; and the great political parties of the country are dividing on what shall be our future policy in regard to these great questions.

The propositions of the majority and minority of the Committee on Commerce in regard to our foreign carrying trade illustrate fully and fairly the fundamental difference between the principles of the parties they represent; both agree that our shipping interest has almost disappeared from the high seas. All unite in efforts to remove the comparatively trifling obstacles now in the way; but when they come to discuss the fundamental cause of the admitted decay and the means of restoration of our merchant marine, they fall back upon, or rather seek to push to the front, the principles and the policy of their respective party organizations. The majority ignore the baneful effect of the high protective tariff on our carrying trade. They refuse to consider the real evil; they cling to obsolete navigation laws which the world has abandoned; they demand subsidies for American ship builders and owners, the exclusion of cheap free ships, taxation of the people to make a crippled business profitable by bounties outside of it, protection by Congress against even home competition from that class of ships not favored through pretended mail contracts, which only American steamships of a certain class are to have, that being only another name for subsidy, pension, bounty—call it what you will—to a privileged few. The minority propose to remove all possible restrictions from ship-building and ship-owning in our foreign trade; they propose to allow our own citizens to buy their ships, as all their foreign competitors do, where they can get them best and cheapest, and allow them when bought to be registered as American property, entitled under the American flag to all the protection the Government can give; they propose to give our own ship-builders free materials of every sort needed to build and equip ships; they propose to open up trade and intercourse with all the world by diminishing restrictions to the lowest point possible consistent with the wants of our own Government. In short, they propose, without increasing the burdens of taxation, indeed by reducing them, to place the people of the United States at least upon an equal footing with foreigners in a contest for our own and the world's carrying trade. We have by treaty with England, France, and Germany, indeed with every respectable foreign government, Spain excepted, provided in substance that no other or higher rate of duties shall be imposed or collected on vessels of foreign governments, whencesoever coming, nor on their cargoes, howsoever composed, than is or may be payable on vessels of the United States and their cargoes.

I need not occupy the time of the Senate by proving that all nations except the United States now buy their ships where they can buy them cheapest, or that the difference in the cost of ships, with the sharp competition for freights, often makes a profit or loss in the business. It must be apparent from our treaty stipulations that none of the schemes so often suggested of giving advantages to American ships by exacting lower duties on goods brought in them than when like goods are carried in foreign bottoms are practicable or permissible. It is painfully apparent that we have lost all our foreign carrying trade except about 16 per cent., and that the poorest and least profitable, most of it in an inferior class of wooden vessels, which even the protectionists do not propose to subsidize through mail contracts or in any other form. Indeed, the form of subsidy now advocated, whether so intended or not, must inevitably drive from the ocean all the sailing vessels we have left. What would the constituents of any State Legislature say to their representatives if, upon any pretense, they should pass a law taxing the people of a State or county to pay the running expenses of one of two competing lines of stages, steamboats, or railways, and leave its competitor to pay its own? Of course freight and passage would be cheapened on the subsidized line to those who used it for a while, but the unsubsidized line would soon wind up and cheap rates would end on the other when competition ceased. The next Legislature would, I think, be composed of new men. That will happen in Congress when the people learn the true intent, meaning, and effect of these subsidy propositions. No matter how plausibly they are disguised, the people will some day learn that class legislation, protection, and the selfishness of subsidized interests have driven our ships from the seas, surrendered our carrying trade to foreigners, left us defenseless where alone we need defense, made us beggars and suppliants at the feet of foreign powers who are interested in crushing us when they can not use us, and who reluctantly maintain relations with us now only because we sell them food cheaper than anybody else will, and because their people are our ocean carriers, our commission merchants, our factors and brokers, our secret partners, who take all the profits from the producers of our agricultural products, which must find foreign markets or are regulated by their prices. One hundred and fifty millions of dollars (a sum larger than our much-lauded balance of trade) is annually paid by us to foreigners to carry our goods to and from their markets, while we have given up to other nations our share of the carrying trade of the outside world.

The American sailor has almost disappeared from the ocean, on which, it must be apparent, all our strifes with other nations will hereafter be had. I need not parade our defenseless condition. The Senator from Maine [Mr. FRYE], when he laid the majority report before the Senate, asserted that 95 per cent. of the sailors who man the few ships we now have are foreigners. They are generally the most ignorant and worthless of the class to which they belong; so ignorant and worthless that they cannot find employment in the valuable ships of their own nationalities.

Mexico is now buying abroad, as cheaply as she can, a respectable merchant marine large enough to carry on all the trade between our ports and hers, and between us and the ports of the West Indies and Central America. It is therefore absolutely certain that our foreign carrying trade will go on in cheap foreign-built ships whether we permit our people to engage in it or not. And I think the Senate will have great difficulty in seeing how our home ship-building industry is promoted or protected by Congress refusing to allow our own citizens to buy and run ships under the protection of our own flag in the foreign trade upon the same terms that all other people with whom we have treaties are now allowed to trade with and for us. Surely the prohibition injures only ourselves. Foreigners buy no ships from our ship-builders now; they get enough elsewhere to do nearly all our work as well as all the work of other nations. Why, I ask, should they have that right and Americans be deprived of it, unless they work under the cover and protection of foreign flags in foreign-built ships? I hope some one will answer that question. I observe that the New York Republican State convention the other day resolved to favor "the removal of all unjust restrictions upon American shipping interests." I shall note with some interest the votes of the Senators from that great State on the proposition to allow American ship-owners to purchase ships on the same terms as their foreign competitors do. Their votes may throw some light on the value of such resolutions. Platforms and practices are often hard to reconcile; the facts are so patent in regard to our defenseless and dependent condition on the high seas that patriotic proclamations and

glittering platitudes will not satisfy the intelligence of the country any longer.

The object of the bill I have had the honor to lay before the Senate several times and to discuss at some length on this floor on the 27th of January, 1881, which is substantially the proposition of the minority of the committee, reported by the Senator from Missouri [Mr. VEST], seeks to give to our people the same rights by law that our treaties give to the people of all other countries, and I confess I am unable to see why that right should be withheld from them or what interest is subserved by withholding it. I assume that our experience with Brazilian and Pacific mail subsidies has satisfied Congress that it is folly to impose additional taxation on the whole people in order to raise money to subsidize any private enterprise. Indeed I may safely assume, as I did in the speech I referred to, "that whatever aid any business receives that does not naturally pertain to the business itself is in the end detrimental to it, or when government seeks to support it by outside subsidy it ends in failure. Whatever lightens the burdens on ships or anything else that inheres in the business helps it." Certainly American ship-builders with a monopoly of the coastwise trade can not complain because Congress gives our own people the same rights that foreigners now enjoy in the foreign carrying trade.

The question practically is, shall we by law prohibit American citizens from competing on the high seas with foreigners by preventing them from buying ships as all their competitors do, and thus perpetuate the monopoly of our carrying trade in the hands of foreign nations, any of whom may at any time become our enemies or the enemies of each other, which would be equally fatal to our commerce, for our goods on their ships would be destroyed to as great an extent as their own when the cruisers of each sunk the merchant-vessels of the other? I need not tell the Senate that the seas are free. Congressional prohibition or protection, however desirable to some people, can not reach that trade or protect that industry against foreign pauper competition, which is now the fashionable way of expressing all reasons for asking Congressional aid. Even Congress can not force a foreign ship-owner to pay $400,000 to an American ship-builder for a ship when he can buy a duplicate of it elsewhere for $300,000. Is there, I again ask, any propriety or sense in prohibiting our own citizens from placing themselves on an equal footing with their foreign competitors? We build no ships, or none worth speaking of, for the foreign trade. Foreigners furnish foreign ships now manned by foreign crews, sufficient to do our work, and pocket the profits, and will continue to do so as long as Congress prohibits our own people from competing with them. American ship-builders will reap no benefit from this dog-in-the-manger policy; but $150,000,000 a year will continue to be taken from us and our posterity forever to enrich men who at any moment may become our enemies and use the money we furnish them and the sailors we support for them to humiliate and impoverish us.

If an exigency should arise that would enable the American people to realize the truth in regard to the present condition of our foreign carrying trade, the antiquated navigation laws, to which we alone of all civilized nations adhere, would be swept from our statute-books, and the most ultra-protectionist in this body would not venture to oppose the repeal.

Times change and men change with them. Situated as we are on a yet sparsely settled continent, with every variety of soil and climate, surrounded by oceans, gulfs, and lakes; with great navigable rivers traversing our land in every direction; with a railroad system more extensive than that of all Europe; and with a people at least the peers of any other in all that constitutes greatness, individually and collectively, it is a shame and disgrace to have all our commercial energies so crippled by our own legislation that we are prostrate at the feet of even half-civilized countries. We might as well insist on manufacturing our clothing with the hand-loom of the last century, and reject steam and all its appliances as destructive of human labor; exclude the light of the sun from our homes and shops as a foreign pauper and a free-trader in light and heat, and yet seek to compete with people in production and transportation who had seized upon and appropriated every newly discovered force in nature and every invention in art and science to lessen human efforts in cheapening products—with any reasonable hope of success as to insist on competing with other people for the ocean-carrying trade successfully under the miserable navigation laws of past centuries to which we still cling after all the world has discarded them.

The people I have the honor in part to represent are greatly interested in safe and cheap transportation; they know that all the cost of carrying the products of their labor to the markets of the world by land and sea is deducted from the (foreign) market price. This cost falls upon the producer, when he is compelled to meet competition in foreign markets. They know that the ocean is a continuation of the highway over which their grain, provisions, and stock have to be carried, and is the only free, God-given part of it. As one of their representatives I protest against the American Congress giving to foreign nations a monopoly of the trade on that great highway. They are too intelligent to be deceived by the denunciations of a press subsidized by our home monopolists that free ships are advocated in British interests. They understand that the nation that makes over $100,000,000 annually out of the monopoly Congress has given her in our ocean trade and travel, as against our own people, and can thus afford to keep in training for her navy, when needed, even against us, 100,000 of her native sailors, while we can have neither ships nor sailors, is not anxious to have these conditions reversed.

I was impressed by the forcible language in which the Senator from Missouri [Mr. VEST] expressed his contempt for the bill reported by a majority of the Committee on Commerce, when he said that its provisions were "insectivorous compared to the deadly blight which had stricken down the merchant marine of the United States."

I am amazed that anybody who is disinterested should seek longer to maintain the navigation laws, and I confess that I have very little patience with, and less respect for, that class of men who have the impudence to come before the committees of Congress and impugn the motives and even the patriotism of representatives of States and people who ask that American citizens may be allowed with their own money to buy ships as cheaply as foreigners do in the trade, which, by treaties, we authorize them to engage in upon the same terms with ourselves. Is that an unreasonable request? Are we to lie prostrate forever at the feet of foreign powers because our ship-builders can not build the ships needed in modern commerce as cheaply as they are furnished elsewhere to all our foreign competitors?

Nobody proposes to repeal our existing commercial treaties. We first proposed them and urged their adoption by other nations. So long as we had a revenue tariff and could trade with the world on fair terms, in ships that cost our ship-owners no more than other people paid for theirs, we were prosperous ocean carriers. Wages were as much higher with us then as they are now as compared with those paid by other people, yet the skill and intelligence of our seamen more than compensated for the difference in wages. It always will. England to-day pays from 25 to 50 per cent. higher wages to her operatives of all classes than the continental nations of Europe pay their laborers for like work; yet she is underselling them all, and they are seeking to protect their pauper labor, by protective tariff laws, against her skilled workmen. She tried restriction, protection, and exclusion till starvation and discontent, amounting almost to revolution, compelled her to abandon her unprofitable restrictive policy. She removed taxation from her labor, cheapened the food, the clothing, and all the necessaries for her workmen and their families, doubled the purchasing power of their wages, shortened their hours of toil, threw open her ports to all competitors, put her people upon their manhood and their muscle, declared her policy to be free-trade, free ships, free seas, and equal rights to all men in honest competition for the world's commerce. Under that policy she has sprung to the front, and holds to-day 62 per cent. of the carrying trade of the world. Her ships earned for her last year $380,000,000, and employed over 250,000 of her citizens as sailors, all of them ready and trained to become part of her naval force in any conflict with a foreign foe. She has nearly doubled her steam tonnage in the last few years; added 60,000 sailors to her merchant marine, and nearly $100,000,000 to the earnings of her ships. She had less than half a million of steam tonnage in 1860, less than a million in 1870, 2,820,551 tons in 1880, and 5,120,000 tons in 1883.

What do the tables show as to our position, even in our own carrying trade? We have surrendered all else. In 1856 we carried more than 75 per cent. of all our exports and imports in American ships, and perhaps more than half our tonnage was employed in the trade of other nations; in 1883 we carried a fraction over 16 per cent. of our own goods and did nothing appreciable outside of our own trade. We had about 90,000 of the best sailors in the world in 1859–'60; now we have hardly any. The Senator from Maine said, when he reported this bill the other day, "that 95 per cent. of the sailors now manning American ships were foreigners, while formerly they were nearly all Americans, and many of them fit to be officers." Therefore I might say we have no sailors on the high seas.

Mr. Roach, in a speech before the House Committee on Ship-building on the 24th of last January, says:

> Is it not strange that a nation which before the rebellion was the second nation on the sea, carrying 84 per cent. of our own commerce, is now carrying only 16 per cent., while at the same time the American people are considered the most practical people on earth and have solved the greatest problems of modern times? They have united all parts of the country by railroads; they have built up a vast manufacturing interest; they have developed the agricultural resources of the country—all to the astonishment of the world. The supremacy of the Government has been established and our flag has been restored to its proper place except on the ocean. A nation with more surplus products to carry on the ocean than any other; with more coal, iron, and timber for building of ships; with able financiers, skilled mechanics, and daring sailors, yet with no ships, and paying out $150,000,000 a year for freight on its carrying trade, thus giving employment to thousands of foreigners where our own people might be employed, must be in a wrong state. We began as a ship-building and a ship-owning nation with a population of 3,000,000 of people, an almost bankrupt Treasury, and a wilderness to develop. We were self-reliant and we succeeded. The nation or man who is not self-reliant will not succeed.

That is a vigorous statement of our condition. Of course his remedy is to subsidize ship-builders and those who buy their ships. My remedy is to allow our ocean carriers to buy their ships wherever they can buy them best and cheapest, to authorize them to employ their sailors upon the same terms that manufacturers and railroad managers hire their operatives, to give our ships free stores, and the free services of all our public officials at home and abroad, to give them a national

register and prohibit all taxation of anything pertaining to them as commercial instrumentalities, and to pay them liberally for all services performed for the United States, including mail services.

In short, I seek to give our people fair play on the free ocean highways of the world.

When the naval appropriation bill was before us the other day the Senator from New Hampshire [Mr. BLAIR] interrupted me to say that I had somewhere assumed that we had no commerce to protect, which I of course denied, remarking that I hoped he was aware of the difference between the load of wheat and the wagon that hauled it to market, and I might have added that the wheat would be of little use to the producer in procuring clothing or needed supplies for his family if he was prohibited by law from buying or hiring a wagon to haul it.

The rebellion was for years held responsible for the decline of our merchant marine. That pretense was at last abandoned by all except the most ultra protectionists who can not and will not open their eyes to the patent facts that our navigation laws and protective tariff laws combined have done infinitely more to destroy our shipping interest and foreign carrying trade than the war. I ventured to say so in the debate we had in 1882 on the Tariff Commission, and the Senator from Maine [Mr. FRYE] declared that as being "a most amazing assertion in the light of history."

He proceeded to show how extremely absurd that amazing assertion was. He gave us the benefit of the light of history, and of course, having England on the brain, the Confederate States were in his opinion simply her agents. The decline since the war from 33 to 16 per cent. of our carrying trade in American ships, nobody who can reason will charge to the war. I will, however, give his own language. He said:

> The destruction of our shipping was immediate, and the effect upon our commerce terrible. For years we had been increasing our ocean tonnage immensely; from 1830 to 1840, 60 per cent.; from 1840 to 1850, 75 per cent.; from 1850 to 1860, 60 per cent., and in 1861 had reached our highest point, having afloat 2,700,000 tons, and occupying the second place among the nations of the earth in the extent of ocean tonnage. A few years more of such advances would have given us the proud position of mistress of the seas. England saw this, feared it, and these cruisers were only doing her will.

That was quite a handsome tribute from a protectionist for protection's sake to the old Democratic revenue-tariff policy, so far as our shipping interest and foreign carrying trade is concerned. He proceeded thus:

> From 1861 to 1866 more than a million tons of this shipping was lost to us; more than 100,000 were burned by English cruisers, sailing under the confederate flags, and more than 900,000 sought protection under foreign flags, principally under that of England. The value of the remaining was crippled by the perils of the cruisers, the risk of sailing under our flag being so great as to drive a large proportion of the carrying trade into foreign bottoms.

Stripped of its verbiage and Anglo-mania, he proved my assertion to be true. One hundred thousand tons captured from an aggregate tonnage of 2,700,000 tons, or less than 4 per cent., was the actual loss by the war, whether it was a war with England or the Confederate States.

Nine hundred thousand tons out of the 1,000,000 were lost to American citizens by the navigation laws—I was about to say the miserable, barbarous, infamous navigation laws—which are still maintained to protect ship-builders, and are even now lauded as the safeguard of the American merchant marine.

Can anything be imagined more absurd, more shameful, than to punish citizens whose property the Government could not protect because they sold or transferred it to friendly powers to prevent its destruction in time of war? What public interest has been subserved by prohibiting them from ever reclaiming their ships which they were obliged to transfer to a foreign flag even if the friendly holders offer to return them after the danger is over, and when these citizens who were, without any fault of theirs, deprived of the ships they had but could not save because of the inability of their Government to protect them, ask the privilege from Congress to be allowed to buy other ships in which to continue to prosecute their business, upon the same terms that the Government allows foreigners to engage in it. Is it not, I ask, absolutely impertinent that they and all who think that citizens of the United States should have equal rights with foreigners in the ocean carrying trade should be denounced as enemies of their country by men who are seeking to put money in their own pockets by the maintenance of laws which prohibit our own people from buying ships anywhere except from them, at such prices as they see fit to ask for them? These patriotic ship-builders assume to be the special protectors and guardians of American labor, and insinuate that all efforts to allow our people to buy ships except from them and at their prices are anti-American, and that we are working in the interest of England.

England, they assume, is building nearly all the ships now engaged in our foreign carrying trade. Concede it. What difference, I ask, does it make to her, or her operatives, whether the price of the ships she builds is paid by an American, a Mexican, a Frenchman, a German, or an Englishman? Or how would American ship-builders or their operatives be affected if an American bought an English ship to put into the trade instead of a Mexican, a Frenchman, a German, or an Englishman? The English workman gets the same number of days' work, and receives the same wages, no matter who buys the ship; and as the American workman gets none of that work to do, and will get none so long as ships are built cheaper in other countries, and foreigners can carry our goods under treaties, it makes no sort of difference to him what the nationality of the ship-owner is. Yet the American ship-builders, with an absolute monopoly of our coastwise trade, with the exclusive right to build ships for it at their own price conceded to them, have the audacity, I might say impudence, to denounce all men as unpatriotic who deny their right to exclude American citizens from entering into competition for a fair share of the world's commerce on the high seas unless they pay them, say, $300,000 for a ship that they are offered elsewhere for $200,000, and which all their foreign competitors buy at that price. The truth is that American labor is used by them, and all other protected pets of Congress, as the cat's-paw to pull their chestnuts out of the fire. They buy their ores, their machinery, everything abroad when they can get it cheaper than they can buy at home. They dismiss an American citizen from their service if they can hire a foreigner cheaper. There is no tariff protection against the free import of competing labor, and ocean freight on that is cheap and the time of transfer short. When these patriotic monopolists find that they have produced more than the country will or can buy at the price they ask they close their shops, oil their machinery, clamor around Congress for the maintenance of laws which prohibit all our people from buying the articles abroad which they have for sale, and which they refuse to send abroad to get rid of at free, open market prices; and all this time the laborer and his family, whose welfare they pretend to have so much at heart, are starving from enforced idleness. The wolf gave the lamb that sort of protection, and did not put on lamb's clothing to deceive him. The wolf has title to respect over these Pharisees and hypocrites in this regard at least, that he was a bold marauder and not a false pretender.

But is it true, can it be true, that England is interested in Americans having the right to buy ships abroad, so that she may build them? The ocean carrying trade of this country and of the world needs only enough ships to do the work. The work is done now. England builds the ships to do it. The exclusion by our laws of our people from it does not withdraw a single ship that can be profitably employed. The money of the Mexican, the Italian, the Frenchman, or the German is as good as ours, employs as many men, feeds as many mouths, keeps open as many ship-yards; the only patent effect being, as Mr. Roach shows, to compel us to pay to foreign nations annually, to England principally, $150,000,000, which, with the same rights as we by our treaties give to foreigners, our people could earn and keep at home and make by the superiority of American sailors, which all nations conceded when we had them, even with our high wages, many millions more out of the trade of the world, as they did in ante-bellum days. The $150,000,000 we pay annually to enrich and strengthen foreign nations would buy a magnificent merchant marine. At $60 a ton average of steam and sail, it would purchase 2,500,000 tons of shipping, which would employ not less than 50,000 American sailors, the only defenders we will ever need hereafter. I repeat, can it be possible that England, whose interest, pride, and power is centered in her dominion over the high seas; who controls 62 per cent. of the world's trade, and more than that of ours; who gets from us annually three-fourths, at least, of the $150,000,000 of tribute that Congress compels us to contribute to support foreign nations; who knows that we under fair conditions are her only formidable commercial rival, should seek to restore our prestige on the ocean and destroy her own?

We maintain and support to-day, by the surrender of our carrying trade to her, 100,000 English trained sailors and their families, who would be our most dangerous enemies if England so ordered. We are content to lie prostrate at her feet, almost without a ship, a sailor, or a gun, and representatives of the American people who honestly and earnestly deplore and seek to reverse that condition are taunted by men who seek to make money out of our unfortunate condition with being bought with British gold and as emissaries of England. If protectionists and restrictionists have made one impression on the American mind stronger than any other it has been by the catch-words, "In time of peace prepare for war." That pretended policy has controlled the country. We have had nearly twenty years of peace, and in many regards of prosperity. Our wars in the future will be on the high seas. Have they prepared for war? Is England really interested in helping us to prepare for war in spite of the protests of patriotic American protectionists and restrictionists, backed by the pets of Congress, whose highest and most patriotic aspiration is to pile taxation mountain high on all the labor of the country and on all it absolutely needs, to enrich themselves by law and not by honest work. No man fit to be outside of an institution for the feeble-minded can be deceived by such assertions.

Mr. President, I do not believe that it is possible in the prostrate condition of our merchant marine, under our treaty obligations, to build up an ocean carrying trade by any system of subsidies. Subsidy in any form under our tariff laws simply means an increase of the burdens of taxation directly or indirectly on the goods which our people have to carry to market and sell, and on those they buy abroad with the proceeds of what they export, in order to give the tax thus collected to a few people to help sustain a losing or unprofitable business.

Can anything be more unreasonable than to require the Western farmers and their laborers to pay increased taxes on all the goods they

are compelled to have, and are obliged to take in exchange for the wheat they must send abroad and sell in sharp competition with the pauper labor of Russia and India, in order to enrich a few American ship-builders who have already a monopoly of our coastwise trade, with free coal for their ships, which is denied to the laborer on shore? If the present depression in the price of wheat, which it costs 65 cents a bushel to raise here while it costs 38 cents in India, causes the men of the West to inquire how more taxation to give subsidies to ship-builders is to benefit them by still further diminishing the purchasing power of their wheat product, it may prove a blessing in disguise. They will learn that their American industries, upon which all others depend, are loaded down with cunningly devised burdens, and while their pockets are being picked they are even now singing pæans of praise to the jugglers who are robbing them.

The truth is, Mr. President, before we can again become a great commercial people and regain our lost prestige on the ocean and in the marts of foreign nations we must reverse our system of taxation even though we follow the example of England. She pursued for centuries the policy of taxation to which we still adhere. She taxed the food, the clothing, the wants and needs of her laboring people till starvation and oppression had brought her workmen, pent up as they were, with few privileges, in a small country not half the size of Texas, to the point of revolution. The aristocracy and other favored classes felt that relief must be given to labor or destruction of their own privileges would follow, and that quickly. They appreciated the situation and reversed their cherished policy; they removed all possible burdens from labor; they required wealth, property, and luxuries to furnish the needed revenues. Now an English operative who does not drink liquor or use tobacco, with the exception of a small tax on tea and coffee, both of which articles are cheaper there than here, does not pay one penny under any form of taxation toward the support of the British Government. His wages have their full purchasing power. He can buy in the cheapest markets of the world all he needs for the support and comfort of himself and his family.

We cling to the old protective policy. Over 40 per cent. of the purchasing power of the wages of our laborers is taken from them by the Congress that professes to be their representatives, friends, and protectors, which is given to favored classes. Taxation is so cunningly adjusted that the wants and necessaries of life bear all the burdens.

Little wonder we are driven out of the markets of the world when our labor is so heavily burdened. Yet there are men who think they are statesmen earnestly urging the removal of all taxation on whisky and tobacco, every dollar of which, amounting to about $135,000,000 annually, goes into the Treasury, less 3½ per cent. cost of collection. These are taxes which no man is obliged to pay; they constitute no burden on the necessary wants and needs of the family of the laboring man; the repeal of these taxes is sought in order to increase the taxes on the wants and necessities of the workers for wages; and yet they parade themselves before the country as the special protectors of American labor. Free whisky and tobacco, with taxes doubled on clothing, blankets, and sugar, is the rallying cry of the protectionist for the next campaign. And oppressive and unnecessary taxes must be maintained at such rates as will not only support the most extravagant and wasteful administration of the Federal Government which an overflowing Treasury always fosters, but they must produce annually a surplus of over $100,000,000 beyond all they dare spend to be patriotically and benevolently expended in donations of the most questionable character; in short, it must be expended in schemes to consolidate and centralize all power and authority in the Federal Government through pretended benefices from money wrung by an insidious and unintelligible tax system from poverty and labor, to the destruction of the legitimate authority of the States and the manhood and independence of the people. Relief from these extortions is the first step toward commercial prosperity.

The next indispensable step is, without increasing taxation on the goods to be carried, to allow our ocean carriers to buy the cheapest ships they can. That done, give the ships a national register from Washington; free them from all taxation, Federal, State, or municipal, so long as they are engaged in the foreign carrying trade; allow them free material and machinery for repairs, to be stored in any American ship-yard ready for use; give them free stores and supplies of all sorts; in short, reduce their expenses to the lowest possible point, and require all our foreign consuls and commercial agents to aid them free of charge in every possible way in foreign ports.

When all that is done I am not prepared to say that we will build up our merchant marine very rapidly. We certainly will not under the present high protective tariff, but I trust that will soon be changed. Then my hope is that the managers of the great railroad lines centering at Boston, New York, Philadelphia, Baltimore, Norfolk, and elsewhere may, with the advantages they have to control and secure passengers and freights, engage to carry our exports from the place of production to their ultimate foreign markets by sea as well as by land; it would be but an extension of their lines over a road that costs nothing and needs no repairs. The 600,000 immigrants starting from European ports annually would virtually be on their lines of road during the ocean transit, while our system of inland transportation of goods in bond to the cities of the West would induce Western importers to patronize a continuous line, which carried their goods under one contract on one line from the place of purchase to their place of business.

With free materials and machinery for building and repairs, authorized to be stored in readiness for any emergency, navy-yards for repairs would spring up, which would soon be converted into yards for building under the most favorable auspices, as work is always done best and cheapest when men are repairing or building for themselves. The Germans, with not one-tenth of our facilities, have illustrated the truth of that statement.

We are sometimes told that there is not profit enough in the ocean-carrying trade to induce our people to engage in it, no matter what we do here. If that is so, no ships will be either bought or built; no American industry will be injured by the right to buy ships at cheap rates. The privilege may, however, prevent combinations among foreign carriers to increase rates, as they have often done, notably and oppressively in 1873. Such combinations can not be prevented if we have to wait till ships can be built here to break them down.

It is too obvious to need more than a statement, that, if England should engage in war with any foreign country, the great bulk of our agricultural exports, notably live-stock and provisions, would be absolutely lost or rendered valueless, if our people are prohibited from buying ships, and must wait till they can be built here. President Grant saw how we were handicapped, even with English ships undisturbed, when the Franco-Prussian war broke out, and promptly sent a message to Congress urging the repeal, for a time at least, of the navigation laws, so that our people could buy ships abroad in which to maintain our trade with France and Germany. But the dog-in-the-manger policy of the protectionists was too strong even for him, and Congress adjourned in twenty-four hours after the President's message was received. As they could not answer it they ran away from it. I sometimes wish that England had been involved in that strife long enough to have made our people realize what a humiliating position the policy of the Republican leaders had placed the country in by their restrictive and protective policy. We would have been relieved long before now from many of the cunningly devised schemes of taxation which still oppress the people.

Mr. President, I had intended to support my views in favor of free ships by those of distinguished Republicans in both Houses of Congress, especially by those of Hon. Zachariah Chandler, of Michigan, in a very able speech delivered on this floor on the 28th of May, 1870, and of Hon. James A. Garfield in the other House on the 25th of May, 1870, as both of them will be recognized as patriotic men even by the ship-builders and their advocates; but I am content to stand on the merits of the propoosition. I will however make a quotation from a letter written some years ago by the ablest living American statesman, Hon. Horatio Seymour, of New York, to Hon. Erastus Brooks, which I have read before in this Chamber. He said:

> There is no reason entitled to respect to be given for our navigation laws, so far as they forbid our merchants to buy ships elsewhere for the purposes of foreign trade. The governments of Europe, more wise, do what they can to build up their commerce, and their flags are seen in our harbors waving over vessels bought by their merchants where they can get them upon the best terms. Every such flag seems to reproach the folly of laws which practically forbid American citizens to carry American produce across the ocean or to share in the great profits of the world's commerce. There is an alarm about communistic principles. What are they? Some wild theorists claim that it is the duty of Government to give labor to workmen, and to take care that property shall be so held in common that what one earns may be given to another. We frown upon these men and denounce their purposes. But what do they claim more than a few builders of steamships get under our navigation laws? These demand that such vessels for foreign trade must be made by them; that the buyer, besides paying for them what they are worth, must divide some of his property with the builders by giving them more than they are worth in the markets of the world. It will be found in the end that communism which lurks in laws which force men to buy of certain classes, and to pay more for what they want than they can be bought for elsewhere, and which also divides men's estates under cover of taxation, which indirectly go to favored individuals, is more hurtful and dangerous than the communism which says what it means, and which destroys itself by an open declaration of its purposes.

Mr. President, a few words more and I am done. Some years ago when I urged the importance of these propositions in this body my views received little consideration. Now a very pronounced majority of the representatives of the American people agree with me. We may differ as to details. Indeed in regard to many needed reforms I will follow the Senator from Maine [Mr. FRYE], assuming that the Committee on Commerce has investigated and informed itself concerning them. I now give notice that whenever a proper opportunity offers I will insist that we shall so amend existing laws as to open our ports as storehouses for the world's goods. London is to-day the commercial center of the world mainly because all people are allowed to store their merchandise in her warehouses, whether it is intended for English consumption or not, where it can be held securely at the owner's risk as long as he pleases Thousands of her people are employed in these great warehouses, hundreds of ships find profitable freights in hauling goods to and from them, bills of exchange are drawn upon the property they contain, till the world looks to London as the regulator of its exchanges. New York ought to be, and if we are wise will be, the world's commercial emporium. No reason can be assigned why all people, especially those of Central and South America and the West Indies, should not be encouraged to deposit their goods in American warehouses if they regard them as safer here than at home. Why should we not have the carrying trade, the warehousing profits, the exchanges, and all the pecu-

niary and commercial benefits now reaped by England? I admit that these questions can not be considered in this bill, and perhaps Senators may regard even the suggestion of them as out of place, but they have been urged by at least one very far-seeing Secretary of the Treasury.

I will supplement these remarks by a quotation from his official report. In December, 1848, Hon. Robert J. Walker, in his report to Congress, after showing the possibilities of the extension of our commerce with the countries of Eastern Asia consequent on our acquisition of California, said:

We would in time receive the productions of the East in exchange, not only for our own consumption but to be warehoused in our ports as entrepôts for the supply of Europe. And so far as European fabrics should reach Asia and the western coast of America they would ultimately pass chiefly through our hands as factors and in our vessels, events which would very soon give us the command of the trade and specie of the world. From these great events the whole country would derive vast benefits, but especially the city of New York. It would become the depot and storehouse and entrepôt of the commerce of the world, the center of business and exchanges, the clearing-house of international trade and business, the place where assorted cargoes of our own products and manufactures as well as those of all foreign countries would be sold and reshipped, and the point to which specie and bullion would flow as the great creditor city of the world for the adjustment of balances, as the factor of all nations, and the point whence this specie would flow into the interior of our country through all the great channels of internal trade and intercourse. With these great events accomplished, and with abundant facilities for the warehousing of foreign and domestic goods at New York, it must eventually surpass in wealth, in commerce and population, any European emporium, while as a necessary consequence all our other cities and every portion of the Union and all our great interests would derive corresponding advantages.

Again he says:

I renew the recommendations contained in all my annual reports for the establishment of a branch of the Mint of the United States at the city of New York. That city, our great commercial metropolis, is advancing to its ultimate position, so important to the whole country, as the emporium of universal commerce, the center of international exchanges, and the storehouse of the products of the world.

Further on he says:

If we would command the commerce of all nations it must be through some one American commercial emporium, the great center of our own trade and business. The history of trade demonstrates that some such great point is indispensable to enable any nation to command universal commerce, and that such concentration at some one city, instead of injuring other cities or parts of the same country, is of immense benefit to all. There can not be two or more financial centers of the foreign commerce of any one nation any more than there can be two or more centers of a circle. The same principle of the center of the trade of a nation applies to the trade of the world. There can be but one such center for the world and but one for each nation, which in this country, from natural causes, must be New York, where the competition must soon commence with foreign cities for the control of international commerce.

Mr. MORGAN. I wish to ask the Senator from Kentucky a question. He expressed the hope, as I understood him, that there would be some improvement or reformation of our warehousing system to bring about the results he has mentioned. I desire to ask if he has prepared a bill on that subject. I hope that he has.

Mr. BECK. I have not. I have suggested it to a number of Senators, especially the Senator from Delaware [Mr. BAYARD] and the Senator from Alabama [Mr. MORGAN], and promised to do so if I could, but I have failed, because I do not know that I am quite capable of drawing the proper sort of bill. But that it should be done and will be done, and that it will add more to the commerce and carrying trade of the country than all else, I have no doubt; and I do hope that the time will come very soon when under the lead of some distinguished executive of the party to which the Senator from Alabama and myself have the honor to belong we shall be better able to liberalize trade than we seem to be able to do now.

I thought I would not say any more, but I will read the conclusion reached by a portion of the Joint Committee on American Shipping of the last Congress, being Report No. 1827, second session Forty-seventh Congress, in which the minority say:

The decadence of our shipping and its causes are all too familiar to the public mind. The selfishness which prevents its resuscitation are no less familiar. It is an old, old story. The minority of the committee would repeat it in detail were it not known to every tyro in commerce and economy. They would rehearse it if, by studying the causes of the decay, we could remove the effects. The simple truth is, the removal of the causes of decay would not revive shipping. Our shipping interests have been choked by other interests, choked to death. Restrictions cumber our statutes. In a country so abundant in production as ours, which seeks every market, and is unlimited in its range of enterprise, the capital policy is, *mare liberum*. Give us a free sea and freedom to trade upon its bosom, permit us to buy in the best market the materials to fashion vessels of the best quality and to buy the completed ship where our competitors buy their vessels, and even without the opportunity which foreign wars may give to our carrying trade, and with the aroused inventive faculty of America consequent upon our freedom to use our energy and skill, and with the natural laws and their conditions to aid intelligence and interchange, and we may once more find the capital, labor, and genius of our countrymen evoke from the sea, as they have from the land, its most valued treasures. Our merchant marine languishes for lack of liberty. Its revival must come from the enlargement of our freedom.

The minority of the joint select committee, while concurring with the report as to the measure reported by the committee, desire also to present two other propositions:

First. For the admission free of duty of all the materials finished and perfected and ready to put together in a ship; and

Second. For the free admission to American registry of ships built abroad.

GEORGE G. VEST.
ROBERT M. McLANE.
S. S. COX.

Mr. FRYE. I rose to ask the Senator during his speech a question which I should like to ask now. Does the Senator in speaking of subsidies refer to the clause reported by the Committee on Commerce contained in this bill.

Mr. BECK. The dollar-a-mile clause, or whatever it is?

Mr. FRYE. Yes, sir.

Mr. BECK. That I referred to as being, as I now understand it, a subsidy under the guise of a mail contract.

Mr. FRYE. So that in speaking of subsidies the Senator did refer to that clause of this bill?

Mr. BECK. I spoke particularly, as the Senator will see, of the subsidies that we have heretofore given in regard to the Brazilian and Pacific Mail subsidies, and this seemed to me to be in the same line. I stated at the same time that I was quite willing to pay all our ships a liberal price for all service done for the United States, the mail service included, and if it is made to appear that the provisions of this bill in regard to the mail service are reasonable I shall vote for it with great pleasure.

Mr. FRYE. I desire to ask the Senator one other question. What does the Senator mean by "the infamous navigation laws?"

Mr. BECK. I mean laws which have become obsolete; which, no matter how good they may have been when they were necessary to retaliate against other nations, are absolutely infamous when they become oppressive upon our own citizens, and when other people by treaties have been given rights that are denied to our people at home.

Mr. FRYE. I mean to ask the Senator whether or not the laws which exclude any vessels except our own from the coastwise trade are the navigation laws which are "infamous?"

Mr. BECK. I have said all through that I do not propose to interfere with the coastwise trade, nor does the bill or the amendments.

Mr. FRYE. Why not?

Mr. BECK. Because that is a part of your system of protection that runs through every feature of legislation in this country; and the coastwise trade is confined to the competition of Americans with Americans. You have given your coastwise trade to the people of America in competition with each other, and you have given the owners of vessels the absolute right to charge all men who can not get their products to a railroad whatever they see fit in the coastwise trade. But that is no worse than it is to give to the men who make Bessemer steel or the men who manufacture iron, cotton, or woolen goods protection, and there being a competition of one American with another, as long as the other protective laws stand, I do not care to attack that. But the difference is very great when you say that an American citizen shall not use on the high seas a ship that costs him no more than a Prussian or an Englishman. I say that the law which prohibits him from doing that is infamous.

Mr. FRYE. Now, will the Senator again pardon me? Suppose his free-ships clause becomes a law; I am an American citizen; I buy a 4,000-ton iron steamer; pay my money for it; it is registered under the law as an American ship; I ask the Senator if he then would vote to prevent me, an American citizen with an American ship, from sailing it wherever I pleased?

Mr. BECK. I would not allow, so long as other interests are protected to the point they are now, any interference with the coastwise trade. I have repeated that time and again. Maine may retain that as her part of the general plunder.

Mr. FRYE. Then, Mr. President, the Senator knows perfectly well that I, as an American citizen, never would go over to England and buy a ship and put it upon the water if I was to be limited in sailing that ship.

Mr. BECK. Then your right to do so will do you no harm. That must be obvious. If the people who are now carrying our goods to foreign markets should go to war with each other, as they have done time and again, and may do hereafter, the right to buy might be the only salvation the Western farmer would have, because he can not wait two or three or four years till a vessel can be built in which to carry his perishable goods. Therefore even the mere right may be very valuable.

Mr. FRYE. A singularly valuable right in the event, for instance, that France and England went to war; for, having the right to register under the American flag, the whole English commercial fleet would come under the American flag, and I should like to know what would become of your American merchant marine.

Mr. BECK. Any case may be supposed; I was about to say any absurd case.

Mr. FRYE. I was taking the Senator's own case.

Mr. BECK. I do not know how many would be registered, but I know that the right to buy a cheap ship can do no man any harm when he is engaged in trade; and I know furthermore that the Senator from Maine, to whom I alluded in my speech awhile ago, instead of holding the confederate cruisers responsible for the whole thousand million of tons, did the country some service when he showed that nine hundred thousand of that million were lost to this country by these very infamous navigation laws and not by confederate cruisers. It was a fact never quite as well developed before as he was kind enough to develop it, and the country will thank him for it.

Mr. FRYE. If there had not been some Americans who loved their country better than they loved money there would not have been a single ship left on the sea with the American flag. There was patriotism

among the owners of the ships to keep the flag on the sea, or the whole would have fled to England and been under the English flag if it had not been for the love of the flag itself.

Mr. BECK. But 900,000 tons did fly to the British flag, and I should like to know where the patriotism comes in that prevented our people from getting them back after the war was over?

Mr. FRYE. They have shown no reason why they should have them back.

Mr. BECK. The navigation laws prohibited them. Of course they could say nothing.

Mr. FRYE. Mr. President, I did not intend to make any speech about this bill and I certainly did not intend to introduce the bill with a speech. In the time I have served in Congress I think I have learned better than that. But the Senator from Kentucky [Mr. BECK] is utterly irrepressible, and wherever there is any disease complained of on the face of this earth the Senator from Kentucky has to charge it to the tariff and at once makes his speech.

Mr. BECK. Oh, no.

Mr. FRYE. The Senator put the tariff in this and charged that it was a part of the cause of the decline of American commerce and that the other part was the navigation laws. Now, Mr. President, as briefly as I can and without any of the careful preparation which the Senator from Kentucky and the Senator from Missouri have brought to this subject I propose to discuss this question of free ships.

In the first place what is the trouble with the American marine? Is it "the infamous navigation laws," which the Senator from Kentucky talks about? Those navigation laws were enacted in 1789, and there never was a statesman bold enough to declare for over three-quarters of a century that those laws ought to be repealed—not one Democrat, Whig, or Republican; and during those seventy-five years while those navigation laws were standing on the statute-book unchallenged our American marine grew to those magnificent proportions which the Senator from Kentucky described (in a speech I made, from which he quoted) to be larger in 1861 than that of any nation on the face of this earth but one, and increasing at a ratio which would have made it first in a very few years.

The Senator from Missouri [Mr. VEST] says that our tonnage decreased before that. Our tonnage on the ocean did not decrease before that. The largest tonnage was in 1861. The amount of carrying trade did decrease, I admit, on account of the change from sail to steam, a steamer being able to carry five to one.

Mr. President, under those navigation laws we saw ourselves the owners of the finest fleet of ships that ever was seen in the history of the world. We saw ourselves plowing the ocean with clipper-ships that outsailed the steamers of that day, that were as regular in their trips, that could take freights and discharge freights on time contracts and under charters as well. Neither tariff nor navigation laws interfered with our progress.

But, sir, Great Britain herself saw her difficulty. She was for free trade. Let us see how she prospered under it. Between 1849 and 1855 the merchant marine of the United States increased 1,877,985 tons, and that of the United Kingdom increased only 894,828 tons. The United Kingdom had no navigation laws; the United Kingdom had no tariff. The United Kingdom rising to its present glory, its slow rate during that decade was not due to any such disease as our navigation laws, and our wonderful increase could not have been destroyed by them. Mr. Lindsay, the English historian, says:

> Our ship-owners naturally viewed with great alarm the rapid strides made by American shipping. Nor were their fears allayed by a reference to the board of trade returns, wherein it appeared that while the increase of British shipping had in the year previous to repeal been 393,955 tons, there had been a decrease in the year after repeal of 180,576 tons. Our position appeared, therefore, critical; and had it not been for the resources we held within ourselves—

Meaning coal, iron, and cheap labor—

> and the indomitable energy of our people, foreign shipping might then and there have gained an ascendency which might not afterward have been easily overcome. * * * We had one advantage which our great American competitor did not possess. We had iron in abundance, and about this period we were specially directing our attention to the construction of iron ships to be propelled by the screw.

And they did provide for the building of iron ships, for driving those ships by the screw instead of the old side-wheeler; and a few years wore on, then the discovery was made of the compound-engine, and England appropriated it to herself forthwith, saving one-half the coal, and thus solving that great question of whether or not iron steamships could control the carrying trade of the world. The compound-engine settled it that they could, and England had the compound-engine, the iron, the coal, the cheap labor, and now to-day has the carrying trade of the world.

And, sir, in 1854 England did what we never have done; England did what the Congress of the United States has neglected for fifty years to do—took one square look at the laws upon the statute-book touching the merchant marine, revised the whole created boards of trade in every great center in Great Britain, authorized boards of trade almost to legislate in place of Parliament, enacted laws touching the duties of seamen to the very slightest particular, enacted laws freeing their shipping from every restraint, from every burden, and enacted by legislation every conceivable law to help the vessels sail and carry. What did we do? Take the English shipping law of 1854, covering some one hundred and fifty pages of the English statute-book, look it over, and I say you can not put your eye on a single phase touching a merchant marine that England's Parliament did not see and did not provide for. It neglected nothing; it provided everything. Again, I ask, what did we do?

Up to the war we were content with our clipper-ships; we were selling them abroad; we were competing, as we thought, with the whole world. We were gaining, as we believed. We paid no attention to the screw or the propeller or the side-wheeler. We paid no attention to iron. We paid not the slightest attention on the face of the earth to our shipping laws. The war came on. While I do not charge the decline of American commerce entirely to the war, and have no right to do so, yet I say that the Senator from Kentucky errs further on one side than I do on the other. I say that five years of such war as we had in this country inevitably turned the attention of the American people from the merchant marine, from its necessities, from its prospects; took away from it all ability to consider carefully, to legislate providently, and to guard the interests of this marine. It did that for five years. I say further that it took four hundred and ninety-seven ships out of the merchant marine, made war ships of them and sent them down South to blockade the Southern ports—over a million and a half tons for that purpose—four hundred and ninety-seven ships. It took one hundred and twenty-five more ships, small, to be sure, and sunk them in the harbors and rivers and on the bars of the Southern ports. I say it drove out from under our flag a million of tons more, and you can count a direct loss to the American tonnage of over 2,000,000 tons.

And, Mr. President, when the war was over, we sat down, balanced our accounts, and found a debt so overwhelming that we had no mind to undertake to build up a merchant marine, and we neglected it all through the days of our vitiated currency, and were compelled to do so. Twelve years from the breaking out of the war elapsed before it was in our power, if we desired, to undertake to revive and build up a merchant marine. The twelve years elapsed, and did we do anything? Why, sir, in the last Congress, my recollection is, we passed the only bill for the relief of the merchant marine that has been passed since 1860, and that was a bill touching the admeasurement of ships. We had permitted our ships to be measured under a rule we established, so that England, France, and Germany in all the charges on tonnage had an immense advantage over us, and nothing had been done, no notice taken of it, no repeal of the law or other mention of it made until the very last session of Congress; and my recollection is that it is the only law that has been passed within twenty-five years touching the merchant marine of the United States. All this time we have sat by and seen it go down and down and down, until, as the Senator from Kentucky says, to-day it only carries 15 per cent. of all our own exports and imports and none of the exports and imports of the world.

What had the navigation laws to do with that? What had the tariff to do with that? Who has asked to buy a ship abroad? By this bill the last Congress for the first time undertook to take these burdens off the merchant marine of the United States. It took the laws upon our statute-book, and by a special committee, spending care, time, attention, learning upon the whole subject, reported that there were standing upon our statute-books laws that were infamous really, not infamous romantically like the navigation laws, but infamous in fact; and they reported to Congress the laws that ought to be repealed or ought to be modified. A bill passed the House of Representatives, came to the Senate, was returned to the House with amendments too late for action, and still nothing was done.

Then at this session of Congress the Committee on Commerce take up the subject; they go to work upon it; they unanimously report every provision of the bill which has been read here to-day, including the "subsidy" which the Senator from Kentucky talks about, and all, Democrats and Republicans, uniting in every provision of the bill; and yet the Senator from Kentucky, who has such an intense interest in the revival of the merchant marine, comes in here with a provision which will destroy every single proposition reported favorably by the committee, and put us in a worse condition than we were ever in before.

If these are good provisions so far as they go I ask the Senator from Kentucky why can not he consent that we shall do this little thing now for American commerce? He knows perfectly well that the proposition which he makes is held by at least an even number of his peers as virtually a destruction of the merchant marine of the United States; that they as honestly believe it as he honestly believes that the merchant marine requires it, and that it is the only medicine which will bring healing with it. I ask the Senator from Missouri and the Senator from Kentucky why they can not let us enact into law those things that all agree upon as good, wholesome, requisite, without throwing in here upon us that which one-half at least believe to be utterly destructive and the other half perhaps believe may be useful?

The proposition made by the Senator from Kentucky is to me utterly absurd. I accord to him honesty of purpose. I accord to the Senator from Missouri honesty of purpose. I know both gentlemen, and I know both to be honest men beyond peradventure, beyond question. I make no charges of what the Senator from Kentucky talks about of being bought by English gold. I do not believe the English have gold enough in all their coffers to buy either Senator or any Senator. I

never indulge in talk in my speeches about corruption in Congress. I have been here fourteen years, and I never saw it or heard of it except in newspapers and from speeches now and then made by members of the House or of the Senate. So I make no charges against either gentleman, but I say the proposition made by them and maintained by them seriously here before the Senate seems to me to be utterly absurd and preposterous, utterly destructive of the best interests of the merchant marine and of our country too.

The proposition of the Senator from Kentucky is to admit foreign-built ships to American register. Does any American desire to buy one? Suppose you make it a law to-day, will any American buy one? If yes, what for? To sail it? He can not sail it a month, I do not care how cheap he buys it. If he buys a 4,000-ton Lloyd's first-class A 1 steamship he can not to save his life run it in competition a year with an English 4,000-ton steamship under the English flag, or a German under the German flag, or a French under the French flag. Why? I have here the wages on board an American steamer and on board an English steamer at Philadelphia and Liverpool in 1882, taken exactly from the pay-roll of the two ships.

Mr. BAYARD. Were they in the same line?

Mr. FRYE. Yes, sir.

Philadelphia, first officer, $89.10 a month.

Liverpool, first officer, $58.39 a month.

Senators, look at that one moment, and then let me ask you if you want a first officer of an American 4,000-ton iron-steamship to sail her for $58.39 a month? If you could do it, would you?

Mr. MORGAN. Was the British line subsidized?

Mr. FRYE. No, sir. It carried the mail. The Senator from Missouri [Mr. VEST] says none of them were subsidized.

The following list comprises the monthly wages paid by steamships at Philadelphia and Liverpool:

Occupation.	Philadelphia.	Liverpool.
First officer	$89 10	$58 39
Second officer	63 00	48 66
Third officer	49 50	34 06
Fourth officer	40 50	24 33
Surgeon	63 00	48 66
Purser	63 00	48 66
Carpenter	40 00	34 06
First boatswain	35 00	31 62
Second boatswain	30 00	24 33
Quartermasters	30 00	20 66
Seamen	25 00	19 46
Mess boys	13 50	7 29
First engineer	121 50	87 59
Second engineer	81 00	68 13
Third engineer	70 20	58 39
Fourth engineer	62 10	48 66
Oilers	40 50	23 11
Storekeeper	36 00	24 33
Donkeyman	36 00	23 11
Firemen	40 00	21 89
Coal-passers	30 00	19 46
Chief steward	63 00	48 66

United States wages (Philadelphia) 36 per cent. higher than at Liverpool.

The following list shows the prices paid by American sailing ships at present:

Occupation.	San Francisco.	Liverpool.
First mate	$50 00 60 00	$43 79 48 66
Second mate	40 00	29 19
Carpenters	35 00	29 19
Steward	35 00	34 06
Cook	30 00	24 33
Seamen	30 00	12 16
Ordinary seamen	15 00 20 00	9 73

Wages at San Francisco 33⅓ per cent. higher than at Liverpool.

Mr. BAYARD. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Maine yield to the Senator from Delaware?

Mr. FRYE. With pleasure.

Mr. BAYARD. The figures the Senator has read have been designated as at Philadelphia and Liverpool. I understand that the vessels are in the same line.

Mr. FRYE. I doubt that, but running between the United States and Great Britain, the one being taken from the pay-roll of the steamship at Philadelphia and the other from the pay-roll of the steamship at Liverpool.

Mr. BAYARD. In order, however, to reach the point we are endeavoring to come at, the question is whether those rates were paid at Liverpool and at Philadelphia equally upon American and upon English ships.

Mr. FRYE. No, sir; one on an English ship and one on an American ship.

Mr. BAYARD. The point is this, is there in these figures a discrimination as between the American and English ships, or only as between the ports at which the persons were employed?

Mr. FRYE. As between the ships. If you take the Liverpool men and put them on the Philadelphia ship they will then demand and receive the prices of the Philadelphia ship.

Mr. BAYARD. That is, both going to Liverpool and coming back to Philadelphia?

Mr. FRYE. Yes, sir. Let me give the Senator a remarkable instance which a gentleman from New York told me about. Bolton, Dallet & Bliss, of New York, run a line of steamers to Venezuela. They had five steamers under the German flag, and finally concluded to try an American ship. They hired Cramp, of Philadelphia, to build them the Caraccas, a 3,200-ton iron ship. He built it. They sailed it under the American flag. They found it was a great deal better than the German ships, and they contracted for another. They put on the two American ships and sold some of their German ships, the two American ships being able to do as much as the three German. They found on looking at the pay-roll one day that on the two German ships they retained a fireman received $20 a month, and that on the two American ships a fireman received $40 a month, doing precisely the same work, the one man being precisely as good as the other. They thought they would stop that. They took the men off from the German ship and put them on the American ship. The men made the round voyage, saw a sailor-lawyer, brought suit for the $40, instead of the $20, and compelled the steamship company to pay the $40 a month. Then those gentlemen took the same firemen, put them back on the German ship, and they took the $20 a month, with a protest.

Mr. BAYARD. There is one result very obvious, that it doubles wages for a vessel to have an American register.

Mr. FRYE. I am coming to that by and by. I want it to have that effect.

Mr. BAYARD. This point is a very practical one. There seems to be some magic, something that can not be well explained in the fact that by transferring a captain, a first officer, or an engineer from one vessel to another, owned by the same parties, performing the same duties, because he is ordered from one ship to another his compensation is either lessened one-half or increased one-half. What is the reason for that? If there is any law upon our statute-book that thus discriminates, it seems to me the remedy is an obvious one; repeal it. There must be some mystery, or else it must be something so palpable that we can get within reach of it.

Mr. VEST. It is a plain provision of our statutes. It was discussed here the other day. It is a provision of our shipping laws.

Mr. BAYARD. Then it would be the easiest thing in the world to put the finger upon that law and repeal it.

Mr. VEST. Of course.

Mr. BECK. There is an amendment to this bill which does it.

Mr. FRYE. I disagree with the proposition of the Senator from Missouri. My opinion is that it is what is ordinarily termed the protective tariff that increases wages. You can not increase by a protective tariff the wages of men who work in factories and machine shops, and keep the wages of farmers down; it is an utter impossibility. You can not increase the wages of men in the factories and in the machine-shops and on the farms, and keep the sailors down. You can not have in this country one class of men with wages down to English wages and German wages, and nine other classes with their wages up to the present scale of American wages. That is an utter impossibility. It is the protective tariff which does this, and the only way for the other side to do is to adopt square free trade, cut down American wages to English, German, and French wages, and then pass a free-ship law, and we can get our sailors as cheap as they can and run in competition with them across the ocean.

Mr. BAYARD. If it would not interrupt the Senator——

Mr. FRYE. It will not interrupt me a particle. I have no speech to make.

Mr. BAYARD. I do not wish to interrupt the Senator except to say that as he has——

Mr. FRYE. I should not like to yield for a reply right here. I thought the Senator wished to ask me a question.

Mr. BAYARD. I asked a question and the Senator answered it. I merely wished to say that the result of his answer logically, and in words, is that a protective tariff is inconsistent with American ship-owning.

Mr. FRYE. Inconsistent with American low wages. That is what I say.

Mr. VEST. If the Senator will permit me——

Mr. FRYE. With pleasure.

Mr. VEST. I hardly ever indulge in interruptions; but right here I beg to be allowed to interpose, because it is entirely applicable to the matter the Senator is discussing. The Senator from Maine now has an amendment which repeals that part of our shipping laws which compels an American vessel when it touches any portion of the American coast to reship its crew. In other words, as I stated the other day, I am very glad my friend from Maine has found out the necessity for a remedy,

whether he sees the cause of the disease or not; he agrees that this portion of the shipping laws is simply outrageous. A German vessel in the port of Liverpool can hire its sailors and make any contract it pleases for the round trip or for six or twelve months, and can go to Philadelphia and retain its crew, because if the crew desert they do not receive a dollar of their back wages. But an American vessel after it hires its crew in Liverpool, no matter what contract it makes, when it reaches Philadelphia from Liverpool, under the shipping system of the United States it is bound to discharge its crew and rehire them and go before a shipping commissioner for the purpose. The result is that the Italian sailors, the Norwegian sailors, and the German sailors—for we have got no American sailors really—demand the wages in the coastwise trade, and if they do not get them they leave the ship without any crew, and our law protects them and our shipping commissioners protect them in it. I am glad that the honorable Senator from Maine wants to repeal that.

Mr. BECK. The Senator from Missouri will recollect that the boarding-house keepers keep them.

Mr. VEST. As a matter of course; that is part of the system.

Mr. FRYE. Mr. President, I am in favor of the two sections to which the Senator from Missouri refers for one reason and he for another. I am in favor of them because they prevent our shipping commissioners exacting from one single line $6,000 a year for reshipping its sailors. That it will have any effect on the wages I never believed for a single moment. The wages will be American wages; but the Philadelphia line will be saved by those two sections $6,000 a year paid for reshipping the crew every time the vessels come into port.

Mr. President, you can not buy and import an honestly built 4,000-ton ship—I am not talking about scavengers and tramps and that sort of thing—I say you can not buy, if you have "free ships," such a vessel and run her here. You take four English steamships. They will cost $2,000,000 there; they will employ five hundred men; call the wages $1.25 per day, and the men would cost annually $227,400. Right there I want Senators to remember when they talk about the original cost of a ship that it counts as little as you can conceive. A first-class iron ship will wear fifty years. That is a loss of 2 per cent. per year. But your men alone on an English steamship will cost you $227,400 a year. The taxes will be 2 per cent. of the net income—call the net income 6 per cent.—that is $120,000, and the taxes on the English steamship line will be $2,400; interest on the capital at 4 per cent. will be $80,000; making $309,800 annually.

Now suppose you buy them in England and bring them to New York and run them under the American flag. They cost the sum of $2,000,000; no more. The pay of the men would be just 36 per cent. more, as shown by the figures, than the cost of men abroad. So that instead of $227,400 the cost of the men here would be $309,264, against $227,400 under the English flag.

Again, the taxes everywhere in this country, except in New York, Rhode Island, and Massachusetts, would be from 2 to 3 per cent. of the value of the ship. Suppose on the Philadelphia line you put 2 per cent. tax, and it is $40,000 a year, and the English tax is what? Absolutely nothing, except on the income, amounting to $2,400 a year. Interest on the capital at 6 per cent. would be $120,000; making the whole $468,268, against the English $309,800, leaving a balance in favor of sailing the vessel under the English flag over and above the American flag of $158,464 annually.

Now, will the Senator from Kentucky tell me that any man is going to buy a 4,000-ton first-class ship to put onto an American line and run it with $158,000 annually against him, when he can buy it and run it under the English flag and save $158,000 a year? To-day you can buy all the ships you want and sail them under the English flag. Under their corporation law all that is required is for the president and directors to own just seven shares; the Senator from Ohio can own the other nine hundred and ninety-three shares and sail the ship where he pleases, and sail it under the English flag, and save $158,000 every year. Will he invest in an English ship and put it under the American flag? It is only patriotism that will lead him to adhere to his own ship built in his own country, and the moment he drops the patriotism and simply for mere love of gain goes and buys in the cheapest market of the world, that very moment he does not care whether he sails his ship under the American flag or a Dutch flag or a Spanish flag or a black flag.

Here let me state another thing. If that vessel sailed under the English flag Great Britain would pay to that line every year $360,000 for carrying the mail. What would you pay for carrying yours? You never paid over $58,000 for carrying the American mail across the ocean from New York to Liverpool. So there would be another advantage of $300,000 a year more just for keeping the line under the English flag. That makes $458,000 a year advantage to you to keep your ship under the English flag and out from under the American. Would any man buy it? Then, says the Senator from Kentucky and the Senator from Missouri, "Why are you making a fuss about it? What harm will it do if nobody will buy?" Mr. President, I will try to show what in my opinion the harm will be. Great Britain commenced building iron ships forty years ago. There are more than four hundred iron ships in Great Britain to-day that are out of model, out of practical use, out of decent machinery. If you admit foreign ships to American register every one of them will be in your ports, old iron and steel, delivered in less than two years, and broken up at once, and your free-traders will rejoice in such an opportunity to break down the iron industry of Pennsylvania.

Again, there was an investigation made within the last six months of the English iron merchant marine, and an engineer reported to Parliament that there were five hundred unseaworthy iron steamers employed in the merchant marine of Great Britain. The report was made to Parliament, and it was discovered that these unseaworthy iron steamers were sinking every few days, and that the insurance companies were paying twice what they were worth. It did not take long for the English people to learn that unseaworthy iron ships were simply great coffins for the sailors, and Mr. Chamberlain, a member of the English Parliament, about two months ago introduced a bill the effect of which would be to declare these four or five hundred ships unseaworthy, put them out of work; and another clause of his bill provides that no claimant who lost such a ship should be permitted to recover more than the value of the ship of any insurance company, no matter how much the policy that he took. I hold in my hand a report made by the secretary of the British board of trade on the commercial shipping bill of Mr. Chamberlain. I want to read a few words that he says:

> Last year the deaths by drowning were 1 in 83, instead of 1 in 60. The mention of 1 in 60 was originally made by Mr. Chamberlain at a time when the last return showed that to be the case for the previous year, and those same figures have since been repeated with perfect accuracy as the figures of loss for one year. As a matter of fact, the return recently published shows that the number of seamen who lost their lives by drowning was 1 in 60 in 1881 and 1 in 83 in 1883; and of those who lost their lives by drowning or other accidents while on service was 1 in 56 in 1881 and 1 in 75 in 1882. But the precise number for any one year is not the material point. The important facts are that the loss of life is deplorably large, and that while it fluctuates from year to year it shows no permanent or steady diminution, but rather the reverse. From the return above referred to it appears, as stated in my letter of the 1st instant to your predecessor, that the number of seamen who have met with a violent death by drowning or otherwise has during the last twelve years ranged from 1 in 91 to 1 in 56 of the whole number employed; that 1881 was the most fatal year of the twelve; and that, dividing the whole period of twelve years into four successive periods of three years each, the percentage of men drowned or otherwise killed on service was greater during the last period than in any of the earlier periods. It also appears that during the twelve years comprised in the return about 1 in 6 of the number denoting the average strength of the merchant service of the United Kingdom died by a violent death in the course of his employment. In other words, supposing the average of a man's employment at sea to be twenty-four years, one out of every three may expect to have his life cut short by a violent death.

This was a report made to Parliament to show the unseaworthiness of the iron ships in the English merchant marine. If Chamberlain's bill passes the English Parliament you can buy those four hundred ships for half what they are worth. What are they worth? They will be good to bury your sailors in. If you have so many bad sailors as the Senator from Kentucky tells about you can get rid of them at the rate of one in fifty every year if under your free-trade bill you should buy those four hundred unseaworthy ships and admit them to American registry, and then let the speculators sell them if they pleased.

Mr. MCPHERSON. Will the Senator from Maine yield to me for a question?

Mr. FRYE. With pleasure.

Mr. MCPHERSON. I am troubled a good deal about this matter, and the Senator from Maine does not seem to help me out, and before he departs from the branch of the subject he is discussing I should like to have him throw more light upon it.

The Senator from Missouri and the Senator from Maine both agree, as I understand the Senator from Maine to admit one proposition, that a reform of the law is needed in order that a ship-owner may ship his seamen wherever he may find them and may contract with them, and not be compelled to unship and reship them in an American port because they are sailing under the American flag. Both agree upon the remedy. Both agree, if I understand the Senator from Maine aright, as to the repeal of the present law. Both propose to vote for that repeal. Now, if a ship, whether it is built here or purchased abroad, is put under the American flag with that law repealed, why can not the ship-owner ship his seamen abroad under contract the same as a foreign ship-owner can? Then why does the Senator from Maine say that there is any longer 36 per cent. more cost in the question of wages, when he himself has reported a bill which removes that difference in cost?

Again, while I am on my feet, let me refer to the fact that the Senator from Maine brings up the case that we shall be purchasing old rotten ships belonging to British ship-owners. I want to ask that Senator why a seaman will ship on one of those old rotten ships at $20 a month instead of going upon a perfect ship built by Mr. Cramp and demanding $40 a month? Upon one ship his life is perfectly safe; he has comforts; he is better fed a great deal than the foreign ship-owners feed sailors. He has every advantage on earth on board the American ship over what he has on the foreign ship.

Mr. FRYE. This is a little too much——

Mr. MCPHERSON. I will stop.

Mr. FRYE. I am pretty good-natured, but I am getting too many speeches into mine. I am apt to forget. I beg the Senator to understand that the Senator from Missouri votes for the two clauses for one reason, and I for an entirely different reason.

Mr. McPHERSON. I care nothing about the reasons, but I ask for results. I want to know this: If a man is privileged to hire his men under contract and wherever he can hire them the cheapest, I claim that it would make no difference (and no man can convince me to the contrary) whether the ship is owned by an American or by an Englishman.

Mr. FRYE. Then the Senator from New Jersey does not know anything about sailors. You may hire your crew in Liverpool for ten years, put them under contract and have them sign papers, put them on board ship, have the right under your law to keep them on the ship for ten years, and I guarantee that the first time they come into the city of New York they will every one of them desert and you have to hire them over again. The Senator from Missouri has a remedy which will not remedy it a particle, and when you hire them over again you have to pay them American wages.

Mr. VEST. Suppose they are under a written contract for a round trip; under our laws as they stand if a sailor violates his contract he can not recover one dollar of back wages, and he is bound to forfeit them. If the contract is made in Liverpool for three months or for a round trip and they jump in New York or Philadelphia, they lose their back pay.

Mr. FRYE. I have yet to know what a sailor can not do. I have had some experience with sailors myself, and I should like to know anything they can not do. In the first place, they have a boarding-house keeper who is more powerful than the master of the ship; he is more powerful than the whole United States Army so far as that ship is concerned. That boarding-house keeper has three or four sailor-lawyers, and every sailor who comes into port has his sailor-lawyer, and he can do as he pleases, and he will do as he pleases. While I think those clauses are right, and while I know they will prevent a great deal of mischief, while they will be a relief, I am not so sanguine as to believe they will have the full effect supposed.

Mr. President, I am sorry I am talking so long. I did not intend to make a speech, but must say something about another thing. I say these miserable ships can be bought, and they will be bought, because you can not run under the American flag a new ship properly built. Now, I say another thing, that American Senators ought to look at it carefully before they decide to vote for "free ships." We are apt to talk as if we had no ships, and you would judge from an ordinary discussion in Congress that there was no such thing as an American ship to-day; that it was a played-out thing. Why, Mr. President, we have the finest coastwise trade in size, in ships, in material, in men, in officers, in discipline, in comfort, in convenience, in prosperity that there is in this whole world; and we have it because of "the infamous navigation laws" that the Senator from Kentucky talks about, and had it not been for "the infamous navigation laws" we should have had no more carrying trade on our coastwise ships than we have to-day upon the ocean. England protected hers for a century.

We had tried from 1806 down to get the right to carry our cargoes and our vessels into English ports and the ports of her colonies, and she shut her doors tight against us. We authorized twice the President of the United States by proclamation to open our ports to ships and to cargoes in order to induce England to open hers, and she refused. In 1849, Mr. Bancroft being our minister and Mr Polk our President, the proposition was made again to England to open her ports. It was accepted, and in 1850 the United States and England reciprocated in the opening of their ports to vessels and cargoes, but both reserved their coastwise trade, and if we had not been fortunate enough to have our eyes open and to have reserved the coastwise trade Canada, would have been doing to-day the whole.

I want to read here what Mr. John Roach says about the coastwise trade. The Senator from Missouri smiles. I am delighted that the Senator from Missouri in speaking of John Roach the other day did it with the utmost respect. He did not charge, as I have heard Senators and members of the House charge, that John Roach was a robber and dishonest, ever contriving to cheat the United States Government. He admitted that the only trouble with him was that he stood a bulwark between him, the Senator from Missouri and men like the Senator, and American labor, American ships, and the American marine. John Roach has been more abused since I have been in Congress than any man I know of except the Secretary of the Navy. I do not know of anything bad done by him except that he was born in Ireland, and that surely is not against him. He was a poor boy, too, and he did not become a hoodlum. He went to school; he worked; he became a mechanic. He did not keep a corner grocery in New York city and run Democratic ward politics. He never did that. He still worked; and to-day John Roach by his own exertions, his own ability, his own industry, has the largest ship-building establishment in the United States of America, employing 3,000 men, and he feeds every year well, and clothes well, and educates well, and houses well over 15,000 people. Will the Secretary please read what John Roach says about the coastwise trade?

The Secretary read as follows:

OUR COAST-TRADE PROGRESS.

3. To show that capital can be obtained when there is a fair chance in the competition, let me call your careful attention to what we have done in the development of our coast carrying trade. This has exceeded, under protection, even our unparalleled progress in manufacturing industries. The history of the world does not show so vast a development as that of our coasting trade in the last ten years.

Look at the figures. Counting in the contracts already in hand that can not be completed until 1882, in the ten years from 1872 we have built 140 iron screw-steamships, of a total tonnage of 260,000 tons. We have also built 25 wooden screw-steamers, of 27,563 tons. This makes a total steam tonnage built for our coasting and foreign trade of nearly 290,000—260,000 tons of it iron steamships; while in 1870 there did not exist in this country the rolling-mills and ship-yards required to construct an iron ship such as we have to-day.

Referring for comparison to the ocean-going steam tonnage of the world in 1860, we find that it consisted of 338 steamers, with tonnage of 431,000, divided as follows:

Nation.	Number.	Tonnage.
Great Britain	156	250,000
United States	52	71,000
All other nations	130	150,000
Total	338	431,000
Ocean-going steam tonnage built in United States since 1872.	145	257,563

What a grand showing this is! We have built in ten years more steam ocean-going tonnage than England possessed in 1860, though she began to build the iron ship in 1840, and had liberally encouraged the establishment of ship-yards, paying millions yearly in contracts to induce the investment of capital in the foreign carrying trade.

More than that. In these ten years we have built four times as much steam tonnage as we owned in 1860, while that was made up of old side-wheelers not fit for ocean carrying, and have built considerably more than one-half as much steam tonnage as was owned by the world in 1860. The ships are first class, and their carrying capacity is equal to 772,659 tons of sail, the most approved estimates, based on experience, making one ton of steam equal in carrying capacity to three tons of sail.

Besides this, we now have in the foreign trade 80,000 tons of iron screw-steamers, or ten times more than we had in 1860.

THE RIGHT KIND OF A "DECLINE."

France and Germany made no increase of steam tonnage to compare with ours, though they had all the advantages of buying free ships of England (an advantage which the free-ship man claims would have done so much to gain for us a foreign carrying trade), while we labored under all the disadvantages of starting a new business when the financial condition of the country was unsettled, when gold was at a premium, and when for a part of the time there was great business depression and distress.

What has been the result, and what is the advanced condition of the iron-ship building interest worth to us to-day? Had we possessed these one hundred and twenty steamships in 1861 we could have thoroughly blockaded our coast and have brought the rebellion to a close within a year. Through our present facilities we should be able to construct a similar fleet in much less time.

Then, again, the building of this fleet has reduced the freight rates in the coasting trade nearly 50 per cent. since 1870, and our coasting fleet is superior to the steam fleet of any country except England. How is this, do you ask? Why, we protected the coasting trade the same as we did our manufactures, and so saved it; and the result is that the country has a better fleet to meet an emergency with than it ever had before. What a benefit this reduction has been to our own people, and yet it has been produced by competition among ourselves.

Mr. FRYE. Mr. President, I allude thus to the coastwise trade and undertake to show its immense power to-day. It is stronger to-day than it was in 1861. In the event of a war we have a more powerful fleet of ships to-day in our coastwise trade than we had in the coastwise trade and on the ocean too in 1861, better manned, better equipped, better prepared for any emergency, and they are iron steamers too, built in the United States, better ships than England builds. Why, Mr. President, the Alameda, which sails from San Francisco to the Sandwish Islands, of 3,000 tons burden, is a better ship in every respect than England has to-day in her merchant marine—not larger but better—and our ships will compare with any in the world. Take these lines: the Spreckles line, two ships; Pacific Mail, six ships; the Oregon Navigation Company, six ships; the Brazilian line, three ships; New York and Savannah, six ships; Morgan line, six; Old Dominion, six; Boston and New York, three; Philadelphia line, four; Texas line, six; New York and Charleston, five; Alexander line, five; Cromwell line, five. There are some fifty iron steamers, averaging 3,000 tons burden, the best ships to-day in the world.

What does the "free-ship" clause propose to do with that? The Senator from Kentucky is cunning. He damns the navigation laws, but says that he will not interfere with them. I say that no man on earth will buy an English ship without the privilege, when it is under American register, of sailing her where he pleases. Are you going to buy an English ship, land in New Orleans, and if you want to go to New York can not be permitted to do it, when if you had an American ship under the American flag you could sail it anywhere? Are you going to do that? You can not find a man who will do it. And the very moment you enact a law admitting foreign ships to American registry, you will enact another law giving them the full benefits of American registry. If you do one, you must the other. If you have bought a foreign ship and paid for her, you are an American citizen, the flag floats over her. Why shall you not have the same right that I have who simply buy a ship of a builder? Why shall you stop at New Orleans and I sail my ship from New Orleans to New York? No, Mr. President, the logical result is that you repeal your whole navigation laws, you open up your coastwise trade, and in a few years more that will go where your foreign trade has gone.

Mr. MILLER, of New York. I suggest to the Senator from Maine that it is getting late, and evidently the speech he is making can not be finished to-day. If he will give way I will move an adjournment.

Mr. McMILLAN. I ask the Senator from New York to make a motion for an executive session instead of an adjournment.

The PRESIDING OFFICER. Does the Senator from Maine yield to either Senator for that purpose?

Mr. FRYE. I am entirely ashamed to have been betrayed into making this speech. I certainly did not intend to take ten minutes when I rose, but I have been talking a good deal longer than I intended, and have said so much now that I must touch some other questions. I will yield.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I ask leave to make a report at this time from the Committee on Appropriations.

I am instructed by the Committee on Appropriations to report back with amendments the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes. I desire to give notice that at the earliest moment consistent with the pending business I shall call up the bill for action.

EXECUTIVE SESSION.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 30, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 5966) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capitol National Bank of Lincoln, and to increase the capital stock of the First National Bank of Nashville, Tenn.

Joint resolution (H. Res. 223) authorizing the Secretary of War to loan to the mayor of Richmond, Va., a certain amount of flags and bunting for use at a fair.

IMPROVEMENT OF GRAND RIVER, MICHIGAN.

Mr. MAYBURY, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish this House at the earliest day practicable such plans and estimates as he may have in his possession, and not heretofore submitted to Congress, for the improvement of Grand River below Grand Rapids, in the State of Michigan.

Mr. MAYBURY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER AT LEAVENWORTH.

Mr. PETERS. I ask unanimous consent that the bill (H. R. 581) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth be taken from the House Calendar and put upon its passage. As the bill is somewhat lengthy, I ask that the reading of the bill be dispensed with and that the report be read.

Mr. BLAND. I think the bill had better be read.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLAND. I think this bill is too important to be considered in this hasty way.

Mr. MORRILL. This bill has been reported unanimously from the Committee on Commerce. I hope the gentleman will not press his objection.

The SPEAKER. Is there objection?

Mr. BLAND. I object.

CANNON, TENTS, ETC., FOR REUNION PURPOSES.

Mr. ROSECRANS. I am instructed by the Committee on Military Affairs to ask unanimous consent that the House now take up for consideration and put upon its passage, with an amendment which I am directed by that committee to submit, the joint resolution (H. Res. 209) granting the use of cannon, tents, and muskets to ex-Union soldiers for reunion purposes.

The joint resolution was read.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. TOWNSHEND. I desire to withhold the right to object until an explanation is made. I would like my friend from California [Mr. ROSECRANS] to inform us whether there are any condemned cannon on hand now.

Mr. ROSECRANS. There are a good many condemned cannon now on hand of a size not adapted to the purposes for which these cannon are usually asked. There are many applications to Congress, and many bills passed, for the granting of condemned cannon. Now it is possible that at some time some of these people may want some of these condemned cannon which are so large that usually nobody wants them. In order to put an end to all applications to Congress for legislation of this kind we propose by an amendment, which we submit as a second section, to authorize the Secretary of War to let any one have such condemned cannon as are on hand upon proper presentation of the case.

Mr. TOWNSHEND. I have seen it stated from official sources that there are now no condemned cannon on hand, and that in order to comply with these different bills and resolutions passed in Congress donating condemned cannon it would be necessary for the Government to appropriate money for the manufacture of cannon for this purpose. I wish my friend to state whether he has personal knowledge that there are on hand any condemned cannon which can be used for this purpose.

Mr. ROSECRANS. The Committee on Military Affairs had occasion to address to the Secretary of War an inquiry on this subject, and received in reply a statement to the effect that there are on hand no condemned cannon of small size which are not covered by bills or resolutions of Congress already passed. But there are a great many condemned cannon of larger size, which possibly might be wanted by some of these people who are coming to us with applications of this kind. In order to cover the whole ground, the committee decided to report as an amendment to this joint resolution a second section authorizing the Secretary of War, should such a desire be expressed, to meet these applications by furnishing these cannon of larger size. There are now 300,000 pounds of condemned cannon of large size which might be used in meeting these applications. I know it is not very likely that there will be requests for such cannon.

Mr. BUCKNER. As I understand, these cannon have been condemned as worthless, so far as the purposes of the Government are concerned?

Mr. ROSECRANS. Yes, sir.

Mr. BUCKNER. Then, why not sell them and get rid of them? Why should the Government go into this business of lending or giving away its property?

Mr. ROSECRANS. This resolution is simply in furtherance of the previous legislation of Congress on this subject.

Mr. HOLMAN. In order to make the resolution clear, the words "in his discretion" should be inserted after the word "authorized."

Mr. ROSECRANS. I am willing to accept that amendment. That language ought to be inserted.

The SPEAKER. Is there objection?

Mr. TOWNSHEND. I wish to explain the reason why I do not object, and I hope I will be permitted to state it. My object in calling out this information was to ascertain, in the first place, whether this bill was intended to prevent future bills coming in asking for condemned cannon which do not exist. As the gentleman from California explained it, I do not object to the passage of the resolution, although I doubt whether any cannon will be given under it.

Mr. CASSIDY. It is only a general proposition to take the place of numerous special bills.

The SPEAKER. The Chair hears no objection, and the first question will be on the amendments reported from the Committee on Military Affairs.

The amendments are to insert after the word "authorized" the words "in his discretion;" so the section will read:

That on and after the passage of this joint resolution the Secretary of War be, and he is hereby, authorized in his discretion, on the application of the governor of any State, to send from some convenient fort, depot of supply, or arsenal, to any place in such State as may be designated by the governor, to be used at a reunion of ex-veteran Union soldiers or State military organization, the ex-veteran Union soldiers always having the preference, such cannon, tents, and muskets as can be spared, all cost of forwarding and returning such property to be paid by the applicant therefor, the same to be returned in as good condition as when received.

Add as an additional section the following:

SEC. 2. That on the application of the governor of any State the Secretary of War be, and he is hereby, authorized to transfer to such State for the permanent use of organizations of veteran soldiers or for monumental purposes such condemned cannon belonging to the United States as now or hereafter may be on hand, all cost of forwarding same to be paid by the applicant therefor, and that the distribution be made as nearly as possible among the States making such application.

The amendments were agreed to.

The joint resolution as amended was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROSECRANS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARATOGA MONUMENT.

Mr. WEMPLE. I move, Mr. Speaker, by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 3327) to provide statuary and historical tablets for the Saratoga monument, for present consideration.

The SPEAKER. Is there objection?

Mr. COOK. I object.

PROMOTION IN SIGNAL CORPS.

Mr. CLARDY. I ask by unanimous consent that the House Calendar be discharged from the further consideration of the joint resolution (H. Res. 179) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two second lieutenants, and that it be put on its passage at this time.

The SPEAKER. Is there objection?

Mr. HOLMAN. I have heard a statement in regard to this measure, and it occurs to me that the legislation proposed is of a proper character. I hope, however, that the gentleman from Missouri [Mr. CLARDY] having charge of the bill will explain to the House its exact purpose.

The SPEAKER. The Chair understands the gentleman from Indiana to reserve his right to object.

Mr. CLARDY. The act of Congress approved June 20, 1878, contains this language, "and the enlisted force of the Signal Corps shall consist of one hundred and fifty sergeants, thirty corporals, and two hundred and seventy privates, who shall receive the pay of engineer soldiers of similar grades, and two sergeants may in each year be appointed to be second lieutenants."

For the years 1879 and 1880 these promotions were made in pursuance of this act. In 1881, the question whether the sergeants mentioned in this statute were sergeants of the Signal Corps proper or of the Army having arisen, it was submitted to the Attorney-General for his opinion. After considerable delay the Attorney-General rendered the opinion that the purpose of the statute was to make the promotions from the sergeants of the Signal Corps. Pending the determination of this question by the Attorney-General, however, the year expired and these promotions could not be made. Thus, without the fault of the officers of the Signal Service or of any person connected therewith, the benefit sought to be conferred by this statute was lost for the year 1881.

In a letter addressed by the Chief of the Signal Service to the Secretary of War he states that these promotions are essential to the efficiency of the service. That letter has received the indorsement of the Secretary of War; and I trust that with this explanation there may be no objection to the passage of the resolution.

Mr. HOLMAN. On that statement I think this is a proper measure.

There was no objection, and the House Calendar was discharged from the further consideration of the joint resolution, and it was read, as follows:

Joint resolution (H. Res. 79) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two second lieutenants.

Whereas the promotion of two sergeants of the Signal Corps to be second lieutenants not having been made for the year ending June 30, 1881, as authorized by law, because of a pending question as to the construction thereof: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and hereby is, authorized to appoint from the sergeants of the Signal Corps the two second lieutenants for that year, to rank from the date of appointment, the same as if the power to appoint had not lapsed.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT FINANCIAL DEPARTMENT.

Mr. WILSON, of West Virginia. Mr. Speaker, I am instructed by the Committee on the District of Columbia to submit a report on the resolution referred to that committee by the gentleman from New Jersey [Mr. FIEDLER], and to ask that the report be printed in the RECORD, and referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

The report is as follows:

The Committee on the District of Columbia, to whom was referred the following resolution, offered on the 1st of April by Hon. Mr. FIEDLER:

"Whereas it is alleged that the financial departments of the District of Columbia have not been conducted in a proper and businesslike manner, and grave doubts exist as to the correctness of the accounts rendered, owing to the loose manner in which the books have been kept; and

"Whereas it is charged that the taxes have not been collected in strict conformity to law: Therefore,

"*Be it resolved*, That the Committee on the District of Columbia be, and they are hereby, authorized to have a thorough examination made of all accounts, &c., appertaining to the finances of the District of Columbia, and they are empowered to send for books and persons and to employ such expert accountants as they may deem necessary; all expenses arising from said investigation to be defrayed out of the contingent fund of the House of Representatives"—

have had the same under consideration, and respectfully report:

First. That the methods of bookkeeping in the financial departments of the District of Columbia, as introduced by the present auditor on the 1st day of November last and since enforced, are such as in the judgment of the committee, and of expert accountants consulted by them, will insure correctness in the accounts of those intrusted with the collection and disbursement of public moneys and their ready accountability therefor.

Secondly. That prior to the introduction of these new methods, and extending back for ten or more years, there has been no requirement of law and no provision in practice for securing a final and systematic audit and settlement of the books and accounts of the collector of taxes.

This failure in practice may have been due to imperfect methods of bookkeeping or to a lack of sufficient clerical force; but this it is not necessary to decide.

During these years many millions of dollars of public money have been collected, and the committee are of opinion that it was due both to the tax-payer and to the collector that at regular periods there should have been a full audit and settlement of the accounts of the collector's office.

To make such audit and settlement now would require an investigation and an amount of labor beyond the power of this committee to bestow. Yet they believe it should be undertaken and carried forward to completion as rapidly as is consistent with perfect accuracy. The committee find in the appropriation bill for the District of Columbia of March 3, 1883, an appropriation of $2,500 for temporary clerk-hire to enable the auditor, among other things, to audit the books of the collector of taxes. Under that authority the auditor has brought down these books from 1860 to 1865, and he informs the committee that if this appropriation is continued he will, as rapidly as the magnitude of the work and the requirements of accuracy will permit, continue this examination down to the date of the introduction of the new system of bookkeeping above mentioned.

As already stated, many millions of dollars have been collected as taxes. The commissioners of the District of Columbia report that on the 1st day of July, 1883, there were due and unpaid nearly three-quarters of a million of dollars of delinquent taxes, and of special-assessment taxes over one million and a half.

It is clear, without reflecting upon any one, that officers charged with administering such immense sums of public money should, at regular and frequent intervals, be required to balance their accounts and make such exhibit and settlement thereof as will satisfy all interested that they have faithfully accounted for every dollar with which they are legally chargeable.

The books yet unaudited cover the transactions of half a score or more years, many of them years of heavy taxation and extraordinary revenues. This committee could not undertake to examine them even by calling to its assistance competent experts, but they believe that this very necessary work should be done, and that it can now be most efficiently and economically continued on the basis already laid by the auditor. They accordingly recommend that the Committee on Appropriations be authorized and directed to add to the appropriation bill for the District of Columbia, already reported to the House, a provision of the same tenor and effect as the item in the bill of last year, making an appropriation of the necessary amount for temporary clerk-hire to enable the auditor to audit the books of the collector of taxes, and that the auditor be authorized and directed to continue such audit on the basis of the examination and audit already made and verified until the same is completed, and to report the result thereof from time to time to the commissioners for the information of Congress.

COLUMBUS F. PERRY AND ELIZABETH H. GILMER.

Mr. OATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill No. 767, for the relief of Columbus F. Perry and Elizabeth H. Gilmer, and ask that the same be passed.

The SPEAKER. The bill will be read, subject to objection.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby directed, out of any money in the Treasury not otherwise appropriated, to pay to Columbus F. Perry and Elizabeth H. Gilmer $3,000.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I trust we shall have the reading of the report or an explanation, or both.

Mr. OATES. Mr. Speaker, there is a House bill precisely in the language of the Senate bill except that there is a preamble attached to it. That has been passed upon by the Committee on Claims of this House and unanimously reported. The claim originated in the following manner: Elizabeth Gilmer, in the State of Alabama, in 1866, made a conveyance of a plantation to her stepson, Columbus F. Perry. He received the deed, but did not take possession of the property. There were objections made by those who were nearly related to her which were likely to produce some difficulty in the family, and Mr. Perry decided that he would not accept the estate and made a reconveyance of it to Mrs. Gilmer. Under the statute subjecting such conveyances to a succession tax the internal-revenue collector required them to pay and they did pay under protest $2,220 upon each of the two conveyances covering the property, making $4,440 in all. Upon appeal to the Treasury Department it was decided that the sum was excessive and it was reduced to $3,000.

Now, the committee, not only of the Senate but the Senate itself, which passed the bill, and the House committee have decided that the conveyance was not in fact accepted by Mr. Perry, and therefore they recommend that the money be refunded to him. That is the whole statement of the case.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Senate bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BEACH. I call for the regular order.

Mr. WASHBURN. I hope the gentleman from New York will withhold his call until I can introduce a resolution reported by the Committee on Appropriations, which should be promptly acted upon.

Mr. TOWNSHEND. I am satisfied if the gentleman from New York knew the purpose for which the gentleman from Minnesota asks him to withhold his demand for the regular order he would not insist upon it.

The SPEAKER. The gentleman does not withdraw his demand, as the Chair understands.

Mr. MORRISON. I move to dispense with the morning hour.

The SPEAKER. Before submitting that motion the Chair desires to lay before the House an executive communication.

PUBLIC ADVERTISING, NEW YORK HERALD.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the advertising done by the New York Herald for the United States Treasury, as a substitute for the statement furnished February 4, 1884; which was referred to the Committee on Appropriations.

PENSION BILLS ON THE SPEAKER'S TABLE.

On motion of Mr. MATSON, pension bills of the following titles were taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions, namely:

A bill (S. 280) granting a pension to Wesley Morford;

A bill (S. 316) granting a pension to Mrs. Katharina T. Wunsh;

A bill (S. 394) restoring to the pension-roll the name of Major D. Williams;

A bill (S. 626) to increase the pension of Francis Scott;

A bill (S. 689) granting a pension to Elizabeth A. Barbour;

A bill (S. 732) for the relief of Mary J. Vaughan;

A bill (S. 783) to increase the pension of John Algoe;

A bill (S. 828) granting a pension to Thomas Patton;

A bill (S. 909) to increase the pension of Martin Kelly;

A bill (S. 1299) to increase the pension of Alonzo B. Chatfield;

A bill (S. 1680) granting a pension to George Prince; and

A bill (S. 1910) granting a pension to William McClure.

ORDER OF BUSINESS.

Mr. MORRISON. I now move that the morning hour be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. MORRISON. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills for raising revenue.

The motion was agreed to.

TARIFF BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. DINGLEY. Mr. Chairman, the tariff bill under consideration is put forward by its advocates as a first step in a policy which has for its aim the overthrow of every protective element in our tariff legislation. The chairman of the Committee on Ways and Means [Mr. MORRISON], who stands as the author of the bill, announced that—

It is but an advance toward and a promise of more complete revenue reform.

The distinguished Speaker of the House [Mr. CARLISLE] explained to the New York Free Trade Club, who received his explanation with cheers, that—

This process of reformation—

Reduction of duties—

must go on until the power of taxation is used * * * *only* for the purpose of raising revenue.

The gentleman from Texas [Mr. WELLBORN] and his colleague [Mr. MILLS], a member of the Ways and Means Committee, and the gentleman from Ohio [Mr. HURD] were still more explicit, and announced that free trade is the end aimed at, and the pending bill only a temporary stage in the grand scheme of "revenue reform," by which they mean the abolition of every tariff duty which works protectively.

Now, Mr. Chairman, I claim to be a revenue reformer. I should be pleased at any time to vote for a bill to abolish or reduce duties on certain articles which are not properly adjusted. I am in favor of such true revenue reform as will abolish duties on all products of foreign countries not grown or made here which enter into the consumption of the masses, such as coffee, tea, jute, tin, &c.; in favor of such true revenue reform as will reduce duties on all imported articles entering into common use as can not, so far as has been shown, be produced here advantageously to the extent of our consumption, like sugar, rice, &c. Such "reform" as this will reduce the revenue. The so-called "revenue reform" to which those will be committed who support the pending bill does not propose to place on the free-list articles not produced in this country, like jute. Neither does it confine its operations to articles which can bear even greater reductions than those proposed. It does, however, apply the knife relentlessly to industries which are capable of supplying the entire consumption of our people, and whose maintenance by protective duties is a great public advantage, and gives assurance that the cutting is to be continued, on the principle that the Government has no right to impose a duty in such a manner as will bridge over the difference in cost between manufacturing such articles in this country and in Europe. I opposed the consideration of this bill, and shall continue to vote in such a way as will aid in securing its defeat, because I am opposed to the anti-protection principle on which it is based and which it proposes to inaugurate, and because, further, I believe it will increase the revenue by encouraging importations of cottons, woolens, and iron and leather manufactures, and be injurious to the best interests of the country.

Mr. Chairman, the issue raised by this bill is whether our tariff legislation in the future shall be adjusted with a view not only of revenue, but also of protecting home industries against the unequal competition of foreign industries employing cheaper labor, or whether it shall be adjusted so as to exclude protection solely with the view of revenue.

There has been a disposition on the part of some persons who denounce protective tariffs to evade this issue by claiming that a tariff for revenue only will afford adequate protection so long as we have so much revenue to raise for imports, or that a tariff for revenue only may be so adjusted as to "incidentally protect" home industries. But the gentleman from Illinois [Mr. MORRISON], who spoke of those holding this view as "incidental allies" of protection, recognized the fact that it is impossible for a duty for revenue only, levied on imported articles which may be produced at home to the extent of our wants, to afford protection to home industries; for when a duty begins to protect it enables home manufacturers to sell their goods in our markets and thus diminishes importations and lessens the revenue.

For example, when it costs 35 per cent. more to manufacture an article here than it costs abroad, a duty of 35 per cent. or more will protect our home industries and reduce importations and the revenue from the same. Reduce the duty 10 per cent., and this reduction will enable foreign manufacturers to more than double their exportations of goods to take the place of home-made goods in our markets, and this increase of importations will largely increase the revenue. In this instance a duty of 35 per cent. or more would be a protective duty, and a duty of 25 per cent. or less a duty for revenue only. It is because of this fact that the reduction of duties proposed by the Morrison bill on cotton, woolen, and iron goods will increase the revenue.

The key-note of all the speeches which have been made in support of the Morrison bill and in opposition to a protective tariff is the claim that protection is a device for the sole benefit of manufacturers and a serious burden to all other citizens.

Mr. Chairman, if this charge be true, then it is not a half-way measure like the pending bill that ought to pass, but a measure which shall at once overthrow the whole protective system and substitute a tariff for revenue only, which is what England means by free trade. If, on the contrary, the protective system has given our country unexampled prosperity and benefited all classes, as protectionists claim, then this House and the country should reject the bill under consideration, and call a halt in the free-trade programme inaugurated by this measure.

PROFITS OF MANUFACTURERS.

To sustain the charge that protection is a system of "robbery" in the interest of manufacturers, the gentleman from New York [Mr. COX], in his recent speech, alleged that the census of 1880 shows that the profits of our lumber manufacturers are 30 per cent. and the profits of other manufacturing industries are 36 per cent. He reached this conclusion by deducting from the value of manufactured products only the amount paid in wages and for materials, and calling the balance the net profit of the manufacturer. He ignored the fact that the year 1879–'80, immediately following the resumption of specie payments, was exceptionally remunerative. The average balance remaining after deducting wages and materials from product has not exceeded 20 to 27 per cent. during the past ten years.

Not content with this, my friend from New York shut his eyes to the fact that in order to ascertain the net profit of the manufacturer there must be deducted from the census figures the cost of insurance, taxes, depreciation of plant, repairs, freight, commissions, salaries of superintendents and clerks, interest on money borrowed to carry on operations, &c., amounting, as I am informed by a practical manufacturer, to an average of 20 per cent., reaching 25 per cent. in some instances, and not falling below 15 per cent. in any manufacturing industry.

The net profit of the manufacturers of the country for the last ten years have probably not averaged 8 per cent. on the capital invested. Returns of dividends paid by a hundred manufacturing establishments in New England for this period show dividends averaging only 6.6 per cent. During the past year the majority of the mills of New England have made nothing.

Inasmuch as all manufacturing industries in this country are open to the investment of capital from the whole world, it is certain that competition will keep down the profits to the average of all other kinds of business. To talk of manufacturers as "monopolists" or "robbers," under such circumstances, is an abuse of language and an insult to the intelligence of our people.

Protection is not intended to benefit capital, except so far as capital is benefited by general prosperity. Capital as such can easily go where

it will secure the largest profits. If any industry can be carried on more profitably in Europe than here, capital will go there for investment. If it can be carried on more profitably in this country, it will come here. We encourage the investment of capital here rather than elsewhere, because the industries thus created promote general prosperity.

When tariffs are so reduced as to admit foreign goods at a lower price, or when any other cause leads to temporary overproduction or underconsumption, capital will protect itself here as it protects itself in other countries, by either shutting down mills or cutting down wages. Nothing can prevent that. The only check on reduction of wages is that afforded by the average rate of wages prevailing in the country, and this average rate rises or falls with the demand for labor, and the demand for labor, as I shall presently show, is increased by the diversification of industries made possible by protection. Therefore, while protective duties which prevent foreign-made goods from coming in to take the place of home productions result in a general advantage to all classes, yet the special benefit inures to labor.

WAGES OF WORKINGMEN.

Nothing more conclusively demonstrates that the workingman receives immensely larger real recompense for his labor in this country than in Europe than the fact that so many thousands of the people of every nation of Europe are annually coming to our shores to find opportunities for employment, while hardly one of our citizens seeks to improve his condition by going abroad.

The gentleman from New York [Mr. COX] and other gentlemen opposed to protection deny this, and to sustain their denial call attention to the fact that the census statistics show that the average wages of employés in manufacturing and mechanical industries was in 1880 only $1.16 per day, from which they desire us to infer that protective duties do not benefit labor.

If the gentleman had informed us that this average of $1.16 per day includes the wages of women and children as well as men employed not only in factories but in all the light industries, that the average wages of men in all the manufacturing industries was about $1.50 per day, and that these wages are on an average 50 per cent. higher than those paid in similar industries in free-trade England, comment would have been unnecessary.

Surely on this point the gentleman will accept the testimony of his distinguished colleague [Mr. HEWITT], late chairman of the Democratic national committee, who, in a speech in this Hall at the first session of the Forty-seventh Congress, said:

As between Great Britain and the United States, the rate of wages is on the average about 50 per cent. higher here than there.

This was not a random statement by the distinguished gentleman, but was based on official tables of wages in the two countries, to whose accuracy he bore witness. As these tables were printed by Mr. HEWITT as an appendix to his speech, I suggest to my friend [Mr. COX] that he read them in connection with the census figures on which he has dwelt with so much pathos and eloquence.

It is often claimed, however, that the 50 per cent. higher wages in the United States is overcome by the increased cost of living here. But the statistical tables of the prices of articles entering into the consumption of a family in England and the United States, which Mr. HEWITT gives in connection with his speech, shows conclusively that the average cost of such articles is on the whole but little if any higher here than abroad. Flour, meal, meat, vegetables, coffee, tea, and nearly all food products, except sugar and rice, are cheaper here than in Europe. Common white cotton cloth is as cheap here as there. Common woolen goods, boots and shoes, iron and tin utensils, and rents are a little higher here than there. The cost of living of a laborer, who is content to subsist here as the laborer in Europe lives, is not over 10 per cent. more in this country than in England, while the wages here are on the average 50 per cent. more. The average purchasing power of wages in the United States, therefore, is 40 per cent. greater than in England.

DOES PROTECTION AFFECT WAGES?

The gentleman from New York, Mr. Chairman, concedes what can not be successfully controverted, that wages have a much higher purchasing power in this country than in Europe; but he claims that this is not in any manner due to our protective tariff, but to the fact that we have so cheap land and so abundant natural resources. In other words, he affirms that wages would be as high in this country under free trade as they are now under protection.

Wages, he correctly says, are determined by demand and supply. Whatever, therefore, encourages the establishment of new industries swells the demand for labor and increases wages. If protection builds up new manufacturing industries it enlarges the demand for labor, and in enlarging the demand increases wages. My friend must admit that.

There were in 1880 in this country 17,392,099 persons engaged in occupations. This grand roll represented our army of workers. Of this number 7,907,605 were engaged in agriculture, 4,074,238 in personal or professional services, 1,810,256 in trade and transportation, and 3,837,112 in manufacturing and mechanical pursuits. There can be no question that if our manufacturing and mechanical establishments had not been built up, or if they should now be closed, the pressure of the 3,837,112 workmen employed in these industries, seeking opportunities for labor in other pursuits, would so seriously disturb the relations of demand and supply as to greatly reduce all wages.

ALL WAGE-WORKERS PROTECTED.

The gentleman talks about wages in protected industries and wages in non-protected industries. He seems to forget that an advance or decline of wages in one industry in a state or country is sooner or later followed by an advance or decline of wages in all other industries. So far as the wages of labor are concerned all industries are protected under our present system. The protection which builds up new industries, that require 20 per cent. of the laborers in this country, draws labor from every pursuit and raises wages in every other department of industry, the wages in each industry varying with the degree of skill required.

This is only what every member of this House has seen in his own experience. The establishment of a new industry in any community creates a demand for new workmen, makes labor scarcer, and stiffens wages in every employment. The day laborer asks and receives more, the mechanic is accorded an advance, and business generally receives a new impetus.

It may be true that many of the laborers in this country do not have any more surplus remaining after supporting their families than do laborers in Europe. But this is for the reason that they live more generously here, that they supply themselves with comforts and luxuries of life unknown to the European laborer, and that they educate their children to discharge the duties that will rest on them as citizens of a free country. But there is a large class of laborers who save something from their wages to buy homes, and sooner or later become employers themselves.

I have myself visited the miserable hovels in which so large a proportion of the laborers of Europe live, and have investigated their condition, as others in this presence have, and I can bear witness to the fact that the laboring men of the United States and their families are immeasurably better housed, better fed, better clad, and better educated. I rejoice, as every good citizen should rejoice, that such is the fact, not simply from motives of humanity, but also for the reason that the perpetuity and welfare of our Government are dependent on the elevation and education of every citizen.

In a recent report on the agricultural progress of the country, Mr. J. R. Dodge, the statistician of the Department of Agriculture, presented some striking facts on the wages of farm labor in the different States of the Union, which clearly illustrate the correctness of the principle that the introduction of manufacturing industries in a State increases the wages of laborers in every other pursuit. Mr. Dodge divides the States into four groups. In the first group, composed of fifteen States, in which manufacturing pursuits are extensive and well distributed, the wages of farm laborers average $25 per month and board; in the third group, composed of thirteen States, in which nearly 60 per cent. of the workers are on the farm and manufacturing industries rare, the wages of farm laborers average $19.50 per month; and in the fourth group, composed of six States, destitute of manufacturing industries, and with nearly 78 per cent. of their workers on farms, the wages of farm laborers average only $13.20 per month.

Wages of carpenters, masons, painters, and laborers of every kind are in similar proportion in these several groups of States. These facts show conclusively that whatever encourages the establishment and enlargement of manufacturing industries in our country increases the wages not only of the mill operative, but also of the blacksmith, the mason, the carpenter, the painter, the teamster—in short, of every man, woman, and child who has labor to sell. Our cheap lands afford opportunities for labor and unquestionably tend to make wages higher in this country than in Europe, but the figures given by Mr. Dodge show that our manufacturing industries, protected against the direct competition of the products of foreign labor, are as important a factor in maintaining good wages as our cheap lands. Lands are as cheap, even cheaper, in the fourth group of States described by Mr. Dodge than in the first; yet the wages of farm labor in the latter group, with extensive manufacturing industries, is $25 per month, and in the former group only $13.20 per month.

The effect of the development of manufactures in this country on the wages of labor is also strikingly shown by a reference to the census statistics. According to Mr. Carroll D. Wright's report on the factory system of the United States, the wages of cotton-mill operatives in 1815, after the first mill was started in this country, were only $1.50 per week. In 1836 the wages averaged $2.75 per week for women; in 1840 the wages averaged $3.50 for women and $5 for men; in 1860 the wages averaged $3.50 for women and $5.50 for men; in 1880 the wages averaged $4.84 for women and $7 for men; showing that wages rose with the development of manufacturing industries, which increased the demand for labor.

Comparing the wages of 1860, which ended thirteen years of tariff for revenue only, with those of 1880, after a little longer period of protection, Mr. Wright says in his census report:

In 1860 the average yearly wages in the United States for all men, women, and children in mills was $196; in 1880 it was $244. The average for 1880 varies for different parts of the United States, it being $258.42 in Massachusetts (where manufacturing was most extensive), $255.77 for Eastern States generally, $235.19 for the Middle States, $216.91 for the Western States, and $168.59 for the Southern States.

The advance of 28 per cent. in wages in this country between 1860 and 1880 is the direct result of the growth of manufacturing interests, which increased the demand for labor; and this growth of manufactures is due to the fact that our protective policy made it possible for us to successfully carry on manufacturing industries.

WOULD MANUFACTURES FLOURISH WITHOUT PROTECTION?

This brings me, Mr. Chairman, to a consideration of the claim of the gentleman from New York [Mr. COX] that manufacturing industries would be as prosperous in this country without protective duties as with them.

This is a claim which the gentleman from Ohio [Mr. HURD] and others have repeated, but which no one has attempted to prove. Remember that it has been shown that wages are in money values 50 per cent. higher and in purchasing power 40 per cent. higher in this country than in Europe. Will any one explain how manufacturing industries can be successfully carried on in this country if foreign goods are to be allowed to come in free of duty, or on the payment of less duty than the increased cost of making such goods here, on account of the fact that we pay so much more for the labor required to build mills and operate them? To be sure in the case of a few articles of which the raw material is the chief cost and labor an inconsiderable element, like coarse cottons, we might sustain ourselves; but in the case of most manufactured goods, into which skilled labor largely enters, we could not compete with foreign products unless the wages of labor should be reduced to the English standard.

I have conversed with manufacturers who were inclined to favor free trade, but I have always found that they based their hopes of successful competition with England under a tariff without protection on the assumption that free trade would reduce wages in this country to the European standard.

FREE RAW MATERIALS.

Mr. Chairman, I occasionally find manufacturers who seem to think that free materials are what they ought to have, although most of them, like the distinguished gentleman from New York [Mr. HEWITT], confess the necessity of protective duties on such imported fabrics or goods as they produce. Certainly, even if wool were admitted free of duty, as cotton is, and if machinery could be imported without duty, it would be impossible for a woolen manufacturer in this country to pay 50 per cent. more for the labor required to build and run his mill and make his goods as cheaply as his English competitor. Free wool will not take away the necessity of a tariff on imported woolen manufactures in order to enable us to make such goods here.

Free ore, free scrap-iron, and free lime will not enable Mr. HEWITT to make and sell his bar-iron in free competition with his English competitor, who pays so much less for his labor, and to dispense with all protective duties on iron.

Indeed, our cotton manufacturers have their raw material, cotton, cheaper than their European competitors, and yet they are able to sell in foreign markets only the coarsest fabrics as low as European manufacturers. Fine goods, into which labor enters as an important element of cost, we can not produce as cheaply as foreign manufacturers simply because the labor required to build and run our mills costs more. In the progress of this debate it has been suggested that if we could only import our machinery free of duty we could then manufacture any class of cottons in free competition with English manufacturers. A prominent cotton manufacturer, noticing this statement, remarked to me that free machinery would not reduce the cost of making fabrics a thousandth part of a cent per yard.

It is true that free wool and free scrap-iron and free manufactured lumber and free lime would make lower duties afford sufficient protection to enable us to manufacture woolens, iron, and other articles in competition with foreign manufacturers, but this would not take away the necessity of protective duties on the manufactured product, and simply for the reason that the labor which we employ to convert the so-called "raw material" into a higher form of manufactures costs on an average 50 per cent. higher here than in England.

Now, Mr. Chairman, I hold that all raw materials which are not produced here, such as jute, dye-woods, and all natural products into which labor has not entered as a material element of value, like iron ore in the mine, unmanufactured logs, limestone, &c., ought to be on the free-list, as all but jute are. But so long as a duty is to be retained on bar-iron, woolens, sugars, and other articles, will any one tell me on what principle of fair dealing manufactured lumber, scrap-iron which takes the place of pig-iron, manufactured lime and wool, into which the labor of man has entered as a material element in their value, should not have a protective duty proportioned to the amount of labor required to bring these so-called "raw materials" to their existing condition?

Will the gentleman from Illinois [Mr. MORRISON] inform me on what principle of fair dealing he puts manufactured lumber on the free-list while he retains a duty of 40 per cent. on sugar? There went the round of the papers a short time ago a statement alleged to have been made by a distinguished Connecticut manufacturer, ex-Governor English, to the effect that what the manufacturers of this country desire is free raw materials, by which he meant free wool, free lime, free lumber, &c. Then he said they would be entirely satisfied with a duty of 25 per cent. on their manufactured goods. But does this gentleman suppose that the men who manufacture lumber and lime and other articles will consent to any protection that is not distributed on principles of equity? The "raw material" of one industry is the manufactured product of some other industry, and there is no such thing as "raw" materials upon which human labor has been expended.

EXPORTATION OF GOODS.

Much is said, Mr. Chairman, about the necessity of having free materials and a general reduction of duties in order that we may be able to export more goods.

I wish to call the attention of gentlemen to the fact that materials advanced to any point may now be imported under a law of 1799 almost without duty for the manufacture of articles for export; and there is a bill now before the Ways and Means Committee to make such materials entirely free, to which no one on this side will object. A woolen manufacturer may now import wool practically without duty for the manufacture of woolen goods for export. What is there, then, to prevent him from doing so? There is no export duty; no tariff stands in his way. Yet our Connecticut manufacturer who talks about the immense export trade he could command if the tariff was reduced and "free raw materials" granted does not come forward to avail himself of the privilege for eighty-five years. Why not?

The reason and the only reason that we do not export more manufactured goods is simply because the labor we employ in making our goods costs more than the labor employed by European manufacturers. A reduction of duties, even absolute free trade, would not aid us in increasing our exports of manufactured goods unless it reduced the wages of our workingmen; and that is what it would eventually do.

It would necessarily reduce the wages of labor for the reason that it would open up our markets—the best and most desirable in the world—to the manufactures of Europe. It would cripple and eventually close our mills until labor should be reduced to the English standard, would drive a large part of the three and a half millions of workingmen now employed in manufacturing and mechanical enterprises into other employments already filled, and by reducing the demand for labor and increasing the supply of laborers would in due time bring the wages of labor in this country down to the inadequate compensation paid in Europe.

IMMIGRATION.

It will not answer for my friend to say that the manufacturer in the United States may and does draw the cheap labor of Europe here without paying a duty on immigration, and, therefore, that we may as well have free trade in imported goods; for it is admitted that in spite of the fact that our policy has always been to welcome to our shores any virtuous and industrious immigrant who comes here as an independent man to better his situation, yet we pay here to immigrant as well as native, to all who desire to work, 50 per cent. higher wages than are paid in England. Labor contracts made in another country, which deprive an immigrant of perfect freedom when he lands here, ought to be prohibited as a rule. When the free immigrant strikes our shores he recognizes the fact that he is in a country where labor is entitled to higher wages than in Europe, and demands and receives the advance.

I met not long ago an immigrant who had come to this country from Ireland. I asked him how much was he receiving for the work he was doing. "One dollar a day," was the response. "And how much did you receive last year for similar work in Ireland," I asked. "A shilling a day (25 cents), and never in harvest-time more than two shillings a day, sir," he promptly replied.

Disturbances of business producing transient overproduction, or more usually underconsumption, and inducing severe competition among home producers, now and then compel a temporary reduction of wages; but how much greater would be the competition and reduction of wages if the free competition of foreign-made goods should be added? Indeed, as a rule free-trade England suffers more from such disturbances than do we in this country. During the past six months the distress in England on this account has been much greater than here. Those who propose to remedy such unavoidable evils by opening up our markets to foreign producers would immensely aggravate these difficulties and make them permanent.

MR. HEWITT ON VALUE OF PROTECTION.

No one has more clearly stated the benefits of a protective tariff to the workingman and to all other citizens than did the distinguished chairman of the Democratic national committee [Mr. HEWITT] in the following letter to Jay Gould:

NEW YORK, *January* 27, 1870.

* * * * * * *

The only reason why we pay more for American rails is because we pay a higher rate for the labor which is required for their manufacture, but for no greater quantity of labor. Free trade will simply reduce the wages of labor to the foreign standard, which will enable us to sell our rails in competition with foreign rails. But as a matter of course the ability of the laborer to consume will be reduced, and a serious loss will be inflicted on commerce, general industry, and the business of the railways especially. The only reason why a tariff is necessary is to supply the laborer with such wages as will enable him to travel and consume not merely the necessaries but some of the luxuries of modern civilization. Besides, if we have free trade we can not expect to procure our supplies from abroad by increased shipments of grain, for already the European markets take from us all that they require, and no amount of purchase of goods from them will induce them to buy more food than they need, and which they now take as a matter of necessity.

Faithfully yours,

ABRAM S. HEWITT.

JAY GOULD, Esq.

Mr. Chairman, no one could have stated the real reason of our inability to cope in foreign markets with the products of the cheap labor of other countries more clearly than did the distinguished gentleman from New York [Mr. HEWITT], who does me the honor of listening to my argument, in the letter above quoted. And inasmuch as some persons may suppose that the gentleman from New York has changed his views since 1870, I desire to call attention to the fact that when the gentleman from Ohio [Mr. MCKINLEY] read this same letter in the tariff discussion at the first session of the Forty-seventh Congress, only two years ago, Mr. HEWITT interrupted him to state that he had nothing in that letter to take back.

FREE TRADE AND SHIPPING.

The gentleman from New York [Mr. COX] and the gentleman from Ohio [Mr. HURD], who have addressed the House in favor of free trade or a tariff for revenue only, have referred to the decline of American shipping from the point of prosperity reached in 1855 as an illustration on the one hand of the claim that free trade fosters and on the other hand that "protection by act of Congress" chills our industrial prosperity.

I think, Mr. Chairman, that the condition of American shipping affords a complete demonstration of a truth exactly the reverse of what my friends from New York and Ohio have claimed. It affords a most striking illustration of the fact that protection is necessary in order to maintain American industry; and that whenever free trade has been applied to any one, foreign competitors employing cheaper labor have been enabled to distance us.

I ask gentlemen to remember that that branch of the American merchant marine which has been "protected by act of Congress," namely, our coastwise fleet, is prosperous notwithstanding the unexampled extension of competing railroads which have inevitably seized upon much of the freight that formerly went to vessels; while, on the other hand, that part of our commercial marine employed in our foreign carrying trade which has had no protection by law since the vessels of Great Britain were admitted in 1849 to participate in this trade on equal terms, and no protection by natural conditions since the transition from wood to iron in ship-building and from sails to steam in ship propulsion, about 1855, has steadily declined from the latter date.

I call the attention of the gentleman to the official statistics. These statistics show that, computing by the accepted rule that one ton of steam is equal in efficiency to three of sail, the tonnage of our coastwise marine was in 1869 the equivalent of 4,300,892 tons of sail, and that in 1883 it had increased to the equivalent of 5,415,970 tons of sail. This is a growth of 25 per cent. in fourteen years, and shows a tonnage three times that of the home fleet of the United Kingdom and five times that of any other country. So much as the result of effective protection by law "against foreign competition."

It is noteworthy also that the ultimate effect of this protection has been to make the freight charges of our coastwise marine lower than those of the home fleet of any other nation, thus demonstrating that protection eventually lightens the burdens of the people.

If our coastwise carrying trade had been opened to the free competition of the world, as our foreign carrying trade has been, and as free-trade doctrinaires desired it should be, the American merchant marine in the home trade would have been to-day in the same deplorable condition as that in the foreign trade.

The complete discomfiture of our commercial marine in the foreign trade since every kind of protection was removed affords an instructive illustration of what would befall our manufacturing industries if the principle of free trade should be applied to them. In 1855, 75½ per cent. of our exports and imports were carried in American vessels; in 1860 the percentage had declined to 66½ per cent.; during the four years of civil war we lost 38 per cent.; and last year our percentage was only 16 per cent.

The distinguished gentlemen affirmed that the protective tariff has strangled our foreign carrying trade by crippling our foreign commerce, and thus depriving our vessels of cargoes. If the gentlemen had consulted the official statistics they would have found that our exports and imports, which measure our foreign commerce, increased twice as much during the fifteen years between 1865 and 1880 under protection as they did in a similar period before the war under tariffs for revenue only. If our merchant marine in the foreign trade had grown with our foreign commerce its tonnage to-day would have been more than four times what it actually is.

The gentleman from Ohio [Mr. HURD] asserted that we could make markets for our grain and other products with other nations only by breaking down our protective system, which encourages home manufactures, and buying their products in return, and he affirmed that by so doing we should provide freights for our vessels.

This theory, like many other free-trade theories, is not sustained by the facts. We bought last year $65,544,534 of Cuban products, but we could sell them only $15,103,703 of our own products. We imported from Brazil in the same year products of that country valued at $44,448,459, but we exported to the same country only $9,252,094 of our own products. On the other hand, we exported to the United Kingdom $425,424,174 of our own products and imported only $188,622,619 of English products. This shows that international trade is not a system of barter, but each nation buys where it can buy cheapest. If England can buy wheat of us as cheap as in Russia or India, she purchases here, without regard to what we purchase of her.

I call the especial attention of the gentleman from Ohio to the fact that the carrying trade which has been most completely snatched from our grasp is that between Europe and America, where the cargoes each way are more than five times as large as they were before the war.

The fact is, and it is surprising any one should shut his eyes to the situation, that while our exports and imports have increased with wonderful rapidity, the transportation of 84 per cent. of this great and expanding commerce has been secured by foreign vessels under the workings of the principles of free trade.

If the gentleman from New York [Mr. COX] and the gentleman from Ohio [Mr. HURD] had consulted the history of our merchant marine they would not have asserted that protective tariffs had caused the decadence of our shipping in the foreign trade, for the record shows that the annual decline was as great during the five years before the war, under tariffs for revenue only, as it has been since the war under protective tariffs.

The charge has been made here on various occasions that our protective tariff has imposed so heavy duties on imported materials as to make it impossible to build vessels for the foreign trade in competition with England. But gentlemen should bear in mind that the duties on the materials of a wooden vessel for this trade are less, and on the materials of an iron vessel no more under the existing tariff than they were under the revenue-only tariff of 1846, inasmuch as all timber, hemp, manila, iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal, and wire rope needed for the construction, equipment, and repairs of vessels for the foreign trade may now be imported free of duty, whereas nearly all of these articles bore a duty under the tariff of 1846.

Indeed, there is no good reason why this list of free materials for the construction of vessels, or at least for the manufacture of articles for vessels for the foreign trade, may not be enlarged to carry out the principle of the act of 1872; and a bill to this end has been unanimously recommended by the Shipping Committee to the favorable consideration of the Committee on Ways and Means, which has the privilege of bringing its revenue measures before the House at any time. In every point of view, however, the real obstacle to building iron vessels in this country as cheaply as on the Clyde or Tyne is the fact that our skilled labor in ship-yards commands 60 per cent. more than in England; and I rejoice that our workmen have this advantage.

A PROTECTIVE DUTY NOT A TAX.

Mr. Chairman, all the gentlemen who have spoken in favor of the pending bill and against a protective tariff have assumed, without even attempting to prove the assertion, that duties imposed on imported goods are always a tax in the sense of imposing so much additional burden on the people. They have claimed that this tax is measured by the aggregate sum which would have been collected on the entire consumption of the country if all the articles had been imported instead of a large part made at home. The gentleman from Illinois [Mr. SPRINGER] thinks that this burden is more than $600,000,000. The gentleman from Texas [Mr. WELLBORN], not to be outdone in assertions, put the burden at one thousand millions. In other words, the claim is that notwithstanding only $34,000,000 of the $250,000,000 cotton goods consumed in this country last year were imported and paid a duty into the Treasury, yet that in reality the people were obliged to bear the burden of the duty on all the cottons used, which went to those who make the goods in this country. Time and time again we have been treated to the familiar fable that the workingman rises in the morning and puts on a shirt on which he is obliged to pay 40 per cent. duty, folds his blanket and draws on his pants on which he pays 60 per cent. duty, covers his feet with boots on which he pays 30 per cent. duty, builds his fire in a stove on which he pays 40 per cent. duty, and so on.

The inquiry ought to suggest itself to gentlemen who indulge in such assertions as these how it happens that so many thousands of Englishmen, Irishmen, and Germans should annually leave Europe to make a home in this country when we meet them with such an alleged burden of taxation? And also why nobody ever thinks of abandoning this country and making his home in England, where none of these articles are taxed? Evidently either the hundreds of thousands who come here every year from Europe and the millions of our own workingmen who think that America is the best country in the world for them are grossly deceived, or else the gentlemen who talk about the enormous burdens imposed by our protective duties are greatly mistaken.

Now, Mr. Chairman, what is the fact? It is true that cotton goods when imported pay a duty of from 20 to 40 per cent.; but it is not true that common cottons are sold at a higher price here than in England, or that the workingman pays more in money for a shirt here than he does there. On this point I affirm what I know. When in Europe a few years ago I took pains to purchase some common cotton sheeting in London, in Paris, in Rome, in Vienna, and in Berlin. I found that the price in London was almost exactly the same as here, and on the

Continent from 10 to 20 per cent. more than here. When I came to fine cotton goods, particularly muslins, laces, &c., I found the prices in England lower than here. The same was true of woolen goods, boots and shoes, and most hardware, although in no case did I find the prices here higher to the full extent of the duty. For example, the cost of a pair of five-pound blankets in Liverpool is $4.45, and the cost of the same kind of blankets in this country is $5.20, or only 20 per cent. more.

It may be said, "Why not, then, abolish the duty on common cottons and reduce the duty on other goods?" For the reason, Mr. Chairman, that the abolition in the one case and the reduction in the other would give an opportunity for foreign goods to come into this country and take the place of our own, with an ultimate injury to our own people, as I shall presently endeavor to show. It must be borne in mind that English manufacturers are ready to temporarily sell their surplus below cost in order to get into our markets. If our duties should be reduced sufficiently, they would regard it as desirable to do this for a time in order to permanently cripple our industries, in the expectation that they would be able to recoup their losses by increased prices after they had made manufacturing unprofitable in this country.

Now, the fact that common cottons are as low in this country as in Europe shows that the price here is not the English price plus the duty, as our free-trade friends assume. Indeed, it is rarely ever that the prices of any articles which may be made here to the extent of our wants are the foreign cost plus the duty. In the case of common goods, such as are used by the masses, prices here are nearly as low as in Europe. It is only goods used by the well-to-do classes, in which labor is the important element of cost, that sell at prices higher to any considerable extent than abroad.

The reason for this is that the prices of articles which may be wholly made in this country to the extent of our wants are determined not by cost of importation, but by the cost of home production under the influence of competition. Where articles can not readily be made here to the extent of our wants, in other words, where the protective principle does not apply, in such cases the prices here are the foreign cost plus the duty, as may be seen in the case of sugar and other articles that so far as experiments have gone seem not to be the natural products of our climate. In other words, a tariff imposed for revenue only, *i. e.*, imposed either upon articles which can not readily be produced here to the extent of our wants, like sugar, tea, coffee, &c., or upon articles which can be so made here at such rates as to encourage importation and discourage home production, is a tax to the extent of the duties without any amelioration or return; but a tariff so far as its duties afford protection to industries favorably situated as to natural conditions is not as to these articles a tax to the extent of the duties.

HOME PRODUCTION CHEAPENS PRICES.

There is another consideration which should not be lost sight of in estimating the influence of any duty which encourages our home industries, and that is the effect that this additional production has on prices everywhere. Unquestionably, if this country produced very little cotton, woolen, iron, or other manufactured goods—as certainly would have been the case if we had pursued a free-trade policy—we should be obliged to pay considerable more for all these goods to-day than we actually do. Our production swells the world's supply, and thus under the law of demand and supply reduces prices everywhere.

We recently had an illustration of this fact on a small scale. The great quinine factory of Powers & Weightman, in Philadelphia, was burned a few months ago. As soon as the news reached the European manufacturers they largely advanced the price. Again, Bessemer steel rails sold at $75 a ton in England before their manufacture was established in this country. To-day they are sold here for $35. In 1826, before cotton manufacturing was established to any extent in this country, sheetings were sold here and in Europe for 13 cents per yard and calicoes for 22 cents. To-day the same quality of sheetings, and also of calicoes, can be bought here for 6 cents per yard. Even as late as 1860, under the so-called revenue tariff of 1857, such sheetings were sold here for 8¾ cents, and similar prints for 9½ cents per yard.

The gentleman from Ohio [Mr. HURD], in speaking for free wool a few days ago, told the House that the duty on wool increased the cost of the workingman's clothes to the extent of the duty, notwithstanding woolen cloth is 33 per cent. lower than in 1850; and then, forgetting that part of his argument, appealed to the farmers to go back to the lower duty on wool imposed by the tariffs of 1846 and 1857, because during those low duties wool was higher than it is now, thus allowing one part of his argument to nullify the other. This was an unconscious admission that the duty had actually reduced the price of wool in all parts of the world by largely increasing the production in this country, and had thus cheapened instead of increased the cost of the workingman's clothes; while at the same time the holding of the home market for the farmer had encouraged him to improve his breeds of sheep and improve the quantity and quality of his wool, and in consequence he, too, had made a larger profit than between 1846 and 1857.

These facts show that the tariff which best protects and encourages our home industries and thus adds a large amount of home products to the productions of the world tends to reduce the prices of these products here and elsewhere to a point much lower than would have existed if we had adopted free-trade policy; and therefore that a protective tariff on such goods is not a burden on the community, but is on the other hand a positive benefit.

NO TAX ON THE LABORER.

A third consideration, Mr. Chairman, entirely ignored by those who assert that a protective duty increases the burdens of the workingmen and the people, is the fact that most men really ultimately pay for what they buy in labor or service, and the practical question is not whether the money cost is more under protection than under free trade, but whether the cost in labor or service or some other product is more.

Of what avail is it, Mr. Chairman, to tell a laborer that protection compels him to pay $10 for a coat which he can buy in England for $8, when eight days' labor will pay for his $10 coat here and ten days' labor are required to pay for the $8 coat in England? It is impossible to name a single article produced here to the extent of our wants which the laborer can not buy for less labor here than in England. To speak, therefore, of a protective duty which makes this state of things possible as a burden on the people, and the 20, 30, or 40 per cent. duty which aids in maintaining industries and wages as a "tax" on the workingman, is a complete misrepresentation. It is a reduction of duties which would cripple or destroy our industries and reduce wages to the European standard that would really prove to be a "tax" and "burden" on the people.

WAGES AND PRICES IN 1860 AND 1880.

A comparison of annual wages and prices in 1860, after fifteen years of a tariff for revenue only, with wages and prices in 1880, after nineteen years of protection, clearly shows that wages were higher and prices of manufactured goods lower in the protective period than in the revenue-only period.

	Yearly wages.		Increase.
	1860.	1880.	
			Per ct.
Woolen manufactures	$234	$300	28
Cotton manufactures	200	246	23
Iron manufactures	355	390	10
Machine manufactures	390	450	15
Paper-making manufactures	252	360	40
Boot and shoe manufactures	250	370	48

These census figures show an average increase of 28 per cent. in wages in the above manufacturing industries since 1860. The average increase in the wages of all kinds of mechanics is fully as great. The following tables show how the prices of manufactured goods have been affected by the protective policy, which has increased wages:

Articles.	Prices.		Reduction.
	1860.	1884.	
			Pr. ct.
Common sheetings, per yard	$0 08¾	$0 07	20
Drills, per yard	0 08¾	0 06¾	22
Prints, per yard	0 09½	0 06	34
Pig-iron, per ton	23 00	20 00	14
Iron, refined, per pound	0 03	0 02¼	25
Fancy cassimeres, per yard	0 65	0 50	23
Common woolens, per yard	1 50	1 00	33
Medium blankets, per pair	5 00	3 75	28
Men's pegged boots, per pair	2 50	2 17	15
Crockery, per crate	95 30	57 89	38
Plate-glass, per foot	1 50	0 80	45

Average reduction of prices of the above protected manufactures 28 per cent., against an increase of 28 per cent. of wages.

Could there be a more conclusive demonstration of the fact that protective tariffs have increased the wages of workingmen over those paid under tariffs for revenue only, and at the same time reduced the cost of manufactured goods?

Modifying the familiar story of the taxes imposed on the workingman by protection to accord with the facts, it would read something like this: Under protection the workingman turns down his blanket for which he pays 30 per cent. less labor than does the workingman in Europe, puts on a shirt for which he gives 50 per cent. less labor, draws on pants for which he gives 20 per cent. less labor, covers his feet with shoes for which he gives 30 per cent. less labor, and builds a fire in a stove for which he gives 35 per cent. less labor than does the workingman in free-trade England.

If it were not for the fact that our protective tariffs have increased the prices of farm products by diversifying industries and thus with-

drawing men from the farm and preventing a glut of such products the purchasing power of wages at the present time would be more largely in excess of what they were in 1860. But even with the diminution arising from the increased prices of farm products the wages of a laborer in 1880, as estimated by their purchasing power, were at least 15 per cent. higher than in 1860.

PROTECTION NOT A TAX ON THE FARMER.

Mr. Chairman, during the progress of this discussion every gentleman who has spoken in opposition to protection has assumed that notwithstanding protective duties may benefit the laborer and many other classes, yet that they impose a serious tax on every farmer without corresponding benefit.

Whenever any one has condescended to attempt to prove this oft-repeated charge, the argument, as condensed by Professor Sumner, has run in this wise: "A farmer can buy a yard of cloth in England for a bushel of wheat; but in this country, in consequence of the duty imposed on imported cloth, he must give a bushel and a quarter. Does not this show that protection takes a quarter of a bushel of wheat from the farmer?"

Grant the implied assumptions, and the conclusion would follow. Grant first that wheat would be as high under the free-trade conditions which would take 3,000,000 men from our manufacturing industries and add them to the farmers of this country as it is now; and grant, secondly, that cloth would be as low in England with our mills stopped as it is now. Then there would be some basis for the conclusion. The trouble with all free-trade arguments is that they start with certain assumptions; for example, that all nations are on the same platform as to wages of labor, or that because one man could to-day buy more cloth with a bushel of wheat in London than in New York therefore all men could do the same if we relied upon England for all our goods, and argue their case just as though these assumptions are conceded to be true, whereas in fact the whole question in controversy between free trade and protection is right here.

It has been frequently asserted that the price of grain, pork, beef, &c., here is absolutely fixed by foreign conditions, and therefore that our farmers may as well send half of their produce abroad and sell only 50 per cent. here under free trade as to export only 8 per cent. of their crops and sell 92 per cent. of it in our home market, as we do under protection. In other words, it is affirmed by the opponents of protection that it is immaterial to the wheat, corn, pork, and beef grower whether his home market is large or small, because the whole is sold at the foreign price, and that (as it is claimed) will be the same whether we send abroad 30 or 50 per cent. of our farm products, or only 8 per cent., as now.

As this, Mr. Chairman, is the initial fallacy of all free-trade arguments, or rather assumptions, I ask the House to look it in the face.

We have to-day 7,670,493 persons in the United States employed in agriculture—4,225,945 persons as farmers and planters and 3,323,876 as farm laborers. These agriculturists to-day sell 92 per cent. of their products at home, and send abroad a surplus of only 8 per cent. Suppose that under the advice of our free-trade friends we conclude to give up manufacturing industries here (for if protective duties are to be abolished we must give up manufacturing, unless we can bring the wages of labor down to the foreign standard), and to buy our cloth and other manufactured goods in the "cheaper" markets of England. The three million or more men now employed in manufacturing industries will of course go upon farms, and immediately increase our agricultural products 50 per cent.; but as there will be no more persons to be fed in this country than before, the home consumption can be no more, and the surplus for export will be increased more than sevenfold.

I ask gentlemen who tell us that the price of our farm products is absolutely fixed in the foreign market, what will be the effect on the price of our farm products abroad and at home when our surplus for shipment shall be increased so enormously? Is there any one who doubts that such a condition of things would cause the price of farm products to decline enormously? Would Professor Sumner's farmer then be able to buy his yard of cloth in England with his bushel of wheat?

The truth is that the price of wheat, flour, corn, pork, beef, &c., abroad is dependent as much on the amount of the surplus which we have to ship as on the demand abroad. The adoption of a free-trade policy that would destroy manufacturing industries and increase our farm products and swell the surplus for shipment would bring ruin upon the farmers of this country, especially in view of the fact that India is ready to compete with us in foreign markets.

Again, a free-trade policy, which should destroy our manufacturing industries, would increase the cost of manufactured goods by diminishing the world's production, as I have already shown, so that the farmer would find that instead of being able to buy in England a yard of cloth with a bushel of wheat, it would require two bushels of wheat to make the purchase.

On the relative value of the home and the foreign markets to our farmers I call attention to the following statistics from the report of the Bureau of Statistics:

In 1882 we produced in this country 1,617,025,100 bushels of corn, of which only 41,655,653 bushels, or about 2½ per cent., was exported, while 97½ per cent. was consumed at home.

In the same year we produced 504,185,470 bushels of wheat, of which 148,785,696 bushels, or 29½ per cent., was exported, and the exports for the present fiscal year will not exceed 20 per cent. of the crop.

In the same year we produced 290,000,000 pounds of wool, and exported only 64,474 pounds, or scarcely one-fourth of 1 per cent. of the clip.

In the same year scarcely 10 per cent. of our hogs, cattle, pork, and beef was exported, and over 90 per cent. was sold in the home market.

In short, setting aside cotton and tobacco, only 8 per cent. of our home products were exported, while 92 per cent. was sold in our home market

It is of immense importance to the farmers of the West that the home market should be developed, and developed, too, not only in this country generally, but in his own State. The nearer the consumer can be brought to the producer the better the prices the latter will realize. To transport wheat, pork, and beef to England and bring back goods in return involves an immense loss in cost of transportation, and every cent of it must come out of the producer. The highest prosperity is assured to the farmer where manufacturing industries are brought near to him, so as to afford a market at his doors.

Mr. HEWITT forcibly stated the prime importance of the home market and the comparatively small importance of the foreign market to the farmer, in his letter already quoted, when he said:

> If we have free trade we can not expect to procure supplies from abroad by increased shipments of grain, for already the European markets take from us all that they require, and no amount of purchase of goods from them will induce them to buy more food than they need, and which they now take as a matter of necessity.

In the same letter he also set forth clearly the interest which the farmer, as well as every other class, has in a protective tariff to develop manufacturing industries, diversify pursuits, and thus increase the wages of labor, in these words:

> Free trade will simply reduce the wages of labor to the foreign standard, * * * but as a matter of course the ability of the laborer to consume will be reduced and a serious loss will be inflicted on commerce, general industries, &c.

This result has been wrought out in practice in thousands of communities. I remember that in the State which I have the honor in part to represent, before manufacturing industries were established in our midst, the farmer often found it difficult to barter his corn, potatoes, apples, hay, beef, pork, butter, cheese, and vegetables at any paying price. But now, when manufacturing towns are within a day's drive, he finds little difficulty usually in selling all his farm products for cash at fair prices. Every farmer who has lived in a country destitute of manufacturing establishments, where subsequently such establishments have sprung up under our protective policy, can bear witness to the fact that a protective tariff has greatly benefited him.

IMPORTANCE OF DIVERSIFYING PURSUITS.

It is essential to the success of farming in the United States that the pursuits of our people should be diversified. And it will be found that, other things being equal, farmers are most prosperous in those States where manufacturing industries are established, the pursuits of the people diversified, and home markets created.

The February report of the United States Department of Agriculture contains a report by Mr. J. R. Dodge, statistician, on the value of farms, farm products, &c., in the several States, which strikingly illustrates this principle.

Mr. Dodge divides the States of the Union into four groups. In the first group, consisting of Massachusetts and eight other States having the most extensive manufacturing industries, the average value of farm land is about $47 per acre, and the average value of farm products per man is $467 per annum.

In the second group, consisting of Maine and seven other States with less manufacturing establishments than the first group, the value of farm lands is about $34 per acre, and the average value of farm products per man is $394.

In the third group, consisting of Wisconsin and four other Western States with still less manufacturing industries, the value of farm lands is about $20 per acre, and the average value of farm products per man is $261.

In the fourth group, consisting of Virginia and eighteen other States in all parts of the Union, with almost no manufacturing industries, the value of farm lands is only $9 per acre, and the average value of farm products per man is only $161.

VALUE OF PROTECTION TO THE FARMER.

Every farmer can buy more sheeting, prints, woolens, iron goods, shoes, &c., for a bushel of wheat, or corn, or potatoes, or a ton of hay or any other farm product under our protective policy, than he could obtain if free trade had compelled us to rely on England for these goods or if a tariff for revenue only had encouraged large importations of foreign goods to cripple our industries.

I have already presented tables showing the reduction of prices of manufactured goods under the influence of the home competition, encouraged by protection. I now ask attention to the following tables from the New York Herald, giving the prices of farm products in the interior of that State in 1816, before our protective tariffs had diversi-

fied the industries of the people of that State by encouraging manufactures, and in 1882:

	1816.	1882.
Wheat, per bushel	$0 44	$1 00
Corn, per bushel	20	60
Oats, per bushel	15	50
Eggs, per dozen	05	15
Barley, per bushel	25	80
Butter, per pound	12	30
Cheese, per pound	06	12
Cows, per head	$16 00 to 20 00	$20 00 to 75 00
Cattle, per yoke	25 00 to 45 00	100 00 to 250 00
Hay, per ton	3 00 to 5 00	10 00 to 18 00
Carriage horses, per span	150 00 to 200 00	300 00 to 1,000 00
Sheep, per head	50 to 75	1 50 to 2 50

That is, the average increase in the prices of farm produce since 1816 has been more than 100 per cent., while the average decrease in prices of manufactured goods has been from 20 to 90 per cent.

The same general results appear from a comparison of the average prices of farm products during the period of a tariff for revenue only before the war and average prices since resumption of specie payments under protection.

The gentleman from Rhode Island [Mr. CHACE], recognized by the House as a painstaking and reliable authority in economic facts, presented to the Forty-seventh Congress a very valuable table of statistics on this point, to which I invite attention.

The tables submitted by that gentleman show that during five years of the revenue-only tariff one bushel of wheat would buy on the average 8½ yards of sheeting, 12 yards of prints, 107 pounds of pig-iron, 35¾ pounds of bar-iron, or 1 sack of salt. But during the five years of protection, from 1877 to 1882, 1 bushel of wheat would buy on the average 11 yards of sheeting, 16 yards of prints, 134 pounds of pig-iron, 57 pounds of bar-iron, or 1¾ sacks of salt.

These tables further show that under the five years of tariff for revenue only ten pounds of butter would buy 10½ yards of sheeting, 15 yards of prints, 131 pounds of pig-iron, 43¾ pounds of bar-iron, or 1¼ sacks of salt. But under five years of protection the same butter would buy 21 yards of sheeting, 31 yards of prints, 254 pounds of pig-iron, 109 pounds of bar-iron, or 3½ sacks of salt.

In 1840, before manufacturing industries had diversified the employments of the people of this country, each farmer had of neighbors who were non-agriculturists 5⅔ persons to purchase his product; but in 1880 each farmer had 6⅓ persons who were consumers of his products. It is this increase of 50 per cent. in the number of non-agricultural consumers—an increase mainly due to the introduction of manufacturing industries—which has so much improved the situation of the farmers of this country. The protective policy which has brought this improvement is not a burden, but a benefit to every farmer in the land.

DIRECT PROTECTION TO FARMERS.

I have spoken of the indirect benefit of our protective system to the farmer; but to these should be added the direct protection accorded to agricultural products against the competition of Canada. Hay, grain, potatoes, butter, cheese, horses, cattle, wool, sheep, and hogs would be brought into the United States from Canada to compete with American farm products, if it were not for the duty imposed on them when imported. The advantage to our farmers of the duties imposed on imported Canadian farm products plainly appears in Maine, New Hampshire, Vermont, New York, Ohio, Michigan, and other States bordering on the northern frontier, where the farmers on this side of the line obtain 15 to 20 per cent. more for their products in our markets than the Canadian farmers obtain on the other side. Without our tariff it would be impossible for our farmers to raise wool in competition with South America and Australia.

The prosperity of the farmer is closely connected with the development of manufacturing industries; and protection, therefore, is as beneficial to him as to the laborer, the blacksmith, the shoemaker, the carpenter, the mason, the truckman, the trader, the professional man—in short, every member of the community in which manufacturing industries are established.

THE FINAL TEST.

The final and conclusive test of any public policy, Mr. Chairman, is its fruits. It is the practical results of the two policies of protection and of free trade, of which a tariff for revenue only is only a forerunner, which must control our action. If our protective policy is "taxation," "monopoly," "robbery," and "oppression," as many gentlemen charge, then twenty-two years' trial of that policy must have produced ruin from one end of the country to the other. No national advantages could have warded off the blight of protection if it be what its opponents charge. The fact that under this policy the United States has for four years successfully waged the most gigantic and destructive war for national existence recorded in modern history; has paid more than two-thirds of the enormous cost of that war; has grown in population more than 50 per cent., and in wealth more rapidly than any other nation; has increased the number, value, and productions of her farms threefold; has raised the value of her manufactured products from $1,885,861,676 in 1860 to $5,369,579,191 in 1880; has developed our foreign commerce from an aggregate of six hundred and eighty-seven millions in 1860 to an aggregate of over fifteen hundred millions in 1883, and has drawn to our shores millions of immigrants from all parts of the world to better their condition, while comparatively none have left our shores for this purpose—such an array of facts as these is a demonstration more conclusive than the assumptions and theories of our free-trade friends that the policy of protection is wise and beneficent.

During the delivery of Mr. DINGLEY's remarks, at the expiration of one hour, the hammer fell.

Mr. WAIT. I ask unanimous consent that the time of the gentleman from Maine be extended for ten minutes.

There was no objection, and it was ordered accordingly.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GOFF having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments, the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

The message further announced that the Senate had passed a bill (S. 1108) to provide for the sale of the Iowa Indian reservation, in the States of Nebraska and Kansas, for the issuance of a patent for a reservation for the Iowa tribe of Indians in the Indian Territory, and for other purposes; in which the concurrence of the House of Representatives was requested.

TARIFF BILL.

The Committee of the Whole resumed its session.

Mr. HEWITT, of New York. Mr. Chairman, though one should rise from the dead to convey to us a message on the tariff, I doubt whether he would change a single vote in this House upon this or any other tariff bill; and though an angel should come down from heaven, he could not give us any message in favor of that liberty wherewith the Founder of our religion has made us free, which could convey to us more forcible reasons in support of this measure than we had on yesterday in the eloquent argument of the gentleman from Ohio [Mr. HURD], my colleague on the Committee on Ways and Means. And after hearing that magnificent speech, Mr. Chairman, I doubted whether it were worth while for me to take up the thread of this great argument; and it is mostly by his request that I have concluded to-day to gather together some few sheaves of wheat from the great field over which passed his devouring sickle.

But there is an audience outside of this House; an audience of men who work with tools, and who govern this House by the ballot. To them, constituting as they do, I am glad to say, the great majority of the people of this country, it is worth while to address an argument which will appeal to their judgment and their permanent interests. That audience I will acknowledge is probably against me. I fear that perhaps a majority of the great army of workers in this country stand where I stood in 1872, when I wrote the letter which the gentleman from Maine [Mr. DINGLEY] has just quoted. They are still in the bonds of prejudice, of false training, and of ignorance, where I was then myself. I have no apologies to make for having progressed out of the night of darkness into the open sunshine of truth. But I should have apologies to make if, having reached conclusions which contradict those that I held years ago, I should fail in this House and everywhere to announce them with that frankness which belongs to an honest man and a faithful Representative.

THE SURPLUS REVENUE.

Now, though that army of workers may be against me on the question of protection for the sake of protection, there is one thing in which they are with me. There is an old instinct ingrained in the Anglo-Saxon race which tells us that surplus revenues are the result of unnecessary taxation, and that unnecessary taxation is unjust exaction from the fruits of human labor. For that cause Charles the First lost his head. For that cause the last of the Stuarts was driven into exile. For that cause we fought the war of Independence, and established this Government upon the eternal doctrine that taxation and representation should go together, in order that representation might correct unjust taxation. Upon that issue this great army of workmen are sound; and they were sound on it in the last election, when they turned the members of that side of the House out of their seats, because in the presence of a surplus of more than a hundred millions of dollars they did not attack the problem seriously, but undertook to hoodwink the people of this country as to the effect of their legislation. Upon that issue they placed here this great majority of Democrats; and if we are false to the duty thus imposed, if by reason of difference of opinion among ourselves we fail to deal with that question, and to reduce taxation to the point adequate to the economical administration of this Government, and the discharge of its just obligations, then this majority will be swept from their places; not upon the ground of free trade or protection, but upon the ground, that to take $150,000,000 annually out of the hard earnings of the producing classes of this country, for upon

them falls the burden, is an act of tyranny not to be endured by a free people. It is a sure evidence of the decay of public spirit when excessive taxation is tolerated, and it is only among free peoples that the remission of taxation is ever accomplished; for it is only in constitutional governments that taxation is self-imposed.

CONDITION OF THE WAGE-EARNERS.

But, Mr. Chairman, the gentlemen on the other side will tell us that they are just as anxious to get rid of this surplus as we are, and they point out the road to us by the abolition of the internal-revenue duties. But they tell us that we must not attack the sacred temple of protection which they have reared, and which they think is essential to the safety, comfort, and happiness of the workingmen of this country. If that statement, so often reiterated on this floor, be true, then it would be an act of the grossest folly on the part of the majority of this House to interfere with these protective duties. If, on the other hand, it be false, then it is the duty of this side of the House to proceed fearlessly with the work of removing the unjust discriminations, the excessive duties, the obstructions to the healthy growth of business and the enlargement of the commerce of the country, by the natural process of the exchange of commodities which we produce in excess, for articles which we can not produce as cheaply as other nations.

The allegation is that the workingmen of this country in consequence of the existence of the protective system are contented and have happy homes; that their families are in comfort, and that all we have to do is to let them alone, and that all that they ask is to be let alone. I am amazed at the declarations which I have heard on this floor on that subject. It can only be due to the fact that the men who have made them are blind to what is going on around them. Why, sir, we have had hearings before the Ways and Means Committee of the representatives of every branch of protected industry in this country, and there was not one of them that did not tell us that his business was depressed, that his mills were being either closed up or working upon short time, that wages had been reduced, and that further reductions of wages were impending. No one who goes to and fro in this land will controvert the truth of these statements. There is stagnation everywhere in the protected industries, and where they are not protected, there is no stagnation other than that which is consequential upon stagnation in the protected industries.

Mr. KELLEY. Will the gentleman permit me to ask him a question?

Mr. HEWITT, of New York. Yes, sir.

Mr. KELLEY. I wish to ask the gentleman whether there ever was such stagnation, industrial stagnation, in free-trade England as there is to-day; whether there ever was in England such a measure of starvation, amounting almost to famine, as there is under free trade to-day?

Mr. HEWITT, of New York. Now, if the gentleman has completed his little speech——

Mr. KELLEY. It is not so long a one as you put into mine.

Mr. HEWITT, of New York. Excuse me. The gentleman from Pennsylvania appealed to me and I gave him an answer. That was all. Now that he has made his little speech, let me say this: I am going to deal with that very question exhaustively if I am able to keep the floor for my hour. Therefore I will not be diverted at the present moment from the order in which I am trying to present this question.

The best testimony, Mr. Chairman, as to the condition of the workmen is the testimony of the workmen themselves. If the protective system can give them happiness and good wages and comfort, they certainly ought to have it to-day; for we have had nearly twenty-five years of uninterrupted protection under a higher tariff than ever existed in any civilized country on the globe. Now, what is the story told by the workingmen? The Senate Committee on Labor and Education have recently taken exhaustive testimony on this subject from the workingmen themselves.

That testimony is to be found in a volume which has not yet been laid on our desks, but which is in print and of which I trust this House will order a very large edition. The testimony of workingmen was, for the first time in the history of this or any other country, presented in methodical order and represented every branch of business in this country. That testimony is absolutely unanimous: first, that the wages and earnings of workingmen in this country are not sufficient to give them comforts, or even a decent support for their families; and secondly, the testimony is equally conclusive as to the fact that there has been a steady degradation in the condition of the laboring classes of this country during the last twenty years, and that it is an increasing deterioration to be measured year by year. This testimony was given during the last year, before we had reached the present state of depression and stagnation under which we are suffering.

Aside from this testimony, there is much personal knowledge which every gentleman here can bring to bear upon this subject. I dislike to speak of the hardships and sufferings of men in this country who are ready to earn an honest living, but who are unable to do so. To use a plain phrase, one feels as if it would be "fouling one's own nest." Yet I have been in the coal regions of this country within the last six months, and have seen with my own eyes a condition of things which made my heart sad, which made me hope that this Congress might be wise enough to remove some of the causes of the wretchedness and the misery which I saw there. When I saw that men who worked a whole day away from the light of heaven, and who took their lives in their hands every time they entered the pit, are housed in hovels such as the lordly owners of the mines would refuse to stable their cattle in, then I felt that something was wrong in the condition of the American laborer.

When I learn that there are miners of iron ore working in the State of Pennsylvania for 75 cents a day, then I know that there is something wrong in the legislation of this country, for the duty upon iron ore was put up by the last tariff act on an average from 40 or 45 cents a ton to 75 cents a ton in order to protect these very miners and to give them high wages. When that act was passed they were in receipt of $1.25 a day; to-day they are in receipt of 75 cents a day. Surely, if there be virtue in legislation these men, hard-working, industrious, independent voters, if you will give them the means of living, ought not to have been reduced to this wretched state of misery.

But the end is not yet. The owners of these great coal mines have recently met in conference in the city of Philadelphia, which my friend so ably represents, and which I trust he may continue to represent for many years to come—they lately met and solemnly came to the conclusion to suspend work for three days in the week, and after this month they concluded that possibly they might keep up the price of coal by suspending work only nine days in the month. Keep up the price of coal! Ay, to the workman, to the farmer, to everybody who earns his living by his daily labor, and put down the wages of the man who digs it from the earth, and then tell him that he is protected by the tariff. Can there be a more stupendous specimen of audacious assertion than we have heard upon this floor, that the workmen of this country are well rewarded and made happy by the operation of the tariff?*

*Extract from testimony given before the Senate Committee on Education and Labor.

Adolph Strasser, on behalf of the Cigar-makers' International Union of America, volume 1, page 455, says:

"The wages in England are higher than they are in Pennsylvania. In the State of Pennsylvania the average wages among the cigar-makers is from $2 to $6 a week, the lowest in the United States. The cigar-makers in that State are the poorest paid in this country. They work cheaper than the Chinamen of San Francisco, and they do not receive even that wages in cash; they have to take it in scrip and truck."

Henry George, the well-known political economist, says on page 488:

"Labor does not get its fair share. There are workingmen in this country who are as much peons as the peons of South America. Get the reports of the Massachusetts bureau of labor statistics, and they are corroborated by the investigations of independent inquirers, and you will see that a very large proportion of the operatives in New England can not make enough to supply their families even in the poorest fashion. They are absolutely compelled to rely upon the labor of their little children—children whom the law strives to prevent going to work."

On page 517 he says, speaking of the rates of wages in the old countries and their relative purchasing power:

"The rates of wages are lower there, speaking generally. In some avocations, however, I am inclined to think that the condition of the workmen is as good as it is here, and in some even better."

On page 518 he says, in reply to a question whether the manufacturing operatives and those we call day-laborers, including agricultural laborers, are any better off than they are in Great Britain:

"I should say yes, though I should say that there are some classes better off. They are the English wage-workers; they have provided very much more by co-operation and combination, and all that can be done in that way, than have the Americans. In England they have much larger and stronger trades-union."

On page 524 he testifies to the growing feeling of dissatisfaction existing in the minds of the workingmen in regard to the present condition of affairs in this country.

Robert Blissert, of New York, one of the best known and most ardent advocates of trades-union in the country, says on page 841:

"In all my connection with the labor movement I have found that it matters not in what part of the world workingmen are, their condition differs very little. I believe that the carpenters and joiners in England will compare favorably in their social condition with those of America. I believe that the miners of England have the advantage over the miners of America, that their condition is better. I believe that the moral status of the American miner is somewhat better than that of the English miner, but the pecuniary condition of the English miner and the condition of his home is in my opinion rather better than that of the American miner.

"Q. You have special reference, I suppose, to coal-miners?

"Yes, sir, but I speak of all the mining interests. I believe that the condition of the homes of the miners in England is better than the condition of the homes of the American miners. The hours of labor are shorter, and the amount of work performed by the English miners in a day is much less than the amount performed by the miners here. The same may be said of the carpenters, bricklayers, and plasterers, and there the hours of labor too are shorter in England. They are only from fifty-two to fifty-four hours per week. The mechanics' institutes and other places of information are more largely attended than they are here. There are more of them, and the workingmen all avail themselves of their benefits there more than they do here, even where they do exist, and I think I can say fearlessly that the intelligence of the skilled mechanic in England is better than the intelligence of the skilled mechanic in America."

Finally, on page 855, he says:

"I do not know, however, whether I have stated clearly my opinion as to the practical condition of the workingmen here and in Europe. It is all nonsense for the Fourth of July orators to tell us here in this country that we are so much better off than they are in Europe. I found the workingmen in Paris equal if not superior to the workingmen in New York. I want to be properly understood when I say that the expressions heard from time to time here about the pauper labor of Europe, and the statement so often made about the condition of the people here being so much better than the people there, is unfounded—it is a dream."

Lastly we come to Mr. John Jarrett, who was then the president of the Amalgamated Iron and Steel Association, the most powerful trade union in the country. I quote from page 1162:

"Q. Do you know anything about the condition of any other trades than your own men who mine the iron?

"A. I do, sir. Did you mean coal-miners?

"Q. The men who mine the coal.

Now, to come to the iron-works; my friend from Pennsylvania ought to know all about them. Last year more than half of the furnaces of this country were in blast. That was a great decrease from the year before. This year, after the passage of a bill arranged, constructed, and adopted by the friends of protection, what has happened? Two-thirds of the furnaces of this country—or nearly two-thirds, for I suppose I shall be held to a most strict account for every word I use on this floor—to be exact, four hundred and thirty-two furnaces are out of blast while only two hundred and sixty-nine furnaces are in operation, and the wages of the great army of protected workmen whom they employ have been largely reduced. I am among the unfortunate manufacturers who have been forced to reduce wages or stop work. I am compelled to offer to the workmen whom I employ the choice between no work or work at less wages than they ought to have. Yet I am protected by the magnificent and unnecessary duty of $6 per ton—or to be more accurate, $6.72 per ton. I do not mind the odd cents; no doubt the gentleman himself does. [Laughter.]

PROTECTION CREATES OVERPRODUCTION.

Mr. KELLEY rose.

Mr. HEWITT, of New York. I would prefer that my friend would allow me to go on and finish this statement.

Mr. KELLEY. I only wanted to thank the gentleman——

Mr. HEWITT, of New York. Well, then, I will yield to the gentleman.

Mr. KELLEY. I simply rose, as the gentleman referred to me, to thank him most profoundly, most heartily, for enforcing my doctrine that production has so far outrun consumption the world over that a readjustment of the proportions in which the joint production of labor and capital shall be distributed must be made.

Mr. HEWITT, of New York. "And the Lord hath delivered mine adversary into my hands." [Laughter.] The gentleman says that protection has been unable to prevent overproduction. That is the point of his remark. I go farther. I say that protection creates overproduction; that overproduction is the logical end and unavoidable conclusion of protection.

Then, when you have overproduction what is the consequence? You have a limited market; it is walled in by the tariff; there is no access to the outside world. What can you do with the surplus? Nothing but pile it up as long as your money lasts, and then stop. And then these protected workmen are left to starve, so that starvation is thus the literal and logical sequence of protection.

Overproduction is not a cause; it is a result. It is the result of causes that are vicious, for if artificial obstructions and interferences had not been created, will any man in this world tell me that there would be overproduction? Why, sir, the gentleman's long appeal to this House was based on sympathy for the people who are starving for the very things which are superabundant but which they could not buy. Overproduction means that there is inability on the part of some one in some part of the world to procure and consume the things which are elsewhere in superabundance.

Under the beneficent laws of God production is a blessing. Good harvests mean comfort and happiness to the people. A large crop of pig-iron, if I may use the phrase, means the progress of great industrial enterprises. God has not cursed His people with the great contradictory law, contradictory to His omniscience, to His omnipotence, to His universal Fatherhood, that the labor of man shall destroy his happiness and close up the gates of joy for him and his offspring. It is the laws of man that have done this thing. The laws of man have erected artificial impediments; for when in any country or in the world you come to the condition when people say, "There is overproduction," it means only this: that the machinery of distribution is not equal to the machinery of production; that mankind in the eager pursuit of wealth have pressed one side of the economical machine to its full power, and neglected to see that the other side of the machine, which discharges and distributes the product, is equally developed and improved.

Now, then, if lack of proper distribution be the real key to the situation, as it is, then what is the logical conclusion? Remove the impediments to distribution which you have artificially created; remove them here, remove them everywhere, and let the world taste for once the beneficence of an Almighty Father, who intended that his children should be happy.

THE LAW OF VALUE.

The law by which value is created, Mr. Chairman, is simple, but it is not often considered. What we call industry is the conversion of natural energy, of physical force stored up in nature, into useful forms by the skill and labor of man. The cost is measured by the difficulty of reaching these natural stores; in other words, of extracting the crude material from the earth, and by the labor which is put upon it afterward giving it form and value.

Now the greater the benefaction of nature, the greater the stores of this force, the more accessible these treasures, the less human labor is required for their development, and for their conversion into what we call property. Measured by that standard, there are two countries that Providence has endowed with great resources, more accessible and in larger quantity, than in any other countries in the world, and they are Great Britain and the United States. Hence wages in Great Britain, under a natural order of things, will be higher than in any other European country. Hence, under a natural order of things, wages in this country will be greater than they are or can be in Great Britain; for a less amount of labor will produce on the average in this country a greater amount of value than it will in Great Britain. What deductions are to be made from these results to labor? If there were no intervention of any other elements the answer would be simple. The laborer's wages would be what is left after paying for the raw material and selling his product in the open market of the world.

But there is another deduction. Capital is necessary for the exploitation of human industry, of these natural resources. It may be paid for in one of two ways, or in both of them—by profits or by interest, or partly by profits and partly by interest. The lower the rate of interest the more cheaply the final value can be produced, and hence the lowering of the rate of interest all over the world, due to great accumulations of capital which have come from the inventions and progress of the age, is the greatest benefaction that the human race has yet seen. It is as the dew of Heaven; it "falls upon the just and the unjust."

PROTECTION PARALYZES LABOR-UNIONS.

But where the operations of industry are under the control of owners who have capital, the owner takes both interest and profits, and interest and profits are both deducted from the wages of labor. Is there any remedy, has any remedy been found to prevent the owner from appropriating to himself all the earnings of industry, except that which is required to give a bare subsistence of the lowest order to the workmen who perform the labor? Wherever and so long as protection prevails there is no remedy. Where there is free trade the power ultimately passes from the owner into the hands of the workmen. In this country we have tried to apply the great remedy which has been applied in Great Britain with such remarkable results, and which is only at the beginning of its triumph. I mean the organization of labor into trades-unions, whereby labor is pooled for its own protection. Trades-unions are the weapons of attack and defense which free trade has created for the protection of the workingmen; and they are all the protection that the workingman needs.

But in this country trades-unions are paralyzed by protection. The two principles are at war with each other. As long as we have a protective system trades-unions must be feeble and finally die. Let us prove this conclusion by tracing the effect of the protective system to its necessary conclusion in overproduction and stagnation.

Protective duties stimulate industry, we are told; and they do so until the market is fully supplied. Business rapidly increases where there is a monopoly of the market. Where profits are large, capital rushes in. It is not the capital of the workman, it is the capital of the owner. He takes not merely the profits of the normal business, but he adds to it in times of good demand the entire duty which is imposed by the tariff. And this he did, and was doing, when I spoke in this House two years ago, in one great department of our industry, the manufacture of steel rails, which were then subject to a duty of $28 a ton. The price of the foreign rails had advanced to a point where it would have paid him to make rails without any duty; but of the duty of $28 a ton he added $27 to his price, and transferred from the great mass of this people $50,000,000 in two years into the pockets of a few owners, who thus indemnified themselves, in that short time, nearly twice over for the total outlay which they had made in the establishment of the business. They had a right to it; the law gave it to them; it was the "pound

"A. Well, coal-mining in Pennsylvania, in my opinion, is more important than ore-mining, and the condition of the coal-miners in the State of Pennsylvania is pitiable and miserable.

"Q. How so, and how much so is it?

"A. It is because the wages of coal-miners are too low; they are ill paid. Then, too, they suffer from the truck system. Under that system they pay 100 per cent. more for what they buy than our people do. Then the houses they live in are extremely miserable. If I feel for any particular branch of labor in this country it is the poor coal-miner. He risks his life day after day for a mere pittance. Every time he departs from the light of day he does not know whether he will see it again, and while in some branches it does not require much skill to be a miner in others it does, and I think that the coal-miner ought to be better paid, better clothed, better housed, and better fed than he is.

"Q. Have you been among those miners?

"A. Yes, sir; and from my experience among the coal-miners in England I may say that they are really better cared for there than are the coal-miners in the United States. I do not say the English miner gets as much money for his labor, but he is better cared for.

"Q. Do you mean that he has more comfort during the year?

"A. Yes, sir."

From the last annual report on labor and industries in New Jersey, from the hands of a protectionist, I extract the following statement:

"Progress and poverty seem to be the concomitants of our civilization, and while the phrase so generally heard that the rich grow richer and the poor poorer may not be strictly true, it is painfully evident that the advance in our social life, great as it has been through the past half-century, bears no sort of proportion to the increase of wealth, knowledge, and material appliances. Labor receives no fair share of these advantages which bring out in strong relief the inequalities of our modern life; with the increase of palatial residences for the rich few the tenement-hovels of the many poor increase; with the erection of the costly church edifices and school-houses of the country, the enlargement of our jails and almshouses. The greed for gain, so characteristic of our age, makes the chief end of life the acquisition of wealth, and the increasing competition is the plea by which the employing class seeks to justify the reduction of wages of the employé to the lowest possible level sufficient for bare existence. In periods of business depression, which so often recur, the wages cease entirely, and the wage-workers are left dependent on private or public charity. The great army of tramps and vagrants is recruited from unemployed workmen. As long as this state of affairs continues it is idle to talk of any social improvement of the workmen."

of flesh." Did they divide any portion of that magnificent bounty with the men they employed? Were not those men subjected to the rigorous law of supply and demand? And how inexorable that law is, when applied to labor, can not be understood until you recollect those vast regions of the world which the gentleman from Pennsylvania tells us is filled with pauper labor, open to be brought here in competition with our American labor.

Wages were advanced a trifle, and something was doled out from the great mass of this legislated wealth to the workmen; but any attempts of the trades-unions to get a fair share of this great profit would have been met, as it is met to-day, by the importation of foreign labor. Aye, in the State of Pennsylvania to-day the Hungarian and Polish immigrants are fighting for the crust of bread which is denied to the American workmen. The trades-union, therefore, in an overstocked market, with the doors open for foreign immigration, is absolutely powerless. It is always powerless except in the single contingency of a very active demand, when it will not pay the owner to derange his business by a short stoppage.

But how often are we confronted with the other spectacle, of workmen striking to resist the reduction of wages made in consequence of an overstock of goods, and failing utterly, as they must do, in the object they have in view. At the great strike in Pittsburgh last year, which lasted four months, the owners rejoiced at the stoppage, because they had a large surplus of goods on hand. The stoppage was a benefaction to the masters, and of course the trades-union failed.

I want the workmen of this country to comprehend this great fact. They have no means of bringing owners to terms except through their labor associations, and their labor associations fail every time when you have an overstocked market.

But we are told by the gentleman from Pennsylvania [Mr. KELLEY] that overproduction is the inevitable result of the protective system, as I have shown, in a restricted market, where the surplus can find no outlet.

Mr. KELLEY. The gentleman will pardon me a single moment. I accept entirely his proposition that the means of distribution are unequal to carry the results of the means of production. I accept the proposition, and I say the only remedy for the laborers of free-trade England and of protected America is a better distribution of the joint proceeds of capital and labor than now prevails.

Mr. MORRISON. To be obtained by more taxes, I suppose?

Mr. HEWITT, of New York. Is this the speech of the gentleman from Pennsylvania or mine? [Laughter.] I am getting in doubt.

Mr. KELLEY. It is your speech.

Mr. HEWITT, of New York. Granted; but this is not the time to indorse speeches, and the day of indorsement is past.

Mr. KELLEY. I will not agree with the gentleman any more.

Mr. HEWITT, of New York. The gentleman from Pennsylvania has come to agree with me in more than one thing. He is, I believe, in a hopeful condition of conversion. [Laughter.] He is now on my ground on the silver question, and is in favor of reducing the duty on works of art, and I expect to see him join me in the end to pull down that temple of protection which owes so much of its vast proportions to his efforts. [Applause.]

Now, Mr. Chairman, I have shown, or tried to show, how futile in a restricted market is the system of association of labor, which is the only star of hope in the firmament of the laborers, and how impossible it is for it to succeed in this country, because manufactured surplus products, which compel stoppage or low wages, are forbidden by our protective laws to be carried to the open markets of the world.

FREE TRADE STRENGTHENS LABOR-UNIONS.

Let us see how it is in Great Britain. I will now refer to the subject to which the gentleman from Pennsylvania [Mr. KELLEY] called my attention and to which I promised consideration. The condition of Great Britain in the year 1824 was simply deplorable; starvation stalked throughout the land. It was the year when laborers, rendered desperate by want, rose in their might and, blinded to the fact that they were destroying their own means of livelihood, burned the wheat-ricks of England. In that year Canning and Huskisson began the great work of clearing away the prohibitory and protective duties of Great Britain. They went slowly but they went surely to the end. They began with raw materials, they progressed to secondary products, and finally they swept away the whole mass of duties which impinged on manufactured goods. How fared it with the workmen of England? More wretched than the beasts of the field, Mr. Chairman, as they were when this reform began, every hour has witnessed amelioration in the condition of the wage-earning class of Great Britain. Every restriction removed, every prohibition annulled, raised them in the scale of being.

My first visit to England was in 1844, just after the last of these protective duties had been removed, and just as Cobden and Bright were gaining the great victory which gave free food to the nation. I have gone to England since 1862 generally once in two years. The subject which has interested me most has been the condition of the European workmen. I never failed to mark in Great Britain a steady improvement. In 1867, when I wrote my report on the French exposition, which those gentlemen are so fond of quoting, I found the condition of the English workman better than that of the French or German, but not equal to the condition of the corresponding class in this country.

I believed that the difference was due to the tariff, and I said so. I have gone often since, and I have found the condition of the British laborer steadily improving in all that goes to make up the life of man. On the other hand, my business and inclination has enabled me to study the condition of American labor, and I confirm the testimony given before the Labor Committee of the Senate, that the condition of American labor has steadily gone down. It needed something to open my eyes, and unwelcome facts set me to thinking. But more than that, I am a manufacturer.

Mr. Chairman, I may be pardoned for some reference to myself. Others have had no hesitation in picking me out as an example to be reprobated; and one gentleman, or rather one member of this House—a member of the last House and a member of this one—went so far as to pry into my family affairs and to refer to my domestic concerns. What he said was absolutely false, as usually these criticisms have been. This incident, however, recalled the fact that I once believed that protection was necessary for the prosperity of my own business. I believed it and acted upon it. But when after forty years of close attention to business, with the use of abundant capital and without sacrifice to procure it, after having built up a great establishment which at least does not compare unfavorably with those of its kind, I discovered that not only were the workmen not better off by reason of protection, but that I was not better off. That if I had taken the money invested in that business and loaned it out at the current rate of interest on good security, which we will take to be 5 or 6 per cent., my firm would have been richer to-day than we are out of the vast business we have been conducting.

Mr. WARNER, of Ohio. Suppose that all other manufacturers in this country had done the same thing, let me ask the gentleman what would be the condition of the loan market?

Mr. HEWITT, of New York. I do not know what would be the condition of the loan market. But I do know that I have never found any difficulty in getting people to take all the money in that way which was offered to them. [Laughter and applause.]

Mr. WARNER, of Ohio. And give good security?

Mr. HEWITT, of New York. Yes, sir.

Mr. WARNER, of Ohio. And at 5 per cent. interest?

Mr. HEWITT, of New York. Yes.

Mr. WARNER, of Ohio. Can you do that now?

Mr. HEWITT, of New York. Certainly; and I will state to the gentleman that the banking firm of A. Corbin & Co. have an advertisement, which I have seen within a few days in several journals, in which they invite the public—and I give them the benefit of this notice for nothing—invite the public to bring their money to them, for which they will undertake in sums of any amount to give 7 and 8 per cent. interest on loans in Iowa and other Western States. And they give the results of some fifteen years' operation in the business, during which loans have been made amounting to many millions of dollars, in which they show that not a penny of loss has taken place. They invite the public to come forward and bring in their means and dump it into their hoppers, for which they promise a higher rate of interest than I have been able to realize in my business.

Mr. WARNER, of Ohio. Then that would go to show that some industries must be prospering in this country, and are profitable.

Mr. HEWITT, of New York. But it is not an evidence of prosperity when a man is compelled to borrow money at 7 or 8 per cent.

Mr. WARNER, of Ohio. No; but it is an evidence of prosperity if a man is able to borrow it, and can give security at that high rate of interest for it.

Mr. HEWITT, of New York. He may be forced to pay a high rate of interest by the exigencies of his situation. But I admit that they can borrow it, and I want to make it possible for the farmers of this country, if it be necessary, to be able to borrow money and pay good interest if his welfare is thereby advanced. But the reason why the farmer was able to pay high interest is well known to the gentleman from Ohio, and he knows as well that the causes which led to it are no longer at work. From 1873 to 1879 there was an era of short crops all over the world except in this country. Here we had abundant harvests and there was an abundant market in Europe. The price of wheat went up to $1.98 a bushel in New York city, and there came a flood of wealth back from Europe into this country. And yet during all that time, with the flood of wealth pouring in upon us, when we had the influence of a high protective tariff, there never was, and I hope there never will be, such an era of distress among the protected industries of the country as existed at that time. They were all ruined and broken down. Two years ago in this House, when I elaborately discussed the causes which brought about the prosperity of the farmers, I pointed out that it was temporary, being due to this invasion of large amounts of money, stimulating new enterprises and opening new wheat-fields. I predicted that the prosperity would come to an end as soon as Europe could get her supply of food from any other quarter. And it has come to an end, and to-day the farmer can not produce wheat at the prevailing price and pay his expenses. The only chance that is left for him is that manufactures shall be established in his neighborhood and give him thereby

a market for his produce, saving the cost of transportation. But manufactures can not grow in a market already overstocked——

Mr. WELLER. Will the gentleman allow me to ask him a question?

Mr. HEWITT, of New York. When I get through with the sentence which I have begun I will hear the gentleman's question.

Mr. WELLER. It will not be apropos except at this point.

Mr. HEWITT, of New York. Well, now, the gentleman has succeeded in interrupting the current of my thought. I must decline to yield for a question at present. I was saying that the farmers of this country can have but little hope for the future without manufactures, and that manufactures can not grow in an overstocked market.

There is only one way by which they can be reopened and enlarged, and that is to make a market for our manufactures in the open markets of the world. The gentleman from Maine [Mr. DINGLEY] this morning referred to the fact that we buy more from Cuba and South America than we sell to them. He seemed to be ignorant of the fact that we sell more to England than we buy, and that we take the surplus which we sell to England, the money realized by it, and pay the debt for that which we buy in South America, in Mexico, and in Cuba. But if we could produce manufactured goods in competition with Great Britain there would be a change in the current of this business. As it now is, we sell food to Great Britain; Britain consumes the food in making manufactures. The manufactures are exported to South America, and we pay for what we buy there by drafts on London against the food we have sold in England, and the account is balanced in London by the balances of trade between the respective countries. But let the manufacturers have a chance to go out and export the $100,000,000, of which the gentleman from Maine speaks, direct to South America and Cuba and Mexico, and we will get in exchange the commodities of those countries—in direct exchange; and we will thus build up the shipping business which the gentleman so much desired to develop, and at the same time increase our manufactures and the demand for the farmer's produce.

Now, Mr. Chairman, returning to the point where I was when I was interrupted: I wish to call attention to the proof that the condition of the British laborer has steadily improved under the operations of free trade. For this purpose I shall not resort to assertion; I shall bring proof. Mr. Robert Giffen is the secretary of the statistical department of the English Board of Trade and also the president of the London Statistical Society. He is the most eminent living authority on the subject of statistics. His diligence, his intelligence, and his rectitude have never been called in question, and they can not be questioned. Mr. Giffen, in his address before the society in November last, treated of the progress of the working classes of Great Britain in the last half century. I have procured this document, which I regard as the most important contribution to social statistics ever made in any country, to be republished in the Popular Science Monthly for the month of May, and I ask every gentleman to read it for himself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TURNER, of Kentucky. I ask unanimous consent that the time of the gentleman be extended.

A MEMBER. For how long?

Mr. CHACE. I hope the gentleman will have all the time he wants.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from New York be extended indefinitely. The Chair hears no objection.

Mr. HEWITT, of New York. I thank the committee, but I may say that the reason I am taking more time than I expected is because the speech I intended to make was so much better made by the gentleman from Ohio [Mr. HURD] that I have been compelled largely to shift my line of discussion.

The title of the pamphlet to which I have referred is "The progress of the working-classes in the last half century." I just now simply give the conclusion of Mr. Giffen. I shall be disposed to append more of this document to my speech unless the House should consider it an infraction of privilege.

From this it appears that the increase of what is known as working-class income in the aggregate is greater than that of any other class, being 160 per cent., while the return to capital and the return to what are called the capitalist classes, whether it is from capital proper or, as I maintain, a return only in the nature of wages, has only increased about 100 per cent., although capital itself has increased over 150 per cent. At the same time the capitalist classes themselves have greatly increased in number, so that the amount of capital possessed among them per head has only increased 15 per cent., notwithstanding the great increase in capital itself, and the average income per head can have hardly increased at all. On the other hand, as the masses of the nation, taking the United Kingdom altogether, have only increased about 30 per cent. since 1843, when these income-tax figures begin, while their aggregate incomes have increased 160 per cent., it is explained how these incomes have gained, individually, about 100 per cent. as against hardly any increase at all in the incomes of what are called the capitalist classes on the average. Thus the rich have become more numerous, but not richer individually; the "poor" are, to some smaller extent, fewer; and those who remain "poor" are, individually, twice as well off on the average as they were fifty years ago. The "poor" have thus had almost all the benefit of the great material advance of the last fifty years.

We may now conclude this long inquiry. It has been shown directly, I believe, that, while the individual incomes of the working classes have largely increased, the prices of the main articles of their consumption have rather declined; and the inference as to their being much better off, which would be drawn from these facts, is fully supported by statistics showing a decline in the rate of mortality, an increase of the consumption of articles in general use, an improvement in general education, a diminution of crime and pauperism, a vast increase of the number of depositors in savings-banks, and other evidences of general well-being. Finally, the increase of the return to capital has not been in any way in proportion, the yield on the same amount of capital being less than it was, and the capital itself being more diffused, while the remuneration of labor has enormously increased. The facts are what we should have expected from the conditions of production in recent years. Inventions having been multiplied and production having been increasingly efficient, while capital has been accumulated rapidly, it is the wages receivers who must have the benefit. The competition of capital keeps profits down to the lowest point, and workmen consequently get for themselves nearly the whole product of the aggregate industry of the country. It is interesting, nevertheless, to find that the facts correspond with what theory should lead us to anticipate.

All the statements of individual cases of misery made by the gentleman from Pennsylvania weigh nothing against this great conclusion of an investigation based upon facts running over a period of fifty years. If individual cases of misery were to be a test, the gentleman from Pennsylvania [Mr. KELLEY] has only to go to his own city, and I have only to go to mine. Sad it is to think that there is no large aggregation of people anywhere in the world where there is not great human misery. So far as this misery exists in England it is due only to one cause, intemperance, where money enough is expended each year in drink to provide for all its pauperism and misery. So far as it exists on the continent of Europe—and it is greater in the protected countries than it is in England, as the result of my observation made in England, France, Germany, Turkey, and Italy last year; it is less in England because England has greater natural resources—but all over the Continent the cause is to be found in the great standing armies, which have converted Europe into an armed camp garrisoned by 2,000,000 of soldiers, who eat up the substance of the people. With my own eyes I have seen a woman cut up a dead carcass because her husband was in the army and would not return to his family for three years; that was in Austria. She did his work and did it well, too.

I have seen a woman and a dog harnessed to a cart drawing a drunken husband home from market to his house. Would I draw deductions from this, as the gentleman from Pennsylvania does from sporadic instances, that Austria, where I saw this sight, was, too, a country in which human happiness had ceased to exist? No, sir; if I want to know the condition of Austria I will take in the whole circle of its interests and its people, and I will draw my deductions from the incontrovertible evidence of large masses of facts.

VALUE OF TRADES-UNIONS.

In England these results thus given by Mr. Giffen have not been produced by free trade alone. I want the gentleman to understand this matter fully. The foundation was laid by free trade, but the result in its best estate was caused by trades-unions. Free trade made it possible for the trades-unions to organize and go to the masters and say, "Your contribution is capital, which is worth in business 5 or 10 per cent., as may be agreed; your other contribution is management and administration; that is worth a certain percentage, which is easily determined by the experience of the nation. The rest belongs to us, and we intend to have it." And they have got it. There is, however, one great deduction to which the British workman is subject, which does not apply to us, and that is the rent of the land, which is paid to the privileged classes, and is the heritage of a past age and an obsolete system of government, when the nobles were responsible for the defense of the country. But under the beneficent action of free trade in food, which opens the granaries of the world to British markets, rent is falling, privilege is dying, and the progress toward equality before the law is making rapid and satisfactory progress. That England is not retrograding, but is steadily increasing her industry, is proved by the fact that her annual output of coal, which measures her productive power, increases year by year, and that last year it exceeded by over 6,000,000 tons the product of the year before. That the people are in good condition is proved by the "sugar test," which is the best measure of the comfort of the great mass of the people. In 1883 the sugar consumed in Great Britain and Ireland was 67.3 pounds per capita of population; in the German Empire it was 18.3 pounds; in France it was 27.2 pounds; in the United States it was 43.25 pounds.

In a strike which I witnessed on the Brighton Railway in England I had an interview with one of the chief officers of the great Association of Amalgamated Engineers. I asked him what was the limit of the wages which they expected to get from the railway. He said: "There is no limit; we intend to have all the net earnings of these railways, except a fair remuneration for the capital actually invested and fair salaries for those who administer them; and the only question with us is how to find out what the amount is, and we intend to have it." That great association contained as its members all the engineers of Great Britain, numbering many thousands. It has a great fund in its treasury of nearly a million of dollars, and it has had as much as a million and a half dollars at one time.

It selects one concern at a time and puts the men there employed upon a strike until their demands have been acceded to. The hours of labor have been cut down by this process to fifty-five hours per week, and the wages of labor have been largely increased, for no man can say them "nay" within the limits of right and justice which they strive to observe.

With this example other trades have organized, and these trades have confederated together and now constitute a great congress. They met

in 1881 when I was in London, and the figures of that time are the latest that I happen to have. There were one hundred and fifty-seven delegates in that congress, representing a constituency of 463,899 members. They met there to consider what could be done to raise the average condition of the British workmen. Their deliberations were conducted with a calmness, with a courage, with an intelligence that would do honor to this House or to any other deliberative body in the world. They did not seek to attack capital. They have learned that capital is their best friend, but they intend to make it their servant, and they can make it their servant.

There is a steady increase in the growth and influence of this great organization, but what concerns me here is to define the significance of such organizations. The labor of Great Britain to-day is practically pooled for the purpose of securing out of the products of industry the full portion which ought to be alloted to labor after paying current rate of interest upon capital and a proper remuneration for management. This result they have been able to accomplish. The rate of wages has steadily tended upward in Great Britain, and although much time has been lost in disputes ending in strikes, the result of the organization has been to introduce arbitration between the masters and men, so that strikes are becoming the exception rather than the rule in trade disputes. In these arbitrations the masters and the workmen meet upon equal terms. The result is a better understanding of each other's rights, interests, and duties, and out of which is slowly growing, through the agency of co-operation, the association of the workmen with the owners in ownership and management of the property.

That process is only at its beginning, but, thank God, the day is at hand, and will surely come in my time I hope, when workmen themselves will be the owners of all the machinery upon which they expend their daily toil, and shall themselves have whatever profits the God of Nature intended them to have as the fruit of their labor. [Applause.]

That process in England will precede its possibility in this country, but it will be there as a great example. In this country it can not begin until protection is broken down. I repeat that protection is in the nature of artificial friction causing so large a deduction from the earnings of labor as to prevent the accumulation of capital in the hands of workmen.

Hence I have changed my views. I have changed my views because I am a Democrat who believes that the welfare of the people is to be considered before the welfare of any single interest or of any single man. [Renewed applause.]

LAW OF THE REMUNERATION OF LABOR.

Let us try to measure the limit to which these organizations will enable the workmen to progress in securing for himself the largest possible remuneration for his labor. We have seen that after paying capital the natural resources of the country will determine the rate of wages of its workman when the markets of the world are opened for the free exchange of the fruits of his labor. Under natural laws they will be exchanged for the products of other countries where production is carried on under less favorable circumstances. The profits will therefore be the difference between the natural resources in the exchanging countries, and the whole of these profits belong and will surely come to the possession of the working classes unless they are obstructed artificially by the operation of law.

Hence Great Britain will exchange with all other countries, except the United States, at a rate which will enable her workmen to be better paid than the workmen of those countries, but the United States, having greater natural resources than Great Britain, will exchange with her and all the world upon still better terms. Hence our workmen under natural laws will be better paid than the workmen of Great Britain. But such a result is only possible with free trade, because the protective system prevents our products from going out into the markets of the world in free competition with those of Great Britain. Nor can the beneficent principle of association embodied in the trades-union system be available by the workmen of this country until they have free access to the open markets of the world by which alone they can avoid the paralysis of overproduction. I do not know that the manufacturer will gain by free trade; I do not know that the capitalist will gain by it; but I do know that the workman is suffering for the want of it, and that the improvement in his condition after it is achieved will be as marked and as satisfactory as that which has been accomplished in Great Britain during the last fifty years. And I know further that the workmen of this country will have no trouble to get their fair share of the profits of industry when they are put in the position, as now they are not, of making practical use of the principle of association, out of which in other departments have sprung the great triumphs of modern civilization.

To these conclusions I have been forced by my experience, by my observations carefully made at home and abroad, and by the conscientious study which I have given to the industrial and economic systems of other countries, and to the conclusions of the great thinkers of modern times. To one among these thinkers, Thorold Rogers, I commend the attention of the gentlemen who still believe in the efficacy of the protective system to promote the welfare of the wage-earning classes. His great treatise on "Work and Wages" has just appeared in England and in this country. He confirms in a most remarkable manner the conclusion which I have announced, that the wage-earning classes of the world have no hope except in freedom of trade, and in the organization of the trades-unions and labor partnerships. In that admirable work he has developed the remarkable fact that the reward for labor in Great Britain has just recovered to the point which it had attained in the fifteenth century, when through the agencies of the guilds, which were labor partnerships, labor was far better paid than at any time in the history of the human race. The progress to this conclusion was in his mind slow, as it has been in mine. Nevertheless, in a paper which I submitted to the church congress in 1878, I announced this conclusion and discussed the probable results to society. This paper I shall append to these remarks in the RECORD.

The proposition can no longer be successfully disputed that for the welfare and improvement in the condition of the workers for wages the principle of association in labor partnerships or trades-unions is indispensable, and offers a solution of the perplexing problem of the proper relations of capital and labor. But before this great solvent for human suffering can be applied, industry must be relieved from its shackles, and its products be freed from obstructive duties, which add to the cost so as to prevent free exchange.

HOW TO BEGIN THE REFORM.

Mr. Chairman, how would I begin this great reform? How would I bring about this magnificent policy, this redemption of the sons of toil from the servitude of ages? I believe that the protective system must go [applause], but it must go as it came, slowly, and by such wise and moderate steps as will commend themselves to the judgment of all fair-minded men.

To abolish protective duties at once would ruin me, it would ruin the manufacturers, it would dislocate the labor of this country now engaged in the protected manufactures. We have no right to inflict this wrong. Hence, with the views I entertain, I have not hesitated upon all occasions to confirm the statements of gentlemen upon the other side that this reform must be made slowly. I warn my friends upon this side not to proceed rashly. I warn them that any mistake they may make will be taken advantage of by the manufacturers to put down wages, and to persuade the workmen that we are their enemies, and not their friends.

There is only one method by which we can accomplish this great result. Remove duties where it is possible—and there is plenty of room—without injuring existing interests, and then the steady progress in the improvement of the condition of the working classes, especially in their regular employment, without loss of time, which is what they want now more than high wages—this steady progress will convince the workingmen that we are on the right road; and particularly will it convince them when they find that in the day of profits their trades-unions will be powerful enough to demand a better and fairer share of the earnings of industry.

I would begin with the raw materials. Gentlemen on the other side are very fond of repeating that phrase. Let me tell them that they have a constituency behind them that wants raw materials just as much as I do. Let me tell them that the manufacturers of New England are to-day perishing for the want of raw materials.*

And I know what I mean by "raw material." Gentlemen have chosen to pervert my definition of that phrase. I have defined it and I will define it again. For the purpose of tariff reform I mean by raw material those articles to which no process of manufacture has been applied.

Mr. SPRINGER. Or human labor.

Mr. HEWITT, of New York. I do not say that. There are many raw materials which involve human labor; all of them, I believe, involve human labor. I would permit duties to begin when the process of manufacture has begun, not before. All the others I would put on the free-list, and I would put on it such manufactured articles as we do not make in this country. Of these tin plates is the most striking example.

And I know nothing that would suffer unless it be the wool of my friend from Ohio [Mr. CONVERSE]. I do not believe it will suffer, but there is one class of wool which might be put on the free-list without any damage to the interest he represents. I mean carpet wools. Then I would limit duties. I would not have those excessive rates of duty which contradict the sense of justice of every man upon the Commit-

* No tax can be worse than that which is levied on a raw material, because, as a portion of the capital of the manufacturer is absorbed in paying the tax, and as this portion must secure a profit and be insured against risk not less than that which is employed in the purchase of raw material and the advance made for the wages of labor, and as this tax is levied at or before the commencement of the process, it will ramify through all stages of the manufacture, and appear as one accumulated impost to the consumer, the amount thus paid being far in excess of that received by the exchequer.

Furthermore, it is grossly unfair, being much more heavy on cheaper than on dearer stuffs. Nor can it easily be compensated when the same article may be imported from foreign countries in which no such tax exists, except by a duty which is almost prohibitive. And as raw materials are generally imported from countries which take manufactured goods in exchange, such a tax, as it diminishes consumption by an import duty unduly enhanced, seemingly impairs or counteracts foreign trade. The same objection applies to taxes on food, which are in effect taxes upon the raw material of human life. These taxes have this evil in addition: that they contribute to the exchequer only from what is imported, while they mulct the public in all that is consumed.—*Thorold Rogers, Brande's Encyclopedia*, article "Taxation," volume 3, page 710.

tee on Ways and Means. I would have rates beyond which no article on each schedule could go.

Then I would go before the people of the country and say: "We have begun the work of redemption; judge you 'the tree by its fruits.' Are you better employed? Have you steadier wages? Have you more of the comforts of life? If you have, then let us go on with the good work."

If it should turn out to be otherwise, then, Mr. Chairman, I would pause. I am not bigoted and prejudiced as once I was. I can be converted from opinions which I once held by the logic of facts and experience.

Mr. BRUMM. Will you allow me to ask a question? Your time is unlimited.

Mr. HEWITT, of New York. But my voice unhappily is not.

Mr. BRUMM. Only one question. Would the gentleman be in favor of repealing the conspiracy laws of this country?

Mr. HEWITT, of New York. Absolutely.

Mr. BRUMM. As they are in England?

Mr. HEWITT, of New York. Absolutely. They are a disgrace to the statute-book. I will go with the gentleman from Pennsylvania or any one else to the very end in giving the laborer the same rights before the law that he has before his God. I would deprive the workingman of no right which is enjoyed by his employer, but I would not allow him to injure his employer or other workmen by intimidation or violence. My grievance against the protective system is that it robs him of at least half of what he might have had, and probably of two-thirds of what he will have when the era of free trade prevails throughout the universal globe, and men and brothers may make exchanges with each other as if they were all the subjects of one government and one law. [Applause.]

HOW TO PROCEED.

Believing as I do that we have reached an era of permanent low prices, which will greatly benefit the masses of the people if we accommodate ourselves to the necessities of the situation, nevertheless I would proceed slowly, especially at the beginning, toward their accomplishment. I would follow the great example set us by Great Britain, which, in the legislation of the tariff of 1842, proceeded upon the doctrine: first, of freeing raw materials from duty; secondly, of a low rate of duty upon articles partially manufactured and of a higher rate of duty, there 20 per cent., but here necessarily higher upon completely manufactured articles. No interest would be injured by the application of these principles. The freeing of raw materials would be a benefit to every interest.

I have been reproached with desiring to get free iron ore, on the ground that I am a buyer of it and use it in my business, but the fact is that I rarely buy foreign iron ore, but am a miner and seller of American ore. I am fully protected against any differences in the cost of labor by the cost of transportation. I should be a gainer, however, by the larger market which would be secured to me if I could mix my ores freely with foreign ores. The result would enable us to produce cheaper iron, which would give new life to every branch of business in this country. The same statement is true as to the other ores of the metals. It is true as to ingot copper, which is a secondary product, for we are now able to export our copper in competition with all the world. The duty is a mere nullity and should be repealed, because if copper should rise in the markets of the world it would simply be a bonus paid out of the pockets of our consumers to a particular interest which has no need of it.

THE RESULT.

But, in view of the fact that public opinion is not yet well settled upon this question, and that the prejudices of the manufacturers and farmers and workmen are largely on the side of the protective system, I would not attempt to go as I have heretofore said, in advance of public opinion. I would begin at the foundation, and by removal of duties from the materials which enter into the protected industries, prepare a way for the gradual and final abolition of the duties upon the finished products. At every step of this process the condition of the workingmen of this country would improve, and when they once realize the beneficence of the progress toward free trade, the journey will be soon completed, and the United States will be emancipated from a system which is at war with the declaration of the preamble of the Constitution of the United States, which declares that it is designed "to secure the blessings of liberty to ourselves and our posterity."

THE FINAL TRIUMPH.

The progress of the human race toward freedom has been slow and painful, but it has been sure, and in accordance with a well-defined law, now clearly traceable, in the history of man. It began with the struggle for freedom of thought, for the attainment of which we have to thank the Greeks. Although during the long night of the Middle Ages the light of intellectual liberty paled, and often took refuge in prisons and cloisters, it was never extinguished, but burned with new brilliancy in the era of the revival of learning. To-day a man may freely think, write, and publish the results of thought without the fear of man, and, if he choose, without the fear of God.

The next step in the great procession of the ages was the achievement of religious freedom, asserted by Luther, and sanctified by the blood of saints and martyrs. Liberty of conscience drove our fathers to the inhospitable wilds of America, where in its turn it gave birth to political freedom, the next creation in the Genesis of human liberty. The child grew, even in our free atmosphere, but slowly and only reached its full maturity when the proclamation of the martyred Lincoln gave political freedom to every human being, without regard to color, race, or previous condition, within the borders of our land.

Industrial freedom only remains to be secured in order to complete the glorious record of the advance of the human race from servitude to liberty. For such industrial freedom we have now entered upon the final struggle. To the student of history the result can not be doubtful. It may come by moderate reforms, as I hope, or it will come as comes the avalanche, overwhelming and crushing the obstacles in its path. It may be attained by reform, or it may come by revolution.

But when it is achieved the world will be lost in wonder at its beneficent results, in comparison with which the triumphs of intellectual, religious, and political liberty, which were its necessary progenitors, will be but as dust in the balance of advantage to the physical and social welfare of the families of men.

Let us try then to form some idea of what will be the actual condition of the human race, when the temple of freedom is thus completed with its final story of industrial liberty, to which it will be glory enough to have contributed a single stone, as I am striving this day to do.

The world will be filled with wealth, partly the accumulations of past ages, and more the product of the present age, when the genius of man has made him master of all the subtle forces of nature. Capital will be superabundant, and therefore cheap. It will be like the living water which the prophet of God struck from the rock. But capital will then be the servant, and no longer the master, of labor. Labor will no longer be hired by capital, but will hire it. It will no longer work for wages, but for profits, which will be proportioned to the natural resources of each country, without deduction for the support of special classes of men, or for the advantage of special interests at the expense of the general welfare. All privilege will cease, and all men will be equal before the law, as they are before the Creator. They will differ only in physical and mental endowments, and each will be paid according to his work. Men will become more and more individualized and the property of each will thus be better defined and scrupulously respected; but the divine law that "we shall love our neighbors as ourselves" will then receive a new significance, because the force and habit of association in great industrial enterprises, wherein men have a common interest, will teach them to bear each other's burdens, as well as to respect each other's rights.

In such a state of society there will be still rich and poor, there will still be good and bad, but with the law of justice all-powerful, and legalized robbery unknown, jealousies will disappear, charity will increase, and the world, ceasing to be a pandemonium in which men are struggling with each other like demons for the possession of property, will become a paradise in which the primal curse has been converted into a final blessing.

This is no dream of an enthusiast, for I am a plain man of business, nor is it an excursion into the realms of Utopia, for I have been trained to weigh and measure the results of human action. It is a sober deduction from the study of the operation of the principle of association, which has crowned this age with material achievements of stupendous grandeur and beneficence, which is invading and taking possession of every domain of human affairs. It has already begun to organize labor for its emancipation from the bondage of ages, and it will be found as easy of application, and as fruitful of benefit, in this final field of action, as it has been triumphant and beneficent in other spheres of social development. [Great applause.]

APPENDIX.

A.

BUSINESS DEPRESSION AND REVENUE REFORM.

A letter addressed by Abram S. Hewitt to the Albany Argus, December 26, 1883.

NEW YORK, *December* 26, 1883.

DEAR SIR: I am in receipt of your letter, in which you say: "The Argus is now engaged in an inquiry into the causes and effect of the present depression of the iron industry. It is especially desired to be known what relation this state of things bears to existing tariff conditions." You ask my opinion in reference to these points.

I answer that the proximate cause of the present depression of the iron industry is to be found in the fact that the capacity for producing iron is in excess of its actual consumption, not only in this country but in those foreign countries which are large producers of iron and steel. When the supply exceeds the demand prices fall. Establishments which can not produce at the current prices without loss are compelled to suspend operations, and thus comes the actual depression to which you refer. The ultimate causes of such a state of things are unusually manifold; sometimes they are too obscure to be discovered with certainty. For example, the influence of abundant harvests or of a failure of crops upon the general condition of industry is unquestioned. Yet these very causes may produce prosperity in some branch of business while they produce depression in others. So in regard to the influence of tariff legislation. If duties are suddenly raised at a time when there is a demand for the foreign product, prices will go up and the iron business will be prosperous. If on the other hand duties are reduced so as to admit of a larger supply of the foreign product, the domestic business will be for the time being unfavorably affected and depression will result.

These, however, are only immediate and temporary effects. As a matter of fact, prior to 1878, under the highest tariff ever known in this country, we had

a long period of depression in the iron business. But about that time railway enterprises were undertaken on a large scale, producing a sudden demand for more iron and steel than the world was prepared to supply. Prices advanced all over the world, and to these prices was added the very high rate of duty then prevailing upon foreign iron brought into this country. The profits of the domestic business became excessive, and the owners of existing works proceeded to enlarge their capacity to the utmost, in order to gather this harvest of great profits, while new capital was attracted into a field in which the returns were known to be abnormally large. The business being thus overdone, a glut of iron resulted, and the reaction has brought about a state of things even worse than that which existed prior to 1878.

The evil from which we now suffer is, therefore, largely due to the fact that the war tariff imposed higher duties than were needed for protection, thus giving excessive profits to the manufacturers in a period when the profits would have been large enough without such high protective duties. We are suffering from unnatural stimulation which aggravated the excitement when the public interest required that it should be allayed, and now aggravates the depression by the excessive capacity for production which it engendered. How long this depression will continue no man can predict. But inasmuch as eras of prosperity and depression succeed each other in cycles, it is certain that sooner or later we shall come again to the period when the demand for iron will exceed the supply. Unless our revenue legislation be meanwhile reformed we shall then have a repetition of the experience through which we passed since 1878, an experience which shows that excessive profits are in reality of no real benefit either to the manufacturers, except in rare instances, or to the country at large, while the evils resulting from them are serious. They are especially injurious to the workingmen of the country, who are the chief sufferers when the inevitable reaction to unnatural expansion narrows the field of employment for labor.

The lesson to be derived from this experience is that the duties on all kinds of iron should never exceed the lowest possible point which, in time of depression, will protect the domestic market from the flood of foreign iron which otherwise might be poured into its lap. Such rates of duty, provided they are specific, will on the average yield the largest amount of revenue, because when the price rises and the producer no longer needs protection, the consumer, who does need protection, can then supply his wants at a fair price in the foreign market without paying an increased duty, if he can not get equally fair terms at home.

Moreover, the experience of all commercial nations has shown that moderate specific duties afford the only safeguard against frauds in the revenue, as well from smuggling as from undervaluation in the invoices. The blind adherence to ad valorem duties in our existing tariff has only served to throw the importing trade into the hands of foreigners and to drive out reputable American houses from this business.

The reduction of extra-protective duties to a reasonable standard of specific duties is therefore the only practicable means of avoiding an unhealthy expansion of business when it is active. Extra-protective duties merely result in overproduction, in the general derangement of industry, and in consequent suffering to the workingmen by the loss of employment and the reduction of wages. They must be made to realize that the only fund out of which their wages can be paid is produced by the money which is received for the product of industry. Out of this fund must first be paid the cost of the raw material and next the remuneration for the capital employed in the work of production. What remains is the amount available for the payment of wages. Hence the cheaper we can get raw materials and capital the more we can pay for the labor engaged in manufactures. High rates of interest and high-priced raw materials mean therefore lower wages for labor, while cheap raw materials and cheap capital mean higher wages for labor. The workingmen thus have an interest, direct and immediate, in removing the duty from raw materials, as well in the iron business as in every other branch of industry carried on in this country. By raw materials I mean fuel, all food products, all materials to which no process of manufacture has been applied, all metallic ores, and all waste products which are fit only to be manufactured.

So far as any relief can be provided by legislation for the existing state of affairs the remedy must be found, first, in freeing raw materials from all duties; and, secondly, in imposing rates of duty on manufactured products not more than sufficient to make good the difference in the amount paid for labor in the production of any given article in this country, as compared with the amount paid for the same labor in other countries with which we compete. For this purpose the incidental protection afforded by revenue duties will, as a rule, be found sufficient when any protection is needed.

I am aware that this last proposition involves the protective idea to some extent, but to no greater extent than is the logical outgrowth of our past legislation. If we had never had protection we should not be required to pay any attention to the question of rates of labor, which are the result, not of protection, but of other conditions entirely independent of legislation. But the protective system has undoubtedly built up some branches of industry which otherwise might not, in consequence of the higher rate of wages, have existed. Inasmuch as this is their misfortune and not their fault, no sensible legislator would strike these industries down by the sudden abrogation of the protective system. We should, nevertheless, endeavor gradually to reduce its evils to a minimum, until in the progress of time it shall have given way, under natural laws, to a better and sounder condition of affairs.

But in this assurance of inevitable progress there is to be found no justification for the further maintenance of duties which only tend to reduce the wages of labor without conferring benefit on any interest whatever; duties which only impair our ability to sell commodities in the open markets of the world, and hinder the natural and healthy growth of business. All such unnecessary and hurtful obstructions should be removed without delay, and it will be a mockery of duty if Congress should fail to open the way to "freer trade" and wider markets for our products through any fear of consequences to politicians who have not the courage of their convictions, or have no other convictions than the desire for office. The mere politician follows public opinion; the true statesman instructs it. His constant aim should be to make clear to those who depend upon their daily labor for their daily bread the real basis upon which their welfare rests, and then to trust to their intelligence and votes for support. Success on any other condition would be dishonor. Any party which expects to get power by playing the game of "hide and seek" in politics does not deserve and will not gain the confidence of the country.

The only living issue, then, between the two great political parties which divides the country, as I understand it, is this: whether the revenue system shall be reformed and upon what basis of principle it shall be settled.

The Republican party believes in the doctrine of protection for the sake of protection. It insists that protective duties are constitutional, and are necessary in order to insure to the workingmen a fair remuneration for their labor. It would, therefore, impose duties as nearly prohibitory as possible on articles produced in this country, and as a policy make free those articles which are not or can not be produced here.

The Democratic party insists that the Constitution merely provides for the imposition of duties for revenue, and not for protection, except so far as duties so imposed necessarily afford incidental protection; that protective duties can not and do not favorably affect the general rate of wages; that legislation is powerless to permanently increase the remuneration for labor, although it may seriously impair it; that protection can only divert labor and capital from more profitable into less profitable channels of industry. It recognizes, however, the fact that the protective system has been so long in force and is so intrenched in judicial construction as to make it idle now to raise the constitutional question; that the amount of capital and labor now engaged in the protected industries is too great to admit of any legislation likely to do them any real injury; that the only reform now possible is in the reduction and removal of duties which are no longer needed to insure their continued existence; that these excessive duties are in reality obstructive to their prosperity; that duties on raw materials should be removed, because such duties constitute a practical deduction from the wages of labor. If the question were an open one the Democratic party would prefer to raise the public revenue by duties imposed upon articles not produced in this country, and trust to natural laws for the development of its industries. But the question is foreclosed by the great extent of the protected industries, replacing dead industries which otherwise would have thriven.

The Democratic party recognizing the necessity, therefore, of reforming the tariff in such a way as not to deprive these industries of the incidental protection afforded by reasonable revenue duties, insists that the protective system shall not be enlarged, and believes that moderate duties producing, on the average of years, a sufficient revenue, are adequate for protection at the only times when protection is needed—that is, in bad times, when our foreign competitors would seek to get rid of their surplus product in our markets, which, considering that an idle population is the greatest social calamity, we must then preserve, in order to give employment to our labor engaged in the protected industries; that at all other periods extra-protective duties merely give excessive profits to one class at the expense of other classes, ending in overproduction, stagnation of business and irregular employment for labor, powerless to protect itself against the errors of legislation and selfish action of capital striving for unreasonable profits. The condition of the business of the country at this time is conclusive proof that the protective system can not relieve either labor or capital from the consequences of overproduction, which is its legitimate result.

Between the political parties representing these two opposing views the country is soon to make its choice. The Republican party offers no remedy for the policy which has produced the existing paralysis of industry. The Democratic party proposes to open the way to freer markets, fuller trade, and better wages, by abolishing the duties on raw materials and removing the purely obstructive features of the tariff. If the Democratic House shall frame and pass a judicious measure of revenue reform, carefully adjusted to the actual condition of our suffering industries, and the Republican Senate shall refuse to concur, the issue will be fairly joined. The people can then decide whether the do-nothing party now in power shall be replaced by an administration which will remove the artificial barriers to healthy progress. When this is done, and not till then, will the country realize that it is no longer an infant at nurse, but a veritable giant, only requiring "ample room and verge enough" for the free play of its vast energies.

Sincerely, yours, ABRAM S. HEWITT.

B.

The Mutual Relations of Capital and Labor, a paper read at the church congress, in Cincinnati, October 18, 1878, by Abram S. Hewitt.

The three cardinal and unchangeable facts of humanity are the individual, the family, and society. There is and can be no other basis for government or religion. The fundamental characteristic of the individual is personal liberty; of the family, love; and of society, justice. Personal liberty implies equality of rights and contains the germ of individual property, while justice implies its equitable distribution; and this distribution can only rest upon the axiom, To each according to his work. The problem, therefore, presented to systems of religion and schemes of government is, to make men who are equal in liberty—that is, in political rights, and therefore entitled to the ownership of property—content with that inequality in its distribution which must inevitably result from the application of the law of justice.

In the solution of this problem, all the ancient religions and governments absolutely failed. Briefly summed up, their progress was either from equality of property under the patriarchal system, or from equality of political rights under the early and rude democracies, into despotism in which no rights were respected, involving the almost total destruction of civilization, and ending in the long night of the Middle Ages. With the Christian religion, and the governments which have been based upon it as a foundation, the results have been directly the reverse. Christianity co-ordinates the individual, the family, and society into one harmonious scheme. It addresses itself to the personal conscience only, and its whole scope and efficacy is toward the developement of the individual in all directions—physical, intellectual, and moral and spiritual. But the necessity for association in order to achieve results is not merely enjoined, but is the cardinal principle upon which the Church itself is constituted. Individualism and association thus go hand in hand in the march of progress; and it is a most suggestive fact that in ancient times no considerable development of industry was ever achieved, and the reason is that either the energies of the individual were deprived of free play, or society was so organized that men could not work together in peace and harmony.

Looking back over the eighteen centuries since the Christian doctrine was first preached, it is not difficult to discover the methods by which its results have been accomplished; but to one of the apostles looking forward into the centuries which have now passed it was impossible to comprehend or to predict by what means Christianity would work out its beneficent purpose. So, throughout the whole course of its history, its most devoted adherents, its ablest expounders, have not only mostly failed to discover its drift, but have frequently resisted its march of progress, as we now see, toward the successive steps by which it is developing itself into the fullness of its beneficence.

Let two illustrations suffice to prove this proposition. If individual liberty is to be maintained, then government must rest upon the consent of the governed. To this proposition is opposed the principle of the divine right of kings to govern; and yet until within a century this theory was maintained by the ablest men in the Church. Nevertheless, the right of the people to govern themselves asserted itself by silent and irresistible progress, based upon the growing convictions of mankind, until at last the whole theory of a divine right to govern was overthrown in a cataclysm of blood at the close of the last century.

And so with personal slavery. When Christ began to preach a large portion of the human race was in bondage. He incited no insurrections. On the contrary, He counseled obedience to the law. Nevertheless, He preached a doctrine which of its own innate power has sufficed, by slow and silent growth, to undermine the foundations upon which the right of property in man was upheld, and in our own day and generation the last stronghold surrendered; and henceforth the equality of men as to political rights will not be seriously controverted. And yet, during the 1,800 years which have been required for the accomplishment of this result of Christian doctrine, many of the ablest and best men in the Church resisted the operation of that silent law, which has at length secured to man the liberty with which Christ intended to make him free.

These primary steps in the Christian scheme, namely, the establishment of the right of men to govern themselves and to own and control the fruits of their own labor, may thus be said to have been only completed in our own day.

GROWTH OF WEALTH.

With the recognition of these rights has come a vast increase in the amount of wealth, which it is the object of society to accumulate and distribute. This

growth in wealth is, so far as we can judge, the direct result of the physical, political, and mental enfranchisement of man. His energies, now for the first time unshackled, have penetrated into the boundless storehouse of nature, captured the invisible forces which have heretofore guarded her treasures, and subjugated them to the service of the human race. But whether it be due to this cause or not, it is a fact that the growth of wealth has been contemporaneous with the enlargement of personal freedom.

The question of the distribution and ownership of property has always been one of primary concern to the human race, but when property is suddenly and enormously increased in amount the question assumes a proportionably increased importance and is surrounded with increased difficulties. Even if it be admitted that the existing system of distribution at any given time is equitable, it does not follow that upon a sudden development of wealth from new sources and by new agencies the old methods of distribution would continue to be just.

Hence controversies are inevitable. In ancient times these controversies resulted in intestine war and the destruction of government and society. In Christian times these controversies have not resulted in social disintegration; but, on the contrary, the social forces have been steadily developed and strengthened. The explanation of this difference is to be found in the fact that Christ based the organization of society upon the principle of justice, and whatever differences may have existed as to what justice requires, the conscience of society has come more and more to recognize the fact that it is to be done at whatever cost to vested interests, and the progress of society shows conclusively that there is a steady advance in the direction of justice.

LABOR AND WAGES.

The difficulties of the situation are, however, enormously increased by the fact of the comparatively recent enfranchisement of so large a portion of the human race. They have achieved liberty, but they have not inherited property, which is the fruit of liberty. The principles upon which they are to receive their share of the results of human effort have not only not been defined, but they have only begun to receive attention. Until the modern development of industry the compensation of labor had but little reference to what the labor might produce. The slave, the serf, the bondsman, was fed and clothed, and when freed he inherited the custom of being fed and clothed. Hence what may be termed the custom of wages was based upon what the laborer required to keep him in a condition for efficient labor. Anything beyond this limit he could get only from the conscience of his employer or by the force of his own will. The power of isolated men to resist and overcome the force of custom is very slight. No radical or even appreciable change can be effected except by a union among those who believe themselves aggrieved. In other words, the principle of association must be invoked in order to produce any marked departure from prevailing practice.

THE CONFLICT.

Given, then, a state of things in which the wealth was in the hands of one class, who necessarily became the employers of labor instead of being its owners; and the muscular power in the possession of another class, possessing nothing besides muscle, and who, out of the common results of the employment of capital and labor, obtained only a bare subsistence, notwithstanding it was apparent that there was a steady increase in the amount of wealth, which, instead of being equitably distributed, was all appropriated by the employing class—it was inevitable, as it was just, that a struggle should arise to enforce a different ratio of distribution.

What is known as the conflict between capital and labor has thus a natural origin, and so far from being a subject of regret, it is to be welcomed as evidence of a healthy and growing vital force in the organization of society. It is an effort to correct an abuse; for, however ready we may be to admit that there must be inequality in the distribution of property proportioned to the contribution of each individual to its accumulation, no one has ever pretended that the entire surplus should go to one class at the expense and to the deprivation of another class. I know that natural laws are relied upon by the economists to effect this distribution, and I am not prepared to say that these natural laws might not assert themselves by some other methods than those which we find adopted by the contending forces of society. My purpose is rather to show the way in which the problem is being solved, and to insist upon it that this particular way is not to be resisted and objected to because the abstract thinkers of the world would prefer some other method.

STRIKES AND LOCKOUTS.

What is the method of solution which we find in process of execution? The working classes think they do not receive their fair share of the proceeds of productive industry. As individuals they ask for more. The demand is refused. They combine; they call themselves a "trades-union." As a union they ask for more. The demand is again refused. They decline to continue to labor; in other words, they strike. Capital ceases to earn profit, and labor ceases to earn wages. Capital can feed upon itself for a time. Labor can not. The strike fails, and labor has made no progress in obtaining what it believes to be its just rights. Labor takes a lesson from capital. It saves money from its scanty earnings as a reserve fund to sustain itself while in a condition of strike. Then, when sufficiently strong, it repeats the experiment. Sometimes it is successful, and sometimes it is not. The reserve is generally exhausted before success is achieved, and labor falls back, sullen, defeated, but resolute. The lesson of association is not lost. The unions in different trades combine and make common cause with each other, and when one union goes into a strike the others assist. Thus they become a great power, and capital at length comprehends that profit can no longer be realized except by the consent of labor, and labor comprehends that while it can deprive capital of profit, it can only do so through an amount of personal suffering which tries the human heart to its utmost capacity, because it addresses itself to that love which is the foundation of the human family, and is a co-ordinating element in the constitution of society.

Up to this point the progress has only been attended with evil, just as the progress of mankind toward free government, and toward the enfranchisement of men was by a pathway strewn with the wrecks of human hopes, and marked by sacrifices and calamities which no pen can describe. But one good result has been achieved. Labor is thoroughly organized and marshaled on the one side, while capital is combined on the other; each powerful to destroy the other if they work together in harmony. The contending forces are thus in a condition to treat. The great result achieved is that capital is ready to discuss. It is not to be disguised that until labor presented itself in such an attitude as to compel a hearing capital was not willing to listen, but now it does listen. The results already attained are full of encouragement; the way to a condition of permanent peace appears to have been opened.

CONCILIATION AND ARBITRATION.

The first step was taken about fifteen years ago, when the principle of conciliation was successfully adopted at Nottingham. Conciliation necessarily led to arbitration, and as the direct result of conciliation and arbitration the necessity for strikes has been very largely diminished, so that it may now be affirmed that while strikes still take place they are the exception and not the rule. Let it not be supposed, however, that conciliation and arbitration are other than transitional means for bringing about the ultimate relations of peace and harmony which must exist between capital and labor before the vast evils which accompany modern industry can be eliminated or materially circumscribed.

Before attempting to point out the road which the law of Christian progress seems to be taking in this direction, I desire to re-enforce what I have already said in regard to the power of trades-unions, singly and in combination, by a few figures. The strongest of the trades-unions in England is the Amalgamated Society of Engineers. They were organized in 1851. They have passed through many strikes. Sometimes they have failed and sometimes they have succeeded. They began with an accumulated fund of £1,700. The growth of this fund has varied, as a matter of course, with the demands which have been made upon it to sustain the members of the union during a strike; but the practical result is that in 1876 the fund in hand amounted to over £275,000, and the number of members, which began with 11,617, had risen to 44,578. The Society of Boiler-Makers and Ship-Builders in ten years have accumulated a fund of £45,000. The Society of Carpenters and Joiners in sixteen years have accumulated a fund of £74,000. At the general trades-union congress held at Leicester, in 1877, one hundred and twelve of these Unions were represented, with a membership of 691,089 persons.

These figures make it apparent that a new power has entered into the industrial world which must be recognized. It is also apparent that this power can not be destroyed by force or violence unless society be destroyed with it. It must be heard. Its just demands must be heeded. This is the voice of reason as well as of religion.

WEALTH AND CAPITAL.

What are these demands, and how far are they just? In order to answer this question we must penetrate a little deeper into the true nature of what is called the conflict between capital and labor, and we must define what we mean by capital. All wealth is not capital. So far as this discussion is concerned, and so far as regards the conflict of which we are speaking, capital may be defined to be that portion of the wealth of society which is employed in the work of production and distribution. Outside of this portion of human wealth there is a vast fund which is otherwise employed, in ministering to the wants, the luxuries, the tastes, the charities of mankind.

Now, when a strike takes place it is in fact a contest between the laborers and not labor, on the one hand, and the employer, and not capital, upon the other hand. In fact, the employer is not always, nor indeed in the majority of cases is he, the owner of the capital which he uses. Sometimes he owns none of it. It may be all borrowed; and as a matter of fact some of it, to the extent of the current wages due and unpaid, is always borrowed from the very men whom he employs. No conflict, therefore, between capital and labor ever really takes place, nor indeed is it possible for it to occur. Between the individual who labors and the fruits of his labor there can in the nature of things be no conflict. The very object of his labor is to acquire these fruits, which we call capital, and the possession of this capital is necessary for increasing the productiveness of his labor. If this be true of any one man, it is true of all the men who make up society. Therefore, whether the individual or society be considered, there is no antagonism and there can be no conflict between capital and labor. The utmost that can happen is that they each cease to earn anything. Great suffering always results to the laborers, and very often ruin to the employer; and yet so far as labor and capital are concerned, while they are paralyzed for the time being, they are not capable of rendering anything to each other but benefit. Still, there is a conflict going on—a conflict which the employer, as a rule, is powerless to mitigate, and which may ruin him, although he be the owner of no capital. In other words, the employer is often the victim of circumstances over which he has no control, and of an antagonism which he rarely understands.

What is it that labor really aims to accomplish? It is to transfer to itself a larger portion of the proceeds of the business. If it succeeds, this portion must be taken either from the capital itself or from the profits of the business which have heretofore been appropriated to capital. It can not be taken from the capital without either impairing the ability of the employer to pay wages or compelling him to suspend business altogether, in which event labor fails utterly to attain its object. If, therefore, a concession is made by the employer which impairs the capital and he continues business, the impairment must be filled up from some outside source, and that source can only be that portion of human wealth which was not previously employed in the work of production and distribution. If, on the other hand, the demand of labor is met out of the profits, then the amount conceded is taken from that portion which would have been transferred from capital to this outside fund. In either case, therefore, the result is to withdraw a portion of the outside fund not in use as capital, and transfer it to labor. The conflict, then, is a struggle for the ownership, not of active capital, but of that portion of the wealth of society which is used for other than productive purposes. In its essence, therefore, the conflict is between riches and poverty, and an attempt to change the existing ownership of wealth.

RICHES AND POVERTY.

We are thus brought face to face with the great underlying question whether property is equitably distributed. What are the facts? We find society practically divided into four classes. First, the very rich, who live without labor upon the proceeds of realized property, with superabundant means which they are free to employ either as capital in business or to minister to their own desires, whether commendable or censurable. Second, the great middle class, who know neither poverty nor great riches, who are as a rule engaged in useful employments, who have more or less of the comforts and luxuries of life, and who are above the reach of want. Third, the industrious working classes, who possess little property, but who gain a decent livelihood for themselves and their families by their daily labor. They may be said to be poor only in the sense that they are liable to be reduced to want by sickness or by the chances and changes of business depriving them of the opportunity to work. Fourth, the paupers, who neither work nor care to work.

If the first and fourth classes should cease to exist, humanity would not have cause to shed many tears. The problem, then, which society finds itself forced to solve, is engaged in solving, is the mode of getting rid of these two extreme classes without revolution and without injustice. The relations of the second and third classes would be readily adjusted, because the transition from one to the other is not only very easy, but very constant. The ties between them are often the ties of family. Their interests are identical, and their relations to each other are such as can be and are substantially regulated by the principles of justice. As between them, it is scarcely necessary to discuss the limitations of wealth. But when we come to consider the position of the very rich, we are met by the self-evident fact that they possess and control an amount of property which is far beyond the capacity of any class of human beings of their limited number to contribute by their own efforts to the sum total of human wealth. In fact the present possessors have rarely accumulated the fortunes which they control. The possession of superfluous riches will not stand the test of human justice; and in affirming this I only repeat the conclusions to which the greatest thinkers and the best men who have ever lived have invariably been driven. But even if it were not re-enforced by such authority, it is in accordance with the whole spirit and temper of the teachings of Christ himself. He nowhere condemns the ownership of property. On the contrary, when he tells us that the poor we shall have always with us, He expressly recognizes that there will be inequalities in the ownership of property. He states it as a fact. But He nowhere says that we shall always have the rich with us, and the spiritual danger of great riches is repeatedly enforced.

I use the word "rich" as the Savior used it—in the sense of the possession of

superfluous wealth. I do not pretend to say what is superfluous. It is not necessary for this discussion, nor do I think it will ever come within the province of legislation to decide that question. I think it will be settled by the action of causes now in operation, by which a larger portion of the accumulated wealth of society will be transferred from the class of the very rich to the class of the industrious poor, and that the struggle which we call the conflict of capital and labor will slowly and surely effect this transfer by the gradual growth of a better understanding between employers and employed, out of which will gradually come a different ownership of capital from that which now obtains.

CHANGE OF OWNERSHIP.

How can this change of ownership be effected? Already the employers and the employed meet upon the equal ground of open discussion. Already they endeavor to persuade each other to conciliate opposing interests. Failing in this, they arbitrate, and, in order that the arbitration may be just, the employers at length produce their books of account and submit their ability to pay to the decision of a fair tribunal. On the other hand, the workingmen are free to proclaim their grievances and to assert their rights. They submit them to the arbitrament of reason; they accept the award of the tribunal; and it is to their everlasting honor that in no single instance have they ever refused to abide by the award. Having got upon the common ground of free and open discussion, it is not a difficult step to reach the ground of joint ownership. As business is now organized, the workmen do not participate directly in the profits, but they have a first lien upon the profits; in other words, they must be paid before any surplus remains for capital. If they desire to participate in profits directly this prior lien must be given up, and its abandonment will demand far greater intelligence on the part of the workingmen than they have yet displayed. But they are rapidly advancing in all the qualities which go to form the basis of intelligent action. Better elementary education and larger privileges in the exercise of the elective franchise, and the acquisition of political knowledge and sound economic principles through the agency of night colleges, mechanics' institutes and workingmen's clubs, will soon prepare the way which will lead them to make the temporary sacrifice required to effect the great change in their social status which must inevitably attend the ownership of capital.

I shall be told (and I fully appreciate the force of the objection) that there are great difficulties in the way of associating employés in the ownership of the business in which they labor. So long as human industry is mainly controlled by individuals or firms composed of individuals, and so long as the laws impose individual liability upon all the partners for the acts of any partner, it will be impossible to associate a miscellaneous mass of workmen in the ownership of the business. But in England the old legislation has been entirely reformed, with the view to admit of such joint ownership upon almost any terms that may be agreed upon. In this country we need additional legislation, but in both countries there is one fact which points the way to an easy solution of the whole question, and that fact is the enormous growth of corporations for the conduct of industrial enterprises.

CORPORATIONS.

Here, again, I detect one of those unseen agencies which so often in the progress of Christian development have been opposed, deplored, condemned by the best and wisest men, and yet go on gaining in spite of opposition and resistance until they absorb the whole field of action. Although it is not fifty years since the first industrial corporation was organized, to-day corporations control more than half, if not two-thirds, of the manufacturing business of the world. It may be therefore assumed that the corporative principle is a necessity for the development of society and for placing its products upon a basis of equitable division. To attack corporations, therefore, as is still the fashion, is, so far as I can see, to attack that phase of human organization which offers the best promise for the advancement of the working classes. Of course corporations are liable to abuses, and in the early stages of their existence they assume powers which they should never possess. They develop evils, just as strikes have produced great suffering, although the end is seen to have been beneficent. Such evils are incident to progress under all circumstances.

The most conspicuous example is to be found in the introduction of machinery, which has conferred benefactions upon mankind quite beyond the possibility of estimate. With the growth of machinery has come the displacement of labor and the growth of pauperism, evils almost intolerable, and yet by no means comparable to the greater evils which would spring from the abolition of machinery, the result of which would be universal pauperism. Because new agencies produce evils we must not lose sight of the greater good of which they are capable, and which in reality they accomplish. Now the corporate principle is the only one which admits of the association of labor and capital upon the basis of an ownership distributed among those who contribute either capital or labor. Such an ownership is indispensable not merely to harmony, but to the achievement of the largest possible results and the equitable distribution of the products of human industry.

JOINT OWNERSHIP.

This division of ownership must, however, spring not from charity, but from mutual interest. The present owners begin to see that profits are impossible on the existing system, and labor is becoming sufficiently intelligent to understand that it must rely for compensation upon what the business can afford to pay. But until labor becomes an owner it never will understand the capacity of the business to pay. Heretofore great fortunes have been achieved mostly by monopoly of some sort or other, but the days of monopoly are now numbered. Even secrets are no longer kept, and the monopoly of a secret is limited by the duration of the patent. The exact condition not only of any particular business, but of business of all kinds, is now generally understood, and will become more and more the common property of society. In no respect is the influence of the press more potent than in this direction.

Henceforth the great object to be aimed at in the industrial world is rather steadiness and stability of business than excessive or spasmodic profits. When those who labor also become interested as owners it will be easy to adapt the business to the conditions required for steady work; and the habit of association, not only between workmen and employers, but between different organizations engaged in the same kinds of business, will go far to mitigate the evils of the competitive system, by placing checks upon reckless production involving sales at a loss, and by united efforts to extend the markets through the promotion of increased consumption. In fact, increased consumption will necessarily result from the greater intelligence and improved condition of the working classes. It is idle to deny that self-respect usually increases with the possession of property. Property is a humanizing and refining agency. Increased production means lower prices, and lower prices mean increased consumption; and thus there is an entire harmony between the two agencies which are most concerned in the improvement of the condition of mankind.

In order that this joint ownership may be brought about, it is necessary, first, that the employers shall see that it is to their advantage to encourage the workingmen to become interested directly in the business; and, secondly, that the workingmen shall take the necessary steps to become owners. This they can only do by abstinence, which is the parent of capital. They must save in order to have. Their capacity for saving is far greater than is generally supposed, even out of the scanty earnings which they receive in times of depression. It is a matter of record that in the Schulze Delitsch organizations in Germany the workingmen who have become the owners of those successful and wonderful institutions, founded on the principle of "self-help," saved out of their small gains as much as 40 per cent. for a series of years together; and when one reflects upon the vast expenditures of the working classes in all civilized countries for tobacco, liquor, and other indulgences, which, to say the least, are productive of no advantage to them, it is easy to see that in a single year a large fund could be accumulated for investment in business enterprises, and that in a generation the whole capital invested in industrial undertakings might be transferred to the wage-earning class.

THE MISSION OF THE CHURCH.

How are these results to be hastened? That they will come in the ordinary course of society I do not doubt, any more than I doubt the fatherhood of God and the brotherhood of man. But the Church and its ministers, and above all its intelligent laymen engaged in affairs, can hasten the good time coming by efforts to enlighten both those who employ and those who are employed; to point out that though these are evil times, yet they are not so evil as the times which have gone before; that there has been a steady, irresistible, unmistakable progress in the amelioration of the condition of mankind and the relations of men to each other; that the industrial strife which has been so conspicuous in our day, instead of being an indication of the decay and disintegration of society, is the evidence of progress toward a better state of things; and that the questions presented, although difficult at first, grow clearer and clearer day by day, and are advancing to a solution which should comfort the patriot, console the philanthropist, and encourage the Christian.

I am aware that the unrest and agitations which prevail throughout the Christian world have caused great anxiety and apprehension in the minds of good men, amounting almost to despair of the future of the human race. The growth of communism is cited as a discouraging omen for the future, but I have said enough to show that communism is not possible in the Christian scheme as it has been developing itself for the last eighteen centuries; that the growth has been altogether toward individualism, and, individualism being secured, toward that kind of association, and that kind only, which preserves the individual right to liberty and property. Some point with despair to the depressed condition of modern industry, and conclude that the social structure is about to fall. They cite the excess of commodities which has been produced by the association of capital and labor, the lack of employment consequent thereon, and the widespread suffering which unquestionably prevails, as evidence that civilization is a failure. The fact is, that the energies of men have been almost altogether directed to the work of production. They have heretofore had no occasion to consider the question of proper distribution. In the nature of things the question of distribution can not become pressing until there is a very great surplus of production to be divided.

Society, in reference to commodities, is to-day in precisely the situation in which China and India find themselves in regard to food. There is a famine in portions of those countries, although there is a surplus of food in other portions adequate for entire relief. Between the two, however, there is no proper means of communication or distribution. This was formerly the case in Europe; but food famines in Europe are now unknown, because channels of communication have been opened in all directions, and to-day England imports two-thirds of all the food which she consumes, and yet is under no apprehension for the future. So in regard to commodities there is an industrial famine prevailing in one portion of society, an absolute want and destitution of those very commodities which are in great excess in other portions of society. In other words, we have the very rich and the very poor. Surely if man is equal to the task of distributing food he is equal to the task of overcoming the causes which lead to such industrial famines. The work in either case is the same—that of distribution; and I have endeavored to show that this problem has already presented itself as the great question of the age, and that it is in process of solution by the agencies of association between workmen and employers, to be carried farther into more intimate association as copartners not merely in production, but in the division of the proceeds of their joint labor.

The evils, therefore, under which the world suffers are incidental to its progress, and in fact compel progress. Indeed, it would not be difficult to show that the evils in any one age are mainly produced by the remedies which society has adopted to cure the greater evils of a previous age. In other words, the evils are transitory, the benefits are permanent, and the result of the whole is to place humanity upon a higher plane of intelligence, justice, and consequent happiness.

CONCLUSIONS.

The points which I have sought to enforce are, that the great question now pending is the equitable ownership of property, and that no ownership which does not conform to the principles of justice will be tolerated by society.

That the present distribution of wealth does not conform to the principles of justice.

That distribution has been undergoing a change during the whole Christian era, and that this change has been to distribute the ownership more and more over the great mass of society; in other words, that of all the wealth of he world there is a larger percentage to-day held by the majority of mankind than at any previous period in the history of the world.

That this progress toward a more equitable distribution must result in the diminution of great fortunes, the improved condition of the poorer classes, and the consequent extinction of pauperism.

That the conflict between capital and labor, which has assumed such prominence in our day, resulting in strikes, conciliation, and arbitration, is a healthful but transitional stage toward a more intimate and beneficent association of capital and labor through the corporative principle.

That in the nature of things it would seem that corporations must continue to grow and absorb the great bulk of the business of the world, but that these corporations will be organized upon a distribution of ownership among those who are engaged in them, so that in the end the business of the world will be conducted by men in association with each other, each being directly interested in the ownership of the enterprise in which he is engaged.

That the result of the better understanding thus produced will be such an economy in the work of production as to cheapen commodities and extend their consumption, whereby the condition of mankind will be greatly benefited, and the resources which are now utterly wasted in the strife between capital and labor, resulting in strikes and lockouts, may be appropriated toward the creation and maintenance of funds to insure the working classes against the temporary evils which are necessarily produced by the introduction of machinery and the dislocation of labor from causes over which they have no control; that society owes indemnity in such cases to the industrious poor, and that the principle of life insurance, adopted already by the British Government, points out the methods by which such indemnity may be provided, not only without imposing additional burdens upon the producing classes, but that such a provision will be a measure of positive economy, extinguishing pauperism and largely reducing the necessity for public charity.

I am not disturbed by the objection which will be made to some of my positions, that they are at war with the received principles of political economy. Political economy deals only with one side of human experience—the laws of the production and distribution of wealth. It is founded upon observation, experience, and reason. Just as Christianity has assumed various phases in different ages of the world, so political economy will vary in its conclusions with the changes of society. Christianity, addressing itself to the moral nature of man, is the prime mover in producing these changes. Political economy must therefore follow and not lead Christianity, and will conform itself to the con-

clusions at which society arrives in its progress toward a permanent moral order. What that moral order will be no man can pretend to predict, but that there is a procession toward it all men can see; and political economy takes its place among the elements which go to make up that procession, and its truths, when finally ascertained and settled, will be found to conform strictly to the higher laws which bind man to his Maker by the great bond of love.

Finally, there is one consideration which must never be lost sight of. If during the last hundred years there had been no industrial development, the questions which now stir society to its foundations would never have forced themselves on public attention. It is the marvelous improvement in the condition of the human race during the present century which has brought into prominence and created the necessity of dealing with the evils which in previous ages passed unnoticed or were accepted as inevitable. The very growth and abundance of wealth make the inequalities of its distribution more apparent. The standard of conscience has been raised with the standard of comfort. The conflicts between labor and capital are more intense because there is more to contend for. Privilege slowly but surely recedes before the advance of knowledge. The question, "By what right?" penetrates the very heart of power, and is no longer answered by the plea of tradition. Thus at length the way is opened for the amelioration of humanity by growth instead of by revolution, and henceforth society will take no steps backward. Moreover, we can see, it may be as "through a glass darkly," that the methods by which the possibility of peaceful progress has been reached are in accordance with a divine order, not to have been predicted, but to be clearly seen as it develops results, and points the way to new triumphs of justice. The soul of man is thus cheered with hope, and at the same time taught humility, as it is admitted to glimpses, dim and shadowy though they be, of the beneficent plan and purposes of Him who

"Moves in a mysterious way
His wonders to perform."

ABRAM S. HEWITT.

NEW YORK, *October* 15, 1878.

Mr. WARNER, of Ohio. Mr. Chairman, I said yesterday in reply to the inquiry of my colleague [Mr. HURD] that the Morrison bill is not in harmony with the Ohio platform. That bill proposes a reduction in the rate of duties, but does not propose a reform in the tariff. Will the proposed reduction in the rate of duties result in lessening the revenues? In my opinion, Mr. Chairman, the reduction proposed will more likely result, through increased importations which it will invite, in an increase of the revenue, so that instead of accomplishing the desired object of relieving an overflowing Treasury, about which we hear so much, this bill will rather add to the surplus complained of.

But, Mr. Chairman, before I proceed to discuss the principles of the Ohio platform and its relation to the bill before us, I propose to reply to some of the arguments which have been made on this side of the House in the discussion of this bill. In these arguments I find two assumptions; in other words, I find that nearly all the arguments which have been made in support of the bill rest almost entirely upon two propositions, both of which I believe to be fallacious. The first of these is that to the extent a tariff raises the prices of manufactured products in this country, to that extent it amounts to a tax, levied by the authority of the Government, upon one class, called consumers, for the benefit of another class, called producers.

The distinguished chairman of the Committee on Ways and Means [Mr. MORRISON], in his opening speech on this question—a speech which bears the fullest evidence of close thought and guarded statement—has taken that ground. The gentleman from Texas [Mr. MILLS], in a speech indicating extended research, argues from the same standpoint. My other friend from Texas [Mr. WELLBORN], in a very strong and logical argument, has also based his reasoning upon the same premises, and logically pushed his conclusions to the farthest limit. The gentleman from Georgia [Mr. BLOUNT], a member of the committee, in an able speech, while not carrying his conclusions quite so far, nevtheless apparently accepts without question the same doctrine.

This and the second assumption, that it is the tariff which prevents our manufactures from going into foreign markets, also form the basis of the eloquent speech of my colleague [Mr. HURD], and this, with its finely wrought periods, as well as the arguments of all gentlemen founded upon these two propositions, must fall if the propositions themselves are found to be erroneous.

On the other hand, I will frankly say that if these assumptions be true, then there is no defense of any degree of protection. If by raising the price of goods manufactured in this country over foreign manufactures by a tariff, we are lending the power of the Government, which is the power of all, to enable one class to spoliate another, then there can be no justification for protection at all. If that is the necessary effect of a tariff, revenue should be raised in some other way. Even a tariff for revenue only, if with it the right of one class to levy a tax upon another is necessarily joined, as gentlemen assume it to be, then I go further than they, and say that such an exercise of the powers of Government would be wholly unwarranted. But is that true? Let us see. In order to bring out in the clearest language what this theory is, I will quote from the Treasury report of Robert J. Walker, of 1845, where this doctrine is clearly and forcibly stated. This report, too, is evidently the source of most of the arguments of those who have advocated this theory, at least they conform to and agree with the statement of the doctrine as contained therein.

Mr. Walker says:

If the marshal were sent by the Federal Government to collect a direct tax from the whole people to be paid over to manufacturing capitalists to enable them to sustain their business or realize a larger profit, it would be the same in effect as the protective duty, which, when analyzed into its simplest elements and reduced to actual results, is a mere subtraction of so much money from the people to increase the resources of the protected property.

This is the doctrine, fairly and clearly stated. And this doctrine is the foundation of all the speeches on this side of the House against the encouragement of productive industries at home. Now let us see whether this doctrine be true or not. If true, then how do you justify a tariff at all? If a tariff of 45 per cent. results in an indirect tax on the consumer paid to the producer, of $550,000,000, as charged by the gentleman from Illinois [Mr. SPRINGER], or of $972,000,000, as claimed by the chairman of the Committee on Ways and Means, or $1,073,000,000, as given by the gentleman from Texas [Mr. WELLBORN], or $450,000,000, as claimed by my colleague [Mr. HURD], as paid by the agricultural classes alone, then a tariff for revenue only, which would probably be about a 15 per cent. rate, if it had any effect in keeping up prices—that is, afforded any protection—must result in an indirect tax, levied in the same way by one class upon another, in proportion to the tariff rate.

Now, how do the advocates of a tariff "on a revenue basis" justify lending the powers of Government to enable one class to tax another to the extent of even $100,000,000, or $200,000,000, or $300,000,000, or at all? When you have justified that, then you have justified the principle, which is all any monopolist can ask; but you prove too much. No such tax is necessary and no such tax is justifiable. To lend the powers of government to one class to enable them to spoliate another is subversive of the foundation principles of our Government and of all just government. The truth is, the theory itself is fallacious and mischievous—mischievous as the old mercantile theory which dominated Europe for more than two hundred years, during which period, J. B. Say has said, more than fifty years was spent in wars arising out of this strange delusion which blinded statesmen and made enemies of nations.

So this fallacy of indirect taxation is the one delusion which, more than anything else, keeps up dissensions and prevents the settlement of the tariff question upon true economic principles.

Now let us examine the grounds of this theory that a tariff is necessarily accompanied by the transfer to one class of the power to tax another.

The tariff on iron and steel undoubtedly tends to raise to consumers the money price of iron and steel, and the prices of all articles manufactured from iron and steel in this country, over the prices of such articles in England. But who are the consumers? Everybody; those engaged in the manufacture of cotton and woolen goods, hemp, jute, and flax goods, earthenware and glassware—in short those engaged in the production of everything included in the list of what are termed the protected industries, as well as those engaged in the professions and in agricultural pursuits.

Now, if the rate of duty is equal—and that is the principle laid down in the Ohio platform—I say if the duty is equitably proportioned, then the producers of each class pay to the producers of every other class, on what they respectively consume of each others' products the increased price resulting from a tariff. Benefits and burdens become reciprocal. The effect is merely to vary the level at which goods are exchanged. Can the producers of cotton and woolen goods, and the laborers in those industries, say to the manufacturers of steel and iron, "The Government authorizes you to levy on us a tax, and we have to pay you a bounty whenever we buy any of your products?" Would not the manufacturers of steel and iron goods turn around and say, "Ah! but when we buy cotton and woolen goods of you, do we not also pay a higher price in consequence of the tariff duties?" And does not this principle of mutuality run through all the protected industries? My friend from Illinois [Mr. SPRINGER], I am sure, will agree with me so far. Then you are driven to the position that the only class that pays this indirect tax is the class not engaged in any industry which is directly affected by a tariff; for it is clear enough that in all the protected industries it is but an adjustment of prices to a given scale. It is simply this and nothing more. It is like trading a horse worth $200 for a yoke of oxen worth $200, instead of a horse worth $100 for a yoke of oxen worth $100. The level at which prices are thus adjusted is not the same level, it is true, that would exist were there no tariff, or if the whole world were admitted to the competition that determines this level; but the relation of things one to another may be the same at one level as at another.

But how is it when we come to the agricultural and other classes?

Mr. SHAW. Allow me to interrupt the gentleman.

Mr. WARNER, of Ohio. Certainly.

Mr. SHAW. Is the horse you speak about protected?

Mr. CHACE. Yes, 20 per cent.

Mr. WARNER, of Ohio. Yes, nominally, at least. But I will come to that in a moment. Is the law of adjustment to which I have referred limited to the protected industries, or does it extend to agriculture and other employments as well? It is a law of capital that it flows always from industries and business where profits are low to industries and business where profits are higher. Labor also moves from industries in which wages are low to industries in which wages are higher.

Let me give the generally accepted statement of this well-known law of political economy, which is as well settled as the law of gravity. Adam Smith says:

If in the same neighborhood there was any employment evidently more advantageous than the rest, so many people would crowd into it that its advantages would soon return into the level of other employments.

John Rae says:

Profits far exceeding the usual rate of profit can scarcely ever be drawn, for any time, from any employment.

Laveleye states the law in this language:

Profits will tend to a uniform level in all the different industries, inasmuch as enterprising men of business, furnished with fresh supplies of capital, engage in such industries as offer any unusual returns. This leveling process, however, is never accurately effected, since the fluctuations of industry and trade cause perpetual variations in the rate of profits. * * * The truth of the matter is rather that profit, being also the reward of labor, will rise and fall simultaneously with wages. Where large profits are made the workmen can and ought to be well paid. In the United States profit and wages are high. In the states of Western Europe they are both much lower.

Except then where there is or can be monopoly the tendency is to equalization in profits of capital and wages of labor in all industries. These movements are not, of course, without much friction. There is greater attractiveness in some kinds of labor than in others. Special fitness and skill are required in some, and wages vary accordingly. So capital will usually accept lower profits with increased security. But that there is a constant tendency to equalization in the distribution of profits of capital and wages of labor is an admitted law of economic science.

Nor is this equalizing tendency limited to special industries, but extends to all industries and all employments included in the same industrial system, except, as I have said, where monopoly has power to prevent competition. As an illustration of this tendency to equalization, some of my friends here know that capital in large quantities has been flowing from the manufacturing districts in the East during the last ten years to the agricultural districts of the West. It has gone into cattle-raising and wheat-growing. Why? Because these employments furnish better security and larger profits than the manufacturing industries, for new capital. Capital has been flowing in these and other directions, and equalization in this way has been going on between manufacturing industries and the agricultural industries. Of course capital is timid and moves cautiously, but nevertheless the leveling process goes on through all forms of investment.

The gentleman from New York [Mr. HEWITT] who has just taken his seat admitted in reply to my question, that the profits on capital invested in many manufacturing industries, and especially those in which he is concerned, were so small that it would be better for him to loan his money at 5 per cent. And when asked where he would look for a field profitable enough to enable the borrower to pay 5 per cent. interest, he said he would go to the farm-owners of the West. Thus, while my colleague argues that the tariff takes annually $450,000,000 from the farmers and gives it to the manufacturers, his colleague on the committee, who agrees with him on this bill, says that agriculture is so much more profitable than manufacturing that they can pay 5 per cent. on capital that can not be profitably employed in manufacturing. I am sure my colleague [Mr. HURD] is not right, and I do not think the gentleman from New York is quite secure, either, in his position.

But where protection is carried so far as to permit prices in any industry to be raised above the adjusted level of labor and capital in the country, even though it may not directly constitute a monopoly, nevertheless it conduces to monopoly for the benefit of those engaged in it until home competition restores the general level; and if competition, from any cause, is prevented from operating, then the monopoly continues. But I say it is only where monopoly exists, only where power is given, or from any cause exists, to exclude competition, limit production, and prevent equalization, that the principle of indirect taxation operates; that is, in case of monopoly only; under this one condition and under no other, I say, is an advantage given to one class over another by a tariff. Monopolies, however, may exist from other causes than a tariff, and usually do exist from other causes. But whenever a tariff is so levied as to permit the existence of monopolies it does operate as an indirect tax levied on one class for the benefit of another; it does then turn over the power of the state to enable one class to collect a bounty from another, which is an unjustifiable exercise of the powers of government. But I repeat, sir, that only when the condition of monopoly exists does the evil complained of exist, and I shall show before I close that the Ohio platform carefully guards against that condition and distinctly draws the line against monopolies in any form.

Mr. SPRINGER. Let me interrupt the gentleman to ask how much of this tariff will Ohio agree to take off to prevent or break up the monopolies?

Mr. WARNER, of Ohio. Ohio is willing to take off all that is necessary to do that, and I am glad my friend asks the question. I will, however, come to the question of tariff reduction presently, but I will say here that I want a reduction of taxation, but by such an adjustment of the tariff as will cut down the rate which sustains monopoly, but not where any industry would be hurt by it. That is what I want.

Mr. CHACE. You do not want a horizontal reduction?

Mr. WARNER, of Ohio. No, sir; I do not. I want a better adjustment of the tariff than now exists.

Mr. MORRISON. Please tell us just what you would like to have. [Laughter.]

Mr. WARNER, of Ohio. If the gentleman will listen to me I will explain in a very few minutes to his satisfaction, I hope, what I want and what his bill does not give.

Mr. MCMILLIN. Will the gentleman permit me to ask him a question?

Mr. WARNER, of Ohio. I will, with pleasure.

Mr. MCMILLIN. If you do not support the pending bill, or if the proposed bill does not pass, will not the abuses that you complain of in the way of the inequality of burdens still remain; while if it passes will it not curtail the abuses?

Mr. WARNER, of Ohio. No; they will continue and in some respects possibly be made worse than they are now.

Mr. MCMILLIN. But if the bill does not change the basis of taxation, and that I understand to be your complaint against it, will not the basis remain the same as it would under the Morrison bill, but with this difference, that under this bill, if passed, they pay a moderate duty, whereas under the present law the duty is a high, protective one?

Mr. WARNER, of Ohio. I will answer the gentleman. In the first place you will have more revenue under this bill than you have now; that is one thing; then on some things duties already low enough will be reduced below the difference in the cost of production here and elsewhere, to the great injury of our own industries, while duties much too high will still remain relatively high.

Mr. SPRINGER. But if they continue under the Morrison bill, then according to your theory the lower the duty the greater the monopoly; is not that it?

Mr. WARNER, of Ohio. Oh, no; I beg the gentleman's pardon. The gentleman has not understood me.

Mr. BRUMM. The lower the duty the greater the importation of foreign manufactures.

Mr. SPRINGER. But I understood the gentleman to say that under the Morrison bill these monopolies were still continued.

Mr. WARNER, of Ohio. Undoubtedly, though possibly not to the same extent throughout, but in some things the disproportion will be greater. But I shall refer to this again when I take up the Ohio platform.

Mr. SPRINGER. But you said to a greater extent.

Mr. WARNER, of Ohio. I was answering another question then, and the gentleman did not understand my position, perhaps.

But, Mr. Chairman, before proceeding to discuss the Ohio platform I desire to finish my argument on the indirect tax or bounty question.

Mr. WOLFORD. May I ask the gentleman a question?

Mr. WARNER, of Ohio. Certainly.

Mr. WOLFORD. If the Morrison bill will not be as great a monopoly and do as much harm as the present tariff, why not go for the Morrison bill?

Mr. WARNER, of Ohio. I will show the gentleman before I am through. But I wish now before taking up anything else to push this doctrine of indirect taxation to its legitimate conclusion, and for that purpose I quote from the speech of the distinguished gentleman from Illinois, the chairman of the Committee on Ways and Means, in which he says:

The census value of manufactures for 1880 was $5,369,579,191. The wages paid in making them were $947,953,795. The difference in cost of goods is said to be the difference in the cost of wages. But suppose the difference between the cost here and the cost abroad amounts to all the wages paid here, then these manufactures would cost abroad $4,421,625,396. Suppose the average rate of duty which the bill before the House leaves at 33 per cent. was reduced to 22 per cent., and at that rate this $4,421,625,396 in value of goods was imported. It would cost the importer at that rate of 22 per cent., $972,757,587, which not only makes up for the difference in wages but exceeds all the wages paid for making all the goods.

He says in substance, if I understand him aright, that there would be a saving of $972,757,587 if we bought our manufactured products abroad instead of producing them at home; in other words, that the tariff compels the consumers of these products to pay $972,757,587 more than they otherwise would have to pay.

My friend from Illinois [Mr. SPRINGER], in an article last summer in the North American Review, calls it an "incidental" tax and places it at $550,000,000 a year. To show his understanding of the question I quote the following:

I have based my estimates upon the rates of duty imposed by the tariff law of March 3, 1883. If I have erred in any way it is in placing the amount of incidental taxes too low. The people of the United States have been subjected to a burden of at least $556,000,000 every year for the past twenty years, making an aggregate of over eleven billions of dollars, not one dollar of which went into the national Treasury.

My colleague [Mr. HURD] in his speech yesterday placed this bounty at $450,000,000 as paid by the agricultural class alone. I give his language as reported in the Post this morning:

What was the effect of the ruinous system on the farmer? It increased the price of all articles which entered into his daily consumption, and this increase amounted to an annual sum of $450,000,000. For this there was absolutely no compensation in the protective system.

The gentleman from Texas [Mr. WELLBORN] figures up a much larger sum. He says:

To summarize these figures, the tariff yielded to the Government in 1880 a revenue of $186,522,065, while it exacted from the people over and above what the Government received $1,073,915,738. In other words, for every dollar of revenue that the tariff carried into the Treasury it placed in the pockets of the manufacturers $5.77.

Some gentlemen have put it much higher than this even. I do not wonder that they differ so widely; they are all traveling in a circle, and some seem to go around it more times than others. But let us take the

estimate given by the gentleman from Illinois [Mr. MORRISON], and push it to its logical conclusion and see how we come out. Let us take round numbers, and to give the advocates of this theory the benefit of every advantage in their argument, take our manufactures at $5,000,000,000, and suppose the tariff to be the cause of $2,000,000,000 of that. Then suppose some foreign country would make us the proposition to furnish all these commodities laid down in our markets, as they are laid down by our own manufacturers, for $3,000,000,000. You gentlemen would say there would be a clear gain of $2,000,000,000, would you not? Ah! but there are always two sides to a bargain. On one side is the sale and on the other is the payment. Now, how will you pay for the $3,000,000,000 worth of goods? What with? Not with gold, for we have not enough to more than begin such a payment. Nor with the kind of goods you buy, certainly. If you stop your manufacturing industries and buy your manufactured goods from abroad, what, I ask again, will you pay with? With agricultural products? If you do that you must turn your millions to agriculture to produce your supply. Then at what price will you turn over agricultural products in payment? At present prices?

Ah! if you could do that you might come out all right; at any rate, the argument would be on your side; but you can not do that. The world took from us altogether $800,000,000 of our products, last year of which 90 per cent. were agricultural products. Would they give the same prices for twice as much? Would they for three or four times as much? By no means. There are some old statistics applicable here. Gregory King, an old authority often referred to, showed that in England, in the same market, a decrease of 10 per cent. in the wheat crop raised the price in that market 30 per cent.; a decrease of 20 per cent. raised the price 80 per cent.; while an increase of 20 per cent. lowered the price 40 per cent.; and that to double the quantity of a commodity suddenly in the same market often diminished the price three-fourths. England took of us last year 75,000,000 bushels of wheat at about $1.15. Would she take 150,000,000 bushels at the same price? At what price, then, do you suppose she would take 500,000,000 bushels in the same season? At what price would England take double our cotton crop?

But we must pay for these three thousand millions of goods with agricultural products of some kind, and at such prices as they or the world will give for them. It is not necessary to follow this reasoning further. I think I have gone far enough to show how, when you have furnished agricultural products in quantity sufficient to pay for the three thousand million dollars' worth of manufactured goods, you will come out in the trade. You could not sell the quantity of farm products necessary to pay such a sum in the markets of the world at a price that would not bankrupt the country. There are, then, two sides to a transaction of this kind, the purchase and the payment, and the agriculturist would find that in the end for the same commodities, taking the aggregate, he would have to give twice as much and perhaps three or four times as much of his labor or of its products for the same goods, if we had no manufactures at home, and farm products had all to be sent across the ocean to be exchanged for goods. After one experiment of this kind I think our agriculturist would agree with Jefferson that the manufacturer should be placed beside the farmer and with Adam Smith, that "whatever tends to lessen the number of artificers and manufactures, tends to diminish the home market, the best of all markets for the rude produce of the land, and still further to discourage agriculture."

Individuals may buy in foreign markets at low prices and sell at home at high prices; but millions can not, and nations can not trade in that way; and here is where our friends have made their mistake. Individuals can go abroad and trade in that way, but the whole country can not. So that the law governing the distribution of capital and labor and the equalization of prices extends not merely to the protected industries, but to all the industries of the land. It extends as well to

> Those who gather in the golden grain,
> And those who fling it to the winds like rain,

as to those engaged in the other industries of the country. It includes everything in the same industrial system.

Another point, before I come to the Ohio platform, and it is a vital one in the arguments on the other side, and hence I dwell somewhat upon it. Our friends who argue for free trade, or a tariff for revenue only, say that what we want is to open the markets of the world to our productions. Gentlemen, they are open now. Tell me why you do not go into them?

Mr. SPRINGER. I can tell the gentleman why we do not go to Mexico, if he will allow me.

Mr. WARNER, of Ohio. If it will not take too long.

Mr. SPRINGER. Before the Mexican treaty was made (it is not confirmed yet) a firm of wagon-makers in the State of Indiana, anticipating the ratification of the treaty, sent a thousand wagons to the Rio Grande for the purpose of shipping them into that country. When they got them there they found that the duty on them was $40 a wheel, or $160 a wagon. The rate was prohibitory, and the wagons still remain on the banks of the Rio Grande waiting for the confirmation of that treaty before they can be taken into the markets of that country. It is restrictive laws which prevent trade between nations; remove those restrictions and trade will spring up.

Mr. WARNER, of Ohio. You may find an isolated instance of that kind, and one prejudicial to us, perhaps, although the bar against us is no higher than against other countries who would be our competitors in the Mexican market, and what is best for Mexico I will leave for Mexicans to say. I ask you why we do not go into the world's markets now? I will tell you why. It is because we are not willing to sell the commodities we produce of the same kind and class that are produced in other countries at the same prices at which other countries will sell them. In other words, we are not willing to give as much labor, or the produce of as much labor, for a given price as some other countries are willing to give.

My colleague [Mr. HURD] said yesterday that he wanted the manufacturers of this country to have the benefit of the markets of the world for their productions. You can go into the markets of the world with your productions and sell them there when you can lay down in those markets what you take there at as low a price as they can be laid down in the same market by any other country, and not till then. [Applause on the Republican side.]

You will have to deliver your hundred yards of cloth in Brazil as cheaply as England will deliver it there, or you can not go there and sell such goods. On what conditions can you deliver your products there as low as anybody else? On these conditions and these alone: that all the conditions of production shall be as favorable, everything as low in this country as it is in any other country with which we must compete. Not merely the raw material which my friend from New York [Mr HEWITT] wants to have free, not merely the buildings and the machinery employed in production, but every element that enters into production must be as low here as there, and that includes labor. Yes, besides having material as low and all other conditions as favorable you must have labor as cheap too, or else you can not go there.

There is this exception: if in the production of any article of commerce you have any natural or acquired advantage which is not possessed by any other country, then your labor need not be reduced to the level of labor elsewhere. If there is any natural advantage, I say, or any specially acquired advantage, the result of genius, skill, invention, or machinery, then you will not have to reduce the pay of labor to the level of labor abroad in order to get into other markets. In that case your advantage—superior skill or whatever it may consist of—will let you into other markets, and leave to labor a better reward.

But we must remember that England is our equal in nearly all these things, as far as they relate to manufactures, so that we will be able to go into the markets of the world with our manufactured products when we economize in their production as her manufacturers do; when we take as little profit on capital as they take; when we have materials as cheap as they have, and when we reduce our labor as low as they do, and not till then. [Renewed applause.]

And the counterpart of that is, that with free trade, goods produced at the least cost—that is, with the lowest profits on capital and the cheapest labor—will come into our own markets, and our own producers can sell here only when they can produce and sell as cheaply, and that will be when capital can be had at as low interest and labor at as low wages, and under no other conditions can manufactures, under free trade, hold our own markets, except when they possess some natural or specially acquired advantage.

My colleague [Mr. HURD] said yesterday he wanted a laborer here when he had earned his $2 for a day's labor, to have the privilege of spending it in the market in which he could buy the most. But does he suppose a laborer can long sell his labor in one market at a high price and buy the produce of another's labor in another market at a low price? One laborer, to be sure, may do it, but can a million? Who will be the buyers of the labor of a million men at high wages here, if he must sell the produce of their labor at the same price that the produce of another million cheaper laborers in another country is sold for? He would have fish swim in the air and birds fly in the sea. Or could any other class depending upon earnings, or the professional class, continue very long to receive the same reward for their services as now if they ceased to take in exchange the products of others at a corresponding price? Only those having fixed incomes would continue to receive the same while permitted to buy for less. This is the one class to be benefited by cheaper labor and lower prices.

I tell you, gentlemen, this is a question of industrial systems. I said a few moments ago that in all the industries of the country there is a tendency to equalization by leveling up or leveling down; so there is; but this so far operates only in the industries belonging to our own industrial system. Within this system there should be absolute equality of rights, and so far as government is concerned, of opportunities; but when it comes to a question between our system and other systems, the public welfare, which is the interest of all, rises superior to the interest of any one. But it is one thing to equalize the many industries in our own system and quite another to equalize our social and industrial system with the social and industrial systems of other countries. Let me call the attention of the committee especially to this question, for it is of the utmost importance. I should be, with my friend and colleague [Mr. HURD], a free-trader if all the countries of the world had the same industrial system, the same social organism, with the same freedom from class and caste; the same liberty of the individual that we have. But that is not the case. The social systems of most countries of the world are very different from ours, and so are their industrial systems.

The industrial system of England is what it is because her social sys-

tem is what it is—an aristocratic class, owning the land, a middle class, a laboring class, doomed forever to be a laboring class, with only enough set aside from what they produce to keep them in existence. Allied to England and the British system is India with her 365,000,000 of population, divided by law and immemorial custom into castes, with a vast labor population kept at the lowest level of existence and too frequently not above starvation.

On the other side of us are the Mongolian hordes, with a social system which has come down through innumerable generations. Their industrial system includes also vast masses of laborers accustomed to live on the least amount of food that will support life. A few years ago we passed a law to prevent this population from coming into this country to occupy it. We said if they are permitted to come here, without restriction, they will supplant, take possession of, and occupy the land that should be reserved for a higher civilization. We said it was not for the interest of humanity to try to graft our civilization on Chinese stock, or to turn over a part of this continent for the cultivation of a Mongolian civilization. We determined rather to preserve it for the growth and development of our own race.

The House has before it now a proposition to prevent the importation of contract labor, and I think the time has come when it were well to consider where the gain lies, either to ourselves or to humanity, in adding such elements to our population. But if we open our doors to free trade are we not taking a step which must result in the end in lowering our laboring population to something near the level of laboring classes in monarchical and aristocratic nations? I hold that it is not possible to put our industrial system in competition with such as these without immediate loss to ourselves and the permanent injury of our social and industrial organizations. They will have power to drag us down, not we to lift them up. Free-trade writers admit this.

Professor Cairnes says:

The influence thus exerted by changes in the demand for commodities may be operative on an international scale, and may thus affect the average level of wages throughout an entire community (the world); the gain, however, to the country profiting by the movement being always compensated by a corresponding loss incurred by some other country or countries.

Would it pay us, then, to give to the world the advantages of our markets for the poor privilege of reducing the cost of production, including wages of labor, that we may compete in other markets thousands of miles away? For, as I have shown, that is the only condition on which we can go there. Shall we establish this equation of trade and thereby equalize the industrial system of this free country with the social and industrial systems of the worst forms of tyranny that exist in the world?

For these reasons, Mr. Chairman, I am opposed to free trade. I believe in the policy of preserving this continent, the fairest on the globe, for the development of the race now occupying it—the latest born of time, and along whose pathway of progress the light of all the ages shines. I want this land preserved for the children of this race, for I believe it capable of a higher and nobler civilization than any other. I am not willing, therefore, to see the virgin soil of this land converted into food products to be sold to other countries for what we really little need. In less than a hundred years our own population will have reached the limit of food supply; it will no longer then be a question of finding markets for food products, but finding food enough for the population that will then occupy this great country. We will be glad in that day to buy back the soil we have parted with for so little. Keep the continent, I say, and keep its richness for this population—our children and their children—who will soon enough fill its wide borders.

There will be need then also to have among us all the arts and industries known to men, and let us therefore preserve and support what our fathers thought fit to establish and encourage. Population, says J. S. Mill, dominates all other questions in political economy, and it will soon enough dominate all other questions with us.

There is another question I can not pass by without notice, since the gentleman from New York [Mr. HEWITT] who preceded me has made so much of it, connecting it, as did also my colleague [Mr. HURD] yesterday, as a principal cause of the present depressed condition of trade in the country. According to their doctrine it is overproduction, caused by the tariff, that is ruining manufactures, destroying trade, and reducing the people to starvation; and my colleague becomes alarmed over the discouraging prospect for the farmers unless the tariff is reduced—reduced on wool I suppose. He said, if rightly reported:

In that day—

And that day I understood him was close at hand—

the farmers will be beggars in the midst of their own plenty, paupers by the side of their own golden-gathered sheaves. There is absolutely no relief except in making foreign markets for agriculture.

That is good. Farmers with bursting granaries beggars; paupers with full barns! I never met any of that kind myself. These are the farmers I look to for "square meals" when I am in the country. I can think of nothing more ludicrous than that, unless it be the idea somebody suggests, of rats starving to death in a wheat-stack. [Laughter and applause.] Overproduction the cause of distress and low wages!

Do these gentlemen mean to have us understand that there is a surplus of everything in the country? That would mean that we have too much wealth, more than we can divide up; or do they mean to say that we have supply but not demand? But that does not help them; for nobody has the power of demand unless he has supply of some kind to offer; in other words, every one's supply is the measure of his power of demand, and supply and demand in the aggregate of things are necessarily equal. For every supply stands as a demand against every other supply. Of course there may be overproduction in a single industry and that industry would be depressed in consequence; and where there are but few industries in a country, and that country has to depend for a part of its wants upon others, then there may be overproduction in such a country. Hence the importance to any country of a diversity of industries. For where industries are widely diversified, although even then production may get out of proper proportion, general overproduction can not exist, for overproduction in all things, economists agree, is an impossibility. And yet overproduction, according to the doctrine of the gentleman from New York, is the great evil which is to sink the producing classes of the United States to the lowest depths of poverty, and the remedy is to stop production, or remove the tariff and let foreign cheaper products flow more abundantly into our market, for the poor privilege of competing with them in distant markets. Let me illustrate the fallacy of this doctrine of general overproduction in another way: Suppose on an island, separated from the rest of the world, there were 10,000 people having diversified industries, engaged in producing the things they need to supply their wants, which they exchange among themselves in a common market; then suppose somebody should persuade them that they were overproducing and that they would be better off if they produced but half as much; is it not clear that there would be but half as much to exchange, but half as much for each to takeas his share? So in this country, if we stopped production and produced but half as much as we have been producing, would the market be any better? Would trade increase? In the end all trade is but the exchange of commodities, and the more there is to exchange the more each may have. Diminish it one-half and there is but one-half as much to trade on or to be divided.

Can wages be increased and production at the same time be decreased? Can you raise wages by lessening the quantity of things with which wages are paid? For wages are in the end paid from what is produced. The wage fund is in reality the share of the things produced that goes to labor; and if you reduce the total you reduce the share that labor gets. The greater the production to a given population the greater will be both the profits of capital and the wages of labor. But I do not deny that there may be a surplus of products of some kinds, or that there is not a surplus now. There are of some things but so much wanted. There are but so many heads, so many feet; and, of course, you may produce more hats and boots and shoes relatively to other things than are required; but what is wanted is more supply of another kind, which supply makes more demand. Demand and supply in the aggregate therefore are, as I have said, the same things. This doctrine is so well stated by Professor Cairnes that I will read his clear statement of it:

Demand, as a general phenomenon, can not exist without supply, and can not increase except in proportion as supply increases. This, I repeat, is fundamental in the theory of exchange, and all assumptions to the contrary must be regarded as baseless and absurd.

Again:

The illusion which I am combating, that demand and supply are independent economic forces, sometimes assumes another form in the notion that producers and consumers are distinct classes, and that production and consumption are acts which may go on irrespective of each other.

That production and consumption can go on irrespectively and that there is a producing class and a consuming class is not the case, at any rate, in this country, except the few living on fixed incomes; and this is the class that is clamoring for free trade, for it is to their interest to have the greatest possible amount of labor, or its product, to swell their incomes.

I turn now to the Ohio platform.

Mr. ADAMS, of New York. Before the gentleman takes up the Ohio platform will he allow me a question?

Mr. WARNER, of Ohio. I will allow any question if I only have the time to reply.

Mr. ADAMS, of New York. I understood the gentleman to say in his opening remarks that the only reason he opposed the Morrison bill was because it might increase the revenues of the country. I wish to know whether that is his only reason for opposing the bill?

Mr. WARNER, of Ohio. I beg the gentleman's pardon; I did not say that was the only reason. I said that would be the effect, and I am going on to show why.

Mr. BLAND. You would not object to increasing the revenues going into the Treasury if it was used to pay off the debt?

Mr. WARNER, of Ohio. Not if the surplus were used to pay the public debt. I would not object to a large revenue—that is, provided it were steadily and regularly paid out on the public debt. I am one of those who believe that one of the most important things to keep in view is the rapid and final extinction of the public debt. Is the gentleman from New York in favor of that?

Mr. ADAMS, of New York. I am in favor of the Morrison bill.

Mr. WARNER, of Ohio. I must confine myself now to the principles of the Ohio platform, which reads:

We favor a tariff for revenue, limited to the necessities of the Government,

economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, and afford just compensation to labor, but not to create or foster monopolies.

The first principle is that the amount raised should be no more than is required for the legitimate expenses of the Government, including, of course, the payment of the national debt.

The next thing is the adjustment of the tariff so as to raise this revenue. In doing that by what principle shall we be guided? That is the great question. On what articles shall duties be levied, and at what rates? In determining this what shall be the governing principle? Shall it be simply to get revenue regardless of consequences? That is what I understand by a tariff for revenue only. Look only to your revenue, not to the consequences that must follow any tariff.

Does anybody suppose we can levy a tariff of $200,000,000 on commodities without seriously affecting production, trade, and commerce? It is impossible. But the theory of a "tariff for revenue only" is, "Levy your tariff regardless of the consequences that may follow." Now, I say that is a blind man's tariff. It is a tariff without any intelligence in it.

Mr. SPRINGER. What business has the Government in the matter but to get revenue?

Mr. WARNER, of Ohio. Because public interests are involved. Our fathers recognized this fact, and since the gentleman has called my attion to this point, I will answer him in the language of a better Democrat than I can hope to be, or, I believe, than my distinguished friend from Illinois can claim to be. I will let the answer come from the same pen that drafted the clause of the Constitution which I will read:

Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States.

In introducing the first tax bill into the First Congress of the United States, before the first President had been inaugurated, the very first measure that was discussed, Madison said:

There is another consideration. The States that are most advanced in population, and ripe for manufactures, ought to have their particular interests attended to in some degree. While these States retained the power of making regulations of trade, they had the power to protect and cherish such institutions. By adopting the present Constitution they have thrown the exercise of this power into other hands. They must have done this with an expectation that those interests would not be neglected here.

That is what Madison said, and I will let Madison answer the gentleman's question for me. And this act, introduced by Madison, when it passed contained this language:

Whereas it is necessary for the support of Government, for the discharge of the debts of the United States, and for the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise imported.

That would make a good preamble now.

Mr. SPRINGER. How much were the rates of duty proposed in that bill?

Mr. WARNER, of Ohio. Oh, the principle is there, and that is what I am now considering. The Ohio platform does nothing more than announce the same economic principle which was well understood and acted upon by the fathers of Democracy for the first half century of the history of this Government. Its very language is borrowed in part from Madison, Jackson, and Jefferson; and it is nothing more, I say, than a statement of the doctrine which they well understood and acted upon; to prove which I will quote a little more, although I intended to confine myself in the time I have to the economic features of the question only. I will quote first some other things said by Madison in the debate on this bill. He says:

I presume that however much we may be disposed to promote domestic manufactures we ought to pay some regard to the present policy of obtaining revenue.

And that is what we think now. Mr. Clymer thought "encouraging manufactures and obtaining revenue" ought to go together. Madison said "he thought ship-building an object worthy of legislative attention." Mr. Hartley said:

If we consult the history of the ancient world we shall see that they have thought proper, for a long time past, to give great encouragement to the establishment of manufactures, by laying such partial duties on the importation of foreign goods as to give the home manufactures a considerable advantage in the price when brought to market.

And all through the debates on the first tariff bill there runs the expressed purpose of encouragement to productive industries at home.

In his seventh annual message Madison used this language:

In adjusting the duties on imports to the object of revenue the influence of the tariff on manufactures will necessarily present itself for consideration.

Washington, in his last annual address, said:

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible.

Franklin said:

That it was the duty of government to encourage and protect industry, in all shapes, in all instances, and by all means.

Jefferson, in his sixth annual message, asks:

Shall we suppress the impost and give that advantage to foreign over domestic manufacturers?

And in his letter to Colonel Humphreys, says:

My idea is that we should encourage home manufactures to the extent of our own consumption of everything of which we raise the raw material.

Monroe, who more ardently, perhaps, than either of the other early Presidents espoused the cause of American industries, in his third annual message said:

It is deemed of great importance to give encouragement to our domestic manufactures. In what manner the evils adverted to may be remedied, and how far it may be practicable in other respects to afford to them further encouragement, paying due regard to all the other great interests of the nation, is submitted to the wisdom of Congress.

Jackson, in his second annual message, says:

The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely identical with that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them; and consequently, if it be not possessed by the General Government, it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely can not be the case; this indispensable power, thus surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, Monroe, who each have repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

I am then confirmed in my opinion not only by the opinions of Washington, Jefferson, Madison, and Monroe, but by the opinion of Jackson also.

Much more might be quoted to show that the founders of Democracy not only did not question the power of Congress to levy duties with a view to the protection of American industries, but advocated and supported such measures.

Mr. SPRINGER. Would the gentleman be willing to reduce the present tariff rates to those imposed by Mr. Madison's bill?

Mr. WARNER, of Ohio. Oh! circumstances have much changed.

Mr. SPRINGER. Ah, yes! and so have men changed.

Mr. WARNER, of Ohio. The principle remains; and what I complain of is that you have changed and got off of the principles the founders of the Government laid down and acted upon.

Mr. COSGROVE. The Ohio platform, I believe, demands the raising of only so much revenue as is necessary for the purposes of the Government properly administered. How, then, does the gentleman reconcile with the Ohio platform the present tariff, which annually collects $50,000,000 more than the purposes of the Government require?

Mr. WARNER, of Ohio. If it were applied to the public debt I would rather have it more than less, but the bill before us will not reduce the total revenue.

Mr. COSGROVE. You can not so apply it.

Mr. WARNER, of Ohio. Certainly we can. There are over $250,000,000 of interest-bearing debt, payable at our option.

Mr. BLAND. And it is a crime it is not paid.

Mr. WARNER, of Ohio. But I must return to the Ohio platform. Here is the next principle: The tariff must be "so adjusted in its application as to prevent unequal burdens"—I think all will agree with that—"and afford just compensation to labor, but not to create or foster monopolies."

I showed at the outset of my remarks that the only point at which the tariff operated as an indirect tax is where monopoly arises; not anywhere else. And we say in the Ohio platform, adjust the tariff so as to prevent monopoly, but encourage productive industries at home. I ask the attention of my Democratic friends to this principle; to me it is of the utmost importance; it is the cardinal principle in the Ohio platform. It means that where there are no climatic or other natural reasons why commodities may not be produced in this country as well as abroad, that duties should not be reduced below the line which marks the difference in cost of producing such commodities in this and other countries. I said our industries stood correlated one to another and adjusted to a given scale of prices, and that this adjusted scale is determined in a large measure by the cost of production; and we say there is a difference in the cost of producing many commodities here and in other countries. This difference, we say, arises largely from better-paid labor and higher interest on capital. But, from whatever cause it arises, the difference exists.

Now, the cardinal principle of the Ohio platform, I say, is that the tariff shall not be reduced below the line that marks the difference in cost of producing a given commodity here and abroad. Suppose the difference to be 40 per cent. and you reduce the tariff to 20 per cent., what is the result? The foreign producer is given the advantage in our own market of 20 per cent. What would be the necessary consequence? An inflow of foreign products and the stoppage of our own industries. That result would as certainly follow as night follows day.

Let me illustrate by taking a single commodity. Suppose the difference in the cost of producing steel rails in the United States and Great Britain to be, as things stand now, $10 a ton—and that is about the actual difference. Suppose you put the tariff down to $10; then this industry here and abroad is on a plane of equal competition in our market, is it not?

Mr. SHAW. No.

Mr. WARNER, of Ohio. Yes, they would be then.

Mr. SHAW. There is $10 difference.

Mr. WARNER, of Ohio. The $10 duty makes them equal, and that goes into the Treasury of the United States. On the supposition I have made, steel rails produced here and abroad, when the foreign product has paid the $10, go into our market on an equality. Now, I would not lower the duties on anything below that line, and that is, I repeat, the guiding principle of the Ohio platform. But I would put it enough above that line to give some advantage to our own industries and our own labor in our own home market.

Mr. COSGROVE. The gentleman forgot to add the transportation from the seashore.

Mr. WARNER, of Ohio. Of course transportation is to be taken into account.

The CHAIRMAN (Mr. COX, of New York). The gentleman from Ohio must address the Chair. [Laughter and applause.]

Mr. WARNER, of Ohio. Mr. Chairman, I hope I may be able to enlighten the Chair. [Laughter.] But suppose, the difference in cost being ten dollars, you reduce the duty to five, what is the result? An advantage of $5 a ton in our own market in favor of the foreign product. Consequently our rail-mills must shut down till there can be a readjustment of things. And let me tell you these readjustments are costly. They mean always conflicts, struggles, suffering, losses. Never, therefore, except for the most potent reasons, I say, lower tariff rates below this line of difference in cost of producing a given commodity in this and other countries. That was sound doctrine in 1879 and it is sound doctrine now, and it will be, Mr. Chairman, sound doctrine a hundred years hence.

On the other hand, with a tariff on steel rails at $17 per ton, while the difference in cost is but $10; or worse yet, $28, as it was before the last reduction, a few large establishments are enabled to combine, and by limiting the production, if need be, raise the price just under the line which would keep foreign rails out. That would be creating and fostering monopoly, which the Ohio platform carefully guards against. And I submit that where the tariff rate is never above, or much above the line of difference in cost of production, monopoly is impossible, and hence none of the evils complained of as resulting from a high protective tariff can arise under such a tariff as this platform calls for. There are good reasons, however, for putting the tariff rate sometimes above the line of difference in cost of production rather than below it. In the first place, to encourage home production the rate of duty should be somewhat above the actual difference in the cost of producing. In the second place, with duties a little above the line of difference in cost, at the seaboard, say, the importer, in order to come into our market at all, must scale down or give up a part, or all his profits, and to that extent he pays the duty, and not the consumer.

It is then precisely like two farmers going into the same market with wheat, one having to go through a toll-gate where he pays a toll, and the other not; they both get the same price when they reach the market. This principle is recognized and admitted by John Stuart Mill. Where the market is fixed by other conditions, if a part of the value is intercepted by a tax, he says: "The price can not be further raised, and it must be taken from the profits."

He further says:

> It may, therefore, be laid down as a principle that a tax on imported commodities when it really operates as a tax, and not as a prohibition either total or partial, almost always falls in part upon the foreigners who consume our goods; and that this is a mode in which a nation may appropriate to itself, at the expense of foreigners, a larger share than would otherwise belong to it of the increase in the general productiveness of the labor and capital of the world, which results from the interchange of commodities among nations.

I might give any number of examples to illustrate the difference between a tariff that merely favors and preserves our own industries and one that permits or fosters monopolies, but my time will not permit; and I will proceed to show the difference between a tariff in accordance with the Ohio platform and a tariff for revenue only, or a tariff that would yield a maximum of revenue. In the Walker report, from which I have quoted, this principle is laid down: "That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue." This is called the point of maximum revenue, and is a different one from what I understand gentlemen here to mean by a revenue basis. I desire to show, first, the difference between the maximum revenue point and the line of difference in cost of production.

Take again the case of steel rails, assuming as before the difference in cost here and abroad to be $10 a ton. At that rate of duty, or at a rate a very little above, our rail-mills would undoubtedly keep most of the home market and the duties collected would be comparatively limited; but suppose the duty to be reduced to $7 a ton, the result then would be an advantage to the importer, and he would undoubtedly take, for the time being at least, the larger part of our market. If we suppose 100,000 tons to come in—and that is about what came in last year—with duties at $10 a ton, the revenue derived would be $1,000,000, but with duties at $7 a ton, if 500,000 tons come in, and more than that doubtless would come, the revenue derived would be $3,500,000. Now, the maximum revenue point is that point at which if duties are levied the largest revenue will be derived. In other words, maximum revenue is the greatest product obtainable by multiplying the rate of duty by the quantity of the thing imported. And it must be plain to all that the maximum revenue point must necessarily and always be below the line that marks the difference in cost of production here and abroad. The Ohio platform adopts as the proper base-line to work from the difference in cost of production.

Which is right, this line or the maximum-revenue line? I tell you the line of difference in cost of production is the line our interests require us to take, and this country will stand by that line. To adopt the maximum-revenue principle would double the revenues of the country and break down half our industries.

Let us next find out, if we can, what is meant by a revenue basis, or a tariff for revenue only; the latter phrase, however, I take to mean any tariff that will bring in revenue, regardless of consequences, and that I say is a fool's tariff, because it admits of no intelligence in its application. But what is a revenue basis? If it means a horizontal tariff just high enough to bring in the required amount of revenue, I can understand it. If such a tariff rate were applied to everything imported it would scarcely need to be above 15 per cent. If, however, it is meant the lowest horizontal rate of duties which, if levied upon merchandise now dutiable, would bring in the required amount of revenue, I can understand that. That would be a tariff for revenue, with such protection as the rate of duty required to yield the necessary revenue, would afford. But that rate would probably not be above 15 or 20 per cent. Now I propose to show what the result would be of repudiating the principle of the Ohio platform and adopting either the maximum-revenue line, or the lower line of a revenue basis.

First, suppose the point of maximum revenue to be fixed upon, and all duties to be adjusted as nearly as practicable to that line, what would be your total revenue? Over five hundred million dollars' worth of dutiable merchandise came in last year with a rate prohibitory on many things. With a reduction of 20 per cent. in the duties it would require an increase of but 25 per cent. in the importations of the same merchandise to yield the same revenue. A reduction of 40 per cent. in the tariff rate would require, to bring the same revenue, an increase of 66⅔ per cent. in the imports; a reduction of 40 per cent. would still leave the average tariff rate about 26 per cent., which is probably not far from the maximum revenue point. But such a reduction would let in not only classes of manufactured goods now prohibited, but would lead to immense importations of everything—two or three times the quantity now coming in—which at a duty of 26 per cent. would yield necessarily a vastly increased revenue. Is this what is wanted? No; nobody wants that. But I say to you that every step downward from the line of difference in cost of production to the line of maximum revenue, which I have pointed out, must and will result in an increase in the total revenue. That, Mr. Chairman, is one of the reasons why I am opposed to this bill. It will not reduce the revenues that go into the Treasury, but result rather in an increase.

The consistent thing to do, therefore, would be, if it is determined to adopt the revenue basis as the guiding principle, to go there at once and carry to the free-list and make the rate low enough on other things to yield only the required revenue. But that of course would flood the country with foreign products, break down our own industries, stop our machinery, and send labor adrift, with consequences worse than if an earthquake, like that which visited Java, should shake our continent.

Now, I ask you gentlemen of the Committee on Ways and Means, in all seriousness; I ask the chairman of that committee, and I ask the distinguished Speaker of this House, who assisted, it is understood, in the preparation of this bill, what do you mean by a revenue basis? What do you propose by this bill? What principle do you adopt? Do you propose to go from the present level down first to the point of maximum revenue, and increase the revenues collected in the Treasury, and then on down to the revenue basis, or until you reach the line of lowest duties that will bring the revenue needed for the support of the Government? I would like to know what principle the committee is acting on. The people want to know; our people in Ohio want to know; they are deeply interested in this question. They have many industries, not the least among which is wool-growing. Now, what does this bill do for them?

I have only ten minutes left and must hasten on.

Take wool, for instance—and nothing shows better the operation of tariff reduction than the effect of the present tariff on this product. During the six months ending December 31, 1882, we imported 5,364,466 pounds of wool at an average price of 22.5 cents per pound; the duty collected was $671,415, which was almost exactly 55 per cent.

During the six months ending December 31, 1883, under the new tariff we imported 10,431,655 pounds, at an average price of 23 cents per pound; the duties collected were $1,073,311, the rate being 45 per cent.

From these figures, which are taken from the report of Mr. Nimmo on the tariff act of March 3, 1883, it will be seen that on a reduction of 10 per cent. in the duties on wool, the imports nearly doubled, and at 45 per cent. $401,896 more revenue was collected than when the duties were 55 per cent., while the price of imported wool rose one-half cent per pound and the price of domestic wool fell from 3 to 5 cents per pound, which was exactly what might have been and what was foretold.

This bill proposes a further reduction of 20 per cent., which would leave the duty about 36 per cent.

A duty of 36 per cent. would probably result in increasing the price

of foreign wool to 25 cents a pound. At that price how much would come in? If 50,000,000 pounds, then the revenue would be increased to $4,500,000. But 36 per cent. is not down to the point of maximum revenue. If that point were taken at 30 per cent., and we assume that 100,000,000 pounds would come in at that rate, the revenue would be $7,500,000. But this is not down nearly to the revenue basis, or to a tariff for revenue only. During all this time, however, the price of foreign wool would rise in our market and domestic wool fall, until they come together at some indeterminate point.

Now, Mr. Chairman, the wool-growers of my State and the wool-growers of the country want to know, and they have a right to know, what the ulterior purpose of this bill is. Is it to go ultimately and as fast as we can get there to a revenue basis of 15 or 20 per cent. on wool? Which shall it be, the principle laid down in the Ohio platform establishing the line that marks the difference in the cost of production as the datum-line from which to adjust tariff rates, or the line of maximum revenue, with an increase of revenue from $200,000,000 up to $300,000,000, and possibly $400,000,000; or the lowest revenue or revenue-only basis?

Mr. SPRINGER. Will the gentleman allow me to answer him?

Mr. WARNER, of Ohio. We have a right, I say, to know by which principle we are to be governed. Let us know it and let us go to the people with a full understanding of what we mean. As for myself I stand upon the Ohio platform. Its principles can be defended anywhere and everywhere. It is bomb-proof and can not be battered down here or anywhere else.

Mr. SPRINGER. Will the gentleman from Ohio allow me to interrupt him for a moment?

Mr. WARNER, of Ohio. Yes, sir, if it will not come out of my time.

Several MEMBERS. We will extend your time.

Mr. SPRINGER. I believe, so far as I know it, the general sentiment on this side of the House is to deal with this question on the basis of the following resolution:

Resolved, That we denounce the present tariff, as well as the substitute lately introduced in the House of Representatives by the Committee on Ways and Means, as a gigantic robbery of the labor and industry of the country; that they are solely designed to advance the interests of a few thousand monopolies, and that they should no longer be submitted to; and that no candidate for Congress nor for any other office is worthy of support who is not in favor of a low revenue tariff which closely approximates to free trade; that in the arrangement of any revenue tariff all the necessaries of life should be absolutely free of duty.

This was in the platform adopted by the Democratic party in the State of Ohio in 1870, and which was no doubt indorsed then by the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. And we were beaten in Ohio on that platform; and I did not indorse it then and I do not now.

Mr. SPRINGER. We made those pledges, and whether beaten or not we should stand by our pledges to the people.

Mr. WARNER, of Ohio. But last year we adopted another platform, a platform which was indorsed by every Representative from Ohio on this side of the House except one, and that was my colleague [Mr. HURD] who spoke yesterday. He would not indorse it, and I believe made no speeches on it. But let me tell you the result. My colleague did not get as many votes on his platform of free trade as Governor Hoadly got last year, when the Ohio platform was in issue, by 3,890. In 1882 the Ohio platform was essentially the same as now, and on that platform Mr. Newman, candidate for secretary of state, received 1,256 more votes in my colleague's district than he received on his brilliant free-trade record. I state this only because of the question of the gentleman from Illinois, and because my colleague so triumphantly yesterday announced that he wanted us on the record that he might appeal to the Democracy of the State in their next convention, which I hope he will do, for I have great confidence in the Ohio Democracy.

Other gentlemen here, as good Democrats as are on this floor, as my distinguished friend from the Mansfield district [Mr. GEDDES], standing upon the Ohio platform, beat the Republicans out of time even in old Republican counties. And that is the platform upon which I believe the Democracy of Ohio will go before the people again this year; and on that platform we hope again to carry the State, for there never was a platform adopted in that State which received more unanimously the accord and approval of the entire Democracy of the State than did the platform adopted last year, the principles of which I have endeavored to expound.

Mr. COSGROVE. Was that the platform on which the Senatorial contest was conducted which the gentleman denounced so vigorously?

Mr. WARNER, of Ohio. Better not introduce that question now. [Laughter.] The Ohio platform is opposed to all monopolies.

Mr. Chairman, I have not dealt in statistics. I distrust them unless I know how they are collected and that they are properly correlated with the things to which they relate, and that they are the only elements affecting the problem under consideration. For instance, my colleague yesterday said wheat had fallen under the terrible state of things the tariff had brought about, to 80 cents a bushel, the lowest price, he said, ever obtained in Chicago. Why, sir, I myself when a boy hauled wheat seventy-five miles over the worst kind of roads and sold it in Chicago under the low tariff of 1846–'60, at 42 cents a bushel. My statistics—if such facts may be called statistics—standing alone, prove nothing. There were a hundred other things perhaps that affected the price of wheat then. Nor do his statistics, standing alone, prove anything. I merely state a fact. His statement, not a fact, was accompanied with a flourish of rhetoric; but it would have had no more force of proof if it had been delivered with the accompaniment of a full brass band.

The gentleman from Texas [Mr. MILLS] gave statistics to prove that our manufactures had flourished well under low tariffs. His conclusion seems to have been reached, however, from comparing prices only; but how many other elements have been left out? Absolute price depends on volume of money, and during some of the periods to which he refers there was great inflation of paper issues by State banks. At other periods prices were broken down by violent contraction of the currency. Gold was exported and paper collapsed.

The first effect of the reduction of tariff duties now will be upon the volume of money. Imports will increase; and in the first instance, at any rate, goods sell for money; gold will then go out as importations increase. Our money volume will thereby be reduced, and that will react with compound force upon prices. So that we will not only have increased imports, taking the place of and shutting out of our own markets our own products, but the prices of everything will be reduced by a contraction of the money volume.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. WARNER] has expired.

Mr. STORM. I ask unanimous consent that the time of the gentleman from Ohio be extended until he concludes his remarks.

Mr. WARNER, of Ohio. I do not wish to ask for more time since there are so many other gentlemen who desire to speak. I should like, however, to touch on one or two points more, for five or ten minutes perhaps.

The CHAIRMAN. If there be no objection, the time of the gentleman will be extended for five minutes. The Chair hears none.

Mr. WARNER, of Ohio. Mr. Chairman, I have been asked what the Government had to do with anything but revenue in levying duties. I replied by quoting from the early Presidents. But there is another reason which I did not then give, as I did not know that I would have time to give it. It is this, and our fathers well understood the principle and acted upon it: There is often a difference between private interests and the public welfare. When the war of the Revolution closed all saw the importance of having transferred to this country a knowledge of the arts and manufactures. It was especially important that a practical knowledge of metallurgy should be possessed by our people. But it was not the interest of any private person out of his own means, if he possessed any, to establish the iron industry on this side of the water; and why? Because without the requisite knowledge and skill, and without the necessary plant here, it could not be undertaken till these were all imported. They could not be imported except at great cost. Higher wages must be paid to induce skilled labor to leave another country to come here. And any single individual or company that would undertake such an enterprise, without Government aid or Government protection, would certainly have failed. Mr. J. R. McCullough, a high English authority, however, gives the reason better than I can, and I will quote from him:

It appears, therefore, reasonable to conclude that such new beginners having to withstand the competition of those who have already arrived at a very high degree of perfection in the art must be immediately driven out of every market equally accessible to both parties, and that nothing but the aid derived from restrictive regulations and prohibitions will be effectual to prevent the total destruction of their establishments, &c.

The evils which it details have been realized in Russia and Poland since the conclusion of the act of the 7th and 19th of December, 1818. Agriculture without a market, industry without protection, languish and decline. Specie is exported and the most solid houses are shaken. The public prosperity would soon feel the wound inflicted on private fortunes.

But had not the whole country an interest in having this and other industries established here? Is it not to our interest now as a great nation to have among us a knowledge of every art and industry possessed by man? My friend from Rhode Island who spoke the other day [Mr. CHACE] referred to the watch industry which had been so recently established in this country. That was one of the industries which it might never have been for the interest of any private citizen to establish here, for the reason I have given. But it has been an immense public gain to have that industry established among us. And why? Because, as he showed, on four dollars' worth of raw material four million dollars' worth of labor was expended.

A better illustration of the importance of a diversity of industries could not be given. This diversity of industry together with the knowledge and skill it gives rise to is in itself an important source of national wealth. It was a theory of Fourier that there was nothing to be done that some one was not better fitted to do it than any one else. Diversity of employment gives scope to every faculty of man, and whatever multiplies resources increases the wealth of a country. The individual seeks only his own wealth, and whether he gets it from another or by helping to increase the public store, does not concern him; but it does concern the whole people. For the great wealth of a country after all consists in its power to produce; not only in its machinery moved by the power of steam and electricity, in its railways over which the

locomotive thunders with its burden train of a thousand tons, but above all in the educated brain and skilled hands of its millions of workers.

Sweep clean the land of all that has been built upon it, but preserve the knowledge, the skill, the inventive genius possessed by our people, and how long would it take to recreate everything? We can buy, to be sure, what cheap labor has produced in other countries; but we can not buy the genius of a Stephenson, a Fulton, or a Morse; but the inventive minds of these men have added more to the wealth of the world than the unskilled labor of a million of men. Such mental qualities are the inheritance of the accumulated experience and skill of many generations. And what a country like ours must have to keep it in the van of the progress of nations is the fullest development of all these powers. We must diversify, specialize, differentiate—if I may use the term—if we would achieve a higher civilization than the race of man has yet attained. To do this we must take care of our industries—the human hives where the honey—wealth—is made.

And how we have been gaining in wealth under our industrial system let an English authority tell. Mulhall, in his balance sheet of the world, says:

It would be impossible to find in history a parallel to the progress of the United States in the last ten years. * * * Every day that the sun rises upon the American people it sees an addition of two and a half million dollars to the accumulation and wealth of the republic, which is equal to one-third of the daily accumulations of all mankind outside of the United States.

Let us not be deluded with the notion that we had better sell the soil we have inherited, for the products of the labor and skill of other countries, rather than encourage and maintain for ourselves an industrial system broad enough to include all the knowledge and employ all the skill which the centuries have handed down to us.

I know that gentlemen will say that our industries will flourish better under free trade and that we would be safe from foreign competition under such a system. You might as well tell me that the dam which nature has erected at the falls of Niagara has no effect in keeping back the waters of the great lakes, or that these waters flow down the Niagara River because the dam is there, and that if you would remove it the waters would be dissipated or would flow westward to the Mississippi River.

If you unwisely lower your tariff the quantity of importations flowing over it would increase, production at home would be stopped, labor would be thrown out of employment, and misery and wretchedness would follow as a necessary consequence. [Great applause.]

Mr. SPRINGER. Will the gentleman before he takes his seat answer one question?

Mr. WARNER, of Ohio. I will if I can.

Mr. SPRINGER. I did not learn from the gentleman whether the present law was in accord with the Ohio platform.

Mr. WARNER, of Ohio. It is not. I am for a reform in the tariff, but I want that done on the principle of the Ohio platform and not by a horizontal reduction. Reduce the tariff, I say, wherever it is above the line of difference in cost of productions here and abroad, down to that line, and shut out monopolies, but give our own industries at least an equal chance in competing for our own market.

Mr. SPRINGER. Will the gentleman tell us what reduction of the present rates he would have in order to make the tariff comply with the requirements of the Ohio platform?

Mr. WARNER, of Ohio. I would if I had time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWNE, of Indiana. Mr. Chairman, when this discussion began I did not intend to take part in it, but as my position in regard to the tariff has been misunderstood by some and willfully misinterpreted by others, I feel it is due myself and the constituency I have the honor to represent to say a word.

When the bill to revise the revenue laws of the United States was under consideration in the Forty-seventh Congress I took a brief part in the debate. What I said is of record; but before proceeding further I ask permission to reproduce the observations then made. I then said:

WHAT SHALL BE THE RATE OF DUTY?

I am a protectionist; I do not believe in free trade. But I do believe in free thought and free speech. Although I may differ with some of those with whom I am associated, that difference will be simply this: I claim the right to determine according to my own convictions how much duty ought to be imposed on a particular commodity in order to secure that industry protection. In thinking upon this question years ago I came to this conclusion, and there is nothing novel in it, that if we could ascertain the cost of a particular product abroad, taking into consideration the cost of material, labor, and a proper return for the capital invested, and also ascertain the cost of producing the same article in this country, the rate of duty to afford protection to the American manufacturer and laborer would be the difference between the cost of producing the commodity here and the cost of producing it abroad.

In making this estimate the cost of transportation to market should be taken into the account. A tariff commission might ascertain how much it would cost a foreign manufacturer to lay down, we may say to illustrate the idea, a ton of bar-iron in the American market, and, on the other hand, ascertain how much it would cost an American producer to lay down a ton of similar iron in the same market, and then the difference between the cost to the two manufacturers should be the tariff duty. This would protect while it would not cut off competition. Now, I admit that there will be fluctuations in values, but they are as likely to occur in the foreign market as in our own. That the tariff duty might surely protect I would add to it a small sum above the difference in the cost of production in this country and its cost abroad. I am here to-day as a protectionist, to vote as nearly as I can to put a duty on these manufactured products equal to the difference in the cost to the foreign manufacturer of putting his product in the American market, and the cost to the American manufacturer of doing the same. Let me say, however, that having obtained all the information I can secure, I must be the judge, when the vote is taken, as to the margin of difference or the duty to be imposed. The responsibility for my vote is with me. * * *

Gentlemen admonish me occasionally that I belong properly to the other side of the House. I thank them; I am not afraid to vote with the Democratic party when I believe it to be right. Indeed, I am rather glad to vote with them when they do very rarely go right. I want to encourage them; it is not often I have an opportunity, I admit. [Laughter.]

But, Mr. Chairman, I represent a constituency engaged in both agricultural and manufacturing pursuits. We have large manufactories engaged in making plows, furniture, reapers, drills, mowers, thrashers, rakes, wagons, and every variety of agricultural implements. These buy their iron, coal, steel, lumber, paint, everything abroad. They go to Michigan for their lumber, to Ohio and Pennsylvania for their coal, iron, and steel; into different markets for their paints, oils, varnishes, and the other material that enter into these implements. They pay a duty on everything they buy. This may be added, it is true, to the price of the product and be ultimately paid when the implement is sold, but then my farmer constituency pay the duty.

These manufacturers are in favor of protection, fair protection, although they do not produce a single commodity protected by this bill. They do not ask protection for themselves. They build their reapers and boilers and drills, their hay-rakes and plows and wagons, and are willing to lay them down in equal competition in our markets beside similar products of any other country in the world. Upon steel, iron, coal, paints, upon all materials used by them, they are willing to pay such a duty as will enable the American manufacturer and laborer to compete with his foreign rivals. They do this in the interest of the whole country, disregarding the mere Congressional district or the mere section. They do this that labor may receive a fair return. When we have gone this far in the interest of protection they ask that I go no further.

WHAT IS THE EFFECT OF A TARIFF ON PRICE?

I confess I have not been able to understand the logic by which it is said that the imposition of a tax on a commodity cheapens it. [Applause on the Democratic side.] I have always been willing to impose a duty for protection—protection purely—disregarding the idea of revenue altogether, if such protection were necessary to build up a languishing industry. Again, I have not been able to understand how the narrowing of the area of competition increases competition. I confess I have always thought that as you enlarge competition, that as you increase the number that enter upon it you as a rule decrease the price of the commodity put upon the market. I may be mistaken about that. It is insisted, I know, by those who believe in the protection theory, pure and simple, that if you confine competition exclusively to American producers you reduce the price.

Mr. KELLEY. I do not know the protectionist who adopts that theory.

Mr. MCMILLIN. It was just adopted a moment ago by the gentleman from Indiana [Mr. PEELLE].

Several MEMBERS. Not at all.

Mr. BROWNE. It has been assumed, if I understand the logic of this controversy, that if you close our ports against a foreign product and leave the market wholly in the hands of the American producer it cheapens the commodity.

Mr. PEELLE. Has not that been the result, I will ask my colleague?

Mr. BROWNE. Now, sir, I am a protectionist, but I want it understood distinctly while I am a protectionist, I believe that as a rule a duty for protection enhances the price of the protected commodity in the American market——

Mr. TURNER, of Kentucky. Of course it does.

Mr. BROWNE. But it brings to us a corresponding advantage, which, if the duty is properly imposed and adjusted, is equal to the enhanced price. My recollection extends back forty years; and I remember this: that during these forty years under the protective system almost all the time every manufactured article put upon our markets has been continually cheapening. Fifteen years ago I paid for an ordinary farm wagon $140. Now in the same market a similar wagon can be bought for $60 to $70. I remember that less than forty years ago farmers in my district sold their pork at $1.25 per hundred net; to-day they obtain for it 6 to 7 cents per pound. While every manufactured article has been diminishing in price everything grown by the farmer has been correspondingly increasing in price. While this is true, I believe at the same time that the imposition of a tariff duty increases the cost of the manufactured commodity, as a rule, in our markets; but as it increases the value of labor, as it makes a market for the agricultural product, it has brought in return for this increase the enhanced value of labor and the increased value of the agricultural product. In this way protection benefits alike the farmer, the manufacturer, and the laboring man.

THE CARRYING TRADE: TAX ON LUXURIES.

It has been apparent to every reader of our commercial history that our merchant marine has been disappearing from the high seas for more than a quarter of a century. Yet when it is proposed that the American Congress shall do something in the way of restoring this important industry, it is antagonized by the suggestion that we have done nothing to relieve the producers of tobacco or the distillers of intoxicating liquors.

Sir, it strikes me that the carrying trade is a matter of national importance, in which every producer, whether on the seaboard or in the interior, is interested. But it is said that we may not grant subsidies in that direction because we ought to relieve the chewers and the smokers and the slobberers of this country from the tobacco tax.

I want my friend from Kentucky [Mr. TURNER] to understand that the very last tax which I as a Representative of my constituency will vote to repeal is the tax on liquors and tobacco. If there be any protectionist in this House who would abolish the entire internal-revenue system in order to compel the Government to derive its entire revenue from import duties, if there be such a one, I have no sympathy with him. I have but one idea on this subject; that is to impose upon tobacco and intoxicating liquors the highest duty that can be honestly collected. If we can derive the most revenue from liquors by a tax of 40 or 50 cents a gallon, I am in favor of a tax at that rate. If the revenue may be increased by a tax of $2 or $3 or $5 a gallon, I am in favor of that rate. So with tobacco and cigars. In other words, if specific taxes are to be imposed upon commodities, I am in favor of deriving the largest possible revenue from luxuries and the smallest possible amount from those commodities which are necessary.

Mr. TURNER, of Kentucky. I agree with you in the last part of your proposition, and I have never taken any other position. Taxes should be lightest on the necessaries of life, both internal and tariff taxation. * * * Does not the gentleman know that the crop of tobacco raised by the poor man is not a luxury to him, but is a necessity? For with it he buys the necessaries of life for his family. It is only a luxury to the man who uses it, not to the producer; and it is unjust to discriminate against it and burden the producer with taxes that are not imposed upon producers of barley, rye, or corn, or to restrict the farmer in his right to sell for the best price the tobacco raised by him, the product of his own labor.

Mr. BROWNE. Mr. Speaker, in my view tobacco whether produced by the poor man or the rich man, by the small farmer or by the planter of large acres, is but a luxury. There is no good in it. It brings nothing of health. It brings nothing of real enjoyment to the domestic circle. It might be dispensed with without injury to anybody and with benefit to all.

What I have said as to tobacco applies with still more force to intoxicating

liquors. On this subject of taxation, whether by import duties or by internal taxes, I stand here in favor of imposing for the purposes of revenue as large a tax as possible upon luxuries, and as small a tax as may be possible upon articles which are necessaries.

I see the Speaker's gavel is about to fall; I hope I may be indulged a moment. I only speak once in a decade anyhow. I hope the House will give me unanimous consent to go on for two minutes. [Cries of "Go ahead!"]

The SPEAKER. If there be no objection, the gentleman's time will be extended two minutes.

There was no objection.

Mr. BROWNE. Now, on the subject of the bill. I do not profess to understand it in all its details. I am a landlubber. I believe I have been on a sailing vessel once or twice in my life. I am, however, in favor of encouraging the industry known as ship-building, and particularly that industry engaged in the foreign carrying trade. I have listened to this discussion with much interest, and have determined in my own mind that when those gentlemen who seem to understand the subject have perfected the bill as nearly as may be I shall vote for it. If I were allowed to exercise my own personal judgment I would permit every American to go into any market and buy any ship at the smallest posible cost. I admit that this might be against ship-building interests; but if I understand the object of this legislation, it is not to promote ship-building but to promote the carrying trade. If you are to promote ship-building you will as a matter of course adopt this eighteenth section, with its drawback upon tariff duties, and those other sections to which I need not refer. But if we intend to secure a merchant marine and to put it in competition with carriers in foreign bottoms we must have cheap ships. To get cheap ships we must buy them where we can buy them at the smallest possible cost. This seems to me to be a proposition that need not be discussed. While such is my opinion, however, I wish to say that when this bill has been perfected I intend to vote for it, notwithstanding the fact that it contains some provisions that do not meet my approval. I doubt very much both the power and propriety of exempting ships or any kind of property from State taxation; but will waive that question and vote for this bill, expecting that if it be imperfect experience will so demonstrate, and that future legislation will cure whatever defects may be made manifest, for I hope to see the time come again when our people can compete successfully with any in the world for the carrying trade.

CHEAPER SUGAR.

I can see a reason why gentlemen who favor a tariff for revenue only can vote to keep sugar on the dutiable list, because it is a fact that can not be controverted that 90 per cent. of the sugar consumed in this country is imported, and the duty, so far as it may be paid upon that commodity, goes into the Treasury. But I must confess that I can not understand the logic of the protectionist who favors the imposition of a duty upon this product.

I believe in fostering an American industry, the product of which may at some time be equal to the demand of the country. But there are physical reasons, climatic reasons why the sugar product of this country can not be materially enhanced, and at the same time its consumption is constantly increasing. We produce now, as I have said, about 10 per cent. of the amount of sugar that we consume. The time is not far distant in the future when the per cent. of our production compared with our consumption will be even less than that.

Now let me ask gentlemen how it is that we in the Northwestern States can be expected to pay 1½ to 3¾ cents duty on every pound of sugar which we consume, in order to foster and promote an industry which in the very nature of things can not exceed one-tenth of the amount we consume. Will they tell me?

Mr. ELLIS. We will tell you directly.

Mr. GIBSON. The gentleman is utterly mistaken in his facts.

Mr. BROWNE. I want to be corrected. There may not be many of us, but I am one of those who want to know the truth, and will follow it to the end wherever that may be.

I take the statistics as I find them. There is only a limited area in the United States where sugar can be produced successfully; everybody knows it. Now, let me ask gentlemen on the other side, let me ask my friend from New York [Mr. COX] who is so fierce for a tariff for revenue only, why it is that they are in favor of putting tea and coffee on the free-list, which are not produced in this country at all? If those articles were put on the dutiable list every cent that might be paid in the shape of duty would go into the Treasury. And yet these men who are for tariff for revenue only propose that they shall remain forever on the free-list.

Mr. REAGAN. Oh, no.

Mr. BROWNE. I know that my friend is in favor of protecting lumber, yet he is in favor of free trade for everything else in the world, because Texas happens to have a very large number of acres of primeval pine forests.

Now, I am for protection upon every article that may be produced in this country, the possibilties of which may reach the amount of the demand. But when you gentlemen tell me that an article equal in the amount of its consumption to that from which we make the bread of our people, an article the American product of which can not reach—and I put it as high as my imagination will permit me—can not reach more than one-fifth of the consumption, when on account of twenty pounds out of every one hundred that we consume we are compelled to pay 3 cents per pound, not upon the twenty produced only, but upon the whole hundred pounds imported, and charge every dollar of it to the consumer; until gentlemen explain that, I confess as a tariff man I can not be in accord with them.

It will be observed that so far as it may be necessary to impose taxation on specific commodities I would discriminate in favor of such as enter generally into the consumption of the people and are known to be essential to their maintenance. Tax the luxuries and relieve as far as may be the common comforts of life. The tax on tobacco and intoxicating liquors should not be repealed. These are in no sense necessaries, and from them we derive a large revenue, a revenue amounting annually to $91,369,000. While the national debt exists and an immense pension-roll is to pay, as long as the Government exacts hundreds of millions of yearly tribute from the people to meet the demands made upon its Treasury, these taxes should continue. They are paid by the consumer and may be escaped almost wholly without injury to the person or business of the citizen. If the imposition of a tax on these articles should lessen their production and discourage their use, the wealth and happiness of the people would not be diminished but materially increased. If the manufacture of intoxicating liquors is to be continued, it will be a wise policy to make the business reimburse the Treasury for the enormous outlay it compels the Government to make to protect the people from the crime and pauperism it inevitably entails.

A home product that can under the most favorable circumstances furnish but a small per cent. of the home demand may well be omitted from the list of protected commodities. A tariff on such an article is "for revenue," and is dutiable on that theory only. Protection should be given to such industries as may be able to produce a supply of their manufacture equal or nearly equal to the demand of our own people. It is claimed, and it is true, that protection should be extended to an industry which by making it remunerative will invite competition and thus stimulate its production until it may become at least equal to the home market. By building up enterprises of this kind and producing all we need consume we make our people independent of all the world. There are well-known causes why our sugar product can not reach more than 12 or 15 per cent. of our consumption. It is estimated that in 1880–'81 we consumed 2,100,000,000 pounds, upon which was paid a duty of about $46,000,000. Of this sugar the United States furnished but 300,000,000 pounds or less. It will be seen, therefore, that we pay a duty of over 2½ cents per pound on 1,800,000,000 pounds of the foreign product to protect 300,000,000 of our own. Forty-six millions is too much to pay to protect our small sugar industry in Texas and Louisiana. It would be cheaper to the consumer to pay our sugar planters 10 cents per pound bounty for each pound put by them into our markets. And this industry is not increasing, but upon the contrary is falling away. It gives us a smaller supply now than it did thirty years ago.

The crop year of 1853–'54 yielded 495,000,000 pounds of sugar, the crop year of 1860–'61 yielded 528,000,000 pounds, while 1880–'81, as I have said, gave us less than 300,000,000 pounds, and the last year went even below this. In twenty years this production has fallen off nearly one-half, while the consumers of it have increased by quite 20,000,000 of people. As the consumption is about forty-two pounds per capita, we can easily estimate this increase. As this industry can never supply our wants, as it is not increasing under the most favorable tariff legislation, as sugar goes on every table and costs our people as much as do the breadstuffs they consume, I am in favor of putting it on the free-list. If there be other home products occupying the same relation to our production and commerce I would put them there also.

I have been criticised for saying that I failed to comprehend the logic of one of my colleagues, who assumed that the imposition of a duty on a commodity cheapened it in the market. In a talk of five minutes, that being all the time then allowed me, it was not possible to either fully or accurately explain my position. It is true, I repeat, that the immediate effect of putting a duty on imported goods is to enhance their price in the market. If this is not the result, the tariff tax is not protective and utterly fails to accomplish its purpose. It is because, as is truthfully said, the foreign manufacturer, availing himself of cheaper labor and cheaper capital, can produce cheaper goods than we can make that an impost is demanded. It is demanded that the cheaper foreign product may not destroy our manufacturing industries and deprive our wage-people of remunerative employment. But while the immediate effect of this duty is to raise the price of the taxed article, that effect is but temporary, and ultimately the competition protection invites gives the laborer better wages and a cheaper product. This philosophy is well stated by Alexander Hamilton, who said, nearly a hundred years ago:

> But, though it were true that the immediate and certain effect of a tariff was an increase of price, it is universally true that the contrary is the ultimate effect with every successful manufacture. When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it can be afforded, and accordingly seldom or never fails, to be sold cheaper, in process of time, than the foreign article for which it is a substitute. The internal competition which takes place soon does away with everything like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing and with experience.

Washington, Jefferson, and other great men of that day agreed with Hamilton and were advocates of protection. Having said this much by the way of supplement to views heretofore hurriedly and imperfectly given, I will proceed, if the committee will indulge me, to briefly discuss

THE TARIFF ISSUE.

This discussion is crystallizing the issue for the coming political struggle. Shall our policy be free trade? Protection is put on trial, and it is vigorously declared that there is and can be but one rightful, constitutional function of taxation—that is, to raise revenue for the support of the Government; that even an adjustment of a revenue tariff so as to afford protection as an "incident" is a fraud and a deceit. The gentleman from Texas [Mr. WELLBORN] thus characterizes a revenue tariff with the protective incident:

> The alleged incident has notoriously become the chief object, and revenue serves mainly as a pretext for accomplishing protection.
>
> Against this fraud in the use of language I protest. If protection is good, if protection is right, if protection is constitutional, let it stand on its own merits, and not seek, as has been suggested, to lean on something so respectable as revenue. If a huge system of monopolies is to be perpetuated, and fatten on the substance of the land, let it not escape the odium and execrations an appropriate appellation invites.

The point is tersely put: let protection stand or fall on its own merits. That protective legislation to enable the American producer to fairly compete in our markets with his foreign rival is the true policy of the nation is abundantly proven by all our past experience. It has had the support also of our leading statesmen. The last Democratic President, in the tariff debate of 1828, said:

> The American system consists in affording equal and just legislative protection

to all the great interests of the country. It is no respecter of persons. It does not distinguish between the farmer who plows the soil in Pennsylvania and the manufacturer of wool in New England. Being impartial, it embraces all. * * * The Legislature of Pennsylvania have given us what, in my opinion, is the correct version of the American system. They have declared that the best interests of our country demand that every possible exertion should be made to procure the passage of an act of Congress imposing such duties as will enable our manufacturers to enter into fair competition with foreign manufacturers, and protect the farmer, the growers of hemp and wool, and the distiller of spirits from domestic materials against foreign competition. The people of Pennsylvania do not ask for such a tariff as would secure to any one class or to any section of the country a monopoly. They want a system of protection which will extend its blessings as well as its burdens as equally as possible over every part of the Union; to be uniform in its operation upon the rich as well as the poor. * * * By encouraging domestic industry, whether it be applied to agriculture or manufactures, you promote the best interests of your navigation. You furnish it with domestic exports to scatter over the world. This is the true American system. It protects all interests; it abandons none. It never arrays one against the other.

In his inaugural, March, 1857, he asserted the same doctrine. Here Mr. Buchanan states the case clearly and fairly, and the policy he advocated is all the true protectionist demands. It is such legislation as will protect all interests and give a monopoly to none. From the first administration of Washington to the administration of Arthur I assert that protection has been either the object or the "incident" of our customs-revenue legislation. At no time, by no administration, has the idea of protecting our industries been wholly ignored. Free trade, as applied to our American policy, is a new growth, an exotic, a transplant from the "paradise of the rich—the purgatory of the poor." The first protective tariff was passed by the fathers and approved by Washington. In his message to Congress he said:

The safety and the interests of the people require that they should promote such manufactures as tend to render them independent of others for essential, particularly for military, supplies.

Jefferson's democracy will not be denied, and he was a protectionist. So was Monroe, and Jackson, and even Van Buren. As to the position of these distinguished Democratic statesmen I quote the language of a leading Democratic journal:

Thomas Jefferson, the father of Democracy, was a protectionist. In his report on the commerce of the United States in 1793, immediately before his retirement from the Cabinet, he indorsed the principle of protection. In 1802, in his message, he declared proper protection to American industry to be one of the "landmarks by which we are to guide ourselves in all our proceedings." Again, in his last message to Congress, in 1808, he congratulated the country that the new manufacturing interests would under "protecting duties" become permanent.

President Monroe, in his inaugural in 1817, said: "Our manufactures will likewise require the systematic and fostering care of our Government."

Andrew Jackson, in his letter to Dr. Coleman in 1824, said that our manufacturing interests "ought to have extended to them adequate protection, that our manufacturers and laborers may be placed in fair competition with those of Europe."

In his message of December 7, 1830, President Jackson upheld the constitutional power of the United States to maintain and adjust duties on imports, "with a view to the encouragement of domestic branches of industry."

HOW DEMOCRATIC PRESIDENTS UPHELD INCIDENTAL PROTECTION.

Martin Van Buren was nominated and elected President by the Democratic party long after he had established his position on the question of the tariff. In the United States Senate Mr. Van Buren had opposed excessive protection and favored a tariff for revenue, with incidental and equally distributed protection to home industry. He voted for the tariff of 1824 and the much higher tariff of 1828.

Tyler favored a tariff affording incidental protection, and so did Polk and Pierce. President Polk in his first message invited the attention of Congress to the importance of tariff legislation, and said:

The terms "protection to American industry" are of popular import, but they should apply under a just system to all the various branches of industry in our country. The farmer or planter who toils yearly in his fields is engaged in "domestic industry," and is as much entitled to have his labor "protected" as the manufacturer, the man of commerce, the navigator, or the mechanic, who are engaged also in "domestic industry" in their different pursuits. The joint labor of all these classes constitute the aggregate of the "domestic industry" of the nation, and they are equally entitled to the nation's "protection." No one of them can justly claim to be the exclusive recipients of "protection," which can only be afforded by increasing burdens on the "domestic industry" of the others. * * * The advantage under any system of indirect taxation, even within the revenue standard, must be in favor of the manufacturing interest, and of this no other interest will complain.

Mr. Calhoun was the author of the tariff act of 1816, and voted for that of 1833, and both of these were protective. To the list of Democratic protectionists I may add the distinguished names of Silas Wright and George M. Dallas; and to the list of those who advocated incidental protection that of Daniel S. Dickinson. The views of the great Whig leaders on this question were too pronounced, and are too well known to require a statement of them here. Having seen the opinions to which the leading statesmen of the past have given expression, we may well ask what has been the history of our revenue legislation? I must be brief here, for I pass over a well-beaten track and explore a field that has been frequently visited before. Our first tariff act was passed in 1789, and the preamble declared that it "was necessary to the encouragement and protection of manufactures that duties be laid on imported goods, wares, and merchandise." So satisfactory did this system of taxation prove that the duties upon imports were increased by the act of 1790, and again by the act of 1792. These were succeeded by several acts of Congress, including that of 1812, which, as a rule, increased the rate of duty. In 1816 Lowndes, of South Carolina, introduced a tariff bill which was most decidedly a protective measure. Here is an abstract of its provisions:

The average increase was 42 per cent. above the old rates preceding the war, and arranged with particular reference to the encouragement of home industries. After considerable debate the duties on woolens and cottons were fixed at 25 per cent., to be reduced after three years to 20 per cent. The duty on rolled and bar iron and anchors was $30 per ton; on bar and bolt iron not rolled, $7; on sheets, rods, and hoops, $50 per ton. On brown sugar the duty was fixed in favor of the Louisiana planters at 3 cents per pound, and on loaf sugar at 12 cents. On silks, stuff goods, and blankets 15 per cent. ad valorem was fixed. A number of articles were subjected to 20 per cent. ad valorem duties.

This measure was actively supported by both Mr. Webster and Mr. Calhoun. If I am not mistaken this act imposed a much higher rate of duty than any that had gone before it. The first tariff act levied a duty of about 8½ per cent., while the rate under this act of 1816 was of an average of over 30 per cent. The next legislation of importance was that of 1824, which increased the rate of duty to the equivalent of 37 per cent., and that was soon followed by the act of 1828, further increasing it to an average of 41 per cent. This was the highest levy that up to that time had ever been proposed in the American Congress. The following are a few of its features:

The duty on molasses under the act was 10 cents per gallon; on wool 4 cents per pound and 40 per cent., to increase 5 per cent. annually until 50 per cent. was reached; on bar-iron not rolled, $22.40 per ton; if rolled, $37 per ton; and on hemp, $45 per ton.

This act passed the House by a vote of 105 for to 94 against it. In favor of it were 61 Whig and 44 Democratic votes, and 35 Whig and 59 Democratic votes were given against it. In 1832 and 1833 the tariff duties were reduced, and there was no further interference with the question until 1842. In this year a highly protective act was passed, and continued until that of 1846, which again reduced import duties and put the law on a revenue basis with slight incidental protection. Following this came the financial distresses of 1857, then the war of the rebellion, and then the Morrill tariff, so familiar to all. I need not trace the history of this legislation further, for enough has been given to show that our statesmen have fully recognized the necessity for protecting our manufacturing and industrial pursuits; that protection has been the uniform policy of the Government and has been advocated by our wisest and most patriotic men. Now, what has been the result?

The prosperity of our people is without a parallel. In thirty years their property values have increased ffom seven thousand millions to over forty thousand millions. They have invaded the great forests and cleared up farms; they have planted their gardens in the prairies and have been provided a market for their abundant harvests. They have developed the natural resources of a continent—have opened mines of coal, lead, iron, copper, silver, and gold; constructed 110,000 miles of railroad; built shops, mills, and furnaces, and given remunerative employment to hundreds of thousands of our people. The wages paid by them are higher than can be obtained in any other country in the world.

We have opened a better and larger market for the farmer and have given higher prices for the fruits of his toil. We have enabled the people without oppression to either labor or capital to furnish the Government with ample revenue for its current expenses, to largely reduce the national debt, and to enrich and enlarge their happiness. Our system of protective legislation has stimulated production and competition until the product of our mills, looms, shops, and forges have been cheapened. On the other hand, it has enlarged the market for the farm product and enhanced the price of everything the husbandman has had to sell. It has multiplied and diversified our industries, and made us a strong, self-reliant, and independent people.

I do not insist that all these blessings are directly attributable to our protective system, but it is a fact in our history from which there is no escape that prosperity and protection have come together to our people. And certainly our experience exposes the absurdity of the assumption that protection oppresses labor, is disastrous to agricultural pursuits, and fosters monopolies. It is true we have had financial panics and seasons of business depression; that the laborer has been at times out of employment and our manufactures without a market; but it is a significant fact that these periods have followed in the wake of laws that made great reductions of duties on imports and invited excessive purchases of foreign goods. The four marked epochs of free trade depression were 1790, 1824, 1837, and 1857, and the disasters of those years were appalling. These truths prove more than do volumes of unsupported assumptions, and sternly refute a theory "poor in fact and rich only in assertion."

The free-trader argues that protection means monopoly, that the most of the duty goes into the pocket of the manufacturer, is paid by the consumer, and that the tariff is, therefore, a tax imposed upon one class for the benefit of another. If it be true that the duty is paid by the consumer, then it is both unjust and unwise to levy it unless it brings to the consumer a corresponding benefit. The benefits, to be fair and just, must be equal and reciprocal. I insist that protective legislation that enables our manufacturers to compete with the cheap capital and pauperized laborers of Europe brings these reciprocal benefits. Now, there are three classes of our people who are mainly affected by this legislation—the capitalist, who owns the mills and shops; the laborer, whether he be an artisan or a worker in the forests or the mines, and the farmer. The first of these, the capitalist, is benefited all admit. That he should be is highly important to the other classes named, for prosperity to him means more shops, more spindles, looms, and furnaces, a greater demand and a higher price for labor and the farm prod-

uct. Capital and labor in their normal relations are dependent on each other. Each depends on the other for its profits. The manufacturer could reap no profits without the laborer, and labor would find a dull market if the fires in the forges and furnaces were out and the wheels in the shops stood still. If the employer is prosperous he is enabled to pay labor a better price, and thus greater comforts are put in the reach of the laborer. Instead of an antagonism between capital and labor, the individual prosperity of both—and national prosperity as well—depends upon the existence of harmonious relations between them. Legislation should deal fairly with both.

I am asked, what return has protection through impost duties brought to the skilled or unskilled laborer? I answer, it has given him a more certain employment and higher wages. The American wage-people are more prosperous and better paid than any in the world. They have brighter fires on their hearthstones and better and healthier food on their tables, and their children are better clad and educated. Our system of protection has enabled the temperate and the frugal wage-worker to own his own farm and his own cottage. It is bringing hundreds of laboring men and women every month from abroad to abide with us and enjoy its blessings. It has enabled the laborer to become the capitalist, the dependent to rise to independence, the poor to become rich. Many of the opulent of to-day were poor but a decade or two ago. I never hear the demagogue denouncing the "bloated capitalist" but I am reminded that with us a majority of the rich have come up from the ranks of the laboring people and their fortunes are but the result of labor saved. To illustrate, let me quote:

Here are six shoemakers working in one shop. One of them attends to his business; you can hear the music of his hammer late and early. He is in love, it may be, with some girl on the next street. He has made up his mind to be a man, to succeed, to make somebody else happy, to have a home; and, while he is working, in his imagination he can see his own fireside with the light falling upon the faces of wife and child.

The other five gentlemen work as little as they can, spend Sunday in dissipation, have the headache Monday, and as a result never advance. The industrious one, the one in love, gains the confidence of his employer, and in a little while cuts out work for these other fellows.

The next thing you know he has a shop of his own, the next store, because the man of reputation, the man of known integrity, can buy all he wishes in the United States upon credit.

The next thing you know he is married, and he has built him a house, and he is happy, and his dream has been realized.

After a while the same five shoemakers, having pursued the old course, stand on the corner some Sunday when he rides by. He has got a carriage, his wife sits by his side, her face covered with smiles, and they have got two children, their faces beaming with joy, and the blue ribbons are fluttering in the wind.

And thereupon these five shoemakers adjourn to some neighboring saloon and pass a resolution that there is an irrepressible conflict between capital and labor.

I can imagine that when this shoemaker by his frugality and industry had saved enough to run a shoe factory and employ these five workmen, he was denounced as a monopolist. But pardon this digression. I was proving, or at least trying to do so, that our tariff laws procured for our people better wages. I do not care to bewilder the committee by long columns of confusing figures in the shape of labor statistics, but will content myself by calling your attention to an oft-repeated and indisputable fact, that we pay labor, on an average, nearly twice as much as is paid for it in the Old World. Referring to the admirable argument of my friend, the gentleman from Rhode Island [Mr. CHACE], it will be seen that ten of the leading employments in the cotton-works of Manchester, England, are paid weekly wages averaging $6.18 each, while in Massachusetts the weekly average for the same kind of labor is $10.84. You can readily compute the per cent. of difference. I borrow from the same speech the following table:

Wages paid in potteries at Hanley, England, and in the United States—from letter of Robert P. Porter, in New York Tribune, April 2, 1883.

	England.	United States.
Flat-presser	$11 10	$20 30
Dishmaker	9 62	19 43
Cupmaker	9 92	19 67
Saucer-maker	7 63	18 58
Handbasin-maker	9 66	19 73
Hollowware presser	8 14	17 90
Hollowware presser jigger	11 62	21 89
Printer	6 55	13 56
Ovenman	6 86	13 18
Sagger-maker	8 46	19 33
Moldmaker	10 23	20 79
Turner	8 00	16 97
Handler	8 39	16 62

Here are thirteen classes of laborers in the potteries. At Hanley the average weekly wage in 1882 was $11.61, while the same were paid a weekly average of $23.70 in the United States. In this industry our laborer receives twice the pay given the British employé. I might institute similar comparisons and with like results between our wages and those paid in Belgium, France, Germany, Spain, England, and indeed by all the industrial nations of the world, but to do so would be trespassing upon your patience. Presently I will try to show that the high rate of our wages as compared with those paid abroad is directly attributable to a tariff for protection.

I am now asked: "In what way is the farmer benefited?"

And first I will let President Jackson answer. In his letter to Dr. Coleman, of April 24, 1824, General Jackson asked:

Where has the American farmer a market for his surplus products? Except for cotton he has neither a foreign nor a home market. Does not this clearly prove, when there is no market either at home or abroad, that there is too much labor employed in agriculture, and that the channels of labor should be multiplied? Common sense at once points out the remedy. Draw from agriculture the superbundant labor, employ it in mechanism and manufactures, thereby creating a home market for your breadstuffs and distributing labor to a most profitable account, and benefits to the country will result.

Take from agriculture in the United States 600,000 men, women, and children and you at once give a home market for more breadstuffs than all Europe now furnishes us.

In short, sir, we have been too long subject to the policy of the British merchants. It is time we should become a little more Americanized, and instead of feeding the paupers and laborers of Europe, feed our own, or else in a short time by continuing our present policy we shall all be paupers ourselves.

And again, long enough after the tariff of 1824 had been passed to give ample opportunity to note its effects, President Jackson in his third annual message, December 6, 1831, said:

Manufactures have been established, in which the funds of the capitalist find a profitable investment, and which give employment and subsistence to a numerous and increasing body of industrious and dexterous mechanics.

The laborer is rewarded by high wages in the construction of works of internal improvement, which are extending with unprecedented rapidity.

And in every succeeding annual message President Jackson congratulated the country on its steady growth in population and wealth, or, as he states in his seventh message, 1835—

The unexampled growth and prosperity of our country.

This is Jacksonian democracy. You observe the answer: Protection gives a larger market, and as a consequence secures a better price for the farm product. It keeps a large body of laborers from the fields and puts them in the workshop; it makes them consumers of the farm product, when, if the workshop did not exist, they would be producers of it. While this system narrows the field of competition among agriculturists, it enlarges the body of buyers. If farming is to be profitable it must have a good market for its surplus, and this can not be had abroad. The farmer is almost wholly dependent upon his home market; and when this fails, his occupation, except in so far as he can consume its fruits, is gone. The gross farm product of 1882 is estimated at $3,600,000,000. Of its surplus not more than 15 per cent. was sold abroad. The balance had to find a home market. Who make this market for the 85 per cent. of what the farmer raises for sale? I answer, the farm surplus is largely consumed by the 4,000,000 of our people who work in the shops and mines and factories. Drive these laboring people from their employments by any system of legislation that will have that result, and let them become producers instead of consumers of the farm product, and the farmer will soon realize the value of tariff protection. All our industries stand together, and an injury to one is felt by all.

It is asked, how does protection increase wages? All know that labor is the chief element of value in every manufactured commodity. If, therefore, foreign labor is cheaper than ours, manufacture here is only possible upon one of two conditions—either our labor must be reduced to the level of that abroad or we must put a duty on the foreign product when it enters our markets equal to the difference. Everything else between the foreign and home producer being equal, the tariff need only be the difference in the cost of labor to insure fair competition. It is certain that this must be had, or manufacturing industries can neither be established or continued in this country. Now, if the cheap labor of Hanley enables the British manufacturer to furnish pottery 50 per cent. below what it costs us to produce it, paying American prices for labor, we can manufacture no pottery without a tariff on that article equal to 50 per cent. at least. Having given this business that reasonable protection, it may proceed securing labor employment at a price above that paid abroad equal to the duty imposed. And if we fix the tariff rate on the imported manufacture at the fair difference in the actual cost to the foreign and home manufacturer of putting his product in the market, the monopoly, if there be any, is that of the laborer, for he gets the benefit of the duty in the increased price paid him for his toil. I have announced myself a protectionist, but I have never advocated a rate of duty beyond that necessary to enable our people to compete with their rivals in those countries where cheaper labor and cheaper capital are to be obtained. I would insure the capitalist a prosperous business and a fair profit on his investment, and no more.

We have now seen that protection gives a market to labor, to the farm product, and has enhanced the value of each, and I now assert that these more than compensate the consumer for any increase of price on what he buys.

But to what extent does a protective duty increase the price? I quote briefly from Mr. Giles B. Stebbins:

Even if a duty sometimes keeps prices up for a brief time, compensations come at once, and lower prices soon follow. Free-traders craftily ignore the compensations that they may the more plausibly deny the benefits. Take, for instance, the Brinkerhoff charge that $40,000,000 went into the pockets of our iron-makers in 1868, as a result of the "iniquitous tax" imposed on the people by the duty on iron, and grant (what is not true) that the price was raised that amount. Mr. A. S. HEWITT, in his report as United States commissioner, said: "The entire difference in the cost of making iron here and in England is the wages," which he gave as 87 cents to $1 per day there and $2 here. So we find that the Brinkerhoff $40,000,000 went to the workmen, and the farmers got about $10,000,000 of it.

Napoleon created the beet-sugar industry in France under a prohibitive embargo. Sugar was high, but it soon fell, and hundreds of thousands of tons of beet-sugar are made in France to-day, practically their entire consumption, and it is exported to the London market.

History tells the same story in different countries—the building up of vast industries and the cheapening of prices under protective tariffs. In England woolens formerly had a high tariff, sometimes a prohibition, and the duty on iron was raised a score of times, from $2.50 up to $35 per ton, and woolens and iron grew cheaper all the time.

What is our own experience? I will not repeat the figures so often given, but the fact dare not be controverted that under our protective system labor and the farm product have been constantly advancing, while every manufactured product has been cheapening in price. Farm labor has gone up 100 per cent. and more within forty years. Cereals, poultry, beef, pork, hay, the product of the dairy, everything the farmer puts on the market has gone up, while woolens, cotton goods, hats, shoes, agricultural implements, every manufacture, indeed, the laboring man buys has steadily gone down.

Mr. Chairman, I remember when, as a boy, forty years ago, I stood behind the counter of a country store in my district; we bought butter at from 5 to 10 cents per pound, eggs at 3 to 6 cents per dozen, chickens at 75 cents to $1 per dozen, pork at from $1.50 to $2.50 per hundred net, and other farm products at prices equally low. These products have advanced three to four hundred per cent. since then. On the other hand, cotton fabrics, such as prints, brown sheetings, tickings, drills, &c., that sold then at 12 to 15 cents per yard, are to be had to-day in the same market for from 6 to 9 cents. There have been like reductions in the prices of lawns, cassimeres, cloths, flannels; but I need not give details, as these facts stand admitted. The conclusion is clear; we can safely continue a policy that has brought these conditions to the country.

Under the genius of our economical legislation we have stimulated industrial enterprise until our raw material is no longer being sent abroad to be made up by the foreign artisan. It is manufactured largely at home by our own people. A few years ago in my own State of Indiana the noise of the wheels and hammers of the mill and shop could be scarcely heard and the glow of the manufactory fires seldom seen. To-day almost every village has a manufactory filled with busy workers in wood, iron, or steel. There are in my little State 12,442 manufacturing establishments, representing an aggregate investment of $53,000,000. These give employment to nearly 80,000 working people, and last year they consumed $97,000,000 of raw material and put of their products in the market the value of $160,828,000. Here we have 80,000 wage-people for the farmer to feed, and here nearly $100,000,000 is paid for raw material. Indiana is proud of these thriving and growing industries, and her political influence will be given to that policy that will maintain them by securing them a market. Our wool, iron ore, coal, and all kinds of raw material are, by reason of these industries, made up at home. The cotton of the South will soon be spun and woven in mills erected by the side of her own cotton and corn fields, thus giving her own work-people employment and her planters a home market.

Alabama has now 23 cotton-mills; Georgia, 62; North Carolina, 92; South Carolina, 81; Tennessee, 33; Virginia, 14; Maryland, 24; Louisiana, 7; Mississippi, 11; Texas, 6; Kentucky, 5; Arkansas, 4; and Florida, 2.

These mills were returned in the census of 1880 as producing $21,000,000 worth of cotton goods; but the product of 1884 is estimated at $35,000,000 to $40,000,000.

Since the census was completed $25,000,000 of earnings of these mills has been sent North for the purchase of new and additional machinery, for though the South itself is rapidly advancing toward such a manufacture of iron and steel implements as will enable her to supply the machinery for her own cotton-mills, at present she has got no further than agricultural implements. In these, however, the South in 1880 had 296 manufactories, which turned out a product worth $3,557,604, the growth having more than doubled between 1870 and 1880.

But, Mr. Chairman, this subject is exhaustless, and I have talked upon it much longer than I intended. I leave it here, and leave much unsaid. I conclude by saying that no legislation should be invoked that will oppress any, even the poorest and humblest, and no special privileges should be secured to any. Our laws should bless all and equally protect all. A true statesmanship has regard for the interest of every calling and every class, for the national prosperity is but the aggregate prosperity of the individual citizen. Believing that fair protection distributes its blessings equally to all; that it has secured an unexampled prosperity to all classes; that under it the nation and the people are enabled to be independent, I shall give it, as a system, my support.

Mr. CULBERSON, of Texas. Mr. Chairman, I do not propose to discuss the details of the tariff. That duty is devolved upon the members of the Committee on Ways and Means; but as I shall vote for the Morrison bill with or without the amendment suggested by Mr. Speaker CARLISLE, which proposes to abolish the tax upon tobacco and to reduce to a nominal amount the tax on brandy distilled from fruits, I propose to submit some of the reasons that control my vote.

The sentiment of a majority of the people demands a reduction in the rates of tariff taxation, and it is the duty of the House of Representatives, and especially the majority of it, to make an honest effort to comply with this demand. If such an effort shall fail of success the people will place the responsibility of a failure upon those who contribute to it.

It is the policy of the Democratic party, as I understand it, to cut out by the roots the protective system and substitute in its stead a tariff for revenue as contradistinguished from a tariff for protection.

How that policy shall be enforced is the great question before Congress and the country. It would be an act of party destruction to avoid the duty which is now devolved upon the majority of the House.

Wise and wholesome legislation upon the tariff must be based upon existing conditions to which it relates. What are some of these conditions?

The protective system has prevailed for many years, and under the influence of the bounties and protection bestowed upon the manufacturing industries a vast amount of money has been invested in that business. These industries have grown to great proportions. Their wealth, influence, and power are recognized throughout the entire country, and their business relations are intimately mixed and blended with all the affairs of the people.

The demand for labor in these industries has withdrawn from other callings millions of toiling men, women, and children who, after long years of employment therein, have become parts and parcels of the business. In dealing with the fixed relations of vast industries to the affairs of the people by legislation important changes should always be made with that caution and prudence that high considerations enforce.

It can not be denied that the manufacturing industries are in an unhealthy condition. Under the influence of high protection against fair and just competition they have been hoisted upon stilts. The hot-house influence of bounties and subsidies has fostered a reliance upon the favors of law and not upon the merits of business conducted in the face of fair competition.

Violent or inconsiderate legislation, though leveled at such an oppressive and iniquitous a system of taxation as the protective system is believed to be, would not be justified by existing conditions nor the judgment of the people.

The bill under consideration is a conservative approach toward a tariff for revenue. Its conservatism, fairness, and liberality are all apparent when considered with reference to the conditions to which I have adverted. The reduction in the rates of tariff taxation proposed by it can not present a just cause of complaint from any quarter. After the reduction proposed shall have been applied the average rate of duty upon imports will be 33 per cent., a rate far above a revenue basis. Opinion as to the effect of the bill upon revenue is very much divided. It is believed by some that the amount of revenue that will be realized under its provisions, in case it becomes a law, will be thirty millions less per annum than the amount usually collected under the existing tariff; but I do not concur in that opinion. On the contrary, I believe the revenue will be increased, and I am supported in that opinion by the uniform operation of tariff taxation.

Every reduction in the rates of the tariff from high protection toward a revenue basis increases importations, and consequently the amount of revenue; but such result will present no objection to the bill, to my mind, for the reasons I shall hereafter give.

Mr. Chairman, the great point gained by the people, if this bill becomes a law, and that which constitutes its chief excellency, will be a reduction of 20 per cent. upon the cost of nearly all manufactured products consumed by them. The burden of tariff taxations of which the people complain is the exorbitant prices that they are required to pay for manufactured products, foreign and domestic. Such prices are the result, in the main, of high rates of tariff taxation. A 20 per cent. reduction will be a great saving of expenses to the people, especially to the poor, whose scant wages and meager incomes are, for the most part, consumed in the purchase of the actual necessaries of life, so enhanced in price by the tariff.

Considerations of a just public policy stay the work of reconstruction of the tariff at the limit fixed by this bill, but the demand of the people who have been so long oppressed by tariff taxation will not be wholly satisfied until the work of reconstruction shall be complete by the substitution of a tariff for revenue for the protective system. This measure therefore must serve as notice to all interested that the Democratic party means to advance step by step to the only just and constitutional mode of raising revenue by a tariff.

Mr. Chairman, it is indisputably sound policy to collect no more money by taxation than the Government needs to meet its current demands. A plethoric or overflowing Treasury invites legislative spoliation and encourages wasteful extravagance in all the departments of the public service and the appropriation of public money to objects of doubtful propriety.

The annual withdrawal of large sums of money from the people, not needed for public purposes, is an oppressive exercise of power, if not a grave political crime. I do not think, however, that the Government will collect more revenue under the provisions of this measure if it shall become a law than will be needed to meet the demands upon the Treasury, and therefore there need be no fear of an overflowing Treasury and the harmful results of idle money.

It is said that we are now and have been for several years collecting

a large surplus, and that we now have a redundant Treasury. Schemes robed in the guise of benevolence, projects of shameful extravagance, and demands for large appropriations are pending in Congress, all seeking to reduce the cash balance in the Treasury and make room for more money to be gathered from the people.

Mr. Chairman, there is not a surplus dollar in the Treasury. Over $250,000,000 in bonds drawing 3 per cent. interest annually are overdue and unpaid. The tax-payers are paying from seven to eight millions of dollars interest on these bonds annually. How can it be said that we have one hundred millions, or any less sum, of surplus money in the Treasury when the people are paying millions of dollars interest annually upon overdue bonds?

The truth is, that those whose duty it is to apply the money to the payment of these bonds have no disposition to obey the law in that respect. They believe that the public debt is a national blessing because it furnishes a necessity from year to year to gather taxes from the people and a pretext to keep in full vigor the national-banking system, that must expire as the public debt is discharged.

A large proportion of the series of 3 per cent. bonds now outstanding and overdue are owned by the banks. If they were paid off these pets of Government patronage would be compelled to go into the market and buy other and dearer bonds or surrender their circulation. The whole field of legislative expedients is being explored to find some mode to avoid the payment of the public debt, in order to furnish a perpetual foundation on which to rest the banking system, the most remorseless of all monopolies that feed upon the spoils of legislative favor. If it should transpire that the pending bill will yield the Government more revenue, in case it becomes a law, than the present tariff, that result should furnish no just cause of complaint against the bill, but should add to its favor, already great, among the people, who demand that the public debt shall be paid as it falls due, and that national-bank notes shall give way to legal-tender Treasury notes. I support the bill, therefore, because it enforces a reasonable and conservative reduction in the rates of import duties, and to that extent a reduction in the cost of manufactured products to the people, and because under its provisions, as I believe, sufficient revenue will be raised to meet the current demands of Government and extinguish the matured bonds outstanding.

Mr. Chairman, a tariff for revenue, as contradistinguished from a tariff for protection, represents the theory and principle of the Democratic party, as I understand them, upon tariff taxation, and is the only constitutional and just mode of raising revenue by impost duties.

The fundamental principles upon which a tariff for revenue ought to be constructed are that taxes ought not to be levied except for public purposes over which the Federal Government has jurisdiction; that no more money should be collected than such public purposes require under honest and economical administration; and that the burden of the tax should be in proportion to the ability of the tax-payer to bear it.

A tariff constructed upon such principles and fairly adjusted, with reference to existing conditions, excludes the idea of a redundant treasury. It excludes wholly any recognition of right in favor of any individual or class of individuals or corporations to the advantage or protection of tariff taxation in the promotion or advancement of their private interests at the expense of the public.

The results which follow such a tariff system, as has been clearly demonstrated in the history of the Government during the period of the existence of a tariff for revenue, are most beneficent and just when compared with those which flow from a tariff for protection. By it economy in the administration of all the affairs of Government is enforced, because no money is provided for wasteful expenditure or extravagant appropriations. Unequal burdens are impossible, because taxation is proportioned to the ability of the citizen to bear it.

Industries flourish because they must be conducted upon their own merits, without reliance upon the principle of protection and bounty. The laborer rejoices in a better living upon the expenditure of less money. The necessaries of life, indispensable to the poor as well as to the rich, are cheapened or made free of tax. Monopolies are not fostered, because protection to investments or bounties and subsidies paid to individuals or corporations are forbidden by this just system of taxation. Monopolies are not the product of individual or corporate exertion only. Legislative favor, advantages, bounties, and subsidies secured by law are the promoters of monopoly. And, finally, under such a system whatever of prosperity comes to gladden the country is shared by all, from the humblest tiller of the soil to the millionaire.

If there is any question fully settled, so far as the courts can determine, it is that the taxing power under our system of government can only be lawfully exercised to provide revenue for public purposes within the jurisdiction of the Government, and that the exercise of that power for the special benefit of individuals or corporations is a usurpation of power pure and simple. A tariff for revenue falls within the legitimate sphere of the taxing power of the Government because it is the imposition of import duties for public purposes, and not for the special benefit of individuals or corporations.

The Supreme Court of the United States say in the case of the Loan Association *vs.* Topeka (20 Wallace, page 657), that—

> The power to tax is therefore the strongest, the most pervading of all the powers of the Government, reaching directly or indirectly to all classes of the people. It was said by Chief-Justice Marshall, in the case of McCulloch *vs.* The State of Maryland, that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent. imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.
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> To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.
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> Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." "Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes."

Coulter, J., in Northern Liberties, *vs.* St. John's Caurch, says, very forcibly:

> I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the government, for the purpose of carrying on the government in all its machinery and operations; that they are imposed for a public purpose.

Although this decision was made upon a question that involved the power of the Legislature of Kansas to tax the people of that State for a private purpose, yet the principle announced is equally applicable to the power of Congress when exercising the taxing power. If there is no limitation of the uses for which this power may be exercised it may be employed, as it is now, to maintain a protective tariff to ruin one class of individuals and increase the wealth of another. The imposition of import duties for the purpose of raising money to donate to manufacturing industries to enable them to compete with foreign industries would be a clear violation of the taxing power. No protectionist would undertake to defend a violation of the Constitution so open and flagrant. What is the difference between taking the property or income of one citizen by direct means and giving it to another, and in accomplishing the same result by indirection? So far as the citizen who is injured is concerned, there is no difference. His loss is the same, whether his property is taken by one or the other method. The indirect mode suits the recipients of the bounty better, however. If the bounty-money was raised directly, Congress would have to apportion it out among the "protected classes" according to some rule of division. Each establishment would get its proportion. There would be no opportunity for the several parts of each "protected industry" to get more of the stolen goods than its share; whereas under the indirect system that protected industry gets most of the bounty, that drives the hardest bargain with labor. It would be far more honorable to raise the money openly and divide it among the protected classes. The people would then realize how much they pay for the support of the manufacturing interests, and labor could understand its interests in the bounty.

But, Mr. Chairman, this indirect method of taxing the people for the benefit of a few who are engaged in manufacturing is the only safe mode by which to secure the bounty. If this burden was laid openly, so that its enormity would be exposed, the people would revolt against such unjust exaction. Self-interest always rebels against open robbery, but fraud, robed in a patriotic garb, deceives while it plunders.

There will never be a period of time in the future of this Government when a revenue tariff will not give an advantage to the home manufacturer over his foreign competitor. That advantage is not the offspring of right, but it comes as the inevitable result of taxing imports at all. Why should the home manufacturer not be content with the advantage which flows to him under the provisions of a constitutional tariff? What right in morals or law has any private business to be supported from the income of the people?

The proposition is abhorrent, and repugnant to every sentiment of justice and fair dealing, and is an assault upon the equality of right, the very foundation upon which our institutions are supposed to rest. A private industry which can not maintain itself upon its own merits ought to be abandoned. This is the rule of business applicable to all the affairs of men, and simple justice and fair dealing forbid exceptions to it made by bounties extorted from the people under the guise of raising revenue for public purposes.

Mr. Chairman, the contrast between the operation and effects of a tariff for revenue and those of a tariff for protection is marked and significant. It has aroused universal inquiry among the people. There is unrest and disquiet under the burden of a protective tariff plainly discernible in all sections of the Union. While the war raged the burden was borne by the people with patriotic fortitude. For a long time after the close of the war the great public debt silenced their murmurs; but now that peace reigns and the public debt is no longer an incubus, neither patriotism nor sense of honor demands further submission to the cruel exactions of protection.

If a tariff is a tax imposed upon the people who consume foreign commodities that are taxed, and it can not be otherwise, the gross injustice and onerous oppression of the existing protective system is easily demonstrated. I can not go into details, but the total value of all the taxed commodities imported into the United States during the last fiscal year was $493,916,383.81; the average rate of duty or tax paid was about 42½ per cent., and the total amount of revenue received by the Govern-

ment from the tariff was $194,464,758. These figures mean that the people paid that much revenue for the privilege of buying the foreign taxed commodities that were imported into the United States during that year. They paid over one-third of the value of the goods for the privilege of buying them. This was an enormous tax not justified by the demands of Government.

Now, why did Congress deem it necessary to fix the rates of the tariff so high? It was not for the purpose of collecting revenue for public purposes. If revenue had been the object of the tax less rates would have been fixed, for everybody concedes now that high rates lessen the amount of revenue, while low rates, if not below the revenue basis, increase the amount of revenue. The main object of fixing the rates so high was to protect home manufacturers from the competition of foreign manufacturers. But high as the rates of the tariff are, and enormous as the amount was that the people paid last year for the privilege of buying the small amount of foreign products consumed, it was a mere fragment in comparison with the amount actually paid by the people to the protected industries by reason of the existing costly and imperial system of taxation.

Nearly nine-tenths of all dutiable goods imported into the United States compete with similar products manufactured here for a market. The "protected industries" represent an immense business. The value of the products manufactured by them during the year 1880, as shown by the census, reached the enormous sum of $2,440,502,649. All of these products which were purchased in the United States sold at a price enhanced by the tariff tax upon the foreign competitors. That is to say, the home manufacturer goes into the market with his goods with the advantage of the tariff tax over his foreign competitor. The higher that tax is the better for him. Just how much that advantage yields annually to the "protected industries" is a subject of estimation, which experts can very nearly approximate.

I have been furnished with a table prepared by Mr. SPRINGER, of Illinois, which shows the operation of the tariff for the year 1882. It is as follows:

Statement showing the amount of incidental taxes annually imposed on the people of the United States in the increased cost of home products by reason of discriminating duties on imported articles of like character, together with the value of such home products, the amount of wages paid and number of hands employed, and the imports and duties received thereon, for the year 1882.

Articles affected by the tariff.	Merchandise imported during the fiscal year ended June 30, 1882.			Value of home products, census year, 1880.	Average number of hands employed. Boys under 16 and girls under 15 counted as one-half a hand.	Total amount in wages during the year.	Estimated rate of increase ad valorem.	Incidental taxes, being the increase cost of home products by reason of the tariff.
	Values.	Duty received.	Average ad valorem rate.					
	Dollars.	*Dollars.*	*Per cent.*	*Dollars.*	*Number.*	*Dollars.*	*Per cent.*	*Dollars.*
Chemical products	21,517,169	6,718,561	31.32	117,377,324	28,895	11,840,704	20	23,475,464
Earthenware and glassware	13,822,043	6,693,257	48.42	31,632,309	30,674	13,130,403	45	14,234,539
Metals: iron and steel, and all metal manufactures	74,427,988	30,358,936	40.79	604,553,460	290,000	122,648,191	20	120,910,692
Wood and woodenware	8,654,327	1,589,851	18.37	311,928,884	185,426	47,817,199	15	46,789,332
Sugar and molasses	94,540,269	49,210,573	52.05	(a)			40	4,848,714
Tobacco	8,216,132	6,000,961	73.03	118,665,366	81,809	25,041,257	25	29,666,341
Cotton and cotton goods	34,868,044	13,482,167	38.67	210,950,383	170,363	45,614,419	20	42,190,076
Hemp, jute, and flax goods	33,578,076	9,844,652	29.32	5,518,866	4,329	1,238,149	20	1,103,773
Wool and woolens	47,679,502	29,254,234	61.36	267,182,914	145,341	47,351,628	40	106,873,165
Silk and silk goods	38,535,475	22,632,490	58.73	41,033,045	28,554	9,146,705	50	20,516,522
Books, paper, &c	4,923,620	1,406,787	28.57	65,960,405	25,274	9,895,995	20	13,192,081
Sundries	62,410,690	17,272,269	27.68	665,699,693	337,216	129,881,399	20	133,139,938
Total	433,173,335	194,464,758		2,440,502,649	1,327,881	463,606,049		556,938,637

a Planters' product for 1880 was: Sugar, 196,759,200 pounds; molasses, 16,573,273 gallons. Number and wages of laborers not stated.

This table shows that the "protected industries" received during the year 1882 $556,938,637 from the people of the United States, who purchased their products in excess of what their products would have brought if there had been no tariff. That is to say, for every dollar paid into the Treasury as a tax upon imports $3 go into the pockets of the "protected classes." I am aware that other estimates place the amount received by the protected industries at a much greater sum, but I regard this estimate as reliable.

It thus appears that on account of the protective tariff over $700,000,000 were drawn from the people during the last fiscal year. Not quite $200,000,000 of that amount was paid into the Treasury as revenue. All the balance of it went into the pockets of the "protected classes" as enhanced profits by reason of the tariff upon the sale of their merchandise.

Can it be possible, Mr. Chairman, that a system of taxation that thus outrages every principle of justice and fair dealing finds a warrant for its existence in the Constitution which we all so much revere. Its greed and pillage are sufficient to appall every just man.

If this enormous burden fell only on the rich, or if it were equitably adjusted and apportioned among the people according to their ability to pay, the system would in some measure be relieved of its unblushing tyranny and gross oppression; but such is far from the fact. The burden falls heavier upon the shoulders of the poor than upon those of the rich. The poor must purchase the necessaries of life taxed as they are, and so must the rich; but this system of taxation makes no distinction between the ability of the two classes to pay the taxes imposed, even upon the necessaries of life.

What must be the results of such a system of taxation? Unlike those which flow from a tariff for revenues wholly. The burden of the tax falls unequally. Those the least able to supply themselves with the necessaries of life are most oppressed, and the burden decreases as income increases. Its tendency is to centralize wealth, to build up classes by forced contributions upon the people at large, to foster monopolies, and to create an aristocracy of wealth. It degrades labor instead of elevating it, for under the guise of high wages it robs it of its income in enhanced prices for the necessaries of life. Monopoly and serfdom go in pairs, and both are the legitimate offsprings of a system which robs the public to aggrandize the few. [Applause.] Besides, sir, the effect of this system upon the protected industries themselves is most harmful. It encourages overinvestment and overproduction, and the bounties paid enable them to suspend work at pleasure, to the ruin and distress of labor. It creates conditions under which large wealth is accumulated in the hands of few, while the many are forced into poverty.

It is said, Mr. Chairman, that the present tariff is the offspring of the war. During that great but ever to be regretted struggle the demand for revenue and manufactured products reached the very highest point of human necessity. The present rates of the tariff were fixed, in the main, for a twofold purpose: for revenue, and as a stimulus to production to meet the extraordinary demands of the war.

Whatever might be said by way of justification of the system as a necessity of war would challenge my respect, for I recognize the fact that the life of a great nation imperiled by war is dearer than constitutions or laws. But the war closed twenty years ago. There is now no war demand for manufactured products and no stimulus is needed. On the other hand, the stimulus applied by way of bounties and protection has resulted in overinvestment and overproduction. On all sides we hear of mills closed or running on limited time. The mill-owner rests on his bounty until demand for his goods revive, while the laborer is turned out to look for work in other employment. The system has outlived its purpose.

Mr. Chairman, it is said that the marvelous development of the resources of the country during the last twenty years and the enormous addition to the wealth of the people and their apparent prosperity are all due to the protective system, and they are eloquently displayed as the beneficent results of protection. Is the credit due? I think not. If you will compare the results of the period when we had a Democratic tariff with those which are now claimed for protection fairly and with reference to the conditions applicable to each, you will find the prosperity of the people under the former period far more satisfactory to the philanthropist and the patriot than that which now exists. During the period of a tariff for revenue, the prosperity of the people (as shown by the census) was marked and significant. It was widely diffused. The *acquêts* and gains of labor, industry, and enterprise were shared by the whole people, from the humblest tiller of the soil to the millionaire.

The prosperity which is apparent to-day is in a large degree deceptive. The general and substantial prosperity of the tariff-for-revenue period does not exist. It is true that we are dazed by the glare of wealth and stand lost in admiration at the grand development of the inherent resources of the country. But I regret to say that the wealth which attracts our attention to-day lies up in heaps. It is enthroned in palatial residences that shelter the bounty-fed barons of protection. It displays itself in the long lines of railway stretching across the continent, all owned by money kings; in the "million list," who cut the coupons from untaxed bonds; in the long roll of banks and bankers, fattening day by day upon the spoils gathered from the people by the favor of class legislation; in the costly public buildings, more fit for

the scarlet henchmen of royalty to dwell in than the servants of a republican people, erected all over the country by the money wrung from the public by this system of indirect taxation; and finally in the baronial landed estates filched from the public domain, the heritage of the poor, under the forms of law. [Applause.]

From 1860 to 1870 the nine leading manufacturing States increased their wealth 173 per cent.; from 1870 to 1880, 200 per cent.; while for the same period the nine most fertile agricultural States show no such wonderful achievements in the acquisition of wealth. The truth is, and I regret to say it, that the wealth of the country acquired under the protective system is most unevenly divided. There is abundant wealth and prosperity, but who shares it? There are to-day more modest homes where the comforts of wealth are unknown, there are more tenement houses where tired people are supposed to rest, there are more cabins clinging to the hillsides or dotting the great plains, there are more hovels where squalid poverty sleeps upon its rags, and there are more able-bodied men and women eking out a miserable existence upon scant wages than at any other period in the history of the country. In the very glare and glamour of centralized wealth and corporate power which the protective system promotes there is a vast army of men, women, and children struggling for the barest living. There is no factor in American politics or policies that has contributed more to centralize the wealth of the country, to make the rich richer and the poor poorer, than the system of protection.

This iniquitous system of protection is defended mainly upon the ground that the aid extended to the "protected industries" is necessary to enable them to pay their laborers compensatory wages. This defense is remarkable in many respects, and in none more so than its entire falsity and want of sincerity. Abstractly considered, it presents no merit founded on right. It assumes that Congress has the right to tax the people for the purpose of making a private business profitable to the owners, a right denied by the highest court of the country. The very statement of the demand is abhorrent and repugnant to justice and fair dealing. It has no warrant in the Constitution. It is the offspring of greed. [Applause].

Life, Mr. Chairman, from the cradle to the grave, is but a combat for a comfortable living and a decent burial against all opposing elements. In that great struggle every contestant is entitled to a fair chance of success, and whenever the Government lays its heavy hand upon the income or property of the citizen, not for public purposes of government, but to transfer it to another citizen to aid him in the struggle, it commits an unpardonable crime against humanity. Besides, sir, this defense of the protective system upon the part of the recipients of its bounty is false and insincere, and in proof of it I present the letter of Dr. Young, the president of a cotton factory in the State of Georgia:

COLUMBUS, GA., *March* 13, 1884.

DEAR SIR: I have your letter of 10th instant, in which you ask my views as to what effect a reduction of 20 per cent. would have on the cotton manufacturing interests of the South. To the question I answer unhesitatingly, none.

The South is now engaged in manufacturing, say, standard (or heavy-weight) goods, and which are mainly consumed by the masses of our population South and North; and now the South sends her surplus productions to the North, where they displace all such heavy-weight goods as were formerly made there and sent South. These advantages (in all such goods) must ever remain with the South, over New England and Old England; and New England, on account of closer proximity to the cotton-fields, has a relative advantage over Old England.

A reduction of 20 per cent. in the tariff would not enable England to compete with this country, North or South, in these heavy-weight goods; but if the tariff on all articles entering into the cost of manufacturing in this country were also reduced 20 per cent., then the manufacturers North and South would be benefited; and if the duties on all such goods entering into the cost of manufacturing were made free, then the North and South could compete with England in all markets of the world. The tariff as it now stands of course shuts out all foreign competition with manufacturing productions in this country (except a few specialties of fine goods for the wealthy); and it locks in their productions, and thus confines them to the home demand; and, as a consequence, there is now a glut of goods. To illustrate my position, the company over which I preside consumes about fifty bales of cotton per day. A New England mill consuming that amount of cotton would have to pay $250 per day more for it than it costs this company, and a mill in England would have to pay more than that.

These advantages are so great that the tariff (if entirely removed) would not enable England to compete with this country on heavy-weight goods, and if the tariff was removed on all articles that enter into the cost of manufacturing, then this country could command the markets of the world and the supremacy of England would be ended.

I have visited England three times and have investigated the cost of labor compared with the South, and found it more (or higher) than here; and yet our operatives were in better condition from the fact that food costs less with us, and clothing also, as our climate does not require such heavy clothing.

I think labor at the North about the same as in England.

I also investigated the cost and selling price of heavy cotton goods, and concluded I could sell in England at a profit, but to do so I must adopt their peculiarities of styles, and I prefer a home market.

I believe if all our custom-houses were abolished that this country would find (in England) a large market for our manufactures of cotton and woolen goods. Now, this country is heavily taxed with almost everything that enters into the cost of production, beginning with machinery and ending with the baling the goods with Scotch burlaps.

I believe the manufacturing interests in this country, with their natural advantages, if free from all tariff legislation, would soon become the great manufacturing center.

Yours, truly,

EAGLE AND PHŒNIX MANUFACTURING COMPANY,
W. H. YOUNG, *President.*

Hon. HUGH BUCHANAN,
House of Representatives, Washington, D. C.

In order to show the insincerity of those who urge this plea in behalf of protection, I submit that the "protected industries" during the last fiscal year paid their laborers $447,719,876. They received incidentally from the protection afforded by the tariff, as I have shown, over $500,000,000. How was that sum applied? If it was applied to the payment of the wages of their laborers, it was more than sufficient to pay the entire wages due their laborers. So it seems that the people paid the wages of the laborers employed by the "protected industries" and nearly $200,000,000 in excess, which went to swell their enormous demands.

It will be borne in mind that this demand is made in behalf of American labor against the competition of cheap foreign labor.

The history of the transactions of the "protected industries" shows that no consideration of the wages of laborers enters into the demand for tariff bounties and protection. It shows that the iron rule of supply and demand is applied to the wages of the laborer. If the supply is great the laborer must be content with whatever price is offered. Nor is this rule harsh and arbitrary, as it is always applied in the interests of the American laborer. But these "protected industries," notwithstanding the bounties and protection they secure, confessedly in the interest of American labor under the tariff, do not hesitate, whenever they desire to swell their profits, to explore the crowded marts of the Old World for cheap foreign labor to take the place of American labor, until now 30 per cent. of American labor has been driven out of their employment and foreign labor substituted for it.

Sir, the Democratic party makes no war upon capital, but is now and always has been the champion of the rights of the people against the encroachment of power and unjust exactions. It has always battled for a pure and honest administration of Government. It has stood by the people throughout the long war which monopoly and centralized wealth have made upon their income and property. It has been the avowed foe of all class legislation. It has struggled to bestow the blessings and benefits of Government on all alike and to apportion its burdens among all the people. Time and time again it has gone down in defeat, overwhelmed by the combined elements of protection, monopoly, and centralized wealth. But undaunted by defeat, inspired by the great cause of the people against all opposing elements, it will ever be true to its principles and traditions in adversity or prosperity. [Great applause.]

Mr. MILLIKEN addressed the committee. [See Appendix.]

Mr. CUTCHEON. Mr. Chairman, I am opposed to this bill because I believe it wrong in principle, unscientific in construction, hurtful in tendency, and destructive in effect if carried to its logical conclusion. Its very discussion is already disturbing the business of the country, and the only parties who look forward to its passage with hope are the manufacturers of England and the school of politicians who advocate it upon this floor.

The questions involved have been so amply discussed that I should have remained silent had it not been for the fact that I represent a district which this bill strikes with fatal force. The details of tariff legislation have received such full consideration in this debate that I do not purpose to add to the discussion of details. So many figures have been given, which no one remembers except in a general way, that I shall not pile up more figures; but I shall seek to discuss some of those underlying principles to which all details and all figures are subordinate.

We have here a positive antagonism of theories, while their supporters profess a common aim and object. All, protectionists and free-traders alike, profess to desire the permanent welfare of our people, and especially of those who depend upon daily labor for daily bread. Professedly we do not differ in the end, but only in the means of attaining the end. These two theories are:

1. "Commercial freedom," or free trade, the fundamental idea of which is that our market is the world.

2. Protection, or "the American system," with the fundamental idea that by discriminating duties upon imports we may segregate the markets of our country from those of more densely populated countries, and that thereby a scale of wages definitely American may be maintained.

In discussing this qustion we are not to forget that one of these theories has been thoroughly tested, and its results are known and reasonably certain.

Free trade in its full meaning has never been tried in this country, and therefore what its results would be is a matter of speculation only. Whatever names may be used, it must not be forgotten that there are not and never have been any advocates of genuine free trade in this country. Ever since

THE OLD CONFEDERATION

broke down for the want of a stable revenue, and the present Constitution was adopted in order that the Federal Government might have an income independent of the several States, and since the levy of duties on imports was found the simplest and most feasible method of raising Federal revenue, a practical free-trader has been unknown in this country.

To support the Government by direct taxation upon property would necessitate either the employment of a second net-work of tax officials throughout the States, a system most expensive and offensive, or the collection of the Federal revenue through the tax machinery of the several States upon requisitions from the General Government, thereby inviting constant collisions and conflicts of Federal and State jurisdic-

tion, ending at last in the employment of military force or a final breakdown of the Union as the Confederation broke down, for the want of the taxing power. In either case no party would long survive which attempted to conduct this Government by direct taxation on property.

THE ISSUE IS NOT, THEREFORE, BETWEEN TARIFF AND DIRECT TAXATION.

There remain, then, two resources:

1. External taxation, or "tariff."

2. Internal taxation, called "internal revenue." Internal revenue has never been recognized as a part of the ordinary and accepted tax system of the country. It has been unpopular from the foundation of the Government. The cause of this is not far to seek nor hard to find. (1) It is a tax upon production and not upon consumption. It discourages the production of whatever it is laid upon. (2) It is a tax upon the business of the country and brings it under a surveillance at once obnoxious and embarrassing. (3) It can only be carried out through and by a system of espionage, not only costly and odious, but contrary to the spirit of our institutions. (4) Its only place in any system is as a tax upon a few things, such as distilled spirits, which are recognized as not only strictly luxuries, but are conceded to be hurtful to society, and the production of which is rather to be diminished than increased.

The internal-revenue system finds its only true sphere in time of war, when a vast revenue must be raised with a certainty not dependent upon our consumption of foreign products. The weakness of the tariff as a purely revenue system lies in the fact that through our inability to consume foreign products in time of war the revenue is certain to break down when most greatly needed. We are brought around, therefore, to the conclusion that the only ordinary and permanent source of revenue that the Federal Government can rely upon is the duty on imports collected in its own custom-houses by its own fiscal agents.

THE ISSUE IS NOT BETWEEN TARIFF AND INTERNAL REVENUE.

No party since the adoption of the Constitution has ever proposed to dispense with a tariff. No party now proposes to dispense with it, and none ever will so long as the Federal Government must have an independent revenue.

The issue, then, is not between tariff and anti-tariff, nor yet strictly between high tariff and low tariff, but rather between protection and anti-protection. And yet for the purposes of this discussion I shall speak of these two parties or elements as protectionists and free-traders. Both are for a tariff for revenue. Both are not for a tariff for revenue only.

The protectionist system is

THE NATIONAL SYSTEM.

The free-trade system is a cosmopolitan system.

By protection we seek first, foremost, and always to develop our own country—

1. As to its natural resources, its raw material.
2. As to labor, the transmuting power in production.
3. As to its transmuted labor, its capital or wealth.
4. As to its markets, its means of consumption.

By this system we seek and believe that we achieve the following ends, which we consider in the highest degree desirable:

1. National independence—

First. By the development of our own natural resources, our raw material.

Second. By the production within our own borders of all that is needful to national or individual life.

Third. By the creation within ourselves of every form of labor, skill, or invention requisite to national or individual support.

Fourth. By the control of our own markets, free from the domination of foreign powers either in peace or war.

Fifth. By the maintenance of a national scale of wages, creating a greater power of consumption, higher civilization, greater content, and greater loyalty.

And here let me say that no nation can be truly great or truly independent until it can arm, clothe, and munition its own armies in time of war, and control its own markets in time of peace! [Applause.]

2. The next object of protection is the conservation and utilization of the great natural advantages which the Almighty has given us in our broad domain, our ample raw materials and natural facilities for transmuting them into products for the consumption of an advanced civilization.

3. Maintenance of home markets adequate to the consumption of home production, so as to effect a saving upon transportation which shall go to augment the common wealth of the country, increasing the wages of labor, the returns of capital, and the capacity for consumption.

Against all this the free-traders put a single maxim, to wit: "The market is the world; buy where you can buy cheapest, sell where you can sell dearest." In other words, the whole race of life is reduced to a race for cheapness, not for advancement.

What does this maxim mean? When we are adjured to "open the markets of the world," what does that mean? It means that we are adjured to reduce our cost of production to a level that will force our products into the markets of the world. This can only be done by reducing the wages of our laborers to and below the level of the wages of every nation with which we compete in the specified production, for transportation must be added to prime cost. "The speed of the fleet is the speed of the slowest ship," and the level of wages in order to compete in production with the nations must be the level of the nation having the cheapest wages engaged in the specified production.

"FREE TRADE" IS THE MILLENNIAL SYSTEM.

When all nations are on an even plane of civilization, all nations on an equal scale of production and invention, all nations of an equal density of population, and all nations shall have an equal capacity for consumption, then the markets of the world will reach an equilibrium, and when thereafter the epoch of universal peace shall come in—in other words, when the millennium shall dawn—the doctrine of free trade may become practical, but never until then. Until then there must be discrimination and protection in favor of our own resources, labor, production, and markets. [Applause.]

We have now advanced thus far:

1. The Government must have revenue.
2. This revenue must be derived chiefly from duties upon imports.
3. That in deriving this revenue from imports a discrimination should be made in favor of American materials, American labor, and American markets.

I come now to discuss these questions in detail, under the several heads of

RAW MATERIALS, WAGES, AND MARKETS.

And first of "raw material." This is the shibboleth of the free-trade party—"free raw materials!" Now, what is raw material? On this matter of primary definition there seems a great confusion of ideas, but on it depends much, if not the entire question. That eminent economist, the gentleman from New York [Mr. HEWITT], spoke the other day of pig-iron and scrap-iron as "raw materials." The equally distinguished gentleman from Pennsylvania [Mr. KELLEY] resents this as to pig-iron, but joins Mr. HEWITT in putting alcohol in the list of "raw materials." The gentleman from Ohio [Mr. HURD], in his eloquent speech recently, puts wool down as a "raw material." And by some strange contradiction of terms "manufactured lumber" is classed as a "raw material." In the minds of these gentlemen evidently raw material is a "movable quantity," a relative term. It would be defined thus: "All that comes to me is raw material, no matter how many hands have wrought upon it before; all that goes from me after my labor has passed upon it is 'finished product,' no matter how many processes it may pass through between me and the consumer."

Now, in truth and in fact there is no raw material but nature; all else is the result of labor. The ore untouched in the unopened bed is raw material; but when labor has opened the mine, built a track for the ore, put cars upon it, constructed implements for mining, dug the ore, rolled it out of the mine, transported it to the dock, loaded it on ships, carried it to the furnace which labor has built, lifted it with machinery which labor has erected, mingled it with lime which labor has quarried, melted it with charcoal which labor has cut in the forest, burned in kilns which labor has built, and then when grimy and sweating labor has drawn the glowing molten mass from the vast crucible and cast it into ingots or pigs, it is not "raw material," but labor, concentrated labor. More than nineteen-twentieths is labor and less than one-twentieth is "raw material." [Applause.]

In the case of alcohol it is even more absurd to class it as a raw material. The raw material in alcohol is infinitesimal. Labor clears the land and reduces it to cultivation. Labor plows the ground. Labor plants the corn, which labor before has raised. Labor cultivates the crop. Labor harvests it, houses it, shells it, transports it on roads which labor has built to distilleries which labor has reared. Labor puts it through the various processes of distillation, casting nineteen-twentieths of the raw material to the distillery swine or cattle. And when the spirits, the alcohol, emerges from the still 999 parts in every 1,000 is labor, and one part or less is "raw material."

It is little less than astounding to hear that political economy which places alcohol in the category of raw material, but it is no more amazing than it is to hear manufactured lumber placed in the same list.

The raw material is the untouched forest. Labor fells the trees, cuts them into logs, skids them, hauls them to the water, floats them to the mill which labor has built, lifts them into the mill, saws them, piles the lumber on the dock, puts it on the vessel, transports it to the primary market, and there, where four-fifths of its value is labor, it is still classed as a raw material.

In the same way, only to a less extent, wool is a raw material. Nature grows the fiber, but labor prepares all the conditions. If you can estimate the value of the wool clip of this planet before the hand of man had struck a blow upon it, before a tree had been felled or a home reared, you can justly estimate to what extent wool is a raw material.

Wool is as much the product of labor as statuary, in fact more so, for the raw material enters more largely into the marble statue than into a piece of woolen goods, or even a clip of wool.

The sooner we recognize the fact that all civilization, all wealth, all production is the outcome of labor—the great magician, the touchstone that transmutes nature's treasures into life and comfort and human use,

the sooner we shall find ourselves upon the everlasting adamant. [Great applause.] All wealth whatever is labor crystallized. "Free raw material," except we use our own raw material, is a delusion and a snare.

We may as well settle our hearts upon this foundation fact, that for the purposes of this discussion there is no raw material imported into this country and from the very nature of the case there can be none, for when it reaches these shores the so-called raw material will be composed of from 900 to 999 parts in every 1,000 of labor and nothing but labor.

Labor, mental and physical, ought to possess the wealth of this world, because it has the right of creator. I thank God that in this land at least they do possess it. And it is only here and there that some one has gained possession of wealth which he did not help to create. The general average of our 54,000,000 people is not greatly disturbed by these exceptional cases.

My colleague from Michigan [Mr. YAPLE] in his able free-trade speech declared that "*exchange* is the source of all life and wealth." My friend is in error. Labor, productive labor, is the source of all life and wealth, and the less of this productive labor that is wasted or expended by exchange in bringing the producer and consumer together the better for both producer and consumer. Exchange is necessary, but the less the expense of exchanging the larger the residuum. It is the recognition of the fact that manufactured products are only embodied labor that forms the basis of the tariff system.

The tariff duty is intended to be apportioned upon different articles according to the amount of labor that has entered into their production: if but little labor, then but little duty; if much labor, then a larger duty; and the highest duty upon that which involves or embodies the largest amount of labor. With each new process, therefore, through which the manufacture passes comes an addition to the duty which is levied upon it. As the more elaborate and expensive articles are generally consumed by the wealthy, and the simpler forms, involving less labor, by the poorer class, the higher duties are consequently laid upon articles of luxury, and not of necessity. It is the idea of the equitable distribution of the rewards of labor to the actual laborers that lies at the very foundation of the protective policy.

This brings me next to speak of

THE WAGES OF LABOR.

The price of anything is simply the price of the labor in it. The labor is measured by wages, and so wages—the price of a day's work—becomes the measure of value of everything that the world uses or consumes.

If all nations were upon a dead level of civilization, with equal natural resources of the same kinds, for which there was an equal demand, with equal powers of invention and production, with equal capacity for consumption, and an equally dense population, then wages would be everywhere the same. The price of labor, like the price of everything else, depends upon the law of supply and demand; that is, upon the amount of the supply relatively to the demand.

The supply depends upon the power of production, and production depends largely upon brain labor and inventive genius, and the use of labor-saving machinery. One engine, run by two engineers and a half dozen firemen and attendants, will do the work of more than twenty thousand men. So we see that the greater the brain-power—the inventive faculty, in a word—the higher and more vigorous the civilization, the greater the production, and the greater the supply.

On the other hand, the demand depends upon the ability to consume, equal populations being considered. The barbarian can consume but little. His wants are but few and simple. A wigwam, a bow and arrow, a fishing rod and line, a breech-clout, a bearskin, a tomahawk and knife are sufficient to meet his demand. Civilization is the multiplication of wants. Civilization must have houses, grounds, gardens, fields, fences, roads, railways, canals, ships, factories, shops, schools, and churches, and all that these imply. In its homes there must be the accessories of civilized life, furniture, carpets, books, pictures, tapestries, decorations, instruments of music, and a multitude of like objects. A thousand articles of use and beauty fill the home of civilization. All these things must be made, and made by labor. In a word, the higher the capacity for consumption, the higher the civilization; and the higher the civilization the greater the capacity for consumption and the consequent demand for labor.

When we compare the common people of our own land with those of older countries, and especially free-trade countries, we find in those countries, first, a lower grade of civilization and a consequently smaller capacity for consumption of the products of labor, and hence a comparatively small demand for labor itself; second, overpopulation and overproduction, and a consequent oversupply of labor. There are two men to do the work where only one man is needed, and hence the two must divide the wages of one. The consequence is that wages are kept at the lowest living line. If the common laborer can live, it is all that he expects and all that his children hope. On the other hand, in this country the demand for labor is in excess of the supply.

Our conditions are singularly favorable to the working class. We have a vast and undeveloped continent. Its natural resources are great in extent and in variety. Here land, the prime raw material, is free. Here cities are to be built, mines to be opened, farms to be cleared, railroads to be constructed, canals to be dug, and all the forces and accessories of a most vigorous, versatile, and advanced civilization created. [Applause.] The work to be done is vastly in excess of the workers, and the result is that wages are high. This again increases the capacity for consumption among the wage-earning class. And this again an enlarged demand for production, an increased call for labor; and so we move in the endless procession of high wages, large consumption, demand, and production, which constitutes highest civilization. This is national prosperity.

IMMIGRATION

is the great economic thermometer of prosperity. Immigration measures the superiority of the American system over those of the Old World. Every year we see from one-half to three-quarters of a million of people leaving the homes of their youth, the hearthstones of their sires, the graves of their ancestors, to find a home among strangers in this strange land. Why this breaking of all the most sacred ties? Why this uprooting of all the deepest affections? Why this voluntary expatriation? It is because they leave behind them the land of industrial despair and turn their faces to the land of blessed and soul-inspiring hope. Away beyond Atlantis, beyond the blessed isles of the Hesperides, lies for them the sun-lit land of promise, where honest toil is recompensed by honest reward. [Great applause.] It is in vain that you tell them that this is the land of the "robber tariff," that this is the land where the "poor grow poorer and the rich grow richer," for they know that you do not tell the truth, and that their friends who came before them have acquired comfort and a home, and have sent them the means to follow. They know that though they may pay more for a few things, yet bread and meat are cheaper, rent is cheaper, land is cheaper, while a day's work brings more; and at the end of a year they have saved more than they could possibly save in the land which they leave behind them.

Now the question is: Shall we throw away all these advantages? Shall we open our markets freely to the producers of all the world and force our wage-workers into the unequal contest with the half-paid labor of Europe or the quarter-paid labor of Asia?

In collecting our vast revenue shall we aim to collect it from such articles as embody cheap labor, and thereby maintain our standard of wages and protect our manufacturers and laborers, or shall we adopt

A TARIFF FOR REVENUE ONLY?

We may as well here as anywhere consider what "a tariff for revenue only" means. It is a tariff whose only object is revenue. The moment you seek anything more than this you become protectionists. It is a tariff levied and adjusted with reference to raising the largest amount of revenue in the cheapest manner and with the greatest certainty. It must therefore be levied upon the smallest number of articles and those of most general consumption, and hence upon the necessities of life. Revenue must be most certain and most uniform; therefore the tariff must be laid upon those articles which we do not ourselves produce, and which therefore do not come in competition with our labor. So that the "tariff for revenue only" strikes the poor man twice, and twice fatally. First, it taxes the articles of daily consumption, such as tea, coffee, sugar, and spices; second, it taxes those things which come least into competition with his labor, while those manufactured products which are all labor and come most into competition with him are untaxed or least taxed. It is free trade aggravated with taxation of the prime necessities of living.

A protective tariff is the reverse of all this. It puts upon the free-list those articles which we do not and can not produce, together with those into which the least labor enters, and which do not come into hurtful competition with American production. Upon the coarse and cheap necessaries of the poor low duties are laid, while the higher duties are reserved for such as enter into sharp competition with American labor, and such as are chiefly consumed by the rich. That

WAGES ARE HIGHER IN THIS COUNTRY

even the free-traders concede. It was conceded on this floor during this debate by the author of this bill [Mr. MORRISON] in answer to the gentleman from Ohio, Mr. MCKINLEY. But for the purpose of comparison I will ask to print as an appendix to these remarks the tables prepared and used by my friend from Rhode Island [Mr. CHACE]. But they say that it is not protection that makes high wages. For the purposes of this discussion I do not care very much whether we say that protection creates high wages or say that it preserves and maintains them. We know that without protection the maintenance of high wages would not be possible in free and open competition with low wages.

As ninety-nine parts at least in every hundred of the cost of every manufactured article is the cost of the labor that enters into it, it follows, "as the night the day," that the only way in which we can compete under free trade with the cheap labor of the Old World is by cheapening our own labor to their standard. The only alternative to this cheapening of labor is that we shall give up the attempt to compete in manufacturing and devote ourselves to something else. They tell us we "must buy where we can buy cheapest." That is undoubtedly in the markets stocked by the starvation labor of Europe. But remember that every article which we buy abroad is an article that ought to have been made from American material, by American hands, on American soil.

Whenever we encourage foreign importations we are transferring to English shops the work that ought to be done in American shops by American labor. [Applause.]

THE WHOLE THEORY OF PROTECTION

is simply this: It says to the foreigner who uses cheap labor, and has converted that cheap labor into manufactured goods, "You can not sell in our market until you have paid into our Treasury a sum sufficient to bring you into the market on a level with the manufacturer who employs American labor at American wages." "But," says the free-trader, "that makes your produce cost more." Perhaps so at first, but not at last. There are multitudes of cases, among the most notable of which is the case of steel rails, where home competition has forced the market, and brought down the foreign price to about one-half of what it was when protection stimulated the home production. It leaves the price to be regulated by the energetic and strenuous competition of 54,000,000 of as wide-awake and go-ahead people as there are in the world, which will soon reduce the price to the lowest living compensation. Protection simply puts a fence of law around these 54,000,000 and says to the rest of the world, "Hands off."

Universal experience shows that, owing to the stimulus of this protection, the greater inventive genius of our people, and the introduction of labor-saving machinery, we are soon able to control our own markets, and even to invade the markets of our great competitors. Of course I need not say, because it goes without saying, that when that time comes the foreign producer, and not the American consumer, pays the duty necessary, in order to force his production into our market.

THE AGRICULTURAL CLASS.

But we are told again that while this system may be good for the manufacturer and good for the wage-earner, yet it is bad for the agricultural class. On the contrary, I maintain that there is no class more vitally interested in the maintenance of the present system than the agricultural class. There are none so absolutely dependent upon a near market as the farmers. One large class of soil products will not bear long transportation by reason of perishableness, and the absence of a market near at hand is equivalent to an inhibition of their production. Another large class of farm products are too bulky in proportion to value to bear long transportation. This is true of corn, potatoes, and almost all root crops. In fact, there is no farm crop but that if it be required to transport it from the Mississippi Valley to Europe the transportation will eat up so much of its value as to leave little margin for the producer.

What the farmer needs above all things is a home market and cheap transportation. What the farmer of the West needs is not to send his crop across a continent and an ocean to find a market in Birmingham and Manchester and Sheffield, but rather by the maintenance of the American system to build up a Birmingham, a Manchester, and a Sheffield in the valley of the Mississippi. [Applause.] What the manufacturer wants is a domestic market for his wares, and what both farmer and manufacturer require is a national system of diversified and balanced industries that shall make us wholly independent of foreign domination. Already we consume 91 per cent. of our food products. The foreign market is growing yearly more uncertain. Already our farmers begin to feel the pressure of the competition of the wheat of India and Russia. Every year this competition will increase. The vast and rich wheat-fields of British North America lie just upon our northern border. It will be no surprise to me if within ten years the American farmer is demanding more protection for his wheat, just as he is now demanding more protection for his wool. Once the American wool-grower supposed that he was secure of his home market. But the cheap wools of Australia and South America are crowding him to the wall, and ten years will not go over his head when he will find Indian wheat, grown by labor that costs 10 cents a day, crowding him out, just as Australian and Brazilian wool is already crowding him.

That our farmers may ponder this matter, I make the following extract from the New York Daily Commercial Bulletin of March 20, 1884:

Up to this date we have shipped about 40,000,000 bushels less of last year's wheat surplus than we had anticipated and were able to spare. Looking around for an explanation of this disappointment, it is found that India has increased her exports of wheat from 2,000,000 bushels in 1879, 4,000,000 in 1880, and 12,000,000 in 1881, to 36,000,000 in 1883. This leap is so sudden and so extraordinary that it is important to inquire what it means. Is it a mere spurt of extraordinary yield, or is it due to causes more normal and permanent? The following facts may throw some light on this question:

According to the consular reports to the State Department, India has now a wheat area of about 20,000,000 acres; of which 7,000,000 acres are in the Punjab, 6,500,000 in the northwestern provinces and Oudh, 3,000,000 in the central, 1,500,000 in Bombay, 1,000,000 in Bengal, and the remainder scattered. The usual crop is about 240,000,000 bushels, or 12 bushels per acre; but, with improved cultivation and irrigation, this product is susceptible of being doubled over a large portion of the area. The rate of yield depends chiefly upon irrigation; and that the local and general governments are doing their utmost to extend, with the result of a yearly increase in the yield. One new canal has just been completed in the Punjab 502 miles in length, which will irrigate 780,000 acres of wheat land through 2,500 miles of minor channels. Beyond the now cultivated wheat area, there are 56,000,000 acres of virgin land, at present jungle but mostly available for successful wheat-growing, the clearing of which it is the special object of the India Government to encourage. United States Consul-General Mattson, of Calcutta, says:

"In order to facilitate the development of the wheat resources and to assist the export trade, the Government of India is pursuing a policy of encouragement which has already resulted in better facilities of transit to the seaboard by the construction of new railways and in the reduction of freight; it has removed tares, export and octroi duty; it is diffusing knowledge and instruction in the cultivation of wheat and improvement of the soil; constructing canals for irrigation and transportation; and in many other ways giving moral and material aid to this great cause, in the hope that India may ultimately become the granary of Great Britain."

Trunk lines of railroad are in operation through all the wheat-producing provinces, to which tributary branches are constantly being attached. The Indus Valley road has lately been completed, which brings the Punjab, the principal wheat province, into direct communication with the port of Kurrachee.

The foregoing facts appear to indicate that the sudden increase in the India supply is largely due to the official encouragement given to wheat production in that country. This policy of encouragement is but in its beginnings; and when it is considered that the actual wheat area is 20,000,000 acres, and the possible area 56,000,000 more, or a total of 76,000,000 acres, which is about double the present wheat acreage of the United States, and when it is further considered that the present rate of yield (12 bushels per acre) is about the same as that of the United States, and that it is the policy of the India Government to largely increase it by promoting improved methods of cultivation, it becomes evident enough that the possibilities and even the probabilities of a very large increase of wheat supply from India are serious enough to cause our farmers to ponder gravely on the limits of their market.

The progress of the trade has been truly astonishing. The figures are as follows:

Year.	Cwts.	Bushels.
Amount of Indian wheat exported in—		
1873	394,010	735,485⅓
1878	6,373,168	11,896,580⅘
1879	1,056,720	1,972,544
1880	2,201,515	4,109,494⅔
1881	7,444,375	13,896,166⅔
1882	19,901,005	37,148,542⅔
1883 (six months)	15,714,982	29,334,633⅓

This all goes to Europe.

The old maxim is that "it is right to be taught by our enemies." England is in a sense our industrial enemy. What does she want? England wants absolute control of our markets for her manufactures, and the cheapest possible food supplies for her operatives. That is precisely what we do not want. For every cargo of English manufactures imported into this country an amount of American labor equal to that embodied in such manufactures, is forced out of manufacturing, and must support itself in some other way. Whither shall these laborers turn? Not to the mines, for with the iron and coal trade murdered with the knife of "free raw materials" the mines will be closed, or only partially worked. Not to the field of commerce, for under this system the carrying trade will pass more absolutely than ever into the hands of our competitors. Where then shall they go but to agriculture. The millions who are now consumers cease as between these classes to be consumers and become producers. There are just so many less mouths, outside the agricultural class, to feed, and just so many more hands to feed them, and the destruction of the American manufacturers will not increase the food market of Europe. What is the consequence? Overproduction of food supplies and consequent depreciation, destruction of home markets, long transportation both of food and manufactures, waste of force in reaching distant markets, reduction in wages and savings, a diminished capacity for consumption, a general lowering of civilization all along the line.

This is not mere theory, it is more—it is experience; it is history. There never has been a free-trade epoch or, what is the same thing, a "tariff for revenue only" epoch in this country that has not been an epoch of low wages, disordered industries, financial distress, and commercial disaster. On the other hand, every period of a protective policy has been a period of diversified and stimulated industries, of large demand for labor, higher wages, larger comforts, greater content, and greater social order.

I would that I could here reproduce the splendid picture of industrial progress and national prosperity which was held up before us the other day by the distinguished gentleman from Ohio [Mr. McKINLEY]. The figures are startling and almost incredible. But it is not needful to repeat them here. Never has the world seen so grand a march.

With an increase of population from 31,000,000 to 50,000,000 between 1860 and 1880, covering the period of a terrible and destructive war, the increase in wealth and material development has outrun the increase of population. The total wealth of the United States was, in round numbers, in 1860, $16,000,000,000. In 1870 it had increased to $30,000,000,000; in 1880 it amounted to $42,000,000,000. In other words, the increase and accumulation of wealth in the twenty years from 1860 to 1880 was greater by more than two and one-half times than the entire accumulation from the time when Columbus discovered America until 1860. [Applause.]

Mr. Chairman, I have spoken of two distinct, opposite, and antagonistic systems. But the bill before us is neither the one nor the other. It is neither flesh, fish, nor fowl. It is neither protection, free trade, nor "tariff for revenue only." It is a protective tariff, with a free-trade slash 20 per cent. wide directly through its vitals. It is inconsistent, unscientific, inexcusable. "A monster, horrid, shapeless, huge, and blind."

Mr. Chairman, the voice of experience and of that "history which is philosophy teaching by example" admonish us not to surrender the

advantages of a proved success for the *ignis fatuus* of an untried theory. Revenue we must have, and we must have a "tariff for revenue." Protection we need and must have until the increase of our population and the development of our continent shall produce an equilibrium of markets and of wages with the nations of the Old World, which will not be in our day and generation. What we want is not a "tariff for revenue only," nor yet a tariff for protection only, but a tariff for revenue and protection, one and inseparable. [Applause.]

In closing these remarks, Mr. Chairman, I beg to reiterate the words used by me before the Committee of Ways and Means:

I hold this true; that labor and brains lie at the very foundations of society.

The greatest and most sacred duty of the statesman of this day and land is to protect, improve, elevate, and cultivate that great mass of humanity which is, ever has been, and ever will be embraced in the working or laboring class.

That man is a traitor to the best interests of his nation and his race who ignores this fact or is recreant to the duties which it imposes upon him.

The future weal or woe of this great Republic and of free institutions depends upon the future of the working class.

We can pursue a policy which will put them under the grinding heel of poverty, where they are kept in the overpopulated free-trade countries of the Old World, or by shaping our economic system in their interests we can surround them with the comforts of American homes, clothe them with comfortable and comely clothing, feed them with sufficient and wholesome food, house them under roofs of their own earning, and send their children with "shining morning faces" to well-taught schools, where they can be cultured for intelligent, orderly, and patriotic American citizens.

One way lie low wages, discontent, communism, and anarchy. The other way lie good wages, contentment, loyalty to law and order and country, and a strong and enduring commonwealth.

It is only because I believe that protection is in the interest of this great foundation-class of society, that it gives them more work, better wages, better homes, better schools, better life, better death, and a better hope of an endless life beyond, that I am a protectionist; and when I am satisfied that such is not the case I shall cease to be a protectionist.

A national policy can not be a matter of patch-work and pieces—a little free trade here and a little protection there—a little higher tariff for wool and a little lower tariff for salt, and none at all for lumber.

A national system must be consistent with itself and with all its parts. We must determine whether upon the whole a tariff, with diversified interests and industries, home markets, short transportation, and good wages, is better than few industries, foreign markets, long transportation, competition with a world full of pauper labor, low prices, and consequent starvation wages; and then we want to make our system uniform, symmetrical, national.

For almost a round quarter of a century we have tried this experiment of protection. It has given us an age of wonderful development and growth. Within that time an empire has sprung from a wilderness; new States have taken their places in the constellation; wealth has grown among all classes in unprecedented ratio.

Emigrants have swarmed to our shores by millions to reap the rich reward of higher wages, better homes, and a superior civilization. Shall we reverse all this history, dash all this prosperity, and darken the future by reversing our national policy?

Do you hope to put a theory in the place of tested and proved success?

I warn you, gentlemen, that it is a dangerous experiment; dangerous to our industrial system, and dangerous to the party that undertakes it.

That way lies neither political glory nor gain.

Instead of the scheme of free competition with the half-paid labor of other lands, I suggest a better platform, and it is this:

American work for American workers.
American wages for American workingmen.
American markets for American farmers.
American homes for American citizens, native or naturalized.
American schools for American boys.
And America, our trust, against the world forever.

[Prolonged applause.]

APPENDIX.

TABLES PUBLISHED IN 1882.

Wholesale English and American prices, in 1882, *of staple articles of hardware.*

[Obtained by personal inquiry for the American Iron and Steel Association, from an English hardware merchant and from a prominent Philadelphia merchant.]

Articles.	Quantity.	English price, in store. (Reduced to United States currency.)	American price, in store.
Axes, No. 2	Per dozen	$9	$9.50.
Augers, cast-steel	do	1-in., $4.48; 2-in., $12	1-in., $5.76; 2-in., $11.52.
Auger-bits	do	½-in., $4.48	1½-in., $3.
Chisels, socket, framing	do	1-in., $3.72; 2-in., $7	1-in., $5.76; 2-in., $8.64.
Hatchets, shingling	do	No. 2, $6	No. 2, $5.25.
Pickaxes, best, assorted	Per cwt	$7	$9.
Saws, hand, 26-inch	Per dozen	Common, $6; best, $13.48	Common, $5; good, $15.
Saws, cross-cut	Each	4-ft., $2.36; 4½-ft., $2.60; 5-ft., $3.12	4-ft., $2; 4½-ft., $2.25; 5-ft., $2.50.
Planes, jack, 18-inch, 2½ double iron	Per dozen	$15	$10.20.
Brass rocking-cocks, ½-inch	do	$6	$7.
Brass butts, middle, pairs	do	2-in., $1.48	72c.
Cast butts, loose, pairs	do	3 by 3, $1.24	$1.
Strap-hinges, light, pairs	do	6-in., $1.48	$1.
Plate hinges	Per cwt	$6 and $7	$6.16 and $7.28.
Wrought-iron hasps and staples, 8-inch	Per dozen	72c	65c.
Carriage-bolts, best, 3 by ⅜	Per gross	$2.12	$1.57.
Curry-combs, 6 bars, open, No. 1	Per dozen	$2.48	90c.
Brick-trowels, 10½-inch	do	$8.24	$7.50.
Anvils, steel face	Per pound	8c.	8½c.
Iron squares, 18 by 12	Per dozen	$4.48	$5.25.
Fry-pans, iron, tinned, No. 3	do	$4.48	$4.25.
Coffee-mills, box, square, No. 1	Each	84c.	67c.
Enameled kettles, 4 quarts, Maslin's	do	66c.	50c.
Cast-steel sheers, trimming, common 8-inch	Per dozen	$6	$4.20.
Shovels, No. 2, square	do	$7.48	$5.
Door-knobs, mineral	do	$2.48	$1.
Door-knobs, porcelain	do	White, $3; Black, $3.72	White, $3.25; jet, $4.50.

RETAIL PRICES.

Trace-chains, such as are used by plowmen and with heavy harness	Per pair	85c. to 97c.	65c. to $1.25.
Do	Per pound	8c.	10c.
Horseshoes, machine made	Per cwt	$3.40 to $4.37	$5.60 to $6.72.
Do	Per pound	3c. to 4c.	6c. to 7c.
Horseshoes, either hand or machine made	Set of 4	85c., 91c. and 97c	Machine made, 47c., 57c. and 65c.; hand made, $1.
Log-chains, for heavy dragging	Per pound	6c. to 8c.	8c.

Let us see what the farmer's articles would buy when they went to market:

Table No. 1.

	1846.	1847.	1848.	1849.	1850.	Average.
Wheat.....bush...	$1 08.5	$1 36.5	$1 17.5	$1 24.0	$1 27.5	$1 22.8
Corn.....bush...	68.0	85.5	63.5	62.7	62.5	64.4
Oats.....bush...	39.5	49.0	41.4	38.7	43.0	42.3
Butter.....lb...	13.0	16.0	16.0	15.0	15.1	15.0
Kentucky tobacco.....lb...	4.7	4.8	5.3	6.1	8.2	5.82
Wool.....lb...	32.3	35.2	34.3	36.1	40.0	35.58
Cheese.....lb...	6.8	6.9	6.7	5.0	6.2	6.3
Coal.....ton...	5 72.5	5 70.5	5 39.0	5 59.0	5 73.0	5 63.0
Liverpool salt.....sack...	1 34.0	1 35.5	1 39.0	1 29.0	1 36.5	1 34.8
Bleached sheeting.....yd...	14.95	14.2	14.25	15.0	14.75	14.43
Prints.....yd...	10.91	10.17	9.17	10.0	10.0	10.05
No. 1 pig-iron.....ton...	27 87.0	30 25.0	26 50.0	22 75.0	20 87.0	25 65.0
Refined bar-iron.....ton...	91 66.0	86 04.0	79 33.0	67 50.0	59 54.0	76 82.0
Railroad iron.....ton...	.....	69 08.0	62 25.0	53 87.0	47 87.0	58 27.0

Table No. 1—Continued.

	1876.	1877.	1878.	1879.	1880.	Average.
Wheat.....bush...	$1 18.5	$1 60.7	$1 24.2	$1 22.3	$1 25.3	$1 30.2
Corn.....bush...	51.2	58.3	51.3	49.0	54.7	52.9
Oats.....bush...	36.1	42.4	32.8	38.5	43.8	38.72
Butter.....lb...	20.4	24.0	23.3	32.7	23.0	24.68
Kentucky tobacco.....lb...	9.8	9.8	7.1	8.0	7.7	8.48
Wool.....lb...	39.9	48.8	41.6	52.0	41.4	44.74
Cheese.....lb...	9.4	11.6	9.9	11.2	7.6	9.94
Coal.....ton...	4 19.0	3 38.7	3 54.9	2 89.8	4 08.9	3 62.3
Liverpool salt.....sack...	80.1	73.2	65.0	73.8	69.0	72.22
Bleached sheeting.....yd...	12.25	11.72	10.87	11.43	12.66	11.78
Prints.....yd...	7.18	6.67	6.1	6.31	7.5	7.95
No. 1 pig-iron.....ton...	22 25.0	18 87.0	17 62.0	21 50.0	28 50.0	21 75.0
Refined bar-iron.....ton...	52 08.0	45 55.0	44 24.0	51 85.0	60 38.0	50 82.0
Railroad iron.....ton...	41 25.0	35 25.0	33 75.0	41 25.0	49 25.0	40 15.0

Agricultural articles are 6 per cent. higher; manufactures and fuel are 30 per

cent. lower; making 50 per cent. in favor of the farmer. Labor is 25 per cent. higher; what the laborer buys is 25 per cent. lower; making 66 per cent. in favor of the laborer.

Table No. 2.

	Salt.	Coal.	Bleached sheeting.	Prints.	Pig-iron.	Bar-iron.	Railroad iron.
One bushel of wheat would buy—	*Sacks.*	*Lbs.*	*Yards.*	*Yards.*	*Lbs.* 107.3	*Lbs.*	*Lbs.*
Under free trade	.91	422	8.51	12.21	134.00	35.8	47.23
Under protection	1.80	719	11.04	16.27		57.35	72.6
One bushel of corn would buy—					56.24		
Under free trade	.47	25.65	4.46	6.4	54.49	18.78	24.76
Under protection	.73	32.85	4.49	6.65		23.32	29.55
One bushel of oats would buy—					36.94		
Under free trade	.31	16.85	2.93	4.20	39.87	12.33	16.26
Under protection	.526	24.04	3.27	4.89		17.07	21.63
Ten pounds of butter would buy—					131		
Under free trade	1.112	59.75	10.39	14.92	254	43.74	57.69
Under protection	3.417	153.2	20.95	31.04		108.82	137.87
Ten pounds of cheese would buy—					55.02		
Under free trade	.474	25.09	4.36	6.28	102.36	18.37	24.23
Under protection	1.376	61.93	8.43	12.52		43.82	50.53
One pound of wool would buy—					31.06		
Under free trade	.264	14.17	2.46	3.54	49.16	10.37	13.68
Under protection	.661	29.65	4.05	6.00		21.64	21.08
Ten pounds of Kentucky tobacco would buy—					50.82		
Under free trade	.431	23.18	4.03	5.79	88.33	16.97	22.34
Under protection	1.117	52.69	7.19	10.66		37.38	47.37

Corn has been depressed in price on account of the tremendous increase of production. While the price of corn is comparatively lower than that of any agricultural product, still the farmer can produce it relatively cheaper, as all know who know anything about it, and he can land it cheaper at tide-water market.

But let me proceed with the table: Under free trade the farmer could buy with one bushel of wheat .91 of a sack of Liverpool salt; under protection it would buy 1.8 sacks. Under free trade the bushel of wheat would buy 8.51 yards of bleached sheeting; under protection 11.04 yards. Under free trade it would buy 422 pounds of coal; and under protection, 719 pounds. Under free trade it would buy 12.21 yards of prints; under protection, 16.27 yards. Under free trade it would buy 107.3 pounds of pig-iron; under protection, 134 pounds. Under free trade, 35.8 pounds of bar-iron; and under protection 57.35. Under free trade it would buy 47.23 pounds of railroad iron; under protection 72.6 pounds.

Mr. DORSHEIMER obtained the floor.

Mr. MORRISON. If the gentleman from New York [Mr. DORSHEIMER] yields, I move that the committee rise.

Mr. DORSHEIMER. I yield for that purpose.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment a joint resolution (H. Res. 240) to print 12,500 copies of the eulogies on Thomas H. Herndon, late a Representative in Congress.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House was requested:

A bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes;

A bill (S. 336) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond;

A bill (S. 869) to vacate an alley in square 234 in the city of Washington;

A bill (S. 1072) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased;

A bill (S. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, North Carolina;

A bill (S. 1553) to remove the charge of desertion against David Wood; and

Joint resolution (S. R. 82) in relation to the ceremonies to be authorized upon the completion of the Washington Monument.

ELECTION CONTEST—O'FERRALL VS. PAUL.

Mr. LOWRY, from the Committee on Elections, submitted a report in the contested-election case of Charles T. O'Ferrall *vs.* John Paul, from the seventh Congressional district of Virginia.

The resolutions appended to the report are as follows:

Resolved, That John Paul was not elected as a Representative to the Forty-eighth Congress from the seventh Congressional district of Virginia, and was not entitled to the seat.

Resolved, That Charles T. O'Ferrall was duly elected as a Representative from the seventh Congressional district of Virginia to the Forty-eighth Congress, and is entitled to his seat as such.

The SPEAKER. This report will be laid over and ordered to be printed.

CHEAPER TELEGRAPHIC CORRESPONDENCE.

Mr. ROGERS, of Arkansas. I ask unanimous consent to report a bill at this time from the Committee on the Post-Office and Post-Roads, with leave to submit the report in writing hereafter.

There being no objection, leave was granted; and

Mr. ROGERS, of Arkansas, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 6864) to secure cheaper telegraphic correspondence; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

ADMINISTRATION OF OATHS BY NOTARIES PUBLIC.

Mr. ADAMS, of New York, by unanimous consent, introduced a bill (H. R. 6865) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public in the district of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LABORERS FOR CLERK'S DOCUMENT-ROOM.

Mr. SPRINGER. At the request of the Clerk of the House, I ask unanimous consent to introduce a resolution for reference to the Committee on Accounts.

There being no objection, the following resolution, which was read, was referred to the Committee on Accounts:

Resolved by the House of Representatives, That the Clerk of the House be empowered, and is hereby authorized, to employ two laborers in the Clerk's document-room to arrange, sack, and ship the "reserve-call" bound documents belonging to members; the said laborers to be paid out of the contingent fund of the House, under the supervision of the Committee on Accounts.

MATERIALS FOR HOUSE FOLDING-ROOMS.

Mr. RANDALL. I am instructed by the Committee on Appropriations to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized to expend, out of the contingent fund of the House, a sum not exceeding $1,500 for the purchase of folding materials for use in the folding-rooms of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. RANDALL. In explanation of the resolution I desire to say that the fund for the purchase of envelopes and wrapping material needed in the folding department of the House is entirely exhausted; and the adoption of this resolution is necessary in order that speeches recently made may be promptly sent out.

There being no objection, the resolution was considered and adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LUCY LE G. JEFFERS.

Mr. STRUBLE, by unanimous consent, reported back from the Committee on Pensions with a favorable recommendation the bill (H. R. 2198) granting a pension to Lucy Le G. Jeffers, widow of the late Commodore William N. Jeffers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HISTORY OF STATE DEPARTMENT.

Mr. NUTTING. Mr. Speaker, the Committee on the Library, to which was referred the document I send to the desk, has directed me to report it back with a request that it be referred to the Committee on Foreign Affairs, to which committee it properly belongs.

There being no objection, the Committee on the Library was discharged from the further consideration of Executive Document No. 124, a letter of the Secretary of State recommending the purchase by the Government of the Chronological History of the Department of State and the Foreign Relations of the Government from September 5, 1774, to the Present Time, by John H. Haswell, for the use of the heads of Departments, officers in the foreign service, and committees of Congress; and the same was referred to the Committee on Foreign Affairs.

MECKLENBURG CELEBRATION.

On motion of Mr. COX, of North Carolina, by unanimous consent, the joint resolution (H. Res. 236) authorizing the Secretary of War to loan two hundred flags to the city of Charlotte, N. C., for the celebration of the Mecklenburg declaration of independence, returned from the Senate with an amendment, was taken from the Speaker's table for present consideration.

The amendment was read, as follows:

Insert the words "or as many as can be conveniently spared;" so it will read: "*Resolved*, &c., That the Secretary of War be, and he is hereby, authorized to loan to the mayor and aldermen of the city of Charlotte, N. C., two hundred United States flags, or as many as can be conveniently spared, to be used in

decorating said city at the approaching celebration of the one hundred and ninth anniversary of the Mecklenburg declaration of independence of May 20, 1775: *Provided*, That satisfactory security be given for the safe return of said flags, and that the Government be at no expense for transportation."

Mr. COX, of North Carolina. I move the amendment of the Senate be concurred in.

The motion was agreed to.

Mr. COX, of North Carolina, moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a letter from General W. S. Hancock, asking the immediate appropriation of $25,093.75 to supply deficiency in appropriation for incidental expenses of the Quartermaster's Department for the current fiscal year; which was referred to the Committee on Appropriations.

THREE FORKS, KENTUCKY RIVER.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers relative to the application of the appropriation in the river and harbor act of 1882 for the erection of a lock and dam at Three Forks of the Kentucky River, and recommending the purchase by the United States of the land required for its site; which was referred to the Committee on Rivers and Harbors.

PENSIONS.

Mr. MATSON, by unanimous consent, from the Committee on Invalid Pensions, reported back, as a substitute for H. R. 1189, a bill (H. R. 6866) providing pensions for certain disabled soldiers and certain widows of soldiers; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MATSON. I move the minority have leave to print their views.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Indiana [Mr. MATSON] will preside at the evening session as Speaker *pro tempore*. The hour of 5 o'clock having arrived, in pursuance of the previous order of the House the Chair declares the House in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. MATSON in the chair as Speaker *pro tempore*.

Mr. MORRISON. I move that the House now resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HALSELL in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 5893) to reduce import duties and war-tariff taxes, and the Chair recognizes the gentleman from Connecticut [Mr. WAIT].

Mr. WAIT. Mr. Chairman, I propose to state generally my views with regard to tariff legislation and my reasons for opposing the passage of this bill. I speak for a constituency which is deeply interested in the action of Congress upon this subject. Not only are millions upon millions of capital, which has been accumulated by thrift, sagacity, and prudence, invested in the manufacturing establishments located in that part of the country which I represent, not only are thousands upon thousands of intelligent men daily employed in the prosecution of its diversified and magnificent industries, but the great body of our citizens who are engaged in other employments, and who in their respective lines of duty, enterprise, and labor are advancing the greatness and prosperity of the Republic, are earnestly concerned that the action taken by Congress with reference to the bill now under discussion shall be most carefully considered, judicious, and conducive to the welfare of the entire country.

Nor do I speak only for my own district, because the questions involved in our legislation upon this matter extend far beyond localities and sections. They can not be restrained entirely within the limits of party lines and party ties. They lay hold with searching grasp upon the prosperity of an entire nation. They affect not only the men of capital and their employés, without whose skillful hands and intelligent co-operation capital would be powerless, but they advance or impair the welfare of all classes who purchase and consume the products of agricultural and mechanical pursuits, of manufacturing skill, and creative genius. In other words, no man is excepted from their operations and results. From busy New England with its wheels and looms, from the great central States, from the fertile valley of the Mississippi, from the cotton-fields of the South, from the magnificent Northwest and over the Rocky Mountains, from all along the Pacific slope, go up the sounds of a great nation's industries, which, though diversified and numerous, are yet interdependent and combined.

Legislation which would enrich one class and impoverish the other would be pernicious; legislation which would degrade labor, compel it to yield place to idleness or give its services for starvation wages; which would imperil capital now invested in important enterprises at the invitation of the Government under existing laws; which would discriminate against our own citizens, and by preventing competition with manufacturers abroad would force them to pay such prices for all goods as foreign traders might demand, would be manifestly detrimental and destructive; but that legislation which would preserve and maintain in just and fair proportion the rights and interests of every class, which would build up our internal strength, develop our boundless resources, encourage industries at home, and while protecting the producer would guard the consumer with equal care, would be equitable, conservative, and just.

The bill reported from the committee by the distinguished gentleman from Illinois, and which he has advocated with his accustomed ability and skill, embodies the objectionable features I have just enumerated. If enacted into law it will, in my deliberate judgment, still further unsettle values and introduce additional uncertainty and distrust into all manufacturing and other business undertakings. At a time when trade is languishing and values are declining, when it should be the aim of legislation to impart stability and confidence to every branch of mercantile and manufacturing affairs, this vexatious question, uncalled-for and unwelcome, is forced by the leaders of the dominant faction of the Democratic party upon the minds of the business public.

The mere declaration of the Democratic intention again to change the tariff laws, which it had been supposed were settled and established for at least a reasonable period by recent legislative action, based upon the report and recommendation of a commission chosen expressly for that purpose, startled and alarmed the public mind. Proclamation was made before the opening of the present session that the old Democratic purposes were to be renewed. The tariff was to be attacked. The incongruous Democratic majority which, to its own astonishment, had been swept into this body by the tidal wave as it rolled across the land was to be marshaled in solid column, if it could be accomplished, and move forward to lower or tear down the barriers against free trade and unlimited foreign importations which the wise and prudent action of previous Congresses had erected.

A tariff designed to protect American industries and to aid in the development of the immense internal resources of the country was declared to be opposed to the best interests of the people and in contravention of the principles of the Constitution. Influential Democratic papers and prominent Democratic leaders, ignoring all the facts of history, strenuously advocated the idea that the only ground on which any tariff could be justified was to furnish a revenue for the Government; and that protection to American labor and American capital, if it could not be avoided, should be merely incidental to the main purpose of raising money by import duties for the public expenditures.

Free trade, or, in other words, the absolutely unlimited and unrestrained importation of goods from abroad, manufactured by the underpaid labor of an overflowing foreign population, which should be permitted to compete with and make war upon the unaided labor and capital of our own citizens, was asserted to be the true principle on which our public policy should be established and was declared to be the ultimate purpose to be attained by the Democratic party. The advocates of these doctrines were compelled, however, to admit that the public necessities for the time being required the maintenance of a tariff, but for revenue only. But "free trade" and "a tariff for revenue only" are practically synonymous terms, and the arguments sustaining each and their effects upon the general prosperity of the country, differing only in degree, are substantially the same. Thus the Democratic party again unfolded its ancient banners and placed itself squarely upon its ancient battle-ground of principles which are opposed to the industries, the labor, and the welfare of the Republic. These declarations, reiterated and reaffirmed in many forms, increased the alarm of the country, which was already suffering from declining values caused by the tariff agitation and discussion of the preceding year. The storm signals were again set. Sails were again shortened. Manufacturing enterprises were contracted. Capital, always sensitive and timid at the first manifestation of disturbance, shrank into its shelter. Wages were reduced, workmen were discharged, and honest labor was still further denied the opportunity of employment.

The bill now before us is the immediate result of the Democratic policy as thus declared, and we are informed by the distinguished chairman of the committee that even this may not be all which is required; that it is but a step forward, and only a promise of what he considers a more complete tariff reform. Although the revision of the tariff made by the last Congress reduced the duty upon imports "in some cases below the point of necessity or wisdom," and in other cases to "the lowest limit compatible with safety," yet the present measure is designed to make a still further average reduction of 20 per cent., and is, as we have been told, but an advance toward carrying out the Democratic policy of eventual free trade and consequent hostility to home industry and American labor. The reasons for recommending its passage, as contained in the report of the committee, and as urged upon this floor by those who have spoken for the bill, are set forth generally in the claims that it will partially relieve the people from unnecessary taxes, that it will be a measure of justice to consumers, and will con-

duce to the general prosperity. I take issue with these gentlemen on the grounds thus presented. Gladly would I urge the passage of any bill which would produce such beneficial results. Wherever I can safely reduce duties, if I can thereby lessen prices to consumers, wherever I can advance the general prosperity, there my voice, my vote, and my best efforts will be most heartily given.

But I regard this measure as fraught with danger and directly opposed to every interest, whether manufacturing, laboring, financial, or agricultural. If it were a question merely of details and specific items between the friends and opponents of this measure, doubtless a substantial agreement could be reached. Imperfections and inconsistencies in the present law unquestionably exist. These, however, are questions of detail and not of principle. A distinguished manufacturer of my own State, a gentleman of culture and comprehensive views, has admirably expressed the moderate sentiment of the country upon this question in saying, "Some judicious reductions and modifications of the present tariff with a view to the proper protection and preservation of capital already invested, to future growth in industrial enterprises, and to furnishing remunerative employment for the greatest number of persons could be fairly made."

I entirely agree with him in his views; but this bill proposes a blind, injudicious, and indiscriminate horizontal reduction. If it becomes a law we may expect another long-continued period of depression in every department of business, with consequent suffering and distress among all those who are compelled to depend upon wages for their daily bread. Duties upon imports are not, in any sense, a tax upon our people from which a lower tariff would relieve them. The direct reverse is true. The greatest portion of the revenue the Government derives from imposts is paid by foreign manufacturers, and to that extent is a tax indirectly levied upon foreign nations, which relieves our people of what otherwise they would be compelled to pay. The word "tax" in this connection is a misnomer cunningly devised. Lower the tariff and you make taxation probable; abolish the tariff and you make it a necessity. Enact the present measure and you will be compelled to call for additional internal or direct taxes from the people.

But the claim is made that this bill will reduce duties which have become unnecessary. Is this the fact? In one form or another we must meet the requirements of the Government. It would be cowardly and suicidal to endeavor to avoid it. How do gentlemen know that the present tariff will be too productive for that purpose? The returns for the nine past months of the present fiscal year show a decrease of $20,505,253 in receipts from the internal revenue. The revenues will be still further depleted by the changes made in the tariff at the last session of Congress. As thus lowered the tariff has been in existence for about ten months. Before one single year has swept by us in its circling course; before the ink is fairly dry upon the statute-book; before the full returns of revenue have been made known, they call upon us to make changes in the law in order to reduce what they describe as "unnecessary" taxation.

Will gentlemen upon the other side seriously claim that a reasonable period has elapsed, or that a fair trial has been given to the tariff in its present form, so that it is possible as yet to tell what permanent revenue it will bring forth? Can any man form a reliable estimate of the results of its operation as a revenue measure? Will it be claimed that the country has had time or opportunity to adapt itself to the provisions of the present law, or that the rate of importations for the past ten months will be the rate for coming years? Do not the vicissitudes of trade and the general condition of the country produce the widest fluctuations in the revenue? Is it not true that the returns for a single year are an unstable and unsafe basis on which to estimate with accuracy the permanent workings of a law affecting such vast and complicated interests and dependent upon so many elements for a true comprehension of its results? Is it a prudent method of legislation to pass laws of such infinite importance upon mere guesswork? Is it just to endanger the business interests of the entire country while groping in the dark as to the facts and figures which should control our legislation? Is it right that the wild frenzy and impatience of the Democratic party to create some issue which it vainly hopes may restore it to power and the possession of the Government should be allowed to imperil every interest for its own selfish purposes?

Such action would be reckless and deserving of the severest censure. No man to-day can say with even a reasonable approach to certainty whether the revenues to be realized from the present tariff will be beyond our most limited requirements. I would not gather into the Treasury a single dollar beyond the necessities of carrying on the Government in an economical manner, of providing for the public debt, the interest thereon, and the pensions and other disbursments rendered necessary by the history of the past twenty-four years. If the streams of revenue gush forth so copiously that waste and extravagance result from their overflowing accumulation, let us apply the proper remedy. Let us turn to the internal taxes which the people pay and make some reduction in them before we weaken or destroy the barriers which protect our labor and our industries against the surging tide of foreign importations, which if unrestrained would sweep upon them as a flood of disaster.

Bear in mind that the war taxes by hundreds of millions yearly have been already wiped out by the Republican party; that promptly on the ending of hostilities our immense armies were disbanded, our expenditures were cut down, and whenever prudence and safety justified the step, the taxes which came directly from our people were rapidly reduced. That party may still be trusted to guard the public welfare; and until we become certainly assured that under the present tariff our income will be properly adjusted to our needs, it would be unwise to legislate in such a manner as rashly to deplete our revenues and justly to alarm the holders of the national obligations. The credit of the country now stands untarnished. Its finances have been rescued from incompetent control, and guarded by the wise statesmanship of the Republican party for nearly a quarter of a century, its debt has become a sacred obligation. Its bonds are sought for at a premium. The payment of every dollar is based upon the highest faith.

The world believes that a nation which did not hesitate to give its choicest blood for the preservation of its flag will not hesitate to assess itself sufficiently to meet its obligations with promptitude and honor. But the national credit is dependent upon the national laws providing for national revenues, and past experience shows that our credit rises or falls in uniform accordance with those laws. The first bill introduced into the Congress of 1789 was a tariff bill. In 1790, and down to 1812, frequent revisions were thought expedient, and each revision was in the direction of higher tariff rates and increased revenues. The country prospered and its credit grew.

The war tariff of 1812 expired by its own terms in February, 1816. Then came the tariffs of that year, of 1824, and 1828. They were protective tariffs. Under their provisions the revenues were ample, and in 1834 the last dollar of the public debt was paid and the young Republic which had inherited from the old Confederation $76,000,000 of indebtedness and had passed through two exhausting wars, stood alone among the nations of the world as a country without the burden of a public debt. Protective tariffs had paid its obligations, established and strengthened its credit, and shed upon its people the glad sunlight of universal prosperity. But the laws were changed. Ample revenues from customs, although paid to a great extent by foreign manufacturers, were declared then, as now, to be "unnecessary taxes upon the people."

Seven years of a tariff for revenue only; seven years of such a tariff reduced as is now proposed deprived the country of its revenues and dragged its dishonored credit to the dust. In 1835 there was no public debt. There was a surplus in the Treasury, which, by act of 1836, was distributed among the States. Still, then as now, the politicians yearned o gain a reputation for economy, even at the sacrifice of safety. The compromise tariff of 1833 was passed, under the provisions of which a decreasing, sliding scale of duties was created. The inevitable results followed, and in June, 1841, it became necessary for Congress to assemble in extra session to provide a remedy for the existing suffering. The message of the President to that body set forth an estimated Treasury deficiency at the end of that year of about eleven and a half millions of dollars. From 1837 to 1841 the expenditures exceeded the revenues by more than thirty-one millions, and in order to meet the deficiency it became necessary for the Government to attempt to borrow money to pay its ordinary expenses in a time of profound peace.

Congress in 1841 and 1842 authorized loans and notes to the amount of $15,000,000, but the "tariff for revenue only" was still in force, and under its operation the credit of the country had sunk so low that it was found impossible to negotiate $6,000,000 of the obligations of a nation which but a few years before had been without a single dollar of public debt. Efforts to borrow money were made in the markets of this country, and being unsuccessful here were renewed abroad. An agent duly accredited by the Government entered the financial centers of England and the continent, empowered to negotiate a loan of $5,000,000 or any part thereof, but was compelled to return disappointed and disheartened. In December, 1842, this failure was reported to Congress by President Tyler in a special message, in the course of which he was compelled to say?

> Thus the mortifying spectacle has been presented of the inability of this Government to obtain a loan so small as not in the whole to amount to more than one-fourth of its annual income, at a time when the governments of Europe, although involved in debt and with their subjects heavily burdened with taxation, readily obtained loans of any amount at a greatly reduced rate of interest.

The "tariff for revenue only" had accomplished what all tariffs for revenue only must accomplish. It had ruined the credit of the nation. And so it came to pass that in 1842 a high protective tariff was enacted as a necessary measure of relief. The effect was magical. Streams of revenue flowed into the Treasury, and the veins of the national credit were filled with exultant life and vigor.

But the free-traders and revenue-tariff men again gathered themselves together against what they asserted to be "unnecessary taxation." The laws were again radically changed. The principle of protection was eliminated from our statute-books by the tariff which took effect in 1847, and the inevitable result again followed as surely as darkness follows the setting of the sun. Again the revenues were lessened to a point beneath the necessary requirements; again the national credit was brought low; and although the gold fields of the Pacific slope during the next ten years yielded up their treasures, exceeding a billion of dollars in amount, yet this vast sum, added to the other resources of

the country, was insufficient to inspire confidence in men of capital that the Republic would pay its debts. Its loans were negotiated with difficulty. The enormous sum of 12 per cent. was paid in 1860 as interest on the paper of the Government; and in 1861 the Secretary of the Treasury felt compelled to make the astounding suggestion to an American Congress that the States should be requested to pledge as security for a national loan the deposits received by them under the distribution of the surplus in 1836. A "tariff for revenue only" had failed to produce revenue. The authors of a system which pretended to reduce "unnecessary taxes" had imposed a burden of dishonor and disgrace upon the people. The credit of the country had been made a thing of utter derision and contempt.

The war of the rebellion followed. The land was divided into hostile camps and trembled beneath the movements of contending armies. Every energy and every resource of the Republic was subjected to the most unsparing ordeal. The strain was exhaustive and unceasing. The Republican party which had come into the exercise of power to find dismantled fortresses, a dismembered country, an empty Treasury, and a ruined credit, trusting in God and the patriotism of the people, undertook the duty imposed upon it of preserving the life and honor of the Union. Day by day during many months of civil war it was obliged to expend sums which had been sufficient to carry on the Government for years; but notwithstanding this enormous drain, in the face of discouragement, disaster, and difficulty almost insurmountable, it met faithfully the demands necessitated by the appalling situation. Among its first efforts to this end it passed the tariff act of March 2, 1861, and laid the foundation of a true protective policy which, supplemented by successive acts during the next three years, not only enabled the nation to exercise the sacred right of self-preservation but to enter upon a career of unexampled prosperity. I call upon you to bear witness to the effect of this policy upon the credit of the nation. It has stood like a rock against the surges of the ocean; it has aided to secure revenues adequate to the fearful demands upon the Treasury caused by the necessities of a gigantic war; and although billions of dollars were swept into that terrific whirlpool of destruction and a public debt of billions more was necessarily created, it has steadily reduced that debt; it is reducing it every hour, and, although our bonds draw interest at an average annual rate of less than 4 per cent., it has made the promises of the Government better than gold.

If any lesson can be drawn from the history of the past, this truth is certain: Protective tariffs secure the revenues and credit of the nation; revenue tariffs destroy its revenue and credit. We know that we have a public debt of hundreds of millions which must be paid; we know that our annual interest charge is tens of millions; we know that the annual disbursements for pensions to our disabled soldiers and their dependent families and for the ordinary requirements of the Government are tens of millions more; we know that our revenues will be reduced by the abatements made at the last session in the tariff, but we do not know to what extent. We do not know the amounts we can rely upon as the public income under the operation of that law as now existing, and with these certainties as to our requirements and uncertainties as to our resources, remembering the depressing effects of low tariffs upon our public income and credit, remembering that the Republican party has already reduced the war taxes annually by hundreds of millions, and remembering also that the great burden of our tariff revenue is borne abroad and not levied upon our own people, we should violate our duty and be guilty of moral cowardice as guardians of the public welfare, if we permitted ourselves to be stampeded by this wild Democratic onslaught and unduly reduced revenues and incomes which were in ordinary prudence necessary and proper for the public requirements.

I come now to the claim presented in support of this bill: that its passage would be a measure of justice to consumers. Clearly it can not operate as such, unless, as an effect of its provisions, they would be enabled to purchase goods at lower rates than if it were not enacted. The real question, then, presented for discussion at this point is this: Do protective tariffs increase prices to consumers? The supporters of this bill say that they do, and this is the substance of the entire controversy. This is the keystone of the revenue-tariff and free-trade arch. This claim, stated in its various ingenious and deceitful forms and sowed broadcast like seed upon plowed ground, takes hold upon the superficial consideration of men and generates a harvest of error and delusion. To my mind these doctrines are most unfounded and mischievous in their results. The claim is made that for every dollar which is paid into the Treasury from imposts the manufacturers receive from four to six times that sum as a tribute paid by consumers to monopoly. The sophistry which underlies these arguments is this: The free-trader assumes not only that the tariff duty which is imposed upon imported goods is added to their price and paid by the consumer, but that it is also added to the price of the great supplies of similar articles of home manufacture, and that the purchaser pays such added cost thereon. I say emphatically such statements are errors. Reverse them and they are true. I formulate my views upon this point in these three propositions:

First. By far the greater part of the duties imposed upon imported goods are paid by the manufacturers under the necessary concessions they make to consumers in this country, and therefore do not increase the cost of such imported goods.

Second. They do not add to the price of similar articles manufactured in this country. According to the census returns, our home manufacturers produced in 1880 $5,369,579,191 of these goods. We exported during the last fiscal year $111,890,001, thus leaving for consumption in our own markets $5,257,689,190. Last year our imports of manufactured goods of the same kinds were about $300,000,000. The figures fluctuate, it is true, in different years, but generally in favor of a relative increase in native commodities; and at the present time they fairly represent the proportions between the home and foreign productions competing in our markets.

Third. Our home manufacturers, who produce, as above shown, 94 per cent. of the entire substance of the consumption of the country, regulate and control the prices for the same. Supply and demand always establish values. The greater quantities govern the rate of disposition of the smaller; and it would be the wildest flight of fiction to assert that the 6 per cent. of foreign goods seeking a sale in our markets in opposition to nearly sixteen times their bulk of native goods of equal merit, also pressing for purchasers, could compel the prices of the latter to conform to their own standard. Consumers would take the cheaper, of which there would be a comparatively unlimited supply. The competition which necessarily exists among home manufacturers with great stocks to dispose of cheapens their prices, and the foreign manufacturer must sell in our markets, if he would sell here at all, at the cheapened prices established by our domestic producers. Without a protective tariff there could be but very little if any home production; without home production the foreign manufacturer could place his goods upon our markets and extort such prices as he saw fit to demand. A protective tariff, therefore, which by home production creates home competition, thereby reduces prices for all consumers to a point lower than would otherwise be established.

These propositions are not simply assumptions without proof. They are sustained by reason, by the recorded testimony of distinguished Americans familiar with the subject, by the admissions of foreign manufacturers, and by the history of prices in this country.

I read an extract bearing on this point from the celebrated report on manufactures made in 1791 by Alexander Hamilton, the first Secretary of the Treasury. As an authority on this question his opinion, expressed after careful study and research, is entitled to sober consideration. He says:

> Though it were true that the immediate and certain effect of regulations controlling the competition of foreign with domestic fabrics was an increase of price, it is universally true that the contrary is the ultimate effect with every successful manufacture. When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper. Being free from the heavy charges which attend the importation of foreign commodities, it can be afforded cheaper, and accordingly seldom or never fails to be sold cheaper, in process of time, than the foreign article for which it is a substitute. The internal competition which takes place soon does away with everything like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing and with experience.

I call your attention to a speech of Henry Clay, delivered in the United States Senate February 2, 3, and 6, 1832, in the course of which he said:

> And is the fact not indisputable that all essential objects of consumption affected by the tariff are cheaper and better since the act of 1824 than they were for several years prior to that law? I appeal for its truth to common observation and to all practical men. I appeal to the farmer of the country whether he does not purchase on better terms his iron, salt, brown sugar, cotton goods, and woolens for his laboring people? And I ask the cotton-planter if he has not been better and more cheaply supplied with his cotton-bagging?
>
> I plant myself upon this fact of cheapness and superiority as upon impregnable ground. Gentlemen may tax their ingenuity and produce a thousand speculative solutions of the fact, but the fact itself will remain undisturbed. Let us look into some particulars. The total consumption of bar-iron in the United States is supposed to be about 146,000 tons, of which 112,866 tons are made within the country and the residue imported. The number of men employed in the manufacture is estimated at 29,254, and the total number of persons subsisted by it at 146,273. The measure of protection extended to this necessary article was never adequate until the passage of the act of 1828; and what has been the consequence? The annual increase of quantity since that period has been in the ratio of near 25 per cent., and the wholesale price of bar-iron in the Northern cities was, in 1828, $105 per ton; in 1829, $100; in 1830, $90; and in 1831, from $85 to $75; constantly diminishing.
>
> The protection given to flannels in 1828 was fully adequate. It has enabled the American manufacturer to obtain complete possession of the American market; and now let us look at the effect. I have before me a statement from a highly respectable mercantile house showing the price of four descriptions of flannel during six years. The average price of them in 1826 was 38½ cents; in 1827, 38; in 1828 (the year of the tariff), 46; in 1829, 36; in 1830 (notwithstanding the advance in the price of wool), 32, and in 1831, 32½. The facts require no comment.
>
> Brown sugar, during ten years, from 1792 to 1802, with a duty of 1½ cents per pound, averaged 14 cents per pound. The same article, during ten years, from 1820 to 1830, with a duty of 3 cents, has averaged only 8 cents per pound. Nails, with a duty of 5 cents per pound, are selling at 6 cents. Window-glass 8 by 10 prior to the tariff of 1824 sold at twelve or thirteen dollars per hundred feet; it now sells for $3.75.

Senator John Holmes, of Maine, delivered a speech in the United States Senate in 1832, from which I quote:

> If any one rule more than another is to be relied on it is this, that as soon as protection begins to operate, and in proportion to its operation, the tax is reflected back from the consumer to the producer. Thus, while the duty has been constantly increasing, the price of the article taxed has been constantly diminishing. The reason is as manifest as the fact is true, the domestic article has

been increasing in quantity. Suppose the foreign manufacturer furnished three-fourths of your consumption; the greater quantity would command the price and this tax would fall on the consumer. But let the domestic product increase one-half, the competition between foreign and domestic producers will be more equalized and the tax will be divided between the producer and the consumer. Let the domestic product be three-fourths, and your own producers govern the market and the foreign producer bears the tax or nearly so. Again, take the article of nails, the duty 5 cents per pound and the nails, duty and all, but 5½ cents, when the raw material of which they are made is 4½ cents. Cheese, duty 9 cents per pound, and the best cheese may be had for 8 cents.

I read also an extract from a speech of Senator George M. Dallas, of Pennsylvania, in the United States Senate, February 27, 1832:

The effect of our [protective] policy on this essential metal [iron] has been strikingly evinced, first, in augmenting the number of its factories and its quantity; secondly, in reducing the prices of its manufactures. * * * The reduction of the prices was a necessary consequence of the domestic competition created and excited by the policy.

Nehemiah R. Knight, Senator from Rhode Island, said in a speech in the United States Senate in 1832, on Mr. Clay's resolution respecting the tariff:

With all the rhetoric and arithmetic of honorable gentlemen, they will be much troubled to make a plain man understand that when he purchases a yard of cotton cloth for 7 cents he pays a tax of 8 cents into the Treasury of the Union, or a like sum in the form of bounty to the manufacturer. You may show it by figures and prove it by argument; but, sir, he still will doubt and he will be apt to believe it is only a vision of those who assert it.

Hon. John M. Berrien, United States Senator from Georgia, in 1843, in delineating the effect of the protective tariff of 1842, used the following language:

The credit of the Government was prostrate, and has been redeemed. Its stock is again above par. 2. The Treasury was empty; it is now replenished. 3. The commerce and navigation of the country have increased. 4. Its agricultural condition has improved. 5. There has been marked improvement of our great staple (cotton). 6. *A reduction in the prices of almost all, if not absolutely of every article of consumption. The tariff of 1842 has been in efficient operation but little more than a year, and these effects have followed.*

Daniel Webster, in 1843, addressing a convention at Andover, Mass., said, in speaking of the tariff of 1842:

A tariff does not necessarily increase prices. One year after the present tariff was established many articles embraced in its provisions were considerably lower than they had before been. And I ask any one if there is now any complaint of undue high prices in any article to which the tariff extends?

Hon. Samuel S. Phelps, of Vermont, in the United States Senate, February 16 and 19, 1844, spoke as follows:

The Senator from New Hampshire, assuming that the duty enhances the price of the article to the extent of the impost, and professing to deal in facts, very gravely proceeds to give us to a fraction the enormous burden laid upon the people of his State by this most oppressive tariff. He tells us that there are 300,000 people in that State; that the consumption of iron there is equal to an average of twenty-five pounds to each soul; that a duty of 3 cents per pound is equal to 75 cents on each person, and amounts in the aggregate to the sum of $225,000, being more than four times the whole State tax. These are facts which will not be disputed. But what use does he make of them? Why, he assumes that the cost to the consumer is increased and his constituents taxed to that amount. Without the aid of this assumption, erroneous as it is, his facts are not worth a straw; they furnish no aid to his argument, and lead him to no such conclusion. The Senator is most unfortunate in his illustrations. Will he permit me to substitute for his assumption certain other facts, which I commend to his especial attention? The most common, nay, universal, use of iron in that section of the country is in the form of cut nails, the duty on which, by the act of 1842, is 3 cents per pound; yet the article can be bought in the village where I live for 3½ cents per pound. Deducting the 3 cents for the duty the cost of the article would be one-half cent. Does the Senator really imagine that if this odious act were repealed the price would fall to that sum?

In the third annual message of President Fillmore, December 6, 1852, he addresses Congress in these words:

Without repeating the arguments contained in my former messages in favor of discriminating protective duties, I deem it my duty to call your attention to one or two other considerations affecting this subject. The first is the effect of large importations of foreign goods upon our currency. Most of the gold of California, as fast as it is coined, finds its way directly to Europe in payment for goods purchased. In the second place, as our manufacturing establishments are broken down by competition with foreigners, the capital invested in them is lost, thousands of honest and industrious citizens are thrown out of employment, and the farmer to that extent is deprived of a home market for the sale of his surplus produce. In the third place, the destruction of our manufactures leaves the foreigner without competition in our market, and he consequently raises the price of the article sent here for sale, as is now seen in the increased cost of iron imported from England.

Thus, Mr. Chairman, by reference to these statements made in the earnest and important discussions upon the questions arising from the consideration of the tariff and its effects upon the country in former years, we find that the same claims made to-day, that protective duties operate as a burden upon the consumer and increase his prices, were made by the earliest champions of free trade and low tariff and were then promptly and completely answered. The debates relating to this subject covered much broader grounds and exhibited in stronger lights the contrasts between the general prosperity and suffering which ensued as the tariff rose or fell in its protective feature.

I have purposely refrained from citing any authorities except such as bore directly upon the point I am now especially discussing, and if human authorities are entitled to any consideration at all they prove the falseness of the theory that the consumer suffers in the long run from protective tariffs. True, the temporary effect of the exaction of high duties upon an article not produced or cultivated here may be a rise for the time being in its cost, only to be followed, as surely as the ebb-tide follows flood, by reduced prices and still better rates when home production and competition have been established. The plenteous supply rushing forward to fill the market as the demand arises compels a fall in values and the consumer reaps the benefit. The impost is certainly not added to the cost of domestic commodities; and as regards goods imported from abroad, the foreign mill-owner is compelled to pay the greater part by making concessions in his prices to enable him to trade at all in our markets. On this point I invite your attention to admissions made by foreign manufacturers.

Robert B. Porter, a member of the late Tariff Commission, was told by a prominent manufacturer in Bradford, the center of the worsted industry of England:

The truth is, the higher the foreign tariff the lower we must make our goods, and the less we can afford to pay labor. The least possible reduction in the United States tariff will be a grand thing for Bradford, but how it will affect your industries I can hardly say. We are obliged to sell our goods in France for the same price we did before they enacted their higher tariff, and the Bradford manufacturer is paying that duty, not the French consumers of the goods; I know from practical experience what I am talking about.

This testimony is supplemented by the statement of Col. Dexter A. Hawkins, a gallant soldier in the late war, and now an eminent lawyer of New York city. He was invited to attend a meeting of the hardware trade, at Sheffield, England, and he says:

An eminent manufacturer in addressing the meeting inveighed with great bitterness against the American tariff. He said he had examined the question with great care, and such examination demonstrated that the English manufacturer was paying at least one-half of the tariff on all goods he exported to America; and they must break down our tariff at whatever cost, or it would build up American rivals to the extent at least of supplying entirely our home market; and then England would have to pay the whole tariff or lose the market, and when that point was reached she would have to compete with the American manufacturer in every foreign market, then her own, almost exclusively.

If our tariff duties are not paid to a great extent as I have claimed by the foreign manufacturers instead of by the purchasers of their goods, will gentlemen tell me why those manufacturers expend such efforts to cause reductions of our tariff? On this point listen again to the statement of Colonel Hawkins, who says:

Another English manufacturer a few years ago while lobbying at Washington against our tariff confessed to a free-trade Congressman that the protective-tariff duties in the long run came almost wholly out of the foreign producer; that if they only came out of the domestic consumer the foreign manufacturer would not care a button about our tariff laws.

Mr. Chairman, I do not rely alone upon that evidence of facts which is contained in the utterances of our leading men, nor upon the admissions of foreign manufacturers. I appeal to reason and to history. I call the record to bear witness to the accuracy of my statement that under the protective tariffs of the past and present prices to consumers have been constantly decreasing and that the market prices of our domestic commodities are in many cases even less than duties upon similar imported articles. If this is true it is an unassailable answer to the claim that a tariff which protects and maintains home industries burdens the consumer with higher prices.

The common experience of men whose memory, like mine, runs back for many years—whose eyes have witnessed the marvelous prosperity of the nation and have seen its periods of depression and gloom—will utterly contradict and overthrow the arguments of those who urge the passage of such a bill as this as a measure of justice to consumers. I speak of producers and consumers simply for convenience of illustration, and for no other purpose. It is folly to declare that there are two such classes in this country, parted by a dividing line which neither crosses. It is untrue to say that our people are separated into two great bodies, with diverse and opposing interests, the producers being gathered in one vast, consolidated array and the consumers in another. The relative positions of men change daily. Their interests are inseparably intertwined and dependent upon each other.

The citizen of this country is not a bushwhacker fighting on his own account alone, but he is one of 55,000,000 individuals, whose aggregation forms a powerful Republic with diversified industries but with one general interest and one destiny. Protection to one means protection to all; prosperity or injury to a portion means prosperity or injury to the rest. We are a nation of toilers. We all have products to dispose of. Labor of brain or of brawn is a necessity with every individual. The rule holds good as an average in every branch of industry that a manufactured article represents in value only about 10 per cent. in raw material, while 90 per cent. is labor. Iron ore or coal as it lies hidden in the earth has a value there which is insignificant. But set sturdy brawn and muscle at work upon it, bring it to the surface of the ground and its worth is increased. Smelt the ore, break up and screen the coal, and place it on the market and it becomes yet more valuable. Then transport your coal where it is to be devoted to its final purpose, where it will drive your engines and feed your roaring forges, and its original valuation in the earth bears but an insignificant proportion to the value which is represented by the labor you have bestowed upon it.

Put your iron also in the market, fuse it in the blazing furnaces, turn it into steel, create with it works of utility and art and beauty, magnetize it into the faithful compass, which, pointing ever to the pole, guides the commerce of the world more surely than human intelligence could do through blinding tempests, through sightless nights, across pathless seas—as unerringly as the stars are guided in their unchanging courses through the universe; fashion it into those delicate and untiring springs which with tempered and elastic pressure help to note the days and hours and minutes of mankind, or twist its yielding strands

into massive cables which, when wrought into those grand and magnificent triumphs of human labor and intelligence and suspended in mid air, span great waters and connect vast cities with their touch and bear up toward the skies the travel and traffic of a continent. The unsightly ore, transmuted into beauty by the labor of mankind, has attained a value almost beyond human computation. The raw material was well-nigh worthless, but labor has augmented its value by an untold increase.

In the broad fields of agriculture which the Almighty in His goodness has given to this nation, and which, stretching across a continent in almost unlimited expanse, are watered by His showers and warmed by His sunlight, intelligent labor has its necessary part. Wild and useless are their productions until the hand of man regulates and prunes and cultivates. The rank growth starts up and flourishes and dies away, wasted and worthless, until busy industry stretches forth its arm and with its labor plows and sows, and gathers into golden harvest, so that the products of the farm and the cotton-field may be exchanged for the products of the loom, the anvil, and the furnace. Labor is everywhere necessary to create value as the basis of the interchange of commodities. The farmer on his broad acres produces and consumes; the manufacturer in his mill consumes and produces. All are subject to a common law, and in ultimate results all are aided or injured by the same causes.

The relations of all classes in this country have been uniformly in accordance with these principles. The tariff which has protected the manufacturer and enabled him to build up great industries has in like degree protected those engaged in other pursuits, and made them sharers in a general prosperity. It has increased the purchasing capacity of agricultural productions—has given them a market both stable and accessible, while it has allowed the mill-owner to pay higher wages to his workmen, to reduce his prices, and still make profits upon his enterprise and capital. It is not my purpose to exhaust the list of protected manufactured goods. Tables have been shown by gentlemen upon this floor, and others will be presented for the purposes of comparison and illustration. I shall take but a very few as an example of the whole to prove that every manufactured article deemed a necessary of life has been reduced in price when subjected to the influence of a protective tariff. Will gentlemen on the other side give me the name of a single article whose price has been increased by protection, unless itbe tea, or coffee, or some other product which we do not make or cultivate in this country, and which therefore is not the subject of protection?

Take cotton goods for example. In 1817 they ranged in price from 29 to 40 cents per yard. In 1819 the price of the lower grade above mentioned was 21 cents, in 1823 it was 14½ cents, in 1827 it was 13 cents, and in 1831 it was 10½ to 11 cents.

Come down now to 1860, when a tariff for revenue only was in force. Prices for cotton goods, including prints, averaged 9.6 cents per yard; but under the provisions of a protective tariff the same goods averaged in 1883 7.4 cents per yard. The average duty upon those goods under the existing tariff varies from 5 to 7½ cents per yard. And this reduction has taken place notwithstanding the enormous increase of the country in wealth and ability and readiness to pay high prices.

How, then, can it be true, as our opponents assert, that the tariff duty laid by the Government is added to the cost of all manufactured goods sold in our markets? They may argue as they will; they may indulge in all the graces of rhetoric and oratory; but the solid fact confronts them as an impregnable obstacle. Take cutlery, take saws, axes, nails, as another illustration. Their prices have been lowered as the tariff has been raised. In 1824 a duty was imposed upon cut nails of 5 cents per pound and prices were 7 to 8 cents. In 1833 the tariff was reduced, but the price per pound fell below the duty.

By the tariff of 1842 the duty was 3 cents per pound upon cut-nails, and the price was but 3½ cents. In 1861 the price was 3 cents. In 1876 it was 2½ cents, and to-day the price varies but little from 3 to 4 cents. So that under the protection of high tariffs the price of this article of universal use has been brought to a point only about one-half of its value before the tariff was enacted which created home production and competition. Saws and axes show the same reduction. The manufacture of saws in this country commenced about 1840. English saws then cost our American consumers prices ranging from $15.75 to $19 per dozen. In 1876 American saws of better make were selling in our markets and in England at $10.50 per dozen, being a reduction caused by protection of about 50 per cent.

I quote from the American Iron Trade as follows with reference to the prices of axes:

> Before axes were made in this country, except by country blacksmiths, English axes cost our farmers and others from $2 to $4 each. By the tariff of 1828 a protective duty of 35 per cent. was levied upon imported axes. Under this protection the Collins Company, of Hartford, introduced labor-saving machinery, much of which was invented, patented, and constructed by themselves. In 1836 foreign and home-made axes were selling side by side in the American market at $15 to $16 per dozen. Axes were selling in 1838 at $13 to $15.25 per dozen; in 1843 at $11 to $12; in 1849 at $8 to $10; in 1876 the price of the best American axes in the market is $9.50 per dozen in currency, and the country exports to foreign markets. English writers admit their superior excellence.
>
> The Collins Company makes its own steel, and a letter from the company claims that it is "better than any English steel we can buy, and we have been steel consumers for fifty years. We now only make for our own consumption, and we have no disposition to cheat ourselves."

Take cutlery and farming utensils. Prices have been reduced by the beneficent workings of protection. The country is dotted with manufactories, which produce in plenty these articles so necessary and universal in their use. Five-sixths of the consumption is now supplied by our domestic producers, and quantities are shipped by them to foreign countries, where the excellence of their material and finish reflects honor upon American enterprise and workmanship.

The articles I have chosen for illustrations of the correctness of my position are fairly selected; they are just and accurate representatives of the whole. It would be useless to extend the list. It is the truth that the necessaries of life—chemicals, clothing, boots and shoes, blankets, cloths, and all the manifold articles consumed by a generally prosperous and progressive nation—have been made cheaper under the influence of protection.

The men and women of the country who remember the days when they drove from their farms to their village stores to barter their own produce for articles of necessary consumption will bear me witness that under the operation of protective tariffs the purchasing power of their agricultural production has been greatly augmented. You may exert your ingenuity upon them and ply them with arguments, and they will tell you that while they may not be able to explain away the sophistries of your logic or your figures, nevertheless they are paying for the necessities of life less than their fathers paid and are receiving for their own commodities much greater returns.

As bearing upon the foregoing statements and confirming their accuracy, I present for consideration the following table, by which farm products are divided into classes, together with the prices which the farmer could obtain for them in 1816 and in 1882. The figures therein contained gained a widespread publicity throughout the country in the columns of the New York Herald, and I have never seen any attempt made to question their correctness. They are in accordance, I believe, with the general knowledge of all who have any practical familiarity with the subject:

Products.	1816.	1882.
Wheat	$0 25 to $0 44	$1 42
Corn	12½ to 20	60
Oats	15	60
Eggs, per dozen	05	15
Barley, per bushel	25	80
Butter, per pound	05 to 12	40
Cheese, per pound	03 to 06	13
Cows, per head	16 00 to 20 00	$20 00 to 100 00
Cattle, per yoke	25 00 to 45 00	100 00 to 250 00
Hay, per ton	3 00 to 5 00	10 00 to 20 00
Straw, per ton	2 00 to 4 00	7 00 to 16 00
Carriage horses, per span	150 00 to 200 00	500 00 to 1,200 00
Sheep, per head	50 to 75	1 50 to 2 50
Farm labor, per month	3 00 to 8 00	12 00 to 25 00

From the foregoing table it will be seen that prices for farm products have increased during the sixty-six years therein referred to to an average of nearly four times their former value.

From the following table, which is taken from the Boston Journal, and which covers the same period, it will be seen that the cost of manufactured articles has been greatly decreased.

Articles.	1816.	1882.
Steel, per pound	$0 17	$0 10
Sawplate, per pound	40	26
Nails, per pound	12½	4
Broadcloth, per yard	$16 00	$4 00
Wool blankets, per pair	$10 00 to 20 00	$3 00 to 10 00
Cotton cloth, per yard	30 to 50	04 to 12
Calico, per yard	25 to 75	4 to 16
Salt, per bushel	$1 00 to 4 00	15 to 25

A large proportion of the American people are dependent upon agriculture for the support of themselves and their families. According to the census of 1880 the entire number of persons engaged in agriculture was 7,670,493. If for no other reason than that they form so large a part of our body politic they would be manifestly entitled to the highest consideration in our legislation whereby the general interests of the country are affected. But there are other reasons for such consideration than this. Upon this branch of industry rests primarily the fabric of society, and to the intelligence and elevated condition of our farmers and the diffusion of education among their families, all of which is intimately connected with their general well-being, we must look for the maintenance of the strength and prosperity of our country and its institutions.

Recognizing these facts as strongly as any man can do, I believe that the true interests of our farmers are enhanced by the continuance of protection to home industry as our national policy. The figures to which I have called your attention express more forcibly and compactly than mere words can express them the general benefits secured to the agricultural elements of our country by the operation of this principle. These benefits are, indeed, often interrupted by extrinsic causes. Droughts and pestilence, wars, panics, and financial disturbances come

in to injure them. But that as a general law the increase of domestic productions and the building up of mechanical and manufacturing establishments, with their tens of thousands of workmen, advance the interest of farmers in many ways can not reasonably be questioned.

Not only are they thus benefited, but they also receive direct protection from the imposition by the Government of a duty upon foreign agricultural productions which are sent to this country for a market, principally from Canada. Wool, sugar, corn, peas, potatoes, barley, hay, wheat, rye, oats, butter, cheese, flax, tobacco-leaf, and animals (except for breeding purposes) are subject to import duties. In 1881 these articles paid $4,419,748 in revenues to the Government. Farmers do not look to farmers for their markets. They must sell their commodities to others. They must find a market either at home or abroad. If they go abroad they must compete in foreign markets with the agricultural productions of other countries, and take the risk of their overflowing harvests and all the other incidents of trade to which they may be subjected. If, on the other hand, they would find their market at their own doors, they must be benefited by all such enactments as will enable them to find buyers there, and buyers who are able to pay.

This is accomplished by protection, which by the establishment of immense factories throughout the country, with their swarms of busy, well-paid laborers, favorably affects the material prosperity of the farmer and brings the agricultural and manufacturing interests into mutually profitable relationship. Their farms, their stock, their production, are greatly increased in value, and they find at their own doors, at lessened cost, the articles necessary for their use in the management of their concerns and in supplying the wants of their families. The farmer buys cheaper in our markets than in any market in the world. And for the purpose of showing you that these results spring directly from the principle of protection, I read from the following tables prepared by Hon. Mr. CHACE, of Rhode Island. The first table shows the average price of farm products and of articles necessary for the use of farmers during five years of free trade ending in 1850 and five years of protection ending in 1880. The second table is based upon the first, and shows the purchasing power of farmers' articles in the markets under protection and free trade, respectively:

Table No. 1.

Articles.	Average price in five free-trade years ending in 1850.	Average price in five protective years ending in 1880.
Wheat, per bushel	$1 22.8	$1 30.2
Corn, per bushel	64.4	52.9
Oats, per bushel	42.3	38.72
Butter, per pound	15	24.68
Kentucky tobacco, per pound	5.82	8.48
Wool, per pound	35.58	44.74
Cheese, per pound	6.3	9.94
Coal, per ton	5 63	3 62.3
Liverpool salt, per sack	1 34.8	72.22
Bleached sheeting, per yard	14.43	11.78
Prints, per yard	10.05	7.95
No. 1 pig-iron, per ton	25 26	21 75
Refined bar-iron, per ton	76 82	50 82
Railroad iron, per ton	58 27	40 15

Table No. 2.

	Salt.	Coal.	Bleached sheeting.	Prints.	Pig-iron.	Bar-iron.	Railroad iron.
One bushel of wheat would buy—	*Sacks.*	*Lbs.*	*Yards.*	*Yards.*	*Lbs.*	*Lbs.*	*Lbs.*
Under free trade	.91	422	8.51	12.21	107.3	35.8	47.23
Under protection	1.80	719	11.04	16.27	134.00	57.35	72.6
One bushel of corn would buy—							
Under free trade	.47	256	4.46	6.4	56.24	18.78	24.76
Under protection	.73	328	4.49	6.65	54.59	23.32	29.55
One bushel of oats would buy—							
Under free trade	.31	168	2.93	4.20	36.94	12.33	16.26
Under protection	.536	240	3.27	4.89	39.87	17.07	21.63
Ten pounds of butter would buy—							
Under free trade	1.112	597	10.39	14.92	131	43.74	57.69
Under protection	3.417	1,530	20.95	31.04	254	108.82	137.87
Ten pounds of cheese would buy—							
Under free trade	.474	250	4.36	6.28	55.02	18.37	24.23
Under protection	1.376	619	8.43	12.52	102.36	43.82	50.53
One pound of wool would buy—							
Under free trade	.264	141	2.46	3.54	31.06	10.37	13.68
Under protection	.661	296	4.05	6.00	49.16	21.64	21.08
Ten pounds of Kentucky tobacco would buy—							
Under free trade	.431	231	4.03	5.79	50.82	16.97	22.34
Under protection	1.117	526	7.19	10.66	87.33	37.38	47.37

These figures clearly establish the claim I have already made that the purchasing power of farm productions is greatly increased under the principle of protection to all home industries.

I desire now to present but one additional illustration of my views to disprove the statements of those who say that under the operations of protective tariffs agricultural consumers are compelled to bear heavy burdens, and impoverish themselves to support manufacturing monopolists. I call your attention to the official records showing that in 1860 the value of farms in this country was $6,645,045,007. In 1880, under the high tariff of nearly twenty years, notwithstanding the exhaustion caused by three years of gigantic warfare and its necessary injurious results, their value had increased to $10,197,096,776. The value of farm implements and machinery in 1860 was in round numbers $246,000,000, and in 1880, during the era of protection, it was $406,476,055. The value of live-stock in 1860 was $1,107,500,000, and in 1884 it had increased to $2,467,868,924.

This magnificent increase in the material wealth of the farmers of the country occurred during the period of highest protection in all our history, and is a fitting comment upon the statement that agricultural consumers are made poor by the tariff duties which our laws levy upon foreign goods for the purpose of building up home industries, which thereby establish home markets for the products of the soil and the labor of the farmer. I read now from the comprehensive report of the Department of Agriculture, prepared by that able and exact statistician, Mr. J. R. Dodge, under date of February 19, 1884. He says:

> The farmer feeds all, but when all are farmers he can only feed himself, which is a necessary operation but not a lucrative business. This would seem to be a self-evident truth, but extensive distrusts fail to appreciate it and cherish the pernicious fancy that markets are unnecessary, or that distant markets thousands of miles away are as good as near ones.

He then goes on to show that commerce, mining, manufactures, and anything bringing population to be fed aid agriculture. He speaks of paupers, rich idlers, professional workers, traders, and those engaged in commercial pursuits as consuming but giving no production in return. He then adds:

> Miners, mechanics, and especially artisans and operatives engaged in productive occupations, are vastly more beneficial to agriculture for two reasons: 1. They augment the numbers to be fed and increase agricultural values. 2. They make something themselves which farmers need, and reduce the prices of commodities hitherto brought from a distance at unnecessary cost.

He afterward proceeds to show by tables that in every State there is a difference in the value of lands in favor of manufacturing counties; where there is but little manufacturing there being but a small difference, and where the products of manufactures are of large value land bears a high price. Although these tables have already had a wide circulation throughout the country, yet as they are important and instructive I read them and the comments of Mr. Dodge thereon as a part of my argument. I add also an additional table contained in his report, by which it will be seen that in what he groups as the manufacturing States, with their diversified industries, the annual individual income is $457, while in the group of agricultural States it is only $160.

Statement showing higher land values in manufacturing counties.

States.	Manufacturing counties.		Other counties.	
	Farm lands.	Value per acre.	Farm lands.	Value per acre.
FIRST GROUP.	*Acres.*	*Dollars.*	*Acres.*	*Dollars.*
Massachusetts	1,292,876	57 87	2,066,203	34 55
Rhode Island	193,544	57 77	321,269	45 76
Connecticut	967,946	71 84	1,485,595	34 68
New York	4,981,545	62 37	18,799,209	39 65
New Jersey	368,675	96 46	2,561,098	60 65
Pennsylvania	3,930,549	86 73	15,860,792	40 02
Delaware	253,939	73 87	836,306	21 56
Total	11,989,074	71 85	41,930,472	40 33
SECOND GROUP.				
Maine	2,288,037	22 12	4,264,541	12 14
New Hampshire	1,880,602	25 38	1,840,571	15 27
Vermont	344,860	30 07	4,537,728	21 81
Ohio	3,388,305	67 85	21,140,921	42 46
Michigan	1,500,690	40 23	12,306,550	35 65
Indiana	1,508,599	49 21	18,912,384	29 66
Illinois	4,470,503	43 96	27,203,142	29 89
Total	15,381,596	43 54	90,205,837	32 03
THIRD GROUP.				
Wisconsin	4,720,777	233 88	10,632,341	18 60
Minnesota	1,508,251	26 24	11,894,768	12 96
Iowa	3,018,517	32 28	21,734,183	21 62
California	2,116,416	36 37	14,477,326	12 78
Total	11,363,961	32 90	58,738,618	17 14

Statement showing higher land values in manufacturing counties—Cont'd.

FOURTH GROUP.

States.	Manufacturing counties.		Other counties.	
	Farm lands.	Value per acre.	Farm lands.	Value per acre.
	Acres.	*Dollars.*	*Acres.*	*Dollars.*
Maryland	1,904,199	48 94	3,215,632	22 49
Virginia	1,624,304	11 96	18,211,481	10 80
North Carolina	542,488	6 55	21,821,070	6 06
South Carolina	1,471,846	5 70	11,985,767	5 03
Georgia	995,971	9 22	25,047,311	4 10
Florida	5,759	14 45	3,291,565	6 14
Alabama	481,484	6 55	18,373,850	4 13
Louisiana	49,075	20 59	8,224,431	7 05
Texas	554,512	10 23	35,737,707	4 61
Arkansas	173,395	11 87	11,888,152	6 07
Tennessee	1,119,004	17 83	19,547,911	9 56
West Virginia	244,624	48 87	9,949,155	12 18
Kentucky	1,571,585	36 48	19,923,655	12 14
Missouri	2,309,339	21 41	25,569,937	12 76
Kansas	1,006,965	24 53	20,410,503	10 31
Nebraska	495,434	19 09	9,449,392	10 21
Colorado	78,317	44 19	1,087,056	19 91
Oregon	678,769	19 33	3,535,943	12 38
Utah	51,320	37 66	604,204	20 00
Total	15,358,390	21 95	267,874,722	8 27

VARIATION BY STATES AND GROUPS.

These States aggregate the value of $5,336,465,954 in products of manufactures, the grand aggregate in 1880 being $5,369,579,191 for all the States and Territories of the United States. Now, the eighteen States and one Territory in the group which has the least manufactures produce a value of $676,427,860, or 12.6 per cent. of the total for the United States, a fraction of 1 per cent. for each State. These may well be considered agricultural States.

The third group includes four States, also essentially agricultural—Wisconsin, Minnesota, Iowa, and California—in which there is a quite general determination not to remain in the category of one-idea communities in industrial development. They have $391,585,577 in manufacturing production, or 7.3 per cent. of the grand aggregate for the whole country.

The second group is rounding into symmetry in industry and realizing the benefits of such a status in high prices of lands and farm products and rapid increase in wealth and culture. This class includes the States north of the Ohio River—Ohio, Michigan, Indiana, and Illinois—and also Northern New England. These seven States return a production of $1,247,046,686, which is 23.2 per cent. of the whole. These may be deemed industrial as well as agricultural.

But there are seven other States in which the industries are more equally balanced than any other, which make more than half the industrial production of the United States, worth $3,021,405,831, or 56.3 of all. These are found in Southern New England and the Middle States, and may properly be grouped together.

They include all manufacturing production except six-tenths of 1 per cent., scattered through two States and nine Territories. The tabulation by States is as follows:

Aggregate value of products of agriculture by States, acres of land in farms, and value of farm lands, by States and groups of States.

FIRST GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Massachusetts	631,125,284	3,359,079	146,197,415	43 52
Rhode Island	104,163,621	514,813	25,882,079	50 27
Connecticut	185,697,211	2,453,541	121,063,910	49 34
New York	1,080,696,596	23,780,754	1,056,176,741	44 41
New Jersey	254,380,236	2,929,773	190,895,833	65 16
Pennsylvania	744,818,445	19,791,341	975,689,410	49 30
Delaware	20,514,438	1,090,245	36,789,672	33 74
Total	3,021,405,831	53,919,546	2,552,695,060	47 34

SECOND GROUP.

Maine	79,829,793	6,552,578	102,357,615	15 62
New Hampshire	73,978,028	3,721,173	75,834,389	20 38
Vermont	31,354,366	4,882,588	109,346,010	22 40
Ohio	348,298,390	24,529,226	1,127,497,353	45 97
Michigan	150,715,025	13,807,240	499,103,181	36 15
Indiana	148,006,411	20,420,983	635,236,111	31 11
Illinois	414,864,673	31,673,645	1,009,594,580	31 87
Total	1,247,046,686	105,587,433	3,558,969,239	33 71

THIRD GROUP.

Wisconsin	128,255,480	15,353,118	357,709,507	23 30
Minnesota	76,065,198	13,403,019	193,724,260	14 45
Iowa	71,045,926	24,752,700	567,430,227	22 92
California	116,218,973	16,593,742	262,051,282	15 79
Total	391,585,577	70,102,579	1,380,915,276	19 70

Aggregte value of products of agriculture by States, &c.—Continued.

FOURTH GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Maryland	106,780,563	5,119,831	165,503,341	32 33
Virginia	51,780,992	19,835,785	216,028,107	10 89
North Carolina	20,095,037	22,363,558	135,793,602	6 07
South Carolina	16,738,008	13,457,613	68,677,482	5 10
Georgia	36,440,948	26,043,282	111,910,540	4 30
Florida	5,546,448	3,297,324	20,291,835	6 15
Alabama	13,565,504	18,855,334	78,954,648	4 19
Louisiana	24,205,183	8,273,506	58,989,117	7 13
Texas	20,719,928	36,292,219	170,468,886	4 70
Arkansas	6,756,159	12,061,547	74,249,655	6 16
Tennessee	37,074,886	20,666,915	206,749,837	10 00
West Virginia	22,867,126	10,193,779	133,147,175	13 06
Kentucky	75,483,377	21,495,240	299,298,631	13 92
Missouri	165,386,205	27,879,276	375,633,307	13 47
Kansas	30,843,777	21,417,468	235,178,936	10 98
Nebraska	12,627,336	9,944,826	105,932,541	10 65
Colorado	14,260,159	1,165,373	25,109,223	21 55
Oregon	10,931,232	4,214,712	56,908,575	13 50
Utah	4,324,992	655,524	14,015,178	21 38
Total	676,427,860	283,233,112	2,552,840,616	9 01

THE FARMER'S INCOME.

The fact that the group of States where industry is most diversified (those having only 18 per cent. of all workers engaged in agriculture) afford $457 per annum to each one, while the agricultural States, having 77 per cent. in agriculture, allow an annual income of only $160, is too significant to be explained away, too convincing for pretense of cavil. It stands as proof of the necessity of symmetry and completeness of the productive system, and as a forceful illustration of the solidarity of the industries.

Upon this branch of the question my argument is ended. If a protective tariff with its duties properly distributed upon imported goods has impoverished one class of our citizens at the expense of another, why do the official figures fail utterly to disclose the fact? If it increases prices to consumers, how happens it that the judgment and opinion of students of the subject have been ever so grossly at fault? If the duties imposed by Government are paid in whole or in great part by the purchaser, and not by the foreign manufacturer when he makes his prices for this country, why should the latter be so strongly convinced that he pays them? And why should he expend so much effort and so much money to break down our tariff system, which would not otherwise injure him or hinder his competing at a profit in our market?

If such duty is added to the price of all similar articles of our domestic manufacture, why is it that the cost of such commodities has been steadily cut down as tariffs have been raised, so that they are delivered to purchasers at prices vastly below the values of former years? And why in many instances are they sold at or even below the figures which represent the duties paid upon such goods? How will it promote the interests of consumers to weaken or destroy the system which, wherever its influence has been felt, has added to the buying power of their own productions, given them markets at their very doors, and augmented their material wealth and general prosperity? The claim that the enactment of a lower tariff law will benefit consumers is a false assumption. Unanswerable facts rise up to testify against the theory. It is contradicted by the reason of the thing, by the history of the past, and by the universal experience of mankind. It is disproved by the present social, industrial, and financial condition of the Republic, which, notwithstanding temporary disasters, halts, and obstacles, has advanced gloriously along the pathway of national strength and greatness, and in dignity, honor, intelligence, and enterprise leads the world.

How then, Mr. Chairman, can the general prosperity be increased by reversing all the steps and methods which have hitherto secured it? Can an army be advanced to the front by ordering a retreat? Can victory be gained by abandoning the field? These questions have been in part already considered in my discussion of this bill. I am not prepared to say that the present tariff even as revised last year is, in all respects, what our interests demand. Nothing human ever yet was perfect. It may be true, as urged in argument, that the duties therein prescribed are not adjusted with entire propriety. It may be that some articles now upon the free-list should be taken off and others placed upon it. It may be that into a law enacted nearly a quarter of a century ago, comprehending details so numerous and so minute and dealing with such vast and fluctuating interests, which has been amended and again amended from time to time, uncertainties and errors have crept.

It may be that in the lapse of years, as interests have changed and new industries have arisen, its provisions have become inadequate, so that they should be readjusted and readapted to the new conditions. But such matters are not matters of principle. Changes should be made if necessary by consultation, comparison, and agreement. There would be no difficulty in this if the desire were manifest. But in such changes the principle should not be yielded. Protection should be kept steadily

in view and insisted on at every point. But this bill proposes no such action. It makes a blind, clean-cut, unreasoning, arbitrary sweep, simply because the Democratic party, disregarding the interests of the country, demands that free trade and low tariff shall be the national policy. Thus the gauntlet is thrown down and we are challenged to a battle on that issue. No fair examination is proposed with a view to removing existing imperfections without sacrificing the principle of protection. It is a free-trade movement, pure and simple, and must be grappled with as such.

Those who assert that free trade is a good thing for the country have ranged themselves upon one side. I stand with those who believe in protection to American industry of every kind, and in the elevation of American labor and American manhood. This bill is a free-trade measure ingeniously and insidiously prepared. It moves toward its objective point by zigzags, angles, and concealed approaches. It is an admirable illustration of the method of indirection. But it is as destructive of the principle of protection and as disastrous in its purposes as though all duties were repealed at once by a single stroke. It professes merely to cut down duties by an equal and uniform percentage, but it does far more than this.

Along the banks of the Mississippi levees have been constructed within which the great river flows in its majestic course from its source to the Gulf. On either side broad plains stretch out in limitless expanse, covered with verdure, with fruitful harvests, and the peaceful habitations of men. Behind those simple barriers, and protected by their existence, civilization flourishes, and the homes of a people imperial in their greatness are made secure. Those artificial restraints are just sufficient to confine the swollen stream within its bounds; but cut them down one-fifth, and over their lowered surface the rushing waters, uncontrolled and sweeping with resistless force, will pass and in a single day overwhelm with disaster and annihilation the accumulations of years. And in like manner this measure, if it passes into law, by its horizontal reduction will remove all restraints upon foreign importations and subject our domestic industries to the danger of destruction.

Does it not strike the minds of gentlemen as strange that if the condition of affairs requires the adoption of such a measure no sound or clamor has reached our ears calling for its enactment? Not a single industry appeared before the committee to request its passage. Not a single petition was presented praying for relief from the operations of the present tariff. Not a solitary appeal for assistance from any agricultural, manufacturing, or financial interest came to the attention of the committee. But certain abstract theorists, representing the Free-Trade Club of New York city, appeared and made their arguments in general opposition to the principle of protection. On the other hand, delegations appeared in opposition to this bill. Laborers, representing the operatives and artisans engaged in the mills and factories of the country, appeared before them. Mr. Williams, an Englishman, who had worked five years in the Dowlas Iron Works in Great Britain, said:

> We do not think it is right for you to reduce us to the condition of the workingmen of England.

And he appealed to the committee—

> As intelligent American citizens and Congressmen not to pass the bill. You can not reduce the tariff without reducing our wages, and the agitation of the subject makes our work unsteady. There are 1,500 men in the works where I am employed. Until this agitation began we had work, on the average, about ten months in the year. In the last year we have had work only four to five months.

Another representative of the laborers said earnestly to the committee:

> If free trade is such a grand thing for English workmen, why are our factories filled with them, and why do they tell us they sought homes here to escape the dog's life they led in England?

God forbid that by any act or vote of mine American labor should be degraded. God forbid that American manhood or womanhood or childhood should be reduced to the depths of misery and helpless suffering which exist in England under the operation of free trade, where women are debased, men turned into brutes, and little children never know the joy and innocence of youthful life. There, if the testimony presented to Parliamentary commissions has any truth, men, women, boys, and girls work together in the collieries in an almost naked condition. Women are compelled to go through the dark seams and passages of the Lancashire coal mines on hands and feet and knees, with belts around their waists, fastened by chains between their legs to heavy trucks, crawling over wet pavements and slushy floors with soaking garments, maimed and sore and suffering, harnessed like horses to the loads they drag. Thousands of females, old and young, mothers and daughters, with little children by their side, toil day and night. Nail-workers and rivet-makers, women who are mothers, and daughters young in years, but with that look of premature old age always to be noticed in the faces of child-workers, with weary arms and hopeless faces, fashion molten iron into the form of nails for the benefit of what are called the "froggers."

Sixteen thousand females are engaged in this one occupation alone, day after day, night after night, with no prospect of release until death comes to end their toil. The freshness and the gentleness of childhood are unknown among their offspring; who, ragged, hungry, and ill-fed, lead lives of wretchedness and misery, with no hope before them but a future of wickedness and vice. Women with perspiration streaming down their faces, with sooty handkerchiefs around their weary heads, half-starved and gaunt and miserable, work at the bellows of the blacksmith forge and hammer upon anvils to keep body and soul together at starvation wages. Their homes are squalid and misery is manifest in every feature.

In the workshops and large manufacturing establishments their situation is but by few degrees improved, for pauper wages, hunger, poverty, and hopelessness tell the story of their daily lives. The wages they receive scarce keep life within their miserable bodies, and human beings made in God's own image are regarded as but little better than the beasts that perish. I have not drawn upon my imagination in this description, for the statements I have made are matters of record and of evidence. One explanation only is possible for this condition of affairs, and that is the low rates of wages which it is possible for manufacturers to pay under the operation of free trade. They are obliged to reduce the prices of their goods in order to obtain a standing in our markets, and they are therefore compelled to reduce the wages of their operatives.

I turn now from this picture of misery and suffering to the condition of American labor. Protection to our industries has advanced the interests of our operatives in every branch of employment. On the farm and in the workshop, in the mines, and in every department of human effort American labor has been elevated and ennobled. Its services are requited by fair and ample remuneration. I need not cite the tables which show the comparative rates of wages which are paid to workmen in this country and abroad; but I appeal with confidence to the knowledge and experience of all men for the verification of my statement that the workmen of America in their intelligence, their condition, their opportunities, and their general surroundings are superior to the workmen of any country in the world. From the factory to yonder chair, from the log-cabin to the Senate Chamber, and from the towpath to the White House the feet of workmen have already found their unobstructed way.

I for one can not consent to the Democratic policy now sought to be established, which would degrade our working men and working women, deprive them of the comforts of this life and the possibilities of advancement for themselves and their children, debase and convert them into brute creatures, unfit them for the duties of citizens in a Republic where all are free and equal in their rights, and condemn them to lives of hopeless, abject misery. Nor can I consent to a policy which would bring upon this country the evils which have resulted from the revenue tariffs of the past. Go back with me for a moment along the line of our national history. Contrast the general prosperity of the periods when the principles of protection were in force with the suffering and depression when tariffs "for revenue only" were established.

Take the period previous to the protective tariff of 1824. Wages were scarcely worth the name. Sluggishness in all industrial branches was everywhere apparent. The comparatively few mills and factories which then existed had partially shut down. Labor was without employment. Foreign merchandise, unrestrained by the protecting barriers of high-revenue laws, had flooded the markets of the country and ruined our manufacturers by their unchecked competition. Financial embarassment was everywhere the rule, and the courts and the sheriffs found constant employment. The tariff of 1816, although partially protective in its provisions, was insufficient to repel the flood of merchandize with which foreign traders had determined to destroy our infant industries and control our markets in their own interests.

In this condition of affairs the tariff of 1824 was enacted. Immediately the gloomy condition of affairs was changed. The throbs of vigorous life were felt throughout the great body of the country; the sluggish blood circulated with increased rapidity. Mines were opened. The fires roared in the great furnaces. The factories were busy. Trade was active. Debts were paid. Wages were remunerative. Prosperity such as the country had never before witnessed sat down by the hearthstones of a contented people; and in his annual message of 1832 President Jackson declared that "Our country presents on every side marks of prosperity and happiness never equaled perhaps in any other portion of the world."

The following year the compromise tariff, with its descending scale, was passed, and the general prosperity vanished like the mists of the morning. Money became high and wages low. Public and private revenues everywhere decreased. Foreign goods poured like an inundation upon our markets. Panic, bankruptcy and collapse followed, and suffering and misery were universal. Protection was again demanded and the high tariff of 1842 again wrought an extraordinary revival in trade, production, and general business. In 1846 another reduction followed, and in 1857 the tariff was again cut down, and during those periods financial revulsion followed, the progress and advancement of the country were checked and impeded, bankruptcies took place, revenues declined, and the public credit was prostrated. From that day to the present it is recent history.

Amid the thunders of a civil war which threatened to destroy the institutions of the Republic, and to consume the substance which years of labor had enabled its citizens to gather, with extraordinary expenses such as staggered the minds of men in their appalling magnitude, with

such enormous amounts of property absolutely wiped out of existence that it seemed as though a century of peace could not replace them, with a debt of billions draining its energies, undaunted and undismayed through years of bloodshed the Republic grappled with its enemies, raised the most magnificent armies the world has ever seen, protected and extended the manifold productions of its people, restored its credit, honored its obligations, and at length, victorious and reunited, has developed its resources, increased its wealth, and built up its internal system of home production, so that to-day and for all time to come it can be independent of the world.

I must not be understood as asserting that the principle of protection which has been enforced during this period has alone accomplished these stupendous results; but if the tariffs of 1861 and subsequent years, which gave domestic industries their greatest impulse, had not been enacted, our present public and private prosperity would not exist, even had it been possible to carry the war to a successful issue. They have unquestionably produced billions of revenue, much of which, as I have shown already, has been borne by foreign manufacturers as a necessary condition of their being enabled to place their goods upon our markets; they have inspired and sustained home manufactures to an extent which is amazing in its results; they have prevented the outpouring of our precious metals and developed our internal resources, so that our exports have vastly increased, and will continue to increase if their operations shall be continued; they have, in other words, made our national income greater than our national outgo, and by these processes have increased the national wealth and more than replaced the waste, ravage, and destruction caused by war.

I recognize the fact that during the period to which I am now referring financial revulsions have occurred and every department of national life has felt their depressing influence. I know that even at the present time the general prosperity is not unclouded, and that business is not in as satisfactory a condition as we all would like. But these are not the necessary consequences of protection. Forces outside of tariff laws intervene to produce them. Speculation, contraction in values following upon the intense excitements of the great national struggle, improvidence and extravagance in financial and business management, the unnecessary and reckless agitation of tariff questions, the doubts and uncertainties of legislation affecting great national interests, more ample production than is needed to supply general demands, short crops at home, overflowing harvests abroad, financial difficulties in the money centers of the world—all these causes, with a thousand others at various times and in different degrees, affect our national prosperity. It will not do for gentlemen to argue that such results are caused by protective laws; because to-day in England, the lair of free trade, the only civilized nation in the world which is without protection, overproduction exists, her industries are drooping, her manufactures are depressed, and the cry of helpless, hopeless, pitiable distress from her underpaid, discharged, and suffering operatives and their families goes up unceasingly to Heaven.

Can gentlemen still doubt? Come with me to New England. Come, gentlemen from Illinois, from Kentucky, from Missouri, from Alabama, and from Texas; come from all sections of our common country, and see the prosperity which protection has given to our people. Our soil is sterile when compared with yours; our hills are steep and rugged, but along the streams which sparkle from the summit to the valley you will see great mills and factories in which looms and spindles sing with cheery music, and ponderous machinery accomplishes its work as though endowed with reason and intelligence. You will hear the rushing of the waters as they dash against the wheels on their way to the sea. You will listen to the clangor of the hammers and the throbbing of the engines as they create those wonderful results of human skill which pour forth in an unceasing tide to every portion of the Union, to every quarter of the world, to supply its necessities. You will rejoice at the sight of thrifty farms cultivated by men educated and informed, who not only understand the institutions of the Government under which they live but can discuss its underlying principles with intelligence, and when necessary can fight and calmly die for them. You will meet multitudes of busy workmen well paid, well fed, well clad, living in homes of comfort, engaged in occupations of every kind which promote the prosperity of a great republic. You will find agriculture and manufactures not in antagonism under hostile banners, but in mutual interest and sustaining power. You will find labor of every kind respected and its rights secured. You will find no degradation of workingmen, no debasement of manhood or womanhood, no hopeless, joyless childhood. The church, the academy, and district school are near each other. The reading-room and debating club stand with open doors; and from among the sons of poverty and toil blessed with advantages like these comes forth a sinewy strength of mind and body that hews its way to influence and power. That system of legislation which elevates and upholds American labor and American manhood and creates such opportunities for every man commends itself to my judgment and my conscience. It is good for us in New England; it is good for every portion of the Union. God forbid that the attempt to overthrow it should be successful.

Mr. RAY. Mr. Chairman, "Labor is discovered to be the grand conqueror, enriching and building up nations more surely than the proudest battles." If this be true—and true it is—it becomes any nation to educate, liberalize, ennoble, and protect its labor—labor in its every branch. This is especially true of the United States, for we fight no military battles for glory, renown, or conquest. When we defend our labor, our industries, we defend our people, our institutions of free government; for our laws are made and supported by the suffrages and the patriotism of a free, enlightened, laboring people.

We are enriched by three kinds of property: real estate, personal property, and industry. We are ever ready and willing to defend our lands and our personal property against foreign invasion, and if we would prosper as a people and a nation we must be as ready to defend our industries from foreign invasion. Our welfare and prosperity is measured not by our foreign trade or commerce, but by our productive power and by our self-reliance.

It was the recognition of these principles by our fathers that gave rise to our protective policy. Protection is defense. That nation is truly great which is capable of producing at home all that the people and the nation demand both in times of peace and in times of war.

It always has been and always will be true that the condition of the common laborer, male and female, marks the civilization, the progress, and the power of any country. A happy and a contented people is essential to the perpetuity of any nation. If a nation would long endure as a first-class power, as a self-defending and a self-sustaining power, it must be under a policy that reaches out to and among the masses of the people and guarantees to them the blessing of a good government; the defense by the government of the lives, the liberties, the property, and the industries of the people, all of which are essential to the general happiness.

The United States, still in its infancy, has had its epochs of prosperity and its epochs of adversity. These have been marked more especially by our tariff legislation. At the close of the Revolutionary war the merchant marine of the then thirteen infant seaboard colonies had been swept from the sea by the navy of England. Yet our manufactures had grown at a rate past belief and that excited wonder both at home and abroad. Previous to that war some of our manufactories had been declared nuisances by the British Parliament, and the erection of steel manufactories had been forbidden. In fact, every means had been used by the mother country to suppress our manufacturing enterprise. The impetus given to home manufactures by closed ports during that war was so marked and beneficial that Alexander Hamilton so early as 1791 urged the practicability and duty of protecting and encouraging our manufactures. He enumerated seventeen grand departments which had been developed.

For the seven years following the peace of 1783 we had no protection, and there was no power in the old Confederation for protection and no concurrence among the several States. There came in a perfect inundation of foreign goods, and a member of the first Federal Congress, speaking of this period of free trade, said:

> We bought according to the doctrine of modern theorists where we could purchase cheapest, and were soon inundated with foreign commodities. English goods were sold at lower rates in our maritime cities than at Liverpool or London. Our manufacturers were ruined; our merchants, even those who had hoped to enrich themselves by importation, became bankrupt, and all these causes united had such an influence upon agriculture that a general depreciation of real estate followed, and failure became general among the proprietors.

Another writer in describing the distresses and disorders of that time says:

> The scarcity of money is so great, and the difficulty of paying debts has been so common, that riots and combinations have been formed in many places, and the operations of civil government have been suspended.

Chief-Justice Marshal, speaking of this crisis generally, says:

> On opening their ports an immense quantity of foreign merchandise was introduced into the country, and they were tempted by the sudden cheapness of imported goods and by their own wants, to purchase beyond their capacity for payment.

The consequences he thus describes:

> The bonds of men whose competency to pay their debts was unquestionable could not be negotiated but at a discount of 30, 40, and 50 per cent.; real property was scarcely vendible; and sales of any article for ready money could be made only at a ruinous loss.

July 4, 1789, the first tariff act of the first Federal Congress was passed, and it was followed by another August 10, 1790, which largely increased the duties then imposed. The first act, that of 1789, recited as follows:

> Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise imported, &c.

Here the doctrine of protection to American manufactures is distinctly enunciated.

In 1791 Washington wrote:

> In my tour I confirmed by observation the accounts which we had all along received of the happy effects of the General Government upon our agriculture, commerce, and industry. The same effects pervade the Middle and Eastern States, with the addition of vast progress in the most useful manufactures.

Indeed, the same story was told from every quarter and every branch of industry was revived and invigorated. It is true that the opening war of 1793 on the continent of Europe, which with slight interruptions continued until 1815, the suspension of specie payment by the Bank of England in 1797, and which continued until about 1817, and our own war with England, all aided largely in one way and another in strengthening and rendering effective our tariff, so that in 1815 our

cotton and woolen manufactures were $60,000,000 per annum with over 100,000 workmen employed in them.

When these causes ceased to operate in aid of that tariff we were again flooded with foreign importations, until in 1824 we had general distress, as the tariff alone was inadequate to protect American labor and home industry. The result was the higher tariff of 1824, and this, though not perfect, crude and unequal in many respects, proved so beneficial that we immediately entered upon another era of agricultural, commercial, and industrial prosperity. We soon had a surplus in the Treasury, and then, as now, men predicted ruin because of too much money in the national Treasury, and then, as now, "horizontal reductionists" came to the front and argued that all the evils of accumulations in the Treasury would be avoided by a straight cut, a general, uniform "slash." We had "nullification," and the great cry came from the section that lived upon the fruits of slave labor, and refused, or from its social condition was not able, to avail itself of the benefits of a protective tariff. The result was the compromise act of 1833 and the consequent ruin of our American industries, culminating in the general crash of 1837.

During the first three years of the operation of this act of 1833 we imported about $366,000,000, an average of $122,000,000 annually, as against an average of $70,000,000 annually under the act of 1828. We paid out abroad $52,000,000 annually for foreign articles that we had not before imported. We paid that to foreign labor instead of home labor, and we encouraged extravagance of every kind. In the beginning of 1834 our circulation of bank notes was $95,000,000; at the close of 1836, $149,000,000; an increase of $54,000,000. In the beginning of 1834 our bank loans and discounts were $324,000,000; at the close of 1836, $500,000,000; increase, $176,000,000.

In May, 1837, the banks suspended specie payments all over the country. At the end of 1836 there was in the national Treasury a surplus of $46,500,000, $44,500,000 of which came from an increased sale of the public lands; showing that the great increase of imports crippled American manufactures and drove capital and labor to the great West; that we had bought more than we could pay for; that mercantile business had been unduly stimulated. Disaster and ruin followed as a natural and inevitable consequence. When you throw home labor out of employment, when you cripple home industries, when you buy on credit more than you sell or more than you produce, and when you drive home capital to other, far-away fields, as you inevitably must do in this country by a free-trade policy or any tariff scheme short of protection, you bring disaster and ruin to enterprise, agriculture, manufactures, and internal commerce.

There is a taste among Americans for foreign articles. If the lady in society can wear a dress imported from Paris and the gentleman a coat of English cloth and cut they feel that they have more claim to respectability. There is a taste for foreign ways and manners, especially among the wealthy. Even the judges of the New York court of appeals are becoming tinctured with this foreign malaria and they array themselves in silken gowns, *à la* England, which I suppose are of English cut and make. In all our debates I hear the gentleman from New York [Mr. COX] advocating some measure, an innovation upon American ways and laws, because they have it or something similar in England. Even the American dude is becoming immensely popular because he is the exact counterpart of the English snob.

If we are to have these things, let them be confined to the rich and the opulent; let them be paid for by the capitalists and monopolists; and let the dude pets be labeled, "Fair result of a free-trade tariff." I think it is the only importation of English manufacture that does not pay a high tariff duty. [Laughter.] The point I would make is this: that this disposition or mania for foreign articles would tend largely to the undue importation of foreign manufactures and the consequent injury if not destruction of American industries.

Now, sir, as a result of the tariff of 1833, and which was in operation until 1842, our American industries were prostrated, our home labor was degraded, our business interests were destroyed, and finally the people rebelled, turned its advocates out of power, repudiated the alien policy, and gave us the protective tariff of 1842. This was modified in 1846 by the representatives of slave labor. Still, as modified, aided by scarcity in Western Europe, famine, the gold fever of 1848–'49, the Crimean war, and other causes, it proved beneficial and the country prospered, the Treasury had a surplus, and the people were happy and contented. Then came the 20 per cent. reduction of 1857, and, as might have been expected, and as was inevitable, we had another panic, another inundation of foreign production. Imports for consumption increased from $5.42 to $11.82 per head; the bank circulation and loans were more than doubled, the loans rising from $312,000,000 to $634,000,000, and the circulation from $105,000,000 to $214,000,000, and a general suspension again followed.

But more, the national debt rose from sixteen and three-fourths to twenty-nine million dollars, and to $64,000,000 in 1860 under the tariff of 1857. Our national securities were at a discount of 6 to 12 per cent., bearing a high rate of interest. General distress pervaded all classes, and such was the condition of the country, agricultural, commercial, industrial, and financial, that our enemies predicted that the rebellion commenced in 1861 would find but little opposition, and that we could not devise the ways and means to resist it.

But with the rebellion came the Morrill tariff, highly protective, and although confederate cruisers and English piratical crafts under the confederate flag swept our commerce from the ocean; although the bone and sinew of the country was for four years engaged in the work of destruction, both of life and property; although the energies of the people were directed to the protection of the nation's life instead of the production of wealth; although we became a nation of destruction instead of production, still we successfully combated armed rebellion, we fostered American manufactures, developed American industries, and demonstrated beyond all peradventure not only that the American Constitution can protect the American nation, but that the protective tariff can protect home industries and American labor. [Applause.] But more of this further on.

Mr. Chairman, political parties are always seeking to win the good opinions of the people, and the party in the minority is necessarily driven to the expedient of winning recruits from its opponent if it would ever taste the sweets of power and patronage. It is not slow to discover the weak points of its adversary, and may be tempted to hold out delusive arguments and even hide the truth. Then let us study history and the present condition of our people and heed the lessons taught. That there is an honest difference of opinion with the American people on the subject of the tariff must be conceded. This is owing more to the fact that certain States are substantially agricultural while others are mainly engaged in the manufactures, than to any real difference as to the merits of the proposition as now presented. If the United States was an agricultural country without large manufacturing interests and incapable of developing them, free trade would be the true doctrine.

But, sir, we are to take the country and the whole country as it is regardless of State lines, and study to promote the general welfare. So if we were a manufacturing country producing a very large excess of manufactured articles above home consumption the sale abroad of which were necessary to enable the people to purchase their food from abroad, then free trade might be the true doctrine. Take the South and West from the Union and the Eastern and Middle States might not prosper under a protective tariff. No competition could break down their industries, and as they would import only raw materials for manufacturing purposes and food products for consumption a high tariff would add to the cost of productions and prevent them from competing in foreign markets, and so add to the cost of living that the degradation of labor would follow. Take the Eastern and Middle States from the Union and the South and West would prosper in time under protection, but it would be opposed possibly to their immediate present prosperity. But these States would remain at a "stand-still," their territory would ever be sparsely populated, and their cities would cease to grow unless they should create, foster, and protect home manufactures. They would make no progress whatever. To make themselves truly prosperous they would be driven to protection.

In the first case the Eastern and Middle States would be compelled to compete with foreign countries and sell abroad at as low figures as England. And in the second case, having nothing to protect, a protective tariff would exist only in name and could result in nothing, unless the people should engage in manufacturing, except that the people would be putting large sums in the Treasury from their earnings without any return. That is, they would heavily and unduly tax manufactured articles which they would import from foreign markets. Now New England and the Middle States are not compelled to go abroad to foreign nations for their market, for protection compels the American people to support American manufactures. The question is, is this compulsion justifiable and does it result in the general growth and prosperity of the whole country? In other words, are we justified in so legislating that we compel certain parts or classes of our people to pay more for articles manufactured at home than they could be purchased for in foreign markets? It has been said in substance by a fair and honorable member of this House [Mr. CARLISLE] that protection is spoliation; so it would be if the benefits received by those who really pay the cost of protection were not equal to or greater than the cost.

But if we find that the benefits conferred are greater than the burdens imposed, then it is not spoliation, for "an even exchange is no robbery." With the agriculturists the laborers and the workingmen, unless we give them a fair and equal return for their increased outlay for manufactured articles, our course is not defensible. To my mind this is a fair, plain, common-sense way of putting the question, and on its true answer must the Republican party stand or fall in the coming Presidential election. To those who advocate the doctrine of "State rights" and deny that we are a nation it seems plain that they should not be compelled by a protective tariff to pay for the prosperity of our manufacturing States; while to those who adhere to the doctrine that we are a nation, and that each part is to contribute to the general prosperity of the whole, it is equally plain that they should so pay, provided the protected States return value received to those who contribute. Men who look at burdens imposed and are blinded to benefits received are not in a condition to intelligently judge the situation.

Such is the status of the disciples of free trade. Teachers of free trade in the main are seeking political power, and it is their mission to plainly portray all the burdens while they studiously conceal the benefits of a protective tariff. Beautiful and attractive theories have been and can be built up to allure the unthinking and the unwary. These theories

have been spread before this House and the country in their most attractive form, and it is sought to be impressed on our minds that as the result of a high tariff we have too much money in the Treasury, that the people are too heavily taxed, that the country is not prosperous, that labor is not well paid, that our people are growing poorer while corporations are swelling with ill-gotten gains. It is said that high tariffs foster monopolies and are inimical to labor.

It will be my pleasure to answer some of these illusory and delusive statements. But I first desire to call attention to the fact that the people of this country in a common-sense way have again and again answered the question at the ballot-box, and they are now ready and anxious to repeat the verdict of 1880. Aristotle said:

> The crowd makes better judgments than any individual whatsoever. It is in the main incorruptible. Like a large sheet of water, the multitude is less liable to sinister influences than the few, for when the individual is influenced by passion or any similar impulse his judgment must be distorted, while it is hard for all collectively to be led by passion or to err.

The people of this country look to practical results more than to fine-spun theories, and it will be difficult indeed to make them believe that high tariffs are detrimental to our prosperity when they see that with them the rate of interest paid by our Government has been reduced from 12 to 2½ and 3 per cent.; that our country has been carried safely through an intestine strife that cost us billions of dollars; that our debt has been reduced at a rate never before known in the history of the world; that a large area has been added to our territory; that magnificent public buildings have been erected; that large bounties and pensions have been paid to our soldiers, their widows and orphans; that magnificent railroad and other enterprises have been successfully carried on; that new States are constantly added to the Union; when they see our population increasing at a rate that staggers figures; our arts, sciences, and inventions making rapid strides and challenging the respect and admiration of the world, our farmers and mechanics prosperous and happy, and our labor better paid than in any country on the face of the earth, while our liberties remain intact and churches and schools multiply and spread abroad their beneficent influence. They see and realize withal that we have no slave labor, and that labor owns capital and keeps a bank account, owns farms and village lots, and bank, railroad, and mining stocks, and that the son of the poorest mechanic or farmer stands an equal chance with the millionaire to occupy the Senatorial, gubernatorial, and Presidential chairs. In the full enjoyment of all these blessings *in præsenti*, it will be hard indeed for any political party to induce the people to try dangerous experiments for the sake of imaginary benefits *in futuro*.

1. Do we protect American labor and home industry?
2. Do we give value received to the consumer who pays a higher price than he would if we did not impose high protective tariffs?
3. Do we degrade or do we exalt American labor?
4. Do we encourage and promote American inventive skill and do we develop American genius?
5. Do we add to the general wealth, intelligence, and prosperity of the people of this country?

First. When we remove the protective tariff—that is, the tariff that is added for the purpose of so increasing the cost of foreign manufactures as to keep them out of the American market or compel them to be sold here at a price at which we can produce at a profit—we necessarily compel our manufacturers to produce at a less price, and they must necessarily reduce the price paid laborers and reduce the price paid for material and machinery or else stop business, "shut up shop." If the price of labor is reduced the laborer must reduce the cost of living—that is, cut down all of his expenses. If he do this he must be able either to purchase food, clothing, and his little luxuries at a correspondingly low figure, or he must wear poorer clothing, eat poorer food, and enjoy less of the benefits of the schools, churches, and all the comforts of life. If we compel him to do the last, we degrade him; if the first, we necessarily compel our farmers to produce and sell their cotton, wool, corn, wheat, &c., at a less figure, and therefore they must be enabled to purchase lands and food and clothing at a less price. When all is done the free-trader says there has been a corresponding reduction all round and no harm is done.

Let us see. We have opened up foreign competition and flooded our country with foreign productions; we have opened a market where every dollar that is paid to the foreign producers is lost to home production and American labor, for when paid to foreign labor it is the richer and American labor the poorer. We have reduced the revenues of the Government, and our internal improvements, public buildings, river and harbor improvements, our pensions, &c., must stop. We have lost much and have gained nothing. But you say it will stimulate commerce, our carrying trade; that our products, our manufactures will go abroad and find a market. Not at all. Our products, as grain, &c., that foreign countries require now go abroad. Our superior manufactures now go abroad. Our equal or inferior manufactures will never cross the water to compete with the same thing abroad. Therefore we must make up our deficient revenue by a direct tax or else cut down the expenses and stop all improvements.

But there is another and a complete answer to all this. The world demands about so much of any article. Europe (especially England) has an excess of labor. When foreign countries export largely to this country at cheap prices we can no longer keep up our manufactures and employ our laborers in manufacturing, for their productions of like kind will no longer be consumed in the home market, and foreign markets will be overstocked by their own home productions. As a direct and necessary result our laborers and mechanics would be driven to agricultural pursuits, and there would be a large excess of agricultural products and the price thereof would be largely reduced for the benefit of the rich and the opulent; the farmer would be impoverished, and soon, as in England, the lands would pass to the hands of the wealthy and we should become a nation of tenant farmers. England now is, and since 1845 has been, a free-trade country. Her mechanics, laborers, and farmers are reduced to a condition of servility, poverty, squalor, and misery. That enterprise, skill, and genius which have been and are so characteristic of the American laborer do not exist in England. As a proof of what I say I desire to quote from Work and Wages, by Thorold Rogers, an advocate of free trade and an enemy of protective tariffs. He says:

> The mass of English workmen are far better off now than they were two generations ago, though population has greatly increased. But relatively speaking the workingman of to-day is not so well off as he was in the fifteenth century, when the population was not one-tenth of what it is now.

This is a confession that as a result of three hundred years of progress and advance in religion, civilization, and education, the condition of the English laborer has been degraded and impoverished. What a commentary on the condition of English labor, and what a warning to us not to listen to the sophistries of those free-traders who ape the English theorists. This confession is pointed when we find the same author giving the wages of an agricultural laborer in the thirteenth century (and it was relatively the same in the fifteenth) at £2 11*s.* 8*d.* per year, while he figures up the living expenses of that same laborer at £3 per year, allowing £2 7*s.* 9*d.* for the coarsest kind of food and 12*s.* 3*d.* for clothing, home-spun russet cloth, hempen or linen shirting, and one pair of rude boots worth 2*s.*

I have read in novels of the haggard, ever-hungry, hollow-eyed laborer of England who every night went to his hut or hovel to meet his careworn, anxious, overburdened wife, and his puny ill-fed children crying for bread, of which he had none to give; but I never expected to see even the shadowy portrait of the reality disfiguring the pages of an English author who advocates free trade for the United States. The truth is, Mr. Chairman, that, having no market at home, the English people and their sympathisers here are using their best endeavors to induce us to impoverish our own labor for the benefit of the British Empire.

Mr. ADAMS, of New York. Let me ask the gentleman why it is that England under the free-trade policy pays her laborers better than France or Germany with their protective tariffs?

Mr. RAY, of New York. The gentleman assumes something that is not true.

Mr. ADAMS, of New York. Will you answer it?

Mr. RAY, of New York. You might as well ask me why the moon was made of green cheese. [Laughter.]

Mr. ADAMS, of New York. I suppose I might.

Mr. RAY, of New York. You assume something that is not true, and therefore I can not tell you why. When you ask me why England under free trade pays her laborers better than France and Germany under protection, I say it is not true that she does, and therefore I can not give you any reason for a fact that does not exist. I assert here, and I assert the truth, that the French and German laborers are better paid to-day, better educated, and in a better situation morally, socially, and pecuniarily than the laboring men of England.

Why, sir, take even Belgium, with a larger population to the square mile than any other country in Europe, and compare it with England, and behold the condition and situation of the laboring men in the two countries. In England under free trade the land is owned by a few lords, who are turning hundreds and thousands of acres of soil which should be tilled for the production of food for a starving people into parks for the benefit and pleasure of her nobility, whereas when you go across to Belgium you will find, counting five to a family, that every family owns real estate and has a spot they can call home, and a little allotment of soil which, properly cultivated, keeps starvation from their doors. [Applause.]

As Rogers thus confesses that this English laborer thus paid, fed, and clothed was relatively better off than the English laborer of to-day, we may safely conclude that English free-trade labor is somewhat degraded and impoverished, and well may the American laborer hesitate to support that political party that would ingraft upon our system the theories which, put in practice in England, have thus impoverished and degraded labor. But we need not resort to this comparison of this free-trade author's confessions to prove that free trade or non-protective tariffs impoverish and degrade labor, for he proceeds to give us somewhat in detail the condition of the mechanics and artisans in the large cities of England. He says:

> The large cities and towns of England contain a vast population which lives, one hardly knows how, on mean and precarious wages, in dismal and unwholesome dens. Some of this poverty is merely miserable, some of it is vicious, some is criminal. * * * Now, among them is the greatest manufacturing town in the world. Naturally its inhabitants are engaged in an infinite variety of occupations.

Now, if any one supposes that the American laborer desires to be

thrown into competition with this squalid pauper labor of England he mistakes the spirit of the workingman of this country. And if any one supposes that the farmers desire that such a condition of things should exist in our great cities they miscalculate. The producers of farm products, corn, wheat, butter, cheese, cotton, rice, sugar, &c., fully realize that the market for their products is not with the farmer, but with the mechanics and tradesmen and manufacturers in the towns and cities; that to enable these men to purchase they must find employment at remunerative wages, and that they may receive these wages they are willing to pay well for their products and keep them from resorting to the tillage of the soil to eke out a living. The farmers know that every worker in wood and iron and brass and every miner is a consumer of their productions, and that if they would have increased consumption they must have more consumers, not more producers.

Second. It will also be considered that a home market is better than the foreign, and that when we encourage and build up a factory, even on a vacant plain, a village immediately springs up around it. Men and women and children are employed; the merchant finds a market and a demand for his varied merchandise; horses and mules are in demand; mechanics find employment in building and in a variety of ways; the railroad is constructed to bring in the supply and take away the products. It becomes a busy mart of trade and commerce. The surrounding farms are doubled in value, as is their produce, and in place of desert fields we soon find fruitful orchards and productive gardens and ever busy markets. In every country on the earth and in every State in this Union the greater the manufacturing interests the greater the value of farming lands and of agricultural products. Taking the United States by counties or by States, singly or in groups, the figures demonstrate the truth of my statement. I select a few.

In Alabama, two counties produced in manufactures $2,785,685. She has in those counties 481,484 acres in farms, worth $3,152,779, or $6.55 per acre. The remaining sixty-four counties manufacture $10,779,819, or $168,434 each, have 18,373,850 acres in farms, worth $4.13 per acre. In Georgia seven manufacturing counties manufacture $19,331,604, have 995,971 acres of farming lands, worth $9,181,254, or $9.22 per acre. Her remaining one hundred and thirty counties manufacture $17,109,344, or $131,610 each, have 25,047,311 acres in farm lands, worth $102,729,286, or $4.10 per acre. In Louisiana her two manufacturing counties manufacture $20,456,396, have 49,075 acres in farm lands, worth $1,010,663, or $20.59 per acre. Her remaining fifty-six counties manufacture $3,748,787, or $66,942 each, have 8,224,431 acres of land in farms, worth $57,978,454, or $7.05 per acre.

The same thing is true in an equal or more marked degree in every State south of Mason and Dixon's line. But, says some one, this is no proof; the South never had any extended manufactures, and her soil is worn out and impoverished by slave labor. Then let us go to the West and the Pacific Slope. In Ohio twelve manufacturing counties manufacture $249,632,186; they have 3,388,305 acres of farm lands, worth $229,903,034, or $67.85 per acre. Her remaining seventy-six counties manufacture $98,666,204, or $1,298,239 each, have 21,140,921 acres of farm lands, worth $897,594,319, or $42.46 per acre. In Michigan six manufacturing counties manufacture $74,928,516, have 1,500,690 in farms, worth $60,373,468, or $40.23 per acre. Her remaining seventy-two counties manufacture $75,786,509, or $1,052,590 each, and have 12,306,550 acres in farm lands, worth $438,729,713, or $35.65 per acre. In Illinois ten manufacturing counties manufacture $340,527,740, and have 4,470,503 acres in farms, worth $196,518,392, or $43.96 per acre. Her remaining ninety-two counties manufacture $74,336,933, or $808,010 each, have 27,203,142 acres in farms, worth $813,076,188, or $29.89 cents per acre. In California six manufacturing counties manufacture $96,217,320, have 2,116,416 acres in farms, worth $76,972,137, or $36.37 per acre. Her remaining forty-six counties manufacture $20,001,653, or $434,817 each, and have 14,477,326 acres in farms, worth $185,079,145, or $12.78 per acre. And yet California has been pictured as the farmer's paradise.

The other Western and Pacific States show the same relative values. But we are told that these are comparatively new States, and that some sections are sparsely populated, and that improvements have not been made on the farms remote from villages. Let us turn to the Eastern and the Middle States. In Massachusetts her four manufacturing counties manufacture $453,360,766, have 1,292,876 acres of land in farms, worth $74,819,191, or $57.87 per acre. Her ten remaining counties manufacture $177,774,518, or $17,777,451 each, and have 2,066,203 acres in farms, worth $71,378,224, or $34.55 per acre. In Connecticut her three manufacturing counties manufacture $122,572,296, have 967,946 acres in farms, worth $69,537,859, or $71.84 per acre. Her remaining five counties manufacture $63,124,915, or $12,624,983 each, have 1,485,595 acres in farms, worth $51,525,951, or $34.68 per acre. In New Jersey her six manufacturing counties manufacture $208,670,151, have 368,675 acres of land in farms worth $35,562,438, or $96.46 per acre, and her remaining fifteen counties manufacture $45,710,085, or $3,047,338 each, and have 2,561,098 acres of land in farms worth $155,333,395, or $60.65 per acre. In New York the thirteen manufacturing counties manufacture $896,651,665, have 4,981,545 acres in farms worth $310,699,132, or $62.37 per acre. The remaining forty-seven counties manufacture $184,044,931, or $3,915,849 each, and have 18,799,209 acres in farms worth $745,477,609, or $39.65 per acre.

Now, sir, these figures plainly show that in States and counties where we have large manufacturing establishments the value of the farms are largely increased, and it is a notorious fact that in many of the counties in some of these States showing the highest value of farm lands the soil is naturally poor, rocky, and unproductive.

In Rhode Island, Massachusetts, and Connecticut manufactures have so stimulated and aided agriculture that farmers by tillage, care, and industry reap rich harvests and large profits from lands that in the West or South would lie waste. Now, sir, another important fact of great interest to the farmers must not be lost sight of in this connection. In those States where industry is most diversified, those having the largest and most productive manufactories, the annual income to each farmer is $457, while the States having small manufacturing industries yield to the farmer an income of only $160 per annum to each. Thus it appears that cheap lands are not most productive to the farmer, and if it be said that they require larger expense for tillage, that labor is higher priced, it is plain that the laborer shares in the blessings the manufacturing industries give to the agriculturists.

It is sometimes argued that a cheap farm involves a small interest account, and that therefore the cheap-farm State is to be preferred. But it can not be said that the purchase of a farm in such a locality is preferable for such a reason, when the figures show that the net income is $457 in the high-priced States, as against $160 in the others, saying nothing of the ready markets, the educational and other advantages that always abound in a manufacturing county or State, and all of which are scarce and difficult of access in the purely agricultural States or counties. The following table shows in four groups the value of the manufactures of each State, the land in farms, the value of farm lands, and in each State and in each group or class of States the average value of such farm lands per acre:

FIRST GROUP.

States.	Value of products of manufacture.	Total land in farms.	Value of farm lands.	Value per acre.
	Dollars.	*Acres.*	*Dollars.*	*Dollars.*
Massachusetts	631,125,284	3,359,079	146,197,415	43 52
Rhode Island	104,163,621	514,813	25,882,079	50 27
Connecticut	185,697,211	2,453,541	121,063,910	49 34
New York	1,080,696,596	23,780,754	1,056,176,741	44 41
New Jersey	254,380,236	2,929,773	190,895,833	65 16
Pennsylvania	744,818,445	19,791,341	975,689,410	49 30
Delaware	20,514,438	1,090,245	36,789,672	33 74
Total	3,021,405,831	53,919,546	2,552,695,060	47 34

SECOND GROUP.

Maine	79,829,793	6,552,578	102,357,615	15 62
New Hampshire	73,978,028	3,721,173	75,834,389	20 38
Vermont	31,354,366	4,882,588	109,346,010	22 40
Ohio	348,298,390	24,529,226	1,127,497,353	45 97
Michigan	150,715,025	13,807,240	499,103,181	36 15
Indiana	148,006,411	20,420,983	635,236,111	31 11
Illinois	414,864,673	31,673,645	1,009,594,580	31 87
Total	1,247,046,686	105,587,433	3,558,969,239	33 71

THIRD GROUP.

Wisconsin	5128,255,480	15,353,118	357,709,507	23 30
Minnesota	76,065,198	13,403,019	193,724,260	14 45
Iowa	71,045,926	24,752,700	567,430,227	22 92
California	116,218,973	16,593,742	262,051,282	15 79
Total	391,585,577	70,102,579	1,380,915,276	19 70

FOURTH GROUP.

Maryland	106,780,563	5,119,831	165,503,341	32 33
Virginia	51,780,992	19,835,785	216,028,107	10 89
North Carolina	20,095,037	22,363,558	135,793,602	6 07
South Carolina	16,738,008	13,457,613	68,677,482	5 10
Georgia	36,440,948	26,043,282	111,910,540	4 30
Florida	5,546,448	3,297,324	20,291,837	6 15
Alabama	13,565,504	18,855,334	78,954,648	4 19
Louisiana	24,205,183	8,273,506	58,989,117	7 13
Texas	20,719,928	36,292,219	170,468,886	4 70
Arkansas	6,756,159	12,061,547	74,249,655	6 16
Tennessee	37,074,886	20,666,915	206,749,837	10 00
West Virginia	22,867,126	10,193,779	133,147,175	13 06
Kentucky	75,483,377	21,495,240	299,298,631	13 92
Missouri	165,386,205	27,879,276	375,633,307	13 47
Kansas	30,843,777	21,417,468	235,178,936	10 98
Nebraska	12,627,336	9,944,826	105,932,541	10 65
Colorado	14,260,159	1,165,373	25,109,223	21 55
Oregon	10,931,232	4,214,712	56,908,575	13 50
Utah	4,324,992	655,524	14,015,178	21 38
Total	676,427,860	283,233,112	2,552,840,616	9 01

Now, sir, in the first of these groups of States, 18 per cent. of all workers are engaged in agriculture; in the second group, 42 per cent.; in the third group, 58 per cent.; and in the fourth group, 77 per cent.

Now, sir, look at the average annual income of each of these agricultural laborers in the respective groups. In the first group, which has the most manufactures, the average annual income to each is $457; in the

second, standing next in value and extent of manufactures, the average annual income to each is $394; in the third, standing next in manufacturing industries, the average annual income to each is $261; and in the fourth group, standing out distinctively as agricultural, and where the land is richest and natural agricultural advantages greatest, but manufactures are rarest, the average annual income to each agricultural laborer is but $160.

Now, sir, taking the same groups of States, we find the average rate of wages to farm laborers in the first group to be, per month, $24.14; second group to be, per month, $23.51; third group to be, per month, $19.51; fourth group to be, per month, $13.67. We also find, and the facts and figures demonstrate, that, living in the same style, the cost of food and clothing and farm implements and household furniture is greatest where farms and labor are cheapest and agriculturists most numerous. It will not be forgotten that in these figures I include not only hired farm laborers, but the farmers themselves. And what adds to the strength of my argument is the important fact that in the agricultural States the roads are poorest, cities and villages remote, and railroad facilities wanting. Therefore the surplus products of the farmer are carted to far-away markets at great cost and delay, and even there they find slow and low markets.

If we look to the question of illiteracy we shall find, not that the workers in factories are the best educated, for a large element of foreign population is drawn to them, but that, taking the States as a whole, the people of the States with the diversified industries are the better educated, and that the fourth class or group of States named contains the great mass of the illiterate of the United States, excluding the colored population. If we look to railroads we find in the first group 18,781 miles; in the second, 31,980 miles; in the third, 16,339 miles; and, in the fourth, 45,312 miles; showing that in proportion to area the manufacturing States largely, very largely, excel in the length and number of their railroad lines, and which, it is conceded, in safety, convenience, and equipment, are greatly superior. They contain nearly all the canals and set afloat most of the river and coast commerce. These figures show, as affecting the interests of the farmers and agricultural laborers, that the presence of large manufacturing interests have the following effects:

First. They largely increase the value of farms and of farm products.

Second. They prevent undue competition among farm laborers.

Third. They largely increase the incomes of the farmers and the wages of the farm laborers.

Fourth. They lessen the cost of clothing, of farm implements, and of household goods.

Fifth. They build up railroad lines, facilitate intercourse, make home markets for farm products, and render distant markets of easy access.

Lastly. The manufacturing States foster the schools, contain the great majority of colleges and academies, and extend education. They also contain more churches in proportion to the population. Let us group these States so as to show the labor engaged in manufactures and the wages paid them per annum:

FIRST GROUP.

States.	Number of establishments.	Hands employed.	Wages paid.	Engaged in agriculture.
Massachusetts	14,352	352,255	$128,315,362	64,973
Rhode Island	2,205	62,878	21,355,619	10,945
Connecticut	4,488	112,915	43,501,518	44,026
New York	42,739	531,473	198,634,029	377,460
New Jersey	7,128	126,038	46,083,045	59,214
Pennsylvania	31,225	387,112	134,055,304	301,112
Delaware	746	12,638	4,267,349	17,849
Total	102,883	1,585,309	576,212,226	875,579

SECOND GROUP.

Maine	4,481	52,949	13,621,538	82,130
New Hampshire	3,181	48,831	14,814,793	44,490
Vermont	2,874	17,540	5,164,479	55,251
Ohio	20,699	183,609	62,103,800	397,495
Michigan	8,873	77,591	25,318,682	240,319
Indiana	11,198	69,508	21,960,888	331,240
Illinois	14,549	144,727	57,429,085	436,371
Total	65,855	594,755	200,413,265	1,587,296

THIRD GROUP.

Wisconsin	7,674	57,109	18,814,917	195,901
Minnesota	3,493	21,212	8,613,194	131,535
Iowa	6,921	28,372	9,725,962	303,557
California	5,885	43,799	21,070,585	79,396
Total	23,973	150,492	58,224,658	710,389

FOURTH GROUP.

States.	Number of establishments.	Hands employed.	Wages paid.	Engaged in agriculture.
Maryland	6,787	74,942	18,904,065	90,927
Virginia	5,710	40,184	7,425,261	254,099
North Carolina	3,802	18,109	2,740,768	300,937
South Carolina	2,078	22,128	2,836,289	294,602
Georgia	3,593	24,875	5,252,952	432,204
Florida	426	5,504	1,270,875	58,731
Alabama	2,070	10,019	2,500,504	380,630
Louisiana	1,553	12,167	4,358,841	205,306
Texas	2,996	12,159	3,343,087	352,317
Arkansas	1,202	4,556	925,358	216,655
Tennessee	4,326	22,445	5,254,775	294,153
West Virginia	2,375	14,351	4,313,965	107,578
Kentucky	5,328	37,391	11,657,844	320,571
Missouri	8,592	63,995	24,309,716	355,297
Kansas	2,803	12,064	3,999,599	206,089
Nebraska	1,403	4,793	1,743,311	90,507
Colorado	599	5,074	2,314,427	13,539
Oregon	1,075	3,424	1,636,566	27,091
Utah	640	2,495	858,863	14,550
Total	57,358	390,675	106,647,066	4,082,774

From these figures we are enabled to see at a glance why it is that the farmer and the farm laborer are better paid and far more prosperous in the manufacturing than in the agricultural States, why it is that farming lands are more valuable, even when less productive and of a poorer quality.

In the first group the farmer is called upon to feed in a home market, 1,585,309 artisans, who receive on the average, including women and children, $363 annually.

In the second group they feed 594,755, who receive on the average $337 annually.

In the third group they feed 150,492, who receive on the average $386 annually.

In the fourth group they feed only 390,675, who receive on the average $272 annually.

It is also worthy of mention that large cities and villages always contain a large population of wealthy persons who live on the interest of their money, doing nothing, producing nothing, but consuming more than any other class. There also the merchants, professional men, and other consuming classes congregate.

Now, sir, I desire, as briefly as I may, to compare the condition of the American agriculturists, farmers, and farm laborers with those of England. The following table shows the total of the people in England employed in labor in the various occupations. In 1881 the population of England (including Wales) was 25,974,439; total workers in all classes of employment, 11,187,564. The table shows the years 1861, 1871, and 1881.

Table showing total number employed in labor in England.

Classes.	1881.	Per cent. of all.	1871.	Per cent. of all.	1861.	Per cent. of all.	Rate of increase— In 10 years.	Rate of increase— In 20 years.
Professional	647,075	5.8	547,362	5.2	481,957	5.0	18.2	34.2
Domestic	1,803,810	16.1	1,633,514	15.4	1,367,782	14.2	10.4	31.9
Agricultural	1,383,184	12.4	1,657,138	15.6	2,010,454	20.8	a 15.9	a 31.2
Commercial	980,128	8.7	815,424	7.7	613,710	6.4	20.1	57.1
Industrial	6,373,367	57.0	5,940,028	56.1	5,184,201	53.7	7.3	22.9
Total	11,187,564		10,593,466		9,658,104			

a Decrease.

It appears, therefore, that 1,383,184 of her people are engaged in agriculture (1881). In 1861, 2,010,454 were employed in agriculture, showing a decrease of 31.2 per cent. in twenty years. Why this large, in fact immense, decrease in such a country as England, enjoying during the whole period the full fruition of absolute free trade, if free trade would benefit the agricultural classes? She can not begin to supply her home consumption, and imports largely. In 1881 she imported 12,633,555,300 pounds of flour and grain. Her principal imports of food for consumption in 1881 were—

Corn and flour	$293,329,621 76
Sugar	110,353,104 70
Tea	55,976,578 36
Bacon and hams (pounds)	462,748,400 00
Eggs (number)	756,719,160 00
Fish (pounds)	153,021,900 00
Butter, &c., (pounds)	216,971,700 00
Beef (pounds)	106,859,900 00
Preserved meat (pounds)	56,053,100 00
Sheep and lambs (number)	1,124,391 00

Therefore we should expect her to increase her agricultural workers and bend every energy to home production for home consumption. Her area (England and Wales) is 58,186 square miles or 37,239,351 acres.

But we find that the farmers are decreasing year by year. In 1882 162,992 Englishmen left their homes, mostly for the United States. Of her territory, excluding bog, mountain, and water land, she has 26,202,230 acres of agricultural lands, devoted to—

	Acres.
Corn crops	6,919,320
Green crops	2,664,522
Clover and grass	2,546,272
Flax	5,097
Hops	65,619
Bare fallow, &c	734,534
Woods	1,466,038
Permanent pasture	11,800,728

And while her people are suffering for the necessaries of life, she is constantly increasing what is returned as pasture land, but what is in fact turned into vast pleasure and hunting grounds for the nobility.

In England and Wales, out of a population of 25,974,439 (London suggestively excluded, for there the proportion is more than quadrupled), only 972,836 persons own real estate, and of these 703,289 (72.3 per cent.) own less than an acre each, and only about one in every twenty owns any land whatever. Of the 269,547 who own above an acre, but few, very few, own more than two to five acres, and these parcels are not held by farmers, but by gentlemen and professional men. The lands are owned in large tracts by the lords, who lease them in small parcels to such as can manage to pay, at enormous rents, $15 and upward per acre.

The farmer who rents a farm of one hundred acres pays $1,500 rent for it, and as in prices they are compelled to compete with corn, wheat, rye, oats, potatoes, &c., imported duty free from India, Australia, Russia, and the United States for the benefit of the manufacturing and the non-laboring classes, we see at once that no farmer can live and pay the high rent. England is compelled to import food for home consumption at cheap prices, else the industrial classes must receive higher wages. As increased wages would add to the cost of her manufactures, she could no longer compete with France, Belgium, Germany, and the United States, who under protection not only protect manufacturers but agriculture.

By three centuries of protection England built up the greatest manufacturing system in the world, and now, when 87.6 per cent. of her entire population is engaged in non-agricultural employments, and with her land held by a few owners who charge therefor exorbitant rents, she has left the farmer and the farm laborer to his fate, reduced as he is to that hopeless condition described by Rogers:

> An artisan may rise to be a master, a mechanic to be an engineer, a factory operative to be a capitalist. But no English agricultural laborer, in his most sanguine dreams, has the vista of occupying, still less of possessing, land. He can not rise in his calling. He can not cherish any ambition, and he is in consequence dull and brutish, reckless and supine. We owe the fact that the great English nation is tenant-at-will to a few thousand land-owners to that device of evil times, a strict settlement. * * * It may be that the mischief which this practice has induced is too widespread for remedial measures. But no Englishman who has the courage to forecast the destinies of his country can doubt that its greatest danger lies in the present alienation of its people from the soil and in the future exodus of a disinherited peasantry. This condition is the result of her forty years of free trade.

Another result of this policy is that the professional, industrial, and non-laboring classes purchase provisions of all kinds at prices measured by the foreign supply, and not by home production or home demand.

The following table shows the area of France, Germany, and England, respectively, with their population and the number in each country engaged in agriculture:

Country.	Area.	Population.	Engaged in agriculture.
France	204,177	37,672,048	18,249,202
Germany	212,083	45,234,061	18,838,583
England	58,186	25,974,439	1,383,184

France, which is self-supporting in agricultural productions, maintains an equilibrium between manufactures (which she protects by a tariff) and agriculture. She has less than four times the acres, something more than a third more population, one-half of which is engaged in agriculture, eighty-nine to the square mile. Germany employs two-fifths of her entire people in agriculture, or eighty-eight to the square mile, having a little larger area and quite a little larger population than France.

Mr. ADAMS, of New York. Allow me to interrupt the gentleman again. I asked the gentleman a direct question, and he answered me I might as well ask why the moon was made of green cheese. In order that he may understand hereafter what is the difference of wages in England, Germany, and France——

Mr. RAY, of New York. Now, let the gentleman quiet his nerves. I will simply say——

Mr. ADAMS, of New York. Permit me.

Mr. RAY, of New York. I have given the subject most careful study, and I have figures prepared with great care.

Mr. ADAMS, of New York. So have I, and here they are.

Mr. RAY, of New York. If the gentleman will take the trouble to read my remarks in the RECORD he will be enlightened, and never again in a public place ask so foolish a question as why it is the laborers of England are better paid than the laborers of France and Germany. [Laughter and applause.] You start on a wrong basis; you are, no doubt, honest in your impressions, but you are wrong in your facts and wrong in your conclusions. [Applause.]

The gentleman makes no distinction between better-paid labor and a higher price paid in money for the same labor. That labor receives the highest price which for the same service receives the most money. That labor is the better paid which with the price received is able to procure the most food, the most clothing, the most shelter, the most education, the most liberty, and the most happiness. It is quite true as a rule that England pays a higher price in money for the same labor than France or Germany, but it is not true that her labor is better paid, for with a day's wages the German and Frenchman can purchase nearly double the necessaries of a happy existence the Englishman can with the same money.

Even little Belgium, with an area of 11,373 square miles, a population of 5,520,009, the most densely populated country of Europe, 485 to the square mile, employs half of her population in productive labor, and engages 800,000, or 70 to the square mile, in agricultural productions. Her lands are owned by 1,181,177 freehold proprietors, an increase of 266,240, or 29 per cent., in thirty-four years. Allowing five persons to a family, every family owns land. The result is that with this dense population on a small territory, with one-seventh in woodland, she imports $69,900,000 worth of food, and exports $25,708,000 worth, showing that within $8 for each individul she is self-feeding. Her exports embrace the products of thirteen large and several small industries. As in all Catholic countries, there is a large per cent. of illiteracy, but with this diversity of industries her people are intelligent, industrious, prosperous, and happy.

I have no time to picture the condition of the people of Russia and Turkey, where industrial pursuits are not encouraged nor developed, but suffice it to say it is most deplorable.

England, with an area of 58,186 square miles, more than one-fourth that of France or of Germany, and with a much denser population, requiring a much greater effort for agricultural products, employs but one-twentieth of her people in agriculture, or twenty-three to the square mile. When we consider the low, debased, plodding, hopeless condition of her farming community as depicted by her own writers, can we have a more forcible argument that a protective tariff protects not only industries but the farm laborers? The true rule for every country is to so foster and protect a diversity of interests that importations shall consist only of those articles which in the nature of things can not be produced at home. The true lines of imports and exports run north and south, not east and west. The United States may well go south for her tropical productions, but upon herself she can safely depend for all other products essential to the prosperity and happiness of man or of nations.

Now let us compare American and British wages, selecting from all grades:

Occupations.	England.	United States.
FARM LABOR.		
Laborers, per month	$13 60 to $17 00	$16 00 to $28 00
COTTON INDUSTRIES.		
Men, per week:		
Strippers	5 40	6 21
Grinders	5 16	8 42
Overlookers	9 24 to 12 00	17 80
Mule-spinners	7 20 to 8 40	10 09
Engine-drivers	5 04 to 12 00	17 75
Firemen and laborers	3 84 to 5 04	8 33
Women, per week:		
Throstle-spinners	3 61	4 38
WOOLEN INDUSTRIES.		
Men, per week:		
Wool-sorters	5 76 to 6 24	9 43
Scourers	5 28 to 5 76	8 84
Dyers	5 28	7 81
Pattern-weavers	6 00 to 7 20	8 53
Weavers	6 00 to 6 25	7 45
Mechanics	6 48 to 8 40	13 43
Laborers	4 80	8 53
Women, per week:		
Burlers	2 64	5 13
IRON INDUSTRIES.		
Men, per week:		
Pattern-makers	7 92	18 10
Iron-molders	8 40	16 10
Brass molders	8 40	15 75
Smiths	8 16	15 75
Strikers	5 04	8 64
Fitters	7 68	12 82
Stokers	6 12	8 89
Bricklayers	7 20	16 50
Laborers	4 32	8 11

Schoenoff (advocate of free trade) himself says:

In the iron industries American wages average fully 75 per cent. more than English wages.

BOOT AND SHOE INDUSTRIES.

Occupations.	England.	United States.
Sewing-machinists, men	$7 20	$15 40
Sewing-machinists, women	3 80	7 81
Cutters	5 04	14 91
Clickers	6 48	14 91
Riveters	6 00	11 31
Machine operatives	6 72	11 31
Finishers	7 20	12 18

Now, turning our attention to the cost of living in the two countries we find that in the matter of clothing there is not over 10 per cent. in favor of the consumer of the lower grades, such as the farmers and laboring men are compelled to and do wear. We place the good, substantial clothing in the market as cheaply as does England.

When we look to the cost of provisions, the necessaries of life, we find that the American can live better and cheaper with the same money.

Cost of articles.	England.	United States.
Fresh beef, per pound	$0 22	$0 12 to $0 16
Corned beef, per pound	$0 18 to 20	8 to 12
Beans, per quart	9	7 to 10
Bread, per pound	3½ to 4½	4 to 4½
Butter, per pound	29 to 38	25 to 32
Codfish, per pound	6 to 8	6 to 7
Coffee, per pound	28 to 50	20 to 30
Eggs, per dozen	14 to 30	15 to 30
Flour, per pound	3½ to 4½	3 to 4
Lard, per pound	12 to 18	10 to 12
Milk, per quart	5 to 9	8 to 10
Mutton, per pound	16 to 17	9 to 10
Oatmeal, per pound	3½ to 4½	4 to 5
Pork, fresh, per pound	10 to 16	8 to 10
Pork, salted, per pound	10 to 16	8 to 10
Pork, bacon, per pound	12 to 16	8 to 10
Pork, sausage, per pound	18	8 to 10
Potatoes, per bushel	68 to 2 00	75 to 1 50
Rice, per pound	3½ to 8	8 to 10
Soap, per pound	5½ to 10	6 to 7
Sugar, per pound	5½ to 10	8 to 10
Tea, per pound	40 to 88	50 to 60

It will be seen that beef, both fresh and corned, butter, coffee, flour, lard, mutton, pork in all shapes, and sausage cost much more in England than in the United States; while bread, codfish, potatoes, sugar, and tea cost about the same. Meat of all kinds and coffee are luxuries only enjoyed by the English workingmen in their most sanguine dreams. Figure for yourself the cost of supporting an English workingman's family, adding the cost of coal and his exorbitant house-rent, and compare it with the wages received, and you readily see that the best paid live upon starvation wages, and you see that illiteracy, not education, is compulsory in England. And when you see, as hereafter demonstrated, that even England can not compete with the United States in the finer grade of manufactures, you readily perceive that well-paid, intelligent, skilled labor is what adds most to a nation's wealth and prosperity. In England when her people become too old to longer work their home is the almshouse.

Schoenoff, while advocating free trade for the United States, is compelled to admit that our cotton operatives receive upward of 15 per cent. more wages than the English; our woolen operatives 30 per cent. more; that wages in the iron industries are fully 75 per cent. higher, and that in the boot and shoe factories our laborers receive double the English wages. This author further says:

Undoubtedly the inequalities in the wages of English and American operatives are more than equalized by the greater efficiency of the latter and their longer time of labor.

The longer time of labor at the longest is four hours in a week, but as a rule no longer, and we quite agree that there is much "greater efficiency" with the American operative. In truth, such is the "greater efficiency" of American labor that (as that author confesses) "Wamsutta 4-4 muslin is retailed in London at 6*d*., and has no equal in English brands of like superior quality and price. British manufacturers are not a little exercised at this. Wamsutta (American) muslin is now a well-established brand in the English home market." He also admits—

American goods, stoves, ranges, hardware of all kinds, tools, machine-needles, machinery of all sorts find a ready sale in Germany over and above all the transportation charges and the tariff rates which Germany feels compelled to exact so as to protect her cheap labor against American high-cost labor, with its graceful, solid, and at the same time low-priced productions of superior value and finish. German makers are imitating American stamps on their own fabrics—close imitations of ours, but of inferior quality—so as to palm them off for American goods, the best certificate they can give of American skill and genius. Our exports in these higher branches are equaling those of Germany and France, although the materials of which they are composed are subjected to tariff rates ranging from 45 to 75 per cent.

And I shall show further on that we supply England with agricultural implements and clocks.

The same author says:

It is not by reducing wages that America is making her conquests, but by her superior organization, greater efficiency of labor, consequent upon the higher standard of living ruling in the country. High-priced labor means better food and better living, and these supply the American workman with that energy and nerve power for which he is so justly celebrated. High-priced labor countries are everywhere beating "pauper-labor" countries.

All this but proves what I have already asserted, that a protective tariff has elevated and educated our labor, and given it that very "nerve power" and superiority both in muscle and brain for which it is so justly celebrated. Then, sir, as this bill seeks to remove none of the inequalities of the present tariff, but simply by a horizontal reduction takes away all protection for home industry and American labor and seeks to let in a flood of foreign productions, let us justly stamp and denounce it as a bill to degrade and impoverish American labor and ruin home industries, for it will have no other effect.

Mr. ADAMS, of New York. Will you permit me to read a single paragraph for you on this subject from Schoenhoff?

Mr. RAY, of New York. I will permit you to read a sentence, but not for me. You can read it for your own enlightenment.

Mr. ADAMS, of New York. I think the gentleman himself wants enlightenment on this subject.

Mr. RAY, of New York. I think from the question of the gentleman that he himself needs enlightenment.

I am thoroughly satisfied that if the gentlemen upon the other side of the House who are constantly advocating a policy of free trade, which is nothing more nor less than a policy opposed to the interest of every American citizen and every American toiler and advocated in the direct interest of England, would investigate the facts and inform themselves of the real conditions of labor they would, before this discussion closes, abandon their free-trade theory and idea.

Mr. ADAMS, of New York. You deny me the right to read the sentence?

Mr. RAY, of New York. And I would like to ask the gentleman if the laborers of England are so much better off, why it is that in the last twenty years the agricultural laborers and farmers of England and Wales have lessened in number 31 per cent.? That is true. And where have they gone? Nearly 90 per cent. of these men who have abandoned the farms, who were tilling the soil in England and Wales under a free-trade policy, have come to the United States, and here under our protective policy, under our protection to American labor, which welcomes every true immigrant who comes to make a permanent home and enjoy the blessings of our institutions, they have found prosperity and plenty. They have found that in a few years they can own a little cottage and a little garden or a little farm, and bid defiance to all the world; because within the safety of this cottage, and within the bounds of this little spot of earth which they call their own and claim as their heritage, they are protected not only in person and property but in their industry and their labor. [Applause.]

Go with me from Boston to Providence, down to Hartford, on to New York, over to Philadelphia, up the Hudson, on to Utica, down to Binghamton, and wander over the rough mountains of Pennsylvania. Visit the cities of Pittsburgh, Buffalo, Cleveland, Minneapolis, Saint Louis, the mines of Colorado, the Pacific slope, and mark the growth and development of the last twenty years; go to the West, and even to some of the valleys and hill-sides of the sunny South, and watch the growth of small towns that as by magic become great cities, and then tell me whether or not a protective tariff builds up American industries and benefits labor and adds to the value of farms, and tell me whether or not these large manufactories pay back to the farmers every dollar paid for increased cost of manufactures with 100 per cent. interest.

The South raises her own cotton and can dig from her mountains her own iron; she can raise her own food from a prolific soil; she has the labor and can educate skilled mechanics. If she will avail herself of the benefits of protection and remember that the North is her twin brother and true friend, and that Europe cares nothing for her prosperity but only for her cotton and would pay only in her own products and not in cash were it not for protection, in a little time her population will double, her wealth multiply ten, ay, a hundred-fold; the iron horse will travel every valley and clamber up every hill-side, the hum of busy factories will be heard on every stream, and she will be the garden and factory of the world. Her soil and climate and mineral resources are all that can be asked. If she "will but use the means that the God of Nature hath placed within her power" all these things are not only possible but inevitable. No man has a right to contrast the present condition of the South with that of the North and intimate that her condition is in any way the result of high tariffs.

Successful manufactures depend on free, skilled, educated labor. This is the kind of labor that develops mechanical and inventive genius. Intelligence is ever seeking to relieve the hardships of manual labor. Ignorance is ever willing to plod on in the old ways with the old tools and with the old results. The present condition of the South is owing to her slave labor prior to the war and the ignorance of her labor since. But she is beginning to see better days; the sun of her prosperity is rising, and the year 1900, if you will protect and encourage manufact-

ures, will see her in the forefront of the manufacturing world. She has the natural advantages; let her improve them and the future is her own. But I am told that such results are impossible, for the reason that the South and West must necessarily remain agricultural in their pursuits, else manufactures would be overcrowded.

So New York remains largely agricultural, and yet she is the greatest manufacturing State in the Union. The true rule is to properly divide and apportion the industries. Population is rapidly increasing, and with it the demand for manufactures. For this increase let factories be erected in new localities. Equalize and diversify industries and you equalize labor and do away with the evils of a dense population, while you bring new colonies to the sparsely settled country. Instead of sending our cotton to Europe to be manufactured let us do the work at home, and if the fabric is not wanted here, then sell it abroad and bring back the cash, or such necessaries and luxuries as in the nature of things we can not produce at home. Wealth is the product of labor. The tree grows; the iron and lead and gold and silver and coal lie buried in the earth as raw material. Labor brings it forth for the use of man, and the moment the hand of labor touches these things they cease to be raw material.

True they may go on from process to process, the hand of labor giving them new forms and shapes and uses, but it is labor at every step that adds to the beauty, the usefulness, the value. Then away with the thought of placing on the free-list any material in any shape or form that American labor can produce with profit from our forests, our soil, or our mountain caverns. Whenever you import a single article in any form that has been touched by the hand of man (if it be one we can produce at home), you are paying money to foreign labor that should go to foster and encourage home industry. Be it a ton of coal, an ounce of lead, a pound of iron, or whatever it be in form and name, the foreign article of the same quality should cost more in our markets than the same thing can be placed by its side for here if American industry can produce the article at a profit.

This is protection to the poorest laborer, and it is what lifts him above the starved and groveling wreck that pines in the mud hovel of England and Germany. I would protect the lowest as well as the highest class of laborers, and I would effect my purpose in this way. As long as laboring men hold the ballot they should hold it intelligently and so use it as to protect their industry, thereby protecting themselves. They can do this in no other way than by keeping out of our markets the product of foreign labor. Every dollar paid to American instead of foreign labor is added to the nation's wealth. And every dollar (save that paid as interest on the public debt held abroad) paid in duties by the importer, while it comes next from the consumer, goes next to the American laborer or else is added to our wealth. It remains in the United States and swells the aggregate of our nation's wealth instead of filling the coffers of the Old World. By this protective policy in the articles of agricultural implements alone we have not only supplied our home market but we have sold abroad during the year ending June 30, 1883, $3,883,919, namely:

Articles.	Number.	Value.
Fanning-mills	140	$2,499
Horse-powers	136	36,651
Mowers and reapers	13,798	1,492,926
Plows and cultivators	39,627	374,477
All others		1,977,366
Total		3,883,919

Now, this exportation is not due to the fact that we can manufacture these articles cheaper than it can be done abroad, but to the fact that we make a better article. It is because our mechanical labor is the more skilled, the better educated. American labor has been protected and inventive skill developed. Foreign manufacturers have imitated, but they can not equal in quality, and therefore they can not compete. The skilled mechanic and the great inventors do not sit in a palace but swing the hammer in the workshop. This inventive genius has also been developed to that degree that our machinery is superior to that of any country, and greater speed and greater productiveness is assured in many of our mills and factories. We also exported during the same fiscal year:

Articles.	Number.	Value.
Steam-engines, locomotives	219	$2,219,081
Steam-engines, stationary	136	191,208
Boilers for steam-engines		226,977
Machinery (not elsewhere specified)		6,223,029
Total		8,860,295

These facts show that our mechanical labor has been so educated under protection that we not only compete successfully with but outsell England in the better classes of machinery. Of these mowers and reapers exported we sent to different countries as follows:

Countries.	Number.	Value.
England	3,797	$339,181
Scotland	125	11,400
British possessions in America	1,688	231,370
British possessions in Australasia	2,105	242,081
Total in England and her colonies	7,715	824,032
France	2,547	197,836
Germany	1,043	97,761

The balance was sent to other countries.

During the same time we exported in clocks and parts of clocks $1,316,086, of which we sent to England and her colonies $861,861.

Agricultural products exported during the year ended June 30, 1883.

Animals, living	$10,789,268
Provisions (not including bread or breadstuffs)	107,388,287
Rice	8,679
Bread and breadstuffs	208,040,850
Cotton manufactured	247,328,721
Fruits	3,005,942
Hay	261,614
Hides and skins	1,220,158
Hops	5,616,370
Lard oil	353,184
Neat's-foot oil	64,405
Cotton-seed oil	216,779
Seeds	4,420,413
Sugar, molasses, &c	3,415,538
Tallow	3,248,749
Total	95,378,957

The following table presents the important exports of agricultural and other productions upon which labor has been expended so that a new form and nature is given to the product:

Ashes, pot and pearl	$44,367
Bark for tanning	87,528
Beer, ale, and porter	490,442
Bones and bone dust	59,103
Brooms and brushes	172,234
Candles, tallow and other	218,910
Cotton manufactures	12,951,145
Drugs, &c	3,306,195
Hats, caps, &c	206,932
Hemp, &c	800,011
Leather, and manufactures of	7,923,662
Oil-cake	6,061,699
Oils, minerals, &c	44,913,079
Soaps	684,126
Spirits, distilled	1,982,883
Spirits turpentine	4,366,229
Starch	325,575
Vessels	169,209
Vinegar, wax, wearing apparel, and wine	874,466
Wood, and manufactures of	26,793,708
Wool, and manufactures of	388,328
Tobacco	22,095,229
Total	134,915,056
Agricultural implements	3,883,919
Bells, &c., and billiard tables	70,601
Brass, and manufactures of	287,847
Carriages, &c	1,607,502
Cars	1,900,903
Clocks, and parts of	1,316,086
Combs	18,247
Copper, and manufactures of	2,348,004
Gas-fixtures, &c	749,505
Cordage, rope, &c	46,751
Glass and glassware	998,857
Iron, and manufactures of (not elsewhere specified)	16,092,353
Steel, and manufactures of (not elsewhere specified)	3,072,968
Mathematical, &c., instruments	632,246
Ordnance stores, including cannon	1,376,611
Jewelry, &c	422,854
Plated ware, &c	444,603
Printing presses and type	267,375
Sewing-machines, and parts of	3,061,634
Watches, and parts of	163,645
	38,762,511
Agricultural (given)	595,378,957
Agricultural, mixed with labor and other material (given)	134,915,056
Iron manufactures (given)	38,762,511
Exports of domestic products and manufactures not included in tables	35,167,108
Total exports of domestic merchandise	804,223,632

Sir, these lists of exports demonstrate that we have the most diversified industries of any nation of ancient or modern times. This fact is the sure indication of our national wealth, intelligence, and enterprise. Our people are able to cope with every adversity, supply every necessity, and meet and overcome every exigency. Grand in our accomplishments, we are formidable in our self-reliance and innate power. [Applause.]

Now, sir, nations must have revenues from some source, and the United States, for the payment of the interest on the public debt, the large pension-list, constantly increasing, and the other expenses of the

Government, requires very large revenues. The questions that interest the people are: first, are we deriving our revenues from the proper source; second, are our revenue and tariff laws so adjusted as to bear lightly on the people while industry and labor are protected; and third, is there unjust and unnecessary taxation?

I am willing to confess that I am not one of those who profess to believe that a large public debt is a national blessing. I am in favor of applying every dollar of surplus in the Treasury to the payment of the public debt. At the same time I am a friend to our national banking system. It is the best the world has ever seen. But I think that when our bonds are paid the banks can furnish other security to the Government for a bank circulation. I am quite sure that when capitalists can no longer put their money in Government bonds they will seek and find other paying investments in developing and sustaining industries that will benefit and improve the people. Sir, I would not reduce the public debt too fast, nor by taxation that is oppressive to the people; neither would I perpetuate it in the interest of national banks or capitalists.

The tax on distilled spirits should never be reduced, except on alcohol, &c., for mechanical and medicinal purposes, and for uses in the arts and sciences. The time may come when the tax on tobacco can be removed, and I am not prepared to say that cheap tobacco for laboring men is not a necessary luxury. We have placed tea and coffee on the free-list, while England imposes on them a heavy tax, depriving all classes of her laborers of these healthful beverages and driving them to the use of beer and porter in their place and thus planting the seeds of drunkenness and pauperism. We have also put anthracite coal on the free-list. Whatever internal taxes we impose for the support of the General Government are levied in such a way that they are paid indirectly by the consumer. It is now entirely optional with the American citizen (except the consumer of alcohol for mechanical and medicinal purposes) whether or not he will pay a single penny of internal tax. Let him abandon the use of tobacco and whisky and he will rid himself of this self-imposed tax. I would largely reduce the duty on sugar and many other articles, and many more I would place on the free-list. Raw silk, which we can not produce to advantage, is on the free-list, and the American silk industries are making rapid progress. By a heavy duty on manufactured silk we have built up that industry at home, so that, excluding China and Japan, there are but two countries whose silk manufactures exceed our own, namely, France and Germany.

In Germany and France what are commonly called raw materials are on the free-list, but we can not see that it benefits their industries or their people. England is exhibited as the paradise of the non-protectionist. We have already seen the condition of her people. France and Germany do not protect manufactures as we do; yet their people are far better off than the English. It will pay us to stop a moment and inquire how England, France, and Germany support their governments. England levies a duty on tea and coffee and many other things, amounting to $95,000,000 annually; excise tax, $135,000,000; stamp tax, $60,000,000; land tax, $5,000,000; house duty, $8,500,000; income tax, &c., $50,000,000; post-office and telegraph, $5,100,000; crown lands, interest, &c., $8,500,000; miscellaneous, $20,000,000.

Now, sir, what would the people of this country say to the restoration of the old war stamp tax and income tax? And how would they relish the payment of a second land and house tax for the support of the General Government? They bore the annual visit of the deputy internal-revenue collector requiring sworn returns of their receipts and expenditures and they paid the stamp tax because they were patriotic and desired that the war should be successfully prosecuted, and for no other reason. In my judgment the intelligence of this people will repudiate your proposed return to this English system, where the notes, checks, drafts, deeds, and wills are taxed and stamped, and the land is doubly taxed, once for local and again for general purposes. Germany has the customs duties, excise and stamp tax, post-office, telegraph, and railroad revenues, a contribution by the states, and extraordinary taxes. France has all but the railroad, extraordinary, and house duty. The United States has customs, excise, post-office revenue, proceeds of public-land sales, and a bank tax. Our excise duties are certainly just and equitable; the postal charges are light and gladly borne, and will be further reduced, even to the extent of carrying newspapers free; the public lands are not a burden upon but a blessing to the people; and the tax on the national banks is not a burden.

The free-list can be extended and many of the customs duties reduced in the interest of the people. These reductions the Republican party is ready, willing, and anxious to make. But we are met on the very threshold of tariff reform by our free-trade Democratic non-protectionist reformers with a cry, not for a reduction of taxes in the interest of the people of this country, but for a reduction in the interest of England, the pauper labor of Europe, and for the abolition of all protective duties, which are denounced as "the rotten remnants" of a spoliation system. Thus with a false alarm and under false pretenses is the majority of this House disturbing the business interests of this country. From every section of this land comes an appeal from every protected interest—and every true interest of this people is protected—asking that the tariff be let alone. And the people raise this cry not because the majority of this House proposes necessary good, but because it proposes unnecessary evil.

Now, sir, I would remove every unnecessary tax, but I would protect every manufacturing and agricultural industry. We place a protective duty on the products of every section for the common good of all. We protect the lumbering interests, while we place on the free-list all timber not the product of our native woods; yet it is becoming a serious question whether we shall not invite the importation of lumber as a protection to the American forests. On the whole, I am of the opinion that the remedy is in tree-planting. Our free-trade brethren cry "spoliation," and we prove that there is no spoliation, but great benefits. They cry out that the duty is added to the cost and paid by the consumer, and that it is wrung from the unwilling by force of law, and that the consumer pays to the manufacturer and his employés this greater price for their enrichment. They appeal to the farmer for his vote as one of the despoiled. But if this theory be true let us see what the protective system does for the farmer and how he is enriched in turn at the expense of the consumer of his product.

The following table shows the protection given to the farmers on twelve articles or products:

Table showing the increased price received by the farmers of the United States in their products by reason of the protective duty thereon.

Article.	Produced.	Exported.	Duty.	Increase. [a]
Barley	43,997,495	433,005	$0 10	43,300
Indian corn	1,754,591,676	40,586,825	10	4,058,682
Oats	407,858,999	461,496	10	46,149
Rye	19,831,595	2,170,026	10	217,002
Wheat	459,483,137	106,385,828	20	21,277,165
Butter	500,000,000	12,348,641	4	493,945
Cheese	213,000,000	99,220,467	4	3,968,818
Hay	35,150,711	[b] 13,309	2 00	26,618
Rice	110,131,373		2½	[c] 2,250,000
Potatoes	169,458,539	439,443	15	65,716
Hops	26,546,378	7,817,228	8	[c] 2,123,710
Wool	155,681,751		[d] 3	[c] 4,670,452
				39,241,557
Add increased price to purchasers in the home markets				160,000,000
Increased price paid the farmers by reason of protection				199,241,557

[a] Increased price received by the farmer on that exported.
[b] Ton.
[c] Figured on product not consumed by the producer.
[d] Average.

As the duty imposed on these articles when imported (and all are imported now) adds so much to the cost, we may safely assume that the duty enables the farmer to realize that much more for every pound or bushel he sells both for exportation and home consumption, and we see, taking up the argument of the free-trader, that the farmer is enriched $39,241,557 on these products exported and $160,000,000 (estimated) on the quantity sold in the home markets, for he is not compelled to compete at home with barley, corn, oats, rye, wheat, hops, &c., imported from Canada, India, and Russia duty free. In the article of hops alone, taking the free-trader's argument for the farmer and against the manufacturer, we find that the American farmer is protected $1,730,314, and in my own district they are benefited $334,516 by the duty on hops. How much fallacy there may be in the argument I am not to point out, but there is none if our "horizontal reductionists" are correct in their theories, and certainly as to all articles where other countries would otherwise flood our markets there is no fallacy whatever.

Sir, I heard a gentleman say the other day in this debate that "from 1850 to 1860 our national wealth increased at 12.60 per cent. per annum" and that "from 1860 to 1880 our national wealth increased at 6.30 per cent. per annum." He would have us infer that high tariffs are inimical to national prosperity, as the tariff of the first-named period was a part of the time but semi-protective, if of itself protective at all, while after 1857 it was far below protection. As I have stated, up to 1856 it was made protective by famine and short crops, war, and general distress in Europe.

Sir, does the gentleman remember that in 1860 the securities of this country were sold at a discount of from 6 to 12 per cent. in the money markets of Europe? Has he forgotten that we were then borrowing money to defray the current expenses of the Government? Does he not know that we now have a large surplus in the Treasury, and revenues above all expenses, including pensions and the interest on the public debt, and that our securities, bearing a low rate of interest, are selling in the markets of Europe at a premium ranging from 3 to 23 per cent.? Is it possible he does not know that in 1860 the farm laborer was receiving but $9 to $13 per month, while now he is receiving from $18 to $26 per month? Does he not remember that then we had millions of slaves who were counted as part of the nation's wealth, and that every birth of a slave child was counted as an addition of $50 to $100 to the nation's wealth? Does he not remember that in 1861 was commenced that terrible struggle of suffering and tears and blood which was inaugurated to perpetuate slave labor, State rights, and free trade?

Is it possible that it has escaped his attention that for the four succeeding years we destroyed billions of property annually and sent 5,000,000 wealth-producers to the battle-field, where they turned wealth-

destroyers, about 300,000 of whom never returned to the fields of labor? Why does he include in his figures those years of destruction, when property was turned to powder and burned to smoke; turned into war-vessels and sunk beneath the waves; turned into cannon and musket balls and scattered to the winds through the quivering flesh of humanity and sunk in a sea of blood and tears; when more wealth was destroyed in four years than we had produced in the preceding ten or could produce in the ten succeeding? Why does he not tell us that in 1863 the emancipation proclamation struck out of existence forever, as property, millions of slaves, so that they and their descendants shall sing forever of the days of a protective Government supported by a protective tariff? [Applause.] Sir, I would conceal nothing, and I would but speak the whole truth.

Sir, if the gentleman had been more exact he would have stated that from 1850 to 1860 our national wealth increased at 8.5 per cent. per annum, excluding slaves, and that since 1860, including the cost of war, it has increased at 15 per cent. per annum. During the past twenty years we have recovered from the paralysis produced by war; our debased currency has been redeemed dollar for dollar and without hardship upon the people; the nation's wealth has been restored and increased at a rate the most sanguine never dreamed of. The tariff has been once readjusted and reduced, and all burdensome internal taxes removed.

Sir, great stress has been laid upon the fact that the British Empire is the greatest ship-owning nation on the face of the earth. How can she be otherwise? Her shipping is as essential to her existence and prosperity as the great river and railroad lines of the United States are to ours. About one-sixth of the entire human race, scattered over about one-sixth of the globe, is under British rule. In Europe she has the colonies of Gibraltar and Malta; in Asia, thousands of miles over the oceans, Hindostan, Burmah, Ceylon, Hong-Kong, Cyprus, Aden, Singapore; in Africa, also thousands of miles across the sea, Cape Colony, Sierra Leone, Gold Coast, Natal, St. Helena, Mauritius; in America, three thousand miles over the water, Dominion of Canada, Newfoundland, British Honduras, Jamaica, Trinidad, Barbados, the Bahamas, the Bermudas, British Guiana, Falkland Islands; in Oceanica, half way around the globe, Australia, Tasmania, New Zealand. Taking this territory as one whole, and allowing her the intervening oceans, her merchant marine is simply the means of her internal communication and absolutely essential to her interstate commerce, so to speak.

If, like the United States, the British Empire were one solid area of territory, her shipping would dwindle to one-tenth its present volume because no longer necessary. As her necessities have built up within her domain the greatest shipping system, so have our necessities built up within our national boundaries the greatest railroad lines and the greatest river and canal systems of the world. If England can build the best and cheapest ships, we can build the best and cheapest engines and railroad equipment. As well might the United States tear up her railroad lines and fill up her rivers and canals as for England to attempt to preserve her territory and exist without her immense shipping. Free trade among the States and free trade between England and her numerous colonies are but one and the same thing.

Free trade is always an aid to commerce, but in no wise is it the parent of the immense merchant marine of England. Her ships are the arteries and the veins through which flow the life-blood of that great country. Nor is it any wonder that her ships monopolize the carrying trade of the world. Having the ships *en voyage* passing in front of the open doors of every country on the face of the globe, it would be surprising indeed if they should not take in cargoes whenever and wherever they can find them. Her ships pay because she must have them for her own intercourse and internal commerce. American ships are few in number because we have no pressing need for more. Our railroads, canals, and great river craft are to us what an immense number of ships are to England.

"Necessity is the mother of invention," and also of construction. England from necessity has gone to the front in ship-building, and for the same reason we went to the front in railroad enterprise. If it were possible to connect all parts of the British Empire with railroad lines, one-half her ships would rot at the wharves. When we were a seaboard nation and relied upon a foreign trade for prosperity, when we imported our manufactured articles and paid for them in exports, we naturally had a large number of ships. As we require less and less from abroad, and as we consume more and more of our home productions, our shipping interests, except for coast traffic, will naturally decline. As we more and more reach that condition foreign ships will trade less and less at our ports. I should state in this connection that there are 114,412 miles of railroad in the United States, with about $7,000,000,000 capital invested, earning about $770,256,762 and paying in working expenses about $500,000,000 annually, as against 18,514 miles in England and Ireland and 111,399 miles in all of Europe. These railroads give employment to 12,331 clerks and book-keepers, 236,058 employés, 2,069 officials, 4,708 car-makers, and thousands of machinists, manufacturing engines and machinery to supply them, who are not in the employ of the companies.

Sir, agriculture, commerce, and manufactures may exist in a country, and still the nation be weak and impotent. It is intelligent labor that gives permanent power to nations. There must be diversity of industries in order to bring into use the varied powers and capabilities of the people, but these can not exist where ignorance prevails. At one period Spain was ruler of land and sea; her possessions were the half of the known world and encircled the globe. Her navies robbed and despoiled the commerce of the world. Her rich mines were worked by slaves. The crushed and broken Moors were her only skilled artisans and agriculturists; her brave, adventurous, war-like people hesitated neither at rapine, robbery, nor murder, and they practiced all under the guise of extending the Holy Church and spreading the holy Christian faith. If a person read the Bible and believed other than as the Church said he should believe, they burned him if he did not recant and killed him in a less cruel way if he did. To have dared to think for himself brought him death, immediate death, in any event. No atonement he could make did aught but lessen the cruel tortures of its form.

The conquered Moors and their slaves tilled the soil and manufactured what they could. Spaniards robbed commerce and other lands for the balance. Finally they drove out the Moors, and as they were carried across the waters of the Mediterranean the Spanish crews rose on the exiled ones, murdered the men, violated the women, and threw the children overboard. The few who were landed were left to the murderous mercy of the barbarous Bedouins. These exiled ones were the tillers of her soil and her expert artificers, and these industries were killed at a blow. There were none to fill their places. Intellect was repressed. To obtain knowledge was a crime, to be ignorant a virtue. The decay of Spain followed. She had cast out her home industry, and the surrounding nations soon became able to repress her sea robberies. One by one her colonies rose in rebellion and threw off the yoke of oppression or were conquered or purchased by other countries. And yet the able and eloquent gentleman from Texas [Mr. MILLS] holds her up as worthy of imitation. She is presented as a free-trade argument. Her commerce is said to have been the source of her prosperity; its destruction the cause of her ruin and decay.

Sir, the ignorance and degradation of her people, of her labor, the destruction of her industries, were the causes of her ruin, hastened by the debauchery of her nobility and the brutality of her priesthood. Spain never had an honest commerce. Sir, her whole history demonstrates that the perpetuity of a nation rests upon the basis of honest, intelligent, educated labor and the protection of home industry.

The gentleman from Ohio [Mr. HURD] in his zeal and eloquence said, and the free-trade Democracy of this House applauded to the echo, that he believed in the absolute right of every man to purchase goods wherever he can get them cheapest, whether it be in Mexico, Canada, France, or England, and that every man should have the same right to hire labor wherever he can get it cheapest, whether it be the Mexican, Italian, or Englishman. Sir, if there is any practice that the people of this country have repudiated it is the importation of cheap foreign labor.

When the monopolists of this country endeavor to crowd out intelligent American labor because it demands high wages, and to replace it with Italian, German, French, or any other imported labor because it can be hired cheaply, the act will be prevented by the ballot and the enactment of a protective law if possible. If this does not succeed, it may be that our streets will flow with blood and that all the horrors of the French revolution will be re-enacted in our land. The great masses of our industrious and intelligent people will never consent to the establishment of a moneyed aristocracy on this continent. They will ever contend against all measures that tend to concentrate political power, the ownership of property, or the control of labor in a few hands. [Applause.]

Sir, the development of the wheat-producing power of India is not the result in any sense of American protection. England will develop every industry she can in her own colonies. It is true that in the world's progress we find that we must compete with the world.

India's producing power demonstrates that home markets are the best and the most reliable, and it warns us to bend every energy to the development and enlargement of a home market for our every production.

This we can not do by letting in the cheap manufactures of English, German, French, and Belgian labor as a bid for their patronage in the agricultural market. Rapidly enough, too rapidly, are our public lands being taken up by the foreign immigrant. When we open our ports to foreign manufactures and raise the price of corn and wheat, if it should have that effect temporarily, it would swell the tide of immigration, depopulate our Eastern towns, destroy home markets, and increase the surplus of agricultural products. In a few years at the longest the farmer would be the meanest and poorest paid of the American citizens. The public lands, the heritage of the American, would be gone, and with their occupation by a foreign people will have disappeared our magnificent manufactures, and the grand enterprise and public spirit of America will have decayed.

And now, sir, in concluding these crude and imperfect remarks, allow me to say that it is with supreme confidence in the justice and necessity of a protective tariff that I submit this controversy to the judgment of this House, ready and anxious to appeal to an intelligent, sturdy, working people if occasion demand. We are a peculiar people, peculiarly situated. In addition to our native population we are made up of men from every clime, taught in every school of political science,

and reared under every form of government. And yet with remarkable unanimity again and again have our citizens, resting from toil beneath the wide-spread branches of the tree of liberty, pronounced in favor of protection to American labor and home industries. With it they have builded themselves homes on their little plots of ground purchased with the savings of honest, well-paid toil. With it they have educated their children and watched them in a career of prosperity, usefulness, and honor. With it they have seen the plains spanned with iron bands, the caverns of the mountains explored, and their rich treasures of coal, iron, silver, and gold brought forth to enrich labor and add to the glory of the nation. With it they have seen the arts and sciences making rapid progress and the inventive skill and genius of man developed to a most high degree. With it they have seen this country rise in the scale of nations and take rank with the first powers of the earth. [Applause.] Without it they would tremble for her future and herald its abandonment as an indication of approaching decay. Under our present policy they enjoy prosperity and feel the inspiration of assured success. They will abandon it for no experiment, nor under bright skies, with fair breezes, an open sea, and an experienced crew will they be tempted to surrender the guidance of the ship of state to a free-trade pilot, whose avowed object is to guide her course among the rocks and shoals of an unknown sea. [Continued applause.]

Mr. ADAMS, of New York. Mr. Chairman, I desire a moment only in order to put on the records of this House some facts that may go down side by side with the fictions which have been uttered here this evening by the gentleman from New York. I desire to read from the work entitled "Wages and trade," by Mr. Schoenhof, of New York, one of the largest woolen manufacturers of this country, and the statistics which he gives are compiled from French and English sources, and also the official statistics of our consuls abroad furnished to this Government. On page 8 of his work he uses this language:

It will be seen from the table that England pays more than any of its two principal continental competitors, Germany and France. The industrial development of all other nations, excepting Belgium and Switzerland perhaps, is far behind either. I take Germany and France, therefore, as examples. English wages are fully 50 per cent. above those of Germany, and on the average at least 30 per cent. above those of France. Besides, the English working week is one of fifty-six hours, while that of Germany is from sixty-six to seveny-two (often seventy-eight) hours, and that of France of seventy-two hours. Yet they all guard themselves by protective tariffs, not against their weaker rivals, but against the very country which pays the highest wages and has the shortest hours.

Now, for the benefit of the distinguished gentleman from New York, let me put on the records of this House also the indelible fact that England's exports of cottons alone in 1881 amounted to the large sum of $380,000,000, while this great American nation of ours, with its 55,000,000 of free people and its protective tariff system, exported only $13,000,000 altogether, making $367,000,000 for England in excess of the United States. And in her woolen goods and yarns let me also give the statistics of her exports. England of these articles exported $103,000,000, while the United States exported four hundred thousand dollars' worth only. To the shame of our people be it said that we exported only that amount in comparison.

I think, Mr. Chairman, the figures that I have read will convince the gentleman that probably the moon may even be made of green cheese; and that the members of this side of the House who have read something about this question need to be answered in a different manner when they ask a financial, a practical, or historical question. [Applause.]

Mr. MORRISON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MATSON having taken the chair as Speaker *pro tempore*, Mr. HALSELL reported that the Committee of the Whole House on the state of the Union having had under consideration the tariff bill, had come to no resolution thereon.

And then, on motion of Mr. MORRISON (at 9 o'clock and 50 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CANDLER: Petition of citizens of White County, Georgia, for national aid to education—to the Committee on Education.

By Mr. CANNON: Memorial of the Grand Army of the Republic, Ridge Farm, Ill., for amendment to the pension laws—to the Committee on Invalid Pensions.

By Mr. COOK: Petition of members of the James P. Milligan Post, No. 257, Grand Army of the Republic, Department of Iowa, in relation to pensions, bounty, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of T. J. McNabb and 86 others, relative to the building of a double-track railway from New York to San Francisco, &c.—to the Committee on Pacific Railroads.

By Mr. CULLEN: Petition of Charles A. Bradish, A. Smalley Wilkinson, and 28 others, members of F. M. Lane Post, Grand Army of the Republic, Ransom, Ill., relative to pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CURTIN: The petition of Elizabeth Latshaw, relative to pensions—to the Committee on Invalid Pensions.

By Mr. DUNCAN: Petition of Post No. 99, Grand Army of the Republic, of Hanover, Pa., to grant pensions to all soldiers and sailors who served sixty days in the late war—to the same committee.

By Mr. ELLIS: Papers relating to the claim of Mrs. Daniel Fairex—to the Committee on War Claims.

By Mr. FIEDLER: Petition of Charles Heise, William J. Reeves, and about 500 others, wage-workers of Newark, N. J., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. FINERTY: Petition from officers of the United States Army, Fort Snelling, Minn., asking for the passage of H. R. 3117 and 3118—to the Committee on Military Affairs.

By Mr. GLASCOCK: Concurrent resolution of the Legislature of California, relative to the establishment of experimental stations in connection with the agricultural college—to the Committee on Agriculture.

By Mr. HARMER: Memorial of officers stationed at Cantonment Uncompahgre, Colo., favoring the passage of H. R. 2613—to the Committee on Military Affairs.

By Mr. HART: Papers relating to the pension claim of Capt. H. S. Sayres—to the Committee on Invalid Pensions.

By Mr. HUNT: Memorial of the Louisiana Educational Society—to the Committee on Education.

By Mr. MORRILL: Petition of Kennedy Post, No. 292, Grand Army of the Republic, Department of Kansas, asking for a pension for all soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. SHELLEY: Petition of citizens of Selma, Ala., for the passage of the Blair educational bill—to the Committee on Education.

By Mr. T. G. SKINNER: Petition of J. B. Watson and others, for educational aid—to the same committee.

By Mr. SPRINGER: Memorial of citizens of Illinois, asking the granting of a pension to Eliza A. Moses, widow of Capt. John C. Moses—to the Committee on Pensions.

By Mr. WOOD: Petition of citizens of Logansport, Ind., asking for a pension for Thomas Regan—to the Committee on Invalid Pensions.

By Mr. YORK: Petition of citizens of Davie County, North Carolina, asking aid for school purposes—to the Committee on Education.

SENATE.

THURSDAY, *May* 1, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. ALLISON called the Senate to order, and the Secretary read the following letter:

VICE-PRESIDENT'S CHAMBER, *Washington, May* 1, 1884.

To the Senate:

Pursuant to the rules I hereby name and designate Hon. WILLIAM B. ALLISON, a Senator from the State of Iowa, to perform the duties of the Chair in my absence this day.

GEORGE F. EDMUNDS,
President pro tempore.

Thereupon Mr. ALLISON took the chair as Presiding Officer for to-day.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following joint resolutions received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

Joint resolution (H. Res. 179) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two second lieutenants; and

Joint resolution (H. Res. 209) granting the use of cannon, tents, and muskets to ex-Union soldiers for reunion purposes.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER (Mr. ALLISON in the chair) laid before the Senate a communication from the Secretary of War, transmitting a report of Maj. Gen. Winfield S. Hancock concerning the estimate for extra-duty pay due the enlisted men at Headquarters, Division of the Atlantic; which was referred to the Committee on Appropriations, and ordered to be printed.

DOCUMENTS FOR SENATE LIBRARY.

The PRESIDING OFFICER laid before the Senate the following communication; which was read, and referred to the Committee on the Library:

UNITED STATES SENATE LIBRARY,
Washington, April 30, 1884.

DEAR SIR: I desire to call your attention to the fact that the Senate Library does not possess a single copy of either of the first four volumes of the Compilation of the Official Records of the War of the Rebellion, now publishing by order of Congress.

These volumes were distributed through the folding-room of the Senate, and for some cause no provision was made for a supply of them to this library. There

is a sufficient number of the subsequent volumes for our purposes, but as the work is an important one the library should not be without some complete sets of it. Whether these can be procured I am not advised. I have endeavored without success, through the Secretary of the Senate, to procure them from the War Department, and not knowing where else to apply I refer the matter to yourself. Five copies of the volumes will supply our wants.

Respectfully yours,

A. W. CHURCH,
Assistant Librarian, Senate Library.

Hon. GEORGE F. EDMUNDS,
President pro tempore, Senate of the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendment of the Senate to the joint resolution (H. Res. 236) authorizing the Secretary of War to loan two hundred flags to the city of Charlotte, N. C., for the celebration of the Mecklenburg declaration of independence.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented the petition of John W. Geary Post, No. 90, Department of Pennsylvania, Grand Army of the Republic, by William D. Nangle, commander, and J. M. George, adjutant, praying that a pension be granted to every Union soldier and sailor who served sixty days or more in the late war of the rebellion, and who, under existing laws, are not entitled to $8 or a greater sum; which was referred to the Committee on Pensions.

Mr. WILSON presented a petition of Maxwell Post, No. 14, Department of Iowa, Grand Army of the Republic, praying for the passage of laws necessary to grant the sum of $8 a month to every Union soldier and sailor who served sixty days or more in the late war of the rebellion, and who, under the existing laws, are not entitled to that sum or a greater; which was referred to the Committee on Pensions.

Mr. SAWYER presented resolutions adopted by Wilson Colwell Post, No. 38, Grand Army of the Republic, of La Crosse, Wis., in favor of increasing the pensions of volunteer soldiers, their widows and children, in accordance with the recommendations of the national committee on pensions of the Grand Army of the Republic; which were referred to the Committee on Pensions.

Mr. CALL. I present a petition of citizens of Saint Augustine, Fla., praying that the bill introduced in the Senate and referred to the Committee on Public Lands giving to the First Presbyterian church of Saint Augustine, Fla., a portion of the "governor's house lot" in Saint Augustine for church purposes, in consideration for stone, valued at $400, taken and used by the Government during the late war, for repairs of Fort Marion, be made a law. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CALL. I also present, accompanying the petition, a letter of John E. Myers, trustee of the Presbyterian church at Saint Augustine, Fla., requesting the same action on the part of Congress. I move that the letter be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. VOORHEES presented the petition of J. M. McLellan and 53 other soldiers of the late war of the rebellion, praying that all honorably discharged soldiers be allowed a pension of $8 per month; which was referred to the Committee on Pensions.

He also presented a memorial of 80 members of Hambright Post, No. 270, Grand Army of the Republic, Department of Indiana, remonstrating against the passage of the House bill known as the Warner bill, on the subject of pensions; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. DOLPH. By direction of a majority of the Committee on Commerce, I report a substitute for Senate bill 1202, and submit a report thereon.

The bill (S. 2135) to provide for and aid in the construction and to regulate the operation of a ship-canal between Lakes Union and Washington and Puget Sound, in Washington Territory, and for other purposes, was read twice by its title.

Mr. CONGER. There is a majority report, and there are some reports from engineer officers which I should like to have printed with the majority report.

The PRESIDING OFFICER. It appears that there are no papers connected with this case except the report of the majority.

Mr. DOLPH. I will state that the papers referred to are attached to the majority report as an appendix, so that they may be printed together.

The PRESIDING OFFICER. The papers referred to will be printed with the report.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 1202) to provide for and aid in the construction and to regulate the operation of a ship-canal between Lakes Union and Washington and Puget Sound, in Washington Territory, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 991) for the relief of J. Henry Rives, reported it with amendments, and submitted a report thereon.

Mr. MILLER, of New York, from the Committee on Commerce, to whom was referred the bill (S. 2037) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883, reported it with an amendment.

BILLS INTRODUCED.

Mr. MAXEY introduced a bill (S. 2136) for the relief of Edward A. Weyman; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 2137) granting a pension to Andrew J. McDowell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2138) granting a pension to Nancy S. Daniels; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COLQUITT introduced a bill (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia; which was read twice by its title, and referred to the Committee on the Judiciary.

POTOMAC FREE BRIDGE.

The PRESIDING OFFICER. The Chair lays before the Senate the Calendar under Rule VIII.

The bill (S. 1477) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C., was announced as first in order on the Calendar.

The PRESIDING OFFICER. This bill it was agreed should be postponed until next Monday, and it will be passed over.

LOTTERY ADVERTISEMENTS.

The bill (S. 1017) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same, was announced as next in order.

The PRESIDING OFFICER. By unanimous consent it was agreed that this bill should be passed over until the return of the Senator from Tennessee [Mr. JACKSON].

ABBY P. ARNOLD.

The bill (S. 764) granting an increase of pension to Abby P. Arnold was announced as next in order.

Mr. COCKRELL. That has been adversely reported. I object to its consideration.

The PRESIDING OFFICER. The Chair is informed that by an understanding it was agreed that this bill should be passed over until the return of the Senator from Rhode Island [Mr. ANTHONY].

CINNABAR AND CLARK'S FORK RAILROAD COMPANY.

The bill (S. 1373) granting the right of way to the Cinnabar and Clark's Fork Railroad Company was announced as next in order.

Mr. VEST. That bill was referred yesterday to the Committee on Territories on motion of the Senator from Indiana [Mr. HARRISON], I think.

The PRESIDING OFFICER. The Chair is informed that no reference was made; but that the matter was discussed and the bill went over.

Mr. HARRISON. It was suggested yesterday that the bill should be passed over without losing its place until the Committee on Territories could consider the question at a meeting to-morrow as to the effect of the measure upon the National Park.

Mr. SAWYER. I hope it will be passed over without losing its place.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

TRUSTEES OF ISAAC R. TRIMBLE.

The bill (S. 91) for the relief of the trustees of Isaac R. Trimble was announced as next in order.

Mr. CAMERON, of Wisconsin. I think I shall have to object to the consideration of that bill.

The PRESIDING OFFICER. The Senator from Wisconsin objects, and the bill goes over.

ACCOUNTS OF JOHN B. MONTEITH.

The bill (S. 516) to adjust the accounts of John B. Monteith, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury in the settlement of the Indian accounts of John B. Monteith, deceased, late Indian agent at the Lapwai Indian agency, in the Territory of Idaho, for the Nez Percé Indians, to allow him, or the administrator or executor of his estate, $875.75, which amount has been heretofore disallowed him in the settlement of his accounts in the Indian service.

Mr. CONGER. Let the report be read.

The Secretary read the following report, submitted by Mr. BOWEN, March 4, 1884:

The Committee on Indian Affairs, to whom was referred the bill (S. 516) to adjust the accounts of John B. Monteith, deceased, have had the same under consideration, and report thereon as follows:

This bill authorizes and directs the Secretary of the Treasury, in the adjustment of the accounts of John B. Monteith, deceased, late Indian agent at the

Lapwai Indian agency, in Idaho, for the Nez Percé Indians, to allow the administrator of his estate the sum of $875.75, as follows, to wit:

To fees paid J. M. Howe, attorney for Government employés, as per itemized statement	$440 00
To rent paid W. G. Langford, in the names of the various employés, by Agent Monteith, as per itemized statement	152 00
To justices' fees paid, as per itemized statement	33 75
To amounts disallowed in the final settlement of late Indian Agent John B. Monteith's account before the Treasury Department	250 00
Total	875 75

This claim has been repeatedly recommended for payment by the Indian Office and Interior Department, to wit, on December 14, 1876; on March 1, 1877; on January 11, 1882; on March 18, 1882, as set forth in official papers from the Indian Department.

This bill, introduced in the Forty-seventh Congress, was submitted to the Department of the Interior for examination and report, and was reported favorably upon in a communication of March 18, 1882. Six hundred and twenty-five dollars and seventy-five cents of this account was for money paid by John B. Monteith in defending the United States Indian agency in actions in ejectment brought in the United States Territorial courts; and $250 of the amount was allowance made by the Indian Department for additional clerical service at said agency. The sum total aggregates $875.75.

The following is a report and recommendation of the Interior Department:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, March 18, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of March 7, 1882, transmitting for report and office views thereon House bill No. 4741, Forty-seventh Congress, first session, "to adjust the accounts of John B. Monteith, deceased," with accompanying papers.

The payment of the claim of Mr. Monteith has been repeatedly urged upon Congress, and was the subject of a favorable report (copy herewith) to the Hon. Secretary of the Interior, under date of December 14, 1876, recommending that Congress be requested to appropriate the sum of $625.75 to reimburse Mr. Montieth for the money actually expended and paid out by him in the ejectment suit of W. G. Langford *vs.* Employés of the Nez Percé Indian reservation at Lapwai, Idaho.

It was further urged in a communication to Senator Windom (copy herewith), dated March 1, 1877, requesting the insertion in the sundry civil appropriation bill, then pending, an amendment making an appropriation covering said claim.

The justness and the merit of the amount ($250) disallowed in the final settlement of Agent Monteith's accounts by the accounting office of the Treasury Department for additional pay for services rendered on account of authorized increase of salary as agency clerk has never been questioned; but as there was no authority of law for its allowance or payment, relief can only be had through Congress.

Concurring in the views of my predecessors as to the justness of the whole claim of $875.75, I urgently recommend favorable and prompt action on the bill submitted, which is returned herewith with accompanying inclosures as requested.

Very respectfully,
E. L. STEVENS,
Acting Commissioner.

Hon. M. C. GEORGE,
House of Representatives.

The following is a copy of a letter from the former Commissioner of Indian Affairs:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 14, 1876.

SIR: I have the honor to invite your attention to the claim of John B. Monteith, United States Indian agent, for certain expenses of rent, costs, and fees unavoidably incurred by the employés in their defense at the trial of the ejectment suits of W. G. Langford *vs.* Employés of the Nez Percé Indian reservation at Lapwai, Idaho Territory. These expenses were necessarily incurred, owing to the distance from the agency of the proper United States district attorney, as well as the difficulty of prompt communication with him or the Department; and to the exigencies of the case, which have been duly and fully reported to this office.

From these facts and the circumstances of the parties who were mulcted with the costs, who are hardly able to bear the same, and in view of the fact that by this course of action they were enabled to hold the agency buildings and thereby avert their total destruction by the Indians, who would undoubtedly have burned them rather than allow them to pass into Mr. Langford's possession, I respectfully recommend that Congress be requested to appropriate the sum of $625.75 to fully reimburse Mr. Monteith for all moneys actually expended and paid out by him in said defense.

For your further information I submit herewith duplicate copies of an itemized statement of the expenses incurred, which were furnished by Mr. Monteith under office instructions of the 19th of July, 1875.

I also submit the draught of a bill for the purpose above indicated.

I have the honor to be, respectfully, your obedient servant,
J. Q. SMITH, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

From the papers on file in this case it appears that Mr. Langford made attempt by seven actions in ejectment in the justice, district, and supreme courts of Idaho to recover possession of the land upon which the Government agency buildings had been erected; that he was successful in the actions in the justice court and in the district court, but was finally defeated in the supreme court. These expenses were unavoidably incurred by Mr. Monteith to save the occupancy of the Government buildings after judgment rendered in the justice court, and until the Department could be heard from, and for the expenses of an appeal to the district court, and to the supreme court, where the cases were finally decided in favor of the Government. It is quite evident from the proofs on file that had Mr. Monteith not expended these sums the Government would have been the loser of much valuable property, both through the result of the trials establishing the right of Mr. Langford and the frenzy of the Indians, who would have doubtless burned the buildings rather than to have seen them come into the possession of Mr. Langford.

It will be remembered that this agency was then situated in an isolated section, more so probably than any other portion of the United States at that time, and communication with the Department was exceedingly difficult. Mr. Monteith's action in thus saving the Government property and looking after its interest in a time of emergency entitles him to the gratitude of his country; and the least it can do is to reimburse him for the sum of money which he necessarily expended during the emergency in the Government's behalf. Time has proven that it was a wise action on his part, and that he was faithful to the interest of the Indians and of the Government. In regard to the sum of $250, expended by Mr. Monteith for additional clerical assistance, as shown by vouchers Nos. 7, 11, 12, 16, and 30, on file now in the Second Auditor's Office, the following was the authority under which the expenditure was made:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 27, 1875.

SIR: In reply to your communication of the 6th instant, in which you ask authority to increase the salary of your clerk from $1,000 to $1,200 per annum, you are informed that your request is granted; the amount involved to be paid from funds that are now or may hereafter be placed in your hands from the appropriation for "incidental expenses Indian service in Idaho."

Very respectfully, your obedient servant,
EDW. P. SMITH, *Commissioner.*

J. B. MONTEITH, Esq.,
United States Indian Agent, Lapwai, Idaho.

In view of the foregoing your committee believe this claim to be just and proper, and recommend that it be allowed and paid as set forth in the bill.

Mr. CONGER. I have examined the report and am satisfied that it has the recommendations of the Department. I did not ask for a reading of the report for myself.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARATOGA MONUMENT.

The bill (S. 1309) to provide statuary and historical tablets for the Saratoga monument, was considered as in Committee of the Whole. It appropriates $40,000 to be expended by the Saratoga Monument Association in statuary and historical tablets within and upon the monument now erected at Schuylerville, N. Y., commemorative of Burgoyne's surrender.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FITZ-JOHN PORTER COURT-MARTIAL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1670) to relieve the members and judge-advocate of the general court-martial for the trial of Fitz-John Porter from the operation of certain restrictions of the eighty-fourth article of war.

Mr. GARLAND. Is that a unanimous report of the committee? There does not seem to be any printed report accompanying it.

Mr. LOGAN. It is a unanimous report.

Mr. GARLAND. I wish to say a few things about the measure.

Mr. LOGAN. I will state to the Senator from Arkansas that there is no particular interest in it now that I know of, more than that the bill was introduced by the Senator from Kansas [Mr. INGALLS] and it was thought that some members of the court would probably like to have this opportunity. I suppose I might anticipate what the Senator was going to say in reference to it if it is the legal question that he proposes to discuss. I ask him whether he proposes to speak to the bill on the ground that Congress can not relieve the members of the court from the obligation of their oath?

Mr. GARLAND. That is the point.

Mr. LOGAN. I agree with the Senator from Arkansas that perhaps as a legal question he is right. The bill was not discussed in committee; it was merely reported back to the Senate and the legal question was not raised. If the Senator proposes to raise that question, I will state that I myself would vote to indefinitely postpone the bill.

Mr. GARLAND. So far as the particular case this figures in is concerned it is not a matter of any interest or moment to me, and it is not in reference to that I raise the point; but before I saw the bill my attention was called to that proposition. I do not see exactly how Congress can relieve these parties of an obligation that they have already taken. That is the point I make about it; not for anything good or bad in this case, but on account of the precedent we should set of relieving persons who have taken such oaths. I do not see that Congress can do it, and if Congress would do it I think it could be a very bad precedent. I shall not extend my remarks upon the question if the Senator from Illinois, who reported the bill, concedes that proposition.

Mr. LOGAN. I most certainly do. That was my view of it at the time the bill was introduced, and I was merely willing to have the question come up before the Senate and let it be understood. I will state to the Senate that I myself do not believe that Congress has the power to relieve the members of a court-martial from an obligation that they take under the statute not to disclose any vote or anything that passes in their proceedings. I do not see how Congress can do it; but, as I said before, the bill was reported back more to get the expression of the Senate upon it than for anything else. It was not discussed in committee as to the legal proposition, and believing, as I said, with the Senator from Arkansas that Congress has not the power to do it, I am willing that the bill shall be indefinitely postponed.

Mr. GARLAND. I have no objection to that course.

The PRESIDING OFFICER. Does the Senator from Illinois make that motion?

Mr. GARLAND. I will make the motion myself.

The PRESIDING OFFICER. It is moved that the bill be indefinitely postponed.

The motion was agreed to.

FRANCES H. PLUMMER.

The bill (S. 1106) for the relief of Frances H. Plummer was considered as in Committee of the Whole.

Mr. HAWLEY. There is a mistake in the bill. It was not reported without amendment. The committee instructed me to report an amendment reducing the amount from $1,500 to $1,000. I move that amendment now.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be read.

The CHIEF CLERK. In line 3, after "thousand," it is proposed to strike out "five hundred," so as to make the bill read:

That the sum of $1,000 be paid, out of any money in the Treasury of the United States not otherwise appropriated, to Frances H. Plummer, widow of J. B. Plummer, deceased, in full satisfaction and discharge of any and all claims against the United States for the loss of property by said J. B. Plummer or his said widow at the evacuation of Fort Cobb, Indian Territory, in May, 1861.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRUSTEES OF ISAAC R. TRIMBLE.

Mr. CAMERON, of Wisconsin. I objected to the consideration of the bill (S. 91) for the relief of the trustees of Isaac R. Trimble. I now desire, with the consent of the Senate, to withdraw that objection.

The PRESIDING OFFICER. The objection is withdrawn, and the Senate will return to Order of Business 296. The bill will be read.

The Chief Clerk read the bill.

Mr. CONGER. Let that go over again, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan objects.

Mr. CONGER. The bill went over yesterday for the purpose of giving time to have an examination and perhaps to prepare some amendment to it. I have no objection to letting the bill be passed over until the next day the Calendar comes up for consideration.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

Mr. HAMPTON. I am so anxious to get an expression of opinion from the Senate upon the bill that I shall move to take it up by a vote of the Senate. The Senate is competent to take it up.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina to take up the bill notwithstanding the objection.

The question being put, there were on a division—ayes 24, noes 12; no quorum voting.

Mr. MAXEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. HARRIS (when Mr. JACKSON'S name was called). I desire to state that my colleague [Mr. JACKSON] is necessarily absent from the city. He is paired with the Senator from Maine [Mr. FRYE].

The roll-call having been concluded, the result was announced—yeas 34, nays 13; as follows:

YEAS—34.

Bayard,	Fair,	Harris,	Pugh,
Beck,	Farley,	Harrison,	Ransom,
Blair,	Frye,	Hawley,	Riddleberger,
Call,	Garland,	Kenna,	Sewell,
Cockrell,	George,	Logan,	Vance,
Coke,	Gorman,	McPherson,	Vest,
Colquitt,	Groome,	Maxey,	Voorhees.
Cullom,	Hale,	Pendleton,	
Dolph,	Hampton,	Pike,	

NAYS—13.

Aldrich,	Edmunds,	Morrill,	Wilson.
Allison,	Hoar,	Platt,	
Cameron of Wis.,	McMillan.	Plumb,	
Conger,	Miller of N. Y.,	Sawyer,	

ABSENT—29.

Anthony,	Hill,	Mahone,	Sherman,
Bowen,	Ingalls,	Manderson,	Slater,
Brown,	Jackson,	Miller of Cal.,	Van Wyck,
Butler,	Jonas,	Mitchell,	Walker,
Camden,	Jones of Florida,	Morgan,	Williams.
Cameron of Pa.,	Jones of Nevada,	Palmer,	
Dawes,	Lamar,	Sabin,	
Gibson,	Lapham,	Saulsbury,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It refers to the Court of Claims for hearing and adjudication the claim of the trustees of Isaac R. Trimble against the United States for the construction and use by the War Department of Howe's patent truss in the bridge over the Potomac River.

Mr. CONGER. Let the report be read.

The PRESIDING OFFICER. The report will be read.

Mr. CONGER. Before the report is read I wish to call the attention of Senators not only to some facts stated in the report, but that they may be connected with other statements to be made hereafter, going to show that Mr. Trimble at the very time that the Government was using what he claims as his patent truss-bridge was an officer in the confederate army, and was engaged in destroying bridges on the highways and means of communication as near the lines of the Long Bridge as he dared approach with the confederate army; that he was a disloyal man at that time while the Government was using his pretended patent; that he himself made application in 1875, I think, for pay for the use of his patent upon the Long Bridge, which use was being made of that bridge for the very purpose of access across the river to prevent his attacks upon the people of Virginia and upon the Government of the United States; that in 1875 he himself, after the war closed, made application for payment to him for the use of this truss; that it was rejected on account of disloyalty; that subsequently his wife and another person made application for payment, claiming that they were loyal; the wife states she was loyal just as far as she could be and perform the sacred duties which she owed to her disabled and sick husband.

The whole transaction shows that subsequently, in order to pass this claim, there was found somewhere, made before the issue of the patent by the Government, a deed of the right and title to this property to one or two other persons, made in view of going to join the confederate army and leaving this and other property in the hands of women to avoid confiscation and the results arising from his own action. The reading of the report in my judgment will show a kind of persistency, not to characterize it as impudence, on the part of this man to ask payment of the Government for the use of a property which, if used at all, was used for the express purpose of reaching with the troops of the United States his forces, and to prevent the destruction which he was carrying on of the property of the State and of the United States, and against its citizens.

As this case is to come up in this way, by a vote of the Senate, I desire that all these facts shall be known to the Senate and that the transparency of the pretense under which Mr. Trimble or his wife now seeks to recover property used about the time that he was engaged in destroying property of the United States shall be made clear and go upon the record, and that the Senate shall determine by its vote whether this is the class of case which the Departments have decided could not be enforced against the Government of the United States in the name of Mr. Trimble, and where the proof of loyalty even of the wife and niece is disputed in the documents which are about to be read to the Senate.

Mr. MAXEY. In reply to what has been said by the Senator from Michigan, I beg to say that the Supreme Court of the United States, in the case of the Railroad Company *vs.* Trimble, in a decision rendered at the December term of 1870, and reported in 10 Wallace, have settled the question conclusively and indisputably that the title of the Howe truss given long prior to that time had been taken out of Trimble and belonged to his trustees for the use and benefit of his creditors. In a contested case on all fours with the case here, for the unauthorized use by a company of the Howe truss, the title was settled to have been first in Trimble, and second to have been assigned by a valid deed of conveyance and transfer to the trustees of Trimble, that the title was in the trustees of Trimble, and a judgment was rendered in favor of the trustees of Trimble.

The question before the War Department and before the Treasury Department was not a question of loyalty on the part of Trimble, but it was a question as to whether the Treasury Department had jurisdiction to settle and adjudge this claim, for it was insisted, and with perfect propriety in my judgement, by the then Secretary of War, Mr. McCrary—unquestionably a very able lawyer—that if the Government used this truss without a special contract and without complaint on the part of the owner of the truss, there was an implied contract that it should pay a *quantum meruit*, whatever the amount of the use of that truss might be. The Comptroller of the Treasury thought while that might be true as a question of fact, it might be regarded as an unlawful use of the truss. That was the question, whether it was to be regarded as the unlawful use of this truss and therefore a trespass and the users responsible in damages, or whether it was to be regarded as an implied contract and a *quantum meruit* the measure of compensation. Mr. Justice Swayne says in the decision in 10 Wallace:

The deed of Isaac R. Trimble, of the 30th of May, 1861, conveyed all his rights under the patent, whatever they may have been, to the grantees in that instrument. If his title was sufficient theirs is so. This was not controverted by the counsel for the plaintiffs in error, and needs no further remark.

So that as early as the 30th of May, 1861, the title of the property had been transferred to the trustees of Trimble, and whatever title Trimble had passed to the trustees, and there is no question that Trimble had a title at the time he made this transfer.

The evidence was also conclusive that the trustees of Mr. Trimble were loyal, and a judgment was rendered against the railroad company for the use of this truss in favor of the trustees, the claimants who come forward here.

The Quartermaster-General's Department saw proper to make use of this Howe truss in the construction of the Long Bridge across the Potomac River. They had not a contract with the trustees, nor with Trimble. The use was made under the direction of the War Department, and there being a question as to where the title of the truss rested, the case was held open until after the decision of the Supreme Court of the United States in 1870, from which I have read. Subsequently the claim was asserted and kept up, and the report will show—I call the careful attention of all to the report—that there was no question raised as to whether the Government had used the truss. It was admitted. It was admitted also that the Government had not paid for the use of it, and the only question was the question of jurisdiction, and on that

question the Secretary of War took one view and the Comptroller took another view. If the view of the Secretary of War was good there would be no difficulty in regard to referring the case to the Court of Claims. If on the other hand the view of the Comptroller was good, it would have to come to Congress for authority. In this condition of things the bill was introduced; and if Senators will listen to the report made by direction of the Committee on Military Affairs they will find, in my judgment, that no clearer case can be made than the case which has been made in that report. Copies of the various papers are referred to and made part of the report.

I have only said this much because the bill was introduced at the last Congress, and the bill as originally worded authorized the court to render such judgment as justice and right to the claimant and the Government should require; but the committee changed that and caused it to read, "and to that end jurisdiction is hereby conferred on said court to proceed as a court of equity, and to render judgment therein," which is the precise wording of the bill here, and that bill, No. 1210 of the Forty-seventh Congress, after hearing the report called for by the Senator from Minnesota, passed the Senate without a dissenting voice. The bill now pending is *verbatim* the bill which has heretofore received, after the reading of the report, the assent of the Senate.

That is all I care to say. I have only said that much from the fact that I prepared the original report, and the Committee on Military Affairs during the present session adopted the former report and came to the same conclusion at this session that they did at the last Congress.

Mr. HOAR. I move the following substitute for the bill:

Resolved, That the pending bill be referred to the Court of Claims, under the provisions of the act approved March 3, 1883.

Mr. President, I suppose that it is not necessary to remind every Senator that if this resolution is adopted under the new Senate rules this matter goes to the Court of Claims with authority simply to report the facts to the Senate, and in that event the Government will be represented by the Attorney-General, or some officer whom he shall appoint for the purpose, who will have an opportunity to adduce evidence and examine and cross-examine witnesses.

It is true that this bill has been once passed, but that was before the existence of this legal authority and when it was necessary under the then existing law that the merits of the case should be determined by the Senate on *ex parte* affidavits. There was no existing legal mechanism for any other arrangement.

This claim may be a very just one, but it contains among other things this very remarkable, I will not say suspicious, fact, that an eminent officer in the confederate army, who, I believe, was a resident of Baltimore, though that does not appear in the report, but I am so informed by some Senators around me, so zealous in the Southern cause as to enlist at this very time in the confederate service and to be raised to high military office, should have a wife and another near female relative for whose use he conveyed this property who were at the same time loyal persons. That is possible; there were such cases; but such an allegation is one which creates certainly the demand for further inquiry. All of the evidence in regard to the loyalty of these ladies is found in their own affidavits so far as set forth in this report. It seems to me, therefore, that the interests of the United States require that all these facts, including the question of value and the question of the original contract, should be sent into the Court of Claims.

There is another fact which would put any judge, or counsel, or trustee, or Senator upon inquiry, and that is that although this claim is now presented having for its foundation an alleged deed of trust by Major-General Trimble in favor of his wife, yet it was presented long after the war as a claim of his own, and having been rejected as a claim of his own, it now reappears as a claim for his wife and another *cestui que trust*, and with the hope that his original inadvertence in claiming it as his own property will not prejudice it.

I do not say these things as making the least imputation upon the character of this officer or these claimants, and I hope no Senator will understand that I am expressing any opinion adverse to the claim. I only say that those two facts to which I have referred make it eminently proper that before the Senate act they should be sifted by the ordinary legal process, where witnesses can be heard on both sides and where the witnesses can be cross-examined face to face by officers representing the Government, and final decision reserved to us after a full report.

Mr. GORMAN. Mr. President, as I introduced this bill I desire to say only one or two words in reply to the Senator from Michigan and the Senator from Massachusetts.

I regret exceedingly that both these Senators should bring into this case the question of the loyalty of General Trimble. General Trimble, it was true, was a soldier in the late rebellion, enlisting in the cause of the Southern confederacy. An honorable man himself, he became embarrassed before the war and made an assignment of all his property to his wife and to Miss Presstman. That assignment included his interest in the Howe truss patent, and, as the Senator from Texas [Mr. MAXEY] reminds me, has been so decided by the Supreme Court of the United States.

Mr. HOAR. May I ask the Senator from Maryland if the date of this deed of trust is correctly given as May 30, 1861?

Mr. GORMAN. It was made in May, 1861.

Mr. HOAR. Before the war?

Mr. GORMAN. Before General Trimble became connected with the Southern confederacy, when he was a citizen of Maryland, and so far as known within the law he was a loyal citizen of the United States.

Mr. CAMERON, of Wisconsin. May I inquire how soon after the execution of the deed General Trimble did connect his fortunes with the Southern confederacy?

Mr. GORMAN. I think in a very short time afterward.

Mr. CAMERON, of Wisconsin. Then it would look as if it was made in contemplation of that step.

Mr. GORMAN. Whatever the motive may have been, the evidence before the Senate—and it comes from gentlemen who are as loyal to this Government as the Senator from Wisconsin, men who severed their social connections to remain true to the Union in Maryland—is that the deed of trust was made in good faith and made for the benefit of the creditors of a man who was insolvent before he became connected with the rebellion. It is therefore not a question whether you will punish General Trimble for his disloyalty twenty-three years ago, but whether you will follow it up and punish an innocent wife and a young lady who gets all that she has from the assignment made by General Trimble.

Mr. CAMERON, of Wisconsin. Then how does the Senator account for the fact that years subsequent to the execution of this alleged deed of trust General Trimble claimed this royalty in his own name and for his own benefit?

Mr. GORMAN. When General Trimble returned at the close of the war impoverished and his family impoverished, the assignment having been made to these two ladies years before, he undertook to collect this claim from the Government of the United States, and he, not being a lawyer, made the claim in his own name; but when it was presented for settlement Mr. J. Morrison Harris and other legal gentlemen in Maryland, who were as loyal as the Senator or myself to the Union, advised him that he had no right to present the claim in his own name, but that it was due to his wife and Miss Presstman and his creditors. Therefore the Senator from Massachusetts and the Senator from Michigan and my friend from Wisconsin would not be punishing a man who had gone into the rebellion, but would be punishing two innocent and high-toned ladies who reside in the State of Maryland, and who are certified here as having been loyal people during the entire war. I submit that it is too late to make war upon women and children. Make war upon men engaged in the rebellion, if you will, but do not follow it up on their wives and female members of their families.

Mr. CAMERON, of Wisconsin. The creditors seem to have dropped out in some way, and now, according to the statement of the Senator from Maryland, it is for the benefit of the wife and her sister.

Mr. GORMAN. Not at all.

Mr. HAMPTON. If the Senator from Maryland will allow me I will call the attention of the Senator from Wisconsin to a letter from the judge-advocate:

(Here follow names of creditors who swear to stated sums owing them by I. R. Trimble, and present affidavits of loyalty vouched for by citizens of Baltimore.)

I will read one other extract from that same letter from the judge-advocate:

In the case as thus presented there would seem to be no question involved except such as belonged more especially to the jurisdiction of the accounting officers of the Treasury, if the proofs of loyalty are accepted as sufficient, as they seem to me to be.

Mr. GORMAN. I only desire to add one word in relation to the amendment offered by the Senator from Massachusetts, whom I know to be entirely fair.

Mr. MAXEY. Let me remind the Senator from Maryland in reply to the Senator from Massachusetts and the Senator from Wisconsin that the Supreme Court of the United States declared that whatever title Isaac R. Trimble had to Howe's truss on the 30th of May, 1861, passed to and became vested in the trustees. Therefore it makes no difference what may have been the subsequent course of Isaac R. Trimble. The title being vested in the trustees on that day, nothing that can be brought up here on account of his subsequent conduct can affect their character.

Mr. HOAR. The Senator will pardon me——

Mr. MAXEY. Nor did his wife have anything to do with it.

Mr. HOAR. Nobody makes that point that the subsequent conduct of Isaac R. Trimble affects this case. The loyalty of the claimants does, and the loyalty of the claimants is certified to by a Government officer of great respectability, his certificate however depending on *ex parte* affidavits. Now the suspicious circumstance. I do not use the word "suspicious" in any bad sense, but the circumstance putting us upon inquiry, putting any prudent man intrusted with the disposition of Government money on inquiry, is that this lady, who is said to have been loyal herself, was the wife of a zealous supporter of the confederacy who left a loyal State to go into rebellion, differing therefore from the people of his own State, and who was promptly raised to the high office of major-general. That is consistent with the loyalty of his wife undoubtedly, but the question is whether that being a fact for us to act on it is safer to refer it under this new process or to take the *ex parte* affidavit and certificate of a Government officer. That is the point.

I do not make war on this lady, as the Senator from Maryland says. I simply say that we should treat this bill just as if it were a case coming from any State anywhere of a person of unquestioned loyalty; that is, that if there is anything which puts us on further inquiry into the case, as there clearly is here, we should use this mechanism of the Court of Claims.

Mr. MAXEY. The Senator from Wisconsin made the precise point that because Mr. Trimble had, subsequently to May, 1861, and soon thereafter, joined the rebellion, therefore there must have been a fraudulent intent in the transfer. He did not use the word "fraudulent," but that was the inference. The point which I made was that the Supreme Court had settled the whole of that question, because they said the title vested on the 30th of May, 1861, in the trustees, which being the case no subsequent conduct of Trimble could in law, and no lawyer will say, ever affect the title of those in whom the title vested.

Mr. CAMERON, of Wisconsin. I will inquire of the Senator from Texas between what parties the title was settled. The United States was not one of the parties, and consequently the United States was not bound by that decision, whatever it was.

Mr. MAXEY. As a matter of course I am speaking of the title being vested in the trustees of Trimble, nor is it disputed now by the United States, nor was the point ever made by the United States, that the title was not vested in Trimble originally. The point, and the only point, which was made was as to whether the Comptroller was right that it was a matter of damages, or the Secretary of War was right that it was a question of paying compensation.

Mr. CAMERON, of Wisconsin. What we want is that the United States shall have an opportunity of raising that question.

Mr. MAXEY. That is what we propose to send the case to the Court of Claims for, and let the whole case be investigated by it as a court.

Mr. GORMAN. Mr. President, the amendment of the Senator from Massachusetts would do very great injustice to these claimants. As has been well said by the Senator from Texas, the bill proposes to refer the case to the Court of Claims, where all the facts as to the loyalty of these parties will necessarily come before the court. Once before the authorities of the War Department they have proved their loyalty, and proved it by such gentlemen as Mr. J. Morrison Harris, the head and front of the Republican party in the State of Maryland, a man whose loyalty was not questioned in 1861 or since; a man who aided to raise the troops that were furnished by the State of Maryland to suppress the rebellion. He has been a consistent Republican ever since. These ladies have proved by such testimony their loyalty to the satisfaction of the Secretary of War and other subordinate officers of that Department. And now by this bill you can compel them to prove their loyalty again. All that the bill contemplates doing is that when they have again established this claim, and have proved their loyalty, judgment shall be given and the money paid over to them.

Now I ask the Senator from Massachusetts what injustice there is in that? They have proved their claim once before the War Department; the amount has been ascertained by the War Department by engineers who are competent to judge; and now the Senator, because of the disloyalty of the husband, would still punish an innocent wife. I trust he will withdraw his amendment. I say to him, knowing all the parties concerned in this case, that I would be the last among the Senators on this floor to present a claim for property forfeited under the law for the benefit of any general in the late war on the side of the confederacy; but this is as just a claim in my judgment as has ever been presented, and I know the amendment of the Senator from Massachusetts would do great injustice. I hope he will withdraw it.

Mr. LOGAN. I will say to the Senator from Maryland that I do not see the distinction he makes between the bill as it is and the resolution of the Senator from Massachusetts. The Court of Claims can only report the matter back to Congress anyhow. They can only say that they find so much in behalf of the claimant and come to Congress for an appropriation, as all matters do from the Court of Claims. The resolution refers it there under the late law to ascertain the amount due, if any. The only difference is that Congress would be under obligation to make an appropriation for the amount of the judgment of the court under the bill; but under the resolution the court would find the amount and report it to Congress for Congress to act upon. The difference is that Congress is under obligation to appropriate in one case, and in the other it may or may not as justice demands in its judgment.

I think with the Senator from Massachusetts, although this bill came from the Military Committee, that all matters referred to the Court of Claims ought to be referred under the law passed at the last session. All matters referred by Congress to that court for its decision should be sent under the law that we have passed providing for the examination of claims before the court to be reported back to Congress. We passed a law for that purpose to prevent matters of this kind coming up before Congress, so that committees could have an opportunity of referring them to the Court of Claims. I think that is a good rule, and without giving any judgment of my own in reference to this matter, I believe that rule ought to be followed out; and for that reason I am in favor of the resolution of the Senator from Massachusetts, and I think it ought to apply to all cases of this character that come before Congress.

Mr. GARLAND. I ask for the reading of the resolution.

The PRESIDING OFFICER. The Senator from Massachusetts has modified the resolution, and it will be read as modified.

The Chief Clerk read as follows:

Ordered, That the bill for the relief of the trustees of Isaac R. Trimble, now pending before the Senate, be transmitted (in accordance with the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883) to the Court of Claims of the United States, together with the vouchers, papers, proofs, and documents appertaining thereto.

Mr. HOAR. I should like to ask the Senator from Maryland to state one fact. Is General Trimble now living?

Mr. GORMAN. General Trimble is living.

Mr. GARLAND. Mr. President, the amendment offered by the Senator from Massachusetts and the bill reported by the Committee on Military Affairs contemplate two very distinct things. The act of March 3, 1883, known as the Bowman act, was not intended to displace or repeal the prior act conferring jurisdiction on the Court of Claims to hear and determine causes; and it was merely in the nature of a cumulative remedy for the relief of committees of Congress and Departments of the Government in investigating claims. The jurisdiction in the Court of Claims to hear and determine cases of contract with the Government remains unquestioned by the act, but by way of expediting business before committees of Congress it provides that they may have claims referred there for investigation by the court and a report from the court of all the facts and its opinion on the cases.

But what is the necessity of going to the trouble of referring this case to the Court of Claims, which *pro tanto* under this act is made merely a committee of the House of Congress referring a claim? That was the original organization of the Court of Claims; that was what it was under the act of 1855 creating the court; but afterward that was modified, and the court was given jurisdiction to hear and determine claims and send its judgments to Congress to be appropriated for. That jurisdiction stands. But to relieve Congress of a great deal of the burden of this kind of investigation, under the act of March 3, 1883, claims are sent there for investigation merely. But two several committees, as we have it here, have passed upon this claim, have examined all the facts. There is not an additional fact to be obtained, as I understand from the records of the Senate. In addition to these investigations the case has been twice adjudicated so far as the material points are concerned, once by the Supreme Court of the United States, in 10 Wallace, and once by the district court in Maryland—that is, as to the validity of the deed of trust of May 30, 1861, and the rights and standing of these parties under the deed of trust.

What more is there for the Court of Claims, in view of the facts, to investigate and report to Congress? This bill says they may go to the Court of Claims and adjudicate their rights. I wish to call the attention of the Senator from Massachusetts particularly to the language of the act of March 3, 1883, as it seems by his amendment and the remarks of himself and other Senators in support of it that they want the fact of loyalty tested before the Court of Claims in its investigation as a jurisdictional fact. Now, under the act of the 3d of March, 1883, this can not be tested; it can not be made a question of jurisdiction in that court. Why? Section 4 of that act says:

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact.

There loyalty would be a jurisdictional question. This is not an application for supplies furnished or stores taken. It does not bear the remotest analogy to such a case, any more than it would be for the occupation of a house by the Army of the United States. For a very good and very special reason this requirement was limited to supplies, but it has no application to a proceeding of this character to obtain payment under an implied contract, which is within the jurisdiction of the Court of Claims, for the use of this particular property, but not in the form of a product, not for bacon or flour, not for meal or potatoes or onions or turnips furnished to the Army. Those would be supplies, but this is for a totally distinct and different thing; and with all the facts here, the case twice adjudicated in the district court of Maryland and the Supreme Court of the United States, it is not worth while to send it to the Court of Claims to investigate facts that we have already established, but we should send it there for them to adjudicate whether the claim exists in fact, and if it exists, what is the amount due, and then to return to Congress for an appropriation.

Mr. GORMAN. In answer to the Senator from Massachusetts, who inquired whether General Trimble was living, I stated that General Trimble is living; but I have been informed since I made that remark that within a very short time both Mrs. Trimble and Miss Presstman are deceased, so that whatever benefit will be derived from the passage of this bill will go to the creditors. I was not aware of that fact when I replied to the Senator before.

Mr. HOAR. As I understand the Senator's present statement, then, it is this: The husband made this assignment to trustees for the benefit

of certain creditors. The wife and the other lady mentioned are the next of kin of one of the creditors, so that the creditors' share in this trust fund——

Mr. GORMAN. Oh, no; the Senator is mistaken there.

Mr. HOAR. Let us see:

Mrs. Trimble and Miss Georgianna Presstman claim as heirs one-fifth each of the estate of Ann F. Presstman, to which Mr. Trimble is sworn to be indebted in the sum of $9,000.

The deed of trust was:

First, to pay all his debts; then to hold for the use and benefit of Mrs. Trimble; and thirdly, to convey to her appointees.

It does not appear whether these creditors signed the instrument of trust and discharged the debtor, but it is to be presumed they did, or if they did not, the debts, are now twenty-three years old at least, so that it is not likely that the creditors have any interest by reason of any claim of theirs against General Trimble. His wife is dead, and all his wife's interest, both as a *cestui que trust* under the original instrument, if there should be anything left after paying creditors, and as representing this nine-thousand-dollar creditor, whom she and Miss Presstman represent, claiming one-fifth each of the estate, has passed to her husband, I suppose, under the Maryland law as her next of kin, for I suppose the husband there, as almost everywhere else, is the next of kin of the wife in regard to personal property, and he inherits as husband.

Then, in point of fact, if the debts have been paid the whole of this fund will go to Major-General Trimble himself, his wife being dead and he being living. If the debts have not been paid his wife's share of this debt due to her ancestor will have come around to him free from any claims of creditors. So that it is very largely and perhaps wholly his case.

The Senator from Maryland seems to think—he uses the phrase—that the adoption of my amendment is trying to punish this lady; or he used another phrase, is making war on this lady. It is the mere saying that the case presents suggestions of doubt enough to make it our duty to have the facts thoroughly ascertained, which never could be done either by the Department or by the Senate before.

Mr. GORMAN. Now, I should like to ask the Senator from Massachusetts whether under the bill as reported from the Committee on Military Affairs all those facts would not be ascertained by the Court of Claims, and if they are to be so ascertained I ask him whether he is not willing to trust the Court of Claims?

Mr. HOAR. But the Court of Claims has a larger jurisdiction given to it by the bill than it has in ordinary cases, equitable as well as legal, and in addition to that the effect is to waive the benefit of the statute of limitations on a claim twenty-three years old. The Senate always in such cases requires itself to be satisfied by some inquiry of the merits of the case before it sends it to the Court of Claims to administer the law.

Mr. BAYARD. Mr. President, it so happens that the person who made this assignment, General Trimble, was for many years a resident of the town where I live. He was the superintendent of the Philadelphia, Wilmington and Baltimore Railroad, and in that way I knew him. I knew his family, and I had some professional knowledge of his pecuniary condition, not only in the spring of 1861, but for some time previous to that, and I am prepared to say that it was the most necessary and natural thing for General Trimble, or Mr. Trimble, as he was then called, to make an assignment for the benefit of his creditors to avoid the sale of his property under execution.

After he made the assignment in the spring of 1861 he became involved in the military operations of the war, and left his home and went South. An attempt was made by some judgment creditor in Delaware to obtain some personal property there, I think shares of railroad stock, and my impression is that it was either that or by some process of confiscation; but this assignment was then brought into court and tested and sustained upon an examination of its *bona fides* and reality, and it was held to be a vesting of whatever right or interest Trimble had at the time he made the assignment for the benefit of his creditors. It has undergone the examination of the courts, and courts trying and proceeding at the instance and for the benefit of the Government of the United States. For that reason I apprehend there should be no question as to where the *bona fide* legal title to all this property lay. It no longer was in him. Whether he lived or died, whether he acted well or ill after the making of the assignment, it mattered not to the parties interested under it, those who had the beneficial interest.

What the Senator from Maryland now says I also know to be true, that Mrs. Trimble and her sister are both deceased, and I will say further she was his second wife; both his wife and himself married quite late in life and there was never any issue of that marriage. So the case stands entirely free from any supposed devolution in favor of his children or in favor of himself by the death of these two *cestuis que trust* or by the terms of the trust itself.

Mr. HARRISON. Will the Senator from Delaware allow me to ask him who according to his understanding of the facts of this case would get the benefit of this money if paid?

Mr. BAYARD. The people to whom Trimble owed money prior to 1861.

Mr. HARRISON. But it is evidently contemplated that there was an excess of this sum over and above the amount of those debts, and that is also made to appear probable by the fact that the residuary *cestuis que trust* have been pressing this claim, and not the creditors. Therefore all beyond the debts for which this was pledged would go to Mr. Trimble himself.

Mr. BAYARD. As a matter of fact I may say to the Senator that I should be glad for Mr. Trimble's sake if I thought there was to be any residuum after the payment of his debts; and probably, as in any other case of assignment made for the benefit of creditors, even if the feature was not contained in the deed the law itself would put it so that if the debts were all paid the residuum, if any, should belong to the person making the assignment; but in this case I have some reason to know that Mr. Trimble's creditors were by no means paid in full or have the slightest chance of being so paid. It would amount to a very moderate dividend, I do not know how much, but I think I have enough personal knowledge of his affairs to know that I would not consider the debt a very collectible one to anything like its face value.

Mr. HARRISON. As a member of the Military Committee, from which this bill came, though I had at the time no recollection of its consideration in the committee at all, I voted with my colleague on the committee, the Senator from South Carolina, for the present consideration of the bill. I think in looking at the date of the report it was probably considered by the committee at one of those private meetings which have been held when I was not present.

Mr. HAMPTON. If the Senator will allow me to interrupt him a moment, as I do not wish him to act under any misapprehension at all, I will say that this bill received very full and exhaustive discussion in committee at the last Congress. It was then passed in the Senate unanimously; and it was brought up at a full meeting of the committee at this session—I can not say positively whether the Senator from Indiana was present, but I think we had a full meeting of the committee—and I read the report that was made at the last Congress and it was adopted without dissent. Those are the facts so far as the report goes.

Mr. HARRISON. I am obliged to the Senator from South Carolina. I have no recollection of the discussion of this bill in the committee at the last Congress, and I am sure, from the fact that it was reported by the Senator upon a Friday at the present Congress, that it was considered at one of those extra meetings when I was not present. It seems to me that there are two facts here that should be further inquired into. I do not believe it was in the mind of any member of the committee when this was being discussed; I do not know even that the Senator from South Carolina understood that the effect of this bill was to pay this claim to General Trimble himself. I suppose no member of the committee so understood it; and yet it appears that probably at the time this bill was being considered, and we were thinking of the wife and the sister as the *cestuis que trust* named in this deed of assignment as the beneficiaries, General Trimble himself was practically the beneficiary if there should be any residuum over and above the amount necessary to pay the debts.

Mr. HAMPTON. If the Senator will allow me again to interrupt him, though I do not like to trespass on the courtesy——

Mr. HARRISON. It is no inconvenience at all, I assure the Senator.

Mr. HAMPTON. As I understand the bill, the beneficiaries now will be the creditors. I know the fact that General Trimble has very little property, and I know the additional fact that some of the property that was in his hands came to him from his wife; and to show that I acted with perfect candor when I heard the statement made by my friend from Maryland [Mr. GORMAN], I went to him and told him that I thought it was due to the Senate and due to him that he should say that these ladies had recently died.

Mr. HARRISON. I was not at all imputing any lack of candor to the Senator from South Carolina either in dealing with the Senate or with the committee. I had no thought of that. I supposed the fact to which I alluded was unknown to him at the time of its consideration in committee, as it certainly was to other members of the committee.

Mr. MAXEY. Allow me to say that I heard for the first time this morning of the death of these ladies. I never knew that before. I looked upon the case as a question of law. I did know General Trimble and I did know the ladies who are parties to this bill, but I never heard of their being dead until this morning. I know the creditors are interested.

Mr. HARRISON. I do not know what weight that fact might have had with the committee, but certainly it would have been one that the committee would have considered, as to whether we should by reason of this assignment, made evidently in contemplation of going into the war of the rebellion, have allowed that to operate in such a way now that the benefit of this deed of trust should be given to the officer who thus left the State in which he dwelt to take part in the rebellion. I do not know what conclusion the committee might have come to if it had known these facts.

But, Mr. President, it seems that after the war was over and after General Trimble had returned to his home in Maryland he made a claim against the Government for the royalty on this patent. The Senator from Maryland says that he did not consult lawyers, that he did not take legal advice. Why, Mr. President, can it be supposed that a gen-

tleman of General Trimble's intelligence needed the advice of a lawyer upon the question whether property which he had assigned for the benefit of creditors and others was still his in such a sense that he could make a claim for it? The very fact that after coming back from the war he himself deliberately claimed this as due him, and that up to that time we hear nothing at all of the assignment, raises some doubt, it seems to me, as to the quality and character of the assignment itself. If the distinguished Senator had executed a deed of conveyance to some one here of a piece of property or had transferred by delivery an article of personal property, and had done it in good faith, and had believed that he had dispossessed himself of all the property, he, if not a lawyer, would not need advice to know that that was no longer in him and that he could maintain no action about it.

So this is a matter which it is well enough to look into now when this relief is asked for the benefit of General Trimble himself, as to whether the assignment was delivered, and if it was delivered, when. Was there an actual delivery of this assignment? It does not seem to be consistent with the idea that there was, that General Trimble after the war was claiming the property himself in direct contravention of the assignment which he claims to have made before.

This claim may be right or wrong; but I thought it due to my colleague on the committee, the Senator from South Carolina, that I should state the facts as to what I knew of this matter, and also to express to the Senate as a member of the committee my belief that the resolution offered by the Senator from Massachusetts should prevail.

Mr. GORMAN. Will the Senator from Indiana permit me to ask him a question?

Mr. HARRISON. Certainly.

Mr. GORMAN. I ask him whether under the original bill if the very point he makes as to loyalty and question as to the assignment would not come before the court?

Mr. HARRISON. It may be that it would; and yet the bill extends the jurisdiction of the Court of Claims; it calls upon the court to deal with and settle this question upon principles of equity. There can be no doubt in my mind, and I think there is none in the mind of the Senator from Maryland, that the provisions of the bill waive the statute of limitations. Then I am not clear that it does not also waive the defense as to the disloyalty of the person.

Mr. GORMAN. If there be any doubt upon that question under the bill, I ask the Senator as a lawyer whether under the amendment of the Senator from Massachusetts it could come up?

Mr. HARRISON. The Senator asks whether the question of loyalty would come up. Undoubtedly in the course of this investigation, in the taking of the testimony before the Court of Claims, we shall get at all the facts. Of course under this resolution the Court of Claims could pass no judgment, but they would bring to us an ample statement of all the facts in the case as to who is the present beneficiary, as to who are the creditors, the character and amount of their debts, and as to their loyalty. All of these facts would be brought out, and certainly it seems to me that no harm can be done to these parties if we get from the Court of Claims an ample and full and complete statement in relation to all these parties' claims, such facts as will tend to show whether the assignment was really delivered before the war or whether it was executed and left in escrow and in some incomplete form until after the war, and until after General Trimble had himself failed to collect the claim. I think, therefore, the substitute ought to be adopted.

Mr. CONGER. Mr. President, it appears from the report in this case that the deed of trust (and this bill is for the relief of the trustees) transfers all the property on the following terms:

First, to pay all his debts.

If there are debts outstanding, as suggested by some Senators, there is no benefit from this bill that could accrue to the ladies if they were living—

Then to hold for the use and benefit of Mrs. Trimble; and thirdly, to convey to her appointees.

With that deed standing as it does now, General Trimble came before the Department and claimed pay in his own name for this truss, and he put the claim at $3,535.96. Afterward he learned, as he supposed, that the Government had in some cases paid interest on such a claim. To my knowledge it never has been done unless by special act of Congress, and I do not even know such a case as that. He charges that a person who settled for the use of this patent paid interest on the amount of royalty he claimed. So he asked and in this report there is added $2,545.92 for the interest from 1861 to 1873, twelve years. By the terms of this report additional interest could be added up to 1884, or whenever the case shall be decided by the court.

This bill gives the Court of Claims equity jurisdiction. Does it have equity jurisdiction unless conferred by a bill like this? Not at all. It gives them the power to hear and adjudicate; it confers jurisdiction, authorizes them to "proceed as a court of equity and to render a judgment therein." That is a simple bill to pay to the trustees, both of whom I understand are dead, whatever sum may be found due. I venture to say that there never was a report accompanying a bill which left so much uncertain in one direction and bound a court so positively against all former rules of law and practice in another direction as this; and my surprise is that Senators who desire to have a fair claim for the benefit of anybody investigated, either by a court or Congress, should be unwilling that this, like thousands of other cases, should go to the Court of Claims for an inquiry into all the facts and circumstances, especially in view of the facts I mentioned in the beginning of this discussion, that this seems to provide for the payment of a major-general of the Confederate army for the use of materials in the construction by the Government of the United States of means to enable its citizens to go forth to prevent the destruction of Government property and prevent the destruction of railroads, of which that bridge was a part.

I have called attention to this case. If the Senate prefer to refer it to the Court of Claims under the Bowman act, I have no objection, so that the case may be fairly considered, and if the court's report shows that this property, whatever it may be, will go to the benefit of innocent women, nobody will more cheerfully vote for it than I. This report raises an inquiry whether even the women who are to take, if they are living now under this trust, had any claim against the estate of Trimble at the time the trust was made. That appears on the second page of the report. It says:

It does not, however, appear whether or not this indebtedness existed at the date of the deed of trust.

This is claimed to be an indebtedness of $9,000, and these parties come in as a part of the creditors in one sense, and in another sense they seem to come in as the residuary owners of this property through Mr. Trimble. It is a very confused thing. I have studied it as carefully as I could, and I am so uncertain what the condition of it is, and I have heard no one attempting to explain it who agreed with another in regard to its present situation, that I hope it may be sent to the court for an inquiry and finding and report to Congress. Then, I can assure Senators if it shall be found to be a clean bill, and that the proper parties are to receive the money, I shall vote for it as cheerfully as any one.

Mr. HAMPTON. As the Senator from Michigan has attacked the report, and as I believe it has not been read, I ask for the reading of it. It covers the ground so completely, and the report itself is so unanswerable, that I ask that it be read.

Mr. CONGER. I had already asked that the report be read, and the reading was commenced, and this conversation or discussion intervened to prevent. Of course I desire that the report be read.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk proceeded to read the report submitted by Mr. HAMPTON, February 29, 1884, but before concluding,

Mr. HOAR (at 2 o'clock p. m.). I ask unanimous consent that the rest of this report, which consists merely of letters and certificates, be printed in the RECORD as if read.

Mr. MAXEY. I hope that will be done, and let the whole report go together into the RECORD as if read, and that the bill come up to-morrow.

The PRESIDING OFFICER. The bill will come up to-morrow of course. The Senator from Massachusetts [Mr. HOAR] asks that the remainder of the report not read be inserted in the RECORD. The Chair hears no objection.

The report, which was submitted by Mr. HAMPTON on the 29th of February, is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 91) for the relief of the trustees of Isaac R. Trimble, beg leave to report:

That they find all the facts of this case set forth in a report submitted by this committee to the Senate during the Forty-seventh Congress, and they adopt that report, hereto annexed, as expressing the views of the committee, and recommend the passage of the bill. The report is as follows:

"The facts are as follows, as shown by the papers accompanying this report:

"The trustees of Isaac R. Trimble claim that the United States are indebted to them for the use of Howe's patent truss in the construction of the 'Long Bridge' over the Potomac River, at this city, in the years 1860, 1861.

"Judge-Advocate Henry Goodfellow, under date July, 1876, in an official communication to the Secretary of War, reports the claim to have been theretofore at $6,081.88 for royalty on the Howe truss-bridge built on the Potomac River in 1861, 1862, and was first presented by Isaac R. Trimble himself. For a better understanding of the case as reported by Judge-Advocate Goodfellow, his letter is herein set forth, as follows:

WAR DEPARTMENT, *July*, 1876.

In the matter of the claim of the creditors of Isaac R. Trimble for royalty in the use of Howe's patent truss in the "Long Bridge" over the Potomac River.

To the honorable the Secretary of War:

This is a claim heretofore stated at $6,081.88 for royalty on the Howe truss-bridge built over the Potomac River in 1861-'62, being a part of the "Long Bridge." The claim was first presented February 17, 1873, by Mr. Trimble himself, as owner of the patent, July 21, 1873. The Quartermaster-General reported the true amount of royalty at $3,500.45 (without interest), but cited an opinion of the Attorney-General, dated June 13, 1872, in the case of Smith & Woodruff, assignees of Hiram Sibley, for royalty on the "Sibley tent," to the effect that Smith & Woodruff should not be paid by the War Department, on account of Sibley's disloyalty.

Mr. Trimble having been a major-general in the rebel army, breaking up the railroad communications with Washington, and fighting against the Government of the United States at the very time the claim originated, it was rejected by the Secretary of War January 5, 1874.

January 23, 1874, the claim was again presented in the name of Mrs. Ann C. Trimble and Miss Georgianna Presstman, who claimed under and by virtue of a "deed of trust" from Mr. Trimble, made May 30, 1861, before his disloyal career.

This deed transferred all his property on the following trusts:

First, to pay all his debts; then to hold for the use and benefit of Mrs. Trimble; and thirdly, to convey to her appointees. Mr. S. T. Wallis, attorney for the Trimbles, begged that Mrs. Trimble should not suffer from any ill-advised action of her husband in presenting the claim in his own name, he having acted entirely upon his own motion without consulting the counsel of the trustees. Mr. Wallis further called attention to a recognition of the above-mentioned deed of

trust by the Supreme Court of the United States in case of Railroad Company *vs.* Trimble (10 Wallace, 367) and by the United States district court for the Maryland district, and the case of the United States *vs.* The Real Estate of Isaac R. Trimble.

Upon this application the Quartermaster-General reported February 17, 1874, that the new presentation of the case left apparently no room to doubt that Mrs. Anne C. Trimble and Georgianna Presstman were entitled to receive the amount of the royalty which was stated in his former report, provided they could establish their loyalty to the satisfaction of the War Department. Thereupon Mr. Wallis was informed in a letter from Colonel Dunn, assistant judge-advocate-general, by direction of the Secretary of War, that it was then in order to present evidence of the loyalty of the new claimants.

Nothing further was heard of the claim until January 30, 1875, when Mr. H. Stockbridge, attorney for Mr. Trimble's creditors, addressed the War Department acknowledging that the decision arrived at in the claim as first presented was undoubtedly correct under the principle established in the case of the Sibley tent, and declaring his readiness at an early day to furnish full proof of the right and interest of the "*cestuis que trust*" under the above-mentioned deed, and also of their loyalty.

In this presentation Mrs. Trimble and Miss Georgianna Presstman claim as heirs one-fifth each of the estate of Ann F. Presstman, to which Mr. Trimble is sworn to be indebted in the sum of $9,000. It does not, however, appear whether or not this indebtedness existed at the date of the deed of trust. As to loyalty, Mrs. Trimble swears "that the said Anne C. Trimble was in favor of the Union of the States, opposed to the late civil war, and never supplied the rebel States with material aid or comfort, nor their armies, save alone in nursing my husband when sick and wounded, as enjoined in my marriage vow;" and Miss Georgianna Presstman swears "that she, the said Georgianna Presstman, has not at any time taken part with the enemies of the United States, was in favor of the Union, and opposed to the late civil war, and never supplied the rebel States or armies with aid or comfort, but lived quietly in the country from 1860 to 1865 in Baltimore County, Maryland."

These affidavits are supported by affidavits of J. Morrison Harris, of Baltimore County, to the effect "that he has been well acquainted with the parties in question both before and after the late civil war, and that their foregoing statements are entitled to full credit, to the best of his knowledge and belief."

* * * * * * *

(Here follow the names of creditors who swear to stated sums owing them by I. R. Trimble, and present affidavits of loyalty vouched for by citizens of Baltimore.)

In the case as thus presented there would seem to be no question involved except such as belonged more especially to the jurisdiction of the accounting officers of the Treasury, if the proofs of loyalty are accepted as sufficient, as they seem to me to be. It may be remarked, however, that the Quartermaster-General is not entirely satisfied with his own statement of the account in his report of July 21, 1873, the "spans" having been measured from the center of pier instead of in the clear. He is of the opinion, however, that the true extent of the words, "1 cent per foot for each span," should be left to the decision of the accounting officer.

On the other hand, Mr. Trimble presented statement of the account June 23, 1876, which is rather larger than the original statement of the Quartermaster-General. Mr. Trimble's statement is $3,932. He further states that in similar cases those who use the patent without leave have been charged with royalty and interest. He therefore adds $2,830 interest to February 7, 1873; total, $6,762.

It is respectfully recommended that the claim be now referred to the accounting officers of the Treasury for such action as they may deem just and proper in the premises.

HENRY GOODFELLOW,
Judge-Advocate.

THIRD AUDITOR'S OFFICE, *February* 23, 1882.

Extract copy of paper on file with claim No. 50683.

A. M. GANGEWER,
Deputy Third Auditor.

The claim, $6,081.88, being	$3,535 96
With interest from 1861 to February, 1873, twelve years	2,545 92
	6,081 88

was referred to War Department April 22, 1873, for report, and the following was made:

BARRACK AND QUARTERS BRANCH,
Quartermaster-General's Office, April 25, 1873.

Case of I. R. Trimble, for patent fees on Howe truss spans in Long Bridge over Potomac River, erected under the supervision of General McCallum, 1861, as per items enumerated	$3,535 96
Interest to February, 1873 (twelve years)	2,545 92
Total	6,081 88

Referred by War Department, April 22, 1873, for report.

February 17, 1873, claimant addressed a letter to the Secretary of War, indorsing the above claim, with statement that the facts alleged can be substantiated by General McCallum, under whose supervision the rebuilding of the bridge was executed. The reason for not presenting the claim before was owing to the rightful ownership of the patent being in dispute since 1860, and only decided in claimant's favor by the court of final appeal in 1870 (Report, 10 Wallace, United States Supreme Court) (copy with papers). Since that decision no one has disputed claimant's rights, and he enumerates a list of railroad companies, &c., who paid the patent fees on presentation, at the same rates which he has charged the Department. In support of this he incloses letters of Theo. Cuyler, esq., counsel of Pennsylvania Railroad, and Strickland Kneass, esq., of city of Philadelphia, and John L. Piper, manager of the Keystone Bridge Company, Pittsburgh, Pa.

The letter was referred February 21, 1873, to the Chief of Engineers for report.

That office, February 25, 1873, referred to Major Babcock, inviting "attention to the copy of letter from the Keystone Bridge Co. (herewith), in which it is stated that the first payment was made by B. B. French, Commissioner of Public Buildings.

"Please report any information that may be on the files of your office in relation to the construction of this bridge, contract for same, and payments."

Colonel Babcock, U. S. A., in charge of public buildings and grounds, returned April 9, 1873, as follows:

"I find that $20,000 was appropriated for the repair of Long Bridge August 6th, 1861 (volume 12, page 327), and the money was expended by B. B. French, then Commissioner of Public Buildings and Grounds.

"Upon an examination of his vouchers for the expenditure I find that no part of it was paid for the use of Howe's patent for truss bridges. The records of this office fail to give any further information on the subject.

"Under date of February 5, 1866, Theo. B. Samo, esq., engineer in charge of Washington Aqueduct, reported on the condition of Long Bridge, and a copy of the report is herewith transmitted. Attention is respectfully invited to Engineer Samo's report, with the papers."

* * * * * * *

General Humphreys, Chief Engineer, returned papers April 11, 1873, inviting attention to Colonel Babcock's report. Referred, as before stated, to this office for report.

Respectfully submitted to the Quartermaster-General for instructions.

M. I. LUDINGTON,
Quartermaster, U. S. A.

THIRD AUDITOR'S OFFICE, *February* 21, 1882.

A true copy (extract) of paper on file with claim No. 50683.

A. M. GANGEWER,
Deputy Third Auditor.

"The claimants state that the claim was laid before the Secretary of War as early as 1865, but was not urged, owing to litigation springing up as to ownership of the patent, until the termination thereof by the judgment of the Supreme Court of the United States at its December term, 1870 (10 Wall., The Philadelphia, Wilmington and Baltimore Railroad Company *vs.* Isaac R. Trimble and Anne C. Trimble, his wife, and Georgiana Presstman, p. 367). This suit was decided that the rights under the assignment of the patent vested in the trustees of I. R. Trimble.

"An official copy of claimant's petition, and action thereon, is here appended:

Petition and claim of the trustees of I. R. Trimble for the use of "Howe's Patent Truss" in the "construction of the Long Bridge" over the Potomac River at Washington City, D. C., in 1860-'61.

This claim was laid before the Secretary of War as early as 1865, but soon after, in consequence of litigation involving the rights under the original patent, it was not urged until after 1870. In that year, by a decision of the Supreme Court of the United States, at the December term, it was decided that the rights under the assignment of Howe were vested in the trustees of I. R. Trimble. (See 10 Wallace.)

By 1876 the evidence substantiating the justice of the claim was complete, as required by the War Department, when Mr. Henry Goodfellow, judge-advocate, made a report, July, 1876, in which he sums up the evidence, inclusive of testimony establishing the loyalty of the trustees and of the creditors of I. R. Trimble, concluding his report in these words: "It is respectfully recommended that the claim be now referred to the accounting officers of the Treasury for such action as they may deem just and proper in the premises." No action was taken on this report until 1878, when Senator Whyte, of Maryland, procured an order from the Secretary of War referring the claim to the Third Auditor of the Treasury for adjudication. The Third Auditor considered the claim and disallowed it for "want of jurisdiction." On application this decision was reconsidered by an order of the Secretary of War, February 15, 1881.

The Comptroller, W. W. Upton, on reconsidering the claim, thus concludes his decision: "The claimants must look to the courts or to Congress, as there is no evidence of any agreement to pay for the use of the patent."

Thus there is no resort for the claimants except through an act of Congress referring the subject to the Court of Claims with authority to adjudicate the case on principles of equity; and your petitioners will ever pray.

ANNE C. TRIMBLE.
GEORGIANA PRESSTMAN.

"Decision by Third Auditor upon a claim made by trustees of Isaac R. Trimble, for royalty (with interest thereon) for the use of Howe's patent truss in building Long Bridge over the Potomac River at Washington, D. C., in 1861-'62:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
December 19, 1878.

It is not contended that any contract, arrangement, or understanding was entered into on the part of the United States to secure the right to use the patent. The claim is therefore a claim for damages for alleged invasion of a patent right. Of such claims the accounting officers of the Treasury have no jurisdiction.

For want of jurisdiction the claim is disallowed.

The papers with this decision are respectfully transmitted to the Second Comptroller for consideration by him.

A. M. GANGEWER, *Acting Auditor.*

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
February 24, 1879.

The within opinion of the honorable Third Auditor is concurred in.

W. W. UPTON, *Comptroller.*

WAR DEPARTMENT, *December* 9, 1879.

The papers in the claim of the trustees of I. R. Trimble, of Baltimore, Md., for the use by the United States of a patented improvement described as "Howe's patent truss" for bridges, are, at the solicitation of claimant's counsel, respectfully returned to the accounting officers of the Treasury with a recommendation for reconsideration.

The claimant's counsel contend that it could not have been the intention of this Government to use the patent right in question without an implied engagement to pay for such use. This view entirely commends it to my judgment, but I must leave to the accounting officers the question of law whether the executive branch of the Government can now adjust this claim.

GEO. W. McCRARY, *Secretary of War.*

The SECOND COMPTROLLER OF THE TREASURY.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
February 15, 1881.

Respectfully returned to the honorable Third Auditor.

As recommended by the honorable the Secretary of War, I have carefully reconsidered this claim, and admitting fully that the Government could not intend to use a patent right without compensation, still I can not find evidence of any agreement to pay either a certain amount or the reasonable value.

If the facts show the use by the Government of the claimant's patent right, the amount to be paid therefor must be ascertained by the courts or by Congress. The decision of the accounting officers is therefore reaffirmed.

W. W. UPTON, *Comptroller.*

THIRD AUDITOR'S OFFICE, *February* 3, 1882.

A true copy of papers on file with claim No. 50683.

A. M. GANGEWER,
Deputy Third Auditor.

"It will be observed that the acting Auditor disallows the claim 'for want of jurisdiction,' and transmits to the Second Comptroller, who concurs.

"It will be further observed that claimants' counsel asked a reconsideration, insisting 'that it could not have been the intent of the Government to use the patent right in question without an implied engagement to pay for the same,' and that this view is concurred in by the Hon. George W. McCrary, then Secretary of War, who, however, leaves to the accounting officers the question of law whether the executive branch of the Government can now adjust this claim.

"The Comptroller, upon review, adheres to his former opinion with the following in addition: 'If the facts show the use by the Government of the claimants' patent right, the amount to be paid therefor must be ascertained by the courts or by Congress.' This last decision is February 15, 1881.

"In the paper is the following copy of a letter from Hon. George W. McCrary, then Secretary of War, to the Hon. William Pinkney Whyte:

WAR DEPARTMENT, *Washington City, November* 21, 1878.

SIR: In answer to your postal inquiry respecting the claim of Isaac R. Trimble,

of Maryland, for the use of the Howe truss by the Government, I have to advise you the last action, as shown by the records under date of November 24, 1877, was a letter to Hon. J. Morrison Harris, of Baltimore, informing him of my willingness to transmit the case to the Court of Claims, if the claimant should so desire. It does not appear that any answer to this letter was received.

Very respectfully, your obedient servant,
GEO. W. McCRARY, *Secretary of War.*

Hon. WILLIAM PINKNEY WHYTE,
United States Senate.

THIRD AUDITOR'S OFFICE, *February* 21, 1882.

A true copy of paper on file with claim No. 50683.
A. M. GANGEWER,
Deputy Third Auditor.

"From the papers presented to the committee, it appears that the right to the use of the truss passed from Isaac R. Trimble, assignee of Howe, to claimants; that the delay in prosecuting from 1865 to 1870 is accounted for by the litigation as to ownership of the patent; that since then the claimants appear to have been exerting themselves to have their claim allowed; that it was not allowed "for want of jurisdiction," as stated by the Second Comptroller. In the opinion of the committee, the claimants have a right to establish the use by the Government of their patent; that they have not been paid therefor, and the reasonable value of use, and to introduce evidence of ownership and loyalty. In short, the examination made by the committee shows a state of case which, in the judgment of the committee, entitles the claimants to a hearing in the Court of Claims.

"Wherefore the committee report back Senate bill 1210, amended as therein shown, and recommend that the bill do, as amended, pass."

The PRESIDING OFFICER. The hour of 2 o'clock has arrived, and the Chair lays before the Senate the unfinished business of yesterday, which is Senate bill 1448.

JOHN B. MONTEITH.

Mr. SLATER. I ask the indulgence of the Senator from Maine while I call up a bill which was passed this morning and have it reconsidered in order to prevent a miscarriage of action between the two Houses. I refer to Senate bill 516. I move that it be reconsidered.

The PRESIDING OFFICER. The Senator from Oregon moves to reconsider the vote on the passage of the bill (S. 516) to adjust the accounts of John B. Monteith, deceased, for the purpose of taking up a House bill in the same words. The question is on the motion to reconsider.

The motion was agreed to.

Mr. SLATER. Now I move to discharge the Committee on Indian Affairs from the further consideration of the House bill which I have sent to the desk.

The PRESIDING OFFICER. The Senator from Oregon asks the indefinite postponement of Senate bill 516, which will be done, there being no objection. Now the Senator from Oregon asks unanimous consent to take up House bill 1319.

Mr. SLATER. No; I move to discharge the Committee on Indian Affairs from the further consideration of the House bill, it being before the committee.

The PRESIDING OFFICER. The Senator from Oregon moves to discharge the Committee on Indian Affairs from the further consideration of the bill (H. R. 1319) to adjust the accounts of John B. Monteith, deceased.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Oregon now moves that the Senate proceed to consider the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1319) to adjust the accounts of John B. Monteith, deceased.

Mr. DAWES. I inquire if that bill has been considered by the Committee on Indian Affairs?

Mr. SLATER. It has been considered and a Senate bill in the same words has been passed which I have had reconsidered in order that the House bill may take its place so that there shall not be a miscarriage of action between the two Houses.

Mr. DAWES. Are they the same?

Mr. SLATER. The same in words precisely.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WITHDRAWAL OF PAPERS.

Mr. GARLAND. I ask for the adoption of the following order:

Ordered, That the claimant in the case of the Spanish ferry-boat Nuestra Señora de Regla have leave to withdraw his papers from the files of the Senate.

The bill in regard to that matter has been passed, and the claimant needs his papers for settlement in the Treasury Department.

The order was agreed to.

AMERICAN SHIPPING.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1448) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes.

Mr. FRYE. Mr. President, when the Senate went into executive session yesterday, I was undertaking to argue that the logical and inevitable result of the adoption of the amendment for "free ships" would be an entering-wedge to our coastwise trade, would ultimately control it and destroy it, as England has controlled and destroyed our foreign merchant marine; and, Mr. President, it seems to me there is no escape from the proposition, that no man can be found so unwise and foolish as to purchase a foreign ship, well built, of good material, and place her under American registry with a limitation upon her rights imposed upon no other American ship carrying the American flag. And, sir, I am borne out in that proposition by Capt. John Codman. Who is Capt. John Codman? He is the drum-major of the whole "free-ship" band, and the magic of his wand sets the tune which shall be played. Capt. John Codman is the only man I know of who for ten years has besieged Congress in behalf of free ships. Capt. John Codman is the man of whom the Capital of last Sunday said:

The association of foreign steamship-owners and agents in New York, known as the "North Atlantic conference," has broken up and the companies are now engaged in a rather hot competition, which promises to destroy their profits during whatever period it may last. This association of foreign steamship-owners was an organization of which little was known by the general public. It disbursed large amounts of money in the interest of the foreign companies and some of it found its way to Washington. In fact, lobbying in the interest of the foreign ship-owners was one of the special purposes of the association. I am told that Capt. John Codman, the free-trade writer and agitator, was maintained for years by this organization. A gentleman closely identified with steamship interests told me that the funds of the "conference" were used freely to influence the New York press, and, whenever necessary, to influence official action in Washington.

Capt. John Codman, then, must be authority as to this point which I raise, and in his examination before the special committee of the last Congress in relation to this very thing he said:

I have suggested a limited tonnage—

I think his suggestion was 3,000 tons, was it not? The Senator from Missouri [Mr. VEST] says it was—

I have suggested a limited tonnage, which will not materially interfere with the coasting trade, rather than the admission of ships to be used in the foreign trade exclusively.

"Materially interfere with the coasting trade!" All the best vessels nearly in our coasting trade to-day come very near the 3,000 tons. He says further:

The reason is, that no Americans would wish to own ships whose voyages they could not control.

That is perfectly sound. The folly of an American speculator who would go into the buying of a ship when he could not control her after she was bought would be supreme.

If they could not use them when they desired to do so in the coasting trade, they would prefer to own them as they own them now, under the British flag, because it is more economical, and they are protected by a more efficient navy than ours.

Says Mr. Codman, on the next page, in answer to a question by Mr. DINGLEY:

Mr. DINGLEY. Is it necessary for a foreign-built vessel to participate in the coasting trade?

Mr. CODMAN. Yes, sir.

After that the deluge. Admit to American registry foreign-built ships, then, logically, as you must be compelled to do, admit them to your coasting trade, and then the old hulks in England, the sailor-coffins lying there idle now, will be purchased for half what decent ships can be built for here or elsewhere and put into our coasting trade. There is a shipyard in Hull that never has built a ship fit to sail on the ocean, that does nothing under the sun except build the poorest, cheapest ships, fit only to be sold to the insurance companies, which is generally their destiny. Ships from that yard, ships pronounced unseaworthy by the engineers, ships discarded from service by the Chamberlain bill when it becomes a law, the old iron ships of England, would come in here and with their cheaper crews would take absolute possession of our coasting trade, and the pride of America would once more be humbled.

Mr. President, the Senator from Missouri [Mr. VEST] in bringing forward this amendment is a skillful physician for a very sick patient. He dares not offer the bitter pill of free ships. No, the patient would not take it, and therefore he sugar-coats it with the provision of his amendment for free material, giving one the sugar and the other the bitter dose. Who asked the Senator from Missouri for free materials? I say there is not a ship-builder in the United States who has asked for such free-ship materials as these. I say there is not an iron-ship builder in the United States who desires that free-material clause. I say there is not an iron-ship builder in the United States who can build ships in competition with "free ships," even with the help of that free-material clause. It admits iron anchors, cables, iron plates, castings, forgings, angle-iron, beams, masts, yards, rivets, bolts, nuts, screws, engines, boiler-plates, tubes, machinery, and in fact all the materials that go into the building of an iron steamer free of duty. The remedy would be useless: first, because it would require a much larger capital and a more extended credit on the part of the American ship-builder; second, because the necessary delay in filling an order for a 4,000-ton ship would consume at least four months' time; and third, the American ship-builder purchasing the materials for such an iron ship would be subjected to freight bills and other expenses to enable him to lay them down in his yard ready for use of about $40,000, while the Senator from Missouri under the free-ship clause could purchase the same materials fitted into a completed ship, freight her, sail her to New York, and it may be clear twenty or thirty thousand dollars by the voyage. Again, the "free materials" in cost would be about one-third of the completed ship. The other two-thirds, entirely labor, would be furnished by our mechanics at daily wages nearly double those prevailing in England.

How about these wages? I have here, very fortunately published recently, taken from an English paper, the wages which were adopted in English ship-yards only a few months ago:

Since the year came in the ship-yards have not worked half or even quarter the forces of last year. Whole yards are lying idle and in others the work hours have been cut down and wages reduced. On the 1st of March the following scale of time-wages went into effect: Carpenters, $1.32 per day; joiners, $1.28; spar-makers, $1.25; riveters and calkers, $1.20; smiths and riggers, $1.14; painters, $1.10; fitters, $1.08; sailmakers, $1.04; strikers, 80 cents. Piece-work was to be reduced 20 per cent. under the change. The workmen are intelligent enough to comprehend the situation and cheerfully accept the reduced wages.

In my State, in our ship-yards, where the other two-thirds of that ship must be built, the wages are to-day twice those named in that scale. The average of wages in the ship-yard in this country is $2 a day, while the average of this scale is about $1.08, so that you get your one-third in free materials under that clause. You have an extra charge upon them of $40,000 to bring them here. Then you have a double rate of wages under which to build and to fit for sea the other two-thirds of that ship, and the Senator from Missouri with his free-bought ship escapes the whole. I ask, in the name of a decent common sense, how does that free-material clause help us, indissolubly connected as it is with the clause admitting foreign-built ships free of duty to an American registry?

The House bill also comes to us sugar-coated with the limitation of 4,000 tons. Some Senators entertain the idea that there is comparative safety in such a limitation. The freight ships of to-day and of the future are to be 4,000 tons and upward. And no Senator need flatter himself with the idea that this restriction affords any protection.

Mr. MORGAN. The Senator from Maine is a member of the Committee on Commerce; will he allow me to ask him whether the House bill has been reported to the Senate?

Mr. FRYE. It has been brought here.

Mr. MORGAN. It is in the Senate now?

Mr. FRYE. Yes, sir; it is on the table.

Mr. MORGAN. Then I would ask whether that bill will be taken up and acted on as a substitute for this?

Mr. FRYE. I can not tell.

Mr. MORGAN. Does the Senator favor that proceeding?

Mr. FRYE. That depends, sir.

Mr. MORGAN. That depends?

Mr. FRYE. Yes, sir.

Mr. MORGAN. I supposed we were engaged in some real act of legislation here, and not merely in a debating society proceeding over the question of free ships. I felt anxious that there should be something that there was a prospect of putting in the shape of law, and I hoped the Senator from Maine would bring up the House bill and let it be acted on in lieu of this bill, as this is a Senate bill and would have to go to the House and be put upon the Speaker's table, which is so heavily encumbered now, I believe, with more than two hundred Senate bills, the House never would get to it.

Mr. FRYE. I do not understand why the Senator should suggest that passing the Senate bill it may not become a law. Why is it a waste of time to pass the Senate bill?

Mr. MORGAN. I suppose that the two hundred orders or more which are on the Speaker's table would of course take precedence of this, and it would be perfectly understood that, the House having acted upon a bill and sent it to us, the Senate would act upon the House bill and not put them to the trouble of considering a bill of ours. Their bill came to us before we debated this question.

Mr. FRYE. It would be better for the Senate at once to adjourn and do no more business if that is the assumption upon which we are to proceed.

Mr. MORGAN. If the Senator will allow me, it would be better that we should adjourn than not to try to do a thing, or to debate something which is a mere pretense of doing business, when in fact it has no sort of direction.

Mr. FRYE. I decline to be interrupted further. I hardly see what that has to do with this question. I thought the Senator wished to ask a question.

Mr. MORGAN. I asked it and got an answer.

Mr. FRYE. I say the House bill came to the Senate with the limitation of 4,000 tons intended to satisfy Senators that that proposition was a safe one; but I ask any Senator here within hearing of my voice what his reply is to me, if that becomes a law, and I ask the right to import a 3,000-ton ship, or a 2,000-ton ship, or any ship? Why should a man worth a million dollars be permitted to go abroad and buy a 4,000-ton ship for two or three hundred thousand dollars less than he can buy it here, and the man of smaller means, wishing to buy a 3,000-ton ship, be compelled to pay the higher price for the American ship? What is the logic of that? There is none. As a matter of course, if you to-day put the limitation of 4,000 tons on the ship that may be imported, to-morrow that limitation will be removed; it must be removed logically, and you must admit any ship that any man wishes to buy to an American register or none at all.

Then, again, the House proposition is utterly absurd in this, more absurd than the amendment offered by the Senator from Missouri, because the House bill leaves the duty from 30 to 45 per cent. upon all materials entering into a ship and admits a 4,000-ton ship free from all duty.

Mr. BAYARD. In the debate, if I may refer to it, there was a clear admission that the free-material clause should accompany the free-ship clause.

Mr. FRYE. I have undertaken to show that the free-material clause is not worth a cent to a ship-builder with free ships coupled with it, and that no ship-builder asks for it, nor could it be taken advantage of.

Mr. BECK. The Senator from Maine is interrupted now, and if he will allow me, he to-day announced that no ship-builder in this country was willing for free ships even if free materal was allowed. Am I correct in that?

Mr. FRYE. Yes, sir.

Mr. BECK. A dispatch was sent to me a little while ago from a friend in the House which reads thus:

DETROIT, MICH., *April* 30, 1884.

FRANK H. HURD:

If you will give us free materials we are willing to have free ships and fear no competition.

FRANK E. KIRBY.

Mr. Kirby represents the largest iron-ship building industry on the great lakes.

FRANK H. HURD.

I called on the Senator from Michigan [Mr. PALMER] a few moments ago and asked him who Mr. Kirby was, and he corroborated what Mr. HURD said, that he was connected with the largest ship-building industry there, a highly respectable and a very intelligent man. That is all I know about it.

Mr. FRYE. I am not surprised that one should be found in the whole country, nor would it amaze me if Mr. Kirby failed to understand the amendments.

Again, sir, there is another interest to be looked out for here in this matter of free ships. There are iron-ship yards in this country doing to-day an immense business, and prepared to do very much more. Take the ship-yard of William Cramp & Sons, of Philadelphia, and there is no ship-yard that stands higher. Their names are known all over this country and all over Europe. They have built some of the best vessels that ever have been built in the world. They built a few months ago a vessel called the San Pueblo. It carried 4,500 tons dead weight; an iron steamship. It cost $350,000. It was built for the Pacific Improvement Company. Its first voyage was from New York to Port Said, and it made it quicker than any ship anywhere ever did before. It went through the Suez Canal, the first large American steamer that ever went through the canal. It sailed from there to Singapore. It made the quickest time from New York to Singapore that ever was made by any steamship. The voyage was successful. William Cramp & Sons have been two generations in establishing their reputation as ship-builders. They have a plant of at least $1,200,000. They have all the machinery necessary for building iron ships. Mr. Cramp told me that in eight months' time he could float six 4,000-ton ships from his yard. He has to-day three iron ships on the stocks, and one just launched, averaging over 3,000 tons each. He has immense machinery, everything required for building ships of three, four, five, or six thousand tons. That business built up with an experience of two generations is worth something to the owners, but more to the United States.

Take John Roach. He has a plant of over $2,000,000 invested in the Morgan Iron Works in New York city and in his yards at Chester. He is prepared to build ships of any size, and has built several over 5,000 tons burden. He employs 3,000 men, has all of the appliances, all of the tools, everything necessary in his own ownership to commence from the very bottom and build every part of his ship and float her on the ocean. That ship-yard is worth something to the United States of America.

Take the Harlan and Hollingsworth Company, names as familiar as household words in this country as ship-builders, names above reproach anywhere, experienced, skilled men, with experienced and skilled laborers, and a million dollars for a plant. Their ship-yard is of value to this Republic. Take Pusey & Jones, also experienced ship-builders; a million-dollar plant. Take Gorringe's new company on the Delaware; I presume a million-dollar plant, too. Take Neaffie & Levy at Philadelphia; another million dollars. Take the Dialogue Works in New Jersey; another million dollars.

By the last census there were 2,188 ship-building establishments, with a capital invested of $20,979,874. In those establishments there were 21,845 workmen, who received in wages annually $12,713,813. Besides these employers and employés directly affected by the passage of a free-ship bill there are the iron and steel manufacturers, their workmen, iron-ore and coal miners, lumbermen and raftsmen, sail and boiler makers, boiler and steam-engine works outside the ship-building establishments, associated together, employing more than 1,000,000 men.

It was a slight thing in olden days to own a ship-yard. Three thousand dollars would be plant enough for the building of the wooden ship. But when it comes to building iron ships it will take a million dollars at least, especially to build a ship of 4,000 tons and upward. Mr. Goss, the leading wooden-ship builder in the United States, living in

my own State, at Bath, Me., building more wooden ships to-day than all the rest of the ship-builders together, has already entered into an agreement with Boston parties to go down here to Alexandria and invest $1,000,000 in an iron-ship yard there, the iron and the coal being nearer than in his own State and the saving of freight being great. They are simply awaiting the result of this bill in Congress.

I submit that free ships would ruin every yard that I have named in this country and would stop absolutely every project for new yards. The Senator from Alabama [Mr. MORGAN], who interrupted me a moment ago, has in his State the best opportunity for iron-ship building that is to be found in the United States—coal, iron, water lying right side by side, and the land to-day not worth more than $15 an acre. Pass this free-ship clause and it never will be worth more. Pass the rest of this bill and leave the free-ship clause off, and in less than ten years there will be millions of dollars invested in the State of Alabama in building iron ships, for the experience of men shows that you must go where the iron and the coal and the water are; you can not afford to bring the coal and the iron where you are.

Who has asked for free ships? Has any ship-owner? Has any ship-builder? Has any ship-carpenter asked for free ships? Has any mechanic working in those ship-yards asked for free ships? Have any of the million of men who to-day are interested in ship-building in this country, directly or indirectly, as laborers, ever asked for free ships? No one asks for them except importers, who ask for free trade in everything. France and England and Germany would like free ships. Of course they would, and then in the event of a war they would know where to go with their merchant ships. They would go under the American flag, and each one of those nations with a free-ship clause could save 25 per cent. at least in the expense of maintaining a navy to take care of their great commercial interests. It is for this England so persistently seeks it at our hands, not for the sake of selling ships.

Once more I wish to appeal to the Senator from Missouri [Mr. VEST]. Here is a bill every section of which is admitted to be healthy, wise, just, every section of which and every amendment that the committee proposes to make to it, relieving American shipping from serious burdens it has borne now for a century, every section of it calculated to help to the revival of the merchant marine, the committee of the House unanimously agreeing that that is so, the Committee on Commerce on the part of the Senate unanimously agreeing that it is so. Why, I ask him, should he, then, where there is absolute agreement upon every other clause, bring in here a proposition which at least one-half would believe would be absolute destruction to the interests involved, which every ship-builder believes would destroy his ship-yard, which every ship-owner knows would depreciate the ships in his hands?

Mr. President, I was asked by several Senators to explain generally this bill, and as briefly as I can I will. Section 1 provides that officers of American ships other than the captain may under certain circumstances be foreigners. The law requiring American ships to be officered entirely by Americans was passed many years ago, was well at the time because our sailors were American, and in case a mate or second mate was disabled there was no difficulty in supplying his place in a foreign port. To-day it is changed; the most of our seamen are foreigners, and frequently now an American ship in a foreign port with a disabled mate can not supply his place with an American officer. To that section there is no objection, unanimously reported by the House committee, unanimously reported by the Senate committee, passed the House of Representatives twice, passed the United States Senate without division.

Sections 2, 3, 4, 5, 6, 7, and 8 relate entirely to what is known as extra wages. The statutes to-day provide that in almost every contingency if an American master discharges his sailors in a foreign port, with or without their consent, he shall pay three months' extra wages, besides all the wages that are due—two months to go to the sailor and one month to the United States Treasury. That was well when it became a law and our sailors had homes, were American, and did not wish to be left in foreign ports; but to-day our sailors are at home in one port as in another, and are as willing to be discharged in one port as in another. Yet if you undertake even with the consent of your crew to discharge them in a foreign port you are compelled to pay three months' extra wages. Twice since I have been in Congress I have recovered, in one case $1,500 and in another twelve hundred and odd dollars, for fees exacted under that law. I have a dozen cases lying in my desk where those wages have been exacted, on one ship twice within three months, amounting to over $3,000. The proposed amendments of our law correspond almost entirely with the English law. England has repealed the extra-wage clause. It now, only in unusual circumstances, allows one month's wages to be exacted, and that one month's wages in England is only a little over half the one month we provide for in this bill for American ships and American sailors. These three clauses have passed unanimously three committees, twice through the House, once through the Senate without a division, again unanimously from the Senate Committee on Commerce, and I believe there is no objection to them.

The ninth section provides for the return of sailors home left in foreign ports sick or destitute. The law as it stands to-day compels every American vessel to take two for each one hundred tons burden and carry them home and receive as pay $10. The average voyage from Melbourne to New York is one hundred to one hundred and ten days, and under that law an American master in Melbourne is compelled to take two destitute or sick sailors for each one hundred tons and carry them, supporting them in every way for one hundred and ten days, for $10. This section repeals that law, and provides that it shall be $10 where the voyage does not exceed thirty days and where it exceeds thirty days it may be $20.

Section 10 is a provision about advance wages. It is purely philanthropic. It is tentative entirely. I have little or no faith in it; but the friends of the sailors, the humanitarians, were exceedingly anxious to have some section here to prevent the advanced wages. To-day the sailors are in the hands of boarding-house keepers. The boarding-house keeper makes the demand upon the captain of the ship; the captain of the ship advances two months' wages; the boarding-house keeper gets the whole of it; the sailors taken on board the ship are compelled to work two months for nothing, and no one has received a dollar of payment except the boarding-house keeper and the groggeries in the cities. This is an attempt to rectify that. I do not believe it can be done. I never yet have seen any power on earth equal to the power of a sailor boarding-house keeper; anything can be evaded. England has tried for fifteen years to stop that and has not succeeded. This is our first attempt by legislation. I suppose no one will object to the trial.

Section 11 requires the ship to carry a complement of clothing, tobacco, &c., and slop-chest. That is necessary, so that the sailor may supply himself when he gets on board, and nobody objects to it.

Section 12 repeals all consular fees now charged to vessels. It may amount to $100,000 a year. Our consular system is self-supporting. Last year the United States made $50,000 or $60,000 out of its consular system, and I see now one branch of the Government in its economic frenzy is cutting down the wages of the consuls still more. Why, when the United States vessels and vessels from other countries support them and pay into the Treasury of the United States $50,000 or $60,000 of excess every year? The bill repeals those consular fees, the whole of them. That also has passed Congress, both branches; it has passed the committees unanimously, and no one objects to it.

Section 14 relates to the tonnage tax. We collect now, from what is known as a war tax, the tonnage tax, $1,400,000 a year, from vessels. That is all covered into the United States Treasury and is clear profit. About $300,000 of it comes from our vessels and the balance from foreign ships. If it all came from ours we would repeal it as a war tax as unfit to stand. Foreign governments charge us, not tonnage tax, but light dues and other taxes more than the equivalent of this tax. Therefore it is deemed wise to retain this. But under existing law a 2,000-ton ship which makes only one voyage in a year pays a tax of $600 for that year. An English steamship of 2,000 tons making ten round voyages in the year pays $600 and no more, the steamer paying no more than the sailing vessel.

We have undertaken to provide in the bill against that discrimination against the sailing vessel, and we provide that the tonnage tax shall be 3 cents a ton on certain vessels certain voyages, not exceeding 15 cents in any year, and collected at every entry. We provide further that on other ships and on other voyages it shall be 6 cents at each entry, not to exceed 30 cents, the present amount, for any one year. I presume there would be no objection to that. That would leave in the Treasury of the United States above $1,000,000 a year.

Section 15 relates to the hospital tax. We collect under our law to-day 40 cents every month from every sailor on an American ship for the support of hospitals. It amounts to $400,000 a year, and it just about supports the hospitals. I think (the Senator from Missouri will remember) it came within a few thousand dollars last year, did it not?

Mr. VEST. Yes, sir.

Mr. FRYE. It just about supports the hospitals. Every civilized nation has hospitals for its sailors, and no civilized nation charges the sailors for it. This is a charge against the sailors, but the vessels are compelled to pay it, of course, because in shipping our crews every sailor knows the fact he is to be taxed 40 cents a month, and that amount is added to his wages, so that the vessels here pay $400,000 a year, and the vessels of no other country pay a cent for like service. We have provided for its absolute repeal.

Mr. BECK. If the Senator will allow me to inquire—I looked at it, but I am not prepared myself to state—is the committee entirely satisfied that we can give no relief in regard to the tonnage tax to American ships without the law also affecting foreigners the same way?

Mr. FRYE. That was the conclusion they arrived at after an examination. I had supposed formerly that it could be done, but I examined it with a good deal of care and came to the conclusion it could not be.

Mr. BECK. I was aware that the Senator from Maine at one time thought it possible, so I asked him the question, though I was not sure myself.

Mr. FRYE. I remember that about the same time, and in about the same discussion, I stated another thing which I thought I knew absolutely, and that was that it was in the power of the United States to relieve those ships from taxation. I think a good many and very much abler lawyers than I am had the same opinion, and yet on consulting the Senator from Missouri once he informed me that he thought I had better look over the law. I did so, and in about two hours' time

I came to the conclusion that the United States was utterly powerless in the premises, that it was a matter within the States and for the States, and that the United States could not do it. I am happy to be able to say that I learn something every day, and the more I associate with distinguished gentlemen like the Senator from Missouri and the Senator from Kentucky the more I am learning; but I never shall learn to like free ships from either of them.

The House bill provides in one section that the cost of supporting the hospitals shall be charged to the collection from the tonnage tax. This bill contains no such provision.

Section 16 provides that all articles of foreign production, supplies for vessels engaged in the foreign trade, shall be taken from bonded warehouses free of duty. That section created some commotion. The men who are engaged in the manufacture of rigging, sails, and cordage appeared before the committee and protested against it, because it admitted free of duty all which would go into the equipment of a ship. I hardly believed it. I understood the words "supplies" and "stores" to be technical and not to apply to equipment; but rather than make any mistake I addressed a note to Mr. James, chief of the customs division of the Treasury Department, in Washington, asking him, and I received the following reply. In order to quiet those gentlemen I will have it read and made a part of my remarks.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Secretary will read the communication.

The Secretary read as follows:

TREASURY DEPARTMENT, *April* 18, 1884.

DEAR SIR: In answer to the inquiries contained in your note of yesterday, I have to state that the words "ship-stores" and "ship supplies" are understood in the practice of this office as equivalent to each other and to the corresponding words "sea-stores" and "sea supplies," and appears to have been generally applied to such articles as are consumed on board, by being eaten, drunk, or burnt; that rigging, sails, anchors, chronometers, &c., are designated as equipment, and that the question what quantity of sea stores or supplies should be dutiable as sufficient is wholly within the judgment of the collector of customs to whom the list of such supplies is presented by the master of an arriving vessel.

Very respectfully,

H. B. JAMES,
Chief of Customs Division.

Hon. W. P. FRYE, *United States Senate.*

Mr. FRYE. This simply puts us on an equality with the English ship-owner as to supplies. He has always had them free of duty and the right to withdraw them from bonded warehouses.

Section 17 is a provision in which the Senator from Delaware [Mr. BAYARD] will feel some interest. There is a statute somewhere (I tried to find it this morning and could not) which provides that articles of American manufacture for foreign markets made wholly from foreign materials shall be entitled to a drawback of 90 per cent. when exported. We manufactured a great many different agricultural implements, and very early the Treasury Department put a construction upon that law which forbade the manufacturer from putting into the article anything of American product, holding that even if a piece of wood of American growth was used he could not get his 90 per cent. drawback; and by several statutes we have provided against that construction for agricultural implements.

We have been building ships for the South American markets principally under that statute, and the Treasury Department has held the same construction, that if a plank of American growth was put into the ship no drawback could be received. That is distinguishing against us, our products and our people, and it is compelling the builder in order to get the drawback to send abroad for every dollar's worth of the material. This section provides, as has been provided about agricultural implements, that if the ship is manufactured wholly or in part of foreign material the builder shall be entitled to the drawback on the articles imported. That will have a very beneficial effect, and will enable the ship-builder on the Delaware River to build all the vessels required for the South American waters.

Section 18 touches the individual liability of ship-owners. To-day, except as otherwise provided by statute, in case of collisions, torts, embezzlements, &c., the American ship-owners are simply copartners. A dozen in the ownership, each a twelfth, or more or less, as ships are owned in our country, are copartners in the law, and in any contracts that are made, no matter what they may be, each one is held for the whole. This deters many men of wealth from undertaking to build ships. It will be remembered that we are not copartners in the ordinary association of such. It will be remembered that my share of the ship can be disposed of without the consent of the others. At any day, at any moment, I can register the bill of sale, and I am no longer a member of the copartnership, and so every share of the ship may be disposed of without the consent of the other owners. It must be understood, too, that we have no more control of our ships as ship-owners than the stockholders in a great factory have; not so much, because our ship is out of our sight three-fourths of the time. We relieve stockholders in these corporations from any liability beyond their stock simply because they are conducted by agents and superintendents; but your ship is controlled by agents and superintendents, and those agents are out of your sight and out of your reach for months at a time. I believe that that liability should be limited, and it will be a great inducement and encouragement to men of wealth to invest in ships.

Mr. BROWN. To what is the liability limited?

Mr. FRYE. To the extent of the amount owned, the same as in a corporation.

The committee have authorized me to offer certain amendments to the bill, which I will address myself to at this moment. The first two amendments are suggested by the able speech of the Senator from Missouri [Mr. VEST] made on free ships when the naval appropriation bill was under consideration. One serious objection urged by the Senator was that if we shipped a crew in Liverpool for a round voyage to New York and back we were compelled to discharge them in New York and reship them. If we shipped them for three months and we entered a home port twice in the three months we were compelled to discharge them each time and reship them. The Senator from Missouri complained that it increased the wages and thus made a discrimination against American ships. I complained not that it did that, but that it placed an additional expense upon the American ship which was without reason. It costs the Philadelphia line $6,000 every year to reship when they hire their hands by the year at so much a month. These two provisions commend themselves to the Senator from Missouri for the one reason, to me for the other, and to the committee unanimously for both. I have no doubt they will be productive of great good. In fact, I have received letters and telegrams already indicating the importance in which they are held elsewhere.

The next amendment I am authorized to offer is a section in reference to the painting of the name of the ship on the stern. Not very important that must appear to Senators. Many of our ship-owners in the State of Maine think more of that than they do of the rest of this bill. The man who owns a ship looks upon her as his wife or his children; he loves his ship; and under the law as it stands to-day he is required to paint on the stern the name, it may be that of his wife or of his daughter and the port to which she belongs. For seventy-five years the port to which she belonged was construed to be the place where she was owned, and if a man built a ship in Surry and she was owned there, he painted on the stern the "Mary Ann, from Surry, Me." In 1875 a sharp Treasury official discovered that it was a violation of the law. He reported to the Secretary of the Treasury, and the Secretary issued an order that all those ships must bear the name of the port of entry regardless of where they were built or owned. They are building vessels, home vessels, owned at home, owned in families, in many instances by the blacksmith, the carpenter, the captain, and the mate. Their vessels they wish to name after one of the family and the home, the place where she is owned and built, and yet under the construction of the Treasury Department she may be the "Julia Ann" from Machias, her port of entry, but actually built and owned a hundred miles from there. Take Bath and Richmond, on the Kennebec River—Bath, the greatest ship-building city in the United States to-day of wooden ships; her rival, Richmond, is fifteen miles above. The men who build their ships in Richmond regard it as about as serious a wrong as can be imposed upon them by law to compel them to put a ship built there and owned there under the name of Bath, her port of entry, and Bath would fully reciprocate under like circumstances. I take it that no Senator will object to that provision.

Mr. HALE. Just there let me ask my colleague, was not the reason for the ruling of the Secretary of the Treasury that the technical view was taken of the word "port," and it was concluded there could be nothing but the port of entry, thereby taking away this privilege from the men who built the ship?

Mr. FRYE. I so understand it.

The next provision I was authorized to offer was:

That until the provisions of section 1, chapter 376, of the laws of 1882 shall be made applicable to passengers coming into the United States by land carriage, said provision shall not apply to passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada or the ports of Mexico.

A law was passed in 1882 imposing a head-tax upon emigrants of 50 cents a head. It was for the benefit principally of New York city. It intended to apply as a matter of course to emigrants crossing the ocean. Nobody dreamed it would apply to those coming across a river or a bridge or a ferry-boat, or anything of that kind, from Canada. Under that law to-day every steamer sailing from Portland or Eastport or Machias, Me., across one hundred miles to Saint John or up the Saint John River or down to Halifax is compelled to pay 50 cents a head for every Canadian returning in her to the United States. There is a railroad running right down by the coast going straight across the Saint John River into Saint John city, and that can bring all the emigrants it pleases without being subject to any tax. You may take it up the Saint Lawrence River, it is the same. If you ride over the railroad bridge you pay no tax; if you come across the ferry-boat you pay 50 cents a head; and so all the way along the borders of the Canadian coast down the lakes and the rivers. It is working a great hardship and injustice, and it ought not to apply except as this provision directs it shall. I trust that amendment will be adopted.

Now, I come to what I regard as the most important provision of the whole bill, and that is sections 19 and 20. Under the law to-day the United States seizes an American vessel, detains her at the wharf until the mail-bag is ready, puts the mail-bag on board, compels her to deliver it at the port of destination, and pays her about 1 cent a letter. In one-third of the cases to South American ports it does not pay the ship the actual cost of delivering the letters at the port of destination.

To all the Mexican and South American ports last year the whole amount paid for carrying the United States mails was $10,351.57 under that infamous law. I say that $10,351.57 did not pay $5,000 over and above the actual cost of handling and delivering those mails. Let me present a table showing the sums paid last year for ocean mail service:

Statement showing the sums paid for ocean conveyance of mails exchanged between the United States and Mexico and South America during the fiscal year ended June 30, 1883, and the lines of vessels employed in the conveyance of said mails.

MEXICO.

Line.	Termini of service.	Amount paid.
New York, Havana and Mexican Mail Steamship Company	New York to Mexico	$4,485 15
Do	New Orleans to Mexico	644 89
California and Mexican Steamship Company	San Francisco to Mexico	358 44
Pacific Mail Steamship Company	New York to Mexico	59 48
Do	San Francisco to Mexico	975 48
North and South American Steam Navigation Company	New York to Mexico	51
Morgan line	Galveston to Mexico	14 79
Do	New Orleans to Mexico	485 69
Steamer Chase	do	10 60
Steamer Sidberry	do	46 78
Total		7, 051 81

SOUTH AMERICA.

Atlas Line	New York to United States of Colombia	$606 41
Do	New York to Venezuela	7 93
Red D Line	do	653 24
Royal Mail Steamship Company	New York to United States of Colombia	42 96
Pacific Mail Steamship Company	do	1,520 63
Do	New York to Colon for Chili	954 51
Do	New York to Colon for Ecuador	304 64
Pacific Mail Steamship Company	New York to Colon for Peru	$1,052 77
Do	San Francisco to United States of Colombia	79 89
Do	San Francisco to Panama for Chili	94 43
Do	San Francisco to Panama for Ecuador	9 99
Do	San Francisco to Panama for Peru	73 81
Do	New York to British packet agents Colon and Panama	27 62
Do	New York to United States consul, Panama	5 50
Do	San Francisco to United States ships and United States consul, Panama	208 70
North and South American Steam Navigation Company	New York to Colon for Chili	7 47
Do	New York to Colon for Peru	5 57
Do	New York to United States of Colombia	84 35
Do	New York to Colon for Ecuador	1 35
Steamer Mendoza	New York to Argentine Republic	43 75
United States and Brazil Mail Steamship Company	New York to Brazil	2,377 74
Do	Baltimore to Brazil	108 86
Do	New York to Brazil for Argentine Republic, &c	199 32
Merchants' Line	New York to Brazil	1,128 01
Do	Philadelphia to Brazil	19 73
Do	Baltimore to Brazil	30 13
Do	New York to Brazil for Argentine Republic, &c	58 49
Booth & Co.'s steamers	New York to Brazil	370 92
Do	New York to Brazil for Argentine Republic, &c	8 38
Morris Waln & Co.'s steamers	Philadelphia to Brazil and to Brazil for Argentine Republic, &c	199 61
W. H. Crossman & Co.'s steamers	New York to Brazil and to Brazil for Argentine Republic, &c	66 73
William Darley & Bentley's steamers	Boston to Brazil	8 13
Total		10,351 57

Last year we paid the Pacific Mail Steamship Company for carrying the United States mails $21,559.34, 7 cents a mile. We paid the American line from Philadelphia to Queenstown $3,006.37, 3 cents a mile; and two years ago we paid from Galveston to Brashear, for one year, $50,000, or a dollar a mile. That was a coastwise vessel, while the former was an American vessel sailing to foreign ports.

Great Britain carried last year 46,051,500 letters on the ocean; the United States carried 23,958,691. The United States made $1,300,000 and covered it into the Treasury; and Great Britain paid $1,600,000 more than she received for twice the number of letters. The United States, under that infamous statute which authorizes the Postmaster-General to seize a vessel and compel her to take the mails, covers into the Treasury every year over a million dollars taken out of the merchant marine, and then Senators wonder what is the trouble with this service, and every time any attempt has been make to repeal that section the cry of "subsidy" has been raised and the repeal has never been made.

The United States paid last year for its whole foreign mail service about $279,000; $40,000 of it went to American ships; the balance of it, about $239,000, to foreign ships. The largest price paid by the United States to an American vessel was 7 cents a mile. What is it in the steamboat service on our rivers, lakes, and coast? San Francisco, Cal., to Eureka, Cal., $6,500 a year—58 cents a mile; Portland, Oreg., to The Dalles, Oreg., $7,487—21 cents a mile; Seattle, Wash., to Sehome, Wash., $8,439.83—32 cents a mile; Port Townsend, Wash., to Sitka, Alaska, $16,000—$1.23 a mile; San Francisco, Cal., to Portland, Oreg., $22,000—69 cents a mile; New Tacoma, Wash., to Port Townsend, Wash., $29,700—97 cents a mile. How does that contrast with the 7 cents a mile to the Pacific Mail Steamship Company and 3 cents a mile to the expiring Philadelphia and Queenstown line? How can Senators justify the continuance on the statute-book of a statute which does that gross injustice? What is the difference between sailing and carrying your mails across the ocean to a foreign port and carrying them from Galveston to Brashear, or from Boston to Portland, or from New York to Baltimore? Why do you apply one rule in the one case and another rule in the other? Why is it a subsidy for you to pay a reasonable price for carrying the mail to Liverpool and not a subsidy when you pay an unreasonable price for carrying it to Sitka?

Take your star-routes. I have half a dozen of them here, which I will present, where the pay per mile to one is 20 cents, to another 27 cents, to another 25 cents, to another 45 cents, and to another 29 cents.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., January 8, 1884.

SIR: In reply to your letter of the 7th instant (No. 64025 Stat.) I have the honor to inform you that this office can not give you the weight of mails on steamboat and star mail-routes, but the following table will show you the length of travel, the frequency, and cost of six of the largest of the steamboat routes, and also six of the largest star-routes:

STEAMBOAT ROUTES.

No. of route.	From—	To—	Pay per mile.	Miles.	Trips.	Annual pay.
46096	San Francisco, Cal	Eureka, Cal	$0 58+	216	Once a week	$6,500 00
44099	Portland, Oreg	The Dalles, Oreg	21+	111	Six times a week	7,487 00
43098	Seattle, Wash	Sehome, Wash	32+	167	Three times a week	8,439 83
43096	Port Townsend, Wash	Sitka, Alaska	1 23+	1,083	Once a month	16,000 00
46100	San Francisco, Cal	Portland, Oreg	69+	688	Four times a month	22,000 00
43097	New Tacoma, Wash	Port Townsend, Wash	97+	98	Six times a week	29,700 00

STAR SERVICE.

No. of route.	From—	To—	Pay per mile.	Miles.	Trips.	Annual pay.
46162	Cedarville, Cal	Reno, Nev	20+	177	Six times a week	$11,328 00
46155	Bieber, Cal	Lakeview, Oreg	27+	115½	Seven times a week	11,500 00
37116	Green River City, Idaho	Fort Washakie, Wyo	25+	153½	Seven times a week	13,000 00
42121	Boise City, Idaho	Winnemucca, Nev	27+	267	Seven times a week	26,700 00
46153	Redding, Cal	Grant's Pass, Oreg	45+	200¾	Seven times a week	34,572 03
41111	Kelton, Utah	Pendleton, Oreg	29+	544¼	Seven times a week	57,665 97

Very respectfully,
Hon. JAMES S. CRAWFORD, *Superintendent Foreign Mails.*

H. D. LYMAN, *Acting Second Assistant Postmaster-General.*

Why, Mr. President, the average paid on star-routes and steamboat service coastwise is 57½ cents a mile, and the average paid on the ocean for your foreign mail service, when you are trying to recover and restore your merchant marine, is not 5 cents a mile. Why? Because the Postmaster-General has absolute power and dominion over your vessels under that statute.

Mr. President, the Senator from Kentucky shied when he struck these two sections. He said that he had a little fear that there might be a subsidy here. What is a subsidy? The Senator from Missouri in his speech the other day said that England never paid a subsidy; she paid for carrying the mail. Is this a subsidy, paying for carrying the United States mail at a fair and reasonable price? Is the Senator from Kentucky unwilling to pay a fair and reasonable price for this service? Does the Senator from Kentucky believe that it is not only right but it is the duty of the United States to pay a fair price for carrying the mail anywhere? It never will until this section of the statutes is repealed.

This bill simply provides that the United States may pay as much as it receives—no more; that is to say, the foreign mails shall be self-supporting. Is that subsidy? Suppose it was required of Kentucky, let me see how she would come out. We paid last year for mail service and mail facilities in Kentucky $135,816.93 more than Kentucky paid us; we paid for Missouri $305,429.17 last year more than we got from the mail service there; we paid for Texas $749,238.64 last year more than we received; we paid for Arkansas $540,309.56 more than we received. We even paid for the great State of Ohio nearly $600,000 last year for her mail facilities over and beyond what the State of Ohio actually paid into the United States Treasury for the Post-Office establishment. Suppose we take Missouri, Ohio, Kentucky, and the rest of those States, and say that that is a subsidy, and refuse to give them any more than this section gives for the foreign mails, why should we not? I will submit this table as a matter of information:

States.	1880.		1881.	
	Profit.	Loss.	Profit.	Loss.
Maine	$4,869 40		$54,642 71	
New Hampshire	45,329 58		60,030 71	
Vermont		$13,250 11		$602 40
Massachusetts	757,210 18		919,091 56	
Rhode Island	114,638 44		129,345 62	
Connecticut	142,196 91		164,577 54	
New York	1,816,099 56		2,011,475 43	
New Jersey	138,892 59		108,234 06	
Pennsylvania	496,832 49		653,403 85	
Delaware	7,727 58		14,950 81	
Maryland		50,451 42		29,084 98
Virginia		226,736 30		320,309 33
West Virginia		36,326 68		27,928 77
North Carolina		150,339 80		164,448 78
South Carolina		67,728 29		77,461 51
Georgia		182,187 06		238,902 71
Florida		123,183 65		138,146 70
Ohio		437,000 66		506,516 02
Michigan	139,618 91		192,371 21	
Indiana		52,313 87		43,136 70
Illinois	172,024 62		294,448 81	
Wisconsin	51,064 75		48,701 82	
Iowa		19,299 84		7,654 07
Missouri		240,571 78		305,429 17
Kentucky		123,606 89		135,816 93
Tennessee		83,605 82		90,111 31
Alabama		186,425 52		217,698 83
Mississippi		106,925 12		126,905 03
Arkansas		525,575 17		540,309 56
Louisiana		187,967 83		165,352 10
Texas		701,882 81		749,238 64
California		663,703 25		569,708 24
Oregon		214,996 20		243,460 94
Minnesota		59,759 88		37,731 15
Kansas		241,643 27		346,769 89
Nebraska		523,758 13		543,852 53
Nevada		175,094 79		192,432 40
Colorado		189,518 59		309,767 41
Utah		203,822 08		220,115 52
New Mexico		231,027 18		169,804 54
Washington		88,585 19		85,005 16
Dakota		188,602 73		193,072 75
Arizona		357,622 57		327,342 75
Idaho		154,537 66		164,470 66
Wyoming		124,560 76		129,027 99
Montana		172,541 88		232,978 61
Alaska	230 96		132 64	
District of Columbia		44,957 49		61,189 77

The profit column shows the amount that the receipts are greater than the expenditures for the year.

The loss column shows the amount that the expenditures are greater than the receipts.

Very respectfully,

W. B. THOMPSON,
General Superintendent.

Mr. President, I have here a statement of the Postmaster-General showing our foreign mail service for 1883. I have already stated the amount, but it is necessary for information as to the other sections of this bill that this should be printed:

Statement showing approximately the net revenues of the Post-Office Department of the United States on mail matter sent to and received from foreign countries during the fiscal year ended June 30, 1883, *based upon the tabulated estimate of mail matter exchanged during that period, given on page* 697 *of the Postmaster-General's Report for* 1883:

RECEIPTS.

Amount of postage prepaid on letters sent abroad	$1,450,078 90
Amount of postage prepaid on postal cards sent abroad	32,328 26
Amount of postage prepaid on printed matter sent abroad	451,357 92
Amount collected on unpaid mail matter received	145,148 46
40 per cent. on $52,507.80 of registration fees on 525,078 registered articles sent abroad, this being estimated as net profit on registration	21,003 02
Total receipts	2,099,916 56

EXPENDITURES.

Amount paid for sea conveyance, other than intermediary or transit, namely:			
1. To foreign vessels, including French packets		$284,076 41	
2. American vessels		32,445 72	
Amount paid foreign administrations for intermediary, territorial, and sea transit of United States mails	$86,745 91		
Less amount received for similar service performed for said administrations by the United States	30,252 96		
		56,492 95	
Estimated cost of interior (domestic) mail service on 57,573,272 letters sent and received (three letters to one ounce = 19,191,091 ounces, 2 cents per half ounce)	767,643 64		
2,939,735 post cards sent and received, at 1 cent each	29,397 35		
48,329,548 packets, prints, &c.; 490,422 packets, samples, sent and received (50,851,391 ounces, at 1 cent for two ounces)	254,256 96		
		1,051,297 95	
Total expenditures			1,424,313 03
Net revenue			675,603 53
Net revenue, without charge for estimated cost of interior service as above, namely			1,051,297 95
			1,726,901 48

Mr. President, England of course is a model in these matters of shipping. I admit that she is, and that we should do well to follow her. Has she ever pursued any policy like this to her ships in ocean service? Let me look for a few moments. In 1837 England made her first mail contract. In 1840 she made one with Samuel Cunard to build a line of mail steamships for the North Atlantic. In 1840 he had four 1,200-ton wooden side-wheel steamers; speed, nine knots under favorable circumstances. It did not cost over $200,000 each to build them, making a total cost of $800,000 for those vessels. Mr. Cunard received from England $413,000 the first year for carrying the mail on those ships, and the second year $550,000, or nearly 70 per cent. on his whole investment. We pay 3 cents a mile.

She contracted with the Oriental Steamship Company in 1840 for a monthly service to Japan and China, and paid $1,121,500; increased it the next year to $2,243,000. She also made contracts with the Royal Mail Steamship Company to the West Indies and Brazil, with the Pacific Steam Navigation Company to the west coast of South America. In 1850 she was paying annually $4,523,666 for carrying the mails, 30 per cent. on the capital invested that year in her ships. She made a contract with the Peninsula and Oriental Company for $2,500,000 in 1853, and renewed it in 1867. She made a new contract in 1870 with the same company, and in the articles of agreement provided that the vessels should be of a certain kind and fitted for war purposes. Besides this, other governments pay the same English ships.

Take the Royal Mail Steamship Company and the Pacific Steamship Company: Brazil and other countries pay them $1,000,000 more a year, besides what England pays them. The official reports of the Eng-

lish post-office department show that England paid in 1880 $3,708,618, the other countries paid these lines enough to make it $5,000,000 for carrying the mail, and the same year we paid for carrying the United States mail $279,000, and the English lines were getting $5,000,000. Brazil paid them $950,000. The same year the United States and South American States paid them nearly $800,000 more.

France paid last year $5,000,000 for carrying her mail, and not content with that, she has a law now, which I believe is the best one ever enacted, by which she pays bounties to the builders of her ships and bounties for the sailing of them. I will present a statement of the French law, as reported by Mr. Frazier:

To illustrate this new French bounty law, apply it to a 3,000-ton iron ship. The bounty would be—

On building:

Weight of iron in hull, 1,800 tons, at $12	$21,600
Weight of machinery, 500 tons, at $24.43	12,615
	34,215

Then there is allowed 30 cents per ton for every 1,000 miles run, after being put in service, for first year, diminishing 1 cent per mile each year thereafter.

Presuming the above 3,000-ton steamer makes ten trips from Havre to New York per annum, or 60,000 miles, this gives for first year's service as follows: Three thousand tons at 30 cents = $900×60 = $54.000; and second year's service, $52,000. This bounty expires entirely at the end of thirty years. Adding the bounty and allowance per mile, the law would grant the 3,000-ton ship the first year $89,015. The French Government for this requires in return the carrying of its official mails, and the right to use the ships in case of war, taking them at a fair valuation.

Bismarck, the distinguished German statesman, in speaking of this French law, with the keen criticism of premier, said: "The merchant marine is the handmaid of all other industries, of agriculture and of commerce, and this act will create for France a powerful navy, which may prove of effective service in time of war."

Mr. President, that is the condition of things. There are France and England and Germany paying not only fair prices, but munificent prices for carrying their mails, establishing their lines all over the world, keeping them running, in one instance England, when she saw the line in trouble, guaranteeing 8 per cent.—that comes pretty near a subsidy; and here we are paying to-day about $250,000 a year under this compulsory process. Mr. President, we have provided for the repeal of that law, and we have provided in that section that the Postmaster-General shall make contracts for the carrying of foreign mails in American vessels, as he makes contracts for carrying the coastwise mails in steamers. He shall advertise, receive proposals, let to the lowest bidder, and the sum paid shall not exceed $1 a mile. That is the provision of these sections. There is no injustice in it, no subsidy, nothing from which the purest statesman on earth may shrink from enacting into law.

What do I expect that this bill will do? Do I expect that it will lead to the establishing of lines from the United States to Europe? I certainly do not. I do not believe that we can maintain them under the provisions of this bill if each provision becomes a law. But there is one thing I do think can be accomplished. I believe that if the provisions of this bill become a law in less than five years we shall have regular lines of steamers to every South American port of any importance; and it is to Mexico, the isthmian and the South American States that the United States must look for its exports; not to France, not to England, not to Germany. They can manufacture cheaper than we can, and each country manufactures for sale more than can be consumed at home.

South America and Mexico manufacture nothing, will not in the next century, and they open up to us a place where we may deposit the surplus of our products which can not be consumed by our own people, and in my judgment we must look to them alone; and can we have hope in that direction without regular lines? A manufacturing company in my city a few years ago undertook to sell cotton goods in Rio de Janeiro, to send a half-year's productions. They forwarded them to New York, then they were shipped on an English steamer, carried to Liverpool, reshipped on another English steamer, and carried in her to Rio de Janeiro; and the mails went the same way. Those goods were handicapped from the very minute they left the wharf in New York city until the minute they were stored in Rio de Janeiro.

Without lines of direct communication, regular communication with these ports, we never can hope to establish trade there. I read a while ago an exceedingly interesting article from the New Orleans Times-Democrat touching these countries. I wish to put in here for the benefit of those who may happen to read my speech a few items showing the importance of this trade.

Take Mexico, lying right by us, with whom we have recently made a treaty. Her inhabitants are, I believe, in the neighborhood of thirteen or fourteen millions. Her exports last year were $29,526,000; her imports, $28,000,000.

Take British Honduras. Her imports last year of breadstuffs from the United States were $93,892; cotton goods, $77,790; provisions, $107,589; miscellaneous, $10,729.

Take Guatemala. Her imports reach $3,200,000 annually; her exports amount to $4,000,000.

Honduras: Exports, $1,500,000 a year; imports about the same.

San Salvador, in 1881: Exports, $4,992,000; imports, $2,706,000.

Nicaragua: Imports, $1,200,000; exports, $2,000,000.

Costa Rica, in 1881: Imports, $5,000,000; exports, $6,500,000.

The Antilles: Imports, $30,143,000; exports, $78,532,000.

Colombia: Imports, $20,000,000; exports, $18,000,000.

Venezuela: Imports, $14,000,000; exports, $16,000,000.

The Guianas: Import and export trade, $29,550,000.

Brazil: Imports, $95,955,000; exports, $119,106,000.

Paraguay: Exports and imports, $8,000,000.

Uruguay: Imports, $19,400,000; exports, $22,600,000.

Argentine Confederation, in 1881: Imports, $44,067,000; exports, $56,497,000.

Ecuador: Imports, $9,500,000; exports, $11,000,000.

Bolivia: Imports, $1,602,000; exports, $411,000.

Peru: Imports, $28,000,000; exports, 44,600,000.

Chili: Imports, $27,100,000; exports, $46,482,000.

And notwithstanding these countries lie right by us, notwithstanding they are on the same hemisphere with us, notwithstanding every dollar of their trade legitimately belongs to the United States, yet we enjoy but little over one-fourth of the whole, and England, Germany, and France have the rest. Why do those countries have three-quarters of all that immense trade in supplying these people and in taking supplies from them for their home market? For no assignable reason other than the fact that those countries have regularly established lines of steamers to the Mexican and South American ports—speedy, prompt, and reliable—while we have, comparatively speaking, none.

Why did they have lines running there? Because England pays over $4,000,000 a year for carrying her ocean mail; because England pays $1,500,000 a year for carrying her mail to Brazil; and we paid $10,000 last year for carrying the United States mails to every one of the countries I have named. Why did we pay $10,000 and she $1,500,000? Because of that law full of injustice to American ships. Brazil paid England $900,000 more for carrying the mails. Brazil offered to pay for carrying the mails to the United States, and the offer was refused because forsooth it was a subsidy.

But, Mr. President, it is no subsidy to pay a fair and reasonable price for service rendered. If the United States makes $1,500,000 a year out of carrying the foreign mails of the United States, it is no subsidy to say that she may pay the whole $1,500,000 for this service; then it is the cheapest mail-service there is in the United States.

Mr. President, I regard those sections as more important than any others in this bill. I trust that Senators will examine them, and that they will not be frightened by any talk about subsidies, but that they will, in justice to American ships, be willing to pay a fair and reasonable price for carrying the ocean mails.

Mr. President, I admit that I feel a very deep and a very profound interest in the fate of this bill. I have been in Congress, I believe, fifteen years, and during the whole time I have tried to have something done for American ships. I have seen them as you have seen them going down and down and down and no successful attempt made on the part of Congress to stop the downward progress. Attempt after attempt has been made to have some legislation. There is not any legislation in this bill proposed that every Senator will not admit is right in itself, and there is no legislation proposed here that does not remove an existing burden. There is no section here which does injustice to anybody or to the United States. Take all the sections together and enact them into a law; pay every dollar for carrying the United States mails that the bill allows you to pay, and then the United States makes every year out of the merchant marine $1,000,000. England on her consular service alone loses $1,500,000 a year; on her mail service $1,600,000, loses it cheerfully, and has the finest merchant marine on this earth, doing 65 per cent. of the carrying trade of the world, comes to our own borders and does the carrying trade and three-quarters of the selling trade for us. England has been willing to deal justly. I say she pays millions every year. We do not ask you to pay one single dollar; we do not ask you to pay by this bill so much as our ships pay you.

Take the consular fees which are removed by this bill, the custom-house fees, the tonnage tax that is reduced, the hospital tax that is taken off the fair amount paid for postage, and add them all together; then take the credit side, the amount received from postage, the amount received from tonnage tax, the amount received from customs fees paid by ships, and you will find the balance in favor of the United States Treasury over $1,000,000 every year.

Now, am I asking a great thing for American shipping, appealing to the Senate to pass such a bill? I have no doubt the Senate will support it, and yet it can destroy every word of it, take out all of its vitality, render it worse than useless, give us a stone when we ask for bread, give us a serpent when we ask for a fish, by putting the "free-material" and "free-ship" clauses on it. I appeal to the Senate to approve here what is fair and just, what commends itself to all, and do not poison the whole, so that when we take the cup we die.

Mr. President, I am greatly obliged to the Senate for patiently listening to me this length of time. I shall take but little part further in the discussion of this bill, leaving it to Senators on the committee who understand it better than I do, who have been acquainted with its investigation longer than I have. I should not have spoken and did not intend to speak if the bill had been read, as I asked, section by section for amendment. I thank the Senators for their patience and their courtesy.

Mr. VEST. Mr. President, I have no disposition "to commend the poisoned chalice" spoken of by the Senator from Maine [Mr. FRYE] to the lips of the merchant marine of the United States. If I were its worst enemy instead of being, as I profess to be, one of its best friends, I should simply be content to let the present system alone, because it can not, even under the most rapid and successful poison, come to its death any sooner than it promises to do upon the road which it is now traveling.

I take no issue with the Senator from Maine in what he has said with regard to the postal system of the United States now on the statute-book. I had the honor at the last session of Congress to report from the Commerce Committee substantially the provisions contained in the present bill in regard to payments for ocean mail service. The present system is niggardly, unworthy of a great people, unjust to those who carry the mail, and in every respect fails to commend itself to my judgment, and I was glad to hear the honorable Senator say that he accepted England as the model in regard to naval matters, and especially as to her merchant marine, and that he was willing to take her as such; and yet that Senator in his cooler moments and upon reflection will not accept the proposition I now make to him.

I will meet him more than half way, although I belong to the opposite school upon this question. I want the English system, I have pleaded for the English system, I am to-day willing to take it; but the Senator will not take it, notwithstanding his public declaration to that effect. Mr. John Roach will not take it, for I put the question to him in New York, before our special committee, specifically, and he answered in the negative. Mr. John Roach, the distinguished Senator says, is an Irishman by birth, but keeps no corner grocery saloon in the city of New York, nor votes the Democratic ticket. He has a better corner than a corner saloon in New York—he has a corner on the Navy Department, and he votes the straight Republican ticket; and while Mr. John Roach is becoming each year more plethoric with wealth, fatter, and more unctuous in his declarations against free ships, the American merchant marine has been declining, until it is to-day *in articulo mortis*.

The Senator says he will take the English system. What is the English system of postal subsidy? I say here that subsidy in the English system does not have the meaning which is attached to it in the United States. Subsidy according to our construction of the word is a payment by the Government to individuals to induce them to do that which they would not otherwise find profit in doing; it is bounty; but under the English system all pay for Government service is called subsidy, and England ever since she has adopted the system of postal subsidy upon the ocean has invariably put up the contract to the lowest bidder, and that lowest bidder need not be a citizen of Great Britain at all. To-day some of the mails of Great Britain are carried in steamships belonging to citizens of other countries. Never in any contract made by the English Government has there been a provision that the ships should have been built in Great Britain. Is the Senator willing to say that here? Is he willing to-day to say, like the English, that contracts for carrying the mails upon the ocean shall be put out by the United States to the lowest bidder and all the world can compete for carrying the mails if it sees proper to come in and bid? Oh, no! my honorable friend says they must be carried in American ships. In other words, while American owners of ships may bid upon these contracts, they must come in under the navigation laws and pay Mr. Roach 30 per cent. more for the vessels in which to carry those mails on the ocean. I will take the English system. I never saw the time when I did not want to take it, and the Senator never saw the time when he would take it.

I grant tha England has paid large postal subsidies, as they are termed there. England to-day is a vast workshop, with 200,000,000 of people in her colonies. It is absolutely necessary under her system that she should secure communication both for mail purposes and commercial purposes with the most distant and remote portions of the earth where her flag floats above her people and in her colonies, and in order to do this she has paid postal subsidies in the English meaning of the term. But I undertake to say that in the very years when the United States successfully competed with Great Britian upon the ocean, and when our clipper ships carried our flag to every sea and to every port; when, according to the British historian, Mr. Lindsay, the American merchant marine not only successfully competed with that of Great Britian but had outstripped it upon the ocean, at that very time England was paying enormous subsidies for postal service and the United States none. If subsidy be the remedy, subsidy then should have brought England to the front and ahead of us in this race for maritime supremacy, but it did not. Subsidy was not the remedy then. It is not the remedy now.

While I say this, I go as far as the Senator from Maine in paying just compensation to the ships that carry the mails of the United States upon the ocean, as I believe in paying the same just compensation to the railroads that carry our mails inland. But it is not subsidy, it is not bounty; it is simply a fair compensation to the citizen for performing for the Government what is an absolutely necessary function of the Government itself.

The bill before the Senate, as I had the honor to say some weeks ago, is a palliative, but it does not treat the disease that is to-day destroying the life of our merchant marine. The statesman who thinks that by the application of the provisions of this bill as it stands before the Senate he can bring back the merchant marine of the United States to its ancient and pristine splendor is like the empiric who, when he finds the patient sinking and dying under an organic disease, attempts to relieve the malady by cuticura and moderate doses of sulphur. This is no disease upon the surface; there is something more than the hospital tax, something more than consular fees, something more than advance wages.

Why, sir, in the years prior to 1855, when the United States competed successfully with her clipper ships on the ocean with Great Britain, when the fears of English statesmen were excited in regard to that race for the supremacy, we had the same system. We have had it since 1790, substantially the same laws which are upon our statute-book to-day. And did they prevent the United States then from competing successfully with our great rival? The mere statement of the fact shows that the seat of the disease is not in this system as it stands to-day. It is not in that; it is somewhere else; it is a deeper and a more deadly malady under which the merchant marine of this country is suffering.

The Senator says he is willing to take the English system. I will put another proposition, and I undertake to say he will not take the English system, neither he nor any one of the exponents and advocates of the school to which he belongs. For five hundred years England had the navigation laws which we have to-day upon our statute-book. In the reign of Richard II they were adopted, and it is curious as a mere matter of antiquarian research to go back to the old English statutes five hundred years ago, enacted in 1300, and find the British statutes declaring that all goods shall be brought into Great Britain in the ships of His Majesty; no goods shall be carried to any British colony except in ships built in England, and all the different enactments of the navigation laws we adopted in 1790, as the friends of this system say, were in retaliation for the navigation laws that then existed on the statute-books of Great Britain.

From 1837 to 1850 the struggle between the United States and Great Britain was a hand-to-hand fight for supremacy upon the ocean, and our enterprise, our skill, our energy enabled us to compete with Great Britain not only successfully, but to outstrip her in this great maritime struggle. Will the Senator go with me now and adopt the English system as adopted when England was in exactly the same condition that we are found to-day? When Great Britain discovered that her former colonies of America, which had successfully separated from her as the result of a war, were about to snatch from her the scepter of the ocean, what did she do? Did she do what the honorable Senator from Maine wants us to do to-day?

Great Britain discovered that in the manufacture of wooden ships the United States could excel her. She found that the wooden clipper-built ships of the United States were the fastest upon the ocean, that the trade of the world was fast passing out of her grasp, and what did she do? Did she sit still and rely on her navigation laws and say to an English subject, "you shall not buy a ship from the United States?" If you should go back to the debates in the British Parliament in 1849, when the proposition was made to repeal the navigation laws which we have to-day upon our statute-book, and which Great Britain had then, and if you would shut your eyes and listen to the Senator from Maine you would think that you heard the words of Disraeli or Lord Brougham and Lord George Bentinck as they declared that if the navigation laws were repealed utter destruction and ruin would come upon the merchant marine of Great Britain. Great Britain was then almost exactly in the very condition the United States finds itself in to-day. She could not compete with us upon the ocean in the construction of wooden vessels, and so soon as her statesmen found that to be the case they threw down the barriers and said to the people of England, "Buy where you can buy the cheapest; obtain the instrumentalities of trade; ships are the children of commerce, and not its parents."

Mr. President, what would be thought of this rule in the business affairs or private affairs between man and man? Suppose two men were rival mechanics and one of them should buy the most improved implements and should have his materials free of duty, and just across the way his rival was told by statute, "You shall not buy at the place where are sold the best implements and your materials shall not be free to you." What would be the result? Is there any doubt about it? And yet to-day that is the position which the honorable Senator assumes and upon which he stands before the American people.

I can not refrain from calling attention to a speech made in the Parliament of Great Britain, and which we have heard here in different words but of the same substance for the last few hours, Disraeli protesting against the repeal of the navigation laws in these passionate and eloquent words:

Will you, by the recollections of your past prosperity, by the memory of your still existing power, for the sake of the most magnificent colonial empire in the world, now drifting away amid the breakers, for the sake of the starving mechanics of Birmingham and Sheffield, by all the wrongs of a betrayed agriculture, by all the hopes of Ireland, will you not rather, by the vote we are now coming to, arrive at a decision which may to-morrow smooth the careworn

countenance of British toil, give growth and energy to national labor, and at least afford hope to the tortured industry of a suffering people.

And he closed by saying sarcastically:

I will not sing "Rule Britannia," for fear of distressing Mr. Cobden, but he did not think the house would encore "Yankee Doodle."

Lord George Bentinck followed in the same strain, and Lord Brougham concluded the debate in words almost identical with some we have heard to-day from the Senator from Maine. It was prophesied then that if the navigation laws of Great Britain were repealed the grass would grow upon her wharves, and the ships would rot by the side of her piers; and yet the navigation laws were repealed, and what was the result? The result is seen to-day in the unparalleled and magnificent progress of the merchant marine of Great Britain that carries now more than one-half the commerce of the world. Last year they built in Great Britain 845 vessels of more than 600,000 tons burden. No such thing has been known in the annals of maritime nations, and yet this is one of the results of the repeal of this barbarous code, repealed everywhere to-day except in these United States of America.

In 1856, six years afterward—because these laws were repealed on the 1st of January, 1850, by the British Parliament—in 1856 the same Parliament repealed the navigation laws as to the coastwise trade, and again were the same prophesies made. "Repeal the laws which protect our domestic coastwise trade," they said, "and you strike down all the energies, all the wealth of the people of Great Britain," and yet the repealing act was passed, and what has been the result? The coastwise trade of Great Britain has doubled since that time; it has excelled the foreign trade, and to-day there is not a case of maritime success known to all history like that of the Kingdom of Great Britain.

The Senator says that in 1854 England reorganized her maritime system and that was the cause of her unparalleled prosperity. In 1850 Great Britain repealed her navigation laws. As soon as the statesmen of Great Britain saw that they could not compete with us in building ships they threw down the barriers and told their people to buy where they could buy cheapest, and they did buy our ships, according to Mr. Roach, to the amount of $20,000,000 in one year, and took those ships and put the British flag over them in order to compete with their rivals. But we are told to-day that we must respect these navigation laws, although there has been continued decline of our shipping from 1855 down to the present time.

The Senator from Maine predicts that we shall have a large increase in the construction of iron ships. Oh, Mr. President, how long are we to hear this song? How long is this "word of promise to the ear" to be "broken to the hope?" Why, sir, there has not been a session of Congress nor a committee for the last fifteen years that John Roach has not been here with his dulcet song to tell us that next year would see ships turned out of his yard rivaling those of Great Britain upon every sea and in every port. Now let me call the attention of the Senate to facts; not to prophecies, but real results. I have here what is worth all the prophecies in the world. I have here the official report of the Register of the Treasury of the tonnage of iron sailing and steam vessels in the United States from 1868 to 1883, inclusive. In 1868 it was 2,801 tons, in 1869, 4,000 tons, and so on up to 1882, when it was 40,140 tons sailing and steam iron vessels, both for the coastwise trade and the foreign trade; and in 1883 it fell off from 40,140 to 39,646, both of iron sailing and steam vessels in the coastwise and foreign trade. Who ever heard of such a decline as that with free trade? And yet the Senator from Maine stands in the Senate and tells us that in a few years the ship-yards of the United States will turn out an iron merchant marine that will compete with any nation on earth. I put this table before Mr. Roach a year ago without the decline for 1883, and asked him to explain it. I said, "You have said here"—any Senator who is interested in this question will find it in the report of the testimony—"you have said here, Mr. Roach, that the manufacture of iron vessels in the United States is on the increase. I show you this table. Will you be kind enough to read it and explain the figures?" He looked at it, read it, and said, "I can not understand it; there is some mistake about it." I came back to Washington, went to the Register of the Treasury, and obtained this table which I incorporated in my remarks made here the other day. In the presence of these facts the talk and the denunciation indulged in by the honorable Senator from Maine and his compeers on this question is mere "leather and prunella," sound and fury. The merchant marine of the United States is going down day by day and hour by hour.

What is the remedy? Does the Senator from Maine give us any? Will he point it out? What is it? He has spoken for four solid hours and not one particle of medicine has he given this dying patient, nothing but declamation, nothing but denunciation. The whole of his speech is syllogistically this: a high protective tariff is the greatest of all blessings and must not be disturbed. A high protective system makes high wages. High wages are the cause of the decline of American shipping because it prevents us from competing with other nations. Our protective system must not be disturbed and these wages must be continued, and therefore the merchant marine can not be revived. Is that not it? If the Senator from Maine has done one single thing effectually in this debate he has proved that under his system there is no remedy at all. We have tried it for thirty years. We are to-day upon the very verge of dissolution. The Senator comes to us and says, "I stand by the high protective tariff system, although our flag disappears from every ship upon the ocean."

I had the honor to make a statement on this subject some days ago. Had I made it in the West, the farmers that heard me would have believed that I had manufactured the story for campaign purposes. I stated here before the American Senate that in 1873 the Congress of the United States enacted a law that every American vessel which hired a crew in any port of the world, whether by written contract or for any length of time, when it came back and touched the shores of the United States, should discharge that crew and rehire them or others, and pay the fees to the shipping commissioners.

What did they do it for? Can any Senator tell me? Will the Senator from Maine tell me? He says now he does not know what it was done for. It was done to give money to the shipping commissioners, and for no other purpose under heaven. It was done to put money in the pockets of a few men. Did it help the merchant marine? It was as fatal to it as if you would strike down a bullock in the shambles with a butcher's ax. The president of the Red Star line said in a letter which I read some weeks since, that it doubled the wages of his crews and caused him to put all his vessels under a foreign flag. And yet that law has stood here without any attention being paid to it, without any attempt to repeal it, when the whole result, as every intelligent man knows, was to double the wages, and for whose benefit? The Senator from Maine says he will not attack wages, he is for American labor. Is this American labor? Ninety-five per cent of the sailors on American vessels to-day are foreigners. The American sailor to-day is a curiosity. He would bring more in a museum than some of the curiosities that will be here next week under the charge of that distinguished gentleman, Mr. Barnum. The American sailor has almost passed away from even the memory of living men. Ninety-five per cent. of all the sailors that we have upon our vessels, coastwise and foreign——

Mr. FRYE. No, no.

Mr. VEST. I have heard it stated this was so in the coastwise trade.

Mr. FRYE. That is true of the foreign service, but not of the coastwise trade.

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from Maine?

Mr. VEST. Certainly.

Mr. FRYE. I rose because I had made a statement myself that 95 per cent. of the sailors engaged in foreign service on our vessels were not Americans. The Senator from Kentucky [Mr. BECK] quoted it. I do not wish to be misunderstood. In our merchant marine engaged in the foreign trade it is true; but in the coastwise trade we have American sailors.

Mr. VEST. I have it from very good authority in regard to that branch. I do not question that the proportion is larger than the Senator from Maine thinks it is, but for the purposes of the argument let the coastwise trade stand aside. I do not propose to attack the laws in regard to it. That system is doing well enough. It would do much better in my opinion if we would throw it open to ships built anywhere; but the amendment I propose to-day does not affect that trade at all. The fact remains that when the Senator avows his zeal for good wages to the American laborer he is paying no wages to the American sailor, he is paying them to the extent of 95 per cent. to foreigners upon American vessels, and that is all I desired to say.

But the Senator says, as all his school in the discussion of this question say, that the sacred protective system must not be attacked in any particular. He seems to forget, as all his compeers do, that the merchant marine of the United States is as much a branch of industry as the manufacture of cotton goods or of Bessemer steel or of iron or of jute, or any other domestic manufacture, and yet the Senator is willing—for his speech amounts to nothing else—to keep down the merchant marine rather than break through this Chinese wall of protection which to-day surrounds all the industries of the people of the United States.

The Senator says the high protective system has fostered the coastwise trade until it has assumed its present colossal proportions. Why, Mr. President, look at it, think of it for a moment. The coastwise trade of the United States is a domestic trade protected from competition with the whole world. It is a struggle between American and American with the same wages, the same ports, the same advantage, the same sky above them, and the same air. The Congress of the United States can protect that trade by any system it sees proper to adopt, but can you touch the foreign trade of the world? The waves of the ocean are not confined to your coast, the maritime nations of the world laugh at your statutes. Your ships in the domestic trade are protected, and the natural increase of the country causes an increase of our coastwise trade. We have 10,000 miles of seaboard; we have twenty large cities upon the salt bays of the ocean; we have 50,000,000 people, and a continent to give them food and raiment and wealth, and all this pours itself into the coastwise trade of the United States naturally, and it is a fight between our own citizens, and to-day the competition is such that the minimum has almost been reached in prices for transportation in that trade. But when you come to the foreign trade it is different; there you strike free trade upon

the ocean; and while our vessels are handicapped by a protective system which causes them to go out loaded and come back empty, the Senator from Maine stands here and draws a parallel which can not hold good between the foreign and coastwise trade of the United States.

In order to make profitable shipping there must be mutuality between the countries of the world. Suppose you had two lines of railroad running into the city of Washington to-day, and one of them came in loaded and went out loaded and the other came in loaded and went out empty, do you think there would be any difference in the dividends? Do you think there would be any difference in the results at the end of the year? To-day you have exactly that state of things with the merchant marine of the United States. Under the protective system they go out loaded because we have overproduction from year to year. To-day your tariff produces through overproduction strikes and disorder, and labor meetings and socialistic harangues. One of the largest manufacturers in Saint Louis, on my recent visit to my home, said to me, "I have been for a protective tariff, but overproduction is the curse to-day resting upon the manufacturers of the United States, of whom I am the largest in this city." All this overproduction goes to the seaports and loads vessels for foreign ports; but when they attempt to bring back a cargo to our ports they find a protective tariff meeting them which says, "You can not enter unless you pay enormous sums," so great as to amount to an exclusion of all competition with domestic manufactures.

I want to give to the Senator from Maine an illustration. Chili produces seventeen million five hundred thousand dollars' worth of copper and copper products. The cotton goods brought to Chili amount to an average value of $53,000,000 per annum; that is, goods imported for sale to those people in the tropics. England has control of that trade under the wise system that established mail steamship lines, and the British ships go there loaded with their cheap cotton fabrics to sell to the people of Chili and take in exchange copper and copper products and wool and carry them back to Great Britain, sell the copper to the manufacturers at Swansea, in the southern part of England, who make it into yellow metal, into different sorts of copper utensils. They use British coal, British railroads, British labor, British capital, and then they supply the whole world with this valuable and useful article.

In 1876 an enterprising American merchant of Boston concluded for patriotism and for gain that he would attempt a competition with Great Britain, for he had been to Chili in quest of health and he concluded he could build up a fortune by commercial adventure. He bought vessels in England; put them under the British flag; came over to his own country and loaded them with American goods, the calicoes of Massachusetts and Connecticut and Rhode Island. He went down to Chili and sold his goods at a fair price. He loaded with copper and copper products, and came back to the United States and found a protective tariff absolutely prohibiting him from bringing in copper; and the result was that he was forced to put his copper in bond in Boston, have it shipped to Great Britain, and have it sold there. He abandoned the venture, and I have a letter here in which he says that he found it absolutely impossible to compete under the present tariff system with the free-trade system of Great Britain. So it is that to-day England monopolizes that entire trade. I have before me, received this morning, a pamphlet in regard to yellow metal and it is signed by "Revere Copper Company, by S. T. Snow, treasurer; Taunton Copper Manufacturing Company, by Timothy Gordon, treasurer; New Bedford Copper Company, by William H. Mathews, treasurer; Bridgewater Iron Company, by Isaac Pratt, jr., president."

The Senator has asked me the question, who wants the tariff taken off materials, who wants materials free? These gentlemen sent me this pamphlet with an elaborate argument and begging the enactment of the following laws:

Be it enacted, &c., That all unwrought materials of foreign production to be manufactured in this country into articles needed for and used in the construction, equipment, repairs, or supplies of American vessels, employed, or to be employed, exclusively in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, may be withdrawn from bonded warehouses free of duty; and if the duty shall have been already paid on such material so used, the same shall be refunded and repaid to the owner or owners of such vessels so using them, or to their legal representatives, under such regulations as the Secretary of the Treasury may prescribe.

Be it enacted, &c., That all unwrought materials of foreign production to be manufactured in this country into articles needed for the repair of American vessels engaged exclusively in foreign trade may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of the Treasury may prescribe.

I call the attention of my friend from Maine to the fact that in this pamphlet is contained a report made by him in the House of Representatives in favor of a bill which took off the duty on copper ore and gave it the American manufacturer free of duty. The Senator seems to have lost sight, I will not say of his political antecedents, but of his former convictions on this great question. To-day under the law of the United States we have this outrageous anomaly——

Mr. FRYE rose.

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield?

Mr. VEST. Certainly.

Mr. FRYE. I never have seen the time that I was not in favor, for the interest of our manufacturers and our ship-builders, of admitting free of duty unwrought materials, and the difference between unwrought materials and the Senator's amendment is as broad as the earth itself. The Senator's amendment is to admit free of duty all wrought materials ready to go into a ship where the ship-builder would have nothing to do but to send his specifications to the Clyde and have those specifications complied with and every single article going into the ship delivered at his ship-yard and then with nothing to do but simply to put them together—one-third of all the labor in the ship. The difference between "unwrought" and "wrought," is the difference between bread and stone.

I know these copper-men perfectly well. I remember their call. I remember my report. I hold to the same views to-day that I did then. It was unwrought material and not material made up, as the Senator's amendment has it, and brought in in entire readiness for the ship itself.

Mr. VEST. In the first place there is no such word in this amendment as "wrought material:"

All or any part of the materials, whether wood, steel, iron, copper, yellow metal, bolts, spikes, sheathing, treenails; canvas for sails, whether flax or cotton; rigging and cordage, whether hemp, manila hemp, or iron wire; anchors and cables; iron plates, castings, and forgings; angle irons, beams, masts, yards, rivets, bolts, nuts, screws, engines, boiler plates and tubes, and machinery, and all other materials and appliances—

Where does the Senator get the word "wrought?"

Mr. FRYE. Go on.

Mr. VEST. Very well, I will—

which may be necessary for the construction and equipment, in whole or in part, of vessels, whether steam or sail vessels, to be built and furnished in the United States after the 1st day of January, 1885, may be imported in bond under such regulations as the Secretary of the Treasury may prescribe.

Mr. FRYE. The Senator is reading from the statute that has been on the books ever since the special committee of which Mr. John Lynch, of Maine, was chairman, reported a bill which was then enacted into law; and those copper-men simply asked that the copper might be admitted under the same terms to be manufactured in this country into yellow metal ready to go on the ship's bottom.

Mr. VEST. The Senator is again at fault, and as much as he has studied this question he is a little negligent at times. In the first place, this law has never been on the statute-book. There never was any such law as provided for the introduction of iron plates. Iron plates are provided for in this section, and are put in now for the first time.

All or any part of the materials, whether wood, steel, iron, copper, &c.

This is a new section, and not section 2513 of the Revised Statutes. A great deal of it is in the Revised Statutes.

Mr. FRYE. Nearly all of it is in the Revised Statutes.

Mr. VEST. A great deal of it is, I admit. The Senator may take the Revised Statutes and compare them with this provision and he will see the difference.

Mr. FRYE. But I ask the Senator if my report was not at the instance of the copper-men and did not relate to copper and nothing else.

Mr. VEST. Of course it was, because under the law as it stands to-day, and as it stood then, this yellow metal could be brought into the United States and used for building a vessel in the foreign trade free of duty, but the copper ore itself could not be brought in; it was excluded; and as a matter of course the Senator wanted free raw materials, as he called them, and yet he asked me to-day the question who is for free materials.

Mr. FRYE. But where labor entered into it and made it into copper sheathing, in the interest of our laborers and our manufacturers I wanted that protection.

Mr. VEST. As a matter of course you can not get any of these materials without labor. They do not grow on the trees; they do not grow up like Topsy. There is nothing of that sort in manufactures. They all come from some sort of labor.

I say the Senator's report goes to the extent of free material so far as copper is concerned, and here it is in black and white, if he has any doubt about it.

The purpose of this bill is to correct an incongruity in the existing tariff laws whereby a manufactured article, yellow-metal sheathing, is admitted free of duty, while the raw materials composing it, copper and spelter, are required to pay a duty.

Mr. FRYE. I stand by that.

Mr. VEST. Of course you do. Then you stand with me.

Mr. FRYE. No.

Mr. VEST. I am for free material. I am for the copper coming in free when it is to be used in the building of a ship and letting anything else come in free for that purpose, and I am in favor of letting the American citizen buy his ship where he can buy it cheapest, as the Frenchman does, as the German does, as the Englishman does, as the Chinaman does. To-day even China has stricken down the navigation laws, and she has a better merchant marine, so far as iron steamers in the foreign trade are concerned, than that of the United States. Germany has struck down the navigation laws and built an iron steamer two years ago at a cost of $375,000 for those barbarous Celestials. Every country that has any pretense to civilization has struck down this system except the United States, and the Senator from Maine stands here and says, although your marine is disappearing from the ocean, although

year after year your flag is becoming scarcer and can not be found now in the ports of the world except by accident, we must adhere to the system. What would you think of the business man who had lost money for forty years by following an old-fashioned system, instead of changing it, and saying all the time, "I will cherish the system that my father had;" like a man I knew, living in sight of a railroad, who instead of having a patent pump to bring water up used the same old forked stick and bucket that his father did, and with the scream of the locomotive in his ears would not drop it, because he said the old man used it during his time, and anything good enough for his father was good enough for him.

These navigation laws were made in 1790, when this country was in its infancy, when we had all to gain and nothing to lose, when England was attempting to force her merchant shipping upon us and we retaliated. England was then a friend of this system, but to-day she has struck it from her statutes, like France, Spain, Germany, and every other civilized country but the United States.

I am not astonished at my friend from Maine. He is consistent. I heard him once on this floor in the tariff discussion declare that he would be for a high protective tariff if the Government did not need a dollar of revenue. He holds that in spite of the Constitution, which says we shall have the right to lay import duties in order to sustain the Government for revenue purposes, if we did not need one dollar and if the Treasury was bloated and plethoric with money, still for protection's sake he would impose a high protective tariff on the American people. There is no question about his consistency. I have never doubted that. The trouble with the Senator is that he belongs to the school of Henry C. Carey, of Philadelphia, who was to the high protective system what Brigham Young has been to Mormonism and Mahomet to Islamism. Henry C. Carey said that he would to God that the Atlantic Ocean was an ocean of fire between Europe and the United States. My friend from Maine belongs to the school which at the University of Pennsylvania teaches Thompson's Social Science and National Economy, a book which says that foreign commerce is no criterion of a nation's prosperity, and the demoralization caused by it to sailors should be enough to strike it down.

He belongs to the school one of whose leaders some years ago said—and I am prepared now to admit that I voted for him once for President, Horace Greeley—who declared that the smoke of the locomotive was the black flag of destruction to the farmers of the West. I voted for him because I thought of two evils he was the lesser. Between the Republican party and Greeley I swallowed Greeley with a wry face and sour stomach, but I took him. [Laughter]

Mr. FRYE. I suppose that the distinguished gentleman of Pennsylvania, the high priest of the tariff system, as the Senator says, desired an ocean of fire between here and all foreign countries for some similar political reason; that is, that if the ocean was one of fire there would be no Democratic party. [Laughter.]

Mr. VEST. There would be no ships.

Mr. FRYE. No Democratic party.

Mr. VEST. I do not know about that. I think the Democratic party will succeed in the near future. If fire could have burned us out our party would long since have been ashes. No, Mr. President, he meant that upon an ocean of fire there would be no ships. He did not want any foreign commerce. He wanted the high protective system, which put a wall of fire around this country, to build up a home market to shut out the whole world, and to-day your ships are going out loaded and coming back empty, and yet you talk about competing with free trade upon the ocean. Your statutes can not reach the ocean. They can not reach the maritime nations of the world. There is no similarity between your coastwise trade and your foreign trade. The statutes of the United States, so far as the coastwise trade is concerned, are good enough; let them alone; but with changed conditions it is a mere mockery of statesmanship to talk about preserving the laws of 1790 to rebuild our merchant marine.

But the Senator says if we have free ships the inevitable result will be that the rotten ships of Great Britain will be sold to the American people.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield?

Mr. VEST. Yes, sir.

Mr. HOAR. One point the Senator has made which I do not understand—I have followed his argument carefully—and I should like to ask him to repeat it and make it clear. I understand him to say that the American ship-owner takes out a full cargo but comes back with an empty one because of the high protective tariff and the heavy duties he would have to pay on his return cargo if he brought it back. Now, how does that affect the American ship-owner in his rivalry with the ship-owner of any other country? Does not the British ship-owner who trades to this country have to pay the same duties on the cargo he brings this way? Perhaps I have failed to follow the Senator fully, but I should like to understand the point.

Mr. VEST. I have been under the impression that the profit of a business and the amount of business that was done went to sustain it, and the lack of business and lack of profit kept it back. If a man has an intelligent idea of his business, the more he does the more money he makes, and the less business he does the less money he makes.

A ship goes to Chili, for instance, sells her cotton goods, and loads with copper. She can go to England and sell that copper at a profit. She is making money both ways. She makes profit off the Chilians; she makes it in the home market off the cargo she brings in. If an American vessel lying alongside of her sells her cotton goods in the Chilian market and loads with copper and comes back to the United States she can not sell it on account of the high protective tariff, because it excludes copper, and the result is that she comes back to our country with a commodity from which she can make no money. That is the reason.

Mr. HOAR. But does the Senator mean, then, to say simply, as the whole point of his argument, that any ship trading to an American port and returning is forced to be a loser because of our tariff? I understood him to be arguing that the American ship-owner engaged in the carrying trade, no matter where he went, was at a disadvantage with the English ship-owner. He said just before that that the English did the American carrying trade between America and foreign ports—95 per cent. of it.

Mr. VEST. No; I said the sailors were 95 per cent. foreigners.

Mr. HOAR. I am mistaken about the Senator's percentage, but he said the English did the American carrying trade.

Mr. VEST. A large portion of it.

Mr. HOAR. Now, is there any earthly disadvantage whatever which a man that owns an American ship is under in competing with an Englishman who owns an English ship trading to and from the same places by reason of our protective tariff; and if so, what is it? I do not see the point of the Senator's argument.

Mr. VEST. If the Senator means to say that a vessel which goes out from the country loaded and comes back empty is upon the same basis so far as profit is concerned with one that is loaded both ways, I despair of convincing him of anything.

Mr. HOAR. No; but if the English ship-owner, living in Liverpool, having a Liverpool-built ship, trades from Boston and New York, as the great English lines do, the Cunarders and the others, the protective tariff has precisely the same effect upon him so far as the duties paid upon the cargo are concerned as it does upon his American rival. Whatever may be the cause of the advantage of the Englishman in competition, trading from Europe to any American port and returning, certainly the Senator, I think, will admit on reflection that the argument which he has made and repeated so many times, that it is due to the fact that the American pays duty on the cargo by reason of the protective tariff, is not good, for the Englishman pays the same duty on his cargo. If the American sails his ship from New York to Liverpool and comes back empty, does not the Englishman who sails his ship from Liverpool to New York and back come over empty? Is there any difference by reason of our tariff?

Mr. VEST. I misunderstand the Senator or he misunderstands me. When the American goes to Chili and sells his goods he makes a profit.

Mr. HOAR. We are not talking about Chili.

Mr. VEST. Any other foreign country.

Mr. HOAR. We are talking about American ports and European, or put it any other country. Put it from Liverpool to New York; is there any advantage which a line of steamers owned in Liverpool or Glasgow, plying between Liverpool and New York, has over a line of steamers owned in New York, plying between Liverpool and New York, by reason of our protective tariff? That is the point of the question.

Mr. VEST. The question that I stated and the proposition that I advanced was in regard to the ship-owner who invested in a vessel and undertook to establish a trade between America and a foreign country, not between England and some other foreign country, and when he comes back to his own country he must come back empty; and we are talking about building up the merchant marine of the United States.

Mr. HOAR. No matter what the trade is, if the Senator will pardon me, whether it is Liverpool and New York, or anywhere else, what earthly difference does our tariff make between two vessels engaged in the same trade running to and from the same ports and carrying the same goods, because we have a tariff on the goods brought to American ports? The Englishman or the Brazilian, if they have a Brazilian line, or the Frenchman, or the Scotchman plies over the seas wherever business is good, and the American does the same; and is there any earthly difference that our tariff makes? I am not talking about the othe point of the Senator's arguments. Is there any earthly difference that our tariff makes? It is of course true that, whoever does the carrying, there will not be so many goods carried into New York or Boston if those goods pay a heavy duty there; but it bears on all mankind alike, does it not, on the Englishman and on the American alike?

Mr. VEST. But the Senator overlooks the fact that when an English vessel comes here it comes with English goods and pays the tariff duty, knowing what it is, deliberately, and undertakes to compete with the domestic manufacture in the United States, and the tariff does not affect it, as it goes back loaded with American goods and the freight is put into the pocket of the foreign ship-owner. I say that when the American ship-owner goes out with American products and sells them in a foreign market, if he buys goods in that foreign market and undertakes to bring them in he is handicapped with the tariff.

Mr. HOAR. Is not the Engishman equally handicapped if he buys English goods and brings them here?

Mr. VEST. He is not compelled to come here with any goods unless the sales will pay him, notwithstanding the tariff. There may be, as is the case in Chili, a market in which there is such a production as copper, upon which our tariff is exclusive. What is the American to do? He has either got to abandon the Chilian market altogether or else he has got to go out loaded and come back empty. They have but two exports of any size. Chili exports wool and copper. The difference between the English ship-owner and the American ship-owner is that the Englishman goes there, sells his cotton goods, takes his copper and carries it in free of duty, and is enabled to sell it at a large profit to the copper manufacturers of Great Britain. Therefore he makes two profits; and he has either got to take copper or take nothing.

Mr. HALE. Will the Senator let me try my hand at arguing?

Mr. VEST. Oh, certainly.

Mr. HALE. What difference does it make in the voyage from England to Chili and from Chili back whether it is a British or an American ship? The Senator says that the English ship takes the English manufactured product to Chili, exchanges it for copper and makes a profit, and that he takes the copper back to England, where there is no duty upon it, and makes a profit upon his cargo there. The English ship does not do anything of the kind. The shipper in England makes a profit, it may be, out of his shipment, the shipper in Valparaiso makes a profit out of his shipment, but the owner of the English ship does not make a dollar of the profit. It makes no difference what are the products carried back and forth, as the Senator from Massachusetts has stated; protection does not touch that question at all. If the English shipper bought as in the primitive days—I fancy as was done in the days of Venice when Shakespeare's play is located there—took his risk in the market of the world and then bought a cargo and returned, there might be force in the Senator's argument; but the ship has nothing to do with it—the ship gets no profit out of it. It gets its trade, and the American ship would be in the same position if it could afford to run as cheaply.

Mr. VEST. I will answer the Senator briefly. In the first place your American ships do buy their cargo in the foreign markets and bring them on trading speculations back to this country; and in the second place, the English merchant buys the copper from the ship that is brought from Chili, and the British ship-owner knows that he has got a market there. The difference between that and a high-protective tariff is that the American ship-owner knows when he gets to his home port that he has no market because the tariff excludes him. That is the difference. He can not bring the products of that country here; he can not compete at all with the production of copper in the United States under the tariff system. If that is not plain enough I am utterly unable to make it so. It is exactly parallel to the case of two railroads. One of them is loaded both ways and the other is loaded only one way. It is precisely the same, and there is no escape from it. There can be no other conclusion in regard to it.

But the Senator from Maine [Mr. FRYE] made the remarkable point that if we had free ships all the rotten ships of England would find a market in the United States. Mr. President, I have assumed all my life long that if there was one thing impossible on the face of the earth, one thing entirely out of the ken of mortal men or the range of the most active imagination, it was that any living human being could cheat a Yankee. If anybody ever found one, even if he was considered intellectually a very inferior man in a New England town, who could not get the best of any other human being outside of New England in any trade, from a jack-knife up to a $350,000 ship, I should like to hire him and loan him out to Barnum for the rest of his natural life. Who believes that the people of New England would go over to Old England, take the old rotten hulks, take the old decayed and condemned cruisers, pay out their good money for them and bring them back to be sunk here by the mere force of the water itself? Who believes that a people of ship-builders, a people of sailors, a people for whom the navigation laws were made, a people who have been "rocked to sleep upon the ocean wave," could be cheated and hoodwinked and beaten out of their money in any such fashion, or that they would be? That cause is indeed a bad one that could thus depreciate the native shrewdness and intellect of one's own people.

Sir, I would risk my constituency of the prairies of the West, when self-interest was at stake, against any foreigner that God has ever created, whether Englishman, Italian, Frenchman or German. Trust the people of the United States, in every section of the United States, to protect themselves in any bargain or any traffic whatever. The Senator is driven to his last resort when he says that to protect the imbecile and half-idiotic traders of New England we must not permit them to buy their ships wherever they can.

Mr. COCKRELL. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to his colleague?

Mr. VEST. Certainly.

Mr. COCKRELL. I think under the circumstances it is time for us to adjourn. I move therefore that the Senate adjourn.

Several SENATORS. Until Monday.

Mr. COCKRELL. I will move that the Senate adjourn until Monday at 12 o'clock.

Mr. HALE. I hope that will not be done.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate adjourn until Monday at 12 o'clock.

The motion was not agreed to.

Mr. HALE. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 1, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WOOD for ten days.

SARATOGA MONUMENT.

Mr. WEMPLE. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 3327) to provide statuary and historical tablets for the Saratoga monument, and that the same be put upon its passage.

Mr. COBB. Let it be read, subject to objection.

The bill was read at length.

Mr. COBB. I object.

Mr. WEMPLE. I hope the gentleman will withdraw his objection to hear a brief statement with reference to this subject.

Mr. COBB. I have no objection to that.

Mr. COX, of North Carolina. I demand the regular order.

Mr. COBB. If the gentleman from North Carolina will withdraw that demand for a moment I would like to have some evidence submitted in order to have it printed.

Mr. COOK. I renew the objection if it is withdrawn.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the morning hour for the call of committees.

Mr. MORRISON. I move to dispense with the morning hour.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. MORRISON. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the tariff bill; and pending that motion I move that all general debate on the pending bill be closed at 4 o'clock on Tuesday afternoon next.

Mr. RANDALL. I have no objection to that, but I hope I will have the assistance of the gentleman from Illinois to enable me to have one hour of the remaining time.

Mr. MORRISON. As far as I can control the matter, of course.

Mr. RANDALL. I understand, of course, that the House has control of the time.

Mr. MORRISON. As far as I can.

Mr. MCKINLEY. I desire to give notice in this connection that whenever the motion is in order a motion will be submitted to strike out the enacting clause of this bill.

Mr. EATON. I hope my friend from Illinois will not press that motion this morning. There are several gentlemen who desire to be heard on this subject. I know I do for one. I would rather not be shut down upon by making an order for closing the debate on Tuesday. I do not want to do anything to antagonize any motion my friend desires to make, but it seems to me that it is not necessary to say at this time when the debate shall close.

Mr. MORRISON. I make this motion by way of giving notice to gentlemen, as I deemed it probable that the motion which was indicated by the gentleman from Ohio would be made and I thought it would be proper that they ought to know the fact as to when a vote would probably be taken.

In reply to the gentleman from Connecticut [Mr. EATON] I want to say it is very evident that all of the gentlemen who desire to be heard upon this subject can not by any possibility have that opportunity. I thought after the debate we have had that the House would now be able to come to a distinct understanding on the matter, and that the time I have indicated is as much as can be given to the consideration of this subject in view of the pressing character of other public business. I will say to him, however, that so far as I am able to do so I will facilitate his desire to be heard on this question.

Mr. FINDLAY. I hope that debate is not going to be choked off on this bill.

Mr. MORRISON. There is no occasion for talking about choking.

Mr. FINDLAY. I will modify the expression. I will say I hope the debate on this bill will not be suspended or brought to a sudden close until those who have convictions upon it in opposition have a

chance to be heard. I for one am against the bill *in toto* from beginning to end and would like to express my opinion upon it if I can have an opportunity.

Mr. DEUSTER. I desire to address a question to the Chair. I should like to be informed how many of the gentlemen who have desired to speak on this question have had an opportunity? I for one desire to be heard on it.

The SPEAKER. The Chair in reply to the gentleman from Wisconsin will say he is advised that forty-three gentlemen have thus far addressed the committee on this bill.

Mr. HEWITT, of Alabama. I hope we are not to take up the whole of this session with the discussion of the tariff.

Mr. MORRISON. In connection with the motion I have made I will ask unanimous consent that to-morrow may be devoted to debate on this question to the exclusion of the consideration of private bills.

Mr. BEACH. Not to interfere with the evening session for the consideration of pension bills.

Mr. McMILLIN. In view of the importance of this bill and the kindness the House has exhibited in connection with the consideration of the Private Calendar, as the mover generally this session of the motion to go into Committee of the Whole to consider the Private Calendar, I think for my part it would be proper to agree to the request of the gentleman from Illinois in regard to to-morrow's business.

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] asks unanimous consent that the consideration of the Private Calendar be dispensed with to-morrow.

Mr. MORRILL. Does that include to-morrow evening?

Mr. MORRISON. I do not wish to interfere with the order for the evening.

The SPEAKER. It is a special order which assigns the consideration of pension bills for to-morrow evening. The Chair thinks unless that were expressly included in the request it would not be affected. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from Illinois, that general debate on the tariff bill be closed next Tuesday afternoon at 4 o'clock.

Mr. YORK. I would suggest Wednesday or Thursday instead of Tuesday.

Mr. MORRISON. I insist on my motion. Gentlemen may vote it down if they see fit.

The question being taken, the motion was agreed to.

The SPEAKER. The question now recurs on the motion of the gentleman from Illinois, that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

TARIFF.

The CHAIRMAN. The Committee of the Whole House on the state of the Union resumes the consideration of the bill (H. R. 5893) to reduce import duties and war-tariff taxes. The gentleman from New York [Mr. DORSHEIMER] is entitled to the floor.

Mr. DORSHEIMER. Mr. Chairman, there are two ways of dealing with a redundant revenue; one is to reduce it, the other is to spend it; one way is to lessen taxation, the other way is to increase the appropriations. The latter is the easier path. There are many temptations which invite to it. Impulses of generosity, motives of policy, the interests of locality, pride of country, all tempt us to enter a road where progress is delightful, the pavements smooth, and the prospect alluring. Other and more sinister guides are also at hand. The public contractor, those who hold places of profit, those who collect the taxes and those who distribute them, those whose business thrives upon taxation, and who find in the weight of the public burdens a means of crushing rivalry—all these are eager and most persuasive in their efforts to convince us that the way to deal with a redundant revenue is to spend it. So there are some statesmen who always like to have an excessive income. One such has lately told us that the surplus should be generously distributed to the States, so that the States would be spared the necessity of levying taxes for any purpose of local administration.

However great the income there are always methods of using it. Thus it happens that among the conspicuous and picturesque characters in history we find none who had any trouble in dealing with a surplus revenue. I can not find that either Louis XIV or Charles of Spain or Charles of England or either of the Napoleons was ever in any perplexity with too great an income. A splendid court, largesses to their servants, pompous public works, and frequent wars gave full employment to all the revenues of the state.

The other way, that of reduction in taxation, is a hard road. It leads over a rough country and is beset with foes. Those who follow it find no treasure with which to reward friends or bribe enemies, to control a convention, to win a nomination, to corrupt an election. Those who now take this way do not find it easy. We are told even by some of our friends that our course is not the right one, that great interests will be disturbed, that the present is not the time, that our political enemies will discover our intentions, and thus the fall elections will be affected and the regular current of party politics turned awry.

Our political opponents resist on many grounds, some of which are curious enough. The gentleman from Massachusetts who represents that State upon the Committee of Ways and Means proposes, indeed, that revenue shall be decreased, but he proposes to lower it by the novel method of increasing taxation. The gentleman from Pennsylvania [Mr. KELLEY] indulged himself in a generalization so striking that I must refer to it. He says that the trouble now is, not that prices are too high, but that commodities are too plentiful. The harvests have been too bountiful and the artisans too industrious. After having made this startling statement he drew a dismal picture of the condition of the poor in Europe. He seems to think that the poor there are starving because there is too much food and go naked because there are too many clothes. To doubtful friends, and also to our opponents, we answer that the taxes yield too much, and that our first and imperative duty is to leave the surplus in the pockets of the people. It has been suggested that the needed reduction should be made by abolishing the internal taxation. I do not think such a measure would be approved.

The internal revenue is now chiefly obtained from taxes upon spirits, malt liquor, and tobacco. All of these are luxuries. The taxes upon them have the great advantage that they are in the nature of voluntary taxes. Any one who feels burdened by them may avoid the tax by ceasing to use the articles. So far as alcohol enters into the arts it should be relieved from taxation, and I hope that some means may be found of giving that relief. But if it is impossible to relieve alcohol without impairing the tax on spirits I would prefer that the tax should remain and that the arts should rest to that extent under the public burden.

It seems to me beyond controversy that the reduction of tariff taxes is the true course. They rest upon clothing, food, and fuel, upon houses and ships, upon manufactures and arts, upon the implements of trade and agriculture, upon the vehicles of commerce, upon all the things by which industry is pursued and civilization advanced; nay, upon many things without which life can not be maintained. It is a monstrous suggestion that these burdens should be continued, and that whisky, beer, and tobacco should be made free. Fortunately there is no popular demand for such a measure. There never was a clearer expression of public opinion made in this country than that which comes from every quarter in favor of the retention of these taxes.

It being determined that the first step in the direction of reduction should be the lowering of tariff taxation, the question for us to consider is whether the measure proposed is a wise one and whether it effects the purpose. As to the character of this measure there has been, I think, much unnecessary concession. I think the chairman of the committee himself has gone quite too far in his admissions that the measure is not as good a one as he would wish. Doubtless a statesman familiar with modern teachings and experiences and free to arrange a system of tariff taxation suited to the country would have framed a very different bill. But considered with reference to our situation, to the condition of the protected industries, which should not be subjected to too sudden a change, and above all considered with reference to the state of public opinion, until lately most indifferent to these important subjects, I think the committee have acted wisely and have adopted the most available method of reduction. I say this with the distinct admission that I have changed my opinion upon this subject.

I came here with a strong conviction that the true course was to enlarge the free-list and not to make a general or horizontal reduction. I have come to think otherwise, and I have been somewhat influenced by an argument common with our adversaries and which greatly troubles some of our friends. It is said that the bill will increase the revenue and not diminish it. Is this true? Can you take off one-fifth of the taxes and still increase the revenue? If you can, you certainly ought to do it. And you ought to do it first of all. If you can take off one-fifth of the taxes and still increase the revenue, then it is clear that taxation has been carried far beyond the revenue point, and that a reduction will leave a great sum in the pockets of the tax-payers, a sum which now does not go into the Treasury, but which is taken from the tax-payers and given to certain favored persons. There has never been a declaration of Democratic policy which did not declare that revenue was the only purpose of taxation.

It has never been our doctrine that taxes should be levied for the purpose of taking money from one citizen and giving it to another. The much-talked-of Ohio declaration is for "a tariff for revenue limited to the necessities of the Government, economically administered." If there is a Democrat here who believes that this bill will increase the revenue and who is still disposed to regard the declarations of his party, I say to him, "We are entitled to your vote, because the existing tariff is by your admission far above the revenue standard." Let us take off one-fifth now. If that does not reduce the revenue we can take off more. Some time we will cut to the quick and draw the blood. If 20 per cent. will not reduce the revenue, perhaps 50 per cent. will.

This argument is also strong against the suggestion that the free-list should be greatly increased. For if taxation is above the revenue stand-

ard, then placing raw materials on the free-list may make manufacturing cheaper without making the product cheaper. It will help the manufacturer and not the consumer, and still further increase the inequalities of the tariff. Nay, it would invigorate the vicious process by which money is taken from one class and given to another. It is said that domestic competition will bring prices down. But the manufacturers can easily combine, as the coal and oil men have combined. Let the whole tariff be first brought near to a revenue standard, and we can then with propriety increase the free-list. Partly by reason of the assertion that this bill will not diminish the revenue, but still more by a careful consideration of it, I have come to the conclusion that the committee have taken the proper method.

But it is said that the bill only proposes a horizontal reduction, and that a horizontal reduction is not a skillful, not a scientific method. To those who are troubled by the lack of skill and science in the bill I have nothing to say. I shall be content with their absence if it relieves the public burdens. But I wish to say that to speak of it as a horizontal reduction merely is incorrect, and those who do so leave out of consideration three most important provisions. I refer to the clauses which provide that hereafter no article in the wool schedule shall pay a higher duty than 60 per cent., that none in the metal schedule shall pay a higher duty than 50 per cent., and that none in the cotton schedule shall pay a higher duty than 40 per cent. These provisions have an important effect, and, so to speak, cut off the tops of all the excessive and anomalous duties which are the disgrace of the present tariff. I find on examination that the provisions will operate upon ten articles in the cotton schedule, upon ten in the woolen, and upon nineteen in the metal, and that at present the duties upon these articles range from 50 to 104 per cent. The effect of the provision that no duty shall be lower than the one prescribed by the act of 1861 operates upon twenty-eight articles, and prevents the inequalities which would be caused by a 20 per cent. reduction upon the low taxes as well as the high ones, and avoids the evils of which the gentleman from Ohio spoke when he said that a reduction of 20 per cent. would destroy some of our manufacturers. All American manufacturers grew fat under the Morrill tariff..

The gentleman from Ohio said the bill was complicated and impossible of execution. I listened to his remarks with care, but they did not produce the impression upon me that they did upon him. It is easy by a specification of details to make a simple process seem protracted and complicated. Suppose I apply the gentleman's method to the operation of eating one's dinner. You take a seat at a table, you open your napkin, you take a fork in one hand and a knife in the other, you cut with the knife, you lift the food with the fork, you chew with your teeth, you swallow with the muscles of your throat. All this would doubtless to a Congo negro seem to be a very complicated transaction, but to the gentleman from Ohio it is an easy one and not unattended with pleasure.

It will be necessary for the appraiser to estimate the duties upon an invoice under two tariffs, the existing one and the act of 1861. That act was in operation several years, and duties were levied under it upon all imports. If they were collected then they can be collected now. As to the limitations of 40, 50, and 60 per cent., in most cases a man of ordinary ability can apply them by looking at the figures without doing the sum. I will say to the gentleman from Ohio that if the present custom-house officers are unable to do the work we will soon be in a situation to supply to the public service men who will make this calculation without any difficulty whatever.

I further say that the whole measure shows a wise conservatism in dealing with the protected industries. I much mistake the opinion of those with whom I act if there is any disposition on this side of the House to deal harshly with the protected industries. Since 1866 there has been collected through the custom-house the sum of $3,181,000,000. This vast and unexampled taxation has been constantly adjusted so as to foster certain industries. Those who were engaged in them have had the benefit of this colossal protection, if indeed it was beneficial to them. The taxation can no longer be maintained. There is no use to which the money can be put. The protected industries must accommodate themselves to the necessity for reduced taxation. It is not the desire of those who are interested in revenue reform to make the change suddenly or too rapidly. There is only one way in which a sudden change may be brought about. If the manufacturing interests shall stubbornly resist, if they refuse to accept moderate measures like the present one, an appeal will be made to the public, and the people, once awakened to the monstrous character of the present system, will deal with it in the peremptory manner in which matters are dealt with when condemned by the tribunal of public opinion.

Our opponents will do well to listen to the advice of their leading journals, like the New York Times, the Buffalo Express, the Boston Herald, and the Springfield Republican. Accept this measure, receive it in the spirit in which it has been framed, and you will do much to keep the tariff out of politics and you will have time and opportunity for the inevitable change. But reject it, remit it to party conventions, to the stump, and to the ballot-box, and you will presently receive a blow from which there will be no time to recover. Need I recall to your minds another system, like this the relic of the ignorance and cruelty of the past, and like this supported by a false philosophy and defended on the ground that it was for the good of the toilers who were its victims? Need I recall its fate? Five and twenty years ago the South refused to accept the offers which the North was ready and eager to make. Such changes might then have been made in our Constitution as would have caused the emancipation of the slaves by purchase and by slow and graduated measures. Those who rejected that proffer saw their treasured system go down amid the violence of war and with every circumstance of mortification. Its defenders lost it and all besides; except, indeed, that they preserved the proud memory of the sacrifices they had made and the splendid fame with which the world has crowned their valor.

I can only refer to a few of the arguments used by our opponents. They justify their refusal to reduce the tariff taxes on the ground that their maintenance is necessary to certain of our industries. It is noticeable that the protectionists have changed their position. The system was first commended to the people on the ground that it was needed for the encouragement of infant industries, for the education of workingmen in arts unknown to them, and to persuade capital to enter enterprises which were important to the general welfare, which would make us independent of the foreigner and contribute to our defense in war. Mr. Clay asked that the American system should be encouraged for a few years; even as late an advocate of protection as Mr. Greeley used to say that he would be content with ten years of protection.

All this has been changed. After twenty years of protection the favored industries need it more than they ever did. Their infancy has passed, but they have not grown to manhood. They are still mendicants asking for alms. The protectionists now openly avow that the system must be permanent. The gentleman from Massachusetts and the gentleman from Pennsylvania both declare that it must be permanent. We must face the distinct proposal that we must continue to maintain a part of our people in unprofitable employments. Why are we asked to do this? The gentleman from Massachusetts says that by so doing we will make a home market for our agriculture and that American agriculture can no longer depend upon the foreign market. He tells us that East Indian competition will destroy the European markets for our breadstuffs. It is a little curious that whenever the protective policy is urged upon Congress the specter of East Indian competition is invoked. It was so when the tariff of 1842 was under discussion. It was then said that India would outdo the South in the production of cotton.

Gentlemen will find this matter dealt with at great length by Mr. Calhoun in the speech which he delivered in the Senate on the 16th of March, 1842. Mr. Calhoun had no fear that India would drive American cotton out of European markets. It may interest gentlemen to refer to his speech and see the reasons he had for his confidence and also learn how truly he foretold what would happen. I have no fear that India will be a serious competitor in the grain markets of Europe. India is a thickly settled country, with a population of 229 to the square mile—more thickly settled than France, which has a population of 183 to the square mile; more thickly settled than any part of the United States except Rhode Island and Massachusetts. I do not find that densely peopled countries are great exporters of grain. I think no country can export much food unless it be thinly settled and have a congenial soil and climate and sufficient means of transportation. The increase of wheat production in India will probably lead to a greater use of wheat by the people of that country. In 1881 the East Indians were visited by a famine without parallel in modern history, and England bought vast quantities of our grain to keep from starvation those who live in what our friends fear will soon be the granary of the world. It is interesting to know that the cotton exports of India have greatly increased; in 1882 they amounted in value to about $90,000,000, and yet our cotton has not been driven from the markets of Europe. Last year India sent to Great Britain about twenty million dollars' worth of grain. I do not think this rivulet will soon grow into a flood.

But how is it proposed to meet this danger? If we are to have competition from India one would say the way to meet it would be to make wheat-growing cheaper here; to lighten the taxes of the farmer and to lessen the cost of his supplies. But that way is not proposed. It is said we will make a home market; we will create a class who will eat all the wheat and use all the cotton. Mr. Calhoun was told the same thing. He was offered a home market for Southern cotton, but the home market was not nor has it ever been large enough to take in the cotton crop. Indeed, when compared with the size of the crop, the market is ridiculously small. In 1882 only about a third of our cotton was used at home. In the same year we sent about 40 per cent. of our wheat abroad. Who is there here to wear our cotton? Who to eat our wheat? Our wheat and cotton growers are profitably employed. Some of our artisans—those engaged in protected industries—are not. It is proposed, in order to make a home market, to take men out of profitable employment and put them into unprofitable employments. If we do, they certainly must be maintained by those who remain in the profitable employments. Will the farmer be made able to overcome competition by an increase of his burdens?

When I hear gentlemen talk about making a home market for the consumption of food and merchandise, I sometimes wonder they do not cite European examples. In Europe great standing armies are main-

tained. Whatever objection there may be to standing armies, and I certainly do not favor them, they make an excellent home market. Germany, in time of peace, maintains an army of about 445,000 men. We employ about 400,000 persons in the highly protected cotton, iron, silk, and woolen industries. The German army costs about $80,000,000. We could maintain it quite within our surplus revenue. How much better a home market the soldiers would make than the artisans do. You could spend any amount on them. There never would be any surplus. There would then be that permanency to our taxation which seems so desired by the gentleman from Pennsylvania and the gentleman from Massachusetts and the gentleman from Ohio and all the gentlemen on the other side of the House. They would stimulate many industries. They would wear more and eat more than the artisans. They would need horses and barracks and guns and tinsel and musical instruments. Indeed, the making of instruments for the bands would be a most valuable industry, and would make up perhaps for the loss of that quinine manufacture, the emigration of which caused such sorrow the other day to the gentleman from Pennsylvania.

Mr. Chairman, one can not answer the arguments about a home market without falling into triviality, but it is because the arguments are trivial.

Our opponents use an argument of a more serious character and entitled to serious consideration. They say that the tariff is necessary in order to give our working people adequate wages. It is observable that the ground of the wages argument has been changed. At first it was said high duties are needed because labor is dear in this country. Now it is said that the tariff is necessary to keep labor dear. But without dwelling upon this inconsistency I say in all seriousness that if the effect of protective duties was to equalize property, to distribute it more widely, to give to the workman an easier life, to give to his children better opportunities, and to fill his home with comforts, I would gladly yield and join my opponents. But as I see it, this device of protection is the cruelest wrong which society does the poor and makes heavier the burden of poverty.

Let us consider a moment; if we find that prices of labor vary as much here under the protection of these laws as they do between Europe and America, the statement that the tariff adds to wages will I think be somewhat shaken. The difference in the cost of labor in California and in New York is as great as it is between New York and England. Nay, labor costs more in New York than in Boston, or even in Philadelphia. You may go to a mining camp in Colorado, and if it is on a railway the miners work for $2.50 a day. If you go forty miles away, over a range of mountains, the miners get $5 a day. In the South the negro works at from $8 to $12 a month, while on the Hudson we pay the farm laborer from $25 to $35 a month. It is plain, then, that something else besides the tariff has to do with the differences in the cost of labor. Where labor is plentiful, it is cheap; where it is scarce, it is dear. Where the workingman can be cheaply supported he works for less than where the cost of his support is great. Besides, the wages of the workingman are affected by the value of what he does, by his skill and intelligence. The Englishman is better paid than the Frenchman, the Frenchman better than the Italian, the Italian better than the Arab, the American better than any. You can hire a negro in Africa for a few beads, but he can not do anything except carry a pack. An American able to till a garden will in a day earn money enough to buy beads enough to hire a whole tribe of negroes.

In a word, Mr. Chairman, the price of labor is controlled by the great law of supply and demand. It is the one thing which the tariff can not affect except in this: that it may do the vast injustice of taking from profitable labor a part of its earnings and of giving it to the support of those whose labor does not support them.

I will, however, not leave this branch of the subject without saying that I do not believe there is any gentleman on this floor more desirous of finding some relief for the workingman or more solicitous as to the peril which threatens him than I am. No one can think of the experiences of this country during the last twenty years without dread for the future. We had supposed that we would escape the more serious evils of European society. But they are coming to us with daily increasing rapidity. The property of the country is falling into the hands of the few. The number of land-owners in proportion to the amount of land under cultivation has greatly diminished during the last decade. There are many counties in New York where there are not as many farmers as there were fifty years ago, and yet the population of the State is 5,000,000 and fifty years ago it was 2,000,000.

What is true of land is also true of other forms of property. No one can contemplate the rapid concentration of railway properties into the hands of a few men without admitting that it is the special scandal of our times. Mr. Chairman, I here aver that I regard a continuance of this concentration of property as a great danger to the country, and that unless it is arrested the peace of society can not long be maintained. What the measures of relief are to be I can not predict. But it is clear enough that relief can not come from taxing one class of our laborers and distributing the proceeds of the taxes in part to some of our laborers and in part to some of our capitalists, giving to the capitalists by far the larger share. This is shown by the fact that manufacturing property has been concentrated during the last ten years more rapidly than any other. We find that the tariff instead of being a defense against this danger is itself a prolific cause of it.

Mr. Chairman, the gentleman from Pennsylvania drew in the darkest colors at his command an impressive picture of poverty in Europe. But it was not necessary to go there to find the extremes of human misery. I think he can find them in his own State. I think he can find them in his own district. But if he can not, let him come with me. I will show him on one of these bright days the Fifth avenue filled with a glittering stream of wealth and youth and beauty, and then we will go a little way and look at the dwellings of the poor. He will find whole families crowded into a single room, without a window from which the tender sky of the spring-time can be seen. He will see strong and skillful hands that can find no work. He will see gaunt faces and wasted figures; men without manhood; women without womanhood; age without solace and infancy without a hope. And when he has seen this spectacle—I will not charge it upon the tariff alone, nor yet upon the drink which he would make free; its causes lie far deeper; but I will tell him that, despite more than twenty years of the protection he has so carefully given, scenes like these are common in our land. He describes the degradation of the English poor; but in England there has been worked out during the last forty years an amelioration of social evils without parallel in history. The policy which Cobden and his associates persuaded England to adopt has resulted in pauperism diminished, crime diminished, and the welfare of the workingman greatly advanced. The policy which England abandoned has been transferred to our shores, and has brought with it and planted in our soil the foul weeds which had grown up in Europe during centuries of ignorance, superstition, and misrule. Simple measures have been potent to accomplish great results. But a little while ago Europe was given over to sectarian wars. The stake and the faggot, the thumb-screw and the rack were the instruments by which the Church herself sought to spread the gospel of peace and good-will. At last the spirit of charity came into the weary hearts of men, and suddenly religious hatreds fled, taking with them all these bloody instruments of wrong.

A few years ago we were told that the negro would not work except under the lash. He was made free, and behold the products of his voluntary labor now crowd the seas. You tell us that the workingman can not be protected unless you make his food, his clothing, and his shelter dear, unless you take away a part of his earnings and send him each day into servitude. We answer, make labor free. These are the triumphant monuments of human progress. First conscience free, then manhood free, and now labor free.

Mr. Chairman, the gentleman from Pennsylvania says that we differ from other nations and should "isolate" ourselves from them. That would be a strange result of our boasted experiment in self-government. China alone has isolated herself, and after long centuries of isolation she has fallen into such moral degradation that we exclude her people from our shores.

Should we isolate ourselves, and other countries follow our example, the world would again be inhabited by nations ignorant of each other and regardless of each other's rights; frequent wars would create the necessity of great armies and strong governments. Those who now are free would soon lose their freedom in the grasp of successful soldiers, and not unlikely literature and civilization would be lost as they once were lost, and mankind again be compelled to begin the long and toilsome journey which our ancestors made from darkness into light.

I commend to my country a different policy; I advise her to continue in the path in which she began. Let the union of States be her purpose. That policy has brought under one government first thirteen and now thirty-eight separate communities; it has lately made a commercial treaty with Mexico; it advises us to a similar arrangement with Canada; thus bringing the whole of North America under the shelter of one commercial system. But we will go further still, and advise union, commerce, and peace with all nations. I see with other eyes than those of the gentleman from Pennsylvania. I see in a future, not too remote I hope, all the nations bound together by swift fleets, by railway and cable lines, by the exchange of products and of manufactures, of letters and of the arts, and in this family of the world my country holding a commanding place, her voice heard, her counsels heeded, her example followed, and her power always used for the welfare of mankind. [Applause.]

Mr. KELLEY. Will the gentleman from New York [Mr. DORSHEIMER] now permit me to say a word to him when it will not interrupt the thread of his argument?

Mr. DORSHEIMER. Certainly.

Mr. KELLEY. I desire to correct an error into which the gentleman fell touching myself personally. I was told on coming upon the floor that the gentleman had referred to me and had reported me as saying, "The difficulty is that the world has too much at present; the harvests have been too bountiful and the artisans too industrious." The gentleman did not do me the honor to hear me, and he evidently has not read my remarks. But I desire to say to him that whoever may have reported me as so saying has played upon him most egregiously. My complaint was that the distribution of the joint products of labor and capital was so inequitable, so at variance with the laws of national

economy, that the laboring people were forced into idleness a great part of each year, and were sufferers from want and not from superabundance.

Mr. DORSHEIMER. I will say to the gentleman from Pennsylvania, I heard his speech and I have read it with great care, and now I formally repeat the observation which I made in the course of my remarks.

Mr. KELLEY. I regret the gentleman's course, for it lessens my estimate of his character.

The CHAIRMAN (Mr. BAGLEY). The gentleman from New York [Mr. DORSHEIMER] has ten minutes of his time remaining.

Mr. DORSHEIMER. I shall reserve that time for the purpose of yielding it hereafter.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DINGLEY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads; and

A bill (S. 1706) to accept and ratify an agreement with the confederate tribes of the Flat Head, Kootenay, and Upper Pend d'Oreilles Indians for a portion of their reservation in the Territory of Montana, required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same.

THE TARIFF.

The Committee of the Whole resumed its session.

Mr. BRUMM. Mr. Chairman, before proceeding with the remarks I had intended making I shall at this point endeavor to answer at least one of the erroneous propositions made by the gentleman from New York [Mr. DORSHEIMER]. His arguments are fair samples, Mr. Chairman, of the arguments of free-traders on every proposition that they make. The gentleman tells us that Germany has an army in round numbers of half a million men; therefore this army furnishes Germany with a home market. Why, sir, he might have said that Germany and Italy and Spain have an army of millions of paupers, sick, weak, lunatics, aged and infant, and they too furnish a market for home consumption. He might as well say that America has had army upon army of Indians upon these reservations under the support of the Government, and they too furnish a home market; that every State and county has its almshouses, its jails, and other institutions, and they too furnish a market for home consumption. But the gentleman forgets that all of these home consumers are not producers. Throw the army of Germany upon the producing army of Germany, glut the labor market of that country, and you will find a state of affairs that has never yet been paralleled in either protective or free-trade countries. The question is more a question of distribution of products than of surplus productions, as I shall show further on.

No function, duty, or attribute of government is more important and none more difficult than the proper adjustment of economic laws. As the human family is as diverse in race, nationality, government, wants, conditions, and circumstances as the human face, and as variable and shifting as the winds, this problem can not be solved by any inexorable law, nor can any principle or rule of action be evolved that will adjust itself to all men at the same time, or to any man or set of men at different times or in different places. Therefore every government must regulate and adjust these matters according to its own peculiar systems, necessities, and circumstances, having for its paramount object the greatest good to the greatest number.

The man who talks about universal free trade or universal adjustment of tariffs talks about universal impossibilities. It never was done and never will be done until the millennium makes angels of all mortals. And as the establishment of any general rule is impossible with the world at large, your horizontal humbug is just as impossible and as impractical with the individual government.

I can not understand for the life of me how such an intelligent gentleman as the distinguished chairman of the Committee on Ways and Means [Mr. MORRISON] could ever attempt to adjust this matter upon a horizontal scale, unless from the fact that his party has been laid out so long that he has become horizontal on the brain.

Sir, the solution of this problem would be very much simplified if gentlemen would take a broader and more patriotic view of this question; if they could rise above the mean horizontal level of their party, and beyond mere locality and individual industry. The trouble with the average Democratic statesman is that he is national in nothing. He has never yet learned that the whole is equal to all its parts. He has never yet been able to comprehend the grandeur of a republic based on the equal rights, equal duties, and equal burdens of all its citizens. He has never yet discovered that our greatness and glory depend upon our willingness and determination to stand together and protect each other as one nation and one united family against all our foreign enemies, not only in military and naval warfare but also in political, social, and commercial warfare.

The Democrat of the period is a thing of opposite extremes, a kind of a jumborian midget, a great big nothing, an incomprehensible tattooed "what-is-it," that stopped growing before it had half matured, that does nothing but ape all the evils and mischief abandoned by others, without the ability to originate, adopt, or comprehend anything good or decent, an extremely selfish "dog-in-the-manger" economist, who can not utilize the gifts of God himself and will not permit his neighbor to enjoy them. This creature seldom has a commercial thought above a single commodity or a political idea beyond a local habitation. Some think the solution of the whole question is in sugar alone; others wrap their gigantic intellects in wool and are happy; with many more cotton is king; while nearly all agree with their Kentucky leaders that the *summum bonum* of all earthly glory may be found in the spiritual product of sour-mash bourbon. Few of them have ever been able to see farther than their own barn-yard; none have ever dared to venture beyond their State lines; while every one of them can always be found within the pale of his party. They are always orthodox in their paradoxical shibboleth "Jeffersonian and Jacksonian Democracy," disregarding the fact that Jackson wanted to hang the only practical Jeffersonian exponent higher than Haman. And so they keep up this Kilkenny-cat fight between the straight-out free-trader, the "tariff-for-revenue-only" man, horizontal reductionist, incidental straddler, and last, but not least, the "raw-material" sophist, under the pretext of stopping the surplus revenue, or *vice versa*, and of lowering prices.

The burden of the speech of the gentleman from New York [Mr. DORSHEIMER] was against surplus revenue. The gentleman from Kentucky reversed this by saying and proving that we had not a dollar of surplus revenue in the Treasury. You pay your money and you take your choice.

The second proposition is under the pretext of lowering the price of all except their specific pet commodities. As to the surplus-revenue cry, that is only a sham and a fraud, for the revenue can be decreased more surely and positively by a horizontal or a discriminating increase of tariff than by a decrease. The nearer you approach a prohibitory tariff the more you reduce the receipts from impost duties. Moreover, if the so-called surplus troubles you so much, why do not you abolish the internal revenue and protect the home producer against foreign competition, instead of crushing out the home producer and protecting the foreign monopolist?

A better system of protecting your farmer is to so reduce the tax on all alcoholic spirits and all that goes into the making of liquors, and even on your tobacco. If I had time I should like to discuss this question from a temperance standpoint and to show that even as temperance men, in order to be consistent with the temperance doctrine, we ought to advocate the taking off the tax from liquors and tobacco.

But your second and main object is to so lower prices that you may be able to undersell all competitors in any market of the world—*i. e.*, the producer must have the lowest possible return for his product, no matter how it may affect his comfort or his social, political, or moral status. Our object is to so adjust prices as to give the producer the greatest possible return for his product and to elevate the American citizen to that high plane so essential to the maintenance and stability of republican institutions. For this purpose we must consider the three prime factors of political economy, which I contend are supply, demand, and stability.

And right here let me call attention to the fact that in that one word "stability" there is more virtue than in all the arguments that you have produced on your side of this question. We are suffering more by reason of fluctuations caused by foreign intervention and speculation than from any other reason under the sun. We must shelter ourselves against the baneful influences of pauper labor, cheap foreign capital, barbarous nations, and despotic governments.

Cheap capital is a more potent factor in the question of political economy than labor itself. I may disagree with some of my friends on this side of the House, but I repeat it, capital, by reason of our modern inventions, by reason of our utilization of the elements of nature, electricity, wind, water, and steam, is becoming every day a more potential factor and labor is relatively becoming a less powerful one.

I contend that with our financial system to-day, even if labor were as low here as in Europe, we could not compete successfully with the European producer. I showed last session that the European producer could sell his goods in the American market for much less than cost and yet make money. This may seem paradoxical to you gentlemen. Oh, you may smile, but it is a stubborn fact. Foreign producers can sell in this country for less than the article cost them and make great profits. And how will they do it? They do it because they sell on credit. Selling for cash, they could not do it of course. It is a notorious fact that the great silk dealers of New York can buy silk in Paris cheaper on credit than they can for cash. It is a fact that the English capitalist invests his surplus wealth in our railroad stocks, in all our corporations, not in dollars and cents, but in iron, in steel, in products that are to be used by these corporations. Money with them on permanent loans is worth only 2 per cent. Here, as my Democratic friends, Mr. HEWITT and others, showed conclusively, money in Iowa and other States is worth 7 and 8 per cent. on permanent loans, on the best security, without any loss or risk at all.

The Englishman can sell his rails at much less than cost by borrowing money at 2 per cent. in England, sending it here, and taking stock or first-mortgage bonds on our roads, then drawing 7 and 8 per cent. interest, and pocketing every year from 5 to 6 per cent. profit. Why, sir, in many instances it would pay him to sell his surplus dump in this country for almost nothing. In a short time he would make up the loss in the difference of interest, on the same principle that long-time bonds sell at a greater premium than short-time bonds.

But it is not only the difference in the rate of money that we must be sheltered against. What is the governmental policy of England? And I have not a word to say against the English people. I respect and honor them. They show their wisdom, their enterprise, their energy when they succeed in getting the advantage they have over us. It is our folly, not theirs. But it is their government which even above the great power of cheap money enables them to drive us out of the markets of the world. England is peculiarly a despotic commercial government; a government which has no object above and beyond commerce and the "almighty dollar;" a government every fiber of whose power is used to assist its citizens to drive every other nationality out of the commercial world; a government that has declared its war against Egypt, has subdued India, has pauperized Ireland; a government that has its colonial possessions at its feet, serfs and slaves, to pay tribute to their commercial gods. It is in this way that England has succeeded in driving all other countries out of the commercial world.

It has never been disputed that supply and demand are great factors in political economy. Supply and demand, so adjusted as to produce stability, are the greatest, and I may say the only, factors in this question. The price of your grain, as already shown, is not fixed by your foreign market. It is fixed by the surplus which is not consumed in this country. The prices in Liverpool and Chicago are raised or lowered just as the dealer finds that the crops are successful or unsuccessful and as the demand of the home market may affect that crop. This may well be illustrated. In the States of New Jersey, Delaware, and Maryland the peach-growers, when their crop is so great as to affect unfavorably the price of peaches, dump their surplus into the Delaware River or Bay. Time and again have these farmers dumped their peaches. Why? Because there was a surplus, and they were not going to allow even a small surplus to ramify through the whole peach market and thus reduce the price of the entire peach crop. It is not a great surplus either that makes it necessary to do this. A very small surplus will glut the market. The moment there is a surplus, if it be as one to a thousand, it affects the price of the entire crop. The surplus dumped from foreign pauper markets is the great bane of our industries. It is this dump that we want to stop; it is protection against this dump that the protective system seeks to accomplish, and by avoiding the spasmodic glut assure stability and prevent the periodical crisis and stagnation that destroy the plant, and after the plant is destroyed the world's supply is lessened, but the demand goes on, prices again rise to an abnormal degree, and then it is that the consumer is truly robbed by the foreign monopolist.

Protection, it has been said, raises the prices of commodities. I deny the proposition. Under a protective system, assuring stability, the average prices of all commodities will be cheaper in a long period than they will be if subject to the spasmodic fluctuations incident to the baneful influence of foreign monopolistic despotism.

Let me give you some examples. Such industries as we have in this country—and I hope you free-trade Democrats will be kind enough to pay attention—such industries in this country as can not in the nature of things be interfered with by foreign competition furnish their products more cheaply than anywhere else in the world. Why, sir, can you ride as cheaply per mile in an English railroad-car as you can in an American? Can you have as cheap fare at your English or even your German hotel as you can in America? Why, sir, the kind of meal that they set in our hotels in this country would in Germany, France, or England cost you ten times the price you pay for it here. You gentlemen who have been abroad know this to be the fact. Nay, go further. Take the newspaper. You get an eight-page, twelve-page, or sixteen-page paper, as good as any published in the world, and you pay but 2 cents for it. You can not get a similar paper for that price anywhere else in the world. Take photographs, melanotypes, or any pictures of that kind. You can get a better photograph taken in America for less money than you can anywhere in Europe.

Why is it? These are all things which by the nature of the product can not be interfered with by foreign intervention. Europe can not put her railroads over here. She can not get our coastwise trade, because our laws protect it. That is cheaper, too, as shown by my friend from Maine [Mr. DINGLEY]. You can not have your picture taken in Europe unless you go there. They can not set their camera on the other side of the Atlantic and take your picture on this side. They can not furnish you with a daily newspaper. They can not remove their hotels here nor furnish you daily meals while you are here.

I challenge you free-traders to show me one American industry which by the nature of things is free from foreign competition that the prices of its products are not lower and the articles better than any like article anywhere in the world.

Under a healthy, free American system, with just and equal laws—most products would not only be cheaper to the consumer but would realize more to the producer, and especially to the farmer and the workingman. While the other side is constantly crying "Lo! the poor farmer!" you are adding insult to injury by presuming upon his ignorance, for the intelligent farmer well knows that he above all others is benefited by the protective system. He has under its benign influence better houses, better fences, better barns, better utensils, better furniture, better instruments, better schools, better morals, better men, better women. The farmer never gets to the point of starvation by reason of any general business crisis. No man can economize much in the consumption of farm products, for food we must have at all times, while the product of the business man, the laboring mechanic, is not at all times indispensable.

Moreover, farm products under our tariff system have generally increased in value while other products have decreased. Why, sir, during the last Democratic administration, under "ten-cent Jimmy," in many localities coal was so dear and corn so cheap farmers used corn for fuel. I remember very well, and I want you farmers to remember—I remember very well, in my short lifetime, when it took a good cow to buy a good cooking-stove. To-day a good cow will furnish the best kitchen in the land with cooking-stove and all the utensils necessary for a well-regulated kitchen.

I worked for years as a watchmaker, and I remember well when it took a good horse to buy a good clock, and to-day the price of a good horse will set you up in a respectable watch and clock business. Clocks for a dollar. A good horse is all the way from $250 to $1,000.

Why, sir, it used to take, in my short lifetime, a whole calf to buy a saw. To-day you can buy the best of Disston's make for the hide of a calf.

I remember when it took a pound of the best butter to buy a pound of nails. To-day you can buy a pound of nails with a quart of skimmed milk.

Yet you talk about protection to the farmer. Where has his commodity fallen in price? Every other commodity has fallen by reason of protection, while the farmer has always held his own or rose steadily from year to year, and this is what I learned the rhetorical oracle [Mr. HURD] called legalized robbery of the farmer, while that is false. The truth is, your system of free trade, involving the Malthusian doctrine of the survival of the fittest, is rapine and murder most foul and unnatural, by forcing brother against brother in the desperate struggle for life. But they tell us a protectionist is a monopolist. Protectionists never were and can not be monopolists. What does it mean in that sense? Do we protect the individual wool-grower, do we protect wool only in one locality or in one State? Do we protect any one man or any one corporation or any one locality? No; we protect the article and we invite every man to partake in that protection. If wool-raising by our protection is a profitable business, we invite you to become wool-growers.

If iron and steel be more profitable under our protection, we beg of you come and develop the undeveloped iron and steel and coal and minerals of our hills and valleys. Is that monopoly? Why, your system involves the very essence of monopoly—to protect and defend British monopolies; to protect and defend the American whisky monopolies. Why, there is not a whisky dealer that is not praying and begging to have the tax kept on. The monopoly has driven all other men out of the whisky business except the rich nabobs in Kentucky and other States, and yet you charge us with being monopolists!

Then, again, you tell us that under free trade we have had better wages as compared with the purchasing power of commodities. I deny it. In the first place we have never had free trade in this country, and especially have we never had free trade and free labor at the same time. For ever since Abraham Lincoln issued the emancipation proclamation abolishing slave labor we have had protection, and therefore when you say that example has taught anything in favor of free trade you tell us that which you know is not true.

Then, Mr. Chairman, comes the raw-material sophist, the greatest humbug of all. Sir, there is no raw material except the pure sunshine of heaven, the air, the water, the earth in its natural state. Gold as raw material in the bowels of the earth is worthless. Dig it out—that is, apply the magic wand of labor—and it becomes very valuable. Yet it is still raw material under your theory to the assayist, the coiner, the jeweler, the artist, and the scientist. Iron and coal are worthless raw materials in the mine, but the talismanic touch of labor changes their value from the iron in the mine to the hair-spring and the almost invisible pivot and screw, which are much more valuable than their weight in gold; and yet, under your theory, they are raw material to the watchmaker.

Sir, the more human tissue and brain-sweat that is expended on a production the further it is removed from raw material. Now, by this bill you call coal raw material; and Mr. HEWITT, of New York, above all others, advocates placing coal upon the free list. Why, sir, there is not a product of earth upon which so much human tissue is expended, so much brain-sweat, so much labor, so much suffering and toil as there is in the production of coal. The miner makes greater sacrifices in producing that article than any other producer in the world. Down miles into the bowels of the earth, groping his way in the darkness, facing all the torturing elements of sickness and death, fire,

sulphur, falling rock, dust, the treacherous black-damp, and water, amid these elements this toiler produces what Mr. HEWITT chooses to call "raw material," a commodity in which more money is expended and more lives lost to the product or the return than any other commodity that was ever yet produced by the labor of man. The price of the coal in comparison to the waste of tissue is less than that of any other article; nay, it not only requires this waste of tissue, but requires men, men with muscle, men with brains, men with hearts, heroes that face danger in all its most horrid forms, men who take their lives in their hands, who leave their wives and little ones every morning, go into the bowels of the earth out of the pure air and sunlight, which they never see except on the Lord's day in the winter months! These are the men who produce the article that the honorable gentleman from New York chooses to call "raw material."

Why, sir, of all men on this floor, Mr. HEWITT certainly ought to know better. He is the owner of coal-lands and of coal-mines, and ought never to forget the slaughter of Avondale and Pocahontas in this country and greater slaughters in the old country. I am sorry he is not here. I do not see him in his seat, for I should like him to answer the question why he attempts to hoodwink you with the idea that coal is raw material.

But I must hasten on. I had intended answering a number of equally ridiculous propositions of other gentlemen, but I find my time is growing short. One remark further, however, upon this point. Mr. HEWITT himself described the horrible scenes of poverty in the coal regions, but permit me to say it was very much overdrawn. He only described the surface scene; he only described the horror and the misery of the miners and the laborers on the surface, and that picture was much overdrawn. For I tell you, sir, that among the miners and laborers in the coal region there is as much comfort as there is among any other class of workmen in this country and far more intelligence than the gentleman's constituency possess. It is only this imported labor that you find in such wretchedness and misery. You find the Hungarian, an article of recent importation, housed as you find some of the constituency of the gentleman from New York housed in New York, but none others of our laborers are in that condition. And who is responsible for this? Why, Mr. HEWITT himself, on the Committee on Ways and Means, in reply to Mr. Day said he [Mr. Day] was a public benefactor because he imported this foreign element.

I do not mean to say Mr. HEWITT imported this element himself, nor that he is responsible for the short hours. But he is a member of one of the coal corporations he speaks of that brought about this state of contracting the hours of labor to three days a week under the anthracite board of trade. If he is not now, he used to be of the firm of Cooper, Hewitt & Co. One of the largest miners of coal in my region turned his cash assets and lands into stock forming a corporation known as the Alliance Coal Company. The gentleman finds fault with the very men of whom he was, or seems at least to be, a part.

It is an argument, he says, to show that overproduction is the great evil we are contending with. That has been repeated by almost every gentleman on that side of the House. I tell you, sir, there can be no such thing as overproduction, general overproduction, It is simply a question of ability to distribute. Our capacity of consumption is correlative with the power of destruction, and all you need do is to give us the opportunity, give us the chance, and we will consume everything you produce that is worth making. The argument is as false on that proposition as every other one that you have advanced. Your remedy should be in such a financial system as would facilitate the interchange of commodities and prevent spasmodic fluctuations by allowing corporations to control the medium of exchange, namely, money; in such just and equitable laws as would give to the producer a fair share of his product. The evil is not in the tariff; it is in your monopolies. It is in the fact that under your monopolistic system you have allowed them to build up their railroads on credit and to absorb the sweat and blood of laboring men in gambling in watered stocks, unearned interests, and dividends encouraged by your vile credit system.

You talk about your millionaires of recent date. Who are they? Railroad men, commercial nabobs, stock-jobbers, bankers, brokers, and bonanza kings. There is hardly one that is a manufacturer; hardly one that is a producer. Had you been half so zealous in stopping the evil effects of these monopolies as you have been in falsely attempting to charge it upon the doctrine of protection you might have solved this problem and proved yourselves great benefactors.

Why, says the gentleman (Mr. HEWITT), in the iron-ore regions of my State men are working for 62 cents a day. And yet in the same breath he would make iron ore a raw material. Where is the consistency of such logic? That the demand for iron ore is so meager that you can only get 62 cents for mining it, and for the purpose of bettering that condition you must allow the foreign iron ore to come in on our market and flood it more than it is flooded already! Only 62 cents for mining; but bring in the product of the pauper laborer of Europe and we will cure it all!

Again, the unions of labor, trades-unions, are the fancy of Mr. HEWITT. He thinks they are the only thing that will remedy this evil. In England the trades-unions have made progress, I grant you. But they have made it simply because there are no conspiracy laws there preventing them from combining. I was glad to learn that the gentleman from New York [Mr. HEWITT] was in favor of the abolition of conspiracy laws. He was right in that. I wish he was as right in other propositions. Under the English system they have made this progress by their unions. In this country they will make greater progress if you will only abolish the conspiracy laws, restrict the powers of monopolies, and keep up your protective system.

The importations of foreign contract labor is one of the hardest questions to solve. I grant you that manufacturers are no better than other people. They will take advantage of a business point as well as the farmers and others. But they are no worse. If they can get cheap labor from Europe they will have it. And in that they are only human. Stop the importation of your serf labor, stop the importation of the laborer under contract, open the door to white labor in the South, and that will go far toward remedying this evil.

Whatever chance the laborer has to compete with this foreign labor he has by virtue of protection. Take that away, and you pull down his only remaining support, you aggravate the evil the more. Simply because we are not all perfect, simply because we have not arrived at that point where every workingman can be independent and stand erect in the true dignity of his manhood and assert his rights, you say, wipe out what little chance we have in this protective policy, thus aggravating the evil. You tell us that cheap products in themselves mean cheap living, and that will cure it. This, too, is false. Let me call your attention to this fact: If a laboring man earns $10 a week, having a mortgage on his house say of $100, and he can save 5 per cent. of that $10 a week, it will be 50 cents. If he gets but $5 a week he saves the same percentage. Five per cent. on $5 is 25 cents; 5 per cent. on $10 is 50 cents; and thus he will be able to pay 100 per cent. more on his mortgage every week under our system than he will under yours.

To say the least of it, this protective system is in favor of the debtor classes. Your system, in its best shape and phase, can only possibly help the creditor, can only possibly help the banker, can only possibly help the broker, can only possibly help the commercial shark. Our system must at all times help the debtor and the honest creditor by stability. Therefore your system contemplates no other mode of acquiring a foreign market unless your commodities be so cheaply produced as to enable us to undersell all foreign competitors. This, sir, is utterly impossible. You may try it from now to doomsday and you will never accomplish it while we are in direct unprotected competition with them, for they are already down to the bottom rock of despair. The European, the Asiatic, the African producer is already down so low that we can get no lower, no matter how much you may attempt to crush us down.

We can never hope to supply their market except, first, with our incidental surplus productions, our "dump," if you please, the result of domestic competition, for which we rely principally (under our protective system) upon our home market. Second, we can only hope to supply their market with products in which by our superior genius, climate, quantity, quality, and other resources we have the natural advantage over them.

Sir, cheapness alone will not do it. Even if by your damnable policy you force us down amid the poisonous vapors of Asiatic misery and African wretchedness we can not cope with our foreign adversaries in their markets, for we still lack the necessary stability that can only be acquired by a proper system of economic laws and protection against the dump of the pauper labor and cheap surplus capital, backed by all-powerful despotic commercial governments.

But, sir, the most astonishing jugglery and necromancy is in the success of the deception you practice by reasoning from false premises, and the wholesale perversion of the truth. Many of your cheap statesmen while clamoring for cheap products of labor are loud-mouthed for just reward for the man that is to produce this very cheap article. Oh, yes; you favor high wages, but want nothing to result from labor to pay it with. But the most cheeky of all propositions is the claim of your party to be the friend of the poor workingman. Since when, I pray, have your acts sustained the claim? Why, sir, ever since I have known anything of the Democratic party the whole history of that party is a history of championship of slave labor.

You not only championed slave labor until we forced you away from it; but you were willing to destroy the greatest government, the only free government under the sun, that you might build up your confederacy on the rock of the divinity of slavery. Slave labor was your shibboleth; slave labor gave you your strength. You are to-day no more honest than you were then. You are to-day in favor of slave labor just as much as you ever have been. You are to-day fighting under the same black flag of Bourbon Democracy.

You are to-day in favor of grinding down not only the laborer of your own sunny South, the negro, by depriving him of his political rights and of his manhood, but you are endeavoring to deprive the laborer of the North of his rights by the horizontal leveling of all labor to your Southern status. And, as suggested by my friend near me [Mr. PETTIBONE], all this is in the name of Democracy.

Moreover, you restrict the labor market and hem it in by a system of social, commercial, and political ostracism that prevents the natural

ebb and flow of the labor of our country. Tear down your Chinese wall of selfishness, jealousy, and envy and encourage the superior talent and energy of the North to come among you and teach you how to become as progressive and prosperous as we are. You will then not only benefit the laborer of the North, but will add threefold blessings to your own people.

Sir, your system seeks a commercial victory at the expense of social, political, and moral defeat. Our system seeks commercial supremacy by the broad highway of progress that leads us to national greatness. The whole problem of life under your system is only the almighty dollar, and for this soulless god you would sink the American citizen beneath the mire of India serfdom and have him burrow under the slime of British despotism for the laudable purpose of dragging us with all humanity down into the Cobden and Malthusian hell of extermination by oppression, war, famine, and pestilence.

While protection to American industry means protection to American institutions, it means the elevation of the American citizen to a still higher plane of civilization, it means a broader and purer democracy, a more comprehensive republic, a more charitable and liberal toleration to all men. It means, sir, a wiser, healthier, and happier people, going onward in the way of progress, adding a haloed luster to the bright sunlight of liberty, that it may shed its rays over the rest of the benighted world and show all mankind, in the name of God and of American institutions, the direct road up to the horizontal plane of universal rights, universal duties, universal burdens, and universal happiness. [Great applause.]

Mr. CLAY. Mr. Chairman, I listened a few days ago with interest to the speech of a gentleman who has for twelve consecutive terms been elected to a seat on this floor—who has served longer continuously than any other member, and who receives and is entitled to the appellation of the Father of the House, for by it I expected to be advised of the benefits of a protective system, and of the evils of a contrary policy. And if I say that by his argument I failed to be convinced of the one or the other, I have an abiding faith that those who heard it as well as those who may read it will not attribute it to my mental obtuseness. All the poverty and misfortunes of "prosperous, merry, free-trade England" were charged to the account of her free-trade policy.

Lest it might be regarded *mal apropos* in me I shall not criticise the mode of investigation by which the learned gentleman ascertained certain facts, but will be content with saying that the best investigation of the misfortunes of that country could not be made by an invalid tourist in the short space of eleven weeks, nor is the best authority in regard to the diseases of Switzerland the hearsay statement of an unnamed medical pauper practitioner of this country.

Is there naught but the system of free trade that causes the poor of England to suffer more than the poor of the United States? Is it not a fact that other causes than that named by the gentleman produce the results to which he so feelingly alluded? Are tales of woe, and poverty, and misery, and crime unknown among the sovereigns of free, enlightened, prosperous, but tariff-ridden America?

We claim, sir, that we have the freest, the fairest, and the proudest governmental fabric ever erected by man, in which every man is a sovereign. The freedom of speech, the liberty of the press, the right of trial by jury, the writ of habeas corpus, the right to worship God according to the dictates of the conscience of each, all guaranteed and maintained—a "government of the people, by the people, for the people." We pay no tribute to the monarch. The cost of keeping up magnificent households and the gorgeous paraphernalia of royalty are not paid by us. We have no princes to whom we grant annuities, no titled nobility that draw a pension from our exchequer. Does the laborer in a country so ruled and possessed of such rights have no advantages over those of merry England? If not, our form of government is a farce, and the glories of a republic a myth!

England has been known for centuries to the civilized world. From the invasion of Britain by Cæsar to that of the elder Napoleon eighteen hundred years intervened. It is Old England. Every acre of her available lands has been cultivated for centuries; worn out, they have been restored by costly artificial processes time and time again to productiveness. An eternal fog rests upon her, and her climate is cheerless and forbidding. The limits of her municipalities cover almost the entire realm, and her territory, small in extent, is crowded with teeming millions of people. The agricultural acreage of the country is not sufficient to supply her people with the necessary means to feed and clothe themselves, and for these they are dependent on the great world's supply. To render her less dependent on the South for her cotton and on the West for her supplies of animal and vegetable food she has made the great sacrifices and such questionable experiments in India that she has. Her real estate is owned and held in large tracts by a landed aristocracy. The masses as a rule have no interest in it save as the tenants of extortionate landlords or as the servants of a titled nobility. Her poor have no homes, no lands—landless and homeless. Her laws of primogeniture and entail have prevented them, no matter how industrious and frugal, from acquiring a real-estate footing.

How great the contrast when compared with the United States. Scarcely a century has passed since she had a government of her own. Not four centuries have elapsed since Columbus discovered it as an unbroken wilderness uninhabited save by roving bands of untutored savages. There are yet living those who saw the first President inaugurated. It is Young America! An athlete unfettered, able to cope with the world in the world's great battle! Within her limits she has every character of climate to satisfy the varied tastes of mankind, possessed of a soil, a large proportion of which has never been scarred by the plowshare, it needs "but to be tickled with a straw and it laughs with an abundant harvest." Her territory, as compared with that of England, is limitless. Though we have a population of over 55,000,000 of people, our country is sparsely settled. The products of our farms afford not only enough to supply the demands of the people at home, but under proper encouragement and wholesome laws capable of supplying the deficit of every country beneath the sun. Under her wise and beneficent homestead laws there are none so poor that they are not able to acquire lands and homes from the public domain—a domain sufficient, unless unwisely granted by Congress to corporations, to satisfy the wants of settlers for generations yet to come.

I shall not speak of other natural and material advantages possessed by her lest I weary the patience of the House; but I ask, is it any wonder that, surrounded by all these advantages and blessings, the American laborer is more thrifty than his brother of England? If these are not the causes that contribute to this end rather than that claimed by those who favor a protective tariff, then I assert by a parity of reasoning that the wages paid in the countries of Europe whose governments maintain a high protective tariff should be higher than those who have adopted the free-trade system. Is this so? England is a free-trade country. France and Germany are dominated by a protective tariff. A comparison between the wages paid by these countries ought to settle this question.

I hold in my hand tables prepared from unquestioned data by Mr. Jacob Schoenhof, showing the different prices paid in the different industries of those countries and in the United States. I shall not detain the House by reading them, but will incorporate them as part of my remarks, where gentlemen can consult them at leisure if they so desire.

In the cotton industries Mr. Schoenhof says that the wages paid in the United States in 1878 were on the average not more than 15 per cent. higher than the wages of English cotton operatives. And he says that, "as compared with Germany and France, English wages are fully 50 per cent. above those of Germany and on the average at least 30 per cent. above those of France. In the woolen industries wages on the average are about 30 per cent. higher in the United States than in England; in England about 20 to 35 per cent. higher than in France, and fully 50 per cent. higher than in Germany. In the iron industries American wages average fully 75 per cent. more than English wages. Wages in England are fully 75 per cent. higher than those paid in Germany for like work in metals, and perhaps one-third higher than in France. In the manufacture of boots and shoes about the same relative prices exist as in metals."

The protectionists by these facts are placed in the anomalous position of explaining how a high protective tariff makes lower wages in France and Germany than in England, and how the same kind of a tariff in the United States makes higher wages than in England. *Reductio ad absurdum.* The truth is, there was never a more senseless argument made by sensible men to a sensible people than that a high protective tariff makes high wages. In different countries they may be different, and in different localities in the same country, but everywhere they are regulated by the same inexorable and unchangeable law of supply and demand. Ah! gentlemen, it is not for the laborer that a high protective tariff is sought to be maintained. It is not for him that our desks are laden day after day with periodicals and papers containing essays and letters in favor of this system. It is not in his interest that tours are made to Europe by paid correspondents that fill the pages of dailies and weeklies with questionable statements and statistics favorable to a tariff.

It is sought to be maintained by monopolies that under its fostering care and protection within the last quarter of a century have been warmed into existence; monopolies that have destroyed individual enterprise, consumed individual energy, and blighted American manhood.

If for the benefit of the laborer such laws were maintained, instead of occupying an humble cottage and sharing his frugal meal with his humble family he would be occupying the costly mansion of the manufacturer and his table would be laden with imported viands, tropical fruits, and all the luxuries that wealth could bring. Instead of himself and his family being scantily clothed they would be clad in silks and satins and fine linens; instead of rising at early dawn and walking to his place of labor, and when tired and worn out returning by the same conveyance to his humble home, he would with his family be riding in splendid equipages, driven by liveried servants, from palace to shop, from capital to capital, knowing no weariness save that imposed by a study of how best to satisfy his own tastes and desires.

The able Senator from Texas [Mr. COKE], in an elaborate and unanswerable argument made in the Chamber at the other end of this Capitol, in February, 1882, said:

During the fiscal year just closed the value of dutiable merchandise imported into this country from abroad, as the Treasurer's report shows, was $448,061,587.95. Upon this merchandise was collected at the custom-houses $193,800,897.67,

being an average of 43½ per cent. This is the entire revenue of the Government derived from the tariff for the last fiscal year. Now, what amount do the manufacturers receive from the tariff? By the census of 1870 it was estimated that four million dollars' worth of manufactured articles were consumed annually in the United States. The figures for 1880 are not yet published so as to be accessible, but following the ratio of increase in population and everything else, they must now amount to at least $5,000,000,000 each year. All these manufactures being increased in cost to the consumer by the amount of tariff duty, which, as I have before stated, is an average of 45 per cent., which goes to manufacturers, it is easy to see on that basis what the share of the manufacturer would be. But I will discount that per cent. so as to more than cover all contingencies and all drawbacks, and say they only receive under the tariff 25 per cent. on the sum total of manufactured articles consumed in the United States, and it amounts to the enormous sum of $1,250,000,000 annually. And the amount increases each year with the population and trade of the country.

So for the year 1881 the results of tariff taxation and the distribution of its proceeds may be tabulated thus:

Revenue received by the Government	$193,800,897 67
Bounty received by manufacturers	1,250,000,000 00

So that for every single dollar paid into the national Treasury under the existing tariff six and a half dollars, at the lowest calculation, go into the pockets of the manufacturers. If this vast sum of money were collected annually from the pockets of the people directly to be given to the already richest class of people in this country each year its monstrous iniquity would of course be so apparent as to defeat it. But it is collected indirectly, though as surely, in an increased price of everything they consume, in everything they eat, drink, and wear; in every tool and implement they work with; in every article which enters into the construction of the houses they live in, whether used for strength or utility or ornament; in every book or newspaper they read. This tax is as all-pervading as the atmosphere they breathe, and they have been so accustomed to it that they neither feel nor appreciate its enormity.

The total number of all the laborers in the United States in 1880, including those dependent on them, engaged in manufacturing, mechanical, and mining industries, was in round numbers 7,700,000; divide the bounty received by the manufacturers, according to the statement of Senator COKE, $1,250,000,000, by this number and it gives to each laborer $162.26 per annum, and to each one dependent on him the same sum. Placing the number of dependents, including himself, at three, which is a moderate estimate, and the laborer would receive from the Government direct $486 per annum instead of as now the sum of $395 per annum, which is the average amount paid to the laborer by the manufacturers of this country. This amount would be given him without the stroke of a single lick or the effort of a solitary muscle.

I have spoken alone of that class of laborers who are engaged in the mining, manufacturing, and mechanical industries of the country. According to the census report these represent only about 22 per cent. of the laboring population, and under the mechanical head is included carpenters, blacksmiths, brick-masons, &c., which receive no direct benefit from the tariff. Deduct these and we have but about 12 or 15 per cent. that the advocates of a high tariff claim are directly protected.

The exactions laid by the tariff are paid, as I claim, not to the laborer, but to the manufacturer; but admit for argument sake that they are distributed alike to the laborer in the manufacturing industries and the manufacturers, 85 per cent. of the population of this country pay the immense bonus to the other 15 per cent. What do they in turn receive? Says the protectionist to all the people: you are nourishing the infant industries of the country; they will soon be self-sustaining and enabled successfully to compete with foreign manufacturers. How much longer will the cry of the infant be heard in the land; when will his lamentations cease? In the beginning of this century it was thought a temporary tariff of 8 per cent. would bring about this result. In 1815 the father of the American system thought that a tariff of 25 per cent. would accomplish it, and that too within the short period of three years. In 1824 it was increased for the same purpose; again in 1828, and so on, and so on. The infant is yet in its swaddling clothes, though manufacturing has increased to that extent that the home demand—the only demand we are allowed by our law to supply—can be fully met by running on half time.

It is time this infant stopped "puling in its nurse's arms." It will be an infant so long as Government pap is furnished it. It needs but to come in contact with the world and the world's trade to show its manhood. Strip it for the fight by taking off the garment of protection that weakens and enervates it. Bid it God speed; and in a few years, grown strong by competition, it will return to you bronzed and hardened by contact with the world to pour into your lap the commerce of the South American governments, of Mexico, of the islands of the Atlantic, of far-off China and Japan, and it may be, entering the British dominions, turn her trade to America, and secure to your country the title of Queen of the Sea.

To the American farmer the advocates of a high protective tariff say you are benefited by having furnished to you at your own threshold a market for your surplus products. I state it as a fact that the enhanced prices paid by the farmer on account of the tariff on every article he wears and consumes will more than double the gross amount received by him by sale of his products to the manufacturer and all his employés. This home-market theory has been told him for "time whereof the memory of man runneth not to the contrary." If this be so, why does the report of the trade of this country with foreign countries show that at least 80 per cent. of its total exports consist of farm products?

The truth is that foreign countries to-day fix the price of the produce of American farms and not the home demand. But for this foreign demand the fields on which this surplus grows or is raised would grow up in weeds, or after having been garnered it would rot in the barns or gins or be burned for fuel, as in my country years ago. The farmer receives no protection at the hands of Congress. He is compelled to ship his surplus produce to other countries, taking there the price that is fixed by the law of supply and demand. Rising with the morning sun, he is compelled to work until the going down thereof. Receiving no bonus like the manufacturer, his gross profits in the year 1880 were only 5 to 7 per cent., while those of the manufacturer for the same year were over 36 per cent.

The wages of the laborer on the American farm are from 300 to 500 per cent. higher than similar labor of any other country with which his farm products come in competition abroad. Notwithstanding all this, he is not permitted to buy what he wants or needs in the market where he sells or the cheapest market. To illustrate: A farmer may ship a cargo of corn to Liverpool and sell the same at a better price than he could receive at home; yet if he wished to buy any article of necessity or luxury with which to make up a return cargo the tariff laws of this country would, before permitting him to receive and use them, compel a payment of a tax of 35 to 150 per cent., prohibitory in its effect. He is thus compelled to enter into competition in the sale of his products with the lowest-priced labor of the world, and is compelled to buy what he may need in a market that under the law is permitted to fix a price from 35 to 150 per cent. higher than in the market in which he sold his produce.

Doubly robbed, the high protectionist would doubly damn him because he repudiates their doctrines, or, like the gentleman from Pennsylvania, would compel him to raise sorghum as an antidote for "all the ills that flesh is heir to." Under this system the farmer of this country, notwithstanding he has a virgin soil to work, is growing year by year poorer and poorer; mortgages are made on the homestead to make ends meet, with the hope that next year will bring better prices, but hope deferred makes the heart sick, and the old man dies with the incumbrance still on the farm, and the young man takes it up where he left off, and the same tale is repeated again and again. If this be the case when the lands are new and fresh, how much more sad will it be when the soil is exhausted and there is no surplus to sell, but the tariff tax must still be paid.

No wonder, sir—

Said Mr. Marshall, of Illinois, several years ago, in a speech on this floor—

No wonder, sir, that the Western farmer is struggling with poverty and conscious of a wrong somewhere, although he knows not whence the blow comes that is chaining him to a life of endless toil and reducing his wife and children to beggary.

It is claimed by the advocates of a high protective tariff that the higher the import duties the cheaper will be goods. So flimsy a claim can only be based on the idea that the manufacturer is too honest to take advantage of the privilege that is given under the law of charging a profit equal to the tariff or promulgated in the belief that a credulous people will receive as true any statement that may be made by this favored interest. No fact is better established than that the importer of any article not produced in this country on which a tariff is laid must pay the duty upon it, and in selling it to a consumer must have returned to him what he pays for the article, including the cost of transportation and insurance and the tax or tariff paid to the Government. And if the article be produced in this country the producer will place the price on a level with the foreign article. There may be and doubtless are times when the American producer sells for less, but it is the exception and not the rule.

It is asserted, and notably by the gentleman from New York [Mr. HISCOCK], that the great prosperity of the country within the last decade is attributable to a high protective tariff, and comparisons were made by him to establish this fact.

It is needless to say, Mr. Chairman, that no one cause could produce prosperity in a country. It is dependent on many, the least of which in my opinion is the tariff. I wondered while the gentleman was speaking if he would have attributed the unparalleled prosperity of England in the last forty years to the abolition of all import duties and the establishment of free trade—that prosperity that showed itself by the increase of her exports of merchandise from $310,000,000 in 1840, to $1,533,000,000 in 1882. The fallacy of such arguments is easily exposed.

As it is not for the benefit of the laborer so it is not for the purpose of creating a home market for the farmer, nor for the protection of infant industries, nor for the purpose of making goods cheaper, nor yet, as claimed by the gentleman from New York, of causing the general prosperity of the country, but it is for the purpose of enriching the few at the expense of the many, of concentrating the wealth of the country in the hands of a favored class. It is for the purpose of building up a moneyed aristocracy, the most disgusting and contemptible of all aristocracies, not relying upon its antiquity nor its noble deeds nor on an unsullied escutcheon, but acquiring and maintaining its position through dollars contributed by the sweat and muscle, the groans and mental anguish of the poor laborers of the country. Beware of fostering and encouraging such an element. It will fasten itself on the body politic and by corrupt practices will destroy the liberties of the people and uproot the foundation-stones of the Republic.

If all were accomplished by levying a high protective tariff that its

advocates claim, I still protest that Congress has no power to levy or impose any tax on the people except for the legitimate purposes of Government, for the payment of its expenses, ordinary and extraordinary. It has no right to take my money and give it to another to enable him to succeed in an enterprise which would otherwise be unprofitable. The power of taxation is a sovereign power, delegated by the people and the States to the General Government. It is a power that should be restricted and confined within the limits imposed by the letter of the fundamental law. When this limit is intentionally overleaped, taxation in excess thereof becomes legalized robbery. I need not quote the Constitution of the United States, neither the decisions of the Supreme Court under it, to prove the position I have assumed.

It has time and again been announced and approved by the judiciary of the Federal Government, and of every State in the Union, and he who would dispute it would "dispute against the sun." Yet in the face of these universally approved propositions, we find some of the leading apostles of a great national party asserting that they are in favor of protection for protection's sake, which interpreted means that if the Government were out of debt and required no revenue, yet they are willing and ready to impose restrictions on importations from foreign countries that would give to American manufacturers the exclusive control of the home market. That a doctrine so monstrous should be espoused in the full blaze of the nineteenth century, is but an evidence that there are those who respect no landmarks and know no constitution.

The United States needs no high tariff laws to protect her labor or her manufactures, and a tariff limited to the purposes of revenue is the only tariff that can be imposed under the Constitution; it is also the one that will bring the greatest prosperity. It is a conceded fact that the capacity for manufacturing in all the leading industries of the country exceeds the home demand and the small export demand; that the present overproduction of manufactured articles is very large; that the factories do not run on more than three-quarters time and frequently on half-time. I assert that one of the best evidences of the prosperity of a country is in the fact that its labor has continuous employment. It will not be denied that a population spends what is already earned when not actively engaged in work more rapidly than when it is, because it must find that recreation in pleasure which is in part yielded by active employment. Idleness is said to be the devil's workshop, and any population that has nothing to do will become more or less vicious according to surrounding circumstances, and discontent and restlessness undoubtedly follow.

What is the cause of labor being unemployed? The reason is given that manufacturers have stocks on hand more than sufficient to supply the demands of trade. What trade? The trade of the people of the United States. What limits the manufacturer to this trade? Why does he not sell his goods in other countries? The answer is that the citizen of the United States is prohibited by law from buying or interchanging commodities with the people of other countries, and that right exists between the people of other nations. Not being permitted to sell what they make or produce to the citizens of the United States, it is not strange that they should buy what they want from others who are given that privilege.

It is the interchange of commodities that produces commerce, without which no country was ever truly great. It is the high tariff that closes the ports of foreign countries to our trade; that has swept our merchant marine from the high seas and placed 95 per cent. of our foreign carrying trade under foreign flags. Modify these laws by reducing your tariff to a revenue basis, break down the barriers that prevent the manufacturer from seeking a foreign market for the sale of his manufactured goods, and you will hear no more of overproduction, of labor unemployed, of machinery stopped, of silent forges, or furnaces blown out, and in a few years your flag will be floating in every sea and in every harbor over ships freighted with rich treasures from America.

The truth is that there is now no excuse for a high protective tariff. When a large part of the able-bodied men of the country was engaged as soldiers in a great strife, when the labor of the country was in a measure demoralized, when the honor and credit of the country were at stake, and immense sums of money were needed to preserve the one and sustain the other, when great drafts for materials were made on foreign countries, and the importation of merchandise of all kinds, through the abnormal condition of the country, was stimulated and increased, the Government was afforded temporary relief by imposing high duties. It was a war tax, and when the war ceased it should have been repealed or modified as other taxes levied under the same circumstances and for the same purposes, or at least when the needs of the Government no longer required them to be collected. With about $150,000,000 surplus in the Treasury, and the prospect of an additional accumulation of fifty or sixty million dollars annually, the people should be relieved of the great burden which they have so long been subjected to, and which they have borne with a patience unequaled in the annals of any other country, and there is no earthly excuse for their servants on this floor to fail to give them the relief they have the right to demand and expect.

The honorable gentleman who opened the debate on the other side of the House [Mr. KELLEY], as well as others who succeeded him, insist that they be relieved by abolishing the tax on tobacco and distilled spirits, and the tariff be permitted to remain as it is. Sir, I am unwilling that the luxuries used by a part of the people shall escape taxation and the necessaries of life used by all shall be made to pay the expenses of Government; that the tax on whisky and tobacco, which goes directly into the Treasury of the Government, shall be abolished, and the salt and sugar, the cotton and woolen goods, the lumber, the coal and iron, the medicines and drugs, necessaries of life, shall be burdened with taxation, the larger part of which does not go into the coffers of the country, but into the pockets of a favored few. I am aware that there are many and serious objections to the mode and manner of collecting the tax on whisky and tobacco, but by wise legislation the defects of that system can be remedied. Dear luxuries and the necessaries of life, cheapened by the removal of unnecessary and illegitimate burdens and the reduction on others, will afford the relief expected and demanded by the good people all over the country. The latter remedy is proposed to be effected by this Morrison bill; and though it does not come up to my views in the matter, I indorse it as the beginning of the end of a most iniquitous system of taxation.

It was conceded by all parties a few years ago that this step should be taken. Mr. Garfield, in a speech delivered in this House on the 28th of March, 1870, said:

> It is undeniable that the heavy internal taxes imposed upon manufacturing industries neutralized the effect of productive duties and made an increase of the tariff necessary as a measure of compensating protection. But as I have already shown, the heaviest burdens of internal taxes have been removed from manufactures, and a demand that some corresponding reduction in the tariff rates shall be made is coming up from all quarters of the country. The signs are unmistakable that a strong reaction is setting in against the prevailing rates, and he is not a wise legislator who shuts his eyes to the facts of the situation.

That note of warning is no less true to-day than then.

Mr. ALLISON, now Senator from Iowa, then a member of this House, used the following language:

> It is admitted by all that the increase of the tariff was commenced and carried on upon the basis of the protective duties of the Morrill tariff of 1861; the increase of direct taxation, added to the price of domestic manufactures, rendered an increased tariff necessary in order to prevent our country being flooded with cheaper foreign productions. Certainly, then, upon the decrease of internal taxation the tariff may be, and ought to be, decreased in proportion, the danger being no longer in existence which was sought to be averted by these increased duties.
>
> But I may be asked how this reduction shall be made. I think it should be made upon all leading articles, or nearly all; and for that purpose, when I get the opportunity in the House, if no gentleman does it before me, I shall move that the pending bill be recommitted to the Ways and Means Committee with instructions to report a reduction upon existing rates of duty equivalent to 20 per cent. upon the existing rates, or one-fifth reduction. Even this will not be a full equivalent for the removal of all internal taxes upon manufactures. It will not be difficult to make a reduction upon this basis.

The Senator from Vermont [Mr. MORRILL], in a speech made in the Senate May 9, 1870, used this language:

> At the same time it is a mistake of the friends of a sound tariff to insist on the extreme rates imposed during the war if less will raise the necessary revenue.

And again:

> Protection has here no legitimate claims and it may be taken off whenever direct taxes are repealed and less revenue is required.

In obedience to the demands of the country a decrease of 10 per cent. was made by act of June 6, 1872, but by act of February 8, 1875, the duties were restored, so that with some few changes on certain articles they remained up to the last Congress unchanged from the war rates. Two years ago the demand for a reduction was so great that the Republican party, then in control of this House, could not turn a deaf ear to the people; but the protectionists, bent on receiving for as great a time as possible the profits that inured to them under a high tariff, insisted that this should not be done until a tariff commission had examined into and reported on the matters connected with a reduction. The country is familiar with the facts connected with the formation of that commission, of the appointment by the President of parties interested in maintaining a high tariff. And right here let me read an extract from a speech delivered by Mr. Delano, a former Secretary of the Interior, before an association of wool-growers in the State of Ohio, as it gives a better insight into the workings of the protectionist than anything I can say:

> The *personnel* of this commission was not overlooked by the manufacturers. They, with a vigilance and industry that seem worthy of commendation, did not fail to secure as its president a distinguished gentleman of great experience and ability in such matters, who was and had been for many years their agent and salaried employé. It is true, as I understand, and if so it should be mentioned, that this gentleman resigned his official relations to the manufacturers before entering upon the duties of his office. It is equally true, as I am informed, that he resumed these official relations as soon as he was *functus officio* with the Tariff Commission.
>
> It is certainly true that as soon as his duties on the commission were ended he entered upon his normal duties as agent for the manufacturers, advocating and securing changes in the report of the commission greatly beneficial and advantageous to manufacturers.

It will be remembered how this commission had about concluded to ask for an extension of time to make their report. What a cry from the people of the whole country went up against it! How hurriedly it was drawn, and all that, and how under the force of public opinion they advised a reduction on the average of 20 per cent. in import duties! The Republican party had in effect pledged themselves that they would abide by the report of that commission and enact legislation in accordance therewith, but Punic faith is no phrase by which to characterize their bad faith. By a species of jugglery and legislative legerde-

main unknown in the history of this country they passed a law reported by a committee of conference, which was opposed to the action of both Houses solemnly expressed, a law which, instead of reducing rates 20 per cent., and instead of blotting out the inconsistencies and incongruities of the old law, increased them on many articles, made a Chinese puzzle of its provisions, and reduced the revenues but 1.74 per cent.

I said, sir, by that act the tariff was largely increased on many articles. I have not the time if I had the data to prove this statement by detail, but I will give one instance supported by actual figures that has recently come within my knowledge. A firm of standing in this country, who have had occasion recently to buy the articles mentioned in the following invoice, writes to a distinguished gentleman from my State a letter, from which I take the following extract:

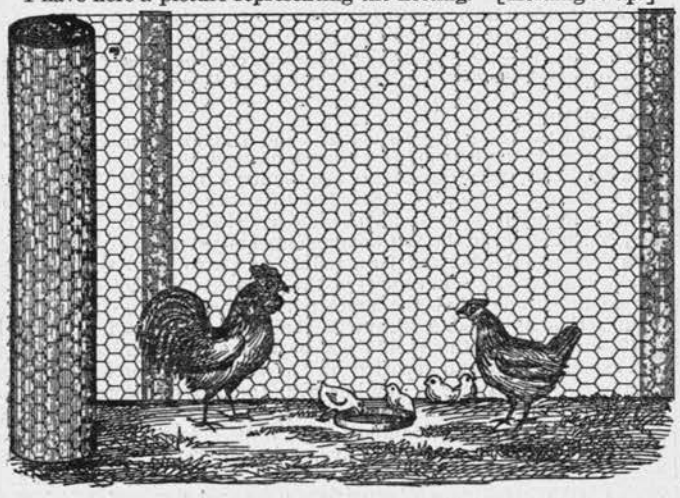
DEAR SIR: We take the liberty of inclosing for your information a copy of an invoice recently imported by us. The duty under the present tariff not only amounts to nearly double what it would have been under the old, but almost equals the cost of the goods free on board steamer in London. These nettings are used mostly by persons of small means engaged in the business of raising poultry for the market.

The invoice alluded to is as follows:

Bought of Boulton & Paul, Manufacturers and Galvanizers.

	£ s. d.	£ s. d.
Galvanized netting:		
250 yards, 24—1—19, at 11*d*.	11 9 2	
250 yards, 18—1—19, at 1*s*. 10*d*.	22 18 4	
	34 7 6	
Less 75 per cent.	25 15 7—	8 11 11
Special netting:		
500 yards, 24—$\frac{1}{2}$—18, at 9*d*.	18 15 0	
500 yards, 36—$\frac{1}{2}$—18, at 1*s*. 1$\frac{1}{2}$*d*.	28 2 6	
250 yards, 30—$\frac{1}{2}$—18, at 11$\frac{1}{2}$*d*.	11 14 4—	58 11 10
		67 3 9
Less 20 per cent.		13 8 9
		53 15 0
Sheep netting:		
500 yards, 36—3—4, at 1*s*. 2*d*.	29 3 4	
Less 72$\frac{1}{2}$ per cent.	21 2 9	
	8 0 7	
Less 10 per cent.	16 1—	7 4 6
		60 19 6
Five per cent. off for cash		3 1 0
		57 18 6
Value of goods in United States currency		$283 83
Duty paid under new tariff		202 08
Duty previous to July 1, 1883		101 15

I have here a picture representing the netting. [Holding it up.]



It will be observed from this invoice that the amount of tariff paid is within $81.75 of the full value of the goods and that the tariff paid under the new law is within 22 cents of being double the amount paid under the law as it existed July 1, 1883.

What an astonishing commentary on the iniquities of the law. This material is not a luxury. It is used by the old woman who perhaps has given her sons as a sacrifice on the altar of her country, and who in her declining years is compelled to raise poultry as a means of obtaining the comforts of life. It is used by the farmer, when for the night he throws himself down to rest from his plodding labor, to inclose his sheep against the attacks of the wild animal or the ravenous dogs. And this is the tariff that makes goods cheaper! This is protection—such protection as the robber gives to his helpless victim.

Confronted by the demand of the people for revenue reform, by the fact that a corruption fund in the shape of an immense surplus is being piled up in the Treasury, by the *quasi* fraud by which the tariff of last session was enacted, the appeal is made to members of this House not to discuss the tariff, not to attempt to modify or reduce it, lest the business interests of the country may be disturbed. If the business interests of this country are builded in wrong and injustice, the sooner they topple and fall the better will it be for the country and people. But, sir, there is no such result to be apprehended. The real business men of the country are demanding a change. The bugbear conjured up by the monopolists of the land is but the tale of a nurse to the infant to quiet public opinion and lull it to repose, that it may reap the benefits of existing unwise and vicious legislation. Others say it is unwise for the Democratic majority in this House to attempt to do anything, because their efforts will be futile from the fact that the other branch of this Congress is Republican and are opposed to this bill, and from the further fact that the President of the United States would veto the bill if passed.

I do not know whether these statements or either of them be true, but I have yet to learn as a legislator that a failure on the part of one branch of this Government to conform to its obligations and duties relieves or excuses any one of the others from performing its duties. Let us throw the burden of a defeat of this measure where it properly belongs, and if the Republican party through its Senate or by its Executive fails to join us in our efforts to relieve the people the cyclone in the fall of 1882 will be as a soft breeze compared to the political tornado which will sweep over this country in the ensuing November. [Applause.]

Statement of weekly wages in the boot and shoe indnstry.

Description of occupation.	1880—Great Britain (Leicester and neighborhood).	United States. 1878—Massachusetts.	United States. 1881—Massachusetts.
	56 *hours.*		60 *hours.*
Sewing-machinists, men	$7 20	$17 75	$15 40
Sewing-machinists, women	3 80	7 13	7 81
Cutters, men	5 04	11 05	14 91
Clickers, men	6 48		
Riveters, men	6 00	13 75	11 31
Machine operators, men	6 72		
Finishers	7 20	11 75	12 18

In France wages of shoemakers are between 5 and 6 francs a day (report of Secretary Evarts, State of Labor in Europe, 1878).

In Germany, in 1882, according to the tables of the Concordia Society, wages for men in the shoe industry vary from $4, paid in Frankfort (on the Main), Karlsruhe $3.84, to Offenbach (on the Main) $3, the latter the center of a large manufacturing industry in this line.

Statement of weekly wages in two important industries.

WOOLENS.

[Values reduced to American dollars: English shilling and German mark, 24 cents; franc, 19 cents.]

Description of occupations.	Great Britain. 1865—Huddersfield, &c. *a*	1880—Batley. *b*	1880—Dewsbury. *b*	1880—Huddersfield. *b*	1880—Leeds. *b*	1880—Stroud. *b*	United States. 1878—Massachusetts. *c*	1881—Massachusetts. *c*	France. 1880—Elbœuf. *e*	1881—Rheims. *d*	1881—Aix la Chapelle, Germany. *f*
	66 *hours.*	56 *hrs.*	54 *hrs.*	56 *hours.*		56 *hours.*		60 *hrs.*	72 *hrs.*	72 *hours.*	76 *hours.*
Wool sorters, men	$5 28 to $7 68	*$7 20	$6 24	$5 76		*$6 50	$8 50	$9 43		$4 62 to $5 82	
Scourers, men	3 84 to 5 04	5 28	5 76	5 28		3 84	6 66	8 84	$3 18		$3 00
Dyers, men	3 60 to 5 04	5 28	5 28	5 28		3 60	6 66	7 81	3 18		
Dyers, foremen		12 00	14 40	12 00		$7 20 to 10 80					8 00
Teasers and willyers, men	4 00	5 28	5 04		$5 76	4 08			4 37		
Scribblers, men	6 00		6 72			3 78					3 57
Scribblers, women	2 16	3 36	3 00	2 64		2 52					
Condenser minders, lads		2 40	3 00	2 64	2 52						
Spinners, men	5 76	*7 20	7 68	*7 20	9 00	*5 83	7 64	9 05	4 62	4 62 to 4 92	

WOOLENS—Continued.

Description of occupations.	Great Britain.						United States.		France.		1881—Aix la Chapelle, Germany. *f*
	1865—Huddersfield, &c. *a*	1880—Batley. *b*	1880—Dewsbury. *b*	1880—Huddersfield, &c. *b*	1880—Leeds. *b*	1880—Stroud. *b*	1878—Massachusetts. *c*	1881—Massachusetts. *c*	1880—Elbeuf. *e*	1881—Rheims. *d*	
	66 *hours.*	56 *hrs.*	54 *hrs.*	56 *hours.*		56 *hours.*	60 *hrs.*	60 *hrs.*	72 *hrs.*	72 *hours.*	76 *hours.*
Spinners, piecers, lads	$1 92	$2 88	$2 40	$2 16	$2 28		$3 00	$4 81	$1 74		
Spinners, foremen		12 00	9 60	10 80	13 20	$7 80				$6 36 to $7 50	
Warpers, women	3 26	3 60	3 36	3 61		*2 18			2 88	2 88 to 4 62	$2 00 to $2 80
Beamers, men		5 82			6 25	*4 68					
Healders, lads		2 88		*2 40							
Fettlers, men		5 28	5 28	5 28							
WEAVING.											
Pattern designers, men		14 40	14 40	14 40		8 40 to 13 20					
Pattern weavers, men	5 04	5 76	7 20	6 00			9 50	8 53		4 62 to 6 36	
Furriers, men		9 60				5 40					4 25
Weavers, men	4 32	*4 80	6 00	*6 25		*4 32	6 95	7 45			
Weavers, women	3 60	3 60	3 60	*4 32	3 50	*3 00			4 32		
Burlers, women		2 64		2 10 to 3 60		1 92	4 59	5 13			
Knotters, men		5 28			6 00						
Menders and sewers											
Women		3 12	3 00	3 00		2 88	6 34	5 09		2 08 to 2 70	
FULLING.											
Fullers, men		*6 00	5 76	5 52	6 00 to 9 60	3 60 to 4 82	6 89	7 35	3 48		2 90
Fullers, foremen		*9 60	14 00	8 40		7 20 to 9 60					
DRESSING AND FINISHING.											
Dressers, men	6 24	5 28	5 04	6 24		3 60	7 08	7 53			
Tenterers, men		*6 00	5 25	5 76		3 84					
Cutters, men		5 72	5 52	5 76		3 60					
Cutters, lads	2 15	2 40	2 88	2 88		1 44					
Press setters, men		6 00	5 52	6 00		4 08					
Steamers, men		6 00	5 52	6 00		4 00	7 50	7 68	3 18		2 85
Drawers, men		*8 40	9 60	7 20							
Engine tenders	9 60	9 60	8 40	8 40		5 04	10 50	11 07		5 82 to 6 96	4 30
Stokers	5 14	4 32	5 28	5 28		3 60	8 78	7 97		4 62	3 60
Mechanics		8 40	6 48	6 48		6 12	12 33	13 43			3 90
Carters		5 28	5 28	5 28		3 60					
Warehousemen		5 28	5 28	6 00		4 32 to 6 10					2 85
Laborers			4 80	4 80		3 56	6 69	8 58		3 78 to 4 62	2 90

* Piecework. *a* Leone Levi, "Wages and Earnings." *b* Report to Parliament, 1883. *c* Report of Carroll D. Wright, commissioner of labor, Massachusetts. *d* Report of United States Consul-General Walker. *e* Report to Corps Legislatif. *f* Report of United States Consul Dubois.

NOTE.—In 1882, for a week of 60 to 78 hours, the Concordia Society of Germany reports: Wool-spinners, men—Returns from 94 factory towns, woolen mills: average weekly wages, 6 at $1.92; 6 at $2.16; 10 at $2.40; 4 at $2.64; 33 at $2.88; 6 at $3.12; 11 at $3.36; 7 at $3.60; 4 at $3.84; 7 at $4.32, or a total average of $3. The Secretary-General of the United Chambers of Commerce gives the average of wages in woolen mills at $1.96 to $4.32 for male, and $1.67 to $3.60 for female operatives.

COTTON GOODS.

Class of occupation.	Great Britain.			United States.		France. *e*	Germany. *f*
	1865—Glasgow. *a*	1880—Manchester and neighborhood. *b*	1880—East Lancashire. *c*	1878—Massachusetts. *d*	1881—Massachusetts.	1881	1881
	66 *hours.*	56 *hours.*	56 *hours.*	60 *hours.*	60 *hours.*	72 *hours.*	66 to 72 *hours.*
Scutchers, men		$5 40		$6 23	$6 67		
Scutchers, girls	$2 06	2 04		3 45	3 45		
Strippers, men		5 40	$5 28 to $5 76	5 06	6 21	$4 34	
Strippers, lads	2 76	3 50					
Grinders, men	4 68	5 16	5 28 to 5 76	7 34	8 42	4 34	$2 86 to $3 09
Grinders, lads		3 50					
Lap and can tenders, lads		2 16		2 80	2 70		
Draw-frame tenders, women	2 40	3 67	3 90 to 4 56	4 47	4 90	2 84	2 14 to 2 38
Roving and slubbing, women		3 60	3 90 to 4 56	3 70	4 52		2 10 to 2 25
Slubbers				4 80	5 90		
Bobbin tenders, girls	1 38	1 50	2 16	3 34	2 95		
Card winders, men	5 28	5 87				3 47	2 50 to 3 70
Card winders, women		2 88					
Overlookers, men	6 48	9 24	8 40 to 12 00	18 72	17 80		
Mule-spinners, men	6 24	6 90	7 20 to 8 40	7 41	10 09	5 79	3 57 to 4 09
Creelers, lads		1 44	1 68 to 2 04	2 32	2 97		
Piecers, lads		$2 04 to 3 00	2 76 to 3 36				
Overlookers		8 40 to 10 80	8 40 to 12 00	18 00	13 80		
Throttle spinners, women	2 28	3 61		3 52	4 38		
Doffers, boys		2 16		2 80	2 70		
Overlooker		6 00	7 20 to 8 40				
Assistant		4 32					
Engine driver	$5 76 to 9 60		5 04 to 12 00	11 37	17 75	6 08	
Fireman and laborer	2 88 to 3 60		3 84 to 5 04	8 33	8 33		

a Leone Levi, "Wages and Earnings." *b* Government report to Parliament, 1883, on wages in the United Kingdom in 1880. *c* Report of Consul-General Shaw, December, 1881. *d* Report of commissioner of labor statistics of Massachusetts, 1883. *e* Report of United States Consul-General Walker, 1882. *f* United States consular reports.

NOTE.—For 1882 the Concordia Society gives reports from one hundred and thirty-four factory towns of the German Empire. The earnings of weavers in power mills (66 to 72 hours per week) are at rates varying from $1.50 to $4.50 per week, mostly of 66 hours (some with 72 and 78 hours). The earnings are: 2 at $1.44; 7 at $1.92; 9 at $2.16; 16 at $2 40; 7 at $6.24; 18 at $2.87; 10 at $3.12; 13 at $3.36; 20 at $3.60; 6 at $3.84; 10 at $4.32; 2 at $5.04; average, $3 for men; women's earnings, of course, are considerably less.

Mr. EATON. Through the kindness of my friend from Ohio [Mr. FORAN] I have at this time an opportunity of addressing this committee, but by his request I first yield fifteen minutes of the time to my friend from Illinois [Mr. FINERTY].

Mr. FINERTY. Mr. Chairman, I will not inflict upon this body a repetition of the rather indigestible statistics that have been furnished by so many gentlemen on both sides of this question. The devoted student of political economy may, perhaps, revel in the multiplied evidences of the different and differing theorists, but the masses will appeal from the doctors in the temple to the results outside of it.

The word "free" carries with it, especially to Americans or to people naturalized as Americans, an overpowering charm. It covers a multitude of errors, if not an aggregation of sins. Without the qualification "free," the argument of "free trade" would lose half its potency. In times not long past weak nations were compelled to submit to the strong on this question by the argument of bribes and of cannon. The nation which at one time was the hoggish protectionist of the globe, which denied her nominal dependencies, like the Ireland of 1778, the right to trade with countries not on commercial terms with herself, has, of late, because of different conditions, become the hog of the "free-trade" market. She has bullied China, beggared India, and ruined Ireland. She has been the champion of opium among the Mongolians because it benefited her merchants, just as she was the strangler of the woolen trade of Ireland because it interfered with the prosperity of Bristol and of Liverpool in the reign of William of Orange.

In America she seeks to accomplish by means of pamphlets and dinners what in China and in Ireland she won by the bolder operation of brute force. She wants to be the workshop of the world, and the American advocates of what is called "free trade" are doing their utmost to gratify her ambition.

The bill under consideration is not, I will admit, "free trade," but it is the precursor of that policy. It is "not the light, but to bear witness of the light," and it shines in the darkness only to make its economic darkness more visible. It is an easy mode of legislation—aiming at the reduction of taxes while it strikes at the very heart of infant industries. The great monopolies, as they are called, will not be crushed by it; the struggling manufacturers will. Twenty per cent. off the industries that pay a large present profit will still leave them able to continue in operation, while the industries that are trying to establish themselves at a present loss, or at any scale under the proposed horizontal murder system, must disappear from the earth.

It is like filling a large tank with water to the depth of, say, 5 feet 6 inches and putting into it men of different statures. The six-footers would pull through, while without assistance those of 5 feet 9 would be hard pressed, and those under that figure, like my distinguished friend now in the chair [Mr. COX, of New York], must drown. [Laughter.]

That there are abuses in the tariff system hardly any member will dispute. That the free-list in the matter of necessaries for the masses should be enlarged few will care to argue against, but that the almost unqualified "free trade" advocated by the frank and brilliant gentleman from Ohio [Mr. HURD], the American El Mahdi of the "free-trade" army, is an impossibility, while American workingmen intend to live outside the conditions of European and Mongolian pauperism none but a splendid enthusiast like himself will care to dispute.

The gentleman from Ohio as an orator, not to flatter him, reflects luster upon this House, but as a Democrat he must not be intolerant of those who, while differing from him on this, are constitutionally in sympathy with him on other questions. In his remarks, as quoted in a morning paper, he is made to say:

> The agitation has already begun. The people, long silent and quiet, are moving now. The culture and chivalry of the nation, long anxious for this hour, are ready to take the lead. The conflict can not long be delayed, and then the result can not be doubtful. Private extortion must yield to public rights: selfish interests must be sacrificed to the general good, and each individual's manhood must be left free, unhindered and unhaltered by the Government, to work out its own destiny. And in the glorious result of the struggle I am sure that this protective grant of robbery and extortion will disappear from the land, never again to offend America or darken her fair fields with its shadow.

I have failed to observe, looking over the customary mediums of news, where "the people" have begun to agitate this question in a violent manner. A few politicians, anxious to make "an issue," some socially inclined gentlemen at a banquet board, a limited number of rhapsodical theorists, "the culture and chivalry," perhaps, to which the gentleman has made allusion [laughter and applause], all these may be "moving now," as indeed they have been for a long time, but the stern masses of the artisans and laborers of the country, who do not desire to accept the condition of European serfdom or Mexican peonage, are they "moving now?" The "culture and chivalry" of the Democratic party, fumigated by the postprandial odors of the Cobden Club dinner parties [laughter], may "move" all they please, but the man of toil, who is not "cultivated" to enervation, and whose "chivalry" is concentrated in the protection from pauper surroundings of his wife and little ones, is not influenced by such incentives to a suicidal policy of experimental economy.

If he is, where are his mass-meetings in advocacy of "free trade?" You may say "the agricultural interests demand free trade." I have respect for the agricultural interests, but they do not embrace everything in the life of the nation. I fail to observe where they labor under the panicky evils depicted by some gentlemen. The English farmers are not protected, and they are tired of being exposed to our competition. Protection is rapidly becoming a living issue in Great Britain. It has even entered the house of commons, and will go beyond that body. Germany bars her gates against our exports of "hog products." France has only lately modified her embargo. Europe, in general, is apprehensive of the American farmer, especially of his beef and bacon, and where she is threatened she either agitates for protection or arbitrarily, as in the case of Germany, protects. Evidently she is not in love with "free trade," unless where she can undersell the market and ruin her transatlantic competitor.

The object of Great Britain, particularly, has been to get hold of American trade, to control the American market. For this she, the perjured apostle of negro emancipation, espoused the cause of the seceding American States, and let loose her thinly disguised privateers to ruin our carrying trade. The advocates of free ships may say what they will, but history confronts them with the fact that England, upholding slavery for a bribe of cotton, drove the flag of our merchant marine from the ocean. [Applause.]

What the aggregate damage, constructive if not direct, was is beyond the reach of the ablest of our statisticians. We know, however, that while maintaining our blockade the Navy of the United States captured seven hundred and thirty-three foreign ships, mostly British, whose cargoes of cannon, rifles, uniforms, and other requirements of war aggregated $26,000,000. Great Britain could afford to sink most of the foregoing amount in the hope of breaking up the American Republic and placing the cotton crop of the South at her mercy. The desire to place the consumers of this country, now happily reunited, at the mercy of her greedy capitalists would impel her to spend a hundred times the amount in carrying out the policy of free trade, in which she as a small country, with a large and dependent population, must have, under the most favorable conditions, the lion's share of advantage. Should England in a possible conflict with some of her colonies be treated by the United States as the latter was treated by her, she must disappear from the face of Europe and of Asia as a first-class power. It was only our great territory, the variety and multiplicity of our resources, that enabled this Republic to still continue the home of American freemen and the asylum of all of the oppressed of the older world who have come or who may come here to accept American conditions.

It will not do to damn the protective system with the cry of "war taxes." It is true we have a large surplus in the national Treasury, but our Navy remains unbuilt, our coasts are almost defenseless, and were all that should be done in time of peace to prepare for war accomplished, that much-complained of surplus could be materially and to good purpose reduced. American labor would find a wider field of industry, and the voice of this Republic, now subdued and fearful in the presence of the despot, would be heard with respect to the remotest corners of the globe. [Great applause.]

The protective policy was the great bridge that carried us safely over the bloody gulf of the civil war; that prevented a more stringent direct taxation, paid our armies, sustained our fleets, and maintained our credit in Europe. It was, perhaps in a measure a war policy, but with Cuba again knocking at the door of liberty for refuge from the Spanish tyrant, and with the latter showing his teeth almost at our gates, it may be doubted whether the entire abolition of "war taxes" on foreign products might not lead to national disaster. We can not afford to strip our Treasury while the government of Madrid holds in its vindictive grasp the Queen of the Antilles.

The vigilance of this Government can not always prevent the departure of revolutionary expeditions from these shores to Cuba, and with the lesson of the Virginius difficulty fresh in our minds, we can not doubt the covert resentment and hostility of Spain. And we know that she is now, by reason of her naval armament, in a condition to beard us if she so desires.

I am not opposed to a fair revision of the tariff, but I consider the time for even that inopportune, and I can not look upon the horizontal proposition as a cure for such evils as may exist.

The CHAIRMAN. The fifteen minutes yielded to the gentleman from Illinois [Mr. FINERTY] have been exhausted.

Mr. BRUMM. I hope the time of the gentleman will be extended.

The CHAIRMAN. He has been speaking in the time of the gentleman from Connecticut [Mr. EATON].

Mr. BRUMM. I know that.

Mr. CALKINS. Let the time be extended, not to come out of the time of the gentleman from Connecticut.

Mr. COX, of North Carolina. I must object to extending the time, for there are other gentlemen who desire to be heard and the time for debate is now limited.

The CHAIRMAN. The gentleman from Connecticut [Mr. EATON] controls the time. Does he yield further?

Mr. EATON. I yield gladly to the gentleman from Illinois [Mr. FINERTY].

Mr. FINERTY (resuming). John Randolph, of Virginia, in 1824, delivered a speech against the tariff in this House of Representatives.

He went somewhat further than any gentleman who has spoken in this debate in support of his favorite theory. Speaking of England, he said:

It is in such a climate only that the human animal can bear without extirpation the corrupted air, the noisome exhalations, the incessant labor of these accursed manufactories. Yes, sir, accursed; for I say it is an accursed thing, which I will neither taste, touch, nor handle. If we were to act here on the English system, we should have the yellow-fever at Philadelphia and New York not in August merely, but from June to January, and from January to June. The climate of this country alone, were there no other natural obstacle to it, says aloud, "You shall not manufacture!"

That, gentlemen, is a quotation from one of your idols. Such, sixty years ago, were the words of the sage of Roanoke. Since he blasphemed against our climate, as one in which we could not manufacture, the American inventor, the American artisan, the toiler in the blast-furnace and the mill, all these have proved their superiority, and the march of the American manufacturer has kept pace with the course of empire, until to-day the smoke from 10,000 factories rises like incense to the god of industry, and brings from the clouds the beneficent rains that make fruitful beyond the fruitfulness of Egypt the limitless prairies of the West. [Applause.]

I could load you with statistics, but I have mercy on your patience. The ghosts of Adam Smith and of Richard Cobden have been summoned to this banquet of wisdom, but as truly as John Randolph erred when he said our climate forbade us to manufacture, so surely do the free-trade apostles of this day err when they assert that the destruction or emasculation of the tariff is the one thing necessary to perfect the prosperity of this nation. Time will permit me to say but little more. You may cover the earth with the pamphlets of the Cobden Club, you may tickle the ears of the gods with your imposing rhetoric, but the workman who flies from European conditions will not vote to place around his neck new and more revolting chains.

The Germans, the English, the Irish, the Scandinavians—all these, who come here to escape from pauper wages and oppressive laws, will not be in haste to establish on this continent the system they abandoned in Europe. The American workingman will ponder long and deeply before he flies to the ills he knows not of. He is not always justly or generously treated, but he will never voluntarily come under the galling yoke of the foreign monopolist.

Men do not fly by millions from their native homes to seek for poorer wages. Were America reduced to the condition which some of our political alarmists depict, the tide of emigration would set eastward across the Atlantic. I, who was born on a foreign soil, and who was old enough when I left that soil to remember what insular Europe was, will not by my vote aid in inflicting upon the working people of this Republic the evils that disfigure and disgrace Lancashire as well as Limerick. I want for this people the full measure of commercial glory, and that can never be attained by the surrender to the tender mercies of foreign capitalists, as is virtually proposed in this bill—not so much the great corporations, that defy extinction, as the struggling industries that have hardly begun to breathe.

I will not vote to place the whip of monopoly in foreign hands. The native monopolist we may curb by legislation or alarm by revolution, but what is our influence in Manchester, in Sheffield, or in Birmingham?

If the idea is to benefit the people, spend some of your surplus fund in constructing new water ways or improving old ones, so as to lower the freight imposts on the producer. You have plenty of opportunity to do this—to spend American money on American soil.

If you are really the friend of labor, protect it against the fatal competition of contract slaves; maintain American conditions; punish the greed of the monopolist. You can do that in America, but can never reach it in Great Britain.

You say our manufacturers can compete without protection. Do you mean to affirm that when nine-tenths of them at least are opposed to free trade they stand in their own light and are foes of their own prosperity? If so, it is an extraordinary development of national folly. Nobody can doubt the business talent of our manufacturers. They will not sin against their own interests.

In a word, sir, I oppose this bill because it is indiscriminate, inopportune, and unwise. It is but a feeble movement toward "free trade," which means the commercial domination of Great Britain on this continent as well as upon the ocean. Against it the voice of every patriot should be lifted, against it the vote of every freeman should be cast. If we are to legislate on this matter at all, let us so frame our laws that the mechanic shall not be sacrificed to the pretended interests of the farmer and that the American manufacturer shall not be beggared to enrich the foreign monopolist. [Great applause.]

Mr. EATON. I have no set, prepared, memorized speech to make. I have sat here during this discussion and occasionally jotted down memoranda that will govern me in the remarks I shall make to this committee at this time.

In my judgment some plain talk is necessary, and believing it to be necessary, I shall not hesitate to express myself so that I may be understood and not misunderstood. I have no speech to make—and I say it in the presence of two associates—I have no speech to make to my people. They know where I stand. On the stump, when I made the canvass for Congress, I was denounced as a free-trader. Here I am denounced by Democrats as a protectionist. Both ends of the candle are to be burned at my expense. [Great laughter.]

I may be pardoned, my age will force you to pardon me, if I speak a little of myself. I am a tariff reformer. For forty years I have been before the people of my State and of other States, and always and everywhere I have been in favor of a low tariff.

I would not talk here to-day but for the fact that on this floor, in the corridors of this Capitol, in the lobbies of the hotels, men who feel as I feel, that this is not the proper time to legislate upon the subject, have been denounced without measure. Sir, I accept the combat against those men, here and everywhere.

In my judgment no tariff can be properly made except under the provisions of the Constitution. Let me read them. I will not dodge this question in any particular:

Congress shall have power to lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defense and general welfare of the United States.

Now I am in favor of no tariff, of no system of taxation, that does not come directly under that clause of the Constitution. The enumerated powers of Congress are named, and paragraph 18 gives this:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any Department thereof.

If a tariff bill is offered that does not come under that clause of the Constitution, I will not vote for it. And I say to my distinguished friend from New York [Mr. DORSHEIMER], and I say to the eminent chairman of the Committee on Ways and Means [Mr. MORRISON] that this bill they have forced upon us is utterly and directly opposed to the Constitution of the United States. They say it is a step in the right direction. I say it is the staggering of a political inebriate. [Laughter and applause.] It is not a step forward in any direction; it is a crab-step. [Renewed laughter.]

Mr. Chairman, the right to tax is a sovereign right. The right to tax is inherent in all governments. No government can exist on the face of the earth without exercising this sovereign power. Some governments exercise it in one way, some in another. We tax in accordance with the constitutional provision I have read.

Why did I read the "general-welfare" clause of the Constitution? I desire not to be misunderstood. That "general-welfare" clause, I beg to say, embraces no power except to carry out the enumerated powers. Under the enumerated powers you may for the "general welfare" of the country exercise the right to tax.

Now the manufacturers of this country buy 2,000,000 bales of cotton in round numbers annually. I may not state the precise amount within 100,000 bales; but no matter, the principle is the same. The manufacturers of this country then give to the cotton producers of the South from $75,000,000 to $90,000,000 annually for their product. The manufacturers pay the West from $30,000,000 to $50,000,000 a year annually for their breadstuffs and their cereals. And is it not for the "general welfare" that taxes should be paid? The South draws from us $80,000,000 annually; the West, $50,000,000 annually. Were there no manufactures, what would cotton be worth to-day? If 2,000,000 bales of cotton were not consumed in the United States, what would be the value of cotton to-day in Great Britain?

But, say my friends from the South: "The price of cotton is governed by Liverpool, because Liverpool buys more than the United States." I grant it; but only the other day we were informed by one of these new lights that the price of grain, 90 per cent. of which is bought and consumed in the United States, is determined by the 8 per cent. bought and consumed in foreign countries. Thereby hangs a difference.

I agree that the country which consumes most of the product of any other determines the value of that product. That is sound commercial sense. Therefore I say that so long as Great Britain consumes 4,000,000 bales of our cotton, and the United States 2,000,000 bales, the price will be determined by Great Britain. But if Great Britain consumed 6,000,000 bales and the United States none, the price, instead of being 10 or 12 or 14 cents a pound, would be 6 or 7 cents a pound.

But I wish to read a provision from another constitution, because it seems to me some of our friends here are acting under it:

SEC. 8. Congress shall have power to lay and collect taxes, duties, imposts, and excises for revenue necessary to pay the debts, provide for the common defense, and carry on the government of the Confederate States——

[Laughter.]

But no bounty shall be granted from the treasury, nor shall any duty or tax on importation from foreign nations be laid to promote or foster any branch of industry.

A MEMBER. What is the gentleman reading from?

Mr. EATON. From a book belonging to the Library of Congress called the Weekly Register; and I have read what purports to be the eighth section of the constitution of the late so-called Confederate States; and it seems to me some of our friends are acting under that provision. [Laughter.] They seem to have forgotten that this is Washington, not Montgomery. [Renewed laughter.] I speak in all kindness, as they know. I say this, because in that constitution there

is no clause authorizing Congress to promote the "general welfare" of the country. In the Constitution of the United States there is a clause giving Congress power to promote, under the enumerated powers, the "general welfare" of the people of the United States. Such a provision is not found in the instrument from which I have just read; and it seems to me (again I say I speak in all kindness) that many of the arguments which have been used on this floor take that constitution as their basis.

Again, this is a great economic question. It ought to be outside of politics entirely. It has no business here as a political question. Being impressed with this idea, having no doubt of my duty in the premises, five years ago I introduced in the other end of this Capitol a bill to establish a tariff commission. With the aid of my friends there—and on that question my friends embraced every Senator—that bill was passed by the Senate. Fifteen Senators, while adopting the principle, did not vote for that bill, but for another measure giving Congress the power to name the commission. The principle, however, of the two bills was exactly the same; and every member of the United States Senate is on record in favor of a tariff commission. Yet I hear gentlemen say in the course of this discussion that that commission was an infamous one—the child of protection. Is Mr. BECK, one of the Senators from Kentucky, a protectionist? Can you apply that name to my friend Mr. GARLAND, of Arkansas, or twenty other gentlemen whom I might name? Yet each and all of those men supported that bill and avowed themselves in favor of its principle.

And permit me to say, Mr. Chairman, as a man who has seen not a little of political life, not a little of that which governs the industry and business of this country, that in my judgment had this House passed the bill which at that time passed the Senate you would have had no more tariff agitation. It was agreed between my friends and myself and the Cabinet of Mr. Hayes who should be upon that commission.

The commission would have had a year and a half to get together all the information that the country could give them; and then there would have been nothing for this House of Representatives to do except when full of information to have passed such a bill as the business interests demanded. I say this much in defense of a measure which I believe to have been the wisest one I ever advocated.

It seems to me when I look around this House that in the estimation of a certain class of minds here there is no other question except this tariff question. Local self-government, the preservation of the true rights of the States, good government everywhere—these are nothing; and this Congress has nothing to do except to piddle with an economic question which they have not the power to act upon. I beg to say that I do not read this matter as do my good friends from whom I differ. Why do I oppose this bill? In the first place, it is not the part of wisdom and it is not the part of true statesmanship in my judgment to undertake the passage of a measure (and I am now supposing this to be a good one) that you know you can not pass.

"Ah! but," says my friend from New York [Mr. DORSHEIMER], with great power and eloquence—I am not quoting him exactly, for I did not note it—"but it is our duty to make a record; it is our duty to show to the people what we would do if we had the power." I give the idea, but not the words. I would have done this, desiring to keep this question out of politics, believing fondly five years ago that it might be taken from the political arena. I agree all I did in that regard passed for nothing; but here it is in the political arena. The duty, then, of the patriot alone has gone by; as a patriot alone I would not have this question before Congress; but now I come to it as a party man, a Democrat of forty years' standing—yes, sir; of forty years' standing; and I am to be read out of the party, am I? [Laughter.] I should be apt to say, as a much greater man said on another occasion, where shall I go?

Now, then, there are thousands of industries in this country the plants of which amount to three thousand million dollars. Would you unsettle them for nothing? My friend shakes his head. I believe he would not, but, if he will pardon me, he has a poor way of showing his belief. [Laughter and applause.] Believing as I do, and as my friend the chairman of the Committee on Ways and Means well knows, as all my friends on this side of the House and on the other side of the House well know, I was averse to any action by this Congress. I, as a party man, was averse to it. I said so frankly to my Republican friends, and yet I am told I joined the Republican party because I voted with them. I might as well say my friend from New York and my good friend from Virginia [Mr. TUCKER] joined the Republicans the other day because they voted for a certain thing against which three-fourths of the Democratic party voted. [Laughter and applause.] I do not say any such thing. Perhaps my friend has forgotten what that was. [Laughter.] It was simply taking out of a committee of this House, the Committee on Appropriations, the right to carry into conference what was very necessary to have in order to make a good trade with the Senate conference committee. [Laughter and applause.] That is all there is about it.

Again, as a political measure the Morrison bill so called, and I use the name of my friend from Illinois because it is attached to this bill—the Morrison bill so called is in my opinion unworthy of the distinguished committee who have brought it before this House. He smiles, and I think he himself agrees with me. [Laughter and applause.] I have not heard him say to the contrary. [Renewed laughter.] If a record is to be made, about which so much is talked, why, then, let us make a record, a clean one, a decent one, and not cut off the tail of this miserable Republican bantling and call it a Democratic measure. [Laughter and applause.] A bill passed by the last Congress, a Republican Congress, a bill, I said to all my friends—though I was not a member of either House, but I was here—for God's sake, do not vote for that measure, it is rotten; have nothing to do with it. But now they come and cut the tail off that bill and call it a Democratic measure. [Laughter and applause.] There is not a car-driver, permit me to say in all kindness—there is not a car-driver in the District of Columbia who is so stupid he could not have made just such a bill as this. [Great laughter.] All he would have to do would be to take his car-hook and chop off a little of the old bill. [Renewed laughter and applause.]

Now, then, I have a right to say here, after having done everything I could do to prevent the consideration of this bill, for I did all I could and I shall do all I can to defeat it; but after it was brought to the House I had the right to say to the Democratic members of this body that I propose to go to work with certain gentlemen, I need not name them, they are here and hear me, to formulate a bill that would honor the Democratic party and not dishonor it. [Applause.] Against my judgment that anything ought to have been done, that this was not the time to do it, what would you have done as a party man? I will tell you what I would have done. I would have formulated a tariff bill; not the Ohio platform either, but a tariff bill. I would have asked every member of the House to sign that bill. would have recommended the Democratic national convention to make that unanimous formula of the Democrats of the House the platform of the Democratic party.

That is what I would have done. In my judgment that is wise statesmanship. I would commit every one to a bill of that character; not to a deformed, misshapen thing like this.

Mr. DORSHEIMER. Bring forward your bill.

Mr. EATON. What does the gentleman say?

Mr. DORSHEIMER. I say bring in the bill which you propose; we are ready to formulate a more radical bill. Bring it here; let us know what it is.

Mr. EATON. Sir, I thank you for the suggestion. I know to whom I made that proposition. I made it in the proper quarter. Shall I tell you the result? Well, it was refused, and I did not choose to bring in a bill for the mere purpose of saying that I had fathered it.

Mr. DORSHEIMER. Why is not the House the proper quarter?

Mr. EATON. Because, sir, in my judgment it was the chairman of the Committee on Ways and Means who was the proper man to take charge of that subject.

Mr. MORRISON. Did you ever present any bill?

Mr. EATON. No, sir, I never did. Is it desirable for the gentleman that I shall state to him the reason why I did not? I was not about to state it.

Mr. HORR. Let us have it.

Mr. EATON. I did not present any bill, but why? I did not choose to go to the labor and undertake a work of two weeks with the services of two or three experts to make up a bill which I knew would not be accepted. But if the proposition had been accepted the bill would have been brought forward.

Now, sir, I will have nothing to do with this bill. It is a bastard Democratic bill. [Appplause and laughter] It is a misbegotten bantling. It has but two god-fathers that I know of—one the distinguished gentleman from Ohio [Mr. HURD], and the other my distinguished friend from New York [Mr. DORSHEIMER].

Why, I did not know until to-day that anybody was really in favor of the bill. [Laughter and applause.] Now, sir, that bill, that Republican bantling that they are ashamed of, has been brought here by the chairman of the Committee on Ways and Means, and he can dandle it and then pass it over to my friend from New York [Mr. DORSHEIMER], and the eloquent and distinguished gentleman who spoke his piece here the other day, from Ohio, may sing free-trade dulcet tunes over that child if he likes. Sir, I will have none of it, and the people of this country will have none of it. [Applause and laughter.]

You get up another meeting of the Cobden Club, make a good many more speeches, drink a good deal more of wine, and think that that is the will of the people. [Laughter.] You may ask Tammany Hall to get up a public meeting and pass a series of resolutions that every Democrat in the land would vote for, and then make free-trade speeches on top of these resolutions. [Laughter.] That will be manufacturing public opinion. But it does not mean anything in the end.

Now, they say that public opinion is terribly in earnest on this subject, in manufacturing districts in particular. Well, here I am a member of one of the largest and richest manufacturing districts in the United States, and not one single solitary individual from that district has ever written me a letter as to the course I ought to pursue on this subject. They take for granted that I would do what was right. They knew that I would. They could trust me. I say I have no doubt that was the opinion, that they could trust me; and I try to be worthy of their trust and confidence.

But now, sir, a word or two on a different thing. Protection for the sake of protection in my judgment is wrong. I have no doubt about it. I find no power, no authority, no warrant in the Constitution of the United States to lay duties of that character. If other gentlemen may find such authority, then I suppose they will act under it. But I do not find any. A close examination has not enabled me to find any. But there are certain facts that ought to be known to all of the people of this country. We have heard a great deal of talk here on this floor, and they do not agree well either. These men who hunt the same coon do not hunt him into the same tree. [Laughter.] My good friend from Kentucky [Mr. TURNER], to my utter astonishment, said the Yankees stole from them three thousand millions a year in the shape of protection; my good friend from Texas [Mr. WELLBORN] says it is $1,150,000,000 a year; and my friend [Mr. CLAY] from Kentucky has got it up to one thousand two hundred and fifty millions a year; while another gentleman who spoke yesterday, whose name I have forgotten, put it at $550,000,000 a year; and the distinguished gentleman from Ohio [Mr. HURD] puts it at four hundred and fifty millions a year.

Mr. WARNER, of Ohio. And that from the agricultural classes alone.

Mr. EATON. Oh, I thought it was from the South. [Laughter.] I did not quite understand, then, the gentleman's argument. Nor did I understand, I am free to confess, how my friend from Kentucky figured up that these terrible Yankees stole $3,000,000,000 a year from the people of the South when their entire cotton crop is not worth but three hundred millions a year. I did not quite see where the other twenty-seven hundred millions came from. [Laughter and applause.]

Now, then, there is another thing I desire to say here on this floor, in this House, and I want to say it to the members. I am not talking to my people. I revise no speech. If the reporter can get down any of this disconnected rambling stuff he will do better than I could. I could not write it out if I tried to. But to the members of this House I desire to address myself, to those who are talking of robbery, of plunder, corruption, stealing, and thievery. There is not a single article bought in the South, from the wagon that draws the farmer's cotton to the markets to the pin that his wife uses, that is not 100 per cent. cheaper than it was fifteen years ago. [Applause on the Republican side.] No matter how wrong the principle of protection may be, that is the fact. I grant you that it is wrong; but the fact remains the same. It has cheapened everything under God's heavens that men, women, and children use in this land—everything. And there is a reason for it. We are growing out of it. Let us grow out of it. There are sixty articles manufactured in the State of Connecticut alone that might just as well go on the free-list as to be where they are to-day. I want the people to know it.

Talk about the cotton of which my shirt is made. There is 50 per cent. duty on that cotton. And it can not be made anywhere on God's great earth except in New England; it can not be made for the same money anywhere else. I know it; I assert it; I defy contradiction from anybody and anywhere. Take the Collins axes that have driven the English axes out of England and Scotland and Ireland and the Swiss ax out of Switzerland, and yet there is a duty of 50 per cent. on the Collins axes made in my county, their office under mine. There is not an ax that can be sold anywhere on the face of the earth in competition with the Hartford ax; and yet they pay, permit me to say, to meet the argument of my friend from New York, they pay for what is called raw material—and it is not raw material, it is material, but not raw—they pay duty on their iron and steel and yet make an ax which has driven every manufacturer of every other country out of the market.

I assert it as a fact, for I brought it to the attention of the State Department when I occupied a very honorable position in the other branch as head of a committee, that the trade-marks of Massachusetts and Connecticut are stolen by Great Britain to-day—four in my own State and four in the State of Massachusetts; that she can not sell her own wares in her own country without stealing the trade-marks of the United States. [Applause.]

These are facts, and ought to be known. Then, shall we reduce the tariff? Certainly I say so. Take these things and put them on the free-list, where they belong, and let the people of the United States know they are not imposed upon. They are now; I assert it without fear of contradiction from anybody.

Now a little story. Mr. Lincoln used to point an argument with a story. Suppose I do it, although I know it will not be as good as his stories were. There was a certain professor in my country, a theorist of the first water, a man who does not know any more about the practical tariff than I know about the Hebrew that he is well acquainted with. This professor came up into a large manufacturing village in my county to make a theoretical speech, such a one as my friend from Ohio delights in. There was a farmer standing by a post in the lecture-room and the professor thought he might be a good subject to operate upon; so he said to him, "My friend, you are a farmer?" "Yes." "You live here?" "Yes." "Do you know these manufacturers in this village are robbing you?" "Why, no, I do not know it. How can they rob me? I came here ten years ago with $500; I bought a farm, running in debt $2,500 for my farm and stock. I went to work raising truck for this village. I paid my debt and have got money in the savings-bank and do not owe any man a dollar. How have they ruined me?" The professor said, "Well, it appears you have been a hard-working man and have lived it through. But you pay 6 cents a yard duty for the very cloth your shirt is made of." "Well, Professor," replied the farmer, "you may think so, but you can not prove it by your algebra or your logarithms; you can not prove it unless by Æsop's fables; for I did not give but 5 cents a yard for the cloth." [Great laughter.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. MCKINLEY. I ask unanimous consent that the time of the gentleman be extended.

The CHAIRMAN. The Chair can not entertain a request for unanimous consent. The gentleman can not have more time unless some one yields it.

Mr. CLAY. I believe I have some time remaining.

The CHAIRMAN. The gentleman from Kentucky [Mr. CLAY] has ten minutes.

Mr. CLAY. I yield that time to the gentleman from Connecticut.

Mr. EATON. I am under very great obligations to my friend from Kentucky.

Mr. HENLEY. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HENLEY. I was put down for an hour in this debate. I have not yet availed myself of the privilege although I believe my time was to have been assigned me to-day. I wish to inquire of the Chair the status of that question, whether I am entitled to an hour or not?

The CHAIRMAN. The Chair can not tell when the name of the gentleman from California will be reached on the list.

Mr. HENLEY. Would it be in order to yield a portion of my time to the gentleman from Connecticut?

The CHAIRMAN. The gentleman from California has not yet been recognized. The gentleman from Connecticut has already obtained ten minutes more.

Mr. HENLEY. I did not want him to limit himself, and I wish to yield him some of my time

The CHAIRMAN. The House has already limited debate. The committee has no power over it.

Mr. HENLEY. I desire to yield the gentleman such portion of my time as he wants.

The CHAIRMAN. The gentleman from Connecticut has ten minutes more.

Mr. EATON. A great deal has been said about free-trade England. Sir, I thought ten years ago that I would look into the business of free-trade England a little. England commenced her system of protection more than six hundred and fifty years ago, under one of the early Norman monarchs. She determined she would refuse to purchase the cloths that were made in Flanders, Ghent, and Bruges. What did she do? She imported the weavers of those countries and made them to belong to England. And from that time until 1844, for more than six hundred and fifty years, the system of protection was pursued by England; not methodically for the first two or three hundred years, but methodically for over four hundred years. This is the history of free-trade England.

In 1844, as some gentlemen would fain have you believe, because she wanted to better her people, England adopted free trade. It was that she might control the commerce of the world, because she had become the manufacturer of the world. That is the reason.

What was the cause of the Revolutionary war? Talk about throwing tea into the harbor of Boston. Talk about this, that, and the other thing. It was the refusal of England to permit New England to manufacture even a hob-nail that caused the Revolution of the United States. What said one of the leading statesmen of England on the floor of Parliament? That he would not permit Massachusetts to make a hob-nail. And Massachusetts made hob iron for him. [Laughter.] Now England became the manufacturer of the world by necessity, by protection. And, sir, we have advanced further and nearer free trade in forty years than she did in six hundred years. We are growing out of protection to-day. My friend from Massachusetts knows it; I know it, in very many of our productions we could stand to-day with a tariff collected directly for revenue; not that we wish to do that, or that it is best for the country; but we could.

But let us go on with wise legislation and in fifty years or less—I will not live to see it, but there are members on this floor who will live to see it, who I hope will be members here forty years from now—and those men will be members of a great confederacy of one hundred States with 100,000,000 freemen having free trade, because the country will have grown into free trade. Nobody will rejoice more than I to have that brought about; but let us be wise in our day and in our generation.

Something has been said about our commerce, about our commercial marine having been driven from the sea. The gentleman from Ohio [Mr. HURD] in his speech made some remarks in regard to that. Sir, he does not understand the very horn-book of our commercial marine. I say here that the gentleman from Ohio knows nothing about the commercial marine of this country or what caused it to be driven from the ocean. When he says it was protection he says so because he has got

before his eyes an *ignis fatuus* that he calls protection, and when he turns around it is free trade, and he can not see any further; that is the end of it.

What makes commerce? What was the freight-money of the United States in 1859? It was $60,000,000. What is the freight-money this year? It is $122,000,000. Protection has driven us from the sea, has it? Sir, freights go to the country that carries them the cheapest.

For divers and sundry reasons, which I have not time to go into here, we have been driven from the oceans, such as the change from wooden to iron ships and the manner in which England seized upon that change. Putting heavy subsidies into the hands of her iron-ship makers, she drove us in four years half from the sea, and the war did the balance. Let us look at these things like sane men and sensible men and estimate them if we can. Let us bring free ships here and we will get back our commerce.

One remark fell from my friend from Kentucky, whom I do not see in his seat [Mr. TURNER], that I was sorry to hear on this floor; I dislike it. He spoke about the "Yankees." What does he mean by that, or what does any other man mean by it? The Yankees! Does he know the origin of the term "Yankees?" Does he know that it is a corruption from the Indian "Yengeese," their way of pronouncing the word "English;" that from that comes the term "Yankee?"

Sir, I am a Yankee, a New England Yankee. I desire to say that I love my native State and my country—my whole country. But I will not hear without administering just rebuke any man sarcastically allude to the term "Yankee."

I do not forget who fought the battle that turned the tide in the Revolutionary war. I do not forget that it was the husbandmen of New England who won the battle of Bennington. I do not forget that when at the battle of Saratoga the commander-in-chief was either stupid, a coward, or drunk, one of the three, in his tent, a Connecticut general who had no command led the attack three times and won the battle.

A MEMBER. What was his name?

Mr. EATON. His name, I regret to say, was Arnold. My friend from Georgia [Mr. HAMMOND] laughs. Sir, he did his duty that day when other men sulked and skulked. I speak of him as a Yankee.

A MEMBER. And a traitor.

Mr. EATON. Yes, and the only one I know of from New England. I think I could go to other States and find a great many. [Great laughter and applause.]

Again, who fought the battles of the United States on the waters in 1812? Where did the tars of the United States come from? They came from Connecticut, from Massachusetts, from Maine, a few from New York, and a few from Philadelphia. Go ask the shades of Decatur, Preble, Hull, and Bainbridge, who fought and won the battles of 1812 on the water, and they will tell you it was the Yankee tars.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER, of Pennsylvania. I will yield from my time to the gentleman from Connecticut [Mr. EATON] whatever time he wants. [Cries of "Good!" "Good!" and applause.]

Mr. EATON. Sir, I am through with an unpleasant thing. I do not want to speak about the last terrible civil war between the sections of this country, a war that I would have laid down my life, would have laid my body on the altar to have prevented, and thus have saved a million of lives and ten thousand millions of treasure. Sir, there were heroes in that war on both sides. I do not talk about it. I talk about only those wars when we were all as we are now—one people, solid to the core, one people.

A favorite expression in debate here is that men would build a Chinese wall around this country. Well, that is good poetry but poor fact. No Chinese wall can be built around this country of fifty or sixty millions of people, that in the near future will be a hundred millions. There can be no wall built around this country. The world requires our products and we require the products of the world. We shall get theirs and they will get ours. There is no Chinese wall here and there is to be none, and very few Chinese. [Great laughter.]

What is to be the future of the country? The future of party is of small consequence. I am a Democrat, a party man, and desire party success. I desire the Democratic party to be in power, because I honestly believe, I may be mistaken, I honestly believe that with the Democratic party in power government will be better all over this broad land. I so believe; therefore I am a Democrat.

Other gentlemen are Republicans, and for equally good reasons, I doubt not. We shall therefore do our best to win in the coming struggle, I for the Democratic candidate, and my friend in front of me [Mr. WAIT] for the Republican candidate. But we will be brethren all the while, friends all the while.

Now, I see no good that is to be effected by the passage of this bill to my party, none at all; therefore I shall oppose it.

Mr. RANNEY. Or anybody else.

Mr. EATON. I do not know that anybody does, my friend; if they do they have different spectacles from mine. [Laughter.]

But the future of this country I can in some measure grasp. I shall not live to see it, of course; my sands are well-nigh run. But there are men here who I hope will be members of this House in the future and who will see this country the greatest country on earth—independent of every other nation; independent, without "Chinese walls;" independent because of the manhood of her sons and the virtue of her daughters; independent because the prairies of the West will furnish breadstuffs for the world; independent because New Mexico and Colorado and Texas and Nevada and California and Ohio will be in ten years the sheep-walks of the world. I see it. There is no reason why we should not raise wool cheaper in New Mexico and in Texas and in California by and by than it can be raised anywhere else in the world. Do not let us grudge a little for the public welfare as connected with the great wool industry. In other words, discriminate, my friends; lay your duties under the enumerated powers of the Constitution (for we have no other guide to go by) in such a way as to discriminate in favor of American industry, as Washington and Jefferson and Madison and Jackson and Benton and Polk and Buchanan and Calhoun and Lowndes did, and as every other great Democratic American leader has done in the past [applause], not for protection's sake, but for the common weal, for the general welfare. As some one has said, "Not a cent for tribute, but millions for defense," so I would say, "Not a dollar for protection, but discrimination for your friends and brethren."

In closing let me say (and I am under great obligations to the gentlemen who have given me their time, for I was not prepared to make a set speech, only a discursive talk), let us act as a great brotherhood of States. Let us never forget that this Government rests upon thirty-eight pillars called the States—they may become a hundred. The rights of the States are the salvation of the Federal Union. There never was a truer thing said in the world than was said by the Emperor Nicholas of Russia to my friend Thomas H. Seymour, then minister to that government; and you knew him very well, sir [Mr. COX, of New York, in the chair]. Said the Russian Emperor to my friend, Colonel Seymour: "There are but two governments in the world that can stand; my government, which I hold in the hollow of my hand, can stand as long as I am just. As long as my people believe in my justice so long will my government stand; yours, Colonel Seymour, will stand so long as the rights of the States are preserved against the dangerous centralizing power of the Federal Government." [Applause.] I mention this as a remark of a great man, a man who had read the history of our country justly.

In speaking of the rights of the States I do not speak of the ghost of dead secession; I speak of State rights such as Massachusetts and Connecticut have combated for and are ready to combat for again—rights older than the Constitution, because they belonged to Connecticut and Massachusetts and New York when Connecticut and Massachusetts and New York were independent governments. Until we subscribed to the Union we were independent sovereignties as Russia and Great Britain are independent sovereignties.

For eighteen months, or thereabouts, after our present Constitution had gone into operation—I do not undertake to be accurate as to the exact period, for at this moment I do not recollect—little Rhode Island and the State of North Carolina, now so ably represented on this floor, flew their flags to the breeze on every sea as independent nations of the earth. They did not come into the Federal Union for a year or two after the present Government had begun the exercise of its powers.

Let us then stand by this great principle of the rights of the States as upholders of the Federal power. Let a proper discrimination be made by the Federal authorities with regard to State power and their own, and our Government may stand a thousand years. Aye, sir, I hope that we may stand as one people and one Government until—

> God shall fall
> The darkness for creation's pall.

[Great applause.]

Mr. HAMMOND. Mr. Chairman, a surplus of anything is bad. It has grown to be a proverb that "too much of even a good thing is too much." Too much money in the hands of one man works many wrongs to society, unless he uses it with exceptional good sense. Too much money in the hands of a government is bad, and only bad because it can not be wisely used. Speaking of its evils in this country President Jackson, in his eighth message, said:

> The influence of an accumulating surplus upon the legislation of the General Government and the States, its effects upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculations, idleness, extravagance, and a deterioration of morals, have taught us the important lesson that any transient mischief which may attend the reduction of our revenue to the wants of the Government is to be borne in preference to an overflowing Treasury.

If that was wisdom in 1836, with the then insignificant income of the Government, how forcible is it now? Those who have observed the course of affairs here for the past few years have seen this prophecy become history. Specifications need not be made to prove what none dare deny.

But lavish, careless, even reckless appropriations can not exhaust our surplus revenue of a hundred millions of dollars per annum, and so strong an argument does it make in favor of tariff reform that men have racked their brains how to dispose of this immense income and yet keep the tariff intact. Naturally Pennsylvania, with her seven hundred and fifty million dollars' worth of manufactured goods per year, is greatly troubled. In July last her Republican convention re-

solved to keep the tariff high and distribute the surplus among the States to use as they please.

DISTRIBUTION AMONG THE STATES.

In many quarters it was commended; but when reflection had operated Mr. Blaine opposed that plan in his letter of 22d November, 1883, published in the Philadelphia Press. His first objection to it was that the amount would be uncertain. "It may be one million or it may be one hundred millions," he said. He urged as a more serious objection that it would divide the duties of supplying State and Federal wants and tempt the Representatives and Senators to starve the latter to fatten the former. He urged nothing else on that point but that "such a partnership is at war with the well-being of both State and nation." But he foresaw, what every high protectionist must have foreseen, that the temptation to make revenue for distribution among the States very large might result in a very low tariff to increase importations and customs income. He urged another objection, and his last, in these words:

A third objection to the Pennsylvania proposition is that it proceeds upon the assumption of a continuing redundancy of national revenue.

He said:

This is opposed to all sound views of national administration. The Government wants just enough revenue. A redundancy always leads to extravagance, to many forms of corruption, and to all manner of schemes for getting rid of money. A Congress assembling with tens of millions of surplus at its disposal is very sure to hold sessions which would prove profitless to the people and perilous to its own members.

Having thus delivered himself of these universally accepted truths as to the dangers of a surplus and mentioned the probability of the abolition of the internal-revenue system by a coalition of Judge KELLEY and his protection allies and Mr. COX and his low-tariff allies, he came to his real solution of the question. He declared that "our State and municipal taxation is direct. It comes upon the property with crushing force;" and showed how easily fell a tax collected as liquor glided down the throats of the tax-payers. Then he asked:

Why, therefore, should not the States be permitted to have the tax on spirits for their own benefit if the National Government does not need it?

Others have thought the United States should cease to collect this tax in order that the States might have it for their use. But that will not suit his views. He was so kind to the States that he feared they could not collect the tax, and to urge that the best way is for the United States to collect it and divide the same among the States in proportion to population. He said:

The machinery of collection is to-day in complete operation. A bill of ten lines could direct the Secretary of the Treasury to pay the whole of it, less the small expense of collection, to the States and Territories in the proportion of their population, and to continue it permanently as part of their regular annual revenues.

Mr. Blaine said he had considered the question "very carefully for several months," and had "possibly overlooked objections which others may suggest." But he hinted at no possible objection. Indeed, he attempted to support it while arguing the objection of uncertainty of amounts, which he urged against the Pennsylvania plan by saying:

An occasional gift from the national Treasury would not be valuable. That was proved by the distribution of the revenue under the act of 1836 in the Presidency of General Jackson.

That was said apparently without design, but carries with it the force of a precedent and the sanction of high Democratic authority. And it has been so treated by writers, if not carelessly ignorant, not caring to disclose the truth.

The United States never made any "gift" from the national Treasury to the States during Jackson's Presidency. The act of 1836 simply loaned the surplus to the States subject to call by the General Government, and that only to get rid of greater dangers.

In proof I place against Mr. Blaine's assertion the history. That act was approved on the 23d of June, 1836. It required each State before it could take its share to authorize some officer to "pledge the faith of the State for the safe-keeping and repayment thereof, and pledge the faith of the State receiving the same to pay the said money and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury for the purpose of defraying any wants of the public Treasury."

In his eighth annual message in December, 1836, on the same subject, President Jackson used this language:

The suggestions made by me in my annual messages of 1829 and 1830 have been greatly misunderstood. At that time the great struggle was begun against that latitudinarian construction of the Constitution which authorizes the unlimited appropriations of the revenues of the Union to internal improvements within the States, tending to invest in the hands and place under the control of the General Government all the principal roads and canals of the country, in violation of State rights and in derogation of State authority. At the same time the condition of the manufacturing interests was such as to create an apprehension that the duties on imports could not, without extensive mischief, be reduced in season to prevent the accumulation of a considerable surplus after the payment of the national debt.

In view of the dangers of such a surplus and in preference to its application to internal improvements, in derogation of the rights and powers of the States, the suggestion of an amendment of the Constitution to authorize its distribution was made. It was an alternative for what was deemed greater evils—a temporary resort to relieve an overburdened Treasury until the Government could, without a sudden and destructive revulsion in the business of the country, gradually return to the just principle of raising no more revenue from the people in taxes than is necessary for its economical support. Even that alternative was not spoken of but in connection with an amendment of the Constitution.

No temporary inconvenience can justify the exercise of a prohibited power, or a power not granted by that instrument; and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character that it was suggested only in connection with an appeal to the source of all legal power in the General Government, the States which have established it. No such appeal has been taken; and in my opinion a distribution of the surplus revenue by Congress, either to the States or the people, is to be considered as among the prohibitions of the Constitution. As already intimated, my views have undergone a change, so far as to be convinced that no alteration of the Constitution in this respect is wise or expedient.

Later in the same month (to wit, on the 21st December, 1836), Mr. Calhoun, in discussing the deposit law, said:

One point was perfectly established by the proceedings of the last session—that when there was an unavoidable surplus it ought not to be left in the Treasury or in the deposit banks, but should be deposited with the States. It was not only the most safe but the most just that the States should have the use of the money in preference to the banks. This, in fact, was the great leading principle which lay at the foundation of the act of last session. He considered it no less fully established that there ought to be no surplus if it could be avoided. The money belonged to those who made it, and Government had no right to exact it unless necessary.—*Calhoun's Works*, volume 2, page 572.

But it may be claimed that these are the words of Southern Democrats opposed to high tariff, internal improvements by the General Government in the States, and to the deposit banks. I call to witness Mr. Webster, the great Whig expounder, he who claimed that internal improvements had brought the far-off Western settlers so near to the East that he could almost "see the smoke of their cabins and hear the strokes of their axes." On the 31st of May, 1836, Mr. Webster introduced into the Senate a proposition for the distribution of the surplus revenue, and spoke in its support. He advocated the deposit in State banks and to increase their number to get rid of the "distressing uncertainty which now hangs over everything" and which culminated in the terrible financial crash of 1837. He called it the "unparalleled pressure for money which is now destroying and breaking down the industry and even the courage of the commercial community."

He then spoke upon his second proposition, to distribute all in one year, instead of dividing it into several years, as follows:

I have already observed that in my opinion the measure should be limited to one single division, one distribution of the surplus money in the Treasury. * * * I think it safest to treat the present state of things as extraordinary, as being the result of accidental causes or causes the recurrence of which hereafter we can not calculate upon with certainty. There would be insuperable objections in my opinion to a settled practice of distributing revenue among the States. It would be a strange operation of things, and its effects upon our system of Government might well be feared.

After drawing a distinction between other money in the Treasury and the proceeds of public lands, he said he would willingly distribute the latter, "regarding the public lands as a fund belonging to all the States." But rather than take money from the Treasury for distribution among the States, he said:

I have no hesitation in declaring now that the income from customs must be reduced. It must be reduced even at the hazard of some branches of manufacturing industry, because that in my opinion would be a less evil than the extraordinary and dangerous state of things in which the United States should be found laying and collecting taxes for the purpose of distributing them when collected among the States of the Union.

Here these great souls have "risen from the dead" to denounce the pretended precedent and the perversion of history. This would seem enough; but we live in "perilous times." We have seen a State bought during an election; we have seen several States bought after an election. But here is a proposition to bribe all the States and all the influence of property and monopoly in all the States by one magnificent offer before an election. The devil, when he took our Saviour "up into an exceeding high mountain" and showed him "all the kingdoms of the world and the glory of them," had doubtless considered the matter "very carefully for several months," and saw no objection to the unholy worship which he craved. But the Saviour did. And if there be virtue left in the people they will adopt His language and cry out, "Get thee hence, Satan!" That I may do no injustice, Mr. Blaine's words are quoted. He showed how by such distribution Maine would be entirely relieved and Pennsylvania almost entirely relieved from State taxation, and by way of peroration he concluded:

States that have been so oppressed by debt as to be tempted or driven to repudiation would be enabled to regain their credit, and every community from ocean to ocean would in one form or another realize that burdens of taxation were in some degree ameliorated.

He did not mention that thereby the present tariff might remain unreformed. This he knew would be understood by the manufacturers of the East and West.

Mr. Webster thought he saw great evils in that "extraordinary and dangerous state of things in which the United States should be found laying and collecting taxes for the purpose of distributing them when collected among the States of the Union," but never dreamed of this enormity. Do not the rich, "rounding their millions" invested in untaxed United States bonds, pay little enough now to their States for the protection of their persons and property? Must the whole Government be perverted from its constitutional purposes to lighten their burdens and keep the load upon the propertyless consumers of food and clothing? Shall the dust be wiped from the dirty bonds of the carpet-bag governments to be ready for their part of the spoils? Suppose the plan adopted and the States unwilling to pay the repudiated bonds? What then? Suppose the people tire of the hateful "machinery of collection," which Mr. Blaine says is "in complete operation," and destroy that machinery. What then?

Suppose the States no longer self-reliant but dependent upon the

bottle, the whisky bottle furnished by a centralized empire. For a time they might feel "o'er all the ills of life victorious." But how long would that last? What a state of life would that be the daily food of which depends upon the changes of trade, the caprices of taste for strong drink, the votes of a Congress! No, this plan will not do; another remedy must be found. I say must be found, because with this surplus of revenue are linked all the dangers before mentioned and surplus taxation besides.

TAXATION.

In the eighth message of Jackson, from which I have quoted, he said:

The safest and simplest mode of obviating all the difficulties which have been mentioned is to collect only revenue enough to meet the wants of the Government, and let the people keep the balance of their property in their hands to be used for their own profit.

And in his farewell address, in 1837, he said:

The taxes which it—

The United States—

lays upon commerce—being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax-gatherer. But the tax imposed on goods enhances by so much the price of the commodity to the consumer, and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imports is drawn from their pockets.

In his sixth annual message, in December, 1874, speaking of the tariff, General Grant questioned whether the law did not often result in "the direct loss of the Treasury and to the prejudice of the interests of honest importers and tax-payers."

In his last annual message Mr. Arthur said:

There are cogent reasons, however, why the national indebtedness should not be thus rapidly extinguished. Chief among them is the fact that only by excessive taxation is such rapidity attainable.

That this is not simply the language of high officials of both parties but the common understanding of the country, I make two quotations from the leading Democratic paper of Georgia, to wit, the Constitution, published at Atlanta. The first was on the 10th of May, 1883, in these words:

There is no room to doubt the disposition of the voters of the country with respect to the tariff. They are in favor of cutting down the enormous taxes, which, in the name of "protection," are wrung from the people for the benefit of the monopolists, and they are ready to indorse and support any party that takes a bold stand against this infamous system of robbery.

The other was on the 2d of June, 1883, and said:

Mr. McDonald advocates in a letter recently published a tariff within the limits of the Constitution, and he adds the belief that the public mind will never be satisfied "with any tariff that has not for its leading purposes the raising of revenue for the Government." The sentiment of the South is practically solid in support of the policy that these eminent Northern leaders [Tilden, HEWITT, McDonald, and Hendricks] unhesitatingly support; and it is therefore difficult to see how it is possible to swerve the party from the position it took both in 1876 and 1880. The man who does not know that a revenue tariff is gathering strength rapidly does not understand the drift of public sentiment. The more light the people get on the tariff question, the more the subject is discussed in Congress and out of Congress, the sooner will we secure a just and equitable and constitutional system of taxation.

THE REMEDY.

The Democratic party alone can right this wrong, for the Republican party has brought it about and will not aid. It but hinders the reform. But many of our friends say, wait until we are in possession of the Government. When will that be? It is not certain that we will even have the House in the next Congress. It is certain that we will not have the next Senate. But suppose we should have both, and also the President. May our majority not come from the protected States? May the President not be from one of them? Shall the large Democratic majority in this House confess to the people that it dare not now even originate a bill for their relief? Verily one feels like asking the questions of Patrick Henry, which, as schoolboys, we were fond of declaiming:

Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely upon our backs and hugging the delusive phantom of hope until our enemies shall have bound us hand and foot?

All agree as to the evil, but all do not agree as to the remedy. Some say, repeal the internal-revenue system and thereby rid us of its horde of officers and offensive machinery. Others contend that such repeal, however desirable, would be but a partial and temporary remedy; others, that it would not do to make strong drink cheap and keep bread high. Some especially fear cheap whisky in the Southern States. Say others, yet such repeal should not be thought of until at least the millions of taxes on distilled spirits and malt-liquors are collected. To this Mr. KELLEY replied that he would repeal now, without collecting the tax, because the corn now made into whisky could build up the growing industry of making glucose sugar. But Louisiana cries out that the people should have pure sugar made of cane and not the bogus sugar of corn. An eager Eastern manufacturer says make sugar as free as the coffee which it sweetens. Mr. KELLEY would advise an increase of duties so as to diminish importations and destroy revenue.

But the farmers of the West, with a surplus of grain and meat, and the manufacturers, with a surplus of goods for sale, assert that prohibition would destroy their markets. Some say, increase the free-list, but none agree as to which of the 4,000 articles taxed shall be freed. Mr. HEWITT, of New York, would make free all "raw material." But no two men agree as to what is "raw material," and some suspect that that would break down the growing industries of the South in iron and cotton by helping that capital to stay in the East which should be carried to our mines and the cotton belt.

There are difficulties in the way, many and serious, but they are not so many nor so serious but that careful attention and an honest purpose to do the work will succeed.

Mr. Chairman, the place left for me being so near the end of the general debate I will not reiterate general doctrines already so forcibly put, but reply to the main objections to this bill and to some of the points made by its opponents.

Some of our friends disapprove of a horizontal reduction. We have had a horizontal reduction of 10 per cent. in each of the years 1833, 1835, 1837, and 1839, and of 20 per cent. in 1842. We increased horizontally 20 per cent. in 1865, and a 20 per cent. decrease horizontally was made in 1866. In 1872 we reduced 10 per cent., and in 1875 increased 10 per cent., all horizontally. A horizontal scale is often applied to wages; why not to taxes? It might in some instances work unequally, but these, as well as all other instances of wrong, can be and will be righted by amendment while the bill is under consideration by sections. This horizontal plan is therefore usual, and it is simple.

Special cases of hardship can be better taken care of under it than under a bill specifying every item in the tariff-lists, because it will give more time to consider those special instances. Such a bill being shorter allows more time for other matters of public and private importance. And it is doubtful whether we would have time to pass a bill in any other shape. We tried it last Congress, and after spending weeks in its discussion had to take a bill originated in the Senate and pass it in the House without its details having even been read by the Representatives of the people. However, its form and contents are only suggested by a committee of this House, and are entitled to no more weight than the reported bills from that committee should have. We are of course at perfect liberty to alter or amend as we please. All that our party has agreed to do is to make an honest effort to pass some bill which will reduce somewhat the suplus revenue and somewhat more the burdens of taxation. Upon that we have agreed with far greater unanimity than is usual upon public questions of any unusual interest, and have a right to expect the co-operation of all whose absolute sense of duty does not compel them to hold back.

Seeing that the Democratic party was in earnest in this matter, the protectionist press began with one accord to put obstacles in the path to prevent even a discussion of the bill. They tried to alarm the manufacturing States by a cry that we were about to inaugurate free trade. They knew the bill aimed at no such thing. They had read the speech of Mr. RANDALL on the Tariff Commission, of May 5, 1882, in which he said:

In my judgment the question of free trade will not arise practically in this country during our lives, if ever, so long as we continue to raise revenue by duties on imports, and therefore the discussion of that is an absolute waste of time. * * * So, too, with free trade, there is hardly a man in public life who advocates it pure and simple.

And to impress that upon the public mind he spoke of four representative Democratic tariff reformers as follows:

Let me cull a few sentences from recent debates to show the feeling on this subject.

Senator JAMES B. BECK says:

"Nobody asks or expects this Congress to establish free trade or tear down custom-houses. * * * In adjusting taxation on imports with a view only to obtain revenue or 'for revenue only,' we never thought of discriminating against American industries, or of depriving them of the incidental benefits or protection a proper revenue tariff would afford."

Senator BAYARD says:

"The power to tax by laying duties upon imports may be so exercised as to do what it has done ever since the foundation of the Government, and that is to give an advantage equivalent to the amount of the tax to the American producer or manufacturer over his foreign competitors in the same line of production or manufacture, and this becomes his protection."

Senator COKE, of Texas, says:

"As an inevitable consequence domestic manufacturers and producers of the articles upon which such revenue import duties are laid are to that extent protected against foreign competition."

Mr. CARLISLE, of Kentucky, in substance reiterates these sentiments. So they all say, with rare exception. The real question presented and which is in controversy is the revision of taxes, so we may hold the control of the markets of the world for the benefit of our excess of productions over the home consumption.

They next cried out that we favored direct taxation. No man in either House of Congress had hinted at any thought of direct taxation. In that same speech Mr. RANDALL had said:

Who favors direct tax? No one. * * * Nobody wants direct taxation, although it would bring taxation so near and so constantly before the people that Congress would hesitate long before it voted the sums of money it now does, if not for improper, at least for questionable purposes.

That was the only suggestion in its favor which I recall since I have been in Congress.

The platform of the Democratic party in 1840, among other things, declared:

Resolved, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our country.

And these words were repeated in every Democratic platform up to and including that of 1860. Nor has the party ever uttered any doctrine inconsistent with that resolution. Even the Ohio platform, honestly interpreted, is not inconsistent with that resolution.

Mr. MCKINLEY, in his speech, said we would tax tea and coffee. He knew that both were made free in the Democratic tariffs of 1846 and

1857 and so kept in the act of March 2, 1861. They were taxed, coffee from 4 to 5 cents per pound and tea from 15 to 20 cents per pound, by the acts of August and December, 1862, and that of 1863, and so remained till May, 1872. Before the act of 1846 tea was taxed as high as 68 cents per pound when not shipped in American vessels. Individuals have favored the return to the policy of taxing them, but neither party has so desired. Mr. MCKINLEY said that because a committee of a Democratic House so reported our party must be so considered. John Sherman, as Secretary of the Treasury, repeatedly so recommended, and by parity of reasoning his party must be so considered. Nor has the Democratic party ignored all considerations of special classes. It has uniformly discriminated between luxuries and the common supplies of the masses of our people, favoring the poor rather than the rich.

But to return. Failing to prevent discussion an appeal was made to prejudices and hatred (no milder word will tell the truth), and the bill is denounced by the New York American Protectionist as the "Jeff Davis bill." The National Republican of this city puts it thus:

> Having failed to shoot the Union to pieces, the Southern free-traders, the disciples of Calhoun and nullification, propose to starve the Northern mechanics and laborers.

This remark excites naught but a pleasurable pity, pity for the man who thus sneers at one of the brightest names that has shone in American history, and pleasure to see an opponent reduced to such straits; and, Mr. Chairman, I have been mortified to-day to see the distinguished gentleman from Connecticut [Mr. EATON], a man in experience older than he is even in years, a man of broad views and generous impulses, in his advocacy of a doubtful dissent from his party, stoop to take comfort by like twaddle. He read from the Constitution of the Confederate States—in order to do what? To prove that this tariff bill was wrong? Not at all, but to excite Northern prejudice against the South, because it furnishes Democratic Representatives favoring tariff reform.

Mr. EATON. The gentleman has no right to make that statement.

Mr. HAMMOND. I know it is true. Any one but a fool would know that. Gentlemen can not conceal their purposes from people who have brains. They can not conceal them from the working people of this country. They read and they think.

I wish to make a remark or two about that confederate constitution. It was almost in its very words the Constitution of the United States. The resolution under which it was framed was that, being satisfied with the form of government from which we seceded, our committee should report a constitution as nearly as practicable the same. That constitution preserved the peculiar institution of slavery because that was the property of the South. It lengthened the term of president from four years to six, because the framers of the instrument had seen, as you have seen and as we yet see, the corruption which may be exerted for the securing of a second term. In the promotion of purity that instrument undertood to cut off such a source of corruption.

With these exceptions I recall none other but those the gentleman from Connecticut [Mr. EATON] has to-day brought before the House. They did "wipe out" "the general welfare" clause, for under it all the jobs, all the corruption, all the dishonesty, all the black pages of American history in legislation have been written. They were a people without any manufactures comparatively; they had but little seacoast comparatively, and they believed so much wrong had been done by a perversion of the taxing clause and by the perversion of the commerce clause of the United States Constitution in legislating for one section against another section, in the teeth of Democratic platforms, that they determined to take that power away from their congress. They were as honest in making that constitution as were Carroll and Hancock when they signed the Declaration of Independence.

Mr. EATON. I did not impugn their honesty at all.

Mr. HAMMOND. No, sir.

Mr. EATON. I stated a fact.

Mr. HAMMOND. You stated a fact, and I have stated why you stated it.

Mr. EATON. You have not stated that correctly, because you do not know.

Mr. HAMMOND. I am proud the gentleman disavows it. He now comes up to the measure of the man I have thought him to be. He does not stoop like these penny-a-liners to make false prejudice against a measure instead of arguing against it.

Mr. EATON. If the gentleman will permit me, he ought to know me better than that. I am in favor and shall be one of a committee to report an amendment to the Constitution making a single term of six years for the President, as it was in the confederate constitution.

Mr. HAMMOND. I am glad to see the gentleman following after the grand men who undertook to make successful that ever-to-be-lamented attempt at revolution.

Mr. EATON. I do not quite understand you.

Mr. HAMMOND. I will now go on with my remarks.

Such twaddle is an insult to the Northern voters. They can read; they can think. They know that a cause is good or bad without regard to who favors the cause; that the proposed reform is urged by men from the North as true to the Government as any who oppose the measure. Those voters know that that cause is weak which must be supported not by combating the arguments made in its favor, but by abuse of some of its advocates. Let not the Republicans hope in that way to distract attention from the merits of the controversy. Nor can those voters be made the followers of the new theory of Mr. RUSSELL, of Massachusetts, as to the functions of this Government. He attributes the prosperity of this country to "the laws which force such a diversity of interests and at the fullest possible compensation for labor." And elsewhere in his speech of April 17 he lauds "a law, whether natural or otherwise, that compels a diversity of interests."

It recalled to my mind the famous "Georgia protest" of 1829 against the tariff of 1828, the first tariff in which sections were directly opposed to sections as such in this country. The protest was signed by John Forsyth, governor, and presented in the United States Senate by John McPherson Berrien, "*par nobile fratrum.*" The climax of the State's denunciation of the principles which led to its adoption was "the degrading system which considers the people to be incapable of wisely directing their own enterprise; which sets up the servants of the people in Congress as the exclusive judges of what pursuits are most advantageous and suitable for those by whom they were elected." So Mr. Tilden wrote:

> Devoted to the rights of our American industry, which is now beginning to fill the world with the renown of its achievements, it [the Democratic party] has refused to direct its application by prohibitory or protective tariffs, preferring that each man should judge how he can make his own labor most productive, and trusting for the aggregate result to those natural laws which enable every one of our million of city population to daily choose his food, and yet furnish buyers for everything that has been provided beforehand.

Mr. RUSSELL'S doctrine would authorize Congress to forbid our boys from following callings or professions suitable to their capacities and tastes and bind them to the trades of their fathers, as has been done in despotic ages and governments. Such doctrine would have authorized Congress to bind forever to drudgery men who have adorned the highest places in our country.

SOUTHERN MANUFACTURES.

It is conceded that the Morrison bill can not affect Southern cotton-mills. Absolute free trade subsists between us and the North and West, and yet they can not compete with our cotton-mill products; much less can distant Europe give us trouble. Our advance is due not to tariffs, but to natural advantages of which none can deprive us, though bad laws may greatly impair these advantages.

I am about to call attention to some figures taken or made up from the Compendium of the Census of 1880. I do not claim absolute correctness for them, for the basis is not infallibly correct.

That the censuses of 1850 and 1860 contain many errors none deny. The grossness of the falsity of that of 1870 in the Southern States is recognized by all. Taken in a fluctuating currency, it is wholly misleading everywhere. On these have come the census of 1880, the fragmentary reports of our consuls and of the Agricultural Department; and the brood of lying conclusions drawn from them all has multiplied like the lice in Egypt. In every speech, in every newspaper, they crawl and squirm. But in default of anything better our reasoning must be from these censuses. I call attention to a few of their statements from our last compendium. It is a very common impression that the South was less prosperous as to manufactures before the war, as compared with the North, than since the war. The census shows that that is untrue. Take Georgia and Pennsylvania as representative States. Georgia's capital so invested stood to that of Pennsylvania as 1 to 18¼ in 1850; about the same in 1860; as 1 to 31 in 1870; and as 1 to 23½ in 1880. Southern investments greatly increased, but those of the North increased more.

But the table shows that from 1850 to 1860 manufactures in the Southern and cotton States grew relatively faster than they did in the great manufacturing States of the North. Alabama almost trebled, Arkansas more than quadrupled, Georgia doubled, Tennessee more than doubled, and Texas increased sixfold. No Northern State doubled but Pennsylvania. Cotton never sold for so much as it did in 1857, except just after the cotton famine produced by the war. And all this occurred under the low Democratic tariffs of 1846 and 1857. Here is the table:

Capital invested in manufactures, as shown by the censuses of the United States.

States.	1850.	1860.	1870.	1880.
Alabama	$3,450,606	$9,098,181	$5,714,052	$9,668,008
Arkansas	305,015	1,316,610	1,782,913	2,953,130
Georgia	5,456,483	10,890,875	13,930,125	20,672,410
Louisiana	5,032,424	7,151,172	18,313,974	11,462,468
Mississippi	4,727,600	4,501,714	4,384,492	1,815,820
North Carolina	7,456,860	9,693,703	8,140,473	13,045,639
South Carolina	6,053,265	6,931,756	5,400,418	11,205,894
Tennessee	6,527,729	14,426,261	13,595,295	20,092,845
Texas	539,290	3,272,450	5,284,110	9,245,561
Connecticut	25,876,648	45,590,430	95,281,271	120,480,275
Massachusetts	88,940,292	132,792,327	231,677,862	303,806,185
New Hampshire	18,242,114	23,274,094	36,023,743	51,112,263
New Jersey	22,293,258	40,521,048	79,606,719	106,226,593
New York	99,904,405	172,895,652	366,994,320	514,246,575
Ohio	29,019,538	57,295,303	141,923,964	188,939,614
Pennsylvania	94,473,810	190,055,904	406,821,845	474,510,993

FARMERS.

Those who have spoken against tariff reform endeavored to alarm the farmers. The Democratic party would not knowingly take any step which even might injure them. But let us examine the allegations.

Mr. CHACE, of Rhode Island, is a manufacturer, living in a State which in 1880, by the census, raised but two hundred and forty bushels of wheat, and yet he undertakes to advise the wheat farmers of the West. To his speech in the RECORD of 25th April, 1884, he appended a table of values of selected articles for the years 1846 to 1850, inclusive, and 1876 to 1880, inclusive, to draw a contrast between "free trade" and "protection" to the advantage of the latter as to farm products. Who made his figures I do not know. Perhaps it was the same man who in February, 1883, betrayed him into using a table which, upon examination, I showed covered arrowroot, maccaroni, croton-oil, "coffee and milk prepared," "frogs dressed and prepared," plum pudding, venison, house furniture, hubs for wheels, shingles, willow baskets, and sawdust, which table he averred only showed the protection given to our farmers upon "agricultural products pure and simple."

The following table is taken from Grosvenor's Does Protection Protect? I am told that he is now the statistician of the New York Tribune. His figures were made in 1870, and, without regard to his own merits, are trustworthy because made up from the official report of the Secretary of the Treasury in 1863 (Mr. Chase) carefully prepared under Mr. Chase's supervision. Mr. Grosvenor at page 274 gives average prices for six periods, first, the years covered by the protective tariff of 1824 and the higher protective tariff of 1828; second, ten years of "compromise non-protective tariff," 1833–1842 inclusive; third, protected years 1843–1846; fourth, next four years unprotected; fifth, the succeeding four years, and last the years 1855 to 1860 inclusive; all from 1847 to 1860 inclusive being under the Democratic or "free-trade" tariffs. From those six tables Mr. Grosvenor made the table of averages following:

Table showing comparative prices of farm articles during the protection era from 1825 *to* 1846, *and the "free trade" era from* 1846 *to* 1860.

Years.	Wheat.	Cotton.	Corn.	Rye.	Oats.	Butter.	Cheese.
	Per bu.	*Per lb.*	*Per bu.*	*Per bu.*	*Per bu.*	*Per lb.*	*Per lb.*
1825–'32	$1 10½	$0 10¾	$0 62	$0 67	$0 37	$0 15½	$0 06¾
1833–'42	1 35½	12	77½	84½	43	16½	07¾
1843–'46	1 02	06½	57	68	34½	11½	05¾
1847–'50	1 26	09	68½	74½	43	15½	06½
1851–'54	1 44	09½	71½	91½	47	17¾	07½
1855–'60	1 69	10½	81½	94	48½	19½	08½

Certainly this table is far more satisfactory than Mr. CHACE'S comparison of two periods of five years each and they thirty years apart. The most absurd part of his speech was that showing that a bushel of wheat in 1846–'50 would buy less iron or cotton prints then than in 1876–'80, utterly ignoring the fact that the price of wheat varied little, but of the others had enormously decreased in thirty years.

Mr. CHACE. If these figures are correct, then your policy is a bad one for the farmer.

Mr. HAMMOND. I know more farmers than you do. I see more in one day than you have in your State. I see more in my district than you have voters in your State. You come here, with every laborer in your State driven from the ballot-box, to preach the dignity of labor.

Mr. CHACE. The gentleman is now stating one of his free-trade facts when he says every laborer is driven from ballot-box. That is about as true——

Mr. HAMMOND. I should have said every laborer of foreign birth. You know what I meant.

Mr. CHACE. I denounce the statement.

Mr. HAMMOND. Only 10,000 men voted in the last election in all your State.

Mr. CHACE. You drive ten from the ballot-box where Rhode Island does one, and you do it with the shotguns.

Mr. HAMMOND. In the South some are driven off in violation of law, but yours are driven away by your law.

Mr. CHACE. If you can make anything out of that, you can.

Mr. HAMMOND. If you can make anything out of this debate, you are welcome.

Mr. HISCOCK on Tuesday presented many figures showing increase in farm products, &c., from 1860 to 1880, and attributed that to the tariff. He makes the high protective war tariff take all the glory which has come from the development of the country, the reapers and mowers, the railroads, steamboats, and telegraphs, all the work of brain and muscle for twenty years. How will he explain that India increased her wheat export from 2,000,000 bushels in 1879 to 36,000,000 in 1883 under English free trade?

Answering them, it would be fair to attribute all the gain to the Democratic "free-trade" tariffs. But candor compels me, and should have compelled them, to admit that the differences are not always attributable to the tariff only. Sometimes it seems so and at others not. For instance, in 1830 wheat sold for $1.07½ and the tariff was 25 cents per bushel. In 1832 the price was $1.23½, and the tariff 12½ cents per bushel. Price plus tariff in 1830 was $1.32½, and in 1832, $1.36. On the other hand, in 1841, the price, $1.20, plus tariff, 25 cents, equals $1.45, and in 1842, the price, $1.06½, plus tariff, 12½ cents, equals $1.19. In one case wheat was higher under the lower tariff and in the other the reverse. Again, in 1854, 1855, and 1856, wheat averaged $1.51, $2.12½, and $2.38 per bushel, respectively, and the tariff was the same in all three years; but the Crimean war made increased demand. In 1857, 1858, 1859, and 1860 wheat averaged $1.70½, $1.60, $1.30, and $1.47½, respectively. The reciprocity treaty with Canada was in force from September, 1854, to 1866, and under it Canadian wheat came in free, and that was our main source of foreign supply. With practical free trade wheat was higher than ever before. (My figures are by averaging the highest and lowest prices for each year, taken from Spofford's Almanac.)

But if it be fair so to argue, I present another short table, taken from the censuses of 1859 and 1879, of articles commonly quoted as of 1860 and 1880. The first column is from Secretary Chase's report of 1863, before mentioned, except hay, not there given. The second column is from the Bureau of Statistics, copied into census of 1880, at page 27.

Prices of farm products in 1859 *and* 1879 *and the per cent. of increase of* 1859 *over* 1879.

Article.	Prices in gold in—		Increase, 1859 over 1879.
	1859.	1879.	
	Dollars.	*Dollars.*	*Per ct.*
Corn, per bushel	90.5	47.1	92
Oats, per bushel	47.0	29.7	58
Wheat, per bushel	1 47.5	1 06.8	40
Cotton, per pound	11.5	09 9	15
Hay, per ton	24 64.0	15 02.0	60
Bacon and hams, per pound	09.0	07.0	28
Butter, per pound	20.5	14.2	43
Lard, per pound	10.0	07.0	57
Tallow, per pound	10.5	06.9	43
Tobacco, per pound	09.0	07.8	12
Wool, per pound	39.0	29.0	34

These considerations show how very deceptive mere tables of figures are. Arguments confined to them are only less false than that of attributing all increase of prices to protection in the face of greater decrease in Europe, protected and unprotected Europe. Mr. CUTCHEON yesterday mentioned the cheapening of steel rails as a sample. He knew that by expiration of patents, better machinery, &c., they are so much cheaper in England than here that we fence them out by tariff. Mr. CHACE, of Rhode Island, Mr. RUSSELL, another Eastern manufacturer, and Mr. KELLEY expressed great alarm for the farmers of the West because the wheat of India, Australia, and Russia are crowding them out of the markets of the world. Mr. KELLEY advised them to raise sorghum, and told them that they could live on its seed, for that swine, horned cattle, and the negroes of interior Africa had so lived. His words were:

> Our farmers, therefore, need not fear the competition of low wages in the wheat-fields of India and Russia as threatening a vital change. Wheat-culture exhausts the soil. The wheat we export beyond the sea carries with it the vital principles of the farm on which it was raised, which does not return to enrich the producers' acres as it does when consumed in industrial villages or large cities near to where it was grown. With sugar-yielding plants it is otherwise; they are green plants and give to the soil the nutriment they absorb from the atmosphere. Wherever corn will ripen sorghum can be produced in perfection, and the value of the seed of this plant alone is found to be equal to the cost of growing and housing the entire crop. Not only does this seed furnish nutriment to swine and horned cattle, but history and travel afford abundant assurance that in the past more people have lived on sorghum seed than have been sustained by wheat. Myriads of the people of the interior of Africa and Asia, from which dark regions we are but now receiving supplies of richer varieties of the sorghum plant than we have yet grown, have for centuries found in its seed the same food-supply that the Caucasian races have found in wheat.

Mr. RUSSELL reminds us that the yield of Indian wheat increased from 2,000,000 bushels in 1879 to 36,000,000 bushels in 1883, while our exports of wheat fell off nearly 36,000,000 bushels in 1883, and he says that this is but a beginning of the vast trade in wheat which must result from opening up transportation, &c., in India and Russia, and which must cut off our English market. He advises a prohibition tariff on wheat and other cereals, so as to force 700,000 farmers into factories. Would he stop all importations and force direct taxation or an enlargement of the hateful internal-revenue system?

Mr. RUSSELL did not explain how he would keep up wages with this enormous crowd forced into competition with wage-earning mechanics. He said:

> This would in itself give a home market for about one-third of our total exports of agricultural products.

But what would become of the other two-thirds, even if the present product be never increased? And where would the increased product of the factories beyond the present surplus be bestowed? When we shut out the goods of other countries they would refuse to take ours, would reject our cereals and swine and beef and cotton. How much better to encourage exchanges rather than stimulate preparations by

foreign countries to supply themselves without coming here. This brings me to recall that far-off Maine sends stone and ice to Georgia almost for nothing, because her ships need ballast when they come for cotton. The very life of prosperity is facility of exchanges of products.

It is remarkable that no Northern or Western man, when arguing that a high tariff favors farmers, deigns to notice the cotton-makers of the South. The crop of cotton is, say, 6,000,000 of bales. The great bulk of it is exported. It has no protection. Even the long-staple cottons, sea-island cotton, has no protection, though the Northern thread-makers import as much of it as we raise in this country. Cotton is almost the exclusive crop of many States. Its farmers can see naught but increase of price to them from the tariff, which keeps Canadian wheat and the like out of the North to enable Northern farmers to sell to us without competition. The tariff on cotton-seed oil is a sham; for none is imported. But five gallons came in in 1881, and none since. These cotton-planters remember the succinct statement of Calhoun, that "a tariff on imports is a tax on exports." Exports in the long run must pay for them. They know Mr. Webster's answer, that the Kentucky mule-raiser and hemp-grower, the ship-owner and others, who furnish supplies, help to make the cotton. But they also know that part of their cotton pays for all that and still leaves the exported balance to pay the tax. I recall also that cotton in the fall of 1857, under the lowest tariff we have had for half a century, brought 13 cents per pound, the highest price ever had except war prices, and wheat ranged from $1.25 to $1.95 per bushel, and wool from 33 to 44 cents per pound.

AMERICAN LABOR.

Mr. KELLEY told us that because Congress made quinine free from import tax the house of Powers & Wyhtman was removed from Pennsylvania to Germany, "where wages were low," and that thus they will be able to "monopolize the American market," and that by thus banishing one house we have closed all the others and made the United States the dumping ground for the cheap and adulterated quinine of all irresponsible continental manufacturers." If Powers & Wyhtman will "monopolize the American market," how can anybody else sell quinine here and how can we get adulterated quinine except from them?

But his main conclusion of that subject was—

Thus did anti-protective legislation banish one vital industry and deprive a few hundred American laborers of employment.

If there is no other work for them to do they are without employment; otherwise not. Should all the people of this country have continuously paid that quinine tax forever to keep those few men from seeking other work? In the same speech Mr. KELLEY denounces the importation of contract labor that is being brought here by Pennsylvania protectionists. It seems that while they talk so much of protecting American labor they will have cheaper labor if they must bring it here under contract or go themselves to Europe to use it there. Verily, "for ways that are dark and tricks that are vain" the Pennsylvania protectionists are "peculiar."

Advocates of protection profess great concern for the wages of factory operatives. Their exaggeration of their pictures throw suspicion upon their sincerity. On the other hand we have listened to a speech of Mr. WOOD, of Indiana, who took the opposite ground. He belongs to the Committee on Labor Statistics, and I suppose he has made this matter a special study. He was speaking for the wage-earning class. He said:

I think a high protective tariff the worst foe we have to American labor. It gives high profits to large investments in certain kinds of industry, and every system is adopted or machine purchased that will do away with laboring men. If the tariff act was reformed, the highly protective duties cut down, profits would be lower but reasonable; then the great inducements for centralized capital would cease, and it would go all over the country to establish other but useful industries. One great and highly protected industry, such as iron or steel, woolen or cotton, having from $500,000 to two or three millions invested, with its labor-saving machinery, does not employ a tithe of the labor that would be employed if this aggregated capital was divided among a dozen different and necessary industries. * * * One great trouble about labor now is that there is not a sufficient market for its products, and one able to consume them.

The Democratic policy would give labor more steady and more remunerative employment. But there are many erroneous statements about wages in the press and in speeches here. Wages, like other things, are not always what they seem. Wages in the protected United States are higher than in England unprotected. But in unprotected England they are higher than in protected Germany or protected France. It is, therefore, certain that protection does not make the difference. A thousand causes operate. Perhaps the chief cause here is that lands are so cheap that the capitalist can not force our mechanics to take his price and stay in his employment at inadequate remuneration.

In a speech made here on the 8th of May, 1879, Mr. KELLEY, of Pennsylvania, said, speaking of wages:

Indeed the condition of the laboring people of the civilized world is in this respect pitiable. Our country, more favored than any other, is suffering greatly, but less than others. Our broad, open, cheap lands are protecting us against the intense sufferings others are enduring.

If English wages are so low, with no countervailing advantage, why do not more English mechanics come here? Our factories contain but 80,000 of them and 213,000 German operatives. Germany is a "protected" country. England's population is 484 to the square mile and Germany's is but 213.

The fairness of wages depends not wholly on what is paid a person for any given time, but also upon the value of his labor to his employer during that time. By the Census Compendium it appears that each person in manufactories over 15 years of age produced in 1850 one thousand and sixty-four dollars' worth of goods, and in 1880 twenty-one hundred dollars' worth of goods. Wages are greatly affected by the use of machinery. Suppose, to do a certain quantity of work in a day in India, requires ten laborers. Say their wages and food cost the employer $2, *i.e.*, 20 cents per man. Now if the employer can get a machine with which one will do the work of the ten, he may pay that one much higher wages. But whether the aggregate of wages for the country will be increased depends upon whether the men displaced by the machine are idle consumers or have other remunerative employment.

The wages of individual shoemakers in the United States is double that in England, but it costs the manufacturer less to have a pair of shoes made here than there. With an American machine one man can make three hundred pairs of boots per day, and the number of these machines has increased from fifteen in 1862 to 3,100 in 1880. Before the invention of Blanchard's machine it took seventy-five men to make one hundred gunstocks per day. It reduced the number of men necessary for that work down to seventeen, then to twelve, and now to nine. Suppose the seventy-five men got $2 each per day, the hundred gunstocks would have cost the manufacturer $150 plus material. Suppose he now pays $6 per day to each man, his hundred gunstocks would cost him but $54 plus material and interest on his investment in the machine. Wages for gunstock-makers would thus appear to be trebled, but it would also appear that sixty-four men had been driven to some other employment unless there had been equivalent increased demand for gunstocks. Again, the census tables show that "in manufacturing at the rate of 1,000 rifles a day three men will do as much work as seven to nine men in manufacturing at the rate of fifty a day."

These examples from our census show how deceptive are usual statements about wages, and that whether a mechanic is being well paid for his work depends upon where he works, with what sort of machinery, in what sized establishment, and above all what the food and clothing of his family, fuel, and rent of his dwelling cost.

It is vain for Mr. CHACE to read about the abject poverty of some in England. It is vain for Mr. KELLEY to tell of those whom he saw there living with their pigs. They know, everybody knows, that these are exceptional cases and that such may be found everywhere; that in our own boasted land such may be found of men and women living in squalor and without any pigs to live with them.

The speech of Mr. KELLEY in 1879, from which I have quoted, painted the condition of some of our mechanics as deplorable. He said:

Why, sir, the people of my city (Philadelphia), the working people whose pride it has been to have their families live under their own roof, are many of them huddling together three or four families in one such house, and then are probably unable to pay their rent.

It is vain for gentlemen to try to make grown men believe that such are fair samples of English laborers, and vainer to try to make them believe that such a condition is due to her trade policy.

How much better off are the laborers of England now than before she abolished her protective policy? Since then imprisonment for debt has been abolished, drinking spirits has greatly decreased, education has become general, wages have increased almost twofold. Manhood suffrage has been granted; asylums, hospitals, churches tell the munificence of the government and the charity and devotion of the people. It was to these mechanics and laborers in factories, or men like them, that Cobden and Bright, men born without titles, belonging to the people, preached a crusade against the corn laws. They had imbibed the truths of Jackson's farewell address, that Jackson so glibly quoted as being in favor of a "judicious tariff" when he said:

The various interests which have combined together to impose a heavy tariff and to produce an overflowing Treasury are too strong and have too much at stake to surrender the contest. The corporations and wealthy individuals are engaged in large manufacturing establishments, and desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor and to obtain the means of profuse expenditure for the purpose of purchasing influence in other quarters. * * * The surplus revenue will be drawn from the pockets of the people—from the farmer, the mechanic, and laboring classes of society.

They might have adopted his very words, except that the main prohibitive duties then were on farm products. It was at Manchester and from the mechanics that the agitation came. For years they struggled until the failure of the potato crop brought Ireland to starvation. Thus re-enforced, they succeeded. The corn laws fell before the hunger of the people. We must come to a revenue basis sooner or later. The present tariff can not be permanent. We have no physical famine. With our broad acres and fruitful soil "the early and the latter rain" will furnish plenty; but our products of hand and loom, of factory and mine; our multitudinous "cattle upon a thousand hills;" our countless droves of swine; our cereals rotting in barns and elevators are more than home consumption can exhaust. Short time, short wages must come unless we appease the universal hunger for a market for the surplus. If this demand is heeded things will adjust themselves slowly and quietly. If this demand is despised the result will come nevertheless. But in that case it may come suddenly; it may come ruinously

upon all who withstand the people's clamor for reform and reduction of taxes and cost of living. [Applause.]

FREE COAL ILLUSTRATES THE SPIRIT OF THE MAJORITY.

Mr. McCOMAS. Mr. Chairman, to illustrate the practical results of the financial revolution intended by the leading spirits of the Democratic majority in this House I will confine myself to their attempt to put bituminous coal on the free-list. It will exhibit their ulterior designs. For it is not reform, not reduction, but revolution that is the burden of most of the speeches in support of this "Morrison bill." The leaders of this movement display themselves as impatient, champing at the bit or tugging at their chains. Could they draw along with them the small minority of their conservative colleagues, not 20, not 50 per cent. reduction would content them.

The discussion of the tariff question consumed the winter session of Congress two years ago. The result was a tariff commission, which after months of laborious investigation over the whole country reported to Congress. Then the last session of Congress resulted in a marked reduction of internal-revenue taxes and the tariff of March 3, 1883. The country was disturbed, business unsettled, capital and labor uneasy by reason of the two years of discussion which produced that tariff. The American people have been taught to regard tariff agitation as a necessary evil, but they have not yet learned to "hanker" after it for the mere love of agitation at a time when it can not by reason of an opposing majority in the other House result in a change of the law. And yet, without waiting to see the operations of the new tariff, which began July 1, 1883, this House wants to change it materially with a confessed purpose to rapidly change it again and again.

The business of the country, its manufactures, its mines, its markets, its laborers, must be sacrificed to political expediency. It is too soon to reagitate, but the agitation may give a party cry, and some men more closely consider a Presidential election than they do the industries of the country.

The Republican party alone can reduce tariff and direct taxes with the confidence of the country. And it has been doing so. The Republican party is ready to reduce the surplus. It alone can reduce the tariff without alarming the country. When manufactures have enjoyed a century of protection, when labor for a century has adjusted itself to a discrimination in its favor, a sudden change coupled with a threat of repeated change to follow can only bring disaster.

The last Republican Congress swept away millions of direct taxes and so reduced the tariff that under the new law the first six months yielded a decrease in revenue of $11,636,854. While the majority here would legislate for a great producing nation on its vast and varied industries upon the shifting basis of clerks' estimates, the Republican party would first observe the actual working of the new tariff and then it will further reduce the tariff, and, what is just as important, reform and readjust the tariff.

A scientific readjustment can not result from such discussion as this. To-day all over the world there is overproduction, a juncture in trade which has happened and will happen at intervals in every age of commerce and in every country, which results from laws of the human mind and not from acts of assemblies. But we find free-trade orators bold enough to say that for overproduction here we must blame the tariff, while overproduction in free-trade Britain I find a British member of Parliament charging to be due to free trade. A fair-trade league has been established in England, which is undoubtedly increasing in influence. It numbers among its members some very able men, and its publications are being widely read. A fair-trade congress was held at Leamington, England, on Saturday, November 17, last, under the presidency of Lord Dunraven, K. P. Mr. Ecroyd, M. P. for Preston, and himself a manufacturer, sent a letter containing the following remarks:

I had hoped that it might be possible for me to come to Leamington to-morrow, though I had engagements for both last evening and this. I am very glad to find you are already strong in speakers qualified to deal with the question most ably. I have been indeed so closely associated with it from the beginning that I always rejoice to see others taking a more prominent place in its discussion than myself. The course of events is now more clearly than ever demonstrating the truth of our principles. *Those who confidently assured the Lancashire workmen two or three years ago that we were on the eve of a recovery of trade and an era of prosperity for both employers and employed are now frankly proclaiming that either a serious reduction of wages or a recurrence to longer hours of labor, or perhaps both, will have to be accepted by the operatives.* We are, indeed, apparently entering upon so serious a contraction of our great industries (not necessarily of our buying and selling and shipping trade) that I look for a prolonged and exasperated conflict between the two suffering parties—masters and workmen—as to who shall sustain the first and heaviest share of the common loss. The political and social efforts will, I fear, be lamentable in the extreme. Fair-traders would counsel them *instead to join hands against the forces which are silently sapping the prosperity of both, and to insist on the adoption of a national policy which would restore scope and hope to our industries* and banish from us, in this active period of the development of the word's resources, the *miserable fear that English workmen may have to suffer unexceptional and undeserved reduction of their earnings, their comforts, and their leisure.*

Other Democratic speakers ignore the general shrinkage of values in all commercial countries, which, while it raises ad valorem duties, enables them to declaim against the enormous percentage of specific duty when they should in fairness confess, under the tariff, a *great decline in price and cheaper goods for the people.*
and cheaper goods for the people.

What an enormous surplus these gentlemen predicted in the last Congress. How greatly have they diminished their estimate now! They then said the tariff would not reduce the revenue for this year, and I find the customs revenue reduced about $23,000,000 per annum this year.

THE REPUBLICAN PARTY CAN WITHOUT ALARM TO THE COUNTRY REDUCE TARIFF AND DIRECT TAXES.

Can the country be persuaded to trust the tariff to their hands? When the English people adopted the doctrines of Cobden, Bright, Poullett, Thomson, and Villiers, they did not listen to the Whigs, who seized upon free trade as a party cry; when the unprotected manufacturers and operatives were seeking free bread they did not accept the guidance of Lord John Russell and Macaulay, but for the quiet of the country and the safety of its business intrusted the proposed changes to Sir Robert Peel and the party in power.

This is ever the wise tendency of a cautious people who care more for their production and wages than for party politics, for their industries than for campaigns, for markets than for platform promises. The Republican party found a bankrupt Treasury and inaugurated a system which yielded a surplus. They can safely readjust the system and decrease that surplus. The people can trust the Republican party which made the tariff to reform it.

But this task is not possible until the comparative working of two tariffs differing in many important particulars and operating under different and complex commercial conditions has had a single year's trial. It will require the result of several years under the operations of the new law to throw abundant light on this subject. Then the Republican party can and will, as I believe, not in a hostile spirit, but in sympathy with labor, with manufactures, and home markets, carefully readjust and gradually reduce until there be no surplus, by abatement of direct taxes and customs duties. This country does not yet know the effect of the new tariff, this Congress does not know it. And my topic, bituminous coal, will show that the very able committee, whose aggregate wisdom far exceeds the combined knowledge of this House respecting revenue, are not even familiar with the very terms of the law which they hasten to change. (Arguments before the Ways and Means Committee, pages 370, 371.)

The chairman and his party friends found a provision respecting coal which they did not know was in the tariff law, whose operation when so instructed they wholly misapprehended, and then the committee fell into a long discussion in which it was discovered that a very important discrimination in the coal tariff did not, in the elegant parlance of the chairman, prevent him from warming his toes in Illinois by a bituminous-coal fire, but only favored foreign steamship lines to the prejudice of our own American coastwise trade. The result of the inquiry shows, if it shows anything, that this provision was not inserted in the law in this House nor in the Senate, nor yet in the conference committee, and that the distinguished chairman, who has presumably thumbed the tariff law until the pages are dog-eared from use, did not know anything of its history, of its effect, nor even of its presence in the law.

A CENTURY OF TARIFF ON COAL.

In this spirit and with this preparation they approached the tariff on coal, which does not yield a half million dollars' revenue, and swept it away. The first tariff (1789) imposed a duty on bituminous coal, and during ninety-five years it has had continuous protection. In 1789 it was 56 cents per ton; in 1790, 84 cents per ton; in 1794, $1.40; in 1812, $2.80. Reduced in 1816 to $1.40 it was increased in 1824 to $1.68. The tariff of 1842 raised this duty to $1.75, and even the lowest of all tariffs in 1846 only reduced the duty to $1.30 per ton.

To admit foreign coal needed in time of war in 1861 the duty fell to $1 per ton, to be raised successively to $1.10 and $1.25 per ton in 1864. It was not until 1873 it was reduced to 75 cents per ton, which is 24 per cent. ad valorem.

But to-day, without warning, it is proposed to pass a law in June putting bituminous coal on the free-list on the 1st of July. Of the 58,000,000 tons of soft coal produced last year in this Union, east of the Alleghanies, not one ton of soft coal is used to one thousand of anthracite for domestic purposes. Free coal for the fireside is thought a good party cry to entrap the unwary. There is no popular demand for it. No one has appeared before the committee asking any reduction of the duty on bituminous coal. Anthracite coal east of the Alleghanies is the coal of the domestic fireside, and anthracite is free from duty. That coal is produced too fast for consumption, and the owners of it time and again have combined to lessen the output, manifestly a monopoly of the worst sort in a free-list commodity. On the Atlantic coast, and away from the mining region, bituminous coal is not used as a domestic fuel.

I challenge any member to show that 10,000 tons per annum of bituminous coal is applied on this seaboard to domestic consumption. You can not by free coal help the fireside, but you can paralyze an important industry and reduce the price of its labor. You will strike an unexpected blow at the coastwise trade. From Georgetown the ships of Maine carry coal to every port of the Atlantic coast. It is an immense tonnage in American vessels. Ninety-three millions of capital, principally east of the Alleghanies, is invested in the bituminous coal trade. Ninety-six thousand people are engaged in it. Of these 36,000 people are in my own State in my own district, 4,500 in West Virginia, 33,000 in Pennsylvania.

THE CORPORATIONS BENEFITED BY FREE COAL.

The only coals in the Union affected by putting bituminous coal on the free-list are the gas coals and steam coals of Maryland, West Virginia, and Pennsylvania, because their market is at the seaboard at Baltimore, New York, Boston, and Portland, and their coals are not there sold for hearth fires. If the people who used 29,130,096 tons of anthracite last year are not benefited by it, if the cost of transportation makes indifferent to the coal tariff millions of people who use bituminous coal west of the Alleghanies, whom does this new legislation benefit? The great corporations alone will inevitably reap the benefit of this sham reform. The cry is, "free fuel" to a people whose fuel is free.

It cheapens fuel to the great railway companies of the Atlantic seaboard, who ought not to be favored, and whose rates of freight it will not reduce. It gives cheaper and better coals to the English steamship lines, which will help English monopolies to delay the revival of American shipping. It will help a few glass companies. It will give further protection to the great iron manufacturers of the seaboard already enough protected, and it will delight the gas companies of the great cities by adding to their profits still more, but will not cheapen gas to the consumer.

Since 1873, when the duty was fixed at 75 cents, a review of the price of our Cumberland coals affords a striking proof that a protective tariff, by encouraging the rapid development of new coal-fields, may steadily reduce the price to the consumer, and by inducing a constant home competition afford the people cheaper coal.

I quote from Saward's Annual this table:

There was a larger output during 1883 than for a period of years, but the prices realized were very low by reason of the severe competition with Clearfield coal. It is expected that 1884 will show a similar state of affairs—low prices and large tonnage.

Prices have been as below at Baltimore:

Year.	Prices.	Year.	Prices.	Year.	Prices.
1872	$4 52	1877	$3 15	1882	$3 50
1873	4 83	1878	2 86	1883	2 90
1874	4 70	1879	2 75	1884	2 70
1875	4 35	1880	3 75		
1876	3 87	1881	3 75		

The rate of mining remains at 50 cents per gross ton.

The same coal, which in 1873 sold at Baltimore for $4.83 per ton, sells to-day at that port for $2.70 per ton, and the tendency is steadily downward. Protection has reduced steam coals to one-sixth of the price of Canadian coals in Boston during the war.

If your theory were correct that the duty is always added to the price of the article, take off the 75 cents, and you leave scarcely enough of the price at $2.70 to transport the coal from the mine to the seaboard and not a cent of profit to the miner of the coal, nor a penny to the man who mines the coal.

I rely upon figures given by a gentleman of rare ability and special information.

1. At present the standard freight from mines two hundred and twenty-five miles to Baltimore is	$1 75
Shipping charges, no insurance or other terminal charges	15
Total	1 90
The actual cost of putting the coal on the railroad cars and at the mines, including the cost of mining, hauling it out to the mouth of the mine by mine locomotive, steam machinery, and horse-power, and running it down the incline and putting it on the railroad cars, including 50 cents per ton to the miner	80
Total	2 70
2. Railroad transportation 225 miles, per ton 2,240 pounds, from the mines to Baltimore	1 75
To shipping charges, insurance, and other terminal charges	22
Vessel freight from Baltimore to New York	1 20
	3 17
The actual cost of putting a ton of coal into the railroad cars at the mines being the cost of mining, of hauling it out to the mouth of the mine by mine locomotive, steam machinery, and horse-power, and the cost of running it down the "incline" and putting it over machinery into railroad cars	80
	3 97
The actual selling price in New York is $3.90 to $4.10, according to the nature of the delivery there, $4 per ton of 2,240 pounds, leaving the owner of steam coals a royalty (per ton) of	03
Total	4 00

If coal is shipped to Boston the price there is as much higher as the additional vessel freight, say generally 20 cents to 25 cents per ton.

Tariff on coal has substituted it for wood as a steam generator in this country. Since the destruction of forests has become a public question it is well to see how a protective tariff has indirectly spared them from destruction.

Prior to 1856 the Cumberland region was the sole producer of soft steam coal for the Atlantic seaboard trade. In that year the Broad Top region of Pennsylvania began shipping thither, and in 1862 the Clearfield region commenced, but since the reciprocity treaty expired has been the real development. These regions which in 1865 sent 1,280,030 tons, in 1883 sent 5,246,203 tons to the seaboard.

Since the development began it has substituted coal for wood as a generator of steam, and the active development of our home fields under this fostering tariff has led to the present large proportions on the seaboard of the steam-coal trade. In a day you ask it to compete with English ballast and Pictou coals. How can you reassure the miners of Maryland, Pennsylvania, and West Virginia? How can you encourage the mine-owners to further develop or even venture to continue the present output?

A DUTY ON PRODUCTS A RELATIVE QUESTION.

Will you continue to tax everything the miner wears, the tools he works with, and half of what he eats, and yet not protect his product also? The reduction is horizontal as to all else, but you launch a thunderbolt at him. Elsewhere you carefully provide the duty shall not fall below the Morrill tariff; but while you reduce every other product 20 per cent. on that basis, which would leave to the coal-miner his present duty untouched, you rudely sponge it out entirely. You can give no adequate excuse for this discrimination against the coal-miner. It is only agitation for political effect, and not a statesmanlike readjustment of duties. It illustrates the recklessness of the whole scheme. It is an added folly upon the folly of horizontal reduction.

COAL AND RAW MATERIAL.

The free-list is appended to the list of dutiable articles. This House should not forget that before the committee reaches coal in this long list it has retained a tax on nearly everything the coal-miner is compelled to use. This is a relative question. Nor can the plea of raw material apply. Raw material is also a relative term. What is raw material to one man because he manipulates it is finished product to another. The manufacture of one man may be used as the raw material of the next.

Coal is not raw material except in the bowels of the earth. A ton of coal, according to the census of 1880, is 60 per cent. labor. And that labor is skilled labor of a high order. It involves, more than most avocations, courage, quick intelligence, and self-sacrifice. It is fraught with peculiar danger and hardship.

The adventurous miner in subterranean darkness, noxious vapors, and falling strata, requires a varied fund of knowledge. He must know how to blast to advantage, to place the prop with skill, to so lay the track that the car and horse may follow his advance to remove the coal; he must "shear" his coal, and with quick decision know where to drive the steel or iron wedges to bring down the coal in marketable shapes. The miner knows where run the seams of slate or sulphur, and he must have a care to divest the coal of all impurities. He must mine the adhesive mass several feet beneath and on the sides and follow a line ascertained by the compass all the while. Unskilled labor, when resorted to, often impairs the mines, wastes the coal, and costs many lives.

Even the most skillful, by the jarring of his blows, may fall a victim to a treacherous roof overhead, or the mass he is manipulating may suddenly maim or crush him. Ceaseless vigilance alone prolongs the life which is always shortened by the nature of his toil. I can speak for the miners of my own district, whom it is a great honor to represent, and all who know them will with me claim for them a high degree of intelligence, and the statistics of the Postal Department will attest that they are a community of reading, thinking men, women, and children, rarely equaled.

How can you reassure them if, with a keener foresight than yours, they fear that not only their wages (now but 50 cents per ton) may be impaired, but their occupation may be gone if their coal here at the seaboard is made free to compete with Nova Scotia and English ballast coals.

My own State, Virginia, and Congress in 1823, 1824, 1825 started the Chesapeake and Ohio Canal, which, commencing at the base of the Cumberland mines, once ended at the base of the mound whereon this Capitol stands. This city furnished money; Maryland spent $17,000,000 to open this canal to the coal-fields of Alleghany County. This great public work, now in distress by reason of many mishaps and railway competition, will be no longer the thoroughfare which has supplied a market for the produce of the farmers on the western side of Montgomery, Frederick, Washington, and Alleghany Counties and has built up during a half-century the towns along its banks. Where is a more distressing example of hasty tariff legislation to be found? These communities all have had the trials of war and many vicissitudes since; but you are about to strike a violent, perhaps a fatal blow to a great water way from which the plastic hand of industry may never revive it, if you place the product of our mines at the mercy of foreign competition. At the present rates boatmen of my district can barely make a living, and by reducing the selling price of coal, their principle freight, 24 per cent. what will become of the boatmen who can now barely maintain themselves?

Sir, the great Union to which this section of my State has ever been

steadfastly loyal, and to whose defense her sons hurried from the farm and the mine, the town and the mountains, has not spared my district throughout its length from the ravages of war. Its armies have seized and appropriated the property of the citizens, yielding scarcely a pittance of redress. You propose now in this bill to strike a blow at the important railways, a fatal blow at another great public work of my State, and a far-reaching injury to the people I have the honor to represent. There is not a parallel to this legislation. The chairman of this committee would pass this law in June and enforce it in July. Even the English economists, whose disciples are the leaders of this House, would have recoiled from this hasty measure. It is haste unlike the English free-trade statesman's methods.

The most difficult thing of all is for masses of men gathered together at the principal seats of industry to distribute themselves. What is intended to do is commenced long in advance without maintaining vain hopes, and a long space of time is left to enable people to make their arrangements accordingly.

Huskisson proceeded more wisely when he proposed to get rid of the English silk prohibition. It was announced as early as 1824 that on July 5, 1826, protective duties of 30 per cent. would take the place of the prohibition. It was true there was no Presidential election at hand then, and besides, Huskisson was a statesman. But perhaps this coal region of three States is too remote from the home of the distinguished chairman of this committee to awake his interest.

Webster said that every one accustomed to self-examination discovers that there is in human nature that which incapacitates a man from taking a very lively interest in a community situated very remote from his own locality. It is charitable to assume that by this unconscious influence the chairman was persuaded in his efforts through the sanction of his committee to protect the producers of bourbon whisky in Kentucky and to neglect the producers of coal in Maryland, West Virginia, and Pennsylvania. Can the Ways and Means Committee of the House afford to go to the country saying that we give thirty days' notice to the hardy miners of coal that the protection, which by the legislation of a century they had a right to expect to continue, must end, but in tender solicitude they would afford an unexpected stay of three years in collecting a tax which for years had been imposed, without a right of a day's delay, in favor of the producers of whisky?

What a sham reform is this. What an improving spirit of reform is abroad in the Democratic party. Its leading committee in the same session of Congress has tried to take away protection from miners of bituminous coal that to the maker of bourbon whisky it may give protection.

Mr. MORRISON. I move that the committee do now rise.

Mr. MCCOMAS. Before that motion is submitted I desire to say that I wish to yield the remainder of my time to the gentleman from New York [Mr. NUTTING], who will take the floor in the morning.

Mr. MORRISON. I now renew the motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. BAGLEY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, had come to no resolution thereon.

ANNOUNCEMENT OF A PAIR.

Mr. WILSON, of Iowa. Mr. Speaker, on Saturday last a pair between the gentleman from Missouri, Mr. MORGAN, and the gentleman from Kansas, Mr. RYAN, was not announced by some oversight. It is due to those gentlemen that this statement should be made.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 767) for the relief of Columbus F. Perry and Elizabeth H. Gilmer;

Joint resolution (H. Res. 236) authorizing the Secretary of War to loan two hundred flags to the city of Charlotte, N. C., for the celebration of the Mecklenburg declaration of independence; and

Joint resolution (H. Res. 240) to print 12,500 copies of eulogies on Thomas H. Herndon, late a Representative in Congress.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KELLEY, until Monday next.

To Mr. DORSHEIMER, on account of important business, until Tuesday.

ANN HUNTER.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, by unanimous consent, reported back the bill (H. R. 3493) granting a pension to Ann Hunter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOLON L. SIMONDS.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, by unanimous consent, also reported back the bill (H. R. 5781) granting a pension to Solon L. Simonds; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Maryland, Mr. TALBOTT, will preside as Speaker *pro tempore* at the evening session.

The hour of 5 o'clock having now arrived, in pursuance of the previous order, the Chair declares the House in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m. resumed its session, Mr. TALBOTT in the chair as Speaker *pro tempore*.

Mr. BAGLEY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of revenue bills.

The motion was agreed to.

THE TARIFF.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BAGLEY in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. PEELLE, of Indiana. Mr. Chairman, I do not rise with the purpose or expectation of surprising either the committee or myself by saying anything new upon the subject now under consideration. I find, by reading the history of the debates in Congress, that the tariff question has been ably discussed, pro and con, by the foremost men in the country from the time of the assembling of the first Congress under our Constitution to the present time. From these debates I find that there has been at all times a well-defined difference of opinion as to the wisdom of the protective policy; and at times a difference of opinion as to the power of Congress under the Constitution to impose duties on foreign imports other than for revenue purposes; but in the main the protective feature has been maintained from the foundation of our present system of Government.

It would ill-become me to assert that the question was not debatable, and, out of deference to those who differ with me, I assume that the question is debatable, not that I am in doubt as to the power of Congress over the subject, or as to the wisdom of the policy, but that I concede to others the right to differ with me; and whenever their arguments convince me that I am wrong in principle or in policy I shall yield in obedience to that conviction which ought to guide men in public affairs.

We are all equal upon this floor; and are servants of the people to do their will. And now what is sought to be accomplished by our legislation? It is conceded by all that the object is to benefit the agricultural, manufacturing, and laboring interests, with resulting benefits to all classes of our people. Here we meet upon common ground; there are no party lines to be drawn as to the object sought to be accomplished. Now, as honest, well-meaning servants of the people, looking with a common interest to the welfare of our common country, how can we most likely reach that desired result?

In what I may say upon this occasion I shall assume that Congress has the power under the Constitution to levy import duties for the double purpose of revenue and protection.

TRUE POLICY OF A NATION.

The true policy of a nation is to protect by wise legislation its citizens in the enjoyment of life, liberty, and property, and there can be no beneficial protection of the one without the harmonious protection of the other. Without life there is no need of either liberty or property; without liberty life would be a drag and a curse; without property there can be no leisure; without leisure there can be no time for study and thought, and without study and thought there can be no intelligent fixedness in human affairs; and all will concede that what our country needs most is fixedness of purpose in the minds of the people on economic questions, so that our country may develop its resources with reference to the future and assume the responsibility of a nation with reference to its own interests as well as among the nations of the earth.

A nation is but a community of citizens in the aggregation of nations; but the form of government in the one may be so materially different as to necessitate an internal policy wholly antagonistic to the other. Hence our laws should be shaped with reference to our own institutions and interests. No one will deny that we have the power, and that it ought to be our policy, to protect ourselves against the encroachment of all nations that threaten the destruction of our commerce or that tends to impede the development of our own resources. Our people have been educated in the school of fair wages; labor has been elevated, made honorable, and now to place it in competition with the poorly paid labor of Europe would degrade it. Our laboring classes are none too well paid now, and any policy which would weaken or in any way cripple our industries would not better their condition.

COMMENCEMENT OF TARIFF AGITATION.

At the time of the adoption of our present Constitution the population of our country was but one-fifteenth of what it is to-day, and our Treasury was bankrupt, while the manufacturing industries, which had been destroyed or rendered useless at the close of the Revolutionary war

by reason of heavy importations of foreign goods, were struggling for existence with shrinking capital; hence the first questions which engaged the attention of the First Congress, which convened in April, 1789, and within two days of its assembly, were revenue and encouragement to domestic manufactures by means of duties levied upon foreign imports. The questions were discussed and considered from that time until July of that year, when a law was enacted and the sense of that body expressed in the preamble thereto in these words:

Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid, &c.

So that it will be seen that the first Congress which convened under our present Constitution gave force and effect to its meaning as to the power of Congress to levy import duties and to regulate commerce, and that a necessity existed at that time for the exercise of that power to the end that revenue might be obtained and our home industries encouraged and protected.

It was understood then, as now, that the fewer imports of manufactures the more protection to domestic manufactures, and that the more imports the less protection; and this is true, whether the price of the domestic be the same as the foreign, or whether it be higher, so that then as now to check foreign imports legislation was necessary. Not, however, for the purpose of increasing the price of the domestic manufacture, however much it may have that result, but to lessen competition with the foreign product so that the domestic manufacturer might have the privilege of supplying our own people. For instance, if there be but one customer for a suit of clothes and the domestic manufacturer has one and the foreign manufacturer has one to sell, of whom shall he purchase? Our Democratic friends who advocate free trade say that depends upon which he can buy the cheapest; but does it? Shall we regard the cheapness of the article as paramount to the condition of the men who are engaged among us in similar industries? Is a dollar worth more than a man, or shall we esteem a dollar saved in the purchase of foreign manufactures as of more value and importance to us as a nation than the elevation and education of our laboring classes? The voice of God with us is expressed by the people at the ballot. Our destiny as a nation is in their hands.

INTELLIGENCE AND LOYALTY THE SAFEGUARDS OF THE NATION.

The development, progress, and perpetuity of our country depend upon the intelligence and loyalty of the people. Shall we continue the fabric for the encouragement of both? The man who has no children to educate in our public schools is equally taxed with he who has, because education is the basis of society, and society based upon intelligence is essential to the perpetuity of our free institutions; and if we would have our people remain loyal to our common country and its flag we must legislate for their interest, benefit the greatest possible number, and maintain our national identity with less sentimentality.

INCONSISTENCY OF THE DEMOCRATIC PARTY.

Our Democratic friends at the first session of the last Congress were clamorous for the exclusion of Chinese labor as a measure of relief and protection to American labor, and yet, with few exceptions, on that side of the House, they offer no objection to the importation of the products of their labor or of the labor of Europe, when they know that the exclusion of the products of such labor is as essential to the protection of our laboring classes as the exclusion of the laborer himself. I voted for that Chinese bill because it was in harmony with the declarations of the Republican party and in accord with my views on protection, but why did you Democrats, who advocate free trade or a purely revenue tariff, vote for it. You say it was simply to protect our laboring classes, and so say I, but I am willing to protect them by laying duties upon foreign manufactures; but you say no, give us free trade ultimately or give us death, while some of you on that side of the House have the honesty to advocate free trade now, notwithstanding you know that free trade means heavy importations of foreign manufactures and consequent death to our manufacturing, laboring, and farming interests.

Under free trade, the gentleman from Texas [Mr. MILLS] says, raise your revenue from income and internal sources. Tax a man on his energy and thrift, encourage him to conceal what he has made, prevent him from investing his money and putting it into circulation, and educate him to abuse the Government that compels him to commit perjury to save what he has earned by honesty and industry. How much revenue would you get from such a source? Then did it ever occur to you that if free trade had the effect to destroy our industries there would be no income to tax?

Where next would you go for revenue? The expenses of the Government must be paid, and the pensions due our soldiers can not be neglected. You say tax whisky and tobacco, articles of luxury, and so say I; but did it occur to you that with little money men buy few luxuries, and that with no money they can not buy any? The payment of the tax on whisky and tobacco would depend then as now ultimately upon consumption, as without consumption there would be no sale, and without sale manufacturers would have no money to pay tax with; so that however much the lessening of the consumption might be desired you can readily see that it would not be a safe source from which to anticipate revenue to meet the emergencies of the Government.

REPUBLICAN TARIFF.

We must, then, in addition to the tax on whisky and tobacco, derive our principal revenue from import duties; and in levying such duties I believe it to be wise policy to impose duties sufficiently high to encourage and protect the domestic industries that come in competition with like industries abroad; and upon such articles of foreign import as are not produced or manufactured in this country I would impose a purely revenue duty, unless such articles were of common necessity, and then I would put them on the free-list.

The biography of our country is in its Constitution and laws, and the wisdom of its laws can be measured only by their results. The development and progress of the nation may be read in its legislative enactments, enactments which were necessitated by the demand of the people to meet their changed conditions, and the experience of the past is the lamp by which we should be guided in the future.

We legislate for a people whose ancestors had the courage and the manhood to seize the reins of British despotism in their own hands; and that their posterity might continue the grasp, instead of wear the bridle, they declared our independence and the equality of all men, and to gain the mastery they pledged their lives, their fortunes, and their sacred honors. A century has come and gone and our free institutions still live, with serfdom and slavery blotted out. We are a prosperous, happy, and contented people to-day because we have maintained our freedom and independence, and by wise legislation protected the agricultural, manufacturing, and laboring interests, making each harmoniously dependent upon the others, instead of all being dependent upon Europe.

PROTECTION DEVELOPS THE COUNTRY AND INCREASES OUR NATIONAL WEALTH.

The nation that depends upon a foreign country for its selling and buying markets can never secure or maintain its independence of that country; and unless we maintain our present independence of Europe by maintaining a home market for our field products, the corporations and land monopolies now justly complained of by so many will fade into insignificance, as our lands will then become the property of the few, as it is in free-trade England to-day.

In England, excluding her numerous parks and waste lands, there are about 52,000,000 acres of land, 5,000,000 acres of which are owned by twenty-five persons, while nine-tenths of the whole acreage are owned by 47,000 persons. This is the result of England's policy—a plutocracy of less than 50,000 land-owners ruling and controlling the 35,000,000 of people within her border. Although her bill of rights forbids a standing army in time of peace, she has an army of nearly 1,000,000 of men, besides her most powerful and improved navy. In England under such a policy one necessitates the other, not only to maintain the iron grip which the plutocrats have, but to enforce discipline among her bread-hunters.

Not so with us. Here we have over 4,000,000 farms, containing nearly or quite 300,000,000 acres of improved land (seventy-five acres to the farm) valued at more than $10,000,000,000 (one-fifth of our entire wealth), producing annually, including live-stock, over $4,000,000,000, and giving employment to more than 7,000,000 of our people, with a standing army of less than 25,000 men and no navy. This is the result of the policy which has been pursued by the United States. We have maintained the dignity of our nation and its credit at home and abroad, not by its Army or its so-called Navy, but by giving encouragement to the development of our resources and in enforcing discipline by giving ready employment at fair wages to our farming and laboring classes.

Our Democratic friends assert that this condition of things has been in spite of our protective policy and not in consequence of it, but where is the proof in support of such a proposition? What has been our growth and development since the tariff of 1861? Let us glance at our condition in 1860 and in 1880, both being census years, and what have we:

Comparative growth and development of the country in 1860 *and* 1880.

[Compiled from official sources.]

Subjects.	1860.	1880.	Increase.
			Per cent.
Population of the United States	31,443,321	50,155,783	60
Value of farms	$3,271,575,426	$10,197,161,905	212
Wheat produced ....bushels	173,104,924	498,549,868	188
Wheat exported ....do	4,155,153	153,869,935	3603
Corn produced....do	838,792,742	1,717,434,543	105
Corn exported ....do	3,314,305	98,169,877	2862
Wool produced....pounds	60,264,913	232,500,000	286
Cotton produced....bales	3,826,086	6,343,269	65
Oats produced....bushels	172,643,185	407,858,999	136
Barley produced....do	15,825,898	44,113,495	179
Butter exported....pounds	7,651,224	39,236,658	413
Cheese exported....do	15,524,830	127,553,907	722
Petroleum produced....barrels	251,000	22,282,509	8817
Pig-iron produced....net tons	919,770	4,295,414	367
Rails produced....do	205,038	1,461,837	613
Hogs packed	2,350,822	6,950,451	196
Merchandise imports	$353,616,119	$667,954,746	89
Merchandise exports	$333,576,067	$835,638,658	150
Gold and silver produced	$46,150,000	$75,206,000	63
Gold and silver exported	$66,546,239	$17,142,919	
Gold and silver imported	$8,550,135	$98,034,310	988
Railroads....miles	30,635	88,237	188

If such growth and development as there shown has been in spite of our protective system, then it certainly has not impeded our progress as some on that side of the House assert. And now, in the face of such prosperity under our protective policy, you propose to abandon it and adopt "a tariff for revenue only," notwithstanding our experience under the Walker revenue tariff from 1846 to 1861. Under that tariff our industries were crippled and our people depressed because of the heavy importations of foreign manufactures, and the heavy exports of gold and silver coin and bullion; and need I say that but for the discovery of the gold mines in California, in 1849—three years after the Walker tariff went into operation—and the silver mines ten years later, which together produced from 1850 to 1860 inclusive, as estimated by the Director of the Mint, $601,750,000, our condition would have been infinitely worse, and as it was the excess of exports of gold and silver coin and bullion over imports for the same period was $420,318,081, or within $181,431,919 of our total production; whereas the excess of imports of merchandise over exports for the same period (1850 to 1860) was $384,913,005, or $35,405,076 less than our excess of gold and silver exports.

So that it will be seen by the above showing that our gold and silver went abroad to pay the balance of trade against us, and that but for the gold and silver production during that period our prosperity would have been measured only by worse calamities, so that whatever prosperity there was under the Walker revenue tariff, was due more to the discovery of our gold and silver mines than perhaps anything else.

PROTECTION HAS RESTORED OUR CREDIT AS A NATION AND KEPT OUR MONEY AT HOME FOR OUR OWN PEOPLE.

Now, what was our financial condition in 1860? I shall not speak of the lost credit of the nation at that time or its depreciated bonds. There was in 1860 but $280,000,000 of specie in the country, and doubtless most of that was held by State banks for the redemption of their outstanding depreciated notes, while there was then but $207,000,000 of paper currency in circulation, or the total amount of gold and silver and paper currency in the country in 1860 was but $487,000,000, but the $207,000,000 of depreciated currency was the principal circulating medium and in many localities the only circulating medium; whereas to-day, with a little more than 60 per cent. increase in population, we have in this country in gold and silver and paper currency, including $217,495,861 gold and silver certificates, all equal to gold, $1,706,895,404, of which amount it is estimated by the Director of the Mint there was on March 31, 1884, $550,924,000 in gold coin, and of silver coin $249,578,000, and if we deduct the gold and silver certificates we will then have left $1,489,399,543, every dollar of which is as good as gold in any section of our country.

Again, the balance of trade is now many millions in our favor and has been for some years, so that we are selling more than we buy, thereby adding to our gold and silver and giving to our people money with which to transact the business of the country. Notwithstanding this condition of affairs, you gentlemen on that side of the House say that our protective system, which has brought us the balance of trade and kept our money at home for our own people, has been oppressive. You not only say it has been oppressive, but you say it has built up monopolies in this country. That is because our people have had more money to do business with than they had during the Walker revenue tariff; they have prospered more, and some have made large fortunes. It is certainly true that some manufacturers have made more money than others, but I apprehend that if you will compare the prices under the Walker tariff with the present prices you will find that those who have made the most money have made the largest reduction in their prices. If they have not made money honestly, that is no argument against the protective system, but most likely an evidence of the abuse of the system, and if so we should check the abuse rather than tear down the system.

PROTECTION BENEFITS THE FARMER.

Can it be questioned that the products of the farm are more valuable to-day than in 1860, or that the laboring classes are better paid? Can it be questioned that these manufacturing industries have built up a home market, developed our railroad system, and enabled the farmer to sell his products in a near market at better prices? Can it be questioned that 90 per cent. of our agricultural products are consumed by our own people; and can it be questioned that the price for that 90 per cent. of field products has been regulated by the supply and demand in this country? Can it be questioned that the great majority of manufactured goods can be bought in the markets of the United States to-day for less money than they were bought for in 1860 and prior years? So that the protective system has not only encouraged manufacturing industries and built up the farming interests, developed our agricultural resources, furnished employment at fair wages to our laboring classes, and built up the railroads of the country, but has cheapened the price of manufactured goods and built up a national credit which is excelled by none in the world. It will be conceded that every industry in this land depends upon agriculture, and therefore the importance of protecting agriculture is in the interest of all classes, and this I say whether the cost of agricultural products be little or great.

Why is it that the Cobden Club, free-traders, are constantly advising the farmers in this country to resist our protective system? Is it because under the present system they have been enabled to sell their products at home for higher prices? Is it because the proximity of their lands to manufacturing industries have enhanced their value? Is it because they have a better market at home for their perishable and non-exportable products—such as vegetables, berries, and fruits? Is it because the system has furnished a home market for 90 per cent. of their products and increased the value thereof? Is it because they have prospered since the system was established beyond all measure? Is it because they are happier to-day than they were under the Walker tariff from 1846 to 1861, when business was so depressed and manufacturing industries so disturbed, that in his message to Congress in 1857 President Buchanan felt called upon to specially ask the attention of Congress thereto? Is it because the farmers of to-day enjoy more luxuries than they did during the "Walker free-trade" days? No, Mr. Chairman; these are not the reasons! It is because the farming classes of this country constitute a larger percentage of our population than any other class, and are important factors at our elections.

These spokesmen for England are endeavoring to turn the greater number of our citizens against the system, knowing that the ballot is the power that wields our destiny, and that to adopt free trade or a purely revenue tariff in this country would enable the English manufacturers to so successfully compete with our own as to force down the price of labor and to eventually reduce it to the English standard. That is the case in a nutshell; and the question is, shall we by our legislation permit that reduction now for the sake of cheap English goods for a while, giving the English manufacturer in the end the control of our market, which would be followed with reduced price of labor and agricultural products, or shall we maintain our present system for a few years longer, until by improved facilities for manufacturing our industries can compete with England without curtailing the price of labor under a revenue tariff? The latter seems to me to be the wiser policy for this country to pursue, and especially in the light of results.

Is the purely revenue system a better one for us now? How can we determine? Our experience with it ought to teach us something. A burnt child fears fire. I have never yet been able to admire the so-called reformer who seeks to tear down without giving something better in its stead, or the man who would lead the people through tried difficulties under promise of something better beyond, and especially when the beyond has passed and is within the knowledge of the most of our people.

You approach any community to-day in this country where manufacturing is carried on and you will find the people prosperous and happy in the main, lands commanding better prices, labor better paid, children going to school, people better dressed, more books and papers to read for less money, and in fact their general condition superior to 1860 and prior years. The farmers have been protected for years against Canada, South America, and other foreign countries, and under the law passed the 3d day of March, 1883, the agricultural products are protected by the following duties:

Rice, cleaned, per pound	$0 02½
Butter, per pound	04
Cheese, per pound	04
Wheat, per bushel	20
Corn, per bushel	10
Oats, per bushel	10
Rye, per bushel	10
Barley, per bushel	10
Potatoes, per bushel	15
Ham and bacon, per pound	02
Beef and pork, per pound	01
Wool, per pound	10 to 12
Hay, per ton	2 00

On horses, cows, bulls, oxen, steers, calves, sheep, lambs, goats, hogs, and pigs, except for breeding purposes, 20 per cent. ad valorem. Those for breeding purposes are admitted free of duty because it is in the interest of the farmer to get the best known breed in stock from all countries. So that it will be seen that these duties which are imposed upon the agricultural products of foreign countries directly benefit and protect the farmer, and this protection will become more important hereafter, as India, Russia, and Australia are to-day rapidly developing their wheat interests and they will soon be able to supply England with wheat instead of us; that will of course lessen the foreign demand for our wheat and compel us to rely still more upon the home market, and every industry which may be established in this country where labor is required creates an additional demand for the farm products. Within the near future and as other heretofore non-agricultural producing countries are developed we will be required to look well toward enlarging our field of manufacturing to supply a market for our farm products and look more to the exportation of our manufactures.

England's wealth to-day is the hard earnings of other nations to whom she has sold her manufactured products, notwithstanding she has been compelled to rely upon other nations for food for her people, and with the grip that she now has on India, with prices of labor in that country below all precedent, she has but to solve the transportation question to get food for her people at prices much below what she now pays; and the cheaper England can get food for her people the less will she pay her laboring classes, and the less she pays her laboring classes the greater profit will she make on her manufactures at even lesser rates. She is a manufacturing country and is to-day "mistress of the seas," with her ships in every known port and hunting more, her flag beckoning commerce from every nation on the globe; so that we must regard commerce, internal and foreign, in all its phases and encourage ship-building.

But you gentlemen on that side of the House say, "Give us free ships and a tariff for revenue only and we will in a few years control the commerce of the seas and benefit both our farming and laboring interests." Why, a purely revenue tariff, as I have said before, was tried in this country from 1846 to 1861, when the conditions were most favorable, and when we had over $600,000,000 in gold from the California mines to aid us, and then the system proved a failure. What industries were developed during that period that gave evidence of prosperity and permanency? None, and the farming and the laboring classes of those times who are still living know it, and it would be useless to cite statistics. Results are facts fixed in the minds of the people, and if the Democratic party would only accept results by examining the accounts of the people then and now, they would be with this side of the House; but infidels always reject established truths and rely on theory.

Why, look at the growth of this country! Why do you shut your eyes to its development? In 1860 we had but sixteen billions of wealth and to-day we have over fifty billions. In 1850 we had a little more than twenty-one million head of sheep, and during the ten years that followed there was an increase of less than one million, whereas to-day we have more than fifty million head of sheep, as shown by the following figures, taken from official and reliable sources:

It appears from reliable statistics that during the last four census years the number of sheep and the production of wool were as follows:

Census years.	Sheep.	Wool.
	Numbers.	*Pounds.*
1850	21,723,220	52,516,959
1860	22,471,225	60,264,913
1870	28,477,951	100,102,387
1880	43,576,899	235,648,834
1883	50,500,000	320,000,000

It will be seen from the above table that the increase in the number of sheep in the decade from 1850 to 1860 was only 748,055, equivalent to 3½ per cent.; but from 1860 to 1870 it amounted to 6,006,675, or 27 per cent. This augmentation was largely due to the protective tariff of 1867, the influence of which was felt during the subsequent decade, as the increase of more than 15,000,000 (15,098,948), or 53 per cent., in the number of sheep conclusively proves. From information that is believed to be trustworthy the number of sheep in the United States in the year 1883 was 50,500,000, an increase of 6,923,101 in three years, or 5.3 per cent. annually, the same average percentage of increase as occurred in the decade from 1870 to 1880.

And now, notwithstanding the rapid increase in our sheep-growing, the price of wool to-day is higher than it was in 1860, while the price of woolen manufactures is from 20 to 30 per cent. cheaper. And if it were not for the duty on wool which protects the wool-grower woolen manufactures would be cheaper here than in England. And now let us see what the price of some of the woolen manufactures are in this country to-day as compared with 1860. I give wholesale prices of like goods actually sold in 1860:

Articles.	1860.	1884.
Pair Middlesex bed-blankets, net wholesale price	$2 75	$2 55
Pair Norway plain all-wool bed-blankets, net wholesale price	4 00	3 75
Made-up horse-blankets, burlap lined, wholesale price	2 00	1 20
Samples of Fitchburg cassimeres, all wool, 27 inches wide, wholesale price	1 05	92
Samples of Haile & Frost cashmeretts, 27 inches wide, average wholesale price	51	42

These reductions have been made because of the increased skill in American manufactures and by competition with each other, brought about by our protective system.

There are nearly twice as many sheep in Australia to-day as there are in this country, and the importance of protecting our wool-growers can not be overestimated.

Let us take another industry in this country. Need I say to anybody in this House or in the country that the price of cotton goods in 1860, after fourteen years of a practical free-trade tariff, were from 20 to 40 per cent. higher than they are to-day? You who purchase bleached shirtings, brown sheetings, drilling, prints such as are used by the great mass of people, know full well that in 1860 they were higher by from 20 to 40 per cent. than they are to-day; and you know that to-day in the markets of this country you can buy prints at from 4 to 5 cents per yard that before the war you were compelled to pay from 10 to 15 cents per yard for. Here are some of the prices of the *best cotton goods*, furnished me from reliable sources, comparing the prices of 1860 with now. *I give wholesale prices:*

Articles.	1860.	1884.
	Cents.	*Cents.*
Bleached shirtings.....per yard...	15	9 to 10½
Brown sheetings.....per yard...	8½	6½ to 7½
Drilling.....per yard...	9½	7 to 7½
Prints, best make.....per yard...	9	5½ to 6
Ginghams.....per yard...	10½	8

Those are articles purchased by the great mass of our people. The cost of silks has declined still more as the silk industries have developed in this country. So has queensware and crockery, but those who purchased then and who purchase now know the difference without my giving comparative prices.

Now, let us take another great industry, one of the greatest industries in this country, one which affects the building of railroads, the improvement of estates; one which affects the blacksmith and all classes of labor. That is the iron interest, and what do we find there? Why, we find that as late as 1868 steel rails were selling in this country at an average price of $158 per ton; whereas in the month of April, 1884, steel rails of a better quality could be purchased in this market at $34 per ton.

Is not this an item when we consider that the railroad interests of this country transport the farming and the manufacturing products to the market? And it is a fact, which is sustained by the reports from the Agricultural Department, that the cost of transportation over the railroads in this country have diminished as the cost of railroad material has diminished. What would be the cost of transportating the agricultural products from the West to the East to-day if the railroad companies were compelled to pay $165 a ton for their rails? Can you conceive the importance and the magnitude of a question like that, which reaches at once to the agricultural and business interests of the country, for every dollar that the farmer has to pay for the transportation of his grain diminishes the value of the product to him?

Now, in order that you may see for yourselves, and that the country may know how the price of steel rails has diminished in this country from 1868 down to April, 1884, I furnish you a table which is compiled by James M. Swank, secretary of the Iron and Steel Association, &c.:

Average prices of Bessemer-steel rails at works in Pennsylvania, from 1868 *to* 1884.—*Per ton of* 2,240 *pounds.*

Years.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Average.
1868	$165 00	$167 50	$174 00	$172 00	$165 00	$162 50	$150 00	$150 00	$150 00	$150 00	$148 00	$147 50	$158 50
1869	145 00	143 25	135 00	134 00	130 25	128 00	130 00	130 00	130 00	130 50	130 25	120 00	132 25
1870	110 00	110 00	108 50	107 00	106 00	109 25	110 00	110 00	108 75	101 50	102 50	98 00	106 75
1871	95 00	96 00	106 00	95 00	103 00	104 00	103 75	104 00	106 00	105 75	105 25	106 50	102 50
1872	104 50	104 00	104 25	111 50	110 00	113 00	114 50	115 25	114 00	113 50	118 00	120 75	112 00
1873	121 00	120 00	122 50	120 25	120 00	121 75	121 75	121 75	118 00	120 00	120 00	120 00	120 50
1874	117 50	117 50	115 00	98 66⅔	98 33	96 25	91 00	89 25	78 25	78 25	75 66⅔	75 67	94 25
1875	71 00	71 00	71 00	69 00	69 00	69 00	69 00	69 00	69 00	67 00	66 00	65 00	68 75
1876	67 00	65 00	62 00	62 00	62 00	60 00	59 00	59 00	56 00	54 00	53 00	52 00	59 25
1877	49 00	49 00	49 00	49 00	47 25	46 50	45 25	44 75	44 00	42 25	40 50	40 50	45 50
1878	41 00	41 50	41 50	42 00	43 50	43 00	42 50	42 50	42 50	42 50	42 00	41 00	42 25
1879	41 00	42 85	43 00	42 50	42 00	43 00	44 00	48 00	50 00	55 00	61 00	67 00	48 25
1880	75 00	85 00	82 00	75 00	65 00	63 75	62 50	63 75	61 25	60 00	59 00	58 00	67 50
1881	60 00	62 00	62 50	63 00	63 00	60 00	61 00	60 00	60 00	60 00	61 50	60 00	61 12½
1882	58 00	55 00	54 00	52 75	48 75	48 25	48 00	47 00	45 00	44 25	42 00	39 00	48 50
1883	40 00	39 50	39 00	38 50	38 00	38 00	38 00	38 00	37 50	37 00	35 00	35 50	37 75
1884	34 00	34 00	34 00	34 00	.....	.....	.....	.....	.....	.....	.....	.....	.....

Does that look like robbery? In the face of such facts your arguments fall. Without protection to our steel-rail industry, would England to-day be selling steel rails at $34 per ton, when without protection to the industry she was getting $165 per ton?

Now, another question in connection with this. In 1867, when there was a duty of 45 per cent. ad valorem imposed on steel rails, there was but 2,277 gross tons manufactured. In 1868 there was but 6,451 tons manufactured. In 1869 there was but 8,616 gross tons manufactured, and so on down to 1883, when we manufactured in this country 1,148,709 gross tons, showing that the increased production of steel rails in

this country has been followed by an increased demand for steel rails, while at the same time the price has gone down from $165 per ton in 1868 to $34 per ton in April, 1884.

Here is a table showing the production of steel rails from 1867 to 1883, also furnished me by Mr. Swank:

In the following table we give the statistics of the annual production of Bessemer-steel rails in the United States since the commencement of their manufacture, together with the average annual price at which they have been sold and the rates of duty imposed on foreign rails. The yearly price has been obtained by averaging the monthly prices.

Table showing annual production, price, &c., of Bessemer-steel rails.

Years.	Product in gross tons.	Price in currency.	Duty.
1867	2,277	$166 00	45 per cent. ad valorem.
1868	6,451	158 50	
1869	8,616	132 15	
1870	30,357	106 75	
1871	34,152	102 50	
1872	83,991	112 00	
1873	115,192	120 50	
1874	129,414	94 25	
1875	259,699	68 75	$28 per ton to August 1, 1872; $25.20 to March 3, 1875; $28 from that date to July 1, 1883; $17 from July 1, 1883.
1876	368,269	59 25	
1877	385,865	45 50	
1878	491,427	42 25	
1879	606,397	48 33	
1880	852,196	67 50	
1881	1,187,770	61 13	
1882	1,284,067	48 50	
1883	1,148,709	37 75	

The price of cutlery, hardware, and tools have also declined; likewise farming implements. Reapers, mowers, drills, harness, and trace-chains and everything that is used by the farmer to-day in cultivating the soil is cheaper than it was in 1860. To assert that under a purely revenue tariff the manufacturing industries of the country will develop as well as under a protective tariff is to make an assertion without any facts upon which to base it, and such an assertion is in the face of the experience of the people of this country.

INCIDENTAL PROTECTION A SHAM.

But you Democrats say that a tariff for revenue may be so adjusted as to afford incidental protection; that is, that our tariff duties should only be such as to secure the revenue required for the necessities of the Government, and that such duties should be so adjusted as to afford, by chance or accident, protection to some of the industries of the country; and this has been the declaration in the platforms of the Democratic party in some of the States, and was in Ohio at the last election. You might impose a heavy duty on sugar for the purpose of revenue and thereby protect an incident to the sugar consumption in this country; but the imposition of a duty for the purpose of revenue only can not be adjusted so as afford equal protection to all industries. And if any protection did result from the imposition of such a duty to any industry it would necessarily be to the detriment of some other industry equally entitled to protection. In other words, to give equal protection to all our industries, that object should be kept in view as well as revenue when duties are imposed.

If you concede that you may lay a tariff for revenue with incidental protection, then you concede the constitutional question; for if the Constitution warrants the levying of duties for revenue purposes in such a way as to afford incidental protection, then the Constitution will permit Congress to do by direction what you seek to do by indirection.

But will it do? Is it safe that the capital of this country and its commerce shall depend upon chance, upon something that may or may not happen? No; capital is timid; and, as I have said before, if there is any one thing in this country which is more desirable than another, it is to have fixedness of purpose in the minds of the people on economic questions; and the sooner this question is settled by the people the sooner will capital seek permanent investment and the sooner will its growth and development be made to harmonize with the agricultural and all other interests in the land.

If the tariff question is to be treated as a sore and scabbed at every session of Congress, then will capital be driven from our manufacturing industries and agricultural products forced to seek a foreign market, not 10 per cent. as now, but with the increased product of agriculture which would necessarily follow the destruction of our manufacturing industries we would have a surplus of 50 per cent. or more of agricultural products to sell in the markets of Europe in competition with India and Russia. And the gentleman from Texas [Mr. MILLS] and the gentleman from Ohio [Mr. HURD] say that it is of vital importance to the farmers of this country to buy their manufactured products abroad, because Europe will always be the market for our field products, and that we should exchange the one for the other. While in the next flight the gentleman from Ohio [Mr. HURD] says that already India can supply England with 40,000,000 bushels of wheat annually, and that she will rapidly increase her production to meet the demand of England for cheap bread for her people.

If our farmers are compelled to seek a foreign market for their products and compete with India and Russia what will their products bring? The argument of the gentleman is a strong one in favor of a home market, just such a market as this side of the House is contending for. The gentleman's reasoning is right, but his conclusions are wrong; eloquence is usually at the expense of sound logic.

AMERICAN MONOPOLY PREFERABLE TO AN ENGLISH MONOPOLY.

But it is claimed on that side of the House that our protective system has built up monopolies; that it is in the interest of the few against the many; but it seems not to have occurred to them that the system they advocate would build up a still more powerful monopoly in Europe, one from which we could extract no benefit and which would be beyond our control. As between the two, I would prefer to have the monopoly at home where we can grapple with it by legislation, rather than aid the building up of one in Europe where it would be beyond our control, so that I am not frightened by such arguments. That has been the argument of the Democratic party ever since the Republican party came into power. Cotton-growing is a monopoly because it can only be raised in the South; slavery was a monopoly because none but the rich could own slaves; sugar growing has been a monopoly because Louisiana alone produced it; mining is a monopoly because it is confined to few localities and requires large capital to operate it; the Standard Oil Company is a huge monopoly and supplies the world with oil, in addition to electing a Democrat now and then to the United States Senate, and I am sure you will not claim that our protective tariff did that.

Before the war you paid from $1.20 to $1.50 for a calico dress of ten yards, now you can buy the same goods for 50 and 60 cents and even less than that. Before the war you paid 200 per cent. more for salt than you pay to-day. Before the war you paid more for boots and shoes than you pay to-day, and yet this system which has reduced the cost of manufactured goods you say has built up monopolies. Well, the people like that kind of a monopoly, which, while it is in process of erection, furnishes them cheaper goods and in return consumes the field products. Agricultural products are 6 per cent. higher to-day than before the war, while the cost of manufacturered goods is at least 30 per cent. lower. Now let us see what the farmer's wheat, corn, &c., will buy to-day under protection as compared with free-trade days before the war.

Here is a table which was prepared by my friend, Mr. CHACE, of Rhode Island, published with his remarks on the 24th ultimo, the value of the articles named being based upon the prices from 1846 to 1850 as compared with the prices from 1876 to 1880:

	Salt.	Coal.	Bleached sheeting.	Prints.	Pig-iron.	Bar-iron.	Railroad iron.
One bushel of wheat would buy—	*Sacks.*	*Lbs.*	*Yds.*	*Yds.*	*Lbs.*	*Lbs.*	*Lbs.*
Under free trade	.91	422	8.51	12.21	107.3	35.8	47.23
Under protection	1.80	719	11.04	16.27	134.00	57.35	72.6
One bushel of corn would buy—							
Under free trade	.47	256.5	4.46	6.4	56.24	18.78	24.76
Under protection	.73	328.5	4.49	6.65	54.49	23.32	29.55
One bushel of oats would buy—							
Under free trade	.31	168.5	2.93	4.20	36.94	12.33	16.26
Under protection	.536	240.4	3.27	4.89	39.87	17.07	21.63
Ten pounds of butter would buy—							
Under free trade	1.112	597.5	10.39	14.92	131	43.74	57.69
Under protection	3.417	1532	20.95	31.04	254	108.82	137.87
Ten pounds of cheese would buy—							
Under free trade	.474	250.9	4.36	6.28	55.02	18.37	24.23
Under protection	1.376	619.3	8.43	12.52	102.36	43.82	50.53
One pound of wool would buy—							
Under free trade	.264	141.7	2.46	3.54	31.06	10.37	13.68
Under protection	.661	296.5	4.05	6.00	49.16	21.64	21.08
Ten pounds of Kentucky tobacco would buy—							
Under free trade	.431	231.8	4.03	5.79	50.82	16.97	22.34
Under protection	1.117	526.9	7.19	10.66	88.33	37.38	47.37

Corn has been depressed in price on account of the tremendous increase of production. While the price of corn is comparatively lower than that of any agricultural product, still the farmer can produce it relatively cheaper, as all know who know anything about it, and he can land it cheaper at tide-water market.

That shows the purchasing power of the agricultural products, and yet you gentlemen on that side of the House say our protective system has been oppressive to the farmer. In addition to what I have shown you about the purchasing power of wheat, corn, oats, &c., the farmers and gardeners to-day find ready market for their non-exportable articles, such as fruits, berries, and vegetables, amounting in the aggregate to many millions of money.

TARIFF BENEFITS THE LABORER.

And now, what has been the effect of the protective system upon the laboring classes in this country? There are now employed in the various manufacturing and mining industries about 4,000,000 of people,

with their families, amounting to at least 12,000,000 more dependent upon them, or nearly one-third of our entire population depending upon the employment of the 4,000,000 of laboring men among us.

What I have said about the reduced cost of manufactured goods has been equally beneficial to the laboring classes; and while they have been compelled to pay a little more for provisions now than they did before the war, the enhanced price of their labor, together with the reduced cost of manufactures, is over 60 per cent. in their favor. Need I say that labor is 25 per cent. higher in this country to-day than it was before the war, and at least 50 per cent. higher than it is in England, the highest labor-paying country in the world, except the United States? So that when you add to this the reduced cost of manufactures and deduct the increased cost of provisions, you will see the laboring classes of this country are in much better condition than they were before the war, to say nothing of their superior condition over English labor. Do you want to reduce the price of labor to the European standard? If so, adopt free-trade, and in that event let us see what our laboring classes would receive; and first let us take the iron interests:

Edward Young, former Chief of the Bureau of Statistics, having gone abroad under the auspices of the Government to gather statistics of this character, made the following report:

Wages in rolling-mills.

Occupations.	Middlesborough, England.	Pennsylvania.
Puddlers	$10 50	$21 15
Top and bottom rollers	16 05	27 50
Rail-mill rollers	21 05	40 00
Merchant-mill rollers	12 10	36 83
Machinists	8 59	15 56
Engineers	8 47	15 24
Laborers	4 65	8 58
Iron molders	6 77	11 00
Pattern-makers	7 01	14 69

The report of the Tariff Commission gives the following comparative table of wages in the iron trade in England and in Pittsburgh, Pa.:

Occupation.	England.	Pittsburgh.
Puddling, per ton	$1 94	$5 50
Shingling, per ton	29	77
Rolling in puddling mills, per ton	29	68
Rolling and heating, per ton	1 80	4 80
Common labor	$0 56 to 72	$1 30 to 1 50

And here are prices paid for labor about two years ago, and which is substantially the same as now.

Schedule of wages paid per week in the United States and in Scotland, furnished by Messrs. J. and P. Coats, thread manufacturers.

Occupations.	In United States.	In Scotland.	Differences in favor of the United States.
Cop spoolers	$6 59	$3 40	$3.19, or 94 per cent.
Twister-tenders	5 69	2 25	$3.14, or 123 per cent.
Doffers	4 37	1 94	$2.43, or 125 per cent.
Cleaners	2 63	1 52	$1.11, or 73 per cent.
Reelers	7 88	3 52	$4.36, or 124 per cent.
Winders	7 25	2 80	$4.45, or 159 per cent.
Wrappers and boxers	7 96	3 04	$4.92, or 162 per cent.
Dyers	9 84	6 32	$3.52, or 56 per cent.
Bleachers—men	11 81	5 10	$6.71, or 132 per cent.
Bleachers—women	5 25	2 43	$2.82, or 116 per cent.
Mechanics	13 13	7 94	$5.19, or 65 per cent.
Firemen	10 66	5 83	$4.83, or 83 per cent.

The same condition of things exists in our woolen-mills and paper-mills, while the cost of living in this country is less than it is in any country in Europe. I will now give you the cost of living in the various countries of Europe and in the United States:

Comparative retail prices of the necessaries of life in Europe and the United States in 1878.

[Condensed from the report of the Secretary of State on the state of labor in Europe, derived from facts reported by the United States consuls, Washington, 1879.]

	Belgium.	France.	Germany.	Italy.	Switzerland.	Great Britain.	United States.	
							New York.	Chicago.
Beef:								
Roast, per pound	$0 20	$0 22	$0 22	$0 20	$0 30	$0 22	$0 12 to $0 16	$0 08 to $0 12½
Corned, per pound	16	16	13	12	18	$0 18 to 20	08 to 12	04 to 07
Beans, per quart			10	13		09	07 to 10	05 to 09
Bread, per pound	$0 04 to 05	03	$0 03 to 07	06	04	03½ to 04½	04 to 04½	04 to 04½
Butter, per pound	20 to 50	25	22	28	36	29 to 38	25 to 32	16 to 40
Coal, per ton			4 25	11 00		2 65 to 4 10	3 00 to 5 25	3 00 to 6 75
Codfish, per pound				09		06 to 08	06 to 07	05 to 09
Coffee, per pound	30 to 40	30	35	32	30	28 to 50	20 to 30	16 to 40
Eggs, per dozen	20 to 25	18	20	18	20	14 to 30	25 to 30	10 to 24
Flour, per pound		04	05½	10	07	03½ to 04½	03 to 04	02½ to 04½
Lard, per pound	20	20	21	22		12 to 18	10 to 12	06 to 10
Milk, per quart			04	07	05	05 to 09	08 to 10	03 to 06
Mutton, fore-quarter, per pound	16	16	14½	15	18	16 to 17	09 to 10	05 to 12½
Oatmeal, per pound			08			03½ to 04½	04 to 05	04 to 05
Pork:								
Fresh, per pound	16	14	17	13	18	10 to 16	08 to 10	04 to 05
Salted, per pound	16	14	17	18	20	10 to 16	08 to 10	06 to 12
Bacon, per pound	18	20	20	22		12 to 16	08 to 10	07 to 12
Sausage, per pound	20	16	19	20		18	08 to 10	06 to 10
Potatoes, per bushel	56	50	50	1 15	60	68 to 2 00	1 40 to 1 60	60 to 80
Rice, per pound			09	06		03½ to 08	08 to 10	05 to 10
Soap, per pound			10	04		05½ to 09	06 to 07	03 to 08
Sugar, per pound	15 to 20		11	08½	08	05½ to 10	08 to 10	07 to 10
Tea, per pound			75		50	43 to 88	50 to 60	25 to 1 00

Many articles there named are cheaper in this country to-day than they were in 1878, as you who purchase them know.

Our consul stationed at Cologne, Germany, reports: Masons, per day, 70 cents; carpenters, per day, 50 to 72 cents; engine-fitters, per day, 71 to 77 cents; blacksmiths, per day, 67 to 71 cents. In this country the same mechanics get from $2.25 to $2.75 per day for the same kind of labor.

So that in every phase of the question the people of the United States are better off under our protective system than they were under the Walker revenue tariff, and infinitely better off than the people in any country in Europe. Then why disturb the tariff law enacted on the 3d of March, 1883. That law reduced the duties on imports many millions of dollars, and sufficient time has not yet elapsed since that law went into force for the country to be advised of its defects, and besides many of our industries are now suffering. But you propose to reduce the duties on every article alike 20 per cent. unless that rate of reduction goes below the duties imposed by the Morrill tariff of 1861, in which event the rates imposed by the act of 1861 are to govern, provided the rate does not exceed 50 per cent. The gentleman from Ohio [Mr. McKINLEY] pointed out the difficulties in adjusting the duties under the two acts because of the different classifications and the specific and ad valorem rates, differing in the two acts, if this bill should become a law.

My objection to the bill is that it is in the direction of free trade, as announced by the gentleman from Texas [Mr. MILLS] and by the gentleman from Ohio [Mr. HURD], both being free-traders and members of the Committee on Ways and Means, while the chairman of that committee [Mr. MORRISON] speaks of the bill as only partial relief.

The revenue can be materially reduced by reducing the duty on sugar one-half what it is now, and by placing on the free-list such articles of raw material as are not produced in this country and which enter into manufactures.

But it has been said that, abstractly considered, free trade is right. What is meant by that? Why, if the conditions are the same, if the proximity to raw material is the same, if the price of labor is the same, if the cost of living is the same, and all countries adopt it, then I grant you free trade is right; but in a nation of free people where the highest good to the greatest number is the desideratum, I can not consent to the

doctrine of free trade. I believe that this country should legislate for itself with reference to its own internal affairs, and that where it can benefit its people by its legislation, independent of considerations abroad, we ought to do it.

PEOPLE OPPOSED TO FREE TRADE.

Who are the men that are clamoring for free trade? Is it the manufacturers, who employ more than 4,000,000 men, skilled and unskilled, representing with their families, as I have said, nearly one-third of our entire population? Is it the wool-growers of Pennsylvania, Ohio, Indiana, and the great West and Northwest? Is it the 7,000,000 men engaged in agriculture? Is it the 4,000,000 laboring men who depend upon the manufacturing industries for their support? None of these were before the Committee of Ways and Means asking this reduction; but many were there opposing any reduction. The importers of New York, Boston, and Philadelphia are anxious for this reduction; the theorists are anxious for it; but none are so anxious for it as England, and to my mind that is why the people of the United States who are engaged in manufacturing and agricultural pursuits should not want it. It is known by all the world that England wants the policy of free trade adopted in the United States. And why? Because it would result to her benefit; and if that be true it would necessarily be to the detriment of the people of this country, and for one I am opposed to building up England at the expense of this country.

Let the issue come. The Republican party is in favor of protection to our home industries. You are not, and we will meet you before the people on that issue and abide the decision at the ballot-box next November.

Mr. HATCH, of Michigan, addressed the House. [See Appendix.]

Mr. MORRISON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. TALBOTT having taken the chair as Speaker *pro tempore*, Mr. BAGLEY reported that the Committee of the Whole House on the state of the Union, having had under consideration the tariff bill, had come to no conclusion thereon.

And then, on motion of Mr. MORRISON (at 8 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUCHANAN: Petition of citizens of Grantville, Ga., praying for the passage of the Senate educational bill—to the Committee on Education.

By Mr. CALDWELL: Papers relating to the claim of James M. Hinton—to the Committee on War Claims.

By Mr. COLLINS: Petition of James McDuffie & Stratton and all the other firms in Boston, Mass., dealing in earthenware, china, and glass, for a reduction of customs duties—to the Committee on Ways and Means.

By Mr. DIBBLE: Memorial of the mayor and aldermen and of leading citizens of the city of Charleston; also of leading citizens of Lexington County, South Carolina, in favor of national aid to education, &c.—to the Committee on Education.

By Mr. GEORGE: Petition from citizens of the State of Oregon, asking for the passage of the Senate educational bill, 398—to the same committee.

By Mr. HAMMOND: Petition of H. A. Brad Weldon and others, citizens of Newton County, Georgia, in favor of aid to education—to the same committee.

By Mr. HUTCHINS: Petition of Merwin N. Jones and others, for the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. MCKINLEY: Petition of wool-growers of Ashland County, Ohio; also another petition of citizens of the same place, for the restoration of the wool tariff of 1867—severally to the Committee on Ways and Means.

By Mr. MAYBURY: Petition of James E. Grant, William H. Jahn, and many other citizens, of Detroit, Mich., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. MONEY: Memorial of the faculty and students of the University of Mississippi—to the Committee on Education.

Also, the petition of citizens of Mississippi, asking for national aid to education—to the same committee.

By Mr. PRYOR: Papers relating to the claim of Milton Williams—to the Committee on War Claims.

By Mr. RANNEY: Petition of Samuel Y. Chase and others, for increase of the pay of jurors in United States courts—to the Committee on the Judiciary.

By Mr. SINGLETON: Petition of M. L. McRae and others, and of S. T. Taylor and others, in favor of the passage of the Senate educational bill—severally to the Committee on Education.

By Mr. STORM: Memorial of Jacob W. Parker praying to be allowed to purchase certain lots on Hot Springs reservation—to the Committee on the Public Lands.

SENATE.

FRIDAY, *May* 2, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a telegraphic petition of F. N. Wicker, late collector of customs at Key West, Fla., praying for a thorough investigation of his alleged connection with Cuban filibusters; which was referred to the Committee on Foreign Relations.

Mr. WILSON presented the petition of William M. Brooks, president of Tabor College, and 66 other citizens of Tabor, Iowa, praying for the passage of the bill now pending before the Senate providing for the return of so many of the Nez Percé Indians to their reservation in Idaho as in the judgment of the Secretary of the Interior may be safely returned; which was referred to the Committee on Indian Affairs.

Mr. ALLISON presented a petition of 39 ex-Union soldiers, citizens of Iowa, and a petition of Knox Center Post, No. 189, Department of Iowa, Grand Army of the Republic, praying for the passage of an act granting one hundred and sixty acres of land to all honorably discharged soldiers of the United States; which were referred to the Committee on Public Lands.

Mr. ALLISON. I also present a petition of like character from members of Post No. 40, Department of Iowa, Grand Army of the Republic, expressly mentioning the Sioux reservation about to be opened, and praying that it may be devoted to soldiers. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. SEWELL presented a petition of General Howell Post, No. 31, Grand Army of the Republic, Department of New Jersey, of Woodbury, N. J., praying for the passage of certain legislation now pending in Congress in regard to pensions; which was referred to the Committee on Pensions.

Mr. CONGER presented a petition of Pap Thomas Post, No. 121, Grand Army of the Republic, of Chesaning, Mich., and a petition of Wallace Browns Post, No. 190, Grand Army of the Republic, of Birch Run, Mich., praying for the enactment of legislation embracing the recommendations of the general pensions committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

Mr. FARLEY presented a memorial of the Grape-Growers' Association of California, remonstrating against any reduction of tariff on wines and brandies, and favoring the restoration of the tariff on raisins; which was referred to the Committee on Finance.

Mr. MCPHERSON presented the petition of Augusta Brown, widow of Ditmere Brown, late private Company A, Thirty-eighth New Jersey Volunteers, praying for a pension; which was referred to the Committee on Pensions.

Mr. BLAIR presented the petition of John W. Babbitt, John W. Sturtevant, and Joseph A. Leach, a committee representing John Sedgwick Post, No. 4, Grand Army of the Republic, Department of New Hampshire, Keene, N. H., praying for certain legislation embodying the recommendations of the pensions committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. MORGAN presented a letter from the Commissioner of the General Land Office, addressed to him, concerning the destruction of the records of the office of the United States surveyor-general and the United States land office at Olympia, Wash., on the 12th of September, 1883; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Committee on Territories, to whom was referred the bill (H. R. 4713) requiring the governors of certain Territories to be residents of said Territories at least two years preceding appointment, submitted an adverse report thereon, and moved its indefinite postponement.

Mr. DOLPH. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. GEORGE, from the Committee on Agriculture and Forestry, reported an amendment intended to be proposed to the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, the amendment proposing an appropriation for the encouragement and development of the raising of raw silk, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. CULLOM, from the Committee on Territories, to whom was referred a memorial and joint resolution of the Eighth Legislative Assembly of the Territory of Wyoming favoring additional compensation for the members thereof, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1184) for the relief of William P. Reid, reported it without amendment, and submitted a report thereon.

Mr. BAYARD. I am instructed by the Committee on Private Land

Claims to ask to be discharged from the further consideration of the bill (S. 518) further defining the class of persons included in the provisions of section 5 of the act of July 17, 1854, amendatory of the Oregon donation law of September 27, 1850, and to ask that it be referred to the Committee on Public Lands, to whom appropriately it should have originally been sent.

The report was agreed to.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 589) to carry out the provisions of a joint resolution entitled "Joint resolution providing for the payment of the Fourth Arkansas Mounted Infantry Volunteers," approved March 18, 1870, submitted an adverse report thereon, and moved its indefinite postponement.

Mr. GARLAND. If the Senator would not object, I would be glad to have the bill placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. McMILLAN, from the Committee on Commerce, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill, providing that the clerical force of the State Department be increased as follows: One clerk of class 4, one clerk of class 3, and one folder and packer; and presented a letter of the Secretary of State recommending the increase proposed.

The amendment and letter were ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 680) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Rulo, in the county of Richardson, in the State of Nebraska, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2140) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Rulo, in the county of Richardson, in the State of Nebraska; which was read twice by its title.

MISSISSIPPI RIVER BRIDGE AT DUBUQUE.

Mr. McMILLAN. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State Iowa," to report it favorably without amendment.

Mr. ALLISON. I ask the Senator from Minnesota to request the present consideration of that bill. It is a matter of local importance, and the parties want to begin the work.

Mr. McMILLAN. It is a House bill that is recommended favorably by the Senate Committee on Commerce, and it being an improvement of that character I ask the Senate to consider it now, in accordance with the request of the Senator from Iowa.

Mr. ALLISON. It will take but a moment.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that this bill be now considered. Is there objection?

Mr. COCKRELL. Let it be read.

The PRESIDENT *pro tempore*. It will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa," be amended by striking out of section 2 of said act the words "that the bridge shall be constructed with a suitable ponton draw of not less than five hundred feet in width, located over the main channel of the river," and inserting in lieu thereof the words "that the bridge shall be constructed with a ponton draw or draws of such length and location as shall be ordered by the Secretary of War:" *Provided*, That said draw or draws shall not be less than four hundred feet in length.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. McMILLAN. I would take occasion to state, if the Senator from Missouri desires any further explanation, that it is in accordance with the recommendation of the engineer in charge.

Mr. COCKRELL. I only wanted to hear the form of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT. I should like to inquire whether the bill means that each draw shall be four hundred feet in length, or whether all the draws which may be ordered by the Secretary of War shall aggregate four hundred feet? I am not sure from the reading of the bill what construction might be placed upon it.

Mr. McMILLAN. It is the principal draw in the bridge that is referred to as the 400-foot span. I will state to the Senate that there is a railroad bridge across the river at Dubuque, and this ponton bridge is to be built contiguous to the railroad bridge. The main span in the railroad bridge is, as stated by the engineer in charge, 400 feet; and the engineer in charge expresses the opinion that the draw in the ponton bridge should be of the same width as the draw in the railroad bridge; that any other width of the span would perhaps be an injury; so that the engineer in charge will direct that these spans shall be conformed to the draws in the railroad bridge. That is the object of changing the width of the span or permitting it to be changed below 500 feet, and the language "not less than 400 feet" is inserted in the bill in order to accomplish that purpose.

Mr. ALLISON. The intention of the bill is that the draw or draws, if there be two of them, shall be 400 feet each in length. That is the understanding that I have of the suggested plan; and if the language placed in the bill is not sufficient to carry out that idea it ought to be amended.

Mr. McMILLAN. Not less than 400 feet each.

Mr. ALLISON. That is, if there are two draws, it is not intended that there should be two draws of 200 feet each, or one of 150 and another of 250; but each shall be 400 feet.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McMILLAN subsequently said: I ask unanimous consent to reconsider the vote by which the bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa," was passed this morning, and that the bill be recommitted to the Committee on Commerce.

The PRESIDENT *pro tempore*. If there be no objection the vote by which the bill was passed will be regarded as reconsidered.

The vote ordering the bill to a third reading was reconsidered, and the bill was recommitted to the Committee on Commerce.

BILLS INTRODUCED.

Mr. PALMER introduced a bill (S. 2141) to set aside the unsurveyed, overflowed, and marsh lands of Lake Saint Clair, State of Michigan, as a common preserve in perpetuity for the people of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McPHERSON introduced a bill (S. 2142) to establish the rank of William B. Van Antwerp in the military service of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2143) in relation to the United States Naval Observatory; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PLUMB introduced a bill (S. 2144) to open to homestead settlement certain portions of the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WILLIAMS introduced a bill (S. 2146) granting a pension to Isabella Bullock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM introduced a bill (S. 2145) to extend an act approved August 8, 1882, to encourage and promote telegraph communication between America and Europe; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENT TO A BILL.

Mr. MORRILL submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

MEXICAN ZONA LIBRE.

Mr. MORRILL offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be directed to furnish to the Senate a copy of the latest act or acts of the Republic of Mexico creating or modifying the Zona Libre in relation to importations of merchandise.

LANDING OF TELEGRAPH OCEAN CABLES.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State is hereby directed to furnish the Senate with copies of all agreements heretofore made with any companies by which cables from foreign countries have been landed upon the shores of the United States, and whether any company is now negotiating for the privilege of landing any cables, and if so, upon what terms.

LAND ENTRIES BY FOREIGNERS.

Mr. VAN WYCK. I ask for the present consideration of the following resolution:

Resolved, That the Secretary of the Interior be directed to inform the Senate if any, and what, action has been taken in regard to entries of public lands by the Estes Park Company, organized under the laws of Great Britain, and doing business in Colorado, and made in the interest of the Earl of Dunraven; the Arkansas Valley Land and Cattle Company, an English corporation; Sykes & Hughes, an English firm doing business in Northern Dakota; Faulkner, Bell & Co., another English firm doing business in California, or for the benefit of said corporations and companies, and which said entries by reports in the General Land Office are alleged to be fraudulent.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. VAN WYCK. If the Senate will indulge me a few moments in connection with the resolution, not only to show the importance of the resolution in itself but of other resolutions on kindred subjects, I desire to read a letter sent to the Department of the Interior and referred by the Department to the Committee on Public Lands in answer to a resolution of this body.

Mr. HOAR. Will the Senator also have read the extract from the report of the Land Office to which he refers, so that the Senate may have the evidence of the affirmation?

Mr. VAN WYCK. Yes, I think I can get that in a moment. My object is to show the necessity of the passage of the resolution and of some affirmative and speedy action on the part of the Government not only to protect the public domain but to protect innocent parties, who are undoubtedly innocent, as it appears from this letter that these parties are innocent, and who are evidently inveigled into these schemes as to land and cattle, and in the end the Government of the United States will suffer in its credit and reputation by opening the door and giving an opportunity to persons to impose upon the credulity of other people. There is a necessity, as will appear from this letter, that something should be done promptly. The letter was written at Edinburgh, and I will read it to show the extent to which this thing is extending itself already:

"TAIT, DENMAN & CO., CATTLE RANCHE AND LAND BROKERS,
100 *and* 102 *Broadway* (3 *doors from Wall st.*), *New York.*

Agencies: Chicago, Ill.; St. Louis, Mo.; Kansas City, Mo.; Omaha, Nebr.; Cheyenne, Wyo.; Denver, Colo.; Dallas, Tex.; San Antonio, Tex.; Fort Worth, Tex. Correspondents throughout the States."

EDINBURGH, 5 QUEEN STREET, *March* 27, 1884.

To the Secretary of the Interior, Land Office Division, Washington, D. C.:

SIR: A cablegram which appeared a few days since in the London Times has caused considerable uneasiness among the Scotch companies holding large bodies of titled lands for pastoral purposes—

Mr. COCKRELL. "Of titled lands?"

Mr. VAN WYCK. "Titled lands." The firm evidently is writing in good faith.

and it has agitated in even a greater degree the companies who have purchased cattle and are now grazing them on the public lands with the view of eventually purchasing their pastures. The cablegram was as follows:

"The Senate has passed a resolution directing the Public Lands Committee to inquire in what manner large quantities of the public lands have been transferred to or become possessed by foreign corporations or syndicates, and what, if any, legislation is advisable to prevent such transfer or possession. This resolution is the outcome of criticism expressed in certain localities as to the proceedings of foreigners who are obtaining possession of vast tracts of new country in the Western and Southern States and Territories, some English, Scotch, and Dutch syndicates being particularly aimed at.

That is the cablegram to which the writer refers. Then he continues:

In reply to our inquiry Mr. Edmund J. Moffat, United States deputy consul-general (a gentleman highly esteemed in this country), expresses the opinion that "no law would be passed retroactive in its nature taking away the property acquired under the present state of the law." This seems only equitable, but the words "to prevent such transfer or possession" sounds very ominous to existing owners of large bodies of land.

These men presume that they are owners of the land which we have suffered to be fenced in as we have, to which the attention of the Senate has heretofore been called.

And meantime the trade in such lands is at a standstill.

Is at a standstill in Edinburgh.

Now, sir, we are as a firm identified solely with this land and cattle business, and people here rely a good deal upon what we say in that connection. We have all along recommended this class of investment, and the money sunk in it in Scotland alone is not less than $25,000,000. We are therefore most anxious to be favored with some expression of opinion as to the future intentions of the Legislature. We hear of Senator EDMUNDS's bill limiting foreign holdings to thirty square miles, and we dread Mr. EDMUNDS very much. Some of our companies own twenty times that area of American land. Are their rights to be menaced?

It is scarcely possible to be believed that in this country some of their companies own twenty times thirty square miles, the amount referred to in the bill.

Others again ranging on the public domain intend to purchase their pastures. Has the opportunity been barred by the Legislature? Texas has issued a whole sheaf of legislative enactments which impede and harass the land and cattle trade in a ruinous degree.

A whole sheaf of legislative enactments, and the land and cattle trade in Edinburgh is harassed by this sheaf of legislative enactments passed by Texas!

Are we (we are more American than English) to understand that the United States Government or the introducers of those bills are inimical to the acquisition of land by foreigners in any form beyond a certain amount?

They propound the question honestly and justly and properly, and it is the duty of the American Congress to answer the inquiry.

We have scarcely time to formulate our ideas before the mail goes out, but we are particularly solicitous of understanding if land and cattle companies are favored or objected to. We beg to inclose a copy of one of Mr. Tait's pamphlets on the question of land and cattle, a standard work here.

We have the honor to be, sir, your most obedient servant,

TAIT, DENMAN & CO.

That of itself shows the intent, it shows what is being done, and it shows the necessity of immediate action upon our part, when gentlemen will write in good faith honestly believing that they have acquired title to twenty times thirty square miles of land, one company who are investing their millions in this property in this country expecting, as they say, to be able to purchase their pasturage.

It is due to the American people that some action should be taken at once, and it is due to foreigners who are relying upon the honesty of the American character that some steps should be taken at once. So I have offered the resolution calling for this information, because the reports of special agents of the Land Office show that most of these entries of English companies to which I refer were fraudulent entries, and I desire to know what the Interior Department and the Land Office have done in regard to the matter, with a view that we may soon act intelligently on this matter, telling these gentlemen who write honestly and conscientiously, and Scotch, English, and Dutch syndicates, just what their rights are to be in this country, and that we do not intend that they shall purchase our public domain except in a limited amount, as our own citizens have a right to do.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 767) for the relief of Columbus F. Perry and Elizabeth H. Gilmer;

Joint resolution (H. Res. 236) authorizing the Secretary of War to loan two hundred flags to the city of Charlotte, N. C., for the celebration of the Mecklenburg declaration of independence; and

Joint resolution (H. Res. 240) to print 12,500 copies of eulogies on Thomas H. Herndon, late a Representative in Congress.

WILBUR F. M'DANIEL.

Mr. FRYE. I ask the Senate to take up a resolution reported by me from the Committee on Rules about one week ago, early action being very important at any rate.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read the resolution, as follows:

Resolved, That the services of Wilbur F. McDaniel, provided for by Senate resolution of May 20, 1879, be terminated May 1, 1884.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine that the resolution be now considered.

Mr. GROOME. Mr. President——

The PRESIDENT *pro tempore*. That motion is not open to debate. The question is on agreeing to the motion to take up the resolution.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the resolution.

Mr. FRYE. I shall have to ask for one amendment. The resolution reads:

That the services of Wilbur F. McDaniel, provided for by Senate resolution of May 20, 1879, be terminated May 1, 1884.

I ask to change the date, striking out the words "May 1" and inserting "May 5;" so as to read "be terminated May 5, 1884."

The amendment was agreed to.

Mr. GROOME. Mr. President, the young man whose name it is proposed by the resolution to remove from the rolls of the employés of the Senate was originally appointed from the State of Maryland as a page. While serving the Senate in that capacity, as I learn from employés of this body, he was sent upon an errand by some Senator to the document-room and returning, instead of walking quietly down the stairs attempted to glide down by the banister. He fell upon his head, and sustained injuries the evil consequences of which have continued to develop ever since, until he has now become a mental if not a physical wreck.

Before the full extent of his injuries was apparent, upon the motion of a former distinguished Senator from Maryland, he was appointed a messenger to the Superintendent of the document-room with a salary not to exceed that paid to laborers upon the rolls of the Senate force. Since then his disability has increased to such an extent that he is now utterly incapacitated from rendering that or any other service.

Under these circumstances it is proposed to remove him from the rolls of our employés, and I think it is properly so proposed, for I do not believe that any one should be kept nominally in the employment of any branch of the Government who is unable to render any service whatever as an equivalent for the salary which he is supposed to earn. But while it is right that he should be so removed it is, under the generous precedents established by the Senate, but proper that he should not be thrown in his helplessness upon the cold charities of the world without some moderate provision being made for his support, at least for a time.

The Senate in a number of instances where employés in its service and in the line of their duty received serious disabilities or lost their lives has made provision, such as it deemed suitable, for them, or for their families. In the case of a former captain of the police force of the Capitol, who when attempting to make an arrest in this building received serious injury, the Senate voted $500 out of its contingent fund to reimburse him for his expenses and losses incident to that injury. In the case of another policeman who was permanently injured in this building, to such an extent that he was no longer fitted to discharge

the duties of a Capitol policeman, the two Houses of Congress passed a joint resolution directing that he be placed as an extra member upon the force of the Capitol police, and that he be assigned to duty as a watchman in the Dome of the Capitol. In the case of two other employés, one of whom was seriously injured and the other of whom lost his life by an explosion of gas in a closet under one of the stairways of this building, the two Houses of Congress passed an act giving to the one $3,000 and to the family of the other a like sum. In view of these precedents, I think it is right that when this young man is being dismissed from the service, utterly helpless, some provision should be made for him.

It has been suggested to me by a distinguished Senator, to whom I often look for advice, and in whose opinions I usually coincide upon questions of this kind, that a distinction exists between the case of this young man and those that I have cited in this, that he was not in the strict line of his duty when attempting to slide down upon the banisters in coming from the document-room. But we should not apply to the conduct of boys those stern rules of decorum by which we regulate our own in mature life. We should make some allowance for the exuberance of youthful spirits, for the frolicksome disposition of boys, and we should remember that in the days long gone by few of us would have regarded it as a dereliction of duty if in returning promptly from some errand we had indulged in a boyish prank by the way. All that can be said against the conduct of this young man is, that instead of walking sedately down the steps when upon an errand as a page, he attempted to slide down the banister, and in consequence received injuries which have blighted his whole life since, and will continue to blight it until its close.

I send to the Clerk's desk an amendment, which proposes to make a slight allowance to this young man while dismissing him from service. The gentleman whom I have named in my amendment to act as trustee for the unfortunate young man is his uncle, and is an Episcopal clergyman of prominence and of high character.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add to the resolution:

And the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate, for the aid and support of the said Wilbur F. McDaniel, who was disabled for life while in the service of the Senate as a page, the sum of $750, to be paid to the Rev. Wilbur F. Watkins, of New York city, in trust for the above-mentioned purpose.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. PLATT. I should like to inquire of the chairman of the Committee on Rules when this accident occurred, how long this page has been in the employ of the Senate without being able to render any service, and how much the Senate has really done for him in that way. I do not know that I have the information.

Mr. FRYE. The accident occurred in 1879, and on May 20, 1879, the United States Senate passed a resolution appointing him a messenger. He was able to do some work for some three years. For the last year and a half he has been entirely disabled, in fact is idiotic, and the Government has paid him $720 a year under the Senate resolution, and that $720 a year for a year and two-thirds has had no consideration whatever except the boy's unfortunate condition. Mr. Amzi Smith, to whom he was made messenger and who needs a messenger exceedingly and must have one, brought the matter to the attention of the Sergeant-at-Arms, who referred it to the Senate. There is no question that the resolution which the committee reported should be adopted, and that Mr. Smith, the superintendent of the document-room, should have very promptly an able-bodied messenger in the place of this unfortunate boy.

As to the amendment, I do not feel like making any special opposition to it. The boy's father and mother are poor, the boy is an idiot, and he depends entirely for his support upon them. If the Senate in its generosity can give what the Senator from Maryland asks, I certainly, for one, have no objection. He has been presented already with at least $1,500, and certainly the Senate can not afford to go on and pension the boy at the rate of $720 a year.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maryland.

The question being put, a division was called for, and the ayes were 14.

Mr. COCKRELL. If the amendment is insisted on we had better have the yeas and nays. They will settle it.

The yeas and nays were ordered.

Mr. FRYE. Now, I should like to have the amendment read once more.

The PRESIDENT *pro tempore*. The amendment will be again reported.

The Chief Clerk read the amendment.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the Senator from Tennessee [Mr. JACKSON].

Mr. JONES, of Florida (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 26, nays 17; as follows:

YEAS—26.

Bayard,	Harrison,	Miller of Cal.,	Sawyer,
Call,	Hill,	Miller of N. Y.,	Sewell,
Cullom,	Jones of Nevada,	Morgan,	Vance,
Fair,	Lamar,	Morrill,	Voorhees,
Garland,	Lapham,	Palmer,	Williams.
Groome,	Manderson,	Pike,	
Hampton,	Maxey,	Ransom,	

NAYS—17.

Beck,	Dolph,	Platt,	Vest,
Cameron of Wis.,	Edmunds,	Plumb,	Wilson.
Cockrell,	Farley,	Pugh,	
Coke,	Harris,	Saulsbury,	
Conger,	Hoar,	Van Wyck,	

ABSENT—33.

Aldrich,	Colquitt,	Jackson,	Pendleton,
Allison,	Dawes,	Jonas,	Riddleberger,
Anthony,	Frye,	Jones of Florida,	Sabin,
Blair,	George,	Kenna,	Sherman,
Bowen,	Gibson,	Logan,	Slater,
Brown,	Gorman,	McMillan,	Walker.
Butler,	Hale,	McPherson,	
Camden,	Hawley,	Mahone,	
Cameron of Pa.,	Ingalls,	Mitchell,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. In the present condition of the resolution the twenty-fifth rule requires that it shall be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and it is so referred.

BILLS PASSED OVER.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under the eighth rule. Order of Business 272, being the bill (S. 1477) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C., was agreed to be passed over until next Monday. Order of Business 287, being the bill (S. 1017) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same, was also, by unanimous consent, as the Chair understands, agreed to be passed over.

Order of Business 291, being the bill (S. 764) granting an increase of pension to Abby P. Arnold, the Chair understands was to be passed over until the return of the Senator from Rhode Island [Mr. ANTHONY].

Order of Business 292 will now be read.

CINNABAR AND CLARK'S FORK RAILROAD COMPANY.

The bill (S. 1333) granting the right of way to the Cinnabar and Clark's Fork Railroad Company was announced as next in order on the Calendar.

Mr. VEST. That bill was passed over the other day and sent, without a technical reference, to the Committee on Territories. That committee considered the bill this morning, and I am instructed by the committee to say that it is not possible to discuss it under the five-minute rule, and therefore I object to its present consideration.

The PRESIDENT *pro tempore*. The bill being objected to, goes over.

TRUSTEES OF ISAAC R. TRIMBLE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 91) for the relief of the trustees of Isaac R. Trimble.

Mr. CONGER. Does that bill come up under this order?

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bill is first on the Calendar under Rule VIII. It comes up because of its position on the Calendar, and the question is on the substitute offered by the Senator from Massachusetts [Mr. HOAR].

Mr. CAMERON, of Wisconsin. I desire to inquire of the Chair whether it comes up subject to the five-minute limitation of debate.

The PRESIDING OFFICER. It was relieved from the rule confining debate to five minutes by the vote of yesterday morning, its consideration having been objected to and the Senate having then voted to proceed to its consideration notwithstanding the objection.

Mr. CONGER. Does that bill hold its place here under Rule VIII, or under the special order of the Senate?

The PRESIDING OFFICER. The vote of the Senate opens the field of debate as on any other bill, independent of Rule VIII.

Mr. CONGER. That is a special order and should come up under the rule as to special orders.

The PRESIDING OFFICER. It does not come up under the order of unfinished business. It holds its place under Rule VIII, but relieved from the limitation as to debate imposed by that rule. The question is on the substitute offered by the Senator from Massachusetts [Mr. HOAR].

Mr. CONGER. Mr. President, there was some dispute about the time of the assignment in this case and I want to call the attention of the Senate to some dates. The assignment mentioned in this report was made May 30, 1861. The President's proclamation declaring war was April 16, 1861, more than a month before this assignment and while many people in Maryland at least were in a condition of belligerency. The troops coming to Washington were assailed in Baltimore, April 19, 1861, more than a month before this assignment. Before this assignment as I have information—the evidence is not yet

obtainable, but I think it can be obtained—General Trimble was engaged in breaking up railroads leading to Baltimore, preventing the Baltimore and Ohio cars from bringing troops to Washington for the defense of the capital; and before he made the assignment, before he made this transfer, General Butler's troops were taken down the Chesapeake from Perryville because they could not pass through the line of road which General Trimble was breaking up and retarding, and passed down the Chesapeake on boats to Annapolis. It was not until General Butler had passed from Annapolis to the Relay House and made his night march from there to Federal Hill, which commanded Baltimore, that General Trimble, accompanied by his attorney who appears here of record, Mr. Wallis, who was then a member of the Legislature of Maryland which to avoid Federal interference assembled at Frederick, left the place of their opposition to the Government of the United States and for safety went South.

All these things occurred, all this open hostility, all this breaking of railroads against the coming of United States troops to the defense of Washington under the direction of General Trimble, before he made this assignment of his property, for whatever purpose it was made, and having made the assignment, having been overcome by the troops of the United States, Baltimore being occupied by General Butler from Federal Hill, General Trimble made an assignment of his property and went and joined his personal fortunes where had been his sympathies, with the confederates.

It has been said by some gentleman here who ought to be familiar with this matter that his debts and obligations for which the trustees were appointed have been satisfied and paid. If that be so, these trustees have no right to receive any money that might be coming from the United States or from any source whatever as debts. At any rate, I understand they are dead, and there are now no trustees to take if there was anything to take or anybody to give.

I have stated these things so that Senators may act advisedly when they vote to send to the Court of Claims this original bill, bristling all over with hostility and treason to the United States, for the benefit of a man who was a leader in disloyalty to his country to enable him to get pay for property of the same kind as that which he was at the time engaged in destroying to the injury and wrong of the United States all along the railroads North and South. Having made these remarks I shall go no further.

Mr. MAXEY. Mr. President, in reply to what the Senator from Michigan has stated as to the acts of General Trimble preceding the date of the assignment, May 30, 1861, the Senator from Maryland [Mr. GORMAN] yesterday placed in the RECORD the statement that the assignment was made—

Before General Trimble became connected with the Southern confederacy, when he was a citizen of Maryland, and so far as known within the law he was a loyal citizen of the United States.

Again, the judge-advocate of the United States Army who examined this case, Henry Goodfellow, under date of July, 1876, says:

January 23, 1874, the claim was again presented in the name of Mrs. Ann C. Trimble and Miss Georgianna Presstman, who claimed under and by virtue of a "deed of trust" from Mr. Trimble, made May 30, 1861, before his disloyal career.

The assignment was made May 30, 1861. In the decision in Railroad Company *vs.* Trimble, 10 Wallace, Mr. Justice Swayne, who rendered the opinion of the court, gives the date of the deed of Isaac R. Trimble as May 30, 1861. So there can be no mistake as to the date of that deed, nor on the testimony before us can there be any mistake that at the time Mr. Trimble made that deed he had in no wise connected himself with the confederacy or rendered any act of aid or comfort thereto. But the impression was attempted to be made yesterday that because Mr. Trimble subsequently to May 30, 1861, joined the confederacy and shortly thereafter, therefore there must have been a hostile intent. I endeavored to make the point yesterday that if the deed was made in good faith on the 30th of May, 1861, it carried with it all the title which Trimble had and vested it in his trustees, and that a court of judicature, the district court of the United States for Maryland, had so decided upon the facts and upon appeals to the Supreme Court of the United States, the court of last resort had affirmed that decision; and I assumed that this judicial investigation made into all the facts was better evidence than could be had now.

Mr. MCMILLAN. The Senator from Texas will allow me to call his attention to the case decided by the Supreme Court. The Supreme Court did not pass upon the validity of this deed of trust, as it is termed. That was passed upon in the court below, perhaps so far as its execution was concerned as a matter of fact, and the Supreme Court of the United States did not pass upon the deed at all in the case before it. It assumed the facts from the finding of the court below, and the only questions decided by the Supreme Court of the United States were that the conveyance which was claimed by Trimble's partner was not valid and that the title to the patent was in Trimble, but it does not appear in the record of the case in the Supreme Court, nor does it appear in the report of the Senate committee whether in fact Trimble had a title to this patent for the territory of the District of Columbia or the State of Virginia. There is no reference to that question at all.

It appears that there was a conveyance from Howe, the original patentee, to Trimble, but it was for certain territory. What territory does not appear in the report of the case contained in the authority referred to by the Senator from Texas, nor does it appear in the report made to the Senate by the Committee on Military Affairs. So far as that is concerned we know nothing as to the fact of Trimble's title to this patent within the territory of the District of Columbia or the State of Virginia where this bridge was used by the War Department.

Mr. MAXEY. Now let us look at the case simply as a naked, cold proposition of law. The trustees of Isaac R. Trimble, who are the claimants here, instituted their suit in the district court of Maryland against a certain railroad company for the purpose of recovering from that company the royalty to which they were entitled or claimed themselves to be entitled to by reason of the use by that company of the Howe truss claimed by these trustees to be theirs. The railroad defendant set up a deed which had been executed but which had never been carried into effect, to a man whose name I think was Scott. The Supreme Court examining that deed said it was an utter nullity, that Scott never having in any manner complied with any of its terms, having abandoned his contract, it left the title where it had been, in Trimble; and mark you that was before Trimble's assignment to these trustees; and then the court go on to say:

The deed of Isaac R. Trimble, of the 30th of May, 1861, conveyed all his rights under the patent, whatever they may have been, to the grantees in that instrument. If his title was sufficient theirs is so. This was not controverted by the counsel for the plaintiffs in error, and needs no further remark.

So the case went in favor of the trustees of Trimble. It came to the Supreme Court of the United States and was there affirmed. That is the state of the case, as I understand it.

Now I want to go further. Let us see what the question was; and certainly in this matter any one who will take the trouble to read these reports will see that there was a very thorough investigation by Mr. Goodfellow of all the facts, and then when it went to the Treasury Department here was the point made there:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
December 19, 1878.

It is not contended that any contract, arrangement, or understanding was entered into on the part of the United States to secure the right to use the patent. The claim is therefore a claim for damages for alleged invasion of a patent right. Of such claims the accounting officers of the Treasury have no jurisdiction.

For want of jurisdiction the claim is disallowed.

What jurisdiction? Why, that in the nature of the claim, as Mr. Gangewer, the acting Third Auditor, understood it, it was not a claim upon a contract, but was a claim for the use without authority of a patent right, an invasion of that patent right, and therefore the claim was a claim for damages, and being an unliquidated claim for damages was not within the power of the Treasury Department. That was the cause of its rejection:

For want of jurisdiction the claim is disallowed.

Disallowed why? Because they regarded it as a claim for damages, and not a claim *ex contractu*. That was the point they made. On that Mr. McCrary, then Secretary of War, and for whose legal opinion I have the highest respect, says in a letter dated December 9, 1879:

The papers in the claim of the trustees of I. R. Trimble, of Baltimore, Md., for the use by the United States of a patented improvement described as "Howe's patent truss" for bridges, are, at the solicitation of claimant's counsel, respectfully returned to the accounting officers of the Treasury with a recommendation for reconsideration.

That was after the Third Auditor had placed his rejection on the ground that the claim was for damages instead of a claim under contract. Then Mr. McCrary adds:

The claimant's counsel contend that it could not have been the intention of this Government to use the patent right in question without an implied engagement to pay for such use. This view entirely commends it to my judgment, but I must leave to the accounting officers the question of law whether the executive branch of the Government can now adjust this claim.

He says that it could not have been the intention of the Government to use the patent right in question without an implied engagement to pay for such use, and that that view entirely commends itself to his judgment, as it does to mine. In the decision of the Supreme Court they say that the entire use of the patent, the entire right of Mr. Trimble in the Howe patent truss passed to and vested in the trustees. Therefore the point in regard to the right in the District of Columbia is a new one that I never heard of before. If the entire right did pass, it devolves on those who dispute the right in the District of Columbia to show that there were exceptions in the deed which excepted the District of Columbia, but a general transfer of a patent right carries with it necessarily the entire right which the United States may confer upon the patentee by reason of its having conveyed to him the patent right. That seems to me clear.

Something has been said about the disloyalty of General Trimble. What on earth has the disloyalty of General Trimble to do with this case? If the deed was made in good faith to the trustees, then the disloyalty or loyalty of General Trimble neither makes this case worse nor better. The loyalty or disloyalty of the trustees might be a question that might be considered, and that has been passed upon.

Mr. MCMILLAN. They are both dead, as I understand, and the whole interest in this claim will go to General Trimble himself.

Mr. GROOME. No.

Mr. MAXEY. I understand that both the trustees are dead; but if the Senator will observe the bill, it is a bill for the benefit of the trustees of Isaac R. Trimble, and I have never known where a trust died for want of a trustee, and the courts so far as that is concerned will make trustees for the purpose of executing the trust. There is no point in that.

But it is said that Mr. Trimble will get some benefit from this. The report of the quartermaster, Mr. Ludington, says that "this deed transferred all his property on the following trusts," and the Supreme Court say that by virtue of this deed his entire right to the Howe truss passed. For what purposes? What were the trusts?

First, to pay all his debts; then to hold for the use and benefit of Mrs. Trimble; and thirdly, to convey to her appointees.

First, to pay all his debts, and the loyalty of his trustees has been proved by testimony which the Senator from Maryland says is incontrovertible. I am not acquainted with Mr. J. Morrison Harris, but I have no doubt of the absolute truth of the statement of the Senator from Maryland that he is a loyal Union man, has been always true and his word is as good as anybody's. He vouches for the loyalty of the trustees. The judge-advocate's report shows that the creditors filed their claims and their loyalty was established by good and credible witnesses of the city of Baltimore and State of Maryland, and the creditors are the persons to be paid. Then you have the statement of the Senator from Maryland, supplemented by that of the Senator from Delaware, that General Trimble was involved, and that the amount of this claim, which is a small one at best, is nothing like sufficient to pay the creditors, and as the creditors have to be paid first before anybody else can receive anything and as there is not enough to pay the creditors, I think this objection is carrying it down very low, to a remote cause that does not count in law.

I have said all I care to say.

Mr. GROOME. Mr. President, the course of discussion on this bill yesterday and to-day would indicate to any Senator who had not examined the case that the committee of the Senate, to whom in the last and in the present Congress this matter has been referred, had not examined into and ascertained the facts upon which the bill is based. The bill proposes to refer to the Court of Claims the claim of the trustees of Isaac R. Trimble for the use of the Howe patent truss by the Government of the United States in the construction of the bridge over the Potomac River.

Most of the facts upon which this claim is based are clear and incontestable. There is no dispute whatever as to the validity of the patent of the Howe truss. There is no dispute whatever that prior to May 30, 1861, Isaac R. Trimble was the owner of that patent as to the State of Maryland and other adjacent territory, part of it being the District of Columbia. There is no dispute that upon May 30, 1861, Isaac R. Trimble made a valid deed of assignment of all his property to his wife and her sister as trustees, first for the benefit of his creditors, and then to hold for the use and benefit of his wife, with power in her to convey to her appointees.

This has been fully settled by the decision not only of the United States district court of Maryland, but in a contested case by the Supreme Court of the United States; and the Senator from Minnesota is wrong in saying that the validity of this deed has not been passed upon by the Supreme Court of the United States. In the case in 10 Wallace, which was quoted yesterday and again to-day, the prayer to the court, upon which the plaintiffs were allowed to recover, required that the jury should find that the deed of May 30, 1861, was duly executed, delivered, and recorded. Unless the jury so found the plaintiffs could not recover; and the jury did so find, and the plaintiffs recovered judgment against the Philadelphia, Wilmington and Baltimore Railroad Company.

Mr. MAXEY. Allow me to state one point. The railroad company being the defendant in fact, if these trustees had not been entitled to the judgment, would it not have been the policy of any good lawyer acting for the railroad to raise that point?

Mr. GROOME. That goes without saying.

Mr. MCMILLAN. If the Senator from Maryland will permit me to interrupt him, that was in the court below, and was the instruction given by the court below to the jury; and the question was assumed of course in the Supreme Court on the appeal there. The Supreme Court did not pass upon the validity of that deed.

Mr. GROOME. The questions of fact are always decided in the United States courts in the court below. The execution, delivery, recording of the deed of May 30, 1881, were facts which the court below said it was absolutely essential to establish in order that there should be a finding for the plaintiffs, and the jury did find for the paintiffs, and no attempt was made in the Supreme Court of the United States to except to the correctness of that finding so far as the establishment of those facts was concerned. The attempt of the counsel for the railroad company in the Supreme Court to reverse the decision of the court below was made upon other grounds. So the validity of this deed was absolutely established in that suit as between the parties to it. By the letter of the judge-advocate, contained in the report, it also appears that the validity of said deed was recognized in the case of the United States *vs.* The Real Estate of Isaac R. Trimble.

We see also by this report that it was established in what appears to be another proceeding in the United States district court of Maryland; and the Senator from Delaware [Mr. BAYARD] informed us yesterday in his remarks that its validity was attacked in a court in Delaware and that its *bona fides* was fully established by that court. So then there is no possible question as to the *bona fides* of this deed; which, as the Supreme Court say expressly, in the case in 10 Wallace, by its phraseology conveyed not only all the other property of Isaac R. Trimble, but conveyed his interest in this patent to the trustees named in the deed, who were his wife and his wife's sister, for the benefit of his creditors, as already stated.

Mr. HARRISON. Will the Senator from Maryland allow me to ask him whether it could have been possible in either of the cases to which he refers that the particular matter affecting the *bona fides* of this assignment which has been mentioned in this debate could have been tried at all? Those were suits against individual users of this patent. How could they set up the defense which has been suggested here that this transfer was made by General Trimble with a view to going into the confederate army, renouncing his allegiance, taking up arms against the country, and as a mere cover to protect his property? An individual user could not have made that defense.

Mr. GROOME. Unless the parties plaintiff in that case had a title to the patent they could not have recovered in the Supreme Court of the United States, and they did recover as the owners of the patent.

Mr. MAXEY. The Senator will permit me to say that while the loyalty or disloyalty of Mr. Trimble was not a question before the court, the validity of the deed of assignment was the essential question before the court, for had it not been good the trustees had no standing in court.

Mr. HARRISON. Yes, but it is one question whether it might not be good against the railroad company that was sued, and quite another question whether when they come to appeal to the grace of this Government to pay, the relations of the claimant were such to the Government as ought to justify us in paying.

Mr. GROOME. The claimant in this case, the Senator from Indiana seems to forget, is not Isaac R. Trimble. If Isaac R. Trimble had been the owner of this patent at the time that he joined his fortunes with those of the Confederate States or at any time thereafter during the war, the Government might if it had been so disposed by appropriate proceedings have confiscated not only the patent right but all his earnings under that patent right; but having failed to do so *in flagrante bello* the right ceased under the law of nations after peace had returned to our land, although the Government might practically still have arrived at the same result so far as any earnings for the use of the patent right by the Government were concerned, by refusing to recognize any right on his part to assert a claim for such use, because of his disloyalty.

But it is too plain for controversy, as I have already said, that Isaac R. Trimble was not the owner of the patent at that time. Being in insolvent circumstances, as the Senator from Delaware has stated was the case, to his personal knowledge, in May, 1861, he transferred all his property of every kind and every description to trustees for the benefit of his creditors, as an honest man under those circumstances should have done; and if, being in desperate financial straits, he afterward attempted to better his fortunes by going into the army of the confederacy, that fact can not be used to the prejudice of any prior grantee of his. There is no plainer and better settled principle of law than that the grantor by no act of his subsequent to the grant can impair or prejudice the title which he has conveyed to his grantee.

Mr. WILSON. I should like to ask the Senator a question. I understand that Mrs. Trimble is dead.

Mr. GROOME. Such is the fact, as I heard yesterday for the first time.

Mr. WILSON. If that were not the case, can the Senator state to what extent she would have been interested in whatever might be recovered on the adjustment of this claim?

Mr. GROOME. I can not state accurately, but I can state this, that it appears distinctly from these papers that there were a considerable number of claims against the estate of Isaac R. Trimble which were presented to the proper Department here for payment, under this deed of trust. Of one of these claims, and of only one, is the amount stated in this report, and that claim is $9,000. Assuming for the sake of argument that that is the only claim against Isaac R. Trimble which is payable under this deed of trust, then his wife would have been entitled to one-fifth of the dividend upon that claim. That is the extent of her right.

Mr. WILSON. That being the case, I should like to ask the Senator from Maryland this question: Does not Isaac R. Trimble succeed on the death of his wife to more or less of the interest which she would have had in this claim, were she now living?

Mr. GROOME. That question I am unable to answer, for this reason: The law of Maryland (except, I believe, in cases where his marital right had attached before 1861) authorizes a married woman by her last will and testament to deprive her husband, against his consent, of any interest in her separate estate, if she chooses so to do. In the excepted cases she can only do so where his consent is subscribed to the will. But this very deed of trust which we are considering gives her the power to designate by appointment any one to receive any interest

that she might take under the deed of trust. These things being so, and having no information whether or not Mrs. Trimble made a will or exercised her power of appointment, it is impossible for me to say whether or not Isaac R. Trimble will receive any part of this money; but it is perfectly apparent that he could only receive the one-fifth even on the assumption that the $9,000 claim is the only one against the trust estate.

Mr. WILSON. Then, Mr. President, we have arrived at this feature of the case, that at least it is doubtful whether Isaac R. Trimble——

Mr. HOAR. Does it appear that he was insolvent when he made the deed of trust?

Mr. WILSON. I am not aware as to that. We have arrived at this point, that at least it is doubtful whether or not Isaac R. Trimble is a party in interest in this claim as it now exists. We can not determine that. But suppose he is a party in interest by succession from the estate of his wife; if he could go to the Court of Claims under existing law, he would be required to establish his loyalty to the Government before he would be entitled to recover judgment in that court; but this bill proposes to send him there with the status of a loyal claimant, because under the operation of the bill reported by the committee he goes there without the necessity of proving loyalty to the Government. That will be the effect of this bill if Congress shall pass it and send the claim to the Court of Claims under its operation.

Mr. GROOME. In answer to what the Senator from Iowa has said, I wish to say, although it is but a repetition of what was said yesterday, that the loyalty of the trustees of Isaac R. Trimble has been demonstrated to the satisfaction of the proper officer of the War Department and by testimony of the highest character. Mr. J. Morrison Harris, a former member of Congress from our State, and who received the solid vote of the Republican party in Maryland in 1875 as a candidate for governor, has vouched for that loyalty to the best of his knowledge and belief, and the judge-advocate has treated the proof upon that point as complete.

The case presented then is this: that these trustees were perfectly loyal parties; that they were entitled up to the moment of their death to receive this money from the Government of the United States, and as they were entitled to receive it they had as perfect a right to transfer any interest they had in it as any other citizens of the United States.

Mr. WILSON. If the Senator will allow me——

Mr. GROOME. I should like to conclude this point.

Mr. WILSON. I do not wish to interrupt the Senator.

Mr. GROOME. There is no principle of law, I take it, better established than that a grantor can convey to his grantee as good a title as he possesses, and it would be extremely unbecoming in the Government of the United States where non-combatant women had a perfectly valid title against the United States to compensation for the use of a patent which belonged to them in trust, to refuse to pay that debt because those ladies or one of them chose (if such be the fact) to transfer, by last will or otherwise, her interest therein eighteen years after the war to a person who was once disloyal.

Mr. WILSON. Now, if the Senator will allow me, if Isaac R. Trimble has succeeded to anything in this case it is not to definite property nor to a sum of money in kind, but to a claim against the Government, which the Government in its grace may allow or not. It is not a thing in possession, nor a thing that can be enforced without permission of the Government. Consequently it is in the nature of a claim. In order to enforce that claim or any other similar claim it would be necessary for Mr. Trimble to prove his loyalty to the Government in a proceeding in the Court of Claims; but that is to be avoided by the terms of the pending bill by sending him there with a clean record so far as loyalty or disloyalty is concerned. As the Senator from Massachusetts suggests, the assignment of a claim against the Government is void by our present law, and we have got to relieve it of that character, as we should by implication by the passage of such a bill as this.

Now, sir, inasmuch as it is a claim and inasmuch as it can not be assigned under existing law, but must go to the Court of Claims for allowance unless Congress shall allow it otherwise, it would be necessary for the claimant to prove his loyalty to the Government, and it is here admitted that he was not loyal. In order to avoid the force of that position this bill is in such shape that it proposes to send him to the Court of Claims as though he had always been a loyal man. That question does not go to the court for its investigation and determination.

Mr. GROOME. The bill does not propose to send General Trimble to the Court of Claims or anywhere else. It proposes to send the trustees, who derived their title before General Trimble entered the confederate service, to the Court of Claims to establish a claim which is believed to be a perfectly valid one, and when their loyalty is fully established. General Trimble has no claim against the Government which existed at the time of the war. His only claim, if he has any at all—and about that we have no knowledge whatever, and are discussing in the dark, comes from the fact that his wife made or did not make an appointment under this deed of her interest in this estate when she died a few months ago. Any title he has is derived from her. Her title was perfectly good as against the United States, and it would be a very inequitable defense if they would attempt to make the title which she has conveyed to him less valid than the one she possessed at the time of the conveyance, if we assume that she made one.

Technically the Senator from Iowa is right when he says that an assignment of a claim against the United States is void; but this is no such assignment as is contemplated by the law. It is a devolution upon him by the death of one of the trustees of her interest in the estate, if she made the appointment in his favor, which it is assumed in this debate she did.

But criticism has been made upon the fact that Mr. Trimble is alleged to have made this claim in his own name in the year 1873. I think there must be some error as to his intention to be understood as making the claim in his own right. He certainly could not have expected for one moment to receive in his own right this money from the Government of the United States. The case in 10 Wallace shows plainly that litigation had occurred before that in the district court of Maryland, in which the deed of trust was set up and sustained as a valid instrument, and which had ended in December, 1870, and that in that case Isaac R. Trimble was a nominal plaintiff in conjunction with the two trustees. In view of that fact it seems to me inconceivable that he could have intended to assert this claim in the Department at Washington in his own right. But whether he did so intend or not he could not by so doing prejudice the rights of those to whom he had already granted the interest he had before the war in this patent.

There are other things I should like to say. For example, I should like to call the attention of the Senator from Michigan to the fact that as a Senator from Maryland I never knew——

Mr. HOAR. May I ask the Senator a question of fact before he sits down, for the better understanding of the case? I desire to ask the Senator what this claim is for. It is said in the report that it is for the use of this patent in the years 1860 and 1861, or the use of the right under the patent. Now, is it a claim for the infringement of the patent under the assignment to the trustees, or for the infringement of the patent before the assignment to the trustees?

Mr. GROOME. It is a claim, as I understand it, for the use of the patent after it was assigned to the trustees?

Mr. HOAR. How could they have a claim for use in 1860 when they did not get the assignment until May, 1861?

Mr. GROOME. The report states that it was in 1861 and 1862, as you will see.

Mr. HOAR. No; 1860 and 1861; the second sentence of the report.

Mr. GROOME. 1861 and 1862, the second sentence of the report says.

Mr. HOAR. It is not so here.

Mr. GROOME. It is so in the copy I hold in my hand—

This is a claim heretofore stated at $6,081.88 for royalty on the Howe truss-bridge built over the Potomac River in 1861-'62, being a part of the "Long Bridge."

Mr. HOAR. I know; but just read the first sentence above there, beginning

The trustees of Isaac R. Trimble.

Mr. GROOME. I see now; but that is the statement of the committee. I look to the letter of the official of the War Department in which he states the facts, and from which the committee got their information.

Mr. HOAR. Which is true?

Mr. CAMERON, of Wisconsin. That is not the statement of the committee. That is a copy of a communication signed by Henry Goodfellow, judge-advocate. The committee, however, states that it was in the years 1860 and 1861.

Mr. GROOME. The committee had the official papers as furnished by the War Department. Those official papers give them their information of facts. The very paper to which they must have looked for their facts states that this work was done in 1861 and 1862. That is all I know about it.

Mr. MILLER, of California. The bridge was not built until after the war began in 1861, or at least that part of it to which this patent truss was applied.

Mr. GROOME. I understand it was built during the war. I will only add one remark, that the Senator from Michigan is in error in supposing that Hon. S. T. Wallis ever went South during the war. He went North on compulsion, being sent to one of the forts of our country on the vague charge of disloyalty after the Maryland house of delegates, of which he was a member, had voted by an overwhelming majority that it had no right to pass an ordinance of secession.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts.

Mr. HOAR. Mr. President, it seems to me that it is very important to settle whether this committee are right in their facts. They report as their finding:

The trustees of Isaac R. Trimble claim that the United States are indebted to them for the use of Howe's patent truss in the construction of the Long Bridge over the Potomac River, at this city, in the years 1860-'61.

It is true that in one of the letters from the War Department the date is spoken of as 1861-'62. It does not appear what part of 1861, whether before or after the deed of assignment, which was at the end of May, 1861, when five months of the year had expired. Here is the petition

and claim of the trustees themselves, signed by these ladies, Ann C. Trimble and Georgianna Presstman:

Petition and claim of the trustees of I. R. Trimble for the use of Howe's patent truss in the construction of the Long Bridge over the Potomac River at Washington city, D. C., in 1860-'61.

This is on the third page of the report, so that it comes as a claim stated by the claimants to have accrued in those years. It is reported by the committee to have accrued in those years, and although the letter of the Secretary of War states that it accrued in 1861-'62, it does not show whether any of it, and if so how much of it, accrued before May 30, 1861, if we were to take that as the correct date.

Mr. MAXEY. If the Senator from Massachusetts will permit me, I wish to say that he will find the report of M. I. Ludington, quartermaster United States Army, dated April 25, 1873, who says:

Case of I. R. Trimble, for patent fees on Howe truss spans in Long Bridge over Potomac River, erected under the supervision of General McCallum, 1861, as per items enumerated, $3,535.96.

Mr. HOAR. What time? That is a very long document. In what part of it is this statement?

Mr. MAXEY. I will show it to the Senator.

Mr. HOAR. I have seen that; it is the same thing; I just quoted that.

Mr. HAMPTON. If the Senator will refer to page 3976 of the RECORD he will find a paragraph in a letter from Ludington in which he says:

I find that $20,000 was appropriated for the repair of Long Bridge August 6, 1861 (volume 12, page 327), and the money was expended by B. B. French, then Commissioner of Public Buildings and Grounds.

Mr. MAXEY. That is in the same letter of April 25, 1873.

Mr. HOAR. It is very important that we should be sure of that, because if this is a claim any portion of which originally vested in Trimble himself, its assignment to anybody is expressly prohibited by law. A statute passed in 1846, and amended in 1853, provides—

That all transfers and assignments hereafter made of any claim upon the United States, or any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void, unless the same shall be freely made and executed in the presence of at least two attesting witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof.

This case would come within that statute if any part of the claim was an original claim of Trimble. We must be asked, in order to give authority for its payment, to ratify in behalf of the assignor, who could not prosecute the claim in his own name if he had not assigned it under the existing law, a void assignment to the benefits of which he has wholly or in part now succeeded, which would be a fatal objection. It would also be a fatal objection as the statute is drawn in the Court of Claims, because that only authorized the claim of the trustees to be settled. If, however, this report by the committee is an inadvertent one in regard to the matter of the date, and if the statement of the claim also is an inadvertent one in regard to the matter of the date made by the claimants themselves, and this is a claim simply which accrued to the trustees to whom the patent had been assigned after the assignment by reason of the infringement of a patent which was their property, it presents a very different case, and a very different case from the one which has been discussed.

Mr. HAMPTON. If the Senator will allow me——

Mr. HOAR. I yield the floor.

Mr. HAMPTON. The Senator makes the point that this truss was used before the assignment.

Mr. HOAR. The Senator will pardon me. I merely put a question, and will state it again. The committee say in the very first sentence of their report, with the exception of a single line, that this accrued in 1860 and 1861, and the claimants, whose petition is set forth at the bottom of the third page of the report, say that it accrued in 1860 and 1861. Trimble did not make his assignment until the 30th of May, 1861. Then if that be true the claim vested in Trimble before the assignment as a claim against the United States, and under the law he could not lawfully assign it to anybody; and by this bill the Court of Claims would either be obliged to say so, or if this bill was treated as validating and confirming that assignment, then it would have the effect of confirming an assignment which was void in law, not for the benefit of the assignee, but for the benefit of the assignor who has succeeded to the right under it, in whole or in part.

If, on the other hand, the statement of the officer of the War Department that it accrued in 1861 and 1862 is to be taken as a fact, so that a portion of it certainly accrued, if not the whole, after the 30th of May, 1861; then it seems to me that it meets all the objections which have been raised in debate, including the objections which I raised yesterday; because if a person who afterward went into the rebel army made an assignment of a patent right under which there was no claim against the Government or anybody, and his trustees and creditors, being then loyal persons, acquired a claim against the Government by reason of the Government's infringement, it would seem to me that the mere fact that the person who engaged in rebellion inherited that claim afterward from his wife is no reason why we should not pay it. We never have adopted the policy that we would prohibit a person who went into the rebellion from afterward inheriting property, whether a claim against the Government or anybody else, from a loyal person. So it seems to me that fact is a turning point in the case.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. CONGER. Mr. President, I have here in this report Mr. Trimble's own statement, which for this purpose I take to be correct:

On the other hand, Mr. Trimble presented statement of the account June 23, 1876, which is rather larger than the original statement of the Quartermaster-General. Mr. Trimble's statement is $3,932. He further states that in similar cases those who use the patent without leave have been charged with royalty and interest. He therefore adds $2,830 interest to February 7, 1873; total, $6,762.

* * * * * * *

THIRD AUDITOR'S OFFICE, *February* 23, 1882.

Extract copy of paper on file with claim No. 50688.

A. M. GANGEWER,
Deputy Third Auditor.

The claim $6,081.88, being	$3,535 96
With interest from 1861 to February, 1873, twelve years	2,545 92
	6,081 88

So his claim commenced running February, 1861.

The PRESIDING OFFICER. The Senator from Michigan will please suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, on which the Senator from Missouri [Mr. VEST] is entitled to the floor.

Mr. CONGER. I hope the Senator from Missouri will allow me to add one sentence.

The PRESIDING OFFICER. If there be no objection, the Senator will proceed.

Mr. CONGER. This claim, as presented by Mr. Trimble himself, included interest for twelve years up to February, 1873. That twelve years, by his own statement, commenced February, 1861, before any of these transactions. It is repeated again here. The claim was referred to Quartermaster M. I. Ludington, and he says:

BARRACK AND QUARTERS BRANCH,
Quartermaster-General's Office, April 25, 1873.

Case of I. R. Trimble, for patent fees on Howe truss spans in Long Bridge over Potomac River, erected under the supervision of General McCallum, 1861, as per items enumerated	$3,535 96
Interest to February, 1873 (twelve years)	2,545 92
Total	6,081 88

That is the claim that Mr. Trimble himself presented in his own name which was rejected. If he can not be bound by what he says himself it is because he is unworthy of credit with this body.

Mr. GROOME. With the consent of the Senator from Missouri I should like, through the Chair, to inquire whether any other Senator desires to be heard upon the Trimble bill, and, if not, I should like to ask that the pending order be laid aside informally long enough to allow a yea-and-nay vote to be taken.

The PRESIDING OFFICER. The Senator from Maryland desires to know if the debate upon the Trimble bill has been closed, in order that he may ask unanimous consent to lay aside temporarily the unfinished business until the vote can be taken upon the bill.

Mr. CONGER. It has not quite closed.

The PRESIDING OFFICER. The debate is not closed.

Mr. GROOME. Then I do not desire to make the request.

AMERICAN SHIPPING.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1448) to remove certain burdens on the American merchant marine, and encourage the American foreign carrying trade, and for other purposes.

Mr. MCPHERSON. Before the Senator from Missouri proceeds with his remarks, I should like to offer an amendment to the amendment of the Senator from Missouri to the shipping bill.

The PRESIDING OFFICER. Does the Senator from Missouri yield the floor for the purpose indicated?

Mr. VEST. Yes, sir.

Mr. MCPHERSON. I send up my amendment.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey will be read for information and printed, if desired; but the amendment of the Senator from Missouri has not yet been offered to the bill and is not pending.

Mr. VEST. Oh, yes.

Mr. MCPHERSON. I thought it had been offered.

The PRESIDING OFFICER. It has been submitted and printed and laid on the table. It is in order for the Senator from Missouri to offer it at this time and make it the pending amendment.

Mr. VEST. I offer it.

The PRESIDING OFFICER. The amendment of the Senator from Missouri will be reported.

The CHIEF CLERK. The proposed amendment is to add as additional sections to the bill:

SEC. —. That section 2513 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 2513. All or any part of the materials, whether wood, steel, iron, copper, yellow metal, bolts, spikes, sheathing, treenails; canvas for sails, whether flax or cotton; rigging and cordage, whether hemp, manila hemp, or iron wire; anchors and cables; iron plates, castings, and forgings; angle-irons, beams, masts,

yards, rivets, bolts, nuts, screws, engines, boiler plates and tubes, and machinery, and all other materials and appliances which may be necessary for the construction and equipment, in whole or in part, of vessels, whether steam or sail vessels, to be built and furnished in the United States after the 1st day of January, 1885, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purpose, no duties shall be collected or paid thereon."

SEC. —. That from and after the 1st day of January, 1885, any citizen or citizens of the United States may purchase the whole of any steam or sail vessel, no matter where said vessel may have been built, whether within the United States or in a foreign country, or whether said vessel may have been owned in whole or in part by an alien or aliens; and said vessel shall be registered free of duty as to her hull, spars, appliances, outfit, and equipment (including boilers, engines, and machinery, if a steam-vessel), as a vessel of the United States, by the collector in any port of entry of the United States to whom application for such registry may be made by said citizen or citizens, in the same manner as though said vessel had been built in the United States.

Mr. MCPHERSON. Now I offer my amendment to the amendment.

The PRESIDING OFFICER. The Senator from New Jersey offers an amendment to the amendment of the Senator from Missouri. It will be read.

The CHIEF CLERK. Add to the proposed amendment the following proviso:

Provided, That such ship shall be excluded from the coastwise trade.

Mr. VEST. Mr. President, however much the friends of the amendment before the Senate may desire to avoid any partisan discussion or to escape any debate in regard to the tariff system of the country, the course of the debate yesterday evidently shows beyond any question that such desire can not possibly be carried out or any such object attained. Whenever the subject of "free ships" is mentioned the advocates of the high protective tariff now prevailing in the United States immediately take the alarm and assume that the free-traders, as they are termed, those of us who favor a tariff for revenue, are attempting to break down the tariff system.

Mr. President, free ships do not necessarily affect the high protective system that now obtains. All we ask with regard to the merchant marine of the United States is that an American citizen may be permitted to buy a ship wherever he can buy it to the best advantage. All we ask is that the limitations put upon the purchase of ships by an American citizen may be removed.

It is frequently objected that if a ship is permitted to come into the United States free of duty, a complete and finished ship, this is an exemption from the general tariff system now on our statute-book; but if Senators will for a moment consider the difference between the admission of materials or ordinary articles embraced in the tariff and the introduction or admission of a completed ship which must go upon the seas and compete with free trade the world over, the objection would be seen at once to be unavailing.

The American importer or the American merchant who pays the tariff duty upon cloth or upon leather or upon iron or any other commodity mentioned in the tariff schedules can recoup that duty off the purchaser in the domestic market; but the American who buys a finished ship can not recoup the amount that is put upon that as duty, because he is bound to run that ship at the rate of freight paid to the ship-owners of England, Germany, and the other free-trade nations of the world, and fixed by them, and he can not recoup the amount of duty paid by him on his ship from any source.

Mr. PLUMB. Can not the ship-owners place themselves on an equality by buying an English ship just as well as by buying an American ship?

Mr. VEST. Of course, but I have been under the impression that we were now discussing and inquiring how to build up the merchant marine of the United States.

Mr. PLUMB. Unless we can give some inducement which does not now exist, will not our capitalists instead of putting their money in our ships put their money into British ships, thereby making greater profit?

Mr. VEST. The very thing that I propose to do is to take off the restriction and prohibition which compels an American citizen to put his money into British ships. As the law now stands and under the system which the Senator from Kansas advocates, an American citizen is forced to buy a British ship and he must sail it under the British flag. He can not bring it into the foreign trade of the United States under existing laws. The difference between the Senator and myself is that I want to give an American citizen, who acts either from patriotic or selfish or mercenary motives, the privilege to purchase in a foreign market; and the Senator from Kansas refuses him that privilege. That is the sole question. That is the very essence and gist of this whole discussion.

The Senator says why not give him inducements? I am attempting to do it. But why offer him inducements when you have laws which say he shall not purchase a British ship, that he shall go to Mr. Roach in order to buy one, that he shall pay 30 per cent. more in order to get a vessel built by an American builder instead of going to England for it. Why talk about inducements when you have a Procrustean and iron rule which shuts out the American purchaser from the British markets. I mention that because it is the largest ship-building market in the world.

What we need to-day in the United States is absolute freedom. We have all to gain and nothing to lose. What we need is that the last restriction shall be taken off the people of the United States in order that they may buy if by any chance they can be induced to buy on any terms so as to put the American flag over our merchant marine.

For years we have heard the cry that next year would see a revival of American shipping. What would be thought of the physician whose adherence to old prescriptions which daily brought his patient nearer the grave, and refused to change because he followed the system laid down in his books or pursued in the former practice of the profession?

What we need to-day is absolute freedom and markets for the overproduction of the people of the United States. Ships are the children of commerce and not its parents; ships are the instrumentalities of commerce and not its origin. We are to-day suffering from overproduction. With fifty-odd millions of people, with unrivaled energies and resources, the Senator from Kansas and the school to which he belongs would shut us out from the markets of the world because, as I said yesterday, and I repeat it to-day and it can not be answered, when an American ship-master arrives at a foreign port and undertakes to purchase from that people or to barter with them for the productions incident to their climate and soil, he must do it with reference to a high protective and exclusive tariff in his own country.

Mr. PLUMB. Inasmuch as the Senator has referred to me as a defender of the system of tariff, will he please explain to me, in accordance with his argument, how he is going to make a market for American products by allowing American capital to buy British ships and thereby build up British ship-yards and make markets abroad rather than at home?

Mr. VEST. We are told always that we must build up American ship-yards; how many have we built up? How much have we built up?

Mr. PLUMB. We have not built up as many as we ought; that has been undoubtedly the vice of our legislation. I am willing to go as far as the Senator, I think, in everything that will correct that, but I do not believe in building up the American ship-yards by adopting a policy that will build up instead the British ship-yards and leave us without even the small business we have now.

Mr. VEST. Why does the Senator say it will build up only British ship-yards? Is that the experience of the world?

Mr. PLUMB. If it will not build up British ship-yards it will be because our people will not buy British ships under a "free-ship" bill, and then it will be an idle thing entirely.

Mr. VEST. I say free ships will build up American ship-yards, which your present policy has not done, and the official reports which I read yesterday from the Register of the United States Treasury show that it has not done it.

Mr. PLUMB. Does the Senator mean to say that giving the privilege to buy British ships will build up American ship-yards?

Mr. VEST. I do, most emphatically and distinctly.

Mr. PLUMB. I should like the Senator to go into details on that subject.

Mr. VEST. With the greatest pleasure. It is my purpose to explain that very proposition. I say that to-day instead of the American ship-yards being built up, the Register of the Treasury shows that they are building less iron ships than they did last year under your system; that instead of increasing they are decreasing. What has been the experience of the world in this regard? Germany had the same system which the Senator advocates, and what is the result?

Mr. PLUMB. Let us have this thing understood. I agree with the Senator that we have by reason of antiquated and, as he described them yesterday, destructive laws, put burdens on ship-builders and ship-owners. Those, I agree, ought to be removed. But he is not willing to remove those and trust to that to build up the manufacture of ships by American mechanics and American capital; but he wants, having taken them off, to go beyond that and authorize the buying of British ships by Americans. I want him to state how that particular feature of his policy, not the taking off these other burdens about which there is no question, but how the privilege of buying ships constructed in British ship-yards is going to build up American ship-yards.

Mr. VEST. If the Senator had possessed his soul in patience for a very few moments I would have answered him satisfactorily I think, to an impartial auditor. I was proceeding to give an example and in the same sentence give reasons why the same results would follow in the United States.

To-day we are building comparatively no iron ships, and until some such ships belong to the merchant marine of the United States our condition will become worse and worse as it has for the last twenty years. The one great thing to-day desirable is to turn the attention of the people of the United States to the ocean and cause them to become interested in the merchant marine. I state that so far as I am concerned I care not where the ships are obtained, because if they are obtained in Great Britain or elsewhere their presence in our merchant marine under the flag of the United States will create an interest with our people, will cause our capital to be invested in ships, and will be infinitely preferable, no matter where the vessels are built, to the present condition of affairs.

If anything is to be learned from example and from precedents, let us look to the case of Germany. Germany had a few years ago the same system which the Senator advocates, and Hamburg and Bremen sent

out a few fishing smacks and they alone kept afloat the German flag. I want to call the attention of my friends on the opposite side of the Chamber to this fact: they say that dear labor causes the absolute impossibility of our building up an iron merchant marine. The labor of Germany was and is cheaper than that of Great Britain, and yet Germany could not compete with Great Britain in building up a merchant marine, and what did she do? Did she stand upon her navigation laws? Did she do as the Senator from Kansas wants us to do to-day, rely upon legislation of the time of Richard II and re-enacted in the United States in 1790? The Germans under the lead of Bismarck repealed their navigation laws, bought their vessels from Great Britain, and what is the result now? The ship-yards of Bremen and of Hamburg are to-day in a condition of remarkable activity, and the German flag is seen in almost every port of the globe.

Mr. FRYE. May I ask the Senator from Missouri if after having purchased a few free ships Bismarck did not change the entire policy of Germany, and if the government did not itself at once build up great ship-yards, and if those ship-yards are not now run by the government itself?

Mr. VEST. Yes, Mr. President——

Mr. FRYE. And if they are not to-day building instead of buying all their own ships and selling them to other markets?

Mr. VEST. Mr. President, the Senator simply supplements or rather takes out of my mouth a statement I was about to make.

Mr. FRYE. Will the Government of the United States do what the German Government does?

Mr. VEST. The Government of the United States to-day could in its navy-yards build an iron navy which could defend our seaboard and carry our flag in honor and glory to every sea. Germany did build her merchant marine, but she first commenced by purchasing from Great Britain, and her ship-yards were initiated and sustained by the repairs of the vessels she had bought from her neighbors in Great Britain.

Mr. FRYE. Germany tried just what the Senator asks us to try to-day, and she became disgusted with the trial, and she built her own ship-yards and built her own ships. France tried the same experiment with Great Britain, bought free ships, became disgusted, built her own ship-yards, and pays bounty for every ton of ship that is built to-day, and bounty for every mile that the ship is sailed. Italy at this very moment is discussing the same proposition, and has concluded that the purchase of free ships is a mistake, and she proposes to build her own.

Mr. VEST. Does not the Senator know that a German citizen to-day can buy a ship where he pleases?

Mr. FRYE. But I know that he will not buy it outside of his own country to-day, and does not.

Mr. VEST. Why does the Senator speak of Germany when he knows himself, and the report proves it, that Germany did buy her ships from Great Britain and does yet, and that by reason of having bought from Great Britain her mechanics were employed in the repairs of those very vessels in her ship-yards? Who does not know this? Germany had the system on which the Senator from Maine stands to-day, and with all her cheap labor she found that she could not build up a merchant marine, and then Germany permitted her citizens to buy from Great Britain; and now the Senator tells me that since the merchant marine has been built up in Germany they will not buy British vessels. Is that an answer to my proposition?

Mr. FRYE. But, if the Senator will pardon me, his proposition made a moment ago was that German labor was cheaper than English labor.

Mr. VEST. Yes.

Mr. FRYE. To-day in the ship-yards of this country our labor is double the English labor in price; German labor is 10 to 20 per cent. less than English labor; and there is no parallelism between the United States and Germany in this matter of ship-building. The whole discrimination is against us by labor.

Mr. VEST. The Senator now goes back to the partisan cry that we hear in every campaign and whenever the tariff question is touched directly or incidentally, that we are trying to prostrate American labor or to draw a contrast between the high-priced labor of America and the pauper labor of Europe. I have always said, and I believe to-day, that the skilled labor, the intelligent labor, and the high-priced labor of the United States will always successfully compete with the pauper labor of Europe, and the history of Germany and Great Britain shows it, because with all her cheap labor Germany was forced to go to the high-priced labor of Great Britain, relatively high-priced compared to her own, in order to purchase her merchant marine.

We are told to-day by Mr. John Roach and the school to which he belongs and of which he is the chief exponent that the real reason of the decline of American shipping lies in the fact that 90 per cent. of what goes into the construction of an iron ship is labor, and that the high price of labor in this country compels the fact that we can not compete with Great Britain in the construction of these steamships. Yet the historic fact remains, which the Senator from Maine himself knows, and every intelligent man who has examined this question knows, that notwithstanding the cheap labor of Germany compared with that of Great Britain, one-half in fact of that of Great Britain, Germany was forced to go to Great Britain for the purchase of her merchant marine, showing that the skilled labor, the high-priced labor of Great Britain, was superior to the pauper labor of Germany, as the high-priced labor of the United States will always be to pauper labor when brought in competition with it.

But I go back to the statement, which is an absolutely true one, that Germany initiated her present system of ship-yards by purchasing her vessels in the beginning from Great Britain, and I supplement it with the other historic statement, which can not be successfully denied, that Russia to-day is indebted for her merchant marine, and for her respectable navy that carries her flag in pride all over the world, to the fact that at the end of the Crimean war she bought from her adversary and opponent in that war, Great Britain, in order to establish her merchant marine. The Russians are superior to us, the Germans are superior to us, even the Chinese and Italians are superior to us, in learning from the past; for to-day we hear again and again, notwithstanding these facts, notwithstanding the experience of the world, that we must stand upon the old navigation laws until our flag absolutely disappears from the ocean.

Mr. President, a very few words more and I shall have nothing further to say in this debate. For free ships, for the poor privilege of buying in the market where we can buy cheapest, we have principle and example and absolute necessity. Without intending to go into an elaborate discussion of the tariff question, I say here now, once for all, and as the absolute result of reflection and as a conscientious conviction, that the man who forces me under a statute to pay $2 for what I could otherwise purchase for $1 robs me of that dollar and of so much of the proceeds of my life and labor. Any government which steps in and says to me, "You shall, not for governmental support, which is a common burden, but in order to protect another class or another individual, give up a dollar of your earnings," which represent my life to that extent, my labor, my limbs, my brain, in order to enrich him, robs me and makes me a slave to the extent of that $1.

When an American citizen is forced by a statutory enactment to spend $30,000 more in the purchase of a vessel for the merchant marine and give it to Mr. John Roach, or Harlan & Hollingsworth, or Cramp & Sons, because they are owners of American ship-yards, when he can go to England or France or Germany or anywhere else and buy that ship for $30,000 less, that Government enslaves him and his labor and his hopes and his aspirations to the extent of that $30,000.

Wrong in principle and, as I have shown from example, wrong in practice, to-day this ocean Republic, which should hold the scepter of the ocean, holds in its grasp a barren and empty dominion. With the waves around us, with 10,000 miles of seaboard, we are at the mercy of Spain or Italy or any of the inferior fourth-rate powers of the world. Twenty of our commercial cities could be battered to dust to-morrow by the ironclads of Italy or Spain. Three hundred and eighty-five million dollars have been given since 1866 to build a navy, and the Senator from Maine [Mr. HALE] answered me the other day when I asked where those expenditures had been made that $140,000,000 had been paid to sailors and officers for manning a navy that does not exist. To-day two hundred and sixty-six naval officers are ornaments to your club-rooms and to your corners in the city of Washington who have not a ship to which they can go, who are simply ornamental members of a profession which has no abiding-place upon the ocean.

This is our condition, and the absolute necessity for a change must strike the most obtuse intellect, and would perforate anything except partisan passion and partisan prejudice. How is it possible that any system could reduce us to a worse condition than we are in to-day upon the ocean? Any change would be for the better. Anything short of absolute annihilation would be better. Yet year by year this progress downward goes on. The Senator from Maine [Mr. FRYE] says down, down, down has gone the merchant marine, and how does he propose to restore it? Who is responsible for its going down? Who has had control of this Government? Who to-day obstructs the progress to a better condition of affairs? You adhere to the same system, you put before us the same laws, you resist any change; yet we are told when we propose to take off this limitation upon the power to purchase in the cheapest markets of the world that we are attacking the sacred protective system of the Republican party of the United States.

Mr. President, what we need to-day is that our people should be again invited to turn to the ocean. What we need to-day is that they should not be driven from it by a navigation system obsolete, unfounded in principle, wrong in practice and in theory, which is adhered to for some reason which has never been satisfactorily explained in the Senate or elsewhere.

I do not believe, and I frankly avow it, that any single act of Congress will bring our flag back to the ocean waves. Speculative enterprises, the thousand avenues to vast fortunes which have obtained in the United States for the last few years, have turned our people back from the ocean to the prairies in the distant West. The youth of the seaboard, and especially of New England, no longer are thrilled by stories of naval glory and adventure and the histories of those who carried our flag against England in the war of 1812. They find in the mountains and upon the prairies of the great West the gratification of the love of adventure and the acquisition of money which they once

found upon the ocean. The stories of the lives of Hull and Bainbridge and Decatur are lost in the whistle and the screams of the locomotive and the crash and whirl of the factory.

How are we again to bring our people back to the ocean? Are we to bring them back by continuing the limitations which say to them, "You shall not buy your ships in the cheapest market?" What are we to lose by taking off these restrictions? We have all to gain; we have nothing to lose; and what to-day we want is absolute, complete, illimitable freedom.

There are and there have been always in this country those who are determined to strike down the merchant marine of the United States, because they held that it is better to have an ocean of fire around us than that the protective system should be infringed or broken in one single particular. We want freedom, absolute freedom, and without it there can be no change for the better. In the history of the world there has been but one result to such laws as are found to-day upon the statute-books of the United States in regard to our merchant marine. Legislators once attempted to make men believe that the sun moved and that the earth stood still, and the rack and the thumb-screw were brought into requisition in order to obtain intellectual assent to those propositions; and yet the world has come to believe, notwithstanding those laws, that the sun stands still and that the earth moves around it. Legislators afterward attempted to say that men should eat as they dictated and wear raiment prescribed by statute, and yet those laws have gone into the rubbish of the past, monuments of barbarism that no longer exist. Legislators in the past have attempted to point the road to heaven and the road to hell by statute, and to tell man by law that he should believe in a legal god and in certain dogmas, or to go to the flames here and hereafter; but to-day intellectual freedom and religious conscience obtain the world over, except in the darkest and most benighted regions of the earth. So the end will come as to this system. It will come in this free land of ours as certainly as to-day I make the prediction. You may keep your navigation laws for the present, but they will be swept from your statute-book by the overwhelming sentiment of the American people. To-day the freedom of commerce, the right to barter, the right to exchange, the right to purchase where you can purchase the cheapest, is asserting itself all over the land, and the American people will never tolerate these laws, born in the obscurity and barbarism of the past and continued to-day without any rational defense. Free thought says now to the advocates of this restrictive and prohibitory system—

> Harness me down with your iron bands,
> Make sure of your curb and reins,
> But I scorn the strength of your puny hands,
> As the tempest scorns her chains.

In my life and public career the repeal of these laws may not come. I do not hope that it will be done by the Senate on the eve of a great political campaign, when they regard it as abandoning the system which they have forced upon the country. I do not hope for it now, but it will come. If I have detained the Senate as long as I have, it is with no prospect of immediate success, but under the faint hope that the calcium light of public opinion will be brought to bear upon this system, odious, indefensible, barbarous, without one single thing to commend it to an honest and fair mind.

I have spoken earnestly because for two years it has been my duty as a member of a special committee of the Senate on shipping to examine this question. Is it wondered here that I, a Missourian, should take such interest in the commercial marine of the United States? Sir, I represent in part a State that pours from its agricultural wealth a large portion of the vast products that float upon the waves to the marts of the whole world. Every penny that is taken off the cost of transportation across the ocean, every market that is opened up to the ships of the United States, every dollar saved of the $150,000,000 that is paid to-day to foreign vessels for carrying our products abroad, is for the benefit of the people of Missouri.

Mr. HALE. Mr. President, so far as the features of the bill reported by my colleague [Mr. FRYE] for the relief of American shipping are concerned, they will apparently meet with but little opposition. The Senator from Missouri [Mr. VEST] representing the minority of the committee has in terms acquiesced in most or all of those provisions, and looking them over carefully I agree fully with my colleague that they will afford a large measure of relief to this suffering interest. They will remove burdens that have been onerous and irksome. For years American ship-masters sailing over the seas of the world have been hampered and annoyed and distressed by restrictions laid by old laws. All of those, or the most of them (those that are the most burdensome and irksome), my colleague proposes to remove, and I judge there will be but little opposition to that. The measure of relief will be, I think, as my colleague has stated, very great, so that if this bill passes, while it will not do everything for American navigation interests and to revive American shipping and to put back into our hands the carrying trade of the world, or our share of it, it will do much in the right direction.

There is but little left to American ships of the carrying trade of the world. There is commerce enough. Our exports have increased with amazing rapidity, and our imports have kept pace almost or quite with the exports. Our seaboard towns have grown and become the wonder of the world; and the American people to-day, producing what is sold in the markets of the world and consuming what is made in the manufactories of the world, stand at the head of civilized nations. Yet but a little of the carrying trade of this vast commerce is left to us. I agree with the Senator from Missouri that no one act of Congress, no one measure that is to be passed here, will bring us back that carrying trade. I do not expect it. We have but a little of it left. The American Congress can not only annihilate what is left, but can put it far into the future, where perhaps there will never again come up the hope of rebuilding American shipping and again carrying our share of the commerce of the world.

I realize, as the Senator from Missouri does, that the United States as a people have changed. When we stretched narrowly along the Atlantic coast our associations were with the sea; our traditions were with the sea; our imagination was inflamed by the sea; there were no prayers sent up in the Atlantic households on Sunday more fervent than for those who went down into the sea in ships. Shipping and commerce and the carrying trade and the association with other people through commerce then made a much larger feature in American life than they do to-day. I realize this. The man is blind, no matter which side he takes on the measure before us, who does not see all this, and I see it perhaps as clearly as does the Senator from Missouri.

We have increased wonderfully. We have become a people of more than 50,000,000 in numbers; our wealth has increased correspondingly, and all the time for twenty years our share of the carrying trade of the world has gone down, as my colleague has said. But American thrift and American enterprise have not diminished. While Great Britain has been perforce obliged to center her enterprise and her capital in commerce and in navigation interests and in shipping, the United States, stretching for 3,000 miles from ocean to ocean, has opened to capital and to enterprise other avenues. The great railroad system that lies as a net-work over thirty-eight States has absorbed tens of millions and hundreds of millions of capital. The mines that have been discovered in the bosom of the earth through all the West have absorbed hundreds of other millions. There has been no great town that has started in feeble infancy and grown to be a metropolis in the West but that her great buildings, her houses and warehouses and exchanges, have absorbed hundreds of millions of capital. So it has come about that attention has not been directed to our navigation interests. I have realized that and realize it now.

It is a fact that in the legislation enacted by Congress for twenty years the only great interest that has lain and languished and suffered has been our navigation interest. It has not been able to gain the ear of Congress. Everything else has been cared for except the shipping interest.

But while it has been the fact that capital has gone in other directions and has paid better than it would pay if it had been embarked in navigation interests, in American ships and in carrying American products, and in bringing foreign products here, still all the while there has been with us an enterprising, earnest, and patriotic business that has consistently and determinedly struggled against this condition, and has built ships and set them afloat upon the waters to carry the American flag and to compete for the commerce of the world. When it was seen that wooden ships were competing with iron ships this business set itself seriously in its ship-yards to the building of iron ships to compete for the commerce of America and the world. There has not been a day for twenty years that this has not been going on. Under every disadvantage the men controlling this business have gone on building American ships, putting them into the American merchant marine, selling them abroad if it were possible, employing men by the thousand, and spending millions of dollars each year.

These establishments exist to-day, and the American Congress to-day is confronted with this situation: that the attention of the American mind and of American capital is drawn to this interest, to the commerce of the world, to the carrying trade of the world; and the American Congress must settle whether it will put the finishing stroke to the enterprises that have been going on for years in maintaining American ship-building and in keeping our flag afloat on the seas of the world, or will encourage them.

The building of iron ships in America is not a feeble, dwindling, dying thing. It is a thing of which, under all the disadvantageous circumstances, we may well be proud. There has never been a day since the little steamboat Codorus was built in 1825 and launched in the waters of the Susquehanna that American building of iron ships has not gone on and progressed; and ever since Jabez Conley constructed the revenue-cutter Saranac in 1841 that manufacture has gone on and increased in proportion from year to year. Single years, like the last, may have shown a falling off, but the general advance has always been maintained.

I do not think that Senators realize to-day how much of American industry is represented at home in iron-ship-building yards. My colleague has alluded to this; let me refer to it a little more in detail. There are the works on the Hudson, at Newburg, of Ward, Stanton & Co., building engines and ships, and repairing iron ships. There is a larger establishment at Camden, N. J. At Philadelphia is

the great establishment of Cramp & Son, who have built fifty large ships. They have built them for our own commerce; they have competed abroad with foreign constructors, and have built ships for the Russian navy. They have a yard that to-day has the concentrated power of twenty wooden-ship yards, and you can, by passing the amendment of the Senator from Missouri, give the death-blow to this yard; you can close it up and stop the sound of every hammer there and drive to despair every laborer there employed. Neafie & Levy since 1844 have been building iron ships, most of them small ones, but they are constantly employed. They await the action of Congress upon this bill and with a solicitude that I can not describe the fate of the amendment that is projected and urged by the Senator from Missouri. At Chester there is the great yard of John Roach, with a plant of a million dollars, a yard covering seventy acres of land, which he has built up gradually by his persistent and honest industry. Eighty ships have been launched in the last twelve years from that yard, ranging from 500 tons up to 5,000 tons. He employs 3,000 men, and gives food and sustenance and support and comfort and happiness to 15,000 people, men, women, and children. He and the people who are employed by him await with fear and trembling the fate of the amendment of the Senator from Missouri. At Wilmington is the great, majestic establishment of Harlan & Hollingsworth, begun in 1836. That concern built the first iron ship that was launched and used on American waters, the old iron ship named for a town in my own State, the Bangor. From that time this concern has gone on and built more than one hundred and seventy iron ships, ranging from 200 tons to 3,500 tons, and gives employment to 3,000 men, and if the amendment of the Senator from Missouri passes silence and desolation will reign in their yard.

Mr. VEST. May I ask the Senator a question?

Mr. HALE. Certainly.

Mr. VEST. Will he please state how many of those vessels were for the domestic trade, the coastwise trade, and how many for the foreign trade?

Mr. HALE. They have built the small vessels mostly for the coastwise trade. Larger vessels are sometimes for the foreign trade. The greater proportion are for the coastwise trade, but the enterprise has been kept up and these establishments have been in competition for the foreign trade as well as for the coastwise trade.

Take these great establishments and let the amendment of the Senator from Missouri pass and a darkness so deep that no man can penetrate it will fall on them, the bats will gather over the scene and "tire the echoes with their unvaried cries," desolation will mark the spot where now human industry is astir and gives employment to thousands of men and makes hundreds of happy homes. Take the great establishment of the Pusey & Jones Company, who have built eighty iron ships, not for the coastwise trade alone but have determinedly kept along, turning out ships year by year and who have sent many of them to South American waters. Baltimore has something of this; and in San Francisco there are the Risdon Works that are engaged in building and repairing, all upon iron vessels. I get these facts from the census reports, which are very full upon the subject, and these are some of the larger yards and they show to-day the condition of American manufacture of iron ships that are struck at by the amendment of the Senator from Missouri.

Mr. BECK. Will the Senator from Maine with his statistics be kind enough to tell us how many of those ships have been sent across the Atlantic Ocean to carry the exports of the country?

Mr. HALE. I can not tell just what proportion. I have not made up the figures. I can give the list and the Senator himself can make the reckoning.

Mr. BECK. Does he know that any of them have ever gone except one or two in the Philadelphia line?

Mr. HALE. Undoubtedly.

Mr. BECK. Which ones?

Mr. HALE. I can not tell exactly the number, but some of them.

Mr. BECK. There is not one that leaves the port of New York to cross the Atlantic to-day.

Mr. HALE. I do not know what ports they have left, but the ships range in size from 500 tons to 5,000 tons. Some of them have gone into the Pacific trade, some have gone into the South American trade, some have gone into the European trade. The proportion in each I can not now tell, but I will hunt it up and give it to the Senator before the debate closes if he wishes.

Mr. BECK. The Senator will find, I think, that not a single one of them has left the great port of New York for any port across the Atlantic Ocean.

Mr. HALE. Whether that be so or not, the effect that I am deprecating would be just as great, if the amendment passes, wherever these ships go, because if anything is true to the comprehension of sensible men it is that if you begin and let foreign ships under our flag into the foreign trade, all built and ready to be manned, not three years nor two years would pass before the whole coasting trade would be opened in the same way. As my colleague has said, no American citizen who under the law puts his money into an English-built ship will bear for a year the burden of being excluded from the coastwise trade in a ship that he has put American money into and has bought and sailed under our flag, under our law. The advocates of free ships know this as well as I, and if there is anything logical in free ships as maintained by the Senator from Kentucky and the Senator from Missouri it carries all trade, coastwise as well as foreign.

Mr. BECK. If it would not disturb the Senator from Maine I should like to call his attention to the difference in the two cases, if he will allow me. The coastwise trade we do not propose to disturb. Why? First, because it is giving employment to the class of men he speaks of, and second, because in that trade there is competition between Americans and all are absolutely equal, no man having any advantage over the others, for all share alike. In the foreign trade by treaties we allow foreign nations the same privileges we have ourselves, and they buy and run cheap ships bought in the cheapest market, and our people are required and compelled to compete with them. The difference must be so obvious that the Senator himself can see it, for all men compete upon an equality in the coastwise trade and we compete with every vessel on the ocean in the foreign trade. We desire to make our people equal to the foreigners to whom we have given that trade under our treaties.

Mr. HALE. The Senator says that he does not intend to disturb the coastwise trade. Let him carry this amendment and let it be embodied as a part of our law regulating the foreign trade, and he can not help disturbing the coastwise trade, nor can I help it. It will then be a competition and a conflict between American citizens, and the American citizen who has his money invested in a foreign-built ship will demand all the privileges of the American flag and we can not fail to give them to him.

Mr. FRYE. Will my colleague yield for a moment? I call my colleague's attention to the amendment. I labored all the time under the impression that the amendment excluded these vessels from the coastwise trade.

Mr. BECK. It does.

Mr. FRYE. It does nothing of the kind. The amendment admits all vessels to the coastwise trade.

Mr. BECK. It is not so intended, and will be amended to make it clear, if an amendment is needed.

Mr. BAYARD. The Senator from Missouri desires, I know, to modify the amendment so that the vessels shall be excluded from the coastwise trade. He supposed the word "registry" would of itself be sufficient to work that result.

Mr. VEST. There is no doubt about that.

Mr. HALE. I do not raise any question there. I have no doubt that by the terms of the amendment, as I have examined it, it would include the coastwise trade. I do not suppose that the Senator from Missouri intends that, and I am not so arguing. I have no doubt he will amend it so as not to include the coastwise trade; but therein he is not logical. He may gain possibly a vote here or there for his amendment, but he is simply in one direction taking one step at a time, and neither he nor I will be many years older before I shall find him here clamoring as he is now for ships let in under the American flag to the foreign trade to be at liberty to engage in all the trade that American citizens engage in. I do not doubt that he will modify the amendment and make it in accord with what he has said.

Mr. VEST. If the Senator will permit me, it does not make any difference about what I shall do, whether I shall get any votes here or there, but the point I want to make is that anybody who knows the statutes of the United States or ever has read them in regard to the merchant marine knows that the term "registry" is a statutory term that applies only to the foreign trade and that "enrollment" and "license" apply to the coastwise trade. If you talked to a naval lawyer, to any lawyer as to that matter who ever read the statutes, about registering a vessel in the coastwise trade he would laugh at you. Therefore the word "registry" confines it absolutely to the foreign trade.

Mr. FRYE. I have just examined the Senator's amendment. I think he is right.

Mr. VEST. I have no doubt of it. It would never touch the coastwise trade.

Mr. HALE. Whether it is included or not I think is a question of some doubt. The Senator at any rate had better amend it. I have no doubt he is willing to do it. I do not make that point.

Mr. McPHERSON. Will the Senator from Maine yield to me for a moment only to state that I had already offered an amendment to the amendment of the Senator from Missouri excluding such ships from our coastwise trade, which he will be so very kind as to vote for, I hope.

Mr. HALE. So the Secretary had just informed me. I knew that to be the fact.

Mr. McPHERSON. However, I do not think it was necessary to do that.

Mr. FRYE. I wish to correct myself again. It is necessary. No vessel unless registered can enter into the foreign trade, but any vessel registered can enter into the coastwise trade. It is a limitation on the foreign service but not on the coastwise, and the Senator's amendment does admit foreign vessels to the coastwise trade.

Mr. HALE. I do not think it is very material, as the amendment will be modified to square with the Senator's speech.

Mr. VEST. I can explain it.

Mr. HALE. Whether the Senator's amendment does or does not exclude the coasting trade, he will, no doubt, fix the exclusion. I am talking about the proposition as he means to put it, not as he has put it. I think he had better amend it. I agree with the last conclusion of my colleague.

In this condition of a prostrated carrying trade, yet with an earnest effort on the part of many worthy, meritorious citizens with their capital embarked for the manufacture of American iron ships, the question is here and now before Congress whether we will give the finishing touch to what there is of this American enterprise. The Senator from Missouri says by all means admit foreign ships built in English yards under English labor with English material competing with our materials and with our labor, free of duty, to all the privileges of the American flag. He cites the instance of Great Britain, which has undoubtedly for the last thirty-four years run under the system of "free ships."

I am very glad that the Senator has brought up Great Britain, because if we can learn from anybody with reference to navigation interests it is from the British Empire and from British legislation. There was never a people on the face of the globe which traded with other people, that for hundreds of years maintained with such severity the most extreme navigation laws and who jealously guarded their own ship-building interests as did Great Britain; and never until by this system of guardianship and protection Great Britain had brought her ship-building interest into such a prosperous condition that it could compete advantageously with all the world, did she throw open her shipping laws. The attempt was made over and over again, and never succeeded until Great Britain realized that she could gain more than she could lose and could build ships cheaper than any other great maritime power. She began with the most extreme legislation. It was read yesterday by the Senator from Missouri. Let me repeat it, as the foundation of the English navigation laws the statute of the first and fifth Richard II, chapter 3, recites. Listen to it:

No subject of the king shall ship any merchandise outward or homeward save in ships of the king's allegiance on penalty of the forfeiture of vessel and cargo.

Nothing could be more extreme than that. It was five hundred years ago, and in that policy Great Britain continued for three hundred years.

Now, let me give the Senate an instance of what Great Britain did at a time when her situation was nearly analogous to ours. After the wars of the great rebellion of 1640 and the European wars that succeeded, in the stagnation that resulted from the preoccupation of the English mind and the wasting of English strength in internecine conflict other nations had come to the front and had secured largely the control of commerce on the seas. In 1650 the Dutch as a mercantile and marine power were at their height. They had secured the advantage, and Great Britain's trade and commerce were prostrate as ours is to-day. Her share in the carrying trade of the world had dwindled as ours has to-day, and competition was against her, and a clamor arose for a readjustment of her navigation laws.

When we are in like situation the Senator from Missouri stands up in this Chamber and with all the force of his vehement eloquence urges the passage of a measure that will sound the death-knell to American shipyards in the face of the example of Great Britain, which is just the other way. Let me tell him what Great Britain did at that time instead of such a measure as he urges. This is the law that was put on the statute-book of Great Britain when her situation was like ours, when she could not compete in building ships with the Dutch and other people. Let me read it to the Senator, and see if he can find in it any similarity on the part of Great Britain that he seeks to imitate with his measure that he is clamoring for. See what Great Britain enacted at that time instead of a "free-ships" law.

Mr. VEST. What date was that?

Mr. HALE. Immediately after the great rebellion, in 1651.

Mr. VEST. Oh.

Mr. HALE. The Senator from Missouri says "oh" derisively. Commerce is not a thing that had its day and birth one hundred years or two hundred years ago. Great Britain was proud of her commerce and her mercantile marine and her prowess on the sea hundreds of years before the date to which I allude. It is not a thing compared with the history of commerce and English navigation that is in the dim and misty past, but it stands amidships in the career of Great Britain when she had a hope to have a greater mercantile interest. Let us see what she enacted.

No goods or commodities whatever of the growth, production, or manufacture of Asia, Africa, or America, including our own plantations—

All the colonies—

shall be imported into England or Ireland or any of the plantations, except in English-built ships, owned by English subjects, navigated by English commanders, and with three-fourths of the sailors Englishmen.

It is the spirit that actuated that enactment; it is the sturdy spirit of patriotism and enterprise combined, and a love of the home flag that made England what she became afterward as the exemplar of mercantile people. In her emergency, situated as we are now, no "free-ships" clause allowing English capital to go abroad and buy Dutch ships was thought of by English statesmen, but they hemmed around and guarded their own labor and their own manufactures and their own ship-yards, and with an iron-clad provision such as was rarely incorporated into any statute law, for it is ingenious in its exclusion, they made the policy that England lived and sailed under and prospered and grew under for two hundred years; and never until the agitations of 1848 and 1849, culminating in 1850, when it was demonstrated that under the chart laid down by that enactment England had become the cheapest producing nation in the world of ships and could compete with the world, did she throw open her shipping laws and let ships be purchased abroad.

The Senator says that it was done for the purpose of purchasing ships abroad. The purchasing of foreign ships after the act of 1850 was bagatelle. Of all the great commercial marine and of all the great navy with which England has thundered on the seas since, not one ship in a hundred was built or finished or repaired in a foreign port; but when England had reached the condition where she could compete with all the world and had more to gain than to lose, then she threw open her laws, and never until then, and she has lived under it for thirty years', while under the old enactments she lived as a naval and commercial power for more than five hundred years. I commend the example of Great Britain in emergency to the distinguished Senator from Missouri. I commend it to him for his study, and improvement, and admonition.

Mr. VEST. I should like to ask the Senator a question, if it does not interrupt him.

Mr. HALE. Certainly not.

Mr. VEST. Does he mean to say that Great Britain did not purchase any ships from the United States?

Mr. HALE. I do not say she did not, but I say the purchase that she made was so small in amount, and it continued for so short a time, compared with what she has built since and furnished to her own people and to the world, that it is bagatelle; it is not worth mentioning.

Mr. VEST. I hope the Senator will settle that with Mr. John Roach, who says they put $20,000,000 in gold into this country in a very few months.

Mr. HALE. What is that in comparison with what England has put into her mercantile marine in the last thirty years? It only continued as an experiment for a few months.

The Senator advances a paradox. When he is cornered, when he is driven to the wall, when he is asked by the Senator from Kansas how it is that he expects free ships and the right of buying an entire built ship abroad and bringing it under our flag will help our ship-yards; when he is asked that question, that seriously troublesome question, he is obliged to take the bull by the horns and declare that it will build up American ship-yards. Does the Senator know that if you throw open these laws, that if you let in an English ship built with English labor competing with our labor, built to-day under the stagnation which exists through all English ship-yards; where even their labor has been cut down; where they have overproduced, and where it is shown that not simply under a protective policy is there overproduction but that a free-trade policy in a little time is just as likely to result in overproduction; where to-day the rate of wages is lower than it has been for years—does the Senator believe that a single American iron ship would be constructed during the next year or five years in an American yard? Does he not know that just as certainly as tides and sun rise the great capital that is invested at Chester, or in the great yard of the Cramps, or Harlan & Hollingsworth at Wilmington, would either have to be withdrawn and the yards closed and the proprietors live upon what have been their hard earnings heretofore, or that they would be obliged to transport that capital abroad and employ foreign labor? Or does he not know that one other inevitable thing would come about, and that is that the workmen would be summoned and told that unless they were willing to depart without work and see the yards closed they must take the rates of pay that their English competitors get in the yards on the Clyde.

Mr. FRYE. A dollar and eight cents a day.

Mr. HALE. A dollar and eight cents a day. This is nothing but school-boy's logic that everybody can understand. It is simply an operation of the mind that no man can contradict. Does the Senator seek by his amendment to produce this condition of things? I am not sanguine in the belief that within one, two, or three years we shall gain back 60 per cent. of the carrying trade of the world; but let the American Congress stand to-day as did the British Parliament when they were in a like emergency, and encourage and uphold the hands of our American iron-ship builders, and with the attention that is drawn to-day to that enterprise, with the fact that Western investments are growing less and less profitable, and, more than that, with the fact that interest is becoming smaller and smaller in its rate, so that the average that the Government pays is but little more than 3 per cent.—with all these favoring conditions, and with the stimulus that ship-building has got, we may expect much. Witness the enterprise across the Potomac River, where a million dollars is to-day seeking to be put into an iron-ship yard to build American ships, and not the sound of a hammer will be heard if the amendment of the Senator from Missouri passes. Not one of the gentlemen embarking capital in that enterprise right at our doors would ever cross the Potomac River again with the idea of going on with it if their death-knell was sounded by the passage of the amendment of the Senator from Missouri. It seems to me strange that

the Senator does not realize that as well as I do. No, sir, nothing of the kind will happen

Let this crusade for free trade, which never rode a wilder horse than on the subject of "free ships," gain possession of this branch as it has of the other, and, Mr. President, you may bid farewell in your lifetime and mine to seeing the American people build and maintain a fleet of ships to carry the commerce of the globe; but encourage this manufacture, and by gradual steps it will rise, it will advance, it will grow, and the men who have maintained it all these years will be the very men, with others who will join, to increase it and make it a respectable element in our business and in our trade; and that I hope to see.

There is one other thing that weighs very strongly in my mind. If we were asked by our great commercial rival, Great Britain, to select a measure that would in itself in terms suit her, not only with reference to trade now, but with reference to emergencies and exigencies in the future, the reply would be "a free-ship law." Why? Look at the situation of Great Britain and the other European powers. Great Britain is the commercial mercantile power of the world to-day. Her capital is invested in ships, in the returns that they bring, and when you strike her commerce, and when you strike her carrying trade and the ships that do it you strike her in a vital part. There is no one thing that to-day keeps the peace of Europe and keeps the peace between Europe and America like the sensitive condition of Great Britain as to her mercantile marine.

Let me tell the Senator from Missouri and the Senator from Kentucky what will happen if this amendment passes. The very first time that war breaks out in Europe, the very first time that European complications involve Great Britain and she is drawn irresistibly into conflict (and if her marine is safe she is drawn more easily into conflict), what would happen? Her whole sailing force, her whole mercantile marine would at once in the name of factors and agents and partners be put under the American flag, and while the war continued would be kept under the American flag, and the Senator from Missouri and the Senator from Kentucky would behold this amazing spectacle, that the carrying trade of the world would continue to be done by British ships under the American flag, owned by British subjects, who would be really the controlling power in the name of citizens here as partners and agents and factors, and all the earnings of this great trade would be absorbed by the owners of that carrying trade and expended in Great Britain and not a dollar derived by us from the emergency. The opportunity that would more than any other give us the chance to revive our trade and our carrying of the commerce of the world would be good for nothing. Would the Senator from Missouri or the Senator from Kentucky like to see that? But as sure as they live and these things come about, and they may, they will see it.

On the other hand, if we pursue the policy that Great Britain did as I have tried to state it, then when European trouble comes—and wars have not ceased and will not in his day nor mine—and when Great Britain is involved in war and her carrying trade is in peril and the merchants of all the ports of the world are seeking a neutral ship to carry their products, then the demand will come for American bottoms to carry the trade of the world as it came in 1861 for British bottoms to carry the trade of the world, the American merchant marine at once leaps into new life and magnitude and gains a hold and power that will never from that moment cease.

The Senator from Missouri in his ardor for free trade, run wild on free ships, seeks to take away from America that chance, and it is not a small chance. It is not a chance that is not worth reckoning. It is the one distinctive thing that in the end and perhaps in the near future will again restore the American carrying trade. I can fancy under these conditions the amazement with which such a proposition as that of the Senator from Missouri is looked upon abroad except by those who would benefit by it the most.

No, sir, such is not the path to be pursued by the American Congress. We ought to build our own ships and not present the lamentable spectacle to the world of passing an act that says to the world outside that a great people, with a seacoast of 6,000 miles, which twenty years ago was second in the commerce of the globe, deliberately lays down all hope for the future and declares to the world outside that it shall build our ships and we can not build our own. Sir, there never was a great commercial and a great naval people which carried the trade of the world that did not build its own ships. The Senators may hunt in all the analogies and in all the illustrations and in all the examples that are afforded by the past and the proposition that can never be found to vary is that the people who carry the merchandise of the world, who control its commerce, are the people who build the ships with which to do it; and when the national spirit dies with reference to one it will die out with reference to another. I can not, it is intolerable to me, for a moment to imagine the condition of the American people after they have said to the world, "We can not build our ships; we will try no longer; furnish them to us and make us pay a tribute to you." No, sir, I do not believe that the American Congress is going to pass any such measure.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 2, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the morning hour be dispensed with.

Mr. MORRILL. I ask permission to introduce some reports from the Committee on Invalid Pensions. We are loaded down with reports made by that committee, and it will take but a few moments to dispose of them.

Mr. MORRISON. I must insist upon the motion.

The House divided; and there were—ayes 56, noes 12.

Mr. MORRILL. Unless I can have unanimous consent to make these reports from the committee I shall be compelled to make the point of no quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will order tellers.

Mr. MORRISON and Mr. MORRILL were appointed tellers.

Mr. RANDALL. I thought there was an agreement in the House on yesterday that we were to dispense with private business to-day.

The SPEAKER. That was to dispense with private business on the Calendar.

Mr. RANDALL. But the reports to-day would be only of a private nature.

The SPEAKER. There was only unanimous consent to dispense with the consideration of the Private Calendar. The tellers will take their places.

Mr. MORRILL (before the count had been completed). I withdraw the demand for a quorum.

So (no further count being demanded) the morning hour was dispensed with—two-thirds voting in favor thereof.

Mr. MORRISON. I move that the House do now resolve itself into Committee of the Whole on the state of the Union to consider bills raising revenue.

The motion was agreed to.

THE TARIFF.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. NUTTING. I recognize, Mr. Chairman, in this bill before the House one of great importance to the people of the country at this time. In fact, I recognize in any bill that is brought before the House in the usual way a measure of importance. I think that every measure that comes from the hands of a committee after it has been properly investigated should receive the careful attention and consideration of the House. That is what we are here for.

I am sorry to see one thing, Mr. Chairman, in the discussion of this bill—in fact, I am sorry to see the same thing occur in regard to the discussion of almost every bill that comes before the House—that is, I am sorry to see a great many men discuss bills which come up here in the light of the political action of parties in the future. I do not believe this is right. I do not believe that it is safe. While I believe that politics and political parties are as necessary to good government and to good management in the government as is motion to the purity of the air or water, still I believe when we come into a body like this we should attempt to legislate without an idea as to how our legislation is going to affect political parties or persons or political policies in the future. I do not believe that it is right to do so. One of the great dangers to-day of this country is that men when they come together in legislative bodies talk and write and vote with a view to giving political advantage to one or the other political party in the future. That is the great danger of the American people and the American form of government to-day.

This bill, Mr. Chairman, is one to reform and reduce the tariff law which is upon our statute-books. The Democratic party has set itself to the task of making the country believe that in fact and in reality free trade is the true principle, is the true theory, is the true policy of management which we should enter upon for the future. This is not a bill which asks for entire free trade, but it points in that direction, and almost every speaker who has spoken in its favor from the commencement of the debate until now has announced principles and an-

nounced himself as standing upon principles which in the end would result in free trade in this country. Well, Mr. Chairman, if I could look far enough into the future to see this country what I believe it will be fifty or a hundred years from now, then I should agree with the gentleman from Connecticut who talked yesterday [Mr. EATON], and say that possibly at some time in the future, when we are great enough, when we are balanced enough in our trade, in our commerce, and in our manufacturing establishments so that they equalize themselves and create an equilibrium as to trade, exchange, and commerce, then perhaps I might be in favor of free trade. But that time has not come. It has not come yet.

There are three or four elements which enter into the discussion of this bill, or which ought to enter into the discussion of it. We should take into consideration all of the industries of this country; we should take into consideration the capital of the country, the manufacturing interests, the commerce, and the labor of the country. I am very happy to see such a unanimity of feeling, if I am to judge the feeling by what is said upon the floor of this House, in making the great element of labor in this country what it ought to be, and what it doubtless will be in the future if the policy we have entered upon in the past is carried through as it ought to be. I am one, Mr. Chairman, to believe that labor is capital. It is the finest, the grandest, and the noblest capital of all that we have. Why, sir, you may take a pile of gold, which we say in the ordinary sense is capital, and it amounts in itself to mere rubbish—nothing more nor less than rubbish. But you touch that pile of gold with the magic wand of labor and obtain what it will produce with the help of labor, and then we have the greatest, the grandest, in fact all of the results which are achieved in this country. You must have a unanimity of feeling, a unanimity of purpose, a grand, open-hearted, and broad policy as to the workings of labor and capital together to achieve good results and government, and especially to achieve good results and government upon the principles we live under, and by which we attempt to manage our affairs at this time.

Take labor, Mr. Chairman, and send it to the mountains and the forest. It will hew from the mountain-side the rough stones and from the timber fresh from nature's hand, and from the result erect the mansions in which we live, erect buildings for the keeping of our poor, erect railroad bridges, school-houses, docks, and other structures. It is labor that does this, and when labor has accomplished this it takes useless and inert material and from it creates something of value and use. So it is with the iron in the mountain. So it is with the minerals in the depths of the earth. And did I believe that the Democratic party was sincere upon this subject of labor I would go with them to any length, and indeed I will go with them to any length on this subject when they are fair, open, and sincere.

There was one thing I desired to speak of which came to my notice the other day; and in speaking of this, Mr. Chairman, I do not desire in heart or by word to cast any aspersions upon the gentleman to whose action I wish at this time to advert. We have heard, as I have said, from every man who has spoken on this subject of labor on the other side burning words, eloquent words, words sound in philosophy and fact, which indicated a desire to lift up and to help the laboring men of this country.

The other day when we were considering in this House the shipping bill we had under consideration a clause of our statutes—and, thank God, the only one of the kind that exists in this country—by which a direct tax is placed on the labor of men. I refer now to that section which imposes a tax of 40 cents a month upon the wages of the sailor of the seas, lakes, and inland waters of this country in order that he may be provided with some place to be taken care of in times of sickness and poverty. It was proposed by an amendment to remove the tax on labor which that statute imposed. We then heard one of the leaders of the Democratic party on the other side—I refer respectfully to the gentleman from Indiana [Mr. HOLMAN], a man who has talked as loud and long and often on the rights of the laboring man and the poor man as anybody on this floor—we heard his voice in opposition to the repeal of that statute, and he carried that opposition so far as to call for a division of the House upon the vote being taken in favor of its repeal. This is not fair, this is not consistent, and shows that talk in favor of labor is plenty, but the votes not so plenty.

As I have said, that law is the only one on the statute-books of the United States which taxes labor directly. Under that law the labor of the sailor is taxed 40 cents a month in order that he may be supported when sick or disabled. By the laws of the several States and the United States places are provided for persons who can not support themselves. Yet we found this man who has talked so eloquently about labor and about the laborer and the poor man standing up here and opposing the proposition to repeal that unjust law, and even coming forward to act as a teller in counting the votes of the House in order to defeat that proposition. All the liberal-minded men of the House on either side asked that this statute tax on labor be wiped out, and that the Government itself, which in fact receives directly and indirectly the benefits of commerce and of the services of these men, should pay the expenses of such institutions. But objection was made to it, and made from a source which I was very sorry to see, because it showed me that fine talk in favor of helping the condition of the laborer was one thing and votes upon the same subject was another thing.

I am in favor of doing everything we can to assist and elevate the labor of this land. Not only that, but whenever a proposition to that end is before the House, if I am here and do not vote in the direction in which I now speak, then I hope some gentleman will call my attention to it and throw in my face the remarks I now make, as he may well do. I shall do this because it is in the line for the elevation of humanity, because it is true statesmanship, and because I believe and know that the labor of this country is the foundation of all our success.

It has been said here that the tariff builds up manufacturing industries at the expense of the laborer and at the expense of the farmer. While my constituents are not all farmers, not all laborers, not all mechanics, but are people engaged in all of the various industries of the country, I stand here to-day and say that I do not believe a single word of that assertion. I know this assertion is incorrect and will combat it as long as I have power to be heard here or elsewhere.

The policy of this nation, and of all nations that have been successful in their careers, has been in the past based upon a tariff, and a tariff for protection. It is true that England, after she had arrived at that point in her career where she had become solely a manufacturing and commercial nation, saw fit to resort to free trade, and this change in policy was because she desired to reap the benefit of selling in this and other countries the products of her various manufacturing establishments. That is the truth of the matter, and the time will come when the actual facts will be demonstrated, if they are not fully known and understood now.

If it can be shown to be true that the farmer or the laborer is injured by the tariff, then I will vote for this bill, and so will any man who thinks rightly upon this subject. Let us see about this. A little more than a hundred years ago the people of this country wrested by force this land from the grasp of England herself.

And right here, lest I forget it, let me say that it makes me tremble when I hear men stand up here on this floor and advocate the principles of government which England has established. I am actually afraid of any policy or principle which the English Government advocates and asks us to adopt. We can well be afraid of it. The English Government is the enemy of labor and of our form of government and has been such enemy from time immemorial.

It is only necessary in confirmation of that statement to point to Ireland. England now has Ireland in her grasp, and has had for many years. The people of that unfortunate country are the most downtrodden and seemingly God-forsaken people in the world. They are not, however, forsaken by God, nor by the people of this land, nor by liberty-loving people all over the world. But England by its grasping, contemptible, and selfish policy has degraded Ireland to the lowest depths. The time will come, and I believe and hope it is not far distant, when Ireland, with the assistance of other nations, will have the power to rise up and shake off the odious yoke and assert her right to be a free nation. I am afraid of a country and of a people which will do such things as these, and I have a right to be afraid.

But let us see about the manufacturing establishments. As I said before, our people wrested this country from England when it was a wilderness, and with plains and prairies which then were unknown and were thought to be valueless. But the same skill, the same ambition, the same determination, and the same bravery which under great difficulties took this country from the grasp of England has made it to-day a garden. It is really a garden at this time in comparison with other portions of the world, although but a little time has elapsed since our childhood as a nation.

Our people swept the forests from the land in the Eastern States and in the Middle States and in some portions of the Southern States, and have made them fields of grain fit for the reaper's hook and the skilled machinery of the age. They have penetrated to the plains of the West, which were supposed to be valueless, and lo and behold! it has been discovered that those plains are most fertile and responsive and sympathetic to the farmer's manipulation; they are grain fields supplying the staple cereals for our people, and beyond this a large amount for the hungry of other nations. The rivers and streams were converted into power and bordered with manufacturing industries. The mountains were made to give forth of their inexhaustible stores of mineral and coal and other substances. The face of the land was made to blossom as a garden.

Now, when we have built up our manufacturing establishments all over this country, when we have made this country a farming country so that none like it exists in the world, when we have developed manufacturing capacity wonderful for the age, then England comes in again and says that she wants our markets, and that she wants them upon the same basis that we have them, without tax, without let or hinderance.

Why, Mr. Chairman, a nation is but a great family. A nation is but an aggregation of individuals. When you see a man who is not ambitious and determined enough to provide properly for the wants of himself and those who are dependent upon him, when he is not willing to work for their protection and advancement, he is unworthy of the name. When you see a family that does not work as a family for the mutual welfare of all its members you can safely say that family can not prosper. Now, I say that our nation is but a great, a grand, and a noble family. No more and no less.

Now, what does England want? After we have built our railroads, after we have erected our manufacturing establishments, after we have

created by the sweat of our brows and by our mental superiority our great industrial establishments as well as our great agricultural facilities, she wants to come in and take away from us the trade that we have in this way built up. And she seeks this upon what basis? She does not propose to pay anything for this advantage. We must raise taxes from some source; we must have revenue from somewhere. If we do not take it from other nations who seek to trade with us we must take it directly from the citizens of our country.

But some gentlemen on the other side have said, "We are having too much taxation; we are raising too much money; our Treasury is full and overflowing." Why, sir, what mere talk this is; it is senseless gabble and without foundation in fact. I can not see, Mr. Chairman, that we have a right to talk in this way so long as we have upon our hands a debt of $1,500,000,000. "But," say some gentlemen, "let us fund that debt and hand it down to the future." I say no; you have no more right to transmit the national debt to the future for payment by your sons and your daughters and their successors in life than you have to leave upon your farm or other property incumbrances to be paid by your sons and your daughters which you had the ability to pay in your lifetime. Such a thing is simply an injustice upon the future generations. It is an attempt to ingraft into the financial management of this country the principle that the Government of England adopts in regard to its national debt. I am against such a thing from first to last, and shall be in all the future.

Mr. Chairman, I am in favor of having a market at home. I am in favor of raising our own agricultural products and making our own manufacturing products, so that we may have a market at home for both, and that there may be an equilibrium in the exchange of agricultural products and manufactured products. We have already come pretty near doing this, so far as the agricultural products of this country are concerned. Last year, with the exception of tobacco and cotton, we used in this country 92 per cent. of our agricultural products, and exported only 8 per cent. Now, if the manufacturing establishments of this country were sufficient to create a home market for the other 8 per cent. we would have a perfect equilibrium as to these two great branches of industry; and that is what we ought to have. For this purpose I am in favor of keeping up the taxes which we now receive. The greatest tax upon the products of the farmer and the manufacturer today in this country is the cost of getting the products to market. The time has come when all men of broad views, all men who think as they ought, regardless of political influence, should put their ability to the task of legislating in the direction of creating a commerce that shall carry abroad all the products we have for foreign nations. It is a shame to us that our products for exportation are obliged to go abroad in foreign bottoms and under the protection of foreign flags and pay large sums to Englishmen as freight upon it.

The present tariff law was passed only a year ago. It was passed after a long and toilsome fight, during which the people all over the country almost held their breath awaiting the result of the discussion and the vote upon it. And now, within even less than a year after the passage of that act, this body enters again upon a discussion of the tariff. The people all over this country are agitated and fearful. They are waiting to see what the result of our action may be. They know that the Democratic party has committed itself to the doctrine of free trade. Our manufacturing establishments have been erected, the money put into them has been invested upon the basis of the laws now in force, and while it may not be entirely accurate in a legal sense to say that a law passed under such circumstances is a contract between the lawmaker and those who go into business upon the faith of such legislation, it is almost true. I charge, and no man in this House can honestly deny the declaration, that the agitation of the tariff question at this time is purely for political purposes and nothing else. This, I say again, is the great danger of this country. Men should be broad enough to lift themselves above partisanship when they legislate here. While I have the right to be a Republican and my fellow-member has a right to be a Democrat I denounce the partisanship which prompts men to legislate on this floor presumably for the whole nation and yet in fact for the advancement and success of their political party.

You may take up and talk about the past acts of the political parties as much as you have a mind to, but you have no right to stand here on this floor and attempt to legislate and vote simply for the future advancement of your party. You have no right to do it, and any party that does it does it at its peril. You must understand that the people in this country can see, and they not only see but they see sharply. The laboring class, the voting communities of this country, are not ignorant and downtrodden like the voting and laboring classes of Europe. They are not that class of people; they see and think and know, and any party or any set of men who may come here and from day to day legislate in the interest of their party will be called to an account for it at the ballot-box in the future. and in the near future, too.

I say, Mr. Chairman, that wherever you find a manufacturing establishment you find thrift. I have in my own vicinity several that were erected but a little time ago, only a few years ago, and they are now the pride of our people and the foundation of our prosperity.

These manufacturing establishments employ at least 5,000 men and women. These men and women have houses, neat, comfortable, and clean; their families attend school and are being educated. They attend churches and Sabbath-schools; they are intelligent, high-minded people. All this was brought about by these manufacturing establishments in our midst.

But what more do we have? Well, these 5,000 people and more are laboring and receiving good wages. It is fair to say each one of them represents a family of at least three persons more, making 20,000 people in all who are supported by these industries. Well, what more? The farmers who compose the farming community around there on the shores of that beautiful lake find a home market for their produce with these 20,000 people who are gathered together in carrying on these manufacturing establishments. Twenty thousand people are there who furnish a home market for these farmers for nearly or quite all they raise. The value of lands around about Oswego, Fulton, and Auburn, where these manufacturing establishments are situated, have advanced rapidly on the basis of this market made at their very doors. The farmers are not obliged to rely on a distant market and pay heavy freights to get produce to New York or anywhere else. They hitch up their teams in the morning and drive into town and sell the produce of their farms to those people who are being employed and paid reasonable and proper wages. Now, Mr. Chairman, you can see here how these manufacturing establishments benefit the farmers in the vicinity.

But you say the tariff law upholds manufacturing establishments, and that the profits which they make are taken from labor and from the farm. I say it is not true. I say the facts do not show it. I have heard it stated on the floor of this House that the pay of the laborers of this country is not equivalent or equal to the pay given to the laborers in England. I say that is not true. I want to state one thing here, and a man ought not to be obliged to state anything else in order to refute that statement, so that it would not be again resurrected at any time or any place, and that is that last year 383,000 people came across the ocean from foreign lands and passed through Castle Garden in the city of New York. Will some gentleman whose opinion is not prejudiced tell me why it was those 383,000 people came over here and spread out all over this beautiful country of ours? If he answers truthfully, and he will when he is not excited, he will when he desires to speak the truth and is unprejudiced, say it is because the laboring man receives better wages in this country. And this fact alone is enough for me to state as a complete refutation of the statement that labor is better paid in Europe than here.

But, sir, we can go further upon this subject. Some men may say that these immigrants, these poor people, had heard of our liberty; that they had heard of our free Government. Thank God that is so. Thank God for the liberty of this country, and that the benefits and blessings which flow from this grand Government of ours not only go over our own land, which is broad and large, but the reputation of it goes all over the world. Every people in every enlightened land in the universe has heard of this grand Government of ours. But, Mr. Chairman, when people leave their homes and come to our land there are other considerations than our free Government which influence them. These considerations are that they are to be benefited by the change in more ways than this. They are to have better wages and better homes, better food, better clothing; their children are to have better opportunities for education and refinement here than under the governments of the Old World. They are influenced by all these and more.

I tell you, Mr. Chairman, the love of country is inborn in a man, and like the spring on the mountain-side it bubbles and flows over and gives blessings and life to all around. We can see this principle in the people of Ireland, that down-trodden and oppressed people whose rights and liberties have all been taken away by grasping England. Here is a country and people that can not protect themselves from the greed of their oppressor, and her children are scattered all over the face of the earth seeking homes more congenial and governments more liberal. They come to our land and make new homes in this country, not because they dislike Ireland; not because the love for Ireland has died out in their hearts; but they left their old homes with that love, strong and vigorous, clinging to them, although it was a home in a shanty or sod house, and they came to this country because their children, because their people, because their wives and families would have better homes, schools, and a better chance in the race and struggle of life.

It is the hope of improving their condition that brings them; and they know that the child of a man who comes to this country and becomes a citizen of our Republic may become the highest and the best; that the possibilities are before him for grand achievement. If he stays in Ireland he will be but a serf in fact just so long as the iron hand of England can be kept upon him with safety.

And now, Mr. Chairman, I recognize the fact that my time is almost expended and that I must finish my remarks. However, I wish by a few extracts and a few remarks to show that our fathers in the past were in favor of a protective tariff.

It is very evident that our fathers when they laid the foundation of our Government laid it with the firm conviction that a protective policy was the true one for us to pursue.

We find in the Constitution this clause:

Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Now, what legislation followed this constitutional clause? What

was done in regard to tariff legislation? We find that the second bill framed under it was a protective bill, and had the following heading or preamble:

Whereas it is necessary for the support of Government, for the discharge of the debts of the United States, and for the encouragement of protection of manufactures that duties be laid on goods, wares, and merchandise imported.

The doctrine of protection to our industries was fully recognized by Jefferson in his eighth annual message, wherein he said:

We must apply a portion of our industry and capital to internal manufactures and improvements. Little doubt remains that the establishments formed and forming will, under the freedom of labor from taxation, under protecting duties and prohibitions, become permanent.

Thus Jefferson even sanctioned prohibitions. Tammany Hall from 1784 to 1824 repeatedly adopted high protective-tariff resolutions and bound its members by solemn pledges to wear no goods and use no implements or furniture which were not of domestic manufacture if the domestic article could at any price be procured.

Washington delivered his first inaugural clad in homespun, in order to emphasize the American doctrine of protection. Jefferson did the same.

This is what the fathers of the past said, and we see also that Tammany Hall, the hot-bed and nest-egg of Democracy, advocated for many years of the past the same sound doctrine.

If you will allow me a few moments I will show by actual and living tables and facts that our laborers are better paid here than in the Old World, and for this purpose I read from a table which showed the actual facts in this regard in 1883:

Weekly wages.

Occupation.	Newark, N.J.	Paisley, Scotland.
Cop-winders	$8 00	$3 50
Finishers	5 00	2 50
Rulers	8 00	4 25
Spoolers	8 00	3 25
Foremen	20 00	7 00
Pickers	7 00	4 12
Hank-winders	7 00	3 75

And now I will read to you the facts in regard to the wages paid to laborers in the ship-yards of the Clyde and the ship-yards of the United States in 1883. Robert B. Porter writes the New York Tribune that he found that the pay-roll of one of the leading Clyde ship-yards contained the names of 1,600 men during the last two weeks of November, 1883, including foremen and apprentices, and that the amount of the pay-roll for these two weeks was £4,000, or £2,000 per week. This gave an average for each man of $6.25 per week. The census of the United States for 1880 shows that there was paid out for wages in all kinds of ship-building in the United States in 1880 $12,800,000, which was divided among 21,330 hands employed, giving each about $600 per year, or nearly twice as much as is paid in the ship-yard on the Clyde.

I will also read an extract from the London Times to show what estimate the people put upon the effort in this country to inaugurate a system of free trade. This extract was printed in the paper named in July, 1880:

The United States do not approach the question from the same point of view as ourselves. The object of their statesmen is not to secure the greatest amount of wealth for the country generally, but to keep up by whatever means the standard of comfort among the laboring classes.

Here is an admission from free-trade England that the free-trade policy of its country is in the main intended to enrich the country, and at the same time that journal by inference admits that our protective policy is kept in force to lift up and keep up the laboring classes.

In order now to show by figures and not by talk merely that our farmers have been benefited by the present system of tariff, let us go back a little and examine the prices of farm produce. In 1816 our country so far as production was concerned was little more than a farming community, and as manufacturing grew up we will see by the following table how the value of farm products increased. As our home market increased by the building up of manufactories our farmer received an increase for his farm products and the laborer obtained a better price for his work.

Market price.

Products.	1816.	1882.
Wheat ..... bushel	$0 25 to $0 44	$1 42
Corn ..... bushel	12½ to 20	60
Oats ..... bushel	15	60
Eggs ..... dozen	05	15
Barley ..... bushel	25	80
Butter ..... pound	05 to 12	40
Cheese ..... pound	03 to 06	13
Cows ..... head	16 00 to 20 00	$20 00 to 100 00
Cattle ..... yoke	25 00 to 45 00	100 00 to 250 00
Hay ..... ton	3 00 to 5 00	7 00 to 16 00
Straw ..... ton	2 00 to 4 00	7 00 to 16 00
Carriage horses ..... per span	150 00 to 200 00	500 00 to 1,200 00
Sheep ..... per head	50 to 75	1 50 to 2 50
Farm labor ..... per month	3 00 to 8 00	12 00 to 25 00

Now, Mr. Chairman, from all this I say in conclusion that our protective policy is correct, and that the free-trade policy of the Democratic party is but the echo of English ideas, intended to break down our manufacturers and farmers and to cripple our laboring classes in their struggle for a higher life. I am in favor also of keeping up our present system, internal taxation on whisky and tobacco, until at least our national debt is paid.

If our country was like England in all its conditions, then free trade would be more reasonable; but it is not, and I hope never will be. Therefore I shall vote against the Morrison bill and any attempt at free trade or an approach to free trade.

The English system is the contrary of ours. It does not aim to protect labor, but to protect capital as distinguished from labor. It does not distribute wealth to the many, but to the few at the expense of the many. Its effect has been to accumulate wealth in the hands of capitalists, to make the rich man richer and the poor man still more poor, until they have arrived in England at a condition of society which quite justified one of her most able and gifted statesmen, when speaking of her people, in saying that "they had on the one hand a grand and magnificent aristocracy and on the other hand a double-headed pauperism."

Life is a struggle for a higher place, for a higher and a better existence. Each man, each family, and each nation struggles by itself. Each nation has its own principles for its foundation. Our nation is a free nation and it is getting to be a wise nation. We are happy and contented in knowing that the poor and oppressed of all lands, even to the furthermost part of the earth, have heard of and recognized our better government, and we are happy and proud that they come to our shores to seek the benefits of our form of government; and, Mr. Chairman, I feel it to be my duty to raise my voice and cast my vote against any policy or proposed law which shall mark us as having entered upon a career like that of England. We separated ourselves from England by force more than a hundred years ago because we did not like her form of government, and it is now our duty to keep the principles of English government and English policy from dragging us down to the level from which we extricated ourselves then. The American people will look with suspicion upon anything in the way of government principles which are recommended by England.

Let free trade remain on the banners of England, but let our policy be in all the years to come what it has been in the past. Let us seek to make a market here for all our products. Let us adhere to the policy of paying fair wages to the laborer, and let us stand by the idea that America is a government for Americans and for American ideas and principles. [Applause.]

Mr. MCMILLIN. I now yield ten minutes to the gentleman from Wisconsin [Mr. DUESTER].

Mr. DEUSTER. Mr. Chairman, I desire herewith to give notice that after the pending bill shall have been reported to the House from the Committee of the Whole on the state of the Union I will offer the following amendment to it:

SEC. 3. And on and after the 1st day of July, 1884, no duty or rate of duty shall be levied, collected, or paid on any kind of raw material which may in any manner be consumed by the people or by the factories of the United States.

Mr. Chairman, this amendment for free raw materials deserves, I think, the full attention of this House as a serious step in the direction of a judicious and effective effacement of the incongruities of that part of our system of indirect taxation which touches our foreign commerce. It is beyond gainsay that at present our foreign commercial relations are in no manner satisfactory; they are, on the contrary, in such a precarious condition that, were it not for the export of our cereals and some other staples, the balance of trade would be overwhelmingly against us. With comparatively few exceptions, our manufactures, superior in their finish and quality to most of the manufactures of foreign nations, are yet by reason of their cost excluded from the foreign markets, and stagnation of business, as a consequence of fierce domestic competition and overproduction, stares us in the face. Our factories are closed only too frequently and for too great a length of time, and upon our workmen is thus thrown the burden and misery of involuntary idleness. They and their families are reduced to penury for the want of steady and remunerative employment, and however much they look about for relief, they are unable to obtain it. Not even in strikes can they find it. For in times of commercial stagnation strikes are more of a Godsend than of an injury to the manufacturer; they relieve him in part of his difficulties and make his struggle for the maintenance of his enterprises easier, by furnishing him a convenient occasion and pretext for the complete cessation of all unprofitable production. The assertion is of course out of the question that by an extended depression of trade the manufacturer is not injuriously affected. Yet it is undeniable that the injury which he suffers in times of commercial disturbance counts but slightly in comparison with that which falls upon his workmen. The recuperative power and tenacity of capital outlast the periods of commercial adversity, while on the other hand the laborer is confronted with beggary and starvation when once a great reduction or an entire stoppage of his wages takes place. But in spite of the fact that by the temporary loss of a market, and the consequent diminution of his sales, the manufacturer is less affected than his workmen, the damage which he must inevitably thereby sustain is sufficiently great to make to a considerable

degree his interests akin to those of the workman, and thus both, as it were, by a common impulse look about for a cure of the evil which at this juncture presses upon them jointly. How they are to obtain this cure it is in the end, however, less for them than for us to determine; and appearances indicate, indeed, that their own opinions and wishes in respect to the choice of the proper remedy for their joint complaints are in no manner homogeneous. But whatsoever be the cure which in our wisdom we may apply to our present economic disorders, it will forever prove unavailing and inoperative, if it be not primarily directed to a judicious modification of the present tariff and to the destruction of the deleterious influence which this tariff exercises upon our foreign commerce, and as a friend of the workman as well as of the manufacturer I shall now strive to demonstrate this assertion.

A FEW WORDS ON BOUNTIES.

Our schedule of customs duties, as it stands at present and as it has stood since 1861, is based upon the irrational idea that our manufacturers deserve high bounties in the indirect form of high duties for the permanent maintenance of a domestic control of the domestic consumption, regardless of their ability or inability to enter foreign markets as competitors with the manufacturers of rival countries. For the purpose of creating a profitable and exclusive home market for our own manufacturers we are foolish enough to tax our people annually, indirectly, to an extent of $800,000,000, or to an amount of $16 a year for every man, woman, and child of our population, and by the imposition of exorbitant duties on raw materials we deprive at the same time even our protected manufacturers of every opportunity of successful competition outside of our own markets. Our customs legislation is so shortsighted that it protects everybody and everything for the sake of the mere maintenance of the principle of protection, and owing to its want of due discrimination it inflicts in reality a heavy damage upon the greater part of our industries and upon our people in general. By holding out to manufacturers the prospect of immense bounties and profits it has caused a disproportionately rapid and unhealthy spread of factories, and has thereby produced the glutting of our markets with a great excess of products, thus working out in part the very end which it was instituted to prevent—the lowering of the prices of our commodities to the level of the foreign quotations. In spite of all drawbacks it manifests, indeed, as its ultimate sequence, an odd but steady inclination toward reductions, not, however, toward reductions which harmonize with the conditions under which a healthy industrial production takes place, but rather toward forced reductions, which obtain their origin through the instrumentality of a wild and daring competition. It hurts in a twofold respect—it hurts the consumers in general by increasing unjustly the price of their commodities, and it hurts again the manufacturers, whom it allures into reckless enterprises by the deceptive prospect of large profits.

THE POSITION OF OUR MANUFACTURERS.

It is unfortunately true that we have among us manufacturers who are so wedded to the idea of commercial isolation that they will never think the effects of our tariff other than beneficial, but without exception this class of manufacturers represents the most heavily protected interests. It fears the loss of bounties varying from 100 to 150 per cent. of the value of its protected products. Such manufacturers, among whom figure prominently those of chemicals and of the steel industry, find it hard to surrender their golden monopolies, and instead of losing their bounties, they prefer rather that, by mutual accord, their factories be closed for months, in order that thus their production might be accommodated to the demands and needs of the home markets. It matters little to them if through their selfishness they throw out of employment thousands of workmen. Their workmen may seek other employment or starve. Work is plentiful and cheap, but privileges are hard to acquire and precious, and therefore they cling to their privileges.

But there is a larger class of manufacturers which looks upon our tariff from a different point of view and which commands enough sense and experience to comprehend the advantages of a foreign market, and this class consists principally of those whose profits are lessened by heavy domestic competition. These manufacturers perceive that our tariff policy involves simply an inhibition to them to export the surplus of their products, that it lays, in fact, an embargo upon their export trade in home manufactures. They recognize the necessity and desirability of a full and free competition with the factories of other countries, and in order to gain an access to the foreign markets they hold themselves in readiness to accept from the hands of the American Congress the liberation of raw materials from duty, knowing quite well that, if once in the possession of this privilege, they will be able to control the foreign markets by the superiority of their products. They see that bounties furnish no safeguard against domestic competition, and to save themselves and their workmen from ruin, they are willing to surrender whatever advantages they now enjoy under our tariff in exchange for the full and unrestricted privilege of free raw materials.

THE CONDITIO SINE QUA NON.

Cheap raw materials are the first prerequisite of cheap production and successful competition. High-priced raw materials will inevitably limit our manufactures to the outlets which we possess in this country; whereas with cheap raw materials we would be able to compete in foreign markets with every other commercial nation. With high-priced raw materials we have either to stop production until a reviving demand sets our works into renewed motion, or we must continue it with the prospect of bankruptcy. To compete successfully with the manufacturing industries of Europe, it is but requisite that our manufacturers be enabled to acquire all kinds of raw materials upon terms equally favorable with those upon which Great Britain, Germany, France, Belgium, the Netherlands, and Switzerland obtain theirs. The superiority of our means of production is such that our industries need no protection to enable them to profitably compete with those of Europe, if they share once with the European industries the joint advantage of cheap raw materials. Our exports in cotton goods are sufficient evidence of this fact, and the same also holds good of all articles in which the skill and the inventive genius of the American workman come into play. In fact, wherever the value of the work bears a high relation to the value of the raw material, there we can even at this moment freely compete with foreign nations. Especially is this so in the case of machinery, tools, hardware, and fire-arms. Though they are protected by rates varying from 50 to 175 per cent., the superiority of American workmanship is yet able to overcome these burdens. Wherever labor largely preponderates in the combined value of labor and materials, there we excel.

A CASE IN POINT.

The manufacture of woolen goods is one of our most important industries, and if we are in search of a striking display of the injurious effect of a tax on raw materials, we need merely study its present condition.

The tariff charges on fine woolen goods are from 45 to 75 per cent.; on low goods from 100 to almost 150 per cent. Yet this high rate of duty on certain classes of woolens hardly enables their manufacturers to save themselves from bankruptcy. Certain goods of Berlin fabrication undersell American goods which are protected by a duty of more than 90 per cent. Cloth which costs in Berlin 75 to 80 cents meets the American article at double the price, and this because it is made of wool which costs here on the average about 35 cents in the grease, while the Berlin manufacturer can use colonial wools at a little over half that cost. This sufficiently explains why we can not compete. If we were to abolish the tariff on wool, and if we were to provide other cheap untaxed mill supplies, we should be amply protected by a tariff on woolens of from 25 to 35 per cent. As the matter stands, we find, however, no protection at 90 per cent., and our pernicious taxation of raw wool results merely in the gradual crippling of the woolen manufacture.

By the exclusion of a sufficiently cheap supply of foreign wools our manufacturers are in fact already compelled to make nearly all one line of goods, from cheap to middling. Had we, however, cheap foreign wools, the case would be different; then we could readily manufacture a variety of cloths and woolen goods, and all of our woolen factories would find useful occupation. But as nearly all of our factories are now obliged to make the same class of goods and to use the same class of wool, competition becomes well-nigh destructive of our woolen industry.

Fine goods are admitted into our ports at much lower rates than the coarser woolens, because the specific rate is the same on the finest woolens as on the commonest shoddy and cotton fabric. Against such a discrimination in favor of foreign goods fine woolen goods can of course not be manufactured in our factories, and we are therefore now annually importing them to the extent of $40,000,000—a sum which, if brought to the valuation of American woolen goods, will be about equal to $75,000,000 (adding duty, commission, freight, and the importer's profit), or to nearly 30 per cent. of the value of the entire production of our woolen mills. That we should be confronted by such a condition of things, is certainly strong evidence of the hurtful character of our tariff; but even if we were audaciously to disregard it and to attempt now the manufacture of fine woolen goods as a mere experiment, we would soon be compelled by this very tariff to desist from it.

THE TARIFF ON WOOL AND ITS BENEFICIARY.

The question may fairly be raised whether it is the farmer who is protected by the wool tariff. But the answer is an emphatic "no." The farmer and the sheep-raiser by no means represent the same interest, and a correct view of the case must convince the farmer that he is the loser in the game. We raised in the year of the last census 35,000,000 sheep, distributed among 4,000,000 of farmers, and if we make an even distribution, each American farmer will have to be credited with the raising of nine sheep. These nine sheep give about fifty-five pounds of raw wool, and at a protection of twelve cents the farmer receives a bounty of $6.60. But his clothing and woolen-wear cost him on the average $50, or twice as much as he would need under a reign of free wool. In woolen goods he pays, therefore, a tax of $25 from his earnings, while his supposed gains from sheep-raising average only $6.60. The large wool-growers, whose interest is concentrated in comparatively few localities, where land costs but little, use the millions of farmers who produce little wool merely as convenient instruments for procuring their own chestnuts safely from the fire. The burdens which every farmer has to carry as a consumer of woolen goods are at least four times as high as the amount of the bounty which he would obtain from the tariff for his wool if all sheep raised in the United States were equally divided among all the farmers. This kind of protection to the farmer is like saving at the spigot and wasting at the bung-hole.

FOREIGN WOOL IN ITS RELATION TO DOMESTIC WOOL.

For sheep-farming our climate is by no means more inclement than the

climate of Great Britain and Germany; yet, in the absence of any protection for wool, Great Britain raises annually 30,000,000 of sheep and Germany 24,000,000. Besides, both these countries let in the cheap wools of Australia, the Cape, and South America, and they use them with their more costly domestic wools to the advantage of their woolen industry as well as of their wool-growers. Indeed, the number of sheep of Great Britain varied but little during the ten years previous to 1880, though the imports of wool into that country have increased nearly 50 per cent. Of late, however, a slight decrease in sheep-raising has taken place in England, owing to a change in the style of ladies' dress goods. So long as the desire for worsteds kept up a large demand for British fleeces, the price of British wool was far above that of foreign wool, and the same, too, would be the case with those of our wools which are materially different from colonial wools. With a good and cheap supply of them for mixing, they would only add to the demand for our domestic wool and they would keep up its price rather than diminish it. The multiplied means of rapid locomotion have brought the vast pasture-lands of transoceanic continents almost to the very door of the English wool-spinner. Still, the British wool prices take no violent jumps like those of our own wool. The unknown quantity of a foreign supply acts in the British markets invariably as a safety-valve against the high-pressure power of the speculator; while our own wool prices, on the contrary, show the natural influence which a protective tariff must forever exercise on inland prices—violent fluctuations, with a tendency toward the maximum line, that is, to the foreign price at the place of export, besides duties and charges.

A HINT AS TO THE PROPORTIONS OF A TAX ON RAW MATERIALS.

The wool clip of the United States, taking the highest estimate, amounts to about 280,000,000 pounds, and averaging the whole, high and low grades, at 30 cents a pound, we obtain for it an aggregate value of $85,000,000. Our woolen industry, on the other hand, represents, if we include in it the manufacture of ready-made clothing, woolen shirts, cloaks, and the like, an aggregate value of over $500,000,000, and its very existence is based on the liberal supply of cheap raw wool. Our woolen factories employ 167,000 persons, and in the manufacture of ready-made clothing and other kindred industries there is besides an additional number of fully 250,000 persons employed. Thus manufacturing interests of a value of over $500,000,000 and the daily bread of nearly half a million of working people depend alone upon this single staple. A tax of 10 cents a pound on raw wool amounts for our entire clip to only $28,000,000, and were we to change it into a bounty of 10 cents a pound on raw wool and to admit wool and its substitutes free, we would at once give a new impetus to our woolen industry and to our commerce. A tax on raw materials is not like a tax on finished goods; it is equal to its own amount, plus the usual percentage of gross profit, multiplied by the number of procedures through which the raw material has to pass until it reaches the consumer in the finished state. A protection of $28,000,000 on wool keeps swelling and swelling at each intermediate stage until the protected wool reaches the consumer, and when it reaches him in its most finished state this protection will not fall far below $100,000,000, without giving any adequate advantage to manufacturer, workman, and consumer. On the contrary, it sacrifices their joint interests to those of the producer of the raw material—of the very person to whom it is always given to easily keep his product within the limits of the general demand.

WAGES IN THE WOOLEN INDUSTRY.

In woolens wages on the average are now about 30 per cent. higher in the United States than in England, and in England about 20 to 35 per cent. higher than in France and fully 50 per cent. higher than in Germany. The actual difference between the wages of the operatives of the British and those of our own woolen mills can, however, best be ascertained from the following table:

[Values reduced to American dollars; English shilling, 24 cents.]

Description of occupations.	Great Britain.				United States.	
	1865.	1880.			1878.	1881.
	Huddersfield, &c.	Batley.	Dewsbury.	Huddersfield.	Massachusetts.	Massachusetts.
Week of hours	66	56	54	56	.....	60
Wool-sorters, men	$5 28 to 7 68	$7 20	$6 24	$5 76	$8 50	$9 43
Scourers, men	3 84 to 5 04	5 28	5 76	5 28	6 66	8 84
Dyers, men	3 60 to 5 04	5 28	5 28	5 28	6 66	7 81
Dyers, foremen	.....	12 00	14 40	12 00	.....	.....
Teasers and willyers, men	4 00	5 28	5 04	.....	.....	.....
Scribblers, men	6 00	.....	6 72	.....	.....	.....
Scribblers, women	2 16	3 36	3 00	2 64	.....	.....
Condenser-minders, lads	.....	2 40	3 00	2 64	.....	.....
Spinners, men	5 76	*7 29	7 68	7 20	7 64	9 05
Spinners, piecers, lads	1 92	2 88	2 40	2 16	3 00	4 81
Spinners, foremen	.....	12 00	9 60	10 80	.....	.....
Warpers, women	3 26	3 60	3 36	3 61	.....	.....

Difference between wages, &c.—Continued.

Description of occupations.	Great Britain.				United States.	
	1865.	1880.			1878.	1881.
	Huddersfield, &c.	Batley.	Dewsbury.	Huddersfield.	Massachusetts.	Massachusetts.
Beamers, men	.....	$5 52	.....	.....	.....	.....
Healders, lads	.....	2 88	.....	$2 40	.....	.....
Fettlers, men	.....	5 28	$5 28	5 28	.....	.....
WEAVING.						
Pattern-designers, men	.....	14 40	14 40	14 40	.....	.....
Pattern-weavers, men	$5 04	5 76	7 20	6 00	$9 50	$28 53
Furriers, men	.....	9 60	.....	.....	.....	.....
Weavers, men	4 32	*4 80	6 00	*6 25	6 95	7 45
Weavers, women	3 60	3 60	3 60	*4 32	.....	.....
Burlers, women	.....	2 64	.....	2 10 to 3 60	4 59	5 13
Knotters, men	.....	5 28	.....	.....	.....	.....
Menders and sewers	.....	.....	.....	.....	.....	.....
Women	.....	3 12	3 00	3 00	6 34	5 09
FULLING.						
Fullers, men	.....	*6 00	5 76	5 52	6 89	7 35
Fullers, foremen	.....	*9 60	14 00	8 40	.....	.....
DRESSING AND FINISHING.						
Dressers, men	6 24	5 28	5 04	6 24	7 08	7 53
Tenterers, men	.....	*6 00	5 25	5 76	.....	.....
Cutters, men	.....	5 72	5 52	5 76	.....	.....
Cutters, lads	2 15	2 40	2 88	2 88	.....	.....
Press-setters, men	.....	6 00	5 52	6 00	.....	.....
Steamers, men	.....	6 00	5 52	6 00	7 50	7 68
Drawers, men	.....	*8 40	9 60	7 20	.....	.....
Engine-tenders	9 60	9 60	8 40	8 40	10 50	11 07
Stokers	5 14	4 32	5 28	5 28	8 78	7 97
Mechanics	.....	8 40	6 48	6 48	12 33	13 43
Carters	.....	5 28	5 28	5 28	.....	.....
Warehousemen	.....	5 28	5 28	6 00	.....	.....
Laborers	.....	.....	4 80	4 80	6 69	8 58

*Piece-work.

SOME FIGURES ON THE TRADE IN WOOLENS.

As regards the export of woolens, it is a significant fact that England, having the advantage of free wool, is far ahead of her rivals, and especially so much so of the United States that our own export to the pitiable amount of $400,000 appears like the most cutting sarcasm on our tariff. But let the actual figures of the export and import of woolen goods and yarns for the year 1881 speak for themselves:

	Imports.	Exports.
England	$35,000,000	$103,000,000
Germany	25,000,000	64,000,000
France	19,500,000	82,000,000
United States	38,000,000	400,000

The English woolen exports in 1865 were still higher; for that year they reached the value of $122,000,000 as against a value of $103,000,000 in 1881. But though they exceed very considerably those of France and Germany, they have experienced latterly a marked decline, and this mainly through a change in fashion, by which hard lustrous goods, in which the English woolen mills excelled those of all other mills, were temporarily set aside. Compared with the utter insignificance of our own export figures, the British woolen export is, however, still simply gigantic, and it will likely retain its present volume indefinitely, if we should not now conclude to undermine it by the very force through which it obtained its wonderful growth and development—free raw materials. Through their agency alone it was enabled to take possession of the markets of the world, and there is no reason why this supremacy may not permanently be wrested from it by American rivalry, if to the American woolen mills the privilege of free raw wool be but once given.

LABOR AND THE TARIFF.

On the part of the highly protected class of our manufacturers the argument is frequently used that through the tariff the condition of the American laborer is elevated far above that of his European competitor; that by virtue of the protective system he enjoys the enviable privilege of high wages, and consequently ease and comfort. But nothing of the kind happens in reality. The last person whom the tariff laws protect or ever were intended to protect is in reality the laborer; for they fail to protect him against injurious competition, and through unbounded competition his wages are lowered to almost the level of the European labor market. The men and women employed in the protected industries can not close their eyes to the circumstance that their wages are lower than those paid in the non-protected industries, and they are apt to draw their own conclusions from this significant fact.

Thus, on the basis of the last census, the average annual wages per hand in the protected industries are as follows:

Iron, steel, and iron-ore mining	$376 40
Woolen manufactures	293 05
Silk and silk-goods	291 88
Cotton manufactures	248 00
Hosiery and knit-goods	230 53

—as against the following annual wages paid per hand by the non-protected industries:

Men's clothing	$276 80
Boots and shoes	381 00
Agricultural implements	388 00
Hardware	424 74
Foundries and machine-shops	454 18
Lumber and planing mills	458 53
Furniture makers	470 75
Carpentering	544 05

Our workmen can not but see in the face of such figures that the protected manufacturer alone reaps the bounties of the tariff; that he alone pockets the money which the people lose. Owing to the tariff the mine-owner of Pennsylvania amasses riches, but not the miner. The monkey uses the cat's paw to get the chestnuts out of the fire and kindly gives to the victim the shells.

In farming, which is an unprotected industry, the laborer receives about twice as much, board included, in Wisconsin as in England. In several of the protected industries, on the contrary, it is otherwise; there the wages of our operatives are lower than those of the British workmen. Thus the American consul at Manchester (September, 1882) reported the average wages in English cotton-mills at $251 per year, for fifty-six hours a week; while, on the contrary, the average wages of American cotton-mills amounted, according to the census of 1880, to but 80 cents per day, or to $248 for 310 days—less money for more hours; and there has since been a reduction of fully ten per cent. And similar facts are to an equal extent also shown by the American and British woolen and iron industries.

Were we, therefore, but materially to modify our tariff by the free admission of raw materials, our wages could not fail to experience, in consequence of increased production, rather a decided increase than a diminution. They could not then, as now, remain comparatively stationary. In Great Britain there has been in the course of the last thirty years an increase in wages to the sum of nearly 70 per cent., but with us this same increase has only amounted to 28 per cent. In 1850 our average annual earnings in all manufactures amounted to $245; after ten years of low duties they rose then to $289 in 1860, or 17 per cent.; in 1870 they stood further at $302; and in 1880 they were at the highest point, $346. Since then, however, they have again fallen 20 per cent., and it is even questionable whether they now exceed much the average of $300.

Wages ought, moreover, to be judged by their purchasing power. To compute them by the dollar sign is as erroneous and as difficult as it is to calculate the Copernican from the Ptolemaic system. Our dollar has been a changeable value, buying more at one time than at another, and it is by no means a true measure for a fixed value—that of the cost of the living of the workman. But making allowances for its commercial fluctuations during the various periods of protection, it had, when received by the laborer in the form of wages, nevertheless an indestructible value according to which it could buy:

	1860.	1872.	1878.	1881.
Flour, superfine ..... pounds	25.64	18.18	22.72	19.76
Codfish ..... do	18.87	12.20	16.67	13.33
Beans ..... do	12.66	10.52	12.05	7.54
Coffee ..... do	4.36	2.35	3.77	3.47
Sugar ..... do	9.70	8.33	10.00	9.09
Soap ..... do	11.49	12.50	12.34	14.81
Beef:				
Roasting ..... do	9.18	5.26	6.94	5.88
Soup ..... do	20.83	13.33	18.86	18.18
Corned ..... do	15.38	9.52	12.34	9.75
Veal, hindquarters ..... do	9.18	5.85	6.53	6.34
Mutton, forequarters ..... do	13.51	9.80	9.70	8.82
Hams ..... do	7.75	7.41	8.07	6.55
Potatoes ..... bushels	1.67	0.97	1.03	0.79
Milk ..... quarts	21.27	12.50	18.86	16.66
Coal ..... pounds	312.00	217.00	310.00	255.00
Shirting ..... yards	10.87	7.69	13.33	11.42
Sheeting ..... do	9.34	7.14	11.11	9.30
Rent, four-room tenement ..... days	6.75	2.03	5.40	3.75
Board:				
Men ..... do	2.52	1.24	1.67	1.47
Women ..... do	3.92	1.87	2.63	2.33

The value of the dollar, as will be readily perceived, is changed all through this list, and it does not buy the same amount of goods, board, or rent at any two of the above periods.

WAGES AND CONSUMPTION.

Poor business presses down prices, and wages are reduced. Good times, on the other hand, raise prices. Nevertheless wages are seldom raised with the rise of the price of commodities. In most cases their rise has to be forced, and the consequence is less consumption and strikes. The year 1860 is a year of a low tariff, but in 1861 prices are beginning to rise greatly, in consequence of tariff charges. See, therefore, the result in consumption per capita:

Years.	Tea.	Coffee.	Sugar.	Cereals.
	Pounds.	*Pounds.*	*Pounds.*	*Bushels.*
1860	0.84	5.8	29.6	38.68
1861	0.52	4.3	22.2	.....
1862	0.71	3.4	29.5	26.42
1863	0.80	2.2	18.9	21.21
1864	1.04	3.7	19.4	25.34
1865	0.48	2.8	16.8	31.43
1866	1.16	4.7	27.6	36.67

These few figures tell more than volumes of argument against the fallacy of the attempt to raise the condition of the workman by raising prices through tariff legislation. The slightest change in the value of money falls most severely on the working classes. A rise in prices pinches them to that extent that they at once are compelled to reduce their daily rations in tea, coffee, sugar, and bread.

A tax on raw materials in wool, iron, coal, dye-stuffs and the like is, besides, apt to increase the prices of manufactures disproportionately, and it makes, in consequence, the dollar of the workman less valuable. This may be seen from the following table, in which a pound of scoured wool is followed up until it goes into the possession of the workman:

UNDER FREE RAW MATERIALS.

Different processes.	Cost.	Duty.	Labor.	Chemicals.	Duty on chemicals.	Increased cost.	Profit.	Product.
Scoured wool	$0 50	.....	.....	.....	.....	.....	.....	$0 50
Wool dealer's profit	50	.....	.....	.....	.....	.....	$0 05	55
Price of cloth	55	.....	$0 25	$0 25	.....	.....	25	1 30
Selling expenses and charges	1 30	.....	.....	.....	.....	.....	42	1 42
Clothing manufacturer	1 42	.....	.....	.....	.....	.....	28	1 70
Clothing dealer	1 70	.....	.....	.....	.....	.....	42	2 12

UNDER OUR PRESENT TARIFF ON RAW MATERIALS.

Scoured wool	50	$0 40	.....	.....	.....	.....	.....	90
Wool dealer's profit	90	.....	.....	.....	.....	.....	10	1 00
Price of cloth and duties	1 00	.....	25	25	$0 15	$0 10	40	2 15
Selling expenses and charges	2 15	.....	.....	.....	.....	.....	20	2 35
Clothing manufacturer	2 35	.....	.....	.....	.....	.....	50	2 85
Clothing dealer	2 85	.....	.....	.....	.....	.....	70	3 55

Under both systems I allow the same percentage of profits to the manufacturers and dealers, and still under a protection of raw materials the workman has to pay out of his wages for every pound of wool and other protected raw materials which enter into the process of turning the wool into cloth, $1.43 more than he would pay if raw materials were not taxed. The 50 cents' worth of wool and 25 cents' worth of chemicals, coal, &c., cost him $2.18 instead of the original price of 75 cents. The tariff charges of 55 cents grow to $1.30 in a single yard of cloth.

EXTREME CHARGES.

The tariff rates on many manufactures, especially in the woolen line, seem extreme. Knit-goods, for instance, composed wholly or in part of wool or worsted, pay at present a specific and an ad valorem duty averaging 70 per cent.—an exorbitant tax on so necessary an article of clothing as an undershirt, a cardigan jacket, a knitted shawl, or the like. Surely, the manufacturer of knit-goods must roll in wealth. But even the yarns used in these goods have exactly the same rate of duty to pay; 70 per cent. on yarns wholly or in part of wool or worsted. There are three parts falling to the material and one part to the labor in the composition of the value of these woolens, and it may, therefore, be imagined what great margin of profit is left to the manufacturer and what margin of profit and protection to the workman after all these exorbitant charges have been paid—charges which are heaped upon American manufacture over and above the price which foreign competition has to pay. Yarn comes next in importance to raw wool, and we tax it with 70 per cent. a pound, while protective Germany has a tariff of but 2½ cents (24 marks per 100 kilograms) on a pound of full worsted yarn, or a duty of a little over 4 per cent. (against our 70 per cent.), if we take 60 cents (the average value for 1880 of British exports of woolen yarns) as a basis of comparison. Nevertheless German manufacturers are little pleased with a taxation of their yarn, however slight, and energetic complaints are found in the reports of various German chambers of commerce. They ought to feel comforted, however, when they look upon the 70 per cent. tax which rests now on the raw material of our manufactures of worsteds, knit-goods, gimps, and trimmings of all kinds.

THE POSSIBILITIES OF OUR COMMERCE.

The present stagnation of our commerce, Mr. Chairman, is too eloquent a monitor of reform to go unheeded by us. It presses upon us

the necessity of a new industrial development, and tends to remind us that we must henceforth have free raw materials and go abroad and study the wants, the tastes, the modes of business of foreign countries and adapt ourselves to them. The opening of new markets for the surplus which can not be consumed at home is obviously our most pressing need. And almost at our doors exist markets which only our own folly and stupidity have prevented us from monopolizing; they stand prepared to take our surplus cotton, woolen and glass manufactures, our iron and steel raw and wrought, our leather and paper. A possible market of $250,000,000 exists in South America, but at present we occupy only one-tenth of it. The West Indies import more than $115,000,000, but they take only $31,000,000 from this country. Canada obtains only one-third of her purchases from us, and the same proportion holds in Mexico and the Central-American States. On the American continent alone, then, in the aggregate lies open to us a market for our manufactures of at least $500,000,000. And none of the nations included in this survey, save perhaps Canada, are manufacturing nations; therefore they would not under a reign of freer trade compete with our domestic industries. They would take our manufactured products, if only we would take from them their raw materials. But this our tariff forbids foolishly and blindly. We refuse the cheap raw materials which would enable us through a low cost of production to monopolize these markets.

THE JUGGLE OF THE LAST REVISION.

It is claimed by the protectionists that the last revision of the tariff involves reductions which ought to satisfy the country for some years. How far, however, this claim is justified may appear from a review of the schedule relating to metals.

The value of metal and of the products of the industries in which metals are supplies of chief value amounted in the year of the recent census to $943,000,000. Of a total production to the value of $3,700,000,000 of actual manufactures the metal industries covered just 25.5 per cent., and employed besides 535,000 hands, or 23¼ per cent. of all the hands employed in the various manufacturing industries of the country. Thus out of every hundred dollars' worth of our manufactures twenty-five dollars' worth is principally composed of metals, and out of every hundred persons employed in manufactures twenty-three find a livelihood in metal works of some kind, and I can therefore appropriately single out this industry in illustration of the inadequate tariff reductions of the last year. A look at the old and new schedule puts the case as follows:

1. The old tariff lays a tax of 20 per cent. on iron ore, and this tax is about equivalent to 57 cents a ton. The new tariff, on the contrary, raises this tax to 75 cents. The average invoice value of foreign ore in 1872 was $2.08, duty (20 per cent.) 41¾ cents; in 1873, $2.25, duty (20 per cent.) 45 cents; in 1875, $2.57, duty (20 per cent.) 51½ cents; in 1878, $2.14, duty (20 per cent.) 43 cents; in 1882, $2.86, duty (20 per cent.) 57 cents. A duty of 41¾ cents was thus sufficient in 1872 to protect the great industrial skill required in ore-digging; ten years later, however, under an advance of foreign-ore prices, 57 cents did not protect, and the duty had to be raised to 75 cents.

2. Pig-iron, $6.72 a ton—old tariff, $7; a reduction of 28 cents.

3. Steel rails, $17 a ton—old tariff, $28; a reduction of $11.

The foreign price of steel rails in December last was from £5 to £5.55, or $25. Considering that the English price ten years ago was $80, a tariff of $28 was less out of proportion than a duty of $17 is on a cost price of $25.

4. Bar-iron, sheet-iron, and boiler-iron show small reductions from the old specific rate. But these reductions are hardly worth mentioning in the face of the fact that since the fixing of the old rates a great decline in foreign prices has taken place. The new rates average fully 75 per cent.

5. Manufactures of iron are raised from 35 per cent. to 45 per cent.

6. Manufactures of copper and steel remain stationary.

7. Manufactures of lead, tin, and zinc are raised from 35 per cent. to 45 per cent. ad valorem.

8. Manufactures of gold, silver, and platina are finally again raised from 40 per cent. to 45 per cent. ad valorem.

So far as metals are concerned these figures can not but clearly make it apparent that there is not the faintest trace of a reform to be discovered in the tariff act of March 3, 1883; and if its other schedules, especially that of woolens, were subjected to a like analysis, a similar condition of things would also be further laid bare. If, indeed, the present tariff embodies any reforms, they are certainly all in favor of a limited class of manufacturers. Otherwise it could not in the single item of pig-iron give now an annual bounty of $16,000,000 to the iron-masters of Pennsylvania, while at the same time it gives to the Government from the same article but a revenue of $613,000. The bounty of the iron-master and the revenue of the Government appear now in the ratio of $26 to $1, but still the Pennsylvania iron-master is not yet fully satisfied.

THE GROWTH AND THE TENACITY OF THE EVIL.

Our first tariff was enacted in 1789, and it granted on the average a protection of 3½ per cent., as against a present average protection of 43 per cent. Steadily the monopoly of the tariff has been gaining ground in this country, and with its increasing strength its burdens have become more onerous and oppressive. In 1789 the manufacturers of Pennsylvania declared that their iron and steel industries were on the point of a permanent establishment and that they needed only a slight encouragement for a brief time. They received then this encouragement in the form of a duty of 7½ per cent. on iron and of about $11 a ton on steel, and they grew rich on that. But their very prosperity was soon an incentive to them to seek a continuance of their bounty, and regardless of its originally temporary character, they have, by the exercise of as much ingenuity as effrontery, managed to maintain it up to the present time, and even at highly increased figures, so that they enjoy now duties running from 20 to 100 per cent. Cotton manufacture originally only needed to be protected by a duty of 5 per cent.; to-day, however, it is, oddly enough, standing in need of duties which run from 35 to 55 per cent. The woolen manufacture was said to be firmly established in 1810; it only desired then a protection of from 5 to 22½ per cent. "for a year or two longer." But that time lies now far behind us, and seventy years besides, and still this same industry requires a protection of from 40 to nearly 150 per cent.; and so on to the end of the chapter. The monopoly of the tariff has fastened itself so strongly upon us that it will ever resist the least attempt at its dislodgment. It has too long fattened at the expense of the bone and sinew of the country, at the expense of our producing population, ever to be suspected of the least inclination for the voluntary surrender of its prey. It will cling to its traditions and it will forever resist reductions.

THE NEED OF THE HOUR.

But these reductions will nevertheless have to be made, although it would be unwise to effect them with one sweeping stroke of the pen. The time has come for a sound discrimination in our customs legislation between necessities and luxuries and between a necessary and an unnecessary protection of manufactures. Our people will no longer submit to a duty of only 10 per cent. on diamonds as against one of 100 per cent. on blankets. They will no longer submit to a duty of but 35 per cent. on laces, as against a duty of 60 per cent. on fine sugar. They rather desire a reversion of this order of things, and a removal of duties from all the commodities which enter largely into the consumption of the household. They care not though a duty of 150 per cent. be levied on the diamonds which go to enhance the attractions of the wife and the daughters of the millionaire; in view of the fiscal requirements of the Treasury, they would, on the contrary, consider such a duty but just, and they would in no manner demur were it increased to that figure. But when they are asked to sacrifice two-fifths of their yearly earnings in the form of duties on their clothing, their salt, their sugar, their rice, their coal, and other necessities, they show signs of revolt and disgust. Now that the coffers of the Government are full, our consumers begin to incline to the opinion that they should obtain relief from the heavy taxation of the past, and while they have no desire that Congress should suddenly so change the tariff as to affect thereby in any wise the prosperous existence of any manufacturing industry, they insist upon a swift abolition of all legal provisions which tend at present to give life and support to monopolies. The people will no longer tolerate a system of customs duties which enables a single knit-goods factory, as has recently been the case in Connecticut, to declare for one year a dividend of 86 per cent. on its shares, while at the same time it apportions to its workmen in wages but the pittance of $1.25 a day.

WHAT FREE RAW MATERIALS WILL DO FOR US.

Not the workman is to be hurt by a judicious revision of the tariff, but merely that class of manufacturers which now enjoys bounties running to 100 and 200 per cent. If the modification of our tariff could only extend as far as I would wish that it should reach, were it once and for all to establish the exemption of raw materials from taxation, I doubt not that in that case a new era in our industrial activity would be opened—an era of prosperity, not alone for the manufacturer but much more for the workman. Were our manufacturers but enabled to procure the cheap raw materials which Great Britain puts at the door of her manufacturers, they would thereby at once obtain an entrance to the rich field of foreign competition, and by the great possibilities which this field offers to them their factories would become sources of ever-flowing wealth and remunerative earnings to themselves as well as to their workmen.

The entire American continent ought surely to be tributary to the factories of the United States, and it ought not to be within the province of human power to prevent such a dependence; for the closer proximity of the United States to the entrepôts of the Central and South American trade gives our manufacturers an immense advantage in time and in the cost of transportation. But in spite of this high natural advantage, the trade of those sections of the American continent is now diverted to European channels. Through the agency of our own injudicious tariff, which by its taxation of raw materials annihilates every advantage that might accrue to us from our geographical position, all our enterprise in those regions is now hopelessly stifled, and our merchants are thus debarred from an active participation in the trade of more than one-half of the American continent. They can not use to advantage the wool and other raw materials of South and Central America, and neither can they undersell their British and German competitors, who

are at home possessed of the privilege of free, or nominally free, raw materials, and who are by this means put ahead of all American competition.

Unpalatable as the fact is, we must attribute to our tariff alone the commercial conquest of an immense portion of this continent by European nations, and unless we are now ready to change this tariff so that it will let in free of duty every species of raw material, we will have to continue indefinitely our acknowledgment of a foreign commercial supremacy in a hemisphere where none but an American political and commercial predominance ought to be tolerated. Under such an emergency it would seem that there can be but one course open to us, and whether we view it from an optimistic standpoint or not, it will leave us no alternative but that of a judicious modification of our present tariff. And the means of this modification I present, I think, in my amendment, which aims to bring about not only a just, but also a simple, solution of the tariff problem and of the economic disorders to which our present system of customs duties has given rise. If my proposition be but accepted by the House, I have no doubt that it will prove a real boon not only to the workman and the manufacturer, but also to the merchant and the consumer, and, on the whole, it involves perhaps the only efficacious means for the extension and revival of our commerce and our manufacturing industries.

Mr. McMILLIN. I now yield a minute to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. I only desire to state, Mr. Chairman, that by some mistake on yesterday I was unintentionally deprived of ten minutes of my time, which I wish now to reserve.

The CHAIRMAN. The Chair is informed that the exact time of which the gentleman from Georgia was deprived is nine minutes.

Mr. HAMMOND. I desire to reserve that time.

Mr. McMILLIN addressed the committee. [See Appendix.]

Mr. COX, of North Carolina, addressed the committee. [See Ap-

Mr. McMILLIN. The gentleman from New York [Mr. DORSHEIMER] yielded me the ten minutes of his hour which he did not occupy. I desire to yield that time to the gentleman from New York [Mr. BELMONT].

Mr. BELMONT. Mr. Chairman, I have asked the attention of the House because I desire to place myself clearly on the record in support of the bill now under consideration.

I believe, Mr. Chairman, there is nothing more certain in the political situation than that we are fast approaching a low tariff period in our history. War tariffs will be relegated to the past as surely as there are intelligence and patriotism in the land. Many of the more clear-sighted and independent of the Republican leaders have recognized the fact and are already showing signs of a change of front upon this question. There are members, however, of the minority upon this floor who from long association, and perhaps conviction, are faithfully engaged in an endeavor to uphold and perpetuate a war system of taxes which, with all due respect to them, is plainly unsuited to the changed condition of the country.

But if they are consistent protectionists, what will those gentlemen say to the declared policy of the administration of President Arthur—a policy which it has been compelled to adopt in deference to the demand of the country for freer commerce and foreign markets? A policy abating the principle of protection, one which will affect the revenues accruing from customs duties, and it is in harmony, so far as the treaty-making power goes, with the legislation proposed in this bill by the Democratic party in the House.

The reciprocity treaty already negotiated with Mexico and the commercial agreements foreshadowed with Spain and other powers are in accord with the policy of this bill. The effect of these reciprocity treaties is to reduce the revenues arising from duties on imports and to open new markets for our products and manufactures. And the Mexican treaty, in certain respects, goes further than this bill, by admitting articles free which enter into competition with our own products, a list of which articles I submit in an appendix.

The prosperity of commercial nations, Mr. Chairman, depends upon reciprocity, and to this end is directed the tariff policy of the Democrats of the House. Those opposing this policy stand in the way of the commercial progress of the United States; and it will be curious to note the attitude of Republican members upon the subject of the proposed treaties should any of them require the legislation of this Congress.

And what will be said of the messages of President Arthur? In 1881 the President declared—

> In view, however, of the heavy load of taxation which our people have already borne we may well consider whether it is not the part of wisdom to reduce the revenues, even if we delay a little the payment of the debt. It seems to me that the time has arrived when the people may justly demand some relief from their present onerous burden, and that by due economy in the various branches of the public service this may be readily afforded.

In 1882 the President said:

> I heartily approve the Secretary's recommendation of immediate and extensive reductions in the annual revenues of the Government. It will be remembered that I urged upon the attention of Congress at its last session the importance of relieving the industry and enterprise from the pressure of unnecessary taxation. It is one of the tritest maxims of political economy that all taxes are burdensome, however wisely and prudently imposed. And though there have always been among our people wide differences of sentiment as to the best methods of raising the national revenues, and indeed as to the principles upon which taxation should be based, there has been substantial accord in the doctrine that only such taxes ought to be levied as are necessary for a wise and economical administration of the Government. Of late the public revenues have far exceeded that limit, and unless checked by appropriate legislation such excesses will continue to increase from year to year. For the fiscal year ended June 30, 1881, the surplus revenue amounted to $100,000,000; for the fiscal year ended 30th of June last the surplus was more than $145,000,000. The report of the Secretary shows what disposition has been made of these moneys. They have not only answered the requirements of the sinking fund, but have afforded a large balance applicable to other reductions of the public debt.
>
> It was made apparent in the course of the animated discussions which this question aroused at the last session of Congress that the policy of diminishing the revenue by reducing taxation commanded the general approval of the members of both Houses. I regret that because of conflicting views as to the best methods by which that policy should be made operative none of its benefits have as yet been reaped.

What will gentlemen on the other side say to the reports of the Secretary of the Treasury, which demonstrate that the surplus revenues are too great and that the taxes are too high and ought to be reduced?

This bill is but the direct answer to the information coming from the Treasury. It was so stated at the outset of this debate by the chairman of the Committee on Ways and Means when the measure was introduced to the House, and during this long discussion I have not heard that statement questioned.

No one on either side undertakes openly to quarrel with the proposition that taxation should be reduced, but some of the objectors to this measure declare for a reduction of taxes only upon spirits and tobacco—taxes voluntarily paid upon articles which are in the nature of luxuries. Others would go so far as to postpone any attempt at reduction as inopportune owing to alleged political considerations of a Presidential year. The best politics assuredly is a faithful performance of duty to the people at all times. There is now upon us a time of business adversity, during which industry and labor are made to suffer. It is now, if ever, that overtaxation bears heavily and demands the attention of the representatives of the people. Eleven years ago came the paper-money panic and the depression which continued till the resumption of specie payments in 1879. Then trade began to revive. In 1880 the pendulum swung back, and about the middle of 1881 the country reached the highest point of business prosperity; but during the year 1882 and 1883 the depression in commercial, financial, and manufacturing business steadily increased. Imports decreased, and so did immigration. Production has now in 1884 overtaken consumption, trade languishes, the least favored mills begin to show signs of distress—hence lower wages. And is it at such a time as this that Congress will refuse to reduce unnecessary taxes?

And have gentlemen noticed the recent communication of the Secretary of State in relation to the bill for the support of the diplomatic and consular services, in which he says among other things:

> With a production greater than we can consume, which must seek foreign markets, it is vitally important to sustain a sufficient and well-compensated diplomatic and consular service.

A Republican Secretary of State says, "With a production greater than we can consume, which must seek foreign markets." This, Mr. Chairman, is indeed a concession coming from a Republican State Department.

Which section of the Republican party more properly represents the needs of the country? Is it the administration, speaking through its President and Secretary of the Treasury, and now through the Secretary of State, or the minority in this House?

It is apparent to the country to-day that the only branch of the Government in the hands of the opposite party and having relation to commercial regulations—I mean the treaty-making power—is now undertaking a revenue reform by treaty, while the House, the only branch of the Government now in the hands of the Democratic party, is proposing a similar and more effective reform by legislation. This means, Mr. Chairman, that the spirit of tariff reform has gone beyond the control of either party, and can only be repressed for a time by combinations of minorities.

THE EFFECT UPON WAGES.

The alleged harmful effect of tariff reform upon wages has been a political argument long in use, and I suppose will continue to be employed by politicians. It is in fact a political argument merely, having no foundation either in common experience or the teachings of political economy. Suppose, however, it be true—which it is not—that American wages are to be injuriously affected by the reduction of duties or the admission of articles free of duty, why, then, does the Republican party undertake to accomplish that very thing by treaty?

The truth is that the rate of wages can not be raised or lowered by legislation any more than by treaties. The American rate of wages was higher than the European rate under the Walker revenue-tariff period between 1847 and 1860, just as it has remained comparatively higher under the Morrill war tariff between 1861 and 1884. England's rate of wages under the most absolute free trade has remained higher than the rates on the continent of Europe. There is no system of taxation, whether protective, low tariff, or free trade even, that will ever reduce the American wages to the level of the English or continental rates. This is not a matter to be regulated by customs laws.

In every country an infinite variety of causes contributes to fix the rate of wages, the character of its institutions, as well as the conditions, cus-

toms, and requirements of the people, and above all the power of organization and association among workingmen. But we have a familiar example constantly before us which emphatically contradicts the statement that tariffs establish the rates of wages. It is this: Under a uniform system of tariff duties applying to every port of entry in the country, and although articles are admitted at the same rate of duty in New Orleans and in New York, and Boston as in San Francisco, there are in each of these places different rates of wages, varying in each case with the cost of living in the locality.

Cheaper cost of living, resulting from freer commerce and foreign markets, diversifying the employment of labor, stimulating national industries, would indeed be beneficial to wages throughout the country.

REVENUE REFORM BY LEGISLATION PREFERABLE TO REFORM BY TREATIES OF RECIPROCITY.

It is with a certain satisfaction that Democrats are witnessing the Department of State return to the policy of Democratic Presidents and Secretaries of State and undertake the negotiation of reciprocity treaties; but it must be remembered that those treaties were negotiated when tariffs were low, and now it is important that general legislation reducing duties should precede any such treaty stipulations.

To carry out the policy of reciprocity treaties under our present system of high protective duties would only produce inequalities, discriminations, and wars of tariffs. The benefits expected from such a policy are not to be looked for unless there shall be legislation in harmony with it.

Better still than the hard and fast lines established by international commercial agreements is the natural reciprocity founded upon the laws of trade. The American trader and merchant may be trusted to make his own reciprocity treaties if only his Government will remove the present restrictions upon commerce. But how long are these restrictions to continue? Are we forever to be shut out by war tariffs from competition with our commercial rivals? Are we forever to surrender to England—the greatest of these—the share of the world's commerce which rightfully belongs to us?

It remains to a Democratic administration, acting in full accord with a Democratic Congress, to accomplish the great reformation, and to give to the country what it is now generally admitted it must have—a relief from burdensome and unnecessary taxes, tariff reform, and freer commerce with the rest of the world.

APPENDIX.

Schedule of Mexican articles to be admitted free of duty into the United States of America.

(2) 1. Animals, alive, specially imported for breeding purposes.
(9) 2. Barley, not pearl.
(8) 3. Beef.
(6) 4. Coffee.
(17) 5. Eggs.
(13) 6. Esparto and other grasses, and pulp of, for the manufacture of paper.
(14) 7. Flowers, natural, of all kinds.
(15) 8. Fruits. All kinds of fresh fruits, such as oranges, lemons, pine-apples, limes, bananas, plantains, mangoes, &c.
(26) 9. Goat-skins, raw.
(16) 10. Henequen, sisal, hemp, and other like substitutes for hemp.
(10) 11. Hide-ropes.
(11, 27) 12. Hides, raw or uncured, whether dry-salted or pickled, and skins, except sheep-skins with wool on, Angora goat skins, raw, without the wool, and asses' skins.
(18) 13. India-rubber, crude, and milk of.
(3, 19) 14. Indigo.
(20) 15. Ixtle or Tampico fiber.
(21) 16. Jalap.
(12) 17. Leather, old scrap.
(24) 18. Logwood, berries, nuts, archil, and vegetables for dyeing or used for composing dyes.
(23) 19. Molasses.
(1) 20. Palm or cocoanut oil.
(4) 21. Quicksilver.
(30) 22. Sarsaparilla, crude.
(7) 23. Shrimps and all other shell-fish.
(25) 24. Straw, unmanufactured.
(5) 25. Sugar, not above number sixteen Dutch standard in color.
(28) 26. Tobacco in leaf, unmanufactured.
(29) 27. Vegetables, fresh, of all kinds.
(22) 28. Wood and timber of all kinds, unmanufactured, including ship timber.

Schedule of United States articles to be admitted free of duty into Mexico.

(1) 1. Accordeons and harmonicas.
(74) 2. Anvils.
(8) 3. Asbestus for roofs.
(12) 4. Bars of steel for mines, round or octagonal.
(22) 5. Barrows and hand trucks with one or two wheels.
(36) 6. Bricks, refractory, and all kinds of bricks.
(38) 7. Books, printed, unbound or bound in whole or in the greater part with paper or cloth.
(73) 8. Beams, small, and rafters of iron for roofs, provided that they can not be made use of for other objects in which iron is employed.
(19) 9. Coal of all kinds.
(21) 10. Cars and carts with springs.
(23) 11. Coaches and cars for railways.
(24) 12. Crucibles and melting-pots of all materials and sizes.
(25) 13. Cane-knives.
(63) 14. Clocks, mantel or wall.
(26) 15. Diligences and road-carriages of all kinds and dimensions.
(27) 16. Dynamite.
(14) 17. Fire-pumps, engines, and ordinary pumps for irrigation and other purposes.
(40) 18. Faucets.
(47) 19. Fuse and wick for mines.
(53) 20. Feed, dry, and straw.
(29) 21. Fruits, fresh.
(37) 22. Fire-wood.
(54) 23. Fish, fresh.
(30) 24. Guano.
(6) 25. Hoes, mattocks and their handles.
(16) 26. Houses of wood or iron, complete.
(17) 27. Hoes, common agricultural knives without their sheaths, scythes, sickles, harrows, rakes, shovels, pick-axes, spades, and mattocks for agriculture.
(66) 28. Henequen bags, on condition that they be used for subsequent exportation with Mexican products.
(31) 29. Ice.
(32) 30. Iron and steel made into rails for railways.
(34) 31. Instruments, scientific.
(68) 32. Ink, printing.
(72) 33. Iron beams.
(15) 34. Lime, hydraulic.
(39) 35. Locomotives.
(56) 36. Lithographic stones.
(7.46) 37. Masts and anchors, for vessels large or small.
(41) 38. Marble in blocks.
(42) 39. Marble in flags for pavements not exceeding forty centimeters in square and polished only on one side.
(45) 40. Machines and apparatus of all kinds for industrial, agricultural, and mining purposes, sciences and arts, and any separate extra parts and pieces pertaining thereto.

The extra or separate parts of machinery and the apparatus that may come united or separately with the machinery are included in this provision, comprehending in this the bands of leather or rubber that serve to communicate movement, but only when imported at the same time with the machinery to which they are adapted.

(48) 41. Metals, precious, in bullion or in powder.
(50) 42. Money, legal, of silver or gold, of the United States.
(49) 43. Molds and patterns for the arts.
(51) 44. Naphtha.
(9) 45. Oats in grain or straw.
(64) 46. Oars for small vessels.
(5) 47. Plows and plowshares.
(52) 48. Paper, tarred, for roofs.
(57) 49. Plants and seeds of any kind, not growing in the country, for cultivation.
(58) 50. Pens of any metal not silver or gold.
(59) 51. Petroleum, crude.
(60) 52. Petroleum or coal-oil and its products for illuminating purposes.
(62) 53. Powder, common, for mines.
(10) 54. Quicksilver.
(70) 55. Rags or cloth for the manufacture of paper.
(67) 56. Roof tiles of clay or other material.
(11) 57. Sulphur.
(13) 58. Stoves of iron for cooking and other purposes.
(28) 59. Staves and headings for barrels.
(33) 60. Soda, hyposulphite of.
(43) 61. Steam-engines.
(44) 62. Sewing-machines.
(61) 63. Slates for roofs and pavements.
(65) 64. Sausages, large or small.
(20) 65. Teasels of wire, mounted on bands for machinery, or vegetable teasels.
(35) 66. Tools and instruments of steel, iron, brass, or wood, or composed of these materials, for artisans.
(69) 67. Types, coats of arms, spaces, rules, vignettes, and accessories for printing of all kinds.
(71) 68. Vegetables, fresh.
(2) 69. Wire, telegraph, the destination of which will be proven at the respective custom-houses by the parties interested.
(3) 70. Wire of iron or steel for carding, from No. 26 and upward.
(4) 71. Wire, barbed, for fences, and the hooks and nails to fasten the same.
(18) 72. Water-pipes of all classes, materials, and dimensions, not considering as comprehended among them tubes of copper or other metal that do not come closed or soldered with seam or with riveting in all their length.
(55) 73. Window-blinds, painted or not painted.

Mr. MILLER, of Pennsylvania. I yield now, Mr. Chairman, for five minutes to the gentleman from Rhode Island [Mr. CHACE].

Mr. CHACE. Mr. Chairman, the other day the gentleman from Ohio [Mr. HURD] in his remarks on this question used the following language:

> In a town in Rhode Island not long ago three hundred people—whole families—were in danger of starvation and had to be supported by public charity.

I am informed by the gentleman since that time that his authority for the statement was what purports to be an Associated Press dispatch published in the Gazette, a paper published in Washington, January 20, 1884.

At the time he made the remark I misunderstood the force of it. I understood him to state as a fact there were three hundred people in the town of Quidneck, in Rhode Island, in a state of starvation, but upon examining his language as obtained from the Official Reporter I find that they were simply in danger of starvation. Well, all the industries of the country are in the same danger if the Democratic party are successful in carrying out their policy. For the same reason these people were in danger if they were in danger at all. The whole danger of these three hundred people arose from the fact that this mill at Quidneck was stopped. It had ceased operation. If you are successful, gentlemen, you will stop a great many more mills. I suppose that is your object.

But practically the facts of the case are these: This mill was a part of the great Sprague estate, which is insolvent, and has been in litigation for years. By order of the court Governor Sprague was ousted from the possession of the mill and it had to be stopped in order to be sold. But there was no starvation, and there was no danger of starvation. This village is surrounded by a number of villages within a short distance where there are half a dozen of mills in successful operation. If they chose, these people might have obtained employment there, but

they preferred to remain where they were in order to save the expense and trouble of removal and be ready to go into the same employment when the mill started again.

I have a letter from the president of the company which purchased this property. He is a gentleman of high standing in Rhode Island. He says:

While the mills at Quidneck were stopped the owner allowed the operatives to occupy the tenements without charging any rent. They did this of their own accord and without any request from the tenants. Any family or person who chose to leave found ready employment at other mills in the vicinity, but most of the families preferred to remain, feeling confident the mills would soon be in operation. There was no starvation and no calls for charity.

I have also a dispatch from a prominent firm in that neighborhood which runs in this wise:

Quidneck is in Coventry, near us. We are unaware of any destitution or distress at any time, and if any existed we should know it.

I have similar dispatches, but I will not detain the House by reading them.

The fact is the whole thing is an entire mistake. I do not attempt to impugn the gentleman's integrity. I have no doubt that having read this in the public papers he believed it to be true, but it is an entire mistake. I might go on and explain how this story got into circulation, but it is not germane to this question.

Mr. HURD. Be kind enough to allow me to send to the Clerk's desk to be read the dispatch upon which I based my statement.

Mr. CHACE. It is a mere newspaper account.

The CHAIRMAN. The gentleman's time has expired.

Mr. HURD. I hope there will be no objection to having the dispatch read.

Mr. MILLER, of Pennsylvania. Not to come out of my time.

Mr. HURD. It will not take but a single moment to have it read, as it is only three or four lines.

Mr. MILLER, of Pennsylvania. Very well; let it be read.

Mr. HURD. I send to the Clerk's desk to be read the statement to which I refer, and which is to be found in the Washington Gazette of January 30, 1884.

The Clerk read as follows:

DESTITUTE OPERATIVES.

PROVIDENCE, R. I., *January* 19.

The report comes from Quidneck to-day that mill operatives are in very destitute circumstances, and that about three hundred people are likely to become charged upon the town. The destitute condition of the people was not discovered until late Wednesday night, when some of the villagers went from house to house, soliciting bread from those who could spare it to their less fortunate neighbors. Yesterday and to-day subscription papers were started in behalf of the destitute ones.

A gentleman who resides in Quidneck says that the people are without food or fuel. Yesterday, he says, one of the people in the street was picking up pieces of coal which had fallen from wagons, while one man was observed chopping from the ice and frozen ground a few sticks of wood which had been left back of one of the sleds last fall. As fast as the heads of the families can get funds enough from other places they will move their households to other manufacturing towns.

Mr. MILLER, of Pennsylvania. I will yield to the gentleman from Rhode Island one minute further.

Mr. CHACE. I want to say further that that statement is absolutely untrue and without foundation, and that it was a story put in circulation by a litigant who was desirous of continuing in possession of the property and hoped in that manner to influence that result. I am informed and believe that to be true.

Mr. MILLER, of Pennsylvania. Will the chairman be kind enough to inform me how much time I have remaining?

The CHAIRMAN. The gentleman has thirty-eight minutes.

Mr. MILLER, of Pennsylvania. Mr. Chairman, I have listened with a good deal of interest to the expressions of sympathy that we have heard upon this floor from gentlemen on the other side of this Chamber for the agricultural, manufacturing, and mining industries of the country. I have listened with interest to the remarks of the gentleman from Texas [Mr. MILLS], who stated that the manufacturing interests were in a very unfortunate and bad situation. I listened with interest to the remarks of the gentleman from Ohio [Mr. HURD], who thought that the agricultural interests were in a most depressed condition, and that the agriculturists and those who labor upon the farms were in a sorry and serious plight. I listened with peculiar interest to the alleged condition of the mining industries as viewed by the gentleman from New York [Mr. HEWITT], who the other day in a most serious manner sympathized with the people who worked in our manufacturing establishments and in our mines, and he told a harrowing tale of how the people in the mines that he visited somewhere last summer, possibly one of his own, were working for the pitiable wages of 62 cents a day and living in hovels unfit for the beasts of the field. Now, it may be, sir, that the remarks of the gentleman from New York apply to his own employés who work in his mines, and who have aided by working at this low rate to gather the millions of dollars which he enjoys. It may be that they worked for 62 cents for him.

It may be that his employés live in hovels such as he graphically described; but speaking for my constituency, a constituency employed in mining, a constituency employed in manufacturing, a constituency employed in agriculture, I must emphatically assert that that parallel does not exist in any one of the three counties of the district I represent on this floor. The statistics of the district which I represent exhibit in round numbers the following as the total value of agricultural and manufactured products for the census year 1880:

Counties.	Products of farm.	Manufactures.
Butler	$2,244,838	$1,080,290
Crawford	3,274,800	4,373,854
Mercer	2,342,200	7,952,874
Total	7,861,838	13,407,018

Sir, in my home county, which contains the bulk of the manufacturing interests in the district, and where the greatest amount of coal is mined in the district, the men who work in the mills and who work in the mines are as well housed, as well fed, and as well educated as the men who work on the farms; and in intelligence and morality they are the peers of any constituency that is represented by any gentleman on this floor. They are supplied with facilities for education enjoyed only by the people of a portion of our country and excelled by none. In the mining and manufacturing towns of Sharon, Sharpsville, Middlesex, Stoneboro', and Grove City, in Mercer County, they enjoy nine to ten months public schools per year, and are taught by teachers who have no superiors in the country. The same is true of the mining districts outside of the towns, although the term of school in some places is but eight months and in others but nine. Let me say to the gentleman from New York that no Hungarians imported under the contract system mine coal in the county of Mercer; and whether a statute is passed to prevent such importations or not, I believe, sir, that not only the people engaged in mining and maufacturing, but that the people engaged in agriculture as well, will, with one voice, unite to prevent such a calamity.

Mr. Chairman, I do not propose to go into a dissertation relative to the tariff. I do not propose to attempt to enlighten the House upon that subject. But living in a district such as I represent, where all branches of industries flourish, where the surface of the land for agricultural pursuits is worth from $50 to $100 per acre and the minerals under the surface are worth $200 per acre and over more, I simply propose to give my observations as to what tariff legislation has done, not only for the whole people in the district I represent, but for the State of Pennsylvania and for the country at large.

But before I proceed I desire to call the attention of gentlemen upon this floor to the wages that are paid in the locality where I live. I read, sir, from the report of the superintendent of the bureau of statistics of Pennsylvania for the year 1882, as follows:

An exhibit of the average daily wages paid to employés in the various occupations hereinafter named in Pennsylvania for the years specified, as computed by the bureau of industrial statistics of Pennsylvania for 1883.

ROLLING-MILLS.

Occupations.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.
Puddlers	$3 60	$3 00	$3 30	$3 30	$3 30	$3 57	$3 59	$3 59
Puddlers' helpers	2 25	1 90	2 00	2 00	2 00	2 20	2 23	2 23
Heaters	5 60	4 00	4 00	4 70	4 70	5 20	5 01	5 01
Heaters' helpers	2 00	1 63	1 63	1 80	1 74	1 75	1 74	1 74
Rollers	8 00	7 24	6 50	6 40	6 40	7 00	7 24	7 24
Roughers	3 30	2 65	2 25	2 25	2 70	3 25	3 15	5 15
Catchers	3 30	2 65	2 25	2 95	2 70	3 25	3 36	3 36
Hookers	1 75	1 52	1 25	1 44	1 60	1 44	1 50	1 50
Shearmen	1 43	1 88	1 75	1 60	1 62	1 60	1 74	1 74
Engineers	2 54	2 66	1 83	2 37	2 57	1 87	2 66	2 66
Millwrights	.....	.....	.....	3 03	2 76	2 24	2 92	2 92
Blacksmiths	2 24	2 78	2 55	2 48	2 44	1 83	2 67	2 67
Machinists	2 56	2 64	2 75	2 51	2 37	2 50	2 50	2 50
Nailers	.....	.....	.....	6 25	6 00	.....	8 00	8 00
Feeders	.....	.....	2 00	2 12	1 50	.....	2 00	2 00
Firemen	.....	1 70	1 66	1 64	1 55	1 29	1 74	1 74
Laborers	1 12	1 28	1 25	1 12	1 27	1 14	1 31	1 31
Boys	75	62	75	69	90	68	79	79

BLAST-FURNACES.

Occupations.	1878.	1879.	1880.	1881.	1882.
Founderymen	$2 11	$2 48	$2 70	$2 92	$2 92
Keepers	1 40	1 50	1 56	1 75	1 75
Keepers' helpers	1 15	1 40	1 35	1 55	1 55
Fillers	1 15	1 61	1 33	1 63	1 63
Cindermen	1 16	1 32	1 26	1 43	1 43
Barrowmen	.....	.....	1 18	1 31	1 31
Hot-blastmen	1 26	.....	1 45	1 62	1 62
Weighmen	1 40	.....	1 39	1 55	1 55
Engineers	1 24	1 60	1 67	1 69	1 69
Metal-carriers	1 25	1 41	1 41	1 68	1 68
Firemen	1 06	1 38	1 30	1 52	1 52
Blacksmiths	1 34	1 37	1 63	1 80	1 80
Carpenters	1 49	1 52	1 60	1 69	1 69
Laborers	96	1 19	1 05	1 15	1 15
Foreman	2 00	.....	2 11	2 06	2 06
Other employés	1 50	1 50	1 36	1 45	1 45

An exhibit of the average daily wages paid to employés, &c.—Continued.

BITUMINOUS COAL.

Occupations.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.
Miners	$2 47	$2 59	$1 65	$1 88	$1 74	$2 25	$2 16	$2 16
Laborers, inside	1 90	1 71	1 64	1 47	1 42	1 69	1 81	1 81
Laborers, outside	1 76	1 52	1 34	1 47	1 42	1 46	1 63	1 63
Mule-drivers	1 81	1 61	1 57	1 46	1 41	1 63	1 80	1 80
Blacksmiths	2 29	2 15	1 80	1 91	1 75	1 96	2 16	2 16
Carpenters	2 29	2 15	1 80	1 90	1 75	1 84	2 06	2 06
Mining overseers	3 04	2 84	2 40	2 64	2 56	2 63	2 60	2 60
Clerks	.....	.....	.....	2 38	.....	1 93	2 11	2 11
Boys	97	87	90	77	68	79	84	84

Mr. Chairman, when we contemplate the growth and development of our country during the past twenty years, we are astounded equally by the progress in every department, whether it be in agriculture, manufacturing, mining, or means of transportation. In no other twenty years of our national existence have we made such rapid and substantial advancement in every material interest. To-day the United States is recognized as the most prosperous country in the family of nations. From every other country the common and skilled workmen have sought our workshops, mines, and boundless prairies, and by their industry and skill have aided to enrich the nation and to give an additional impetus to our growth. During the last decade alone more than 7,000,000 immigrants have been welcomed to our shores, and by their capital and labor have assisted in enlarging our agricultural area, in opening up our mines and developing our mineral resources, and in erecting, equipping, and keeping in successful operation our manifold industries.

PROGRESS IN AGRICULTURE.

The increase in our agricultural productions from 1860 to 1880 is unparalleled, as is illustrated by the statistics of the following leading commodities:

Commodities.	1860.	1880.
Corn.....bushels...	838,792,742	1,754,861,535
Wheat.....bushels...	173,104,924	459,479,505
Oats.....bushels...	172,643,185	407,858,999
Barley.....bushels...	15,825,898	44,113,495
Wool.....pounds...	60,264,913	155,681,751

It was asserted in this discussion by the gentleman from Texas [Mr. MILLS] that the value of the agricultural crop of 1880 was not as great in value as that of 1860 by $300,000,000. He admitted that the quantity had largely increased, but claimed that this decrease in value was the result of the fall in the price of farm products, caused by the high-tariff obstructions thrown in the channels of commerce in 1861, and which obstructions still remain. As stated by him, the quantities of all farm products of 1860 are given in the census but the values are not given. This is true in part. This much, however, we find in the censuses of the two decades—

	1860.	1880.
Number of farms	2,044,077	4,008,907
Improved land, acres	163,110,720	284,771,042
Number of men engaged in agriculture (estimated in 1860)	3,800,000	7,670,493
Value of farms	$6,645,045,007	$10,197,096,776
Value of farming implements	246,118,141	406,520,055
Value of orchard products	19,991,885	50,876,154
Value of live-stock	1,089,329,915	1,500,464,609
Value of all other farming products	Not stated.	2,213,402,564

As above indicated, the value of all farm products, other than orchard products and live-stock, is not stated in 1860, but at most it is an estimate. We have the quantities, which are as nearly correct as such statistics can be obtained, and by a reference to the current prices of commodities in New York for the years stated a nearly correct result can be obtained. By such an examination we find the following values for the five principal productions for said years:

Commodities.	Quantities.		Value.	
	1860.	1880.	1860.	1880.
Corn.....bush...	838,792,742	1,754,861,535	$536,827,354	$851,107,844
Wheat.....bush...	173,104,924	459,479,505	233,691,647	473,263,890
Oats.....bush...	172,643,185	407,858,999	63,878,976	146,829,239
Wool.....lbs...	60,264,913	155,681,751	22,297,317	54,488,612
Cotton.....lbs...	2,054,698,800	2,533,254,680	205,469,880	278,258,014
Total value...	.....	.....	1,062,165,174	1,804,347,599

EXPORT OF LEADING AGRICULTURAL PRODUCTS.

The history of the growth of our agricultural products is better shown by the export of our surplus for the same years of the following leading commodities:

Commodities.	1860.	1880.
Grain and breadstuffs	$24,422,320	$288,036,835
Provisions	16,612,443	127,043,242
Animals, living	1,855,091	15,882,120
Tallow	1,598,176	7,689,232
Oil-cake	1,609,328	6,259,827
Vegetable oils	26,799	3,476,240
Seeds	600,729	2,776,823
Hops	32,866	2,573,292
Fruits	206,055	2,090,634
Total	46,963,807	455,828,245

Mr. Chairman, while we admit that many farm commodities are lower in price than in 1860, and that the prime necessities of life are cheaper than in most foreign countries, we deny that the American farmer is not as well remunerated for his labor to-day as he was in 1860 and prior. Statistics disprove it. Our own observations disprove it. The well-kept farms, the modern farm-houses and farm buildings which greet the eye on every hand, the improved farm machinery and farm implements, the easy-riding carriage, the well-dressed, educated, and intelligent people who till the soil, all disprove it. In short, the American farmer of to-day is better housed, better fed, better clothed, better educated, and enjoys more of the comforts and luxuries of life than did those of 1860 and prior.

PROGRESS IN MANUFACTURES.

Wonderful as has been the growth in agriculture, the progress in manufactures has been equally rapid, as is evidenced by the following statistics for the years 1850, 1860, and 1880:

STATISTICS OF MANUFACTURES IN THE UNITED STATES.

	1850.	1860.	1880.
Establishments	123,025	140,433	253,852
Capital	$533,245,351	$1,009,855,715	$2,790,272,606
Product	$1,019,106,616	$1,885,861,676	$5,369,579,191
Number of employés	957,059	1,311,246	2,738,895
Average yearly wages	$247	$288	$346
Total wages paid	$236,755,464	$378,878,966	$947,953,795

STATISTICS OF MANUFACTURES IN PENNSYLVANIA.

	1850.	1860.	1880.
Establishments	21,605	22,363	31,232
Capital	$94,473,810	$190,055,904	$474,510,993
Product	$155,044,910	$290,121,188	$744,818,445
Number of employés	146,766	.....	387,072
Average wages paid	$253	$271	*a* $346
Total wages paid	$37,163,232	$60,369,165	$134,055,909

a Obtained by adding the total wages paid men, women, boys, and girls together, and dividing the product by the total number of employés. This largely reduces the average wages paid the adult male laborers.

It is a noticeable fact that the average wages of the employés has steadily increased during the past thirty years, notwithstanding that the price of every manufactured article and of almost every article on the American breakfast-table has decreased in price year by year. Thus the interests of the farmer and of the industrial laborer are equally benefited, each receiving a better remuneration for his capital and labor.

As further illustrating the rapid strides made in our manufacturing industries in thirty years, I submit the statistics of the following manufactures, which largely enter into daily consumption. The magnitude of the increase from 1850 to 1880 is suggestive. If it be true that the growth of the industries of a nation are best marked by the amount of coal and iron it consumes, then surely our growth has been phenomenal!

COMPARATIVE STATEMENT OF ELEVEN INDUSTRIES.

Industries.	1850.	1860.	1880.
Boots and shoes	$53,357,036	$89,549,900	$196,920,481
Leather	37,791,873	63,090,751	208,587,421
Clothing	43,678,802	68,002,975	241,553,234
Cotton goods	65,501,687	115,137,926	277,172,086
Woolen goods	45,281,764	68,865,963	275,494,217
Furniture	16,231,409	22,701,304	75,296,795
Lumber	58,521,976	95,912,286	233,268,729
Agricultural implements	6,842,611	17,787,309	68,640,486
Coal mined	7,173,750	19,365,765	95,716,851
Pig-iron	13,491,898	19,487,790	89,315,569
Bar and rolled iron	15,938,786	22,248,796	136,798,574

INCREASE IN RAILROAD MILEAGE.

Another feature marking the growth of our industries is the rapid extension of our railway system. From 9,000 miles in 1850 it had in-

creased to 30,000 miles in 1860 and to 92,000 miles in 1880, with a capital and bonded debt of nearly $5,000,000,000, and gross earnings of over $600,000,000 in 1880. While the whole world had but 260,000 miles of rail in 1882, the United States had 120,000 miles—nearly one-half.

THE RESULTING BENEFITS TO THE PEOPLE.

It is with equal pride that we turn from this record of our industrial growth to contemplate the progress of our people. In no other country has man been so nearly estimated at his true worth or been so well rewarded for his labor. While our farms have grown in number, in beauty, and in fertility, the owners and occupiers have increased in wealth and intelligence. While our manufacturers have increased in number and extent, they have aided largely in building up towns and cities, drawn from the Old World her most skillful artisans, given employment, directly and indirectly, to more than one-half the adult population of the United States, and created a home market for the greater portion of our annually increasing agricultural products. Conceding that the common or unskilled labor of the country is underpaid, it is still true that in no other nation is labor paid so well. From every land the constant stream of immigration centers at our shores, and once here no other can win them away.

PROTECTION THE HOPE AND THE STAY OF THE TOILING MILLIONS.

And now for a moment let us turn aside and answer the rising inquiry: "What causes have contributed to the rapid growth of our manufacturing and agricultural interests in the past twenty years?" While admitting that nature has done much to make these phenomenal results possible, wise legislation has been the motive power. To my mind no other legislation has exerted so great an influence as that which inaugurated the American doctrine of protection to home industry. Forty-two years ago that distinguished political economist and humanitarian Horace Greeley wrote these words:

Enlightened protection is emphatically the hope and stay of the toiling millions over the whole face of the earth. Wherever a hammer is lifted, a plow held, a shuttle thrown, over the globe there is one whose direct interest it is that labor should be efficiently protected not merely in his own but in all countries, and that the excessive and fatal competition of capital with capital, sinew with sinew, privation with privation, to excel in cheapness of production—that is, cheapness in money-price—should be checked and bounded. Let labor therefore with one mighty voice demand adequate, stable protection, and a wider, deeper prosperity will soon irradiate the land, carrying independence, comfort, and joy to the dwelling alike of the farmer and artisan in every section of the country.

Nearly twenty years elapsed from the time these words were written until Congress, by proper legislation, gave the policy outlined above a fair trial. For twenty-two years the policy of protection has been enforced, and it has confirmed the truth of Mr. Greeley's prophecy. Under this policy I assert, without fear of successful contradiction, that no other continuous twenty years of our national existence has witnessed such progress. In no other continuous twenty years has the farmer received such remunerative prices and had so good a market for his products. In no other continuous twenty years has the common and skilled laborer received better wages and enjoyed more of the comforts and luxuries of life. During that period our exports of domestic products have excited the admiration not only of our own people but of the civilized world. Our national revenue has been so abundant that our wisest statesmen have been at a loss to find proper objects to absorb the surplus. The investigations of our financiers and of our Ways and Means Committee have been directed to find the means of reducing rather than to raise revenue. What other period of our national history presents such an anomaly? Where in our history is there another period of equal duration where our Treasury was so full and the rate of interest so low? In what other period has so much of our soil been reclaimed and adorned by the habitations of its industrious and thrifty cultivators? In what other period has our cities grown so rapidly in population, wealth, and culture? In what other portion of the habitable globe has man advanced so rapidly or accomplished so much in the same period? In what country has labor been better paid? Is it in the British Isles? The emmigration from them to this country has been over half a million people in the last three years. Is it in Germany? Six hundred and fifty thousand emigrants have come from Germany in the same three years. Is it in Sweden, Norway, Denmark, Italy, Russia, France, or other portions of America? Over 700,000 emmigrants have come from these countries to the United States in the same three years. Look where you will, go where you may, the United States is the most inviting point on the globe for the man whose only capital is his labor, whose only stock in trade is his muscle.

WHO IS IT THAT WANTS A CHANGE?

The Democratic party, however, as represented on this floor, tell us the people want a change in the tariff legislation. They tell us that this protection policy is a false pretense; that we must reduce our tariff duties so as to reduce the cost of production and thereby cheapen the price of our manufactured articles. Do the manufacturers ask this? Do the laborers of the country ask this? Do the farmers ask this? When? Where? Is there any individual, class, or organization which asks this but the Democratic party? This is no new departure for that party. It has been stated in this discussion by a Democratic Representative [Mr. WARNER, of Tennessee] that the Democratic party has at all times been opposed to the protective policy, and he cited the declarations of the party in its national conventions from the year 1838 to 1880, inclusive, to prove it. There is no doubt as to this point. As a party it has opposed the passage of every protective-tariff act, and it has never let the opportunity pass without repealing such as were in force when it came into power. The action of the party at this time is in perfect accord with its traditions.

THE DEMOCRATIC PARTY AND THE TARIFF ISSUE.

Forty-two years ago the great body of the people of the United States believed that the question of protection to home industry had been settled in favor of a fair protective policy. The law known as "the tariff of forty-two" had just gone into operation. The two great political organizations of the country avowedly accepted it as a settlement of the question. Two years later one of the political organizations had nominated as its standard-bearer in the Presidential campaign of that year the great advocate of protection of that time, Henry Clay. The other adopted a revenue plank which could be read either for or against protection as occasion should require, but inscribed on its campaign banners in the great industrial centers, "Polk, Dallas, and the tariff of forty-two!" Lulled into security by the pledges of the Democratic party leaders and of the Democratic candidate for Vice-President, a citizen of Pennsylvania, which State then as now was unqualifiedly in favor of the protective policy, the people elected the Democratic candidates for President and Vice-President. Scarcely, however, had the new administration entered upon its duties until the Democracy, flushed with victory, set to work to repeal the tariff law of "forty-two," which it finally accomplished, Mr. Dallas casting the decisive vote as presiding officer of the United States Senate. Since then the two great parties have occupied no uncertain position on this question. For forty years the Democratic party has been the advocate of free trade. In 1848 the Democratic national convention, the first held after the repeal of the tariff of 1842, made the following declaration:

Resolved, That the fruits of the great political triumph of 1844 have fulfilled the hopes of the Democracy of the Union, in the noble impulse given to the cause of free trade by the repeal of the tariff of 1842, and the creation of the more equal, honest, and protective tariff of 1846, and that in our opinion it would be a fatal error to weaken the bands of a political organization by which these great reforms have been achieved and risk them in the hands of their known adversaries, with whatever delusive appeals they may solicit our surrender of that vigilance which is the only safeguard of liberty.

In 1852 the Democratic national convention made the following declaration:

Resolved, That in view of the condition of popular institutions in the Old World a high and sacred duty is devolved with increased responsibility upon the Democracy of this country, as the party of the people, to uphold and maintain the rights of every State, and thereby the Union of States, and to sustain and advance among them constitutional liberty, by continuing to resist all monopolies and exclusive legislation for the benefit of the few at the expense of the many.

In 1856 the Democratic national convention made the following declaration:

Resolved, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion of our common country at the expense of another.

Resolved finally, That there are questions connected with the foreign policy of this country which are inferior to no domestic questions whatever. The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world, and by solemn manifestations to place their moral influence at the side of their successful example.

In 1860 both the Douglas and Breckinridge platforms reaffirmed the resolutions of 1856 quoted above.

In 1864 the great majority of the Democratic party was not represented at the Democratic national convention held at Chicago, and for reasons not relative to this discussion the question of raising revenue was not a matter of prime importance to the convention, and the usual tariff plank was doubtless inadvertently omitted.

In 1868 the Northern Democracy were still in the control of the affairs of the party and the national convention made the following declaration:

6. * * * A tariff for revenue upon foreign imports and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country.

In 1872 the Democratic convention which nominated Horace Greeley contained the following declaration:

We remit the discussion of the subject—

Protection and free-trade—

to the people in their Congressional districts and the decision of Congress thereon, wholly free from executive interference or dictation.

As has been remarked by a prominent Democrat in this discussion:

This is the only hiatus in the chain of assertions by the Democratic party of the doctrine of a tariff for revenue only.

In 1876 the Democratic national convention made the following declaration:

We denounce the present tariff, levied upon nearly 4,000 articles, as a masterpiece of injustice, inequality, and false pretense. It yields a dwindling, not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufacturers at home and abroad and depleted the returns of American agriculture—an industry followed by half

our people. It costs the people five timesmore than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

In 1880 the Democratic national convention made the following declaration:

Home rule, honest money, consisting of gold, silver, and paper convertible on demand; the strict maintenance of the public faith, State and national, and a tariff for revenue only.

Since this declaration Congress has enacted the tariff law of 1883, and, although it reduced the duties on manufactures which were imported in competition with American-made goods, the manufacturing interests were willing to accept it as a settlement. By one of those political miscarriages which can not be accounted for by ordinary rules the Democratic party came into power in this Congress. Its first official act was the election of the ablest advocate of free trade in its organization as Speaker of the House, and the overwhelming defeat of its ablest political leader [Mr. RANDALL, of Pennsylvania], for the sole reason that he was in favor of "incidental protection," the latter gentleman receiving but 55 votes in caucus out of 191 Democratic members. The bill before the House is the natural outcome of this party. As frankly stated by the chairman of the Ways and Means Committee, Mr. MORRISON, of Illinois:

It is not claimed that the bill reported by the committee will afford all the relief demanded of the people's representatives. It is but an advance toward and a promise of more complete revenue reform, to attain which a general revision of the tariff and a more equitable adjustment of rates on its long list of dutiable articles is essential. Such a revision and adjustment were believed to be unattainable at the present session of Congress.

"It is but an advance toward and a promise of more complete revenue reform," providing the Democratic party gain ascendency in the executive and legislative branches of the Government.

Mr. CULBERSON, of Texas, who lives in a State so overwhelmingly Democratic that there is no necessity of concealing his real views, said in this discussion:

A tariff for revenue, as contradistinguished from a tariff for protection, represents the theory and principle of the Democratic party, as I understand them, upon tariff taxation, and is the only constitutional and just mode of raising revenue by impost duties.

The bill under consideration is a conservative approach toward a tariff for revenue.

It is believed by some that the amount of revenue that will be realized under its provisions, in case it becomes a law, will be thirty millions less per annum than the amount usually collected under the existing tariff; but I do not concur in that opinion. On the contrary, I believe the revenue will be increased, and I am supported in that opinion by the uniform operation of tariff taxation. Every reduction in the rates of the tariff from high protection toward a revenue basis increases importations, and consequently the amount of revenue; but such result will present no objection to the bill, to my mind, for the reasons I shall hereafter give.

If I so desired, I could quote columns of such assertions from the remarks of Democratic Representatives who support this bill in this debate, but there is no necessity for such action on my part. On the vote to take up this bill every vote but five were cast by Democratic Representatives. During the campaign of 1882 I had occasion to remark in political discussions that if the Democratic party gained ascendency in this House by the elections then pending Mr. RANDALL would be Speaker of the House, and a Democrat who was in favor of a "tariff for revenue only" would be chairman of the Ways and Means Committee. I little thought then that both positions would be occupied by two of the most conspicuous advocates of a "tariff for revenue only" that have sat in Congress for twenty years.

While no alarmist, the bill under consideration, to my mind, bodes evil to our country. As remarked by the gentleman from Texas [Mr. CULBERSON], an avowed free-trader, nearly nine-tenths of all dutiable goods imported into the United States compete with similar products manufactured here for a market.

An examination of the imports for the year ending June 30, 1883, fully demonstrates this, a statement of which I will publish in an appendix to my remarks. In this connection, however, I desire to call the attention of this House to a few dutiable articles imported into the United States under the tariff of 1883, and for the eight months ending February 29, 1884, two-thirds of which come into competition directly or indirectly with the productions of our farms. They are as follows:

DUTIABLE MERCHANDISE IMPORTED FOR THE EIGHT MONTHS ENDING FEBRUARY 29, 1884.

Bituminous coal	$1,885,939
Cotton, manufactures of	20,606,536
Earthen, stone, and china ware	3,383,837
Flax, hemp, jute, and manufactures of	22,252,172
Glass and glassware	5,216,902
Iron and steel, and manufactures of	27,851,657
Rice	1,245,491
Salt	1,179,219
Sawed lumber	5,426,168
Wool	7,487,788
Wool, manufactures of	30,800,983
Hats, bonnets, and hoods	2,043,398
Total	129,380,090
Value of other dutiable merchandise imported same time	175,564,488
Grand total	304,944,578

Mr. Chairman, it is asserted by the advocates of this bill that our manufacturing interests are not in a healthy or satisfactory condition, and yet this bill proposes to lower the duties 20 per cent. and still further encourage the importations of goods that come into competition with similar goods manufactured here. It is asserted by the friends of this bill that labor is not sufficiently well employed or sufficiently well paid in this country, and yet this bill, by encouraging still larger importations of goods produced here, must necessarily displace still further American labor.

FOREWARNED IS FOREARMED.

What answer will the people of the country give to this Congress and to Mr. CARLISLE'S Ways and Means Committee? This question of protection is of vital importance "wherever a hammer is lifted, a shuttle thrown, or a plow held." It is tenfold more important to-day than it was forty years ago that "the excessive and fatal competition of capital with capital, sinew with sinew, privation with privation, to excel in cheapness of production should be checked and bounded."

We are in favor of the protective policy for what it has done for us in our individual and aggregate capacity in the past. We are in favor of the protective policy because we believe it is calculated to promote the interests of our whole country. We are in favor of the protective policy because we believe experience has demonstrated that it advances alike the prosperity of the agriculturist, the manufacturer, and the common and skilled laborers of the country. It has been tried and not found wanting. It has stood the test of investigation. It demands the most cordial support of every man whose heart sympathizes with the toiling millions. Let us stand by it and maintain it, and a "still wider, deeper prosperity will irradiate our land, carrying independence, comfort, and joy to the dwellings alike of the farmer and artisan in every section of the country." [Applause.]

APPENDIX.

DUTIABLE IMPORTS.

The principal and all other articles of dutiable imported merchandise entered for consumption in the United States during the year ended June 30, 1883, *in the order of the value of such articles.*

Order.	Articles dutiable.	Values.	Duties.	Average ad valorem rates of duty.
1	Sugar, melada, molasses, and confectionery	$91,523,850 67	$46,245,976 46	50.53
2	Iron and steel, and manufactures of	57,529,465 86	21,582,554 24	37.52
3	Wool, and manufactures of	51,044,444 22	32,320,892 52	63.32
4	Cotton, manufactures of	37,288,119 07	13,959,442 52	37.44
5	Silk, and manufactures of	33,307,112 37	19,654,946 28	59.01
6	Flax, and manufactures of	23,088,891 13	7,584,342 87	32.85
7	Fruits, including nuts	18,157,686 79	4,603,455 38	25.35
8	Chemicals, drugs, dyes, and medicines	16,134,203 94	6,053,574 13	37.52
9	Breadstuffs, and other farinaceous food, not otherwise specified	12,667,786 23	3,756,719 38	29.66
10	Leather, and manufactures of	12,653,722 46	3,770,547 32	29.80
11	Hemp, jute, &c., and manufactures of	12,615,392 82	2,565,560 01	20.34
12	Spirits and wines	12,586,869 36	8,741,957 96	69.45
13	Tobacco, and manufactures of	10,515,806 00	7,661,637 64	72.86
14	Wood, and manufactures of	9,530,364 12	1,703,096 20	17.87
15	Earthenware and china	8,693,272 63	3,746,488 74	43.10
16	Fancy articles	7,908,102 43	3,039,082 96	38.43
17	Diamonds (cut), cameos, mosaics, &c.	7,603,752 51	761,433 41	10.01
18	Glass, and manufactures of	7,597,897 43	4,182,616 58	55.05
19	Furs, and manufactures of	5,142,022 65	1,130,574 90	21.99
20	Buttons and button materials	4,061,293 00	1,160,395 50	28.57
21	Animals, living	4,030,822 51	806,164 47	20.00
22	Books, engravings, and other printed matter, bound or unbound	3,109,702,66	771,508 05	24.81
23	Paintings, &c., not by American artists	3,088,673 34	309,847 94	10.03
24	Clocks and watches	2,960,908 04	784,443 11	26.49
25	Braids, plaits, flats, laces, trimmings, &c.	2,360,738 55	708,221 57	30.00
26	Coal	2,084,151 46	515,097 28	24.71
27	Paper, and manufactures of, not otherwise specified (except books)	1,864,549 30	645,691 34	34.63
28	Provisions, not otherwise specified	1,857,447 42	407,462 74	21.94
29	Spices	1,682,163 23	873,885 70	51.95
30	Seeds	1,542,996 78	314,228 89	20.36
31	Fish	1,474,953 68	357,978 61	24.27
32	Metals, metal compositions, and manufactures of, not otherwise specified	1,489,445 09	423,917 03	28.46
33	Musical instruments, and strings for	1,486,251 15	445,893 19	30.00
34	Salt	1,476,946 43	705,844 48	47.79
35	Paints and colors	1,284,206 11	422,244 58	32.88
36	Bristles	1,193,797 00	147,586 09	12.36
37	Beer, ale, and porter	1,146,796 74	511,382 75	44.59
38	Potatoes	1,091,990 08	353,544 81	32.38
39	Hair, and manufactures of	1,021,323 25	217,139 73	21.26
40	Hay	954,813 09	95,486 21	10.00
41	Vegetables, not otherwise specified	894,282 58	176,032 14	19.68
42	Zinc, and manufactures of	802,932 81	332,428 27	41.40
43	Hats, bonnets, and hoods	802,396 67	320,958 68	40.00
44	Cement	802,294 06	160,458 80	20.00
45	Mats and matting	702,274 76	208,795 13	29.72

Articles of dutiable imported merchandise, &c.—Continued.

Order.	Articles dutiable.	Values.	Duties.	Average ad valorem rates of duty.
46	Oils, vegetable, fixed or expressed.	684,709 01	317,086 63	46.31
47	Corsets and corset cloths	684,074 20	242,623 61	35.47
48	Marble, and manufactures of	607,630 82	385,876 65	63.51
49	Jewelry, not elsewhere specified	592,978 15	148,244 53	25.00
50	Brass, and manufactures of	570,666 57	182,664 30	32.01
51	Glue	450,361 13	90,072 23	20.00
52	Brushes of all kinds	434,705 74	173,882 27	40.00
53	Pickles, capers, and sauces of all kinds, not otherwise provided for	369,919 28	129,471 75	35.00
54	Gold and silver, manufactures of	339,670 76	113,707 81	33.48
55	Soap	304,118 77	136,810 63	44.99
56	India-rubber, manufactures of	283,956 79	91,333 29	32.16
57	Oils, vegetable, volatile or essential	257,140 07	83,233 42	32.37
58	Clay	204,741 89	107,310 17	52.41
59	Copper, and manufactures of	191,285 02	65,210 16	34.09
60	All other dutiable articles	7,083,513 10	2,150,634 71	30.36
	Total dutiable	493,916,383 81	209,659,698 86	42.45
	Total free of duty	206,913,289 47		
	Additional and discriminating duty		977,594 51	
	Total	700,829,673 28	210,637,293 37	29.92

Of the total duties collected on imports 22.02 per cent. was collected on sugar, molasses, and confectionery, 15.42 per cent. on wool and manufactures thereof, 10.29 per cent. on iron and steel and manufactures thereof, 9.37 per cent. on manufactures of silk, 5.84 per cent. on manufactures of cotton, and 3.62 per cent. on flax and manufactures thereof.

The aggregate amount of duties collected on the seven commodities and classes of commodities just mentioned was $134,557,435.69, and constituted 64.18 per cent. of the total amount of duties collected on imported merchandise entered for consumption.

Mr. SPRINGER here took the chair as chairman of the Committee of the Whole.

Mr. COX, of New York, addressed the committee. [See Appendix.]

The chair of the Committee of the Whole was here resumed by Mr. COX, of New York.

Mr. VANCE Mr. Chairman, although in this debate a great deal has been said, and it may seem that the ground has been very well covered, I desire to add to the discussion a few observations on the pending bill.

Mr. TURNER (to Mr. VANCE, who was speaking from the rear of the Democratic annex on the Republican side of the House). Come over here to the right of the Chair, where we can hear you.

Mr. VANCE. Mr. Chairman, I prefer to speak from this side, so that I can fire into the rear of my friends who sit in front of me. [Laughter.] I think gentlemen will hear me well enough. I hope it will not be considered strange that there shall be a voice for tariff reform from this side of the House. Since I have drawn my seat on this side I am in good company, being at the side of General Washington.

A MEMBER. How does he stand on this question?

Mr. VANCE. He is for tariff reform.

I expect, Mr. Chairman, to support the Morrison bill. I do so because it is a moderate bill. It is not one, in my opinion, that need cause alarm in the country. It does not disturb the industries of the country. It does not produce a sudden shock. I would be opposed myself to giving a sudden shock to business or to damaging any industry in any section. I think that a tariff ought to be settled from a business standpoint.

I might prefer to take up the tariff in detail and settle it item by item to see which was the best duty on each article, how much ought to be paid upon this item and how much upon that. I might prefer that way, but I will say I shall vote for the Morrison bill because it reduces taxation, and, as I understand it, the Democratic party is committed to the idea of reduction of taxation. The Democrats have proclaimed it in their platforms; they have proclaimed it on the stump. We made the fight down in North Carolina almost entirely on that line at the last election—on the reduction of taxes under the tariff, and also the internal revenue. We told the people that there ought to be certain things placed on the free-list, such as salt, coal, and articles of that kind, so that we really stand committed, Mr. Chairman, to the doctrine of reduction of taxation, and this bill proposes to reduce the taxes.

I said I thought it need not cause alarm and that it was not the object of the Democratic party to damage the great business interests or the industries of this country. Such an idea as that is not one that has entered into the composition of the great Democratic party. But I do resist the doctrine of taxing one man for the benefit of another. I believe that that is unconstitutional. The Supreme Court has itself decided that a tax can not be laid for protection's sake alone; that a tax can not be laid upon one citizen in order to benefit another citizen in his business. I think that the fathers who established the Constitution never for a moment entertained the idea that A should be taxed for the benefit of B, to help him in his business. I hold that to be unconstitutional.

The Constitution of the United States authorizes Congress to lay a tax to support the Government for the common defense and the general welfare. Will it be argued that under that clause, under the general-welfare clause, people are to be protected in their business? If a man undertakes a particular kind of business it seems to me that he ought to be governed in carrying it on by the fact as to whether it paid him, whether it was a good business, whether it was a profitable business for him to engage in, and that he ought not to call upon the Government of the United States to come forward and lay a tax upon the purchaser of his wares in order to help him. That is the way in which I view it.

I look at this matter from another point of view. I think, Mr. Chairman, it is a crime to tax the poor for the benefit of the rich. I think it is a wrong in the sight of Heaven to lay a tax on the humble laborer, on the humble poor, to help the great monopolies of the country. My sympathies are always with the humble, with the laborer, with the man who earns his bread in the sweat of his brow.

There is a tax on coal, on the fuel that is used by the poor. Take the case of the humble sewing woman who makes a cotton shirt for 12½ cents, and often in the dead hours of the night is engaged in striving to obtain that poor return for her labor. She has to pay a tax on the handful of coal which is burning upon the hearth to keep her children warm. Hood has left some verses which are immortal:

With fingers weary and worn,
With eyelids heavy and red,
A woman sat, in unwomanly rags,
Plying her needle and thread;
Stitch! stitch! stitch!
In poverty, hunger, and dirt,
And still with a voice of dolorous pitch,
She sang the "Song of the Shirt."

Work! work! work!
While the cock is crowing aloof!
And work—work—work!
Till the stars shine through the roof!
It's oh! to be a slave
Along with the barbarous Turk,
Where woman has never a soul to save,
If THIS is Christian work!

Oh! men! with sisters dear!
Oh! men, with mothers and wives!
It is not linen you're wearing out,
But human creatures' lives!
Stitch—stitch—stitch!
In poverty, hunger, and dirt,
Sewing at once, with a double thread,
A SHROUD as well as a shirt.

It is surely wrong to tax the absolute necessaries of life in that way, to tax that which the poor consume. Therefore I think it would be well to put articles of that kind on the free-list.

The pending bill if enacted into law will reduce the surplus now in the Treasury. We have there a great surplus, and the people of the country are asking why it is that this Government of ours has such an immense surplus in the Treasury and yet taxes are not reduced. Why shall we not reduce the taxes? If that great surplus was used to pay off the public debt, it would not be so bad; but that is not done, and the surplus remains in the Treasury.

In my judgment a high tariff is not in the interest of the producer. We must necessarily have markets in foreign countries to consume the surplus products of this country. This is a great producing country; great in its productions of corn, wheat, pork, and all things that are necessary to sustain human life. It is necessary to have an outlet in foreign countries for the surplus in these products. If we put up here a tariff so high that goods can not come in from foreign countries, it will of necessity cut off our markets there for our products, cut off our opportunity of supplying foreign nations with our overproductions. Therefore from that standpoint I think such a tariff would be unwise.

At any rate I believe that that system which enables the few to amass immense fortunes instead of being a blessing to a country is a curse. It is in my judgment a curse to a country to have immense farms. I hold it also to be against the interest of the common people, against the interest of the masses of our people, that there should be great overgrown fortunes. What we want is plenty, and to have the laws so adjusted that they will bear alike on the poor and on the rich. We want plenty and freedom and peace, for they always bring prosperity.

In the better days of this country these stalwart fortunes were unknown to the people. In early times a man if he had a hundred thousand dollars' worth of property was thought to be a wealthy man, but now that is but a drop in the bucket. Men now count their estates by millions, and that is not in the interest of the poor, of the masses. It seems to me that it would have been a wiser thing for us to have laid a tax on United States bonds than to have laid a tax on coal and on salt and other necessaries of life which are used by the masses, by the millions.

Salt enters into every household in the land. It enters into the cabins of the poor, into the hut of the humble colored man, in my own sunny land; it goes there as well as it goes into the palaces of the rich. Our laws are more unjust than the laws of the great God who made us all. The great Father of all has put salt into the oceans and into the salines, and yet we have taxed it. I say let us tax the millionaires, the

great bondholder, and let the salt and the coal of the poor go free; that is my doctrine. I have often on the stump illustrated this point by a circumstance which happened on Broadway, New York, in 1865.

I was a prisoner of war in the city of New York. One day, going down the street, I saw a vehicle with six horses attached to it. There was an outrider behind and an outrider before, who were dressed in livery and had high hats on their heads and brass buttons on their coats. The man sitting in the carriage between them was worth his millions in bonds; yet he did not pay a tax into the coffers of this great Government on the great bulk of his wealth, because he was a bondholder.

I was a confederate; I had on the confederate gray, being a prisoner of war, but I saw with pain on the sidewalk a man who had had both legs shot off in battle in defense of his Government, a Union soldier. He was taxed from top to bottom. His coat was taxed, his socks were taxed, the peculiar pair of shoes which he had on the stumps of his legs were taxed; everything he had on was taxed, including his coarse hat. I thought to myself, what a country is this which allows a man with his six-horse team to go sweeping down the street untaxed, because he is a bondholder, and yet here is a soldier who had lost both his legs fighting for his country and he must pay a tax even on the salt which he keeps in the gourd in his humble home. Is that right, my friends? God deliver the country from such a state of affairs as that. Amen.

Mr. Chairman, when this bill comes before the House for amendment there will be offered a proposition to modify in some particulars the internal-revenue taxation—to reduce the tax on brandy and to remove the tax on tobacco. I hold in my hand resolutions of the State of North Carolina on this subject; and I will ask the Clerk to read them.

The Clerk read as follows:

Whereas the present tariff is unjust, unfair, and burdensome to the people of North Carolina, and has proven a heavy embargo laid upon Southern commerce to support monopolies, proscribing Southern toil and checking the natural development of Southern industry; and

Whereas the present system of internal-revenue laws is oppressive and inquisitorial, centralizing in its tendencies and inconsistent with the genius of a free people, legalizing unequal, expensive, and iniquitous taxation; and, as enforced in this State, is a fraud upon the sacred rights of our people, and subversive of honest government, prostituted in many instances to a system of political patronage which is odious and outrageous, corrupting public virtue and jeopardizing public liberty, and sustained by intimidation and bribery on the part of revenue officials to debauch the elective franchise:

Be it resolved by the General Assembly of North Carolina—

1. That the internal-revenue taxes of the United States ought to be repealed at once, with such provisions, by rebate of taxes or otherwise, as will be just to those who hold for sale articles for which taxes have been paid.

2. That the collection from imports, unaided by internal taxation, of the large revenue now necessary for the administration of the Federal Government, would give incidental protection to home manufactures amply sufficient for their healthy development.

3. That, though Congress has power to lay and collect duties, yet to lay duties higher than the percentage at which they would raise the greatest revenue, is, as to the excess above that percentage, to lay duties so as to prevent their collection, and is, therefore, without warrant in the Constitution, and that it is unjust and oppressive.

4. That within that percentage Congress may, in its discretion, select and determine the articles on which duties are laid, and the rates of the duties on them.

5. That this discretion ought to be exercised so as to raise a revenue not greater than is sufficient for the strictly economical administration of the Federal Government and the gradual reduction of the Federal debt, and so as to distribute the burdens of the tariff and the incidental protection given by it, as justly and equally as possible to every part of the country, and to all classes of the people.

6. That these resolutions are not intended to interfere with the application of the principle that it is just and wise to tax articles that are intended to be consumed as luxuries higher than the necessaries of life, and the materials, implements, and machinery consumed or used in producing, manufacturing, and transportation.

7. That the tariff of the United States ought to be reformed so as to make it conform to the principles set forth in the foregoing resolutions.

8. If Congress should deem it impracticable to modify the present tariff and at the same time abolish the internal-revenue taxes, as the lesser of the two evils, we prefer the retention of the former and the abolition of the latter.

9. That the secretary of state is instructed to transmit copies of these resolutions to the Senators in Congress from North Carolina as an expression of the voice of the State on the issues to which they relate, and to the Representatives in Congress from North Carolina for their respectful consideration.

Mr. VANCE. That is the voice of North Carolina in regard to these matters.

The following bill was introduced the first bill day of the present session of Congress with a view to repeal these objectionable laws:

A bill to repeal all laws of the United States providing for the internal revenue.

Whereas the act of the 30th of June, 1864, entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," was passed to meet the emergencies of war and to supply the urgent demands of the Government at that particular period; and

Whereas a long period of peace and the recuperative prosperity of the United States has made such an extraordinary mode of raising revenue unnecessary; and

Whereas also the burdens imposed by the system of internal taxation are unequal, discriminating, and oppressive to a great portion of the people; and

Whereas the Constitution of the United States empowers Congress to provide for the support of the Government by the raising of a revenue from imports; and

Whereas the raising of such a vast sum on imports protects, to a legitimate extent, all the manufacturing and industrial interests of the country: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," passed the 30th of June, 1864, chapter 173, and all acts amendatory thereto and in addition thereof, including chapters 1 to 11, inclusive, of title 35 of the Revised Statutes of the United States, be, and the same are hereby, repealed.

SEC. 2. That this act shall be in force from and after the 1st day of May, 1884.

The excise laws were first tried in England in 1626. Blackstone says of the excise tax:

From its first origin to the present time it has been odious to the people of England.

Johnson, in his dictionary, speaks of it as

A hateful tax levied upon commodities and adjudged not by the common judges of property, but wretches hired by those to whom excise is paid.

Another writer, Levi, says:

The excise was always exceedingly unpopular. Parliament ventured to renew the tax in 1641, during the civil war.

The same writer declares "the excise tax as peculiarly obnoxious to the spirit and principles of the Constitution," and adds:

The unpopularity of the tax never abated. The severity of the execution of the laws, in order to prevent frauds, made it still more objectionable, as it began to encroach on private property.

So, Mr. Chairman, we find that two hundred years ago there existed in England such a system as we have now in the United States—a system of gaugers and gougers and storekeepers and deputy marshals to collect the excises from a free people. The system was odious then. It is odious still. The very system itself is odious to a great and free people like ours and like the people of England.

Gentlemen in this discussion have made remarks derogatory to the people of England on account of their notions on the tariff, and have said that we had to separate ourselves from them in the Revolution. Well, we are glad we did so; but it ought not to be forgotten that the English people are a free people; they have a free government; they have a Parliament. And it was from England our fathers brought the grand and imperishable doctrine that every man, however humble and poor, has a right, when accused of crime, to be tried by a jury of his fellow-citizens; and this right can not be set aside. So we have borrowed some good things from England. The writ of habeas corpus is held so sacred there that the Queen can not set it aside.

But as to this excise system, it is to be regretted that it was ever introduced into this country. The word excise is derived from the Latin word *excidere*, meaning "to cut off;" and a tax of this kind is "cut off"—it is "cut off" from almost everything that is good in the world. What has this excise system brought into this country? It has been fruitful of many evil things.

This system of internal revenue was introduced during the late war. That war has now been over, we might say, for twenty years. Nearly twenty years have elapsed since the last gun was fired. Thank God that the contest was not longer continued! No doubt gentlemen on both sides will recall the pleasure they felt when gentle peace returned and "war's wild blast was blown away." We trust it is hushed forever. The high tariff laws, the internal-revenue taxation arose, we may say, out of the necessities of the Government during the war. The war is now over, and we have a surplus in the Treasury.

I do not object, my people do not object, to a reasonable tax on whisky and brandy; but we do object to the present method of its collection—this iniquitous system that is fastened upon the vitals of the people. We say that the effect of this system has been to foster in the minds of the people in many places a spirit of disobedience to law. For, sir, under this system a man is not only tied up by bond, but he is watched by hired spies and informers—a body of officials not relished by the descendants of the men who fought at King's Mountain, at Saratoga, at Yorktown, and on other historic battle-fields.

Sir, I am opposed to distilling. In my very heart I abhor the manufacture and sale of intoxicating drink. I have told my people on every stump that I wished they would feed their corn to the hogs rather than manufacture it into whisky. But at the same time it is bad policy to have laws upon the statute-book which are so odious that they are objected to even by good people, by religious people.

I imagine a deputy marshal, with pistols buckled all around him, riding through the country preparing to arrest suspected people, and even taking advantage of people by pretending that he was ill and in need of spirits, going so far as to leave the price on the gate-post, and then going away to have an indictment drawn up and the man who from motives of humanity let him have the spirits arrested and carried to jail. There are plenty of such cases. Now, sir, you can not make a law popular that is carried out by pistols and shotguns, and by arresting men and carrying them off sometimes hundreds of miles. I say, sir, it has been the cause and source of corruption. The following is extracted from a report made by a man sent down into the western district of North Carolina to look into these things. This agent says:

15. Of the thirty-one deputy marshals in the district three-fourths of them are guilty of rendering fraudulent accounts, ranging from 10 to 90 per cent. fraud, which has been a common practice with them for the last three years.

16. In addition to malfeasance and fraud the moral conduct of a majority of the deputy marshals is intolerable. Houses are broken into and searched without warrant, women frightened and insulted, the dogs of unoffending citizens shot down, and trespasses committed at will.

Drunkenness, insolence, and profanity mark their course, making them a terror to peaceable citizens and a disgrace to the Government they represent.

The report from which this extract is taken is a long one, embracing many charges of a grave character, which might be read. Perhaps it is unnecessary. It should be borne in mind that this is Republican authority.

Beyond question this is a corrupt system. It is one that is calculated to undermine the integrity of the young men of the country. It is known to every observing man that the agents of the Internal Revenue Department went round the country with blank commissions in their pockets. They would appoint a man to a position to influence his politics. A system that corrupts the young men of the country is one that is to be deprecated, because the perpetuity of this Government, with all its great principles of freedom, of religious and civil liberty, depend upon the virtue and integrity of its citizens, and particularly of the young men of the country, and a system that destroys that virtue is one in my judgment that ought to be repealed as quickly as possible.

I appeal this day to this House; I appeal not from any standpoint of prejudice, not as a politician, but as one who loves his country, to this Congress so to modify the system of collecting the internal revenue as, while it produces a reasonable tax, it will not be in the power of its agents to corrupt the young men of the country by the means which have been designated. Good citizens everywhere trust that this will be done, and that it will be done quickly; that the system will be so modified that it will be looked upon with favor even by the best men in the community, because when the law is so modified that it can be administered without injury to our rights or our liberties the whole community will insist upon punishing all who violate it. That is the point where our safety comes in, the point when the people, because of the justice of the law, are ready and willing to support it.

An anecdote is related of a worthy preacher who was praying for a revival, and he prayed for a certain neighborhood over there, and then he prayed for a certain neighborhood over here, and next he prayed for individuals, and at last he came to this: "Oh, Lord! if possible bless these dirty little internal-revenue officers." [Laughter and applause.] So then good men are opposed to the present system of collecting the internal revenue, because it is oppressive, corrupting, and degrading in its character and administration. While willing to tax intoxicating liquors, the real sentiment of the people of North Carolina (except it may be those who fatten on the spoils) is to repeal the whole internal-revenue system, and relegate the subject of collecting taxes from the sale of spirits to the States, which ought to be done.

But they talk about this being in the interest of temperance. Why, sir, the proposition is ridiculous. The Government authorizes the making and distilling of whisky and brandy for the purpose of raising revenue. I hold to the idea that it is not the best plan of raising revenue, because I believe candidly, conscientiously, where there is one dollar of revenue collected a great deal more will be paid out in taxation for infractions of the law and in losses to the people, so the whole system is undoubtedly wrong; but I will vote to keep a tax on whisky. I wish to God there was not a drop of it in the world beyond what was necessary for economical and mechanical purposes. I will vote to keep a tax on it, but I wish to simplify the manner of collecting it.

It is a ridiculous proposition to say internal-revenue laws are in the interest of temperance when we have the fact staring us in the face that under the operations of the internal-revenue laws there has been an overproduction of whisky in the country and when we have the distillers of whisky clamoring at the halls of Congress for relief and that the period of bonded extension of three years shall be still further extended to five years.

No, sir; it is not in the interest of temperance. Imagine an old distiller, a so-called temperance man, going into his distillery and kneeling down by the casks of whisky and praying. What would be the character of his prayer? It would probably be something like this: "O Lord, raise the price of whisky and lower the price of corn; give us a good run this year; make it bead well; and bless us in all other pertinent things." [Laughter and applause.] That would be about the way of it.

I will tell you, Mr. Chairman, what I would like to see. I would like to see everything relating to the war forgotten, buried forever, passed away. I know there will be throughout the country the remains of earthworks where the spade has done its work in order to protect the men against the charge of the enemy. They will be for a while yet; but our bountiful mother, Nature, will ere long cause the forest growth to spring up, and even these earthworks soon will be as things that never were. If we can only have all recollection of the war taken from the minds of men there will be no longer any unjust bias and prejudice.

A gentleman on the floor of the House [Mr. PETTIBONE] asked me the other day if I thought North Carolina was out of the Union or in the Union when the war closed? I answered promptly she was in the Union. She was in the Union, and in the Union to stay.

It is true, Mr. Chairman, if we had carried out our plan of revolution—and the right of revolution remains—it would have been done. But our people have abandoned the idea of secession. Well, surely if we have abandoned the idea then those who were opposed to us ought to do so. If we could not secede, if we could not get out of the Union, we certainly were in. But I say if we had succeeded in our revolution we would have been out. We did not succeed; therefore we were in.

Mr. Chairman, it is no doubt best as it is. I think the great and good God who is above us ordered it. That is my faith; that these people should not be separated, that they should be one, one and inseparable; one flag, one government, one people, one common and glorious destiny. [Applause.] That is what I believe, sir.

Now, let us do away with all that remains of the war. One finds in reading the history of Russia that Catharine the Great, after a rebellion and the loss of many lives in her dominions, directed her parliament to pass an act that no man should even refer to the rebellion. Well, we do not ask you to pass an act to that effect; but we ask you to do this: we ask you, when gentlemen on this floor or elsewhere say that these men of the South who came up here and took their places in this House came with a view of cutting down the tariff or any other measure because the confederate constitution directed this or that or the other, to say it is unjust to them—the men of the South—and it is unkind and unworthy of those who make the charge. A more loyal people never lived than the people of the old Tarheel State to which I have the honor to belong; and I say here in the presence of this House and of the country that if they saw trouble coming upon this great Government, our Government, at the very first sound of alarm, at the first roll of the drum, you would see the men of the South coming to the rescue—

> Till every tuft of broom gives life
> To plaided warrior, armed for strife.

[Applause.]

Now, Mr. Chairman, why should we not banish these feelings of the war? And why should we not abolish at the same time or reduce war taxation, since we do not need it as we did then? Why not take the surplus and educate the children of this country? I hope to live and stand here and advocate the passage of a bill which sends out a portion of our surplus money to educate the children of this country, white and black, all over the land. [Applause.] I hope it will be done; I want to see it done.

A writer has beautifully said: "Look not mournfully into the past; it is gone." But, sir, we sometimes do look into the past when we see the vacant chairs around our firesides and call to mind how many brave boys that left their homes, left the influence of their mothers and all, and upon the red field of battle laid down their young lives for what they thought was right. We look back upon that with mournful sadness. But we will not always look back.

The same writer has said: "Wisely improve the present; it is thine." Let us wisely improve the present by adjusting taxation and all our laws properly with a view of helping each other and of helping everybody. I would to God that this was the real principle and the rule that was practiced all the world over, and that it was the constant effort of all mankind to lift up everybody, to make everybody better, purer, and happier financially, morally, and in every other way. I say that I wish that was the rule of the world to-day, and especially in this country that I love with all of my heart. And I trust that the time is not so far distant, sir, when we will have wise laws, when all odious features will be done away, that on every hilltop where it is needed a schoolhouse will be found; that the tall spires of the church, pointing upward, in every section will be a precious reminder to the weary traveler of rest in the land of the leal; and the happy children coming and going "with shining morning faces" may enjoy the blessings of a pure education, peace, and plenty. Then we shall feel that "another morn has risen on midday." [Applause.]

Mr. HOBLITZELL. Mr. Chairman, the tidal wave of two years ago gave the Republican party a splendid opportunity to redeem itself from the low estate into which it had fallen with the people before they surrendered their baton of power, which they willfully disregarded. As one of the majority of this House I voted in caucus against its present organization, meaning to emphasize a judgment that could see no wisdom in agitating a tariff policy we were powerless to establish into law, fearing that very disunion and discord in our party which has since obtained, placing us in the condition of the helpless Actæon, torn to pieces by his own hounds. But, sir, the Morrison bill is here for consideration, the agitation has begun, and I shall only attempt to cast a drop of oil upon the troubled waters.

A TRUE TARIFF POLICY FOR REVENUE ONLY.

I apprehend, sir, that the true doctrine for any policy of our Government, whether of finance or tariff, must find warrant in the Constitution, and Democrats of this body should be willing to stand by that construction of the organic law plainly evidenced in the policy of past Democratic administrations constituting their practices. I denounce in advance, as unwarranted by that Constitution, the practices of the Republican party in the assertion of the principle of "protection for the sake of protection," whether its results are designed to be in aid of manufactures and their development, agriculture and its development, or in the building up of commercial interests, or of all combined, for the simple reason that a free people should be left untrammeled by governmental interposition in the investment of their capital and the development of their material interest, in that ceaseless, tireless struggle hourly progressing between energy, intelligence, and skill, enforcing the survival of the fittest instead of leaving their prosperity to depend upon the favoritism and fostering bounty comprising the practices under

laws assertive of principles inevitably leading to monopoly. Capital and labor, the twin powers of wealth development in all that comprises the material progress of any country, ordinarily of slow growth in new countries, in this grand and glorious America of ours have attained conditions fabulous!

The secrets of this marvelous growth of wealth and development of resources have puzzled the wisest and best statesmen and publicists, not only of our country but the world, and it will continue to do so, I fear, until the end of time. No common judgment can be expected upon so intricate and complex a subject. The result, however, stands out in the history of that progress, and, to paraphrase the lines of the poet Pope—

For policies of government let fools contest;
Whate'er is best administer'd is best.

Mr. Chairman, in the provision of the Constitution granting powers to raise revenue by taxation lies our duty to legislate as to the kind of tax, the rate of tax, and the selection of the objects to be taxed, or in other words the selection of the proper sources of revenue constituting a lawful policy of government. Certain principles of economy, grown into maxims, should be carefully applied in the adoption of any measure having for its object the raising of revenue by taxation of the people.

1. The subjects of every state ought to contribute to the support of the government as nearly as possible in proportion to their respective abilities; that is, in proportion to the revenue they enjoy under the protection of the state. In the observation or neglect of this maxim consists what is called the equality or inequality of taxation.

2. Every tax should be levied at the time or in the manner which is most likely to be convenient to the contributor to pay it.

3. Every tax ought to be so contrived as to take out and keep out of the pockets of the people as little as possible over and above what it brings into the treasury of the state.

4. The heaviest taxes should be imposed on those commodities the consumption of which is especially prejudicial to the interests of the people.

These principles, announced by Adam Smith in his Wealth of Nations, have met the approval of all the great thinking men of the world who have studied economic questions influencing the welfare and development of the whole people of a country, the object of government being to maintain the field of material conflict in the struggle for wealth free to all its people, so as to permit the largest growth of that wealth out of their productions over and above consumption. In the consideration of any system of revenues, however, we must keep constantly in view the pregnant fact that whatever the sources of revenue at last taxation is met out of the purses of the people, and taxation becomes onerous and burdensome not only when it consumes the margin constituting the ordinary savings of frugality, but taxation is equally so when the sources of revenue selected require a mode of collection inquisitorial and personal, or when the proportion exacted of the citizen is disproportionate to the revenue he enjoys under the protection of the government, or when it produces an amount of revenue in excess of the economical wants of the government.

DEMOCRATIC POLICY NOT AN UNDEVIATING ONE.

Mr. Chairman, in no sense can the history of Democratic administrations of the past in their selection of the sources of revenue be said to have developed an undeviating policy of that party upon this vexed question of tariff to justify the view that it is a party of free trade or a party whose faith is indissolubly bound up in a low rate of tariff duties. True, sir, in the domain of individual liberty and freedom of action represented by our constitutional Government the doctrine of free trade is logically evolved, expressive of that largest liberty of action in all those matters affecting the material interest of the people individually speaking, and is therefore the outgrowth of Democratic spirit; but this broad assertion of individual freedom with reference to the subject of trade, as in many other directions, is exercised by the individual citizen in subjection to the rights and powers of the Government under the provisions of the Constitution imposing the duty "to provide for the common defense and promote the general welfare," implied and expressed in the grant of power to lay and collect taxes to this end to meet honest and lawful expenditures. Economy has been the undeviating doctrine and practice of the Democratic party, in order to reduce to its minimum the burdens of the people and to reduce the minimum of its impingement or prohibition upon the liberty and freedom of action of the individual citizen in all those matters affecting his material interests involved in the operations of trade and business. And so, considered in this view of economical expenditure, whatever that may be in the aggregate, great or small, is created the necessity for revenue, and the necessity of a high or low rate of duty to meet it, limited only by the principle of taxation for revenue, which never permits the rate of duty to exceed the maximum revenue-producing power of rate of duty, so as to amount in any instance to prohibition of importations.

That history, fairly treated, simply demonstrates an honest endeavor to exercise the powers of taxation within the Constitution, both in determining the sources of revenues and the rate of duty imposed. In the discharge of that imperative constitutional obligation, guided by approved principles of political economy, the system they evolved under their several administrations as the wisest and best for our country was that of revenue by imposts, supplying as it did the wants of the Government by an indirect tax upon the people through their consumption and offering at the same time by judicious discriminations incidental aid and encouragement to home capital and home labor when the duty imposed was upon articles produced within our borders by the industry, skill, and capital of our own people, which entered as an incident of the cost of its production.

THE EARLIEST TARIFF LEGISLATION.

Mr. Chairman, the first tariff measure passed by Congress was introduced by Madison, April 8, 1789, and it recited the necessity of laying duties on imported goods, wares, and merchandise, "for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures." Madison was the father of the Constitution, and the highest authority upon its meaning and intent, and with this preamble he outlined a simple measure, requiring a few articles to pay specific duties, and all or nearly all other imported articles a low rate of duty ad valorem, his object being to raise an immediate revenue to supply the wants of the new government. Pennsylvania, through her representatives, by amendments sought to add to the specific-duty-paying articles all the leading manufactures of the country, which led to extended discussion, during which Madison uttered the judgment, as pertinent now as then, "that any system of impost must be founded on the basis of mutual concession." The power of taxation to secure revenues was a concession made by the more populous Eastern States engaged in manufactures by their adoption of the Federal Constitution, surrendering as they did by that act both the right and the power to lay duties in their aid, encouragement, and protection. Indeed, Mr. Chairman, when we go back to the floor of that historic convention sitting in judgment upon this feature of our organic law, and behold the patriotism of those States engaged in manufactures sacrificing upon the altar of a common country so unselfishly their right and their power to lay duties upon imposts, intrusting the protection of their valuable local interests to the justice of Congress in the execution of the taxing power by a judicious discrimination in the laying of impost duties, it affords a striking contrast to the spirit of our agricultural sections to-day in their support of a horizontal reduction of imposts, who thereby willfully ignore that patriotic sacrifice and are ready to destroy in the enforcement of their ideas of reform of the tariff system that principle of mutual concession constituting the groundwork and security of our whole constitutional system.

Mr. Madison, in giving his views, said:

We must consider the general interest of the Union as much as the local or State influence. My general principle is that commerce ought to be free, and labor and industry left at large to find their proper object. But the interests of the States which are ripe for manufactures ought to have attention, as the power of protecting and cherishing them has by the present Constitution been taken from the States and its exercise thrown into other hands. Regulations in some of the States have produced establishments which ought not to be allowed to perish from the alteration which has taken place, while some manufactures, being once formed, can advance toward perfection without adventitious aid. Some of the propositions may be productive of revenue and some may protect our domestic manufactures, though the latter subject ought not to be too confusedly blended with the former.

Cautious statesman as Madison undoubtedly was, we are justified in inferring that under certain circumstances the duty even to protect belonged to and should be exercised by Congress.

This first revenue act was advocated by representatives from all the States of the Union, Federalist and Republican, the only question of difference being as to the rate of duty, and such continued the policy of our Government with few alterations throughout the administrations of Washington, Adams, Jefferson, and Madison. When Jefferson found a large surplus of revenue receipts over expenditures, what recommendations did he make to Congress? A horizontal reduction of imposts, while he maintained odious excise taxes? No, sir. Under his administration the first appeal to this source of revenue was abandoned. Salt was placed upon the free-list, but the impost system was upheld and maintained in the interest of home development. In a message to Congress he gave a clear exposition of his faith and the true Democratic doctrine on the vital subject. He said:

The suspension of our foreign commerce by the injustice of belligerent powers (Great Britain and France) and the consequent losses and sacrifices of our citizens are subjects of great concern. The situation into which we have thus been forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will, under the auspices of cheaper material and subsistence, the freedom of labor from taxation with us, and of protective duties and prohibitions, become permanent.

A prophecy which has had such a splended fulfillment it would amaze Jefferson were he alive to witness it! In another message to Congress, setting forth the large surplus of receipts over the expenditures and economical needs of the Government, he asks the pertinent question: "Shall we suppress the imposts and give that advantage to foreign over domestic manufactures?" Jefferson answers no! He proposed an amendment to the Constitution to authorize the use of this surplus for the great purposes of education and internal improvement, a course our Republican opponents are pursuing without such grant of authority.

THE HISTORY OF TARIFF OF 1816 AND 1828.

Mr. Speaker, the tariff of 1816 constitutes another important era in the history of encouragement to home capital and home labor, largely extending and increasing, as it did, the specific duties on foreign goods and in the adoption of the minimum principle of valuation in estimating imposts for the encouragement and protection of manufactures. The principles and provisions of this act laid the foundation practically of the great industrial system of the United States upon which rests our present national wealth; and it was accomplished by votes from the South and West under the distinguished leadership of the eloquent South Carolina statesman, Calhoun, New England, then a commercial people, generally opposing it under the leadership of the immortal Webster.

A renewal of the tariff controversy took place in the consideration of the measure of 1820, but in 1823–'24 the memorable discussion began of the measure of Clay known as the "American system," avowedly and openly declaring for the protection of home industry. In the earlier tariff acts revenue was the object sought with protection as the incident, but the reversal of this principle was aimed at, so that protection was to constitute the object of the law and revenue the incident. This measure was passed by Congress, and that careful statesman and strict constructionist of the Constitution, Monroe, approved the law. Tariff legislation for the first time in its history took both a sectional and partisan aspect, and the tariff of 1828 found Webster sustaining the policy and Calhoun and his friends antagonizing it. Such in brief is the record of the progress of this economic struggle, ending in a victory for the "Clay system," and with some modifications such it continues to be down to the present day.

The success of the American system in my judgment was a misfortune befallen our manufactures. And Van Buren is quoted as making a sagacious speech to some representatives of this class, "that if the interests of manufactures was suffered to become identified with a political party, any one, it must share the fate of such organization and go down whenever it sunk." And, Mr. Chairman, that hour is fast approaching, unless the spirit of antagonism aroused in the agricultural interests of the South and West shall be tempered with conservatism and patriotism in the maintenance of a principle of mutual concession, instead of being moved and seduced by a desire for vengeance in the Mede and Persian application of the law of retaliation. I raise the voice of a conservative State, Democratic to the core, in the interest of harmony in our party actions, in the interest of a patriotic treatment of these great industries in obedience to a spirit of mutual concession—the granite base of this most glorious superstructure of human right and human liberties.

THE EVIL OF SURPLUS REVENUES TRACED TO ITS SOURCE.

Mr. Chairman, a present surplus of $133,000,000, which must be largely magnified by an estimated annual surplus of $85,000,000 per year, presents a condition in our revenues that is simply alarming, and it is not remarkable that our people are aroused and demand to know whence it comes and how it shall be prevented. Sir, if it shall prove to be no more than this sum, by the end of the fiscal year 1907 it would aggregate by more than $720,000,000 a sum sufficient to liquidate and pay the 3 per cent. bonds, amounting to $305,529,000, the 4½ per cent. bonds, amounting to $250,000,000, and the 4 percents, amounting to $739,946,550, the latter of which, and the last of that class, falling due that fiscal year.

This, Mr. Chairman, is the present condition of your revenues, the result of a mixed system composed of the two modes of taxation by way of imposts and excises, intrenching a political dragon of power in the very citadel of our Government, controlling its operations corruptly in the interest of a party and its maintenance therein indefinitely. Merciless as has been the tribute levied upon the people, and loud and deep their cry for relief from its heavy burdens, yet no relief comes from the party in power, notwithstanding the vote of the people changed the Republican majority of this House into a minority and set indelibly the seal of their condemnation upon this monstrous legalized robbery. Those of us who were members of the Forty-seventh Congress know that the Ways and Means Committee of that Congress, hearkening to the voice of the people, crystallized a measure of relief that would have produced a reduction of over seventy millions of these burdens, but when the hour for action came the dragon outside of this Chamber, enfolding this corrupt political organization, at the bidding of caucus dictation, breathed upon this righteous evidence of their plain duty to the people and in a single night their work shrunk and shriveled into insignificance at its poisoned touch.

Sir, driven from the legislative stronghold of this House by the scourge of popular disapproval, it is still able, however, to maintain itself by a partisan grip upon a majority in the Senate and through the veto of a partisan Executive, and the Democratic majority here, voicing that expression of popular sentiment, should counsel wisely and deliberately before they assume a position in this precious struggle of the people, retreat from which must bring ruin and disaster to all their cherished hopes. Powerless to perfect legislation to secure the needed reform of those inequalities of the tariff conceded to exist by all parties, or to effect reductions of the heavy burdens of taxation exacted by a system purely the handiwork of the Republican party, I saw no wisdom in agitating the subject by any general plan of reform of the system of imposts and reductions, thereby leading as it has to discord and dissension in the solid phalanx of our party, and creating uneasiness and distrust in the breast of both capital and labor. I am conscious, sir, that the vigorous-blooded and valiant-hearted statesmen on this floor, robed in a pre-emption claim to all the courage of our party, cry out, in response to these conservative sentiments, "Cowardice!" But I admonish them that an ounce of wisdom is worth a pound of valor; and he who seeks the bubble reputation at the cannon's mouth, when wisdom points a simpler and less martial road to victory, may reap destruction for the madness and folly of his rashness and dissipate even his fame for courage and valor.

HORIZONTAL REDUCTION WILL NOT PREVENT A SURPLUS.

Mr. Chairman, there is no principle in horizontal reduction, and no reform either; because it must inevitably render the inequalities, the incongruities, and anomalies of the present iniquitous system more unequal, more incongruous, and more anomalous. And as the direct result of the reduction is to throw open wide our ports to foreign products, importations must be largely increased, and I am advised that 25 per cent. of increase will produce an exact stand-off in the amount of revenues received equal to the per cent. of reduction fixed in the Morrison bill.

Now if the increase of imports should be no more, you receive as much revenue in the aggregate, and the distribution of benefits in the amount of taxes reduced to the individual is but an atom of relief. Who pays the taxes, if not the consumer? Here we are met by the class of aerial statesmen who will not deign to walk upon the solid earth of the practical, but poise their wisdom far up among the clouds of sophistry and mysticism, or break down imaginary Chinese walls in order to move out majestic upon a trackless ocean. They assert, and they assume that assertion is both fact and argument, that the tariff rate of duty attaches as an incident of cost to every article produced and consumed in the country. The truth is, that within the range of a minimum and a maximum producing rate of duty the Government receives its revenues in proportion to the volume of imports, while the incident of benefit to the producer and of cost to the consumer only remains as an element of its price up to the point where the home power to produce is equal to the home power to consume, graduating from the highest to the lowest degree of benefit to the producer and of burden to the consumer as you approach that condition of equality. Exceed that point, or in other words overproduce, and you fall below that scale, the very overproduction becoming a positive loss to the producer and a positive gain to the consumer by reason of the depreciation of the price of the overproduced articles as the natural and inevitable result of a violation of the eternal law of trade and business governing the supply and demand.

I confess that the glut of our markets, resulting in ruinous depreciation of prices to our manufacturers and of corresponding benefit to consumers, is the inevitable result of overproduction under the unnatural stimulant of excessive tariff rates, which tempted the large investment of capital in manufactures; but I submit, in the name of all that is just and honest, they are paying most dearly for their whistle. And, sir, so long as the law of supply and demand, in or out of America, continues to rule values in fixing prices of articles of consumption, so long will the oscillations of the pendulum be felt and so long will consumers and producers experience the benefits and evils of the operations of this unerring law within the bounds of the two extremes of a scarcity and a glut, producing a scale of high or low prices for products of consumption. Sir, it constitutes the rude bruising irons of a fate from whose logic there is no escape, and I do not choose to speculate upon the miseries either of the producer or the consumer who may find themselves in the toils of a foe of their own creation.

But, Mr. Chairman, it is pleaded in extenuation that this measure is a step in the right direction. What direction? Reduction? No; for the margin is too insignificant, and the probabilities are that the direct effect will be to lead to an appreciation rather than a depreciation in the aggregate revenue receipts by the increase in the volume of imported goods. Reformation? No; for it reforms none of the inequalities known to exist in the present system. Indeed, they will be worse rather than better if this bill is enacted into law. What is it then? Sir, the step in the right direction, though not declared by the terms of this measure, means a step forward in the domain of direct taxes and free trade, and the author of this bill for horizontal reduction, by his criticisms of the system of revenue by import duties, reveals his faith in direct taxes and free trade.

In the Forty-fourth Congress he declared that—

> Taxation by tariffs and duties on imported goods compels contribution to the support of the Government through the wants and necessities of life. And, as if distrusting the justice of its demands, it operates by indirection and too often does its oppressive work in violation of the most righteous law of equality. However unequal and unjust these taxes are they must be paid, because we must have the comforts and necessaries of life upon which they are levied. Cold, hunger, and thirst gather them in. Though impracticable now to resort to it, that system is best, because most equal, which takes from the tax-payer his due proportion in the most direct manner.

And while denouncing the whole impost system in these scathing terms, he condemned the act of 1872 that put coffee and tea on the free-list, and deemed a duty of 3 cents per pound on the former and 15 cents on the latter, both of which articles enter so universally into the consump-

tion of the masses, as an equitably distributed tax. He tells us now that he is opposed to the impost system, and specially advocates that most vicious, pernicious, and undemocratic source of revenue, the excise taxes, in order to limit the necessity for revenue to be obtained by import duties, approved and used as it has been by every administration since the foundation of our Government, Democrat and opposition. Sir, you can not measure the wants, condition, and policy of our country by those of England. England is for free trade because England is a nation where social caste and orders of nobility divide her people into aristocrats and paupers; but in America, thank God, the sovereigns and masters are the people, and their public officials the servants. The nobility of that country reap the honors and emoluments of government, and the masses are the footballs and tools of power. Our people participate in the crowning and uncrowning of their official kings, who hold their tenure of power by the divine right of the freeman's ballot, and the American citizen is not only ready to volunteer his life and his sacred honor, but his property also in defense of the safety and integrity of his free institutions.

When the gentleman from Illinois [Mr. MORRISON] says that "burdens of government should be borne in proportion to ability to bear them" he asserts a principle as old as government itself; but when he qualifies that principle in its applicability to the people of the United States by limiting it to the idea that "property alone should pay taxes, he who has much should pay much, he who has little should pay little, and he who has none, none," he trifles with words; for it is our proud boast that we are a nation of property-holders, in greater or less degree of value, and the pride of an American master of that lordly castle, his home, however humble it may be, swells his heart with emotions as great as move a king or an emperor. It is his Government, fed and supported by his contributions of taxes made under the system approved by the fathers of the Republic which he cheerfully makes, and his Government, defended and upheld by the power that sleeps in strong arms and stout hearts.

Do you hope to hoodwink the intelligence of the American people by a display of mirage in legislation? If you believe you can justify before the people of the country or before your party the doctrine of free trade and direct taxes, amend the title of your bill and let the battle be fought with visors up, not with visors down and by indirection.

ABOLITION OF EXCISE TAXES WILL PREVENT A SURPLUS.

Sir, I admonish the Democratic majority of this House that if they must formulate a measure to give an earnest to the people of a desire to reduce taxation and prevent the accumulation of the millions of their hard shekels in the vaults of the Treasury, turn the splendid genius of your statemanship and the power of your party against that undemocratic, that unrepublican monster, the internal-revenue system, and at one fell stroke lop off the receipts from the odious and infamous excise taxes; wipe out the expense of the millions it costs to maintain it and destroy the viperous official organization throughout the States, which constitutes a standing menace to the peace and liberty of the citizen and an insult to his manhood. I know, sir, there is a growing prejudice against the removal of taxes from tobacco and whisky—luxuries they are called, or luxuries of the masses—and the subject of whisky bristles with objections from the moral voice of the country as does the porcupine's back with quills; but when you treat the question from the standpoint of revenue, the only one from which as legislators we can justly view it, its abolition is commanded not only by the voice of past experience but by every reason of economy and sound finance.

HISTORY OF EXCISE TAXATION.

Mr. Chairman, the system of excise or internal-revenue taxation was the outgrowth of foreign soil and monarchical absolutism. It is undemocratic, unrepublican, and utterly repugnant to the spirit of our people and our free institutions. In England the imposition of such taxes was first made in 1643, having been extensively practiced in other portions of continental Europe before that period. In our country it was first invoked in 1791, just after the Revolutionary struggle had ended, and while our statesmen were striving to maintain the independence which they had won as the rich fruits of a bloody and memorable war. The highest tax imposed on distilled spirits under this policy was only 25 cents per gallon. Yet the student of history knows that the patriotism of our ancestors, just emerged from a sanguine conflict crowned with a glorious victory, was unequal to this call upon the spirit which had served them at Valley Forge and Trenton to satisfy the very obligations of that war for the rights and liberties of the Anglo-Saxon race, so detestable was it as an emblem of the monarchy they had battled against. The fair escutcheon of the young Republic, in the very presence of their magnificent triumph, was blurred with the stain of a whisky insurrection, notwithstanding the tax was paid by the consumer in or out of Pennsylvania. These taxes, odious in their inception, grew more and more odious each year of their exaction until the inauguration of President Jefferson, under whose wise and beneficent administration the whole system was uprooted and abolished.

Again, sir, after the war of 1812, when another great and pressing necessity for revenues was upon the country to enable the Government to meet the increased expenditures growing out of our conflict with Great Britain, a renewal of this system was recommended by President Madison, continuing in force, however, only a few years, being repealed in 1817 in obedience to the public sentiment, crystallizing the faith of the masses in the conviction that the power of taxation in this form should only be exercised upon extraordinary occasions, and the occasion ended, the system itself should end with the necessity creating it. And now we face the only remaining instance of our history afflicting us with this mode of taxation comprised in that portion of the internal-revenue system remaining upon our statute-books, constituting in part the policy of taxation sprung from the loins of the great war struggle of the States of the Union, justified in the perilous necessity and magnitude of that conflict. But, Mr. Speaker, submission to this mode of taxation in an hour of peril and danger, while illustrating in an eminent degree the patriotism of a free people, can not point an argument for its maintenance nor be construed into an approval of such a system as an ordinary means of providing revenues. On the contrary, the history of the adoption and the abolition of this system of taxation is a standing protest against its continuance after the emergency invoking it has passed away. The ordinary execution of the laws now enforcing this system of excise taxation requires over 4,000 officers, costs the people $5,000,000 per annum to collect this revenue, and, as I have said, it is wholly due to the receipts from this undemocratic source of revenue that the large surplus now in the vaults of the Treasury is at all possible.

AT LEAST ABOLISH THE SYSTEM IN PART.

But, sir, if you are not prepared to face the hue and cry of those who see this subject from the moral standpoint alone, and abolish this pernicious system *in toto*, at least abolish excise taxes upon tobacco, cigars and cigarettes, snuff, ale, lager-beer, and porter, and abolish also all special taxes; disband the army of office-holders employed in their collection, transfer the execution of the law for the tax remaining on distilled spirits to the customs machinery of the Treasury Department, in the interest of sound economy, and save the tax-ridden country the five millions annual expenditure which now feeds the stalwart adherents of the party in power and contributes so liberally to the huge corruption fund of that organization to pollute the ballot of a free people. This course will secure an absolute reduction estimated at over $60,000,000, more than double the sum (when you include the saving of this five millions in the cost of collection) of the mere speculative estimated reduction of this bill, ushered to the country by a flourish of trumpets that would be terrifying indeed if it were anything but trumpet-blowing. The mere statement of the case involved in the suggestions I offer should command Democratic support; but if reason and argument are required to satisfy the people that such repeal is both economy and sound finance, they abound as the rocks with limpets.

REFORM THE IMPOST SYSTEM THROUGH THE FREE-LIST.

Mr. Chairman, if the salvation of Representatives with their agricultural people hinges upon some legislative tinkering with the impost system, I suggest to such tariff reformers the importance of enlarging the free-list in the enforcement of an honest intent to relieve burdens already too grievous to be borne, and reduce revenues also. Make all articles entering into the consumption of the masses, in their food, their cotton and woolen clothing, their humbly-furnished homes, absolutely free, or figure them down to the lowest possible rate of duty. We know that the great volume of our population of wage-earners do not exceed in their average annual incomes more than three or four hundred dollars. Let your pruning-knife of reform strike at the evil of the present impost system right here where it bears the heaviest, and to the relief of a class least able to bear it; for it is notorious the higher you ascend the scale of ability to meet taxation the more abundant grow the favors of the law imposing rates of duty; and, instead of permitting such injustice, apply the corrective promptly, and as you ascend the scale of income of the classes advance the rate of duty upon the higher grade of articles entering into the consumption of such classes, always remembering to lay the highest duties upon articles consumed only by the rich and known as luxuries. These principles should be the touchstone of all legislation in determining the rate of duty upon articles of necessary as well as extraordinary consumption; never to exceed, however, in any instance the maximum rate of revenue-producing duty, and limited to the honest needs of Government. By doing this you execute that cardinal principle of just taxation—levying contributions from the people proportionate to their ability to pay and the protection they receive.

THE HORIZONTAL PLAN INJURIOUS TO REVENUES AND ILLOGICAL IN RESULTS.

Mr. Chairman, the horizontal plan proposed moves on a straight line, arbitrarily and without flexibility, and I am led to ask whence came this inspiration of horizontal reduction to the author of this bill? Was his conversion to that idea as sudden and positive as the conversion of Saul of Tarsus? During the discussion of the tariff-reform measure of the Forty-fourth Congress, fathered by this same distinguished gentleman, he said "that the horizontal reduction of 10 per cent. in 1872 made by the Republican party was injurious to the revenue and illogical in effect." It reduced the duty on bunting from 112 to 108 per cent.; on spool cotton from 76 to 69 per cent., and other like absurd reductions. And yet he finds himself struggling in the meshes of the same net of absurdities and illogical effects included in the terms of the measure whose

paternity he now owns, and demands my support as a Democratic measure. I submit if 10 per cent. of horizontal reduction was injurious to the revenue he has magnified that injury just 100 per cent. by the advocacy of a 20 per cent. horizontal reduction, without eliminating the absurdities or correcting the illogical effects. And, I repeat, whence came this inspiration—when dropped the scales from his eyes?

This horizontal cut bestows a morsel of reduction in rate of duty to the vast body of consumers who are poor and need it, but its operations are equally bountiful and generous to a large class of rich consumers able to pay, and whose duty it is to contribute largely to the revenues of the country. I sample a few of the articles of the luxurious or higher kind of consumption in various schedules, such as lace window-curtains, embroideries, and cotton damask in Schedule I; linen laces, embroideries, Russia and other linen sheetings, of Schedule J; Saxony, Wilton, and Tourny velvet carpets, Aubusson, Axminster, Brussels, tapestry, and chenille carpets in Schedule K; manufactures of rosewood, ebony, and satinwood in Schedule D; china, parian, and bisque ware, looking-glasses, porcelain, and Bohemian glassware in Schedule B; and to cap the climax there is provided a reduction on Havana cigars and cigarettes in Schedule F, while the cotton and woolen goods, the hats, boots, blankets, wooden-ware, common glass and crockery ware, carpets, window-glass, medicines, and even the provisions included in the schedule of food consumption—all of which articles are consumed by the masses—receive no different treatment under this bill. I ask in all candor and frankness for some justification for this rose-colored scheme of reform.

DEMOCRATIC PRINCIPLE NOT INVOLVED IN HORIZONTAL REDUCTION.

Democratic principle involved in horizontal reduction of the imposts in our present condition? I deny it, and the experience of the past repudiates it. I ask, Mr. Chairman, whence comes the voice daring to speak as the Delphian oracle of our Democratic faith? If the doctrine I utter be treason to the cardinal principles of that historic faith, summon from the shades of the past the spirits of Jefferson, Madison, Jackson, Wright, and a host of others upon whose lives rests the halo of an eternal fame. Dispel the illusions under which they acted and died, and then dispel the delusion of the people who cherish their memory with a kindred love. These great statesmen spake and acted in a spirit of patriotism as well as business, and at their magic touch the wilds of America blossomed like the rose. Will you in the nineteenth century reverse these principles and practices justified by the unbroken history of our Democratic administrative policy? In obedience to what principle of our faith shall I give my support to this bill?

I submit that the analysis of the tariff policy of every Democratic administration since the foundation of the Government demonstrates a close approach to the domain of protection while laying and collecting taxes for revenue, not I grant in the assertion of the principle of protection for the sake of protection, but as an expression of wise and patriotic statesmanship which always seeks to develop the power, wealth, and resources of the country when it can be accomplished within the authority of the Constitution by an intelligent and businesslike application of the taxing power for revenue in a spirit of judicious discrimination, in the selection of sources of revenue; recognizing the boundless wealth of our natural resources, of agriculture, of manufactures, of mining, and of commerce, and knowing that the exercise of this discrimination must inevitably result in the development of a home power of production which would render our country independent of foreign nations both in peace and in war.

LET US HAVE SUBSTANTIAL REFORM.

Sir, I am in favor of a reform of the impost system of tariff, but I want a substantial reform of its inequalities and the weeding out of odious monopolies wherever they exist. I favor a reduction of taxation through a wise and judicious modification of the rates of duty imposed, so as not to cripple our own industries at the expense of our laboring people, bone of our bone and flesh of our flesh, and I want this reduction of taxation to inure to the benefit of the masses of the people in the bestowal of the greatest good to the greatest number. And, finally, I favor a large reduction of revenue also, in order to remove from whatever party may be in power the standing temptation to extravagance, waste, and corruption.

In conclusion, Mr. Chairman, I suggest the amendment of the bill under consideration which proposes a horizontal reduction of impost duties only, whose operations may prove speculative and illusory in the view of reducing revenues, by substituting a repeal of special taxes—taxes on tobacco, cigars, cigarettes, and snuff; taxes on lager beer, ale, and porter, producing a reduction of revenues patent to the humblest citizen and amounting to quite $60,000,000; the disbandment of the army of internal-revenue officers; the transfer of the collection of the tax on distilled spirits to the customs machinery of the Treasury Department; and the enlargement of the free-list, to include all articles entering into the consumption of the masses of wage-earners, in their food, their clothing, and their humble homes, as far as it can be judiciously done without too great an additional sacrifice of revenues—and by such a measure of legislation give an earnest to the suffering people of an honest intention to cut off the heavy burdens of useless taxation.

This is practical, this is substantial, this is real. Will you accept it and receive the approval of a grateful people, or will you reject it and enter a hopeless race for executive power? [Great applause.]

At the conclusion of Mr. HOBLITZELL'S remarks he yielded the remainder of his time to Mr. FINDLAY.

The CHAIRMAN. The gentleman from Maryland has five minutes of his time remaining.

Mr. FINDLAY. I do not propose to make a speech now, but I shall reserve what I have to say until to-morrow upon the subject of this bill. In the mean time I will send to the Clerk's desk certain resolutions which I ask to have read, and which I will make hereafter the basis of my remarks.

The Clerk read as follows:

Resolved, That it has been the fixed policy of this country in time of peace to raise its revenue by the indirect, and not by the direct system of taxation; and that, with the exception of the tax on distilled spirits, to be collected in some simpler way than that now existing, it would be wise to return to the ancient and traditionary methods of taxation recognized since the foundation of the Government.

Resolved, That the taxes on tobacco in all its manufactured forms, and the taxes on fermented liquors, together with all special taxes of whatever kind imposed in connection with either tobacco or fermented liquors, should be abolished, and all laws levying or imposing the same repealed.

Resolved, That the annual revenues of the country ought not to be allowed to exceed a just estimate of the wants of the Government, and as soon as it shall be ascertained what excess of revenue, if any, over and above expenditures, immediate and prospective, there will be from the duties levied on imports by the act of March 3, 1883, after allowing for the reduction in the revenues proposed by the repeal of certain internal-revenue taxes, as provided in the last preceding resolution, then provision ought to be made for the reduction of such excess to the level of the revenue actually required to carry on the Government; and in making this reduction just regard should be had to the various interests and opinions of different parts of the country, so as most effectually to provide for the common defense and promote the general welfare; but,

Whereas it is certain that the diminution of the rates of duty on some articles would increase instead of reduce the aggregate amount of revenue on such articles; and

Whereas in regard to such articles as it has been the policy of the Government to protect, a slight reduction on one might produce essential injury and even distress to large classes of the community, while another might bear a large reduction without any such consequences; and

Whereas there are many articles the duties on which might be reduced or altogether abolished without producing any other effect than the reduction of revenue: Therefore,

Resolved, That in reducing the rates of duties on imports fixed by the act of March 3, 1883, it is not wise or judicious to proceed by way of an equal reduction per centum on all articles by what is popularly known as a horizontal cut, but due regard in each case should be had to the question whether the proposed reduction will affect revenue alone, or how far it will operate injuriously on those domestic manufactures hitherto protected, especially such as are essential in time of war, to such also as have been established on the faith of existing laws, and, above all, how far such proposed reduction will affect the rates of wages and the earnings of American manual labor.

Resolved, That whereas the people of the United States have deprived the State governments of all power of fostering manufactures by commercial regulations, or by laying duties on imports, and have transferred the whole jurisdiction upon this subject to the Government of the United States, any dereliction of this authority, or any exercise of it by Congress in the interest of what is popularly known as free trade, or in the rejection of incidental protection, would be unwise and injudicious, and an unjustifiable abandonment of a plain constitutional duty.

Mr. SPRINGER. Mr. Chairman, the extraordinary measures enacted during the late war for the raising of revenue to meet a great emergency, and those enacted since for the purpose of paying the great public debt which was contracted, have not only met all our obligations but have produced a vast surplus. Two years ago this month I had the honor to address this House on the bill to provide for the appointment of the Tariff Commission. At that time I referred to the fact that the surplus revenue amounted to about $150,000,000 a year.

Speaking of the onerous taxation borne by the people, the Secretary of the Treasury, Mr. Folger, used the following language in his message to Congress December, 1881:

The result upon the public revenue is to embarrass this Department in disposing of the surplus in a lawful way and with regard to economy.

And further:

Meanwhile the daily receipts from the community by the Treasury continue, the surplus over its needs increases, and money lies idle. It seems that the plan most just for giving relief is to reduce taxation, and thereby diminish receipts and surplus. (Executive Document No. 2, page 18.)

How has this wise and timely recommendation of Secretary Folger been met by his party in Congress?

THE TARIFF COMMISSION.

At the first session of the last Congress, instead of proceeding at once to reduce the revenue, the Republican majority passed the bill creating the Tariff Commission. That commission was composed wholly of protectionists, although a minority of the commission were appointed as Democrats to represent the Democratic sentiment of the country. The commission, as stated by the honorable gentleman from Arkansas [Mr. JONES] in his able speech during this session, traveled over 7,000 miles, visited twenty-nine cities, and examined more than 600 witnesses, taking testimony seventy-eight days, which covers 2,625 printed pages, and reported to Congress that—

In the performance of the duty devolved upon them all the members of the commission have aimed, and as they believe with success, to divest themselves of all political bias, sectional prejudice, or considerations of personal interest. It is their desire that their recommendations shall serve no particular party, class, section, or school of political economy.

Actuated by this spirit of fairness, the commission reported in favor

of a substantial reduction of tariff duties. Their conclusion on this point is thus forcibly expressed in their report:

Early in its deliberations the commission became convinced that a substantial reduction of tariff duties is demanded, not by a mere indiscriminate popular clamor, but by the best conservative opinion of the country, including that which has in former times been most strenuous for the preservation of our national industrial defenses. Such a reduction of the existing tariff the commission regards not only as a due recognition of public sentiment and a measure of justice to consumers, but one conducive to the general industrial prosperity, and which, though it may be temporarily inconvenient, will be ultimately beneficial to the special interests affected by such reduction. No rates of defensive duties, except for the establishment of new industries, which more than equalize the conditions of labor and capital with those of foreign competitors can be justified. Excessive duties or those above such standard of equalization are positively injurious to the interests which they are supposed to benefit.

I heard a gentleman inquire to-day, with some apparent interest, who had recommended a reduction of the tariff? I will state in reply that this very Tariff Commission, composed entirely of protectionists, and organized to investigate that subject, after taking the testimony of six hundred witnesses, reported that it was demanded by the best conservative sentiment of the country, and by the protected industries themselves. They made a report as to the extent to which this reduction should go; and what was it?

One would suppose, from this language, that it had been uttered by some tariff reformer upon this side of the House during this debate.

We were not left in the dark as to what this substantial reduction of tariff duties thus recommended by this commission of protectionists ought to be. Their report contained the following specific language on this subject:

The average reduction in rates, including that from the enlargement of the free-list and the abolition of the duties on charges and commissions, at which the commission has aimed, is not less on the average than 20 per cent., and it is the opinion of the commission that the reduction will reach 25 per cent. The reduction, slight in some cases, in others not attempted, is in many cases from 40 to 50 per cent.

A bill was prepared by the commission which purported to carry out this recommendation. At the last session of Congress that bill was considered, amended, and passed. No one knew just what the reductions would amount to. The honorable gentleman from Ohio [Mr. CONVERSE] when the bill was on its final passage in this House said it was "a leap in the dark." And so it proved to be. The committee of conference, which gave it its finishing touches, may have known more about it than the other members of that Congress, but I am quite sure that committee did not fully comprehend its provisions. Time and practical experience have served to throw light upon its dark pages.

REDUCTION BY THE NEW TARIFF LAW.

Mr. Joseph Nimmo, jr., Chief of the Bureau of Statistics, has submitted a report to the Secretary of the Treasury on "the operations of the tariff act of March 3, 1883, for the six months ending December 31, 1883." This statement (page 5) shows that the actual reduction on "all dutiable merchandise" imported into this country for the first six months under the operation of the new tariff act was only 1.47 per cent., or, as Mr. Nimmo prefers to state the fact, there was "a fall of 1.47 in the ad valorem rate." This appears from the practical workings of the law. But he is of the opinion that the data upon which this result is based are subject to certain modifications, which he proceeded to explain. As I desire to give the friends of the new tariff law the benefit of the most favorable construction possible, I will give the result of Mr. Nimmo's "modifications." He claims the actual reductions to be as follows (page 10):

It appears, therefore, as nearly as can now be ascertained, that the act of March 3, 1883, of itself, and aside from the influence of other conditions, caused the following changes in ad valorem rates: on all dutiable merchandise, a fall of 5.63; on sugar and melada, a fall of 9.32; on iron and steel and manufactures thereof, a fall of 6.15; on clothing wool, a fall of 9.88; on combing wool, a fall of 11.27; on carpet wool, a fall of 6.01; on manufactures of wool, a fall of 4.52; on manufactures of cotton, an increase of 1.92; on manufactures of silk, a fall of 8.82; on earthen and china ware, an increase of 13.11; on glass and glassware, a rise of 1.09; on spirits and wines, an increase of 18.28; and on malt liquors, a fall of 0.59.

Thus it will be seen that, after allowing all claims of the friends of the law, the average reduction "on all dutiable merchandise" is less than 6 per cent., or exactly 5.63. But the Tariff Commission reported that the reduction, which was demanded by the best conservative opinion of the country, which would be conducive to the general industrial prosperity, and ultimately beneficial to the protected industries themselves, would amount to not less than 20 per cent.; and in the opinion of the commission the bill which they recommended would effect a reduction of 25 per cent. Contrast these promises and pledges with the actual results, the practical workings of the new law. The actual reduction was less than 1½ per cent., and the highest estimates of the Bureau of Statistics, under the most favorable circumstances that could be imagined, places the reduction at less than 6 per cent.

NECESSITY OF FURTHER REDUCTION.

The President, in his annual message to Congress, December, 1882, stated that the receipts from all sources for the fiscal year ended June 30, 1882, were $403,525,250; and that the surplus, after paying all ordinary expenses of the Government, amounted to $166,281,505. In that message he said:

I heartily approve the Secretary's recommendation of immediate and extensive reductions in the annual revenues of the Government.

The passage of the tariff act of 1883 was all that was done in this direction by the last Congress.

In the President's last annual message, December, 1883, at the beginning of this session, he reported the surplus revenue for the fiscal year ended June 30, 1883, to be $134,178,756, and the total revenue for that year $398,287,581. He estimated the amount of reduction of the revenues for the current year, under the operation of the new tariff law and the repeal of internal-revenue taxes, which that act effected, to be "at least fifty or sixty millions of dollars."

THE SURPLUS REVENUE.

The surplus for the year ending June 30, 1884, was estimated upon existing laws at $85,000,000, and for the year 1885 at $60,000,000. But these estimates were made before the practical workings of the new tariff law could be demonstrated. The surplus for the current year will probably reach $100,000,000, and if this House shall adhere to the wise measures of economy which have usually characterized Democratic Congresses, the surplus for the next year, ending June 30, 1885, will be even greater than that amount.

In view of the failure of Congress at its last session to reduce taxation to the extent required for an economical administration of the Government, it becomes the imperative duty of this Congress to make the necessary reduction. A reduction of the annual revenues to the extent of at least $50,000,000 is demanded by every consideration of the public welfare. It is little less than a crime to continue to impose war taxes in time of peace to the enormous amount which existing laws provide. How shall further reductions be secured? At the last session Congress reduced the internal-revenue tax on tobacco from 16 to 8 cents per pound, and on cigars from six to three dollars a thousand, and repealed the internal taxes on banks, matches, and all other articles except distilled spirits, beer, and tobacco, and dealers in these articles. It seems to me that Congress has gone quite far enough in the direction of repealing internal-revenue taxes. The people do not desire to be further relieved of such taxes until there has been a substantial reduction of the customs duties on the necessaries of life.

WAR TAXES.

The war tariffs still remain. On cotton goods the average tax is equivalent to 38 per cent., on wool and woolen goods 57, on sugar 43, on lumber and woodenware 33, and on earthenware and glassware 53, and the average on all dutiable merchandise is, under the new law, 40 per cent. These are high-protective, and in many cases prohibitory, tariffs. They create and foster monopolies and, except as to sugar and a few other articles, yield a subsidy to the manufacturers of domestic products not subjected to the tax which vastly exceeds the amount the Government actually receives.

THE TARIFF CREATES AND FOSTERS MONOPOLIES.

Under the operation of our tariff laws many of the leading industries of the country have been placed in the control of monopolies. The monopolists regulate the output and fix the prices of the products. The iron and steel manufacturers, the glass, pottery, coke, and other great interests, have organized societies for pooling their business and controlling prices and profits. The nail manufacturers have their national associations and absolutely control the business of the country. At the last session of Congress, by some mysterious jugglery, the duty on wrought-iron nails and wrought board-nails was increased from 2½ cents to 4 cents per pound. The tariff on nails is practically prohibitory. The importation for 1883 was valued at only $195.65, and the duty received was only $87.60. This was about 45 per cent. ad valorem. On other kinds of nails there was a nominal reduction of duties by the act of March 3, 1883. But the rates are still prohibitory. Hence the whole business has fallen into the hands of monopolists. The business is large and important. There are sixty-two establishments in the country, of which thirty-six are in Massachusetts. The capital invested is $3,877,805, and the product for 1880 was $5,629,240. The whole amount paid in wages was $1,255,171. The high tariff on nails enables the home manufactories to combine and control the market. The last Congress aided them in this by increasing the duties on one class of nails and making the reductions so slight on other classes as to still keep out the foreign product. With the foreign product excluded from our country the home manufacturers proceed to shut down their mills, limit production, and regulate the prices. Last December (1883) the newspapers contained the following information on this subject:

PITTSBURGH, PA., *December* 19.

The Western Nail Association, at a meeting here to-day, discussed the question of shutting down the mills and reducing production. The session lasted nearly all day. There was a diversity of opinion as to the necessity of suspending operations. Western members generally held that, as stocks were low and prices remunerative and firm, the mills should not be shut down. Those who held the opposite view said the only way to secure an advance in prices next spring was to suspend operations.

"We must convince dealers that manufacturers have power to regulate prices," said one.

It was finally agreed to suspend work at all the nail mills from December 29 to February 11. It was the largest meeting of the association ever held, all the mills being represented by delegates or letter.

Then in order to raise prices by limiting production, they shut down from December 29 to February 11 of this year.

During all this time the workingmen in the nail factories were thrown out of employment, and were compelled to seek wherever they could

find it any employment to keep them from starvation. Having limited production and produced an artificial scarcity, the next step in the work of the monopolists was to fix the prices at which their nails will be sold. Spring has now arrived, and the next information we receive is contained in the following dispatch:

PITTSBURGH, *April* 10.

The Western Nail Association met again to-day to settle the details of the pool formed yesterday. A board of nine agents, composed of the president and two members from each of the four districts of the association, was appointed. The board will handle all nails manufactured by the association mills, instead of each firm selling their own product, and will regulate the output and prices. An advance in prices is anticipated.

The four districts will be as follows: First, Pittsburgh and vicinity; second, Wheeling; third, Ohio River factories; fourth, mills of Indiana, Wisconsin, and Saint Louis. The agreement was signed by all the manufacturers present, and as soon as the signatures of absent ones are obtained the pool will go into effect, and an advance in prices is likely to be ordered by the board.

"An advance in prices is likely to be ordered by the board." No longer, under our tariff laws, are prices to be governed by the laws of supply and demand. The board of managers of a legalized monopoly will regulate the output and prices in the future. And as the protective tariff excludes foreign nails, this gives the manufacturers full control of prices in the home market. This is only one of the results or incidents of the protective system, which the present bill seeks to do away with.

THE BURDEN OF TAXATION.

The revenue received by the Government from all sources during the last fiscal year amounted to nearly $400,000,000. This was equal to $8 a head for every man, woman, and child in the land. As these taxes are paid by consumers in the increased cost of commodities, it approximates nearly to a per capita tax. It bears equally upon all the people according to the amount of articles they buy and consume, and not according to their property or ability to pay. The poor man who works for a dollar a day and the poor woman who works in the factories of Massachusetts and Rhode Island eleven hours a day for 75 cents each pay the same tax per pound on the sugar and salt they consume and the clothing they wear that is paid by the millionaires of the country. The four hundred millions received by the Government amounts to $40 for an average family of five persons.

But this is not all the consumers have to pay by reason of the tariff. The duties on articles imported raises their price to the consumer to the extent of the duty. The average duty being 40 per cent., every hundred dollars' worth of goods imported must pay a tax of $40 in order to be exposed for sale in this country. The claim of protectionists that this tax does not increase the cost of the article to the consumer is too absurd for serious consideration. Could an importer afford to buy a cargo of goods in Europe for $100,000 and then pay $40,000 to land them in New York and then sell them for $100,000 in this country, adding only for freight and his commission perhaps 10 per cent. on original investment? Could he sell for $110,000 what had cost him $140,000? These questions need no answer. Yet protectionists continually assert that the import tax is not added to the price of the article to the consumer. Not only is it added, but more is added. The importer advances the tax, but immediately charges a commission on the tax itself as well as on the original cost of the goods. These commissions are repeated every time the goods change hands until they reach the consumer. But in case of products of home manufacture, which do not pay import duties, the price may or may not be enhanced to the amount of the tax on imported articles of like character, according to a variety of circumstances. In an article which I contributed to the North American Review for June, 1883, I endeavored to explain fully this subject and ask pardon for reproducing some extracts from it:

A discriminating duty is one which is imposed upon the importation of commodities of foreign production, unaccompanied by an equivalent tax upon the home product of like character. The imported article can only be sold in this country after payment of the Government duty. "A tax on any one article," says Mr. Mill, "will, as a general rule, raise the value and price of the commodity by at least the amount of the tax." This, of course, relates to the price of the commodity upon which the tax is actually laid and collected; but the rule as to the increased cost of other commodities not taxed, but incidentally affected by the tax, varies according to circumstances. If the home product of a given article is not equal to the home demand for consumption, and imports of like character come in to supply the deficiency, the whole amount of the tax on the imported article will be added to the price of the home product. For example, Bessemer pig-iron, which was imported during the last year to the amount of 500,000 tons, was worth in England in January last about $13.38 per ton. The duty was then $7 per ton, and that, with freights and other charges, would raise the cost in this country to about $22 per ton. At the same time, the selling price of the home product in this country was $22 to $22.50 per ton. Upon this article, at that time, the whole domestic product was increased in value to the full amount of the duty.

If the home product is equal to or exceeds the home demand, but can not be exported without loss to the producer or manufacturer, the increased cost of the home product will be measured by the cost of production, with such profits as may be permitted by domestic competition, and will always be less than the tax upon the foreign product. For example, English steel rails can be laid down in New York for about $25 per ton. Prior to the passage of the new tariff law the duty was $28 per ton. This would make the selling price of English rails in New York $53 per ton. But the home product was selling at the same time at $40 per ton, showing that the cost of American rails was only $15 per ton in excess of foreign rails, instead of $28, which was the amount of the duty. Hence, upon this article at that time the price of the home product of steel rails was enhanced only $15 per ton, and not to the extent of the duty. But this low price of the home product was the result of domestic competition, and has only been recently realized. During the years 1880 and 1881, for instance, prices were such that the whole amount of the duty was added to the cost of the domestic article.

If home products exceed the home demand for consumption and can be exported at a profit to the producer or manufacturer, the imposition of a duty on imported articles of like character will not affect the price of the home product. For example: There is a nominal duty of 10 cents a bushel on imported Indian corn, but the imports of that article for the last fiscal year were only 69,641 bushels, while the exports for the same year were 43,000,000 bushels, and for the preceding year 91,000,000 bushels. The same may be said generally of all breadstuffs and farm products. Although duties are levied upon the importation of similar articles, yet these are merely nominal and do not increase the price of the domestic products to consumers, except in a few cases. The exceptions are rice, sugar, oranges and lemons, barley, malt, potatoes at markets near the Eastern seaboard, and a few other articles which it is unnecessary to mention.

In these observations I do not wish to be understood as departing from the principle that prices are governed by the law of supply and demand. The Government, by the imposition of duties on imported articles, limits the supply of such articles in all cases where the home product is not equal to the demand for home consumption, and thus, by limiting the supply, increases the price of the product on hand.

In the same article I presented a carefully prepared statement, compiled from the reports of the Census Bureau and the tables of Treasury experts, in reference to the various commodities mentioned therein. Several gentlemen who have spoken during this debate have done me the honor to reproduce my statement in their speeches. I will also ask leave to print it.

The statement is as follows:

Statement showing the amount of incidental taxes annually imposed on the people of the United States in the increased cost of home products by reason of discriminating duties on imported articles of like character, together with the value of such home products, the amount of wages paid and number of hands employed, and the imports and duties received thereon, for the year 1882.

Articles affected by the tariff.	Merchandise imported during the fiscal year ended June 30, 1882.			Value of home products, census year, 1880.	Average number of hands employed. Boys under 16 and girls under 15 counted as one-half a hand.	Total amount in wages during the year.	Estimated rate of increase ad valorem.	Incidental taxes, being the increased cost of home products by reason of the tariff.
	Values.	Duty received.	Average ad valorem rate.					
	Dollars.	*Dollars.*	*Per cent.*	*Dollars.*	*Number.*	*Dollars.*	*Per cent.*	*Dollars.*
Chemical products	21,517,169	6,718,561	31.32	117,377,324	28,895	11,840,704	20	23,475,464
Earthenware and glassware	13,822,043	6,693,257	48.42	31,632,309	30,674	13,130,403	45	14,234,539
Metals—iron and steel, and all metal manufactures	74,427,988	30,358,936	40.79	604,553,460	290,000	122,648,191	20	120,910,692
Wood and woodenware	8,654,327	1,589,851	18.37	311,928,884	185,426	47,817,199	15	46,789,332
Sugar and molasses	94,540,269	49,210,573	52.05	(a)	(b)	(b)	40	4,846,714
Tobacco	8,216,132	6,000,961	73.03	118,665,366	81,809	25,041,257	25	29,666,341
Cotton and cotton goods	34,868,044	13,482,167	38.67	210,950,383	170,363	45,614,419	20	42,190,076
Hemp, jute, and flax goods	33,578,076	9,844,652	29.32	5,518,866	4,329	1,238,149	20	1,103,773
Wool and woolens	47,679,502	29,254,234	61.36	267,182,914	145,341	47,351,628	40	106,873,165
Silk and silk goods	38,535,475	22,632,490	58.73	41,033,045	28,554	9,146,705	50	20,516,522
Books, paper, &c	4,923,620	1,406,787	28.57	65,960,405	25,274	9,895,995	20	13,192,081
Sundries	62,410,690	17,272,269	27.68	665,699,693	337,216	129,881,399	20	133,139,938
Total	433,173,335	194,464,758	.....	2,440,502,649	1,327,881	463,606,049	.....	556,938,637

a Planters' product for 1880 was: Sugar, 196,759,200 pounds; molasses, 16,573,273 gallons. *b* Number and wages of laborers not stated.

The following explanation of the statement accompanied the article as published in the North American Review:

It will be seen from an examination of the statement that the rate of increase in the cost of the home product by reason of the tariff has been estimated in each case at much below the duty itself. This is due to the fact that many of the articles are increased in price only to a limited extent by reason of the tariff. The statement embraces nearly all the industries of the United States which are materially affected by the tariff, and gives also the number of employés in such industries, the amount of wages paid to them, and the total value of the home product. The item of sundries embraces all protected industries not otherwise enumerated, except such as are mentioned below.

I am unable to obtain a reliable estimate of the amount of provisions and liquors which are increased in price by reason of the tariff. Very few provisions are increased in price. Rice is an exception. The total product of the United States for the census year was 110,131,373 pounds. The amount imported was nearly 64,000,000 pounds, and the duty was 2½ cents per pound, or 111 per cent. ad valorem. The price of the home product is doubtless increased to consumers to the extent of at least 2 cents a pound by reason of the tax, which would amount to an incidental tax burden of $2,200,000.

There are many other articles affected by the tariff which are not included in my statement, such as barley, malt, lemons, oranges, domestic wines, &c. But the amount of incidental taxes upon the chief articles of consumption is quite large enough to arrest public attention. I have based my estimates upon the rates of duty imposed by the tariff law of March 3, 1883. If I have erred in any way it is in placing the amount of incidental taxes too low. The people of the United States have been subjected to a burden of at least $556,000,000 every year for the past twenty years, making an aggregate of over $11,000,000,000, not one dollar of which went into the national Treasury. Since the war began we have paid more by incidental taxation to protect our "infant industries" than it cost to put down the rebellion and pay all the claims, bonded debt, interest, and damages incident thereto.

In view of the vast amount demanded and received by the Government, in view of the incidental taxes which are imposed upon the people in the increased cost of domestic products, and the vast burdens which all these impose in the shape of taxes direct and indirect, it seems to me that the representatives of the people in this Congress are required by every obligation of the public weal to proceed immediately to reduce taxation. The pending bill does no more than was recommended by the Tariff Commission. It is the completion of the work which that commission undertook. It goes no further in reductions than that commission said was demanded by the best interests of the country. Surely a Democratic Congress will not hesitate to enact such a measure as this and bring some relief to the people. The people are demanding it.

REVENUE REFORM IN BOSTON.

But recently I have seen the call for a meeting to be held in Boston for the purpose of organizing a league to promote a reduction of the tariff. The names of seven hundred and twenty-five of the leading merchants, bankers, business men, and statesmen of Massachusetts were signed to that paper, among them some of the wealthiest and the most influential citizens of that State of both political parties. The following is the text of the call:

The undersigned, believing that the present enormous surplus in the national revenues is demoralizing and dangerous; that it should be cut down without further delay, not by increasing the public expenditure, but by lessening the burden of taxation; that this burden should be removed from the necessaries of life, and not from whisky and tobacco; and that the policy of taxing imports, not for the purpose of raising revenue, but of obstructing trade, is unsound, and must ultimately be abandoned, invite all those who hold these views to meet at Young's Hotel, Boston, room 12, on Tuesday, April 29, at 4 p. m., for the purpose of forming a league for their advancement.

In one Congressional district in that State the Republican convention, when sending delegates to the Republican convention in Chicago, adopted a resolution favoring a reduction in the tariff on the necessaries of life.

WORKINGMEN AND THEIR WAGES.

The only pretext which is urged by gentlemen on the other side for not proceeding to reduce the revenue is that a reduction of the tariff will be injurious to the laboring classes. It would seem from their arguments that the more taxes laboring men pay the richer they will get, and that any effort to reduce taxation is an effort to destroy labor. Gentlemen have assumed in this debate that if you reduce these tariff duties you will destroy the manufacturing industries of the country and throw the laborers out of employment. I do not believe it. If it would do so I should not favor it. I am in favor of securing to the workingmen of this country all of the rights which it is possible for them to have under the law.

Their condition appeals directly to our sympathies and demands the highest consideration of enlightened statesmanship. The lawyer, the merchant, the professional man, and the manufacturer are generally so well-to-do that they do not need the aids of co-operation, of unions, of legislation in order to protect themselves from oppression and wrong. But the workingmen who depend upon their weekly wages for the support of themselves and families, and who must toil for eight or ten or more hours a day in order to supply their wants, deserve and should receive all the aid, all the assistance, all the protection, if you please, that wise and just laws can furnish.

The lot of the laborer is a hard one. Ten hours a day in manual labor leaves but little time for mental culture or for those fireside pleasures with the wife and little ones which make our homes happy and life desirable. How few of those who are well-to-do in the world can appreciate the hardships, the trials, the temptations of the laborers of the land. For myself, my sympathies have always been on the side of the toiling millions. When they strike for higher wages I scarcely take time to consider whether they are right or wrong, for my heart responds in sympathy before my head can solve the problem of the relation of capital to labor. When they organize for mutual aid and co-operation I feel as if I were enrolled with them to secure their rights and the just remuneration for their toil. When the factories are closed against them, and an effort is made to starve them into submission to lower wages or longer hours of labor, I go out in sympathy with them and raise my voice with theirs for justice and living pay. Hence, sympathizing as I do with labor in all its hardships, toils, and privations, I am disposed to concede to workingmen the best protection that the State or nation can furnish.

What protection can wise and just laws afford to labor? This is a question which demands the most serious thought and careful study of our wisest statesmen. Can a just law compel one workingman to contribute a portion of his time or a portion of his wages for the benefit of another person? That would be manifestly unjust. If the law permitted one man to appropriate all the time and labor of another to his own use, that would be human slavery. If it permitted one man to appropriate one-tenth of the time and labor of another to his own use, that would be 10 per cent. of slavery. To the extent that one man may by law appropriate to himself the earnings of another, to that extent is the one the slave to the other. We have abolished human slavery in this country, and the universal sentiment of mankind condemns the system.

The law therefore ought not to aid or protect one class of laborers at the expense of another. Can the law then furnish no protection to labor? This does not follow. The law can protect all classes to the extent of guaranteeing to them equal rights, and can secure to every man the fruits of his earnings, less the amount which he ought to contribute to the support of Government.

It is conceded that all valuable commodities must be created by labor. To secure such commodities is the object of all our toil. We must either create them ourselves or obtain them from others. Are not those who create them entitled to them, and may they not exchange such as they have and do not need for such as they need and do not have? Will you deny this privilege to workingmen, to those who create valuable articles in excess of their own wants?

THE PURCHASING POWER OF WAGES.

From these observations it will be seen that workingmen are more concerned in the purchasing power of their wages than they are in the nominal amount of their wage-fund. Money is not the real object of labor. It is merely a convenient medium for the exchange of values. Silver and gold will not of themselves supply the demands of the stomach or protect the person from cold or heat. Greenbacks will not shelter us in a storm or supply the place of blankets, carpets, and bedding. Money is useful only as it aids in the exchange of property and products of labor. The question which ought to concern the workingman above all others is, "How many useful articles and comforts of life can I procure with the proceeds of a day's labor?" If one day's labor will purchase a blanket of a certain quality, what difference does it make whether the nominal amount of the wages is two dollars or three?

And so of all other articles which may be desired for the comforts of life. A friend of mine was during the war a prisoner at Andersonville. He exchanged some greenbacks he had for confederate money, for the reason that the latter was current with the sutlers about the prison. But he found that it required $20 of such money to purchase a watermelon. He learned from this little experience that the purchasing power of money was its most essential quality. If a laborer should receive a hundred dollars a day in such depreciated money he would find it impossible to supply with it his most pressing demands.

THE OBJECT OF LABOR.

What, then, is the object of labor so far as the workingman is concerned? It is to supply his wants, to support his family, to educate his children, to surround himself with the greatest possible amount of the comforts of life, for which he can exchange the products of his toil. In what way can the Government aid him in this matter? It can impose as light a burden as possible upon him for the support of the State and nation. It can prevent, or ought to prevent, the extortion of common carriers, the grinding power of monopolies, the plunder, peculation, and oppression of public officials, and the granting of special and exclusive privileges to favored classes. But can it in justice require one class of laborers to contribute a portion of their earnings to another class, except for purposes of government? Can the laws be so framed as to enable a man to get more than he can himself earn? The laborer is worthy of his hire. But is he worthy of any portion of the wages of another?

DOES PROTECTION PROTECT?

It is claimed that protective tariffs can and do protect the laborers of this country from the competition of the laborers of other countries. How can this be shown? It must follow, if this be true, that the law must exclude the product of foreign labor or impose a tax upon its importation that will increase the price of the home product of like character to the amount of the tax upon the foreign article. The home product, not being subject to the tax, may be sold for a higher price than it would otherwise bring, and the laborer who created such home product would thereby be better remunerated for his labor. If protection be a reality, it results from this effect of protective laws. But, conceding for the sake of the argument that this be true, who pays the amount which protection secures? Protection, if it is anything, results from the increased price of domestic products which protective laws have produced. Who pays this increased price? The consumers of the products. And who are the consumers? The people. If blankets are increased in price by protective laws, who pays the increased

price? The consumers of blankets. If woolen goods are increased in price who pays the increase? The consumers of woolen goods. This seems to me too plain to require proof or further illustration. The great mass of the products of our people is consumed at home.

If the price of these products is increased to the consumers by reason of protective laws, our own people, our working people, must pay the amount of that increase as well as the price which the product would bring if unaffected by such laws. If this increased price is for the benefit of the workingmen, for those who created the products, who is to reimburse the other workingmen who must in purchasing those commodities for their own use pay this increased price? Is not by this process a portion of their wages taken from them in order to better remunerate other workingmen for their labor? Is not this practically the taking of a portion of one man's earnings and bestowing them upon another without consideration? It is a species of slavery. It is wrong in principle, oppressive in practice, and a fraud upon workingmen themselves.

But I must do the advocates of the protective system the justice to state that they insist that protective laws have the effect to decrease the prices of commodities. In Congress we hear this argument advanced whenever the subject is being considered. Protectionists point to the fact that many of the leading products have greatly decreased in price in this country since our protective laws were passed, and argue from this that protection has caused it. But they fail to point to the further fact that in England, where protective laws do not exist, there has been even a greater decrease in the prices of the same products during the same time.

Now, I was taught when in college that "like causes produce like effects." If protection has decreased prices in this country, how is it that free trade has decreased them to a greater extent in England? I have never heard this explained fully yet. The fact is this: The improvements in the processes of production, which are the result of new inventions, the increased facilities of transportation, the general diffusion of knowledge, and many other natural causes, have made production cheaper and decreased prices accordingly. But these very causes should have greatly improved the condition of workingmen. They should have been enabled to secure more of the comforts of life with less effort, to have been able to decrease the hours of labor, and to have increased the sum of their happiness. Strikes should have grown less frequent, lock-outs should have ceased, and labor should enjoy its perfect remuneration.

IMPROVED PROCESSES OF PRODUCTION.

I may be pardoned for referring for one moment to some facts and figures in connection with this subject. I have the authority of the honorable gentleman from New York [Mr. HEWITT], an experienced iron manufacturer, for the statement that in 1860 the cost of producing steel was in no case less than 10 cents per pound. A better quality of steel can now be produced for 2 cents a pound. This result has been arrived at by improved processes whereby the productive power of labor has been correspondingly increased in this class of production.

Steel is one of the most essential agents of industry, and the increased facilities for its production demonstrate how great have been the increased facilities for production in every other branch of manual labor.

A striking illustration of the increased productive power of human effort is found in the manufacture of boots and shoes. By comparing the census report of 1870 with that of 1880 it will be seen in reference to this important industry that in the year 1870, 91,702 hands were employed in factories in the manufacture of boots and shoes. They produced in this year 80,627,244 pairs. This amounted to a product of 879 pairs to each hand employed. In 1880 there were 111,052 hands engaged in this industry, and the number of pairs of boots and shoes made aggregated for the census year 125,478,511. This shows an annual product for each hand of 1,129 pairs. The increased productive power of those engaged in the manufacture of boots and shoes in factories was 250 pairs to each hand, or over 28 per cent. But let us follow these facts further. The total amount of wages paid in 1870 for the manufacture of the 80,000,000 pairs of boots and shoes that year amounted to $42,504,444. This shows that each hand received 52 cents per pair for making boots and shoes in factories during that year.

In 1880 the 111,052 hands employed received altogether in wages for their labor but $43,001,438, or only 35 cents per pair. By comparing these figures with 1870 we will perceive that the loss to the operative on each pair produced amounts to 17 cents, or a decrease of nearly 33 per cent. In other words, one hand in 1870 for making two pairs received about the same pay he received in 1880 for making three pairs.

A further fact is worthy of note in this connection. The average annual pay of each hand engaged in this branch of industry in 1870 was $463.50, and for 1880 the average pay was only $387.21.

Thus we see that the average compensation of each operative employed in our boot and shoe factories for the year 1870 was $76 per annum more than that paid in 1880, and the number of pairs made by each was 250 in number less in the former year than in the latter. In other words, operatives were paid in the year 1870 $463.50 for the manufacture of 879 pairs of boots and shoes, while in 1880 they were paid at the rate of only $387.21 for the manufacture of 1,129 pairs; so that while the productive power of labor increased 33 per cent. in ten years the compensation of the workingman in this branch of industry decreased 16 per cent.

During the past twenty years the protection on boots and shoes has been 35 per cent. ad valorem. Whatever advantages this protection may have been to the manufacturer, it is quite certain that the workingmen in that industry received no benefit. Protection failed in this case to protect or benefit laborers in boot and shoe factories.

Take another illustration. In 1870 the production of cotton goods or cotton fabrics amounted to 349,314,592 pounds, and the hands employed were 135,369. The product per hand was 2,580 pounds. In 1880 the production was 607,264,241 pounds. The hands employed were 172,544. The product per hand was 3,519 pounds. The increase per hand was 939 pounds, or 36 per cent. The wages paid in 1870 amounted to $39,044,132. This was an average for each hand of $288. In 1880 the wages paid amounted to $42,040,510, or an average of only $242 to each hand. The wages of each hand decreased $45, or 18 per cent., in ten years, while the productive power of each increased 36 per cent. During this period the protection on the principal articles of production and consumption of cotton fabrics was over 50 per cent. In this industry the manufacturers may have been benefited, but certainly the laborers received no benefit. Protective tariffs do not protect the operatives in cotton fabrics. I might go through with the whole list of highly protected industries and the result would prove the same—an increase of productive power and a decrease of wages. Protection does not protect labor.

I regret that the census statistics are so compiled as to make it impossible to make a similar comparison as to the productions of agriculture at different periods. Some agricultural products are estimated by weight, some by measure, and others only in values, and it is impossible to determine how many persons are engaged in the respective productions. But I have aggregated the number of bushels of Indian corn, wheat, oats, barley, rye, and buckwheat produced in 1870 and 1880, and find the increased production between these periods to be nearly 100 per cent. I find the increased production per hand to be 68 per cent. in the products named. The improved machinery used, the knowledge acquired in the use of fertilizers, and the increased facilities of transportation have greatly increased the productive power of labor in agriculture, as well as in manufacture. Our tariff laws make it impossible to any great extent to export our surplus manufactured products, and they fall upon our home market and depress it by overproduction.

Labor first feels this depression in the stoppage of mills or running them on reduced time or in the reduction of wages. These results are now being felt by nearly every branch of manufacturing industry. But there can be no overproduction of agricultural products. They are not fostered by protective tariffs. It is true that there is a nominal duty on the importation of the cereals I have named, but except in the case of barley the duty does not protect and the result would not be changed perceptibly if the duty were abolished. Those cereals and all products of the soil readily find a market abroad. Who ever heard of overproduction of corn, wheat, cotton, or of any agricultural product? All rejoice in the prospect of bountiful crops from the fact that any surplus we may have can be shipped abroad with profit. It would be precisely so in manufactures if our surplus could be exported with profit.

The facts which I have cited prove conclusively that the wages of labor have not increased in proportion to the increase of the productive power of human effort. A laborer can accomplish much more of result to-day than he could ten or twenty years ago. Hence the remuneration or purchasing power of labor should be greater now than then, but it is not. On the contrary it appears that the wages of workingmen in 1860 and 1870 were greater in many industries than they were in 1880, according to the census of those years.

LABOR STATISTICS.

The condition of workingmen has not improved in proportion to the improvement in the processes of production. The purchasing power of their wages has not increased in proper proportion to the creative power of their brain and muscle. With all the advantages of modern invention and improvement in their favor, the workingmen of the country have not increased the purchasing power of their efforts. In the State of Illinois we have organized a bureau of labor statistics for the purpose of collecting all useful information and facts affecting the laboring classes. The board is composed of practical workers, and was established at the earnest solicitation of workingmen's organizations. It has made careful examination into the condition of labor in Illinois. The last report of the bureau (1882), on page 288, sums up the result of the investigation and presents the facts which are proven. The report says:

The class who constitute the contributors to these tables are the more intelligent and prosperous of the great mass of workers. They are chiefly identified with labor organizations, and possess the individual thoughtfulness and thrift necessary alike to self-help and to organized effort. These statistics are accordingly fairly representative of intelligent workingmen, who make the most of their advantages, and do not cover the case of vast numbers of workingmen whose condition is below the averages here given, and do not reach the lower stratum of the metropolitan life at all. They merely approach the confines of that world of helpless ignorance and destitution in which multitudes in all large cities continually live, and whose only statistics are those of epidemics, pauperism, and crime. It is to escape this last, worst condition, that the honest workingman makes his daily and life-long struggle. He shrinks from no hardship; he spares no time or toil; through fair weather and foul he contributes daily and

willingly to the wealth of others and of the world; he accepts his humble and helpless career, but for this he asks at least to escape mendicancy, and to be able to secure food for his children and a fair expectation of shelter and repose for his declining years.

An examination of these tables will demonstrate what ground for that expectation the average workingman has. It will be observed that one-half of them are not even able to earn enough for their daily bread, and have to depend upon the labor of women and children to eke out their miserable existence. Yet these averages are high as compared with the thousands of workingmen from whom no reports are received.

In fact, the average earnings of the heads of families, for the entire list of occupations, are less than the general average for the cost of living; and that this is reduced to the minimum is painfully apparent from the tenements they occupy, the clothes they wear, and the food and fuel they consume.

Other deductions of a character not less startling will be developed upon examination of these statistics, which, although not representative of the more destitute classes, are still fruitful of suggestions as to the average condition of multitudes of people, who, living in this land of plenty, in this age of prosperity and invention, are still oppressed with continuous and relentless poverty.

Such glimpses of social conditions as are afforded by these tables reveal the disabilities which encumber honest industry, and illustrate how labor is filling the world with wealth and living itself in want; how labor-saving machinery is neither saving the labor of men and women nor reducing the hours of that labor, and how the material progress of which we boast and the prosperity of the few may operate to intensify the poverty and distress of the many.

Mr. DUNHAM. Who says that?

Mr. SPRINGER. The bureau of labor statistics of the State of Illinois, created by an act of our Legislature and appointed by the governor of our State. That bureau has made an official report, from which the extract I have read is taken, and to it I call the attention of my colleague from Illinois [Mr. DUNHAM] and every gentleman of this committee.

It must be observed that the condition of the laboring classes in Illinois, as shown by the report of the Illinois bureau of labor statistics, is doubtless better than is the condition of those classes in many other States in the Union. Illinois is rich in agricultural resources, and all breadstuffs and provisions are much cheaper there than in the large cities and in the Eastern States; also the wages of labor are higher in Illinois than in States farther East. But their condition in Illinois, as this report shows, is bad enough. "The average earnings of heads of families for the entire list of occupations is less than the general average for the cost of living."

But, Mr. Chairman, this does not show the entire picture of distress in the labor of the country. I hold in my hand the report of a committee of this House on labor. It is report No. 444, and will be found in the document-room.

This committee proceeded to take the evidence of laborers and workingmen in the country as to their true condition at this time. That evidence is given, beginning on page 8 and continuing to the conclusion of the document, from which I will quote largely if the committee will pardon me. I am sorry the honorable gentleman on the Committee on Ways and Means from that State [Mr. KELLEY] is not present. He spoke of the distress of workingmen and working-women in England. I regret he is not here to learn something of the condition of the workingmen in his own State. He went across the waters to find a very mild case of hardship compared with those in his own State. If he had visited some localities in Pennsylvania he would have learned of distress in comparison with which the cases he cites in Europe pale in significance.

I find here from this report that the monopolists of Pennsylvania having got the tariff fixed to suit them so as to exclude foreign products from the country under the pretext of protecting American labor from competition with the pauper labor of Europe, having got these laws so arranged as to keep out the products of the pauper labor of Europe, have sent their agents to Europe and brought the paupers themselves to our country and put them in the mines, in the coke-pits, and in the mills to take the places of American workingmen.

Mr. MILLER, of Pennsylvania. Will the gentleman yield to me?

Mr. SPRINGER. I will yield to the gentleman for a question, but not for a speech.

Mr. MILLER, of Pennsylvania. I desire to make a statement.

Mr. SPRINGER. I do not yield to the gentleman to make a statement in my time. I am making statements myself.

Mr. MILLER, of Pennsylvania. Then I will ask the gentleman a question. Does he know that in the county of Fayette, where coke is mostly made, in 1881–'82 the average price paid to miners in that county was $2.56 per day. For the truth of that statement I refer the gentleman to Mr. BOYLE, who represents that district.

Mr. SPRINGER. That may be true. But there were efforts to reduce those wages. The men struck. The employers defied them and sent to Europe for Hungarians and put them in their places. Those very men are now displaced by the most degraded of the pauper labor of Europe. The extracts from this report which I will print in my remarks, and some newspaper articles, to which I call the attention of gentlemen, will show that women, with infants at their breasts, and little girls but 10 years old are aroused at 1 o'clock in the morning and put in the coke-pits along with sturdy men to work for seventeen hours a day. And that is in Pennsylvania, under the very shadow of the temple of protection that the honorable gentleman from that State [Mr. KELLEY] has been so instrumental in rearing.

Mr. MILLER, of Pennsylvania. And the people of Pennsylvania asked this Congress to pass a law to prevent the importation of foreign contract labor and cure this evil; and you have not done a single thing.

Mr. SPRINGER. We hope to pass that bill during this session.

One of the witnesses before the committee stated that since the new tariff went into effect there had been scarcely any importation of bottles, upon which the duty had been raised. He stated that two American blowers could turn out eighty dozen bottles per day, while two foreign blowers could turn out only fifty dozen per day. He said further that "the manufacturers seem to favor free trade in labor, but they were in favor of a high protective tariff on their own manufactured goods or wares." So it seems that the laborers have at last found out what is the matter in this business. They have learned that the manufacturers are for protection on the manufactured article, but are for free trade in labor.

I desire to call attention to a paper published at Reading, Pa., the Morning Herald, of April 18, 1884, which gives an account of women working on the streets, in the midst of inclement weather, breaking stones for a living.

Mr. DUNHAM. Will the gentleman allow me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. DUNHAM. Does not the gentleman know as a matter of fact that, in the case of these same women who he says are breaking stones upon the streets, their real ordinary business is that of washer-women? Breaking stones is to them lighter work, as they perform it while sitting on chairs, and they find it easier to do than to wash clothes.

Mr. SPRINGER. The gentleman may apologize for this system as much as he likes. He may see nothing onerous or toilsome in breaking stones on the streets for a living. But when women have to do that in protected America, I hope, in the language of the honorable gentleman from Pennsylvania [Mr. KELLEY], that the time will come when no such scene as that will be witnessed in this favored land.

Mr. DUNHAM. And does not the gentleman know it to be the fact that these women do that work from choice?

Mr. SPRINGER. Oh, yes, all laborers work from choice. It seems that they must work or starve; that is the choice they have. [Applause.]

Mr. BEACH. "Hobson's choice."

Mr. SPRINGER. The Committee on Labor, in the report to which I have referred, submitted by the gentleman from Ohio [Mr. FORAN], says:

As evidence tending to show the efforts employers of labor are making to supplant American workmen with foreigners, and as still further demonstrating the necessity for passage of this bill, attention is called to the following resolution of the Window Glass Manufacturers' Association, held at West End Hotel, Long Branch, July 11, 1883, which is submitted without comment;

"On motion of Mr. Gorsuch it was resolved, by a vote of thirteen to eight, that the treasurer be authorized to pay a sum not exceeding $30 per man for each blower or gatherer brought over from Europe after August 1, 1883, provided the same be employed by some member of this association, and provided they are not workmen who have been in this country within the twelve months last past."

The committee had before it and took the testimony of some of the leading and most intelligent men in the labor organizations of Massachusetts, New York, New Jersey, Pennsylvania, Indiana, and Ohio. A summary of their testimony is appended hereto, as are also copies of contracts signed in Europe by the imported workmen. The importance of this subject, its bearing upon the social, political, and economic condition of our people, together with the magnitude of the interests involved, will, it is hoped, furnish an apology for the length of this report.

SUMMARY OF TESTIMONY TAKEN BY THE COMMITTEE.

Mr. T. V. Powderly, of Scranton, Pa., master workman of the Knights of Labor of the United States, representing 500,000 workingmen who are interested in several bills which are before Congress, testified as follows:

"I am interested in the eight-hour law, the land bill, and bill on imported labor under contract introduced by Mr. FORAN. These imported men show no disposition to become citizens of this country, but, on the contrary, seek to obtain a certain sum of money, which they consider a competence, and with it return to Italy or Hungary. I have seen eight of these people and one woman living in a small house, without beds or furniture, sleeping on the floor, and have been informed by reliable authority that these nine persons' expenses for one month was only $27. I have seen them in the Frostburg region of Maryland, where they had been brought by agents, who engaged them at Castle Garden, living in a wooden building, sleeping on bunks, this building being fenced in to prevent them being communicated with by the people whose places they had taken. The diet of these men was water and mush, with a small quantity of meat on Sunday. These men are brought into competition with skilled as well as unskilled labor, and it is fast becoming as bad as the competition of the Chinese in the West. A demand is now going up for an amendment of the Chinese bill in such particulars as it has been shown deficient."

William Leech, of Malaga, N. J., of the W. G. W. A., says:

"I was at Malaga last year when certain Belgians were brought to that place. It was our duty to find out from them if the situation of affairs at Malaga had been made known to them before they came, or whether it had not been misrepresented to them. When we attempted to obtain this information the company had thirty-five of us enjoined by the courts from interfering with them. The window-glass workers were ordered out of their homes in midwinter and compelled to move. Last spring we went to work, the Belgians in one factory and the citizens in another. They have since left Malaga, the firm having changed managers."

Emile Bouillet, of Zanesville, Ohio, W. G. W. A., said:

"I was hired at Antwerp by an agent of Dean F. Williams, of Zanesville, Ohio, who came for a set of men (sixty). When I went to see him I asked him why he came to Europe for men. He replied 'that men were scarce and work plenty in the United States.' I told him we would expect the same wages paid in the United States. He said 'they would pay the New York tariff.' When we arrived at Zanesville we discovered that the New York tariff was 25 per cent. less than the regular price. I complained to the company of this misrepresentation and they answered that 'they did not authorize the payment of more than what they were then paying.' At Kent the company did not pay the price agreed upon. They brought them to Kent on a contract for three years. The men were not permitted to associate with American workingmen lest they might find out the true state of affairs. Two of these men were arrested and put in jail for some days for violating this contract. When we arrived, a friend of one

of us was met by a man whom he knew in Europe. As soon as they commenced to talk the manager ordered the arrest of the party. When we arrived at Mansfield, Ohio, a member of the firm came into the car and inquired if any of us could speak English; I answered that 'my father and I could.' He then warned us not to talk to the men."

Question by member of committee. What is the difference between the wages paid these foreigners and Americans?

Answer by John Schlicker. Between 28 and 50 per cent.

Question. Did any of these people show a disposition to become citizens?

Answer. I think not.

William F. Barclay, representing the miners of the coke region of Pennsylvania, said:

"We have a great many of these so-called Hungarians. They are not Hungarians, but Slavonians. They are not brought to our region on a written contract. There is an agency in Pittsburgh and in New York for the employment of these people, and to send them where they are called for. We are against the importation of these people because their influence is degrading. Firms employ these people in preference to Americans or other emigrants. They are easily imposed upon, not 5 per cent. of them being able to read. They perform this soft-coal mining very well, as it requires little skill. They have usually about one woman to every ten men. Their habits are disgusting in the extreme. I saw and counted one day thirty-five women and children employed in forking coke and working about the ovens; the children poorly clad, of every age ranging from 5 years upward. They do not work on Sunday. To illustrate how they live: A yard-boss who went to get men to work got thirty-seven men out of a house containing four small rooms. They had no beds, but laid on the floor, heads and tails, I suppose.

"I never knew one of these men to stay in the country. They spend comparatively nothing, saving their money to return home. Even when sick they go to the poor-house, until at last the authorities refused to longer entertain them while they had money. They will eat anything. They hang their meat out in the sun that it may become soft and tainted. The business men of the region are opposed to them. They get the same wages as the Americans, except when they work by the day; then they are paid 33 per cent. less, which is all they are worth. This importation has reduced the price of mining, and makes it impossible for the men to do other than submit to whatever the operators demand or require of them, regardless of its justness. The condition of the miners and coke-makers generally is aggravated by the company stores which abound in this district. I priced potatoes before I left, and could have bought them of an outside dealer for 50 cents per bushel, while the price in the company stores is 80 cents per bushel. If the men do not deal in the store they are discharged.

"I never met one of these Slavonians who could speak English. We tried to organize the men to enforce the statutes of Pennsylvania, but it was a failure. The companies discharged the men who were active in the matter. They were black-listed and refused work throughout the region. I was urged at another time to get up a strike by one of the operators, so that the price of coke might be raised.

"The Hungarians are paid 60 cents per ton, but they are so ignorant that they do not know what a ton is. The mines are wet, and these people work from 1 o'clock a. m. to 7 p. m. for a day. Americans and more skilled workmen could do the same amount of work in eight hours, but all have to wait on the wagons, the filling of which is delayed by these men, thereby putting the skilled and the unskilled on an equality. We dare not lay our grievance before the coke manufacturers, for whoever does so will be immediately discharged. We are opposed to strikes, as they are of no use, and could not succeed with us while these people are in this state of ignorance. Our citizens and merchants are leaving the region. The conditions are becoming insufferable. The works run from two to five days per week, and the wages paid about $1.25 per day, or generally eight tons at 13 cents per ton. The coke manufacturers are now trying to form a syndicate, that they may monopolize the coke business. There are some manufacturers who will not employ these foreigners, one of whom lives in the region."

Mr. Barclay also furnished the committee with the following written statement:

"We have the following evidence that the importation of laborers under contract does exist. The captain of the vessel on which Joseph Walsh, brother of Hon. John Walsh, ex-member of the Pennsylvania Legislature, came to the United States informed him that the large number of Slavonians on board the vessel were imported laborers shipped to America under contract; that the importers had made a special contract with the steamship company at a very low rate for their delivery in the United States, and that their accommodation would be in accordance with the rates, and that should he (Mr. Walsh) not receive the proper care he should complain to him (the captain). I have this from Mr. Walsh himself. We have much other evidence of their being imported by special agreement to work for certain firms. We have discovered an agency at work engaged in the business of importing laborers, agents in Europe gathering the men, an agent in New York receiving them and forwarding them to destinations. I have in my possession evidence that a firm having a branch in the city of Pittsburgh is engaged in this business. E. Dorner & Co. is the name of the firm who have received a certain amount per head for such imported laborers.

"Paul O. De Esterhazy, Austro-Hungarian consul in New York, has acknowledged the existence of such an agency, but says he is unable to do anything in the matter. The class imported by the coke manufacturers are the lowest beings that have ever been in the State of Pennsylvania, subsisting upon what an American laborer could not eat—such as mules, hogs, &c., which have been killed or died with cholera and other diseases. Not one has ever been known to become an American citizen, but all return to Hungary within a limited time (about four years) with what money they can save by living in this miserable condition of filth and squalor. Women and children work, too, drawing coke and forking coke into cars, commencing work about 1 or 2 o'clock a. m. and returning to their shanties as late as 7 p. m., working through all kinds of weather from two to five days per week. They seldom sleep in beds, but lie on the floor with a board or a stick of wood under their heads, as large a number probably as forty in one house intended for a miner with an average family, one female serving about ten men in all relations between male and female, housewife and laborer in the coke-yards. They are not known to purchase any of the luxuries which tend to elevate and enlighten the people, living in filth and wretchedness; but hoard up their small earnings, which they promptly forward to Hungary, thereby draining our district of the circulating medium. Being low in the scale of intelligence, they are the willing slaves of the coke manufacturers, willing to submit to almost any conditions.

"One of the tricks of the manufacturers is to import these people for the purpose of evading the laws enacted for the protection of the laboring classes.

"The 'Checkweighman law' is an example. The people being unable to read and write, they promise them 30 cents per wagon of one-half ton each, but when they arrive here they are compelled to sign an agreement, making only about 18 cents per ton for mining.

"I have known these beings during the time of the strike to have been dragged from their homes and driven down into the mines by the managers and coal and iron police. I have also known them to have been knocked down and kicked under cars for refusing to do more contract work. In all, they are mere tools by which the manufacturers gain almost any point they desire, to the degradation of our native workingmen and the detriment of our business men, making tramps of the former and bankrupts of the latter."

William Ashton, of Philadelphia, Pa., W. G. W. A., said:

"My information is in regard to importation of foreigners to Baltimore, Md. These men were brought under a contract; they were window-glass blowers. The first importation took place in 1879; forty-eight were then brought over by Swindell Bros. The following year Baker Bros. imported seventeen, King Bros. twenty-two, and Swindell Bros. twenty-three. The first importation occurred during a strike; there was no strike when the second importation occurred. Some of the foreigners refused to work and were arrested, but discharged before a hearing was had; their clothing was retained by the firm and it was weeks before they could secure it. They were kept locked in houses when not working, and could not be seen by the Americans. Most of them have since returned home, some being sent by the Glass-Blowers' Association and some by the Belgian consul, who complained bitterly of the treatment they received. The effect of their importation was the reduction of wages about 12 per cent. An injunction was issued against the American workmen from interfering with them and made perpetual by Judge Brown, of Baltimore. Before these men were imported we had as good a set of American workmen as could be found anywhere. The system in vogue in Europe and America differs materially. The Europeans work according to old methods and processes; in fact, they bring their tools and molds with them. The European workman can not turn out within 35 per cent. as much ware as the American workman, and as a result do not or are not able to fulfill their contract; hence the employers are at liberty to pay them what they please."

Val Haas, Baltimore, Md., W. G. W. A., said:

"The situation was misrepresented to them; some of them, when the exact situation was explained to them, quit. Two Germans who quit work were refused their clothes and were arrested. I have been called up at night by these men to explain to them the trouble, as we could not get near them or they near us, so that an understanding might be had. They were under constant police surveillance, and we were enjoined from interfering with them. These foreigners were natives of France, Belgium, and Germany; they were brought in three different parties. In 1879, Baker Bros. brought forty-eight, and King & Bros. twenty-five. Baker Bros. brought a second lot of twenty-five, and King & Bros. and Swindell & Bros., twenty-three. Previous to this last importation there was no strike; some of these men are here yet, others have gone away. The effect has been a 12 per cent. reduction of wages."

Charles Leffler, Baltimore, Md., W. G. W. A., said:

"My statement is substantially the same as Messrs. Ashton and Haas. Mr. Swindell says he does not want the foreigners any more; they accomplished the object intended, the reduction of wages."

J. Campbell, of Pittsburgh, Pa., said:

"We have no objection to these men coming here voluntarily, but we object to them coming under contract and to reduce American wages."

John Schlicker, of Pittsburgh, Pa., W. G. W. A., said:

"The labor of window-glass blowers is very hard; but few men are able to work at it after the age of 45 years; the average is but 35 years. In consequence of the exhaustiveness of the labor, we decided to not make more than forty-eight boxes of glass per week, which amount is more than 200 per cent. more than what was a week's work some years back. This limit of forty-eight boxes is a good week's work. To break this limit was the purpose of the importation. These foreigners could not make this amount, and consequently could not fulfill their contract, and were therefore subjected to its penalties for failure. One lot of men that were brought to Kent, Portage County, Ohio, were not employed, as the glass-house was not started, and these poor men and their families were left destitute in a foreign land and in a hostile community, a charge on the public."

Q. Did you examine Mr. FORAN's bill?

A. I did, and I favor its passage. I would not object to men being brought to start a new industry.

Mr. James Campbell here said that Mr. James Chambers, of Pittsburgh, had said that Mr. Day, of Kent, Ohio, could send to Belgium and get men at any time, he having an agency there.

John Costello, of Pittsburgh, Pa., president of the Miners' Association, said:

"To mine bituminous coal it required but little skill. In our district we adopted arbitration, which is legalized under the laws of Pennsylvania. Some of the operators are now trying to break the price agreed upon or decided by the board of arbitration. They sometimes go to Castle Garden and engage men to work in the mines that are idle because the operators will not give the price. Recently we paraded, with drums beating and the United States flag flying, on the road which passed near the mines that are refusing to pay the arbitration price, and sixteen of those who were in the procession were arrested for conspiracy. After the arrest and bail of the accused we paraded again, and twenty-two were arrested on a capias."

John Schlicker, of Pittsburgh (Pa.) W. G. W. A., said:

"The difference in working in the glass industry in this country and Europe consists in the fact that there they have two factories and work eleven months a year. I have worked in glass-works for thirty years and have not averaged eight months per year in that time. The difference in wages is not material, when all things are considered, between this country and Europe. At Kent, Ohio, these imported men are working on Sunday."

T. B. Barry, East Saginaw, Mich., ax-maker, said:

"I am an ax-maker of good reputation for skill and industry. The ax-makers struck in Cleveland. We were practically denied the right of free speech. We were not allowed to communicate with the 'rats' who were brought there. Two men, during the time of the strike, who stopped to light their pipes, were arrested and fined $10 each by Judge Solders. I wrote to different parties for work, but could not get any. I received a letter from R. Man & Son, Clinton County, Pennsylvania, in which they informed me that they would not employ any person who belonged to a labor union. I have been forced to take a rest.

"In the lumber region of Michigan there are 1,000 men working for their board. Agents go to Canada and bring men under false pretenses, telling them that they will receive $35 per month, and advertise for men in large numbers in the Canada papers, to be paid the ruling rates, about $35 per month. When the lumber camps are filled they offer them $16 per month.

"At Muskingum an attempt was made to reduce the boom-men by importing men from Canada. This luring men under false pretenses should be remedied. The hours of workmen who work at salt manufacturing are from 4 o'clock a. m. to 7 p. m. The wages are $1.50 per day of seventeen hours. These people, to get an existence, cultivate in the evenings, with the aid of lamps, small patches of ground. The men who come from Canada do not intend to remain here, but return to Canada."

John Muray, of Shawnee (Ohio) Miners' Association, said:

"Our men are deeply interested in the bill against the importation of labor, and we expect Congress to do something to remedy the evil. There were seven hundred foreigners and seven hundred colored men brought to my district during a recent strike there."

Fred. Turner, of Philadelphia, Pa., secretary of Knights of Labor, said:

"It is the universal sentiment that the bill of Mr. FORAN should be passed. The importation of foreign workmen is getting as bad as that of the Chinese. We have not the slightest objection to their voluntary coming. The African slave was better off than are these people under some of these contracts. The slave had some one to look after his welfare; these people have not. We present a petition to the committee containing 35,000 names of persons who pray for relief by the passage of a bill to remedy this matter."

Frank Porter, of Cambridge, Mass., cotton mill, said:

"I voice the sentiment of New England and ask that Mr. FORAN's bill be passed. The manufacturers of New England have imported men, time after time, during strikes, from England, Ireland, Scotland, and Canada, whether

under contract or not we are not able to prove, but we believe they were imported under contract. The Canadians, as a rule, do not become citizens, but return to Canada."

John S. McClelland, Hoboken, N. J., telegraph operator, said:

"I was one of the men who participated in the late strike of telegraph operators. The telegraph companies would have imported foreign telegraphers if they could have gotten them. They could not get them from England as there they are in Government service, and if they once leave, when they return they are forced to begin at the bottom."

F. C. Morgan, of Washington, D. C., said:

"I saw an agent, when I was in Brazil, in 1879, trying to engage the natives of Brazil to come to the cotton-fields of the United States. I do not know that he engaged any who went."

John Costello again said that these imported workmen signed contracts, waiving the benefits of the statutes of Pennsylvania, which were passed for the protection of workmen, and thereby in their ignorance injuring the workingmen and nullifying the salutary laws of Pennsylvania, which were enacted to protect the workmen from the avarice of greedy manufacturers.

Mr. A. C. Robertson, of Pittsburgh, Pa., said:

The number of foreign glass-bottle blowers brought to the Western States under contract is about 80 in all, distributed in five factories, namely: La Salle, Ill., 36; Covington, Ky., 13; Louisville, Ky., 14; the balance in Streator, Ill., and New Albany, Ind. They receive about 40 per cent. less wages than American blowers, or, in other words, they get 8 cents per dozen for quart beers, while the American gets 13 cents per dozen. The effect of this competition will be to bring the native workmen down to the level of pauper labor. The hollow-glass workmen west of the Alleghany Mountains have not worked since last June. They have been during all this time enjoying the luxury of a lockout. Last year's revision of the tariff virtually increased the duty on green glassware nearly 100 per cent., but notwithstanding this increase the manufacturers are endeavoring to force a reduction of 20 per cent. in wages. Previous to the revision there was an importation of about 200,000 gross of bottles. Since the new tariff went into effect there has been scarcely any importation of this ware. Two American blowers will turn out 80 dozen bottles per day, while two of the foreign blowers turn out but 50 dozen per day. The manufacturers seem to favor free trade in labor and a high protective tariff upon their manufactured goods or wares.

I now call attention to the following extracts from the Pittsburgh Dispatch:

MOUNT PLEASANT, *March* 30, 1883.

The Hungarians that for past months have shocked the citizens of this section of the State by their uncivilized actions are still emigrating to the coke regions. For a time it looked as if they were going to leave for their native land and the State would be rid of them, but the arrival of a number of them the past few days has dispelled such ideas. Yesterday several families arrived here, fresh from their native land, and immediately sought employment with their countrymen. The first Hungarians that began work in the mines and coke-yards were employed about three years ago near Broad Ford, and took the place of men who had originated a strike.

HOW THEY HAVE GROWN.

When new coke-yards were started here they were brought to this place and put to work, and were also employed by old establishments. Since they first began work hundreds of them have come from their foreign home. They have sought and obtained employment in the coke regions, and after laboring perhaps a year, have returned to Hungary, and others have taken the places of those originally employed. Many of them are owners of small farms in their native land, for which they are in debt. To secure money to raise this indebtedness they have come to America and after hoarding several hundred dollars have returned. Others have come merely to seek fortunes, and after laboring for a time in our community have removed to some other point and again begun laboring.

In the mines and coke-yards they have readily found employment, because by the combined labor of themselves, their wives, and their children they have been able to take the places made vacant by strikers. At first they are scarcely able to perform the required work, but naturally quick at learning they soon perform what is required, though not with the alacrity of those whose places they are filling. Some of the men are employed in the mines, others in the coke-yards.

WOMEN AND CHILDREN

also handle the coke, doing the same work that is required of husbands and fathers. The fact that the women and children work has created indignation. This indignation has been increased when the home life of the Hungarian is revealed and when it becomes known that the foreigners are living in a manner that almost places them on a level with the brute creation.

Several hundred of the Hungarians are employed now in the mines and coke-yards about this place. There are about two hundred at Moorewood, just a mile from here. A more complete picture of degradation could scarcely be portrayed than that presented by a visit to Moorewood this morning. All night long a drizzling rain had fallen, and this was continued until near noon, when the rain turned into snow. Those employed in the coke-yards begin their labor at 2 and 3 o'clock in the morning, and some continue work until the same hour in the afternoon. These that were seen to-day had been working six or eight hours in the cold, drizzling rain. They labor through all kinds of weather whenever the works are running. There are persons here who had said that Hungarian women were performing the labor of men at the coke-yards, but it was not thought probable when the cold and rainy morning appeared that they would be engaged to-day. Yet they were. Thirty-two women and girls, Hungarians and Prussians, handled coke-forks, some of them crowded into box-cars where the escaping fumes made breathing almost impossible, and in a temperature which seemed at least 110°. A few women stood at the oven-doors with heavy iron scrapers more than ten feet in length, drawing the new-made coke, which emitted a strong, almost

OVERPOWERING GAS.

Others pitched coke into cars with forks that held enough coke to fill a coal scuttle, and still others, standing in pools of water before the oven-doors, were cooling off the contents of the oven. The women in some instances had a ghastly look. Over their heads they had tied shawls, and for dresses they were wearing flannel skirts and waists. Occasionally one might be seen better protected from the inclement weather by a man's coat or a woman's cloak, worn threadbare. For coverings for the feet they wore boots and heavy shoes. One woman had little protection from the water, as the tops of her shoes were torn from their soles. A girl, seemingly about 17 years of age, who with an elderly woman was pitching coke into a car, had on mere slippers. All were drenched to the skin, and their wet waists seemed to stick to their shoulders. One little girl about 10 years old was a most pitiable object. She had been running about the yards through the morning and, becoming drenched, stood before an oven-door trying to get warm and dry her garments. She looked the very picture of misery. There were eight girls about the yards apparently not more than 16 years of age, some of them about 12, yet they handled the great iron forks filled with coke.

WITH THE EASE OF MEN.

Several of these children were housed in the hot cars, and with hand-leathers piled the coke fresh from the ovens.

In two long frame structures, partitioned into houses of two rooms each, the Hungarians reside. There are about two hundred employed about the works, and nearly all live here in, possibly, forty rooms, about 12 by 14 feet in size. Hanging upon the outside of the houses and from windows were hams, pieces of bacon, and baskets containing fresh meat, left there that the meat might become tainted. This is done in all seasons of the year, summer or winter, and in rain, snow, or sunshine. Citizens here say that the Hungarians purchase the very cheapest of meats. They have been known to carry to their homes hogs that have been killed by the cars. One gentleman said to-day that not long since a box of sausage was received at a retail grocery in town. When it was opened the contents were found to be covered with slime and unfit for use. A Hungarian who chanced to be present was given a piece of the spoiled sausage. He left the store, and presently a number of his countrymen entered the grocery to get some of the same.

There seems to be little feeling shown by the Hungarians toward their dead, and instances are related of their heartless actions. Not long since, it is said of one family, a daughter died during the night. The next day the remainder of the family worked as usual and at night-time buried the girl. A child also died. Its father dug a hole near the house, and unprotected, save by its clothes, placed the little one within. A girl but about 12 years old was left to cover up the remains. When it had afterward been learned that the parent had so acted clerks in the works procured a coffin for the child and made the father take up the dead body and bury it properly. The indications are that the grave-yard will fill up much more rapidly in the future, and that the number of new but small mounds will be increased. Women, it is stated, take their babies to the coke-yards and while they work hour after hour at pitching or drawing coke the little ones are laid on the ground or in a car near by. During the entire winter children have been running barefooted, even on the coldest days. To-day while the rain and snow were falling they have been about the yard around their home without stockings or shoes. Women, too, were seen in the same condition. They have been seen working in the coke-yards with nothing but a skirt about their body and a shawl tied over their heads.

I have here also extracts which I have caused to be taken from the report of the evidence before the Senate Committee on Education and Labor, of which Senator BLAIR, of New Hampshire, is chairman. This committee was in session for six or eight months, and visited many parts of the country taking evidence as to the condition of workingmen. The evidence taken by that committee is now being printed at the Government Printing Office. This evidence contains a vast amount of valuable information in reference to our industrial interests and condition, and will be appreciated hereafter much more than it is at this time. I have here extracts from that document which more than confirm all that I have stated with regard to Pennsylvania and Illinois. These extracts will prove to gentlemen on the other side that their boasted system of protection is one to protect manufacturers only; that the pauper laborers of Europe are being brought to our very doors to take the places of the striking workingmen of our own country; that manufacturers have black-lists, upon which they record the names of the strikers, by reason of which they are driven from place to place as outcasts, and that the condition of wage-earners in this country has deteriorated rather than improved during our high-protective era.

The attention of gentlemen is earnestly requested to the evidence taken before that committee.

EVIDENCE TAKEN BY THE BLAIR COMMITTEE.

Frank K. Foster, printer, a prominent member and representative of several workingmen's organizations, after describing very graphically and in detail the condition of the laboring classes generally in New England, says:

The great and distinctive feature of our New England industries is, of course, the manufacture of cotton, woolen, and textile fabrics in the different sections of that country. It is there that we see presented more forcibly than anywhere else the condition of affairs that we seek relief from. It is there that we see more clearly than elsewhere the dangers that threaten society at large in the time to come; that we see more clearly the conditions which will produce an enfeebled and inferior race—as the mills of England have produced an inferior race among the operatives there in some localities. The condition of life among the operatives in the textile industries is on a much lower plane as regards the satisfying of man's natural requirements and the pursuit of happiness than in the skilled trades. This is necessarily so, perhaps. When I speak of "operatives" I wish to be understood as speaking of those employed in any of the branches of textile manufactures. They have to encounter difficulties, restrictions, and privations that, perhaps, can only be equaled in this country by those of some of the laborers in the mining regions, and the hardships of their condition are not probably made less striking by a comparison with the old slave labor of the South.

I am sorry to disagree with the Senator from Massachusetts [Mr. DAWES] as to the condition of the mill operatives. I may state here, in order to give force to what I say, that, being deeply interested in the subject, I took the opportunity (as my trade did not give it me) of pursuing an occupation that threw me in contact with those people for the space of over a year, that I lived in their midst in various places and observed their manner of existence, their amusements as they were called, and the social conditions that had been produced by the system of corporation manufacturing, and I am sorry to say that there is room for all the talent and energy that can be employed in bettering their condition, and for all the assistance that legislation can possibly give them. The condition of Massachusetts is, I think, better than that of most of the other New England States, especially those engaged in manufacturing to any great extent.

The operatives of Massachusetts, however, work longer hours than the English operatives, and they receive even nominally but a trifle more wages. I have some comparative tables that may be of interest to the committee, but I presume they have already been presented to Congress; the tables taken from the consular report of Albert D. Shaw, United States consul at Manchester, England, giving the average earnings of operatives in English factories, and they are accompanied by tables giving the prices paid in the mills of Massachusetts:

MASSACHUSETTS—SIXTY HOURS PER WEEK.

	Per day.
Weavers, four looms	$0 94
Weavers, six looms	1 12
Beamers or warpers	95
General hands	99
Frame-spinners	89
Mule-spinners	1 50
Slubbers	96
Drawers	75

EAST LANCANSHIRE, ENGLAND.

	Per day.
Weavers, four looms	$0 90
Weavers, six looms	1 30
Beamers or warpers	80
Winders	75
Tapers or sizers	1 45
Overlookers	1 40

OLDHAM, ENGLAND.

Overlookers	1 80
Carders	1 80
Strippers, Jobbers, Grinders	92
Slubbers	70
Intermediate	68

BLACKBURN, ENGLAND.

Spinners	1 30
Piecers	50
Creelers	32
Rovers	63
Slubbers	55
Drawers	54
Grinders	85

English operatives work only fifty-six hours a week.

* * * * * * *

Q. You may proceed, then, with your statement as to the social, financial, and economical condition of the operatives in the cotton-mills in New England.

A. One of the most important peculiarities in the textile industries is the large employment of female and child labor. I will quote a paragraph from the report of Mr. Wright, chief of the Massachusetts bureau of labor statistics, for 1881 (page 466), as his words may be taken with greater confidence than those of any individual who has not had equal means of information. He says:

"In our cotton-mills especially the women and children largely exceed the men, being often from two-thirds to five-sixths of the whole, and the proportion of them is steadily increasing. And what are these women and children but the very weakest and most dependent of all the people? They have no disposition to agitate. They have no power to change any existing condition of society if they would, and their mind does not work in that range, if they could. All that is possible to them is to toil and scrimp and bear. Now, for men, the strong, those who bear rule, the sovereigns of the land, the hours of labor are but ten all over the country, in about every employment where they preponderate. But where the women and children preponderate, the hours of labor, as a rule, are eleven or more. And the question is, why is it, in this land, which aims for equality and justice, that the weakest, the most helpless and dependent, are loaded with the burden of the more hours, while the strong, the able to bear, and the controlling, only have the less hours to work? And this question, which an operative whispered in our ear in a private room, we have taken the liberty to utter aloud."

And I think the same question comes home with a great deal of force to any one who makes himself familiar with the condition of the operatives in the textile industries in New England and in other parts of the country. To any one who will stand at the gates of any of our large manufacturing establishments in that line and notice the people who come forth at noon or at night or who go in in the morning, as the case may be, the very large percentage of children is startling—something that no one can see without asking himself: Where must this end? The number of women and girls who follow up this routine of daily labor which exhausts their vitality and destroys their womanhood almost, from the very conditions of the labor and the sanitary, or rather the unsanitary, conditions under which it is performed, and the relations between many of the girls and those who have power over them, the employers or the directors of the mills, being considered, it must come home to the observer with increasing force all the time that so long as that condition of things exists and the hours of labor remain as they are and this general state of affairs continues there is a growing element of danger in our social condition. That this state of affairs does exist in New England can be proven by observation and by reference to the reports of the bureau of labor statistics. In the report for 1882, page 220, Mr. Wright says:

"In many quarters visited by the agents in Fall River they found much misery, rarely meeting with happy, contented people. In Lowell and Lawrence it appears that even the poorer class of help secure many of the comforts of life. The reason for this evidently lies in the fact that in Lowell and Lawrence there is more of the individual in labor and less of the family. In Fall River entire families work in the mill, and an obligation in the lease of the mill tenements requires the lessee to furnish a certain number of people to the corporation as employés."

* * * * * * *

It is a great cause of complaint among the cotton operatives, and especially among those employed by the large corporations, that they are frequently "black-listed" on account of membership in trade societies.

Q. What is it to be black-listed?

A. It is to be placed on a list of names which is preserved by the manufacturers' association or board of trade as a person that it will not be safe to hire owing to some participation in a strike or to membership in some trade organization. These causes render it necessary according to the manufacturers' association to put a person under the ban.

Q. What do you mean by being under the ban?

A. I mean that it would be impossible for a man black-listed to obtain employment in any of the corporations represented in this board of trade or association.

Q. What about that association of employers—what are its character and objects?

A. If you will permit me I will read a paragraph from Mr. Wright's report upon that point:

"Other manufacturers granted that the black-list was in existence, and stated that its use was necessary to guard against strikes, one saying, 'If we wanted to black-list a man we would undoubtedly do so.' Another stated that there was such a thing as a 'black-list.' Another said, 'This [black-listing] is done by a committee of the Manufacturers' Board of Trade. A man's name is sent to this committee, and they examine the list and take action on it. The black-list is directed mostly toward the members of the Mule-Spinners' Union, for they cause us the most trouble. For our own protection we started a secret service, and it has accomplished much good, as it gave us the names and occupations of the most prominent in agitating strikes. There have been twenty-six mule-spinners black-listed since last fall.'"

That is the testimony of the manufacturers. The testimony of the operatives is this:

"Nearly all of the Fall River operatives visited by the agent seemed to fear the possibility of the manufacturers discovering that they had given any information. One of them, and his statement will cover those made by several others, said:

"'You will find that very few of the operatives will say anything unless you can assure them that their names will never be known. If it was known that I was giving you any information I would be discharged at once, so you see that I am reposing considerable faith in you. My bread is at stake and were I asked if I had given you any information I should deny it from the beginning.'

"Under these circumstances it was necessary to proceed with caution, but in the majority of cases the mere promise that no names would be mentioned was sufficient to gain the desired information.

"All agreed that the 'black-list' was an abominable institution, one that embodied all that was pernicious in the system of spying. The universal statement was that the spinners, as a body, were the most eagerly punished by black-listing, it being asserted that thirty members of the Spinners' Union were on the black-list, and could not obtain work in any mill in the city. One operative stated that there were several causes that led to dissatisfaction and striking in Fall River, one of the most pronounced being the black-list."

Robert Howard, of Fall River, Mass., an ex-member of the Massachusetts Legislature, a spinner by trade, a native of England, who has had long experience in both English and American factories, and who is secretary of the Mule-Spinners' Association, gave the following interesting testimony with regard to the comparative condition of English and American factory operatives:

THE ENGLISH MULE-SPINNERS BETTER OFF THAN THE AMERICAN.

Q. Before proceeding to a detailed statement of the condition of the working people as you have observed it in this country, please give us a somewhat particular account of the condition of the working classes in Great Britain, and in Ireland also, if you are acquainted with it?

A. I worked in England for upward of seventeen years as a mule-spinner and a piecer for the mule-spinner—that is simply an assistant—and my opinion of the condition of the workmen in that branch of industry relatively in the United States and in England is that the English spinner is in a far better condition.

I will not speak for the weavers, but only for the mule-spinners; they are better off in England because the manufacturers there don't appear to be so desirous of working the men so much like horses or slaves as they do in our State—they don't work at the same extraordinary rate of speed that we do in Fall River. There they give a man a pair of mules—that is, cotton-spinning frames—and they give a man an assistant to work between the mules with him, and also an assistant to work on the back of the mules; but in this country it is a very peculiar fact (but I know it is so with the exception of one or two places) that however large the mules may be, no matter how many spindles they may contain, the employers will not come down to the same policy adopted in England. They insist on one man running the mule with only one little assistant to go behind it. There is one exception to that, I think, in the Amoskeag Mills in Manchester, N. H. As the secretary of the Mule-Spinners' Association, I know what the practice is in all the mills. In that mill they run very large mules, and they do allow a piecer, but the spinner gets very little wages. In our city, Fall River, if they were to run the same as the spinners in the Amoskeag, I suppose they would get from $4 to $5 a week more, but it would be very hard work for them.

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CAN AMERICAN COTTON MANUFACTURERS COMPETE WITH ENGLISH?

Again, the year before, in a letter that he sent to the Secretary of State, Mr. Blaine, he says that he does not see why we should not be able to compete with the English manufacturers, and indeed Mr. Blaine himself says that he can not see why either. Mr. Shaw mentions several kinds of cloth of which the cost of production in England is in the ratio of 2.55 there, against 2.50 here, so that it really costs more in England.

ENGLISH AND AMERICAN WAGES.

Mr. Shaw gives also the wages of the weavers and spinners in England, and the reason that I did not want to go into that matter in detail now was that I have not those figures with me, but I think the wages given by Mr. Shaw for the weavers commence at $3.84 and range all the way up to $8.64, and the wages earned in America by the weavers commence at $4.62 and run up to $8.73, so that there is hardly any perceptible difference between the wages in England and the wages here. I think the wages paid to spinners in America he puts at from $7.20 up to $10.63, and the wages paid to spinners in England, if I recollect right, start at a little higher than the lowest wages here and run up to a few cents lower than the highest here; but there is hardly any difference in the figures. And, moreover, we are not paid so much in proportion to our production here as they are paid in England; for the reason that if we get as much wages here, we have to give more work for it.

AMERICAN OPERATIVES WORK HARDER THAN ENGLISH.

You will see a good smart girl running eight print-cloth looms in our mills here. She ought not to be allowed to do it, but she does it; and there is not a weaver in England that is allowed to run over four, and the English weaver has an assistant in running even four. So that the weavers do not get paid as much per loom for their production here as they get in England.

AMERICAN MILLS "RUN" AT LESS COST THAN ENGLISH.

I also noticed in Mr. Shaw's report this year some figures showing the cost of running mills in Massachusetts and at Ashton-under-Lyne, and also at Blackburn, in England, and he shows that some of the mills here are run on less cost than those English mills, particularly the Rhode Island mills, which are run by water and which, with the exception of Conant's mill, pay very low wages. The wages generally is about $7 or $7.50 a week, but in Conant's mill it is exceptional; there they pay as high as $12 a week. These facts were the basis for Mr. Blaine's inference from Mr. Shaw's report.

I will make further extracts from Mr. Shaw's report before I conclude this subject, showing that the cost for labor in manufacturing a pound of cotton goods is greater in England than in the United States.

Mr. Howard continues:

INTIMIDATION OF WORKINGMEN.

Now there is one remarkable thing in Massachusetts, and that is that if ever a bill is brought before our Legislature for the redress of some grievance which may exist, or if the workingmen come to the Legislature asking for some law which may be beneficial to their interests as workingmen, such as a law providing that they shall be paid weekly, or a law providing for boards of arbitration, or a law to make the ten-hour rule more stringent—if ever there is a bill of any of these kinds brought before our Legislature you will always see the corporation detectives there, particularly from Lowell and from Lawrence. Lowell wishes itself to be looked upon as the workingman's Paradise of Massachusetts, but it is the worst place in Massachusetts, and pays the lowest prices to its workingmen. The Lowell manufacturers always have a ring of men down at the State-house, and they always wish to make it appear that their city is a Paradise and an Eden. It was that Merrimac corporation that got us reduced 10 per cent. in 1880.

When the Board of Trade met the others said to us, "You make that Merrimac Company pay the same as we are paying; they can undersell us as things are." There are men there running 1,500 spindles for about $9.50 a week, while

in the other New England mills they can get $12 a week. They have a man named Moses Sargent, who is there at the State-house every week, and when I was on the legislative committee I used to see him watching every man that came in; so that a Lowell man that had to earn his bread in the mills dare not put his head into the committee-room. The same is true in Lawrence. They had a detective named Filbrook always watching to see if any Lawrence men came before the committee to give testimony. Then, after the meetings were over, they would say, "There are those Fall River fellows; they are a turbulent set." It is not that we in Fall River are turbulent; it is because we had manhood enough and nerve enough to go and ask and demand what was our right that they say that about us. There are no Fall River detectives at the State-house.

I went to a meeting of the mule-spinners at Lawrence some six or seven weeks ago. I wanted to get all the mule-spinners out from the Pacific Mills where the wages was reduced about a year ago, and I called a meeting by circular and had the circular distributed through the Pacific and the Atlantic and the Pemberton Mills. When the time came that was appointed for the meeting, there across the road stood Filbrook, the corporation detective, and Russell, the overseer, watching every man that came in. There was one man at that meeting who was looking out of the window at them, and he said, "I never belonged to a union in my life, Howard, but nothing does so much as the presence of those men there to convince me that there must be some good for the workingmen in unions, for unless there was those men would not stand there spying us as we come in." That is the condition of affairs. Those manufacturers have their detectives employed permanently. I will not vouch for the statement I am going to make, but I have been told that Filbrook gets a salary of $6,000 a year from the Pacific Mills alone. However, I do not vouch for that as true.

Here is what this representative New England factory operative has to say about the tariff:

Q. If in the American market there is a certain amount of a certain kind of goods, and in the foreign market there is a certain surplus amount of the same kind of goods which is kept out from our market by a tariff, and if you remove that tariff and let that European surplus in, and you are a producer of the same kind of articles here, will you get more wages or less wages as a result of removing that tariff?

A. I do not think we would get any less in our city in our branch of industry. At first we might suffer on account of our corporations being built up under the tariff law; but if no tariff restrictions had been in existence when our corporations were built up I believe we would not suffer now by goods coming in from abroad. I think that what it took $600,000 to build under the tariff law could be built for $400,000 without it. Consequently the sales of a given amount of goods would yield a greater dividend and would enable our manufacturers to pay us good wages and compete with England. But the mills are there; the money is invested in them and the owners want a return on it. We only want to do what is fair between capital and labor. Some of the new mills I think would not be able to stand; but some of the old ones would be able to stand against the competition of foreign goods.

Q. You think they have arrived at that point now?

A. I do, as to our branch of industry. I could not speak for all branches.

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Q. Now, I understand you to say that these mills have come into existence and that the industries carried on in them have developed so far that they can produce and sell in competition with the foreign producers, in your opinion?

A. I think they could. I think that if our American manufacturers would adopt the same system that the English merchants have adopted of having agencies in foreign countries we would be able to wrest some of the trade of several of those countries from the English manufacturers, because our cloth, it is generally admitted, is looked upon as entirely superior to the English now.

Q. Aside from the English market, are there not other markets of great importance opening to us abroad?

A. Yes, sir; and if we once get a strong footing in the China and Indian markets, you would see our manufactories rapidly extend. I think the banking system, too, is better here than it is in England, but a very important element is the agencies that the English houses here established abroad and which have placed them in possession of those foreign markets, and it would not be very easy to wrest those markets from them. Our manufacturers will have to be more speculative, more enterprising than they are now in order to compete with the English.

By Mr. PUGH:

Q. What about its being a fact publicly known to the whole country that protection through the imposition of tariff laws is claimed, by members of Congress who represent that policy, for the benefit of the American laborer? Is not the tariff adjusted, or said to be adjusted, so as to afford protection for the benefit of the American laborer by enabling the manufacturer to pay him the highest wages for his work? Is not that the general ground on which it is claimed that there should be protection?

A. That is the ground upon which it is claimed; but that is not the prevalent opinion among the working people.

Q. Then, while this protective law is claimed to be and is passed in order that it may be a benefit to the operatives in our manufactories, I want to know how much benefit they do actually get from the increased prices which the protective tariff gives to the product. What share do the operatives receive when the product is sold and the proceeds are divided between them and capital?

A. The benefit? Looking at the wages here compared with the wages in England I can not see any benefit.

Q. That is, the manufacturer takes the whole of the benefit Is that it?

A. Yes. They will go over to Canada and bring over hordes of French people here to work in our mills at 50 or 75 cents a day.

Q. I understand you to say that the present condition of the manufacturing industries in New England is such, in your opinion, that they can get along without the protective tariff.

A. In the future I think they might. I would not fear to try it.

Q. Well, I do not want to argue with you whether protection is right or wrong. I simply want to get your opinion and the facts.

A. I hold, as I have held for a long time, that if they put a restriction on the importation of cheap goods, they have just as much right to put a restriction on the importation of cheap labor—Swedes and Frenchmen and Belgians who come in here to work cheap and come here to compete with our workingmen. If they think the tariff is going to benefit us any, and if they wish it to benefit us, let them do that, and then the people might be generally more willing to concede the benefit of the tariff to the manufacturing corporations.

And here is his description of the condition of the operatives:

Q. In regard to the actual physical condition of the operatives in Fall River and elsewhere, can you give us any information?

A. The condition of the operative in our city is a very unenviable one. The work there is very hard and the wages are very low—low in proportion to what they used to be some ten years ago, before the financial depression set in. Our females in particular are overworked; their strength is entirely overtaxed by the labors they have to perform. I have often argued myself that if our manufacturers would give over preaching so much about temperance and other things and try to bring about a reform in the condition of their operatives, it would be better than all the many thousand temperance lectures and temperance tales.

THE DWELLINGS OF FACTORY OPERATIVES.

Q. In regard to the actual tenements in which the operatives live, and their sanitary condition generally, what have you to say?

A. Well, I think that in Fall River we are behind the other cities of Massachusetts in regard to our dwellings.

Q. I do not ask you about Fall River alone, but about that and the other manufacturing cities such of them as you have observed.

A. Well, I think myself that there should be something done by the city government in regard to those houses. I think there ought to be something done to prevent the building of these huge blocks of tenements with only one room for a man to sit in and cook in and live in. They will have two bed-rooms and a kitchen, and in that kitchen they must cook and sit; and if a friend comes in they have got to meet him there. When I have gone into those places in the night where there was a hot stove and they were cooking, I have felt fit to run anywhere out of them. There is no comfort at all. If a man had a little room where he could go and read his paper and be comfortable, I think he would be more likely to stay at home instead of going abroad to seek other kinds of enjoyment.

John Jarrett, president of the Amalgamated Association of Iron and Steel Workers of the United States, testified as follows upon the points indicated below:

IMPORTATION OF CHEAP LABOR.

A. There is one trouble that we have had in this connection: the manufacturers have adopted a system of importing men to take the place of our men when they are on strike. The class of common labor that largely predominates in the mills (you must remember that I have been speaking of the steel works), with the exception of the Edgar Thomson mills, are foreigners—Hungarians, Poles, Italians, Bohemians, men that really don't know the difference.

Q. What difference?

A. The difference between light work and heavy work, or between good wages and bad wages. They simply look at the amount they may get. If you show them that they get twice as much as they got at home in their own country, they think that it is a good thing, and they never know the difference when they are working twice as hard as they did there.

Q. And paying twice as much for what they have to buy?

A. Yes, sir. In investigating these matters I have been disgusted to find that those people can live where I think decent men would die; they can live on almost any kind of food, food that other men would not touch, and in houses that other men could not live in at all.

Q. That is about equivalent to Chinese cheap labor, is it not?

A. Almost as bad, in my estimation.

Q. Do you think those men know as much as the Chinamen?

A. I could not tell that. I never had any conversation or connection with Chinamen. All I know about these men is that I have been astonished and astounded at the little they do know, and when you go to talk with them they are fairly afraid to speak with you.

Q. Why?

A. I can not tell, unless it is that they are demoralized and afraid of each other. I will give you the reason that a gentleman in Bethlehem gave me. I got hold of one of these Bohemians aside one day with a gentleman who understood the language, and I had a little talk with him about this condition of things. He wanted to tell me that he did better in Hungary than he did in this country. I asked him then, through the interpreter, why he came here. He said it was because he was misled. I wanted to know how he was misled. He became confused.

CONDITION OF THE PENNSYLVANIA COAL-MINERS.

Q. Do you know anything about the condition of the workingmen in other trades than your own?

A. I have not given that subject one-tenth of the attention that I have given to the condition of the workers in my own trade.

Q. Do you know anything about the condition of the men who mine the iron?

A. I do, sir. Did you say the coal-miners?

Q. The men who mine the iron and coal.

A. Well, coal-mining in Pennsylvania, in my opinion, is a more important interest than ore-mining, and the condition of the coal-miners in the State of Pennsylvania is pitiable, miserable.

Q. How many of them do you think there are?

A. There must be at least 90,000 coal-miners in Pennsylvania.

Q. Do you mean heads of families or workers, all together?

A. I would assume that there would be among them about 60,000 heads of families.

Q. You say their condition is pitiable and miserable. How so, and how much so is it?

A. It is because the wages of coal-miners are too low. They are ill-paid. Then, too, they suffer from the truck system. Under that system they pay 100 per cent. more for what they buy than our people do. Then the houses they live in are extremely miserable. If I feel particularly for any branch of labor in this country it is the poor coal-miner. He risks his life day after day for a mere pittance. Every time he departs from the light of day he does not know whether he will ever see it again. And while in some branches it does not require much skill to be a miner, in others it does, and I think the coal-miner ought to better paid, better clothed, better housed, and better fed than he is.

THE ENGLISH MINERS BETTER OFF.

Q. Have you been among those miners?

A. Yes, sir; and from my experience among the coal-miners in England I may say that they are really better cared for there than are the coal-miners in the United States. I do not say that the English miner gets as mueh money for his labor, but he is better cared for.

Q. Do you mean that he has more comfort during the year?

A. Yes, sir. The Government there has taken care to make very stringent laws for the protection of the miners. The colliery laws control all the mines there, and I think it is the duty of our Government here to make equally strict laws to apply to that subject.

IMPORTATION OF LABOR UNDER CONTRACT.

P. J. McGuire, of New York, secretary of the Brotherhood of Carpenters and Joiners, testifies as follows with regard to the importation of foreign labor:

The fourth measure I wish to present for your consideration is legislation by Congress to prevent the importation of foreign labor under contract. Within the last few years it has come to pass that a large body of the cheaper class of foreign laborers, people unused to our habits of living in this country, are brought over here under contracts made in their own countries through the influence of United States consuls, with the avowed object of aiding the iron and coal corporations to reduce the wages of their employés. * * * This impor-

tation of labor to this country was noticeable in connection with the strike in the coke region around Steubenville, Ohio.

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I wish to give my experience in regard to the freight-handlers' strike last year in one respect only. During that strike the railroads made use of Castle Garden very efficiently.

Q. That is the immigrant depot here?

A. Yes, sir. They brought over hordes of Italians—Calabrians from the mountains of Calabria—in the holds of vessels and transported them from Castle Garden across to the railroad docks in Jersey City and along our piers here, and put them to work. Those men, Italians and others, slept in the holds of the vessels and were fed there, and were not allowed any liberty at all; they were in fact prisoners. They were under very close guard, and they were compelled to render their services by virtue of contracts that had been made with them before they left their own country—contracts made by padrones, shipping agents, and others, who bring these people here under false inducements, paying their passage money over and then making them work it out here with a big percentage added to it.

CONDITION OF WORKINGMEN IN EUROPE.

Q. If it does not interrupt your current of thought, won't you state the result of your observations as to the actual condition of wage-laborers generally in the European countries you have mentioned in comparison with the condition of corresponding classes here?

A. Well, that question covers a great deal of ground, and there is so much to be taken into consideration in answering it, the relative purchasing power of wages here and there, the social aptitudes of the people, and so many other elements, that it is a very extensive subject.

Q. Is it one on which you have an opinion?

A. I have a very decided opinion.

Q. Without going into details, please state that opinion.

A. In some trades the condition of the workingmen in England is equally as good as their condition here. In the cotton trade, in the woolen trade, in the hosiery trades, in the building trades, hours of labor are lower in England, or throughout Great Britain, than they are here. They work but 50 hours a week throughout Great Britain on an average in the building trades, while the average is 58 hours a week in New York city and 60 hours throughout the country. They have more leisure in Great Britain, and the result is that the education of the working classes there has vastly improved during the past twenty years. That has come through the reduction of the hours of labor.

Q. Then you think that if the truth about this country were represented abroad rather than these falsehoods, the competition of American with foreign labor would be only such as we could get on with without difficulty?

A. Yes, sir; I believe that for every immigrant who would come here voluntarily and freely there would be room; but when these highly colored pictures are presented to the people in Europe through the press and by means of placards on the walls along the streets, those people imagine that this is a land flowing with milk and honey, and very many of them sell out their little property, leave their little homesteads that they have had handed down, some of them, from their fathers, and come here, and when they arrive they find that they have been deceived and that they have no homesteads to get.

The same witness, speaking for the Central Labor Union of New York, a body composed of delegates from nearly all the local trades-unions, thus defines the position of the workingmen on the tariff:

THE UNION NEUTRAL ON THE TARIFF QUESTION.

Several times the question of the tariff has been brought into the body, and the Central Labor Union has taken the position that the tariff question is a fight between the importers and the exporters, a fight between the manufacturers and the merchants, and that no matter which way it is settled, the wage-worker still remains under the same conditions, having to compete for work with those who are out of employment, and also with women and children; and that while certain evils exist, such as foreign labor imported under contract, such as the labor of women and children under the stress of poverty, and such as the present prison contract system—that as long as such evils exist, and others that might be named, the settlement of the tariff question one way or the other will not benefit the workingmen. They will still have to fight for every dollar more pay that they get; they will still have to strike for every reduction of the hours of labor that they desire.

Q. Then I understand you to say that the workingmen of your organization are neutral on the tariff question.

A. They are neutral on the tariff question. They relegate it entirely to the individual opinions of the members.

Edward King, a representative of the Central Labor Union of New York, testifies that the workingmen have been in favor of protection in the past, but are now turning against it because it has not been just. He says:

I think there is a tendency in the other direction now, purely owing to the fact that the protection that we have had has not been just. That I believe to be the real point at issue.

By Mr. GEORGE:

Q. You say the protection we have had has not been just. In what has it been unjust?

A. It has been unjust in not protecting the workingmen from the intrusion of foreign labor, especially when he has been engaged in his struggles with capital. I might refer to an instance, a statement made by Mr. Powderly, who represents a large labor organization. He was invited to address a large public meeting in the city of New York, which was supposed to be held under the auspices of the workingmen of New York in aid of the protective policy. Mr. Powderly, to my own certain knowledge, excited a great deal of comment among the workingmen who owed allegiance to him as an officer of their organization, by the very fact of his taking any action on that question in association with certain capitalists and in the supposed interest of a political party. The speech that he made on that occasion was freely commented upon by the workingmen, and the general opinion I found to be that while he advocated protection he still maintained that it was necessary for the workingmen to be organized and to fight for their share of the spoil. That proposition means that, living on wages which barely support him, having work during only a part of the year, and being almost incapable of supporting a good organization, the workingman is still to keep up this struggle for protection because it is necessary to have this "protection" in the interest of both workingman and master; and that when the protection is secured, then the workingman has got to turn around and fight his master or employer in order to get his share. So, as I have said, the general opinion of the workingmen on that occasion seemed to be that it was a kind of a work of supererogation on the part of a workingman to take any hand in defending the tariff, when it was acknowledged that they themselves would still have to keep up this fight with their employers for their share of the benefits of the protection, and to keep it up a great deal more bitterly than was found necessary in England under free trade.

William McClelland, a member of the central district committee of the Amalgamated Society of Engineers, gave the following testimony in relation to the tariff and imported labor:

I do not mean to introduce here any argument on protection *versus* free trade, but there is one thing I would like to point out, and that is the position that the workingmen are in compared with that of their employers. A manufacturer is at perfect liberty to import, under contract or otherwise, all the pauper labor he wishes from the most starving portions of Europe or Asia, and to bring that labor here in competition with the American workingman. There is no protection for the American workingman. On the other hand the American manufacturer is protected to this extent: there are heavy duties imposed which are strictly enforced upon the importation of foreign commodities, and while the manufacturer is at liberty to import his labor the consumer is not at liberty to import manufactured goods from the same market from which the manufacturer imports labor. This nursling of the manufacturer is protected and hedged in on all sides, so that on the one hand his employés have no protection, and on the other he has all the protection. Now I am not going to propose any remedial measure, but I just wish to point out the injustice of that state of affairs.

Robert Blissert, now a merchant tailor in New York, a man who began life in the English mines, and who has had very large opportunities of knowing the condition of the working classes in this country and in Europe, and one of the best known and most ardent advocates of trades-unions in the country, gave this testimony:

I believe that the miners of England have the advantage over the miners of America; that their condition is better. I believe that the moral status of the American miner is somewhat above that of the English miner, but the pecuniary condition of the English miners and the condition of its home is, in my opinion, rather better than that of the American miner.

Q. You have special reference, I suppose, to coal-miners?

A. Yes, sir; but I speak of all the mining interest. I believe that the condition of the homes of the miners in England is better than the condition of the homes of the American miners. The hours of labor are shorter there, and the amount of work performed by the English miners in a day is much less than the amount performed by the miners here. The same may be said of the carpenters, bricklayers, and plasterers, and there the hours of labor too are shorter in England. They are only from fifty-two to fifty-four hours per week. The mechanics' institutes and other places of information are more largely attended than they are here. There are more of them, and the workingmen all avail themselves of their benefits there more than they do here, even where they do exist, and I think I can say fearlessly that the intelligence of the skilled mechanic in England is better than the intelligence of the skilled mechanic in America.

Finally, on page 858, he says:

I do not know, however, whether I have stated clearly my opinion as to the practical condition of the workingmen here and in Europe. It is all nonsense for the Fourth-of-July orators to tell us here in this country that we are so much better off than they are in Europe. I found the workingmen in Paris equal if not superior to the workingmen in New York. I want to be properly understood when I say that the expressions heard from time to time here about the pauper labor of Europe, and the statement so often made about the condition of the people here being so much better than the people there, is unfounded—it is a dream.

Adolph Strasser, on behalf of the Cigar-Makers' International Union of America, volume 1, page 455, says:

The wages in England are higher than they are in Pennsylvania. In the State of Pennsylvania the average wages among the cigar-makers is from $2 to $6 a week, the lowest in the United States. The cigar-makers in that State are the poorest paid in this country. They work cheaper than the Chinamen of San Francisco, and they do not receive even that wages in cash; they have to take it in scrip and truck.

Henry George, the well-known political economist, says on page 488:

Labor does not get its fair share. There are workingmen in this country who are as much peons as the peons of South America. Get the reports of the Massachusetts bureau of labor statistics—and they are corroborated by the investigations of independent inquirers—and you will see that a very large proportion of the operatives in New England can not make enough to supply their families even in the poorest fashion. They are absolutely compelled to rely upon the labor of their little children—children whom the law strives to prevent going to work.

On page 517 he says, speaking of the rates of wages in the old countries and their relative purchasing power:

The rates of wages are lower there, speaking generally. In some avocations, however, I am inclined to think that the condition of the workmen is as good as it is here, and in some even better.

On page 518 he says, in reply to a question whether the manufacturing operatives and those we call day-laborers, including agricultural laborers, are any better off than they are in Great Britain:

I should say yes, though I should say that there are some classes better off. They are the English wage-workers; they have provided very much more by co-operation and combination, and all that can be done in that way, than have Americans. In England they have much larger and stronger trades-unions.

On page 524 he testifies to the growing feeling of dissatisfaction in the minds of the workingmen in regard to the present condition of affairs in this country.

Thomas J. Curran, a boiler-maker and iron-ship builder, testified as follows in regard to the wages of workingmen in his business here and in Scotland:

WAGES HIGHER ON THE CLYDE THAN ON THE DELAWARE.

Q. How do the wages of the workmen in the ship-yards on the Delaware compare with the wages of the same class of workingmen on the Clyde?

A. The workingmen on the Clyde receive better wages; they receive at least $4 a week more than they do on the Delaware.

Q. Is not the Delaware the great place for iron-ship building in this country?

A. It is the principal iron-ship building point in this country.

Q. What do you know about the comparative purchasing power of the wages received by the workmen on the Clyde and the wages received by the workmen on the Delaware?

A. I know about it from reports.

Q. Which on the whole is better paid, the Clyde workingmen or the Ameri-

can workingmen on the Delaware? Whose wages will purchase most of the comforts of life?

A. Well, certainly, where a man receives $4 a week more, and where he can buy more for a dollar than he can buy here, his wages must be more and he must have more comforts.

Q. You understand, then, that the necessaries of life are cheaper in the old country than they are here?

A. Yes, sir.

Thomas B. McGuire, of New York, an expressman, gave the following startling testimony illustrating the condition of the workingmen in some of our large cities:

AN ABLE-BODIED MAN WILLING TO WORK FOR FOOD, CLOTHING, AND SHELTER.

By Mr. CALL:

Q. Suppose you could make a contract with some person on a farm in Illinois, or Ohio, or Iowa, or Minnesota, or anywhere in the West or Northwest, by which you could have a comfortable and abundant subsistence for yourself and family, with a house to live in, and, say, $20 a month wages; could you not make a very good start on that?

A. I would be willing to do better than that. If they will guarantee me food, clothing, and shelter for myself and family for twenty years, I will give them my services for nothing.

By the CHAIRMAN:

Q. Are you a good workman?

A. Well, my references from my last place class me as honest and industrious, and I am positive I never drank a glass of liquor in my life, except two glasses of beer.

Q. Are you in pretty good health?

A. Well, yes. I suppose all the damage I have ever suffered to my health has been in handling those heavy cases that I spoke of. I can't get anything to do, but at the same time they give me permission to be taxed to pay Vanderbilt $40 a minute on his Government bonds.

P. H. McLogan, a representative of the Chicago Trades Assembly, gave this testimony in relation to discontent among the workingmen:

By Mr. PUGH:

Q. What is your information or knowledge as to the feelings and ideas of the class of people who are in the condition you describe? Do they complain on account of the condition of these houses that they occupy, and on account of their wages not being sufficient to enable them to live more comfortably and to improve their surroundings?

A. They undoubtedly do complain, and the very fact of their living in the squalor and wretchedness they do live in has provoked discontent in their minds; and in all our labor agitations, wherever there is any particular excitement aroused, these men who feel that they are oppressed are ready for almost any remedy. Even if it reached a revolution, if you choose, they are ripe for it.

Q. Then their discontent is of a character approaching to desperation?

A. Undoubtedly it is. I am speaking now of the lower class.

Of importation of labor under contract he said:

We think, also, that the Congress of the United States ought to pass a law prohibiting the importation of foreign laborers under contract. We know that, notably, men working the mines in the upper lake region frequently make contracts in Europe, in Sweden, and Denmark, and import a number of laborers from there. It may be said to be, in a modified form, the Chinese cooly system over again. It is the same system in a modified and less objectionable form. Those men are imported from Europe, and they work from one to two years under contracts made in Europe. That system is a source of great dissatisfaction to a great many American workingmen, for while a great many of us believe that American workingmen ought to have "protection" so as to get better wages, still we can not conceive how we can be really protected when the same manufacturer who advocates the "protection" of American labor can, in case of a lockout, go over to Germany, or some other part of Europe, and import as many mechanics or laborers as he pleases to compete with our American mechanics here at home. That was done notably in the case of the glass-blowers in New Jersey. We consider that any "protection" now given to American mechanics is of no avail so long as capital can import this cheap European labor in that way.

J. T. Finnerty, of New York, a brass-worker, gave the following testimony:

DECREASED WAGES.

A. The wages paid in the trade fourteen years ago were from $18 to $21 a week.

Q. What are the wages now of the same class of workmen, with the same skill, and working the same number of hours—if they do work the same number of hours now?

A. From $12 to $18 a week; on an average $15 a week.

Q. Do you think $15 a week is a fair statement of the average now?

A. Yes, sir; it is rather above than below the average.

THE SOCIAL CONDITION OF THE MEN GETTING WORSE.

Q. You have told us that the wages have been reduced. How is it as to the style of living of the workmen now compared with how they lived fourteen or fifteen years ago?

A. That appears to be about the same as far as house rent is concerned. There was a reduction of house rents some years ago, but they have reached up again.

Q. Are other things about equal?

A. About equal.

Q. Let me see if I understand you fully. You get less wages than you did fifteen years ago?

A. Yes.

Q. Now, do you mean to say that the wages which you receive at present will buy as much of the comforts of life as the wages you received then would?

A. By no means. I say that the rents are the same as they were fourteen years ago, but the man who had apartments of four or five rooms at that time is confining himself to perhaps three rooms now.

Q. How are the social surroundings of the workingmen now, as to the character of the neighborhoods in which they live; for I have noticed that there are some very fine neighborhoods in this city and some others that are very poor?

A. The bronze workers as a rule live in tenement houses. They are surrounded by the poorest class, the cheapest class, the cheapest element of the laboring people, and they are no better than anybody else.

Q. Was that so fifteen years ago, or is there a difference since that time?

A. It was different then. A mechanic was considered somebody, and he felt that he was somebody; he was a skilled mechanic, and he was considered above the poor laborer on the street.

Q. How is it as to the neighborhoods where they live and the character of their dwellings at present as compared with fifteen years ago; are they better or worse than they were then?

A. If there is any change, it is for the worse; the tendency is to get worse.

Charles L. Miller, of New York, tailor, gave the following testimony about the condition of his trade:

WAGES OF TAILORS IN NEW YORK.

Q. What are the wages of tailors now in New York, and what were they ten or twelve years ago?

A. The wages to-day for cutters average $15 a week, and they have work about nine months in the year.

Q. Have they no employment for the other three months?

A. No employment.

Q. So that they have to live during those three months on what they have saved during the other nine months that they have work?

A. Yes, sir.

Q. There is no other business in the city in the tailoring line that they can turn to?

A. Oh, yes; if they have a mind to they can go to tailoring. Every cutter is supposed to be a tailor, but that is not the fact at the present day. Previous to 1864 it was so—previous to the introduction of cutting machinery.

THE CONDITION OF THE TAILORS DETERIORATING.

Q. Is the condition of tailors in New York better or worse now than it was some years ago?

A. It has grown 200 per cent. worse since 1874.

Q. What is their style of living as to comforts now compared with what it was in 1874 and before that?

A. It is next to pauperism. I am speaking now of tailors, not of the clothing cutters.

Q. Well, there were none of those, I understand, before 1874; so that you can not make the comparison of their condition at that time with their condition now.

A. No, sir. As to the condition of the clothing cutters at the present time, I would place them in the middle class.

Q. Clothing cutting is a branch of the tailoring trade, though it is not complete tailoring?

A. No. The reason that I put the cutters in the middle class is that many of the people who worked at the business from 1869 to 1874 accumulated money enough during that time to become real estate owners or property owners. In our branch of the trade we find from the statistics of our organization that one-third of the members are property-owners.

Q. How is it now as to their accumulating money?

A. It is quite the reverse. There are none of them since 1874 or 1876 that have accumulated anything to our knowledge.

This witness goes on to explain that one great cause of the deterioration of this class of American working people is the competition of very poor and ignorant foreigners—mostly Russian and Polish Jews.

John Morrison, of New York, a machinist, testified as follows:

Q. What is the prospect for a man now working in one of these machine-shops, a man who is temperate and economical and thrifty, to become a boss or a manufacturer of machinery himself from his own savings? Could a man do it without getting aid from some relative who might die and leave him a fortune, or without drawing a lottery prize, or something of that sort?

A. Well, speaking generally, there is no chance. They have lost all desire to become bosses now.

Q. Why have they lost that desire?

A. Why, because the trade has become demoralized. First, they earn so small wages; and, next, it takes so much capital to become a boss now that they can not think of it, because it takes all they can earn to live.

Q. Then it is the hopelessness of the effort that produces the loss of the desire on their part; is that it?

A. That is the idea.

Q. What is the pay generally of those workers in these machine-shops?

A. It ranges from $1.25 to $3.50 or $4 a day, but these last are, of course, exceptional wages. The average wages I should say is about $2 a day.

Q. In New York, do you mean?

A. Taking New York and vicinity, it might be $2.25 a day. You must remember that good machinists have more responsibility on their shoulders than men have in the average trades, as in fact the safety of society itself rests on their shoulders as far as regards steam-engines, locomotives, steamboats, and all kinds of machinery. Still, in spite of all that, in spite of all the knowledge which it is necessary for a man to have who works on this general machine work, he is compelled to go along with less wages than a hod-carrier. And yet we have on iron one of the highest protective tariffs possible.

Q. What is the social condition of the machinists in New York and the surrounding towns and cities?

A. It is rather low compared to what their social condition was ten or fifteen years ago.

Q. Do you remember when it was better?

A. When I first went to learn the trade a machinist considered himself more than the average workingman; in fact he did not like to be called a workingman. He liked to be called a mechanic. To-day he recognizes the fact that he is simply a laborer the same as the others. Ten years ago even he considered himself a little above the average workingman; he thought himself a mechanic, and felt he belonged in the middle class; but to-day he recognizes the fact that he is simply the same as any other ordinary laborer, no more and no less.

Q. What sort of houses or lodgings do the machinists occupy as a general rule?

A. As a general rule they live in tenement houses, often on the top floor.

Q. How is it as to the size of the apartments that they occupy, the conveniences and comforts they afford, their healthfulness, the character of the neighborhood, and the general surroundings?

A. That depends a great deal upon the size of the families. In most cases they are compelled to send their families to work, and of course they have to have rooms in proportion to the size of their families, and of course it often robs them of their earnings to pay rent; but as a rule the machinists live in the lowest quarters of the city, between Eighth and Eleventh avenues, on the west side, and on the east side between Third avenue and the river. You will find the machinists stuck in those quarters on both sides of the city.

One great trouble with our trade is that there is such a surplus of machinists in the market now that every day sees seven or eight at the door of every shop looking for a job. In fact they are denied the right to labor, and that is what we kick about. About two months ago I believe there was about one-fifth of our trade in this city entirely out of work.

* * * * * * *

Q. Do you mean to say that that is the general condition of the machinists in New York and in this vicinity?

A. That is their general condition, with, of course, a good many exceptions. That is the general condition to the best of my knowledge.

INTIMIDATION AND "BLACK-LISTING" BY EMPLOYERS.

Q. Where do you work?
A. I would rather not have it in print. Perhaps I would have to go Monday morning if I did. We are so situated in the machinist's trade that we daren't let them know much about us. If they know that we open our mouths on the labor question, and try to form organizations, we are quietly told that "business is slack," and we have to go.
Q. Do you know of anybody being discharged for making speeches on the labor question?
A. Yes; I do know of several. A little less than a year ago several members of the organization that I belong to were discharged because it was discovered that they were members of the organization.
Q. Do you say those men were members of the same organization that you belonged to?
A. Yes, sir; but not working in the same place where I work. And in fact many of my trade have been on the "black-list," and have had to leave town to find work.
Q. Are the machinists here generally contented, or are they in a state of discontent and unrest?
A. There is mostly a general feeling of discontent, and you will find among the machinists the most radical workingmen, with the most revolutionary ideas. You will find that they don't so much give their thoughts simply to trades-unions and other efforts of that kind, but they go far beyond that; they only look for relief through the ballot or through a revolution, a forcible revolution.

A great mass of such testimony was presented which I have not room to reproduce here, but its general tenor is well illustrated by these extracts. The gentleman who took the lead in introducing the testimony sums it up as follows:

THE FACTS PROVED BY THE CENTRAL LABOR UNION.

In presenting the case in behalf of the Central Labor Union, we have proved so far, with reference to the city of New York, first, that the productive power of labor here has been vastly increased by machinery; and secondly, that, concurrently with this increase of productive power, the wages of labor have at least been at a standstill, if they have not decreased; while at the same time we have shown that the workingman's style of living and his social condition have deteriorated, and that, in many cases, his wages are actually lower in dollars and cents, while the price of living is considerably higher, than some years ago. We have also shown that a workingman nowadays learns no complete trade, and, therefore, never becomes an independent workman, but must always seek a master. We have shown that it is almost, if not quite an impossibility, for a workman going into the mechanical trades to ever become the employer of himself; that in consequence of that, in many cases, he loses spirit and becomes despondent and thriftless, and in other cases desperate and disorderly. We have shown, to some extent, that children, instead of being at school, are put to work here at a very early age merely to eke out the income of their parents, and we may yet be able to show specifically by employers instances of the employment of child-labor in factories.
I know of my own knowledge that in one dry-goods house, that of Erich Brothers, children who I should say are not above 10 years of age are kept busily at work during the week, from about 6 or 7 o'clock in the morning until 6 or 7 o'clock at night, every day except Saturday, and on Saturday until 11 o'clock at night. I have seen Erich Brothers' store open and crowded as late as 11 o'clock at night, and those children still on duty. It is my intention, at present, to try to have Mr. Erich on the stand as a witness to testify on this subject. We have proved these facts which I have thus rapidly recited by intelligent witnesses of various trades, representing probably ten or twelve of the principal mechanical trades carried on in this city, and, if the committee desired, it would be possible for us to offer additional proof in regard to other trades in which the same general state of facts would be found to exist.

From the last annual report on labor and industries in New Jersey, from the hands of a protectionist, I extract the following statement:

Progress and poverty seem to be the concomitants of our civilization, and while the phrase so generally heard that the rich grow richer and the poor poorer may not be strictly true, it is painfully evident that the advance in our social life, great as it has been during the past half-century, bears no sort of proportion to the increase of wealth, knowledge, and material appliances. Labor receives no fair share of these advantages which bring out in strong relief the inequalities of our modern life; with the increase of palatial residences for the rich few the tenement-hovels of the many poor increase; with the erection of the costly church edifices and school-houses of the country, the enlargement of our jails and almhouses. The greed for gain, so characteristic of our age, makes the chief end of life the acquisition of wealth, and the increasing competition is the plea by which the employing class seeks to justify the reduction of wages of the employé to the lowest possible level sufficient for bare existence. In periods of business depression, which so often recur, the wages cease entirely, and the wage-workers are left dependent on private or public charity. The great army of tramps and vagrants is recruited from unemployed workmen. As long as this state of affairs continues it is idle to talk of any social improvement of the workmen.

This is the sad condition to which labor has been brought in many of the richest States in the Union. There has been no famine or pestilence or war to produce this condition of things.

The facts set forth in these extracts are furnished by the workingmen themselves. Read them. They are an indictment which the American workingmen have drawn up against this protective system.

On that indictment we are going to the country this fall. As sure as these laboring men are allowed to cast their votes at the polls in November next they will speak there in no uncertain sound in condemnation of this system. [Applause.]

Mr. DUNHAM. That is mere prophecy.

Mr. SPRINGER. Yes, it is prophecy; but I will stand by that prophecy.

Mr. MILLER, of Pennsylvania. If you adopt the same platform at Chicago that you did in Cincinnati in 1880, in favor of a tariff for revenue only, you will be beaten in Pennsylvania by a hundred thousand votes.

Mr. SPRINGER. I am not concerned about carrying Pennsylvania for the Democratic ticket. That State is all wrapped up in the system of protection, and she will naturally support a policy which enables her to grow rich at the expense of the people of other States.

Mr. MILLER, of Pennsylvania. And you will lose Ohio also, and every other Northern State.

Mr. SPRINGER. We will take our chances on that, my friend. Wherever this system is understood in all its enormity, in all its outrages upon labor, there will be scarcely a State in the Union that will not favor the reforms that are now advocated by the Democratic party on this subject. Why, Mr. Chairman, the movement for this reform has already begun in Boston, as I have already shown. It will not long be a question of dividing the Democratic party, but a question of splitting the Republican in two.

WAGES IN ENGLAND AND THE UNITED STATES.

Reference was made in the extracts taken from the Blair report to the wages paid in England and the United States in cotton mills. I desire to call further attention to Consul Shaw's report in order to show that in England it costs more in wages to produce a pound of cotton fabrics than in this country. This fact is very important in view of the constant assertions made on this floor and elsewhere that we must have a protective tariff in order to compensate for the difference in wages in this country and in Europe. I invite, therefore, the most careful consideration to the following extracts from the report of Albert D. Shaw, United States consul at Manchester, England, July 15, 1882 (see "Cotton and woolen mills of Europe," State Department, Report No. 23, September, 1882, page 425):

COMPARATIVE COST OF ENGLISH AND AMERICAN COTTON MANUFACTURES.

As I do not possess a practical knowledge of all the details entering into the cost of cotton manufactures, in all their wide ramifications, I am compelled to rely on the labors and conclusions of adepts in this field of research. In this connection I have much pleasure in acknowledging the able services of the late Mr. James Thomley, of Manchester, whose tables and criticisms I herewith present as bearing upon this point. Mr. Thomley visited the United States in 1879 as the "special commissioner" of the Textile Manufacturer of this city, and his deeply interesting and reliable series of letters to that periodical very fully reviewed the cotton interests of our country.
As one of the latest and fullest comparisons between English and American manufactures I believe the following tables and remarks from his pen will be found reliable. The following is the rate of wages paid for weaving printing-cloth in some of the principal districts of England and America:

ENGLAND.

Description of cloth.	Ashton-under-Lyne.	Blackburn.	Stockport.	Hyde.	Average.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*
28 inch, 56 reed, 14 picks (60 by 64) 58 yards	24.68	25 04	25.04	25.28	25.00
28 inch, 60 reed, 16 picks (64 by 64) 58 yards	27.70	29.06	29.48	29.30	28.88

AMERICA.

Description of cloth.	Rhode Island.	Providence.	Fall River.	Lowell.	Average.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*
28 inch, 56 reed, 14 picks (60 by 56) 58 yards	16.82	17.26	19.96	19.96	18.50
28 inch, 60 reed, 16 picks (64 by 64) 58 yards	(a)	22.30	23.20	23.20	22.90

a Unknown.

The weight of the cloth—28 inches, 56 reed, 14 picks, 58 yards long—is 7 pounds 4 ounces, and the cost of weaving, in wages, per pound is, therefore, 0.898 cent, or 0.449*d.*, less in America than in England, while the difference in favor of America in the cloth 28 inches, 60 reeds, 16 picks, 58 yards long, weighing 8 pounds 4 ounces, is 0.726 cent, or 0.363*d.*, per pound. It will be observed from the weights given above that American printing cloths are made of coarser yarns than the English, the usual counts being about No. 29 for warp and No. 36 for weft, while in England they are, respectively, about No. 31 and No. 41. With respect to the quantity of the work turned out by each loom per week of 60 hours, I found that the usual production was 5½ pieces of 28-inch, 16 by 16 (64 by 64), 45 yards. This, at the Fall River and Lowell rate of wages, made each loom earn for its attendant 99 cents, or 4*s.* 1½*d.* As it is a very ordinary thing for eight looms to be worked by one weaver, your readers will see that, though the rate paid in America is lower than that general in Great Britain, the average earnings of the weavers are higher.
It now only remains for me to summarize and, to some extent, add to the matter contained in this and my previous letters. I shall endeavor to do this in such a way as to place side by side the cost of working an English and an American mill. I was, through the kindness of several friends in the United States, allowed to make such extracts from their books of account as enables me to present to your readers the cost of manufacturing there. I obtained particulars regarding a variety of goods, but I have thought it best to confine my comparison to medium counts of yarn, as I know that from these calculations can be made for others. I have left out of consideration those mills where the amount spent each year in repairs is so much in excess of the amount usually expended in Lancashire; but in order that a proper idea may be obtained of the comparative cost of cotton manufacturing on both sides of the Atlantic, I have worked out the sums for interest and depreciation in the value of mills and machinery at the rates generally adopted in England. Those who are accustomed to allow a different rate can, of course, work out their calculations so as to accord with

their ideas. The cloth chosen for a comparison is in America 28 inches wide and in England 32 inches wide, but I consider that the two may be fairly compared, because the counts of yarn and the reed and picks are so much coarser in the American than in the English mill, which latter is fairly representative of a factory weaving both narrow and wide printing-cloth.

Items.	Cost per pound.				
	Fall River.	Lowell.	Rhode Island.	Pennsylvania.	England.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Blowing and carding	.840	.920	1.070	(a)	.4372
Spinning and overlooking	1.220	1.510	1.262	(a)	.9428
Winding, warping, sizing, and drawing	.660	.629	.510	(a)	.6372
Weaving and overlooking	3.560	3.196	2.860	(a)	4.0608
Warehouse, &c	.627	.627	.720	(a)	.5844
Total cost of wages per pound of cloth woven	6.907	6.882	6.422	6.44	6.9624
Coal	1.026	(b)	.140	(c)	.3400
Starch (sizing)	.088	(b)	.110	(c)	.3780
Oil	.128	(b)	.130	(c)	.1220
Stores	.653	(b)	.645	(c)	.4660
Sundries	.102	(b)	.100	(c)	.1370
Repairs	.340	(b)	.280	(c)	.2400
Taxes	.470	(b)	.190	(c)	.0706
Insurance	.115	(b)	.100	(c)	.0920
Teaming (freight)	.075	(b)	.052	(c)	.3120
Brokerage and commission	.114	(b)	.087	(c)	.4680
Total paid in expenses per pound of cloth woven	3.111	2.723	1.834	5.04	2.6256
Depreciation on cost of mill at $4, or 16*s.* 8*d.*, per spindle, at 2½ per cent. per annum, and on machinery at $9, or 37*s.* 6*d.*, per spindle, at 10 per cent. per annum	2.2110	2.2110	2.0100	2.2110	.....
Interest upon capital, at 5 per cent. per annum	1.9073	1.9073	1.7337	1.9073	1.470
Depreciation on cost of English mill at $4, or 16*s.* 8*d.*, per spindle, at 2½ per cent. per annum, and on machinery at $3, or 12*s.* 16*d.*, per spindle, at 10 per cent. per annum	.....	.....	.....	.....	1.102
Total cost of interest and depreciation per pound of cloth woven	4.1183	4.1183	3.7437	4.1183	2.572

a Items unknown.
b Items unknown. Motive power, chiefly water.
c Items unknown. Motive power, entirely steam.

Summary of cost of manufacturing printing-cloth.

Places.	Wages.	Sundry expenses.	Rent, interest, and depreciation.	Total.
	Cents.	*Cents.*	*Cents.*	*Cents.*
Fall River	6.697	3.111	4.1183	14.1363
Lowell	6.882	2.723	4.1183	13.7233
Rhode Island	6.422	1.834	3.7437	11.9997
Pennsylvania	6.44	5.04	4.1183	15.5983
England	6.9624	2.6256	2.572	12.16

The above tables show that where the cost per pound is lowest there is nothing put down for motive power, and that in the American mills the cost increases as the water power becomes less predominant. The mill at Fall River is driven by steam-engines, and the Rhode Island mill entirely by water. I said in my last letter that I did not consider that there was much economy effected by the use of water-power, because the cost of constructing the water-works was so great as to absorb as much in interest of money as the coal would cost each year. We may, therefore, fairly add to the cost of production, as given above, an amount equal to what motive power costs in England. With respect also to the items of freight or teaming and brokerage or commissions, I ought to say that in America the cost of its carriage to the mills is reckoned in the price of the cotton, while commission is paid only on the purchase of the raw material, and not, as is common in Manchester, upon the sale of the manufactured article.

At the mill in Rhode Island, where it will have been observed that the cost of production is very low, I was told by the owners that they considered they were manufacturing at a lower rate than any firm in America, and I found this opinion confirmed in other quarters. The cause of this economical working was said to lie in the fact that the mill was situated in a rural district, where the taxes were low and coal-oil was used for illuminating purposes instead of gas, and where, in addition to any advantages derived from its situation, it had the advantage—not possessed by the others, and in a still less degree by the English factory—of being allowed to work for sixty hours per week. Your readers will gather from the figures given in the foregoing table of costs that, in the matter of wages, America is as cheap as England; from what I have said previously they will be able to see also that still further economies may easily be made in this item by reducing the cost in the spinning department. It will be noticed that the disadvantages suffered by American cotton manufacturers arise chiefly from the weight of their taxation, the dearness of their coal, and the great expense of their mills and machinery. Two of these drawbacks are removable, the other is probably permanent.

The foregoing extracts from Consul Shaw's report explode all the theories of protectionists. It seems that in Rhode Island it costs less, considering every element of cost, to manufacture a pound of cotton fabrics than it does in England. In the matter of wages merely the amount paid in England for making a pound of cotton fabrics exceeds that paid in any part of the United States. But the price of the raw material is not considered. In this country raw cotton is cheaper by the cost of freight to England, but dye-stuffs are dearer by the protective tariffs paid on them. These items may balance each other. What pretext, then, is there for a tariff of 38 per cent. on foreign cotton fabrics? None except to promote and foster monopolies in this country.

PROGRESS OF THE WORKING CLASSES IN ENGLAND.

The honorable gentleman from New York [Mr. HEWITT] in his able speech on this bill on Wednesday last referred to the inaugural address of Robert Giffin, LL.D., president of the London Statistical Society, read November 20, 1883. The gentleman from New York justly regards him "the most eminent living authority on the subject of statistics." Mr. Giffin's address was on the subject of "The progress of the working classes in the last half-century." This article is published in the Popular Science Monthly for May, 1884. The importance of this article can not be overestimated. It proves conclusively that the condition of the wage-earners of Great Britain has constantly and steadily improved during the last half-century—covering the free-trade era of England. After an exhaustive presentation of facts and statistics, Mr. Giffin concludes his article as follows:

From this it appears that the increase of what is known as working-class income in the aggregate is greater than that of any other class, being 160 per cent., while the return to capital and the return to what are called the capitalist classes, whether it is from capital proper or, as I maintain, a return only in the nature of wages, has only increased about 100 per cent., although capital itself has increased over 150 per cent. At the same time the capitalist classes themselves have greatly increased in number, so that the amount of capital possessed among them per head has only increased 15 per cent., notwithstanding the great increase in capital itself, and the average income per head can have hardly increased at all. On the other hand, as the masses of the nation, taking the United Kingdom altogether, have only increased about 30 per cent. since 1843, when these income-tax figures begin, while their aggregate incomes have increased 160 per cent., it is explained how these incomes have gained, individually, about 100 per cent. as against hardly any increase at all in the incomes of what are called the capitalist classes on the average. Thus the rich have become more numerous, but not richer individually; the "poor" are, to some smaller extent, fewer; and those who remain "poor" are, individually, twice as well off on the average as they were fifty years ago. The "poor" have thus had almost all the benefit of the great material advance of the last fifty years.

We may now conclude this long inquiry. It has been shown directly, I believe, that while the individual incomes of the working classes have largely increased the prices of the main articles of their consumption have rather declined; and the inference as to their being much better off which would be drawn from these facts is fully supported by statistics showing a decline in the rate of mortality, an increase of the consumption of articles in general use, an improvement in general education, a diminution of crime and pauperism, a vast increase of the number of depositors in savings-banks, and other evidences of general well-being. Finally, the increase of the return to capital has not been in any way in proportion, the yield on the same amount of capital being less than it was, and the capital itself being more diffused, while the remuneration of labor has enormously increased. The facts are what we should have expected from the conditions of production in recent years. Inventions having been multiplied and production having been increasingly efficient, while capital has been accumulated rapidly, it is the wages-receivers who must have the benefit. The competition of capital keeps profits down to the lowest point, and workmen consequently get for themselves nearly the whole product of the aggregate industry of the country. It is interesting, nevertheless, to find that the facts correspond with what theory should lead us to anticipate.

Individual cases of distress and hardship among the working people of England may be cited there as in this country. But the evidence submitted by Mr. Giffin shows that the condition of this class has improved over 100 per cent. since free trade was established, and that they are now better fed, better clothed, better housed, better educated, and better in all that contributes to human happiness than ever before.

OUR HIGH PROTECTIVE TARIFF.

We have had on our statute-books for nearly a quarter of a century what is called "a high protective tariff." The friends of that system revised such laws at the last session of Congress, and made some slight reductions and some slight increases of rates, all in "the interest of the protected industries themselves." In the case of many of the leading industries, notably the manufactures of iron and steel, the importation of many classes of such manufactures is practically excluded by our tariff laws. On every schedule of the tariff law except in the case of sugar the tariff has been imposed for protection, the revenue to be derived being the merest incident.

Protectionists continually assert that tariffs are imposed for the benefit of the workingmen; that they are highest on luxuries and lowest on articles of general consumption. Let us examine this claim. Eighty-five per cent. of the women and children of the country, in fact all the laboring classes, wear more or less of worsted and cotton dress goods. I have obtained from a prominent merchant in New York a table showing the rate of duty on this class of goods weighing under four ounces to the square yard. A careful examination of this table will prove very interesting. It will be seen that the highest tax is on the lowest-priced goods. Under the old law in force prior to June 30 last the duty on the cheapest qualities of these goods was 125 per cent., and this exorbitant rate was reduced to 110 per cent. by the new law. As the price increases the tax decreases step by step until the highest-priced goods, those worn by the wealthier portion of the community, are reached, where we find the tax only 60 per cent. under the old and 58 under the new law. The goods of the very poorest classes are taxed 100 per cent. more than are the goods worn by the rich. This discrimination against the poor and in favor of the rich is preserved in all the

schedules imposing duties on wearing apparel, except that there is a uniform tax of 60 per cent. on all classes of silk goods. The table to which I have referred is as follows:

Table showing the rate of duty on worsted and cotton dress goods under the old tariff and the act of March 3, 1883—goods 22 inches wide weighing under 4 ounces to the square yard.

Cost in England per yard.	Equal in currency to—	Net cost to land under old tariff.	Being an ad valorem rate of—	Net cost to land under act of March 3, 1883.	Being an ad valorem rate of—	Reduction.
	Cents.	*Cents.*	*Per ct.*	*Cents.*	*Per ct.*	*Per ct.*
2 pence	4.05	9.32	125	8.72	110	15
2½ pence	5.07	10.75	107	10.15	95	12
3 pence	6.08	12.17	95	11.57	85	10
4 pence	8.11	15.02	80	14.42	73	7
4½ pence	9.12	16.43	75	15.83	69	6
5 pence	10.14	17.86	71	17.26	66	5
6 pence	12.17	20.70	65	20.10	60	5
7 pence	14.19	25.47	75	24.85	70	5
8 pence	16.22	28.41	70	27.79	66	4
9 pence	18.25	31.35	67	30.73	63	4
10 pence	20.28	34.29	64	33.67	61	3
11 pence	22.30	37.23	62	36.61	59	3
12 pence	24.33	40.18	60	39.55	58	2

Five per cent. for freight and charges added to the cost in Europe to make cost to land here.

Before the war the duty on these goods was 19 per cent. ad valorem.

I have another table showing the duty on woolen dress goods weighing under four ounces to the square yard. The same peculiarity is observed in this table as to the rates. The highest tax is on the cheapest goods, those worn by the poor. And not content with imposing a tax of 74½ per cent. under the old law, the protectionists in the last Congress raised this tax to 99½ per cent. But as the goods rise in price the taxes are reduced, until the fine goods of the rich come in at 43 per cent.

This table is worthy of careful examination. It has been prepared by a merchant of long experience and is based upon actual transactions and prices at the time it was prepared (September 29, 1883): [See table below.]

The duty on all these goods was 24 per cent. ad valorem before the war. Thus it will be seen that protection does not protect workingmen, but imposes taxes upon the articles which they consume twice as great as upon the articles consumed by the rich. In view of the present condition of the laboring classes in this country, in view of innumerable strikes, of continuous lockouts, of unrequited toil; and in view of the languishing condition of the manufacturing interests themselves, of extensive business failures, of the general unrest of both labor and capital, I hold that the protective system, after twenty-four years of trial, has proven a dismal failure. Its pretenses have been false; its promises of high wages to workingmen have been delusive; its claim that it has promoted the general prosperity is without foundation in fact. "This insubstantial pageant" of protection has faded and all its boasted advantages have dissolved into thin air—

Like the baseless fabric of a vision.

Let us go a step further. We are told by the advocates of the protective system that protective tariffs are necessary in order to prevent our country from being inundated with the cheap goods of other countries; that the products of the pauper labor of Europe will flood our country and destroy home industries. If this were true I should favor the highest protective rates, even to the exclusion of foreign articles. But is it true that our country—our workingmen, if you please, would

Net cost in France per meter.	Width, inches.	Cost in France per yard.	Tariff in force prior to July 1, 1883.		Tariff of July 1, 1883.	
			Rate of duty.	Equal to—	Rate of duty.	Equal to—
		Cents.		*Per ct.*		*Per ct.*
50 centimes	21	8.829	6 cents per square yard and 35 per cent	74½	9 cents per square yard and 40 per cent	99⅛
55 centimes	21	9.712	do	71	do	94
60 centimes	21	10.595	do	68	do	89½
70 centimes	21	12.360	8 cents per square yard and 40 per cent	77¾	do	82½
80 centimes	21	14.126	do	73	do	77
90 centimes	21	15.892	do	69½	do	73
1 franc	42	17.658	6 cents per square yard and 35 per cent	74½	do	99½
1 franc 10 centimes	42	19.424	do	71	do	94
1 franc 20 centimes	42	21.19	do	68	do	89½
1 franc 31 centimes	42	23.132	do	65	do	86
1 franc 50 centimes	42	26.487	8 cents per square yard and 40 per cent	75½	do	80
1 franc 75 centimes	42	30.902	do	70	do	74
2 francs	42	35.316	do	66½	do	69¾
4 francs	42	70.632	do	53½	do	55
6 francs	42	105.968	do	48¾	do	50
8 francs	42	141.264	do	46½	do	47½
10 francs	42	176.50	do	45½	do	46
20 francs	42	353.16	do	42¾	do	43

be injured by being permitted to supply their wants from the world's cheapest market? Let us reason upon this subject for a few moments, and in doing so I will refer to some facts taken from the annual report on the foreign commerce of the United States for the fiscal year ending June 30, 1883, the last fiscal year, by Mr. Joseph Nimmo, Chief of the Bureau of Statistics. From this report it will be seen that the total value of the exports of merchandise, including gold and silver, during the last year was $855,000,000. This large amount of exports embraced among others the following items:

OUR SURPLUS PRODUCTS.

Value of exports of agricultural products was $619,000,000, or 77 per cent. of the whole amount exported.

The value of exports of manufactures was $111,890,000, or nearly 14 per cent. of the whole amount.

The products of our mines exported, including mineral oils, were valued at $51,000,000.

What do these facts prove? They show that during that fiscal year the workingmen of this country created articles of value sufficient in amount to supply the demands of all the people of the country and had left a surplus of articles for which there was no market in this country equal in value to $855,000,000. What was to be done with this surplus of products? These products had been produced by the sweat and toil of workingmen, and they were entitled to dispose of them to their best advantage. Of what did these surplus articles consist?

The report of the Chief of the Bureau of Statistics shows that 77 per cent. of them were the products of the soil. The farmers had produced products during that year of the value of $620,000,000 in excess of the demands of the country. The transportation of these products to the seaboard furnished employment to thousands of men on railroads, and the freights contributed to the dividends of stockholders. The laborers in manufacturing establishments and mines produced articles in excess of home demands of the value of $162,000,000. The production of these surplus products of the factories, mills, and mines gave employment to thousands of workingmen and vastly increased the amount of wages paid to labor. But what became of the surplus products? No man in this country would buy them. They went abroad to seek a market in foreign countries. They went forth to be disposed of to the best advantage for those who had created them, and whose wages and remuneration had been fixed by their supposed commercial value in other countries. Practically they belong to the workingmen of the country, and were to be sold on their account and for their benefit.

Now comes the practical question: "In what shall the proceeds of the sales of these articles be invested?" The protectionists have suggested we should sell our surplus products for gold and silver only. Let us see how this would work. Eight hundred and fifty millions in gold and silver drawn from other countries each year for five years would exhaust the coin supply of the world. At the end of that time our customers would be impoverished and could purchase no more. We would thus "kill the goose that lays the golden egg." But the proposition is absurd. It is contrary to the course of trade and the experience of mankind during all the ages of the past. We must dispose of our surplus products in some other way. The protectionists again come forward and inform us that there are some products which may be brought into this country which will not injure our manufactories and workingmen. These they have enumerated in the tariff laws under the head of the "free-list."

According to the report to which I have already referred, the value of

merchandise which was imported into this country during 1883, free of duty, was $206,000,000. This amount exhausted our wants, so far as the free-list is concerned. We have still on hand as the proceeds of our surplus products a credit to the amount of $650,000,000. In what must this large sum of money be invested? We can not sell our products for gold and silver. We have already purchased the harmless articles not produced in this country and admitted free of duty. We do not need food or breadstuffs; we have those articles for sale. There is but one course left us. We must invest our six hundred and fifty millions in the manufactured products and raw materials of other countries. That is just what we did do, just what we were obliged to do.

Let us see what kind of articles we did purchase. First on the list we find sugar and molasses, of which nearly one hundred million dollars' worth were imported. The other leading articles imported during the past year were the following:

Wool, raw	$10,949,000
Manufactures of wool	44,274,000
Silk, raw	14,000,000
Manufactures of silk	36,000,000
Chemicals, drugs, dyes, &c.	43,000,000
Iron and steel, and manufactures thereof	40,000,000
Manufactures of cotton	36,000,000
Hides and skins	27,000,000

These will serve to illustrate the character of imported articles. It will be seen that many of these articles are raw materials which furnish employment to labor in converting them into useful commodities. Now, the question arises, was our country benefited or injured by these importations? The protectionists would have us believe that they were an injury. But were they? How did it happen that they came to this country? It was not the result of an accident. It was not the result of a design on the part of wicked foreigners to inundate us with cheap goods and thus destroy our home industries. On the contrary, they came as the result of natural causes. We had a surplus of products; we could find no market for them here, and hence sent them abroad. We invested the proceeds to the very best advantage for us and our people, and especially for the best advantage of those who created by their toil and sweat those surplus products. The articles which were purchased with such proceeds were for the use and benefit of our own people and the measure and recompense of their own toil. Shall they be excluded? The protectionists find it impossible to exclude them entirely.

But they insist upon imposing a heavy tax upon the articles coming in. Who pays this tax? In the first instance, the importer. But finally the burden falls upon the persons who consume the articles, upon those who use the sugar, woolen goods, cotton goods, iron and steel manufactures, and, in short, all articles which pay duties. A greater part of the burden falls upon the workingmen themselves, those who created our surplus products and caused them to be exchanged for other products that they desired and could not otherwise procure. If any injury has resulted from the importation of foreign goods into this country the workingmen and farmers who produced our surplus products are alone responsible. They alone are answerable for the consequences. They toiled too early and too late. They created too much, they overdid their business, and thus produced commodities beyond our home wants. Wicked workingmen and farmers! how could you do such a thing? Protectionists often refer to our large imports and lament that those articles were not produced in our own country. They tell us how many days' work were lost or transferred to foreigners, to the pauper laborers of Europe. This employment, they say, should have been given to our own people. Our own workingmen could have made all these imported articles, but in our folly and blindness we have gone off and hired strangers and aliens to work for us. This is the argument of protectionists.

A FAIR EXCHANGE

would be no robbery. Foreigners bought from us eight hundred and twenty-five million dollars' worth of our products (excluding coin), and thus gave employment to millions of our people who created these products, while we have purchased articles from them to the value of only $700,000,000. If each dollar's worth of products represented a day's labor, foreigners paid us during that year for 125,000,000 days' work more than we paid them. As a mere matter of business and reciprocity, how and wherein was our country injured by the operation? We merely exchanged products we did not need for those we did need. And we paid off $125,000,000 at least of our indebtedness abroad at the same time. Those countries which have no surplus products are not troubled with the cheap goods of other countries. The Esquimaux, in the frozen region of the poles, would be delighted to be inundated with cheap blankets, cheap coal, and cheap clothing from foreign countries. But they are not. They have nothing to sell, no surplus products of theirs crowd the world's markets, and they are saved the calamity of cheap foreign goods.

The ignorant inhabitants of the tropical isles whose articles of apparel are patterned, not after the latest Paris fashions, but follow the simple styles of our first parents in the garden, are not troubled with the cheap goods of foreigners. They have nothing to sell. No surplus products of theirs go abroad to be exchanged for cheap clothing. They need no protective tariff to keep out such goods. Their own ignorance and indolence serve their purposes equally well. They have nothing to exchange and are thus perfectly protected against the cheap wares and pauper labor of foreign countries. Thus it will be seen that ignorance and indolence are as perfect protection against the pauper productions of other nations as the most perfect system of prohibitory tariffs. They will both accomplish the same result—suppression of all trade between different nations and secure what protectionists regard as the perfection of their system—a nation entirely independent of all others—neither seeking nor requiring commercial dealing, but living wholly within and of itself. Such a nation has existed. Its example is the most striking illustration of the workings of the protective and exclusive system of government. I refer to

THE EMPIRE OF CHINA.

There the people enjoyed for hundreds of years whatever of benefits the principles of protection, put in full effect, could bestow. The Chinese closed their seaports. They built a great wall on their northern border 1,200 miles long and twenty feet high as a protection against the Tartar tribes. They shut themselves in and all other nations out. They enjoyed all the benefits of a home market and all the advantages to be derived from the consumption of home products. They had freedom from all competition with the pauper labor of India and the isles of the sea. No cheap foreign goods appeared in their storehouses or market places. They had a nation and spelled it with a large N. They could live upon their own resources, and were independent of all other nations, peoples, and tongues. Their motto was doubtless: "China for Chinamen." They enjoyed their exclusive policy until British guns broke down the barriers and British armies opened their ports to the commerce of the world. Here we should have found the paradise of the protectionists, the millennium of labor.

Hundreds of years of the practical workings of the protective system should have elevated labor to its highest estate and lifted the workingmen to that proud, prosperous, and happy condition which protectionists promise as the practical result of their teachings. But the facts were not encouraging. Protected China was neither happy nor prosperous. The people were destitute of religious feelings and beliefs. Women were inferiors and but little better than slaves. The Chinese possessed great skill in handicraft, but labor was poorly paid. Poverty and vice were everywhere to be found. Ignorance and superstition prevailed. Workingmen were degraded and poorly paid, meanly fed, and in a great measure destitute of the comforts of life. The Congress of the United States has seen fit in its wisdom to exclude those much protected Chinamen from coming to our country and settling in our midst. We have regarded them as too degraded to associate with our people, and have denied them citizenship and an asylum. This we have done in the case of no other people in the world.

A few years of commercial freedom have wrought a wonderful change in China. An immense trade has been opened up between that country and all others. Many modern inventions have been introduced. Telegraphs are being built, and the time is not far distant when railroads will be permitted in the empire. The construction of the thousands of miles of railroads which the four hundred millions of Chinese will require in the near future will create a revolution in the business and financial world, and bring immense advantages to the manufacturing industries of our own country, if we know how to avail ourselves of the opportunity which will be offered.

COMMERCE BETWEEN THE NATIONS OF THE EARTH

has been carried on from the earliest period of antiquity. It has never been detrimental to mankind, but always beneficial. Yet there could be no foreign commerce without trade between nations. It results from the natural desire to exchange the products of one country for those of another. Such exchanges are not hurtful, but mutually beneficial to all concerned. One country—as did ours last year—produces more of certain kinds of commodities than can be profitably disposed of in the country of their production. They go abroad, and are exchanged for other products which are in demand and which serve a useful purpose. The cheaper the freights both ways the better for both buyer and seller. Hence improved methods of navigation on the high seas and improved facilities for transportation on land have always been looked upon with favor. And why? Because the best interests of all concerned were promoted by bringing the cost of commodities at the place of consumption as near as possible to that at the place of production. Cheap transportation does this; and hence cheap transportation is regarded by all as being beneficial to both producer and consumer.

But why have cheap transportation and protective tariffs at the same time and imposed on the same commodities? If steamship companies were organized into a grand monopoly and allowed to charge as freights 50 per cent. upon the value of the cargo the effect upon the home products of like character would be precisely the same as would be the collection of tariff taxes to the same amount, and the benefits (if I may be pardoned for using that word) to the workingman would be precisely the same. There would be this difference only: the Government would get no revenue. But the steamship company could afford to pay the Government a large tax for the monopoly which it would enjoy. In this way the result all around would be practically the same. But if

I should advocate a steamship monopoly to control freights on all products being shipped to this country I would, by the universal judgment of the people, be condemned and repudiated. But what is the difference between high freights and high tariffs? Both increase the prices of commodities to the consumers and protect producers from competition. Why improve our rivers and harbors? Why vote millions of acres of the public lands and millions of dollars of the people's money to aid in building railroads and canals for the purpose of cheapening transportation and then counteract all the benefits secured by imposing protective taxes?

All obstructions to trade and commerce are detrimental to the best interests of the people. The greater the freedom the greater the benefits to all. The Creator of the universe evidently intended that man should enjoy all the blessings that the earth could supply. He created the poles, where are frozen seas and mountains of ice. He created the tropics, where summer lasts all the year, and fruits and vegetation are the spontaneous growth of the soil. Between these extremes there is every variety of climate, soil, and resources. A high order of civilization and a right appreciation of the goodness of Providence will bring all of earth's blessings within the reach of man. He can sit "under his own vine and fig-tree" and enjoy the choicest products of all countries. He can procure his coffee from Java; his tea from Japan and China; his wines from California, France, or Germany; his furs from the Arctic regions; his spices from the tropics; his silks from Lyons; his laces from Brussels. His home may be furnished with comforts and luxuries drawn from the world's best markets. His person may be clothed in garments illustrating the highest skill which any people had attained. His wife and children may also enjoy with him all those comforts, conveniences, and luxuries which those in like circumstances in any other part of the world enjoy.

IN CONCLUSION.

Why should we seek to deprive ourselves of any good and perfect thing which a kind Providence has placed within our reach? Why should not the workingmen be permitted to exchange their surplus products to the best advantage to themselves? They are entitled to the full measure of the fruits of their own earnings.

Both producers and consumers are entitled to the benefits of the world's best markets; such markets will not kill business but make it alive. They will not impoverish, but enrich mankind. They are the centers of the world's best thought, life, and enterprise, and their approach, with perfect freedom, is one of the inalienable rights of man, the right to liberty and the pursuit of happiness.

Mr. BROWN, of Pennsylvania, obtained the floor and said: I yield ten minutes to my colleague [Mr. BRAINERD].

Mr. BRAINERD. Mr. Chairman, shall the industrial interests of this country be protected against foreign competition is the question presented to the American people by the provisions of this bill. The proposed legislation is not demanded by the people; it is not demanded by the varied industries. It is an unwise experiment in the interest of free trade and against protection. The character of the measure and the boldness and persistency with which it is being pressed by its exponents is alarming, and may well arouse the business interests, so essential to the prosperity of the country. The reopening of this great question at this time is against the judgment of the majority of thinking men. The tariff bill of the Forty-seventh Congress only went into effect in July, 1883, and has, therefore, been in operation about ten months. It has not been tried a sufficient length of time to enable the people to form a correct judgment of its operation upon the industries and the revenues.

This measure, if successful, will be an important advance toward the ultimate establishment in this country of the pernicious doctrine of free trade, a result for which the free-trade interests of England have labored so long and hard to accomplish. The advocates of this bill can not successfully deny or conceal the fact that its success in this Congress will be hailed on the other side of the water as a significant triumph for foreign labor and foreign capital against American labor and American capital. This is but another declaration of war against our industries, calculated in its far-reaching results to injuriously affect every branch of business and every laborer in the country. This same warfare has been waged before by the same influences and for the same purposes, at different periods in the history of the Government, with varied results. Sometimes the free-traders have been in the ascendency, and then again the protectionists have triumphed.

The history of the country is replete with conclusive evidence of the wisdom of protection and the folly of free trade. Under our protective system labor has found remunerative employment and capital profitable investment; manufacturing industries have grown up in all sections of the country; the busy hum of industry has been heard on every hand; our markets and storehouses have been supplied with the products of American labor; the farmer has found a fair market for his products; the material interests of the country have been developed, and fifty millions of people have found American homes. What arguments do the advocates of this bill present for a change of policy in the rates of import duties? In this discussion the duties on imports have been styled a war tax. The present rate of duties is not properly a war tax, and the argument for the bill derives no force from such a statement, nor will the people any more readily indorse the measure as needful and wise.

While legislative wisdom has never perhaps been able to make a perfect system of import duties, yet it may be safely said that the act of 1861 and its supplements provided as perfect a system of duties on imports as affecting the interests of the people and the general prosperity of the country as we have had at any time in the history of the Government. But more than twenty years of national growth during a period fraught with issues vital to American liberty, to national prosperity, and the perpetuity of the Government itself seemed to call for a revision of the tariff law, which resulted in the appointment of the Tariff Commission and the final passage of the act of 1883. While this act is not perfect and does not sufficiently protect all the industries against foreign competition, it was the result of compromise, and was accepted by the people as settling the principle of protection for the present in the general interest of American producers and of American labor.

But the free-trade element still want more, and now propose an indiscriminate reduction of 20 per cent. regardless of the demands of any of the industries, thus clearly demonstrating their determination ultimately to open our markets to the free importation of all kinds of foreign merchandise, reckless of the effect of such legislation upon the manufacturing and laboring classes in our own country. It matters not whether the friends of this measure call it revenue reform, or reduction of war taxes, or by any other designation. It is, in fact, the beginning of the free-trade structure which the free-trade exponents on this and the other side of the water have long threatened to rear in this country in the interest of foreign capital and foreign labor, though it be erected upon the ruins of our industries and impoverishes and oppresses the laboring classes. The representatives of the people should not forget in their action that they are legislating for America and for American labor, and not in the interest of foreign countries or foreign laborers. Let us address ourselves to the duties of the hour, and shape our legislation to foster and develop our manufactures and to elevate and better the condition of the laboring classes in all sections of our country.

Protection to home industries is a principle which it is the duty of our Government to maintain. The idea of protection is not to build up monopolies, but to encourage the industry and skill of the people and to develop the natural resources of the country. For this purpose customs duties on foreign imports should be so levied and adjusted as to prevent the free importation of such articles as can be manufactured or produced at home, and thus enable our products to compete with foreign productions of the same class in our own markets, and at the same time provide the needed revenue for the Government. It prevents monopoly by encouraging home competition among the industries. It does not benefit any special class at the expense of another, but promotes the general interest and welfare of all. It builds up a healthy domestic and foreign commerce. It especially guards and protects American labor in all its branches. It furnishes a diversified employment for labor at remunerative wages and an opportunity for the investment of capital, the product of labor, and thus utilizes all our resources for the advancement and welfare of the people.

There is no country in the civilized world that can be so largely benefited by a varied employment for labor as the United States, with her diversity of resources and unequaled natural advantages, with the skill, energy, and inventive genius of her people. Let it continue to be the settled policy of the Government to afford protection to all our industries and to labor, and thus develop the vast resources of the nation, which will call into action the skill, energy, and power of the people, and a degree of national advancement and national growth will be witnessed in the next quarter of a century unequaled in the history of the world. It is the destiny of this nation, under the beneficent influence of the policy of protection, to be first in agriculture, first in manufactures, first in prosperity, first in wealth, and first in civilization.

The foundation of the Republic rests upon the products of protected intelligent labor, and no American Congress should consent to weaken the structure by adopting free trade to furnish a market in this country for the industrial products of the Old World. From the course the discussion has taken on the part of the friends of the bill we are told that the tariff is the cause of all our national ailments, and that free trade or a horizontal reduction, which, when interpreted in the light of the statements of gentlemen on the floor of this House, means practically the same thing, is a national antidote for all our difficulties.

They seriously tell us that the tariff has closed the factories and workshops now idle; that it has turned laborers and mechanics out of employment and reduced them and their families to poverty and want; that it has caused an overproduction of American products and overstocked our markets; that it depreciates the price of labor, and at the same time increases the price of the articles of consumption; that it oppresses the farmer and helps the monopolist.

This is a strong arraignment; but what is most remarkable, the intelligent people of this country are asked to believe it. History proves that the tariff has not closed any workshops or factories or turned any laborers out of employment in this country. On the contrary, it has at all times bettered the condition of labor; it has afforded employment

for labor at remunerative wages, and sustained the various industries. While there may be temporary suspension in some of the great industries through overproduction and from fear of the reduction of the tariff duties, it can not be attributed in any sense to the present tariff as the cause. A manufacturer may well suspend, and consider what the result of his investment in business is to be if the duties are to be so reduced as to enable foreign productions of the same class manufactured by the low-priced labor of the Old World to be placed in our markets in competition with the products of the better-paid American labor.

The free-trade policy proposed to be enacted into law has done more than anything else to bring about the stand-still condition alleged to exist in some of the industrial pursuits.

Thinking men doubt the future, and will continue to doubt as long as the agitation of the free-trade idea continues. The authors and supporters of this measure will be held responsible for the inevitable result which will follow. No appeal to the prejudice of any class can avert the verdict which the American people will surely render. The toiling millions are awakened in every section of the country, East, West, North, and South, to the danger that awaits their interests by even a temporary or partial success of the free-trade principles now sought to be established. The lessons of experience with revenue tariffs and free trade in this country are still fresh in the minds of the people and will continue to be for generations to come. They remember the impressive language of James Buchanan when in describing the results of a tariff for "revenue only" he said "the manufacturers and their laborers have been thrown out of employment, and the farmer out of a market;" while "dismay and desolation" are the terms used by Henry Clay in describing the same situation.

Certainly the people do not want a repetition of the condition described by these great statesmen. That American laborers are more intelligent, more independent, better clothed and provided for, have better homes, receive much larger compensation for labor, enjoy more fully the blessings of life than the laboring classes of free-trade England is a proposition which must be conceded and can not be denied. The superior condition of our laboring classes is a potent argument in favor of our protective policy. How was this condition of the laboring classes brought about and maintained? Certainly not by free trade; for we have been constantly under a protective policy since 1861.

At no time in the history of the country has labor been so well and constantly employed and generally well remunerated as under the protective policy of the past twenty years. Why should there be a change? There is but one answer, and that is the free-trade interests of the Old World want a market in America for their manufactured products. The logic of the argument in favor of this bill is that America should open wide her markets to the free importation of foreign products.

The startling announcement to the people of the country that it is better to allow foreign importations to take possession of and control our markets, our labor, our capital, and our industries than to control them ourselves will bring from 50,000,000 of people in the next election such an answer as will demonstrate to England that since American independence was declared she has ceased to dictate our commercial and industrial policy; that she can neither control our capital nor pauperize our labor; that this Government will dictate the terms upon which foreign merchandise can enter our markets to the extent of protecting the interests of the people, whatever they may be.

It is said that the tariff compels the people to pay more for some of the articles of consumption than they would cost in foreign markets under free trade, and illustrations have been given to sustain the statement. This is a plausible theory, based upon the difference in the cost of producing such commodities.

We all know that with the cheap labor of England many articles can be manufactured there cheaper than in this country. So the ingenious free-trader tells the people to make a calculation and see how much more it costs them for certain articles of consumption under protection than they would cost if we had free trade. Is the proposition true that the people can live cheaper, everything considered, under free trade than under protection? I think the answer is, manifestly, "no." Will our free-trade advocates control the prices of the articles of consumption when they have opened our markets to unlimited free importations to the destruction of our industries? Will not free-trade England take possession of and control our markets; will she not say to us that we may raise the food, produce the raw material; that she will manufacture the product and dictate to us the price? Will not the duty now paid on her merchandise imported to our markets go into the hands of British capitalists, so that England will gain by free trade what America must lose?

When the workshops and factories have been closed by the ruinous competition invited by free trade, the laborers turned out of employment, and their wives and children are without homes and food, will the free-trade capitalists tell them that the compensation for all this is that some of the articles of consumption are cheaper and that what they lose in being out of employment and destitute is placed to the credit of English capitalists? If our manufacturers are not to be sustained in their efforts to give employment to labor at remunerative wages the question arises, what is to be done with our skilled mechanics and laborers who have spent a lifetime at their trades and are unfitted to change their occupation? The free-trade answer is: "You must work for the wages paid foreign labor for similar work or seek such other employment as you can get." If our manufacturers, under free trade, attempt to compete with the pauper labor of Europe, will not our laborers have to accept a large reduction in their wages in order that the manufactured product shall not cost more than the same can be purchased for in the Old World? Such must be the logical result.

The effect of such a policy upon the laboring class may be better understood by making a comparison of American and foreign wages in one of the leading industries. The report of the Tariff Commission gives the following as the wages paid in England and Pittsburgh for manufacturing iron:

	England.	Pittsburgh.
Puddling, per ton	$1 94	$5 50
Shingling, per ton	29	77
Rolling in puddle-mill, per ton	29	68¾
Rolling and heating, per ton	1 80	4 80
Common labor	$0 56 to 0 62	$1 30 to 1 50

In a late visit to Pittsburgh, Mr. Casson, the general manager of the Earl of Dudley's Staffordshire iron-works, said:

I find that in many respects you have the advantage of us as regards mechanical appliances, while in others we are greatly ahead of your manufacturers. We can manufacture iron at just one-half the cost as far as the price of labor is concerned. I find that your rate of wages is about exactly double what we have to pay.

Abram S. Hewitt, United States commissioner to the Paris Exposition in 1867, in his report on iron and steel, said:

We have seen that the cost of making iron in England, Belgium, and France varies from $32.50 to $40 per ton, and $5 additional pays its transportation to our seaboard ports. At these same ports American iron can not be delivered at less than $60 in gold, against $40 for the foreign article, and the entire difference consists in the higher wages and not in the larger quantity of labor required for its production in the United States, where the physical, mental, and moral condition of the working classes occupy a different standard from their European confrères, and where wages can not be reduced without violating our sense of the just demands of human nature.

There are over eleven millions of people—men, women, and children—who are dependent upon labor at mines and manufactories, whose interests are involved in this issue. To the laboring classes let me say that the ballot is your remedy; that the ballot is your protection against the wrong of free trade; that the ballot guides and directs the general welfare of the people and the policy of the nation. We started poor one hundred years ago and without manufactories. Each industry struggled for its existence through uncertain legislation and want of capital. In a single century we have reached an annual product of the manufacturing and mechanical industries of about $6,000,000,000.

Can we not afford to continue under the policy that has produced so gratifying a result?

A PROTECTIVE TARIFF IS BETTER FOR THE FARMER THAN FREE TRADE.

The farming industry is one of the greatest sources of our nation's wealth. Its rapid, healthy growth and development from 1860 to 1880 under a protective tariff affords a satisfactory showing of the effects of protection upon agriculture. The following figures speak for themselves:

Subjects.	1860.	1880.
Value of farms	$3,271,575,426	$10,197,161,905
Wheat produced ....bushels...	173,104,924	498,549,868
Wheat exported ....do....	4,155,153	153,252,795
Corn produced....do....	838,792,742	1,717,434,543
Corn exported ....do....	3,314,305	98,169,877
Wool produced ....pounds...	60,264,913	232,500,000
Cotton produced ....bales...	3,826,086	6,343,269
Oats produced ....bushels...	172,643,185	407,858,999
Barley produced ....do....	15,825,898	44,113,495
Cheese exported ....pounds...	15,524,830	127,553,907
Hogs packed....number...	2,350,822	6,950,451
Improved lands ....acres...	163,110,720	287,211,845

The value of live-stock in 1860 was $1,107,500,000; in 1880, $5,000,000,000. The value of farm implements and machinery in 1860 was $246,000,000; in 1880, $900,000,000. The large advance indicated by these figures in farm productions and in farm property must be considered by every farmer as convincing proof against the free-trade cry of the friends of this bill. The farmers have been told in this debate by the champions of the measure that they have been wronged for more than twenty years by this protective policy; that protection is a tax upon the many for the benefit of the few.

Here let me say that the Republican party takes the responsibility of the tariff of 1861 and points with pride to the record made under its operations. I am willing to compare with our free-trade advocates the growth and development of the country for these twenty years under protection with any like period under free trade or a tariff for "revenue only," and by that record stand or fall on the question of protection. Let me refer the free-trade element of this House and of the country to the compromise tariff of 1833; to the tariff for revenue only of 1846; to free trade in 1857, and to the long train of disasters which

followed, and ask them if they want the experience of those years repeated again in this century. In 1860 the nation was bankrupt; manufactories were closed, labor was unemployed, money was not to be had, the farmer was without a market; all this was the legitimate fruit of free trade.

We want no more free trade or tariff for "revenue only" in this country. What the people want, what the farmer in particular wants, is an American market for American productions, where the home products can be disposed of at once at a fair price. When we consider that about 90 per cent. of all farm products are consumed in the United States and that the best prices are always obtained at home, the farmer's interest in a market is shown to be largely at home and not abroad. He becomes interested at once in the success of American manufactories and in the remunerative employment of American labor. He must be convinced that he has a direct interest in the protection of labor and manufactures; that the protective policy is not for a special class in its operation, but for the general benefit of the whole people. The free-traders have no more toleration for the interests of the farmer than for the manufacturer or the mechanic. When he asks for protection on wool, one of the most valuable of farm products, he gets free trade.

There is no conflict between the interests of the farmer, the manufacturer, or the mechanic under our protective system, and the farming classes will not be deceived into opposition to protection by the free-trade tracts of the Cobden Club or by the efforts of the free-trade element on this floor. The farmer's interest is to build up and foster manufactories and labor. The more home consumption, the larger the home demand and the better home market he will have for his products, and the more remunerative will be his industry. The home market must be subject to the law of supply and demand, but there is always less liability to fluctuation in home than in foreign markets. The home market depends mainly on our own crops and welfare, while the markets abroad depend upon the crops and welfare of several countries. The farm and the factory are natural allies and neighbors.

The farmers nearest to the great mills and factories get the best prices for their produce. The cash value of the principal crops of Pennsylvania per acre is larger than that of any other State. This is because she has a large extent of good farming land, with her great manufacturing industries close at hand. Statistics show that the same principle is true of other States, that the value of farm products per acre is largest in manufacturing districts and States. It is estimated that the average price of farm products has increased in the last half century about 300 per cent., and that the average decrease in the price of our manufactured articles has been from 20 to 90 per cent. It is estimated that fourteen-fifteenths of the products of all our industries is consumed in this country and that only one-fifteenth is sold in foreign markets; foreign countries will only purchase of our farm products what they do not raise themselves. I think a candid consideration of the whole subject will fully satisfy the manufacturer, the laborer, the mechanic, the farmer, and the business man that the pending bill ought not to pass.

Mr. BROWN, of Pennsylvania, addressed the committee. Before his time had expired,

Mr. WILSON, of Iowa, said: Will the gentleman give way for a motion that the committee rise?

Mr. BROWN, of Pennsylvania. I will, if it is understood that I do not lose my right to the floor when the consideration of this question is resumed.

The CHAIRMAN. It is so understood. The gentleman has thirty-seven minutes of his time remaining.

Mr. WILSON, of Iowa. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BAGLEY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendments the bill (H. R. 1319) to adjust the accounts of John B. Monteith.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1106) for the relief of Francis H. Plummer; and

A bill (S. 1309) to provide statuary and historical tablets for the Saratoga monument.

CLAIMS OF STATES AGAINST THE UNITED STATES.

Mr. BARKSDALE, by unanimous consent, introduced a bill (H. R. 6867) to adjust claims of the States against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS FOR PRISONERS OF WAR.

Mr. HOLMES. On behalf of a minority of the Committee on Invalid Pensions, I desire to present at this time their views upon the bill (H. R. 6866) providing pensions for certain disabled soldiers and for certain widows of soldiers. This bill was reported by a majority of the committee as a substitue for House bill 1189 for pensioning prisoners of war who were confined in confederate military prisons during the late war. I ask that this report be placed on the Calendar.

The SPEAKER. The views of a minority of a committee do not go upon the Calendar; but they will be printed.

ELECTION CONTEST—O'FERRALL VS. PAUL.

Mr. LOWRY. I desire to give notice that on Monday next, after the call of States, I propose to call up, on behalf of the Committee on Elections, the report in the contested-election case of O'Ferrall *vs.* Paul, from the seventh Congressional district of Virginia.

Mr. MILLER, of Pennsylvania. I trust that will not be done, as the report of the majority of the committee was only filed on the day before yesterday.

The SPEAKER. The statement of the gentleman from Indiana [Mr. LOWRY] is merely made for information. It will be for the House to determine, when the matter is called up, whether it will proceed to the consideration of the question.

CATHARINE M'CARTY.

Mr. COOK, by unanimous consent, introduced a bill (H. R. 6868) for the relief of Catharine McCarty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM F. WILSON.

Mr. WILSON, of West Virginia, by unanimous consent, introduced a bill (H. R. 6869) referring the claim of William F. Wilson to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRINTING OF TESTIMONY.

Mr. KING. I ask unanimous consent that the testimony given by members of the Mississippi River Commission before the Select Committee on Levees and Improvements of the Mississippi River be printed.

The SPEAKER. The gentleman asks, as the Chair understands, that the testimony be printed for the use of the committee?

Mr. KING. I would like to have copies printed also for the use of the House.

The SPEAKER. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

Mr. VAN EATON. I move that the House now take a recess.

The SPEAKER. Before putting the motion for a recess the Chair will lay before the House the personal request of a member.

WITHDRAWAL OF PAPERS.

Mr. LAWRENCE, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Alex. Wishart, without leaving copies on file, there having been no adverse report.

RECEPTION OF SIAMESE EMBASSY.

Mr. HORR. There is a matter I would like to submit to the House from the Committee on Appropriations, because it is exceedingly important. I ask unanimous consent to have considered and passed at this time a joint resolution appropriating $10,000 to receive the embassy from Siam——

The SPEAKER. The hour for recess, 5 o'clock, has arrived.

Several MEMBERS. Regular order!

The SPEAKER. The gentleman from Tennessee [Mr. MCMILLIN] will preside as Speaker *pro tempore* at the evening session, which will be for the consideration of pension bills on the Private Calendar. The House is now in recess till half past 7 o'clock.

EVENING SESSION.

The recess having expired, the House, at 7 o'clock and 30 minutes p. m., resumed its session, Mr. MCMILLIN in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House meets to-night.

The Clerk read as follows:

Ordered, That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 7.30 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole House on the Private Calendar under the order just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills on the Private Calendar under the special order just read. The Clerk will report the first bill.

C. A. CILLEY.

Mr. MATSON. Mr. Chairman, I ask unanimous consent that the bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina, be first taken up. It is not the first bill on the Calendar, but the one immediately preceding it I apprehend will give rise to some

considerable discussion. I ask that this be taken up in order to accommodate the gentleman from North Carolina, Mr. VANCE.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place the name of C. A. Cilley, of North Carolina, late a major and assistant adjutant-general of United States Volunteers, and brevet colonel of United States Volunteers, on the pension-roll, subject to the limitations of the pension laws.

Mr. MATSON. Mr. Chairman, this case is one that was considered the other night and passed over because it did not appear that it was a case which had been rejected at the Pension Office. The gentleman from North Carolina [Mr. VANCE] is ready, he informs me, to show that this has been done by the officer. The report in the case has already been read.

Mr. VANCE. Mr. Chairman, I have a letter from the Commissioner of Pensions, which I ask to have read from the desk.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., May 1, 1884.

SIR: In response to your personal request, I have the honor to state in reference to the claim of Clinton A. Cilley, that it appears that some of the original papers which were filed with the Committee on Invalid Pensions have been mislaid. From the printed copies of those papers and from such papers as are on file with the case, it clearly appears that the claim is inadmissible under the general law and must be rejected by this office. The testimony of Dr. Scroggs shows that the claimant's present disability did not appear until after his discharge, and consequently its origin in service is impossible of proof.

Very respectfully,

O. P. G. CLARKE, *Acting Commissioner.*

Hon. R. B. VANCE,
House of Representatives, present.

Mr. VANCE. I have also a sworn statement from Colonel Cilley which I have received since action was taken upon his case on last Friday night. I will state that he makes oath that he was injured at Chickamauga. He had two horses shot from under him while in action. When the second horse was shot it fell upon his leg, which was considerably injured, and he thinks it is probably due to that cause that sciatic trouble subsequently ensued. He served until the 1st day of September, 1866, when he was discharged from the Army. At that time he seemed to be in good health and so believed himself to be. After that period, however, his trouble came on. I will state that Colonel Cilley is a man of very high character, so much so that he was appointed a judge in our State. His disease is reported to be incurable, and he asks only this small favor at the hands of this Government, which he served so well.

I hope that there will be no objection to the passage of this bill. If any one wishes to have the affidavit read it can be read from the Clerk's desk.

Mr. HEWITT, of Alabama. Let it be printed in the RECORD.

Mr. VANCE. Very well; I will ask that it take that course.

The affidavit is as follows:

NORTH CAROLINA,
Caldwell County:

Personally appeared before me, M. E. Shell, clerk of the suprerior court of said county, Clinton A. Cilley, and makes oath that from and after the summer of 1863 he was never on duty with the regiment to which he originally belonged, as he was detached to serve as a staff-officer, and therefore is unable to call on any of the medical or line officers of said regiment to make any statements as to his physical condition, they being the parties named in the letter of the Commissioner of Pensions dated February 20, 1884.

That he served until September 1, 1866, leaving the service in Raleigh, N. C., at which time he seemed to be and fully believed himself to be a perfectly sound and healthy man.

That he was not at any time in the hospital while in the Army, and, save for trifling ailments, never had medical attendance.

That he is therefore entirely unable to give or procure any testimony as to his having contracted his present disease while in the service of the United States.

But soon after his retirement from the Army his neuralgic and rheumatic symptoms began and have ever since continued. He has been advised and assured by many physicians that these symptoms and the incurable disease which now affects him are due to exposure and hard work in the Army from May, 1861, to September, 1866. It may be that an injury, believed by him at the time to be slight, and for which he never asked for a prescription, has been the exciting cause of the sciatic trouble he labors under. At Chickamauga, Ga., on Sunday, September 20, 1863, his second horse was killed under him, and in falling pinned him to the ground, where he remained for a while. The left leg, caught under the horse, was lame for a little space. The sciatica commenced therein.

While fully persuaded that his disease grew out of his army service, yet the impossibility of sustaining his belief by testimony caused him to instruct Messrs. R. S. & A. P. Lacey, his attorneys, of Washington, D. C., to abandon his pension claim before the Commissioner. The same impossibility makes him unable, although needing the allowance asked for, to say more than he has already said in support of his application.

CLINTON A. CILLEY.

Sworn to and subscribed before me, April 29, 1884.

[SEAL.] M. E. SHELL, *Clerk Superior Court.*

Mr. MATSON. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

WILLIAM B. SMITH.

The next business on the Private Calendar was the bill (H. R. 5004) for the relief of William B. Smith.

Mr. MATSON. I ask unanimous consent that this bill be passed over informally. It is a case I know nothing about, and the gentleman who reported it is not present to night.

The CHAIRMAN. Without objection the bill will be passed over informally, not to lose its place on the Calendar.

There was no objection, and it was ordered accordingly.

CATHERINE TERRY.

The next business on the Private Calendar was the bill (H. R. 2447) for the relief of Catherine Terry.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Catherine Terry, the widow of Michael Terry, late a private in Company A, One hundred and eighteenth New York Volunteers, upon the pension-roll, at the rate of $8 per month, her claim, No. 226390, having been rejected by the Commissioner of Pensions heretofore; said pension to commence from the date of the death of her said husband.

The report is as follows:

Mr. BAGLEY, from the Committee on Invalid Pensions, submitted the following report (to accompany bill H. R. 2447):

The Committee on Invalid Pensions, to whom was referred the bill H. R. 2447, having considered the same, beg leave to submit the following report:

Mitchell Terry, husband of the petitioner, was mustered into the service of the United States August 24, 1864, in Company A, One hundred and eighteenth Regiment New York Volunteers, to serve for three years or the war.

On the 29th day of September following, at the battle of Chapin's Farm, Virginia, he received a gunshot wound in the lower part of his body, in front, the ball passing out on the back side, which greatly disabled him from laboring or traveling.

The certificate of disability for discharge shows that he was admitted to hospital October 17, 1864, with injury to the neck of the bladder from gunshot wound in pubic region, received in skirmish at Chapin's Farm, Virginia, at date as above stated. For his disability the soldier received a pension of $8 per month.

Soon after his death the petitioner filed a claim for pension, alleging that the cause of death was traceable directly to the wound received in the service.

The Pension Office rejected the claim on the ground that the fatal disease of which the soldier died originated after his discharge, and was not a result of any disease contracted or injury received in the service.

The evidence of the physicians who attended the soldier during his last illness, the committee think, points unmistakably to the fact that he died of blood-poisoning, due entirely to the gunshot wound.

Dr. Orville Terry says that the soldier was injured in the service by a wound in the groin, which, after the war, broke out into sores in and about the groin, and affecting his private organs, and, as deponent understands, affecting the passage of the water. Deponent further says that he did not see the patient after the discharging sores dried up, professionally, but was consulted by Dr. J. D. Woodworth, who attended him in his last sickness, and the doctor gave it as his opinion that, the discharge having stopped, blood-poisoniug would ensue, and as a consequence death. About this time the soldier began to be affected by disease of the lungs, and that continued to increase upon him down to his death. Affiant was familiar with the general health of the soldier and his constitutional tendencies, and from what he knew of his wound and its condition before the discharges were stopped has no doubt whatever but that said Mitchell Terry died from the effect of blood-poisoning, caused by the absorption of pus after the discharge ceased, and that in consequence disease of the lungs was produced and death.

Dr. J. D. Woodworth, in an affidavit before the Pension Office examiner, says that he was well acquainted with Mitchell Terry, and was his family physician, and knows that his death was caused by a wound in the groin; he died of pyæmia, absorption of pus, producing lung fever, said pus coming from the wound.

It is quite evident to your committee that this man's death was due to the wound received in the service, and that the widow has a good title to a pension. The committee therefore recommend the passage of House bill 2447 with the following amendments: Strike out all after the word "pension-roll," in line 6, and insert "subject to the provisions and limitations of the pension laws."

The amendment recommended by the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. WHITCOMB.

The next business on the Private Calendar was the bill (H. R. 5364) granting a pension to William H. Whitcomb.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Whitcomb, late a private in Company M, Fifth New York Cavalry.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5364) granting a pension to William H. Whitcomb, having considered the same, beg leave to submit the following report:

The petitioner was enrolled on the 1st day of October, 1861, in Company M, Fifth Regiment New York Cavalry Volunteers, and was honorably discharged at Winchester, Va., on the 19th day of July, 1865.

In a charge upon the enemy at Harrisonburgh, Va., his horse was shot under him and another horse fell upon him, seriously injuring his side, from the effects of which he has never recovered. Also at Parker's Store, in Virginia, he received a gunshot wound in the neck on the left side, and again in an engagement at Buckland Mills, in a charge, he was caught and thrown between two trees and his right knee severely injured. His claim was rejected by the Pension Office on the ground of no disability since discharge.

O. W. Armstrong, M. D., late surgeon Fifth New York Cavalry, testifies as follows:

"That the claimant, on or about October 19, 1863, at Buckland Mills, Va., while in line of duty, and during an engagement with the enemy, was injured in his right knee by being forced, while mounted, against a tree, receiving a contused wound of said knee; that on the 5th day of May, 1864, during the battle of the Wilderness, he received a gunshot wound in the left side of the neck, passing through the skin and sterno-mastoid muscle; was treated by me for the said wound, being dressed as required, but not sent to hospital."

Justice Travis and William H. Bogardus, comrades, testify that they were members of Company M, Fifth New York Cavalry, from the fall of 1861 to December, 1863; that William H. Whitcomb was a member of said company during all this time; that they knew of said Whitcomb being wounded by being shot in the neck while in the line of duty, at Parker's Store, in Virginia, and of his being injured by a horse falling on him in a charge on the enemy at Harrisonburgh, Va., on the 6th day of May, 1862, and of his being injured in the right leg and knee at Buckland Mills, Va., in the summer of 1863, by being caught and thrown against two trees, in a charge. And the said Travis says that he was present and attended the soldier in the hospital at Winchester, Va.

Amos H. White testifies that he was first lieutenant and captain of Company D; major, lieutenant-colonel, and colonel of the Fifth Regiment New York Vol-

unteer Cavalry, and knows the petitioner, who was a member of Company M, of same regiment. That on the 6th May, 1862, the soldier was present with his company on duty; that in an engagement with the enemy's cavalry under Ashby, near Harrisonburgh, Va., his horse was shot, falling on and injuring him. That in an engagement at Buckland Mills, Va., October 19, 1863, said soldier was present on duty; that the nature of the ground on which the battle was fought was rough and partly wooded that in one of the many charges made on the enemy said soldier was injured. That on the 5th day of May, 1864, at the battle of the Wilderness, Virginia, near Parker's Store, Whitcomb was present and in command of his company during the battle, which raged all day, and was shot in the neck. The colonel also says that this soldier repeatedly distinguished himself, and for meritorious service he was promoted to second lieutenant of Company K, May 2, 1864, and first lieutenant of Company L, November 14, 1864. During the entire war he served with credit to himself and honor to his country.

J. Jewell, M. D., examining surgeon, says:

"In my opinion the said William H. Whitcomb is total, third grade, incapacitated for obtaining his subsistence by manual labor. Judging from his present condition, and from the evidence before me, it is my belief that the disability did originate in the service, in the line of duty. The disability is permanent."

The splendid record of this soldier, shown by the commendation of his superior officer, the many wounds he received, and the faithfulness of his service, recommend him to your committee as worthy of a pension, and they therefore ask the passage of the accompanying bill with the following amendment: After the word "cavalry," in line 7, add the following: "and pay him a pension of $8 a month."

Mr. HEWITT, of Alabama. Mr. Chairman, I desire to ask the chairman of the Committee on Invalid Pensions a question in reference to this matter. The committee state—

That the splendid record of this soldier, shown by the commendation of his superior officer, the many wounds he received, and the faithfulness of his service recommend him to your committee as worthy of a pension.

If it is placed upon the wounds that he received, and he is disabled by those wounds, it is a case undoubtedly where relief should be granted. But while the closing words of the report make that statement it is not apparent that the pension is granted upon the ground of disability.

Mr. MATSON. The report states that the record of the soldier, the many wounds he received, and his gallant services, recommended him to the committee as worthy of a pension. But it is on account of what the committee believe to be his disability that we granted the pension. I will state to the gentleman from Alabama that in this case there appears to have been some disagreement among the surgeons. Some were of the opinion that there was no disability while others thought the disability entitled him to a pension of $24 per month. The Committee on Invalid Pensions in considering the matter thought it proper under all the circumstances to compromise on $8 per month, the amount recommended in the bill.

Mr. BAGLEY. Mr. Chairman, this is one of the few pension bills which I have introduced during this session of Congress. I believe I have introduced but three. But with this man I am personally acquainted. I know the fact of his disability. He is unable to do any but the lightest kind of work, and his condition has been such that it has been customary to appoint him as town constable, or on the special police force, or some such light employment, to enable him to support his family. He is a man who is entitled to the respect of all who know him. He did valiant service during the war, and that he is disabled I know personally. I know that he can not earn his living by manual labor, and it would be a very unjust thing to refuse to grant the pension.

The CHAIRMAN. The first question is on agreeing to the amendment proposed by the committee.

Mr. HEWITT, of Alabama. Let me ask why the committee do not recommend that he be placed upon the pension-rolls subject to the provisions and limitations of the pension laws?

Mr. MATSON. Because, as I have said, there was a difference or disagreement between the surgeons, and we compromised on the amount fixed in the bill.

Mr. HEWITT, of Alabama. Would it not have been better to leave the rating of the pension to the office?

Mr. MATSON. The committee thought not in this case, where there was a disagreement. Under the circumstances the committee believed it was their duty to take cognizance of the matter and fix the rating, inasmuch as the Pension Office could not have done it under the law in consequence of this disagreement.

Mr. BAGLEY. I will state to the gentleman the object was that this man should get a pension, and for the very reason the chairman of the committee has stated. One of the surgeons claims there is no disability, as is reported by the Pension Office, and the other one says he is disabled, third grade.

Mr. HEWITT, of Alabama. While I do not propose to oppose this bill, I wish to say it is a little out of the regular order for the House to rate the disability. We ordinarily put persons on the pension-roll subject to the provisions of the pension law. Then the disability is rated by a board of surgeons; and it seems to me that they are much more capable of rating the disability of a man than Congress possibly can be.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE HENRY.

The next business on the Private Calendar was the bill (H. R. 2425) granting a pension to Catharine Henry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Henry, widow of Hiram Henry, late a private in Company F, Sixty-first New York Volunteers, and to pay her a pension of ——.

SEC. 2. That this act shall take effect from and after its passage.

The bill was reported by the Committee on Invalid Pensions, with an amendment to strike out all after the word "volunteers."

The report (by Mr. BAGLEY) was read, as follows:

We find that the petitioner is the widow of Hiram Henry, who was a private in Company F, Sixty-first Regiment New York Volunteers; that he enlisted on the 13th of January, 1864, and was discharged July 22, 1865; that at the battle of Cold Harbor, June 9, 1864, he was wounded by a gunshot in the right arm. He was pensioned for the injury from March 23, 1868, at $4 per month, increased April 21, 1869, to $6 per same, reduced to $4 March 4, 1870, increase rejected May 17, 1870, disability reported ceased to exist June 17, 1871, was readmitted to the pension-rolls for same injury November 19, 1872, and received pension from that time up to his death.

Your committee find that during the lifetime of the deceased soldier he was frequently examined by examining surgeons of the Pension Office. In October, 1872, one of these surgeons reported, "Claimant has a gunshot wound of the right arm, in consequence of which his arm is weak and partially atrophied, and that to the best of the surgeon's knowledge and belief he is subject to frequent attacks of traumatic neuralgia radiating from the wounds along the branches of the musculo-spiral nerve and even involving the whole cervical plexus, and that he is therefore almost totally disabled from manual labor." From 1872 up to the time of his death the biennial examination shows him suffering more or less from the wound in his arm, and the petitioner alleges that from the effect of the wound he died. The Pension Office rejected the claim upon her applying for a pension, the cause of rejection being stated that the death cause was in no way incident to the wound or injury he had received in the service.

This case seems to have had a good deal of consideration at the hands of the medical officers of the Pension Office, and the rejection is based altogether upon the decision rendered by those officers. Your committee find that these medical officers had corresponded extensively with the family physician of the deceased, who was in attendance upon him at the time of his death. The home doctor gives *in extenso* the manner in which the deceased was affected and the manner in which he died. This is an affidavit sworn to on the 23d of April, 1879. On the 21st of October, 1879, the same physician, in response to letters from the medical officers of the Pension Office, again gives a description of the case. We quote:

"There is no doubt whatever in my mind, as I can not question it, that Hiram Henry came to his death by disease and injury sustained while a soldier in the service of the Government of the United States. By disease, I mean the pain he complained of in the back of his neck, extending from toward cervical section to base of the brain. This complaint was made to myself and others as being a source of great annoyance to him from the day he was wounded in the Army, *i. e.*, at intervals. It was chronic when my attention was called to him, but acute before his death, a day or two previous to which he said that the pain in his neck and lower part of the head was unbearable. Unquestionably true! Now, then, take the remainder of his complaining; not only the pain and aching from the wound in the arm extending from the back of neck, commencing at the time he received the wound, increasing in severity at intervals as time passed along, it became unbearable before death ensued, as was said to doctors and others, and what can I say but that his death was the cropping out and fatal result of disease contracted and injuries sustained? Look at the contortion of his body before death for many hours. Elbow and upper arm drawn backward and upward, the head drawn back, neck stiff, having apparently no control of the upper arm and shoulder; and I can not but believe that death was the result of the disease he had complained of."

The physician continues his argument in like strain, and in view of the statement of the surgeon in 1872 it would seem to your committee that the nerve and muscular troubles which preceded death and were finally the cause thereof were a continuation of the same trouble which seemed to exist when the surgeon made an examination of the disease in 1872.

Taking the history of the case as portrayed by the evidence and the fact that one or two of the examining surgeons indicate that there was gangrene left in the wound, it shows to the mind of your committee a continuous disability existing from the time of the healing of the wound received in the arm up to the time of his death. This opinion is affirmed altogether from a perusal of the evidence.

In view of the facts as stated and the positive opinion expressed by the medical attendant of the deceased soldier as to the manner of his death, and the belief that it proceeded from a disease contracted from a wound received in service, your committee are constrained to believe that the death-cause in this case was due to the injury received in the service, and, as such, advise that the petitioner is properly entitled to the benefits of the pension laws. We therefore report favorably upon her petition, and recommend the passage of the bill (H. R. 2425) granting a pension to Catharine Henry with the following amendment: Strike out all after the word "volunteer," in line 7.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET KEARNS.

The next business on the Private Calendar was the bill (H. R. 2480) granting a pension to Margaret Kearns.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Kearns, mother of James Kearns, late a sergeant of Company G, Ninety-fourth New York Infantry.

The report (by Mr. BAGLEY) was read, as follows:

The petitioner is the mother of James Kearns, who was first sergeant, Company G, Ninety-fourth New York Volunteers.

Surgeon-General reports First Sergeant James Kearns, Company G, Ninety-fourth Regiment New York Infantry, was admitted to field hospital, third division, Fifth Army Corps, July 15, 1864, for treatment for gunshot wound of arm, fracture. Arm amputated on the field at shoulder-joint; soldier died July 20, 1864. Surgeon D. C. Chamberlain makes similar report. It is therefore evident that Kearns died five days after receiving wounds in the service. The place of death was Petersburg, Va.

The mother filed her application for pension May 28, 1868; her husband was then living, but it is shown that he was seriously disabled by rheumatism, although earning some money as a watchman. The Pension Office rejected the application on the ground that she was not dependent upon her son at his death.

The principal evidence to show the contrary is that of friends and neighbors, who, under oath, declare that they knew of the depending of the mother upon the son prior to enlistment.

Catharine Barry swears that she was an acquaintance of James Kearns from childhood, and that they associated together, and that up to and since the enlistment of James was a frequent visitor at the house of Kearns and familiar with their resources and means of living; that James made his home with his parents, and after he became old enough to work was steady and industrious, and worked regularly for the support of his father and mother, and that all of his wages, except such as he needed for his personal clothing, was used in support of his mother and the family. He was very prudent in his clothing, and spent but little of his wages for that purpose; it is also related that he was very affectionate toward his mother and was greatly attached to her, and always evinced a disposition to do all in his power to make her comfortable and happy.

Another witness says that James's wages went to the support of his mother and the family as regularly and uniformly as is common with the head of a family; that he was known to buy for his mother a shawl, shoes, and other clothing, and the same for a younger sister, who was dependent in the family. Since the death of the son the family has had an insufficient and meager support from what the father earned as a watchman. The father died in 1875, and she has now no means except what she gets from her own labor and the help of the younger children. Several affidavits similar to the above are on file, made in 1870, all showing the petitioner's dependence upon the son. It is also in evidence that Kearns sent money several times to his mother while he was in the Army.

The committee are of the opinion that the fact of the mother's dependence is sufficiently shown to warrant the conclusion that in his death she lost her main support. Moreover she is getting old, and is very needy. Believing that she has a good title to a pension, the passage of bill H. R. 2480 is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SARAH SINFIELD.

The next business on the Private Calendar was the bill (H. R. 1042) for the relief of Mrs. Sarah Sinfield.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Sinfield, of Dunkirk, N. Y., for services rendered by her during the war of the rebellion in the Third Excelsior.

The report (by Mr. BAGLEY) was read, as follows:

The career of the petitioner, Sarah Sinfield, her adventures, her devotion to the cause of the Union, and her untiring exertions in behalf of soldiers of the late war are quite sufficient to make a romance.

Her husband, William Sinfield, volunteered as a private in Company E, Seventy-second Regiment New York Volunteers, at Dunkirk, N. Y., in April, 1861, and went from there to Staten Island in May following. About the 20th of July, 1861, Captain Barrett, of the company of which her husband was a member, left Dunkirk to join his company, and upon her request and that of her husband, took her with him. The day after her arrival at Staten Island the regiment left for Washington, and she accompanied it.

From Washington she followed the regiment, and was with it at the battles of Williamsburg, Peach Orchard, Fair Oaks, Seven Pines, the seven days' fight, the second battle of Malvern Hills, the second battle of Bull Run, the second battle of Manassas, the battles of Chantilly, of Fredericksburg, of Chancellorsville, and of Gettysburg.

At each and every one of these battles she aided in caring for the sick and wounded soldiers, carrying food and drink to those who could not help themselves, preparing bandages for wounds, and in many and various ways making herself useful, and putting up with such accommodations as were furnished soldiers. At no time was she absent from the regiment until after her husband was wounded and sent to the hospital for treatment, but endured all the fatigue and hardships of a soldier's life in camp and on the march.

After her husband was wounded at Gettysburg he was removed to Fort Smith hospital, Rhode Island, where she accompanied him, and was there employed by the head nurse as an assistant, and served in that capacity for about ten months, receiving as compensation $3 a week.

Her husband was discharged in May, 1864, and she went home with him to Dunkirk, N. Y., having been nearly three years in actual attendance on the regiment and company, excepting the time spent at Fort Smith.

The following, written by Mrs. J. L. Husband, Third Corps hospital matron, Sanitary Commission, shows the esteem in which she was held; it was given to her as she was about to leave the scene of operations to go to Fort Smith hospital:

"The bearer, Mrs. Sinfield, is, with her wounded husband, endeavoring to make her way to a place of comfort. She is a most worthy and useful person, and has been a mother to her regiment. The boys all love and respect her, and here her assistance has been most valuable among the wounded. All who can assist them in their progress will be doing a real kindness to most deserving people."

Captain Toomey, of Company E, certifies that she followed the regiment from the battle of Bull Run until the battle of Gettysburg, and rendered valuable assistance in the care of the wounded, and, in his opinion, has rendered services in camp and field fully entitling her to recognition by Government.

A paper signed by C. K. Abell, major Seventy-second Regiment, N. J. Jackson, brigadier and brevet major-general United States Volunteers, and twenty-three officers and privates of the Seventy-second Regiment, states that she marched with the regiment and rendered great assistance, and that her presence and worth were of incalculable value to the sick and wounded soldiers.

The exposure and fatigue incident to the camp and the march injured her health. She is now 59 years of age. Her husband is a cripple, but receives a pension of ——. This goes but a little way toward supporting them, and they are in indigent circumstances. Naturally and logically she believes that her devotion and services to the cause of the Union entitle her to some recognition from the Government. There is no law allowing her a pension, but there are precedents for special acts of Congress. The committee think this a case for such action, and, so believing, recommend the passage of the bill.

The committee desire to state, in addition to the foregoing, that Mrs. Sinfield received no compensation while with the regiment in the field.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE VAN NORTON.

The next business on the Private Calendar was the bill (H. R. 4189) granting a pension to Caroline Van Norton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caroline Van Norton, widow of Jacob Van Norton, late a private in Company K, One hundred and fifty-first Regiment New York Infantry Volunteers.

The report (by Mr. BAGLEY) was read, as follows:

The petitioner alleges that her husband, Jacob Van Norton, contracted the disability of which he died while in the service and line of duty, as follows:

About July 4, 1863, he started on a forced march from Frederick, Md., and arrived at South Mountain, where he encamped for the night, sleeping in the wet grass, without fire or shelter, from which he took a severe cold, followed by diarrhea and disease of liver, and was sent to hospital August 25, 1863.

Adjutant-General reports him wounded in action May 10, 1864, and in general hospital. September 17, 1863, admitted to Carver Hospital, convalescent from fever; furloughed October 19, 1863, for sixty days; returned December 18, 1863. Entered Emory General Hospital, Washington, D. C., from the field with gunshot wound of left hand, received at Spottsylvania May 15, 1864, and was transferred May 27, 1864. Entered general hospital, Chester, Pa., May 26, 1864, with gunshot wound of left hand, and was furloughed July 22, 1864, and returned to duty January 20, 1865.

Nathan F. Peck, lieutenant, says that he served with the soldier and was sergeant, and called the rolls, and knows that Jacob Van Norton contracted chronic diarrhea and disease of liver about July 4, 1863, at or near South Mountain, Md., while in the line of his duty; that he did not recover while he was in the service; that he has been acquainted with him since his discharge, and that he continues to be affected with chronic diarrhea and in feeble condition, with a countenance indicating disease of liver.

E. H. Elliott, M. D., testifies that he was the family physician of the soldier; that he was a healthy man at the time of enlistment, and free from chronic diarrhea or disease of liver; that after his discharge affiant treated him for said diseases, which in the opinion of affiant were contracted while in the Army.

Nathan P. Johnson, M. D., testifies that he has been acquainted with the soldier since the spring of 1869; that he attended him in his last sickness; that he was affected with liver complaint and heart disease; that he died April 14, 1869.

J. H. Helms, examining surgeon, certifies that he examined the soldier July 25, 1868, and reports that he had chronic diarrhea for nine months while in the service, and has had frequent attacks since, followed by extreme constipation; has a serious liver difficulty beyond any doubt to his mind. His general health bad, and he is unable to do any labor.

The standing and professional ability of the physicians who testify is shown to be good.

From the evidence presented it is quite apparent that the soldier contracted a disease in the service which caused his death. The record of service shows that he enlisted October 1, 1862, as a private in Company A, One hundred and fifty-first Regiment, New York Volunteers, and was discharged June 26, 1865. His death occurred April 14, 1869. The widow's application was filed June 16, 1871, and was rejected on the ground that the death was not caused by disease contracted in the service.

As the evidence seems to point to the contrary, and as the widow is needy, your committee believe she should have a pension, and therefore recommend the passage of bill H. R. 4189, which places her on the rolls subject to the limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JANE BRACKEN.

The next business on the Private Calendar was the bill (H. R. 4191) granting a pension to Jane Bracken.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane Bracken, mother of Robert G. Bracken, late a private in Company K, Eighth New York Heavy Artillery.

The report (by Mr. BAGLEY) was read, as follows:

The petitioner is the mother of Robert G. Bracken, late a private in Company K, Eighth New York Heavy Artillery. Bracken was mustered into the service on the 22d day of August, 1862, and was discharged on May 23, 1865. He received a gunshot wound in the hip at the battle of Cold Harbor, Va., and was treated in De Camp United States hospital for the same. He was transferred, according to the certificate of disability, to general hospital at Rochester, N. Y., from whence he was discharged at the date above stated. He received for his disability a pension of $5.33½ per month. According to the evidence of the physicians he suffered constantly and severely from his wound, and to that extent that his mind became impaired, and finally resulted in his committing suicide by hanging. The mother claims the pension, alleging that this result was occasioned by the suffering from his wound, but the Pension Office rejected the claim on the ground "that soldier's death from suicide was not a result of his military service."

It seems, however, that when he went home from the hospital the wound, which was partially healed, broke out in two or three places. Dr. Nickerson, a family physician, was called and attended him about three or four weeks, when Dr. Sanford was called in consultation. The patient kept his bed for seven weeks, and was lifted from and to it on a blanket. Dr. Nickerson probed the wound for the ball, but the pain was so intense that the soldier could not endure it, and so the attempt was abandoned and the ball remained. In about three months he was so far recovered as to return to David's Island and rejoin his company, but in a short time the wound again suppurated, and two pieces of bone were extracted. At this time he was taken to Saint Mary's Hospital, Rochester, N. Y. From there, as before stated, he went home, but was in continued pain, unable to perform any manual labor, and at times gave way to tears from the distress occasioned by the wound. There were occasions when he seemed to act insanely.

Dr. Randall, examining surgeon, testifies to the character of the wound and the fact of the ball remaining, of the pain suffered by the soldier, of his being very lame, and states in addition that the soldier was not as well as at a prior examination.

Dr. Nickerson states that he believes the condition of the soldier's mind, which caused him to take his own life, was due largely to the effect of the wound upon his system.

William Shaw testifies that previous to 1869 and up to June of that year soldier had so far recovered as to be able to walk without a crutch, but at this point was taken sick, which so affected his wounded hip that when he again got about he was unable to walk without crutches, and he continued to use crutches until his death. During this period he was easily irritated and seemed to have little control over his actions. On the 28th of July, 1869, something occurred at the dinner-table that annoyed him, and he arose and left the house. His mother shortly after found him in the barn hanging by the neck; life was extinct.

It is apparent that this man was a great sufferer, and that the constant pain he endured, with consequent loss of rest, made life a burden to him. He became depressed and despondent, and sought refuge in suicide, so common to

the distracted mind. The wound he received in battle was undoubtedly the irritating cause, and it is difficult to arrive at any other conclusion.

The mother is old, infirm, and poor; she has lost her support. To keep her from the almshouse she asks Congress for help. Your committee believe it should be granted, and therefore recommend the passage of the bill accompanying.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MAGDALENA COOK.

The next business on the Private Calendar was the bill (H. R. 5089) for the relief of Magdalena Cook.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and conditions of the pension laws, the name of Magdalena Cook, widow of Jacob Cook, late a private in Company B, Thirty-third Regiment New Jersey Volunteers.

The report (by Mr. BAGLEY) was read, as follows:

The petitioner, Magdalena Cook, widow of Jacob Cook, late private in Company B, Thirty-third Regiment, New Jersey Volunteers, filed her claim for pension on account of the death of her husband December 19, 1879. He was enlisted in the service on the 17th day of August, 1863, at Newark, N. J., for three years, or the war, in the company and regiment as above stated, and the papers show that he was honorably discharged on June 30, 1865. The Pension Office rejected her claim on the ground that the soldier's fatal disease (gangrene of lungs, from pneumonia) is not shown to have originated in or to have been the result of his military service.

The following statements and affidavits as to soundness and good health prior to enlistment, and also as to his disabled condition after discharge from the service, are presented as the history of the case:

Capt. James R. Sanford, of Company B, says:

"That soldier was wounded in the face at the battle of Rocky Face Ridge, Georgia, May, 1864. He was a healthy and sound man when he enlisted."

James Warner, second lieutenant of company, says:

"That soldier was a sound man at the time of enlistment; that he became disabled by exposure and hard marching to and from Lookout Valley to Knoxville, Tenn.; he had no shoes on, and complained of swollen feet; that after the march as above many of the company were suffering from colds and fatigue, and the medical attendance was poor."

Frank J. Sturn, sergeant of Company B, says:

"That Cook was placed upon sick-list on return of company from march to and from Knoxville, September 10, 1863; to Peach Tree Creek, 1864, and Kenesaw Mountain, June, 1864; he suffered from colds caused by exposure and hard and severe marching. Medical attendance was very poor."

Samuel Snape says:

"Saw soldier after he came home from the Army and when he was in Soldiers' Home; he was a poor-looking object; he was perfectly broken down in health, coughing badly, and continued in that condition to time of his death; he never improved in health after his return from the service, but broke steadily; he was apparently healthy when he went to the war."

Affidavits by other persons are made substantiating the foregoing facts. A misfortune attending the case is that the physician who attended the soldier died before the widow's application was filed, and hence that valuable evidence is not in the case. The attendants, however, state that Dr. Eshling treated the soldier for gangrene of lungs, from which cause he died. The conclusion is that exposure on the damp ground and hardships attending the marches so weakened his system, and particularly his lungs, that it produced the disease of which he died.

The widow is reported to be in necessitous circumstances, and is advanced in years, and can not maintain herself. The committee think she is entitled to the relief asked, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

APOLLINE A. BLAIR.

Mr. MATSON. I ask unanimous consent to return to the bill (H. R. 2984) granting arrears of pension to Apolline A. Blair, widow of the late General Francis P. Blair. It is on page 33 of the Calendar.

Mr. STEELE. I should like to understand what is the gentleman's request.

Mr. MATSON. This is the first bill that was called to-night. At my request it was passed over to await the arrival of some of our friends who have now arrived. The passing over of the bill was a mere matter of personal accommodation.

Mr. STEELE. I raise the question of consideration on that bill.

Mr. MATSON. I suppose after a bill has been passed over by unanimous consent it requires unanimous consent to return to it. It is a matter of mere personal accommodation. I hope the gentleman from Indiana [Mr. STEELE] will not insist on objecting to the consideration of the bill. When it was first called I asked that it should be passed over owing to the temporary absence of some gentlemen who take an interest in the bill.

Mr. BLAND. I do not think that the bill having been passed over informally loses its place on the Calendar.

Mr. HOBLITZELL. I submit that no unanimous consent is required to take up that bill now; it was simply passed over temporarily in order to accommodate some of the members of the Missouri delegation. I submit that we have a right to go back to that bill now that the members of that delegation are present.

Mr. STEELE. I had understood that the proposition of the bill was to give a pension of $5,000 a year. I understand now that I have been misinformed. I therefore withdraw my objection to the consideration of the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Apolline A. Blair, widow of Francis P. Blair, late a major-general in the United States Army, arrears of pension as provided by the acts of Congress known as the acts for the payment of arrears of pensions, and for other purposes, approved January 25, 1879, and March 4, 1879, so that said Apolline A. Blair shall receive a sum equal to $30 per month for every month from ——, the date when her late husband was mustered out of the service, as shown by the evidence on file in the Pension Department, till July 9, 1875, the date of his death.

The bill was reported by Mr. FYAN, from the Committee on Invalid Pensions, with the following amendment:

Strike out all after the words "United States Army," in line 6, and insert in lieu thereof the following:

"The sum of $5,000, in compensation for money and time expended by General Francis P. Blair in enlisting men and organizing troops for United States armies; and that hereafter said Apolline A. Blair receive, in lieu of other pension, the sum of $50 per month."

Mr. HEWITT, of Alabama. I should like to have the bill read as it will be if amended in the way recommended by the committee.

The bill was read as proposed to be amended.

Mr. HEWITT, of Alabama. I make the point of order on that bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEWITT, of Alabama. This evening has been set apart for the consideration of pension bills. I make the point of order that this is really not a pension bill. It is both for a claim and a pension. The $5,000 is not a pension. From the reading of the bill it appears that it is not proposed to give that sum to this lady as a pension, but to give it to her as a compensation for the services of her husband. It is a claim and not a pension; and I submit that the bill is not in order to-night, under the order of the House for this evening session.

Mr. MATSON. Perhaps in connection with the discussion of the point of order I may as well state the history of this bill. It has been reported by the Committee on Invalid Pensions with an amendment. As originally introduced by the gentleman from Missouri [Mr. O'NEILL] it provided that Mrs. Blair should receive arrears of pension. The Committee on Invalid Pensions, in accordance with its uniform policy upon that question, decided against giving arrears. It was insisted during the discussion that General Blair had sacrificed his entire fortune and had spent a great deal of money in the cause of the Union at the very outbreak of the war in organizing troops, and to some extent preventing the secession of the State of Missouri, and that the spending of that money had so impoverished him that he had left his widow without anything, and that she was therefore entitled to some consideration.

During the discussion of the question it was suggested in this bill she could be made whole and compensation should be given to her. Therefore it was reported by the Committee on Invalid Pensions giving her $5,000 for compensation for money expended by her husband. It was determined by the committee as in every other case in reference to the widow of a general officer when it was asked to increase her pension from $30 to $50 a month. This is the history of the case, and the bill was so reported.

As to whether or not this is a pension bill, coming directly to the point of order, it seems to me it must be clear to the Chair this bill provides a pension for Mrs. Blair, and is therefore a pension bill. All pension bills are not alike. Some provide a specific sum of money. Others provide a pensioner after being dropped shall be restored to the rolls. Others provide for increase of pension. A great many provide the name of the pensioner shall be placed on the pension-roll subject to the provisions and limitations of the pension laws. This is essentially a pension bill, because it provides for a pension. It is a pension bill in the parliamentary meaning of the term, because it has been reported by one of the pension committees of the House. The House gave the Committee on Invalid Pensions jurisdiction of this particular bill, and that committee has reported it back with an amendment. It must be apparent to the gentleman from Alabama this is not taken out of the special order allowing pension bills to be considered in these evening sessions.

Mr. BREWER, of New York. What else beside pension does it provide?

Mr. MATSON. It provides compensation for money expended by her husband in organizing troops.

Mr. BREWER, of New York. Not for arrears of pension?

Mr. MATSON. No; we do not give arrears of pensions.

Mr. BURNES. If the gentleman from Indiana will allow me?

Mr. MATSON. Certainly.

Mr. BURNES. I think we can settle the point of order by reference to the order of the House. It is as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 7.30 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

This is a bill reported from the Committee on Invalid Pensions, and of course comes within the terms of that special order. So it must be decided the point of order is not well taken.

Mr. HEWITT, of Alabama. I am satisfied under that order of the House, which I did not think was as general as it is, the point of order can not be sustained. This bill certainly has been reported from the Committee on Invalid Pensions. I therefore withdraw the point of order. I believe, however, it is a bill which should not be considered at this time.

Mr. STEELE. I make the point of order that $5,000 of the bill should have been referred to the Committee on War Claims. It has nothing to do with pensions or arrears of pensions. It is a claim for money ex-

pended. We are not told how much is for services and how much for money expended.

Mr. MORGAN. Even if the point of order is a good one it comes too late. It should have been made at the time the bill was referred.

Mr. BAGLEY. This lady has made no claim for $5,000, but under the circumstances the committee think this is the best way in which to provide compensation to her for the services and expenditure of her husband. I do not understand how it should have gone to the Committee on War Claims.

The CHAIRMAN. The gentleman from Indiana does not submit any point of parliamentary law, but merely a question of fact, and under the order of the House which has been read the matter of fact is clearly in favor of the bill.

The Chair therefore overrules the point of order, and the Clerk will read the report.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2984) granting arrears of pension to Mrs. Apolline A. Blair, widow of the late Maj. Gen. Francis P. Blair, would report as follows:

They have had the subject under consideration, and find that by act of Congress approved March 3, 1877, Mrs. Apolline A. Blair, widow as aforesaid, was placed on the pension-list.

Your committee do not deem it advisable to establish a precedent by granting arrearages of pension as asked for in the bill, but, in view of the invaluable services rendered the Government by General Blair, your committee are very strongly of the opinion some compensation ought to be made to his widow, and give the following reasons:

That at the commencement of the late war General Francis P. Blair resided in the State of Missouri; that the citizens of that State were divided in sentiment on the issues of the war, but that the executive and other State officers, as well as a majority of the Legislature, were in sympathy with the confederacy. The Legislature of that State had pased a law, and the executive officers were endeavoring to enforce it, which looked to the disarming of Union men. No officers could be commissioned nor troops legally enlisted for United States service under the laws as they were enacted by those in authority in that State. In that emergency Frank P. Blair gave up all his time to recruiting and enlisting men and organizing troops for the Federal armies. To that end he expended large sums of his own money, for which he never demanded or received a cent in return from the Government of the United States.

That he served with great gallantry and heroism all through the war. That, although holding many high civil and military positions in the Government, he died a poor man, which is one of the many evidences testifying to the sterling honesty and integrity so characteristic of the man.

Your committee are assured from the number of letters received from prominent citizens of all parties and different sections of the country that in making some compensation to the widow of General Blair for the inestimable services her husband rendered his Government they will prove ours is a republic not ungrateful to her heroes and patriots.

Your committee, therefore, recommend that in compensation for money and time expended by General Blair in enlisting men and organizing troops for United States armies, his widow, Apolline A. Blair, receive the sum of $5,000; and that said bill (No. 2984) be amended by striking out all after the fifth line in said bill, and by adding in place thereof, after the fifth line, the following words:

"The sum of $5,000, in compensation for money and time expended by General Francis P. Blair, in enlisting men and organizing troops for the United States armies, and that hereafter said Apolline A. Blair receive, in lieu of other pensions, the sum of $50 per month."

And your committee recommend that the bill so amended do pass.

Mr. BROADHEAD. The point of controversy in this bill seems to be that portion of it which provides that the sum of $5,000 shall be awarded to the widow of General Francis P. Blair, jr., in compensation for money and time expended in enlisting men and organizing troops for the United States Army. I shall direct what I have to say to that portion of the bill.

Shortly after the death of General Francis P. Blair, jr., there appeared in one of the newspapers of Saint Louis the following notice:

Letters of administration were granted to James L. Blair on the estate of Francis P. Blair, jr., deceased, valued at $500.

He was 54 years of age at the time of his death. The prime of his life, the vigor of his manhood, the maturity of his intellect, the energies of his great nature were spent in the cause of his country, and worn out prematurely by the arduous physical and mental strain upon his constitution which such service imposed upon him, he died, worth $500.

He left a widow and eight children—five sons and three daughters. What did they inherit? Not money, nor estates. True, there is an inheritance of honor and renown which belongs to them and which they would not if they could barter for gold; but of that which ministers to the physical wants of men he left comparatively nothing.

His widow now asks for the passage of this bill, and I ask your attention to the consideration of its merits.

General Blair died poor because he devoted his means and his services to his country. This perhaps I know as well as any living man. The passage of this bill would afford but a small recompense for the services rendered and the money expended by him. I think I may be permitted to say that no one knows better than I do the nature and value of those services in the early history of the rebellion.

What I shall say will be the mere recital of events which belong to history, and then I shall leave to the judgment of this House the question as to whether the nation shall pay to the widow of this distinguished man a portion, a small portion, of the debt which was due to him.

On the 30th of April, 1861, the Adjutant-General of the Army issued the following order, which was approved by President Lincoln, by Simon Cameron, Secretary of War, and indorsed by Winfield Scott, then General of the Army of the United States:

WAR DEPARTMENT, *April* 30, 1861.

SIR: The President of the United States directs that you enroll in the military service of the United States the loyal citizens of Saint Louis and vicinity, not exceeding, with those heretofore enlisted, 10,000 in number, for the purpose of maintaining the authority of the United States and for the protection of the peaceable inhabitants of Missouri, and you will, if deemed necessary for that purpose by yourself and by Messrs. O. D. Filley, John Harn, James O. Broadhead, Samuel T. Glover, J. Nitzig, and Francis P. Blair, jr., proclaim martial law in the city of Saint Louis.

The additional force hereby authorized shall be discharged in part or in whole, if enlisted, as soon as it appears to you and the gentlemen above named that there is no danger of an attempt on the part of the enemies of the Government to take military possession of the city of Saint Louis or put the city in control of a combination against the Government of the United States, and while such additional force remains in the service the same shall be governed by the rules and articles of war and such special regulations as you may prescribe. It shall, like the force heretofore directed to be enrolled, be under your command. The arms and other military stores in the Saint Louis arsenal not needed for the forces of the United States in Missouri must be removed to Springfield or some other safe place of deposit in the State of Illinois as speedily as practicable by the ordnance officer in charge at Saint Louis.

[Indorsements.]

It is revolutionary times, and therefore I do not object to the irregularity of this.

W. S.

Approved April 30, 1861.

A. LINCOLN.

Colonel Thomas will make this order.

SIMON CAMERON, *Secretary of War.*

Capt. NATHANIEL LYON,
Commanding Department of the West.

(See volume 1, page 675, of Rebellion Record, Documentary History of the War, for a copy of this order.)

I produce this order, made by the authority of the War Department and approved by the President, for the purpose of calling attention to some of the events which preceded its issue. The citizens named in this order had been formed into what was denominated a committee of safety about the 1st of February, 1861, three months before the making of this order. All of them were appointed at a meeting of Union men held in Saint Louis about the 1st of February; for the line was already drawn in Missouri between those who favored the Union cause and those who were preparing to commit Missouri to the movement then contemplated and announced of forming a Southern confederacy. To General Blair must be accorded the credit of having originated and organized this movement. To this committee was confided the cause and interests of the Union men in Saint Louis. Blair was the heart and soul of this movement. It was known that the governor and the State authorities favored secession. The people of the State it was supposed were nearly equally divided upon the question. Subsequent events, particularly the election for members of the convention held on the 18th of February, 1861, shows that a majority was in favor of the Union, but the State authorities were in the hands of the secessionists. The Union men of Saint Louis, under the direction of the committee of safety, proceeded to organize, arm, and drill in anticipation of the impending conflict. They labored with energy and fidelity in the fulfillment of their mission, and between that time and the 21st of April, 1861, four regiments of volunteers were raised and organized by the election of officers, and were ready to be mustered into the service; but they had no arms. On the 17th of April, 1861, the answer of Governor Jackson, of Missouri, to the call made on the States for troops was made public. He refused to furnish troops. I read his letter in reply to a telegram from the Secretary of War:

EXECUTIVE DEPARTMENT OF MISSOURI,
Jefferson City, April 17, 1861.

SIR: Your dispatch of the 15th instant making a call on Missouri for four regiments of men for immediate service has been received. There can be, I apprehend, no doubt but these men are intended to form a part of the present army to make war upon the people of the seceded States. Your requisition, in my judgment, is illegal, unconstitutional, and revolutionary, in its objects inhuman and diabolical, and can not be complied with. Not one man will the State of Missouri furnish to carry on such an unholy crusade.

C. F. JACKSON, *Governor of Missouri.*

Hon. SIMON CAMERON,
Secretary of War, Washington City.

That day Blair, assuming to act for the Union men of Missouri, as he had a right to do, telegraphed to the Secretary of War offering to furnish four regiments of volunteers for active duty, and asking that an officer be appointed to muster them into the service. On that day Blair received a telegraphic dispatch from the Secretary of War accepting the four regiments which he had a few days before tendered to the Government in a dispatch to the Secretary of War. On the same day Lieutenant Schofield received orders from Washington to muster volunteers into the service. But there was no authority to arm them, as will be seen by a letter of that date written by Captain Lyon, then in command of the arsenal at Saint Louis, as follows:

SAINT LOUIS ARSENAL, *April* 21, 1861.

DEAR SIR: Mr. Schofield has no authority to arm and equip these men, if he enrolls them, nor any instructions given about the location and disposal of them, and without the sanction of General Harney to this matter we are liable to serious difficulty, as the General may, on hearing what is transpiring, order my arrest, even while trying to arm the men, for violating his orders about issuing arms; and as he has the rank and authority, he may direct the volunteer force away or to disperse. We do not seem to be starting out right with the in-

structions Mr. Schofield now has. Lieutenants Saxton and Schofield will explain more fully what I have not time to write.

Yours, truly,

N. LYON.

To F. P. BLAIR, Jr.

General Harney was in command of the department; he had received no such order, and therefore did not feel authorized to act in the premises. Captain Lyon, however, at the urgent request of Blair, determined to receive them into the arsenal and arm them that night, which he did, saying in his reply to Blair's letter:

This of course is with the understanding that Lieutenant Schofield will at once accept them and be prepared to arm and equip them. I suppose he has this authority, though, if not, I must see them armed at any rate.

I may mention here, as a part of the history of those times, that a distinguished Representative from the State of Pennsylvania, then acting as the war governor of Pennsylvania, now a member of this House, was telegraphed to by General Blair to aid in inducing the Secretary of War to receive these four regiments and order them to be armed and mustered into the service. That dispatch reads as follows:

SAINT LOUIS, *April* 21, 1861.

Governor A. G. CURTIN,
Harrisburg, Pa.:

An officer of the Army here has received an order to muster in Missouri regiments. General Harney refuses to let them remain in the arsenal grounds or permit them to be armed. I wish this fact to be communicated to the Secretary of War by special messenger; instructions sent immediately to Harney to receive the troops in the arsenal and arm them. Our friends distrust Harney very much. He should be superseded immediately by putting another commander in this district. The object of the secessionists is to seize the arsenal here, with its 75,000 stand of arms, and he refuses the means of defending it. We have plenty of men, but no arms.

FRANK P. BLAIR, JR.

The four regiments were received and mustered into the service, and between that time and the 11th of May five more regiments were mustered in. Of the regiments mustered in on the 21st of April the First Regiment of Missouri Volunteers was commanded by Col. F. P. Blair, jr. It consummated a wish and a determination which I myself often heard him express, that he would raise the first regiment of volunteers for the war in defense of the Union which should be raised west of the Mississippi River, and this had been done without the aid of the Government or of the hostile State authorities. The secessionists were organizing and arming under the authority of the governor, and Blair had the wisdom to foresee that unless the Union men made preparations to counteract this movement without the assistance of the General Government, which was not able then to afford them assistance, the State of Missouri would be taken out of the Union, and the large supply of arms and ammunition then in the Saint Louis arsenal would be taken possession of. Captain Lyon had only between three and four hundred troops at the arsenal, collected from the military posts on the frontier, and embracing a company of raw recruits, and the Government was unable to re-enforce him. He was not assigned to the command of that post until the 19th of March, 1861. In season and out of season during the period I have referred to, by day and by night, Blair devoted all his time and energies to the organization of volunteer companies and taking such other steps as were thought necessary to secure Missouri to the Union cause. He was in intimate relations with the administration at Washington, his brother being then a member of the Cabinet, and he made frequent visits to the Capitol with the view of advising with the President as to what steps were necessary to be taken.

As early as January 24, General Scott received information to the effect that a plot was laid for the seizure of the United States arsenal at Saint Louis, where there were at least 40,000 stand of arms. Major Bell was then in command of the fort. He was removed and ordered to the eastern department; he declined obeying the order and tendered his resignation, which was accepted, and Major Hayner assumed the command. On the 11th of March, 1861, Blair wrote to Cameron, Secretary of War, asking that Lyon be put in command over Hayner (see page 656 of Rebellion Record), and on the 19th of March, as above stated, Major Hayner received orders (No. 74) assigning the command of the troops and defenses of the arsenal to Captain Lyon.

On the 16th of April, General Harney, who was in command of the department, wrote to the Adjutant-General of the Army that the Saint Louis arsenal was threatened. I mention these matters for the purpose of showing the perilous condition of affairs at Saint Louis and the importance of the work then being done by General Blair. On the 17th of April the letter of Governor Jackson, of Missouri, refusing to furnish troops under the call of President Lincoln, was written, and on the same day Blair telegraphed to the Secretary of War offering to furnish four regiments for active duty and asking for an officer to muster them into the service. Most of what was done in Saint Louis by the Union men had to be done secretly, for the police force and the State authorities were against them, and we all know something of the bitter feeling existing at that time, especially in the border States, between the two parties. Of the first company that was raised Blair became captain. It was armed by private subscription, and Blair, to my knowledge, paid a part of the money to purchase the muskets and ammunition. This was on the 14th of February, 1861.

Afterward when Colonel Blair was organizing the First Regiment of Missouri Volunteers—one of the regiments which was mustered into the service at the arsenal on the 21st of April, 1861—he was unable to get uniforms for them from the Government. He could not get them on the credit of the Government vouchers which he offered to give, and he was obliged to buy them finally from the late Robert Campbell, of Saint Louis, who required Colonel Blair's individual note, which he afterward paid, and for which he was never reimbursed. What the amount of this note was I am unable to state, but it was certainly more than the amount asked to be paid to his widow in the bill now before the House. To show the estimation in which his services were held at the time I quote from an influential journal of the date of June 26, 1861, just after his departure for Washington to take his seat at the called session of Congress which was to assemble on the 4th of July, 1861:

With the expansive vigor of a superior intellect he has developed new powers in every crisis, and risen equal to the demands of every emergency. To-day he fills a higher place in the popular estimation than he has ever filled. He has left Missouri with a greater reputation, a more extended influence, and larger capabilities for good than she has yet enjoyed. It is but just to Colonel Blair to record that on his return to this city in April last (this was after a short absence at Washington) his talents were subjected to most severe and trying experiment. The grand object before him at that time was to arrest the State of Missouri, then trembling on the verge of revolution, and bind her fast to the Union. The means by which this great and patriotic end was to be accomplished were of the most difficult and delicate nature. They consisted in the organizing and arming in this city of a military force sufficient to protect its loyal inhabitants against armed bands of secessionists. Already organized and officered and drilled, * * * the difficulty of organizing such a military force as Blair desired was threefold. There was difficulty in overcoming the fears of the rank and file of the Union men, who knew their motions were watched by a sharp and hostile police. There was danger that the first small body of Union men who might initiate the work would be set upon and cut to pieces by the "minute-men," who were garrisoned and fortified within the city.

But another and most imposing difficulty to be overcome lay in the hesitation and timidity of many men of influence among the Union men themselves. It was dangerous, said they, to organize; it was rash to arm; it would excite secessionists, provoke attack, draw down upon us the city police, and lead to bloodshed. But all these difficulties were surmounted; it was in the genius of Colonel Blair to overcome them all. He moved right on. His quiet, steady, and unpretending courage inspirited the faltering Union men. His discretion and celerity of action overreached both the police and the minute-men. The organization was perfected with so much secrecy and dispatch that an army seemed to have been created in an hour. * * * The victories afterward won were achieved in the winter and spring, when Frank Blair and the friends who followed after him, in their self-denying work of patriotism, threaded the streets and alleys of Saint Louis by night, and met with secrecy in halls and garrets, and collected and officered and drilled and formed and molded into shape by slow degrees the Union army of Saint Louis, 6,000 strong, soon after to be swelled by contributions from the country to nearly thrice that number.

It was said at the time by some good Union men that his action was premature, and that he precipitated events which otherwise would not have occurred. The subsequent publication of a letter from Claiborne F. Jackson, governor of Missouri, of the date of April 28, 1861, proves that he was not mistaken. That letter, the original of which I have, proves that he was correct in his judgment. The letter is as follows:

JEFFERSON CITY, *April* 28, 1861.

MY DEAR SIR: I write this note in confidence and under a state of mind very peculiar. I know not when I have been so deeply mortified as on yesterday when I read the leading editorial of the Republican. Governor Price called on me a few days since when passing on his way to Saint Louis. We had an interview of ten minutes, not more. It was strictly private and confidential. Neither was at liberty to repeat what the other said, much less was either licensed to misstate and misrepresent the position of the other. Governor Price asked me what I thought as to the time of calling the convention. I told him not to be in a hurry, but to wait till the Legislature met, and to be here at that time, so that we could consult with the members from all parts of the State and fix upon a proper time; that, in my judgment, we should not go out of the Union until the Legislature had time to arm the State to some extent and place it in a proper position of defense. This was, in substance, the sum total of all I said to him. Governor Price said many things to me in that short interview which I am not at liberty to repeat, and which I could not do without doing violence to my sense of honor, violating every rule of propriety which governs the intercourse of gentlemen, and forfeiting all claims to the position of an honorable member of community.

If it be the purpose of Paschall and Price to make me indorse the position of the Republican, and the miserable, base, and cowardly conduct of Governor Price's submission convention, then they are wofully mistaken. Lashed and driven as they have been by an indignant and outraged constituency from their position of "unconditional Union," they are now seeking shelter under the miserable absurdity of "armed neutrality." About the only truth in Paschall's article is that in which he states my policy to be a "peace policy." This is true. I am for peace, and so is everybody, except Lincoln and Frank Blair. You will do me an especial favor to inform Mr. Paschall that when Governor Jackson wishes his position upon matters of public interest properly stated and set out before the people he will take some direct manner of doing it, and not rely upon the colored and garbled statements of a set of men who, under the garb of friendship, seek to obtain his confidence only to betray him, and play the part of pimps and spies.

I do not think Missouri should secede to-day or to-morrow, but I do not think it good policy that I should publicly so declare. I want a little time to arm the State, and I am assuming every responsibility to do it with all possible dispatch. Missouri should act in concert with Tennessee and Kentucky. They are all bound to go out, and should go together if possible. My judgment is that North Carolina, Tennessee, and Arkansas will be out in a few days, and when they go Missouri and Kentucky must follow. Let us then prepare to make our exit. We should keep our own counsels. Every man in the State is in favor of arming the State. Then let it be done. All are opposed to furnishing Mr. Lincoln with soldiers. Time will settle the balance. Nothing should be said about the time or the manner in which Missouri should go out. That she ought to go, and will go at the proper time, I have no doubt.

She ought to have gone out last winter when she could have seized the public arms and public property and defended herself. This she has failed to do and must now wait a little while. Paschall is a base submissionist, and desires to remain with the North if every other slave State should go out. This he proved in indorsing all those who voted against Bast's amendment. The people of Mis-

souri must, I think, understand my position. Paschall knows the people are twenty to one against him, and hence he seeks to drag me into his aid and support. You should denounce his course and expose his baseness. To frighten our people into the most slavish position he parades before them from day to day our defenseless attitude, and meanly makes it out a thousand times worse than it really is. Missouri can put into the field to-day 20,000 men better armed than our fathers were who won our independence. If you can I should be very glad to see you here on Tuesday evening. I hope you will fully comprehend my whole policy, and without undertaking to shadow it forth specifically or in detail, I only ask that you will defend me from the false position in which Paschall and Price seem disposed to place me. Call on every country paper to defend me, and assure them I am fighting under the true flag. Who does not know that every sympathy of my heart is with the South? The Legislature, in my view, should sit in secret and touch nothing but measures of defense. Let the measures of Mr. Sturgeon, Mr. Paschall, Mr. Taylor & Co., in regard to their railroads all go by the board. I have not the patience or time to talk of such matters now. Let us first preserve our liberties and attend to business matters afterward. Let all our energies and all our means be applied to our defense and safety.

Yours, truly,

C. F. JACKSON.

J. W. TUCKER, Esq.

MISSOURI HISTORICAL SOCIETY,
Saint Louis, April 29, 1884.

I certify that the foregoing is a true copy of the original letter of C. F. Jackson to J. W. Tucker, on file in the archives of this society.

[SEAL.] OSCAR W. COLLET, *Keeper of Archives.*

I shall not comment upon this letter except to say that General Blair as a Union man was right in taking and making those early and active preparations which did more than all else to secure Missouri to the cause of the Union. Missouri and Kentucky did, in the language of Governor Jackson, act in concert; but it was not in the cause which he championed. Had it been otherwise than it was, and those two great States had acted in concert at that early period of the rebellion, and the Ohio and the Mississippi Rivers become the lines of separation, results might have been different.

What transpired afterward does not properly belong to this discussion. During the four years of the terrible struggle that followed these events the gallant deeds performed by the heroic commander of the Seventeenth Army Corps belong to history and are chronicled in the archives of the Republic. Devoted to the cause of the Union, which in his inmost soul he believed was necessary to establish justice, promote the general welfare, and secure the blessings of liberty, he periled all for its maintenance, inspired not by prejudice or passion or sectional animosity, but by a lofty sense of duty; and when the conflict was over and the last armed foe to the authority of the Federal Government had surrendered, he returned to his adopted State of Missouri to find a large number of Missourians disfranchised by unconstitutional acts of oppression and the conditions of surrender ruthlessly and shamefully broken by those whom the fortunes of war had placed in control of political affairs in the State. He at once made himself the champion of his oppressed fellow-citizens and their defender against the outrages practiced against them in the name of loyalty. He became the defender of those who had so lately been his enemies—the defender I should rather say of plighted faith, of law, and of justice, and of honor—for proud as he justly was of his own great achievements in the cause to which he had devoted the best years of his life, he would not then, nor would he ever in the subsequent years of his life, lend his name or his fame or his influence to the cause of injustice, or suffer it to be used for the purpose of keeping alive the prejudices and passions engendered by the struggle through which the country had passed. He had met a gallant foe in open combat; that foe had surrendered, and thenceforward he was his fellow-citizen and his equal, and a wrong done to him was a wrong done to the cause of justice.

History furnishes but few examples of such lofty natures, but his was one of the—

> Great souls who would have died for truth and left their fame
> To be the watchword of another age.

For I know and Missouri knows that he did in the tumultuous scenes which followed the war in that distracted State often peril his life in defense of those who were disfranchised by test-oaths and unconstitutional legislation, and the records of the highest court in this Government show that he offered himself as a sacrifice to test the validity of such acts in times of peace.

But this is no time to pronounce such a eulogy upon his character as it justly merits. The proposition before you is a business proposition. This Government owes a debt for money expended and services performed which was not paid to him and is justly due to those he has left behind him, and which ought to be recognized by all who are now participating in its benefits and have to do with the management of its affairs.

Now, to show the esteem in which his memory is held by his fellow-citizens of Missouri, I ask leave to have read an extract from an article in a paper edited by a man who served through the war in behalf of the confederate cause, and who was perhaps one of the most ultra men engaged in that conflict. He was with General Shelby during the whole of his career in the West; at the time he was commander of a brigade:

There is a bill before Congress to pension the widow of General Frank P. Blair, and grant to her certain arrearages of pension which are justly due. A more righteous measure was never proposed. Mrs. Blair is poor, very poor. Her husband gave thousands upon thousands of dollars out of his own pocket to arm and equip Federal soldiers, not one dollar of which was ever paid back to him. Preceding General Lyon's occupation of Jefferson City, the skirmish at Boonville, and the desperate fight at Wilson's Creek, General Blair, using what money he had at his command and pressing his credit to get more, made five full regiments ready for battle and hurried them to the front at a time when everything depended upon speed, discipline, and organization.

In a pecuniary sense, General Blair never took a moment's heed to-day of what to-morrow would bring forth. He might have made millions, but his high sense of honor and his scrupulous integrity forbade him to speculate upon the needs and distresses of his country, and he died penniless. He was more than a soldier, because he was also a chief, a leader, a free-soil apostle, and a prophet among his people. He saved Missouri to the Union, and in doing so he did what no other man in the whole Commonwealth could have done. It is but simple truth to declare that if Frank Blair had espoused the cause of the South and thrown into it the same skill, energy, impetuosity, and audacity which characterized every act of those first stormy and momentous days in Missouri, the confederacy to-day might have been an accomplished fact. He would have seized the Saint Louis arsenal. He could have carried with him 100,000 volunteers, and 100,000 such soldiers as those Missouri did produce would have whipped the fight.

We speak of these things simply to prove the extent of the obligations this Government is under to General Blair, and to show how just and how righteous is his widow's demand for a pension.

What has occurred since the events to which I have alluded of course has no place in this discussion, but it is proper that I should speak of the character of this man and of his exploits. The question before us is whether, after the money and means which General Blair furnished for the purpose of raising troops to sustain the cause of the Union, and for which he asked no recompense from his Government, we are now willing to grant what this bill proposes for his impoverished widow.

Mr. CLARDY. Mr. Chairman, I do not expect to present any additional reasons to those already submitted to the committee why the pending bill should be favorably reported, but a sense of its justness and a knowledge of the interest felt by the people of Missouri in anything affecting the family of General Blair forbid that I should remain silent.

Of all the great men who have reflected honor upon the State of Missouri no one was held by her people in more affectionate regard than their model statesman and dauntless soldier, Francis P. Blair, jr. His record of self-abnegation and uncalculating devotion to the cause of his country from the beginning to the close of the war has been presented by my distinguished colleague, Mr. BROADHEAD, his life-long friend and admirer, and although, Mr. Chairman, when the war came on the sons of Missouri in about equal numbers rushed to the Army of the Union and to the army of the South, and shared the reverses and fortunes of war until it ended, there is no fair-minded citizen of that great State, be he an ex-Federal or ex-confederate soldier, be he Republican or Democrat, who would not echo all my friend has said.

All the people of Missouri are proud, and they feel that they have a right to be proud, that Frank Blair cast his home in their midst; the men who loved the Union, because of the invaluable service rendered their cause and his unselfish sacrifices made in its behalf; the men who loved the South, because when their flag went down in eternal night and they returned to their homes they found in him a man who said by his conduct: "In the ashes of all bitter remembrances let the animosities engendered by the war be eternally buried, and let us all indulge the fond hope that this grand country of ours is but in the springtide of its glorious career."

Yes, Mr. Chairman, the people of Missouri loved General Blair while living, and they cherish and revere his memory now that he is dead. Always active in politics except when in the Army, bold, fearless, and aggressive, strange to say he made few, perhaps no enemies; and the beautiful tribute paid to Sheridan by Moore could most justly be applied to him—

> Whose fancy, as bright as the fire-fly's light,
> Played round every object, and shone as it played;
> Whose wit in the contest, as gentle as bright,
> Ne'er carried a heart-stain away on its blade.

Always engaged in politics, as I have said, serving in the Legislature of Missouri or in this Hall or the Chamber at the other end of the Capitol, unlike some who have engaged in similar service, Frank Blair lived, Frank Blair died a poor man. He was in the public service a few years ago when the waves of temptation rolled over the land, and many strong men fell before them, but against Frank Blair they dashed into spray as the waves of the sea upon the rock-bound coast.

The bill before us as introduced by my colleague [Mr. O'NEILL] provided for the payment of arrears of pension to the widow of General Blair; in that form, in my opinion, it ought to have been reported by the committee; in that form it ought to have been enacted into law.

If Frank Blair had been granted a pension or had even made application for one, his widow, without any special legislation on the part of Congress, would have been entitled to pension under the law of 1879. That is a strange, strained construction of that law that precludes the widows of soldiers from the benefits of the provisions of the act in relation to arrearage, but it is the one placed upon it by the Commissioner of Pensions. Perhaps no such law should have been enacted. About this there may be opposite opinions; but all must agree that the wife of a deceased soldier should not be refused a pension because her husband preferred to support himself and his family rather than invoke the aid of his Government. General Blair's unselfish character is illustrated by his refusal to ask the bounty of his Government which he had served so honorably and with such distinction. But the bill as amended asks simply the payment to his widow of a small part of the money he freely

paid out in organizing and equipping troops for the service of the Government. There ought to be no objection to its passage. I trust it may, but I am sure it can not afford the committee as much pleasure to do this simple act of justice to Mrs. Blair as it will the people of Missouri to have it done. [Applause.]

Mr. STEELE. May I interrupt the gentleman?

Mr. CLARDY. Yes, sir.

Mr. STEELE. The law itself providing for arrears also establishes a limitation, that all applications filed after the 1st of July, 1880, should be debarred from the privileges of arrears.

Mr. CLARDY. I understand that.

Mr. STEELE. That is the construction of the Commissioner of Pensions.

Mr. CLARDY. But Mrs. Blair is not denied a pension at the Pension Department on that ground, but on the same ground on which many another widow is denied a pension, because her husband did not apply for and obtain a pension in his lifetime.

A MEMBER. That can not be.

Mr. CLARDY. Yes, sir; that is true. There is now pending in this House a bill which undertakes to bring about an equality between the widows who are drawing pensions from the Government. A similar bill, as the present occupant of the chair [Mr. HATCH, of Missouri] will well remember, was reported in the Forty-sixth Congress.

Mr. STEELE. Mr. Chairman, I am sorry my distinguished friends on the other side have occupied so much time in advocacy of this bill, because the country is familiar with the distinguished services of General Blair, and no one gainsays that he contributed a great deal to the cause of the Union. But what I object to is that the Committee on Invalid Pensions, while guarding so strenuously the Treasury that they will not in any case, however meritorious, grant arrears of pensions, have notwithstanding, in order to gratify my friends on the other side of the House, undertaken to cover up what is in fact such an allowance by bringing in a bill for supposed claims.

For my part I think that every man and every widow who has applied for a pension since July 1, 1880, if able to connect the disease or disability of the soldier with the service, is just as much entitled to a pension from the date that the disease or disability originated as though application had been made before that time. The history of the Pension Department shows that of the applications for arrears made within the first year after the limitation of time had expired 55 per cent. were from widows who had doubtless been prevented by ignorance of the law from applying in time and obtaining their arrears.

This case is one that would not pass the Pension Department for any amount, because it can not be proved that the disability was contracted in the line of duty.

Mr. CLARDY. I want to inform my friend that Mrs. Blair already draws a pension of $30 a month.

Mr. STEELE. Then I have been misinformed. That being the case, this is a proposition to increase her pension. I am heartily in favor of it, and I am in favor of giving her a pension from the time her husband contracted the disability; but I am not in favor of saying that we will in this case give $5,000 in a lump sum to this widow and that this is not to be considered arrears of pension.

Mr. HEWITT, of Alabama. Is the gentleman in favor of granting a pension to the widow from the time that the husband contracted the disability, or from the time of the death of the husband?

Mr. STEELE. In the case of the widow from the time of the husband's death, and in the case of the soldier from the time the disability was contracted.

Now I want to call the attention of my Democratic friends who are here to the fact that in all cases of applications for pensions, in all cases where it is proposed to grant to soldiers that which justly and equitably belongs to them, they have the help of this side of the House. I want you to go on record in this matter and say that you are in favor of this being a precedent. We hear a great deal of talk in this House about precedents. I do not care for precedents myself. Whenever we have a meritorious case presented here I am in favor of passing it, precedent or no precedent.

Mr. BLAND. I would like to ask the gentleman what politics there is in this case. He talks about "this side of the House" and about "Democrats." How does he get politics into this case?

Mr. STEELE. In this way: whenever on this side of the House we undertake to pass a bill, there is as a rule objection on the other side. But there is never, as a rule, objection to bills of this class on this side.

Mr. BLAND. That is a mere statement of the gentleman which has no reference to this case, and no support in fact.

Mr. STEELE. I should like very much, indeed, if I could——

Mr. HEWITT, of Alabama. Has the gentleman ever voted on a special bill that granted arrears of pension?

Mr. STEELE. I have in committee, and I will here in the House whenever such a bill may come up.

Mr. HEWITT, of Alabama. Upon a special bill?

Mr. STEELE. Special or general. I have a general bill which has been reported from the Committee on Pensions, and which I hope will pass this House.

Mr. HEWITT, of Alabama. That is all news to me.

Mr. STEELE. I can give you a great deal of news if you will come around and see me. [Laughter.]

I am very glad to see so many of my Democratic friends here to-night. I hope they will come every night. I hope they will vote in favor of bills of this class, and not undertake to cover up a matter like this and say that it is not arrears of pension. It is arrears of pension, if it is anything.

There is no itemized statement of account. As a matter of claim it should have gone to the Committee on Claims. I am not going to object, but I do ask gentlemen having it in charge to let it go into the House so we may have a quorum and a yea-and-nay vote on this question. I tell you I will vote for it when it goes into the House.

Mr. CURTIN. Mr. Chairman, I had supposed the Congress of the United States was intended to correct the rigid rules of fixed law, and to do justice and to do right where the law failed either to do justice or right.

I was in a position to watch with great anxiety that terrible and calamitous war. I believed then, as I believe now, that if Missouri, Kentucky, and Maryland had gone out of the Union the war might have resulted differently. I believed then, as I do now, that if Virginia had remained in the Union we might have been saved the calamities of that war.

I do not know of any gentleman, of the living or the dead, who rendered more useful and essential service in keeping the great State of Missouri faithful to the Government than Mr. Blair, whose widow is to be the beneficiary of this legislation.

That letter or telegram revived in my memory a part of the history of the war. When that telegram reached me Washington was shut up and I could not communicate with the authorities in answer to a dispatch of such momentous importance, when it seemed to be necessary for positive action to keep a great State in the Union, and it was not until about a year ago that General Schofield learned from me how they got the order to organize troops and seize arms. I was the man, Mr. Chairman, who gave the order. [Applause.] I took it for granted the authorities here would approve of it when communications were established between Harrisburg and Washington. That man received orders in Missouri to organize troops and seize arms necessary to defend the loyal citizens of that State, and he answered with promptness worthy of his manhood. [Applause.]

You may call it arrears of pension, you may call it bounty, you may call it compensation for the money he expended in the war, or for his wasted and worn life; but I prefer, as a member of this House, to attribute it to soul-like, God-given patriotism which inspired him to act promptly for his country. I am in favor of the bill whether it is a precedent to be followed hereafter or not. [Applause and cries of "Vote!"]

Mr. MATSON. Mr. Chairman, in addition to what has been said on the subject of this being a bill giving arrears of pension, I desire to say I stated at the beginning of the consideration of this case, giving a history of this matter, that the Committee on Invalid Pensions expressly refused to consider even the matter of giving arrears of pension to Mrs. Blair. That was the proposition embodied in the bill, but we refused to consider it. In the discussion of the bill it was insisted that General Blair had expended a large sum of money in the way of organizing troops at the outset of the war, and that she ought to be reimbursed therefor; that he had left her without anything, and we agreed to embody in this bill, not in the way of arrears of pensions, but simply as a proposition to compensate and to reimburse her for money which had been spent by her husband, and which probably would have gone to her if he had not spent it. There are no arrears of pension about this bill. The Committee on Invalid Pensions was determined on the proposition to treat all alike and to give no arrears of pensions.

Mr. STEELE. Will my colleague inform me if they resolved themselves into a Committee on War Claims or a Committee of Claims when they resolved to do this?

Mr. MATSON. They acted on the whole matter before them as they had the right to do. In considering the claim of Mrs. Francis P. Blair to get back the money lent the Government of the United States, or whatever you may please to call it, we only determined she should have the $5,000, and so awarded it to her.

We have heard a gentleman whose word is good, not here or in the State of Missouri alone, but all over the United States, who is known to be a man of high character, who says he knows in one single transaction General Blair paid out more money for the use of the Government and the benefit of the Union than is proposed to be given to his widow by this bill.

Mr. STEELE. I would inquire of my colleague whether he does not think the distinguished gentleman he refers to ought to have introduced a bill and let it go to the Committee on War Claims?

Mr. MATSON. I do not. I think when the whole subject-matter of relief, which is the subject-matter of this bill, is brought to the attention of any committee that committee ought to act upon it and not parcel the matter out; that the committee ought to report a bill, just as it did report a bill, that would give this lady substantial relief—a bill that would not propose merely to increase her pension, but a bill that would propose to reimburse her as far as Congress could. What is the

objection of those who are not opposed to the proposition itself? The matter is before the House as well coming from the Committee on Invalid Pensions as if it had come from the Committee on War Claims or any other.

Mr. STEELE. My objection is that the bill is not called what it is. The Committee on Invalid Pensions has jurisdiction only in the case of pensions; and if this is not a pension, and if it is not arrears of pension, I object to calling it anything else.

Mr. MATSON. Do I understand the gentleman to say that if it is not arrears of pension he objects to calling it anything else?

Mr. STEELE. I am going to vote for the bill, and I am to vote for it because it is arrears of pension.

Mr. MATSON. I want the gentleman to understand that it is compensation. It is a just claim. The gentleman from Missouri [Mr. BROADHEAD], who knows the facts, has stood before this House and said he knows it is just. Besides, we have the testimony of another of the colleagues of Frank Blair in those troublous times, who lived then in Southwestern Missouri, and who is now a member of the Committee on Invalid Pensions, Judge FYAN, who sprung to the breach as these other gentlemen did to save the Union at the outset of the war. He stated the same thing to the committee, that he knew, or was satisfied from circumstances within his knowledge, that this money was spent by General Blair.

Mr. STEELE. The bill says it is for distinguished services and for money paid out.

Mr. MATSON. "For compensation" is the language of the bill.

Mr. MORGAN. Will the gentlemen allow me to suggest that the gentleman on the other side of the House [Mr. STEELE] and the gentleman on this side of the House [Mr. MATSON] both agree upon supporting the bill. The only objection on the other side of the House is to the name. I would suggest to the gentleman that what we call a rose by any other name would smell as sweet. It is all right; you will vote for it any way.

Mr. MATSON. I desire the House distinctly to understand the ground upon which the bill is placed; for I do not intend it shall be said that the Committee on Invalid Pensions have reported in favor of giving arrears of pension. We have not done so in any case.

On the general subject suggested by my colleague [Mr. STEELE], I understand he is in favor of giving arrears of pension to all who have filed their claims since the 1st of July, 1880. He and I need not quarrel about that matter. That is not the issue here; and he is no more in favor of that proposition than I am, not a bit more. I have understood him to say he was objecting because objections to other bills had come from this side of the House, and that he regarded this bill as being a bill from this side of the House. Did I misunderstand him?

Mr. STEELE. I am led to believe that side of the House is particularly interested in this bill from the number of my distinguished friends I see here this evening.

Mr. MATSON. I understand, then, the gentleman is objecting for that reason. There may be some gentlemen on this side who may not support the bill, but I hope there are none on either side of the House who will not support it, for it is a just and proper bill. But I want to say to the gentleman that instead of that being his reason he must have some other reason than that he must make an objection because sometimes there are objections on this side of the House. I want to remind him that in the consideration of these pension bills on Friday nights he is the only gentleman here from the State of Indiana who has ever objected to any private pension bill; he is the only one, so far as I can recall. And there is a bill upon the Private Calendar that has stood there since the first Friday night that we began to consider pension bills, and it has stood there because of the objection of my colleague. Yet that case is recommended especially in a letter, which was read from the Clerk's desk, by General Grant, Commander of the Army of the United States in the late war.

Mr. STEELE. Will the gentleman please to state what case he refers to?

Mr. MATSON. It is the case of William J. Lee, who was a scout. The gentleman from Indiana objected to its consideration; and it has not passed, but stands on the Calendar yet.

Mr. STEELE. That bill was a proposition to place a private citizen on the pension-roll. I want to pension soldiers before I commence to pension private citizens.

Mr. MATSON. So much in reply to what the gentleman says about making objections. I have no sort of objection myself to gentlemen criticising the reports of the Committee on Invalid Pensions. I want to have their recommendations reviewed. The Committee on Invalid Pensions have tried to make these reports as carefully as they could. They have tried to lay down general rules and follow them, and we have no objection to these criticisms. If a case is brought here which it is found ought not to pass, we do not want it to pass. If it is right we want it to pass. We believe, and the Committee on Invalid Pensions have so reported unanimously, that this bill is right and ought to pass.

Mr. O'NEILL, of Missouri. Mr. Chairman, having introduced the bill granting arrears of pension to the widow of General Blair, I think a brief explanation will enable the committee to appreciate the amendment.

The family of General Blair possess the same spirit which animated him during life, to never place a money value on whatever service he could render his country, or to ask reimbursement for moneys which he voluntarily expended in his country's cause. Hence no claim has ever been presented, nor would this claim be pending here to-night only for the reason that when Congress granted a pension to Mrs. Blair it was presumed that arrears of pension were included. Application for those arrears was made, and the Commissioner of Pensions found that through some technicality or defect in the law he could not allow it, while at the same time conceding its justice. The introduction of this bill followed. It seems that under the practice of this House no bill for arrears could be reported. Hence it was that Judge FYAN and others, who were familiar with the expenditure of his own money by General Blair in the service of the Union at the commencement of the war, suggested this plan of partial justice.

I only mention this as the objection has been made that this is a claim not properly belonging to the Committee on Pensions.

The amount involved is certainly less than would have been due as arrears and is but a fraction of the moneys expended by General Blair.

The country knows too well the distinguished services of General Blair to require any eulogy now. As Governor Curtin has well said, they involved the salvation of the Union, for it is the firm conviction of the people of Missouri that Frank Blair, more than any other man, living or dead, saved Missouri to the Union; with Missouri saved Kentucky also remained loyal, and principally through the action of Missouri. His gallant services in the field as the heroic commander of the Seventeenth Army Corps is part of our common history.

After the war closed and he returned home he found the men against whom he had fought in the field proscribed and disfranchised. Without a moment's hesitation he became the champion of his down-trodden fellow-citizens, and stood between them and their persecutors. His contest against the test-oaths of Missouri and his final success in overturning them will live forever in the history of that State. There never has been an opportunity equal to the present, when the brave men of both sides, the soldiers of the Union who appreciated the great and heroic services of General Blair for his country, and the confederates who had experienced the grand magnanimity of his nature, could meet on the common ground of humanity and render this slight act of justice to the widow and children of the man they had learned to love and honor.

Mr. LAIRD. Mr. Chairman——

Several MEMBERS. "Vote!" "Vote!"

Mr. LAIRD. I am as ready to vote as any one, but I want to say one word before I do so.

I notice that there are on this Calendar for the consideration of this committee some one hundred and fifty bills for pensions, each as important as this, and all of them varying only in regard to the modicum of relief which they grant. I know from the temper of the House and the expressions of those who have spoken here to-night that there will not be a dissenting voice upon this measure. What, then, is the necessity for debating here an hour a proposition which it is self-evident will be passed [applause], and by this overflow of patriotism upon the ashes of Frank Blair blocking the way to relieve the one hundred and fifty people who are knocking at the doors of Congress? Now I say, "vote."

Mr. HOLMES. I desire to say a word, not in opposition to this bill, because I am in favor of it, but I wish to say a word in vindication of my position as a member of the Committee on Invalid Pensions. As a member of that committee I wish to occupy a position somewhat different from that stated by the honorable chairman in regard to this bill, as to whether it is or not an arrears-of-pension bill. I understand it to be a bill giving arrears of pension. I voted for it in committee with that understanding. I am not advised what the other members of that committee may have understood or may have intended to have this House understand by the position which they took. But for myself I understand this is a bill granting arrears of pension, and I voted for it with that understanding.

I do not understand that it is now an arbitrary rule of the Committee on Invalid Pensions to grant no arrears of pension, although I have understood that such formerly was the rule. I should be sorry if this House at any time should adopt any rule which would cut off arrears of pension in every case.

I am sorry that the political status of any person coming before this House should be brought in question when a simple act of justice is to be done. Be a man a Democrat, a Republican, a Greenbacker, or what not, if he served his country faithfully, if he expended his money, his time, his talents in the service of his country, I am in favor of recompensing him for what that is worth.

It is the rule in commerce and in everything else pertaining to human affairs that brains command a premium. And when a man like Frank P. Blair took hold of the domestic affairs of his State and by his action preserved that State to the Union, when he assisted to place armies in the field and led them into service, then it is proper that we should, by our action in this Congress, show that we appreciate a man of that character.

I have been expecting to-night to hear gentlemen on the other side of this House get up, as they usually do, and object to this bill. I

am surprised to hear no one do so. As a rule, objections to these bills do not come from this side of the House.

Mr. BLAND. Then you are bringing politics into this discussion.

Mr. HOLMES. It is unnecessary to enter into that question as a matter of fact. I rejoice to say that I do not believe in the narrow 10-cent gauge principle, that because a man is a Democrat he should be opposed, or because he is a Republican he should be sustained in the matter of a pension. I believe in occupying a position broader than that, as a citizen of this country, and standing by men who were loyal at all times and under all circumstances irrespective of their political creeds.

I want to be understood here as supporting this bill because it gives arrears of pension, because it does justice to the memory and services of a man who spent every dollar he had in the world in the glorious cause of his country, in support of a cause which men who were on the other side and are now living under the shadow of this Capitol are glad succeeded and who are glad that such men as Frank P. Blair helped to preserve this Government. I am for this bill, and I am for it because it gives arrearages of pension.

The CHAIRMAN (having put the question on the amendment reported by the Committee on Invalid Pensions) said: The ayes seem to have it.

Mr. STEELE. I call for a division; and before the question is taken I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STEELE. If we vote down this amendment it gives Mrs. Blair arrearages of pension, I believe?

Several MEMBERS. Oh, no.

Mr. STRUBLE. We do not understand it so here.

Mr. MATSON. I suppose the gentleman from Indiana [Mr. STEELE] is right about that.

Mr. STEELE. That is my understanding—that it gives her arrears of pension.

Mr. MATSON. The original bill provides for arrears of pension. The committee has proposed an amendment to pay Mrs. Blair $5,000 for money and time expended by General Blair.

Mr. STEELE. Now, if she gets arrears of pensions will she not get more money than she would under the bill in the form proposed by the committee?

Mr. HEWITT, of Alabama. Less, I think.

Mr. STEELE. I understand that if we give her arrearages of pension she will get more money.

Mr. BROADHEAD. Yes, I believe she will receive more money as arrearages of pension.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the following:

"Arrears of pension as provided by the acts of Congress known as the acts for the payment of arrears of pensions, and for other purposes, approved January 25, 1879, and March 4, 1879, so that said Apolline A. Blair shall receive a sum equal to $30 per month for every month from ——, the date when her late husband was mustered out of the service, as shown by the evidence on file in the Pension Department, till June 9, 1875, the date of his death."

And insert the following:

"The sum of $5,000, in compensation for money and time expended by General Francis P. Blair in enlisting men and organizing troops for United States armies; and that hereafter said Apolline A. Blair receive, in lieu of other pension, the sum of $50 per month."

Mr. HEWITT, of Alabama. I would like to make one suggestion.

The CHAIRMAN. The Chair will state that the committee is now dividing. The vote having been taken *viva voce*, a division was demanded by the gentleman from Indiana [Mr. STEELE], and the Chair was about to put the question again, when the gentleman rose to a parliamentary inquiry, which the Chair has had answered by the reading of the amendment.

Mr. HEWITT, of Alabama. I would like to call the attention of the gentleman from Indiana——

The CHAIRMAN. If the gentleman from Indiana withdraws his demand for a division, the Chair will recognize the gentleman from Alabama.

Mr. STEELE. I withdraw it.

Mr. HEWITT, of Alabama. The original bill is in no sense a bill granting arrears of pension. It is a bill granting to the widow the pension which would have been received by her husband if he had applied for it during his life. If you give the widow arrears they date from the death of the husband. Mrs. Blair has already received a pension from the death of her husband, I suppose. I repeat that the original proposition of this bill is not to grant arrears of pension, but to give the widow the pension her husband would have drawn provided he had made application in his lifetime. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The demand for a division being withdrawn, the ayes have it, and the amendment is adopted. The question now is, Shall the bill as amended be laid aside to be reported favorably to the House?

Mr. DUNN. I desire to offer an additional amendment, which I have not yet completed, but which I will reduce to writing in a moment.

Mr. COSGROVE (after a pause). Mr. Chairman, is there anything before the Committee of the Whole?

The CHAIRMAN. The gentleman from Arkansas [Mr. DUNN] desires to offer an amendment, which he is reducing to writing.

Mr. COSGROVE. I think we had better vote on the bill. Let the gentleman have a vote on his amendment to-morrow.

The CHAIRMAN. No debate is in order until the gentleman from Arkansas presents his amendment.

Mr. DUNN. If the gentleman from Missouri will "possess his soul in patience," I will finish the amendment after a while.

Mr. COSGROVE. It seems to me we have something else to do than wait for the gentleman. If he wishes to offer an amendment it ought to be ready. I call for the regular order.

The CHAIRMAN. The Chair has stated that he is waiting until the gentleman from Arkansas reduces his amendment to writing. He has a right to do so. The gentleman now sends up his amendment, which will be read.

The Clerk read as follows:

Provided, That said sum of $5,000 shall be satisfaction in full and operate as a discharge of the Government from all further liability on account of expenditures made by said Francis P. Blair.

Mr. MATSON. I have no objection to that amendment, so far as I am concerned.

Mr. CLARDY. I have no objection to it.

The CHAIRMAN (having put the question on agreeing to the amendment). In the opinion of the Chair the ayes have it.

Mr. COSGROVE. Let us have a division on this amendment.

Mr. PETERS. I ask for a division. I think this amendment is entirely unjust.

Mr. DUNN. Gentlemen had better adopt the amendment; it may save the bill.

The question being taken, the amendment was not agreed to, there being—ayes 14, noes 26.

Mr. DUNN. I move to strike out in the fifteenth line the words "the sum of $5,000, in compensation for money and time expended by General Francis P. Blair in enlisting men and organizing troops for the United States armies."

I desire to say I did not wish to participate in any debate. I have inferred from what was said here to-night that this $5,000 is a sum much less than that which General Blair expended in organizing troops. That claim has never been presented to Congress in any form and never been proved up. This does not pretend to be in satisfaction of all of what that claim may be, at all; but it is a recognition of that claim without proof, without formal investigation, without that kind of investigation which a committee of this House usually make of claims. Getting that much of recognition we may expect a claim for the balance of a vague and uncertain quantity. This decision will be quoted as a recognition of that claim and as authority under which the balance is to be paid. Therefore I desire that proviso to be adopted as a satisfaction and discharge of the Government.

Mr. O'NEILL, of Missouri. I think, Mr. Chairman, it will be better to adopt the amendment suggested by the gentleman, and I therefore move to reconsider the vote by which it was voted down.

Mr. DUNN. I will withdraw the amendment if the other vote be reconsidered.

Mr. O'NEILL, of Missouri. Is my motion in order?

The CHAIRMAN. It is not in order to move to reconsider in Committee of the Whole House on the state of the Union. The Chair will suggest by unanimous consent the vote rejecting the amendment may be vacated.

Mr. O'NEILL, of Missouri. I ask unanimous consent. This is all the family desire; I know that, and that they would not claim anything else.

The CHAIRMAN. Is there objection to vacating the action rejecting the amendment of the gentleman from Arkansas [Mr. DUNN]?

There was no objection, and it was so ordered.

The amendment was read again, as follows:

Provided, That said sum of $5,000 shall be satisfaction in full and operate as a discharge of the Government from all further liability on account of expenditures made by said Francis P. Blair.

Mr. FYAN. Mr. Chairman, I do not desire to speak in relation to this matter. I am a new member. I thought I would not lift my voice in this House during this session of Congress. And I would not under any ordinary circumstances, but considering my relations to this report, considering my relations in days gone by to General Frank P. Blair, considering my relations to the State of Missouri now and in those days that tried men's souls, I wish to say a few words concerning the proposition of the gentleman now before this committee.

I do not wish to talk of the history of the State of Missouri in those days, because it has been recapitulated by my colleague in an able manner. You, Mr. Chairman, and I differed in those days, and we well understood that history, and when my friend alluded to the fact that General Harney was in command of the Federal troops there, you know the situation of affairs that existed, you know there was a treaty made by General Harney on one side and Sterling Price and Governor Jackson on the other by which Union men's hands were tied and they were proposed to be delivered on our side to the confederacy, and you know it was then that Frank P. Blair came to the front; that his voice rang

out clear and loud all over the State, and that way down in my section, where we were loyal, it aroused us like a trumpet-blast. He was the man who called us to arms; he was the man who inspired us with life and vigor. We did not look to the Government for arms, nor did we receive any. We received no camp or garrison equipage. We looked to Frank P. Blair. He was our leader and our general. He was our quartermaster. He was our commissary. He was our paymaster.

And when the gentleman talks of evidence, he does not know Frank P. Blair. He never asked for a voucher or for a receipt. You know what the result was. Harney was a brave man, he was a patriotic man, he was an honest man, but he was overreached by these men.

But by Frank P. Blair's action, Mr. Chairman, when Harney was superseded, the whole theater of war was changed. Instead of the States of Iowa and Illinois and Kansas being the battle-ground of that great war, as they would have been under the policy which was being pursued if it had been allowed to continue, the tide of war was rolled back on Missouri. Saint Louis was saved. The arsenal of that city instead of being captured was saved, and gentlemen will know that I am now talking history. Camp Jackson was captured. Saint Louis was freed from the presence of the enemy, which was driven back to Jefferson, and from Jefferson to Boonville, and from Boonville outside the boundaries of the State. And then, and not until then, when his State had been freed from the presence of the enemy, did Frank P. Blair put on the uniform of his country and go forth to do battle worthy of the cause, and bare his breast in defense of his country wherever the foe was arrayed against his country's flag.

Mr. Chairman, I do not propose to talk about history as he made it. It is unnecessary that I should do so. His deeds are recorded in undying brightness on the pages of our country's record during that struggle. All men know them.

It was my fortune to follow Frank P. Blair during that dark period. You and I, Mr. Chairman, differed at that time. You and many of my colleagues differed. You followed the varying fortunes of one flag and I tramped after the other. But when the war was ended, when the struggle was done, when we came back home again we recognized one another, we knew each other better and we esteemed one another as perhaps we might not have done under other and less trying circumstances. We had met each other on the deadly field foot to foot and face to face. Each had stood up for what he believed to be right and his duty.

Ah, Mr. Chairman, when Frank Blair came back you know the condition of affairs existing in our State. He came back broken in health, and broken in fortune, bankrupted in all this world's goods. He came back with nothing but his great heart, and the honors he had won. Gentlemen talk about politics. I am talking history. God knows we in Missouri understood that history. We knew when it was made. When he came back, you all know the condition of affairs in that State. It was proposed to disfranchise men, to disqualify them from holding office, to debar them from the rights of citizenship, and bar them before the law. Here was a grand opportunity offered to a mean nature to gratify vindictive and malignant feelings, and if Frank Blair had been a mean man, occupying the position that he did, but entertaining the spirit and views of many other men, he would doubtless have taken advantage of the situation to gratify personal resentments.

But, Mr. Chairman, you know and I know that his was a different nature. No such vindictive feelings could find lodgment in his heart. He appealed to men as no other man could appeal to them; and when that constitution was carried, or was declared to be carried, you know how he traveled over the prairies and the hills and the valleys of our State from 1865, during the dark days in Missouri, until 1870, until by the inspiration of his presence and his persistent efforts our people rose with one accord to remove the restrictions that were imposed. We saw our State being depopulated and impoverished. But under the inspiration of his leadership and his untiring efforts all was changed. All turned again in response to his appeal and followed his leadership—the wounded man, whose arm was in a sling; all who had participated in the fight, united in a common effort. It was not politics, it was not ambition on his part—it was merely lifting the dark pall which had rested on the State. He restored peace and law and order and good government to Missouri and to its people; and we who know the history of those days know how we have prospered under the fraternal feelings which were inaugurated by him and which exist to this day.

I say here, Mr. Chairman, and I know that the declaration will be verified by every colleague from my State on this floor, that there is no man in Missouri, no true man, whether he followed the fortunes of the confederacy or whether he stood by the flag of the Union, whether he be a Republican or a Democrat, but will approve heartily of this measure. In God's name, then, grant this poor little pittance to Frank Blair's widow, to her who was far dearer to him than even his own life. We have not asked much in the way of pensions to the State of Missouri. Our people bared their breasts to the storm to the number of not less than 200,000; and yet compare our list of pensions with those of other States. We make our appeal for this poor widow and helpless orphans, and I trust no man in this House will raise his voice against this meritorious measure. [Applause.]

Mr. BAYNE. Mr. Chairman, I yield my time to the committee to vote on this bill. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Arkansas.

The amendment was not agreed to.

The CHAIRMAN. The question is on laying aside the bill as amended to be reported to the House with a favorable recommendation.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole, having had under consideration the Private Calendar, had directed him to report sundry bills to the House, some with and some without amendment.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina;

A bill (H. R. 2480) granting a pension to Margaret Kearns;

A bill (H. R. 1042) for the relief of Mrs. Sarah Sinfield;

A bill (H. R. 4189) granting a pension to Caroline Van Norton;

A bill (H. R. 4191) granting a pension to Jane Bracken; and

A bill (H. R. 5088) for the relief of Magdalena Cook.

Bills of the following titles were reported from the Committee of the Whole House, with amendments. The amendments were adopted, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2447) for the relief of Catherine Terry;

A bill (H. R. 5364) granting a pension to William H. Whitcomb; and

A bill (H. R. 2425) granting a pension to Catharine Henry.

APOLLINE A. BLAIR.

The bill (H. R. 2984) granting arrears of pension to Apolline A. Blair, widow of the late General Francis P. Blair, was reported from the Committee of the Whole House with an amendment.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill as amended.

Mr. STEELE. I ask that this bill go over, that it may have the vote of a full House.

Mr. MORRISON. Let us have the previous question ordered on the bill.

The SPEAKER *pro tempore*. The gentleman from Illinois demands the previous question on the engrossment and third reading of the bill.

Mr. HEWITT, of Alabama. I think we had better renew the amendment of the gentleman from Arkansas and let that go over too.

Mr. CLARDY. You can not do that under the rule, the amendment not having been reported by the Committee of the Whole.

Mr. SPRIGGS. I desire to offer an amendment which I think will meet the whole difficulty. In lieu of the words "in compensation" I desire to insert the words "in full compensation and payment." Those words cover the whole thing.

Mr. MATSON. I ask unanimous consent that that amendment be adopted.

The SPEAKER *pro tempore*. The Clerk will report the bill as now proposed to be amended.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Apolline A. Blair, widow of Francis P. Blair, late a major-general in the United States Army, the sum of $5,000, in full compensation and payment for money and time expended by General Francis P. Blair in enlisting men and organizing troops for United States armies; and that hereafter said Apolline A. Blair receive, in lieu of other pension, the sum of $50 per month.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MATSON] asks unanimous consent that the amendment of the gentleman from New York [Mr. SPRIGGS] be adopted. Is there objection?

Mr. HOUK. If I understand the reading of the bill as amended, it provides that the Secretary of the Interior shall pay a certain sum of money. Does it not?

The SPEAKER *pro tempore*. The Clerk will again report the bill as proposed to be amended.

The bill as proposed to be amended was again read.

Mr. HOUK. I ask out of what fund the Secretary of the Interior is to pay that money unless a specific appropriation is made?

Mr. DUNN. I think the bill had better go back to the committee, that the necessary amendment may be made.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent for the adoption of the amendment which has been read. Is there objection?

Mr. HOUK. There is, in the shape in which the bill is now.

Mr. HEWITT, of Alabama. I suggest that the previous question is not yet pending and it does not require unanimous consent to offer an amendment.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. MORRISON] having demanded the previous question, the call for the previous question, the Chair understood, was merely suspended to see if there could be an amicable adjustment.

Mr. MORRISON. I withdraw the demand for the previous question.

Mr. HATCH, of Missouri. I move to insert the words "Secretary of the Treasury" in lieu of the words "Secretary of the Interior."

Mr. HOLMES. I make the point of order that the amendment is not germane to the bill. The amendment provides that the payment is to be made by the Secretary of the Treasury. I make the point of order that the Committee on Invalid Pensions can not report a bill for payment to be made by the Secretary of the Treasury.

The SPEAKER *pro tempore*. The Chair is of opinion that the gentleman's point of order comes too late. Objection will have to come by way of argument or vote against the proposition.

Mr. STEELE. I desire to ask what is the present stage of the bill.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. STEELE. Are amendments in order now?

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Indiana that amendments at this stage are in order. This is the first time that amendments could be proposed since the bill was reported to the House. The Clerk will report the amendment proposed by the gentleman from Missouri [Mr. HATCH].

Mr. HATCH, of Missouri. I have changed my amendment and now offer what I send to the Clerk's desk.

The Clerk read as follows:

Insert in line 18, after the word "armies," the following: "Out of moneys appropriated for pensions and gratuities."

The SPEAKER *pro tempore*. The question is on the amendment proposed by the gentleman from Missouri.

The amendment was adopted.

The SPEAKER *pro tempore*. The question now recurs on the amendment proposed by the gentleman from New York [Mr. SPRIGGS].

Mr. DUNN. I would ask if the gentlemen do not think that it is necessary the bill shall specifically make the appropriation?

Mr. HATCH, of Missouri. I think not.

The amendment offered by Mr. SPRIGGS was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. STEELE. I now ask that the bill go over and have the vote of a full House.

Mr. MORRISON. I move the previous question on the passage of the bill. After the previous question is ordered I will not object to the bill going over. It will come up as unfinished business.

The previous question was ordered.

Mr. STEELE. I now renew my request.

Mr. MORRISON. I move that the House adjourn.

The SPEAKER *pro tempore*. If the House should now adjourn, that accomplishes the result designed by the gentleman from Indiana [Mr. STEELE].

RECONSIDERATION.

Mr. VANCE. Pending the motion to adjourn, I move to reconsider the several votes by which bills have been passed, and I also move to lay the motion to reconsider on the table.

The latter motion was agreed to.

The motion of Mr. MORRISON was then agreed to; and accordingly (at 10 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRENTS: Resolutions of the citizens of New Tacoma, against the forfeiture of the Northern Pacific Railroad land grant; also, the resolutions adopted at a mass meeting of the people of Walla Walla County, Washington Territory, in favor of the forfeiture of the Northern Pacific Railroad land grant—severally to the Committee on the Public Lands.

By Mr. CANDLER: Petition of citizens of Fannin County, Georgia, for national aid to education—to the Committee on Education.

By Mr. CLEMENTS: Memorial of W. C. Glenn and others, of S. H. Henry and others, of Murray County, Georgia, and of E. Waterhouse and others, of Murray County, Georgia, for an appropriation for educational purposes—severally to the same committee.

By Mr. CRISP: Petition of John B. Felder, B. B. Hinton, N. A. Smith, John M. Gannon, and others, citizens of Americus, Ga., asking aid to education—to the same committee.

By Mr. CURTIN: Petition of ex-prisoners of war, for the passage of H. R. 1189—to the Committee on Invalid Pensions.

By Mr. ELDREDGE: Petition, &c., for a pension for Miss Parmelia Smith—to the Committee on Pensions.

By Mr. GOFF: Petition of Thomas Brannon, for a pension—to the Committee on Invalid Pensions.

By Mr. HANBACK: Resolutions of Grand Army of the Republic Post, Baxter Springs, Kans., relative to pensions—to the same committee.

By Mr. D. B. HENDERSON: Resolutions of Andersonville Post, Grand Army of the Republic, and of Nelson Post, Grand Army of the Republic, Grundy Centre, Iowa, relating to pensions, &c.—severally to the same committee.

Also, the remonstrance of 54 citizens of Chickasaw County, Iowa, and of 42 citizens of Turner County, of 24 citizens of Bon Homme, of 77 citizens of Yankton, and of 302 citizens of Davison County, all in Dakota; and of 38 citizens of Chickasaw County, Iowa, against reduction of duty on linseed-oil—severally to the Committee on Ways and Means.

By Mr. T. J. HENDERSON: Petition of citizens of Allen, Kans., and others, for relief—to the Committee on the Public Lands.

By Mr. JEFFORDS: Petition of Charles Gillam, Alfred Phillips, and others, citizens and soldiers of Warren County, Mississippi, asking the passage of the equalization bounty bill—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LAIRD: Petition of George H. Thomas and 53 others, comrades of Post No. 15, Grand Army of the Republic, Department of Nebraska, asking for pensions for all soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. LEWIS: Petition of citizens of Louisiana, relative to the River Tickfaw—to the Committee on Rivers and Harbors.

By Mr. McCOID: Petition of Catherine McCarty, for a pension—to the Committee on Invalid Pensions.

By Mr. MONEY: Two petitions of citizens of Mississippi, for national aid to education—severally to the Committee on Education.

By Mr. OATES: Petition of W. W. Woodson, U. L. Martin, and 66 others, citizens of Lee and Russell Counties, Alabama, for the passage of the Blair educational bill—to the same committee.

By Mr. PATTON: Resolutions of Grand Army of the Republic, Post No. 294, Department of Pennsylvania, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. PIERCE: Papers relating to the claim of Penelope V. Rudd—to the Committee on War Claims.

By Mr. RANDALL: Petition of Emma Brown, for relief—to the Committee on Pensions.

By Mr. REED: Petition of Charles E. Jose & Co. and Burbanks & Douglass, importers and dealers in earthenware and crockery, for a change in the tariff on crockery—to the Committee on Ways and Means.

By Mr. ROSECRANS: Petition of the Saint Helena Grape-Growers' Association, protesting against decrease in the tariff on wines and brandies, and for a restoration of the tariff on raisins to what it was before the last reduction—to the same committee.

By Mr. SENEY: Petition of Joseph Alberts, for changes in the pension laws—to the Committee on Invalid Pensions.

By Mr. SNYDER: Petition relating to the claim of Urias Buskirk—to the Committee on War Claims.

By Mr. C. A. SUMNER: Memorial of wine-growers, &c., of California, relative to duties on wines, brandies, and raisins—to the Committee on Ways and Means.

By Mr. WILLIAMS: Petition of J. J. Robinson and others, citizens of Chambers County, Alabama, favoring the passage of the Blair educational bill—to the Committee on Education.

By Mr. J. S. WISE: Resolution of the State conference of superintendents of schools, &c., Virginia, relative to education—to the same committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 3, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

EVENING SESSION DISPENSED WITH.

Mr. LAMB. I call for the regular order.

Mr. MORRISON. I ask unanimous consent that the order fixing evening sessions for debate be vacated as to this evening.

The SPEAKER. Does the gentleman from Indiana [Mr. LAMB] yield for this request?

Mr. LAMB. Yes, sir.

The SPEAKER. Is there objection to vacating as to this evening the order providing for evening sessions of the House for debate? The Chair hears none, and it is so ordered.

ENROLLED BILL SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 1319) to adjust the accounts of John B. Monteith, deceased.

LEAVE OF ABSENCE.

Mr. YORK, by unanimous consent, obtained leave of absence until Tuesday next, on account of sickness in his family.

CHINESE IMMIGRATION.

The SPEAKER. The gentleman from Indiana [Mr. LAMB] calls for the regular order. The Chair will cause to be read the order of the House with reference to the business of this day.

The Clerk read as follows:

Resolved, That Saturday, May 3, immediately after the reading of the Journal, be set apart for the consideration of the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882.

Mr. LAMB. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House bill 1798, which is the special order for to-day, and that the bill be considered in the House as in Committee of the Whole.

Mr. DUNN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNN. The other day, when the House agreed to close general debate on the tariff bill next Tuesday, I supposed it was done with the understanding that all special orders should be for the time superseded, and that the whole of the intervening time should be devoted to the tariff discussion.

The SPEAKER. The order of the House on that occasion was that the consideration of the Private Calendar on Friday should be dispensed with, but no other business of the House was disturbed.

Mr. DUNN. Then I think there has been a very extensive misunderstanding. The House, I believe, would not have agreed to close the tariff debate at so early a day if it had not been understood that the entire intervening time was to be devoted to that discussion.

The SPEAKER. The Chair does not know anything about that. The order as made by the House at that time was stated on the floor and from the chair. Unanimous consent was given that the order be made. Is there objection to the request of the gentleman from Indiana [Mr. LAMB] that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House bill 1798 and that the bill be considered in the House as in Committee of the Whole?

Mr. RICE. I see no reason why the bill should not be considered in Committee of the Whole according to the rules.

Mr. WILSON, of Iowa. I suppose the House, if the question of consideration be raised upon the special order, can determine what business it will consider.

The SPEAKER. The House can refuse to go into Committee of the Whole to consider this bill, in which case of course the bill could not be considered, because it is in Committee of the Whole; and then the House would go on with its regular business.

Mr. WILSON, of Iowa. That is what I understood.

Mr. LAMB. I move that the House resolve itself into Committee of the Whole for the consideration of House bill 1798; and pending that motion, I move that general debate in Committee of the Whole on this bill be limited to four hours.

The SPEAKER. As the bill has not yet been debated in Committee of the Whole that order can not be made without unanimous consent. Is there objection?

Mr. FINDLAY. I object.

The motion of Mr. LAMB that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. COX, of New York, in the chair) and proceeded to the consideration of the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882.

The bill was read.

Mr. LAMB. I yield twenty minutes to the gentleman from California [Mr. HENLEY].

Mr. HENLEY. Mr. Chairman, the bill now before the House is the joint product of the delegations from the States of Oregon, California, and Nevada, and the Territories of Arizona and Washington, but inasmuch as I was the introducer of the measure, it has been deemed not inappropriate that I submit some observations explanatory of its general scope and purport.

At the outset I may say it is with great gratification I am able to state in reference to this measure that in the history of all antecedent legislation presented to this House there has never been, so far as I am advised, a bill presented which had received popular indorsement more full, more nearly unanimous, or more profound in its earnestness than have the principles embodied in this bill received at the hands of the people of the States of California and Nevada.

Upon this I may safely challenge contradiction. Whatever I may say in advocacy of this bill I say in obedience to the sentiment of the people of my State, irrespective of party.

We learn from the statistics of an election which took place some few years since in the State of California, having for its object the ascertainment of the wishes of the people in respect to this matter, that out of nearly 154,000 votes cast there were but a few hundred recorded against the principles embraced in this bill. In that election the issue was made clear, unmistakable, and distinct, for the purpose, as I have said, of having a correct understanding of the minds of the people upon this question. The result was, as I have stated, that out of 154,000 votes polled only a few hundred were recorded against the enacting of some such measure as this.

Therefore the Committee of the Whole will note this, and it is a matter I submit of pregnant significance to which I invite their attention, that while this and that may be alleged against the proposed enactment; while, judging from the tenor of the minority report that accompanies this bill, it may be assailed upon the ground that in some way or other it is hostile or inimical to that dearly loved doctrine which obtains in some portions of New England, and which is embodied in the phrase "the universal fatherhood of God and the universal brotherhood of man;" while the bill may be criticised by those who do not fully understand it as placing in jeopardy our relations with England in some particulars; while it may be assailed by others who are ignorant of the subject-matter as being in some of its details petty and undignified, yet there is this fact in connection with it, and I press it upon your attention, and it is a fact which in a representative Government and within constitutional limits ought to outweigh all other considerations that can be urged against the bill, and it is this: that the people, with practical unanimity, inhabiting a scope of country sufficient in population and territory for an empire in itself, come to you here and demand the enactment of this measure.

Sir, suppose that the people of the State of Massachusetts, or of Illinois, or of New Jersey, should come here and demand the passage of any measure with that unanimity which pervades my people in respect to this bill, what would we say in response to a request of that kind? Sir, it would require not boldness alone, but it would require hardihood, even audacity, to say to those people that their request should go unheeded.

The committee will note this in respect to this measure: that it contains no idea, no doctrine, that is novel or strange or dangerous, or that has not been fully and exhaustively considered in a bill heretofore passed by an antecedent Congress, and of which this is amendatory. It has simply been found, through the practical operations of the prior act, that these Chinese, with that cunning and persistence which no one will deny them, have adopted methods and means to evade its provisions; and the only function of this bill is simply to strengthen and effectuate the purpose contemplated by the original act.

The minority report, unintentionally no doubt, is calculated to mislead the casual observer in this respect, and I pray gentlemen to understand that a preceding Congress, upon the passage of the first act, has settled every principle that is touched upon in the present act. Hence the only question now presented is, Shall we make effectual a law and a policy heretofore determined upon, or shall we let that policy go for want of proper executory power?

But it is intimated in the minority report that the provisions of this measure are oppressive to a degree and unnecessarily restrictive. He who shall so conclude has studied the Chinese race and Chinese history to but little purpose. It is a history which constitutes an enigma from the solution of which even philosophy itself turns away in despair. It is a race which in all its annals and traditions has furnished to civilization nothing worthy of imitation; whose morality can not be discussed without a blush; a people with whom no other race has ever come in contact without moral deterioration; whose literature rests upon the fame and genius of a single man; whose religion is as degrading as the fetichism of Africa; a country where slavery and polygamy are institutions, female virtue is a myth, and infanticide a constant and approved practice. In their political economy they present the strange paradox of a civilization without the slighest amelioration of humanity; a civilization which has stood for forty centuries as it stands to-day, the incarnation of a dull, hopeless, inert existence of a people upon whom neither the efflux of time nor the processes of evolution has sufficed to have any effect either of progression or retrogression.

While these things are true there are certain solemn admonitory lessons which we may learn from the leaves of the history of this people, chiefest among which is that when they have predetermined to effect a lodgment in a country neither force nor law has hitherto sufficed to impede their desperate, ceaseless, and fatalistic purpose. Look to the blood-stained and lurid history of the islands of the Indian Archipelago. What do we find there? I have time only to cite one instance. Two hundred years ago the Chinese invaded the Philippine Islands, and soon made themselves offensive to the dominant race, as they have done in California. Laws were enacted demanding their deportation punitive to a brutal degree.

These laws were disregarded or evaded. They were followed by other enactments imposing fines, penalties, and assessments of every character and description possible. These in their turn were only effectual for a time, and were finally disregarded, until at last the people of these islands rose and in an hour of madness and wrath there was enacted a tragedy contributing one of the reddest pages to be found in the book of history. In one night and day, Mr. Chairman, the people rose and hunted down 30,000 men, women, and children of this race, pursued and slaughtered them like wild beasts.

Did this suffice to extirpate or drive them away or keep them away or stop their incoming? Only, sir, for a time. On they came; they had

effected a lodgment and they intended to maintain it. They have done so, and there they are to-day.

Now, sir, this is a true history of all attempts at expulsion in respect to this people. And in connection with every civilized country on the earth they have always made themselves offensive, and every country in the world where they are now to be found in any considerable numbers is making an effort for their deportation or expulsion.

But, sir, it is intimated in this minority report that this measure in some way or other may result in destroying the present amicable relations which subsist between this country and England. And this idea is predicated on this state of facts: that Hong-Kong is a British dependency or island, and that within its limits are resident hundreds of thousands of these people, many of them being born there, and this bill interdicting all those people is to that extent an infraction of our treaty stipulation with Great Britain. In order to show to the committee the utter baselessness of such an apprehension as this it is only necessary for me to call your attention to the fact that England herself in Australia and British Columbia is enacting measures infinitely more oppressive and restrictive than anything to be found in this bill. It is not to be presumed, therefore, that England is going to quarrel with us for doing toward this people what she has done herself. But even if this apprehension were well grounded, I stand here and now to say, even were the apprehension imminent, so stupendous is this question in connection with the interests of the laboring masses of the country and so far-reaching will it be in its results, so highly demanded by every consideration which presses itself upon the attention of this country in reference to the laboring elements of our country, that even if the apprehension were well grounded and it might impair for a time our relations with England, I still say, let this measure pass. If amity with Great Britain is only to be purchased and obtained at the price of the degradation of the laboring people of this country, then, Mr. Chairman, I say the price is too high. [Applause.]

Sir, now and here in this House of Representatives of the American Congress and upon the passage of this bill we can do nothing higher, nothing loftier, nothing nobler than to declare that in no event shall the laboring masses of our country be subjected to debasing contact or degrading competition with the dark and yellow skinned races of Asia, and to that extent this is a white man's Government, and be it our lofty purpose to so preserve for him and his posterity forever. [Applause.] And that is precisely the condition of affairs which you will bring about unless you effectuate legislation which will stop the incoming of this people.

Sir, it will be a melancholy day for American institutions when the time shall come that the laboring masses of our country have not sufficient compensation for their toil to enable them to live in decency and to properly clothe and educate their children; because, sir, when that day shall come then this proud Republic, whose corner-stone rests and must rest on the virtue and intelligence of the people, will have sealed its doom and its lofty mission on earth is ended. Woe unto us when poverty and destitution shall sit as household gods at the fireside of American workingmen.

We are but the servants, the executors of the behests of the people. This is the most distinctly representative government on the face of the earth. I have adverted to the election which took place in California; the sentiment of the people on this subject has been expressed to about the same extent in the State of Nevada, as her distinguished Representative will inform this committee in this debate. So, sir, there comes up to you from all portions of the land this adjuration for relief. This danger, which at first was no bigger than a man's hand, has spread and amplified and has crossed the Sierra Nevadas and sped its way across this vast continent, until it is here and to-day casts its sinister and ominous shadow athwart the hearthstones of labor among the marts of commerce and manufacture in the North and West.

Sir, it has been said that prejudice urges on this legislation. I declare in no vainglorious spirit that on no part of this broad land that lies between the swelling waves of the two oceans can you find a more intelligent people, more alive and abreast of the progressive spirit of the age, or freer from the domination of any such feeling as race prejudice, than the people of the State of California.

Over 1,000,000 people on the Pacific Slope lift their voices to you for the enactment of this measure; and, sir, do not tell us that our fears are prematurely aroused. From the great Burke we learn that "early and provident fear is the mother of safety." We know whereof we speak with reference to this subject. We have studied the question in all of its bearings, because, Mr. Chairman, we have been obliged to study it.

And this election that I speak of was no mere momentary ebullition of an excited populace, but it voiced the fervent conviction of a people who for thirty long years have been confronted by and students of this great question; we have agonized over, and we have felt the damned barb and thorn of this tribulation. Therefore I ask this House, I ask this committee, to give heed to this appeal. It pervades the entire land, as I have stated; and those who doubt this statement, I ask you to go to-day to your petition-boxes, bursting with memorials from people from all sections of the country demanding, praying, hoping, for this simple measure of relief. Heed that prayer, Representatives, I beseech you. Heed it, else you belie, you mock at the representative feature of our political system. Heed it, else you sow the seeds of distrust of their political agents among the people. Heed it, as you would strengthen the cohesive power of your Government.

Mr. Chairman, that this great Republic may pursue its radiant career, that it may live on and on and on until it shall have reached the loftiest fruition of its majestic destiny, is the prayer of every true American whenever he makes his genuflection to his God; but if the broken column, the deserted temple, are ever to mark the premature decadence of American institutions, I pray that the future historian who is called upon to record that sad event may not be enabled truthfully to say that it was brought about because of a disregard on the part of the representatives of the people in Congress assembled of the wishes of those who sent them here. [Applause.]

Mr. LAMB. I now yield ten minutes to the gentleman from Oregon [Mr. GEORGE].

Mr. GEORGE. Mr. Chairman, I shall not take up the time of the committee to-day with the discussion of this bill upon the main question of the restriction of Chinese importation into this country. Two years ago, while a member of this House, I fully expressed myself in regard to the merits of this subject. I endeavored at length to explain why it was that we of the Pacific coast were opposed to the importation of a class of people provided for in the bill which in that Congress became a law, and am ready here to-day, if necessary, to reiterate my former expressions in all their force and import. But, Mr. Chairman, I do not consider that this is a time when the House will expect an argument on the merits of the main question. Congress has passed upon that matter and enacted a bill that has been in operation for nearly two years. To-day we of the Pacific coast come before the Forty-eighth Congress and point to a number of defects which time and experience have brought out through the operation of that law, and ask you for remedial legislation.

The defects in the present act have been made manifest more particularly in the territorial limits of California upon one side, of Oregon and Washington Territory upon the other. The members of the California delegation have devoted much time and care in the examination of these matters. They are fully conversant with the successful adroitness exhibited by the Chinese and those interested in Chinese importation in avoiding the restrictions of existing laws; and the gentleman from Washington Territory, upon our north, contiguous to British Columbia, where many of these people have been discharged and where they have been seeking their way across into the promised land, can tell you more particularly of the difficulties in the way of the operation of this act in his portion of the country. Oregon, being between, has not to the same degree experienced the dangerous defects of the present law. I ask the attention of this committee to a careful consideration of the facts which have been and will be hereafter presented by the delegation from these two sections.

I believe that the provisions of this bill before us are necessary for the enforcement of the original act. That act did not provide for the punishment of a violation of its provisions in the most important particulars. If we have a right to say that a certain person from a foreign land shall not enter this country, we have the right, and it is absolutely necessary that we should exercise the right, of providing a punishment in case of a violation of the restriction. This the present bill does; and if that were the only provision in the bill it would merit the careful attention and the favorable consideration of this House at the present time.

As I said in the start, I will not consume the time of the House by any elaborate discussion of this question. That has been quite fully done in the past. I only desire to appeal to my side of this House, as formerly in the Forty-seventh Congress, to stand by the interests of the Pacific coast. This is not a party measure with us. Our people are united. They look upon this as a matter of great importance to their material interests and advancement and prosperity, and I particularly call the attention of this side of the Chamber to the fact that the original act which this bill proposes to amend was passed by your votes, and ask that you stand by its provisions. Make it effective wherein it has proven to be defective, and give us the full benefit your existing legislation intended. Give us that which will insure an effective operation of existing laws, sustain your action of the past, and you will merit the hearty thanks of the united people of the Pacific coast.

Mr. RICE. Mr. Chairman, I shall be obliged to occupy more time than I had intended, because strangely it devolves upon me to explain the provisions of this bill. Bills are usually explained by the majority which favor them. This bill has thus far received scarcely a word of explanation from that majority. There have only been declamation, appeals, rhetoric, in place sometimes, not in place here.

It is asserted that this bill is in the interests of labor, and it is asserted that it is demanded by 1,500,000 suffering people dwelling on the Pacific coast. It is asserted that unless it is passed by this Congress Chinese invasion will be complete. And we are treated by the gentleman from California [Mr. HENLEY] to a rehearsal of what happened in the islands of the Pacific or Indian Ocean as a result of such a completed invasion, as indicating, I suppose, the horrors that may be anticipated on the Pacific coast unless we pass this bill.

Now, Mr. Chairman, this bill I undertake to say is not demanded by the inhabitants of the Pacific coast. I undertake to say that it adds no single barrier to the coming of the Chinese into our country. I undertake to say and I am going to prove that it is only clap-trap and surplusage from beginning to end. Here are twelve long, dreary pages of printed paper—sixteen sections—and what do they contain? Let us see.

In 1868 this country made a treaty with China under the lead of Anson Burlingame, of Massachusetts, whom some of us there still remember with pride and affection. It was a treaty granting mutual privileges and rights to the inhabitants of the two countries. China, before that, had walled herself in from the rest of the world; but by friendly negotiations on our part, preceded by some acts of hostility on the part of European nations, that Chinese wall was broken down and this friendly treaty negotiated between this country and that. Under the operation of that treaty 100,000 Chinamen got into this country, and then arose the cry of alarm from the Pacific coast. Something must be done to protect the people of that coast from this immigration of yellow non-voting laborers. They could bear the immigration of all others, but the yellow laborers who have no votes must not be admitted within the confines of the free Republic, and an act was forced through Congress under the lead of these same representatives from the Pacific coast, for whom, I beg to say, I have the highest regard and consideration, which was vetoed by President Hayes because it was in violation of the Burlingame treaty which we had obtained from China.

That veto of the President was accepted, but demand was made for some action, and subsequently a commission was sent by this Government to China, and a supplemental treaty was made with China by which some relief might be afforded to our friends upon the Pacific coast and yet no violation to the treaty be committed, James B. Angel being the leading commissioner on the part of the United States. That supplemental treaty provided—what? It provided for a limited restriction of the immigration of whom? Of the Chinese laborers into this country; a limited restriction which should be reasonable.

Only laborers are to be included in the limitations; and the second article of that supplemental treaty provides that all other Chinese subjects may still continue to come and go into the United States "of their own free will and accord, as the subjects of the other and more favored nations." So that—and I want the representatives of the Pacific coast to correct me if I make any misstatement or fall into error anywhere; they shall have time enough to do it—so that this supplemental treaty provides only for restriction as to laborers and permits all other Chinese subjects to come and go of their own free will and accord into this country as ours into theirs.

The Forty-seventh Congress, after the ratification of this supplemental treaty under the lead of these Pacific coast Representatives, passed a bill which was vetoed by President Arthur because it violated even the modified and supplemental treaty in that it prohibited the importation of all Chinese laborers into this country absolutely for the term of twenty years. It was held by the President that that was a violation even of the modified treaty, and therefore he vetoed it, and the veto was sustained.

Still the cry came up for relief, and the Forty-seventh Congress was held by the throat until it passed the act which it is attempted here to-day to amend. That act was passed May 6, 1882, and went into effect August 4 of the same year. That is the act to which the eloquence of the gentleman from California [Mr. HENLEY] is, and of the gentleman from Oregon [Mr. GEORGE] was directed; and it was in place there. That act was passed, signed, and approved, and has now been in operation for nearly two years. I say it has produced the result which it was intended to effect, and the proposed amendatory act will add nothing to it within the scope of the treaty which we have made with China.

I wish to prove that the act has done its work, and that anything further is unnecessary. I will prove it by figures, and I ask correction from any gentleman of the statements I am about to make.

Since the passage of that act and up to the 15th day of January of this year 17,000 Chinamen departed from these shores and only 3,415 came to this country; making during the two years this treaty has been in operation a difference of 13,600 in this country.

Mark you, we had no right to prohibit and the act does not prohibit those who came before its passage under the old treaty from going home and again returning to this country; and of the 3,415 who have come to this country since the act of May 6, 1882, went into operation the greater part were those who had the right to return. Not more than five or six hundred Chinamen have come into this country *de novo* during these two years; only those who had acquired under the treaty the right to come here have returned, and they could not be prevented from returning.

Is not that a pretty effectual working of the act? Only 3,415 have come to this country. Does not that evince a pretty thorough working of the act for the first two years?

Mr. PETERS. Was the vote to which the gentleman from California [Mr. HENLEY] alluded taken before or after the passage of the act of 1882?

Mr. RICE. It was taken before the passage of that act. To show that I do not speak without authority, let me quote as additional authority the San Francisco Chronicle of January 13, 1884. I fancy that my Democratic friends from California will not deny the authority of that journal, or its bitter anti-Chinese sentiment.

Mr. HENLEY. Allow me to inform the gentleman that it lacks a great deal of being a Democratic paper, if you put it upon that ground.

Mr. RICE. I believe it belongs to the Independent party in California, but it is anti-Chinese.

Mr. HENLEY. It is thoroughly Republican.

Mr. RICE. Is it thoroughly Republican?

Mr. HENLEY. Thoroughly and emphatically Republican.

Mr. RICE. All the better, then. [Laughter.] I will now read the extract which I was about to read from that paper. It says that before the operation of the restriction act 1,500 Chinese per month were coming into California, but that since the passage of that act the average of monthly arivals has not exceeded 66. The arrivals were reduced from 1,500 per month to 66 per month. It then goes on to say:

> There is of course a wide difference between monthly arrivals of 1,500 before the passage of this law and the 66 average for the last year. In the ten years for which the law runs the surreptitious arrivals would not aggregate more than 3,500.

The paper says that the half of the 66 per month were probably "landed by fraud or perjury or other evasion of the act." It is therefore to prevent the suspected surreptitious immigration of 3,500 in ten years that this bill is to be enacted into law.

But mark this, there is no evidence that a single one of those 66 monthly arrivals were fraudulent or surreptitious; but the proper conclusion is that they really were those who have the right under the treaty to return to this country.

Mr. HENLEY. The gentleman invited corrections of his statements.

Mr. RICE. Certainly.

Mr. HENLEY. Therefore I venture to interrupt him, but will not do so without his consent.

Mr. RICE. I beg that you will do so.

Mr. HENLEY. The gentlemen assumes that all of the Chinese who have entered into California since the passage of the act of 1882 are contained in the statistics which he presents to the committee.

Mr. RICE. I do.

Mr. HENLEY. Since the gentleman expresses a desire to be eminently fair and candid in this matter, I beg to call his attention to the fact that on the calendar of the Federal courts in San Francisco, district and circuit courts, there are pretty nearly three hundred cases of persons who are applying to be admitted under the provisions of this act; so many that it has acted as an absolute barrier to all other litigation. Further than that, in a letter dated November 22, 1883, written by W. H. Wasson, the Treasury agent, and addressed to Hon. Charles J. Folger, Secretary of the Treasury, it is stated that there are in the neighborhood of 20,000 Chinese in British Columbia who are threatening to come over the line at any time; and this amendatory bill proposed here is designed to prevent that as one of the dangers which threatens the peace of California.

Mr. BUDD. And if the gentleman will allow me, I will say that the Chinese from British Columbia are now coming over the line daily.

Mr. RICE. Well, there are several Chinese in Massachusetts who may go over the line and get into California. There is no evidence that they have started, and I have seen no evidence that any have started yet from British Columbia. I take the figures of the United States officials in California.

Does the gentleman from California [Mr. HENLEY] want to know how these three hundred cases to which he refers came into the United States courts? It is because you do not acknowledge the validity of a single passport that has been put into the hands of the men who have the right under the treaty to come back by their government, but you arrest and try every one of them in your courts before you let them in, when they have the full right under the treaty to come in. That is how your courts happen to be clogged up with these cases to which you refer. If you would admit——

Mr. ROSECRANS. The gentleman seems to imagine that every passport presented is really a true passport.

Mr. RICE. I have no evidence that these passports are not true. If the gentleman from California has such evidence I will thank him to present it.

Mr. ROSECRANS. The courts in a good many instances have found that these passports were not true.

Mr. RICE. I would like to know in how many instances?

Mr. ROSECRANS. I can not give the exact number.

Mr. RICE. More than thirty-three in all during the two years? Will the gentleman answer my question? I have looked into the figures, and I ask the gentleman whether of all the cases that have come into the courts there have been more than thirty-three in which the passports have been found fraudulent?

Mr. ROSECRANS. I do not remember; I never kept an account of the number of fraudulent passports. But I know that in cases of parties who have been arrested, a considerable number of forged papers have been found. I know that Republicans, represented by such papers as the San Francisco Chronicle, want this bill passed for the purpose of making more effective the law which, according to the gentle-

man from Massachusetts, is already effective. We do not object to the effectiveness of the law; we only want to make it perfect.

Mr. RICE. I am going to show in a few minutes how you are trying to make it perfect.

As the gentleman has called my atttention to these passports, let me make a statement in regard to one of which I was reading a few days ago in a California paper, to show how thoroughly this law is made to work under the influence of public opinion, such as exists in the State of California.

Under the treaty, merchants still have a right to come into the United States from China. A young man of eighteen came into California the other day from China with a passport signed by his government, seeking to exercise the right as a merchant to enter this country. His father had come to the country many years before and had established himself in a small mercantile business in one of the interior towns of the Pacific coast. This boy of eighteen had been fitting himself to enter into partnership with his father and had come here with the passport of his government certifying that he was a merchant seeking to enter upon our shores. And he was arrested before he could set foot upon the shores of California, and was tried in the courts there; and that passport was declared to be fraudulent because he had never been a merchant and was only proposing to be one. Without being allowed to enter upon the land, without being allowed to see his father whom he had not seen for years and to join whom he had come so far, he was turned back over the weary waste of the Pacific Ocean—refused an entrance into this "land of the free." That is the way this act works in California. Do you want to make it any more thorough than that?

Now, I wish to read from another authority. I have here the Argonaut. I do not know whether that is a Republican paper or a Democratic paper, but it is a California paper.

Mr. CASSIDY. That is another Independent journal.

Mr. RICE. Another Independent journal! The Independent party must be thriving in California.

Mr. HENLEY. What is the date of the paper which the gentleman is about to read?

Mr. RICE. December 1, 1883—about the time you began to get up this agitation. Now, I beg my friends, especially my California friends, to listen to this from the Argonaut:

It strikes us that our very respectable journals are making more fuss over this business than its importance justifies. Certain of our politicians are making an ado about it that is unseemly and ridiculous. We are not impressed that there is any danger. The law is working as well as we expected it would. Chinese immigration has been practically suspended by it. We are getting no more Chinese now than we ought to have, nor more than are profitable and convenient to keep up the number which, by reason of their existence among us, have become indispensable to us.

Now, this is in the same line as the statement of Judge Hoffman, the discreet, learned, and impartial judge of the United States district court of California, whose order sent that young man back to China because he never had been a merchant, but was only proposing to be one. What does he say?

It appears that not only has the flood of Chinese immigration with which we were menaced been stayed, but a process of depletion has been going on which could not be considerably increased without serious disturbance to the established industries of the State.

Mr. ROSECRANS. I have here something which I am sure will interest my friend from Massachusetts——

Mr. RICE. Anything will interest me that comes from you.

Mr. ROSECRANS. I had occasion to call the attention of the Secretary of the Treasury to the probability of a traffic in the importation of Chinese labor over our Northern borders. I showed him that a large number of these people along the line of the railroad were coming through in small squads, because there was a profit in the importation of labor. This led to his sending me a copy of the report of Mr. Wasson, from which I will read an extract——

Mr. RICE. I am afraid the gentleman is not so interesting as I may be in a few minutes, and if he pleases I will leave him to read that in his own time rather than mine.

Mr. ROSECRANS. It will occupy but a moment. Mr. Wasson, in his report, says:

The term "laborer" may include a woman. The wife takes the condition of her husband; and upon this ruling the artful Chinese, who invariably have two or three names, without regard to right or wrong, having no regard for our oath, claim and swear that they are either connected with some mercantile establishment or own a wash-house. Upon this evidence they are permitted the same privileges as the citizens of the most favored nations, and come and go at will.

Mr. RICE. It is not so interesting even as I thought it was going to be. [Laughter.]

Now, why is it that our politicians are making so much ado over this business? Let me read a little more from the Argonaut in answer. One reason that the Argonaut states for this "much ado about nothing" is that "white labor votes and yellow labor does not." This is one reason given by the Argonaut.

Mr. TULLY. I did not hear that last remark.

Mr. RICE. White labor votes and yellow labor does not.

Mr. TULLY. Will the gentleman let me ask him a question?

Mr. RICE. Well.

Mr. TULLY. Are you in favor of yellow labor voting?

Mr. RICE. I am giving you a reason why you are not agitated about yellow labor as about white.

Mr. TULLY. That is not fair.

Mr. CASSIDY. That is an unfair answer.

Mr. TULLY. Let me suggest that is not an answer to my question.

Mr. RICE. It is not germane to the subject. [Laughter.] Now let me read a little more from the Argonaut:

Experience and observation demonstrate that there is no depth of absurdity nor height of wickedness to which the daily journals of San Francisco (Alta excepted) will not crawl or climb to conciliate the good-will of the ignorant and demagogue element of the labor class. This practice of slobbering over the idle poor and pandering to prejudices that are the growth of ignorance and political demagogism is too common to demand notice, or even to attract it, if, as has happened before, and by the same journals, great damage to the city of San Francisco and State of California did not result from it. All this blowing of smoke and ashes from out the dead Chinese question is having a damaging influence abroad. It is arresting immigration by sounding false alarm of a new Chinese invasion.

It then goes on to give the figures I have already given, showing the effect of the act during the two years it has been in operation, and then concludes:

If in our country it can not stand up under the immigration of 200 moon-eyed barbarians a month, who work for their living, obey the law, and don't vote, it had better go out of business and close the concern.

Now, I have shown that the act of 1882 is effectual and operative. I have shown it by the figures; I have shown it by the testimony of Judge Hoffman, by the testimony of the Chronicle, the Argonaut, and I have heard as yet no word to contradict the statements from these representatives of the Pacific coast.

What, then, is this bill—this precious waste of ink and paper; what is it? I want gentlemen to attend seriously to this matter.

Here is the first section of the bill. It provides that the first section of the act of 1882 "shall be amended so as to read as follows," and it then goes on to print a half page which reads precisely as section 1 of that act with one single exception. The original act says that during such suspension it shall not be lawful for any Chinese laborer to come or, having come, to remain in the United States. This amends that by saying to come "from any foreign port or place." In the interest of economy and good grammar I ask if it is necessary for this House to stop in the great debate on tariff reform and put aside all other questions to amend the old act by inserting, when it provided it should not be lawful to come into the United States, the amendment "from any foreign port or place."

That is the first amendment. We now come to the second, "that the master of any vessel who shall knowingly bring within the United States on such vessel and land, or permit to be landed, any Chinese laborer." That is the way the old act read. The new one reads: "to land or attempt to land or permit to be landed," &c. And that is the relief that is to be extended by this Congress to the suffering communities on our Pacific coast. "To land or to attempt to land or permit to be landed!" Puerile and frivolous I declare it to be, although, as the gentleman from California has said, it is the result of the combined wisdom of the Representatives from the Pacific coast.

Section 3 is amended so that in line 39 are introduced the following words:

Provided, That all Chinese laborers brought on such vessel shall not be permitted to land except in case of absolute necessity.

Some Chinese sailor or some Chinese boy who had crossed the ocean to see his father might have been permitted under the present act to set foot upon the sacred soil of California, but he shall not do so any longer; and under the provisions of this act no one from that forbidden country shall be permitted to land except in case of "absolute necessity." What is that condition? If he had the small-pox, could he be taken out of the vessel and carried to a hospital? Will you answer that? What would be a case of "absolute necessity," my genial friend from California, my kind-hearted friend? Will you please, when you make your speech, give us the answer?

Well, that is three pages of this bill, and I have read you everything new there is in it so far. Now we will take two pages more. What are the next two pages? Why, the late act required the certificate, upon which the Chinese laborer should return, to state his name and occupation. Now here we have two pages which provide in addition to that that the certificate shall state the "individual, family, and tribal name" of its unhappy bearer. "The individual, family, and tribal name!" It is not enough to state his name, but that of all of his race. It takes two pages of the bill to provide for that, and I have got over now to the sixth page of the bill and I have given you all there is in it that is new thus far.

Mr. HENLEY. The gentleman will excuse me, but perhaps it may aid him in his criticism——

Mr. RICE. Oh, I understand; I have not given all. The occupation must be stated.

Mr. HENLEY. Yes, but it may improve the gentleman's argument

to know that the criticisms last made by him have been agreed to by the Senate committee; that particular portion of it——

Mr. RICE. I call the gentleman to order for referring to what has been done in the Senate.

Mr. HENLEY. Done in committee. Well, the point of order may be interposed by the gentleman from Massachusetts, and his point of order from his standpoint on this bill would be to prevent the truth, I suppose.

Mr. RICE. My friend from California is getting personal now.

Mr. HENLEY. Oh, not at all.

Mr. RICE. Then, Mr. Chairman, we come to the next question. Under the treaty Chinese merchants have a right to come into this country, and under the last act they had a right to come if they were ticketed and labeled to a sufficient degree; but they were not ticketed and labeled enough, and so this sixth section of the new act makes additional provisions with which the Chinese merchant who seeks to come into this country must comply.

As submitted by the combined wisdom of the Pacific coast the section originally provided that no young man from China should come into this country in order to study—the graces, I presume, and amenities of life which are practiced in California and elsewhere—in order to study unless he had a certificate stating the nature and the character of the contemplated studies, whether the same are to be prosecuted within the United States; where; how long; and that he should not stay ninety days after he got through. I say this bill as originally submitted had that provision in it; but even the Foreign Affairs Committee struck that out. They would not report that to the House. But they left the provision in with regard to the merchants. No merchant shall come here unless he has obtained permission of the government of which he is a subject, and a certificate from that government stating a great many particulars in regard to him.

Now, then, my friend from California, my somewhat excitable and personal friend, stated in his speech something about Chinese Christianity, Chinese religion. I did not copy it all, but the gentleman will remember what it was. He held them up as a race without any religion, without any doctrines or principles of religion; held them up to execration and denunciation by those pious communities in this country of ours; and the merchants of that country must be excluded from this country in the manner which is provided in that section because thus irreligious and unprincipled.

Will the gentleman listen for a moment? Here is a letter, extracts from which I am permitted to read, dated Tien-Tsin, August 9, 1882. This is from a Chinese merchant, one who can not come into this country under this act unless he has the signed permission of his government and is ticketed and checked and labeled under the provisions of this section. What does he say?

I have perused the appeal for assistance with care, and have no hesitation in saying that the noble movement contemplated should be instantly responded to from all quarters of the universe. Had the late act failed, I and my friends would be most happy to head a Chinese circular and send it among our friends. But to ask our countrymen to subscribe to a hospital to be built in a country which the Chinese are not for ten years permitted to enter is more than we dare to do. With due respect to the President, and to avoid publicity, and to avoid censure, asking you to omit mention of names, allow me to ask your acceptance of the accompanying small sum of $300 as a subscription to the Garfield Memorial Hospital.

Twenty-five hundred dollars besides this was sent across the ocean from Chinese merchants as subscriptions to the Garfield Memorial Hospital to be erected in this capital city of the United States. I pray my friends to amend this section by providing that instead of the passports and checks which it provides these subscribers to the fund of the Garfield Memorial Hospital may be permitted to come to see it when it is built by presenting their receipts for not less than $300 each to the custom-house officers of San Francisco. [Applause.] Who shows best: the disciples of Confucius, who four hundred and fifty years before the beginning of our era declared, "Do not do to others what you would not wish them to do to you," or the promoters of this act, who, wearing the sign of Jesus of Nazareth, do not, as it seems to me, exhibit the spirit of the Master in their acts?

Mr. BUDD. May I ask the gentleman a question while he is speaking of the morality of the Chinese?

Mr. RICE. Yes, sir.

Mr. BUDD. Do you not know that the Chinese have no regard for their daughters, and that they often do not give them names, but simply a number, as we do to our convicts; that they sell them into prostitution; that they sell their wives and children, or pledge them, to come to this country; that when children are born that are females they are killed or thrown into the street, gathered up by carts, and denied burial; that the very men who want them to become citizens say they are such liars and thieves that they must be watched, and assign as a reason for this that they have not had the teachings of Jesus of Nazareth?

Mr. RICE. I did not know more than about half of that before. I knew there were many bad people in the world, some in China, some in San Francisco, some in New York, some, a very few, even in the city of Worcester. [Laughter.]

Mr. BUDD. I speak of the habits of the Chinese as laid down by Nevins, Speer, Williams, Doolittle, Cornwall, and other writers friendly to them.

Mr. RICE. I have gone over, and have gone over faithfully, all the provisions of this bill except one. Let me say right here that the gentlemen are mistaken when they say that British America has adopted any restrictive act in regard to the Chinese. There have been rumors about it, but they have not done it. Let me say also that this act does not provide against carting over or wheeling over some unhappy Chinaman from Canada across the line into the United States. It does not add anything to the old act to protect our friends in that respect.

But having gone over all that pertains to the old act, let me now come to what is the heart and the kernel of this act. That is all to be found in the fifteenth section of it. I beg the members of this House to listen to this section 15:

The provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or of any other foreign power.

That is the whole substance of this amended act; that is all that is in it, really, that is new or that is not absolutely puerile and frivolous.

The provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or of any other foreign power.

Now, it happens that there are two British provinces in which Chinese dwell. There is the province of Hong-Kong, ceded to Great Britain in 1841; its capital, Victoria; population in 1872, Europeans and Americans, 6,000; Chinese, 115,000. There are 115,000 Chinamen that have not been kept out by any act we have adopted heretofore. Singapore was ceded to the British in 1824. Its population in 1871 was 74,000, of whom 54,000 were Chinese. In all nearly 200,000 Chinese who possibly would not be kept out by the act of 1882. Why not? Because it happens that they are subjects of the British Empire and that over them floats the British flag. One of them was let into Massachusetts a few months ago under the decision of Judges Lowell and Nelson that this act of 1882, being entitled "An act to carry out certain treaty provisions with China," did not apply to Chinese who were subjects of Great Britain, with whom we had made no supplemental treaty authorizing us to do any such thing. And therefore a Chinaman got into Boston from Hong-Kong, and he is at large somewhere in the country now, and for all I know he is executing a flank movement upon California. [Laughter.] I should like to have my stalwart friend from Indiana arm himself and attempt to arrest the career of that dangerous knight-errant before he shall reach the Pacific coast and throw it into additional alarm. One got into Boston because he came under the red cross of England, and our court thought that Congress had not yet enacted anything that would justify us in keeping him out.

It is to arrest the incursion of such Chinamen that this act is prepared and presented. Let me read from the report of the majority to prove this:

To show that it—

This act—

To show that it has failed so to do—

To keep out the Chinese—

your committee have only to cite the decision of Judges Lowell and Nelson of the United States circuit court in Massachusetts, to the effect that the Chinese laborer born on the island of Hong-Kong, after its cession to Great Britain, is not within the provisions of the act of 1882.

That is all they have to say. The words are "they have only to cite." So that this is the be-all and the end-all of this matter—to keep out English Chinamen from the United States.

Where are your treaty rights to do that? Did you vote for steel cruisers the other day when you were anticipating the presenting and putting this bill through the House? How long, think you, England would keep her ironclads from bombarding our cities if you should refuse to her subjects, Chinamen though they are, the right to set foot upon our shores? Think you the English governor of Hong-Kong would sit down and fill out to a Chinese sailor on an English vessel sailing thence to San Francisco that ridiculous certificate which you provide in this act he must have in order to be allowed to enter this country? Think you that if an English vessel anchored at the wharf of San Francisco with Chinese sailors on board, born in Hong-Kong, and without that certificate—think you that the English Government would allow these sailors to be arrested, thrown into prison, turned back if they chanced in discharging the cargo of the vessel to set foot upon your soil because, forsooth, they had not brought this permit of the Imperial Government of England to authorize them to come in under the provisions of this act?

That, gentlemen of the committee, is all there is in this bill. Are you ready now upon this showing to pass this bill upon any clamor from the Pacific coast, or for any party reasons whatsoever, when its only provision will either be ignored by England as foolish bombast or will lead us into war with that country?

I have spent much more time than I intended in the discussion of this subject. It seemed to devolve upon me to explain the provisions of this bill. If it is to pass, and I presume it will pass, I presume that the clamor from the constituents of the gentlemen who have spoken and who will speak in its favor will be potent here. If it is to pass, no argument showing further its transparent tenuity and ridiculous absurdities can be of any avail.

But I was determined that it should not pass without spreading upon the records of this House an explanation of its provisions and its intent. I declare it to be petty in its details, presumptuous in its attempts, and impossible as to execution.

Mr. EATON. Will the gentleman pardon me for interrupting him one moment?

Mr. RICE. Certainly.

Mr. EATON. I understood my friend to say that the other law had been effective and had performed the very duty that this bill was designed to perform.

Mr. RICE. With one exception.

Mr. EATON. And now, if I understand him correctly, he says that this bill is impossible of performance. If so, then I would be glad to have him tell me why, if the other bill has been effective?

Mr. RICE. Because we have no navy with which to enforce it against the nations of the earth other than China; and even in regard to China, if a fleet of Chinese junks could get across the Pacific they would bombard San Francisco into submission in a single day.

Mr. EATON. Ah, now I understand.

Mr. HENLEY. We will not call upon Massachusetts to protect us in that emergency.

Mr. HAMMOND. Allow me to ask the gentleman if it would be a *casus belli* for us to refuse to receive any of the population of England who are disreputable and vicious, who are repugnant to our notions of decency and propriety? Can we not exclude English paupers without its being a cause of war? I ask the gentleman that as a legal question.

Mr. RICE. We can make police regulations by which we can exclude paupers, vicious and diseased persons.

Mr. HAMMOND. Then if it be proved that the Chinese are such, can we not exclude them without making it a *casus belli?*

Mr. RICE. If you think you can cover with that description the Chinese merchants who trade with the world, and who send their subscriptions here to build our memorial hospital——

Mr. HAMMOND. I am not talking about Chinese merchants.

Mr. RICE. I am, and this act will exclude them just as much as it will exclude the vicious.

Mr. HAMMOND. Will you vote for this bill if we will let them come in?

Mr. RICE. Let who come in?

Mr. HAMMOND. The Garfield hospital fellows.

Mr. RICE. I trust I should if I had the chance; but I do not see what that has to do with this matter.

Mr. HAMMOND. Then you say you will vote for this bill if we will except them from its operation?

Mr. RICE. Oh, that is rather a small question, as it seems to me, to come from so large a gentleman.

Mr. HAMMOND. Then I understand you to decline to answer.

Mr. RICE. I am just closing, and was about to say that this continual hectoring of the Chinese is a matter against which I protest; not because of any belief which I have in the universal Fatherhood of God or the universal brotherhood of man, but because, like my friend from Connecticut [Mr. EATON], I have a good Yankee tendency to thrift and well-doing. I want to be on friendly terms with China, so that we may extend our trade to her markets and take within its sphere the 400,000,000 of her population. Those 400,000,000 are men and women after all who have their wants and who desire us to supply them. They are ready to work, to trade, and to learn of us. By extending our markets to them and continuing on friendly commercial relations with them we shall derive those profits which an ingenious and powerful nation always derives from trade with a weaker and less developed nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICE. I have two hours, Mr. Chairman.

The CHAIRMAN. The Chair did not understand that the gentleman had two hours.

Mr. LAMB. I was perfectly willing that there should be two hours allowed to each side.

Mr. RICE. I am just about to finish my remarks.

Mr. LAMB. I have no objection to the gentleman continuing, but I want to speak about the agreement as to debate. If you remember, Mr. Chairman, there was an objection to the agreement which was proposed, and consequently each of us has his own time.

Mr. RICE. In conclusion, I wish merely to say that we ought to cultivate friendly relations with China, if for no other reason, in order to secure the advantages of trade and commerce with her people. I adjure the House not to do that which will cover the broad Pacific with the red flags of war and of conquest, but rather that which will cover those seas with the white sails and iron keels of commerce, which shall weave indissoluble bonds of friendship and of amity across the ocean. Build not up on the Pacific coast a Chinese wall with gates opening only from within, and with cannon frowning without. Rather from the high turrets of a Christian civilization let the electric lights of industry, of science, and of philanthropy shine across the Pacific and illumine the dark places of the old land where our race was born. [Applause.]

The gentleman from Illinois [Mr. HITT] will control the remainder of the time on this side.

The CHAIRMAN. The Chair so understands.

Mr. EATON. Of the hour allotted to me as one member of the committee, I yield fifteen minutes to my friend from California [Mr. GLASCOCK].

Mr. GLASCOCK. Mr. Chairman, in the short space of time allotted to me it is hardly to be expected that I can say much upon this question. I simply desire, as far as in me lies, to voice the sentiment of a million and a half of American citizens upon a subject that so closely relates to American labor as does the matter now under consideration. But, sir, it is not my intention to discuss the policy of restriction of Chinese immigration. That policy has already been clearly and unmistakably outlined in the act of 1882, of which this bill is amendatory.

This bill presents no new nor radical phases of this, to us on the Pacific coast, most vital question. It simply operates to cure what is diseased in existing statute, to make more perfect an imperfect expression of popular will. Is there anything startling in this? Are we endeavoring to overturn any well-settled principle of governmental policy when we say that the act of 1882 has been tried, found wanting, and that we desire to make it conform to the evident intention of the framers of said act? This question is not to be decided upon popular clamor, passion, or prejudice, but calmly and dispassionately, as every great economic problem ought to be solved by this body of representative Americans. Its intimate connection with the greatest of our living questions, that of American labor, its status, its wants, and its possibilities, demand at your hands and will receive that earnest, unbiased, intelligent treatment which its importance deserves.

I am glad to state that no opposition to this measure of partial relief comes from this side of the Chamber. The Democrats in Congress have uniformly responded to every cry that has come out of the West against the evil of Chinese immigration. There has been no halting, no wavering with them upon this question. They have ever faced with unbroken ranks any invasion upon the rights and dignity of American labor.

Sir, the distinguished gentleman from Massachusetts who has just taken his seat has taught us from the Pacific Slope much for which we ought to feel profoundly grateful. Such is the density of our ignorance that we have always held the Chinaman to be irreligious, untruthful, given over to slavery, infanticide, and enforced prostitution, wanting in honesty, filthy of habit, and infamous in practice, but the gentleman shatters the convictions of thirty-odd years of observation and actual contact with the counter argument, strong as proof of Holy Writ, that some Chinaman, name unknown, on August 9, 1882, subscribed $300 to the Garfield Memorial Hospital, and that certain other Chinamen, names also unknown, raised and transmitted to this country $25,000 for the same purpose. We had scarce rallied from the shock of this conclusive answer to the charges ere we learned that the disciples of Confucius show better than the promoters of the bill who wear the sign of Jesus of Nazareth. Now, the gentleman can drag me into no discussion as to the merits or demerits of the Christian religion as compared with the teachings of the Wise Man of China, but it will afford food for serious reflection to the thousands of Christian promoters of this bill on the Pacific coast when they learn that, in the opinion of the distinguished gentleman, they are not yet ascended to the religious plane of the followers of Confucius.

We learn still further that the amendments incorporated in this bill are frivolous and puerile, and the gentleman takes an hour to tell us so. This is a grave charge made against the representation of three States and two Territories, and, coming from so eminent a source, merits a more than passing consideration. He objects strenuously and with withering sarcasm to the insertion in the first section of the words "from any foreign port or place." To show the necessity of this amendment we have only to cite the decision of Judges Nelson and Lowell, of the United States circuit court of the gentleman's own State, to the effect that a Chinese laborer born in the island of Hong-Kong after its cession to Great Britain is not within the purview of the restriction of the act of 1882 because of the want of some such language in said act, and the *per contra* decision of Justice Field, delivered in San Francisco September 24, 1883, in the matter of Ah Lung, a similar case. When such distinguished jurists disagree so radically upon the alleged plain letter of the statute, ought not the matter to be made clear by amendment?

But the gentleman, while contending for the puerility of this amendment, admits that section 15, to the effect that "the provisions of this act shall apply to all subjects of China, and Chinese whether subjects of China or of any other foreign power," is not absolutely frivolous. We are indebted to his clemency, and this the more since the section referred to is but a recognition of the substance of the amendment objected to. Section 15 is opposed because it will get us into trouble, possibly war, with England, for which we are wholly unprepared. Not that we would object to it, but that we have no navy. I may be permitted to say that to any one who has even casually kept pace with the current of English policy and English history this is the acme of absurdity.

England cares no more for the inhabitants of Singapore and Hong-Kong than she does for the Hottentot or the Kaffir. They are the fruits of her aggression, the slaves of her will. They are part of her possessions, but not of her people. Her ægis is thrown before them to protect the chattel, not the man; the servant because of the service he can render, not the member of her family who has been wronged. Following out the line of cold commercial policy for the protection of her colonies, she has through those colonies adopted more stringent regulations to prevent Mongolian immigration than are contained in any bill ever submitted to an American Congress. There is nothing to fear on this score. The objection, not the amendment, is frivolous. We violate no treaty stipulation by this act. We exclude now the pauper and the criminal immigrant. We have the same right to exclude a servile and debasing class of foreign labor, and on the same grounds—its inevitable tendency to lower the tone of our civilization by the degradation of our labor. What we require of "the most favored nation" is that the immigrant coming to us from her borders shall be clean-handed, free, capable of assimilating with our people and of understanding and appreciating the blessings of a free government. This is the sum of our requirements, the limit of our concession. We could do no more, no less, for the preservation of our people, the conservation of our honor, and the advancement of our nation. If a war be necessary to protect these, then war be it. While the American people will not invite a contest on these grounds, they will not shrink from it.

The bill is next attacked because in it are provisions making the attempt to land Chinese laborers a misdemeanor and providing that all such laborers brought on any vessel shall not be permitted to land except in case of absolute necessity. The first follows the established policy of criminal statutes and therefore needs no explanation, and the second is equally void of offense. It means simply what it says in plain English. When brought here in violation of law such laborer shall not be allowed to land except in case of absolute necessity. What that necessity shall be is left for judicial determination.

The inquiry is then made why we require that the certificate shall state the individual, family, and tribal name in full of the person presenting the same? It is a matter of some astonishment that a gentleman possessing such a fund of information concerning Chinese character, habits, and customs should have failed to know that every Chinaman has at least three names, the name of his tribe, of his family, and his individual name, the confusion between which is, to those who have had dealings with the race, a matter of common notoriety. The query seems still more strange since the gentleman in the course of his remarks was referred by my colleague, General ROSECRANS, to a report made to the Secretary of the Treasury by Mr. Wasson, in which that fact is mentioned.

The bulk of the argument in opposition to this measure, however, seems to have expended itself in the assertion that Chinese immigration, under the restrictive provisions of the act of 1882, has practically ended and that there is no necessity for further amendment. Reliance in support of this assertion is had upon certain figures compiled by the San Francisco Chronicle and some characteristic utterances clipped from the Argonaut. As to the Argonaut—and I say this simply because the gentleman appears to derive much satisfaction from the statements therein made—it may comfort the gentleman to learn that the editor of that paper has been heretofore one of the foremost advocates on our coast of the policy of not only exclusion but expulsion of Chinese from this country, and so strong has been his feelings and convictions on this score that in 1880, while a delegate to the national Republican convention, he with the balance of the California delegation threatened to jump the party barriers and bolt the convention unless an anti-Chinese plank were placed in the platform. What is more, this threat forced you, as a matter of party policy, to recede from your convictions, your teachings, and the sentimental philanthropy which finds its abode in the breast of the Eastern Republican, and to insert in your national platform a plank that you did not believe in, but did need.

Mr. HENLEY. Pardon me, this same gentleman——

Mr. GLASCOCK. I have but a short time left.

Mr. HENLEY. The time will be extended to you. This same gentleman is on record as having advocated the burning of the steamship company's ships which brought these people to California.

Mr. GLASCOCK. Now, if the gentleman from Massachusetts can find any consolation in that he is welcome to it.

Now, sir, a few words in reference to the figures. It is always safer when figures are dealt with to have those that are official.

In this connection I beg leave to refer to that portion of the letter of the Secretary of the Treasury to the Senate Committee on Foreign Affairs, of date January 16, 1884, containing the report of E. L. Sullivan, collector of the port of San Francisco. I will not take up the time of the committee in reading it, but will print it with my remarks.

CUSTOM-HOUSE, SAN FRANCISCO, CAL.,
Collector's Office, December 3, 1883.

SIR: Respectfully referring to Department telegram of the 23d ultimo, requesting a statement of the arrival of Chinese at this port for the last few months, &c., I beg to submit the following statement in detail of arrivals and departures since August 4, 1882, deeming that such statement will furnish you more information in regard to the operations of the exclusion act than one covering a shorter period:

Statement of arrivals of Chinese at San Francisco from August 4, 1882, to November 9, 1883.

Name of steamer.	Where from.	Date of arrival.	Number.*	Number in transit for other places.
Idaho	Victoria, British Columbia.	Aug. 14, 1882	4	
Sardonyx	do	Aug. 18, 1882	1	
Rio de Janeiro	Panama	Aug. 18, 1882	1	
Dakota	Victoria, British Columbia.	Sept. 2, 1882	3	
Colima	Panama	Sept. 8, 1882	1	
Dakota	Victoria, British Columbia.	Sept. 25, 1882	3	
Suez	Honolulu	Oct. 2, 1882	2	
Geo. W. Elder	Victoria, British Columbia.	Oct. 4, 1882	4	
San José	Panama	Oct. 6, 1882	10	
City of Peking	China	Oct. 13, 1882	1	
Dakota	Victoria	Oct. 14, 1882	6	
Sardonyx	do	Oct. 21, 1882	14	
Arabic	China	Oct. 23, 1882	1	
Geo. W. Elder	Victoria	Oct. 24, 1882	3	
Suez	Honolulu	Oct. 30, 1882	3	
Coptic	China	Nov. 10, 1882	3	
Dakota	Victoria	Nov. 24, 1882	1	
City of Tokio	China	Nov. 23, 1882	7	
Suez	Honolulu	Dec. 1, 1882	2	
San José	Panama	Dec. 1, 1882	11	
Gaelic	China	Dec. 7, 1882	3	
Dakota	Victoria	Dec. 15, 1882	3	
Belgic	China	Dec. 18, 1882	6	
Granada	Panama	Dec. 18, 1882	9	
Rio de Janeiro	do	Dec. 30, 1882		China, 8.
City of Peking	China	Dec. 30, 1882	4	Panama, 7.
Suez	Honolulu	Jan. 2, 1883	3	
Dakota	Victoria	Jan. 2, 1883	15	
Arabic	China	Jan. 8, 1883	2	
Wilmington	Victoria	Jan. 11, 1883		China, 44.
Oceanic	China	Jan. 15, 1883	15	
Geo. W. Elder	Victoria	Jan. 15, 1883	2	
Chas. T. Hook	do	Jan. 23, 1883		Honolulu and China, 167.
Dakota	do	Jan. 23, 1883	5	
Colima	Panama	Jan. 21, 1883	3	
Coptic	China	Jan. 29, 1883	12	
San José	Panama	Jan. 31, 1883	6	
Geo. W. Elder	Victoria	Feb. 2, 1883	1	
Tahiti	Tahiti	Feb. 12, 1883	1	
Dakota	Victoria	Feb. 14, 1883	1	
City of Tokio	China	Feb. 15, 1883	18	Hawaiian Islands and Victoria, 22.
Granada	Panama	Feb. 20, 1883		China, 2.
Gaelic	China	Feb. 22, 1883	5	Hawaiian Islands, 40.
Suez	Honolulu	Feb. 26, 1883	1	
Rio de Janeiro	Panama	Mar. 2, 1883		China, 4.
Dakota	Victoria	Mar. 5, 1883	1	
Belgic	China	Mar. 10, 1883	2	Hawaiian Islands, 16.
Geo. W. Elder	Victoria	Mar. 13, 1883		China, 3.
D. C. Murray	Honolulu	Mar. 19, 1883	1	
City of Peking	China	Mar. 19, 1883	5	British Columbia and Hawaiian Islands, 80.
City of Sydney	Honolulu	Mar. 21, 1883	1	
Dakota	Victoria	Mar. 23, 1883	5	
Colima	Panama	Mar. 23, 1883	9	
Suez	Honolulu	Mar. 26, 1883	3	
Arabic	China	Mar. 26, 1883	18	Hawaiian Islands and British Columbia, 625.
Mexico	Victoria	Mar. 26, 1883	2	
San José	Panama	Mar. 30, 1883		China, 13.
Geo. W. Elder	Victoria	Apr. 3, 1883	9	
Wilmington	do	Apr. 10, 1883		China, 5.
Dakota	do	Apr. 14, 1883	3	
Oceanic	China	Apr. 16, 1883	24	Cuba and British Columbia, 434.
Granada	Panama	Apr. 21, 1883	3	
Geo. W. Elder	Victoria	Apr. 24, 1883		China, 2.
Coptic	China	Apr. 28, 1883	61	Cuba, British Columbia, and Panama, 267.
Rio de Janeiro	Panama	May 1, 1883		China, 3.
Dakota	Victoria	May 3, 1883	4	
Geo. W. Elder	do	May 8, 1883	2	
Dakota	do	May 15, 1883	3	China, 2.
City of Tokio	China	May 17, 1883	138	British Columbia and Panama, 339.
Geo. W. Elder	Victoria	May 22, 1883	4	
Colima	Panama	May 24, 1883	1	
Suez	Honolulu	May 28, 1883	3	
Dakota	Victoria	May 29, 1883	1	
Glenly	do	May 29, 1883		Hawaiian Islands and China, 27.
City of Peking	China	May 31, 1883	392	Hawaiian Islands, British Columbia, and Panama, 378.
Vealandia	Honolulu	June 12, 1883	1	
Dakota	Victoria	June 12, 1883	2	China, 12.
Arabic	China	June 13, 1883	115	British Columbia, Cuba, and Panama, 58.
Geo. W. Elder	Victoria	June 19, 1883	5	
Granada	Panama	June 22, 1883	5	
Mexico	Victoria	June 25, 1883	1	
Dakota	do	June 26, 1883		China, 19.

* Number for San Francisco.

Statement of arrivals of Chinese at San Francisco, &c.—Continued.

Name of steamer.	Where from.	Date of arrival.	Number.*	Number in transit for other places.
Oceanic	China	June 27, 1883	172	British Columbia and Hawaiian Islands, 86.
Geo. W. Elder	Victoria	July 3, 1883	5	China, 1.
San Blas	Panama	July 2, 1883	5	
Coptic	China	July 9, 1883	99	British Columbia, 1.
City of Sydney	Honolulu	July 10, 1883	2	
Dakota	Victoria	July 10, 1883	1	
Geo. W. Elder	do	July 17, 1883	1	
Dakota	do	July 21, 1883	3	
Colima	Panama	July 23, 1883	7	
Rio de Janeiro	China	July 23, 1883	49	Panama, &c., 51.
Newbern	Mexico	July 27, 1883	1	
Mexico	Victoria	July 30, 1883		China, 30.
San Juan	Panama	July 31, 1883	1	
Geo. W. Elder	Victoria	Aug. 4, 1883	1	
City of Tokio	China	Aug. 6, 1883	234	Hawaiian Islands, British Columbia, &c., 49.
Australia	Honolulu	Aug. 7, 1883	1	
Dakota	Victoria	Aug. 11, 1883	5	
Mariposa	Honolulu	Aug. 14, 1883	1	
Mexico	Victoria	Aug. 16, 1883	1	China, 23.
Granada	Panama	Aug. 18, 1883	5	
City of Peking	China	Aug. 22, 1883	92	Hawaiian Islands, British Columbia, &c., 70.
Geo. W. Elder	Victoria	Aug. 22, 1883	5	
Dakota	do	Aug. 27, 1883	10	China, 19.
San Blas	Panama	Aug. 31, 1883	3	China, 6.
Mexico	Victoria	Aug. 31, 1883	4	China, 2.
Arabic	China	Sept. 3, 1883	113	British Columbia and Hawaiian Islands, 112.
Geo. W. Elder	Victoria	Sept. 6, 1883	2	
City of New York	Honolulu	Sept. 7, 1883	1	
Dakota	Victoria	Sept. 11, 1883	6	China, 65.
Tropic Bird	Tahiti	Sept. 14, 1883	8	
Mariposa	Honolulu	Sept. 17, 1883	1	
Mexico	Victoria	Sept. 17, 1883	2	
Oceanic	China	Sept. 17, 1883	51	Panama, &c., 30.
Colima	Panama	Sept. 21, 1883	7	China, 6.
Geo. W. Elder	Victoria	Sept. 21, 1883	2	China, 25.
Coptic	China	Sept. 24, 1883	113	British Columbia, Panama, &c., 60.
Sardonyx	Victoria	Sept. 27, 1883		China, 4.
Dakota	do	Sept. 28, 1883	2	
San Juan	Panama	Oct. 1, 1883	37	
Geo. W. Elder	Victoria	Oct. 6, 1883	6	China, 34.
Dakota	do	Oct. 11, 1883	7	
Rio de Janerio	China	Oct. 13, 1883	131	British Columbia, &c., 61.
Mexico	Victoria	Oct. 16, 1883	4	
Sardonyx	do	Oct. 16, 1883	1	China, 9.
Granada	Panama	Oct. 20, 1883	10	
Mariposa	Honolulu	Oct. 22, 1883	6	
Geo. W. Elder	Victoria	Oct. 22, 1883	6	China, 40.
City of Tokio	China	Oct. 22, 1883	171	British Columbia, &c., 66.
San Blas	Panama	Oct. 31, 1883		China, 2.
Mexico	Victoria	Nov. 1, 1883	1	
Geo. W. Elder	do	Nov. 6, 1883	2	China, 30.
City of Peking	China	Nov. 9, 1883	233	British Columbia, 69.

* Number for San Francisco.

This sums up a total of 2,652 for this port direct, and 3,558 in transit to other ports and places outside the limits of the United States. Of this number (2,652) 1,814 had return certificates, leaving 838 claiming to be allowed to land for other reasons.

Of this number there were landed by the court on writs of habeas corpus	64
And there are out on bail, cases undecided	9
	73
As laborers under Department ruling of October 26, 1882:	
On Chinese consuls' passports	184
On affidavits in most cases authenticated by Chinese consul	130
On affidavits of white persons	168
Those holding "Canton certificates," describing them as traders, &c., but who afterward claimed to be laborers, and entitled to land on account of previous residence, evidence on affidavits of white persons	69
As merchants claiming the right to land on account of previous residence, there were landed:	
On Chinese consuls' passports	60
On affidavits of white persons	60
On affidavits of Chinese, vouched by Chinese consul	99
	219
Of merchants resident outside the limits of China at time of passage of the exclusion act there were landed on our consuls' certificates	97
Total	940

The excess of 940 over the 338 to be accounted for was occasioned by the landing of some of those who came in transit, but after arrival substantiated their right to land by evidence of previous residence.

Summary:

Total number of Chinese arriving at San Francisco since August 4, 1882, and up to November 9, 1883		2,652
Number departed during the same period:		
Holding return certificates	12,181	
Without return certificates	1,905	
		14,086
Excess of departures over arrivals		11,434

The Department will observe that for a long time after the act went into effect the arrivals from China were few, and that they were nearly all of the class holding return certificates, but gradually after the Chinese Government began to issue certificates under section 6 their number increased, and the discrepancy between the apparent condition of the holder and his description in his certificate began to appear.

On the City of Peking, last arrival, concerning which I telegraphed that I was investigating and would report the result, I have to say there were a great many who were evidently laborers holding certificates issued by the Chinese Government, but when it became known that they were doubted and would not probably obtain admission for the holder, the plea of being a merchant or trader was abandoned, and the one set up that the holder was a laborer entitled to land by reason of previous residence, and in most cases they established this fact by evidence satisfactory to myself and the surveyor.

This goes to show that, as I have previously intimated to the Department, the method of issuing certificates in China is very loose.

On the arrival of the Arabic, which is not included in the foregoing statistics, the discrepancy was still more noticeable, and I determined to refuse landing in each case where there was a doubt raised by the appearance, conversation, &c., of the holder of a certificate without further investigation, having learned from the interpreter, Long Sing, that he had questioned each one before he had communicated with his friends on shore, leaving the alleged merchant or trader, as the case might be, to carry his case into court if he chose to do so.

A great deal of difficulty is experienced in obtaining a proper interpretation of the Chinese certificates to ascertain if they correspond with the English therein, and I have been compelled to employ intelligent Chinese who understand English for this purpose as temporary laborers.

The last one, Long Sing, has been intimidated by enraged Chinese from appearing in court in the case of the Arabic's passengers, and consequently the Government could not substantiate by him the facts ascertained on inquiry on the vessel.

This covers a period of about fourteen and a half months. During that time, from August 4, 1882, to November 9, 1883, Chinese to the number of 2,652 landed at San Francisco. The number departing was 14,086, but of these it will be noted that 12,181 held return certificates, leaving a net departure of 1,905. In this connection it will also be noticed that within said time 3,558 Chinese entered San Francisco in transit for places outside the United States. That this furnishes opportunity for an evasion of the act, let me call your attention to what E. L. Sullivan reports to the Secretary of the Treasury, August 13, 1883:

There are various subterfuges to which Chinese resort to gain illegal entrance, such as purchasing tickets in transit through the United States from Hong-Kong to Victoria, British Columbia, for instance; then when they are landed in the United States under the provisions of Department circular of January 23, 1883, it is an easy matter to obtain a certificate at the custom-house by false representations entitling them to return. Of course after this has been obtained it is easily concealed, and the Chinaman continues on his voyage to Victoria with an innocent countenance, to return on the next steamer and demand admission upon his certificate.

How many of these constitute a part of the 12,181 departures it is impossible to tell. Let me also call your attention to the report to Secretary of Treasury made by A. W. Bush, collector at Port Townsend:

Now, many thousands of Chinese arrive at Victoria direct from China, and it is estimated that there are now in British Columbia from 12,000 to 15,000 of them. If it is not necessary for Chinese laborers coming to the sound via Victoria to have passports, there will be afforded to persons so disposed opportunities for importing any number of Chinamen from Victoria, as the ordinary passenger descriptive-list is wholly insufficient to identify the Chinaman; and we at this port will not be able to ascertain where said Chinamen are from, whether from San Francisco or some intermediate foreign port, as in the following case: A vessel sails from San Francisco for Puget Sound via Hong-Kong, having on board five hundred Chinamen whose destination is Seattle, Wash. If no passports are required from San Francisco how may we know whether the five hundred have not be (been) exchanged for five hundred other Chinese; but on the other hand, in case passports were granted at San Francisco, then we can, by reference to the certificates, easily determine their identity, and this would also prevent the shipping into the country fresh Chinese in the place and stead of those old and decrepit who go home to die.

Knowing the Chinese character for cunning and duplicity, we are not slow to imagine that they have not failed to avail themselves of this opportunity.

Be this as it may, we know that large numbers of Chinese have come into this country and are coming in in violation of the act sought to be amended. Our northern and southern frontiers, being loosely guarded, furnish ample facilities.

W. H. W. Wassen, special agent, reporting to Secretary of Treasury from Port Townsend, November 22, 1883, says:

SIR: Since my arrival in the collection district of Puget Sound a large share of my time has been given to the discovery of the truth or falsity of the many reports recently circulated through the public press of violations of the Chinese exclusion act in this Territory.

I have visited and closely investigated all the localities near the boundary line where Chinese subjects would be likely to cross. Careful inquiry has been made at the several places visited and the principal localites where Chinese reside, and my firm belief is that in very many cases the reports published are true, and that violations have occurred both by land and water.

There are about 13,000 Chinese in British Columbia within thirty miles of the northern boundary of Washington Territory. Fifteen hundred have recently been discharged from the employ of the Canadian Pacific Railroad, and 3,500 more will be discharged on or before January 1, 1884. There are 2,500 unemployed Chinese in and about the city of Victoria. In addition there have been about 1,500 recently discharged from canneries on the Frazer River. There are, therefore, between 8,000 and 9,000 Chinese laborers just across the border who are now, or will be by January 1, 1884, out of employment and looking for means of subsistence, and there is not a single Chinaman in the whole lot who does not cast longing eyes to the country just this side of the line. Not contented with viewing the promised land from afar, they at once devise plans whereby they can be surreptitiously landed into the United States. They employ unscrupulous white men, to whom they pay large sums of money to pilot them through, who fully understand the secret avenues of egress, both by land and water, eluding the vigilance of frontier customs officers by these unprotected and exposed routes.

Why should they not come? They are subject to no risk in making the attempt save that of being arrested and sent back; they incur no penalty or forfeiture, and the next day repeat the attempt, and so continue until they smuggle themselves, with all that the word implies, into a country they are positively forbidden to enter. From a point where the forty-ninth parallel strikes Semiahmoo Bay there is an unprotected portion of the line between the United States and British Columbia thirty-six miles long. This portion of the country has many trails and roads whereby Chinese laborers can conveniently cross. These routes also afford great opportunity to smuggle opium and other merchandise.

Within the last two months one hundred and twenty-five Chinese, at the least calculation, have come into the United States by those routes alone in violation of law.

In this locality there is but one inspector, located at Schome, with instructions to visit different points by land and water. This is entirely too much country for one officer to successfully operate with benefit to the customs-revenue service.

I would therefore suggest that the Department give special instructions to the collector to station two additional customs officers on this unprotected line. It seems important that this should be done without delay.

* * * * * * *

In my opinion Congress should be asked to affix a penalty to the Chinese restriction act of May 6, 1882, otherwise it will become a dead letter so far as regards the enforcement of the law on the northern frontier.

Does this furnish no food for reflection? Is not this the proof demanded by the gentleman from Massachusetts as to the fact of unlawful immigration across our border?

For these reasons we have asked in good faith that the law, wherein it has been found to be defective, should be amended. We have asked that our borders be protected as well as our ports. To do this at a saving of great expense to the Government we ask that peace officers be clothed with the powers of United States deputy marshals for the purposes of this act. To save frauds and evasions of the law at our ports of entry we have inserted the amendments in sections 4 and 6, which have not been referred to by the gentleman from Massachusetts. It has been found that the affidavit system of admission has been productive of more trouble and fraud than profit. We have provided that the certificate shall be the sole evidence admissible to prove right of entry. It has been found that the Chinese Government has been extremely careless, to say the least, in the issuance of merchant, traveler, and student certificates. In proof of this I refer you to the report to Secretary of Treasury made by J. M. Morton, surveyor of the port of San Francisco, October 26, 1883, in which he says:

It is a noticeable fact that the number of merchants or "traders" arriving from China has steadily increased since the customs officials at Canton have been prepared to issue these certificates. That such increase is due, in a measure at least, to the facility with which all classes are enabled to procure the Canton certificates seems apparent. The very simplicity and honesty of some of the alleged "traders" furnish proof of this, as may be witnessed in their replies to interrogatories addressed to them by customs officers here. For instance, in answer to the question, "What is your occupation?" one will say, "I am a porter in a store."

Q. "Have you an interest in the business?"

A. "No; I work for a salary." Another will reply, "I deal in fish or matches."

Q. "Where is your place of business?"

A. "I have none; I peddle them on the street."

It is hardly possible that such persons could have been subjected to a very rigid examination at Canton looking to the establishment of their claim to belong to the class "other than laborers" and entitling them to come within the United States. Undoubtedly, by proper inquiry, the Canton official could have elicited the same candid answers as did the customs officers here, in which event the certificates could not have been consistently or lawfully issued. To what extent the law is being evaded by the issuance of these certificates can not, of course, be stated. If the authorities at Canton do not exercise greater care and vigilance in the matter of examining applicants for such papers than has apparently been the case up to this time the evasion in this respect will prove to be material, for it can not be expected that customs officers here, as a rule, will be able to expose such frauds as may be practiced upon the authorities at Canton, unless it be that Chinese "traders" are generally as guileless and unsophisticated as were the peddlers and porters above referred to, who innocently answered all the questions propounded to them, and thereby destroyed their chances of getting into the country.

The effect of this carelessness in the issuance of certificates has been to fill the Federal courts upon our coast with habeas corpus cases to the exclusion of all other and more important business. Judge Hoffman, cited by the gentleman from Massachusetts with so much unction, rendering the decision of the court in a case on which he sat in banc with Judges Sawyer and Sabin, January 19, 1884, said:

We also think it proper to avail ourselves of this occasion, as this opinion may possibly attract some public attention, to say that if the Chinese immigrants come in the future in anything like the number in which they have recently arrived it will be impossible for the courts to fulfill their ordinary functions if these habeas corpus cases are to be investigated and disposed of. There remains on the calendar of the district court, I am informed, one hundred and ninety cases. For five or six weeks, even with night sessions, I have been unable to make any great impression on them. All ordinary business, public and private, of the court is necessarily suspended, or if resumed, these passengers, many of whom may be entitled to their discharge, are left either incarcerated or on bail without the determination of their cases. It is impossible for the courts if the Chinese continue to arrive in such large numbers as heretofore, to attend to those cases and discharge the ordinary current business of the courts.

It will be seen this decision was rendered at the time when, according to the gentleman from Massachusetts, immigration had practically stopped. Sir, the position assumed by the opponents of this bill is not tenable. The expressed intention of the act of 1882 was to suspend the immigration of Chinese laborers for ten years. We have shown that the act is defective, that they still continue to come in violation of law. It is no answer to the proof of this defect to say that the number of arrivals has greatly diminished. The act is good so far as it goes. Our people do not object to its purpose, but to its partial failure to perform the offices of its creation. Those who criticise us condemn the original act. Every argument used against us shows how little is known of the true status of the question and of the true character of the people sought to be kept out. Our people are not timid nor are they jealous. They are open-handed, free, brave, and generous. We want immigration in the West, but not such as this; we want men who will not only be with us but of us, men of home life and home ties. We are not prepared to surrender even a small portion of this great heritage of ours to an alien race, unassimilating, cunning, and treacherous; a race that looks upon our institutions and civilization with contempt, that changes not nor does it progress, that comes among us for gain and not for residence, that is debasing in all its attributes.

Mr. Chairman, we can not compete in the struggle of existence with such a people. Anglo-Saxon civilization, with all its pride of ancestry and achievement, can not stand before it. It has a power of passive endurance, a grim tenacity, a cunning of hand, and a frugality that defies Caucasian energy and competition. These two civilizations can not flourish together. One must dominate. I am no alarmist. I believe in the future of our country and the advancement of our people; but I believe that that future is to be made bright, that advancement certain, only in proportion as we preserve the manhood of our people from the debasing influence of a civilization that touches but to destroy.

Mr. EATON. I now yield ten minutes to my friend from California, Mr. BUDD.

Mr. BUDD. I would prefer that the gentleman should yield to my colleague, Mr. SUMNER.

Mr. EATON. Then I will yield twenty minutes to the gentleman from California, Mr. SUMNER.

Mr. SUMNER, of California, addressed the committee. [See Appendix.]

Mr. HITT. Mr. Chairman, I have listened with great attention to what the gentlemen from California have said as to the need of new legislation to stop Chinese immigration, and so far I have failed to hear one of them say that there is any Chinese immigration coming to their State to-day. It is a bill which is entitled "to execute certain treaty stipulations," and it departs flagrantly from the particular treaty upon which it professes to be based and violates a dozen others. The bill is unfortunate. On its face its very principle of exclusion and proscription is repugnant to an American, and it is for that reason I have listened the more attentively to hear if those gentlemen could at this time give to us some satisfactory reason or some urgent facts to justify us in again taking so revolting a dose as this House swallowed two years ago when the restriction bill was passed.

You remember well, every member of the last Congress can remember, the sensational telegrams which were then read showing impending danger of disorder and the magnitude of the coming flood of Chinese about to inundate our civilization with paganism and barbarism. To-day this bill comes which is harsher in its provisions and still more repugnant to our notions of the equality of man, to the principles of the Declaration of Independence, and to the doctrines for which our Department of State has contended in all its disputes with foreign governments since it was organized, the right of the people of one country to visit and sojourn in any other, the complete protection of the citizen everywhere by his government. No other country has contended more vigorously than ours for the right of free intercourse.

There is no need of this bill to amend the law now in force. It is useless and it is capable of a great deal of mischief. There is no excuse for it. When the other bill came up two years ago many gentlemen who now sit around me voted for it, though with reluctance, remembering with something of tender regret all the grand declarations they had been in the habit of making on the Fourth of July about our broad and hospitable country to whose shores every man and woman in the world, whatever their religion, their language, or their belief, were welcome. It was contrary to the democratic spirit in a country peopled by immigrants, contrary to the genius of our institutions, to proscribe immigration. But the pressure from California was great; all sympathized with their fears, and the yielding disposition of those from sister States made them so far waive all there was in these cherished traditions that they voted for that bill. It became a law. The great flood was checked. It diminished from month to month and from day to day until it now has in fact ceased. Wishing to obtain as reliable and recent information as I could on this subject I inquired last evening, and have this morning the following official letter:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., May 2, 1883.

DEAR SIR: In reply to your inquiry I have the honor to inform you that the number of Chinese immigrants arrived in the United States from October 1, 1883, to March 31, 1884, was as follows:

At San Francisco	343
At Port Townsend	105
At all other ports	7
Total	455

The following were the occupations of these Chinese immigrants:

Merchants	287
Laborers	105
Cooks	2
Students	2
Servant	1
Without occupation (of whom 47 were females)	58

Respectfully,

JOSEPH NIMMO, JR.,
Chief of Bureau.

Hon. R. R. HITT, M. C.,
House of Representatives.

This statement covers the period of six months just passed. It thus appears that the "merchants" who came in that half a year—and they are the men aimed at in this bill—numbered 287; they are the men who are entitled by the treaty to come and go when they will upon certificates

by the Chinese Government. But our California friends say many of these "merchants" are in truth laborers, falsely certified as merchants, and they want this stricter law to prohibit the invasion of cheap Chinese labor. California is afraid public order will be disturbed in this great nation if some fraction of two hundred and eighty-seven shall in six months get in and prove afterward to be laborers. But even this petty number has stopped.

I am advised unofficially that the arrivals stated by Mr. Nimmo were nearly all in the months prior to January, 1884, and that the last five steamers have brought none. The truth is that last fall, long before this Congress met, complaint being made that there was some fraud in certificates going on at Canton, whence all Chinese come to California, the Chinese Government took hold of the matter promptly, the officer who had committed the frauds was dismissed and punished, an example was made of him, and an order was issued soon after by which the issue of all certificates to "merchants" was stopped.

The persons mentioned by Mr. Nimmo as "laborers" are Chinamen who were in California when the law of May 6, 1882, was passed, and are exempted from its provisions, being entitled to go home to China and return to California when they please, taking with them certificates from our own custom-house officers.

Owing to the stoppage of the certificates by the Chinese government, an act of good faith on their part, Chinese immigration is now substantially at an end. The rulers of that country are disposed, as is the government of every wise nation, to avoid foreign complication. It is really one of the most cautious governments in the world, and generally governments are reluctant to see their citizens go to foreign lands.

The statement contained in the opinion of Judge Ogden Hoffman, of San Francisco, which was cited by my friend from Massachusetts [Mr. RICE] gives figures, which other gentlemen have mentioned, showing arrivals of Chinese at San Francisco from August 6, 1882, to January 15, 1884, 3,415; departures, 17,088—coming down only to January last, since when it has stopped. And the judge makes this warning remark, which is full of significance coming from a public man of such distinguished position in California:

> Not only has the flood of Chinese immigration with which we were menaced been staid, but a process of depletion has been going on which could not be considerably increased without serious disturbance to the established industries of the State. It is stated that the wages of Chinese laborers have advanced from $1 to $1.75 per diem, a fact of much significance if true.
>
> It is much to be regretted that the notion that the law has, through its own defects or the fault of the courts, proved practically inoperative has been so widely and persistently disseminated.

Those words were uttered by Judge Hoffman from the bench on the 31st of last January. Already the prophecy contained in his remarks has been verified, as all my California friends well know, for since even that recent decision John Chinaman has ceased to be "cheap John," has struck for higher wages, and established industries are disturbed. As their numbers have diminished, as the 20,000 Chinamen have returned home, the remainder have raised the price of their labor. The cigar-makers of San Francisco, for instance, over 3,000 in number, struck for wages so high that a lockout ensued, and the manufacturers sent to the Atlantic coast for others with whom to replace them. Twenty-five hundred have been taken there, and John Chinaman, now too high priced, has gone out of those establishments. As the judge anticipated, the great industrial interests of the State are being deranged by the too rapid depletion and rise in price of the Chinese laboring population, to which California industries have become accustomed.

The facts that no new one comes in, that thousands steadily pour out homeward, that there is a pressure of public opinion and of general personal dislike operating to push them out of the country, that by the course of nature men will die—all these causes tend to their speedy diminution, while there is nothing operating to an increase. This process is solving the Chinese question quietly, healthfully, according to the great laws of political economy.

In Oregon, as the honorable gentleman from that State so well knows, the price of Chinese labor has gone up so high that there is now no difference between it and the price of ordinary labor. San Francisco is pretty near the same condition. Ah Sin is no longer dreaded and Dennis Kearney's occupation is gone, not ruined by cheap Chinese labor, but by their exacting demands, which are putting them out of the way of other workmen. The "Sand Lots" feeling can no longer be invoked. In fact, the political agitation in that region to-day is scarce more than the remains, the echo, the feebler continuation of the passionate outbreak of dislike to the cheap and multitudinous Chinese, present and pouring in, that threatened California three or four years ago. But that danger is passed. The action of the Chinese Government in stopping certificates has ended even the petty driblet that crept through after the great flood was checked.

These restrictions by the Chinese Government on the other side have been established spontaneously and sincerely. There is therefore no likelihood at all that any different policy will be adopted there, nor the least cause for expecting a revival of Chinese labor immigration. Then why ask us again to pass this measure, so obnoxious in its principle and in this amended form far harsher than ever, with new provisions of positive mischief?

The restrictions contained in the fourth section, imposed on travelers and merchants, my friend from Massachusetts [Mr. RICE] has explained so forcibly and so luminously that I need not attempt to repeat what he said. They are harsh and stringent. In the treaty with China, upon which treaty this proposed legislation is assumed to be based, is a provision that Chinamen other than laborers shall have the right to go and to come of their own free will, that they shall have in all respects the rights guaranteed to citizens of the most favored nations.

There is no citizen of any country in Europe who is entitled to freer ingress to the port of New York than is a Chinese merchant to come into San Francisco or whatever other port in this country he chooses to enter. That is a solemn provision of that treaty, and now to carry out that provision it is proposed in very mockery that these harsh, revolting, inquisitorial provisions shall be enacted by Congress.

What are they? It is proposed that when a Chinese merchant or traveler comes into this country he shall be stopped and asked, "How much money have you? What is your financial standing? Are you going through the country, or will you stop here? Where did you last reside? What have you been doing?" and so on. A long inquisitorial section is provided here which we have never dared to offer to other nations whose citizens have the same treaty protection for free ingress and egress to and from this country.

That section has provisions harsher than were adopted during the dynamite panic by the Russian military authorities. It is more prying and exacting than is exacted or was exacted from a man going into Russia in a time of their greatest severity, as many gentlemen on this floor know by experience. From that autocracy we can learn lessons of liberality, of civilization, and of Christian tolerance in dealing with enlightened merchants who travel through the world.

But all that I have discussed is the smallest and least important part of this bill. The essence of the bill, upon which the gentleman from Indiana [Mr. LAMB] in charge of the bill keeps his eye all the way through, is that brief provision in the fifteenth section:

> That the provisions of this act shall apply to all subjects of China, and Chinese whether subjects of China or any other foreign power.

There are many hundred thousands who are Chinese in blood, in language, in race, who are subjects and citizens of various other great powers than China.

We have treaties with them guaranteeing to Americans the right to go and sojourn in their countries, and to their subjects the right to come freely and pass through or reside here. In utter violation of these treaties the bill proposes to exclude Chinese persons who are subjects of any of these great powers, born under their flag and owing them allegiance.

As my friend from Massachusetts [Mr. RICE] has stated to you, there are more than 100,000 persons of the Chinese race at Hong-Kong who are subjects of the Queen of Great Britain; and his illustration of the difficulties which would arise in case a British ship, manned by British subjects of the Chinese race, and coming into one of our ports, should be harassed under the provisions of this bill shows very fairly the unreason, the disregard of treaties, and the endless embarrassments it may bring upon us. But that is only one illustration of one country. We have treaties with England, France, Spain, Holland, Portugal, Brazil, and several other powers that have among their subjects great numbers of persons of the Chinese race. And this bill, should it be passed, can any day lead us into complications and troubles with any of these nations.

There is the English city of Singapore, with 30,000 Chinese; the Portugese cities and islands, with over 70,000 Chinese; the islands of Java and Sumatra, belonging to Holland, with thousands of Chinese among their subjects; the French possessions at Saigon and the adjoining regions north; the great Spanish city of Manila. Subjects of all these powers are to be dealt with by this bill. It declares boldly that it applies with its every restriction to them all in spite of treaties, guaranteeing free intercourse and of international law and the sacred faith of the nation.

It is no answer to say that the English themselves in Australia exclude Chinese laborers. This is a provision to harry English subjects and subjects of other governments who are not laborers at all, but travelers and merchants. It is so bald a violation of our treaty obligations with many nations that the case can not be made stronger by any argument than it is by the statement. We have in our treaties declared that all citizens and subjects of these governments should have with respect to the United States the right of free entry and residence, and we have the "most favored nation" clause in almost every treaty. I have often met at Paris a gentleman of the Chinese race, a distinguished scholar, who is a professor in the most splendid university in Europe. He is a French citizen, has a French wife and family. If he, though a learned man, should think he could instruct himself by listening to the debates of this body, before he could reach Washington he would have to be subjected to all the indignities contemplated by the sixth section of this bill. How long do you think it would be before the French minister would be inquiring at our State Department to know whether French citizens were to be outraged in such a manner; whether all the obligations of treaty and of international law, which is wider and older than treaties, were to be disregarded? The fact is the right of peaceable citizens, in ordinary times, to enter a country and depart at will has been so universally recognized that of late it is rarely in-

serted in a treaty at all. It is a generally accepted doctrine and part of the modern civilization among the most enlightened nations. Even passports are rapidly being dispensed with.

This bill, the gentlemen from California say, is intended to make law of Judge Field's decision where he held that a British subject of Chinese race and born at Hong-Kong, coming to San Francisco, was excluded from landing by the provisions of the act of May, 1882; while Judges Nelson and Lowell, of Massachusetts, held that such a person landing at Boston was not. Gentlemen have spoken of that decision as showing that the law of May, 1882, and the treaty with China cover English subjects; the law carrying out what was the true meaning of the treaty, which they propose now to put beyond doubt. Judge Field says nothing as to the meaning of the treaty. He so construes the law as to find that a British subject was aimed at; but when he comes to the meaning of the treaty he says, that was a question for those who voted for the law to decide—and it is for you to-day to pass upon. I read the language of Judge Field:

An act of Congress upon a subject within its legislative power is as binding upon the courts as a treaty on the same subject. Both are binding, except as the latter one conflicts with or interferes with the former. If the nation with whom we have made the treaty objects to the action of the legislative department, it may present its complaint to the executive department and take such other measures as it may deem that justice to its own citizens or subjects requires. The courts can not heed such complaint, nor refuse to give effect to a law of Congress, however much it may seem to conflict with the stipulations of the treaty. Whether a treaty has been violated by our legislation so as to be the proper occasion of complaint by the foreign government is not a judicial question.

It is for us to-day in voting upon this bill to decide whether we will undertake to override that treaty with China and disregard all our other treaties with nations having persons of the Chinese race among their subjects.

Even if this particular legislation should not immediately lead to any very great practical consequences in the way of complications or disturbances as regards our relations with China or with other powers, it is a precedent that we make, a false doctrine we act upon, a record of error that is sure to come back to plague us; for it will return in that way. We are to-day pressing upon Spain, and have been in constantly arising cases for twenty years, every consideration we can present for the protection of the rights of American citizens sojourning in Spanish possessions, especially Cuba. We are pressing that doctrine to its utmost verge. We have been in almost incessant correspondence and dispute in regard to American citizens in Ireland, urging their right to sojourn, to freely enter and depart. We have pressed the doctrine to its most liberal interpretation everywhere.

By this bill we propose to establish the principle that a government can exclude peaceable subjects of friendly powers in disregard of treaty. Let us not be too fast. We may have cause to repent, even if we care not for principle or right.

The precedents that were established during the war, when Mr. Seward felt constrained at times to lay a strong hand upon foreigners denizened here, have come back since (how often gentlemen know who choose to peruse the diplomatic correspondence) to embarrass us in reference to that which we have most at heart—the protection of Americans abroad, especially those who are foreign-born, going back to Ireland and Germany.

I need not go further in illustration. The bill is an abandonment of the general doctrine which we have all been proud to profess all our lives, which we have never yielded save once, in passing the original Chinese immigration bill, and then upon a great necessity which we believed justified us in departing for the time from the accepted American faith, that our shores should ever welcome every man and woman who came. At this time, when we are asked to re-enact the former bill in a harsher and more repulsive form, there is no urgent reason, no dread of a great flood of Chinamen, no practical result or benefit to induce us to take this action or excuse us for it. There is no such immigration as that which the bill proposes to regulate or prohibit. The measure does not carry out any treaty stipulation whatever, notwithstanding its title professes it. That object was long ago practically attained. It will lead to infinite embarrassment in its defiance of public law, of the usages of international intercourse, of the doctrines which we have often professed in our intercourse with this very Empire of China and with a dozen other great nationalities with which it is our highest interest to maintain friendly and mutually profitable commercial relations.

Mr. LAMB. I yield ten minutes to the gentleman from Nevada [Mr. CASSIDY].

Mr. CASSIDY. Mr. Chairman, I have no desire to detain the committee to submit more than a single expression on this question. During the last Congress the act prohibiting cooly immigration to this country was discussed in all its bearings; and the Congress of the United States by the law then enacted settled the policy of this Government with reference to this subject.

The bill under consideration does not in any sense change that policy; nor does it in my judgment in any sense contravene the treaty between this Government and the Chinese Empire. Under that treaty we have been given the power to exclude a certain class of Chinese. We have the right to suspend, prohibit, or limit the coming of cooly laborers to this country, and no gentleman has undertaken to say to this House that the amended bill under consideration anywhere conflicts with the rights conferred by that treaty. We have simply sought to make the law which was enacted by the last Congress fully operative and effective. We have, where it has been found nugatory, or has been evaded, endeavored by the bill to make provisions which shall carry out the original intention of Congress under the enactment of the law passed at the last session.

Mr. REED. Does the gentleman propose to treat of the violation of treaties with other nations as alleged to be in this bill? I hope he will give us some information on that point.

Mr. CASSIDY. I have not considered that this bill goes to that extent. As originally drafted the intention was, and Judge Field so held, that these people were to be treated as a race. Judge Field gave that construction to the law, and I hold that Congress has the right, if it sees proper to exercise it, to infringe treaties with other countries by act of Congress to the extent of terminating such treaties and all treaties; the right, I think, is undoubted; public policy might dictate a different course, but the right can hardly be questioned.

Mr. RICE. Have you any doubt this act as it reads would violate the treaty?

Mr. CASSIDY. In theory it might; practically, it would not.

Mr. RICE. In theory it would.

Mr. CASSIDY. It excludes the importation of coolies alone. It will not infringe treaties with any government. It will not be applicable to any other country than the Chinese Empire, because these coolies do not come from other countries, and hence the bill can not in any manner be made applicable to other countries.

I have undertaken to show that by this amended bill we make no change of policy. None is contemplated. We merely seek to make effective the law enacted by a prior Congress which proved inoperative and abortive.

All political parties in this country are committed to the doctrine that the further coming of cooly slaves to this country shall be prohibited. Both national conventions in 1876 inserted in their platforms resolutions to that effect. Similar resolutions were included in both platforms of both national parties again in 1880. So then, in enacting the law, in seeking to make it effective, we are simply recording the will of both great national parties of this country as expressed by their national conventions for the last eight years.

I have been a little astonished that the distinguished gentleman from Illinois [Mr. HITT] should have sought to raise here the race question in connection with the consideration of this amended bill seeking to revise the doctrine that we are discriminating against the Chinamen, and my friend from Massachusetts [Mr. RICE] intimated as much also, that we are against the Chinaman because his skin is yellow.

Mr. RICE. Oh, no. I said because he had no vote.

Mr. CASSIDY. Is the gentleman in favor of conferring the elective franchise on the Chinaman?

I assure gentlemen on this floor that the people of the Pacific coast care nothing about the color of a man's skin. They are against the Chinaman not because his skin is yellow, but because of the debased civilization which he brings to this country; because he does not assimilate with us; because he does not come as other emigrants come to this country, freely and voluntarily to enjoy the blessings of our free Government. I undertake to say, Mr. Chairman, that no Chinaman has ever yet come to the United States because he loved freedom and hated oppression. No living man of them ever came with that idea, or from any appreciation of the blessings of liberty and free government in this country. They do not come as European emigrants come to this country. They do not come to be of us and with us and to be citizens of this great Republic. They come in every instance merely to better their condition from a financial point of view, stipulating even in the contracts they make before leaving home that after death their bones shall be taken back to China. These are our objections; and these are the reasons, Mr. Chairman, why we are opposed to the further coming of these obnoxious people; and these are the reasons why we seek to make the original law effective.

[Here the hammer fell.]

Mr. EATON. I now yield ten minutes to the gentleman from California, Mr. TULLY.

Mr. TULLY. Mr. Chairman, I do not propose to consume any great length of time in this discussion. I do not know that I will be able to enlighten the House much upon the subject. As I understand the question, this act is simply an amendment which proposes to cure the defects in the original law, nothing more or nothing less; and here I want to say to the distinguished gentleman from Massachusetts who leads the opposition, that with a thirty-odd years' residence in California I think I may be permitted to say I know more about the Chinese question than he does. At least if we had here under discussion a question relating to the characteristics, the habits, and the customs of a race of people dwelling in Boston, or any other part of Massachusetts, I would concede, to begin with, that the gentleman himself was better prepared to advise upon that subject than myself. I think, therefore, that it is no egotism on my part to say that I am better posted on the Chinese question than he is.

Now, my colleague stated that in a vote a few years ago upon this question, a direct vote, a few hundred men against 150,000 voted in favor of this Chinese immigration. I want to add that in 1878 there was a constitutional convention held in California, which was composed of one hundred and fifty-two members. I had the honor of being a member of that convention, and they were elected upon a non-partisan ticket. They were composed largely of non-partisans. There was no politics in it; none entered into the construction of that convention; they were chosen one Democrat and one Republican. And that convention memorialized Congress upon that subject; and out of one hundred and fifty-two men in that convention only one man was found to vote in favor of Chinese immigration. The Republicans of that constitutional convention—such men as Judge McShafter, a New Englander by birth, and I presume reared in the same political faith as the gentleman from Massachusetts—led in the debates, urging that memorial to be sent on to Congress. And I think if the gentleman from Massachusetts had resided for a few years in California he would see cause to change his opinion in relation to this matter.

Now, Mr. Chairman, in September, 1883, Judge Field, speaking upon this question, rendered a decision in which he makes use of this language, and I want to call the attention of the House to it for he states the whole question in a nutshell and does not talk about the Chinese philosophy as derived from the teachings of Confucius. But in considering the act of Congress, and giving the reasons which induced his decision, he says:

Before these articles—

That is, the treaty—

were adopted a great number of Chinese had emigrated to this State (California), and after their adoption the immigration largely increased. But notwithstanding the favorable provisions of the treaty, it was found impossible for them to assimilate with our people. Their physical characteristics and habits kept them as distinct and separate as though still living in China. They engaged in all the industries and pursuits of the State; they came in competition with white laborers in every direction; and their frugal habits, the absence of families, their singular ability to live in narrow quarters without apparent injury to health, their contentment with the simplest fare, gave them in this competition great advantage over our laborers and mechanics (7 Sawyer, 549). They could live with apparent comfort on what would prove almost starvation to white men. Our laborers and mechanics are not content, and never should be, with the means of bare subsistence. They must have something beyond this for the comforts of home, the support of a family, and the education of children. Competition with Chinese labor under the conditions mentioned was necessarily irritating and exasperating, and often led to collisions between persons of the two races. It was seen that without some restriction upon the immigration of the Chinese white laborers and mechanics would be driven from the State.

That, gentlemen, is the language of Judge Field, a man who has lived thirty-odd years upon the Pacific coast, a man who knows perhaps as much of the habits, characteristics, industries, and resources of California and the condition of its people as any living man. He tells you that it is found impossible for these people to live harmoniously together with our laborers. He says it is impossible for this class of labor to commingle with the white labor of this country. It is my own observation that wherever the Chinese have gone into any trade or avocation the white labor is compelled to desert it. You need only to look at any factories started in San Francisco, whether it be a shoe manufacturing establishment, a cigar manufactory, or any other class of industry where you find the Chinese at work, and you will not find among them any white laborers.

You go upon the strawberry farms, and where you find them engaged in picking strawberries by gangs you find no white men at work with them. Where they are hired in the harvest-fields and take possession of the headers and gather the grain, you do not find any white men where they are. They are extending their operations into the dairy business in California, and when they take hold of a dairy the white laborers disappear. They go into the fields of my district and gather the beans, which are a profitable crop in my country; and then the white laborers go out. This is simply a question whether you prefer to give the labor of California to white men—men of our own race and kindred—or whether you wish to give it to Chinamen?

I say further that these men contribute nothing comparatively to the support of the government of the State of California or of the United States. The common Chinaman pays no taxes whatever—no man who is familiar with him will deny this assertion—save and except when you get a small poll-tax from him. For under our statute there you can compel the employer to pay the poll-tax of the employé; if you can find a man that is indebted to him you will get that. They own no personal property whatever, save and except a few merchants. The common Chinaman carries all his belongings in a pack on his back; he lives in these little hovels which have been described, moves when he wants to, and is responsible to nobody. As fast as their money is made they ship it to their own country. They make no investment in real estate or property of any kind. They contribute nothing to the building of schools, to the making of roads, or enhancing the value of property—nothing whatever. All they make they ship monthly to their own country.

I know what I am talking about. I am familiar with these Chinamen. I have lived among them and have done business for them in a large section of country for many years; and when I make these assertions I know them to be true.

In reference to the fitness of these people to become citizens of our Government, let me say that they know and care nothing for your American institutions. They have laws and enforce them on their tribes in the State of California, even, Mr. Chairman, to the putting of men to death for violating their social customs. Any man who is familiar with the character of the Chinaman and who is familiar with his habits will tell you this is true. As regards his moral character, he has none so far as my observation goes. I do not speak against the whole race, but in over thirty years' experience with those people I have never met a Chinaman who had the slightest moral sense of right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICE. I yield to the gentleman from New Jersey [Mr. KEAN].

Mr. KEAN. Mr. Chairman, I avail myself of the courtesy of the gentleman from Massachusetts to say only a word on this bill.

It was a question sure to receive full discussion, and it has. There are many objections to the bill, and they have been presented most clearly in the elaborate and exhaustive arguments of the gentleman from Massachusetts [Mr. RICE] and the gentleman from Illinois [Mr. HITT]. Any of these would seem to be sufficient to induce a man to vote against a bill so unjust and unnecessary. But there is one reason—not sentimental, not political—which ought to be conclusive, and that is the one which I wish again to call the attention of this House to.

If you pass this bill you break the treaty with China and give her fresh cause of offense. But that is China, and I suppose you do not care. But you must also break your treaties with Great Britain, with France, with Germany, with all the powers of Europe. That is a different matter, and I for my part see no reason why, to keep out seven hundred Chinese a year, we should proceed to the measures suggested in this bill, which would abrogate them all. Is this worth while?

Mr. RICE. I yield five minutes to my colleague from Massachusetts [Mr. LYMAN].

Mr. LYMAN. A beautiful passage in the Book of Common Prayer adjures us to confess and acknowledge our manifold sins and wickedness. Therefore I shall begin by confessing a sin of my native State in order that I may gracefully proceed afterward to call attention to the sins of a sister State, California. It is thirty years ago that there arose in Massachusetts a movement called the Know-Nothing movement. It was directed against the Irish. What did they say about the Irish? They said that they were Roman Catholics, and therefore could not come here; that they were dirty, and therefore could not come here; that they were ignorant, and therefore could not come here. The Know-Nothing movement swept the State of Massachusetts that year and elected a governor, and then it died out, as it ought to have died out. I cast my first vote in that election. I am proud to say I cast it against that movement, for I remembered that my own father, stout Protestant as he was, had subscribed money to put up a Roman Catholic church in Boston that the Irish might have a place of worship.

I voted against that movement. And now, what has been the result? The vote of Boston is controlled by the Irish to-day. But we manage to live and make money. Two of my most honored colleagues on this floor are Irish by birth, and I see many more in this House among our most valued members who are Irish or the sons of Irishmen. Now, sir, I am not going to compare the Irish to the Chinese or to any other race. I only give this as an instance, for this outcry was not primarily against the Irish as a race or as a nation. It was because they came to Boston and Massachusetts and worked for smaller wages than Americans would take. That was the reason of the outcry against them, and that is the reason of the outcry against the Chinese in California to-day, and that alone. I will demonstrate that out of the very mouths of my friends from California who have spoken to-day.

They have told us that the Chinese universally are liars and thieves, that they practice infanticide, that they are guilty of acts of immorality, that they are altogether bestial. Very well; if they are, then what do people employ them for? What does this exalted nation which is so moral, so Christian, so temperate, and so good, employ them for?

When I visited California I found these Chinese as butlers in houses taking care of the silver, as nurses taking care of the children; I found them employed as cooks; I found them everywhere employed and trusted. Now if they are such an infernal pack of scoundrels, why do the people there employ them? It is all nonsense.

Mr. HENLEY. I will explain to the gentleman if he desires.

Mr. LYMAN. I have only five minutes; otherwise I would yield to the gentleman with pleasure.

Mr. HENLEY. I beg the gentleman's pardon.

Mr. LYMAN. I found them employed and trusted everywhere, and a quiet, laborious people. I will not say that I am opposed to excluding given races from this country; I am not going to lay down any such principle as that. But I say that when we do exclude any persons we should do it consistently. We should exclude all the Mongolians of all types, all the negro types, all the types and races which we do not consider quite equal to ourselves, and not draw a line so as to exclude only these particular Mongolians. There is no sense in that; no justice in it.

We have to-day in this country 5,000,000 of negroes, more or less, to whom we have given the right of suffrage. Every one knows that the negro type is certainly not higher than the Mongolian or yellow type.

Have they destroyed us? Here are my honored friends on the other side from the South who live among the negroes, side by side with them and in fellowship with them. I do not say it is a good thing, but it is a possible thing; that is all I say.

Mr. SPRINGER. They are citizens; that is the difference.

Mr. LYMAN. We made them citizens.

Mr. BRENTS. And you can not make the Chinese citizens; that is an impossibility.

Mr. LYMAN. I do not say that you can. Let us, I say, if we have any law on this subject, have a consistent law that will exclude whole races and whole nations.

[Here the hammer fell.]

Mr. POLAND. I have been somewhat amused to see how easily gentlemen can support this bill, and for reasons which they entirely ignore and disregard in supporting another bill which has now for days been debated in this House.

A great deal has been said about the morals, habits, and religion of the Chinese, and of the dangers that will accrue therefrom. But everybody understands that these are not the real and substantial grounds upon which the people of the Pacific States desire their exclusion. The real objection to them is that they are so frugal, economical, and industrious; can live so cheaply and work so cheaply that our laborers can not compete with them, and that if they are allowed to come here freely they will engross all employments to the exclusion of our own laborers. Employers there, like employers everywhere, if left free will employ the cheapest and best. In short, the argument is that the exclusion of the Chinese is a necessary protection to labor on the Pacific coast. How differently these same gentlemen argue and vote on the tariff bill! The friends of a tariff say that the laborers of Europe can and do work for a much lower rate of wages than is possible for the laborers of this country, and that therefore the products of their labor can be brought here and sold at a lower rate than the products of labor here, and that the importation of such foreign products ought to be discouraged by the imposition of duties for the protection of the labor of this country.

But the argument when thus applied is wholly disregarded. Every man ought to be freely allowed to purchase what he wants where he can cheapest, no matter where.

Thus it is all right to protect labor on the Pacific coast by excluding the cheaper laborer from China. But when it is asked to protect labor on the other side of the continent by discouraging the importation of the products of foreign pauper labor, it is all unconstitutional and wrong. Which is right?

I shall vote against this bill, but for other reasons than that it protects labor. Those reasons have been fully stated by others.

One word as to the Chinese becoming citizens. It is said that the Chinese refuse to be naturalized, and thereby become citizens. Whose fault is this? You will recollect, Mr. Chairman (Mr. COX, of New York), that I had something to do with the revision of the statutes of the United States, made some years ago. Now, the commission who made that revision changed the language of the naturalization laws so that a Chinaman might be naturalized. The consequence was that the Pacific coast was aflame at once, and we had to make hot haste to restore the language of the old law, and keep out the Chinese from becoming citizens. This is how it came about that the Chinese do not become citizens.

Mr. MILLS. Have not both parties changed sides on this very thing?

Mr. POLAND. Oh, no.

The committee rose informally, and Mr. ELDREDGE took the chair as Speaker *pro tempore*.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his Secretary, who informed the House that the President had approved and signed bills and a joint resolution of the House of the following titles:

An act (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal;

An act (H. R. 406) granting a pension to Catherine Bullard;

An act (H. R. 2319) granting a pension to Laurena C. P. Haskins;

An act (H. R. 3931) to add certain counties of Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes;

An act (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes;

An act (H. R. 6538) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota; and

Joint resolution (H. Res. 224) granting certain publications to the Cincinnati Law Library.

CHINESE IMMIGRATION.

The Committee of the Whole resumed its session and proceeded with the consideration of the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882.

Mr. BROWNE, of Indiana. I am opposed to this bill because it is a revision of the act of the last Congress; I am opposed to it because it follows in the same line of legislation and violates every idea I have on the subject of human rights.

Gentlemen object to Chinamen, they say, first, because the Chinese are paupers. If I have read correctly the testimony taken by the commission appointed by the Congress of the United States, the very reverse of that is true.

It is said that they are vicious. To some extent the testimony establishes that fact; yet notwithstanding that there is scarcely a respectable family on the Pacific coast that does not employ them as cooks, waiters, and chambermaids. They are admitted into every household, they are about every table, they are in every chamber. Yet they are denounced here by gentlemen as being the most vicious and depraved in the universe.

I do not doubt the power nor do I challenge the policy of the Government in the exclusion of the vicious and pauperized of any nation in the world. Indeed it is the duty of a nation to protect its citizens from the paupers and from the vicious and from the diseased of other nations.

But it is not because of these things that you gentlemen on the Pacific coast are opposed to the Chinaman. You are opposed to him because he is a laborer; you denounce against him the penalties of this bill solely because he is a laborer, and for no other reason. If you will amend this bill so as to exclude the Chinese leper or pauper or the vicious population of China I will vote for it as cheerfully as any gentleman of this committee. But that does not answer your purpose. That is not the object of your legislation. You have become frightened because in the last quarter of a century 100,000 Chinamen have settled on the Pacific coast. Yet when the daily papers announce that during almost every month of these years quite as large a number of wage people have landed at Castle Garden, it does not frighten you at all.

Mr. HENLEY. They are not the same kind of people.

Mr. BROWNE, of Indiana. You make no objection to these laborers from Ireland, from Germany, from Norway, from Poland, or wherever else they may come from. notwithstanding they put their labor in competition with that of our laboring people.

Mr. HENLEY. We can compete with that kind of labor.

Mr. BROWNE, of Indiana. But gentlemen say they object because the Chinese do not assimilate, because they do not come here on account of their love for liberty or in the expectation of becoming American citizens. Yet in this very legislation you prohibit the courts of the United States from naturalizing them. You object to them because they are not naturalized; and you will not allow them to be naturalized! You object to them because they come here, and then the gentleman from Nevada [Mr. CASSIDY] objects to them because they go away! He says they come here, stay a little while, and then go away. So at one end of the line you object to them because they come, and at the other end because they go away! And then you object to them because they will not be buried here when they die. I would like to know what a Chinamen can do that will please you.

A MEMBER. Stay away.

Mr. BROWNE, of Indiana. You say you desire this legislation for the protection of American labor, yet nearly all of you who support this measure are in favor of putting the American laborer at the mercy of every laboring man and woman in the world.

Mr. HENLEY. Every one that is white.

Mr. BROWNE, of Indiana. Ah! that is the key-note of this infernal legislation. These men are not white!

Mr. TILLMAN. That is right.

Mr. BROWNE, of Indiana. The gentleman from California [Mr. HENLEY] says that is it, and my distinguished friend from South Carolina [Mr. TILLMAN] echoes it. I remember well when a distinguished gentleman, and I see him in my presence, denounced on this floor in his representative capacity the negro as vicious, low, ignorant, and depraved, unfit to live among us or to exercise any of the privileges of American citizenship. But since we have made the negroes voters the negro character has changed in the opinion of that distinguished statesman, and in churches, in halls, and before literary societies he is endeavoring to establish the fact that the negroes are the wittiest, the cleverest, the most social, affectionate, and docile people in the world. [Laughter].

I remember that a distinguished statesman who has been on your Presidential ticket said that if we should repeal that article of the constitution of Indiana that excluded negroes from our State, and especially if emancipation should take place, the free negroes from Kentucky and Tennessee would come into our State until white labor would be driven from employment. But we did it.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. I hope I may have permission to illustrate a few of the ideas I have endeavored to express.

Mr. BUDD. I ask unanimous consent that the gentleman from Indiana may be allowed to proceed.

Mr. HENLEY. How long?

Mr. MILLER, of Pennsylvania. Thirty minutes.

Mr. HENLEY. I must object to an extension of thirty minutes because of the order of the House limiting debate.

Mr. BROWNE, of Indiana. Ten minutes more will be as much as I care to use.

The CHAIRMAN. If there be no objection, the gentleman will be allowed to proceed ten minutes longer.

Mr. TULLY. I object.

Mr. MILLER, of Pennsylvania. The objection comes too late. [Cries of "Oh, no!"]

Mr. TULLY. I withdraw the objection.

Mr. BROWNE, of Indiana. I am much obliged to the gentleman. I believe I never objected to any gentleman expressing his opinions in this House, and I never intend to do it.

Mr. RICE. It is understood that this extension of the time is made by unanimous consent?

The CHAIRMAN. That is the understanding of the Chair.

Mr. BROWNE, of Indiana. Mr. Chairman, emancipation came, the negroes in Tennessee and Kentucky were freed, yet white labor is not seeking employment nor has the toil of the laboring man in my State ceased to be remunerative. Why? Gentlemen forget a great law of economy, that when you take a laborer from one field and transplant him to another you do not thereby increase the aggregate of human labor at all; you have made a vacancy where he came from to supply one at the point to which he is taken. By transplanting labor from one part of the world to another you do not increase its aggregate. And this fear of competition where the competitors meet upon an equal field is idle. There is no danger.

But let me go a little further. It was said the people of California voted with great unanimity to exclude this people from their borders. Well, if I were ready to concede the right or propriety of this exclusion on the part of California, I do not permit California to determine the character of the people who come to my State. I do not ask for the laboring people of Indiana the protection that California would give us.

And yet this bill does not only put this Chinese wall around California, but you extend it around all the thirty-eight States and seven or eight Territories.

Mr. BUDD. How many of them are there in Indiana? Forty-one, I believe.

Mr. BROWNE, of Indiana. I do not know how many we have, and I do not care. It is not a question of how many we have; that is not the question; it is a question of eternal right. It is the right of the Chinaman, in the first place, to expatriate himself if he chooses. The question on our part is, Shall we continue in reference to the Chinese people that policy we have exercised toward every other people in the world? That is all.

Another thing, has the Chinaman hurt your people in California? I am bound to take your word for it. I have never been there. I shall not challenge the integrity or the intelligence of gentlemen who have said certain things in regard to this people. But I read with great care and sincere desire to ascertain the truth the testimony taken by the Congressional committee on this question, and I reached, if that testimony is to be relied on, a very different conclusion from that given by the gentlemen who have denounced the Chinese as to their habits and influence on labor and morals on the Pacific coast.

One fact is significant, at least: if you have been ruined by Chinese cheap labor, how is it that to-day common labor on the Pacific coast is higher than it is in any other part of the United States? How does it happen?

Mr. ROSECRANS. It is not due to the introduction of Chinese labor.

Mr. BUDD. What is that the gentleman has said?

Mr. BROWNE, of Indiana. If your labor on the Pacific coast is ruined, how comes it common labor commands a higher price on the Pacific coast than in any other State?

Mr. BUDD. Will the gentleman permit me to answer?

Mr. BROWNE, of Indiana. The gentleman will have his opportunity to answer.

Mr. BUDD. I desire to answer it now, if you will permit me. I have the statistics here which show that in every occupation in which the Chinese on the Pacific coast engage labor is less than in the Eastern States, while in every occupation from which Chinese are excluded the price is higher.

Mr. BROWNE, of Indiana. I do not stand here to challenge what the gentleman says. I take my statistics from an impartial committee appointed by Congress and representing both sides of this controversy, and I believe in the figures given by them and also the conclusions to which they have come.

And more than that, if it be true you are not injured, as I take it you are not, by Chinese labor in the reduction of price, what have the Chinese done for you? I do not know anything about this personally, but this report states they have reclaimed large bodies of tule lands, the most productive you have in California. They have done this and they could never have been reclaimed by any other people.

Mr. BUDD. Let me explain——

Mr. BROWNE, of Indiana. You can in your time.

Let me say further they have built your railroads; they have contributed largely to the wealth and prosperity of California. I know you will say, when they earn money they leave. I suppose you have no objection to their going off, not the slightest; but you say, when they leave they take their money with them. If they labor so cheaply they pay $2 of labor for $1 they take; when they leave if they take $100,000 of your money away they leave $200,000 of labor in its place. Now how long would it take at that rate for California to get poor by Chinese cheap labor?

How much time have I left?

The CHAIRMAN. One minute.

Mr. BROWNE, of Indiana. Well, then, I will yield that one minute to my friend from the State of New York [Mr. COX] to set himself right with regard to the colored population.

Mr. COX, of New York. I never was wrong, but I thank the gentleman for his one minute, and I will use that in complimenting him.

Mr. EATON. I now yield five minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. My friend from Indiana has been for years threatening me with some little diatribe in relation to something I once said about the negro. I think he must go back even as long ago as when a young man I visited Rome. There I heard a negro—who has since become a bishop in Abyssinia—deliver, in the Sistine chapel, an eloquent address in pure and classic Latinity. In a book I then wrote I descanted on the singular prejudices against color in our own land. But I only wanted to say that I, like my distinguished friend from Indiana, had perhaps at one time some little prejudice against the negro. I was raised somewhat in the West, and had, I am free to confess, some of the same prejudices which he and his party leaders had for a while in early days. His great leader, Senator Morton, had them also. He expressed them two years after my speaking here during the war. In 1866, at Richmond, Ind., he made a speech denouncing negro suffrage. Indiana had other statesmen similarly prejudiced even as late as the period when that State was represented by Judge Jeremiah Wilson, the ablest man who ever came here on this floor to represent that State.

What did he do in the Forty-third Congress? Does the gentleman from Indiana remember? He brought in a bill to break up the black and saddle-colored government of this District of Columbia. [Laughter and applause.] Why did he entertain such prejudices against them? These legislators had got to stealing so much that they stole even the spittoons in their Legislative Assembly. [Great laughter.] They were so malodorous in character and bad in conduct that even your Republican brethren, then in a majority in this House, took away from them the right of voting and controlling affairs in this District. Did you vote for it? I ask the gentleman from Indiana. Were you a member of the Forty-third Congress?

Mr. BROWNE, of Indiana. I suppose the gentleman from New York knows I was not a member of that Congress.

Mr. COX, of New York. You ought to have been. [Laughter.]

Mr. BROWNE, of Indiana. There is no doubt about that.

Mr. COX, of New York. If you had been here would you have voted for it? I like to place the gentleman on record in that respect. I like to use the argument *ad hominem* upon such a good subject.

He makes a point about the tariff against me and this side of the House. He says: "Oh, yes! You would allow the productions of Germany, France, and England to come into our country. You thus antagonize and degrade American labor; but you advise the stoppage of Chinese immigration." The gentleman knows that when a Chinaman comes here he is not in a parallel condition with those of other nationalities. He never comes here to stay. He comes for other purposes and then goes. When you ask him where this heathen goes after death—whether he goes to the deity of Confucius or to the Jehovah of our religion, or to any other god—he says, "No; I go to China!" [Great laughter.]

That is the element the gentleman would ask you to admit into competition with our labor. We welcome the German, the Irishman, and all who come to us to enjoy our institutions. We welcome those who come here to better their condition and that of their families. We extend open arms to all who come to enjoy the blessings of a government where no armies tax and intimidate, and where all can enjoy life and liberty and pursue happiness. We love the Scandinavians with their thrift and their virtues. Let them come from their hive, out of which so many races have swarmed. Let them cast their lines with us. We like to have them enjoy their heritage in our pleasant places.

The gentleman from Indiana himself, if he would trace his ancestry back far enough, will doubtless find that he is either Irish, or Scandinavian, or French, or perhaps English, or may be a splendid composite of all of them. [Laughter.]

But now, sir, he indulges in a personal point against me. It is: that I did not like the negro in my service here. He thinks it strange that I should have changed my opinion of the colored man in recent years. Why, sir, the negro is better than he was then. [Laughter.] We have learned to know and like him better. I have seen something of his characteristics. I know that he is kind, affectionate, gentle, accommodating, and he begins to like the Democratic party far better than he was wont in other days. [Laughter and applause.] He votes with us more frequently. Why does he do it? He has learned wisdom. He knows that the Democratic party is his best friend. When the Howard irregularities were developed here; when the Freedmen's Bu-

reau was investigated; when the Freedman's Bank rascalities were unearthed, he found who it was that befriended him when Republican rogues despoiled him of his hard-earned money. [Laughter and applause.]

Therefore, all hail to Ethiopia! It is stretching out its hands to the Democratic party. We are ready to say: Come to us, poor, downtrodden children of Ham, come to us and we will give you refuge. [Applause.]

Mr. BROWNE, of Indiana. I desire leave to print some additional remarks upon this question.

The CHAIRMAN (Mr. COX, of New York, having resumed the chair). The Chair hears no objection if the Chair understood the gentleman's request. [Laughter].

Mr. BROWNE, of Indiana. I simply desire the privilege of having inserted a portion of the gentleman's speech made in 1862. That is all.

The CHAIRMAN. The Chair did not understand that. [Great laughter.]

Mr. BROWNE, of Indiana. What I desire is to print his speech delivered on this floor in 1864 on the negro question.

The CHAIRMAN. The Chair would be inclined to object unless he had a chance to explain the speech [laughter]; however, the Chair hears no objection. The gentleman can print the whole speech if he wishes to.

Mr. COOK. I desire to ask the chairman this question: Do I understand the speech the gentleman from Indiana [Mr. BROWNE] wishes to print is his own or yours?

The CHAIRMAN. The occupant of the chair cannot debate when he is in the chair. The Chair hears no objection to the request of the gentleman from Indiana.

[Extract from speech of June 6, 1862, delivered in the House of Representatives by Hon. S. S. COX, of New York.]

The right and power to exclude Africans from the States (North) being compatible with our system of State sovereignty and Federal supremacy, I assert that it is impolitic, dangerous, degrading, and unjust to the white men of Ohio and of the North to allow such immigration. By the census of 1860, in Ohio, we have 36,225 colored persons out of a population of 2,339,559. As a general thing they are vicious, indolent, and improvident. They number as yet one black to about sixty-three whites, but their ratio of increase during the last ten years has been 43.30 per cent. while that of the white increase is only 17.82 per cent. About one-tenth of our convicts are negroes.

I gather from the census of 1850 that four-tenths of the female prisoners are blacks, although they compose but one-eightieth of the female population of Ohio. In Massachusetts the convicts in the penitentiary are one-sixth black; Connecticut, one-third; New York, one-fourth.

In Ohio the blacks are not agriculturists. They soon become waiters, barbers, and otherwise subservient to the whites. They have just enough consequence given to them by late events to be pestilent.

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If the Senator could visit Green's Row, within the shadow of this Capitol, henceforth "Tophet and black Gehenna called, the type of hell," and note the squalor, destitution, laziness, crime, and degradation there beginning to fester; if he could visit the alleys in whose miserable hovels the blacks congregate, he would hardly be reminded of the Paradise which Milton sang, with its amaranthine flowers [laughter], blooming trees of life, its golden fruitage, its amber rivers rolling over elysian flowers, its hills and fountains and fresh shades, its dreams of love, and its adoration of God. Alas! he would find nothing here to remind him of that high estate in Eden, save the fragrance of the spot and the nakedness of its inhabitants. [Laughter.] If the rush of free negroes to this paradise continues, it would be a blessing if Providence should send Satan here in the form of a serpent and an angel to drive the descendants of Adam and Eve into the outer world. If it continues, you will have no one here but Congressmen and negroes, and that will be punishment enough. [Laughter.] You will have to enact a fugitive law to bring the whites to their capital. [Laughter.] The condition of the negroes here is not unlike their condition in Ohio.

Mr. EATON. I yield ten minutes to the gentleman from Washington Territory [Mr. BRENTS].

Mr. BRENTS. Of the propriety of the passage of this bill there can be but little question. If it was right and expedient a year or so ago to pass the bill of which this is amendatory, it is certainly right to pass this bill and carry out the original purpose for which that bill was passed. It has been found that there were some defects in the original act. Under it there are a great many Chinese surreptitiously coming into this country. That I grant has been partially denied by the gentleman from Massachusetts [Mr. RICE], but it was also partially admitted by him. He said that there were but a small number coming into California, and therefore the passage of this bill was not necessary. The people of my Territory are complaining to-day that there are hundreds and I might almost say thousands of these Chinamen coming across the Strait of Fuca from British Columbia. If the law as it now stands is perfect, why is this? It is evident that it needs some amendment, that it needs some curative provisions in order to prevent the violation of the original act and the evasion of its provisions.

But, Mr. Chairman, it is urged here that the people of the Pacific coast do not want this prohibitory legislation, and that their Representatives are here as demagogues not representing the sentiment of that people; that they are asking Congress to do something that the people do not want. Now, this may sound very well to gentlemen who know nothing of these Chinese and much less of the constituents of the Representatives from the Pacific coast. Is it reasonable to suppose that these Representatives are here claiming and insisting upon something that their constituents do not want?

It may do well enough to say that this is the work of politicians, that politicians are doing this thing. I tell you the politician that is successful, the politician that comes here term after term, must represent the sentiment of his constituents. And the people of the Pacific coast have been sending their Representatives here for years asking this very same thing with perfect unanimity.

But my friend the gentleman from Indiana [Mr. BROWNE] says that because some of the Pacific coast members are free-traders, and because, as he says, they are not in favor of protecting the labor of this country, therefore he, the gentleman from Indiana, because he claims they are inconsistent, wants to be equally inconsistent. He is not in favor of the protection of American labor because he says that some gentleman from California, who is a free-trader, is in favor of changing his position on this question and is inconsistent.

It is also claimed that the wages of these Chinamen are equal to the wages of our own citizens. That was not the case, we all know, before the passage of the present act, and it is not the case now, although the wages of the Chinese have to some extent appreciated.

This, however, has only lessened the evil in a very small degree. If American labor should be protected from ruinous and destructive competition with the pauper and servile labor of the Old World at all, then this bill should become a law. These people, even those who have been here half a lifetime, are as essentially foreigners as those who have never left their native shore, and their labor is just as truly and essentially foreign labor.

The Chinaman comes not as the German comes, as the Frenchman comes, as the Englishman, the Irishman, the Scandinavian, or any other foreigner comes, to find a refuge from oppression and a home in a free country. He comes a slave, to remain a slave while here and to again return to his native land in the same condition, and it is not in our power to free him. He is under obligations stronger than we can impose of unalterable allegiance to his own country. He has no sympathy with our form of government, our benign institutions, and scorns our manners and habits of civilized life. He makes no attempt at conformity with anything pertaining to our American civilization. He comes not to promote our common welfare or to contribute to our common prosperity. He comes simply for gain, and not his own gain, but the gain of him whose slave he is, and after his temporary stay is ended he takes all his accumulations with him. On what principle can my friend from Indiana [Mr. BROWNE] vote to protect our American labor from competition with the pauper labor of Europe that does not require him to protect it from the same competition with the servile labor of Asia? And what difference can it make where that labor is performed, so long as it is in all essential particulars, to all intents and purposes, foreign labor?

But, Mr. Chairman, this is not simply a question of protection to American labor against degradation from foreign competition. It is a question of protection to our very institutions themselves against threatened demolition and overthrow, a question not alone of dollars and cents to our people and nation but a question of the continued existence and perpetuity of virtue, morality, intelligence, civilization, and free government. It is a question of the admission of an incongruous and inimical element, of the infection of our political system with a disease that may prove fatal, with a deadly leprosy. The number here at this time may not be alarmingly great, but there are too many, and it is better to close the door against this curse now than to wait until it has grown greater and the difficulties of doing so have correspondingly increased.

Mr. Chairman, we cordially invite immigration from abroad. We gladly welcome the good and the virtuous, the poor and the oppressed of every land. But, sir, the coming of this vicious, diseased, criminal element for the purposes that actuate that coming is not immigration. It is importation, invasion, and as such should be discouraged and prevented. This country is great in area and in resources, but none too great for those who are here and those who may yet come for the purpose of becoming a part and parcel of our American nation and our posterity. We have no right to make this country the dumping-ground for the world's social and political offal, but we should endeavor to make it the home of virtue, intelligence, and freedom.

Let us, then, Mr. Chairman, pass this bill and do what we attempted to do and supposed we had done in the last Congress.

The CHAIRMAN. The time of the gentleman from Washington Territory has expired.

Mr. EATON. As a member of the Committee on Foreign Affairs, I gladly give my adhesion to the principles of this bill, and I ought to say, perhaps, as an excuse for doing what my friend from Indiana [Mr. BROWNE] appears to think needs an excuse—for giving my support to a bill of this character—I ought to give as an excuse that twenty years ago, in the Legislature of my own State, believing that this importation of Chinese people would work nothing but misery to the people of this country, I offered a series of resolutions instructing the Senators of Connecticut and requesting her Representatives to prepare some bill and vote against the importation of these people; and I do not change often, although I regret to see that some gentlemen about me think I have changed in the last day or two somewhat. It is pretty difficult for me to change my convictions. It is very true the majority of my Legislature, belonging to the same party that my friend from Indiana does so much honor to, voted down my bill and my resolutions. But all the same, my opinion remains that these Chinese people should be kept from our border.

One would suppose, hearing the gentleman from Indiana to-day, that

this was a new question. Sir, was the gentleman from Indiana a member of the last Congress——

Mr. BROWNE, of Indiana. Is the gentleman from Connecticut asking me a question?

Mr. EATON. Yes, sir. Was the gentleman from Indiana a member of this House when the bill passed which is now a law?

Mr. BROWNE, of Indiana. I was a member, and I talked my very level best against it, and I then voted all the time against it.

Mr. EATON. I was about to say that in the cursory examination I have been able to give to a book I have in my hand, I found my friend from Indiana voted against that bill. I could not ascertain the line of his remarks, for I could not put my fingers upon them in the short time I had to make the examination. Did he believe then it was unconstitutional? Did he believe then it was not just and proper to protect the laborer against the effete civilization of China? I have not been able to see he is satisfied with his own position.

But what I desire to have this House understand is this, that this is no new legislation. It is to perfect the present law with an addition that we will not permit 100,000 Chinese to gather at any seaport and call themselves the citizens of France or of Great Britain and then be smuggled into this country. That, if I understand my friend from Indiana as well as my friend from Massachusetts, seems to them to be a very bad principle of this new bill. It is a good principle of it to me. Under the treaty with China, with which I had something to do and which I have examined with a great deal of care, I agree fully we should drive our four-in-hand team close to the wall. It is possible that we drive the leaders over the wall.

At all events we go this far—and I would abrogate that treaty were it necessary in order to place this law upon our statute-books—we intend to prevent the importation of these people.

Gentlemen rise in their places on this floor and compare these Chinese with their civilization to the Irishmen, to the Englishmen, to the Germans, to the Scandinavians, to the Frenchmen, who come here and become a part of us, assimilate with us, intermarrying with our sisters and our daughters. That sort of talk is neither reason nor sense. We welcome the Germans. The Germans are represented on this floor by two or more of our most valued members. We welcome the Irish race, and the Irish ought to be welcomed here. What other race did more for this country in the war of the Revolution and in the last war with Great Britain? Montgomery died at Quebec. The Irishman was found in every contest, on every battlefield, and in every fight upon the seas. And he is to be compared to-day, is he, with this Chinese civilization? Sir, I confess I am astonished.

We do not desire that people here. We say this country is a home for the oppressed. So it is. We say it is a home for the exile. So it is. But it is not for China to vomit 100,000,000 of its 400,000,000 population upon our shores. In my judgment it is not the part of wise statesmanship to permit that people to come here.

I think I heard my friend from Illinois [Mr. HITT]—perhaps I did not catch his remark correctly—I think I heard him say that there would be a conflict between this and foreign countries if this bill should pass.

Mr. HITT. I said that this law, being in conflict with our treaties with many nations, would be a precedent which might be taken advantage of to embarrass us.

Mr. EATON. I did not catch what my friend said. I take him at what he now says. I am not fearful of that. We are here, from fifty to sixty millions of people, and in the near future we will be one hundred million. Justice will be what this great people will do. We will say to France, we will say to Great Britain, we will say to Germany, your children are welcome to our soil; but you must not put a consulate down at Hong-Kong or anywhere else and draw an imaginary line around one hundred miles of territory and call that much of China yours, call the population of China British, or French, or German subjects and insist that they shall come here. And my word for it, there will be no difficulty between this fifty or one hundred millions of people and any other power on God's green earth.

Mr. HITT. Will the gentleman permit me one question?

Mr. EATON. With a great deal of pleasure.

Mr. HITT. The gentleman's distinction and experience make me value so highly his opinion that I venture to ask him if he thinks that a law like this passed by Congress is in consonance with our treaties with the nations which have extensive Chinese populations among their subjects, we having sworn to obey the Constitution and the laws and the treaties made thereunder in our votes as members of Congress?

Mr. EATON. Will my friend name the nations? I want to know what I am talking about.

Mr. HITT. France, England, Holland, Spain, and other nations have among their subjects many thousands of persons who are Chinese by race, and who will be subject to the provisions of this bill.

Mr. EATON. I will answer that question if I have time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EATON. I have answered it. I have said I would not permit Great Britain, or France, or Germany to establish trading-posts somewhere on the coast of China and draw an imaginary line around a hundred millions of that rotten population, and then let them endeavor to force them onto our soil, let the consequences be what they might. [Applause.]

Mr. BROWN, of Pennsylvania. And you would build up a navy to enforce it?

Mr. EATON. We will take care of the Navy at the proper time.

Mr. SKINNER, of New York. Mr. Chairman, one of the most important chapters in the history of this country's relations with foreign powers was the ratification of the Burlingame treaty with China. It was accepted on the part of this country as an important step, not only of profitable commercial interest to our people but toward the enlightenment of a nation of which we knew little except by tradition. It was the breaking down of the Chinese wall of which we were taught in our schools and the commencement of new commercial relations with an important foreign power. We felt that that treaty would certainly be a great benefit to us. Section 29 of that treaty—the treaty of 1868—was as follows:

> The principles of the Christian religion as professed by the Protestant and Roman Catholic Churches are recognized as teaching men to do good and to do to others as they would have others do to them. Hereafter those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether a citizen of the United States or Chinese convert, who, according to these tenets, peaceably teach and practice the principles of Christianity, shall in no case be interfered with or molested.

Is the legislation of 1882 in harmony with this article of the treaty? Is it not a violation of the spirit of that agreement? Under it did not our Government pledge itself to deal justly with the citizens who might come here from China, no matter whether they worshiped God or the sun or the moon?

The details of the present bill have been fully explained by the gentleman from Massachusetts [Mr. RICE] and his colleague upon the committee, the gentleman from Illinois [Mr. HITT]. But the merits of the whole question of Chinese immigration seem to have been entered into, and I propose to raise my voice against all legislation of this nature, whether it be the bill before us or the law which it is proposed to amend. The act of 1882 can never be amended to my satisfaction except by an absolute repeal.

I opposed the bill of 1882 because I believed it was un-American, because I believed it was unrepublican, because I believed it was undemocratic, because I believed it was unpatriotic. There must be an underlying principle of right to every measure of this kind to give it life or vitality, and that legislation lacked such a principle entirely. It was not founded upon mercy, justice, or patriotism. It lacked every one of these attributes. It was unworthy of a proud nation, whose great boast is its liberty and its love of freedom. It was unworthy of a nation which in all its history has reached out and invited the people of foreign nations to come to its shores.

While this is not a political measure, so far as the history of political parties goes, I am proud to say that the national platform of my own party adopted in 1868 embraced as one of its planks this declaration:

> Foreign immigration, which in the past has added so much to the wealth, development of the resources, and increase of power of this Republic, the asylum of the oppressed of all nations, should be fostered and encouraged by a liberal and a just policy.

Now, is it a "liberal and just policy" for 55,000,000 of free people to say to any nation, "Your laborers shall not come to this country?" Fifty-five millions of American freemen worrying about 150,000 Chinamen in the country! The great State of California, with 580,000 people, complaining to-day because there are 61,000 Chinamen within her borders!

Mr. CASSIDY. The gentleman has read from the Republican platform of 1868. I wish to ask him whether the platform adopted by the Republican national convention in 1876 and also the platform of 1880, approved by General Garfield in his letter of acceptance, did not contain a declaration that these people should be excluded?

Mr. SKINNER, of New York. I will say in answer to the gentleman that the Republican national platform of 1876 declared it the duty of Congress to fully investigate the effect of the immigration and importation of Mongolians upon the moral and material interests of the country.

In 1880 the national platform of that party "would limit and restrict that immigration by the enactment of such just, humane, and reasonable laws and treaties as will produce that result."

That was a declaration in favor of a "just and reasonable" policy toward the Chinese. Now is it a "just and reasonable policy" to say that "Chinese laborers from any port or place" shall not land in this country? Do you call such a restriction aimed at in this bill as in accord with either treaties or platforms?

Mr. Chairman, this bill is an insult to a great nation with which for many years we have been upon terms of commercial intimacy, a nation with whose people we exchange embassadors with the usual formalities, a nation whose embassador to-day is entitled to sit in our galleries, who has a home in this capital city where he holds fashionable receptions to which the members of the American Congress are formally and politely invited and which invitations are seldom refused. If it is right to keep the people of that nation out of this country, why do you not send home the young Chinamen who come to our colleges to learn our customs and our tongue and who often graduate with high honors? Why do you not send them home? Why do you not send

home the representatives of the Chinese nation? Why not tell them to wrap their silken robes about them and leave this American Republic?

Mr. ROSECRANS. Is not the gentleman proceeding upon an incorrect basis when he addresses himself to this bill as if those provisions of law were not already upon the statute-book?

Mr. SKINNER, of New York. I said that I was not undertaking to speak merely upon the particular bill under consideration but also upon the act which it proposes to amend. I am discussing the whole question. So far as I can by my vote and my voice I desire to oppose and denounce such proscriptive legislation by the American Congress. I say that the act of 1882 was the most cowardly act that an enlightened nation ever placed on its statute-books. It was unworthy of a great nation renowned for its love of liberty to yield to the cry from a section in behalf of nothing more than a local issue. It was unworthy of a nation which owes so much of its greatness and its influence to its friendly offices among the nations of the earth. It was unworthy of a nation which had its growth in independence, in resistance to oppression, in a liberty born of conflict, and which has grown strong in the liberal spirit which was the inevitable outcome of its own experience. It was putting an indignity upon a people whom we have taught by our history to expect better things, from whom we have derived many valuable principles in philosophy, mathematics, and even politics. Centuries ago the politics of China was purer than our own to-day and regulated by a more harmonious civil-service regulation than we are willing to establish or peaceably abide by. Then, I say as a Republican, as a Representative, as an American citizen, that there is no man under the light of God's heaven who should not be allowed to come to our shores so long as he comes to obey our laws.

Mr. BRENTS. The Chinese do not do that.

Mr. SKINNER, of New York. Where do we find the record of Chinese crime? Our jails are not filled with Chinese. The proportion of Chinese criminals is very small. Treat them like beings with souls and they will obey the laws.

Mr. ROSECRANS. The gentleman will allow me to say that the proportion of Chinese among our criminal classes in San Francisco is enormous.

Mr. SKINNER, of New York. I can point the gentleman to small sections of my own great State where beneath the sidewalk as you walk along are filth and squalor equal to anything that can be shown in San Francisco, and this too among white people. But if the Chinese in San Francisco commit crimes why not punish them under your State laws? Surely with the feeling there you ought to be able to find a jury that would convict a Chinaman of almost anything. Do not come to Congress to ask a protection which your State laws should give yon.

In this connection, Mr. Chairman, I desire to quote some very pertinent observations made by Mr. Joyce, of Vermont, when the bill of 1882 was under discussion. They seem to cover the whole question very completely. He said at that time:

Mr. Speaker, I am profoundly impressed with the importance of the great principle involved in this bill. In the consideration I have given it I have not been influenced by passion or prejudice. I have endeavored to look at it from the high standpoint of national honor and true statesmanship. I am sure this bill ought not to pass, and that every man who votes for it will in the end most deeply regret it.

I would protect our people from the evils growing out of foreign immigration by the humane, just, and reasonable legislation I have already suggested, and beyond this, I would welcome men from all lands and climes. I would bring them in contact with our civilization, teach them our language and our laws, instruct them in our labor and industries, educate them in our schools and colleges, let them feel the power and influence of our holy religion, inspire them with our hopes and patriotism, imbue them with our ambition, as fast as possible meet and crystallize them into our social life, and then set upon their heads the crowning glory of American citizenship.

In conclusion, Mr. Speaker, and to sum up my objections to this bill, I am opposed to it because it is a violation of the terms of the treaty of 1880 with China; because it is hostile to the spirit of our institutions; because it is in direct antagonism with the great principles of our civilization; because it is in contradiction of the policy we have always pursued toward all other nations; because it is a bold and unwarrantable repudiation of our national declarations on this subject; because it is building the same wall against China which she has kept up against the world for centuries, and which we helped to pull down; because it is a deadly blow at our growing commerce with one of the richest kingdoms on the globe; because it is a palpable violation of the terms of the Republican platform of 1880; because foreign immigration, more than anything else, has built up this country and given us prosperity and greatness.

It is a wonder to me, in view of the legislation enacted in 1882 and attempted now, that China does not sever all commercial relations with us. She is surely more magnanimous than our own country would be were such an indignity to be placed upon us.

Mr. Chairman, in conclusion I repeat that as a Republican, as an American citizen, as a representative upon this floor of an intelligent constituency, I oppose this bill as I opposed the act of 1882, because it is small and narrow statesmanship; because I believe it is needless; because I believe it approaches to political persecution; because it is a violation of existing treaties; because it is narrow and proscriptive, and, as the gentleman from Massachusetts [Mr. RICE] says, because it is petty in its details, presumptuous in its demands, impossible to execute, and because I believe that the principle underlying it and underlying all such legislation to be everlastingly and eternally wrong.

Mr. LAMB. I now yield for five minutes to the gentleman from Louisiana [Mr. KING].

Mr. KING. Mr. Chairman, in the few minutes allotted me I can say but little. This proposition is to prevent a Chinese inundation. It has been stated, sir, by a very great writer of Roman history that the Republic of Rome endured for eight hundred years and finally fell because of the inability of its constitution to absorb the various races conquered by the Roman arms. A distinguished Senator in the other end of this Capitol, a Republican, said not a year ago that the prosperity and safety of the American Republic depended on the homogeneity of its population. This proposition is too palpable to be denied by any member on this floor. European emigration is what we have courted and invited from the earliest days of this Government. The Saxon, the Gaul, the Celt, and all the members of the families of Europe, oppressed by poverty and despotism, have been made to feel by us that our hearts as well as our great dominions were open to them.

Our fathers came here not to conquer alone, but to settle and make homes for themselves and their descendants. They loved freedom and believed labor to be dignified.

Our civilization must of necessity be always in antagonism of old Europe, because it is a civilization that respects labor, whereas in Europe labor is degraded. But the wish of our Republican brethren on this floor is to flood this country ultimately with an alien population from Asia, alien in nature, political organism, and religion, which is and must ever be hostile to the happiness and destiny of this Republic.

I doubt not that the parentage of every white man in this Hall, yes, in either end of this Capitol, could be traced back to what our friends on the other side of this Chamber designate as paupers from Europe. In this the American of Causasian origin realizes the greatest pride. It is but an indication of what his race may achieve in those pursuits which in this country lead to the most exalted positions among mankind, and that are with us free and accessible to all who rely upon individual manhood and its attributes for success.

The question of suffrage, sir, we have already greatly complicated in our midst. The amendments of the Constitution of the United States enacted since the war of secession have given the right of suffrage to a vast and ignorant population, as well as aliens by the laws of creation.

I have heard it charged on this floor, and in fact by members on both sides of this House, both Republicans and Democrats, that the question of negro suffrage had not been settled, and if it had been settled it had been settled disastrously. I pause for a denial. We have yet to develop the negro voter into a higher state. We can only hope to adjust this race of people to our political institutions by education to a more elevated appreciation of their rights in American citizenship. No possible effort should be spared to accomplish this result either by Federal or State exertion. The fruits of neglect in this matter must inevitably be disaster to all that an American citizen holds dear. Our friends on the other side of this House are quick to charge the responsibility of carrying this bill on this side. We accept the issue most cordially. We feel that what the great States and Territories on the Pacific Slope demand in this matter should be conceded.

Does not the gentleman from New York [Mr. SKINNER] know that the bill we have before us is one which passed the last Congress when this House was Republican? It was made a law by the combined wisdom of Democrats and Republicans. This proposition is only to amend and make more efficacious that legislation, and in order that it may not be a dead letter on the statute-books, a mere mockery, and that as far as possible this continent shall be kept for the Caucasian race in order that we may advance to a higher civilization and perfection, political, religious, and physical. When that point has been attained we may then reach out our hands to aid and lift up all other races to the plane we may have reached. We can then do so without periling the institutions to which we look as the foundation of our safety and glory.

I shall heartily vote for the amendment and hope all lovers of America will do the same.

[Here the hammer fell.]

Mr. LAMB. I yield now for one minute to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. In that minute I wish to give notice I shall at the proper time offer this amendment:

After the word "mining," in line 248, insert the following:

"And that so much of this act and the act to which this is supplementary as can be made operative shall be applied to and enforced against all persons of whatever nationality who are or may be imported into this country under any system of contracts."

Mr. LAMB. Mr. Chairman, so much has been said this afternoon on the provisions of the bill now under consideration that I do not feel it to be necessary to occupy much of the time or the attention of the committee.

The greater portion of this bill, in fact all of it but one section, has been in issue in this House before. Two years ago a law was enacted by the Forty-seventh Congress which limited Chinese immigration to this country for a period of ten years. It was first for a period of twenty years. The issue was made not as a party one, but upon the same state of facts which has been brought to the attention of this committee to-day.

It came with a demand from men of all parties upon the Pacific coast for its passage. They came with a unanimous voice asking the representatives of American citizens to protect the laboring men of California and the Pacific States from the pauper labor of China. To-day all but one of the sections of this bill before the committee ask that that legislation, before enacted, shall be so perfected that no Chinese laborer can come to this country to compete with American labor. I take it for granted that the gentlemen who were here at that time and voted for that bill will to-day vote for the bill which we have presented, and which is now pending before this committee. I take it for granted also that every man who is in this Congress and was not in the last, who believes in the principles embodied in the law of 1882, will also record his vote in favor of this bill.

There is a record, Mr. Chairman, upon this question, not only of individuals, but a record of parties as well. Much has been said about the Democratic party being a party of free trade, as was said so forcibly to my colleague from Indiana a while ago. I am proud to say that no single Democrat upon this floor has lifted his voice to-day in behalf of the pauper labor of China and against the interests of the free labor of America. I am glad that the opposition comes from that side of the House which pretends always to protect the interests of the American laborer. And may I not be pardoned for asking the gentlemen who for the past two weeks have with loud voices and unmeasured tones denounced my side of the Chamber because of their wishing, as they allege, to break down American labor to the depths of degradation of the pauper labor of Europe—I say may I not be pardoned if I ask them whether they are in earnest, or whether it is not their endeavor to protect capital alone?

Mr. BROWN, of Pennsylvania, rose.

Mr. LAMB. No; I can not yield any more of my time. When this legislation was before Congress two years ago—and I have the record here before me—sixty-six Republicans, sixty-six members of the other side of the House, who stand here pretending to protect American labor, voted against that bill. When the bill to limit immigration for ten years was before the House, thirty-seven members of the House voted against that bill, and of that number thirty-four were Republicans, and but three Democrats. Upon this proposition, then, as to whether my party is in favor of free trade, in favor of placing the labor of America upon a level with the pauper labor of Europe, I am willing to be judged by the record.

My colleague from Indiana, who always talks well, asked to-day upon the floor of this House why not limit the immigration to Castle Garden; why not limit the immigration of the Irishman, and the German, and the Scandinavian?

Why not limit the immigration of men who come here with their wives and their children to become part and parcel of this great body-politic, to partake with us of the blessings which a free government insures to us all? I was sorry that the gentleman should ask such a question. These people came here from abroad because they love free government. They came to be of us and with us. They came to bring forth honest sons and virtuous daughters, to build up the strength and the glory and the prosperity of the American people. And I say it comes with poor grace from any gentleman on this floor to talk of comparing in any measure whatever the condition or the qualities of the immigrants who land at Castle Garden with those who land at the Golden Gate of California.

Mr. BROWNE, of Indiana. Will the gentleman permit me?

Mr. LAMB. I can not yield.

Mr. BROWNE, of Indiana. I hope the gentleman will not misrepresent what I said.

Mr. LAMB. I shall not do so. I say it is not fair. The circumstances are not the same under any condition of facts which may be presented. These people from China do not come here to live with us. They do not ask to be American citizens. They do not ask the wages for labor that are granted to the hardy sons of toil from Germany and Ireland, and which they require and ask for the maintenance of themselves and families. They come here to live on rice and rats and get as much money as they can out of the American people, and go back to China and take their money along with them. There is no comparison in the conditions, and there should be none made. As for myself, speaking for myself alone, and I believe for the great majority of the Democrats on this side of the Chamber, I am in favor of protecting the American laborer whenever, wherever, and under whatever circumstances I get the opportunity. If I can protect him by keeping out competitive pauper labor from either China or Europe that is brought here for the purpose of degrading American labor, if I can do this without levying a tariff to take money out of the pockets of somebody else in order to protect him, so much the better for him and so much the better for this Government.

But, sir, I am not for free trade under any circumstances. I am not in favor of placing labor in this country upon a level with the labor of free-trade England. I was elected to Congress upon a platform which declared itself in favor of a tariff for revenue so adjusted as to protect American industry without creating monopoly, and I stand upon it to-day. Neither, Mr. Chairman, am I afraid of the red flag which was waved in our faces this afternoon by my friend the gentleman from Massachusetts, who with one hand waved the red flag of Johnny Bull and with the other the bushy tail of the British lion. I am afraid of neither. And this brings me to the question of the treaty that my friend discussed with so much dignity and ability.

Mr. CUTCHEON. While the gentleman is passing to another point will he now permit a question?

Mr. LAMB. I beg the gentleman's pardon. I will say in relation to being interrupted that I have yielded every moment of the time it was possible for me to yield this afternoon. And I now only want to say a word in conclusion in regard to the question as to whether or not we are violating any treaty with foreign governments in the fifteenth section of this bill. The truth is, as stated by the gentleman from Massachusetts [Mr. RICE], that upon the question of a Chinaman who, as he says, stole into his State from Hong-Kong, Judges Lowell and Nelson, of the State of Massachusetts, decided that he was a citizen under the law and could not be kept out. Judge Field, of California, in a similar case, held that under the provisions of this law that Chinaman could have been restrained from coming here.

That is the condition of affairs to-day. I believe it was the intent of the framers of the law of 1882 that no Chinaman from any port or place should be allowed to come into the confines of this Government; and section 15 of this act has been placed in the bill in order that there shall be no longer any doubt upon this question; that it shall be settled once and for all that no Chinese laborer shall be allowed to come to California or to any other part of these United States of America. To that I give my assent. They are not American citizens. I speak here to-day for American citizens, whether born upon this soil or whether born across the briny deep. I speak for every man who comes to this land of plenty to live under our institutions and to live with us as citizens; I speak for his right to come here. But as for the man, be he Chinaman or who he may, who comes to this country wishing to grow rich upon the wants and troubles of others, if he refuses to become naturalized and become an American citizen I do not believe he deserves any protection.

The gentleman from Massachusetts and the gentleman from Indiana have both said that this legislation was not needed or demanded. I can point you to the petition-box of this House; and I would call the attention of the gentleman from Indiana [Mr. BROWNE] and the gentleman from Massachusetts [Mr. RICE] to the fact that there are petitions in that box from labor organizations representing more than half a million of the laboring men of this nation asking for the passage of this bill. And as for me, I will take their word for what is necessary for their protection rather than the word of the gentleman from Massachusetts or the gentleman from Indiana, distinguished as they may be. The gentleman from Massachusetts said that they did not know what was best for them. He may say and the gentleman from Indiana may say to the laboring men of this country, "You are too ignorant to know what you want; we treat your appeals with contempt because you know not what you ask." They may say that. But as long as I have a voice to speak on this floor, as long as I have a vote to cast, I shall lift my voice and record my vote in favor of the additional legislation which the honest, intelligent, fair-minded laboring men of this country ask me to support.

I move that the committee rise.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union, pursuant to order, had had under consideration the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. LAMB. I move that the House now resolve itself into Committee of the Whole House on the state of the Union; and pending that motion I move that general debate on the pending bill be limited to one minute.

Mr. BROWNE, of Indiana. I hope the gentleman will make it three minutes. I should like to have two minutes.

Mr. CONVERSE. I ask unanimous consent to offer some amendments which I propose to offer to the tariff bill.

Mr. LAMB. I have no objection to that.

Mr. MORRISON. I call for the regular order.

Mr. COBB. I desire to have an order to print some evidence before the Committee on Public Lands, which it is important should be printed.

The SPEAKER. The regular order is called for. The regular order is the motion made by the gentleman from Indiana [Mr. LAMB] that all general debate on the bill under consideration in the Committee of the Whole House on the state of the Union be limited to one minute.

Mr. RICE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICE. If that motion is agreed to will it prevent the reading of the bill by paragraphs?

The SPEAKER. It will not. When general debate is closed the reading of the bill by paragraphs for amendment and the consideration of amendments under the five-minute rule will come up.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

CHINESE IMMIGRATION.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House and resumes consideration of the bill (H. R. 1798) in relation to Chinese immigration. By order of the House all general debate on the bill will close in one minute.

Mr. LAMB. I yield that minute to my colleague [Mr. BROWNE, of Indiana].

Mr. BROWNE, of Indiana. As I shall avail myself of my time under the five-minute rule I shall not occupy the minute assigned me by my colleague. I surrender it to the committee at large.

The CHAIRMAN. The Clerk will proceed to read the bill by paragraphs for amendment.

The Clerk read the first paragraph of the bill, as follows:

That section 1 of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, is hereby amended so as to read as follows:

"Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come after the expiration of said ninety days, to remain within the United States."

Mr. BROWNE, of Indiana. I move to amend the paragraph just read by striking from the eighteenth line the words "from any foreign port or place" after the words "it shall not be lawful for any Chinese laborers to come."

I do not propose to discuss that amendment, but simply avail myself of this opportunity to respond to an imputation made by my distinguished colleague [Mr. LAMB] that in the remarks which I delivered to the Committee of the Whole a short time since I attempted to institute a comparison or to draw some kind of a parallel between the Mongolian and other races. I did no such thing. I believe in the superiority of the white race and always did. But that has never seemed to me to be a reason why I should deny to the blackest man in Africa or the yellowest man in Asia the common rights of human nature. I have always believed that every man had the right of an even start and a fair chance in the race of life, and that equality meant simply this, that every man had the right to be the equal of every other man if he could be.

What I said in regard to immigrants who landed at Castle Garden was this, that the objection made to the Mongolian was that he was a competitor with American laborers in the labor market. I said that was the objection made to the Mongolian. I say that every man and woman, every working man and woman who arrives at Castle Garden from the old countries of the world put their labor into competition with American labor; that is all. I welcome laborers from Germany and Ireland and Scandinavia and everywhere. But I said that, according to the logic of things, if you object to a Chinaman because he works, why not object to these other men and women because they work?

This is not a party question, and I have not sought to make it so. I do not care, so far as my vote is concerned, what the Republicans put into their platforms. I do not care a fig for political platforms, not a fig. I do not stand on them when I believe them wrong. They are but whistles upon which every man plays his own tune. I am as to this question on the platform of the Representative from the sixth Congressional district of the State of Indiana. I consult my own judgment and vote according to my own conscience. No party is responsible for my views. I am able, if need be, to stand alone.

Another thing: In referring to the gentleman from Massachusetts [Mr. RICE] and myself, my colleague said, if I have his language correctly, "The gentleman from Massachusetts and the gentleman from Indiana may say to the laboring man, 'you are too ignorant to know what you want.'" Why, sir, I certainly never uttered such a sentiment; never, never.

Springing as I have, thank God, from the laboring people of this country, I hope I will be indulged in an allusion to myself. As an orphan boy forty years ago I entered the ranks of the laborers in my district. If I have risen to anything it is due to the sympathy and support of a laboring people. I am the only one of my family that entered a profession or ever held official position. Have I turned against my own people, my own kindred, against my own ancestors?

I love the human family and believe in the equality of all. I have as much respect for the man who labors in shops, in the mines, in the ditches, and upon the farm as I have for the professional man in his office. I believe in the brotherhood of mankind. It is unfair, it is unkind, it is ungenerous to attempt to torture anything I said into even the remotest imputation upon the intelligence of the laboring men and women of this country. Before I shall do so my right arm shall perish and my "tongue cleave to the roof of my mouth." [Great applause.]

Mr. HAMMOND. I desire to offer an amendment.

The CHAIRMAN. Does the gentleman from Indiana withdraw his amendment?

Mr. BROWNE, of Indiana. I do.

Mr. HAMMOND. I move to amend by striking out of line 13 the words "after the expiration of ninety days next;" also strike out of line 19 the words "after the expiration of ninety days."

This paragraph as it stands is an exact copy of the first section of the act of 1882, except that the words "from any foreign port or place" have been inserted. The proposition to strike out those words having been withdrawn it leaves this section all right, except that I think a mistake has been made in including in it the words in the original act of 1882, which gave ninety days during which Chinese may be shipped into any port of this country without any legal inhibition. If amended as I propose the paragraph will read as follows:

That from and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come, to remain within the United States.

As I understand the committee does not for any reason wish to give ninety days in which Chinese may come here. It was all right and proper in the original act to give ninety days' notice to the world. But that act having already been executed, and this act being merely amendatory and to perfect the policy which was established by the act of 1882, I think the limitation of ninety days should be stricken out.

Mr. BUDD. I desire to state that the object of placing these words in the amendatory act was to provide that this act which is amendatory should not go into operation for ninety days. We have secured under the original act the exclusion of all the Chinese affected by it. But by the bill which is now under consideration we propose to exclude not only the subjects of China but all Chinese, whether the subjects of that or any other power. We make other limitations and restrictions. We require other necessary descriptions in the certificate; and unless we allow ninety days any of these people coming here with a certificate under the old act would be turned back—an act of injustice we do not desire to inflict.

Mr. HAMMOND. As I understand, the committee desires to give ninety days within which the Chinese may come. That is the operation of the bill, as I understand.

Mr. HENLEY. I think the amendment of the gentleman from Georgia [Mr. HAMMOND] is proper.

Mr. HAMMOND. If this bill passes in the present language, ninety days, as I understand, will be allowed within which these people may come *ad libitum*.

Mr. HENLEY. The gentleman is right about that.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia.

Mr. RICE. It seems to me, Mr. Chairman, this is not a proper amendment to be adopted. The original act, of which this bill is amendatory, provided that for ninety days after its passage Chinese might come and go without subjecting themselves to the provisions of the act. Those who did this obtained the right under that act to do so. Now, in amending our legislation on this subject we can not justly interfere with the rights which were thus obtained. The intention of the bill, as I have understood from the gentleman from California, is to leave that section of the original act exactly as it was except by the addition of the words in the eighteenth line. Is it not so?

Mr. LAMB. That is right.

Mr. RICE. The gentleman who reported the bill states that I am correct. I think it will mar the whole effect of the bill to begin to make these changes.

Mr. HAMMOND. I understood the gentleman from California [Mr. HENLEY] to say that the amendment ought to be adopted.

Mr. HENLEY. Yes, sir; that is correct.

The amendment of Mr. HAMMOND was agreed to.

Mr. RICE. I move to amend by striking out all of this paragraph after the enacting clause down to and including the words "United States," in the twentieth line. My friend from Indiana [Mr. LAMB] said something to this effect, that I had said the laborers of this country or some portion of them did not know for what they asked. If he will find any such remark, or anything that can be tortured into such a remark in the course of my speech, I shall be willing I had almost said to vote for this bill. I said no such thing; my friend misunderstood me.

Mr. LAMB. That was the inference I drew from the gentleman's remarks. He said that this legislation was not necessary at all. I replied that half a million of workingmen had petitioned for it. The inference from the gentleman's statement was, of course, that they did not know what they wanted. But the gentleman did not make the statement in so many words. I drew the inference.

Mr. RICE. The gentleman and I may differ as to the inference to be

drawn from my remarks. I move to strike out this paragraph because it is exactly the same as the paragraph of which it is amendatory, except the simple words in the eighteenth line, "from any port or place." Now on the eleventh page of this bill, section 15 makes this provision in fuller and better phraseology:

SEC. 15. That the provisions of this act shall apply to all subjects of China, and Chinese, whether subjects of China or any other foreign power.

There is what gentlemen wish to get into our legislation; and it is unnecessary to duplicate the provision by inserting it in the paragraph now under consideration. I ask gentlemen to read the section as it stands in the act:

It shall not be lawful for any Chinese laborer to come, or, having come, after the expiration of ninety days to remain within the United States.

That covers the whole question. It prohibits the coming of these laborers into the United States from anywhere. Therefore, this language in the pending paragraph is surplusage, and for that reason I have moved to strike it out. The question which it presents can be debated when we come to consider the fifteenth section better than it can be here.

The question being taken on the motion of Mr. RICE, it was not agreed to there being—ayes 22, noes 143.

The Clerk read as follows:

Section 2 of said act is hereby amended so as to read as follows:
"SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 for each and every such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year."

Mr. RICE. I move to amend by striking out in this section the words "or attempt to land." It seems to me it is no use, for the mere sake of introducing these words, to embrace in this legislation what is already in our statutes.

The question being taken on the motion of Mr. RICE, there were—ayes 24, noes 135.

Mr. RICE. I am so much astonished at the great number of negative votes that I ask for tellers.

Tellers were not ordered.

So the motion of Mr. RICE was not agreed to.

Mr. GUENTHER. I move to amend by striking out the last word. Mr. Chairman, much has been said on this floor in regard to tariff reduction and the protection of labor. I have accepted these expressions as sincere. I am always willing to do all in my power for the protection of the interests of labor. I wish to make American labor dignified and remunerative, platform or no platform, as the gentleman from Indiana would. I would welcome to this asylum, as the gentleman from New York [Mr. SKINNER] calls it, everybody who comes to this country to escape oppression. But, Mr. Chairman, I am not willing to admit to our shores anybody whose presence tends to degrade American labor.

The gentleman from New York [Mr. SKINNER] asks why we do not send the Chinese students home. We have no desire to do that. We have no wish to proscribe Chinamen on account of their race. All we want is to prevent coolies from coming here. The gentleman says that our jails are not filled with Chinese. If he would go to San Francisco he would come to the conclusion that many of the Chinese there ought to be in the jails.

Mr. SKINNER, of New York. Does not this bill prohibit or prevent Chinese merchants from landing here?

Mr. GUENTHER. Certainly not; it only excludes such coolies who now come in under fraudulent certificates that they are traders or merchants.

Mr. SKINNER, of New York. I will say to the gentleman from Wisconsin I will go as far as he does in prohibiting cooly slave labor.

Mr. GUENTHER. If you will go as far as I do, then you will vote for this bill. [Laughter and applause.]

Mr. SKINNER, of New York. The record shows that during the last year only two hundred and eighty-seven Chinese merchants have landed in San Francisco, and this bill means to send them home.

Mr. GUENTHER. Yes; but how many traders? I said in my remarks in the last Congress if my own German countrymen should come to this country with like intention and under like circumstances as these Chinese I would be the first one to vote to exclude them. I stand by that statement to-day.

I do not indorse the sentimental theory of my friend from New York that this country is the asylum for everybody. It is a place of refuge to every one who may come here wanting to be one of us, assimilating himself with our ideas, our institutions, and finally becoming a full-fledged American citizen.

Mr. WELLER. Good.

Mr. GUENTHER. But I do not propose to allow any people to come to this country who comes here simply to underbid American labor, and after they have accomplished their purpose and filled their pockets to leave laughing in their sleeves and to return whence they came to live upon the profits they made here.

These Chinese will not even allow their bones to rest in American soil. That kind of philanthropy I will not indorse. I will vote whenever I have a chance to keep out such degrading competitive labor. I will do so regardless whether that labor is Mongolian or Caucasian.

This bill under consideration simply intends to carry into effect the Republican provision of the restrictive act of 1882, which by both Houses of the last Congress was deemed a just measure and was therefore passed. All that is now designed is to make that law effective.

[Here the hammer fell.]

The CHAIRMAN. The formal amendment is withdrawn.

Mr. WILSON, of Iowa. I will renew it and yield to the gentleman from Wisconsin.

Mr. GUENTHER. I only want another minute. All we want to do now is to make effective the provisions of the act of 1882, so they will be carried out as they should be. If the gentleman from New York would go to San Francisco I am sorry to say he would find there a number of shyster American lawyers who make it their business to help these coolies to land on American soil under a certificate that they are traders and merchants, and that practice this bill is mainly intended to prevent.

Mr. WILSON, of Iowa. I regret to find myself in antagonism to everybody who has spoken on the Republican side of the House on this question except my friend from Wisconsin who has just taken his seat. It may seem to be an ungracious thing for men who were born abroad like the gentleman from Wisconsin and myself to object to other foreigners coming here to seek the benefits of this free country. But, sir, if every foreigner who comes here should follow the custom of the Chinese, to return home with the money he earned here, it would ruin the United States in ten years.

Now, a word on this labor question. The man who was a laborer here twenty years ago, if industrious and frugal, is independent now. The man who is a laborer to-day in the United States, if he is industrious and healthy and economical, will have a competence in twenty years from this time. The day that a man labors for that competence is the weak day with him, and I will never agree that any foreigner shall come here and compete with him in his day of weakness when he is striving to make an independence, and when the competition is not for the purpose of making his competitor an American citizen, but for the purpose of sending abroad the earnings and accretions of labor in the United States.

Mr. Chairman, a great deal has been said in the last two weeks with regard to a liking for labor. I am a protectionist because I want the American laborer to have a difference or margin between his income and his outgo; and I do not want that kind of competition to come. Still I confess if these people came to the United States, to the free United States, if they brought their children with them, sent them to the common schools to become Americanized, as I have toiled to do, I would have nothing to say against them. But every argument made, by even as eloquent a man as the gentleman from Indiana [Mr. BROWNE] or the gentleman from Massachusetts [Mr. RICE], has only convinced me more and more that the United States can not stand such a drain as would be put upon its finances or its morals if every foreigner followed the lead of these Chinamen.

I withdraw the amendment.

The CHAIRMAN. The Clerk will report the next section.

The Clerk read as follows:

Section 3 of said act is hereby amended so as to read as follows:
"SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, and who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: *Provided*, That all Chinese laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port."

Mr. ROGERS, of Arkansas. I offer an amendment to this section.

The Clerk read as follows:

Strike out the word "and," in line 38, and insert the words "nor shall said section apply to Chinese laborers."

Mr. ROGERS, of Arkansas. I understand that amendment is acceptable to the committee.

Mr. LAMB. There is no objection on the part of the committee to its adoption.

The amendment was agreed to.

The Clerk read as follows:

Section 4 of said act is hereby amended so as to read as follows:
"SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, and in order to furnish them with the proper evidence of their right to go from and come to the United States as provided by the said act and the treaty between the United States and China dated November 17, 1880, the collector of customs of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer, and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry-books to be kept for that purpose, in which shall be stated the individual, family, and tribal

name in full, the age, occupation, when and where followed, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the custom-house; and every such Chinese laborer so departing from the United States shall be entitled to and shall receive, free of any charge or cost, upon application therefor, from the collector or his deputy, in the name of said collector and attested by said collector's seal of office, at the time such list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the individual, family, and tribal name in full, age, occupation, when and where followed, of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars. In case any Chinese laborer, after having received such certificate, shall leave such vessel before her departure, he shall deliver his certificate to the master of the vessel; and if such Chinese laborer shall fail to return to such vessel before her departure from port, the certificate shall be delivered by the master to the collector of customs for cancellation. The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese laborer shall seek to re-enter, and said certificate shall be the only evidence permissible to establish his right of re-entry; and upon delivering of such certificate by such Chinese laborer to the collector of customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the custom-house and duly canceled."

Section 6 of said act is hereby amended so as to read as follows:

"SEC. 6. That in order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States. If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word 'merchant,' hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation. If the certificate be sought for the purposes of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired. If the certificate is desired for the purpose of prosecuting studies, it shall also state the nature and character of the studies, whether the same are to be prosecuted within the United States, and if so, at what place or places, with the probable length of time for the completion of the same; and no Chinese person entering the United States for the purpose of prosecuting studies shall remain therein for a period exceeding ninety days after the completion of the same. The certificate provided for in this act, and the identity of the person named therein, shall, before such person goes on board any vessel to proceed to the United States, be viséed by the indorsement of the diplomatic representative of the United States in the foreign country from which said certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the facts set forth in said certificate, and if he shall find upon examination that said or any of the facts therein contained are untrue it shall be his duty to refuse to indorse the same. Such certificate viséed as aforesaid shall be *prima facie* evidence of the facts set forth therein, and shall be produced to the collector of customs of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities."

The Clerk will report the amendment recommended by the committee.

The Clerk read as follows:

The committee recommend the striking out of all after the word "desired," in line 135, down to and including the word "same," in line 143.

Mr. RICE. I beg to say that those lines are stricken out in the report of the committee. Lines are drawn through to indicate the action of the committee.

The CHAIRMAN. The Chair understands that to be the recommendation of the committee reporting the bill, but this committee must now pass upon it as well.

Mr. GEORGE D. WISE. Mr. Chairman, I desire to be heard upon that amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Virginia.

Mr. GEORGE D. WISE. Mr. Chairman, when I entered the Hall to-day the gentleman from Indiana [Mr. BROWNE] was addressing himself to the bill under consideration, but stepped aside from the line of legitimate argument to allude to a speech which was made by the honorable gentleman from New York [Mr. COX] in 1862 in reference to the African race.

The honorable gentleman from Indiana requested the unanimous consent of this House that this speech to which I have referred should be published in the RECORD, and I understand that it was given.

It is apparent that his object was not to address himself to the intelligence of this House upon the pending bill; but we are now in a Presidential year and his purpose was to represent the Democracy of this country as unfriendly to the colored race.

The colored man and brother is patted upon the back by Republicans in a Presidential year. But since the honorable gentleman has asked unanimous consent to have published in the RECORD what was said by my friend from New York with regard to the colored race some twenty years ago, I ask to have read from the Clerk's desk the utterances of a Republican Senator [Mr. JONES, of Nevada] during the last Congress, when we were not engaged in skirmishing on the line of a Presidential contest, as a Republican estimate of the African race.

It will be seen that he gave it as his deliberate judgment and conviction that if the restraining influence and guiding intellect of the white man should be removed from the negro free government could not be maintained for ten years. That is a Republican's opinion of the negro race when we were not engaged, as I have said, in a Presidential contest. Now I ask to have read from the Clerk's desk those passages in the speech of the distinguished Senator referred to which I have marked, in order that it may appear in conjunction with the speech of the honorable gentleman from New York.

The Clerk read as follows:

Does anybody pretend to tell me that it is a blessing to this country that those people are here? It is no fault of ours that they are here; it is no fault of theirs; it is the fault of a past generation; but their presence here is a great misfortune to us to-day, and the question of the adjustment of the relations between the two races socially and politically is no nearer to a settlement now than it was the day Sumter was fired upon.

The philosophy of the history of every age and our experience of the last seventeen years justify me in making the prophecy that the African race will never be permitted permanently to dominate any State of the South. The experiment of conferring upon them political power in proportion to their numbers has thus far proved a dismal failure, and in my judgment will so continue as long as human nature is as it is. The failure has not been because we have not done everything we could to make it succeed, but because laws independent of and above all human laws have irrevocably stamped upon the one race its superiority over the other.

Intellect and intelligence are forces in this world often greater than numbers. It makes no difference what votes you put in a ballot-box, how many little white pellets of paper that signify one thing and dark pellets of paper that signify another. Those pellets of paper in that box which represent a majority of force will in the end rule even if they be a minority of numbers. If, contrary to my expectations, the colored race should permanently secure the control of any of the States of the South, and the whites should tire of trying to overcome the majority of numbers by force or intimidation, I predict that they would migrate to the State where their own race was in the majority.

* * * * * * *

Does anybody believe if the restraining, the directing, the guiding intellect of the white man that now surrounds the African in the South were entirely taken away and he was left to maintain our institutions alone, that he could do it? I do not know how my friends on this side of the House may feel, but I for one do not believe that they could be maintained without impairment for a period of ten years. This judgment may seem to some to be harsh and unwarranted, but it is the truth as I see it.

Suppose then that when the first ship-load of Africans were landed in this country some one had risen on the floor of one of the assemblies of the States and opposed their landing because they would in the end prove the source of immense disturbance in the country, because their presence would occasion a civil war, because they would produce precisely the effects we have since seen that they have produced in the South, how true these views would have been, though doubtless they would have been regarded as groundless and fanciful alarms. And, digressing for one minute, I ask Senators to reflect what would have been the condition of this entire country if the same proportion of Africans had been in the North as were in the South? I say, then, suppose that objecting to this immigration because it was the immigration of an incongruous race, of a race that could not assimilate or amalgamate with us, this speaker had urged the exclusion of the negro from our country, he would have uttered wise words and given sound advice. How delusive would have been the rejoinder in the light of our experience of any one who might have said: "We have broad fields and extensive acres where cotton, tobacco, and sugar can be raised, and it is for our common advantage to bring in these negroes and obtain the benefit of their cheap labor?"

Mr. GEORGE D. WISE. How sharp and pointed the words then spoken, but how soft and dulcet the tones of the gentleman from Indiana to-day! Liberty would expire in the embraces of the negro, and free institutions could not survive in a State dominated by him, said the Republican Senator; but how sweet now the wooings of our friends on the other side!

Before the Clerk had concluded the reading of the above the hammer fell.

Mr. BROWNE, of Indiana. I rise to propose an amendment.

Mr. SPRINGER. Will the gentleman from Indiana allow the reading to be concluded?

Mr. BROWNE, of Indiana. I am willing that by unanimous consent the remainder of the extract should be read or that it should go into the RECORD.

Mr. GEORGE D. WISE. As unanimous consent was given to the honorable gentleman from Indiana [Mr. BROWNE] to publish a whole speech of the gentleman from New York [Mr. COX], I ask unanimous consent that the reading of the extracts I have marked may be finished.

Mr. BROWNE, of Indiana. I have expressed my hope that the committee would assent to that.

Mr. GEORGE D. WISE. I knew my friend would agree to it.

The Clerk resumed the reading of the extracts.

Mr. BLAND. I rise to a question of order. I supposed the committee had given leave to print, not to read. It will take all day to finish the reading.

Mr. GEORGE D. WISE. Oh, no; there is only a little more.

The Clerk resumed and completed the reading of the extracts printed above.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The CHAIRMAN (Mr. BAGLEY). The gentleman will state it.

Mr. HAMMOND. Has not this bill the privilege of the floor only for to-day? I understand it is not a continuing order.

The CHAIRMAN. The Chair understands the order is simply for to-day.

Mr. HAMMOND. Then I hope we will go on and finish the bill without unnecessary talk.

Mr. BROWNE, of Indiana. I do not desire to protract this debate, nor do I want to prevent a vote being taken on this measure, and I would not trouble the committee even for an amendment except to respond to what has been said by the gentleman from Virginia [Mr. GEORGE D. WISE]. It is to me a little strange that the gentlemen on the other side will insist upon misapprehending what I said and they are disposed to avoid the point I have been seeking to make. When I referred to the position of the gentleman from New York [Mr. COX] I did not allude to the question as a partisan one at all. This question is not such; it rises above party; it rises above political platforms; it goes back, as I understand it, to the primary question of human rights itself, and I sought to illustrate this simple idea.

Mr. GEORGE. D. WISE. Will the gentleman allow me to ask him a question?

Mr. BROWNE, of Indiana. In a moment. I simply intended to enforce this idea, that when a particular class of people possessed no political power they had no friends. Then they were dangerous to our liberties. If they were permitted to become citizens they would, according to the proposition of the gentleman from New York, put our liberty and form of government in peril. They were thus, while without political power, the subjects of anathema and they were the subjects of my distinguished friend's wit, which is always pointed and always sharp. And I pointed out that so soon as those people became voters, when it was put into their power to make this party strong or the other party strong, the mere fact that they had been clothed with political power revolutionized the opinion of politicians and distinguished men. The negro as a non-voter was a very indifferent kind of fellow in the estimation of the distinguished gentleman from New York, but when the negro could assist in making him or me, his political party or mine, or in unmaking him in a political sense, or in unmaking me, when he was clothed with that power, he became very respectable, and there was nothing for him then or since then but kind words. That is all. I do not seek to make the Democratic party responsible for this position. This prejudice against the colored people has existed in both political parties.

Mr. GEORGE D. WISE. Will the gentleman allow me?

Mr. BROWNE, of Indiana. A word further. I desire to serve notice on my Democratic friends, if they desire to put before the country the respective parties upon this subject of friendship to the colored race and to the rights of the colored people, if they desire to bring that into this discussion, if they challenge that controversy, give us the opportunity and we will be glad to institute a comparison between the two political parties.

[Here the hammer fell.]

Mr. COX, of New York. I ask who brought this matter into this controversy to-day? The gentleman from Indiana. Who was it that attacked the chairman of this committee while in the chair, when he could not respond? The gentleman from Indiana. Who began and who is it that insists on having this irrelevant controversy? The gentleman from Indiana. Who is now making this particular complaint on this subject? My honored friend from Indiana. He attacked me when I could not answer.

Mr. BROWNE, of Indiana. I did it for your benefit. I wanted you to get right.

Mr. COX, of New York. The gentleman said I became favorable to the negro when he had a right to vote, and that then I began to make eulogies on him in this District. So I did; at the request of respectable colored men whom your party had disfranchised in the Forty-third Congress. I spoke for them "without money and without price." I raised some $700 for the colored population to clear off the debt of one of their churches. It was the Berean church—the black Berean church it was. [Laughter.] Did the gentleman from Indiana ever do that much good or give that much money for the colored people?

Mr. BROWNE, of Indiana. It never became necessary for me to do penance in that way for my past sins.

Mr. COX, of New York. This lecture, I beg to say, since the gentleman referred to it, came off at Lincoln Hall. I was introduced by Frederick Douglass. He said if I could stand it he could; and he did. He amnestied me. If any one had that right, it was Douglass. I said to the audience that "I had become color blind." [Laughter.]

Since that time Mr. Douglass has advanced in civilization. He has become color-blind also. [Laughter.] The gentleman from Indiana is a friend, defender, and a brother of that miscegenationist incarnate. [Laughter.]

The gentleman from Indiana has asked leave to print a speech of mine made during the war. I do not know what speech it was. It does not make any difference. It is rather late to revamp old prejudices. But since the gentleman asks consent to print one of my speeches against which the statute has been running for nearly twenty-five years, I ask permission to print in the RECORD the Lincoln Hall lecture in honorable encomium of colored brothers and of the African race. Suppose I did eulogize the negro; I bring him out almost as a white-robed angel. [Laughter.] What then? It happened a long time ago. The statute has run against it. It should not to be restored to gratify party hate or personal feeling.

Mr. BROWNE, of Indiana. Had not the gentleman from New York better add the statute of infancy to the statute of limitations on that question?

Mr. COX, of New York. To the people of Indiana, whom you are in the habit of addressing, that may seem to be real pungent wit, but to a body of statesmen like this it falls almost as flat as when the gentleman attempted to drag in some of my old speeches.

Mr. BROWNE, of Indiana. If you are satisfied with that, I am.

Mr. LAMB. Mr. Chairman——

Many MEMBERS. Vote! Vote!

Mr. LAMB. If there is no disposition to debate this question further, I will yield the floor and call for a vote.

The CHAIRMAN (Mr. COX, of New York, having resumed the chair). The question is on the amendments reported by the committee, which will be voted upon together, if there is no objection.

The amendments reported by the committee were then agreed to.

Mr. RICE. I move to amend by striking out of lines 110, 111, and 112 the words "or of such other foreign government of which at the time such Chinese person shall be a subject."

I want to call the attention of the members of this committee to what we are doing at this moment. We are making history, or affording a chance for history to be made, with rather astounding rapidity. We have left the subject of Chinese laborers; they are excluded; every crack and cranny have been stopped.

We are now coming to the question of merchants, travelers, and other persons of the Chinese race, and in this section we are attempting to hinder and impede their coming and going of their own free will and accord, as is provided for in every treaty between this country and China.

More, the words which I moved to strike out also provide that merchants, subjects of other governments than China, but of the Chinese race, shall be hindered and restricted in their efforts to enter this country. Now, that is in direct conflict with our treaties with other nations than China—with Great Britain, with Brazil, with France, if France should obtain Chinese subjects.

I want to know if there has been shown any exigency to induce this House in this hot haste to vote for a provision which must either be scorned and hooted at and ignored as bombast by other nations, or else the enforcement of which will surely lead to difficulty and war. The Chinese laborers have been taken care of. The "Sand Lots" may be lighted up to-night and the war-dance go on. Now let us stop there.

Let us call a halt before we fling this insult into the face of other nations than China.

The question was taken on the amendment of Mr. RICE; and on a division there were—ayes 21, noes 134.

So (no further count being called for) the amendment was not agreed to.

The Clerk read the following:

Section 8 of said act is hereby amended so as to read as follows:

"SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessel shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese, or of any other foreign government, traveling on the business of that government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo."

Mr. RICE. I do not desire to impede the triumphant progress of this bill; but I wish from time to time to show its absurdities.

There is not the change of a word, the dotting of an "i" or the crossing of a "t," between the section as here proposed and the one which it professes to amend. Is it therefore necessary that we should readopt a section by an amendment which is an exact transcript of that section? I move to strike out this section. If that motion shall prevail it will leave the act already existing in the very form proposed here.

The motion to strike out was not agreed to.

The Clerk read the following:

Section 10 of said act is hereby amended so as to read as follows:

"SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found."

Mr. SKINNER, of New York. I move to strike out the last word. I do not impugn the motives of any gentleman in respect to his vote upon this bill or upon any other. I may be accused of voting in response to a sentiment. I admit that charge, if gentlemen choose to make it. It is a sentiment, but a sentiment which is part and parcel of my creed as an American and as a Republican.

My friend from Wisconsin [Mr. GUENTHER] says he is unwilling to degrade American labor. So am I. I have no desire to degrade American labor; I have no desire to cheapen American labor. But I do not believe that this bill affects that question in the slightest, because in all the discussions which I have heard here, in all the discussions which occurred here two years ago, I do not remember any single attempt to prove that the whole number of Chinese people in this country, even admitting that they are all laborers, affected the average price of wages received by American laborers.

According to the figures produced here the other day there are engaged in labor in this country over 17,000,000 of people; 17,000,000 of people engaged as laborers in this country. I do not believe that there is one intelligent man among the whole 17,000,000 that will admit that Chinese labor affects the average price of wages received by laborers in this country. I give them credit for too much sense, for too much manhood, to believe that any one of them will charge any such thing.

I say that if you desire to prove it produce your figures; simple assertions will not do it. I believe with the gentleman from Iowa [Mr. WILSON] that this question of labor brought in here to-day, and brought into the discussion of the tariff bill, is considerably overdrawn. I believe with him that the laborers of twenty years ago are now among the foremost people of to-day; that many of the laborers of twenty years ago are the capitalists of to-day. I heard one gentleman state that twenty years ago he worked for 50 cents a day. To-day he is a Representative on this floor. Twenty years from now the laborers of to-day will be the capitalists; twenty years from now the laborers of to-day will make your laws. [Here the hammer fell.] I withdraw the *pro forma* amendment.

The Clerk read as follows:

Section 11 of said act is hereby amended so as to read as follows:
"SEC. 11. That any person who shall bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding $1,000, and imprisoned for a term not exceeding one year."

The CHAIRMAN. The Clerk will read the amendment reported by the committee.

The Clerk read as follows:

In line 1, before the word "bring," insert the word "knowingly."

Mr. BUDD. I desire to say that I am opposed to this amendment, but I do not wish to discuss it.

Mr. RICE. It is the unanimous opinion of the committee, as I understand, that this amendment should be adopted.

The amendment was agreed to.

Mr. SKINNER, of New York. I desire to ask the Chair whether the hour of 5 o'clock, which has now arrived, does not interrupt the consideration of this bill.

The CHAIRMAN. The Chair will state that the order for a recess has for this day been vacated by action of the House.

The Clerk read as follows:

Section 12 of said act is hereby amended so as to read as follows:
"SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States; and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers."

The CHAIRMAN. The Clerk will read the amendment proposed by the committee to this section.

The Clerk read as follows:

Add to the section the following:
"And the United States shall pay all costs and charges for the maintenance and return of any Chinese person who may not have been permitted to land from any vessel by reason of any of the provisions of this act."

Mr. BUDD. Mr. Chairman, I desire to oppose this amendment of the committee, and I wish to state in a few brief words my reasons for doing so.

Mr. HENLEY. I do not think any debate on this question will be necessary. I have prepared an amendment which I think will be found acceptable all around. I move to amend the amendment of the committee by inserting, after the words "Chinese person," the words "having the certificate prescribed by law as entitling such Chinese person to come into the United States."

Mr. BUDD. That makes it all right. I withdraw my objection.

Mr. RICE. I desire to know what this amendment means.

Mr. HENLEY. I can explain it in a few minutes. Under the amendment of the committee, without the amendment which I propose, if a steamship about to leave China should admit as passengers Chinese persons not having the proper certificate or not having the right to come to this country, and should the authorities of the United States upon the arrival of such persons in California refuse to permit them to land, it would then become the duty of the Government of the United States to pay the expenses of such persons back to China. With my amendment the effect of the provision will be that when a steamship company admits to its vessel on the other side Chinese persons with proper certificates, persons having a right to come here——

A MEMBER. *Prima facie.*

Mr. HENLEY. Then the United States Government is obliged to pay the expense of the return of such persons; but if the steamship company willfully admits on board persons who have no certificates and no right to come here, the company must pay their way back.

Mr. RICE. I do not see how this section, if amended in the manner proposed, would have the effect which the gentleman from California desires. As the provision would read, without any change, any person or steamship bringing Chinese persons unlawfully to this country would be liable to the Government of the United States for all necessary expenses incurred in the investigation of the matter and in the removal of such persons. Now, the amendment proposes that the United States shall pay these expenses. Does it mean that the United States shall pay them in the first instance and then collect them from the person or the steamship company liable to the United States? What does it mean? It seems to me that the amendment creates confusion and contradiction. I do not care anything about this question; it is not my matter; but I call the attention of the gentleman in charge of the bill to this point, so that legislation which is to go out as the work of our committee and the work of this House shall not bear upon its face a contradiction. [Cries of "Vote!" "Vote!"]

The amendment of Mr. HENLEY to the amendment reported by the committee was agreed to.

The amendment of the committee as amended was adopted.

The Clerk read as follows:

Section 13 of said act is hereby amended so as to read as follows:
"SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese or other governments traveling upon the business of that government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons."

Section 15 of said act is hereby amended so as to read as follows:
"SEC. 15. That the provisions of this act shall apply to all subjects of China, and Chinese, whether subjects of China or any other foreign power; and the words 'Chinese laborers,' wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining."

Mr. BRUMM. I move to amend the paragraph last read by inserting after the word "mining" these words:

And that so much of this act and the act to which this is supplementary as can be made operative shall be applied to and enforced against all persons of whatever nationality who are or may be imported into this country under any system of contracts.

Mr. HENLEY. I make a point of order upon that amendment.

Mr. RICE. I hope the gentleman will not make a point of order.

Mr. HENLEY. I am sorry I can not yield to the gentleman's aspirations, but I must make this point of order. The point is that this is a bill entitled "A bill to amend an act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved May 6, 1882;" and this amendment is not germane.

Mr. GLASCOCK. There is another point of order. There is pending before the House another bill of the same character.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania on the point of order.

Mr. BRUMM. As to the first point of order, that the amendment is not germane, I wish to say that can be cured by inserting the words in the title, "and other persons." That can be done here now.

And as to the second point, that there is already reported another bill embracing the substance of this, I am not of the opinion this rule goes so far as to say if there are two bills running parallel to each other, reported by the same or different committees, one when pending can not be amended because the amendment contains the substance of the other.

The substance of the amendment is that the protection of American laborers shall be extended to the Slavonic race. I take for granted this bill can be amended so as to extend its provisions to persons who come here under conditions similar to these Chinese.

While I am proud of my German ancestors, this amendment of mine strikes at no particular nationality, but carries out the principle underlying this whole legislation. It is not a question of race, but one of condition. It is a question as to whether we are willing to permit persons to come into this country who want the benefits and are unwilling to perform the duties or bear the burdens of the country. The whole question rests on that proposition. As to the Chinese, they only want the rights; they want, as it were, the cream of the country, but are unwilling to discharge any of the duties or bear any of the burdens of American citizens. That proposition is involved in my amendment. It is germane, and because it runs parallel and is the substance of another bill can not rule it out.

The CHAIRMAN. According to the title of this bill, which has not been amended, the Chair must rule, as it is confined to the Chinese, the point of order is well taken. This bill proposes to amend certain treaty stipulations relating to the exclusion of Chinese, and Chinese only, and not to persons of any other nationality outside of that treaty.

The point of order is sustained irrespective of another bill in substance the same which may now be pending.

Mr. RICE. I make the point of order against the words in lines 249 and 250 that they are not germane.

The CHAIRMAN. That already has been passed.

Mr. RICE. I did not know it. The amendment of the gentleman from Pennsylvania was moved to it.

The CHAIRMAN. We are on section 15.

Mr. RICE. The amendment of the gentleman from Pennsylvania was ruled out. [Cries of "Vote!"]

The CHAIRMAN. The point of order to the section comes too late.

Mr. RICE. Is it too late to move an amendment?

The CHAIRMAN. It is not.

Mr. RICE. I move to strike out, in lines 249 and 250, "subjects of China or any other foreign power."

Mr. CASSIDY. I make the point of order on that amendment. These words are in print, and the point of order made against the amendment of the gentleman from Pennsylvania was that it went beyond the meaning of the title of the bill.

Mr. RICE. This is a bill, as alleged, to execute certain treaty stipulations with China. This provision is against subjects of other nations than the Chinese Empire.

Mr. SPRINGER. But they are Chinese nevertheless.

Mr. RICE. My point of order has been overruled, and I am now addressing myself to the motion I have made to amend the bill, I will inform the gentleman from Illinois.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts.

The amendment was not agreed to.

The Clerk read as follows:

SEC. 16. That any violation of any of the provisions of this act, or of the act of which this act is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by fine not exceeding $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Mr. BUDD addressed the committee. [See Appendix.]

Mr. HAMMOND. I move to insert what I send to the desk as an additional section to the bill.

The Clerk read as follows:

SEC. 17. That nothing contained in this act shall be construed to affect any prosecution or other proceedings, criminal or civil, begun under the act of which this is amendatory; but such prosecution or other proceeding, criminal or civil, shall proceed as if this act had not been passed.

Mr. HAMMOND. I offer that, out of abundant caution, as an additional section.

Mr. LAMB. There is no objection on the part of the committee.

The amendment was agreed to.

Mr. LAMB. I move that the bill be now laid aside to be reported to the House with a favorable recommendation.

Mr. RICE. Before that I wish to move an amendment to the title of this act, so that it will read: "An act to violate certain treaty stipulations with China and other nations."

Mr. CASSIDY. I make the point of order that the amendment to the title is not in order at this time.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. WILLIS. Mr. Chairman, no gentleman upon this floor feels a deeper interest in this proposed legislation than I do. As the consideration of the bill was by the order of the House limited to this day, I have refrained from discussing it until I felt assured of its coming to a vote. As we have now reached the last section of the bill I may be pardoned for some brief remarks. I must express my great surprise at the character of this debate, as well as the criticisms which have been indulged in by the opponents of this measure. If there is such a thing as legislative estoppel it would certainly apply in this instance. Not once, but repeatedly, within the last few years Congress has expressed itself in favor of restricting Chinese immigration.

Not only in Congress, but among the voters and people of this country the question has been exhaustively discussed as one interwoven with the future destiny and welfare of our people, and involving the safety and harmony of our social and political institutions. The voice of the people has been echoed by their Representatives as far back as the second session of the Forty-fifth Congress. I had the honor, as a member of the Committee on Education and Labor, acting under its instructions, to report to this House a resolution requesting the President of the United States "to open correspondence immediately with the Governments of China and Great Britain with a view of securing a change or abrogation of all stipulations in existing treaties which permit the unlimited immigration of Chinese to the United States." This resolution was introduced February 25, 1878, and was accompanied by a report (No. 240), which I append. The House passed that resolution, and this was the first practical step toward the desired legislation.

After waiting patiently but in vain for some response to this resolution on the part of the executive department, the committee instructed me to introduce a bill, which was done. This bill was H. R. 2423, third session Forty-fifth Congress, and is commonly known as the "Fifteen passenger Chinese bill." In the report accompanying the bill (No. 62) we endeavored to show from numerous decisions that Congress had the right to repeal a treaty. This view was indorsed by the House, and on the 28th of January, 1879, the bill passed the House by a vote of 155 yeas to 72 nays. It passed the Senate and was vetoed by President Hayes.

The indignation with which this veto was received upon the Pacific slope and among the laboring men of the country brought forth its fruits. The treaty-making power was at last aroused to its duty, and a commission was sent to China to secure such a modification of the existing treaty as would put an end to the evils complained of. On the 17th of November, 1880, a new treaty for this purpose was concluded. When the Forty-seventh Congress convened, in its first session numerous bills were promptly introduced in both branches of Congress to execute the stipulations of the treaty. The Senate passed a bill fixing the period of suspension of Chinese immigration at twenty years, and providing for the identification and registration of those affected by it.

A similar bill had been reported by the House committee. Our committee of the House, being desirous of securing prompt action upon so important a subject, recommended to the House the substitution of the Senate bill for its own bill, then on the Calendar. After the most thorough consideration by the House, the Senate bill, on the 24th day of March, 1882, was passed by a vote of 167 yeas to 66 nays. Upon the 4th of April, 1882, the last day authorized by the Constitution, the President returned the bill to the Senate with his objections to its passage, and being there reconsidered, and not receiving the necessary two-thirds majority, it failed to become a law.

This second veto by the executive department, flung so ruthlessly into the face of the representatives of the people, was met with a storm of criticism and disapprobation stronger than the first. Immediately, therefore, another bill, limited to ten years' duration and shorn of some of the most important and necessary provisions of the vetoed bill, was rushed through the House under a suspension of the rules, without debate, and without opportunity of amendment. This last bill is the existing law.

And now, when we seek to make this law effective, when we propose to accomplish the very object which it had in view, the restriction of Chinese immigration to certain classes and upon certain conditions, we are met by arguments not affecting so much the proposed amendments, but aimed directly against the whole substantive proposition of relief. In view of the facts which I have just recited, that Congress within the past six years has by four different and overwhelming votes declared in favor of this remedial legislation, I repeat, Mr. Chairman, that I am surprised that at this late day such an attempt should be made. It is not the repeal of this law which the people now desire. It is simply its amendment, so that it may reach and remedy the wrongs which are acknowledged to exist.

Nor, sir, have I been less surprised at this attack upon the law than at the weapons which have been used for the purpose. Ridicule, sentimental and sensational appeal, and fierce denunciation have in turn played their part in the effort to overthrow this bill. The small number of Chinese now in our midst has been cited as a reason for non-action. And yet, can any man say how many more thousands would have crowded our shores except for the agitation of this subject, and the well-known hostility of the Pacific coast to their further influx? Is it not known that we are separated only by a comparatively short distance from 400,000,000 of Chinese, the most of whom are discontented, poor, oppressed, and eager to escape from their unhappy surroundings?

Only four years ago do we not know that there was a great drought and famine which in a single province of China destroyed a population ten times greater than that which now occupies the whole Pacific slope? Has not the history of the past demonstrated the fact that these great roving tribes may at any moment, under some impulse of interest or want or wild fanaticism, be forced from their present habitations to be hurled, like one of their mountain torrents, with resistless fury and destruction against their neighbor states? Are we not to-day divided from them by an ocean, Pacific both in name and by nature, which offers hardly an obstruction to the passage of the rudest and most primitive craft? Who in the light of these facts can ridicule the prospective danger which their coming involves? Who can say in the absence of any law prohibiting their immigration, pressed by hard necessity at home and tempted by alluring promises from corporate wealth here, how many years would elapse before the thousands whom we now claim would increase to millions, demoralizing our institutions, degrading our laboring men and women, and threatening the safety, the happiness, and the stability of society?

But we have heard to-day that the laboring classes are not concerned about this legislation, that it does not affect them, that it has not been shown that these Chinese have reduced the wages of labor, &c. And then, too, we have heard some allusion to the tariff, and surprise is expressed that the Democratic party has shown such an urgent desire to pass this bill.

Sir, it is true that the Democratic party has shown a deep interest in this legislation, and while I do not insist upon making a political issue

upon this subject, our friends on the other side seem so disposed. I notice that all the speeches against this bill have been made by our Republican friends. I remember that it was a Republican administration which refused the request made by a Democratic House that negotiations changing the treaty with China should be commenced with a view to restricting Chinese immigration. I recall the fact that two Republican Presidents have resorted to the extraordinary power of the veto to prevent the passage of bills for this purpose. I recall the further fact that the bill we are now endeavoring to amend was passed under whip and spur, and against the protest of the five Democratic members of the Committee on Education and Labor of the last House, who, while declaring their intention to vote for the bill as better than no legislation, said in their minority report:

We doubt the propriety of striking out the section which imposed fine and imprisonment upon Chinese unlawfully in our midst. We fear that corporate greed and power will find points of entry through Mexico or Canada, and if Chinese laborers know that their coming is attended with no personal risk they will more readily make the effort. We also fear that the abolition of the general system of registry will be found to defeat the operation of the law, and also work a hardship to the Chinese already here, as without certificates, as provided in the vetoed bill, they will have no sufficient means of identifying themselves as belonging to the permitted classes.

I knew then that the bill we passed was defective and would require amendment. The tender scruples of an unfriendly Executive must be respected and the committee dare not provoke another veto. If, therefore, gentlemen insist that this measure is a Democratic measure I shall not deny that its origin and success are largely due to Democratic votes.

Nor is it to be denied that the support which it has received upon this floor is due in great measure to its relations to the laboring men of our country.

To the workingman—I care not whether he lives in San Francisco, New York, or Louisville—no bill before Congress is so important as this. If labor is degraded in California the effects of that degradation will reach the whole Union. The cheap cigars, cheap shoes, and the thousand other articles of Chinese handiwork come directly in competition with such work in other parts of the country. Water does not seek its level with greater certainty than the price and condition of labor in one city or State affects its condition in all the States of the Union.

In a self-governing community such as ours this question is of especial importance. Here, if anywhere, it should be the aim of the Government, of its legislative representatives, to elevate the dignity and preserve the self-respect of all its citizens. As are the people so will be the government. If the people are corrupt, if they are ignorant, selfish, or unpatriotic, the government will reflect these ignoble traits in its own features.

The introduction therefore of a class of men like the Chinese, who are without homes or families, whose education and habits disqualify them for citizenship, whose cheap wages degrade labor, is fraught with great danger to our republican institutions and should be promptly and effectually checked.

We say in theory to our citizens that they are to be protected in all their rights and privileges; we say to them in theory that the Government respects and honors labor—honors the bone and sinew of the land. How, then, can we hope to secure a bold, defiant, independent citizenship among the laboring men who comprise four-fifths of our population, if we declare to them by our conduct, by our practical legislation, that these generous theories are but myths, but glittering generalities? Shall we subject them to a competition—to a mode of life—that will make these grand and inspiring truths utter impossibilities? Shall we say to them that the rights and honors of American citizenship are one thing, and their possession, their enjoyment another and a different thing? Shall we, in other words, compel any class of our fellow-citizens to surrender church, home, and school to become mere "hewers of wood and drawers of water" by subjecting them to the shame and degradation which curse the Chinese laborer?

I hope and believe that no such declaration will ever go forth from this body, but that we will recognize the equal rights and dignity of all our citizens by the prompt passage of this bill.

Such a result is demanded by political no less than by industrial considerations. We welcome to our shores all who desire or intend to make this their home, or who expect to become permanent citizens of our Government. The German, the Irish, the French, and other immigrants to our country have quickly and successfully adapted themselves to our institutions. Prompt to defend the honor and to promote the interests of their adopted land, yielding cheerful and ready obedience to its laws and customs, they have illustrated in their lives and vindicated by their conduct the wise policy of immigration. As kindred drops of water, they have mingled and been lost in the great stream of American life. The Chinese have no such intention or experience. They do not come to seek homes. They disdain to accept our institutions; they look with contempt upon our social customs; they defy the authority of our laws; they retain all the distinctive features and characteristics of their national life. Twenty-five years of residence and contact with our people have left them unchanged and unimproved in any important particular. The argument, then, based upon a comparison of this race with our Irish and German fellow-citizens, is utterly without foundation. The Chinese, unlike them, have always been and always will be an alien element in our midst. We want no such servile and degraded class in our Government. We want a brave, patriotic, self-reliant, assimilative citizenship.

But, Mr. Chairman, there is another strange and unnatural feature in this debate. Are the representatives of the American people to be arraigned before the world as they have been by the gentleman from Massachusetts [Mr. RICE] as violators of the fundamental principles of our Government because of their support of this bill? Is this legislation a new departure in the experience of our own or of other lands? I deny it. I say that the American Congress and the people of the United States are only following now in the path that has already been trodden by France, by England, and by every country in the world that has ever suffered the disadvantages, the horrors, and the burdens of Chinese immigration.

As far back as 1855 the English colony of Victoria levied a capitation tax of $50 upon every Chinese immigrant. In 1861 a similar tax was imposed by the colony of New South Wales, and in 1877 by the colony of Queensland, and also by the French colony of Saigon. The same opposition has been aroused in Java, in Siam, in Singapore, in the Philippine Islands, and in the Australian colonies. Everywhere they have made themselves obnoxious; everywhere heavy penalties and restrictive legislation have been found necessary means of protection. The opinion which this bill impliedly expresses is therefore the opinion of the world. I am astonished, therefore, that our country alone should be singled out for condemnation because of this legislation.

But, sir, especially am I surprised that the gentleman from the State of Massachusetts, my distinguished friend [Mr. RICE], should be so urgent in his opposition to the bill. I recall the fact that fourteen years ago, when, as the census shows, there were just ninety-five Chinamen in the State of Massachusetts, there was a different sentiment on the part of that people and their representatives. That small number of ninety-five Chinamen alarmed the good people of the old Bay State, and a distinguished legislator, Henry Wilson, one of the greatest leaders of her thought and politics—then a Senator from that State, and afterward Vice-President of the United States, springing as he did from the loins of the people, and knowing and sympathizing with their wants—made a noble and emphatic stand against Chinese immigration. Standing yonder in the Senate of the United States fourteen years ago he uttered a sentiment that will be responded to by this House to-day. What is that? Mr. Wilson, of Massachusetts, declared:

I think the time has come—

And I repeat, this was fourteen years ago—

when we should have some action upon this subject—

Chinese immigration—

for it does seem to me at the present day that there is a conspiracy of capital in this country to cast a drag-net over creation for the purpose of bringing degraded labor here to lower and degrade our laboring men. And I think it is time to meet that question.

Following that declaration a convention held in Massachusetts in 1870 adopted this resolution:

Resolved, That while we welcome voluntary immigrants from every clime, and pledge them the protection of our laws and equal opportunity in every field of industry, still we are inflexibly opposed to the importation by capitalists of laborers from China and elsewhere for the purpose of degrading and cheapening American labor, and will resist it by all legal and constitutional means in our power.

This was the declaration of the Labor Reform party.

Another convention held in the same year and in the same State adopted a resolution in the following terms:

Resolved, That, independently of the question as to the expediency of bringing into intimate political and social relations two adverse races of men, we believe it to be wrong to stimulate by artificial means the irruption into our community of swarms of Mongolians, who have neither the wish nor the aptitude to assume the duties and responsibilities of citizenship, and are brought here by interested capitalists only as so much bone and muscle to lower the dignity of labor, degrade the condition of our workingmen, and create and perpetuate distinct classes in our social system.

So said the Democratic party.

At the head of the respective tickets, put in the field under those resolutions, we find the names of Wendell Phillips and John Quincy Adams, names memorable in Massachusetts and in the United States. And when they went to the people of Massachusetts upon those issues, although there were just ninety-five Chinamen in that State, the people responded by a vote of 71,482 out of 151,237; or within a fraction of one-half of all the votes cast. Thus did the people of Massachusetts over fourteen years ago record their approbation of the legislation that we now propose.

And now when the evil has spread all over the land, when hundreds of thousands have flown to our shores from that great bee-hive of China, when four sovereign States of this Union stand pleading at the bar of Congress for this relief, and when one Congress after another has solemnly recorded its judgment [cries of "Vote!"] in favor of this restrictive legislation, it is time, in the eloquent words of you gentlemen in the rear, that we should come to a "vote" on this question. [Applause.]

Mr. RICE. I wondered where the gentleman from Kentucky had been during the day that I had not before heard his voice upon this question. It seems he has been mousing among the records of the past and has raked up from the archives something from the records of Massachusetts which he thinks conflicts with my action here to-day. Had he gone further back he would have found worse things than that. Massachusetts, thank God, moves, and I stand now beneath the sun of to-day and not beneath the sun of fourteen or fifteen years ago. More than that, sir; I speak, I act, I vote here according to my own convictions of duty, and not according to those of any other man, whether he be a son of Massachusetts or a son of Kentucky.

Mr. Chairman, had the gentleman from Kentucky been here during the day he would have known that it is admitted by the friends of this bill that it violates our treaty stipulations with other nations. No one has yet dared to gainsay that point, which I made against the bill at the outset and I challenge contradiction of the statement. This act, if adopted by this House, does violate our treaty relations not only with China but with England and other nations; and my motion, sir, is, that it be amended so that its title shall read in conformity with its contents.

The CHAIRMAN. The question is on the amendment to the title proposed by the gentleman from Massachusetts, which the Clerk will report.

The Clerk read as follows:

Amend the title so as to read: "An act to violate certain treaty stipulations with China and other nations."

The amendment was not agreed to.

Mr. LAMB. I move that the committee rise and report the bill favorably to the House as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, had directed him to report the same back with sundry amendments for the favorable consideration of the House.

Mr. LAMB. I demand the previous question on the amendments and the engrossment and third reading of the bill.

The previous question was ordered.

The SPEAKER. The Clerk will report the first amendment.

Mr. SPRINGER. I think it is not necessary to read the amendments. Every gentleman knows what they are.

The SPEAKER. If a separate vote is not asked the question will be taken on the amendments as a whole.

The question being taken on the amendments reported by the Committee of the Whole, they were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. LAMB. I move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. The question is, Shall the bill pass?

Mr. LAMB and Mr. VAN EATON called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 184, nays 13, not voting 125; as follows:

YEAS—184.

Aiken,	Cullen,	Hardeman,	Maybury,
Alexander,	Cutcheon,	Hatch, W. H.	Miller, J. F.
Atkinson,	Dargan,	Henderson, D. B.	Miller, S. H.
Bagley,	Davis, G. R.	Henley,	Milliken,
Barksdale,	Deuster,	Hepburn,	Mitchell,
Bayne,	Dibble,	Herbert,	Money,
Beach,	Dibrell,	Hewitt, G. W.	Morgan,
Blanchard,	Dockery,	Hill,	Morrison,
Bland,	Dowd,	Hiscock,	Murphy,
Boyle,	Dunham,	Holman,	Murray,
Brainerd,	Dunn,	Holmes,	Neece,
Breckinridge,	Eaton,	Hopkins,	Nutting,
Brown, W. W.	Elliott,	Horr,	Oates,
Brumm,	Ellwood,	Houk,	O'Neill, J. J.
Buchanan,	Ermentrout,	Houseman,	Paige,
Buckner,	Evins, J. H.	Hurd,	Patton,
Budd,	Ferrell,	Jeffords,	Pierce,
Burnes,	Fiedler,	Jones, B. W.	Peel, S. W.
Caldwell,	Finerty,	Jones, J. H.	Peelle, S. J.
Campbell, J. M.	Follett,	King,	Pettibone,
Candler,	Foran,	Lacey,	Post,
Carleton,	Forney,	Lamb,	Pryor,
Cassidy,	Fyan,	Lanham,	Pusey,
Clardy,	Garrison,	Lawrence,	Randall,
Clay,	George,	Le Fevre,	Rankin,
Clements,	Gibson,	Lewis,	Reese,
Cobb,	Glascock,	Lovering,	Robertson,
Collins,	Goff,	Lowry,	Robinson, J. S.
Connolly,	Graves,	McAdoo,	Rogers, J. H.
Converse,	Green,	McCoid,	Rogers, W. F.
Cook,	Greenleaf,	McComas,	Rosecrans,
Cosgrove,	Guenther,	McCormick,	Rowell,
Cox, S. S.	Halsell,	McKinley,	Scales,
Crisp,	Hammond,	McMillin,	Seney,
Culberson, D. B.	Hancock,	Matson,	Seymour,
Shaw,	Strait,	Vance,	Wilkins,
Shelley,	Struble,	Van Eaton,	Williams,
Singleton,	Sumner, C. A.	Wakefield,	Willis,
Skinner, T. G.	Sumner, D. H.	Ward,	Wilson, James
Slocum,	Taylor, J. M.	Warner, Richard	Wilson, W. L.
Smith,	Throckmorton,	Weaver,	Winans, E. B.
Springer,	Tillman,	Wellborn,	Winans, John
Steele,	Tully,	Weller,	Wise, G. D.
Stephenson,	Turner, H. G.	Wemple,	Wolford,
Stewart, Charles	Turner, Oscar	White, Milo	Worthington,
Stockslager,	Van Alstyne,	Whiting,	Yaple.

NAYS—13.

Adams, G. E.	Henderson, T. J.	Price,	Spooner.
Brewer, F. B.	Hitt,	Rice,	
Browne, T. M.	Kean,	Skinner, C. R.	
Everhart,	Lyman,	Smalls,	

NOT VOTING—125.

Adams, J. J.	Dorsheimer,	Kleiner,	Riggs,
Anderson,	Duncan,	Laird,	Robinson. W. Z.
Arnot,	Eldredge,	Libbey,	Rockwell,
Ballentine,	Ellis,	Long,	Russell,
Barbour,	Evans, I. N.	Lore,	Ryan,
Barr,	Findlay,	Millard,	Snyder,
Belford,	Funston,	Mills,	Spriggs,
Belmont,	Geddes,	Morey,	Stevens,
Bennett,	Hanback,	Morrill,	Stewart, J. W.
Bingham,	Hardy,	Morse,	Stone,
Bisbee,	Harmer,	Moulton,	Storm,
Blackburn,	Hart,	Muldrow,	Talbott,
Blount,	Hatch, H. H.	Muller,	Taylor, E. B.
Boutelle,	Haynes,	Mutchler,	Taylor, J. D.
Bowen,	Hemphill,	Nelson,	Thomas,
Breitung,	Hewitt, A. S.	Nicholls,	Thompson,
Brewer, J. H.	Hoblitzell,	Ochiltree,	Townshend,
Broadhead,	Holton,	O'Hara,	Tucker,
Burleigh,	Hooper,	O'Neill, Charles	Valentine,
Cabell,	Howey,	Parker,	Wadsworth,
Calkins,	Hunt,	Payne,	Wait,
Campbell, Felix	Hutchins,	Payson,	Warner, A. J.
Cannon,	James,	Perkins,	Washburn,
Chace,	Johnson,	Peters,	White, J. D.
Covington,	Jones, J. K.	Phelps,	Wise, J. S.
Cox, W. R.	Jones, J. T.	Poland,	Wood,
Culbertson, W. W.	Jordan,	Potter,	Woodward,
Curtin,	Kasson,	Ranney,	York,
Davidson,	Keifer,	Ray, G. W.	Young.
Davis, L. H.	Kelley,	Ray, Ossian	
Davis, R. T.	Kellogg,	Reagan,	
Dingley,	Ketcham,	Reed,	

So the bill was passed.

The following were announced as paired on all political questions until further notice:

Mr. HARDY with Mr. JOHNSON.
Mr. DOWD with Mr. HOLTON.
Mr. HEWITT, of New York, with Mr. VALENTINE.
Mr. GRAVES with Mr. BREITUNG.
Mr. DORSHEIMER with Mr. MOREY.
Mr. REAGAN with Mr. HOWEY.
Mr. NICHOLLS with Mr. CHACE, except on the tariff.
Mr. HEMPHILL with Mr. YORK.
Mr. BLOUNT with Mr. RUSSELL.
Mr. CAMPBELL, of New York, with Mr. CULBERTSON, of Kentucky.
Mr. RIGGS with Mr. KELLOGG.
Mr. BENNETT with Mr. BURLEIGH.
Mr. YOUNG with Mr. PAYNE.
Mr. BELMONT with Mr. BARR.
Mr. JONES, of Wisconsin, with Mr. MCKINLEY.
Mr. SNYDER with Mr. HANBACK.
Mr. COBB with Mr. E. B. TAYLOR.

The following were announced as paired for this day:

Mr. WARNER, of Ohio, with Mr. CALKINS.
Mr. THOMAS with Mr. PHELPS.
Mr. CLARDY with Mr. BELFORD.
Mr. DAVIDSON with Mr. MCCOID.
Mr. SPRIGGS with Mr. REED.
Mr. MULLER with Mr. BREWER, of New Jersey.
Mr. THOMPSON with Mr. O'NEILL, of Pennsylvania.
Mr. DINGLEY with Mr. KLEINER.
Mr. ROCKWELL with Mr. MULDROW.
Mr. BLACKBURN with Mr. WAIT.
Mr. CABELL with Mr. CANNON.
Mr. STEVENS with Mr. KASSON.
Mr. CURTIN with Mr. LIBBEY.
Mr. HARMER with Mr. HOBLITZELL.
Mr. MORSE with Mr. PAYSON.
Mr. BLOUNT with Mr. RUSSELL.
Mr. BALLENTINE with Mr. WASHBURN.
Mr. TALBOTT with Mr. RANNEY.

The following were also announced as paired:

Mr. GREEN with Mr. HOOPER, until May 5.
Mr. JONES, of Alabama, with Mr. LONG, until May 5.
Mr. WOOD with Mr. WHITE, of Kentucky, until May 10.
Mr. JORDAN with Mr. BELFORD, until May 5.
Mr. MUTCHLER with Mr. EVANS, of Pennsylvania, until May 6.
Mr. MATSON with Mr. RAY, of New Hampshire, until May 5.

The following were announced as paired on the Chinese bill:

Mr. WADSWORTH with Mr. TOWNSHEND. If present, Mr. WADSWORTH would vote "no" and Mr. TOWNSHEND "ay."

Mr. RYAN with Mr. DAVIS, of Massachusetts. If present, Mr. RYAN would vote "ay" and Mr. DAVIS "no."

Mr. HATCH, of Michigan, with Mr. PETERS. If present, Mr. HATCH would vote "no" and Mr. PETERS "ay."

Mr. ADAMS, of New York, with Mr. MILLARD. If present, Mr. MILLARD would vote "no" and Mr. ADAMS "ay."

Mr. HUNT with Mr. POLAND. If present, Mr. HUNT would vote "ay" and Mr. POLAND "no."

Mr. SPRIGGS. I desire to state that when my name was called I voted inadvertently. I am paired with Mr. REED and will withdraw my vote.

Mr. WILSON, of Iowa. I wish to say that unless it is so stated in the pair no one is paired on this bill.

Mr. MCCOID. I wish to say that I authorized a pair until 4 o'clock to-day. Returning to the Hall after that time, I have voted.

Mr. LAMB moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENSIGN L. K. REYNOLDS.

Mr. COX, of New York. I desire now to ask the House to do a graceful act of kindness which I have two or three times before endeavored to have done. It is to pass a joint resolution of the Senate to allow Ensign L. K. Reynolds to accept a medal from the Government of Austria for an act of humanity. He has left our shores on the expedition for the relief of Lieutenant Greely and his party, but if we pass this resolution now he can be reached by telegraph.

Mr. HOLMAN. I hope my friend will not do that in the absence of gentlemen who have heretofore objected.

Mr. COX, of New York. I have made my arrangements with those gentlemen. The gentleman from Illinois [Mr. FINERTY] has consented that the joint resolution be taken up.

Mr. WELLER. I have withdrawn my objection.

Mr. HOLMAN. I know that my friend, after a moment's reflection, will see the impropriety of calling this matter up in the absence of gentlemen who have objected to it.

Mr. COX, of New York. I have made my arrangements with them, and they are perfectly content. The gentleman from Illinois [Mr. FINERTY] was here a short time ago.

Mr. WELLER. I saw him.

Mr. HOLMAN. I regret exceedingly to interpose an objection. I am thoroughly and heartily opposed to resolutions of this kind, but still I would not object if gentlemen were present who heretofore have objected to this particular joint resolution.

Mr. RANDALL. I move that the House now adjourn.

AMERICAN-SPANISH COMMISSION.

Pending the motion to adjourn,

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the House of Representatives:

I transmit herewith for your consideration a communication from the Secretary of State recommending the appropriation of the sum of $22,500, or so much thereof as may be necessary, to meet the proper obligations of the Government on account of the courteous services of the various umpires of the late American-Spanish Commission.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, May* 3, 1884.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TUCKER, for Monday next.

PRINTING TESTIMONY.

On the request of the Committee on Rivers and Harbors unanimous consent was granted to have printed the testimony of the Mississippi River Commission.

ORDER OF BUSINESS.

The question was taken on the motion of Mr. RANDALL that the House adjourn, and upon a division, there were—ayes 10, noes 21.

So the motion was not agreed to.

Mr. COX, of New York. I now respectfully renew my request.

Mr. RANDALL. There is no quorum here and you can not pass anything. You may as well adjourn.

Mr. HOLMAN. There is no quorum here.

Mr. COX, of New York. I renew my request.

Mr. RANDALL. What is the use of trying that?

Mr. COX, of New York. The objection is not insisted upon.

Mr. RANDALL. It is insisted upon.

Mr. HISCOCK. I hope my colleague will yield to the inevitable.

Mr. COX, of New York. I would yield——

Mr. RANDALL. I renew the motion to adjourn.

Mr. COX, of New York. No business has intervened since the motion to adjourn was voted down.

Mr. RANDALL. If gentlemen prefer I will withdraw my motion, and they can go on here as long as they please without a quorum.

Mr. COX, of New York. I think there will be no objection to my request.

Mr. RANDALL. There will be objection.

The SPEAKER. Objection is made.

Mr. COX, of New York. I do not believe the gentleman from Pennsylvania [Mr. RANDALL] has lost all the "milk of human kindness."

Mr. RANDALL. The gentleman will have to present something more potent than an appeal of that kind.

Mr. COX, of New York. I can not furnish the gentleman anything stronger than milk this evening. [Laughter.]

The question being taken on the motion of Mr. RANDALL that the House adjourn, it was agreed to; and accordingly (at 6 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BURLEIGH: Petition of veterans of Washington County, New York, in reference to pensions—to the Committee on Invalid Pensions.

By Mr. J. M. CAMPBELL: Papers relating to H. R. 6830, for the relief of Adam J. Greer—to the same committee.

By Mr. CONVERSE: Resolutions of the Wool-Growers' Association of Texas, and of the Wool-Growers' Association of Clark County, Ohio, for the restoration of the wool tariff of 1867—severally to the Committee on Ways and Means.

Also, petition of James P. Titus and 75 others, citizens of Ohio, of the same import—to the same committee.

By Mr. COOK: Petition of T. B. Denslon and 300 others, for a double-track railroad from New York to San Francisco, and against canals—to the Committee on Railroads and Canals.

By Mr. DOCKERY: Memorial of Ben Loan Post, No. 33, Department of Missouri, asking for an increase of pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. HISCOCK: Petition of the New York Commercial Exchange, asking that macaroni and other farinaceous goods be placed back on the duty list—to the Committee on Ways and Means.

By Mr. MONEY: Petition of citizens of Mississippi, for educational aid from the Government—to the Committee on Education.

By Mr. MOREY: Petition of W. A. Paxon and others, of Jamestown, Ohio, for relief for the sufferers by the recent tornado in Ohio—to the Committee on Appropriations.

By Mr. MORRISON: Memorial of Alex. Guin and others, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, memorial from citizens of Lombard, Ill., for the reduction of war-tariff taxes—to the Committee on Ways and Means.

By Mr. PRYOR: Petition of Solomon Andrews and others and of Robert Figg and others, for the erection of public buildings at Huntsville, Ala.—severally to the Committee on Public Buildings and Grounds.

By Mr. SINGLETON: Petition of W. L. McLean, W. A. Drennan, and others, in favor of the Senate educational bill—to the Committee on Education.

By Mr. STRUBLE: Two petitions from citizens of Iowa, asking for the forfeiture of certain lands granted to the State of Iowa to aid in the construction of railroads, &c.—to the Committee on the Public Lands.

By Mr. TILLMAN: Memorial of sundry citizens of Hampton County, South Carolina, asking for an appropriation in aid of education, &c.—to the Committee on Education.

By Mr. VAN EATON: Petition of numerous colored citizens of Amite County, Mississippi; of J. T. Tomkin and F. A. Gibson, superintendent of education, and many other citizens of Mississippi, for aid to education—to the same committee.

SENATE.

MONDAY, *May* 5, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

THE JOURNAL.

The Journal of the proceedings of Friday last was read.

The PRESIDENT *pro tempore*. The Chair will state that the Journal in respect of the reconsideration of the bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa," is incorrect in not stating that the Senate reconsidered the vote on the third reading of the bill as well as on its passage. The Journal if there be no objection will be amended accordingly. If there be no objection the Journal as amended will stand approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Anton Baertsch,

late private Company K, Twenty-sixth Regiment Wisconsin Volunteers, a resident of the National Soldiers' Home at Milwaukee, Wis., praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of Dudley Post, No. 28, Grand Army of the Republic, Arlington, Vt., praying the enactment of the legislation in regard to pensions recommended by the pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented the petition of Philip Schatzle, a naturalized American citizen, now residing in Lower Bavaria, Germany, praying for benevolent support by the Government of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of Admiral Du Pont Post, No. 24, Grand Army of the Republic, Department of Pennsylvania, by James A. Clark, commander, and Charles K. Fox, adjutant, praying that a pension of $8 a month be granted to every Union soldier and sailor who served sixty days or more in the late war of the rebellion, and who under existing laws are not entitled to that or a greater sum; which was referred to the Committee on Pensions.

Mr. DAWES. I present the petition of a large number of citizens of El Dorado, Kans., praying that the Nez Percé Indians may be removed from the Indian Territory to their former home in Idaho. As the bill for the relief of those Indians has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. MILLER, of California, presented a petition of the Grape-Growers' Association of Saint Helena, Cal., praying that the duty on brandies and wines may not be reduced and that the tariff on raisins may be restored; which was referred to the Committee on Finance.

He also presented a petition of the board of supervisors and other citizens of Mono County, California, praying that an error in running the boundary line between the States of California and Nevada, by which the counties of Mono, El Dorado, and Alpine, of the former State, suffered a loss of territory, may be corrected, and a new survey of the said boundary line be made by the proper officers of the United States Government; which was referred to the Committee on Territories.

Mr. SHERMAN presented a petition of citizens of Eastern Ohio, praying for a restoration of the duty on wool; which was referred to the Committee on Finance.

He also presented a petition of McKendree Mustin Post, No. 319, Grand Army of the Republic, Mendon, Ohio; a petition of Hazlett Post, No. 81, Grand Army of the Republic, Zanesville, Ohio; and a petition of the Colonel Matthias H. Bartilson Post, No. 407, Grand Army of the Republic, Gilmore, Ohio, praying for the enactment of such legislation in regard to pensions as is recommended by the committee on pensions of the Grand Army of the Republic; which were referred to the Committee on Pensions.

Mr. HOAR presented the petition of Andrew E. Johonnot, administrator *de bonis non* of Dr. William Johonnot, formerly of the army of the Revolution, praying for the payment of certain sums alleged to be due him from the Government of the United States as the representative of Dr. William Johonnot; which was referred to the Committee on Revolutionary Claims.

Mr. PENDLETON presented the memorial of West & Marshall, publishers of the Sunday News; T. E. Harwood, publisher of the Daily Gazette; and L. E. Weixelbaum, publisher of the Journal, citizens of Springfield, Ohio, remonstrating against the passage of the bill to copyright news; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom the subject was referred, reported a bill (S. 2147) regulating the retirement of officers in the United States Navy and Marine Corps, and for other purposes; which was read twice by its title.

He also, from the Committee on Appropriations, to whom was referred the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, reported it with amendments.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 5692) to adopt the "Revised International Regulations for Preventing Collisions at Sea," reported it without amendment.

Mr. VEST. I am also directed by the same committee to report back adversely the bill (S. 201) to establish rules for preventing collisions at sea and on the waters of the United States. It is identical with the bill just reported, and I move its indefinite postponement.

Mr. HOAR. I have not examined the bill, but I should like to have the adverse report stand on the Calendar next to the other bill, so that if there be any reason why the Senate should prefer one bill to the other it may be stated then.

Mr. VEST. If the Senator from Massachusetts will permit me, the bill which I have moved be indefinitely postponed is identical with the House bill. I believe I had the honor to introduce the bill which is reported adversely. We simply took the House bill, which came to us while we were considering the Senate bill, and adopted the House bill.

Mr. HOAR. The two bills are identical?

Mr. VEST. Identical.

Mr. McMILLAN. The House bill is the bill recommended by the committee.

Mr. HOAR. I knew there were several propositions on the subject. I had not seen these two bills, and desired to secure the fair consideration of any one that might be thought desirable hereafter.

Mr. VEST. I will suggest to the Senator from Massachusetts that I compared the two bills and found them identical; but if the Senator finds any difference he can move to amend the House bill so as to make it correspond to the Senate bill.

Mr. HOAR. Very well; let the bill be indefinitely postponed.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection.

Mr. CULLOM, from the Committee on Pensions, to whom was referrred the bill (S. 547) granting a pension to John C. F. Beyland, of New York, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S 1657) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CULLOM. I am also directed by the Committee on Pensions, to whom was referred the bill (S. 1259) granting arrears of pension to W. N. Berkley, to report it adversely, and to move its indefinite postponement, as the party who seeks the arrears of pension can get relief at the office of the Commissioner of Pensions.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, there being no objection.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2148) granting a pension to William A. Penfield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RIDDLEBERGER introduced a bill (S. 2149) authorizing suits for damages in cases of death caused by the wrongful act, neglect, or default of a person or corporation in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PIKE introduced a bill (S. 2150) granting a pension to Noah E. Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2151) for the relief of William H. Davis, of Oakland, California; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER introduced a bill (S. 2152) making appropriation for the repair of the custom-house wharf, Charleston, South Carolina; which was read twice by its title.

Mr. BUTLER. I suppose the Committee on Commerce is the proper committee to consider the bill, as it is for the repair of the custom-house wharf, a Government wharf, in the City of Charleston. I ask to refer with the bill a letter of the collector of customs of that port, which is also accompanied by estimates as to the cost of the repair and construction. I move that the bill, with the accompanying papers, be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PLUMB introduced a bill (S. 2153) granting a pension to Benjamin F. Brockett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2154) to prevent the acquisition of real estate by aliens, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VAN WYCK introduced a bill (S. 2155) to restrict to aliens and foreign companies and corporations the ownership of public land and of any land in the Territories; which was read twice by its title.

Mr. VAN WYCK. I move the reference of the bill to the Committee on Public Lands.

Mr. ALLISON. Was not a bill of like character just referred to the Committee on the Judiciary?

The PRESIDENT *pro tempore*. The titles are substantially the same.

Mr. VAN WYCK. That bill, I think, is different. However, I do not care to which committee it is referred.

Mr. ALLISON. Neither do I; only we ought to confine the subject to one committee.

Mr. VAN WYCK. I understand that the bill of the Senator from Kansas [Mr. PLUMB] refers to the ownership of land anywhere in the United States, while this bill is principally confined to public lands in the Territories. I move that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. HOAR introduced a bill (S. 2156) granting a pension to Corydon

Millard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 2157) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable water courses; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHERMAN introduced a joint resolution (S. R. 84) providing for the supply of depositories of public documents, with the CONGRESSIONAL RECORD and Statutes at Large; which was read twice by its title, and referred to the Committee on the Library.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ALLISON, it was

Ordered, That the papers in the case of Edwin T. Pilkenton (S. 1718, Forty-seventh Congress) be taken from the files of the Senate and referred to the Committee on Finance.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1042) for the relief of Mrs. Sarah Linfield;

A bill (H. R. 1798) to amend an act entitled, "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882;

A bill (H. R. 2425) granting a pension to Catharine Henry;

A bill (H. R. 2447) for the relief of Catherine Terry;

A bill (H. R. 2480) granting a pension to Margaret Kearns;

A bill (H. R. 4189) ganting a pension to Caroline Van Norton;

A bill (H. R. 4191) granting a pension to Jane Bracken;

A bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina;

A bill (H. R. 5088) for the relief of Magdalena Cook; and

A bill (H. R. 6364) granting a pension to William H. Whitcomb.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed enrolled bill (H. R. 1319) to adjust the accounts of John B. Monteith, deceased; and it was thereupon signed by the President *pro tempore*.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII. Order of Business 272, being the bill (S. 1477) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, District of Columbia, stands at the head of the Calendar, and will now be read, the time for its being passed over having expired, the Chair understands.

Mr. FRYE. I move that the Senate proceed to the consideration of the bill to remove certain burdens on the American merchant marine, being Senate bill 1448.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate now proceed to the consideration of the bill (S. 1448) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes. The question is on agreeing to the motion.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. DAWES. I should like to give notice in this connection (the Senator from Maine may be influenced by it) that I shall feel compelled to call up the Indian appropriation bill to-morrow at the close of the morning business, and I hope the Senator from Maine will try to get the shipping bill out of the way before that time.

Mr. RIDDLEBERGER. I ask the Senator from Maine to withdraw his motion so as to allow me to make a statement which will only take a few minutes and dispose of the matter announced by the Chair for to-day.

Mr. FRYE. After the shipping bill is taken up it can be laid aside informally for that purpose.

Mr. RIDDLEBERGER. I wish to state that the first order of business is what is called the free-bridge bill——

The PRESIDENT *pro tempore*. If the Senator from Virginia will suspend for a moment the Chair will ask if there is unanimous consent. Is there objection to the Senator from Virginia making a statement on the subject of the order of business? The Chair hears no objection.

Mr. RIDDLEBERGER. I do not wish to object to the proposition of the Senator from Maine, but the bridge bill is now in such a form as that all the members of the Committee on the District of Columbia have agreed to it; but as there were only two copies of it made, it is desirable to hold it over until to-morrow, so that all may have a better opportunity of examining it as it is now prepared and that the amendments may be printed. I ask unanimous consent of the Senate that the bill shall go over until to-morrow and occupy the same position on the Calendar.

The PRESIDENT *pro tempore*. If the motion of the Senator from Maine is agreed to it will leave the bridge bill precisely where it now stands, at the head of the Calendar under Rule VIII.

Mr. RIDDLEBERGER. That is all I wanted to have understood.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine [Mr. FRYE].

The motion was agreed to.

AMERICAN SHIPPING.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1448) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes, the pending question being on the amendment proposed by Mr. MCPHERSON to the amendment of Mr. VEST.

The amendment of Mr. VEST was to add as additional sections the following:

SEC. —. That section 2513 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 2513. All or any part of the materials, whether wood, steel, iron, copper, yellow-metal, bolts, spikes, sheathing, treenails; canvas for sails, whether flax or cotton; rigging and cordage, whether hemp, manila hemp, or iron wire; anchors and cables; iron plates, castings, and forgings; angle-irons, beams, masts, yards, rivets, bolts, nuts, screws, engines, boiler plates and tubes, and machinery, and all other materials and appliances which may be necessary for the construction and equipment, in whole or in part, of vessels, whether steam or sail vessels, to be built and furnished in the United States after the 1st day of January, 1885, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purpose, no duties shall be collected or paid thereon."

SEC. —. That from and after the 1st day of January, 1885, any citizen or citizens of the United States may purchase the whole of any steam or sail vessel, no matter where said vessel may have been built, whether within the United States or in a foreign country, or whether said vessel may have been owned in whole or in part by an alien or aliens; and said vessel shall be registered free of duty as to her hull, spars, appliances, outfit, and equipment (including boilers, engines, and machinery, if a steam vessel), as a vessel of the United States, by the collector in any port of entry in the United States to whom application for such registry may be made by said citizen or citizens, in the same manner as though said vessel had been built in the United States.

To which Mr. MCPHERSON proposed to add the following proviso:

Provided, That such ship shall be excluded from the coastwise trade.

Mr. MILLER, of New York. Mr. President, for twenty years past our merchant marine has been gradually but steadily declining. The legislative department of our Government during those years has been constantly discussing the causes which have led to its decline. From year to year those discussions have come up and have ended in nothing. The discussions have been taken up by the public press, by the magazines, but thus far it has resulted only in an attempt to discover the causes of the decline.

Two years ago, as a member of the Commerce Committee of this body, I had the honor of reporting to the Senate a resolution creating a joint committee of the two Houses, with power to sit during the recess and investigate the causes of the decline of the American merchant marine, and also to propose measures for its revival. The committee was appointed and sat for a long time during the recess two years ago, and reported to this body and to the other House what the committee in their judgment believed to be the causes of the decline and also what they believed would be remedies for the evil.

The Commerce Committee of this body took up that report and presented to the last session of the Forty-seventh Congress an extensive bill for the relief of the American merchant marine. That bill passed the Senate and a similar bill passed the other House, but at the close of the session either bill failed to become a law by the two Houses failing to agree on the various amendments which had been made.

At the beginning of this session of Congress the Commerce Committee took up the question where it had left it and prepared and presented to this body another bill very similar to that which was presented to the last Congress, but in the judgment of the committee improved in many respects. This bill has to do only with propositions which tend to revive the American merchant marine. We no longer propose to continue the discussion as to what has led to its decline. That contest has been going on quite long enough, one side of the Chamber charging that the great destruction, the great decline of the American merchant marine was caused by the late war, while our friends upon the other side have not been willing to acknowledge that their prowess did so much to destroy it as we have held upon this side. Doubtless it may be well for the time being to pass over the causes which have led to the decline and to bring ourselves to the consideration of those measures which it is believed will tend to its revival and its advancement.

The bill which is now under consideration had, I believe, the unanimous support of the committee, particularly the support of the Senator from Missouri [Mr. VEST] who has spoken here upon it, and I confess that I was greatly surprised when I found the Senator from Missouri ridiculing and denouncing this measure as inadequate and of no avail. In the speech which he delivered he spoke of the pending bill in the following language:

To assume that the measure reported by the Senator from Maine [Mr. FRYE] will, by remedying the present maritime system of the United States as to all these minor details in sailing a ship, remove the deadly blight upon our merchant marine is equivalent to the empiricism that mistakes some cutaneous eruption for the organic disease which is sapping the life of a patient, and seeks with cuticura and moderate doses of sulphur to bring back health and vitality.

This is the language which the Senator from Missouri uses in regard to the measure, in the formation of which he had no small part. He took part with the joint committee in investigating the causes of the decline of our marine, he took part in all the discussions which grew out of that investigation, and he has taken a very prominent part in the making up of the measure which we now have before us.

But while the Senator thus turns aside with ridicule this measure

he does not fail to present to this body his own panacea for all the evils from which the American merchant marine has been suffering for the past twenty years, and he sums it up in one assertion, in one declaration, and that is simply "free ships."

If the American citizen, he says, be permitted to purchase ships where he can buy them the cheapest, then the American merchant marine will be revived; it will then be rapidly restored to the position which it occupied during the years in the decade from 1850 to 1860. I am surprised that the Senator should have come to this conclusion, for certainly during the investigations which were had by the joint committee we received no such information from any of the practical ship-owners or any of the great and practical merchants of this country. I say almost without exception the leading shipping merchants who came before the committee said one and all that "free ships" would be no remedy whatever for the evils which were then existing. This was particularly true of the president of the Pacific Mail Steamship Company, Mr. Houston, who came before that committee and gave his testimony in regard to this question. Let us see for a moment what he said in regard to it. When asked his opinion upon the free-ship question, he said:

Mr. HOUSTON. I consider it would be very bad policy for the Government of the United States or the people to attempt to carry on its commerce in foreign-built ships, for the reason that unless you build ships here you would never be able to support repair-shops and founderies, to make repairs as are required to be made from time to time. Unless you have ships to build you can not sustain your ship-yards; you can not separate the two.

Mr. VEST. Is it not a fact that Germany bought her iron steamships from Great Britain and repaired them in her own yards?

Mr. HOUSTON. I believe that is not entirely so; but Germany is so near England it is easy for her to repair her ships there. There were some large French steamers running to the United States, built in England, and when they wanted to change the character of the ships they had them lengthened and sent them to England's yards.

And so on in many places Mr. Houston, who is one of the best managers of our foreign ship interest in this country, and who has conducted the Pacific Mail out of its troubles into smooth waters, gave most unequivocal evidence before the committee that in his judgment "free ships" would be no remedy, and that "free ships" were not even desirable for this country, for he held, as I have read, that the necessity of having ship-yards and being able to build our own iron ships was of greater importance to the country than the ability to be able to buy our ships for 10 or 15 per cent. less in some foreign market.

Mr. Houston told the committee at that time that he had been sent abroad by his company a few months before to investigate in regard to the cost of iron steamships in England as compared with the cost in the United States, and he found that the cost in the United States was from 12 to 15 per cent. more than in England, and consequently his company decided to have ships built here instead of abroad. Not only is this the testimony of this gentleman, but the Senator from Missouri took occasion to read largely from the statements made by Mr. Griscom, of Philadelphia, who is the manager of the Philadelphia line which has been running four American ships under the American flag and six ships under the English flag, and who is also manager of the Red Star line which runs from New York to Antwerp under the Belgian flag. Let us see what Mr. Griscom himself says in regard to the proposed remedy of the Senator from Missouri. I read from a letter written by Mr. Griscom to the Senator from New Jersey [Mr. SEWELL]:

307 WALNUT STREET, PHILADELPHIA, *January* 29, 1884.

MY DEAR SIR: After reflecting upon my talk with Senators MILLER and VEST I have concluded to send you some copies of a pamphlet (in the preparation of which I assisted) which was presented and read before the Congressional committee of 1882, and which presents generally my views on the shipping question, substantially those presented to those gentlemen last week. If after reading this carefully they will propound questions to me I will cheerfully answer them orally or in writing.

The argument of this pamphlet was based upon our personal experience in this business, and can be supported by facts in such shape as may be desired.

It must be accepted as a fact in any effort to reach a true solution of this problem that while the first cost of a foreign ship is less than one built here, which increases the difficulty, still the continued greater cost of running as against the foreign competitor is the important factor after all, and will make the admission of free ships fail as a remedy. Of this I am confident from my experience of the business.

The owners of the Red Star line will yield to no other American citizen in public spirit and loyalty to our flag, but in this commercial question their own financial safety would prevent them from availing of the passage of a free-ship law to resume our flag, unless this greater cost of running was equalized by some general policy by our Government. This is the practical exposition of the problem stripped of everything but the commercial surroundings, and which must be met by Government aid of some kind. My views of the correct method are embraced in the inclosed form of a bill, modeled after the French law. The French Government, after trying free ships for an indefinite period, have had to enact this law as the only solution, and it would appear we would be unwise not to profit by their experience.

They have for half a century seen England supply them with free ships and then put on subsidized lines against them in every direction, until with free ships they have been beaten on every contested route. That such would be our experience if we expected to find a remedy there no thinking man can doubt. Liberal mail compensation would probably be a step in the proper direction, but it is altogether too limited in its application to generally restore our commerce.

England has adopted this plan, and with the cheapest labor in the world to mine the ore and coal and construct and run the ship she has wondrously succeeded; but we are differently situated.

We have ore and coal and skilled labor for both constructing and running, but we must, to successfully compete, have general Government aid to offset the dearer cost of running. That is the whole question, excepting one important consideration, the greater value of capital in this country. Therefore, to overcome the greater cost of running and the higher value of capital here, our remedy, to be successful, must be more searching than that adopted by Great Britain, and so the proposed bill inclosed endeavors to be.

I do not wish to weary you, so I cease here. At your service, or your brother Senators', to pursue the matter in any manner you may think best, I am, my dear sir,

Yours, very truly,

C. A. GRISCOM.

Hon. W. J. SEWELL,
United States Senator, Washington, D. C.

There, Mr. President, we have the testimony of one of the most successful shipmasters in this country. Would it not be well for the theorists in this country, would it not be well for the theorists in this body to listen to the words of wisdom which came from a practical business man who understands this question thoroughly and has tested it in all its various aspects as a business proposition? He tells us plainly and conclusively that "free ships" will not solve the problem; that if "free ships" were given to his company to-day they would not transfer their line of steamers that runs under the Belgian flag to the American flag, because they could not afford to run it at the increased cost and expense involved; and I believe since that letter was written and since this discussion commenced here (I have at least seen it stated in the press) the four American ships of the Philadelphia line which were flying the American flag have been transferred and put under the English flag and are to-day sailing under it.

Mr. VEST. Will the Senator allow me to ask him a question?

Mr. MILLER, of New York. Certainly.

Mr. VEST. He reads a letter from Mr. Griscom, who commends in very fine terms the French system, the bounty system enacted a few years ago by the French Chambers. Now, I ask the Senator if the French Government does not pay a bounty to foreign vessels that are brought under the French flag; not as large a bounty as it does French-built vessels, but if it does not pay a bounty to foreign-built vessels that are brought under the French flag? Is not that the law of France to-day?

Mr. MILLER, of New York. I do not so understand it. The French law, as I understand it, pays first a bounty for the building of the vessels in French ship-yards. The result has been that a number of English ship-builders have transferred their plant from England to France and are there to-day building ships. The law pays a large bounty first for the building of ships in France, and then it pays a bounty of 30 cents a ton for every thousand miles run by these ships in the merchant marine in France. Not only does Mr. Griscom recommend the French system, but he also approves in very strong terms of that proposition in our bill which proposes to give the steamers adequate pay for the carrying of the mails.

I say then, Mr. President, that in my judgment it would be well for this body to lay aside theories, to lay aside mere fine-sounding phrases and rhetoric in regard to "free ships," and to take the counsels of men like Mr. Griscom and Mr. Houston, the president of the Pacific Mail Steamship Company, take their experience, which has been learned at great cost to themselves and their associates, and base upon their judgment and upon the judgment of other large ship-owners and ship-masters in this country some measures of relief. If we are to be constantly dealing with mere theories and sophistry the American merchant marine will continue to dwindle and pass away.

Neither can I find any reason for adopting the amendment of the Senator from Missouri to give us "free ships" in connection with our general tariff system. I am unable to understand why we should protect manufactures of all kinds in this country, manufactures of iron, of brass, of steel, of cottons, of woolens, and of every variety, and that when we come to a ship, the great cost of which is labor, we should abandon protection. More than 90 per cent. of the entire cost of every iron going steamship in the world is made up of labor, taking the ore from the mine and the coal from the mine and converting them first into pig-iron and then into bar-iron and steel plates out of which the ship is made. So long as we maintain our present system, so long at least we should maintain a fair tariff upon ships.

For one, I am willing to say here, and to make this proposition if it should meet with favor on the other side, that instead of the present navigation laws, which prevent any ship from having an American registry unless it be built in America, I shall be entirely willing to provide that ships may be imported like other manufactured articles, simply putting upon them a fair rate of duty, either so much per ton of registry or a certain percentage ad valorem upon their cost, and that would put them on a par with all other manufactures in this country and protect the labor which is used in their production.

Mr. BECK. In connection with that proposition, will the Senator allow me to ask him to explain to the Senate how we could put them on an equality then with their foreign competitors to whom we have by treaty given the same rights as our own people? Under our tariff protection one American is competing with another, and all are protected alike; but how are you going to import a ship under a tariff-tax to compete under a high duty with the cheap free ships of the German, the Frenchman, and the Englishman? How can our men compete if they have to pay that additional cost? That is the difficulty I see about it.

Mr. MILLER, of New York. The recommendation of Mr. Griscom is that we shall adopt the bounty system, and the recommendation of Mr. Houston is that we should allow a liberal pay for the carrving of

foreign mails. Certainly we can not expect that our shipping can live in free and open competition with that of Great Britain or France or Germany, whose labor costs them from 50 to 60 per cent. less than it does in our merchant marine. Unless the Government is willing to do something, unless the Government is willing to spend some money upon it in the way of bounties or subsidies, if you choose to use that offensive word, then there can be no question but that the decline of the American merchant marine must go on. If it is of not enough value to our country to foster it and to pay for it, then we can not have it. There can be no question about that.

In regard to the protection which should be given to building of ships, let us look for a moment at what the cost of a ship is made up of; here is the amount of material used in the construction of a 4,000-ton iron steamship:

	Pounds.
Plates	2,535,649
Angles	750,687
Beams	289,386
Rivets	126,405
Forgings and bars	270,726
	3,972,853

of iron consumed in the hull. The engine is made up as follows:

	Pounds.
Iron castings	746,252
Brass castings	52,769
Lead	5,231
Sheet copper	49,816
Boiler-plate	506,723
Bar-iron	383,209
Rivets	39,944
Tubes	51,588
	1,835,532

The amount of lumber consumed is 786,462 square feet.

Here we see what it is that goes to make up an iron ship. We have in this country all the industries which produce every one of these items. We have them in abundance, we can produce them as good as they are produced in foreign countries; but every Senator knows that they can not be produced as cheaply here as they can be in England, simply because of the increased cost of labor. If iron steamships are to be imported free, then certainly none can be built in this country and none will be built; and as we know that wooden ships are slowly but surely passing away, if ships are admitted free into this country it will not be twenty-five years before there will not exist in this country a single ship-yard worthy of the name, one that would be able in cases of emergency to build a 4,000, 5,000, or 6,000 ton ship.

If you will go back to the debates which were had when our navigation laws were passed, you will find that the founders of our Government and those who took part in those discussions gave as the chief reason for the navigation laws and for the prevention of any ship having an American registry unless it was built in America, that ship-yards capable of turning out naval vessels were as important to the defense of this country as fortifications upon our seacoast, and as guns, and armies, and navies. They believed it to be wise to encourage the building of ships in this country. Then ships were built of wood, and we could build them as cheap as or more cheaply than any other nation in the world. But now the condition of affairs is changed. All great and important vessels either for the merchant marine or navies must be built of iron or steel, and if they are to be built in this country there must be some protection of the manufacturers who produce the material, there must be some protection of the labor that is employed in it, there must be some protection to the ship-builders themselves.

Let us look for a moment at the amount of labor put into a 4,000-ton ship. I have here the number of days' work consumed, which are accurate, as the figures are taken from the books of a ship-builder:

	Days' work.
Platers, calkers, riveters, planers, and filers	58,750
Carpenters	7 104
Joiners	12,207
Painters	4,374
Total days' work on hull of a 4,000-ton ship	82,435
Machinists, boiler-makers, pattern-makers, and molders	108,500
Grand total	190,935

If you pass your "free-ship" amendment, for every 4,000-ton ship that is built you are to give 190,935 days' labor to the mechanics who are ship-builders upon the Clyde, and you are to take that amount of labor away from American laborers and American shipwrights.

I am unable to find any sufficient reason for repealing the navigation laws in regard to the admission of foreign ships to American registry, but, as I have before stated, in order that there may be some settlement of this question and in order that there may be harmony running through all our laws in regard to the importation of foreign manufactures, I am for one entirely willing to consent that an amendment imposing a proper duty upon ships shall be passed, and then if any American citizen prefers to buy a foreign ship he may do so, simply paying a duty as all other importers are compelled to do.

I believe, in short, Mr. President, that the remedy proposed by the Senator from Missouri is totally inadequate, that it can do us no good whatever; that to say to an American capitalist to-day "You may buy your ship where you can buy it the cheapest, and then put it under the American flag and take it and sail it in competition with English ships, with French ships, and with German ships, and ships of all other nations" is equivalent to inviting him to sink his money in the deepest sea, for certainly it can not be done without some further Government aid. I believe that the bill now under consideration presents many aids, and if it passed into a law will do very much to increase and build up the American merchant marine. Without going into the details of the bill, as they have already been explained by the Senator from Maine, let me say that I believe the one section which provides for compensation for the carrying of the mails to be worth more than all the residue of the bill, to be worth more than any and all the suggestions which have been made in regard to our merchant marine. I find in yesterday's New York Times an interview with Mr. Houston, whose testimony I have referred to given before the joint commission; he has been interviewed on this question, and he speaks knowingly upon it. He says in regard to this mail pay that if this section of the bill goes into effect, in his judgment, it will increase the American merchant marine 100 per cent. in the next ten years.

That is the judgment of the president of the Pacific Mail Steamship Company as to the results which will grow out of the adoption of this section. The Senator from Missouri, who I believe substantially approved of this section in the committee, seems partially to retire from that indorsement, or at least he desired to connect with it something which he called the British system. I do not know why it is that this British mania is running all through the country and has even got into the Senate and is to affect our legislation here. There seems to be a desire in our fiscal legislation, in everything pertaining to our tariff and shipping legislation, to be able to say that this is the British law and that this is the British system. The Senator from Missouri said he was entirely willing to accept the section in regard to mail-pay if we would put it in force in the way that Great Britain puts it in force. Let me read his words. Speaking of the mail-pay subsidy, he said:

> That Great Britain has paid liberally for ocean mail service is certainly true, and her vast colonial system has made this outlay absolutely necessary, but she has never given sums of money out of hand and as naked subsidies, as is charged by the subsidy advocates of the United States.
>
> The rule adopted by the English Government has always been to advertise all her ocean mail service to the lowest bidder and to admit the world to become bidders. A striking instance of this is found in the history of the Peninsular and Oriental Company.

That language is very strong, it is very clear, and it is very emphatic. In view of the facts as they are given to us by history and by executive documents, I scarcely know how to understand it. He says here:

> The rule adopted by the English Government has always been to advertise all her ocean mail service to the lowest bidder, and to admit the world to become bidders.

In short, to take all other nations into her mail contract system. The ease and grace with which the Senator from Missouri skims over the facts which underlie this great question without disturbing them is astonishing. To my mind the Senator at some time in his brilliant career can not have been less than an admiral of a merchant-marine fleet on the Missouri or the Mississippi. As I read the history of the English contracts I find it absolutely and unqualifiedly opposed to the statement of the Senator. I am unable to understand just what he means by this broad assertion that England has always let her foreign mail service to the lowest bidder and has admitted all the nations of the world into her biddings. Let us look for a moment at what are the facts in regard to this.

Substantially her mail subsidy system began with the building of the Cunard line. A proposition was made for carrying the mails from Liverpool to New York. Cunard came in with his company with four 1,200-ton ships in 1840. These cost to build about $200,000 each, making the total cost of the line $800,000. For the service of carrying the mail on these four ships between Liverpool and New York the Cunard line received the first year $413,000. The next year, finding that the service did not pay, that it was not profitable to the company, the British Government increased it to $550,000—70 per cent. upon the whole cost of the ships. This increase went on. The year after it was increased to $705,666, in 1846. Then other ships were put on of larger tonnage, and the subsidy was still further increased.

About this time the United States adopted a similar system and subsidized the Collins line, but it led to acrimonious debates in Congress, and serious contest, and finally the subsidy was withdrawn and the line went down. From that day to this we have scarcely sailed a steamer under the American flag from New York to Liverpool. We have maintained the Pacific Mail, we have maintained a few lines to the West Indies, and here and there we have sent out a ship, but the failure of Congress to support the Collins line as against the Cunard

line was one of the most serious blows which has ever been struck at the American merchant marine.

The contract with the Peninsular and Oriental line was much more of a subsidy even than that which was given to the Cunard line. It went still further; it guaranteed to the company at least 6 per cent. dividends. It gave them at one time a subsidy of £400,000, or about $2,000,000, and then provided that in case the earnings of the company were not sufficient to make a dividend of 6 per cent. on the stock of the company the subsidy should be increased to a sum sufficient to do that, provided, however, that in no case should the subsidy exceed £500,000. That contract provided also—and I will not take the time of the Senate now to read it—that in case the earnings of the company exceeded 8 per cent. then the Government should receive one-fourth of all the excess above 8 per cent.

It made similar contracts with the Royal Mail Steamship line to the West Indies and Brazil and to the eastern coast of South America. It made a similar contract with a company running to the western coast of South America by way of the Isthmus. It can not be said that at any time there has been anything like free or open competition permitted upon the part of the British Government. On the other hand, the British Government put this matter of mail subsidies for the assistance of their merchant marine into the hands of their board of admiralty. It left them free to do almost anything that they found necessary or saw fit to do at the time, and whatever reports they have made to Parliament have always, so far as I know, been confirmed.

Now let us look at one of these contracts which the Senator tells us have been open to the bidding of the world and have always been let to the lowest bidder. I read from the report of the postmaster-general of Great Britain of 1878, the official document:

The arrangements for the conveyance of mails from this country to the United States have been again the subject of negotiation.

Not of letting or contract.

Toward the end of last year the owners of the three principal lines of steam-vessels engaged in the transatlantic trade represented to the post-office that, owing to diminished receipts from other sources, they could no longer consent to carry mails for the amount of sea-postage which had been paid to them for the service during the previous eleven months, the sum thus received not constituting in their opinion a fair contribution toward their working expenses, including those incurred through the ships having to wait for the mails at Queenstown, often for many hours. Finding that it would be impossible to maintain a really efficient mail service without their co-operation, I eventually arranged—

Now look at this language—

with the Cunard, Inman, and White Star companies to increase the rate of payment from 2*s.* 4*d.* to 4*s.* a pound for letters, and from 2*d.* to 4*d.* a pound for printed papers and patterns.

An increase of almost 100 per cent. made by the Postmaster-General upon a negotiation with the Cunard, White Star, and Inman lines, without any letting, without any bidding, without any competition of any kind whatever, and for what purpose? Simply because these companies had found that for that year the general business of freight and passengers had run down and they were not able to make their expenses. The board of admiralty, represented by the postmaster-general, with the treasury of England back of them, came to the assistance of these companies in 1878 and increased their mail-pay upon printed matter 100 per cent. and upon letters almost 100 per cent. That, we are told, is the free-bidding and contract system of England. The fact is that the English Government has stood behind her steamships as a guarantor for the past fifty years, and whenever a line has met with disaster, whenever its business has fallen off, the British treasury has been opened and more money has been poured into the treasury of the company in order that it might continue its business and compete with other lines. He goes on to say further:

The contract with the Pacific Steam Navigation Company for the conveyance of mails from this country to the west coast of South America has been renewed from the 1st of July, 1878, on greatly reduced terms; and in anticipation that Chili and perhaps some of the other states of South America will shortly apply for admission into the General Postal Union, I have agreed with the Pacific Company for the conveyance of the outward mails only, leaving the countries on the other side to provide for the conveyance of their mails to England.

Is there anything of free competition and letting all the nations of the world into this business? Not at all. Let us look a little further at the report of the British postmaster-general in regard to these contracts and see how free they are. Here is the report for the next year, 1879. It says:

The contract of the Royal Mail Steam Packet Company for the conveyance of West India mails being about to terminate on the 31st December next, I have entered into a new contract with the company for another term of years, the services to be performed being similar to those under the present contract, but with an increase of speed (from eleven to eleven and one-half knots an hour) on the main line between this country and St. Thomas, and between this country and Barbados. The subsidy is to be £30,000 a year, or £6,759 less than before.

I have also entered into a new contract with the Peninsular and Oriental Steam Navigation Company for the conveyance of mails to India and China for a further period of eight years from the 1st February, 1880—

That contract is still running, having four years to run—

at the reduced subsidy of £370,000 a year, being £60,000 less than the sum now paid.

So much for the free letting of contracts by the English Government. Here is also the report of 1880, in which the British postmaster-general says in regard to the contracts for the foreign mails:

The new contract with the Peninsular and Oriental Steam Navigation Company for conveyance of India and China mails, which was announced in the last report, came into operation on the 1st of February, 1880. It provides for services at increased rates of speed between Brindisi and Alexandria, Suez and Bombay, and Suez and Shanghai; and the whole of the mails for these lines being now forwarded via Brindisi, the subsidiary line of packets between Southampton and Suez has been withdrawn.

At one time the board of admiralty opened some bids for the foreign mails to general competition. The results were not satisfactory. They were not satisfactory to the English people nor to the English Parliament, and it was at once abandoned, and it has never been, up to the present time, reopened, and to-day there is no such thing as free competition in the foreign mail service of Great Britain. Let me read a little from the debates of Parliament by Mr. Crawford in regard to the proposed opening of some of the mail lettings to open competition with the whole world. First, in regard to benefits arising from postal communication, Mr. Crawford says:

Whenever postal communication had been extended the commerce has invariably been attracted; in fact, the conveyance of the mails has proved a most efficient agency for increasing our trade in all parts of the world.

* * * * * * *

I for one hold that there are considerations to be taken into account in this matter which are wholly apart from the question of the profit and loss arising upon the accounts of the post-office. The difference is not considerable; but, whatever it is, that difference represents the whole cost to this country of the means by which not only the commercial but the social and political connection between this country and the world is kept up.

Further on he says:

Now, what I desire to do on this occasion is to protest in the name of the interest of the country and of commerce, and in justice to our companies, against the ships of the Messageries Imperiales—

The French line—

or of any other foreign company being employed in the conveyance of our mails. You may carry the principle of economy too far; such a course of proceeding would be free trade gone mad.

These remarks by Mr. Crawford were received with loud cheers in the House of Commons. In short, the attempt to open their service to the French and other lines for open competition was denounced in Parliament and was abandoned. Further on Mr. Crawford said:

I am convinced that the subject has not been sufficiently considered, for what would be the position of this country in the event of a war or any interruption of existing relations taking place? Supposing the Messageries Imperiales, or any other foreign company, be awarded the contract for our mail service, what would be the position of our commerce in the event of our being unfortunately engaged in hostilities with the country with whose people the contract has been entered into, or even in the event of that country being at war with some other? [" Hear!" " Hear!"]

* * * * * * *

I am of opinion that there is a question of grave national policy involved in our maintaining these great lines; and the French seeing this, it has been a part of their policy for years past to construct a commercial marine of their own, propelled by steam, which shall enable them to compete with the large companies of this country.

The French have seen what the Peninsular and Oriental Company's ships did in the Crimean war. They then carried upward of 60,000 men from this country, 2,000 officers, and between 11,000 and 12,000 horses. We know, also, what the Peninsular and Oriental Company did at the time of the Indian mutiny. Where should we have been if its vessels had not been in existence then to take our troops and military stores? [" Hear!" " Hear!"] We know, too, what was done by another company in the "Trent" affair. We know how 10,000 men were sent out to Canada by the Cunard line of steamers and other vessels at almost a day's notice.

And many of the Senators here will not forget that the service then rendered to Great Britain by the Cunard line was partly due to the mail-pay which this Government had been paying to that line after it gave up the Collins line. We had been building up that great company with its great fleet of ships, and when we were in trouble, then this company, which had been benefited by our bounty, of course came to the assistance of the home government, as it had a right to do, and, as Mr. Crawford says, almost upon a day's notice, they shipped 10,000 men to Canada by that line.

Mr. President, I have here in this report memoranda of nearly all the contracts entered into by the Kingdom of Great Britain for the carrying of its foreign mails. In almost every instance, and I think in every instance, at all events in all I have examined, there is this clause:

The admiralty shall have power to purchase or charter any or all of the vessels in case of war.

That is put into all their contracts. Could that clause be put into a contract with a foreign company if we were to open our mail-lettings to foreign steamships? Not at all, and I am surprised that the Senator from Missouri should have made the assertion that he desired that our mail-lettings, if we were to have them, should be open to the whole world, as he says the lettings of Great Britain are.

Mr. VEST. What I said was this: while I favored an increase of ocean mail-pay, I wanted the American citizen to be permitted to buy the best ships to carry the mail where he pleased. I want the Senator to point me any clause in any contract ever made by the British Government in which they required that the mails should be carried under those contracts in an English-built ship. I want him to point me to that clause, if he can find a single one, in which a British subject is compelled to take an English-built ship in order to carry the mails. That is what you propose to do now in our country.

Mr. MILLER, of New York. Of course I shall not be able to point out any such clause as that, because her laws are different. Great Britain allows her subjects to import ships from wherever they please; but her contracts are made with British subjects and not with all the world, as the Senator from Missouri in his broad language has stated,

and I think he must admit that he was mistaken so far as that is concerned.

Mr. VEST. I do not want to interrupt the Senator, but I assert the fact to be beyond any question that England did give a contract to carry her mails to a German company, and that she has now contracts with other than English subjects. There is no law of Great Britain which prohibits it. What the admiralty has done is another question. I speak of her general legislation.

Mr. MILLER, of New York. It matters not what the law is; this matter, as I have stated, is turned over almost absolutely to the board of admiralty; they make their contracts with their home companies. They have at times, and I believe do now, allow the Hamburg line, which stops at Plymouth, to take the English mails; they allow that company sea-postage, the same as we do from New York, but so far as I know they have no regular contract with them beyond that. There may be throughout the broad dominions of Great Britain, surrounding the whole world, some place in the Orient where they allow their mails to be carried under some other flag than their own; but if so I know not where it is. At all events their great service, which is performed by the Cunard, the Inman, and the White Star lines between the United States and Liverpool, by the Peninsular and Oriental line, which carries the mails to the entire eastern half of the world, and their Royal Mail line, which carries the mails to the West Indies and South America, are all powerful British corporations which have been in existence most of them for fifty years, and have carried the English mails continuously from the time of their organization down to the present time, and Great Britain has paid these various lines of which I have spoken, and a few others, since the beginning of steam navigation, for carrying the mails and for guaranteeing dividends upon their stock, in round numbers, $250,000,000; and we are asked now to put our marine in open competition with this marine which has been built up by fifty years of continuous, far-sighted, watchful care of the British Government and the British admiralty. Mr. President, you might as well take the lambs from a flock and put them in with ravening wolves as to think for a moment that the steam merchant marine of the United States can to-day successfully compete for the carrying trade of the world if it is to have no bounty from the Government, if it is to have no proper and sufficient pay for carrying the mails. It can not be done.

I want to call the attention of the Senate a little further to some matters pertaining to these free and open contracts of which the Senator talks so much, and by which he says there is no prohibition that the mails shall not be carried in foreign ships, which is not denied. At one time the Royal Mail Steam Packet Company came into trouble on account of great loss of property in ships by reason of hurricanes. What did they do? They applied to the board of admiralty at once for a continuation of the contract, just what Cunard and the White Star and the Inman line did, as I have shown, in 1878, when they found their usual business falling off; they applied to the postmaster-general for an increase in the pay for carrying the mails, and the postmaster-general increased their pay just about 100 per cent. Let me read a letter from the secretary of that company to the British Government in 1867:

ROYAL MAIL STEAM PACKET COMPANY, 55 MOORGATE STREET,
London, E. C., 20 November, 1867.

SIR: Her Majesty's Government have, without doubt, become aware of the serious disaster and consequent heavy loss which has befallen this company through the results of the recent hurricane at and near St. Thomas.

Full particulars of this event have not yet reached the directors of this company, but they know that four ships, which originally cost £181,926, have been wrecked, and that two others have been dismasted, and a large amount of stores, buildings, and other property in the harbor and on shore destroyed.

To replace properly these vessels and property an expenditure of not much less than £250,000 will be requisite.

The court of directors have had under their most anxious consideration the course which, under these circumstances, they ought, both in the interest of the public service and of their proprietary, to take; and it will be manifest to Her Majesty's Government that with contracts only having two (and to a smaller extent, three) years to run it would be unwise in the court to incur a large capital expenditure, especially in the way of construction of new ships. Such new vessels could not be placed on the station for at least a year to come, and thus might only be employed for a little more than twelve months.

The only course, therefore, available for the directors, in view of the termination of the present contract, would be the expensive and unsatisfactory one of chartering vessels for the service.

Under these circumstances, and feeling that the severe blow which has fallen on a company distinguished for the punctuality of its service, and its readiness to meet the wishes of Her Majesty's Government at all times, will give it a valid claim for consideration, the court of directors have resolved to ask Her Majesty's Government to grant the company a five years' extension of its present contract, *i. e.*, to the end of 1872 certain, and thenceforward to be at two years' notice. For a portion of the service this would be only four years' extension, but the directors conceive that it would be more convenient to the government and to the company that the contracts for the whole service should become terminable simultaneously.

He continues giving statistics in regard to the line, &c. This is signed by J. M. Lloyd, secretary of the company. This went to the British Government, and here is a copy of the memorandum that was made:

Write to secretary of the Royal Mail Steam Packet Company that, under the circumstances mentioned in his letter, and which they had already become acquainted with, my lords are disposed to entertain the proposition of the directors. They are, however, of opinion that it may be a question whether an extension of the term of contract should not be accompanied with a reduction of the subsidy, and in this view they have instructed the postmaster-general to cause an examination of the company's books, to be immediately undertaken in accordance with the concluding paragraph of her majesty's letter.

My lords reserve for further consideration whether any other conditions should be imposed upon the company when the contract is renewed.

In accordance with that direction from the treasury, a Mr. Scudamore was appointed as an expert to examine the company's books and to report. The proceeding was simply this: The Royal Steam Packet Company had met with immense losses by hurricanes; had four vessels shipwrecked and much of its property destroyed. It at once goes to the board of admiralty and asks that it may have its contract, which is about to expire, extended for five years on the present terms in order to have encouragement to replace the property and go on. It is met more than half way by the government. The treasury department at once says it is inclined to entertain the proposition. It appoints an expert to go and examine the company's books to see how much money they have made in the past, and how much they have lost, and see what the necessities are, and, in short, report whether it will be necessary for the government to continue the subsidy in order that the line may go on. This expert makes a full report of the condition of the company, which I have here before me, but I will not detain the Senate to read the whole of it, because most of it is dry details in regard to the expenses of running and maintaining the line; but let me call your attention to its conclusions. It appears that this expert had already before this made a similar examination of the Peninsular and Oriental Company when they had made an application to the government for a continuance of their subsidy, and therefore he was very competent to make the examination. He says:

I have examined the accounts of the Royal Mail Steam Packet Company, and beg to submit the following observations:

1. The circumstances and position of the company resemble in many striking particulars those of the Peninsular and Oriental Company, and afford a strong confirmation of the opinion which I expressed in my report on the affairs of that company.

In the first place the ratio of each principal item of expenditure to the total expenditure is, in the case of both companies, so nearly the same as to warrant the belief that both are conducted upon sound and well-recognized principles, and that the reverses which both have sustained are due to external causes only.

2. In the second place, the external causes of misfortune have been the same in both cases.

Further on he says:

3. With both companies a subsidy is absolutely necessary to the maintenance of the service required from them.

I call the attention of the Senator from Missouri to that language. He tells us that nothing like a subsidy has ever been given to an English mail steamship for the purpose of maintaining the service, but only proper compensation for carrying the mails.

In my report upon the accounts of the Peninsular and Oriental Company I showed that the revenue, exclusive of subsidy, which the company expected to earn in the performance of the services required from them would cover only 85 per cent. of the expenditure proper to those services.

That is outside of the mail pay. The Peninsular and Oriental Company had made only 85 per cent. of its running expenses. The government had guaranteed 6 per cent. dividend on all its stock and made it up by a subsidy.

The actual revenue, exclusive of subsidy, of the Royal Mail Company in the year 1864, the period of their greatest prosperity, amounted to 90 per cent. of their expenditure, but in the following year it fell to 85 per cent., and in the next to 79 per cent., whilst in the present year it will be barely 70 per cent. of their expenditure.

Here was a great line of steamers running from Great Britain to the Orient which was earning only 70 per cent. of its expenses, and the British Government stepped in and put its hand into its treasury to pay the difference and to pay a dividend of 6 per cent. on the stock of the company. That is the way Great Britain has maintained and encouraged and built up her merchant marine.

It is clear then that in the case of the Royal Mail Company, as in that of the Peninsular and Oriental Company, the ordinary revenue of the company has in no case sufficed to meet and is now very much below the expenses of the services which they have to perform.

4. Having offered these general observations upon the points of resemblance in the circumstances of the two companies, I come now to examine more closely the condition of the Royal Mail Company.

Then he goes into a detail of the accounts of the ships and expenses, costs, &c., and the partial final summing up is this:

7. As the directors have asked for an extension of their contracts, it must be presumed that they have reasonable grounds for expecting such a revival of trade as will enable them once more to earn a dividend; but it is at the same time clear, I think, that they would not agree, and would not be justified in agreeing to any immediate reduction of the subsidies being made a condition of the desired extension.

In the present year they have just made both ends meet, and if their subsidies be reduced their income will not at present cover their expenditure. While, however, I am of opinion that their affairs will not admit of any immediate reduction in the amount of their subsidies, I think that if their contracts were extended they might fairly be required, in the event of their profits, during the extended term of contract being raised, by revival of trade or other causes, above a stipulated amount to share the excess with the government.

In short, he recommends the continuance or extension of the contract for five years on the old terms, simply saying that in case it should be found that they are making exorbitant profits above 6 or 8 per cent., then they might be compelled to divide the difference with the government. In short, from the beginning to the end the English Government has been a partner in all her great foreign steamship lines carrying her mails, a silent partner, but one with unlimited funds, and which has ever stood ready to back up all the enterprises, to pay all the losses, and to give fair profits on the capital invested. This course has been

followed systematically and thoroughly for the past fifty years, and it is I believe chiefly to this that England owes her great superiority on the ocean. It is to this I believe that she owes the greater part of her foreign trade, for wherever her steamships have gone with her mails, there they have carried the British merchant; and British manufactures built up British trade, until England has monopolized the larger part of the trade of the world. This is the way in which it has been done. I might go on almost without limit reciting and reading to the Senate contracts of this kind showing that instead of the British Government being a hard master and letting her contracts to the lowest bidder she has always stood ready to listen to the complaints of the companies, has appointed experts to examine their books to discover whether they were correct in their demands upon the government, and whenever it has been shown that they needed an increased subsidy, whenever it has been shown that they needed the helping hand of the government, that hand has been reached out and has sustained them.

If we had followed this course, if the Senate of the United States and the House of Representatives instead of striking down the subsidy to the Collins line, as they did, had continued that and had done one-tenth part of what the British Government has done in this direction, to-day the American merchant marine and particularly its steamship service would not be in the deplorable condition in which it is. But whenever the question has been raised here it has been met with denunciation, it has been decried as "subsidy," and the press of the country has opposed it. Thus it has gone on from year to year and nothing has been done.

We come now with a bill which proposes that fair compensation, limited compensation, shall be paid for the carrying of the mails in American steamships. It provides that they shall be carried by the lowest bidder at a price not to exceed $1 per mile. This is much less, as I could show, than has been paid by the British Government to her principal lines, and it is not even sufficient to carry on this service unless it shall be found that American lines can be established which will receive pay also from the countries to which they carry the mails; and doubtless this can be done. A few years ago it will be remembered that an American line was started to Brazil. It was started with a subsidy from the Brazilian Government of $100,000 per annum. It was the outgrowth of the visit of the Emperor of Brazil to this country in 1876 to the Centennial Exposition. The Brazilian Government, believing that the United States Government would meet them half way and would also vote proper mail pay to any line which might be established from this country to Brazil, passed an act giving a subsidy of $100,000. The line was started, but nothing was ever given by the Government of the United States; and finally the Brazilian Government, disgusted with the treatment which it had received from us, withdrew its subsidy and the line failed and stopped. We all know the result of that. If that line could have been continued, or if another line could now be started to Brazil and to the Central and South American ports, there can be but little doubt what the result would be on the commerce of the United States. A careful examination of the British reports will show that wherever Great Britain has established and maintained prompt mail communication by her steamship lines there, almost invariably the balance of trade has been in favor of England, and she has sold more to that country than she has taken from it, and in that way she has been more than recompensed for all that she has paid for her mail service. On the contrary, if you will take a look at the reports of our Government you will find that to those countries where there is no direct mail communication or where the mail communication is only through English channels or through foreign countries, there the balance of trade is greatly against us and we are the losers by it.

Let us look at the trade between the United States and the South American states. From Brazil we imported two years ago to the value of $44,488,459. We exported to Brazil the paltry sum of $9,159,330. From British Guiana we imported $5,946,429; to British Guiana we exported only $1,973,422, and so on through the various countries, Peru, Uruguay, Chili, Venezuela, &c. The total stands thus: Our imports from all the South American countries were $76,736,983. Our exports to the same countries were only $28,927,097. Look at the returns of the commerce of Great Britain with those same countries; the grand totals are as follows: Great Britain imported from the aforenamed countries of South America $92,664,494, and exported to them $93,761,865, thus paying for all her imports in her own manufactured goods.

Mr. President, there can be no doubt but that if we had direct mail communication to-day with Central America and with all the South American states this balance of trade against us of about fifty millions would be entirely wiped out, that this difference would be paid for in products of our own labor and in the products of our farms. The South American countries are large importers of wheat, of provisions, and of manufactured goods, particularly of cotton goods of the common grades. How is the trade now done with South America? Almost entirely through British channels. If the American minister desires to go to Brazil to-day he will take steamer to Liverpool and from Liverpool to Brazil. If you desire to send a letter you send it the same way. The commerce is carried on through British ships that sail from Liverpool to Brazil loaded with British manufactures. They are there disposed of, the ship loaded with coffee, or with sugar, or with other tropical products, and the steamer comes to New York, there disposes of its cargo, takes on a cargo of grain, wheat, or flour, or corn, and carries it to Liverpool, thus making it a triangular transaction, but England constantly holding in her own hands the trade of all those South American markets.

I could read to you from this same report in regard to this contract with the Royal Mail Packet Company in this examination which was made, from which I have quoted so largely, the expert reported to the board of admiralty that the company should not be allowed to make its voyages to South America via New York.

Mr. McPHERSON. Will the Senator yield for a question?

Mr. MILLER, of New York. Certainly.

Mr. McPHERSON. I am somewhat confused in my own mind with respect to the Senator's argument. I suppose he has made it plain; yet at the same time I fail to discover the force and effect of it. May I ask him, do the British Government subsidize any British ships between the ports of the United States and South America? I speak of vessels sailing exclusively between the ports of the United States and the ports of South America. If they do not subsidize them, why can not American ships enter into competition with British ships successfully between the United States ports and the South American ports?

Mr. MILLER, of New York. I can not speak of all the ships that sail out of England, because their numbers are too great; but I was speaking of the case of the Royal Mail Packet Company, which runs from Liverpool to many of the South American ports, particularly to the ports of Brazil. They receive a large pay for carrying the mails from Liverpool to Brazil, and the line is not directly between the United States and Brazil at all. If the gentleman wanted to go to Brazil and was in a hurry, he would sail at once to Liverpool and go from there by the Royal Mail Packet Company.

Mr. McPHERSON. But the fact remains the same, I submit, that there are lines running between the port of New York and South America; for instance, the Atlas line commenced with two steamers and have increased their tonnage to thirteen steamers, most of which have been paid for out of the profits of the line itself. My authority for this statement is the president of the Atlas line, Mr. Forward, once mayor of the city of Liverpool. One of the principal owners is Mr. Forward. I suppose the Senator from New York wishes to do something to revive American commerce, and I take by way of illustration a steamship line sailing under the British flag from the ports of the United States directly to South America, and ask the Senator why can not an American line compete between our own ports and South America with the British line?

One word more, if the Senator please, and I will not interrupt him further. The bill which has been reported from the committee, if I understand correctly the Senator from Maine who has charge of it, is to strike off the shackles and place us on exact equality with other nations in respect to tonnage and in respect to all other matters. Then why can not an American line compete with a British line?

Mr. MILLER, of New York. If the Senator had listened to the arguments of the Senator from Missouri on the other side of this question he would have had a complete and perfect answer to that question, because that answer was given in the correspondence which he read from Mr. Griscom, who described the condition of affairs in running the Red Star line from New York to Antwerp under the flag of Belgium and running the line from Philadelphia to Liverpool under the American flag. The difference against the American ships in the four run from Philadelphia amounted to $60,000 a year, or $15,000 on each ship, for wages alone. That was the difference between the wages paid to American seamen under the American flag and the wages paid under the British flag or under any foreign flag. Of course what is true in the case of the Red Star line from New York to Antwerp and what is true of the line from Philadelphia to Liverpool would be equally true of a British line running from New York to Brazil under the English flag. Her pay and her expenses would be proportionately less than those of a line under the American flag.

Mr. McPHERSON. Will the Senator yield a moment longer in that connection?

Mr. MILLER, of New York. Certainly.

Mr. McPHERSON. I understand the argument of the Senator from Missouri, as also the argument which the Senator from New York now advances, replying as he does to the Senator from Missouri, but we are met by the bill reported from the committee, which both the Senator from New York and myself indorse and support, which provides for doing away with that difference. There is no invidious distinction, there can be none, under the bill reported by the Senator from Maine. What, then, remains to be done?

Mr. MILLER, of New York. I will endeavor, as far as possible, to answer the question of the Senator. He says that the bill proposes to do away with this difference in wages. There is an amendment to be offered to this bill coming from the Senator who has it in charge which proposes to change our law, which now requires that all seamen upon American ships shall be discharged when the ship arrives at its home port, when the voyage is terminated that then the seaman shall be discharged and a new crew shipped. It is now proposed to change the law so that a contract may be made for the round trip, or for any defi-

nite period of time, the same as in the English service; but I think the Senator will find that you can not get men to ship under the American flag, American seamen, and receive anything less than American wages.

Let us suppose a case. Let us suppose that there is an American steamship sailing regularly from New York to Liverpool under the American flag. When she starts out upon her first trip she goes with American officers and with a crew which has been shipped in New York at the regular going wages in New York, which are substantially the same as those paid in the coastwise trade and which are about 60 per cent. higher than the wages paid in Liverpool or in any port in Europe. When the vessel has reached Liverpool we will suppose that a portion of her crew are disabled, that the master finds it necessary to take in some men. He takes in a few new men, English sailors, Norwegians, or whatever they may be, at the going price in Liverpool, which is 60 per cent. lower than he is paying the rest of his crew. Does anybody believe that when that crew has returned to New York those men working side by side, one receiving 60 per cent. less than the other, will be satisfied? Does any one believe that it will be possible to continue them in service for any length of time? Does he not believe that in nine cases out of ten, when they have arrived at New York they will desert and attempt to ship in other ships where they can get full American wages? There is no question about it; and while in a few cases a ship might take advantage of low wages in Europe, yet it nine cases out of ten, in my judgment, it will do no good whatever. The fact is that the American flag the world over means higher wages to the American laboring man. It is for these higher wages that half a million of the laboring men of Europe came upon our soil last year. They came because they knew they would receive higher wages than they were receiving at home. Whenever a foreigner sets his foot upon our shores he expects to receive the benefits which come from our system of government. You may go to Castle Garden, where all the immigrants are landed, and you will find hundreds of men, farm laborers, who never in all their lives received more than £5 per year for their service, and I will venture to say that every one of them in less than thirty days will be working on American farms for £5 per month. I know farmers who have gone to Castle Garden expecting to get cheap farm laborers; they have paid their fare from New York into the central part of the State and have put them upon their farms, and in less than thirty days they have repudiated their contracts and demanded the going wages of the farmers about them. These they have always received and always will receive; it can not be prevented.

Mr. MCPHERSON. Will the Senator from New York now permit me to suppose a case, he having supposed one, and he having supposed almost an impossible one?

Suppose the American ship-owner discharges all the American crew when he reaches the port of Liverpool, and hires for a month or a year, or a term of years, as is not an uncommon thing for English ships to do. I have the authority of an officer of the White Star Steamship line for saying that, on one of its ships on which I made a passage, every member of the crew almost had been there for eighteen months. Now he hires that crew, a British crew, if you please, a German crew, a Scotch crew, an Irish crew; he hires them at the prevailing wages paid there. If the American ship-owner is to be handicapped by $20 a month extra because he deems it necessary, or expedient even, to employ an American crew, he might just as well quit the ocean carrying. He is confronted by competition upon the ocean, and he must meet the competition on equal terms and not on unequal terms.

Mr. MILLER, of New York. Mr. President, that is all we ask—equal terms. It is not possible to get that from the American Congress.

Mr. FRYE. The Senator from New Jersey asked a question which I should like to answer.

Mr. MCPHERSON. I should like to have it answered.

Mr. MILLER, of New York. I yield.

Mr. FRYE. About six years ago there was a line started between the United States and Rio de Janeiro, an exceedingly important communication, absolutely necessary for our manufacturers to send any goods to Rio de Janeiro. Dom Pedro proposed to pay that line $100,000 a year for carrying his mails direct from Rio de Janeiro to New York. The United States paid that line for carrying the mail from New York to Rio de Janeiro about $4,000, which would make in all $104,000 a year. The United States would pay no more. The result was that Dom Pedro withdrew his $100,000 a year, and all that that line of ships received for carrying the mail was $4,000. The Royal Steamship line to Brazil received $1,500,000 a year for carrying the English mail to Brazil, and the Brazilian Government paid about $800,000 more to the same vessels, making over $2,000,000 paid for carrying the mails.

I have in my desk, sent to me by the Senator from California only a few days ago, a statement as to the line touching at New Zealand from California. We pay that line, I think, about $2,000 a year, or perhaps only $1,000 a year, for carrying the mail, while New Zealand pays that line some $75,000 for carrying their mail. New Zealand has just notified that line that it will no longer pay that $75,000 if the United States pays but $1,000. There is no sense in it, and they have notified the line that they will take off the pay. Under this bill you establish a line between here and Rio de Janeiro, and pay that line only a fair price, not $1,500,000 a year, nothing of that kind, no subsidy of any kind, only what any fair man would say was a fair and reasonable price, just exactly what you pay your coastwise steamers, and your stages, and your railroads, so much a mile. Brazil will meet you half way and pay an equal amount, and you will be able to sustain a line between New York and Rio de Janeiro. Without a fair and decent pay you can not sustain it. That is my answer to the Senator from New Jersey.

Mr. MCPHERSON. The Senator from Maine has reported to the Senate a bill in which he proposes to give adequate compensation for the transportation of the mail. I do not approve of the act of a great Government which meets an American ship, takes the ship-owner by the throat, and says to him, "You can not leave the American dock until you put the American mails on board," and then robs him of the compensation to which he is entitled for carrying them. I approve of no such policy. No great government can afford to make its citizens work for less than adequate compensation. Is 3 cents per mile adequate compensation, as was paid to the American Steamship Company for carrying the mails across the ocean? Is 7 cents a mile adequate compensation to the Pacific Mail line for carrying the United States mail? No, sir; by no means. As the Senator from Maine very justly stated in his speech the other day, the Government of the United States had made a million dollars and covered it into the Treasury out of the profits of the robbery they perpetrated upon their own citizens. I have no sympathy with any such course as that. I will support the bill that the Senator from Maine has reported, gladly and enthusiastically; but I go further.

Mr. FRYE. I beg pardon of the Senator from New York for having interrupted him.

Mr. MILLER, of New York. Just how far the section in the bill which permits the shipmaster to make a contract with the sailors for any length of time they may choose will go to relieving the difficulties which have been discussed remains to be seen. In my judgment it will do but very little, and if it is to bring about a condition of affairs which the Senator from New Jersey indicates that it may bring about, that is to say, that all steamships sailing under the American flag to foreign ports will be manned entirely by foreigners and not by American citizens, I have no sympathy with it; for one of the chief aims, as I understand it, of the Government giving this money to increase our mercantile marine, to aid it and to build it up, is to give to us a class of seamen and officers who will be prepared in case of war or in any emergency to be taken into the naval service of the United States. If the proposed amendment of the law is to lead only to the employment of foreigners upon all our ships, then for one I shall hope that the amendment may fail.

I do not believe it possible that you can sail an American ship under an American flag without paying American wages. If the American ship, in the case supposed by the Senator from New Jersey, should sail into Liverpool and there discharge its entire crew of American sailors and reship a crew entirely of English sailors at English wages, I do not believe that it would be possible for that ship to hold its sailors when they returned to New York. I believe that within a short period and within a very few trips they would all desert, and that the ship would be compelled to come back to shipping its crews in New York and to paying the New York or American wages. That is my belief; but nevertheless as the bill proposes so far as it can to relieve us from that situation, and to leave the shipmasters free to make their contracts for any time that they may see fit, I am willing that the experiment should be made. I hope that it will not result in the condition of affairs described by the Senator from New Jersey.

Mr. MCPHERSON. Will the Senator yield to me for a moment, not for a speech, but only to make a suggestion?

Mr. MILLER, of New York. Certainly.

Mr. MCPHERSON. I am afraid the matter is not fully understood. I was informed by Mr. Forward, ex-mayor of the city of Liverpool, the president of the Atlas line, whose ships sail to the different ports of South America, that he paid his crews all alike. I asked him if he paid more than was paid in England for the like service. He said: "Yes; slightly more, because of the unhealthiness of the ports to which they run as compared with the general business of English shipping." He found no difficulty in shipping his men; they were Americans and they were of all nationalities, and he paid them but very little more than was paid by the shipmasters in England for the same service.

Mr. MILLER, of New York. I have no information in regard to that, and I submit to the Senator himself that speaking upon the matter of the wages of seamen in the different lines we should be very accurate and we should have the exaet figures. The figures have been given by the Senator from Missouri in regard to the Red Star line to Antwerp and in regard to the British line owned by Americans running from Philadelphia, and in both cases the figures show that the wages paid under the American flag are about 60 per cent. more than the wages paid under the foreign flag. I can not suppose that the Atlas Company or any other company of English shippers would run a line from New York to Brazil and pay full American wages. I have no doubt that their wages are substantially the same as the wages paid in Liverpool or Rio de Janeiro or any other foreign port.

From my conversation with Mr. Griscom, whose letters I have read

here, I have this memorandum: The Belgian line, which is owned by Americans, which has a charter in Belgium, receives a subsidy from the Belgian Government of $100,000 per annum and freedom from all port and light-house charges, which amount to $25,000 more. This American line, sailing under the Belgian flag, receives a bonus of $125,000 from Belgium. The wages paid upon an American ship for the ordinary seaman is $35 per month. Upon the Belgian line for the same grade of seamen the wages are $20 per month. This amounted upon the four American ships to $60,000 per annum, or $15,000 upon each ship. The wages were greater than they were upon the four English ships. That, it will be seen, is equivalent to 3 per cent. upon the entire cost of the four ships, which was $2,000,000. The difference in wages under the American flag upon this line of which we have heard so much is just 3 per cent. upon the entire cost of the line. It will be seen that it would be impossible in a close business, as the shipping business now is, that any man should live under such disadvantages.

What is the remedy? One of the remedies is that suggested, of which we have just spoken, in which the terms of contract by the seamen are to be at will and for any length of time. But I claim that the principal item and the only item of any value which will lead to the building up of our merchant marine is that clause which provides for proper compensation for the carrying of the mails. I believe that if the bill is passed with that clause in it in twelve months we will have at least half a dozen new steamship lines running to the various ports in South America, in the West Indies, and in Central America. They will go there to bring back sugar and coffee and dye-woods and other raw materials which are found in the tropical countries, and of necessity the owners of those lines will seek to carry freight back. They will attempt to make a sale in those countries of our own products. They will attempt to introduce our manufactured goods. They will be compelled to do this, for no line of steamers running to South America and having no return freight to South America from this country could live even with a large subsidy from the Government. The result will be that instead of a balance of trade being against us of more than $50,000,000 in South America, in less than two years it will be all wiped out, and we will be paying for our coffee and sugar with our flour, our wheat, our bacon, and the other products of our farms.

It is this trade that we want. It is this trade which I believe the bill will give us, and I trust that the Senators upon the other side will be willing to take the bill as it is, leaving out the contested proposition of free ships, knowing that it will be impossible for us to agree concerning it. The bill has been made without touching that question at all. It relieves American ships from many of the burdens which now come upon it. It relieves us of nearly all the fees of American consuls in foreign ports, which is no small item. It relieves the shipmasters principally from the expense of what are called extra wages in case of dismissal or discharge in a foreign port; it relieves them from the hospital tax, and it reduces many of the burdens which are now placed upon them. In the judgment of the best shipmasters and merchants in this country if the bill can pass it will within ten years more than double the present foreign commerce of our country under our own flag.

Certainly we can not expect any great increase unless something of this kind is done. The competition is very great. There are to-day a large number of iron steamships tied up upon the Clyde and at other points because there are no cargoes to carry. If our ships are to go out into the commerce of the world they must go with some backing from the Government. They must go with some promise of aid and some promise that it will be continuous. It must not be for a twelvemonth. These contracts, instead of being made for four years as provided in the bill, ought to be made for at least ten years, as the English Government has made its contracts for long periods of time. It is only in this way that capital can be induced to go into the business. Certainly American capital, which can be so profitably used in our railroad enterprises, in steamships upon our interior rivers, in manufacturing, in farming, and in cattle-raising, can not be induced to invest itself on the unstable seas unless there is more than a fair prospect of success, and without this aid I believe nothing whatever will be done.

Speaking of the competition which must necessarily come when our ships go into this foreign trade in competition with England, let me refer once more to the effort which was made to establish the American line to Brazil. When those ships were put on the freight on coffee to New York was $14 per ton. The ships had no sooner commenced running than the British lines in competition reduced the rate to $5 a ton, almost two-thirds. As soon as the line had failed and had been withdrawn the rates went back again. Our ship merchants know that this competition is great and severe, and unless we are willing to give some aid we can not expect that they will invest their money in it.

The Senator from Missouri, in closing his argument the other day, declared that our tariff system is one of the chief reasons for the failure of our mercantile marine. Let me read what he said:

> The great obstacle to the restoration of our shipping interest lies in the protective system, of which the navigation laws are a part. The high protection and exclusive tariff has stimulated production to an abnormal degree, and has put up the price of labor and also increased the cost of living. Our ships which go out upon the ocean to compete with those of other nations are handicapped by an excess in first cost, and by the fact that they are loaded when they go out, but have nothing to bring back.

I regret that the Senator is not now in his seat, for certainly this statement in regard to the amount of our foreign trade and the statement that the ships that go out loaded bring nothing back can not be borne out by the returns of the foreign commerce of this country. I make the broad statement, without fear of successful contradiction, that the foreign trade of this country, both exports and imports, has always been the greatest under a protective tariff. I say I make that broad statement without fear of successful contradiction. It may seem paradoxical; nevertheless the reports of the foreign commerce of this country for the past fifty years will bear me out in the assertion. Why has it been so? Because the protective-tariff system has made our people rich; it has made our farmers rich; it has enabled our farmers to grow large quantities of grain for exportation; it has enabled our people to be large consumers of foreign manufactured goods of the finer grades which we do not yet make. The result has been that under our protective system the foreign trade of the country has constantly and rapidly grown in volume. Except that there is a lull in business now, it has never been greater than for the past two or three years, and instead of there being any lack of tonnage, and instead of there being any lack of merchandise and of produce to go out, and any lack of return cargoes, the business of to-day is nearly ten times what it was when the American merchant marine was at its highest point. Let us look a little at the figures and see how near the Senator from Missouri is right or how far he is wrong. I have just read his language when he said:

> Our ships which go out upon the ocean to compete with those of other nations are handicapped by an excess in first cost, and by the fact that they are loaded when they go out, but have nothing to bring back.

In 1835 the exports from this country amounted to $100,459,481; our imports in that year were $136,764,295. In 1850 we had grown a little in our foreign trade, which was under substantially free trade or a tariff for revenue. In 1850 our exports were only $134,900,233; our imports that year were $173,509,526. In 1860 the country had grown, and our exports that year were $316,242,423; our imports were a little more, $353,616,119. During the first years of the war our foreign trade diminished, but in 1870 our exports were $376,616,473 and our imports were $435,958,408. In 1880 the grand total is as follows of our foreign trade: Exports, $823,946,353; and our imports had risen to the enormous sum of $667,954,746. This was under what our friend sees fit to call a high protective-tariff system, which had been then in existence for twenty years. The next year, 1881, our exports were a little larger, but only a little. The exports were $883,925,947, and our imports were a little less, $642,664,628.

Thus it will be seen that the growth in our exports and imports has been something phenomenal since the close of the war, and to-day, with the exception of the year 1881, the foreign trade of this country for the past year was much greater than ever before and was about eight times what it was in 1835. It will be seen from these figures that the tariff instead of reducing the amount of our foreign trade has vastly increased it. It has given us an immense surplus of wheat, of corn, and of various farm products for exportation. It has changed the face of the country. It has reduced farming to a science. It has introduced all the modern machinery of agriculture, and it now has rendered it possible for ten men to produce upon a farm more than a hundred men could have done twenty-five years ago. Thus it is that we are enabled to feed our own fifty or sixty million people and have this large surplus to export every year. It has brought money into our pockets, and it has made us able to consume more of the luxuries of Europe, more of its fine manufactures and of its art manufactures, than ever before, and to-day our foreign trade, both export and import, is fully ten times what it was when the American merchant marine was carrying 85 per cent. of our entire foreign commerce.

No; instead of the tariff having been the cause of our decline, it has, so far as it has affected it at all, been directly in the opposite direction. It has increased the foreign trade, and if the American Congress had maintained a continuous policy of protection to its foreign shipping trade, as the English Government has done, barring the losses which we made in the war, the merchant marine of America to-day would be in the proportion that it was before the war. But England has followed one continuous and unvarying course. From the beginning of steam navigation down to the present day she has never failed to protect and build up her steam shipping trade. She has done this knowing and realizing full well that wherever the royal mail steamship went there it carried the English merchant and the English goods and there it created commerce for England. By so doing it has helped to build up the workshops of England, it has enabled England to reach every foreign market direct through her own channels and through her own merchants.

Any one who will to-day travel in South America, in Central America, or in Mexico will at once see under how great disadvantages the American manufacturer labors if he should desire to introduce his goods into those countries. The entire importing and exporting trade of all those countries is in the hands of European merchants. The European lines come regularly to their ports, and if they desire foreign goods they can obtain them in less than half the time from England that they can

from the United States. Under such circumstances it can not be expected that we shall have much if any trade with them. The result is that we are to-day necessarily buying all the raw products of South America and selling them almost nothing in return. There is but one way in my judgment by which this can be changed. That is to give to the American flag, to American merchant steamships, such compensation for carrying the mails as will enable them to go into competition with foreign steamship lines and maintain themselves; and wherever the American steamship shall go there it will carry the American merchant, there it will carry American goods, and there it will finally establish a great commerce for us.

It can not be expected, in my judgment, that this thing shall be done in a day. There must be a persistent and a determined effort, and there must be a settled policy by Congress upon which the merchants and business men of this country can rely. It is because we have to-day no policy, because there has been no promise given to the merchants or to our business men, that up to the present time we have done nothing in this great field.

Let us, then, legislate somewhat in the interest of the business men of this country. Let us do something by our votes here to build up this industry, if it be worth anything. I know that some of my friends on the other side (or at all events some of those who furnish the ideas for the free-trade agitation in this country) have told the country over and over again that it made no difference to this country who did its carrying, provided it was done by those who would do it the cheapest. That undoubtedly is the logical conclusion of free trade—undoubtedly that is correct if free trade is to rule—but I do not believe that even those who are termed free-traders here will be willing to accept that proposition and to stand upon that. Knowing that it is not in the interest and that it has never been the policy of this country to maintain a large navy or a large army, believing that it is for the best interest of the country and for the protection of the country that we should rely chiefly in times of trouble upon the militia for our Army and upon the American merchant marine for men for the Navy, it seems to me that it is wise at this time to expend some of our surplus revenue in giving encouragement to American shipping. Instead of looking about to see how we can reduce the revenue, instead of desiring to abolish the internal revenue or to cut down the tariff, would it not be well to do what England and what other countries have done, and give some encouragement to American shipping by adopting the clause in regard to carrying the mails? But I would be glad to go much further. I would be glad to go to the extent substantially of the French law, of paying a direct bounty to all American ships in proportion to the number of miles run per ton. I believe with Mr. Griscom and with Mr. Houston that that is necessary if you are rapidly to revive American shipping.

Mr. VEST. Will the Senator permit me just there to settle a question of fact between him and myself?

Mr. MILLER, of New York. Certainly.

Mr. VEST. I understood the Senator to say that the French law, which he now lauds so much, did not give a bounty to foreign mail ships. I believe I am correct in regard to the Senator's statement.

Mr. MILLER, of New York. I think the Senator is not quite right as to my statement. I said that as I understood the law it gave first a large bounty for all ships to be built in France, and then it gave a bounty to all ships run under the French flag.

Mr. VEST. I ask the Senator now if he is willing to adopt the French system and incorporate it in our statute. The French law which Mr. Griscom alludes to and which the Senator approves gives a bounty to all French-built ships. Then it gives half the same bounty to all foreign ships brought under the French flag.

Mr. MILLER, of New York. Of course the Senator sees the difference in the situation. Before we can arrive at that we should have to repeal the navigation laws in regard to ships, and we are not now discussing that part of the question.

Mr. VEST. That is what I am trying to do; but I want to show that the French system which the Senator approves of does admit foreign-built vessels, and not only admits them but gives half the bounty to them that it gives to their own vessels. If the Senator will turn to page 226 of the report of the special committee of which both he and myself were members he will find a translation of the French act.

Mr. MILLER, of New York. I have no doubt as to the correctness of the statement.

Mr. VEST. The French act says:

> For foreign-built vessels the bounty is reduced to one-half of the above assigned amount.

Mr. Griscom himself, in the letter which I read some two weeks since, in discussing this question of the merchant marine, concludes with his remedy in these words:

> 1. Adopt the French bounty system, or one approximating it.
> 2. Admit for five years foreign-built vessels for the foreign trade to American registry.

The only difference between Mr. Griscom and myself is that I want the ships admitted without limitation as to time, and he for five years.

Mr. MILLER, of New York. The difference in the situation is this: France for twenty or more years has been going on under a free-ship law allowing ships of any nation to be registered under her flag. For more than twenty years she has been doing that; she has been subsidizing her steamship lines and she has found out that under that she was not making the advancement that she ought to make. Believing that it was necessary that she should be a ship-building country if she was to be a ship-sailing country, she passed the law of which so much has been said, which gives a large bounty for all ships built in France and then it gives another large bounty for the sailing of ships, and it gives, as the Senator has said, one-half the bounty for all the ships which are under her flag, no matter where they come from. As the greater part of the ships now under the French flag were purchased from England or elsewhere, of course it would not be just to exclude them (as they are now owned by Frenchmen) from coming in for the benefits of the act; but we are entirely in a different condition. We have no ships to-day flying the American flag except such as were built in America. I am desirous of following, as I said before, substantially the French system. That has been recommended to us by several commercial bodies, and I believe I can state that, so far as my memory now serves me, no important commercial body in the United States in making their recommendations to our committee of investigation or to the Committee on Commerce have ever recommended free ships as a remedy for the trouble.

The Chamber of Commerce of San Francisco recommended a drawback system, which is equivalent to a bounty for building; and some association in Philadelphia recommended substantially the French system, which has been recommended by Mr. Griscom, of which I have spoken; and so all over the country various commercial bodies, largely chambers of commerce, have presented their views. In nearly every case they have approved of all the items that are contained in this bill, and I believe I am correct in stating now that not a single one of them ever officially recommended the passage of a free-ship law.

Now I submit to the judgment of the Senate and to the judgment of the Senator from Missouri, with this state of facts, with all the great shipping merchants, all the great ship-owners of this country saying to us distinctly, over their own signatures, that "free ships" would be of no benefit and would not relieve us of the trouble, and the great commercial bodies of this country not advising it, is it wise that we shall at this time attempt to pass any such measure? And shall we not take the measures which we believe to be wise and which have been recommended by all these leading representative men of the country, shall we not enact them into law and see what can be done? As I was saying before the Senator from Missouri interrupted me, I believe it would be wise to take some of this large surplus of which we hear so much and use it as a fund to encourage and advance the American merchant marine. This measure which we have proposed in regard to mail-pay provides simply that we may expend in this service what we receive from the foreign mail service. It amounts in round numbers to about a million and a half. Instead of that we ought to be able to pay out in this way certainly as much as England is paying to-day after she has expended $250,000,000 in this service. Can we expect that our citizens can compete with her if we do not give them equal encouragement and equal aid? I think not.

Let me call the attention of the Senate for a moment to some of the other subsidies that are now paid by other governments to their merchant marine for carrying the mails. It is mail-pay; I call it a subsidy. I think the contracts which I have read made by the British Government with the Peninsular and Oriental and Royal Mail Steam Packet Companies, and with Cunard and others, prove that they are subsidies in the strict sense of the word, that they are given for the purpose of guaranteeing a dividend on the stock of the company and without much consideration as to the real service performed by the company. France to-day pays——

Mr. McPHERSON. Before the Senator proceeds to that branch of the question I should like to ask him does he consider that the $100,000 given by the Belgian Government to the so-called Belgian line is a subsidy?

Mr. MILLER, of New York. It is a subsidy in this sense: I suppose the company take whatever mails the Belgian Government see fit to put upon the line; but the amount of mails carried, I am informed, is very small comparatively. If the pay was made to correspond with our pay, that is the sea postage, the same as we pay to the Cunard line, and the Inman line, it would amount to a very small sum, nothing like a hundred thousand dollars, and probably not even $5,000.

Mr. McPHERSON. But it is $100,000 for carrying the Belgian mail.

Mr. MILLER, of New York. Certainly.

Mr. McPHERSON. And as an inducement for the line to be under the Belgian flag.

Mr. MILLER, of New York. Certainly.

Mr. McPHERSON. Now, under the bill reported by the Senator from Maine, if I understand it aright, it will grant a very great increase by the United States Government over what the Belgian Government pays; in other words, say that it is 4,000 miles from New York to Antwerp—they will receive pay under this bill at the rate of $1 per mile, or $4.000 a trip. It will be remembered, however, that that is but one way. The United States mails go from the United States to Belgium. When they start from Belgium this way, it is the Belgium mail. Consider that they run a weekly line, that being the condition on which the

$100,000 is paid now by the Belgian Government. Then we shall be paying the Belgian line $200,000. Is that a subsidy, or is it only a just and fair compensation for carrying the mails?

My point is this: Will the so-called American line, once so called, now the Belgian line, turn around and come under the American flag for $200,000 subsidy, as against the $100,000 Belgian subsidy?

Mr. MILLER, of New York. Of course I can not answer that question; Mr. Griscom could answer it much better than I could. How many ships there are in the Red Star line I do not know; but if there are six or eight or ten the difference in wages would certainly use up the entire $200,000, and there would be no inducement to come under the American flag.

Mr. MCPHERSON. Suppose they do not pay the wages?

Mr. MILLER, of New York. I hope the Senator does not believe that the wages of American seamen are controlled by the present law, or that they are going to be changed by it. It is impossible to do that. There is no sort of legislation which can be devised or brought in here which will materially affect the wages of American seamen. It may be possible, as the Senator has suggested, that we could get along entirely without American seamen, and that our ships could run under the American flag with foreign seamen; but it is not for that kind of a mercantile marine that I am laboring. I am not trying to help that kind of a mercantile marine which shall consist first of a ship built by English labor, from English iron and English cordage and English lumber, and then to be run by English sailors, and the only thing American about it to be the stars and stripes at the masthead. I do not care to have such a mercantile marine as that. If we can not build our own ships here out of American iron and American labor, and if we can not man them by sturdy, hearty American seamen, then we had better adopt the policy of the theoretical free-traders and say that it matters not who does our carrying trade so that it is done at the cheapest possible rate; and if that is all that is to come out of this bill—English ships and English sailors under the American flag—I care nothing about it; I want none of it.

But I was arguing that instead of simply cutting down our revenue we had better devote some of it to the building up of an American marine which would be in fact auxiliary to our Navy in case we should need it, and for that purpose I was going to call the attention of the Senate to what is now being paid by foreign governments for this kind of service for which we propose to pay under this section of the bill.

Recapitulation of nations that are to-day paying subsidies to shipping and the amounts paid thereto.

France	$6,477,000
Great Britain	3,750,000
Italy	3,228,000
Brazil	1,704,000
The Australasian colonies	1,500,000
Austria	1,030,000
Russia	1,650,000
Sweden and Norway	175,000
Mexico	806,000

The little Republic of Mexico, with scarcely a port upon her borders into which a ship can get, paid last year over $800,000 for carrying her foreign mails.

Canada	$200,000

And that reminds me of what I should have stated in connection with this attempted establishment of a line from New York to Brazil under the American flag. When the United States Government refused to give any subsidy and to meet Brazil half-way, agents of Canada went to Brazil and offered to that government that if they would extend the subsidy to a Canadian line the Canadian Government would meet it half-way, and the result was that when our line died a Canadian line took its place and is running to-day, and the Canadian Government pays it something over $100,000 as a subsidy for carrying the mails, and Brazil pays the same amount. Canada pays all told $200,000.

Central America	$100,000
Japan	500,000
Germany	69,000
Spain	1,000,000
Belgium	250,000
Holland	363,000
Hungary	75,000
	22,867,000
The United States, to American ships (postage) *a*	43,000
Total, with United States postage	22,910,000

a The United States, to foreign ships, $230,000.

That is what we have to meet. Nearly $23,000,000 is paid out every year by the principal governments of the world for the maintenance of their steamship lines. Great Britain has continuously followed her system of subsidizing her steamship lines for the avowed purpose of maintaining British commerce, to make a market for British manufactures, and to bring back to Great Britain all the raw materials of the world in order that they may be manufactured in her workshops and give labor to her people.

This bill will give for this service about one million and a half dollars. Perhaps it is all that it is wise to attempt to do at the present time; but I am satisfied that if we are to expect any large development of our merchant marine it must be through much larger and more generous appropriations than this bill proposes.

I hope, Mr. President, that we shall be enabled to pass this bill substantially as it came from the committee, and that the question of "free ships" may be left in the condition where in the judgment of the best sailing-masters and best merchants of this country it should be left, where it is, save this, that as I have said before, I am entirely willing to meet the question of free ships on the ground of the tariff and to so far amend our navigation laws as to provide that any American can import any ship from abroad upon paying what may be considered to be a fair tariff upon it.

Mr. MCPHERSON. If I had any ambition to enter into a discussion of this bill, I should have certainly done so prior to the time when the honorable Senator from Kentucky [Mr. BECK] and the honorable Senator from Missouri [Mr. VEST] took the floor and practically exhausted the whole subject. Anything I could say would be a repetition of what they have already said better than I can.

I quite agree with the honorable Senator from Maine [Mr. FRYE] in this report. I think there is no provision in the bill he has reported, at least I have been able to find none, to which I can object, and for one I desire to thank that Senator. His committee deserves the thanks of the Senate and the thanks of the people of the whole country for the intelligent manner in which they have reported to the Senate a bill embodying so many reforms in the navigation laws as this bill does. But there is one distinguished member of the committee, the honorable Senator from Missouri, who wishes to go further, and his ideas have found expression in an amendment to this bill now before the Senate. I wish to say that I am in sympathy with the Senator's amendment, subject to certain restrictions which I now propose to offer; my convictions are that the Senator who has offered the amendment will not disagree with me materially in regard to the restrictions I propose.

I wish to offer some amendments to his amendment, and will not undertake any extended remarks on the bill itself, for certainly it would be unwise to occupy the time of the Senate in discussing a bill which, so far as I know, will receive the almost unanimous support of the Senate. I had the honor on Friday of submitting an amendment, which is now before the Senate, to the amendment of the Senator from Missouri; but as I wish to add to that amendment, I will send to the Secretary's desk the list of amendments, including the one already offered, which I desire at the proper time shall receive consideration.

The first amendment I offer is in line 8 of the amendment of the Senator from Missouri; I think there is an omission unintended by the Senator. I wish to insert after the word "iron," in line 8, the words "or steel;" in line 12, after the word "equipment," I wish to insert "or repair." I wish to strike out the word "five," in line 2 of the second section of the amendment, and insert "seven."

The reason I wish to do this, if permitted to discuss the matter now—and I shall be very brief about it—is, that the Senator will observe that in the first section of his amendment and in the last line he proposes to admit materials free of duty after the 1st day of January, 1885. Owing to the complete appliances upon the other side of the ocean a steamship can be constructed in much less time there than it can be here with our imperfect and meager appliances.

I wish to give a sufficient length of time between the importation of the raw material and the time required to build and market the ship, so that our ship-builders can compete upon a given day with the ship-builders of any other nation in the world. In other words, if an English ship-builder can build a ship in six months and can supply the American demand in six months from the 1st day of January, 1885, and the American ship-builder can not do it under eighteen months, I propose to restrict the American purchaser of a foreign ship to the eighteen months, giving the twelve months' difference to our ship-builders to manufacture and market their ships in competition with the ship-builder on the other side.

I do not know that I should not be satisfied with the 1st of May, 1886, but certainly there ought to be a discrimination as to the time, for a foreign ship-builder can be prepared with his ship on the 2d day of January, 1885, to market in the American market, while the American ship-builder can not avail himself of the cheap material until the 1st day of January, 1885. Therefore it is that I suggest this amendment.

Another amendment which I have already had the honor to offer is at the end of section 2 of the Senator's amendment to add:

Provided, That such ships shall be excluded from the coastwise trade.

I have another amendment, in line 4 of section 2 of the amendment of the Senator from Missouri, after the word "vessel," to insert:

Not less than 3,000 tons net measurement.

In this regard I am more liberal in support of the amendment of the Senator from Missouri than the amendment agreed to in the House bill. This amendment I think the Senator should be willing to accept.

There is another amendment that I propose to offer to section 1 of the amendment of the Senator from Missouri, lines 9 and 10, to strike out "engines, boiler plates and tubes, and machinery." I strike these words out for the purpose of inserting the following:

Boiler plates, tubes, flues of all descriptions, furnaces, pig-iron, and yellow-

metal for castings, iron and steel blooms, shaft forgings not turned or fitted, and all other material, metallic or otherwise, used in the construction of marine boilers and engines.

In other words, I enlarge upon the idea of the Senator from Missouri as to the number of enumerated articles to be admitted free of duty, but I restrict the importation of the engine and the machinery, and for this reason: If you admit engines and machinery under this sweeping clause, you in fact admit the importation of an engine complete in all its parts, ready for service, ready to be dropped into the hold of the ship, which will be used in the coastwise protected trade. I make no hesitation in saying that I favor protecting the American ship-builder in the protected trade. The coastwise traffic is a protected traffic, and I would continue to protect that branch of our commerce. Again, I will do no act which will tend directly or indirectly to prevent the intelligence, the ingenuity, the enterprise of our people making suitable advancement in the construction of marine engines.

Mr. HALE. Will the Senator yield to me for a moment?

Mr. MCPHERSON. Yes, sir.

Mr. HALE. How long does the Senator from New Jersey think that any protection could be maintained for the coastwise trade after by our laws we had thrown open the foreign trade to the American citizen who might buy ships abroad for that trade? How long would it be before the American citizen who had bought his ship abroad with American money, under our laws, would claim that he should be admitted to all the trade that any American citizens might engage in? The British coasting trade is thrown open, and when Great Britain, after protecting her ship-yards and shipping interests, saw that she had arrived at a point where she could compete with the world, threw open her shipping laws to the world, she also opened the coasting trade as well. How long does the Senator believe it would be before we should be obliged to do that?

Mr. MCPHERSON. The question is a very easy one to answer. We should retain it just exactly as long as we retain the laws on the statute-book that protect it. The navigation laws now on our statute-book have been there since 1790; this is 1884—almost a century.

Mr. HALE. But the Senator proposes now to change those navigation laws.

Mr. MCPHERSON. As to the foreign trade only, and not to the coastwise trade.

Mr. HALE. And when he breaks in, what logic is there, if you will admit free ships to engage in the foreign trade, in preventing their engaging also in the coastwise trade?

Mr. MCPHERSON. If the American people will not buy ships at all, any reform of the navigation laws will be of no avail. There was one period in the history of this country when we did a large part of the commerce of the world. Why do we not do it now? The era in which we succeeded was an era of wooden ships, and they exist to-day only in history. The era with which we have to deal to-day is an era of iron ships with the screw propeller and with the compound-engine. That is the thing which has driven American commerce from the ocean. People say the Alabama did it. That was an incident and not the cause of the decline of American shipping. If the Alabama and her consorts had never existed, the condition of things would be very little different from what they are to-day.

But, as I maintain, the American people to-day are disposed to enter the field of commerce; they have ceased to invest their money in domestic enterprises, largely protected as they have been by the legislation of Congress, and to-day they are seeking new fields for their capital. If that were not so, we might make it just as free as the sunlight and the air, and no money, no energy would seek to engage in commercial pursuits. I maintain that the American people to-day are ready to engage in this business, but how? Only by removing every shackle to the foreign commerce of the country. But the moment you start your ship upon the ocean you have no protection then. There the stream of commerce unceasingly flows, you run upon nature's highway with no protection but nature's God, and that God treats all alike and favors "the other fellow" as much as you.

I am in favor of protection to our domestic commerce, but as to our foreign commerce I would make it just as free as the competition which confronts us and the ocean upon which it sails. Our ships traverse the same waters, buffet the same billows, carry the same cargoes from the same ports and to the same ports. There is no protection there; it is "the survival of the fittest." I would place American capital and the American citizen on an exact equality with all the world.

If the Government chooses to step in and pay a bounty to the American ship-owner, if he finds he can not run his ship without it, well and good; but for one I propose to try—not a subsidy, because I am opposed to a continuous subsidy for anything—I propose to make the right to engage in foreign commerce as free as the American Congress can make it, and then if we fail I do not know but that I should be open to conviction in support of Government aid; but I prefer to try other remedies first.

Mr. FRYE. The Senator from New Jersey is in favor of preserving the ship-yards of the United States, I understand him to say.

Mr. MCPHERSON. I am.

Mr. FRYE. Let me recall the Senator's attention to a fact in history. When England began to pay her subsidies fifty years ago Portugal on the ocean was almost her equal. England persuaded Portugal to stop building ships and to buy ships—the same thing that the Senator is contending for to-day, and yet he is honestly in favor of the ship-yards, I have no doubt. What was the result to Portugal? To-day she is not fit to be mentioned on the ocean. What was the result to the ship-yards of Portugal? When the United States steamer Nipsic only a short time ago fell into difficulty on the coast of Portugal—that was only a year ago—she was compelled to go to England and send a man to England with her in order to have the head of a part of her machinery fixed. There was not a ship-yard in the whole of Portugal where it could be done. Now does not the Senator fear that if we have "free ships" in ten years the same result may happen in the United States—that we could not get that sort of work done in the United States?

Mr. MCPHERSON. How did England influence Portugal?

Mr. FRYE. By cajoling her as she cajoles every nation she lays her finger on. England never made a treaty with the United States of America that she did not control us and beat us. She never made a treaty with any other country on the face of the earth that she did not get the advantage.

Mr. MCPHERSON. With all due respect to the Senator from Maine, I will not undertake to answer that supposition. Cajolery has but little weight with serious men.

Mr. HALE. Will the Senator allow me a moment to reply to his question?

Mr. MCPHERSON. Certainly.

Mr. HALE. I want to answer the question how England influenced Portugal. Everybody who has in any way been familiar with the course of European influence for the last forty or fifty years knows that English councils in reference to Portugal have been almost entirely supreme. She has been the influencing power over Portugal in all matters relating not only internally to Portugal but in reference to her association in European politics. That is the way England influenced Portugal.

Mr. MCPHERSON. I will not entertain for a moment any illustration which compares an old, rotten, effete, third-rate power with a young, vigorous, enterprising people like our own; and in reply to the Senator from Maine I will say that the principle on which I propose to act is the only principle that can save our ship-yards from death, the only one that will preserve them from entire annihilation. I would stimulate among the people of our country an endeavor, an effort to engage in the shipping trade of the country. I would make ships as cheap to them as I could, even if they went abroad to buy them. I would not handicap an American by $100,000 extra cost upon the price of his ship. I would not handicap him by the hundred and one things which to-day handicap the American ship-owner; but I would say to him: "Go out into the world; compete with the world." I would answer it exactly as the American steamship line from Philadelphia has answered every question the honorable Senator raises. That was a line of steamships established by American enterprise, built up by American capital. Behind it stood the most powerful railroad corporation upon this continent, feeding it day after day and week after week, giving it all the business it could do at current rates, and yet it died. The American Government, under its laws, said to the American steamship line: "Pull down your flag or leave the ocean!" and they pulled down their flag and went under the Belgian flag.

Why, Mr. President, the whole answer is found in that one fact alone. Take twenty horses and start them in a race; the strongest and the fleetest will always win; but when you overload that horse, handicap him far beyond the others, the probability is that he will bite the dust. That is the condition of our foreign commerce to-day. Therefore it is that I support the amendment of the Senator from Missouri, provided the amendments I have had the honor to offer are incorporated in it. But I have still another amendment to offer.

Mr. FRYE. Before the Senator proceeds further I wish to ask him another question.

Mr. MCPHERSON. I did not expect to be drawn into a discussion, and I did not rise for the purpose. But go on; I will hear you.

Mr. FRYE. We are all talking for information. Here is a free-material clause, so called, to which the Senator offers an amendment striking out engines and boilers and machinery; but he leaves in the free-material clause plates, angles, beams, and bars, and all that sort of thing. Now, let me say to the Senator that there are in the United States only four ship-forges, one in New Hampshire, one in Trenton, one in Paterson, and one in New York, fit for the large shafting. If that large shafting is admitted free into the United States under the free-material clause, what will become of these four forges, costing from $150,000 to $250,000 each? If it destroys them, as it will, and then you have a war with England, what are you going to do for your large castings for your vessels in the war?

Again, every iron-ship yard in the United States, besides its forge, the plate-iron shop at great expense—absolutely necessary—has the angle shop; it has the beam shop; it has the bar shop and the furnace-room. Make the free-material clause a law, and your angle shop, your beam shop, your bar shop, and plate-iron shop and forges are rendered unnecessary. Suppose you lose them, and then there is a war with England,

and you want to build your own ships; your ship-yards have none of the appliances necessary to work with and you are practically disabled.

Now, I want to call the Senator's attention to another thing. If you want to build a 4,000-ton ship under the free-material clause you sit down and make all your specifications for every single thing that is going into that ship; all you reserve to yourself is to put her together. It takes four months from the time you serve your order upon the English ship-builder for you to have those materials landed in your yards. There is four months' delay. It takes an expenditure of $400,000 at least for those materials. That expenditure is a cash expenditure. You have not the credit in England that you have at home, and banks there will not credit you as they do at home. So that is a cash expenditure. The Senator knows that a contract for a 4,000-ton ship here to-day is ordinarily 5 per cent. cash when the contract is drawn; 10 per cent. when the keel is laid; 10 per cent. more when she is half up, when her frame is in the yard; 10 per cent. when she is half plated; 10 per cent. when she is full plated. So the payments are coming on gradually in this business, and it enables a man without a large capital beyond his plant to go ahead and build his ship. How is the Senator going to obviate the difficulty, which he will see at once arises there, if he is compelled to make one order for $400,000 to go into that ship? Does not the Senator see lots of difficulties in a free-material clause when the material is a complete manufacture and not material; everything about it is ready but the ship.

Mr. MCPHERSON. The Senator from Maine has stated his proposition very fairly. It is entitled to an equally fair answer.

As to the Senator's proposition—what will become of the manufactories which are to-day manufacturing the component parts of a ship, if you admit the component parts free of duty as is proposed—while the Senator is right in presenting the supposition in that form I do not admit and can not admit his conclusions. I aver most strenuously that the only way to save the American ship-yards is by making foreign commerce free and inspiring and stimulating endeavor to make them go into the foreign commerce. Even the repairs alone upon the increased foreign commerce would be vastly more profitable than the business they are doing to-day. Look at it. Here a few years ago we had a full-fledged line of American steamers from the port of Philadelphia. To-day not one of them floats the American flag. There is the answer again.

Unlike the honorable Senator from Maine, I am the friend of the ship-yards, and more the friend of the ship-yards than the honorable Senator can possibly be under his system. I say to the American ship-maker, "Protect the American market; protect the American ship-builder upon every line within the jurisdiction of the United States." I say again to the American ship-builder, "If you stand in the way of American enterprise and American capital sharing a part of the world's progress, then down goes your shop; for myself I will not stand by it an hour."

Mr. FRYE. If the Senator is right, it only shows what fools all our American ship-builders are, for they differ with him, I believe every one of them.

Mr. MCPHERSON. That does not prove that I am a fool.

Mr. FRYE. No, I said it proved that they were. I would not charge that upon the Senator by any manner of means.

Mr. MCPHERSON. Now, Mr. President, I will send to the Secretary's desk and ask to have my amendments read.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Chair understands that the question now is on the amendment offered by the Senator from New Jersey on the last legislative day which is one of those named. The others will be taken up in their order.

Mr. MCPHERSON. I would prefer that they be taken up in their regular order, and that unanimous consent be given to have this amendment read at this time for information.

The PRESIDING OFFICER. Does the Chair understand that the Senator from New Jersey temporarily withdraws the other amendment?

Mr. MCPHERSON. I withdraw that and offer it in another form. I desire the Secretary to read the last amendment. The others have been read.

The PRESIDING OFFICER. The amendment referred to will be read.

The CHIEF CLERK. In the first section of the amendment of the Senator from Missouri [Mr. VEST], in lines 9 and 10, it is proposed to strike out "engines, boiler plates and tubes, and machinery," and to insert in lieu thereof:

Boiler-plates, tubes, flues of all descriptions, furnaces, pig-iron, and yellow-metal for castings, iron and steel blooms, shaft forgings, not turned or fitted, and all other material, metallic or otherwise, used in the construction of marine boilers and engines.

Mr. MCPHERSON. My amendment is much more liberal than the proposition of the Senator from Missouri, and at the same time I have struck out from his amendment the completed engines and machinery. Why? Because under his amendment the completed engines and machinery can be used in the protected coastwise trade, which I propose to prevent, and thus protect the American ship-builder to this extent.

With the consent of the Senate I should like to read for its information a letter which I received this morning from a very distinguished ship-builder in this country, Mr. Cramp, of the firm of Cramp & Sons. It will be understood that Mr. Cramp does not agree in any sense or form with this proposed legislation in regard to free ships, but as to a particular feature of the bill he has written me a letter calling my attention to what he is pleased to term the unjust feature of the amendment of the Senator from Missouri, and gives his reasons, which I should like to read.

WASHINGTON, D. C., *May* 4, 1884.

DEAR SIR: Permit me to call your attention to the peculiar language of the free-material clause or first section of Senator VEST's amendment to the shipping bill now pending in the Senate. It will be observed that after enumerating certain materials used in construction of hulls and boilers, the amendment proposes to include "engines * * * and machinery" in the free-material list. Accepting Senator VEST's own interpretation of the intent of his amendment in good faith, to wit, that it is designed to equalize as far as possible the conditions of competition between American and foreign ship-builders that would necessarily result from the opening of our registry to foreign-built ships, I am compelled to regard this proposition to admit "engines * * * and machinery" among so-called "free materials" as an error of judgment, arising from an imperfect knowledge or insufficient survey of the subject.

The logic of Senator VEST's speech, as of all the speeches in advocacy of free ships and free materials, is that the admission of the latter duty free is designed to promote the interests of American builders by cheapening an important element of construction. This logic to a certain extent holds good if the proper definition of the word "materials" be adhered to. But "engines * * * and machinery," as designated in the amendment, are in no sense "materials," as that term would be understood in the trade. They are, on the contrary, indispensable and absolute parts of the complete ship itself, involving in their particular fabrication a mass of "materials" quite as important and, in ships designed for superior speed, as costly as the "materials" that enter into the construction of the hull. If the author of this clause really meant to provide for the importation of "engines * * * and machinery" duty free as part of a list of "free materials," there is no reason why he should not have taken the only remaining step and added the word "hulls," because the hull is no more a part of the complete ship than the engine is, and the one belongs as appropriately in a list of "materials" as the other does.

But if the honorable Senator meant simply to provide for the admission of materials for the construction of engines and machinery duty free in the same manner as for the admission of materials for the construction of hulls, which he has enumerated properly and described clearly, then the phraseology of his amendment requires considerable alteration in order to convey his intent accurately. I would therefore suggest, assuming that his purpose is to aid and not to destroy the industry of marine-engine building in this country—

The amendment he proposes is practically the same amendment I have offered.

This modification is absolutely required, if it be the honorable Senator's design to put "materials" for engine construction upon the same footing with "materials" for hull-building, which he has done in the preceding clause of his amendment.

I am free to say that if the free-material clause as it now stands should become a law, including as it does "engines and machinery" without qualification, the industry of marine-engine building would necessarily cease to exist in this country, as the honorable Senator himself must see at a glance if he will take the trouble to examine the conditions of competition to which American builders would be subjected.

And in this respect I speak not only of "engines and machinery" for ships in the foreign trade, but for those employed in the coastwise traffic—

Here is the principal point in the letter—

and on our inland waters as well, because the amendment admitting "engines and machinery" duty free says simply that they shall be for the use of "vessels," and does not specify, define, or limit the class, nature, or employment of the "vessels" contemplated.

Under these circumstances I respectfully request that you will call the attention of the honorable Senator to this evident defect in his amendment either by exhibiting this letter to him personally or causing it to be read for the information of the Senate, or both.

Very respectfully,

CHAS. H. CRAMP,
President of Wm. Cramp & Sons.

Hon. J. R. MCPHERSON,
United States Senator.

With respect to the engines, if my amendment is agreed to it will place all materials in a certain degree of preparation in the hands of the American ship-builder for use. If the amendment of the Senator from Missouri prevails without striking out the engines and machinery the foreign engines may be brought here and placed with perfect propriety and right under the law in the coastwise trade of the country, and in that trade I shall insist so long as it has the protection of our laws the ship-builders also shall have some protection in building the ships that engage in it. However, if the Senator from Missouri wishes to permit completed engines or machinery to come here duty free to engage in the foreign trade, as a matter of principle I can not object to that; but I do object to the free scope which he gives to his amendment.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey to strike out and insert certain words in lines 9 and 10 of the amendment of the Senator from Missouri.

Mr. MORRILL. Mr. President, it has been very absurdly contended here by several gentlemen that the existing tariff laws prevent our having any foreign shipping. I must say myself that I can not discover that there is any difference so far as the tariff laws are concerned which discriminate between American shipping and foreign shipping. An American vessel to-day is at liberty to go and take on a cargo at Liverpool and take it to India, and return to the same port again with India cotton or with wheat. There is not a particle of difference so far as the tariff laws are concerned. I admit that a protective tariff has a great tendency to raise the wages of all kinds of labor here; and is it the purpose of any gentleman on this floor to declare that they wish to lower the wages of labor in this country? It must be con-

ceded by everybody that with the present scale of wages in this country a foreign ship or a home ship can not be run by American sailors even if the vessel were to be given to the parties who desired to embark in the business. There is an important difference in the wages to be paid and also in the provisions and comforts provided.

Mr. President, there is no sort of doubt that there are other things besides the protective tariff that raise wages in this country. We give a bounty to every American citizen and to every foreigner who will come here of one hundred and sixty acres of land as long as our public lands may last; and while our public land system prevails, men who can go on our prairies and take one hundred and sixty acres of land will do that in preference to enlisting as common sailors on any vessel, whether engaged in the home or in foreign trade, and these one hundred and sixty acres of land in five or ten years, instead of being worth only $1.25 per acre, if they should have to pay that for it, will be worth $20 to $25 an acre. So long as there is an opening for the young, healthy, and athletic men upon the Atlantic or Pacific shores they will not enter into the business of sailors upon vessels when they can so much better engage in a more profitable business. It is quite absurd, therefore, to suppose that we can by allowing free ships to come here restore the shipping that we formerly had.

Again, Mr. President, at the present time this business is vastly overdone abroad. Less than a week ago I saw by the papers that the shipowners of Great Britain had agreed among themselves to lay up one-fourth part of all their shipping and that those engaged in the business should make a common pool and pay their fair share to the vessels laid up. Now, in case we were to allow foreign vessels to come in free, of course this quarter part of the shipping of Great Britain that is to-day idle would be offered here at a much less price than was probably its first cost; and then when the general depression of trade which now prevails all over the world should have passed away and ship-building again should be resumed, here in the United States ship-building would have become a lost art, and England, having the ready means, would at once supply whatever the demand might be.

Mr. President, the way that England has maintained her supremacy in the way of foreign trade has been a very expensive one. In the memory of all of us they recently had a war in New Zealand, another in Southern Africa, and not long ago the war in Afghanistan, and about forty years ago one in India for the reason that China found her laws evaded by the introduction of opium and the Chinese made a confiscation of opium introduced to the amount of about $2,000,000. England thereupon made war upon China and subdued her, and subjected one of her largest cities to be looted by the men and officers, and then imposed a treaty upon China by which five of her ports were to admit opium and subjected her to $20,000,000 of fine, with the permanent cession of Hong-Kong, and to-day that trade is kept up by Great Britain in consequence of that treaty; and England, or which is the same thing the Indian Government, derives an income of over $50,000,000 from this trade in opium in China, a trade that is ruinous to the physique of a great many of the Chinese, a trade that is constantly increasing. The moral sense of the world was shocked by this transaction, and those in power were very sternly assailed in consequence by Mr. Gladstone, but the latter gentleman has made no move to release China from this most pernicious contract.

The expense of protection so far as Great Britain is concerned upon her foreign trade is almost as much as the entire cost for the support of our Government. They keep in the Mediterranean a large fleet of ships, and they keep ten or twelve thousand soldiers at Gibraltar and Malta. They keep an immense fleet near Australia, in the Chinese seas and in India and all over the world. These fleets of vessels are supported for the sole purpose of keeping up her foreign trade. It is an immense expenditure on the part of the Government of Great Britain.

Mr. President, I look upon this question as very important to the United States. If we are to abandon the business of making our own ships, what are we to do in case of a war with any other power? Are we to go abroad to buy our ships? Of course it takes some little time to build an iron or a steel ship, and for the purposes of defense, whatever the cost might be, the last thing we ought to surrender should be the building of American ships.

Mr. BECK. Mr. President, I am sorry that my friend the chairman of the Finance Committee should have dragged the tariff into this discussion.

Mr. MORRILL. I did it in reply to the Senator from Kentucky.

Mr. BECK. He can not divest himself of a bad habit. I suppose, therefore, I shall have to apologize for him. It may be, however, that there is a good deal more of tariff taxation in this matter than would appear at first blush, because the Senator from New York [Mr. MILLER,] as well as both the Senators from Maine, seems to regard the effort to allow ships to come in free as being destructive in part of the protective system. Indeed, I believe the Senator from New York presided over the great protective-tariff convention in New York which declared that "the American people intend hereafter to keep this market for themselves," that "the tariff must be protective"—that protection, I presume, must extend to ships, no matter in what business they are engaged, or the harmony of the system will be destroyed. I asked the Senator from New York this morning while he was presenting his very learned argument how he could protect by a tariff ships engaged in the foreign trade. He failed to answer. Of course it can not be done under our treaty stipulations. We inaugurated the system of equal and reciprocity rights in the ocean-carrying trade. On the 24th of May, 1828, the Congress of the United States passed a law directing the President of the United States to remove all discriminating duties as to tonnage and cargoes from the vessels of all nations that would do the same thing in regard to our vessels and their cargoes. All of the nations of the world have accepted our proposition, Spain only excepted, and we have made treaties with them all based upon these principles.

The ships that we use in the foreign trade must go out on the ocean highways of the world and compete on absolutely equal terms with the ships of other nations to whom we have by treaty granted the same rights that our own ships have. We can grant no discriminating duties to the cargoes of our ships; we can impose no tonnage dues upon foreign vessels that are not imposed upon our own. All the suggestions that I hear are being made elsewhere (I can not say at the other end of the Capitol perhaps) as well as here—that one of the modes of disposing of this difficulty is to allow American vessels to bring in goods at 10 per cent. or 5 per cent. less tariff taxes than are allowed upon goods brought in foreign ships—are neither possible nor admissible until every treaty with foreign powers is annulled. The ships that we use on the high seas have to meet with the competition of foreign nations upon terms of absolute equality. Protection can not reach beyond our shores. If we ought to reserve our markets for ourselves, other nations on the same principle ought to reserve theirs to themselves, and that ends trade and commerce.

Mr. MCPHERSON. Do I understand the Senator to say—I ask only for information—that under the "most favored nation" clause the United States Government can not discriminate in favor of her own ships?

Mr. BECK. I do, but not altogether under "the most favored nation" clause.

Mr. MCPHERSON. Under any treaty stipulation?

Mr. BECK. Yes. I will read the act of May 24, 1828, where we first made the proposition, which was accepted by other nations:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States, or from any foreign country, the President is hereby authorized to issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said foreign nation, and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation, or from any other foreign country; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer.

Every foreign nation, Spain alone excepted, so far as I am advised, has accepted that proposal made by Congress and has made its laws conform to it. In section 2 of the act a special provision was made.

Mr. MCPHERSON. That was not the provision of a treaty?

Mr. BECK. No; it is an act of Congress, which has been complied with by foreign nations, and it has been in many instances embodied in treaties made since that time.

Mr. MCPHERSON. Then I have nothing further to say.

Mr. BECK. The act further provides:

SEC. 2. That no other or higher rate of duties shall be imposed or collected on vessels of Prussia, or of her dominions, from whencesoever coming, nor on their cargoes, howsoever composed, than are or may be payable on vessels of the United States, and their cargoes.

That section expressly embraces what is now Germany. Of course, laws and treaties being of the same dignity, the law that is passed subsequently to a treaty and that is acquiesced in by the foreign powers who have the right to accept it stands upon an equal footing with a former treaty and annuls it so far as it varies from it.

The propositions that I submitted the other day when I argued that question were—I repeat them now—that we have given to all the nations of the world the right to trade with us in ships they can buy anywhere upon exactly the same terms that we can trade in our own ships; we have prohibited Congress, until we annul all our treaty stipulations, from giving to American ships any aid by way of discriminating or tonnage duties. It is conceded that we can not build ships here as cheaply as they are built elsewhere. Therefore we compete at great disadvantage. All have agreed to the truth of these propositions so far as I have heard in this debate. Then there is but one of two courses left: we have either to tax this whole people to raise subsidies to pay to American-built ships, or we have to permit an American to buy ships as all his competitors do, because he can not pay $300,000 for his ship and compete upon equal terms with an Englishman, a Frenchman, a German, or a Mexican, who pays $200,000 for a similar ship. That is too obvious to require argument.

The Senator from New York [Mr. MILLER] asked why not require them to pay the tariff duties that all other machinery pays? When you do that you handicap the American ship-owner in the foreign trade to the extent of the duties he has been required to pay, because you have enhanced the price of his ship that much beyond what his com-

petitor has had to pay for his ship. The Senator from New York had to admit that, and he proposes to pay an additional subsidy in the shape of mail contracts so as to make up for it. It has resolved itself into this: That we must either subsidize the American ocean carrier so as to equalize him or we must allow him to have free ships to begin with, because he can not run upon the ocean in competition with men who by treaty have the right to buy the ships anywhere as cheaply as they can and carry their goods upon the same terms that our citizens do in their ships unless the people of the United States are taxed to make the difference in cost up to him in money outside of his trade.

The suggestions I made the other day were presented carefully to see if anybody could answer them. Nobody has yet; nobody can. England to-day is building nearly all the ships for the foreign nations engaged in our trade. How is she going to be helped by allowing an American citizen to buy ships from her just as the Frenchman, the German, or the Mexican does now? Only so many ships are needed, no matter who owns them, and England is building them and running most of them. We are to-day supporting for her 100,000 sailors and their families in our carrying trade. How is she going to be benefited by our doing that carrying trade ourselves and having the 100,000 sailors under the command of American officers and under the control of the United States to do our bidding and not hers in case of strife between us and her? No man can say that England will be benefited, or that she desires the United States, her great natural commercial rival, to occupy her natural position upon the high seas and to deprive her of her commercial supremacy.

Again I said we are building no ships for the foreign trade now, and we can not. How is the American ship-builder injured by a law that deprives foreign nations of the monopoly they now have in the American ocean-carrying trade? They have it and they will maintain it for all time to come unless we do something to take control of it ourselves. There are, I repeat, only so many ships necessary to do the carrying trade of the world that can be built or that will be built. We are building none of them; England is building nearly all of them. We are to-day prostrate and defenseless, without a ship, a sailor, or a gun. Ninety-five per cent. of the few sailors we have to-day are foreigners, and they are, as I said, foreigners of the most worthless character who can not get employment in the first-class ships of their own nationalities. I have here the pay-list of the Alaska, one of the leading ships of the Guion line, for the month before last. It is as follows:

Pay-roll of British steamship Alaska, of Guion line, between Liverpool and New York. Salaries paid monthly—given in English money, which can easily be calculated at $5 to the pound:

	£	s.	d.
Captain	50	0	0
Chief engineer	24	0	0
Second engineer	17	10	0
Third engineer	13	10	0
Fourth engineer	11	0	0
Ten fifth engineers, each at £6	60	0	0
Electrician	12	0	0
Eight firemen, at £5 each	40	0	0
Thirty-eight firemen, at £4 10s. each	176	0	0
First officer	15	0	0
Second officer	10	0	0
Third officer	8	0	0
Fourth officer	6	0	0
Carpenter	7	0	0
Boatswain	7	0	0
Two boatswain's mates, at £5 each	10	0	0
Carpenter's mate	5	0	0
Twenty-six able-bodied seamen, at £4 each	104	0	0
One ordinary seaman	3	0	0
One ordinary seaman	2	10	0
Surgeon	10	0	0
Purser	10	0	0
Purser's steward	4	0	0
Chief steward	10	0	0
Second steward	8	0	0
Third steward	7	0	0
Fourth steward	7	0	0
Eight stewards, at £4 each	32	0	0
Seven stewards, at £3 10s. each	24	0	0
Seventy stewards, at £3 each	210	0	0
Four stewardesses, at £3 each	12	0	0
One steward	6	0	0
One steward	5	0	0
Three boys, at £2 each	6	0	0
Chief cook	8	0	0
Second cook	5	0	0
Three cooks, at £5 each	15	0	0
One cook, at	3	15	0
Baker	8	0	0
Baker's mate	5	0	0
Butcher	5	0	0

Whole crew between 230 and 240.
Amount of wages about £1,150, or $5,750, monthly.

That pay-roll shows what the English people pay in the Guion steamship line to the officers and crew of the Alaska. It compares favorably with the wages that are said to be paid by the Philadelphia line in the table given by the Senator from Maine. I think that the Alaska pays higher wages to her officers, and almost as high wages to her sailors, as are paid by the Philadelphia line, though I have not compared them—$250 a month to the captain, $125 to the first engineer, and so on through the list, seems to me to be liberal wages.

It is said, why not pass the bill as it came from the committee; all agree that the provisions are right as far as they go? I agree that the three months' wages, that the compulsory order now existing to discharge sailors when they land on the American coast, and that many other things of that sort ought to have been repealed long ago and ought to be now. We can pass those provisions at any moment, I suppose, unanimously through the Senate; but what is the use of stopping there if it is our object to establish an American merchant marine or to do anything really looking in that direction? Why should we stop with simply repealing some of the smaller burdens when we admit that after we have done all we can and given free, cheap ships and material and reduced every tax down to the lowest possible point and relieved every burden as far as it can be done, even then it is hardly possible to compete with foreign nations on the high seas, considering the start they have got of us? Why should we, I say, content ourselves with doing a few little things that will not restore the merchant marine and not take the indispensable step necessary to even make a start?

I have no doubt, as the Senator from Missouri has said more than once, if the patient were suffering with a disease almost necessarily fatal, that it would relieve him a little to pare his corns, but that would do very little toward saving his life. The little relief that is proposed by the uncontroverted provisions of the bill are all good, all beneficial, but they fail to reach the root of the evil. I insist further that the proposition to give mail-pay does not reach it. What are we seeking to do? That is the first question. We are seeking to revive the carrying trade for our exports and imports in American ships; we are seeking to carry the grain, the cattle, the provisions, the great exports of America to all parts of the world, and especially to people of Europe who want them. Is anybody anywhere complaining of the want of mail facilities? Is the country suffering because the mails of the United States can not reach their destination? Of course not. Is it proposed to subsidize a steamship line to carry mails across the Atlantic? Senators say that they do not expect to do that. Then what are you going to do? Who are you going to relieve by granting mail-pay for lines to Brazil and to the other southern American countries? You are simply going to give a subsidy to the few men who build ships, and to endeavor to tempt somebody to run ships to South America in a trade which is unprofitable now by granting a subsidy in the form of a mail contract. The men of this country, the men of the West, the men I represent, desire to have American ships in which they can carry their wheat, their corn, their cattle, their provisions, their supplies to the markets that want them.

The countries with whom we have treaty relations attend to their own mails. I have before me the annual report of the Treasury Department on the foreign commerce of the United States from the Bureau of Statistics, in which a very instructive table is presented. [Exhibiting.] I hope Senators will look at it. It is accessible to all. The red lines exhibit the value and amount of the commerce of the United States with the principal foreign countries for the year ending June 30, 1882, on a scale of thirty-two one-hundredths of an inch, and the United Kingdom of Great Britain and Ireland extends over two feet; the dependencies of Great Britain extend from four to eight and ten inches, and the countries we are now seeking to establish mail relations with, except Brazil, extend from a quarter of an inch to an inch or so. That is the extent of the trade the proposed mail contracts will enable us to reach. It is so small that you can hardly see it in the line of comparison. The Senator from Maine [Mr. FRYE] does not pretend that the mail subsidy will enable us to reach the great trade that the mass of the people of the United States desire and need. I can not put that table in the RECORD; I wish I could; there would be no trouble in understanding it if that could be done.

"Mail contracts" is a very convenient name. I am willing to pay for all the service rendered by all steamships everywhere in carrying mails. It is said that England pays immense sums of money for carrying mails. Of course she does, but she does not pay one-half for mails that we do. We are paying this year $47,000,000 for carrying the mails of the United States. England does not pay half of it; she does not pay a third of it.

Mr. PLUMB. The Senator is a little in error; he is thinking of the grand total of the Post-Office appropriation bill, and not of the amount paid for carrying the mails. Of the amount appropriated about $13,000,000 are paid for carrying the mails on railroads, about $6,000,000 for carrying them on the star routes, and about $600,000 on steamboat routes.

Mr. BECK. That makes about $20,000,000.

Mr. PLUMB. About $20,000,000, and the balance is paid in the expenses of the Post-Office Department in a variety of ways, the salaries of postmasters chiefly.

Mr. BECK. The salaries of postmasters and many other things, but the whole cost of the mail service is $46,000,000.

Mr. PLUMB. It will be about $49,000,000 this year, I think—between $48,000,000 and $49,000,000.

Mr. BECK. Very well. The whole of the packet service of England is I believe less than $3,500,000. Our people live on a great continent. England, Scotland, Ireland, and all the little islands attached contain only 121,000 square miles, while Texas alone has 276,000; but England has to supply her people with mails in India, in Canada, in the West Indies. Everywhere in the world she has her naval stations, her

coaling stations, her depots for supplies, and she has to send to those points through her mail just as we have to send to Arizona, to Montana, and Wyoming, everywhere, where it costs us perhaps ten dollars to send letters for every dollar we get back. But each country has to supply its people with mail facilities as best it can, properly, rightfully, and of course as economically as possible. I am not complaining of the cost of the service of either country; each has to use the instrumentalities best adapted to accomplish the end. We use mostly railways; England has to use ships on the ocean to reach her people.

It is said that we pay immense sums on our coastwise trade for mail service. Of course we do. We have a great coast of ten or twelve thousand miles. Railroads can not reach it in very many places. The bays, the rivers, the places along the coast have to be reached by the ships in the coastwise trade, and we require the ships engaged in that trade to go into the little harbors and stop at every place where there is a post-office, whether they have trade or passengers or not, in fog, or rain, or storm, and deliver the mails to our people. We pay them for doing that. But it is proposed to give a million and a half by this bill, under the pretense that we are obliged to carry mails to Brazil and other South American countries which take care of their own mails, where we have but little trade and no people. It is simply a pretense to grant a subsidy—we may as well call it by the proper name. Who is complaining about South American mail service? We are asked, Is there any petition sent here for free ships? Is there any petition here from Brazil, from any South American country complaining that they can not get their mails? No. They get the mails, I presume, and get them promptly. England has to use more steamship service than the United States because she has more ocean to traverse to reach her distant possessions. Her people are scattered over the face of the earth and she supplies them. Our people are scattered over the great Territories of the United States, and we supply them as best we can. That is all there is of the mails.

Just here let me remark, as I see the Senator from Maine [Mr. HALE] in his seat, that I heard him use an argument the other day that struck me as very singular. He announced to us that if we allowed foreign ships to be registered under the American flag, if ever war ensued between England and any other foreign nation we should have all the English commercial fleet registered as part of ours. Let me read his language. The Senator's colleague [Mr. FRYE] in his interrogatory to me the other day expressed the same idea. The Senator from Maine [Mr. HALE] remarked:

> Let me tell the Senator from Missouri and the Senator from Kentucky what will happen if this amendment passes. The very first time that war breaks out in Europe, the very first time that European complications involve Great Britain and she is drawn irresistibly into conflict (and if her marine is safe she is drawn more easily into conflict), what would happen? Her whole sailing force, her whole mercantile marine, would at once in the name of factors and agents and partners be put under the American flag, and while the war continued would be kept under the American flag, and the Senator from Missouri and the Senator from Kentucky would behold this amazing spectacle, that the carrying trade of the world would continue to be done by British ships under the American flag, owned by British subjects, who would be really the controlling power, in the name of citizens here as partners and agents and factors, and all the earnings of this great trade would be absorbed by the owners of that carrying trade and expended in Great Britain and not a dollar derived by us from the emergency.

I turn as an answer to that to the statutes of the United States, which we do not propose to change, in reference to allowing ships built abroad being registered here. Without reading the provisions, because they are long, they provide in substance that all vessels registered in the United States shall be wholly owned by citizens and be commanded by citizens of the United States. All the officers of vessels of the United States shall in all cases be citizens of the United States; in short, they shall be wholly owned, wholly officered, and commanded alone by citizens.

Mr. JONES, of Florida. What is the date of that act?

Mr. BECK. It is in the Revised Statutes.

Mr. JONES, of Florida. What is the act?

Mr. BECK. The act was passed in December, 1792.

Mr. HALE. Title 48.

Mr. BECK. Title 48, section 4131. Section 4133 provides that if any naturalized citizen owns any part of a registered vessel and resides two years in the country from whence he came his right to any part of that ship shall be forfeited, and that no man who is not a citizen shall under any circumstances have any right or interest in her. Section 4143 provides that the man who seeks for the registration shall make oath to all these facts, namely: that the vessel is wholly owned in the United States, wholly officered by citizens of the United States. And if in any regard that oath is false, the vessel, her tackle, apparel, and furniture shall be forfeited to the United States. Section 4191 provides that "every person who knowingly makes, utters, or publishes any false sea letter, Mediterranean passport"—for we keep that up, to take passports against the pirates in Algiers, in the Revised Statutes to-day—or certificate of registry, he shall be liable to a penalty of not more than $5,000, and, if an officer of the United States, shall thenceforth be incapable of holding any office of trust or profit under the authority of the United States.

In the face of those provisions, that no ship that is admitted to an American registry shall be owned even in part by a foreign citizen; that it shall not be owned even by a naturalized citizen unless he remains all the time in the United States; that he shall swear that these facts are true, and if they are not true the vessel shall be forfeited, and the man shall be fined $5,000 and be forever incapable of holding any office of honor, profit, and trust in the United States (which I suppose to any Republican gentleman would be the severest penalty that could be inflicted), how is it possible that the Senator from Maine could assert that all the English ships would at once, in case of war between herself and a foreign nation, be transferred to the American flag? Have we enough American officers, have we enough American captains, now to take possession of and command the whole British commercial marine? Can we run them all as our own under false pretenses? Is it to be assumed that every man who wants a ship is going to be guilty of perjury in order to get control of her? In order to make that statement at all reasonable, you must assume that there is no virtue left in the country.

Mr. JONES, of Florida. Will the Senator allow me to ask him a question? If there is nothing in this description of property different from any other, why should the exception be maintained with respect to this description of property?

Mr. BECK. I do not think it ought, but that is the law now, and it is under the law that the Senator from Maine was arguing the question.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Maine?

Mr. BECK. Certainly.

Mr. HALE. I have a very plain and to me conclusive answer to the Senator from Kentucky, but I will not now, in the midst of what he is saying, if I can have the floor after he has yielded it, make an answer.

Mr. BECK. I have no objection. I have nothing special to say, and therefore you can speak as long as you like now. I will give way for any length of time.

The PRESIDING OFFICER. The Senator from Maine.

Mr. HALE. I did not make my statement the other day that one result of free ships bought in British ship-yards would be that in case of war the British merchant marine would be put under our flag and get the benefits of it without a full consideration of our registration laws. I know something about the registration laws of the United States as touching American vessels and foreign vessels. As a representative for years of a people interested in navigation, I have had occasion from time to time to know the force and operation of the registration laws applied to vessels. I know how easy it is to avoid the registry laws applied to vessels. I know how easy it would be for the owners of British mercantile ships in case of a war in which Great Britain was interested to put their ships in the hands of American citizens here and yet retain the benefit of them.

Let me tell the Senator from Kentucky how easy it is. There is not a single provision of our registration laws applied to vessels in chapter 1 of title 48 of the Revised Statutes, whether in relation to penalties, in relation to oaths, or in relation to punishment, that is not absolutely met and done away with by a conveyance of the vessel to an American citizen. There is not a custom-house where the registration papers are offered that can go behind the bill of sale or conveyance. Let war break out to-morrow between England and France or between England and Germany, and let her commerce be in peril on the high seas, and at once, under the free-ship amendment urged by the Senator from Missouri and the Senator from Kentucky, every English owner of an English steamship carrying the trade and commerce of the world upon its waters, by a conveyance absolute in terms to an agent or a partner or a factor in New York city, an American citizen, is entitled to have that vessel registered as an American ship.

In the name of good sense what is the object of free ships and of a free-ship law unless it is that where a British ship is bought and brought here it shall be put under the registration under oath? The terms of the law are answered; there is an absolute saving of the ship or a portion of the ship. It is presented to the American custom-house for registration, and with it is an oath that the person to whom the conveyance is made is the owner. No custom-house can go behind that; and at once when she enters into our marine then of course she may be manned by American seamen, she may be commanded by a United States captain; but when the earnings are received, when the freight-money is received by the agent and the partner and the factor in New York city, what power of law is there to prevent his remitting it by a check to the owner in Great Britain? There is nothing that you can enact that will prevent that.

I see the law of registration of ships avoided every day with reference to taxation. Everybody knows that where, for instance, in a certain municipal community the taxation of a ship is 2 or 3 per cent. it is transferred to an agent or a partner in Boston. The bill of sale is sent to Boston; it is presented to the custom-house; there is an oath that the Boston party is the owner; the custom-house receives it and it is recorded there, and it stands on the record as a Boston ship from that day and is reckoned and is subject to Boston taxation and not to the taxation in Lewiston, or Ellsworth, or Bangor; and the moment that the earnings of that ship are received they are transferred to the actual owner. That is done every day, and it is a technical conformity to the law.

Let me give the Senator from Kentucky an instance, I do not know

whether he knows it, showing how easily this is done. I see that from his reading of the registry laws he believes it can not be done. From my experience I know something more about those laws than he. When our war broke out and when British bottoms were sought because England was neutral, though the British registry laws are even stronger than ours, in order to avoid the dangers of sailing under our flag thousands and thousands of tons of our shipping were put into the hands of British citizens in order to get British registration, although the real actual interest remained in our citizens. Whatever they earned they got during the war, and when the war ended those same American citizens turned around and urged as a reason why we should let those ships back, that while they had technically conformed to the British registration, had put them under the British flag, had sold them there and got the benefit of British neutrality, they had earned the freights and sent them home to America to be spent here, and they appealed to us to let those ships back under our flag when the war had ceased because they had adopted the British registration laws.

It is clear to me (if the Senator lives long enough he will see it as I see it now) that if you admit free ships of foreign build to all the benefits of our flag, whenever a war breaks out in which England is involved, I repeat, you will find the British mercantile marine put under our flag, under bills of sale and conveyances that can not be assailed, under bills of sale and conveyances that no custom-house can go behind, under bills of sale and conveyances that make an impregnable title on the record, and when they are so recorded and come under the operation of American laws and earn the freights of the world during that war in which Great Britain is engaged, the money will unerringly go back to Great Britain in checks, will be sent over there and there spent; and the Senator from Kentucky can not prevent it, I can not prevent it, except in one way, and that is to maintain our navigation laws as they are, so that whenever war does break out and America sees the opportunity that Great Britain saw in 1861 and when Great Britain then is menaced by the fear of the commercial world to put the freights into American bottoms, we may at once take the place that she has occupied, just as Great Britain took the place that we had occupied before. That is the answer to the Senator from Kentucky.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. BECK. I will yield in a moment.

Mr. FRYE. I only wanted to give the Senator one additional matter to answer.

Mr. BECK. I think the Senator from Maine would perhaps have a fuller answer if he would allow me to make the suggestion now; but just as he pleases.

Mr. FRYE. I only wanted to read a statute.

Mr. BECK. The Senator's colleague [Mr. HALE] has attempted to answer what I said, and as I construe it it means that men will perjure themselves, and perjury will circumvent all laws. What he says is done can not be done honestly, but his point is that men will perjure themselves, and that by perjury they can avoid all the provisions of the statutes that I have read.

Mr. HALE. It is not such perjury as any one could be held in the courts of law for. The title——

Mr. BECK. It might not be held in a court of law under a Republican administration; I do not believe it could be; but we are seeking to reverse that as well.

Mr. HALE. Nobody would ever think even of prosecuting such a case under a Democratic administration.

Mr. BECK. Under a Democratic administration nobody would ever think of such perjuries as the Senator from Maine suggests are now an every-day occurrence.

Mr. HALE. It is not perjury.

Mr. BECK. It is so near it that it requires a man with a microscope or something else to see the difference between that and perjury.

Mr. HALE. The title passes when the bill of sale is made. The question is not raised. No custom-house can raise it. The legal title passes. The logical effect undoubtedly is an avoidance of the law, but if the Senator believes that the time has come when the commercial world will not do that in custom-house matters then he has a different view of it from what I have.

Mr. BECK. I do not want to prevent the colleague of the Senator from Maine from saying what he desires now.

Mr. FRYE. I simply want to show the Senator another instance my colleague did not mention where there is no perjury and no necessity for it. Section 4137 of the Revised Statutes provides:

> Registers for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such register shall not be vacated or affected by sales of any shares of stock in such company.

An incorporated company may own fifty ships in the name of the president and secretary, and every single share of that incorporated company may be sold but one, and here there is no limitation even upon that, and the registered vessels of that corporation shall not be affected. Now, turn over one step further.

Mr. BAYARD. How is it when foreign ships are running on American lines?

Mr. FRYE. I do not know what the foreign law is in relation to that. Take another section. These are registered ships, you remember, and it is provided that they shall not be affected by the sales of stocks in incorporated companies. Now read section 4313:

> Enrollments and licenses for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such enrollments or licenses shall not be vacated or affected by any sale of shares of stock in such company.

There is room for the English marine without taking any oaths whatsoever.

Mr. VOORHEES. Mr. President——

The PRESIDING OFFICER. The Senator from Kentucky has the floor. Does he yield to the Senator from Indiana?

Mr. BECK. I will yield, of course.

Mr. VOORHEES. Oh, no; I wanted the floor in my own right. I thought the Senator from Kentucky had yielded the floor.

Mr. BECK. No; I beg pardon of the Senator from Indiana. I was simply allowing the Senators from Maine to explain what they meant, and yet at last after the explanation of both the Senators it is painfully apparent that no English ship could without perjury ever become a registered ship of the United States unless it was wholly owned by citizens of the United States and solely officered by citizens of the United States, and that neither a corporation nor an individual could without perjury obtain for her that privilege; and if the fact turned out to be that he knew that any statement he swore to was untrue the vessel would be forfeited and he would be fined $5,000 and be ever after incapable of holding any office of honor, profit, or trust under the United States.

It was because those facts are apparent upon the face of the statutes that I said it was an amazing statement for the Senator from Maine [Mr. HALE] to make the other day; indeed his colleague [Mr. FRYE] made substantially the same statement. I suppose that if we did obtain ships from England by any collusion or fraud of that sort and obtained them at cheap rates, there would be no power ever to take them away from us anymore. I do not suppose that a citizen of England could ever sue in any court of the United States to deprive the American citizen of the property he had thus obtained upon the ground that they had colluded together in order to violate or avoid the registry laws. The condition of the defendant would be the better in that case. The obtaining of a cheap ship would certainly not do anybody any harm, especially if the owner had to enter into a contest with men who buy the cheapest ships they can.

It is not necessary to answer the suggestions that have been made about worthless ships being thrown upon our hands. The Senator from Missouri [Mr. VEST] answered that absolutely well when he said that this was the first time he had ever heard that Congress had so to legislate as to keep us from being cheated by anybody else. If our people are not competent to know what they want, if they are not competent to protect themselves against the imposition of worthless ships upon them at prices higher than they are worth, then we are not the sagacious people that we have always claimed to be. When we go into a trade with anybody, individually or collectively, I assume we do not need a guardian. I have heard before the committees of the Senate, I have heard before the Finance Committee of the Senate, ship-builders come and present long lists of worthless ships. I heard it said on this floor a day or two ago that there was a large number of worthless ships now on the Clyde and elsewhere ready to be imposed upon our people at any moment if we had a right to buy them. It is an insult to the intelligence of our people to suppose that we should buy ships we did not want or should pay prices beyond what the ships were worth.

It seems to be conceded that one of two things has to be done; we have either got to admit ships free of duty in order to compete with foreign nations in the right to buy cheap ships, or we have to subsidize the men who run our ships. The proposition now made to subsidize through mail contracts (while as I said I am willing to pay fair prices for mail contracts) does not strike me favorably at present. I may have to vote for it; I do not know. I am willing to do anything to aid the shipping interest; but whom are you subsidizing when you pay for mail contracts large amounts of money, a million and a half a year to carry mails to Brazil that nobody wants, and when it is admitted that we do not propose to use any ships on the line we are subsidizing to carry any of our freights to Europe, where nearly all our exports are purchased from us, I do not think we are doing much good. We are really subsidizing the ship-builder and not the man who runs the ship. We are giving a subsidy to the man who builds a ship on the Delaware, or on the Hudson, or somewhere else. We are holding out an inducement to the man who carries the mails to buy his ship at home, and we say that he shall not have that mail contract, he shall not have that subsidy, unless he buys the ship from some man who is building it on the Delaware, or on the Hudson, or somewhere else in the United States.

Is the United States interested as a people that any man on the Delaware, on the Hudson, or anywhere else shall have a price paid to him by the man who proposes to carry the mails more than the ship is worth? Of course not. If we are interested at all, we are interested in having the mails carried and only that. Then why not let the man

who carries your mails buy the ship to carry them as cheaply as he can, and if he can not, after he has done that, carry them as cheaply as other people, pay him some subsidy, some bounty, some allowance to enable him to do it, and thus enable him to compete with other people.

Did you ever hear of aid being given to a mail line by stage, by wagon, by railroad, by anything, to the man who built the locomotive, the wagon, or the stage? The Government does not pay the man who builds the wagons, the locomotives, or the stage-coaches. The interest of the Government is that the citizens shall get the mail, and if there is any doubt about the citizen getting the mail the Government will pay the man who carries it something extra to help him deliver it.

This bill does not propose to do that. It proposes to compel the man who carries the mail to buy the ship in which he carries it from somebody in this country who is going to charge him $100,000 more for that ship than he can buy it for elsewhere, and you are going to pay money out of the Treasury of the United States so as to make it an inducement to him to pay that hundred thousand dollars to the man who builds the ship in which he carries the mail more than the ship is worth and more than he is offered it for elsewhere; and you call that aiding in carrying the mails of the United States! If the real purpose is to aid in carrying the mails of the United States to the point that you desire to get the mails, and they are not amply provided for now, would it not be proper to give the man who is going to carry the mails the right to buy the ships cheaply just as you would allow any other mail-carrier to buy the cheapest wagon, the cheapest stage-coach, the cheapest railroad train, or the cheapest horse, and then put the money raised by taxation into the hands of the man who carries the mail and does the work for the Government? Instead of that this bill says, "No, we will not give anything for carrying our mails unless the mail-carrier will go to one of three or four firms on the Delaware or the Hudson and pay them 30 or 40 per cent. more for the thing with which you are going to carry it than it can be bought for elsewhere." You are subsidizing the wagon, the vehicle, and not subsidizing the men who carry the intelligence. That is all wrong.

But it is said again that if we allow our people to bring in free ships, while it is true we are building none now, we will break up an American trade. I have before me the report of Mr. Lynch, made in 1870, where exactly the same arguments were made that are made now, where the same logic was used, where the remedy proposed was that we should give subsidies. We gave subsidies to the Pacific mail, to the Brazilian mail, to Mr. Roach, Mr. Garrison, Mr. Irwin, and the others, and we should have had a great American marine built up long ago. Fourteen years have passed since then. We were carrying 33 per cent. of the American carrying trade then; we are now carrying 15½ per cent.

What did these subsidies amount to? Nothing. I have the speech before me now which I referred to the other day, made by Mr. Chandler, of Michigan—one of the ablest men we had in the Senate, and by no means purchasable with "British gold," the last man I suppose that anybody would have thought of buying; for if there was ever a man who wooled the British lion he was the man—in which he denounced the whole subsidy system, and declared that he was willing to vote for free ships at least for three years to allow our people to get a start. That speech can be found in the Globe of May 28, 1870. I hope gentlemen on the other side will read it, and I would especially commend it to one of the Senators from Maine. It ought to receive some consideration from him.

But the great argument at last seems to be that we are going to interfere with the coastwise trade by this amendment. Senators must recollect that the coastwise trade is an absolute monopoly. I do not propose to interfere with it in this bill; nobody does. We have agreed to an amendment to exclude it from all the provisions of the bill, but gentlemen still say you mean hereafter to do it. I confess that I regard the coastwise trade as a great wrong upon all the people of this country, except that it has this one quality, it does train some sailors. The only wars we shall ever have hereafter will be on the high seas, and we shall need the services of sailors, and we have sailors in training in the coastwise trade, and we have them nowhere else. We could not control smuggling, we could not control many things without a coastwise trade; therefore it has an advantage over many other of the protected interests in that regard. It is providing defenses for the country, and we can afford to pay for it. But when gentlemen talk, as was done the other day, about Mr. Roach beginning a poor man and now having a plant of $2,000,000, of other gentlemen who began poor and now are rich, and about this being a most prosperous trade, let me ask how can it be otherwise than prosperous? It is not only a monopoly, but it is a monopoly absolute. Other protected interests are not absolute, they are protected but they can be competed with. You do not prohibit a man from introducing a locomotive built in England, Germany, or France, or a machine of any kind. Men can get them at some price whenever the monopoly becomes too oppressive, but a foreign ship can not be bought at all.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. BECK. Of course.

Mr. HALE. The Senator says he thinks the coastwise trade is unjust in itself and a wrong; that it is a great, I think he said gigantic, monopoly. Does the Senator know of a single section or branch of the coastwise trade of any importance worth considering where there are not rival American lines competing with each other in honest competition, in some cases two, three, four, half a dozen lines, thereby keeping the rates down at a low figure that nobody complains of? So far from the American coastwise trade being a monopoly as against the citizen, as against the shipper who ships his goods in the ships of the coastwise line, it is a business that is astir with competition in every branch and in every part and portion of it. If the Senator will examine he will be surprised to find how under this American competition the rates on the coastwise lines are all kept down, so that it is no monopoly as against the citizen and the shipper. The rates are regulated and there is in no way a monopoly from which anybody suffers.

Mr. BECK. Now, Mr. President, no ships can engage in that trade unless they are built in the United States. There are but five or six ship-yards in the United States along the Atlantic coast now building ships. Combinations between five or six establishments are very easy, and combination and not competition is the rule under which the coasting trade is carried on. Locomotives, as I said, can be brought from abroad if the manufacture here becomes a monopoly. Machinery and almost everything else can be built abroad; nothing is prohibited but the American ship. I believe obscene literature is; but the American ship is the only machine, the only instrumentality of commerce, that is absolutely prohibited. A ship-yard can not be built up in less than from one to three years, and when the monopoly at home becomes oppressive there can be no competition until some new concern springs up to build ships, and during all that period the monopoly is absolute when a combination is made.

Mr. JONES, of Florida. I would ask the Senator why that exception has existed so long? What is the reason for it?

Mr. BECK. There is no sense in it. That is the best answer to that.

Mr. FRYE. I should like to ask the Senator a question.

Mr. BECK. Very well.

Mr. FRYE. What does the Senator mean by saying that it takes from a year to three years to build a ship?

Mr. BECK. Because that is the fact.

Mr. FRYE. Why, Mr. President, William Cramp & Sons will take a contract to-day to build six.

Mr. BECK. The Senator did not hear my statement. I said that when the few ship-yards that are now in existence are in combination it would require that time to start a new man and a new business. That is a different proposition.

Mr. DAWES. Will the Senator allow me ask him a question?

Mr. BECK. As many as you like.

Mr. DAWES. The Senator and I were in the habit of considering statements in years past, and the question I put to him is this: The moment an American ship in the coastwise trade pays more than 6 per cent. profit is there anything in the law to prevent all the capital in the country going where more than 6 per cent. will be paid for it?

Mr. BECK. There is nothing in the law that prevents anybody from going into the coastwise trade.

Mr. DAWES. Then, one more question.

Mr. BECK. Let me answer.

Mr. DAWES. What is the monopoly? There is nothing in the law giving it.

Mr. BECK. I will tell the Senator now, and I hope I shall not be interrupted again till I give him the answer. I said that there are five or six ship-yards in the United States along the Atlantic coast that will build ships; that combination and not competition is the rule in carrying on this business now; that by combination among those five or six yards they can monopolize the building of the ships——

Mr. FRYE. Do they?

Mr. BECK. They do.

Mr. DAWES. Admit that——

Mr. BECK. Wait a minute; I am not through yet. Those ships after they are built are bought by certain combinations as well. The Old Dominion Company controls from Norfolk to Currituck and Albemarle; the Charleston line has a certain range; the Savannah line another; the Galveston line another; and doubtless there are others along the New England coast. Combinations among them are very easy; they can arrange what freights shall be. A discontented farmer or planter who knows that he is paying $3 a ton to get his goods to market when he is beyond the reach of a railroad, and is offered the hauling of those same goods by a German or English or French steamer to New York, Boston, or Philadelphia at $1 a ton instead of $3, can not employ that ship to haul his goods, and he can not in less than two years buy one to do it, and the monopoly is absolute by the combination of four or five companies until the man who lives beyond the range of a railroad all over the coast of the United States is compelled to pay from $1 to $5 per ton more than he is offered to have the same hauling done for him by foreign ships because those ships are not allowed to enter into the trade and he is not allowed to buy them from anybody, except one of three or four of the companies that are in combination with the companies that refuse to haul for him.

Mr. DAWES. If it is not the law that makes this monopoly——

Mr. BECK. The law——

Mr. DAWES. Wait a moment; the Senator will allow me to pro-

ceed. If it is not the law that makes this monopoly, but it is skill in combination, I should like to know why that monopoly can not be broken down as well by American capital as by foreign capital?

Mr. BECK. I deny the right of this Congress to give a few men the sole right to build ships for the people of this country.

Mr. DAWES. Mr. President——

Mr. BECK. Wait a moment. I deny the right of the legislative power to say to a man living along the coast of Virginia or North Carolina or South Carolina, who is raising his cotton, his corn, his cattle, his wheat, anything that he has to send abroad, that he shall not either hire or buy a vehicle to carry the wheat, the cattle, or the sugar that he raises to the market where he desires to send it, because Congress has seen fit to give to a few men the absolute power to build the ships, and that he shall not hire or have the hauling done.

Mr. DAWES. Will the Senator allow me now?

Mr. BECK. Yes, sir; I will.

Mr. DAWES. It was not the constitutional power to make such a law as the Senator and myself were discussing. I understood the Senator to say that the law did not make the monopoly, and therefore whether the constitutional power to make the law did or did not exist is outside of the question. If the law does not make the monopoly but the monopoly arises from circumstances and combinations outside of the law, I pray the Senator to tell me what the law has to do with the combination?

Mr. BECK. The law that prevents a man from buying any vehicle necessary to carry his goods to market does him injustice. When the law gives a few men the sole right to build those vehicles which he must have or not get the goods to market it puts a man in the power of those few men, and when combinations of wealth parcel out to themselves the whole coast of the country so that nobody else can enter it, then he is at the mercy of that combination.

Now, I ask the Senator from Massachusetts, as he is asking me so many questions, if he was the owner of a thousand acres of public land anywhere on the Atlantic coast so far from a railroad that he could not haul his goods there, whether they were cotton, sugar, wheat, or corn, and he was not allowed either to buy or hire a ship to haul them unless he hired or bought it from one or two men, would he not regard that this Government that passed such a law as to make that condition possible had discriminated against him and in favor of the men who had those privileges? Will he be kind enough to tell me what he thinks of that?

Mr. DAWES. The Senator says when the law gives to a few men the absolute and controlling power to build all the ships it provides a condition of things which he asks me if I would tolerate. I have only to ask him to read the law which gives to a few men the exclusive right to build the ships that enter into the coastwise trade. I say to the Senator that, so far as I know the law, every man, woman, and child in the United States of America, with all the capital unemployed in these United States, can to-day build ships, and everybody else can use them, and everybody abroad can bring capital here and do the same thing. There is no monopoly in it, as the Senator from Maine has said. In the thing itself there is just this: There is a discrimination between our own citizens and foreigners, and that is what hurts the feelings of the Senator from Kentucky.

Mr. BECK. Ah, Mr. President, that last piece of meanness does not excuse the Senator from Massachusetts for failing to answer my question, and with all the coaching of his colleague it is a cunning evasion. The man who raises a bushel of wheat has a right to build a railroad, but a bushel of wheat will not enable him to build it. The law says that nobody but American ship-builders shall build ships, and when the coastwise trade will only employ so many and that trade is occupied, the man who raises a bushel of wheat is as effectually excluded as if he had been prohibited, and no amount of ingenuity can induce the people to believe otherwise. I asked a plain question of the Senator from Massachusetts and he was very careful to avoid it and only had to intimate and insinuate and tell the people of Massachusetts that failing to answer a plain, honest, fairly put question, I was operating in the interest of foreigners against the American people. I have as much at heart the interest of this people as he has, and I was about to say—I will not—I would despise myself if I were capable of insinuating that the Senator from Massachusetts was working in the interest of anybody.

Mr. DAWES. If the Senator thinks——

Mr. BECK. I will not yield any more. I ask the Senator to take his seat. Whenever an unworthy fling is made at me I yield no further.

Mr. DAWES. Why, Mr. President, I have only to say——

The PRESIDING OFFICER. The Senator from Kentucky declines to yield.

Mr. BECK. I decline to yield. When a Senator says to me that I am making suggestions against the interests of the people of America I will yield no further to him; but I will yield to anybody else.

Mr. ALLISON. Then I ask the Senator to yield to me for a moment.

Mr. BECK. I will.

Mr. ALLISON. I understand the Senator to base his statement of monopoly upon the fact that ship-building is confined to four or five iron-ship yards on the coast.

Mr. BECK. Practically.

Mr. ALLISON. Practically. I had supposed—and there is where I desire him to set me right if I am not correct—that in our coastwise trade there were engaged a large number of wooden ships built by our wooden-ship builders. I ask him if he has taken that into his account?

Mr. BECK. I understood the Senator from Maine [Mr. FRYE] to say the other day that in one establishment in Maine they built more wooden ships than all the others put together. I was speaking of ships engaged in modern commerce, the instrumentalities now in use.

Mr. ALLISON. I understand that more than half of our entire coastwise trade is conducted in wooden ships.

Mr. BECK. Let me make another suggestion just here. The little ships that we are building are not the kind of ships used in modern commerce. The annual report of the Register of the Treasury for the fiscal year ending June 30, 1883, on page 155, shows that all the licensed tonnage we are building averages under twelve tons. Of course that does not go abroad. The average registered steam tonnage, not enrolled but registered—the American steam tonnage now in existence, as may be seen on page 157 of the Register's report, averages under two hundred and seventy tons. Two hundred and seventy tons is the average of the steam registered tonnage of the United States.

Mr. FRYE. Will the Senator yield to me one moment?

Mr. BECK. Yes, sir.

Mr. FRYE. Does the Senator remember that I read a list myself the other day of over fifty iron steamships averaging 2,000 tons apiece that are in the coastwise trade?

Mr. BECK. The average, if the Senator will observe, on page 157 of the report of the Register of the Treasury, is two hundred and seventy tons, and only 12 per cent., as pages 8 and 9 will show, of the steam tonnage of the United States is registered.

Mr. LOGAN. Will the Senator allow me to make a suggestion?

Mr. BECK. Yes, sir.

Mr. LOGAN. It is getting late, and if he desires to finish this afternoon I shall not interpose.

Mr. BECK. I had no beginning-point and no finishing-point, and therefore would as soon stop now as anywhere else.

Mr. LOGAN. I do not desire to interrupt the Senator, but if he wishes to discuss the question further I wish to move an executive session in order to give him an opportunity to finish to-morrow.

Mr. BECK. I can do it as well to-morrow.

Mr. FRYE. Before that is done I desire to see if some arrangement can not be made.

Mr. McPHERSON. I should like to ask the Senator from Iowa a single question. Is the coastwise trade a protected trade?

Mr. ALLISON. Tolerably well protected.

Mr. McPHERSON. Then if it is a protected trade what difference does it make whether you have an iron ship or any other kind of a ship? What answer is it to the Senator from Kentucky to say that wooden ships are in the coastwise trade?

Mr. ALLISON. No answer at all, except to show him, as I endeavored to do, that the monopoly of four or five iron ship-builders could not affect the prices with reference to the cost of transacting our coastwise business.

Mr. VOORHEES. I desire to submit a few remarks before the debate closes.

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana that the Senator from Kentucky gave way for a motion that the Senate proceed to the consideration of executive business.

Mr. VOORHEES. I thought the Senator from Kentucky had concluded.

Mr. BECK. I will give the Senator from Indiana a chance to make his speech.

Mr. FRYE. There are several appropriation bills, I understand—two at any rate—that are pressing to be heard. Now, this bill has been discussed generally for several days under the movement of the Senator from Kentucky, who objected to my proposition to consider it by sections. I am exceedingly anxious to bring the discussion to a close and have a vote upon the bill, and I ask unanimous consent that to-morrow at 3 o'clock general debate may close and that we may vote upon the amendments and the bill.

Mr. BECK. I have only this remark to make. I do not know that I shall speak any more; I do not know that I shall speak ten minutes, if I do at all; but I will not consent to debate being cut off on a bill of this importance at any time. I am entirely willing that the agricultural appropriation bill shall be passed in five minutes and the Indian appropriation bill in an hour, but I do not know any more important subject the Senate can consider than this bill. I believe that the proper course is to take up the House bill and so far amend the House bill as the Senate may see fit to amend it, and let whatever bill is passed upon this subject become a law, if we can. I do not believe that can be done in two or three hours.

Mr. FRYE. Will the Senator from Kentucky accord to me the usual courtesy accorded to a Senator in charge of a bill and allow me to manage it?

Mr. BECK. I will; but I will expect the courtesy allowed to a Senator to make any suggestion he pleases as to how he would like to vote upon a bill; and when the Senator asks unanimous consent to have a vote at 3 o'clock upon this bill when there is a House bill that can become a law if properly amended, I will claim the privilege of endeavoring to do something practical instead of something impractical.

Mr. FRYE. I had the House bill laid on the table when it came over here from the House for the very purpose of moving when, in my judgment, as the Senator having this bill in charge, the proper time had arrived to take up the House bill.

Mr. BECK. I am glad to hear it.

Mr. FRYE. The Senator from Kentucky has made two extended and very excellent speeches on this present bill or the general aspect of the whole question. Now I hope he will not object to a time being fixed to-morrow for taking the vote.

Mr. HALE. Will my colleague let me suggest an amendment?

Mr. FRYE. With pleasure.

Mr. HALE. Or rather make a suggestion which amends his proposition. It is that the general debate close at 3 o'clock to-morrow, taking the bill up on the close of the morning business, which will give nearly three hours for general debate, and that after that it be considered under the five-minute rule, and that a vote finally be taken some time during the session to-morrow. I make this suggestion with the view of getting the bill out of the way. I have an appropriation bill myself in charge that I desire to get through; but this bill has run so long that I think it will be economy of the time of the Senate to let it now be finished before projecting any appropriation bill, for if you cut it short now and let it rest and take it up by and by, there will only be renewed and extended debate, and I think it will be better to finish it now. I hope we can finish it to-morrow. It seems to me by letting the general debate run to 3 o'clock perhaps and probably everybody desiring to speak longer than five minutes will be able to do so, and we shall get it out of the way to-morrow.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that debate upon this bill cease at 3 o'clock to-morrow——

Mr. FRYE. I modify my proposition as suggested by my colleague.

The PRESIDING OFFICER. Is there objection?

Mr. VOORHEES. I desire to say a word in that connection. The inability of the Senator from Kentucky to agree to that arrangement puts it somewhat under his own control, as we adjourn with that Senator on the floor. I have been so unfortunate as to twice misunderstand that he had yielded the floor. I should like to know whether he will occupy all the time of the debate to-morrow?

Mr. BECK. I shall behave quite as well as the Senator from Indiana did in the last great debate that was up.

Mr. VOORHEES. I do not know what the Senator alludes to at all.

Mr. HALE. I think there will be no objection to the proposition.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BECK. I object.

Mr. VANCE. I object.

Mr. LOGAN. I think Senators will be in better humor probably when we meet to-morrow. Therefore I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Will the Senator delay the motion a minute?

Mr. FRYE. I desire to give notice that I shall endeavor—at any rate I shall ask the Senate to conclude this bill to-morrow.

Mr. VOORHEES. I object to anything on this subject unless I know how the time is to be occupied to-morrow.

The PRESIDING OFFICER. The Chair will lay before the Senate certain House bills for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 1798) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, was read twice by its title.

Mr. FARLEY. I ask that the House bill just read lie on the table for the present without being referred.

The PRESIDING OFFICER. The Senator from California asks that this House bill lie on the table. If there be no objection, that will be the order.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H. R. 1042) for the relief of Mrs. Sarah Sinfield;

A bill (H. R. 2425) granting a pension to Catharine Henry;

A bill (H. R. 2447) for the relief of Catharine Terry;

A bill (H. R. 2480) granting a pension to Margaret Kearns;

A bill (H. R. 4189) granting a pensions to Caroline Van Norton;

A bill (H. R. 4191) granting a pension to Jane Bracken;

A bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina;

A bill (H. R. 5088) for the relief of Magdalena Cook; and

A bill (H. R. 5364) granting a pension to William H. Whitcomb.

UNIVERSITY OF MEDICINE.

Mr. CALL. I desire to give notice that at the close of the morning hour on Thursday I shall ask the indulgence of the Senate to submit some remarks on the bill (S. 1044) to establish a university of medicine at the capital of the United States, in the District of Columbia, for the advancement of science, and the discovery of improved methods of treatment and cure of disease, pending before the Committee on Education and Labor, and will ask that the committee be discharged from the consideration of the bill for the purpose of submitting those remarks.

EXECUTIVE SESSION.

Mr. LOGAN. I renew my motion.

Mr. FRYE. I desire to say to the Senate, especially the Senator from Indiana, that I asked no agreement; I simply gave notice that I should endeavor to have this bill acted upon to-morrow some time.

Mr. LOGAN. Now I ask that my motion be put.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 5, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PUBLIC LANDS IN ARKANSAS.

Mr. DUNN, by unanimous consent, introduced a bill (H. R. 6870) to exclude the public lands in Arkansas from the operation of the laws relating to mineral lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. ROBINSON, of New York. Mr. Chairman, I rise to a question of personal privilege. I send to the Clerk's desk to be read a portion of the proceedings of the House on last Saturday afternoon.

The Clerk read as follows:

ENSIGN L. K. REYNOLDS.

Mr. COX, of New York. I desire now to ask the House to do a graceful act of kindness which I have two or three times before endeavored to have done. It is to pass a joint resolution of the Senate to allow Ensign L. K. Reynolds to accept a medal from the Government of Austria for an act of humanity. He has left our shores on the expedition for the relief of Lieutenant Greely and his party, but if we pass this resolution now he can be reached by telegraph.

Mr. HOLMAN. I hope my friend will not do that in the absence of gentlemen who have heretofore objected.

Mr. COX, of New York. I have made my arrangements with those gentlemen. The gentlemen from Illinois [Mr. FINERTY] has consented that the joint resolution be taken up.

Mr. WELLER. I have withdrawn my objection.

Mr. HOLMAN. I know that my friend, after a moment's reflection, will see the impropriety of calling this matter up in the absence of gentlemen who have objected to it.

Mr. COX, of New York. I have made my arrangements with them, and they are perfectly content. The gentleman from Illinois [Mr. FINERTY] was here a short time ago.

Mr. WELLER. I saw him.

Mr. HOLMAN. I regret exceedingly to interpose an objection. I am thoroughly and heartily opposed to resolutions of this kind, but still I would not object if gentlemen were present who heretofore have objected to this particular joint resolution.

Mr. ROBINSON, of New York. Mr. Chairman, on Saturday afternoon I consulted with some gentlemen who had the Chinese bill in their charge and understood that it would probably not be finished before the end of the day; and as I was not well and supposed there would be no other business transacted, I went home. Just at the close of the day's session, when a motion had been made by the honorable gentleman from Pennsylvania [Mr. RANDALL] that the House adjourn, upon which motion there was developed a vote of 10 in favor and 21 against, there being thirty-one members present, the proceedings which I have caused to be read took place. During the course of the proceedings, as appears by the RECORD, it was stated by my old friend from New York [Mr. COX], "I have made my arrangements with those gentlemen"—that is, gentlemen who had objected to the measure.

Now, Mr. Speaker, this House will certainly see that, while I do not wish any undue prominence in this matter, I had been quite as prominent as any other member on the floor in objecting to the measure, believing it to be wrong, believing that no man who supports and defends the Constitution can vote for that resolution. I think I could go before the Supreme Court of the United States and sustain this declaration that no man who fully supports the Constitution can vote for that joint resolution.

The Constitution of the United States, in reference to this subject, provides two things—and let me say I am not going to make a speech; I shall be very brief; I do not mean to impose upon the House. If allowed to proceed, I shall be through in two or three minutes, but if not I shall occupy an hour, for I have here a resolution which would give me the floor for that time; but I shall get through this statement in a very few moments.

I say the Constitution of the United States provides, first, that "no title of nobility shall be granted by the United States," not even with

the consent of Congress; and second, that no person holding office under the United States shall accept any present from any king, prince, or foreign state.

Now, this joint resolution proposes to confer a title of nobility, clear and perfect. I have here the report made by the gentleman from New York [Mr. COX] who is engineering the measure. From this report I read the declaration of the Austrian minister:

Preliminary, confidential, and verbal application having been made concerning that question to the Secretary of the Navy, Hon. Mr. Hunt had declared that the United States Senate would have to grant that permission by special act; that such permission would undoubtedly be given considering the circumstances of the case, and that the Department saw no objection to Lieutenant Reynolds being made a knight of the I. and R. order aforesaid.

"A knight of the imperial and royal order aforesaid!" Was ever anything plainer than that this is a title of nobility? And any member who may vote for it ought to get on his knees before the Almighty and pray forgiveness for having committed perjury; for every member here has taken the oath which, Mr. Speaker, you administered to me "to support and defend the Constitution of the United States."

There are to-day a million of Democratic voters looking at this question. They believe it to be of more importance than any tariff discussion that you can get up; and it will have more influence in the next election. Monarchy and its tendencies here must be put down. That is the first thing in order whether we shall have a tariff or not, the Constitution providing that we shall confer no title of nobility.

Now the gentleman from New York says the Austrian minister has written him a letter on this subject. He seems to be particularly interested in it. All the dudism of this city is in favor of this theory. A young lady, coming home to my neighborhood from New Orleans, after learning I was opposing it, would scarcely speak to me because of my barbarism in adhering to my oath to the Constitution. Men, women, and children are running around here and doing more to carry this thing through than they would do for their eternal salvation. [Laughter and applause.]

What is this all about? If this young man wants honors I will give him a vote of thanks of this House which will entitle him to the floor of the House. I will give him preferment to be rear-admiral; I will introduce a resolution to that effect and advocate it if necessary. But I wish these American officers to love their own mother and to be satisfied with the institutions of their own country, and not to go fishing after these foreign baubles. I wish them to attend to their own country's business and to obey the laws of their own land. If they wish to fish for honors let them cast their lines in the clear waters of American lakes and into our own sparkling streams, and not go bobbing for eels in foreign mud. [Laughter and applause.]

It is said here that I made an agreement with the gentleman from New York [Mr. COX] to withdraw my opposition to this joint resolution. I did no such thing. The memories of old times with my friend from New York are too strong, of many battle-fields where we stood shoulder to shoulder, to allow me to say one unkind word to him. I have only risen to say if one rose from the dead I would not withdraw my objection to this the strongest evidence we have of the downward career in which we are going toward the perdition of monarchy. I would not withdraw my opposition if all the illustrious dead who sleep on the hillsides of Arlington should rise from their graves and request me to do so. I did not withdraw my objection nor make any arrangement to do so; no, sir; I want my objection to stand.

I stop a gentleman passing me at this instant in the aisle—I speak of my honored friend from the Utica district [Mr. SPRIGGS]—in order to say that before this thing was brought up on Saturday he spoke to me to withdraw my opposition, and he named an eminent clergyman for whom I would travel from this city to New York afoot, as indeed I would for my friend from the Utica district, but I told him then I would not withdraw my opposition.

Now, I have made my explanation. I will not say a single unkind word of my friend from New York [Mr. COX]; but I am misrepresented, and dare not stand before this republican country in the attitude of being in favor of these monarchical tendencies. This is only a pioneer measure. There are fifteen or twenty others coming after, all clamoring for foreign decorations. I am opposed to them. I might quote, with very little change of words, from Oliver Wendell Holmes the language of our country to her gallant young officers seeking worthless titles from foreign despots:

> Come back to your mother, ye children, for shame!
> Who have wandered abroad after baubles of fame;
> With a smile on her face and a sprig in her cap
> She calls you to feast from her bountiful lap.

[Applause.]

Mr. COX, of New York. I do not really know whether my good friend is in earnest or not; or whether he wishes to display some of that rare rhetoric for which he is so justly celebrated.

In reference to this bill I think anybody would excuse the anxiety I had to have it passed on last Saturday afternoon. The beneficiary, Ensign Reynolds, had gone to the polar region on the Greely relieving expedition. He was to land and did land at Saint John's, *en route* to the Arctic. There we might have reached him by telegraph with this elegant courtesy.

So far as misrepresenting my friend here, there was no such intention. It was done in the presence, as I supposed, of two gentlemen who had objected. They were present in the House. They had a right to object, as they had objected before. They did not object, as I had an arrangement with them, to allow me to present the bill. The gentleman from Iowa [Mr. WELLER] withdrew his objection as he will tell you, and the gentleman from Illinois [Mr. FINERTY] kindly said to me he had no objection to have the matter brought up and disposed of, provided I would state it was a matter of humanity and that there was no hereditary nobility in the decoration. This I did state. Gentlemen who are absent can not object, or continue previous objections. So that in my statement I did not have my colleague in my mind.

Now, the gentleman from New York, my colleague, argues that this is a title of nobility which is proposed for Ensign Reynolds. I am just informed by my German friend from Wisconsin [Mr. GUENTHER] that all over Germany there are knights, so called, of various orders which are not orders of nobility. This "Royal and Imperial Order of Francis Joseph," according to the statement of the Austrian minister, is one of this order. No one in Austria or Hungary believes that such orders are orders of nobility. They are not inhibited by our Constitution. They carry no titular privileges. This order is merely the title of an organization to reward merit. In this country there are certain orders of so-called knighthood. For instance, there are the Knights of Pythias and the Knights of St. Patrick. To this latter order my distinguished friend from New York himself belongs. [Laughter.] There is no knighthood about them, in the sense in which he fancies or discusses the matter.

So far as this matter is concerned, our fathers, in the Constitution, took it into consideration. In section 9, article 1, of that instrument it is declared that "no title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

Thus provision was made to meet any case of "present emolument or title." This clause required that the consent of Congress must first be had before our citizens accept such decorations from foreign governments. The reason for this clause has gone by; but still we comply with the constitutional obligation, as in this case. In the present case this is only a badge of humanity. It is a recognition of gallant devotion. Congress has already, through the life-saving statute, given Ensign Reynolds more than thanks. He has one medal already.

I see my friend from Connecticut [Mr. EATON] before me. He will concur in my statement, and his Democratic dislike of royalty and nobility will not be questioned. Into this question he has himself had occasion to look closely. When I was chairman of the Foreign Affairs Committee of the House and he chairman of the same committee of the Senate I reported some twelve or thirteen several bills allowing our citizens to accept decorations. They passed here, they went to the Senate and met the concurrence of my friend from Connecticut. He recommended the passage of them all, in a general bill covering all such orders and decorations, and which disallowed their display in public. That is now the law. There was no objection to it from any member of the American Democracy. I would rather take his judgment as to what is genuine, old-fashioned State-rights Democratic-Republicanism than the opinion even of my distinguished friend and colleague from New York, or the opinion of any other member.

Mr. ROBINSON, of New York. Ask him if he is in favor of this thing.

Mr. COX, of New York. I know he is in favor of it, without asking him.

Mr. ROBINSON, of New York. He has not so stated.

Mr. COX, of New York. It is not necessary. I know his views by his action here.

Mr. ROBINSON, of New York. The gentleman ought not to argue on a false basis.

Mr. COX, of New York. When it comes to debating the question I will meet my friend in a proper way.

He is not opposed, of course, I presume, to granting certain medals for life-saving service. He can not oppose the life-saving system in this country. I have had something to do with that system myself. I still feel the same interest in it as one may feel in his offspring, since I got from this generous House the first appropriation here, some years ago, of $10,000 for establishing a patrol system on the Jersey coast. Since the reorganization of this service in 1871 we have saved 18,334 lives and $23,937,529 worth of property. Have we not cause to feel proud of that service? If there be any exultation in this Congressional life—over any legislative achievement—I would prefer to every other service the part I have taken in organizing our life-saving institution. The giving of medals to our heroes of the sea, lake, gulf, and river, who have risked their own lives for the lives of others, is beyond all other decorations. In this case the honor is enhanced; for the decorative medal is for saving life almost in mid-ocean instead of on our own shores. It is given by a great government for the rescue of eleven of its citizens in the waters of the Azores. In this it is in harmony with our other life-saving legislation.

Our Life-Saving Service, Mr. Speaker, knows no nationality. It is

world-wide in its humanities. It saves the life of the Irishman as well as that of the Englishman. No race is alien before its kind offices. It questions no one as to his nationality. I believe in the doctrine that in this as in other regards we should make no invidious discriminations.

Our broad, impartial law blots out all lines of caste. The sacredness of human life is the very genius of this benevolent system. It is worthy of the verse of the Quaker poet:

Still to a stricken brother true,
Whatever clime hath nurtured him;
As stooped to heal the wounded Jew,
The worshiper of Gerizim.

It recognizes, beneath "all disguise, form, place, or name, the man within"—

On man as man, retaining yet,
Howe'er debased, or soiled, or dim,
The crown upon his forehead set,
The immortal gift of God to him."

This young man, Ensign Reynolds, made no discrimination when he leaped into the sea and saved the lives of eleven Hungarians on the bark Olivo. He had no thought about who he saved when, to rescue human life, he braved the elements in the midst of a hurricane. It is for this heroic conduct that he has been honored the world over by societies here and abroad, and especially by the Austrian-Hungarian Government, which has sent this medal in recognition of his unexampled gallantry. It is but a small tribute to the humanity of this naval officer, whom I have never had the pleasure to know, and I think the objection is the most microscopical that could be devised by the human mind.

Mr. ROBINSON, of New York. I want to say a word in reply.

The SPEAKER. The Chair thinks that this subject does not present a question of privilege.

Mr. PAYSON. I demand the regular order.

Mr. WELLER. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WELLER. My name has become connected with this question in such a way that I feel warranted in securing the attention of the House to explain why I had made objection to a consideration of this resolution a few days ago, but since that time have withdrawn my objections thereto. I made my objection in the first instance because I hated monarchy, because I hated every condition, word, or deed that had for its object or purpose the indorsement or establishment of anything monarchical in form or character, such as we find in the Eastern continents. I am opposed to-day to being a party to receiving for any American citizen any token of autocratic royalty which can be construed into an indorsement of the system of government that I hate, but I was importuned by my genial friend from New York [Mr. COX] to remove my objection on the ground that the granting of this medal was purely a question of an award for meritorious, valorous conduct in rescuing lives under circumstances of great peril. To this I could have no objection. I did not remove my objections because I wanted this Congress to grant any favoritism to a monarchical government or to a subject thereof or of this Government, but an award for meritorious conduct in such a case is different. I should not have removed my objection if I had believed for a moment——

Mr. KEIFER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. KEIFER. I have no objection to the gentleman stating his views upon a subject of that kind when it is properly before this House, but I must object to his doing so on the pretense that it is a question of privilege. I make the point of order that no question of privilege is involved in this subject.

The SPEAKER. The Chair thinks there is no matter of privilege involved.

Mr. ROBINSON, of New York. On the point of order I wish to be heard for a moment.

The SPEAKER. The point of order is not made against the gentleman from New York but against the gentleman from Iowa.

Mr. WELLER. I desire to speak on the point of order.

The SPEAKER. The Chair will cause the rule to be read. In order to facilitate the transaction of the public business and prevent its interruption by irrelevant matters, it is absolutely necessary to enforce strictly the provisions of this rule. The Clerk will read Rule IX.

The Clerk read as follows:

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

The SPEAKER. That is the rule, and the Chair thinks that in the interests of orderly legislation this rule should be strictly enforced whenever the point of order is made under it.

Mr. WELLER. Will the Speaker grant me permission to speak to the point of order?

Mr. PAYSON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. Has not the Speaker already decided this question?

The SPEAKER. The Chair has decided it.

Mr. PAYSON. Is it debatable?

The SPEAKER. It is not except by unanimous consent.

Mr. PAYSON. Then I make the point of order that the regular order should be proceeded with.

The SPEAKER. The regular order has been demanded, which is the call of States and Territories for the introduction of bills and joint resolutions.

SPECIAL EMBASSY FROM SIAM.

Mr. WASHBURN. I ask the gentleman to withdraw the demand for the regular order, that I may make a report.

The SPEAKER. The regular order has been demanded by several gentlemen on both sides. Is the demand for the regular order insisted on? If it is not, the Chair will recognize the gentleman from Minnesota [Mr. WASHBURN].

The regular order was not insisted on.

Mr. WASHBURN. I am instructed by the Committee on Appropriations to report for immediate consideration a joint resolution appropriating $10,000 to defray the expenses of the visit of the special embassy of Siam to the United States. I also send to the desk to be read a letter from the President of the United States and a letter from the Secretary of State on the subject of the resolution.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The joint resolution was read.

Mr. SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. WELLER. I object.

Mr. WASHBURN. I hope the gentleman will withhold his objection until the letters from the President and the Secretary of State can be read.

Mr. WELLER. I wish to say that I care no more for the President of the United States than I do for the gentleman from Minnesota himself, and I object.

Mr. WASHBURN. I will only say that the resolution is unanimously reported by the Committee on Appropriations, and is unanimously recommended by the Committee on Foreign Affairs.

PRINTING OF EVIDENCE.

Mr. COBB. I am directed by the Committee on Public Lands to report certain testimony taken by that committee in the investigation of the Portage Lake and Lake Superior Ship-Canal Company, and I move that the evidence be printed and recommitted.

The motion was agreed to.

CONTESTED-ELECTION CASE—O'FERRALL VS. PAUL.

Mr. LOWRY. On behalf of the Committee on Elections I desire to call attention to the contested election of O'Ferrall against Paul, from the seventh Congressional district of Virginia. It will be remembered that on Friday last I gave notice to the House, at the instance of the Committee on Elections, that that case would be called up for action to-day. It is my duty, however, to state that at a meeting of the committee this morning the question was brought to their attention as to whether or not the minority of that committee had had sufficient opportunity to prepare their views for presentation to the House, and upon a suggestion made that a sufficient opportunity had not been afforded for that purpose the committee passed an advisory resolution that the matter be not pressed on the attention of the House to-day, and as a result of that an accommodation was had by which the gentlemen representing the views of the minority agreed that the case might be taken up on Wednesday morning. It was insisted by myself that the matter was not under the control of the committee, that it had passed from our control, and that it was properly a matter for consideration in the House; and in pursuance of the notice heretofore given, I now desire to call that case up for present consideration. I ask for the reading of the resolutions.

The SPEAKER. The gentleman from Indiana [Mr. LOWRY], from the Committee on Elections, in pursuance of notice heretofore given, calls up for consideration the contested-election case of O'Ferrall *vs.* Paul, from the seventh Congressional district of Virginia.

Mr. MILLER, of Pennsylvania. I am authorized by the Committee on Elections to state that it is the sense of that committee that this case should not be called up prior to Wednesday morning. The majority report was filed on the 30th of April, but did not come to this House until last Saturday morning. That was the first opportunity the minority of the committee had to examine it, and since that time it has been examined. A minority report has been prepared, which will be filed to-day. In accordance with the sense of the committee I ask that the case be laid over at least until Wednesday, and I ask the gentleman from Indiana to agree to that.

Mr. GEORGE D. WISE. Will the gentleman from Pennsylvania allow me to ask him a question?

Mr. MILLER, of Pennsylvania. Yes, sir.

Mr. GEORGE D. WISE. I wish to ask if the minority of the committee have not had as much time for the preparation of their report as the majority?

Mr. MILLER, of Pennsylvania. In reply to the gentleman from Vir-

ginia I will state the views of the majority of the committee were submitted to the full committee some two weeks ago; but when the gentleman from Indiana, who was authorized to make the majority report, prepared it, he gave me notice that he had materially changed the basis of his report.

Mr. GEORGE D. WISE. I will state to the gentleman that makes no difference.

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. MILLER, of Pennsylvania. The minority of the committee found it was impossible to make a report until they had had an opportunity of seeing what the views of the majority were. They were not the same views that were presented to the committee. The resolutions were the same, but the basis upon which the conclusions were arrived at were different. I make this suggestion in accordance with the sense of the Committee on Elections, only one vote being in opposition thereto. I think the gentleman from Indiana will withdraw the calling up of the case at this time on the understanding that it will come up on Wednesday morning.

Mr. LOWRY. Did the gentleman from Pennsylvania [Mr. MILLER] make some reference to myself? I did not hear what he said.

Mr. MILLER, of Pennsylvania. My statement was that I hoped the gentleman from Indiana [Mr. LOWRY], in view of the informal action of the Committee of Elections, would withdraw his request for the present consideration of this election case, with the understanding that it should come up on next Wednesday morning.

Mr. LOWRY. While otherwise I would be very glad to acquiesce and would do so cheerfully on the request of the gentleman from Pennsylvania [Mr. MILLER], yet under the circumstances I do not feel at liberty to do so. I have stated to the House the action had this morning by the Committee of Elections. The view that was entertained by that committee was that as a matter of courtesy to the minority it would be proper that they should have an opportunity of seeing the report of the majority before the views of the minority were prepared. I do not understand, however, that that is in accordance with the custom and practice of this House; but that on the contrary the usage or practice has been for the majority to prepare its report and for the minority to prepare their views contemporaneously, and they are brought simultaneously before the House for its action.

Now, applying that rule to this case, the question having been fully canvassed before the committee, the report of the subcommittee having been presented to the full committee some six weeks ago, the full committee took action upon it and adopted the report of the subcommittee. Another case was pending, perhaps more than one, involving some of the same points that are involved in this case. In view of the fact that the case of Massey against Wise was about to be argued, a proposition was made that the report in the case of O'Ferrall against Paul should not be made to the House until after argument had been heard in the case of Massey against Wise.

A limitation was imposed, however, upon that proposition in order that it might not continue this case indefinitely, and the period of suspension was limited to three weeks. That time having expired, some of the members of the committee were still anxious that this case should not be presented to the House until the other case was acted upon by the committee, and in order to obviate any clash between the two cases it was determined upon the part of the majority of the committee to have the report in the case of O'Ferrall against Paul revised, so as to predicate the determination of the case on a point which did not arise and could not arise in the case of Massey against Wise.

That revision having been made, the report was submitted to the House in regular order and brought in here last Saturday morning in printed form, and notice was given that the case would be called up today. Now, according to the usage and practice of the House, as I understand, the case would properly come up for action this morning. According to usage it is not required that the minority of the committee should have an opportunity of inspecting and undertaking to reply to the report of the majority. On the contrary it was expected that they would prepare their views contemporaneously with the preparation of the majority report, though, as I have stated, it was the opinion of the committee that the minority should have an opportunity to prepare their report before the case is called up.

Under these circumstances, and being importuned on all hands by those who feel that the contestant in this case has a right to be seated, and in view of the further fact that a vacancy has existed in the representation of this district for several months past, Judge Paul having resigned upon being appointed to the United States court, and the governor of Virginia having called no election since the resignation of Judge Paul—in view of these and other considerations there is a great anxiety upon the part of those who feel that the district ought to be represented and that Judge O'Ferrall is entitled to the seat that the case shall be acted upon by the House this morning. I therefore feel it is my duty to insist upon action in the case at this time.

Mr. TURNER, of Georgia. I have very great sympathy with the anxiety of the gentleman from Indiana [Mr. LOWRY] to have this vacant seat filled.

The SPEAKER. The Chair will state that there is nothing before the House now for debate. The gentleman from Indiana [Mr. LOWRY] called up the election case in question; the gentleman from Pennsylvania [Mr. MILLER] suggested an arrangement by which it should go over until Wednesday next. The only question seems to be whether or not an arrangement can be arrived at. The question of consideration has not been raised.

Mr. MILLER, of Pennsylvania. I raise that question now.

Mr. TURNER, of Georgia. I desire to make a suggestion on the question of consideration.

The SPEAKER. That is not debatable, but the Chair will hear the gentleman if there is no objection.

Mr. RANDALL. I think it nothing more than proper that the chairman of the Committee on Elections should be permitted to make a statement.

The SPEAKER. The Chair has said that the gentleman will be heard, if there is no objection.

Mr. TURNER, of Georgia. I desire simply to say that there is a certain courtesy always due to the minority of the House and to the minority of a committee. I think that under the circumstances stated by the gentleman from Pennsylvania [Mr. MILLER] the minority of the committee ought to have the privilege of presenting their views and having them printed before this case is called up for consideration.

Mr. LOWRY. I think I was somewhat misapprehended by the Chair. In accordance with the statement made by myself to the committee as to the course of action my sense of duty would prompt in the matter I moved that the case be taken up for present consideration. This was with the view of leaving the matter to the determination of the House. I have stated, I think, explicitly the action taken by the committee, as it has been stated by the gentleman from Georgia [Mr. TURNER], the distinguished chairman of the committee. With the view of discharging my duty, and at the same time bringing the matter before the House, I have made my motion.

The SPEAKER. The Chair thinks he understood the gentleman to decline to accede to the arrangement suggested by the gentleman from Pennsylvania [Mr. MILLER], which of course would bring the matter before the House, unless the question of consideration were raised. That question is now raised——

Mr. MILLER, of Pennsylvania. I raise the question of consideration.

The SPEAKER. The question is, Will the House now proceed to consider the contested-election case of O'Ferrall *vs.* Paul?

The question being taken, there were—ayes 91, noes 70.

Mr. MILLER, of Pennsylvania. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 98, not voting 83; as follows:

YEAS—141.

Aiken,	Duncan,	Lanham,	Snyder,
Alexander,	Dunn,	Le Fevre,	Spriggs,
Bagley,	Eaton,	Lewis,	Springer,
Ballentine,	Eldredge,	Lowry,	Stevens,
Barbour,	Ellis,	McAdoo,	Stewart, Charles
Barksdale,	Ermentrout,	McComas,	Stockslager,
Beach,	Evins, J. H.	McMillin,	Sumner, C. A.
Blackburn,	Ferrell,	Matson,	Sumner, D. H.
Blanchard,	Fiedler,	Maybury,	Taylor, J. M.
Bland,	Follett,	Miller, J. F.	Thompson,
Blount,	Foran,	Mills,	Throckmorton,
Breckinridge,	Forney,	Mitchell,	Tillman,
Broadhead,	Fyan,	Money,	Townshend,
Buchanan,	Garrison,	Morgan,	Tully,
Buckner,	Geddes,	Morrison,	Turner, Oscar
Cabell,	Gibson,	Moulton,	Van Alstyne,
Caldwell,	Green,	Murphy,	Vance,
Candler,	Greenleaf,	Oates,	Van Eaton,
Carleton,	Halsell,	O'Neill, J. J.	Ward,
Cassidy,	Hammond,	Pierce,	Warner, A. J.
Clardy,	Hancock,	Peel, S. W.	Warner, Richard
Clay,	Hardy,	Pryor,	Wellborn,
Clements,	Hatch, W. H.	Pusey,	Weller,
Cobb,	Herbert,	Randall,	Wemple,
Collins,	Hewitt, G. W.	Rankin,	Wilkins,
Connolly,	Hill,	Reese,	Williams,
Cosgrove,	Hoblitzell,	Robinson, W. E.	Willis,
Cox, W. R.	Holman,	Rogers, J. H.	Wilson, W. L.
Culberson, D. B.	Houseman,	Rogers, W. F.	Winans, E. B.
Curtin,	Hunt,	Rosecrans,	Wise, G. D.
Davidson,	Hurd,	Scales,	Wolford,
Deuster,	Jones, B. W.	Seymour,	Worthington,
Dibble,	Jones, J. H.	Shaw,	Yaple.
Dibrell,	King,	Singleton,	
Dockery,	Kleiner,	Skinner, T. G.	
Dowd,	Lamb,	Slocum,	

NAYS—98.

Adams, G. E.	Crisp,	Hart,	Keifer,
Anderson,	Cutcheon,	Hatch, H. H.	Laird,
Atkinson,	Davis, G. R.	Haynes,	Lawrence,
Bayne,	Davis, R. T.	Henderson, D. B.	Libbey,
Bingham,	Dingley,	Henderson, T. J.	Lore,
Boutelle,	Dunham,	Hepburn,	McCoid,
Bowen,	Elliott,	Hiscock,	McCormick,
Boyle,	Ellwood,	Hitt,	McKinley,
Brainerd,	Everhart,	Holmes,	Millard,
Brewer, F. B.	Finerty,	Holton,	Miller, S. H.
Brewer, J. H.	Funston,	Hopkins,	Milliken,
Brown, W. W.	George,	Horr.	Morrill,
Brumm,	Guenther,	Houk,	Morse,
Campbell, J. M.	Hanback,	James,	Neece,
Converse,	Hardeman,	Kasson,	Nelson,
Cook,	Harmer,	Kean,	Nutting

O'Hara,	Ray, G. W.	Smith,	Turner, H. G.
O'Neill, Charles	Reed,	Spooner,	Wait,
Patton,	Rice,	Stephenson,	Wakefield,
Payson,	Robertson,	Stewart, J. W.	Washburn,
Peelle, S. J.	Rockwell,	Stone,	White, Milo
Perkins,	Rowell,	Strait,	Whiting,
Peters,	Ryan,	Struble,	Wise, J. S.
Poland,	Skinner, C. R.	Taylor, E. B.	
Post,	Smalls,	Taylor, J. D.	

NOT VOTING—83.

Adams, J. J.	Davis, L. H.	Lacey,	Riggs,
Arnot,	Dorsheimer,	Long,	Robinson, J. S.
Barr,	Evans, I. N.	Lovering,	Russell,
Belford,	Findlay,	Lyman,	Seney,
Belmont,	Glascock,	Morey,	Shelley,
Bennett,	Goff,	Muldrow,	Steele,
Bisbee,	Graves,	Muller,	Storm,
Breitung,	Hemphill,	Murray,	Talbott,
Browne, T. M.	Henley,	Mutchler,	Thomas,
Budd,	Hewitt, A. S.	Nicholls,	Tucker,
Burleigh,	Hooper,	Ochiltree,	Valentine,
Burnes,	Howey,	Paige,	Wadsworth,
Calkins,	Hutchins,	Parker,	Weaver,
Campbell, Felix	Jeffords,	Payne,	White, J. D.
Cannon,	Johnson,	Peitibone,	Wilson, James
Chace,	Jones, J. K.	Phelps,	Winans, John
Covington,	Jones, J. T.	Potter,	Wood,
Cox, S. S.	Jordan,	Price,	Woodward,
Culbertson, W. W.	Kelley,	Ranney,	York,
Cullen,	Kellogg,	Ray, Ossian	Young.
Dargan,	Ketcham,	Reagan,	

So the House decided to proceed with the consideration of the case.

The following pairs were announced:

Mr. WOOD with Mr. WHITE, of Kentucky, until the 10th instant.

Mr. MUTCHLER with Mr. EVANS, of Pennsylvania, until the 6th instant.

Mr. NICHOLLS with Mr. CHACE, on all political questions except tariff until further notice.

The following were announced as paired on all political questions until further notice:

Mr. JONES, of Alabama, with Mr. JOHNSON.

Mr. HEWITT, of New York, with Mr. VALENTINE.

Mr. GRAVES with Mr. BRIETUNG.

Mr. DORSHEIMER with Mr. MOREY.

Mr. REAGAN with Mr. HOWEY.

Mr. HEMPHILL with Mr. YORK.

Mr. BLOUNT with Mr. RUSSELL.

Mr. CAMPBELL, of New York, with Mr. CULBERTSON, of Kentucky.

Mr. RIGGS with Mr. KELLOGG.

Mr. BENNETT with Mr. WILSON, of Iowa.

Mr. YOUNG with Mr. PAYNE.

Mr. BELMONT with Mr. BARR.

Mr. JONES, of Arkansas, with Mr. MCKINLEY.

Mr. SNYDER with Mr. HANBACK.

Mr. MULDROW with Mr. GOFF.

The following were announced as paired for this day:

Mr. COX, of New York, with Mr. BELFORD.

Mr. TUCKER with Mr. BROWNE, of Indiana.

Mr. TALBOTT. I desire to withdraw my vote. I am paired with the gentleman from Massachusetts [Mr. RANNEY], whom I do not now see in his seat.

The result of the vote was announced as above stated.

The SPEAKER. The Clerk will read the resolutions reported by the majority of the Committee on Elections.

The Clerk read as follows:

Resolved, That John Paul was not elected as a Representative to the Forty-eighth Congress from the seventh Congressional district of Virginia, and was not entitled to the seat.

Resolved, That Charles T. O'Ferrall was duly elected as a Representative from the seventh Congressional district of Virginia to the Forty-eighth Congress, and is entitled to his seat as such.

Mr. MILLER, of Pennsylvania. I want in time, Mr. Speaker, to offer a substitute for those which have been read.

The SPEAKER. If there be no objection, it will be considered the substitute is pending. The gentleman refers of course to the resolution reported by the minority of the committee.

Mr. MILLER, of Pennsylvania. Yes, sir.

The SPEAKER. The Chair hears no objection, and it will be considered as pending.

Mr. MILLER, of Pennsylvania. I ask for the reading of the report in this case, and shall also at the conclusion of its reading ask that the views of the minority be read.

The SPEAKER. The Clerk will read the report made by the Committee on Elections.

The Clerk read as follows:

Mr. LOWRY, from the Committee on Elections, submitted the following report:

The Committee on Elections, having fully considered this case, after mature deliberation, report as follows:

Charles T. O'Ferrall and John Paul were opposing candidates for a seat in the Forty-eighth Congress from the seventh Congressional district of Virginia, the former the nominee of the Democratic party, the latter the nominee of the Readjuster or Coalition party, at the November election, 1882. The State board of canvassers made the following returns: For O'Ferrall 11,941; for Paul 12,146; leaving a majority of 205 votes for Mr. Paul.

The latter received the certificate, but never qualified, and sent in his resignation to the governor in August, 1883, on being appointed to the bench of the United States court. No special election having been ordered, the seat has been during the session, and is now, vacant. The record in the case covers about 800 pages, and much of the testimony is irrelevant. We find that 676 votes were cast for the contestee (Paul) in the county of Albemarle, in this district, by persons who were delinquent in payment of their capitation tax for 1881, of which number there is no fair pretense that, as to 557 of them, they had ever paid such capitation tax so as to entitle them to vote under the constitution of Virginia.

The first clause of Article III, section 1, of the constitution of Virginia was, at the date of the election, November 7, 1882, as follows:

"Every male citizen of the United States 21 years old who shall have been a resident of the State twelve months, and of the county, city, or town in which he shall offer to vote three months next preceding any election, *and shall have paid to the State before the day of election the capitation tax required by law for the preceding year shall be entitled to vote for members of the general assembly and all officers elected by the people.*"

Article X, section 5, was and is as follows:

"The general assembly may levy a tax not exceeding $1 per annum on every male citizen who has attained the age of 21 years, which shall be applied exclusively in aid of public free schools; and counties and corporations shall have power to impose a capitation tax, not exceeding 50 cents per annum for all purposes."

Section 5 of an act of the General Assembly of Virginia, entitled "An act for the assessment of taxes on persons, property," &c., approved April 22, 1882, and in force at the time of said election, is as follows:

"Upon every male person, as classified in this schedule, over the age of 21 years, not exempt for bodily infirmity, there shall be a tax of $1 for public free-school purposes."—*Virginia Revenue Laws*, 1882, page 45.

We base our conclusion that 676 votes were cast by persons delinquent in the payment of their capitation taxes in Albemarle for contestee, and that 557 of these were clearly illegal, upon the following facts:

By section 57, chapter 33, of the Code of Virginia, the commissioners of the revenue were required to state in their assessment-lists the color of all male inhabitants over the age of 21 years. The treasurer, in making his return of delinquents to the auditor of public accounts, gave the color of all delinquents in accordance with the commissioners' books. So that the white delinquents were classified in one list and the colored in another list.

The contestant filed certified copies of the delinquent-lists (white and colored) of Albemarle County. (Record, 75-91.)

These lists showed the names and color of all delinquents for the year 1881—the year for which the capitation tax was required to be paid before the day of the election in question.

There is contention between the parties as to whether the auditor of public accounts of Virginia could appoint certain collectors of delinquent taxes, and whether these collectors and their deputies could then legally collect these delinquent capitation taxes.

Assuming for the purposes of this case that the auditor of public accounts could appoint collectors of delinquent taxes, and that these collectors could appoint deputies (both of which questions are held in reserve), then, under the law, the clerks of the county and corporation courts of the Commonwealth and the special collectors appointed by the auditor and their deputies were the only parties by whom receipts could be issued for delinquent capitation taxes in the various counties and cities.

The principal question on which we rest this case is whether certain tax receipts issued by these collectors (so called) and their deputies were issued without being paid for.

The contestant, to show the number of receipts issued and to whom by both the clerk of Albemarle and special collector, filed a certified list of the names of delinquents for 1881, to whom receipts had been issued by the clerk of Albemarle County. (See record, 73-75.)

After thus ascertaining the names of these parties who had clerk's receipts it followed as a necessary consequence that all delinquents who voted whose names were not on the clerk's list voted on the collector's receipts. Then to ascertain what delinquent voters cast their votes, and upon whose receipts, it was only necessary to compare the poll-books of the county with the delinquent-lists.

Contestant introduced a witness (record, 71) who testified—and whose testimony remained uncontradicted—that he had compared the clerk's list with the poll-books and had designated all the delinquents who voted on the clerk's receipts by the letters "H. B. B." opposite their names on the delinquent-lists; that he then designated all the delinquents who voted and who did not have the clerk's receipts by the name of the precinct at which they voted opposite their name on the delinquent-lists. It was thus found that 676 delinquents voted who did not have the clerk's receipt, and presuming that the judges of election did their duty and required the production of receipts, as required by law, these 676 voted on the collector's receipts. Of this number 655 were colored.

James T. Wayland, a strong and active partisan of the contestee, was appointed a special tax collector of delinquent taxes for Albemarle County by the auditor of public accounts, who belonged to the same party as the contestee, and was a State canvasser of that party. This special tax collector appointed persons whom he called deputies in said county; he issued unlimited numbers of blank receipts for delinquent capitation taxes to these so-called deputies, who were all partisans of the contestee, and these deputies filled these receipts without receiving any money, and delivered them to the voters. These deputies paid no money to the collector for the receipts at any time, either before or after the election; the collector only received, and that in bulk, without being applied to individual cases, for all the receipts issued by him, $125 before the day of election. Each receipt issued represented $1.05, so that, even assuming that this $125 was a valid payment for so many receipts, the said sum of $125 only paid for 119 receipts. There were 676 votes cast upon the receipts issued by this special collector, so that after deducting said 119 receipts there were 557 votes cast upon collectors' receipts for which no money had been paid at the time the votes were cast, or before the day of election, as required by the constitution of Virginia, and therefore these 557 votes were illegal.

The system of appointing these special collectors was inaugurated for political purposes by the auditor of public accounts of the State, who belonged to the party of which the contestee was the nominee; all of his appointees were active partisans of his party, and in many instances the chairman or secretary of the county committee, or a member of the State committee of that party, or an United States internal-revenue officer.

For instance:

ALBEMARLE COUNTY.

(See deposition of James T. Wayland, collector. Record, 20.)

"Question 37th. Please state which of the candidates for Congress from this district you supported at the last election?

"Answer. Good God A'mighty, I thought everybody knew that—John Paul. Put that in great big letters.

"Question 38th. Were you not an active worker for and partisan of said John Paul?

"Answer. Yes; I was."

AUGUSTA COUNTY.

(See deposition of E. L. Curtis, collector. Record, 483.)

"1. Ques. What are your politics?

"Ans. I am a Republican; voted for Paul and Wise."

CITY OF STAUNTON.

(See deposition M. S. Cease, collector. Record, 472.)

"1. Ques. What are your politics, and for whom did you vote?

"Ans. I am a Republican, and voted for Wise and Paul."

BATH COUNTY.

(See deposition Thomas A. Colby, collector. Record, 226.)

"3d. Please state whether or not you voted at the election held on the 7th Nov., 1882; if yea, for whom did you vote?

"Ans. I did vote at said election, and for Wise and Paul.

"4th. Please state whether or not you hold any position of emolument, trust, or profit under the Federal Government; if so, what position.

"Ans. I do; I am district gauger for Alleghany, Bath, and Highland Counties."

FLUVANNA COUNTY.

(See deposition of A. Shepherd. Record, 258.)

"Quest. 3. Did John R. Haden occupy any official station in the organization of either of the political parties; and was he or not a partisan of either of the candidates at that election?

"Answer. He was county chairman of the Readjuster party, a warm friend of Paul and Wise, and he was also delinquent-tax collector."

Haden was the collector for this county.

GOOCHLAND COUNTY.

(See deposition of Dr. A. N. Johnston. Record, 275.)

"14th question. You stated that R. N. Turner, collector of delinquent taxes by appointment of the auditor of public accounts, was present at Snead's Store precinct on the day of election. Please state what part he took in said election then and there, and in the canvass preceding the same, for which party and candidate, and to what extent.

"Ans. Yes, he was present and was quite active in working for Wise and Paul. He issued the delinquent-tax receipts on the ground the day of election. He worked hard during the canvass for Wise and Paul, I think."

PAGE COUNTY.

(See deposition of A. K. Grim, to whom the collector turned over the delinquent-lists and who issued receipts. Record, 654.)

"Ques. 2d. Were you not a partisan of Paul in the last Congressional election in this district; did you not exert yourself actively to secure his election; and are you not now chairman of the executive committee of the Readjuster party in this county?

"Ans. (1st) I was; (2d) I did; (3d) I am."

ROCKINGHAM COUNTY.

(See deposition of James Sullivan. Record, 319.)

"50. By same. State whether or not Mr. Davis was an active worker and partisan for Mr. Paul in said election.

"Ans. Mr. Davis was, I know, a supporter of the Readjuster ticket; he was an active supporter."

Davis was the collector for this county.

SHENANDOAH COUNTY.

(See deposition of R. L. Roberts, collector. Record, 352.)

"Q. 2. State whether or not you are a member of the State committee of the Readjuster party of the State of Virginia.

"Ans. Yes, sir."

These collectors appointed so-called deputies in pursuance of directions from the officers of the Readjuster party.

(See deposition of L. W. Bunch. Record, 49.)

"Quest. 4. Did you ever see any circular or printed letter of instructions, purporting to be issued and signed by William Mahone, chairman of the Readjuster Republican Coalition party of the State of Virginia; if so, in whose hand was such letter, and what was its purport?

"Ans. I was appointed a canvasser for the senatorial district of Albemarle and Green Counties by the Harrisonburgh convention which nominated Hon. John Paul. I was shown by Dr. John R. Wood a printed circular formulating a plan for the appointment of deputy collectors for each voting precinct for the State of Virginia, for the conducting of the campaign."

All of these so-called deputies were partisans of the contestee. (See Record, 20, 113, 118, 167, 247, 266, 268, 270, 311, 325, 328, 330, 333, 334, 339, 350, 352, 648.)

Receipts were only issued by these collectors and their so-called deputies to Readjuster or Coalition voters.

This system was inaugurated just before each election, and the duties of these collectors ceased immediately after. All the collectors were partisans of the contestee, and their so-called deputies were appointed in obedience to the directions of their leaders. The system was evidently administered, not for the interests of the revenue but as a political machine for the purpose of promoting the interests of the party of which the contestee was the nominee.

But apart from the presumption arising from these facts we refer to the following testimony:

ALBEMARLE COUNTY.

William H. Southall (record 25):

"Quest. 4. Who was said to be the deputy collector of James T. Wayland, the auditor's collector at Ivy?

"Ans. J. Snowden Wood.

"Quest. State whether or not you ever approached said J. Snowden Wood, and offered to pay a capitation tax of a voter, and asked him to give you a receipt therefor, and with what result and what he said.

"Ans. On the evening before the election a voter came to me at the Ivy precinct, and said he had not paid his taxes and had no tax ticket. I suggested to him to go to Mr. Wood, who I understood had Wayland tax tickets, and get one. He did so, but Wood declined to let him have one. I then went to Wood myself and requested that he would let me have one of his tickets, as I understood he had tickets; that I would pay him for it. He acknowledged he had tickets, but that he did not have more than he had use for, and refused to let me have one. The voter who came to me was a white voter, and I told J. Snowden Wood he was a Conservative or Democratic voter."

Wood was one of the collector's deputies. (Record, 19.)

N. C. McGee (record, 58) testified as follows:

"Quest. 5. Did any person offer to vote that day who said he had not paid his taxes, but whose name was on the delinquent-list, and who afterward produced a receipt? If so state circumstances fully.

"Ans. Yes, sir; there were two, I recollect now, Bob Harris and Charles Kenney; two negroes. But they were not allowed to vote. I objected seriously, and remarked to the judges that that was too thin; I could not stand that; the tickets were too easily made. The other white judge then took the colored one out and they had a little consultation. I don't know any further than this.

"Quest. 6 by same. State whether or not either of the judges of election went out with one of the last-mentioned negroes, after he first presented himself and said he had no receipt, and before he returned with a receipt; and if so, do you know where they went?

"Ans. One of the judges went out with Bob Harris. I don't know any further, where they went, what they did, or anything else. The judge who went out was Mr. Snowden Wood."

Wood was a deputy collector. (Record, 19.)

W. S. Coles (record, 68) testified as follows:

"Quest. 2 by same. Please state whether or not you have ever seen a capitation-tax receipt in the hands of any person who voted at Porter's last election, which receipt appeared from its face to have been filled up with the names of several voters successively; and, if so, in whose hands did you see it? What was said about the receipt when it was shown to you, and where is it now?

"Ans. Yes, sir, did; I saw it in the hands of James Jones, a colored man who lives at Warren. I asked him who gave it to him. He told me it was given to him by George Washington Carey, one of the judges of election at Porter's precinct, I think; I don't know where it is now.

"Quest. 3 by same. When did he say it was given to him, whose name was in it when you saw it, and who wrote the name in it, and when was the name written?

"Ans. He said it was given to him on the day of election. James Jones's name was in it when I saw it. Geo. Washington Cary wrote the name in it. It was written on the day of election."

This, though in the nature of hearsay, was not asked to be stricken out. We give effect to it, however, only in connection with the following:

James Jones, colored (record, 733), testified as follows:

"Quest. 2. What time of day did you get to Porter's last election day, and what time did you vote?

"Ans. As near as I can come at it, about 3 o'clock p. m., and voted very late in the evening.

"Quest. 3. Why did not you vote when you first got there?

"Ans. I failed to get my tax ticket; thought Mr. Coles had it there, but found Mr. Coles did not have it.

"Quest. 4. How did you finally come to vote? How did you get your tax ticket?

"Ans. Just before I started to leave George Washington Carey asked me if I had voted. I told him I had not; I failed to get my tax ticket. He told me then to hold on and wait, he thought he had one left, and came to me pretty soon and handed me a tax ticket, and said it was all right. I then went on and voted.

"Quest. 5. Is the George Washington Carey you just spoke of the same man who was one of the judges of election at Porter's that day, and is he white or colored?

"Ans. He is colored, and was one of the judges of election there that day.

"Quest. 6. Did you ever ask George Washington Carey to get your tax ticket for you?

"Ans. No, sir."

James R. Bragg (record, 68) testified that there was a large number of colored voters at his precinct in the morning who did not vote until the evening; that they rushed to the polls very soon after one Branham arrived at the precinct; that Branham acknowledged he brought capitation-tax receipts for a good many; that Branham was a very strong partisan of the contestee, and admitted in his presence he had filled up the receipts after he got them. Branham was a deputy collector.

J. Massie Smith (record, 29), Milton, testified that two colored Republicans were the ticket-holders, and that they went up to the polls with the colored voters, and often gave them their tickets and tax-receipts at the same time.

M. Darrett (record, 29) testified that Samuel B. Yates, a deputy collector, told him he was only collecting from those he knew were going to vote the Readjuster ticket.

Samuel B. Yates, deputy collector (record, 32), testifies:

"Quest. 29. Did you deliver any of these receipts to persons unless you knew or had good reason to believe they would vote for Paul and Wise?

"Ans. No, sir."

Archer Bland, colored (record, 36), testified he got a number of receipts from the collector's office and gave them to the colored supporters of the contestee.

He testified further (record, 37) that receipts were sent for on the day of election from his precinct to another, to one John Alexander, for supporters of contestee. Alexander was a deputy collector. (Record, 19.)

A. B. Parker, colored, a member of county committee of the "Readjuster Republican party" (record, 47), testified that in a meeting of the committee the chairman stated—

"That he proposed to put blank receipts in the hands of deputies or some reliable person at each poll, to be filled on day of election."

Jefferson R. Taylor (record, 59) testified as follows:

"Ques. 4. Please state whether or not you saw any capitation-tax receipts offered in evidence to the judges of election at Keswick that day; if so, by whom were they offered, by whom were they signed, and what was their appearance and condition?

"Ans. I saw several, I can't recollect how many, nor can I recollect the names of the persons offering them with any exactness, except that they were colored men residing in my immediate neighborhood, one of whom, if I recollect rightly, was Ben. Hearns. Hearns and one or two other men approached the polls. I sent a man, who was also a neighbor of theirs, to them to see how they were going to vote. In my hearing they said that they could not vote; that they had not paid their taxes, or hadn't their tax-tickets, I forget which. I kept my eye on them, and in a few minutes I saw them approach the polls with a Readjuster as if they were going to vote. I saw them present to the judges of election, in evidence of their having paid their taxes, tax-tickets which were clean, whereas they were very dirty, unfolded, without a crease, with the collector's name, James Wayland, signed in ink which was perfectly black. The voter's name was filled in in an ink of a greenish hue, which seemed to have been 'Arnold's Writing Fluid' before it had had time to turn black."

AUGUSTA COUNTY.

M. S. Cease, collector of the city of Staunton, and E. L. Curtis, collector of the county of Augusta, testified they issued receipts to Readjusters only. (Record, 469, 480.)

"No Democrats ever applied to them."

FLUVANNA COUNTY.

Isaac O. Perkins, deputy collector (record, 250), testified that he refused to deliver receipts to certain voters because they were regarded as Funders (Democrats).

GOOCHLAND COUNTY.

The evidence in this county showed that these receipts were in the hands of the partisans of the contestee, and no one else at the polls, except one man who had been a Readjuster, and to whom they were sent by mistake, but he left the precinct and did not use them. About seventeen receipts were issued to Democrats because the clerk refused to receive taxes.

PAGE COUNTY.

All the receipts in this county were in the hands of the partisans of the contestee.

ROCKINGHAM COUNTY.

The same in this county. One deputy testified that he would ask a voter whom he would vote for; if he said he intended to vote the Democratic ticket "he would leave him alone;" but if he said he would vote the Readjuster ticket he would give him a receipt. (Record, 677.)

SHENANDOAH COUNTY.

Receipts were issued only to Readjuster voters in this county, except about

twenty which were issued to the Democrats, because the county clerk, who was the county chairman of the Readjuster party, refused to receive taxes.

So far as to all these delinquent voters on collectors' receipts as a *class* the receipts were in the hands of these partisan collectors and their deputies, who either gave them out to the supporters of the contestee or to his partisans, who delivered them to those who would vote for contestee. The surveillance these partisans exercised leaves no doubt in our minds that the receipts were used only by the supporters of the contestee, except in the county of Goochland, where about seventeen, and in the county of Shenandoah, where about twenty were issued to Democrats because the clerks would not receive taxes, but whether used by these Democrats in voting or not does not appear. These latter were paid for when issued, before the day of election. There is no evidence introduced nor attempt made to show that receipts were issued by these collectors to Democrats except the few indicated. It seems to have been a well-arranged and well-understood system inaugurated for the benefit of the party of which contestee was the nominee.

But apart from the manifestly just conclusion that these delinquent voters upon collectors' receipts voted for contestee, we refer to the testimony in Albemarle County alone (for we do not think it is necessary to inquire further) to show for whom the colored vote was cast in that county.

It will be remembered that 655 colored voters voted on the collector's receipts in that county.

ALBEMARLE COUNTY.

Showing how colored vote was cast.

1. A. D. Payne (record, 22) testified that he was at the polls at Charlottesville most of the day of election and that the colored vote was cast for Paul; that he knew this from observing from whom they got their tickets and of whom these ticket-holders were supporters.

2. John Dickerson, colored (record, 23), testified that he canvassed a large portion of the county for Paul; that he held meetings of the colored people and addressed them and conferred with them. He thought after he got through with his canvass they would go solid for Paul.

3. Albert Southall, colored (record, 24), testified that he was at the court-house all day of election; that the colored vote was cast for Paul; that he saw the tickets Paul's supporters were issuing, and he thought all the colored people got these tickets and voted them; that he was at one meeting of the colored people (a club meeting) and they pledged themselves to support Paul; "took it down in writing;" that he was at another meeting which was addressed by a colored man in the interest of Paul.

4. William H. Southall (record, 25) testified that he urged the colored voters at his precinct (Ivy) to vote for O'Ferrall, but only got one to do so; that he was all day at the polls; that there were three colored men on his place who were pretty much supported by him, and he urged them to vote for O'Ferrall, but they positively refused. *The colored man who voted for O'Ferrall voted on a clerk's receipt.* (Memo.: No question is raised as to clerk's receipts by either party.)

5. J. J. Brown (record, 27) testified that he was well acquainted with the white and colored voters at his precinct (Howardsville); had been registrar there for several years; had ascertained the sentiments and political views of the voters, and that the colored vote was cast for Paul with the exception of two. That frequently, prior to the election, he urged the colored voters to vote the Democratic ticket, but they all refused to do so with the exception of one, who always votes the Democratic ticket.

6. Holmes Bowles, sr., colored (record, 28), testified that he used his influence with his race, and did so just before the election in November, 1882, in the interest of Paul; that he was at his precinct (North Garden) all day of the election, and from his opportunities of knowing and from his work on that day he would say the colored vote was cast for Paul with a few exceptions.

7. M. L. Van Doren (record, 28) testified that he was judge of election (at Carter's Bridge) and present all day; that from his observation at the polls and his general knowledge of the voters and their political affiliations and associations, and his observation of the political workers who gave out ballots at the polls to the colored voters, he would say the colored vote was almost unanimous for Paul.

8. J. Massie Smith (record, 29) testified that he was at the polls all day; that from his observation of the polls, his knowledge of the individual voters, and their political affiliations and associates, and from his observations of the persons who gave out the ballots to the colored voters and went to the polls with them, he would say the colored vote was cast for Paul; that two colored Republicans went up to the polls with nearly all the colored voters and exhibited the tickets of the voters and gave them their tax-receipts.

9. J. C. Childress (record, 33) testified that he was a Republican, and that he had usually exercised a large influence over the colored voters; that at his precinct (Carter's) the colored vote was cast for Paul—"he did not know an exception." That this opinion was formed from his observation at the polls and his conversation with the colored voters just before the election. "They were all for the Readjuster ticket."

10. J. J. Winn (record, 33) testified that he was present at his precinct (Hillsborough) all day of the election, and that from his knowledge of the individual voters and their political associations and affiliations, and his observations at the polls of the persons from whom the colored voters got their ballots, and with whom they came to the polls, he would say the colored vote was cast for Paul.

11. Jonathan Browning (record, 41) testified that he was present at the polls election day, at his precinct (Scottsville); that the colored vote was cast for Paul, with one exception; that he was well acquainted with the people in his section, and stated that the colored vote was cast for Paul from his knowledge of the voters and their political affiliations and associates, and his observation of the persons from whom the colored voters got their ballots, and by whom they were escorted to the polls, and from his experience in canvassing among them in the interest of candidates.

12. Rev. M. T. Lewis, colored (record, 54), testified that the colored vote was cast for Paul; that there was more enthusiasm and interest manifested for him than he had known for years. He saw a number of Paul tickets voted by them at Charlottesville.

13. Wm. E. Jackson (record, 55) testified that he worked assiduously at his precinct (Wingfield's) for Paul; that up to 3.30 or 4 o'clock he was the only person who issued tickets, and all he issued were for Paul.

14. John Anderson (record, 56) testified that at his precinct (Keswick), from his observation of the voting, and from his knowledge of the voters and the persons who gave them their tickets and went up to the polls with them, he would say the colored vote was cast for Paul; that he knew the ticket-issuers for Paul. He was at the polls all day and took a good deal of interest.

15. N. C. McGee (record, 57) testified that he was at Ivy precinct all day as one of the judges; that judging from his observation at the polls and of whom the colored voters got their ballots and by whom they were accompanied to the polls, and from his knowledge of the individual voters and their political affiliations and associations, he would say the colored vote was undoubtedly cast for Paul.

16. Jefferson R. Taylor (record, 59) testified:

"Ans. I reside in Albemarle County, Rivanna district. I vote at Keswick precinct; was present from sunrise to sunset on election day at the polls.

"Question 2. From your knowledge of the individual voters at that precinct, and of their political affiliations and associates, and from your observation of the persons from whom the negroes got their ballots, and who came up to the polls with them, for whom would you say the colored vote there was cast; was it for Paul or O'Ferrall?

"Ans. Paul, almost solidly.

"Question. Please state the facts on which your conclusion is based.

"Ans. I was appointed by the county superintendent of the Conservative party to attend to the interests of the party at Keswick precinct. I was to be, and was, assisted in looking after votes by several other voters at the precinct. Either myself or some of these men who were acting with me, and under my eye, met every colored voter who offered to vote at the precinct. They were also met by men acting for the Readjuster party. I do not remember one instance in which the Readjuster managers failed to take off the colored men who offered to vote, and were met by agents of both parties, to the polls and watch over them until they had voted. They took their tickets from the Readjuster managers, and I suppose voted the Readjuster ticket."

17. Philip Nelson (record, 68) testified that he was at his precinct (Stony Point) the most of the day of election; that from his observation at the polls the colored vote was cast for Paul, with a few exceptions.

18. James R. Bragg (record, 68) testified that he was at his precinct (Lindsay's) on election day.

"Question 2. State whether or not you noticed whether the colored vote at your precinct was controlled at the last election by the partisans of either of the candidates for Congress from this district; and, if so, in the interest of which candidate was the colored vote controlled and cast; was it for Paul or O'Ferrall?

"Ans. My observation is that is was for Paul. There was a large number of colored voters there in the morning who did not vote until the evening, and rushed to the polls very soon after Mr. N. Branham arrived on the place, who acknowledged that he brought capitation-tax receipts for a good many. He was a partisan of Mr. Paul, and a very strong one."

19. Capt. J. A. Early (record, 69) testified:

"1st Question by contestant's counsel. Please state your residence and voting precinct, and if you were at that precinct on the 7th of November, 1882.

"Answer. Albemarle County; voting precinct, Whitehall. I was.

"2d Ques. by same. State whether or not you noticed whether the colored vote at your precinct was controlled at last election by the partisans of either of the candidates for Congress from this district; and, if so, in the interest of which candidate was the colored vote controlled and cast; was it for Paul or O'Ferrall?

"Ans. Well, the colored vote was controlled by the friends of Mr. Paul. I do not believe there were but two colored votes cast for O'Ferrall. I know there was two.

Cross-examined by counsel for contestee:

"1st Question. When you speak of the colored vote being controlled by the friends of Paul, what do you mean; that is, how controlled?

"Ans. By seeing Paul's friends, who were the leading politicians, furnish them with tickets."

20. Davis J. Jackson (record, 69) testified:

"1st Q. by counsel for contestant. State your residence and voting precinct, and whether you were at that voting precinct on the 7th of November, 1882, the day of election for Congressman for the 7th district of Virginia?

"Ans. Earlysville is my voting precinct. I live near there in Albemarle County. I was at said election, at said voting-place.

"2d Q. by same. Whom did you support for Congress in that election?

"Ans. Massey and Paul.

"3d Q. by same. For whom did the colored voters at that precinct vote as between Paul and O'Ferrall?

"Ans. Well, I think Paul got the majority.

"4th Q. by same. Did not Paul get nearly the entire colored vote?

"Ans. I think he got the most of them."

21. James Curry, witness for contestee (record, 390), and who voted for contestee, testified on cross-examination:

"Quest. 5. Which side did the colored people at Hilton vote for at the last election; was it for Paul and Wise, or Massey and O'Ferrall?

"Ans. Paul and Wise."

This evidence shows as conclusively as circumstantial evidence could well show that the colored vote was cast with almost perfect unanimity for the contestee, and when it is taken in connection with the fact that 655 colored delinquents voted on collectors' receipts issued only to Readjuster voters, the conclusion naturally follows that these 655 colored delinquents voted for contestee.

What is proof? It is that degree of evidence which convinces the mind and produces belief.

Can any reasonable mind in the light of this evidence fail to believe that these votes were cast for contestee? Is not the weight of evidence on the side of the contestee? In fact, does it not exclude even a reasonable doubt?

There is no evidence nor any attempt to controvert this, and is not that another circumstance which goes to strengthen the belief? In the case of Smith *vs.* Shelley the last House held that the testimony of two witnesses that 95 to 97½ per cent. of the colored vote of a Congressional district was Republican was sufficient in the absence of controverting testimony. Here are twenty-one witnesses, of both political parties and both colors, who were present at the polls, working in the interest of the respective candidates, or observing as interested parties the movements, actions, and expressions of the voters, and with a knowledge of their political affiliations and associates, who testify that the colored vote of a county (not a Congressional district) was cast with approximate unanimity in a certain direction and for a particular candidate. It was not mere opinion, as in the case of Smith *vs.* Shelley, but facts drawn from direct observation and participation at the polls, and from knowledge of political proclivities and associations.

Our conclusion is that these 557 persons had not complied with this constitutional provision, and were not therefore qualified to vote, and their votes must be deducted from the vote of the contestee. How, then, will the vote stand?

Returned vote for contestant, O'Ferrall		11,941
Returned vote for contestee, Paul	12,146	
Deduct the illegal votes above	557	
		11,589
Majority for contestant, O'Ferrall		352

But in this county Porter's precinct was thrown out by the board of county commissioners for mere irregularity. We think it ought to be counted. It gave contestee 104 majority. Deduct, then, 104 from 352, and it leaves a clear majority of 248 votes for contestant.

The record also contains allegations that many persons voted for contestee in other counties of the district who lacked this qualification; that a large number of persons voted for contestee who had not been assessed; that persons voted for him who were non-residents of the county in which they lived or had not resided in the county the required time; that minors and persons who had been convicted of petit larceny, and thereby disqualified, voted for contestee.

Contestant's majority might be considerably increased by a critical examination of the evidence upon one or more of these grounds, but as it is unnecessary to do this we have refrained from giving an analysis of the testimony. The contestant also alleges that special tax-collectors, all of whom were partisans of contestee, were appointed on the eve of the election in the interests of the contestee

without authority of law, and that many persons were enabled by the use of tax-receipts illegally and fraudulently issued by these special tax-collectors to vote for contestee, and that these votes ought to be deducted from his column. But we have not considered it necessary to pass upon the issues of law and fact arising upon these allegations, and expressly withhold our opinion upon them in this case, as the question is directly involved in another case now undetermined before the committee.

It is also claimed by the parties respectively that certain precincts which gave the contestee large majorities and one which gave contestant a majority ought to be excluded, because neither the judges nor clerks, nor any of them, were sworn, as required by the statute of Virginia; but upon this point also, as being one not necessary to be settled in order to the proper determination of this case, we abstain from announcing any conclusion.

We therefore recommend the adoption of the following resolutions:

Resolved, That John Paul was not elected as a Representative to the Forty-eighth Congress from the seventh Congressional district of Virginia, and was not entitled to the seat.

Resolved, That Charles T. O'Ferrall was duly elected as a Representative from the seventh Congressional district of Virginia to the Forty-eighth Congress, and is entitled to his seat as such.

During the reading of the report the following occurred:

Mr. MILLER, of Pennsylvania. I rise to a question of order. I am quite satisfied that a large number of the members of this House have not heard this report, as there is so much confusion in the Hall, and I therefore ask for order so while the report is being read it may be heard.

The SPEAKER. The House will come to order.

The Clerk proceeded with the reading of the report until it was finished.

Mr. MILLER, of Pennsylvania. I now ask leave to present the views of the minority of the committee, and also that it be read to the House at this time.

Mr. LOWRY rose.

The SPEAKER. If there be no objection, the Clerk will proceed to read the views of the minority. The Chair hears no objection.

Mr. LOWRY. Before the reading of the minority report is proceeded with, in order to suit the convenience of gentlemen on both sides of the House, I think it will be desirable to know when discussion, if any take place, will be closed in this case. I therefore inquire of the gentleman from Pennsylvania on the other side what time it will be agreeable to them to have fixed for the argument. What time would it be agreeable to the gentleman the vote should be taken?

Mr. MILLER, of Pennsylvania. I can imagine no purpose in that except to give members of this House an opportunity to be absent. I think inasmuch as the views of the minority have never been presented members ought to be here to hear them, and thus they can vote intelligently. An arrangement can be made subsequently, after the discussion has proceeded some time, as to when the vote shall be taken.

The SPEAKER. The Clerk will proceed to read the views of the minority.

Mr. HAMMOND, of Georgia. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND, of Georgia. Is it a matter of right to have the views of the minority read?

The SPEAKER. It is not except as a part of some gentleman's remarks. The Chair asked for objection and there was none made.

Mr. HAMMOND. I did not hear it.

The SPEAKER. It is always usual to let the minority present their views.

Mr. HAMMOND. I understand that.

Mr. REED. And it is customary to have them printed. Houses have gone to that extent.

The SPEAKER. It is customary to allow them to be presented and ordered to be printed. In this case the views of the minority are presented in manuscript, and the gentleman from Pennsylvania asked to have them read. The Chair asked for objection and none was made. The Clerk will proceed to read the views of the minority.

Mr. LOWRY. Before reading the views of the minority, to which I hope there will be no objection, I will, inasmuch as the gentlemen on the other side have not indicated any time when it will be agreeable to them the vote shall be taken, give notice that I shall demand the previous question on this question this afternoon not later than 3 o'clock. I do this, as I have said, in the absence of any communication on the other side as to what would be most agreeable to them.

The SPEAKER. The Clerk will proceed to read the views of the minority.

The Clerk read as follows:

CHARLES T. O'FERRALL VS. JOHN PAUL.

Mr. MILLER, of Pennsylvania, from the Committee on Elections, submitted the following minority report:

The resolutions appended to the report of the Committee on Elections, submitted by Mr. LOWRY, of said committee, received the approval, by a yea-and-nay vote, of six members out of twelve present at the time the vote was taken—two members present declining to vote. Of the absent members, all three had expressed themselves opposed to the resolutions declaring Mr. O'Ferrall elected and entitled to the seat. We state this as showing that at the time said resolutions were adopted by the committee they only had the indorsement of six of the fifteen members.

To arrive at the conclusions embodied in these resolutions the committee, or so much of it as indorses the so-called majority report, are compelled to ignore the well established rules of evidence as practiced and followed by judicial tribunals, and to override well established precedents which have heretofore ordinarily controlled the action of the House in contested-election cases.

The majority report in order to seat Mr. O'Ferrall, the contestant, throws out 557 votes in the county of Albemarle, and deducts the entire 557 from the contestee, Mr. Paul.

The alleged reason for throwing out the 557 votes is that 676 persons in the county of Albemarle, one of the counties in the district, were delinquent in the payment of their capitation tax for 1881, the payment of which was a prerequisite to voting, of which number it is claimed 557 had not paid such tax prior to the election so as to entitle them to vote under the constitution and laws of Virginia.

The only substantial reason for deducting the entire 557 votes from contestee is that the tax collector for Albemarle County, appointed by the State auditor, who had charge of the collection of this delinquent capitation tax, belonged to the same party as contestee, and that all of the persons who cast the 557 votes were colored; and because colored persons and receiving their tax receipts from or through such collector they voted for contestee.

Of the 676 votes alleged to have been cast by delinquents but two of them were called—James Curry, who (on page 390) testifies he paid his own capitation tax before the election and was therefore a qualified voter, and James Jones (page 733) who testifies he belonged to the Massey party.

We state the foregoing as preliminary to submitting our views.

CONTESTEE'S RETURNED MAJORITY 309.

The Virginia State board of canvassers made the following return for the election held in seventh Virginia Congressional district on November 7, 1882:

Counties, &c.	Paul, Readj.	O'Ferrall, Dem.	Cochran, Indep.
Bath	298	315	.....
Highland	500	395	.....
Augusta	2,018	2,785	.....
Rockingham	2,630	2,000	15
Page	969	647	.....
Shenandoah	1,610	1,324	.....
Albermarle	1,878	2,255	17
Greene	536	369	.....
Fluvanna	601	658	41
Goochland	688	495	34
Staunton	418	698	.....
Total	12,146	11,941	107

Majority for Mr. Paul, 205.

The commissioners of election for Albermarle County threw out Porter precinct, in said county, because the poll-books and ballots were delivered to the clerk of the county court in an unsealed condition.

The entire committee are of opinion that it should be counted. It gave contestee 104 majority, which added to the returned majority of contestee makes his majority in the district 309.

A FAIR AND FREE ELECTION.

There is no proof, or indeed any allegation on the part of contestant, but that the elections were honestly and fairly held, and the vote counted and returned precisely as cast. There is no allegation on the part of contestant that the ballot-boxes, or the ballots, or the returns were tampered with.

There is no allegation in the majority report but that all those who voted for Paul were qualified voters, providing they had legally paid to a legal officer the capitation tax of the preceding year.

QUALIFICATIONS OF A VOTER.

The qualifications of a voter in Virginia on November 7, 1882, are defined in the following articles and sections of the constitution and laws of Virginia.

Article 3, section 1, of the constitution of Virginia, was, at the date of the election, November 7, 1882, as follows:

"Every male citizen of the United States, 21 years old, who shall have been a resident of the State twelve months, and of the county, city, or town in which he shall offer to vote three months next preceding any election, and shall have paid to the State before the day of election the capitation tax required by law for the preceding year, shall be entitled to vote for members of the General Assembly and all officers elected by the people."

Article 10, section 5, was and is as follows:

"The General Assembly may levy a tax, not exceeding $1 per annum, on every male citizen who has attained the age of 21 years, which shall be applied exclusively in aid of public free schools; and counties and corporations shall have power to impose a capitation tax, not exceeding 50 cents per annum, for all purposes." (Acts 1876-'77, p. 422.)

Section 5 of an act of the General Assembly of Virginia, entitled "An act for the assessment of taxes on person, property," &c., approved April 22, 1882, and in force at the time of said election, is as follows:

"Upon every male person, as classified in this schedule, over the age of 21 years, not exempt for bodily infirmity, there shall be a tax of $1 for public free school purposes." (Virginia Revenue Laws, 1882, p. 45.)

It is admitted that the capitation tax above specified was properly levied for 1881 in the counties in this district. It is also true that a large number of persons in the several counties in the district did not pay this tax to the treasurers in the several counties and cities, and that in accordance with law the several treasurers made out lists of the delinquents, which after being presented to the courts in the several counties were duly and legally forwarded to the auditor of public accounts, a State officer.

HOW THE DELINQUENT CAPITATION TAX IS COLLECTED.

By the various sections of the revenue laws of Virginia it is provided that as soon as practicable after the 15th day of June of each year the treasurer of each county or city shall make out a list of unpaid taxes, and after being verified by designated officers, such lists are to be filed in the proper court in each county. When the court is satisfied of their correctness, they direct the clerk to certify copies to the State auditor of public accounts. These lists include the unpaid capitation tax. Within sixty days after receiving the said lists, or as soon thereafter as practicable, the auditor of public accounts is to place a certified copy of the delinquent capitation-tax list "in the hands of any sheriff, sergeant, constable, or collector for collection."

Section 29 of this act is as follows:

"A certified copy of the first and third lists heretofore returned (that is, the personal property and capitation lists) shall be placed by the auditor of public accounts, within sixty days after receiving the originals, or as soon thereafter as practicable, in the hands of any sheriff, sergeant, constable, or collector, for collection; the same to be accounted for within one year thereafter—said officer to have the same power of distress as treasurers, and shall account for the same in like manner; and he and his sureties shall be subject to all such remedies as are given to the Commonwealth against treasurers for failure to pay; and his compensation shall not exceed 20 per cent. of the amount collected and paid into his treasury. * * * But in no case shall such delinquent lists be placed for collection in the hands of any officer who has returned the same."

It will be observed that the delinquent capitation-tax list for 1881 could not leave the treasurer's hands until after June 15, 1882, and that it could scarcely

reach the auditor before August 1, 1882, and be returned by him to the county collector before October 1, 1882.

It was contended by a portion of the committee, as also by contestant, that the auditor of public accounts of Virginia had no power to appoint collectors to collect these delinquent taxes, and that the receipt by them of such tax did not qualify the delinquent paying the same to vote; but this was so manifestly against the weight of authority that the committee has virtually abandoned this in the revised report filed April 30, 1884.

The expressed object of the law authorizing the assessment of a capitation tax was to raise revenue for the maintenance of public free schools, and the better to enforce its payment by indigent persons its payment was made a prerequisite for voting. The object of the law was to raise revenue. It is not contended but that the money collected by these appointees of the State auditor was paid into the State treasury. A full statement of the amount paid into the State treasury up to February 20, 1883, will be found on pages 207 *et seq.* of the record. By the law the collectors had one year in which to account.

Even admitting that these collectors were not officers *de jure* (which we do not), there can be no doubt but that they were at least officers *de facto*, acting under color of legal authority. We will not multiply authorities on this point, but refer to the case of Thompson *vs.* Ewing (1 Brewster, 121, and cases therein cited) and The People *vs.* Cook (14 Barbour, 259).

WHAT CONSTITUTES A VALID PAYMENT OF THE TAX?

It was further contended by a portion of the committee, at the time this case was passed on, that to constitute a valid payment of this delinquent tax it must be paid by the delinquent himself, or by his express authority. We presume this position also has been abandoned.

We contend that if the delinquent's tax was paid by some one, the receipt given, and filled up by the collector or by some one for him and by his express direction and authority, at any time before the day of election, the acceptance of the receipt by the delinquent on the day of election ratified the act of the party paying the tax, and such ratification adopts the act as of the time of its performance.

In Pennsylvania it is provided by constitutional provision that to entitle an elector to vote he must, as a prerequisite, have paid, within two years next preceding the time of the election at which he claims the right to vote, a State or county tax. Under the constitution of 1874, the tax must have been paid at least thirty days before the election. In a contested-election case in Dauphin County, which is reported at length in 11 Philadelphia Reports, 645, the legality of a payment of such tax by an unauthorized person was the question at issue. The court held:

"From the adoption of the constitution of 1790 down to the present time the practice to pay taxes through an agent has always been held as good and valid as when done by the voter in person, and the presentation of the receipt at the polls and claiming the right to vote by virtue of it has always been considered sufficient evidence of the adoption of the agency. It is averred, however, in the petition, and when that is demurred to we must take it to be true, that these voters had their taxes paid without their knowledge or previous authority conferred on the person paying it. We must hold in this as in other cases that a subsequent ratification is equivalent to an original command, according to the legal maxim, *Omnis ratihabitio retro trahitur et mandato æquiparatur.* * * * The only doubt which can exist on this branch of the cases arises out of the constitutional mandate that the tax must be paid at least thirty days before the election, and whether the voter is obliged to show that he assumed and acknowledged the payment by the agent before that time. On careful consideration we are satisfied that the ratification adopts the act as of the time of its performance. It is thus carried back by relation to that period. Such is the doctrine laid down by ancient and modern writers and by judicial decisions." (See 18 Viner's Abt., title *Ratihabitio*, pages 157–81, and a host of authorities there cited.)

This opinion was delivered December 26, 1874.

A still later case is that of *in re* Griffiths, decided in the quarter sessions of Luzerne County, Pennsylvania, and reported in 1 Kulp, 157. The contestant in that case, among other grounds of contest, set up that certain votes should be thrown out because their taxes had been paid by a political committee; but the court held, the testimony showing that the money was paid and the receipts filled out the required time before the day of election, although not delivered until election day to the voter, that such payments were good and valid. After deciding this point the court added:

"It is further urged that there was no appropriation of the money thus paid to the discharge of the tax against the voter for the reason that the payments were not credited on the duplicates. Assume that such appropriation is essential, the evidence in this case seems to show it was made."

After quoting certain evidence of the collector the court adds:

"The receiver is bound to account for it (the tax), and, as we have shown, he would be liable to prosecution if he did not do so. And in this view of the matter it may be doubted whether the tax, having been paid and receipt given, the voters can be disfranchised by the failure of the collector to account for it or to appropriate it as he is bound to do by law."

THE NUMBER OF DELINQUENTS WHERE TAXES WERE PAID IN ALBEMARLE COUNTY.

The majority report bases the election of O'Ferrall on the following proposition, found on page 2 of report:

"We base our conclusion that 676 votes were cast by persons delinquent in the payment of their capitation taxes in Albemarle for contestee, and that 557 of these were clearly illegal."

Under the laws of Virginia, while the appointee of the auditor alone had the power of distress to collect delinquent taxes, the clerk of the county court had authority to receive such tax from any one desiring to pay to him, and his receipt therefor was as valid as that of the collector. Both these officers collected delinquent taxes prior to the election in November, 1882.

James T. Wayland was the collector in this county. On page 18 of the record he says he issued from 500 to 600 tax-receipts filled in with the names of the voters when the receipts left his hands, and that he delivered them to deputies to deliver to the delinquents. (See question and answer 9.) He further says that he actually received in hand prior to the election on account of capitation-tax receipts between $500 and $600. (See question and answer 15.) Because $440 of this amount was in a draft, and not indorsed by the collector until after the election, the subcommittee hold that it was not a good payment. This draft, he says, was received from the 1st to the middle of October, 1882 (see question and answer 27), and was in the hands of his clerk, Mr. Montigue, until the time he indorsed it, about three weeks after the election. The draft was forwarded to the State auditor and cashed November 24, 1882, only seventeen days after the election. (See record, page 207.) In addition to this $440, the collector says he received $125 just before the election. (See question and answer 33, page 19, record.)

In addition to the above, a large number of delinquent-tax receipts were issued by the county clerk of said county. H. B. Bunley, who was the deputy clerk of Albemarle County, testifies (see record, pages 403–405) that he knows of four hundred and twenty tickets issued by the clerk's office. He further says he issued tickets to the value of $150 to Mr. White, the chairman of the Democratic party, and that the money was not paid until after the election. (See questions and answers 18, 19, record 404.) The clerk also admits (question 16, page 404) that the tax receipts in his office lay on his shelf, and that any one coming into the clerk's office had access to them.

The clerk was a supporter of the contestant.

This would make in all about five hundred and thirty tax receipts issued by the county clerk, and possibly as many as six hundred and fifty issued by the collector.

The majority report asserts that of these delinquents 655 were colored persons. We can not better show the manner in which the committee arrived at this than to quote from the majority report, page 2:

"The contestant filed certified copies of the delinquent lists (white and colored) of Albemarle County. (Record 75–91.)

"These lists showed the names and color of all delinquents for the year 1881—the year for which the capitation tax was required to be paid before the day of the election in question."

The contestant, to show the number of receipts issued and to whom by both the clerk of Albemarle and special collector, filed a certified list of the names of delinquents for 1881, to whom receipts had been issued by the clerk of Albemarle County. (See Record, 73–75.)

After thus ascertaining the names of these parties who had clerk's receipts, it followed as a necessary consequence that all delinquents who voted whose names were not on the clerk's list, voted on the collector's receipts. Then, to ascertain what delinquent voters cast their votes, and upon whose receipts, it was only necessary to compare the poll-books of the county with the delinquent lists.

"Contestant introduced a witness (Record 71) who testified—and whose testimony remained uncontradicted—that he had compared the clerk's list with the poll-books and had designated all the delinquents who voted on the clerk's receipts by the letters 'H. B. B.' opposite their names on the delinquent lists; that he then designated all the delinquents who voted and who did not have the clerk's receipts by the name of the precinct at which they voted opposite their names on the delinquent lists. It was thus found that 676 delinquents voted who did not have the clerk's receipt, and presuming that the judges of election did their duty and required the production of receipts, as required by law, these 676 voted on the collector's receipts. Of this number 655 were colored."

The utter unreliability of this testimony arises from the fact that the witness, Bennett T. Gordon, who testified on page 71 of record, did not pretend to know the parties whose names were on the poll-books or on the clerk's list of delinquents. He simply performed a mechanical act which any member of the committee or the House can do by taking up the two lists, and when he finds a name on the poll-lists and a name on the delinquent lists which are the same, check it off, on the assumption that there could not be two men of the same name in the county.

OVER 6,000 NAMES ON THE DELINQUENT-LISTS AND POLL-BOOKS.

There are over 2,000 names of colored persons on the delinquent-lists of Albemarle County, and 4,133 names of white and colored on the poll-books. There is no law in Virginia requiring the election officers to keep a record of the color of voters. Then on the delinquent-lists we find numerous instances where the same name is common to a number of persons. We find three Charles Burleys, three John Browns, one Jack Brown, one John A. Brown, and one John W. Brown, five Nelson Browns, four James Johnsons, and one Jim Johnson, four William Johnsons, five Hy. Johnsons, and one Henry Johnson, three Sam Johnsons and two Samuel Johnsons, and an almost equal repetition is found throughout the alphabet. To assume that a stranger could take two lists, one containing over 4,000 names in twenty different books, and the other over 2,000 names on two lists, neither of which have any distinguishing marks, and from these 6,000 names select the number of colored persons who voted on delinquent-tax receipts and figure them out at 655, is to assume an impossibility. It is not pretended that the election officers kept a record of either the whites or blacks who voted on delinquent-tax receipts. The proof is utterly unreliable. In short, it is no proof whatever, for, as heretofore stated, any member of the committee can take the lists and the twenty poll-books and as correctly arrive at the same conclusion.

We contend that the only reliable and competent evidence is the testimony of the alleged delinquents, or a sworn copy of the list of such as paid their tax, made out by the collector to whom the tax was paid and by whom the receipts were issued. If the latter could not be obtained, then the delinquent voters alone could testify correctly. Every man whose name was on the delinquent-list and who voted is presumed to have had a tax-receipt, and consequently his ballot can not be rejected except upon competent evidence.

It is on the evidence of Bennett T. Gordon, which will be found in the appendix, that the committee found that 655 colored delinquents voted in Albemarle County. The witness Gordon does not pretend that he has any personal acquaintance with any of these 655 men; does not pretend that he has personal knowledge of whether they were delinquent or not; does not pretend that he has personal knowledge of whether they voted or not; does not pretend that he has personal knowledge of whether they are colored or not; does not pretend that he has personal knowledge of whether they are the same men or not. All he testifies is that he finds the name of John Smith on the delinquent county list and the name of John Smith on some poll-list for the same county; therefore the two men are one and the same.

FOR WHOM WERE THESE 655 VOTES CAST?

Unless the House adopts the hypothesis of the majority report, that Bennett T. Gordon could with absolute certainty pick out from over 6,000 names these 655 voters, then they are unnamed and unknown. But two of all are called and three others only are identified. But if their identity is established, then there is not a single witness who testifies for whom they severally voted. Twenty-one witnesses living in sixteen of the twenty election precincts testify as to whom the colored people as a class voted for. In four of the precincts in which 66 of the alleged delinquents voted there is not a line of testimony as for whom the colored people as a class voted.

But we contend that a still more important question is:

WHAT ARE THE NAMES OF THE 557 VOTERS

who cast the ballots which the majority report declares to be illegal, and which the committee deduct from contestee's vote, and which must be deducted from contestee's vote in order to seat the contestant?

The committee concede that of the 676 persons who it claims voted on collectors' receipts 119—of whom 21 were white and 98 colored—were entitled to vote. What are the names of these 119? It is admitted by the majority report that Collector Wayland had at least $125 before the election, and that this would qualify 119 voters. Who are they? At what precinct did they vote? How many of them voted at Batesville? How many at each of the other twenty precincts? If it is impossible to say who the 119 voters are, how can the committee name the 557 voters whose ballots it deducts from contestee?

Did any court investigating an election case ever reject a ballot for the sole reason that the person casting it had not paid a tax required by law as a prerequisite for voting without naming the voter who cast the ballot? How is it possible to decide that the ballot is illegal unless the name of the person casting such ballot is known? Can the majority of the committee name the 557 voters whose ballots it deducts from the contestee in order to seat the contestant? Can the contestant name them? Can any one tell us the number rejected at each of the twenty precincts? If not, why not?

Again, it is admitted that the clerk of Albemarle County, and a supporter of contestant, issued tax tickets to the value of $150 to the chairman of the Democratic party. (See record, page 404.) Why does not the committee apply the same rule to the 140 votes, who presumably voted on these receipts, that it applies to the 557 and deduct that number from contestant? We concede that we can

not name them, but neither can the majority name the 557. We concede there is no evidence for whom they were cast, but there is as reliable evidence as there is in the case of the 557.

We do not deny the correctness of the rule that the declarations and actions of a voter whose partisan he had been, with what party he affiliated, whose friends gave him his ticket, who paid his taxes, &c., are all proper matters to be considered in finding for whom the individual voter voted. But that is not what the contestant and the subcommittee ask of us. They ask us to find that the colored people as a class voted for contestee. They ask us to find from such evidence as is published in the appendix that 655 colored delinquents voted, and because colored, and because they received their tax receipts from a collector who was contestee's friend, that, therefore, they voted for contestee.

As heretofore stated, but 2 of the 655 alleged delinquents are called as witnesses. Of the 557 votes which the committee deduct from contestee no man can select them from the 655. No member of this House can write down their names from any evidence before us. With the exception of a very few—less than a dozen—no witness of the 21 called specifies how any individual voted. It is utterly impossible for any member of the committee, who indorses the resolutions reported by the majority, to specify how many votes are rejected in a single one of the twenty precincts.

No Committee on Elections in any Congress, no quasi-judicial tribunal whose decisions have been preserved, no court of law or equity has ever foreshadowed the positions upon which these 557 votes are rejected, and all deducted from the majority candidate, and a minority candidate seated. It is in proof that a very large number of tax receipts were issued by the partisans of the contestant, and therefore the declaration that such "receipts were issued to Readjuster voters, and used by them exclusively," falls to the ground.

What is true of Albemarle County is true of the other counties in the district.

We therefore recommend the adoption of the following resolution:

Resolved, That Charles T. O'Ferrall was not elected as a Representative from the seventh Congressional district of Virginia to the Forty-eighth Congress.

Mr. MILLER. I ask unanimous consent, Mr. Speaker, that I shall be permitted to print an appendix to the views of the minority. I do not ask to have it read, but simply to have it printed.

The SPEAKER *pro tempore* (Mr. COBB in the chair). Is there objection to granting the request made by the gentleman from Pennsylvania? The Chair hears no objection, and it is so ordered.

Mr. LOWRY. I do not understand exactly the proposition just now made by the gentleman from Pennsylvania.

Mr. MILLER, of Pennsylvania. It was leave to print with the views of the minority the appendix which the gentleman has already seen. It is the same appendix printed with the minority views some time ago, of which he had a copy.

Mr. LOWRY. I do not object.

The appendix is as follows:

APPENDIX.

HOW THE NAMES OF VOTERS AND DELINQUENTS WERE IDENTIFIED.

[Record, page 70, *et seq.*]

Maj. John W. Goss, a witness of lawful age, being first duly sworn, deposes and says as follows, in answer to questions by W. D. Dabney:

Quest. 1. Please state your residence, whether you hold any official position in this county; and, if so, how long you have held it.

Ans. Albemarle County; I am clerk of the county court of Albemarle County, and have been so since the 1st of July last (1882). Ever since Nov'r or Dec'r, 1871, I have been connected with said clerk's office, and from that time to this I have been clerk or dep'y cl'k of said court.

Quest. 2. How many assessing districts are there in Albemarle County, and how many voting precincts?

Ans. There are two assessing districts and twenty (20) voting precincts, I believe, if I am not mistaken.

Quest. 3. Please look at the books now shown you and state what they are.

Ans. They are the poll-books for 1882 for Albemarle County.

X-ex'd by C. E. Hass:

Quest. 1. Please state whether the poll-books to which you have referred, if they *are* poll-books, have been removed from your office since the election of 1882; if so, when and by whom?

Ans. Here latterly Mr. W. D. Dabney has had some of them out; I don't know which nor how many; and it strikes me that Rich'd W. Duke had one, but I'm not certain whether he got it or not; I know he came there for one.

Quest. 2. Please state whether any Democrat, prior to the late election, applied to you or gave orders upon you for blocks of delinquent capitation-tax receipts; I mean by blocks, more than one, several.

Ans. None.

Quest. 3. Do you know of a Mr. White addressing orders to you or to your deputy for the delivery, in quantities, of delinquent capitation-tax receipts to other parties?

Ans. None addressed to me. I don't know what has been addressed to Mr. Burnley?

Quest. 4. Who is Mr. H. B. Burnley?

Ans. He is deputy clerk of the county court of Albemarle.

Re-ex'd by W. D. Dabney:

Quest. Please state whether or not the books gotten out by me were gotten with your knowledge, and whether or not it is the practice of your office to allow trustworthy and responsible people to withdraw the records at times for more convenient reference.

Ans. Yes.

Further this deponent saith not.

JNO. W. GOSS.

BENNETT T. GORDON, another witness of lawful age, was here introduced in the same behalf, and, being first duly sworn, deposes and says as follows in answer to questions by W. D. Dabney:

Quest. 1 (by contestant's counsel). State your residence and profession.

Ans. I live in Nelson county, Va., and am a lawyer by profession.

NOTE.—Counsel for Col. O'Ferrall here filed three papers marked Exhibits A, B, and C, respectively, with Bennett T. Gordon's deposition. (See pages 73 to 90, inclusive, of record.)

Quest. 2 (by same). Mr. Gordon, please examine Exhibits A, B, and C, which have been filed with your deposition, and state whether you have compared Exhibit A with Exhibits B and C, and whether the names which appear on Exhibit A are noted by any mark or memorandum on Exhibits B and C, opposite the same names on Exhibits B and C; if so, by what memorandum or mark?

(Counsel for contestee excepts to the filing of the three exhibits noted above, on the ground that they furnish insufficient and imperfect evidence; that the facts set forth therein, if perfect in their forms, are immaterial in this issue, and the foregoing question is excepted to on the ground that the issue it presents is immaterial. All questions involved in the prepayment of the capitation tax should be excluded by the Committee on Elections, because that requirement in that constitution of Va. is opposed to the Constitution of the United States and in conflict with the act of Congress approved Jan'y 20th, 1870.)

Ans. I have examined them and compared A with B and C. The names that appear on Exhibit A are marked on Exhibit B and C by the letters H. R. B. opposite the same names on B and C.

Quest. 3 (by same). Please examine the said Exhibits B and C, and state whether you have examined those exhibits in connection with the books now shown you, which purport to be, and have been identified by the clerk of Albermarle County court as being the poll-books of Albermarle County for 1882; and whether any note or memorandum opposite the names on the list of colored delinquents on said Exhibits A and B, respectively, indicates the names of parties that you have found on said poll-books. (This question is excepted to on the ground that it is immaterial, and is suggestive.)

Ans. I have examined Exhibits B and C in connection with the poll-books of Albemarle. On Exhibits B and C all names found upon poll-books are indicated by the name of the precinct opposite the voter's name, in red ink in most instances. In the case of Monticello House, I believe, the word Mont. Ho. is found in black ink, which I think is the only exception to the color of the ink. In several instances the names of voters on the poll-book differed from those on the delinquent-list in the matter of spelling, but in every such instance as I now remember the sound of the name is identical, and the name as found on the poll-books is so marked on the delinquent-list opposite the name. In some cases the name of the precinct is abbreviated.

Quest. 4. Please state how many names of colored delinquents you found on the two Exhibits B and C, which names also appeared on the various poll-books?

Ans. I counted the lists carefully and found six hundred and fifty-five (655) names of colored voters.

Quest. 5 (by counsel for contestant). Where did you make your examination and comparison of Exhibits B and C with the poll-books?

Ans. In the clerk's office of the county court of Albemarle.

Without waiving his exceptions, counsel for contestee proceeds to cross-examine the witness as follows:

Quest. 1. Please state how you ascertained the 655 names mentioned above to be those of colored voters.

Ans. I simply took these delinquent lists and compared them with the poll-books, and when I found a name on the poll-book corresponding with one on the delinquent-list I indicated it by writing the precinct or an abbreviation thereof opposite the name of the voter on the delinquent-list.

Quest. 2. Please state by what authority of law the assessors make a distinction between the white and colored delinquents. State this as a lawyer, if you please.

Ans. I am not prepared to say, and am not cognizant of any act of the Legislature authorizing it. I simply know it is done in all the counties with whose proceedings I am familiar.

Quest. 3. Then, if there be no law in Virginia requiring an assessor to make a color distinction in the delinquent-list they return to the clerk's office of the county, a return of colored delinquents by such assessor could be no legal guide for you in determining the colored delinquents of the county. Is not this so?

Ans. I didn't examine the lists as a lawyer, nor did I do so critically. I simply did it as a matter of fact. The distinction had been made, and I took it as I found it.

And further this deponent saith not.

Richard W. Duke, a witness of lawful age, being here introduced on the same behalf, and being first duly sworn, deposes and says as follows in answer to questions by W. D. Dabney:

Quest. 1. Please look at the books shown you which have been identified as the poll-books of Monticello Court-house and Wingfield's precincts in Albemarle County, and state whether you have compared those books with the assessor's books of Albemarle County for the year 1881, and if so what voters, if any, did you find at those precincts who appear not to have been assessed for 1881; state the names at each precinct separately.

Ans. I have compared them—1st. Monticello House: Wm. Dabney, C. H. Calaway, Wm. Preston, Fred Chapman, James Cooper, Isaac Coleman, Fleming Green, Isaac Duval, Charles Marroe, George Buckner. 2d. Court-house: Isaac Sampson, Charles Cosly, Joe Laring, Lycurgus White, Ed Young, Milton Kirtley, Jas. L. Ward. 3d. Wingfield's: Adam Dyer, John Barbour, Frederick Small, Parks Smith, and Wm. E. Terrill.

(The foregoing question and answer excepted to as immaterial and irrelevant. The judges of election at those precincts are sworn officers, and they are presumed to have admitted those votes under some exception in the law authorizing them to vote though not assessed.)

Quest. 2 (by same). Please state whether or not you have examined the registration-books of Court-house and Monticello precincts with reference to the names above given by you, and, if so, do their names appear on the list of white or colored registered persons, and do they appear from said registration-books to have been over or under 21 years old when registered?

(Question excepted to. The evidence referred to is of record, and should be presented here in that form. The contestant should not rely on the memory of his witness.)

Ans. I have examined them. Their names appear on the list of colored registered persons, and they seem to have been over 21. I didn't examine the registration books of Wingfield's precinct, because I couldn't have access to them.

Quest. 3 (by the same). Where did you examine the poll-books, assessor's books, and registration-books above referred to?

Ans. In the county clerk's office of Albemarle County.

And further this deponent saith not.

THE PRECINCTS IN ALBEMARLE COUNTY, AND THE NUMBER OF ALLEGED DELINQUENT COLORED VOTES CAST AT EACH.

The following is the number of colored persons who it is alleged voted for contestee in Albemarle County on delinquent-tax receipts, at each precinct. Of this number the majority of the subcommittee deducts 557 votes from contestee:

Batesville	16
Blackwell's	3
Court-house	63
Carter's Bridge	35
Covesville	23
Earleysville	34
Free Union	24
Howardsville	34
Hillsborough	15
Ivy	54
Keswick	38
Lindsay's	27
Milton	39
Monticello House	66
North Garden	25
Porter's	68
Stony Point	18
Scottsville	28
White Hall	32
Wingfield's	13
	655

THE EVIDENCE RELIED ON BY THE MAJORITY TO SHOW HOW THE COLORED DELINQUENT TAX-PAYERS VOTED IN ALBEMARLE COUNTY.

BATESVILLE PRECINCT.

There is not a line of evidence as to how even the colored people voted at this precinct.

BLACKWELL'S PRECINCT.

There is not a line of evidence as to how even the colored people voted at this precinct.

COURT-HOUSE PRECINCT.

[Testimony of Albert Southall, page 24.]

Question 3 (by contestant's att'y). State for whom the colored voters voted at the last election at that precinct. Was it for Paul and Wise or Massey and O'Ferrall?

Answer. They voted for Paul and Wise.

Question 4 (by same). How do you know that?

Ans. Because I was here all day and saw the tickets which the men were issuing who were working for Mr. Paul and Mr. Wise.

Question 5 (by same). State whether or not nearly all the colored voters got these tickets.

Ans. Yes; I think all the colored voters got them tickets and voted them at the court-house. Anyhow, I was at one of their meetings, and every colored man pledged himself to vote that ticket, and took it down in writing.

Question 6 (by same). Where was that meeting held, and who presided over the meeting?

Ans. That meeting was held at a place called Woodburn, in Albemarle County. Jas. Taylor, of Charlottesville, A. B. Parker, and Jessie Simons, or Salmons, as it is called, were the leaders or principal men.

Question 7 (by same). Was any white person present at that meeting? If so, who?

Ans. No, sir; no white man was present.

Ques. 8 (by same). About how many people were there?

Ans. Probably fifteen or twenty men were there that night.

Cross-examination:

2nd. Ques. Can you read and write?

Ans. I can't read or write much; I can manage to scribble my own name. I can read a little, not much.

3rd. Ques. How, then, can you tell how people voted?

Ans. I can know the name of the men on the ticket by looking at them.

4th. Ques. How many men's tickets which were voted at the election last November did you look at and read the names upon?

Ans. I saw the tickets the men were issuing; I asked them to let me see the tickets they were issuing, and they let me see them. Macajah Walker, I saw the tickets he was issuing.

5th. Ques. Did you issue tickets, and, if so, for whom?

Ans. I issued a few, some two or three, for Mosby and Dawson; I don't mean Mosby, I mean Cochran and Dawson.

[Testimony of M. T. Lewis, page 54.]

Question 2 (by contestant's att'y). Did you take an active interest in the last canvass; if so, for whom?

Ans. I did, sir. I was a leading one of my party in this county, and, in fact, in this district. I supported Dawson and Cochran, the straightout Republican candidates, for Congress.

Quest. 3 (by same). From your opportunity of judging during the canvass and at the polls where you voted, and from your personal acquaintance with the voters and your observation of their political associates, for whom would you say the great mass of the colored vote in this county was cast last election?

Ans. They were in a larger majority than I have ever know them to be for Paul and Wise; there was more enthusiasm, more interest manifested for the candidates than I have known for years.

Quest. 4 (by same). For which candidates, and by whom, do you mean all this enthusiasm was shown?

Ans. It was by the colored people for Paul and Wise.

Cross-examination:

Quest. 1. Do you know, of your personal knowledge, how any vote except your own was cast at the last election?

Ans. I think I can readily state. While I was in the court-house I saw numbers of Paul and Wise tickets voted. I saw them get these tickets, go up to the polls, and did not fold their tickets till they got to the polls, and then voted.

Quest. 2. Were these tickets referred to by you folded before they were voted?

Ans. They were, sir.

Quest. 3. Did you unfold and read a ticket after it was handed to the judge of election by the voter?

Ans. I did not unfold a ticket.

Quest. 4. You say the tickets were folded before they were voted, and that you did not read a ticket after it was given to the judge of election. This being the fact, can you say on your oath you knew who the vote was cast for?

Ans. My grounds for swearing the tickets were for Paul and Wise was because they were handed there in the court-house open, in my presence, and I saw the same ticket folded and voted, and the parties had no chance to change the tickets without my notice, because I was actively at work on that day and watched all these things.

Quest. 5. Did you see the face of the ticket after it was folded and handed to the judge of election; if not, do you still say you can tell for whom the ticket was voted?

Ans. I saw the ticket after it was folded, but did not see the face of it. Some of the tickets were handed to me to find out whether they were Paul and Wise tickets. I did not see the face of it after it was handed to the judge. I do say I can tell who the ticket was voted for.

CARTER'S BRIDGE.

[Testimony of M. L. Van Doren, page 28.]

Ques. 1 (by counsel for contestant). Please state your residence and voting place; whether you were an officer at the last election and were present at the polls all day.

Ans. My residence is in Albemarle County, near Carter's Bridge precinct, where I vote; I was a judge of election and present at the polls all day.

Question 2 (by same). From your observation of the polls that day, and your general knowledge of the voters, and their political affiliations and associates, and from your observation of the political workers who gave out ballots to the colored voters and came to the polls with them, how should you say the colored vote was cast; was it for Paul or O'Ferrall?

Answer. I should say it was almost unanimously for Paul.

Cross-examination:

Quest. 1. Were you not a partisan of, and did you not work and vote for, C. T. O'Ferrall at the last election?

Ans. I did not work for him on the day of election; I voted for him. I was a supporter of Col. O'Ferrall and wished for his election. I was less active than usual at the last election; my position as judge prevented me from taking an active part on the day of election.

COVESVILLE PRECINCT.

There is not a line of testimony as to how even the colored people voted at this precinct.

EARLEYSVILLE PRECINCT.

[Testimony of Davis J. Jackson, page 69.]

2d Q. (by same). Whom did you support for Congress in that election?

Ans. Massey and Paul.

3d Q. (by same). For whom did the colored voters at that precinct vote as between Paul and O'Ferrall?

Ans. Well, I think Paul got the majority.

4th Q. (by same). Did not Paul get nearly the entire colored vote?

Ans. I think he got the most of them.

FREE UNION PRECINCT.

There is not a line of testimony as to how even the colored people voted at this precinct.

HOWARDSVILLE PRECINCT.

[Testimony of J. J. Brown, page 27.]

Question 1 (by counsel for contestant). Please state where you reside, how long you have resided there, and where you vote.

Answer. I live at Howardsville precinct, where I have lived since 1848; vote there.

Question 2d (by same). Have you ever been an officer of election at that precinct, and have you been an active political worker, and have you full acquaintance with the politics of the white and colored voters at that precinct? Do you know well, in a general way, how the colored voters have usually voted at Howardsville, and how did they vote in the last election?

Ans. I have been registrar there for several years. I have ascertained the sentiments or political views of the voters, white and colored, at that precinct more fully for the past five years.

Ans. (continued). By knowing the colored and white voters, after looking over the poll-books, after the election, then ascertaining the number of votes, it was evident the colored people voted in a mass, with the exception of two, who voted the Democratic ticket, which two votes I know of my own knowledge. As to the last election I know nothing of my own knowledge.

Question 3d (by same). Did you not frequently, prior to the last election, urge the colored voters and the colored leaders to vote the Democratic ticket; that is, for O'Ferrall and Massey, and did they agree or refuse to do so?

Ans. Yes, sir, I did; they all refused to do so, with the exception of one colored voter, who always voted the Democratic ticket.

Question 4th (by same). State whether or not you have heard any of the negro leaders say since the election how the vote was cast, and have you heard any colored voters say how they voted, and have you heard any of them say they voted the Democratic ticket?

Ans. I have heard nothing.

Cross-examination:

Quest. 2. Were you not a warm partisan of C. T. O'Ferrall in the last election, and did you not vote and work for him?

Ans. I did.

HILLSBOROUGH PRECINCT.

[Testimony of J. J. Winn, page 34.]

Ques. 2 (by same). From your knowledge of the individual voters at that precinct and their political associations and affiliations, and from your observation of the persons from whom the negroes got their ballots on last election day, and whom they came up to the polls with, for whom would you say the colored vote at your precinct was cast; was it for Paul or O'Ferrall?

Ans. I should say it was cast for Paul.

Cross-examination:

Ques. Can you say on oath, of your personal knowledge, how any man, except yourself, voted at the election of Nov. 7th, 1882?

Ans. I could say how they said they voted. No; I could not say of my personal knowledge, unless that be considered personal knowledge.

IVY PRECINCT.

[Testimony of Wm. H. Southall, page 25.]

By contestant's att'y:

Question 2. Were you present at the polls all day at Ivy during the last election?

Ans. I was there all day in the room where the voting was going on or near there, never one hundred yards from there—from sun to sun.

Question 3. State whether or not you urged the colored leaders there and the colored voters to vote for Charles T. O'Ferrall at that election, and with what result?

Ans. I urged the leaders and many who were not leaders to vote for O'Ferrall and Massey, but only got one to do so. There were three colored voters on my place who I pretty much support which I asked to vote for O'Ferrall and Massey, but they declined positively to do so, and two of them voted on Wayland tax tickets; the third one came to vote, but had no tax ticket. He was asked whether he had paid his taxes, and he said he had not, and had no tax ticket. He, the voter, retired (was not allowed to vote); then Mr. J. Snowden Wood, the registrar, then left the polls and went to Mr. Sandridge's store and bar-room at Ivy, which place was considered the headquarters of the Readjusters. And a little while after Mr. Wood returned the voter came to the polls with a tax ticket (a Wayland tax ticket), but was not allowed to vote. I gave those two tax tickets to Mr. Dabney. After the election I got those two tickets from Herbert Taylor and Ruben Cutlet; the parties there gave them to me voluntarily upon request. Bob Harris, the one who attempted to vote but did not, refused positively to give the ticket up upon my request, or to tell me how or from whom he got the ticket.

Cross-examination:

5th. Ques. Did you contribute or assist in collecting money to pay delinquent taxes for Democratic voters.

Ans. I did, sir: by voluntary subscription.

6th. Ques. Do you know the amount raised in this county or used in it to pay for Democratic delinquents?

Ans. No, sir; I can't say that I do.

7th. Ques. Can you approximate it or state fully your knowledge as to the amount so raised?

Ans. It is a mere guess-work, but I suppose some four or five hundred dollars. There was not one-fourth (¼) as much as ought have been raised, a great many refusing to give anything—a large majority refusing to give anything. About three hundred dollars ($300) to my knowledge; it may be a little over or a little less.

11th. Ques. Do you know of any efforts on the part of the partisans of Col. O'Ferrall to induce colored men to vote for Dawson and Cochran who would have voted for Wise and Paul?

Answer. I tried to persuade colored men to vote for Cochran and Dawson. So far as I know, did not succeed in getting a single vote. I know of no one else, except a colored man who was endeavoring to do the same; whether he succeeded or not I do not know.

[Testimony of N. C. McGee, page 57.]

Quest. 2 (by contestant's att'y). From your knowledge of the individual voters and their political affiliations and associations, and from your observation of the polls that day, and of the persons with whom the colored voters came to the polls, and from whom they got their ballots, for whom would you say the colored vote was cast; was it for Paul or O'Ferrall?

(Objected to by contestee on the ground that the voters referred to are living in this county; that they are the best witnesses on this subject; that this witness can have no positive knowledge on the subject.)

Ans. I should say for Capt. Paul, undoubtedly.

KESWICK PRECINCT.

[Testimony of John Anderson, page 56.]

Quest. 2 (by contestant's att'y). From your observation of the voting that day, and from your knowledge of the voters and the persons who gave them their tickets and came up to the voting place with them, for whom would you say the colored vote at Keswick was cast that day; was it for Paul or O'Ferrall?

Ans. For Mr. Paul.

Cross-examination:

Quest. 1. Can you read or write?

Ans. No, sir.

Ques. 2. How do you know these votes were for Paul?

Ans. I knew the ticket-issuers for Mr. Paul and Wise, and could tell pretty well from them.

[Testimony of Jefferson R. Taylor, page 59.]

Quest. 2 (by same). From your knowledge of the individual voters at that precinct, and of their political affiliations and associates, and from your observation of the persons from whom the negroes got their ballots, and who came up to the polls with them, for whom would you say the colored vote there was cast; was it for Paul or O'Ferrall?

Ans. Paul, almost solidly.

Quest. 3 (by same). Please state the facts on which your conclusion is based.

Ans. I was appointed by the county superintendent of the Conservative party to attend to the interests of the party at Keswick precinct. I was to be and was assisted in looking after votes by several other voters at the precinct. Either myself or some of these men who were acting with me, and under my eye, met every colored voter who offered to vote at the precinct. They were also met by men acting for the Readjuster party. I do not remember one instance in which the Readjuster managers failed to take off the colored men who offered to vote, and were met by agents of both parties, to the polls and watch over them until they had voted. They took their tickets from the Readjuster managers, and I suppose voted the Readjuster ticket.

LINDSAY'S PRECINCT.

[Testimony of James R. Bragg, page 68.]

Question 2d (by contestant's att'y). State whether or not you noticed whether the colored vote at your precinct was controlled at the last election by the partisans of either of the candidates for Congress from this district; and if so, in the interest of which candidate was the colored vote controlled and cast; was it for Paul or O'Ferrall?

(Excepted to on the ground that the voters themselves must be called to testify as to how their votes were cast, or it must be shown that their evidence can not be obtained.)

Ans. My observation is that it was for Paul. There was a large number of colored voters there in the morning who did not vote until the evening, and rushed to the polls very soon after Mr. N. Branham arrived on the place, who acknowledged that he brought capitation-tax receipts for a good many. He was a partisan of Mr. Paul, and a very strong one.

Cross-examination:

1st Q. (by contestee by counsel). You have said that the colored vote at Lindsay's precinct was generally cast for Paul; how do you know that fact?

Ans. By their being brought up by the partisans of Paul.

MILTON PRECINCT.

[Testimony of J. Massie Smith, page 28.]

Question 2d (by contestant's attorney). From your observation of the polls that day, from your knowledge of the individual voters and their political affiliations and associates, from your observation of the persons who gave out the ballots to the colored voters and came up to the polls with them, for whom would you say the colored vote was cast at the last election at Milton; was it for Paul or O'Ferrall?

Ans. It was for Paul. The ticket holders were Republicans, Jas. T. S. Taylor and Jas. Thomas, both colored men. These men went up with nearly all the voters—would go up with the voters and exhibit the tax tickets of the voters. Taylor went with the colored voters to the polls, and I saw him very often give the voter the ballot and the tax ticket just at the door of the room in which the poll was held, and I saw James Thomas do the same. This answer refers to the colored voters at this precinct. I saw Jas. T. S. Taylor take a small book from his pocket, which looked as if it were a memoranda book, write something in or on the book, I don't know which (I tried to see), and he immediately handed a tax ticket to a voter, to a colored voter. Jas. T. S. Taylor tried to vote Randal Johnson on Randal Jackson's ticket, and I challenged the vote and his vote was refused.

Ques. 3 (by same). State whether Randal Jackson had already voted on that tax receipt.

Ans. I can't say positively that he had voted.

[Testimony of W. R. Staehlin, page 731.]

Quest. 3 (by contestant's attorney). Do you know whether or not many persons at Milton who in elections heretofore voted the Readjuster ticket, when the debt was the main issue at the last election, voted the Democratic ticket, and do you know whether John E. Massey has a strong personal following at Milton precinct?

(Counsel for contestee excepts to this question as only calling for a hearsay answer.)

Ans. There were some, a few white persons, who voted for him who did not vote for him in previous elections; but there were many colored men who voted for him before, but did not vote for him this time. He did not have the following he had in previous elections there.

4th. Quest. State who nearly all the colored people there voted for.

(Excepted to, because he can't know under the ballot system, and his opinion is not evidence.—MONTAGUE.)

Ans. I can't say who the majority of the colored voters voted for; I think the majority of the colored and white votes were for Massey and O'Ferrall.

5th. For whom did you vote?

Ans. I voted the Readjuster ticket square through and through.

Further this deponent saith not.

MONTICELLO HOUSE PRECINCT.

[Testimony of A. D. Payne, page 22.]

Question 3 (contestant's attorney). State which of the two candidates for Congress from this district the colored voters supported at the last November election at your precinct.

(Excepted to by counsel for contestee, because the evidence must be secondary if answered by the witness, and under the ballot system he can not know with sufficient certainty to answer.)

Answer. John Paul and John S. Wise.

Question 3d. State your means of knowing this.

Answer. I know from whom they got their tickets, and who these ticket-holders were supporters of.

[Testimony of John Dickerson, page 23.]

Question 6th (by contestant's attorney). Did you hold meetings of the colored voters in the various neighborhoods you visited on your canvass, and address them, and confer with them, individually, on the subject of which candidate they should and would support in the election then about to come off?

Answer. I did in some of them. Some of them I held meetings and in some of them I conferred with them through their leaders.

Question 7th (by same). State which of the two candidates for Congress from this district the colored people of this county voted for at the last election; was it Paul or O'Ferrall?

Answer. The majority of them voted more solidly than usual than since the Presidential election; the majority voted for Paul and Wise. My impression is the majority of them voted for Paul and Wise; but I could not know. I was judge of election at Monticello House precinct and could not see anywhere else.

Question 8th (by same). From your opportunities of judging, state whether the colored vote of the county was not almost solid for Paul and Wise; that is, were there not but very few who voted for O'Ferrall?

Answer. I don't know that I had any opportunity of knowing after I canvassed and did all I could for them. My opinion is, after my canvass they would go solid for Paul and Wise.

NORTH GARDEN PRECINCT.

[Testimony of Holmes Bowles, page 28.]

Question 1 (by counsel for contestant). Please state where you reside, how long you have resided there, and where you vote.

Ans. I reside in the neighborhood of North Garden, in Albemarle County; some ten years in that neighborhood; I vote at North Garden precinct.

Question 2 (by same). State whether or not you have been an influential leader of your race (the colored race) in politics at that precinct for several years, and did you work among the colored voters just previous to the last election in the interest of either candidate for Congress; and, if so, for which candidate did you work? Was it Paul or O'Ferrall?

Ans. Yes, sir. I have used my influence among my race, the colored race. Yes, I used my influence previous to the election in the interest of Hon. John Paul.

Question 3 (by same). Were you present at the polls at North Garden all day at the last election?

Ans. Yes, sir; I was present there all day at the last election.

Question 4 (by same). From your opportunities of knowing—from your work before and your presence at the election—for whom should you say the colored vote was cast; for Paul or O'Ferrall?

Ans. I would say for Paul, with a few exceptions.

PORTER'S PRECINCT.

[Testimony of J. C. Childress, page 331.]

Ques. 1 (by counsel for contestant). Please state where you reside, how long you have resided there, where you vote, and whether you have not been active in the politics of this county for many years, and exercised a large influence over the colored vote.

Ans. I live between Porter's precinct and Howardsville, in Albemarle County; have lived there about 69 years: I vote at Porter's precinct; I have been active in the politics of this county for many years; I have usually exercised a large influence over the colored voters.

Question 2 (by same). From your opportunities of knowing, from having worked among and conversed with many negroes on the subject of politics just before the last election, and from your observation of the polls on election day, how would you say the colored vote was cast at Porter's; that is, for which of the candidates from this district was it cast?

Ans. They voted the Readjuster ticket, for Mr. Paul, about unanimous; I don't know of one who did not.

Ques. 3 (by same). Did you have much talk among the negro voters at other precincts before the election; and, if so, what was the sentiment prevailing among them as to which candidate they should support, especially the precincts of Scottsville and Howardsville?

Ans. I electioneered for Dawson, and in that way I saw most of the negroes, but did not succeed in getting them to vote for him. I went to Scottsville and Howardsville, tried to get them to vote the Republican ticket, but they were all for the Readjuster ticket, for Paul and Wise.

Cross-examination by counsel for the contestee:

Ques. 1. You say you do not know of one negro who did not vote for John Paul; can you say on oath you know of your own knowledge how a single person except yourself voted at the election held Nov. 7th, 1882?

Ans. No, sir; of course I don't. I did not read a ticket or touch one. There was no vote for Dawson when they reported. I know though that I voted for him. I did not read the darkies' votes; only know how they told me they voted.

[Testimony of Archie Bland, page 35.]

Ques. 1 (by counsel for contestant). Please state where you reside, where you vote, whether or not you are a leader in politics among the colored voters at your precinct, who you supported at the last election, and whether you were present all day at the polls.

Ans. I live at Porter's precinct, Albemarle County, Virginia, where I vote; I have been a leader among the colored voters there for fifteen (15) years. At the last election I was present at the window of the voting-place from sunrise to sunset. I supported Mr. Wise and Mr. Paul.

Ques. 2 (by same). From the work you did among the colored people and your talk with them, and from your observation of the voting at Porter's that day, for whom would you say the colored vote at that precinct was cast; was it for Paul or O'Ferrall?

Ans. For Mr. Paul and Mr. Wise. Mr. O'Ferrall's name was not called at all, except by those who did not let their votes be known. They would not tell who they voted for, but when they were counted it was found those few who dodged around had voted for O'Ferrall. I could not tell exactly how many, but they might have been some twenty-five; there were not many of them.

Ques. 3 (by same). How many colored voters voted at Porter's last election, as near as you can tell?

Ans. I could not tell exactly, as I did not take sight on the quantity.

STONY POINT PRECINCT.

[Testimony of Philip Nelson, page 68.]

Question 2 (by counsel for contestant). From your observation of the polls that day how should you say the colored vote was cast; was it for Paul or O'Ferrall?

(Objected to, as this is not the best evidence that can be procured, and because

the question is too general. Nobody can testify to how a voter casts his vote until the voter himself has testified, or until it is shown that his testimony can not be had; and, secondly, all of the colored voters did not vote the same way; consequently such a question is too general.)

Ans. For Paul, with a few exceptions.

SCOTTSVILLE PRECINCT.

[Testimony of Jonathan Browning, page 41.]

Ques. 2 (by counsel for contestant). From your knowledge of the individual voters and of their political affiliations and associates, and from your observation of the persons from whom the negro voters at Scottsville got their ballots last election day, and who came up to the polls with them, and from your experience in canvassing among the negroes in the interest of your candidates, for whom would you say the negro vote at Scottsville was cast that day, Paul or O'Ferrall?

Ans. It was cast solidly for Paul, I think, with one exception. I don't know of but one negro that voted the other way.

WHITE HALL PRECINCT.

[Testimony of J. A. Early, page 691.]

2d Ques. by same. State whether or not you noticed whether the colored vote at your precinct was controlled at last election by the partisans of either of the candidates for Congress from this district; and, if so, in the interest of which candidate was the colored vote controlled and cast; was it for Paul or O'Ferrall?

Ans. Well, the colored vote was controlled by the friends of Mr. Paul. I do not believe there were but two colored votes cast for O'Ferrall. I know there was two.

WINGFIELD'S PRECINCT.

[Testimony of William E. Jackson, page 55.]

Quest. 2 (by counsel for contestant). From your work among the voters that day, and from your observation of the parties who gave them their tickets and went up to the polls with them, how would you say the colored vote there was cast that day; was it for Paul or O'Ferrall?

Ans. In behalf of Mr. Paul and Wise the only person who issued tickets there was myself up to the time I came away, about 3.30 or 4 o'clock in the afternoon. I then gave the tickets to Mr. John Kennie. And of course all those I issued were voted in the interest of Paul and Wise. In my judgment, up to the time I left they were in the majority for Paul and Wise. I did not look over the poll-books, but I approached pretty much every one who came, both colored and white.

Quest. 3 (by same). Do you know of any persons who voted there that day who said they had not paid their taxes; if so, who were they?

Ans. I don't know of any.

Quest. 4 (by same). Did not Frederick Small, or Adam Dyer, or John Barber, or Parks Smith, or Henry Smith, or Wm. E. Terrell, or Phillip Scott, or Robert Fry, either, or any or all of them, vote, admitting either that they had never been assessed or had not paid their tax?

Ans. I don't recollect anything about it.

Cross-examination:

Quest. 1. Can you say of your own personal knowledge how any one voted at Wingfield's precinct, Albemarle County, Va., on last election day?

Ans. Yes, sir; I can. All those that I gave tickets to I required them to give me their tax tickets, and as there was two tickets to be voted I went to the polls with them, handing a ticket first for the candidate and then the ticket for the repeal of the constitutional amendment.

Mr. LOWRY. Mr. Speaker, with a view to a free and full opportunity for discussion by the other side I will again call attention to the point whether it will be desirable to have any understanding as to the time when a vote may be taken upon this question.

Mr. MILLER, of Pennsylvania. I will state to the gentleman from Indiana that the gentleman from Iowa [Mr. COOK], a member of the Committee on Elections, will want an hour; the gentleman from Tennessee [Mr. PETTIBONE], a member of the committee, an hour, and I myself would like to have an hour in case I find it necessary to consume any time whatever. It may be that I shall not occupy the floor, but I would like to have the privilege of doing so if I find it necessary. That will be three hours on the minority side.

The SPEAKER *pro tempore* (Mr. COBB in the chair). The Chair has nothing to do with regulating the time, but presumes that gentlemen can agree among themselves upon the length of time to be consumed in the debate. The gentleman from Indiana can of course demand the previous question whenever he sees fit to do so.

Mr. LOWRY. It is understood that the House will be occupied in the discussion of another topic on to-morrow, and it is desired, I take it, on all hands to get through with this case to-day. I think it will be reasonable, Mr. Speaker, to divide the time up until the hour of half past 4 o'clock.

Mr. MILLER, of Pennsylvania. There is no necessity for forcing a vote to-day. The case can go over until Wednesday. [Cries of "No!"]

Mr. LOWRY. I think it may therefore be understood, in view of the fact that no present arrangement can be effected, that the previous question will be called at half past 4 to-day.

Mr. MILLER, of Pennsylvania. I certainly will not give my assent to any such arrangement as that. If the gentleman sees fit to force this matter to a vote without discussion, as they have forced the consideration of the question without the minority views being printed, they have of course the power to do so.

The SPEAKER *pro tempore*. The question is upon the adoption of the substitute offered by the minority of the committee.

Mr. MILLER, of Pennsylvania. I certainly will not agree that a vote shall be taken upon this without discussion. The gentleman from Indiana I understood was on the floor prepared to proceed.

The SPEAKER *pro tempore*. It is for the House to determine. The Chair has waited, but since no gentleman seems inclined to debate the matter the Chair will put the question.

Mr. MILLER, of Pennsylvania. We have a right to be heard, I believe.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania will be heard if he desires to be heard. But no one rose to address the Chair, and the Chair, in obedience to the rules of the House, submits the question first upon the adoption of the resolutions reported by the minority as a substitute for the report of the committee.

Is the House ready for the question?

Mr. COOK. If no one desires to address the House upon that side, or in favor of the report of the majority of the committee, I will begin. But I supposed the gentleman from Indiana [Mr. LOWRY] would occupy the first hour.

The SPEAKER *pro tempore*. It is not for the Chair to inquire whether gentlemen propose to address the House or not. After waiting and finding no one inclined to address the House the Chair submits the question. Does the gentleman from Iowa desire to be heard?

Mr. COOK. I do, but I prefer to wait until after hearing from the gentleman from Indiana.

Mr. LOWRY. I addressed the Chair for the purpose of discussing the question now pending and was recognized by the Chair. The Chair, as I understood, recognized some proposition emanating from some other part of the Hall which no gentleman on this side understood. The Chair was not understood by any gentleman in this neighborhood as to what the proposition was, and I was waiting for the purpose of hearing that before proceeding with my remarks.

The SPEAKER *pro tempore*. The Chair will state that he recognized the gentleman from Pennsylvania, who asked leave to have an appendix printed to the minority report. After action had been taken upon that the Chair recognized the gentleman from Indiana, supposing that he desired to debate the report. The Chair waited for some time and concluded the gentleman had yielded the floor. If, however, the gentleman states that he was recognized and that he had not yielded the floor the Chair will of course recognize him now.

Mr. KEIFER. Nobody objects.

The SPEAKER *pro tempore*. The Chair was not disposed to wait further on the gentleman from Indiana. [Laughter].

Mr. COX, of New York. Regular order!

Mr. LOWRY. Mr. Speaker, we have in Indiana a maxim, and I do not know whether it is well recognized in the region of the State from which the present incumbent of the chair comes or not, but it is one which we found quite wholesome to act upon at times in that portion of the Commonwealth from which I came, and it is that it is sometimes desirable to make haste slowly. I was desirous just now of coming if possible to some understanding so far as the length of time to be consumed in this debate was concerned. For that purpose I had addressed the gentleman from Pennsylvania and had stated to him that I thought it would be reasonable to limit debate in such a manner as that a vote could be taken in the case at half past 4 o'clock. I desire now to say that, having failed to succeed in effecting any understanding with the other side as to the time, so far as I am concerned my inclination will be to afford such reasonable time for discussion as I think will be necessary to bring out all the facts in this case and then ask a vote upon it. I do not think it will be desirable to infringe upon the parliamentary day of to-morrow in this discussion, inasmuch as it is well understood that it is to be devoted to another and a most important topic.

In this case, sir, at the November election in 1882, in the seventh district of the State of Virginia, Charles T. O'Ferrall was the Democratic candidate and John Paul the Readjuster or Coalition candidate for Representative in the Congress of the United States. The constitution of the State of Virginia contains a provision by which the Legislature is authorized to impose a capitation tax as a qualification for voting, and in pursuance of that provision of the constitution the Legislature provided for the imposition of such a capitation tax. There was within the confines of this district a large number of delinquent tax-payers, those that had not paid their capitation tax before the November election. The auditor of public accounts for the State of Virginia had appointed a collector for each of the ten counties comprising this Congressional district, and these collectors had each appointed deputies who claimed authority to collect and issue receipts for these delinquent capitation taxes. The controversy arose in this case as to whether the auditor of public accounts possessed such authority under the laws of the State of Virginia, and at one time the committee had arrived at a conclusion in regard to that matter. Other contested-election cases are pending from the State of Virginia and the same question was raised in those cases.

One of them at least is yet undetermined and unargued. And in order that there might be no conflict between the conclusion arrived at in this case and the conclusion that might be reached in that, the question as to the validity of the appointment of these tax collectors has been held in abeyance by the committee until they have arrived at a conclusion in reference to that case. Not as is stated by the gentleman from Virginia; they have not abandoned the position which was occupied by the majority of the committee in reference to that matter, but have determined to hold it up in order that there might be no embarrassment in determining the question when it comes to be fully considered after being presented by those engaged in its discussion in the case of Massey against Wise, to which I refer more particularly.

These collectors having proceeded with the discharge of the duty which they conceived to be incumbent upon them, issued receipts to

delinquent tax-payers, parties delinquent in the payment of their capitation taxes in the ten counties composing this Congressional district. There is no controversy about the fact that the clerks of the several counties have unquestioned authority to receive these delinquent capitation taxes and to issue receipts for them; and that upon the payment to the clerks the parties become duly qualified to vote at the ensuing election. The provision of the statute is that the tax must be paid before the day of election. And the question arose as to whether or not there were payments made in the manner required by law either to the clerks of the several counties or the collectors, assuming them to be qualified to make these collections, who were appointed by the auditor of public accounts, or their deputies.

In order to ascertain who were delinquent in the payment of these capitation taxes the committee have proceeded no further than the county of Albemarle, for the reason that they conceived it to be unnecessary in order to a determination of the merits of this case as between the contestant and the contestee to go beyond an inquiry as to the validity of the vote of that county. The canvassing board returned John Paul as being elected by a majority of 205 votes. Under the statute of the State of Virginia the commissioners of the revenue are required to note upon the record on which the assessment of tax-payers is entered whether the party assessed is white or colored; and the treasurer in making returns of delinquents in the county of Albemarle showed upon his list as set forth by the assessment-list of the commissioners of the revenue the fact as to whether or not the delinquents were white or colored. A witness was introduced in this case who examined the list of delinquents and who compared it with the poll-lists of the voters who had voted at the election for members of Congress in the county of Albemarle; and it was ascertained by him that 667 of the persons who were noted as being colored were persons who voted at the election and were returned as delinquent in the payment of these capitation taxes. The witness who thus examined these records remained uncontradicted. There was no countervailing testimony upon that point.

Mr. HEPBURN. Will my colleague permit me to ask him a question?

Mr. LOWRY. I would rather proceed until the close of my remarks, and if it shall then be in my power to answer any question proposed to me I shall be happy to do it.

By this process it will be seen that it could be ascertained how many of those who had been delinquent and had voted at this election for members of Congress were white or colored; 667, as I have said, of these were ascertained to be colored voters. Thus that fact was ascertained almost to a demonstration in this case.

Then, sir, for the purpose of ascertaining how these 667 delinquent colored voters cast their votes at that election a large amount of testimony was introduced, twenty-one witnesses in all testifying on that point. They testified as to how the votes of the colored people as a class were cast; not throughout the State generally; not throughout the whole Congressional district, but as a class in the county of Albemarle and in the various precincts of that county. And it is shown by these witnesses in a variety of cases that they became conversant with this fact. Many of them were the adherents of the party of which the contestee, Mr. Paul, was a candidate—nearly all of them who testified upon the question. Some of them were present at meetings where colored people congregated together for the purpose of discussing the questions pending during that election. Others were conversant with the views of the colored element in the county of Albemarle. Others knew as to what the personal preferences and predilections of that class of voters were. Others had canvassed the district, and particularly the county of Albemarle, and had thus familiarized themselves with the views and purposes of that element of the voting population. Others had associated with them personally and knew what their personal predilections and party affiliations were. Others had been present at meetings where resolutions were adopted and where the purpose was declared. Some gentlemen who had canvassed the county—one in particular—stated as the result of his observations that he had no doubt that the colored vote was cast almost as a unit for Mr. Paul. In fact, the evidence upon this point, not to amplify further at this time, is so full, complete, and satisfactory in regard to the matter that there can scarcely be a reasonable doubt that this vote was cast *en masse* for the contestee.

I do not understand gentlemen upon the other side as claiming that there is evidence going to show the contrary. And so far as one of the counties of this Congressional district is concerned, the point was made that the entire colored vote of the county was solid for the contestee; this claim being put forth in the answer to the notice of contest in the case, assuming that as a matter of course, as an undisputed and well-ascertained fact.

A large number of witnesses were also introduced to testify in reference to the manner in which voters who were delinquent in the payment of the capitation tax were supplied with their tickets; in regard to the manner in which they were distributed; in regard to the manner in which they were handed out at the polls; in regard to the manner in which they came into the possession of the collectors and their deputies; and in regard to the time in which they were passed out of the hands of these deputies to the voters.

It will be remembered, as I have already remarked, that the statute of Virginia prescribes that this capitation tax must be paid not later than the day preceding the election. The testimony all goes to establish the fact that none of these delinquents either paid their tax or were provided with tax-tickets, as they are called in that State, or, as they will be more familiarly known to members of this House, tax-receipts, until the day of election.

It however appears in the proof in this case that in the county of Albemarle no payment of the taxes was made for the tickets which were issued to the collectors (with the exception of the sum of $125), until long after the election. James T. Wayland was the collector appointed by the auditor of public accounts in that county, and in his turn he appointed a large number of deputies. Without at this time going into a minute examination or analysis of his testimony, I will state that in substance it appears from his evidence that a check for the sum of $440, I think, had been sent to him.

It appears that he had a private clerk, a person who is denominated a clerk. I do not know that it appears distinctly whether or not he was acting simply as his private clerk or in some official capacity; but it does not appear that he was acting as deputy collector, assuming that there could be such an officer as deputy collector. Wayland, however, never saw that check until some sixteen days after the election. At that time it came into his hands for the first time, and he indorsed it and sent it in to the treasurer of the State of Virginia.

There was the sum of $125 which had been transmitted to him in bulk before the election. In arriving at the conclusion which we have reached in this case the committee have not deemed it necessary to go into an investigation of the fact whether or not that would constitute a proper payment of this capitation tax so as to authorize individual voters to vote. That sum of $125 came into his hands. A larger fund came into hands, and of that larger fund he appropriated $125 to pay for these delinquent capitation receipts.

Without raising in this case the question as to whether or not that constituted a proper payment of the tax, the committee allow credit for the amount of money thus coming into his hands, and making a calculation as to the number of receipts that sum would pay for, each voter under the provisions of the statute of the State having to pay $1.05, or at least the sum of $1—I think there is some controversy whether the additional 5 cents was properly imposed—but assuming that $1.05 was the sum which each voter was required to pay in order that he might be entitled to vote, that $125 would pay the tax for 119 voters. Now, deducting that number from the 676 votes which it was shown were cast up on collectors' receipts, there would be left 557 votes, which we think are clearly shown as having been cast for the contestee in this case, Mr. Paul, and should be deducted from the vote accorded to him by the canvassing board.

The votes of one of the precincts of this county were thrown out by the canvassing board, as stated in the majority report, upon a mere technicality, because of the non-sealing of the envelope in which the certificates of the board were returned. The majority of the committee accord to Mr. Paul the right to the votes cast in that precinct. Deducting that number from the majority which it was ascertained Mr. Paul would have after deducting the 119 votes, that would leave 248 votes as the majority for the contestant. The conclusion of the majority of the committee is that leaving out of consideration the question as to the other counties in the district, in all of which these tax-receipts were issued in a similar manner through these collectors to their deputies and by them distributed in many instances without the payment of the capitation tax by the voters—at best there being only a payment in bulk, large sums of money being placed in their hands for the purpose—leaving out of calculation the question in reference to those counties, the majority of the committee consider that this will show the majority of votes to which the contestant in this case is clearly entitled.

This is a brief statement of the grounds upon which the majority of the committee rest their report in favor of the contestant in this case. I will reserve the remainder of my time and give way to other gentlemen who desire to speak.

The SPEAKER *pro tempore* (Mr. CASSIDY). The gentleman has thirty minutes of his time remaining.

Mr. LOWRY. I thought I had forty minutes remaining.

The SPEAKER *pro tempore*. According to the information given to the present occupant of the chair as to when the gentleman commenced his remarks, he now has thirty minutes remaining.

Mr. HEPBURN. In opening the discussion of this question against the report of the majority, I desire to call the attention of the House to the very peculiar position in which this case now is. I think that I might make some complaint against my colleague on the committee who has just taken his seat [Mr. LOWRY] with regard to the attitude that he has assumed with reference to this case.

You will remember, Mr. Speaker, that up to this time no opportunity has been given for the minority of the committee in that orderly and usual way recognized as proper by this House to place their views of the case before the House. Some time ago, three or four weeks ago, the gentleman who has just taken his seat prepared an elaborate report, embodying, as he supposed, the views of the majority of the committee, which report was discussed in committee. The minority of the com-

mittee prepared their views with reference to that report of the majority, which views were presented by the minority to the full committee, and they were discussed.

The result was that the distinguished gentleman was driven from many of the positions that he had assumed, so that he was unwilling, in the light of the investigation that ensued, to commit himself to the views he had expressed in that report. He therefore asked and obtained permission to revamp his report, and for the first time it was permitted to see the light on last Saturday morning. I do not believe that it has yet been distributed. For one I have never seen it, and until two hours ago did not know that it was in print; and up to this time there has been no opportunity for that usual reply that the minority would have a right to make.

Not only that, sir, but this case has been pressed upon the House at this time in opposition to the unanimous view of the Committee on Elections, because the gentleman himself stated that in voting upon the question his vote was *pro forma* simply. It was not the desire of the Committee on Elections that this case should be called up this morning. They recognized the unfairness of such procedure, and by this united vote to which I have called your attention declared their conviction that propriety required there should be such delay, so that the report of the minority, containing their argument, should be laid upon the desks of members. Hence the committee this morning resolved that this case ought not to be taken up for consideration before next Wednesday morning.

But, Mr. Speaker, there seems to be some remarkable exigency for this haste. The gentleman, usually so courteous, would not, in my humble judgment, have outraged propriety as he has done, would not have trampled upon decency as he has done, unless there was some reason beyond that which is apparent to the average member of the House. The minority of the committee had a right to be heard in the ordinary way. We had a right to have our views laid upon the desks of members, so that they could see upon what flimsy pretexts, upon what miserable pretenses, it is proposed now to seat the contestant in this case.

Mr. Speaker, as you must have observed, it is claimed that the contestant should be seated solely upon the vote in Albemarle County. The majority have abandoned all the other nine counties in the district, and have contented themselves with saying that such facts cluster around the vote of this county as justify them in the report they have made. Now, in this district the contestee had a clear majority of 205 votes; having that majority, he received the certificate.

Mr. MILLER, of Pennsylvania. The majority of the committee concede he is entitled to 104 more, making 309.

Mr. HEPBURN. I was coming to that. But he was entitled to and received his certificate upon this majority of 205, to which the addition of 104, by reason of an erroneous count, must be given him. Now, these gentlemen must overcome that majority of 309 votes; and by their own confession they are limited to the one county of Albemarle in order to accomplish it.

How is it proposed to do it, and what is the character of evidence upon which they have arrived at their conclusion? They say that votes were cast at that election by 667 colored men whose names appear on the delinquent capitation list. Now, I am ready to admit that this list under the law should designate whether the delinquent is white or colored; and therefore if it contains the statement that an individual is colored, being in the nature of a record, the committee have a right to rely upon that fact. But how do they find out that the parties whose names appear upon the poll-books are colored? Simply because the letter "C," by the voluntary act of some one, we know not whom, some one whose duty it was not made by the law to place it there, has been written after each one of these 667 names. There is no authority for so designating these voters on the poll-lists; the law does not require it; it is not the duty of any one to do it. The man who placed the letter there was not, in doing so, acting under the solemnities of an oath. The letter thus written opposite these names is not in any sense a part of a record; it is not in any sense exemplified. No man has pretended to swear that those persons against whose names this letter "C," indicating "colored," appears were in fact colored voters. But the majority of the committee have assumed that they were colored.

There has then been introduced a witness who testifies, not as my friend stated a while ago, that the 667 persons whose names appear upon the delinquent-list did in fact vote. That is not in proof. No man has said it. It is simply in proof that there are corresponding names upon the two lists; and these gentlemen have assumed the identity of the individuals. But there is, it seems to me, a very marked distinction. Where they have found, for instance, the name of George Washington upon the delinquent-list and the name of George Washington upon the tax-list, the majority of the committee have assumed that the name on the two lists is the name of one and the same person. Yet it may be true that there are scores and scores of persons so named in that county. Hence the assumption of the majority of the committee is entirely unwarranted.

These gentlemen assume that there are more than 500 of these voters who did not pay their capitation tax. They admit that of the 667, the total, 125 did pay their capitation tax. The remainder, they say, did not. Yet, Mr. Speaker, it is in proof that in the hands of the clerk of the collector of that county, as the gentleman himself said in his remarks, there was before the election day $440 to be used in payment of the capitation tax of these voters. But right here the gentlemen grow technical; and although this money was in the hands of this clerk, the one who was transacting the business, the one who was recognized by his principal, the one who was authorized by him to do the business and who did it, they say that because the money had not reached the hands of the collector therefore the money is not to be regarded as in his hands, the payment was not made, and the votes should not be counted.

Is not that a little technical? We have a right to assume that the laws of the State of Virginia requiring the payment of this tax are for the purpose of aiding the revenue of the State. No gentleman will claim that they are clogs, impediments, obstructions in the way of free suffrage. No man will claim that the enginery of the great State of Virginia has been invoked in order to rob these men of their right to vote.

No gentlemen on the other side will claim that it has been the purpose of this great Commonwealth to ostracise certain of its citizens, to prevent them from the exercise of the right of suffrage; but, on the contrary, it will be their claim and it ought to be our belief that Virginia, when imposing this tax, simply means it shall be a revenue measure, a means by which so much of the hard earnings of her sons shall go into the treasury of the State.

And right here let me say, Mr. Speaker, no man disputes that every dollar of this $125 and the $440 has gone into the treasury of Virginia, and is there to-day unless expended. No man claims but that the purpose of the law, of this revenue measure, has been effectual in bringing into the coffers of the State $565 from these colored people. That is beyond dispute. The State has the money.

Now, Mr. Speaker, as these provisions are simply revenue measures, and are for the purpose of adding to the revenue, whether you find them in the constitution or statutes, the method of collection, the time and place of collection, are simply directory and not mandatory, the object being to secure revenue. True, the time and place may be stated, but if the object is to secure revenue, and if any other time will do as well, if any other pl ace will do as well, if any other person will do as well, then the statute is but directory, and if the object of securing revenue is accomplished, then the object of the law is attained.

The State of Virginia has the money, the State of Virginia has been the beneficiary, and it seems to me now it would be the grossest of injustice to say these men whose money the State clings to tenaciously, these men who have done all they could do to fit themselves for the discharge of this duty—it would be a most ungracious act to say because of some technicality such as my friend has suggested their rights are to be questioned and their votes excluded from the count.

Mr. Speaker, there is no dispute about the fact of this $440 being in the hands of the clerk of the collector prior to the election. I appeal to the language of my colleague on the committee. It was his statement, and I borrow it from him. There is no dispute but $125 was paid before the day of the election in addition to this $440. There is a total of $565—payment for 565 tax receipts.

Now, sir, if we were to admit what the committee claims in regard to the remainder there would be but 105 votes disposed of, while they must dispose of 309 in order to overcome the clear majority of the contestee.

Let me call your attention, Mr. Speaker, if you please, to another important question, and that is as to how the 667 troublesome voters that so much perturbed the majority of the committee—how are they to be disposed of in reference to the question of how they voted? I say of that whole number of 667 neither the gentleman who has just taken his seat nor any other member of the committee can lay his finger on a single voter and say this voter voted for the contestee. Not one. There is no attempt to individualize the vote. There is no attempt to show that John Jones or John Brown or George Washington voted for the contestee or for the contestant. Gentlemen console themselves or rather content themselves with guessing at the whole class of voters, and that, too, in the case of entire townships or voting precincts where there is not one solitary word of testimony as to how the voters of that particular township or precinct voted. There are several of these, and I challenge the attention of my friend who has just taken his seat to this portion of his report.

I assert there are many townships whose vote he has excluded that no living witness, white or black, has in any way challenged. They have contented themselves by showing that in the opinion of the witness the colored people as a class in the whole country or in the whole district voted for a particular candidate. They have not attempted to show that any of these challenged voters individually voted for the contestee in this case.

But the contestant called witnesses and put such questions as this:

How did the colored voter of such a county or such a district vote?

And the answer is simply of this character:

The most of them, I think, voted the Readjuster ticket; or, a large majority of them, I think, voted the Readjuster ticket; or, it is my opinion that the large

proportion of them voted the Readjuster ticket; I think they mostly voted for Wise and Paul.

But, sir, no man has had the temerity to say that all the colored people voted the Readjuster ticket.

Mr. LOWRY. Will you allow me?

Mr. HEPBURN. Did you allow me?

Mr. LOWRY. I would inquire of the gentleman what witness he alludes to as using such qualified language?

Mr. HEPBURN. I can not name the particular witness now, but I will make the general statement that the great majority who were called by the contestant contented themselves with just this kind of qualified statement.

Now, Mr. Speaker, in some instances they give the reasons for their belief. They say that their leaders voted the Readjuster ticket; that their head men voted it; they say that the distributers of tickets voted the Readjuster ticket, and they think from all of these causes and from other conditions existing that the majority of these people voted that ticket. That is the conclusion of the majority. Why, sir, how unsafe this would be if adopted as a rule of evidence. Suppose there was but a single vote in the contest in dispute, who would then be content to say that proof such as I have called your attention to would be sufficient to keep out that one vote, whereas it is now claimed by this committee as sufficient to exclude 667 votes? I do not believe that any sane man ought to. And yet that is the principle, that is the method these gentlemen have adopted here. They have not called the witnesses and asked them how they voted.

They have not sought to get the better class of testimony. But refusing to do that, they attempt to make a secondary class of testimony competent. They have been content to go beyond the elements of secondary proof and give to the House simply these speculations and beliefs and opinions of men upon this question. How unsafe this must be is apparent to all, and I can not understand how any gentleman could be willing to trust himself to act in matters of this important character upon testimony like that. My friend who made the report said, as I understood him, it was conceded that the colored people all voted the Readjuster ticket. I do not know who has made that concession. I have never heard it before. On the contrary, there were proofs from their own side that more than one hundred of these colored people voted the Democratic ticket.

And if I might appeal to the current literature that we have for years seen, when outrages upon suffrage have been charged against the Democracy, we would not have to go far before we could find in all the prints of the Democratic persuasion constant insistings that there was a division of the colored vote in the South and that the colored people knew who their friends were. We hear it frequently said that they have a strong affection for their old masters, that they know who fed them and provided for them, and that they vote as this class desired them to vote. How familiar that kind of talk is upon this question! But now, sir, the opposite seems to be conceded because it happens to be necessary to sustain my friend's methods and argument, and he must take the other horn of the dilemma and insist that it is a truth now that the colored people all vote in opposition to the Democratic party. If the House is to act upon this question as claimed by the majority, I want such action to operate as an estoppel against them in future when they propose to make their annual denials, as they will do at each succeeding election; and to my friend especially I commend his own statement when he proposes to wipe out all of the charges that are made about outrages in the South by the easy pretense that the colored vote is divided, that there is no solidity or unification of it, and that as many of the colored people in the South vote the Democratic ticket as any other.

Mr. Speaker, I have occupied more of the time of the House than it was my purpose to do; but I want to say in conclusion that I do not believe, upon the sober second thought, this House can afford to seat the contestant. In order to do so there must be so many outrages upon the laws of evidence, upon the methods that have heretofore been adopted, upon the rules of procedure that have been established, upon the right and justice and verities of this case, that I do not think gentlemen can afford to commit themselves to the proposition that a whole community, 676 persons, must be ostracized and robbed of their votes when there is no other shortcoming upon their part than that a payment into the treasury of the State of Virginia has been delayed until three weeks beyond an election, when the law of the Commonwealth gives to the officer an entire year in which to make his statement or account and settlement. I do not think the House can consent to so disregard all of the well-established precedents for the production of testimony that they will seat this contestant solely because a number of witnesses have said that in their judgment and opinion the majority or the mass of the colored people voted against the Democratic party and in favor of the Readjuster party. And yet you have got to say that; you have got to give the seat to this contestant upon this ground and upon this class of evidence and upon no other, for that is all there is in the case.

I now yield the remainder of my time to my colleague on the committee [Mr. COOK].

The CHAIRMAN. The gentleman has thirty minutes of his time remaining.

Mr. COOK addressed the committee. [See Appendix.]

Mr. LOWRY. I yield fifteen minutes to my colleague [Mr. WARD].

Mr. WARD. Mr. Speaker, the only distinguished service which I can claim to have rendered to my constituents thus far is in the fact that I have maintained silence on this floor. I think my constituents are indebted to me for this, and the House is under an equal obligation. Nor, sir, had I any intention of breaking that silence this morning; but I can not be silent nor will I ever withhold my voice when a gentleman contending for a seat here, whose right in my judgment is unquestioned, demands simple justice, and when it is manifest that the opposition to him is factious, partisan, and unreasonable. To be silent under such circumstances would be a plain dereliction of duty.

Speaking for myself individually, here and now I wish to say that upon a question of this kind, a question of a contested election in this House, I will never consent to consult anything but my judgment and my conscience. I will never consent to view these questions from a partisan standpoint. I will never consent to sit here in judgment on these cases except as a judge trying the case upon the law and upon the facts. I would not vote to seat any man here simply because he belonged to my party. I am a partisan, and a strong one; but I repeat it, sir, I will never consent to seat any man here simply and solely because he happens to belong to my party. It is because I believe this contestant has an indisputable right to his seat that I rise to briefly advocate his claims.

So far as I have been able to examine this case—and I am compelled to admit my examination has been cursory, but I have read this report and I have heard measurably, as well as I could hear, the report of the minority which was read in the House this morning—so far, I say, as I have been able to inform myself, I think the case before us is clear, strong, irresistible. It stands upon the law; it stands upon the evidence. It commends itself to the conscience and intelligence of every gentleman in this House, and the right of the contestant to his seat ought to be conceded by every member cheerfully, promptly, without a moment's hesitation.

What is the case? I find from the report of the majority of the committee that they plant themselves chiefly upon the proposition that a large number of persons who voted for the contestee had not fulfilled the requirements of the law in that they had failed to pay what is known as the capitation tax. The gentleman from Iowa [Mr. HEPBURN] says that the capitation tax is merely a tax for revenue. That is a remarkable proposition, to my mind, as coming from a gentleman of acknowledged ability as a lawyer. A tax for revenue simply! Sir, the payment of this tax is a qualification of the voter. It is made a prerequisite to every man's right to vote in the State of Virginia. This tax is grounded upon a statute, and that statute is grounded upon the constitution of the State. Does anybody doubt the right of the State of Virginia to impose such a qualification? The gentleman says it is simply for revenue purposes. I say, sir, that in the State of Virginia in 1882, when this election was held, it was just as essential that a voter should have paid his dollar of capitation tax as that he should have lived in the State twelve months, and in the city where he asked to vote three months—just as essential as that he should have been 21 years of age, just as essential as any other qualification that may have been prescribed by the constitution of Virginia or by any statute of the State.

Now what is the evidence? I can not go into detail. I have not time; and I am obliged to admit I have not read this record in full. I have failed to do so simply and solely because it was my understanding, until I came into the House this morning, that gentlemen on the other side would content themselves by voting against the contestant, and would not ask for any discussion of the case. What I am saying is chiefly founded upon the report of the majority of the committee. I assume that it contains the facts.

Briefly, what are those facts? That five hundred and fifty-seven men who voted at that election failed to pay the capitation tax. For whom were these votes cast? What is the evidence on that point? It is said there is nothing definite on this question; that we can not tell for whom these votes were cast. Sir, looking at this matter as a lawyer, looking at it, as I trust, with judicial impartiality, the evidence is sufficient to satisfy my mind, or that I think of any reasonable person, that these 557 men who thus voted belonged to the Republican party, were colored voters, and cast their votes for the contestee. Who testifies to this? Is there any testimony upon the point, or is there an absence of testimony on this question? There is positive testimony upon it. It comes from the lips of twenty-one witnesses. It comes from witnesses who were in a position to know. It comes from men who attended the election on that day, and who testify that these votes were cast for the contestee, and that they were all the votes of colored men.

Some of these witnesses are Republicans—some of them are colored men, and not one person who appeared upon the witness-stand has testified to the contrary. Does any reasonable person suppose for one moment that if it had been possible to successfully controvert this one prominent, controlling fact in the case it would not have been done? And yet there has not been even an attempt to controvert it. Sir, in the last Congress it was held by the Republican Committee on Elections and by a Republican House that the uncontradicted testimony of

two witnesses was sufficient to establish the fact that the colored voters of an entire Congressional district voted the Republican ticket. But here we have twenty-one witnesses, whose testimony is wholly undisputed, testifying that the 557 colored men in a single county, to whom tax receipts were furnished by Republican tax-collectors, voted for the contestee. Is there a gentleman upon this floor who has any moral doubt of the fact? *Probandum est.*

I am not making any attack upon these voters because they were colored men. I am simply trying the case upon the law and the evidence. Those votes were cast for the contestee. Being thus cast, and being illegal votes, if you deduct them from the votes received by the contestee, the result as shown by the report of the committee is that this contestant is elected by 248 majority.

How happens it that these votes were thus cast? For what purpose? What does the record show in this behalf? What is the uniform testimony of all these witnesses? It is that these tax-receipts were issued by the partisans of the contestee. They were not issued because the tax had been paid. There is no pretense that prior to this election more than $125 had been paid in this way into the treasury of the State. The gentleman from Iowa [Mr. HEPBURN] said that the clerk or some other person—I did not understand who from his remarks—held a check or a draft for $400, which was applied in payment of the capitation tax for these persons who voted.

That is not the evidence. I respectfully say, according to my reading of the report, that the gentleman is quite in error.

Mr. MILLER, of Pennsylvania. Will the gentleman permit me to interrupt him with a statement?

Mr. WARD. I am nearly scared to death now. Please do not interrupt me. [Great laughter.] I do not understand that to be the evidence. I understand the evidence to be this: The gentleman who received that check or draft never did receive it until one month after the election had taken place.

What is the meaning of this capitation tax, Mr. Speaker? I say it is an essential prerequisite to a man's right to vote. Even if the $400 had been paid into the State treasury before the votes were cast, you could not say it could be applied as capitation tax. There was no direction as to where it should be applied, and it is not pretended that there was. The tax was a personal debt which the voter was bound to pay before he could exercise the high prerogative of the elective franchise.

I do not claim or pretend that some other man might not have paid it for the voter. I say if four hundred persons wanted to vote and $400 were paid into the Treasury, indiscriminately, without any direction as to its application, it would not be a fulfillment of the law. I do not believe there is any gentleman on this floor who belongs to the profession of the law who would claim any such construction.

Mr. MILLER. I will cite you authorities.

Mr. WARD. A gentleman suggests to me the authorities you will cite will be Philadelphia authorities, and I will say to the gentleman they are not worth a cent out in Indiana where I live. [Laughter.] I do not know what they may be worth in Pennsylvania.

Mr. HOLMAN. Will the gentleman yield to me?

The SPEAKER *pro tempore*. Does the gentleman yield?

Mr. WARD. I do not yield to anybody in the world. [Laughter.] I am pretty nearly through, and when I have finished you can all take the floor.

It is my firm conviction from the hasty and cursory examination I have been able to make of the record and testimony in this case that the contestant is entitled to his seat, and because I believe he is so entitled on the evidence I speak for him and shall vote for him.

I repeat, I am one person on this side of the House, and I trust there are many who will never be found voting for any person to take his seat here simply and solely because he happens to belong to my party. I know bad precedents have been set by both parties, but bad precedents should be changed into good examples. We ought to amend our habits and conduct in this respect, and so far as I am concerned I propose never to make a record of that kind.

Now, sir, I have submitted these brief remarks earnestly, because they grew out of my profound conviction of the right of this contestant to take his seat. He does not come here asking any favor at our hands as partisans. He comes as the legally-elected Representative of the seventh district of the Commonwealth of Virginia. His title is as clear as yours or mine. I can not doubt that it will be recognized and confirmed.

Mr. MILLER, of Pennsylvania. Mr. Chairman, before I pass to the consideration of this case I desire to make a few corrections for the benefit of the gentleman from Indiana [Mr. WARD], who states he has only cursorily read the majority report and heard a little of the minority report filed this morning and read at the Clerk's desk. He stated, if I understood him correctly, that this capitation-tax provision was not a revenue measure. Permit me to inform him that this capitation-tax provision was adopted in the Virginia constitution of 1850 and has been in all of her constitutions and all the enactments of that State from that time down to this, but it was only in the year 1877–'78 that the payment of such tax was made a prerequisite for voting.

And what does the State of Virginia herself declare this tax is for? Article 10, section 5, of the constitution reads as follows:

> The General Assembly may levy a tax not exceeding $1 per annum on every male citizen who has attained the age of 21 years, which shall be applied in aid of the public free schools.

Why, sir, by the very provision of the constitution of Virginia that tax is declared to be a tax for revenue. By the constitution of 1876–'77 and the act of 1877–'78 the payment of it was made a prerequisite of voting for the express purpose of enforcing the payment of that tax.

Again, the gentleman from Indiana [Mr. WARD] stated that it did not appear in the evidence that this draft for $440 paid to Collector Wayland on delinquent taxes was in the hands of the clerk of the collector before the election. Why, Mr. Speaker, the gentleman from Indiana [Mr. LOWRY] who drew the majority report, and who has but taken his seat, stated in his remarks, as an admitted fact, that the draft was in the hands of the clerk of the collector or some person acting as his clerk before the election. It strikes me that the gentleman from Indiana [Mr. WARD] not only read this majority report in a cursory manner but failed to listen to the remarks of his colleague.

The gentleman from Indiana [Mr. WARD] again stated that it was a fact that 557 persons voted for the contestee who had not paid their capitation tax. I ask him now, and I will give him time to answer me, to name one of the 557 persons. He says he has read this report. He said he had, in a cursory manner, examined the testimony. Now, I yield to him to name one of the 557 who he says it is a fact voted for the contestee who had not paid the capitation tax, and I hope he will answer me.

Mr. STEELE. To whom are you referring?

Mr. MILLER, of Pennsylvania. To the gentleman from Indiana last on the floor [Mr. WARD]. I pause for an answer. [After a pause.] Ah! the gentleman from Indiana declines to answer?

Mr. WARD. Perhaps I did not think the remark was worth answering.

Mr. MILLER, of Pennsylvania. Ah! that is a very proper response on the part of the gentleman. He referred to his profession in his remarks. I would be pleased to know what his profession is.

Mr. PETTIBONE. It can not be law.

Mr. MILLER, of Pennsylvania. There are 557 votes rejected, and the gentleman espouses the action of the majority of the committee, and when I ask him to name a man of all of that list who has voted, as he states, for the contestee, he is unable to answer me.

Mr. WARD. I did not claim any knowledge of that kind with reference to this subject. I planted myself upon the proposition contained in the report of the majority, which shows that 557 persons voted for the contestee. I do not pretend to say that there is any evidence to show how any one of them voted.

Mr. MILLER, of Pennsylvania. I am not asking you how they voted; I am only asking you for the name of one single one of that 557 persons. If the gentleman can not answer it, then I ask is there a member of this committee who will name one of them? Will the gentleman from Indiana, Mr. LOWRY, who made the report, name one of them?

I pause for an answer. Five hundred and fifty-seven votes deducted in bulk from the vote of the contestee and no man can name a single one of the 557. The gentleman from Indiana concedes that of the 676 votes 119 are legal voters, and he says that we count these 119. He says so in his report as well as in his speech, and I ask him to name one of the 119 that he says are legal voters, and then name one of the 557 votes which were illegal voters that he ruled out.

I yield for an answer.

Mr. LOWRY. Does the gentleman desire an answer?

Mr. MILLER, of Pennsylvania. I want the names; I yield for that; not for an argument.

Mr. LOWRY. The gentleman may be wanting a great many things that he will never get. [Derisive laughter on the Republican side.]

Mr. MILLER, of Pennsylvania. And this House wants a great many things with reference to this report that it will never get from the gentleman. It wants light on this subject. It desires to know the names of the alleged illegal voters which you ask it under the solemnity of an oath to reject in order to seat Mr. O'Ferrall. It wants the names in order that it may determine whether or not the voters are disqualified.

Mr. LOWRY. But my response to the gentleman's inquiry is this: That in the close of the argument I expect to show a degree of proof here that is entitled to more weight and has more strength in support of the propositions embodied in this report than in the more than fifteen or twenty cases which have been decided by his party when they were in a majority in this House—the party with which the gentleman is associated.

Mr. MILLER, of Pennsylvania. Oh, then, because the Republican party has set this House, as the gentleman claims, a bad example by excluding a Democratic contestant in the past, and seated parties that ought not to have been seated here, and against the voice and protest of gentlemen upon the other side of the House, you are now going to follow that example which you then condemned. Is that the argu-

ment of the gentleman from Indiana? Is that his response to my inquiry? Is that naming one of these 557 voters that he excludes? I state to this House, without fear of contradiction, that this committee has said that 557 votes were cast by men who had not paid the delinquent tax, and I further assert that they can not name a single one of the 557.

I repeat it, they can not name one of them. They have a list of the 676 men that they say had not paid the capitation tax, but the very moment that they said 119 of them were illegal votes, that very moment they put themselves in such shape that they never can tell this House who the voters are. I want to know what court ever did that? Deduct the vote because the voter that cast it was not a qualified voter, without being able to name the voter!

I cease to wonder that the gentleman from Indiana [Mr. WARD] did not yield for a question. Is the ballot in and of itself illegal, or is it the voter that is disqualified? The majority do not hesitate to say that it is the voter who is disqualified. I put the question to the lawyers on the Democratic side of this Chamber: Did you in all your practice know of a case where a court threw out a ballot because the person casting that ballot was disqualified, unless they were able to identify the voter who cast the ballot? I pause for an answer. [After a pause.] The gentlemen are all silent. I admire your discretion.

But, sir, more than that. I state that this House never in its past history established a precedent that votes could be taken from the contestee or a contestant on the evidence which is submitted to this House. What is it? There are twenty precincts in the county of Albemarle. The committee in its report stated that of the 676 votes which they found had been given upon capitation-tax receipts 21 were white voters, and therefore they would count them. They said that being white they could not tell whether those votes were cast for contestant or the contestee, and therefore they would count the twenty-one votes. They do not pretend to know for whom they were cast. They do not pretend to know anything of them except three facts: one is that they were on the list of delinquent tax-payers; another was that they were on some of the poll-books in that county; and another was that they were white, and, being white, they would count them. That left 655 votes alleged to have been cast upon delinquent-tax receipts by colored voters. Assuming that the witness, Gordon, correctly marked and checked the names, the votes cast by these delinquent tax-payers, legal and illegal, are distributed throughout the county as follows:

THE PRECINCTS IN ALBEMARLE COUNTY, AND THE NUMBER OF ALLEGED DELINQUENT COLORED VOTES CAST AT EACH.

The following is the number of colored persons who it is alleged voted for contestee in Albemarle County on delinquent-tax receipts, at each precinct. Of this number the majority of the subcommittee deducts 557 votes from contestee:

Batesville	16
Blackwell's	3
Court-House	63
Carter's Bridge	35
Covesville	23
Earlysville	34
Free Union	24
Howardsville	34
Hillsborough	15
Ivy	54
Keswick	38
Lindsay's	27
Milton	39
Monticello House	66
North Garden	25
Porter's	68
Stony Point	18
Scottsville	28
White Hall	32
Wingfield's	13
	655

Bear in mind now that the majority count in bulk, without locating or identifying, 98 of the above, and reject in bulk, without locating or identifying, the balance—557. Adding the 21 votes cast by alleged white voters to the above 98 makes the 119 votes heretofore referred to. Let us examine this list. First in the list is Batesville, where, it is alleged, 16 votes were cast by colored delinquents. These 16 votes are deducted from contestee. No, not the entire 16 votes, but the $\frac{557}{655}$ of these 16 votes. Will some member of the committee tell me for whom these 16 votes were cast? Will he refer me to the evidence on this point? I yield for an answer. [After a pause.] Silent again.

Will some member of the committee tell me what witness testifies how even the colored people voted in Batesville at that November election? Why, sir, there is not a single witness called who pretends to testify how the colored people voted in Batesville. And yet, sir, this committee has decided and asks this House—and this House will do it—to throw out $\frac{557}{655}$ of these 16 votes in Batesville precinct without one line of testimony as to how even the colored people voted there. They throw them out because some witness testifies that in some other precinct the colored people voted for the contestee. And they ask my friend from Indiana [Mr. WARD], who stands by his profession, to stand with them when they say because the colored people voted in one district for contestee therefore they did so in another; and he will do it.

Then at Blackwell's precinct the committee say that three colored delinquent voters voted for contestee. Well, who testifies as to how the colored people voted at Blackwell's precinct? Nobody. But then that is "such a very little one" that my friend from Indiana will vote for that too. That is only a matter of $\frac{557}{655}$ of 3 votes, and out they go.

Then we come to Covesville. At Covesville the committee tell us there were 23 colored delinquents that voted for the contestee. According to this line of evidence they voted for him because they were black. Why, sir, who testifies that the black voters of Covesville voted the Readjuster ticket? Who? Nobody. No witness is called who testified as to how the colored people of Covesville voted; but because some man says that in his opinion the colored people voted at some other precinct the Readjuster ticket out go the aforesaid vulgar fraction of 23 votes, and my distinguished friend from Indiana will vote for that too. He has to; he will not like to when he comes to look at it, but he will do it. I wonder if he does not now think that cursory reading and hasty conclusions are bad in practice. I see that some of my Democratic friends are becoming uneasy. Wait! The grid-iron I shall put you on is only warming. Wait until it gets hot.

Then we come to Free Union. The committee tell us that at Free Union 24 colored delinquents voted, and because they were colored men they voted for the contestee. Who says that the colored people of Free Union precinct voted the Readjuster ticket? Nobody. No witness says so. Witnesses could have been called if that were true. But the committee say, notwithstanding there is not a line of testimony about that, that you must throw out the requisite fraction of those 24 votes, and out they go. My distinguished friend from Indiana, placing himself on his profession, says, "I will follow." I like that kind of law which can arrange itself on either side of a legal proposition; that is the kind of law that pays.

But at Earlysville precinct the committee tell us there were 34 colored delinquents who voted the Readjuster ticket. How did the colored people vote at Earlysville? Why, here is the only testimony within the lids of the record as to how the colored people of Earlysville voted. Let me read it to you. I want to read this to the lawyers of the House that they may see upon what testimony they are going to put Mr. O'Ferrall in his seat. You will find his testimony on page 69. For the benefit of the gentlemen of the House who have only given it a cursory reading I will refer to the pages. Davis J. Johnson, the witness, testifies:

Q. Whom did you support for Congress in that election?
A. Massey and Paul.

Massey was running on the Democratic ticket; Paul was running on the Readjuster ticket. The contestant supported Mr. Massey. The contestee, Mr. Paul, supported Mr. WISE, who was running against Mr. Massey.

3d Q. For whom did the colored voters at that precinct vote as between Paul and O'Ferrall?
A. Well, I think Paul got the majority.
4th Q. Did not Paul get nearly the entire colored vote?
A. I think he got the most of them.

And out went the required fraction of the 34 votes.

Ah! the gentlemen on that side who stand by the legal profession will admire the audacity of the committee that deducted $\frac{557}{655}$ of 34 votes from contestee on that testimony.

The next precinct is Carter's Bridge. The majority of the committee tell us that 35 delinquent colored men at that precinct voted the Readjuster ticket because they were colored. Well, how did the colored people vote according to the testimony? I will read every line that regards the precinct of Carter's Bridge. Here it is—testimony of M. L. Van Doren, page 28:

Q. 1 (by counsel for contestant). Please state your residence and voting place; whether you were an officer at the last election and were present at the polls all day.
A. My residence is in Albemarle County, near Carter's Bridge precinct, where I vote; I was a judge of election and present at the polls all day.
Q. 2 (by same). From your observation of the polls that day, and your general knowledge of the voters, and their political affiliations and associates, and from your observation of the political workers who gave out ballots to the colored voters and came to the polls with them, how should you say the colored vote was cast; was it for Paul or O'Ferrall?
A. I should say it was almost unanimously for Paul.
Cross-examination:
Q. 1. Were you not a partisan of, and did you not work and vote for, C. T. O'Ferrall at the last election?
A. I did not work for him on the day of election; I voted for him. I was a supporter of Colonel O'Ferrall and wished for his election. I was less active than usual at the last election; my position as judge prevented me from taking an active part on the day of election.

And out go the requisite fraction of these 35 votes, all deducted from contestee, so as to seat a man that never was elected. To throw out votes on such testimony is to assume a position which no party outside of Virginia ever thought of taking. The only party equal to such an emergency is the great party which to-day is seeking to obtain the control of the destinies of this nation. Upon such testimony as that the requisite fraction of 34 votes is deducted from contestee by this committee. The testimony of the other eighteen witnesses is not more conclusive or more convincing. I publish all of it on this point with the minority report.

Yet upon such testimony, the testimony of twenty-one witnesses scattered over sixteen districts, this committee proposes, and it asks the House to indorse its position (and it will do it), to throw out $\frac{557}{655}$ of the above 655 votes, or 557 votes in the county of Albemarle, and

deduct them all from contestee. Why did they not throw out the whole 676 votes? They say that 119 of the persons who cast that many of the 676 votes were legal voters. They say they can not separate them from the illegal voters; they can not separate the wheat from the chaff. They confess that they can not name one of those claimed to be legal voters; they confess they can not name one of the 557 claimed by them to be illegal voters. But they ask you, their political associates, to stand with them and say that 557 votes were illegal; that they were cast by colored men, and because they were cast by colored men therefore they were cast for the contestee. When before did this House ever take such a position?

They claim that the contestant had the names of the 676 persons who he and the committee say were delinquent tax-payers, and who he and they say voted for the contestee. They all lived in the county of Albemarle. Sixty-three of them, if the evidence is to be credited, lived in one precinct. Not one of them was called; not a single witness was called to testify how any one of these individual colored men voted. Those 63 men lived there in one precinct. Not one of them was called to prove that he was a delinquent tax-payer; not one of them was called to prove to whom he paid his tax; not one of them was called to prove that he voted for the contestee; not one of them was called to prove that he voted the Readjuster ticket.

In the whole county of Albemarle but two men were called as witnesses who voted, and one of them testified that he paid his tax himself before the day of election; he was not asked and did not say for whom he voted. But his vote went out with the rest. His name is among the others on that delinquent-tax list. It is James Curry. You will find his testimony on page 390 of the record. He is one of the colored men who go to make up the 676.

I trust the Democratic Representatives of this House relish the evidence on which they are asked to seat the contestant. I have heard it asserted on Democratic authority that a ballot cast by an illegal voter could not be deducted from the person for whom it was cast, even after it was found to be illegal, unless the party desiring to be benefited thereby had first called and offered to examine the voter who cast the alleged illegal ballot.

I do not take that position in its broadest sense, but I understand that the Democratic party does take that broad position, It takes the position that where John Smith is admitted to be an illegal voter and voted at Batesville precinct, it is the duty of the party who wants to gain by throwing out his vote to place John Smith on the stand, and then if he refuses to testify the party can proceed and prove John Smith's party affiliations, his actions, and his declarations before and at the time of his voting. I understand that this House will be asked to stand upon that position before this session closes. And I enjoy the prospect of seeing my Democratic associates placing themselves on record to-day that a vote can be deducted from a candidate without naming, identifying, or calling the alleged illegal voter, or proving his declarations before, at, or after the election. When you undertake to straddle this position, as you soon will, I shall remind you of your to-day's action.

I am gratified that there is one Democrat who sits in this House who will not have the lash applied to his back by either the Morrison reformers or the Virginia Bourbons. I am glad that there is one Democratic Representative who is determined to be consistent, although his party associates may all go against him. I refer to Mr. COOK, of Iowa.

But let us for a moment refer to this list of alleged delinquent tax-payers, and who is one of the 676?

One of them is Hy. Allen. He is one of those who they say voted at Howardsville. He is the first man on the list of district No. 1, to be found on page 78 of the record. Who testifies as to how Hy. Allen voted? No man. Who testifies with whom Hy. Allen affiliated on the day of election? Nobody. Who testifies from whom Hy. Allen got his tax ticket? Nobody. Who testifies from whom Hy. Allen got his ballot? Nobody. Who testifies as to whom Hy. Allen went up to the polls with? Nobody. Who testifies to a single declaration that Hy. Allen ever made before the election, on the day of election, or since? No living man.

But Hy. Allen's vote has got to go out, because he is a colored man. Ah, the colored man must go, either by force or intimidation at the polls, or by such action as this after a fair and free election has been had, unless he is one of the said 119. Who knows whether he is or not? Nobody. That his tax was paid is unquestioned, for no delinquent could vote without exhibiting a tax-receipt.

Let me take another name. Charles Burnley appears on the colored delinquent-list. How did Charles Burnley vote? Why, sir, do you know that there are three Charles Burnleys on the delinquent-list? Which one of them was counted? Which one rejected? Who testified as to how any one of these Charles Burnleys voted, as to whom any one of them acted with or went to the polls with or got his tax receipt or his ballot from? Who testifies as to what any one of these three men said before or after the election? Nobody. Yet these persons are living in the immediate community and could have been called or identified.

Let us take up the Browns. There are three John Browns, one Jack Brown, one John A. Brown, and one John W. Brown, all on the delinquent list and all five are marked as voted. Which of them were thrown out, and upon what testimony? I ask the gentleman from Indiana; and I venture to say he does not know. If he does, let him answer. Again he is silent.

Then there are the Nelson Browns—five of them—all delinquents, and all in the county of Albemarle. Which of these were thrown out and which accepted? Not a single witness fixes the identity of any one of these men.

Take the Johnsons. There are four James Johnsons and one Jim Johnson. There are five Hy. Johnsons and one Henry Johnson. There are three Sam. Johnsons and two Saml. Johnsons. I admire the ingenuity of any lawyer who can pick out, upon a cursory examination, those of the Johnson family who voted and those who did not, and for whom they voted.

There are some other anomolies connected with this case. If you look at page 86 you will find the name of one John Anderson, a colored man, who paid his tax to H. B. Burnley, the clerk. The committee say that was a good payment. Then I go down a little further and I find another John Anderson, who voted at court-house precinct; a little further down another John Anderson, who voted at Keswick's precinct. Which one of these John Andersons did the committee count, the one who paid his tax to Burnley, which you admit was a legal payment, or one of the two who paid their taxes to the tax-collector, which you say was an illegal payment in the majority of cases? Will the gentleman from Indiana [Mr. LOWRY] inform the House? I will yield to him to do so. Again he is silent.

I look down a little further on the page and I find two Reuben Bakers. One of them paid his tax to Burnley, which you say was a good payment. One voted at Court-House precinct, and he is thrown out. How do you know that the Reuben Baker who voted at Court-House precinct is not the same Reuben Baker who paid his tax to H. B. Burnley, the proper person, as you say, to receive it? You do not know; you can not know. Nobody knows but Reuben Baker, unless—if the Lord pays any attention to elections in Virginia [laughter]—it is the Lord. This committee, with an omniscience which is to be at least admired, picks out at random one of these Reuben Bakers, it knows not which, and says, "We will throw him out anyhow," and deduct his vote from contestee.

If you look a little further down you get into the Johnson family again, which is as prolific in Albemarle County, Virginia, as the Smith family up in New England. I find that one Sam. Johnson paid his tax to H. B. Burnley; a good payment according to the committee; and I find that a Sam. Johnson voted at Batesville precinct. I find also that a "Saml." Johnson voted at Scottsville precinct. Which one of these did you throw out? I ask my distinguished friend from Indiana [Mr. WARD] which one of these Johnsons he threw out? I ask the other gentleman from Indiana [Mr. LOWRY], who wrote the report of the majority, which one did he throw out? Again the gentleman is silent, and yet his side of the House will blindly follow him.

So I find there are more persons than one bearing the name of William Barber. One paid his tax to Burnley; one voted at Batesville. Which did you throw out? So with William Faucett. One person of this name paid tax to Burnley; one voted at Monticello. Which one did you throw out? So in regard to Daniel Scott. One person of this name paid tax to Burnley; one voted at Wingfield. A similar remark may be made in regard to Edwin Taylor. One person bearing this name paid tax to Burnley; one voted at Porter's. One person named John Wood paid tax to Burnley; and one of same name voted at Carter's. The same may be said as to Chas. Johnson, who paid tax to Burnley and voted at Court-House precinct.

If I had time I could pursue this line of argument at great length, demonstrating the absurd and inexplicable action of the committee.

Such anomalies emphasize the unreliability of deducting 557 votes in bulk. I think I have shown the importance of bringing direct testimony in every instance to identify the voter. The testimony should have been directed to John Anderson, to Reuben Baker, to Sam. Johnson, and to all the others. If these persons were not called themselves, some persons should have been called to identify them, thereby making it possible for this House to act intelligently on the case. Because the committee has not done this, I object to this report. It is not one upon which a lawyer can stand, and I assert without fear of contradiction that no county court in the United States that would take this evidence and go over it impartially would ever throw out these 557 votes and deduct them all from the contestee.

If it is uncertain for whom illegal votes have been cast, throw them out altogether. If any votes are shown to be illegal, I will not object to throwing them out. But how? There are but two ways in which it can be justly done. It must be done either by taking the total vote of both candidates and deducting a fair percentage from each, or by declaring there is so much doubt about the matter that we can not decide intelligently and judicially for whom they were cast. Therefore, we will declare there was no legal election, and send the case back to the people.

The report of the minority does not declare that Mr. Paul was elected. He having resigned his seat to accept another position, it is not necessary to decide this. Speaking for myself, and I believe for the minority of the committee, I firmly believe he was elected—fairly, honestly, and

legally elected. I believe that tax-collectors appointed by the State auditor, who is the head of the revenue department of the State, were at least *de jure* officers, and that the payment of the capitation tax to the collector of Albemarle County by the delinquent tax-payers was a legal payment, whether made by the delinquents themselves or by some one for them. And in support of this I cite the House to the decisions of the courts in Pennsylvania as found in 11 Philadelphia Reports, 645; 1 Kulp, 157, and 1 Brewster, 121, and cases therein cited. The latter case is cited to support the legality of the title of the tax-collectors, at least as *de jure* officers.

Mr. Paul came to this House with 309 majority. The election is conceded to be fair and free. No man voted whose taxes were not first paid into the treasury of the State of Virginia. No delinquent in Albemarle County, in any of the twenty precincts, was permitted to vote until he exhibited to the election officers his tax-receipt, signed either by the clerk of the court or the collector of taxes.

On what flimsy pretense 557 are thrown out! Not only is it admitted that $565 was in the hands of the collector before the day of election to apply on the tax owed by these delinquents, but it is admitted that no list can be made out of the 557 voters who it is alleged cast illegal ballots. Not only this; not one name of the 557 can be given to this House, all of which were deducted from contestee in order to give contestant a majority of 248.

Will this House perpetrate this outrage? Will it disregard the registered will of the voters of the seventh Congressional district of Virginia? Are there not some Democrats on this floor who will vote for this very report who will be ashamed of it?

Let me say to you that you can not stand by the position you are taking to-day until the 4th day of March, 1885. Other cases will be brought to this House which will compel you to reverse this action.

We do not deny the correctness of the rule that the declarations and action of a voter whose partisan he had been, with what party he affiliated, whose friends gave him his ticket, who paid his taxes, &c., are all proper matters to be considered in finding for whom the individual voter voted. But that is not what the contestant and the committee ask of us. They ask us to find that the colored people as a class voted for contestee. They ask us to find from such evidence as is published in the minority report that 655 colored delinquents voted, and because colored, and because they received their tax-receipts from a collector who was contestee's friend, that therefore they voted for contestee.

No Committee on Elections, in any Congress, no quasi-judicial tribunal whose decisions have been preserved, no court of law or equity has ever foreshadowed the positions upon which these 557 votes are rejected, and all deducted from the majority candidate, and a minority candidate seated, and when the second sober thought of the Democratic party has gained control of this House it will not repeat the outrage about to be perpetrated in this case. How much time have I left?

The SPEAKER. Twelve minutes.

Mr. MILLER, of Pennsylvania. I yield eleven minutes to the gentleman from Virginia [Mr. JOHN S. WISE].

Mr. JOHN S. WISE. Mr. Speaker, the man who was elected to this seat has been promoted to a higher position, and to-day occupies the honored place of judge of the western district of Virginia. If he were in his seat the question would be quite different from what it is, for I hardly think the bold outrage now about to be perpetrated would be practiced then. From time to time, as this contest has proceeded, I have heard the remark from gentlemen on the other side that it did not make much difference, as there was nobody in the seat. It makes this much difference, sir, that to take this seat, whether it be occupied or vacant, is to steal that which belongs to another man who was honestly elected or to his lawful successor. [Applause on the Republican side.]

That is what it means, and the consolation sought from the seat being unoccupied reminds me of the story of the man who once went to meeting to confess his sins. He confessed that on a certain occasion he had gone to a store and found the storekeeper had gone off to the spring for a bucket of water. He was barefooted, and he saw a beautiful pair of boots on the shelf that fitted him exactly. He looked at his toes, and there was a spirit in him saying, "Solomon, why don't you take those boots; they fit you exactly." "Then," said he, "a better spirit came up and whispered to me, 'Solomon, don't you take those boots.'" Said the brethren, "What did you do?" "Struggling," he said, "between two contending feelings, thank God, the spirit of justice prevailed. I never touched those boots. I would have scorned to steal them. I was perfectly satisfied to walk off with the best pair of shoes in sight." [Laughter and applause.] So the man who votes to-day to seat Charles T. O'Ferrall in this vacant seat can not console himself with the thought that John Paul is not in it, for Charles T. O'Ferrall has no more title to it than if Paul was here. I never read since the day I was born such testimony as that upon which this committee attempt to strike at these 555 votes.

What do we see at the court-house of Albemarle County? We find the claim to be that of the 209 votes cast for John Paul 62 of them must be stricken out on the testimony of somebody who is said to have compared the lists. Who they are, what their disability was, nobody pretends to say. And yet within the call of that notary public, within a hundred or two hundred yards at most of the spot where the deposition was taken, was every man whose vote had been challenged, and not one of them was summoned as a witness to say how he voted, for whom he voted, what tax-receipts he had or what tax he had paid! Monticello House was another precinct in Albemarle County where out of a vote of 270 cast for John Paul 65 must be stricken out, as claimed, from the polls, and the simplest summons of the contestant could have brought every man of the whole number to the stand to tell what receipt he voted and how he voted. So of every precinct in that county. But never one did he summon, and why? Because he calculated, and he calculated well, it seems, that he would be indorsed here if he made out any sort of case on any sort of testimony. He knew it was not necessary to go beyond that. [Laughter.]

Sir, from time to time I have been patted on the shoulder on this floor and told that I had better keep quiet myself, because I had a contest pending before the Committee on Elections. Mr. Speaker, that seat of my colleague has no protector on this floor, and I hold a seat here as a Representative at large from the State of Virginia, with a duty to perform toward my outraged constituents of the seventh district; and by the gods, if I knew my head would roll in the basket the next moment, I will stand up for the rights of my people against any party or any man or set of men who embark in an effort like this to rob and cheat them of their rightful Representative. [Applause on the Republican side.] I ask no favors from the Democratic majority of this House. I stand on the ground of right and justice. I stand on the ground of Roman right, and I pray God that they will commit another outrage and send me back to the people of Virginia. Because then, Mr. Speaker, I shall return to the gallant people of that State, to the old Tenth Legion of Democracy whence this contest comes, to the stalwart yeomen of the Valley of Virginia, who have already rebuked the pretended Democracy of to-day by piling up an overwhelming majority in every county in that district against them. An immense white majority has been rolled up against them and in favor of my party. I will show them what a fraud and sham is your latter-day Democracy, and they will indorse the representative of their rights who dares to stand up on this floor and who is not afraid to demand their rights although at his own peril. I want to see this thing done. I say I want to see it done. It is done already. I hear the clanking of your chains that are lifting now the knife of the guillotine to cut off the head of an empty seat. [Laughter.] You are schooled to such outrages at home. You are panting for the blood of another victim to keep your hands in for the next election.

I know when the vote comes the "grand old party" will be on hand to pile up solidly its vote, for I have known them long and well. [Applause on the Republican side.]

Yes, sir; I know them well, but I listened with amazement to the gentleman from Pennsylvania [Mr. MILLER] here talking to Democrats about being consistent. Who ever heard of a consistent latter-day Democrat? Why, gentlemen, you were laughing at him while you heard him. For the last twenty years the Democratic party has played the game of merry-go-round, and straddled every sappling in the forest of national politics. [Applause and laughter on the Republican side.] I have seen it in 1868 come out for an incidental protection, but without injury to revenue. I have seen it in 1872 take up as a leader Horace Greeley, the very father of high protection, in direct opposition to their previous record. I have seen it in 1876 come back and denounce the tariff; and later still, in 1880, I have seen it first clamor for a tariff for revenue only, and then ran away from its own platform before election day. [Laughter.] I have seen them denounce the Republican party in one campaign for not resuming specie payment, and give them "Hail Columbia" in the next campaign because it was done. [Laughter and applause on the Republican side.] I have seen it in one platform denounce every measure of reconstruction, and in its next declare its devotion to every constitutional amendment. I have seen it vibrate, like the pendulum of an eight-day clock, from greenbacks to hard money; hard money to greenbacks. I have seen it one day weeping with the South over confederate graves, and the next day parading the North with its transparencies enblazoned, "We whipped the rebels and the Republican party got the credit for it."

I have seen that party come here and denounce the Republican party for having no one at their head to lead them in their campaign but a military dictator, a bloody butcher, a military tyrant, and in the next campaign run Winfield Scott Hancock as their champion, with nothing in this world to give him prominence but the fact that he killed more rebels than any other major-general in Grant's army. [Applause on the Republican side.] I have seen them go into the tariff question in my district and talk free trade out of one corner of their mouth and protection out of the other; and when you get them down to what they really want all you could get out of them on the tariff question was that they were "Sort of so, sort of not so, a little more sort of not so than they were sorter so." [Laughter.] But I am delighted to know the hour of a vote on the tariff is near at hand, when every sneak will make his record, and on that record, if I mistake not, we will have music in Virginia in the next campaign. If there is anything on God's green earth that Democrats have been consistent upon for the last twenty years I have not been able to find it unless it be a common purpose of public

plunder, and a common passion for getting all they could and holding on to what they get. And it is this their sole, their ennobling and exalted principle which has made them march to-day shoulder to shoulder to take this seat belonging to Paul and give it to O'Ferrall.

Mr. Speaker, I will not undertake to argue this question upon the evidence. This case sinks below the dignity of a legal argument. There is not a lawyer in this House who if this evidence were before him in a private case would shoot a pointer dog for sucking eggs on such testimony as that on which they seek to give this seat to a man to whom it does not belong. [Applause and laughter on the Republican side.] But it seems to me when men become inflamed with this sort of political passion they forget the high trust that is confided to them. They forget their sworn oaths to try cases according to their merits, and run mad with the passions of party. They hound themselves on in the mad cry of the pack, instead of standing up in the nobler attitude of conscientious men, and men sworn to do a high and solemn duty, too brave and too proud to do a wrong merely because it is popular.

I am not afraid of the consequences of this act. I am not in doubt about what the result will be. For as sure as this House ever comes to a vote, the ayes can be measured on the Democratic yard-stick and the noes will be the poor little minority of Republicans with fewer just men than were found in Sodom and Gomorrah to come to their side from the Democratic ranks.

Now, Mr. Speaker, I want to conclude what I have to say in the two minutes remaining to me by defying this outrage. It is not worth while to coax. When a man knows that coaxing will not do he can afford to be a little defiant. I say that the spectacle is so outrageous that it has become ludicrous. It is a decided come-down from what was presented 1,800 years since when our Savior rode into Jerusalem on an ass. We are to see to-day the Virginia Bourbon come riding into the House of Representatives on the back of one of Barnum's spavined mules from Indiana. Virginia Bourbonism must be honest. We have wronged it surely, for it is now indorsed by the world-wide virtue of Indiana Democracy. Yes, sir, this is a fitting sight for the representatives of Virginia Bourbonism, Virginia honor, and Virginia chivalry. Here is a man running on a ticket with Massey who first appointed this tax-collector, and the man Massey who first appointed him now claims that the tax-collector was a fraud and that he never had any power to appoint him, while O'Ferrall, his partner, sings the chorus of the song. I say it is a fitting time for Virginia Bourbonism to come up here. It comes, it is true, with its hands besmeared with the blood of innocent, murdered blacks. It comes, it is true, to the national capital and to this House palpably stultified in every principle it has ever professed. It comes, it is true, dragging after it the corpse of strangled suffrage. It comes, it is true, as the thief of seventeen seats in one Virginia Legislature to get two-thirds majority. It comes, it is true, repudiating every anti-repudiation principle it ever professed. But after all it comes up confidently to the fountain-head of national Democracy, that has always lent it countenance, to be signed with the cross of that national fraud and taken into worthy fellowship. And it finds congenial spirits here awaiting it to welcome it in warm embrace and recognize it with a brother's kiss. [Applause on the Republican side.]

The SPEAKER. The gentleman from Pennsylvania has one minute of his time remaining.

Mr. MILLER, of Pennsylvania. I yield that minute to the gentleman from Tennessee [Mr. PETTIBONE].

Mr. PETTIBONE. It seems to me we can settle this matter easily by determining a few facts. It is conceded here that Mr. Paul received a majority of 205 votes as declared in his certificate. Next it is conceded that the Committee on Elections unanimously agreed that he was entitled to 119 more, making his total majority 324. Now, in order to declare the seat of Mr. Paul vacant, you must find that Mr. O'Ferrall received in the county of Albemarle more than 324 majority.

The SPEAKER. The time of the gentleman has expired.

Mr. PETTIBONE. I now propose to take the floor in my own right.

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. LOWRY], who had reserved the remainder of his time. A gentleman has just spoken on the other side.

Mr. GEORGE D. WISE. I ask my honorable friend from Indiana——

The SPEAKER. The gentleman from Indiana is recognized.

Mr. GEORGE D. WISE. I ask my honorable friend from Indiana to yield to me for a few moments.

Mr. LOWRY. I can not yield the gentleman any time.

Mr. GEORGE D. WISE. I would like to ask the unanimous consent of this House.

Mr. MCADOO. I ask that the gentleman from Virginia [Mr. GEORGE D. WISE] have unanimous consent to address the House.

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] has the floor and can not be taken off it without his consent.

Mr. LOWRY. I do not yield. I rise for the purpose of moving the previous question. I do so without any desire on my part, and I feel sure without any desire on the part of the Committee on Elections, to cut off full and ample discussion. And I suggest if the gentlemen on the other side of this question can give us any assurance of unanimous concurrence to devote this evening to the discussion of this question, I would be glad to have it so devoted.

Many MEMBERS. No! No!

Mr. LOWRY. In view of the general dissent——

Several MEMBERS. We are ready to vote now.

Mr. CABELL. Mr. Speaker——

The SPEAKER. The gentleman from Indiana has the floor. Does he yield?

Mr. LOWRY. I can not yield at this time. I regret I am unable to do so. If, however, the House will consent to dispense with the previous order under which this evening is devoted to the discussion of the tariff question——

Many MEMBERS. No! No!

Mr. LOWRY. Then, in view of the general dissent, having risen for the purpose of moving the previous question, I have only to say in regard to the question of courtesy, to which my eloquent friend from Iowa has alluded, I think I may be able to give before the close of this session, if I have not already given, evidence of my disposition to deal fairly with all these questions; and, so far as the mere question of politeness is concerned, while I regret exceedingly I have not been able to get into the uniform habit of being invariably polite, there are other and higher questions involved here than those of mere politeness. I regret I have been constrained to pursue the course I have felt it my duty to pursue in calling this case up for action at this time.

My friend from Pennsylvania [Mr. MILLER], who has distinguished himself in this House and I hope is about to distinguish himself upon the bench, I think will find himself constrained to pursue a very different course in the examination of witnesses from what he has pursued in the examination of this case, when he comes to assume the judicial ermine. The gentleman has asked for the names of disqualified voters. We have here on this record, on this page which lies open before me, the name of every delinquent tax-payer who voted at that election. We have there the name of every one who was delinquent as recorded on the public records of the Commonwealth of Virginia. We have indubitable evidence which remains uncontradicted, and which I think we may justly infer is not susceptible of contradiction, to the effect that these men did vote for John Paul, and that they could not, in view of the evidence before the committee and the House in these records, have voted for any one else.

I have said that I would be prepared to show that the evidence in this case was such as to be tenfold more strong than that upon which was predicated the decisions of this House when the party majority was differently constituted from what it is to-day.

Mr. MILLER, of Pennsylvania. Will the gentleman permit me a question?

Mr. LOWRY. I hold in my hand the report in one of those cases, in which it was proved, simply by the testimony of two witnesses only, that from 95 to 97 per cent. of the colored vote of a certain Congressional district was in favor of a certain candidate. And upon the strength of such testimony as that a majority of 2,600 votes was overthrown, and the man who was certified as having been elected by that majority was turned incontinently out of his seat.

Mr. MILLER, of Pennsylvania. Will the gentleman now permit me to ask him a question?

Several MEMBERS. Do not yield to interruptions.

Mr. LOWRY. I do not propose to be governed by those precedents, but simply to be controlled by the rules of evidence. I propose to look at these questions and have my conclusions upon them controlled by the same methods that are adopted in the judicial tribunals of this country. If my friend who represents on this floor the entire Commonwealth of Virginia is apprehensive that in his case any different methods will be pursued, and if he is now making preparations for receiving the crown of a martyr, I only beg leave to ask him whether, if he is constrained to put that crown on his head, he will allow us to do it in his kitchen? [Great laughter on the Democratic side.]

Mr. JOHN S. WISE. I did not hear what my friend said.

Several MEMBERS. Do not yield.

Mr. LOWRY. It is not necessary that elsewhere, where I have occasion to feel any concern about my reputation for fairness in determining these questions, I shall undertake to defend my vote. The people whom I represent know full well what my individual methods are in reference to such questions.

But I desire to say to this House that although I have not now the time to do it without jeopardizing the public interests, I stand prepared to defend the report of this committee against all comers here or elsewhere, now or at any future time, whether it be in a party aspect or whether it be in reference to its determination by the rules adhered to in strict judicial decisions.

So far as the great Commonwealth of Virginia is concerned, my friend who sits opposite to me [Mr. GEORGE D. WISE] and others are desirous to speak on this question, and I would be glad to afford them the opportunity to do so. But I desire to state here a word in reference to what has fallen from a gentleman who has just addressed the House, who stated that it has become the custom in that Commonwealth for the opposing parties to pour out their money lavishly for the purpose of providing means to carry on their canvasses and determine their

elections. The inference is that the practice is to be justified which has been shown to have prevailed in this case of raising large sums of money for the purpose of suborning the votes of the indigent class of voters.

I desire to interpose between the gentleman and the Commonwealth he represents, and to rescue the name and fame of Jefferson and of Washington from the obloquy that would rest upon them by having such a misfortune overcome the old Commonwealth of Virginia. I hope that if such a stain rests upon her, the State which contains the sacred dust of Jefferson, that holds upon the bank of yonder river the bones of George Washington, will ere long be relieved from the imputation of having her elections carried by the power of gold. Money is one great element which this country has to fear; it is that which will infuse the dry-rot into her institutions; it is the skeleton in the closet of the American Republic.

I concur with the gentleman from Colorado [Mr. BELFORD], who at an early period of this session said that he trusted that the Democratic party had a sufficient majority in this House to afford to be decent in determining these questions. I think it can not only afford to be decent but to be right, and to place itself in such a position that now and forever hereafter it can defend itself as having adhered to the right in determining all questions of this kind.

I now move the previous question upon the adoption of the substitute submitted by the minority of the Committee on Elections.

A MEMBER. Upon the report of the committee.

Mr. LOWRY. I understand that there is a motion pending before the House to substitute the resolution submitted by the minority of the committee for the resolutions reported by the majority of the committee. I call the previous question on the pending proposition.

Mr. MILLER, of Pennsylvania. The previous question I suppose will apply to the report of the majority?

The SPEAKER. The gentleman from Indiana has not so submitted his motion. He moves the previous question on the resolution of the minority.

Mr. LOWRY. I will call the previous question on all the pending propositions; all of them.

The SPEAKER. The Chair understands the gentleman now to call the previous question upon the resolutions reported by the majority of the committee and the substitute submitted by the minority of the committee.

Mr. LOWRY. That is my motion.

The previous question was ordered.

The resolution proposed by the minority of the committee for the resolutions of the majority was read, as follows:

Resolved, That Charles T. O'Ferrall was not elected as a Representative from the seventh Congressional district of Virginia to the Forty-eighth Congress.

Mr. MILLER, of Pennsylvania. On that question I call for the yeas and nays.

Mr. MOULTON. Let the yeas and nays be called upon adopting the report of the majority.

Mr. MILLER, of Pennsylvania. I want it on this proposition.

The yeas and nays were ordered.

The question was taken; and there were—yeas 83, nays 139, not voting 100; as follows:

YEAS—83.

Adams, G. E.	Dunham,	Lawrence,	Ray, Ossian
Arnot,	Everhart,	Libbey,	Reed,
Atkinson,	Funston,	Lyman,	Rice,
Bayne,	George,	McCoid,	Rowell,
Belford,	Guenther,	McCormick,	Ryan,
Bisbee,	Hart,	McKinley,	Skinner, C. R.
Boutelle,	Hatch, H. H.	Millard,	Smalls,
Bowen,	Haynes,	Miller, S. H.	Smith,
Brainerd,	Henderson, D. B.	Milliken,	Spooner,
Breitung,	Hepburn,	Morrill,	Steele,
Brewer, F. B.	Hiscock,	Nelson,	Stephenson,
Brewer, J. H.	Hitt,	Nutting,	Stewart, J. W.
Brown, W. W.	Holmes,	O'Hara,	Struble,
Brumm,	Horr,	O'Neill, Charles	Taylor, J. D.
Burleigh,	Houk,	Payson,	Wait,
Calkins,	James,	Peelle, S. J.	Washburn,
Cook,	Kasson,	Perkins,	Weaver,
Cullen,	Kean,	Peters,	White, Milo
Cutcheon,	Keifer,	Pettibone,	Whiting,
Davis, G. R.	Ketcham,	Poland,	Wise, J. S.
Dingley,	Lacey,	Price,	

NAYS—139.

Aiken,	Cassidy,	Dunn,	Hancock,
Alexander,	Clardy,	Eaton,	Hardeman,
Bagley,	Clay,	Elliott,	Hardy,
Ballentine,	Clements,	Ermentrout,	Hatch, W. H.
Barbour,	Cobb,	Evins, J. H.	Henley,
Beach,	Converse,	Ferrell,	Hewitt, G. W.
Blackburn,	Cosgrove,	Fiedler,	Hill,
Bland,	Cox, S. S.	Follett,	Hoblitzell,
Blount,	Cox, W. R.	Foran,	Holman,
Boyle,	Crisp,	Forney,	Hopkins,
Breckinridge,	Culberson, D. B.	Fyan,	Houseman,
Broadhead,	Curtin,	Garrison,	Hunt,
Buchanan,	Davidson,	Geddes,	Hutchins,
Buckner,	Deuster,	Gibson,	Jones, J. H.
Cabell,	Dibble,	Green,	King,
Caldwell,	Dibrell,	Greenleaf,	Kleiner,
Candler,	Dockery,	Halsell,	Lamb,
Carleton,	Duncan,	Hammond,	Lanham,
Le Fevre,	Pierce,	Skinner, T. G.	Vance,
Lovering,	Peel, S. W.	Slocum,	Ward,
Lowry,	Post,	Springer,	Warner, A. J.
McAdoo,	Pryor,	Stevens,	Warner, Richard
McMillin,	Pusey,	Stewart, Charles	Wellborn,
Matson,	Rankin,	Stockslager,	Weller,
Maybury,	Reese,	Sumner, C. A.	Wemple,
Miller, J. F.	Robertson,	Sumner, D. H.	Wilkins,
Mills,	Robinson, W. E.	Taylor, J. M.	Williams,
Mitchell,	Rogers, J. H.	Thompson,	Willis,
Money,	Rogers, W. F.	Throckmorton,	Wilson, W. L.
Morgan,	Rosecrans,	Tillman,	Winans, E. B.
Morrison,	Scales,	Townshend,	Wise, G. D.
Moulton,	Seney,	Tully,	Wolford,
O'Neill, J. J.	Seymour,	Turner, H. G.	Woodward,
Paige,	Shaw,	Turner, Oscar	Yaple.
Patton,	Singleton,	Van Alstyne,	

NOT VOTING—100.

Adams, J. J.	Ellis,	Kellogg,	Riggs,
Anderson,	Ellwood,	Laird,	Robinson, J. S.
Barksdale,	Evans, L. N.	Lewis,	Rockwell,
Barr,	Findlay,	Long,	Russell,
Belmont,	Finerty,	Lore,	Shelley,
Bennett,	Glascock,	McComas,	Snyder,
Bingham,	Goff,	Morey,	Spriggs,
Blanchard,	Graves,	Morse,	Stone,
Browne, T. M.	Hanback,	Muldrow,	Storm,
Budd,	Harmer,	Muller,	Strait,
Burnes,	Hemphill,	Murphy,	Talbott,
Campbell, Felix	Henderson, T. J.	Murray,	Taylor, E. B.
Campbell, J. M.	Herbert,	Mutchler,	Thomas,
Cannon,	Hewitt, A. S.	Neece,	Tucker,
Chace,	Holton,	Nicholls,	Valentine,
Collins,	Hooper,	Oates,	Van Eaton,
Connolly,	Howey,	Ochiltree,	Wadsworth,
Covington,	Hurd,	Parker,	Wakefield,
Culbertson, W. W.	Jeffords,	Payne,	White, J. D.
Dargan,	Johnson,	Phelps,	Wilson, James
Davis, L. H.	Jones, B. W.	Potter,	Winans, John
Davis, R. T.	Jones, J. K.	Randall,	Wood,
Dorsheimer,	Jones, J. T.	Ranney,	Worthington,
Dowd,	Jordan,	Ray, G. W.	York,
Eldredge,	Kelley,	Reagan,	Young.

So the substitute submitted by Mr. MILLER, of Pennsylvania, on behalf of the minority of the Committee on Elections was not agreed to.

The following additional pairs were announced:

Mr. SPRIGGS with Mr. RAY, of New York, for to-day, on all political questions.

Mr. FINERTY with Mr. HENDERSON, of Illinois, on this question.

Mr. BURNES with Mr. ANDERSON, on this question.

Mr. STONE with Mr. BLANCHARD, on this question.

Mr. MURPHY with Mr. THOMAS, on this question.

The following were announced as paired for this day:

Mr. MULLER with Mr. MCCOMAS.

Mr. TALBOTT with Mr. LAIRD.

Mr. VAN EATON with Mr. HOLTON.

Mr. HURD with Mr. WAKEFIELD.

Mr. BARKSDALE with Mr. ELLWOOD.

Mr. NEECE with Mr. CANNON.

Mr. LEWIS with Mr. EZRA B. TAYLOR.

Mr. JONES, of Wisconsin, with Mr. WADSWORTH.

Mr. COLLINS with Mr. ROCKWELL.

Mr. ELLIS with Mr. HARMER.

Mr. SHELLEY with Mr. CAMPBELL, of Pennsylvania.

Mr. POTTER with Mr. OCHILTREE.

Mr. NEECE with Mr. CANNON.

Mr. OATES with Mr. STRAIT. On the proposition to seat Mr. O'Ferrall, Mr. OATES would vote "yea" and Mr. STRAIT "nay."

Mr. GOFF. I voted inadvertently and desire to withdraw my vote. I am paired with the gentleman from Mississippi, Mr. MULDROW.

Mr. NEECE. I desire to state that if I had not been paired I would have voted "no" on this question.

Mr. RANDALL. I was called out of the House, and did not return in time to vote. If I had been present I should have voted "no" on this question.

The result of the vote was announced as above stated.

The SPEAKER. The question is now upon the adoption of the resolutions reported by the majority of the Committee on Elections, which will be read.

The Clerk read as follows:

Resolved, That John Paul was not elected as a Representative to the Forty-eighth Congress from the seventh Congressional district of Virginia, and was not entitled to the seat.

Resolved, That Charles T. O'Ferrall was duly elected as a Representative from the seventh Congressional district of Virginia to the Forty-eighth Congress, and is entitled to his seat as such.

The resolutions were adopted; there being—ayes 128, noes 73.

Mr. LOWRY moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LOWRY. I ask that the oath of office be now administered to Mr. O'Ferrall.

Mr. CHARLES T. O'FERRALL presented himself, and was duly qualified by taking the oath prescribed in section 1757 of the Revised Statutes.

ORDER OF BUSINESS.

Mr. PAYSON. I desire to call up from the House Calendar House bill 6479, and move to suspend the rules and pass it.

The SPEAKER. The motion to suspend the rules is not in order until after the call of the States and Territories.

Several MEMBERS. Regular order.

Mr. PAYSON. I move to dispense with the regular order.

The SPEAKER. That requires unanimous consent.

Mr. PAYSON. I ask unanimous consent.

Several members objected.

CALL OF STATES.

The SPEAKER. This being Monday, the Chair will proceed with the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Under this call memorials and resolutions of State and Territorial Legislatures are in order; also resolutions calling for executive information for reference to their appropriate committees.

ALFRED PITTMAN.

Mr. HEWITT, of Alabama, introduced a bill (H. R. 6871) for the relief of Alfred Pittman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHEROKEE INDIANS.

Mr. PEEL, of Arkansas (by request), introduced a bill (H. R. 6872) for the relief of certain loyal citizens of the Cherokee Nation of Indians; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM S. TURNER AND ANNIE TURNER.

Mr. DUNN introduced a bill (H. R. 6873) for the relief of William S. Turner and Annie Turner, as assignees in bankruptcy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM PORTER.

Mr. DUNN also introduced a bill (H. R. 6874) for the relief of William Porter or his assignee in bankruptcy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS REGAN.

Mr. WOOD introduced a bill (H. R. 6875) granting a pension to Thomas Regan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY A. TAYLOR.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 6876) for the relief of Mrs. Mary A. Taylor, of Chicago, Ill.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. JANE SCHEETZ.

Mr. HITT introduced a bill (H. R. 6877) for the relief of Mrs. Jane Scheetz, widow of Col. Josiah Scheetz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. STOPLIN.

Mr. HITT also introduced a bill (H. R. 6878) for the relief of George W. Stoplin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. M'CLURE.

Mr. LAMB introduced a bill (H. R. 6879) for the relief of William G. McClure; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAINT JOSEPH'S COLLEGE, MISSOURI.

Mr. CALKINS introduced a bill (H. R. 6880) for the relief of Saint Joseph's College, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHRISTIAN BROTHERS' SCHOOL, SAINT LOUIS.

Mr. CALKINS also introduced a bill (H. R. 6881) for the relief of the trustees of the Christian Brothers' School, of Saint Louis, Mo.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN OTIS.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 6882) granting a pension to John Otis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL H. CHAPMAN.

Mr. McCOID introduced a bill (H. R. 6883) for the relief of Samuel H. Chapman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. SANDERSON H. ROGERS.

Mr. PERKINS introduced a bill (H. R. 6884) granting a pension to Capt. Sanderson H. Rogers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'LAUGHLIN.

Mr. FUNSTON introduced a bill (H. R. 6885) granting a pension to James McLaughlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KICKAPOO INDIANS, KANSAS.

Mr. MORRILL introduced a bill (H. R. 6886) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WHARF AND MARINE WAYS, JEFFERSONVILLE, IND.

Mr. BLACKBURN introduced a bill (H. R. 6887) to provide for the purchase of a wharf and the construction of marine ways at Jeffersonville, Ind.; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

DRAFTED MEN, PENDLETON COUNTY, KENTUCKY.

Mr. CLAY (by request) introduced a bill (H. R. 6888) for the relief of certain drafted men in Pendleton County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPEAL OF TAX ON TOBACCO.

Mr. KING introduced a bill (H. R. 6889) for the repeal of the internal-revenue tax on tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NAVY-YARD, MISSISSIPPI RIVER.

Mr. KING also introduced a bill (H. R. 6890) to establish a navy-yard and depot of supplies on the Mississippi River at Algiers, or at some point between Algiers and Port Eads; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN JERDON.

Mr. KING also introduced a bill (H. R. 6891) granting a pension to John Jerdon; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CLAIMS OF LOYAL CITIZENS.

Mr. McCOMAS introduced a bill (H. R. 6892) to afford further relief to loyal citizens of States not in rebellion for property taken by the Army of the United States.

Mr. McCOMAS. I move the reference of that bill to the Committee on the Revision of the Laws.

Mr. WARNER, of Ohio. Is that a bill to amend the laws? Should it not go to the Committee on War Claims?

The SPEAKER. It belongs, under the rules of the House, to the Committee on War Claims.

Mr. WARNER, of Ohio. Then I insist that it should go there.

Mr. McCOMAS. It involves a revision of the laws upon this subject, and should be properly considered by that committee rather than the Committee on War Claims. I make that motion, to refer it.

The question was taken.

The House divided; and there were—ayes 56, noes 23.

Mr. SLOCUM. No quorum.

Mr. McCOMAS. This is making too much out of a very little thing, and if the gentleman insists upon the point that no quorum has voted I will withdraw the motion.

The bill was accordingly read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LABOR ON PUBLIC WORKS.

Mr. MAYBURY introduced a joint resolution (H. Res. 246) providing that in the employment of labor on the public works of the Government preference shall be given to residents and citizens of the United States; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

PUBLIC LANDS, LAKE SAINT CLAIR, MICHIGAN.

Mr. MAYBURY also introduced a bill (H. R. 6893) to set apart the marsh and overflowed or shoal-water lands in and bordering upon Lake Saint Clair, in the State of Michigan, for a national shooting and fishing resort or reservation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SOLDIERS' CEMETERY, PORT HURON, MICH.

Mr. CARLETON introduced a bill (H. R. 6894) asking an appropriation for improving and ornamenting the grounds of the soldiers' cemetery at Port Huron, Mich.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ADDITIONAL LIGHT-HOUSE DISTRICT.

Mr. CUTCHEON introduced a bill (H. R. 6895) to authorize the creation of an additional light-house district; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JACOB STEED.

Mr. CUTCHEON also introduced a bill (H. R. 6896) granting a pen-

sion to Jacob Steed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES W. GREEN.

Mr. MORGAN introduced a bill (H. R. 6897) granting a pension to Charles W. Green, late of Company B, Regular Missouri Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOGGS & ALLEN.

Mr. GRAVES introduced a bill (H. R. 6898) for the relief of Boggs & Allen; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent that we go through with the call of States before the recess.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. RANDALL. With the understanding that no other business is to be done before the recess I shall not object.

The SPEAKER. With the understanding that no other business is to be transacted, the Chair hears no objection to the request of the gentleman from Pennsylvania.

PACIFIC RAILROAD AND TELEGRAPH LINES.

Mr. LAIRD introduced a bill (H. R. 6899) to amend an act entitled "An act to aid in the construction of a railroad and telegraph lines from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864; which was read a first and second time, referred to the Committee on the Pacific Railroads, and ordered to be printed.

REVENUE TAX ON ALCOHOL.

Mr. McADOO submitted a joint resolution of the Legislature of the State of New Jersey, requesting the repeal of a part of the United States revenue laws relating to alcohol; which was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD.

The joint resolution is as follows:

[Joint resolution No. 3.]

STATE OF NEW JERSEY.

Joint resolution requesting the repeal of a part of the United States revenue laws relating to alcohol.

1. Whereas the business of the citizens of the State of New Jersey engaged in agricultural pursuits has been injured by the operation of the United States revenue law permitting the manufacture of vinegar from alcohol which has paid no internal-revenue tax; and

Whereas the operation of said internal-revenue law gives opportunity to evade the tax on alcohol made and sold as such: Therefore,

2. *Resolved (the senate concurring)*, That our Senators and Representatives in Congress be, and hereby are, requested to use all honorable means in their power to procure the repeal of so much of the amendment to the United States laws contained in section 5, chapter 125, of general laws passed by the Forty-fifth Congress at the third session, in the year 1879, as authorizes the manufacture of vinegar from alcohol that has paid no internal-revenue tax.

3. *And be it further resolved*, That the governor of this State be requested to forward copies of the foregoing preamble and resolution to our said Senators and Representatives.

Approved April 8, 1884.

IMPORTATION OF CONTRACT LABOR.

Mr. McADOO also submitted a resolution of the Legislature of the State of New Jersey with reference to the importation to the United States of foreign labor under the contract system; which was referred to the Committee on Labor, and ordered to be printed in the RECORD.

It is as follows:

Resolutions of the New Jersey General Assembly against pauper labor.

Whereas it is a well-established fact that for some time past foreign laborers have been imported into this country under peculiar contracts, the conditions of which contracts are manifestly detrimental to the labor interests of this country as well as to the foreign laborers so contracting, because of the fraudulent representations made to them regarding the amount of wages paid and the cost of living in this country: Therefore,

Be it resolved by the house of assembly of the State of New Jersey, That the representatives of the State of New Jersey in the Congress of the United States be, and they are hereby, requested to take such official action as will prohibit the importation to the United States of foreign laborers under contract, and thereby protect the laboring interests of this country.

Resolved, That an engrossed copy of these resolutions be signed by the speaker of this assembly, and by him forwarded for presentation to the Senate and House of Representatives of the United States.

A. B. STONEY, *Speaker*.

DANIEL M. DILL.

Mr. FIEDLER introduced a bill (H. R. 6900) for the relief of Daniel M. Dill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH CURRIDEN.

Mr. FERRELL introduced a bill (H. R. 6901) for the relief of Joseph Curriden; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK G. STEVENS.

Mr. BREWER, of New York, introduced a bill (H. R. 6902) for the relief of Frank G. Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE GATTIE.

Mr. ROGERS, of New York, introduced a bill (H. R. 6903) granting a pension to Catharine Gattie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. CHASE.

Mr. GREENLEAF introduced a bill (H. R. 6904) for the relief of John F. Chase; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. S. F. PATTEN.

Mr. SLOCUM introduced a bill (H. R. 6905) granting a pension to Mrs. S. F. Patten, widow of Col. G. W. Patten; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

THE CHORPENNING AWARD.

Mr. HARDY introduced a bill (H. R. 6906) to review the award of John A. J. Creswell, late Postmaster-General, by which he found due from the United States to George Chorpenning the sum of $443,010.60; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LYMAN BRADLEY.

Mr. STEVENS introduced a bill (H. R. 6907) for the relief of Lyman Bradley; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

STEPHEN V. BENÉT.

Mr. VANCE introduced a bill (H. R. 6908) authorizing the Commissioner of Patents to rehear the application of Stephen V. Benét for patent for cartridges; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

INDICTMENT OF PUBLIC OFFICERS.

Mr. COX, of North Carolina, introduced a bill (H. R. 6909) for extending the time for which public officers of the United States may be indicted to five years; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JACOB T. JOHNSON.

Mr. KEIFER introduced a bill (H. R. 6910) granting an increase of pension to Jacob T. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 165, REVISED STATUTES.

Mr. CONVERSE introduced a bill (H. R. 6911) to amend section 165 of the Revised Statutes of the United States; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

HENRY B. LAMBE.

Mr. FOLLETT introduced a bill (H. R. 6912) granting a pension to Henry B. Lambe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH SNAPP.

Mr. HOPKINS introduced a bill (H. R. 6913) for the relief of Joseph Snapp; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. G. HUNTER.

Mr. ERMENTROUT introduced a bill (H. R. 6914) for the relief of H. G. Hunter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELLEN R. HARRIS.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 6915) for the relief of Ellen R. Harris; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MATILDA VICTOR.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 6916) for the relief of Matilda Victor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH RICHARD.

Mr. PATTON introduced a bill (H. R. 6917) for the relief of Joseph Richard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIBRARY IN SURGEON-GENERAL'S OFFICE.

Mr. EVERHART introduced a joint resolution (H. Res. 247) providing for the printing of the index catalogue of the library in the Surgeon-General's Office; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

NASHVILLE, TENN.

Mr. CALDWELL introduced a bill (H. R. 6918) to add Nashville, Tenn., to the list of reserved cities mentioned in sections 5191 and 5192 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SCHOOL PROPERTY IN THE DISTRICT.

Mr. BARBOUR (by request) introduced a bill (H. R. 6919) relating to school property in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LIGHT-HOUSE AT NEWPORT NEWS, VA.

Mr. LIBBEY introduced a bill (H. R. 6920) to provide for a light-house at Newport News Point, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM A. MASON.

Mr. GUENTHER introduced a bill (H. R. 6921) granting a pension to William A. Mason; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTECTION OF PASSENGERS ON STEAM VESSELS.

Mr. DEUSTER introduced a bill (H. R. 6922) to amend chapter 4488 of the Revised Statutes, to provide better protection for life on steam vessels; which was read a first and second time.

The SPEAKER. Under the rules of the House this bill should be referred to the Committee on Commerce.

Mr. GUENTHER. I desire to have it go to the Select Committee on American Ship-building and Ship-owning Interests.

The SPEAKER. It will be so referred, if there is no objection.

There being no objection, the bill was accordingly referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

ROBERT L. MOORE.

Mr. WOODWARD introduced a bill (H. R. 6923) for the relief of Robert L. Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANNA MARIA SCHAUTZ.

Mr. SUMNER, of Wisconsin, introduced a bill (H. R. 6924) for the relief of Anna Maria Schautz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MAGINNIS. I desire to ask consent to have a bill now on the Speaker's table referred to the Committee on Military Affairs.

The SPEAKER. The Chair thinks that can not be done at this time. The order of the House, made by unanimous consent, was that the time for taking a recess to-day should be extended until the call of States and Territories had been completed, no other business whatever to be transacted.

Mr. STRUBLE. Will it be in order to ask a correction of the RECORD at this time?

The SPEAKER. The Chair thinks not, under the order made by the House. The gentleman from Tennessee [Mr. MCMILLIN] will occupy the chair as Speaker *pro tempore* during this evening's session. By order of the House a recess will now be taken [5 o'clock and 5 minutes p. m.] until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

Mr. HOLMAN. In the absence of the chairman of the Committee on Ways and Means, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering revenue bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BAGLEY in the chair.

TARIFF REDUCTION.

The CHAIRMAN. By order of the House the session this evening is for general debate only upon the bill (H. R. 5893) to reduce import duties and war-tariff taxes.

Mr. COOK addressed the committee. [See Appendix.]

Mr. YOUNG addressed the committee. [See Appendix.]

Mr. HOLMAN addressed the committee. [See Appendix.]

Mr. BEACH. I noticed, Mr. Chairman, when you took your seat to-night that you stated that the House was in Committee of the Whole for the purpose of general debate on the tariff bill. Now, I would like to have the Clerk read the resolution under which this debate has proceeded.

The Clerk read as follows:

That on and after to-day [April 22] and until further ordered, the House take a recess at 5 o'clock p. m. until 8 o'clock p. m., which said evening sessions shall be for debate only, no business to be transacted; this order not to conflict or interfere with any prior orders for evening sessions.

Mr. BEACH. I take it that under that resolution any general debate is proper at this time, and that I need not confine myself to a discussion of the tariff.

The CHAIRMAN. The Chair will state that it has generally been understood that the debate at these evening sessions shall be confined to the tariff bill. The resolution which has been read seems to warrant a different construction. The gentleman will proceed.

Mr. BEACH. I am free to admit, Mr. Chairman, that the remarks I am about to make are not in the line of the discussion which has prevailed at these evening sessions.

I do not care to speak about the tariff to-night. That question has been discussed upon this floor until it is threadbare. It is like straw which has been thrashed and thrashed over and over again, until nothing can be got out of it but dust. I prefer talking upon a subject which in my opinion equals if it does not surpass the tariff question in importance. I refer to the great question of legislative reform.

While others are talking about revenue reform, judicial reform, and civil-service reform, I propose to say a word or two about legislative reform.

It is time, Mr. Chairman, for us to turn our attention to this subject. The evils of our legislative system are becoming more and more manifest, and the time is not far distant when an outraged people will rise in their fury and not only demand but exact a radical change.

Let us look at ourselves for a few moments to-night. I would that these walls were covered with mirrors, that we might "see ourselves as others see us." Such an introspection might not be pleasant, but it would certainly be instructive.

Here we sit, day after day, with our eyes wide open to the abuses which exist in the administrative department of the Government, but with them blindly closed to the abuses of which we ourselves are guilty. While trying to reform others we neglect to reform ourselves. There is far greater need of reform here, for you must remember that the abuses elsewhere owe their existence directly to the action or non-action of Congress. We members of Congress are the sinners. "We have done those things we should not have done, and we have left undone those things we should have done." It is my purpose to-night to call attention to a few of our acts of omission and commission, and in doing so shall point out the reforms which have become necessary in our legislative methods.

One of the first is to stop all class and special legislation. We should have general laws under which the people could get what they want without special application to Congress. In this respect the States are far in advance of the General Government. Most all of them, I believe, have adopted the system of general laws and a prohibition of special legislation. When I first took my seat in this House in the last Congress this subject was brought to my attention. One of my constituents wanted to change the name of a vessel. I found in the statutes numerous precedents, but before introducing a special bill for his relief I took the matter in consideration and concluded to prepare a general bill giving the Secretary of the Treasury power to change, if required, the names of all vessels, and thus relieve Congress from that class of legislation. I did so, but while on my feet awaiting recognition from the Speaker I showed my bill to an older member, who informed me that a bill similar to the one I proposed had passed in the preceding Congress. The fact, however, remains that from the formation of the Government up to the year 1880 a citizen who desired to change the name of a mud-scow from the Sally Ann to the Mary Jane had to come to Congress and get a special bill passed.

At the same time I had no less than three postmasters in my district who had written me to introduce bills to reimburse them for postal stamps and moneys stolen by burglars. I supposed that the burglars had not confined their operations to my district alone but that others had been frequented. Upon inquiry I found that about a thousand bills were pending for special relief in similar cases. I furthermore found that it had been the uniform practice of Congress to allow these claims where the loss had occurred through no fault or negligence of the postmaster. I at once introduced a general bill authorizing the Postmaster-General to adjust and settle the claims of all postmasters for stolen stamps. The proposition was approved by the House, and under the bill passed at the last session Congress is relieved of a vast amount of legislation. The extent of this relief will be seen from the last annual statement of the Postmaster-General, who reports that under the law of March 17, 1882, there had been filed in his office 1,944 claims, of which 274 had been allowed, 182 disallowed, 369 abandoned, leaving 1,119 yet to be adjusted.

Let me, Mr. Chairman, call further attention to my record upon this subject, not for personal gratification but for purposes of illustration. When the tariff bill was under consideration in the last Congress it contained a provision prohibiting the importation of foreign watches, watch cases, and watch movements which copied or simulated the name or trade-mark of any American manufacturer. Now, I thought if this prohibition was a good thing for the watch-makers it would be equally good for other manufacturers, and I therefore moved and carried an amendment making the prohibition apply to all other articles of foreign manufacture.

Again, when the bill to stop the importation of adulterated and spurious teas was before this House in the last Congress, I took the ground that it should be made general and include all commodities which are the subject of adulteration. I regret to say that my objections were unheeded and the bill passed.

Coming down to the present Congress, I have introduced a general

bill granting the Secretary of War power to give condemned cannon to Grand Army posts for monumental purposes whenever he can do so without detriment to the public service. In the last Congress there were hundreds of these "cannon" bills introduced, and in this we find quite a number, but not so many, because it is understood that the supply of useless cannon is exhausted. I rejoice to say that the general bill I introduced passed this House last Thursday without a single objection.

Again, I noticed since we have been in session that numerous bills to change the names of national banks have been introduced. I thought it a piece of great folly to take up the time of Congress with the consideration of such insignificant bills. I therefore introduced a general bill (which I trust will become a law) empowering the Comptroller of the Currency to change the names of national banks upon such terms and conditions as he might prescribe for the protection of the public interests. I afterward suggested to the chairman of the Committee on Banking, which has the bill in charge, that it had better be amended so as to permit the Comptroller to authorize an increase of the capital stock of national banks and also let him direct a change of site when required.

These matters are purely matters of administration, and there is no reason why Congress should be bothered with them. I can not at this time think of the various matters of legislation which might with great advantage be made the subject of general laws. A few of them, however, will readily occur. There might be a general bill granting to railroads the right of way through Territories. We might pass a general bill for the bridging of navigable rivers. I think a public building bill could be framed which would put a stop to the shameful logrolling we have recently seen on this floor. It might concede a public building to every city where the volume of court, revenue, or postal business done made it desirable or economical for the Government to own its own building. A general bill giving the judges of the Supreme Court power to create and alter judicial districts would relieve Congress of considerable special legislation.

But it is not for the relief of Congress alone that I advocate a system of general laws. Much, no doubt, would be accomplished in that direction; but a more important result would be the prevention of special Congressional favors. There should be no monopoly in the franchises of the Government; they should be open to all, free to the people, and not reserved for the privileged few.

When I see the difficulty of passing any bill in this House I realize the obstacles in the way of general bills of the character I have indicated, which from their very nature would give rise to protracted debate. For this reason, in the early part of the session, I introduced a joint resolution proposing an amendment to the Constitution prohibiting special and class legislation and requiring the enactment of general laws. I am satisfied that nothing short of a constitutional amendment will stop the evils of special legislation.

I will now pass, Mr. Chairman, to another legislative reform which is worthy of our most earnest attention.

The practice of legislating on appropriation bills is a most pernicious one. It leads to all manner of abuses. A more vicious system could not be devised. An appropriation bill should be confined to the purposes expressed in its title. I can give you an illustration of how it sometimes affects the people. Several years since a New York merchant told me that he had been obliged to pay $15,000 in compromise of a claim made against him by the Government for violation of a revenue law of which he had no knowledge whatever, but which, upon more careful examination, was found tucked away in an appropriation bill. In this respect we are imitating the example of the tyrant Caligula who had his laws written in small letters and displayed on high poles so that the people could not read them.

The responsibility, Mr. Chairman, for a continuance of this pernicious system rests to a large extent upon this House. The Senate has wisely resolved against it, though I must admit their resolution has faltered at times when their own interests or dignity were affected. I do not believe, sir, that it can be effectually stopped without a change in the organic law, and for this reason I have proposed an amendment to the Constitution so as to prohibit all legislation upon appropriation bills.

Another legislative reform for which there is a crying necessity is the devising of some means whereby the petitions of the people can be heard by Congress and disposed of. The right of petition, Mr. Chairman, is a right guaranteed by the Constitution. It is a right dear to the people. What is the character of the right? Is it simply the right to deposit a petition in that mahogany box at the end of the Clerk's desk, or is it the right to have the grievances complained of heard before Congress and passed upon? I submit that it is the latter. Otherwise, the right of petition would be an empty and a barren right. As matter of fact, we all know a petition is the basis for a bill. The petitioner prays for relief or redress and the bill is the instrument by means of which the matter is brought to the formal attention of Congress.

In the last Congress there were 10,702 bills introduced, of which number, including the general appropriation bills, only 729 passed. Of those which passed, 248 are classed as public acts, 171 as public resolutions, 285 as private acts, and 25 as private resolutions. In the present Congress there have already been over 7,000 bills introduced, and we are not yet through the first session.

Now let us look at the routine these bills take. First the bill must be formally introduced. That takes time. Then it must be printed. That costs money. Then it is considered in committee. More time again. Reported back formally to the House. More time consumed. Report of the committee printed. More money spent. Ordered to be printed on the Calendar at still more expense. Each bill takes this course. Multiply the time consumed on each bill and report and the money expended in printing by 10,702 (the number of bills introduced in the last Congress) and you have the cost in time and money of the work done in the last Congress before the bills could come up in the House for consideration. Now deduct the 729 bills and resolutions which passed from the 10,702 introduced, and you have nearly 10,000 which were strangled in parturition but which nevertheless cost the Government a very large amount of treasure.

The cost, however, is not the most objectionable feature in this business. The right of the people to be heard is a matter of far greater importance. Every citizen, however humble, who comes here for the enforcement of a right or the redress of a wrong is entitled to be heard. This is his privilege, his right, under the Constitution.

The common argument is, we must not consider these bills from fear we may pass some bad ones. This argument, Mr. Chairman, is prompted by cowardice and founded in sophistry. If the bills are bad, let us vote them down; if good, let us pass them. This is the honest and manly course. But it will be said Congress has not the time to consider all these bills. It is a physical impossibility. I admit the truth of this assertion. And yet if you will adopt the plan of passing general laws and creating special tribunals to hear and determine certain classes of cases you will so reduce the number of bills that when Congress adjourns the Calendar will be cleared.

Let me call your attention for a moment to the pension bills. There were introduced of this class of bills in the last Congress 2,247, of which number only 166 passed. That would give upon a fair apportionment one-half of a bill to each member. In the present session there have been introduced up to date 2,222 bills for pensions.

Now, what are these pension bills? They are claims for pensions made by the soldiers of the late war. Their claims have been in many instances rejected by the Pension Bureau because of inability to furnish the legal proof called by that department. The Commissioner of Pensions has no discretion in the allowance of these claims. However equitable the case may be, he must reject it unless the claimant can comply with the cast-iron rules of the Pension Office. The door of the Pension Office having been closed, the applicant turns to Congress where the case can be considered in all its equities. The practice here is to send them to the Committee on Invalid Pensions. That committee consists of fifteen members. They take up the bills, and, having considered them, report them back to the House. They go on the Calendar, and every Friday night is set aside for their consideration. These Friday night sessions are very poorly attended. You will never find over fifty members present. The number of bills passed at these sessions will average about ten. It takes time to read the bills and the reports, and then some of the cases give rise to more or less discussion. But I have noticed that after explanations have been made the action of the committee is uniformly sustained. This has been the case, I believe, without exception, in the present Congress, and is owing in large part to the sound judgment and conscientiousness of the distinguished chairman of the Committee on Invalid Pensions.

Now, I ask particular attention to this fact, for if the fifteen members of the Committee on Pensions can dispose of these cases to the satisfaction of this House, why could not a tribunal of fifteen or any less number of persons be created which would perform the work with equal satisfaction? Such a tribunal might be intrusted with discretionary powers and authorized to hear and determine upon equitable grounds all cases which have been rejected by the Pension Bureau. It should be required to make annual report to Congress of its doings, and if we found at any time that its discretion has been abused we could correct the evil by removals or by legislative restrictions. Something of this kind has got to be done in the early future. These pension bills have grown rapidly in number, and they will increase still more rapidly hereafter, because we will have to deal not only with the cases already rejected but with the large number now awaiting their doom in the Pension Office. There seems to be a fascination about the soldier whose claim has been rejected to have a bill introduced in Congress for his relief. You may tell him he stands no show—that his chance for success is only one in a hundred. But all in vain. He looks upon it as a lottery and he is confident he will draw a prize.

The same observations will apply to a very large class of bills which are commonly referred to the Committee on Claims. Up to this date eight hundred and eleven bills of this character have been introduced at this session, and the cry is, "Still they come!"

Now, something must be done to relieve Congress from the consideration of this flood of business. It is growing worse every day, for each Congress has to deal with not only new claims but the old ones inherited from its predecessor. In my judgment the first step to be taken is to raise a statute of limitations. We have got to get rid of stale claims and raise a bar to new ones. With this object in view, I have introduced a joint resolution proposing an amendment to the Constitution so as to have a statute of limitations for the benefit of the Gov-

ernment. In other words, I would put the Government, so far as its debtor and creditor relations with the people are concerned, upon a like footing with citizens as between themselves.

The next step would be the creation of an equity court of claims, similar to the one I have suggested for rejected pensions.

Another move in the direction of legislative reform is the constitutional amendment I have proposed to the effect that "neither the credit, nor the money, nor the property of the United States shall be hereafter given or loaned to, or in aid of, any association, corporation, or private undertaking."

What a world of treasure this simple provision would have saved the people if it had been incorporated in the organic law twenty-five years ago! We would not to-day be struggling to get back from railroad corporations a portion of the public lands voted so indiscriminately away by our predecessors in this Hall. Through the absence in the Constitution of the provision for which I am now contending Congress loaned the credit of the Government to private corporations to the amount of $64,000,000, and gave away in the same direction 225,000,000 acres of the people's lands. Is it not about time that the door was closed to all such legislation? Now let me say a word in general about these propositions to amend the Constitution. In the last Congress there were forty-one joint resolutions introduced to amend the Constitution and sent to the Judiciary Committee. Was any of them ever reported back to this House? The only one that ever got out of the committee was the one giving the President power to veto one or more items in an appropriation bill, and that was wrested from the committee through a Cæsarian operation performed by my distinguished friend, Mr. Flower, of New York. In this Congress we have had forty-nine joint resolutions of a similar character introduced thus far. They come from most every State in the Union. Many of them are for the same amendment. Now, these various propositions, coming as they do from all quarters, must have something back of them. They are not introduced here for fun. When we look behind them we find a great popular sentiment, sustained by the press all over the country, urging amendments to the organic law. What has become of these bills? They went to the Judiciary Committee. Has that committee considered them? No! Does it intend to? No! They have acted adversely, I am told, upon two out of the forty-nine bills.

And here let me say a word about the Judiciary Committee which will apply equally well to the other so-called important committees of this House. Whenever a bill is introduced there is a struggle between the committees as to which shall get it for consideration. The jealousy I have seen displayed upon this floor in this respect would surpass that of the opposite sex upon an Easter Sunday. Each committee wants to gobble up all the bills it can. The result is, some of the committees are overloaded while others have comparatively little to do. The Judiciary Committee has always been a "stickler" for what it conceives to be its rights. It has always insisted upon gathering more eggs in its nest than it could cover.

Feeling from the first that my proposed constitutional amendments would never receive any consideration from the Judiciary Committee, I introduced on the 11th day of January last a resolution to raise a special committee on constitutional amendments, to which all bills for that purpose should be referred. That resolution was referred to the Committee on Rules, where it entered into that peaceful sleep which knows no waking.

Now, what are we going to do about it? I believe that my proposed amendments are of great public importance. I think we will never get rid of legislative and other abuses until they are adopted. I am not alone in this opinion. The press of the country, without regard to party, has commended them, particularly the one which looks to establishing a uniform law of marriage and divorce.

The position I take is this: The bills should be considered. If they are meritorious let them be adopted; if not, let them be rejected. The position taken by the Judiciary Committee is: They will not consider them, and, with a dog-in-the-manger policy, they will not let any other committee consider them. I have appealed to members of that committee, as others have before me, to take up my proposed amendments and consider them, but I get nothing but evasive answers.

Mr. Chairman, it is a fact about which there can be no dispute, that a great change has taken place in the country during the last hundred years. It must be remembered that when the Constitution was framed the country was in its infancy. The population was about 4,000,000; now it is 55,000,000. There were but thirteen States; now there are thirty-eight States and eight Territories. Of manufactories there were but few and of commerce but little, and the present instrumentalities of carrying them on had not been discovered. Electricity and steam as motors in material industries had not been thought of. The engine on the water has now taken the place of canvas, and the engine on the land has supplanted the stage-coach. Between then and now a vast change has taken place in the habits and wants of the people. A constitution that was adapted to that early period of our history is entirely inadequate to the necessities of to-day.

I am aware of the reverence with which we have been taught to regard that sacred instrument, but I must submit we have been wrongfully taught. I can not subscribe to the theory that we must adhere to a constitution simply because of its antiquity or because it has, in the main, been beneficent in its operations.

Let me read you what Jefferson says on this subject. Here is an extract from one of his letters:

> Some men look at constitutions with sanctimonious reverence, and deem them like the ark of the covenants, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I know that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present; and forty years' experience in government is worth a century of book-reading. We had not yet penetrated to the mother principle, that governments are republican only as they embody the will of the people and execute it. Hence our first constitutions had no leading principle in them.

Again he says:

> The dead have no sight; they are nothing, and nothing can not own something. The corporeal globe and everything upon it belongs to its present corporeal inhabitants, during their generation; they alone have a right to direct what is the concern of themselves alone, and to declare the law of that direction; and this declaration can only be made by a majority. That majority, then, has a right to depute representatives to a convention, and to make the constitution what they think will be best for themselves.

Again:

> Let us not weakly believe that one generation is not as capable as another of taking care of itself and of ordering its own affairs.

Guided by these principles, the State of New York, which I have the honor to represent in part on this floor, requires in her constitution that every twentieth year, and as much oftener as the Legislature may provide, the question of revising and amending the constitution must be submitted to the people.

In this provision the Empire State is true to her motto: Excelsior! She believes in adapting her organic law to the wants of an ever-progressing people; and by thus doing she has taken the lead in constitutional law; and the wise and salutary provisions of her constitutions have from time to time been adopted by most of the other States.

Among other legislative reforms to which my attention has been called and which I desire to commend is one proposed by my distinguished friend, Mr. BLANCHARD, of Louisiana, who has a bill to change the time for meeting of Congress from the 4th of December to the first week in January. This is a much-needed change. As is well known we come here in the early part of December and after numerous short adjournments of three days each (that being the constitutional limitation) we get the consent of the Senate and take a long adjournment of ten days to two weeks, which carries us over the holidays and well into January. Now, we should do one thing or the other—abolish the holiday recess or meet in January. There is no work of any account done in December, and members are kept here at large expense.

In this connection I will simply hint at the propriety of changing the law in relation to the election of Representatives. As it now stands they are elected over a year before they take their seats. It is argued that this being the more numerous and popular branch of the Legislature, its members should come fresh from the people. They would certainly be more apt to remember the issues upon which they are elected and carry out the views of their constituents if they took their seats shortly after election.

Mr. Chairman, another reform might be brought about in the manner of preparing and passing the appropriation bills. We have, I believe, fourteen general appropriation bills. I think the number might be safely reduced to two. In one, which might be called the "necessary appropriation bill," we could provide for the payment of all salaries and expenses which are fixed by law. This would be a mere matter of compilation and could be furnished by the heads of the various Departments. Such a bill would pass as a matter of course, requiring little or no consideration. In the other, which might be called the "conditional appropriation bill," we could place all appropriations upon which Congress was to exercise discretion. The advantage of such a system would be to simplify legislation, narrow down investigation, and invite a more careful scrutiny of all items of doubtful propriety.

I can not attempt, Mr. Chairman, in the brief time allotted me, to cover the whole field of legislative reform. It is indeed a wide one, and there is plenty of hard work to be done. I have outlined hurriedly, and imperfectly, I confess, a few of the reforms which are deserving of the early attention of Congress. I have simply shown the path, as it were, but I trust there will be some one to follow who will enter upon it and work out practical results. Before resuming my seat I beg leave to say just a few words upon a matter which is in the line of the remarks I have been making. I wish I had time, Mr. Chairman, to speak as I would like to about the rules of this House. They are simply abominable. They are a disgrace to any intelligent deliberative body. They are framed with the sole purpose to obstruct and defeat legislation. A man with any sense would say that the rules should be made to facilitate the business of the House. The people are not familiar with these rules or they would ridicule their representatives into changing them at once. Look at the rule which permits one member to rise in his seat and by the simple words "I object" defeat the consideration of a measure upon which the other three hundred and twenty-four members are anxiously intent. Is it fair or right to lodge such a power in the hands of one man who may, through personal or local reasons, defeat a measure of great public moment?

But the most objectionable feature in connection with the rules is the almost endless talk to which their construction gives rise. I have known a whole day wasted in discussing some frivolous point of order. I believe it would be a good plan to have no rules whatever but let the Speaker decide all questions of order upon his own judgment and sense of fairness. Make an autocrat of him. Let his decision be final. No appeal. His decision would be subject to public criticism, and in nine times out of ten he would decide right. It would be better to run the risk of an occasional erroneous ruling than submit to the present system under which so much valuable time is wasted.

Another great waste of time is in calling the roll. In the last Congress there were 318 roll-calls, taking about thirty minutes each; the aggregate time thus taken amounting to 159 hours, or about 32 days, putting the legislative day at five hours. Thirty-two days, or over a month, of the time of this House was actually consumed in the last Congress in the single act of calling the yeas and nays. If we multiply the 32 days by 325 (the number of Representatives), we have the grand total of 10,400 days, or about three years (of one man's time) wasted, to say nothing of the time of the doorkeepers, ushers, clerks, and other attendants. I wish the gentlemen in the gallery in front of me would take down these figures and spread them before the people.

It will be said, "The yeas and nays must be called or we can not ascertain the result of a vote." True. But why should we adhere to the system of our grandfathers when a better one can be adopted, doing away with all the evils of the old one? Why can we not use the electric wire to register our votes? The simple pressure of a button on our desks, upon the call of the Speaker, would convey to a dial on the Clerk's desk the vote of the whole three hundred and twenty-five members in the twinkling of an eye. If any mistake in the recording should occur it could be corrected the next morning when we get the RECORD. I understand that this system prevails in France, and I have yet to hear any valid objections to it.

In conclusion, Mr. Chairman, let me indulge the hope that Congress will at some early date turn its attention to these matters and work out at least some of the reforms to which I have referred. They are of great public importance, and they will keep growing in importance as our population increases and the wants of the people multiply with their material progress. It is no party question, sir. It is the cause of the people, and should have, as I trust it will, the hearty support of every true friend of good government.

TARIFF REDUCTION.

Mr. MORGAN addressed the committee. [See Appendix.]

Mr. WOODWARD. Mr. Chairman, all the good things and many bad, all the new things and all the old things possible to be said on the subject have been said, and hundreds of times repeated in the course of this debate. I find no excuse for taking the time of the committee in the hope of changing a single vote here or elsewhere. But the wide-reaching influence of the tariff law and the national and enduring importance of the subject will excuse, if not justify, even the humblest member of this body in presenting a statement of his views.

A large part of the debate which the House has so carefully refrained from listening to has turned upon the question of the relative merits of free-trade and protection. I can not regard such discussion as necessary to aid us in passing upon the merits of this bill. We are not yet in sight of that question. It lies far in the future.

The true purpose of this bill is, and its effect, if passed, will be, that expressed in its title—the reduction of war-tariff taxes; and no gentleman who has yet spoken in this debate has been bold enough to assert that it has any other purpose, or can have any other effect. By express provision of the bill no duties under it are to be lower than the rates fixed by the Morrill tariff of 1861. That was a tariff for protection framed and passed by protectionists. After the passage of that law the exigencies of the Government compelled the adoption of the internal-revenue system, including excise taxes upon business, income taxes, license taxes, stamp taxes, &c. The manufacturers of the country claimed that the exactions of the internal-revenue system took away from them all the advantages which the Morrill tariff was designed to give them. Under such pleas the protective-tariff taxes of 1861 were increased from time to time by additions which are designated in the bill as "war-tariff taxes." The internal-revenue taxes, which constituted the excuse for the levying of the "war-tariff taxes," stamps, licenses, income, everything except those on liquors and tobacco, have long ago been wiped from the statute-books. The practical question now presented is, shall these "war-tariff taxes" continue when the sole excuse which the protectionists themselves ever advanced in their favor has ceased to exist? Surely this question ought not to depend for its solution upon any consideration of the principles of free trade or of protection.

I repeat, the Morrill tariff of 1861 was a tariff framed and passed by protectionists. It was commended by them to the country on the theory that the industries protected by it were in their infancy and needed the aid of the taxing power of the Government to set them on their feet. It was further commended to the country by the promise that when these industries should have grown strong and prosperous by the aid of the law they would consent to a reduction of duties to the revenue standard, and take the ordinary chances of competition in the markets of the world. Sir, the taxes which they themselves then fixed as the needed measure of protection have since been increased by additions of "war-tariff taxes," in ratio varying from 25 to 50 per cent. above that limit.

Now, after twenty years' enjoyment of the bounty of the people, far in excess of their own original demands, the oppressed tax-payers, the producers and laborers of the country, claim fulfillment of the promise made. They see that gigantic fortunes have been piled up by the manufacturers. They see that these infant industries have grown into vast and far-reaching monopolies. They see that the number of trained workmen, the buildings, the machinery, and the capital invested are capable of producing manufactured wares far in excess of the home demand. They see this excess practically shut out from foreign markets by the operations of our tariff laws. They see these manufacturers strong enough to close their factories, turn their workmen into the streets, and let their costly plants lie idle for long periods, until diminished production is brought to equation with increased demand. They see them forming combinations to keep up prices in a glutted market, and hear their boasts that they are able to manufacture large lines of highly protected wares cheaper than the manufacturers of England and Germany.

The people, then, claim the promise made; they ask that these pampered favorites of the law shall be shorn of their power to exact these enormous bounties and be subjected in some degree to the same competition which attends all other branches of labor and production. What is the answer to this demand? It is no longer the plea of infancy and poverty. Time and "war-tariff taxes" have disposed of that. They claim that it will be a shock to the business interests of the country to deprive them of these bounties. This answer adds insult to injury. It assumes in effect that the people who have so long submitted to the exactions of the tariff have by their submission made themselves responsible for the business relations of the favored classes, and liable to guard at their own expense the fortunes which they have permitted to be taken from their own pockets. But unreasonable as this contention is, the bill under consideration is a concession to it. It concedes protection, and, with the exception of three additions to the free-list, calls only for the repeal of taxes in excess of the demands of protection—the war-tariff taxes levied since the passage of the Morrill tariff of 1861.

Concession never satisfied greed. This reasonable measure, conceding to the protected interests even more than justice demands, has aroused the bitterest hostility of all the favored classes. The arguments used against it are many and conflicting, for they appeal in turn to many interests which are not in harmony among themselves. I refer to some of these arguments not so much for the purpose of answering them as to indicate briefly what answers will be made to them in the court of the people.

It is said by many gentlemen that the agitation of this question will imperil the success of the Democratic party in the approaching Presidential election; and several of our Republican friends have manifested some solicitude on this aspect of the case, a solicitude which is greatly to their credit and is deeply appreciated. Mr. Chairman, this argument deserves but one answer: it is not the business of this House to legislate or omit to legislate for Presidential elections. But there is another answer. The Democrat who believes in this reform and consents to postpone the question in the hope of attracting protectionists to the support of the Democratic candidates is doing all that lies in his power to render the Democratic party unworthy of success. We intend to carry out this reform, or we do not. Our declarations, or better, our actions, should be plain and not susceptible of two interpretations. A declaration that we intend to lower the tariff in case of success will surely make it impossible to secure the vote of a single protectionist. A declaration that we do not intend to reduce the tariff will dissolve the Democratic party.

But fortunately, sir, it is not in the power of the gentlemen who desire two-faced declarations, instead of simple action, to commit the Democratic party to any course of deception on this question. The intrenched line of protection and monopoly is the line of the Republican party. The protected interests know, indeed, that they have a few devotees among so-called Democrats. They know that among Republicans are some who are restless and eager to break away from the support of monopoly; but they also know that the masses of the Democratic party are in favor of tariff reform, while the masses of the Republican party, including all of its leaders, are in favor of the existing tariff as it stands, and can alone be relied upon to increase it. They will not trust the Democratic party. The confidence game so often outlined for the Presidential election is doomed to failure if attempted.

But, sir, it is said that it is useless to pass this bill, because other branches of the Government will reject it. It is the duty of this House, Mr. Chairman, to interpret and to act upon its own responsibility. We have no right to assume that any other body will reject any measure whatever which the House sees fit to pass. If we fail for this reason to pass this bill you must expect, sir, to be met with the assertion that the body referred to would have adopted it, and where will be your answer? That body can not originate revenue bills; only this House can do that. Those who may succeed in defeating this bill here can not be heard and will not be heard by the people to cast responsibility for its defeat upon

a body which will never have been permitted to vote upon it. Such an argument is childish.

It is urged that no bill on the subject of the tariff should be passed until we have had time to test the law of March, 1883. Sir, we have had ample time to test that law. We know now, as well as we will ever know, that the law of 1883, professedly passed for the purpose of reducing taxation, largely increased taxation on many articles of common use and made a reduction in the aggregate of less than 2 per cent. The average reduction which was fraudulently assumed to be made by the Republican Congress which passed the act of March, 1883—the reduction which they admitted ought to be made—was from 20 to 25 per cent. The bill under consideration proposes an average reduction of about 16 per cent., which, added to the reduction actually made by the law of 1883, is still less than the lowest estimate of reduction admitted by the advocates of that bill to be just and necessary. Sir, we have lived just long enough under that law to find out that it embodied a fraud upon the people—a wrong which can not too soon be remedied.

It is said that the uniform reduction of 20 per cent. is empirical, unscientific. Sir, if we wait for the presentation of a bill reducing duties on imports which will commend itself to the protected interests by its reasonable contents and scientific construction we shall wait until after the "twilight of the gods." Nothing but an increase, horizontal or other, will ever satisfy their cravings for symmetry in the construction of tariffs. But this objection should not be heard coming from the Republican opponents of this measure.

The law of 1883 emanated from a tariff commission appointed by the Republican party. It was accepted and passed by the Republican majority in Congress. It was the work of experts and scientists specially charged to re-examine all the provisions of our tariff laws and propose changes in the schedule adapted to the changed condition of our manufacturing industries. It is not for the party which appointed them to do this work, and which ratified the work when done, to charge now that it was unscientific. Yet that is precisely what they do charge when they allege that a reduction of 20 per cent., which works no change in the relative status of the various articles and schedules, is empirical and unscientific.

Again, it is charged that this bill will so increase importations as to swell the revenue and the surplus in the Treasury. Here again, sir, we answer them out of their own mouths. The Republican tariff law of 1883 was passed upon their assertion that it scaled the taxes down from 20 to 25 per cent., and would therefore reduce the revenue $45,000,000. The first assumption was false and undoubtedly fraudulent. But we can not say that if the first had been true the second would not also have been found true. If their reasoning was good then it is good now. The bill under consideration certainly reduces the average rates 17 per cent. below those in force prior to the law of March, 1883. If they were not then mistaken in their argument it will reduce the revenues from $30,000,000 to $35,000,000.

But, Mr. Chairman, while I admit that a surplus in the Treasury is in some respects an evil, I also admit that I favor this bill rather to reduce taxation than to reduce revenue. Those who oppose the bill do so because it diminishes that kind of taxation which diverts the money of the people to the private uses of a favored class. We support it for the same reason. There is entire agreement on all sides as to its effect in this direction. If it shall still leave a surplus in the Treasury we will then inquire further how that surplus may be disposed of, and will indulge the hope that pending that inquiry the evil may be in some degree mitigated by a change of administration.

The last of these objections which I shall notice is the one most frequently used by the Republican opponents of this measure—that the bill is the entering-wedge to the establishment of the policy of free trade. None of these gentlemen go so far as to say that they would vote for the bill if they believed it were not the initiation of free trade; but it is evident from the tone of their remarks that they are quite willing to let such an impression go to the country. But as many of them seem incapable of discriminating between free trade and tariff for revenue, a word or two may be in place on that subject. No one is demanding free trade at this time. It is not probable that free trade will be advocated by any party or by any considerable number of persons at any time in the future. Free trade would necessitate direct taxation, and direct taxation under the Constitution must be apportioned among the States according to representation and not according to assessed value of property. The States most interested in reduction of impost duties are the States upon which this rule of the Constitution would bear with greatest weight. It is not for a moment to be assumed that they will ever favor a policy which would subject them to such unequal burdens.

But, Mr. Chairman, the friends of this bill, while they deny that such discussion is now in place, are not anxious to avoid the discussion of the relative merits of tariff for revenue and tariff for protection. Nor will they pledge themselves to remain forever silent after the "war-tariff taxes" are removed. They will then be ready to meet the great practical economic question to arise: whether the policy of protection should be continued indefinitely or at all? And they are ready now, Mr. Chairman, if the opponents of this bill insist upon it, to anticipate the discussion of that question either in this House or before the people.

It is not my purpose, nor is it necessary, Mr. Chairman, to enter into the philosophy of the question, or to cite here great tables of statistics for the purpose of proving any set of propositions. All that has been sufficiently done by gentlemen who have preceded me in this debate. I notice, to answer briefly, some of the arguments most frequently used on this floor in favor of the continuance of high protective tariffs. One argument—and it has been the most effective of all, for it is addressed to the most numerous class of voters in the country, the farmer—is that protection furnishes a home market by diversifying industry and building up communities engaged in trades and occupations which consume the farmer's product and do not compete with his labor.

If other evidence were wanting, Mr. Chairman, I should confidently appeal to what has been said in this debate for proof of the falsity of the argument and the utter failure of the policy. Several gentlemen have attempted to figure out the proportion of agricultural products consumed at home. With unlimited supplies of ink and paper, with ample time and full liberty to bend the figures to their will, not one of them has succeeded in making an equation between home supply and home demand. The boldest of them was only able to carry domestic consumption up to 92 per cent. of domestic supply, leaving 8 per cent. to be disposed of in foreign markets. And yet they admit, for they do not dare to deny, that 1 per cent. to be sold in foreign markets means a failure of the policy, for the foreign price of the surplus to be sold, no matter how small it may be, fixes the price of the portion sold for domestic use. This after twenty-three years of protection.

Admitting that no more than 8 per cent. is available for export, what now is the prospect of the absorption of that 8 per cent. in the home market? If demanded here it must be for consumers not themselves engaged in agriculture. Will a continuance of protection furnish these consumers to the domestic market? I appeal to the distinguished gentleman from Pennsylvania [Mr. KELLEY] for the answer to this question. He said in his speech at the opening of this debate, and nearly every gentleman who has spoken on that side has indorsed his statement—none contradicting it—that the manufacturing establishments of this country are to-day capable of producing wares far in excess of the demands of domestic consumption. The statement is undoubtedly true; and, being true, no argument is needed to show that all hope of absorbing the domestic surplus in the domestic markets must be abandoned.

With this prospect in view our farmers are threatened with the loss of their foreign market for their great staples. Foreign nations have grown weary of submitting to our policy which forces them to buy our agricultural products while refusing to take anything from them in exchange. Barred out by prohibitory tariffs from selling in our markets, they are seeking other sources of supply for products which they have heretofore purchased from our people. They have been partially successful in this, and will not rest until they shall be entirely relieved from the necessity of buying in markets where they are not permitted to sell. Already the staple products of our agriculture begin to feel the effects of increased production in India and Australia, and the time is not far distant when our surplus of production, instead of finding a market in foreign ports, must rot in the fields, serving there no purpose but to depress the price of that which is consumed at home.

The gentleman from Connecticut [Mr. EATON] endeavors to dispose of this view of the subject by telling us of a man who owned land adjoining a manufacturing town in his State who prospered in a fair degree by selling his products to the people of the town. No doubt, Mr. Chairman, many other similar instances might be cited in the vicinity of every city in the country, without regard to whether the city is given up to manufactures or not. This city of Washington, which has no manufactures whatever, would furnish many such examples. But the argument will not be effective until we are enabled to class strawberries and green corn, lettuce and asparagus among the staple agricultural products of the country. It is an infinitesimal portion of our agricultural lands that is or ever will be available for such purposes. Men situated like the one mentioned by the gentleman from Connecticut never need the aid of law. The millions of farmers of this country can not find markets for "garden sass." They must raise the great staples for the general markets and must have remunerative prices in such markets or go down, down under their load of debt and taxes. No, sir; protection does nothing for the farmers, no matter what it may do for the few market gardeners. Its purpose is to compel them to buy in a market where competition is excluded by statute, while they must sell in markets open to competition from the whole world.

But it is claimed that protection, by encouraging the investment of capital in manufactures, leads to competition in the home market and lowers prices. Experience has shown that this is not true. It is occasionally true. The Spanish proverb says: Greediness bursts the bag. The mad race of competition artificially stimulated sometimes gluts the markets with goods manufactured on borrowed capital. Forced sales and fall in prices momentarily ensue; but the vast aggregations of capital invested soon put order in the market. The disturbing element is quickly withdrawn by combinations of capital, the mills are

shut down, and prices arbitrarily maintained until the balance of the protected market is restored. In this way the farmers who have paid the cost of building up and enriching the capitalists engaged in manufactures are cheated out of the promised results of competition.

But more, sir; far from giving to the farmers the reward promised for their long years of tax-paying, these men now besiege the executive department of our Government and clamor for reciprocity treaties by which they may find markets for their surplus manufactures in Mexico and South America. The natural effects of this policy, if carried out, will be to make and maintain high prices for their products without the necessity of periodically stopping their mills and letting their plants lie idle.

I protest, sir, that this involves a breach of faith. Was it the understanding that when the conditions of competition were secured through the aid of bounties paid by the farmers of the country the manufactures might destroy the effect of competition by widening their market? Or was it not a part of the implied agreement upon which prohibitory duties have been tolerated that the manufacturers should limit the sale of their products to the domestic market? When otherwise will the agricultural producers of the country enjoy with certainty the benefits of the competition in the home market which has been promised them? Fairness to this great interest, Mr. Chairman, demands that a prohibition of the export of domestic manufactures shall go hand in hand with the continuance of protective duties. But far from admitting any obligation for the bounties they have so long enjoyed, these favored classes bend there energies and use their combined capital in efforts to cheat the farmers out of the benefits of competition by conspiracies to diminish production and at the same time to extend their markets in Mexico and South America.

I have said, sir, that the pleas of infancy and debility are no longer employed. They are not openly insisted upon, but the advocates of protection on this floor imply them when they tell us of the consequences of the passage of this bill—mills closed, workmen starving in the streets, and bankruptcy and ruin everywhere. There is bad faith in all of this, Mr. Chairman. When exulting over the effects of protection and appealing to national pride, forgetful then of other considerations, they boast of the cheapness of American manufactures, and claim to undersell the English in their own markets. A distinguished advocate of protection, who took a prominent part in framing and passing the law of March, 1883, said to me very recently that that law imposed duties on a great number of articles which no longer need protection. I asked him for a list of them, but he declined to furnish it. The gentleman from Connecticut [Mr. EATON] has stated on this floor that sixty articles embraced in the existing tariff schedules manufactured in his State do not need protection because they can be made cheaper there than in England. But he did not name them nor propose to place them on the free-list.

But we are able to pick up a little definite information on this subject from the literature furnished by the protectionists themselves, furnished for another purpose, and for that reason more valuable. I hold in my hand a pamphlet marked "Tariff Tract No. 6, published by the American Iron and Steel Association, James M. Swank, secretary," in which I find two paragraphs, which I read, as follows:

As one proof of this you have only to look over the exports from our country to foreign countries of our manufactured commodities. We are sending to other nations yearly our agricultural implements, including fanning-mills, horse-powers, mowers and reapers, plows, cultivators, forks, hoes, &c., carriages, carts, cotton goods, railroad-cars, locomotives, steam-engines, watches, clocks, glass and glassware, hats, caps, boots, shoes, wearing apparel, machinery, cutlery, edge-tools, files, saws, firearms, nails, India-rubber goods, jewelry, lamps, saddlery, harness, organs, piano-fortes, paper, stationery, printing-presses, sewing-machines, household goods, furniture, woodwork, tinware, and scales.

We are steadily, year by year, increasing the variety and quality as well as the quantity we are sending abroad. Among these last year were over 148,000,000 yards of cotton goods, and nearly 400,000 clocks. If you will go to the leading dry-goods stores in Liverpool and Manchester you will find hundreds of pieces of our cotton goods being sold, equal in quality and texture to any they are making in England and at less price than they can sell those of their own manufacturing; while the "Yankee clocks," as they call them, are scattered all over their country. Our agricultural tools and implements, our axes, our edge-tools, our machines, and hundreds of other kinds of manufactured commodities, are found for sale in every town of any size in the kingdom. We are, therefore, not only competing with England in all the markets of the world, but competing with her in her own markets at home.

On this whole list of articles our tariff taxes average between 30 and 40 per cent. ad valorem—on some of them over 50 per cent.; and the same is probably true of the "hundreds of other kinds of manufactured commodities" which are not specifically named. Now, sir, it is certainly true that if our manufacturers can make these goods here, pay freight, insurance, exchange, consuls' fees, and other charges in sending them to England, and then sell them in competition at their own doors with the manufacturers of England, they do not need protection against that pauper labor which they supplant on its own soil. No man will seriously deny this, and I beg you to observe, Mr. Chairman, that a great portion of these articles named—saying nothing of the "hundreds of others" not named—are of composite character. They require for their construction large numbers of different forms of various metals, wood, leather, cloth, and other materials which figure separately on our tariff schedules. If combined in manufacture they need no protection, it is a fair and reasonable presumption that they do not need it in their simple state. And so the list of heavily protected articles which need no protection is greatly extended.

But what advocate of protection was found in 1883, or is found now, proposing either to reduce or abolish the duties on any one of these articles? It might well be, sir, that if they would act in good faith and frankly propose to put on the free-list the articles which they well know no longer need protection against the dreaded pauper labor of Europe, the friends of revenue reform could meet them and agree to continue yet longer the present protective duties on other articles which may possibly need such bounty. But, sir, they resist with desperation every attempt at reduction. They admit no compromise. They demand more, and will be satisfied with not one cent less. And here I may remark that while they now clamor to be let alone, and cry out against any reopening of the tariff question, it is but a short time since they were of a very different mind. Only last fall, just before the opening of this session of Congress, the Bulletin of the American Iron and Steel Association, copies of which were kindly sent to me for my guidance, demanded loudly that Congress should reopen the tariff question and repeal the beggarly reductions made by the law of 1883, and particularly so raise the duties as to create in this country "a cotton-tie industry," "a tin-plate industry," and several other industries.

But, Mr. Chairman, the favorite argument of the protectionists is that protection upholds the wages of the American laborer and saves him from the wretched state of the pauper laborer of England. Many tables have been compiled and published here and elsewhere showing rates of wages paid in this country and in England. Tables also are presented to show the purchasing power of the wages paid in both countries. I doubt, Mr. Chairman, if any correct conclusions can be drawn from such comparisons. Thousands of circumstances which affect rates of wages and purchasing power in both countries are necessarily excluded from view in those tables, and those which are most carefully compiled leave us with the impression that they are deceptive and unsatisfactory. A few simple facts not open to dispute or qualification will lead us to more accurate conclusions than a volume of such figures.

Let us inquire to what class of persons this argument refers. It excludes all persons engaged in agriculture. Work on the farm is not "labor" in the sense in which protectionists use that word. By the census of 1880 the whole number of persons engaged in manufactures, mining, and mechanical industries in the United States was 3,837,112, and this number included 631,988 females and 133,607 boys and girls 15 years of age and under. There are included also many thousands who can have no possible interest in protection, who unquestionably are burdened by protection, always in their means of living, and generally through the operation of the tariff upon articles used in their business. It is necessary to deduct these from the aggregate in order to ascertain the number of people to whom the argument applies. I select none but those in regard to whom no question can be raised.

This total of 3,837,112 includes bakers, blacksmiths, brewers, maltsters, bridge builders and contractors, builders and contractors, butchers, carpenters and joiners, coopers, fishermen, gas-works employés, stone-cutters, masons, meat and fruit packers, millers, oil-well operators, laborers and refiners, paper-hangers, plasterers, plumbers and gasfitters, pump-makers, quarrymen, railroad builders, roofers, slaters, upholsterers, and wheelwrights, to the number, in all, of 1,188,874. This total also includes carpet-makers, charcoal and lime burners, clock and watch makers and repairers, confectioners, engineers and firemen, engravers, gun and lock smiths, machinists, milliners, dress-makers, seamstresses, painters and varnishers, photographers, stave-makers, tailors and tailoresses, tinners, tinware-makers, and wood-choppers, to the number, in all, of 863,646. It is certain that at least one-half of this last number have as little direct interest in the tariff as the farmers themselves. But including them all it will appear that the whole number of persons whose wages are subject to be directly affected by protection, if they can be affected by it at all, is 2,748,238. The whole number of persons engaged in agriculture in 1880 was 7,670,493. And these farmers for over twenty years have submitted to an average tax of not less than 40 per cent. on everything they have had to buy for the ostensible purpose of keeping up the wages of this small handful of our people.

I admit without further inquiry the general proposition that the average wages of the people have been and are higher than those of persons engaged in similar occupations in Europe, and also will admit, for the sake of the argument, that the purchasing power of the wages is as great here as there. Laying aside the question whether it pays us as a people to keep up the wages of a small class by such exorbitant taxation upon the necessaries of life, we come to inquire whether this difference in wages is in fact due to protection or to other causes. The statement of a single fact, disputed by nobody, suffices to dispose of the claim that it is due to protection. England with free trade pays higher wages than Germany and France with protective tariffs. The difference in wages is due entirely to the fact that in Europe population is crowded and land is not to be had. Given the same state of things here, and the same results will follow.

The gentleman from Maine [Mr. DINGLEY], assuming erroneously that the whole number of 3,837,112 persons found to be engaged in manufacturing and mechanical pursuits are dependent for occupation

on the protective tariff, asks what would be the effect of diverting them from those pursuits and sending them forth to compete in other branches of labor. Saying nothing of the effects of this bill, which leaves an average of protective duties of about 30 per cent. ad valorem, I deny that even absolute free trade, the abolition of all customs duties, would send the half of them into other pursuits.

Between 1860 and 1880, 122,966,221 acres were added to the area of improved lands of the United States. Over 50,000 miles of new railroads were constructed and put in operation. Vast additions were made to coastwise and inland tonnage. Thousands of mines have been opened west of the Mississippi River, and numerous other demands for labor have followed upon this enormous development of our material resources, none of which are in the slightest degree dependent upon the tariff. Let me then answer the gentleman from Maine by asking him another question: What would have been the effect upon the wages of factory operatives if the hands and brains which have gone into the reclaiming and continuous cultivation of these lands, the building and operating of the railroads and steamboat lines, and other pursuits dependent upon these, had been driven to compete for work and bread in the manufacturing centers of the country? But go further, cancel in imagination all the lands within the borders of this country not now actually occupied, keep up your protective tariffs or raise them higher, and with a manufacturing capacity now in excess of the home demand and without a foreign market, tell me where will be the wages of your factory operatives in five years from now? I have not a particle of doubt that in less time than that they will be lower than they are in England.

It has been well said, sir, by the gentleman from Michigan that the real purpose of the tariff has been to compensate the manufacturer for the high price of labor, to protect him against it by compelling the high-priced laborer to buy high-priced goods. Desiring to start manufactories, they find labor high. The reason they give for passing protective-tariff laws is that labor is too high to permit them to compete without a bounty with the low-priced labor of Europe. The tariff law is passed, and straightway they impudently claim that the wages of labor are high by reason of the tariff.

The tariff, sir, has never added one dollar directly or indirectly to the wages of the American workman. The manufacturer has never paid one dollar in wages which he was not compelled to pay because of the scarcity of labor, and the scarcity of labor has never been in the slightest degree due to the tariff. There has always been absolute free trade in labor, and the manufacturer has never failed to use it remorselessly to depress the rate of wages. The records of this House prove that they import foreign labor under contract and transfer the dreaded pauper labor of Europe to this country to deprive our native workmen of the benefits of the scarcity of labor produced by the natural causes which I have mentioned.

A bill is before this House to prohibit such transactions accompanied by the report of a committee containing the proofs. The census returns show that native workmen are gradually being crowded out of the employments which have been fostered by tariff bounties for their supposed benefit. In Rhode Island and Massachusetts over 25 per cent. of the population found in 1880 were of foreign birth; in Connecticut, over 20 per cent. If the children of these people of foreign birth, born in the last twenty-five years, were added it would no doubt appear that but little more than one-half of the population is, in any true sense, native. The same proportion holds in the manufacturing centers of Pennsylvania.

But, sir, even in this country we are not without examples of the effects of a crowded population upon the wages of labor. In this country, as in all others, there are often found in crowded localities those whose hopeless poverty, if not the lack or loss of ambition or other incentive, binds them to the spot. And here in our large cities such people are as effectually barred from participation in the great natural advantages of the country, as though they lived in Europe. The gentleman from Pennsylvania [Mr. KELLEY] has told us the story of the trace-chains, and how the poor women who make them labor for starvation wages. He told us of the poverty and suffering in the slums of London to affright us from the passage of this bill.

Sir, the gentleman should know—does know—that Berlin and Paris, capitals of protected countries, will match every picture of poverty and suffering which he has drawn for us. Will he dare to say that New York and Philadelphia, his own city, have no slums, no unfortunate people who work for starvation wages? Are the shirt-makers of those cities, too poor to escape from their merciless employers, better paid than the women who make the trace-chains? He knows they are not. He knows that this unfortunate class in every city in the world are paid starvation wages, are insufficiently fed and clothed, are housed in chambers where the light is dim and the air impure—where vice, disease, and death lie in wait for them.

But why dilate upon this subject? The gentleman from Illinois [Mr. SPRINGER] has produced and read upon this floor evidence that in the coke regions of Pennsylvania women and young girls from 12 to 16 years of age are engaged in labor that would tax the strength of strong men, handling coke-forks in crowded rooms, breathing poisonous gases in a temperature of 110°. No member on this floor from that State has questioned the evidence. Sir, the argument which the gentleman from Pennsylvania attempts to draw from the slums of London and the condition of the poor in England is fitly attended and sufficiently answered by his absurd assumption that the passage of the bill under consideration will "add pernicious anæmia to the list of diseases with which our working people are already familiar."

Protection, Mr. Chairman, has enriched the manufacturers as a class, but it has robbed the people at large. It has failed on every point to do what it promised for the country. It has not created the home market for the products of our agriculture. It has produced the conditions of competition in manufactures, but by combinations of capital it has cheated the people out of the legitimate fruits of that competition. It has added nothing to the wages of labor, but has constantly striven and is still striving to defraud the native laborer of the advantages which naturally belong to him by reason of our comparatively sparse population and abundance of land.

But independently of all these considerations this bill ought to pass. As I have said, it leaves untouched the principle and policy of protection. It deals with the "war-tariff taxes" only, and does not entirely remove them except in a few cases. To the extent of the reduction made it will prevent exactions upon our people in excess of the requirements of protection as stated by its own advocates. If this bill shall become a law the average of duties on all cotton goods under it will be 31.50 per cent. ad valorem, about 7 per cent. less than under the present law; on hemp, jute, and flax goods 24.60 per cent. ad valorem, about 4 per cent. less than the average under the law now in force; on wool and woolen goods, 46.43 per cent. ad valorem, against 57.70 per cent. now levied; on metals and manufactures of metal, 29.81 per cent., against 35.19 per cent. under the law of 1883; on crockery and glassware, 44.12 per cent., against 53.16 as now.

Can it be said that these reductions are unreasonable? Or will it be claimed that the rates established by the bill are insufficient for protection? To this it may be said now, and gentlemen may rely upon it it will be insisted upon again in that other forum to which we are all tending, that no gentleman who has so far spoken upon this floor has undertaken to point out a single rate established by the bill which is below the requirements of protection. They do not condescend to so simple a means of argument, but in presence of a measure which leaves the average rate of all tariff duties over 30 per cent. ad valorem they fall to shrieking about free trade and the pauper labor of Europe.

And now, Mr. Chairman, I invite the attention of this committee for a moment to the attitude of parties and factions toward this bill and the subject of revenue reform. The whole situation is reduced to two statements of facts and one conclusion: We have an actual surplus now in the Treasury in excess of demands to date of at least $50,000,000; we are taking from the pockets of the people every year from $75,000,000 to $100,000,000 in excess of the annual necessary expenditures of the Government; and the conclusion is that honesty and sound policy require a reduction of the revenues. So far no disagreement here or elsewhere. We have our choice to reduce the revenues of the Government by reducing or repealing the internal-revenue taxes on whisky and tobacco, or by reducing the duties on foreign imports, the taxes—war taxes—on hats, caps, boots, shoes, clothing, blankets, knit goods, crockery, cutlery, glassware—in short, on the necessaries of life.

The majority of the Committee of Ways and Means, representing a large majority of the Democratic party in this House and in the country, bring forward this bill which reduces the war taxes on the necessaries of life and leaves untouched all taxes on whisky and tobacco. The issue so made is a plain one: necessaries of life on the one hand, whisky and tobacco on the other. From which shall the taxes be taken to reduce the surplus revenue which all admit ought to be reduced? The solid Republican minority in this House, with the exception of four gentlemen from Minnesota, and a fraction of Democrats elected from manufacturing districts, array themselves in opposition to the bill. Many of them, all the leaders of this opposition, admit, and none of them deny, that they prefer to make the needed reduction of surplus revenues by repealing the taxes on whisky and tobacco, and to leave untouched the war taxes on the necessaries of life. Mr. KELLEY and Mr. RANDALL frankly avow this intention and argue in its favor. Not one of their followers on either side disclaims it. But many of those gentlemen who have spoken pretend, while opposing this bill, to be in favor of reduction of the duties on imports. These gentlemen, Mr. Chairman, will be judged hereafter by their actions and not by their words.

First, sir, let us look at the action of the Republican minority of the Committee of Ways and Means, five gentlemen among the oldest and most experienced in this House, familiar with the subject in all its details. It was their privilege in any event, it was their duty, if they believed the present tariff ought to be reduced, and were not satisfied with the bill of the majority, to report a substitute for it. Instead of reporting such bill or recommending amendments of the bill of the majority, they reported an argument against any changes in the existing tariff, and against free trade. The reports placed the subject in control of the House. The bill was ready to be considered, and when considered any member had the privilege of offering and advocating amendments to the bill or a substitute for it. But the opponents of this bill voted against its consideration in Committee of the Whole, and in so doing

they voted, no matter what their mental intention may have been, against the consideration or passage of any bill whatever reducing war-tariff taxes on the necessaries of life.

When the bill was taken up for consideration we had a right to expect, sir, that some of these gentlemen who say they favor reduction or modification of the tariff would point out in the general debate what amendments they desired in order to make this bill worthy of their support. We have listened, sir, to vague general denunciations of this bill, and high-flown declamations about the evils of free trade; but we have yet to hear the first suggestion of a proposal to amend or perfect this bill or to offer a substitute reducing or modifying the tariff taxes on any single article. On the contrary, Mr. Chairman, we were notified shortly after general debate began by the gentleman from Ohio [Mr. MCKINLEY] that at the close of that debate he will move to strike out the enacting clause, and so endeavor to defeat the passage not only of this bill but of any bill to reduce "war-tariff taxes."

Sir, these gentlemen are making a record of action here which no words can ever wipe out or obscure. A vote to-morrow to strike out the enacting clause of this bill gives the lie to every profession of desire or willingness to reduce unnecessary taxation. Those who favor such reduction in the interest of the people will vote against that motion, and, if it is defeated, will proceed deliberately to consider this bill line by line, and anxiously inquire what changes can be made to perfect it and give to the country a measure of relief suited alike to the condition of business, the rights of consumers of domestic manufactures, and the needs of the Government.

For this great purpose, Mr. Chairman, they stand ready to receive and consider candidly and fairly warning, reproof, or instruction from friend or foe. Those who vote for the motion and to defeat this bill, without attempt to amend it, will simply say by their votes that they desire indefinite continuance of "war-tariff taxes" on the necessaries of life twenty years after the conclusion of the war and long after the repeal of the excise and internal-revenue taxes which led to their enactment. Defeat this bill to-morrow, and the issue which goes to the country in November is so made up.

A word in conclusion, Mr. Chairman. The Republican opponents of this bill and of tariff reduction, while struggling frantically to prevent its consideration, have told us that they welcome the issue which it makes, and that upon that issue they will defeat the Democratic party in the coming Presidential election. I know not how that may be, sir, and have never taken time to consider that phase of the subject. Possibly their predictions may prove true. No lioness ever fought for her whelps with the tenacity and desperation of protectionists fighting for the last cent of bounty and tribute. They have nearly all the capital of the country and a large share of its best brains in their pay. They are skilled in political intrigue, in the arts of balancing and neutralizing opposing interests. They have the machinery of the Federal Government in their hands and a powerful and able press to assist them and misrepresent this bill and its friends. They may succeed now.

But, Mr. Chairman, this question will never down. The people are aroused upon it in the West, and many answering voices come to them already from the Eastern and the Middle States. The continuance of war taxes after twenty years of peace will not much longer be tolerated. This agitation will go on and on until it may be a worse thing shall in the end befall those who now reject a measure of relief subject to no fair criticism but this, that it falls short of the requirements of justice to the people.

Mr. JONES, of Wisconsin, addressed the committee. [See Appendix.]

Mr. SUMNER, of Wisconsin, addressed the committee. [See Appendix.]

Mr. WILSON, of West Virginia, addressed the committee. [See Appandix.]

Mr. FERRELL. Mr. Chairman, I consider it my duty before this bill shall have reached a vote of the House to offer some reasons why I am opposed to the agitation of the tariff question at this time.

At the outset, therefore, I desire to say that I have never considered this great economic matter as fit subject for partisan political control. Moreover, I condemn the proposition which attempts to disturb the great business and industrial centers of the country by the constant agitation of this question, which serves only to render uncertain the values of property and to depreciate public confidence in business integrity. Such legislation is not only impolitic, but it is statesmanship perverted to evil purposes and results.

As the success of a nation depends upon the confidence the people repose in the law-making power, such power should, when exercised by either party, aim to correct abuses and irregularities rather than attempt to revolutionize a system long established which may have served to enhance the prosperity of the country, unless it can be demonstrated beyond all peradventure that the good which is to flow from such revolution will be greater and more lasting than the benefits accruing from the recognized and habitual course.

Granting, for argument's sake, that there are wrongs under the protection system, to abolish it for free trade will not only effectually eradicate the evil, but in the doing of it you cut the throat of the business and prosperity of the country and deliberately starve the workingmen and their families. Common sense, business sagacity, and humane judgment all agree, however, that the more conservative course should be followed of treating the ulcer on the body-politic by removing the poison and restoring the system to healthful action. The remedy prescribed by this bill is of the nature I have referred to, and is infinitely worse than the disease.

Upon the question of taxation as applied to the collection of revenue to cover the expenses of the Government, legislators and citizens alike should agree, in my opinion, upon the proposition to abolish the internal-revenue tax system. The time has passed when this burden is any longer necessary to be borne by our people. With a large surplus in the Treasury and annually increasing, war taxes may well be allowed to lapse and the country be freed from the last of the burdens imposed by the necessities of the rebellion. That there is not unanimity of thought and purpose on this matter is to be regretted. The causes moving to this non-agreement are not creditable to the element who object to the abolition of this form of taxation, their desire being rather to let this surplus referred to increase and accumulate than to see the heavy phalanx of revenue office-holders now in service broken up and retired.

But while I believe this system should be done away with, and the people relieved from a species of taxation peculiarly annoying during a period of profound peace, I as firmly believe that the tariff should remain solidly stationary without a shadow of wavering, that home labor and home products may be protected from the fatal competition of the cheap pauper labor of foreign nations. The basis of protective duties should not be a sliding scale. In my judgment only a permanent one will or can stimulate the growth of industrial products, and afford the artisan and agriculturist alike the mutual use and benefits of each other's labor. Upon this solid foundation only can be created an available, convenient, and cheap home market for all classes of people and all species of products.

Protective duties, carefully laid, on articles of trade which are manufactured abroad, and mostly seek a market here, and brought into direct competition with similar goods of our own production, I consider not only legitimate but absolutely necessary. These duties should not only not be removed, but should not be disturbed. The agitation of the question tends to frighten capital already invested, and to intimidate that which seeks investment. It tends to render the artisan dissatisfied because uncertain of his future.

Solidity of principle and determination of purpose, founded upon prudence, sagacity, and experience, are all essential to business success and prosperity. These can not exist as the outcome of debate and discussion based on a doubt as to the virtue and value of the principle involved. We have had free trade in this country—and have suffered. We have tried protection—and the nation has prospered in a miraculous manner. Under the former business stagnated and the country went backward. Under the latter life and animation filled all the arteries of trade and manufacture, business channels flowed with prosperity, and the country went forward with renewed vigor, enterprise, and assured success. Sloth was stamped upon the policy of the one; progress and growth marked the other.

There was a period in our earlier history when we found it necessary to encourage manufactures—if we were to have any, even the least, national development—by means other than the ordinary ones of patronage of their products. Very few goods of our own manufacture, in that early day, were to be found in our markets or used by our people. Almost every want was supplied by foreign skill and labor. In that we offered every inducement to capital to invest in manufacturing enterprises. Property, in lands, was made a gift, taxes were held in abeyance on real and personal estate, and many and unusual privileges were conferred.

And now, in the midst of our rapid development, although young in comparison with our foreign competitors who have had their "plants" established for centuries, with all the improvements which we have reached, and which we cherish with so much pride and admiration, even now we are asked to turn back from these results of active and progressive civilization and take up the primitive life of the past—to simply till the soil while England and the balance of Europe shall furnish us with what we need in all branches of the mechanic arts.

We are asked to loosen our grasp on what we have mastered, and, to change the figure, to halt in the march which civilized industry and open competition with the world are now making toward our markets. Who has asked for this radical change in the policy which has so long and favorably guided our business interests? Has it come from the manufacturer or his workmen? Has it come from the agriculturist or his farm hands? Has it been heard from the lips of those who know what toil in the workshop, the mine, or the ship-yard means? It has come from none of these, but, with the single exception of the distinguished gentleman from New York [Mr. HEWITT], whose large personal gain would be found in free ore, all who support this mischievous measure are found in the ranks of the legal profession, and they reason from their exalted status as mere theorists.

On the contrary, the testimony from all classes of manufacturers, notably of iron and glass, with their artisans and workmen, and the wool-growers, is against this bill. Only a few importers interested in their own personal gain by securing the control of our markets against the

products of American workmen, and a number of free-trade clubs in New York, formed in the interest of English manufacturers and fed by English gold, in no sense employers of American labor nor tillers of American soil—who are in no wise acquainted with the operations of productive capital in our mills, mines, and furnaces—these are the only people who favor the passage of this measure. The denunciations against this bill have been dignified but strong and convincing, and the result should be what the country desires—its emphatic defeat.

I had concluded, after the question had been referred to a commission brought about by the wise and judicious efforts of the distinguished gentleman from Connecticut [Mr. EATON], then a Senator of the United States, and now an equally honored and distinguished member of this body, aided by the influence of the tariff convention held in New York in 1881, with its exhaustive discussion of all phases of the subject, followed by the exciting session of Congress which passed the act of 1883, that the matter was laid at rest for a time at least But my own belief has proved a fallacy, and the earnest wish of the country has been deliberately disregarded. Just as the good qualities of the act of 1883 were beginning to be understood and accepted and its bad ones exposed, the spirit of agitation has again become rampant and the dry bones of free trade again begin to rattle. The work of the Forty-eighth Congress should have been to remove the unjust discriminations and mistakes of its predecessor rather than to have engendered the strife and dissension which thus far has marked our deliberations.

That the reduction of tariff duties on imports will stimulate the shipping of them to this country is too plain a proposition to need any argument. The conclusion is equally plain that the United States will be flooded with the goods of Europe to the great detriment of our manufacturers. In this competition American mills must close and American workmen are thrown out upon the streets to hunt or beg for their bread and butter. Upon the face of this bill the tax appears to be reduced. Is that a real and beneficial reduction of taxation which shuts our shops and imposes an untold burden of poverty and enforced idleness upon the country to support, and at the same time opens the flood-gates of free trade to the pauper labor of England, France, and Germany? It is a reduction, but such as discriminates only in favor of foreign manufacturers. The effect of this bill will be to reduce the wages of the country to the European standard, for it is only by this means that our workshops can meet the influx of foreign products. In no other way can they sustain themselves against their free-trade competitors. Do employés or workmen want this state of things? They will answer in their own good time and way.

Europe has and may continue to enjoy her class distinctions of permanent rulers and servants, but in this country we elevate the wage-worker and bread-winner, making him equal to any and opening to him all paths which lead to wealth, honor, and distinction. We want no legislation which will tend to undo this and render negative the genius of our institutions. Yet the measure under discussion tends strongly in this fatal direction, and should therefore be crushed. Rather than this give us laws which will still more efficiently assure the largest measure of education and protection to all citizens alike in the common race for fortune, honor, and decent life.

While such a wide difference of opinion exists between Europe and America upon these questions of business prosperity and social life, we can not afford to slight even incidental protection if we would maintain intact our present industrial and social progress as against the free-trade theories and practices of England. Her policy of "peace and good-will to all nations" is a wolf's cry and should be heeded, that it may be rebuked and resisted. As in colonial days, when even the Bible was not allowed to be printed here, when wool and flax manufactures were repressed and American factories were declared a nuisance, and when English statesmen expressed the opinion that "the colonies ought not to be permitted to make even a hobnail," so in this day is England's attitude toward America and American manufacturing enterprise. The advocacy of this bill bears the impress of this same "hobnail" policy. England's proscriptive policy bore its natural fruit in that early day in the loss of her colonies and in the erection of a great and free Republic. Shall we, as one of the foremost nations of the earth to-day, yield to her insolent demands what we refused as her dependent colonies?

Permit me to adduce some testimony against the principle involved in this bill gathered from various sources. The argument of Hon. Columbus Delano on the wool industry of the United States is not only suggestive but highly instructive. It appears in the evidence taken before the Ways and Means Committee. Even the slight reduction made upon this staple by the present law cost that industry about $12,000,000. He says as to the effect of the act of 1883:

The passage of the tariff act of March 3, 1883, has already crippled this important industry, and if the rates of duty imposed by the act of 1867 be not restored its destruction may be regarded as an accomplished fact.

If required to give reasons for these conclusions I submit the following:

First. The price of wool before the passage of the act of 1883 was barely remunerative; the subsequent reduction of prices has been so great as to preclude profit, except perhaps in some of the Territories and sparsely-settled States, where the price of land is exceedingly low. I venture to state, without fear of successful contradiction, that the clip of 1883 has been sold by the producers at prices varying in different States from 2 to 5 cents per pound less than the clip of 1882. The producers in no States, so far as I am informed, sold at a reduction of less than 2 cents; in many of the States the reduction was greater, and in the States of Ohio, Pennsylvania, and West Virginia I venture to estimate it at an average of 4 cents or more per pound.

The actual loss on the clip of this year, estimated at 4 cents per pound, amounts to about $12,000,000. It is pertinent to ask, does the percentage of reduction to the consumer in the prices of woolen goods equal that in the price of wool?

The workmen from the iron and steel industries as well as the employés and heads of large manufacturing companies jointly protesting against the change of duty in that great industry strictly admonishes us to let this question of reducing the tariff duties alone.

Mr. Thomas Williams, of Youngstown, Ohio, said:

They had been asked to come here and state how the workingmen looked at the matter of the proposed tariff reduction and how it affected workingmen. He was aware that it was often said that the tariff upon imported goods was of no benefit to the workingmen. He was not a public speaker, and had never been accustomed to anything of the sort. He worked in the mill and earned his own living by boiling or puddling, and he thought he knew something whereof he spoke. He happened to have been born on the other side of the Atlantic, and he had worked in an iron-mill in England for some time, so that he could tell the committee from his personal experience how the matter was in free-trade England and how it was in America. He had worked in England five years in what was known as the Dowlais works. He had been puddling there for five years, and the wages which had been paid to him were about 5s. 6d. a ton, or at the rate of $1.25 for puddling iron. And even at that the men did not get very steady work. At the end of the week, when they got their pay and paid out of it for their living, there was not very much left to themselves. He was aware that it was often said that living was cheaper in England than in this country, but he denied that statement. He had lived or lodged (as it was called there), paying so much a week for his room, and letting the landlady buy his food for him. He did not live there as workingmen did in this country. For instance, in the morning when he got up to go to work, he got a cup of tea and a piece of bread and butter. At dinner time he got perhaps a little meat, but not always. He generally managed to eat meat at dinner three or four times a week, but never except at dinner. In the evening for tea, as it is called, he sometimes got bread and butter, and, if he wanted to be extravagant he might eat an egg or two, but that was accounted a great extravagance. In that country women worked in iron-mills, and he was sorry to see that they were coming to that same system in this country. The women earned in the Dowlais works about nine pence a day, or 18 cents. They were employed in unloading coal and in throwing coal out of the cars, and otherwise doing the coarse work of men. They were paid about 18 cents a day. If one of them got a shilling a day it was considered good wages.

He contrasted the condition of affairs in that country under free trade with the condition of things in America; and what did he find? He found that the puddler or the boiler in this country was paid $5.50 a ton. He was aware that in some parts of the country men were working for less than that, but in Pittsburgh and west of Pittsburgh they were receiving $5.50 a ton for puddling; and what was the result? The men in the old country got only $1.25 per day at the highest average, while here they got $3.25 or $3.50 a day. It occurred to him as an American citizen that it was not right for American law-makers to go to work and say to men who had left England and come to this country, with the intention of benefiting their own condition, that they must now compete with that same system of labor which they had in England. He ventured to say (and he thought the facts would bear him out) that if the proposed tariff were enacted into a law, the time was not far distant (if workmen had any work at all here) that they would have to compete with English labor, and would have to live just as workmen lived in the old country. As an American citizen he objected to that. He did not believe that the workingmen of America should be compelled to compete with the pauper labor, or the comparatively pauper labor, of England or of any part of Europe. He had a somewhat extensive acquaintance with workingmen in that country. At the Dowlais works, where he had worked, there were employed altogether about 15,000 men, including the iron-ore miners, coal-miners, the blast-furnace men, and the men who worked in the mills. And of all that number he did not know more than two or three men who owned their own homes.

There is another objection which I have to English free trade. They tell us that whenever a country can not manufacture a certain thing as cheaply as another country can the people should go to agricultural employment. That is the old English doctrine of free trade right along, and I wish to ask what has been the result wherever that has been practiced? Take one instance. Take Ireland, for example. We find that Ireland to-day is exporting, and has been exporting for years, somewhere in the neighborhood of 8,000 tons of produce every day, while her people are starving. And this is because she has no diversity of industry. There the people are simply farmers. And if they have got to compete with the cheap labor of Turkey, of India, and of other countries, of course it is impossible for them to live. Every few years they have a famine there and perhaps half a million of their people will die, and another half million or so have to leave the country in order to save their lives. It is the same in the case of Turkey. A little more than two hundred years ago Turkey was feared as a nation and the nations of Europe trembled before her. But how did they manage to subdue her? The English people, I mean the governing classes in England (because the English, generally speaking, have not very much to say in the matter), went to work and by some means got their goods introduced into Turkey at a low rate of duty. Thus, they crushed out all the Turkish manufactures and made Turkey an agricultural country, and to-day the Turkish Empire is called the Sick Man. It is only a question of a few years at most until Turkey shall be divided up among other powers of Europe.

Mr. Williams, continuing, said:

Now, Turkey and India are competing with us in England in the way of agricultural products, and whatever we send to England from America the price of it is controlled by the price of the same article in those countries. If India and Turkey can grow produce cheap and send it to the English market, we have to grow it cheaper than they in order to sell our produce. If we want to bring down American workingmen so that they can compete with workingmen in India and Turkey, where 10 cents a day is considered very high wages, I suppose that Congress can pass such a measure, but I do not know what the American people will say about it.

Mr. A. C. White, of Youngstown, Ohio, speaking on the tariff question, said:

He believed that, at the present time, any tariff legislation would be injurious to the best interests of the country. The workingmen protested against further action being taken in the matter until the tariff bill of last winter should have been sufficiently tried. It was yet an experiment, and it was not known whether that bill would be for good or for evil. A great many of the workingmen held that the tariff legislation of last winter was unnecessary, uncalled for, and unwise.

They believed that this country should have a good protective tariff for various reasons. The workingmen of this country did not desire to be brought down to the level of English workingmen. They believed that workingmen, being American citizens, were entitled to all the rights and privileges belonging

to them. They had a right to live decently and respectably and to be able to clothe and educate their children, to send them to college and fit them to be members of Congress and Senators, if need be. The workingmen were part of the people, and they believed that legislation should be for the benefit of the people as a whole.

The time had been when it was claimed that a protective tariff was simply legislation for the benefit of a few against the interest of the many. The saying might have been just and true at that time, but at present it was not true. A majority of the States of this country to-day were iron-producing and iron-manufacturing centers. The iron industry was being built up all over the country. New mills were being put up in different places. In Alabama there was a new iron-mill about to be erected under the auspices of a co-operative society, and there were already two iron-mills there. The workingmen thought that a revision of the tariff at present would necessarily involve a reduction of wages on the 1st of June next, or else would involve a strike. They did not want either.

He further states that if a reduction of the duties should be made a corresponding reduction of wages would necessarily follow, and that protection was the great and only efficient guard against oppression. He says:

The workingmen of Youngstown did not want to be pressed into a position where they would have to consent to a reduction of the present rate of wages; and certainly the wages would have to come down if there was a change in the tariff laws. He believed, further, that if the rate of wages was lowered so that this country could make iron cheaper than Great Britain, and could export iron to Great Britain, Great Britain would in that case become as strong a protectionist as she formally was. If free trade were such a benefit to England as it was represented to be, he wanted to know why Englishmen emigrated to this country in such numbers. The Youngstown mills were full of them, and they all declared that they could not exist any longer in England. If free trade was such a blessing there, why did not those men stay there? They had come here to benefit their condition. No man would think of emigrating unless he wanted to benefit his condition. Conversing with English puddlers in Youngstown, he had learned from them that workingmen there lived the life of dogs, and that the common laboring workingman at Youngstown lives better than a puddler in any part of England.

Of course it was a well-known fact that England was formerly a strong protectionist nation. In the reign of Charles II a law had been passed that no tin should be imported into that country, but that all tin must be used from the king's mine so that he would receive royalty. As President Grant once said, in England, whenever that country developed her manufactures and got so that she could compete with all the manufactures of the world, then she laid aside her protectionist principles and established free trade so as to make a market of the whole world. He [Mr. WHITE] thought that all the iron and other fabrics consumed in this country could be made here, and that foreign importations should be kept out so as to enable them to be made here. This country should not be allowed to become a market for English goods. Better iron could be made to-day in Youngstown than could be made in England. All the ores were to be found in this country, and the price of raw material in the ground was the same here as in England. If anything, England had to pay higher prices for the raw material in the ground. If he understood Secretary Swank's report correctly there was not as much iron made here as the country required. There were three million tons of iron consumed in this country annually, and he believed that Secretary Swank stated in his report that two and a half million tons of that were manufactured in this country; so that they had to import half a million tons in order to meet the requirements of the country. If that quantity had not been imported the making of it would have supplied additional occupation to the workingmen of this country.

As to the question whether protection did protect or not, he would refer to the cotton-tie question. When American manufacturers first went into the cotton-tie industry at Youngstown, the English agents were selling cotton-ties in the South at from 12 to 18 cents a pound. The American manufacturers immediately brought the price down to 4 and 5 and 6 cents a pound, as he was told. In order to manufacture 25,000 tons of cotton-ties, there were 50,000 tons of ore required. The value of that in the city of Cleveland was $262,500. There were 37,000 tons of limestone used in the manufacture of these cotton-ties, and 90,000 tons of coal. The labor in making this quantity of cotton-ties was $45,000, and the whole cost of the ties was $538,000. That would give employment to skilled and unskilled labor—in a mill such as the one he worked in—to 500 men for a year and a half, but they did not make a pound of these cotton-ties in Youngstown now.

It is claimed by some theorists that the cost of living in Europe compared with ours was cheaper, and the purchase-power of a dollar in Europe as compared with ours was greater. The following table will demonstrate the fact concerning it to some extent, and prove it false:

Comparative retail prices of the necessaries of life in Europe and the United States in 1878.

[Condensed from the report of the Secretary of State on the state of labor in Europe, derived from facts reported by the United States consuls: Washington, 1879.]

	Belgium.	France.	Germany.	Italy.	Switzerland.	Great Britain.	United States.	
							New York.	Chicago.
Beef:								
Roast ..... per pound...	$0 20	$0 22	$0 22	$0 20	$0 30	$0 22	$0 12 to $0 16	$0 08 to $0 12½
Corned ..... per pound...	16	16	13	12	18	$0 18 to 20	08 to 12	04 to 07
Beans ..... per quart...	.....	.....	10	13	.....	09	07 to 10	05 to 09
Bread ..... per pound...	$0 04 to 05	03	$0 03 to 07	06	04	03½ to 04½	04 to 04½	04 to 04½
Butter ..... per pound...	20 to 50	25	22	28	36	29 to 38	25 to 32	16 to 40
Coal ..... per ton...	.....	.....	4 25	11 00	.....	2 65 to 4 10	3 00 to 5 25	3 00 to 6 75
Codfish ..... per pound...	.....	.....	.....	09	.....	06 to 08	06 to 07	05 to 09
Coffee ..... per pound...	30 to 40	30	35	32	30	28 to 50	20 to 30	16 to 40
Eggs ..... per dozen...	20 to 25	18	20	18	20	14 to 30	25 to 30	10 to 24
Flour ..... per pound...	.....	04	05½	10	07	03½ to 04½	03 to 04	02½ to 04½
Lard ..... per pound...	20	20	21	22	.....	12 to 18	10 to 12	06 to 10
Milk ..... per quart...	.....	.....	04	07	05	05 to 09	08 to 10	03 to 06
Mutton, fore-quarter ..... per pound...	16	16	14½	15	18	16 to 17	09 to 10	05 to 12½
Oatmeal ..... per pound...	.....	.....	03	.....	.....	03½ to 04½	04 to 05	04 to 05
Pork:								
Fresh ..... per pound...	16	14	17	13	18	10 to 16	08 to 10	04 to 05
Salted ..... per pound...	16	14	17	18	20	10 to 16	08 to 10	06 to 12
Bacon ..... per pound...	18	20	20	22	.....	12 to 16	08 to 10	07 to 12
Sausage ..... per pound...	20	16	19	20	.....	18	08 to 10	06 to 10
Potatoes ..... per bushel...	56	50	50	1 15	60	68 to 2 00	1 40 to 1 60	60 to 80
Rice ..... per pound...	.....	.....	09	06	.....	03½ to 08	08 to 10	05 to 10
Soap ..... per pound...	.....	.....	10	04	.....	05½ to 09	06 to 07	03 to 08
Sugar ..... per pound...	15 to 20	.....	11	08½	08	05½ to 10	08 to 10	07 to 10
Tea ..... per pound...	.....	.....	75	.....	50	43 to 88	50 to 60	25 to 1 00

In the glass-bottle trade the Association of Bottle Manufacturers and the skilled artisans come to the front on this issue and declare that it will disturb the market, and the wage prices must be affected by the change. Speaking from the standpoint of an employer, Mr. Bodine, representing the association of the whole country, said:

That industry was different from the one presented here the other day, although very similar. It differed more in results than in any other particular. The same materials that were employed in the making of cylinder window-glass were also employed with slightly varying proportions in the manufacture of bottles. Up to the time of commencing to convert the glass into shape the processes were similar and almost indentical. When the glass was ready to be worked for window-glass, it was poured into cylinders and flattened, and for bottles it was poured into molds of the desired shape. So that many of the reasons stated in regard to window-glass applied with like force to the bottle manufacturers. The duties on bottle-glass had been advanced under the tariff of 1883, and the manufacturers thought that they could show that there were strong reasons for that advance, and that the wonder was now not that the present duty was requisite, but that they had been able to get along with such duty. The industry was one that was well adapted to this country. It consumed almost exclusively the raw materials that existed here and that were widely diffused. It consumed sand and lime and coal and wood and lumber. These were its principal materials. Soda-ash was the only material that was imported, and that was sometimes supplemented by the use of sulphate of soda, a residuum of chemical manufactures which was largely used in the production of window-glass, and to some extent in bottles. This industry, on account of its being so well adapted to the country, had been very early established. It had been among the earliest of the manufactures of this country. Without remembering the exact date at which it commenced, he knew that bottle-glass works had been established in New Jersey as early as 1760. They had continued to grow up to the present time. They had always been protected during the early history of the country by what would seem to be a high rate of specific duty.

Until 1846, under different tariff enactments, the duties had ranged from $1 to $2.25 per gross on bottles of small sizes, and on quarts and over from $2 to $4 a gross. Under the influence of that protection and of the natural adaptability of the manufacture to this country the industry had developed and grown until it was now distributed throughout thirteen States, not being confined to any particular section. There were two furnaces in Massachusetts, two in Connecticut, fifteen in New York, thirty-seven in New Jersey, twenty-six in Pennsylvania (counting both eastern and western portions of that State), three in Maryland, five in Ohio, one in Indiana, ten in Illinois, two in Kentucky, three in Wisconsin, and five in Missouri. The industry had crept so far west as the Pacific, there being two furnaces now in San Francisco and an additional one building. This made a total of one hundred and thirteen furnaces in the whole United States, with a capacity equal to or exceeding the total consumption of bottle-glass in the United States.

The item of material in the manufacture of glass (in spite of some statements made before the committee) amounted to about 40 per cent., of which a large proportion was the labor in preparing it. The total labor in the manufacture of bottles, as also in the manufacture of window-glass, represented about 90 per cent. of the cost. This material, being sand in the soil, or coal in the mine, or lime in the rock, or wood in the tree, was little else but labor before it was ready for the use of glass manufacturers. He repeated that the material in the production of glass was about 40 per cent. of the cost, and that of that 40 per cent. 65 per cent. was labor in preparing the raw material and taking it out of the earth. The direct labor in the manufacture of bottle-glass was about 60 per cent., of which 33 per cent. was skilled labor and the remaining 27 per cent. ordinarily unskilled labor. These figures had been ascertained carefully and in detail. They were facts that were known, and were not the result of any theory.

There was no machinery employed in the making of bottles. Nothing but hand labor was used. The American bottle manufacturers could not have, and did not desire to have, the same prices for labor that existed in Europe; but they must have a rate of duty to compensate for the difference in wages between the two countries, or the American industry would be destroyed.

There were greater reasons for a high duty now than ever before. In the early history of the country, when imports and exports were carried on in sailing vessels, and when the time occupied in ordering and receiving goods was considerable, the distance and delay amounted to a practical protection. All of that protection was now obliterated. The exports from this country being

heavy (mainly agricultural products), the steamers that took out those exports brought back freight at low rates. The average rate of freight from Antwerp to New York or Philadelphia was as low or lower than that from a furnace in New Jersey, or New York, or Pittsburgh to Chicago. At the present time contracts for freight for soda-ash were usually made upon a basis of 10s. per ton, whereas, ten or fifteen years ago, these contracts were upon a basis of 20s. a ton. Goods could be ordered from Europe now by cable, and could arrive in this country by steamer at as low a cost for transportation as they could be sent from furnaces in this country to the principal distributing points.

The present rate of duty of 1 cent per pound was an advance upon the duty of 35 per cent. ad valorem as it existed before the act of 1883. The great necessity of this industry to have a rate that would protect it against competing labor on the other side had never been pointed out until last winter, and then it was recognized and received consideration. It was difficult to state exactly what this rate of 1 cent per pound was equivalent to, ad valorem. The Treasury statistics did not keep the imports of bottles separated from other kinds of glassware. But, from the custom-house entries in New York, it had been found that the highest rate of duty on bottles was about 65.6 per cent. on the larger bottles, while that on smaller sizes would run to about half that duty. So that, with a difference of 270 per cent. in the cost of labor, the American manufacturers were competing, under the present tariff, with only a duty of about 66 per cent. He was utterly unable to account for their inability to compete under those circumstances. The necessity of this rate of duty was shown by the fact that, since the passage of the tariff act of 1883, 40 per cent. of the furnaces in the United States which went out of operation at the usual period (the latter part of June) had not yet resumed operations, and could not resume, because bottles could be imported under the present tariff at a price which left no profit to the American manufacturer to make them.

The imports of bottles had become very large within the last four or five years and in 1881 they had reached a considerable amount; but in the year 1882 the imports had more than doubled those of 1881. This was partly because of the establishment of a new industry in the West, which made a very large demand for bottles of a certain kind—lager-beer bottles, which were used by all brewers, of the same kind. This made a large demand for a single article, giving an inducement to the importers to reach that trade, and making it easy for consumers to import, and making it an object for them to import bottles. This beer-bottle industry had grown within the last half-dozen years from about two hundred and fifty gross per annum of new bottles (besides the refilling of old ones) until now it required from ten to fifteen furnaces to keep up the supply. The beer-bottling industry had commenced under the old tariff, and it had grown and flourished as probably no other industry had grown and flourished in so short a period. Of course it was natural that the bottlers of beer should seek to purchase their bottles in the cheapest market, and they had commenced to give their orders abroad.

The imports in 1882 were double what they had been in 1881, and since then they had been still growing. Not only had the change had this effect in regard to this single description of bottles, but foreign manufacturers had had their attention directed to the consumption of bottles in this country, and had gone from the beer bottle into a great many other lines of bottles, so that it would require but a short time before all large consumers of bottles in this country would send their orders abroad unless the present duty were continued. This effect was known and apprehended, and the evidence of it existed. They had seen during the past year bottled importations in a great many lines in which there had never before been importations. And yet the tariff act of 1883 did not give such a rate of duty on bottles when filled as corresponded with the rate on bottles when empty; but the manufacturers had submitted to it thinking that it was the best they could get, and that that was a portion of the trade which would have to be let go. Natural mineral water was now being imported in bottles free of duty, and under cover of that clause bottles labeled natural mineral water were filled with common water. After they came to this country the water was poured out and the bottles resold. No less than 80,000 of ginger-ale bottles had been imported into the city of New York within the last six months. It was admitted on a duty of 20 per cent., with no extra duty on the bottles.

He was not here to urge a change of that rate, not knowing that there was any disposition in that direction, but it was right for him to mention the fact that American bottle manufacturers were seriously injured by this low rate of duty on filled bottles. These bottles were all used over again. The apollinaris bottle was practically a beer bottle. Another natural mineral water (he forgot the name) was imported in a claret bottle, and the whole effect of it had been to transfer to the other side the bottling of all liquids that could be imported in that way.

The duty on bottles did not operate to the injury of the consumers generally. The developed industry of the country in bottles, being equal to the total consumption of the country, had so created competition that the prices now (without respect to the foreign article and on bottles which were not imported) were as low or lower than they had been in 1860; so that the manufacturers having established the industry, and the consumers having the benefit of the competition of that established industry, it required no consideration to see that with one hundred and thirteen different furnaces scattered through thirteen States the prices could never be very high.

In view of this statement showing the enormous difference in labor with which the American bottle-maker had to compete, and as they had never had any advance under the tariff of 1861 except a small 5 per cent. up to 1883, and as the present rate was below the rate of similar goods in the tariff, he trusted that the bottle manufacturers would not be subjected to any decreased rate of duty.

On the circular letter presented to the committee from glass dealers in several of the large cities along the Eastern coast, Mr. Bodine replied as follows:

PHILADELPHIA, *March* 1, 1884.

To the honorable the Committee on Ways and Means,
House of Representatives, Washington, D. C.:

The manufacturers of green and black bottle-glass respectfully ask your attention to the incorrect and misleading statements in the paper presented by the "bottlers and merchants," dated New York, February 1, 1884.

As verbally stated to your committee, the duty on green-glass bottles, not having been advanced in 1861 in proportion to other manufactures, was changed by the last Congress to correct the disparity.

Hand-labor only being employed in the manufacture, and also in the preparation of materials (which are mainly crude and native), justifies as high a duty as on any goods.

The cost of imported bottles, given in the bottlers' statements alluded to, shows a misstatement of the rate of duty of from 10 to 15 per cent. (*i. e.*, 1 cent per pound on 216 pounds per gross equals 69 to 70 per cent. duty on cost of $3.09).

If the duty is estimated on the valuation from the New York custom-house entries at $3.40 per gross, on a weight of 216 pounds (which is over the average), the duty amounts to the equivalent of 63½ per cent. ad valorem.

For smaller size, lighter-weight bottles, the duty amounts to a very much smaller per cent. ad valorem.

This duty is not "nearly prohibitory," as stated.

Large imports continuing under the present duty of 1 cent per pound, and 40 per cent. of all the furnaces in the country standing idle, clearly show that the cost of importing must be less than the cost of manufacturing.

"Ample protection to American labor" can certainly not be expected by a duty of 30 per cent. ad valorem, because official documents show (see statement below from State Department's report on manufacture of glass in Europe, No. 99, March, 1883, page 402) that wages in countries with which we compete are but one-third the rate, either for unskilled or skilled labor, paid in the United States.

"Packing expenses, inland freight, marine insurance, and sea freights" do not cost, as asserted, about 40 to 45 per cent. additional. The cost of packing is distinctly included in their statement, and the inland freights are also included in the price given as foreign cost.

"Sea freights," because of low rates as ballast (now about 7*s.* 6*d.*, and average 10*s.*, per ton by steamer), are less from Europe than from the nearest factory in New Jersey to New York city.

Exports of bottles are not increasing largely, as stated.

Treasury statistics include under one head all kinds of "glassware," and exports are increasing only of table flint and not of bottle-glass.

Export of table glassware is by reason of a system of working with presses, by which the cost is greatly reduced. This system amounts to the use of machinery, which can not be applied in the manufacture of bottles.

The exports of bottles are confined almost exclusively to those filled with beer, fruits, &c. Export of beer has been developed in American bottles, when prices were far higher than present rates, and are rendered profitable, because of cheap grain, fruits, &c., and can well afford, as heretofore, to use American bottles.

"Extravagant prices by manufacturers," as asserted, are not reconcilable with the large number of manufacturers competing for the trade, the capacity of the bottle factories in the United States being greater than the largest consumption.

We therefore urge your honorable committee against any change in the duty upon bottles from the specific rate of 1 cent per pound.

No lower duty will permit manufacture here of large classes of bottles, the importation of which is large under the present duty, and has recently more than doubled the usual annual amount.

F. L. BODINE,
In behalf of the National Vial and Bottle Manufacturers' Association.

Mr. William Manks, of Millville, N. J., an appointed representative of the Glass-Workers' Association of the Eastern Division of the Trade, covering all west of the Alleghany Mountains, made the following statement:

Hon. T. M. FERRELL:

The agitation of a reduction of the tariff by Congress has caused considerable alarm in this State during the past few months, and still continues to be a source of uneasiness among working people. To the working people any reduction of the tariff would result in very serious injury. But such a large reduction as that proposed by the Morrison bill would be disastrous in the extreme to all of the manufacturing industries of our State, and particularly to the glass-manufacturing interests. To the latter it would be ruinous.

I need not say to you that the prosperity of the southern part of New Jersey is due in a very large degree to the glass-manufacturing interests. This you know. The inexhaustible beds of sand would still continue, untouched by the hand of industry, were it not melted into glass, giving remunerative employment to thousands, and sending out throughout the whole country the product of this sand after it had been worked into window-lights, bottles, and beautiful ornaments by the skill of the artisan and the mechanic, consuming large quantities of the coal and iron of Pennsylvania, and contributing to the general prosperity of the country by not only consuming large quantities of manufactured goods but also making the farmers a good market for products of their lands.

But what I more particularly desire to call your attention to is that part of the glass business relating to bottles and vials. There has been a great effort made by interested parties to make the impression that glass bottles are over-protected, and had become a monopoly, the capitalists making immense profits, and the workmen receiving no benefit from the protection of the tariff. The question is asked by the advocates of low tariff: How is it that the tariff on glass bottles being largely increased a year ago, the manufacturers of these bottles a few months afterward demanded a reduction of the blowers' wages of 20 per cent.? This is true; the demand was made, but the blowers have successfully resisted the demand, and most of the factories are in operation or soon will be, without any reduction of wages; and it was this increase of the tariff that enabled these blowers to successfully resent the reduction demanded. Had bottles from Europe come into the country, and sold at the low price which 30 per cent. ad valorem would have enabled importers to have sold them, the fall of glass-blowers' wages would have been inevitable, and to have resisted it would have been madness.

Glass manufacturers are the same as other business men—they purchase as cheaply as they can, and their profits being increased ever so much by high tariff would not induce them to increase the wages of their employés unless they were compelled to do so. But tariff protection will give the employers such profits that their employés can compel them to give their wages in accordance with the profits they receive on their goods, the product of their labor. This can be accomplished by organized labor, and glass-blower strikers, both window-light and bottle, demonstrate it. I freely admit the wages of the working people are very low, but any reduction of the tariff would only reduce them still more. The legislation needed to give them more wages is to encourage organization among them, thereby increasing their resistance power to the rapacity of the unscrupulous manufacturers. By low tariff you decrease the resistance power, and put the poor employé at the mercy of the employer.

The general public is in no way benefited by the low price of bottles; perhaps a few hundred beer-brewers would make a little by it, but the consumers, the beer-drinkers, would pay the same for their drinks were the bottles sold to the brewers for half the amount they pay now. Patent-medicine manufacturers make enormous profits, and the cost of the bottles is not a consideration upon the price charged for the medicine, and with the exception of fruit-jars the general public have very little interest in the price of bottles. The reduction of tariff on bottles would bring ruin upon a number of industrious, useful, and patriotic citizens, with no corresponding good to any, except a few beer-bottlers and patent-medicine makers. The increase in the tariff at the last session of Congress was only on bottles, as stated above. On the general druggist ware there was very little increase on any, and on some of the ware the tariff is lower than before. The change from an ad valorem duty of 30 per cent. to a specific duty of 1 cent per pound really is no increase in the tariff when all the different weights and grades are taken into consideration, but only a change better adapted to the glass trade. Where we are in strong competition with the low wages of Europe, as in the case of beer-bottles and wine-bottles, the present tariff is adopted to protect, while upon small drug ware, where very little protection is needed, the duty is very low.

It is folly to say that the tariff on bottles was adopted without proper consideration. On the contrary, it was the result of mature deliberation by those who understood the wants and necessities of the glass-blowers in the country. It is not true that the present tariff on glass is prohibitory in its operation. On the contrary, a number of large bottling establishments in Milwaukee and other sections of the country import all the bottles they use, and a large importing business is carried on by jobbers in New York and other large cities. At least one-fourth of all the wine, beer, and those grades of bottles sold and used in

this country are imported, and the proportion is still greater on carboys, demijohns, &c. These foreign bottles are used not because they are superior in quality, for it is admitted that they are inferior in workmanship, but because they can be obtained at a lower price than American-made bottles. The greater reason that foreign bottles can be sold in our markets at a lower price than those made in this country is on account of the difference in the price of labor in the two countries. A reduction of tariff is a reduction in the wages of labor to the extent of that tariff reduction, or the stoppage of all glass-factories engaged in the bottle manufacture. The freight on bottles is very little protection, and should not be brought into the account, as these bottles are heavy, and are shipped in most cases merely as ballast, very little freight being charged.

But it is charged that the glass-blowers' wages are too high. There is a wrong impression in the country in reference to glass-blowers' wages. The newspapers have published exaggerated statements of large wages made by them. A few very skilled ones have made high wages, but the average wages of druggist glass-blowers, as will be seen by reference to the statistics of the labor bureau, is very little above $1,000 per year, about $3.50 per day, and this average will be decreased this year, as a better quality is demanded for the same price than ever before. Add to this that glass-blowers all work piecework, and thereby are given inducements to exert themselves to their utmost to perform a large amount of work, so as to increase their wages, so much so that many of them have exerted themselves beyond their power of endurance, and the consequence has been loss of health and an early grave. If glass-blowers worked as other tradesmen do, and as they would work if not on piecework, at $2 per day, the blowing of bottles would cost the manufacturers more than it does now. Of course it must be understood that I am speaking of the average, and including the two months in the year when the factories necessarily are out on account of the weather being too hot to blow, and the necessity of building new furnaces. In certain localities the wages would be more than this, but this would not affect the average.

The farmer, too, would be a great loser by a reduction of the tariff in Southern New Jersey. He has a good market for all his products at these manufacturing cities and towns at better prices than he could obtain in the larger cities, which enables him, besides receiving better remuneration for himself, to pay his farm hands better wages. The argument that the price of grain will not be affected by a reduction of the tariff is a false one. The grain farmers of the whole country in the future must look to a home market more than ever before. India is looming up as the great grain country in the world, notwithstanding the immense quantities of grain held in the West for higher prices, yet the prices remain down in London, because the supply is drawn from India, and the grain farmers from this country will hereafter compete in London with the low wages paid for farming in India, and the day is not far distant when our farmers will be driven out of Europe, and even be compelled to compete with the poorer wage-farming of India in the United States House. Their interests lie in encouraging manufactures, so as to give them a home market.

The idea that some Congressmen entertain, that we can have cheap goods by flooding our country with imported ones and still maintain good wages, is preposterous. Our goods have been and will continue to be cheapened by the introduction of labor-saving machinery into our factories and the increased skill and inventive genius of our mechanics, and the price of labor will not be decreased thereby, for as the price is lessened consumption will increase the demand for labor, and thus keep up the wages. But cheap goods through foreign importations must of a necessity cheapen the price of labor. Do we want cheap labor? I think not. In the name of the laboring people, of which I am one, I solemnly protest against this low-tariff cheap-labor legislation. If cheap labor is the best policy for the prosperity of the country, then go back to slavery or import the Chinese by the millions. They, by living on rats and mice, can afford to work cheap enough, but if we do so let us stop all our boasting about the glory and greatness of our country, when the great mass, the laboring people, are reduced, so far as the luxuries and comforts of life are concerned, to the condition of slaves. The agitation of tariff reduction injures the manufacturing interests.

When Congress, through the Ways and Means Committee, commenced an adjustment of the revenue, manufacturers paused; they would not take the work of working stock while there existed any possibility of a reduction of duties, hence the lockouts, strikes, &c., and the large number of working people who have been idle during the past few months, and this state of affairs will continue until this revenue question is permanently settled. If it is settled in the decisive defeat of the Morrison bill, and the country can feel that there will be no further danger of a tariff reduction, the former prosperous condition of the country will be resumed, and if the laboring people will thoroughly organize themselves they can command their share of wages which a protective tariff should give them.

I am, most respectfully, yours,

WILLIAM M. MANKS.

One of the claims advanced for free trade is that the farmers of the country want it. This is a mere supposition, and the facts fail to bear out the further assumption that the protection given to manufactures is fatal to the values of agriculture. Mr. Joseph Nimmo, jr., in an able article in the North American Review on "American manufacturing interests," says:

Contemporaneously with the increase in the value of products of manufacture, from $1,885,861,676 in 1860 to $5,369,579,191 in 1880, there was an increase in the acreage of land in farms from 407,000,000 acres in 1860 to 536,000,000 acres in 1880, an increase of 32 per cent., and an increase in the value of farms of from $6,645,045,007 in 1860 to $10,197,096,776 in 1880, or 53 per cent.

The importance of manufactures to agriculture is indicated by the following facts in regard to the value of products of agriculture consumed in this country and exported to foreign countries: The total value of the products of agriculture in 1880, as before stated, amounted to about $3,600,000,000, this being the value on the farm. The farm value of the exports of products of agriculture during the year ending June 30, 1880, amounted, however, to only about $500,000,000, showing that 86 per cent. of the total value of products of agriculture was consumed in the United States, and that only 14 per cent. was exported to foreign countries. In other words, the quantity consumed at home was six times that sent abroad.

It is a self-evident truth that these great industries are so intimately connected with each other that the one can not exist without the presence of the other.

Mr. J. R. Dodge, statistician of the Agricultural Department, in his observations on this subject, says:

The influence of manufactures, of mining, of any productive industries on local prices, whether of farms, or farm products, or farm labor, is plainly traceable in States, and in various districts within the States, by the furnace fires, the mines, the factories that thickly dot the location where high prices for farm labor prevail.

Again, he says:

The reflex influence of manufactures and mining would accomplish more for agriculture than the most persistent direct efforts for the improvement of agriculture.

We also find in the States which contain large manufacturing interests that the price of labor and land are much higher than in those States where people are not occupied in manufactures. On this point Mr. Dodge says:

In 1870, when wages and prices generally were high, the average wages o farm labor in the first or manufacturing class of States was $34, while in the last, exclusively agricultural, class it was but $15. When the panic came, and years of manufacturing depression followed, mechanics and artisans competed with farm laborers and reduced the price of rural labor. It is a fact that prices at different times furnish an accurate measure both of the industrial status of the laborers and the prosperity of the great industries of the country.

Showing conclusively that in proportion to the success of the industry interests so likewise prospers those of agriculture.

If these observations are correct, and I think they are, this great industry, which is at the foundation of our nation's success, should demand that the raid made on manufactures should cease.

The product of our farms last year and their value, together with the number of persons employed thereby, showing the vast proportions that this interest represents, coupled with that of our manufacturing industries, should cause us to halt and more carefully consider this question before we strike at its life, as this bill proposes, by a horizontal reduction.

The product of our farms last year in stock raised of all kinds was $2,332,915,268, in grain and hay the value was $1,933,956,395, making an aggregate of $4,296,871,663, employing 7,670,493 people of all classes of labor; of these 3,323,876 were what is known as farm hands, the balance being the farmers. Therefore the joint product of the farm is $4,296,871,663, and of the manufacturing establishments $5,369,579,191, making an aggregate total of $9,666,450,854 from farm and manufacturing employments.

To sum up the whole argument, I do not want cheap goods if I am to have them by the robbery of the laborer of his lawful and just wages.

I do not want any change in the tariff duties on imports that will discriminate in favor of foreign manufactured articles as against the American industries and its laborers.

I do not want a change that will impoverish our farm laborers.

I want a tariff that will protect labor as well as capital, and prevent free trade in the one and protection in the other, as it now exists.

I want a condition of things to exist which will make it unnecessary for the employer and the employé to constantly meet each other on the field of battle; and I want to see the day when labor will be recognized and its legitimate rights protected along with capital.

But permit me to repeat my query, Who asks for this legislation so fatal to the people? Does it come from the great industrial and manufacturing States of the country? Does it come from Connecticut with its 4,488 establishments, and an invested capital of $120,480,275, with 103,000 employés, who receive annually over $43,000,000 for wages? Does it come from Rhode Island with its 2,205 establishments, and a capital of over $75,000,000, with its 62,000 employés, who receive annually over $21,000,000 in wages? Or from Massachusetts with its 14,352 establishments, and invested capital of over $303,000,000, with its 352,254 employés, who receive annually over $128,000,000 in wages? Is it heard from New York with 42,739 establishments and an invested capital of $514,246,575, with its 531,533 employés, receiving annually $198,634,029 for wages, or from Pennsylvania, with its 31,232 establishments and an invested capital of $474,510,993, with its 387,072 employés, who receive annually $134,055,904 in wages? Does it come over from Illinois, with its 14,549 establishments and an invested capital of over $140,000,000, with its 144,727 employés, who receive annually over $57,000,000 in wages, or from Ohio, with its 20,699 establishments and an invested capital of $189,000,000, with its 183,000 employés, who receive annually over $62,000,000 for wages? Does New Jersey call for it, with her 7,128 establishments and an invested capital of over $106,000,000, with its 126,000 employés, who receive annually over $46,000,000 in wages? In other words, do the manufactories of the country at large, North, South, East, and West, comprising in the aggregate 253,852 establishments, and whose united capital covers $2,790,272,606, and employés 2,732,595, representing over 10,000,000 of our people, who receive through these channels of trade $947,953,795 for their labor, and whose joint product in value reaches the enormous sum of $5,369,579,191, demand free trade? It is none of these.

I have referred in my remarks to-day to the fact that the legal profession represented upon this floor were given to much theorizing upon this question from a very lofty plane. Noticeable among these is my friend from Michigan [Mr. YAPLE], who finds the boundaries of this sublunary sphere all too small wherein to furnish an argument for free trade and its attendant blessings, as he would term them; he appeals to the Higher Power and declares that God himself is a free-trader.

The gentleman is mistaken. It is not the Lord of Hosts who is a free-trader, but another inhabitant of the other world, the gentleman in black, who presides over the lower regions. It is not the great Creator of the universe, the Divine Manufacturer of the machinery of this world and the grander system of the infinite, who is a free-trader. While He is the free giver of all earthly and heavenly good, He is its everlasting protector, and the highest results and fullest returns are assured to his people by the tariff of repentance and faith which he has laid.

The gentleman has impiously ascribed the attributes and evils of

free trade to the great Jehovah. Like the brand of Cain, they have always been the distinguishing mark of Beelzebub since he fell from Paradise to the place which Ingersoll says is not. The Prince of Darkness is the original free-trader, as my friend from Michigan may ascertain by turning to the fourth chapter of Matthew, the eighth and ninth verses. Lucifer revels in the free trade of souls and the chaos of evil it produces in this world, and is ceaseless in his efforts to reduce the rates in his infernal trade. He offers in free exchange his vast commodities of sin, and over his wide-open gates my friend may read, "Free traffic here and no protection." In this free-list he counts his unholy gains. The gentleman should revise his knowledge of the Bible and the memories which are said to cluster around a mother's knee.

Why should we change? The people want none of the so-called blessings provided so liberally in this bill, blessings which turn to Dead Sea fruit in the hands of the laborer and blight the enterprise of the employer.

What we want is the whir of machinery, the music of the spindle, the thunder of the locomotive, the din of the forge, and the roar of the blast-furnace; and let them be commensurate in their strength, importance, and value with the broad domain which year by year they are developing into the grandest country upon the globe, and should not be disturbed by the agitation of this question at the convening of every Congress.

Of those who succeed in stilling this tempest, in quelling this agitation, and in bringing peace and quiet and content to our distracted business, it may be said as Abou Ben Adhem besought the angel to write of him: We pray thee, then, write us as those who love our fellow men.

Mr. DAVIS, of Massachusetts, addressed the committee. [See Appendix.]

Mr. CONNOLLY. Mr. Chairman, I am opposed to the bill now under consideration, not because I am opposed to revenue reform or a proper revision of the tariff, but because this bill is not in the direction of either.

The tariff bill of 1883, passed in the hurry and excitement of the closing days of the Forty-seventh Congress, is full of inconsistencies and inequalities; it needs revision; and I would unhesitatingly vote for any measure that looked to the curing of its defects. But, Mr. Chairman, this bill attempts nothing of the kind. It looks not to a reform or revision of the present tariff, but to a reduction of revenue and "war-tariff taxes" by a horizontal reduction of 20 per cent.

It takes the tariff of 1883, with all its gross inequalities and inconsistencies, and makes a general paring down, leaving the irregularities to stand. And we are told that this is but the first of a series of reductions that are to be hereafter made. If the authors of the bill now before the House succeed in their efforts another reduction of 20 per cent. will be attempted in the next Congress. And this avowal explains the real object sought to be attained by the advocates and friends of the bill. They are opposed not only to a protective tariff but to a tariff for revenue as well. They will consent to nothing but a tariff for revenue only, which in my opinion is only another name for free trade.

Have we not heard it declared time and time again that free trade was the international law of the Almighty, and have not the advocates of this bill on the floor of this House during the present session declared openly and boldly for a policy that would give us free trade with the nations of the earth? This bill is but the first step in the direction of free trade, and if such step be taken another will surely follow unless the people in their wisdom, watchful of their interests and jealous of their rights, repudiate and condemn at the polls the action thus taken.

Mr. Chairman, I wish it distinctly understood that I am not in favor of a tariff for protection as I am not in favor of a tariff for revenue only. A tariff for protection is a tariff laid, in my opinion, without warrant or authority of law, and while I do not intend to argue the legal question involved in this statement, I will simply say that the only power given to Congress by the Constitution in the matter of laying a tariff is that contained in the eighth section of article 1:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Nothing in this section confers any power on Congress to lay and collect taxes, duties, imposts, or excises for the mere purpose of protecting industries. The power conferred is, as the section plainly says, for the purpose of paying the debts and providing for the common defense and general welfare of the United States. It has been claimed by the advocates of protective tariff that the power to lay such a tariff is conferred by the "general welfare" clause, but I apprehend the number of persons is not large who seriously make such a claim to-day. A tariff for protection, laid without regard to the amount of revenue required by the Government, is not only unauthorized and unconstitutional, but it tends directly to build up gigantic corporations and powerful monopolies. It assists in the creation of an aristocratic and privileged class and has not for its object the protection of American labor and the elevation of American laborers. Under such a tariff I will admit that American labor is protected to a certain extent, but the protection given is only an incident and of uncertain duration.

It has been customary in certain quarters whenever a proposition looking to the revision of the tariff has been made to cry out that our industries were endangered, that our mills and shops were to be closed, that our furnaces were to be blown out and American labor ruined. The cry is never made by the organs of the overgrown corporations of the country that American manufacturers and capitalists are to be injured by a reduction of tariff duties. Oh, no, these self-constituted friends and advocates of the laboring men of the land would have us believe that they think only of the latter's interest and are opposed to tariff revision, because they assume to say that such a proceeding would reduce their wages. And this hypocrisy and deceit by which laboring men have been hoodwinked and gulled in this country for so many years has had its effect. The great body of men who toil and labor have been content in years gone by to accept without questioning the statements made by the advocates of corporate monopolies, and they have allowed themselves to think that a high protective tariff was made and continued for their particular benefit, and that the manufacturers and capitalists of the land were a disinterested lot of men who invested their money and carried on their large establishments chiefly for the benefit and advancement of the labor, skilled and unskilled, of the country. Why, it is only a few years ago that in many portions of the country an attempt to talk to a body of workingmen in favor of a reduction of duties or a revision of the tariff would be like waving a red flag in the face of a mad bull.

But, Mr. Chairman, a new era is dawning. The laboring men and mechanics are beginning to think seriously upon this tariff question. They are studying it as they never studied it before, and they begin to see what others have seen for a long time, that a high protective tariff is not a panacea for all their woes.

The following deliverance by the employés of the silk-factories of Paterson, N. J., is in point. They say:

> No matter what the tariff was, the working class received no benefit from it; their wages were neither advanced when the tariff was increased, nor were they reduced when it was lowered; their condition is worse every day, while the manufacturers have all got rich, built mansions, drive fancy turn-outs, extend and beautify their mills, and live a life of luxury, all on the strength of the protective tariff, which is supposed to benefit employé and employer alike, and which, in fact, only benefits the latter.
>
> They said they expected the abolition of the tariff would lower their wages, but there would be other advantages that would make up for it, in the shape of cheaper clothing and food, and consequently lower rates. There would be less money in circulation, but they could get more for their money than at the present time.

These men undoubtedly make a mistake when they advocate the abolition of the tariff. They propose to "jump from the frying-pan into the fire," but the position they have taken simply shows the extremity into which they have been driven by the harsh and unjust exactions of a high protective tariff. They speak the simple truth, however, when they say "their wages were neither advanced when the tariff was increased, nor were they reduced when it was lowered." Take the case of the iron and steel workers, and we will find the charge sustained. Bessemer steel rails were not manufactured in the United States and put upon the market until 1867. In 1870 Congress placed a duty on imported rails of $28 per ton. The price of steel rails, which in 1868 was $174 per ton, constantly decreased until 1878, when the highest price was $43.50. The production of the home manufacturers during that year amounted to 499,817 tons, the largest amount produced in any one year up to that time. The price of English rails in that year in currency was $25. With the duty and freightage added, the price in New York was $60. In 1879 there was an increased demand for steel rails, and the price was raised by the American manufacturers from $43.50 to $67.

The production that year was 618,851 tons. Owing to the demand for steel rails, the English manufacturers had raised the price of their productions from $25 to $35 per ton. This, with the duty and freightage added, made the price, delivered in New York, $70. Our manufacturers took advantage of the high tariff then existing to raise the price of the home product, as I have stated. They reaped a rich harvest, but the wages of the men were not increased.

In the recent report by the Chief of the Bureau of Statistics on the operations of the tariff act, page 17, it is said:

> During the year ended June 30, 1881, the average price of steel rails at works in Eastern Pennsylvania was $61.25 per ton. The cost of English steel rails at the port of New York was during that year about $61.50 per ton.

This is shown as follows:

	Per ton.
Cost "free on board" at English ports	$30 50
Freight	3 00
Duties	28 00
	61 50

In 1880 skilled labor at the mills in Eastern Pennsylvania was paid an average rate of $1.98 per day and common or unskilled labor $1.02 per day. I believe the rate of wages paid at present has not materially changed from what it was in 1880, and yet steel rails manufactured in Eastern Pennsylvania are selling to-day for $35—$26.50 less than in 1881. The question therefore presents itself: "Who received the benefits of the tariff of $28 on steel rails in 1881—the men who labored in the mills or the manufacturers?" Undoubtedly the latter. And yet, Mr. Chairman, the advocates of a high protective tariff say that such a tariff is necessary in order to protect American labor. That the duty on steel rails prior to the passage of the act of March 3, 1883, was too

high was admitted by the Tariff Commissioners. In their report made to the Forty-seventh Congress, on page 18, they say:

The commission has given special consideration to the question of the tariff on steel rails. The present duty has served its purpose in a protective sense; it is now excessive and should be reduced.

Mr. Chairman, I repeat what I said in the early part of my remarks, that a high protective tariff, laid for the sole purpose of protection and without regard to the wants and needs of the Government, tends directly to build up an aristocratic and favored class and to foster monopolies. It makes the rich richer and the poor poorer, for you can not build up an army of millionaires and give into their keeping the financial affairs of the country without making poor and dependent the vast army of toilers of the land. We see the evidences of this fact wherever we turn. Look at Pennsylvania to-day, with her vast number of poor and almost helpless laborers. In my own district, Mr. Chairman, rich as it is in its immense beds of anthracite coal and filled as it is with iron and steel mills, blast-furnaces, locomotive works, silk factories, and manufacturing establishments of almost every kind—in that district, where a high protective tariff has had every opportunity to show its peculiar merits and to demonstrate its benign influence in behalf of American labor, poverty walks abroad and looks into the homes of the mechanics, miners, and laboring men, while wealth sits enthroned in the luxurious homes of the manufacturer and capitalist.

What, Mr. Chairman, has a high protective tariff done for the laboring men of Eastern Pennsylvania? For the past few years it has secured to the unskilled laborer a rate of wages equal to $1 per day. It has given the coal-miners of Lackawanna and Luzerne Counties employment three days in each week, and has afforded them an income from their labor just about large enough to keep soul and body together. I may be met here with the statement that the protective tariff has nothing to do with the mining of anthracite coal, but let me say in answer to that that the men engaged in the protected manufactures in Northeastern Pennsylvania, are the monopolists who control almost wholly the entire anthracite coal business of the State. In their desire to aid, protect, and guard the "interests of American labor" in the section I speak of they have pursued for years the plan of encouraging and stimulating immigration to such an extent that now the number of laborers asking for work exceeds the demand, and as a result those who do work are kept on "half-time" and starvation wages. Their policy, deliberately marked out and pursued, has brought a swarm of Hungarian and other cheap labor into the State, and the "American laborers" for whom they have always claimed to feel such deep solicitude are compelled in many places to compete on American soil with the so-called pauper labor of Europe.

Thus, while a high protective tariff, laid ostensibly in the interest of American labor, has served the purpose of building up great corporations and putting fortunes in the pockets of manufacturers and capitalists, the benefits that might have accrued to the mechanic and laborer have been neutralized and almost entirely taken away by the action of these very manufacturers and capitalists in importing pauper labor to compete with the intelligent labor of our country. The claim of the manufacturers constantly made that they desire a protective tariff in in order that American labor may be protected is a sham and a fraud. They have imported by contract hundreds and thousands of the pauper laborers of Europe, and in my State have set them to work at a rate of wages averaging 60 cents per day. American laborers who formerly did the work now given to the Hungarians have been driven from the mines and shops because of their inability to compete with this pauper labor.

We are constantly met with the charge that the failure to give steady employment to labor results from overproduction. We hear frequently that the market is overstocked with coal, iron, steel, &c., and that a suspension of work for a time becomes, therefore, a necessity. I charge that overproduction in my State is brought about by the deliberate action of the corporations. A system, deliberately devised and steadily pursued for years by the corporations of Eastern Pennsylvania has led to the immigration of thousands of Europeans, whose labor was not required. Coal breakers, iron mills, and manufacturing establishments have been erected, and these immigrants put at work. The result in the anthracite coal-fields has been that for the past two or three years the men have worked "half time" and for small wages.

The wages paid them is just about sufficient to support themselves and families, and they are thus kept in a condition of almost helplessness. Living from day to day, and never having "anything ahead," they are not in a condition to effectively protest against the tyranny of their employers. As was said to me by one of the leading merchants of Scranton a few weeks ago, "The companies have the men where they want them—under their thumbs; it is a great wrong and ought to be remedied."

Independent journalism is destined to do a great deal of good in the discussion of this question. One of the hopeful signs of the times in my section is the advent of the independent journal. Released from party shackles and ring domination it can speak honestly and fearlessly upon all great questions. The Scranton Truth, an independent evening paper, in its issue of April 30, 1884, contained the following:

PROTECT LABOR AS WELL AS CAPITAL.

The importation of degraded pauper labor into the industrial valleys of Pennsylvania by the monopolists who are so clamorous for a protective tariff does not harmonize with their ostentatious professions of friendship for the laboring man. If the doctrine of protection be right it should be adjusted so as to protect the mechanic as well as the millionaire, and sustain "a fair day's wage for a fair day's work," as well as to keep up reasonable profits on invested capital. Any system of protection that fails to do this is a delusion and does not deserve the support of the people.

We believe in a protective tariff that will keep the honest workingman from penury, enable him to support and educate his family, and live comfortably in a home suited to his modest needs. Until this is done it would be absurd to boast about the benefits of protection, or to give any party the credit of using its power in behalf of the toiling masses, who form the bone and sinew of the nation.

* * * * * * *

During the past few years those who have been most ostentatious in their tariff professions have been most active in importing gangs of pauper laborers into this country to cut down the scale of wages, and crowd sober, industrious, and useful citizens out of the useful walks of life. It is to the conduct of such persons that these valleys are at present indebted for the deep feeling existing against the degraded, poorly-paid, and wretchedly-housed Magyars who are attracting so much attention.

So far as these unfortunate people are concerned they are entitled to more pity than hatred. Most of them have been enticed away from their homes by designing sharks who pictured to them a glowing future in this Republic, and they came here entirely ignorant of the true state of affairs. There should be no unreasonable, bigoted race demonstrations made against them, but Congress ought to be invoked to check the influx and prevent the illegitimate traffic in pauper contract labor which threatens to impoverish the workingmen of America.

Until this is done protection will be a one-sided affair. Let it be general in its application to the laborer as well as the capitalist, and protect the man who toils at the furnace as well as the iron king who fattens on the proceeds of his toil. Any other system of protection is a sham, and it is the duty of the people to call on their Representatives in this behalf, and relegate those who fail to reach the requirements of the age to the shades of private life.

The average cost of steel rails in England during the six months ended December 31, 1883, was $20, the duty per ton was $17, and the freight $3, which made the price of these rails delivered in New York $40. During the same period the average price of steel rails in Eastern Pennsylvania was $36.50. During the six months ended December 31, 1882, we imported steel rails to the amount of 85,618 tons, and notwithstanding the reduction of the duty from $28 to $17 we imported during the corresponding time in 1883 only 6,933 tons. It is a noteworthy fact also that during the calendar year 1883 we produced 1,295,740 tons of steel rails, the largest amount produced in any year excepting 1882, and we exported 34,089 tons, more than double the amount exported in any previous year. The conclusion is inevitable that the present duty on steel rails is high enough, that the old duty of $28 was too high, and unless it can be shown that the price of wages fell with the change of duty another conclusion is inevitable, namely: that under the former duty monopolies were fostered and protected and labor received none of its benefits. The same illustrations may be given and the same arguments will apply to other highly protected articles under the laws that existed prior to the passage of the act of March 3, 1883.

That act did not correct all the evils existing under former laws, and it needs revision and correction. Does the bill now under consideration offer us the change so much needed? Does it look to a proper revision of the tariff and revenue laws by proposing a reduction of revenue to a point that will meet the wants and necessities of the Government economically and honestly administered, and by duties so laid that proper and necessary protection will be given to our varied industries, or does it propose to take the first of a series of steps that will eventually give the people of this country absolute free trade with the nations of the world? If any doubt existed, Mr. Chairman, in the minds of members when this bill was first introduced as to its real object and purpose, there can be none now in the light of the arguments made by its advocates on this floor. Nearly every speech made in its behalf has dwelt upon the blessings of the doctrine of free trade.

The gentleman from Texas [Mr. WELLBORN], in his able and very eloquent speech in behalf of the Morrison bill, said:

Rational self-interest is the universal motive, and buy where you can buy cheapest and sell where you can sell dearest the fundamental law of exchange. The propriety of the application of this law to domestic trade none disputes. * * * Of these grand struggles none has yet been fought which more strongly challenges the approval of the civilization of our age than the one now waged by American Democracy for the freedom of commerce and the integrity of taxation. * * * Commerce will be rescued from the merciless clutches of monopoly and taxation and emancipated from the wicked uses of protection. To freedom of person and freedom of opinion, so gloriously asserted in our first Revolution, will be not less gloriously added freedom of exchange.

The gentleman from Ohio [Mr. HURD] in his advocacy of this bill denounced the doctrine of protection to home industries and argued in favor of freedom of exchange, and I may be pardoned for saying here and now that the protected industries of this country never had an abler opponent or the doctrine of free trade a more eloquent advocate.

The gentleman from Texas [Mr. MILLS] said in closing his speech on the tariff a few days ago:

We must remove both by legislation and diplomacy every hindering cause that prevents the free exchange of the products of our labor in all the markets of the world. We must unfetter every arm and let every muscle strike for the highest remuneration for its toil. We must let wealth, the creation of labor, grow up in all the homes of our people. Then every industry will spring forward at a bound, and wealth, prosperity, and power will bless the land that is dedicated to free men, free labor, and free trade.

In the criticisms made by the advocates of this bill upon the doctrine of protection, the friends of a "tariff for revenue with incidental protection" have not been forgotten. For exercising the right which they themselves claim, the right to represent the wishes of our constituents and the interests of our districts and States, we have been denounced

as false to our party and its doctrines. It is said of us that we claim to belong to one party and vote with another, and we are called the "Republican contingent" and "guerrillas."

Mr. Chairman, the doctrine of incidental protection was declared good Democratic doctrine by the last State convention held in Ohio, and but a few weeks ago at Allentown it was made the principal plank in the platform framed by the united Democracy of the old Keystone State.

The Democratic national platform of 1868 declared in favor of "a tariff for revenue upon foreign imports, and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufactures, and as will without impairing the revenue impose the least burden upon and best promote and encourage the great industrial interests of the country."

But a few weeks ago the New York World declared in the course of a learned and exhaustive article—

That extreme protection discriminating in favor of special interests is a fungus of the lobby, an outgrowth of Republican greed and corruption consequent upon the license of the war and the demoralization of a long term of office.

That Democracy is now, as it always has been, in favor of protecting home labor and home industries as far as the support of Government by duties on imports will permit, and is not now and never has been in favor of frequent tariff changes and the disturbance of business interests. There has never been an act on the part of the Democracy to imply that they are opposed to incidental protection.

Mr. Chairman, the doctrine of "a tariff for revenue with incidental protection" is not a new-fangled notion. It was upheld and advocated by Thomas Jefferson, and has received the indorsement of every Democratic President since. Mr. Jefferson in his message to Congress in 1802 said:

Proper protection to American industry is one of the landmarks by which we are to guide ourselves in all our proceedings.

Andrew Jackson declared that the manufacturing interests of the country "ought to have extended to them adequate protection, that our manufacturers and laborers may be placed in fair competition with those of Europe."

The doctrine of incidental protection was held by President Polk, and in his inaugural address of March 4, 1845, he said:

I have heretofore declared to my fellow-citizens that in my judgment it is the duty of the Government to extend, as far as it may be practicable to do so, by its revenue laws and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce, and navigation. I have also declared my opinion to be in favor of a tariff for revenue, and that in adjusting the details of such a tariff I have sanctioned such moderate discriminating duties as would produce the amount of revenue needed and at the same time afford reasonable incidental protection to our home industry, and that I was opposed to a tariff for protection merely and not for revenue. * * * In executing this power of levying a tariff of duties for the support of Government the raising of revenue should be the object and protection the incident.

James Buchanan said:

The American system consists in affording equal and just legislative protection to all the great interests of the country. It is no respecter of persons. It does not distinguish between the farmer who plows the soil in Pennsylvania and the manufacturer of wool in New England. * * * The Legislature of Pennsylvania have given us what, in my opinion, is the correct version of the American system. They have declared that the best interests of our country demand that every possible exertion should be made to procure the passage of an act of Congress imposing such duties as will enable our manufacturers to enter into fair competition with foreign manufacturers, and protect the farmer, the growers of hemp and wool, and the distillers of spirits from domestic materials against foreign competition. * * * By encouraging domestic industry, whether it be applied to agriculture or manufactures, you promote the best interests of your navigation. You furnish it with domestic exports to scatter over the world.

Such, Mr. Chairman, has been the doctrine and policy of the Democatic party from the beginning. Such is its avowed doctrine to-day in Pennsylvania and Ohio, and such will be its declaration of principles at Cincinnati in July next. And yet Democrats who dare, in opposition to the wishes of other gentlemen, to represent the interests of their constituents and the principles of their party as understood from the beginning, are denounced as a "Republican contingent." For one, I will never yield to a command or factional clamor that would seek to make me act and vote contrary to my settled convictions of right and duty. I repeat what I have already said, that a tariff for protection with revenue as an incident is not warranted or authorized by the Constitution, and should not be. It builds up privileged classes and fosters and protects monopolies.

A tariff for revenue only is simply another name for free trade. It would lay duties for the mere purpose of revenue, and, ignoring as it does the doctrine of incidental protection, would discriminate against our industries. It would open our ports, as the gentleman from Kentucky [Mr. WOLFORD] says he trusts it will, to the nations of the earth. It would compel the poorly-paid labor of America to compete in the market with the still more poorly-paid labor of England, Germany, and other countries. It is admitted by statisticians that the average wages paid to American labor is 75 per cent. greater than that paid to English labor, and still greater than that paid to German and other labor.

Do we wish to adopt a policy that will compel the American mechanic who receives two dollars per day to compete in the market with the English mechanic who receives but one, and with the German who receives but 75 cents? Do we want to compel our sugar-growers and manufacturers to compete with the slave labor of Cuba? Are the American people in favor of a policy that will compel the labor of America in all the different branches of industry, agriculture, mining, and manufactures, to compete with the servile, poorly-paid, poorly-clad, and poorly-housed labor of Europe? I think not. And yet that is just what this attempted legislation will do if carried out to its legitimate conclusion. Its advocates say this bill is but "the first step." Should it succeed another will be taken, and when the goal, free trade, is reached, its friends will be satisfied, not before.

The gentleman from Kentucky [Mr. WOLFORD] said in a speech delivered in this House on the 25th of April last, "I agree with the gentleman who has just taken his seat that there will be another tariff bill, another reduction," and he but voiced the sentiment of the friends of this bill when he said it.

Mr. Chairman, free trade and a high protective tariff are the twin enemies of American industry and American prosperity. I am opposed to both.

I am heartily in favor of "a tariff for revenue, so laid as to give just encouragement and proper protection to our industries without fostering monopolies." If such were the object of this bill, and it were framed with that end in view, it would receive my hearty support. It is not framed with a view of reforming or revising the present tariff, but for the purpose of reducing it. We are told that one of its objects is to reduce revenue and cut down war-tariff taxes. The gentleman from New York [Mr. HEWITT], who is a member of the Ways and Means Committee, says he doubts whether it will succeed in reducing revenues or not. Is the object to do away with the constantly accumulating surplus in the national Treasury? Then repeal and wipe out the odious and infamous internal-revenue system, with its army of spies and informers. Having done that, proceed to reform and revise the tariff in such a way as to give us a revenue sufficient to meet the expenses of the Government economically administered, and so adjusted as to give proper protection to our industries. Do that, and you will have earned the approbation and applause of the great majority of our people. Pass this bill, and continue an agitation that, if successful, will give protection to English labor and English manufactures at the expense of American labor and American industries, and you will deserve and receive the condemnation of the people.

Mr. MILLARD. Mr. Chairman, when the House voted to consider the bill introduced by the distinguished gentleman from Illinois [Mr. MORRISON] it was not my intention or desire to offer any remarks during this discussion, but the debate has taken such wide range and so many arguments have been advanced by the friends and advocates of the measure which seem to me to be not only fallacious, but calculated to mislead, I ask the indulgence of the committee that I may state very briefly my objections to the proposed legislation. In 1882 the President appointed a tariff commission, composed of nine practical men, outside of politics and outside of Congress, to investigate and report facts and opinions with a view of enabling Congress to make such a revision of the tariff as might be found to be necessary.

This revision was asked for not only by the commercial and manufacturing interests of the country but by the working classes, not less than 80,000 laboring men sending petitions to the Forty-sixth Congress praying for the appointment of the commission. The commission presented its report in December, 1882, and the Forty-seventh Congress made the revision asked for by the passage of a bill which not only added to the free-list and secured important reductions upon imports, but did its work so well as to make any tariff tinkering at this time wholly unnecessary.

Now, Mr. Chairman, why this agitation at this time, why the discussion of a measure day after day which is not only conceded by its advocates to be imperfect and incapable of just application, but in case it should become a law calculated to disturb, disorganize, and impair every industry of the country? Has any horizontal reduction of the tariff or any change in the duties as established by the Forty-seventh Congress been asked for? Has any one of the 80,000 laboring men who petitioned for the appointment of the commission demanded the proposed legislation? Have any of the great industries of the United States declared they wanted any change in the law as passed by the Forty-seventh Congress. As near as I can ascertain the only persons demanding the consideration and the passage of the bill are a few free-trade cranks claiming to represent the Free-Trade League, of the city of New York, but who in fact represent the Cobden Club, of London. I have not forgotten, sir, the large sums of money contributed in 1879 by the English manufacturers to aid the New York Free-Trade League in its warfare upon our domestic manufactures.

Mr. Chairman, there is, perhaps, no question so imperfectly understood, yet of such vital importance to the whole people, as this matter of the protective tariff; and while I claim to possess no superior knowledge of the subject, I do claim that the great industrial interests of the country—the agricultural, the commercial, and the manufacturing interests—are so linked together that you can not injure the one without injury to the other; that you can not advance or extend the one without a corresponding influence upon the other. For this reason, sir, this should not be made a political or sectional question.

Mr. Chairman, I am opposed to a "tariff for revenue only," or what is known as British free trade. It may work well in England, where an able-bodied man, if he works hard, can earn $3 to $4 per week, but

we want none of it in this country. Such a tariff is a discrimination against American and in favor of the half-paid and pauper labor of Europe. Such a system is a discrimination against our domestic and in favor of foreign manufactures.

My distinguished colleague from New York says that the American tariff must go. Sir, he talks like an English manufacturer. This, sir, has been the determination of the English Government ever since the Colonies dissolved their connection with the mother country. From the earliest date England opposed the establishment of manufactories in the American Colonies, its object being to confine their commerce to the exportation of agricultural products and in return supply them with the products of her own manufactories. In 1817 the House of Commons declared that the erection of manufactories in the Colonies was calculated to lessen their dependence upon Great Britain. In 1831 the House of Commons issued an order to inquire into the affairs of the Colonies, charging that in certain localities in New York, New England, and Pennsylvania the people had established woolen mills, and in Massachusetts they had erected a paper mill. All this was regarded as rank treason in the eyes of the mother country.

Horace Greeley says in his Political Economy "that when the Federal Constitution was adopted in 1787, and it was announced that enough States had voted to ratify it, there were instantly great rejoicings in all the seaboard villages, and great processions were formed wherein the laboring classes appeared parading the hammer and the anvil, crying, "Protection to American industry." That since the war ended they had had free trade—the markets glutted with foreign goods and no demand for American labor. "Protection must go," "the American tariff must go," says my distinguished colleague [Mr. HEWITT]; a remarkable declaration from the lips of the most ardent of free-traders, but more remarkable when coming from the distinguished statesman of New York, for if there is any one thing more than another which has made his State the grandest and most powerful State in the Union it is the advantages which her people and her varied industries have received under the operation of a protective tariff.

I will not take the time to argue the question with the gentleman. All I desire to say is that his declaration is against the history of the country under the operations of high protection.

Henry Clay, in a speech delivered on the floor of this House in 1834, said:

> The proposition to be maintained by our adversaries is that manufactures without protection will in due time spring up in the country and sustain themselves in competition with foreign fabrics, however advanced the arts and whatever the degree of protection may be in foreign countries. Now, I contend that this proposition is refuted by all experience, ancient and modern, in every country. If I am asked why unprotected industry should not succeed in a struggle with protected industry, I answer, the fact has ever been so, and that is sufficient. I reply that uniform experience evinces that it can not succeed in such a struggle, and that is sufficient.

And again, in 1832, speaking of the protective tariff passed in 1824, he said:

> If I were to select any term of seven years since the adoption of the present Constitution which exhibited a scene of the most widespread dismay and desolation, it would be exactly that term of seven years which immediately preceded the tariff of 1824.

If the term of seven years were to be selected of the greatest prosperity which this people have enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of 1824.

Mr. Chairman, free trade as a theory is all right; nothing could be more plausible. But when put into practice, so far as being applicable to the wants and conditions of our people, it is a stupendous fraud. It defrauds the farmer, it defrauds the manufacturer, and it defrauds the laboring man. Sir, it is unfortunate for those who advocate and demand the passage of this bill or who favor "a tariff for revenue only" that the facts and history of free trade in this country are against them. When the low-tariff acts of 1834, 1846, and 1857 were passed our markets became glutted with the goods of foreign manufacture, all branches of industry were paralyzed, and all kinds of labor went begging for employment. But when the high-tariff acts of 1824, 1842, and 1861 were inaugurated all kinds of wages advanced, labor was in demand, activity in all branches of industry took the place of inactivity, and business throughout the country revived. If you ask me to give the reasons for such results, I answer that such was the fact, and that is sufficient.

Now, Mr. Chairman, what is this bill that splits the great Democratic party in two and occupies the attention of this House from day to day and week to week, to the exclusion of more important legislation? Is it really a measure in the interest of the laboring man of the country? I answer, no, for the reduction proposed makes no discrimination between the luxuries and the necessaries of life. I would vote to put certain articles upon the free-list upon which duties are now exacted, and I would favor the reduction of the duties upon certain imports if such reduction could be made without injury to the laboring classes or the great industries of the country. But such is not this bill. Such legislation in my judgment would meet with no opposition from this side of the House. The bill under discussion makes a sweeping horizontal reduction of 20 per cent., making no discrimination whatever.

Should the bill become a law, how much would it lessen the revenues of the country? No advocate of the measure seems to know. Would the revenue under this bill prove sufficient to meet the current expenses of the Government? No advocate of the measure seems to know. The only fact concerning which there is no doubt or obscurity is that it is legislation in the interest of free trade. This is disclaimed by some who champion the measure, but I quote from the speech of the father of the bill [Mr. MORRISON], delivered upon this floor on the 15th of last month, in which he stated that his bill was but the advance toward and a promise of a more complete revenue reform. Mr. Chairman, the current expenditures of the Government for the year ending June 30, 1883, were $265,408,137; of this amount $59,160,131 was paid to meet the accruing interest upon the nation's debt and $66,012,574 was paid out in pensions to the soldiers.

Sir, the debt must and will be paid to the last dollar, interest and principal; and not less sacred is the nation's obligation to its Union defenders. The pensions must be continued. Under our present system of tariff sufficient revenue is realized from the duties on imports and the internal-revenue taxes on whisky and tobacco to meet all these obligations. Not a dollar direct tax is levied upon the people. Free trade means direct taxation; it means that the farmer, the laboring man, the mechanic, and the manufacturer shall be subjected to direct taxation, and that they and their accumulations shall pay the national debt, the soldiers' pensions, and the expenditures of the Government, instead of a policy which now requires these obligations to be paid by duties on foreign importations and the internal-revenue system, the taxes on distilled spirits, fermented liquors, and tobacco.

Mr. Chairman, I am in favor of a protective tariff for the reason it protects the farmer and all the great agricultural interests of the country. This is not only true of the New England farmer, but the wool and grain producers of the West, the cotton-growers of the South. There is not a single agricultural interest in the country that is not more prosperous under a high than a low tariff. It protects them by providing a home market. What would the farms be worth without the manufacturer? It is a mistaken idea that the American farmer is dependent upon a foreign market, or that Europe has to come to America for her supplies. As has been stated, 90 per cent. of all the agricultural products of the United States are consumed at home; that while the total value of our agricultural products reached in 1880 the enormous sum of $3,600,000,000, the agricultural exports, all told, did not exceed in value $500,000,000. The Western farmer no longer leaves his crop in the field unharvested or sells forty bushels of wheat for a pair of boots. Such was his actual condition prior to the revision of the tariff in 1824.

The distinguished gentleman from Texas [Mr. MILLS] in his very able argument—and to my mind the most subtle and ingenious that has been made in favor of the bill during this discussion—attempts to meet this question. He told you that between 1850 and 1860 we had a low tariff and from 1860 to 1880 we had a high tariff. He endeavored to give this House the relative increase in the wealth of our domestic manufactures; but, sir, he forgot to give us the relative increase in the agricultural products of the country during those years. Now, Mr. Chairman, I desire to call the attention of the House to the increase of our agricultural products from 1860 to 1880, a period of twenty years, and under a high protective tariff, as has been stated. From the official reports I find that from 1860 to 1880 there was an increase in the acreage in farms from 407,000,000 to 536,000,000, an increase in the value of farms from $6,645,000,000 to $10,197,096,770, and that the total value of agricultural products in 1880 was $3,600,000,000.

Mr. Chairman, I have repeatedly heard it stated during this discussion that this legislation was in the interest of the laboring classes, that European labor was as well paid as in the United States. Gentlemen, this sort of talk may do here, but do not talk it to the laboring men themselves. They know better. If all kinds and classes of labor is not better paid, better fed, better clothed, and better housed in the United States than in Europe, will the advocates of a "tariff for revenue only" explain why for the past fifty years there has been a constant stream of immigration from nearly all of the European countries, and at this time more from free-trade England than any other country? From this source the United States has acquired much of its power and greatness, for it is the labor of the country that makes the nation. During the past sixty years the total of this immigration is greater than the entire population of Scotland and Ireland combined, and nearly one-half the present population of England. Between 1820 and June 30, 1880, the aggregate of those who came from Europe to establish homes in this country was 11,597,181; between 1820 and 1879, 9,698,098.

From Ireland came 3,065,761, Scotland 159,547, Wales 17,893, Germany 3,002,092, Italy 70,181, France 313,716, Sweden and Norway 306,092, Switzerland 83,709, Russia 53,147, Austria and Hungary 65,588. Between 1820 and 1880 Ireland seems to have taken the lead. Why Ireland, unless it has enjoyed absolute free trade with the most powerful nation on earth for many years, and for what came these millions of men and women to America unless to better their condition? No language can describe the condition of the Irish peasant and the men and women who fill the English manufactories. The most menial servant in this country enjoys a paradise compared with their condition.

The British Almanac for 1881 states that but 59 per cent. of the

Irish laborers eat meat, and these but five ounces per week. From the State Department we find that the average wages of the farm laborer in England without board is $3.60 per week, Scotland $4.25. A good bricklayer in England can earn in a week, if he works industriously and attends closely to his business, $7.60; in Scotland, $7.25; in New York, $12.50; and in Chicago, $11.50. A mason in England, if he is skilled and fully understands his trade, can earn per day from 50 to 72 cents; carpenters, from 71 to 75 cents; blacksmiths, from 67 to 80 cents.

The report of the Tariff Commission gives the following as the wages paid in England and Pittsburgh for the manufacture of iron:

	England.	Pittsburgh.
Puddling, per ton	$1 94	$5 50
Shingling, per ton	29	77
Rolling and puddling mill, per ton	29	68½
Rolling and heating, per ton	1 80	4 80
Common laborer	56	1 30

In England the woolen manufacturer pays his operator an average of $4.50 per week; Massachusetts and Connecticut, $13.43. Our protective tariff increases the wages of the workman. In proportion to the duty imposed his pay is increased, and no one so clearly understands this as he who has worked in the mills and manufactories of foreign nations.

Mr. Chairman, I am opposed to this measure because it is hostile to our domestic and in the interest of foreign manufactures; and this is a matter quite as important to the South and the great West as the East. The New England farmer has prospered because he has had the manufacturer at his door providing him with a market for all of his products. It is an old saying, but none the less true, that the farmer needs the mechanic to consume his surplus of provisions, and the mechanic needs the farmer to use his surplus of fabrics. Alexander H. Stephens, speaking of the future of his State, said that cotton could be made into cloth and thread more cheaply in Georgia than in Massachusetts, and that the future of his people was great and hopeful in prospect if they would be true to themselves in working out their own high destiny.

We have heard a good deal during this discussion about England being the manufacturer of the world. Is it at all surprising that the American can not compete with the English manufacturer? The English manufactories are the growth of six hundred years, and for more than four hundred years they maintained a high protective system. Now, why can not the cotton, woolen, and iron industries of the United States compete with England? Simply because wages in this country are 50 per cent. higher than in England; and you attempt to reduce them to the level of the pauper labor of Europe and you would bring about a commercial revolution. This is not a question whether we may have free salt or a slight reduction in duties upon imports. It is a square issue between English free trade on the one hand and American protection on the other.

Pass this bill, and you would paralyze nearly every great manufacturing industry in the country. I have repeatedly heard it stated during this discussion that our manufacturers were standing in their own light. The gentleman from Texas [Mr. MILLS], whose speech I have heretofore referred to, stated that the official records show that our manufacturers were more prosperous between 1846 and 1860 than they have ever been since. The history of those years show directly the contrary, or I do not read it correctly. In 1850 the total value of the manufactured products of the United States was $1,019,106,616; in 1860, $1,885,861,676; in 1870, $3,432,415,933; in 1880, $5,369,579,191. The total value of the exports of the products of manufactures in 1860 was $45,658,873; in 1882, $103,132,481; in 1883, $111,890,101. Take the woolen industry of the United States. In 1850 the capital employed was $28,118,650; in 1860, $42,849,932; in 1870, $132,382,319, and in 1880, $159,069,270, nearly six times the amount of capital invested in 1850. The total value of the woolen industries in the United States in 1850 was $49,726,882; in 1860, $80,734,606; in 1870, $217,668,826, and in 1880, $267,182,914, a sum nearly six times that of 1850, and more than three times that of 1860. What is true of the woolen interests is equally true of the silk industry in the United States. Total value of silk manufactured in the United States in 1850 was $1,809,476; in 1860, $6,607,771; in 1870, $12,210,062; but in 1880 it reached the enormous sum of $40,500,000, exceeding the total value of the silk product of Great Britain by upward of $5,000,000.

The undisputed facts are that everywhere protected manufactures are in a healthy and vigorous condition; unprotected manufactures sickly, feeble, and precarious. The condition of Canada is a fair illustration of what a low tariff or no tariff at all will do. Until within the last few years she has had no protection; consequently no great manufacturing industries. Agricultural lands on the American side of the line are at least 50 per cent. higher than on the Canada side. I have referred to Ireland. She has always had perfectly free trade with the richest manufacturing nation in the world. Turkey is another nation where the customs are low. Let the United States manufacture for itself, do its own manufacturing, and England will not long be the manufacturer of the world. A nation that does its own manufacturing and produces its own food creates two markets instead of one.

Mr. Chairman, I have occupied more time than I intended. My only apology is the great and vital importance of the question under consideration. As I stated at the outset of my remarks, it is not a bill in the interest of the laboring classes or any of the great industries of the country. They do not want it. They have not asked for it. On the contrary, they have entered their solemn protests against it. In the language of the distinguished gentleman from Connecticut [Mr. EATON], it is a bad bill, and the people will have nothing to do with it. God forbid that the wages of the laboring men and women of this country shall ever be put in competition with the half-starved labor of Europe. God forbid, sir, that the condition of the great laboring classes of the United States shall ever be reduced to the misery and wretchedness of the millions that exist in England and Ireland under the operation of free trade. I want to see labor ever honored and respected in this country, our people the most happy and prosperous of all the peoples of the earth, and our nation the grandest the sun shines upon. It is for this, sir, that I oppose the passage of this bill and all attempts to establish free trade in the United States.

Mr. McCOID addressed the committee. [See Appendix.]

Mr. SNYDER. Mr. Chairman, while opposed to the bill now under consideration, yet being in full sympathy with any action contemplated by Congress looking toward a revision of the present tariff law, and the correction of the inequalities existing therein, and in deference to the expressed wish of a large majority of the Democratic Representatives in this body, and believing that no interest of my people would be jeopardized thereby, I voted for its consideration by the House. Whatever may have been my opinion as to the party policy of a discussion of this question at this time I cheerfully yielded to the demands of my colleagues.

I did this, sir, hoping that a full and free discussion of this bill would enable this House to see the gross injustice of its provisions toward my own and many other sections of our country, and believing that it was possible the gentlemen who have framed it and are so persistently urging its passage could be induced to agree to so amend it as to make it acceptable to those who earnestly desire a revision and reform of the present tariff system. But, sir, the utterances of no less than three of the distinguished gentlemen, members of the Ways and Means Committee, and the especial champions of this bill, to the effect that in framing it "they had yielded everything they intended to yield," coupled with the declarations of the advocates of the measure before this committee, force me to believe that it is the intention to pass it, if possible, just as it is, regardless of the consequences which may follow to the country. Believing now that the interests of all the people of my district are involved in the passage of this bill, I desire as briefly as possible to give my reasons for opposing it. Our national funds are raised chiefly by tariff and internal revenue.

The internal-revenue tax, involving multitudes of officers and operating as a burden and hinderance to special lines of business, has never been justified, except on the ground of necessity. It ought therefore to be repealed, except as to that on whisky, which nobody demands. The yearly surplus in the Treasury of millions of dollars will justify such repeal of part of the internal-revenue system and still leave more money than an economical administration of the Government will require.

The present tariff, in effect, was framed, like the internal-revenue law, to meet conditions growing out of the war. It is larger and higher than any necessity of the Government requires, and it is larger and higher than any theory of protection or revenue tariff will justify. It is also unequal and unfair in its application to different interests of the country, and the Morrison bill would make it more so. This bill, regardless of all principles of revision or reform, by a horizontal reduction perpetuates most of the inequalities of the existing law, and so far as my State is concerned aggravates them by leaving the rest of the country protected and placing West Virginia on the free-list.

The burdens of the people ought to be lightened. We ought to return from a basis of war tax to a peace foundation. We ought not to impose upon our people in any form greater burdens than the necessities of the Government require. But when we shall have reduced our demands upon the masses for money to the amount of our necessities, then both the benefits and the burdens of that amount should be fairly and equitably distributed. This I understand to be the meaning of the Ohio platform, and also the substance of the platform adopted by the Democrats of my own State last month in convention assembled, and on that platform I stand.

This principle and its bearings and relations to the interests of the people of my district I shall discuss hereafter.

By this bill you charge my people with the full measure of burdens that all other protection now afforded to other sections imposes upon them, less your 20 per cent. horizontal reduction; but when I tell you that as a Representative from West Virginia I shall claim for her the same measure of protection which you accord to others of the great States, you answer me with coal, salt, and lumber on the free-list.

I have heretofore alluded to the Ohio platform, to wit:

> We favor a tariff for revenue limited to the necessities of the Government economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, afford just compensation to labor, but not to create or foster monopolies.

This I conceive to be the true Democratic doctrine upon this great question, not only as promulgated by the Democratic fathers, but as

announced by the Democratic party in its declaration of principles in years past.

There is no question as to the right and duty of Congress under the Constitution to take care that under its tariff laws no detriment shall be done to home industries. One of the first revenue bills passed by the American Congress contained in its preamble a recognition of the importance of adjusting the tariff to encourage American manufactures. And this is an important and valuable fact as a contemporaneous interpretation of the Constitution from a Congress many of whose members had aided in framing that instrument. Incidental protection is not only good constitutional law and policy, but it is sound Democracy. To Thomas Jefferson himself has been attributed the authorship of the phrase "a discriminating tariff," which is the Ohio platform condensed. Jackson was a firm advocate of the doctrine, and in one of his messages he asserts that individual protection is needed as a means of diversifying our industries, as agriculture was being overcrowded. James K. Polk held to the same idea, and Silas Wright first designated it as "incidental protection."

I take it that the Democratic platform of 1868, adopted by the convention which nominated Horatio Seymour, is a fair statement of the views of the Democracy both then and now. That body was the first harmonious national convention of the party held in twelve years. In 1860 the party was torn by factions and rent in twain. In 1864 the South was unrepresented. In 1868 not only did the old Douglas and Breckinridge Democrats come together, but large numbers of Old Line Whigs, especially from the South, then began to co-operate with them. All were united upon the following resolution from the national Democratic platform of 1868:

> And a tariff for revenue upon foreign imports, and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufactures, and as will without impairing the revenue impose the least burdens upon and best promote and encourage the great industrial interests of the country.

In 1872 a system of taxation was demanded which should not interfere with the interests of the people, and the discussion of the question of protection or free trade was remitted to the people of the Congressional districts. In 1876 and 1880 greater prominence was given to the main object of the tariff, namely, to raise the revenue; but this was because of abuses which had grown up under Republican administration by which monopolies were protected and production crippled. It was not because the Democratic party had abandoned its historic position as the friend and protector of American industries, nor do I understand that either at Saint Louis or Cincinnati the Democracy turned its back upon the policy of discriminating in favor of American toilers and American products. In fact, Mr. Chairman, the great difference between the parties is not that of free trade on the one hand, which would abolish custom-houses and raise all revenue by direct taxation, and on the other absolute protection, which would exclude foreign imports, and, like free trade, compel all revenues to be raised by direct taxes, but it is whether the tariff shall be adjusted in the interest of the masses or in the interest of the few.

I do not believe that a tariff should attempt to sustain by artificial stimulus enterprises that are alien here or that it should create monopolies to oppress consumers. I do believe that a tariff for revenue can be and should be adjusted to establish business firmly, to develop the dormant resources of the country, and to work out the grand problem of its material greatness by fostering the thrift of toiling millions in the countless pursuits for which a bountiful Providence has furnished here the material and the field.

I represent a district, Mr. Chairman, which has several important interests affected directly by the tariff, and especially by this bill. Coal, lumber, iron, and salt, and, indeed, sir, the material interests of all classes in my district, the farmer, the mechanic, the miner, and laborer, will all be seriously affected by its passage.

Give the West Virginia producer or manufacturer a protection incident to the power of the Government of laying duties on imports, represented by a fair and equitable tax upon the product of his foreign competitor, and you give him what he has a right to demand and what his Government will not wisely deny him—a fair chance in his own markets. Refuse him this and you destroy his business; you lock up the resources he is engaged in developing. To no purpose do you open to him by your policy of free trade "the markets of the world" when by the same policy you bring in a stranger to drive him out of his own.

In my district there are now fifty-nine collieries in successful operation. Although mostly of recent establishment, the product last year was nearly 29,000,000 bushels of coal, besides large quantities of coke made at the mines. Over 13,000,000 bushels of this coal found its way eastward and was marketed mainly in the Eastern seaboard cities. The miner was enabled to carry his product thither by reason of a protection, incident to the power of laying duties upon imports, of 75 cents per ton on foreign coal, which is an ad valorem duty of about 18 per cent. It was in evidence before the Ways and Means Committee of this Congress that the average profit on coal marketed in the Eastern cities does not exceed 15 cents per ton. This is true of shipments from my district. Take off the duty on coal and you give the foreign producer an advantage in the American market of 60 cents per ton over the miner of Maryland, Pennsylvania, and West Virginia. You compel us to carry all our coal West and South. You make us overstock that market and drive us into it. You deny us the opportunity to sell one-half our product at moderate figures and compel us to take half-price for the remainder.

In my district, sir, the progress of material development has been phenomenal. Capital has been invested there by millions. The wilderness of yesterday is now populous, busy, and prosperous. Thousands and thousands of honest laborers have gone there to find homes. Working in the mines and in the forests, and in industries relative thereto, they have felt the fostering care of incidental protection. Through their efforts, backed by capital and enterprise, the Kanawha and New River valleys are fast becoming the richest and most prosperous sections in either of the Virginias, if not in the entire South. Nor will this stop here if the true Democratic policy is pursued. Stimulated by the results of the past few years, with their vast mineral and timber resources as yet undeveloped, already are projects on foot to open up to the world by railroad communication the great coal-fields and vast forests of the Buckhannon, Elk, Gauley, Greenbrier, Coal, and Guyandotte valleys.

Free trade in coal and lumber means no market for those commodities and probably a stoppage of these enterprises, leaving the hidden and inaccessible wealth of these regions to sleep undeveloped for years. Free trade in coal and lumber means the impoverishment of a large portion of my people and desolation to that country. When employers and employés shall, amidst the wreck of their industries and the ruins of capital; when the farmer of the mountain counties, deprived of the market for his products which he has had at his very door by reason of these enterprises, come to reflect upon their confidence in a Government caring more for the stranger than for its own people, it will be small consolation for them to remember that you "have reformed the revenue system." It will be little comfort to him "who hath not where to lay his head" to be told that you "have opened wide to him the markets of the world."

It is a significant fact that much of the demand for free coal comes from the manufacturing centers. In other words, ultra protection joins hand with ultra free trade in the effort to cripple one of the leading industries of the country. It is said that free fuel means cheap fuel, especially in the East. This must be taken with its limitations. When foreign producers shall have driven American coal out of the markets consumers will be at their mercy. They will no longer be restrained by a healthy competition, and prices will be regulated by their rapacity and the necessities of the consumer. But this is not all. The amount of business done has its effect upon the cost of transportation. Lessen the amount of freight of one kind carried by the railroads and the loss must be made up on some other; if not in quantity, then in rate.

Three great railroads are now carrying coal to the Eastern cities. Who can doubt that the enormous coal trade of the Pennsylvania Central, Baltimore and Ohio, and Chesapeake and Ohio Railroads has its effect upon this tariff of rates, or that if this business were cut off other kinds of business must help bear the loss? If American coal be driven from the Eastern markets to any extent, to the same extent will the cost of carrying other freight be enhanced. The revenue will not be allowed to decrease. The difference will be made up. It may be on grain; it may be on cattle. The Eastern consumer's doubtful saving in the coal-scuttle will be more than set off by the certain loss in the pantry. In short, sir, if by the passage of this bill the coal of the British Provinces, with the great advantages of cheap labor and water transportation, is allowed to become a competitor with American coal, the latter will be driven from the Eastern market. The result will be an abandoned market, lower prices, limited production, and decreased wages.

In conclusion, Mr. Chairman, allow me to say that I would cheerfully support a measure reducing our tariff taxes, revenue taxes, and all taxes to a peace basis. I am for placing them in the line of governmental necessities as exactions from the people. But the pending proposition, to perpetuate the inequalities of a system which would give elsewhere all the protection and to West Virginia all the free trade, I can not support.

Mr. HOPKINS. Mr. Chairman, I voted against bringing the pending bill before the House for consideration, because I believed that agitation of the tariff question was uncalled for, unwise, and would be productive of no good result. I had heard of no clamorous demand by the people for legislation upon this subject. So far as I knew no considerable number of petitions had been received praying for Congressional action. I heard of no delegations besieging the Committee on Ways and Means demanding relief from what are called the present unjust burdens. The advocates of the measure were frank enough to say that they did not believe that any measure which the House might pass would secure the concurrence of the Senate or the approval of the President. And hence it seemed to me that the mere pride of opinion was about to embroil the House in an angry and fruitless contest. Eminent and able gentlemen had for years nursed and fostered their pet theory; they had preached repeated crusades against the established policy of this Government; and they appeared to be more anxious that their views should receive the indorsement of this House than that any great public want should be gratified.

But, sir, the bill is before us. It has been discussed for nearly three

weeks, and I fail to see any indication to justify this expenditure of time, of energy, and of eloquence.

I should be content to sit silent until the close of this debate but for the fact that an attempt has been made to make support of this bill a test of party fealty; and the further fact that inasmuch as I represent perhaps the largest manufacturing district in the country, my silence might be misconstrued into a weakness of my convictions and a lack of interest in behalf of my constituents.

In the first place, Mr. Chairman, I protest against the right of any one to make the Morrison bill an article of the political creed of the Democratic party. Such a claim can not be sustained by appealing to any authorized expression of the party's policy. It is not even in accord with the declaration in favor of a "tariff for revenue only." With all their denunciation of the present law as incongruous, inequitable, oppressive, and extortionate, in the interest of manufacturing monopolies, and other like criticisms, not one of the advocates of the pending bill pretends that it will correct the incongruities and inequalities; that it will abolish the alleged oppressive and extortionate features. Not one of them pretends that this bill has been framed upon the theory of "a tariff for revenue only." All of the features of the present law are to be retained except the additions to the free-list; the same inequalities are to continue, for the horizontal reduction will remove none of them. If there is an unjust disproportion between one article taxed $1 and another article taxed 50 cents, the same unjust disproportion will continue if the first is reduced to 80 cents and the second to 40 cents.

We have heard in this discussion a good deal about displaying the courage of convictions without regard to results. Is it claimed by any one that this bill is the bold and manly announcement of the views entertained by its advocates? Some of them are candid enough to say that it is not what they want, but they will accept it as the best they are likely to get. That, of course, is a practical and sensible view, but it silences the high-sounding pretensions to extra courage.

But, Mr. Chairman, the point I wish to make is this: If party lines were to be drawn upon this question why did not the committee report a bill which they could hold up before the world and say, "Here is a tariff for revenue only;" the national Democratic convention declared this to be a cardinal doctrine of political faith; those who oppose it must be condemned as heretics. But the committee did no such thing. Assuming that the general declaration stands as the creed of the party, the distinguished gentleman from Illinois [Mr. MORRISON] is not bold enough to say that his bill embodies the thought of that convention. So that those who claim the binding force of the loose declaration in favor of a "tariff for revenue only" have no warrant for making this bill a shibboleth of party fealty.

And I deny the authority of a Congressional caucus to formulate a creed for the national party. The eloquent gentleman from Ohio [Mr. HURD] showed some disposition to invoke the terrors of an offended caucus, and to lash into the support of this bill all who follow the Democratic banner. But I rejoice in the fact that caucus is no longer king. Republican Congresses submitted to his inexorable rule. But all Democrats denounced his tyranny then; and I rejoice that there have been enough Democrats independent and brave enough to break the scepter of his power.

I take this occasion, Mr. Chairman, to show how unfair it would be to the masses of the Democratic party for the Representatives in Congress to make a national platform.

Pennsylvania has twelve Democratic Representatives on this floor. They represent more than 400,000 Democratic votes. The States of Alabama, Arkansas, Florida, Mississippi, and Texas combined have twenty-nine Democratic Representatives here, representing about the same number of Democratic votes as are cast in Pennsylvania. Here the Representatives from the five States referred to would outvote the Pennsylvania Democrats two to one. But in a national convention the votes from Pennsylvania will almost equal the votes of the five States combined. How unwise, then, to attempt to set up a standard of political faith here, and how futile to assert the coercive power of a Congressional caucus! When the effort is made to invest the caucus with the infallibility of a Delphic oracle, I repudiate its authority and appeal to the assembled representatives of the Democracy of the entire nation.

But I am told that my party is committed to the doctrine of "a tariff for revenue only." I answer, first, that this bill is in no sense the embodiment or expression of that doctrine. I answer, second, that the vague and general declaration referred to must be construed in connection with other declarations and acts of national Democratic conventions if we would ascertain what the position of the party has been upon this question.

Looking over the national Democratic platforms for the past thirty years I find that in 1852 it was resolved—

> That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of any other, or to cherish the interests of one portion to the injury of another portion of our common country.

Different schools of political economy will place different constructions upon this language. I shall postpone a discussion of this point until I get through with the historic portion of my remarks. The convention of 1856 reaffirmed the resolutions of 1852, adding a declaration of opposition to all monopolies and exclusive legislation for the benefit of the few at the expense of the many. Most of those who urge the passage of the Morrison bill claim that a protective tariff is the character of legislation condemned by the convention of 1856. But it is a significant fact that that convention nominated for President an avowed protectionist—James Buchanan. In 1860 the platform was reaffirmed.

In 1864 the country was in the extreme agony of internal war and no allusion was made to economic questions. In 1868 the convention declared in favor of "a tariff for revenue upon foreign imports, and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country."

Such language uttered to-day would drive the utterer from the household of Democracy if the decree of the caucus could be enforced.

In 1872 the convention said: "We demand a system of Federal taxation which shall not unnecessarily interfere with the industry of the people." But "recognizing that there are honest but irreconcilable differences of opinion with regard to the respective systems of protection and free trade," they remitted the question to the different Congressional districts.

There was a disposition manifested in that convention from which the men of to-day might learn some practical wisdom. There was no effort then to force upon the party an issue upon which there were honest differences.

The convention of 1876 adopted an oration rather than a party code. It said:

> We denounce the present tariff levied upon nearly 4,000 articles as a masterpiece of injustice, inequality, and false pretense. It yields a dwindling, not yearly rising revenue. It has impoverished many industries to subsidize a few. It has cut down the sale of American manufactures at home and abroad.

The entire proclamation is admirable as a phillipic against the many existing abuses. But it indicated an anxiety for additional revenue, whereas it is confessed on all hands that we now have too much. And it manifested some concern about the falling off of manufactures, whereas the complaint now is that the same tariff caused an excess of manufactures. Who will reconcile or explain the diverse conditions in 1876 and in 1883 under the same tariff?

In 1880 the declaration on this great question is grouped into and in a measure smothered under other issues in the announcement of belief in "home rule, honest money, the strict maintenance of the public faith, State and national, and a tariff for revenue only."

But the convention declared that "the Democratic party is the friend of labor and the laboring man." The true meaning of that I shall try to consider before I close.

Now, Mr. Chairman, in the face of this recital of the authentic utterances of the representatives of the Democratic party chosen from every section of the land, and assembled for the express purpose of formulating the political creed of the party, how can any man, how dare any man, stigmatize as renegades and traitors those who favor the adjustment of imposts in a manner that will "best promote and encourage the great industrial interests of the country?

Mr. Chairman, if gentlemen wish to go farther back than the national convention in 1852, and appeal to the fathers of the Republic and the founders of our party, I will cheerfully go with them.

George Washington, in a message to Congress, said:

> The safety and interests of the people require that they should promote such manufactures as tend to render them independent of others.

And the same George Washington approved the first tariff bill enacted by Congress, the preamble of which, like a beacon-light, gleams through the intervening years. It is as follows:

> Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that duties be laid, &c.

Thomas Jefferson declared proper protection to American industry to be one of the "landmarks by which we are to guide ourselves in all our proceedings." And again he congratulated the country that under "protecting duties" new manufacturing interests would become permanent. And the quotation from Jefferson made by Mr. Morrison is a reassertion of his belief in the doctrine of protection, and only limits the extent to which it should be carried.

James Monroe, in his inaugural address, said:

> Our manufactures will likewise require the systematic and fostering care o our Government.

Andrew Jackson was more specific. He said these industries "ought to have extended to them adequate protection, that our manufacturers and laborers may be placed in fair competition with those of Europe."

And so the succeeding generations of statesmen of the Democratic party felt that proper encouragement to American manufactures was judicious and promotive of the general welfare. And it was reserved to modern theorists to anathematize the enterprising and successful manufacturers as "robbers," "plunderers of the people," "bloated barons aping royalty." These men who have developed the resources and added to the wealth of the country and have given employment to tens of thousands of operatives are made the targets for oratorical ordnance of caliber large and small.

Now, sir, I call attention of the House, and especially this side of the House, to one of the most recent deliverances upon this subject of any representative body of Democrats. Shortly after the introduction of the Morrison bill a meeting was gotten up in New York for the express purpose of indorsing and strengthening that measure. Tammany assembled in force. Two of the Representatives from New York [Messrs. DORSHEIMER and BELMONT] left their official duties here to instruct their clansmen upon this great economic question. Listen to the result:

Resolved, That we favor a tariff so adjusted as to derive our revenue, whenever possible, from luxuries rather than necessaries, and which will discriminate judiciously in favor of our home industries and manufactures.

If there is any Democrat who contends for more than that I do not know where he is.

It is true the Morrison bill was indorsed at the Tammany meeting, but it had to be sugar-coated with three resolutions similar to the one I have quoted.

Call the tariff by whatever name you please, only raise from it all the revenue which the Government requires, and adjust it with a judicious reference to our industrial interests, and those who are called protectionists will make no complaint.

Mr. Chairman, the gravity of this discussion might be enlivened somewhat by a comparison or contrast of the various arguments that have been presented in support of the bill. Some gentlemen asseverate that the present tariff does not protect the laboring men; others, and conspicuous among them the very able and philosophical gentleman from New York [Mr. HEWITT], declare with equal solemnity that it does not protect the manufacturers. But all agree in denouncing it as a protective tariff. So we have the anomaly of protection that does not protect.

Again, some of the advocates of the bill declare that it will reduce the revenue; others believe it will have the contrary effect.

While I am opposed to this bill, Mr. Chairman, there are certain thoughts embodied in most of the speeches made on this side of the House in which I am in full accord, and upon which I believe the entire Democratic party could unite. I believe in rigid economy and the strictest integrity in the administration of public affairs. I believe that the Government is collecting too much revenue, and that the surplus in the Treasury is a dangerous temptation to extravagance and corruption. I believe that taxation should be reduced, and I would commence the reduction by the entire abolition of the internal-revenue system, thereby ridding the country of a tax upon agriculture, of an inquisitorial tax, and of a political bureau for campaign purposes. Then, sir, if it should be found that the revenues were still too large, I would apply the pruning knife to the customs duties. But I would have it done with judgment and skill, and not by an indiscriminate slashing at every dutiable article.

I have already said that there has been no public demand for tariff revision at this time. Neither farmers nor mechanics, producers nor consumers, manufacturers nor workingmen have asked for it.

I was glad to hear the generous and deserved tribute which my friend from New York [Mr. HEWITT] paid to the intelligence and usefulness of trades-unions and labor organizations. These associations have a thorough knowledge of their own condition and interests. And they know the condition of and compensation received by competing workmen abroad. They know this, not from casual interviews with foreign manufacturers in their offices or parlors, nor from a holiday inspection of affairs in England and on the continent, but they send their shrewdest and best-informed members to mingle with foreign operatives and report upon their modes of life, the wages they receive, and the cost of living. And these associations, thus informed, have no desire to enjoy the fancied benefits of English free trade.

I think every gentleman who has spoken has professed a desire to promote the interests of the laboring people. I present their united protest against the doctrine of free trade, their united protest against the passage of this bill. And I demand of gentlemen to prove the sincerity of their professed regard for the laboring people by voting against a measure which those people condemn. The judgment of the trades-unions, intelligent and well informed as they are, ought to be conclusive as to whether or not this bill will promote their welfare. I ask Democrats who are the avowed and natural friends of labor to pause before they array against our party this large and influential class of our fellow-citizens.

The gentleman from Kentucky [Mr. HALSELL] has quoted a letter from an anonymous correspondent in Birmingham, England, to the Pittsburgh Dispatch, extolling the prosperous condition of the workmen in Birmingham as compared with those of Pittsburgh. Whoever the writer may be, I venture to assert that he can not find among the tens of thousands of workingmen in Pittsburgh a single one who would exchange conditions with those in similar employment in Birmingham.

And in this connection I refer with pride, as a citizen of Pittsburgh and of the United States, to a fact which illustrates the effects of the protective policy upon the energy, the aspirations, and the realizations of the working people. The fact that I allude to is that very many of the wealthiest and largest manufacturing establishments of Pittsburgh were founded and built up into complete success by men who themselves toiled at the puddling-furnace or the rolls, or the ovens of a glass-house. I put that fact against all the rhetoric of doctrinaires as to the practical results of encouragement to our manufacturing enterprises in so far as the laborers are concerned.

Gentlemen tell me that protection has not benefited the wage-workers of the land! Let them go with me to Pittsburgh and see thousands of operatives the owners of their own homesteads, the banks for the savings of the earnings of industry showing millions of dollars on deposit, the children of the toilers educated and their families well housed and well dressed. Can any manufacturing city in free-trade England present such a proud spectacle as this?

It is true there is now great, unusual depression in manufacturing, and in some places much suffering among the poor. But it is absurd to say that this is the result of protection. It is much truer to say that it is partly the result of too much tariff tinkering.

The legislation of last year struck down several industries and threw out of employment all engaged therein. I assert, upon the authority of the American Iron and Steel Association, that tin-plates and cottonties are not now made in this country, and that our iron-wire-rod industry has been almost entirely destroyed by the reduction of the duty in 1883. And it is now proposed to drive additional nails into the coffin of these dead industries, and to carry others to the same cemetery, over whose gates may be written "Free Trade."

Mr. Chairman, I repeat once more that this bill is uncalled for. No one, except the importing merchant, can complain of the duty upon any foreign products. Manufactured goods of all kinds never were so cheap as now, except in 1877 and 1878, when clouds of gloom enveloped our commercial horizon.

And if I had the time I believe I could demonstrate the fact, that farmers and all other consumers of manufactured goods have had to thank the protective policy for a reduction of prices on all the articles in common use. But for this policy we would have been entirely dependent upon foreign manufactures, and, without competition here, who believes that prices would have been lowered? Remove this competition by striking down our manufactures, and prices will inevitably advance.

Mr. Chairman, I sincerely regret these differences in our political household. I regret that I can not agree with gentlemen for whom I have the sincerest and profoundest respect. But my view of duty to my constituents, my party, and my country alike prevent.

I have tried to vindicate the Democratic party from the false position in which some of its eminent members seek to place it. I have objected to the bill as anti-Democratic, impracticable, uncalled for, and injurious to the country. If this needless agitation shall cause the defeat of the Democratic party, I wash my hands of all responsibility. If commercial disasters ensue and the land should be overshadowed with gloom, the brilliant gentleman from Ohio [Mr. HURD] will have to find some other figure of rhetoric than "the giant of protection" to account for the shadows upon the fair fields and firesides of our people.

Let the tariff cease to be a foot-ball for political aspirants; remove it from the arena of party strife; let it be settled upon business and upon patriotic principles; let our great industries adjust themselves to the demands of the times, unawed by fears of the intervention of theorists, and prosperity, plenty, and contentment will come again, typified by this glad spring-time, bringing warmth and health and beauty, filling every eye with brightness, every heart with happiness, and every home with joy.

Mr. JAMES. Mr. Chairman, though usually averse to occupying the time of the House in presenting my sentiments upon any subject, yet it has occurred to me that in this instance I ought to give expression to my views upon the subject of tariff revision, particularly as my vote was not in line with that of my party upon the question of taking up for consideration House bill 5893, "a bill to reduce import duties and war-tariff taxes," introduced by the honorable gentleman from Illinois [Mr. MORRISON]. I do not wish to be misunderstood because of my course on that occasion. I am and always have been thoroughly in sympathy with the policy of protection, but I thought that by the discussion of the question of tariff revision some good might be accomplished through the modification of the existing tariff law, enacted hastily during the short session of the last Congress. The end sought in the enactment of that law was to reduce revenue and to lessen the burdens resting upon the people without disturbing the protected industries; but the unfortunate fact remains that the revenue has not been materially reduced, nor is it likely to be under this law, and into the coffers of the United States Treasury the surplus is flowing at the rate of $100,000,000 during the fiscal year, and is a constant temptation to extravagance and improper appropriations, besides being a needless burden upon the people.

I am clear in my convictions that the policy of protecting the infant industries of our country is the only sound one, and I say this as a commercial man, as an importer of foreign merchandise, doing business in the great commercial metropolis of this nation, the place of all others where one would expect to find free-trade principles and followers, where one would expect to meet its champions in solid phalanx. I venture to assert that although it is the headquarters of the American branch of the Cobden Club, yet that the substantial merchants,

bankers, and intelligent citizens are, in the majority of cases, favorable to protection to home industries. It was clearly illustrated in the Presidential election of 1880. New York was the pivotal State. New York was carried by the Republicans upon the platform of protective tariff, and the majority of 21,033 was the result and the outcome of the unusual interest taken in the success of the candidate of the party of protection by these same merchants, bankers, brokers, and citizens generally, who organized clubs and turned out *en masse* and worked diligently for the enlightenment of the people upon the subject of a protective tariff.

The unfortunate utterances of the candidate of the Democratic party upon this question brought about the defeat of that party and its candidate. The working people took up the subject, and the issue was fought squarely in New York and Brooklyn, and the usual large Democratic majorities were sufficiently cut down to admit of the State giving a majority for the Republican, Garfield. Protective tariff was clearly the issue and protection won in that race.

To show the wonderfully stimulating effect of the protective tariff system upon manufacturing interests I propose to take for illustration the cities of Brooklyn and New York, where the foreign commerce of the country has been so largely concentrated, these two cities being practically one in all business and commercial matters. I have prepared a few statistics, showing the population, number of hands employed in various industries, capital invested, and annual product of said industries; also the amount of the foreign commerce at the port of New York, as ascertained by the United States census in 1860, 1870, and 1880.

According to the census of 1880 the city of New York ranked first in the number of its manufacturing and other industries, there being 11,339; but in amount of capital invested and the value of the annual product she ranked second, the city of Philadelphia being first. The city of Brooklyn, which I have the honor in part to represent, ranked third in the number of its manufacturing and other industries, there being 5,201, but in amount of capital invested and the value of the annual product she ranked fourth, the city of Chicago being third.

The population of the city of Brooklyn rather more than doubled during the twenty years from 1860 to 1880. The number of hands employed in its varied industries ran up from 12,758 in 1860 to 47,587 in 1880, nearly four times as many. The amount of capital invested increased from $12,320,876 in 1860 to $61,646,749 in 1880, an increase of 500 per cent. The annual product ran up from $34,241,520 in 1860 to $177,223,142 in 1880, an increase of over 500 per cent.

The population of the city of New York in 1860 was 805,651, and in 1880 it was 1,206,299, an increase of 50 per cent. The number of hands employed in manufacturing and other industries increased from 90,204 in 1860 to 227,352 in 1880, an increase of 250 per cent. The amount of capital invested increased from $61,212,757 in 1860, to $181,206,356 in 1880, an increase of nearly 300 per cent. The annual product increased from $159,107,369 in 1860 to $472,926,437 in 1880, a like increase of nearly 300 per cent. In both cities the percentage of increase was much larger from 1870 to 1880 than from 1860 to 1870. Eight per cent. of the inhabitants of the city of Brooklyn are employed in manufacturing and mechanical industries, and 20 per cent. of the inhabitants of the city of New York are so employed.

This enormous increase in manufacturing and mechanical industries of the two cities is remarkable in view of the fact that foreign commerce has been supposed to be the interest to be first considered; and yet the increase of foreign commerce at the port of New York has been almost as remarkable, although the manufacturing interests have been gaining upon the foreign commerce. I shall not allude to domestic commerce or the coastwise trade. The foreign commerce at the port of New York in the year 1860, imports and exports, exclusive of specie, was $354,323,895; the value of the industrial product of the two cities, New York and Brooklyn, that year was $193,328,889, rather more than half as much. In 1870 the imports and exports, exclusive of specie, amounted to $499,281,111; the value of the industrial product of the two cities was $393,800,193. In 1880 the imports and exports, exclusive of specie, amounted to $879,999,827, and the value of the industrial product of the two cities was $650,149,579.

During the twenty years the foreign commerce increased 250 per cent. and the manufacturing and industrial products nearly 350 per cent. Fifteen and three-fourths per cent. of the population of the two cities were in the year 1880 employed in these manufacturing and industrial interests. I have gone somewhat minutely into this subject because I have thought it a good illustration of the beneficent results of the protective-tariff laws of which the Republican party has been the exponent. I propose to go a step further, and to show the prosperity of the working people of the two cities and of the State of New York through their accumulations of savings, as indicated by their deposits in the savings-banks of the State. I believe there is no better way of arriving at the financial prosperity of the people than in studying their institutions for savings, but in this exhibit I leave out all trust companies, building and other co-operative organizations, and confine myself simply to the savings-banks. In 1860 the savings-banks of New York and Kings Counties held on deposit to the credit of customers $49,034,133, an average of $215.92 each. In 1870 the amount on deposit was $147,-204,226, an average of $305.34 to each depositor. In 1883 the amount on deposit was $294,208,390, an average of $384.03 each to 766,094 depositors. One in every three of the people of these two counties had a deposit of $384.03 in a savings-bank.

The savings-banks of the entire State of New York held to the credit of their customers in the year 1860 $58,178,160, an average of $208.91 to each depositor. On January 1, 1870, they held $194,360,217, an average of $296.80 to each depositor. On January 1, 1883, they held $412,147,-213 to the credit of 1,095,971 depositors, an average of $376.05 to each; in other words, one in every five of the inhabitants of the State had on deposit in a savings-bank $376.05.

I do not wish to be understood as saying that all of the industries at which the people of the two cities are employed are protected, or that the depositors in savings-banks are all employed in manufacturing or industrial pursuits; but I claim that the great growth of these interests and the general prosperity of the people are largely the result of the protective policy.

I have no thought that the prosperity of the people of the State of New York and of the cities of New York and Brooklyn is exceptional; far from it. I believe that the entire country has shared in a prosperity perhaps the most remarkable in the history of any country at any age of the world. With few exceptions all industries have flourished, the most important exception being the ocean carrying trade, and the decline in this industry is owing to other causes than protection, in fact, is owing to the lack of protection. I copy a few sentences from a memorial to Congress adopted by the Chamber of Commerce of New York city February 4, 1864, and accompanying a carefully prepared comparative statement of the growth of the British and decline of the American carrying trade, with other valuable statistics. It is as follows:

> Your memorialists have endeavored to lay before you the importance of ocean steam navigation and its dependence, in the present stage of mechanical art, upon Government subsidies. They have pointed out the steadiness and regularity with which the British Government, through all periods of distress and financial difficulty, has faithfully supported the system which it inaugurated, establishing regular communication with point after point, as commerce, which the introduction of steam develops, has demanded new facilities. They have endeavored to estimate the harvest of wealth which Great Britain has reaped from the careful husbandry of its statesmen. * * * Our steamers have been driven from the ocean, until now not a solitary one carries our flag to any European port. * * * Not for want of enterprise on the part of her citizens, for the steamers already built can not hold their own upon the seas for the want of that aid and fostering legislation which other governments so liberally supply and without which competition is ruin.

As to what the future of this industry is to be no one is wise enough to tell, but under any circumstances its revival will be slow even with the removal of all surrounding difficulties.

Believing as I do that the policy of protection has been a wise one, I would not propose to change it; but I am thoroughly convinced that the time has come for a modification of the tariff laws with a view to a large reduction of the revenue and a lifting of the burdens resting on the people. The policy of the people of this country has been to collect its revenues largely through a tariff tax upon importations, and I do not believe any other way would be equally acceptable. The question at issue is, and has been almost from the beginning, whether the tariff tax should be for revenue only or for revenue with incidental protection. Upon this question the great statesmen have fought their battles until the subject has been thoroughly canvassed.

But the question of paramount importance now, the one which is staring the nation and its lawmakers in the face, is the reduction of the revenue. The revision of the tariff laws by the Forty-seventh Congress, undertaken with a view to a large reduction of revenue, does not seem to have accomplished that desirable end, and it is estimated that the surplus during the present fiscal year, as I have said before, will reach a hundred million dollars. The effect of the continued accumulation of an enormous surplus is unfortunate; it leads to constant raids upon the Treasury and the bringing in of all sorts of schemes of extravagance, leading to improper appropriations, besides being an unnecessary burden to be borne by the people. To reduce revenue there are three ways: First, through removing part or all of the internal taxes; second, readjusting the tariff laws, adding largely to the free-list; third, raising the tariff so high that it becomes prohibitory, thereby cutting off foreign trade and drawing a wall around our country, isolating it from the brotherhood of nations.

The plan proposed in the bill under consideration is a horizontal reduction of somewhere about 20 per cent., and the addition of coal (except from the Dominion of Canada), salt, and lumber to the free-list. From the discussion of the bill on both sides of the House I am in doubt if it would materially reduce the revenue. It is asserted by those who are favorable to its passage, as well as by those opposed, that it will not effect much reduction. As to the plan itself I have little to say. I think it an exceedingly awkward one, and one which I could not support. I have no doubt but that the effect of its enactment into a law would be ruin to many branches of industry, while others could safely be reduced more than is provided for by the provisions of this bill. In voting to consider the bill I had no expectation that I could vote for the clauses providing for the horizontal reduction, and the discussion which has ensued has convinced me that my judgment was correct, and that the enactment of such a law would be fraught with serious mischief.

To accomplish the end of a reduction of the revenue I would propose

a further reduction in the tariff on sugar; I would add largely to the free-list articles which are classed as raw materials, such as jute, jute butts, manila hemp, sisal, tin plates, and a variety of articles which enter into the great manufacturing industries, as well as articles which enter into daily use but are not the product of our own country. By removing the duty on hemp and sisal, for instance, one of the heavy burdens resting upon the ship-building industry would be lifted and the product of our rope manufactories could be sold in foreign countries. The plan suggested would reduce revenue, help our manufactories, and would relieve the farmer and workman.

Mr. SKINNER, of New York. I yield to my colleague [Mr. SPRIGGS] for five minutes.

Mr. SPRIGGS. Mr. Chairman, I have no ambition to add to the tariff literature of our country over which Jefferson, Jackson, Madison, Clay, Calhoun, and Adams made their greatest, most exhaustive, and brilliant efforts. I desire only in the brief space allotted to me by my distinguished friend from New York to emphasize my action in regard to this bill.

The policy of legislation, or rather the most hopeful one to be adopted, is to legislate as little as possible, disturb affairs as little as may be, let all business pursuits bring things to an equipoise; as it is a practical truth that almost any law if stable is better than the everchanging and unstable.

I would encourage the vital interests of all our varied industries. I would so legislate as to protect the laboring classes of our countrymen, and at the same time I would not disturb or distract. I would not have the manufacturer crushed and driven from business. I would not legislate so as to destroy his capital or hush the busy hum of his machinery. I would not see our laborers crushed by forcing them into competition with pauper labor of foreign lands. Protect the poor from the rich, the weak from the strong, is the voice uttered to us all from the policy of that Government that rests upon the shoulders of her people as the sovereign whole in unity.

It is urged that we raise too much revenue. It may not be desirable to have surplus revenue unappropriated, still it is far from an oppressive evil. To seek a remedy which will crush out our manufacturing interests and bring our labor into competition with cheap labor of foreign countries would be a greater evil than that we seek to remove.

Better bear the ills we have than fly to others we know not of.

I am, therefore, for non-interference at present. Let business affairs settle down upon a system of quiet; or if adopted to laws of adjustment, not hastily or inconsiderately to be disturbed. At any rate, hasty legislation is too far from the advisable for me to approve at this time. There are no products of our own that can allow of free importations without affecting the labor that produced them.

Labor is the foundation of all business affairs; it is the power, wealth, and glory of our nation, and is the only true productive capital of any people. Moneyed capital is its auxiliary; they should go hand in hand; the rights of either are not to be ignored, nor one protected as against the just rights of the other. Tariffs affect more or less either and both, and hence the importance of great caution and study in adjusting them. The author of this bill should at least have been able to have said: "We have carefully considered this bill, and we are satisfied it is wise and will accomplish the needed reform." But instead of that he brings it to us with an apology and says a horizontal reduction "is not the most logical or best, but none other was practicable," and it is with this apology for his deformed bantling that he would send us before the people to excuse ourselves for disturbing the business interests of the country and alarming the laboring masses of our people in this unsettling of the untried laws not yet a year old.

This is of a character with the reasons given by the distinguished gentleman from Ohio for favoring this bill. He supports the bill because he believes it is in the interests of manufacturers and laborers. Nevertheless he said:

I have been surprised at the want of knowledge exhibited by manufacturers with whom I have talked upon this subject.

Again, speaking of the intelligent laborer of the country, he says:

I would the workers of this country would cease to hug to themselves the delusion that protection is a help to them.

Then we are told the intelligent, practical employer and the practical, common-sense employé neither understand their true interest.

As well might a distinguished advocate seek to win his cause before a jury by saying: "Gentlemen of the jury, I concede that the law and the evidence are against me in this case, but I invoke you to remember that you have nothing to do with the law, and I ask you to ignore the evidence; listen to my eloquence and my theory of what the facts ought to be, and I will convince you that I am entitled to your verdict."

I believe, Mr. Chairman, that the employer and the employed of this country know better in what their interests consist than the mere free-trade doctrinaire.

Such, briefly, are my views of the policy and principles by which my action should be governed on this bill.

Mr. SKINNER, of New York, addressed the committee. [See Appendix.]

Mr. MILLER, of Texas. Mr. Chairman, in our Constitution the jurisdiction and duties of all the departments of the Government are defined and limited. The power of each separate branch or department is limited to the expressed grants of power contained in it, or to those acts necessary to carry out powers expressly granted. By its terms all power not expressly granted to the General Government are reserved to the States or the people. This limitation is contained in the tenth amendment to the Constitution, which reads as follows:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

In connection with this, and as showing the design of the framers of our organic law to limit the powers of the General Government, I read the ninth amendment to the Constitution, as follows:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

As I construe this language it limits the power of Congress, as well as the executive and judicial departments of the Government, to certain and well-defined subjects of legislation, and limits its right to legislate upon the subjects committed to it to defined objects and purposes. I do not believe that under a proper construction of the Constitution Congress has unlimited power of legislation upon any subject unless power to do so is given it without restriction. Its powers are limited in legislating upon any subject by the expression of the purpose and object to be accomplished.

The framers of our organic law did not entertain the idea that Congress could by law create wealth and make itself self-supporting. They knew that in the carrying out of the powers committed to the General Government expenses would be incurred, and the money to pay these expenses was to be collected from the people who participated in the benefits it secured. And this power to raise money is contained in the eighth section of the first article:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but duties, imposts and excises shall be uniform throughout the United States.

The terms of this grant of power to raise money define and limit the purposes for which it is to be raised to three, namely: first, to pay the debt; second, to provide for the common defense; and third, the general welfare of the United States. As to the two first there is little room to enlarge them by construction; their meaning is plain and certain. In other sections of the Constitution the Federal Government is expressly given authority to incur debt, to declare war, to suppress insurrection, and to defend the country against foreign invasion. So these two phrases only give the Congress the power to raise money to meet the expenses necessarily incident to the carrying out of powers expressly granted by other sections of the Constitution, and are not independent grants of a new power. But when we come to the third clause, the general welfare, we are met by the claim that this is a new and independent grant of power, not limited to the carrying out of the other powers granted. To this doctrine I can not agree, and particularly to that broad and most dangerous construction of these words which claims that they give to to the Congress general power to raise money for any purpose that it may for the time consider necessary to the special welfare of particular sections or particular industries.

It is from this simple phrase that gentlemen upon the other side of the House base their claim that Congress has the constitutional right to levy a tribute upon the general public for the benefit of a particular class. It is under this clause that they claim the authority to lay import duties, in order to protect and build up our "infant industries," some of them now more than a century old, yet as clamorously asking for protection as they did in the days of Washington and Jefferson. Each and every species of class legislation, every grant of a monopoly to individuals or corporations, every dollar of the people's money that has been taken directly or indirectly for the benefit of the few and at the expense of the many, has been justified under this "general-welfare" clause of the Constitution.

Is it for the "general welfare" that we are asked to continue a system of protective duties, thereby piling up in our Treasury $100,000,000 annually for which we have no use, and which is over and above all the necessities of a sinking fund and the healthful payment of our public debt as it matures? Is it for the general welfare that we are asked to continue to exclude a healthy and legitimate competition from our commerce, and compel our people to pay a tribute averaging 43 per cent. above the real market price to certain favored interests by which fabulous fortunes are being more rapidly accumulated than ever before known in the world's history? Is it for the general welfare that the workingman is compelled to pay an American manufacturer $20 for a serge overcoat worth in Liverpool eight and one-half dollars? Is it for the general welfare that the poor man has to pay $3 for the wool hat which he can import at $1.50, and in about the same proportion for anything he wears? Is it for the general welfare that when the poor man sets about to build his humble cottage to shelter his wife and children, he must pay a royalty of 100 per cent. upon his nails, 18 per cent. upon his lumber, 60 per cent. upon his window-glass, 41 per cent. upon his linseed-oil, 54 per cent. upon his white lead, 25 per cent. upon his wall-paper and slate, and 14 per cent. upon his shingles, when little or none of these percentages and extra

costs go to the support of his Government? For it is only when consumption exceeds the home supply that the Government gets the benefit of the duty laid by the tariff act. So long as the home manufacturer can supply the home demand every retail dealer in his goods is a collector for him of these royalties laid upon consumption, and it is only when the foreign article comes into our custom-houses that the Government official gets the duty for Government use. All the rest goes to build up the splendid private fortunes of the protected industries.

But we are told by gentlemen on the other side of the House that the benefit to the general public from these protected industries consists in the fact that it enables them to pay better wages to their operatives and preserves American labor from competition with foreign labor. If this were true, which I shall hereafter try to show is not the fact, yet it could not be justified under the general-welfare clause, because, according to our last census, our total laboring population was 17,392,000 and of these only 2,739,000 were engaged in these protected pursuits; therefore it can not be for the "general welfare" that over 14,000,000 of laboring men are oppressed for the benefit of less than 3,000,000.

But these gentlemen say that these protected laborers are consumers of agricultural products and build up a home market for our farmers and give a better price for our agricultural products, and thus enable us to regulate the price of our agricultural products by a home market. In relation to that I read the statement made by Mr. Shearman before the Committee on Ways and Means:

The census shows that the entire products of American agriculture in 1880, including all that was consumed by the agriculturists themselves, was valued at $2,213,402,000; agricultural products exported in same year, $683,000,000; amount consumed at home, $1,530,402,000.

The total working population was 17,392,000, of which there were:

Farmers and farm laborers	7,670,000
Manufacturers, mechanics, and manufacturing workmen	2,739,000
Others	6,983,000
Total	17,392,900

Now, as one man eats about as much as another (especially if the first is a farmer), it is perfectly fair to assume that the consumption of agricultural products should be divided equally among all these persons; and, as there are at least as many persons to a family among farmers as among manufacturing workmen, it is not necessary to make any separate computation as to the families supported by the 17,392,000 working population. The agricultural produce of the country was, therefore, disposed of as follows:

Farmers consume of their own products	$673,372,000
Manufacturers and mechanics of all kinds	244,863,000
Other Americans	612,156,000
The foreign market	683,011,000
Total	2,213,402,000

Thus it appears that the much despised foreign market is worth nearly three times as much to the American farmer as all the manufacturing classes put together. But this is far from being the end of the matter. Deducting from the 2,700,000 persons reckoned as the manufacturing classes all the flour-makers, provision-packers, carpenters and builders, with hundreds of thousands more who are engaged in those kinds of manufacturing which never can be benefited by the protective system (except in the same way that it is supposed to benefit farmers, namely, by providing them custom among protected industries), it is an extravagant estimate to assume that there are as many as 700,000 persons employed in those branches of manufacturing which can possibly derive any benefit from a tariff. As this number amounts to only a trifle more than 4 per cent. of the whole working population, it follows that the entire class of protected manufacturers and mechanics furnished a market in 1880 for less than $62,000,000 of agricultural produce, while the much contemned foreigners provided a market for $683,000,000, or more than eleven times as much as all the protected classes put together.

In order to maintain this paltry market for $62,000,000 of his produce, the American farmer submits to an annual taxation which draws from the country not less than $100,000,000 in excess of anything which honest government requires, with an additional taxation of from $500,000,000 to $700,000,000 per annum in the excessive price of domestic manufactures, exacted for the sole purpose of enabling the manufacturer to pay to his workmen the same wages as the farmer does. Taking the lowest estimate of the amount thus annually paid, and of the proportion which farmers pay out of the whole, the annual expense to the farmers themselves of maintaining this market for $62,000,000 is not less than $250,000,000.

The price of agricultural products are in fact, as we all know, regulated by the foreign demand for our surplus.

It was necessary to show these absurdities of this claim of authority for a protective tariff in order to show what I think is the correct construction of the clause of the Constitution now under consideration. Those of us who deny the correctness of this latitudinarian construction of this Constitution hold that under the term "general welfare," properly construed, there was no substantive grant of independent power to raise money for any purpose, but that those words only grant power to raise money for the general welfare as defined and limited by all the other clauses in the Constitution. I hold that all and the only general welfare for which the Congress has the right to raise money is defined in other sections of the Constitution by express grants of power, just as the clauses to pay the debts and provide for the common defense are given powers in other sections.

In other words, the "general welfare" about which the Congress is given power to raise money is set out in the Constitution itself and limited to these and these only. There may be and are unquestionably a great many things absolutely essential to the general welfare which are not and never have been claimed as subjects of Federal legislation, such as the protection of life and property in the States and the due and proper administration of State laws. If Congress has the general power to legislate for the general welfare, it can raise money to pay the debts of the cities, counties, and States of the Union. It can raise money to build churches, to establish factories, schools, newspapers, art galleries, in the States as it now does in the District of Columbia. It seems to me, therefore, absolutely essential that the interpretation of this clause should not in any case be extended beyond the raising of money to carry out the powers granted in other sections of the Constitution, which define and limit the general welfare, about which Congress may legislate.

Again, while this clause has not, so far as I know, and in the nature of things can not be, the subject of judicial interpretation, yet cases arising under State laws have been the subject of judicial determination by our highest courts, and I shall briefly refer to a few of these as showing how this clause would also be construed.

The Supreme Court of the United States in the case of The Citizens' Savings and Loan Association of Cleveland *vs.* The City of Topeka (20 Wallace, R., 655), the question being the constitutionality of a law authorizing cities and towns to tax themselves in aid of manufactories, held (I quote from the syllabus of the opinion):

Among the limitations of the right to tax is that it can only be used in aid of a public object, an object which is within the purposes for which governments are established. It can not therefore be exercised in aid of enterprises strictly private or for the benefit of individuals, though in a collateral or remote way the local public may be benefited thereby.

Mr. Webster defines a tax as a rate or sum of money assessed upon the person or property of a citizen for the use of the State.

In Northern Liberties *vs.* St. John's Church (13 Pennsylvania State Reports, 104) Mr. Justice Coulter, in delivering the opinion of the court, said:

I think the common mind has everywhere taken in the understanding that taxes are a public imposition levied by the government for the purpose of carrying on the government in all its machinery and operations; that they are imposed for a public purpose.

Can it be said that duties levied upon imports to build up individual enterprise, to encourage and foster the particular industries of a few at the expense of the many, comes within these definitions of a tax? An import duty is a tax, and according to these learned and distinguished authorities it must be levied for a governmental purpose, and not to foster private enterprise, even though the public may remotely receive a benefit thereby.

Even if the terms "general welfare" are given the broadest signification, yet they can not be made broad enough to cover a protective tariff as defined by the gentleman from Massachusetts [Mr. RUSSELL], "Protection for the sake of protection." It can not be for the "general welfare" that the industries of the few are builded up at the expense of the consuming millions. It can not be for the "general welfare" that capital is protected and given illegitimate profits at the expense of the great body of the people who live by their daily labor. It can not be for the general welfare that by the operation of these tariff laws the rich are made richer day by day and the poor grow poorer as the years roll on. It can not be for the general welfare that production is limited to the supply of an exclusive market, and when a surplus is made that work stops, wages cease, and the idle workman becomes a tramp in the land. The great majority of our people are of that class who day by day earn wages to support themselves and their families, and every discriminating duty upon articles of their daily consumption but makes their burden harder to bear and their lives more and more cheerless and hopeless.

The farmer and his help must toil on from early morning until late at night, with no shelter from the summer's sun or winter's rain, and at last he must trust to the seasons and the good providence of the Almighty for his harvests. And yet no law protects him from competition with the world; his surplus products must be sold for what they will bring; there is no plea made to give him a market from which all competition is excluded. He can not shorten hours of work or limit his production; if he does, his children will go unclothed and unfed. But it is not in fact true that these protected industries pay any higher wages than is paid by unprotected industries in proportion to hours of work, skill, and capacity for production.

It is true that American artisans produce more in a given time than most other nations. It is true that American skilled labor is the best and most valuable skilled labor, and therefore most profitable to the employer; but it is not true that protection adds to his wages or gives him any better living.

It has been argued upon this floor that protection equalized itself because of the fact that if A used the articles made by B under protection he paid B a bonus for making it; but on the other hand B used in return articles made by A and paid him back the bonus in that way. In the mean time what becomes of the workmen who made these articles and the balance of the great body of consumers of the articles made by A and B? No equalizing processes come to them to return the bonus they have paid to A and to B; and thus in the name of the revenue A and B gather taxes into their private coffers and grow richer and richer, while the unprotected public grows poorer and poorer by reason of these illegal exactions.

The universal law is that the price of labor is regulated by the inexorable law of supply and demand. When there is little to be done and many seeking work labor will be at starvation prices, while on the other hand when there is much to be done and labor is scarce wages will be high. No amount of legislation, no tariff can be made so high as to change this law; both individuals and corporations do and will continue to act upon this law until the millennial dawn. They get the cheapest

labor that answers their purpose to be had in the market; and when, as with us, there is free intercourse between nations and peoples labor, like gold and commodities, will be imported and exported as is profitable to employers and employed. Labor is not protected. There is no law upon our statute-books which prohibits the foreign artisan or skilled laborer from coming to this country and engaging in any of these protected industries. There is no law to prevent the protected manufacturer from employing foreign operatives if they are willing to come here.

If wages were so much better here, as has been intimated on this floor, than in Europe, why is it that these foreign laborers do not come flocking here to better their condition? As a fact it is stated that foreign skilled artisans have come here and have gone again because the wages they had in Europe were really better than their wages here in its power to purchase comfort for their families. The workingman has no assurance that the next steamer from Europe will not bring a competitor for his place, and perhaps competition may be so sharp as to reduce the price of his labor, while protection takes nothing off the price of his living by reason of all this. His wages may be reduced by competition from abroad, but the price of his living can not be because of protection.

Protection, if it protects at all, does it by increasing the market price of protected articles, and thus increases the cost of those articles to the consumer. Probably 40,000,000 of the people of the United States are absolutely dependent upon the toil of muscle and brain of those who earn their living by the sweat of their brow. To them protection comes in the guise of giving them wages for work or a market for the fruits of their labor, while in fact it exacts from them 43 per cent. of their earnings, not to support their Government, but to build up the fortune of more favored citizens. To the workingman it means a reduction in the purchasing power of his wages; it means a decrease in his ability to support himself and his family, a decrease in his ability to lay up anything out of his earnings for old age and sickness or other misfortune; it means to him less of ability to educate his children and make them useful citizens.

In the beginning of our Government we were asked to protect our "infant industries" for just a little while and we will stand alone, and so it has gone on for a century, and still comes the cry, give us ten more years of protection and we can stand alone. One gentleman said England had six hundred years of protection to develop her industries, and so it goes on; like Oliver Twist, they still cry for more.

These protected industries are selfish as other people are, and desire to make all the profit they can with as little outlay as possible, and just so long as Congress will continue to give them a market for their wares, from which all real competition is excluded, they will continue to ask it.

If it be true, and I think it is, that where territory is given from which real competition is excluded, manufacturers having the privilege of this exclusive market will limit their production to the amount necessary to profitably supply this market and no more. In addition to this, protective tariffs increase the cost of most manufactures so as to prevent them from successful competition in the open markets of the world, and thus it diminishes the quantity of production, the demand for labor, and thereby the wages of labor. No one will deny that our skilled labor, our factory labor, is as good as any in the world, that our capacity for machinery is equal or better than any, and yet we are far behind in the amount and value of our manufacturing products exported to a market, and for the same reason that France and Germany are behind England and ahead of us. To show this, I refer to the statement prepared by Mr. Jacob Schoenhoff for the Committee on Ways and Means, as follows:

I take Germany and France, therefore, as examples. English wages are fully 50 per cent. above those of Germany, and on the average at least 30 per cent. above those of France. Besides, the English working week is one of fifty-six hours, while that of Germany is from sixty-six to seventy-two (often seventy-eight) hours, and that of France of seventy-two hours. Yet they all guard themselves by protective tariffs, not against their weaker rivals, but against the very country which pays the highest wages and has the shortest hours.

In cotton goods the imports and exports are:

Countries.	Imports.	Exports.
England	$12,000,000	$380,000,000
Germany (not containing yarns)		23,000,000
France (not containing yarns)	19,000,000	15,000,000

England's position in the commerce of the world in cotton goods is as follows:
Wages—From one-half to one-third higher than in any other European states.
Weekly hours—Fifty-six, against sixty-six and seventy-two on the continent.

English exports in cotton goods and yarns		$380,000,000
Germany exports in cotton goods and yarns	$21,000,000	
Germany exports in hosiery, &c	10,000,000	
France exports in cotton goods and yarns	19,000,000	
United States exports in cotton goods	13,000,000	
Holland exports in cotton goods and yarns	11,000,000	
Belgium exports in cotton goods	5,500,000	
Switzerland exports in cotton goods and yarns	10,000,000	
		90,000,000
Excess of English exports in cottons over the rest of the world		290,000,000

If we deduct the exports of yarns, because they are more than balanced by imports from England—nineteen millions—then we have $71,000,000 against $380,000,000. This is a striking illustration of the fallacy of the "pauper-labor theory" in the tariff.

Our factories are not worked to more than half their capacity. Our mines and forges are over half the time idle, to avoid overproduction, because we do not produce for the world's markets, but only for our own. The laborer who is idle has to feed and clothe his family, just as if he was working at fair wages. His life and his strength, which are his capital, are wasting away day by day without profit to him, while the employer's capital remains intact. He only loses interest by its lying idle, when but for protection our manufacturers would have to depend upon the markets of the world and sell in competition with the world; they would run their machinery to the full capacity, they would work full time, make larger quantities of their fabrics at a smaller profit, in order to realize the income which they now get from limited production, and this would give more employment to labor, increase the demand for it, and thus increase wages.

It is a grand mistake to suppose that the cheapest labor is the most profitable. On the contrary, skilled labor which produces most in a given time gets the best price and is the most profitable to employers. Pauper labor and cheap labor is the worst labor and least profitable; it does not and can not compete with skilled or high-priced labor, as has been so fully shown in statements make upon this floor that it is unnecessary for me to repeat them.

Nor is it true, as seems to be assumed upon the other side in this debate, that the price of labor is governed by either the price of or profit upon the article made, but is governed, as I have stated before, by the law of supply and demand.

As an evidence of this I am told that in certain steel-rail works in this country when the price of steel rails was $56 per ton wages for certain laborers were $2 per day. Afterward the price of steel rails was reduced to $40 per ton, but the wages of these same workmen had advanced to $3 per day.

The protective system is not fair to our agricultural population. The surplus of agricultural production is of a character that it can not be long held from market. If more is made than will supply home consumption it must be exported and sold for whatever it will bring, and the price of the whole crop is regulated by the foreign demand. The prices of the cotton, corn, hog product, beef, &c., are regulated really by the foreign market, where it has to compete with the productions of the world. The wheat crop in India has reduced the price of wheat in Chicago to 80 cents per bushel. The cotton crop of Egypt regulates in a great measure the price of cotton in New York, because they come in open competition in the world's markets.

On the other hand, the agriculturist, when he comes to purchase supplies, must go into a market from which all reasonable competition is excluded. If he desires to buy English goods he has to pay freight and tariff in addition to original cost, which practically compels him to purchase from the American manufacturer at a much larger price than he would have to pay in an open market. Thus he is compelled to sell his produce in the cheapest market, because he competes with all the world, and to buy his supplies in the most expensive one, because competition is excluded. And it has only been that our farmers have been able to sustain themselves in this unequal contest by reason of their energy and industry and the natural fertility of our soil.

If the principle of protection is correct, then the Chinese were statesmen and philosophers when they built their wall to prevent communication with the world. Statutes levying taxes and imports just as effectually exclude the world's productions from our country as did the Chinese wall exclude them from China. Legal walls and statutory prohibitions are more powerful than walls of stone and mortar to keep out commerce.

We have heard much of the decadence of American shipping on the floor of this House, and had many touching appeals to our patriotism to relieve our shipping industries, to build up our Navy and our merchant marine, from the other side of this House, and yet when we have clearly pointed out to them the cause of this to be excessive tariff imports they affect not to believe it.

In the literary bureaus for the diffusion of high-tariff ideas, which we call Departments, among the many arguments printed for circulation at the expense of the Government I find the following statement from Mr. Consul Crawford in reference to the effects of the protective policy in Canada upon its shipping interest:

EFFECTS OF THE PROTECTIVE POLICY.

Previous to the adoption of the national policy Canada was almost entirely an agricultural country. The surplus capital sought an investment, and in this, as in all other countries, it sought that which would pay the greatest percentage of profits. In the absence of protection manufacturing industries offered no inducements. Manufactured goods were furnished by England and the United States at prices with which she could not compete.

The Dominion Government followed the example of England in regard to trade and also the policy of granting subsidies to aid in building up and maintaining her commerce. She held out such inducements to capital that the surplus wealth was largely invested in ships and shipping until she stands fourth in rank of commercial nations.

The adoption of the national protective policy in 1878 has had the tendency to turn capital into other channels. Under the fostering care of protection manufactures sprang up all over the Dominion, immense profits were realized, and the manufacturing industries are fast absorbing the surplus capital of the country and drawing large amounts from the outside world. The result of this can not be otherwise than (in spite of subsidies) the decline of her commerce; less numbers of vessels will be built, and the same complaint that is made in the United States will be heard.

The tonnage of vessels built, registered, and entered inwards and outwards, inclusive of coasting vessels, in 1883 is as follows: Tonnage built, 73,576; tonnage registered, 78,229; tonnage entered inwards and outwards, 13,770,735. The quantity of freight handled by the last-named vessels was 3,971,393 tons' weight, and number of crews, 537,668.

Of these vessels which entered the Dominion ports 2,680 bore the United States flag and 7,305 the British flag; 635 were Norwegian and Swedish, 46 were French, and the remainder, 10,781, were distributed among other nationalities. Number of sailing vessels 8,138, and of steamers 2,593.

The number of vessels employed in the coasting trade of Canada, as shown by the arrivals in port, is 38,244, of which 38,085 are British and 158 foreign.

The total tonnage is 8,056,736, and crews numbered 369,524. Of these vessels 17,782 were steamers and 20,462 sailing vessels.

Ships, old or new, sold to other countries numbered 44; tonnage, 23,896; value, $506,538.

From this statement it will be seen that in Canada as in this country like causes produce like effects. Up to 1878 Canada, small in population and wealth, had become fourth in the nations in the amount of her tonnage. Yet since she adopted a protective tariff, in 1878, she is rapidly losing her merchant marine, just as we under a revenue tariff had a merchant marine and a gallant navy. Now, after twenty years, we have no sailors and no ships to carry our merchandise, and no men-of-war to carry our admirals, commanders, and captains out to sea. We are only able to carry them on the pay-rolls of our naval establishment. We have also the pleasure of knowing that we have John Roach & Co.; that we have had a Secretary of the Navy, Mr. Robeson, and that some hundreds of millions of dollars have been appropriated to build war vessels with no results to show for it.

The President recommends a reduction in the revenues so that we may not take from the people more money than is necessary for governmental purposes. Gentlemen on the Republican side of the House propose to do this by increasing the protected features of the tariff and thus prevent importation of goods, which in effect may reduce the revenues of the Government, but will not reduce the burdens of taxation upon the people. It will simply add more of the people's money to the capital and profits of the protected industries. Some on this side of the House propose to repeal the internal-revenue laws; in effect to relieve the consumers of whisky and tobacco from taxes and place the burdens of supporting the Government upon woolens, iron, salt, coal, and all other necessaries of life. People can live without whisky or tobacco, but can not live without clothes, iron, tools, and something to eat.

We propose to reduce the revenue by reducing the revenues from the tariff one-fifth, thus reducing the burdens of the people upon the necessaries of life, thus reducing the cost of living to the great body of the people.

From the foregoing illustrations of its workings I conclude that a protective tariff is not for the general welfare of the United States; that it is not a tax laid for a public purpose, and is therefore unconstitutional.

Mr. NEECE. Mr. Chairman, we are confronted with the Treasury of the United States filled to the overflowing. The report of the Secretary of the Treasury April 30, 1884, shows a surplus of $152,652,973.75. We see by reference to the Bureau of Statistics that there has been a gradual increase in the Treasury for the last nine months, and at the same time there has been a rapid payment of the public debt. The decrease of the public debt since June 30, 1883, is $65,007,487.62. The payment of the public debt in the month of April just passed was $11,958,003.94.

Notwithstanding this rapid payment of the public debt, we see the rapid increase in the Treasury. Where does this money come from? There is but one answer: it comes from taxes collected by the various modes of the Government, which are paid by the people of the United States, not in proportion to what each tax-payer is worth, but upon what each person consumes. The family that is worth comparatively nothing, if provided with the comforts of life, pays as much of this tax in actual dollars and cents as the family who are worth their thousands. We are told by the opponents of the Morrison bill that the present rate of high taxation must be kept up in order to protect the poor—to protect labor, as they put it—a very good thing if true, the truth of which is not sustained by the facts and circumstances, which I shall notice further on.

First, as to the necessity of the present high rate of taxation. It is an admitted fact by all that there is more money in the Treasury than is needed for the wants of the Government. No one denies that proposition. No one denies the fact that at the present rate of taxation money will continue to flow into the Treasury faster than is or will be needed for the legitimate wants of the Government. I have before me the estimates of the Secretary of the Treasury of the amount of money necessary to run the Government for the fiscal year 1885. The Secretary is a very modest gentleman, but I never heard of an instance where the estimated receipts were too high or the expenditures too low. It has been the custom of both Republican and Democratic Congresses to make the appropriations considerably under these estimates. Here is the report:

The Secretary of the Treasury in his estimate of receipts for 1885 places them at $343,000,000 and the expenditures at $283,125,304.93, including the sinking fund, or an estimated surplus of $59,874,695.05. Excluding the sinking fund the estimated expenditures will be $236,855,548, showing a surplus of $106,144,452. Assuming that Congress will continue to comply with the law in relation to the sinking fund, we will be collecting from taxation $59,874,695.05 more than it is estimated we need for the Government. The revenues of this fiscal year are thus estimated on the basis of existing laws by the Secretary of the Treasury:

From customs	$195,000,000
From internal-revenue	120,000,000
From sales of public lands	8,000,000
From tax on circulation of national banks	3,000,000
From repayment of interest and sinking fund, Pacific railway companies	2,000,000
From customs fees, fines, penalties, &c	1,200,000
From fees—consular, letters patent, and lands	3,300,000
From proceeds of sales of Government property	300,000
From profits on coinage, &c	4,000,000
From deposits for surveying public lands	500,000
From revenues of the District of Columbia	1,900,000
From miscellaneous sources	3,800,000
Total estimated ordinary receipts	343,000,000

It appears that from customs we will get $195,000,000; from internal-revenue, $120,000,000; from both, $315,000,000; and from all other sources, $28,000,000.

Making the usual deductions that both Republican and Democratic Congresses have heretofore made, we will have for the year 1885 a surplus in the Treasury of at least $100,000,000 over and above what is needed or required for the legitimate needs of the Government. Say that we appropriate every dollar that is asked for by the Secretary of the Treasury and the various Departments of the Government, yet we have the enormous sum of $59,874,695.05 of the people's money, taken from them against their consent, placed out of circulation, not needed by the Government for any legitimate purpose, locked up in the Treasury, or supposed to be.

How are we to justify the continuance of this large surplus in the Treasury with the certainty before our eyes that the surplus is to increase month after month and year after year? To my mind it is a dangerous state of affairs, both as to the moral and financial condition of the country, if this drain upon the people's money is allowed to continue. A scarcity of money among the people is inevitable. "The stream though small will exhaust the fountain, although it be ever so large." The danger to the moral condition of the country is in the enormous amount of money in the Treasury idle. It is a great inducement to misapplication, extravagance upon the part of those who have the management of the Government under their control. Lavish appropriations will be asked for and granted, simply because the money is in the Treasury idle. Appropriations will be made for hundreds of things that ought not to be, simply in order to get the money out of the Treasury. The people's money will be spent with a lavish hand.

And lastly, the great inducement to theft and fraud, for which it seems from recent experience the Government has no remedy in court. The remedies in recent cases have proven to be worse than the disease. Now, if this money could be applied to the payment of the public debt or appropriated for any legitimate purpose for which the interest of the whole people could be benefited I would say "amen." But to maintain a higher rate of taxation than is required for the purpose of raising necessary revenue for the legitimate wants of the Government in my judgment is a crime. The theory that by law you can or ought to take the earnings of one person and without compensation or his consent transfer it to another can not be upheld upon any principle of right or justice. It violates every principle of equity.

Here is the theory (the Ohio theory): a man of means not desiring to go into the more active pursuits invests his money in cheap lands, hillsides, and valleys, and having heard the oft-repeated false theory that sheep will live upon brush and without other food, without labor, and return to the owner a large profit upon his investment, he invests largely in sheep, to learn in a short time that sheep-raising, like other industries, in order to make it profitable requires skill, perseverance, and close attention. Instead of adopting skill and energy like the farmer that raises horses, cattle, hogs, and grain to sell in the markets of the world without any protection only such as the laws of supply and demand afford him, he appeals to Congress to make good his mistake in his attempted speculation. Finding Congress not a very ready listener to his wants, he then appeals to the ring of protectionists to allow him to become one of protection's most exalted members. And after receiving his first lesson he returns and says: "I ask protection in the name of labor. We wool-growers in Ohio must have protection against the pauper laborers of England. You farmers who raise cattle, swine, and grain, and send it broadcast into the world to find a market without any protection, after contributing your mite to save us, can do the best you can for yourselves; the small pittance we exact off of you is very small to make our bad speculation good."

For this we propose to deliver our votes to protect other monopolies, and they are to give us protection, all to be an additional burden upon the other unprotected industries of the United States, and to bear most heavily upon the very class in whose name we received the donation, because at last the increased price, if any, is paid by the consumer. The laborer who clothes his family and himself pays it all at last with interest, and those who wear the cheaper grade of clothing pay more than those who wear the better grade. Examining the schedules, you will see that the tax on the coarse grades of woolen goods are much higher in proportion than the finer grades.

I am in favor of a tariff for revenue; that far have we a right to go, and no farther. I would be opposed to disturbing the present tariff if it was not so apparent that the revenues were so greatly in excess of the

necessities of the Government. Such is the fact, and we must meet it. Let us do our duty. Certainly we ought not to be afraid to do our duty, and in the discharge of our duty patriotism ought to be greater than avarice. Selfishness ought not to overbalance our judgment, but in the adjustment of the tariff after determining the amount of money necessary to be raised it ought to be so adjusted as to give the greatest possible protection to labor, and to encourage the investment of capital in manufactories and other industries.

A tariff beyond the requirements of the Government in many instances acts as a prohibition to commerce and, in fact, destroys commerce, breaks down the industries of the country, and instead of protecting labor it impoverishes and robs it. Take, for instance, the present protective tariff made for the necessities of war, but continued nineteen years in peace, and what has been the effect upon our commerce, upon our shipping interests? The Stars and Stripes have ceased to be a common thing upon the high seas, our merchant marine has been compelled to give way to the ships of foreign nations; our sailors and seamen have been driven into the mines and shops, thereby destroying one of the greatest industries in the world, instead of having hundreds of thousands of our people happily employed in the shipping business, who would have been proud to protect the American commerce and make it respected among the nations of the earth.

We have taken a different course; we have killed the goose to get the golden egg. Our carrying trade upon the seas has been transferred to foreigners. Year by year has our commerce been withering, until to-day it is a thing of the past. Here is a table:

Among the details furnished by the report from the Bureau of Statistics upon the commerce and navigation of the United States for 1883 are those relating to the ship-building of the country.

The comparison made by this showing with that of other years is presented in the following table. It gives the total number and tonnage of vessels of all classes, both sail and steam, built in the United States in the years stated:

Year.	Number.	Tonnage.
1874	2,147	432,725
1875	1,301	297,638
1876	1,112	203,585
1877	1,029	176,591
1878	1,258	235,503
1879	1,132	193,030
1880	902	157,409

The whole number of iron vessels built in the United States in 1883 was thirty-five, of which only one was a sailing vessel. These were nearly all built at the yards along the Delaware—twenty-three at Philadelphia and Chester, eight at Wilmington—the others coming, one from Baltimore, one from Buffalo, and two from New York.

This table makes a stronger argument than I can make. It shows a gradual decrease in the number of our ships, a fearful shrinkage in their tonnage capacity; and, Mr. Chairman, a gradual diminution of merchant marine can be traced by the statistics from 1866 to the present time. Is not this the result of protection? If not, then some gentleman please explain, for there is something fearfully wrong somewhere. Our carrying trade on the high seas is dead. I charge it to be the legitimate effect of the protective tariff. No American wishes to go into the carrying business upon the seas, for the reason that our commerce among foreign nations is destroyed. He may load his ship in the harbor at Baltimore or Philadelphia and deliver it at London and the cargo may be sold for a reasonable price, no tariff being charged or exacted by the British Government. How is it with his cargo that he gets in London to return? When he reaches his home he finds his cargo is taxed, if it be woolen goods, all the way from 40 to over 100 per cent.

This great difference of the tariff between the two nations works greatly to our disadvantage. The American ship must return home empty or else bring a load of unprofitable merchandise. The Englishman living in London can load his ship with the goods and wares of his country, deliver them in Canada, and dispose of his cargo free of tariff, drop his ship down to Boston or New York, and there take on a cargo of our grain or pork, and return home carrying an untaxed cargo each way. To my mind it is no wonder we have no merchant marine, notwithstanding we have more natural advantages for ship-building and ship-owning than any nation on the face of the earth. We have more educated mechanics, more material necessary for ship-building. We have the timber, iron, copper, and coal, and can feed our mechanics cheaper and better than any country under the sun.

Why not go upon the high seas and compete with all the nations of the earth for this carrying trade? Why not have hundreds of thousands of our people engaged in this industry? It is because our men of capital have invested in manufactories, and instead of depending on their energies, skill, and science in their business, they have hired lobbies, and from year to year hang around the halls of Congress to get legislation so that they can enrich themselves at the expense of their customers, and they can not help themselves, and all this they ask in the name of labor—a cheat and deception. Look at the persons operating coal-mines in Pennsylvania importing foreign labor to operate their mines in order to force down the labor of their own citizens.

Look at the glass manufacturers in Ohio importing foreign labor in order to break down the wages of their own citizens. Look at the nail manufacturers in the United States combined as one body, and when it is necessary in order not to have a surplus that will affect the market one institution is ordered to stop operation, the employés are discharged or suspended without pay, while the owner receives his regular profits as though his mill was running. They point how anxious they are to protect labor; everything is done in the name of labor; yet the money or bounty pretended to be given to labor must first pass through the hands of the persons who control these institutions, and of the magnificent bounties bestowed to labor they pay to the laborers just that portion that the monopolists do not want. If we are to keep up this high rate of taxation for the benefit of labor, let us change the laws so that the money will go direct to the laborer. Let us not have any humbuggery about it, no middlemen, no guardians without security to handle the bounty for the laborer; he is competent to handle it for himself; if it is his, give it to him, not to a trustee.

Let us see how this tariff is adjusted. Is there a laborer or his employer in the State of Illinois who derives any benefit from the present tariff? We have manufacturers of agricultural implements who use iron and steel in their business, all of which is made dearer by the operation of the tariff. They use lumber of various kinds made higher by the operation of the tariff. The clothes upon the backs of every mechanic, laborer, and their families are made dearer by the operation of the tariff. If he is a manufacturer of wagons the pine lumber necessary for the wagon is taxed from two to three dollars per thousand. The article, whether it be a plow or a wagon, is increased in price by the operation of the tariff. This increase of price—does it benefit the mechanic or laborer whose labor produced the article? Not one cent.

The increased cost in producing the article is placed upon the article when it is put upon the market. The consumer has it to pay in the end, and the article being unavoidably high the consumer economizes all he can, often refraining from purchasing when it is necessary for him to do so, on account of the cost, greatly to the disadvantage of the manufacturer, mechanic, laborer, and purchaser, whose interests are identical, for when the farmer who purchases these farm utensils flourishes the manufacturer reaps a portion of the benefit in increased sales, at fair prices, and in return the mechanic reaps his share of the benefit by the increased demand for his labor. Then whatever prospers agriculture in our country redounds to the benefit of both manufacturer, mechanic, and laborer.

When the farmer is prosperous, then the merchant, mechanic, laborer, and professional man are prosperous, and whatever depresses agriculture injures every person, let his avocation be what it may. We are one people in interest; the law should be made for the benefit of all; it should have its foundation in justice; it ought not to be made for the benefit of one class to the injury of another; the earnings of one class ought not to be taken for the benefit of another without just compensation. The laws ought not to be so adjusted that any one class would have to bear all the burdens of the Government, but each person should pay tax to support the Government in accordance with his ability to pay; no selfish motive should influence our action; every citizen ought to feel that he is to enjoy equal rights under the law.

This bill is not bound to pass in its present shape; you can amend it to your satisfaction; but there is no sincerity in complaining of this bill and at the same time neglecting to offer a better one.

Let us see how the present tariff affects the people of my State, who are largely engaged in farming. Do the farmers of Illinois get any benefit from overtaxation, or what you style protection? Do the laborers on the farm, who to-day are working for less wages than any other class, get any benefit from this system? I think not. Here is a table furnished by the Bureau of Statistics:

The proportions of exports by classes of industry for the past two years are as follows:

Products of—	1882.		1883.	
	Value.	Per cent. of total.	Value.	Per cent. of total.
Agriculture	$552,219,819	75.31	$619,269,449	77.00
Manufactures	103,132,481	14.07	111,890,001	13.91
Mining (including mineral oils)	56,278,887	7.67	51,444,857	6.40
Forestry	9,138,934	1.25	9,976,143	1.24
The fisheries	6,197,752	.85	6,276,375	.78
All other commodities	6,271,859	.85	5,366,807	.67
Total	733,239,732	100.00	804,223,632	100.00

This table shows that we exported from the United States during the year 1883, $804,223,632, and that 77 per cent. of that amount was the product of agriculture. This product is shipped abroad to find a market. It is sold in the markets of the world without protection for the best price the owner can get; that is not all, the foreign market determines the price at home. The census of 1880 shows that 43.7 per cent. of the persons engaged in labor in Illinois are agriculturists, while in Pennsylvania only 30.7 of the labor of that State are agriculturists; in Maine only 20.4 are agriculturists. Neither of the two last States im-

port scarcely anything; in Maine—the late census shows that Maine in the year 1880 raised substantially 8,000,000 bushels of potatoes; she finds a home market for her potatoes; there is a tax on potatoes of 15 cents a bushel, which has an effect of keeping the Canadian out of the markets of Boston and New York; the Maine man is protected against the Illinois farmer by 1,500 miles of railroad, while the Wisconsin lumber-dealer is protected from $2 to $3 per 1,000 against the Canadian, although he, with impunity, hires the Canadian to chop his logs and raft them—no tax on hiring Canadians to come into this country to work. Louisiana is protected on her sugar; the New England States upon their woolen manufactures; Pennsylvania upon her iron production; Illinois is by the present tariff compelled to purchase of all of those protected States and submit to the enhanced price, although she could purchase cheaper elsewhere if permitted, while she is compelled to ship her products, as the above table shows, to foreign countries to find a market. Just in proportion as the above table shows that the agriculturist has been compelled to go to foreign markets with her product, just in that proportion is she and all the mechanics and laborers depending upon agriculture for employment cheated by the present tariff. Agriculture forced into foreign markets with 77 per cent. of her products, while manufacturers only have to export 13.91 per cent. of their products; and all the manufacturers of the Western States who export their products are cheated in the same proportion as the farmer. We have given away millions of acres of our pineries, and now we are taxing the farmers of Illinois to give the recipients of the great donations already bestowed upon them additional bounties. To-day we are giving away the public lands to encourage timber-raising, and at the same time paying a bounty to destroy the forests of this country.

What will be the result if this bill is defeated? The revenues must be reduced—every one knows that. The next move upon the part of the protectionists is to repeal the tax upon whisky and tobacco; there is no disguising their design. They seem to prefer cheap whisky and dear sugar. The proposition is to keep the tax up upon the necessaries of life, upon the articles which the poor are compelled to have, and to reduce it upon luxuries. This is a struggle to take the tax off of whisky and place it upon the clothing and other necessaries of life. I prefer to let the tax remain upon whisky and reduce it upon the clothing that rich and poor are compelled to have.

The following extract is taken from a document issued by the representatives of the Louisiana protected industries, and dated New Orleans, March 12, 1884, and I suppose a copy has been furnished every member upon this floor. It seems that Judge Taylor was sent by that society to look after the sugar interests. Here is the extract taken from that document:

We urged upon them the absolute necessity, as we understood it, of combination. They answered this argument by saying that the question of putting sugar on the free-list was a mere question of time, and that they would advise the Louisiana planters to prepare for it and go into some other business.

We saw many members of Congress from different sections of the country, belonging to both political parties, and the expression of opinion by those who are called protectionists in regard to Louisiana interests was this: that Louisiana was knocking at the doors of Congress for protection for one industry, but she was averse to giving protection to other industries; that it was nonsense to talk about protecting sugar if the manufactures and other industries of the United States were not protected.

Mr. KELLEY said he was looked upon as the father of the protection movement, and that he was in favor of protecting sugar and would stand by it as long as he could; but that if Louisiana Representatives voted to place everything else either on the reduced list of tariff duties or the free-list, that so far as he was concerned, if it became necessary, he was willing to sacrifice sugar. He said an argument could be made against sugar which was more taking with the people of the North than that in regard to any other article, because sugar went into the mouth of every man, woman, and child. He further stated that by combination the passage of the Morrison bill could be prevented, and that it would result in the adoption of some policy by which the industries of the whole Union could be protected.

We found it very difficult to get members to talk on the tariff question and this Morrison bill. There were some people who appeared willing to give us a bounty. We said we did not wish a bounty, but desired to be placed on the same basis as other industries which were protected.

This extract shows the means by which votes are to be secured to defeat the Morrison bill.

I will publish with my remarks a letter I have received from a lumber company signed by themselves and their attorney, which shows that they regard it necessary to employ an attorney to look after their interests before Congress, and it also shows how small they regard 10 per cent. when taken out of the pockets of the consumer, but what a tremendous large thing it is when it is to be omitted from the bounties taken from the consumer and transferred to them without consideration:

TONAWANDA, N. Y., *March* 11, 1884.

DEAR SIR: We notice the progress of the Morrison tariff bill in Congress, and observe that lumber is therein placed upon the free-list. As business men, and in a position to know thoroughly whereof we speak, we beg to bring to your careful consideration several reasons why the bill in its present shape, as regards lumber, should not pass:

First. Everything necessary to produce lumber in Canada is at least 25 per cent. cheaper than in the United States.

Second. Three hundred million dollars and 1,000,000 men are engaged in the business, and a tariff reduction if made would be a direct blow at both the labor and capital therein represented.

Third. The average value of lumber to the consumer may be placed at, say, $20 per thousand. The present duty of $2 per thousand is therefore only 10 per cent., and probably nine-tenths of the people who use lumber are people above the laboring classes; the duty is not in any sense a burden upon the community.

Fourth. The Canadian lumber mills being situated nearer the Eastern States than the mills of the producing pine regions of the United States they have an advantage in the item of freights of at least one-half of the present duty, and if such duty was removed it would give to the Canadians control of the markets of the Eastern States, whither their product is most largely imported, so that the present rate of duty is absolutely necessary in order that Western pine lumber may be shipped to Eastern markets.

Fifth. Careful estimates by practical lumbermen show that there is enough standing timber in the States of Michigan and Wisconsin to last fifty years, thus showing the Government's Foresty Bulletins to be entirely erroneous.

Sixth. There can not possibly be any scarcity of lumber for a century after every tree has been cut in Michigan and Wisconsin, for the reason that there are larger tracts of yellow pine in the Southern States than ever existed of white pine in the Northern States. This can all be used where white pine is now used, and the duty on lumber should be retained, so that the Southern States may have the benefit of Northern capital to develop this vast industry, which will not be done for years if Canadian lumber is admitted free.

Seventh. Consider the difference it will make to the States having these large tracts of yellow pine—Mississippi, Georgia, Florida, Louisiana, Arkansas, Missouri, and North and South Carolina—whether they are developed or left comparatively untouched, as they certainly will be for years if Canadian lumber comes in free of duty.

We certainly hope you will use your influence and vote to prevent the consummation of such a glaring injustice to this large industry, as would be involved in the removal of the present lumber tariff.

Very truly, yours,

GRATWICK, SMITH & FRYER LUMBER CO.
ERASTUS CORNING, *Attorney.*

Hon. WILLIAM H. NEECE,
Washington, D. C.

Mr. BRECKINRIDGE addressed the committee. [See Appendix.]

Mr. OATES. Mr. Chairman, it is difficult if not impossible to say anything new upon the tariff. The first law enacted upon the subject in this country was in the year 1789, immediately after the ratification of the Constitution, and during the ninety-five succeeding years the tariff has been in American politics and policy a great economic question, and the most fruitful theme for learned essays and eloquent discourses. The collection and disbursement of its revenues are the most complicated, difficult, and dangerous functions which this or any other government has to perform.

Difficult, in laying taxes and duties fairly and honestly so that there shall be no unjust discriminations or exactions upon persons or classes; complicated, because many things in conflict require careful consideration to produce harmonious action; and dangerous, because nothing begets greater distrust or sooner destroys the confidence of the citizen in the Government than to feel that he is compelled to contribute unduly to its support, or that when the exactions are just and reasonable his contribution is diverted from the purposes for which he paid it into the Treasury and stolen or converted into a jobbery fund, or applied to some purpose foreign to that for which the Government was ordained and established. No people ever felt more keenly or suffered more flagrant outrages of this character than the white people, the property-owners of my own and other Southern States, during the carpet-bag and negro domination of the reconstruction era.

The spoliation was complete. They stole everything that could be transported and mortgaged the immovables. The people have not forgotten the misgovernment which robbed them then through State action, upheld by Federal bayonets.

The patience and submissiveness with which the people of the United States have endured the inequalities and iniquities of the tariff and internal-revenue laws is marvelous, and proves, if proof were wanting, the patriotism and self-sacrificing disposition of the worst abused and least complaining—the agricultural class—of our population. But, sir, it is not my purpose to enter upon a general discussion of the question, nor to present in detail the various arguments pertaining to it. I shall content myself at this time with a simple statement of facts and conclusions.

It is unnecessary to have recourse to the history of tariff legislation and discussion abroad. All the learning upon the subject throughout the world has at some time in our history been brought forward and utilized in the debates of this House or the other end of the Capitol; and much that is useful, but more that is confusing and mischievous, has gone to the country. I shall not invoke precedents from other countries, since we have a sufficiency in our own, and for the better reason also that the Government of the United States is different from every other in the world, differently situated and surrounded, which modifies the force of foreign precedents and renders them unimportant except as mere abstract information. I shall not present tables of statistics to encumber the RECORD and fill out to respectable length what I may not be able otherwise to say. Figures tell the truth if they do not lie; and statistics, like speculative science, yield a larger dividend to the amount of capital invested than any other enterprise known to mortals.

The taxing or revenue power of the United States is found in section 8 of article 1 of the Constitution, which declares that—

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

"Imposts and excises" are the two sources from which the Government derives the bulk of its revenues. From imposts or tariff duties, under the existing law, there will be paid into the Treasury during the present fiscal year about $200,000,000.

From excises or internal-revenue taxes the Treasury will receive during the same period something over one hundred millions. These amounts, with the income from the Post-Office, sale of public lands, and other sources, will, after defraying the current expenses of the Government, including the large appropriation for pensions, leave in the Treasury a surplus annually of from $50,000,000 to $100,000,000. Now, what shall be done with this redundant revenue? There are three ways in which we can dispose of it:

1. We can spend it. But this leads to profligate, extravagant, and perhaps corrupt or unconstitutional and mischievous legislation.

2. We can pay it on the national debt. That is better, but difficulties are there encountered. Only about $254,000,000 of the bonds of the Government, bearing 3 per cent. interest, are now subject to call on thirty days' previous notice. When these are paid the next class to mature are the 4½ per cents, September 1, 1891, by which time a more than sufficient surplus will have accumulated to discharge the whole $250,000,000 of that class. And the only remaining class of bonds then would be the 4 per cent. consuls, which are not payable until the year 1907.

The best economy for States and individuals is to stop the running of interest against them. Millions of dollars would thereby be saved to the people. Interest is the great factor in the solution of financial problems. The stream, though small, will in time exhaust the capacious reservoir at its source, while the receptacle of its accumulated flow will float a palace of wealth.

But there is another side to the question of immediate extinguishment of the public debt. The people of this generation have borne burdens enough. Henceforth lift from their shoulders every burden possible. They will leave to those who succeed them the most magnificent and the wealthiest country in the world, with all the blessings that man in this life is capable of enjoying.

Mr. Chairman, I shall during my service here on all occasions when an opportunity is presented cast my vote to relieve the people of every tax or other burden now imposed upon them beyond the requirements of an economical administration of the Government.

The operation of the sinking fund, and the probable surplus in any event, will gradually extinguish the public debt without imposing greater burdens upon the overtaxed people. The Republican party of Pennsylvania and elsewhere, including, in newspaper phrase, "the Plumed Knight of Maine," advocate the distribution of the surplus among the States. This is inexpedient and expensive, if not impracticable and unconstitutional. But little or none of it would ever be returned to the pockets of the people from whom it was drawn. In the language of Andrew Jaekson in his last annual message I say that—

> The safest and simplest mode of obviating all the difficulties which have been mentioned is to collect only revenue enough to meet the wants of the Government and let the people keep the balance of their proporty in their hands to be used for their own benefit.

Thus we see from every consideration that the true measure of justice to the people is to reduce taxation until that point is reached to which the absolute necessities of the Government fix a limit.

All the Democrats upon this floor, Mr. Chairman, if I am not egregiously mistaken, are in favor of reducing taxation. If I am misinformed—if there be a Democrat here who is opposed to a reduction of taxation, let him put on whatever manhood he possesses and rise in his place now and speak out and let the country as well as the members of this House know who he is; and the places which know him now will after November next know him no more forever.

All, I am happy to know, are in favor of reducing taxation; but just here a divergence begins. Just here, unhappily, begins another trouble. How shall that reduction be made? Reduction! All agreed; but how, when, and where divide us.

The Pennsylvania Democrats, and in fact all who favor the protective policy, advocate the abolition of the internal-revenue system and oppose agitation of the tariff at this time. The abolition of that system would unquestionably relieve against a redundant revenue, and would probably create a deficiency. That system was not too severely characterized by the gentleman from Pennsylvania [Mr. KELLEY] when he called it "an infernal system," and the people of the country would rejoice to see it wiped out, and the army of political spies and informers, who have grown fat on official plunder, disbanded and sent to honest vocations for a livelihood. The excise is now collected, I believe, but from three articles—distilled spirits, tobacco, and bank circulation.

The people, with some few exceptions, care nothing about the repeal of these taxes. There has always been discrimination against liquors and tobacco. Nearly or quite all the States thus discriminate in their license laws. I do not believe that the people of Alabama object to the taxes on liquors and tobacco provided the same were collected by some more simple and less offensive method. These are in their nature luxuries, and bad luxuries at best. I would not deny to the people the use of either, for I am opposed to sumptuary laws and believe in allowing the largest possible liberty to the citizen. But who would not prefer that his whisky be taxed rather than his salt? The one is a luxury, the other a necessity. No farmer, merchant, mechanic, or laborer can hesitate to choose between a reduction of taxation upon his food, his clothing, and implements of industry on the one hand, and upon his whisky and tobacco on the other.

It is proposed, however, as a measure of compromise to amend the Morrison bill so as to reduce the tax on tobacco in the same ratio that that bill reduces impost duties, and to fix the duty on fruit brandies at 10 cents per gallon.

My views as to what tariff legislation should be had at the present session were well matured and made known to many before the organization of this House. An evil far greater than a redundancy of revenue cries aloud for remedy.

The shockingly outrageous and unjust monopolies maintained for twenty years will remain, modified, but not eradicated, by the passage of the bill now under consideration. I believed then, and have seen no cause to change my opinion, that the Ways and Means Committee should have gone to work upon a thorough revision of all the tariff schedules, reducing the tariff on some articles 10, 20, 50, or 100 per cent., leaving others at existing rates, and ultimately fixing the duty on all articles upon which the tariff is to operate at the difference in the cost of production of like articles in this country and those manufactured abroad. Had it required this entire session to have perfected such a bill; if it had merely been printed and gone to the Calendar at adjournment, the Democratic party could have gone to the country upon a broader issue and more united than I fear they will upon this great business question.

I trust that the wisdom of the party, when by its representatives assembled at Chicago, will present it thus broadly, though I would not be understood to insinuate that it overshadows in importance all other questions for that body to consider. My opinion, sir, is that the rate of duty in no case can, with justice to the consumer and a fair regard to the producer, be laid at a higher rate than the difference in the cost of production. If manufacturing will not pay when the manufacturer in this country finishes his goods at the same cost that the Englishman does with the advantage to the American of the intervention of an ocean 3,000 miles wide, then it had better be abandoned, for this Government can not afford to continue the perpetration of the great wrong of taxing one class of its citizens for the benefit of another, however desirable it may be that the business of the latter may be firmly established and prosperous. This Government must be fair to all classes of the people to insure their confidence and affection.

American labor and capital must be content with this. Revenue would be under such a tariff the primary and incidental and protection the secondary object. Revenue is constitutionally the primary object of all tariff legislation. But that Congress may also constitutionally make that protection to American industries which necessarily results from and is incidental to the duties laid, an object of no small moment, there can be no doubt. The best advocates of constitutional legislation in this country admitted and utilized it. Mr. Madison said in regard to the enactment of the first tariff law that—

> The States that are most advanced in population and ripe for manufactures ought to have their particular interests attended to in some degree. While these States retained the power of making regulations of trade, they had the power to protect and cherish such institutions. By adopting the present Constitution they have thrown the exercise of this power into other hands. They must have done this with an expectation that those interests would not be neglected here.

But further than I have indicated, further than incidental protection, Congress has no constitutional nor moral right to go. Beyond this the Government fails to get its revenue, because the duties are laid at so high a rate that foreign goods can not pay it. This gives to the home manufacturer a monopoly until he is reduced in prices by home competition, which then too often results in overproduction, the market is ultimately glutted, wages of the operatives are reduced, strikes ensue, the mills stop, and discontent, lawlessness, and communism are the results which illustrate the beneficence of protection for protection's sake.

The other dark side of it is that all the people not thus protected (until relief comes from competition, which requires time, frequently beyond one generation) are coerced into contributing to the enrichment of the protected. All protection, no matter how beneficent in its results it may ultimately prove to be, beyond that which is incidental to or logically results from a tariff for revenue is but legalized robbery. It deserves no milder designation. I am borne out in this assertion by Robert J. Walker, a man whose acquaintance with this subject was quite equal to that of any gentleman on this floor. Mr. Walker says:

> If the marshal were sent by the Federal Government to collect a direct tax from the whole people to be paid over to manufacturing capitalists to enable them to sustain their business or realize a larger profit, it would be the same in effect as the protective duty, which, when analyzed into its simplest elements and reduced to actual results, is a mere subtraction of so much money from the people to increase the resources of the protected property.

The argument of protectionists that exclusive or prohibitory protection cheapens the goods in consequence of home competition has borne and will continue to bear its legitimate fruits. Its tendency is not only to overproduction, failures, and disturbances, but to build a Chinese wall around us and cut off from us all foreign commerce. The United States consume but one-third of the cotton they raise. The other two-thirds go abroad, and the price of it in this country is regulated by the Liverpool market.

There were over 100,000,000 bushels surplus of wheat produced in the United States last year, and this, with the surplus of beef, hog, and other products, can not find a home market. They must go abroad to command remunerative prices. Under this policy of high protection and exclusiveness nothing but bullion or gold coin can be exchanged for the surplus products of the farmers and husbandmen of this country, instead of merchandise, and every one knows who has information or capacity to reason that a less price is realized.

Mr. Chairman, while the Morrison bill in my judgment is not the tariff bill upon which I desired to see the Democratic party go to the country—for it does not revise—it removes none of the inequalities, monopolies, and great wrongs of the existing law; nevertheless it has merit. It provides for free lumber, free coal, and free salt, and I regret to say halts too soon in the enlargement of the free-list. I am not, however, a free-trader, and no one can be unless he is also an advocate of direct taxation. Nor am I in favor of "a tariff for revenue only," since that is impossible unless the duties be laid upon coffee, tea, and such articles only as are not produced in this country. But the Morrison bill offers some relief to the people. It cuts down horizontally about 20 per cent. the duties now existing. This brings them down to the recommendation of the Republican Tariff Commission, and would be enough to commend the bill to the favor of the other side of this Chamber if cheek had not already usurped the place of estoppel in their code of political ethics.

But, Mr. Chairman, notwithstanding the difference of opinion between myself and the committee, an all-sufficient reason why I shall give the bill my cordial support is that a large majority of my party, in free conference, agreed to support it, and as a true party man I will upon all questions of expediency subordinate my own views to the concurrent opinion of my party friends. I am ready to vote for the bill.

Mr. JOSEPH D. TAYLOR addressed the committee. [See Appendix.]

Mr. OATES. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. BAGLEY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, and had come to no resolution thereon.

And then, on motion of Mr. OATES (at 11 o'clock and 50 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Peter H. Hill and others, merchants of Washington city, asking for an amendment of the present license law—to the Committee on the District of Columbia.

By Mr. CALDWELL: Memorial of the Merchants' Exchange of the city of Nashville, Tenn., against the passage of the bankrupt law—to the Committee on the Judiciary.

By Mr. CALKINS: Memorial of the Christian Brothers, for pay for use of college buildings—to the Committee on War Claims.

By Mr. CARLETON: Petitions of John J. Wixson, W. M. Grice, W. D. James, J. P. Niggeman, and 140 others, of Lexington; J. W. Benedict, J. H. White, James Bradley, Martin Huner, W. J. Boyce, E. G. Spalding, John H. Balmer, John G. O'Neill (mayor), and 1,000 others, citizens of Port Huron, Saint Clair County; of James Craig, W. W. Smith, Robert Leach, A. J. Wonsey, V. A. Saph, and 500 others, citizens of Marine City; of C. H. Waterloo, T. D. Barron, Fred. H. Blood, A. A. Currie, William Grace, and 900 others, citizens of Saint Clair; of S. F. Hopkins, H. Whiting, J. M. Sanborn, and 400 others, citizens of the same place; of C. C. Smith, George Kendall, Thomas Currie, S. McCormick, Henry Jackson, Chester Kimball, and 300 others, citizens of Algonac, Saint Clair County, all of Michigan, asking Congress to set aside the United States overflowed and marsh lands of Lake Saint Clair as a preserve for the people for a hunting, fishing, and pleasure resort—to the Committee on the Public Lands.

By Mr. COBB: Petition of 20 citizens of Lawrence County, Indiana, asking Congress to pass a law restoring the Nez Percé Indians to their possessions in Idaho—to the Committee on Indian Affairs.

By Mr. S. S. COX: Papers relating to the bill for the relief of Louis Magnus—to the Committee on Invalid Pensions.

By Mr. DEUSTER: Petition of the members of the Milwaukee Association of ex-Prisoners of War, praying for the passage of H. R. 1189—to the same committee.

By Mr. DIBRELL: Resolutions of the Merchants' Exchange of Nashville, Tenn., in opposition to the passage of the bankrupt law—to the Committee on the Judiciary.

By Mr. FOLLETT: Remonstrance of business and river men of Cincinnati, Ohio, against the passage of H. R. 6562—to the Committee on Commerce.

Also, memorial of inventors and others, on revision of patent laws—to the Committee on Patents.

Also, memorial of merchants and business men of Cincinnati, Ohio, protesting against the passage of the bankrupt law—to the Committee on the Judiciary.

Also, petition of laboring men of Cincinnati, Ohio, for the passage of certain bills affecting the interests of laboring men—to the Committee on Labor.

Also, petition for the relief of John G. Baxter—to the Committee on War Claims.

Also, petition for the relief of Nancy Mason—to the Committee on Pensions.

By Mr. FORNEY: Petition of 100 citizens of Calhoun County, Alabama, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. FUNSTON: Petition relating to the pension claim of James McLaughlin—to the Committee on Invalid Pensions.

By Mr. GEDDES: Petition of C. Robinson and 24 others, and of H. L. Rud and 36 others, all citizens of Mansfield, Ohio, for the passage of a law for the restoration of the Nez Percé Indians, known as Chief Joseph's band, to their kindred and friends in Idaho—to the Committee on Indian Affairs.

By Mr. GREEN: Petition of C. J. Ahearn, J. B. Starr, J. D. Cook, and 50 others, in favor H. R. 5057, relative to the militia—to the Committee on the Militia.

By Mr. HERBERT: Petition of C. A. Newton and others, in favor of the passage of the Senate educational bill—to the Committee on Education.

By Mr. D. B. HENDERSON: Remonstrance of citizens of Kossuth County, of O'Brien County, of Plymouth County, and of Allamakee County, Iowa; and of citizens of Yankton, of Lincoln, of Hutchinson, and of Brulé County, Dakota, against the reduction of duty on linseed-oil, &c.—severally to the Committee on Ways and Means.

Also, resolution of E. C. Little Post, of Independence, Iowa, and A. P. Morton Post, Grand Army of the Republic, New Hampton, Iowa, relative to pensions—severally to the Committee on Invalid Pensions.

Also, resolutions of Morse Post, Grand Army of the Republic, Manchester, Iowa, for the passage of bill creating a soldiers' home in the West—to the Committee on Military Affairs.

Also, joint resolution of the General Assembly of Iowa, relating to swamp-land indemnity—to the Committee on the Public Lands.

Also, resolution of Andersonville Post, Grand Army of the Republic, of Beaman, Iowa, asking one hundred and sixty acres of land to each Union soldier of the late war—severally to the same committee.

By Mr. HEPBURN: Petition of James W. McDill and 25 others, citizens of Afton, Iowa, asking for the passage of H. R. 5057, relative to the militia—to the Committee on the Militia.

By Mr. KING: Petition for a survey for closing Bayou Lafourche and other outlets of Bœuf River, Louisiana—to the Committee on Rivers and Harbors.

By Mr. MANZANARES: Petition of citizens of Bernalillo County, Albuquerque and vicinity, of Golden, Santa Fé County, and of Gallup, Bernalillo County, all in New Mexico, relative to the Legislature of said Territory—severally to the Committee on the Judiciary.

By Mr. MONEY: Petition for national aid to education—to the Committee on Education.

By Mr. J. J. O'NEILL: Papers relating to the claim of Alfred Lyles—to the Committee on Accounts.

By Mr. PRYOR: Papers relating to the claim of Samuel C. Painter—to the Committee on War Claims.

Also, petition N. A. Flournoy and others, of William L. Martin and others, of W. R. Hanserd and others, for the passage of an educational bill—severally to the Committee on Education.

By Mr. RANDALL: Petition of citizens of Philadelphia, relative to the duty on earthenware—to the Committee on Ways and Means.

By Mr. SLOCUM: Petition of merchants, ship-owners, and others of New York, asking for the deepening and improvement of the entrance to the port of New York—to the Committee on Rivers and Harbors.

By Mr. STRAIT: Petition of Litchfield Post, Grand Army of the Republic, Department of Minnesota, favoring H. R. 6463, relative to pensions—to the Committee on Invalid Pensions.

By Mr. TILLMAN: Petition of sundry citizens of Barnwell County, South Carolina, asking for an appropriation in aid of education—to the Committee on Education.

By Mr. TULLY: Petition of the Grape-Growers' Association of the State of California, relative to the tariff on wines, &c.—to the Committee on Ways and Means.

By Mr. E. B. WINANS: Petition of James W. Hamilton, A. J. Hall, Ida Forsythe, and 36 others, citizens of Genesee County, Michigan, and of William L. Flamboy, Charles De Loujay, and others, for the enforcement of the eight-hour law, &c.—severally to the Committee on Labor.

By Mr. JOHN WINANS: Petition of James Van Etta and 46 others; of Anson Rogers, Ogden H. Fethers, and 40 others; of William D. McKey, George McKey, D. S. Coon, and 39 others, all of Rock County, Wisconsin, against the importation of Sumatra tobacco at a less duty than 75 cents per pound—severally to the Committee on Ways and Means.

SENATE.

TUESDAY, *May* 6, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented a petition of Henry O. Watrous Post, No. 93, Grand Army of the Republic, Department of Wisconsin, located at Spencer, Wis., praying for the enactment of such legislation in regard to pensioning ex-Union soldiers as is recommended by the pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. COCKRELL presented the petition of Stephen Bird, of Missouri, executor of the estate of John Bird, deceased, praying that the claim of such estate against the Government of the United States as set forth in the petition be referred to the Court of Claims under the act known as the Bowman act, approved March 3, 1883; which was referred to the Committee on Claims.

Mr. COCKRELL. I present the petition of Dr. P. W. Bradbury, of Saint Louis, Mo., praying for a pension. Heretofore a petition was presented on the same subject, referred to the Committee on Pensions, and reported adversely. I ask now, as this is a petition for a review, with new evidence, that the action of the Senate in agreeing to the adverse report and discharging the committee may be reconsidered.

The PRESIDENT *pro tempore*. At what date was the report made?

Mr. COCKRELL. It was not put on the Calendar because there was no bill accompanying it, and I have not the date. If the date is material I will let it pass over until I send and get a copy of the adverse report.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the vote of the Senate taken hitherto agreeing to an adverse report of the Committee on Pensions on a petition of Dr. P. W. Bradbury, of Saint Louis, Mo., for a pension, be reconsidered, he proposing to present a new petition and additional evidence. Is there objection to the reconsideration? The Chair hears none. The Senator from Missouri will present the petition.

Mr. COCKRELL. I present the petition of Dr. P. W. Bradbury, of Saint Louis, praying for a pension, with sundry evidence. I ask that it be referred to the Committee on Pensions, and that the papers in the former case be taken from the files of the Secretary and recommitted to the committee.

The PRESIDENT *pro tempore*. The petition and the accompanying papers will be referred to the Committee on Pensions, and if there be no objection it will be ordered that the papers on file relating to the same case be withdrawn from the files and recommitted to the Committee on Pensions.

Mr. BAYARD presented resolutions adopted by the Wilmington (Del.) Board of Trade, indorsing the memorial of the Stock Exchange of the city of New York in favor of the suspension of the coinage of the silver dollar and remonstrating against the cessation of the issue of notes of a denomination less than $5; which were referred to the Committee on Finance.

Mr. WILLIAMS presented a petition of the Women's Silk-Culture Association of the United States, in favor of the passage of Senate bill No. 2002, providing for the creation of a silk-culture bureau and the establishment of silk-culture stations throughout the United States; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the legal representative of Thomas Blackwell, late of Union County, Kentucky, praying relief from the faulty and inadequate execution of the act of Congress heretofore passed for the relief of Thomas Blackwell; which was referred to the Committee on Revolutionary Claims.

Mr. CAMDEN presented the petition of Dr. M. J. Rhees and 100 others, citizens of Wheeling, W. Va., praying for such legislation as will prevent discrimination against any school of medicine in appointments to Government service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. DOLPH presented a petition of citizens of Oregon, praying for an appropriation for the survey of the bar at the entrance of the Nehalem River, in that State; which was referred to the Committee on Commerce.

He also presented a petition of George Wright Post, No. 1, Department of Oregon, Grand Army of the Republic, Portland, Oreg., praying for certain legislation in favor of ex-Union soldiers; which was referred to the Committee on Pensions.

Mr. MITCHELL presented a petition of the Women's Silk-Culture Association of the United States, in favor of the passage of Senate bill No. 2002, providing for the creation of a silk-culture bureau and the establishment of silk-culture stations throughout the United States; which was referred to the Committee on Agriculture and Forestry.

Mr. HAWLEY presented the memorial of Albert H. Overman, an inventor of Connecticut, and the memorial of J. C. Parker & Co., and A. G. Dewey & Co., of Quechee, Vt., remonstrating against the repeal or hostile modification of the present patent laws; which were referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. MCPHERSON, from the Committee on Finance, to whom was referred the bill (S. 562) for the relief of Orville Horwitz, trustee for C. D. De Ford & Co., reported it without amendment, and submitted a report thereon.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 993) for the relief of Maria G. Dunbar, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MORRILL, from the Committee on Finance, to whom were referred the resolutions of the Chicago Board of Trade, adopted April 22, 1884, indorsing the report of the special committee of the Chamber of Commerce of New York State in reference to international bills of lading and proposing an amendment to the measure suggested, asked to be discharged from their further consideration, and that they be referred to the Committee on Commerce; which was agreed to.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1377) granting a pension to Jeremiah P. Swatzell, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SEWELL, from the Committee on Military Affairs, to whom were referred resolutions of the Merchants' Exchange of Buffalo, N. Y., urging that a sufficient appropriation be made for the support of the Signal Service, asked to be discharged from their further consideration, and that they be referred to the Committee on Appropriations; which was agreed to.

Mr. GORMAN, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (S. 862) for the relief of Uriel Crocker, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred a letter in the shape of a petition of citizens of Nashua, N. H., addressed to the Senator from New Hampshire [Mr. BLAIR], in regard to the appropriation for the support of the militia, and asking for the passage of House bill No. 5057, have instructed me to report the same back to the Senate and to ask to be discharged from its further consideration, as the Senate has already taken action upon that subject.

The report was agreed to, and the committee were discharged from the further consideration of the paper.

Mr. COCKRELL. I am instructed by the same committee, to which was referred the joint resolution (H. Res. 245) authorizing the loan of certain flags to the Portland Soldiers and Sailors' Monument Association, to report it back, and to request the Senate to discharge the Committee on Military Affairs from the further consideration of this joint resolution, and to refer it to the Committee on Naval Affairs, as it directs the Secretary of the Navy to loan these flags.

The committee were discharged from the further consideration of the joint resolution, and it was referred to the Committee on Naval Affairs.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 2075) granting condemned cannon to the Women's Soldiers' Monument Association of Lansing, Mich., have instructed me to report the same back to the Senate adversely, and to recommend that it be indefinitely postponed, based upon the action and reports in former cases.

The bill was postponed indefinitely.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, have instructed me to report the same back to the Senate with an amendment striking out all after the enacting clause and inserting therefor what follows.

Mr. MAXEY. I wish to state that in the action of the committee on the report just made I was not able to concur. I simply desire that fact noted, so that I may hereafter, if I believe it to be my duty, oppose the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to which was referred the bill (S. 365) for the relief of certain officers of the Army, to report the same back to the Senate adversely, as the provisions of this bill are fully covered by the bill just reported, and to recommend that it be indefinitely postponed.

The report was agreed to; and the bill was postponed indefinitely.

Mr. COCKRELL. The same committee, to which was referred the bill (S. 370) to pay certain officers of the Army for services actually rendered during the late war, have also directed me to report the same adversely, and to recommend that it be indefinitely postponed, as the provisions of the House bill No. 355, just reported, as amended, embrace all the classes that ought to be provided for.

The report was agreed to; and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom

was referred the bill (S. 2076) to donate condemned cast-iron cannon and cannon-balls to Post 41, Grand Army of the Republic, Department of Michigan, for monumental purposes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 1866) granting a pension to John T. Rudy, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1363) granting a pension to Frank S. Hillard, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 475) granting arrears of pension to Emily Agnel, reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., reported it with amendments.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1586) for the relief of the surviving members of Company G, First United States Artillery, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

ESTATE OF JOHN W. DEAR.

Mr. MAXEY. By direction of the Committee on Military Affairs I ask that the action of the Senate in agreeing to the adverse report on the bill (S. 644) for the relief of the administrator of the estate of John W. Dear, deceased, be reconsidered. The 15th day of February is the date of the adverse report. The bill as reported adversely in the judgment of the committee was correctly reported, but the claimant desires to present his case in a new form, so as to avail himself of the Bowman act for an examination of the case by the Court of Claims. The committee have no objection to giving him that opportunity, and for that reason I ask that the adverse report be reconsidered.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent that the vote of the Senate taken on the 15th of February last indefinitely postponing the bill (S. 644) for the relief of the administrator of the estate of John W. Dear, deceased, be reconsidered, with a view to its recommitment to the Committee on Military Affairs. Is there objection? The Chair hears none, and it is so ordered. The bill is recommitted, with the accompanying papers.

BILLS INTRODUCED.

Mr. VOORHEES introduced a bill (S. 2158) granting an increase of pension to Jesse S. Harrold; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2159) granting a pension to John Matheny; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2160) granting a pension to Robert Walker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2161) granting a pension to Harvey Crane; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 2162) granting an increase of pension to Julia M. Michler, widow of Lieut. Col. Nathaniel Michler, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAMDEN introduced a bill (S. 2163) to place on the retired-list of the Army the name of Joseph A. J. Lightburn, late brigadier-general, second brigade, second division of the Fifteenth Army Corps; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 2164) to facilitate the negotiation of bills of lading and other commercial instruments, and to punish fraud therein; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2165) granting a pension to P. W. Bradbury; which was read twice by its title, and referred to the Committee on Pensions.

REPORT ON FISH AND FISHERIES.

Mr. HAWLEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1883 be printed, and that there be printed 10,000 extra copies, of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Public Printing.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD.

Mr. HILL. I desire to give notice that to-morrow morning at the close of the regular morning business I shall ask the consent of the Senate to take up the bill (S. 2031) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and for other purposes, in order that I may make some remarks upon it and have it referred to the appropriate committee.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under the eighth rule.

Mr. FRYE. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate now proceed to the consideration of the unfinished business, being the bill (S. 1448) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes. The question is on agreeing to the motion.

Mr. HARRIS. I ask the unanimous consent of the Senate, if it be necessary to get unanimous consent, to beg the Senator from Maine not to press that motion this morning. I know that the Senator from Virginia [Mr. RIDDLEBERGER] is exceedingly anxious to have consideration for what is known as the free-bridge bill. I think that bill has been put in a shape that will involve the necessity of very little time and will provoke very little, if any, discussion. I hope the Senator from Maine will give us the morning hour for the consideration of that bill, it being important in every way as a matter of time as well as in other respects that the bill be considered and go to the other House at the earliest hour possible.

Mr. FRYE. I ask unanimous consent to say in reply that the Senator from Massachusetts [Mr. DAWES] has given notice that he will ask the Senate to proceed at the earliest possible moment to the consideration of the Indian appropriation bill. The Senator from Colorado [Mr. HILL] has given notice that he will ask for the consideration of a land-grant bill to-morrow at some time. I have no doubt that if the majority of the Senate will stay here to a reasonably late hour we can finish the shipping bill to-day. There is no Senator in the world I would be more desirous of gratifying than the Senator from Tennessee, as he well knows, but under the circumstances I do not feel that I can consent.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine. This debate proceeds by unanimous consent.

Mr. DAWES. I ask unanimous consent to state to the Senate, if there be no objection, that the Committee on Appropriations have given way now three or four days' time which they think they ought to have had in putting through appropriation bills. I did not feel quite at liberty to crowd off the shipping bill, because I supposed from what was said it would be finished on Monday. It was not finished on Monday, and now if the morning hour is consumed in this way it will not be finished to-day, and the Senator from Colorado will occupy the time to-morrow.

Mr. HILL. Only for about half an hour.

Mr. DAWES. If the Senate declines to take up the shipping bill, in the present condition of business I shall be obliged to ask the Senate to consider the Indian appropriation bill at this time.

Mr. RIDDLEBERGER. I ask unanimous consent to make a statement in respect to this matter.

The PRESIDENT *pro tempore*. If there be no objection the Senator will proceed. This is all proceeding by unanimous consent.

Mr. RIDDLEBERGER. The bridge bill has had precedence on the Calendar for weeks. I have deferred to every request, to every suggestion of delay except that when a single objection was filed I asked the Senate to take up the bill notwithstanding the objection. The bill was taken up and has been in that position. To await the further action of the committee it was postponed and fixed specially for yesterday. Yesterday I deferred again, and now I am told that if we proceed with the shipping bill, as soon as that is over then is to come up the Indian appropriation bill. I think that is asking a little too much when I want but fifteen or twenty minutes. That being the case, I shall be pardoned for stating that I want to put this matter to the issue. I do not ask for any more time than is actually required to pass the bill after reading it, for it comes with a unanimous report from the committee and is agreed upon by every one except perhaps by a few parties outside in interest. I must be pardoned further for saying that if this issue is presented I shall have to vote against the motion of the Senator from Maine to take up the shipping bill or the motion of any other Senator to give any other bill precedence to the bridge bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine that the Senate now proceed to the consideration of the shipping bill.

The question having been put, there were on a division—ayes 22, noes 19.

Mr. RIDDLEBERGER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VOORHEES. May I make an inquiry before the roll is called? I should like the Senator from Virginia to hear me. I have every sympathy with the object which he has in view in the building of the bridge, and I should like to know how much time of the Senate his

measure will probably take. I did not hear the Senator's statement when he first made it. What is his wish on the subject?

Mr. RIDDLEBERGER. So far as I am apprised, the friends of the bill will not ask for ten minutes of time. All they will ask will be a vote on the bill.

Mr. VOORHEES. Is it proposed to take up the bridge bill now?

Mr. RIDDLEBERGER. It is up now by right, being at the head of the Calendar. The proposition is now made by the Senator from Maine to postpone the Calendar and take up the shipping bill, and the friends of the bridge bill are opposing that motion.

Mr. FRYE. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. FRYE. I shall be very glad to yield twenty minutes for the consideration of the bridge bill.

Mr. HARRIS. My opinion is it will not take thirty minutes to dispose of it——

The PRESIDENT *pro tempore*. Senators will suspend. Is there objection to the question being debated? The Chair hears none. The Senator from Tennessee will proceed.

Mr. BECK. I should like to say a word if I may be allowed to do so.

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from Tennessee [Mr. HARRIS].

Mr. BECK. I believe I have the floor on the shipping bill.

The PRESIDENT *pro tempore*. The Senator from Tennessee is entitled to the floor.

Mr. BECK. I beg pardon.

Mr. HARRIS. I simply desire to say that the bill comes back from the Committee on the District of Columbia with a unanimous report, and I think it is in such a shape that no Senator on the floor will object to it. I do not believe that it will necessarily consume thirty minutes to dispose of it. It is important as a question of time that it should be disposed of as early as possible. For that reason, and for that reason only, I voted against the motion of the Senator from Maine.

Mr. BECK. I desire only to say one word. I have the floor in the discussion on the shipping bill. I am so impressed with the importance of disposing of the bridge bill that I will agree not to occupy over three minutes, so that we shall save some time by my sitting down.

Mr. FRYE. The power of the distinguished Senator from Kentucky is such and his influence so great in the United States Senate that I accept his proposition with great pleasure.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine to proceed to the consideration of the shipping bill, on which the yeas and nays have been ordered.

Mr. HARRIS. By unanimous consent the Senator from Maine may withdraw the motion, notwithstanding the yeas and nays have been ordered. I understood him to accept the suggestion of the Senator from Kentucky.

Mr. FRYE. I withdraw the motion.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Maine withdrawing his motion? The Chair hears no objection.

POTOMAC FREE BRIDGE.

Mr. HOAR. I should like to make a statement. I knew nothing about the bridge bill except what had been said on the floor of the Senate until last evening a gentleman who said he was interested in the bill made a statement to me about the character of the question, which, if it be true, I should think would be considered by the Senate as a very important one, and the result would be a very much longer debate than the gentlemen who favor the proposition suppose. I do not believe that it is going to be a ten minutes or twenty minutes' question.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII.

The bill (S. 1477) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C., was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending question is on the second amendment reported by the Committee on the District of Columbia.

Mr. HARRIS. I suggest to the Senator from Virginia that he offer at this time the substitute for the bill formerly reported and let the substitute be read instead of the original bill.

Mr. RIDDLEBERGER. The substitute is in the hands of another member of the committee.

Mr. HARRIS. Then I ask the Senator having it in charge to offer it now as a substitute, and I ask unanimous consent that it may be treated as the original bill and read for amendment.

Mr. ALDRICH. In behalf of the Committee on the District of Columbia I present an amendment in the nature of a substitute, which I ask may be considered as the original bill.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] asks unanimous consent, if the Chair correctly understands him, that the substitute now proposed by the Senator from Rhode Island [Mr. ALDRICH] be substituted by unanimous consent for the original bill and the amendments recommended by the committee in its original report, and that this substitute so offered be treated as the original bill for amendment. Is there objection? The Chair hears no objection. The substitute will be read.

The Chief Clerk proceeded to read the amendment, which was to strike out all after the enacting clause and insert a substitute, but before concluding was interrupted by

Mr. HARRIS. In line 15 I propose a verbal amendment, to strike out the word "provided."

The PRESIDENT *pro tempore*. That word is not contained in the draught the Secretary is reading from.

Mr. HARRIS. It is in the print I hold in my hand.

Mr. ALDRICH. I made the change before sending it to the desk.

The Chief Clerk resumed and concluded the reading of the amendment, as follows:

That the Secretary of War is hereby authorized and directed to acquire by purchase a title in fee-simple, free from all liens or claims of lessees or others, the bridge known as the Aqueduct Bridge, across the Potomac River, and the approaches thereto, and all the rights and franchises connected with said bridge, for a sum not to exceed $125,000, the title to be approved by the Attorney-General of the United States; and said bridge, when so acquired, shall be used as a free bridge, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized, in case he shall acquire title to the said bridge, to repair or reconstruct the same: *Provided*, That in such reconstruction there shall be a suitable draw in such bridge of such length as may be required to accommodate the vessels navigating said river above said bridge; and for the purpose of acquiring such title and repairing and reconstructing said bridge the sum of $240,000, or so much thereof as may be necessary for such purpose, is hereby appropriated out of any money in the Treasury not otherwise appropriated; and one-fourth of the expense of such purchase and reconstruction or repair of said bridge shall be charged to and paid by the District of Columbia, and the balance, three-fourths of the sum so expended, shall be paid out of the Treasury of the United States.

SEC. 2. That if the provisions of the first section of this act authorizing the purchase of the Aqueduct Bridge shall not be fully executed within ninety days from the passage of this act, and the title therefor approved as therein required, then the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed across the Potomac River at the Three Sisters, above Georgetown, in the District of Columbia, a substantial iron and masonry bridge, with approaches; and the sum of $220,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of said bridge and approaches, the same to be maintained as a free bridge for travel: *Provided*, That the said Secretary of War shall construct a bridge upon such plan as shall cost no more than the amount herein appropriated, and which cost shall include the construction of a substantial iron bridge over the Chesapeake and Ohio Canal and highway, and any and all approaches to the said iron bridge, which said bridge shall not be less than fourteen feet in the clear above the water line of said canal; and not exceeding $15,000 of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties, and with good and sufficient sureties, to be approved by the Secretary of War, for the construction and completion of said bridge, including the masonry, iron work, and approaches, at a cost not to exceed $220,000: *And provided also*, That a draw of sufficient width to permit the free passage of vessels shall be constructed in said bridge: *And provided also*, That one-fourth of the expense of the construction of said bridge shall be charged to and paid by the District of Columbia, and the balance (three-fourths) of the sum hereby appropriated shall be paid out of the Treasury of the United States: *Provided further*, That the Secretary of War shall, as soon as possible, cause a survey of the river to be made at the Three Sisters, determine the length, width, and height of said bridge, and the length of draw, and thereupon advertise for plans and price for the construction of such bridge, such advertisement to be inserted in one or more daily newspapers published in Washington, D. C.; New York; Cleveland, Ohio; Detroit, Mich.; Philadelphia, Pa.; Chicago, Ill., and Richmond, Va., for the space of one week: *And provided further*, That the sum of $15,000 shall be available at once for such investigation and surveys and such contingencies as the Secretary of War shall deem necessary.

Mr. HARRIS. In section 2, line 25, I move to amend by changing the word "bridge" to "bridges;" and after that inserting:

Across the Potomac River and the Chesapeake and Ohio Canal.

So as to read:

And not exceeding $15,000 of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties, and with good and sufficient sureties, to be approved by the Secretary of War, for the construction and completion of said bridges across the Potomac River and the Chesapeake and Ohio Canal, including the masonry, iron work, and approaches, at a cost not to exceed $220,000.

The amendment was agreed to.

Mr. HARRIS. In line 26 of the same section, after the word "exceed," I move to insert "in the aggregate;" so as to read:

At a cost not to exceed in the aggregate $220,000.

The amendment was agreed to.

Mr. HARRIS. After the the word "dollars," in line 27 of the same section, I move to insert:

Less such sum as may be expended for advertising and making necessary survey.

So as to read:

At a cost not exceeding in the aggregate $220,000, less such sum as may be expended for advertising and making necessary survey.

Mr. SAULSBURY. I should like to make an inquiry of the Senator from Tennessee. I notice that one-fourth of the expense of the bridge is to be borne by the District of Columbia. Do I understand that it is to come out of the funds appropriated by Congress and raised by taxation in the District, or is that one-fourth to be paid by taxation on the citizens?

Mr. HARRIS. It is paid by taxation, and the money raised by taxation goes into the general revenue of the District.

Mr. SAULSBURY. Does it come out of the portion appropriated to carry on the District government?

Mr. HARRIS. As a matter of fact every dollar of taxation that is collected in the District of Columbia goes into the Treasury of the United

States and comes out of the Treasury of the United States as other moneys by acts of appropriation.

Mr. SAULSBURY. I was aware of that, but what I wanted to know was whether this one-fourth paid by the District was to be paid out of that portion of money raised by taxation on the District, or whether it was to be paid out of the common fund appropriated by Congress from the money paid by the Treasury as well as that raised by taxation.

Mr. HARRIS. The expenses of the District of Columbia are estimated for as the Departments of the Government are estimated for, and item by item appropriations are made to meet those expenses. Under this provision in this bill one-fourth of this appropriation will come from the revenues of the District raised by taxation out of the taxable property of the District, and three-fourths of it out of the Treasury of the United States. That will be the exact result.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on the amendment offered by the Senator from Tennessee [Mr. HARRIS].

The amendment was agreed to.

Mr. ALLISON. In line 13 of section 1 I notice this language: "The Secretary of War is further authorized, in case he shall acquire title to the said bridge." I suppose the title is to be in the United States. I move to strike out the word "he" and insert the "United States;" so as to read:

In case the United States shall acquire title to the said bridge.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. ALLISON.]

Mr. HARRIS. I think there is no objection to the amendment. It is a very proper suggestion.

The amendment was agreed to.

Mr. HOAR. Mr. President, I wish to inquire of the Senator from Tennessee if it is the purpose of the draughtsman of this bill, whoever he may be, that the canal shall be discontinued.

Mr. HARRIS. So far as the bridge is concerned, I answer the Senator from Massachusetts, yes. We do not interfere with the canal company, except upon the piers of the bridge, but the committee was unanimously of opinion that it ought to be discontinued there if we acquire title to the bridge.

Mr. HOAR. What will be the practical effect of that in the judgment of the Senator—that the canal will be discontinued, or will end at Georgetown and not go to Alexandria?

Mr. HARRIS. I shall not undertake to answer as to what the effect will probably be upon the canal. I can answer, however, upon very unmistakable evidence that for several years that canal has been navigated at a cost to the people who own it of $5,000 a year over and above the income from it. I do not think it is very material what effect this may have upon a canal property that costs its owners from four to five thousand dollars to navigate it more than any income they can derive from it.

Mr. WILSON. I should like to ask the Senator from Tennessee, as that statement seems to be somewhat novel that an improvement of this kind should be operated at a loss to the owner, whether the owner of this losing property is a complainant with regard to that loss.

Mr. HARRIS. The answer to the Senator from Iowa is found in this fact: This canal company owns what is known as the Alexandria Canal and the Aqueduct Bridge, which is a toll-bridge. There is a profit in the tolls over the bridge sufficient to sustain the loss on the canal and pay a small profit to the owners of that canal and bridge; but the canal of itself, as the owners assured the committee, involved a loss of somewhere between $4,000 and $5,000 a year to keep it up and navigate it, but that loss was compensated by the tolls upon the bridge.

Mr. WILSON. Then I understand the case amounts to this: that the property in its entirety is a profitable property; that if we sever the two uses and destroy the use as a canal or for the purposes of the canal as an aqueduct, then the property is not a profitable one. Now, it seems to me that we ought to be careful in a property right of that kind not to so frame our legislation as to deprive the owner of that property of the interest he has therein.

Mr. HARRIS. Will the Senator allow me?

Mr. WILSON. Certainly.

Mr. HARRIS. This bill simply proposes to purchase if the parties owning interests in fee or as lessees see proper to accept the terms we offer them. We take nothing from them; we deprive them of no right; we deprive them of no interest; we leave them free to accept our terms or reject them, and if rejected this bill proposes to construct a free bridge at the site of the Three Sisters. That is the whole case.

Mr. WILSON. Now, I should like to understand this point of the case: What objection is there to an allowance of the use of the piers for the purposes of the aqueduct connecting the two sections of the canal, if such use does not interfere materially with the use for bridge purposes?

Mr. HARRIS. In the first place——

Mr. RIDDLEBERGER. Will the Senator permit me to reply to that?

Mr. HARRIS. With pleasure.

Mr. RIDDLEBERGER. The objection to it is that the aqueduct is not used now for any such purpose, all statements to the contrary notwithstanding. I have been upon that bridge time and again, and the water is backed up over the south side and is shut off from the north side, and what is called the aqueduct conserves no purpose but to hold up the rotten timbers that ought to have been thrown overboard so as to unload the bridge of that much weight.

If you buy that bridge for the Government of the United States, to whom do you propose to reserve the right of property in the aqueduct? To the Alexandria Canal Company, when we are providing in this bill to give them $25,000 more than they have asked in their own argument laid on the desks of Senators here? Do you propose to give it to the lessees, when the lessees themselves, with one exception, tell us that they are a part of the Alexandria Canal Company?

If you are going to buy the bridge, why any reservation for anybody as to the aqueduct? If the Government wants to run a canal that is not used, if the Government wants to run a canal and pay for keeping up the towpath, then make this reservation; or, if you please—for I think it would be much better—make it obligatory on the Government itself when it buys the piers to keep up the aqueduct; but do not make the reservation in favor of somebody having property there for which you have paid more than they deserve and for more than they ever owned. When we pay for this we pay for it all $125,000, putting on the $25,000 to cover the demands of the lessees, the Alexandria Canal Company, to cover what did not appear before the committee at first but what since they have ascertained, the lienholders' claim. Everything is involved, and yet the Senator proposes to make a reservation in favor of somebody.

Mr. WILSON. I do not know, perhaps, anything; I am seeking to find out what there is in this case. I am told that there are some property rights involved here; that the Government and the persons who are interested in these alleged property rights have had some negotiations concerning them, and that they have not agreed upon all the subjects-matter involved. I understand that parties interested would like to maintain an interest there which would allow of the maintenance of the aqueduct. I do not know anything about these things, but I can imagine that persons who believe they have property rights can also believe that they ought to be consulted concerning the changes that may be made in their property.

Mr. RIDDLEBERGER. I can enlighten the Senator on that if he will permit me.

Mr. WILSON. Certainly; I am seeking information.

Mr. RIDDLEBERGER. There are but three owners of the property in that bridge. The one is the United States Government, the second is the State of Virginia, and the third are what are known as the Wheeler heirs. There is no other property right; the only right asserted here is the right of the lessees. Two out of three of the lessees, so far as they are known, have appeared before the Committee on the District of Columbia; and I want to repeat to the Senator from Iowa that we have absolutely given the parties $25,000 more than they asked in order to secure the title and have given them $30,000 more in this House than they asked for in the other.

Mr. ALLISON. Mr. President, I am not entirely satisfied with the situation of this bridge. I desire to ask the Senator from Virginia if this proposed purchase will cover whatever right there is in the canal or aqueduct?

Mr. ALDRICH. That is the intention of the bill.

Mr. ALLISON. That ought to be made perfectly clear. If the United States is to build a bridge across the Potomac River at this point, it ought to have every possible right included here, so that no question of damages may come up hereafter as to the use of this aqueduct.

Mr. HARRIS. The bill provides for the acquiring of every title and every interest affecting the bridge, and then the bill provides for a draw, which is absolutely inconsistent with the possibility of maintaining the aqueduct upon the bridge.

Mr. SHERMAN. I ask the Senator from Iowa to read the first page.

Mr. ALLISON. I have read it two or three times, and that is the reason I make the inquiry. If it is perfectly clear I have no further objection.

Mr. ALDRICH. There is no doubt about the intention of the committee. If any amendments are necessary we shall be glad to accept them.

Mr. ALLISON. The bill reads:

That the Secretary of War is hereby authorized and directed to acquire by purchase a title in fee simple, free from all liens or claims of lessees or others, the bridge known as the Aqueduct Bridge, across the Potomac River—

Mr. ALDRICH. Will the Senator read a little further?

and the approaches thereto, and all the rights and franchises connected with said bridge.

Mr. SHERMAN. I suggest to insert "all parts and parcels thereof."

Mr. ALLISON. If any further words could be inserted there to make it clear, that whatever rights this canal company——

Mr. HARRIS. Insert after the word "bridge" the words "and the aqueduct attached thereto."

Mr. ALLISON. For one I do not desire that any canal company shall come in here a year or two from now and say, "You have torn down our bridge and destroyed our aqueduct, and we are entitled to damages." Any possible question that may arise there I think ought to be covered in this bill.

Mr. ALDRICH. The Senator will notice in the tenth line that the title must be approved by the Attorney-General of the United States.

Mr. ALLISON. I know; but it is best to have it clear. Say:

Aqueduct Bridge and all franchises connected therewith.

Mr. ALDRICH. That is already in the bill.

Mr. WILSON. I suggest to my colleague that possibly this language might cover the point he suggests: Insert in line 6, after the word "bridge," the words "including its uses for aqueduct and other purposes."

Mr. ALLISON. I think that would make it perfectly clear.

Mr. SHERMAN. I suggest "and the approaches thereto and the attachments."

Mr. ALDRICH. I think the language is broad enough now to cover all possible rights and franchises of every kind.

Mr. ALLISON. If it is I do not wish any amendment. It was not quite clear to me, and therefore I thought it might not be clear to others.

Mr. DAWES. I should like a little information on the alternative contained in the second section of this bill. I should like to know the propriety of erecting a bridge at the point named and the evidence that it can be erected for any such sum as is provided in the bill.

If I understand this bill, it is a forcing process, by which the owners of the Aqueduct Bridge are to be compelled to convey their property under a threat contained in the second section: "If you do not we will build a bridge by your side up at the Three Sisters, and we appropriate $225,000 for that." I have seen some report of an engineer in former times about the possibility of building a bridge for any such sum at the Three Sisters. The water is represented to be forty feet deep there; the banks are exceedingly bluff and rise very high on both sides, along which there is to be an approach to Georgetown for half a mile, then a bridge across, and then come down on the Virginia side another half mile to get down the banks, which look to me as if they were fifty or sixty feet high of solid rock. I understand that in 1880 we passed a bill requiring the building of a bridge at the Three Sisters, and appropriated $140,000.

Mr. ALDRICH. It passed in 1881, and did not provide for building a bridge at the Three Sisters, but at or near Georgetown, leaving the location to the discretion of the Secretary of War.

Mr. DAWES. At that time the Secretary of War, through the engineers, examined the feasibility of a bridge at the Three Sisters. Now, it must do one of two things: force the aqueduct owners to part with their property at the price fixed here, or enter upon the building of a bridge at the Three Sisters, which will involve $300,000 or $400,000, and will when it is done be half a mile upstream and require a considerable sum of money to make approaches to it, and always be, as compared with this spot, an inconvenient place for a bridge. I think the Aqueduct Bridge should be converted into a free bridge, and I think that the canal, as I am advised now from information, should be preserved and not destroyed.

I do not see how there is any difficulty except from the matter of the draw, and what the possible use of a draw there can be I do not know. That requires the destruction of the canal and requires these parties to take this sum for the bridge and the destruction of the canal at that point.

There has been laid on our desks this morning—I do not know for what purpose and whether there is any authenticity in it—this note, addressed to Senators:

WASHINGTON, D. C., *May* 6, 1884.

SIR: The Alexandria Canal Company and the lessees of the Alexandria Canal Company respectfully represent to the Senate of the United States that they are ready and able to make a title to the United States at once of the piers of the Alexandria Canal for the use of a free bridge in such form as may be deemed best for the United States, reserving to us the right to keep up the canal. We only ask that the canal itself should not be destroyed.

ALEXANDRIA CANAL COMPANY AND LESSEES OF ALEXANDRIA CANAL.

TO SENATOR ——.

I should think that it would be wise for us to make some possible exception and put that exception in the discretion of the Secretary of War, it may be, provided he could make a proper and suitable arrangement to preserve the canal under the bridge, or something of that kind.

Mr. GORMAN. Mr. President, I desire to say in reply to the Senator from Massachusetts that the Government of the United States has expended $400,000 on the construction of the piers across the Potomac River now sustaining the Alexandria Aqueduct and the bridge over it.

When the charter to the Alexandria Canal Company was granted, it was granted for the exclusive purpose of a canal. Later on the canal company obtained authority to construct a bridge over it for ordinary travel, for which the canal company charge those using it an exorbitant toll.

For the last ten years the tonnage of that canal, the gross number of tons per annum passing from Georgetown to Alexandria and returning, does not exceed 200,000, which at 5 cents a ton does not produce revenue enough to keep the canal in repair.

The persons now controlling the canal and bridge during the days of reconstruction obtained a lease upon it for ninety-nine years, and they now hold all the franchises of the canal for that time, including the bridge, and it is of no earthly value to them except the amount of tolls they exact from persons passing to and from Georgetown and Virginia, principally from those who visit Arlington. It is a great outrage that a toll-bridge charging an enormous fare should be in existence in this District and be permitted to levy toll on every man, woman, and child who passes from this city to Arlington.

The lessees of this bridge know perfectly well that the canal is obsolete, that it has passed out of existence as a useful channel of commerce, and never can be of use again; and the proposition they have made, not only at this session but for the past four or five years, is that the United States, which has paid more than one-half the cost of the piers, shall now have the use of these piers for $100,000, and so construct the superstructure that they may have a viaduct under it for canal or railroad purposes, as they may see fit to utilize it hereafter. If you accept that proposition your superstructure will cost you double the amount that it will cost for an ordinary bridge.

In addition to that, the improvements which are being made in the Potomac River, narrowing the channel, filling up the flats, and putting into a park all of that immense river front, confines the section used for commerce at Georgetown to an extent not exceeding 3,000 feet. When that is completed there will not be sufficient room to accommodate the tonnage that now exists, and the present aqueduct, without a draw, closes up that magnificent portion of the river above Georgetown, where the water exceeds forty, ay, one hundred feet. It is absolutely necessary for the commerce of the city that whenever you shall reconstruct that bridge there shall be a draw in it, which will destroy the aqueduct. It is absolutely necessary that you should acquire title in fee to this aqueduct; otherwise your superstructure will cost you $300,000 instead of $150,000.

Those are the facts which were presented to the committee, and which I am perfectly familiar with, and which the representatives of the Alexandria Canal Company could not deny.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALDRICH. The title should be changed in the manner suggested in the printed bill sent to the Chair. The amendment sent to me by the Chair has the correct title in it, "A bill to authorize the construction of a bridge across the Potomac River at or near Georgetown, D. C."

Mr. HARRIS. I suggest that the title had better be, "A bill to authorize the purchase of the Aqueduct Bridge or," and then add what the Senator from Rhode Island has suggested.

The PRESIDING OFFICER. The Senator from Tennessee moves that the title be amended to read: "A bill to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C."

The amendment was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President of the United States had approved and signed on the 1st instant an act (S. 652) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla, and on the 3d instant an act (S. 465) for the relief of Mary L. Walker and Ella Walker.

UNVEILING OF THE MARSHALL STATUE.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Senate will, at 1 o'clock p. m. on Saturday, May 10, instant, attend as a body the ceremony of unveiling the statue of John Marshall, late Chief-Justice of the United States.

AMERICAN SHIPPING.

Mr. HALE. My colleague not being in his seat, I renew the motion he made.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate proceed to the consideration of the shipping bill, so called.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1448) to remove certain burdens on the American merchant marine, and encourage the American foreign carrying trade, and for other purposes, the pending question being on the amendment proposed by Mr. MCPHERSON to the amendment of Mr. VEST.

Mr. BECK. Mr. President, on yesterday I answered as best I could, notwithstanding a good deal of interruption, the arguments presented by the two Senators from Maine and others in regard to the propositions of the Senator from Missouri [Mr. VEST], and I had expected this morning to reply as best I might to the arguments presented on yesterday by the Senator from New York [Mr. MILLER], but his speech does not appear in the RECORD this morning. It is withheld for revision, and as I heard it very indistinctly I am not able to say anything accurately in regard to its contents, and therefore will not attempt to reply to anything he said. I might do him injustice.

I am the more inclined to say nothing further now because I have

had serious difficulty as to how we could get along with the amendment proposed by the Senator from Missouri on a Senate bill; but the Senator from Maine [Mr. FRYE] yesterday, in response to a suggestion I made that perhaps we were not considering the measure in a practical manner here, said:

Mr. FRYE. I had the House bill laid on the table when it came over here from the House for the very purpose of moving, when in my judgment, as the Senator having this bill in charge, the proper time had arrived, to take up the House bill.

Mr. BECK. I am glad to hear it.

When the House bill is before us, as it is suggested by the Senator from Maine that it will be, all difficulties in amending it and considering the questions involved will be removed, all questions as to the right of the Senate to originate bills extending the free-list in our tariff laws or removing taxation from anything will no longer exist.

As I pledged myself to say nothing unnecessarily this morning, that is all I care to say at present, except this: A little unpleasantness occurred yesterday between the Senator from Massachusetts [Mr. DAWES] and myself, and it has been suggested to me by friends that I displayed more temper than was proper in regard to it. I only desire to say, before taking my seat, that there is no Senator on this floor for whom I have a higher respect, or for whom I have better cause to have a higher respect, than for the Senator from Massachusetts. I had asked him on yesterday what I thought were important questions in regard to a business proposition, and when he did not answer my question, at least to my satisfaction, but closed by saying, "There is a discrimination between our own citizens and foreigners, and that is what hurts the feelings of the Senator from Kentucky," I could not then help expressing my denial of a suggestion of that sort somewhat emphatically. I have leading protection newspapers before me—I do not care to read from them—sent me, I have no doubt, very kindly, with marked paragraphs; leading papers published in New York and Philadelphia, that are quite lavish in their abuse of both the Senator from Missouri and myself as being unpatriotic in our efforts, and as working in the interest of other peoples. Of course I could not answer these attacks; but when the Senator from Massachusetts used the expression he did, if I had remained silent these papers in their next issue would not only have alleged that all they had said was true, but that I had been charged on the floor of the Senate and had remained silent, and therefore confessed the truth of what they had said, and I would have had the papers sent to me marked in the same friendly spirit.

I do not think that the Senator from Massachusetts would like to have that sort of miserable slander charged against him in influential papers published in the leading cities of the country. It was not so much that I thought he believed that anything of that sort was true, or that he intended to make a distinct charge, as it was the certainty of future publications that I could not explain that perhaps caused me to show more irritability than I ought.

One other thing. I believe I have never impugned any man's motives. But just as we were closing yesterday I protested against any limitation of debate, believing that the substitution of the House bill for consideration might involve a great deal of debate, and not desiring that any gentleman should be in a false position because of debate being ordered to be closed at a given hour, when the Senator from Indiana [Mr. VOORHEES] used this expression—

Mr. VOORHEES. I desire to say a word in that connection. The inability of the Senator from Kentucky to agree to that arrangement puts it somewhat under his own control, as we adjourn with that Senator on the floor. I have been so unfortunate as to twice misunderstand that he had yielded the floor. I should like to know whether he will occupy all the time of the debate to-morrow—

I said in a petulent way, for which I apologize now:

Mr. BECK. I shall behave quite as well as the Senator from Indiana did in the last great debate that was up.

Mr. VOORHEES. I do not know what the Senator alludes to at all.

What I did allude to, to be frank about it, was that when the education bill was up an hour was fixed for closing the debate, and without any fault on the part of the Senator from Indiana he made the closing speech. He spoke to the end of the closing hour, and quite a number of others (I was not among them) found fault with him, perhaps thinking they ought to have a right to reply, but the hour fixed cut them off; and in a petulant way I referred to it, that to avoid a repetition of that condition of things I did not want an hour fixed for closing the debate. I beg his pardon for the remark I made. He knows I am incapable of saying an unkind thing to him or about him.

Mr. DAWES. Mr. President, I had intended to ask the indulgence of the Senate this morning at some length, but the remarks of the Senator from Kentucky, who has just taken his seat, so like him when he is really and actually the Senator from Kentucky, have entirely taken away the necessity and the disposition for my occupying the attention of the Senate at all this morning.

I had last night but one complaint against the Senator from Kentucky. He and I are not strangers, and I thought he knew, I felt that he knew, that it was impossible for me intentionally to use a word that would disparage his personal character; and if he had been willing last night for me to have said so and taken back any words that had escaped from me which seemed on my part to convey an entirely different meaning I should have forgotten the scene of last night. In saying that the Senator's feelings were hurt because there was in the pending measure a discrimination between foreigners and Americans in the coastwise trade I never for a moment entertained the idea or thought that I was conveying the idea that he was unpatriotic, but that, according to the school to which the Senator belongs, the great efforts the Senator has made—I know sincerely, because I know that all he does here he does sincerely—are to the effect to break down all discriminations in matters of this kind between foreigners and Americans; and it was when he had carried the argument to the point that that was all there was in the "monopoly" alleged that the Senator, I thought a little impatiently, refused me a chance to continue the debate a little further.

The Senator's remarks this morning are of such a character that I do not feel disposed to occupy the attention of the Senate any further in reference to this matter. Nothing that the Senator can say or may be disposed to say can heighten my regard for him or can in any way impair my respect for him.

Mr. VOORHEES. Mr. President, I am exceedingly gratified that the Senator from Kentucky has explained the reference which he made last evening. I felt unconscious that I had infringed upon anybody's rights or feelings in the educational debate. It was not necessary for the Senator from Kentucky to make any apology, nor do I think any apology is due from me. I am glad, however, of the explanation, because I did not understand his allusion. I came to the conclusion that a remark which I made in a similar temper and spirit dwelt on the Senator's ear unpleasantly. That was the original provocation, and I had come to the conclusion that it grated on the Senator from Kentucky. I need not say to him that the kindly feeling expressed on his part is warmly reciprocated. We are not here a great while in this world anyhow, and may as well be pleasant to each other.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey [Mr. MCPHERSON] to the amendment of the Senator from Missouri [Mr. VEST].

Mr. HALE. Let that be reported.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey will be read.

The CHIEF CLERK. It is proposed to strike out in the first section of the amendment of Mr. VEST, lines 9 and 10, the words "engines, boiler plates and tubes, and machinery," and in lieu thereof to insert:

Boiler-plates, tubes, flues of all descriptions, furnaces, pig-iron, and yellow-metal for castings, iron and steel blooms, shaft-forgings not turned or fitted, and all other material, metallic or otherwise, used in the construction of marine boilers and engines.

Mr. MCPHERSON. I understand that the Senator from Missouri who offered the original amendment will accept not only this amendment of mine, but all the amendments I have offered by way of bettering his amendment. I wish to have my amendments incorporated in the text of the proposition of the Senator from Missouri.

Mr. VEST. I am willing to modify my amendment by accepting the amendments of the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from Missouri modifies his amendment as indicated.

Mr. MCPHERSON. The Senator from Missouri asks me as to the amendment in the second line of the second section, striking out "seven," found in my amendment, and inserting "six." I desire as far as possible to conform to the wishes of the Senator, and in return will say that if in the first section, in the thirteenth and fourteenth lines, he will permit an amendment striking out "1st day of January, 1885," and inserting "after the passage of this act," which will give six months' time additional for the importation of the raw material, I will agree to strike off a year of the time I proposed should elapse before the ship can be brought in.

Mr. VEST. I have no objection to that.

Mr. MCPHERSON. Then I move to strike out "seven," in the second section, second line, and insert "six;" and in the fourteenth line of the first section to strike out "1st day of January, 1885," and insert "after the passage of this act."

Mr. VEST. I accept the amendment.

The PRESIDING OFFICER. The Senator from Missouri further modifies his amendment in the manner which will be stated.

The CHIEF CLERK. In section 2, line 2, strike out the word "seven" and insert "six;" so as to read:

That from and after the 1st day of January, 1886, any citizen or citizens of the United States may purchase the whole of any steam or sail vessel.

In section 1, line 14, strike out "1st day of January, 1885," and insert in lieu thereof "passage of this act;" so as to read:

To be built and furnished in the United States after the passage of this act.

Mr. MCPHERSON. There is one other amendment the Senator from Delaware [Mr. BAYARD] suggests which I find improves the proposition; before the words "or repair," in the twelfth line, which have been put in by way of amendment, to insert the word "alteration;" so as to read, "for the construction and equipment, alteration or repair, in whole or in part, of vessels;" and then after the word "tubes," inserted in the tenth line, to insert the word "paints."

The PRESIDING OFFICER. The Chair understands that the Senator from Missouri still further modifies his amendment as stated.

Mr. VEST. I accept it.

The PRESIDING OFFICER. The amendment will be so modified, and will be reported as modified.

The Chief Clerk read the amendment as modified, as follows:

SEC. —. That section 2513 of the Revised Statutes of the United States be amended so as to read as follows, namely:

"SEC. 2513. All or any part of the materials, whether wood, steel, iron, copper, yellow-metal, bolts, spikes, sheathing, treenails; canvas for sails, whether flax or cotton; rigging and cordage, whether hemp, manila hemp, or iron wire; anchors and cables; iron or steel plates, castings and forgings; angle irons, beams, masts, yards, rivets, bolts, nuts, screws, boiler-plates, tubes, paints, flues of all descriptions, furnaces, pig-iron and yellow-metal for castings, iron and steel blooms, shaft-forgings not turned or fitted, and all other material, metallic or otherwise, used in the construction of marine boilers and engines, and all other materials and appliances which may be necessary for the construction and equipment, alteration or repair, in whole or in part, of vessels, whether steam or sail vessels, to be built and furnished in the United States after the passage of this act, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purpose, no duties shall be collected or paid thereon."

SEC. —. That from and after the 1st day of January, 1886, any citizen or citizens of the United States may purchase the whole of any steam or sail vessel, not less than 3,000 tons net register, no matter where said vessel may have been built, whether within the United States or in a foreign country, or whether said vessel may have been owned in whole or in part by an alien or aliens; and said vessel shall be registered free of duty, as to her hull, spars, appliances, outfit, and equipment (including boilers, engines, and machinery, if a steam-vessel), as a vessel of the United States, by the collector in any port of entry of the United States to whom application for such registry may be made by said citizen or citizens, in the same manner as though said vessel had been built in the United States: *Provided*, That such ships shall be excluded from the coastwise trade.

Mr. VANCE. Mr. President, I concur with what was said by the Senator from Kentucky in objecting to the sudden closing of the debate. This is really one of the most important bills that can be before Congress. In this earth we are one of the greatest people in numbers, in intelligence, in wealth, in extent of territory and variety of climate, in commercial and nautical spirit, and yet have no flag upon the ocean, and have to procure the carrying of all our many products to the markets of the world in vessels of other people.

There is a reason for this if we are wise enough to find it and patriotic enough to apply the remedy when found, and in the hope of contributing to such a result I venture to make a few remarks in this debate.

We recognize the fact that the whole universe is governed by laws which emanate from their maker, God, and that the moral and physical world are alike subject to these laws. The very highest and noblest aim of human science is to ascertain and define these laws in order that we may conform our actions and our conduct thereto; and the nations which have most successfully done this are those which have made the greatest progress in wealth and civilization. In the nature of things this is so. No law, human or divine, can be violated with impunity. If the agriculturist sows in defiance of the seasons, he will lose both his labor and his seed; if the constructor build in any manner contrary to the laws of mechanics, he will meet with confusion and calamity. So, a government founded upon principles in defiance of the moral nature of the people over whom it is established will languish unhappily and eventually perish. So, too, laws which are enacted in defiance of the well-known principles of political economy will hinder progress and obstruct the accumulation of wealth. Violated law will vindicate itself in some way and at some time, and in such manner as is commensurate with the offense; and if it be not so, then we are sure that what we have assumed to be a law is not such.

The ancients reduced this sentiment to the maxim concerning the mills of the gods, which they said ground slowly, but exceeding fine.

It is the business of the statesman to discern and to define the laws of political economy. The best method of doing this all will agree to be the observing the primary instincts of human nature as exhibited in the experience of mankind. When we see the same results following the same causes and the same things done again and again by the same people and under the same circumstances, we assume properly that we have found a law of political economy; and that law once found and made known, it would be just as gross folly to violate it as it would be to build a house in violation of the law of gravitation.

Now, sir, not to enter upon a discussion of those principles of political economy which are not fully established by the consent of the intelligent world, there are yet certain fundamental laws which are as certainly proven as any law of physics. Some of these may be said to be: First, that the more freedom which is given to trade the more prosperous trade will be; second, that prices of human products will be regulated by the supply and demand; and third, that it is the interest of mankind to buy in the cheapest market and to sell in the dearest.

I may say that these are natural laws, not the artificial creations of scientists or theorists. They are implanted by the Creator in the moral world, and are as much God's laws as any laws of physics. I may say further that any violation of them is punished by the loss of public wealth. Restrictions upon trade are notorious for the effect they produce in rendering trade unproductive; and any taxes laid upon commerce, except where absolutely necessary to protect it by good government, are so much taken needlessly from its profits. In addition to that, we are every day witnessing the fact that the interference of the law in the operations of trade is an unknown factor and a more disturbing one than if its effects were known.

We have applications to us from all quarters by those of our fellow-citizens who are protected by tariff laws to give them stability, as change is ruinous. "We know not what to do because we know not what law Congress is going to pass," say they; "give us stability." And yet, sir, the men who want stability and who thus deprecate the interference of law are the men who for one hundred years have besieged this body with applications to pass laws for increasing duties and the like in their behalf; and the moment they get the laws to suit them they say, "Stop now; we want stability;" but so soon as they begin to feel competition or a diminution of profits from any cause they forget their cry for stability and again say, "Give us a little more duty, and then give us stability."

Since the adjournment of the last Congress this country has been agitated by two parties, one claiming that the present existing tariff was unequal, burdensome, and bringing more money to the Treasury than was required by the Government, was an unnecessary tax upon the people and must be reduced; the other claiming that agitation would ruin them, that they needed stability and fixedness, that they could not know what changes were coming, and especially, they said, the present law had not had a fair chance, and we must give it sufficient time to test its efficiency. Thus pleading for Congressional non-interference they immediately demanded in the same breath a restoration of the duties on wool, and promised if that was done and a few other things were increased also they would want nothing more except stability. This shows conclusively that the attempt to regulate the price of anything by statute is a violation of a well-known law of political economy and will always produce confusion and trouble.

If wheat be abundant it will be cheap; if it be scarce it will be dear; and no law that human ingenuity can enact can change that order of things which nature has established. So if wages are low laws can not make them higher while the whole world is pouring in a supply of labor. I claim that this earth, as long as it has existed, has never witnessed a greater piece of folly than is seen in our attempt by high-tariff duties to keep up the price of labor on the one hand while we invite all the laborers of the world to come in on the other. In other words, we have been attempting to keep up the price of an article by positively glutting the market with it! I must do those who do that the justice to say that the folly is not theirs, but pertains to those who submit to it. When the manufacturer manages to buy his labor in a free-trade market and to sell his goods in a protected market we can lay the charge of folly only at the door of the consumer and the workman. Nor can we avoid mingling with our wonder some deserved contempt for the meek victims of such fraud.

Those who declare that wages can be increased by statute, strange as the logic is, only claim that it is a law of political economy adapted to the United States. Being calculated for this meridian, as almanacs are, it is admitted that it fails everywhere else in the known world. Our country, it seems, refuses to be subjected to the laws which govern ordinary humanity. Now, can that be a principle of political economy which is partial and local in its application? You may raise the price of goods by the tariff, but the wealth which the producers of those goods gain comes by the loss of the consumer; and the total loss of the public is the difference between the artificial home price of the goods consumed and the natural or foreign price. The law will avenge itself in that way.

Now a word with reference to the maxim which dictates that men shall buy in the cheapest market and sell in the dearest. You may take a boy 10 years old and give him a quarter with which to buy candy, and he will start to the shop with which he is acquainted and where he has bought candy before; but if he meets a boy on the way who tells him of another shop where he can get a stick of candy one inch longer than in the shop in which he is accustomed to trade, he will go miles to get that longer stick of candy for his money. If he has a top to sell and he can hear anywhere of a boy who will give him 5 cents more for his top than any other boy has offered him, he will search for that boy diligently and until he finds him. That is the primary instinct, another form of self-preservation, a wise selfishness underlying a great principle.

Now, sir, those who are in favor of attempting to increase prices of products by law violate this natural principle of political economy every day. You not only violate it, but you absolutely reverse it. You make the farmers of America buy everything that they have to buy in the dearest market in the world and sell everything that they have to sell in the cheapest market in the world. That is what you do, and with your especial pet and favorite and scapegoat for all your wickedness and sins committed against political economy, the American laborer, you do still worse; because, if the British pauper who is to compete with him does not come of his own accord to take the bread from the mouth of the American, you send for him across the ocean and pay the cost of his coming; so that our workman has to sell his commodity, his labor, in the cheapest market in the world and buy his supplies in the dear-

est. So that your boasted protective system simply means protection for capital and free trade in flesh and blood. Stripped of its sophistries and falsehoods that is what it is.

It would be a contradiction in terms to say that these violations of law did not produce loss and injury. Of all the laws ever made in defiance of the true principles of economy, those which forbid the purchase of ships in any market where they can be had on the best terms it seems to me are the most utterly absurd and unwise. There might have been some excuse for their adoption by the nations of Europe at the time they were first introduced, for then the principles of political economy were not understood. Then all the nations of the world were established and maintained by military force or political intrigue. They lived in a state of constant hostility and jealousy toward each other; trade with all its beneficent influences was not understood, and there was very little of it done in the world. The accummulation of wealth by commerce was not the chief aim of statesmen. Plunder and conquest were relied upon for the exaltation of nations in those days.

The first navigation law that we have any account of by the English was in the reign of Richard the Second, in 1379, which enacted that no goods should leave England or be received at any port in England except in an English ship. Sir, would you believe, if you did not know the fact to be true, that that is precisely our coastwise trade at this day? That we have not got any further in progress than the days of Richard the Second, five hundred years ago? No ship can sail in any of the waters of the United States except it be the property of the people of the United States, and has been built in the United States. Under the operation of these navigation laws our marine, as soon as it struck competition, began to decline; and it has gone down steadily until it has absolutely disappeared, not from the face of the earth, but from the face of the deep; it is dead. That was our policy.

Now observe the British policy. As soon as she found that her navigation laws stood in the way of her trade she repealed them, and under the operation of free-ship laws she is now and has been carrying 60 per cent. of the trade of the whole world. She carries most of ours on the open seas. In the year 1882, as I saw it stated in a respectable newspaper—I do not know how true it is—out of the millions of bushels of American wheat that went abroad to seek a market not a single solitary bushel left our shores in an American ship.

Observe well these facts, Mr. President: Here is one country pursuing one policy which brings death to its shipping on the ocean, and here is another country near by which pursues an opposite policy, which brings prosperity and wealth; still we hesitate, and still we bring in little tinkering bills, and still we rub a little camphor under the nose of a dying man as if that would bring him to life; still we cling to the error which has ruined us. Why? Simply because we have adopted the protective policy of shutting out our industries from all competition with the world, and our ships at sea, with all the wealth and strength they might give us, are sacrificed in order to protect a few ship-builders.

It seems to me that every reason given for keeping these laws upon the statute-book is really a reason for their repeal. If it is done to protect the workmen in the ship-yards, then it is most partial and unjust. I understand that in the ship-yards that build sea-going craft we have not more than 10,000 workmen, and that among all the men in this country who are trained as sailors or who would have taken to the sea to make their bread if they had had ships to go to sea in there are at least 200,000. The interest of those 200,000 is to be sacrificed for the special interest of 10,000. We keep 200,000 men from making their bread upon the sea, from carrying our flag and increasing our strength and consequence among the people of the world in order that we may give higher wages to 10,000 people in our ship-yards than are paid to workmen in the ship-yards in England. We surrender to the foreigner rather than confess the failure of *protection!*

When we had wooden ships our facilities for building them were such that it compensated for the difference in the price of labor in the two countries, and we could compete and did compete successfully with our commercial rival, England, for many years; but when a change of policy came about and a change in the method of ship-building and iron steamers were adopted, instead of having iron steamers for ourselves and giving our ship-builders all the opportunities they desired to enable them to compete with those of England in the way of cheap material, in the interests of the iron and steel manufacturers of Pennsylvania we made material so high and kept up wages so high that we could not compete, and so we went off the ocean. Failing to build our ships, common sense dictated that we should buy them, the true object being to have ships as implements of commerce. We should then at least have had a navy carrying our own products under our own flag. But as it is we preferred to do nothing; we would have no ships unless we could make them, and as we could not make them we have neither ships nor sailors, and the whole marine interest of our country has been sacrificed in this insane and wicked way.

But we are told as an excuse for this that it is absolutely necessary that we should have ship-yards in case of war, that we should have places where we could built great ships, and where we could train seamen, and so on. That is the ever-ready excuse I have heard ever since I have been in the Senate, and I read long before I came here that it was necessary to have a high protective tariff for everything in order that we might be independent in case of war. A very high duty had to be placed on wool hats in order that we might not be dependent upon England for hats in "case of war." The duty on blankets was placed up about 100 per cent. in order that we might not be dependent upon England for blankets "in case of war." On everything that you can mention the highest duties were justified by supposing what we would do "in case of war." Yet for nearly a quarter of a century the party that has used this argument of imposing high taxes on everything in order to be ready in case of war has been in power, and has left the country absolutely helpless. We have neither navy, nor forts, nor fortifications, nor guns upon our coast or in our harbors that could stand for twenty-four hours before the great ironclads of the world if we were so assailed.

Suppose we had a war to-morrow, I wonder what our defense would be. We have no ships. It would take months if not years to build any with the yards that we have, and if built we have not the *personnel* of a sailor corps to man them, at least we have but a very small one. What would our defenses be? I wonder if Mr. John Roach would defend us against foreign enemies. I admit his power; I admit that he controls this Congress to a very great extent and has for very many years past; I admit that he has scared 50,000,000 of American people out of their common senses and made them believe that their only salvation in peace or war has been in levying high duties to protect his ship-yards. I admit all that, but I doubt very much whether Mr. John Roach could protect us against a foreign enemy. Then I do not know but the next resort would be to an increase of tariff duties. Perhaps if we could raise the tariff high enough we could keep the enemy out.

I know a duty of a hundred per cent. can keep out a ship with a cargo of blankets and cutlery, but whether one of 150 per cent. would keep out a cargo of Krupp guns and ammunition I am not so sure. It would hardly do so. I once heard of a country store being robbed in one of the counties of North Carolina and that a note was found on the counter, left by the thief, in which he apologized for not taking more goods; he said they were so high-priced he could not afford to steal them. Probably high prices and dear living in this country would keep off the enemy, but I should be afraid to risk it. I think this talk about being ready in case of war is the merest pretense possible, and is only employed to cover the gross selfishness of the protective policy.

But being permitted to buy ships, it is said we could not compete with Europe, because our sea-wages are higher than those of foreigners. Then why not man them with foreign sailors? The answer is, that would not be patriotic. But it is quite patriotic to have neither American ships nor sailors on the ocean. Besides, it so happens that the few ships we now have are manned by foreign paupers. It has been asserted in this debate that 95 per cent. of the sailors now in the service of the mercantile marine of the United States are foreigners, and a very shabby set at that. What would be the objection to Americans purchasing ships that would carry their flag over the ocean and manning them by foreigners if foreigners would work cheaper than our men, making those paupers earn money for us? But as it is we have neither ships, nor sailors, nor commerce upon the high-seas except such as is borne by the vessels of other nations.

The meaning of this assertion of our inability to compete at sea apologizes for the real object of this bill, which is that we must have subsidies to support this business. You admit that it is a losing business to private individuals, and therefore they will not engage in it, but you claim that it is statesmanship and wisdom for Congress to tax the people in order to support individuals in a losing business. I can not see that that which would be folly in a private man of business would be wisdom in the United States of America. Why do we want ships to send them to sea unless there is profit in it? Why should the Government hire, or subsidize, which is the same thing, ships to go through the form of carrying commerce and carrying our flag to other countries when there is no profit in it to the owner? If there be no profit to the owner, how much is there to the Government?

And suppose we should do that, what would become of all those who were not subsidized? We can not subsidize them all. We can only subsidize one line between two given points, and all other lines would not only then have to compete with the free ships and the cheap ships and sailors of England and of Europe but with the subsidized and highly protected lines of their own country. It would be of no use to any one except to the few men engaged in ship-building in this country and the specially subsidized lines.

The truth is, the whole idea of our present navigation policy is based upon and justified by an utter absurdity and impossibility. You can not keep up artificial prices of things to compete with the same things at natural prices. You can not build a ship for $300,000 that can compete on equal terms with as good a ship built for $200,000. You can not compete even in a ship of the same cost with sailors who are paid 40 per cent. less than ours. You can not train sailors to be ready in case of war in our merchant marine unless we have a merchant marine. You can not keep seamen's wages up by keeping the price of ship-building material so high that we have no ships to build or to sail in. You can not prevent this foreign competition, because, and I thank God for it, the ocean is free and refuses to be bound by

these laws which violate the principles of political economy on land. You can bind the land and you can station policemen everywhere to observe and keep the laws with which you fetter it; but when you come to the sea it is the highway of nations; all men may pass freely thereover, but no man can stop thereon or have an abiding-place there. It acknowledges no laws except those which regulate the surging of its billows and the solitudes of its awful depths. Certain courtesies and police arrangements with reference to its character as a highway are observed by common consent of the civilized world, and that is all. It is the vast expanse which separates the jurisdiction of nations; it is the grand reservation of the Almighty on our planet wherein no petty thieving laws of human cunning can abide for a moment. Man's control stops with the shore, thank God.

But you *can* keep our own people from going to the sea, which you have done most effectually. You *can* sacrifice the interests of 200,000 sailors for the supposed interest of 10,000 ship-builders, and for the real interest of John Roach and four or five others. You *can* force the American people, year by year, to pay to foreigners $150,000,000 for carrying them and their goods to and fro upon the high seas; and then in the interest of a little stump-tailed monopoly your orators and newspapers can raise the slanderous and contemptible cry of "British gold" against the very men who want to take these $150,000,000 away from the British and give them to our own ship-owners and sailors. That is what you can do, and it is about all you are doing, except to excite the contempt of all men who reason upon things from the experience of mankind.

Capt. John Codman was so denounced the other day in this Chamber. I am authorized by him to denounce as false any statement to the effect that he is suborned or in the pay of foreign ship-owners. He is an American sailor whose business has been ruined by these laws, and he has just as much right here and is entitled to quite as much respect as Mr. John Roach, who seeks to plunder the American people in the name of patriotism by high protective laws. In Heaven's name why should England or foreign ship-owners send an agent here to disturb the laws under which she is growing rich? How could an agent, be he paid with ever so much of her gold, better subserve her interests than do those who on this floor, without pay, vote to keep these laws on our statute-books in her behalf?

The real object of this bill is disclosed in those sections which ask for a subsidy. Senators will do anything and everything except make the candid confession that high tariffs and barbarous navigation laws have driven us from the seas. Such an acknowledgment would be fatal to the intrenched monopolists of this country. The ships that carried our flag once in triumph have been swept from the ocean, and the only remedy which statesmanship has to propose is a little more of the disease that killed the patient.

We are called upon on the one hand to imitate England, and on the other we are denounced for trying to imitate her. We are called upon to imitate England in every folly and every blunder that she has made. We are called upon to go back to the mistakes that she committed long, long ago, before trade was universal and governed by a national code, before its beneficence was known to the world, and to repeat all the faults that she made and adhered to for so long. In other words, we are invited solemnly, like provincials, to shine in the cast-off garments of Great Britain, but not to dress ourselves in any of her wisdom and success. I for one decline to commit my country any longer by my influence to the imitation of the ancient and long-since obsolete navigation laws of England.

It is not pretended that the bill can revive the mercantile marine. I believe the Senator from Maine told us the other day he did not expect it to be revived by this bill; he expected it to be helped. Sir, it is the merest tinkering. What are its provisions? One is that under certain conditions a foreigner may absolutely be an officer of a vessel until it arrives in an American port; another, that in certain cases seamen may be discharged and may get a month's extra pay; in others, that they may be discharged and under certain circumstances may be sent home at the expense of the Government or of the vessel whose fault it is that they were discharged. Another wise provision is that each vessel shall be provided with a "slop-chest." Another is that they shall receive relief from certain consular exactions and protection against the beldames who keep the sailors' boarding-houses of the country, and the like. All this may be well enough, all good enough as far as they go, and they go far enough unless they were better. But they do not touch the seat of the disease under which our maritime navy has decayed unto death. Besides, they are merely aids to a living institution, and we require restoratives for a dead one.

The consequences which are to follow if we should adopt this free-ship policy I admit look very fearful as portrayed by the two Senators from Maine. One of the great fears is that three or four hundred old ships, out of model and now partly rotted, which are owned in England, if this bill becomes a law will be brought to this country and broken up and sold for old material and old iron, to the great detriment of the manufacturing interests of Pennsylvania. If I had not heard that with my own ears and read it in the RECORD I should not have believed it. To the great detriment of the interests of Pennsylvania! If a few cargoes of old iron can ruin the Pennsylvania iron and steel manufacturers, I ask every sensible man, ought they not to die, and die to-morrow, and have no funeral? We have paid thousands and thousands of millions of dollars in the shape of bounties and high-tariff duties for the purpose of establishing those great iron and steel works that were to take old England by the throat and outglow her furnaces and smother her fires, and they are now to tumble down like the walls of Jericho at the rattle of old iron. Have we not made a poor bargain indeed? It would really seem so.

Another danger, the Senator says, is that if we repeal our navigation laws, in case of European war foreigners will take shelter under our flag and sail under it until after the war and then return to their own. Well, what would be the harm if they did? They can do so now in other countries. And suppose they did return after the war to their own country, would we be any worse then than we are now? I can not see that we should be.

Another danger is, that if people once get a taste of free ships for the foreign trade they will soon want it for the coastwise trade. I heard the junior Senator from Maine [Mr. HALE] put that question to the Senator from New Jersey [Mr. MCPHERSON], and he put it as though it contained a dilemma, on the horns of which the Senator would be impaled if he dared to answer fairly. How long would it be, said he, if you give them free foreign ships until they will want free coastwise ships? How long would it be, sure enough, and what would it matter if it was so? Is this a government of the people, by the people, and for the people, or is it a government of John Roach for John Roach and by John Roach? Have the great majority of the people of this country no rights which Mr. Roach is bound to respect? Are our people capable of self-government? Have they sense enough left to see their own interests and to follow them? Suppose that they should want free ships in the coastwise trade, is the Senator or the Senate or anybody else to say them nay? If a majority of the American people pronounces for it who is to say no to them? What harm would it do to anybody? Do not the foreigners already come here and engage in anything and everything that we do? Are they not to be found in every single one of our industries, both as employers and as employés, both as capitalists and as laborers? Do they not own our railroads, many of them? Do they not work in all our mines, or many of them? Do they not own our lands in the West by the millions of acres? Have they not great joint-stock companies all over this country engaged in speculation of every kind? I have here the London Economist, in which is set forth a list of the cattle companies formed in this country, some of them declaring a dividend of 20 per cent.:

Arkansas Valley Land and Cattle, limited.
Cattle Ranche and Land, limited, preference.
Colorado Ranche, limited.
Dakota Stock and Grazing, limited.
Hansford Land and Cattle, limited.
Maxwell Cattle, 8 per cent. mortgage.
Matador Land and Cattle, limited.
Missouri Land and Live-Stock, limited.
Nevada Land and Cattle, limited.
Powder River Cattle, limited, ordinary.
Powder River Cattle, preference.
Prairie Cattle, limited, first issue.
Prairie Cattle, limited, second issue.
Prairie Cattle, limited, third issue.
Swan Land and Cattle, limited.
Texas Land and Cattle, limited.
United States Cattle Ranche, limited.
Western Land and Cattle, limited.
Western Land and Cattle, preference.
Western Ranches, limited.

There are some twenty joint-stock companies of foreigners, investing millions of dollars and owning millions and millions of acres of our land and declaring some of them a dividend of 20 per cent. upon them, and yet you say that it would be ruin if a man ran a little corn-cracker on one of the rivers or sounds of the United States unless it was made in the United States and had a United States registration and ownership? Is there anything more absurd?

The influence of foreigners among us is great in more dangerous ways than honest trade. I do not know how true it is, but it is a national scandal that it was British gold which caused the demonetization of American silver and provided for the payment of the interest on the public debt in gold. Yet we can not permit anybody to own a ship in this country unless he be an American, and the ship American built with the imprimatur of some American ship-builder upon it.

We have all got rich by protective tariff, said the Senator from New York [Mr. MILLER] the other day; our people are now rich; the farmers have all got rich by the protective tariff. Not so, Mr. President. I maintain that nobody has got rich by the tariff except the manufacturers. It is impossible that anybody should have made any money except the manufacturers, and they have made their money at the consumers' loss.

Wheat is now 75 cents a bushel in Liverpool, or was at the last quotation I noticed, where not long ago it was $1.15. Is that peculiarly and particularly beneficial to the farmers of the West? What is the cause of that? Owing to the fact that the high protective tariff prevents people from bringing in something to buy wheat with, the consumption of our wheat abroad is necessarily restricted. A foreigner wanting to come for wheat naturally wants to fill his ships with something to exchange for wheat; for it is an understood fact that all com-

merce is exchange; and when he finds that owing to the tariff he can not bring in his goods with which to exchange he hunts his bread in some other direction. I have a statement here, taken partly from the London Economist and partly from our own statistical reports, in relation to the wheat which is consumed by Great Britain, and I will read it to the Senate. In 1881 Great Britain imported 57,042,669 hundredweight of wheat, of which the United States furnished 36,038,074 hundredweight, or very considerably over half—three-fifths, in fact. In 1882 Great Britain imported 64,171,022 hundredweight, of which the United States furnished 35,059,623 hundredweight, a million and some odd hundredweight less, and still less in proportion to amount imported. In 1883 Great Britain imported 64,080,444 hundredweight, of which the United States furnished 25,065,832, less than two-fifths. While the importations of Great Britain remained about the same, the exportation of our wheat to Great Britain and her consumption of it decreased every year until the decrease amounted in the three years of 1881, 1882, 1883, to 10,972,000 hundredweight.

Mr. MCPHERSON. Would it interfere with the Senator's argument if I should ask him a question?

Mr. VANCE. Not at all.

Mr. MCPHERSON. The question I should like to have the Senator answer is, was that diminution in the amount of export of our wheat to England due to natural commercial causes or to artificial causes? Was it not due to the most extraordinary methods pursued by speculators in the country, who had raised the price of grain by reason of speculation 10 cents a bushel in this country above the cost of grain in Liverpool?

Mr. VANCE. I am not able to tell the Senator whether that was the cause or not. I have no means of knowing what the effect of speculation on the trade was during those years; but I know that the decline in the amount taken by Great Britain of our wheat is commensurate with the decline of our exportations for those years, for I looked over the census tables on the subject.

Mr. MCPHERSON. But the Senator does not really answer the question.

Mr. VANCE. I could not in any other way than I have answered.

Mr. MCPHERSON. If the Senator will permit me——

Mr. VANCE. Yes, sir.

Mr. MCPHERSON. With a surplus in this country of 100,000,000 bushels of grain above the possible wants and needs of our people, with the absolute certainty that that grain must find a market abroad, why was it that the grain was not shipped abroad? The grain is here, it is not needed by the people of the United States; it seems not to be needed by anybody just now. The reason of its not being exported and sent abroad was because of a most extraordinary condition of affairs as regards speculation, the insane idea which got possession of the people's mind that the grain would be worth at some future day a great deal more than it was at the day the people abroad needed it. I submit to the honorable Senator that it is no argument to say that the British Government or the British people or the European people at one time took from us 36,000,000 busheis of grain and at another time only 25,000,000 bushels. I say it may be attributed to artificial reasons rather than to natural commercial causes.

Mr. VANCE. I submit that to get up and tell me that my argument is no argument is not asking a question.

Mr. MCPHERSON. But the Senator undertook to answer it. I was only dealing with his answer, not with his original argument.

Mr. VANCE. I beg pardon of the Senator; I have not yet undertaken to answer his question as he last puts it. I will though. I expressed my inability to answer the question as the Senator originally framed it, but as he now states it in the form of a question as to why our wheat did not go abroad and replies himself that it was due to speculative causes, I must be permitted to say to the Senator I do not think that is true. When I see a plain and palpable reason for anything lying upon the surface I prefer to take it rather than to hunt around for a speculative one which may be true or may not be true. When the wheat, as he says, was here and England did not take it, I think the plain and palpable reason was because we would not take England's goods in exchange for it.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. VANCE. Certainly.

Mr. HOAR. I desire to ask the question whether prior to the first year which the Senator took as his limit, 1880, there was not a constant increase of our exportations of wheat to England, beginning with about 1860 and 1861, to some thirty-five or forty million bushels? I have not in my memory the exact amount.

Mr. VANCE. Are you through with your question?

Mr. HOAR. That is part of the question. I will put the three questions at once, if the Senator will pardon me, and then he will see the bearing of each of them. Is it not also true that the tariff, which the Senator thinks has caused the diminution of the last three years, was in operation during all the time of this vast increase, so that whether we were increasing or diminishing the same cause existed? Is it not further true that about three years ago England completed the vast system of railroad communication with India which enabled India (which raised wheat at 35 cents a bushel when it costs us 60 cents to raise it) to take her wheat to the seaboard?

Mr. VANCE. The Senator has not only asked me the questions, three of them at a time, but I think he has answered them. I was going on to say on that very point that it is a part of the history of the country that for many years, from 1860 on, our importations of breadstuffs to Europe, and especially to England, increased with wonderful rapidity, but that for many years with that increase our tariff was also constantly increasing, which made it more difficult for England to purchase; and the Senator knows as well as I do that it takes a considerable length of time for a nation to change the sources of its supplies.

Mr. HOAR. The Senator does not quite apprehend my question, if he will pardon me. My question went a little further. Whether the increase in our exports of wheat to Europe did not begin when the high tariff of 1861, the Morrill tariff, was put on, and if it did not go on increasing ever since until within three years, with a high tariff all the time.

Mr. VANCE. If the Senator will allow me to finish I think I will answer him fairly. I was proceeding to say that when England found her breadstuffs were costing her so high and that the nation to which she principally looked for them was cutting off her trade by high duties, she began at once the task of finding other sources of bread. She began to stimulate the production of wheat not only in Canada and in Manitoba, the great northwestern wheat territory, but in India, a country that had hitherto been supposed incapable of producing more breadstuffs than would supply its own population, in Roumania, in New Zealand, and in Australia. From all those distant lands, all being her own except Roumania, and Egypt, over which she had a protectorate, the Senator will see that the production of wheat and its importation into England has been gradually increasing year by year in the same manner that our importations increased, and that all this effort to create sources of bread took time; that it is only within the last few years that England has been able to get any considerable portion of her bread from these new sources; that she has built extensive railroads; that she has loaned millions of pounds to railroad companies for the purpose of penetrating those regions of the uplands of India that are fit for wheat-growing; and that her system of railroads contemplated and in process of construction will reach very soon a country where wheat can be produced, according to the information that I have derived personally from citizens of that country, at 4 shillings a quarter, which is equal to 12½ cents a bushel.

All this I say was caused by our tariff duties, for England would not have incurred these enormous outlays if she could have purchased her bread by exchanging her products with us as nature and common sense dictated. But for our restrictive duties she never would have turned away from the convenient plains of Iowa to go round the globe to seek her people's bread at vast expense in the foothills of the Himalayas or on the steppes of Australia.

When England has reached by rail that portion of India fitted to the cereal, and has stimulated the production of wheat in that land where labor is so wonderfully cheap, I think we may be safe in assuming that the product of our wheat fields in the Northwest, all that is over home production, will command not more than 50 cents per bushel. Yet our farmers are getting rich! Their product goes down according to the laws of trade, but the tools with which they have to cultivate the ground, to produce the wheat, the clothing which they wear and which their families wear, and the medicine with which they doctor themselves in sickness—the prices of those are all kept up for the benefit of the manufacturers of this country.

Mr. HOAR. Does the Senator think that if we should take off the tariff wheat would stop developing in India?

Mr. VANCE. I do. That is to say, I think if our protective tariff was brought down to such reasonable limits as would enable England to buy our wheat and pay for it with her productions it would stop her vast efforts to stimulate wheat-growing, and her demand would keep every farmer in this country employed in raising wheat for the English market at profitable prices. I simply believe that statement, and I know that whether it be true or not it would be better than the present system, which is constantly decreasing the prices of the farmer's products without a compensating reduction of his expenses.

I will mention also, as perhaps the Senator is aware, that England produces about one-third of her own wheat. The climate of England is subject to many variations, and wheat grown there is subject to many casualties. In bad wheat years the exportations of course are greater from this country than they are during good wheat years.

I have here a statement showing in what countries England made up her supplies after the falling off in the supplies from the United States. From Russia she imported in 1881 4,018,895 hundredweights of wheat; in 1882, 9,571,021 hundredweights; in 1883, 13,293,358 hundredweights. From Turkey she imported in 1881, 33,532 hundredweights of wheat; in 1882, 526,439 hundredweights: in 1883, 1,128,074 hundredweights. She imported from Chili in 1881, 1,091,803 hundredweights of wheat; in 1882, 1,656,361 hundredweights; in 1883, 2,310,126 hundredweights, and paid for it nearly all with her cotton goods that we might have sold if we had had the liberality of trade she exhibits. The British East Indies produced in 1881 7,308,842 hundredweights of wheat for the British market; in 1882, 8,477,479 hundredweights; in 1883, 11,243,497 hundredweights, making a total increase of purchases from those four countries of 15,521,993 hundredweights of wheat.

How easy it is for England to supply herself with cheap food. And

yet our farmers have been told in the West, as they were once told in the South in regard to cotton, that they in those great plains of the West now have the bread of the world in their hands and can make the world buy their wheat whether we take anything from the rest of the world or not. That is the argument. There never was a greater mistake. England can furnish her people with bread without taking a single bushel from us; and the policy which prevents us from exchanging our bread and provisions for her goods is one which will soon force her to do it: a policy which feeds and fattens the manufacturing interest of this country at the expense of the farmer; and no amount of broad, flat assertion that the farmers will get rich upon such a system as this can make anybody believe it who understands anything about it.

Why, sir, the Senator from New York said the other day, if I understood him correctly, that he did not want any ships unless they could be built at home and manned with stalwart American seamen. That I suppose would run through everything else. He should not want any sugar for his coffee unless it has been made here at home. He should not want any coffee unless it is grown down here in the Botanic Gardens. He should not want any tea nor any linen. He should not want any wine, any spices or fruits, or anything else in the world except it is produced in the United States. Moreover he will not send a telegraphic message across the ocean, and he will not go across the ocean himself on any pretext whatever, because he can not sail across in an American ship or send a message across by an American wire. That is a sort of patriotism that I do not profess and that I fancy the Senator does not practice.

I am informed, I do not know whether I be correctly informed or not, that no nation which has once repealed its navigation laws and tried the policy of free ships has ever returned to it. France gives a bounty on ship-building, it is said. So she does; but she allows her citizens to buy ships freely wherever they please, and she even gives a half bounty to a ship built abroad provided she is owned by a French citizen, the object being to furnish France with ships, to promote ship-owning and not ship-building. We say the building is the all-important matter, not the owning; but with the French the test is the owning and the having and the using of the vessel.

Germany did not repeal her navigation laws, as has been stated here, with regard to the power of purchasing free ships, because she never had any to repeal. The free cities, Hamburg, Bremen, and Lubeck, were such before their consolidation into the German Empire, and they had the right to buy free ships wherever they could and desired, and when they were consolidated with the German Empire not many years ago that right of the free purchase of ships was reserved. The fact that Germany now builds most of her iron vessels, as has been boastingly stated here, arises from the fact that having iron vessels she had to have ship-yards to repair them in; and the ship-yards being once established, the building followed as a matter of course. Before she adopted the policy of free ships she had neither yards nor ships; now she has ships and she has yards.

The Senator from Maine when told about the destruction of the American merchant sea-going marine, falls back very triumphantly on the flourishing coastwise trade. Yes, of course, we have some vessels on our coast and upon our inland navigable waters. It could not be otherwise, because no competition has ever been permitted to come here. Mr. Roach says "we protected our coasting trade as we did our manufactures, and so saved it." Just so. There is no trouble about that. We can save almost anything and keep it alive by cutting off the rough usage of the competing world and levying taxes to support it. Yet we tried to protect our sea-going ships by the same laws, and where are they? In the building of sea-going steam vessels within the last fifteen years free-trade England, as I am informed (I have not the accurate statistics), beats us about twenty to one. In the last year (1883) she built about 900,000 tons of such vessels, of which about 125,000 tons were sold to foreigners. Great as we think ourselves on the interior waters and upon the land where we can make prices high by law, whenever we come to the great sea and get out of sight of land and out of the jurisdiction of those laws we are seized with sea-sickness and go to the bottom.

I am in favor of the amendment of the Senator from Missouri. Without it the bill is not worth a cent—not worth the snap of my finger. It will do no harm, it will do no good, to pass it without the amendment so far as I can see, except that section which provides for a subsidy, to which I am utterly opposed.

But there is one way, Mr. President, by which we can restore our flag to the ocean and can punish our great commercial rival, and that is by repealing all our treaties and re-enacting the statute of Richard II in 1379, and refuse to let any foreign ship land goods upon our shores. Then, no doubt, foreign nations would unreasonably retaliate by refusing to let any ship of ours land goods upon their shores. Then this miserable foreign trade, this unprofitable foreign trade, this vexatious foreign trade, that is so contrary to the principles of American protection would be at an end, and we could revel in all the blessings and glories of a home market and make each other rich by trading with and taxing and cheating each other to our heart's content, with no foreign pauper to molest us with his competition or make us afraid with his cheap goods.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri [Mr. VEST] as modified by him.

Mr. BAYARD. I desire to ask the Senator from Missouri to assent to a further modification of his amendment on line 13 of section 1, after the words "United States," to insert "for foreign or domestic ownership."

Mr. VEST. I accept that amendment.

The PRESIDING OFFICER (Mr. HOAR in the chair). The amendment will be modified accordingly.

Mr. BAYARD. I will state as explanatory of the modification that section 2513 of the Revised Statutes, which was the statute of June 18, 1872, was intended, to my personal knowledge, I having participated in the debates of that day, to allow American ship-builders to construct vessels for foreign account, and to that end to admit the articles named, lumber, timber, hemp, &c., free of duty. But when the Treasury Department came to construe this law they made a decision, which under their practice seems to be irrevocable, that in order to take advantage of this section the ship must be an American-owned ship. Now, I happen to know, for I was acting in co-operation with the Senator from Michigan, Mr. Chandler, who was a friend of the construction of ships on foreign account, that the very object was to enable American ship-yards to be occupied in the construction of ships for foreign account; and yet the construction given to the law by the Treasury Department completely destroyed that intent, as probably the Senator from Maine is aware. Therefore that which was meant to be an occupation to American ship-yards and ship-carpenters was deprived of its object by the construction given by the Treasury Department.

Now, in order to prevent anything of that affecting what may be called the free-material clause proposed by the Senator from Missouri, on which we are now about to vote, I propose to insert, in line 13, the words "for foreign or domestic ownership," so that it will enable the American shipwrights to be employed to build vessels for foreign ownership, and that I am sure we all desire shall not be excluded by any hostile construction such as was put on section 2513 of the existing law.

Mr. FRYE. I call the Senator's attention to section 17 of this bill. I had a very vivid recollection of the Senator's purpose in making such a provision as he now speaks of, and there is a section which directly in terms provides for the building of vessels on foreign account, and for the rebate of duty in case the vessel is partly built of articles of domestic manufacture.

Mr. BAYARD. The Senator is correct; I appreciate that provision; but as I thought the amendment was offered in different terms, I proposed to make it in full accord with the intent of the existing law.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri. The chair understands that the modification of the Senator from Delaware, which he has explained, is one already accepted by the Senator from Missouri.

Mr. BAYARD. It is accepted by the Senator from Missouri and incorporated in his amendment.

Mr. VOORHEES. Mr. President, it was my purpose yesterday to have indulged in more extended remarks upon this bill than I shall to-day. In fact, I should be willing to let the vote be taken without any observations at all on my part but for the fact that it seems best to me to briefly state the reasons which will govern my action on this very important measure.

There is a certain attractiveness in the term "free" that wins regard for it even when applied to things where it is very often much out of place. "Free ships" means free trade in all that appertains to the construction of a ship, including the vast amount of labor which is involved.

Sir, when this question was first sprung upon the Senate many, perhaps myself among the number, failed to realize at once the magnitude of the interests involved. Our fathers who made the Constitution provided the navigation laws we are now considering. They were passed in the first administration of Washington; they became a part of the laws of this country in 1792 and have remained so till now. They have survived ninety-two years—I believe that is the correct calculation—and of that period the Democratic party has had control of this Government for near fifty years. The Democratic party has had twelve administrations, covering forty-eight years. We on this side of the Chamber have administered the affairs of the United States more than one-half the time the American Union has been in existence, and during all that time these navigation laws have been on the statute-books and have been in force. Consequently I do not see how I am called upon in any party sense to favor their repeal.

I have looked over the administrations of this Government somewhat. I find various names of Secretaries of the Treasury whom I have been taught to believe knew as much on this subject almost as some modern statesmen who expatiate on it with great force and possibly some wisdom. These laws were enacted under the auspices of Alexander Hamilton. On many questions of government no man differs more widely from Hamilton's views than I do, but I believe nobody has ever questioned his great ability as a financier. I believe no scheme of finance was ever more successful than that of which Alexander Hamilton was the founder. He established solid credit and commercial prosperity.

Alexander Hamilton was the founder of our system of finance under

General Washington. Oliver Wolcott served one term under that administration, filling out the eight years. I find that Albert Gallatin was Secretary of the Treasury twelve years. He was Secretary of the Treasury during the entire period Thomas Jefferson was President of the United States and during one term under James Madison. He found no fault with these navigation laws and thought it was due to the prosperity and the honor of the Government that the American register should carry American-built and American-owned ships. His policy enabled the American people to go through the war of 1812 in honor and triumph. American-built ships, though few in number, maintained American glory on the ocean.

The bare fact that men of such eminence as I am mentioning thought as they did on this subject is not final and conclusive, but I expect to show why, independent of the weight of their names, they were right. This line of policy was pursued by every administration to the present without any call for serious modification. During the administration of James K. Polk, when it is sometimes said the Democratic party was nearer free trade than at any other time, even Robert J. Walker never called for the repeal of these laws and for free trade in ships.

Indeed, may I not pause to ask why men who deal in ships should be relieved of the burden of import duties with which to raise revenue any more than the man who deals in plows? Why should he not pay taxation duty as well as the man who buys farm implements? There is no free trade in plows, and there is no free trade in harrows, nor in mowers, nor in reapers. It seems to me that ships can bear the burden of duty for revenue as well as these humbler instruments of life and business.

Once Kentucky had a statesman, a strong man, at the head of the Treasury Department. There is no greater or stronger or purer name connected with Kentucky history than that of James Guthrie, not even excepting that of Mr. Clay. There has been no wiser or sounder man in the Treasury Department than Mr. Guthrie. We were not instructed by him according to the lights that are shining so brilliantly here now. I want to find whose company I am in. I hear that we are to be read out of the party at both ends of the Capitol. I want to ascertain whether a man who stands with Andrew Jackson, James K. Polk, James Guthrie, Thomas Jefferson, and Albert Gallatin can be read out of the Democratic party by those who are violating all the principles of the founders of the party.

Mr. President, passing from that view of the question, I wish to state in brief what this great measure is. Senators need not look at it as a small matter; it is a stupendous question—nothing less than the turning over of our ship-building to a foreign power. It is nothing less than abdicating that branch of industry. It is nothing less than saying to England that her ship-yards shall furnish every ship which we navigate; that we will buy of her every keel we put afloat; that we will patronize her cheap labor, and that she shall have all the profits of this mighty industry.

It is the question of closing every ship-yard in the United States. A ship is composed of ten cents' worth of material and ninety cents' worth of labor. England can and does furnish this labor at one-half the wages we pay our people. When ships are purchased from England, in order that our American ship-yard can compete with them they must cut down the laborer's wages 50 per cent., or surrender the work of ship-building to another power. The policy of this Government has been different from this; the policy of this Government has been that in time of peace we should prepare for war. How completely should we be at the mercy of our great adversary if she had all the building of our ships in her warlike hands!

Why, Mr. President, are we ever to see the day when the American flag shall fly the sea only on hulls built in British ship-yards? Let me say to Senators on this floor that they may not be aware of the sentiment of their countrymen on that subject. The Senator from Missouri, with all his great gifts and eloquence, was driven to make a strange statement a few days ago in this debate. In discussion with the Senator from Maine as to whether buying English ships would promote the ship industry in this country, he exclaimed that at least we could repair these ships in our ship-yards and thus keep up some sort of interest in ship-building. England would build and we would repair. I mistake the temper of the American people if they want the matter put in that shape; that our ship industry shall consist in raising the American flag over British hulls, and when they are old and worn and put down again for repairs they may be repaired in our ship-yards.

The argument that we can get ships such as we want from foreign powers and that this will promote the ship industry in this country is the most illogical proposition I have ever heard. You might as well expect to make me believe that it would promote the raising of corn to encourage the purchase of all we want from abroad as to tell me that it will build up ship-yards and supply labor with employment in the ship industry by purchasing all the ships we want put on the seas from somebody else.

I repeat, sir, this measure is the abandonment on the part of the United States of the entire work of ship-building, turning it over to a power never friendly to us and only too glad to sweep all our ships from the ocean. Senators here are asked to do this. The public men of Great Britain, you may be sure, have taken notice of the fact that this measure is here. Whenever there is a question on which there is an English side and an American side I take the American side of the line. There is no doubt in my mind which is the English side of this subject. This measure will be hailed with joy by every member of the British Parliament true to his own country. It is the abdication by America in favor of Great Britain; it is a concession to England such as they would give many millions to possess. I stand for my own country on this and on all other questions.

Sir, what American interest demands this legislation? Does the shipping interest ask it? Is it the labor interest? I stand for American labor. I was born in its ranks. Does American labor ask for this? Where are your petitions? Where is the popular movement? On the contrary, I will venture my reputation for some knowledge of the popular mind that every labor organization in the United States is against it. I mean not merely the labor organizations that are in ship-yards, but everywhere. They sympathize with each other. Workingmen of all classes, the workers in the iron furnaces, the workers in the various factories, bound together and allied by all their interests and their thousand ties, are against this measure, one and all. Where is then the American interest for it?

I have said already that the man who wants to buy a ship is more able to pay the duty upon it than the man who buys a plow. If free trade is right, let it apply to everything; let us not pick out some one thing on which men are well able to pay the duty.. I have heard something of tariff in my day.

Mr. FRYE. Right there I should like to put into the Senator's speech, before he starts on any other proposition, a telegram which I have just received. The statement of the Senator is that the laboring men do not demand it, nor do the ship-builders demand it, nor the men who propose to buy ships. I read this dispatch:

NEW YORK, *May* 5, 1884.

Hon. WILLIAM P. FRYE,
Senate Chamber, Washington, D. C.:

We, the owners of American-built iron steamships, from two to five thousand tons each, aggregating over 75,000 tons, engaged in foreign trade to West Indies, South America, Mexico, China, and Australia, protest against the free-ship amendment to navigation laws, we preferring ships built under our own supervision, the materials being superior, and urge the passage of proposed bill for fair compensation for mail service, which would be an inducement to increase our fleet at once.

J. B. HOUSTON,
President Pacific Mail Steamship Company.
JAMES E. WARD & CO.,
New York and Cuban Mail Steamship Company.
S. W. ROWELL,
Secretary United States and Brazil Mail Steamship Company.
F. ALEXANDRE & SONS,
New York and Mexican Line.

Mr. VOORHEES. I am very much obliged to the Senator from Maine. I was sure that I stated what was the general sentiment upon this subject. I was doing no more, however, than in a general way seeking to convey what I am sure is the fact, that there is no interest crying out or calling for this revolutionary legislation, calling for a change of policy, a change of laws as old as the Government itself.

I was proceeding to say that in all tariff discussions I have heretofore heard that the articles free of duty should be the necessaries of life, and under that term "necessaries of life" are usually included the articles of clothing with which the husbandman clothes himself, articles of husbandry with which he plows his grounds and cultivates his fields, and also articles which go into domestic use in every-day domestic life. I have never heard before that the man who is able to float ships on the high seas must have them come in duty free as a necessity of life to him.

If we are to have free trade, let it commence with salt and other articles of prime necessity to human life, which the poor must have as well as the rich, and which they are not able to purchase at the increased price which the duty places upon them. Let us not commence by relieving the millionaire; let us not commence with those most capable of paying the duty if the duty is a burden. Let the revenues by impost duties be paid by those who are able to send ships down to the sea rather than by the farmer and the mechanic in the fields and in the shops.

No, Mr. President, I have yet to hear a single reason to justify a vote for the amendment of the Senator from Missouri, revolutionizing, as I have already said, the policy of the Government from its beginning. It is a subject on which to go slow; it is a subject full of teaching to this side of the Chamber as well as to the other; it is a subject full of mighty interest to American labor. It is full of interest to the patriotic thought likewise, for I say again no true-hearted American wants to see an American merchant marine with its keel laid by English cheap labor carrying the American flag.

Sir, I will tell Senators who differ from me why, in my judgment, the American merchant marine has declined. We have not treated it fairly, and the other side of the Chamber is more responsible for that treatment than we are. The Republican party have had this Government for the last quarter of a century almost. During all that time there has existed on the statute-book the most iniquitous and outrageous legislation that it has been my evil fortune to look at during my career as a Senator. Here are laws—take section 3976 of the Revised Statutes and

section 4203 of the same, and they are unparalleled. They amount to a thorough system of black-mail upon our ships when they go out upon the ocean. Ships in the foreign trade are compelled to receive the United States mail at the port of shipment and at a port in a foreign country at a price that does not pay for handling the mail-bags, carry that mail, and discharge it at an expense to themselves of thousands and tens of thousands of dollars. A system of that kind would drive any American ship from the sea.

The laws I have cited are also thoroughly unconstitutional. If I understand the Constitution the Government has no right to take a man's property without proper compensation. The Government has no right to say to the owner of a ship, "You shall carry the United States mail for $25, when it is worth $500 to do it." It is robbery, it is a disgraceful plunder of private property, and has driven American ship-owners out of the business and compelled them to abandon it.

Sir, instead of a generous policy, instead of a healthful policy building up our merchant marine, we have proceeded during the last twenty-five or thirty or perhaps more years with the spoliation and the destruction of their just rights. Repeal these laws; go further and fix generous rates of freight, help instead of hurt, and you have the cure for your declining merchant marine. It has declined, Senators say; yes, but if you want to give it the final finishing blow, this amendment will turn the whole business over to England, and we shall have none.

Mr. President, I am an American in my feelings on this question. I believe we have the power to do what any other government or people can do. Our institutions are freer to promote the energies and develop manhood than any other government, and if we want ships, if it is our interest to have them, let us build them. If we would have ship-yards, let us protect our laborers in ship-yards. I am not afraid to say so. If there shall ever come a time when we build them in competition with all others, then there will be a season of universal free trade, but as long as we are raising a revenue of over two hundred millions a year out of duties laid on foreign imports, I am not going to commence with free ships, which will strike a blow at every branch of industry and at the bread of the laboring man and his wife and children.

Mr. CALL. Mr. President, I desire to submit a very few observations upon the amendment now before the Senate. The question of the encouragement and the revival of the American foreign carrying trade is evidently entirely disconnected, as a matter of reason and necessity, with the question of the American ship-building interest. It has been admitted in the argument here, and is certainly true, that we have no American foreign carrying trade; that it is subject to great discouragement; that for reasons which have been generally discussed and conceded, that because of the greater proximity of coal and iron to navigation, because of the greater cheapness of labor, because of the superior financial facilities and of government aid, there is a disadvantage in the American ship-building interest and in the carrying trade as compared with England and foreign countries generally.

Now, the argument, admitting the weak and dying condition of the American foreign carrying trade, proposes a remedy, and what is the remedy? It is to continue the connection and burden the foreign carrying trade which it is proposed to revive with an additional debt of one-third greater than is borne by the foreign carrying trade. It is to require the support of the American ship-building interest by the American foreign carrying trade, which all admit to be in a weak and dying condition. Why the necessity for continuing this connection? If it be necessary—and we may admit all the arguments which gentlemen make as to the necessity for an American ship-building industry—I am not averse to it. I am willing for one to give that aid, whatever it may be, which may be necessary and efficacious to the building of an American ship-building industry; but the question for us to consider is, what is that aid? Is it to be done by burdening that industry with an unnecessary cost by requiring the two to be inseparable? I think not.

It occurs to me that if an American foreign carrying trade with $170,000,000 saved to American interests be a necessity, if an American foreign carrying trade to create American sailors be an object of public policy, as I think it is, then we must look to the reasons and the means by which it may be established, and not assert that we can do it by attaching to it the necessity for supporting the American ship-building industry. If we must have that industry, let us aid it by imposing the support of it upon other industries; select some healthy, strong, and vigorous industry, or let us impose the necessity of building up the ship-building industry, if required, upon the general taxable interests of the country, upon its whole resources; let us treat it as a national industry. Let us say that the same reasons which demand that you should have navy-yards, or a navy, or preparation for war, make the encouragement of the ship-building industry by Americans in private hands and not of public policy and encourage it in the proper way; but is it not utterly unreasonable to say that the American foreign carrying trade, now burdened and dying, must be saddled with the support of the ship-building industry? What argument and what reason is there in a proposition of that kind? Certainly none. Unquestionably the two are entirely distinct. If you can have an American foreign carrying trade, if you can save $150,000,000, if you can have American sailors, and yet without having the ships built in the United States, why not do it? If to have a ship-building industry you must encourage the building of American ships, why not do it directly? Why cling to a policy which has failed to do it? Unquestionably you stand in the presence of the fact that under the existing legislation the restrictive policy of the navigation laws has not built up an American foreign carrying trade, nor built up to any great and enlarged extent your American ship-yards. They have certainly signally failed in respect to the American foreign carrying trade.

You have, then, no argument, no proposition in reason on which to stand for connecting these two industries, and for saying that the foreign carrying trade which you propose to create and which is to be the nursery of your seamen, which is to save you $150,000,000 in freight and transportation, which is to carry your respectability and prestige and the character of your country to all foreign nations—there is no reason for your saying that you can create this American foreign carrying trade totally distinct from the ship-building interest by law, requiring it to support the ship-building industry of this country.

Mr. President, this proposition of American labor as we hear it here is one that I shall not contradict at this time. Beyond all question it is true that whatever legislation is necessary to give comfortable living, to give compensatory wages, to American labor it is the duty of this Government to undertake; and if your institutions are such as to be a barrier in that way they must be reformed, because labor is the great interest of every country, and the laws must be addressed to the comfort and the well-being of the people who are the laboring people and who are ninety-nine one-hundredths of every country and every State. But we can not violate the laws of economy. You can not by law fix the wages of labor in any other way than by encouraging business pursuits out of the earnings of which the laborer may be paid. You can not regulate by law the distribution of that labor. You may encourage it; you may have friendly legislation by which the laborer can have his fair share of the distribution of the proceeds of labor, of the earnings, of the fruits of labor, of its salable value; but you can not by law fix and determine that amount. It rests upon principles of economy, upon supply and demand, and you can not create a competition between that which is cheaper and that which is dearer. You must go back, and before you can furnish compensation of any kind higher or lower to the American seaman you must create the foreign carrying trade for him, you must encourage and find some laws by which there may be earnings in which to pay him, and having done that, you can by legislation directed especially to that end provide for American seamen. You can provide for their education, for their training, you can provide for their compensation within a reasonable extent, but you can not do it until you have the business, until you have the trade, until you have the earnings out of which that compensation must be made.

Therefore, sir, I can not see the force of the arguments which have been made on the other side, on which it is proposed to continue this connection between the foreign carrying trade of this country and the ship-building interests of the United States. In Alabama and in Pensacola we have perhaps as fine and as great advantages for ship-building as can be found anywhere. We ought to have a ship-yard and a ship-building industry in Pensacola. We ought to have the iron and the coal of Birminghan, which are equal to any in the world, equal in cheapness, equal in proximity to navigation, equal in quality, applied to the construction of ships. There is no place in the world where it could be done more cheaply or with more excellence than there, and I would be willing to vote whatever encouragement was necessary to that end.

But to undertake to continue a system that has utterly failed, that has no direct connection with it, into which other causes and controlling causes intervene to prevent us from creating a ship-building interest, is utterly unwise. Who will undertake to say that you can relieve the causes of higher wages in America and lower ones in Great Britain? Who will undertake to say that you can remove the greater financial facilities abroad, the more direct government aid extended to the running of ships and to the building of ships and the mail compensation and the moneyed aid by government in time of failure? Who will undertake to say that you can supply these advantages by continuing the burden of the entire support of the ship-building industry upon the carrying trade of this country, now almost entirely extinct?

Why, sir, the proposition has no connection; it is not founded in reason, upon anything connected with the business, nor is it connected with the protective system. You might have your protection mountain high and still not touch the question of encouraging an American ship-building industry. You have the fact as now exhibited that with all your tariffs you have no ship-building industry for the foreign carrying trade, and you do not compete with England or any other country; your ships are passing away, and for some cause, it matters not what, connecting, as you still do under your navigation laws, the foreign carrying trade with the necessity of supporting the ship-building industry, it has utterly failed of its purpose.

I shall then, Mr. President, without undertaking to detain the Senate by any further argument on this subject, vote for the amendment for the purchase of foreign ships, for free ships. At the same time I am free to say that I am not one of those who are unwilling, if the aid

of the Government, economically, is needed, for the development of the ship-building interest of this country and toward the creation of an American commercial marine. I regard the commercial marine, the foreign carrying trade of this country, as standing in the same relation as all the appropriations for the Navy, as the appropriations for the common defense, as a preparation for time of war. Whatever may be a necessary means, judicious, prudent, economical, necessary to effect that object, shall at all times receive my support.

Mr. PLUMB addressed the Senate. [See Appendix.]

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. VEST]. Is the Senate ready for the question?

Mr. HALE. Let us have the yeas and nays upon it.

The yeas and nays were ordered.

ALLEGED ELECTION OUTRAGES IN MISSISSIPPI.

Mr. HOAR. I ask unanimous consent to make a report from a committee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the report will be received.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, who were instructed by a resolution of the Senate of January 29, 1884, to inquire into certain alleged occurrences in the State of Mississippi, to submit a report thereon, accompanied by the testimony taken.

Mr. SAULSBURY. As a member of the committee I desire to say for the Senator from Louisiana [Mr. JONAS] and myself that we differ entirely from the conclusions of the majority of the committee, but have not had an opportunity to prepare our views upon the subject. The Senator from Louisiana is not in the city, and I had not seen the report of the majority of the committee until this morning. As a consequence we have been unable to prepare our views after ascertaining that we should not be able to join in the report of the committee. I shall therefore ask the courtesy of the Senate, at such time as we may be able to prepare our views, that we may have the privilege of presenting them and have them printed in connection with the report of the committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware?

Mr. HOAR and others. No objection.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

AMERICAN SHIPPING.

The Senate, as in Committee of the Whole, resumed the consideration of the blll (S. 1448) to remove certain burdens on the American merchant marine, encourage the American foreign carrying trade, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. VEST], on which the yeas and nays have been ordered.

Mr. GIBSON. Before the vote is taken I should like to have read an amendment to the amendment of the Senator from Missouri which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The CHIEF CLERK. It is proposed to add as additional sections:

SEC. —. There shall be levied, collected, and paid on all goods, wares, and merchandise which shall be imported on vessels built in the United States and wholly owned by citizens thereof only 90 per cent. of the several duties and rates of duty imposed by the tariff act of March 3, 1883.

SEC. —. That all laws and parts of laws in conflict with the provisions of this act be, and are hereby, repealed.

Mr. GIBSON. Mr. President, I do not intend to discuss either the amendment I have offered or the general question. I merely desire to say that if that amendment could be attached to the amendment of the Senator from Missouri I would vote for his amendment, but inasmuch as the amendment controverts our treaties with the great powers and therefore can not be adopted by the Senate, I shall feel constrained to vote against the amendment of the Senator from Missouri.

Mr. HALE. I raise the point of order that that being an amendment——

Mr. GIBSON. I am not pressing the amendment.

Mr. HALE. The Senator withdraws it?

Mr. GIBSON. Yes, sir.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HALE. Then let us have a vote on the amendment of the Senator from Missouri.

Mr. BAYARD. But for the notification of the Senator from Maine that he desired a vote to be taken upon the measure to-day I should have preferred a vote later. At the same time I have no idea of delaying the Senate for the purpose of any preparation on my part to discuss this most important measure.

Mr. CALL. If the Senator from Delaware would prefer to speak in the morning, I will move an executive session.

Mr. BAYARD. I should prefer not to speak at all, either to-day or to-morrow, and certainly not this evening unless it be the pleasure of the Senate, following the suggestion of my friend from Maine made yesterday, to come to a vote to-night upon the bill. If the Senator thinks that we ought to come to a vote upon the bill to-day, I am not disposed to stand in the way either by a long discussion or by any discussion, and yet at the same time I make the suggestion to him and to those who may desire to assist the very natural feeling of a Senator placed in charge of an important measure to bring his duties to a close. I know something of it for I have before now been intrusted by the Senate with the conduct of measures, and I know how anxious a man is to come to a decision, especially where he has thoroughly examined the subject and has made up his own mind.

Mr. CALL. If the Senator from Delaware will allow me, I think no Senator will object to an adjournment. It is nearly half past 4 o'clock now, and I suggest that we go into executive session.

Mr. FRYE. To-morrow will be entirely taken up. The Senator from Colorado [Mr. HILL] has notified the Senate that he desires to occupy the floor. The Senator from Massachusetts [Mr. DAWES] has notified the Senate that he will immediately follow with an appropriation bill, and another appropriation bill follows that. The Senator must remember that these bills have got to go back to the House of Representatives; that the session is now drawing into the summer heat; and while I would yield almost everything but principle to the Senator from Delaware, having a profound respect for him, I can not yield in this matter unless the majority compel me to do so. I shall ask the friends of the shipping bill to take a final vote on the bill to-night some time. I hope the Senator from Delaware will excuse me in the condition of the business of the Senate.

Mr. BAYARD. The Senator is perfectly right; I do not make that question at all. He has his duty to perform, and I have no doubt he is endeavoring to do it according to his best lights and conscience. I have not the least objection to that. I would only suggest to the Senator from Maine, as he speaks of the bill going back to the House, that this bill has never come from the House.

Mr. FRYE. Before the Senator commences his speech I will deal with him with entire frankness. When the House bill came here I made a motion that it lie on the table, the full subject having been considered by the Committee on Commerce and they having made a report. The House bill is on the table. It contains some wise provisions, but it does not contain one-fifth part of what is contained in the Senate bill and in the amendments that the Senate committee instructed me to offer to it.

Mr. BAYARD. On which the committee are unanimous?

Mr. FRYE. On which we are unanimous. What I propose to do is this: As soon as the Senate has passed judgment upon the various amendments reported by the Committee on Commerce, and when the bill is reported from the Committee of the Whole to the Senate, I shall make a motion, if I obtain the floor, to proceed to consider the House bill. Then I shall offer as an amendment to the House bill every provision which the Senate has affirmed to be right by its vote, a single vote settling that question. That seemed to me to be the better way, and that is the way I adopted.

Mr. BAYARD. I think that is a very sensible manner of treating this question.

Mr. FRYE. I am happy to hear the Senator say so.

Mr. BAYARD. Mr. President, I am aware that House bill No. 2228 and Senate bill No. 1448 proceed together in line with the removal of burdens and obstructions by way of consular fees, tonnage dues, taxation, and like charges upon American shipping. I have endeavored to compare the provisions of these two bills, and I find that up to a certain point they run entirely together. Then comes the Senate advances upon the House proposition, and they extend other and further measures of relief, in which I am disposed generally to concur. But after that there are two counter-propositions. The House has proposed the measure that has given rise to nearly the whole of the debate upon the admission of free ships. The Senate *per contra* proposes to subsidize postal steamship lines. Here are two propositions which have been made antagonistic by the action of the two Houses. The House has not favored such aid to postal service, but it has proposed to admit ships to American registry free of duty.

There are, therefore, two features, one proposed by the other House and one by the Senate, to which each House is mutually opposed. If this bill could contain only those measures which are to strip from American shipping the present weight of excessive and unnecessary fees and charges and the new arrangements in regard to shipping seamen and seamen's wages I should vote for it without hesitation and without one moment of debate. But we are not to be allowed to do that.

The proposition of the committee of the Senate of supplying the losses at the present cost of running and operating lines of American ships in connection with foreign countries by more liberal or extra allowance from the Treasury, disguise it as you may or describe it as you will, is to pay money out of the Treasury to support a non-paying private business.

That touches a principle in regard to which I have very decided opinions, and in regard to the dangers of which I have very profound convictions; and that is, there can be in a popular Government like ours no proposition more dangerous and unwarranted than to turn the currents of public money and power into the channels of private business and profit; that the moment you shall embark upon such aid to

private undertaking you open the Treasury not to those who really need its aid but to those whose power, already established, enables them to control its contents. That is the reason why we never have had a petitioner coming here to ask a subsidy who was not a millionaire or a rich and powerful corporation represented by astute and active agents.

There is a principle contained in the Senate bill that you are to sustain a private business that could not otherwise sustain itself by subsidies from the public Treasury. I believe that issue is made before the American people in many shapes. I believe its true nature and results are now coming gradually to be comprehended, and when it is comprehended the danger that lies at its root will be understood, and the American people will feel that it is no proper function of our Government to interfere in the private undertakings of its citizens so as to favor one individual above his natural competitors. Whether they shall come individually or as a class, whether they shall come demanding it because of their numbers, wealth, and importance, or come beseeching it because of their poverty, it matters not what is the pretext of the demand, the claim is that public property, the common wealth, can be taken for private use. That can not be done justly or legitimately. The powers of the Government were meant equally for all; the Treasury of the Government is filled by the labors and taxes drawn from all; and there can be no more fatal principle in a government so largely conformed to numbers as ours, a government so popular in its principle as ours, than to say, that which belongs to the people at large, that which taxation has drawn from all, can be properly diverted to the private interest of an individual or a class.

That is the Senate proposition. I do not care to discuss it further. It has fallen to my lot before now to say why I would not support in any way a bill that leads to such a result, and I will not further enlarge upon the subject.

On the other hand comes the proposition from the House of admitting ships to the American registry free of duty. That is really but half the proposition. The other half seems to have been left out, although by reading the debate that occurred in another place, and from the private information that I have received, it was evidently intended that coupled with the free admission of ships to American registry should also be provided the admission of the materials of which those ships were built, free of duty.

Surely no argument would be required to show the necessity for this. The value of any manufactured article, indeed of any article that is used by mankind, is in greater or in less part created by the human labor bestowed in its production. To import, therefore, a highly composite manufacture free of duty, and yet to levy a duty upon every element that entered into its construction, would be the most obvious, unjust, and absurd discrimination against the labor, ingenuity, and skill of the country into which the import was made. I take it for granted there is no man who is in favor of the admission of free ships who would not couple it with the admission of all the component parts of a ship and every material of which it is constructed also free of duty.

I have signified my earnest desire, to see American shipping freed from every burden, from every unnecessary friction in the way of transacting its business. There was a period of my life when I thought I should be a merchant, and I endeavored then and had opportunities then for comprehending something of the shipping business. I have spent my life in a community where shipping was a very large interest. I have seen vessels of all classes and sizes, from the smallest to the largest freight or passenger ship, constructed almost within the sight of my home. I have had personal friendships and professional intercourse among men engaged in this business and among those who were engaged in navigation in all quarters of the globe. Therefore I claim not only to have great interest but to have some knowledge arising from an earnest examination into the business of ship-building, ship-owning, and of foreign and domestic commerce.

As this debate has progressed one thing must become obvious to every man who has attended to it, and that is the impossibility of treating either ship-building or ship-owning as a thing separate and apart from the general business of the country, in which it is imbedded and inextricably intertwined.

When you speak of admitting duty-free the materials which enter into the construction of a ship, what do you mean by material and by raw material? Did not the discussion of last year and of every previous year on the tariff question disclose the fact that what is one man's raw material is another man's finished product; that all material brought to a condition of usefulness is a combination and result of labor and skill?

I remember well two manufacturers of a certain class of iron or steel, one living in the city of Philadelphia and the other in the city of Chicago or some town farther west, when we had under consideration the rate of duty to be imposed upon steel ingots, the tires of locomotives, and the like, both interested in the protection of their relative industries, meeting as antagonists, and why? Because the finished product of the Philadelphian was the commencement of the manufacture of his fellow-manufacturer farther west. From one illustration you can learn all. It is unnecessary to multiply the instances, for they are countless, in which the same principle could be illustrated.

We talk of ships, we discuss navigation, but who can discuss navigation without discussing commerce? How can commerce and navigation be separated? How shall you discuss commerce without the instrumentalities by which commerce is to be conducted, and how shall you deal with those instrumentalities without considering the principles upon which commerce must be conducted? It is plainly impossible to conduct commerce on the high seas without ships, and to sustain ships you must have commerce between the nations. A policy that shall obstruct commerce between nations will injure navigation, and a policy that promotes commerce will assist navigation. Therefore a commercial navy is a necessary adjunct to commerce. These are truisms, but nevertheless they lie at the basis of the discussion upon which we have entered.

We have witnessed in the last thirty years the most remarkable changes, revolutions in the conditions under which the commerce of the world is conducted, so that what was competent and useful thirty years ago can no longer be considered so to-day. We have seen the change in our day from sailing vessels to steamships, from the side-wheel steamer to the screw propeller, from construction of wood to iron, and very lately from iron to steel. Every one of these progressive changes has made that which was antecedent impracticable and virtually useless in the competition of commerce. There is not a man to-day building a railway who would dream of constructing its rails of iron. Steel is to-day a necessity for railway building, and it is fast becoming so in respect to ships. The superior strength, greater lightness, superior durability, coupled with what is now its equal cheapness, has made steel and not iron the prevailing element in metallic construction.

These changes have taken place, as it so happens, at a time when the United States were scarcely able or ready to take advantage of them. There was a terrible gap in our history of progress when this country was engaged in a civil war on an enormous and frightful scale, in which the grapple and the contest was unhappily between Americans as against Americans and not with a foreign foe, in which every victory was in fact a loss among ourselves, and in the midst of that, driven by necessity, which is the mother of invention, the rapid advance in the change of the material of which ships are constructed and the substitution of the invention of the screw for the side wheel was made by Great Britain, our most powerful rival in the field of commerce.

What has been the result? That in these discoveries we have lagged so far that we have practically no commercial navy engaged in the foreign trade; that the profit gained by freights and the employment of navigators both have been lost to the American people and have been gained by their rivals in the world's commerce. I have heard here, I know not how accurately stated, that $150,000,000 annually is paid for the transportation of goods upon the high seas, of which the Americans were fairly entitled according to their ante-bellum standing to some 85 per cent. and upon which at the present time they obtain but 15 per cent. For that reason it is said we should adopt a policy that will make it possible for us to regain this great freight-carrying profit. I think that we ought. There is no reason why it should continue to be so, and if we discover the reasons that prevent it it is our plain duty to remove them.

It is not necessary for me to depict to the Senate or to enlarge upon the value, indeed upon the necessity to a commercial nation, of having a commercial navy under its own control. It may be said in short that a country which has no corps, no class of trained and skillful navigators, a country which has no ships to be navigated, can not pretend to stand in the first nor the second rank, nor indeed to be classed at all with commercial nations.

The manufacturing and producing interests of this country are growing with incredible force and in a manner most satisfactory to every patriotic American. It is perfectly plain that our capacity of production and manufacture far exceeds our home demand, and yet from a system of tariff taxation which now prevails among us, our manufacturers and producers can not compete profitably in other markets than our own.

There is but one class of American citizens who export the result of their labors and sell them at a living profit outside of their own country. That is the agricultural class of this country, and that class receives not one stiver of benefit by taxation under the name of a protective tariff.

The fact stands—I here state it and no one will rise and deny it—that there is not a raw material, as it is called, breadstuffs, petroleum, cotton, lumber, nay, there is scarcely an article of manufacture produced by American labor that has a protective tax laid in its favor that finds a profitable market abroad. All of those things which are sent abroad, that constitute our balance of trade, that tend to give employment for ships on the high seas, that are to fill the ships that we long to see floating under the American flag—every such commodity, call it raw material or manufacture or what you will, is unprotected under the laws of the United States.

Take the question of our mechanics. As ship-builders we see the fruits of their labor and their skill in what is known as our coastwise trade. And let not that coastwise trade be dwarfed in the minds or imaginations of men. It is not the coastwise trade of a little island like Great Britain, nor of France, nor of Germany with her half-dozen

points of access to the seaboard. It is 13,000 miles of seacoast, with its countless ports and harbors. It is a coastwise trade that circumvents the continent of South America, because between the Pacific States reaching to Alaska to the Atlantic States reaching to the northernmost part of Maine, vessels which traverse those 9,000 miles are engaged in the coastwise trade of the United States. Vessels for this trade of the largest size, of the greatest capacity, are constructed solely by American skill and labor, and they form a commercial marine of which the people of this country well may be proud, and the superiors to which do not exist anywhere.

I saw a few months ago a vessel launched within half a mile of my own home, and here within two weeks I noticed her arrival at Portland, in Oregon, a steamship of some 3,000 tons burden built in the modest little city of Wilmington, running with perfect safety from the capes of the Delaware around Cape Horn and up the coast of South America and Mexico to Portland, Oreg., and making a rate of speed of which I have no knowledge of any record that is superior. Where are there such specimens of marine architecture, skill, luxury, and power as those floating palaces which you see upon the American bays and rivers? They are never seen or known in other countries than our own. There are dozens of steamships and steamboats that will carry from two to three thousand passengers with safety and an unequaled speed; and all that is the result of the mechanical skill of Americans, something of which we not only are proud, but something in the presence of which we experience a sense of security because we know that when that constructive skill and power shall be needed for the maintenance of our national honor or defense the means are here and that they can and will be exerted in aid of both.

I have a right with some degree of pride, that ought to be shared by every man in this Chamber, to refer to the exhibition of skill constantly given by American shipwrights. The steam-yatcht Nourmahal, launched the other day for a wealthy citizen of New York (also built by a firm in the city in which I live, who have built and furnished to the Government men-of-war, monitors, vessels of all sizes and descriptions), is to-day unparalleled in luxury, in skill of construction, in beauty as a craft of that kind.

This is part of the coastwise trade; this is part of the American skill; and the proposition is now under the amendment of the Senator from Missouri (which I take to be an essential part of the free-ship propositions) to place these men in fair competition with free material, with ship-builders elsewhere, and my answer is I believe they are ready for it. They are not petitioning the Government for aid or for subsidies. They are asking only, and will ever obtain through me, a fair field and no favor. They are simply asking that whatever may be the laws made in this country the principle of equality shall be fairly preserved as nearly as you can arrange it.

There is a difference of opinion among these parties in respect of their capability of competing even with free material, with the untaxed material and operatives of other countries, and it is as yet an experiment whether they can do so successfully or not. I would have rather tried the experiment and continued it a little longer of stripping American ship-building and ship-owning of the present unnecessary burdens caused by unwise shipping laws, excessive consular taxes, and other burdens which are sought to be lifted from them either by the House bill or still more effectively by the Senate bill in those clauses which relate to it, before we came to trying the question of the free ship and the free material. But it is obvious to me that competition is that which we need; that a greater commercial freedom is that which the people of this country require; that there must be something like reciprocity of trade, an outlet for the exchange of productions and the results of American labor and skill; otherwise we shall have this wretched condition of convulsed home markets, of paralyzed labor, of enforced idleness with all the dreadful consequences upon those who live by the labor of their hands which we have witnessed growing upon us month by month and year by year.

Mr. President, the question is mighty; it is complex. It is not simply the question of the rate of wages, but two other conditions must be annexed to that to make them satisfactory: that the purchasing power of those wages shall be sufficient comfortably to support an industrious man, and that his employment shall be steady, constant, and not interrupted and spasmodic, as has been the rule under the present tariff system. I have not taken up a newspaper for weeks, nay for months, but I have seen the proof of interrupted, irregular occupation of men, not voluntary idlers, not men prone to disturbance, but men who were willing to continue steadily occupied provided the work of every day could supply the wants of every day for themselves and their dependent families.

If the people of this country and those who assume to make laws for and govern them shall not be sensible of the needs and reasonable requirements of those whose task it is to earn their daily bread by the sweat of their faces, then I say they must look for difficulties, for social disorder, and danger that will not only imperil the happiness and welfare of the workingman but which will endanger the accumulations of the labor of others.

This question has too many sides to be discussed at this hour and in this way, for I have no speech prepared, but merely am giving those views which by the pleasure of the Senate I am obliged to give at this time and somewhat inconveniently to myself.

I wish to place on record on the subject of the building of ships two letters from men whose life has been dedicated to this work. They are both leading ship-builders in the town in which I live, and I do not believe there are in the United States any other two men better qualified to speak or more disposed to speak candidly and truthfully upon this subject. I will ask the Secretary to read this letter addressed to me on the subject of free material and free ships.

The PRESIDING OFFICER (Mr. PLATT in the chair). The letter will be read.

The Chief Clerk read as follows:

WILMINGTON, DEL., *May* 1, 1884.

MY DEAR SIR: I have your telegram of even date asking if, with materials admitted free, I should oppose free ships for foreign trade, and also an expression relative to an import duty of $15 per ton.

I have replied that I should not oppose free ships for foreign trade should materials be admitted free of duty.

This is only so far as relates to the interest of the ship-builder in the question, for I am satisfied from a personal examination of the matter that a given sum of money expended for labor alone in an American iron-ship yard will produce as much return as the same sum expended in a foreign one, and simply because the American workman is supplemented by much more and more efficient labor-saving machinery than is to be found in use abroad, and further, the American week is sixty hours, while that of the English and Scotch is fifty-four hours.

There is little, if any, difference between the price of a given ship, specifications being the same, here and in England, and with the advantage of free materials the American builder will be able to offer the merchants of his country ships as cheap as they can obtain them abroad.

With an import duty of $15 per ton, or even $12, the American builder would have the advantage.

But the solution of the problem of the restoration of the carrying trade of the world in large measure to American ships or those enjoying an American register is not to be found by any means in reducing the cost of vessels. Nearly or quite all of the items which constitute the sum total of expense of running ships are greater to those under American registry than to any others, and to such an extent does this reach that if the American merchant were able to procure his ships new for nothing he still could not successfully compete with those of either Italy, Germany, Denmark, Sweden, or England.

It would be a long story to tell you in detail why this is. It is, however, summed up in this: that the American ship buys her goods (the expenses of running) in a taxed market and sells her wares (her freight rates and passenger tickets) in the open and untaxed one of the world.

Congress is powerless to compel the employer of an American vessel, the purchaser of her wares in the port of Hong-Kong or in Madras, to pay 20 per cent. more for the goods than an Englishman is willing to accept for the same, as it has full power to do in Baltimore with the purchaser of a woolen blanket, and by consequence the ship-owner suffers and wisely abstains from ordering ships to be built at all.

I am unable to see any remedy for the decline of American ship-owning so long as the unwise attempt of the American people to keep their standards of value above the world's level by means of import duties remains in practice. When returning good sense or the force of resultant circumstances shall have brought about a change, then we may hope to see the American flag again on the ocean.

I am, very truly, yours,

WILLIAM G. GIBBONS.

Hon. T. F. BAYARD,
United States Senate, Washington.

Mr. BAYARD. It is right that I should in connection with that send up a second letter from another eminent ship-builder of the same city.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

OFFICE OF THE HARLAN AND HOLLINGSWORTH COMPANY,
Wilmington, Del., May 1, 1884.

DEAR SIR: I was in Philadelphia when your telegram was received or would have replied promptly.

Free materials are not of much use to iron-ship builders in this country for the reasons—

First. That American materials are much superior to what is used by the English in their iron ships, and hence the American iron will be preferred for this reason.

Second. The loss of time in getting orders filled in England and delivering the same in our yard, say sixty to ninety days, will always be a drawback to the use of English iron. Our experience is that when a party decides to order a steamship or steamboat he wants it completed with all the dispatch possible, and would hardly be willing to wait the time necessary to import it.

Third. As a very large portion of the iron used in iron hulls and boilers is what we call pattern-iron, and can not be ordered as soon as the contract is made, but is ordered from time to time as we come to it in the progress of construction, it will be seen that free materials would not benefit iron-ship builders much, because they could not largely avail themselves of it.

Fourth. Free materials would benefit wooden-ship builders very considerably.

If a free-ship bill were to pass Congress of course it would be eminently just to admit materials free of duty.

We do not hesitate to say that it would be a great misfortune to the iron-ship builders of this country for such a bill to pass Congress in face of the fact that we have skilled labor and materials of every kind, and the ship-builders and mechanics are able to build all the ships that will be needed for the foreign trade, and no necessity to open a market for foreign builders.

If such a bill were to pass it would only be just that a duty of say $15 per gross ton on freight ships should be imposed, and say $20 per gross ton on the passenger ship, in order that this class of imports should be placed on the same general footing of other articles, and do no one any injustice.

This answers your questions according to our best judgment, although rather briefly done.

Very truly, yours, &c.,

J. TAYLOR GAUSE, *President.*

Hon. THOMAS F. BAYARD,
Senate Chamber, Washington, D. C.

Mr. BAYARD. Here are two independent views from men whose opinions are entitled to great respect on every score. It will be ob-

served that the gentleman whose letter was first read believes that, with free material, American skill and labor and the superiority of the labor-saving machinery of the United States would enable our ship-builders fairly and successfully to compete with the foreign makers. The other doubts that, because from the peculiarity of the construction of iron ships every plate must be made as a piece of machinery and have its place in the ship, and scarcely any two have the same angle and the same measurement, except they are in immediate correspondence on each side of the ship from each other; and that, therefore, as these plates must be rolled and made to suit the peculiar configuration and model of the ship, it is impracticable to attempt to import them to order except with the delay to which he has referred.

The amendment before the Senate will, in my judgment, go further to aid this occupation of ship-building than heretofore has been possible by creating great yards of repair. It has been only by a vast use of highly taxed material that a ship, either sailing or steam, wood or iron, could be repaired in this country. They have been compelled to put back in a crippled condition in search of a port where untaxed materials could be had in which to repair. But the present amendment, if it should be adopted, will necessarily permit all material necessary for the alteration and repair of ships to be imported free of duty. An accident arising on a voyage to this country can be remedied by the workshops of this country, a thing which to-day is never done except in extreme cases, for they will make the most superficial attempt at repair and await the larger and more extensive expenditures in a port where they can get their materials untaxed. If materials should be untaxed, then repair will be made in this country as well and perhaps better and more conveniently than abroad. Therefore I can see much greater advantages to our ship-builders and ship-owners from the present amendment than I was able to place before the intelligent correspondent whose letter was last read to the Senate.

Now, sir, looking at this question, as I am trying to do, from all sides, I can see in this admission of free material to build ships an inequality before the law as affecting other citizens. I never have been able to restrict my sense of public duty to the interests of those who live around my own home. I never have been able to restrict my sense of public duty to the interests of any one class in this country or any one occupation of men; and it seems to me plain that if two men shall approach the custom-house, one importing material to build a ship and he gets it free and untaxed, and another, engaged in another occupation equally meritorious and laudable, seeks to introduce the same material and is admonished that he must pay from 50 to 60 or 70 or 80 or 100 per cent., the inequality before the law is too manifest, it is too unjust. It is obviously an objection to a scheme that shall make it necessary in order to enable a manufacture to be carried on in this country that inequality before the law should accompany the privilege. Yet this is but one illustration of the disabilities placed upon the American mechanic in his competition with his rivals in other countries by the level of high prices for everything produced by our tariff. He is necessarily excluded from every other than his home market by a system that increases home competition and increases the cost of production.

There is, I know, a great difference between vessel property and other property. The ocean, the high sea, is the home of a ship. She is but an occasional visitor to the shore. The land, where local law prevails, is that which she sees at rare intervals. Nine-tenths, nineteen-twentieths of the life of a ship is spent outside of the jurisdiction of any nation. Neither the protecting hand nor the taxing power of a nation can reach a vessel on the high seas; but when she shall come but for a moment to her home port, then it is proposed to saddle her with all the weight of taxation placed upon other descriptions of property which regularly and necessarily have the protective arm of the local law extended over them. If allegiance is correlative to protection, possibly taxation should have its correlative of protection, and, therefore, where protection can not be given, taxation ought not in justice to be levied. All that I recognize; and I can well understand how it is naturally impossible to send a piece of property abroad into the untaxed markets of the world burdened with its home taxation and expect it favorably to compete with those free from such burdens. It can not be in reason, it is not so in fact; and if an illustration were needed, look at the condition of the American commercial marine to-day; it is the inevitable result.

You speak of labor necessary to carry on this business of navigation. What is the labor employed in navigating a ship? Untaxed and absolutely free to men of all nations and colors; 95 per cent., as we are told, and I suppose told truly, of all the men engaged in navigating vessels that leave and arrive at the American ports, whether under the American flag or not, are foreigners. There is absolutely free competition, free trade in the fullest sense of the word in the labor employed in navigating American ships. No suggestion of "protection" to American labor in that business, and none in fact to labor in any other line of business. As to labor, it is simply a question of demand and supply, with every inducement to make the supply as ample as possible, so that labor shall be purchased at the lowest possible rates that the freest competition can create.

There is no such thing as protection there. Whatever may be elsewhere there can be none in that. I have before me the remarks of the Senator from Maine in charge of this bill on the effect of a protective tariff on the labor employed on American ships. I read from his remarks made on the 30th of April:

My opinion is that it is what is ordinarily termed the protective tariff that increases wages. You can not increase by a protective tariff the wages of men who work in factories and machine-shops, and keep the wages of farmers down; it is an utter impossibility. You can not increase the wages of men in the factories and in the machine-shops and on the farms, and keep the sailors down. You can not have in this country one class of men with wages down to English wages and German wages, and nine other classes with their wages up to the present scale of American wages. That is an utter impossibility. It is the protective tariff which does this, and the only way for the other side to do is to adopt square free trade, cut down American wages to English, German, and French wages, and then pass a free-ship law, and we can get our sailors as cheap as they can and run in competition with them across the ocean.

Mr. BAYARD. If it would not interrupt the Senator——

Mr. FRYE. It will not interrupt me a particle. I have no speech to make.

Mr. BAYARD. I do not wish to interrupt the Senator except to say that as he has——

Mr. FRYE. I should not like to yield for a reply right here. I thought the Senator wished to ask me a question.

Mr. BAYARD. I asked a question and the Senator answered it. I merely wished to say that the result of his answer logically, and in words, is that a protective tariff is inconsistent with American ship-owning.

And just so it is we are told here by Mr. Gibbons that, given a ship free and compelling a man to run it under the increased cost which the tariff causes, and my friend from Maine says it is the tariff, and loss will follow the ownership, so that the man will be glad to get rid of the ship and discharge the captain and crew. If this is to continue, there is no mystery about it. It is not worth while to talk about free ships, it is not worth while to talk about the American flag flying over the American commercial marine. If a tariff as described by my friend from Maine exists that renders it absolutely impossible to run ships at the same expense that every other nation can but ourselves, it is not worth while to go into further causes. American ship-owning for the foreign trade is rendered impossible by the American tariff. This is, however, but one illustration of a system which affects every other part of the country's commerce and business.

Believing as I do there must be even for an admitted abuse a gradual correction, I am in hopes sooner or later, and I hope soon rather than late, that there shall be an embarkation by the people of the United States upon an extension of commercial freedom. I believe it to be essential for the safety and welfare of this country, for every branch of labor in it, for every branch of manufacture, ship-builders, cotton-spinners, woolen-mills, what you please, farmers, miners and all. I believe that mechanics and every class of people in this country are interested in an increase, an expansion of our commercial freedom, and I believe there is a necessity for this. Then a reduction in the cost of running vessels and of making vessels will come with an increased commerce; and believing in that, and that there may be in the minds of the commercial classes—I speak of the commercial classes, those engaged in shipping and importation and exportation—it is their interest just as much as that of the farmer of the Territory of Wyoming or Dakota, just as much in the interest of any wheat or cotton grower in this country whose staples form a great part of our exports. I believe our interest is to have greater freedom in commerce, a system of reciprocal exchanges of commodities, an increase of profit to the American people growing out of the carrying trade of the world, from which at present under our system we are absolutely debarred.

Mr. President, I read the other day among the nostrums proposed for the purpose of restoring American shipping a pamphlet, handsomely printed of course, and issued by the Union League Club of the city of New York, a political organization of luxurious citizens, and they propose in their resolutions first:

That the purchase of foreign-built vessels and their registry in the United States are in conflict with the true interests of the country.

Secondly:

That it is the duty of Congress to provide for adequately defending our harbors.

No doubt very true. Third:

That Congress should make all appropriate provision within its power to restore our navigation to the footing necessary for the safety and prosperity of the whole country—

Another very glittering generality to which no one would take exception. But then listen to the "lame and impotent conclusion" that follows; how do they propose to restore our navigation to the footing necessary for the safety and prosperity of the whole country?—

and to this end it should follow the example of foreign governments, which have been successful in building up their trade and commerce, and aid in establishing lines of iron or steel mail steamers to all points where a market may be found for our surplus manufactures.

Mr. President, not to speak disrespectfully, what arrant stuff and nonsense is such a remedy! To talk of finding a market for our surplus manufactures in the face of our present tariff! There is not a man within the sound of my voice but knows perfectly well that if freight was to be free American manufactures can not compete, in the present condition of American tariff taxation, in the markets of the world. The fact is so, and therefore it is nonsense, or worse than nonsense, for a body of gentlemen at ease, to be trifling with the intelligence of the country by proposing that which the whole of this debate and admissions and state-

ments on every side have shown to be an impossibility, and that is to find under our present rates of duty a foreign market for our surplus manufactures; and then, forsooth, they propose to do that by following "the example of foreign governments!" If we follow the example of foreign governments we might find ourselves following many things inconsistent with the system of high duties. No, sir, the fact remains as stated by Mr. Gibbons in his letter read at the desk, it is useless to attempt to build and run ships profitably in the foreign trade so long as the present scale and level of taxation is retained within the United States that now prevails. His reasons have been given, and I can not state them as well as he, and therefore they will stand as the answer of an intelligent American mechanic to all this talk of restoring navigation to a footing necessary for the safety and prosperity of the whole country, and yet maintaining a system of taxation which renders it absolutely impossible.

Now, sir, I present a table showing the dividends paid by the principal English steamship companies from 1876 to 1881.

Table of dividends paid since 1876 *by the principal English steamship companies.*

Name.	Route.	Capital paid up.			Dividends paid per share of capital—ordinary and preference.					
		Ordinary.	Preference.	Debenture.	1876.	1877.	1878.	1879.	1880.	1881.
					Per ct.	*Per ct.*	*Per ct.*	*Per ct.*	*Per ct.*	*Per ct.*
African Steamship Company	Africa	£200,000		£30,000	None.	None.	None.	1¼	3¾	*a* 1½
Amazon Steam Navigation Company (limited)	Brazil	606,285			5½	4½	None.	None.	6	*a* 2½
British India Steam Navigation Company (limited).	East Indies	505,400			12	12	12	11	(*b*)	
Castle Mail Packets Company (limited)	Cape of Good Hope	1,088,000		150,000 / 5 per ct.						*c* 7½
Commercial Steamship Company (limited)	Local	161,885			6	7½	6	3¾	6½	*a* 2½
Cunard Steamship Company (limited)	United States	1,600,000							6	3
General Steam Navigation Company	Local	379,815	£367,580	150,000	11 / *d* 5	10 / *d* 5	10 / *d* 5	10 / *d* 5	7½ / *d* 5	2½ / *d* 2½
Mercantile Steamship Company (limited)		274,870		30,000		5	5	5	6	*a* 2½
National Steamship Company (limited)	North America	750,000	125,000	135,409	2½ / *d* 10½	2½ / *d* 10½		5 / *d* 13	5 / *d* 13	4 / *d* 12
Orient Steam Navigation Company (limited)	Australia, &c	373,136		127,600 / 5 per ct.				5	5	None.
Pacific Steam Navigation Company (limited)	South America	1,772,550			4	4	5	5	6¾	
Peninsular and Oriental Steam Navigation Company.	India and Australia	2,900,000			3½	4½	5½	5½	5	*a* 2½
Royal Exchange Shipping Company (limited)	United States	150,000		150,000						
Monarch line	United States	*e* 200,000		6 per ct.		10	10	6	7	7½
Royal Mail Steam Packet Company	West Indies and South America	900,000			3½	4	6¾	6¾	5	*a* 4
Union Steamship Company (limited)	Cape of Good Hope	500,000		200,000	7	8	9	10	10	
West India and Pacific Steamship Company (limited).	West Indies and Pacific coast	320,000			5	5	6	5	7½	*a* 2½
Capital paid up, ordinary shares, and average dividends, about		12,500,000			4⅜	5 1/12	5.9	5⅝	5 11/12	*f* 4½

a On account. *b* Not known. *c* For the few months in 1881 (141 days) since the company was formed. *d* Preferred. *e* Now issuing. *f* For completed dividends.

I will not detain the Senate or myself longer by commenting on this further than to say that having driven us from the field as one of their competitors, and having the matter pretty much their own way so far as the carrying trade of the world is concerned—for, incredible as it may seem, 52 per cent. of the carrying trade and commerce of this world is conducted by a nation of some 33,000,000 of people out of a population of perhaps 1,200,000,000, for I believe that is the estimate of the world's population—but even with all that vessel-owning and vessel-running under the subsidies which have been given by England, the average dividends of the whole of these great leading steamship lines for the last eight years has been 4⅜ per cent. I apprehend that such a dividend as that will not be much inducement for American capital to embark in shipping. We may as well take the facts as we find them. I have always believed that when it was profitable for Americans to own ships in the foreign trade they would in some way turn their attention to it and manage to become ship-owners.

It is not worth while to go back to the reasons why we could at one time build wooden ships and operate them successfully under the system of prohibition as to all foreign ships from American registry, because our tariff has doubled since then and the conditions of the world's commerce have greatly changed since then. The fact is plain to-day that there is no such thing as a profitable owning and running of an American ship in the foreign trade under an American register with our present condition of tariff and shipping laws. I believe it would be wiser to amend those laws in the manner that is suggested by both Houses and by the Senate bill, even beyond the recommendation of the House, and content ourselves at this time with lightening these burdens upon our ships. I believe that would be wiser; but if the proposition of free materials and free ships not for the coastwise trade is to be voted on, I shall vote in favor of it. I do not think that those gentlemen, in New York chiefly, who seem to be so desirous of registering foreign-built vessels under the American flag will find profit in that. At the same time I can see that there is some justice in their demand, and I for one am willing to lean and to let our mechanics lean on the basis of free material to meet their plan of free ships of not less than 4,000 tons, which shall not, however, be allowed to engage in the coastwise trade in this country.

As to that coastwise trade, there are many more reasons for the restriction of the coastwise trade to American vessels, and perhaps stronger reasons to be stated in favor of that restriction than have yet been given. I have not studied all those reasons and am not prepared at this time fully to give them; but I can plainly see that with a seacoast like our own if it were open to the coastwise traffic of foreign vessels it would be in vain to talk about the maintenance of a tariff system in this country. Our own people engaged in our own ships form a police and a protection to their own land that no foreigners ever could supply. There is the allegiance and there is the home of the American coastwise trader to protect this country against embarking in the introduction of dutiable goods from abroad. With Cuba within a few miles of our coast, with the quick passage which can readily be made now across the Atlantic, if foreign vessels manned by foreign seamen under the control of foreign interests could engage in the coastwise trade, I can perfectly well understand that it would be a very difficult matter to secure our duties from imports. But there is no proposition at this time that there should be any such invasion, and against such an invasion I should be prepared to vote. I do not apprehend, however, that the admission of a 4,000-ton ship made abroad, excluded from the coastwise traffic, would have the slightest danger of imperiling the monopoly which exists in its favor, if you can call that a monopoly which belongs to the entire people—I call it rather the invasion of the American system which confines our coastwise trade to our own people and has nothing to do with foreign nations or their interests.

Mr. President, I do not desire to delay a vote on this matter. I believe that it is seldom that a bill of more importance comes before the Senate or involving more important principles. I should have preferred to speak upon it more deliberately than I have, but I felt it right to say as much as I have said, and I am obliged by fatigue and the lateness of the hour to leave the subject.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. VEST (when Mr. COCKRELL's name was called). My colleague [Mr. COCKRELL] is paired with the Senator from Indiana [Mr. HARRISON]. My colleague would vote "yea" if he were here.

Mr. KENNA (when Mr. GARLAND's name was called). On this vote I am paired with the Senator from Arkansas [Mr. GARLAND]. If he were here, he would vote "nay" and I should vote "yea."

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "yea."

Mr. JACKSON (when the name of Mr. HARRIS was called). My colleague [Mr. HARRIS] is necessarily absent, and is paired with the Senator from Rhode Island [Mr. ANTHONY]. I understand that my colleague would vote "yea" if present.

Mr. JONES, of Florida (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. VAN WYCK (when his name was called). On this amendment I am paired with the Senator from New York [Mr. LAPHAM]. He is opposed to the amendment and I am in favor of it.

The roll-call was concluded.

Mr. MANDERSON. On this question I am paired with the Senator

from Florida [Mr. CALL]. If he were here, he would vote "yea" and I should vote "nay."

Mr. HALE. On this vote the Senator from South Carolina [Mr. BUTLER] is paired with the Senator from Pennsylvania [Mr. CAMERON]. The Senator from South Carolina would vote "yea," if present, and the Senator from Pennsylvania would vote "nay."

The Senator from Nevada [Mr. FAIR] is paired with the Senator from Rhode Island [Mr. ANTHONY], but another pair has been announced for the Senator from Rhode Island, and I transfer that to the Senator from Vermont [Mr. EDMUNDS], so that the pair stands between the Senator from Nevada and the Senator from Vermont.

Mr. ALDRICH. My colleague [Mr. ANTHONY] is absent from the city and paired on this question with the Senator from Tennessee [Mr. HARRIS]. My colleague, if present, would vote "nay."

Mr. SAULSBURY (after having voted in the affirmative). I voted for the amendment. I understand, however, that the Senator from Minnesota [Mr. SABIN] understood that I was paired with him on this question. I did not so understand it myself as to this bill; but I withdraw my vote, that being his understanding.

Mr. HALE. The Senator from Kansas [Mr. INGALLS] is paired with the Senator from Louisiana [Mr. JONAS].

The result was announced—yeas 20, nays 31; as follows:

YEAS—20.

Bayard,	Farley,	McPherson,	Ransom,
Beck,	Groome,	Maxey,	Slater,
Camden,	Hampton,	Morgan,	Vance,
Coke,	Jackson,	Pendleton,	Vest,
Colquitt,	Lamar,	Pugh,	Williams.

NAYS—31.

Aldrich,	Dolph,	Logan,	Platt,
Allison,	Frye,	McMillan,	Plumb,
Blair,	Gorman,	Mahone,	Riddleberger,
Brown,	Hale,	Miller of Cal.,	Sawyer,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Sewell,
Conger,	Hill,	Mitchell,	Voorhees,
Cullom,	Hoar,	Morrill,	Wilson.
Dawes,	Jones of Nevada,	Palmer,	

ABSENT—25.

Anthony,	Fair,	Jonas,	Saulsbury,
Bowen,	Garland,	Jones of Florida,	Sherman,
Butler,	George,	Kenna,	Van Wyck,
Call,	Gibson,	Lapham,	Walker.
Cameron of Pa.,	Harris,	Manderson,	
Cockrell,	Harrison,	Pike,	
Edmunds,	Ingalls,	Sabin,	

So the amendment was rejected.

Mr. FRYE. I am unanimously instructed by the Committee on Commerce to offer the following amendment, to come in after section 18 in the bill:

SEC. —. That a master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination. The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the same vessel, in the manner provided by law, without the payment of additional fees to any officer for such reshipment or re-engagement.

SEC. —. That every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination; and the master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided shall not be required to reship in a port of the United States the seamen so engaged, or to give bond, as required by section 4176 of the Revised Statutes, to produce said seamen before a boarding officer on the return of said vessel to the United States.

SEC. —. That the word "port" as used in sections 4178 and 4334 of the Revised Statutes, in reference to painting the name and port of every registered or licensed vessel on the stern of such vessel, shall be construed to mean either the port where the vessel is registered or enrolled, or the place in the same district where the vessel was built or where one or more of the owners reside.

SEC. —. That until the provisions of section 1, chapter 376, of the laws of 1882 shall be made applicable to passengers coming into the United States by land carriages said provisions shall not apply to passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada or the ports of Mexico.

I believe there is no objection to any of these provisions. The committee unanimously reported in favor of them.

The amendment was agreed to.

Mr. FRYE. In section 5, line 10, "but in case the master of the vessel so sold shall" in the bill as it stands there is a semicolon. It should not be a semicolon; it should be a comma. I ask that that change may be made.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The change will be made.

Mr. BAYARD. I move to strike out section 19.

The PRESIDING OFFICER. The section proposed to be stricken out will be reported.

The CHIEF CLERK. It is proposed to strike out section 19, as follows:

SEC. 19. That section 3976 of the Revised Statutes of the United States be, and is hereby, repealed; and that section 4009 of the Revised Statutes of the United States be, and is hereby, amended and re-enacted so as to read as follows, to wit:

"SEC. 4009. For transporting the mails of the United States between any port of the United States and any foreign port, or between ports of the Atlantic and ports in the Pacific, touching at any foreign port, a sum not exceeding $1 per mile, on the trip each way, of actual nautical miles traveled between terminal points, for each trip actually made; but such service shall be performed only under contract entered into by the Postmaster-General, after legal advertisement, with the lowest responsible bidder; and the aggregate amount to be expended for such service shall not exceed the gross revenues of the Post-Office Department of the United State on mail matter sent to and received from foreign countries during the fiscal year next preceding the year in which such contracts are made, less the amount paid for transportation on foreign vessels, and the net amount paid foreign administrations for intermediary, territorial, and sea transit of such mails. The ships with which such contracts shall be made shall be ships of American registry only, and contracts shall be for a term of not less than four years; and the general laws regulating the transportation of inland mails shall be applicable to such contracts, except as herein provided. And all vessels engaged in such contracts shall in time of war be subject to purchase or charter by the United States at reasonable rates; and all foreign vessels or sailing vessels carrying the mails of the United States may be allowed a sum not exceeding the sea-postage now allowed by law."

Mr. VEST. Let me suggest to the Senator in charge of the bill that we now take up the bill and consider it by sections.

Mr. FRYE. What is the necessity of that? That is not usual in the Senate or anywhere else where a bill is proceeded with generally. I asked in the first place to take it up by sections, and that was objected to. I take it there is no other amendment to offer except——

Mr. VEST. The Senator is mistaken about that. We shall get through it more rapidly if we take it up by sections.

Mr. FRYE. We are in Committee of the Whole; and will the Senator consent that now the House bill shall be taken up in place of this, and read that by sections?

Mr. VEST. I have no objection to that if the Senate will go on and perfect the bill we have now, and then substitute it for the House bill.

Mr. FRYE. That is what I proposed originally to do.

Mr. VEST. The systematic way is to take it up by sections.

Mr. FRYE. I ask unanimous consent to take up the House bill and that it be read by sections for amendment.

Mr. HALE and others. That is right.

Mr. FRYE. Then I will offer in amendment everything that has been already put on the Senate bill. I have it already, and if there is any desire to amend any of those sections amendments can be moved to those.

Mr. HOAR. I suggest to the Senator from Maine that he had better accept the suggestion of the Senator from Missouri and take up the bill by sections. It will not be necessary to read the sections anew, as they have been read once before. It will be getting so many amendments out of the way.

Mr. FRYE. The Senator from Massachusetts suggests that, the bill having been once read, it be taken now by sections, and there is no necessity of reading the sections. If that is so, it obviates all the objection I had.

Mr. VEST. I think far the best way is to run through the Senate bill, and then take up the House bill and offer the amendments to the House bill.

Mr. FRYE. Then I will ask that the bill may now be open to amendment by sections, and that the reading of the sections may be dispensed with by unanimous consent, the bill having already been read once. Let the Secretary call the numbers of the sections.

The PRESIDING OFFICER. The Senator from Delaware moved an amendment, to strike out one section, section 19.

Mr. FRYE. When we reach that he can offer it.

Mr. BAYARD. I withdraw the amendment for the present.

The PRESIDING OFFICER. The amendment is withdrawn. The Secretary will call the sections by number.

The CHIEF CLERK. Section 1.

The PRESIDING OFFICER. Are there any amendments to offer to section 1? No amendment being offered, that section will be passed.

The CHIEF CLERK. Section 2.

The PRESIDING OFFICER. Is there any amendment to be offered to section 2? No amendment being offered, that section is passed.

The CHIEF CLERK. Section 3.

The PRESIDING OFFICER. Is there any amendment to section 3? No amendment being offered, that section is passed.

The CHIEF CLERK. Section 4.

The PRESIDING OFFICER. Is there any amendment to section 4? No amendment being offered, the section is passed.

The CHIEF CLERK. Section 5.

The PRESIDING OFFICER. There being no amendment to section 5, it will be passed.

The CHIEF CLERK. Section 6.

The PRESIDING OFFICER. No amendment being offered, section 6 is passed.

The CHIEF CLERK. Section 7.

The PRESIDING OFFICER. No amendment being offered, section 7 is passed.

The CHIEF CLERK. Section 8.

The PRESIDING OFFICER. No amendment being offered to section 8, the next section will be called.

The CHIEF CLERK. Section 9.

The PRESIDING OFFICER. No amendment being offered, the section is passed. The next section will be called.

The CHIEF CLERK. Section 10.

Mr. VEST. I want to suggest to the Senator in charge of the bill that we have now adopted an amendment to this bill which enables an owner of an American vessel to make a contract with an American seaman for a round trip or for a stated period; and it seems to me this section 10 ought to be amended by putting in after the word "same," in the third line, the words "before leaving the port at which such seaman may be engaged," because otherwise this section would prevent the master of a vessel from paying the seaman any wages until the conclusion of the whole trip, if it was six months or a year. We do not mean that. I make that suggestion.

Mr. FRYE. I see no objection to that.

Mr. VEST. I think that would make the section consonant with the other amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri to section 10.

Mr. VEST. It would be better to put in the words after the word "wages," in the second line, so as to read:

That it shall be, and is hereby, made unlawful in any case to pay any seaman wages before leaving the port at which such seaman may be engaged in advance of the time when he has actually earned the same.

The amendment was agreed to.

Mr. MORGAN. I notice in the morning papers that one of the judges of the circuit court of the United States has been compelled to haul up a shipping commissioner and administer to him a very severe rebuke and deny the allowance of his accounts. It appears from the statement in the papers that the commissioner had had opportunity to abuse the power of his office to the extent of giving to his own family salaries amounting to as much as $4,000 a year, one of them a boy 19 years of age; and I believe there were four or five members of that family who received these large salaries or large amounts of money at least under the fee system awarded to shipping commissioners for their services.

I desire to ask the Senator in charge of the bill or the chairman of the committee whether they have considered the question of substituting a salary for fees in cases of that kind? In the case I refer to I believe the amount of money which should have been paid into the Treasury of the United States within the last four or five years was something like $50,000 in excess of the salaries that this officer and his proper employés would have been authorized to receive under a proper system. It seems to me that while we are perfecting the subject of navigation and the navigation laws it would be very well indeed if we should substitute a salary to the shipping commissioners in place of fees. Let the Government of the United States pay shipping commissioners at the different ports and not require the shipmaster or the ship-owner, or whoever it may be, to pay any fees at all for the shipping of the crew.

I discover that a prohibition is put here against paying advance wages to a seaman, or "to any other person, or to any person other than an officer authorized by act of Congress to collect fees for such service in remuneration for the shipment of seamen." I am not conversant enough with the practice of shipping men to undertake myself to frame an amendment which I think the committee could recommend or would see the propriety of, and I venture to suggest this now in order that some gentleman in charge of this subject may consider it, so that by the time we get through the bill we can go back to it if necessary and make the proper amendment.

Mr. CONGER. At the time the shipping commissioners' law was passed objections were made to having the appointment of commissioners made by the political power, and it was provided that the appointments should be made and the amount of salary paid to the commissioner and his deputies should be fixed and supervised by the courts, contrary to the usual custom in such cases. The object of it was to prevent these commissioners from having any political relations with the shipping men, but whether it was a wise provision or not I do not know. The judge has entire power to determine the amount of compensation to the commissioner. He has the appointment of the commissioner, and fixes the compensation from time to time and the compensation of the assistants.

In the case referred to the court has in the exercise of that power cited the commissioner before it, and as I know from another source has required the commissioner to show cause why he should not be removed from office for employing his whole family as his deputies and paying them salaries, not quite $4,000, but about $3,900 each, a subject-matter which some members of the committee had called the attention of the judge to some months ago. From what I have seen in the papers I have no doubt that that evil which the special committee of the House and Senate called the attention of the judge to, and took testimony in regard to a year ago last fall, is being examined into and will be corrected.

A change of the law providing for the appointment of these officers in the ordinary way, subject to the revision of Congress, I think should be made, not in this bill but in a bill appropriate to that subject and seeking a better control over that class of officers. It was calculated that the fees of the office should be enough, and only enough, to remunerate the commissioner and his assistants for the proper discharge of their duties, and it was not intended that it should be a source of revenue to the Government. I may say that that subject has been under consideration before the Committee on Commerce, and undoubtedly some proposition will be presented to the Senate to correct the evil complained of.

Mr. VEST. As has been said by the Senator from Alabama, the morning papers show a remarkable condition of affairs in New York. Let me read the dispatch in the morning papers:

NEW YORK, *May* 5, 1884.

Judge Wallace, of the United States district court, handed down a decision this morning in the matter of salaries paid by Shipping Commissioner C. C. Duncan to his deputies, in which the court, after discussing the nature of the office, says: "The action of the commissioner in appointing five deputies, salaried at $3,000 each, four of whom were his own sons, one of these sons only 19 years old, with no more experience or qualification for the place than his years would imply, compels a very cogent inference that he had conceived a scheme for administering his office which was not only illegitimate as a radical departure from that contemplated by the law, but which was utterly repugnant to all notions of economy and decency." Judge Wallace concludes by ordering Mr. Duncan to show cause why he should not be removed from office.

I do not read this for the purpose of making any personal application to the commissioner in the city of New York. Of course the receipts of that office are the most important of the whole United States; but I do it to show how this system is amenable to just criticism because it permits such things to be done as the judge has made known by his decision. Some time ago there was a libel suit against the New York Times by Shipping Commissioner Duncan, and he was required to bring into court his report. Without detaining the Senate, the report that Mr. Duncan made of the receipts of his office and the expenditures, commencing with 1872 and running to 1882, was:

	Total receipts.	Total expenses.
1872	$20,303 50	$20,960 50
1873	37,765 15	39,191 25
1874	54,826 00	54,699 88
1875	51,361 12	51,794 54
1876	30,576 25	31,149 03
1877	28,650 25	28,870 58
1878	34,559 75	34,282 11
1879	30,921 00	30,921 00
1880	25,948 50	25,948 50
1881	24,279 93	24,279 93
1882	22,531 50	22,531 50

In other words, he managed to absorb the entire receipts of that office every year, and it all springs from a defect in the statutes. I dislike these personalities as much as any one can. The Revised Statutes permit him to run his whole office at his own price, and as the court found in this instance, he hired an office worth $1,500 a year and charged $5,000 a year rent. The report also shows that he had a surplus over and above his own salary, which could only be $5,000 a year, of $12,000 or $16,000, and under the Revised Statutes he was permitted to hire as many clerks as he pleased and pay them the salaries he pleased, and he took this surplus over and above his own salary and divided it into four parts and gave it to his sons. That is the evidence, and upon that this judgment of the United States circuit court was made in the case which I have just read from the newspapers.

There is no party feeling in this matter. The opinion was delivered by a judge opposed to me in politics, I believe. At any rate he is a Federal official, and I speak of this simply as a sample. The statute as it exists now permits any United States shipping commissioner to hire as many clerks as he pleases and to pay what rent he pleases, without any responsibility.

Mr. ALLISON. Is the Senator quite clear that that is the law? As I understand the law the shipping commissioners are appointed by the circuit courts in the several circuits, and the circuit courts supervise the accounts and supervise the number of employés and their wages. So that this shipping commissioner, with reference to his clerks and deputies, always had the assent of the court in this regard; and it seems to me that the accountability ought to placed in the Treasury or in some other place than in the courts of the United States.

Mr. VEST. I will read to my friend from Iowa the statute. It is very singular that such a statute was ever enacted or should be permitted to stand. Chapter 1, title 53, in regard to "shipping commissioners," provides as follows:

SEC. 4501. The several circuit courts within the jurisdiction of which there is a port of entry which is also a port of ocean navigation shall appoint a commissioner for each such port which in their judgment may require the same, such commissioners to be termed shipping commissioners; and may, from time to time, remove from office any commissioner whom the court may have reason to believe does not properly perform his duties, and shall then provide for the proper performance of his duties until another person is duly appointed in his place. Such courts shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided; and shall have full and complete control over the same, subject to the provisions herein contained.

There is the whole provision as to jurisdiction, and unless complaint is made, or unless the circuit court moves itself, as a matter of course the shipping commissioners do as they please. Section 4505 reads:

SEC. 4505. Any shipping commissioner may engage clerks to assist him in the transaction of the business of the shipping office, at his own proper cost, and

may, in case of necessity, depute such clerks to act for him in his official capacity; but the shipping commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this title; and all acts done by a clerk as such deputy shall be as valid and binding as if done by the shipping commissioner.

Again:

SEC. 4507. Every shipping commissioner shall lease, rent, or procure, at his own cost, suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith; and these premises shall be styled the shipping commissioner's office.

Mr. CONGER. Now will the Senator read the last section but one in the act. He will see the limitation.

Mr. VEST. The Senator means the limitation of salary.

Mr. CONGER. I mean the last section but one of the original act.

Mr. VEST. In the Revised Statutes:

SEC. 4595. Every shipping commissioner, and every clerk and employé in any shipping office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seamen for any merchant vessels, excepting the lawful fees payable under this title, shall, for every such offense, be liable to a penalty of not more than $200.

Mr. CONGER. That is not it. Section 66 of the original act, if the Senator will allow me, provides:

SEC. 66. That in no case shall the salary, fees, and emoluments of any officer appointed under this act be more than $5,000 per annum; and any additional fees shall be paid into the Treasury of the United States.

Mr. HALE. The Senator will allow me. The opinion of Judge Wallace is given at length in some of the New York papers, particularly in the Times, which I have before me, in which he goes over this whole question of allowances. It seems that from year to year there have been questions raised about the performances of the Duncans, but as Judge Wallace says the auditing and allowing of the accounts that have been done before by his predecessors have not been upon a full statement of all the facts. The Duncans were allowed pretty much to have an *ex parte* hearing, and Judge Wallace expressly exonerates his predecessors from any fault or negligence, because the whole facts had not been presented to them. The accounts are undoubtedly subject, as the opinion shows, to the auditing, control, and allowance or disallowance of the judges; but never until now has this most enormous piece of greed and fraud been brought to light, and it is an instance of how the American people will bear a thing to go along for years that ought to be investigated and plucked up by the roots. I do not know of anything of its magnitude that is worse than this performance of the Duncans; and the merchant marine, the shipping interest, is to be congratulated that at last it has been brought out in all its enormity. The whole of the facts are disclosed in the opinion of Judge Wallace which I have just been reading, and it is enough to excite the indignation of any man, and it is not a party question, as the Senator from Missouri says.

Mr. VEST. Not at all; and what the Senator from Maine has just stated simply corroborates my assertion. The system permits this. It is true that the United States circuit judge has the power under this statute to remove any commissioner, to examine his accounts as he may those of any other officer appointed in his court; but until there is some complaint, until the matter has come before the judge, it is never done. Here has come the exposure, it is true; but when has it come? It has come after eight years, it has come after this man has absorbed $20,000 a year in payments to himself and his family, and $1,500 was the rent paid for his office, but he allowed himself $5,000 under this clause of the statute.

Mr. HALE. It is about eleven years.

Mr. VEST. Yes.

Mr. HALE. The Times makes this remarkable statement:

The total receipts of the office from the time of Captain Duncan's appointment in August, 1872, up to January 1, 1883, were $361,822.95, and the sum of $496.97 is all that he has ever paid into the national Treasury.

Mr. VEST. He has absorbed that vast amount. To permit that sort of thing is simply intolerable; and when the Senate of the United States upon the action of a judge upon the record finds that a system permits that sort of thing, it ought not to allow it to remain. I have drawn amendments which I will submit to the Senate. I hope they can be made better; they are the best I could do in the time allowed me. The first of them does away with this system under the circuit courts to some extent. The Secretary can read them:

The CHIEF CLERK. "That section 4501 of the Revised Statutes"——

Mr. FRYE. The Senators are anxious to leave, and of course I do not wish to weary the patience of the Senate. I will ask unanimous consent that this bill may be considered to-morrow after the morning business and completed.

Mr. DAWES. The Senator from Colorado [Mr. HILL] has given notice that he would occupy the attention of the Senate at that time.

Mr. FRYE. I understand that, but the Senator only asked half an hour and he will undoubtedly postpone that until we finish this.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that this bill be taken up and considered immediately after the routine morning business to-morrow.

Mr. PLUMB. Let me suggest to the Senator from Maine that he should also ask unanimous consent that at some hour general debate should cease on the bill, and that the pending amendment and others to be offered shall then be voted on.

Mr. FRYE. I supposed that general debate had now ceased. I will ask that this bill be taken up for consideration to-morrow morning after the morning business and that debate be limited to five minutes.

Mr. MORGAN. I shall have to object to that. I have not expressed any opinions on the bill, because the bill has not been in a shape that I could give my views of it properly. I shall be very brief in what I have to say, but I can not say it in five minutes.

Mr. FRYE. I then ask unanimous consent that the bill be taken up to-morrow morning after the morning business.

Mr. VEST. Let my amendments be read.

Mr. FRYE. The amendments can be printed, and then they will be in better condition.

The PRESIDING OFFICER. The amendments of the Senator from Missouri will be printed. The Senator from Maine asks unanimous consent that it be agreed that the bill be taken up for consideration immediately after the routine business of the morning hour to-morrow. Is there objection? The Chair hears none.

Mr. MORGAN. I hold in my hand an amendment to the bill which I think I shall offer to-morrow. I ask that it be printed.

The PRESIDING OFFICER. The Senator from Alabama submits an amendment, which will be printed.

Mr. FRYE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 6, 1884.

The House met at 11 o'clock a. m. Prayer by Rev. THOMAS G. ADDISON, D. D., of Washington, D. C.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. ERMENTROUT. I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the introduction of bills and joint resolutions.

There was no objection.

The reading of the remainder of the Journal was completed, and it was approved as read.

HARBOR OF FORT SMITH AND PINE BLUFF.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, in response to a resolution of the House of Representatives, transmitting a report of the Chief of Engineers in reference to changes occurring in the harbor of Fort Smith and Pine Bluff, Ark., and threatened cut-offs and erasure of their banks; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

STATE, WAR, AND NAVY BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending the appointment of twelve additional watchmen to protect the State, War, and Navy Department building against losses by fire, in accordance with the report of the board appointed to investigate the circumstances of the recent fire in that building; which was referred to the Committee on Appropriations.

IMPROVEMENT OF GRAND RIVER, MICHIGAN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers, in response to a resolution of the House calling for plans and estimates for the improvement of Grand River below Grand Rapids, in the State of Michigan; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. PEELLE, of Indiana, by unanimous consent, leave was given to withdraw from the files of the House and from the Committee on Invalid Pensions petition and papers filed in support of the bill granting a pension to Katharine Bullard.

On motion of Mr. TILLMAN, by unanimous consent, leave was given to withdraw the papers in the case of H. T. Farnsworth, of Memphis, Tenn., now on file in the Clerk's office, there being no adverse report thereon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. BEACH. I move to dispense with the morning hour for the call of committees.

The motion was agreed to (two-thirds voting in favor thereof).

THE TARIFF.

Mr. MORRISON. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House in Committee of the Whole resumes the consideration of the bill (H. R. 5893) to reduce import duties and war-tariff taxes. The gentleman from Pennsylvania [Mr. BROWN] is entitled to the floor.

Mr. BROWN, of Pennsylvania, resumed and concluded the remarks commenced on Friday last. In full they are as follows:

Mr. BROWN, of Pennsylvania. Mr. Speaker, at the opening of the present session it was significantly intimated by the Speaker, on assuming the chair, that the condition of our country was such as to demand little legislation in relation to our commercial and industrial interests.

The following well-timed and eminently appropriate language was used by him:

I am sure, gentlemen, that all matters of legislation presented during this Congress will receive from you such careful consideration as the magnitude and character of the interests involved require, and that your action upon them will be wise, conservative, and patriotic. Sudden and radical changes in the laws and regulations affecting the commercial and industrial interests of the people ought never to be made unless imperatively demanded by some great public emergency, and in my opinion, under existing circumstances, such changes would not be favorably received by any considerable number of those who have given serious attention to the subject. [Applause on the Democratic side.]

Many reforms are undoubtedly necessary, and it will be your duty after a careful examination of the whole subject in all its bearings to decide how far they shall extend, and when and in what manner they shall be made. If there are any who fear that your action upon this or any other subject will be actually injurious to any interest, or even afford reasonable cause for alarm, I am quite sure that they will be agreeably disappointed. [Renewed applause upon the Democratic side.]

After saying that sudden and radical changes in the laws and regulations affecting the commercial and industrial interests of the people ought never to be made unless imperatively demanded by some great public emergency, he proceeds:

And in my opinion under existing circumstances such changes would not be favorably received by any considerable number of those who have given serious attention to the subject.

This announcement by the Speaker was applauded with great zest by the Democrats, and was, I believe, accepted by the country as an admission if not an assertion that existing circumstances were such as to determine against any interference with the extraordinarily satisfactory state of affairs.

It was even more; it was an intimation that they who demanded a change were such as had not given "serious attention to the subject," and therefore not competent to rightly judge.

How, sir, has this pledge and applauded assurance been kept by those who made and applauded the utterance? The first shock to the country was the announcement of a free-trade majority in the Committee of Ways and Means. The second was the report from that committee, on the 11th of March, of a horizontal tariff bill reducing import duties 20 per cent. below a point already too low. The third was the vote of the House on the 15th of April to consider the bill. Is it any wonder that tradelanguishes, that commerce is at a stand-still, that improvements wait the result of this frenzied purpose to do something striking by the majority? The marvel is not that there are so many failures in the country, but that there are so few!

NO DEMAND FOR REDUCTION.

Sir, this whole scheme of reduction by the present Congress is not only not demanded by the people, it is clearly against their will manifested in every instance where that will has been formally expressed. The majority of this House seem to imagine that they hold their power here because the people want reduction of import duties. Now, what ground is there for that belief? Take, for instance, my own State, where the falling off of Republican representation is quite up to the average, and will gentlemen assume that the people sent Democrats instead of Republicans from those districts because they desired tariff reduction? Will the gentleman from Pennsylvania [Mr. HOPKINS] or the gentleman from Pennsylvania [Mr. ELLIOTT] assert such a reason for their success in the campaign of 1882? Neither they nor any of their Democratic colleagues will claim any such thing. I do not deny but that there were general, indefinite promises of tariff or "revenue reform," but if there was a single elector supporting the Democratic nominee who supposed he knew what was meant by revenue reform, that person never attributed it to a purpose to reduce duties on imports.

Sir, this is another among the many instances in which the Democratic majority have mistaken the whispering of the Cobden Club for the majestic voice of the American people. To their credit be it said the Democratic members from Pennsylvania are not thus deceived. Brave, however, as has been their course on this floor in this contest, true as they have been to their own and their constituents' convictions, I think they will now readily see how futile are all heroic endeavors when "unequally yoked" with a party whose traditions and whose history for more than forty years has been a ceaseless war upon the American system.

And here I desire to say that it is not at all surprising that many gentlemen on the other side have been deceived into the belief that the people demand a reduction of import duties.

At each campaign the platforms of that party are made up of glittering generalities, general allegations, platitudes, and promises of reform. So that when the campaign ends and the Congressman takes his seat he is as uncertain what his instructions are as if the voice of his constituency had never been uttered.

How is the Representative to know his people's will? Is it to be assumed that a promise to "reform" the tariff means to reduce it? I protest against my brothers on the Democratic side being badgered into a war upon protection to American industry upon any such pretext. My recollection is that the last time you said anything definite in your platform about tariff the people repudiated it most emphatically; that was in 1880, when you declared for revenue only, or free trade.

Since that time you have been for "reform only," and all you have said about tariff should "go without saying" at all, for it has consisted of general promises to so arrange the tariff as to do great good without doing any harm whatever. This promise is as perfect as indefinite quality can possibly make it. Is it any wonder that the gentleman from Illinois [Mr. MORRISON] thinks he is instructed to go to the left, and that the gentleman from Pennsylvania [Mr. RANDALL] thinks he is instructed to go to the right?

Sir, I say again, there is no demand for a reduction of duties. Look at the result in the State of Ohio. The act of 1883 was pushed through Congress in the last hours of the session, in a struggle to pass a bill while the Republicans were still in power, so as to prevent the sweeping reduction threatened by the "revenue reformers," soon to assume control. The wool-growers of the country, as also the woolen manufacturers, were shamefully deserted.

What was the result? Did the people complain that the reduction was too little? Have they been calling for a horizontal 20 per cent. more? No, sir. They spoke in thunder tones of warning to the Republican party. It was all in vain that the party protested that the Democrats were more hostile to the wool-growers than they. The people answered: "You have been pledged to protection. You came into power on a platform committed to the 'American system,' and in your haste you yielded to the importunities of the common enemy, and we will teach you that disobedience to the people's will is death." Sir, I say that this treatment, though heroic, was just. Not just to the Democrats, because they gathered glory not their own, but just to the Republican party. To that party let it be a warning for all time to come.

Since the reduction is not demanded by the people, why is this bill before the House? First. It is demanded by the manufacturers of Europe. Second. It is another attempt to make practical a threadbare theory that through all the commercial ages has not only proved impracticable but impossible. The first proposition needs no proof; all admit that reduction of duties would be glad tidings to the Old World. The fallacy of the second is as manifest as the injustice of the first. There is not a point of time in the history of the world's commerce that has witnessed a practical operation of the free-trade doctrine.

The nations of the earth have ordained free trade just so far, and no farther, as it has been to their interest so to do. England has been denominated a free-trade nation. She never has been so to a greater extent than was deemed to her interest. Her free-list never extended beyond the line that marks the boundary between profit and loss. The protected-list was never below fifty-three in number, and, though it has been claimed that the tax on these is not levied for protection's sake, an examination shows that the assertion is untrue. Take, for instance, the article of tobacco, nearly all of which is imported from the United States. It is true that home production of the article itself is not protected, as England can not profitably cultivate tobacco, but see how craftily she incorporates the principle of protection in her duty on tobacco.

On unmanufactured tobacco the duty is 75 cents per pound, or 84 cents if of less than 10 per cent. moisture, while on manufactured tobacco the duty is 96 cents for the first and $1.10 for the second. Is this tax for revenue only? Our exports of leaf tobacco to Great Britain in 1880 were 33,996,486 pounds, the average value being 10.9 cents per pound, upon which the duty at the lowest rate, 75 cents, amounted to $25,497,364, or about 700 per cent. If the entire amount had been imported into that country as manufactured tobacco it would have paid a duty of over $40,000,000, or a tribute of over ten millions for the encouragement of English tobacco manufactures. It will thus be seen that England is free trade when and where it pays, and she is protection when it is for her interest so to be.

When it was impossible for her farmers to supply food for her people she placed wheat and corn on the free-list. Wherever it seems apparent that any of her manufactured product is so low that no other country can compete with her in the market that article goes upon the free-list, but not otherwise. Free trade is as far from realization now as it was two centuries ago.

Standing alone, divorced from practice, the theory is good enough; it is captivating and in many ways logical, but it starts from impossibilities and ranges through realms of impossibilities and paradoxes until air seems to its votaries as palpable as earth. It will find a firm foundation whereon to stand when the law of self-preservation and the sentiment of patriotism have been eliminated from human nature. Then this nation will legislate not for itself alone but for all nations, and all nations will legislate not for themselves alone but for the United States.

But we are told that free trade must obtain because it is a "great principle"—that it is a synonym for "freedom," "equality," and "human brotherhood." And the freedom-loving Cobden Club, fresh from a serene survey of the contentment of the "Green Isle" and the happy homes of "merry England," so graphically pictured by my colleague [Mr. KELLEY], have hung out their sign among the New York importers and nabobs, and are organizing free-trade clubs to the delight of our Irish fellow-citizens on the soil of "poor oppressed America!"

Out upon the impostors! What a travesty upon freedom, equality, and human brotherhood! Shall these blessed words lose their sweetness, being thus coupled? It shall not be! Freedom thus yoked is a lie, and every Irishman in this free land should say with my friend from Illinois [Mr. FINERTY], we will have none of it!

TAXATION.

How shall the revenues necessary to carry on our Government be raised? To be logical, the free-trader should assume the responsibility of holding that all Government tax should be internal and collected direct from the people. Few, however, have the courage to concede so much. Mr. Beecher, however, who is a fresh apostle and somewhat too vigorous to be politic, speaks what he means. In his latest utterance he cries out against all customs duties. He says:

Custom-houses in their nature are academies of injustice and dishonesty, abhorred of God, as they ought to be of man.

Though all free-traders do not travel to the logical conclusion of their theory, their purpose is just as wicked and the outcome is, in practice, precisely the same. Duties paid for revenue only must of necessity be a tax upon the consumer, though it may be somewhat indirect, while absolute free trade necessitates a direct tax upon some other article than that imported, so that in any event the draft is from the people without any returning compensation. It is therefore plain that the only real difference between the two is that the former levies a tax upon articles coming into and the latter upon property already in the country.

Now, sir, let us see how widely different from this free trade or tax for revenue only is the protective system of duties upon imports. Gentlemen speak of it as if, like their own plan, it were a tax added to the price of the article, which the consumer must pay upon its use or consumption.

Sir, the history of more than 10,000 articles, the product of iron, coal, and lime, forced by protection from our own mountains and formed into infinite perfection, beauty, and utility, give the denial to this assertion.

Every article from the cambric needle to the iron bar, from the steel rail to the locomotive that travels across the continent thereon, from the hair-spring in a lady's watch to the hundred horse-power Corliss engine—these and all their fellows, as they spring into form and symmetry and perfection, thunder denial to the assertion.

Take any article you please and trace its history and you have demonstrated the wickedness of the unpatriotic slander. Cut nails are an American invention. When the nail was first protected by duty it was supplied by an imported wrought nail that cost the consumer in this country 25 cents per pound. By the tariff of 1824 the duty was made 5 cents per pound, at which it remained until 1833. According to the assumption of the free-trader the "tax" of 5 cents would of course have compelled the consumers to pay 5 cents addition to the importer's 25 cents per pound or 30 to the consumer. But what are the facts? By the year 1828 the price of nails had declined to from 8 to 9 cents! In 1830 a better nail than England had ever furnished us at 25 cents could be purchased at 5 to 7 cents. And since then the price has ranged as follows: from 1835 to 1840, 5 to 7 cents; from 1840 to 1844, 5 to 6 cents.

From that time forward the American nail has been considered the best in the world, and has regulated the price of that article down to this hour throughout the commercial world. During the war the price advanced somewhat, but by 1873 it had declined to 3 cents, and since then it has ranged from 2 to 3 cents per pound. It will be seen that in 1830, the lowest price of that year, the price had reached precisely the duty imposed only six years before, and the ruling price of the year 1876, a little more than fifty years after its first protection, the best nail on the globe sold to the "oppressed" consumer of the American product for just one-half the first duty "tax" levied for its protection. And yet men assuming to have made the question of tariff a study go on asserting and protesting that duty on imports "is just so much tax wrung from the people." Is it a matter of wonder that the people repudiate such statesmen?

I admit that I have taken an extreme case, but it is so mainly for the reason that the cut nail was a new invention and capable of being made much cheaper than the wrought nail. This does not, however, detract from the fact that protection has saved the American people millions of dollars on this article alone and furnished her people with an infinitely better article, and all through the labor, skill, and invention of her own sons. But leaving out of the calculation the matter of American invention, and the history of the nail is the history of almost every product of iron and steel.

Before axes were manufactured in this country they cost our farmers from $2 to $4 apiece. The tariff of 1828 gave the American manufacturer a protection of 35 per cent., or 70 cents, on the lowest and $1.40 on the highest priced ax. Did the farmer have to pay for any considerable time a higher price than he had theretofore paid? Let us see? Within eight years, by the aid of labor-saving machinery, all invented in this country, American axes, the product of American machinery, American brawn, and American brain, were selling in the American market at $15 to $16 per dozen, and in 1843, under a still higher tariff, at $11 to $12 per dozen. Before the repeal of the tariff of '42 we were manufacturing by far the best ax in the market, and from that hour to the present it has been a successful competitor in all the markets of the world.

The history of American cutlery is a repetition of the history of the American ax. The tariff of 1842 gave cutlery its first substantial protection. Before that year we had not made even a decent draw-shave; yet more than half of our constitutional history had then passed. Forty-two years have since elapsed, and to-day five-sixths of our consumption is supplied by the American laborer, our exports are more than our imports, and we compete with England in Sheffield and Birmingham, the very center of her cutlery product. Has the duty of 1842 laid upon cutlery been to the American people a "consuming tax?" Nothing but the frenzy succeeding a Cobden Club dinner would ever give utterance to so base a slander.

What has been the effect of protection on the Bessemer-steel rail, first made in this country in 1867. Up to the opening of the first mill here for its manufacture England controlled the market, and we were compelled to pay her $150 gold per ton. The production here soon forced down prices, so that by 1870 the builder of railroads in this country was paying only a little more than one-third, or $59. The very extensive construction of railroads in 1880 boomed the price to $85; but now the best steel rail ever produced is sold for less than $40 per ton. These rails are manufactured by our own people, the consumers of our own farm product, yet the Morrison bill proposes to rob them of 20 per cent. of their wages and make a present of the amount to "merry England!"

I have not the time to go over the history of other American industries. Suffice it to say, Mr. Chairman, you may run through the entire list of American manufactured product and you will find in each item absolute and incontrovertible proof that the duty levied upon articles manufactured from material existing here is not a tax upon the consumer. I do not intend to be understood as taking the position that a duty on imports may not under some circumstances for a short time operate as an apparent burden upon the consumer, but I hold that what I have said of these is the universal rule, under the conditions stated, after the duty has been laid long enough to work out its full and legitimate effect. This rule we are not only able to establish from experience, but it may be shown to rest upon perfectly logical and well-approved grounds.

First, protection produces. The world at large has new manufactories where none had existed but for protection. The article produced from these, if sold, must be taken by those who heretofore purchased from the previous producers. The increased production of necessity forces the prices down below the point where it had been had not the new product appeared. But the free-trade theorist admits this to be true "only where the product has full range and is not advanced or held to its old price by duty." A moment's examination will suffice to show that the general result is not changed by duty regulations.

Assuming now that when our country commenced the manufacture of her own goods that England continued to manufacture as before, what was the effect upon her products? Being partly prohibited from coming to the American market by import duties, they were forced back into her own avenues of trade, there to bear her home market. Could England thereafter sell her product for as high a price as before, shorn in part of the American trade? The question answers itself. Had we all slept as remote from human commerce as Rip Van Winkle we could answer the question in but one way. But our observation adds history to logic, and we have experience fortified by demonstration.

Now, let us look to our own side of the import-duty barrier. In the start I think it proper to admit that if our manufacturing had been restricted or hampered, either by lack of ability, genius, or natural resource, we must have started at great disadvantage in the world's race for pre-eminence. Such, however, was not the case. We had all these in abundance. No man will say we lacked either ability or inventive genius, nor yet any of the manifold gifts of nature. Boundless forests, exhaustless mines, mighty rivers sweeping from the iron mountains to the seas, majestic mountains, with foundations of iron, buttressed with silver, and crowned with gold. Hills, valleys, prairies, plains, stretching through all climates, and productive in all that contributes to the necessity, comfort, and luxury of man; these all beckoned the pioneer forth to independent and self-reliant achievement.

The hand that stretched out the limitless prairie for the farm, lifted the high mountain for the forge. To divorce either from the other was self-evident treason to both. Happily for the greatness and the renown of our country, the men who framed our Constitution, ordained the power, and the very first Congress of this nation sent that power forth on its errand of conquest and glory. The preamble of chapter 2 of the first session of the First Congress, on July 4, 1789, declared that, "Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement

and protection of manufactures, that duties be laid on goods, wares, and merchandises imported; therefore be it enacted," &c. And yet within a week, sir, and several times within the limit of this debate, has the right, under the Constitution, to adjust duty for protection's sake been questioned.

It strikes me, sir, that ninety-five years after the passage of the first protective tariff act is a little late to quibble about constitutional authority.

DOES PROTECTION STILL PROTECT?

The question has been many times asked with great ado, "If it be true that protection forces prices down, how does it continue to protect against imported product?"

To the question there is, as it seems to me, an answer satisfactory and conclusive. It must be borne in mind in considering this branch of the subject that while the price of the manufactured product has declined under protection here, it has forced down prices in a like ratio throughout the commercial world; hence it follows that the necessity of protection continues, and it can never cease as long as labor, which is one of the main elements of value, is cheaper abroad than here.

Gentlemen forget that while it is claimed that protection lowers prices it is not claimed that it lowers them here to pauper labor point, while it may do so elsewhere. Our position is the opposite of this. We join with one accord in the prayer of the gentleman from Pennsylvania [Mr. KELLEY]:

God forbid that American labor shall ever be embodied in any production that shall be cheap enough to compete in general with Halesowen, Lye, Lye-Waite, Cradley, and other manufacturing towns around Birmingham.

It may in a few instances transpire that articles can profitably be manufactured here cheaper than in England, but these instances are only where, by superior machinery or by great natural advantages, we are able to overcome the difference between labor there and labor here. It follows, then, if we are to compete with cheap-labor countries we must compel these countries by a duty levy to contribute to the payment of a large portion of the difference between the price of their labor and our own; and if you ask me how long shall the duty be assessed, I answer, through all generations, unless other countries shall see to it that the laborer there is made worthy of his hire.

PROTECTION PRODUCES WEALTH.

A still more potential argument in favor of protection is that it brings wealth and prosperity to the people. That protective tariff builds manufactories I suppose no man either here or elsewhere will deny. It follows, then, that whatever manufactories accomplish in building up prosperity is attributable so far to protection. I have, I think, demonstrated that protective tariff is not a tax upon the consumer, for the reason that in the long run the article protected becomes cheaper. Now, if in addition it can be established that it is the great builder of wealth in our country who can resist the conclusion that he is an enemy to that country's growth and glory, who would strike it down?

I believe our experience as to the effect of manufacturing establishments upon the market for farm produce, the price of land, and the general prosperity they bring are worth much more, as a guide to just conclusions, than many figures. I am disposed less than ever to rely upon statistics, since they have been made to prove so many sides of the same question recently in this House. Since listening to the very able remarks of the gentleman from Texas [Mr. MILLS] I am fully persuaded that the adage that "figures will not lie" is itself a lie. It will be remembered that by figures gathered from official sources, as he claims, the gentleman satisfied himself that the farm product of 1880 yielded the farmer less profit in the aggregate than that of 1860.

Now, his figures for the year 1880, which he told us came from the Census Report, were more than 100 per cent. below those found in the Agricultural Report covering the same period; still, he gave us figures, and remembering, no doubt, the maxim "that figures won't lie," and shutting his eyes to all his experience and observation and leaving out of the calculation the whole meat product and other equally important items for the year 1880, his conclusions are quite satisfactory, and of course he is a victim to the belief that he has established what every man in this country who was alive in 1860 and is alive now knows is not correct history. It is not strange that the gentleman expressed much surprise at his discovery, so completely do his figures reverse what must be his deliberate judgment. They will certainly prove a bonanza in the business of propagating free-trade theories if he can succeed in keeping the facts from his people. [Laughter.]

A LITTLE HISTORY.

Sir, it needs but an appeal to our own experience to show how protection has increased individual and national wealth. The average price received by labor from 1846, following the free-trade tariff to 1860, was not more than one-half that received by it for the fourteen years following the war, or say from 1866 to 1880, during years of protection, while the purchasing power of the dollar of 1880 was quite equal for all manufactured goods to that of 1860. I take this year because it was not until 1880 that the high prices consequent upon the inflation period following the war had ended. It is true farm products, save perhaps wheat and corn, cost the consumer, who had to purchase, much more during the latter period than the former, but as what was received for the product of the farm is in a just estimate part of the aggregate paid to labor, of course the high price it received helped to swell the aggregate rewards of labor.

It seems quite impossible for the advocate of free trade to get through an address without betraying his utter hatred of the manufacturer. He is often called a robber, always a monopolist, and always an enemy to the farmer. In this, I confess, I find nothing to commend. To my mind, it is both impolitic and unpatriotic. The prosperity of the farm is as impossible without the forge as the forge without the farmer. It is as essential that they combine to cause the symmetrical growth of the nation as that oxygen combines with nitrogen to furnish the air we breathe.

In 1855, as a farmer's boy, I sometimes took to a limited market, twenty-four miles away, as good butter as has been produced since the world began, for which I received as payment in trade the price of from 10 to 15 cents per pound. The prices of the goods at the store where the traffic was carried on were at least 33 per cent. higher than in 1880 or than to-day. Farm utensils, such as scythes, rakes, hoes, axes, &c., were at least 40 per cent. higher than now. The butter product on that same farm, made by the same hands, yielded in 1880 a price ranging from 25 to 35 cents per pound, or more than 200 per cent. above that under tariff for revenue only. I remember that two as good cows as were ever pastured on that farm were purchased in the year 1849 for $9 and $10, the two costing $19.

In the year 1880 a single cow no better than either of these would bring more than three times the price paid in 1849 for the two! Hay, oats, potatoes, every kind of vegetable were in 1880 at least one-third higher than in 1860. This is the evidence in the matter under discussion I bring from a little of my own experience. I think I could safely appeal to any gentleman present for corroboration of what I assert whose experience has brought him within practical range of the hard facts that formed the farmer's history during the free-trade period from 1846 to 1860. But I will not ask gentlemen to abide by my experience or my judgment. The following table shows prices at the beginning of the protection period, 1816, and also 1880:

Articles.	1816.	1880.
Wheat, per bushel	$0 44	$1 00
Corn, per bushel	20	60
Oats, per bushel	15	50
Eggs, per dozen	05	15
Barley, per bushel	25	80
Butter, per pound	12	30
Cheese, per pound	06	12
Cows, per head	$16 00 to 20 00	$20 00 to 75 00
Cattle, per yoke	25 00 to 45 00	100 00 to 250 00
Hay, per ton	3 00 to 5 00	10 00 to 18 00
Carriage horses, per span	150 00 to 200 00	300 00 to 1,000 00
Sheep, per head	50 to 75	1 50 to 2 50

The following table shows the yearly wages paid in 1860 and 1880 by different manufacturers:

Industries.	Yearly wages.		Increase.
	1860.	1880.	
			Per ct.
Woolen manufactures	$234	$300	28
Cotton manufactures	200	246	23
Iron manufactures	355	390	10
Machine manufactures	390	450.	15
Paper-making manufactures	252	360	40
Boot and shoe manufactures	250	370	48

These census figures show an average increase of 28 per cent. in wages in the above manufacturing industries since 1860. The average increase in the wages of all kinds of mechanics is full as great. The following tables show how the prices of manufactured goods have been affected by the protective policy, which has increased wages.

Articles.	Prices.		Reduction.
	1860.	1884.	
			Pr. ct.
Common sheetings, per yard	$0 08¾	$0 07	20
Drills, per yard	0 08¾	0 06¾	22
Prints, per yard	0 09½	0 06	34
Pig-iron, per ton	23 00	20 60	14
Iron, refined, per pound	0 03	0 02½	25
Fancy cassimeres, per yard	0 65	0 50	23
Common woolens, per yard	1 50	1 00	33
Medium blankets, per pair	5 00	3 75	28
Men's pegged boots, per pair	2 50	2 17	15
Crockery, per crate	95 30	57 89	38
Plate glass, per foot	1 50	0 80	45

Average reduction of prices of the above protected manufactures, 28 per cent., against an increase of 28 per cent. of wages.

The following table shows the increase of manufacturing industry between the years 1860 and 1880. When it is remembered that four years of this time was devoted to war, with its attendant destruction, I confess I find infinitely more to kindle wonder and admiration than in any of the achievements of England during any like period:

	1860.	1880.
Establishments	140,433	253,852
Capital	$1,009,855,351	$2,790,272,606
Product	$1,885,861,676	$5,369,579,191
Number of employés	1,311,246	2,738,895
Average yearly wages	$288	$346
Total wages paid	$378,878,966	$947,953,795

It will be seen by this table that during the twenty years, from 1860 to 1880, the manufacturing interest increased more than during the entire colonial and all the previous constitutional history of the United States. I commend these facts to the prayerful consideration of the gentleman from Ohio [Mr. HURD]. He will search in vain for their parallel in Great Britain.

THE FREE-LIST.

This bill, sir, proposes to place coal and lumber upon the free-list. There is no industry in the country that more constantly needs the application of the principle of protection than coal and lumber. The charge of monopoly can not with any justice be made against them. They are each offered to the consumer at the lowest possible price consistent with anything like a just compensation to the laborer who mines and manufactures these commodities. The protection as now laid is not so much upon price as against the invasion of our market by Nova Scotia coal and Canada lumber.

Barter away that market, sir, for which you get no consideration whatever, and you commit a crime against the laborer in both mine and mill. You overwhelm in bankruptcy all the moderate owners of both, and you leave the wealthier ones to struggle on in a competition with the cheap labor of Canada and Nova Scotia, receiving 40 per cent. less to-day than our own.

After Canada lumber and Nova Scotia coal have captured our markets, after many of our collieries have gone into decay and our forests have been destroyed by fire, after the men employed in these industries have become producers rather than consumers of the farm products, the farmer will discover that he has lost buyers for his goods and found bears upon his market. With his candle thus burning at both ends he will look in vain for the dividends that used to appear on his autumnal balance-sheet, when labor, lumber, and coal were not on the free-list.

But we are answered that the farmer can afford to lose his home market, for he will secure in its place a larger foreign market. From the hour this debate opened gentlemen on the other side have assumed that tariff is a burden upon our exports. They never go into detail to show how this conclusion is reached; they simply assume that it must be so. It is difficult to answer assertion. I will content myself by simply asking how we can hope to induce Canada or Nova Scotia or England to take more wheat or corn than they need? Are we to expect these countries or any others to take our product out of charity? But what has been our experience in the past in the matter of exports?

Sir, our exports were never equal to our imports during all the years of free trade. The balance of trade was uniformly against us during every year from 1846 to 1860, often reaching nearly a hundred million dollars annually. Indeed, the balance of trade never turned in our favor until 1875. Since then it has averaged more than one hundred millions a year, making a net balance of over $1,300,000,000 in our favor in nine years. Unless free trade can find other ground to stand upon than this, it certainly will fall. I turn now for a few moments to consider the subject of

COMPENSATION FOR IMPORT DUTIES.

If it were true that import duties are in their practical operation added to the cost of consumption, it is not altogether certain that the nation, having due regard to the well-being of society and the protection of labor against the avarice of capital, should not still maintain the protective tariff. But when it is absolutely demonstrable that the general result is a lowering of the price of the article consumed reasons come to its defense in double columns.

What is the compensation returned to this people by the levying of import duties? First, the Government is supported and direct taxation avoided. Second, the levy, instead of being a burden, is a blessing. Were a people ever so blessed as ours? Sir, each dollar of duty laid on incoming commerce performs the double service of relieving the people from a real tax, while in the same hour it nerves the arm of industry to go forth into new fields of conquest, and glory, and achievement.

I do not say, sir, that in all cases the tariff is laid with consummate skill and absolute wisdom (which according to my friend from Ohio [Mr. WARNER] is the Ohio plan), but I speak of the main purpose and the general result; and considering these I wish to know where in the world's achievements is the parallel to the growth and prosperity thus secured to this people? The gentleman from Ohio [Mr. HURD] the other day with almost matchless eloquence pictured the growth of English manufactures since the repeal of the corn laws in 1844. Why, sir, it is strange that all men harassed with this free-trade frenzy never can see anything in their own country worthy of words that burn and thoughts that entrance.

What are the facts? Why sir, the growth of our country has surpassed that of England in every material industry in the ratio of five to one during the past eighteen years. Is it possible that all these gentlemen have their eyes so set on the British lion that they can never see the American eagle? Where has the gentleman been during the last twenty years—years of the mightiest strides in the growth of this or any other land? Sir, he seems absolutely oblivious of the matchless beauty of that flag. Unless on some lone sea he seeks for and finds it not! Let him look for that banner in the land of the free and the home of the brave, and here, full high advanced he will find it, "without a star erased or a single stripe polluted."

But that gentleman attributes the loss of the carrying trade to protection. As well might he attribute it to the changes of the moon.

Sir, we have lost the foreign carrying trade, as the gentleman from Maine [Mr. DINGLEY] has well said, by the application of the principle of free trade in the guise of reciprocity treaty with England; and I will add, also, because we have been engaged in a more exalted as well as a more profitable business. There has been a deluge of tears shed by the Cobden Club and by members of this House because England has all the foreign carrying trade. Is it not time that this gush had ended? The gentleman from Georgia [Mr. HAMMOND] voices my feelings exactly in this matter when he says:

When I used to read in history of Napoleon pointing out to the great British statesman the little island and saying "What a small space England occupies on the earth," I sympathized with the Englishman's grand reply: "But with her commerce she circles the world." But since I have seen our rapid development on land, our magnificent stretches of railroads cutting through the mountains and cleaving the plains, I then, sir, feel a grander pride that we build these railroads which must be kept up by the labor of man, while England follows the ocean path that God and the elements repair. If our capital brings better interest, if it feeds poverty at home, if it furnishes work for the muscle, I shall not regret that it is expended on American soil.

Sir, to every syllable of this I yield most hearty assent. Is it not strange that after having said so much for the glory of his own country that within ten short minutes that gentleman, true to free-trade instincts, should have voted to give England the control of American shipbuilding? Oh, will there never be an end of contradiction in a Democrat who would do good?

Mr. HAMMOND. I thought you had inserted my speech as an illustration of apples of gold in pictures of silver, but I find it was to abuse me.

Mr. BROWN, of Pennsylvania. No, sir; I do not consider it abuse to tell the House how a gentleman voted unless he himself admits that he voted wrong. If the gentleman now admits that he voted wrong I will be glad to take back all I have said.

Mr. HAMMOND. I would repeat the vote.

Mr. BROWN, of Pennsylvania. Then I will let my statement stand. [Laughter.]

But what is this foreign carrying trade that so "horridly shakes the disposition" of the Democracy in this House? It is a beggarly business, sir, when marshaled for comparison beside that which employs the intellect, the invention, and the muscle of my countrymen. Sir, I will vote for any reasonable project to build up American commerce to be controlled by American bottoms, but I am not so enchanted with the murmur of the seas that I can not hear the glad anthem of 50,000,000 of American citizens in their triumphant march across a continent.

Sir, not all the commerce, not all the navies that e'er rode the seas have left a trace of civilization or a single monument to the memory of man! On the mighty deep there are no cities and on her heaving bosom there are no altar fires for home—sweet home.

Even the magic cable, that lonely, brittle thread which couples the continents, must tell its tales from crag to crag and peak to peak, deep down in the oozy dungeons of a rayless deep, far from the ken of man, until they leap into the light of civilization on a far-off shore! Let gentlemen listen to the siren songs of the "ever sounding sea" if they will. They shall not stay the course of empire! The master spirits of our age will cleave the mountains and plant the forge; they will "fell the forests, plow and till the fields, and heap the granaries that feed the world."

MONOPOLY.

Gentlemen not content with praising England seem ever constrained to abuse America. All things, whether good or ill, that have been fostered into life since the tariff has had its perfect work are passed under the rod of Democratic wrath and free-trade vengeance. Failing year after year to catch the ear of the sons of toil by the deceptive cry of "buy where you can buy cheapest and sell where you can sell dearest," whether by so doing we kill or make alive, they tax their powers and rally all the resources of the demagogue in a universal shout that the manufacturers are monopolists. Could anything be more insincere? What has been the effect of a protective tariff upon monopoly in manu-

factures? Sir, it has multiplied every manufactory in this land by ten and many by a thousand. When the system of protection began we were absolutely at the mercy of English monopolists.

Do these orators think they can make the sons of toil believe that to induce two manufactories to grow where only one existed, is the propagation of monopoly? Do they believe that the most humble can not understand how absolutely impossible it is to monopolize the manufacture of any article by creating new manufactures? As well may you, sir, by the wave of a hand, expect successfully to stay the course of empire as attempt to monopolize the manufacturing of American products, whether from forge or farm, after you have secured to them the American market. Let me remind you, gentlemen, that you have invoked the one infallible law—that is, free trade in horizontal garb—that never fails to engender monopoly, not American monopoly, but foreign English monopoly—cold, calculating, brutal, and merciless! that same monopoly which drove the colonies into the most unequal and desperate war in all the annals of mankind; that same monopoly which, after it had put out our fires by the aid of the compromise "horizontal" of 1833, brought to our doors the bankruptcy of 1837! that same monopoly which broke the tariff barrier of 1842 in 1846 and gave us poverty in 1847! that same monopoly which, in exchange for free trade in 1846 and 1857, gave us eighty millions of debt in 1860, and left us in want and misfortune, bereft of credit, despoiled of independence, and shorn of our strength in the darkest night of modern history!

MANUFACTORIES.

Is it manly, sir, to attempt to array the laborer against the man who furnishes him employment and the farmer against both? Sir, I was reared on a farm. I know all about the privations and the struggles incident to frontier life on the farm, and that too in a period of our history when the farmer's lot was infinitely a more serious matter than now. My sympathies and my tenderest regard has always been and must always remain with and for the farmer; and, sir, I rejoice that God has spared my life to denounce, in this presence with all the vigor and emphasis at my command, this warfare upon the American manufacturers as treason against the American farmer!

Day by day have gentlemen inveighed against the artisan who furnishes through the infinite diversification of industry the market for nine-tenths of the farmer's product, pronouncing in the same breath encomiums upon England and all other countries that in the aggregate furnish a precarious market for the other tenth. Is this patriotism? Is this the true way to beget love of country, to kindle laudable ambition, and to foster hope in the bosom of toil? The great Webster never invoked to his use sweeter or braver words than when he said, "I thank God that if I am gifted with a little of that spirit which it is said is able to raise mortals to the skies I have yet none of that other spirit which would drag angels down." If gentlemen will forever look with cynic eye upon their country I pray that they keep silence while the great Republic goes from conquering to conquer. Believing the American citizen to be the best product of the best period of man's pilgrimage, I would foster the plant with all the care and all the vigilance that human wisdom can summon to its support. I would have that name honored and respected and protected, with all the love and all the valor of a chivalric people, from the rising of the sun to the going down thereof.

Mr. TOWNSHEND. Mr. Chairman, I have chiefly two objects in view in addressing the committee on this subject: one of these is to show the effect of our present tariff system upon the interest of the farmer, and the other is to present the record of the Democratic party upon the purposes for which tariff taxes should be collected.

THE OBJECT OF THE BILL.

I will state one proposition in which all here will agree. It is this: no one will deny that we can with safety to all interests involved reduce the large surplus revenue now flowing into the Treasury and that this ought to be done by reduction of taxation. Does any one deny that proposition? So far, then, we agree. But we divide when we reach the question of deciding upon what articles the reduction shall operate. Upon this question there are really but two sides—the one declares that reduction shall be made of the taxes on whisky and tobacco, so that the people shall have cheaper whisky and tobacco; the other side insists that the reduction shall come from the necessaries of life, so that the people shall have cheaper food to eat and raiment to wear, cheaper shelter to live under, and cheaper tools to work with.

The bill before us is aimed to accomplish the latter object. It does not go as far as I desire. In the first place, I would be glad to vote for a bill providing for a thorough revision of the tariff in detail. If I can not have that opportunity now and must take a horizontal reduction I would prefer that the rate of reduction should be 40 instead of 20 per cent. But, sir, the committee who have had this subject under consideration for a long time have thought it the best policy to commence the work of tariff reform in the manner and to the extent here presented, and I obey a law of Democracy when I yield my individual opinion to the will of the majority of my party associates. As eager as I am for further reduction, I will not go home to the people who are oppressed by the present unjust and extortionate tariff system and say that I voted against all reduction and left their earnings in the clutches of their hard-hearted task-masters without any relief because I could not have my way about it. I will not say to them, You shall continue to be the prey of the plunderers, the vassals of the tariff barons, because I could not dictate the character of the bill. Until reduction can be obtained of the tax on the necessaries of life those of us who favor this bill insist the present tax shall remain on whisky and tobacco.

WHAT DOES TARIFF MEAN?

Since this bill has been under discussion I have received a letter from a young farmer inquiring: "What does tariff taxation mean? How, when, and for what purpose are they collected? Also, what does protection mean in this connection? Who do these questions most seriously affect, and how do they affect them? What has been the position of the two political parties on this question?" I now propose to answer these questions in their order.

I beg that the House may bear with me, for my answers may be somewhat tedious, as I desire to give the details in plain and unadorned language.

What is tariff? It is a tax. When we talk about the tariff we are talking about taxes. Tariff taxes are those which are laid on foreign articles imported into this country. They are paid in the first instance by the importing merchant and collected from the consumer, when the articles are purchased by him from the retail merchant or dealer. Who pays these taxes? Every person pays a portion of them who buys anything for his use, and therefore every one in this broad land has a pecuniary interest in these questions. If tariff taxes are high, all manufactured articles purchased by him are high in proportion to the amount of the tax, and when the tariff is reduced the price of the goods are lowered and his cost of living is reduced. Of course a low tariff leaves more money in the pocket of the consumer than a high tariff.

We are in reality now engaged in determining how much shall be taken out of everyone's pocket-book by legislation. We are determining how much of the earnings of every laboring man shall be retained by him and how much he shall be forced to surrender for others and for other purposes than his own use. By this bill we are saying the rate of tariff taxes is too high and are seeking to reduce it 20 per cent., and thereby seeking to leave that much more money in the pockets of the people.

DIFFERENCE BETWEEN STATE TAXES AND TARIFF.

The great difference between the taxes paid by persons under the operations of the laws of the various States and Territories known as State, county, and municipal taxes, and those paid under the laws of Congress known as tariff taxes, consist mainly in the manner of collection and the purposes for which they are collected.

State taxes as all know are levied and collected by certain officers of counties or municipalities. When such taxes are paid a receipt is given to the tax-payer specifying the exact amount of his taxes and the object for which it is to be used. These objects are confined exclusively to defraying the expenses of the State and local governments; but tariff taxes, known as customs dues, are levied and collected in an entirely different manner and for different purposes.

TWO KINDS OF TAXES UNDER TARIFF.

There are two kinds of taxes paid under the operation of the tariff laws. One kind is that which goes into the Treasury of the United States and are called revenue taxes; they are used for the maintenance of the Government, or purely for governmental purposes. The other kind goes into the pockets of American manufacturers and are called protective-tariff taxes, and are used for the profit of manufacturers and those in interest with them. When the latter is the object it is a process by which wealth or money is without remuneration transferred from the pocket of one man into the pocket of another. This transfer is made from the poorest as well as the wealthiest in the land. No one is exempted from it.

This protective-tariff system is established, as it is said, for the protection of the home manufacturer against competition with the manufacturers of other countries, and compels the consumers in this country to buy their goods at a much higher price than they would pay for them if no protective-tariff laws existed. Those who advocate this bill say that these taxes ought to be reduced in order that the people may buy their goods cheaper, and insist that the present high rate of tariff is not needed for Government purposes. This is demonstrated by the fact that there is over one hundred millions of surplus now lying in the Treasury. On the other hand, those who oppose this reduction insist that the people shall pay higher prices for the necessaries of life in order that bounties may be provided for the home manufacturers.

WHAT IS PROTECTION?

This is protection pure and simple. Some regard this as a system of legalized robbery of the many under the forms of law for the benefit of the few. Each will form his judgment of the proper name for this process according to his views of the moral law and the objects for which our Government was founded. As I have already said, the taxes which under the tariff go into the Treasury are collected by the custom-house officer on goods as they come into the United States and are paid in the first instance by the importer. Those which go into the pockets of the manufacturers are collected in the first instance when the articles are sold by them to the dealer. All of them are finally collected

by the retail dealer when the goods are sold to the farmer, mechanic, or other consumer.

HOW TO ASCERTAIN AMOUNT OF TARIFF PAID BY CONSUMER.

A person may know exactly how much he pays for State county and municipal taxes by examining his tax receipts; but the only way for him to ascertain how much tariff taxes is paid for revenue as well as for protection—for that which goes into the Treasury as well as that which goes to the manufacturer—is for him at the end of the year to add up all the sums he has paid out during the year on all the manufactured articles he has purchased for himself and family. He must take an inventory of every article he has bought for his personal wear, for his shelter, for every article in his house, on his farm, or in his workshop; every article of farm machinery, every article of woolen or cotton dress goods, every garment for himself or his family, from the oldest even to the youngest—though it be but a new-born babe in the cradle—or some one who during the year has been shrouded and coffined for the grave; all the sugar, canned goods, and nearly every article of food except those which are produced with the help of God on the farm; for while there is protection for almost every other thing there is practically none for what the farm produces. Nobody protects or helps to protect the ordinary farmer, but he is forced by the tariff law to aid in the protection of the manufacturing classes.

The sugar and rice planters and some few other producers are protected, but the cotton and tobacco planters, the wheat, corn, and other grain-growers, the beef and pork producers, &c., are without protection. It is true that in framing the tariff law, for the purpose of humbugging the farmer, they did go through the farce of putting some duty on the importation of these articles, but all know that no amount of duty can raise the price of these articles or protect them from foreign competition, because these products are not imported into this country to any appreciable extent, but are exported, and their price is fixed in the European market, where they compete with the cheapest labor and cheapest producers in the world.

Now, after the consumer has added up all the sums of his purchases for the year, then he will be able to ascertain how much he has paid for tariff taxes by taking the tariff law made by the last Congress and ascertain the rate of the tax which he will find is there laid on every one of his purchases. For instance, he has paid on his rice a tax of 95 per cent.; glass, window and other glass, an average tax of 55 per cent.; on all articles manufactured of iron, an average of 37 per cent.; on paints, an average of 32 per cent.; cotton dress goods, an average of 37 per cent.; woolen dress goods, an average of 63 per cent.; flannels, an average of 74 per cent.; hosiery, an average of 52 per cent.; carpets, an average of 53 per cent.; sugar, an average of 50 per cent. But the list is too long for me to give them here.

It will be difficult for any one except an expert to ascertain fully the rate of taxation under the tariff laws. They are purposely made complex and complicated to conceal from the people the manner and extent to which they are fleeced in the interest of the protected classes. If the consumer has not the time nor the skill to make these computations, let him remember that the average of all the various taxes paid under the tariff law is about 42 per cent. thereof. On the sum total of all he has bought he has paid a tax of about 42 per cent., being over two-fifths of the whole sum. For instance, our present average rate of tariff taxation is nearly 42 per cent. If a man has bought for himself and family five hundred dollars' worth of such articles during the past year he would have paid $210 in the way of tariff taxation, that being 42 per cent. of the total of purchases. If, however, the average rate of taxation had been reduced to 21 per cent., he would only have paid $105 in tariff taxes and would have $105 more money in his pocket to-day than he now has.

It will be seen, therefore, that this question deeply affects every man's pocket-book.

HOW MUCH THE CONSUMER CONTRIBUTES TO THE MANUFACTURER.

Then if he wishes he may ascertain how much he has contributed out of this sum to the support of the Government, and what portion of his earnings has been contributed by him to the manufacturer by remembering that only one dollar of every five which he has been forced to pay under the operations of the tariff law goes into the Treasury; the other four go to the manufacturers or protected monopolists; and if he will compare the amount he has paid for State, county, and municipal purposes with what he has paid under the tariff law, he will be amazed at the comparative insignificance of the amount of the former and of the enormous amount of the latter, and if he will add together all the taxes he has paid for the local and national governments, and compare that sum with what he has paid to protect the monopolists, he will see that the amount which they have cost him is vastly greater than what he has paid for all other governmental purposes whatever.

WHO MADE THE TARIFF?

Then if he is a thoughtful man and loves his family and his freedom better than he does the monopolies, he will ask himself what party has so framed the law which has made him the hewer of wood and the drawer of water for others—forged his chains which has enslaved him to the aristocratic few who own the manufacturing establishments. He will also ask himself the further question, what political party proposes to break his chains, abolish this slavery, and restore him and his children to freedom by reforming and reducing this tariff system. To learn that important fact he will only need to read the history of the two great political parties now before the country, and watch the course of the Representatives in Congress on this bill. I think that he will soon reach the conclusion that his own as well as his country's best interest demand that he should hereafter give his support to that political party which will reduce the tariff to a revenue basis. But before I go into the history of the parties upon this question I will endeavor to explain the cost of protection.

COST OF PROTECTION.

In a speech delivered by myself on the Tariff Commission, April 20, 1882, I made the following estimate of the cost of protection:

Let us for a while consider the nature and effect of our revenue laws. During the past nineteen years the Federal Government has collected from the people of this country the following amounts from customs duties and internal-revenue taxes, which are in addition to all the other taxes annually collected:

From customs receipts on imports	$3,012,750,929
From internal revenue	2,942,083,859
Total customs and internal-revenue receipts	5,954,834,788

In addition to this vast sum for the support of the Government the people have paid about five times as much into the private purse of the protected industries on manufactures by reason of a protective tariff, being $15,063,754,645, making the grand total of the amount paid by the people for the support of the Federal Government and the protected manufacturers during the past nineteen years the astonishing sum of $21,018,589,433, a sum about ten times as large as the public debt of the United States, nearly four times as large as the public debt of Great Britain, and within four billions as much as the public debt of all the nations of the world.

If this vast sum was now in the hands of the people and distributed equally among the 50,000,000 in this country, each man, woman, and child would have $420. Let us reflect for a moment as to where all this money has gone. Only about one-fourth has found its way into the national Treasury, while the remainder has found a lodgment in the pockets of the protected classes. This is the direct result or cost of nineteen years of protection. These figures are obtained by adding together the customs and internal-revenue receipts for the total taxes, and by multiplying the customs receipts by five for the profits of the protected classes, that being the proportion of revenue to the profits produced by the protective tariff, it being a well-established fact that the domestic manufacturer usually adds the rate of tariff duties to the price of his products.

Since that date two years more of collections have increased this vast sum which has been taken from the pockets of the people under the operations of our Federal tax system to the enormous sum of nearly $23,000,000,000, of which sum over $16,000,000,000 went into the pockets of the protected classes.

WHO IS BENEFITED BY PROTECTION?

Now the inquiry arises at once, who is benefited by this protective system? An examination of the statistics furnished by the census reports of 1880 will show that a very small proportion of the population of this country received any benefit from protection; indeed, the number of those engaged in manufacturing and protected mechanical pursuits are surprisingly small. To avoid the charge of partisan exaggeration I will give the figures and comment thereon of a Republican journal in very high standing with the members of that party. I read from the Chicago Tribune of February 27, 1883:

The census reports that of the fifty-odd millions of our population there are engaged in "gainful occupations" 17,392,099 persons. Of these but 3,837,112 are credited to manufacturing, mechanical, and mining pursuits. It is upon this class that the blessings of protection are focused, but it will be a surprise to most persons who have not looked into the matter for themselves to see the exact figures, that show that only a small minority of this small section of our industrial classes receive even the nominal advantages of the all-comprehending taxes levied at the demand of employers.

The following list selects out of the entire enumeration made by the census those whose industry is so "to the manner born," or is so obviously injured by taxes which take but do not give, that they are to beregarded as the victims and not the beneficiaries of the tariff:

	Number engaged.
Agricultural implements	39,580
Bakers	41,309
Boots and shoes	194,079
Blacksmiths	172,726
Brass founders and workers	11,568
Masons, stone and brick	135,315
Brick and tile makers	36,052
Broom and brush makers	8,479
Butchers	76,241
Carpenters and joiners	373,143
Carriages and wagons	54,589
Tobacco workers	77,045
Confectioners	13,692
Coopers	49,123
Leather	29,842
Fishermen	41,352
Lumbermen and woodchoppers	43,382
Millers	53,440
Painters, all kinds	128,556
Photographers	9,990
Piano-makers	7,850
Plasterers	22,083
Plumbers	19,383
Printers	72,726
Quarrymen	15,169
Saw-mill operatives	77,750
Ship-carpenters	17,452
Tailors and milliners	419,157
Tinners	42,818
Wheelwrights	15,592
Total	2,259,902

This list of those who help pay the taxes to the protected bosses without even

ostensibly getting any benefit from it could be very much enlarged if the census went into any such detail that we could separate, for instance, the iron and steel industries into those which are original and subsidiary. If the Pennsylvania makers of pig-iron are helped by the tariff, all the derivative manufactures of iron that must use taxed raw material are certainly hurt, just as the makers of agricultural implements are injured by the tax on steel. A large part of the 234,228 miners whom we have not included are as certainly victims of protection as any other class of the community. All the bituminous-coal diggers in the West; all those employed in rich iron mines which, as the great iron-miner, Mr. HEWITT, declared, need no help from the tariff; the copper miners, whom we have shown to be paid less than the average wages; the anthracite coal-miners of Pennsylvania, who are among the most wretched workers in this country; the gold and silver miners—all these should be subtracted. Of the 310,533 operatives in the cotton, woolen, and silk mills, a large proportion labor in branches that are native and could not be crushed out of existence. The Southern cotton mills are exporting their goods to South America and Asia.

We are far within the limits of fact in putting down the number of those who are included within the delusive circle of "protection" at less than 1,000,000 out of the total of 3,837,112 reported as engaged in manufacturing, mechanical, and mining occupations.

Industrially, then, the situation of this country is:

Population to be supported, 50,155,783.

Number to do the work, 17,392,099.

Of these, 1,000,000 tax-eaters produce a deficit that must be made good by taxation.

Proportion of victims to beneficiaries of protection, 50 to 1.

HOW IS THE TRIBUTE MONEY DISTRIBUTED?—THE SHARES OF CAPITAL AND LABOR

But how is this tribute money distributed which is coined by the brain and brawn of the millions who are without protection. It goes, as we have seen, to the 1,000,000 of the protected class—the owners of the manufacturing establishments, as well as the laborers employed therein.

Now what share does each of the protected classes receive? Computations based upon the census returns of 1880 show that the average return to the capital invested in manufacturing in that year was between 36 and 37 per cent., and yet with this large return the manufacturers only paid their employés, including clerks, superintendents, foremen, and all laborers, at the average rate of $1.16 per day.

The profits made by the owners of the factories actually exceeded the whole sum paid for all the labor employed in making the goods. Protection puts the lion's share of the spoils into the pockets of the few lords of the factories and the loom, while barely a crumb reaches the workingman. Thus it will be seen the claim that the tariff protects American labor is a false pretense, hypocritically used for the purpose of beguiling the workingmen into the support of this plundering scheme of injustice and inequality.

PROFITS OF AGRICULTURE.

Now let us compare the profits of agriculture with the profits of manufactures. For this purpose I will take the computations made by the eminent statesman from New York [Mr. S. S. COX]. He said in a recent speech:

The estimated value of all farm products for the year 1879 is given in the census report at $2,213,402,564. Deduct from this cost of fertilizers, $28,586,397, and we have a gross return of $2,184,816,167 on the $12,104,081,430 capital invested in agriculture, which is equal to 18 per cent. on the latter sum. But I have not deducted for seed or wages. These items are not reported. As to wages, I assume that 50 cents a day, with board and lodging, are at least equal on a farm to $1.16 a day in a manufacturing town where rents, fuel, and provisions are at climax rates. But I will, for the purpose of the comparison being drawn, admit that the wages of farm labor were in the year 1879 at the rate of only 50 cents a day, with board and lodgings, or 75 cents a day without board or lodgings. These average rates I consider better relatively than those paid to labor employed in manufacturing industries. At the rate of 75 cents a day or its equivalent, the amount paid to agricultural labor by our farmers for the year 1879 was $747,872,100. Deducting this sum from the $2,184,816,167 gross profits which accrued on farming capital that year, we reduce the latter to $1,436,944,067, which gives a gross return to that capital of about 11 or 12 per cent., as compared with the return of 36 or 37 per cent. which accrued on the capital employed in manufacturing.

If any error has occurred in Mr. COX's figures it will be found in overestimating farming profits. Enjoying such enormous profits on their investments, it is not surprising that the subsidized owners of the factories should oppose all efforts at reduction of their bounties; but it is surprising that those who are sent here to represent the people should aid in enforcing this unjust exaction upon their constituents to enrich this favored class.

There is no danger that legitimate manufacturing will suffer by a reduction of taxation. As long as we have such a large public debt and pension-list it will be necessary to collect the bulk of our revenue by tariff taxation, and a wise adjustment of the tariff duties will afford all the protection against foreign competition that will be necessary to develop and maintain American manufacturing interests.

The English manufacturers grow rich enough on 8 or 10 per cent. profit on the sales of their capital invested, and the American farmer is compelled to content himself on 11 per cent. or less.

Mr. Joseph Medill, of the Chicago Tribune, said in an address delivered before the American Agricultural Association, when alluding to their figures:

If our manufacturers would accept similar profits our tariff might be reduced more than half without requiring them to cut down the wages of their hands a single cent. It is quite clear that of every $4 "protection" adds to price of goods three goes into the pockets of the employing capitalists and only one to their workmen who fabricate the goods. And this accounts for the phenomena that the hotels of Washington and the Halls of Congress are filled to overflowing with a hired lobby, not only clamoring against any reduction of the present war tariff, but actually hounding and bulldozing the members of Congress to raise it still higher on the people.

PROTECTION PRODUCES SLAVERY.

In all ages the cunning few have sought to secure power and pelf at the expense of the many. The prerogatives and powers of kings and nobility and of the aristocratic classes were born of this desire. The struggle between the few seeking special privileges over the masses has continued from the earliest ages. It has existed in every land. Slavery is not confined to the condition which existed between the ancient Israelite and the Egyptians, the bondage of the feudal ages, to serfdom in Russia, or the negro in the South of later years, but as the learned professor of a New England college, Professor W. G. Sumner, says:

A slave is a man who earns and another takes his earning; therefore a man who pays double to an American manufacturer what he would pay another for goods is a slave.

As early as the reign of Elizabeth monopolies of a similar character were denounced as subjecting the people to bondage. In a Parliament of that reign brave old Sir Francis Bacon declared:

I can not utter with my tongue or conceive with my heart the great grievances that the town and country for which I serve suffereth by some of these monopolies. It bringeth the general profit into a private hand, and the end of all is bondage and beggary to the subjects.

As Christianity, civilization, and knowledge diffused their beneficent influences among men the ruder forms of slavery have given way, but the wickedness and cunning of a class to-day have devised a new form of slavery, and have put it in operation in this land of boasted freedom, The late bloody war broke the shackles of the negro slaves in the South, but designing men devised a system of taxation which enslaves the whites and blacks of the whole land, so that now we have white as well as black slavery. The slavery of old was that of force; that of to-day is by the legerdemain of legislative enactments.

THE EVILS OF PROTECTION AND DANGER OF OVERPRODUCTION.

But let us consider some further evils growing out of our tariff system. Our present and greatest future danger is overproduction. In other words, we are making more manufactured articles and producing more agricultural products than we can consume in our own country or market abroad. Indeed, we are already suffering from this evil. The present stagnation in business is due to it, the low price of our grain and other agricultural products is caused by it. Many manufacturing establishments have reduced the wages of their laborers and reduced the number of their employés, while others have closed their factories and turned their wage-people adrift without means of support. Many thousands of willing hands are idle to-day because more goods are in stock than can be sold.

Can any one fail to trace the cause for this sad condition of things to our system of protection, which on the one hand fostered and stimulated manufacture until it has reached the point where the supply is greater than the demand at home, while at the same time it has begotten a feeling of unfriendliness toward our commerce abroad to such an extent that foreign countries are discriminating against us and closing their markets to our goods? We have so long maintained this barrier against their products that they have been provoked to a spirit of retaliation against us.

AGRICULTURE OUR DEPENDENCE FOR NATIONAL WEALTH.

We are now sending but very few manufactured articles abroad. If it were not for our farm products, which constitute 77 per cent. of our products, the balance of trade would be against us and we would soon become pauperized, notwithstanding we have every natural advantage for manufacturing over any nation on earth.

Our total exports for the year ending June 30, 1883, amounted to $804,222,632. An analysis of these exports will show that agricultural products constituted $610,269,449 or 77 per cent. of all this vast sum. The table I will now read shows how small in comparison are the exports of protected manufactures with unprotected agriculture.

Products.	Value.	Per cent.
Agriculture	$610,269,449	77.00
Manufactures	111,890,001	13.91
Mining, including mineral oils	51,444,857	6.40
Forestry	9,976,143	1.24
Fisheries	6,276,375	.78
All other commodities	5,366,807	.67
Total	795,223,632	100.00

WHY ENGLAND OUTSTRIPS US IN TRADE.

We have all the raw materials in inexhaustible abundance within our own borders, the best and most intelligent workmen in the world in our midst, yet the little storm-beaten island of England, 3,000 miles away, has outstripped us in all the markets of the world in the sale of manufactured articles. She undersells us everywhere. She sends her ships to our ports. She buys cotton of our planters, transports it back to her shores, manufactures the raw material into articles of commerce, then comes right to our door and undersells us in Mexico, Central America, and South America; yea, even passes contemptuously beyond us to the other great ocean, and wrests from us the trade of the

Pacific. Why is it so? Is it because the Englishman is more enterprising or energetic than the American? All the world knows that is not true. It is because she has established friendly commercial relations with the world, she has cast down all her barriers of protection, and opened her market to the products of every country.

REMEDY FOR OVERPRODUCTION—MARKET FOR OUR PRODUCTS.

Seeing the stagnation in our own trade and the danger of overproduction upon us, I turned my thoughts as a legislator some time ago to the question of devising a policy for extending our markets abroad. My attention was directed, of course, to the rich countries that lie south of us, Mexico, Central America, and South America. It seemed to me that with such an advantage of position and juxtaposition we could control that grand market. We have now one railroad in operation and are building other lines, which will penetrate to the very heart of the ancient dominion of the Montezumas. The Boston merchant may ship his goods by rail without breaking bulk to the city of Mexico, exchange them if he will for the rich products of that land which are so much needed in this country; whereas the English merchant must brave the perils of the sea for 3,000 miles, then reship his goods by rail at Vera Cruz. Our communication with Central and South America is not as close and easy as that with Mexico, but it is still far better than the communication with Europe.

The similarity of our political institutions naturally produces a greater desire on the part of those countries for trade with us than with the monarchies of the Old World. The products of the southern countries, in the main being different from our own, are just such as are needed by us, while our agricultural and mechanical products are equally as much needed by those countries. This makes it of mutual advantage for trade with us. Having the facility for supplying them with all they need, I have no doubt we ought to and can control that market to the exclusion of all other countries. An examination of the official statistics will show that the annual foreign commerce of these countries amounts in the aggregate of exports and imports to $653,701,000. They will further show that England imported into those countries $88,520,000; France imported $62,771,000, and that the share of the United States amounted to only $36,044,000; that even Germany's exports to those countries outstripped ours.

Now, why has England taken from us this trade which is within our reach? The answer is easy. It is because commerce with England is free, while that with the United States is shackled and hampered by our accursed tariff system.

AMERICAN CUSTOMS UNION.

In order that we might reform this blight on our commerce and secure that market for the surplus of our own workshops and farms I introduced in January last a joint resolution of which the following is a copy:

Whereas the establishment of free commercial intercourse among the nations now existing upon the continent of America will promote the friendly political relations, internal commerce and industry, and secure a more extensive market for the surplus products of each of said nations: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested to invite the co-operation of the governments of the American nations in securing the establishment of a commercial league by and between the said nations, to be known as the Customs Union of America, the arrangement of a common basis of import duties from other countries than those which may compose said league, and that the commercial intercourse among the people of all the American States may be freed from the payment of any customs or other dues whatever; and that a common system of weights and measures may be also established for the purpose of facilitating such intercourse.

It will be seen that this joint resolution looks to the establishment of a customs union with a common basis of duties as against all other countries and the establishment of free trade among the nations on this continent. Such a proposition is no doubt acceptable to protected manufacturers as well as to the advocates of free trade in this country, for while it establishes the same freedom of trade with these countries that now exists among our own States, great advantage would flow to our manufacturers in having an exclusive market protected against competition from all other countries. Our own manufacturers surely can have no fear of competition with manufacturers in the southern countries, for they have no manufacturing establishments of any consequence located there. If that market could thus be secured then the danger of overproduction would pass away, and every mechanic and farm laborer who is idle to-day would find constant and remunerative employment. Thus would the marvelous resources of this continent be developed and the busy hum of prosperity be heard on every hilltop and in every valley of our land. This joint resolution, if adopted, would accomplish for the American nation what the customs union or Zollverein of Germany has accomplished for the prosperity and trade of the people of Germany.

RETALIATION AND DISCRIMINATION AGAINST AMERICAN COMMERCE.

If our present high protective duties are maintained greater evils than now exist will also be produced by increasing the unfriendliness of foreign countries toward our trade and commerce. If we continue to exclude by our tariff the products of other lands they will retaliate against us to a greater degree than ever before. Some of them have already commenced the work of retaliation. Germany and France have excluded our hog product. They have done this on the false pretense that it is diseased, but really because our tariff discriminates against their manufactured products. If England should pursue toward us the same course as Germany and France, what a deplorable calamity would befall the farming classes of this country.

England takes far more of our pork than either of the countries mentioned. If she should close her ports to it the price of our pork would fall so low that its production would cease to yield a profit to the producer. Suppose England should lay an average tariff duty of 42 per cent. or even one-fourth as much on our wheat and other grains as we do on her articles she sends us, can any one fail to see the disastrous effects of such action to our farmers. The price of our farm products to-day is regulated by the market in Liverpool. Wheat is lower now than it has been for twenty-four years. If England should feed us out of our protective-tariff spoon and lay a tariff duty upon our wheat the many millions of bushels which we now send her annually would lie on our hands and rot in our granaries and its production would cease to be profitable. She is not forced to take our wheat. Russia, India, Australia, and other countries would soon be able, if they are not already, to supply her demand for wheat.

Sir, this policy of protection is a standing menace to the welfare of the American farmer, a blight on his prosperity, a curse to him and his children. Whatever benefit there is in it flows into the pockets of the few constituting the manufacturing class; whatever evil in it falls upon the farmer. No man upon this floor who represents a farming constituency can vote to maintain this system and vote against a reduction of the tariff without betraying the interests of his constituency into the power of monopoly.

RECORD OF DEMOCRATIC PARTY ON TARIFF.

I will now present the record of the Democratic party on this great question as made by the declaration of its founders and the enunciation of its principles in its national and State platforms.

In the beginning of our Government when our fathers had just emerged from the despotism of England's rule which prevented the establishment of manufactures in the Colonies a justification existed, if any could ever exist, for laying duties with a view to protection. We had then no manufacturing interest of consequence. The antipathies to England were very great, and, together with the great necessity of building up our home manufactories, which were in reality in their infancy, the fathers had strong temptation to advocate protection.

MADISON'S VIEWS.

But, sir, in the first Congress that assembled under the Constitution, in 1789, Mr. Madison, who has been quoted by some gentleman as favoring the doctrine of protection defined his position, which is decidedly antagonistic to every principle of the heresy of modern protection. It is as follows:

In the first place, I own myself the friend to a very free system of commerce, and hold it as a truth that commercial shackles are generally unjust, oppressive, and impolitic. It is also a truth that if industry and labor are left to take their own course they will generally be directed to those objects which are the most productive, and this in a more certain and direct manner than the wisdom of the most enlightened legislature could point out. Nor do I think the national interest is more promoted by such restrictions than that the interest of individuals would be promoted by legislative interference directing the particular application of its industry.

For example, we should find no advantage in saying that every man should be obliged to furnish himself, by his own labor, with those accommodations which depend on the mechanic arts, instead of employing his neighbor who could do it for him on better terms. It would be of no advantage to the shoemaker to make his own clothes to save the expense of the tailor's bill, nor of the tailor to make his own shoes to save the expense of procuring them from the shoemaker. It would be better policy to suffer each of them to employ his talents in his own way. The case is the same between the exercise of the arts and agriculture—between the city and the country, and between city and town—each capable of making particular articles in abundance to supply the other; thus all are benefited by exchange, and the less this exchange is cramped by Government the greater are the proportions of benefit to each. The same argument holds good between nation and nation, and between parts of the same nation.

Who can doubt if Madison was sitting with us to-day he would not denounce the present system of protection and vote to reduce our protective duties?

JEFFERSON'S VIEWS.

The farthest verge in the direction of protection to which Mr. Jefferson ever went, and this was in the infancy of our manufacturing industry, was when he said:

Agriculture, manufactures, commerce, and navigation are the most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be reasonably interposed.

Jefferson wrote to Mr. Giles in 1825:

Under the power to regulate commerce they—

The Federalists—

assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of industry and that, too, the most depressed, and put them into the pockets of the other, the most flourishing of all.

JACKSON'S OPPOSITION TO PROTECTION.

Now let us see how Andrew Jackson stood on this question. In his eighth message, at a time like the present when a large surplus existed in the Treasury, that apostle of Democracy declared:

The influence of an accumulating surplus upon the legislation of the General Government and the States, its effects upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the

price of property, rash speculations, idleness, extravagence, and a deterioration of morals, have taught us the important lesson that any transient mischief which may attend the reduction of our revenue to the wants of the Government is to be borne in preference to an overflowing Treasury.

Again he said:

The safest and simplest mode of obviating all the difficulties which have been mentioned is to collect only revenue enough to meet the wants of the Government, and let the people keep the balance of their property in their hands to be used for their own profit.

In his farewell address (1837) the Sage of the Hermitage, as his parting advice, said:

The taxes which it—

The United States—

lays upon commerce—being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax-gatherer. But the tax imposed on goods enhances by so much the price of the commodity to the consumer, and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imports is drawn from their pockets.

POLK OPPOSED TO PROTECTION.

Mr. Polk is sometimes charged with being a protectionist. Read his declarations and see how shamefully he has been slandered.

[Polk's first annual message, December 2, 1845.]

The attention of Congress is invited to the importance of making suitable modifications and reductions of the rates of duty imposed by our present tariff laws. The object of imposing duties on imports should be to raise revenue to pay the necessary expenses of Government. Congress may undoubtedly, in the exercise of a sound discretion, discriminate in arranging the rates of duty on different articles, but the discriminations should be within the revenue standard, and be made with the view to raise money for the support of Government.

PRESIDENT PIERCE OPPOSED TO PROTECTION.

I will now ask the attention of the House while I read an extract from President Pierce's annual message, December 4, 1854:

I therefore renew my recommendation for a reduction of the duties on imports. The report of the Secretary of the Treasury presents a series of tables showing the operation of the revenue system for several successive years; and as the general principle of reduction of duties with a view to revenue and not protection may now be regarded as the settled policy of the country, I trust that little difficulty will be encountered in settling the details of a measure to that effect.

My time is too limited for further quotations from Democratic leaders. I will now invite your attention to the creed of the party, to its articles of faith as found in its national and State platforms.

DEMOCRATIC NATIONAL PLATFORMS ON THE TARIFF.

The first declaration of principles which can be called a platform for the party was that of a Congressional caucus, which was known as Republican at that day as distinguishing it from Federalist, adopted at Philadelphia, on which Jefferson was first elected to the Presidency. It declared for—

6. Free commerce with all nations, political connection with none, and little or no diplomatic establishments.

The next Democratic platform was that of 1838, adopted by our first national convention for nominating candidates for the Presidency and vice-presidency. It was the platform on which Van Buren was elected. It declared—

Hostility to any and all monopolies by legislation, because they are violations of the equal rights of the people.

The true foundation of republican government is the equal rights of every citizen in his person and property and its management.

The next Democratic platform was that of 1840, adopted by the Presidential convention at Baltimore, which contains these resolutions:

4. *Resolved*, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country.

5. *Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

The Democratic convention of 1844 reaffirmed the fourth and fifth resolutions of the convention of 1840.

The Democratic national convention of 1848—

Resolved, That the fruits of the great political triumph of 1844 have fulfilled the hopes of the Democracy of the Union, in the noble impulse given to the cause of free trade by the repeal of the tariff of 1842, and the creation of the more equal, honest, and protective tariff of 1846, and that in our opinion it would be a fatal error to weaken the bands of a political organization by which these great reforms have been achieved and risk them in the hands of their known adversaries, with whatever delusive appeals they may solicit our surrender of that vigilance which is the only safeguard of liberty.

The Democratic convention of 1852—

Resolved, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the public debt.

Resolved, And to sustain and advance among them constitutional liberty by continuing to resist all monopolies and exclusive legislation for the benefit of the few at the expense of the many.

In 1856 the Democratic national convention—

Resolved, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion of our common country.

It also repeated verbatim the first resolution quoted above of the convention of 1852, and then it—

Resolved finally, The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world.

In 1860 both the Douglas and Breckinridge platforms reaffirmed the resolutions of 1856, quoted above.

In 1872 the Democratic convention (so called) at Baltimore—which was, in fact, a Greeley, and not a Democratic convention at all—did not adopt any Democratic resolutions, but indorsed the platform of the Liberal Republican convention held at Cincinnati, which contained the following curious declaration, making the tariff "a local issue:" * * * "We remit the discussion of the subject (protection and free trade) to the people in their Congressional districts and the decision of Congress thereon, wholly free from executive interference or dictation."

This is the only hiatus in the chain of assertions by the Democratic party of the doctrine of a tariff for revenue only. It resulted in the shameful defeat of a candidate supported by the party in defiance alike of principle and of policy.

In 1876 the Democratic convention spoke with no uncertain voice:

We denounce the present tariff, levied upon nearly four thousand articles, as a masterpiece of injustice, inequality, and false pretense. It yields a dwindling not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad and depleted the returns of American agriculture—an industry followed by half our people. It costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue

In the Democratic platform of 1880 the old doctrine was tersely reproclaimed:

Home rule, honest money, consisting of gold, silver, and paper convertible on demand; the strict maintenance of the public faith, State and national, and a tariff for revenue only.

DEMOCRATIC STATE PLATFORMS.

Now read the platforms of the Democratic conventions in the States, and I call the special attention of certain Democrats in some of those States who have not only departed from the faith of the fathers on this great question but also from the authoritative declarations of the national Democratic conventions and of the conventions of their own States. We will begin with Maine.

Maine.—1869: "We reaffirm our adherence to the doctrine of free trade." 1870: "Free trade is the right of the people." 1875: Tariff for revenue.

New Hampshire.—1876: "We favor a tariff for revenue only." 1878: —Simple revenue.

Vermont.—1876: "A tariff for the purpose of revenue only."

Massachusetts—1870: "Except so far as the legitimate wants of the Government may require, free trade is the true policy of the country." 1871: "We demand a tariff for revenue only." 1877: Saint Louis platform. 1884: Reaffirms Cincinnati platform 1880. * * * "Believing that the present enormous surplus in the national revenues is demoralizing and dangerous; that it should be cut down without further delay, not by increasing public expenditures, but by lessening the burden of taxation; that the burden should be removed from the necessaries of life and not from whisky and tobacco, and that the policy of taxing imports, not for the purpose of raising revenue but of obstructing trade, is unsound and must ultimately be abandoned."

Connecticut.—1870: "A tariff for purposes of revenue only." 1871: Denounces the Republican party "because it has failed to reform the abuses of the tariff, permitting still the principle of protection and favoritism to override the idea of revenue." 1874: Declared it was "opposed to unjust and unequal systems of taxation, which tend to favor one class at the expense of other classes of the people," * * * and to all monopolies, which operate to the benefit of privileged persons and classes. 1876: "The tariff law should be adjusted for the purpose of revenue only." 1884: Call for Democratic convention, issued by Connecticut State central committee, April 2, 1884, "who are opposed to the processes of ring combinations and the continuance of a war tariff in time of peace, by which the people are plundered, are cordially invited to act with the Democratic organization in the selection of delegates and the election to follow."

Rhode Island.—1876: "Tariff for revenue." 1878: Saint Louis platform of 1876.

New York.—1871: "Government should lay no tax on imports except for revenue purposes." 1874: "Federal taxation for revenue only." 1876: "We are in favor of a tariff for revenue only." 1877: "A tariff for revenue only." 1880: "A tariff for revenue only."

New Jersey.—1871: "Taxation upon luxuries and the abolishment of taxes upon the necessaries of life." 1875: "Tariff for revenue." 1876: "Tariff for revenue." 1877: Saint Louis platform of 1876.

Delaware.—1876: "Tariff to raise revenue and not to favor special classes."

Maryland.—1873: "Revenue alone." 1875: "Only a sufficient revenue for general uses." 1877: Saint Louis platform of 1876.

South Carolina.—1876: Saint Louis platform of 1876.

West Virginia.—1880: Indorsed Cincinnati platform of 1880.

Ohio.—1869: "A tariff based upon revenue principles alone, upon the closest possible approximation to free trade." 1870: "No candidate for Congress nor for any other office is worthy of support who is not in

favor of a low revenue tariff which closely approximates to free trade." 1871: "We are in favor of a strictly revenue tariff." 1875: "A tariff for the sole purpose of raising revenue." 1876: "We are in favor of a tariff for revenue only." 1877: "A tariff for revenue only."

Indiana.—1870: "We are in favor of a tariff for revenue only."

Illinois.—1871: "Taxes should be levied solely for the support of Government." 1878: "Revenue only." 1880: "No tariff for protection."

Michigan.—1874: "We demand a tariff for revenue only." 1882: "Aggressive revenue reform in the direction of free trade."

Iowa.—1877: "A tariff for revenue only." 1878: "A tariff for revenue only." 1883: "A tariff for revenue only." 1884: Saint Louis platform of 1876, and Cincinnati platform of 1880.

Minnesota.—1874: "A tariff for revenue only." 1876: "A tariff for revenue only." 1883: "Revenue only."

Wisconsin.—1871: "A tariff for revenue only." 1876: "A tariff for revenue only."

Kansas.—1878: "A tariff for revenue only."

Nebraska.—1874: "A tariff for revenue only." 1878: "Perfect commercial freedom, wherein we may sell where we can sell the highest and buy where we can buy the lowest."

Nevada.—1878: "A tariff for revenue only."

Oregon.—1872: "We are in favor of a tariff to raise money only for the necessary expenses of the Federal Government." 1882: "A strict revenue standard."

California.—1876: "A tariff for revenue only."

Colorado.—1878: "Opposition to all monopolies and class legislation."

Missouri.—1874: "A tariff for revenue only." 1878: "A tariff for revenue only."

Kentucky.—1876: "A tariff for revenue only."

Louisiana.—1876: Saint Louis platform of 1876.

Arkansas.—1878: "Revenue alone."

Alabama.—1880: Denounces protective tariff. Favors a "simple revenue tariff."

Tennessee.—1870: "No candidate is worthy of support who is not in favor of a low-revenue tariff which closely approximates free trade." 1874: "Solely with a view to collection of the necessary revenue."

Texas.—1882: "A tariff for revenue only."

Thus it will be seen that thirty-two of the thirty-eight States have declared for a revenue tariff and against protection.

For many of the quotations from Democratic leaders and State platforms I am indebted to the advanced sheets of the forthcoming work on Caucuses, Conventions, Platforms, and History of Tariff Legislation, by General Duncan S. Walker, a son of the late Robert J. Walker, whose labors upon this subject while Secretary of the Treasury and in the United States Senate distinguished him as one of the ablest of American political economists and statesmen.

The position of the vast majority of the Democratic party on this floor is in harmony with the principles announced in the foregoing platforms and declarations.

PRESENT POSITION OF DEMOCRATIC PARTY.

We do not believe the Constitution has conferred on Congress the power to lay taxes for any other than for public purposes, that the object of all taxes should be revenue, and that when you raise a tax above the revenue point it transcends the constitutional limit; but we do not believe that absolute free trade is practicable while we have a large public debt and such a long pension-roll, nor do we believe that direct taxation is wise or proper, therefore we are in favor of most of the revenue being collected by duties on foreign importations, and also if the tariff duties can be so adjusted as to aid and encourage our domestic industries without increasing the burdens of the people beyond what would otherwise be necessary, then to that extent we believe such incidental protection is admissible, and we believe such a policy wisely exercised will afford all the protection that any legitimate industry will require.

POSITION OF REPUBLICAN PARTY.

The position of the Republican party is, as it was defined in my speech delivered in the last Congress, which I will beg leave to repeat:

The policy of protection has indeed been favored by the Republican party since its organization, but, as I have intimated, its leaders have never been so bold and open in its advocacy as within the past few years. They formerly concealed their real purpose behind the mask of friendship for American labor, to raise revenue and other hypocritical pretenses, but now, obeying the behest of the late conventions of protectionists at Chicago and New York, the more advanced leaders announce that they are for protection for the sake of protection, and that the protection of labor and the raising of revenues are but incidents to the main and primary object. For this reason we have heard the declaration made during this debate that if no tariff was required for revenue at all, still a tariff for protection pure and simple would be advocated.

THE KIND OF DISCRIMINATION WHICH MEANS PROTECTION.

Some Democrats on this floor from the States of Connecticut, New York, New Jersey, Ohio, and California have declared it to be their purpose to vote against this bill, and while they deny they are protectionists, yet they advocate the same doctrine under another term, which they call discrimination in favor of the manufacturing classes.

Protection is simply a process by which one man is forced to surrender a portion of his earnings for the enrichment of another.

This doctrine of discrimination, as insisted upon by these gentlemen, when boiled down to its essence, is virtually the same thing. They would lay taxes so as to discriminate in favor of those who engage in and are dependent upon manufacturing. Now, when you discriminate by laying taxes in favor of somebody, you must discriminate against somebody. Whom do they want to discriminate against? Why, of course all those who pay such discriminating taxes. And who are they? They are all those who are not so employed. These are the farmers and farm laborers and those in interest with them, who constitute a majority of the people as well as every one interested in manufacturing. The law of discrimination is at their expense, for it causes them to pay higher prices for their manufactured articles than they would pay if they were left free to buy them from those who will sell them the cheapest.

The census of 1880, as I have said before, shows that there were 50,000,000 in this land, and that of this vast number only about 1,000,000 were engaged in pursuits that were protected by the tariff. Now, sir, can it be said that a law so unjust to the vast majority is in the interest of the people at large? If it is not, is it constitutional? Is it Democratic? Is it just? Is it honest? I for one answer, no. If such be Democracy, then I have been deluded all my life, for I have always been a Democrat and have always entertained the belief that the principles of that party taught that legislation should operate for the equal advantage of all and that no enactment should be made exclusively in the interest of any special class.

But some of these gentlemen assert that this doctrine of discrimination was the doctrine of Jefferson, Madison, Jackson, and Polk. Shades of the great departed! What desecration of their memory and patriotic labors among men! Sir, therein gentlemen are wrong. The cardinal principles taught by those great men in governmental affairs was that the greatest good to the greatest number should be the aim of all legislation, and when they laid the foundations of this Government they made that principle its corner-stone. And now while these gentlemen advocate the system which spoliates the vast majority of the people for the benefit of the few, they still claim the right to lead the Democratic party.

BAD LEADERSHIP THE ISSUE.

Where will their leadership on that line land us? Will it not be into the camp of the enemy, where class legislation is the quintessence of the creed and monopoly the object of worship? God deliver us from such leadership!

To-day, sir, the issue will be presented which will test their sincerity for reductions of the burdens now lying so heavily upon the people. How will they lead us in this contest? Will they stand with us and resist the assault against reduction which the Republican leaders advertise us will be made? Notwithstanding all they have said in criticism of this bill I hope they will not ally themselves with the enemy. I trust their love of Democracy will cause them to scorn the position of followers of Republican leadership. What will be the issue to-day? It will be the question whether we shall stop the accumulations of the hard earnings of the people which are to become the prey of subsidy-seekers and jobbers, or whether we will go back to the people and say we failed to reduce your taxes because certain Democrats followed the leadership of Republicans and killed with one fell blow the only bill upon which we could vote that was presented to us for the purpose of reduction.

Let me warn these gentlemen that they are departing from the faith of the Democratic fathers, the solemn declarations of their party in national and State conventions, on this question.

In 1870 that brave, patriotic Democrat of Connecticut—Governor English—was elected governor of that State on a State platform which declared for "a tariff for purposes of revenue only." That same gallant leader of the Democracy of Connecticut but a few days ago announced in unequivocal terms that he was in favor of this bill, which has been so bitterly denounced by a Democratic member from that State.

In 1874 Ingersoll, Democrat, was elected governor of that State on a similar platform. And in 1876 Hubbard was elected governor by the Democracy of Connecticut on a platform of the same character. The call for a Democratic convention in that State, which was issued by the proper authorities about one month ago, shows that the heart of the Democracy of Connecticut is with those of us who are struggling for the passage of this bill.

AGITATION THE DUTY OF DEMOCRATS.

Those Democrats who oppose this bill say they are opposed to the agitation of this question at this time. They think it unwise while approaching the Presidential election. When do they expect to agitate it? Do they imagine that the position of our party can be concealed by ignoring this issue, and that we can silently slip into the Presidency without discussing the most vital issue of the day—an issue uppermost in the public mind? Sir, we were defeated in 1880 by just such a policy as they advocate. Our enemies very cunningly pursued the policy of silence on the prairies of the West and in the localities where they knew the majority of the people were plundered by protection. In those localities they avoided it and endeavored to arouse prejudices over false war issues, and when these failed resorted to their last and surest re-

liance, the corruption of the ballot-box with money furnished to a great extent by the monopolists protected by the tariff which we desire to reform. But, sir, in localities where the protected classes were in the majority they forced the fight on the tariff issue and made the people believe it was about the only issue involved in the election. Sir, silence and non-action on this question would be unwise, would be suicidal.

But suppose we could conceal our position by holding our tongues, would it be manly for us to do so? We all believe that protection for the sake of protection is unconstitutional; that it is an iniquity; that it is robbery.

Now, if we are sincere in these professions, will we deserve the confidence of the people, will we deserve victory, when we cowardly stand by and see the people wronged and plundered without any effort on our part to change it, and possessing as we do the power in this House to reform this great evil, when we go back to those who sent us here and should confess that we did not have the courage to right these wrongs, will they meet us with the gladsome tidings, "Well done, thou good and faithful servant?" Sir, the pathway of duty lies plainly before us, and if the party has the courage and integrity to walk in it, as sure as the sun will rise again it will lead us to victory.

THE GREATEST ISSUE.

Gentlemen! ignore this issue as you may, this great question will not down. It will continue to press to the front until it absorbs public attention. All others will pale into insignificance before it. The Democratic party has ever been the champion of the rights of the people, and as its champion it has now a great mission to perform. It is to emancipate them from the slavery of protection. We can never gain power by pandering to the protected monopolies. They will have no confidence in any professions we may make. They know the Republican party is their best friend. I tell you plainly that one reason why I am a Democrat is because I am an enemy to all forms of monopoly. If I did not believe that my party when in power would reform the great abuses occasioned by this infamous tariff system which so grievously afflicts the people I should be deeply aggrieved.

The great work of reform can only be accomplished by agitation. It was only after years of agitation that Cobden and Bright and the English reformers freed England from the bondage of protection and made her the queen of the world's commerce. Agitation will also free us from this bondage, and then will we wrest this scepter from England. With the declaration of political independence our young Republic conquered England on the bloody field of battle and established the greatest political power on earth. Now with a declaration of commercial freedom we shall as surely conquer England in the field of commerce and supplant the flag of Britain with the flag of the Republic in every sea. But the first great victory must be fought here at home. Scatter the seeds of truth; they will take root. Let us marshal our forces on this line.

The enemy will be a powerful one, well organized and well supplied with the sinews of war. They will do all that cunning can devise. All that money supplied by monopolist, contractors and office-holders can accomplish. But our quarrel is just, and thus are we thrice armed. With constant agitation we will make known the truth. Let us be true to ourselves, be true to the people, and they will give us victory.

THE TWO PACKED JURIES WHICH ROBBED OUR PEOPLE OF THEIR RIGHTS.

Twice in the history of this country have the fruits of victory been snatched from the people by the trickery and jugglery of packed juries. One was the so-called electoral tribunal and the other was the Tariff Commission.

The first was when by a quarter of a million of majority the people had elected a reform President who threatened a war upon monopoly and thievery and who would no doubt have relieved the people of the oppression of monopoly and the pillage of thieving officials. A packed jury was organized to try his title to the Presidency, although it was as clear and indisputable as any which had ever been held since Washington's day. Misguided Democrats fell into the snare spread by the cunning leaders of the Republican party and the right of suffrage was thus most shamelessly and foully stricken down.

Afterward, sir, when under Democratic leadership public sentiment had demanded the reform of our unconstitutional and unequal tariff system another packed jury was formed to protect monopoly and thwart the will of the people. And again some misguided Democrats fell into the snare spread by the cunning enemies of the people, and the work of reform was suppressed. When the scheme for relegating this question to a commission was presented in 1882 I then denounced it as an evasion of this great living issue. Reference to my speech of April 20, 1882, will show that I then said:

This dodge to take the issue of tariff reform out of the next election will fail of its purpose. The people will discover the hollowness of this makeshift, and they will put your party on trial in the next election for its unfaithfulness and dereliction of duty in this regard.

The people at that election did put that party on trial, and, as I had predicted, convicted it of dereliction of duty and supplanted it with the present Democratic majority in this House. This result was mainly due to the agitation of the tariff issue in the last Congress. Shall we now obey the will of the people and faithfully discharge the duty for which we were intrusted with power? Let each answer for himself when the roll is called, and he makes a record which will last as long as the archives of the Government are preserved.

APPENDIX.

[Jefferson to Washington, September 9, 1792. Washington's Writings, Volume X, page 518.]

When I embarked in the Government it was with a determination to intermeddle not at all with the legislature, and as little as possible with my co-departments. The first and only instance of variance from the former part of my resolution I was duped into by the Secretary of the Treasury and made a tool for forwarding his schemes, not then sufficiently understood by me; and of all the errors of my political life this has occasioned me the deepest regret. * * * If what was actually doing begat uneasiness in those who wished for virtuous government, what was further proposed was not less threatening to the friends of the Constitution. For in a report on the subject of manufactures (still to be acted on) it was expressly assumed that the General Government has a right to exercise all powers which may be for the general welfare; that is to say, all the legitimate powers of Government, since no government has a legitimate right to do what is not for the welfare of the governed.

There was indeed a sham limitation of the universality of this power to cases where money is to be employed? Thus the object of these plans taken together is to draw all the powers of Government into the hands of the general Legislature, to establish means for corrupting a sufficient corps in that Legislature, to divide the honest voter, and preponderate by their own the scale which suited, and to have that corps under the command of the Secretary of the Treasury for the purpose of subverting step by step the principles of the Constitution, which he has so often declared to be a thing of nothing, which must be changed.

[Jefferson to Giles, December 26, 1825.]

DEAR SIR: I wrote you a letter yesterday, of which you will be free to make what use you please. This will contain matters not intended for the public eye, I see, as you do, and with the deepest affliction, the rapid strides with which the Federal branch of our Government is advancing toward the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their power.

Take together the decisions of the Federal court, the doctrines of the President, and the misconstructions of the constitutional compact acted on by the legislature of the Federal branch, and it is but too evident, that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions, foreign and domestic. Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of industry, and that too the most depressed, and put them into the pockets of the other, the most flourishing of all.—*Memoirs, Correspondence, &c.*, volume 4, page 431.

The Democratic House of Representatives, in 1877, resolved:

That the Committee of Ways and Means be instructed to so revise the tariff as to make it purely and solely a tariff for revenue, and not for protecting one class of citizens by plundering another.

Voted for by 60 Democrats and 7 Republicans. Voted against by 12 Democrats and 64 Republicans. December 1, 1877.

May 6, 1882.—Mr. MILLS moved in the House of Representatives to recommit the bill to the Committee on Ways and Means with instructions to report within thirty days a bill framed in compliance with the following instructions:

1. That no more money should be collected than is necessary for the wants of the Government economically administered.
2. That no duty be imposed on any article above the lowest rate that will yield the largest amount of revenue.
3. That below such rate discrimination may be made descending in the scale of duties, or for imperative reasons the article may be placed on the list of those free from all duty.
4. That the maximum revenue duty should be imposed on luxuries.
5. That all specific duties should be abolished and ad valorem duties substituted in their place, care being taken to guard against fraudulent invoices and undervaluation and to assess the duty upon the actual market value.
6. That the duty should be so imposed as to operate as equally as possible throughout the Union, discriminating neither for nor against any class or section.

Voted for by 74 Democrats and voted against by 21 Democrats and 137 Republicans.

The foregoing are the principles for revising the tariff suggested by Robert J. Walker when Secretary of the Treasury in 1845.

Mr. GIBSON. It is conceded upon all sides that the revenues of this country amount to about $100,000,000 more than the Government has any need for. As one of the Representatives from my State I am ready to cast my vote for a revision and a reduction of the tariff rates so as to make the amount of taxes collected by the Government commensurate with the demands of the Government.

I am sorry that the bill now pending as prepared is not exactly in such form as would do justice to my State, nor exactly in the form which I can support. But like all other legislation before all legislative bodies, it comes here to be acted upon and to be amended according to the wisdom and the patriotism of the body which acts upon it. To decline now to consider it and to amend it is an obstruction in the way of needed legislation. To take it up and undertake to amend it is to act in good faith for the perfection of legislation.

I am not willing for one to enter into a coalition with the Republican party of this House to obstruct wise and patriotic legislation by the Democratic majority. I am willing to trust to the patriotism, to the wisdom, and to the honesty, to the good sense, and the good faith of the friends of this measure, and I have every reason to believe that the Democratic party of this House will endeavor to do exact justice to my State and to all sections. Should they fail, it will then be time for me to condemn their action. My State asks the same protection for her interests that is given the interests of other States—that and no more. Upon that platform I am willing to go before the country and abide by their honest and their fair consideration.

Mr. RANDALL. Mr. Chairman, there is nothing in life so sensitive to adverse criticism and which takes alarm so quickly as capital invested in large industrial enterprises. In this connection we are reminded of Lord Chatham's celebrated expression, "Confidence is a plant of slow growth." Upon it is superimposed a structure involving the welfare of millions of all classes, and to them withdrawal of that confidence means panic, disaster, ruin. Therefore aught that unjustly tends to that end is in legislation not a blunder only, but a crime.

While in common with all other interests it is liable to be called upon by taxation to aid in support of the Government, we owe it to ourselves that nothing like a vindictive policy shall be adopted. In the nice adjustment of business affairs there is nothing more conducive to success than stability. If there be stability it is the sure foundation of confidence in the administration of public affairs, and as a natural result capital and labor move forward in their respective spheres in content and accord and with mutual profit.

To judge from the intemperate language and exaggerated rhetoric which have so frequently marked this debate it would seem as if those engaged in industrial pursuits were robbers and outlaws. We know as a matter of fact they are nothing of the sort, and that it is wicked as well as unjust vituperation. They are a part, and no mean part, of the business of the country, and under the law have been invited to engage in these employments, and therefore, if for no other reason, are entitled to the protection of law. They are a part of our resources as a nation, and to develop those resources is according to the wisest statesmen the test of true statesmanship.

I rejoice in the growth and prosperity of every section of the country, knowing full well that what helps or hurts one must necessarily have an effect for good or for evil on the other. Swift, in Gulliver's Travels, says:

> And he gave it for his opinion that whoever would make two ears of corn or two blades of grass to grow where only one grew before would deserve better of mankind and do more essential service to his country than the whole race of politicians put together.

But if we would believe the wild denunciations of the men who so unjustly characterize those who are engaged in productive industrial pursuits, those who have built up our own manufactures and freed us from dependence upon foreign producers, have committed an unpardonable sin. I can see a good reason why our great competitor, England, should think so, but not why such should be the feeling of our own citizens.

Great Britain has never ceased to deplore the loss of her American Colonies and their remunerative trade. She struck us, as she thought, a deadly blow in the war of 1812, and during our late civil war she did her best to sunder the two sections and to cripple us. Since then she has changed her policy, and instead of force she resorts to persuasion and advice. Her agents everywhere recommend free trade to us. She ekes out the lion's skin with that of the fox. It does not escape us, however, the conditions of the two countries as well as the elements of the two governments are diametrically opposed. A sea-girt island, she has sought to absorb the commerce and markets of the world, and she has not been scrupulous how she did it. Wherever she could she has seized the controlling points of the great water ways of trade. She holds with the grip of death Gibraltar to dominate the Mediterranean, and she controls the Red Sea by occupying Bab-el-Mandeb. So it is and always has been with her. With all her pretense of morality, she has compelled the hundreds of millions of Chinese to poison themselves with her opium.

No, Mr. Chairman, it will not do, for we remember the warning of the Trojan priest to fear the Greeks even when they brought gifts, and that Pericles said:

> For he who repents the seldomest of gratifying the wishes of his foes will pass through life with most security.

[Applause.]

We are to-day dealing with issues vast as the hopes and fears of fifty-five millions of people whose moral, social, and physical condition are the alluring example of every government on the face of the earth. Shall we blast or bless them with our legislation? Shall we unsettle their business interests by constant tinkering with the tariff? Shall no law last longer than the meeting of the next Congress? Shall our coming here be the cause of terror, and our adjournment the cause of rejoicing? Shall nothing ever be settled, for a time, at least; but shall doubt and distress always haunt the waking and sleeping hours of the people? For one, I am emphatically opposed to any such suicidal policy. It would be madness for any party to pursue it. [Applause.]

Now, let us see what has happened in the recent past. By the act of May 15, 1882, to provide for the appointment of a commission to investigate the question of the tariff, it was provided in the third section:

> SEC. 3. That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff, upon a scale of justice to all interests; and for the purpose of fully examining the matters which may come before it, said commission, in the prosecution of its inquiries, is empowered to visit such different portions and sections of the country as it may deem advisable.

This was honest statesmanship. It was wise legislation. Men of both parties and from all sections supported it. The report of the commission, embracing the testimony of all who chose to appear and the conclusions on all that had been seen and heard, was submitted to Congress in December, 1882. That report was fully and ably discussed until March 3, 1883. A large surplus revenue, looked upon as a crying evil, was then to be got rid of, which, while it was unjust to the people to insist upon taxation longer than it was required by the needs of the Government, was also a constant temptation to extravagant appropriations and every conceivable scheme to deplete the Treasury. Beside, there were faults and incongruities to be corrected in the tariff laws which experience had shown to exist. And so general was this feeling that even the Industrial League publicly announced its approval of such reforms.

Legislation after all, and especially on economic and business matters, is a compromise between conflicting individual views of members and communities and interests. And, as the best thing that could then be done, Congress passed the act approved March 3, 1883, to reduce internal-revenue taxation, and for other purposes. It was designed to make reductions in the revenue; but exactly how much was one of those problems which baffled prophecy. Experience and time alone could tell. Yet before the interests affected by the reduction could adjust themselves to the changed conditions a new agitation was set afoot in this House and, as far as possible, over the country, producing unrest in every industry and business. The panic was as dangerous and as hurtful as if there really was to be radical changes, although it has come to be understood no result can be reached at this session of Congress with an adverse Senate and a Republican Executive.

If I wished, I might quote Judge Story's celebrated summary, published in Elliott's Debates, of the position assumed and the arguments made in nullification times; and I might recite the earnest efforts made in the First Congress by Virginia Representatives to have her mineral-coal pits protected as well as her hemp and beef, asking even in the latter case prohibition of the foreign article. It would be curious reading, as it is like so much of the hot debate we have heard on this floor. But I do not like to cause prejudice or bias of a sectional character, or even to seem to do it, and therefore I refrain.

It is submitted to every member's judgment whether to apply at once to this bill the heroic remedy, or to let it linger out a sickly existence, bringing in its wake commercial disaster, business confusion, and general bankruptcy.

The bill reported by the Committee on Ways and Means, and now under consideration, is a sharp 20 per cent. horizontal cut of existing schedules of all duties on imported articles embraced therein. It is not based on any sound principle. We have had apologies for it but no defense. It is "guessed" it may reduce the surplus revenue likely to be collected in the future, but nobody pretends to speak with certainty.

There is no attempt at adjustment. It slices reckless of the injury it may do to certain interests and industries or to the revenue. It is like the famous bed of the old robber, Procrustes: if the man was too small, he was stretched out to its inexorable length; and if too long, he was cut down to fit it exactly. [Applause.] It is an arithmetical tariff; it is a thing of measurement, and not a wise, well-digested scheme of adjustment of duties laid, not only with regard to revenue but to the interests of people and Government, which are equally involved. For if there be inequality it is because of unjust adjustment, and a horizontal reduction affords no remedy. On the contrary, it makes worse what was bad before. It is a palpable confession of inability to handle the intricate and difficult problems in issue, or else a rash eagerness to do what was alike uncalled for, unready, unwise, and unfortunate. It appears to be agitation only for the sake of agitation; always a mistake.

It was the clear dictate of common sense to have waited until we could be advised of the working of the tariff and tax law we had passed only one year ago, and thus while informing ourselves for careful and accurate legislation, have saved from all the passion and turbulence of a Presidential election a question in which the public welfare is so deeply concerned, and which, if it were possible, should never be made a purely partisan issue.

But this 20 per cent. reduction is not so dangerous for what it does as for what it promises. In this respect we are not left to conjecture. It is proclaimed to be a firm first step toward free trade. The gentleman from New York [Mr. DORSHEIMER] uses the following language:

> It has never been our doctrine that taxes should be levied for the purpose of taking money from one citizen and giving it to another. The much-talked-of Ohio declaration is for "a tariff for revenue limited to the necessities of the Government, economically administered." If there is a Democrat here who believes that this bill will increase the revenue and who is still disposed to regard the declarations of his party, I say to him, "We are entitled to your vote, because the existing tariff is by your admission far above the revenue standard." Let us take off one-fifth now. If that does not reduce the revenue we can take off more. Some time we will cut to the quick and draw the blood. f 20 per cent. will not reduce the revenue, perhaps 50 per cent. will.

Be well advised what you do ere it is too late. Consider what free trade, so called, means to us. It means the change of our whole scheme of collecting revenue. Our people have become accustomed to import duties; it has proved to be the easiest, safest, and best method of taxation; it causes no friction, or comparatively little. All this must be abolished, our internal-revenue war taxes continued, and resort made

for whatever additional revenue may be required to direct taxation. Is this House prepared for that? Is that the wish of our people? The old Confederation relied on direct taxation, and it was a failure. Our forefathers sought refuge under the Constitution in a different system, and the result was "a more perfect union," in order to "provide for the common defense and general welfare."

What does direct taxation mean? An answer is found in an extract from a speech delivered in this House April 12, 1882, by Hon. Columbus Upson, a Democratic Representative from the State of Texas:

As an illustration of some of the practical workings of free trade and direct taxation the people of each State would have to pay annually their share of the national tax, according to the number of population in their respective States.

Alabama's share would be about	$6,500,000
Arkansas' share would be over	4,000,000
California's share would be about	4,300,000
Georgia's share would be over	8,000,000
Illinois' share would be about	16,000,000
Indiana's share would be over	10,000,000
Kentucky's share would be over	8,500,000
Mississippi's share would be about	6,000,000
Missouri's share would be about	11,300,000
New York's share would be about	26,500,000
South Carolina's share would be over	5,000,000
Tennessee's share would be about	8,000,000
Texas' share would be between	$8,000,000 and 10,000,000
Virginia's share would be about	8,000,000

Let the Representatives of the respective States of this Union carry the legacy of free trade and direct taxation home to their people as the fruits of their labors, and political obituaries would be the order of the day all over the land.

[Laughter and applause.]

Thus spoke that able Representative. I know only of one man in history who had the power who proposed to remove all duties on imports and depend upon direct taxation, and he was Nero, the Emperor of Rome, whose name is associated with everything that is bad and infamous.

Milman, in his History of the Romans, says:

The abolition of the whole system of indirect taxation throughout the Empire would indeed have been the conception of a madman.

The title of the pending proposition is "a bill to reduce import duties and war-tariff taxes." It is a captivating caption, and undoubtedly was so designed. But does it reduce war taxes? It would if it abolished internal-revenue taxation, but it does not. The law of 1883 did reduce it largely, and it was better deserving of the title than this bill.

Just after the meeting of this Congress I addressed a reply to a very kind letter from friends in Tennessee, which was published, and from which I beg to quote. I said:

With Albert Gallatin I have regarded the excise or internal-revenue taxes as offensive to the genius of our people, and tolerated by the framers of the Constitution only as a measure of necessity in the emergency of war, and that just so soon as the occasion for them had passed away they should cease to exist. He and Thomas Jefferson, as the very first act of Jefferson's administration, secured a repeal of internal taxes and relieved the people from their inequality, inquisitorial annoyances and hordes of officials clothed with dangerous powers. Only in these latter days have I heard men calmly claim these war taxes are still necessary—a generation after the war which gave rise to them had closed. And it is a very suggestive and suspicious feature of the affair that those upon whom the tax is laid clamor loudly against its being taken off, regarding it no doubt as a protection against competition to the large monopolies.

To substantiate the ground taken by me in that letter, I will refer to two authorities. I will read first from Blackstone's Commentaries (book 1, pages 317–318) to show excise is a war tax:

But at the same time the rigor and arbitrary proceedings of excise laws seem hardly compatible with the temper of a free nation. For the frauds that might be committed in this branch of the revenue, unless a strict watch is kept, make it necessary, wherever it is established, to give the officers the power of entering and searching the houses of such as deal in excisable commodities at any hour of the day, and, in many cases, of the night likewise. And the proceedings in case of transgression are summary and sudden.

* * * * * * *

However, its "original establishment was in 1643, and its progress was gradual, both sides protesting it should continue no longer than to the end of the war, and then be utterly abolished. * * * But from its first origin to the present time its very name has been odious to the people of England." It has been kept up, however, to supply the enormous sums necessary to carry on the continental wars of Europe.

So believed Jefferson; and let us next see what he did. I read from Schouler's History of the United States, vol. 2, page 21:

In economy and retrenchment the President had already made a beginning by reducing the diplomatic establishment and consolidating some revenue offices subject to executive control. The movement now contemplated was to abolish that whole system of internal taxation, which he had heartily detested as tyrannous, burdensome, and liable to abuse of patronage; which had always been unpopular in the Middle and Southern country, and which cost more than the first three years' net produce to put down resistance to its collection. But excise receipts had risen gradually to the neighborhood of $1,000,000, and many feared that the Treasury would suffer if this resource was suddenly cut off. Jefferson had, however, gone over the ground carefully with Secretary Gallatin; against the present yield of the internal taxes they set off what the Government might safely economize elsewhere. Customs duties alone would, as they correctly surmised, supply a revenue sufficient to support the Federal establishment, and, besides paying interest on the public debt, extinguish its principal, should peace continue, in fifteen or eighteen years. Federalists were incredulous, and those with friends in place tried to induce a repeal, only partial at most, but the ax was laid to the root, and with the downfall of this system went about half the offices at the disposal of the Administration.

If this internal-revenue system were abolished to-day we would have no surplus revenue to scare us, while the administration of public affairs would be rendered purer and better.

While alluding to the surplus money accruing from excess of revenue over expenditures, I desire to give for the information of the House the probable amount of receipts and expenditures for the current years, as obtained by me from reliable sources in the Treasury Department. I consider it important the House should be carefully advised on this subject:

Receipts and expenditures of the Government for the fiscal year 1884 (*actual for first three-quarters and estimated for last quarter*).

Actual receipts first three-quarters:		
Customs		$150,662,000
Internal revenue		87,155,000
Miscellaneous		24,088,000
Estimated receipts for last quarter:		
From all sources		86,000,000
Total receipts, actual and estimated		347,905,000
Total expenditures for first three-quarters	$179,692,000	
Estimated expenditures last quarter	62,000,000	
Total expenditures, actual and estimated		241,692,000
Surplus		106,213,000
Estimated amount due sinking fund		45,816,741
Estimated surplus		60,386,259

We are here invited to choose between a firm first step toward free trade, with attendant internal and direct taxation, or else to await reform of our tariff until such time as we have the political power to build upon the principles expressed in what is known as the Ohio declaration, with incidental protection to American labor and American industry. I have no difficulty in choosing between the two lines of public policy, and I choose for my own people and my own country, and against all their competitors, whether open or concealed enemies. [Applause.]

I do this in the full assurance that free trade will bring nothing but disaster and ruin, while the principles expressed in the declaration to which I have alluded, and which have been so generally approved, will bring prosperity, happiness, and a higher order of civilization. I have never asserted there existed constitutional warrant favoring protection for the sake of protection, but I do say it is too late to urge the unconstitutionality of incidental protection. The unbroken practice of the Government for more than ninety years by those who have preceded us, including those who framed our Constitution, and our success under this system down to the present time, conclusively dispose of such tardy objection. The value of incidental protection is attested by the experience of almost a century. This mode of laying discriminating duties on our imports has supported our Government, paid the debts of three wars, given employment to men, women, and children, numbering in 1880 many millions; increased the investment of capital to the enormous sum of three thousand millions of dollars, and consumed more than three thousand millions of dollars' worth of the products of agriculture, mining, lumbering, fishing, and other industries of the country; and, more than all, it has rendered us as a nation independent of the world. [Applause.] It has paid about one-half of the debt contracted during our civil war. These results are surprising in their grandeur of achievement, and equal, if they do not surpass, any financial policy ever before witnessed. [Applause.]

It is universally admitted our revenue should be reduced. The manner of reduction is the only question in dispute. The sources of this revenue are as different as possible. The internal revenue is fixed and certain in amount, but it is, as I have shown, offensive and dangerous. In its abolition I would begin relief. The other revenue comes from duties on imports. It is the most acceptable of all taxes, because it is in some measure voluntary, and while supporting the Government gives at the same time encouragement to our industries and is free from the evil of hordes of Federal tax-gatherers clothed with arbitrary and summary power in each Congressional district. We have seen the baleful influence of this official patronage brought to bear upon the freedom and purity of our elections.

If the naked issue, which of these two systems should be abolished, were submitted to the people, no well-informed man can doubt the result would sweep from the statute-book every vestige of the hated internal taxes. But unfortunately an opinion has taken possession of temperance advocates that the tax on whisky (although less than one cent a glass) lessens its production, and of course its consumption; and that opinion has been studiously cultivated by the free-trade interest to aid its purpose of abolishing the duties on imports. But the overproduction of whisky has compelled its holders to ask the Government to relieve them from present payment of taxation, and that is a complete answer to that theory. This alliance between taxed whisky and tobacco also exposes the insincerity of the assertion that free trade will relieve agriculture of its so-called burdens. This insincerity as to agriculture is made still plainer when we remember the very men on this floor who speak in behalf of agriculture have within a short time refused to give any relief to wool-raising, one of the largest agricultural interests which the so-called protectionists attempted to protect.

It is alleged that overproduction, under an incidental protective system, has caused the present stagnation in business. If so, could it be corrected by adding to that overproduction by increased importation

of like products from other countries coming here because of reduced duties? It could not, for then the Government would be still richer, while our people, driven out of their own markets, would be impoverished.

Free trade never did and never will exist between countries having different governmental institutions and of course existing under different conditions, because these different conditions vary the cost of production. It will not be denied that the rate of interest indicates the cost of living, that the cost of living indicates the price of labor, and that the price of labor indicates the cost of production. This rule may sometimes be disturbed by abnormal conditions, such as crop failures, war, or overtrading. The country which has the lower rate of business interest will drive the country having the higher rate of business interest out of the world's markets, and eventually out of its own domestic markets; it will absorb all its means of paying its debts, including all its specie, than which nothing can be worse.

There is no mode of recovery from such disaster save, first, by the reduction of the rate of business interest to a par with low-interest countries, or, secondly, by the imposition of such duties on imports as will raise the cost of the foreign article to the cost of the domestic article in the home market. The first of these remedies must result in depreciation of all values, and therefore in insolvency, in disemployment, discontent, and general disturbance. The best cure, therefore, is imposition of duties equal to the protection of American labor, to be repeated just as often as theorists disregard the lessons of experience in this respect. The degree of credit bears relation to the disaster inflicted, and when the former is large it promotes and increases the latter to the same or a greater extent. All the conditions to which I have alluded are more to our disadvantage in this country than in most of those we trade with, and it is therefore clear a greater degree of distress is sure to follow here than elsewhere under these circumstances.

We have to-day about 55,000,000 of people, 25,000,000 living by agriculture, and 30,000,000 on the earnings of personal property invested in general business or by their daily labor with head and hand, or by all combined. The agriculturists receive high prices for all their farm products, their farms are free from debt, and no commercial embarrassment denies them the necessaries of life. Not as fortunate are the other 30,000,000, and consequently considerate if not more tender treatment is essential to their success so far as our trade and commerce with other nations are concerned.

Seven thousand millions of personal property are invested in 120,000 miles of railroad, three thousand millions in manufactures, as much more in merchandising, banking, and other employments, all facilitating exchange between producers and consumers, and all extremely sensitive to every change of statute and consequent disturbance in trade and commerce. Of this 30,000,000 of people 3,000,000 are engaged in manufactures, while as many, or nearly 7,000,000 altogether, are dependent on them for support. I mention these facts to prove to you how cautious we should be in legislating as is proposed by this bill.

If we are to listen to the counsel and advice given us to abandon the heretofore settled policy of the Government in favor of incidental protection and thus enable the foreigner to glut our markets with the products of ill-paid toil, panic and bankruptcy are certain soon to follow. Now, would it not be wiser to postpone the consideration of so important a question until after we have passed through the excitement of a Presidential struggle, and with better information of what the last change of the tariff has accomplished and what there is still to do, await the sober second thought and profounder reflection for the adoption of a real measure of reform which will remain undisturbed for years and which will be safe, steady, and universally acceptable? Then the business interests of the country will have time to adapt themselves to whatever changes may occur. It should be stripped of all purpose of the one party or the other to look only to party advantage in securing public patronage as the result of an impending election.

Although this subject ought not to involve any question of party allegiance or be viewed as a means of party success, it may be well to consider how far its agitation may advance or retard the march to victory of the great Democratic party. However certain some of my political associates may feel of carrying every Southern State, those alone are inadequate to success. And which of the Northern States is likely to accept the new dispensation? I am fully conscious I should speak plainly and utter my fears even in the presence of our political opponents.

Take the four great States of Connecticut, New York, New Jersey, and Pennsylvania. The census shows that more than 1,100,000 persons are engaged in manufactures in these four great Commonwealths. The election returns show that the Democratic votes in those States are but little in excess of that number. Do gentlemen believe deprivation of employment or reduction of wages is a potent factor in winning the support of these people, and especially when the Republican organization, aroused by Republican orators, backed by a powerful press, sustained by ample means, will thunder in their ears by day and by night the too plausible charge that the Democratic party has been the main cause of their distress?

I beg you to ponder these things and not lightly dismiss them from your minds. Let them prompt your action to-day and all will be well. One thing is certain: you will not act without a warning, and it is kindly meant, but is none the less emphatic, as it springs from serious and severe study and deep conviction of its truth.

If, however, Mr. Chairman, the inexorable logic of events should demonstrate my apprehensions to be groundless, there is no one who will be more willing to acknowledge my error and rejoice that my associates have been right. But to me it seems inevitable that the action of the Ways and Means Committee will fall little short of public condemnation. It is to be deplored, therefore, that such an ill-advised step should have been taken, for the triumph of the principles of the Democratic party has been dear to me, and I have sought it steadily and ardently in the severe labors in this House for now nearly a quarter of a century. If disaster shall come, I at least shall have the consolation of knowing it was led to defeat by other advice than mine.

No reactions are more sudden or more complete than where pledges have been given to the people and those pledges have been unfulfilled after a successful party enters upon power. All history is full of instructive examples. Therefore it is our bounden duty with honorable alacrity to do exactly what we promised. And what did we pledge ourselves to in the elections of 1883 in Ohio, Virginia, North Carolina, West Virginia, New Jersey, and Pennsylvania? It is not necessary I should repeat all the platforms of the Democratic conventions of these several States. I will content myself with quoting a few of them. North Carolina resolved, July, 1883, in these words:

We demand such a revision of the tariff as will produce a revenue sufficient for the economical support of the Government, with such incidental protection as will give to domestic manufactures a fair competition with those of foreign production.

Pennsylvania declared:

4. We favor a tariff for revenue limited to the necessities of the Government, economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, and afford just compensation to labor, but not to create or foster monopolies; and to this end we favor the abolition of the internal-revenue system of taxes and such adjustment of the existing tariff duties as will be consistent with these principles.

The Virginia State convention resolved, July, 1883:

III. We favor unconditional and immediate abolition of the internal-revenue system—a nursery of spies and informers, and menace of the freedom of elections, an intolerable burden on the tax-payers and source of the greatest corruption, and in its practical operation a special burden on this State and our interests.

IV. We favor a tariff for revenue limited to the necessities of a government, economically administered, and so adjusted in its application as to prevent unequal burdens, encourage productive industries at home, and afford just compensation to labor, and not to create or foster monopolies.

And so they all declared, repeating one after the other the famous platform of the Ohio Democracy. It was on that ground we made our successful campaigns in nearly every one of those States; and is it not apparent to the least observant the pending bill with its arbitrary horizontal cut of 20 per cent. is in direct violation of those pledges? I shall at whatever cost keep my faith, and in so doing I know I shall seek the highest good of my country by advancing the welfare of its industrious people. Theoretical zealots may contend for impossible doctrines, and madly attempt to control human nature and force it to bend its free energies to the caprice of their will, but I know by experience how futile in government is mere theory and how valuable is common sense. I believe in that which has stood the strain of long practice and has blessed us with beneficence. Nor can I be expected to yield it for something impossible, impracticable, and which comes recommended to us by those whose interests it is to seek our ruin, that upon it they may build up their own trade, their own manufactures, and their own prosperity. [Great applause.]

I shall append to these remarks the speech I delivered on the Tariff Commission bill. It is as follows:

Mr. RANDALL. Mr. Chairman, it is my purpose in this debate to be as brief and practical in the expression of my views as possible, preferring, for obvious reasons, the postponement of all general discussion of details of necessary legislation until the revision of the present tariff shall be directly under consideration. It is a subject at all times, and in every country, full of difficulty and embarrassment, and yet it is as old as government itself, and has exhausted, as we know, the highest mental efforts of the most celebrated statesmen. Some few points have been settled and accepted generally, but they are not many. Hallam, the justly esteemed constitutional historian, in his "Europe During the Middle Ages," lays down this axiom, which our experience as a people justifies and which will not be disputed:

"It is difficult to name a limit beyond which taxes will not be borne without impatience when they appear to be called for by necessity and faithfully applied; nor is it impracticable for a skillful minister to deceive the people in both these respects. But the sting of taxation is wastefulness. What high-spirited man could see without indignation the earnings of his labor, yielded ungrudgingly to the public defense, become the spoil of parasites and peculators? It is this that mortifies the liberal hand of public spirit; and those statesmen who deem the security of government to depend not on laws and armies, but on the moral sympathies and prejudices of the people, will vigilantly guard against even the suspicion of prodigality."

It is equally true that excessive taxation, even when it is successful in securing excessive revenue, is ultimately destructive of the sources of labor from which it is drawn; while at the same time it engenders extravagance, corruption, and decay. For when the Government sets the example of extravagance, it is soon followed in every walk of life, and one does not need to be a prophet to foretell the general ruin which must inevitably result. Frugality and economy never destroyed any government, while they have built up the most powerful empires the world has ever witnessed.

So much for general statement. Revenue laws have been a subject of discussion, agitation, and anxiety from the earliest days of our political history. Indeed, Sabine, in his "Loyalists of the American Revolution," states positively his convictions after careful study of documentary history and state papers that

they "teach nothing more clearly than this, namely, that almost every matter brought into discussion was practical, and in some form or other related to labor, to some branch of common industry." He states further on there were no less than twenty-nine laws which restricted and bound down colonial industry.

The manner of raising the necessary revenue for the support of the Government has been, as I have said, at all times in the United States the cause of irritation to the people. And we need not be surprised at this, when we consider the vast extent of our domain, and the almost endless diversity of productions of the soil, and of manufacturers, and every other branch of human industry.

The existing overflowing Treasury brings a demand for reduction of the tariff and internal-revenue taxes. In my opinion, in such a condition of our finances reduction of taxation should at once begin. Unnecessary taxation is injurious to the interests of the people in many directions. Government has no justification for the collection of burdensome taxes in excess of the sum requisite for the support of its proper administration. What have we seen in this Congress? The excess of our resources has induced the presentation of every conceivable scheme to deplete the Treasury, and our expenditures, unless checked in time, will reach enormous proportions and bring back again, as prior to 1874, a saturnalia of extravagance and disgrace.

In the matter of taxation we are acting under a written Constitution. "Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States." I need not enlarge upon our traditional history in this regard, and it will be accepted as true that only at periods of great necessity and urgency have excise or internal taxes been resorted to. Our present internal-revenue system grew up out of the necessities of the war, and when those necessities cease that taxation should disappear. When the framers of the Constitution granted the power to impose excise duties it was a point of serious dispute and was agreed to finally only as a resort in case the Government should be involved in war, and not to be exercised as a permanent mode of raising revenue.

I will not enlarge upon this; I believe it to be incontrovertible, however men may change sides because of other considerations affecting other questions; and I do not forget that Thomas Jefferson, the author of the Declaration of Independence and the founder of the Democratic party, brought about the repeal of internal or excise taxes as one of the very first acts of his administration as President of the United States.

I favor, therefore, as speedily as possible, a total abolition of our internal-revenue system, and I am ready to join hands with any and all in this House in favor of an equalization of our duties on imports. No one who understands the existing tariff laws will deny the justice and necessity of revision. The present duties were for the most part levied during war and for the purpose of raising a large war revenue. It will suffice in this connection to quote the Industrial League as unanswerable in this regard, as it is an admission on the part of those who favor the highest protective duties:

"They consider such revision desirable for the interests both of the industries affected and those of consumers, partly on account of some original imperfections in the present tariff, and partly on account of the modifications which are demanded by the changes which have occurred in conditions of production and commerce."

There should be, however, no vicious assault on these laws. Changes should have a firm foundation in reason, and especially should we avoid mere experimental and purely speculative efforts on this vital subject. Our excess of revenue now approaches in amount the annual receipts from internal or excise taxes. If proper economy be exercised in expenditures they can be brought within the limits of our ordinary resources of taxation, enabling us without jar or friction to repeal internal-tax laws, which are inquisitorial and offensive in the highest degree. These taxes reach vexatiously every citizen in his business, in his household, and in the affairs of every-day life until they have become almost unendurable. There is no longer an excuse, in my opinion, for their continuance.

The objection to direct taxes is equally as strong to internal taxes; and either or both are justified only by stern necessity. They are irritating and dangerous, and internal-revenue taxes entail upon us the keeping up, as at present, somewhere near five thousand officers engaged in their collection, distributed in every county of every State, tainting, as we know, the source of all power in this Republic, the election by the people. Who favors direct tax? No one; and if the internal taxes were not now imposed by law, is there a man who would risk his political future by asking that the system should be put into operation? I sincerely believe that there is not a man.

I did hope when this Congress assembled that before the adjournment of this session a very large reduction of internal taxation would have resulted from our labors. The Committee on Ways and Means seemed to favor a reduction of $70,000,000, but the fiat of a Republican Congressional caucus overruled that good intent. Thus the majority of the Representatives of this House of one political party, and of a party representing a doubtful majority of the people even at the time of its election, regulates the current of remedial legislation, and in this instance on a subject which should be non-partisan. Thus the opportunity of relieving our tax-annoyed and tax-burdened constituents may be lost.

The reduction as now recommended by the Committee on Ways and Means reaches in great part those most able to pay, leaving the great body of consumers without relief. How long the latter will permit this state of things to continue will probably be determined at our next Congressional elections. With the repeal of internal or excise taxes will come a resort exclusively to duties on imports as the main supply of our resources, and I maintain if our expenditures be kept within just and reasonable bounds we can from this source derive adequate revenue for the administration of the Government in all its constitutional and legitimate functions.

The estimates for the fiscal year ending June 30, 1883, of the amount to be raised from duties on imports is $217,000,000, and from all other sources, leaving out internal taxes, $30,000,000; so that the total abolition of excise taxes would still leave to the Government in the neighborhood of $250,000,000.

It must be recollected, however, that while our current annual payment of interest on the public debt has been reduced to $61,000,000 (and it will continue to decrease), yet there will be a greater increase in liabilities on account of pensions. Taking the years ending June 30, 1877 and 1878, as a criterion, this amount of receipts would still, with prudence and frugality, leave a sufficient revenue. Let me recapitulate: The net ordinary expenditures for year ending June 30, 1877, $144,209,963.28; the net ordinary expenditures for year ending June 30, 1878, $134,463,452.15. In the latter year no appropriations were made for rivers and harbors. The amount of appropriations for these objects for the former year was about $5,000,000, so that a fair average of the net ordinary expenses based on these two years would be $142,000,000. Let us to this amount add on account of interest $61,000,000, and for sinking fund about $45,000,000 per annum, a sum which I deem sufficient in amount each year toward the liquidation of the aggregate amount of the debt, and we have a gross sum of expenditure of $248,000,000.

There will equitably stand to the credit of the sinking fund for the year ending June 30, 1883, taking the bonds already called for payment up to July 1, 1882, $40,423,700. The sinking fund for the current fiscal year and arrearages for prior years were fully provided for by calls which matured March 13 last and prior to that date. The bonds in call maturing from that date to June 30 next are not applied to the sinking fund, because it is full. While the bonds included in calls maturing from March 13 to June 30, being calls 108 to 112 and part of the one hundred and seventh, amounting to $40,423,700, are not applied to the sinking fund, yet as arrearages have been in the years past continued to be counted on book accounts, there is no reason why the payment of our bonds in excess of the legal requirements of the sinking fund should not equitably be credited, thus protecting us against a deficiency in the event that the internal taxes are largely reduced or altogether abolished.

The amount which is required by law to be placed to the credit of the sinking fund for the year ending June 30, 1883, is $45,122,110.80. By reason of the payments already made there is, therefore, due only an equitable balance of $4,698,410.80 to be credited to sinking fund for year 1883, with period of time from July 1, 1882, to June 30, 1883—an entire year.

In my opinion $75,000,000 of payment on account of current pensions and arrears is as much each year as can be safely made with due protection against frauds. Until the arrears are all paid—say $45,000,000 per year in addition to appropriations of years 1877-'78—we might be required to continue the tax on whisky, say at 50 cents per gallon, or we could encroach upon and reduce our now excessive unemployed balance in the Treasury. Admitting there might be a moderate deficiency, we have, to meet such deficiency, now in the Treasury $136,000,000 above and beyond every claim on the Government dollar for dollar.

It is thus made plain that with economical expenditures and reduced appropriations for the year we are fully provided.

As I have already said, a heavy reduction or the abolition of internal taxes would compel immediate revision of our tariff laws. How that can be done with most expedition is the question which most directly concerns us.

I do not favor a tariff enacted upon the ground of protection simply for the sake of protection, because I doubt the existence of any constitutional warrant for any such construction or the grant of any such power. It would manifestly be in the nature of class legislation, and to such legislation, favoring one class at the expense of any other, I have always been opposed.

In my judgment the question of free trade will not arise practically in this country during our lives, if ever, so long as we continue to raise revenue by duties on imports, and therefore the discussion of that principle is an absolute waste of time. After our public debt is paid in full our expenditures can hardly be much below $200,000,000, and if this is levied in a business-like and intelligent manner it will afford adequate protection to every industrial interest in the United States. The assertion that the Constitution permits the levying of duties in favor of protection "for the sake of protection" is equally uncalled for and unnecessary. Both are alike delusory and not involved in any practical administrative policy. If brought to the test I believe neither would stand for a day. Protection for the sake of protection is prohibition pure and simple of importation, and if there be no importation there will be no duties collected, and consequently no revenue, leaving the necessary expenses of the Government to be collected by direct taxes—for internal taxes would interfere with the protective principle, and when the people were generally asked to bear the burden of heavy taxation to sustain class legislation and the interests of a portion of our people at the expense of the great bulk of our population there would be an emphatic and conclusive negative. So, too, with free trade, there is hardly a man in public life who advocates it pure and simple. Nobody wants direct taxation, although it would bring taxation so near and so constantly before the people that Congress would hesitate long before it voted the sums of money it now does, if not for improper, at least for questionable purposes.

Let me cull a few sentences from recent debates to show the feeling on this subject.

Ex-Governor Hendricks says:

"A horizontal tariff is impossible."

Senator JAMES B. BECK says:

"Nobody asks or expects this Congress to establish free trade, or tear down custom-houses. * * * In adjusting taxation on imports with a view only to obtain revenue or 'for revenue only,' we never thought of discriminating against American industries, or of depriving them of the incidental benefits or protection a proper revenue tariff would afford."

Senator BAYARD says:

"The power to tax by laying duties upon imports may be so exercised as to do what it has done ever since the foundation of the Government, and that is to give an advantage equivalent to the amount of the tax to the American producer or manufacturer over his foreign competitors in the same line of production or manufacture, and this becomes his protection."

Senator WILLIAMS, of Kentucky, says:

"Nobody is for free trade just now."

Senator COKE, of Texas, says:

"As an inevitable consequence domestic manufacturers and producers of the articles upon which such revenue import duties are laid are to that extent protected against foreign competition."

Mr. CARLISLE, of Kentucky, in substance reiterates these sentiments. So they all say, with rare exception. The real question which is presented and which is in controversy is the revision of taxes, so we may hold the control of the markets of the world for the benefit of our excess of productions over the home consumption.

I favor what Mr. Jefferson declared to be "discriminating duties," what General Jackson described as "a judicious tariff," and what Silas Wright designated as "incidental protection." To accomplish these ends wisely and well requires the greatest circumspection and the exercise of the most careful judgment.

I favor a commission "to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff."

It will, in my judgment, bring about a revision, absolutely essential, at an earlier day than in any other way now feasible. If I did not sincerely entertain this conviction, no member on this floor would be more opposed to the pending proposition than myself. I believe that the arrangement of our system of tariff duties should not rest upon any partisan basis regulated by existing parties, but that, on the contrary, it should in a measure be divorced from politics, and cease to be a bone of political contention in and out of Congress. It should occupy the higher level and command the best efforts of statesmanship of every party. Metternich, one of the ablest as well as one of the most successful prime ministers of modern times, said: "Statesmanship is a practical knowledge of a state's resources."

A judicious and properly laid tariff should not molest those resources. It should be framed so as to give stability to our business at home and our trade abroad. Unnecessary and causeless changes are injurious as well to the revenues and to the industries and commerce of the people. Remedial measures to cure defects and equalize burdens and benefits are of the greatest advantage when promptly and properly enacted. It would be a blessing of incalculable value if we could so arrange our legislation as to readjust in the main duties on imports only once in every ten years, and then have them based upon the statistics and widest information of our census tables. In this way business men in every branch of production and commerce would know how safely and judiciously to conduct their transactions, great and small.

We now really have only a choice between no action and this proposed commission. It was originally introduced into Congress by a Democrat. A bill for such a commission was passed during the last Congress at the suggestion of a Democratic Senator. It has again passed the Senate this year with the aid of Democratic votes. It was very generally approved upon the "stump," in my section at least, during the recent Presidential contest. More recently the Ohio Democracy affirmed in the following language the propriety of its adoption:

"A tariff for revenue, levied and adjusted in its details with a view to equity in the public burdens and the encouragement of protective industries, without

creating monopolies; and we favor the appointment of a commission to suggest a method of revision which shall accomplish this result."

Let me quote from one whose views are accepted by those who claim reform in the direction of free trade, as they are set forth in the North American Review of December, 1881, in an elaborate article by Mr. David A. Wells. After discussing fully the subject of "Reform in Federal Taxation," he says:

"What, then, is to be done? There is but one answer. There must, or ought to be, a compromise, on the basis of patriotism and common sense, of all antagonizing interests in furtherance of a reform which has become imperative; and such a compromise is practicable by all parties agreeing to urge upon Congress to do at its next session those things only in respect to which a majority of all parties may agree should be done. At first thought such a proposition may seem absurd and impracticable, but a little reflection will soon convince to the contrary. In the first place, no one is likely to object to the appointment of a commission to investigate and report on the whole subject of Federal tax reform, although Congress, judging from all precedents, is not likely to be much influenced by any report or recommendations which such commission may make, unless public attention has in the mean time become largely interested in its work and recommendations."

The public attention to which Mr. Wells alludes has already been very fully called to this subject, and to an extent which he himself did not expect when he penned that article.

The Senate has shown at this session an indisposition to respond to any effort which might have been made in this House, for it has anticipated the House in the creation of a tariff commission by an overwhelming vote. It has been frequently charged in this debate that the object of this bill was delay. There is no justification, in my opinion, for such an assertion. Its inevitable tendency and effect must be in the nature of things to hasten a thorough and speedy final adjustment of all questions in dispute as to tariff amendment and reform. When the ground of action is uncertain and the elements of the problem are not fully known, or are vaguely and imperfectly understood, legislation is generally injurious. Indeed, it may be said in such cases that when it escapes doing serious injustice to the industries of the people or to the revenues of the Government, it has the result, always to be avoided by wise and prudent legislators, of irritation and excitement, disturbance of values, and oftentimes individual ruin.

Self-interest controls the world, however much men may turn fine periods and grow eloquent in swelling sentences about abstractions; and while men will suffer patiently and yield willingly to stern necessity they will not submit quietly to what is causelessly and idly to their loss and annoyance.

When every element which can enter tariff revision is known; when every interest, large and small, is scanned and measured; when proper objects of taxation are reached and adjusted in their proper relations; when those items are eliminated which only embarrass and produce confusion, then indeed tariff legislation is made easy and sure and of happiest consequences.

The charge that we are improperly parting with our constitutional functions in the passage of this bill is invalid, and should have no influence upon our deliberations and action.

The duties delegated to the commission do not extend beyond the power of recommendation. Yet I hope and believe their review when presented will be of so broad, comprehensive, and catholic a character as to command for it as a basis of action in reform of taxation the approval of thinking men of all parties.

The fourth section of the bill provides that the commission shall make its final report of the results of its investigation and the testimony taken in the course of the same not later than the first Monday of December, 1882, and it shall cause the testimony taken to be printed from time to time and distributed to members of Congress by the Public Printer, and shall also cause to be printed for the use of Congress 2,000 copies of its final report, together with the testimony.

Can language be more explicit to prevent delay? It means tariff revision, intelligent and just, at the earliest practicable moment. I trust that after the passage of this act—of which at present there seems to be but little doubt—authority will be given to the Committee on Ways and Means by this House to enable it to assemble about the 10th day of November next, then to proceed immediately to formulate a bill based upon the testimony taken, and which they will, with all other members, receive from time to time. Then at the opening of the session in December that committee will be ready to report forthwith its measure of relief to the House for action before the Committee on Appropriations will require the time for general appropriation bills.

I have given notice of a purpose to offer an amendment providing that this commission shall be composed of two members of the Senate and three members of the House, with four civilian experts, the latter to be appointed by the President, by and with the advice and consent of the Senate. My purpose in favoring a mixed commission is that there may be upon the floor of each House some responsible sponsors for the report to be made who will feel it incumbent upon them to see that it does not go for naught, but is supported and pushed to practical results.

Now, I might add that while I have no direct assurance of the fact, yet I am led to believe that the President will, in the composition of this commission, whether exclusively of civilians or only partially, select men who have given a lifetime to the study of the history and philosophy of tariff taxation.

And now, Mr. Chairman, when the attempt is made to draw party lines on the subject of the tariff, I am strengthened in the conviction that in what I have said to-day I am sustained by the solemn and deliberate declarations of the Democratic party in national convention for more than forty years. It will be a fitting conclusion, therefore, to recall some of the words of wisdom of the statesmen of former times.

Seeing what the great men of the past have done, we may take heart and tread the path of triumph by emulating their worthy actions. I submit the expressions of the conventions alluded to, as far as they relate to revenues and expenditures. The first plank of the platform of the Democratic national convention which met in Baltimore May 5, 1840, is as follows:

"*Resolved*, That it is the duty of every branch of Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government."

The Democratic national convention which met at Baltimore May 27, 1844, was to the same purpose.

The platform of the Democratic convention at Baltimore May 22, 1848, contained the following declaration of Democratic faith:

"*Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the debt created by the prosecution of a just and necessary war, after peaceful relations shall have been restored."

The platform of the Democratic convention at Baltimore, June 1, 1852, contains the following words as to the revenues and expenditures:

"*Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs; and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and for the gradual but certain extinction of the public debt."

The same resolution was adopted at Cincinnati, Ohio, June 2, 1856; at Charleston, S. C., April 23, 1860, and at Baltimore, June 18, 1860.

The Democratic convention of 1864, at Saint Louis, on August 29, passed no tariff resolution.

The Democratic platform of 1868, in New York city, has the following resolution:

"And a tariff for revenue upon foreign imports and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country."

The national Democratic convention of Baltimore, July 9, 1872, resolved as follows:

"We demand a system of Federal taxation which shall not unnecessarily interfere with the industry of the people, and which shall provide the means necessary to pay the expenses of the Government, economically administered; the pensions, the interest on the public debt, and a moderate reduction annually of the principal thereof; and recognizing that there are in our midst honest but irreconcilable differences of opinion with regard to the respective systems of protection and free trade, we remit the discussion of the subject to the people of their Congressional districts and to the decision of the Congress thereon wholly free from Executive interference or dictation."

The Saint Louis convention of 1876 declared as follows:

"Reform is necessary in the sum and mode of Federal taxation, to the end that capital may be set free from distrust and labor lightly burdened.

"We denounce the present tariff levied upon nearly 4,000 articles as a monster piece of injustice, inequality, and false pretense. It yields a dwindling, not a yearly rising revenue; it has impoverished many industries to subsidize a few; it prohibits imports that might purchase the products of American labor; it has degraded American commerce from the first to an inferior rank on the high seas; it has cut down the sales of American manufactures at home and abroad and depleted the returns of American agriculture and industry, followed by half our people; it costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor; it promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue."

The platform of 1880 at Cincinnati declared "for revenue only."

These utterances of the Democratic party, assembled from all parts of the United States in national convention, teach their own lesson to the present generation and need no further comment at my hands. It will not do for any public man to narrow his mind on such a momentous question as that which affects not only the integrity of the Government, but brightens or darkens the home of every citizen just as we shall legislate. Speculative philosophers have contrived the most fascinating forms of government, but wherever they have been subjected to the touchstone of practical operation they have gone most shamefully to pieces. It will not do for men to say: I have laid down this theoretical landmark and you must not go beyond it.

"There is a divinity that shapes our ends,
Rough-hew them how we will."

If Canute had not moved his chair upon the sea-shore the incoming tide would have overwhelmed him and his weak advisers under the mighty waves of the sea.

We are no longer a few scattered, isolated colonies of three millions of people, hugging the coast from Massachusetts to Georgia. In 1880 we were a united nation of fifty millions of inhabitants, with industries of the greatest diversity, and grown to such size and power as successfully to contest the markets of the world, and with a military prestige that has surprised and kept in awe the most warlike nations.

In the year 1903 we are told that, according to the ordinary rate of increase, we will have one hundred millions of people. Is there any human mind that can foresee all the possibilities of a free republic of such vast proportions, leading the coming century in wise legislation? Is there one so foolhardy who will stand up and say he knows all about it, and that the wondrous ways of God shall bend to his peremptory dictation? If there be, he can vote against this bill. [Great applause.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] has twelve minutes of his hour remaining.

Mr. RANDALL. I yield two minutes to my colleague [Mr. CURTIN] and ten minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. CURTIN addressed the committee. [See Appendix.]

Mr. MCADOO. Mr. Chairman, it has been so often said, especially on this side of the House, by members of the Democratic party who are in the majority on this question, that those of us who belong to that party and are opposed to this measure are unwilling to go upon the record that I can not refrain from speaking the sentiments which actuate me in giving my vote against the so-called Morrison bill. And I want to say in all frankness to these gentlemen that as for myself personally, and my relations to the State which I have the honor in part to represent on this floor, I would be glad, so far as publicity is concerned, if you could write on the face of the sun the fact that I am opposed to and shall vote against this measure.

With due deliberation, deprecating unwise agitation, I voted against its consideration. Well, sir, it has been considered. Memorized declamations and studied essays have been delivered for and against.

We were told that its discussion would bring to these Halls the voice of many millions crying for its adoption. What has followed? The jingle of wine-glasses has been heard on Brooklyn Heights, the plaudits of the Republican Beechers and Shearmans, the rattle of the festival dishes on Murray Hill, New York, and the soft and delicate applause of the perfumed *élite* of Chicago, but never the gentlest whisper from the conventicles of honest labor or the ranks of struggling toil. Are gentlemen blind? All reforms come from and originate in the ranks of the great common people. Christianity itself was not propagated by the wise and learned of the conceited sanhedrim, but was preached by fishermen and fructified by the blood of carpenters. The honest theorist may be a Baptist in the wilderness, but he preaches in cabins instead of congresses. But gentlemen say we must have a distinctive issue. Sir, great issues grow up in the natural order of events, and come not at the peremptory bidding of long-haired magazinists and short-brained editors.

Now, in the few moments allowed me, I come to the consideration of this bill with no plundered proceeds of the public Library, with no padding from statistics, and with no fatiguing list of fallacious figures to

appall the members of this House. Let the overburdened and groaning record muddle the curious investigator, but let it be ours to speak simple sense to sensible people.

I want within the few minutes allowed me to address a common-sense argument to the great American Commons as to why I, a member of the Democratic party, vote against this measure.

There are three schools of thought on this question. There is the protectionist, who advocates of protection for its own sake, and would acknowledge no limitation as to amount from any constitutional view. No Democrat who has learned his creed aright can be found upholding such constitutional construction. After him, on the opposite extreme, comes the free-trader, crying either revolution or reform, as may best suit his convenience and subserve his end. He may be constitutional, but he is impracticable, un-American, visionary, and dangerous. He advances to the music of our chief commercial competitor and wins his triumphs to the stirring notes of "Rule Britannia." He is cosmopolitan; talks of the brotherhood of man, the fraternity of races, the coalescing of all creeds, and addresses himself to a millennium of universal peace and catholic freedom. His soul pants, and not in vain, for the martyr's crown, while he contemns the victor's sword. He is for this bill as a feeble step toward his great goal.

I admire him when honest and hate him when masked, but pity him always. It has been said that truth is sometimes found at the bottom of a well. Certainly here it is found on the solid rock of self-evident truth, between the shifting sands that constitute the promontories of error. On this momentous question, founded upon the life-long teachings of the immortal Jefferson and the heroic Jackson and a great galaxy of illustrious Democratic statesmen, it found a voice in the much-criticised Ohio platform, and was re-echoed in New Jersey, Virginia, Pennsylvania, and North Carolina.

In brief, it took the middle and constitutional Democratic grounds. It demanded a revenue tariff as prescribed by the Constitution, but recognized and witnessed for the protective feature within the revenue line. It demanded a discrimination and honest revision in the interest of labor alone, and cried out between every line, "From the horrors of horizontal humbuggery good Lord deliver us!" It asked for the abolition of the internal-revenue war taxes of which on another occasion I have spoken in this House. It deprecated free trade, scourged unconstitutional protection, and demanded careful revision to put down monopolies. It is opposed to this bill, which, having free trade for a beacon, swings its remorseless scythe to horizontally reduce, without regard to size, shape, or condition; which pierces the heart of the struggling industry and barely touches the towering locks of giant monopoly; which inaugurates a ruinous agitation while impotent to accomplish the slightest result. Sir, in the course of events we will outgrow unnecessary imposts, and in the mean time our tariffs must be founded on the differences in wages, the bettering of the condition of labor, and the upholding of home markets for our agricultural products. I do not believe this country is solely great by reason of tariffs, but I much fear she would not be so strong but for restrictive imposts.

I love the noble and historic party to which I belong because I love my country, and I am convinced my country would be happier and more free, more dignified, and more honestly conducted under its rule. This great and constitutional party has ever-living issues in the nicely adjusted balances of our Federal system; in upholding the rights and dignity of the individual citizen, maintaining his freedom, and securing his happiness; in curbing monopoly and restricting government; in forever defending home rule and the proper sovereignty of the States; in reforming the Government and purifying its branches; in a word, keeping alive by precept and practice grand, yet simple, constitutional democracy! It must not be allowed to chase an *ignis fatuus* in the delusive hope of victory upon the platform of a chimera of the brain. Its platform must not be built upon the tracts of Cobden and the selfish arguments made to order in Birmingham and Manchester. The free-trade enthusiast is ever turning to England as the Mecca of his hopes. For six hundred years they say England groveled and groaned under the protective system, and only became "roast-beef, merry England" under free trade.

Sir, there is a crushing and demonstrative answer to this—an answer which appeals to the eye and needs no sophistry of argument to render it more effective. If England under free trade is happy, merry, prosperous England, then, sir, account to me if you can for the long train of emigrant ships that under her free-trade flag disembark annually their thousands of poverty-stricken emigrants on our shores. Account to me, if you can, for the pathways of human bones of her famine-stricken subjects that cover the bed of the Atlantic, whose souls took flight from their hunger-blighted tenements ere they could reach our tariff-protected shores.

Sir, I say this without prejudice, and I trust I am too sensible and patriotic, were I even now convinced that this was a reciprocity of benefit to her and us, to advocate the absurd policy of the boy who went without his dinner to spite his schoolmaster. But as yet I do not see such reciprocity.

I listened with great pleasure to the gentleman from Ohio [Mr. HURD], admired his eloquence, and was struck with his zeal. But, sir, I can not coincide in his judgment. He did not make a practical address. He was speaking of a theme upon which the very stones could be eloquent; but he was talking in advance of his time. His speech may have been the language of a prophet, but it certainly was not the sound judgment of a statesman. He was speaking of the time when the entire world, advanced to a higher civilization, will have given in its adherence to the brotherhood of man. But, unfortunately, we have not arrived at that glorious period of cosmopolitanism. We are still struggling in the days of nationalism. The policy of the nations of the earth is against cosmopolitanism and in favor of upholding their own industries and their own people to the exclusion of all others with whom they are either unwilling or unable to compete.

I do not wonder that the gentleman gave vent to a burst of eloquence when he spoke of that glorious epoch to which he looks forward when he said that the whispering waves that break upon the sands of the seashore speak freedom—when he told us that the winds that whistle around the eaves of the farmer's dwelling in the West speak freedom. Sir, nature proclaims peace and harmony, but unfortunately sin has planted discord and strife.

The advance of humanity to complete accord with the teachings of the evangels and the lessons of nature has been slow but sure. Over the wastes and moors of degradation and poverty, up the flinty paths of suffering and martyrdom, besprinkled with blood, humanity has toiled through weary centuries of wrong and crime. It has not yet reached the universal brotherhood of which the gentleman from Ohio speaks. Mutual charity and reciprocal kindness must precede such catholic fraternity. While one nation goes armed, universal peace is impossible. National selfishness compels national protection. The unholy caste of monarchy puts up barriers against complete social and mercantile intercourse with the free people of a republic.

Sir, we are practical men; and we are compelled to deal in practical times with a practical question. I tell the gentleman from Ohio, in the light of every-day facts, that the people of the United States are not prepared to adopt his theories, and that free trade can not yet be accomplished in this land by the voice of the American people. I, sir, am candid enough to confess in connection with what has been said by the illustrious statesman from Pennsylvania [Mr. RANDALL] that I am jealous of English influence, whether it is in the market or in the field or in the forum, in the social circle or the political Congress. And, sir, I am reminded that in another nation dominated by British power, which forced its trade upon those downtrodden people, compelling them to accept a debased currency and forbidding them to export anything and compelling them to buy everything English—a great man arose in the majesty of his genius (I allude to Dean Swift) and in advising his countrymen to ostracize in the markets of the world British influence, gave vent to this memorable sentence: "My fellow-countrymen, I would burn everything English except English coal." And I know, sir, that there are millions of American citizens in this land who are as jealous of that influence as I am, and who would voice the sentiments which I do here to-day, could they be heard on the floor of this House.

We have been told, sir, that this bill is a step toward free trade, and a panacea for the evils which this land is suffering. I do not believe, and I have not been convinced, that this land is suffering alone from the evils of overprotection. When I look around and see the suffering millions of this land ground down by railroad monopolies, telegraph monopolies, imported pauper labor, extravagant and centralized government, and by iniquitous land laws, I am unwilling to concede that overprotection is the only evil and the only bane from which the American people are suffering.

Seeing the zealous conduct of members here in advocating this measure to the exclusion of every other method of redress for the evils against which the people are crying, one would almost be led to believe this to be the sum of all iniquities and the only disease of the body-politic.

Why do not members of this House address themselves to other practical reforms? When millions of free lands of the United States are being taken up by the acreocracy of Europe; when that public domain which is the foundation of our prosperity and the only hope for the perpetuity of this Republic is being taken up by foreign syndicates; when it is the duty of this House to pass a law that shall stop the London, the Scotch, and the other European companies from taking up the lands that belong to free Americans; when it is our duty to take back and make part of the public domain that immense acreage which belongs to the American people, but which has been robbed from them by railroad corporations; when there are such things to be done for the laboring people; when bureaus are to be established; when labor is to be educated by correct figures and statistics; when conspiracy laws are to be repealed; when centralization is to be checked and Government reformed; when labor and capital are to be harmonized on just principles; when commerce between the States is to be regulated in the interest of the merchant and farmer; when a thousand evils are crying with a million tongues at the doors of this House, the only answer they can get is that there is but one evil from which we suffer, and that is the protective tariff.

Millions are watching our course as to the public lands for the hundreds who are interested in radical tariff agitation. Free land for free

men is more than free trade for men who can not buy and have not anything to sell. From the quaking castles of feudalism in Europe the bogus lords and masquerading marquises are hurrying to erect their robber holds on the free prairies of the West. If these invasions are not checked the American freeman farmer, noble, manly, and self-reliant, will soon give way to the cringing tenant of a transplanted lord. The independent and intelligent freeholder is the hope of the Republic, and the Republic is founded upon a free soil, not shadowed by feudalism and not blighted by monopoly. The public domain is the heritage of our people; and no people can be happy, free, and prosperous who are not strongly intrenched on the soil they till.

Sir, the action of these gentlemen reminds me of a false diagnosis of a physical disease. The patient comes to the physician suffering many evils, and he diagnoses the case simply to please a hobby or in the light of a specialty, and he offers him a universal panacea with the same effrontery and audacity that a quack vender of nostrums peddles his wares to the sound of a drum and an absurd eloquence.

I have heard it said by members of this House that they have educated their districts, that they have gone to Republican districts and planted this sentiment of truth and justice, as they call it. I tell them, sir, to-day, but I hope I am a false prophet, that the crop which they planted in the fall, when they were elected on free-trade principles, was seed sown upon thin soil, and that when the storm shall beat upon it, when the scorching sun of this summer and the fatal frost of next November shall blight it, they will find they have made a great mistake. They have diverted the patient with the novelty of the remedy, but they have not eradicated the disease from which he suffers.

I perceive by the clock my time is limited. I wish to say, so far as we of the Democratic party who are opposed to this bill are concerned, that we have no hesitation here to-day. We believe we are doing our duty to our country and to our people. We believe that we are advocating the cause of eternal truth and justice. We believe we are upholding the dignity of American labor, making stronger the Republic, and perpetuating a great and historic party.

I know we will not be applauded in this hour of passion. I want no applause from that side of the Chamber. I do not court Republican smiles, but I wish to say, as a noble Virginian said when Cornwallis surrendered and the American Army, with bad taste, gave vent to cheers—I wish to say with the noble Virginian George Washington, who raised his hand in a deprecating attitude and said: "My countrymen, do not cheer; let posterity cheer." [Applause.] When the passions of this hour shall have subsided, when reason resumes her sway, the Democrats who vote against this bill will look with confidence for vindication from their countrymen and for the approbation of their party.

[Here the hammer fell.]

Mr. MORRISON. I will yield ten minutes of my time to the gentleman from Maryland [Mr. FINDLAY.]

Mr. FINDLAY. Mr. Chairman, it is a familiar experience in boat-racing to take a man's water, but as this is in the open course of competition it passes without comment or objection. Here in the House we reverse the process, and take a man's wind with his permission and use it against him.

I would much rather have spoken in my own time than to be under seeming obligations for courtesy which I am forced to use against the gentleman granting it. It seems an impolite and an ungenerous thing to get ten minutes and then use them in trying to defeat a measure which the gentleman who has yielded the time has so much at heart.

But I am against his bill in principle and details. It is to me like Dr. Johnson's mutton, ill-fed, ill-cooked, and ill-dressed. Whether it shall be ill-killed or not depends upon the vote we are about to take. It is entitled "A bill to reduce import duties and war-tariff taxes." Was it not enough—would not the title of the bill have discharged any proper function belonging to it if it had stopped with the reduction of duties? Why "war-tariff taxes?" Is this an appeal to the anti-war sentiment? Is this the reverse side of the bloody shirt? Is it your design to stir up enmity against the tariff not only upon principles of free trade, but by appealing to the memories of the war in that quarter where they are coupled with a sense of oppression and defeat? Let your bill stand upon its true basis; let it fly its true colors.

You denounce the gentleman from Connecticut, who was carrying the banner of Democracy before the most of you were born, because he instituted an argumentative comparison between the Constitution of the United States and the Confederate States. You said that it was not fair to appeal to prejudice in a discussion of this kind. I did not understand him as appealing to it. But your bill in its very title is an appeal to prejudice from another quarter. It is as much as to say, "Men of the South, here is an opportunity; abolish this war tax; get rid of this relic of conquest and subjugation; get back to that tariff which took effect just previous to the actual outbreak of hostilities." Whether this was the motive or not, the South, with some few notable exceptions, has to a man seconded every attempt from the organization of this House to the present time to wage war upon the tariff, and is now almost a unit in favor of this bill.

I am against the title of the bill. It is a bill to get rid of war taxes, and at the same time proclaims a principle of eternal war against American mechanics and manufacturers. It smites with more than the indiscriminate fury of Herod, for it not only slaughters the innocents of 2 years and under, but it lays its murdering hand upon all industries, young or old, alike.

Sir, the first petition considered by the First Congress under the Constitution of the United States came up from the city of Baltimore, from mechanics and tradesmen, seven hundred strong, in favor of protection of American industry. The workingmen of that day at least believed that a judicious tariff was what it was afterward declared to be by General Jackson when he took the Southern heresy by the throat, a wise measure for the fostering of home industry.

That petition was in strict consonance with the growth and development of those institutional ideas of which the Constitution was the embodied expression. The first petition brought before the confederate congress on this subject, if any such there was, must, in the nature of things, have been the direct opposite. It must have recited in accordance with section 8 of the constitution of that government that a tariff for the protection of any branch of industry was an economic error, a philosophical fallacy, and an enormous commercial blunder.

There is a reason and a deep one for this. The United States Government was formed in part for the creation, extension, and promotion of manufactures. The Confederate States Government was formed for the purpose of stimulating and encouraging agriculture. Its labor was slave, and no other form of development was possible. For this they went to war—not for slavery, but for free trade. The thinkers, the great men of the South, the seers of the people, reveled in the vision of a commercial alliance with England, of which the basis was to be unlimited cotton and cheap manufactures. That is the vision of the free-traders of to-day. It is not 20 per cent. off to-day, 10 per cent. to-morrow; it is not merely to get rid of war taxes, but war-tariff taxes; which means, if I understand it, the tariff itself.

There is no use trying to disguise or dodge the issue. It is protection on the one hand and free trade on the other. Every sentiment which has been applauded on this side of the House is a free-trade sentiment. The more extreme, the louder the applause. "Down with the walls and out to the seas!" cries an enthusiastic disciple of this doctrine which is to give a new force to a national pace already tremendous. "Do not be content with the coping or a layer or two of stone underneath. Away with a horizontal cut; down with the wall, the whole wall, foundation and all!" cries that impetuous son of Ohio, and thunders of applause roll out the sentiment to the country. It is not reduction of duties that you are after. The title to your bill is a sham; it is free trade and internal taxation.

There have been times, Mr. Chairman, since I became a member of this body when I was inclined to think that the record of its proceedings as published was a mistake, on account of the opportunity it offered for printing the views of gentlemen—the only genuine raw material that I know of—at the public expense, and thereby promoting that active elocution which has been wittily described as the natural state of the average American. I have seen cause, however, to revise this judgment, and now regard the RECORD as a friendly conductor to take the sting, as it were, out of the tail of the storm, and thus emasculated to permit it to rumble and lighten overhead in intermittent thunder and harmless heat lightning.

Why, sir, imagine all this spontaneous eloquence in manuscript, all this indignant passion on paper, all this fresh sympathy for the suffering masses, gushing from the perennial fountain of Maynard's ink, and no outlet for it. Who could picture the consequences of such enforced congestion? Who could measure the loss of a generous constituency or a humbugged public? Let us have the RECORD by all means. It is nature's safety-valve, a crater for pent-up volcanoes, a national boil or ulcer, by which when the flow is freest we may gather, upon the soundest principles of pathology, that there is something wrong in the system. *Ubi fluxus, ibi irritatio.*

The bill before the committee, Mr. Chairman, is entitled "A bill to reduce import duties and war-tariff taxes." I voted against its consideration, and it is my present purpose to present in as brief and compact form as possible the reasons of a public character which induced me to give that vote. I had other reasons of another character which it would be improper on this occasion to bring into the discussion.

I have always regarded the tariff as the debatable ground of political economists and not of politicians. The deep questions which lie imbedded far beneath the surface of this subject are to be brought to the light by some prospecting apparatus of long reach and persistence like the diamond-drill. The ordinary Congressional probe will not answer. I do not believe that it is a local question or that it should be remitted to each Congressional district for settlement, as at least one Democratic platform declared, but I believe that the question is national in its scope, and as such should be determined by this House upon consideration as purely non-partisan as a shipping bill, a bankrupt bill, or a bill regulating interstate commerce.

Approaching its consideration from this standpoint, the first observation I have to make is that certainty is the essential and fundamental idea of all law. No man has any difficulty in conforming to the requirements of the physical world, because they are certain and uniform in their operation. He may violate them if he sees fit to take the consequences; but he knows with absolute certainty that those conse-

quences will follow, and that there is no possible escape. The sun has risen in his appointed place without the deviation of a millionth of an inch; the seasons have succeeded each other in regular order, and the whole economy of nature has been conducted from the beginning, like the ongoings of the Almighty Himself, without "variableness or shadow of turning."

The laws which we make for ourselves, however, necessarily partake of human infirmity, and will be more or less distinguished by fickleness or caprice, as that infirmity is excessively or moderately developed. The moral economy, too, is continually changing, while the physical remains comparatively stationary, and this constant fluctuation requires corresponding changes in the laws. It is impossible, therefore, that any law of human devising should attain to that degree of certainty and stability which distinguishes the operation of natural law, and very wisely too, since if it were not so bad and foolish legislation might be difficult of modification or repeal. But while this is true, it is also true that uncertainty in the laws as well as in everything else is the mother of confusion and disorder. This is specially true of any law which affects the people in their business, commercial and industrial, relations with other nations and among themselves.

There are about eleven hundred items entering into the daily use and consumption of the people which are made the subjects of tariff changes. The most of these items represent articles of manufacture or growth which are made or produced at home, passing through a process of distribution more or less complex before they reach the consumer, and most, if not all, coming into competition with similar articles made or produced in other countries. The tariff is thus directly connected with the importers, the manufacturers, the laboring classes, the transportation agencies, the middle-men, and the consumers of the country, and in fact there is no law upon our statute-book that affects so many and so vast interests and with which it is so difficult and dangerous to meddle.

Such being the general necessity for stability in legislation, and such the special necessity for it in the case of the tariff, I was unwilling to disturb a status scarce ten months old. It seemed to me that one of all the infant industries which stood most in need of protection, and I was not willing to change the legislative bases of industry and commerce as I change my clothes, with the recurrence of the season. I do not believe that any law which concerns so many interests ought to be changed except upon the gravest considerations, and when change is resolved upon it ought to be carried out in pursuance of a system, conceived and executed upon the basis of large and permanent results.

This brings me to my second objection to this bill. Its distinguishing feature is what is known as the horizontal cut, by which the excrescences of a system confessedly overgrown and abnormal as well as the healthy parts are to be lopped off by a uniform rule of excision, applicable to all alike. This has been fixed at 20 per cent., not because that sum bears any relation to the reduction which any particular item in the schedules can stand, but because the net result of the reduction in the aggregate, as estimated, calculated upon this rate per cent., will amount to about such a sum as may be safely abated from our redundant revenue. In other words, this revenue can be safely reduced, say, thirty to thirty-five millions; and treating the problem simply as an arithmetical one, the majority of the Committee on Ways and Means find that 20 per cent. off will give the required result. They have coolly marked down the whole list at a certain rate per cent., and have made the laborious and remarkable discovery that this per cent. reduction will diminish the totality of revenue to a certain figure. Perhaps I should be nearer the truth if I said that they arrived at this result not by a process of their own, but by a deduction accomplished by an expert in the Treasury Department.

The work of the majority of this committee was simply to resolve that they would take off 20 per cent., with a limitation that the rate should not fall below the basis established by the Morrill tariff, and then the expert came in and showed by comparative tables what in detail upon each article or group and what the aggregate in general of such reduction would amount to.

But, sir, a bill is to be denounced not simply because it is upon its face a lazy bill. Sir Isaac Newton was not very busily engaged when, according to tradition, the apple fell, which, unlike that other apple that brought chaos and confusion into the world, started the imagination of the philosopher into a conception of the universal law of order. The fact is, if tradition is to be believed, this profound mathematician was flat of his back, enjoying perhaps his after-dinner repose beneath the shade of the tree, when he received that shock which, like that fired at Lexington, was heard round the world.

The genius of intuition is not confined to physics. It is not to the philosophers alone that such brilliant strokes occur. The statesman, too, has his rapt moments of high intellectual frenzy when he feels the future in the instant and sweeps from the zenith to the nadir. So Beaconsfield was stirred by the impulse of immortality when he forged the Egyptian link in the British chain of commercial supremacy. So Bismarck's lofty soul caught the first dawnings of the Germanic Empire. And who shall say that we lag in the rear of these comprehensive intuitions, when we can point to a Democratic Committee of Ways and Means rectifying the inequalities, iniquities, contradictions, and absurdities of the present tariff by a single stroke of the pen, on the principles of free trade, moderated and chastened by the Republican standard of protection in 1861?

Who shall say that we do not with a single leap go far beyond those degenerate prophets of England and Germany when we accomplish all this by the simple contrivance of trimming all the trees in this orchard the same length without regard to whether they are big or little, young or old, or whether they require or can stand any trimming at all? I use a figure which implies that the reforming hand is applied to encourage and stimulate, and not to check and dwarf, this growth. The pruning-knife is put in here, not to kill the trees, but to develop them into more vigorous shoots, yielding a larger and more generous fruitage. Is not the horizontal process a somewhat singular one to accomplish this result? If encouragement is really what is meant, is it not patent to the dullest observation that the depleting process which may add new life and vigor to one will kill another?

But, sir, this is not what is meant. The avowed object is not encouragement but obstruction. The charge is that these sources of revenue are drains upon the prosperity of the people, and that this bill of pains and penalties is only a step in the right direction. That means, if it mean anything, that a tariff is not the proper mode of raising the national revenue; that the true principle regulating the commercial relations of the modern world is the freest interchange of commodities, and that any burden or restriction upon this intercourse by the levy of the impost duty is a mistake, and a barbarous relic of a crude and exploded system of taxation.

This bill, which is the "step," and the "right direction" which is to follow, if it means anything, means that the internal revenue is to succeed the external as the fixed, steady, and permanent source of supply for the Federal Government. This is denied, I know, by those who choose to call themselves revenue reformers, as distinguished from free-traders, but every one at all familiar with the history of political changes knows that the moderate men of a party are invariably dragged up to the plane occupied by its more extreme members. Revenue reform, if by that is meant mere reduction in the revenue, is a meaningless cry. That can be accomplished by reducing the internal as well as the external revenue.

The free-trade clubs, the doctrinaires and hobby riders, the men of enthusiasm and convictions, the radicals, in a word, in the party only look upon this bill as a short step in the direction of the true goal, which with them is free trade. There are men to-day protesting that they are not free-traders who in a very few years will be compelled to atone for their early shortcomings by a more daring advocacy of the cause than even its leaders will now attempt.

Consider for a moment the principle, if principle there be, underlying this bill. Opinion upon the tariff seems to shade off into three distinct and well-defined classifications. There are those who believe in protection for protection's sake; there are those who believe in such protection as may be incident to the raising of revenue by such a discrimination in the levying of the impost duty as will encourage domestic manufactures; and there are those who believe in a tariff for revenue only, to be established without regard to protective discrimination.

In what class do the supporters of this bill fall? Apparently in neither. They deny the right to protect for protection's sake. They affirm the same policy when they lop off protective duties at the same rate through the whole list of dutiable articles, and yet they can not be classed with the "revenue only" disciples, because by a singular contradiction their project rests upon the high protective tariff of 1861. The result of this curious jumble puts them in favor of substantial protection and yet against it, in favor of incidental protection and yet against it, in favor of a tariff for revenue only and yet in favor of the Morrill tariff, which had protection in its eye quite as much as revenue.

This I say is their apparent position, but when we come to examine it a little more closely we find that it is not their actual one, but that underlying these apparent inconsistencies there is a specific, definite purpose that gives method to their madness. This bill takes off 20 per cent.; but, like faith, it is declared to be the substance of things hoped for and the evidence of things not seen. It is to be followed up at the next session—I will not say the next Congress, for that is a materialization of faith I would not be bold enough to attempt—with still other and further reductions upon the horizontal plan, which of itself is an irrecognition of the principle of protection, and which, then as now, will be a necessary sop to be thrown to the free-trade Cerberus. Where is this course to end? It must end in the complete abolition of the tariff, except possibly upon such articles as are not produced in this country.

Even England, which in these modern days has become the great exemplar and model for American statesmanship, raises, I believe, in the neighborhood of a hundred millions by her tariff; so that as long as we are under the influence of this example her admirers here would not declare for absolute free trade. But the protective feature of the tariff would be gone, and it is against that feature that the free-trader makes open war, and against which the revenue reformer will be forced by sheer party momentum to declare equally pronounced hostility or drop out of the ranks. There is a difference in degree merely between absolute and incidental protection, and the men who oppose the one must logically in time oppose the other.

We have reached a period, therefore, in the history of this Government when we are forced to elect between the two great systems of taxation, the external and the internal, for revenue we must have from some quarter, and quite a handsome sum, too, for some time to come.

The latest calculations made at the Treasury Department show that for this present quarter the probable expenditure will be $62,000,000, and this added to what we have already expended for the three previous quarters of the present fiscal year gives a grand total of $242,000,000, to which is to be added also the reserves for the sinking fund, amounting to $45,000,000 more; in all, $287,000,000. Of this sum the tariff yields about $200,000,000 and the internal revenue about $120,000,000; a total, say, of $320,000,000. There are $24,000,000 from miscellaneous sources. Allowing a margin for other appropriations and expenditures, there is about $50,000,000 more going into the Treasury than is absolutely required, unless the excess should be applied to the immediate extinction of the debt, the greater portion of which is not due for a long time to come, which, therefore, would have to be bought at a heavy premium, and which, as the base of our banking circulation and for other reasons, ought not to be disturbed.

The estimated reduction by this bill is $30,000,000, but as this is only one step in the right direction, we should expect the next one to give the finishing stroke to tariff reduction by cutting off the remaining $20,000,000 of the $50,000,000 surplus. What does that mean? It means the perpetuation of the whisky, tobacco, and fermented-liquor tax, with all the galling and oppressive machinery devised for its collection. It means a permanent departure from that method of raising the Federal revenue which has existed without change, except in the exigencies of war, from the foundation of the Government. It means the permanent occupation by the United States of the field of direct taxation, which has hitherto been exclusively enjoyed by the States. It means, in a word, the perpetuation of a system which has done more already to consolidate the central power and extend its overshadowing influence over the States than all other causes combined. Do not let us make a mistake.

That which distinguishes the genuine statesman from his counterfeit presentment is the faculty of seeing the end from the beginning. The end of the movement in which this bill originated is free trade and internal taxation as the fixed policy of this Government. Are you prepared for it? It is said that free trade, or even the conventional free trade such as exists in England, is impossible. Why? The same paragraph in the Constitution which gives the power to levy the import duty provides also for the excise. The one tax is just as constitutional as the other. There is, therefore, no constitutional obstruction in the path of this new departure. What can create the impossibility, then, if the tariff is founded in an economical fallacy, and if the internal method of taxation be the true one? I can see none. You men of the South who followed the banner of State rights until it went down in mire and blood; you who in the evil days of reconstruction felt the heavy hand of the Government not only in the exercise of public control but in the privacy of your very hearthstones, are you to be the first in giving fresh force and direction to that power by introducing the Federal tax-gatherer into new and unfamiliar fields.

Our taxes will be this year in Baltimore about $1.80 on the $100. Suppose we add to this our proportion of the Federal tax under the benign system of free trade and direct taxation and make it, say, $3 on the $100. I am afraid the people would say at once that they could not appreciate the utility of two governments instead of one, that the idle pageant of State sovereignty scarcely paid for the expense, and the sooner it was abolished the better. The General Government represents the people in its external relations and the States in their internal affairs. And there is a natural propriety and an obvious wisdom in confining the taxable areas of each within its own proper jurisdiction. Direct taxation means destruction of the States.

The General Government is now raising about $200,000,000 by the indirect system of taxation. There are over $300,000,000 raised in the States by direct taxation for State, county, and municipal purposes. Do you wish the General Government to abandon its own customary field of taxation and enter that which has been exclusively enjoyed by the States? Are you prepared, in other words, to have $500,000,000 instead of $300,000,000 taken directly from the pockets of the people? States stand or fall as the taxing power is wisely or unwisely used, and nothing has tended more strongly to preserve our own form of government than this separation and appropriation of different sources of revenue to the States and the United States respectively.

I will say nothing of the whisky tax. This House has passed a resolution declaratory of its sense that this tax shall neither be abolished nor reduced. There is a very prevalent opinion, particularly among the advocates of prohibition, that the collection of this tax tends to diminish the consumption of whisky, but as far as I can observe consumption goes on without any perceptible change, except where prohibitory measures have been enforced. I look upon the tax as an obstacle in the way of prohibition.

But that is neither here nor there. Let the whisky tax stand. But you men of Virginia, North Carolina, Missouri, ay, and of Kentucky, what have you to say about the tobacco tax? Do your people like it? Do they relish the infernal system of law and regulation, which puzzles even a lawyer to understand, by which the tax is laid and collected? I will say nothing of its being a tax upon the products of the soil. So on corn and barley. Let that pass. But I speak of a system which permits a man to be dragged hundreds of miles away from his home and, in a distant Federal court, fined and imprisoned for selling a bunch or two of leaf-tobacco to a neighbor.

I speak of a system which, under my own eye, permitted the solemn judgment of the district court of the United States for the district of Maryland, in the good city of Baltimore, to be trampled under foot by an executive ukase issued here at Washington. I am not dreaming and speculating now about economic theories and their conjectural results. I am speaking of facts, facts which fell under my own observation and of which I was a part. I can not speak of them even now, after a cooling time of nearly six years, without emotions of the bitterest and intensest indignation. I swore an oath of vengeance, nay, of perfect fealty to truth and justice, that I would never let the matter rest, and I am here to keep the vow.

The Commissioner of Internal Revenue issued an order to take effect on the 1st of May, 1878, that manufacturers of cigars, when they occupied a single room, should separate the portion used as a factory from the sales-room by a substantial partition extending from the floor to the ceiling. To the manufacturer of limited capital who had but a single room within which to manufacture and sell this was a hurtful and an annoying regulation. It cramped him for room and cut him off entirely from the light which came in from the front. The association of manufacturers in Baltimore asked my opinion as to the validity of this regulation, and I advised them that it was not warranted by anything I could find in the Revised Statutes, and was, therefore, illegal. We made a test-case with the consent of the local authorities representing the Government, the manufacturers in the mean time putting up the partitions as required by the Commissioner.

The case came on to be tried, and after full argument and deliberate consideration of the learned judge of the district court of the United States judgment was rendered in favor of the manufacturers, and an opinion expressed by the court that the order of the Commissioner was not only illegal but absurd. The learned judge in delivering that opinion said that he could not understand how the wildest imagination could conceive of any other construction than that which I had placed upon the law, and more than sustained the opinion which I had given to the manufacturers.

After this decision by the court in this test-case the partitions were taken down. What happened? The Commissioner was not satisfied, and asked the opinion of the Attorney-General. That official held that the partition was lawful, and ordered the Commissioner to act accordingly. Then he did that which cut me to the bone. He ordered the partitions back again under pain of immediate seizure and confiscation. Again these law-abiding citizens, dazed and bewildered by this conduct of the Government, applied to me for advice, and I advised them that the judgment of the court must stand until reversed, and that the opinion of the Attorney-General could not affect their rights. But it did nevertheless. The Commissioner gave instructions to seize the stock of every man who refused to put up a partition, and these instructions were rigidly enforced, resulting in the seizure of 55,000 cigars.

So here under this cursed system, which the supporters of this bill would fasten upon the country forever, these innocent, law-abiding men, who had first taken down their partitions, in obedience to the judgment of a court of the United States, had their property seized because they refused to put them up again in compliance with executive orders pronounced by that judgment to be illegal. I say, down with the system. I know that there has been so much clamor about the tariff, in a certain quarter, hereditary and acquired, that gentlemen are compelled to share the fate of those who by sowing the wind must reap the whirlwind.

But it is not yet too late to make a new issue or to escape from the fatal embrace of an old one. Go home to your constituents, tell them since you left that the narrow lines of local interest have widened and expanded into the all-encasing, all-embracing horizon of people and country. Tell them that from this elevated plateau upon which the Capitol rests you have caught a larger view of national greatness. Picture to them that solidarity of interest, that interdependence and nice correlation of parts which has built up in less than a century the most stupendous fabric of human development the world has yet seen. Tell them that agriculture is nothing, that commerce is nothing, that manufactures are nothing, standing alone in frigid and sterile virginity, but in the happy union of reciprocal interchanges are the blessed mother of all that enriches, ennobles, and dignifies a people. If they will not listen to you, if they can hear nothing but the rattle of trace-chains or feel nothing but the compress of cotton-ties, if nothing rouses them but the trumpet-blast of per centum and cost, then teach them the cost of that system which has oppressed their persons, confiscated their property, and debauched and demoralized their politics.

Nay, more, sir. This internal-revenue system not only affects the local politics of the South and crops out even in contested-election cases in this House, but extends its baneful influence to national politics, and at this moment is exerting all its power to name a Presidential candi-

date in a dozen States where he will not receive a single electoral vote. It can not be possible, if the South realized that now was her chance and her only chance to get rid of this pest, that she would not eagerly embrace the opportunity. I call upon her here in the presence of the country to witness that if this bill passes she will not only carry the burden she now bears, but in time it will be as a man's little finger to his loins.

The vote of the South to-day, yes, sir, before the sun goes down, can break the fetters of a chain as galling as ever fretted or annoyed a free people; but if the opportunity is missed which an imperative demand for reduction in revenue now presents, she will not find it in this generation or the next. But, oh, I forget—the moonshiners are to have relief! There is a tub for you of the South. Spirits distilled from fruits are to pay 10 cents a gallon—a nominal duty, or perhaps none at all. Ah! indeed.

It is not in horizontal cuts alone that modern statesmanship realizes its most perfect intuitions. Think of the brilliancy of that conception which proposes to exercise the taxing power upon the principle of select discrimination, under a rule requiring absolute uniformity, which says to the distiller of grain, "You shall pay 90 cents a gallon," and to the distiller of peaches or grapes, "You shall pay 10 cents," and holds this promise out as a bid for votes.

Was it not the great Kepler who exclaimed when he made his splendid discovery:

I will triumph; I have stolen the golden secret of the Egyptians; nothing shall restrain my sacred fury.

Perhaps that much-abused and sometimes forgotten instrument the Constitution of the United States may put a quietus upon the triumph of this discovery. I take it that a tax upon spirits, however produced, must be uniform; that as the tax is necessarily imposed upon the proof and not the wine gallon, the law must define what a proof gallon is; and that whenever it is ascertained that there is the requisite volume of alcoholic liquor to make a proof gallon of spirits, then the same rate of tax must be applied, it matters not what the material from which the spirits have been produced. And if authority is wanted to show the necessity of uniformity in levying the excise, I think it can be found in the case of the United States *vs.* Singer (15 Wallace). You may rely upon it that there is more moonshine in this proposition than substance.

Mr. Chairman, the tax on tobacco and fermented liquors and the special taxes connected with them, according to data furnished by the Treasury Department upon actual and estimated receipts for the present fiscal year, will amount to about $42,000,000. The country demands a reduction of revenue, so we all say. Why not begin the reduction here. It will be absolute; it will be in accordance with the settled policy of this Government, and it will at the same time rid us of an obnoxious and pernicious system of taxation. It will not only accomplish all this, but it will remove a tax from articles which enter into the daily use and consumption of the laboring masses. I believe that there is a large class of our population that would sooner go without sugar and coffee than beer and tobacco. I believe that the removal of the tax on them and its retention on distilled spirits would produce temperance, as experience has shown that the lighter stimulants, when brought into general use, are sufficient to allay that thirst for excitement over and above the normal which seems natural to man.

TAX ON CIGARS, DOMESTIC AND IMPORTED.

The tax on manufactured tobacco, cigars, &c., under the intricate system of law and regulation by which it is collected is not only a burden upon the consumer and the producer, but an annoying restriction as well upon all the labor employed in this very general and useful industry. But the Morrison bill, among its other eccentricities, proposes to reduce the tax on imported tobacco and cigars the regulation 20 per cent., at a time, too, when the domestic grower is confronted with a serious enemy in Sumatra leaf, under a classification in the present tariff which nobody seems to understand but the Attorney-General.

Why liquors should not have been scaled in the same bill with tobacco is one of the mysteries of this bill. Champagnes, other wines, &c., pay at the existing rate, but the fragrant Havana, consumed only by the rich, gets off with a 20 per cent. reduction, while the home-grown and home-made article, consumed to a large extent by those who earn their daily bread by manual labor, is still taxed at present rates. I will vote for no bill which makes such a discrimination against an article of domestic growth and of such universal consumption. Silk, too, is recognized as an infant in its swaddling-clothes, and the strong arm of the tariff is thrown around its cradle; but tobacco, one of the principal agricultural products of the country, and in its manufactured state the solace of millions, is stripped of a large portion of its defensive armor and left naked to its enemies. I will vote for no bill that maintains the duty on silk and scales the rate on imported tobacco.

The mining and transportation of bituminous coal is one of the great industries in my State; millions of capital and thousands of men are employed in its production and distribution. It is used almost universally, with nominal exceptions that do not count in the aggregate, for the manufacture of gas and for fuel for steamships. It is stated upon the best authority that not 10,000 tons of this coal are consumed for domestic purposes on the seaboard. The cry of cheap fuel for the poor is the cry of the demagogue or of the enthusiast who overruns the facts. Anthracite is the fuel of the masses, and nature herself has protected anthracite.

Under the present tariff the duty of 75 cents a ton scarcely gives our product a living chance in the market. But this Morrison bill does not even show it the cold favor of a partial reduction, but wipes out the duty altogether. Coal is put on the free-list as one of the raw materials. Why, pray? It may be raw in the sense that it is not cooked. You can not eat it, and it would be rather difficult of digestion if you did; but raw in the economic sense it is not, and can not be in the nature of things. Raw it may be in the mine, but it can not be brought to the point of use without coming in contact with labor at every step. And labor, too, diversified all along the scale, from the mere work of the hands, with pick and shovel, up to the skill which constructs and operates the most powerful engine of transportation which the genius of man has devised.

How it has been most cunningly formed by the hand of the Almighty in long processes, which would tire out any other artificer who had less time than eternity to work in, I do not speak. But when it has been dug up, when these black diamonds have been extracted from their sunless treasure-house and made to sparkle upon the myriad fingers of art, when you come to think of the many agencies connected with its transportation and distribution as well as production, you might as well say that the car in which it is carried or the locomotive by which it is drawn is not a manufacture.

All this talk about raw material is founded in a singular fallacy. There is no such thing in existence except when it is beyond the power of man to use or control. Timber standing upon some of those unforfeited lands in Oregon, remote and inaccessible to market, may be called raw material. The uses it has for man are prospective and fall within the claim of his proprietorship only under the terms of the original grant which gave him dominion over the earth and all things in it. Every now and then in these vast timber tracts a cyclone bows the head of the mighty, and there is a fall and a crash like the overthrow of a Cæsar or a Czar.

Three thousand miles farther east this neglected windfall, which can only decay and rot where it lies, would have been by the genius and art of man transplanted to a new element and made to bloom and blossom, like Aaron's rod, with strange and unaccustomed flowers. In Oregon it is raw material, whether it lifts up its venerable head to the heavens in the full pride of primal growth or lies prone upon the earth a dismantled wreck, but in the ship-yards of Maine and Maryland it is a part of subdued nature appropriated to art, a remote and potential vassal on the outposts of ideal empire, reduced into immediate and effective homage.

The fact is, besides Congressional speeches before alluded to, I know nothing which falls within the definition of raw material except certain natural products which in some few favored spots of earth spring up in spontaneous abundance as a reminder perhaps of the orignal paradise.

I have before me the picture of a native, before the daring of Columbus had disturbed the tranquillity of his indolent repose, reaching out a languid hand to pluck the banana that dangled in tempting lusciousness before his eyes, while he dexterously dodges the cocoa-nut which some malignant monkey, mad to see a man so happy, throws at his head.

Nature, stinting in nothing, has so tempered the wind to this shorn lamb of the tropics that he needs no clothes, and so he follows the shadow of his cocoa-nut tree all day long in naked bliss, cramming himself with the raw material which every bush supplies and washing it down with the sweet milk of the fruit, over which he and the monkey exercise a divided and disputed dominion.

This is the Eden of the materialist, the raw materialist; but outside of this paradise I know of no country or clime where there is such a thing as raw material which in its production, transportation, and distribution does not require labor, and in some cases labor of as high order as any finished article usually styled a manufacture.

Take wool, where the most desperate attempt is made to pull it over our eyes in the effort to show that the public is in some mysterious way being fleeced. It is true that man has nothing to do with its creation. The combined genius of the civilized world could not make a sheep, although it produces a plentiful crop of lambs every now and then, particularly in Wall street. His mysterious evolution out of the dark into the light, like that of man himself, is the act of a higher power. While this is so, it is also true that without the care of man sheep contending with their natural foes would carry on such a doubtful conflict that it is probable the species would soon cease to exist. It is the most tender and timid of all the animals, and its proverbial gentleness has supplied those beautiful figures of speech which our Saviour uses when he sinks the God in the effort to claim a closer affinity with man. It requires constant watching, careful tending, and frequent nursing ere the bleating lamb, that comes with the violets and robins, grows into the full-fleeced buck ready for the shears. Wool is no more raw material than a blanket.

But my more immediate concern is with coal. I will vote for no bill that puts coal on the free-list and keeps up the bar of protection in favor of other articles not one bit more meritorious. If you want free trade, say so; be honest about it; but do not come in here with a measure that is neither sea nor good dry land and ask my support.

Right here I beg to call the attention of the House to another anomaly of this hybrid bill, compounded in equal proportions of Democratic free trade and Republican protection.

There are no tin-plates, I believe, made in this country. That was one of the infant industries that fell still-born. Perhaps there is no article in the whole tariff schedules in which the people of Maryland have a deeper interest than in cheap tin-plates.

One of the principal articles of export from the city of Baltimore is canned goods, for which that city enjoys a world-wide reputation. It is one of the few things on which the United States still maintains a decent position in foreign trade, about which so much is said and which this bill is to do so much in restoring to its former prestige. And yet the same bill which proposed to kill one great Maryland industry by putting coal on the free-list refuses to do anything to aid another in a case where confessedly the doctrine of protection has no application.

I will vote for no bill which admits competing coal free of duty for the benefit of the manufacturing interests alone and yet taxes at a heavy rate tin-plates, which are non-competing. I will vote for no unequal discriminating bill which while it blesses other sections of the country blasts my own by two opposite and contradictory courses, freeing one article and taxing another.

There is another, among a dozen objections, I have to the bill. It is wrong in principle and all its details. Take cotton-ties. I express the opinion with considerable confidence that the South will not get the benefit of the reduction on these articles made by this bill. I can not here assign the reasons for this opinion, but with the leave of the House I will print with these remarks a statement showing the inaccuracy of the bill in this and many other matters. It is a house of cards built upon a quicksand; it has no certain base; it is a contradictory mixture of free trade and protection, with discriminations against both, and an impenetrable jungle of ad valorem rates, specific, compound, and complex duties.

It reminds me of a picture you may see in any of our drug stores. Free trade is sitting in the person of a naked little boy and a dog by his side, both of them squatting on a rail and looking wistfully out to to the sea, where, under full sail, dipping with the waves, rides a ship carrying the old flag, which, under the benignant influence of this new economy, is to chase its dancing shadow over forgotten seas. Such is the picture, sir, at a distance; but on closer inspection the delusion is dispelled, and on the bare back of the boy you discover a protection plaster, and around the neck of the dog a protection collar; and, saddest of all, regenerated, rejuvenated, disenthralled commerce, upon the broadest and the whitest of her expanded wings, bears the same disastrous sign and symbol. Poor free trade, writhing in the throes of alternate constriction and depletion, how shall she survive the ordeal of Allcock's porous plaster and Brandreth's pills?

Mr. Chairman, I have said nothing of the economic questions underlying this discussion. I am not a free-trader. Abstractly it may be right, and possibly the distinguished gentleman from Ohio [Mr. HURD] may live to vote for it when he ceases to be a Representative of that great State of the Union and takes a higher seat in the parliament of man as a representative of the federation of the world.

But this country is not ready for free trade and will not be until there is an equilibrium of the labor forces created between the United States and Europe. All the argument that can be made from now until doomsday will not alter the fact that labor is cheaper over there than it is here, and that as long as that continues foreign will undersell domestic manufactures. When this country fills up by natural increase and immigration, and European ratios of population to the square mile are established here, we shall also, who live to see it, witness a nearer equalization of the rates of labor, and then the race of competition may be fairly begun.

There is a higher law, sir, than tariffs or the law of free trade, and that is the law of supply and demand. The world with the aid of improved machinery can produce more than is required, and just now, after a run of unexampled prosperity, we have reached a period when the market is suffering the consequence of overproduction. This is true the world over. England is suffering as much from it as the United States. Her warehouses are bursting with the products of the loom and the forge. Suppose you abolish the tariff to-day; the only consequence would be that England would work off her surplus and the American manufacturer would be ruined. How would that give us trade to South America? If there was any trade to be had in that quarter what hinders England with her cheaper labor from supplying the demand? There is none.

Machinery has done its work, and the world has more than it can consume. Twelve thousand men out of work on the Clyde, reduction of wages among the iron workers in the north of England, strikes in the middle, that is the story that Great Britain tells to-day. If we tell the same story here, under different economic conditions, then be assured that the cause lies deeper than the tariff. I do not pretend to that philosophic insight which can penetrate to the core of the mystery. Still less do I pretend to be able to prescribe with infallible certainty a remedy for the evils. But I believe if you can invent someway of checking the combined genius and greed of man you will get nearer to the root of the disease than by following the quack prescription offered by this bill.

John Stuart Mill has said somewhere that it was melancholy to reflect that all the improved machinery which man had brought to his aid had not lightened or diminished the hours of labor by a single minute. It is indeed a mournful and humiliating reflection that the genius which has been able to capture and domesticate all the wild forces of nature and impress them into the service of man has not been able to make of man himself anything more than a beast of burden. The saddest part of it all is that when the world is full to overflowing; when granaries and elevators are bursting with plenty; when warehouses are overstocked with the materials for raiment, there are so many who go without sufficient food or shelter, or even decent clothes to their backs. If there is any man in this world for whom I feel the profoundest sympathy it is he who is able and willing to work and who can find no man to hire him. It is the same old sad and sickening story which has come down to us from the parable of the vineyard, and which, doubtless, had made itself felt long before the Son of Man entered upon His course of suffering and sorrow.

Is there no mode by which we can lift labor out of the ruts in which it has wearily revolved for so many ages and place it upon the high road that leads to comfort, independence, and self-respect? Can not we by constitutional amendment, if in no other way, provide some means by which the hours of labor shall be reduced, and stop the clang of this infernal machinery that goes on grinding forever and forever what the world can not consume, and ruins labor by the excess of its own production? There is the true field for the display of American statesmanship.

Sir, I listened to the eloquent speech of the gentleman from Ohio with that pleasure and exhilaration that lofty sentiments clothed in fitting diction always inspire. If I did not follow him in the connection he sought to establish between the tariff and the wheat-fields of India, it was not because the way was not made smooth or the journey easy by the soft blandishments of a pleasing rhetoric, but because with even all this help I was too feeble in thought or imagination to bridge the tremendous chasm. I do not believe that business concerns itself with either magnanimity or revenge.

I do not believe that the tariff forces tribute from our wheat by this roundabout process any more than the farmer of Ohio will pay tribute to the King of Siam when he goes to see Barnum's white elephant. I know there is a connection between cats and clover, for Darwin pointed that out long ago by a process that my scientific friend from Massachusetts [Mr. LYMAN] will readily recall. Quite singularly it turned out the other day in a case tried in Baltimore, and in a manner that will baffle even his philosophic mind, that there was a close relation between mint-juleps and baked potatoes.

It is a matter of history how intimate the connection was between chops and tomato-sauce, and the responsive affections of Mrs. Bardell for the innocent and unsophisticated Mr. Pickwick. I shall not, and therefore, endeavor to show that if India can sell wheat in Liverpool at 80 cents to the bushel, so far from our tariff, which levies a duty of 20 cents a bushel on grain, being an enemy to the farmer, the day is not far distant when the farmers of Ohio will beg for an increase of the rate to save them from the pauper labor of India.

But, sir, I have wandered a little from the point. I was discussing the labor aspect of this question. I understood the gentleman from Ohio to say that it was useless to attempt to stay this agitation, because the culture and the chivalry of the country were moving, and that when they come down on anything it was like Mulberry Sellers—heavy.

Sir, I have read history wrong if the culture or the chivalry ever led the van of any great movement that reached or touched the popular heart. Great revolutions, those which agitate society to its profoundest depths, come from below and not from above. Such a revolution swept France with a storm of fire and blood in the days of the first republic; Cromwell led another in England, and it was the great Commoner of Virginia who sounded the tocsin of '76. It was not the culture or the chivalry of Judea that followed Christ, born himself in a manger and of humble parents, but the poor fishermen and the common people who heard him gladly.

If you are listening for the first rumblings of that ground-swell that portends revolution and change, turn away from the culture and chivalry; get your ear down, if you can, close to the popular heart; take a careful account of what is passing there, and reckon by its pulsations the violence of the coming storm. Speak of labor and its emancipation, and you will hear that great heart beat quicker and quicker; tell it that it shall yet hear its matin and vesper in the prattle of children at home and not in the roar of the mill and the forge, and you will find it throb high with exultation. Whisper to it that the dawn of the day is at hand when the divine rule, "Do unto others as you would have others do unto you," is about to take the place of that other rule which has so long governed, but which was only recently formulated by a clerical free-trader, that the law of price is the law of brains, but

whisper gently, lest the great hearts should burst in excess of joy. This is the movement that the gentleman had better turn his attention to, for just as sure as the culture and chivalry are moving in one direction, the labor of this country is moving in another.

One thing more, Mr. Chairman, and I am done. Threats of discipline have been thrown out if we do not accept the dogmas of this new school. We are gravely informed by the gentleman from Ohio that it is our duty, on a great economic question like this, in which, as we understand it, there is involved a complete and radical departure from the old and customary methods of taxation, to be governed by the will of a caucus and accept its dictates with blind submission. I repudiate the suggestion. I defy the threats. Why, the caucus resolution had in it, if I remember, that pitiful subterfuge by which votes were to be captured, not by threats, but by the bribe of free brandy distilled from fruits?

Sir, this is a question that concerns the business interests of this vast country, and when such a question arises I will follow the dictates of my conscience; I will follow in the lead of no party, but I will cast my vote on my oath as a Representative in this national Congress. If the gentleman can afford to repudiate the Democratic platform of his State, if he expects to denounce it as a heresy and trample it under foot, he must permit me to exercise the same liberty of opinion in dealing with the behests of a Congressional caucus. I will not be bound by it, and I trust that every Democrat of this House who had the courage to vote his convictions in December will not have lost it in May. I voted then against the present Speaker of this House, with strong personal predilections in his favor, formed on the very highest opinion of his ability and character.

If nothing else had been at stake but his own illustrious merit I think the chances are more than even that my ballot in that election would have been cast with the majority. As it was I voted for his distinguished opponent, a man who has rendered eminent service to both his country and his party, and who in the crucial hours of the South's struggle won a battle in her defense, of which it may be said that peace hath her victories no less renowned than war. He was opposed to reopening the tariff question which had just been closed, and in favor of giving the country a breathing spell after the long and trying agitation through which it had just passed. He believed in the reduction of revenue, but it was a reduction which could be safely accomplished without shock or disturbance to the business interests of the country, and the amount of which could be stated with absolute certainty. He believed if war taxes were to be gotten rid of, then the place to strike first was at that system, which was the creature of the war, devised purely as a war measure, and not at the customary and permanent source of supply recognized from the beginning of the Government and enacted into law in the second statute passed by the First Congress. He believed that he who serves his country best serves his party best; and recognizing this policy as the best for the country, he saw in it also the certain means of his party's advancement.

Has anything happened since to alter the stern logic of the situation? If we were right then, we are right now. If it was right to attempt to kill the movement for permanent internal taxation while it was yet in the egg, it is right to strangle it now as it struts about this Hall in the full pride of flesh and feather.

A distinguished representative of this new-fangled Kentucky idea has said that we of the Democratic opposition were cowards and sneaks if we did not march to the tune of free trade under the banner of the Morrison bill. I will not adopt the polite language of the gentleman, but I think that any man who flinches now may well dread that his character for consistency and firmness may be justly questioned. The proper, the wise, and conciliatory course for all sides, for Democrats as well as Republicans, is to recommit this bill, with instructions to report a bill framed on the principles declared in the resolutions I offered yesterday.

But if this proposition is voted down, if every offer of compromise is refused, if pressed to the wall and there is no retreat, I should be compelled to break the ties that bind me to this side of the House on a purely economic quuestion—while I should most regretfully part company with so many friends who have won my confidence and esteem, and while I could not and would not cross yonder aisle, I could at least take refuge in a sentiment of nationality under the folds of the old flag, where I sought and found shelter in the early days of my political life, and where its sweetest and tenderest memories still cluster.

APPENDIX.

A PRACTICAL DISCUSSION OF THE CASE.

The first objection to the bill is that it takes the present tariff law, act of March 3, 1883, and proposes to scale all the schedules excepting two by a reduction of 20 per cent., limited, however, to rates of duty as fixed by an act approved March 2, 1861, which, however well calculated for the interests of the country at that date, is only a stumbling-block as applied under this bill—

First. Because it would make the rate of duty in every instance depend on whether 20 per cent. off the present tariff would be less than was collected under act of 1861, and every invoice or part of invoice would have to undergo the test of two acts instead of one in order to fix the rate of duty, and thus render the rates uncertain and fluctuating.

Second. That it would destroy the carefully prepared rates of duty as applied to certain fixed grades and classes of manufactures as imported under act of March 3, 1883.

Third. That it would change ad valorem to specific rates, and *vice versa*, when years of experience have shown the wisdom of one or the other as fixed in act of March 3, 1883.

Fourth. That owing to the different grouping and wordings of the act of March 2, 1861, and act of March 3, 1883, it would confuse rates, revive compound and complex duties, where these have been done away with in the present tariff, and would be destructive of the principles of the decisions of the courts, decisions of the Treasury Department, and Attorney-General; and

Fifth. That it would be destructive of relative values of similar classes of merchandise and detrimental to manufacturing and producing interests of this country in a variety and multitude of ways.

SCHEDULE I.—*Cotton and cotton goods.*

Cotton yarns, warps, &c., are under act of March 3, 1883 (page 4 of table), provided for at specific rates per pound. These under this bill would be subject to duty by the pound, or according to value at 30 per cent. ad valorem, owing to whether the act of 1861 would bar the reduction from present rate or not.

Cotton cloth (page 4 of table), "if dyed, colored, stained, painted, or printed," under the act of March 3, 1883, provided for at a specific duty of 5 cents per square yard, while the bill would have the effect to restore the ad valorem rate of 19 per cent. and 3½ cents per yard under the act of March 1, 1861, thus making compound duties.

SCHEDULE J.—*Hemp, jute, and flax goods.*

On brown and bleached linen, ducks, canvas, and all textile fabrics generally of linen (page 5 of table), on which duty of $5,468,701 was collected in fiscal year ending June 30, 1883, the rate of duty under present tariff is 35 per cent. ad valorem, without regard to square-yard value, while this bill has the effect to revive the square-yard rate as basis of value, thus making the rate complex in its application. So with regard to burlaps (page 6 of table), on which a duty of $1,317,502 was collected for fiscal year 1883. The reduction of duty on burlaps is barred, however, by act of March 2, 1861, owing to former grouping, hence no reduction would follow.

The effect would be if the bill were enacted in its present form to make burlaps dutiable at the same rate as the fine fabrics of hemp, jute, and flax, whereas the present law justly makes a difference of 5 per cent ad valorem in favor of the burlaps; in other words, the fine goods are now dutiable at 35 per cent. and the burlaps at 30 per cent., but this bill would make them both 30 per cent. This would have a tendency to disturb values not only directly but indirectly, for other items in this schedule are barred in their reduction by the rates of act of March 2, 1861.

SCHEDULE K.—*Wool and woolens.*

Owing to the difference in the wording of the act of March 3, 1883, and act of March 2, 1861, and the limitation clause of the bill, it would be impossible to scale the rates in equal proportion. Some of the wools would be scaled at 10 per cent. and others at 20 per cent. in reduction, thus again destroying values and discriminating against certain grades of wool, and without reason or seeming intent, but wholly from trying to merge two acts and one bill into one act at a reduced rate, subject to limitation, hit or miss.

So much has been said regarding the effect of a reduction of duty on wool that it seems unnecessary to more than point to the facts above stated.

SCHEDULE C.—*Metals.*

The rates and groupings under the act of March 2, 1861, here also act as a bar to the equal scaling of rates of duty at 20 per cent., the effect being to leave many items at rates now fixed by act of March 3, 1883, while others are reduced 20 per cent. or less, and all without the least regard to how they may affect either values or the manufacturing interests of this country. The advancement of the arts and sciences and the superior mechanical devices and processes since the enactment of the Morrill tariff in 1861 have worked a marked change in the mode and cost of productions of various forms and character of manufactures of iron and steel in Europe and America, and the basis of protection and revenue as framed in 1861 for this country would not be a safe or correct basis for the present, even if applied intact, and hence an indiscriminate reduction of 20 per cent. of the present rate limited, while it might be well and safe in some things, may also have the effect to destroy interests which it is the part of good legislation to foster. The limitation of the act of 1861 therefore rather aggravates than otherwise the relation of values of various forms of iron and steel.

I may instance "boiler or other plate iron," the rate of duty under present law being 1½ cents per pound, or $28 per ton; under the proposed law the duty would be $22.40 per ton; a difference of $5.60 per ton (page 11 of table).

"Sheet-iron thinner than 1½ inches and not thinner than 20 wire-gauge," is now dutiable at $24.64 per ton. Proposed rate is $20 per ton; a difference of $4.64 per ton.

"The same," thinner than 20 wire-gauge and not thinner than 25 wire-gauge, is now dutiable at $26.88 per ton. Proposed rate, $25 (because it is limited by act of March 2, 1861 in its reduction); a difference of only $1.88 per ton.

Now, how might these disturbing rates of duty in their differences, as compared with present rates, affect manufacturers and the markets in this country?

Referring to the disturbing elements of the proposed law as affecting decisions of the courts or the Departments, or *vice versa*, let us look at the item "Iron and steel cotton-ties" (page 11 of table). These are now provided for under act of March 3, 1883, at a duty of 35 per cent. ad valorem, which yields a duty of about $13 per ton. The proposed law is intended to reduce this rate to 28 per cent. ad valorem, or say about $11 per ton, if not barred by act of March 2, 1861. The table accompanying the bill shows the rate under act of 1861 to be 30 per cent. ad valorem as "manufactures of iron not otherwise provided for." But here arises a complication. Were cotton-ties imported in 1861; if so, at what rate? Cotton-ties were not named in act of March 2, 1861. Under act of June 30, 1864, they were held to be dutiable as "hoop-iron," and the rate of duty on hoop-iron was under that act 1½ cents per pound; and hoop-iron under act of March 2, 1861, was $20 per ton. Not until by circular letter of July 11, 1868, issued by the Treasury Department (see Treasury Decisions for 1868, page 54, No. 181), were cotton-ties admitted to duty at 35 per cent. as "manufactures of iron not specially enumerated or provided for," and then under act of June 30, 1864.

This decision was based upon a decision of the United States circuit court at New Orleans. So we see that not until 1868 were cotton-ties admitted to duty at a less rate than $20 per ton, the rate for hoop-iron (with which they were held to assimilate by the Treasury Department), until the decision of the court on a subsequent act. Hence under the proposed law, taking the limit of 1861 act into consideration, the question would arise, can a reduction of 20 per cent. on the present rate of duty be applied to cotton-ties, or taking the rate as held until 1868 as a guide for the interpretation of 1861 act, are they barred from a reduction? To enact the bill in its present form as regards cotton-ties we would be involving the rate of duty in doubt, and leaving again the Treasury Department or the courts to settle the rate after appeals and suits and many embarrassments to the disadvantage of the cotton interests of the South. And this condition of mixing tariff rates leads to endless other items on which a doubt would be similarly enacted.

SCHEDULE M.—*Books, papers, &c.*

Attention is called to inconsistencies in the bill compared with the present law:

The act of March 3, 1883, makes the duty on books, engravings, and all printed matter similar 25 per cent. ad valorem, and it provides for paper, sized or glued, suitable only for printing-paper, 20 per cent ad valorem, and paper on which en-

gravings are printed 25 per cent. This bill would affect the trade and manufactures seriously, as it would reduce books, engravings, and printed matter to 20 per cent., or the rate of duty it provided for the material itself, and would actually make engravings cheaper than the rate for paper upon which they are usually printed. A reduction of rate in duty could only, in consequence of limit of rate by act of 1861, be applied to two groups in the schedule.

SCHEDULE F.—*Tobacco.*

This schedule should have been left out and exempted from reduction, same as Schedule H—liquors. To reduce the duty would be to cheapen foreign tobacco and cigars at the expense of domestic tobacco and cigars, and is against the interests of our producers and manufacturers.

SCHEDULE B.—*Earthen and glass ware.*

Here again the act of March 2, 1861, acts as a bar to a uniform scaling of duties and breaks the relation of duties to values and grades of glass, and utterly demolishes the fair rates of duty on glass as fixed in the act of March 3, 1883—present tariff—and this without regard to how it may affect either manufacturers, values, or the glass interests of the country.

SCHEDULE N.—*Sundries.*

Here also the act of March 2, 1861, acts as a bar to uniform reduction of duties, and affects the items in the schedule, hit or miss, without regard to anything save the rate of duty under said act, and hence disturbs values and the relations of cost to production in various ways. Turn to "Clocks and parts of clocks" and you will find no reduction can be made in duties, as the rate is now 30 per cent. ad valorem and was the same in act of 1861. Then turn to page 23 of table and you will see "watches, watch-cases, watch-movements, parts of watches, and watch materials," now dutiable at 25 per cent., would be reduced to 20 per cent. Now this difference of 10 per cent. in rate of duty would be inconsistent and against the watch and clock manufacturing interests of this country.

Then look at India-rubber fabrics—page 22 of table. The act of March 3, 1883, makes these dutiable at 30 per cent., and they can not be reduced, because barred by act of 1861, but articles composed of India-rubber, including boots and shoes, are now dutiable at 25 per cent., and, not being barred by 1861 act, would be reduced to 20 per cent. duty. This is not consistent with the rubber productions of to-day, whether it was in 1861 or not, and how it might affect the rubber interests of the country is a matter of importance as well as some doubt.

The question of duty on tin, or tin-plates, as familiarly called, is one of importance to the whole canning interests of the United States, and I know of no tin-plate manufactory in this country (there may be, though), but in comparison with the amount used the manufacture of tin-plates, if at all, is very small, and as great quantities of can goods are now exported, and as an encouragement to the export trade to run off our surpluses, tin-plates should pay very little if any duty.

The table accompanying the bill, prepared by Mr. Evans, is based upon values, weights, measures, &c., of the importations for the fiscal year ending June 30, 1883, and was intended merely to show by comparison the reductions on each item of the tariff and total amount under the operations of the bill. The rates, if made up exactly similar for the present fiscal year, would be very much changed, owing to the collections being made under act of March 3, 1883, and fluctuations in values, &c., which would change the per cent. basis of calculations; but as the table is not, as I understand it, to be a part of the act, each invoice of merchandise would have to be acted upon, having the act of March 3, 1883, as a basis and the act of March 2, 1861, as a limit in the reduction of duty under the proposed law.

In perfecting any legislation in the formation of a tariff it would seem to be sound policy, well-considered political economy, and good statesmanship to have in view always the advancement of domestic affairs of the country. To attempt to limit the changed condition of this prosperous country of to-day by any standard fixed so far back as 1861 is therefore like putting "new wine in old bottles."

The act of 1861 was passed before the era of steel ships, ocean cables, the telephone, and the appliance of electricity to use as light or power, and when the volume of business of the country was vastly inferior to that of to-day. When it is considered that the wealth of the country has more than trebled since 1861, that business has kept pace with wealth, and progress with business, it may be seriously questioned if we can safely tie down the present tariff to a stake driven in 1861. No, sir; the changed condition and relative values of nearly every commodity and the steady increase in volume of business forbids it.

It would seem to be the true policy to foster all manufacturing and producing interests at home, so that internal developments may keep pace with the growth of the country and furnish all needed materials for the building up of the great West in railroads, mills, factories, and the implements of husbandry and daily wants of a growing population.

The tariff act of March 3, 1883, contains some unintentional inconsistencies, but in the main is the clearest we have had; but the provisos in House bill No. 5893 in their entangling ramifications are highly objectionable, and to enact them into a law would be vicious.

NOTE.—"Ad valorem duties" are rates fixed at a percentage of value; "specific duties" are rates fixed at a given amount per pound or measure; "compound duties" are both ad valorem and specific rates to one article; "complex duties" are both ad valorem and specific rates to an article the duty on which is regulated by the value per pound or measure.

Mr. BLACKBURN. Mr. Chairman, the discussion evoked by the bill under consideration appears to me to have assumed and taken a wider range than was necessarily involved in determining its merits. I for one do not regret it. The measure pending does not propose a complete revision of the tariff system of this country. It is primarily a bill for the reduction of taxation rather than for the revision of a tariff system. And yet the tariff laws of this Government, from its foundation to the present hour, have been passed in panoramic review. They have been defended upon the one side and assailed upon the other with a fairness and an ability in excess of any tariff discussion to which I have ever listened since I became a member of this House. Unlike the distinguished gentleman from Pennsylvania [Mr. RANDALL], who has but recently addressed this committee, I am not here to complain of the conduct of this debate or its general run of utterance. In the main it has been fair; fair from the different standpoints from which this bill has been reviewed. In the main it has been courteous, lacking that acerbity and acrimony that is always to be regretted.

I did regret, Mr. Chairman, that the distinguished gentleman from Connecticut [Mr. EATON] should have seen fit in the exuberance of his zeal to indulge in remarks that were received and could be received by many of his political associates only with the sense of sincerest pain. I regret that he found it necessary to arraign those who advocated this measure and spoke for its passage and many of its supporters after a fashion that was rather sectional instead of being national. I regretted that he should have found it necessary to appeal to prejudices and to passions that should have been buried with the war that gave them birth, and that he should have undertaken to flaunt a bloody shirt in the face of an American Congress when a sense of dignity on the part of the Republicans themselves has long since consigned it to oblivion. [Applause.]

Mr. EATON. Will the gentleman allow me one moment?

Mr. BLACKBURN. Certainly; with pleasure.

Mr. EATON. I suppose my friend alludes to a remark I made with regard to the confederate constitution?

Mr. BLACKBURN. Not only that.

Mr. EATON. I will talk about that for one moment, with the gentleman's permission. I will try not to take up much of his time.

Mr. BLACKBURN. I yield with pleasure.

Mr. EATON. I thought I explained to the entire satisfaction of my friend from Georgia exactly what I meant, precisely what I meant; that I intended to point and did point an argument irresistibly that the very making of that confederate constitution leaving out the general-welfare clause showed that the sense of that people when they undertook to make their own constitution was free trade. And permit me to say in defense before I am arraigned—I was not aware of it till this moment—the distinguished Senator from Louisiana, my friend and I presume yours, Mr. GIBSON, quoted the same clause of the confederate constitution, made precisely the same remarks that I did, and I have yet to hear that he is a sectionalist. And I am almost led to say that the remark which I heard attributed to my friend from Maine ought to be repeated. I understand he said he had not entirely lived in vain, for he had lived long enough to hear his friend from Connecticut called a sectionalist. [Applause.]

Mr. BLACKBURN. I do not and did not blame the gentleman from Connecticut [Mr. EATON] so much for the language he used with reference to the confederate constitution. I knew that the responsibility for its introduction into this debate did not lie at his door, but that it was a suggestion furnished to him by one who comes to this House from a section further South.

Mr. EATON. I thought I would not name that.

Mr. BLACKBURN. I do name it. But that is not all. I regret that in the gentleman's speech the word "traitor" should have crept into a tariff debate on a tax-reduction bill.

Mr. EATON. I ought to say a word there.

Mr. BLACKBURN. I yield with pleasure.

Mr. EATON. I thought my public record would be a defense against any charge of that character. I was speaking of the Revolutionary war. I was speaking of a Connecticut man who was called a traitor, as he was; and I said there were other traitors than he and the woods were full of them everywhere. [Laughter and applause.] And I said in near connection, as my friend will see if he will read my speech. I have not read it; I have not revised it.

Mr. BLACKBURN. I have read it carefully.

Mr. EATON. The gentleman will see that I said, when speaking of the late terrible civil war, I would have laid my life down——

Mr. BLACKBURN. I hope the gentleman will not undertake to repeat his speech for I have not time to yield him for that purpose. But I have this to say: if the gentleman's opprobrious epithets were intended only for those who figured unfortunately in the Revolutionary struggle, I had no cause to complain on that score, and I am glad to have him say so.

Mr. HUNT. Mr. Chairman——

Mr. BLACKBURN. I think I have given up time enough.

Mr. HUNT. Will the gentleman allow me——

Mr. BLACKBURN. Certainly. Take my hour.

Mr. HUNT. I will not take your hour. I desire to take one minute.

The CHAIRMAN. Does the gentleman from Kentucky yield?

Mr. BLACKBURN. I will yield to anybody. I yield to the gentleman from Louisiana [Mr. HUNT].

Mr. HUNT. I think the gentleman owes it to me to yield now. He came to me and asked me why I had suggested the provisions of the confederate constitution by way of argument to my distinguished friend from Connecticut. He asked me if I had done it. I said I had.

Mr. BLACKBURN. That is all I said.

Mr. HUNT. No, sir; just one minute.

Mr. BLACKBURN. Now, Mr. Chairman, I must go on. I can not yield all my time.

Mr. HUNT. Allow me one minute.

Mr. BLACKBURN. I have allowed you three already. Go on, but for God's sake get through.

Mr. HUNT. The object was to show that a constitution, to wit, that of the Confederate States, where it contains a certain clause giving congress the power to lay and collect taxes, duties, &c., for revenue necessary to carry on the government, but providing that no bounties shall be granted from the treasury, nor any duties or taxes laid on importations from foreign nations to promote or foster any branch of industry, and making no provision for the general welfare, does not mean what section 8, article 1, of the Constitution of the United States does and where the language used is essentially different.

Mr. BLACKBURN. Very well. Now I trust I may have the permis-

sion of the committee to proceed. The rightful taxing power of the Government is limited to that Government's necessities. There is and there can be no claim to any rightful taxing power possessed by this Congress except it be employed for the purposes specified in the organic law, the maintenance of this Government and the meeting of its obligations.

We are at last to-day this near together; I mean all sides, all sections, all shades of political opinion. It is asserted that we are raising more revenue than this Government requires. No man denies it. It is contended that the taxes are consequently heavier than there can be any necessity assigned for. All men admit it. It is asserted and confessed that a surplus of revenue rests yonder in the vaults of the Federal Treasury idle and unemployed.

Under these circumstances each of the two great political parties of the country have committed themselves openly and fairly to a reduction of taxation rates, and to the abatement of that surplus revenue. The opportunity is now offered; here is the bill. We propose by it to abate tariff taxation to the extent of 20 per cent. Is it an unreasonable bill? What objection is urged against it? Does it propose to insert the knife too deeply? Will you undertake to say, you gentlemen upon the other side, will you dare to claim that the reduction is too heavy?

Mr. BRUMM. Will the gentleman allow me just one moment?

Mr. BLACKBURN. I can not. Meaning to be courteous and polite, I must decline to be interrupted at all.

Mr. BRUMM. Only a half a minute?

Mr. BLACKBURN. Not for one second.

Mr. BRUMM. Does not your own side deny that proposition?

Mr. BLACKBURN. The gentleman can speak in his own time, not in mine. I trust I may be spared the annoyance of further efforts at interruption. If I can start again with a reasonable prospect of being allowed to proceed for a single minute, I will make my profoundest obeisance to this House.

I say that the bill which is now presented has not proposed to cut the rates of taxation too deeply. I will prove it by competent witnesses. I subpœna for that purpose every man who belongs to the party on the other side of this House. I do so for this reason: In the last Congress we saw a bill passed which is known as the Tariff Commission bill. A commission was raised and appointed and the work of tariff revision was farmed out to it. It drafted a bill which passed through the House from a conference committee and was crystallized into law. Its authors promised us that the bill would reduce the tariff rates from 20 to 25 per cent. That bill went into operation, but it has failed to make good the pledges that were given. Instead of reducing the tariff rates 20 or 25 per cent. it reduces them but 1¾ per cent.

I know that the necessities of party required that there should be some supplemental statement made in order that it might appear that possibly the reduction may be greater. But according to the last report obtained from the Chief of the Bureau of Statistics you were not able to extort from him a promise based upon hope or supposition that would carry the reduction of tariff rates by the bill of 1883 above 5 per cent. instead of 20 or 25 per cent.

The bill that is here before you, if it shall become a law supplemental to the measure of 1883, will still fall short of the tariff taxation relief that the Republican party promised to the people of this country. There is a saving clause in this bill which it seems to me would be sufficient to commend it to the support of every protectionist. While putting this horizontal cut on the tariff list, it expressly provides that the duties on no article that is to be affected shall in any case or under any circumstances be reduced below that rate of protection which was afforded by what is known as the Morrill tariff bill of 1861. It carries an omnibus or a basket clause into which fall for protection, to the extent of the war-tariff rate of 1861, every article no matter how little the duty upon it may now range above the rates of that statute.

The tariff bill of 1861 was passed in the face of the greatest civil war of modern times, when the necessities of this country forced Congress to exaggerated attempts upon the tax-paying people of the land, when producers by the million were turned into consumers in the persons of soldiers; when armies and fleets and navies were to be raised and builded and maintained; when war was to have all of its frightful exactions met. The tariff that was deemed sufficient for that purpose constitutes the minimum rate of protection contemplated in the bill before you.

The distinguished gentleman from Pennsylvania [Mr. RANDALL] tells us that if we pass this bill it is going to be fraught with all untold horrors; it is going to work injury to invested capital; to destroy established industries; to mar the prospect of commercial development, and to bring ruin generally upon the industrial classes of the country. Why, sir, the gentleman from Pennsylvania, as everybody knows, stands here to-day complaining of the Committee on Ways and Means, and says that the bill it has produced is a confession of incapacity to handle the intricate subject of the tariff.

Yet, sir, that gentleman stood here in the last Congress advocating at its every stage, supporting in every shape possible what can only be described as a tariff abortion in the shape of the Tariff Commission bill. He supported the Committee on Ways and Means in the last Congress when it farmed out its work of tariff revision, farmed it out to a commission, who by their own works, upon the united testimony of the President of the United States, embodied in his messages, upon the testimony of the Secretary of the Treasury, upon the testimony of the other side of this Chamber, and upon the evidence of all men, proved itself to be a most consummate failure.

Yet he would ask us to accept him as a safe counselor and a trustworthy leader upon the question of the tariff. Hardly so. That gentleman has changed his own opinion upon the subject of tariff legislation, and that quite recently. I find that in 1882, with this surplus revenue and this burden of taxation staring him in the face, he made a speech in this House in which he used the following language:

The existing overflowing Treasury brings a demand for a reduction of the tariff and internal-revenue taxation.

Mr. RANDALL. If the gentleman will allow me, I wish to say that I will print that speech in connection with the one of to-day.

Mr. BLACKBURN. And I will print that part of it, for it answers my purpose.

Mr. RANDALL. I would be glad to have the gentleman print the whole of it.

Mr. BLACKBURN. Now, we find the gentleman from Pennsylvania does not want any reduction of tariff taxation. Ay, more, he has gone further, and illustrating that aggressive nature for which he is justly proverbial, he protests against even a whisper in the direction of an agitation of the tariff. If it was necessary to combat the surplus revenue in 1882 by the reduction of tariff taxation, tell me why it is not more necessary now? You heard him say that if you would abolish the internal-revenue system of taxation, there would be no surplus of revenue that would amount to anything. I ask you, sir, in common candor, to tell me how close did that avowal approximate to a confession that the war now waged upon the internal-revenue system of taxation is for the single and ill-disguised purpose of maintaining high protective-tariff rates?

I was sorry that the gentleman made at least one blunder as to fact. He told us we were insisting upon free trade and wanted to drive this Government back to the policy of the old Confederation—a resort to direct taxation. I was amazed at the gentleman's lack of familiarity with the early history of his country. The old Confederation never had any taxing power. The old Confederation never claimed any taxing power. The old Confederation never did, by tariff or direct taxation, undertake to raise a dollar for its maintenance or its support. It was a "free-love" affair. It received voluntary contributions from the States, but admitted that it stood shorn of all power either to lay a tax or enforce its collection.

But, sir, we have various phases presented in this discussion. My friend from Maryland [Mr. FINDLAY] tells us that the issue is made here now for incidental protection upon the one side, and absolute free trade upon the other.

Mr. FINDLAY. I said this bill was the beginning.

Mr. BLACKBURN. It is neither the beginning nor will it be the end.

Mr. FINDLAY. I do not think it will be the end.

Mr. BLACKBURN. I claim that I have a right to go to the majority, not the minority of the opposition to this bill, when I seek for a declaration of their purposes. I choose rather to take the gentleman from Massachusetts [Mr. RUSSELL], a distinguished member of the Committee on Ways and Means. He has forced the issue; he has not allowed us to shape it or frame it. He told you on this floor the other day that the issue was made; that it was protection for the sake of protection.

Gentlemen, we ask you what is it you mean by your opposition to the bill? Is it revenue that you want? If so, we tell you to take it. Take all you need. Take until you yourselves admit that you have all that you can use. Take what the necessities of the Government demand, but when you have obtained that say "halt" to the tax-gatherer, for whenever you go one inch beyond that limit the tax-gatherer's hand becomes a robber's hand. [Applause.]

What is your estimate of the people with whom you are dealing? Do you think the people will think you sincere when you tell them that a tariff is a tax, and in the same breath assure them the laying of that tax upon a certain article will cheapen its cost to the man who buys and consumes it? What is your estimate of popular intelligence, if you expect the people to believe you, when you tell them that your policy is either fair or friendly to the laborer while you force him to sell the coinage of his sweat in the cheapest market known among men, the free-trade market of the world, and at the same time compel him to buy that upon which he lives in the dearest market that either human or devilish ingenuity can construct through the agency of protective arbitrary tariff laws like this?

Mr. Chairman, I do not believe that the victims of this deception so long practiced will continue to endure it. The time will come when they will grow weary. The time, I believe, is not far distant when they will repudiate such bald political hypocrisy and refuse to submit to such political jugglery.

The people are aroused for the first time in our lives upon this tariff issue. It is the issue in American politics to-day. It will not down. Cunning and insincerity have for years been able to evade the issue. It can not be longer deferred. Parties are ranging themselves upon this line, and whether we will or no we must fight the battle out in that direction. I do not care what gentlemen may say about free trade and the ultimate purposes of the party here. That is not the issue. It is not the question presented. Their effort is not sincere

when they seek to evade it through such a subterfuge. There is no man proposing free trade. I do not know a man who wants to destroy a single dollar of invested capital. I do not know a man who wants to cripple a single established industry. I do not know a man who wants to put under the ban of proscription the great manufacturing interest of this country. For my part I want to see that interest put upon a normal and natural footing. I want to see it kept there, and I want to see it promoted and expanded, moving on and keeping pace with other honest industrial interests of the land. [Applause.]

Mr. Chairman, protection is an enemy to barter and trade. Its only purpose is to choke those channels which commerce has fashioned and opened for itself. The commerce of this country or any other can not be carried on with a foreign nation upon a gold and silver basis. There is not coin enough among the civilized nations of the earth as a basis of transaction to support the trade of this country or England for a single twelvemonth. It can only be conducted on the basis of exchange of commodities.

What fairness is there, what honesty is there in your telling the American laborer he can take the product of his toil and sell it in open market, but he shall not receive in exchange the wares, goods, or merchandise he may need of him with whom he traffics? You force him to sell abroad, you oblige him to buy at home, and the only reason you can assign is that the home manufacturer must needs be cared for. This is class legislation, and no one can successfully deny it. You tell him after he has carried the productions of this soil into the open markets of the world and sold them there in competition with this pauper labor, as you are pleased to call it—you tell him he must return home and make his purchases here in the protected market for the benefit of your pampered and favored classes. He answers that this is not fair; that if you have forced him to sell what he had to dispose of in open market and in competition, why not give him the right to buy upon the same terms, if it is barter and trade he is engaged in.

We all know, Mr. Chairman, that the home demand here will not consume the produce of our soil. You tell us 90 per cent. is consumed by our own people and 10 per cent. goes abroad. I will not say that is not true; I will content myself by saying that it is a questionable if not an exaggerated calculation. But suppose it to be true. That surplus which is sold in the foreign market determines the price of the commodity. It determines it at home and abroad. Then it can not be fair to put the determination of the product of the farmer in the hands of the foreign nation and put the determination of the price of commodities upon which he lives in the hands of the protected class.

But you tell me you are going to furnish him a home market in which he can get what supplies he needs, and he answers and tells you, yes, but he says if the home supply of manufactured goods shall not equal the home demand, then you compel him to pay tribute to the manufacturer of exactly the difference between his demand and the price at which the foreign article can be had.

But suppose on the other hand the home supply of manufactured goods exceeds the home demand, what then? If the home supply is in excess of the home demand what follows? An overstocked market and a shrinkage of value, and either a diminution of the amount of manufacturing labor employed or a reduction of the wages of the laborer. In this case the producer and the consumer are plundered, and in the second the laborer is robbed, but in both the manufacturer is safe and he alone rises superior to the exigency.

But, sir, that is not all. I say the protective tariff policy of this country is baneful in its results for many reasons, that it tends to concentrate capital in a particular section and in the hands of a particular class. If you deny it, I ask you to look at the tables. I will not detain this House with reading, but will print them with these remarks. Tell me, if you please, what was it unless it was protection that brought about the results shown by these tabulated statements furnished me within the last ten days from the Treasury Department? Of thirty-eight States in this Union nine are, *par excellence*, protected; I allude to the six New England, and New York, New Jersey, and Pennsylvania.

I find in 1850 they had a total population of 8,626,851 people. In 1860 the same States had 10,500,000; in 1870 this had increased to 12,200,000, while in 1880 it was 14,500,000. All the States of this Union had 23,000,000 in 1850, 31,000,000 in 1860, 38,000,000 in 1870, and 50,000,000 of population in 1880. Of this total population the nine States to which I have alluded had the proportion that I have stated before. But mark you here: their percentage of population in 1850 was 37 per cent. of the total. From 1850 to 1860 the percentage went down from 37 to 33 per cent.; from 1860 to 1870 they changed from 33 to 31 per cent., and from 1870 to 1880 it went still further down, and stands to-day at 28. How is it, Mr. Chairman, with their percentage of wealth or their per capita fund? The per capita wealth of these nine States was $360 in 1850. In 1860 it was $527, being a fair increase for that period. But from 1860 to 1870 under a protective tariff it jumped from $527 to $1,243 per head, and went from 1870 to 1880 and stands to-day at $1,353 per head. How was the per capita with the other twenty-nine States of the Union during the same period? I find that in 1850 the per capita of the other States was $274. In 1860 it was $506. Mark you, it had nearly doubled in that revenue-tariff decade. But from $506, in 1860, it only went to $562 in 1870, and stands at $673 to-day.

Wealth and population of the United States.

	Population.				Estimated true valuation.			
	1850.	1860.	1870.	1880.	1850.	1860.	1870.	1880.
The United States	23,191,876	31,443,321	38,558,371	50,155,783	$7,135,780,228	$16,159,616,068	$30,068,518,507	$43,642,000,000
Maine	583,169	628,279	626,915	648,936	122,777,571	190,211,600	348,155,671	501,000,000
New Hampshire	317,976	326,073	318,300	346,991	103,652,835	156,310,860	252,624,112	328,000,000
Vermont	314,120	315,098	330,551	332,286	92,205,049	122,477,170	235,349,553	289,000,000
Massachusetts	994,514	1,231,066	1,457,351	1,783,085	573,342,286	815,237,433	2,132,148,741	2,795,000,000
Rhode Island	147,545	174,620	217,353	276,531	80,508,794	135,337,588	296,965,646	420,000,000
Connecticut	370,792	460,147	537,454	622,700	155,707,980	444,274,114	774,631,524	852,000,000
New York	3,097,394	3,880,735	4,382,759	5,082,871	1,080,309,216	1,843,338,517	6,500,841,264	7,619,000,000
New Jersey	489,555	672,035	906,096	1,131,116	200,000,000	467,918,324	940,976,064	6,433,000,000
Pennsylvania	2,311,786	2,906,215	3,521,951	4,282,891	722,486,120	1,416,501,818	3,808,340,112	5,393,000,000
Total for nine States	8,626,851	10,594,268	12,298,730	14,507,407	3,130,989,851	5,591,607,424	15,290,032,687	19,630,000,000
Per cent. of population and valuation of the nine selected States	37	33	31	28	43.88	34.60	50.85	44.98
Per capita wealth of the nine selected States	$363	$527	$1,243	$1,353				
All other States	14,565,025	20,849,053	26,259,641	35,648,376	$4,004,790,377	$10,568,008,644	$14,778,485,820	$24,012,000,000
Per capita wealth, all other States	$274	$506	$562	$673				

What was it, now, that brought this unnatural accumulation of wealth with a constantly decreasing percentage of population? How did the largest and most thoroughly developed of all the States in the Union manage to gather together this unnatural increase of accumulated wealth unless it was the direct result of the protective-tariff system of which they are the special beneficiaries? If there is any other explanation that may be offered I ask any man on this floor to give it to this House. There are the figures, there are the facts; now what is the explanation?

But we are told frequently by the advocates of a protective system that all they want to do is to equalize the wages of American labor with those of foreign countries. I answer and say that that is not a case of sincere explanation. That is not what they mean to do; nor, Mr. Chairman, is it the effect of what they undertake to do.

I hold in my hand, and I will print it here that all may see it, a list as long as this [indicating], covering the most important textile fabrics of the country in which the protective duties imposed upon them amount absolutely to more than all you have paid for the labor in the production of the goods yourselves at home. It is not to equalize labor, then, when you demand more protection than you pay for labor entering into the commodities that you manufacture. There can be neither justice nor honesty in the claim.

Rate of duty under present and proposed laws, and per cent. of labor in manufacture.

Articles.	Present law.	Morrison bill.	Labor.
	Per cent.	*Per cent.*	*Per cent.*
Cottons	38.29	31.50	21.6
Hemp, jute, &c.	28.04	24.61	23.6
Wool, &c.	57.71	46.43	16.1
Metals	35.19	29.81	28.4
Sugar	43.59	34.87	1.8
Tobacco	72.70	58.16	28.9
Wood, &c.	33.98	29.35	31.7
Earthen and glass ware	53.16	44.12	43.0

But your protective policy has done more. It has checked production at home and crippled our trade abroad. Look at this statement:

Imports into Great Britain.

RAW COTTON.

From the United States:		
1860	pounds...	1,115,890,608
1882	pounds...	1,154,732,208
From East Indies:		
1860	pounds...	204,141,168
1882	pounds...	406,515,424
From Egypt:		
1860	pounds...	43,954,064
1882	pounds...	149,418,080
Per cent. of increase from the United States in twenty-four years		Nothing.
Per cent. of increase from British India in fourteen years		100
Per cent. of increase from Egypt in fourteen years		246

WHEAT.

From British India:		
1870	hundredweights...	8,600
1882	hundredweights...	8,461,004
From Australia:		
1870	hundredweights...	85,222
1882	hundredweights...	2,475,127

The result of the prohibition of the export of cotton by the war, and the cramping, strangling consequences of your protective policy since the war, did this. The increase in our production of cotton from 1850 to 1860, under a revenue tariff, was 118 per cent., while from 1860 to 1880, under your protective policy, that increase was but 6 per cent. Prior to 1860 the culture of cotton was the sole employment of the planter, because with unobstructed trade with Great Britain it was more remunerative than any other crop or product. Then the cotton-planter purchased all his breadstuffs, his pork, his mules, horses, and provender from the people of the Northwest. He was content to give all his land, his labor, and his efforts to the production of his own peculiar staple, while furnishing this great home market to his neighbors of the Northwest. Your policy has transformed the planter into the rival instead of the customer of his Northwestern neighbor, and he is now raising his own corn and pork and mules, and this home market has been destroyed. These figures will not be questioned, for they are taken from the highest official authority of the British Empire. This is a part of the work of protection.

But, sir, objection is made to this as a tariff bill upon the ground that it fails to correct existing abuses and irregularities in the present tariff system. That does not come well from your side of this Chamber. You made this tariff bill yourselves, with the assent of some few who sit upon this side of the House. You made this tariff bill and you took eight months in which to perfect it, and you employed at a heavy expense a lot of men better known for their capacity in politics during the early part of this or the latter part of the last century than they are at present. You made it as it is, and now refuse to vote for a reduction of taxation because you say that we have not corrected the abuses and inequalities in that production.

My answer to that argument is that if the present bill does not correct the abuses that exist it makes them no worse and it abates them to a certain degree. It cuts down one-fifth of the enormous exactions imposed upon our people. As a tariff bill you seek to quarrel with it. As a tax-reduction bill you are left without any rational reason to assign or objection to it. You can not do it, and in sheer desperation you say that instead of reducing the surplus revenues of the Government the effect will be to increase them. Why, what do you mean by that? You say you are afraid to reduce the taxes $30,000,000 for fear of adding to the Federal revenues!

Gentlemen, if you have honest, intelligent constituencies behind you I defy you to go and tell them that. Tell them you refuse to reduce the burden of taxation upon them for fear that the Federal Treasury would be flooded with a stream of coin that comes from foreign countries. Go home and tell your people that you vote against the bill that looks to the relief of their burdens of taxation, because you wish to keep from getting more money into the people's Treasury, and therefore wrench more money out of the people's pockets. The answer of those who support the protection minority report as an argument for not supporting this bill upon the floor will be that the bill reduces the revenues thirty millions only, but it will reduce taxation under the present tariff system $125,000,000 a year.

I trust that while it does that and works such a benefaction it will increase your revenues a hundred millions annually. If that should be the result, as you foretell, then with caution and with prudence we will proceed in our effort to obtain tax reduction until we will bring the revenues of this Government and its taxing limit to exactly the demands for administration and for maintenance. There is no free trade in this fight. It is a proposition to limit the taxation of this people to the demands of this Government. He who refuses to stand by it finds new ground on which to plant himself, unknown till within the last twelve months either to Democrats or to Republicans.

But, Mr. Chairman, that is not the question submitted for determination here to-day. It is not whether this bill shall become a law so far as the action of this House is concerned. The first vote that you are to be called upon to give is to determine whether this bill shall be considered up to a point where it may be amended and perfected if it be not perfect. The man who votes to strike the enacting clause out of this measure to-day declares to his people and the country that he is not willing to have the tariff revised, taxation reduced, or surplus revenues abated. [Applause.] The man who votes to strike the enacting clause out of this bill admits to the country and the world that he dare not face the issue either of a revision of the tariff or a reduction of taxation even on the terms which he himself may offer. [Applause.]

Mr. Chairman, we are receiving to-day a hundred millions of money more than the Government's requirements now call for. It is useless for the gentleman from Pennsylvania [Mr. RANDALL] to undertake to tell this House that the surplus of revenue this year will be $60,000,000. He knows that the estimate is made by the officials of a party that stand almost in solid phalanx protesting against the passage of the bill for whose defeat this stratagem is paraded here. There are a hundred millions and more of surplus revenue; two hundred and sixty millions of bonds subject to call, none of them being called. With that surplus in your Treasury you will decree here to-day if you carry your motion to strike out the enacting clause that that burden must remain, when neither justification, palliation, nor excuse can be offered for its continuance.

Now, sir, if you shall defeat this bill by this summary process, I wish to appeal to every man, whether he sits upon this side or the other, that there shall be a frank and candid statement of the issue made; that the people shall understand, without any guise or gauze being thrown over the question, that this measure was not either an initial step in the direction of free trade nor a demand that went beyond the single proposition stated—that it was an effort at a reduction of useless taxation and an abatement of a redundant revenue. I do not know, sir, what the fate of this bill is to be. I say if it is a good bill it should be passed; if it is a bad bill it should be amended and perfected. And no excuse can be offered for this House if it refuses and withholds that effort.

I say, sir, the issue is made up. The gentleman from Massachusetts [Mr. RUSSELL] upon this floor on the 18th of April declared:

> Both parties should clearly and boldly assert their positions. Let the people be no longer deceived by meaningless and deceptive platforms. Let now the protective feature of the tariff be submitted to the people in the next election. If after a fair and full discussion they desire to eliminate from the tariff laws the element of protection for protection, let them assume the responsibility, choose between the two systems, and accept the consequences.

That gentleman has a right to speak for his party. He is among its ablest advocates. He is among its most honored exponents. He stands pre-eminently high and worthily respected. Protection for protection is his battle cry. That is the ground upon which he throws his gauge of battle. And I answer we can not lift it soon enough. Let the issue come. Let the great national contest before us be inaugurated upon the ground of his own selection. Let the one party go with its banners blazoned to the field "tariff for tribute" and we will carry upon ours "tariff for revenue." [Applause.] Let that be the issue. We want no better.

If it were possible for men to rise above the ruts of party, if it were competent for us by an honest appeal to lift them above the bias of the partisan, I would make a final appeal to all, no matter upon which side of this Chamber they may sit, to agree at least to this, to lighten the burdens of taxation in proportion and to the exact extent of the demands of the Government and make our party divisions on some other ground. But for party's sake I welcome the contest where Massachusetts pitches it. I like to have it here and want to see the party lines drawn as sharply and as well defined as possible. You can not make it too clear. The fighting will be made hot enough, and we will appeal to the people.

If this bill shall die in this House or the other, if it shall fail to be crystallized into law, there is nothing left for us to do except to go to the country and another court higher than this. There is another tribunal that is the last resort where the American people will be impaneled as a jury. To them we will take it, and there we will make our appeal for the triumph of a set of principles that have been battled for for nearly a hundred years; principles that for more than half of its existence have shaped and guided the destinies of this great Government; principles whose reacceptance by the American people accounts for the ponderous majority that sits about me.

We will go there and the advocates of these principles and the defenders of this faith are ready for the fray. Armed in a cause that we know to be just, proud of its history and proud of its hopes, remembering the many victories with which it has blazoned the century that lies behind us, trusting to the fairness of its tenets, recollecting all the glorious traditions that cluster about its past, cheered by the opening promise of its future they await in confidence the issue that is to come.

If I lacked faith in the people I could hold no confidence in popular government. My trust in the ultimate triumphs of my party and the maintenance of our institutions rests deeply rooted in my unwavering and unfaltering faith in the intelligence, patriotism, and the manhood of the American people. The end of this conflict must come, and when it comes the people will stand for the right.

Let us broaden our policies. Let us liberalize our laws. Let us give a free American register to which each citizen may go and under its ægis may fly the American flag from the mast-head of every Ameri-

can-owned vessel, whether built here at home, or upon the Thames, the Mersey, or the Clyde. Do this; repeal your cramping statutes, release your throttling grasp from the strangling trade of a struggling people, rebuild your shattered and wasted merchant marine. And when you have done that, put your country upon the high road of that destiny for which her location, her power, her advantages, and the genius and the manhood of her people have fairly entitled her. Unhand this young commercial giant and leave him to work out his own grand destiny among the nations of the earth, unfettered by the shackles with which folly and selfishness would bind him.

The gentleman from Connecticut [Mr. EATON] told us that England for six hundred and fifty years was busily engaged in following the *ignis fatuus* of protection; that she refused to allow goods to come from foreign countries into her ports, but went there and obtained foreign skilled labor and made it the possession of England. So she did, and groveled on in poverty and comparative obscurity until within the present century she shook off these commercial shackles, declared her broader policy against the dogma of protection, swept the seas, and became the admitted arbiter of universal commerce.

We are doing to-day what he complained of England's doing for so many centuries. Read the testimony of one of the constituents, I believe, of my colleague on the committee, the gentleman from Ohio [Mr. MCKINLEY], a glass manufacturer, who testified before the Committee on Ways and Means that he, too, was busily engaged in importing—what? Foreign skilled labor to run his manufacturing establishments here, thereby forcing and crowding down the wages of the home laborer or displacing him from employment, practicing this philanthropy toward the object of his affections, and proving that he was both a philanthropist and a Christian, but somehow after the fashion of the Pharisee who thanked God that he was not as other men, but blest with better opportunities for plundering the poor and robbing the helpless. [Applause.] I doubt not that the devil will apologize for the presence of such a hypocrite when found in the limits of his dominions. [Laughter.]

These are the advocates of a policy that shall have but one object and one result—to protect the American laborer. Mr. Chairman, I do not know that an appeal from any one would have the effect of influencing a single vote. I wish to protest here and now against the injustice that has been done and the effort that has been made to create the impression or the conviction that there were purposes cherished by us to excommunicate and drive from place or to exile from party any who may differ from us. I have no mission to issue a threat against any man. I hold no power of expulsion. It rests with each and all of us to determine our party affiliations as we will. Any man can vote himself out of the party if he wants to; it is not for another to drive him out. We have no harsh words to employ, no threats to utter.

But upon a measure as broad and as fair as this, as clearly defensible and as easily maintained, having for its object these beneficial results which no man dares to oppose, I do appeal to those who sit around me to let us stand together, having assumed the people's cause, and keep the faith that we plighted to that people. [Applause.]

We told them—these gentlemen know that I utter the truth—we told them in the last Congressional campaign that if we gained power in this country we would revise the tariff laws and make them equitable. We told them we would reduce their taxation that was burdensome and needless. Here in this House at least we hold the power to make that promise good. If we fail, then we will not be worthy to receive and will not receive the indorsement of the people.

It is a solemn contract that we have entered into. The conditions have been complied with at the polls by the sovereigns of this land. The power has been vested in our hands, and let him who would strike down his party, its principles, its measures, and its policies, show by the record upon whose hands that blood is to be found.

As I stand here looking up I see over me the broad and grand and wise motto of my own beloved Commonwealth. I can do no more than to emphasize that motto which is above us in an earnest, an honest, and a final appeal to those of my faith. If we stand united we will conquer; if we are divided disaster may likely come.

I appeal to my party friends to recognize this as a party measure, made so not of its own essence or character, but by the action of the other side. I appeal to them, recognizing it as such, not only to maintain and defend the position which their party has assumed, but to redeem the pledges which were given to the people and which can not be forfeited except by an abandonment of faith.

Mr. Chairman, I will not go further, except to express the hope that in the near future we may be able to bring to this House enough of enlightenment, of patriotism, and progressive intelligence to repudiate the bigotry that disgraces politics in the shape of protection, as bigotry is a disgrace even to the cause of religion. No bigot, whether he be Christian, so called, or politician, ever contributed one atom to the advancement of humanity's cause. The bigotry in connection with this question is driveling in its tendencies; it curbs and restricts the natural course to greatness which commerce would bring. I ask at the hands of this House, with a firm reliance upon a favorable answer, that it shall never be said that a Democratic House in an American Congress refused even to consider a bill that proposed to reduce admitted excessive taxation and to revise to a degree an admittedly bad tariff. [Great applause.]

Mr. KASSON obtained the floor and said: I yield five minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON. I am much obliged to the gentleman from Iowa [Mr. KASSON] for his courtesy.

Mr. Chairman, in this debate two wholly different questions have been largely considered: First, the general doctrine of protection or the opposing one of free trade; and second, the precise application which should be made of these principles in fixing the rate of duty on the 3,000 articles embraced in our tariff, or in determining what articles shall and what shall not be placed on the free-list. Deferring a discussion of these doctrines to a future occasion, I now wish simply to restate my position, and to indicate the course I shall take respecting the pending bill, and do so only because I have been misconceived by some gentlemen and misrepresented by others.

Upon the first of these questions I stand to-day as I have always stood, and shall always stand, upon the principles of the Republican party as enunciated in its national platforms, fully believing them not only to be grounded in economic truth, but to be the safest policy for our national guidance, and the most beneficent for all our people. I quote all of them:

1872. And that revenue, except so much as may be derived from the tax upon tobacco and liquors, should be raised by duties upon importations, the details of which should be so adjusted as to aid in securing remunerative wages to labor and to promote the industries, prosperity, and growth of the whole country.

1876. The revenue necessary for current expenditures and the obligations of the public debt must be largely derived from duties upon importations, which, so far as possible, should be adjusted to promote the interests of American labor and advance the prosperity of the whole country.

1880. We reaffirm the belief avowed in 1876 that the duties levied for the purposes of revenue should so discriminate as to favor American labor.

I maintain the doctrine of protection in its truest and fullest sense, and, as it is variously understood, shall specify its outlines. I advocate the principle of levying such a tax upon certain imports as shall, by increasing the price thereof to the consumer, give a greater profit to American than to foreign manufacturers or producers, and so protect American labor, capital, and industry against the cheaper labor, capital, and industry of other nations. I favor a tariff which will, by virtue of this extra profit, secure such a competition between our own manufacturers as shall cause them to divide this extra profit with those whom they employ in the form of better wages, and with the farmer or miner whose products they use in the form of better prices for material, thus securing remunerative wages to American labor in its broad sense; a tariff which will also protect the American people against the cupidity of American manufacturers by maintaining such competition between them as shall insure the lowest reasonable prices to the consumer of the articles they make, and which, while fixing the duty sufficiently high to assure these results, shall not place it so high as to free them from foreign competition and deprive the people of this safeguard against exorbitant profits; one which will promote the prosperity of the whole country by fostering those industries which, after due protection, shall become self-depending and of national value. I advocate such a tariff, on the one hand as against free trade or a tariff for revenue only, or one for revenue with incidental protection; and on the other hand as against a prohibitory tariff, which, by lifting manufacturers above the plane of competition, may give them a monopoly hurtful to the American operative, farmer, miner, and purchaser alike—in other words, a competitive as distinct from a prohibitive tariff, and fully indorse the following words of the late President Garfield, uttered on this floor:

We have seen that one extreme school of economists would place the price of all manufactured articles in the hands of foreign producers by rendering it impossible for our manufacturers to compete with them; while the other extreme school, by making it impossible for the foreigner to sell his competing wares in our market, would leave no check upon the prices which our manufacturers might fix upon their products. I hold, therefore, that a properly adjusted competition between home and foreign products is the best gauge by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with the foreign product, but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the price as they please.

* * * * * * *

I regret that narrow view which considers industry any one particular form of labor. I object to any theory that treats the industries of the country as they were treated in the last census, when we had one schedule for "agriculture" and another for "industry," as though agriculture were not an industry, as though commerce and trade and transportation were not industries. American industry is labor in any form which gives value to the raw materials or elements of nature, either by extracting them from the earth, the air, or the sea, or by modifying their forms, or transporting them through the channels of trade to the markets of the world, or in any way rendering them better fitted for the use of man. All these are parts of American industry, and deserve the careful and earnest attention of the legislature of the nation. Wherever a ship plows the sea or a plow furrows the field, wherever a mine yields its treasure, wherever a ship or a railroad train carries freight to market, wherever the smoke of the furnace rises or the clang of the loom resounds, even in the lonely garret where the seamstress plies her busy needle, there is industry.

I am for such a protective tariff because it will aid in securing remunerative wages to American labor and increase the industry, prosperity, and growth of the whole country; because it is republican, framed on republican principles, deeply rooted in fertile truths, safeguarded against abuse by rapacious greed, and finally mellowing into that cessation of action which we call ripeness in fruit and which is em-

blemized by the bronze and golden tints of an autumn forest. I am for it, whether yielding revenue or not, because insuring to our nation the most diversified industry and highest art of which the human mind can become capable or the best genius of civilization unfold; because affording a defense to our own artisans against foreign labor cheapened below the point of common humanity; because insuring to our farmers markets at the barn-door, mills on streams, and the bright light of wife-hood and home in the gloomiest forest; because, in due time, over every sea and in every harbor that commerce visits, flaring out our flag from American topmasts above American hulls filled with American products.

The doctrine of protection is a party doctrine; its principles are held and defended by the Republican party as a party issue. To it the Democratic party, in various degrees, opposes the doctrine of free trade. But the details of a tariff bill never were and never can be made a party issue, because gentlemen will differ according to the interests of their constituents as to the exact application which shall be made of these principles to the thousands of articles which may be included by a tariff. The line of division here to-day is not that between political parties so much as that between the manufacturing and agricultural industries, and everybody on this floor knows it.

The Republican voters of America who really constitute "the party" are living in forty different States, having diverse material interests with different vocations, necessities, and opinions as to the details of economic subjects. They not only may but do and will stand athwart a continent, elbow to elbow, in solid and unified phalanx upon the protective principles of our national platform, without a shade of difference as to their truth and beneficence; and what is more they will elect the next President, which result this debate has fully assured. But they equally may and should exercise the right to discuss and differ as to just what application shall be made of these principles, to what articles, at what rates of duty, and for what period. And so let me persuade some of you gentlemen on this side to preserve the continuity of your faultless raiment and heartily concede to those Republicans living in the district which I represent, who believe that lumber or salt should be placed on the free-list, the same right and liberty which you exercise in believing to the contrary, without questioning the genuineness of their Republicanism, their sense of justice, or their patriotism. A larger proportion of them wore the blue than can be found in any other State. And whether you do this or not, just so long as they shall place me on this floor I will use the best industry and judgment of which I am capable toward ascertaining their interests both as Republicans and Americans, as affected by proposed legislation, and will maintain those interests as I shall believe necessary at any and all personal sacrifice.

If some of you gentlemen on this side who represent manufacturing districts want a party vote, you can have mine the very instant you present a true party issue, and dismiss your Democratic allies led by the distinguished Presidential candidate of the Pennsylvania Democracy. Till then I shall believe that you, though stanch Republicans, are not voting in that character and upon a party issue, but according to the interests of your constituents, as I also shall do; because I just positively know that, however estimable they may be, the gentlemen, from Pennsylvania Mr. RANDALL, from State-rights Mr. EATON, and all the rest of that half-hundred Democrats, are not Republicans, or a bit zealous to promote the interests of the Republican party; on the contrary, "quite the reverse." The bond between you is not a political one, it is the mutuality of industrial interests, and every man man on this floor knows it.

Now, with respect to these details as presented by the bill before us, I hold that the duty on each one of the thousands of articles in our tariff should be determined by its exact merits and surroundings, and am therefore opposed both to the plan of horizontal and of lump reduction. That the recent revision was alike imperfect and inadequate is certain, but scaling down these inequalities 20 per cent. will not remove them. The existing ratios between the manufacturing and producing interests will remain the same. We reduced the duty on wool an average of 10½ per cent., and that on manufactured woolens but 6¼ per cent. I advocate a return to the old ratio.

That the surplus must be reduced is also beyond question. Within thirty months we will have paid all the bonds which can be redeemed except at an exorbitant premium. Then the $100,000,000 surplus will either act as a bonus for public plunder and corruption, or so contract the currency as to beget universal ruin. I favor its reduction by stopping the collection of more money than is needed for a liberal support of the Government and the payment of the interest and principal of the debt at maturity.

I am opposed to the manufacturers' game of abolishing the internal revenues, and especially to its most recent phase, that of abolishing the tax on tobacco and of reducing the whisky tax under the guise of free alcohol for manufacturing purposes. I prefer free lumber to free whisky, free salt to free tobacco, and favor such a reduction of the sugar tax as will still give ample protection to sorghum rather than a reduction of that on national-bank circulation, because preferring to ease the burden of taxation on those who use the former articles instead of on those who use the latter. As between the agricultural industry and the manufacturing, I shall still endeavor to protect the former rather than the latter because being of more importance to our national prosperity and because embracing by far the greater number of our people. For these reasons I voted to consider the Morrison bill, as it afforded the only opportunity we are likely to have this session for revising the tariff, with the intention of proposing as a substitute therefor one placing lumber and salt on the free-list, reducing the tariff on sugar as indicated, and restoring the duty on wool, which amendment I shall make whenever an opportunity occurs. For these same reasons, and until yesterday, I had intended to vote against the motion to strike out the enacting clause, and my reason for changing that purpose is a belief that, owing to the exceeding closeness of the division of the House and to the certainty that the lump process will be followed, the results which I desire can not now be obtained, and because of a fear that any changes which are now likely to be effected will give still further advantages to the manufacturing interests by reductions of the whisky and tobacco revenues rather than to the agricultural interests by free lumber and salt. I shall vote accordingly.

Mr. KASSON. Mr. Chairman, I had hoped at the conclusion of the last Congress that both this House and the country would be relieved from further agitation upon the tariff long enough to enable both the House and the country to know what would be the effect of the measure so recently adopted. I feel that in entering upon the debate again at this time, at the very next session following the passage of the present law, we are traveling over beaten ground, and very little can be said to further enlighten either this body or the country upon the great questions at issue. We are to a great extent necessarily thrashing the straw-stack of last year's harvest.

A new bill has been formed and presented before six months had elapsed of the operation of the previous law. This bill was inaugurated under circumstances differing from any which have previously existed. Ordinarily a tariff bill is formed clause by clause under the consideration of a regular committee. This tariff bill, it is an open secret, sprang full-armed from the brain of our Jove of the Ways and Means Committee, or of the Olympian council which surrounded him. We of the minority were not permitted even to share the duties of a nurse of this promising infant when it made its appearance among us. So jealous of the child were its authors, that they allowed no change to be made in its garments, no suggestion to be accepted, but insisted that it should be brought to your baptismal font, Mr. Chairman, without any aid from us, there to receive its baptismal designation of "20 per cent."

I object, sir, to this bill in the first instance because of the twelve schedules affected by its provisions six are aimed at the interests of the agriculture of the country. The proposed reduction strikes a blow in six instances at one or another branch of this great interest, and that at a moment when the advocates of the bill are claiming on this floor that those interests are depressed and need relief.

I object to it, because in one especial particular it touches largely the interests of the Northwest. I have before me a telegram received this morning urging that on account of its effect upon flax and flaxseed this bill should be defeated. It affects injuriously this interest to which Northwestern farmers are to-day turning their attention, as the profits on the wheat crop diminish. That interest is one which needs a continuance of protection during its growth. Recently at the Institute in Boston a new process was disclosed for reducing the flax fiber which now goes to waste to the condition necessary for the manufacture of linen, largely cheapening the process in that particular which has alone disabled us hitherto from successfully introducing the linen industry into the United States and adding it to the profits of our agriculture. At this juncture, when our people are most encouraged to develop on a large scale this branch of industry, when they most need an enlargement of the diversity of agriculture, comes the blow by this bill to inflict greater discouragement than before.

But I object to the bill also because as an administrative law it is simply impossible of administration. Not a member of the Ways and Means Committee can tell the importing merchant to-day what duty he will be obliged to pay on numerous articles in its schedules. A variety of questions must be asked touching every article imported under its provisions, and these questions must be separately investigated. The first is, what did the article cost; next, what is the present duty; and third, what is 80 per cent. of the present duty; fourth, is that above or below the tariff of 1861; fifth, if below, how much will exactly equalize it with that tariff? In the case of cotton an additional question is to be asked: is it above or below 40 per cent. ad valorem? In the case of woolen goods an additional question will be asked: is it above or below 60 per cent.? In the case of metals an additional question will be propounded: is it above or below 50 per cent.?

I challenge the tariffs of the world to produce a legislative enormity, a principle of confusion, equal to that presented by this bill which is now commended to the country. [Applause.] Neither in our history nor in any other has it been required that there shall be a complicated catechism, with numerous catechumens to answer the questions which you propose at the custom-house before a foreign article can be introduced into our markets. In less than six months every importing merchant will clamor at your doors begging you for Heaven's sake to restore the old or any other tariff, that he may be able to get his goods into

the country at any rate of duty whatever. I repeat that as an administrative measure this bill is impracticable. It is impossible of administration except with great delays, hinderances, and embarrassments, and an additional corps of custom-house employés far beyond all calculations of the authors of the bill.

But, sir, another objection to the bill which may fairly be offered on both sides of the House to-day is this: It gives to you and me, now legislating for the revenue and for the interests of the country—it gives to you and to me no information as to what the duties are to be on the articles embraced in the schedules. This was so patent to the gentlemen who are its authors that they proposed to remedy it for the information of the House by producing these crowded pages of figures which you see here, attempting and professing to show the present and the proposed rates of duties. But I beg gentlemen not to overlook the introductory note to those statements. They procured from the Treasury an expert, who was consulted during the progress of the construction of this bill, and who desired to be accurate, but could not be. He says at the head of the schedules what his attempt has been, and I call to that the attention of the committee. "It is not claimed," says he, "that the column of estimated receipts and rates under act of March 3, 1883, is more than a proximate exhibit of results; with the changes in both classification and rates made in act of March 3, 1883, an absolute exhibit is not practicable." Yet the committee publish that with their bill as giving trustworthy information to the House and the country as to what the old duties are and the new duties are to be. I assure gentlemen that if they will study, even so far as I have done in the attempt to apprehend the effect of this bill on our rates and revenue, the effects of the 20 per cent. reduction, subject to the various conditions of 40 per cent., 50 per cent., 60 per cent., and of the tariff of 1861, and of the additional ad valorem elements introduced, you will be utterly discouraged. On the arrival of every ship from abroad your accountants at the custom-houses will be thrown into inextricable confusion in their effort to ascertain what the duty is on a large part of the merchandise imported. You declare your wish to remove the hinderances and embarrassments from the foreign trade of the country. Yet you have made a bill here which means at every step almost insurmountable hinderances and embarrassments without precedent in the history of your legislation. The parties most interested in having accurate knowledge of the conditions upon which that foreign trade may be conducted must remain in ignorance of them till their goods are actually passed by the custom-house.

I object to it further because, with the exception of a single clause, it tosses into the lap of Canada and of Europe one-fifth of the duties which now flow into the Treasury of the United States without an equivalent or compensation from those countries which have imposed hinderances and embarrassments on our commerce. With Germany still excluding our meat products under as we believe inaccurate pretensions; with Italy doing the same; with France still resisting our just claims; with Spain embarrassing our commerce with her colonies; with Canadian obstruction, while our executive government is trying to-day to procure from these governments better conditions for our commerce, what do you now propose? At this time of all times you say to them, we give freely into your laps one-fifth of the revenue of the United States and demand nothing in return. To call that statesmanship is to nullify the meaning of the English language. The authors of the bill recognized this rule of reciprocity in the case of coal placed on the free-list, but in that only. They provided that this clause should not take effect until Canada admitted our coal free instead of under a duty as at present. The committee was right in that. Why did you not extend the principle to lumber, on which the duty which Canada now imposes on American lumber is higher than our duty imposed on Canadian lumber? Yet you say to Canada, you may fill our markets; we will permit your lumber to come in free, and you may still by your higher duty shut all American lumber out of Canada. Is there justice in that? Such legislation does not deserve the name of statesmanship. You give away our interests, demanding nothing in return, when for these great concessions of duty you could obtain important advantages to the commercial and industrial people of this country. For that reason, and I commend it to both sides of the House, I demand a new bill instead of going into the details of this, in order that the interests of our country may be protected on more just principles of legislation.

Ah, Mr. Chairman, there are two kinds of protectionists. There are men on this side of the House, and some on that also, who are for protecting Americans and American interests. There are men on that side, I am sorry to say, who are by this bill proposing to protect the interests of Canada and of Europe instead of the American people. [Applause on the Republican side.] I should much prefer—it would be far better than this bill—to act on a report from the Committee on Ways and Means asking our executive government what better conditions could be obtained from foreign countries in respect to the admission of our exports if we would concede 20 per cent. on this schedule, 30 per cent. on that, or 10 per cent. on the other, or if we should put certain articles on the free-list.

Now, sir, we are not to be understood as objecting to all further revision and reduction of the tariff. We do object to that sweeping reduction which professedly ignores the interests of our national industries; which professedly marches to free trade, and which professedly repudiates the principle that we can protect our national interests under our Constitution. We demand that this question shall lie open at least for another session, until a better start can be taken for the care of both the commercial and the productive interests of our country.

Mr. Chairman, I am glad to have this opportunity of contesting the views of gentlemen on the other side of this House who incline to free trade and who rest their arguments on the unconstitutionality of protection. Your position is that we have no constitutional right to impose a duty for any other purpose than to meet the necessary expenditures of the Government. Am I not right in this statement? You maintain that under our Constitution—not under the confederate, but under our own Constitution—we have no right to impose duties for any other purposes than to get revenues for the support and maintenance of the Government. Is not that your theory? [A pause.] There is no denial of your position. On the other hand there are gentlemen here who rely upon the "general-welfare" clause of the Constitution, and say that under that we may protect our home interests. I go further still, and say that under the clause giving authority for the regulation of foreign commerce you have a distinct, absolute, constitutional right to take care of the American people as against foreign interests. [Applause.]

One of the greatest causes of the Revolution was the continued effort on the part of England to rob us of all our manufacturing facilities. It was the desire of that government to keep us poor in all save raw materials. They prohibited even the erection of slitting-mills in the Colonies, they restrained the manufacturing of hats, and prohibited even the transportation of wool by water; and many other restrictions upon the productive interests of the country were imposed to compel the Colonies to receive all their manufactures from England. I beg to read a statement of historical interest, being some questions and answers of Benjamin Franklin before a parliamentary committee in 1766:

What will be the opinions of the Americans on those resolutions?—

Asserting the right of Great Britain to tax the Colonies.

Answer. They will think them unconstitutional and unjust.

Q. Was it an opinion in America, before 1763, that the Parliament had no right to lay taxes and duties there?

A. I never heard any objection to the right of *laying duties to regulate commerce*, but a right to lay internal taxes was never thought to lie in Parliament.

Q. On what do you found your opinion that the people of America make any such distinction?

A. I know that whenever the subject has occurred in conversation it has appeared the opinion of every one that we could not be taxed by a parliament where we were not represented. But the payment of *duties, laid as regulations of commerce*, was never disputed.

You observe here that Franklin, afterward one of the framers of our national Constitution, speaking the "unanimous" voice of the Colonies, as he said, regarded the laying of duties as a power inherent in the authority "to regulate commerce." Imposition of duties is of itself the regulation of commerce by the custom and usage of all nations.

Lord Chatham, a few days after this testimony was given by Mr. Franklin, on the 14th of January, 1766, in his celebrated speech in the house of commons on the right of taxing America, pointed out the same distinction. He said:

There is a plain distinction between taxes levied for the purpose of raising a revenue and duties imposed for the regulation of trade.

Go with me one step further. After the defeat of the British at Saratoga they became convinced that by war this country could not be conquered. Then it was that they passed a bill, under the direction of Lord North, in 1778, yielding the demand of the Colonies, but too late. That bill declared:

It is expedient to declare that the King and Parliament of Great Britain will not impose any duty or tax for the purpose of raising a revenue in the Colonies, except only such *duties as may be expedient to impose for the regulation of commerce.*

I should be glad to read you what that eminent historian, for whose long-preserved life the whole country is grateful—what Mr. Bancroft says on the occasion of the formation of our present Constitution; and to read from Hildreth's History of the United States what he says. But enough to say that at the close of the war with England, as soon as peace was made, we were deluged with foreign goods, even from the miserable second-hand shops of Dublin and of London; that our people incurred debts they could not pay, and that in a short time they imported thirty million dollars' worth of goods, and could export only $9,000,000; that the country was drained of its specie, and that impoverishment and poverty everywhere prevailed.

It was under these circumstances that our Constitution was framed. It was to secure the regulation of commerce by the imposition of duties that that clause was put into the Constitution. In the light of Franklin's statements, of Chatham's speech, of the British act of Parliament; in the light of the condition of the American Colonies as certified by authenic history, it is an established fact that our fathers understood by the right to regulate commerce with foreign countries the right to regulate it by the imposition of duties. That fact was further established by the first general act passed by the First Congress which met under the American Constitution. In the very title which they gave to this first act imposing duties they declared it to be "for the encouragement and protection of manufactures" in this country. And yet gen-

tlemen say, and my friend from Kentucky [Mr. BLACKBURN] said an hour ago, that our constitutional power was limited to raising revenue for the purpose of revenue only, and therefore that there was no right whatever in Congress to impose duties for the regulation of commerce and thus protecting the interests of our own country and of our own people.

Now, sir, in proceeding with my argument, I turn to that offered by the eloquent gentleman from Ohio [Mr. HURD]. If your right exists, if it has been established in this country from the beginning of the Government to have two objects in view in levying duties, one the raising of revenue and the other the regulation of commerce, then you gentlemen can go with us the next step in the inquiry, whether such duties imposed for the regulation of commerce are beneficial to this country or not. The gentleman from Ohio, in his admirable speech the other day, said:

Subject to the necessities of the Government, every man has the right to sell where he can get the best price for what he has produced and buy where he can buy most cheaply.

He treats our Government and our people as two independent bodies; the Government on one side, the people on the other; the Government to take money out of their pockets and the people to submit without benefits in return. The Government may tax to fill its own coffers, but it can pass no legislation to refill the empty pockets of the people. The Government may take from the people, but it can give nothing to the people in return. I dissent by the width of the heaven from the earth from that proposition There are no two adverse sides in this country as Government and people. The people are in the Government and the Government is in the people, thank God! [Applause.]

What the people have a right to do for the Government the Government has a right to do for the people within the limits of the Constitution. The Government is not a power of exaction alone. It is a power of protection also to the interests of the American people. It has been for most of its existence a power of blessing; it ought still to be a power of blessing in all its years to come. When, if ever, the theory offered by the gentleman from Ohio shall be established by the laws of the land, and the Government exhausts without protecting in return, that moment will the people find an opportunity to choose a different government, and one which can bless as well as burden the citizens who are subject to its laws.

Sir, I am reminded of what John Quincy Adams, as a member of the minority of the Committee on Manufactures, said in 1833:

It has been said there is no philosophic falsehood so absurd but it has been maintained by some sublime philosopher. Surely there is no invention so senseless, no fiction so baseless or so base but it has been maintained by some learned, intelligent, amiable, and virtuous but exasperated and bewildered statesman.

It may be said here that in the course of this debate there is no economic theory so baseless, no free-trade sophism so absurd, that some "exasperated and bewildered statesman" of that flock has not accepted it and advocated it on this floor. [Laughter and applause.]

There is on the other side of the water a sort of religious meteor, "an exasperated and bewildered" fanatic, who has appeared in the deserts of Africa, and the whole world has become familiar with the name of El Mahdi, the false prophet. He preaches a new doctrine, and insists that his followers shall accept and circulate it through the world. Are there not El Mahdis in America? I submit, Mr. Chairman, that the El Mahdis on this floor, the false prophets of free trade, surpass in the extraordinary character of their teachings and in the extraordinary abundance of their prophecies the original El Mahdi of the Soudan. [Applause.]

Let me refer to some of these teachings and prophecies. They say that protection creates monopolies, gives a bounty to individuals, enhances prices by the amount of the duty, is robbery and oppression of labor, obstructs trade, has robbed America of half the markets of the world, and impoverishes the country. In the fervor of his eloquence my honored friend from Ohio [Mr. HURD] said the other day that "the fruits of protection in America are want, penury, and starvation." So teach our El Mahdis.

I wish to examine these teachings. How does protection create monopolies? Must you assail not only the laws of your country, its interests, and its history, but must you assail even the standard dictionaries of Webster and of Worcester in their definition of monopoly? A monopoly, they tell you, is that which one man or one set of men alone can do or possess. It is a privilege confined to one from which others are excluded. Now, where is your American industry which is not open under our legislation, and on equal terms, to rich and poor, to high and low, and even to the foreigner who comes upon our soil? Where is the element of monopoly in a system which creates conditions for increasing rivalry and competition? Where is your monopoly in a system under which where ten manufacturing establishments existed years ago ten hundred exist now to supply the wants of the country? Where, I repeat, is the monopoly in a system of protection which enormously augments competition? The only monopoly that threatens to be created is the British monopoly, gentlemen, that you propose to foster by this bill and its sequences. You say this is the first step in the progress toward free trade. I speak now of all the three gentlemen, the chairman of the Committee of Ways and Means [Mr. MORRISON], the gentleman from Ohio whose speech was most loudly applauded [Mr. HURD], and the gentleman from Kentucky who last spoke [Mr. BLACKBURN]. I assume that they substantially concur. If I am incorrect let me be corrected now, that I may make the proper distinction. The gentleman from Ohio [Mr. HURD] declared this to be the first step, and that you are going on with reductions—how much? Ten per cent., 20 per cent., 30 per cent., or 50 per cent.; the country knows nothing of the result at which you will ultimately arrive. If you succeed and by accident or design reach that point where any one of the industries of this country is substantially broken down and its doors closed, then will you arrive at the establishment of a monopoly, and that monopoly in Canada, in England, or in Europe, and not in this country. [Applause.] So long as you foster American production and enable it to grow, so far you increase that competition which destroys monopoly.

Is it a bounty to individuals? I have had occasion heretofore to implore this House to recognize the fact that for some reason or other the old principle of patriotism is decaying in this land. I repeat to-day that this free-trade argument on the other side shows that the element of American patriotism has somehow disappeared from too many of the Democratic breasts in public life. Why was this protective principle established? Why was it introduced in the first act of the First Congress? Why was it enlarged in 1816 with an addition of 42 per cent. of duties at a single jump? Why was it further continued in 1824? Why was it still further continued in 1828? Why was it again perpetuated in the bill of 1832? It was so perpetuated because our patriotic fathers of both parties knew that no nation in the world could be independent if it did not have the means of self-support both in peace and in war. [Great applause.]

We are of that kind of protectionists to-day. It is not bounty to individuals; it is bounty to the country of our birth. It is not because a factory is in my district or a mine in yours that we are protectionists. I am a protectionist because my country can not live in the presence of the great powers of the world, liable to war on land and to disaster by sea, without she has in her power, within her grasp, the means of clothing her people, of feeding her people, of defending her people, summer and winter, in peace and in war. [Renewed applause.]

From the beginning of the Government that has been the principle of protection. It is to make our people independent, and you can trace it step by step before the Revolution, after the Revolution began, after the peace, in the formation of the Constitution, and in the laws passed under the Constitution. We stand here to-day supported, I regret to say, by only a small minority on that side of the House; we stand here upon the platform of our fathers, both Democratic and Whig. The Democratic majority of this House in this latter time has left that platform, has introduced a new interpretation of the American Constitution, which denies the right to protect our own people. The gentleman from Kentucky, in his speech just made, has attempted to support that interpretation by pointing above us to that coat-of-arms of Kentucky, with its motto "United we stand, divided we fall." I reclaim that motto given to Kentucky by Henry Clay himself, the constant supporter of the American protective system. [Great applause.]

It was Henry Clay who forty years ago uttered words in the debate which preceded that fatal law of 1833 which we are now asked to re-enact in principle—words full of warning for us to-day. Speaking of the probable fall of the protective policy in the then condition of parties in Congress, he said: "The fall of that policy would be productive of consequences calamitous indeed." I ask the Clerk to read the passages I have marked.

The Clerk read as follows:

But in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe. * * * And what is the just complaint, on the other hand, of those who support the tariff? It is that the policy of the Government is vacillating and uncertain, and that there is no stability in our legislation. Before one set of books are fairly opened it becomes necessary to close them and to open a new set. Before a law can be tested by experiment another is passed. Before the present law has gone into operation, before it is yet nine months old, passed as it was under circumstances of extraordinary deliberation, the fruit of nine months' labor; before we know anything of its experimental effects, and even before it commences its operations, we are required to repeal it.

Mr. KASSON. Thus you find that Kentucky then was of a different opinion from Kentucky to-day. And I would wrest back from the hands of my eloquent friend the motto which he misappropriates in aid of free trade and apply it to the holy cause of American labor and home interests. [Applause.] Here and now I beg to say to the protection members of that side of the House, "United we stand, divided we fall," and our country falls with us. Acting on the principle of that motto we shall defeat this bill and continue the prosperity of our country. [Applause.]

I ask you to mark the similarity of conditions in 1833 and now. The country was prosperous then; it is prosperous now. After 20 per cent. reduction under that law was effected the ruin and all the evils which Mr. Clay predicted fell upon our unhappy country in 1837. You propose now to break down the policy, beginning with the same reduction of 20 per cent. We have not had one year's test of the existing law; and you propose to sweep it away and introduce this conflicting and impossible system of assessing one-fifth less duties. Your effort, if suc-

cessful, will be followed by like disastrous consequences. The law of 1833 provided that of the existing duties all were to be taken off down to 20 per cent. in nine and a half years. This change was effected by a reduction of 10 per cent. in January, 1834, 10 per cent. in 1836, 10 per cent. in 1838, 10 per cent. in 1840, half the residue in January, 1842, and the other half in July, 1842.

Now, you are proposing a reduction of 20 per cent. only; but you have avowed by the utterances of your leaders that you intend to go on further hereafter; that this is only the first step. And you propose to go on in this way without notifying the years in which you will do it. The law of 1833 provided for a gradual reduction, and it gave ten months' notice before it was to go into effect. It was passed March 2, 1832, and was not to take effect until January, 1834. By this bill you provide for no notice at all. It is to go into effect on the 1st of July next, though if it should pass it can not pass before the 30th of June. You are reckless in your dealing with the interests of the country. Aiming at free trade you have no motive to consider the interests of the country. Your principle does not admit it. The chairman of the Committee on Ways and Means said in his speech that if the bill were to be formed upon the principle of protecting American industry, then the people should turn it over into the hands of the friends of protection. I accept that declaration, and I wait for that time speedily to come when the people will turn this question over into the hands of the friends of protection, whose blows they would rather receive than the dangerous caresses which the enemies of their industry are offering them in their false teachings and false prophecies.

I pass without special comment the revival of our industries and of popular prosperity after the restoration of a protective tariff in 1842. I also pass without comment the recurrence of disaster and distress in 1857, after the free-trade politicians had again reduced the tariff to mere revenue rates, without discriminating for protection. It is enough to say that the people turned out of power in 1860, as they did in 1840, the reckless party which persistently ignored the rights of American industry and labor. Since 1861 your tariff has been continuously and unquestionably protective, and it has been one continuous history of prosperity, with the exception of 1873, when the whole world suffered from panic, from which our country, still under the protective policy, was the first to recover.

Now, Mr. Chairman, I have presented this sketch of the period of 1833–'37 to show the effect of a persistent horizontal reduction. We then had a surplus of revenue to be got rid of. We have a surplus of revenue, it is claimed, now to be got rid of. Then it was done by a gradual flat reduction of duties, as you propose to do it now by horizontal gradation of duties. It was then accomplished, and emptied the Treasury most effectually. I believe if accomplished now it will empty the Treasury far beyond your desire. It emptied the pockets of the people then, and brought them to ruin, absolute and universal ruin. I believe the same result, because of the same causes and conditions, will follow if adopted now.

Then it was effected by the votes of a nearly solid South, headed by South Carolina. In 1832, at the very time of the consideration of this question, that State was organizing troops to resist the power of the United States. Then it was that South Carolina passed an act declaring that the revenue laws of the United States should not be executed in South Carolina, and were null and void. The South stood together for free trade; and while, thank God, South Carolina proposes no such extreme measure now, I am sorry to observe that the South does stand to-day largely for repeating the ruinous process of 1833. They are demanding a reduction of the duties now with far less reason than they demanded it then, because the very industries which have grown prosperous under the protective system have since that time been largely developed in the Southern States. On the testimony of their own citizens prosperity is spreading over the entire South as it has never spread before. Mines, forges, furnaces, factories, railroads have largely increased, and manufactures have been extraordinarily developed in Northern Alabama, Georgia, Tennessee, West Virginia, and Virginia. Farms and real estate in their neighborhood have shared the general advance. The home consumption of cotton has increased from 20 per cent. in 1860 to over 30 per cent in 1883. In a word, all the elements of national development have advanced as rapidly in the South as in the North. Prosperity has not only dawned upon them, but it beams with the light of the midday sun all over the regions of the South. [Applause.]

Sir, I repeat my regret that we should find the South still lingering in the bondage of the old South Carolina interpretation of the Constitution, and still declaring that free trade must be forced upon the prosperous North, because in some States they have not yet reached that degree of prosperity which prevails in the Northern States of the Union, with their diversified industries.

The gentleman from Kentucky [Mr. BLACKBURN] appealed to the statistics of the different States of the Union to show that there was larger per capita of wealth in the manufacturing States than in the States from which manufactures were largely absent. Why, then, does he not encourage in the South the growing manufactures, which bring increase of wealth, instead of depriving the prosperous States of the very elements of their prosperity. Instead of diminishing the wealth of others I would invoke that gentleman to encourage the introduction into his own and other States of diversified industries, bring among his own people these new elements of wealth, and then he will find that the per capita of wealth amongst them will grow as rapidly as it is growing anywhere else in the Union. [Applause.]

Time fails me, Mr. Chairman, to speak at length of the effects of protection on the prosperous history of my country. Is it true that the system is one of robbery and of oppression? Has it obstructed trade; has it robbed America of half the markets of the world; has it impoverished the country?

In these two decades of protection the population of the country has risen from 31,000,000 to 51,000,000. It has not, then, embarrassed the unprecedented growth of the population of the country. The immigration, chiefly of laborers, has risen from 150,000 in 1860 to 593,000 in 1880. It has not, then, been opposed to the interests of labor, for labor migrates from worse to better, and not from better to worse. The value of farms has risen from $320,000,000 to $10,197,000,000. The annual value of their products has risen from $1,600,000,000 to $3,600,000,000, according to Mr. Dodge, the statistician of agriculture. It has not then impoverished or even retarded the farming interests.

Our production of manufactures has risen from $1,885,000,000 to $5,369,000,000. Our exports of domestic manufactures have risen from $45,000,000 to $111,000,000. Our whole domestic exports have advanced from $373,000,000 to $825,000,000. Our total imports have advanced from $362,000,000 to $751,000,000. It has not, then, obstructed but promoted trade, with the balances in our favor. The total wealth of the United States has increased by the census from $16,000,000,000 to $43,000,000,000. Its annual increase is put by a free-trade economist at $825,000,000—more than double that of any other nation in the world.

Yet El Mahdi by the mouth of one of his prophets says that "the fruits of protection in America are want, penury, and starvation," and lifts up before us "the protection giant of robbery and oppression."

I turn now to the false prophecies of free trade. It is directly declared that if you would introduce free trade into the United States all the markets of the world will then be opened to us in generous rivalry. My eloquent friend from Ohio promises us, in the exuberance of his rhetoric, two thousand millions of people who will be waiting for our supplies. These El Mahdis of ours, like the false prophets of antiquity, make up for their deficiency of facts in the past by liberal promises for the future. In this case they enlarge the figures of human history in order to create a population out of their imagination to be supplied by an imaginary condition of free trade in the United States. [Applause.] It is a slight excess in the world's population of only about six hundred millions, including the breechless sons of Africa. [Laughter and applause.]

Sir, after the establishment of free trade are you not subject to the same competition of the whole world? Will not the cheapest still be first sold in the foreign market? Can you sell a bushel of American grain against a bushel of Indian wheat, unless you can furnish it as cheaply as the Indian? Can the manufacturer find a market unless he can sell cheaper than free-trade England? It is self-evident that the elements of production must be as cheap with us as with any other foreign country before we can take away the markets from it. Our manufacturing plant has cost more, our rate of interest is higher, our labor costs higher wages, and you will still, even under absolute free trade, have these embarrassments to contend with before you can drive foreign countries from any market of the round world which they now possess. Your proposition would simply cost us our home market by turning it over to foreigners, without enabling our people to manufacture on equal conditions with those which foreigners now enjoy. Even wheat can be delivered in New York to-day from India as cheaply as it can be delivered in Liverpool, and under the menace of this competition you ask us to take off one-fifth of the duty which saves the wheat market of this country from the surplus of India, with which you have been threatening our farmers in this debate.

Yes, free trade must open up the markets of our own country to the products of all Europe and Asia, or we are told by the gentleman from Ohio that—

> Before January next the price of wheat will be so low that it will not pay the cost of production, and the corn raised on the Western prairies will be burned again for fuel, as was the case years ago. When that time arrives the farmers will be beggars in the midst of their own plenty and paupers by the side of their own golden gathered sheaves.

And the Democrats burst out with applause as he made that prediction of misfortune to our farmers. Sir, the census shows that there has been an increase beyond all precedent in value of all of the products of the farmers of this country during this period of protection. Even wheat has advanced on the average 15 per cent. in price. From 1847 to 1861 the average was 1.48\frac{1}{15}$ per bushel in New York; from 1863 to 1877 the average was 1.69\frac{14}{15}$. Everything produced on the farm has on the average increased in value throughout the length and breadth of the land under the principle of protection. Meanwhile the manufactures which our farmers buy have greatly fallen in price. Our American system has produced an unexampled aggregation of wealth and distributed it among our people of all classes; it has saved labor from pauperism

and made the United States the admiration of the world. In this condition of our country the eloquent gentleman from Ohio is obliged to invoke dumb and inanimate nature to support his theories. Every ripple of the water upon the seashore, he says, is an invitation to free trade, and every stormy wave a denunciation of our existing policy. He declares that—

The culture and the chivalry of the nation, long anxious for this hour, are ready to take the lead.

I recall his eyes, Mr. Chairman, from the sandy shores and dreary wastes of ocean and from the beggared homes of labor abroad. Let him look upon our farms, into our contented villages and thriving towns, and into the school-houses of town and country, where the children of toil and of wealth sit side by side in preparation to become sovereign citizens of a great and free Republic. Every murmur of instruction that rises from a myriad of these school-houses in valley and on hilltop is an invitation to maintain our system of home industry and good wages which has made our people happy and our nation great. [Applause.]

And I point him, sir, to the million of laborers who at eventide come from the caves of the earth, where they produce the infinite value of ore and coal, both more precious than gold, and to the other million who come forth with the declining sun from the doors of blazing furnace and forge and from countless factories in mountain valleys and on the plains. These all unite against the degradation of wages and of labor involved in free trade. Their concentrated voice, more powerful than the roar of the inanimate billow, is lifted up in denunciation of the reckless Democratic and free-trade policy which you seek to inaugurate to-day. [Applause.] "The culture and the chivalry" may be ready for it, but the enterprise and the labor which have made your country prosperous and powerful protest against it.

Ah, says El Mahdi, away with protection! It enriches you, but away with it! Every day's sun, according to your own prophet Mulhall, "sees an addition of two and a half million dollars to the accumulated wealth of the Republic, which is equal to one-third of the daily accumulations of mankind." Still away with it! But we will not throw away this giant's shield of our national defense, under whose shelter, with God's blessing, we have reached the foremost rank of the nations of the world. We will fight the battle out and we will win the victory. All hail to that giant of protection who strews his pathway with gold and plants all its borders with the flowers of popular comfort! [Great applause.]

[During the delivery of the foregoing remarks the hammer fell.]

Mr. STORM. I hope unanimous consent will be given to the gentleman to continue his remarks.

The CHAIRMAN. That can not be done by the committee.

Mr. MORRISON. I will yield to the gentleman five minutes of my time.

Mr. KASSON resumed and concluded his speech.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. BAGLEY took the chair as Speaker *pro tempore*.

Two messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries; who also informed the House that the President had approved joint resolutions and a bill of the following titles:

Joint resolution (H. Res. 236) authorizing the Secretary of War to loan two hundred flags to the city of Charlotte, N. C., for the celebration of the Mecklenburg declaration of independence;

Joint resolution (H. Res. 240) to print 12,500 copies of the eulogies on Thomas H. Herndon, late a Representative in Congress;

Joint resolution (H. Res. 223) authorizing the Secretary of War to loan to the mayor of Richmond, Va., a certain amount of flags and bunting for use at a fair; and

An act (H. R. 5966) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln, and to increase the capital stock of the First National Bank of Nashville, Tenn.

THE TARIFF.

The Committee of the Whole resumed its session.

Mr. MORRISON. Mr. Chairman, should the motion soon to be made, of which we have notice, prevail, it will cut off all legislation for reduction of taxes proposed by the bill in its present form or as it may be amended. It will be a declaration of this Congress at least that tariff taxes are not too high and ought to be continued. It will mean an appeal from the Congress to the country, and the people will so understand it.

In opening the debate I anticipated and answered, so far as I am capable of answering, most of the objections which have since been urged against the bill.

In his anxiety that the country's wonderful progress shall be credited to his favorite theory of protection, the gentleman from Iowa [Mr. KASSON] who has just spoken forgets the high courage, the inventive genius, and industrious skill of our people, their endless wealth of mine and field, and puts aside the history of his State and country. It is but fourscore years since the Mississippi River marked our western border, and Iowa, the home of his adoption, was part of the dominion or territory of a nation alien to us in language, laws, and civilization. The indomitable spirit of our people, guided by a wise statesmanship which now it is the custom of some to decry, extended our territory—our own country and its institutions—to the other ocean, set his own Iowa in the heart of the Republic, and laid the foundation for much, for most, of the prosperity which the gentleman credits to his pet system of bounties, restrictions, and burdens.

This territory is now the home of 20,000,000 of our people. It may be the home of 250,000,000. Its acquisition postponed for centuries, I trust, that crowded condition which is now the chief misfortune of the inhabitants of the Old World. It was from this territory we took that $700,000,000 which during the existence of the present tariff we have sent abroad to pay balances of exchange against us. In this territory even the poor and landless may find and enjoy their own homes and escape the burdens of the taskmaster. It was from this territory we carved out and gave to the railroads tying together our two great seas 200,000,000 acres of land. Acres less than these in Germany and neighboring nations support a population larger than our own.

Among all the agencies which have contributed to our great material growth the extension and development of railroads rank first, for agriculture, first among our industries, has found its too meager profits not in higher markets, but in lower cost of reaching them.

Protection has not helped to build, but has been a great hinderance to the building of railroads and lower cost of transportation. It will be remembered that two years ago, when the Tariff Commission scheme was under consideration, it was shown upon unquestioned authority that railroads were then being built through Texas and into Mexico upon terms with the Mexican Government which admitted locomotives, rails, and railroad materials free of duty for use south of the Rio Grande, while north we required the payment of high protective duties, and that, as the result of this, the same railroad built at the same cost for labor cost 25 per cent. more in Texas than in Mexico. Upon this basis is it not apparent to all not blind to truth that the vast sums used in building the 80,000 miles of railroad since 1860 with the help of protection would have built 100,000 without such help?

Railroads must be renewed once in twelve years; that is to say, the cost of maintaining them twelve years equals the first cost, and the yearly cost of maintaining and keeping in repair our 120,000 miles is equal to the cost of building 10,000 miles. If we estimate the first cost as low as $20,000 per mile, one-fourth of which is shown to result from so-called protection, it will be seen that this bounty system increases the annual cost of repairing our 120,000 miles of railroad $50,000,000, which sum is an annual tax on the people, charged up to them in the cost of carrying the products of their labor to market. No State in regulating rates and charges on railroads fails to take into account the cost of building and maintaining them. As it taxes the people on their transportation, so this bounty system follows them in all their pursuits and exacts a part of their earnings; for to increase the cost to the producer is to increase the price to the consumer.

Often as it has been shown to be a protective fallacy, it is to-day again repeated that this bounty-taxing policy lessens the cost of commercial and business intercourse on land and sea and of carrying over both; that it has cheapened the cost of fuel, food, clothing, and shelter of the people, added to their comfort, and given them increased abundance. Need I again expose this false claim of those who make it that existing abuses may be continued and again show that all this abundance and plenty results from our ever-growing control over nature's forces. This growth continues not by reason but in spite of tariff-tax restrictions and is not confined to any country. Why it is so may be shown by a most homely illustration, which I do not now use for the first time.

Not forty years ago corn was mostly shelled by hand. An industrious man might then shell as much as five bushels in one day. If he received but 50 cents for his day's work it cost 10 cents to shell a bushel of corn. In the gentleman's State of Iowa last fall I saw men shelling corn and receiving a dollar for a day's work. They were using machinery of most simple structure and shelling corn for 2 cents a bushel. The wages were double, while shelling corn was one-fifth the former cost. But for the protective tax on the machinery and on the cost of living wages would be higher; corn-shelling lower. What is true of shelling corn is true of the cost, and consequently of the price, of making articles for use in our fields, homes, and shops, for most of all that contributes to the health and comfort of the people. It is true of everything that is made largely by or with the help of machinery. Such are the means and the methods by which, in spite of protection's burdens and not with its help, the people enjoy their greatly increased abundance. [Applause.]

By offering bounties we have induced our people to invest in manufactures and to abandon the sea to our chief commercial rivals. Englishmen now take to themselves all the profits of carrying our products to foreign markets. Competing with themselves, they have made greater reductions in transportation on the sea than we have made on land, greater reductions than we have made on anything in our own country. In the lower cost of ocean freights surplus agricultural products have

found their profits, and certainly this can not be claimed for protection by its most greedy advocate.

The gentleman from Georgia [Mr. HAMMOND] suggests that reduction in the cost of all manufactured articles resulting from the use of machinery has occurred in and is common to all civilized countries, and I may add, this reduction has occurred here under revenue tariffs, under all tariffs. On this subject Mr. MORRILL said here in 1860, that a comparison of our tariffs, including 1846 and 1857, "will show that we have made more rapid strides in cheapening manufactures, and therefore lessening the necessity of incidental protection, than ever England made herself in any equal period of time."

In his argument for the continuance of existing customs duties the honorable gentleman from Pennsylvania [Judge KELLEY] gave us details of his recent travels abroad and some account of the discontent, and he says the "indescribable sufferings, which the masses of the people of all transatlantic countries feel they can no longer endure." Finding the people in Great Britain in like suffering condition with the people of "all transatlantic countries," some with, others without, the protective system, he, with accustomed protective logic, finds that the people of England, Ireland, and Scotland are suffering because of free trade and for want of a protective tax on their too scanty means of subsistence.

While I am not called upon to defend any commercial system to justify a moderate reduction or partial removal of unnecessary taxes, I will be pardoned the suggestion that an unbiased look at the history of the countries visited by the honorable gentleman could hardly fail to discover to him other causes for the misfortunes of the English people than their lack of that protective system which has not saved neighboring nations from like misfortunes which he found in "all transatlantic countries."

The merits of any governmental policy or bounty system can only be ascertained when tried under like conditions. The effect of Great Britain's commercial policy must be determined by a comparison of that country with other densely populated countries, or by a comparison of England to-day with the England of forty or fifty years ago under a protective policy similar to our own, and to the want of which the gentleman attributes all her woes.

Whatever might be its good or evil effects upon our own country, the condition of the English, Irish, and Scotch people, bad as it still is, has been bettered since the adoption of a freer commercial policy. In a late paper or address of Robert Giffen LL. D., president of the Statistical Society of England, already referred to in this debate, it is shown that the working classes have made such progress in the United Kingdom that in some employments their wages have increased one-half, in some they have doubled, in others they are three times as much, and taken altogether it may be fairly stated that wages are twice as high as they were forty or fifty years ago.

On the same authority it may be correctly said that if the honorable gentleman from Pennsylvania had sought anything but suffering he could have ascertained that where there was no national system of education fifty years ago, now nearly all the children of England are in school; he would have found there less crime, less pauperism, the hours of daily labor shortened, the cost of better living cheaper, and as a convincing proof to all but a protectionist that the people are better fed, better clothed, and better housed he could have found the duration of human life extended, the mean (or average) age at which men and women die nearly three years longer where he found nothing but misery and misfortune.

The itinerant humanity of the gentleman from Pennsylvania might find temporary exercise in his own country. There is more of what is called defective population, more suffering, where society is old than where it is new. And so it is with States or nations. Proportioned to population in the comparatively old State of Pennsylvania there are twice as many criminals, twice as many paupers, as in the newer State of Iowa; more persons in Pennsylvania who can not read and who can not write. There are more fools in Pennsylvania in proportion to population. [Laughter.] I mean more idiots and insane people. I do not lay the greater misfortune of this older State to protection. They come to Pennsylvania as they come to all the more densely populated countries where the people are in each other's way; but protection, which is but another name for taxation, aggravates these evils of society.

Gentlemen who attribute our national growth and greater prosperity of the people to the progressive and creative power of taxation forget all the advantages of this newer world of ours, which yields to both capital and labor greater profits than they obtain elsewhere, although labor gets less than its share. The older countries, the miseries of whose people are so often reiterated in behalf of protective taxation, have but one or two acres of land to the person; here we have forty or fifty acres. Do gentlemen wonder, then, that our people produce more and earn more both in wages and profits on their forty acres than "transatlantic" people do on their two acres? As often as I have discussed this subject of protective taxation I have urged as one of its chief objections, if not its greatest wrong, that it resulted in an unjust distribution of the earnings of labor, and enabled those who worked least, or not at all, to profit most from the labor of others. And so much at last seems to be conceded by the ablest advocates of the protective doctrine. In closing his speech on the pending bill the honorable gentleman from Pennsylvania points to the necessity of saving "our laboring classes" from "justifiable discontent" by securing to them "a larger proportion of the joint production of labor and capital." This he proposes to accomplish by so increasing protective taxes on our people that they can afford to pay themselves more money for less work.

In my remarks on this bill while discussing the unequal burdens imposed by indirect and protective tariff taxes I said that estimates based on census statistics showed that as many as 18,000,000 of our people do some work and are engaged in what are called in the census returns gainful pursuits; that all that was saved by or all the surplus earnings of the whole went to about two millions of the eighteen, and that the average earnings of the other 16,000,000 did not much exceed $300 per annum and were consumed in the means of daily subsistence; that our boasted accumulations of national and individual wealth go into the hands of one-tenth of our people. These estimates the demure gentleman from Massachusetts [Mr. RUSSELL] criticises in a manner not the most courteous, but of which I do not complain, for his terms of criticism are courtly courteous compared with the brutal coarseness and shuffling insincerity of the criticisms made here on the bill, its author, and all who favor its adoption by those who professedly favor a modification and reduction of the tariff while striving to prevent such reduction.

The statement questioned by the gentleman from Massachusetts is substantially true. There are more than 4,000,000 persons engaged in manufacturing, mining, and mechanical industries, the hands employed numbering nearly 3,000,000. In the census year 1880 their average wages was $346. At a great public gathering last year in New York city, Mr. Jarrett, president of the labor organization, declared that wages had been reduced 20 per cent. since the census year. The truth of his statement, which has not been questioned, shows annual wages to be $277. With reductions made in the last year, the stoppage of mills, and loss of time, annual wages are less than $277 for hands employed. Classed with those engaged in manufactures are a large number of miners and mechanics, whose average earnings are not much more, and together they do not equal $300, the amount stated by me.

Of the 6,000,000 engaged in trade and transportation, professional and personal service, one-half are laborers or in domestic service, and most of the others are in employments where the compensation is not large. Taken together they are not better paid than those engaged in manufactures.

Of the 8,000,000 in agriculture, the farmers outnumber farm laborers about 1,000,000. The estimated value of all farm products for 1880 given in the census is $2,212,000,000. Divided equally, it leaves to those engaged in agriculture but $289 each. Having challenged the correctness of my statement as to the earnings and savings of the mass of the people, the gentleman from Massachusetts sustains himself by his own assertion that the laboring people have made large deposits in the savings-bank at Lowell. It may be true that such deposits have been made. The census shows it to be the most industrious of all our cities. There are none where so many women and little children toil all the day long. Counting all the men, women, and children, one-half of them are at work.

Lowell is the great seat of the cotton industry, and the wages in 1880 in cotton-mills was 81 cents per day. With the 20 per cent. or more reductions since made, the laboring people who deposit in the Lowell banks earn 61 cents per day; and I now again insist that those who earn but 61 cents per day can only make deposits, as they pay their unequal portion of tariff taxes, by subtracting them from their too scanty means of comfortable living.

The gentleman from New York [Mr. HISCOCK] in his speech only a few days since insisted that the value of the agricultural product for 1880 was, in fact, $3,600,000,000, and not $2,212,000,000, as taken by myself and others from the census. This discrepancy or error he claims is because ranche products and meat and maple sugar, &c., are not included in the lower census estimate.

Mr. Dodge, of the Agricultural Bureau, seems to be the author of both estimates. I find a meat product valued at $303,562,413 counted as part of our manufacturing wealth, and it may be that neither estimate of the agricultural product is correct. But supposing the higher estimate to be true, and remembering that agricultural products, like labor, have decreased in value, and allowing a low rate of interest on farms, the cost of fences and fertilizers, and the income of the farming classes falls below $268 each. I do not care to go more into details. But at page 300 of the Agricultural Report for 1882 there is a statement, made by the same Mr. Dodge, showing the income for that year of more than 2,000,000 farmers to be $160 each, and more than 3,000,000 to be $261 each, thus showing the average earnings of 5,042,937 persons engaged in agriculture to be $220 in 1882. Of course there are many engaged in all these industries who earn much more than $300, but there are so many more of the 16,000,000 who are to-day earning less, that the estimate given by me is above the actual earnings.

Remembering that the gentleman from Massachusetts [Mr. RUSSELL] and the gentleman from Rhode Island [Mr. CHACE] come here session after session, and by vote and speech maintain tariff taxes that money may be put in their purses through their protected business pursuits,

I accept with some qualification their assurances of special care for and sympathy with the workers and planters in the fields of agriculture. From their fields they gather corn as pious men gather godliness, down on their bended knees, because the stalks are so short. [Laughter.] In our fields we reach the ears of corn with the help of a ladder, the stalks are so long. And yet these gentlemen are continually offering us their services in protecting our agriculture by taxing us. In opposing this bill the gentleman from Maryland [Mr. FINDLAY] only to-day invoked censure on the internal-revenue system because of its horde of tax-gatherers. Sir, the tax-gatherers in the customs-revenue service outnumber the other by hundreds of thousands. Whoever buys a nail, a hoe, an ax, a yard of cloth, or spool of thread in all the ten thousand stores and shops where merchants sell their wares, meets there the tax-gatherer taking taxes for the Government or bounty for the manufacturer.

Mr. FINDLAY. I have never seen him there.

Mr. MORRISON. You do not work for $300 a year or you would have felt him. [Laughter.]

So much sympathy has been expressed here for men who toil in the field or who toil anywhere that it needs to be accepted with something of caution. In this I have no reference to anything said by the gentleman from Maryland.

In the progress of the remarks lately made by the gentleman from Ohio [Mr. MCKINLEY], when he was telling over the advantages of a home market afforded to agriculture by taxing it to support manufactures, I asked him what part of the agricultural product was consumed by those engaged in manfactures? Taking refuge in his usual adroitness, he replied, "All they need."

With greater candor he would have replied, "Less than half as much as we export;" but such frankness would have exposed the home-market fallacy, which is an unkept promise a century old and yet growing away from realization. Do gentlemen who so idly talk of a home market for the products of farms and fields forget that all wheat and corn now grown in the country can be grown in Iowa and the adjoining Territory of Dakota? That Texas alone will grow all the field products now grown in all the States and Territories? Do gentlemen forget that all the cotton consumed in the whole world will grow in the State of Mississippi? These facts are apparently overlooked by gentlemen who are continually promising here to tax agricultural people into a profitable market.

I believe I have already said that the trouble with gentlemen who professedly oppose this bill for making a horizontal reduction do not oppose it because it cuts horizontally, but because it cuts at all. [Laughter.] The gentleman from Ohio [Mr. MCKINLEY] finds nothing in the bill which commends it to him, and while commenting on its (to him) objectionable features assumes to find in the bill some confession of incapacity and some evidence of indolence. These are terms near akin to those employed by his Democratic allies and incidental confederates, and therefore I do not complain of his use of them. [Laughter.]

When I inquired of him whether if the form of the bill was so changed as to omit the features criticised by him it would then have his support, he very candidly replied it would not. He had elsewhere said he would not vote for any bill putting anything down, but would vote for a bill putting duties on several articles up. When asked if any cut would receive his support, he declared the 20 per cent. proposed ruinous, because he asserted twenty inches off of a long-legged man would still leave him "stumps," while a like cut would leave a short-legged man no stumps at all. A 1 per cent. horizontal reduction of that stumpy witticism will leave it the shallowest nonsense.

The gentleman feigns ignorance of the fact that the great, oppressive, taxing monster stands with its unequal burdens on legs of unequal length. Does he forget that woolen rags and shoddy and waste wool and rags, not wool but mixed, used in making woolen goods are taxed 10 cents per pound? He remembers that. Does he remember that cloth made of the 10-cent rags is taxed a dollar a pound? Then the question is not whether a horizontal cut is right or wrong as a test between the gentleman and myself. This is the question: Is the tariff too high or too low? Is 10 cents too much on rags and a dollar too much on cloth? [Applause.] When I make the horizontal cut I leave the one at 80 and the other at 8—the same proportion he left to them. [Applause.] If they are not left in right relations the fault is his, not mine.

Mr. REED. Oh, no; you are doing the cutting.

Mr. MORRISON. I did not put 10 cents on rags and a dollar on cloth.

Mr. REED. But you are complaining of inequality, and yet you perpetuate it.

Mr. MORRISON. In addition to some inequality I complain that duties are all too high, and in this bill I propose to make them lower. If I can cut off the ugly tops of these things and others like them you will be the first man to come in and help me to regulate and adjust any inequality. [Laughter and applause.] If I can deprive you of your bounty, your unjust exactions secured to you under the false pretense of protecting labor [cries of "Good!"], you and the gentleman from Ohio will be the first men to come in and say, "Let us equalize." That is what all protectionists will hasten to do. There will be no trouble about equalizing if I can first take from you your bounties. These I am trying to cut off a little, leaving for the present the adjustment made by you and which you still insist is too perfect to be disturbed.

On the authority of some officer in the Treasury my friend the gentleman from Ohio says the bill will be difficult to execute. I call him my friend, for that is what he called me [laughter], and I feel so nearly that, that I am not going to vote to put him out of his seat unless there is a good case against him, for he is one of the best of his kind. [Laughter and applause.] But somebody, an officer in the Treasury, told him that the bill had in it absurdities and would be expensive to administer and execute. Who this officer may be is a protective secret which the gentleman will not disclose. I suppose there is such an officer, because the gentleman from Ohio has said so. If there is, he is doubtless the same description of person as the president of the Tariff Commission, of whom Mr. Delano, the ex-Secretary of the Interior, said——

Mr. BLACKBURN. Columbus Delano?

Mr. MORRISON. Yes; once a member of General Grant's Cabinet, and before that a member of this House. He said of the Tariff Commission that after it was gotten up by the manufacturers they took their hired agent and made him president of it; I suppose to give them an impartial report. I suppose the officer who imparted the information mentioned by the gentleman from Ohio is not unlike the president of the Tariff Commission in his relations to the manufacturers, whose hired agent he probably is. One of the absurdities which he thinks he discovers in the bill is the proposed cut of iron ore, which would reduce it to 60 cents, and under the Morrill tariff it was 20 per cent. ad valorem; that it might fall so low or go so high in price it would be difficult to tell on which side of the ad valorem line it was dutiable, and confusion would result.

Remembering that we have collected duty on ore under the ad valorem rate always before the present law, why need we be confused about it. The confusion is all in the reduction. He fears confusion from the rates on files, rasps, floats, &c. A great many hard-working carpenters have been filed and rasped by this tariff. [Laughter.] The duties on these he finds uncertain, because under the Morrill tariff the duty was 30 per cent. on the value. Under the present law it is by the dozen. Under the old law it was by the pound. The changes heretofore made created no confusion except to those who pay the high existing rates. The proposed reduction is the only inconsistency which pinches the friends of the file-makers.

Out of one of the rates fixed or clauses made in the last tariff bill by the gentleman from Ohio and his associates, experts who have made all the tariffs since 1860, I am told 5,000 protests have already come and 5,000 lawsuits may follow. So it would appear that there is something defective, more or less imperfect, in all tariff bills. And dread confusion haunts the gentleman from Ohio because the duty on grindstones is to be lowered. He came confused from yonder conference-room, where he was a member of the conference committee, to the confusion of all tax-payers. The office and duty of a conference is to adjust the difference between the two disagreeing Houses. This House had decided that bar-iron of the middle class was to pay $20 a ton; the Senate that it was to pay $20.16 a ton. The gentlemen of the conference, including the gentleman from Ohio, reconciled this difference—how? By raising bar-iron above both House and Senate to $22.40 a ton. [Great laughter.]

The Tariff Commission at the end of its deliberations reported that the tariff on iron ore should be 50 cents a ton. The Senate said that it should be 50 cents a ton. The House said it should be 50 cents a ton. Gentlemen of the conference committee, including the gentleman from Ohio, neither indolent nor wanting in capacity of a kind, reconciled the agreement of the House, Senate, and Tariff Commission into a disagreement, where there was none, and made the duty on ore 75 cents a ton. [Laughter and applause on the Democratic side.]

The gentlemen of the conference did a similar service for the great corporation of corporations, the Iron and Steel Association, by giving it a tax of $17 on steel rails, which the House fixed at $15 and the Senate at $15.68 per ton. In all this there is no confession of want of capacity, but an exhibition of it which commends itself to the gentleman from Ohio. It is such an exhibition of talent and special fitness as in Ohio would be a breach of public trust and drive him from an honorable profession. Here it is statesmanship. It gives bounty to corporations and royalty to mine-owners. [Laughter.] It adds to the burdens of the people, who are mocked with the pretense that it protects labor. The more of such evidences of capacity as were exhibited in that conference, of which the gentleman from Ohio was a distinguished member, that might be shown in this horizontal bill, the more infamous it would be and the less support it ought to have. [Laughter and applause.]

Some right-thinking merchant in Boston, anxious to commend his wares with a good name, has given out that they are of the "Carlisle shape." The gentleman from Ohio discovers in this an aspiration for the reduction of war-tariff taxes, and so he will have none of the Carlisle shape. He longs for the Keifer shape. [Laughter and applause.] Let him take comfort in the fact that his allies about me who are striving to defeat this bill, and with it all legislation necessary to relieve the people from unnecessary taxes, are speeding the return of the Keifer shape.

These gentlemen who come here from Iowa, Wisconsin, and Michigan pledged to abate something from taxes taken from the people to go into a treasury already full come as the representatives of a people who believe the Tariff Commission scheme was a sham and a cheat, devised to maintain and not to reduce taxes. And now they are here, and the chief financial officer of the Government tells them (whether it is a cheat or not) that this scheme has not reduced taxes as it was promised they should be reduced—as all advocates of the commission plan promised they should be reduced.

If the gentlemen from these States must return to their constituents with their pledges unredeemed and promises unkept—unkept not because of the votes of the gentlemen from Ohio and his party associates, but because of the votes of their Democratic allies—what answer shall they make to the people, who had their assurances that with the help of their own party associates here they would give to the people that relief which had hitherto been first promised, then denied? Must they return with faith unkept by reason of the action of their own party associates, who are always professing a willingness to grant relief, which when they have the power to grant they take care to refuse? Is this to be the result?

The CHAIRMAN. The time fixed for debate has expired.

Mr. MONEY. I move that the gentleman from Illinois be allowed to proceed.

Mr. KASSON. The gentleman from Illinois has not occupied the time to which he was entitled, having yielded to me a portion of it. [Cries of "Go on!"]

The CHAIRMAN. The gentleman from Illinois yielded six minutes to the gentleman from Iowa. If there be no objection the Chair will recognize him for that time.

There was no objection.

Mr. MORRISON. With such a result of course the Keifer shape will return to comfort Ohio statesmen. But will the gentlemen already referred to return or will they be considered unfaithful because their Democratic associates have been so? Then those by whose votes on this bill all reduction of taxes shall be postponed will be further comforted with the return here of the genial Governor Pound, who weighs a ton for many purposes. [Laughter.] The gentle Hazelton, and the amiable gentleman from New Jersey, Mr. Robeson, may be here again. Probably the budding statesman from California may give place to jolly Mr. Page.

Mr. WILLIS. And besides that "My dear Hubbell." [Laughter.]

Mr. MORRISON. Yes; my dear Hubbell and my Ohio friend and all his Democratic allies here will be made happy in the assurance that all the "industries" are safe in the hands of men of "capacity."

The gentleman from Pennsylvania [Mr. RANDALL], who does not honor me with his presence——

Mr. RANDALL. That is a mistake.

Mr. MORRISON. I am glad to know the gentleman is here. He too was once in favor, or professed to be in favor, of a substantial reduction of high tariff taxes; said so in a speech to the convention which nominated him as a candidate for the place he holds in this Congress, if the Evening Telegram and his own city papers correctly report him. It is true that since then the commission scheme of revision procured by his assistance has been made, but I think it is substantially conceded by all that this is not such a revision as was promised by him and his associate advocates of that measure, for they promised relief which it did not afford and which is still refused.

The gentleman with his associates in that work reduced the tax on silks from 60 per cent. to 50 per cent. or 16 per cent. On the cheaper woolen goods, some of them taxed as high as 100 per cent., he voted with other revisers and tariff adjusters to add another 30 per cent. I ask him now to help me to reduce this onerous tax that was already too high, and his answer is, not that it is not too high—he does not say that—but he says he does not like the horizontal cut. Then why does he not offer a proper plan—another cut? He claims to have the power to strike out the enacting clause of this bill and thereby defeat any legislation. If he and his Democratic adherents have the power to do that they have the power to amend the bill and make it what they desire it to be. [Applause.]

But this is not a horizontal cut. It removes part of the monstrous tax put by him on woolen and other goods, but leaves silks taxed as he taxed them. I do not propose an indiscriminate reduction. When 20 per cent. is taken off, those now as high as 100 per cent. will still be 80 per cent. Another provision of the bill reduces them to 60 per cent. Does the gentleman from Pennsylvania and the Democrats who act with him think 60 per cent. on woolen goods too low? In God's name how much would you take as bounty for those for whom you have spoken here to-day? Do you know there are a million women to-day in this country earning with their needles dresses made of goods thus highly taxed, and that when they buy ten yards for a dress, even with this second cut, they must give the price of six to the Government? Is that not enough?

Gentlemen but deceive themselves if they expect to avoid responsibility with a pretense that a bill open to amendment is objectionable in form or in detail. The pretense that the advocates of this bill or any bill reducing tariff taxes would resort to direct taxation is a meaningless subterfuge. The assertion that the friends of tariff reform would abandon tariff taxes as a principal source of revenue is a weak invention of those who would hide their own rightly distrusted purposes and evasions of public duty.

But there is the horizontal cut into the bounty-fed Congressional favorites, and therefore I can not have the assistance of these gentlemen even to amend the bill or to legislate upon the subject of taxation because for the purposes of those by whom it is opposed it cuts wrong in cutting at all. And yet most of them (I believe the gentleman from Pennsylvania does not) pretend to believe taxes too high, and assume a willingness to reduce them, while voting to prevent all reduction.

[Here the hammer fell, and Mr. MORRISON resumed his seat amid loud applause.]

The following tables were presented to the Statistical Society of Great Britain by its president, Robert Giffen, LL. D., November 20, 1883:

Comparison of wages fifty years ago and at the present time.

[From miscellaneous statistics of the United Kingdom and Porter's Progress of the Nation.]

Occupation.	Place.	Wages per week.		Increase.	
		Fifty years ago.	Present time.	Amount.	Per cent.
		£. s. d.	£. s. d.	s. d.	
Carpenters	Manchester	1 4 0	1 14 0	10 0	42
Carpenters	Glasgow	14 0	1 6 0	12 0	85
Bricklayers	Manchester a	1 4 0	1 16 0	12 0	50
Bricklayers	Glasgow	15 0	1 7 0	12 0	80
Masons	Manchester a	1 4 0	1 9 10	5 10	24
Masons	Glasgow	14 0	1 3 8	9 8	69
Miners	Staffordshire	b 2 8	c 4 0	1 4	50
Pattern-weavers	Huddersfield	16 0	1 5 0	9 0	55
Wool-scourers	Huddersfield	17 0	1 2 0	5 0	30
Mule-spinners	Huddersfield	1 5 6	1 10 0	4 6	20
Weavers	Huddersfield	12 0	1 6 0	14 0	115
Warpers and beamers	Huddersfield	17 0	1 7 0	10 0	58
Winders and reelers	Huddersfield	6 0	11 0	5 0	83
Weavers (men)	Bradford	8 3	1 6 0	12 3	150
Reeling and warping	Bradford	7 9	15 6	7 9	100
Spinning (children)	Bradford	4 5	11 6	7 1	160

a 1825. b Wages. c Per day.

Comparison of seamen's money-wages per month 1850 *and the present time.*

[From the Progress of Merchant Shipping Returns.]

	1850—sailing.	Present time—steam.	Increase.	
			Amount.	Per cent.
	£ s. d.	£ s. d.	£ s. d.	
Bristol	2 5 0	3 15 0	1 10 0	66
Glasgow	2 5 0	3 10 0	1 5 0	55
Liverpool (1)	2 10 0	3 7 6	16 6	33
Liverpool (2)	2 10 0	4 5 0	1 15 0	70
Liverpool (3)	2 5 0	3 0 0	15 0	33
Liverpool (4)	2 00 0	2 10 0	10 0	25
Liverpool (5)	2 2 6	3 00 0	17 6	40
London (1)	2 5 0	3 15 0	1 10 0	66
London (2)	2 10 0	3 17 6	1 7 6	55
London (3)	2 5 0	3 5 0	1 00 0	45
London (4)	2 5 0	3 10 0	1 5 0	55
London (5)	2 00 0	3 7 6	1 7 6	69
London (6)	2 00 0	3 7 6	1 7 6	69

Paupers in receipt of relief in the years given below.

	1849.	1881.
England	934,000	803,000
Scotland	a 122,000	102,000
Ireland	620,000	109,000
United Kingdom	1,676,000	1,014,000

a 1859.

Average attendance at schools aided by parliamentary grants.

	1851.	1881.
England	239,000	2,863,000
Scotland	32,000	410,000

The CHAIRMAN. The time for general debate limited by order of

the House has expired. The Clerk will read the first paragraph of the pending bill.

The Clerk read as follows:

Be it enacted, &c., That on and after the 1st day of July, 1884, in lieu of the duties and rates of duty imposed by law on the importation of the goods, wares, and merchandise mentioned in the several schedules of "an act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883, and hereinafter enumerated, there shall be levied, collected, and paid the following rates of duty upon said articles severally, that is to say.

Mr. KASSON. I will ask if it is not the proper time to submit a motion, unless some one desires the floor?

Mr. CONVERSE. I move to strike out the enacting clause of this bill. [Applause on the Republican side.]

The CHAIRMAN. The Chair, in reply to the suggestion of the gentleman from Iowa [Mr. KASSON], will say that this is the proper time for the motion now made by the gentleman from Ohio [Mr. CONVERSE].

Mr. MORRISON. Before the vote is taken I ask unanimous consent that the committee rise informally for the purpose of obtaining an order from the House to vacate the evening session for to-day.

Mr. KASSON. I think we had better go on with this for the present.

The CHAIRMAN. The question is on the motion of the gentleman from Ohio [Mr. CONVERSE] to strike out the enacting clause of the bill.

Mr. MORRISON. Upon that motion I call for tellers.

Tellers were ordered; and Mr. CONVERSE and Mr. MORRISON were appointed.

The committee divided; and the tellers reported—ayes 156, noes 151.

So the motion to strike out the enacting clause was agreed to.

[The announcement of the result of the vote was received with great cheering on the Republican side.]

Mr. CONVERSE. I move that the committee rise, and that the chairman report its action to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5893) to reduce import duties and war-tariff taxes, and had directed him to report the same back with the recommendation that the enacting clause be stricken out.

Mr. MORRISON. I now ask unanimous consent that the order for the evening session for this evening be vacated.

There was no objection, and it was so ordered.

Mr. RANDALL. I ask unanimous consent that the gentlemen who have not had an opportunity of addressing the House on this subject may have leave to print in the RECORD.

There was no objection, and it was so ordered.

The SPEAKER. The question is upon concurring in the recommendation of the Committee of the Whole House on the state of the Union to strike out the enacting clause of the bill.

Mr. MORRISON and Mr. TURNER of Kentucky called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 155, not voting 10; as follows:

YEAS—159.

Adams, G. E.	Everhart,	Ketcham,	Ray, Ossian
Anderson,	Ferrell,	Lacey,	Reed,
Arnot,	Fiedler,	Laird,	Rice,
Atkinson,	Findlay,	Lawrence,	Robinson, J. S.
Bayne,	Finerty,	Le Fevre,	Rockwell,
Belford,	Foran,	Libbey,	Rowell,
Bingham,	Funston,	Long,	Russell,
Bisbee,	Geddes,	Lyman,	Ryan,
Boutelle,	George,	McAdoo,	Seney,
Bowen,	Glascock,	McCoid,	Skinner, C. R.
Boyle,	Goff,	McComas,	Smalls,
Brainerd,	Guenther,	McCormick,	Smith,
Breitung,	Hanback,	McKinley,	Snyder,
Brewer, F. B.	Harmer,	Millard,	Spooner,
Brewer, J. H.	Hart,	Miller, S. H.	Spriggs,
Browne, T. M.	Hatch, H. H.	Milliken,	Steele,
Brown, W. W.	Haynes,	Morey,	Stephenson,
Brumm,	Henderson, D. B.	Morrill,	Stewart, J. W.
Budd,	Henderson, T. J.	Muller,	Stone,
Burleigh,	Hepburn,	Murray,	Storm,
Calkins,	Hiscock,	Mutchler,	Struble,
Campbell, J. M.	Hitt,	Nutting,	Sumner, C. A.
Cannon,	Holmes,	O'Hara,	Taylor, E. B.
Chace,	Holton,	O'Neill, Charles	Taylor, J. D.
Connolly,	Hooper,	Paige,	Thomas,
Converse,	Hopkins,	Parker,	Tully,
Culbertson, W. W.	Horr,	Patton,	Van Alstyne,
Cullen,	Houk,	Payne,	Wadsworth,
Curtin,	Howey,	Payson,	Wait,
Cutcheon,	Hunt,	Peelle, S. J.	Warner, A. J.
Davis, G. R.	Hutchins,	Perkins,	Washburn,
Davis, R. T.	James,	Peters,	Weaver,
Dingley,	Jeffords,	Pettibone,	Wemple,
Duncan,	Johnson,	Phelps,	Whiting,
Dunham,	Jordan,	Poland,	Wilkins,
Eaton,	Kasson,	Post,	Wilson, James
Elliott,	Kean,	Price,	Wise, G. D.
Ellwood,	Keifer,	Randall,	Wise, J. S.
Ermentrout,	Kelley,	Ranney,	York.
Evans, I. N.	Kellogg,	Ray, G. W.	

NAYS—155.

Adams, J. J.	Deuster,	Kleiner,	Shelley,
Aiken,	Dibble,	Lamb,	Singleton,
Alexander,	Dibrell,	Lanham,	Skinner, T. G.
Bagley,	Dockery,	Lewis,	Slocum,
Ballentine,	Dorsheimer,	Lore,	Springer,
Barbour,	Dowd,	Lovering,	Stevens,
Barksdale,	Dunn,	Lowry,	Stewart, Charles
Beach,	Eldredge,	McMillin,	Stockslager,
Belmont,	Ellis,	Matson,	Strait,
Blackburn,	Evins, J. H.	Maybury,	Sumner, D. H.
Blanchard,	Follett,	Miller, J. F.	Talbott,
Bland,	Forney,	Mills,	Taylor, J. M.
Blount,	Fyan,	Mitchell,	Thompson,
Breckinridge,	Garrison,	Money,	Throckmorton,
Broadhead,	Gibson,	Morgan,	Tillman,
Buchanan,	Graves,	Morrison,	Townshend,
Buckner,	Green,	Morse,	Tucker,
Burnes,	Greenleaf,	Moulton,	Turner, H. G.
Cabell,	Halsell,	Murphy,	Turner, Oscar
Caldwell,	Hammond,	Neece,	Vance,
Campbell, Felix	Hancock,	Nelson,	Van Eaton,
Candler,	Hardeman,	Oates,	Wakefield,
Carleton,	Hardy,	O'Ferrall,	Ward,
Cassidy,	Hatch, W. H.	O'Neill, J. J.	Warner, Richard
Clardy,	Hemphill,	Pierce,	Wellborn,
Clay,	Henley,	Peel, S. W.	Weller,
Clements,	Herbert,	Potter,	White, Milo
Cobb,	Hewitt, A. S.	Pryor,	Williams,
Collins,	Hewitt, G. W.	Pusey,	Willis,
Cook,	Hill,	Rankin,	Wilson, W. L.
Cosgrove,	Hoblitzell,	Reagan,	Winans, E. B.
Covington,	Holman,	Reese,	Winans, John
Cox, S. S.	Houseman,	Robertson,	Wolford,
Cox, W. R.	Hurd,	Rogers, J. H.	Woodward,
Crisp,	Jones, B. W.	Rogers, W. F.	Worthington,
Culberson, D. B.	Jones, J. H.	Rosecrans,	Yaple,
Dargan,	Jones, J. K.	Scales,	Young,
Davidson,	Jones, J. T.	Seymour,	Carlisle, John G.
Davis, L. H.	King,	Shaw,	

NOT VOTING—10.

Barr,	Nicholls,	Robinson, W. E.	Wood.
Bennett,	Ochiltree,	Valentine,	
Muldrow,	Riggs,	White, J. D.	

So the report of the Committee of the Whole was agreed to.

The following pairs were announced:

Mr. BENNETT with Mr. OCHILTREE, on all questions, including the tariff. If present, Mr. OCHILTREE would vote to strike out the enacting clause of the Morrison tariff bill, and Mr. BENNETT would vote "no" on that proposition.

Mr. MULDROW with Mr. VALENTINE, on all questions, including the tariff. If present, Mr. VALENTINE would vote to strike out the enacting clause of the tariff bill, and Mr. MULDROW would vote against that proposition.

Mr. RIGGS with Mr. NICHOLLS, on the Morrison tariff bill. If present, Mr. RIGGS would vote for the bill in all its stages and Mr. NICHOLLS against it.

Mr. WOOD with Mr. WHITE, of Kentucky, on all questions, for ten days.

Mr. BRUMM. I understood that my colleague, Mr. BARR, was paired with Mr. BELMONT, of New York. I did not hear that pair announced.

Mr. WILSON, of Iowa. The gentleman from Pennsylvania [Mr. BARR] is not paired with Mr. BELMONT on this question; Mr. BELMONT had the right to vote.

The SPEAKER. On this question the yeas are 159, the nays are 155. The yeas have it; and the enacting clause is stricken out and the bill is rejected.

[The announcement of the result of the vote was received with loud and continued cheers and applause.]

Mr. CONVERSE. I move to reconsider the vote just taken; and also move to lay that motion on the table.

Mr. O'NEILL, of Missouri. I move that the House now adjourn.

Many MEMBERS. Oh, no!

The SPEAKER. The question is first on the motion to adjourn.

Mr. O'NEILL, of Missouri. I will withdraw that motion.

The SPEAKER. Then the question is upon the motion of the gentleman from Ohio [Mr. CONVERSE] to reconsider the vote just taken, and to lay the motion to reconsider on the table.

The latter motion was agreed to.

UTAH COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Territories, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of the Interior, submitting a copy of the report of the Utah Commission.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, May* 6, 1884.

WORLD'S INDUSTRIAL AND COTTON EXPOSITION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress a copy of the preliminary report of the board of management of the World's Industrial and Cotton Cen-

tennial Exposition, showing their operations, and containing observations upon other matters concerning the project deemed of importance.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington*, *May* 6, 1884.

BOUNDARY BETWEEN MEXICO AND GUATEMALA.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In answer to that part of the resolution of the House of Representatives of the 17th of January last respecting the question of boundaries between the Republics of Mexico and Guatemala, I transmit herewith the report of the Secretary of State and its accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *May* 6, 1884.

APPROPRIATION FOR WITNESSES AND JURORS.

The SPEAKER also laid before the House a letter from the Attorney-General, asking an appropriation, to be made immediately available, to pay fees of witnesses and jurors, and submitting communications from United States judges and marshals; which was referred to the Committee on Appropriations.

Mr. SPRINGER. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BROADHEAD: Memorial of a large number of manufacturers and merchants of the city of Saint Louis, including manufacturers of iron, &c., in favor of the passage of the Morrison bill—to the Committee on Ways and Means.

By Mr. CALDWELL: Papers relating to the claim of John Bradley—to the Committee on War Claims.

By Mr. G. R. DAVIS: Affidavits of Mary A. Taylor, Sophia B. Wright, and 6 others, citizens of Chicago, Ill., in support of bill for the relief of Mrs. Taylor—to the Committee on Claims.

By Mr. DEUSTER: Memorial for an amendment to chapter 4488, Revised Statutes, to provide better protection for life on steam-vessels—to the Select Committee on Ship-building and Ship-owning Interests.

By Mr. DUNN: Papers relating to the claim of William Porter and of William S. Turner and Annie Turner, all of Phillips County, Arkansas—severally to the Committee on War Claims.

By Mr. EVERHART: Papers referring to joint resolutions for printing additional volumes of Catalogue of Surgeon-General's Library—to the Committee on Printing.

By Mr. D. B. HENDERSON: Petitions of citizens of Bon Homme County, of McCook County, of Union County, and of Hutchinson County, Dakota; and of Sioux County, of Lincoln County, and of Lyon County, Iowa, against the reduction of duty on linseed-oil—severally to the Committee on Ways and Means.

By Mr. KEIFER: Petition of William N. Whitele and 21 others, of Springfield; of John Marshall and 10 others, of Mansfield; of H. S. Bradley, C. C. Leedle, A. C. Evans, and 18 others, of Springfield, Ohio; of Warder, Bushnell & Glassner and 34 others, of Chicago; of Deere & Co. and others, manufacturers of Moline, Ill.; of C. C. Vanderpool and others, of Mitchell, Iowa; and of Carleton Sprague, vice-president of the Pitts Agricultural Works, Buffalo, N. Y., praying for the organization of the Patent Office into a separate and independent department, to promote its efficiency, &c.—severally to the Committee on Patents.

By Mr. LONG: Two petitions of citizens of the second district of Massachusetts, in favor of a bankrupt law—to the Committee on the Judiciary.

By Mr. CHARLES O'NEILL: Papers relating to the claim of Mathilda Victor—to the Committee on War Claims.

Also, communication relating to the bill for the relief of Ellen P. Harris—to the Committee on Military Affairs.

Also, petition of Charles Sangster, for an increase of pension—to the Committee on Invalid Pensions.

Also, petition of officers of the United States Army, asking for the reorganization of the infantry arm of the service upon the same basis as the cavalry and artillery—to the Committee on Military Affairs.

Also, petition of James Peak, asking for a pension—to the Committee on Invalid Pensions.

By Mr. POLAND: Petition of George S. Dowley and others, of Brattleborough, Vt., against Government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. J. S. ROBINSON: Petition from ex-officers, relative to H. R. 6194—to the Committee on Military Affairs.

By Mr. RYAN: Petition of Robert M. Forsyth, for a pension—to the Committee on Invalid Pensions.

By Mr. WASHBURN: Petition of Rev. T. Aloysius and Rev. J. A. Gilfillan, of White Earth reservation, for the removal of scattered bands of Chippewa Indians in Minnesota and Dakota to White Earth reservation, &c.—to the Committee on Indian Affairs.

By Mr. YORK: Petition of citizens of Wilkes County, North Carolina, asking aid for educational purposes—to the Committee on Education.

SENATE.

WEDNESDAY, *May* 7, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

UTAH COMMISSION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying report, referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a communication from the Secretary of the Interior submitting a copy of the report of the Utah Commission.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington*, *May* 6, 1884.

STEAMER KEOR JEOR.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

In answer to the resolution of the Senate of March 12, 1884, requesting to be furnished with a copy of correspondence between this Government and that of China respecting the Ward claims and the claim of Charles E. Hill, I herewith submit a letter of the Secretary of State, together with its accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington*, *May* 6, 1884.

The PRESIDENT *pro tempore*. The message of the President will be printed, and also the letter of the Secretary of State, and with the accompanying papers referred to the Committee on Foreign Relations. The Chair does not suggest the printing of the accompanying papers, as they appear to be very voluminous, until the committee shall see whether it is necessary to print them or not.

WORLD'S INDUSTRIAL AND COTTON CENTENNIAL EXPOSITION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress a copy of the preliminary report by the board of management of the World's Industrial and Cotton Centennial Exposition, showing their operations, and containing observations upon other matters concerning the project, deemed of importance.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington*, *May* 6, 1884.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter of General Sheridan, president of the Board of Commissioners of the Soldiers' Home, requesting the necessary legislation to allow the admission of insane inmates of such home to the Government Hospital for the Insane; which, with the accompanying letter, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of William G. Allen, of York, Me., praying to be granted a pension on account of an injury received while in the service of the United States at Fortress Monroe; which was referred to the Committee on Pensions.

Mr. PLATT. I present the petition of Theodore D. Woolsey, Noah Porter, and other distinguished citizens of New Haven, Conn., praying for the restoration of the Nez Percé Indians, known as Chief Joseph's band, to their former reservation in Idaho. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. BLAIR presented a petition of members of John Sedgwick Post, No. 4, Grand Army of the Republic, praying an increase of pension to those who have lost an eye in the United States military service; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 578) to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to the Ellis County Agricultural Society, of Kansas, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 179) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two second lieutenants, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 588) for the relief of the estate of Lucien Goyaux, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1391) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition, reported it adversely; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a bill (S. 2166) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition; which was read twice by its title.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 1411) for the relief of Santiago de Leon, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the petition of George Brown, late a citizen of Virginia, praying compensation for certain property taken and used by the Government of the United States during the late war, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. HOAR, from the Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred the bill (S. 608) for the relief of J. S. Underhill, have carefully considered the same, and in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

The PRESIDING OFFICER (Mr. WILSON in the chair). The report will be placed on file.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 607) for the relief of William H. Young, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1774) for the relief of William Tabb, reported it without amendment, and submitted a report thereon.

Mr. GEORGE, from the Committee on Claims, to whom was referred the petition of the personal representatives of Ayres P. Merrill, deceased, praying compensation for stores and supplies taken by the Army of the United States, submitted a report thereon, accompanied by a bill (S. 2168) for the relief of the executrix of Ayres P. Merrill, deceased; which was read twice by its title.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 1950) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont, reported it with an amendment.

ESTATE OF J. J. PULLIAM.

Mr. HOAR. I am directed by the Committee on Claims, to whom was referred the petition of W. J. Hancock, administrator of the estate of J. J. Pulliam, of Fayette County, Tennessee, praying compensation for property taken and used by the United States Army during the late war, to report an original bill. I ask for the present consideration of this bill. If the Chair will direct the bill to be read for information, I will then state to the Senate the reasons for it. It will not take two minutes.

The bill (S. 2167) for the relief of the estate of J. J. Pulliam, deceased, was read the first time at length, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to re-examine and settle the claim of the estate of J. J. Pulliam, deceased, late of Fayette County, State of Tennessee, for wood taken by the United States forces during the late war, from one hundred and twenty-five acres of land, located near the village of La Grange, in said State; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum that may be found due said estate: *Provided*, That the amount shall not exceed $4,167.

The bill was read the second time by its title.

Mr. HOAR. We pass every winter a bill containing in some cases several thousands of claims and always several hundreds, which have been audited by the Quartermaster's Department, for quartermaster's stores taken from loyal persons in the Southern States. When the proper bill came up last year there was a petition in favor of this petitioner. The bill passed the House, and when it came to the Senate it was discovered by the chairman of the Committee on Claims that a mistake, a mere clerical mistake, had been made which fixed the claim of this petitioner at some hundreds of dollars less than he was entitled to. To have corrected the mistake would have required the bill to go back to the House of Representatives, delaying a good many hundred persons whose claims were provided for in that bill, and it was within a day or two of the end of the session and might cause the defeat of the bill altogether. The chairman of the committee, therefore, reported to the Senate stating that that mistake had been found and that the committee had reported a bill with the smaller sum, doing injustice to the petitioner in that respect, and would report at the next session a bill to correct the error.

This bill authorizes the proper officers who examined those claims to re-examine this and give to the petitioner such sum as they shall find him entitled to.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. EDMUNDS introduced a bill (S. 2169) to place Ulysses S. Grant, late General of the Army of the United States, upon the retired list of the Army; which was read twice by its title.

Mr. EDMUNDS. I move the reference of the bill to the Committee on Military Affairs, and I wish to commend it to the early consideration of that committee for reasons which everybody understands.

The motion was agreed to.

Mr. BLAIR introduced a bill (S. 2170) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was read twice by its title.

Mr. BLAIR. This is a bill introduced at the instance of the parties who are interested and is designed as a substitute for a bill already pending before the Committee on Education and Labor. I move its reference to that committee.

The motion was agreed to.

Mr. BLAIR (by request) introduced a bill (S. 2171) to promote the efficiency of the revenue-marine service; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2172) for the relief of Mrs. Claud Morris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GIBSON introduced a bill (S. 2173) to increase the endowment of the Louisiana State University and Agricultural College; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS introduced a bill (S. 2174) creating the Quilleute land district in Washington Territory; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2175) granting a pension to George W. Eagles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 2176) to create a permanently deep, wide, and straight channel through the Sandy Hook bar of the port of New York, for the purpose of forming an improved commercial outlet; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB introduced a bill (S. 2177) granting a pension to Henry Bradford; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2178) for the relief of Abner Lowry, sr., of San Pete County, Utah; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 2179) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LOGAN introduced a bill (S. 2180) for the relief of the trustees of the Christian Brothers' College of Saint Louis, Mo.; which was read twice by its title.

Mr. LOGAN. In introducing the bill I desire to say that I know nothing about it whatever, but I present it at the request of parties interested. I move its reference to the Committee on Claims.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" are now in order. [A pause.] If there be none, that order is closed. The Chair understands that it was unanimously understood yesterday evening that the shipping bill should be now laid before the Senate. That will accordingly be done.

Mr. HILL. According to the notice which I gave yesterday, I ask that the Senate now take up the bill (S. 2031) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and for other purposes.

Mr. FRYE. Has the shipping bill been laid before the Senate?

The PRESIDENT *pro tempore*. It has.

Mr. FRYE. Does the Senator from Colorado ask that it be laid aside informally?

Mr. HILL. I ask that it be laid aside informally, to take up the bill that I have named.

The PRESIDENT *pro tempore*. The Senator from Colorado asks unanimous consent that the pending bill be laid aside informally, in order that the Senate may proceed to the consideration of Senate bill 2031. Is there objection?

Mr. DAWES. I think that the Senator from Maine ought not to consent to this, after the arrangement last night, at the expense of the Appropriations Committee. If he makes this arrangement at the expense of the bill which he has in charge, I have no objection, but to make it at the expense of the Appropriations Committee, I shall feel it my duty after the close of the remarks of the Senator from Colorado to ask the opinion of the Senate upon the propriety of taking up the Indian appropriation bill.

Mr. FRYE. I have been in the Senate only a short time, but I have learned that in matters of this kind it is a question of courtesy which I can not by any possibility disregard. The Senator from Colorado has

given notice that he desires to occupy an hour or three-quarters of an hour at the present moment, and I feel bound by what I have recognized as a rule of the Senate in that matter, the rule of courtesy.

Mr. DAWES. I made this same statement last night to the Senator from Maine, and he chose to ask unanimous consent last night when I made the statement to him. I do not think the Senator ought now, at the expense of the appropriation bill, to give way this morning. I did not object to his yielding according to his own suggestion last night, but I had stated that I felt called upon to bring up the appropriation bill. The situation of the matter is this: Last Friday I gave way upon the intimation that the shipping bill would be finished on Friday. I gave way on Monday at the suggestion that it would be finished before night on Monday. I gave way yesterday upon the assertion of the Senator from Maine that he would hold the Senate here, if they would consent to stay, till the bill was finished last night. Last night at 6 o'clock the Senator, after this statement, asked unanimous consent to take up the shipping bill this morning.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Colorado [Mr. HILL]. The Chair hears none. The pending order is laid aside informally.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD.

Mr. HILL. Mr. President——

The PRESIDENT *pro tempore*. The bill (S. 2031) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and for other purposes, is before the Senate. The Senator from Colorado [Mr. HILL] will proceed.

Mr. HILL. Mr. President, on the 10th of December the Senate passed a resolution proposed by me directing the Secretary of the Interior to furnish to the Senate copies of all papers then on file in the Interior Department relating to the transfer of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad Company. The copies called for were transmitted to the Senate on the 7th of January, and have been printed and constitute Executive Document No. 31 of this session.

After a careful perusal of these papers I deemed it to be my duty to introduce a bill, which I offered on the 10th of April declaring a forfeiture of the land grant conditionally made in 1871 to the New Orleans, Baton Rouge and Vicksburg Railroad Company.

Before moving the reference of this bill to the Committee on Public Lands I will, with the leave of the Senate, state my reasons for believing that it ought to be passed.

The question involved in this case is the validity of the claim of the New Orleans Pacific Railway to the lands conditionally granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the twenty-second section of the act of Congress of March 3, 1871, creating the Texas Pacific Railway Company.

The full text of the twenty-second section is as follows:

> That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect, by the most eligible route to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by way of Alexandria, in said State, to connect with said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands per mile in the State of Louisiana as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor and opened for settlement and pre-emption upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act.

It may be proper to state that the bill creating the Texas Pacific Railway originated in the House of Representatives, in which it was passed without the twenty-second and twenty-third sections, which were added by the Senate. The bill as the House passed it was limited to a road from a point at or near Marshall, in Texas, to San Diego, Cal. The twenty-second section made provision for a connection between Marshall and New Orleans by the New Orleans, Baton Rouge and Vicksburg Railroad Company, an existing company under the laws of Louisiana, and the twenty-third section for a connection with San Francisco by the Southern Pacific Railroad Company, an existing company under the laws of California.

The Louisiana law creating the New Orleans, Baton Rouge and Vicksburg Railroad Company was passed December 30, 1869, and authorized it to build "from any point on the line of the New Orleans, Jackson and Great Northern Railroad within the parish of Livingston, running from thence to any point on the boundary line dividing the States of Louisiana and Mississippi," thus establishing its entire main line on the east side of the Mississippi River; but it was also authorized "to construct and operate a branch railroad from its main line to the city of Baton Rouge," and was further invested with a general and sweeping power "to construct, maintain, and use such branch railroads and tracks as it may find necessary and expedient to own and use." As originally chartered, therefore, the main line of the New Orleans, Baton Rouge and Vicksburg was to be wholly on the east side of the Mississippi River, looking to a connection with Vicksburg, in the State of Mississippi, as its title imports, and having no reference to the scheme of a Texas Pacific Railway.

An additional act, passed by Louisiana December 11, 1872, refers to the grants of lands made by the act of Congress of March 3, 1871, to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and for the purpose of giving to that company the power to enlarge its originally designated line so as to avail itself of those grants, made New Orleans its point of beginning, instead of "the line of the New Orleans, Jackson and Great Northern Railroad within the parish of Livingston," and also authorized it to extend the line "to the city of Shreveport, or perfect railroad communications with the Texas Pacific Railroad, or any other railroad in northwestern Louisiana, near the Louisiana State line." But it is to be specially noted that the Louisiana act of December 11, 1872, contained the following proviso:

> *Provided, however*, That the said company shall construct the line of its road between the city of New Orleans and the city of Baton Rouge, on the east side of the Mississippi River.

Without waiting for the Louisiana act of December 11, 1872, but apparently feeling justified by the sweeping power to build branches given by the act of December 30, 1869, the New Orleans, Baton Rouge and Vicksburg Railroad Company, on the 11th of November, 1871, filed in the General Land Office a map showing the general route of a road projected from Baton Rouge to Shreveport, by the way of Alexandria, and on the 13th of February, 1873, filed in the same office another map showing the general route of a projected road between New Orleans and Baton Rouge, being wholly on the east side of the Mississippi River, to which side of the river it was strictly confined between those two points by its original charter of December 30, 1869, and by the supplementary Louisiana act of December 11, 1872. In both the cases of the filing of these maps showing projected lines there was a withdrawal from sale of the public lands within certain limits on each side of the projected lines, and it is not pretended that the New Orleans, Baton Rouge and Vicksburg Railroad Company has to this day filed any other maps showing a definite location on any part of its proposed general route, or that it has ever built one foot of railroad anywhere, either within or without the designated limits of its general route.

B. H. Green, the chief engineer of the New Orleans, Baton Rouge and Vicksburg Railroad Company until January, 1870, in a letter submitted in 1880 to a House committee describes as follows exactly how much, or it might be more correct to say how little, that company ever did in the way of constructing a road:

> Some ten months after my first connection with this company Messrs. Bates & Co. sold out to Messrs. Willis Gaylord and associates. During said period of ten months some surveys were made, but exclusively on the east side of the Mississippi River, covering a distance of less than one hundred miles, and a little light grading leading out of Baton Rouge was partially and imperfectly performed to the extent of considerably less than a mile. A few thousand crossties were also contracted for and delivered. Subsequently, under Messrs. Willis Gaylord and associates, there has been no survey of any part of the line east or west of the Mississippi River, or any work of any description done within my knowledge.

The New Orleans Pacific Railway was first organized in June, 1875, under a general railroad law of Louisiana, but on the 19th of February, 1876, received a special railroad charter, adopting in the main, but with some small alterations, the provisions of the first organization. The special charter was further modified on the 5th of February, 1878, by the Legislature of Louisiana. Its authorized line, and the line which it now actually owns, either by purchase or construction, between New Orleans and Baton Rouge, is wholly on the west side of the Mississippi River. Between Baton Rouge and Shreveport, by the way of Alexandria, its authorized and actually constructed line is necessarily pretty near the general route between the same points laid down on the map filed in the General Land Office by the New Orleans, Baton Rouge and Vicksburg Railroad, but nowhere coincides with it, and it is not pretended that the New Orleans Pacific Railway in building between Baton Rouge and Shreveport was in any measure influenced or controlled by the surveys and designations of a general route by the New Orleans, Baton Rouge and Vicksburg Railroad.

The chartered line of the New Orleans Pacific Railway Company began on the right or west bank of the Mississippi River, "at a point at New Orleans or between New Orleans and the parish of Iberville," and was actually commenced at a point at New Orleans on the west side of the Mississippi River and extended, both as chartered and actually constructed (including a purchased road sixty-eight miles in length), three hundred and twenty-five miles to Shreveport, and the company has neither built nor is it by its charter authorized to build beyond Shreveport to Marshall, which is the eastern terminus of the Texas Pacific Railway. From the actual starting point of the road at New Orleans to Baton Rouge Junction the distance is ninety miles and the main line is at that junction connected by a branch of eight miles with West Baton Rouge.

From the evidence printed in House Report No. 678 of the present session of Congress it appears that the New Orleans Pacific Railway Company appeared before the Pacific Railroad House Committees of the Forty-fifth, Forty-sixth, and Forty-seventh Congresses asserting and offering proofs to show that the New Orleans, Baton Rouge and Vicksburg Company was a bankrupt and defunct concern, with no assets but a repealed charter and a lapsed land grant, and asking that the lands

covered by that lapsed grant should be by Congress given anew to the New Orleans Pacific Railway. It also appears that the House committees of the Forty-fifth and Forty-sixth Congresses reported in favor of the action thus asked for, thereby deciding that the New Orleans, Baton Rouge and Vicksburg Company had no rights in the subject-matter. These reports were never reached for action on them by the House. The House committee of the Forty-seventh Congress made no report, and probably for the reason that it was the common belief at that time that no more grants of lands for railroads were likely to be made. Before the committee of the Forty-seventh Congress E. B. Wheelock, president of the New Orleans Pacific Railway, appeared and filed a brief in March, 1880, in which he reiterated the assertion that the New Orleans, Baton Rouge and Vicksburg Company, popularly known as the Backbone Company, had no rights whatever, and that he would not negotiate with it at all. In this brief he states that on the 23d of December, 1878, he sent the following telegram to Mr. Elam, of the Louisiana delegation in the House:

No arrangement looking to any recognition of the pretended claims of the Backbone Company will be entertained by my company.

Also that on the 13th of January, 1879, he sent the following telegram to Messrs. ELLIS and Elam, of the Louisiana House delegation:

My telegram to Elam, December 23, is final. We now have ability to complete our road without Government assistance, and if our friends can not secure a land grant we must get along without it.

Having failed to obtain any grant of lands from Congress, and not then having conceived the idea of buying rights from the defunct New Orleans, Baton Rouge and Vicksburg Company, which had no rights to sell, the New Orleans Pacific Railway did on the 31st of July, 1880, enter into a contract for the complete construction of its line with the American Railway Improvement Company, the financial responsibility of which was ample (Jay Gould being the principal stockholder and G. M. Dodge president), and which did forthwith enter upon the work of building the road, and carried it steadily and rapidly forward to the end. The American Railway Improvement Company in making this contract was not influenced by any land grant, the New Orleans Pacific Company having at that time definitely abandoned the hope of getting one from Congress, and not having down to that time conceived the idea of getting a title to one by negotiations with the New Orleans, Baton Rouge and Vicksburg Company.

It appears further from the affidavit of the chief engineer of the New Orleans Pacific Company, now on a map in the General Land Office, that the "actual location" of the road from Shreveport to White Castle, which is 75 miles from New Orleans, and is the northern end of the piece of road purchased by the New Orleans Pacific Railway, was completed by December, 1880. (See page 81, Executive Document No. 31.) The exact date of the final completion of the road does not officially appear, but is understood to have been wholly or chiefly complete in 1881. The dates of the filing in the General Land Office of two maps showing the line of actual construction were October 27, 1881, and November 17, 1882. (See page 82, Executive Document, No. 31.)

In the annual report for 1881 of the late Secretary of the Interior, Mr. Kirkwood, dated several days before the (so called) meeting of the stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad in December of that year, conveying their land grant to the New Orleans Pacific Railway, he says:

One hundred and thirty miles of the New Orleans Pacific Railway have recently been examined but not accepted, and one hundred and twenty-three miles are now ready for examination.

The first shadow of a claim to lands from the United States which is set up by the New Orleans Pacific Railway, if it can be said to be the shadow of a claim, is an indenture dated January 5, 1881, in which the New Orleans, Baton Rouge and Vicksburg Railroad Company figures as the party of the first part, while the New Orleans Pacific Railway figures as the party of the second part. (See pages 21 *et seq.* of Executive Document No. 31.) In this indenture the party of the first part, "in consideration of $1 and of other good and valuable considerations, releases and quitclaims unto the said party of the second part all the right, title, and interest of the said party of the first part in or to a certain grant of public lands granted to the said party of the first part by an act of the Congress of the United States approved March 3, 1871." The only evidence that the New Orleans, Baton Rouge and Vicksburg Railroad Company had anything to do with this indenture is its corporate seal affixed thereto and the signatures of W. H. Barnum and W. M. Barnum (father and son), styling themselves as being respectively the president and secretary of the company, of which indenture and accompanying paper the following is the full text:

This indenture, made the 5th of January, 1881, between the New Orleans, Baton Rouge and Vicksburg Railroad Company, a corporation created and existing under and by virtue of a special act of the Legislature of the State of Louisiana, approved December 30, 1869, party of the first part, and the New Orleans Pacific Railway Company, a corporation created and existing under and by virtue of the laws of the State of Louisiana, party of the second part, witnesseth:

That the said party of the first part, for and in consideration of the sum of $1, lawful money of the United States of America, to it in hand paid by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is thereby acknowledged, and of other good and valuable consideration has remised, released, and quitclaimed, and by these presents does remise, release, and quitclaim, unto the said party of the second part, and to its successors and assigns forever,

All the right, title, and interest of the said party of the first part, its successors or assigns of, in, or to a certain grant of public lands granted to the said party of the first part by an act of the Congress of the United States approved March 3, 1871, and entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, its successors and assigns, forever.

In witness whereof the said party of the first part hath caused its corporate seal to be hereunto affixed and these presents to be signed by its president and secretary the day and year first above written.

W. H BARNUM, *President.*
WM. M. BARNUM, *Secretary.*

Sealed and delivered in the presence of—
CHARLES L. BEAMAN.
CHARLES EDGAR MILLS.

The conclusion seems to have been adopted at the Interior Department that the deed of the Barnums, upon proof of its acceptance by the New Orleans Pacific Railway, was of itself sufficient to convey to that company the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad and to effect the transfer of a location of that grant from the route of one road to the route of the other. This is shown by the fact that the President, doubtless on the recommendation of the Interior Department, appointed a commissioner to examine one hundred and thirty miles of the constructed line of the New Orleans Pacific Railway early enough in 1881 to make a report (page 28 of Executive Document No. 31) on the 26th day of October in that year. Down to that time there had not been exhibited to the Interior Department, nor has there since been exhibited to that Department, down to January 7, 1884, which is the date of the letter from it, sending to the Senate the papers constituting Executive Document No. 31, any evidence that the organization of the New Orleans, Baton Rouge and Vicksburg Railroad had been regularly kept up, nor that it had any legally constituted board of directors, nor was any inquiry made whether the board of directors, if there was one properly constituted, had the right and power to convey any title the company might have to a land grant, or whether, if the board of directors had such right and power, they could delegate it to the president and secretary, to be exercised at their absolute discretion and without the subsequent ratification of the board of directors itself. Ordinary business prudence in the conduct of private affairs would have clearly dictated an investigation on all these points in a transaction involving millions of dollars' worth of property.

The Louisiana act of December 30, 1869, chartering the New Orleans, Baton Rouge and Vicksburg Railroad, defining in the fifth section the powers of the directors says that they "may make such rules, regulations, and by-laws for the government of its officers and the management of its business as they may deem expedient, and may, in the name and on behalf of said company, make such contracts, enter into such agreements, and do and perform such acts as they, or a majority of them, may deem proper, convenient, or necessary for the accomplishment of the object for which said company was created."

The directors have no other power than what is given in so much of the fifth section as I have just read, and they could never have adjudged that the sale of their title (if any) to their conditional land grant for $1 and other considerations not disclosed, and known only to the Barnums, father and son, could tend in any possible manner to "the accomplishment of the objects for which said company is created," which were the construction, maintenance, and operating of a railroad.

Without doubt the charter might, if the Legislature of Louisiana thought it proper, have clothed the directors with the power, if an abandonment of the enterprise had been compelled by insolvency or other misfortunes, to dispose of the wreck for the benefit of whom it might concern. But the charter as it was actually framed and granted gave them no such power, nor any power except to perform acts "proper, convenient, or necessary for the accomplishment of the objects for which said company is created." And even if they possessed any such power as that of disposing of the wreck for the most it would bring, it would not have been a power which they could have delegated to the president and secretary to be exercised at their mere discretion without any disclosures of the considerations received by them, and the whole of which the president and secretary might retain except such portions of it as they might find it necessary to use to buy off the opposition of such of the stockholders and creditors as were vigilant enough to discover what was going on and to interpose troublesome protests against it.

The papers sent to the Senate by the Secretary of the Interior do indeed disclose an account of what is described as a meeting of stockholders in New Orleans on the 9th of December, 1881, at which by a unanimous vote it was voted to "ratify and confirm" the action of the directors in authorizing (December 29, 1880) the Barnums to sell out the land grant and the deed of indenture of the Barnums (January 5, 1881), actually conveying it to the New Orleans Pacific Railway Company (pages 36 *et seq.* of Executive Document No. 31). Among these papers is a list of the stockholders as of November 28, 1881. There has never been any investigation of the regularity of these proceedings in any particular, either as to the call of the meeting, the accuracy of the list of the stockholders, or anything else; and I note in this con-

nection that on page 57 of Executive Document No. 31 there is the sworn statement, dated June 13, 1882, of Thomas C. Bates, of Rochester, N. Y., that he was the owner of 1,000 shares of the stock, although his name does not appear at all in the list of stockholders referred to. Mr. Bates was the first president of the company and was a large creditor of it at the time of the transfer by the Barnums of whatever title it had to a land grant.

From the papers transmitted to us in relation to this meeting of stockholders, it does not appear that there was one single stockholder present; certainly no stockholder took part in it. The entire number of shares voting for directors was 42,755, all of them by B. F. Wheelock, by virtue of proxies which he is said to have held, his own name not appearing on the list of stockholders, and he being the president of the New Orleans Pacific Railway. The number of shares voting for the resolution to ratify and confirm the deed of the Barnums to the New Orleans Pacific Railway Company was also exactly 42,755, and may be presumed to have been thrown by the same Mr. Wheelock.

If, however, it can be shown hereafter, as it has certainly not yet been shown, that the stockholders' meeting which acted with such suspicious unanimity on the 9th of December, 1881, was regularly called, and that a majority of the stockholders were present either personally or by proxy, the utmost effect which can be claimed for the resolution which it adopted is that it operated as a transfer on that day to the New Orleans Pacific Railway of any right the New Orleans, Baton Rouge and Vicksburg Railroad Company might have in a land grant. It could have no retroactive effect to validate the deed of the Barnums on the 5th of the preceding January, and it is not until the 9th of December, 1881, that the New Orleans Pacific Railway can possibly claim to have received the transfer to itself of such right (if any) to a land grant as the New Orleans, Baton Rouge and Vicksburg Railroad Company might possess. In point of legal right it is of no consequence whether the New Orleans Pacific Railway received the transfer in January or December, 1881, but as bearing upon the equitable right, which the New Orleans Pacific Railway Company now sets up, it is of a good deal of consequence.

Notwithstanding the fact that on the 31st of July, 1880, the New Orleans Pacific Railway Company entered into a contract for the complete construction of its work with the responsible Railway Improvement Association, which did actually complete it, it is now said that the construction was undertaken only upon the faith of and as a consequence of the transfer of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad. In that point of view it is important that the transfer, if there was anything to be transferred, was obtained not in January, 1881, but in December, 1881, eleven months afterward, and when the Railway Improvement Association is shown to have been well along in the work of construction. The New Orleans Pacific Railway Company knew perfectly well that whatever rights the New Orleans, Baton Rouge and Vicksburg Railroad might have, the deed of the Barnums of January, 1881, was incompetent to transfer them; and the president of the New Orleans Pacific Railway, Mr. Wheelock, was active in obtaining proxies for himself for the stockholders' meeting of the New Orleans, Baton Rouge and Vicksburg Railroad on the 9th of December, 1881, which consisted of himself alone, so far as appears, and the results of which he "took pleasure" in communicating on the next day to one of the Barnums. (See pages 36 and 40 of Executive Document 31.)

A careful perusal of the papers sent to the Senate by the Secretary of the Interior, and which make up Executive Document 31, has satisfied me that the New Orleans, Baton Rouge and Vicksburg Railroad did not possess either in January or December, 1881, any land grant which it could convey to anybody. It never built or acquired a foot of railroad, had no property or assets of any kind, and was loaded down with debts of all sorts, including judgments and bonds. Its first president, Mr. Bates, in his sworn statement of June, 1882, already referred to, says:

I am thoroughly familiar with the financial history of the road from its organization to the present time. The said road, aside from its land grant, since 1871 has been, and now is, utterly and hopelessly insolvent. Judgments have been entered against it in New York and Louisiana to a great many thousands of dollars. The interest on its bonds has not been paid since 1871. Its current debts and obligations have not been discharged since that date. The only property the said railroad company has is its Congressional land grant.

Its land grant not being realizable until its road should be built, the five years limited for the completion of its road having expired in 1876, it having totally failed to enlist capital in its construction, and its originators, promoters, and manipulators having divided among themselves personally, in unknown proportions, whatever was obtained on the large issue of bonds with which it signalized the commencement of its existence, it was to all practical intents and purposes a defunct corporation in 1880. Furthermore, I do not yet see any room to doubt that it was then legally defunct, as a consequence of the repeal of its charter by the Legislature of Louisiana in 1877. There is nothing shown to the contrary, except (page 15 of Executive Document No. 31) a decision of the circuit court of the United States, fifth judicial circuit and district of Louisiana, rendered June 13, 1877, there being present only the district judge, Hon. E. C. Billings. No reasons for the decision are given, and the case seems to have been submitted without serious argument. The judgment was obtained by collusion, and was the judgment which both the parties equally desired. The plaintiff was a creditor of the company, seeking to uphold its legal existence as the last hope of obtaining something on the debt due him. The defendant was the company itself, also desirous of upholding its own existence as the last possible hope of obtaining something out of its land grant. The defendant filed June 11, 1877, exceptions, raising the point that the repeal of its charter was unconstitutional, and on the same day the amicable counsel for both parties agreed that the exceptions should be "submitted to the court on briefs to be furnished in twenty-four hours." Two days afterward, namely, on the 13th day of June, 1877, the court entered the judgment which the plaintiff and defendant were both seeking, that the repeal of the charter was unconstitutional. That decision does not in any event bind any but the parties to it, and we can not know until we get some explanations what reasons there may be which can justify it.

It is impossible to understand how it can be unconstitutional for the Legislature of Louisiana to repeal this charter when the general law of that State, as embodied in its code (article 447), is as follows:

A corporation legally established may be dissolved by an act of the Legislature if they deem it necessary or convenient to the public interest: *Provided*, That when the act of incorporation imports a contract on the faith of which individuals have advanced money or engaged their property it can not be repealed without providing for reimbursement of the advances made or making full indemnity to such individuals.

The charter of the New Orleans, Baton Rouge and Vicksburg Company did not of itself import any contract on the part of the State which is the kind of contract intended on the faith of which anybody could or did advance money or property. The company itself after it was chartered entered into many contracts, such as issuing bonds, &c., and if it had any property to give value to such contracts the repeal of its charter did not take away any liens on such property. This company, however, had no property of any kind, and the repeal of its charter could not make the plight of its creditors any worse than it was already.

Briefly, the condition of things was that the New Orleans, Baton Rouge and Vicksburg Railroad was practically defunct, and to all appearance legally defunct, as a consequence of the repeal of its charter, and that the New Orleans Pacific Railway had ascertained during the session of Congress of 1879–'80 that the policy of granting lands to railroads was out of favor in Washington, and that it was not practicable to obtain a Congressional transfer to itself of the lapsed land grant of the New Orleans, Baton Rouge and Vicksburg Railroad. The ingenious men in both roads seem then to have devised the scheme of procuring to the New Orleans Pacific Railway a transfer of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad Company, which had nothing except a repealed charter and millions of outstanding debts, and which had never built a rod of road or earned either a legal or equitable title to an acre of land. The New Orleans Pacific Railway was then actually engaged in building a railroad from New Orleans to Shreveport, over a route which was ninety miles of its length on a different side of the Mississippi River from that of the chartered route of the New Orleans, Baton Rouge and Vicksburg Railroad, and was determined to build it with or without a land grant. It has, in fact, been since built, and without any aid from any land grant, inasmuch as the scheme of converting to its own use the lapsed grant of another road chartered to build over a materially different route has not yet been finally consummated. It is said, furthermore, that the construction of the railroad has, independently of any land grant, been exceedingly profitable to the builders. A. M. Gibson, in a letter to the Secretary of the Interior, September 25, 1883 (page 85 of Executive Document No. 31), says, in respect to the disposition of this prize of a lapsed land grant, if it can be resuscitated:

The lands, if patents are issued therefor, are to be mortgaged for $4,000,000. These bonds are, I understand, already printed. They are, as part of the assets of the New Orleans Pacific Company, to go to the American Railway Improvement Company, by virtue of a contract of the latter with the former, a few persons who have already made 500 per cent. profit in building. The stockholders of the New Orleans Pacific Railroad Company will not be benefited by this swindle which you are asked to make possible; no one will be benefited save the few persons who hold American Railway Improvement Company stock and the old land-grant bonds of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

It appears from recorded deeds that on the 20th of June, 1881, the New Orleans Pacific Company conveyed its entire road equipment, rolling-stock, and rights and property of every kind to the Texas Pacific Railway, but specially excepting its rights under the (so called) transfer of the land grant of the New Orleans, Baton Rouge and Vicksburg Company. Precisely how the proceeds of that grant are to be divided, if patents for it can be obtained, is not known and never will be until there is a judicial inquisition or until the dividing parties get into some quarrel among themselves and divulge the secrets.

But there are some things about it which we can understand, and among them the following: That the Texas Pacific Railway will get no part of the land grant, as that was excepted out of the deed made to it by the New Orleans Pacific Railway; that whatever share of the grant was set apart to pay for the transfer of the New Orleans, Baton Rouge and Vicksburg Railroad Company will go to the Barnums (father and son) with such undisclosed partners as they may have, except such part of the spoils as the Barnums have been obliged to use as sops to quiet remonstrating and protesting stockholders and creditors of the New Orleans, Baton Rouge and Vicksburg Railroad Company; that it is at least doubtful whether the New Orleans Pacific Company stock-

holders will get any part of the grant, as we have the positive statement of A. M. Gibson, which I have already read, that the entire interest of that company in the grant has been made over to the American Railway Improvement Company of which Jay Gould is the principal shareholder.

I do not propose to attempt to enter upon an argumentative discussion of the legal questions which are involved, leaving that to the more competent hands of the lawyers of the Senate. I only intend to state summarily the conclusions to which a careful perusal of the papers have led my own mind.

The decision of the United States Supreme Court in Schulenberg *vs.* Harriman (21 Wallace), which is the authority chiefly relied upon to support the present extraordinary claim of the New Orleans Pacific Railway Company, does undoubtedly lay down the doctrine that when lands are actually granted *in præsenti*, but subject to the performance by the grantee of some condition at a future time, such condition is only a condition subsequent, the non-performance of which does not of itself forfeit the grant, but only makes the grant forfeitable by some judicial proceeding, or in the case of a public grant by a repeal of the grant. I have no occasion to controvert that doctrine, but the question is open in every case whether, taking all the provisions of a granting act together, the grant is *in præsenti* or a grant upon a condition precedent. Delivering the opinion of the court in this very case of Schulenberg *vs.* Harriman, Mr. Justice Field says:

> The language used imports a present grant and admits of no other meaning. The third section declares "that the said lands hereby granted to the State of Wisconsin shall be subject to the disposal of the Legislature thereof;" and the fourth section provides in what manner sales shall be made, and enacts that if the road be not completed within ten years "no further sales shall be made and the lands unsold shall revert to the United States." The power of disposal and the provision for the lands reverting both imply, what the first section in terms declares, that a grant is made.
>
> The case of Rice *vs.* Railroad Company (1 Black) does not conflict with these views. The words of present grant in the first section of the act then under consideration were restrained by a provision in a subsequent section declaring that the titles should not vest in the Territory of Minnesota until the road or portions of it were built.

As will be noticed, the court do not adjudge the grant to Wisconsin to have been a grant *in præsenti* merely from the words declaring a grant, but from the additional circumstances that there were other clauses in the granting act giving to Wisconsin the present disposal of the land and providing that if a certain road should not be built within a certain time the land should revert to the United States. And as will also be noticed the court say that their decision in Schulenberg *vs.* Harriman is not inconsistent with nor intended to overrule their decision in the previous case of Rice *vs.* Railroad Company (1 Black), where words apparently declaring a present grant were restrained from operating *in præsenti*, by other clauses in the same act.

It is at any rate open to very grave doubt whether words of present grant to a road, restrained, as in this case, by a proviso that the road must be built within five years, and when the road obtains neither title by patent nor possession, except as the road is actually built, do operate as a grant *in præsenti* so as to convert what would otherwise be a condition precedent into a condition subsequent. There is certainly nothing in the Schulenberg *vs.* Harriman case which controls the present case.

N. C. McFarland, Commissioner of the General Land Office, in a letter (December 24, 1881), addressed to the Secretary of the Interior (page 46 of Executive Document 31), says of the grant to the New Orleans, Baton Rouge and Vicksburg road:

> This does not seem to be a grant *in præsenti*. * * * It is a matter of the gravest doubt whether the Department should go forward and issue patents to the company for the land without further action by Congress.

It may be unnecessary to say that it will always be a question of policy, discretion, and equity whether Congress will waive or not waive even a condition precedent. It has the power to do so in any case, and may well be induced to do so in respect to a railroad land grant not appearing to have been originally excessive, and in respect to which the grantee company has acted in good faith and with due diligence, has actually executed within the time limited a part of the work imposed upon it as a condition precedent, and has been disabled from completing the whole of it by unforeseen and insurmountable obstacles.

It is a fatal objection to the pretensions of the New Orleans Pacific Railway to a conveyance of lands under the twenty-second section of the Texas Pacific Railway, act of March 3, 1871, that it is built over a route differing materially from the route of the road to which a conditional grant of land was made by that section. If it even be conceded that the New Orleans, Baton Rouge and Vicksburg Railroad Company, to which the conditional grant of March 3, 1871, was made, might have effectually conveyed its right to build a road over its own chartered route and the accompanying land grant to another company, it can not transfer its land grant to another company whose chartered route is substantially different, and which actually builds over a substantially different route. This would be to transfer of its own authority the bounty of Congress not merely to another beneficiary, but to a substantially different object. The conditional grant of March 3, 1871, was to a company whose chartered line was from New Orleans to Baton Rouge on the east side of the Mississippi River, and is not transferable to a company whose line starts at a point at New Orleans on the west side of the Mississippi River and does not leave the west side in any part of its course.

The reasoning by which it is attempted to justify such a transfer is destitute of any strength, and can hardly be said to be plausible. It is said, and is probably true, that the essential object of Congress in the twenty-second section of the act of March 3, 1871, was to promote a connection between New Orleans and the eastern terminus of the Texas Pacific Railway, and would have been in 1871 and might be now as well satisfied with a connection over the route of the New Orleans Pacific Railway as over the route of the New Orleans, Baton Rouge and Vicksburg Railroad. The conclusion is a not improbable one, that if Congress had been applied to in 1871, or soon after, and before the policy of land grants to railroads had lost the popularity it once enjoyed in the country, the assent of Congress could have been obtained to a transfer of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad to the New Orleans Pacific Railway.

But the question is not what Congress may with probability be supposed to have been ready to do at some former time, but what it actually did do in respect to granting lands on the 3d of March, 1871, in the matter of promoting a connection between New Orleans and the Texas Pacific Railroad, and that was to grant lands to a company whose chartered route between New Orleans and Baton Rouge was strictly fixed to the east side of the Mississippi River. Congress has not acted in the premises since 1871, and it may be added that since March, 1876, when the limit of time for the construction of the New Orleans, Baton Rouge and Vicksburg Railroad expired, it has never been found possible to persuade Congress to donate lands to the New Orleans Pacific Railway, either by a new and original grant or by what would have been the same thing, a transfer to it of the lapsed rights of the New Orleans, Baton Rouge and Vicksburg road.

It is also a fatal objection to the pretensions of the New Orleans Pacific Railway that it has not yet completed its line and so far as is known does not propose to complete its line to the eastern terminus of the Texas Pacific Railway, which was fixed by the act of March 3, 1871, at a point at or near Marshall, in the State of Texas, and which was fixed by the Texas Pacific Company itself, in the exercise of the discretion left to it by the act of March 3, 1871, at Marshall. The New Orleans Pacific Railway extends from New Orleans, not to Marshall, in Texas, but to Shreveport, in Louisiana, which is distant rather more than forty miles from Marshall.

In the opinion of the Attorney-General of the United States (page 53 of Executive Document 31) it is attempted to meet this point by showing that by the additional act of Congress of May 2, 1872, in respect to the Texas Pacific Railway, it is "authorized and required to construct, maintain, control, and operate a road between Marshall, Tex., and Shreveport, La., or control and operate any existing road between said points." He overlooked, or his attention was not called to, the following express proviso in the same act:

> *Provided*, That nothing herein shall be construed as changing the terminus of said Texas and Pacific Railway from Marshall, as provided in the original act.

It may be said that a railroad from New Orleans to Shreveport makes a substantial connection with the Texas Pacific Railway, and that it would be technical to insist that the connection was by the act of March 3, 1871, required to be made at Marshall. But a granting act must be, at any rate by executive officers, construed strictly. The right of waiving conditions for sufficient equitable reasons rests with Congress alone, which has not yet waived the condition in this case that the connection must be made at Marshall. The New Orleans Pacific Railway Company is in no position to ask Congress to waive any condition, either substantial or merely legal, because the entire claim which it makes to lands rests upon the narrowest technicalities, strained and drawn out to the last possible degree of tenuity. It had already determined to construct a road from New Orleans to Shreveport, had already definitely located the line, had already made a contract with a responsible syndicate to build it, and was far along in the actual work of construction before it conceived the idea of getting the transfer of a land grant over a different route, and not for the purpose of enabling its work to be carried on, but for the purpose of swelling the already swollen profits expected from it.

The New Orleans Pacific Railway claimed in the first instance lands along their entire lines, including sixty-eight miles built by another company and which it acquired by purchase as late as February 10, 1881.

These sixty-eight miles of purchased road formed a part of the one hundred and thirty miles of road examined and approved by Thomas Hassard, a commissioner appointed for that purpose by the President. (See Hassard's report dated October 26, 1881.)

N. C. McFarland, Commissioner of the Land Office, in a letter addressed December 24, 1881, to the Secretary of the Interior, said in respect to the sixty-eight miles of purchased road that they "were constructed years ago by another company without any grant of lands," and that as to those miles of road the New Orleans Pacific Railway "clearly had no right" to claim any lands. The New Orleans Pacific Railway Company did not, however, give up that claim until ten months afterward, when on the 19th of October, 1882, and probably because it found that it was impossible to obtain an allowance for such a claim,

it filed a disclaimer to any land grant in respect of the sixty-eight purchased miles.

What was the reason for refusing an allowance of land in respect to those particular miles of road? Simply this, that they had been constructed without reference to a land grant, and that it would have been a fraud upon an act of Congress granting lands for the purpose of procuring the construction of a railroad to appropriate such a grant to a line of road actually built without any expectation of such a grant and not at all upon the faith of or with the aid of such a grant. That precise objection applies, and with full and equal force, against allowing lands for any part of the mileage of the New Orleans Pacific Railway, the whole of which was put under a construction contract with a responsible company six months before there is any evidence that the scheme of a transfer of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad had been conceived of, and seventeen months before such a transfer can be even claimed to have been made.

This attempted transfer of a land grant by the New Orleans, Baton Rouge and Vicksburg Railroad to the New Orleans Pacific Railway is the first case, similar in kind, the legality of which has received an opinion in its favor from an Attorney-General of the United States. Such an attempted transfer from the Oregon Central Railroad to the Willamette Valley Railway Company was decided against by Attorney-General Akerman (13 Opinions, 382), and for reasons nearly all of which are applicable to the present case. Another transfer from the Hannibal and Saint Joseph Railroad Company of a land grant in Kansas to the Atchison and Pike's Peak Railroad Company, which had been previously chartered by the Legislature of Kansas, was sustained by Attorney-General Stanberry, but in that case the Hannibal and Saint Joseph Company had itself no chartered right to build a road in Kansas, and was by the Pacific road act of July 1, 1862 (section 13), authorized, in respect to a certain Kansas route, to "use any railroad charter which has been or may be granted by the Legislature of Kansas."

That it has been commonly understood that transfers of this kind, in the absence of some such special power as is found in the grant of land in Kansas to the Hannibal and Saint Joseph Company, require legislative sanction, is shown by the legislation of Congress, which has been asked for and obtained in several cases. (See section 2 of the act of March 3, 1865, volume 13, Statutes, chapter 88, and section 1 of the act of March 3, 1869, volume 15, chapter 127.)

An extraordinary effort has been made to produce the impression that some special and unusual power of transferring its rights and property was given to the New Orleans, Baton Rouge and Vicksburg Company, by the fact that the grants of land are made to it, "its successors and assigns." These are formal words used in all public and private grants of land, except that in the case of grants and conveyances to individuals the phraseology is changed from "successors and assigns" to "heirs and assigns." I have not found a railroad land grant by Congress in which the words "successors and assigns" are not used. They are used in the act of March 3, 1871, granting lands to the Texas Pacific Railway. In the Pacific railway act of July 1, 1862, it is provided in the fifteenth section that—

> Wherever the word "company" is used in this act it shall be construed to embrace the words "their associates, successors, and assigns" the same as if the word had been properly added thereto.

In the case already referred to (13 Opinions, 382) Attorney-General Akerman says:

> It is asked of what use is the word "successor" unless other parties may succeed to the Oregon Central Railroad Company in all the rights conferred by the act. If this word were new in conveyances the argument founded upon it would perhaps be irresistible; but for centuries the word "successors" has been in common use in grants to aggregate corporations. "The successors of a corporation correspond to the heirs of a natural person" (Burrill's Law Dictionary). Where a fee is intended to be conveyed to a corporation, sole or aggregate, the word "successors" corresponds as equivalent to heirs in regard to natural persons (Woodison's Lectures). The word is indeed unnecessary to convey a fee in a grant to an aggregate corporation, because the corporation itself, being immortal, the word "succession" is superfluous; nevertheless, it has commonly been inserted in such grants having probably been at first accidentally adopted from grants to corporations sole, where it was necessary to convey a fee, and its meaning is well settled. I find nothing in the context of this Congressional grant to show that the word is used here in a new or peculiar sense.

It may be asserted on eminent authority that the word "assigns," which is in fact almost if not absolutely always used in deeds of land, is unnecessary and confers no right which the grantee would not have if that word was omitted. The ownership of land does of itself include the right to assign it. In this case the use of an old and accustomed phraseology, "successors and assigns," did not of itself give the New Orleans, Baton Rouge and Vicksburg Railroad any additional rights. It can have conveyed nothing which it did not itself first own, and whatever it did own it could convey if the word assigns had been omitted in the conditional grant of land made to it by the Congress of 1871.

The opinion of Attorney-General Brewster in favor of the validity of the land-grant transfer in the present case is not only not binding upon anybody, but it is not something behind which any executive official can take refuge so as to escape responsibility for his own acts. The present Secretary of the Interior, in a letter (May 24, 1883) to West Steever (page 10 of Executive Document No. 31), says:

> My predecessor submitted the question as to the right of the company (New Orleans Pacific Railway) to receive the lands from the Government to the Attorney-General, who decided the question in favor of the company. The Interior Department was compelled to accept this as the law governing the case, and then it became the duty of the Department to carry out the law.

No law or practice compels the Secretary of the Interior to accept the opinion of the Attorney-General. The heads of Departments have the right to ask the opinions of the Attorney-General but are not bound to accept them, and in fact have no right to accept them unless satisfied of the correctness of the reasons upon which they are based. They are no more bound to accept them than clients are to accept the views of lawyers whose advice they seek and pay for. In the practice of the Government opinions are sometimes accepted by heads of Departments and sometimes not accepted.

There is nothing judicial in the function of giving opinions which the Attorney-General possesses, and nothing judicial in the manner in which the function is exercised. He generally hears only one side, and always acts upon a case made up for him to act upon. In this case the claim of the New Orleans Pacific Company was supported by elaborate briefs and arguments from astute, experienced, and highly paid railroad lawyers, Dillon, Green, Swayne, and Pierrepont, while the other side, which was that of the Government and the country, whose lands were the prize in controversy, was represented by nobody. The Attorney-General's mind might have been conducted to an opposite conclusion if he had got at the facts from versions of them given from both sides, and if he had heard counsel employed by the Government to look up and present all the precedents, cases, principles, and authorities adverse to the pretensions of the New Orleans Pacific Railway.

The Attorney-General was in the same unfortunate predicament in which committees of the Senate and House find themselves in hearing railroad and other cases, where great and wealthy corporations are interested on one side, and when the opposing interest is only that of the public. I have had some experience of that, and there are older Senators who have had a good deal more. The best legal talent, stimulated by munificent fees, and with ample time to hunt up all favoring precedents and authorities, appears on the side of the corporate interest, while the public interest is not represented at all on the legal points.

The papers sent to the Senate by the Interior Department contain many protests against the deed of the Barnums, of January 5, 1881, from stockholders and creditors of the New Orleans, Baton Rouge and Vicksburg Railroad Company, which where successively withdrawn as the protesting parties were arranged with and pacified. Some of these withdrawals were made with a suddenness which gives them an almost dramatic effect. Thus (page 33 of Executive Document 31) we find a letter dated November 18, 1881, from C. R. Bissell to the Interior Department, affirming the truth of the following statement:

> That the Directors authorizing said transfer [the deed of the Barnums] had no authority to authorize the same, and had not been duly elected within a year before said transfer was authorized, and that the parties claiming to act as directors and authorizing said transfer were in fact "mere dummies," as admitted by the secretary of said company, and were acting in the sole interest of the president and secretary.

On the same page there is another letter from him, dated on the next day, asking permission of the Interior Department to withdraw his letter of November 18, 1881, and another one of October 20, 1881, for the following assigned reasons:

> I desire to say I wish to recall both of these letters from your file, the New Orleans, Baton Rouge and Vicksburg Company having satisfactorily adjusted all matters with me as a stockholder, thus removing all objections I had, at the date of the letters referred to, to such transfer and issuing of patents.

There is another class of protesters whom it will not be so easy to quiet, and that is the settlers on the lands in controversy, who prefer to deal with the Government rather than with a railroad company. To partially quiet them there have been promises that the New Orleans Pacific Railway Company will on certain conditions and in certain cases allow them to have the land in their occupation at $2 per acre.

Hon. E. T. LEWIS, member of the House from the sixth Congressional district in Louisiana, in a letter (August 17, 1883) to the Secretary of the Interior says (page 83, Executive Document 31):

> Many of my constituents are keenly interested in what is called the Backbone land grant (to the New Orleans, Baton Rouge and Vicksburg Railroad). They are interested from the fact that hundreds of them have settled and built in good faith on these lands, believing the grant justly and legally forfeited, and that ultimately they would be able to obtain patents therefor from the Government.

At a regular session, June 5, 1883, of the police jury of East Feliciana, in Louisiana, it was voted that the New Orleans, Baton Rouge and Vicksburg Railroad was "a fraudulent concern, which by some adroit impecunious adventurers and speculators organized fifteen years or more ago as a tributary to the Texas Pacific, and never had any vitality except the unlimited cheek of its projectors," and that it was "a collapsed and mythical concern" attempting to transfer its lapsed rights to another company which "has constructed a line of railroad on the western bank of the Mississippi." The meeting appealed to Congress to "nullify this most iniquitous transaction."

This protest of East Feliciana was, on the 12th of June, 1883, read and adopted by the police jury of East Baton Rouge.

On the 4th of August, 1883, the police jury of Franklinton protested against the transfer of any lands in that parish to the New Orleans, Baton Rogue and Vicksburg Railroad, or to any other railroad.

With no disposition to reproach our predecessors in these Halls, and making all allowances for their overestimates of the real cost of rail-

roads, and their underestimates of the rapidity with which railroads have become directly remunerative, I must express the feeling which is now universal that the grants of land in aid of the construction of railroads have been enormously, I might even say frightfully, excessive. The methods in which these grants have been administered by executive officials have also carried liberality to the verge of downright looseness and waste. Reversing the true rule that grants to private corporations should be construed strictly, and with a careful attention to the limitations and conditions, too many of them seem to have strained every point in favor of the railroads, and to have struggled to find how large an interpretation granting acts would possibly admit of It is not in that spirit that the rights of pre-emptors and persons seeking to acquire title under the homestead provisions have been dealt with, but they have been required to bring themselves within not only all the substantial conditions but all the most rigorous formalities prescribed in the laws under which they make their claims.

I do not mean to say that the Interior Department is more rigid than official duty compels it to be in its dealings with individuals and in its requirements from pre-emptors and homestead settlers and others of strict and formal proof of the most complete and technical compliance with all the conditions of the acts of Congress before patents are issued. Nevertheless it is true that individual cases are hung up for months, until anything lacking which ingenuity can hold to be a necessary link in the chain of evidence is supplied; but in the case of great railroad corporations, demanding millions and tens of millions of acres, everything seems to be presumed in their favor; no inquisition is made into the regularity of transactions in the most vital particulars, and where two constructions are possible the one giving the widest scope to grants seems to be invariably preferred. In this case the continued legal existence of the New Orleans, Baton Rouge and Vicksburg Railroad Company, notwithstanding the repeal of its charter years ago by the Legislature of Louisiana, was assumed on the mere ground of a judgment obtained without argument and rendered without reasons in a subordinate United States court, and which, however obtained, was and is binding to nobody but the parties to it.

So also the sufficiency of the deed of the Barnums, father and son, was assumed on no other basis than an authorizing vote of the directors of the New Orleans, Baton Rouge and Vicksburg Company, and without the least inquiry either as to whether the directors themselves had the power, which they manifestly had not, to make such a wholesale transfer of everything which the company possessed, or as to whether, if they had such a power, they could legally delegate it to anybody else. So also no investigation was made of the questions whether the organization of the New Orleans, Baton Rouge and Vicksburg Company had been regularly kept up or whether the ratification meeting of the stockholders in December, 1881, was duly called and contained the necessary quorum of *bona fide* stockholders. And from first to last no opportunity has been afforded by a reference to the Court of Claims or otherwise for a presentation of the legal points in favor of the rights of the United States or of the pre-emption and homestead rights of actual settlers as against the claiming railroad company, while the fullest hearing has been accorded to the elaborated arguments of the many eminent lawyers whom the company has the means and the sufficient inducement to employ.

It is to be regretted that more of that care and caution which has been exercised in giving patents for quarter-sections of land had not been shown in giving patents to railroads for areas exceeding those of powerful European monarchies. It may be useless to regret the past, but it is clearly time to call a halt in loose grants and equally loose constructions of grants of the public domain to corporations which are private in their ownership, control, and profit, however useful the enterprises in which they are engaged may be to the country.

Mr. President, I now ask to have the bill referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Senator from Colorado moves that the bill be referred to the Committee on Public Lands.

Mr. HAWLEY. A word or two perhaps ought to accompany the Senator's remarks. I received a letter not long ago from a respected constituent, who informed me that he had invested $10,000 in bonds of one of these roads in question, based as he supposed upon a *bona fide* land grant. He made inquiries. He had heard of the proposition to forfeit the grant and was quite alarmed, for he could not afford so well as some others to lose this money. I should therefore like to inquire of the Senator from Colorado whether a bill on the subject is now before the Committee on Public Lands.

Mr. HILL. A bill declaring a forfeiture of this land grant is before the Senate, and I propose to refer it to the Committee on Public Lands.

Mr. HAWLEY. Is there such a bill already pending before the committee?

Mr. HILL. No. This will go there.

Mr. HAWLEY. I was under the impression that a bill was already referred, and therefore I was going to suggest that it was better to wait until that committee, which is quite an able and capable one, should have heard arguments on both sides, and should make some recommendation to the Senate. I would ask a suspension of judgment in behalf of my constituent and probably other people as badly off. I should like to see what the committee says about it before we hear strong arguments in favor of a forfeiture.

The PRESIDENT *pro tempore*. The question is on the motion to refer the bill to the Committee on Public Lands.

The motion was agreed to.

AMERICAN SHIPPING.

The PRESIDENT *pro tempore*. The unfinished business is now before the Senate, being Senate bill 1448.

Mr. DAWES. I ask the Senator from Maine to consent to laying aside informally the shipping bill that we may take up the Indian appropriation bill. I will say in addition to what I said this morning that I understand to-morrow is assigned for other business and that therefore it will be impossible for me to have the time of the Senate on the Indian appropriation bill to-morrow.

Mr. ALLISON. May I ask the Senator what is in his way to-morrow?

Mr. DAWES. Precisely the same thing for which the Senator from Maine yielded the shipping bill awhile ago. The Senator from Florida [Mr. CALL] will have the floor to-morrow, under the courtesy of the Senate, according to a notice heretofore given.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the pending order be laid aside informally and that the Senate proceed to the consideration of the Indian appropriation bill. Is there objection?

Mr. FRYE. My duty obliges me to object.

The PRESIDENT *pro tempore*. Objection is made. The shipping bill is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1448) to remove certain burdens on the American merchant marine, encourage the American foreign carrying trade, and for other purposes.

The PRESIDENT *pro tempore*. The Chair understood that the Senator from Missouri [Mr. VEST] desired to offer an amendment.

Mr. MCPHERSON. Do I understand that the bill is being read by sections? I thought the Senate were engaged in reading the bill by sections yesterday.

Mr. FRYE. The agreement was that the reading by sections might be dispensed with and the sections merely called for amendment, and the Secretary had reached section 10, I think.

Mr. MCPHERSON. I thought the Senator from Delaware [Mr. BAYARD] moved to strike out section 19.

The PRESIDENT *pro tempore*. Section 19 has not yet been reached.

Mr. FRYE. Section 10 was the section last called. Under the understanding the number of the section simply is called, and it is open then to amendment. The Senator from Missouri gave notice that he desired to offer an amendment. I ask him to leave his amendment until section 22, which is one of the amended sections, one of the sections introduced by amendment to the bill, is reached. Logically it comes much better there than here.

Mr. VEST. I have no objection to that.

The PRESIDENT *pro tempore*. The Chair will state the status of the question as he is now informed. The bill was originally read through as in Committee of the Whole. Yesterday it was again read by general understanding by sections for amendment down to and including section 9. Section 10 will now be read for amendment.

Mr. HOAR. I call the attention of the Chair to the fact that it was also agreed by the Senate last night that as the bill had been read once these sections need not be read but merely called by their numbers.

The PRESIDENT *pro tempore*. Section 10, then, is now open to amendment.

Mr. MAXEY. Mr. President, I voted for the amendment offered by the Senator from Missouri [Mr. VEST] granting the right to American citizens to purchase ships anywhere and of registering them as American vessels for the sea-going trade, which was voted down yesterday evening, but I shall still vote for the bill for the reason that although the bill in charge of the Senator from Maine does not go so far in favor of removing restrictions from the carrying trade as I would like, still it is a movement in that direction and I shall favor it. I favor it because I am in favor of removing restrictions from trade in any and every way save those restrictions justly and constitutionally imposed for the purpose of raising a revenue for the support of the Government economically administered, and I oppose any and every restriction whatever upon any lawful trade save and except for that purpose.

On the 25th of February, 1833, more than fifty years ago, the great champion of protection, Henry Clay, in his speech in this body in support of the tariff-compromise bill then pending, said: "The friends of free trade insist that duties should be laid in reference to revenue alone." As an honest man, despising word quibbling, he stated truly the position of his political adversaries. It is the position of the opponents of protection to special industries to-day. In that sense I am for free trade.

I know that that view of the question has but recently been met and the friends of the protection of special industries in a fair and square fight with the friends of those who believe in raising tariff for revenue alone were successful; that the opponents of special protection to special industries, the advocates of tariff for revenue alone, went down defeated

but not dismayed. It is but a few hours since that I heard the stentorian voice, *væ victis*, uttered triumphantly by those who have always been the friends of the protection of special industries, and I did hear a weak, timid echo of "woe to the vanquished" faintly on the air from a shifting contingent without whose aid they never could have succeeded. But that does not dismay the friends of the people in their great effort.

Let not our hereditary adversaries lay the flattering unction to their souls. They did not defeat us, but defeat came from the household of our friends—friends!

The battle-ground is changed. We challenge combat in a fair field before the people, the source of all political power. We may be defeated again and again, but with the courage of conviction, daring the enemy in the very citadel of intrenched, ill-gotten power, we will triumph in the end. We have come demanding this great right in the name of a suffering people, and we have come to stay.

That the view I take may not be regarded as the view of an extremist, I have jotted down what was said by the ablest man that New England has ever yet produced on the very question of a protective tariff and an unrestricted shipping industry. Daniel Webster in his great speech on the 1st and 2d of April, 1824, in his unanswerable reply to Mr. Clay, uttered these words:

> In short, sir, the general sentiment sets with a strong current in favor of freedom of commercial intercourse and unrestrained individual action. Men yield up their notions of monopoly and restriction as they yield up their prejudices, slowly and reluctantly, but they can not withstand the general tide of opinion.

This grand man uttered this grand truth more than sixty years ago. It prevailed in 1846 and abided till 1860, and the country was never more prosperous.

It is again before the people. They are aroused; they are seeking light; they will get it, and the intrenched monopolists of to-day will yet learn that there is a greater power than wealth wrested from the people by unjust taxation—that power is the people, the source of all political power.

So I say that although we went down before monopolistic power yesterday, and although we went down yesterday evening in the effort to secure free ships, still, defeated as we were, we are not dismayed, and I trust to the people to unfurl the banner in favor of free ships, of trade with every restriction removed save that imposed for the just administration of the Government economically administered, and let them inscribe upon that banner the motto: "No tax but that honestly laid to support the Government honestly administered." *In hoc signo vinces.* The battle on free ships has been transferred from the Senate to the people, on the subject of a tariff for revenue alone from the House to the people. There we will meet their opponents squarely and fairly before the people, in whom is all inherent political power and by whose authority governments were instituted and for their benefit. To them we appeal, and I defy any man to strike out the enacting clause of this issue.

If there is one principle in Democracy above any other it is that the will of the majority fairly expressed is the will of the party. We accept the gage; we rely on the intelligence of the people, and in the end right, justice, without special privileges to any, with equal and exact justice to all, will prevail.

The PRESIDENT *pro tempore*. Is there any amendment to be proposed to section 10?

Mr. VEST. Upon yesterday I believe the amendment which I offered to that section was adopted.

Mr. FRYE. It was adopted.

The PRESIDENT *pro tempore*. The eleventh section is now open to amendment, according to the understanding.

Mr. VEST. In the eleventh section I move to strike out in lines 9, 10, 11, and 12 the words "a profit not exceeding 10 per cent. of the reasonable wholesale value of the same at the port at which the voyage commenced," and to insert "the actual cost of said article;" so as to read:

> Any of the contents of the slop-chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at the actual cost of said article.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

Mr. VEST. I do not believe that any shipping master or owner ought to speculate to the extent of a cent upon any sailor that he ships in his crew. The intent of this measure is to advance the interests of our merchant marine and at the same time to protect the sailors of the country. The bill as it stands now permits a profit of 10 per cent. while the amendment I propose is that out of the slop-chest any of the articles shall be furnished to the sailors at the actual cost of the same.

Mr. FRYE. It seems to me that the Senator from Missouri forgets something there. Take the voyage from New York to Australia, one hundred and ten days, and necessary supplies of clothing, tobacco, &c., placed on board in New York for the voyage. There is the interest of the money; there is the depreciation of the goods; there are the goods left on hand, and all that sort of thing, to be provided for, or else it is made at the expense of the ship.

My recollection of the English slop-chest is that they allow a profit of 20 per cent. The bill allowed a profit of 25 per cent. as it passed the Senate before and as it passed the committee. It was stricken this year down to 10 per cent., and surely 10 per cent is not excessive for all those contingencies. I am very sure that the English allow a profit of 20 per cent., and equally sure that the bill as it passed before allowed a profit of 20 or 25 per cent.

Mr. VEST. Twenty per cent.

Mr. FRYE. It was 20 per cent. before, and we have reduced it here to 10 per cent. I do not believe it would be reasonable or just to reduce it any more than 10 per cent. I do not think that would cover the depreciation or loss.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

The amendment was rejected.

The PRESIDENT *pro tempore*. If there be no further amendment suggested to section 11, section 12 is open to amendment. [A pause.] If no amendment be proposed to section 12, section 13 is open to amendment. [A pause.] If no amendment be proposed to section 13, section 14 is open to amendment.

Mr. VEST. That is the section in regard to the tonnage tax. It is a very important portion of the bill and it should receive the very earnest and serious consideration of the Senate. This is a war tax. In 1830 the Government of the United States took off the tonnage tax, and from 1830 to 1862 our shipping steadily increased. The history of this legislation is contained in a pamphlet, which I have before me, very succinct, and it is to this effect: The acts passed upon this subject by Congress bear date 1815, 1830, 1832, and 1862. The act approved March 30, 1815, repealed the then existing legislation imposing duties on the tonnage of ships and vessels, and on "goods, wares, and merchandise" imported into the United States, in so far as it discriminates between foreign vessels and vessels of the United States, the repeal to take effect when the President is satisfied that the foreign nation to which such ship belongs has abolished all discriminating or countervailing duties to the prejudice of the United States.

The act approved May 31, 1830, next in time, provided in section 1 that no duties should be levied upon ships and vessels of the United States where the officers and two-thirds of the crew were citizens of the United States; and section 2 provided that no such duties should be imposed upon ships and vessels of foreign nations, provided, however, that no discriminating or countervailing duties existed in such foreign nations to the disadvantage of the United States. The words "goods, wares, and merchandise," contained in the act of 1815, were dropped in the act of 1830. By the act of June 13, 1832, provision was made for refunding duties improperly exacted, and the President was charged with the execution of the act of 1830. Then comes the act of 1862, which is the existing statute. That was a war tax, adopted in time of war, imposing a duty of 30 cents upon each ton of shipping that came into the United States ports. There is no necessity for any such law.

Mr. BECK. I desire the Senator to give a synopsis of that law and state how far this section will relieve our own ships without relieving those of foreign nations.

Mr. VEST. I am coming to that point now.

Mr. BECK. I was afraid you would pass it.

Mr. VEST. In all the discussion we have had in committee for two years past in regard to the tonnage tax, while we agreed unanimously, without one single dissenting voice, that the tonnage tax should be removed from American shipping, yet the objection has always been made that, as we carried now in American bottoms but 15.5 per cent. of all our exports, if we removed the tonnage tax it would inure almost entirely to the benefit of foreign shipping. In answer to that I have simply to say that it is more in the nature of retaliation when put upon that ground than a basis of sound statesmanship or good policy. To-day no nation in the world asks of us to do more than to treat our shipping as it treats its shipping. England imposes what is called a light-house tax upon all ships that enter her ports, but no tonnage duty whatever.

Now, I have drawn an amendment which I think meets this case.

Mr. BECK. The English law applies to our own ships too.

Mr. VEST. Upon our own ships and all others. Every vessel that enters a port of Great Britain pays a light-house tax. Instead of making our ships and foreign ships pay a light-house tax upon entering the ports of the United States, we levy upon them this tonnage tax which was imposed in 1862.

Mr. MCPHERSON. It is imposed upon all ships alike.

Mr. VEST. Upon all ships alike; there is no distinction. Under our treaties between the United States and Great Britain and other foreign nations we have agreed to make no distinction as between our shipping and theirs. They are put upon the same basis; and that has been the objection always. The amendment I propose is to strike out section 14 and to insert in lieu thereof:

> That from and after the passage of this act no duties upon the tonnage of vessels of the United States shall be levied or collected, and all acts and parts of acts imposing duties upon the tonnage of ships and vessels of the United States shall, from and after the passage of this act, be repealed. That, from and after the passage of this act, all laws and parts of laws imposing duties upon the tonnage of vessels of foreign nations so far as the same relate simply and purely to tonnage duties shall be repealed; but if any tonnage duties are imposed on vessels of the United States as light-money or light-house tax in the ports of foreign nations the Secretary of the Treasury shall ascertain what nations levy such duties on vessels of the United States, and a duty for light-money or light-house tax of 30

cents per ton per annum shall be levied and collected from the vessels of such nations visiting or entering the ports of the United States.

In other words, where a foreign nation under any guise, whether they call it tonnage tax or light-house money, impose a duty upon vessels of the United States, then under this amendment the same duty as light-house money can be imposed upon the vessels of that nation entering our ports. It puts American vessels and foreign vessels upon the same basis, is entirely equitable, and in my judgment is the very best of all the measures that we can adopt to-day toward relieving the extraordinary impositions and taxations now put upon the ships of the United States.

The provision in the bill before the Senate changes the existing law so as to put this tax upon vessels as they enter each port of the United States. One of the great complaints made before our committee when in session in New York was that the steamship lines which make a trip once each month, for instance, or ten trips a year, only pay 30 cents annually per ton while the schooners and sailing vessels that go upon long voyages, probably entering a home port only twice in a year, pay the same tax; which is manifestly unjust and inequitable, and in so far as the pending bill makes a change in that regard I am entirely in accord with it and approve of it.

Mr. BAYARD. The tax is annual?

Mr. VEST. It is annual now.

Mr. BECK. Why do you fix 30 cents?

Mr. VEST. That is the amount which has been fixed by the law. It is changed in the bill now before the Senate. Section 14 of the bill provides:

That in lieu of the tax on tonnage of 30 cents per ton per annum heretofore imposed by law, a duty of 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from the West India Islands or the Bermuda Islands, or from any port or place in the Republic of Mexico or from any port or place south of Mexico down to and including Aspinwall and Panama, or from any port or place in the Dominion of Canada or Newfoundland, or from the Sandwich Islands; and a duty of 6 cents per ton is hereby imposed at each entry on all vessels which shall be entered in the United States from any other foreign port, not to exceed in the aggregate 30 cents per ton in any one year.

That is the limitation—

Provided, That nothing in this act shall be construed to repeal sections 2793 and 4220 of the Revised Statutes: *And provided further*, That the vessels herein named which shall have paid their tonnage tax for the current year, as heretofore provided, shall not be liable to the tax herein levied until the expiration of the certificate of last payment of said tax. And sections 4223 and 4224, and so much of section 4219 of the Revised Statutes as conflicts with this section, are hereby repealed.

Those are the sections in regard to the imposition of the annual tonnage tax of 30 cents. I see nothing in my amendment which conflicts with any treaty or any comity which should exist between nations or any principle of international law, and it will do more to relieve these unnecessary burdens from our ships and put them upon a footing with the vessels of other nations than any other specific or individual act of legislation which we can adopt.

Mr. MCPHERSON. May I ask the Senator from Missouri——

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Missouri to offer an amendment?

Mr. VEST. Yes, sir; I offer a substitute.

The PRESIDENT *pro tempore*. For section 14?

Mr. VEST. For section 14.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. The amendment is to strike out section 14 and insert in lieu thereof:

That from and after the passage of this act no duties upon the tonnage of vessels of the United States shall be levied or collected, and all acts and parts of acts imposing duties upon the tonnage of ships and vessels of the United States shall from and after the passage of this act be repealed, and that from and after the passage of this act all laws and parts of laws imposing duties upon the tonnage of vessels of foreign nations, so far as the same relate simply and purely to tonnage duties, shall be repealed, and if any tonnage duties are imposed on vessels of the United States as light-money or light-house tax in the ports of foreign nations, the Secretary of the Treasury shall ascertain what nations levy such duties on vessels of the United States, and a duty for light-money or light-house tax of 30 cents per ton per annum shall be levied and collected from the vessels of such nation visiting ports of the United States: *Provided*, That all such vessels which shall have paid the tonnage tax imposed by section 4219 of the Revised Statutes for the current year shall not be liable to the tax herein named until the expiration of the certificate of last payment of said tax.

The PRESIDENT *pro tempore*. The question is on this amendment.

Mr. MCPHERSON. I should like to ask the Senator from Missouri whether we are permitted under our treaty regulations with foreign nations to make the invidious distinction which is made in the bill in favor of vessels trading with the West India Islands, Mexico, Canada, and the Sandwich Islands, on which the aggregate tax is 15 cents per ton, while on other vessels the aggregate is 30 cents?

Mr. VEST. I have offered the amendment as a substitute for this section of the bill. My amendment is to take the place of this section. Whether this is consistent with the treaties I am not entirely prepared to state. There may be some conflict in the clause the Senator suggests, but that provision of the bill is entirely left out of the amendment.

Mr. MCPHERSON. As I understand our treaty regulations with foreign nations with respect to "the most favored nation" clause, this bill simply abrogates in effect, so far as the legislation of Congress can do it, the provisions already existing in treaties. I would ask the Senator from Maine to examine very closely into that matter before progressing any further in this legislation.

Mr. MORGAN. Mr. President, in 1815 we made a treaty with Great Britain which touches this question. The twelfth article of the treaty is as follows:

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

In 1818 the treaty was extended for the period of ten years. In 1827 this article was continued indefinitely, subject to be terminated on a year's notice by either of the powers.

It will be noticed that the reciprocity between the United States and Great Britain upon this question extends only to his majesty's territories in Europe, not elsewhere in the world. That treaty never was a fair one between the United States and Great Britain, even at the time it was ratified. It gave that government very greatly the advantage of us by giving them the right to discriminate against our citizens, if they chose to do it, in all of their Asiatic possessions. While the treaty stands and until we put an end to it there should be a proviso put in the amendment of the Senator from Missouri, I think, that nothing in this act contained shall be construed to interfere with any treaty obligation existing between us and any foreign power. I do not believe, however, that we should have the right in this case to transfer, if I may use that expression, our tonnage tax to a light-house duty on the order of the Secretary of the Treasury when he found there was any discrimination against us in the way of light-house duties in foreign countries or when he found that we were being taxed for light-house purposes in any foreign country. I think the language of the amendment ought to be modified in that particular; perhaps a general saving of the effect of treaties will be the best. I hope that it will not be a great while until this treaty with Great Britain at least is revamped, rearranged.

Mr. MILLER, of California. This clause is in almost all other treaties in the same language.

Mr. FRYE. I think there are one or two treaties that have similar language.

Mr. MORGAN. It may be similar language, but it can not be the same language, because this confines the right to the territories of Great Britain in Europe, and not in other parts of the world. The general substance of this provision is in our treaties with several of the great powers, modified, however, very materially in our treaties with France. We have a special arrangement with France, growing out, I believe, of the Louisiana imbroglio, by which we made a better arrangement with that country than with Great Britain.

I suggest to the Senator from Missouri to amend his amendment so as to provide that nothing contained in it shall be construed to interfere in any way with treaty stipulations.

Mr. MCPHERSON. I do not understand the amendment of the Senator from Missouri to require any alteration of that kind. I confess my inability to hear the Senator from Alabama, and I did not understand all his conclusions in the matter. I now ask the Senator if his conclusion went to the extent of saying that the bill would be an infringement upon treaty stipulation as originally reported by the committee.

Mr. MORGAN. I do not know that it would be any infringement of treaty stipulation, but it would sometimes put the Secretary of the Treasury in rather an awkward position, for here is a positive provision that where light-house duties are charged against us in any foreign countries he shall charge tonnage duties on ships of that country coming into our ports. It gives him power to discriminate, and of course imposes upon him some obligation. I think a proviso in the amendment that nothing contained in it shall be construed as authorizing or requiring any infraction of any treaty with foreign powers would be a valuable clause.

Mr. MCPHERSON. I should like to amend the amendment of the Senator from Missouri, which provides, if I understand it aright, that a tax shall be put on foreign tonnage coming here to the same extent which may be charged against United States vessels in foreign ports. The Senator from Maine in his bill proposes a discriminating tonnage tax, which I regard as indefensible. Now, let me propose a compromise between the two by making the aggregate 15 cents a ton; and to do that I would strike out after the word "from," in line 6, down to and including the word "year," in line 14, and insert simply the words "from any foreign port;" so as to read—

That in lieu of the tax on tonnage of 30 cents per ton per annum, heretofore imposed by law, a duty of 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port.

Then I would add:

Provided, The tax so imposed shall not be less than the tax imposed by foreign nations upon American ships in their ports.

That would be simply making the tax 15 cents a ton on all our foreign commerce, not going to the extent the Senator from Missouri proposes to do, of striking it off entirely, but striking a moderate middle ground between the position of the Senator from Maine and that of the Senator from Missouri, and making no discrimination whatever.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey desire to submit that amendment?

Mr. MCPHERSON. I will do so.

Mr. BECK. I desire the attention of the Senator from Maine [Mr. FRYE] while the amendment is being prepared, as I see the Senator from Maine is about to take the floor. I desire him while he is explaining this matter to tell us how far in his judgment we can not only relieve the taxation upon American tonnage without involving relief being given to the vessels of all foreign nations, but how far we can secure pilotage for our ships without the compulsory pilotage now existing. This is the idea I have in my mind that I desire him to say a word about: If an American ship, as I understand it, in the coastwise trade has a thoroughly competent pilot, that ship is not compelled to employ a pilot at high charges. If that same pilot is on an American ship—having that right to bring in a ship coming from New Orleans—that comes from Havana, she can not have him bring her in, but is compelled to employ a pilot to bring her into the port of New York. I want to know how far we can relieve in that respect, my object being to relieve our own ships as far as we can from overcharges for tonnage or pilotage or what not. When the Senator from Maine takes the floor on the amendment, I want him to show how far we can go in that direction.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey desire to propose an amendment?

Mr. VEST. I wish permission of the Senate to withdraw the amendment which I submitted and offer another in lieu of it.

The PRESIDENT *pro tempore*. The Senator from Missouri withdraws his amendment.

Mr. VEST. And I offer in lieu of it what I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out section 14 and in lieu thereof to insert:

That from and after the passage of this act no duties upon the tonnage of vessels of the United States shall be levied or collected, and all acts and parts of acts imposing duties upon the tonnage of ships or vessels of the United States shall from and after the passage of this act be repealed; and whenever it shall appear to the satisfaction of the Secretary of the Treasury that no tonnage dues are imposed on or exacted from vessels of the United States by any foreign nation, either directly or indirectly, as light-money or otherwise, the Secretary shall thereupon cease to collect all tonnage dues that are imposed by any existing law upon the vessels of such nation which may enter any port of the United States: *Provided*, That no treaty between the United States and any foreign nation shall be in any way impaired or violated by such action on the part of the Government of the United States.

Mr. FRYE. Mr. President, it is taking a great deal of risk to undertake at call on the floor of the Senate when a bill is under consideration to substitute a new section for section 14 of this bill. There are so many considerations, there are such serious questions as to our relations with other countries, there is so much question as to what our rights are in the premises, that I do not think the Senator from Missouri will give it as his opinion as a lawyer that we can do, for instance, what the first amendment proposed by him authorized to be done.

For several years this very subject has been under consideration, because this tax is nothing but a war tax—30 cents a ton on every vessel every year. But the first consideration which came into view was that on every sailing vessel it was a discrimination as five to one against the sailing vessel. For instance, the sailing vessel comes into port ordinarily not oftener than once a year. She makes one round voyage in a year; she pays, a two-thousand-ton ship, $600 for that year. The English ship Oregon, or any of those English ships plying between Liverpool and New York, coming here ten times a year, carrying ten times the freight of sailing ships, getting ten times the advantage in every other way, pays no more than a sailing vessel which comes in once. That is a discrimination everybody could see, and everybody was willing it should be removed.

Then, again, there was a large class of vessels trading between the United States and Canada, on the lakes and on the coast, simply sailing across a river, and it seemed to be an outrage that a tax of 30 cents a ton should be levied on a vessel if it sailed across a river into a foreign port, when not a dollar is levied there. There is no tonnage tax on a coastwise vessel if she confines herself to the coastwise trade and does not cross the river to Canada. That seemed unjust.

These questions have been carefully considered, and my judgment is that the weight of opinion with commercial men, with lawyers, is that we can not discriminate in favor of our own and against the vessels of a foreign nation under the treaty clauses which are in existence to-day with several foreign nations. I think that is the fair weight of opinion. At any rate, there is a very serious question whether or not it can be done.

The House of Representatives undertook to remove that to a certain extent. The House bill is precisely like the Senate bill in this respect until it reaches the proviso, and I should like to have Senators hear this proviso in the House bill:

Provided, That the President of the United States shall suspend the collection of so much of the duty herein imposed on vessels entered from any port in the Dominion of Canada, Newfoundland, the Bahama Islands, the Bermuda Islands, the West India Islands, Mexico, and Central America, down to and including Aspinwall and Panama, as may be in excess of the tonnage and light-house dues or other equivalent tax or taxes imposed on American vessels by the government of the foreign country in which such port is situated, and shall upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply, and the rate or rates of tonnage duty, if any, to be collected under such suspension.

An authority to the President of the United States to suspend the collection of any tax whenever these foreign countries indicated that they had no tax upon our tonnage. Now, the fact is that Great Britain to-day collects of every vessel that comes into her ports just twice the amount we propose to collect from vessels coming into our ports as light duties. Where we collect 6 cents at an entry she collects 12 cents at an entry. A vessel paying $60, making ten passages between here and Europe, an English vessel, would pay us under this bill only $30 a year, and our American vessel going into an English port pays her $120 for the same year.

Mr. BECK. Do their own vessels pay that?

Mr. FRYE. I do not know whether they do or not. The French vessels do not. They discriminate in favor of the French and make them pay just one-half what they charge us, and allege that it is by virtue of a treaty made years ago.

We collected $1,400,000 from this tonnage tax last year without any modification of the law, $300,000 of which came from our vessels and $1,100,000 came from foreign vessels. A repeal of the tonnage tax as a matter of course takes out of our Treasury $1,400,000. Under the first clause of this section about the tonnage tax, reducing it to 3 cents an entry, not to exceed 15 cents a year, our vessels would not pay next year over $75,000 of tonnage tax altogether, while the foreign vessels would pay their full complement of $1,100,000. It is very hard work to convince the average man who looks at the Treasury of the United States that you ought to give away $1,100,000 to a government that taxes us $2,200,000 if we have the same number of vessels entering there in order to save our vessels $75,000. There is the problem.

The action of the House seemed to be very decisive as to their opinion in this matter. So far as I see, the United States in this bill is giving to ships sailing under the American flag $100,000 consular fees, $400,000 hospital fees, nothing under the postal act, because the credit balances the debit. Now reserve your tonnage tax as this section reserves it here, and the United States giving the full benefit of every section of this bill to American ships will do it at no cost to itself whatever, but from the tonnage tax collected from foreign ships there will be a balance of at least $700,000 after you have done this for American vessels. I think that had great weight in the minds of very many members of Congress. You take a vessel to-day sailing from New York to Liverpool, an American vessel, and she pays 12 cents a ton for light dues; you take under this bill a foreign vessel sailing to New York from Liverpool, and she pays 6 cents an entry provided that all the entries shall not exceed 30 cents.

I do not myself believe that this section ought to be amended. It is the result of careful consideration, of grave deliberation by several committees of Congress. It was believed by those committees to be the best that under all the circumstances we could clearly do. This we can do without any question of treaty or anything else, and with the money collected from foreign vessels and doing them no prejudice or harm, those nations collecting more of us than we do of them, we can pay every single dollar of benefit to the American vessels provided for in this bill and still leave a balance in the Treasury of the United States, including the subsidy clause, if any Senator calls it so, and all.

Now as to the pilotage of which the Senator from Kentucky speaks. I have been making a fight for twelve years to repeal the compulsory pilotage laws. The trouble is that the United States relegated all this matter to the States almost a hundred years ago, and to-day the States have absolute control of the pilotage laws. I admit that the exactions are the greatest and grossest outrages that are to-day committed upon American vessels. But, sir, if you undertake to put a provision on that subject in this bill you will find that the bill will bristle all up and the enemies will come up quicker than the bristles in the bill and you will find one of the stoutest and hardest lobbies in the other House, and another one in this, "in season and out of season," fighting every provision of your bill, because the repeal of compulsory pilotage is in it. The New York pilots were able to fight successfully the Albany Legislature for over three months when they simply asked a reduction of pilotage fees down to what they were three years after the war was over, when everything else had gone down more than two-thirds; and yet for three months they fought that Legislature, and had power enough to do it. The Senator would find the Senators from Florida, both of them, the Senators from Texas, very likely the Senators from Delaware, the Senators from New York, the Senators from Boston coming up in defense of the present pilotage system.

Mr. BECK. Will the Senator allow me? What I want to get at is if a pilot has a license to bring a ship coming from New Orleans into the port of New York, why should not that same man be able to bring in a ship from Cuba? It applies, as I understand, only to foreign trade. I can not see in propriety how any distinction can be made against it.

Mr. FRYE. No; the pilotage applies to all the coasting trade.

Mr. BECK. Compulsory pilotage?

Mr. FRYE. Oh, yes.

Mr. BECK. I thought they were all free from it.

Mr. FRYE. No. The captain of a schooner coming from Maine going down to Pensacola who perhaps knows more about the harbor of Pensacola than any man that lives in Florida, and who can go right straight into it by night or by day, is compelled to pay on that schooner from $50 to $80 pilotage in and $50 to $80 pilotage out; then he takes a steam-tug five miles out of port and pays the steam-tug with a licensed pilot on board $50 to take him in and then hires another steam-tug and pays that steam-tug $50 with a licensed pilot to take him out.

Mr. BECK. I only displayed my ignorance on the details. I am following the committee in all these matters and propose to do whatever they say is best. I had supposed it was only as to the foreign trade that you made pilotage compulsory. I had never looked into it. It seems to me an enormous tax, and if it can be avoided in any way, I should be glad to see it done.

Mr. FRYE. The tax paid to pilots to-day is larger than the profit paid by any coasting steamer engaged in trade, and has been for years. I own a part of two or three schooners, having purchased the interests myself. I received only a week ago an account from the agent, and I find that the pilotage fees were twice as large as the profits paid by the vessel on three round voyages.

But, Mr. President, there is a bill on that subject pending to-day, a just and fair one, before the Committee on Commerce. It has been reported favorably in the House of Representatives. I do not think any friend of the pilots can object to it. That is simply this: Under the law now the master or mate of a coastwise steamer may be examined as a pilot, and if he passes he may pilot his own steam-vessel. This bill to which I refer simply provides that on sailing vessels, if the master or mate passes an examination and gets a certificate as a skilled pilot for any particular port or harbor, he may be permitted to be his own pilot. That bill is before the Committee on Commerce now, and it has been reported favorably in the House.

Mr. BECK. I had read that somewhere and thought it was the law.

Mr. FRYE. No; it is not quite. I admit that the Senator from Missouri is just as good a friend to American ships as I am; I admit he has the same earnest desire to do what can be done legally for the benefit of American ships. I would like to support his amendment to this bill, but I have serious doubts about it. I like the section in the House bill better than I do our own in the Senate bill, and I think better than I do the Senator's last proposed amendment. That to-day would relieve every vessel on the lakes, the St. Lawrence River, or our coast, trading with Canada, because to-day Canada has no charges against American vessels.

But the amendment of the Senator from Missouri proposes to relieve all our vessels from the tonnage tax, no matter where they trade, and then authorize the Secretary of the Treasury to impose a tax upon foreign tonnage. I doubt the power of the Secretary to lay that affirmative tax. I would keep the taxes on foreign vessels as they stand to-day, with authority to the President to relieve them in case they relieve us. That will give us enough to meet all the provisions contained in this section, so that it will not be any expense to the Treasury. The Senator's last amendment will do that. It will give us $600,000 from tonnage tax, because we are only relieved by one country to-day, and that is Canada. Mexico will undoubtedly relieve us before a great while. Very likely the South American States will relieve us before a great while. In any event, it will leave us $600,000. England will not relieve us. She gets too much money from us, and has not any desire to see us grow in any direction. So I say I like the Senator's second amendment better than the first. I think I shall be obliged myself to vote against any amendments, but when the House bill is under consideration I shall ask the Senate to accept the House section as it came from the House.

Mr. CALL. I would ask the Senator from Maine if he does not think that the tonnage tax is paid by our own people, and the higher we make it the more we tax ourselves? Does not a foreign vessel trading to our ports impose upon the merchandise she brings here the amount of tonnage and all other dues, and does she not charge to our country the freight charge and the amount of tonnage duties and other dues required to be paid, so that it is in effect a tax upon ourselves, and the higher we put it the more we pay? I should like to suggest to my friend if it would not strictly be in our own favor if we imposed precisely the same degree of charge, whatever it was, upon foreign vessels here that is imposed upon our vessels by the same foreign nations?

Mr. FRYE. The Senator from Florida understands that the United States imposes no tax for light duties or anything of that kind upon anybody. The United States Government very generously furnishes all the lights and buoys and monuments and things of that kind without making charge against anybody for them. We are relieved from all that sort of thing, which is not true of France, or Germany, or England, or any great nation on the sea. I think they all have an imposition for those several appliances for the benefit of navigation, and we have none.

Mr. JONES, of Florida. I just want to say a word in reply to the Senator from Maine about the pilot system. The difficulties of this question are so obvious that it would not be wise to have the subject regulated by act of Congress. The Senator speaks of Congress having relegated it to the States. He is greatly in error. I would say that the States always exercised the power of regulating pilotage.

Mr. FRYE. Will the Senator allow me?

Mr. JONES, of Florida. Certainly.

Mr. FRYE. Was there not an act of Congress doing that very thing which I speak of?

Mr. JONES, of Florida. No; the act of Congress simply recognized the pre-existing rule and authority of the States over the subject, but Congress never did regulate it and never did relegate it to the States.

Mr. FRYE. Congress confirmed it to the States.

Mr. JONES, of Florida. Before the adoption of the Constitution, under the colonial system, the pilotage was regulated by the Colonies independent of the government that existed under the confederation. After the organization of the new government in 1789, while Congress took up nearly every other subject relating to commerce, it recognized all the previous authority of the Colonies or the States over this subject, because it discovered that no uniform law could well be made that would apply to it, and from that day to this there has been no change in the system.

Now the Senator says that some of the masters of ships that go to Southern ports are as well acquainted with the harbors as the pilots themselves. That may be true, but he must remember that the coast vessels of the United States sailing under American licenses enjoy a monopoly of that trade, and that the port charges and the pilot charges attending this commerce all come out of the man who pays the freight, in the end, and not out of the ship-owner. There is no competition in this business between licensed vessels under the American flag and any other vessels. They have an absolute monopoly of the trade, and I do not wish to deprive them of it. Every charge attending this system of commerce along the coast is ultimately paid by the people, who from necessity are compelled to employ those vessels to do their business. It is necessary for the preservation of life and property, because, as I had occasion to say in a former debate, if Congress were to come in with one uniform law to regulate this subject and take away from the States the right to regulate pilotage, you would expose life and property to absolute peril along the whole Southern coast; the pilots would have to disband; and while one ship might be able to go in under the management and control of a particularly skilled master from the State of my honorable friend from Maine, another vessel that came there commanded by an ignorant or it might be by an unskilled person would have to run the perils of the harbor and go without the protection which this system secures to all. It was, I suppose, because of the inherent difficulty of this subject that Congress left the matter entirely with the States; no attempt has ever been made to take it from them until the present time, and I do not think it would be wise to do it now.

Mr. VEST. In a treatise written by David A. Wells on the subject of the commercial marine of the United States he gives an example of the difference between a foreign vessel and a vessel owned in the United States in the matter of fees and duties paid by the respective vessels in one of our ports. To any one who has not examined this question, who has not given any more attention to it than that which is excited by reading some sporadic article in a newspaper, the statement of Mr. Wells as derived, according to his authority, from the owner of an American schooner, is absolutely incredible. One vessel was being loaded in an American port in New England; the other was lying there without a cargo, although it was ready and more than willing to take any sort of freight that should be offered. In reply to the inquiry put by Mr. Wells to the captain and owner of the American ship as to why he was not loaded like the foreign rival alongside of him, he took Mr. Wells into his cabin and gave him his expenses, besides the difference in the cost of construction, which in that case was very little, and, if any, was in favor of the American ship, it being a wooden vessel. He gave him his running expenses, and among others the tonnage tax, which amounted to more than all the rest put together.

The Committee on Commerce, of which the Senator from Maine and myself are both members, made a report through the distinguished Senator from Michigan [Mr. CONGER] upon a bill for the relief of American shipping in the Forty-seventh Congress, first session, Report No. 499, and the conclusion of our committee at that time upon this subject was that "surely there is no such existing necessity in our Treasury as requires the retention of the war tax known as 'tonnage.'" I believe the Senator from Maine [Mr. FRYE] was not then a member of the committee.

Mr. FRYE. I concurred in the conclusion.

Mr. VEST. The conclusion was that there is no necessity for the retention of this tax, a war tax upon American shipping.

Let us look at it and see what is the practical result. We have started in for the purpose of putting an American ship upon an equality with a foreign vessel, and though my amendment for "free ships" has been defeated the Senator from Maine does me no more than justice when he says I am just as much a friend to-day of American ships as any Senator can possibly be, and as much so as if my amendment, in which I honestly believed, had been placed upon the bill. That amendment having been defeated, all that we can hope to do now is to remove the burdens off the running expenses of an American ship. The testimony

before our committee in New York, and declared over and over again upon this floor, is to the effect that if we were given vessels under our present ship laws we could not sail them at a profit and we could not successfully compete with the merchant marine of other nations. There is now before the Senate the principal burden in the running expenses of an American ship. I read from the report to which I have alluded, coming unanimously from our committee, and I ask Senators who feel the slightest interest in this question to listen:

As an illustration of the burdens our vessels labor under, take the schooner L. A. Boardman, built at Calais, Me., and trading with Canada. Her tonnage is 112.74 tons. She pays as follows:

Measurement and first papers:	
Enrollment and bond	$1 10
Passenger permits	1 20
Admeasurement	15 00
Clearance for the provinces to load:	
Register and bond	2 25
Certified list of crew	65
Clearance for	2 50
Blanks	40
Bills paid on entry back from the provinces:	
Entry from	2 50
Hospital money, one month, five men	2 00
Tonnage	33 60
Surveyor's fee	20
Permit to land	20
Protections oath	20
Bill of health	10
Change papers back to coasting license:	
Enrollment and bond	1 10
License for	1 20
Total	64 40

Of which $33.60 was tonnage tax. Is there any Senator who pretends to justify an imposition like that? All these are extraordinary impositions upon an American ship. An English vessel pays none of them. An English vessel pays her light-house money and that is the end of it, and here are all these insectivorous annoyances. An American vessel can not touch the soil of the country to which she belongs without paying 10 cents for the privilege. She can not change a paper without paying from 50 cents to a dollar and a half. She pays a hospital tax; but considerably more than one-half of this whole amount, that is $33.60, is the tonnage tax.

As to the provisions of this bill I have here a pamphlet coming from Boyd & Hincken, F. Alexandre & Sons, William P. Clyde & Co., and Vernon H. Brown & Co., all of them largely interested in American shipping. They say:

Even the proposed tax of 3 and 6 cents per ton on each entry would be more oppressive upon our shipping interests than upon the foreign. Foreign shipping companies with large capital, regular trade, and experienced seamen, can successfully compete with American shipping interests, which now are again struggling for supremacy, as they did in their infancy, more than half a century ago.

The opinion of these gentlemen is that the bill now pending before the Senate is more oppressive than the existing law and more oppressive upon American ships than upon foreign ships.

But one significant fact, and then I shall have nothing more to say about it. In 1830 when we took off the tonnage tax there was an increase of the commercial marine of the United States which increased onward and went upward to 1860. From the time that the tonnage tax was taken off to 1860 our tonnage in the merchant marine increased from 1,260,000 tons to nearly 6,000,000—to five million and five hundred and seventy-odd thousand tons. It is a significant fact that with the removal of this very tax the merchant marine of this country commenced its career of prosperity to 1855 and 1860.

It is admitted that this tax is wrong. There is no question about that. It is admitted that it is a war tax. It is admitted that there is no necessity for it. Our Committee on Commerce were unanimous upon it. As the junior Senator from Florida [Mr. CALL] very justly remarked, every dollar that we put upon foreign vessels in the shape of a tonnage tax (and the argument is that they must not be relieved) is collected by them from our own people. It is said now, in the spirit of retaliation, that we must not relieve American ships, because that takes the tax off foreign vessels. My idea is that we are engaged now in an attempt to build up American ships. Once more we want our flag upon the ocean. Here is the principal object, in my judgment. Yet we are told that because a foreign vessel is to be relieved, therefore we are not to take this tax off the American ships. That is equivalent to the argument made by my eloquent friend from Kansas [Mr. PLUMB] yesterday, when he floated the starry banner of our common country here for three-quarters of an hour in rhetoric unsurpassed, but unsupported, unfortunately, by facts. The bunting of the United States, which he said in a very few years in spite of all laws would float upon every wave of every ocean upon the whole globe—that sacred bunting, the material composing it, is taxed by the present tariff from 77 to 132 per cent.—the flag of our common country.

The Senator made the most remarkable statement that we must not have free ships (which was the subject then before the Senate) because it would help Great Britain irrespective of its effect upon the ships of the United States, and he appealed even to the Irishmen and wanted to know if any Irishman could sustain any such policy as that which would put money into the pockets of British ship-builders. Yet under the present system we are paying to Great Britain $100,000,000 every year for carrying our products across the ocean. If any system could be invented by mortal man that would pay more money to Great Britain than the one we have to-day I should like some ingenious gentleman to point it out. To-day Great Britain does more than one-half of our carrying trade. I have some right to speak for the Irish, more than the Senator from Kansas, both by lineage and political affinity. Whatever may be said about the Irish people, they are not fools, and they know every one of them that a system which puts $100,000,000 annually as the profits of the carrying trade into the pockets of British ship-owners is the thing that Great Britain wants to continue, and Great Britain would be idiotic if she did not want our present system to exist as long as possible.

That same sort of argument is applied here now. It is said, "Do not take off the tonnage tax, because we must at the same time take it off foreign vessels." My object from the beginning to the end of this whole debate, and in this whole shipping investigation, has been to bring back the merchant marine of the United States to something like its former condition; and when we attempt to do that we are met by the miserable pretense that we must not take one step for the benefit of the merchant marine of the United States, because it may inure in some degree to the benefit of foreign ship-owners. First let us get back our merchant marine; first let us bring our flag back in some degree to the ocean; first let us take off this tax, the greatest incubus to-day upon the owning and running of ships by Americans, and then after we have done that, after we have brought ships back to the ocean with our flag upon them, we may, if we please, say to foreign nations, "We shut out your shipping and retaliate upon you for any laws which you may have."

The amendment which I propose saves all treaty rights and stipulations. There can be no objection to it upon that ground; and if it is adopted, as I said before, it will do more to remove the inequalities existing to-day between our ships and those of foreign nations than any portion of the measure before the Senate.

Mr. FRYE. Since I addressed the Senate I have taken from the desk the Senator's amendment. I misunderstood even his second amendment. I find by the second amendment that he does not remove the tonnage tax from foreign vessels; that he simply removes the tonnage tax from American vessels, leaving it on foreign vessels, to be removed in the future if they remove theirs from us.

Mr. VEST. Certainly; that is put in.

Mr. FRYE. I shall make no objection to the amendment.

Mr. VEST. It is a modification of the substitute. I understood that the Senator objected to both of them.

Mr. FRYE. I make no objection to the amendment as I now see it reads.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will call the next section.

The SECRETARY. Section 15.

The PRESIDING OFFICER. Are there amendments to section 15? If not, the Secretary will call the next section.

The SECRETARY. Section 16.

The PRESIDING OFFICER. Are there amendments to be proposed to section 16? The Chair hears none; and the Secretary will call the next section.

The SECRETARY. Section 17.

Mr. VEST. I wish to call the attention of my friend from Maine to section 17. The language is:

When a vessel is built in the United States for foreign account, wholly or partly of foreign materials on which import duties have been paid, there shall be allowed on such vessel when exported, a drawback, &c.

That I suppose is intended to apply to vessels which are built in this country for foreigners.

Mr. FRYE. Yes; built by contract.

Mr. VEST. After the word "account," in line 2 of section 17, I move to insert the words "or for use exclusively in the foreign trade;" and in line 4 to strike out the words "when exported;" so as to read:

When a vessel is built in the United States for foreign account, or for use exclusively in the foreign trade, wholly or partly of foreign materials on which import duties have been paid, there shall be allowed on such vessel a drawback equal in amount to the duty paid on such materials, to be ascertained under such regulations as may be prescribed by the Secretary of the Treasury.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

Mr. FRYE. There are two very distinct propositions there and hardly connected in interest one with the other—one a drawback and the other a rebate. I hope the Senator will not press that amendment to this section. This is intended to cure but one existing evil, and it is a very great evil. Section 3019 of the Revised Statutes provides:

There shall be allowed on all articles wholly manufactured of materials imported, on which duties have been paid, when exported, a drawback equal in amount to the duty paid on such materials.

That law has been amended some eight or ten times by allowing cer-

tain articles to receive a drawback where they have contained some home product, like plows, mowing-machines, &c. On the Delaware they are building a great many vessels for the South American service, and they have been building them under that section. The Secretary of the Treasury construes the law so that if they put on American plank in one of those vessels they get no drawback whatever. This section simply provides "wholly or in part," so that they may use what American materials they find convenient and handy and what foreign materials they must use, and get the drawback on the foreign materials which are used. The amendment of the Senator from Missouri covers a very much larger ground. It allows a drawback of duty on everything that is purchased in a foreign market to go into a ship of any kind.

Mr. VEST. For the foreign trade.

Mr. FRYE. For the foreign trade. That excludes all the larger sized vessels and practically is the Senator's free-material amendment. I hope he will not insist on trying that on this section. The free-material amendment is not of so much consequence as some Senators are disposed to think. In 1872, as the result of a special committee's investigation, we had a section of law allowing almost everything which was necessarily purchased abroad for the building of a ship to be imported free of duty for the use of the ship. There were, for instance, brass, copper, sheathing, yellow metal, hemp, jute, steel, band, hoop, and bar iron, and a large number of things; and yet in 1879, 1880, 1881, 1882, and 1883 almost the entire importations under the provisions of that free-material clause were confined to copper, yellow metal. There was of yellow-metal one year, one hundred and eighty-one thousand dollars' worth; another year, one hundred and fifteen thousand dollars' worth; another, ninety-one thousand dollars' worth; another, three hundred and thirty thousand dollars' worth; another, two hundred and twenty-six thousand dollars' worth; and yet all the rest of the importations allowed under that law did not exceed $50,000 in any one year.

The nearest you can get to a raw material, that is one thing; but when you undertake to give ship-builders, and regard it as any special benefit to them, the right to buy the perfected material ready for the ship, in my judgment you are not doing the country or the ship-builder himself any special favor. Those things must be made at home in our own yards. Take for instance the plates on a ship. There never were two ships that had the same sized plates, and there never was one ship that had two plates of the same size. It has all got to be specified, put down in writing, and all built exactly according to the specifications or else the whole affair is a failure.

Now it is utterly hopeless to expect that we are going to import these things. We must make them at home with our own labor, and if it is to our disadvantage we must stand it; and our ship-builders will. I say to the Senator from Missouri that if the bill as we have reported it to the Senate and as it has now been amended becomes a law, I shall not be afraid to guarantee that there will be twenty-five 4,000-ton iron steamers built in the United States ship-yards and on the ocean in less than five years.

I hope the Senator will not insist on this amendment to this section.

Mr. VEST. I shall not insist if the Senator opposes my amendment, because I know it will be defeated. My judgment is not changed in regard to it. As I pointed out some days ago, our foreign trade is languishing and dying. I see no reason why the same rule should not be applied to the foreign trade that is applied to the coasting trade in this respect, but I recognize that whenever the line is drawn here upon anything that approximates to free ships or free materials I am in the minority. Therefore I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The Chair is informed that in the perfecting of the bill sections have been introduced between section 18 and section 19.

Mr. FRYE. Those sections can of course be passed. There are no amendments to be offered to them.

The PRESIDING OFFICER. As the bill will be better understood by calling the sections according to their numbers as printed, the Secretary will call section 19.

The SECRETARY. Section 19.

Mr. MCPHERSON. I offer an amendment to section 19.

Mr. FRYE. If the Senator from New Jersey will wait one moment, the Senator from Missouri had two amendments, which were printed yesterday, and I suggested to the Senator this morning to withhold those until we reached a certain point in the bill, and that point I think we have reached. If the Senator intends to offer those amendments, I very much prefer that they should be offered at the end of section 18, as printed.

Mr. VEST. I understood the Senator to suggest that they should be withheld until we reached section 22.

Mr. FRYE. The Senator is right. Section 22 was the point.

Mr. MCPHERSON. Then I offer my amendment to section 19, to strike out from line 6 to line 10, inclusive, and insert:

For transporting the mails of the United States from any port of the United States to any foreign port a sum not exceeding $1 per mile; and between Atlantic ports of the United States and the Pacific ports of the United States, touching at any foreign port, a sum not exceeding $1 per mile on the trip each way of actual—

I want to call the attention of the Senate to the phraseology of this section:

For transporting the mails of the United States between any port of the United States and any foreign port, or between ports of the Atlantic and ports in the Pacific, touching at any foreign port, a sum not exceeding $1 per mile, on the trip each way.

My amendment proposes to restrict it to mails of the United States from any port of the United States to any foreign port, a sum not exceeding $1 per mile. Under the bill proposed by the Senator from Maine it is proposed to pay an American ship, for instance, between the port of New York and the port of Antwerp—or take the Belgian line, as we now call it, between Philadelphia and Belgium, as an illustration. The Senator from Maine proposed to pay $1 a mile for carrying the American mails to Belgium, with which I fully agree, because that is compensation for carrying the American mail; but he also proposes to pay that ship for returning from Antwerp to Philadelphia another dollar per mile—for what? Not for carrying the American mail, but for transporting the Belgian mail, for which the Belgian Government pays $100,000 a year. I find no fault and can make no criticism upon gentlemen on this side of the Chamber or the other side of the Chamber who are adverse to paying subsidies; but surely that would be a subsidy in its most aggravated form. You propose to pay a steamship engaged in the trade of which I have spoken $4,000 for returning from Belgium to the United States for which it does not render one particle of service to the United States Government. When you reach a foreign port with an American ship and begin your return from that foreign port, the mails you carry are the mails of the foreign government and not of the American Government.

Further, I do not propose, as will be seen, in my amendment to interfere in the least with ships sailing between the Atlantic ports and the Pacific ports of our own country which convey the American mail both ways. A ship may start from the port of New York and its termination may be San Francisco.

Mr. BAYARD. May I ask the Senator if it is possible that mails will go 3,000 miles by sea when they can cross the continent by railway?

Mr. MCPHERSON. But they may be taken for some intermediate ports.

Mr. BAYARD. Would the Senator provide a compensation for going around Cape Horn by sail or steam as a mail route, when we have three railroads to-day running to San Francisco?

Mr. MCPHERSON. The argument of the Senator from Delaware is very well, but the principle I wish to embody in the bill is this: I will vote to give fair compensation for carrying the United States mails to the ships of the United States to any foreign ports and end it there. I will vote to give the same compensation to any ships of the United States which convey the mails of the United States on the ocean between our own ports.

Take the Pacific Mail Steamship line; I cite that only as an illustration. I know nothing about the line of steamers. They are engaged in traffic between here and the Pacific coast; they have twenty ships which are engaged in the business. The argument of the Senator from Delaware does not seemingly apply to the ships as engaged in the commercial traffic. They still continue in existence; they are doing a profitable business. I would pay the Pacific Mail line for carrying the mail back from the Pacific States just as I would pay for carrying the mails from the Atlantic to the Pacific. In other words, any sort of commercial craft owned by citizens of the United States which will do service both ways is entitled to just as much compensation for service one way as the other; but as to a vessel in the foreign trade, when it carries the mail from a foreign country, it is not the United States mail; when it is conveyed from some South American port in Peru or Brazil, or from Great Britain or from Belgium or from France, it is then the mail of the country from the port of which the steamship leaves.

As I said before I am opposed to subsidy, so called, in its every form, but I will vote for an appropriation of money to compensate the mail-carriers of this country and adequately compensate them for the service they render. I do not know but that $1 a mile is too much, I do not know but that it is too little; but I do know that when the Government of the United States, as it is now doing under existing laws, will meet the ship-owner at the dock and take him by the throat and say to him "You must carry the United States mail at such compensation as we see fit to give you, and that compensation is not just, is not equitable or fair," then I say the Government is wrong, and therefore I have offered my amendment.

Mr. SAULSBURY. I ask the Senator whether the compensation now paid for carrying the mails to Europe is not adequate?

Mr. MCPHERSON. I will answer the question of the honorable Senator from Delaware by citing a case. The American lines sailing from the port of Philadelphia to Antwerp, Liverpool, and London last year received 3 cents a mile for the transportation of United States mails, and only 3 cents. If the Senator from Delaware thinks that an adequate or just compensation for a great government having the

power in its own hands and exercising it, declaring to the ship-owner, "You shall not untie your ship from the dock until the United States mails are placed on board," then he and I differ.

Mr. SAULSBURY. In the report of the Postmaster-General he says that the sea-postage upon the heavy mails carried from New York to transatlantic ports yields an adequate remuneration; but complaint has been made that the vessels going down to South America and Vera Cruz are greatly delayed because of the lightness of the mail. I think I can find that in his report. I put the question to the Senator because I have found statements of that kind in the report of the Postmaster-General.

Mr. McPHERSON. I will answer the Senator from Delaware that the information I have upon this question is largely obtained from listening to the speech of the honorable Senator from Maine a few days since, in which he made the most marvelous (to me) statement that the American steamship line that carried the United States mail from Philadelphia to Europe during the past year had done it at a compensation of about 3 cents a mile; that the Pacific Mail line had carried the United States mail at a cost to the Government of about 7 cents per mile, and that the charge upon the Pacific Mail line for the handling of the mails in port alone amounted to almost all that the Government paid. The Government has made a million dollars and covered it into the Treasury as a result of this service.

Mr. SAULSBURY. I think the Postmaster-General has information of that whereof he speaks, and I will now read what he says in his report:

> The sea-postage upon the heavy mails conveyed from New York to transatlantic ports yields to the foreign steamship lines transporting them an adequate remuneration for that service; but on account of the small amount of mail matter conveyed to South American and transpacific ports, the same measure of payment yields a less adequate compensation.
>
> The amount of sea-postage upon the mails dispatched during the year over the principal ocean routes was as follows:

He gives an itemized account of the amounts paid to the various transportation lines on the Atlantic to Europe. He asserts positively that they are amply compensated for the service they render. Now, in the face of that statement by the Postmaster-General, charged with the administration of the postal affairs of the country, I do not feel at liberty to vote an additional dollar to those companies. The Postmaster-General, who has charge of the postal service of the country, informs Congress in his annual report that they are fully compensated for that service. Where, then, the justice of taking from the public Treasury the money paid there by the taxes imposed upon the people to add to the ample compensation already provided?

I am fully aware that for mails going to Vera Cruz and Panama and the mails carried by the Pacific Mail Company to China and Japan the compensation may not amount to a very great deal, because the communications to those countries are not as large as they are to European countries, and therefore the compensation of sea-postage may not be so large, and if it is necessary to grant additional compensation to those lines I should be willing to do that, but I am not willing to put my hand into the Treasury of the United States by my vote or put the hands of anybody else into the Treasury of the United States and take from it the money which the people of the United States have paid there by taxation imposed upon them and give it as a mere bounty and gratuity to steamship lines which are amply compensated now for the service they render. I take it the Postmaster-General has information of that whereof he speaks.

It was because I heard the Senator from New Jersey denouncing the Government of his country for taking the masters of vessels by the throat and extorting from them a service at an inadequate compensation that I called his attention to this. When I heard that remark of the Senator from New Jersey I felt compelled to state that I could not acquiesce in the views presented by him.

Mr. MILLER, of New York. Mr. President, the amendment offered by the Senator from New Jersey proceeds upon the assumption that we should pay for carrying the mails only one way; and he said to the Senate that he was entirely willing that the pay should be made commensurate with the service rendered by the steamship lines. The committee in fixing this limit at $1 per mile each way did it after careful consideration of the subject, and after consultation with several steam ship-owners, who agreed that some limit ought to be fixed and that a limit of $1 per mile for the round trip would not be far from right. If, however, the committee had acted upon the suggestion of the Senator from New Jersey and had fixed the compensation to be paid for the trip one way, the out-trip, it would have put the limit at double the sum, or $2 per mile, because it was agreed that at least $1 per mile on the round trip would be necessary in order to make a sufficient compensation to induce steamship companies to carry the mail. Two or three years ago I reported an amendment to an appropriation bill from the Post-Office Committee, and if I remember rightly the limit fixed in that amendment was $3 a mile one way, for the outward trip, and nothing for the return trip. This proposition is equivalent to $1 less per mile than the amendment then reported from the Post-Office Committee, which was also reported after investigation.

Certainly the Senator from New Jersey must see that it makes no difference to the United States Treasury or to the Post-Office Department in fixing this compensation, for if we are to fix any at all we must fix it at such sum as will induce the starting of lines; otherwise it will be of no benefit whatever.

Mr. McPHERSON. But it is proposed in this bill to pay $1 per mile for service on the return trip, when there is not one particle of service rendered this Government.

Mr. MILLER, of New York. I do not see that at all. It is only a measure of pay which we have arrived at, and the committee in their judgment fixed on the sum of $1 per mile both ways as proper. As I stated before, if we had decided to make it on the outward voyage only, the committee would just as unanimously have made it $2 a mile as they have made it one for the round trip. Therefore if the Senator desires to be consistent and carry out his own promise and make the pay commensurate, when he cuts off the return voyage he must undertake to double the limit of compensation and to make it $2 a mile, and I am prepared to say that in that event his amendment is of little or no consequence.

Mr. McPHERSON. I confess to the honorable Senator from New York and to the Senate I do not know what adequate compensation would be.

Mr. MILLER, of New York. I so understood the Senator to say.

Mr. McPHERSON. But at the same time I am fortified in my belief that a dollar per mile is ample compensation from the fact that the Belgian Government has been able to hire a line of steamships established from the port of Antwerp to the port of New York, making weekly trips, for the sum of $100,000 per year to carry the Belgian mail. Under my amendment to this bill paying $1 per mile in one direction, and that the direction in which the ship is absolutely rendering mail service to the Government of the United States, the subsidy paid to the same line—if you call it subsidy; I call it compensation for carrying the mail—would be $208,000. I take it that if $100,000 per year is an inducement to put a steamship line under the Belgian flag, $208,000 a year will be ample compensation to pay that line for carrying the American mail between the same points.

Mr. SEWELL. I wish to ask my colleague a question. Has he any information that that line was established on the offer of $100,000?

Mr. McPHERSON. I do not hear my colleague.

Mr. SEWELL. The line was not established on the offer of $100,000. It was a mere incident to American capital desiring to establish a line of steamers under the Belgian flag.

Mr. McPHERSON. Why was the line established?

Mr. SEWELL. Simply because it could not be made to pay under the American flag. It was not established under the offer of $100,000 by any means.

Mr. McPHERSON. Well, suppose I admit all that the honorable Senator says. He says the line was not established by reason of the offer of $100,000. The contract to carry the Belgian mails for $100,000 a year is an accomplished fact. It makes no difference as to how the line was started or why; leave that out of consideration. It agreed when it was started to carry the Belgian mail to the United States for $100,000.

Mr. SEWELL. But it is not a fair proposition to say that that established the line of steamers. It was purely an incidental matter coming in.

Mr. McPHERSON. I will simply say that if it be the purpose to establish any line of steamers by the extraordinary compensation you propose to give for carrying the American mails, I disagree with the gentlemen who take that view of it.

Mr. MILLER, of New York. The Senator admits that he has made no investigation of the subject and is not able to say what would be fair compensation. The committee, after the most careful consideration of this question and examining various parties upon it, decided that $1 per mile for the round trip should be fixed as the limit beyond which it should not go. That is, that between that and nothing it should be left open to competition and bidding. If we look at the statistics of our own coastwise mail service we find that the United States Government is paying from three to two dollars per mile for mail service in some of our coastwise steamers for the entire round trip—much more than is proposed to be paid by this section.

It is not anticipated, and was not anticipated by the committee, that under this provision there would be probably any line started to Europe, at least for a long time to come. It was believed, however, that lines would be established to Central America, to South America, and to the West India Islands, and perhaps to the Sandwich Islands and to the far East. Knowing that the service is so uncertain, that the prospect of a profit is so small, it was not believed that any capital in this country could be induced to go into the business of establishing lines to the various South American ports for anything less than $1 per mile for mail service for the round trip, and as I said before, if the committee had thought it wise to allow compensation only for the outward-bound trip, it would have fixed it at a minimum of $2 per mile.

The committee saw no incongruity in fixing the compensation for the round trip, for if the ship goes out and carries our mails to Brazil, it certainly brings back mail for ourselves, and so far there is no guarantee that the Brazilian Government will pay anything to such a steamship company, even the sea-postages; and under such a condition of

circumstances it was necessary to fix the compensation at such a sum as would induce American capital to build steamers and put them upon the various lines.

If the Senate shall see fit to adopt the amendment of the Senator from New Jersey, it will be equivalent to reducing by one-half the proposition made by the committee itself after its own careful consideration. I think that the consideration which the committee gave this question, the investigation which it has had on the subject, ought to pass for something, and it ought not to be set aside by any mere statement in regard to what some Belgian line may have done or may not have done. The Belgian line was started without any consideration of the mail business, as I understand. How many vessels they have in the line I do not know. Perhaps the Senator from New Jersey [Mr. SEWELL] can tell.

Mr. SEWELL. Ten.

Mr. MILLER, of New York. They have ten ships in the line, as I understand from the Senator from New Jersey, and the compensation for carrying the mail is $100,000 per year from the Belgian Government. In other words, it is $10,000 per ship for the year. That sum is of course something; and taking into consideration the lower wages which prevail under the Belgian flag than under the American flag, I have no doubt the line is meeting with success; but the lines which we propose to start are to sail under the American flag; they are to be manned by American sailors who are to receive American pay; and if we are to do anything now, we can not in my judgment do less than the committee has recommended; that is, allow $1 per mile both ways.

Mr. SAULSBURY. I should like to inquire of the Senator if the committee has made an estimate as to the pay to inure to vessels for carrying the mails under this provision?

Mr. MILLER, of New York. It is very easy for any Senator to make a computation as to what a line would receive running to any particular port, whatever the distance may be. It will be not to exceed $1 a mile there and back.

Mr. FRYE. There is a further limitation which exists nowhere else under the rules of the Department or the laws of Congress: you shall in no event exceed the amount received net from the service.

Mr. SAULSBURY. Does the Senator know what is the income realized by the Government from ocean postage over that which it pays for carrying the mails?

Mr. FRYE. About $1,300,000. I have the statement, and put it into my speech the other day, which the Postmaster-General gave me.

Mr. SAULSBURY. I have here the last report of the Postmaster-General, the report for the last fiscal year, in which he says:

> The estimate for this service on the basis of sea-postages only for the fiscal year ending June 30, 1885, is $425,000. To enable this Department to pay the full postages to the United States steamships on the mails conveyed during that year an additional sum of $200,000 must be added to this estimate.

That is, if you appropriate all the revenue derived from sea-postage, in addition thereto there will be an appropriation of $200,000 required. I understand from this report that additional compensation in the sum of $200,000 is required.

Mr. FRYE. If the Senator is right it is not much of a subsidy.

Mr. SAULSBURY. I have understood the committee had made an estimate and had some information authorizing them to add a million or a million and a half of dollars to the present pay. I wanted to know how that could be, because I had drawn my information wholly from the report of the Postmaster-General.

Mr. MILLER, of New York. The statement of the Senator from Maine is undoubtedly correct. The surplus revenues from the foreign mail service are in round numbers a million and a half dollars per annum. That is the amount of money which the Postmaster-General is authorized under this section of the bill to expend in making contracts with steamships for carrying our mails to foreign countries. Beyond that he can not go. It is entirely of course within his option to make these contracts, and if they are made they must be made after public bidding and let to the lowest bidder; but in no case is the compensation to exceed $1 per mile.

Mr. GORMAN. Mr. President, I desire to say only a word or two in support of the section we are now considering. This bill, including this section, was agreed to unanimously by the Committee on Commerce. That committee was animated by but one desire, and that was to relieve so far as we could American shipping from many of the burdens under which it is now laboring, and to encourage the establishment of lines from the ports of the United States to the various foreign ports. The question of compensation for carrying the mails was one of the principal things the committee considered in connection with this subject. It is universally admitted that proper compensation for carrying the mail on the ocean is not now allowed. But it is also a well-known fact that whenever an attempt is made to correct this wrong the first thing that we are met with in the discussion is the bold, bald statement that the measure is so framed as to grant a subsidy to lines of steamships and to persons engaged in building steamships.

Mr. President, I should be among the last of the members of the Senate to encourage ship-building by granting a subsidy pure and simple, but to pay fair compensation for services rendered in carrying the mails both upon the land and upon the ocean is an entirely different proposition, and one that ought to be considered always upon its merits.

The fact is that under the law as it stands to-day an American vessel plying between the ports of this country and any foreign port receives a compensation for the mail service of about 2½ cents per mile for each mile the vessel runs and carries the mail.

Mr. BAYARD. How is it measured by the letters carried?

Mr. GORMAN. It is measured by the postage on the letters carried. They receive as compensation for the service the sea-postage on the letters carried, and that alone; and that is so insignificant that it amounts only to 2½ cents a mile for the miles run. I hold in my hand a statement which shows how the present postal laws operate against the American ship engaged in the foreign trade.

The line between New York, San Francisco, China, Japan, Australia and return, has eighteen ships; the average miles run per annum is 681,877, for which it receives for carrying the United States mails $24,420.

Brazil line, New York to St. Thomas, Para, Pernambuco, Bahia, and Rio, three ships, 140,000 miles, $1,875.

Havana line, New York to Havana, three ships, 128,960 miles, $2,444.

South Side line, New York to Santiago de Cuba, three ships, 43,472 miles, $76.

Mexican line, New York to Vera Cruz, five ships, 187,000 miles, $2,600. This is at the rate of 2½ cents a mile; whereas in the coastwise lines between Galveston and Brashear, Tex., that steamship company only made 58,500 miles, and the compensation was $50,000.

The line from Cedar Keys to Key West, Fla., made a run of 48,880 miles and received $18,000; the line from San Francisco to Portland, Oreg., 69,680 miles run, received $25,000; the line from Portland to Sitka, 16,020 miles run, received $34,800; and the line from Portland to Astoria, 54,880 miles run, received $14,960.

This shows that during that year the mileage in the foreign mail service in American vessels was 1,181,309 miles, for which the whole compensation was only $31,405, whereas the coastwise lines named ran only 247,960 miles and received $142,706. In other words, the vessels engaged in the foreign trade, making 933,349 miles of run more than those engaged in the coastwise trade, received $111,301 less compensation. I submit to my friend from Delaware that that is not just.

There is no reason why American vessels plying between the port of New York and any foreign port should not receive equal compensation to that paid to coastwise steamers between two different ports of this country for carrying the mail. When you remember that the coastwise trade is further protected by your navigation laws, that foreign competition is impossible, it is unwise and wrong not to pay those engaged in the foreign trade, where there is competition, fair compensation for the services rendered.

What should that compensation be? We have provided by this bill that it shall be thrown open to competition to every American. Whoever establishes a line shall have a right to contract with the Postmaster-General at $1 a mile for carrying the United States mail. It is not confined to Mr. Roach or to any single individual, but open to any citizen of the United States who has the capital, skill, and courage to build and operate a steamship line. I am convinced from a personal, careful consideration, and the best information I have been able to obtain from those who are engaged in an earnest effort to build up a merchant marine, that if compensation equal to that fixed in this bill is provided, you would have lines running not only from New York and Baltimore, but from various southern ports to all the principal South American ports within five years, notwithstanding all the restrictions and unjust charges imposed by the laws as they now stand.

It is within my knowledge that enterprising ship-builders have offered to construct and run a first-class line of ships between Baltimore and Brazil if an amount equal to about what this bill provides for mail service could be guaranteed by the merchants of Baltimore. Remove the burdens, pay fair compensation for carrying the mails, and three years will not elapse before we will have a regular line from Baltimore to Brazil, and that immense trade which once existed restored.

By this bill we simply propose to give about one-half the compensation that a British ship receives for carrying the mails for the British Government, and the gross amount is restricted to the paltry sum of the total receipts from the foreign mail service, which is nearly $1,300,000. I submit to even my friend from Kentucky, who referred to this clause as a subsidy, if he will give it that careful examination which is his custom, he will find that this so far from being a subsidy is simply a plain business proposition, and under it the American vessel carrying our mail on the ocean will receive far less compensation than he and I have year after year voted to pay for carrying the mails upon the railroads, or steamers navigating the rivers and bays, and by stage-coaches within the limits of the United States.

Mr. BAYARD. I desire to ask my friend from Maryland whether if the amount of compensation—leaving out the *modus* and coming to the amount—for the carriage of letters from the United States to foreign countries can be compared with the amount granted for the carriage of mails in the coastwise service?

Mr. GORMAN. My information is that the American ship on the lines I have named, plying between this country and foreign ports, receive about 2½ cents per mile run, and the coastwise service about 57 cents per mile run.

Mr. BAYARD. Is there not a limitation as to the total compensation; that it shall not exceed a certain amount?

Mr. GORMAN. The provision of the bill is:

> And the aggregate amount to be expended for such service shall not exceed the gross revenues of the Post-Office Department of the United States on mail matter sent to and received from foreign countries during the fiscal year next preceding the year in which such contracts are made, less the amount paid for transportation on foreign vessels and the net amount paid foreign administrations for intermediary, territorial, and sea transit of such mails.

Which amounts to about $1,300,000 per annum.

Mr. BECK. Mr. President, I had not expected to say anything in regard to this matter. I have been quietly endeavoring to ascertain what is proper and right in regard to mail-pay, but as the honorable Senator from Maryland [Mr. GORMAN] has referred to me and to my views, I am obliged to say to him and to the Senate that in my judgment there is a very pronounced difference between foreign mail service and mails carried by our coastwise vessels, and it consists in this: a ship carrying letters from New York to Brazil does not stop or need not stop until she gets to Rio. Steamers in that trade carry the Brazilian mail now, and all that was paid last year was some $1,800. I have never heard that anybody was suffering because he did not get his mail to or from Brazil. I have never heard that it has become imperatively necessary for the Senate or the House of Representatives to be exercising themselves in endeavors to devise ways and means for people to get their mails to or from Brazil more rapidly or better than they do now.

But in regard to our own coastwise mail facilities different relations exist. Although a ship may have no business at any point for one hundred miles along her line she has to call every few miles wherever there is a post-office that in the judgment of the Post-Office Department can be better supplied from the ships in the coastwise trade than it can by a railroad which may be one hundred miles off or by the star-route service. The coasting vessel carries the mail to the towns and villages on the borders of the lakes, rivers, or bays that she passes on her route, and she has to stop and deliver those mails for the people residing there, and, as I said the other day, she must do this work in fog, rain, or storm, whether she has trade or passenger for any of these points or not, and her mail-pay is docked every time she does not deliver her mails on time.

That service is supplying the people of the United States with their mails. It is a part of the coasting ship's business and she receives proper pay for it. Is there not a great difference between supplying post-offices along the bays, along the coast, along the rivers, along the lakes, whether the ship has passengers for those points or not, thus supplying the mails of the United States to the people of the United States, and sending mail matter by a ship sailing from New York to Brazil laden with other freight, with perhaps one hundred letters, which does not have to stop at all till she reaches her destination, without delay or extra expense, because of the mail she has on board?

Yet it is sought to make the compensation of the one correspond with the compensation paid to the other according to distance only. It is, I admit, a very ingenious mode of stating the proposition, and yet when it is fairly considered the comparison fails. If the ship going to Brazil had to stop every few miles to deliver mails to people of the United States, as ships in the coastwise trade do, 10 cents a mile perhaps would not compensate her for the service she was rendering or the expense and delay caused by the service. But mails to Brazil and mails along the coast of the United States at every post-office established within reach of the coastwise line must certainly strike every man as being two very different things; there can be no analogy or comparison by reason merely of the miles run as to the amount they ought to receive.

Besides, this proposition is not compensation to the men who carry the mails. That is evidently not intended as the main purpose. If that was the sole object, you would say to the men who carry the mails, "We will pay you for mail service to Brazil and elsewhere, and you may carry it any way you can. We desire to get the mail delivered promptly; that is all we care about." We do not say that "We will not pay you the money unless you go to one of three or four men who are building ships on the Delaware or on the Hudson and pay them $100,000 more for the ship you are to carry the mail in than you can get the same ship for elsewhere." The Senator from Maryland seems to think, as his vote yesterday indicated, that that was a very necessary thing to do as part of this mail business.

Mr. MCPHERSON. Will the Senator from Kentucky allow me in that connection to say that under the amendment I had the honor to offer the compensation allowed the foreign mail service is fully equal to that paid to-day?

Mr. BECK. I do not understand the details very well. The Senator from New Jersey may speak in regard to that. I can not, because I am not fully advised as to the facts. But if this is a proposition simply for mails, why connect a proposition to pay for necessary mails with the obligation to require the man who carries them to pay say 40 per cent. more for the vehicle he carries them in than he is offered that vehicle for elsewhere? I should like the Senator from Maryland to answer me that question, and I hope he will. If it is not a subsidy to the ship-builder, if it is not made an imperative necessity on the man who carries the mail to buy the ship from a particular man or from one of three or four men, why insert that provision? And if it is and that is part of the system, why not say so and call it by its right name? So far as you require the man who carries the mail to pay 40 per cent. more for the ship to carry it in than he can buy it for elsewhere, it is a subsidy to the man who builds the ship, because the carrier can not carry the mail and can not get the money you propose to give unless he does pay that 40 per cent. more to the American ship-builder. If that is not true, I should like to be advised. I will yield to any Senator to answer the question.

Mr. MILLER, of New York. The statement of the Senator is that there is a difference of 40 per cent. I simply want to correct him in his statement. Certainly if he has listened to the words of the Senator from Missouri; if he has read the report which was made by the joint shipping committee of the two Houses; if he has listened to the debates here, and to the letters which have been read from Mr. Griscom, and the testimony of Mr. Houston, the president of the Pacific Mail Steamship line, he must have learned that the difference in the cost of a passenger iron steamship, whether made in this country or in England, is only from 10 to 15 per cent. instead of 40. Of course the principle is the same, but I desired to correct the Senator's figures.

Mr. BECK. The statement was made, as I understand, by the Senator from Missouri—I listened to him very carefully—that the percentage of difference in the cost of ships here and abroad varied very much, depending on the finish of the ship; but he showed that the freight-carrying ship, the iron ship, with but little finish and powerful steam-engines, cost 40 per cent. more here. We have but little passenger travel to Brazil; we desire to carry our plows, flour, wheat, and other freight there and bring back coffee, and we would for that purpose use the iron box with the powerful engines in it, for that is all that would be profitable. We are legislating now, as I understand it, to aid all we can in the revival of the American carrying trade; which in the Brazilian trade means carrying flour, wheat, and supplies to Brazil and bringing back coffee and perhaps a few other things. The passenger travel such as now goes to Europe in the Alaska or the Oregon or in any of the very costly ships does not go there to any great extent. Therefore if we are endeavoring to restore the American carrying trade on the ocean and are really seeking to carry our own exports abroad and bring back our imports, these costly vessels are not the class of ships that will carry our freight and bring back our coffee and other things from South American countries.

Mr. MILLER, of New York. The Senator is entirely mistaken in supposing that. It is that class of ships that would be put on the South American line. The American line which was started some years ago and which failed was a mail-carrying and passenger line combined with the carrying of freight. Certainly there is no expectation that the Postmaster-General would contract for the carrying of mails by slow freight-going steamships. All lines which might be started from the United States to South American ports would undoubtedly be fast mail passenger and freight steamships combined. No others are of any use to us. We have no such amount of business now with the South American ports as would warrant the running of merely freight ships. What we want is the fast mail ship, which is to carry the merchant, to carry the mails, and to carry the goods at the same time. It is by the fast mail steamship service that the commerce of Great Britain has been built up the world over; and it is only after fast mail steamship service has been successfully accomplished that the freight steamer and the sailing vessel follow. It is only after we have sent out our merchants and established our banking houses and commission houses and all the machinery of commerce that freight steamers such as the Senator has spoken of and sailing vessels can possibly follow. The first thing to do is to establish the mail line.

The Senator says we are not interested in maintaining mail service with Brazil. Perhaps we are not; but I have listened to the Senator many times when he has told us, in speaking on the tariff question, that what we wanted was foreign trade; that we wanted communication with the outside world; that we wanted to break down the barriers, and establish a commerce with South America and with Mexico and with China and with Japan. Here comes the first sensible, reasonable proposition to do that thing. It is to establish mail communication between our ports and foreign ports where we have now no direct mail communication, and by so doing to build up our commerce, by so doing to induce our merchants to go out, to induce our manufacturers to send out their goods and enable the farmer to send out his produce and make profitable exchanges.

Mr. VAN WYCK. Will the Senator allow me in connection with this to ask a question? Does he think there is a possibility of carrying American manufactured goods to Brazil to compete with English or French or German goods there?

Mr. MILLER, of New York. I thank the Senator for asking me that question. Manufactured goods largely consumed in Central and South America and Mexico are cheap cotton and cheap woolen goods,

chiefly cheap cottons; and to-day we are exporting those in competition with Birmingham and Manchester. We are sending them to China and Japan, and we could supply nine-tenths of the trade of South America in cheap cotton goods if we had direct steam lines communicating with their ports and if we had our merchants and our commission houses there established. There is no doubt about it.

But as I stated a few days ago the trade is now carried on in English vessels which start from Liverpool loaded with American cotton goods, go to South America, discharge their cargoes, take on a load of coffee or of other South American products and come to the port of New York and discharge there. There they take on grain and flour for the English market, but they take good care that their ships do not run to South America via New York, but they run back to Liverpool via New York; and in this way our merchants are shut out from any consideration in that trade. It is to meet just this condition of affairs that we are called upon at this time to pass this bill and give this relief and if possible establish lines by which we can send to Brazil not only cheap cotton and cheap woolen goods but all kinds of cutlery, edge-tools, and farming implements which we manufacture better and cheaper than any other country in the world.

Mr. VAN WYCK. Then I understand the Senator to say that we can successfully compete in foreign ports with England or France or Germany and can not compete with them on our own soil.

Mr. MILLER, of New York. The Senator may put words into my mouth, but he can not make me indorse his sentiments. I have said nothing of the kind. The Senator knows full well that in the remodeling of the tariff the duties have been very largely reduced on articles of coarse manufactures. There is no doubt that we can compete successfully with England and with France and Germany in many of the coarser articles of manufacture, but I do not find in that fact any reason why we should remove all the tariff upon those articles by any means, and make ourselves the dumping-ground for the surplus products of all the English workshops and all the workshops of Europe.

But I do not care to go into a discussion of the tariff on this question of mail-pay to steamers. I simply rose to correct a statement of the Senator from Kentucky in regard to the difference in the cost of a mail steamship, whether manufactured abroad or manufactured in our own shops.

The bill has been made as impersonal in this matter as possible. Instead of authorizing the Postmaster-General to make contracts with any American citizen with whom he might see fit to make a contract, we have left it open for competition, and to say that by so doing we have confined it to three or four or five American citizens is, I think, to misstate the case entirely. If this bill passes, I have no doubt that a large amount of capital will be raised in different cities, in New York, Philadelphia, Baltimore, Charleston perhaps, and also in New Orleans, associated capital will come together and organize steamship companies. Iron steamships will not only be bought in this country, but there is nothing in this bill which by implication or necessity will confine this business to any five or ten or fifty American citizens. It will be open to the entire country and to all our people alike.

Mr. GORMAN. Mr. President——

Mr. BECK. I thought I was taken off the floor. How it was I do not know.

The PRESIDING OFFICER. The Chair was under the impression that the Senator from Kentucky had concluded his remarks.

Mr. BECK. No; I was interrupted by the Senator from New York several times.

The PRESIDING OFFICER. Then the Chair will recognize the Senator from Kentucky.

Mr. BECK. The Senator from New York rose to correct a statement I had made in regard to the character of vessels needed in the South American trade, and I endeavored to explain to him as well as I could that the vessels we needed there were in my opinion precisely the class of vessels the Senator from Missouri proved by the president of the Philadelphia line cost 40 per cent. more here than abroad. Only some $1,800 was paid last year for mail service between the United States and Brazil. I assume that this line is carrying passengers and freight there to some extent and bringing back coffee to a larger extent than anything else. I judge so from the official reports. It is true we are handicapped in that trade, because the Brazilian export tax on coffee which we buy amounts, according to our consular reports, to $2,500,000 a year. I am inclined to think we made a mistake in taking off the tax on coffee without requiring some reciprocal advantages from Brazil. That can not be helped now. But in reply to the Senator from New York I desire to say to him that when he avows that we have to make a beginning in renewing our trade, and that we have first to establish mail service and then endeavor to make locations there for our merchants to open the way to trade, to all of which I agree, we have been endeavoring to do that with Brazil for many years.

We gave the Garrison line a large subsidy; we gave the Roach line a subsidy for years; we gave the Pacific Mail line a large subsidy for years, and yet since these efforts were made our ocean-carrying trade has fallen off from an average of 33 per cent. to 15½ per cent. That is all the result we can show for the subsidies to American-built ships. A further result followed while the Brazilian line was subsidized and Mr. Roach was running it under his subsidy. The sailing ships from Baltimore that were in the habit of bringing coffee from Brazil to Baltimore were driven out of that trade because the subsidized line was enabled to carry freight cheaper than even the Baltimore sailing-ships could carry them, and that part of our ocean carrying trade with Brazil had to be substantially abandoned, unless I am very much mistaken. Wherever we subsidize one line, whether owned by Mr. Roach or anybody else, for I will not speak of him in any invidious sense—I have nothing to do with individual men, but his name is used here very often—whoever gets this million and a half will drive every other American ship in that trade out of the business.

In the first place the ship-builder gets from 25 to 40 per cent. more than the same ship can be bought for elsewhere, and if he sees fit to run her himself he can, by the aid of the subsidy we propose, carry the goods to and from Brazil much cheaper than any American unsubsidized line can carry them; that strangles and destroys all American competition. The United States pays him not for carrying the mail at what it is worth to carry it, because that amounts to only about $1,800 a year, but a million or a million and a half to enable him to drive out of competition with him every American unsubsidized line to which the Postmaster-General does not feel at liberty to give an equal compensation, for I presume the Postmaster-General will give the money to the line that runs fastest and will give it only to one line. That line may do business at a loss outside of the Government mail subsidy and make a profit through the subsidy, and drive out of competition with the money we give it every other American line that dares to venture in that trade unsubsidized.

I supposed when this bill came up that we were going to make an honest, earnest effort, as the House had done, free from all subsidies, to remove burdens from American ship-owners, from our sailors, and from American ships, in order to encourage trade, to do something toward retaining the $150,000,000 we pay annually for carrying the $800,000,000 of exports we send abroad and the $700,000,000 of imports we bring back in American ships. I did not think we were going to bring the matter down to the point of subsidizing our ship-builders to build ships to carry mails where there are no mails, and tax the people to pay them to build ships at 30 or 40 per cent. more than like ships can be built for elsewhere, and are built for all our competitors in foreign trade, and call that restoring and reviving American commerce, and by the subsidy system enable the men thus subsidized under the name of a mail contract to drive out all American competition on the lines they are paid out of the Treasury to occupy.

That was not what I supposed this bill was intended for. I have said all the time that I was willing, if the mail service really and properly required it, to pay well for any service done for the United States; but when the Postmaster-General had told us time and again in years gone by, and the report from the Post-Office Department has been read by the Senator from Delaware and others showing that he was getting the mails carried for less than a fourth of what is offered by this bill, and getting it done well, I do not see any reason for enabling him to make contracts for I do not know how long, for terms not less than four years, the bill says. I suppose it might be well to limit it to not more than ninety-nine; there ought to be some limitation with somebody who shall receive this million or million and a half a year for all the years to come. I would say for not more than four years instead of not less than four years, so that this subsidy might end some time or other, and the right of some other Congress might exist to change the policy. Some future Congress might not want to require men to buy ships at 25 or 30 or 40 per cent. more than they are worth from a few men who have already got very rich by the monopoly of building ships for the coastwise trade.

Of course my views will go for very little in this body. Our ship-builders are building, as was said the other day, many good ships. When I said the average of the steamships built in the United States was only 270 tons, the Senator from Maine rose and showed by a list that there were some forty or fifty vessels of over 2,000 tons in the coastwise trade. That is true. I have been on board some of those steamers at Savannah, Charleston, and elsewhere. They are beautiful ships, well-built ships, costly ships; high prices are paid for them. I saw in the Washington Post of a day or two ago this item:

WILMINGTON, DEL., *May* 3.

William Astor's new steel yacht Nourmahal was launched by the Harlin & Hollingsworth Company at 6.46 a. m. The Nourmahal is said to be the largest pleasure vessel ever launched in America, and will be the largest yacht afloat. Her dimensions are: Length, 232 feet 8 inches; extreme breadth, 30 feet; extreme depth, 20 feet.

I have no doubt she is a very fine, large ship, and our rich men can afford to pay well for such vessels; but they do not help the farmer to get his wheat to market.

All that class of ships can be built and are built in our ship-yards. Our builders have the exclusive right to build them; nobody outside can compete with them; and so with the class of steamers that run in South America on the smaller rivers, where a great deal of wood-work and a great deal of fancy finish is required, I believe our ship-builders can build them as well and perhaps as cheaply as they can be built anywhere in the world. What our people desire, what I suppose Congress desires, is what are called by the president of the Philadelphia line the

great iron boxes, with such machinery that the wheat, the corn, the cattle, the pork, and all our provisions can go to market in them and they can bring back what we want in the cheapest, safest, and most economical way.

I will ask the Senator from Maine now while I think of it how it is that the Post-Office Department only pays $600,000 for all the steamship mail service along our coast, lakes, and rivers? That includes the rivers, it includes everything connected with our internal postal sea and river service. It seems to me that $600,000 is a very small sum to pay for postal service on all the interior rivers and all along the coast of the United States, if the proposed sum in this bill is reasonable for the mail service we will get. I understand that $600,000 for steamboat service does all the Post-Office work. That is all the Post-Office appropriation bill provides for and all the Department asks; yet for one or two lines (for it is not assumed, I understand, that we are going to carry any mail to Europe across the Atlantic Ocean with the proposed subsidy in this bill; I think everybody admits that) to South America where there is very little trade it is proposed to pay $1,500,000. I would like to have it explained how $600,000 accomplishes so much and we are to get so little out of this $1,500,000 in postal service.

As I said, I do not propose to occupy time by making a speech, but these are some of the objections I see to the proposed system. I do protest that if we are going to give relief to American sailors, to build up a merchant marine, we are absolutely abandoning the theory which I thought we were going to assume, and convert it into a bill to donate a million and a half dollars to a few men who build ships here and have already a monopoly of the coastwise trade, under pretense of carrying a few letters to Brazil, or to some other points where we have very little trade, and where there are very few American citizens to receive the mails when we get them there. Now, there is no complaint that the service is not well and promptly done now.

I had supposed that when the bill of the Senator from Maine became a law it would accomplish something toward putting us upon an equality with foreign nations. I supposed that with 95 per cent. of our sailors foreigners, when we abolished the three months' extra pay, took off the tonnage dues, took off the pilotage fees, removed all restrictions, and let men hire their sailors how they can, as the mechanic, the merchant, the manufacturer, the railroad manager hires his hands, at least letting Americans hire those men as cheaply as citizens of foreign nations can, we would take steps in the right direction. It must be apparent to everybody that, as 95 per cent. of all our sailors are foreigners, if you give the foreign sailor the same advantage on board an American ship that he has on board a British ship he does not care one penny whether the union-jack or the Stars and Stripes float over his head; he will hire as cheaply on an American ship as he will on an English ship when you make all things equal. I supposed the bill was for the purpose of making all things equal in these regards, thus enabling the ship in the Philadelphia line, which was built in this country, to compete with the ship which was built in England, running in the same line, upon exactly the same terms, so that the owners would not have to transfer the American-built ship under the English flag for the purpose of running her more cheaply than can be done under the American flag.

It is the merest absurdity to say that the Norwegian, the Swede, any foreigner, cares one penny what flag floats over his head. If you enable the owner of an American ship to hire the sailor just as cheaply and give him exactly the same facilities that the Englishman has in one of the ships running in the same line, he would as soon sail under one flag as under another. There is no patriotism involved in that, not with the foreigner at any rate. It is simply a question of dollars and cents and good treatment with him.

I supposed the bill was looking mainly to relief. I hope it may give it, and so far as it does remove obstacles it meets my cordial assent. I supposed it was going to allow reasonable pay for carrying the necessary mail. That far I am willing to go; but it seems to be now proposed, whether the ship carries any mail or not, whether it does any appreciable service or not, $2 a mile shall be paid for every mile she sails if she only has one letter from here to Rio, and that that shall not be paid unless the ship-master shall go to one of four or five men who have now a monopoly of the coastwise trade and can ask any price they please for ships, when they can combine, as, of course, they do, and order by law that the mail-carrier shall buy their ships or shall not have a dollar of the money from the Treasury for carrying the mails.

I again ask, if the people of the United States want a mail carried, what difference does it make to them how it goes, whether it goes in a balloon, in a ship, or anything else? I do not understand that it makes any difference to the people who send or receive letters. Therefore it is that when you encumber the payment of the money with the provision that the mail-carrier shall first pay $100,000 more for a ship than it is offered for elsewhere, and make that the sole condition upon which you will give it to him, you are ignoring the question of mail-carrying altogether and are only adding to the profits of men who have now immense bounties, and are not liberalizing or extending American commerce in any sense which will be advantageous or profitable to the mass of the people. The subsidy provisions seem to absorb the balance of the bill.

Mr. VAN WYCK. Mr. President, I desired to understand, as near as possible, what was proposed by the bill, and in trying to ascertain that I necessarily made inquiry of my friend from New York [Mr. MILLER] as to the effect of certain things which he had proposed. As a partial answer, the Senator says he does not propose to discuss the tariff question. I did not suppose that the tariff question was necessarily a matter of consideration at this time. The proposition, as I understand it, is simply to open the door, to take about a million and a half dollars out of the Treasury. It is a subsidy, a subsidy to steamship lines under the guise of pay for carrying the mails, and in order that it may not seem so large a sum as it really is it is said to be only $1 per mile.

We are expected to believe that this is another patriotic proposition to disseminate useful knowledge, and that it is not to cost much, only a dollar a mile. The proposition is to disseminate information at a dollar a mile, as we are informed; whereas it is really to open the Treasury to subsidize a few steamship lines in the interest of a few men to the extent of a million and a half dollars a year.

My friend said it was necessary at this advanced stage of the world and of American civilization and improvement in machinery and manufactures that we should have commission-houses in Brazil, that we should have American merchants in Brazil. That necessarily suggested the inquiry, what for; because I had heard very much of the tariff from the gentlemen who say they do not want to talk anything about the tariff in this connection, and that is a very gratifying announcement. It would be very advantageous to the American people if they would adhere to that proposition when other questions come up. But when the gentlemen suggested that they desired to establish commission-houses and American merchants in Brazil, the question was, what for? Why have a commission-house in Brazil, and why induce American merchants to go to Brazil to ride upon the elegant steamers which are to be subsidized to the extent of a million and a half dollars?

Was that all? Oh, no. The Senators further say they want to sell American products. Then another question comes up, because that is another patriotic branch of this case. First, the object is to disseminate knowledge, and then to furnish a market for American manufactures—two patriotic suggestions. Then the question comes up, how are we to sell American manufactures in Brazil, because that becomes a legitimate argument here. We are to expend a million and a half dollars to pay vessels for carrying the mails to their ports; that is the proposition, no matter whether one ship-yard builds them or two; it is in that interest; there is no question about that. You are to have these ships running from the United States, which is all very well if, in the language of Franklin, it does not cost too much for the whistle. It is all very well to have American steamship lines, but for what purpose? To build up commission-houses in Brazil and for the American merchants there? What good will it do us in the United States to have commission-houses built up in Brazil and American merchants there if they buy English goods to sell to the Brazilian people? But the Senators say, "Oh, but we can sell American goods in Brazil." My friend the Senator from New York and my friend the Senator from Maine say that we can sell successfully American productions, American manufactures, in Brazil. How?

That is the point I desire to know. That is one of the mysteries of the tariff that I do not exactly understand. The Senators say that we can compete in Brazil; that we can have American merchants to sell there goods manufactured in this country; that is, the American merchant can go from the United States into Brazil and meet the English merchant with English goods, and he can tell the citizens of that country, "We are a benediction and a benefaction to your people here because we can come thousands of miles from our own home and we can sell our manufactured goods as cheap or cheaper than English manufactured goods can be sold. Therefore it is, we come to make money for ourselves in the first place; second, we come to benefit the American Navy and the American flag; and lastly we come to benefit the people here, to sell them cheaper goods than England or France or Germany can sell." That is the proposition as I understand the gentleman. I think I have not misrepresented or misquoted them. If I have I shall be glad to be corrected.

That is the proposition. Otherwise your commission-houses are of no use. Otherwise your American merchant will have nothing to do, unless he trades with British goods; and is it not equally as criminal for the American to trade in British goods in Brazil as it is in the United States? Why not? That is a question I should like my friends to answer. I would not wander with them through the mazes of the tariff; I would not think of such a thing; but I would simply like to know what the commission-houses are to do in Brazil, and what the American merchant is to do in Brazil unless he deals in British goods.

My friends say we can compete in Brazil with English goods and that we can not do it in the United States. Will our friends turn for a moment to the laborers in the United States and the protection of American labor? That is what the whole life of these gentlemen is composed of. They do not seem to have a thought in any other direction except to benefit and protect American labor! You go down to Brazil and take care of the people there that we do not care much about. Is it not possible in your magnanimity and generosity to provide some way that you can go into the city of New York and on the plains of the West and give

our own people the same benefits that you propose to give to the people of Brazil? Do that; accomplish something in that direction, and then we shall believe there is something in what you say, that you desire to benefit and protect American labor. But that is the guise and the pretext that you can go to Brazil and undersell English goods there when you can not do it upon American soil.

I admit that this question has nothing to do with the tariff. I am glad that it is so, because I should get confused in talking about this matter if it were connected with the tariff; but there must be some excuse for taking a million and a half dollars out of the Treasury of the United States. My friend on the other side of the Chamber says it is to disseminate useful information. Will he tell me how much it costs to carry the mail one trip from here to Brazil? Will my friend the Democratic Senator from Maryland [Mr. GORMAN] tell me how much it costs a trip to carry the mail to disseminate information between the United States and Brazil now? Will my friend the Senator from New York [Mr. MILLER] tell me, because the Senator from Maryland has not so far advanced in these figures as to state that fact? Will the Senator from New York tell me how much it costs a trip to disseminate useful information between the United States and Brazil? Can he tell me? Then let me appeal to another Senator on the other side of the Chamber. I think the Senator from Delaware [Mr. SAULSBURY] can tell me. Can he tell me how much it will cost?

Mr. SAULSBURY. I will simply read the statement of the Postmaster-General in his last annual report:

From New York to ports of Great Britain and the continent of Europe, three hundred and eighty-five trips, by foreign steamships of seven different lines, $256,775.14, averaging $667 per trip.

From San Francisco to ports of Japan and China, thirty-two trips, by United States and foreign steamships, $3,925.66, averaging $122.67 per trip.

From San Francisco to the Hawaiian Islands, New Zealand, and the Australian colonies, fourteen trips, by United States steamships, $12,533.89, averaging $895.27.

From New York to Aspinwall, with mails for Ceutral America, Mexico, and west coast of South America, thirty-eight trips, by United States steamships, $4,996.28, averaging $131.21 per trip.

From New York via Havana to Vera Cruz, Mexico, forty-six trips, by United States steamships, $4,484.76, averaging $94.79 per trip.

From New York and Newport News, Va., to ports of Brazil, thirty-seven trips, by United States steamships, $4,450.06, averaging $120.27 per trip.

If the entire postage, sea and inland, had been allowed and paid to United States steamships, the earnings of five of these steamship lines would have been increased as follows:

Line from San Francisco to Japan and China, to about $20,000, or $625 per trip.

Line from San Francisco to Australian colonies, to about $25,000, or $1,785 per trip.

Line from New York to Aspinwall, to about $225,000, or $650 per trip.

Line from New York to Vera Cruz, to about $22,500, or $490 per trip; and,

Line from New York and Newport News to Brazil, to about $6,200, or $167 per trip.

Mr. VAN WYCK. One hundred and twenty dollars and twenty-seven cents per trip, according to the Senator from Delaware. I find he is either more willing to give information or is better informed than the other Senators. Will the Senator go a little further, if he can, and tell me now under this bill how much it will cost to diffuse the same amount of information between the United States and Brazil? Will he tell me about how many miles a vessel has to go to reach Brazil?

Mr. SAULSBURY. I do not know the exact distance, but I have understood that the distance from here to Rio is about 5,000 miles.

Mr. VAN WYCK. The Senator is probably correct. I will ask the Senator from New York.

Mr. SAULSBURY. I will state, if the Senator will allow me, that the present service of the lines to South America and to Mexico, and by the Pacific Mail Company, costs the Government $303,079.65. It is to those lines I suppose the million and a half dollars will be devoted.

Mr. VAN WYCK. Now is the Senator from New York satisfied? We have the information now. I regret to say that there is much necessity for a civil-service commission among the tariff Senators in this body. About 5,000 miles out and 5,000 miles in I understand is the distance. That is 10,000 miles. At the present rate the United States is paying $120 a trip, and by this bill it is proposed to pay $10,000 per trip. Is not that the proposition? There is what it is precisely. It is now $120 a trip and you allow these gentlemen to reach their long fingers into the Treasury of the United States and take out $10,000 for the same service. That is precisely the proposition, I take it. I ask the Senator from New York. I want to know. The mails? Oh, yes; gentlemen want the mails distributed. Certainly; they are distributed. They are being distributed at $120 per round trip, and now you propose to distribute them, the same service, the same quantity of mail, at $10,000 per trip, and we have a right to know the reason why. I have found that the building of commission-houses in Brazil is no sufficient reason, the transplanting of a few American merchants to Brazil is no sufficient reason, because they can do nothing when they get there unless they do the same as the Britisher does with foreign goods; and yet we are called upon to expend $10,000 per trip.

Mr. SAULSBURY. If the Senator will allow me, I made a mistake in giving the aggregate of the cost of the mail to South America and Mexico, China, and Japan. I said it was $303,079.65; it is $30,379.

Mr. VAN WYCK. I am obliged to the Senator. I merely wanted to get it by way of Brazil, because it seems to be the initial point in the minds of these gentlemen to get to Brazil. When you hear anything said about ship-building it is the trade with Brazil. Therefore it was I desired to confine the information to that point, and to see how much the American people are to gain or lose by this proposition. We find that we lose on each trip over $9,000. Do we not? The Postmaster-General's report says that. Read the Postmaster-General's report. He ought to know, because he has the Civil-Service Commission attached to his Department. We have none of it here. He says the mail costs $120 per trip, and now this bill proposes to make it $10,000. Therefore it is we want to know the reason why, and we do not get it.

I need say nothing more. If Senators think this is right; if Congress thinks it is right; if the people think it right, it is all very well. If they desire to have a million and a half dollars paid to a few ship-yards in this country and to tax the American people for it, it is all very well.

But the great difficulty seems to have been that these gentlemen can not build ships here as cheaply as they can abroad, and when we build the ships we can not run them as cheaply as they do abroad. Certainly not. If it be true, as gentlemen say, that we can compete with foreign goods in Brazil, then what more protection does any one desire? If there is an open market, I ask the Senator from Maine why are his mills stopping in New England? I ask him why it is that every now and then there is a necesssity for reducing the wages there and causing a lock-up? If it be true that Americans can compete in Brazil or any other nation against foreign goods, why is it that you ask for this subsidizing of steamships? Why is it that you ask the American people to pay freight, because it amounts to that, upon your goods in order to get them into the foreign market, and when there they can not successfully compete?

What will be the next proposition? To build, if you please, American vessels, to put them under the American flag, you take a million and a half dollars out of the Treasury. What then? You are not able to compete with foreign goods in foreign countries, and then if it be true that the foreigners can run their ships cheaper than we can, and if it be right that our laborers should not compete with the pauper labor of Europe, it will not be right that our sailors should compete with the pauper sailors of Europe. Then when your steamship line is started and foreign lines persistently insist upon carrying goods at less rates, if the foreign lines will carry passengers and freight at less rates, what then? Then will these gentlemen with just as much propriety come to the American Congress and ask that there shall be another section added to this bill or another law passed requiring and demanding that Americans and American goods shipped out of the United States to any foreign port shall be carried in vessels made in the United States, manned by sailors of the United States, and over which the flag of the United States floats? That is a necessary and logical consequence.

I only desired that we should have a full understanding of this matter. If there is to be a subsidy, let it be understood that it is a subsidy. If there is to be more taxation upon the American people to protect special interests, let it be so understood. If the American people sustain it, all well, but let at least any disguises or masks be stripped from it so that it may stand forth precisely in the character in which it will be looked upon when it comes to be scrutinized by the American people.

Mr. GORMAN. Mr. President, but for the allusion of the Senator from Kentucky [Mr. BECK] made to the vote which I cast upon the amendment offered by the Senator from Missouri [Mr. VEST], I probably should not add one word to what I have already said. I take it for granted that every Senator must pardon the warmth with which the Senator from Kentucky always treats the subject of tariff and free ships. He does not like to tolerate a difference of opinion in anybody, but when it comes to a member of his own party who has different views, who has come to a different conclusion as to the best method of releasing the American people of unwise and injurious tax laws, and commerce of onerous burdens, the Senator from Kentucky can not tolerate it and can not help making reference to it and commenting upon it in a way which that Senator alone can do.

I do not intend to be brought into a general discussion of the tariff and free ships. I have had no desire to participate in this debate, but contented myself with casting a vote which I believe to be in the interest of the people of this country.

Let me say to my friend from Kentucky that no party whip or drill will ever make me cast a vote here or elsewhere against what I believe to be the interests of the people of this country or against American enterprise. He and many other Senators believe that it is the interest of the people to vote as they did. They had a perfect right to do so; and I have never questioned his right or that of any other Senator. He may be right, but I did not think with him.

When the Senator tells me that I cast that vote in the interests of protectionists, I tell him it may be his opinion, but he has no right to make that statement, because if he knows anything of my opinions or of my course here he knows that while I am in favor of granting protection within the limits of the revenue standard, I neither advocate protection to monopolies or subsidies to favored individuals.

The question of permitting English-built ships to be registered has been settled so far as the vote of the Senate can settle it. It has nothing whatever to do with the matter under consideration to-day; it is not a question of high tariff or of free ships. The Senate has determined by a very decided vote that we will not permit foreign ships to be

brought here free of duty and then registered and run as American vessels. We are now considering the question whether we will compensate our own ships for the service which they render the American people. The Senator from Kentucky and I differ as widely upon this proposition as we differ upon the matter of free ships and free materials. He would continue the law in existence as it is now, as to compensation for carrying the mails, because he fears that the enterprising American ship-builders may reap some benefits from it if it is amended as proposed. He prefers the present condition of affairs to a change which is believed by the Post-Office Department and by the Committee on Commerce—and no man will charge my friend from Missouri——

Mr. VEST. I hope the Senator will not say that I favor this provision in the bill. I have stated always, publicly and privately, in committee and out of committee, and upon this floor a dozen times, that I am in favor of liberal ocean postal pay, but always upon condition that it should be paid out to the lowest bidder, and that the contractor should carry the mail in vessels bought wherever he could buy them most cheaply, wherever they were built, in this country or elsewhere.

Mr. GORMAN. I was about to say (if the Senator from Missouri had waited one moment his interruption would not have been necessary) that he, who has given this question a thorough examination, has stated upon this floor and in committee that the present law providing compensation for carrying the mails in American vessels to foreign ports was unjust, and ought to be repealed or amended and other provision made, but the Senator from Kentucky, as I understood him, would prefer the law to remain as it is without amendment. The Committee on Commerce believe that the provision which we have reported will correct the inequality, but the Senator from Kentucky in effect says, "No, let it remain as it is."

Now, sir, what is the operation of the law? The report of the Postmaster-General, which I hold in my hand and which was referred to by my friend from Delaware, shows you this condition of affairs: that allowing the sea-postage only for the service, the lines running from New York to Europe, every one of which is a foreign ship, receive from the United States for the service of carrying the mails $667 a trip, while the American lines running from New York to Havana and Vera Cruz receive only $94.79 per trip; from New York and Newport News, Va., to Brazil, they receive $120.27 a trip. Yet the Senator from Kentucky would keep upon the statute-book an act which allows to the foreign ship-owner $667 per trip and compensate an American vessel which runs to Brazil at the rate of $120 a trip.

It is an unjust discrimination against our own enterprise and against our own people. It is not intended as a bounty to enable men to put steamboat lines on. What would be the result if you give every dollar that you receive from this foreign postage to the vessels carrying the mails? Would it be the enormous bounty that my friend from Kentucky talks of? The Postmaster-General says that if he were permitted to distribute the whole receipts it would give the line from San Francisco to Japan and China $20,000 per annum; the line from San Francisco to Australia $25,000; from New York to Aspinwall $25,000; the line from New York to Vera Cruz $22,000; the line from New York to Newport News and to Brazil about $6,200 per annum. It would leave it in his discretion to contract with these or any other lines. It opens the door to every American who owns a vessel, and the Senator from Kentucky knows that his intimation that the pending proposition is in effect granting a subsidy to John Roach or any other individual is not fair—is unwarranted by the facts.

As I said when I was on the floor before, that Senator and myself have voted higher rates of service both upon the ocean and upon the land for carrying the mails. We pay, and pay with his approval, $185,000 for fast mail service in addition to the ordinary service between Boston and Charleston. The contract is made without opening it to competition, as there is but one line that can perform the service. Our friends on this side of the Chamber know as well as I do that if such a contract were made with a steamship line it would be denounced as a subsidy pure and simple.

Mr. President, the American people will have mail facilities both on land and by water. They are willing to pay fair compensation for that service, and when it is open to fair competition none can or will complain.

I would not take from the Treasury or wring from the tax-payers of this country any large amount to establish a service between this country and any foreign port. But to authorize the Postmaster-General to expend the paltry sum received from the foreign mail service in establishing new lines, increasing the facilities of those that now exist, is, in my judgment, an imperative duty. To make money from that service is not what the American people want. What they desire is speedy and direct communication with all civilized nations, and their mails carried in American ships.

The Senator from Kentucky asks what difference is it whether this service is in a ship or in a balloon, or whether the mail goes in an English bottom or an American bottom, whether it goes at all from this country to the Southern ports direct? If I have understood the discussion on the tariff and upon this bill, it is to the countries south of us to which we are looking for the increase of our commerce. It is an impossibility within any reasonable time and with a reasonable expenditure of money to hope to establish a line of steamers across the ocean in competition with the English lines, but it is to the South American ports that you must first look for the establishment of steamship lines and increase of your commerce. There is the market for our manufactures and products; we want theirs.

The Senator from Kentucky says, What matter is it whether you get your mail there direct or not? As an American I have felt humiliated when I had visited the great port of Baltimore and found that the merchants of that city, who at one time had almost a monopoly of the coffee trade between Brazil and this country, were compelled to mail their letters on an English steamer and send them to Liverpool, and thence to Brazil, and patiently await an answer by the same circuitous route. Representing that people in part, I should be recreant to my duty to them as well as to the whole country if within reasonable limits of compensation I failed to give that encouragement to American enterprise which would enable them to communicate directly with all those southern countries.

Mr. BECK. The stenographer has taken down, no doubt correctly, the reference made by the Senator from Maryland to myself and the appeal that he made to me as to what I would do in this regard, it being, he said, a plain, simple business transaction for carrying the mail. I had neither spoken nor intended to speak. I rose to say in reply that in my judgment as far as I had understood it this was not a simple business transaction; that if it was simply to pay for the mails, so far as the mail-carriage alone was concerned it made no sort of difference whether it went in foreign or an American ship or in a balloon looking simply to the carrying of the mail, but that other questions were involved in it. The vote of the Senator from Maryland yesterday showed that a man is not to be allowed to buy any other than an American ship, and now the proposition is that no one shall have this money unless he carries the mail in an American ship. That is bringing up another proposition outside of the mere carrying of the mail, and when that proposition comes up this measure is too insectivorous (I will go back again to the expression of the Senator from Missouri) to be appreciable in restoring the American merchant marine on the high seas. We have neither passengers nor traffic enough to that point to make it the great objective point on which to begin to restore the American merchant marine.

The RECORD will fail to show that I either lectured the Senator from Maryland or drew any party lash over his head, or made any allusion that induced him rightfully to believe that I objected to the vote he gave on yesterday, so that all this lecture about what I have said will, I think, seem to be useless when the RECORD appears to-morrow morning.

I have no doubt that the Senator from Maryland thinks that it is best not to allow foreign-built ships to come here and engage in the carrying trade. I have arrived at a different conclusion, and I have stated as my reasons for it that we are now building no ships for the foreign trade; that we have lost all but 15½ per cent. of it; that foreign nations are our factors, our carriers, and doing all the business; that 95 per cent. of the few sailors we have are foreigners; that England is building all the ships now; that only enough ships can be used to do the world's carrying trade, and that she is not benefited by our becoming her competitor; that we are furnishing profitable employment to 100,000 sailors for her now, who will be our enemies whenever she orders them, and that we are prostrate at her feet. These are some of the reasons I have for my views. I have given them freely. They may not be good reasons, but they are reasons which the country will appreciate, in my judgment.

I said further that, looking upon this simply as a mail transaction, there was no propriety in limiting a mail carrier to a particular class of ships, bought at a cost of 30 or 40 per cent. more than a ship was offered at elsewhere; that if you are going to pay a mail carrier let him get the cheapest vehicle he can to carry the mail in, if you are looking at that alone. If you are looking to building up the American marine, this is not the way to begin it. This measure is not big enough, is not important enough, to do anything but to require the mail carriers to pay more for their vehicles to a few men who have a large enough monopoly now.

I only rose to say that I did not reflect, nor intend to reflect (and the RECORD in the morning will show that I did not) upon the vote of the Senator from Maryland. He may be right and I may be wrong, but neither of us has any right to lecture the other as to who is right or who is wrong.

Mr. FRYE. Mr. President, I would like to bring the Senate back to the real question as to whether there is any subsidy in this bill, and I would submit it to the Senator from Delaware himself sitting before me [Mr. SAULSBURY]. Section 3976 of the Revised Statutes provides as follows:

> The master of any vessel of the United States bound from any port therein to any foreign port, or from any foreign port to any port of the United States, shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department, or any diplomatic or consular officer of the United States abroad, shall offer; and he shall promptly deliver the same, on arriving at the port of destination, to the proper officer, for which he shall receive 2 cents for every letter so delivered.

Mr. MORGAN. What section is that?

Mr. FRYE. Section 3976. I submit to the Senator from Alabama,

I submit to the Senator from Kentucky, who has left his seat, I am sorry to see, I submit to any Senator in the United States Senate that there is no justice, there is no reason, there is no propriety in continuing that statute upon this book.

Mr. SAULSBURY. The Senator will allow me to ask him, what does he do with the declaration of the Postmaster-General?

Mr. FRYE. I will come to that by and by. I do not care what the Postmaster-General or anybody else says; I submit this one naked proposition: where is the United States Senator who rises in his place and says that that statute is a just one; that you may take a United States vessel carrying the American flag, and when she is ready with her passengers to leave New York for Rio Janeiro the Post-Office Department may send her word, "Stop till my mails are ready," and she is detained a day or two days; "Stop or you shall not have a clearance," and she is kept there a week; "Stop or you shall not have a clearance until my mails are ready;" and then when the mails are ready they are put on board that ship and she is compelled to carry them to Rio Janeiro, and the Post-Office Department pays that vessel 2 cents a letter.

I never saw a Senator, I never saw any gentleman outside of the Senate, I never saw a United States official in the Post-Office Department who did not declare that that statute was unjust, was wicked, and ought not to abide a single moment. The committee on the part of the House and the committee on the part of the Senate both unanimously determined that that section ought to be and must be repealed. The Senator from Missouri joined in it as ardently as I did, and as every Senator must when he reads it.

Now, sir, what next? Here is a proposition to repeal it. The Postmaster-General says you repeal it and then what? There is but one thing on earth for you to do when you repeal it. What is that? Contract for carrying the mails of the United States with a vessel bound to a foreign port just exactly as you contract with your railroad companies, your stage coaches, your inland vessels, your coastwise vessels; by advertisement, by proposals to the lowest bidder. Is there any other way? Can any Senator find any other way in which to do it?

So under the guidance of the Postmaster-General, in his presence, I drew that section, providing that this being repealed the next step should be for him to advertise for proposals to the lowest bidder. There is no other way on earth by which it can be done. What then? Then the Postmaster-General said to me, "Why, Senator FRYE, if I advertise for proposals and there is but one line running, I am at the mercy of that line. If I advertise, as the bill must provide I shall do, for mail between here and Venezuela and there is but one line on that route, that line has me absolutely in its power; it can take my mail; it can compel me to pay the whole $1,300,000 which your bill provides." I admitted it. Then what remedy for that? This remedy, which is put into the bill, that in no event shall it exceed—it is not any promise, as the Senator from Kentucky said, to pay a dollar a mile—in no event shall it exceed $1 a mile for the round trip. Why is that put there? To pay a subsidy of a dollar a mile? No; it was put there at the suggestion of the Postmaster-General to meet this very difficulty, where there was but one line and that line might without it take the whole and no more mails be carried for us.

Then what, Mr. President? Then there might be lines established, and we might want to send our mails by fifty different steamers, and that might involve an expenditure of $5,000,000 a year. I wish it did. I believe in American vessels and the American flag. When a French vessel got a contract from the English Government, the only one ever given, where there was a competing line, to a foreign ship, a short contract, and a report was made to the English Parliament, the leaders in that English Parliament made the House of Commons hum with their declarations that the British mail should never be carried under a foreign flag, and they never made another contract with that French vessel. When Crawford, a member of Parliament, made the declaration that it was "free trade run mad," the whole Parliament applauded to the echo without dissension, without division.

I should like to see the day come in the American Senate, too, when a proposition "free trade run mad" should receive the same fate it received in the British Parliament. I should like to see the American Senate with that disposition and that mind when for the flag and for America they would be willing even to pay the paltry tax upon the American people of $5,000,000 a year which France pays. Sir, I would rejoice to see the day come when this great Republic of fifty millions of people for the flag and for America would be willing to pay as much in its support as Italy, or Spain, or Chili, or some other fifth-rate country or state.

I say that every limitation has been put upon this bill by the committee, "shall not exceed a dollar a mile," "shall not exceed the gross revenues from the foreign mail service," "less every dollar paid to a foreign company for carrying the United States mail," "less every dollar paid for foreign transportation," "less every dollar paid for the administration of foreign postal matters." That is the bill; I say no man can object to it, to one word of it, to one line of it; and the only objection urged in the United States Senate against the provisions of the bill is that this great Republic in this bill is not authorized to let British ships bid in competition with American ships!

Has it come to this, that when we are struggling for existence on the seas we must be compelled to look to see how England would like it, and what we can do for England, and how it will affect us with England? Why this intense anxiety to build our ships in England; why this intense anxiety to have the English flag float over the United States mail? It is "free trade run mad," and that is all it is.

I have no hesitation in saying that to recover our position on the ocean I am for subsidy, $1,000,000 if it will do it, $3,000,000 if it will do it, $5,000,000 if that is required, $10,000,000 if only ten will do it, and I am ready to vote it any hour and any day, and my conscience would requite me of doing my whole duty. But this provision in the bill bears no more resemblance to a subsidy than the moon to-night bears to the sun in midday splendor. Here is no subsidy, no sign of a subsidy. The foreign mail service under it is doing better for your Government than any other service in the United States mail carriage does for your Government.

Mr. President, I am exceedingly anxious to have a final vote on this bill to-day, and I now give notice that I shall ask all the friends of the bill and of the merchant marine to stay here to-night until it is finished.

Mr. VEST. If the Senator makes speeches like that he has just made we shall stay here a week without a vote, I can tell him.

Mr. SAULSBURY. Mr. President, I did not intend to take any part in the discussion of the bill or any provision of it. I incidentally this morning referred to what the Postmaster-General had said in reference to the foreign-mail service. Since that time allusion has been made to what I have said. I now desire for a few moments only to state the reasons why I shall not vote for the bill.

I find in the report of the Postmaster-General that there are certain steamship lines carrying the foreign mails that are amply remunerated for the service which they render to the Government. If the statement of the Postmaster-General is true in that regard, I can not vote for any proposition which would give to any of those companies any additional compensation.

I find also a statement in the report of the Postmaster-General that there are certain other steamship lines, which he specifies and names, by which he says complaint has been made that they were not compensated because of the small number of letters and packages which are carried by those lines, and he names among others the lines to Brazil and Vera Cruz, in Mexico, on the Atlantic, and the Pacific Mail line, which carries the mails to Japan, China, and Australia.

If the bill of the committee had been framed so as to give to those South American and Pacific lines which carry the mails the entire amount of revenue derived by the carrying of the mails over those lines I would cheerfully have voted for it. But this proposition is a very different one. It proposes to take all the earnings of the postal service of the lines that cross the Atlantic to European ports and which are amply compensated, and to give the surplus revenue derived from that source to the steamship lines that run to South America, to Australia, Japan, and China, amounting, as I understand from the Senator from Maine, to a million and a half of dollars, not earned by those companies, not earned by the lines running from New York to Brazil, from New York to Vera Cruz, and from San Francisco to the various ports on the Pacific, but to take the earnings of the lines from New York to Liverpool, to Havre, and to other European ports and appropriate the earnings of the European steamships to the lines to which I have referred on the Pacific coast and South Atlantic coast.

Now, who is to be benefited? There is one line running to Brazil. Who runs it? One single individual. Who run the lines on the Pacific? The Pacific Mail Company. The provision in reference to advertisements for contracts amounts to nothing. There is but one line running to Brazil, Mr. Roach's line, but one line running to Vera Cruz, but one line running to Japan, but one line running to Australia, but one line running to China, and those lines belong to the Pacific Mail Company.

The provision in reference to the contract amounts to nothing. You had just as well incorporate in the bill a provision that all the earnings of the postal service from New York, Boston, and Philadelphia to European ports should be appropriated to Mr. John Roach and to the Pacific Mail Steamship Company. There is no necessity whatever of a contract or any proposal for a contract with any one else. There may be some other persons interested in those lines, but I do not suppose there are. The provisions of the bill, if it is passed, will advance the price of the Pacific Mail stock in Wall street as soon as it is passed, because it is a gift out of the public Treasury to these companies.

If the bill of the Senator from Maine had proposed to give to the Pacific Mail Company all the revenue derived from the postal service on those lines, I would have voted for that proposition. If it had proposed to give all the revenue derived from the transportation of the mails to Brazil or to Vera Cruz to the owners of those lines, I would have voted for that proposition. But the proposition is here to take the earnings of the mails that are carried from New York, Boston, and Philadelphia, and to appropriate them to these lines upon the Pacific coast and down the Atlantic toward South America. That is a subsidy. Notwithstanding the vehemence with which the Senator from Maine disclaimed any purpose to confer a subsidy on anybody, it amounts to a subsidy. For very little service you propose to give them a million and a half dollars. How many letters go to Brazil?

How many letters go to Vera Cruz? How many letters go to Japan or to Australia or to China? The service performed is a very light and a very meager service.

The Senator from Maine refers to that provision which enables the Postmaster-General to detain a vessel for the purpose of receiving the mails. Did the Senator from Maine ever know an instance where they were detained a week, as he stated in the appeal he made to the Senate, or where the Postmaster-General ever detained for twenty-four hours a vessel to receive the mails? If so, then if your Postmaster-General is so unjust as to detain a ship an unreasonable time, you ought to turn him out and get somebody else. But he is guilty of no such injustice. The compensation which is given to the ships for the detention and the service rendered is ample, and any increase in the compensation is a gratuity—a subsidy in disguise.

Some reference has been made in the debate and some comparison has been instituted between the pay to railroad companies and for star-route service and the pay to the steamship companies on the Pacific. Does not every man know that when the mails are once carried on board a steamship they require no further attention; that they are locked up until they reach the port of destination, where they are delivered up; whereas on the railroads there is a mail station every few miles, where the trains are stopped, where the mails have to be delivered and distributed, and are delivered by the railroad companies into the post-offices within eighty rods from the railroad track? All that is done by the railroad companies, which carry heavy newspaper mails also, and there is no comparison that can properly be instituted between the service performed by the railroad companies in the transportation of the mails and that performed by the steamship companies upon the Atlantic Ocean and the Pacific Ocean.

I am not opposed to relieving the ship-owners from any burdens under which they may rest. I am perfectly willing that you shall strike off the consular fees. I am willing that you shall relieve them from the hospital fees. That is a measure, however, which in my judgment is one of very doubtful propriety. The sailors contribute to that fund in order to provide a home for themselves in case of sickness and disability. They feel an interest in the hospitals because they have contributed to their establishment. The hospital fund is collected in order that when they are done with service, disabled from service, they may have a place that in part belongs to themselves, homes to which they have contributed, and to which they can retire in case of sickness or accident; and they will feel much freer to go to a hospital provided in that manner than to those provided by contributions from the public Treasury alone.

Still, I should not have objected to the bill upon that ground, nor have I any special objection to the reduction of the tonnage duties, although it may not be exactly right that the ships which are owned by men of capital should be relieved from all taxation. They enjoy the privileges of our harbors which are kept in order by appropriations out of the Federal Treasury; they share in the benefits of our light-houses and in all the advantages of our coast surveys. I am not sure that it is exactly right to relieve them to the extent of reducing from 30 cents to 3 cents the tax on their entry into our ports. Still I would have supported the bill with that provision; but when the Senator from Maine insists that I shall vote a million and a half dollars earned by steamship companies crossing the Atlantic to European ports and give that to the lines running to Japan and to China, to the Pacific Mail Steamship Company, and to one or two individuals who have an interest in ships running to Brazil, I beg to be excused from voting for such a proposition.

I am not, like the Senator from Maine, in favor of subsidies, nor do I believe that the granting of subsidies will build up the American merchant marine. You have tried that system. You tried it on the Collins line. You appropriated $350,000 annually to that line and subsequently raised it to $850,000. What did you do toward building up an American merchant marine? The moment your subsidy expired your Collins line went down. You tried it in the Bremen line. What did it accomplish? You tried it in the Brazilian line. What did it accomplish? You tried it in the Pacific lines. Had you any better service then than you have in the Pacific at present? No, sir.

There is much in what the Senator from Kentucky said to-day. The subsidizing of one line excludes other lines that are not subsidized. If you conferred a million dollars upon a line running from here to Brazil you could not get up another line not subsidized to compete with it, because the moment another line should open up to that point the freights would be put down so that no competing line could exist for a single day. Your subsidies, instead of building up your merchant marine, will have a tendency to exclude competition with the lines that are subsidized.

Anxious as I am to see the American flag floating on every sea and in every port, I do not believe that the proposition of the Senator from Maine is calculated to effect that beneficent object. There are other measures that might be adopted, one of which was rejected yesterday. The proposition was made that citizens of the United States might buy their vessels in England, or in any other foreign country, and place them under the American flag and under American registry. If that measure had been agreed to in the Senate and in the other House, I have no doubt that it would have tended materially to increase the merchant marine, but it has been excluded.

In voting for that amendment (which I should have done if I had not been paired) I had no intention or disposition to injure the American ship-yards. We have them in my own State, some of the best that there are in this country. It is a matter of pride and congratulation to the citizens of our State that we have such establishments as Harlan & Hollingsworth's and Pusey, Jones & Co.'s; and no Delawarean, I am sure, would do anything purposely to injure those great establishments. I think that the adoption of the amendment which was rejected yesterday would not have injured them one iota. On the contrary, coupled with a provision for free materials, I believe it would have enhanced the interests of those establishments, as it would have of every other ship-building establishment in the country.

Sir, I can not vote for this bill. If the Senator will modify it so as to give to those lines on the Pacific coast and the lines down to South America and to Vera Cruz the whole of the earnings of those lines, I will vote for it; but when he goes further and wants to appropriate the earnings of English lines sailing from New York, from Boston, and from Philadelphia to the lines on the Pacific coast and the lines down to Brazil and to Vera Cruz, I can not vote for it.

I have said more than I intended to say upon this subject.

Mr. CALL. Mr. President, I desire to occupy the attention of the Senate for a very brief period of time. I shall vote for the bill with this provision in it; for though I am paired with the Senator from Nebraska [Mr. MANDERSON], I think he would vote in that way. I have not so great sensitiveness as some gentlemen have upon the idea of aiding with the public money any great national enterprise, any great object of public policy, such as the building of an American commercial marine; for, although I can not perceive the indignity to the people of the United States in subjecting the skill and means of the English or any other foreign country to our own uses, about which the Senator from Kansas [Mr. PLUMB] was so eloquent yesterday, yet I do appreciate the value of a ship-building industry in this country, and I am willing to vote money reasonably and economically to accomplish it.

It might be a very nice thing for us to tell what is a subsidy. The difference between remitting the tonnage duties in favor of the shipping interest—that is, withholding from the Treasury money which by the law as it stands would be put there—for the purpose of encouraging a commercial marine, and paying it out of the Treasury after it gets there for the same purpose, is something that is a distinction of fact and not of principle. The gentlemen who are willing upon this bill to vote to remit the tonnage duties of a million dollars in favor of American shipping might just as well vote to pay the money out of the Treasury in aid of the same object; the one is just as much a subsidy as the other. So also is any other privilege to American ships a subsidy, whether it be of one kind or another. Certainly the monoply of the coast trade under the navigation laws by American-built ships is a subsidy, and a very great one to this interest, amounting annually, on the facts stated repeatedly in this discussion here, to many millions of dollars. Senators who can not vote this little amount of mail-pay do not find any difficulty in voting this vast sum in the coasting trade to American-built ships. I have no objection to it, although I have no doubt, paradoxical as it may seem, that the right to buy foreign ships, with other proper policies, will be much more efficient to induce the building of American ships than the present policy.

I should unalterably oppose any improper and wasteful expenditure of the public money for any object; but if you can by any reasonable appropriation obtain the $150,000,000 that is annually paid by American interests for transportation to foreign ports, that is a great national object, and we may afford to pay for that certainly all the profits that would be made out of the $150,000,000, and perhaps for incidental advantages of an American commercial marine a great deal more. If you could obtain it you might afford to pay $50,000,000 for it. I do not see that there would be any subsidy in any appropriation of public effort or public means that would acquire for this country $150,000,000 annually of profits from any business. It is a public object, a national object, and whatever means properly, directly, and efficiently will bring about the result of acquiring the vast business that is now done by foreign countries in American transportation is an object which may well command either an appropriation of money, or time, or any other public capacity that we have as a government.

I fail to see that if you term this public act a subsidy you by this change of terms make this change of a great annual profit from a foreign country to our own an act of bad statesmanship.

Therefore I should have no objection whatever to it, and if it be demonstrated to me that by a judicious expenditure of public money I could obtain for the American people, American enterprise, American labor, American capital, that amount of money annually, I should regard it as a very wise expenditure of the public money, whether it be done by a subsidy or not; but such an appropriation for a great object of public policy can not by any proper use of terms be called a subsidy.

The bill proposes to do what? Simply to appropriate the earnings from the foreign mail service for the encouragement of American shipping. That is to say, it is proposed to give a discretion to the Post-

master-General to contract with American-built ships for the transportation of the mails at a liberal rate. I am willing to concede that might be done very liberally, far beyond what the mail service would demand of itself and by itself, and for one I have no objection to it.

I can not see why the Postmaster-General under this bill might not contract with more than one line, with one line or two lines or three lines or any number of lines there might be, to carry the mails, and it might be judicious to have the bill so limited that he would be required to divide the mail service with more than one line if it offered. But whether that be so or not, we can not expect to acquire the $150,000,000 or any large part of it at once. It can only be done by encouraging individual efforts, single lines, single ships, and paying them whatever it is necessary to pay and within the limits of the money derived from the foreign mail service. I can not see that there could be a better appropriation of that money than to give it to American-built ships for the transportation of the mail or in any other way that would induce them to run between countries with which we desire to have commercial relations.

I therefore have no objection whatever to the passage of that section of the bill. It occurs to me that a single consideration will decide this point. We have spent some time on a bill appropriating several millions of dollars to build ships of war. This million of dollars derived from foreign mails will support, without this cost to us, ships available as ships of war built in our own country and bringing profits to our own people, and supporting many of our workingmen and their families, and will encourage the building of others. I am very glad to use the public money judiciously and economically for a great object of public policy so as to produce these results. And I am gratified that in doing so it will benefit American ship-builders of enterprise and ability and success, whether it shall be John Roach, or Harlan, or Hollingsworth, or Mr. Cramp, or other great ship-builders on the Delaware or elsewhere. I hope to see the day when a great ship-yard will be at Pensacola, Fla., and the coal and iron of Alabama be used there in building iron ships. And I shall be very glad to do whatever may be in my power as a Senator to aid in establishing the business of building American ships at Pensacola and using the steel and coal of Alabama for this purpose. I have no doubt that this side of the Chamber will support any well-considered measure that will reasonably accomplish such a result.

The difficulty is that existing policies have failed to accomplish this; that such policies can not reasonably be expected to accomplish such results. We can not create an American ship-building industry nor create and conduct an American carrying trade by eloquent speeches glorifying our own country and people and denouncing other countries. We can not pay high wages to and support American labor by eloquent descriptions of their comfort and their prosperous condition as compared with the laboring people of other countries. They must have employment; and business, trade, and the earnings of trade alone can give them employment and remunerative payment. I shall support this bill, although it stops far short of my ideas of what ought to be done; and I shall support any other bill which seeks with any degree of reason to build up either an American commercial marine or an American ship-building industry. In my opinion the two industries are entirely distinct, and neither can succeed by making its support a burden on the other.

Mr. MAXEY. Mr. President, I have not been able to find the objection to the bill which the Senator from Delaware [Mr. SAULSBURY] finds. I have for years believed that the true policy of this Government is to carry her foreign mails under her own flag in American ships, and I so believe now.

The proposition contained in section 19 of the bill to revise section 4009 of the Revised Statutes does not tax the American people one solitary farthing. It can not in any possible or conceivable sense be said to be a subsidy. It simply authorizes the Postmaster-General to make a contract for carrying the foreign mail in his discretion, and then says:

> And the aggregate amount to be expended for such service shall not exceed the gross revenues of the Post-Office Department of the United States on mail matter sent to and received from foreign countries during the fiscal year next preceding the year in which such contracts are made, less the amount paid for transportation on foreign vessels, and the net amount paid foreign administrations for intermediary, territorial, and sea transit of such mails.

If the theory were that we can expend nothing for carrying the mails save that money which is derived from the mail revenue, then after the settlements crossed the Alleghany Mountains and extended out West there never would have been a mail carried, for it is true that from the foundation of this Government after the settlements began to spread across the Alleghany Mountains the policy of our Government has been to transmit intelligence by mail, to send the mails to the frontier settlements whether it cost more than the postal revenue or not, on the principle that the people of the United States had a right to receive their mail matter through the public means furnished by the Government for carrying the mails. So it is true that after the settlements crossed the Ohio and then the Mississippi and then the Rocky Mountains clear out to the Pacific Ocean, the mails have always been carried to the far-off regions at a cost very largely in excess of the revenues of the Postal Department. So when by law every route from a port of the United States to a foreign port is declared to be a post-road and that the mails can be carried over those great highways as over the inland routes, and the United States has the same right to pay for carrying the mails across the waters as across the land, if it be the policy of the United States Government to keep up our postal communication with all the civilized countries of the earth, then that should be kept up under our own flag and by our own mails.

But the great objection to a subsidy is removed by this bill, because it says that, while we desire this great thing to be done, we at the same time tell the Postmaster-General "do not spend one solitary dollar for that purpose over and above that which is collected from the postal revenue;" and hence it can not be said that one farthing is drawn out of the pockets of the American people more than is drawn out by the present postal laws; not one farthing is drawn out by taxation from the people to keep up foreign mail steamship lines.

For that reason, and believing that we ought to do everything that is fair and just and equitable to restore the American flag over American ships on the high seas, and seeing nothing in this that is objectionable, I shall support the bill with this clause in it.

Mr. MCPHERSON. I want to submit to the honorable Senator from Maine the total absurdity of attempting to get a vote upon this bill to-night. We have reached the nineteenth section. Evidently there are a great many amendments to it, together with more that are to follow. If you were to remain here until to-morrow morning at daylight I think it would be very doubtful about getting a vote on this section at that time. I wish to submit to the Senator why it is that we are asked to remain in session all night to discuss a subject which the Senator must now see a vote can not be had upon in any reasonable time. It is entirely useless. Therefore I move that the Senate do now adjourn.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Senator from New Jersey moves that the Senate do now adjourn.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER. Is there objection to the Senator from Maine being heard?

Mr. FRYE. I should like to make some kind of arrangement. I ask unanimous consent that debate on this bill and the amendments to it shall close to-morrow at 4 o'clock.

Mr. MORGAN. I move as an amendment to that that no gentleman who has spoken on the bill be allowed to speak to-morrow between the time of meeting and 4 o'clock.

Mr. FRYE. I will agree to that with a great deal of pleasure. Does the Senator from Alabama object to any arrangement?

Mr. MORGAN. Oh, no; but I would allow no gentleman who has spoken on this bill to speak to-morrow between the time of meeting and 4 o'clock.

Mr. FRYE. I will agree not to say a word in the Senate from this time until the day of adjournment.

Mr. SAULSBURY. I object to that.

Mr. VEST. All of us would object to that.

Mr. FRYE. If I can make a compromise with the Senator from Missouri [Mr. VEST] and the Senator from Kentucky [Mr. BECK] not to speak, I shall be happy. [Laughter.]

Mr. VEST. That will not do.

Mr. FRYE. I ask unanimous consent that debate shall close on the bill and amendments by 4 o'clock to-morrow.

Several SENATORS. Say 5.

Mr. FRYE. Well, I will say 5.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the debate shall close on this bill and the amendments to-morrow at 5 o'clock. Is there objection? [A pause.] The Chair hears none; and that is the unanimous consent of the Senate.

Mr. MORGAN. I have an amendment to this bill, which I propose to offer and desire very briefly to discuss, but while the amendment of the Senator from New Jersey is pending I can not offer it at this time. I will send my amendment to the Secretary's desk and ask to have it read for the information of the Senate.

The PRESIDING OFFICER. The Senator from Alabama proposes, when in order, to submit an amendment, which will be read.

The amendment was read, as follows:

> That from and after the 1st day of January, 1885, vessels owned exclusively by citizens of the United States, or by corporations whose stockholders are all citizens of the United States, and not under any lien, incumbrance, or mortgage in favor of citizens or corporations of any foreign country, shall be admitted to registry under the laws of the United States in all respects upon the same terms and conditions as vessels built in the United States are admitted to such registry, upon the payment at the time of such registration of a duty of $15 per ton of registered tonnage on all iron and steel vessels, and $10 per ton of registered tonnage on all wooden vessels. And ships so imported and registered by American citizens may be employed in either the coastwise trade or in trade to foreign countries: *Provided*, That the right to import such vessels shall apply only to such vessels constructed in any foreign country as shall be built after the passage of this act.

Mr. MORGAN. Mr. President, I desire when I have the opportunity to ask that the amendment be inserted between sections 18 and 19 of this bill, but I shall be compelled of course to discuss it upon the amendment that is now pending of the Senator from New Jersey [Mr. MCPHERSON].

Mr. FRYE. Will the Senator yield for a motion to adjourn?

Mr. MORGAN. Yes, sir.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 258) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, for the use and benefit of the free public schools thereof and for other purposes;

A bill (S. 621) for the relief of William L. White;

A bill (S. 241) to repeal section 8 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880.

A bill (S. 269) for the relief of M. P. Jones;

A bill (S. 677) for the relief of the estates of James Vance and William Vance: and

A bill (S. 975) for the relief of T. J. Boyles, administrator of the estate of Marcus Radich, deceased.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 2334) to release the American Baptist Home Mission Society from the conditions of the sale of the Marine Hospital building and grounds at Natchez, Miss.;

A bill (H. R. 3926) to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed in said act.

The message also announced that the House had non-concurred in the amendments of the Senate to the following bills:

A bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals; and

A bill (H. R. 1015) for the relief of Fitz-John Porter.

ENROLLED BILL.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 3926) amending the Revised Statutes of the United States in respect of official oaths, and for other purposes.

Mr. FRYE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 36 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 7, 1884.

The House met at 11 o'clock a. m. Prayer by Rev. THOMAS G. ADDISON, D. D., of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

OCCUPANCY OF PUBLIC LANDS.

Mr. PAYSON. I ask unanimous consent that House bill 5479, to prevent the unlawful occupancy of the public lands, be taken from the House Calendar for present consideration.

The bill, with the amendments reported by the Committee on the Public Lands, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CASSIDY. I would like the gentleman from Illinois [Mr. PAYSON] to explain the bill, subject to objection.

Objection was made.

Mr. RANDALL. I call for the regular order.

The SPEAKER. Objection is made by two or three gentlemen, and the regular order is called for. The regular order is the call of committees for reports.

The Committee on the Judiciary having been called,

Mr. BROADHEAD. The Committee on the Judiciary have directed me to report back the bill which I send to the desk.

Mr. PAYSON. The gentleman from Pennsylvania [Mr. RANDALL] withdraws the demand for the regular order.

The SPEAKER. The Chair is proceeding with the call of committees, but will state that the objection came from another gentleman.

Mr. RANDALL. Objection having been made to the bill, I asked for the regular order.

Mr. PAYSON. Is there not some misapprehension as to this matter? The gentleman from Nevada [Mr. CASSIDY] simply desired an explanation of the provisions of the bill, reserving the right to object.

The SPEAKER. Some gentleman on the other side objected at the same time.

Mr. PAYSON. I would like to make inquiry who the gentleman was?

The SPEAKER. When the Chair has concluded the call of committees, he will again submit the request of the gentleman from Illinois for unanimous consent.

FRENCH SPOLIATION CLAIMS.

Mr. BROADHEAD, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 1116) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

IMPEACHMENT OF JUDGE J. W. LOCKE.

Mr. HAMMOND, from the Committee on the Judiciary, reported back adversely the memorial of William Bethel and others, asking the impeachment of James W. Locke, judge of the United States district court for the southern district of Florida; which was laid on the table, and the accompanying report ordered to be printed.

FEES PAID BY VESSEL-OWNERS, ETC.

Mr. DAVIS, of Illinois, from the Committee on Commerce, reported back, as a substitute for H. R. 6131, to amend paragraphs 6 and 8 and to repeal paragraphs 7 and 9 of section 4382 of the Revised Statutes of the United States, relative to fees levied and collected from the owners and masters of vessels navigating the waters on the northern frontiers of the United States, a bill (H. R. 6925) to amend sections 4381 and 4382 of the Revised Statutes of the United States, relative to fees levied and collected from the owners and masters of vessels in domestic commerce, which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed; and the bill 6131 was laid on the table.

INTERNATIONAL ELECTRICAL EXHIBITION AT PHILADELPHIA.

Mr. BOYLE, from the Committee on Commerce, reported back with an amendment the bill (H. R. 2655) to authorize the appointment of a scientific commission which may conduct a national conference of electricians and special investigations on the occasion of the international electrical exhibition to be held in Philadelphia in 1884; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

TRADE WITH SOUTH AND CENTRAL AMERICA.

Mr. STEWART, of Texas, from the Committee on Foreign Affairs, reported a bill (H. R. 6926) to authorize the appointment of three commissioners to visit the principal countries of South and Central America, and also Mexico, for the purpose of collecting information looking to the extension of American trade and commerce and the strengthening of friendly and mutually advantageous relations between the United States and all the other American nationalities, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed; and bills of the following titles, for which the bill just reported was designed as a substitute, were laid on the table:

A bill (H. R. 124) to authorize the appointment of a special commissioner for promoting commercial intercourse with such countries of Central and South America as may be found to possess the most natural and available facilities for railway intercommunication with each other and with the United States; and

A bill (H. R. 1240) for the encouragement of closer commercial relationship and in the interests of and the perpetuation of peace between the United States and the Republics of Mexico and Central and South America and the Empire of Brazil.

MANAGEMENT OF SOLDIERS' HOMES.

Mr. ROSECRANS, from the Committee on Military Affairs, reported the following resolution; which was referred to the Committee of the Whole House on the state of the Union.

Whereas experience hitherto shows a steady increase in the numbers as well as in the percentage of disease and death of the inmates of the National Homes for Disabled Volunteers, which increase will probably continue for ten or fifteen years and will demand enlarged provision for the care and maintenance of disabled soldiers; and

Whereas the board of managers of those homes, solicitous for the best possible administration thereof, have repeatedly requested Congressional examination of their system, and especially in view of certain general and specific complaints which have reached the Committee on Military Affairs as to the workings and management of some of the homes, it is desirable, for guidance in future legislation, that Congress should have full and authentic information on these matters:

Resolved, That the Committee on Military Affairs be, and it is hereby, empowered to examine and report to this House upon the plan, practical workings, and management of the National Homes for Disabled Volunteer Soldiers, and to recommend what, if any, legislation appears necessary to insure the most effective, economical, and humane application of the funds annually appropriated by Congress to this great beneficence; and for that purpose the committee is authorized to sit during the sessions of the House, to examine by subcommittee such of the homes as it may deem necessary, to send for persons and papers, to administer oaths, to employ such clerical assistance as may be required for this work, and to meet during the recess of Congress; all the necessary expenses to be paid out of the contingent fund of the House upon the certificate of the chairman of the committee.

JOHN V. B. BLEEKER.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back with an amendment the bill (H. R. 6346) to authorize the settlement of the accounts of the late John V. B. Bleeker, a pay director in the Navy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BOYNTON LEACH.

Mr. TALBOTT, from the Committee on Naval Affairs, also reported

back with a favorable recommendation the bill (H. R. 6483) for the relief of Boynton Leach, late a lieutenant in the United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LANDS IN SAN MATEO COUNTY, CALIFORNIA.

Mr. LEWIS, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. 70) to authorize the correction of certain boundaries of certain lands in San Mateo County, California; which was referred to the House Calendar, and the accompanying report ordered to be printed.

FELIX M'KITTRICK.

Mr. NELSON, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 5333) providing for the payment of the claim of Felix McKittrick for depredations committed by the Mescalero Apache Indians, of the Territory of New Mexico; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRED PHILLIPS.

Mr. GEORGE, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 681) for the relief of Fred Phillips; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOUTHERN KANSAS RAILWAY COMPANY.

Mr. PERKINS, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 6110) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

OVERTON LOVE.

Mr. PIERCE, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 3772) for the relief of Overton Love and the administratrix of Wyatt Gilschrist; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. H. L. DOUDLE.

Mr. MATSON, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and, with the accompanying reports, ordered to be printed:

A bill (H. R. 3174) for the relief of W. H. L. Doudle; and
A bill (H. R. 5294) for the relief of Nicholas Hatter.

CATHARINE S. EDMONDSON.

Mr. PATTON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6205) granting a pension to Catharine S. Edmondson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4591) granting a pension to William H. Banner;
A bill (H. R. 1333) granting a pension to P. F. Seaman;
A bill (H. R. 2654) granting a pension to Mary A. Tyson;
A bill (H. R. 2701) granting a pension to Frederick Mayer; and
A bill (H. R. 4891) for the relief of Anna Hesson.

THEODORE ARTZ.

On motion of Mr. PATTON, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 2681) granting a pension to Theodore Artz; and the same was referred to the Committee on Pensions.

CATHARINA WUNSH.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 316) granting a pension to Mrs. Catharina Wunsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PENSIONS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6676) to allow soldiers and sailors who have lost an arm and a leg in the military service of the United States a pension for each disability; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARGARET WIGGINS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2089) granting a pension to Margaret Wiggins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIVERS BANKS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6786) granting a pension to Rivers Banks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HIRAM C. HENDERSON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 503) granting a pension to Hiram C. Henderson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. PRICE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3623) granting a pension to Sarah E. Price; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. REBECCA HALL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2091) granting a pension to Mrs. Rebecca Hall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. G. CRAWFORD.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4457) granting a pension to J. G. Crawford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. HENRY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4767) granting a pension to Mary A. Henry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 2075) for the relief of John Theye;
A bill (H. R. 3189) for the relief of G. S. Smiley;
A bill (H. R. 2081) granting a pension to Holden Cook;
A bill (H. R. 5316) for the relief of John R. Gillam;
A bill (H. R. 6163) for the relief of Daniel McLennan; and
A bill (H. R. 3161) granting an increase of pension to William F. Miller.

JOHN ALGOE.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 783) to increase the pension of John Algoe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELIZA HICKS.

Mr. FYAN, from the Committee on Invalid Pensions, reported back the bill (H. R. 5962) granting a pension to Mrs. Eliza Hicks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSHUA SHEPARD.

Mr. FYAN, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3691) for the relief of Joshua Shepard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GERIAH COLLINS.

Mr. FYAN, from the Committee on Invalid Pensions, also reported back the bill (H. R. 930) granting a pension to Geriah Collins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM M'CLURE.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back the bill (S. 1910) granting a pension to William McClure; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALONZO B. CHATFIELD.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back the bill (S. 1299) to increase the pension of Alonzo B. Chatfield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES STACK.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back the bill (H. R. 6665) for the relief of James Stack; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WERNER LENTZ.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3158) for the relief of Werner Lentz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS JEFFRIES.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back the bill (H. R. 200) granting a pension to Thomas Jeffries; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed:

A bill (H. R. 290) granting a pension to William M. Amerman;

A bill (H. R. 3584) granting a pension to Elisha E. Reynolds;

A bill (H. R. 3886) granting arrears of pension to George R. Staplin; and

A bill (H. R. 4331) granting a pension to Meredith Parsons.

CHANGE OF REFERENCE.

On motion of Mr. CULLEN, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 3111) for the relief of Eliza R. Weller; and the same was referred to the Committee on War Claims.

FRANCIS SCOTT.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 626) to increase the pension of Francis Scott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN JOHNSON.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2920) for the relief of John Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6309) to increase the pension of Mrs. Nannie Cushman; and

A bill (H. R. 5944) granting a pension to Hiram K. Choate.

MERIT M. OAKLEY.

Mr. HOLMES, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 458, restoring the pension of Merit M. Oakley, a bill (H. R. 6927) granting a pension to Merit M. Oakley; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEONARD KING.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 484, for the relief of Leonard King, a bill (H. R. 6928) granting a pension to Leonard King, dependent father of Miles King; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN D. BRIDGES.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 481) for the relief of John D. Bridges; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

JOHN BOSTATER.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 4440) for the relief of John Bostater; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

WILLIAM R. MILLER.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3000) for the relief of William R. Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH S. BARBOUR.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 689) granting a pension to Elizabeth S. Barbour; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NELSON GAMMONS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6461) granting a pension to Nelson Gammons; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompaning report, ordered to be printed.

CHARLES H. PHILLIPS.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 4837) granting a pension to Charles H. Phillips; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROSE DOUGHERTY.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6173) for the relief of Rose Dougherty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET G. HALPINE.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6480) granting a pension to Margaret G. Halpine; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendations the following bills and petitions; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6710) for the relief of Abraham Van Assum;

A bill (H. R. 6592) for the relief of Albert S. Orton;

A bill (H. R. 6593) for the relief of Marshall N. Cook; and

Petition of Charles Shivers, jr., late hospital steward of the United States steamer Princess Royal.

MRS. LUCY LE G. JEFFERS.

Mr. STRUBLE. I do not desire to make a report at this time, but if in order I wish to call attention to a report made by me from the Committee on Pensions on the 30th of April, for the purpose of having a correction made.

The SPEAKER. The Chair will hear the gentleman.

Mr. STRUBLE. Under direction of the Committee on Pensions I made a report on the 30th of April on a bill for the benefit of Mrs. Lucy Le G. Jeffers. It seems that two bills had been introduced for the relief of Mrs. Jeffers, and I accompanied the report which I made with the wrong bill, with House bill No. 2998, for the relief of Mrs. Lucy Le G. Jeffers, widow of the late Commodore William M. Jeffers, when the House bill No. 3661 should have been the one reported. I would like to have the last bill named by me substituted for the other bill.

The SPEAKER. The gentleman can now report that bill, and the Chair will direct that it take the place on the Calendar of the other bill.

Mr. STRUBLE. I now report back with a favorable recommendation from the Committee on Pensions the bill (H. R. 3661) granting an increase of pension to Lucy Le G. Jeffers.

The SPEAKER. The bill just reported by the gentleman from Iowa [Mr. STRUBLE] from the Committee on Pensions will be referred to the Committee of the Whole on the Private Calendar, to take the place of a bill heretofore erroneously reported by him.

The bill was accordingly referred to the Committee of the Whole House on the Private Calendar.

THOMAS THATCHER.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2483) for the relief of Thomas Thatcher; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALFRED G. HATFIELD.

Mr. GEDDES, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 1368) for the relief of Alfred G. Hatfield; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY J. FELTUS.

Mr. GEDDES, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 5013) for the relief of Henry J. Feltus; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ETHAN A. SAWYERS.

Mr. GEDDES, from the Committee on War Claims, also reported adversely a bill (H. R. 3797) for the relief of Ethan A. Sawyers; which was laid on the table, and the accompanying report ordered to be printed.

COLUMBIA HOSPITAL FOR WOMEN, ETC.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back the joint resolution (H. Res. 241) providing for the publication of the continued report of the Columbia Hospital for Women and Lying-in Asylum, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Printing.

The motion was agreed to.

MONUMENT TO THE MOTHER OF WASHINGTON.

Mr. WOODWARD, from the Committee on the Library, reported back with an amendment the bill (H. R. 5410) for the completion of the monument to Mary, the mother of Washington, at Fredericksburg, Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REBECCA GOODRICH.

Mr. CONNOLLY, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported back with a favorable recommendation the bill (H. R. 3253) for the relief of Rebecca Goodrich; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The remainder of the committees were then called.

The SPEAKER. This completes the list of committees to be called. Some gentlemen who were not present when their committees were called desire to make reports, and if there is no objection the Chair will recognize them to do so.

There was no objection.

NATIONAL HOME IN MICHIGAN FOR DISABLED VOLUNTEERS.

Mr. CUTCHEON, from the Committee on Military Affairs, reported a bill (H. R. 6929) to provide for the location of a branch National Home for Disabled Volunteer Soldiers in the State of Michigan; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported back the bill (H. R. 5050) to authorize the location of a home for disabled volunteer soldiers in the State of Michigan; and the bill (H. R. 5521) to amend chapter 3 of Title LIX of the Revised Statutes of the United States, entitled "National homes for disabled volunteer soldiers," by adding thereto section 4838, for which the bill (H. R. 6929), previously reported, was intended as a substitute; and the same were laid upon the table.

SONE & FLEMING MANUFACTURING COMPANY.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4183) for the relief of the Sone & Fleming Manufacturing Company (limited), of the city of New York; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

INCREASE OF PENSIONS.

Mr. GREENLEAF, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported a bill (H. R. 6930) to increase pensions in certain cases, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ASSISTANT NAVAL CONSTRUCTORS.

Mr. HARMER, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 6516) regulating the appointment of assistant naval constructors; which was placed on the House Calendar, and the accompanying report ordered to be printed.

WILLIAM C. DODGE.

Mr. VANCE, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. 5917) for the relief of William C. Dodge; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported adversely the following bills; which were severally laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2165) granting a pension to Robert Bryant;
A bill (H. R. 2166) granting a pension to James Kitchen;
A bill (H. R. 3652) for the relief of Benjamin Burchett; and
A bill (H. R. 4967) for the relief of Robert M. Dore.

TAXATION OF BANK SHARES IN DISTRICT OF COLUMBIA.

Mr. SPRIGGS, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 6629) taxing shares of incorporated banks in the District of Columbia as other personal property; which was referred to the House Calendar, and the accompanying report ordered to be printed.

APPOINTMENTS AND PROMOTIONS IN MARINE CORPS.

Mr. MCADOO, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 1852) to regulate appointments and promotions in the staff of the Marine Corps; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SALE OF GOVERNMENT PROPERTY AT HARPER'S FERRY.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (H. R. 1628) authorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia; which was referred to the House Calendar, and the accompanying report ordered to be printed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I rise to make a privileged report. By instruction of the Committee on Rivers and Harbors I report a bill making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. This is the bill commonly known as the river and harbor bill. I ask that it may be printed with the accompanying report and recommitted.

It is proper to state that upon one item in this bill—that in relation to the Hennepin Canal—the committee were divided. The gentleman from Pennsylvania [Mr. BAYNE] and other members of the committee, including myself, were of the opinion that this item was not properly before the committee. Instead, however, of filing a minority report, we have reserved to ourselves the right to oppose this item in the House and to give our reasons for that opposition when the matter comes up for discussion.

Mr. HAMMOND. I reserve points of order on the bill.

The bill (H. R. 6931) was read a first and second time, and, with the accompanying report, recommitted and ordered to be printed.

ORDER OF BUSINESS.

Mr. SLOCUM. I move that the House proceed to the consideration of business on the Speaker's table.

The SPEAKER. Before putting that motion the Chair thinks it proper to state there is thought to have been some mistake about an objection made to the request of the gentleman from Illinois [Mr. PAYSON] for the consideration of a bill in relation to the unlawful occupancy of the public lands. The Clerk will report the title of the bill again, and the Chair will then ask whether there is objection.

Mr. PAYSON. Before the Clerk reads the title I desire unanimous consent, if it be in order, to occupy two minutes in explaining the bill before objections are called for.

The SPEAKER. The gentleman from Illinois asks unanimous consent to make a statement——

Mr. MORRISON. I call for the regular order.

The SPEAKER. The regular order is called for.

Mr. PAYSON. By whom?

Mr. MORRISON. By your colleague.

Mr. PAYSON. I have a right to know, I suppose.

Mr. MORRISON. Very well, sir; you know.

Mr. BELFORD. I shall object hereafter to anything being done by unanimous consent.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. SLOCUM], that the House now proceed to the consideration of business on the Speaker's table,

The question being taken, there were—ayes 70, noes 64.

Mr. BROWNE, of Indiana. I make the point that no quorum has voted.

Tellers were ordered; and Mr. BROWNE, of Indiana, and Mr. SLOCUM were appointed.

The House again divided; and the tellers reported—ayes 102, noes 59.

Mr. BROWNE, of Indiana. I do not insist further upon the demand for a quorum.

So the motion to proceed to the consideration of business on the Speaker's table was agreed to.

REPEAL OF TEST-OATH.

The first business on the Speaker's table was the amendments of the Senate to the bill (H. R. 3926) to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed in said act.

The SPEAKER. The Clerk will read the amendments of the Senate. The House will be in order.

Mr. BELFORD. I rise to a question of privilege. I am a member of this House; and I have a right to know what is being read at the Clerk's desk.

The SPEAKER. The Chair thinks so, and is endeavoring to obtain order.

Mr. BELFORD. If gentlemen on the floor can not keep quiet, I

think they should be put under the supervision of the Sergeant-at-Arms.

The SPEAKER. Gentlemen in the rear of the seats will please stop conversation.

The amendments of the Senate were read, as follows:

Strike out all after the enacting clause and insert:

"That section 1218 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"'SEC. 1218. No person who held a commission in the Army or Navy of the United States at the beginning of the late rebellion, and afterward served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection, during the late rebellion, shall be appointed to any position in the Army or Navy of the United States.'

"'SEC. 2. That section 1756 of the Revised Statutes be, and the same is hereby, repealed; and hereafter the oath to be taken by any person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, except the President of the United States, shall be as prescribed in section 1757 of the Revised Statutes. But this repeal shall not affect the oaths prescribed by existing statutes in relation to the performance of duties in special or particular subordinate offices and employments.

"'SEC. 3. That the provisions of this act shall in no manner affect any right, duty, claim, obligation, or penalty now existing or already incurred; and all and every such right, duty, claim, obligation, and penalty shall be heard, tried, and determined, and effect shall be given thereto, in the same manner as if this act had not been passed.

"'SEC. 4. That section 820 of the Revised Statutes, imposing certain disqualifications on grand and petit jurors in the courts of the United States, and section 821 of the Revised Statutes, prescribing an oath for grand and petit jurors in the courts of the United States, be, and the same are hereby, repealed.'

"Amend the title of the bill so as to read: 'An act amending the Revised Statutes of the United States in respect of official oaths, and for other purposes.'"

Mr. COX, of New York. I move to concur in the amendments of the Senate; or if any gentleman would like to non-concur, I am willing that motion shall be made.

Mr. KEIFER. Would it not be better to refer the bill, with the amendments of the Senate, to the Committee on the Judiciary?

Mr. COX, of New York. No, sir. I am informed by Senators on both sides that they have done just about as well as they can do with the bill. That is the opinion of Senator LOGAN and Senator GARLAND.

Mr. KEIFER. Our own Judiciary Committee has not examined the matter, I believe.

Mr. COX, of New York. I move to concur in the amendments of the Senate. I will state that this substitute relieves Congressmen from the obligation to take the iron-clad oath; it also relieves jurors from disqualification on account of inability to take that oath. It continues in force the old law so far as concerns future Presidents of the United States.

The third section of the Senate substitute saves all rights, prevents all possibility of trouble growing out of the repeal of the test-oath. It is, I think, the general sentiment that this oath should be repealed as to Senators and Representatives in Congress and as to jurors in the United States courts.

It leaves the law stand so far as the President of the United States hereafter to be elected is concerned, and compels him to take the old iron-clad oath in case he was a rebel, so called.

It keeps the present law in existence so far as it concerns officers who hold commissions under the United States and who graduated at West Point or Annapolis. Therefore this bill as amended is not all I could wish. It is all I could get, I know, by a committee of conference. The Senate has passed it, the Judiciary Committee in the Senate have approved it, and I call the previous question on concurring in the Senate amendment.

The previous question was ordered.

The amendment of the Senate was concurred in.

The SPEAKER. If there be no objection, the amendment to the title will also be concurred in.

There was no objection, and it was ordered accordingly.

Mr. COX, of New York, moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FITZ-JOHN PORTER.

The next business on the Speaker's table was the bill (H. R. 1015) for the relief of Fitz-John Porter, returned from the Senate with the following amendment:

Strike out all after the enacting clause and insert the following:

"That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States Volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, and, in his discretion, to place him on the retired-list of the Army as of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Fitz-John Porter shall receive no pay, compensation, or allowance whatsoever prior to his appointment under this act."

Mr. KEIFER. I move the reference of that bill to the Committee on Military Affairs.

Mr. SLOCUM. I move to amend by substituting for that motion that the House non-concur in the amendment of the Senate.

The SPEAKER. That can not be moved as a substitute.

Mr. SLOCUM. Then I move as an amendment to the gentleman's motion that the Committee on Military Affairs have power to report at any time.

Mr. RANDALL. A motion to concur or non-concur has precedence, I think.

Mr. KEIFER. That would change the standing rule in reference to this bill that the first motion in coming up as it does is a motion for reference.

Mr. RANDALL. If I recollect aright a motion to concur or a motion to non-concur has precedence over a motion to refer.

Mr. KEIFER. The gentleman is mistaken.

Mr. RANDALL. I may be, but I think not.

Mr. KEIFER. The rule provides the order, and a motion to refer takes precedence.

Mr. RANDALL. The House has the right to conclude legislation by such motion of concurrence rather than to retard action by a motion to recommit.

Mr. KEIFER. Allow me to say the gentleman has reference to matters not on the Speaker's table, when a motion to concur or a motion to non-concur may be made and will take precedence.

Mr. RANDALL. I may have forgotten and confused the old with the new rule, but I think not.

The SPEAKER. The rule will be read.

The Clerk read as follows:

5. Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to the business on the Speaker's table, which, the motion prevailing, the Speaker shall dispose of in the following order:

First. Messages from the President and other executive communications.

Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

Third. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees or put on their passage; and the motions so to refer shall have precedence of all other motions touching their disposition.

Fourth. Engrossed bills and bills from the Senate on their third reading.

The SPEAKER. That rule, as to references, relates only to Senate bills, and this is a House bill with a Senate amendment.

Mr. RANDALL. The theory of the rule, and of all rules indeed, is in the direction of completing legislation by concurrence in amendments between the two Houses.

The SPEAKER. The Chair will cause the rule to be read also in reference to priority of motions, from which it appears there is nothing contained in the written rules of the House on this subject. It is a matter of practice only.

Mr. SLOCUM. I hope the House will vote down the motion.

The Clerk read as follows:

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

The SPEAKER. It will be observed that this rule does not seem to have any application to House bills with Senate amendments. The Chair is not aware of any positive rule of the House on that subject. It is a mere matter of practice.

Mr. RANDALL. And the practice has been to give precedence to motions which have for their object the completion of legislation.

Mr. BELFORD. Mr. Speaker, we have passed this bill through the House. It went to the Senate. The Senate added an amendment to it. It came back here, and the only thing for us to do is to concur or non-concur in that amendment of the Senate. If the House refuses to concur, it must, in the nature of things, go to a committee of conference. This attempt, then, to have it referred to the Committee on Military Affairs is a stealthy attempt to avoid doing justice to a man whom General Grant, one of the greatest generals of your Army, said had been treated with contumely and injustice. I say, under the rules of this House, the only procedure is to concur or non-concur in the Senate amendment, and then, if we non-concur, to send the whole subject to a conference committee.

I have been in this House for eight years, and I have never understood that it adopted any other rule, and I do not propose to stand by the Republican side of prejudices or partisanship in this case against the greatest general of the American Army, who has certified to the fact that injustice has been done to this man.

Mr. SLOCUM. I move the previous question.

Mr. BAYNE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAYNE. What motion is now pending?

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] has moved to refer the Senate amendments to the Committee on Military Affairs. The gentleman from New York [Mr. SLOCUM] moved to non-concur in the Senate amendments, and the point of order was made that the vote should first be taken upon the motion to non-concur.

Mr. BAYNE. I move that the House concur in the Senate amendment.

The SPEAKER. The Chair thinks that motion would take precedence.

Mr. BAYNE. I desire to say a word upon that subject.

Mr. SLOCUM. I have demanded the previous question.

Mr. BAYNE. That may be so, but the gag law can not be and should not be applied to this case; and I have the floor now and I will not yield.

The SPEAKER. Does the gentleman from New York insist upon the demand for the previous question?

Mr. SLOCUM. I do.

Mr. BAYNE. Not while I have the floor.

The SPEAKER. The demand was made before the gentleman took the floor.

Mr. BAYNE. But I have the floor now.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that the demand for the previous question was made before the gentleman obtained the floor; and the gentleman from Pennsylvania, it will be remembered, obtained the floor upon the statement that he desired to make a parliamentary inquiry, which, of course, gave him the right to be recognized for that purpose only.

Mr. REED. But can the previous question be moved until the point of order is decided as to which motion takes precedence?

The SPEAKER. Pending the point of order the Chair thinks not, and that the demand for the previous question would have no effect.

Mr. REED. Is it not necessary, then, before the previous question is moved, to know on what it can be moved?

The SPEAKER. The Chair thinks so, and was about to decide the point of order.

Mr. REED. Therefore the point of order must be decided before the previous question is ordered.

Mr. RANDALL. I desire to have read, as bearing upon this subject, what I send to the desk from the Digest.

The Clerk read as follows:

CONCURRENCE.

[The question which first arises on a resolution, amendment, or conference report, is on concurrence. And as the negative of concurrence amounts to the affirmative of non-concurrence, no question is afterward put on the latter motion. This, however, does not apply in the Committee of the Whole to a negative vote on a motion to lay aside a bill to be reported *favorably* to the House. In such case the bill is not to be reported *adversely* to the House, but retains its place on the Calendar and is subject to further debate and amendment.]

Mr. RANDALL. That bears directly upon this point, and I submit the practice as there stated governs the House; therefore that the motion of the gentleman to concur takes precedence, for that being voted down is equivalent to non-concurrence and ends the subject.

Mr. WILSON, of Iowa. Will the Chair permit me a moment?

The SPEAKER. The Chair will hear the gentleman from Iowa.

Mr. WILSON, of Iowa. If the gentleman from New York had moved the previous question, the gentleman from Ohio could not have made the motion to refer.

The SPEAKER. That was not done until after the motion to refer was made.

Mr. WILSON, of Iowa. But the gentleman from Ohio having made the motion to recommit to the Committee on Military Affairs, the question then came up whether the motion to concur took precedence of the motion to recommit.

The SPEAKER. No; if the gentleman from Iowa will permit the Chair to correct him, the question was whether the motion to non-concur had preference over the motion to refer the amendments to the Committee on Military Affairs. The Chair stated when the gentleman from Pennsylvania submitted his parliamentary inquiry that in his opinion the motion to concur would take precedence.

Mr. RANDALL. And the Chair is sustained by the paragraph I have just caused to be read.

The SPEAKER. The Chair so stated to the gentleman from Pennsylvania in response to his inquiry; and the question before the Chair is whether the motion to non-concur has preference over the motion to commit.

Mr. RANDALL. And that motion is not necessary, because as shown by the practice of the House the adverse action of the House on the motion to concur is equivalent to a motion to non-concur.

The SPEAKER. But that motion had not been made before the previous question was demanded.

Mr. WILSON, of Iowa. Now, Mr. Speaker, a moment upon that point. If the gentleman from Ohio had risen in his place and moved that the House concur in the Senate amendment with an amendment, nobody for a moment would have doubted that it was in order, for that is the common practice of parliamentary law. The motion to recommit takes precedence of the motion to amend, and consequently the motion of the gentleman from Ohio takes precedence of a motion to non-concur, for a motion to amend would take precedence of a motion to concur.

And I have no doubt—I may be wrong; I hesitate always to oppose the gentleman from Pennsylvania [Mr. RANDALL], knowing how well versed he is in parliamentary law—but I have no doubt if the House wants to refer before it considers the question of concurrence or non-concurrence, it can do so, and do so in conformity with the rules.

Mr. KEIFER. It is very obvious that the gentleman from Pennsylvania states the rule accurately when he says the motion to concur shall take precedence of the motion to non-concur. But that is not the question presented here. It is the question whether a motion to refer to one of the standing committees shall take precedence of the motion to non-concur, which I understand is the motion made by the gentleman from New York [Mr. SLOCUM]. Now, Mr. Speaker, if the motion to refer can be made at all it must take precedence of a motion to concur or non-concur. If we are to vote on the motion to concur or non-concur first, we in so doing dispose of the whole matter and take it out of the power of the House to refer a bill with Senate amendments to one of the standing committees of the House; and it is impossible to reach the motion to refer at all.

Mr. RANDALL. Well, the will of the majority prevails, nevertheless.

Mr. KEIFER. I like that statement of the gentleman from Pennsylvania very well. I have always believed in the doctrine that the will of the majority should prevail. But this is a question of how that will shall be expressed; whether the majority shall be allowed to vote on a question of reference, or whether we shall give such construction to our standing rules as shall cut off the making of one of the most appropriate motions provided by the rules, to wit, a motion to refer a subject-matter before the House to one of the standing committees of the House. The gentleman's construction of the rule would deprive the House of the right to have this matter referred to a committee for consideration; it would deprive the House of the right to have that question voted upon at all.

It is very true that the House can decide this question by a majority. It can vote down the motion for a reference, as in the case of bills from the Senate on their third reading, as to which it is very clear from paragraph 5 of Rule XXIV, the motion to refer is the first motion in order. The gentleman from Pennsylvania might just as well state, as against that, that it abridges the right of the House, because the House might want to consider in the first instance, and not to vote on the question of reference.

The practice has been, I submit, that a motion to refer any matter that may be found on the Speaker's table shall take precedence. Then a motion to concur or a motion to non-concur may be in order, and if both are made the former takes precedence.

Mr. RANDALL. I dissent from the view expressed by the gentleman from Ohio. There being, as has been stated by the Speaker, no rule absolutely fixing, in the condition in which this bill is, the priority of a motion to refer or a motion to concur, we are left to the practice as stated in the passage of the Manual which I have caused to be read; and if the gentleman from Ohio now insists that when a bill which has been passed by the House and returned from the Senate with amendments is reached on the Speaker's table a motion can be interposed to refer before a motion of concurrence or non-concurrence, I ask the decision of the Chair on that question.

Mr. SLOCUM. I withdraw the motion for the previous question.

The SPEAKER. The gentleman from New York [Mr. SLOCUM] withdraws his demand for the previous question and the gentleman from Pennsylvania [Mr. BAYNE] moves to concur.

Mr. BAYNE. I move to concur, and I want to say a word on that motion.

Mr. KEIFER. Will the gentleman pardon me one moment? Has the Chair decided the question of order?

The SPEAKER. The Chair thinks the motion to concur under the practice of the House has precedence over a motion to refer to a committee. Substantially it comes to the same thing. It is merely a question which motion shall come first. If a majority of the House is in favor of committing, it can vote down the motion to concur. The gentleman from New York [Mr. SLOCUM] withdrew his demand for the previous question, and thereupon the gentleman from Pennsylvania [Mr. BAYNE] obtained the floor and made the motion to concur.

Mr. KEIFER. I do not take an appeal from the decision of the Chair, but I will say I do not think it is in accordance with the rule.

The SPEAKER. The Chair thinks the purpose of all parliamentary law is to bring the two Houses together if possible, and if there is no positive rule to the contrary such a practice should be adopted as will tend to produce that result at the earliest possible moment.

Mr. BAYNE. I have only a word or two to say.

Mr. SLOCUM. I yield to the gentleman from Pennsylvania five minutes.

Mr. BAYNE. I have made my motion and speak in my own time.

The SPEAKER. The gentleman from Pennsylvania [Mr. BAYNE] has the floor.

Mr. BAYNE. This bill as it comes back from the Senate is substantially the same bill as passed the House. An impression went abroad and was published in some of the newspapers of the country that the bill which was passed by the House allowed back pay. That was not the fact. I myself had proposed an amendment in the House with the concurrence of the gentleman on my right who supported the bill, the gentleman from Massachusetts [Mr. LONG], and with the concurrence of the gentlemen on that side who agreed to it that there should be no back pay; and we inserted words in the bill in the shape of an amendment that shut out all back pay. The bill was passed by the House in that form. It was the understanding of every one in the House that it did not carry with it back pay. It went over to the Senate and the

Senate modified the bill in a single particular; that is, it emphasized or made perhaps a little more definite or more explicit the proposition of the bill that it should not carry back pay.

Nobody wants the bill to carry back pay; nobody expects it to carry back pay. The bill is now just what the friends of Fitz-John Porter ask for and insist upon. I say that good faith to Fitz-John Porter, good faith to the integrity of legislation, requires that we shall vote to concur in the Senate amendment and let this bill go to the President for his approval or disapproval. That is all that is involved in this motion to concur. It is simply a concurrence in the proposition put in the bill by the Senate, which proposition means exactly the same as the proposition which was put into the bill by the House. The proposition of the Senate perhaps makes the meaning a little more clear and a little more explicit, but nevertheless it means that and means nothing more.

I say, therefore, that the fair, square, honest vote on this bill is to vote to concur in the Senate amendment and let the bill go to the President for his approval or disapproval. That is all I have to say.

Mr. KEIFER. I think we should be heard in opposition to this motion to concur. I do not expect to take more than a minute or two for what I have to say. The pending proposition is to concur with the Senate in an amendment to a bill passed by the House some time since. There is nothing very materially different in the amendment of the Senate from the original bill, unless it be in the respect mentioned by the gentleman from Pennsylvania [Mr. BAYNE].

I do not propose to discuss now the broad merits of the proposed legislation. I am satisfied with what I have hitherto said upon that subject. I believe that to enact this bill into a law will be a very dangerous precedent, and I am sorry that it has been reserved to this Congress to consummate this outrage upon the patriotic and brave soldiers of the country.

But my purpose in rising was to call attention to what I have not hitherto heard mentioned this session, though it may have been. This is a proposition that is startling in this respect: this bill proposes to create an entirely new office, one that is wholly unknown to the law or to the Constitution of the United States. The proposition is to create the office of "a colonel in the Army." There never was such an office in the United States Army as "a colonel in the Army." Some gentlemen may wish to controvert that, but I guess they will not.

There are colonels of regiments in the Army; there are perhaps colonels connected with the staff corps of the Army, both in the volunteer and regular Army. But the proposition of this bill is to create a new office. Of course that proposition standing alone by itself might be done by law.

But what is proposed still further is to declare by this bill that that single office created by this proposed law shall be only filled by the President of the United States in exercising his constitutional power, by the appointment of one man, to wit, Fitz-John Porter, a man who was dismissed from the service, after a full trial, for disobedience of orders, &c. Therefore the constitutional power of the President to make appointments is here limited so that he has not the discretion which was given him by the Constitution to make selections to fill an office created by law. I need not stop to read that portion of the Constitution.

This method of legislation would enable the Congress of the United States to usurp all the executive power to fill offices created by law, or to compel the President to fill all such offices by just such persons as the Congress might name. Suppose, for instance, we should create an additional judge of the United States court; we might say that the office of judge of the court so created for such and such a district, or whatever judge we chose to make it, shall be filled by the President by the appointment of John Smith or some other person named by Congress. We could in that way always direct the President in the exercise of his appointing power, and take away from him that discretion which was supposed to have been secured to him and was secured to him by the Constitution of the United States.

Mr. RANNEY. It is not obligatory upon the President in this case.

Mr. KEIFER. It is suggested by the gentleman from Massachusetts [Mr. RANNEY] that it is not obligatory upon the President to appoint Fitz-John Porter to this office of "a colonel in the Army;" that it is only a matter of discretion. But suppose we were creating an additional justice of the Supreme Court, as has been done in years past by Congress increasing the number of the justices of that court; we might say that for the office of justice of the Supreme Court so created the President might exercise his discretion by appointing the gentleman from Massachusetts [Mr. RANNEY], which would be a very good appointment, no doubt. But if we followed in that bill the terms of this bill it would not leave the President the right to appoint to that office the gentleman from Vermont [Mr. POLAND].

I do not know that I desire to pursue this matter further at present. The gentleman from Michigan [Mr. CUTCHEON] has intimated to me that he desired some time upon this matter. I will ask him how much time he wants?

Mr. CUTCHEON. I should like to have fifteen minutes.

Mr. KEIFER. I will yield to the gentleman for fifteen minutes and reserve the remainder of my time.

Mr. CUTCHEON. This bill is now before the House once more and comes to us in precisely the form which my amendment would have given it, if adopted, on the 1st of February last. At that time, as appears from the RECORD, I moved to strike from the bill the words "together with all the rights, titles, and privileges," calling the attention of the House then to the fact that among those "rights, titles, and privileges" to which this bill would have restored Fitz-John Porter was the right, title, and privileges of a major-general of volunteers, which rank he held at the time of his dismissal. The Senate of the United States has adopted the amendment which this House then refused to adopt; and the bill is now before us for further consideration.

I suppose, Mr. Speaker, that this bill is to pass. I suppose that this amendment is to be concurred in. But before this act is consummated and before this last record upon this case is made in this House, I desire for the second and the last time to be heard for a few moments.

I suppose, as was said the other day by the gentleman from New York [Mr. HEWITT] in debating the tariff bill, that though one should rise from the dead and bring a message to this House to-day protesting in the name of all the martyrs slain and all the heroes buried on a thousand bloody fields, it would not prevent the passage of this bill. But if it be passed, Mr. Speaker, it shall be passed over my most earnest and repeated protest; and I stand here, Mr. Speaker, to make that protest, in the name of those 2,000,000 men who bore the flag of our country through four years of bloody war, against this act of sacrilege and to protest also in the name of the living heroes who gave their blood as the token of their devotion not only to the cause of their country, but also in token of their devotion to military subordination and obedience to orders.

I come not this morning, Mr. Speaker, to address further words to the gentlemen on the other side of the House. I am satisfied it would be in vain. But I have a few words in conclusion to the gentlemen who sit about me on this side of the House. During my five months' of service here I have never yet found it necessary to utter the word "Democrat" or the word "Republican" in the debates here. Upon every measure that has come before me I have sought to act according to its merits, without regard to party lines. We are told that this is not and can not be made a party question; that there is nothing in the nature of the case that would constitute it a party question. With all deference to my brethren on this side of the House who voted for this bill on its passage before, I beg to differ from them. I say that this is and from its nature must be to a certain extent and in a certain sense a party question. The policy of the two great parties in the prosecution of the war is on trial here this morning, and more than that, Mr. Speaker, to-day the three greatest names of the Republican party, Abraham Lincoln, Edwin M. Stanton, and James A. Garfield, are deeply involved; and you can not give a vote for this bill unless you give a vote to defame the name of Abraham Lincoln, to blacken the memory of Edwin M. Stanton, and to send down to posterity with obloquy the name of our last great martyr, James A. Garfield. [Applause.]

Mr. BELFORD. Tell us about General Grant.

Mr. CUTCHEON. In due time. Mr. Speaker, just before the events involved in this bill transpired there occurred a great and wide departure between the two great parties in this country in regard to the prosecution of the war.

When George B. McClellan, commander of the Army of the Potomac, changed his base from the Chickahominy to the James and withdrew from Malvern Hill to Harrison's Landing, McClellan joined issue with Abraham Lincoln in regard to the policy of the prosecution of the war; and from that time on there was a vital difference of policy between the two great parties.

The policy of the administration, which was arraigned by the eloquent gentleman from Pennsylvania [Mr. CURTIN] in the closing speech of the previous debate on this bill, was the policy of emancipation, the prosecution of the war for the purpose of wiping out that great institution which was the cause of the war. The policy of the Democratic party as voiced by George B. McClellan in his famous letter from Harrison's Landing was the perpetuation of the institution of slavery, the cessation of the war, and the reconstruction of the Union upon that basis.

On the 28th of June, 1862, George B. McClellan telegraphed from the front, saying:

If I save this army now, I tell you plainly that I owe no thanks to you—

This was his telegram to the President of the United States—

I owe no thanks to you or any other man in Washington. You have done—

Addressing these words to Abraham Lincoln—

you have done your best to sacrifice this army.

A more indiscreet dispatch was never penned by a commanding general to his commander-in-chief. It was an attempt upon the part of George B. McClellan to alienate the allegiance and the loyalty and the fidelity of the great army which he commanded from the Government, and to attach it to himself. It was a part of that same transaction of which General Daniel E. Sickles boasted in his after-dinner speech at Detroit two years ago at the reunion of the Army of the Potomac—that "McClellan might have been dictator of the United States." Mr. Speaker, the man does not now live, the man never has lived, who could be dictator of the United States. [Applause.]

But George B. McClellan became from that time forth the mouthpiece and the voice of the Democratic policy of the war—the policy of the preservation of the institution of slavery. Abraham Lincoln was the representative of the opposite policy. And here and now Fitz-John Porter stands as the exponent of the Democratic policy of the war. And those who oppose this bill stand here as the defenders of the administration of Abraham Lincoln and those who stood with him. There is a difference heaven-wide between those two policies, and I believe this very difference of policies is the key-note of the disobedience of Fitz-John Porter at the battle of Manassas on the 28th of August, 1862.

When this case arose George B. McClellan had been practically removed from command of the Army of the Potomac. Division after division and corps after corps of his army had been taken from his command and placed under the command of General John Pope, who was in accord with the political policy of the administration. It was the full determination of those who sympathized with McClellan, among them Fitz-John Porter, to restore that command once more to McClellan's hands. There was but one way to do it, and that was to force the Army of the Potomac and the Army of Virginia back into the works around Washington, where McClellan by right of seniority would be commander of the reunited army. That was the key to the whole situation. It was an issue between the Democratic policy of the war with the preservation of slavery and Lincoln's policy of the war, which was emancipation.

And, gentlemen, we are here to-day enacting the last scene of that great contest. As I said before, I suppose this bill will be passed; but I appeal to gentlemen on this side of the House, if it be passed, it shall not be passed by the votes of those who belong on this side of the House. If the name of Abraham Lincoln is to be blackened let it come from the same hands that fought against him in the war. Let it come from the same men who, during those four years, were accustomed in their common speech to denounce him as Lincoln the tyrant, as Lincoln the harlequin. If James A. Garfield's memory is to be smirched here to-day, let it be done by the same men who in 1880 crawled under cover of darkness to write cabalistic figures on door-posts and fences, in order that they might by innuendo traduce the name of Garfield; by the same men who sent forged letters by the car-load to California and New Jersey, to obtain by fraud electoral votes which otherwise they could not have gained. I beg my Republican associates here not to lend their aid to complete and consummate this outrage and this sacrifice.

I do not care here and now to re-enter upon the merits of this case. Since I addressed the committee before on this subject new evidence has come into my possession which I would be glad to present, but I suppose it will make no difference whatever. I have a letter from a gentleman who resides in this city who was then an officer on the staff of Major-General Pope, and on that night in question, the night of the 27th and 28th of August, 1862, was sent back from Bristoe Station to Warrenton Junction to bring up a regiment which had been left on picket by oversight. He declares he marched over that very road that very night at the very hour Fitz-John Porter should have been marching over it, and it lay open and clear and bright under the starlight, and that anybody who tells him that there was any difficulty about marching that night knows not of what he affirms.

I have another letter from an old commander of mine, who at that very time commanded one of the divisions of Reno's corps, and he stated his command marched until after midnight on both those nights. He says he was present at a council of war on the 28th, when this matter was discussed, and there Maj. Gen. Phil. Kearny, in the presence of General Pope and General McDowell and General Reno and General Stevens, declared to General Pope he need expect no co-operation from Fitz-John Porter, for he would afford none; that they were determined the Army of the Potomac should be forced back within the forts of Washington, in order that McClellan might be restored to the command of the reunited armies. This brigade commander, I wish to say to my friend from Pennsylvania [Mr. BAYNE], is no other than Brig. Gen. Daniel Leasure, who raised the One hundredth Pennsylvania "round head" regiment in his own city of Allegheny.

So far as I am concerned I submit this question to this committee. If it is passed it will be, in my judgment, one of the greatest wrongs in history. It will be saying to major-generals in our regular Army that obedience or disobedience is a matter of choice with them and not a matter of military necessity. It will be revoking the judgment of the greatest court-martial that ever sat on this continent. It will be to dishonor the memory of Abraham Lincoln. It will be to consign to obloquy the names of Edwin M. Stanton and James A. Garfield.

[Here the hammer fell.]

Mr. KEIFER. I now yield fifteen minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I desire very briefly to discuss the question which is now pending. It has been my fortune once or twice before to call the other side of the House back to the Constitution, and this morning I shall make a few remarks in that same line, and believe that I shall be able to furnish some good Democratic authorities, and which I will commend to the consideration of the other side. First I will read a provision of the Constitution of the United States touching the powers and duties of the President:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

"He shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, &c., and all other officers of the United States." It is to these words I invite attention.

The sole limitation on the appointing power of the President is the Senate.

Sir, we have before us a bill which manifestly creates the office of colonel in the Army of the United States, and after having created that office limits the President in making his selection of a proper person to fill it to one person—Fitz-John Porter. The other day a bill was here in which it was sought to limit the appointment of governors in the Territories to the persons resident within the Territories respectively, and I found gentlemen upon the other side of the House that agreed with me that that bill was a limitation upon the constitutional power of the President in making his appointments, and I have been informed that a committee of the Senate has so decided. Suppose that this bill, instead of creating the office of a colonel in the Army, had created the office of an additional judge of the Supreme Court of the United States and at the same time limited the appointing power of the President to a single individual to fill that high position; or suppose that it had been a law limiting the appointment of a judge or of a governor of a Territory to one, two, three, or more individuals, would my friends defend the constitutionality of such a law? There is not an office or a position that I could not invoke here to illustrate the position I take. As to offices created by act of Congress, it is within the power of Congress to repeal the statutes creating them, and once having repealed the statute you can pass new laws creating new offices with the same jurisdiction as the old ones, and limiting the power of the President to fill them with a particular individual, if this bill is constitutional. But I have said, sir, that I had some Democratic authority upon the question. I have that which is entitled to consideration from the Democratic side of the House and which I trust they will respect. In 1821 a law was passed by Congress to reduce and fix the military and peace establishment of the United States. It will be remembered that at that time James Monroe was President of the United States.

It was sought to limit the appointing power of the President to particular individuals or classes of individuals that he should nominate as officers in the Army. I believe that John C. Calhoun was then Secretary of War, and I have before me a message of the President to Congress, some portions of which I shall take the liberty of reading. This is what President Monroe says upon that question:

In filling the original vacancies in the artillery and in the newly created office of adjutant-general, I considered myself at liberty to place in them any officer belonging to any part of the whole military establishment, whether of the staff or line. In filling original vacancies, that is offices newly created, it is my opinion, as a general principle, that Congress have no right, under the Constitution, to impose any restraint by law on the power granted to the President so as to prevent his making a free selection of proper persons for these offices from the whole body of his fellow-citizens. Without, however, entering here into that question, I have no hesitation in declaring it as my opinion that the law fully authorized a selection from any branch of the whole military establishment of 1815.

A little further on in the same message he uses this language:

Having already suggested my impression that in filling offices newly created to which on no principle whatever any one could have a claim of right Congress could not, under the Constitution, restrain the free selection of the President from the whole body of his fellow-citizens, I shall only further remark that if that impression is well founded all objections to these appointments must cease. If the law imposed such restraint it would in that case be void. But according to my judgment the law imposed none.

Again, in another place, he says:

If the right of the President to fill these original vacancies by the selection of officers from any branch of the whole military establishment was denied he would be compelled to place in them officers of the same grade whose corps had been reduced and they with them. The effect, therefore, of the law as to those appointments would be to legislate into office men who had been already legislated out of office, taking from the President all agency in their appointment. Such a construction would not only be subversive of the obvious principle of the Constitution but utterly inconsistent with the spirit of the law itself, since it would provide offices for a particular grade, and fix every member of that grade in those offices at a time when every other grade was reduced, and among them generals and other officers of the highest merit.

Mr. DORSHEIMER. From what is the gentleman reading?

Mr. ROSECRANS. May I ask the gentleman from New York a question?

Mr. HISCOCK. After I have answered the question of my colleague. He asks from what I am reading. I am reading Niles's Register, from March, 1822, to September of that year. This I believe is the new series which I hold in my hand, and the message from which I read, and to which I call the attention of the House, will be found on page 410 and following.

Now I will yield to the gentleman from California, but as my time is limited I hope he will be as brief as he can.

Mr. ROSECRANS. My question is this: The offices about the filling of which the gentleman has just been reading were permanent offices, as I understand; they continued and were to be filled successively as long as the law stood. Is that the case?

Mr. HISCOCK. I have not looked particularly to see if there was a limitation upon the time those offices were to be held, but I presume there was none.

Mr. ROSECRANS. Then I will ask the gentleman this question. In his experience does he not know Congress has authorized the appointment——

Mr. HISCOCK. My time being limited, I will anticipate the question. I do know that Congress has passed repeated acts authorizing the President to nominate to the Senate and, by and with the advice and consent of the Senate, to appoint men to the Army with a provision afterward in the law for their retirement. I know all that, and I know there is precedent for this bill. But I believe the time is now reached when we may as well meet that constitutional question and have it disposed of.

Mr. MAGINNIS. What will the gentleman from New York [Mr. HISCOCK] do with the acts of Congress already passed? The law provides that the President shall not have the right of selection of officers of the Army below the rank of general. All others are promoted in accordance with and his choice is limited by the rule of seniority. What would he do with the law making Grant General of the armies, and after Grant's election to the Presidency promoting Sherman to be General and Sheridan to be Lieutenant-General? There was the act restoring Granville O. Haller to the Army after that officer's dismissal. A bill recently passed to place General Averill on the retired-list and many other acts of the same nature have become laws. Certainly if these laws are unconstitutional the courts have never so decided, and the Congress is late in finding out the fact.

Mr. HISCOCK. The first point suggested by the question I can not in my limited time discuss at any length. If the laws regulating promotions can be defended as constitutional, it will be under that clause of the Constitution which grants to Congress the power "to make rules for the government and regulation of the land and naval forces of the United States." There may be some other provision; I have none in my mind that justifies promotions under a rule of seniority; but this provision, I believe, is the warrant for it, and was so understood and construed by the fathers of the Constitution, but it does not apply to or countenance the appointment of a particular man from civil life to the office of colonel in the Army by act of Congress. And now, sir, I will read the act approved July 25, 1866, Thirty-ninth Congress, first session, (14 Stat., page 223, chapter 232), the law under which General Grant was made General of the Army:

An act to revive the grade of General of the United States Army.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the grade of "General of the Army of the United States" be, and the same is hereby, revived; and that the President is hereby authorized, whenever he deem it expedient, to appoint, by and with the advice and consent of the Senate, a General of the Army of the United States, to be selected from among those officers in the military service of the United States most distinguished for courage, skill, and ability, who, being commissioned as General, may be authorized under the direction and during the pleasure of the President to command the armies of the United States.

It will be noted, the General of the Army was to be "selected from among those officers in the military service of the United States most distinguished for courage, skill, and ability, who, being commissioned as General, may be authorized under the direction and during the pleasure of the President to command the Army of the United States."

Promotion on account of great merit and enlargement of authority may well be said to come within the power "to make rules for the government and regulation of" the Army. Note, no one was named. All understood upon whom the great honor would be conferred, and I doubt not, but for the constitutional provision I first read, General Grant would have been named in the law. I frankly say, however, I am entering somewhat into the field of conjecture upon that point, as I have not examined the debates or report of the committee that reported that act, if one was made.

Mr. Speaker, admitting that laws have been passed that afford precedents for this bill is no answer to my objection. I ask if there is a lawyer upon either side of the House that believes a law of this character would be constitutional which provided for filling a civil office—any branch of it? And where lies the distinction?

The constitutional question may never have been raised; but when raised it must be passed upon honestly.

It is true that there are but very few authorities upon this question. In this case which I have before me the Senate considered the question of rejecting the nominations of President Monroe because he had not complied with the law. The question was fairly presented by a conflict between the Senate, the confirming power, and the President; and he said in reference to it, "Congress has no power to limit me in making my nominations. I have the right to take my nominees from the body of my fellow-citizens. I do not believe the law which you passed does limit me; you seem to think that it does. If I am right and it does not, then for that reason my nominations are not to be rejected; on the other hand, if it does limit me, then I say the law is unconstitutional, and you can not reject the nominations because I have not regarded the restrictions."

I believe John C. Calhoun was then Secretary of War. Doubtless this message emanated from his pen. Certainly it is authority that should command respect from every gentleman upon the other side of the House.

I hope this bill will be committed to the Committee on the Judiciary, that the very learned and able chairman of that committee, the gentleman from Virginia [Mr. TUCKER], with such associates as he has, including my very able colleague from New York [Mr. DORSHEIMER], may bring in here a report passing upon this constitutional question.

The SPEAKER. The time of the gentleman has expired.

Mr. HISCOCK. I hope the gentleman from Ohio will yield me three minutes longer.

Mr. KEIFER. I yield the gentleman three minutes more.

Mr. HISCOCK. Mr. Speaker, we have passed several bills in this House in which the same principle is involved. This has become a serious question. I urge the House, on account of those bills and with reference to a multitude like them that are now pending on our Calendar, that this case, a leading case, be sent to the Committee on the Judiciary, that they may pass upon the question. And I can most properly urge it in view of this message delivered by a Democratic President and which discusses this question, advancing the point and the argument which I have made here, or rather repeated. I desire further, in this connection, to have read from the Clerk's desk the opinion of one of the ablest lawyers who ever adorned the United States Senate, upon this same question, the late Senator Carpenter.

The Clerk read as follows:

There is another grosser violation of the Constitution, which has existed so long that perhaps it never can be corrected; and that is provided by law for the appointment of officers in the Army and Navy, and how they shall be promoted. General Sherman is as much an officer of the United States as the Chief-Justice. What does the Constitution say in regard to all officers of the United States? It says that the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint all the officers of the United States except where by law the appointment of inferior officers may be lodged with the President alone, the heads of Departments, or the courts of law. The commanding general of the Army is certainly not an inferior officer; and yet he is an officer of the United States, and so down through the ranks of the Army, the subordinate generals to the colonels of regiments, and lieutenant-colonels, and majors, and captains, and so on. They are all officers of the United States, who, the Constitution says, shall be nominated by the President, and, by and with the advice and consent of the Senate, be by him appointed.

Where do we get the authority for declaring by law whom he shall nominate? Suppose the President happens to know that the man entitled by promotion to the next grade of rank is wholly unfit to perform its duties; the Constitution lays upon him the duty of nominating a suitable and proper man for that place; we pass a law providing that he shall not do so; that he shall appoint the next man below, fit or unfit; the law is imperative. A man perfectly fit for a captaincy may be entirely unfit to be a colonel; the President may know it; but that has nothing to do with the question under our laws; he must promote the senior officer of the grade below, whether he believes him fit or unfit, because Congress has commanded him to do so.

Now what authority has Congress to command him to appoint a particular man in the Army any more than it has in the civil service? Nothing whatever but usage, nothing whatever but consistent and persistent, obstinate violation of the Constitution and encroachment upon the power of the Executive.

Cadets at West Point by law are appointed, as it is called, by the President; but they are to be appointed upon the nomination of members of the House of Representatives, each member of the House having the power to nominate one, who must be appointed, and appointed as a cadet he is to be moved up the line by promotion, until he may be the commander-in-chief of the Army.

We had here, I believe, at the last session a bill establishing a national board of health. What clause of the Constitution does that act rest on? "Why," it is said, "is not the preservation of the health of the people necessary to the existence of the nation?" Undoubtedly. So is education essential to free government; so is matrimony, to say nothing of divorce, essential to the peace and well-being of society; but who would maintain that upon this ground these subjects fall within the jurisdiction of Congress?

These constant violations of the Constitution are setting daily and hourly a bad example to the people. Any violation of the Constitution tends to familiarize the mind with the idea that the Constitution is of no consequence when it stands in the way of our present wishes and purposes.

Mr. KEIFER. I now yield three minutes to the gentleman from Kansas [Mr. PETERS].

Mr. SLOCUM. I would inquire of the Chair how much time the gentleman from Ohio has?

Mr. KEIFER. I had an hour in the beginning.

The SPEAKER. The gentleman now has fifteen minutes of his time remaining, and will have twelve minutes after the gentleman from Kansas [Mr. PETERS] shall have occupied the three minutes now yielded to him.

Mr. PETERS. Notwithstanding the lengthy discussion upon this bill in this House and in the Senate I believe there has been no change of public sentiment on this question. I believe that four-fifths of the ex-soldiers of the Union Army who were engaged in the battles of the hot days of August in 1862 are opposed to the passage of this bill in any form. I believe that nine-tenths of the survivors of those who served in the Union Army during the last war are opposed to the passage of this bill, either in its original form or as amended by the Senate.

I know that so far as the State which I have the honor in part to represent is concerned, whose population is composed largely of ex-soldiers, the sentiment is almost unanimous against the passage of this

bill. Since the last discussion of this question in this House I have received hundreds of letters from the soldier-constituents of the delegation in this House from Kansas, and not one of them but what has indorsed the action of the Representatives from that State upon this bill.

I know more. I had occasion, in some remarks which I made in opposition to this bill, to say that I believed that the members of the court-martial who were yet living had no reason to change their judgment upon the question. I know that one of the members of that court-martial now living, but whose days upon earth are nearly numbered, has seen no reason to change his opinion, but stands to-day by the decision of that court-martial.

Mr. RAY, of New York. Will the gentleman permit me just a moment?

Mr. PETERS. I have but three minutes.

Mr. RAY, of New York. I would like to know how you know how he voted and how he stands?

Mr. PETERS. I know from a man who heard him say how he stands at present on this bill.

Mr. RAY, of New York. Then he violated his oath.

Mr. PETERS. He did not.

Mr. RAY, of New York. He did, if he made known his vote on this question.

Mr. PETERS. He did not make known his vote, but did approve of the judgment of the court-martial of which he was a member.

The SPEAKER. The three minutes yielded to the gentleman from Kansas [Mr. PETERS] has been exhausted. The gentleman from Ohio has nine minutes of his time remaining, instead of twelve, as the Chair stated a short time since. The Chair omitted to deduct from his time the three minutes last yielded to the gentleman from New York [Mr. HISCOCK].

Before the gentleman from Ohio [Mr. KEIFER] concludes his remarks the Chair desires to state, upon the question of order, that upon further examination and reflection he is satisfied that his ruling upon the question of order was not correct. The effect of such a ruling of course would be to prevent under any circumstances the reference of a Senate amendment to a committee of the House, because it is well established that a refusal to concur is equivalent to non-concurrence, while a refusal to non-concur is equivalent to concurrence. Therefore in either event the matter would be finally concluded in the House by the vote either to concur or non-concur, and there could be no reference to a committee.

The Chair thinks that inasmuch as a refusal to refer to a committee does not prevent a vote afterward on the other motions, the Chair was wrong in his ruling, and now holds that the vote should be first taken on the motion to commit. It does not appear that the precise question now presented has heretofore been decided in the House. It is unquestionably true, as stated in the extract read from the Digest, that the first question is upon concurrence—that is, as between the motion to concur and the motion to non-coucur—but so far as the Chair can ascertain it has never been decided that a motion to concur or to non-concur has precedence over a motion to commit or to postpone the consideration of the amendment. In the absence of any positive rule upon the subject, and in view of the fact that if the motion to commit is not put to the House before the motion to concur or non-concur it can not be voted on at all, the Chair thinks his former ruling ought not to be adhered to.

Mr. KEIFER. Some other gentlemen had applied to me for some portion of my time, but they do not now ask for it.

It was not my purpose to say anything more than to indicate the point against this bill which I have already made. I believe that if this bill shall pass it will be the duty of the President of the United States, in upholding the Constitution of the United States and in standing firmly by the prerogatives of the President of the United States as secured by that Constitution, to veto this bill, and, even if the bill should be approved by the President, I believe it would be wholly unconstitutional and ought to be disregarded in consequence of its unconstitutionality, as it leaves no discretion to be exercised by the President of the United States in the appointment of Fitz-John Porter to the office of "a colonel in the Army."

We have had a General in the Army; we have had Lieutenant-Generals in the Army; we have major-generals in the Army; we have brigadier-generals in the Army. But we have no such office as colonel at large in the Army, and never had.

Mr. ROSECRANS. But you have had major-generals and brigadier-generals created by law for the purpose of giving places to Sprigg, Carroll, and others.

Mr. KEIFER. The gentleman states something that has no possible relation to this matter.

Mr. ROSECRANS. Yes, it has, for those laws made the new offices of major-general and brigadier-general.

Mr. KEIFER. The office of major-general is an office well known to the Army, and it is an office at large.

Mr. ROSECRANS. This colonelcy is to be an office of colonel on the retired-list. The bill authorizes the President to make Fitz-John Porter a colonel on the retired-list; that is all there is of it.

Mr. KEIFER. The gentleman from California [Mr. ROSECRANS] says that he is to go upon the retired-list. But he is first to be appointed a "colonel in the Army," a new office to be created, unknown now and in the past. And when this office is created, we are to say to the President by law that he shall appoint to it the particular officer in the Union Army during the war who was found guilty upon trial of disobedience of orders, and to exclude all the distinguished officers of the Army now out of service, exclude all who went through the war and did their duty, exclude even the gentleman from California himself, with all his record of distinguished services, from appointment to this office, if he should choose to take the place. He and all others are to be excepted, and Fitz-John Porter, on whose brow is written condemnation by a court-martial which assembled and properly tried and solemnly convicted him, is to be appointed.

But for Fitz-John Porter, on whose brow is written condemnation by a court that was properly assembled and which solemnly tried and convicted him, we are proposing in the Congress of the United States to make a new office and take from the President his power to go at large among the citizens of the United States to fill this office. We propose to require by the terms of the bill that the President of the United States fill this office by appointing thereto one particular man, Fitz-John Porter. That is my constitutional objection.

I did not intend to say anything against Fitz-John Porter here. I do not think it is necessary. I have noticed in the public prints that he thanks the gentlemen on the other side of the House chiefly for voting for him. He sends greeting by letter published abroad—I have not a copy of it here—thanking the Southern gentlemen for voting for him, telling them that he is with them. That is the substance of the language of a letter written to a distinguished member of this House as I have seen it in the public prints. That of course he has a right to do. He should be grateful to those people who here upon this floor propose to reverse judicial history in the war in order to relieve him from the sentence of a military court and restore him to the Army with pay henceforward.

[Here the hammer fell.]

Mr. SLOCUM. Mr. Speaker, I have no desire to debate this bill. I believe that the House and the country have heard debate enough upon it. The gentleman from Ohio [Mr. KEIFER] says that he rose with no intention of saying a word against General Porter. I am very glad he has said something against him, and I think General Porter will himself be glad, because what he says against General Porter I think the General will regard as a compliment, and I think it will be so regarded by the country. [Applause on the Democratic side.] I have only been surprised that the gentleman from Ohio did not summon here Mr. Charles Garfield and Elder and Works to sustain his cause in this instance, as he did a few days ago to sustain himself. [Applause on the Democratic side.]

Mr. KEIFER. Now, Mr. Speaker, I supposed that the gentleman in the peculiar exigencies of the case of Fitz-John Porter would get down to something or other that would be beneath the dignity of a member. [Applause on the Republican side.]

Mr. SLOCUM. Now, Mr. Speaker, I yield five minutes to my colleague [Mr. DORSHEIMER].

Mr. DORSHEIMER. Mr. Speaker, I should not address the House on this subject if I had not been requested to make a very obvious reply to the legal points which have been made by the gentleman from Ohio [Mr. KEIFER] and by my colleague from New York [Mr. HISCOCK].

The gentleman from Ohio says that this bill creates a new office, and is for that reason unconstitutional. As I understood the argument, it was in brief this: that this bill authorizes the President to appoint Fitz-John Porter to the office of colonel in the Army, and that there is no such office as colonel in the Army. This criticism of the gentleman from Ohio was plainly founded upon an entire misapprehension of the bill. This bill provides "that the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal."

Now, what was his grade at the time of his dismissal? As I remember—if I am wrong I hope some gentleman will correct me—he was a colonel of infantry. Therefore this bill by its express terms, instead of authorizing the President of the United States to appoint Fitz-John Porter a colonel in the Army, authorizes the President to appoint him a colonel in the Army of the grade of colonel of infantry in the Army. Hence the bill is in no way liable to the criticism of the gentleman from Ohio, a criticism which is so easily disposed of that I am surprised it should have been made on the floor of this House.

Now, as to the criticism of my colleague [Mr. HISCOCK], I understand the point to have been that this bill is unconstitutional for the reason that it limits the action of the President in making an appointment to an office; that it is in other words a restriction upon the will or volition of the President in making an appointment to office. Now let me say to my learned colleague that this bill has directly the contrary effect. It does not propose to limit the power of the President at all. It is designed to remove from a single citizen a disability under which that citizen rests.

Mr. HISCOCK. Will my colleague read that part of the bill which removes the disability?

Mr. DORSHEIMER. I will.

Mr. HISCOCK. Let us have it read.

Mr. DORSHEIMER. The bill recites——

Mr. HISCOCK. No; I do not care for the recitation. I desire to have read the portion which removes the disability.

Mr. DORSHEIMER. I said the effect of the bill was to remove a disability. What the disability is, is recited in the preamble.

Now I wish to proceed in the line of thought I was stating.

As the matter stands at present, there is one citizen in the United States as to whom the Presidential volition is restricted. By the decision of a court-martial, and as the result of its proceedings, there stands one citizen upon whom the President can not confer an office. The effect of this bill is simply to enable the President of the United States to confer an office upon a citizen now under disability.

Mr. CUTCHEON rose.

Mr. DORSHEIMER. One moment; I want to finish my line of thought, and then I will consent to any questions.

Does this bill in any event propose any restriction upon the Presidential volition? I say no, for the reason that by the language of the bill the President will act or not just as he sees fit.

[Here the hammer fell.]

Mr. DORSHEIMER. Perhaps my colleague will give me a minute or two longer.

Mr. SLOCUM. Yes, I will yield five minutes.

Mr. DORSHEIMER. The act in that particular provides that the President be and he is hereby authorized to nominate and, by and with the advice and so on, to appoint.

Mr. HISCOCK. I desire to ask my colleague what word, what phrase, what language removes disability?

Mr. CUTCHEON. And what disability does it remove?

Mr. DORSHEIMER. As I have already said the whole effect of the provision is to remove a disability. Would there be any objection to pass this act if the disability did not exist? The preamble states a disability, and the only reason for the act is the existence of a disability, and the only effect is to remove it. When the act is passed the President is at perfect liberty to appoint or not appoint.

Mr. CUTCHEON. But the preamble recites——

Mr. DORSHEIMER. Oh, let me proceed without interruption.

The SPEAKER. The gentleman is entitled to proceed without interruption.

Mr. DORSHEIMER. I submit as to the first point it is clearly disposed of, and the bill is in no way liable to the objection that it creates a new office, because it appoints to an abstract colonelcy. It authorizes the appointment of Fitz-John Porter to the position of colonel of infantry in the United States Army, if it were a colonel of infantry, as I believe it was, which he held at the time of the court-martial.

As to the constitutional point, I also submit this bill instead of limiting the Presidential choice expressly leaves it unfettered, and instead of limiting the number of citizens from whom he may choose it increases the number of citizens from whom he may choose. It increases the number of citizens from whom he may choose by adding one more man now under disability to the great body of the community.

Mr. SLOCUM rose.

Mr. HISCOCK. I do not rise for the purpose of asking time, but I do rise for the purpose——

Mr. SLOCUM. I can not yield.

Mr. HISCOCK. I am not going to make an argument but merely to make a suggestion. I suggest the propriety of its being referred to the Committee on the Judiciary, and let that committee report on the question I have presented. [Cries of "Oh, no!"] There will be no objection on this side of the House. [Laughter.]

Mr. SLOCUM. I will yield now to the gentleman from Nebraska [Mr. LAIRD] for ten minutes.

Mr. LAIRD addressed the House. [See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1477) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia; and

A bill (S. 2167) for the relief of the estate of J. J. Pulliam.

FITZ-JOHN PORTER.

Mr. SLOCUM. I yield five minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. One of the most gratifying experiences I ever had in the city of Washington occurred in the hall at Willard's Hotel. There must have been from five hundred to a thousand people there. The Republican convention was in session at Chicago, and I heard the tick of the telegram which announced that Roscoe Conkling, the grand Senator of the Republic, was nominating to that convention the great soldier of the nation, General Grant. That great general has passed his judgment on this case. He says injustice has been done, and I pit his judgment against that of General KEIFER or any other general on the floor of this House.

Did you ever hear debate of such character as we have heard on this side of the House to-day? The gentleman from Michigan told us that it was a party question. Great heavens! Are men to be robbed of their rights and of justice in order to subserve the interests of political parties? Are we going to run the next campaign upon the theory that we have deprived a citizen of justice? Or are we going to have our platforms constructed on a tombstone and a set of grave-clothes?

These are questions, gentlemen, which it is well enough for you to consider. The primary, the supereminent question for the consideration of honest men is, has injustice been done? If it has, let us correct it. And I declare in the presence of this House that the constitutional quibbles brought up by the gentleman from New York [Mr. HISCOCK] and the gentleman from Ohio [Mr. KEIFER] are to give the President an excuse to veto this bill. That is the honest truth, in my judgment. I have heard this matter canvassed and discussed. I have heard it said that the President was in a quandary. And the gentleman from New York and the gentleman from Ohio, who are trying to be the guardians and custodians of his conscience, are seeking to furnish an excuse by which he can be justified in vetoing this bill.

Is General ROSECRANS a traitor? Is General SLOCUM a traitor? And have they not supported this bill? Take the blazing glory of General Grant and spread it like a mantle over your heads, and let it warm up your hearts and your consciences to do justice in this case, where injustice has been done. [Applause.]

Mr. SLOCUM. I yield ten minutes to the gentleman from New York [Mr. RAY].

Mr. RAY, of New York. For twenty years I have belonged to the Republican party, and it has been my pleasure during that time never to have had my fealty to that party questioned. During that time I have struck some hard blows at the Democratic party, and upon all political questions I have seen fit to do the same upon the floor of this House.

But I thank God, Mr. Speaker, that I belong to that class of men who can rise above passion and prejudice when the rights of an individual are in question, whether that individual be a Democrat or whether he be a Republican. Those gentlemen who to-day upon the floor of this House are raising the constitutional question, who are saying that it is unconstitutional to pass this bill for the relief of General Fitz-John Porter, have stood here heretofore and have advocated and voted for bills to do away with the findings of courts-martial, and to restore to the ranks of the Army men who belonged to the Republican party. I say, gentlemen, that it comes with poor grace from men who have made that record, who have put their votes upon the records of this House in that line, to stand here to-day and talk about the unconstitutionality of this measure when it is applied to Fitz-John Porter, whereas they have heretofore supported such measures when applied to other men.

Mr. CUTCHEON. Will you please name one?

Mr. RAY, of New York. My time is very limited.

Mr. CUTCHEON. Very well; name one, just one.

Mr. RAY, of New York. I will name them from the record if the gentleman wishes.

Mr. CUTCHEON. Name one now; you make the charge now.

Mr. RAY, of New York. I desire to call attention to one or two things. I regret very much that any feeling should have been exhibited between members upon the floor of this House. My colleague from New York who has this bill in charge [Mr. SLOCUM] can not be charged with being a traitor. If I recollect history correctly he led some portions of the Union Army in the campaigns in Virginia. If I have read history understandingly it was he who commanded one wing of the Union Army as it marched through Georgia and swung up through the States to Richmond. He stands here the life-long friend of General Fitz-John Porter, and, believing as he does that Porter was right, that Porter was unjustly dealt with, can we say aught against him if he displays some feeling when men take occasion unnecessarily to abuse and malign General Porter? Gentlemen, when you put the brand to the powder you must expect that flame and fire will follow.

It were far better now, after twenty years of peace, that we act with deliberation; that we act with judgment. And I say it is poor policy, I say it is bad judgment, for gentlemen upon this side of the House to insinuate or to intimate that the supporters of General Porter were all rebels, or that they were all traitors, or that they were men who had no interest in the success of the Union cause.

Mr. BRUMM But all here who were rebels are his supporters and friends.

Mr. RAY, of New York. If I heard the roll-call aright, there was a brave and stanch Union General, ROSECRANS, whom the boys delighted to call "old Rosy," who voted for the restoration of General Porter. [Applause on the Democratic side].

If I listened to the roll-call aright, there was heard the voice of that old Republican war governor of Pennsylvania who stood as the stanchest, the bravest, and the truest in the old State of Pennsylvania during that struggle [renewed applause on the Democratic side] and did more for the success of the Union cause than any other governor through the entire loyal North, and he supported the bill. Do you call him

disloyal? And General BAYNE and Colonel LYMAN, and LAIRD, all Union soldiers, and Republicans then as now, they voted for the bill. Are they disloyal? And Governor LONG, three times the Republican governor of Massachusetts, and Judge POLAND, of Vermont, the old enemy of the Ku Klux, and the fifteen other life-long Republicans here on this floor who voted for the bill, are they, were they ever disloyal?

After the vote was taken on this bill in the Senate I saw it announced in the public press that not one Union general there voted for the restoration of General Porter to the Army. Gentlemen, you should not so blind yourselves, neither should the press of this country so blind itself or attempt to blind the people. If I have read history correctly, General WILLIAM J. SEWELL, of New Jersey, the honored Senator from that State, a gentleman who rose to the rank of major-general in the Union Army, was at the head of his brigade upon the battlefield of the second Bull Run. It was he who in the Senate of the United States led the supporters of General Fitz-John Porter. It was he, that loyal, that brave, that generous, that patriotic Union general, who, in an able and eloquent speech, advocated the cause of Fitz-John Porter, and, sir, he is a Republican. Then no longer publish such things to the people of this country.

Mr. Speaker, there is one other fact to which I desire to call attention. Gentlemen have stood on this floor time and time again, and have undertaken to assert that this member or that member of the court-martial that tried General Porter then voted against him and have ever since stood by their opinion. They say that the lamented and the loved Garfield the President we all honored and respected, believed in the guilt of Fitz-John Porter to the day of his death.

Gentlemen, have you looked at the letter that Garfield wrote to General Porter in which he apologizes, in which he tells him that he has introduced a bill or a measure for his relief and that he is willing that the new evidence shall be examined? And, sir, when he came to sign and address that letter he addressed it to Maj. Gen. Fitz-John Porter. Now I ask, if Garfield believed that General Fitz-John Porter was a guilty man, and that he had been justly deprived of the rank of a major-general in the Army, could he have so stultified himself as fifteen years afterward to address him as Maj. Gen. Fitz-John Porter?

Sir, it is incredible. Each member of that court was sworn to eternal secrecy, and if any member of that court has proven false to that oath he stands self-condemned as unfit for the place he held.

Capt. Myron Dunlap was court-martialed during the war and dismissed the service and deprived of the right to hold office. Sir, the Committee on Military Affairs unanimously said the sentence was unjust and that this House had the constitutional right to annul and set aside that sentence. And this House, at this session, Republicans and Democrats voting together, has passed a bill reversing that sentence.

This House, Republicans and Democrats together, no one raising a constitutional question, voted to restore General Averill to the Army and place him on the retired-list.

Heretofore this same thing has been done many times.

Sir, this is a question on which men, honest, brave, true, and patriotic men, honestly differ. Let us respect opinion. Here, sir, we have the right to read and think and vote as we believe right and justice demand, and I am opposed to that narrow-minded idea that denies this right to any man. And we cast no reflection upon Lincoln or Stanton or Garfield. I am sure had they known the truth Porter would not have been convicted. And I am also sure that a time will come when we shall all agree that General Porter was not only loyal and brave but true and obedient.

[Here the hammer fell.]

Mr. SLOCUM. Mr. Speaker, this bill passed the House by almost a three-quarters vote; it had more than a two-thirds vote. I believe that the bitterest enemy of the bill on the floor to-day must acknowledge that more than two-thirds of the House are now in favor of its passage. All that I ask is that the bill shall remain in the hands of its friends. I do not want this bill to go to a committee——

Mr. EZRA B. TAYLOR. Why not pass it to-day?

Mr. SLOCUM. I will tell you.

Mr. EZRA B. TAYLOR. Will you really tell that you do not want it passed until after the 3d of June?

Mr. SLOCUM. I will tell you before I get through. I do not want it to go to the Committee on the Judiciary or to the Committee on Military Affairs, because when it comes back to the House it will go to the foot of the list and be lost. I do not want to concur in the amendment of the Senate for the simple reason that I want to have an opportunity to examine that amendment carefully [laughter on the Republican side], and at the proper time, when I get good and ready, I will bring it back into the House and have it passed. I now call the previous question.

Mr. REED. Will the gentleman give us an idea how long a time he would like to have to look over these amendments? [Laughter.]

The SPEAKER. The gentleman from New York demands the previous question.

Mr. KEIFER. I understood the Chair to say that my motion was first in order. I now insist upon that motion being put. I do not understand how the gentleman from New York has the right to take charge of that motion. I do not wish to occupy any further time, but I ask that my motion may be put first.

The SPEAKER. The Chair has already stated that upon further reflection he had come to the conclusion that the vote ought first to be taken on the motion to refer; otherwise the House might not have the opportunity to vote on that motion at all. Therefore the first question is upon that motion. The gentleman from New York demands the previous question.

Mr. EVERHART. Is it in order to offer an amendment?

The SPEAKER. It is not. The previous question has been demanded.

The previous question was ordered.

The SPEAKER. The first question is on the motion of the gentleman from Ohio [Mr. KEIFER] to refer the bill, with the amendments of the Senate, to the Committee on Military Affairs.

The motion was not agreed to.

The SPEAKER. The next question is on the motion of the gentleman from Pennsylvania [Mr. BAYNE] to concur in the amendments of the Senate.

Mr. REED. The gentleman from Pennsylvania [Mr. EVERHART] desires, I understand, to offer an amendment.

The SPEAKER. The previous question has been ordered.

Mr. REED. But not on the motion to concur.

The SPEAKER. The Chair stated that the two motions were independent motions, both of which might be pending at the same time, the question being as to which should be first put to the House.

Mr. REED. I believe the previous question was not ordered on all of them, was it?

The SPEAKER. The Chair so understood.

Mr. SLOCUM. I certainly made the motion for the previous question on the whole subject.

The SPEAKER. The Chair so understood, and thinks the House so understood.

The question being taken on the motion of Mr. BAYNE to concur in the amendments of the Senate, it was not agreed to.

Mr. SLOCUM moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. REED. I hope the gentleman from New York [Mr. SLOCUM] will begin the consideration of these amendments as soon as possible. [Laughter.]

AMERICAN BAPTIST HOME MISSION SOCIETY.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. 2334) to release the American Baptist Home Mission Society from the conditions of the sale of the marine-hospital building and grounds at Natchez, Miss.

The amendment of the Senate was read, as follows:

At the end of line 10 insert:

"*Provided*, That by proper covenant, to be approved by the Secretary of the Treasury, such society secures the appropriation of the proceeds of such sale to the construction of a school building at Jackson, Miss., to be used for the purposes of education for the benefit of colored people."

Mr. MOULTON. I move concurrence in this amendment.

The amendment was concurred in.

Mr. MOULTON moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUREAU OF ANIMAL INDUSTRY.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

The amendments of the Senate were read.

Mr. HATCH, of Missouri. I move to non-concur in the amendments of the Senate; and on that motion I demand the previous question.

Mr. MILLER, of Texas. I desire to move that the amendments of the Senate be concurred in.

Mr. HATCH, of Missouri. I have not yielded the floor.

Mr. HEWITT, of Alabama. Can not the purpose of the gentleman from Texas [Mr. MILLER] be reached by simply voting down the motion to non-concur? Would not the effect of a negative vote on the motion of the gentleman from Missouri be to concur?

The SPEAKER. It would. The question is upon ordering the previous question.

The previous question was ordered, there being—ayes 94, noes 30.

The question being taken on the motion of Mr. HATCH, of Missouri, to non-concur in the amendments of the Senate, the motion was agreed to, there being—ayes 92, noes 40.

Mr. HATCH, of Missouri, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT SMITH MILITARY RESERVATION.

The next business on the Speaker's table was the bill (S. 258) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, for the use and benefit of the free public

schools thereof, and for other purposes; which was read a first and second time.

The bill was read, as follows:

A bill donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, for the use and benefit of the free public schools thereof, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the abandoned military reservation at Fort Smith, Ark., as is occupied by Garrison avenue of the city of Fort Smith, and by the wharf of said city, be, and the same is hereby, donated to said city, to be used by it for the purposes of an avenue and wharf; that an amount of said reservation not exceeding nine acres, to be selected by the city on such part of said reservation as is hereby granted as it may desire, be, and the same is hereby, granted to said city, to be used by it for the erection of public buildings and county court-house for the Fort Smith district of Sebastian County, Arkansas, thereon, and for a public park; that all the remainder of said military reservation, except the streets, alleys, and avenues hereinafter mentioned, and except the national cemetery and one hundred feet around the walls of the same, and except, further, all the ground included within the exterior line of the walls of the fort, together with all of said walls and thirty feet around said walls, and except, further, so much ground as may be selected by the Secretary of the Treasury for public buildings, be, and the same is hereby, granted to said city of Fort Smith, to be held in trust by said city for the use and benefit of the free public schools of the single school district of Fort Smith, and to be applied to the benefit of all children of school age without distinction of race.

SEC. 2. That the said city shall, as soon as may be after the passage of this act, cause the said reservation hereby granted to be divided into lots and blocks corresponding as near as possible with the plat of said city; that all streets, alleys, and avenues laid out on such part of said reservation as is hereby granted be, and the same are hereby, granted to said city, to be held by it as streets, alleys, and avenues for the use of the public: *Provided*, That the said city shall lay off, and for all time keep in repair, a street or avenue sixty feet in width leading to the front gate of the national cemetery, and a street or avenue from Garrison avenue, of such width as the Secretary of the Treasury may direct, to the entrance of said fort fronting on said Garrison avenue; and if the said city shall fail to so lay off and keep in repair the said streets or avenues, the nine acres of ground hereby granted to her shall revert to the United States. That the said city shall, within ten years from the date of the passage of this act, cause all that part of said reservation granted by this act to it in trust for the use of the free public schools of the single school district of Fort Smith to be sold in single lots, at public sale, for cash, to the highest bidder, the city, when such sale is made and the purchase-price paid, to make a deed to the purchaser for the same; and as soon, and from time to time, as the purchase-price is paid, the same shall be paid to the treasurer of the school board of the single school district of Fort Smith, to be used by said board in the erection of school-houses and for the pay of teachers and the maintenance of the free public schools in said district.

SEC. 3. That all persons having fractional lots fronting on Garrison avenue, in said city of Fort Smith, and extending back to the northeastern boundary line of said military reservation, shall have the right to purchase, at private sale, of said city, within two years from the date of the passage of this act, so much of said reservation as shall be necessary to extend their respective fractional lots back to a distance of one hundred and forty feet, so that said lots will be one hundred and forty feet in depth, at the rate per square foot that the lot on the reservation nearest to each respective lot may sell for; and the said city, on the payment of the purchase-money, shall make the purchasers a deed therefor.

SEC. 4. That the Secretary of the Interior shall, as soon as possible after the passage of this act, issue to the city of Fort Smith a patent for all said reservation hereby granted to it for its own use and benefit, and also a separate patent for all of said reservation hereby granted to it in trust for the use and benefit of the free public schools of the single school district of Fort Smith; and said last-named patent shall recite that the lands so granted are held in trust by said city for the use and benefit of said school district.

Mr. HOLMAN. I wish to reserve the point of order.

Mr. ROGERS, of Arkansas. I ask for the reading of the report which I send to the Clerk's desk.

The report is as follows:

Mr. HENLEY, from the Committee on the Public Lands, submitted the following report:

The Committee on the Public Lands, to whom was referred the bill (H. R. 39) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith for the use and benefit of the free public schools thereof, and for other purposes, report the same back and recommend that the bill be passed with the amendments hereinafter suggested.

It is proposed to amend the bill:

First. By adding at the end of the first section of said bill the words "and to be applied to the benefit of all children of school age, without distinction of race."

Second. By inserting the word "free" before the word "public," in line 27 of section 2 of said bill.

Your committee states that it is found that the abandoned military reservation at Fort Smith contains, all told, three hundred and six acres, and that upon it there is a national cemetery containing 14.81 acres, and the walls of a fort inclosing buildings and embracing between four and five acres; that the remainder of the reservation is wholly unimproved, and the whole reservation lies alongside the city of Fort Smith and between it and the line between the State of Arkansas and the Indian Territory.

In conformity to an act approved February 24, 1871, entitled "An act to provide for the disposition of useless military reservations," the War Department, March 21, 1871, transferred the whole reservation to the Interior Department for disposition under the provisions of said act.

By executive order, dated May 22, 1871, so much of the reservation as is occupied by the national cemetery was reserved from sale and restored to the custody of the War Department, and by like order, dated December 3, 1875, additional land was reserved for the use and to form a part of the national cemetery.

On the 3d of March, 1871, the United States district court for the western district of Arkansas was removed by act of Congress from the town of Van Buren to the city of Fort Smith. There being no public buildings in the city of Fort Smith save the garrison buildings within the walls of the fort on said reservation, it became a necessity to use and occupy them, and they are now and for many years have been used and occupied by said court. For this reason alone it is utterly impracticable to sell and dispose of the reservation as provided by the act of February 24, 1871.

It is proposed by this bill to permanently reserve the national cemetery grounds, now thus in the custody of the War Department, and one hundred feet around the wall of the same; and also all the grounds included within the exterior line of the walls of the fort, together with all of said walls, and thirty feet around the same; and also so much other ground as may be selected by the Secretary of the Treasury for public buildings, and to donate the remainder to the city of Fort Smith for the use of the free public schools of that city, and for county buildings and public park.

Your committee have taken great pains to communicate with the Departments of the Government to learn and know whether or not the proposed permanent reservations are sufficient for its uses or purposes. From information received from the Departments of Justice, War, and the Interior, it is believed they are ample, not only for all present but prospective uses as well, and are of as much value to the Government as the whole reservation would be should it be retained. It is ascertained that the city of Fort Smith has no public park and no public buildings, and that the Fort Smith district of Sebastian County, the courts of which are held at Fort Smith, has no court-house. To supply grounds for the needed park and buildings, the bill proposes the grant of nine acres for that purpose, and for a forfeiture thereof should the city fail to lay off, under the direction of the Secretary of War, and for all time keep in repair an avenue sixty feet in width leading to the front gate of the national cemetery, and a street or avenue leading from Garrison avenue (which is the principal business street of the city), of such width as the Secretary of the Treasury shall direct, to the entrance of said fort fronting on said Garrison avenue. Roadways to national cemeteries are constantly costing the Government much money in laying off and keeping them in repair; and, considering the needs of the city in conjunction with the obligation upon it to keep in repair the avenue and street above mentioned, the grant of nine acres for the purposes aforesaid meets with the full approval of your committee.

The committee more readily assent to the donation of the nine acres for the purposes of a public park and county buildings since it is believed the location of said park and public buildings on said reservation will enhance rather than diminish its value to the public-school system of said city. A glance at the map of the city of Fort Smith discloses the fact that there must have been some misapprehension as to the line between it and the reservation, and that its principal avenue, evidently intended to run parallel with and equidistant from said line, as it approaches the river encroaches upon the reservation, and that a portion of the city wharf is located thereon. For these reasons the provisions of the bill granting to the city so much of the reservation as is occupied by Garrison avenue and said wharf, and allowing fractional lot owners to make purchases of adjoining lands to fill out their lots so as to conform in size to the full-sized lots lying between the avenue and the reservation, are regarded as highly proper.

The only remaining provision of the bill worthy of comment is that donating the remainder of the reservation to the city of Fort Smith, to be held in trust for the use and benefit of the free public schools thereof. This commends itself with more force to your committee than any other provision of the bill. The school board of the city represent that, by their last annual enumeration, there were in the school district of said city 1,520 children of school age, 1,199 of whom are white and the remainder, 321, colored; that by paying the annual State school-tax, and voting the highest additional school-tax under the law, they raised last year $6,223; that 830 pupils were enrolled last year in the public schools; that a large number will, in the nature of things, apply for enrollment this year; that the city owns but two school buildings; that a third building used by the school board for the colored school is the property of the Howard Association, and may be taken from the board at any time; that, all told, they have but eleven rooms for the accommodation of 830 pupils, and more than half these rooms are unsuitable for the purposes for which they are used, the main school building having been originally constructed for a residence; that for several years the schools could not have been kept open more than seven months in the year but for private subscriptions to the general school fund; that for want of room and teachers all the primary departments have only half-day schools.

The Government derives no benefit whatever from said reservation or any part thereof, except that portion witheld by the provisions of this bill. The reservation remaining in its present condition, undisposed of, is an obstruction to the growth and prosperity of the city of Fort Smith, by the capital and industry of whose citizens in erecting buildings and making improvements near the reservation its value has been mostly enhanced.

While it appears that the people of Fort Smith are poor, and in great need of additional buildings and means for the payment to accommodate their entire school population, resulting from their poverty, yet they exhibit a zeal in that direction worthy of the great cause of education, and far beyond that of the wealthy in many localities of our country. A people thus struggling in so noble a work deserve encouragement.

In many instances in early times out-lots and commons of towns were granted to them for school purposes. Later, large cities have been given properties of great value; schools of high grade have received munificent donations, and railroads and other corporations have fattened and grown rich from the magnificent, if not profligate, grants made to them from the public domain.

Reviewing the history of grants made from the public domain nothing is found to condemn the proposed grant of a portion of this reservation to Fort Smith for the purpose aforesaid, but such review rather strengthens your committee in the opinion that the grant ought to be made.

VIEWS OF THE MINORITY.

A minority of the Committee on the Public Lands, being unable to concur in the recommendation of the committee as to bill H. R. 39, beg leave to report as follows:

By the act approved February 24, 1871, providing for the disposition of useless military reservations, in which the Fort Smith reservation was designated, the Secretary of the Interior was empowered to dispose of this property "for cash, according to existing laws of the United States relating to the public lands, after appraisement, to the highest bidder, and at not less than the appraised value, nor at less than $1.25 per acre." He was also authorized "to cause any part of the reservation to be subdivided into tracts less than forty acres each, or into town lots."

We are unadvised whether this course has been followed in the present case; but whether it has or not, we deem it to be the proper method of opening abandoned military reservations to settlement. And under the provision for subdividing such land into town lots the same result would be reached in that respect as by the present bill. In the former case the proceeds of sales would go into the national Treasury; in the latter they would go to the city of Fort Smith. The general if not universal practice has been that of converting moneys derived from the sales of public lands into the public Treasury, and the act of 1871 rested upon this fundamental principle inhering in the very nature of a public domain. It is for the House to say whether this case should be an exception. Perhaps it should. But if so, we call attention to the fact that in so far as such action may become a precedent it is a dangerous precedent—one more honored by its breach than by its observance.

We concur in those provisions of the bill which donate to the city so much of the reservation as is occupied by Garrison avenue and by the wharf, and also so much as may be needed as building sites for a county court-house, city schools, and public buildings of the United States. In addition to nine acres for a public park, upon the conditions stated, there would still remain about two hundred and seventy-five acres of the reservation exclusive of the fort and cemetery grounds. This land when divided into city lots should be worth at least $400 per acre, or $100,000, and before the ten years specified in the measure shall expire would probably be worth much more.

The bill proposes to donate this property to the city "in trust for the use of the free public schools of the single school district of Fort Smith," and that the proceeds derived from its public sale shall be—

"Used by the school board of that district in the erection of school-houses, and for the pay of teachers, and the maintenance of the free public schools in said district."

There is no limitation as to how much of the fund shall be expended in the erection of these buildings, or how much in salaries of teachers. Without such limitation it is quite possible, if not probable, that nearly the whole amount would be expended in the erection of buildings. So that the naked proposition is that of donating, say, $100,000 to the city of Fort Smith for school buildings. As an educational measure this may be wise; but if adopted there should be a provision requiring the city as trustee to restore the buildings in case of destruction by fire.

While it is true that large grants of public lands have been made to many States for schools, colleges, and universities, yet, so far as we are aware, in no case could the proceeds of such lands be legally used in the erection of buildings, the design of the grant being that of providing for the payment of teachers and kindred expenditures. And in our judgment if this donation is to be made for the encouragement of education, then the creation of a permanent fund, the principal of which shall remain forever undiminished, and the interest of which shall be used in conducting free public schools, would be a gift far more durable and valuable than perishable buildings can possibly be, and one which in the long run would prove of greater benefit to that city as well as to the nation.

We have deemed it to be our duty as members of the committee to whom the bill was referred to report these considerations to the House, and complete that duty by proposing the following amendment:

In section 2, strike out all after the word "same," in line 23, and add: "And all moneys received from such sales shall be invested by the said city in United States bonds or other safe securities as a permanent fund which shall be forever undiminished, and the interest of which shall be only used for the payment of teachers in the free public schools of said city: *Provided*, That if the principal of said permanent fund shall by any reason be diminished for a longer period than one calendar year, this act shall then become and be null and void, and all of the land designated in this section shall revert to the United States, and be disposed of by the Secretary of the Interior as stated in the act of February 24, 1871, to provide for the disposition of useless military reservations."

JNO. A. ANDERSON.
AARON SHAW.

VIEWS OF MR. BRENTS.

The abandoned military reservation at Fort Smith is now public domain of the United States, and is worth at least $100,000—possibly much more than that sum—and is rapidly increasing in value. The bill reported by the majority of the committee proposes to donate this valuable property, or the greater portion of it, to the city, "in trust for the use of the free public schools of the single school district of Fort Smith." The minority of the committee regard this as a new departure in the disposition of the public lands of the United States, and that the passage of this bill will establish an unwise and dangerous precedent, open the door to great abuses and extravagance, with but few beneficial results to the cause of education. The proposed donation would be far less objectionable if it were to go to the State of Arkansas, be placed in the irreducible free public school fund, and the interest be used for the support of education in all parts of the State, instead of to a district containing only about 1,500 children of school age. It would certainly be in much safer hands and far less liable to be squandered or diverted from its purpose. And if Congress thus gives a bounty of $100,000 to this city, should it not give a sum to all other cities or school districts in the United States proportionate to their population and necessities? To do one-half this would deplete the Treasury, and not to do it fully and to all alike would be invidious and unfair. I think the bill should not pass.

THOS. H. BRENTS.

Mr. ROGERS, of Arkansas. The Senate bill is an exact copy of the bill reported from the Committee on Public Lands in this House. A similar bill passed the Senate last year as it has passed the Senate this year. It was favorably reported in the House last year as it was this year.

Mr. MAGINNIS. It was also reported favorably by the Committee on Military Affairs.

Mr. HOLMAN. Not waiving the point of order, I wish to state it seems to me the language of the bill is hardly sufficient to prevent the proceeds of this land from being applied to some educational purpose other than common-school education. The whole country is interested in the matter of common schools, but the whole country is not interested to the same extent in education beyond that. It will be desirable therefore some provision should be attached to this bill that the proceeds of that property should go to the general benefit of common-school education of the State rather than to apply them to any particular community.

I do not intend to urge that. The point I wish to make is the language "public school" is vague.

Mr. DUNN. Under the laws of Arkansas that is not an indefinite phrase.

Mr. HOLMAN. But those laws do not necessarily enter into this bill.

Mr. DUNN. I think they would myself.

Mr. HOLMAN. I suggest a proviso be added: this grant is made on the express condition the proceeds arising from the sale of said land shall be appropriated exclusively to common schools. I do not think Congress ought to make a grant of lands for the purpose of education which from the nature of the case may not reach every child of the community. Higher grade of education reaches comparatively few. I would be glad if the gentleman would consent to the provision I have suggested.

Mr. ROGERS, of Arkansas. Mr. Speaker, on that subject I will say if this bill does not precisely accomplish that purpose it is because the best ability I could bring to bear, assisted by my colleagues and the distinguished Senators, has been unable so to draft it.

The idea of appropriating this property to the free public school system of the State of Arkansas originated with a distinguished gentleman, Judge Parker, who now presides over the Federal court in that district. He drafted the bill originally. He is the friend of the free public school system. I am its friend. The bill was drafted exclusively that we might get this property for the support and maintenance of the free public schools at that city.

In this connection I will state to my friend from Indiana the State constitution of Arkansas makes it imperative that a free public school system shall be maintained free to all colors and all classes of society alike.

And I say to him I most seriously trust and urge upon him, I appeal to him in behalf of the people who are needing the proceeds of this fund to build up the school system, that he will not insist upon my accepting an amendment which will of necessity send this bill back to the Senate for its concurrence, and delay, jeopardize, or even possibly defeat its passage. After having the report read, if he desires it, I will make such a statement as I hope will induce the gentleman to withdraw his opposition.

Mr. HOLMAN. I hope my friend from Arkansas will not make this appeal personally. It is a matter of legislation, and addresses itself to our sense of public duty—to his, of course, as much as to mine.

Mr. ROGERS, of Arkansas. Certainly.

Mr. HOLMAN. But I ask now, still reserving the right to object, that the first section of the bill be again read.

The Clerk read the first section of the bill.

Mr. HOLMAN. It is quite manifest, Mr. Speaker, from the reading of the last clause of that section that this fund must not necessarily be applied to the purposes of common-school education; and I really think my friend from Arkansas would not find himself at all embarrassed by the attention of the Senate being called to the importance of adding a provision that the fund should be applied exclusively to the purposes of common schools. I think he would find in future the interests of education in his community would be greatly promoted thereby, and more certainly than if there was permitted to be an option as to expenditure, as we know there is usually a tendency to devote such fund to the higher branches of education instead of the common schools.

Mr. ROGERS, of Arkansas. Mr. Speaker, I have sent, as I have stated, for a copy of the constitution of the State of Arkansas, the reading of which I think will show the gentleman that his objection upon that ground is unfounded. Of course, if the gentleman insists upon that amendment I would undoubtedly prefer to accept it to having the point of order raised. I would like to have the language of his proposed amendment read.

Mr. HOLMAN. I will suggest the addition to the first section of these words:

This grant is made on the express condition that the proceeds of the said lands shall be applied exclusively to the support of common schools in said district.

Mr. HENLEY. That is the amendment the gentleman from Indiana proposes?

Mr. HOLMAN. That is the amendment I would suggest to this section.

Mr. DUNN. If the gentleman from Indiana will allow me a moment, I want to suggest to him that he has probably employed in that amendment language or a descriptive term unknown to the laws of the State of Arkansas. I have not the statutes before me, but I think the designation in the bill is an exact description of the only common schools that are known to our laws.

Mr. ROGERS, of Arkansas. That is exactly the point to which I desired to call the gentleman's attention by reading from the constitution of the State.

Mr. DUNN. In other words, the gentleman from Indiana in his proposed amendment is describing something that does not exist. Now, the language of this first paragraph of the bill means the same thing. In Arkansas the free public schools of the State are what are usually called the common schools in other States.

Mr. HOLMAN. But the term "common schools" is of public application throughout the country.

Mr. ROGERS, of Arkansas. Not in our constitution or in the laws of our State.

Mr. COBB. "Free public schools" is a technical term, as I understand it, used in the State of Arkansas, which corresponds with our common schools elsewhere.

Mr. DUNN. But the language of the amendment proposed by the gentleman from Indiana applies to something else, and uses terms that are not recognized in our State constitution.

Mr. HOLMAN. But there is nothing to prevent the application of this fund to other educational institutions, like academies, for instance.

Mr. DUNN. They are not common free schools. This relates to the free public schools of the State.

Mr. ROGERS, of Arkansas. I want to state to the gentleman from Indiana that in the State of Arkansas there are two universities, not kept up by taxation, but by annual appropriations from the State Legislature; and the only free schools in Arkansas are our public schools, what we call our free public schools, and that term is imbedded in the constitution, and we can not change it if we desired to do so. The language of this section is:

And the same to be held in trust by said city for the use and benefit of the free public schools of the single school district of Fort Smith.

Then an amendment by Mr. HOAR, so as to make it broader in its application:

And to be applied to the benefit of children of school age, without distinction of race.

Then another amendment by Mr. GARLAND, to give emphasis to that, in another section:

For the pay of teachers and the maintenance of the free public schools in said district.

Now, I repeat, Mr. Speaker, that is the only public-school system

that is known under our Constitution. It is recognized both under the law and the Constitution, and these funds can not be diverted from the purpose of the bill even if we sought to do it, for the terms of the bill are in the express terms of the constitution of the State.

Mr. STORM. I desire to ask my friend from Arkansas whether he objects to putting in a clause of reversion or reverter to the United States in case the grounds appropriated for the purpose of erecting the public buildings and county court-house shall not be utilized for that purpose?

Mr. ROGERS, of Arkansas. That is already in the bill substantially.

Mr. STORM. I do not so understand.

Mr. YOUNG. That is implied——

Mr. STORM. There is no provision for its reversion to the United States if not used for that purpose.

Mr. YOUNG. That would be done anyhow by the operation of law.

Mr. STORM. I think there is occasion for it, because in the establishment of the Hot Springs Commission some years ago, by which there was authority given to them to set apart a portion of the public lands for a court-house, the land was not occupied for that purpose, but was leased, and the court-house was built elsewhere.

Mr. YOUNG. That is without authority.

Mr. STORM. The grant was an unconditional one, and there is no failure by reason of non-performance.

Mr. HOLMAN. The gentleman from Pennsylvania will see that land to the amount of nine acres is expressly reserved to be used for the erection of public buildings.

Mr. STORM. The second section provides that if the city shall fail to lay off and keep in repair the streets or avenues provided for, the nine acres of ground shall revert to the United States. It does not recite the neglect to use them for a court-house or public building.

Mr. HOLMAN. There can be no reversion there, because the nine acres are not granted——

Mr. STORM. The bill says—

That an amount of said reservation not exceeding nine acres, to be selected by the city on such part of said reservation as is hereby granted as it may desire, be, and the same is hereby, granted to said city, to be used by it for the erection of public buildings and county court-house for the Fort Smith district of Sebastian County, Arkansas, thereon, and for a public park.

Mr. HOLMAN. On reflection, although I am not entirely satisfied with the phraseology used here, yet I can not say it would not accomplish the purpose. The language perhaps would have the effect of preserving this land for the exclusive purposes of public schools; and I believe, so far as I am concerned, I will not insist on the question of order. The gentleman from New York [Mr. STEVENS] may have desired to present the same point of order. But so far as I am concerned I am inclined on the facts stated not to insist on it myself.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] reserved the point of order; but his not insisting on it does not prevent another gentleman from making the point of order.

Mr. STEVENS. I do not desire to make any point of order. I desire to ask the gentleman from Arkansas some questions.

Mr. ROGERS, of Arkansas. I will take great pleasure in answering the gentleman.

Mr. STEVENS. I would like to ask the gentleman from Arkansas if the land disposed of by this bill is the same tract of land that was originally conveyed to the Government by one Rogers and wife?

Mr. ROGERS. It is; and I want to say I am not connected with that family, if that is what the gentleman is after.

Mr. STEVENS. I did not suppose you were.

Mr. ROGERS, of Arkansas. That Mr. Rogers was a very worthy gentleman from Pennsylvania originally, I believe, while I am from another State. I never knew or saw him in my life.

Mr. STEVENS. I find from an examination of the facts in that case that when the United States came into possession of this property it consisted of about three hundred and six acres, originally conveyed by one Rogers and wife to the United States for $15,000. And as the land is exceedingly valuable, while I am in favor of rendering all the aid possible to all the common schools throughout the United States, it does seem to me to be just and proper that the pitiful sum of $15,000 paid by the United States for this land should be refunded to the United States, the city of Fort Smith being given the benefit of all the advance in the value of the property. After deducting the nine acres referred to and the ground occupied by the national cemetery there will be two hundred and fifty acres of land left. Gentlemen better acquainted than I am with Fort Smith tell me it is a prosperous and enterprising city and that the value of property there is rapidly increasing. This donation to that city is a munificent one, and I would like to inquire of the gentleman from Arkansas whether he would accept an amendment providing that the sum of $15,000 paid by the United States shall be refunded from the proceeds of this land.

Mr. ROGERS, of Arkansas. In that connection I have simply this to say: That if I should accept that amendment it would necessarily defeat the operation of the bill; for in Arkansas all our cities are chartered under one general law, and by the terms of that charter such powers as the city has are delegated to it. But in the constitution of the State we are prohibited from using the powers of the city for any purpose of that description. We have the power of taxation and the other powers incidental to a city, but we have no power of that sort and can get no power of that sort through our legislation under our constitution. We can not lend our credit, we can not issue our bonds, and we must act within the scope of the provisions of the charter as well as within the scope of the provisions of the constitution.

I want in this connection to make this additional remark to my friend from New York [Mr. STEVENS]. There is one misapprehension, I take it, upon his part. In addition to the reservation of the national cemetery, which is situated upon this ground, and a very beautiful place it is indeed, and one hundred feet all around its walls, there is reserved that portion of the ground upon which were situated originally, and are now situated, all the public buildings formerly belonging to the Government. They are occupied to-day by the Federal court and by officials and others appertaining to that court. And this property itself, which is reserved from the sale without having any reference to the cemetery and to the value that might attach to that, is worth infinitely more than the Government originally paid Rogers and his wife for the whole property; worth more for the reason that that property was of little value, but by the growth of the city and the energy and thrift of our people it has been enhanced in value until those parts reserved, independent of the amount of twenty-five acres to the railroad company and the cemetery, are worth more, a great deal more, than the Government originally paid for the property, after being stripped by the Government, of course, of all the beautiful timber which originally stood upon it.

In evidence of that fact I will state that the commissioners, who in 1873 valued that property, placed the improvements alone at $22,855; and not only are those improvements reserved, but the grounds on which they stand—ten or fifteen acres—are reserved for the use of the Federal Government, and they would be worth between $25,000 and $30,000. Then there is the cemetery and an amount of twenty-five acres to the railroad company which have all been taken out of the property of which the Government has had the benefit. I submit to my friend from New York we ought not to stickle in view of these facts, in view of the purposes of the grant, and in view of the large surplus in the Treasury, for a few thousand dollars which the city could not pay under the constitution and the laws of the State; and of course it would not be expected that we should do it by private subscription.

Mr. YOUNG. Will the gentleman from Arkansas permit me to ask him a question?

Mr. ROGERS, of Arkansas. Certainly.

Mr. YOUNG. At the time the property was sold to the Government was the full price paid for it, its real value?

Mr. ROGERS, of Arkansas. The Government paid what was probably a very large price at that time.

Mr. STEVENS. As I have already stated, I do not wish to antagonize the benefits accruing to parties living at Fort Smith by reason of the cession to them of this property. In reply to the gentleman from Arkansas [Mr. ROGERS], who says that under the constitution and laws of his State it would be impossible for the city of Fort Smith to issue its bonds or to loan its credit in order to repay to the Government the amount which was paid for this property, there is no necessity for the city to issue its bonds or loan its credit, but simply to pay the United States the sum of $15,000 from the proceeds of the sale of this land.

My only desire is that the House understand the value of the property we are called upon to give away and the munificence of the gift. If this land has increased in value since it was purchased by the Government, that increase should inure to the benefit of the Government.

Mr. ROGERS, of Arkansas. Certainly.

Mr. STEVENS. As I understand it, valuable and extensive improvements have been made upon this land by the Government; some twenty or twenty-five thousand dollars of the Government's money has been expended in making these improvements. The only question is as to the land which the United States originally bought in 1838 for $15,000. From that is to be reserved one hundred acres for a national cemetery and nine acres more for a park.

It seems as if the same spirit of aggression which characterizes the white man everywhere characterizes our friends in the city of Fort Smith. Some of them have lots which extend over, or naturally would extend over, onto this reserve. I notice that there are provisions in this bill by which these parties are to have the first right to purchase this land, so as to extend their lots onto this reserve, in order to make them of proper proportion.

I can see no soundness in the argument that it is impossible under the constitution and laws of the State of Arkansas for the city of Fort Smith to make provision for refunding to the United States the amount of money which it paid for this land. On the contrary, it seems to me that there is a very simple way in which that can be done.

But my chief desire, as previously stated, was to have this House fully understand the character of this bill. I know that the general argument is that the Government of the United States should never realize any profits from its investments. That seems to be one of the arguments here; perhaps it is a good one. Certainly it is a very old one.

I will not insist upon offering an amendment to this bill if the gentle-

man from Arkansas feels that it would jeopardize or prejudice its passage. I want to see the schools of that State prosper, as I want to see them prosper everywhere. I presume that in a few days we shall be called upon to decide by our votes the question of appropriating within the next few years from seventy to one hundred millions of dollars for the education of the illiterate throughout this country.

The question was upon ordering the bill to be read a third time.

The bill was ordered to a third reading, read the third time, and passed.

Mr. ROGERS of Arkansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM L. WHITE.

The next business on the Speaker's table was the bill (S. 621) for the relief of William L. White; which was taken from the Speaker's table, and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to audit and allow the claim of William L. White for actual services performed by him as a clerk in the land office at Oregon City, Oreg., under contract with the register and receiver thereof, to the amount of $1,333.33½, the balance due on said contract; and the Secretary of the Treasury of the United States is hereby authorized to pay the same out of any moneys in the Treasury not otherwise appropriated.

Mr. RANDALL. I desire to reserve all points of order on this bill.

Mr. GEORGE. I hope the bill will be taken up for consideration at this time and that no point of order will be made against it. I can make a full explanation of the bill in a few minutes.

A bill exactly similar to this has been considered by a committee of this House and reported unanimously with a favorable recommendation. This is simply to pay a worthy citizen of my State for services which he rendered in the land office at Oregon City, for which services only a portion due him has been paid. The Government has recognized the services, has paid him in part, and now it is necessary to make a further appropriation in order to pay him what the Government agreed to pay him.

Mr. RANDALL. Was there a law authorizing the employment of this man, and was it a deficiency in the appropriation which prevented him from being fully paid for his services?

Mr. GEORGE. The law was peculiar. While it authorized the employment of this gentleman and others to do this work, yet it provided that it should be subject to the approval of Congress. Congress afterward appropriated the sum of $7,000 to pay these persons who had rendered service, and it was found that it was not sufficient to go around, and consequently it was applied pro rata.

It was not technically a deficiency, for the reason that the original act required the approval of Congress in reference to the final payment of these persons. It could not, therefore, be called technically a deficiency, as the gentleman from Pennsylvania will readily see, and it becomes necessary to provide the money for the payment by the passage of a private bill—in other words specially and not through the regular appropriation bill for deficiencies.

Mr. RANDALL. I do not think it came here in obedience to any law either.

Mr. GEORGE. The law was passed in 1856, authorizing the Secretary of the Interior to employ this gentleman, along with others, to do this particular work, which he did. This bill has passed the Senate four times. I hope the point of order will not be pressed against it.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. RANDALL] insist on the point of order?

Mr. RANDALL. I do not in the face of a unanimous report of a committee of the House.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. GEORGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAM AT ROCK ISLAND ARSENAL.

The next business on the Speaker's table was the joint resolution (S. R. 9) making an appropriation for the improvement of the pool above the dam at Rock Island arsenal.

The joint resolution was read.

Mr. RANDALL. That ought to go to a committee. The truth is that all appropriations for the Rock Island arsenal and everything relating thereto are provided for in the sundry civil appropriation bill. If the appropriation contained in this joint resolution is a proper one it ought to be inserted in that bill with the rest of the appropriations for that public establishment.

The SPEAKER. Does the gentleman desire the reference of the joint resolution?

Mr. RANDALL. Yes, sir; I think it had better go to the Committee on Appropriations.

There being no objection, the joint resolution was read a first and second time, and referred to the Committee on Appropriations.

MRS. J. P. WILLIAMS.

The next business on the Speaker's table was the bill (S. 379) for the relief of Mrs. J. P. Williams.

The bill was read.

Mr. RANDALL. I reserve a point of order on this bill for the purpose of inquiring whether any committee of this House has considered the matter. If not, it seems to me it ought to receive investigation from a committee.

Mr. SPRINGER. Let it go to the Committee on Claims.

Mr. RANDALL. I suggest that it go to the committee to which it appropriately belongs.

There being no objection, the bill was read a first and second time, and referred to the Committee on Claims.

J. A. HENRY AND OTHERS.

The next business on the Speaker's table was the bill (S. 537) for the relief of J. A. Henry and others.

The bill was read.

Mr. RANDALL. Reserving the point of order, I wish to say that if I understood correctly the reading of the bill it applies to accounts which have been audited and adjusted in the Treasury Department. If so, they are probably included in a document which has been sent by that Department to the Speaker of this House, and which, by reference, is now in the possession of the Committee on Appropriations. In all probability, therefore, the claims provided for in this bill would find a place in the deficiency appropriation bill. So perhaps the bill had better go to the Committee on Appropriations. If that reference be made, I will not make a motion to reconsider and to lay the motion to reconsider on the table. Hence, if the action of the House in referring the bill should be found to work a hardship, it will be within the power of any member to correct it by a motion to reconsider.

There being no objection, the bill was read a first and second time, and referred to the Committee on Appropriations.

JAMES AND WILLIAM VANCE.

The next business on the Speaker's table was the bill (S. 677) for the relief of the estates of James Vance and William Vance.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the legal representatives of James Vance, deceased, and to the legal representatives of William Vance, deceased, the sum of $5,500, in full payment for the use of buildings at San Antonio, Tex., between August 5, 1865, and August 20, 1866.

Mr. RANDALL. I do not see now in the House the gentleman from Texas [Mr. HANCOCK] who represents the district from which this case comes.

Mr. OATES. I will state to the House that I have knowledge of these claims. In the last Congress, if I am not mistaken, they were before the Committee on Claims, and were referred to another gentleman and myself as a subcommittee. We made a thorough investigation, and if these claims are the same the proof is abundant that they are just and ought to be paid.

Mr. RANDALL. Has any committee of this House examined the matter?

The SPEAKER. Does the gentleman from Pennsylvania propose the reference of the bill?

Mr. RANDALL. No, sir; I suggest that it remain on the Speaker's table till the gentleman representing that district shall be present.

Mr. SPRINGER. Let it be passed over informally.

Mr. McMILLIN. I think that is the proper course, because the Committee on Claims have investigated, I think, that claim, and as stated by the gentleman from Alabama [Mr. OATES], if it is the same we investigated it is eminently proper it should pass or retain its place on the Calendar.

Mr. RANDALL. I am willing it shall be taken up by consent.

The SPEAKER. The gentleman from Texas [Mr. HANCOCK] is now in his seat.

Mr. RANDALL. I hope the gentleman from the San Antonio district of Texas will give his attention to this bill.

Mr. HANCOCK. Certainly. I suggest that bill has been acted on by the House committee and reported favorably. This bill comes from the Senate, and I ask for its present consideration.

Mr. McMILLIN. Is this the same bill which was before the Committee on Claims?

Mr. HANCOCK. It is.

Mr. McMILLIN. It is proper I should state, then, this claim was examined thoroughly and carefully, and I do not hesitate to say it is a bill that ought to pass.

The facts briefly are these: The Government of the United States occupied the property for which this rent is claimed prior to the war. When the war broke out it held that property without rent or any stipulation for rent. There is no desire expressed on the part of the claimant for pay for the war period. Immediately after the war closed the commandant of the post requested the owner of the property to put it in repair. He did so, with the understanding, as the committee believed, the Government would rent it from him. The Government

occupied it for a year next succeeding the war, and for that period he asks pay. He only asks the amount obtained for the property prior to the war. This does not embrace any of the war period. I think it should pass.

Mr. RANDALL. Does the War Department approve of it?

Mr. McMILLIN. My memory is it does approve of it. It is for a period subsequent to the war. The property was held under an agreement the owner should make certain repairs. He did make them, and that fact alone would be sufficient, if there were nothing else in the case, to convince the committee it was held by quasi-contract at least. It is certainly proper it should be paid for.

Mr. OATES. I remember the claim well, and the only reason why the Department did not pay it was because it was anterior to the proclamation of the President that the war had closed.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. HANCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

T. J. BOYLES.

The next business on the Speaker's table was a bill (S. 975) for the relief of T. J. Boyles, administrator of the estate of Marcus Radich, deceased; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to T. J. Boyles, administrator of the estate of Marcus Radich, deceased, of Houston, Tex., the sum of $440, in full for the rent of two buildings belonging to the said Marcus Radich, deceased, situate in Brownsville, Tex., one of which houses was occupied by the United States military authorities from August 21, 1865, to December 31, 1865, at the rate of $60 per month, and the other of which houses was occupied by the United States authorities from January 31, 1866, to March 31, 1866.

Mr. RANDALL. Is there any report on that case?

Mr. STORM. There is, and I ask it to be read.

Mr. MORRISON. That bill had better go to the Committee of the Whole House on the Private Calendar.

Mr. STORM. I hope the gentleman will not insist on that point.

Mr. MORRISON. Very well; I will withdraw it.

Mr. RANDALL. Let the report be read.

The report was read, as follows:

Mr. STORM, from the Committee on War Claims, submitted the following report:

The facts out of which this claim for relief arises will be found stated in Senate report of the Committee on Claims, No. 54, first session of the Forty-seventh Congress, a copy of which is hereto appended, which said report was adopted by the Committee on War Claims in House report 1680, first session of the Forty-seventh Congress, and which said Senate report your committee adopt as their own, and report the accompanying bill and recommend its passage.

Mr. HOUK, from the Committee on War Claims, submitted the following report, to accompany bill H. R. 6756:

The Committee on War Claims, to whom was referred the petition of Marcos Radich, submit the following report:

The facts out of which this claim for relief arises will be found stated in Senate report of the Committee on Claims, No. 54, first session Forty-seventh Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report the accompanying bill and recommend its passage.

[Senate Report No. 54, Forty-seventh Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 619) for the relief of Marcos Radich, have considered said bill, and report thereon as follows:

A bill for the relief of Marcos Radich was introduced in the Senate during the Forty-sixth Congress and referred to the Committee on Claims. It was assigned to Mr. Teller, as a subcommittee, for examination. On the 1st of March, 1880, Mr. Teller inclosed the duplicate vouchers hereinafter set forth to General M. C. Meigs, Quartermaster-General, and asked for all papers and any other information relating to said claim in the Quartermaster-General's Office.

On the 15th of March, 1880, Mr. Teller's letter was returned to him from the Quartermaster-General's Office, with the following indorsement thereon:

QUARTERMASTER-GENERAL'S OFFICE, *Washington, March* 16, 1880.

Respectfully returned, by direction of the Quartermaster-General, to Hon. H. M. Teller, United States Senate, Washington, D. C., and attention invited to copy of letter of September 3, 1866, which is the last action of record in this office, and also to the act of February 9, 1867, as given on page 3 of General Orders No. 59 of 1867, Quartermaster-General's Office.

The transfer and amount as stated in voucher for $260 is found to have been duly reported to this office.

Regarding the voucher for $180, it is found that on Captain Plato's Form 2 for January, 1866, he takes the building up with thirteen others, with remark, "No rate of rent agreed upon. These buildings (fourteen in all) I found occupied upon assuming the duties here of supervising quartermaster, but these were not transferred to me by my predecessor. I consider it important that they should be reported as in occupation of the Government."

The report is same in February and March, 1866. Reported also on his April rolls at $60 per month, with remark, "Voucher given to March 31, 1866."

Captain Plato's rolls are approved by his commanding officer, General G. W. Getty.

JAS. L. MOORE,
Quartermaster, U. S. A.

The letter referred to in this indorsement is as follows, namely:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., September 3, 1866.

Col. C. G. SAWTELLE,
Chief Quartermaster Department of the Gulf, New Orleans, La.:

COLONEL: The papers in the claim of Marcos Radich for rent of building at Brownsville, Tex., inclosed in the letter of Col. S. H. Manning, chief quartermaster Department of Texas, and transmitted to you by this office for examination on the 2d ultimo, are herewith respectfully returned, with the information that, under instructions from the War Department, rent in Texas can not be considered prior to the President's proclamation of August 20, 1866.

By order Quartermaster-General.

Very respectfully, &c.,

J. J. DANA,
Colonel, Quartermaster's Department, Bvt. Brig. Gen. U. S. A.

The following is a copy of the duplicate vouchers transmitted to General Meigs by Mr. Teller, as hereinbefore set forth:

No. 22.

The United States to Marcos Radich, Dr.

1866, March 31. For rent of building on Elizabeth street, occupied as an ordnance warehouse, from August 21, 1865, to December 31, 1865, being four months and ten days, at $60 per month..... $260

BROWNSVILLE, TEX.

This voucher is given subject to the approval of the chief quartermaster Department of Texas, whose particular attention is called to Maj. O. O. Potter's certificate on No. 53, namely:

I certify that the transfer-list bearing date January 1, 1866, but actually transferred on the 24th day of April, 1866, contains the building actually occupied, with the true time and rental, determined by a board of officers; that circumstances beyond my control prevented me from making the actual transfer sooner.

O. O. POTTER,
Major and Chief Quartermaster Dept. Rio Grande.

Was transferred to me by Maj. O. O. Potter, late chief quartermaster Department of the Rio Grande, on the 24th day of April, 1866, with the above amount due and remaining unpaid, said transfer-list bearing date January 1, 1866.

NELSON PLATO,
Capt. and Quartermaster, Sup. Dept. Rio Grande.

No. 22.

The United States to Marcus Radich, Dr.

1866, March 31. For rent of building on Elizabeth street, occupied as an ordnance warehouse, from January 1, 1866, to March 1, 1866, both days inclusive, being three months, at $60 per month..... $180

BROWNSVILLE, TEX.

This voucher is given with the above rental per month, subject to the approval of the chief quartermaster Department of Texas, no rent having been reported by me heretofore, nor any transferred by my predecessor.

I certify that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service, and that the services have been reported by me, according to Army Regulations, as per my report of persons and articles for January, February, and March, 1866.

NELSON PLATO,
Capt. and Asst. Quartermaster, Supt. Quartermaster D. R. G.

The act of February 21, 1867 (volume 14, United States Statutes at Large, page 397) provides that the act of July 4, 1864, "shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of or used by the armies of the United States, nor for the occupation of or injury to real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States, where such claim originated during the war for the suppression of the Southern rebellion, in a State or part of a State declared in insurrection by the proclamation of the President of the United States dated July 1, 1862, or in a State which, by an ordinance of secession, attempted to withdraw from the United States Government." On August 20, 1866, the President by proclamation declared that the insurrection in the State of Texas was at an end.

Under said act of February 21, 1867, the Departments have refused to pay any claims originating in the insurrectionary States from the beginning of the insurrection to the date of the President's proclamation declaring the insurrection at an end, whether such claims arose under contracts or otherwise. And thus all persons whose just claims are based upon an express contract between themselves and the proper officers of the Government, made within the limits of the insurrectionary States within the period above named, are forced to appeal to Congress for relief.

This claim arose out of a contract between the claimant and the proper quartermaster. It was duly certified and reported by the quartermaster, and a record of the claim is in the Quartermaster-General's Office. Your committee are of the opinion that the claimant is entitled to be paid the amount of rent agreed to be paid by Captain Plato, the proper quartermaster, to wit, the sum of $440.

For the purpose of rendering the bill more definite and certain in its terms, we recommend that the bill be amended by striking out and inserting as shown on the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. STORM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATUTE OF CHIEF-JUSTICE MARSHALL.

Mr. SINGLETON. Mr. Speaker, I ask unanimous consent for a suspension of the order of business of the House for a moment to pass a resolution giving the assent of the House to take part in the ceremonies of unveiling the statue of Chief-Justice Marshall on Saturday next.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the House of Representatives will at 1 o'clock p. m. on Saturday, May 10, attend as a body the ceremonies of unveiling the statue of John Marshall, late Chief-Justice of the United States.

The resolution was agreed to.

ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 3926) amending the Revised Statutes of the United States in respect of official oaths, and for other purposes.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

The next business on the Speaker's table was the joint resolution

(S. 21) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company.

The joint resolution was read a first and second time.

Mr. WARNER, of Ohio. I make the point of order upon that bill.

Mr. PERKINS. I hope the gentleman will permit me to make a suggestion, reserving his right to object.

Mr. WARNER, of Ohio. Reserving the right to object, I will yield to the gentleman.

Mr. PERKINS. I merely wish to state that the same resolution has been reported by a committee of this House——

Mr. WARNER, of Ohio. What committee?

Mr. PERKINS. From the Committee on Pacific Railroads. It was introduced here and referred to that committee, and you will find a bill identical with this on the House Calendar, on page 19.

Mr. WARNER, of Ohio. On that statement I withdraw the point of order.

Mr. DUNN. I renew it.

Mr. TOWNSHEND. What was the condition of that bill in committee?

Mr. PERKINS. It has a favorable report from the committee. There is no adverse report. I will state further that this bill passed the Senate twice.

Mr. TOWNSHEND. But was the action of the committee on the bill unanimous?

Mr. PERKINS. I can not say that. I only know that there was no adverse report, and I take it for granted that the action of the committee met with no dissent on the part of its members.

Mr. DUNN. I insist upon the point of order.

The SPEAKER. The point of order being made, the bill will go to the Committee of the Whole House on the Private Calendar.

Mr. PERKINS. May I ask what objection there is to the present consideration of this bill?

Mr. DUNN. If I am indulged, I will state the reason. I have no objection to making known my reason.

The SPEAKER. It is not debatable.

M. P. JONES.

The next business on the Speaker's table was the bill (S. 269) for the relief of M. P. Jones.

The bill was read a first and second time. It is as follows:

Be it enacted, &c., That there be, and is hereby, appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $24,597.75, to reimburse M. P. Jones for money deposited by him in the United States depository at Portland, Oreg., to complete the United States surveys along the line of the Oregon central military wagon-road in Southeastern Oregon, and to pay the expenses of the clerical work in the office of the United States surveyor-general of Oregon, said money being deposited under the provisions of an act of Congress approved May 30, 1862, upon the surrender by him to the Commissioner of the General Land Office of the duplicate or triplicate certificates of deposit held by him.

Mr. GEORGE. I hope the point of order will not be made against this bill and that it will be considered now. I ask unanimous consent to make a brief statement with reference to it.

Mr. McMILLIN. Reserving the right to object, the gentleman can make the statement.

Mr. GEORGE. This bill proposes to repay Mr. Jones for moneys which he deposited, as he thought, under a law which would allow him to use the certificate in the payment for public lands.

The House will remember that there is a law upon the statute-books providing that where money is paid under the deposit system for the survey of lands which the United States propose to survey the certificates which shall be issued for this sum of money can be used in payment for the public lands. Now, had the amount of money covered by this bill been deposited in $400 amounts, then it could have been used as I have indicated, but being deposited in a single sum of between $24,000 and $25,000, it was impossible under the law for him to avail himself of the benefits to which he was entitled. The highest single claim allowed settlers is one hundred and sixty acres, and this at $2.50 per acre would not admit of the use of a certificate amounting to over $400; consequently this twenty-four-thousand-dollar certificate has never been of any use.

The Government has had the full benefit of the money paid for its use; the surveys have been made; they have been passed upon and accepted by the Government; but Mr. Jones is not allowed the use of the certificates which he would have had if the money had been deposited in sums of $400 each. This is simply to correct an injustice and inequality of the law in his case, so that Mr. Jones may have the benefit of the deposits made by him.

I will state further that this bill has passed the Senate four different times. I believe it has been twice favorably reported to the House, and is now unanimously reported from the Committee on the Pubilc Lands. I hope the point of order will not be made against it.

The SPEAKER. Is the point of order insisted upon?

Mr. McMILLIN. Has the gentleman the report of the committee of this House?

Mr. GEORGE. I have; and it can be read, if desired.

Mr. McMILLIN. Let it be read, reserving the right to object.

The report was read. It is as follows:

Mr. BRENTS, from the Committee on the Public Lands, submitted the following report, to accompany bill H. R. 1301:

A bill identical in its provisions with this one passed the Senate during the Forty-fifth Congress and again at the present session of the present Congress, and is now on the Speaker's table of this House. It was also favorably reported by the Senate Committee on Public Lands during the Forty-sixth and Forty-seventh Congresses, by the House Committee on the Public Lands during the Forty-fifth and Forty-sixth Congresses, and by the House Committee on Claims during the Forty-seventh Congress.

After a very careful re-examination of the matter, the committee concur in these several recommendations, and adopt the views so well expressed in the report of the Senate Committee on Public Lands of the Forty-seventh Congress, which is as follows:

It appears in this case that M. P. Jones deposited to the credit of the United States in the city of Portland, Oreg., moneys for the survey of public lands in said State as follows:

	For surveys.	For office-work.	
May 21, 1875	$19,470 00	$530	
September 13, 1875	4,896 00	104	
Total	24,366 00	634	— $25,000 00
That of this amount the United States have expended	23,963 75	634	
Leaving unexpended	402 25	000	— 402 25
Leaving a balance due M. P. Jones			24,597 75

That under this deposit so made the United States made surveys of lands hereinafter described, and the United States surveyor-general for Oregon approved the maps of the same on January 3 and January 11, 1876, respectively, said surveys being as follows, to wit: of the sixth, seventh, and eighth standard parallels south, and exterior lines of township 35 south, range 26 east; exterior lines of township 36 south, ranges 25 to 31 east; exterior lines of township 37 south, ranges 24 to 28 east; exterior lines of township 38 south, ranges 25 to 28 east; exterior lines of township 29 south, range 24 to 28 east; exterior lines of township 35 south, range 31 east; exterior lines of township 32 south, range 40 east; and subdivisional surveys of township 36 south, ranges 25 to 29 east; township 37 south, ranges 24 to 28 east; township 38 south, ranges 24 to 26 east; township 39 south, ranges 23 to 25 east; township 35 south, ranges 26 to 31 east; township 36 south, ranges 25, 30, 31 east; township 37 south, range 24 east; township 38 south, range 24 east; township 39 south, range 26 east; townships 31 and 32 south, range 41 east; township 30 south, ranges 44 and 45 east; township 31 south, ranges 42 and 44 east; township 32 south, range 39 east.

That the township plats of surveys so made and so approved were filed with the proper register and receiver at the local United States land office on February 24, 1876.

That this deposit of $25,000 was not made in accordance with the provisions of any law of the United States, but this amount of $25,000, when deposited by said M. P. Jones, was placed in the United States Treasury to the credit of the fund or appropriation entitled "Deposits by individuals for the survey of public lands," under acts and resolutions of Congress provided only for the deposits of money by actual settlers for the surveys of public lands.

That the total number of acres surveyed by this district was 531,732, and of which 237,731 passed to the Oregon central military wagon-road under an act of Congress.

That the surveys made and paid for by said deposits inured to the benefit of the United States; said surveys were made under the supervision of the United States surveyor-general for Oregon in the same manner as other public-land surveys in said State were made.

That if these surveys had not been made at that time and paid for with the moneys thus and so deposited by said M. P. Jones, that then the United States, at some subsequent time, would have surveyed the same townships, and at the same cost, and paid for the same from the appropriations made by Congress from time to time for the survey of the public lands in said State.

That the grant by Congress to the Oregon central military wagon-road was made in a section of the country to which the public surveys had not been extended, and the terms of the grant require that this road should be completed within five years, and that the lands should be used for the purpose of paying for the construction of said road.

That if the lands had not been surveyed in the manner they were, then the provisions of the act of Congress could not have been complied with.

That Congress has refunded deposits of this character in similar cases (United States Statutes, volume 17, page 515), directing the payment to the Saint Paul and Sioux City Railroad Company the sum of $1,370 out of the appropriation of $50,000 for surveys in Minnesota. Said $1,370 was deposited October 4, 1869, by said company, and in accordance with said act of Congress was refunded to them on July 12, 1873. (See also volume 18, United States Statutes at Large, page 213, appropriating $10,600 to reimburse the Chicago and Northwestern Railroad Company for surveys along the line of that road; money deposited August 20, 1872, and refunded August 20, 1874.)

That a bill for the payment of this amount of $25,000 to M. P. Jones (Senate bill No. 150) passed the Senate on the 15th day of June, 1878. (See Senate Journal, second session Forty-fifth Congress, page 716, June 15, 1878.) And which bill was thereafter referred to the Committee on Public Lands of the House and by it favorably considered, and by it ordered to be favorably reported to the House with a recommendation that it should pass, but which report failed to be made to the House in time to be acted upon during the Forty-fifth Congress.

That of the amount so deposited by said M. P. Jones ($25,000) the sum of $402.25 remains unexpended, and which unexpended balance has been refunded to said M. P. Jones, leaving still due him the sum of $24,597.75.

The committee unanimously concur in recommending the passage of the bill as amended.

Your committee concur in this view of this case. The Government has applied the moneys of Mr. Jones to its own use to the amount of $24,597.75. It was advanced by him to the Government in good faith, and from a necessity which grew out of his relations with the Government, and should be refunded as much as borrowed money between the individual borrower and lender.

The committee unanimously recommend the passage of the bill.

There being no objection, the bill was ordered to be read a third time; and being read the third time, was passed.

Mr. GEORGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UTE INDIAN RESERVATION.

The next business on the Speaker's table was the bill (S. 241) to repeal section 8 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That section 8 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880, be, and the same is hereby, repealed; and that the lands referred to in said section are hereby restored to the public domain.

Mr. BELFORD. I should like to have that bill considered at this time; and I desire to make a statement, if the House will hear me in reference to it.

Mr. WELLER. I reserve the point of order while the gentleman makes his statement.

Mr. RANDALL. I think we had better have the report in this case read.

Mr. BELFORD. I have not got the Senate report, but I can make a statement on the accuracy of which I think the House can rely.

In 1880 we passed an act to ratify an agreement with the Ute Indians by which we removed them from Colorado to Utah. There was a section of ground there close to the town of Ouray, four miles in extent, and this bill provided that that section should be subject to the same general Ute reservation. Here is a section lying close to the town of Ouray; thousands of people have entered upon it and made their homes on it; and now to refuse to pass this bill is simply to put their titles in dispute for all time to come. Every dollar that the Indians could acquire by carrying out the general provisions of the act will be given them, while you allow this land to be settled, the settlers having already entered upon it. There is no doubt about it. The people are there and they want to pay the Government the amount of money required for the entry of public lands; and under the other general provision of the act that money goes into the Indian fund.

If I can not get this bill considered now, and it goes to a committee and is reported back to be placed on the Public Calendar, I know I can not again reach it. As I have said, there are thousands of citizens of my State settled on this four-mile tract of ground and not an Indian within two hundred miles of them, and all they ask is to be permitted to pay the Government the price of the land provided for under the treaty. Therefore I ask for the present consideration of the bill. If I can not get it now I know I must fail, and that thousands of people who have homes and ranches on that four-mile strip will be in constant trepidation in regard to their titles. I have tried to make an honest statement of the thing according to my information, and I ask the House to allow the present consideration of the bill.

The SPEAKER. Does the gentleman from Iowa [Mr. WELLER] make the point of order?

Mr. WELLER. I do.

The gentleman will state his point of order.

Mr. WELLER. My point of order is that the bill makes an appropriation out of the public Treasury and that it should have its first consideration in Committee of the Whole House.

The SPEAKER. The Chair does not understand the bill to make any appropriation. As the Chair understands, it does not make an appropriation either of money or of property. On the contrary, it restores certain lands to the public domain.

Mr. WELLER. I understand the bill does make an appropriation.

The SPEAKER. The Clerk will read the bill again.

The bill was again read.

Mr. WELLER. I make the further point that the bill has never been considered by a committee of this House.

The SPEAKER. That may be a good reason for proposing now to refer the bill to a committee, but it is not the ground for a point of order.

Mr. WELLER. Then I move that it be referred to the proper committee.

The SPEAKER. The Committee on Indian Affairs would be the proper committee under the rules of the House, as the bill relates to an Indian reservation. The question is on the motion of the gentleman from Iowa [Mr. WELLER] to refer this bill to the Committee on Indian Affairs.

The question being taken, the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 22, noes 56.

Mr. WELLER. I make the point that a quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Colorado [Mr. BELFORD] and the gentleman from Iowa [Mr. WELLER].

Before the count by tellers was proceeded with,

Mr. WELLER said: I withdraw the point as to a quorum.

So (further count not being called for) the motion to refer the bill was not agreed to.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BELFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDEBTEDNESS FOR INDIAN SUPPLIES.

The next business on the Speaker's table was the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amount due citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for payment thereof; which was read a first and second time.

The bill was read at length.

Mr. MCMILLIN. I make the point of order that the bill makes an appropriation, and must have its first consideration in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order. The bill will go to the Committee of the Whole House on the state of the Union.

LOUISA BODDY.

The next business on the Speaker's table was the bill (S. 271) for the relief of Louisa Boddy; which was read a first and second time.

The bill was read at length.

Mr. GEORGE. Another bill of similar import has become a law. The necessity for this bill therefore no longer exists.

The SPEAKER. The question is on ordering the bill to be read a third time.

The question was taken, and was decided in the negative.

GEORGE A. IAEGER.

The next business on the Speaker's table was the bill (S. 439) for the relief of George A. Iaeger; which was read a first and second time.

The bill was read at length.

Mr. WARNER, of Ohio. I make the point of order that the bill makes an appropriation. The same bill was before the Committee on Claims in the last session.

The SPEAKER. The Chair sustains the point of order, and the bill is referred to the Committee of the Whole House on the Private Calendar.

ORDER OF BUSINESS.

Mr. HAMMOND. I move that the House now adjourn.

Mr. MORRISON. Before that motion is put, I ask unanimous consent to vacate the order for evening sessions for debate only.

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] asks consent that the order of the House heretofore made for a daily recess from 5 o'clock until 8 o'clock p. m. be vacated.

Mr. REED. I hope the gentleman will add that the House hereafter meet at 12 o'clock instead of 11 o'clock.

Mr. MORRISON. I will not.

There being no objection, the order for evening sessions for debate only was vacated.

The question was then taken on the motion of Mr. HAMMOND that the House adjourn; and upon a division there were—ayes 84, noes 41.

Before the result of the vote was announced,

Mr. SPRINGER said: I call for the yeas and nays. There is business enough here to keep us until the middle of August.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is the demand for the yeas and nays on the motion to adjourn.

The question was taken, and there were 26 in the affirmative.

The SPEAKER. Upon ordering the yeas and nays there are 26 in the affirmative—more than one-fifth of the last vote.

Mr. HAMMOND. I ask that the other side be counted.

A further count was had, and there were 124 in the negative.

Mr. SPRINGER. I call for tellers on ordering the yeas and nays.

The question was taken upon ordering tellers, and there were 10 in the affirmative.

So (the affirmative not being one-fifth of a quorum) tellers were not ordered.

The SPEAKER. Upon ordering the yeas and nays upon the motion to adjourn there are ayes 26, noes 124. There not being one-fifth in the affirmative, the yeas and nays are not ordered.

Mr. SINGLETON. Before the result of the vote on the motion to adjourn is announced I desire to give notice that to-morrow I will call up for consideration the Congressional Library bill.

The result of the vote on the motion of Mr. HAMMOND was then announced as ayes 81, noes 41.

So the motion was agreed to; and accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Three petitions from officers of the Army, asking for the passage of H. R. 4854—severally to the Committee on Military Affairs.

Also, the petition of Doty Post, Grand Army of the Republic, Hornellsville, N. Y., asking legislation in pension cases—to the Committee on Invalid Pensions.

By Mr. BARBOUR: Papers relating to the claim of Francis M. Brabhum—to the Committee on War Claims.

By Mr. BISBEE: Petition of citizens of Florida, relative to the First Presbyterian church of Saint Augustine, Fla.—to the Committee on the Public Lands.

Also, memorial of members of the Board of Trade of Santa Fé, N. Mex., relative to the Twenty-sixth Legislature of New Mexico—to the Committee on the Territories.

By Mr. CASSIDY: Memorial of the Bar Association of Salt Lake City, Utah, asking for an increase of the jury-list and an additional United States district judge for Utah Territory—to the Committee on the Judiciary.

By Mr. COBB: Resolutions of the Grand Army of the Republic of the State of New York, urging the extension of the time for filing pension applications to June, 1890—to the Committee on Invalid Pensions.

By Mr. COSGROVE: Remonstrance of merchants and manufacturers, representing all branches of mercantile business, against the passage of another bankrupt act—to the Committee on the Judiciary.

By Mr. CRISP: Petition of B. F. Mason, H. J. Smith, and others, citizens of Telfair County, Georgia, asking aid for education—to the Committee on Education.

By Mr. DIBRELL: Papers relating to the pension claim of James A. Baker—to the Committee on Invalid Pensions.

By Mr. ELDREDGE: Resolutions of Henry Baxter Post, No. 219, Grand Army of the Republic, Department of Michigan, in favor of bills to grant one hundred and sixty acres of land to late soldiers, and pensions of $8 per month—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. ERMENTROUT: Memorial of workmen of Philadelphia, Pa., for the redemption of the trade-dollar in gold, with interest—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Grand Army of the Republic of the State of New York, to extend time of applications for pensions to June, 1890—to the Committee on Invalid Pensions.

Also, the memorial of the Philadelphia Machinery Company, against the passage of bills H. R. 3617 and 1588—to the Committee on Patents.

Also, memorial of the State agent of Pennsylvania, for the passage of H. R. 2463—to the Committee on War Claims.

By Mr. HALSELL: Petition relating to the claim of C. W. Smith—to the same committee.

By Mr, D. B. HENDERSON: Resolutions of the Grand Army of the Republic of the State of New York, urging the extension of time for filing pension applications to June, 1890—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. A. S. HEWITT: Petition of dealers in earthenware and glass in the city of New York, in favor of relief from excessive import duties—to the Committee on Ways and Means.

By Mr. McCOID: Resolutions of Perry A. Newell Post, No. 232, Grand Army of the Republic, Department of Iowa, C. L. Sherwood, adjutant, favoring the bill to give one hundred and sixty acres of land to honorably discharged soldiers—to the Committee on the Public Lands.

By Mr. MAYBURY: Petition of William J. Fraser and others, of Farquhar Post, Grand Army of the Republic, Department of Michigan, for legislation in favor of veterans of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MORRILL: Petition of George W. White, for pension for services in the Florida war—to the Committee on Pensions.

By Mr. STEELE: Petition of Alphonso Henley, relative to his claim for services as assistant surgeon United States volunteers—to the Committee on War Claims.

By Mr. H. G. TURNER: Petition of W. K. Roberts and others, citizens of Allapaha, and of W. H. Griffin, ordinary, and others, of Nashville, Berrien County, Georgia, for the passage of the Blair educational bill—severally to the Committee on Education.

By Mr. WILKINS: Resolutions of Andrew Crawford Post, No. 6, Grand Army of the Republic, New Philadelphia, Ohio, relative to the passage of a general pension law therein described—to the Committee on Invalid Pensions.

Also, memorial of the Grand Army of the Republic of the State of New York, relative to pensions—to the same committee.

SENATE.

THURSDAY, *May* 8, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The PRESIDENT *pro tempore* signed the enrolled bill (H. R. 3926) amending the Revised Statutes of the United States in respect of official oaths and for other purposes, heretofore signed by the Speaker of the House of Representatives.

CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

On motion of Mr. MILLER, of New York, it was

Resolved, That the Senate insist on its amendments to the said bill, disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MILLER, of New York, Mr. PLUMB, and Mr. WILLIAMS.

FITZ-JOHN PORTER.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 1015) for the relief of Fitz-John Porter.

On motion of Mr. SEWELL, it was

Resolved, That the Senate insist on its amendment to the said bill, disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SEWELL, Mr. LOGAN, and Mr. COCKRELL.

Mr. LOGAN. I ask to be excused from serving on the conference committee. It is well known that I oppose any proposition in reference to that matter, and therefore I could not and would not agree in conference to any proposition to pass a law for the relief of the person mentioned. Therefore I do not think I am a proper person to be on the conference.

The PRESIDENT *pro tempore*. The Chair has been under the impression that one gentleman of the minority is usually put upon committees of conference. The Senator from Illinois asks to be excused from service on the conference committee. Is there objection? The Chair hears none. The Chair will appoint in place of the Senator from Illinois, excused, the Senator from Connecticut [Mr. HAWLEY.]

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a supplemental provisional estimate for an appropriation of $272,620 made in anticipation of the probable enactment of laws involving additional labor upon the Pension Office in the adjudication of additional pension claims; which, together with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Cummings Post, Grand Army of the Republic, of Hinesburgh, Vt., in favor of the adoption of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions, &c.; which was referred to the Committee on Pensions.

Mr. MANDERSON presented resolutions adopted by William F. Barry Post, No. 159, Department of Nebraska, Grand Army of the Republic, Liberty, Nebr., favoring such legislation as will grant pensions to all ex-Union soldiers; which was referred to the Committee on Pensions.

Mr. SHERMAN presented a resolution of Andrew Crawford Post, No. 6, Grand Army of the Republic, Department of Ohio, New Philadelphia, Ohio, favoring such legislation in regard to pensions to ex-Union soldiers as is recommended by the pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. SEWELL presented a resolution adopted by the Northern New Jersey Indian Association, favoring an increase of the appropriation for Indian education; which was referred to the Committee on Appropriations.

Mr. MILLER, of New York, presented a memorial of citizens of Albion, N. Y., remonstrating against the establishment of a governmental monopoly of the telegraph business; which was ordered to lie on the table.

Mr. VAN WYCK presented a resolution of Parson Brownlow Post, Grand Army of the Republic, of Chester, Nebr., and a resolution of Valley Post, Grand Army of the Republic, of Lowell, Nebr., favoring legislation giving pensions to all ex-Union soldiers; which were referred to the Committee on Pensions.

Mr. LOGAN presented resolutions of the Maritime Association of the port of New York, favoring the passage of House bill No. 5892, known as the Dingley pilotage bill; which were referred to the Committee on Commerce.

He also presented a petition of ex-Union soldiers and sailors, the petition of A. A. Matthews Post, No. 49, Department of Wisconsin, and a petition of McPherson Post, No. 106, Department of Illinois, praying

for the passage of general legislation favoring ex-Union soldiers; which were referred to the Committee on Military Affairs.

He also presented resolutions adopted by Watson Post, No. 240, Grand Army of the Republic, Department of Illinois, in favor of general legislation favorable to ex-soldiers; which were referred to the Committee on Military Affairs.

He also presented a letter of J. M. Hodges, commander Department of New York, Grand Army of the Republic, favoring the passage of the bill providing additional pay for officers honorably mustered out under the act of July 15, 1870; which was referred to the Committee on Military Affairs.

He also presented three petitions of officers of the line of the United States Army, praying for the passage of Senate bill 1677, extending the provisions of section 1207 of the Revised Statutes to the lieutenants of the line of the Army; which were referred to the Committee on Military Affairs.

He also presented two petitions of late officers of the volunteer army, praying for the passage of the Senate bill 1306 and House bill 3485, increasing the rate of pension to all commissioned officers; which were referred to the Committee on Military Affairs.

He also presented a petition of Winfield Scott Post, No. 104, Department of Wisconsin, praying for the passage of the so-called equalization-of-bounty bill; which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by Union ex-prisoners of war, citizens of Chicago, Ill., favoring the passage of Senate bill 44, granting pensions to Union ex-prisoners of war; which were referred to the Committee on Pensions.

He also presented a petition of Oregon Post, No. 115, Grand Army of the Republic, praying for the enactment of a general law favorable to pensions; which was referred to the Committee on Pensions.

He also presented a petition of ex-Union soldiers of Jasper County, Illinois, praying that the pension laws may be made less stringent; which was referred to the Committee on Pensions.

He also presented resolutions adopted by Harker Post, No. 189, Grand Army of the Republic, Department of Illinois; resolutions adopted by Hays Post, No. 3, Grand Army of the Republic, Department of Pennsylvania; resolutions adopted by Republic Post, No. 43, Grand Army of the Republic, Hannibal, Mo.; resolutions adopted by Ed. Crippen Post, No. 429, Grand Army of the Republic, Department of Illinois; resolutions adopted by Barnhill Post, No. 162, Grand Army of the Republic, Department of Illinois; resolutions adopted by T. H. Richardson Post, No. 92, Grand Army of the Republic, Department of Missouri; resolutions adopted by R. K. McCoy Post, No. 331, Grand Army of the Republic, Department of Illinois; resolutions adopted by New Boston Post, No. 433, Grand Army of the Republic, Department of Illinois; resolutions adopted by Joe Spratt Post, No. 323, Grand Army of the Republic, Department of New York; resolutions adopted by W. A. Babcock Post, No. 416, Grand Army of the Republic, Department of Illinois; and resolutions adopted by Jo. Hooker Post, No. 69, Grand Army of the Republic, Department of Illinois, indorsing the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

He also presented a petition of 450 ex-Union soldiers of Whitesville, Conn., and vicinity, praying for the enactment of legislation favorable to ex-soldiers who were in rebel prisons; which was referred to the Committee on Pensions.

He also presented the petition of Anna D. Werner, widow of Adolph Werner, late private Company A, Twenty-seventh Regiment Illinois Volunteers, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Charles B. Spencer, late of the United States Marine Corps, praying to be granted a pension; which was referred to the Committee on Pensions.

He also presented resolutions of Captain Keyes Post, No. 302, Grand Army of the Republic, Department of Ohio, in favor of the passage of Senate bill 340, granting public lands to soldiers and sailors of the war of the rebellion; which were referred to the Committee on Pensions.

He also presented a petition of W. H. L. Wallace Post, No. 55, Department of Illinois, Grand Army of the Republic, and a petition of Thomas Hardy Post, No. 214, Department of Illinois, Grand Army of the Republic, praying the passage of an act giving to every ex-Union soldier and sailor who served sixty days in the war of the rebellion a pension of $8 a month; which were referred to the Committee on Pensions.

He also presented a telegraphic memorial from Elmer Washburn, president of the Chicago (Ill.) Live Stock Exchange, remonstrating against the enactment of any law in regard to the contagious diseases of cattle; which was ordered to lie on the table.

He also presented a memorial of inventors and manufacturers, citizens of Chicago, Ill., and vicinity, remonstrating against the pending legislation changing the patent laws; which was referred to the Committee on Patents.

Mr. HARRIS. I present the petition of Wright Rives and a number of other citizens of the District of Columbia, praying that a special appropriation be made for the improvement of the Bladensburg road. I will ask its reference, at present, to the Committee on the District of Columbia, while the ultimate reference should be to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEE.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 4981) granting a pension to Isabella I. Ramsdell, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 773) granting a pension to Mrs. Kady Brownell, reported it without amendment, and submitted a report thereon.

Mr. BLAIR. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1923) granting a pension to Clarissa T. Maies, to report it adversely and recommend its indefinite postponement. The claim has been allowed under the general law by the Commissioner of Pensions.

The bill was postponed indefinitely.

Mr. BLAIR. By direction of the same committee, I report back the bill (H. R. 5464) granting a pension to Clarissa T. Maies with the same recommendation, that it be indefinitely postponed, both bills being indefinitely postponed because of the allowance of the claim by the Commissioner of Pensions.

The bill was indefinitely postponed.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, reported it with amendments.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 30) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes; and

A bill (S. 666) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 1940) granting a pension to Thomas Williams, reported adversely thereon; and the bill was postponed indefinitely.

WILBUR F. M'DANIEL.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution declaring that the services of Wilbur F. McDaniel, provided for by Senate resolution of May 20, 1879, shall be terminated, reported it with an amendment, striking out "May 5" and inserting "May 9."

Mr. PLATT. Having voted on the yeas and nays against the amendment of the resolution when it was before the Senate, I suppose it is hardly necessary for me to say that I do not concur in this report of the committee. At the same time, the action of the Senate having been taken upon it, I shall make no extended opposition to it.

Mr. JONES, of Nevada. I ask that the resolution be placed on the Calendar. I shall call it up to-morrow.

The PRESIDENT *pro tempore*. The resolution will be placed upon the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 82) in relation to ceremonies to be authorized upon the completion of the Washington Monument.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2334) to release the American Baptist Home Mission Society from the conditions of the sale of the Marine-Hospital building and grounds at Natchez, Miss.; and it was thereupon signed by the President *pro tempore*.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 2181) for the benefit of D. R. Haggard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 2182) granting a pension to Joseph Lowry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GROOME (by request) introduced a bill (S. 2183) to determine the rights of William Wheeler Hubbell and the United States, respectively, therein stated; which was read twice by its title, and referred to the Committee on Military Affairs.

SHOOTING OF BLACK WOLF.

Mr. DAWES. I offer the following resolution, and ask for its present consideration:

Resolved, That the Attorney-General be directed to inform the Senate what measures, if any, have been taken by the Department of Justice for the arrest and trial of Hal Palfarino for the shooting of the Indian Black Wolf, on or about the 12th of March last, in the Territory of Montana, and whether any reasons known to the Department exist why said Palfarino has not been brought to trial for such alleged offense.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. DAWES. I should like to put on record the facts in this case, that they may aid the Department of Justice if it is groping around in the dark for any person who has committed this offense.

There is a little band of Cheyenne Indians who went up on the Tongue River, in Montana, in 1877, and are located there as farmers upon land, as peaceable as any Indians or any white men, and are cultivating farms there. They were pressed very much last winter by the severity of the winter, and we have made a special appropriation for their relief. The Interior Department has taken considerable pains to see that their farms are supplied and fenced.

Last March the herdsmen who occupied the public domain there, without any more right to it than I have, with their cow-boys, were in that vicinity, and in broad daylight one of their cow-boys made a bet with his associates that he could put a ball through the hat of an Indian who was at a distance without hitting his skull. The wager was taken, but the cow-boy made a mistake and fired a little too low and brought down the Indian. The Indian's friends, in anger at what they deemed an outrage upon private rights, combined, and, as is always the case, visited their vengeance upon an innocent household and burned down the house of an innocent party a short distance off, and we came very near having an Indian war. We were only saved from an Indian war by the vigilance of the officials of Montana, who seized the Indians who burned down this man's house and tried them and sentenced them to the penitentiary for four and five years for burning down the house. They had no right to burn it down, and they could not make any defense; but the man who fired the bullet through the head of the Indian has gone his way. He has never been arrested; he goes about there like any other man and is just as well known to everybody in that vicinity as any other man, and the interesting fact that I have related in connection with his history is known, for the deed was done in broad daylight before the people.

This is my information, communicated from the officials and the Interior Department. This was known and published in the papers last March, but it has just come through the official channels to the Interior Department. I thought it possible it might be well for the Department of Justice to be inquired of whether they had taken any steps or what obstacles there were in the way of bringing this man to trial.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

BURLINGTON HARBOR.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to report to the Senate, as soon as may be, the extent of the damage done to the United States breakwater in the harbor of Burlington, Vt., by the recent gale there, together with an estimate of the amount necessary for its reparation.

PUYALLUP BRANCH OF NORTHERN PACIFIC.

Mr. VAN WYCK. I ask for the present consideration of the following resolution:

Resolved, That the Secretary of the Interior be directed to withhold granting patents to or recognizing any claim made by the Northern Pacific Railroad adjoining and on account of what is known as the Puyallup Branch, built many years ago, until this Congress shall take action on the question of the forfeiture of lands granted to said road.

Mr. CONGER. That had better lie over until to-morrow.

The PRESIDENT *pro tempore*. The resolution will go over until to-morrow and be printed, if there be no objection.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 241) to repeal section 8 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880;

A bill (S. 258) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith for the use and benefit of the free public schools thereof, and for other purposes;

A bill (S. 269) for the relief of M. P. Jones;

A bill (S. 621) for the relief of William L. White;

A bill (S. 677) for the relief of the estates of James Vance and William Vance; and

A bill (S. 975) for the relief of T. J. Boyles, administrator of the estate of Marcus Radich, deceased.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the act (S. 767) for the relief of Columbus F. Perry and Elizabeth H. Gilmer.

AMERICAN SHIPPING.

Mr. FRYE. I move that the Senate proceed to the consideration of the unfinished business, being the shipping bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1448) to remove certain burdens on the American merchant marine, encourage the American foreign carrying trade, and for other purposes, the pending question being on the amendment proposed by Mr. MCPHERSON in section 19, to strike out from line 6 to line 10, inclusive, as follows:

For transporting the mails of the United States between any port of the United States and any foreign port, or between ports of the Atlantic and ports in the Pacific, touching at any foreign port, a sum not exceeding $1 per mile on the trip each way of actual.

And in lieu thereof to insert:

For transporting the mails of the United States from any port of the United States to any foreign port a sum not exceeding $1 per mile; and between Atlantic ports of the United States and the Pacific ports of the United States, touching at any foreign port, a sum not exceeding $1 per mile on the trip each way of actual.

Mr. MORGAN. Mr. President——

Mr. FRYE. In justice to the Senator from Alabama, who is going to make some remarks on the amendment he has offered, as well as in justice to myself, I desire to say that the Senator from Alabama in a conference I had with him a few days ago expressed himself as very desirous if a duty was put upon ships admitted to American registry that the duty should be ad valorem. I combated as well as I could the idea, I preferring a specific duty, and I thought for well-established grounds. Since then I have been led to investigate very carefully the cost of these ships, and I find that they cost from $60 a ton to $225 a ton, instead of the information which I conveyed to the Senator the other day. The Alaska cost $215 a ton; the Oregon cost a little over $215 a ton; iron sailing ships cost from $60 to $70 a ton; so that if you put on one specific duty it is obliged to reach across a chasm from $60 to $225. That would not do at all. On $60 it would be 40 per cent. ad valorem; on $225 it would not be over 6 per cent. ad valorem.

I desired to make this explanation before the Senator proceeded that he might understand it. My judgment now is with the Senator's judgment before our conference, and that is that the duty must be ad valorem on account of the wide difference in the cost of the vessels.

Mr. BAYARD. Or arranged in proportion to the cost of the ship in some way or other.

Mr. FRYE. Yes.

Mr. MORGAN. Mr. President, my purpose has been throughout the whole of this investigation to find some common ground upon which we can stand for the purpose of carrying into effect the common desire which is recited and expressed in the title of the bill, "to remove certain burdens on the American merchant marine, encourage the American foreign carrying trade, and for other purposes." I have not participated in the debate, because I was sitting at the feet of Gamaliel all the while. I do not profess to have studied this question in the economic views of it as I know it has been studied by the Senator from Maine [Mr. FRYE], the Senator from Kentucky [Mr. BECK], and other gentlemen who have devoted a great deal of time to such investigations. Never having lived on the seaboard, not having any practical information about shipping or navigation, I have to gather my information from those persons who are better informed than myself.

I am very glad to find that the House and the Senate and Senators on both sides of this Chamber are agreed upon a good many of the propositions involved in the bill. I hope that we will come to a final agreement upon some bill that will pass both bodies; for if we can not at a single movement gain all that either side may think best, we ought at least to accomplish all that we agree should be done. Whenever I find that we have reached a point where there is a disagreement between the two Houses as to any part of the bill, and at the same time that the two Houses have agreed substantially upon other parts of it, I for one shall sustain that action, as far as it goes, in order to get some remedial legislation upon our statute-books.

My study of the history of this subject as far as it has gone has convinced me that it is necessary now, in some measure at least, to reverse the policy with which our fathers set out when they were engaged not merely in commercial but in actual controversy—warfare—with one of the greatest powers in the world. We have also grown up to a very great and commanding stature in respect of our ability to compete with foreign powers and foreign governments commercially and in every other sense; and although it appears that our commerce has fallen back until we now have only about 85 per cent. of the tonnage engaged in the transportation of our own surplus productions, yet compensation has come to the people of the United States in a way that has been extremely valuable to us.

I am not of the number who are disposed to complain at our situation merely because we have lost a large amount of the tonnage that we used to have upon the high seas. I have no doubt at all that our legislation has, in later years, very largely contributed to that loss; but the attention and the capital of the American people have been withdrawn from investments and enterprises upon the high seas and have been directed in other channels, whereby the country has very greatly profited.

We are constantly in the habit of contrasting our situation with that

of Great Britain. We have learned many lessons of wisdom from Great Britain, and we are continuing to copy her lessons almost daily in our legislation and in our public administration, not perhaps with any disadvantage to us. At the same time I do not know that I can commend in the fullest sense that spirit which causes us to trail after Great Britain and merely to copy her systems of economy, her systems of administration, and her systems of commerce without indulging American skill and genius and enterprise and capital and industry in the beneficial exercise of those immense powers which have been so rapidly and so splendidly developed in later days.

The improvements in postage, the reduction of the rates of postage, have been copied very largely from Great Britain, and indeed a good part of our financial system sooner or later has been copied from the experience of Great Britain. Our commercial system and laws of navigation have been copied also from Great Britain, but in this particular we take the old statutes and the old experience instead of the more modern, appearing to be fearful to strike out and enter upon a system which is peculiarly American and which is justified by our own situation.

Great Britain has built up her merchant marine more largely from the fact that she is the center of a vast system of colonial possessions than from any other fact. With a small area of territory included in the kingdom, she has immense outlying possessions separated from her by wide dividing seas, and she has been compelled to build up by every encouragement she could possibly devise to give the most rapid and safe and economical means of intercommunication with her colonies abroad.

We have a very compact country, not separated in fact by any great natural barriers, certainly not by any water barriers. We have an immense area of country as yet but partially subdued, I may say, even to civilization. We have nine large Territories, out of which we shall make at least nine States, and we may make as many as fifteen or twenty. We have a large number of governments in the United States that are still incomplete. We even adopt the laws of savage tribes for the purpose of governing a very large portion of our own citizens. In the effort to extend the conveniences of commerce between the different distant points of our own country we have spent enormous sums of money an immense outlay of labor and material of every description, and it is one of the marvels of the age that we should have expended so largely and should have made these investments profitable in this country. Our attention has necessarily been drawn to the subject of intercommunication between our distant commercial points within our own border, while that of Great Britain has been drawn to the establishment of like communication between commercial points separated from the mother country by vast intervening oceans.

Under these circumstances, Mr. President, I do not think that we have any cause to deprecate the fact that while we have been improving so greatly and growing so rapidly in one direction, Great Britain has been able to compass so much of advantage and success on the high seas of the world. But now, having grown up to that degree of stature and that force in respect of our productive industries and in respect also of the surplus that we are daily sending abroad to foreign countries, we begin to turn our attention naturally and necessarily to improving the merchant marine of our country, and in doing this we find certain barriers in the way which Congress is now earnestly setting about to try to remove or to modify, and I will lend my hand and my voice to that work, because I esteem it now to be one of the essential elements of a correct national policy on the part of the people of the United States.

I am of that class of politicians, if you call us politicians, who believe that this subject will never be properly handled until we have reformed our tariff system; but I waive the discussion of any question of that kind this morning. It has been sufficiently argued and discussed before the Senate, and the body as at present organized is not in favor perhaps of any general reformation of the tariff laws of the United States. I must therefore content myself with doing the best that I can within the limits of the system that already exists and which I shall have no power and no opportunity now to improve. I can not go as far as I would like to go, but still I will go as far as I can in the direction of removing the burdens upon the American merchant marine.

The points upon which the two Houses are agreed and the points upon which we have already passed in the Senate in the consideration of this bill are as follows:

First, that a foreigner may be employed on an American ship even in the coastwise trade in case of necessity arising while the ship is on a foreign voyage or a voyage from an Atlantic to a Pacific port. When the ship loses any officer below the rank of captain or master and is engaged in the foreign trade or engaged in trade between the Atlantic and the Pacific ports, she may for that voyage engage men of foreign birth. That is a relaxation in favor of the ship-owner to enable him to navigate his vessel.

Second, we agree that when a seaman is discharged under sections 4560, 4561, 4580, 4582, 4583, and of the Revised Statutes, he may have one month's extra pay or wages instead of three months'. That may be called the sailor's contribution to the relief of the burden upon the American merchant marine.

It seems that the observation and experience of men acquainted with this subject have taught them that it is not necessary now, and perhaps it is injurious, to give to a seaman under any circumstances three months' advance pay, or indeed any advance pay whatever; and it is also not right, not just, that when a seaman is discharged in a foreign country, no matter for what cause, he shall receive more than one month's additional wages.

This is a very large concession which we require the seaman to make for the benefit of the navigator and ship-owner. I do not know how they will receive it, whether they will retire from our merchant service on account of it or not. I must put my trust in respect to this matter in the judgment of those who are better informed than myself, and I will therefore sustain that provision of the bill notwithstanding that it appears to be a harsh one, at least harsh as compared with the system that heretofore gave the seaman three months' pay whenever he was discharged for any cause in a foreign port.

In section 10 of this bill we forbid the payment of any wages to seamen in advance under any circumstances or for any cause, but we permit a man to enter into a stipulation at the time he makes his contract for shipment that his wife or his family may be provided for out of his pay after it is earned. An exception is made in this section in favor of whalers, which I suppose to be a proper exception. This is another very considerable concession made in behalf of our American seamen for the purpose of taking the burdens off the merchant marine. A seaman ships on board a vessel and goes abroad not knowing when he can return or whether he is to be cast away upon the voyage or not, and he is not permitted to make any provision for his family by receiving wages in advance, and he is only permitted by a stipulation in the articles of shipment that his wife or his family shall receive a certain proportion of his wages. That concession made by the seaman I have no doubt is to him a very important one. Still I will make no point that we should not require it of him for the reason that the experience of the committee, and it seems of the committees of both Houses, and, indeed, the experience of both Houses as expressed in their votes concurs in the proposition that that is a just requirement to make of him.

Now, sir, for all these concessions made by the sailor for the relief of these burdens, we give to the sailor the advantage of a slop-chest in which he can purchase certain articles that are required to be kept, such as clothing, flannel, shirts, tobacco, &c., at an advance of 10 per cent. on the wholesale price in the port at which these articles are purchased or the port from which the ship last sailed. An American ship sailing from an American port with this slop-chest on board and thus supplied would of course buy the goods in American markets, charged with all the duties that our revenue laws impose upon them, whether external or internal. This seaman would be required, of course, to pay 10 per cent. profit on tobacco on its original value or cost with the internal-revenue duty added, and as to his blankets, his woolen jackets, his clothing of every description, he would be required to pay American prices, and duty added, with 10 per cent. profit added.

That is another concession that he makes, and it is an important one for a poor man, that the master of the vessel or the owner of the vessel shall become his merchant while he is abroad, shall furnish him, of course, having the exclusive right to furnish because he has no money to buy it anywhere else, with what he may need upon the voyage, and that the sailor shall be required to pay him a profit not exceeding 10 per cent. after having paid the duties which were imposed upon the goods that are brought in from abroad.

In addition to this advantage of the slop-chest, if that is any advantage to him at all, we relieve the sailors as a class of about $400,000 a year (if I understand the figures) hospital tax, and we assume the burden upon the Treasury of the United States of sustaining the hospitals which hitherto have been sustained by a contribution of 40 cents a month from every sailor who ships on board an American ship.

Mr. ALLISON. This hospital tax, I will say to the Senator, is also levied on all our coastwise trade. It applies to inland trade as well as to our foreign trade.

Mr. MORGAN. Nevertheless it is a contribution made by men engaged in service upon the waters, and I am speaking now of the contributions these men have made for the relief of burdens on the American merchant marine. My purpose is to contrast, if I can, fairly and correctly the contributions that are made under this bill by the different classes of men with whom we deal in the change of the laws proposed to be changed by this bill.

From the ship-owner or the navigator, the man who is interested in the charter-party or whatever it may be, the man who receives the freights from the ship and the profits that may result from its use, we take off all consular fees of every kind and character, and we put that burden upon the Treasury of the United States. We do not repeal the consular fees; they are to be paid, but we remove them from the ship and from the navigator, the man interested in the freights, and place them upon the Treasury of the United States to be paid by the people at large. This is another contribution of $100,000 a year, at the present rates of income from that source, which the people of the United States make at large for the purpose of lifting the burdens off the merchant marine. I have not any doubt that that is a good contribution and that the people of the United States ought to stand that tax rather than to

have their vessels handicapped by consular charges in foreign ports. Some governments, I understand, do not make these charges upon their navigators, and we ought to give to our navigators in all the different parts of the world every advantage that is possessed by the navigators of any other country that pretends to be a commercial country. So I do not complain of that transfer of $100,000 a year, a sum that will be very much increased, I have no doubt, in the future from the navigators themselves to the general Treasury of the United States.

We proceed further in our agreement in this matter and we take off the entire tonnage tax and thereby deplete the Treasury to the extent of $1,400,000 a year. That sum of course would be very much increased under existing laws as our tonnage is increased. The repeal of the tonnage tax is so much money taken out of the Treasury by our consent, and so much reduction of the revenue annually that we should otherwise receive into the Treasury but for the repeal that we are now, I hope, about to enact, that is said to be a war tax. I am in favor of getting rid of war taxes, and if there were nothing else in this bill to recommend it to me, I should sustain it because it does get rid of $1,400,000 a year of war taxes. It is wrong that the people in time of peace or any portion of the people, whether they are navigators or whether they are producers or consumers, should be compelled to contribute to the Treasury of the United States taxes that had been abandoned entirely under the policy of this Government before the war and were then reinstated merely because there existed a state of war which required a very large amount of money to carry on the operations of the Government.

I, for one, shall rejoice in the passage of that feature of this bill, and I was very glad yesterday to find that the Senate, upon the offer of the Senator from Missouri [Mr. VEST] to amend the bill in this particular, came to an agreement, both sides of the Chamber concurring on that subject, taking off all the tonnage tax from foreign ships. The removal of the tonnage tax from foreign ships is essentially a free-trade movement. Any vessel may come to the port of New York or elsewhere in the United States after this bill shall have been enacted into a law without paying any tonnage tax at all. In that particular they are admitted precisely on a parity with American ships. There is no particular reason why this concession should be made to this class of owners of foreign property except that in making the concession we remove a restriction amounting to a heavy tax upon one of our own industries. We give, in other words, a greater freedom to trade. The principle involved in it commends itself to my approval, and the results to be attained by it would justify it, even if there was some violation of principle involved; but where the result and the principle coincide I am very cheerful in giving my consent to the passage of that feature of this bill.

We remit the duties on all articles of foreign production needed and actually withdrawn from bonded warehouses for the supplies of vessels engaged in foreign trade or between the Atlantic and Pacific coasts. That must amount to a very large sum. I have heard no estimate as yet made upon that subject, but the supplies that may be withdrawn from the bonded warehouses by foreign ships and by American ships must amount in the aggregate to a very large sum of money. Upon that we retain nothing. We do not, as I understand the law, retain even 10 per cent. for collection, for it is not in the light of a rebate that this is given, but it is the privilege of withdrawing from the bonded warehouse, without the payment of any duties, whatever may be necessary for the supplies of ships sailing abroad from any American port.

There is a discrimination in this also in favor of the foreign navigator. It is not American ships alone that can withdraw from bonded warehouses their supplies without the payment of duty. American and foreign ships may do the same thing, and after goods have been imported here from foreign countries and left in our bonded warehouse, these American and these foreign ships may take them out without the payment of any duty or charge whatever, unless it may be some warehousing charge—I am not sure about that—and use them in their voyages across the seas. That is a very large contribution to commerce, it is a very large contribution to ship-owning in general, to the business of owning and navigating ships; and I sometimes look with surprise upon the contrast which is presented in this bill between the liberality of Senators in allowing such advantages to foreign ships in the respects to which I have already alluded, and their illiberality in refusing to allow Americans who may wish to own foreign vessels and employ them in the American trade or to give them an American register to exercise this clear national right.

The truth is, Mr. President, that when we survey the whole body of the statutes upon the subject of our navigation laws we find that, with one exception, every act that has been passed since the first navigation laws were enacted in this country has been in the direction of the relaxation of the rigors of this system. We have found reasons and excuses one after another, whenever we have touched the subject, for having some relaxation in the stringency of our navigation laws. I am in favor of going on with that relaxation and modification, and proceeding with it as rapidly as we can safely do, not for the purpose of reaching at a bound some view or theory that may be advanced by doctrinaires in political economy, but reaching, through the steady steps of progress, experience, and demonstration, the final result of the liberation of our commerce from the unnecessary, antiquated, and unjust restrictions; and I am glad to be able to point out to the Senate to-day that in the course of the history of our legislation on this subject we have been all the time proceeding in the direction of such relaxation.

The iron rule of prohibition is gradually giving way to the more reasonable and enlightened policy of fair competition in building and running ships.

Now, sir, there is no more important step that can be taken in the direction of relaxing the navigation laws than that encouragement shall be given to free trade upon the high seas between vessels of American build and vessels of foreign build, in enabling both classes of vessels to take materials from our bonded warehouses, without any charges whatever, for supplies across the high seas. This is a good policy, and I heartily commend our Republican friends for its adoption into this bill.

When we come to apply principles of justice and equity and equality to this view of the case, a very natural inquiry arises why it is that a man who carries food or who carries merchandise of any kind from New York to San Francisco by a ship of American build should be permitted to get all his imported supplies free of duty from an American warehouse, and the man who carries the same goods across the continent on a railway, a steamboat or canal, or a wagon should be required to pay an average ad valorem duty of 43 per cent. on everything that he uses. When you come to look at it in that light you find that the relaxation of the rule in favor of commerce and navigation is a very striking one, somewhat remarkable. But Senators seem to incorporate features of this kind in their bills, and make grants of this kind in favor of ship-owners and ship-builders, who would spurn the idea of making a discrimination of that character in favor of a railroad company or a common carrier carrying freight from New York to San Francisco overland.

Mr. President, we become inconsistent, it appears, in this country by force of circumstances; and it is a very pleasing reflection that we are not always consistent in doing wrong, and that we sometimes do things for the public welfare in spite of our inconsistency in refusing to do other things of precisely the same character for the welfare of the public in another direction. Here is another very important relaxation upon this subject of the iron rule of prohibition. On vessels built in the United States for foreign account, and made of foreign materials, we remit all duties upon the materials except 10 per cent.; we give this as a drawback. An American ship-builder wants to build a steamship of the very highest class, like the Oregon, that, I believe, the Senator from Maine says it costs about $220 a ton to build. He is prepared with all his plant, his machinery of every description, his capital. Commencing with the reduction of the ores into metal he goes through all the process of construction until he turns out upon the sea a beautiful ship, splendidly equipped in every particular, finished in the latest style of excellence in all regards. He is building it not for an American owner, but for an English owner; he is building it for foreign account, and not for American account.

When he comes to the question of the material which he uses in that ship all the tariff that we lay upon all such material as is used in one of these magnificent palatial ships is remitted to him, paid back to him as drawback, except 10 per cent., and that 10 per cent. is reserved merely to pay the expenses of collection and reimbursement. He says to the purchaser of the ship, being an Englishman and desiring to put his ship under the British flag, and not being an American and enjoying that glory which was described yesterday so beautifully and eloquently by the Senator from Maine, "I will build you a ship 33 per cent. cheaper than I can afford to build one for an American to go under the American flag." "Forty-three per cent. is the average duty upon the material under the tariff laws of the United States." "If I build a ship for you all the material used that is liable to duty is entitled to a rebate of the whole sum of the duty except 10 per cent. Forty-three per cent. being the average duty, I can build a ship for you at a cost of 33 per cent. less than I can build it for an American citizen." He builds the ship under our iron rule of prohibition to recruit the British commercial fleet, and we pay him a premium of 33 per cent. for this patriotic service.

That is in this bill. That is what we are now enacting. We are putting it in the power of an American ship-builder, because he has a shipyard on these coasts and because he himself is an American, to recruit the British merchant-marine fleet at his will and pleasure at a cost of 33 per cent. less than he can build a ship for an American owner. In view of this cold, solid fact, let us inquire what becomes of these inflammatory bursts of patriotic zeal about building ships for the American flag?

Mr. FRYE. The Senator speaks of this as a new law embodied in this bill. It is a law that has been upon the statute-book for twenty years, and applies not only to ships but to every manufacture in America. It carries out the principle established more than seventy-five years ago by law, and the provision in this bill is simply to enable the ship-builder to use home materials instead of foreign materials. That is all it is in this bill for. It changes but one word, and that is it says "wholly or in part," putting in the words "in part."

Mr. MORGAN. Yes, Mr. President, it is a further relaxation of course in favor of commerce, and that relief inures to the advantage of the foreign ship. It is not to make foreign ships cost more; it is to make

them cost less. It is not to make the profits of the American builder less; it is to make them more. That is the object of it. The change is only of a single word, but that change is a great deal. It is a relaxation, a step in advance to meet me in the policy I am advocating, and I am glad to welcome the Senator from Maine as he comes moving gently in my direction on this question. I am not criticising him; I am dealing very gently with him, and I hope he will stand to the ground he has taken and not fly when he sees where it is leading him.

There was a reason for putting it in this bill, for calling up this old law which has been so long on the statute-book and putting a new word into the body of it, and re-enacting it, and that reason is the very same that induced every section in this bill to be enacted "to relieve the burdens of the American merchant marine and to encourage the American foreign carrying trade." They do not say "encourage the American ship-builder," but the "other purposes" cover that. So this part of the bill is exactly in harmony with the declared purpose in the title, and exactly in harmony also with every other part of this entire measure, and I am gratified to find that it is so.

Now, Mr. President, it must be confessed that there is some difference between a ship which is built to live forty or fifty years and goods that are imported from abroad and intended for annual consumption, or consumption within periods much less than a year. We import silks, cotton goods, woolens, shoes, articles of iron and steel suited for domestic industry, for housekeeping purposes, for the various different purposes that mankind need such articles for. These articles, when they are imported under an average duty of 43 per cent., in nine cases out of ten will perish in the consumption, and perish within a very short time; but a ship is built to live forty or fifty years, especially an iron or steel ship, and here we find that all the materials of every kind, whether of iron, or steel, or copper, or brass, or yellow metal, all of the glass in the furniture of the ship, all of the mahogany and rosewood, and the other rich woods, all the fine articles of decoration, all the paintings of every description, all the furniture, all the skill of the machinist in the preparation of his engines and other machines, all of these things when imported from abroad and liable in the hands of an American consumer, whether he is a ship-owner or whether he is not, to a tax of 43 per cent., are, if imported and put into a ship that is to live fifty years, and to be owned by a foreigner, subject to a tax of 10 per cent. This is discriminative legislation against everybody except the ship-builder and his foreign employer, but its tendency is to reduce freights and passage-money, and I will not quarrel with it.

This is a discrimination against the American ship-owner, and against all American producers and consumers, in favor of the American ship-builder and in favor of the foreign ship-owner; and yet Senators with a bill like this, containing such discrimination upon an article of the character of a great steel ship, are talking to us about a want of patriotism when we ask them to make some concession in favor of the consumers and the producers in this country in the duties upon those things which these ships are to carry, and also in favor of men who want to buy ships and ask no more than the privilege to find a market in which they can buy them at fair prices.

It would not be unbecoming in me to say that these positions are by no means consistent, if they are not absolutely contradictory of each other. We go further than that; and after having in 1873, I believe it was, or 1874, by statute interfered with the liability of ship-owners for damages and for contracts, limiting their liability to that of corporators, so that a man's liability for embezzlements on board a ship can not extend beyond his interest in the ship itself; in this bill we still further liberalize those laws, and I am afraid that we do it at the expense of the whole system of maritime accountability, and of the credit of our ships. But this is another step in the direction of liberality which I suppose we must accept, as it is intended to lift a burden from the ship-owner, and to lessen the risk of that line of investment.

Now, sir, in all of these things we have substantially agreed. No quibbles, no constrained points, no unnecessary or factious objections have been taken to all of these decided advances in the direction of the liberalization of the laws affecting our merchant marine. The sailors make their contribution, the farmers make their contribution, the merchants give up their security for losses, the tax-payers of the United States at large make their contribution; everybody makes a contribution to this scheme of liberalizing the maritime commerce of the country and the fostering of the merchant marine except only the ship-builder and the ship-owner. I say that they, too, should come in and join in the modification of this system, and make some contribution and concession out of the monopolies and the peculiar advantages which have been secured to them by law. But, sir, they have held on since the foundation of this Government to everything that they could grasp, even through the distress of the country in times of exigency, when it was necessary that the Government of the United States, in order to preserve its existence, should give them monopolistic power that they never would have got under other circumstances. They hold on to that, although the condition of the country has changed from war to peace, and they demand now a relief from all war taxes, and at the same time they demand that they shall be permitted to hold on to all the advantages which were given to them because of the war.

Look at the statute, which still remains on the statute-book, enacted in 1862, when our ships were leaving the American flag because the confederate cruisers were making that flag an insufficient protection to them. They went off during the war because the Government of the United States did not have the power to protect them, and they took shelter under the British and German and French flags. Thereupon, for the first time in the history of the Government, a statute was enacted that any ship that left the American registry during the war should never afterward be permitted to return, though she might be owned by American citizens. That law stands on the statute-book yet, and you can not get a ship-owner in the United States or a ship-builder to consent to the repeal of that statute, although the events have long since passed which render that statute at all necessary or justifiable. No, sir; they keep those ships under the ban, and whether they are iron or steel ships or whether they are wooden ships, having been driven from the American flag because the flag was not able then to protect them, these men hold to the advantages of their expatriation and deny to these ships the right to come back under American register.

Their crime was that the ocean was made unsafe for them by a foe that their Government could not protect them against.

Mr. BAYARD. Does not the Senator regard such a law as that to which he has referred, and which law still remains on the statute-book, as a kind of punishment to those who owned ships and sought under the disguise of a foreign flag to escape from the ravages which the Government of their country was unable to protect them against otherwise? Was it not a punitive measure upon the part of the Congress of the United States?

Mr. MORGAN. It was punitive.

Mr. BAYARD. To prevent those ships from returning to the national register because forsooth they had for the time being sought to gain safety by taking the disguise of a foreign register. There never was, my friend will permit me to say, a more absurd and a more unjust enactment than that, and coming when it did it had as much to do with dispersing that corps of sailors and navigators essential for a mercantile marine as almost anything in this history of the decline of American shipping. But what my friend seems to consider a fault on the part of the ship-owners was in fact their misfortune. They were made the unhappy victims of a piece of stupid legislation.

Mr. MORGAN. I am not speaking of those ship-owners who were compelled to take refuge under a foreign flag because our flag was not able to protect them. I speak of that class of ship-owners who are here now for the purpose of preventing any relaxation in the navigation laws, who are unwilling that those ships which were driven out during a time of war should now come back under the American flag.

Mr. BAYARD. It would be an idle thing. The war ended in 1865 and this is 1884, nineteen years.

Mr. FRYE. And those were wooden ships.

Mr. BAYARD. And those were wooden ships and by this time, of course, are good for nothing.

Mr. MORGAN. That does not alter the principle. I was using that argument not with a view of attempting to amend this bill so as to reform what I find to be an evil, that other Senators agree is an evil, but I was using it for the purpose of showing what is universally true, that when you confer upon any class of people in this country, or in any other country, by law, a monopolistic advantage, the exclusive control of a certain manufacture, the exclusive control of a certain market, the exclusive advantage of the power of a certain department of the Government, the exclusive benefits and advantages derived from any source of authority whatsoever, you never find them willing to relax their hold upon it.

Now, sir, after we have given to the ship-owners and the ship-builders of this country all that we offer them in this bill, what do they propose to give the rest of the people? What do they propose to concede to other interests out of the advantages which they hold? Nothing whatever. They stand firm and immovable upon the proposition that they shall have a law prohibiting any foreign-built vessel from coming under American register under any circumstances, and that they still shall have a law prohibiting any foreign man from having ownership in a ship that is engaged in American traffic, whether coastwise or foreign.

We have not asked them to relax their demands in respect of the latter proposition, but we have asked them to relax that feature of the navigation laws which prohibits a foreign ship from coming into American register under any and all circumstances. In this particular there has been some unconscious relaxation conceded by the prohibitionists because of imperative necessity. It did not hurt the ship-builder; it did not hurt the ship-owner particularly to give up this little concession; but still from time to time Congress has found it necessary, unavoidably necessary, to make a relaxation of this rule in certain cases. One of them is where a ship is wrecked upon our coast and she is repaired by an American ship-carpenter and she becomes the property of an American citizen, though she might have been built abroad, if the repairs put upon her are equal to two-thirds of her cost when repaired she is entitled to an American register.

Another relaxation is in the case of ships that are captured and condemned as prize of war. When they are brought into our ports, condemned as prize of war, sold and bought by American citizens, those ships, no matter where they may have been built, are entitled to an American register. So a ship that is forfeited for crime, a ship that

violates the revenue laws of the United States and is liable to forfeiture and condemnation, is taken into an admiralty court and condemned for a criminal violation of the laws of the United States, as, for instance, if she came in here for the purpose of conducting an expedition against Cuba, or for the purpose of violating in any respect our revenue laws, we carry her into court, we condemn her, we sell her to American citizens, and that ship, owned abroad at the time she committed the violation of the law, is entitled to an American register after she is bought.

These relaxations have all been made in the presence of circumstances that seemed to demand them, and I deny that the policy which has been so long upon our statute-book of prohibiting the introduction of foreign-built ships to American register is based upon anything else than what was conceived to be the true commercial policy of this country at the time those laws were enacted. It never was intended as a settled policy or as an American system, and it should yield when a change in our condition renders it convenient and proper to dispense with it. There is no principle involved in the question whether a ship that carries the American flag ought to be an American-built ship or a foreign-built ship. That is simply a matter of commercial convenience and to the advantage of our merchants. The contribution to our commercial strength is just the same in the one case as in the other. The loyalty of the ship is just the same; the jurisdiction of our country over her is just the same; her means for transporting commerce are just the same; and there is nothing connected with the idea that a foreign-built ship can not be entitled to an American register except the mere fact that we want to build up yards and facilities for constructing ships on our own shores. That is all we gain by our resort to a rigid principle of this character. There is no philosophy in it; no political economy or wisdom in it beyond the mere encouragement to ship-yards, and we find that we relax it whenever we choose if the necessity for the relaxation becomes more apparent than the value of the rule.

There is but one reason now existing to support this prohibitory law, and that is found in the practical monopoly it affords to a few ship-builders.

After we have progressed thus far with this bill and have put into it all that we supposed properly related to it for the purpose of relieving the burdens of the American merchant marine, it is now proposed to introduce an entire change in our sea postal system for the purpose of giving certain advantages additional to our American ships that they do not now possess. I recognize, and have since I have been in this body, the necessity of an entire change in our ocean postal system. I have not any doubt that the Constitution of the United States is quite equal to the purpose of carrying the American mails upon the deck of any ship that floats the American flag, for the deck of that ship is American territory, and it makes no difference in what part of the high seas it may be found throughout the world, there you find American territory. If we can carry the mails of the United States from New Orleans to Ship Island, I will say to any of the outlying islands of our coast, we have equal constitutional right to carry them upon an American deck to any part of the world.

Nobody, I believe, has ever doubted the constitutionality or propriety of the old law standing on our books for a great many years—I believe since the first foundation of the postal system—which authorized the sending of mails under the American flag to foreign countries, giving as compensation for it the sea-postage. That law requires the master of the ship to become the route agent for the mails, to take charge of them, and whenever he returns to a port of the United States to go before a custom-house officer and make affidavit that he has duly delivered the mails intrusted to him upon his former voyage.

It is also made the duty of the ship under the penalty of forfeiture that it shall receive on board at the demand of any authorized postal agent of the United States Government whatever amount of mail or description of mail the Post-Office Department might wish to send to foreign countries, and shall duly deliver it, and shall receive as a compensation for it only the sea-postage. It would look as if it was almost an unconstitutional usurpation of authority over private property for the Government of the United States to take it and condemn it to public use without just compensation. The only thing that can be said in justification of it, I think, is that perhaps we have a right to impose that service upon the ship as a condition of the American register. But aside from that one fact this would be an unconstitutional usurpation of authority over private property for public use. To carry the mail upon a ship is a public use, and if a vessel is ready to sail and may be delayed two days or five days, and compelled to take the mail and carry it to a foreign port and deliver it there, and be responsible for its safety and for its delivery, it looks to me very much as if the Congress of the United States in the enactment of that law had usurped power over private property which the Constitution does not tolerate.

Nevertheless the argument of that point in the case is not now necessary, for that statute is upon the book, and this bill proposes to amend it. I like the form of the remedy that is provided here. In other words, I like the extension of our postal-route system across the high seas. I think it would be better if Congress would designate the routes and say that the mail shall be carried under contract from named ports to and from foreign countries, and, in addition to that, as is provided in this bill, that all vessels of the United States may carry the mails of the United States upon the requirement of the Post-Office Department for the sea-postage. We would thus have both forms of mail service.

I would prefer this plan, but we can not get all that we want in one bill. We can inaugurate the new system here, and I think there is enough of value in the new system as presented in this bill to justify the change. I think we ought to pass this feature of the bill, but I would much prefer to do it in a more guarded form and under conditions more favorable to fair competition in the letting of the mail contracts.

At the same time I am not unaware of the fact, and nobody can be, that the passage of this bill in the shape in which it is now presented does have the effect of subsidizing five great lines—I call them great lines—five existing American lines of American ships sailing from New York, and one of them I believe from Baltimore, but I am not sure of that, and so I will say from New York to various different parts of the earth, including South America, California, the Australian country, China, and Japan. It has that effect. The Senator from Maryland reminds me that there is none sailing from Baltimore.

But how are we to avoid its having this effect if we enter upon the contract system? I do not see how we can do it. We have, as I understood the remarks of the Senator from Delaware [Mr. SAULSBURY] yesterday, five lines that are engaged in carrying the mails from the United States to foreign countries. These are steamships, some of them very fine vessels, a credit and ornament to any country. These ships have gone out into the enterprises in which they are engaged without reference to the stimulus of contribution from the Postal Department; they went out upon purely commercial ventures, and they are doing well, and I should be glad to know that they were doing better than they are. They are welcome to every dollar they can make in such enterprise, so far as I am concerned, and I bid them Godspeed in their good work of intercommunicating between this continent and other parts of the world in a commercial sense.

Still they exist. These five lines of ships will at least for the next three or four or five years have the exclusive control of the commerce of the United States conducted between the ports to and from which they ply in American ships. That is the fact and will be the fact, for under the present facilities for building ships we can not build up new lines in that length of time, and, more than that, there will be no new inducement to build them. On the contrary, the present existing inducements will be very much interfered with. I will take for illustration of this point one of these unsubsidized lines that has started out upon its own capital to pursue its own enterprises and to make money, and that is driving a thrifty trade with Australia.

The Post-Office Department will be enabled to give that line an additional sum of money amounting to some two hundred and fifty or three hundred thousand dollars a year for the purpose of carrying the mails to and from Australia. The bill provides for a contract for not less than four years. The Senator from Kentucky yesterday remarked upon that feature of the bill, and when we come to it I think it will require very careful consideration whether we should not change the word "less" there to "more." As the bill provides this contract is to exist for not less than four years—it is worth $300,000 a year under this bill to that company—there are $1,200,000 for the four years' term. That is a tremendous bounty to give to a steamship line, an enormous profit to give to a line that is able to support itself without any subsidy. We give to that line within four years $1,200,000 out of the Treasury of the United States, under a contract for carrying the mails between New York and Australia.

Now let me ask if any other line of American-built ships is going to come into existence for the purpose of competing for that trade during those four years? Whether any ship-yard plant will be made, or whether any American will be venturous enough to expend money enough to build a line of steamers to run from New York to Australia in competition with that line? We shall never hear of such a thing. Therefore when they have got the ships already on the ocean and the power of supplying them whenever they are lost, when they have got trade established and we come in and give to them $300,000 a year for the carrying of the mails from New York to Australia, we simply by law subsidize that line and make it permanent and put it out of the reach of competition by any other line that can be or will be built. That is enough to illustrate the whole scheme.

Here are $1,400,000 a year which is to be distributed under this bill, by contract, really between the existing lines of steamers. It is not to be distributed to lines that may be built, lines that will be built, lines that can be built, but lines that now exist, and to no other lines and no other ships, unless we permit our people to purchase ships. When we come to define "monopoly" we can not probably find a better definition of that hackneyed word than to say that it is a power given by law to a particular individual or company to conduct a certain business to the exclusion of others; and that is precisely the effect that will result from this change that we are now making in the sea postal system, if our people are compelled to build ships to carry the mails and are denied the privilege of buying them.

More than that, Mr. President, the ship-builders of this country can get a double advantage by becoming likewise ship-owners and navigators. I will not refer to Mr. John Roach in any terms of reproach

because I respect him, I admire him, and I have a great deal more confidence in Mr. Roach than has been expressed oftentimes on the floor of the Senate. The reason is that I have not heard anything of him as an individual or business man to justify me in coming to any different conclusion. He is a Republican and I am a Democrat, but I trust I can yet do justice to a man who belongs to a different political party than myself, and I am certainly willing at all times to grant a due meed of praise and honor to any man who visited our shores and availed himself of our liberal opportunities and institutions when he was a poor, neglected orphan boy, and who has been enabled to build himself up and educate himself to the extent that he has done, and to confer upon this country signal honor in the character of the ships that he has built and in the character of the establishments that he has founded in this land, connected not only with the building of ships but the production of the material out of which they are built.

But I refer to Mr. Roach under these circumstances for the purpose of illustration merely, and only because I know that he owns establishments on the Delaware River at Chester, where he converts the raw material into metal, takes the metal and rolls it and cuts it and rivets it and makes it into ships, and does all else that belongs to the building of ships from the conversion of the ores contained in the earth and the coal with which they are smelted into one of these magnificent productions. Mr. Roach has a large capital and I am glad to know that he has got it, for it is of service to him and of service to a great many people in the United States.

But what is to prevent him from becoming not only a ship-builder but a ship-owner? When you say to Mr. Roach that no foreign-built ship shall come in competition with him as a ship-builder and when you say to him that no foreign-built ship shall ever have an American register and that the coastwise trade between New York and San Francisco by the way of the Horn shall be exclusively in the hands of American ship-owners, you give him the power to lock his doors against the building of ships for any merchant whatever. You give him the power to say, "From henceforth I will build ships, but they shall only belong to me; I will not build them to come in competition with my own, because I find that there is $1,400,000 of sea-postages coming annually into the Treasury of the United States that I can use for my private advantage, and I therefore will not make ships to sell to anybody else to come in competition with me."

That is the situation; that is where we find ourselves; and I propose to try to put some feature into this bill that will after awhile, if not immediately, produce a different effect and will give to the American merchant and the American ship-owner the opportunity that every American citizen ought to have to buy a ship in a foreign country. That is all that I claim here.

The law as it stands, this antiquated law which has become useless and a nuisance upon the statute-book, contains a simple provision of prohibition against the purchase of a foreign-built ship for the purpose of putting it in the coastwise trade or for the purpose of putting it under American register, not a tariff prohibition, but a naked, arbitrary prohibition. It makes no difference upon what principle or pretext that prohibition may be founded or how unjust it may be, there it stands, and I want to get rid of it upon fair terms. The American ship-builders could very well say to us, "If you repeal this prohibition and do nothing more, then you expose us to competition with the British ship-producer, and we can not stand it; we can not make ships within 15 or 20 per cent. of the cost that they make them abroad." That is what they do say to us. I appreciate the argument, and I am not willing all at once to tear down a protective screen, even of this kind, under which these men have built up their industries, and expose them to dangerous foreign competition upon the instant. If we have by our legislative policy, though it be a bad policy, encouraged men to put money into enterprises of this kind, let us not tear away the protection instantly so as to prostrate these men. That would be doing one wrong to get rid of another. Let us rather, as I propose in the amendment which I have had the honor to present to the Senate, give them a fair equivalent of duty upon foreign ships, so that we shall have fair competition between builders of ships abroad and builders of ships in the United States contending for the American market.

A good deal has been said here about a patriotic man not being willing to own and run a British ship if it was given to him. I confess that I have been entirely unable to appreciate the value of that argument. There is either less of sense in it or more of patriotism than I am able to comprehend; I do not know which. I should think that a country that can build the Oregon and ships like that to cross the Atlantic Ocean in a little more than six days' time, and which are able to charge if they wish from ten to twenty dollars per capita more for passenger-money than ordinary ships, ought to feel very proud of its skill, very proud of its success, very proud of the system which has enabled it to accomplish such results, and I think we should be very happy indeed to know that any of the five American lines we have been speaking about had a ship in it of equal speed with the Oregon or in any respect the equal of that great vessel even if it was bought from an English ship-builder.

The reason why Great Britain can build ships so splendidly and fit them so beautifully is that she gets the patronage of the world. The reason why she can cut rates with us upon the sea and carry freights to our people cheaper than we carry them is because she gets more patronage. She has filled the ocean so full of ships now that it is said that that trade is overburdened. I saw a statement the other day in a newspaper that there were 10,000 idle seamen in Glasgow. I dare say it was true. Senators on both sides of the Chamber tell us that money invested in ships only pays about 4 per cent. profit per annum. Great Britain, through the encouragement she has been compelled to give to ship-building, has crowded the ocean with ships, and when we are coming into competition with her we need not expect to do it successfully by building ships at high prices, or trying to maintain high-priced standards for wages and salaries.

No, sir; the way to do it is to allow the American merchants to go abroad and buy good ships at fair prices and put them under our flag. If they buy a ship like the Oregon and put it upon any American line, I shall feel great pride in calling the Oregon an American ship when she sails under our flag, and I have no hesitancy in believing that our merchants are shrewd enough, men of sufficiently good judgment, to buy good ships in place of bad ones whenever they can get them. They will be obliged to do it to come in competition with John Roach and Mr. Cramp and Mr. Hollingsworth, and men like these, for they are good ship-builders.

Mr. President, what objection can there be to the adoption of the amendment I have suggested? It may be that I have got the duties too low. If I have and I can be convinced of it, I will vote to raise them, for all I want in this matter is to put the American mechanic upon a parity with the English mechanic in accordance with the general plan of the existing laws on the subject of the tariff.

I am not trying to cut into the tariff, to invade its system, or to break its principles by this amendment. I wish to make this amendment in general conformity to the principles and policy of the existing tariff laws on this question. Hence I will not object to an increase of the amount of duty, and I am glad to find that the Senator from Maine, after looking the subject over, has reached the same conclusion with which I set out, that we should resort to an ad valorem instead of a specific duty. There can be no difficulty with the ad valorem system in this case for the reason that there is really no chance to undervalue a thing like a ship; ships are like locomotives and other vehicles, their value is easily ascertained.

Now, let me ask, Mr. President, one question upon this subject, for the sake of illustrating my argument. What is the reason that an American railway company running a railway up the Hudson River and around by the lakes to Chicago and transacting daily a great amount of business, having the lives and property of the people under their control, shall not be required to buy an American locomotive to haul these freights and passengers from New York to Chicago? American locomotives are as good or better than the English. They are made by as good or better men. The workmanship of them is just as fine as that of any English locomotive that can be found. Why shall we not compel the railway companies to buy locomotives that are of American build to run these trains? There is not a man in Christendom that can answer that question and yet account for why it is that an American mariner shall buy an American ship and shall not be permitted to buy an English ship. We should have just the same right to require an American mariner to buy an English ship to the exclusion of an American ship as we have to require him to buy an American ship to the exclusion of the English ship.

Sir, I am for free trade in this matter; not in respect of the duties upon the goods, for I think they ought to bear their contribution to the support of the burdens of the Government; not for the purpose of breaking down American manufactures, but for the purpose of giving them a fair chance to live and increase their progress and liberalize their movements by competition with foreign countries, and for the purpose of securing to every man the right to purchase a foreign-built ship in a fair competitive market.

I say this, Mr. President, coming from a State where there is more ship material in juxtaposition than in any part of this world except in Great Britain. I will repeat that remark for the purpose of giving it emphasis, and yet I need not repeat it to those men who have looked into this question, for it has been but a very recent thing that some of the most renowned men in iron and steel manufactures, and in ship-building also, have said to me that there were within the borders of the State of Alabama conveniences furnished by nature for the construction of steel and iron ships that are unparalleled in the whole world except in Great Britain. If I should take a purely selfish view of this question in respect of my being an Alabamian and a representative of that State I might perhaps find it more to my interest to cling to the prohibitory features of the navigation laws than does the Senator from Maine, who represents a State that from the beginning has had the monopoly of the building of wooden ships because she has had the material right at home.

The profit of Maine in the building of ships, in addition to the enterprise of her very enterprising population, has depended upon the fact that she was able to gather together from her own forests the wood necessary to build a ship and to launch it upon the bays of her coast at a less expense than could be done in any other part of the American continent. Maine has always clung to the wooden-ship business; she

has made large amounts of money out of it, and I trust will make a great deal more. I believe that that trade is going to revive.

The competition between wooden ships and iron and steel ships will regulate itself. I believe that the calamity of the State of Florida upon the high seas that we have just received the sad accounts of this morning is but a repetition of a number of cases of that kind that have occurred, and will I fear occur hereafter, where the iron and the steel ship, coming in collision with other crafts, have had holes broken into them and have gone to the bottom of the sea like a broken pot. The other ship, it is true, was upset in this collision, but she floated about on the seas bottom upward.

It will be found in the future experience of this country, I think, that passenger ships will be more resorted to that are built of wood than those that are built of steel or iron, at least until we can get those metals so tough that they will bend a great deal before they will break. But however that may be, the wooden-ship trade of Maine is built upon the fact that Maine has the timber there convenient to her bays. The iron and steel ship-building of Alabama is to be and will be predicated upon the fact that we have got the coal and the iron near to our bays, and we have got besides that the yellow pine and the live-oak in all the abundance necessary for such use as is required in the building of the decks and other parts of those ships, and the most beautiful woods in the forest for their decoration and equipment.

England has her Clyde, which she dug out of the bottom of a sandy river. I have myself heard men say that when they were boys they had waded the Clyde with their pantaloons rolled above their knees. Now it is a grand estuary, a vast reservoir of water, where the greatest ships in the world are built. Why has this been so? Merely because the Clyde is convenient to the center of an iron and coal region, where those products are thrown in such proximity that the average haul is not more than about thirty or forty miles to get them to a common center for melting into metal. Sir, I can show you places in the State of Alabama, large areas of country, where the coal and the iron and the limestone can be brought together by an average haul of seven miles, to the furnace for smelting.

Mr. FRYE. To how deep water?

Mr. MORGAN. I do not say to the water, but they can be carried to the tunnel-head of the furnace on an average haul of seven miles, and then when you have your metal made you have a descending grade not to exceed the distance of a hundred miles to a stream that is better than the Clyde was ever for the reception of ships when they are built. More than that, you have three rivers, all navigable, leading from the coal and iron region right down to the Mobile River, which is to be the Clyde of America.

It ought not to be twenty years—I do not speak as a prophet about it, but rather as one arguing logically from existing facts and known demands for enterprises of this kind—it will not be twenty years until steel and iron ship-building will be conducted upon the Alabama River with as much economic advantage to the people of the United States in proportion to the capital used as the Clyde furnishes to-day to the people of Great Britain.

Yet, notwithstanding that belief, which I begin to realize and to feel is near to realization as matter of fact, I plead for the liberalization of the laws in respect of the building of steamships whether of steel or of iron, for I want the manufacturing industries of my country put upon the firm rock of legitimate enterprise, on the basis of supply and demand, so that the people will not be coming to Congress from time to time to demand assistance here for enterprises and investments that ought to be self-sustaining. If we can get them upon that foundation, and I know we are coming to it, that will be all that I could possibly ask for them. A fair competition between the iron and steel ship-builders of the State of Alabama and those upon the Clyde is all that I can ask for my people. Give us that and then give us the stimulus to a market for ships which will be furnished by the additional inducements that you put into this bill of $1,400,000 postal money a year to men to build and buy ships and I shall have a hope of seeing the American merchant marine reinstate itself in some reasonable time. It is not going to be a rapid progress, but it is going to be an entirely secure one.

I shall feel that from the date of the passage of this bill, if we are permitted to buy ships as well as build them, the tide has turned in our favor, and that the honorable Senator from Maine and myself after a few years will be able to congratulate ourselves that in so much of this bill as we can agree upon, if we can not agree upon the whole of it, we have assisted in laying the foundation of a new progress in respect of the American merchant marine which will eventuate in the restoration of our commerce to its former condition of prosperity.

Mr. FRYE. Before the Senator takes his seat I desire to call his attention to the fact that his $15 a ton will average about 10 per cent. ad valorem, while the duty ad valorem upon the locomotives he alluded to is about 45 per cent., and the lowest duty ad valorem upon any manufactured article is from 30 to 40 per cent. I simply desire to call his attention to that fact.

Mr. MORGAN. I should like to say on that point that a locomotive is a machine built entirely of iron, steel, and brass, of metal and nothing else, or very little else. A ship, though a steel ship or an iron ship, has a great deal of woodwork, a great deal of glasswork, a great deal of upholstery and furniture and other articles that are taxed at very different rates. We take a ship entire and equipped, a fully completed ship, and we wish to ascertain what would be the average ad valorem duty upon the whole of that ship under the existing statutes.

Mr. FRYE. Would it not be 35 per cent.?

Mr. MORGAN. I do not know what it would be. Whatever it is I am willing to agree to, for I do not care about changing the rule of the tariff upon this proposition. I am willing that any Senator who feels competent to make the calculation shall say, looking to all the articles that are contained in a ship, that the average ad valorem duty upon the whole of it would be thus and so, and I will take that because it is the law now in respect of the same things when they are imported, not in a ship but otherwise.

Mr. FRYE. Let me say to the Senator that the average could not be less than 30 per cent. ad valorem, because there is not a single thing that goes into the ship from stem to stern, the furniture or anything else, that will not be over 30 per cent. except the wood that is in the ship.

Mr. MORGAN. I am willing to take 30 per cent. ad valorem. I think that is a fair valuation.

Mr. COKE obtained the floor.

Mr. MCPHERSON. Before the Senator from Texas proceeds, will he allow me to make a suggestion? The Senator from Alabama has been speaking to his amendment, I take it. Although it is not before the Senate, I have it before me.

Mr. MORGAN. I spoke entirely to it.

Mr. MCPHERSON. I wish to call his attention to another very grave misfortune, I will call it, which I think is in the bill: that it does not permit an American citizen, although every single share of stock is held by an American citizen, to avail himself of the privilege of going abroad and hiring money at the low rates of money upon the other side and placing a mortgage upon his ship. Again, let me suggest to the Senator, he provides that the $15 per ton shall be on the gross registered tonnage of a ship. I submit to him it should be upon the net registered tonnage.

Mr. MORGAN. I propose to change that entirely to an ad valorem duty upon the ship; therefore it is not necessary to say anything about the tonnage.

Mr. MCPHERSON. Very well.

Mr. MORGAN. If the Senator from Texas will indulge me one moment, I had observed and I put it in on purpose—the fact that these corporations or ship-owners could not go abroad to borrow money. I noticed sections 4137 and 4139 in our statutes, which bear upon the same question. I am entirely willing that those statutes shall be made to apply as they exist upon the book to this amendment. I will read them. Section 4137 provides:

> Registers for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such register shall not be vacated or affected by sales of shares of any stock in such company.

Section 4139 is as follows:

> Previously to granting a register for any vessel owned by any company the president or secretary thereof shall swear to the ownership of the vessel by such company without designating the names of the persons composing the company; and the oath shall be deemed sufficient without requiring the oath of any other person interested or concerned in such vessel.

Those two statutes were enacted for the purpose of making it convenient for foreign men to advance their capital to American corporations and companies to build ships, and is another relaxation by evasion of the law that no ship holding an American register shall be owned abroad.

Mr. MCPHERSON. But I submit to the Senator from Alabama, if the Senator from Texas will allow me, the fact——

Mr. COKE. I decline to yield further, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Texas declines to yield further.

Mr. COKE. Mr. President, I propose to vote for this bill when it is put upon its final passage, and I desire to say that I approve its general object. While there may be some of its provisions that I would not entirely approve, I do not think it liable to some of the objections that have been made against it, and especially to the objection made by the Senator from Delaware [Mr. SAULSBURY] yesterday that section 19 contains a provision for a subsidy. Section 19 provides:

> And the aggregate amount to be expended for such service shall not exceed the gross revenue of the Post-Office Department of the United States on mail matter sent to and received from foreign countries during the fiscal year next preceding the year in which such contracts are made, less the amount paid for transportation on foreign vessels, and the net amount paid foreign administrations for intermediary, territorial, and sea transit of such mails.

There is not one dollar to be taken from the Treasury of the United States under this section. Every dollar that is to be expended under this section is to be earned by the Government of the United States in its foreign mail service, is to be evolved from the operations of the Government in the foreign mail service.

I would be as clear of voting for a subsidy as any gentleman on this floor, but I vote heartily and freely for this section so far as this point is concerned, because I believe that the Government has a perfect right, and that it is expedient and politic that the Government should improve its foreign mail service with the revenues earned by the Government in

that service involving the imposition of not one dollar of taxation upon the people.

I regret that the amendment proposed by the honorable Senator from Missouri [Mr. VEST], which would repeal existing laws on that subject, and permit citizens of the United States to purchase ships anywhere where they could buy them cheapest, was not adopted and ingrafted upon the bill. I voted for it. I believe that it is an amendment which should have been adopted; but it was rejected. I will not allow the fact that the amendment was rejected to cause me to vote against the bill. There are some good things in it. There are many burdens taken off of American shipping, many things provided for in the bill which in my judgment will add something to an improvement in that branch of our service.

I believe, however, that the bill does not reach the root of the evil. While I will vote for it, I do believe that the great cause, not I may say of the decline, but of the absolute destruction of our foreign merchant marine, among a variety of minor causes the great cause, the paramount one, the leading cause of its destruction I believe to be the protective tariff system.

Ships and sailors are the outgrowth of commerce; they spring up spontaneously and grow out of commerce. If we had commerce we would have ships and we would have sailors; but we have no commerce, and therefore we have neither ships nor sailors. Why have we no commerce? And by the term "commerce," in the sense I use it, I mean mutual exchange of commodities. Why has our commercial marine dwindled until I think it was last year or the year before the Secretary of the Treasury reported to Congress that the number of ships built was not quite sufficient to supply the place of those that had decayed during that fiscal year? Why is this?

We remember the time when the ocean swarmed with American shipping and every port in the world saw in the American flag an every-day visitor. We remember when America was a close competitor with England for the commerce of the world; and now we have to confess that England has achieved a magnificent supremacy and does even 85 per cent. of our own carrying. Why is all this? Mr. President, it is on account of our protective system, which obstructs commerce; it is on account of a protective tariff which excludes foreign exchange; it is on account of a system of legislation upon our statute-books which says to the world, "We will not exchange with you." Therefore we have neither ships nor sailors, which alone exchange and foreign commerce can produce.

You can not discuss the question with reference to ship-building and the merchant marine without getting upon the tariff. The tariff is the underlying cause of its annihilation, for I speak, I think, within the bounds of accuracy when I say that our merchant marine has now no existence. I therefore will make a few remarks and detain the Senate but a few moments on the subject of the tariff.

In the spring of 1882 we passed what was called the Tariff Commission bill. The result of the labors of a shamelessly packed commission was in due time promulgated in an elaborate, ingenious, and utterly unscrupulous defense of the worst features of the protective-tariff system. In the spring of 1883 the Senate, recognizing the urgent necessity of making a show of responding to the popular demand for a reduction of the burdens of the tariff, seized the opportunity presented by a bill sent from the House the preceding session abolishing the internal-revenue tax on cosmetics, perfumery, patent medicines, bank checks, &c., and ingrafted upon it by way of amendment a revision by schedules, which was claimed to be a reduction of the tariff. So palpably a false pretense, so plainly an attempt to deceive the country with a sham and a counterfeit was this so-called revision and reduction that the people from every section and State and division of the country spurned it, and the recent unsuccessful effort at tariff reduction voiced simply a great popular demand.

The intelligence of this country can not be hoodwinked any longer. The tariff, in spite of the schemes of politicians and the plans of aspiring trimmers to overslaugh it with the Tariff Commission, to settle it by a fraudulent, pretended, and utterly false so-called revision and reduction, in spite of all the bosh and drivel that has been talked about "taking it out of politics and settling it on business principles," and of every other device and pretext that could be devised for suppressing and covering it up and hiding it away has come to be the leading, paramount, absorbing issue in American politics. The question has come to stay, because brought forward by the people. It was not made by their leaders, but forced upon them after they had exhausted all the resources of political gymnasts to dodge, evade, and shirk it. The question is greater than any party. It will not down; it will not be still; no consideration of party expediency or of personal promotion or of spoils of office or of political success or defeat will arrest or quiet it.

The question is a great popular one, thrown into the political arena by the people who make and unmake parties, and will be held up and pressed by them as a vital, living issue, regardless of all consequences. We are collecting under the present tariff from the people $100,000,000 annually more than is needed for all the purposes of the Government. This is a great wrong against the Constitution, against good morals, against a loyal people, and the only way to correct and right it is to reduce taxation down to that level which will bring only such amount of revenue as is needed to support the Government. All revenue exacted from the people beyond this is taken in defiance of all constitutional or moral right. A high obligation rests upon the people to furnish the revenues necessary to support their Government, and a corresponding right exists in the Government to levy and collect taxes sufficient for this purpose. Beyond this there is no obligation on the people and no rightful power in the Government.

The crime of subjecting the people to excessive and burdensome and unnecessary taxation, producing a surplus revenue, which invites extravagance, which leads to the invention of new methods and lines of expenditure, which stimulates peculation and whets the appetite and sharpens the wits of the legions who infest this capital for prey and plunder, which demoralizes and corrupts the Government in all its branches and ramifications, is getting to be understood and its enormity appreciated by the country. The shifts and evasions and equivocations and prevarications, the sophistries, the play upon words, the platitudinous generalities, meaning anything or nothing as occasion or locality may suggest, through and by which the plain people of this country are sought to be confused and mystified on this subject are also getting to be understood. It is a stubborn fact that a vast amount of money not needed for any of the purposes of the Government, wrung from the people through the medium of the tariff, lies accumulated in the Treasury and is pouring in every day.

The Secretary of the Treasury so reports it, and advises that taxation be reduced as the only preventive of a still further accumulation. This confessed, undenied fact can not be explained away or confused or made doubtful. The paltering and meaningless clap-trap of which the tariff plank of the Ohio Democratic convention is an average specimen, so much indulged in by party platforms and ambitious aspirants for popular favor when attempting to straddle the tariff question and capture the support of both protectionists and anti-protectionists, is powerless to obscure that great fact. A failure to put an end to this worse than useless flow of the hard earnings of the people into the Treasury will need no explanation. It will be rightly understood by the country to have but one possible meaning, and that, that the special interests to build up and enrich which the tariff tax is levied are more powerful in this Capitol than the people themselves. There can be no other reason for it.

In a period of profound peace we are living under a system of taxation devised to meet the expenditures of the greatest war of modern times; a system claimed when enacted to be temporary, and intended solely for the great emergency then existing, but which ceased eighteen years ago. The Tariff Commission even, created for the purpose of whitewashing the protective system, under the pressure of an intelligent public opinion which it was unable wholly to withstand, advised an average reduction of from 20 to 25 per cent., yet the last Congress, Republican in both branches, the creator of that commission, while assuring the country that the recommendations of the commission would be followed, and endeavoring since to create the impression that they have been followed, reduced the tariff an average of only about 2 per cent., the average of the old tariff being 45 per cent., whereas that of the revised tariff of 1883 is about 43 per cent.

This uncandid and disingenuous attempt to mislead the country into the belief that a substantial reduction of the tariff has been made, coupled with the persistent and stubborn opposition to any and every effort to reduce the tariff, shows a fixed determination that taxation shall not be reduced, that the people shall not be relieved, and that revenue not needed for any legitimate purpose of honest government shall continue to accumulate in the Treasury. Ordinarily it is a most pleasant and grateful duty, zealously and promptly performed, to lighten the burdens of taxation on the shoulders of the people, when it may be done without imparing the efficiency of the administration of the Government. The obstinate refusal to perform this act of justice and duty to the people now is of itself conclusive evidence of a fundamental wrong; a fatal defect in our plan and method of raising revenue. A system so constructed as to promote and build up influences so powerful as to be able to successfully withstand a great popular demand for the reduction of confessedly excessive revenues, as ours does of necessity, needs reformation. A statement of the proposition is the strongest argument in its support.

The pernicious principle of "protection," whether "protection for protection's sake" or "the adjustment of tariff duties in such mode as will give the incidental protection of a revenue tariff to the advancement of American industries," must be eliminated from our revenue system, for both mean precisely the same thing and produce precisely the same result. As long as the right of any industry to have all the people of this country taxed for its support and enrichment, either under a directly protective or incidentally protective tariff, is recognized in the legislation of the country as is done in the existing tariff, so long will our revenue system be the monstrous engine of oppression it now is, and so long will the protected interests fattening upon taxation exacted from the people be powerful enough to override the will of the people as they are now doing in preventing a reduction of taxation.

Those who favor "the equitable distribution of the incidental protection of a revenue tariff," and those who are frank enough to admit themselves in favor of "protection for protection's sake," recent events

conclusively show mean the same thing, aim at the same end and accomplish the same result, to wit, a high protective tariff. The difference between them is simply verbal. They vote together, work together, scheme together, and are in full accord both as to methods and results. The debates and votes in Congress on the tariff show that Democrats who favor the "equitable distribution of the protection incidental to a revenue tariff" stood shoulder to shoulder and side by side with Republicans who honestly avow themselves in favor of "protection for protection's sake," both fighting against and successful in defeating revenue reform and tariff reduction, and thoroughly in accord in perpetuating in a time of profound peace a war tariff. The tariff planks in the Ohio and Pennsylvania Democratic platforms, the latter being an exact copy of the former, mean and are intended to mean a high protective tariff. Under them as moderate, conservative, and short a step toward tariff reform as the Morrison bill was consistently and stubbornly opposed and defeated.

The leader who is understood to be the author of the Pennsylvania platform headed and was the brains of the opposition to that bill, yet he claims to favor only the "incidental protection of a revenue tariff." I have no denial to make of the sincerity of those who set up this claim, but deal with facts as I find them and as the record shows them; and the facts of history establish beyond the shadow of a doubt that the existing tariff, which produces $100,000,000 more than can be expended in a most extravagant administration of the Government, which was enacted to meet the expenses of a great war, has been and is sustained and its reduction persistently opposed by gentlemen who claim to be opposed to protection for protection's sake, and to favor only the incidental protection of a revenue tariff. In practical results, full-fledged, openly avowed high protectionists and the incidental protectionists are precisely the same. The latter pile up the duties, raise the average of the tariff, and produce all the results desired by the former.

It is no impeachment of the honesty of these gentlemen to say this, for nothing is more natural or inevitable, when the principle of protection is once admitted to be legitimate in constructing a tariff, than for each Congressional district in each State to claim for its own interests a share of this protection. In order to get it they must pool issues and combine; they must give to each its share in order to command the necessary strength for the bill; and when all are provided for, as they always are, the end attained is a tariff protecting every industry in the whole country regardless of revenue, while the great mass of the people are saddled with the burdens. This is the history of all tariff legislation when the element of protection is allowed to intervene. There is no exception to it; it has never failed in a single instance to be so.

The path of safety and of duty lies in expurgating our revenue system of the odious and un-American idea that the people may be taxed for purposes other than the support of their Government; in denying the right of any man's business to have taxes laid on the people for its maintenance and support; and in levying import duties solely with reference to the money to be placed in the public Treasury for the support of the Government. Upon a great question like this no concession can be made further than that the reduction shall be gradual, and that luxuries shall be discriminated against and the necessaries of life favored. Let the friends of honest taxation for Government purposes only stand unflinchingly by their colors and assert unyieldingly the right of the majority to rule. Their cause is that of 50,000,000 people, less 5 per cent. of the number, who are being enriched by taxation which oppresses the remaining 95 per cent. We have been defeated when we had a right to expect triumphant success, but appeal with abiding confidence to the great American people for vindication of the right. Parties may come and parties may go, but this question of honest tariff taxation for the public purposes of Government only is here to stay, and will remain until vindicated and settled and established and fixed as the rule and law of this Government. The issue is made up, and we go to the country upon it. Let the people speak out in their primaries and conventions and declare their will and assert their power for their own deliverance.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. MCPHERSON].

Mr. MCPHERSON. I ask for the yeas and nays upon the question. It is an important amendment.

The yeas and nays were ordered.

Mr. BROWN. Let the amendment be reported.

The CHIEF CLERK. In section 19, beginning at line 6, it is proposed to strike out the following words:

For transporting the mails of the United States between any port of the United States and any foreign port, or between ports of the Atlantic and ports in the Pacific, touching at any foreign port, a sum not exceeding $1 per mile on the trip each way of actual.

And to insert in lieu thereof:

For transporting the mails of the United States from any port of the United States to any foreign port a sum not exceeding $1 per mile; and between Atlantic ports of the United States and the Pacific ports of the United States, touching at any foreign port, a sum not exceeding $1 per mile on the trip each way of actual.

Mr. MCPHERSON. Mr. President, only a word. It will be noticed that this amendment proposes to limit to $1 a mile the payment for the actual service rendered, as steamships can not render service to the United States Government on the return trip, for they do not then carry the mail of the United States.

Mr. FRYE. I simply desire to say that I hope the amendment will not be adopted.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment of the Senator from New Jersey.

The Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE].

The roll-call was concluded.

Mr. INGALLS. I am paired on this question with the Senator from Louisiana [Mr. JONAS]. I should vote "nay" if he were present.

Mr. BLAIR. On this question I am paired with the Senator from Kentucky [Mr. WILLIAMS]. If he were present, I should vote "nay."

Mr. HARRIS. I desire to ask the Senator from Rhode Island [Mr. ALDRICH] if he considers me still paired with his colleague [Mr. ANTHONY]? I voted upon this amendment.

Mr. ALDRICH. I think my colleague is paired with the Senator from Nevada [Mr. FAIR].

Mr. HARRIS. That being the case, I shall allow my vote to stand.

Mr. BECK. I am paired with the Senator from Maine [Mr. HALE], who is necessarily absent. I should vote "yea" if he were here, and he would vote "nay."

Mr. BUTLER. I am paired generally with the Senator from Pennsylvania [Mr. CAMERON]. As I am not sure how he would vote upon this amendment, I shall withhold my vote.

Mr. JONES, of Florida. I am paired with the Senator from Colorado [Mr. BOWEN]. I do not know how he would vote, and therefore refrain from voting.

Mr. WILLIAMS. I am paired with the Senator from New Hampshire [Mr. BLAIR]. I should vote "yea" if he were here.

Mr. CAMERON, of Wisconsin. The Senator from Minnesota [Mr. SABIN] is paired with the Senator from Delaware [Mr. SAULSBURY].

The result was announced—yeas 17, nays 31; as follows:

YEAS—17.

Bayard,	Hampton,	Maxey,	Van Wyck,
Call,	Harris,	Morgan,	Vest.
Camden,	Jackson,	Pugh,	
Cockrell,	Kenna,	Ransom,	
Coke,	McPherson,	Vance,	

NAYS—31.

Aldrich,	Frye,	Lapham,	Plumb,
Allison,	Gibson,	Logan,	Riddleberger,
Brown,	Gorman,	McMillan,	Sawyer,
Cameron of Wis.,	Groome,	Mahone,	Sewell,
Conger,	Hawley,	Manderson,	Sherman,
Cullom,	Hill,	Miller of N. Y.,	Voorhees,
Dawes,	Hoar,	Mitchell,	Wilson.
Dolph,	Jones of Nevada,	Platt,	

ABSENT—28.

Anthony,	Edmunds,	Ingalls,	Pendleton,
Beck,	Fair,	Jonas,	Pike,
Blair,	Farley,	Jones of Florida,	Sabin,
Bowen,	Garland,	Lamar,	Saulsbury,
Butler,	George,	Miller of Cal.,	Slater,
Cameron of Pa.,	Hale,	Morrill,	Walker,
Colquitt,	Harrison,	Palmer,	Williams.

So the amendment was rejected.

The PRESIDENT *pro tempore*. If no further amendment be proposed to section 19, section 20 is now open to amendment.

Mr. MORGAN. Would it be in order for me now to offer as an amendment a section to come in between sections 19 and 20?

The PRESIDENT *pro tempore*. The Chair thinks it would.

Mr. MORGAN. Then I offer the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. After section 18 of the bill, and as a new section, it is proposed to insert:

SEC. —. That from and after the 1st day of January, 1885, vessels owned exclusively by citizens of the United States, or by corporations whose stockholders are all citizens of the United States, and not under any lien, incumbrance, or mortgage in favor of citizens or corporations of any foreign country, shall be admitted to registry under the laws of the United States in all respects upon the same terms and conditions as vessels built in the United States are admitted to such registry, upon the payment at the time of such registration of a duty of 30 per cent. ad valorem on such vessels. And ships so imported and registered by American citizens may be employed in either the coastwise trade or in trade to foreign countries: *Provided*, That the right to import such vessels shall apply only to such vessels constructed in any foreign country as shall be built after the passage of this act.

Mr. MCPHERSON. I move to amend the amendment offered by the Senator from Alabama, in the fourth line, after the word "States," by striking out the rest of that line and line 5 down to and including the word "country," in line 6, in the following words:

And not under any lien, incumbrance, or mortgage in favor of citizens or corporations of any foreign country.

If the Senator from Alabama wishes to remove all possible shackles from American commerce, either under his own amendment or as in the bill proposed by the Senator from Maine, it certainly does not seem to me to be the way to do it to deprive the citizen of going abroad and securing cheap capital by way of mortgage upon his vessel in order that he may be able to do it. I shall follow this with other amendments.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. MCPHERSON] to the amendment of the Senator from Alabama [Mr. MORGAN]. Is the Senate ready for the question?

Mr. MCPHERSON. One word more before the question is put to the Senate. The Senator from Alabama will observe that he restricts the ownership of the vessels to citizens of the United States. Every share of the stock under this bill must be owned by citizens of the United States; therefore the vessel, absolute and entire, with the exception of liens that may be placed upon the ship, must be owned by American citizens; but as to any liens they may desire to put upon a ship by reason of being able to obtain capital at low rates upon the other side, it seems to me to be exceedingly unwise, and certainly not in the direction of helping American shipping, to impose this restriction.

Mr. MORGAN. I suppose that a majority of the lawyers in the Senate would say that a ship that is encumbered with a lien in favor of foreign capitalists would not be an American ship in the sense of the existing law, or that a ship belonging to a corporation some of whose corporators were foreigners would not be an American ship within the meaning of the existing law. I desired to go as close to the existing law as I could get merely for the purpose of removing one restriction, and that was the prohibition of admitting to American registry foreign-built or foreign-owned ships. A ship that is mortgaged abroad is in a sense owned abroad. A ship belonging to a corporation that has foreign stockholders is in a sense a ship that belongs to foreign stockholders; and inasmuch as the idea seemed to prevail in the Senate (not my idea, but one that I concede is influential) that a ship should be wholly and purely of American ownership, I ventured to bring in the amendment in the form in which it is presented.

Mr. FRYE. If the Senate has arrived at the conclusion that the navigation laws which have been in existence nearly a hundred years ought to be repealed, this is a perfectly fair and reasonable amendment. This amendment provides that all foreign-built ships may be admitted to American registry and participate in the coastwise trade. That is the real question. The Senator from Alabama, differing from the Senator from Missouri, has provided, reasonably too, that they shall be subject to a duty and a fair duty, and to that extent the amendment is perfectly fair and proper. But Senators must remember that there is great strength in the age and stability of the navigation laws, and that the moment you remove them and transfer the question to one merely of tariff it is open all the time to the fluctuations of tariff discussion and tariff amendment. One other thing: it places a new duty upon a new article, and under the Constitution how can the United States Senate originate that? It must come from the other House.

Mr. MORGAN. The existing tariff law, which was enacted into a law by the concurrent action of the House of Representatives and the Senate, was never read in the House of Representatives. The bill became a law without one word of the text having been read in that body. It originated, as to all the tariff features of it, in the Senate. I supposed that after that precedent had been established by the vote of the Republican party of the United States we should never any more hear of the question being raised as to whether we might amend a bill which had any reference at all to foreign commerce, to duties upon foreign commerce, or to a relaxation of duties upon foreign commerce, in the Senate, by changing it measurably into a tariff bill.

The House bill, which the Senator from Maine has told us he intended to take up some time during the progress of this matter, contains some provisions which I consider are a modification of the existing tariff laws. For instance, a foreign-built ship of 4,000 tons burden, a steamship, according to the House bill is to be admitted into the United States of America free of duty. If we should enact the House bill we should admit to American registry and free of duty a foreign-built steamship of 4,000 tons burden. I think it would be perfectly competent when the House has sent us a measure providing that such a ship as that shall be admitted free of duty that we should say, "No; we would rather put it under a 20 per cent. ad valorem duty."

The amendment therefore which I propose, in so far as it may be considered as an amendment of the tariff laws, is justified by the action of the House. If the House bill were now before the Senate, and if I were moving my amendment as a substitute for that section, which I should certainly do if the House bill were before the Senate, it would not be guilty of any usurpation of authority on the part of the Senate to originate a revenue bill, but only would be amending a bill which admits an article free of duty by putting a tax upon it. So I think the constitutional objection is not valid.

I wish to say just a word more. We are introducing into this bill entirely a new feature, and that is a contract postal system. I thought that while we were extending our postal laws across the high seas under the contract system it would be perfectly right to enable any American citizen who wished to make a contract for carrying the mails to make a contract for a foreign-built ship just as much as he might make a contract for a foreign-built coach or a foreign-built wagon or a foreign-built locomotive for the purpose of carrying the mails of the United States. I can not see the difference in principle. There is nothing that stands in the way now of the American citizen making a contract for a foreign-built ship to carry the mails of the United States under this proposed bill except the fact that we can not admit such a ship to American registry, and any ship that carries the American mail under the American flag of course must have an American registry.

I thought we should remove that restriction now, inasmuch as it would do no harm. A foreign-built ship, as I observed awhile ago when I had the floor, can not do any harm to the American coastwise trade because it is foreign-built. It is not a question between England and America or between any foreign country and America as to the nationality of the ship when built, but it is only a question between the ship-builder and the people of the United States. I think that while we are extending to the ship-builders so much larger an area of trade, and while we are building up for them a new traffic in the transportation of mails under contract, they could very well afford, in a particular instance at least, to modify their objections to the relaxation of this prohibition, and that we should be permitted to bring in vessels from abroad to carry the American mails, so that all of our people may be admitted to a clear opportunity of contesting by bids for the privilege of carrying those mails under contract. Unless that is done, as I have observed before, and as several Senators have observed, with perfect justness too, the bill amounts to nothing else than an indirect attempt to subsidize American ship-builders and American ship-owners.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. MCPHERSON] to the amendment of the Senator from Alabama [Mr. MORGAN].

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Alabama.

Mr. MCPHERSON. I understood the Senator from Alabama to say that it was his purpose to offer an amendment making the duty 10 or 15 per cent. ad valorem instead of $15 per ton.

Mr. MORGAN. I have changed it from a specific to an ad valorem duty and put it at what I conceive to be the fair average duties upon all material and workmanship contained in the ship.

Mr. MCPHERSON. Is that contained in the amendment?

Mr. MORGAN. Yes, sir.

Mr. MCPHERSON. It is not in the printed amendment before me. I ask to have the amendment of the Senator from Alabama read again.

The PRESIDENT *pro tempore*. It will be again reported.

The Chief Clerk read the amendment of Mr. MORGAN.

Mr. BAYARD. Mr. President, the Senate voted down the proposition to admit ships of foreign construction and of a certain size free of duty, that proposition being accompanied by another to admit all materials of which such ships were constructed free of duty.

The plan of the Senator from Alabama is intended to produce perhaps a greater equality before the law by placing upon a ship as an article of merchandise a rate of impost duty about 25 per cent. less than the average of the present tariff upon imported merchandise. I understand that under the tariff existing prior to last spring there was an average of about forty-two and a fraction percentage upon the imported merchandise to this country. The reductions, such as they were, made by the action of Congress at its last session were about 1.71 per cent., less than 2 per cent., upon the average of the tariff; so that now the American tariff may in general description be cited as a tariff of a little over 40 per cent. ad valorem upon the average of its imported merchandise.

The proposition of the Senator from Alabama is to introduce as an article of merchandise a ship at the ratio of 30 per cent. That certainly is favorable as being less by 10 per cent. or less by one-fourth of the 40 per cent. than the average. But as a practical fact, will the House of Representatives assent to a change in the revenue laws in this way by the Senate? I have been for many years a member of the Committee on Finance, and there over and over again the most obviously meritorious amendments have been proposed and adopted, and have received the approval of the Senate, changing the rates of duty upon imported merchandise, and in no case that I can now recall has our action been assented to by the other branch of Congress; and the reason given was that it was an invasion of their prerogative to originate bills touching the revenue, or, as they are sometimes termed, "money bills."

I do not believe therefore that it is worth while to deal with this question in this way. I gave my reasons at some length and at some fatigue, to the Senate as well as to myself, why I supported the proposition for free materials and free ships combined. I am not disposed to so vote on this tariff question of the admission of ships; at the same time I should be glad to see any arrangement that should modify the present hardships under which the builders and the owners of ships are compelled to carry abroad in the markets of the world the burdens of the home taxation when they no longer can enjoy the benefit and advantage of the protection of home laws.

The condition and the nature of vessel property is, as I said a day or two ago, wholly different from that of other property, the one reposing always under the protection and care of local laws, and shipping property for nineteen-twentieths of its existence being entirely beyond the reach either of its favor or its disadvantage. I am not prepared upon a bill of this kind to vote for this change in the revenue laws by the imposition of an ad valorem tariff.

I wish very much that the question of aiding the shipping by means

of a rate paid per mile upon its postal service could have found its place upon a postal bill. I do not see why it should have been connected with a shipping bill. Its effect upon shipping is obvious. Nevertheless, it is a postal and a postal revenue question. While I am desirous of voting a liberal, which means a very much increased rate of pay for ocean mail service, I do not wish to see it in this shape and attached to a shipping bill. That, however, is touching upon another subject than the one to which the pending amendment relates.

I do not believe there is any use in the Senate passing a bill that shall change a rate of duty or establish a rate of duty. To-day the articles of commerce known as ships built abroad are prohibited from entering into the registry of this country. This amendment proposes to admit them subject to a duty ad valorem, and that rate is fixed. I believe that American ship-builders can, under the protective theory, perfectly well build ships in competition under the rate of 30 per cent. ad valorem proposed. Indeed, I believe that the difference of cost between ships built in the United States, whether of iron or steel, much less of wood, is much less than 30 per cent. more in this country than the rates upon the Clyde or other ship-building centers upon the other side of the Atlantic. Owing to the skill in labor-saving machinery, the superiority of metal and ingenuity, I do not believe there is a difference of more than 15 per cent. at the outside, and probably not more than 10 per cent., between the cost of ship-building in this country and in Europe. I believe that there are firms in this country who would most gladly accept any contract for the finest steamship that has been built in the last ten years on the European terms, plus 10 per cent. of the gross amount of that contract.

Believing that, I think that this 30 per cent. would be an ample protection. At the same time I believe there is no practical use in our voting in this bill to change the revenue laws, for we may be sure the principle will not be yielded by the other branch of Congress.

Mr. MORGAN. In preparing this amendment I had not any doubt that the shape in which the bill came from the House, as I observed awhile ago, was an entire justification for any attempt that the Senate might make to change the tariff upon the ships spoken of there, that is, ships of 4,000 tons, but I felt very greatly encouraged by the fact that the honorable Senator from Delaware, in voting upon the amendment of the Senator from Missouri, had declared the power of the Senate constitutionally to admit free of duty all the material that might enter into the construction of an American ship. I thought the constitutional question entirely disposed of by that vote, for certainly if we have a right to take material that is now under duty and bring it in free we have the right to change the duty on any material that now comes in free; so that I think the Senator has answered himself by his votes upon the same proposition.

However, the other House will have the bill to consider again, because we are voting amendments upon the bill, and it may vote for all of our amendments as it did upon the tariff bill. It may choose to adopt as a measure originating in the House whatever tariff features we put upon the bill here. I think the Senate will find no difficulty at all, if it should vote this amendment upon the bill, in getting the House to consider it as a measure constitutionally originating there, unless, indeed, the House has got its mind made up that it will not consider anything that looks in this direction.

I am very glad indeed to hear that the Senator from Delaware approves of the principle of the amendment and thinks that it is a reasonable one. It might be improved. I do not expect that we shall attain to perfection in any bill that we pass here now upon an entirely new question.

Mr. MCPHERSON. I was very well content to vote upon the amendment of the Senator from Alabama, provided he would strike out those words that I had the honor to move an amendment striking out; but if he had continued his original amendment at $15 per ton I suppose it would be considered according to this amendment gross tonnage.

But I only want to present to that Senator the fact as it appears from his amendment. Under the amendment as he originally offered it what would be the duty on a ship like the Oregon, of 8,000 tons registry, costing $200 per ton, as the Senator from Maine avers is the cost, so that the actual cost of that ship would be $1,600,000? Under the amendment of the Senator from Alabama imposing 30 per cent. ad valorem the duty upon the ship would be $480,000. Under his original amendment as offered it would be $120,000. In other words, he has simply multiplied the original proposition by four. I do not think that any amendment could be offered here which would tend more virtually and absolutely to prohibit a man from buying a foreign ship than the one the Senator from Alabama has now offered. Take a ship of 5,000 tons, of cheaper grade, used for a freight-ship. Under his original amendment $75,000 would be the duty paid upon that ship. Under his last amendment the duty would be $150,000. In other words, the amendment of the Senator from Alabama, as printed and laid upon our desks, gave some little chance for an American citizen to invest in a foreign ship. The amendment he now offers does not leave him anything; so that I consider it of little consequence whether the amendment shall be agreed to or not.

Mr. MORGAN. Americans under this 30 per cent. ad valorem duty will buy as many ships as they can afford to buy, as of any other goods or property, for we are paying now 42 per cent. and more tariff upon all we get from abroad, taking the average. More than that, here is a ship, the Oregon, that will live fifty years. Thirty per cent. ad valorem duty upon that is about two-thirds of 1 per cent. per annum, distributing the duty over the life of the ship, which, when you come to consider it, is to the ship-owner a very small tax. When you come to consider it, however, with reference to the ship-builder, it is an important protection to him, because it requires the ship-owner who buys the ship abroad to put up that amount of money in advance to give him a margin to work upon in competition with foreign producers; but it is a very small tax indeed when you come to justify it by the whole life of the ship, which is said to be qualified and built with a view to its living fifty years.

Mr. BECK. I desire to ask the Senator from Maine whether at any time he proposes to call up the House bill, as he suggested, because this amendment certainly could be constitutionally offered to that. I would rather vote for it at a time when there was no doubt about it than to vote for it now, if I can do so.

Mr. FRYE. I do propose to call up the House bill, and I suggested to the Senator from Alabama that he withhold this amendment until that time. I shall propose to call up the House bill and strike out perhaps the last six or eight sections of the House bill, and insert in their place the Senate sections that we have adopted; but before that was done of course the Senator from Alabama would have a right to perfect the last section in the House bill and there offer his amendment.

Mr. BECK. That would avoid all question and save trouble.

Mr. MORGAN. I will manage the amendment on my part so as to remove any embarrassment. I believe it is a good amendment, and I do not wish to embarrass it by coming in at an awkward place in the bill. I offered it at this time merely because I wanted to vote for the next section of the bill, and I would prefer to vote for that section when American competitors for the postal service will have a right to buy foreign ships. That is the reason why I have introduced it now.

If the Senator from Kentucky desires that I should withdraw the amendment for the present, if the Senate will allow me to do it with a view to renewing it I will do so, although I do not see that it is any advantage to it, because when the Senator from Maine takes up the House bill he will move all that the Senate has agreed to as an amendment to the House bill, so that it would have the same effect in a parliamentary sense and the same effect in a constitutional sense that it would have if the amendment was offered to the House bill proper.

I will take any course that Senators think will disembarrass them of any opposition of a technical character to the amendment. If the Senator from Kentucky desires me to withdraw it now, and if the Senate will consent, I will do that.

Mr. BECK. I do not like to make a request of that kind, although I do not believe we have a right to place the amendment on the Senate bill, and I know we have a clear right to amend the House bill. I would rather have the amendment offered to the House bill so far as I am concerned, but I do not like to ask it.

Mr. MORGAN. I have considered really and substantially that the House bill was pending before the Senate after the notice given by the Senator from Maine. Perhaps I never would have offered this amendment if the bill had been an original measure in the Senate. I have no doubt about its application to the House bill, and if the Senate will consent I will withdraw the amendment in its present form.

The PRESIDENT *pro tempore*. The Senator has a right to withdraw it. There has been no amendment to it.

Mr. MORGAN. I will therefore ask leave to withdraw my amendment for the present and let the bill proceed, and I will offer it in due season.

The PRESIDENT *pro tempore*. The Senator from Alabama withdraws the amendment. If there be no amendments further to be proposed to section 19, section 20 is open to amendment.

Mr. BECK. I observe that section 19 provides for ocean mail contracts not less than four years. Ought there not to be some limitation, no longer than a given period, or would it not be well to fix a limitation of four years or six years, or some other number of years?

Mr. FRYE. I have no objection to saying "not less than four nor more than six years," but I would not want a man to buy a ship under the influence of its carrying the mail and the money to be received from it, and next year perhaps be deprived of it.

Mr. BECK. I think four years would be very reasonable.

Mr. FRYE. I have no objection to saying "not less than four nor more than six years."

Mr. BECK. I think some limitation like that should be fixed.

The PRESIDENT *pro tempore*. Does the Senator from Maine move an amendment?

Mr. FRYE. I will move that amendment.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In section 19, line 24, after the word "four," it is proposed to insert "nor more than six;" so as to read:

The ships with which such contracts shall be made shall be ships of American registry only, and contracts shall be for a term of not less than four nor more than six years.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was agreed to.

Mr. VEST. I move to amend section 19, line 10, by striking out the words "one dollar" and inserting "seventy-five cents;" so as to read:

A sum not exceeding 75 cents per mile, on the trip each way.

The average pay for inland postage is 57½ cents a mile. This, counting both ways, would be $2 a mile, and under the amendment I have offered it will be $1.50, which I think is sufficient.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. VEST].

Mr. BECK. Mr. President, I have said all along that I desired to vote a liberal pay for the postal and other service. I am inclined to think 75 cents is still quite high, surely high enough, because there must be a very great difference in the cost of a ship-owner in the inland or coastwise service from what there is on the ocean service. The Senator from New York [Mr. MILLER] in his speech made this statement:

The committee, after the most careful consideration of this question, and examining various parties upon it, decided that $1 per mile for the round trip should be fixed as the limit beyond which it should not go. That is, that between that and nothing it should be left open to competition and bidding. If we look at the statistics of our own coastwise mail service we find that the United States Government is paying from three to two dollars per mile for mail service in some of our coastwise steamers for the entire round trip—much more than is proposed to be paid by this section.

I said yesterday that that analogy did not hold good. I do not propose to argue it except to take one case with which I am familiar. The Senator from Maine knows that I told him I would say nothing to-day about this bill; and I shall be very brief. In the contracts for carrying the mails along the Ohio River, for example from Louisville to Evansville, there is mail service in safe and suitable steamboats, required to be made every day and to call at twenty or thirty important points, for $15,000 a year. The steamboat may have no freight or passengers except between Louisville and Evansville, and still every day and every trip, in good or bad weather, high or low water, rain or shine, fog or clear, she must go to each one of those points and deliver the mails or be docked on her service; and all that is done for $15,000 a year. I have no doubt that the boat from Louisville to Evansville, Ind., carries five times the mail that any Brazilian mail steamship line would carry; and the Brazilian line would not have to make a single stop from New York to Brazil, whereas these steamboats have to carry the mail all the time and do it for $15,000 a year. Let me show the pay and the service done on the Ohio River between these two points, to illustrate what I was endeavoring to prove:

20097. From Louisville (Ky.), by New Albany, Gravel Point (n. o.), and Rosewood (Ind.), West Point (Ky.), Evans' Landing and Cedar Farm (n. o.) (Ind.), Rock Haven and Brandenburgh (Ky.), Mauckport (Ind.), Richardson's Landing (Ky.), New Amsterdam, Leavenworth, and Schooner Point (Ind.), Peckenpaugh and Wolf Creek (Ky.), Alton and Rono (Ind.), Concordia (Ky.), Derby and Rome (Ind.), Stephenson, Holt, and Cloverport (Ky.), Rock Island (n. o.) (Ind.), Hancock Mine (n. o.), and Hawesville (Ky.), Cannelton, Tell City, and Troy (Ind.), Lewisport (Ky.), Grand View and Rockport (Ind.), Owensborough (Ky.), Enterprise (Ind.), Grisson's Landing and Scuffletown (Ky.), and Newburgh (Ind.), to Evansville (Ind.), 217 miles and back, six times a week, in safe and suitable steamboats.

Leave Louisville daily, except Sunday, at 4 p. m.; arrive at Evansville next day by 5 p. m.

Leave Evansville Monday at 10 a. m.; Tuesday, Wednesday, Thursday, Friday, and Saturday at 6 p. m.; arrive at Louisville Tuesday by 12 night; Monday, Thursday, Friday, Saturday, and Sunday by 9 a. m.

Bond required with bid, $30,000; check, $750. Present pay, $15,000.

* * * * * * *

20099. From Evansville (Ind.), by Henderson (Ky.), Fair Play (n. o.), and West Franklin (Ind.), Mackinley's Landing (n. o.), and Alzey (Ky.), Mount Vernon (Ind.), Uniontown and Raleigh (Ky.), Shawneetown and Sellers (Ill.), Caseyville, Weston, and Ford's Ferry (Ky.), Cavein Rock (Ill.), Hurricane (Ky.), Elizabethtown and Rosiclare (Ill.), Carrsville (Ky.), Parkinson's Landing, Golconda, and Bay City (Ill.), Bayou Mills, Birdsville, and Smithland (Ky.), and New Liberty (Ill.), to Paducah (Ky.), 150 miles and back, six times a week, in safe and suitable steamboats.

Leave Evansville daily, except Sunday, at 4 p. m.; arrive at Paducah next day by 10 a. m.

Leave Paducah daily, except Monday, at 11 a. m.; arrive at Evansville next day by 12 m.

Bond required with bid, $20,000; check, $1,000.

Present pay, $13,000.

20100. From Paducah (Ky.), by Metropolis City and Joppa (Ill.), Ogden's Landing (Ky.), Caledonia and Mound City (Ill.), to Cairo (Ill.), 50 miles and back, six times a week, in safe and suitable steamboats.

Leave Paducah daily, except Sunday, at 8 a. m.; arrive at Cairo by 4 p. m.

Leave Cairo daily, except Sunday, at 5 p. m.; arrive at Paducah next day by 6 a. m.

Bond required with bid, $10,000; check, $500.

Present pay, $2,000.

That is all I care to say. It is a fallacy to compare that character of service with ocean service between two distant terminal points.

Mr. FRYE. If the bill provided that the Postmaster-General should pay $1 a mile the round trip for carrying the mails, I would not object to this amendment saying that he shall pay 75 cents a mile for the round trip. But the bill does not so provide. It is only a limitation upon his power to pay and the power of the mail contractor to compel him to pay. He shall not pay more than $1 a mile under any circumstances; and I want to call the Senator's attention to section 20.

We repeal the section to which I referred yesterday, the compulsory-process section, but leave on the statute-book section 4203 of the Revised Statutes, which is another compulsory process almost in terms like the first one; and we do that because the Postmaster-General says: "Suppose there is but one contractor; he will not take it for a dollar a mile; or suppose it is to a portion of the world where I will not pay one dollar a mile"—and the suggestion was that there were quite a number of places where he would not pay a dollar a mile—"suppose these circumstances arise, then where shall I be left? I shall not have any provision for carrying my mail." So under his instruction in drafting this section I left that other compulsory provision stand; and now after this bill becomes a law the Postmaster-General still has the power, a United States minister, a United States consul or commercial agent has the power, to make an American vessel carry the mails simply on the provision that the compensation for doing it "shall not be less than the sea and the United States inland postages on the correspondence conveyed in such mails, nor greater than $1 a mile, as above provided." So then if your Postmaster-General thinks that a dollar a mile is too much between any one port and any other port, and is not able to make a contract, all he has to do then is to turn around and resort to the still remaining compulsory section, only there he shall not compel him to carry it for a cent a letter, but he shall not pay less than the whole postage, sea and inland, nor more than $1 a mile; and the latter part of that section provides that:

The provisions of this section shall apply, in the case of mails conveyed from the United States to foreign destinations, only in the event that the Postmaster-General shall find it inexpedient or impracticable to contract for their conveyance under the terms and limitations of this act.

He says that under that he is perfectly safe; nobody can exact any more than is reasonable and fair from him; and if the proposal made be not met by reasonable contract terms on the part of the mail contractor all he has to do is to turn around and say, "Well, you must carry my mail under my terms." It seems to me that leaves power enough with the Postmaster-General to regulate it.

Mr. MCPHERSON. I should like to ask the Senator from Maine what he understands by the terms employed in the seventeenth line, "shall not exceed the gross revenues of the Post-Office Department of the United States on mail-matter sent to and received from foreign countries?"

Mr. FRYE. I intended only to cover the whole receipts from foreign mail transportation. That is all.

Mr. MCPHERSON. Does the Senator consider that the language here employed limits it to that amount received by the United States from letters brought from foreign countries here?

Mr. FRYE. Yes, sir; and I submitted what it would be in my former speech, as reported to me by the Postmaster-General. I gave his figures.

Mr. MCPHERSON. I know what the Senator has submitted, but I have very grave doubts, under the language employed in this bill, whether it would be limited to any such sum.

Mr. FRYE. The language of this section expressly excludes the sums paid out "for transportation on foreign vessels," and it excludes expressly the "net amount paid foreign administrations for intermediary, territorial, and sea transit of such mails." It seems to me it is pretty explicit. At any rate it satisfied the Postmaster-General and the head of the Bureau of Foreign Mails.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine [Mr. FRYE].

The amendment was rejected.

The PRESIDENT *pro tempore*. If no further amendment be proposed to section 19, section 20 is open to amendment. [A pause.] If no amendment be proposed to section 20, section 21 is open to amendment. [A pause.] If no amendment be proposed to section 21, section 22 is open to amendment. [A pause.] If no amendment be proposed to section 22, section 23 is open to amendment.

Mr. VEST. I offer now the following amendment, to come in as a new section after section 23:

That section 4592 of the Revised Statutes be amended so as to read as follows:

"SEC. 4592. Fees shall be paid shipping commissioners as follows: Not exceeding the sum of $1 for each member of a crew engaged (except apprentices). For each boy apprenticed to the merchant service, including the indenture, $2. Fees payable on discharging crew, for each member of a crew discharged, 25 cents. Each shipping commissioner shall cause a scale of the fees payable to be prepared, and to be conspicuously placed in the shipping office, and may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid."

That section 4501 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 4501. The several circuit courts within the jurisdiction of which there is a port of entry, which is also a port of ocean navigation, shall appoint a commissioner for each port of entry, which is also a port of ocean navigation, and which in their judgment may require the same; such commissioner to be termed a shipping commissioner, and may, from time to time, remove from office any such commissioner whom the court may have reason to believe does not properly perform his duty, and shall then provide for the proper performance of his duties until another person is duly appointed in his place. Shipping commissioners shall annually, and oftener if required, render a full, exact, and itemized account of their receipts and expenditures to the Secretary of the Treasury, who shall determine their compensation, and shall from time to time determine the number and compensation of the clerks appointed by such commissioner, with the approval of the Secretary of the Treasury, subject to the limitations now fixed by law. The Secretary of the Treasury shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided, and shall have full and complete control over the same, subject to the provisions herein contained."

Mr. CONGER. I would ask the Senator from Missouri if he has left any other duty with the court except the appointment?

Mr. VEST. That is all.

Mr. CONGER. It transfers all the rest to the Secretary of the Treasury?

Mr. VEST. Yes, sir.

Mr. CONGER. I have no objection to that. I would suggest also that there should be an amendment in the first paragraph, which provides that the schedule of prices shall be placed in the office, so as to require it to be kept there. I would insert the word "kept," so as to make it a continuous requirement.

The PRESIDENT *pro tempore*. The Senator from Michigan moves to amend, in line 8, after the word "be," by inserting "kept;" so as to read:

And to be kept conspicuously placed in the shipping office.

Mr. CONGER. Yes.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. FRYE. I have no objection to the amendment. The only thing that occurs to me is whether the fees are not too greatly reduced. They are now nearly twice what is charged by the English shipping commissioner, but it must be remembered that the English shipping commissioner gets ten fees where the American shipping commissioner gets one. But I am not going to object to the amendment. If the Senator from Missouri has looked it over and thinks the fees fixed are ample, certainly I should like to have our vessels relieved as much as possible.

Mr. CONGER. I was about to add to what I said——

Mr. FRYE. I beg the Senator's pardon. I thought he had yielded the floor.

Mr. CONGER. While this change transferring the control of this business and the settlement of the accounts of the shipping commissioners to the Treasury Department is I think in the right direction, I should be still better satisfied if the amendment provided that the Secretary of the Treasury should make the appointment as well as have the control of the fees after the commissioner is appointed. I think it would be more in keeping, I have always felt it would be more in keeping, with the business to have the continual watchfulness of the Treasury Department over the performance of the duties of this office. We see now that for years there has been great complaint in regard to it under the present system. I will not make the motion myself, but if the Senator from Missouri would amend his amendment in that way I would be very glad to vote for a provision which authorized the appointment of these commissioners by the Secretary of the Treasury.

Mr. VEST. I myself should have no objection to that; but after conversation with a member of the House I concluded to leave the appointment with the circuit judges. I think it is best to leave it there for the present at any rate.

As to the amount of fees, the official proof shows that in 1874 the fees collected by the shipping commissioner at New York were $56,169, and his expenses for the same year $56,974.57; in 1875 his fees were $51,718.50, and he spent $51,440.29; in 1876 his fees were $29,802.25, and the expenses $30,691.95, bringing the Government in debt nearly $800; in 1877 his fees were $28,450.25, and the expenses $29,672.58, bringing the Government in debt again; the next year the fees rose to $34,356 and the expenses to $34,387; the next year the fees collected were $30,217,50; the next year the fees collected were $25,538.50; the next year the fees amounted to $23,027, and the next year $22,213.50, and the expenses were $22,531.50 for 1882, $24,279.93 for 1881, and $25,948.50 for 1880.

As a matter of course it is nonsensical to make any comments on this sort of thing.

Mr. CONGER. The only comment to be made is that the expenditures and the receipts have some parallelism. [Laughter.]

Mr. VEST. They do run together in the most astonishing way; but think of paying to a shipping commissioner $54,000 in a year, and never less than $22,000! That is for the port of New York. The only doubt I have in regard to this amendment is the way in which it operates as to the shipping commissioners at the smaller ports. I will state frankly—for I intend to be perfectly disingenuous about this matter—that if I had my way as to the legislation I would abolish the office altogether and put the duties in the collector's office, giving to the collector of the port of New York two or three clerks to perform the duty and allowing them a salary. The whole system is wrong, in my judgment, and ought to be abolished, but for the present I shall be satisfied if the amendment shall be adopted as I have offered it.

Mr. MILLER, of California. Mr. President, I think everybody who knows anything about the doings of the shipping commissioners knows that the system is all wrong as it exists now. The reason why those abuses which the Senator from Missouri has spoken of have been allowed to exist is because the shipping commissioners are appointed by the circuit judges and their accounts are passed upon by those judges, who do not give that care and attention to it which they should. The shipping commissioner ought to be appointed by the Secretary of the Treasury, amenable to the Secretary of the Treasury, under the control of that Department, and his accounts be rendered to the accounting officers of the Treasury and passed upon by them. Then you will have some control over these officers and can prevent the great abuses which are known to exist in the administration of the office. The proposition of the Senator from Missouri that the shipping commissioner might be an officer of the customs is nothing more nor less then putting it under the charge of the Secretary of the Treasury, for saying that such an officer as shipping commissioner shall be appointed by the Secretary of the Treasury amounts to the same thing as if he were a customs officer. It brings him under the direct control of the Treasury Department, as he should be. There may be some occult reason why this amendment ought not to be adopted at this time, as the Senator from Maine seems to intimate, but I can see no reason myself why we should not make the change now, and have this officer appointed by the Treasury Department as he ought to be.

Mr. MILLER, of New York. Mr. President, I move that the amendment be amended by giving the appointment to the Secretary of the Treasury. The system of shipping commissioners grew up some years ago because of the great abuses of what are called the sailors, boarding-house keepers. The shipping commission was started for the protection of the sailors. It has not worked as well as it was hoped it would prove when the law was passed. Nevertheless the committee on investigation did not think it wise to entirely dispense with it without providing some other means. The appointment was originally given to the judges of the circuit court, I suppose with the idea of taking the appointments out of politics; but the result has proved that the course was not wise and has proved that our courts are not proper authorities for exercising executive duties such as the appointment of officers of this kind. The control of business pertaining to our shipping, our light-house system, and all matters of that kind, is in the Treasury Department; they all belong there of right under our Government as it is now administered; and if the shipping commissioners throughout the country had been appointed by the Secretary of the Treasury, which is an executive office and which holds all its subordinates to strict account, the abuses which have grown up under the present shipping commission, in my judgment, would never have occurred. And as we have now no proposition to dispense with the shipping commissioners, as we have perfected no plan for doing without them, it seems to me the wise course would be to modify the amendment of the Senator from Missouri in such form as to put the appointment in the hands of the Secretary of the Treasury. It is now left with the circuit court, and the amendment makes the officer amenable to the Secretary of the Treasury, who is to pass upon his accounts. It seems to me the appointment ought to be with the officer who is to pass upon the accounts, so that if the Secretary of the Treasury shall find that a shipping commissioner at any port is negligent in his duties, or that he is collecting exorbitant fees, or is in any way oppressing the sailors, he ought to have the power to immediately remove him and appoint another man.

It seems to me it is not a good practice to leave the appointing power with the court, which knows nothing about ship matters and can have no personal knowledge of the fitness of the person to be appointed and which is to maintain no control over the officer after he has been appointed. I believe it would be much better for the sailors themselves, much better for the service, and in the interest of economy and honest management to change the system to that extent and give the appointing power to the Secretary of the Treasury and then hold that Department responsible for all abuses. I have seen great abuses growing up under it; investigations have shown that there were great abuses; but nobody has thought of charging the judge with the crime or with the fault that has been committed. He has simply done his duty in appointing an officer, and the officer has been a law unto himself. We have seen that the shipping commissioner in New York has consumed in the expenses of his office the entire receipts, whatever they were; the Government has received little or nothing. Every year he has succeeded in dividing the receipts of the office among the employés in the office. In short, he has been an officer independent of the President, independent of the Cabinet or of any other officer whatsoever. He has collected these large sums of money and done with them precisely what he saw fit.

Now, I submit to the Senator from Missouri and the Senate that if we are to touch the matter at all, let us go to the bottom of it. Let us put this officer entirely under the control of the Secretary of the Treasury, and in order to do that I think it is necessary that the Secretary of the Treasury should have the appointing power. Therefore I will move that the amendment be so amended that the appointing power shall be given to the Secretary of the Treasury instead of the court.

The PRESIDENT *pro tempore*. The Senator from New York moves to amend the amendment as will be stated.

The CHIEF CLERK. In line 13 of the amendment, after the first word "the," it is proposed to strike out "several circuit courts within the jurisdiction of which there is a port of entry, which is also a port of ocean navigation," and insert in lieu thereof "Secretary of the Treasury;" so as to read:

The Secretary of the Treasury shall appoint a commissioner, &c.

Mr. SHERMAN. I should like to hear the whole clause read.

The PRESIDENT *pro tempore*. The whole clause will be read as it would be if amended.

The Chief Clerk read as follows:

The Secretary of the Treasury shall appoint a commissioner for each port of entry, which is also a port of ocean navigation, and which, in their judgment, may require the same; such commissioner to be termed a shipping commissioner, and may, from time to time, remove from office any such commissioner whom the court may have reason to believe does not properly perform his duty, and shall then provide for the proper performance of his duties until another person is duly appointed in his place.

The PRESIDENT *pro tempore*. Does the Senator from Ohio desire to hear it further read?

Mr. SHERMAN. No, sir.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. MILLER] to the amendment of the gentleman from Missouri [Mr. VEST].

Mr. MILLER, of New York. In the second clause the words "Secretary of the Treasury" should be stricken out and "he" inserted.

The PRESIDENT *pro tempore*. The amendment will be modified to include that.

Mr. FRYE. Mr. President, this is a question which has not been considered by the Committee on Commerce, and I am not myself inclined at present in favor of the amendment offered by the Senator from New York. I do not think that I shall give the reasons why I am not so inclined at present; I simply state the fact. I am in favor of the amendment offered by the Senator from Missouri. That amendment, coupled with the amendments that were adopted three or four days ago and are now a part of this bill, will render the repeal of the whole shipping law necessary, and the enactment of a new shipping law in its place, if the system of commissioners is to be maintained, and I would rather that should be left for future legislation. The fees are reduced now in this bill one-half; they are reduced more than one-half in the bill as we have adopted it in those two clauses which relate to the reshipment of sailors. That takes off at least one-half of all the fees that a shipping commissioner to-day gets. Then the Senator from Missouri takes off one-half of the other half. Now, my judgment is that if you propose to have any kind of a shipping-commissioner law hereafter the whole thing must be revised, and I would rather it should be left to future legislation than to undertake to do it now.

Mr. MILLER, of New York. If I understand the argument of the Senator from Maine, it goes against the entire amendment of the Senator from Missouri, as well as the amendment to the amendment, for my amendment to the amendment will in no wise decrease the fees. It simply refers to the method of appointment. We have already, as the Senator has expressed it, reduced the receipts of the shipping commissioner, and the amendment of the Senator from Missouri proposes to reduce them still further to 25 per cent. of the present fees. I submit that we have no information before us which could lead us to suppose or believe that the shipping commission can be maintained throughout the country upon 25 per cent. of the present fees, and that is exactly what the amendment of the Senator from Missouri produces, if it has been correctly stated by the Senator from Maine.

My amendment relates entirely and solely to the method of appointment, and it seems to me that it must commend itself to the reason of every Senator that if a shipping commissioner is to be under the control of the Secretary of the Treasury, is to account to him quarterly, or oftener if called upon, and give a full statement of his affairs, and if the number of his clerks and their pay is to be regulated by the Secretary of the Treasury, then in order that there may be any proper control the Secretary should have the power of appointment of the commissioner in the first instance. I do not know of another case in our Government in which we have transferred such powers to the circuit courts as the appointment of shipping commissioners. It is entirely outside of their duties, and outside of any knowledge which they may have in regard to the men or the affairs pertaining to our ships. As I said before, everything pertaining to our shipping is in the Treasury Department. The Bureaus of Navigation and of Steam Inspection, the Light-House Board, the Life-Saving Service, the registry of vessels, the admeasurement and collection of tonnage tax, everything pertaining to the subject is now under that Department.

I fail to understand the Senator from Maine when he states that my amendment in any way affects the receipts of the shipping commissioners. I can not see that it affects them at all.

Mr. FRYE. I did not say it did.

Mr. MILLER, of New York. Then I can not understand why my amendment should be so destructive to the shipping-commissioner law. If there is any destruction it comes from the amendment of the Senator from Missouri.

Mr. FRYE. The Senator did not understand me. I do not think his amendment has the slightest effect on the shipping law. I alluded entirely to the amendments already adopted and to the amendment of the Senator from Missouri touching fees. Now, I shall be frank to say——

Mr. MILLER, of New York. I understood the Senator to say that he was in favor of the amendment of the Senator from Missouri, and that he was not in favor of my amendment to the amendment because it would destroy the shipping laws or require an entire remodeling of those laws.

Mr. FRYE. I did not say so. I said the amendments already adopted and the present amendment offered by the Senator from Missouri would require a change in the shipping law, and I frankly say that I am opposed to any shipping commissioner any way. I do not believe in putting a sailor under guardianship. I do not know of any reason why a sailor and a master of a vessel can not make contracts just as well as I and a master of a vessel can make a contract. I believe it is the interposition of an officer entirely unnecessary and does no good whatever, and I shall be glad if the reduction of the fees is going to destroy the office of shipping commissioner.

Mr. MILLER, of New York. The Senator does not bring any argument against my amendment.

Mr. FRYE. I should not have taken the floor if I had not supposed the Senator was through.

Mr. MILLER, of New York. The joint committee of the Forty-seventh Congress, of which the Senator from Michigan [Mr. CONGER], the Senator for Missouri [Mr. VEST], and myself were members, investigated the shipping question very extensively in the city of New York, examined a large number of seamen and different people, and while the committee were not satisfied with the workings of the shipping commission they did not come to the conclusion that it was wise to dispense with it. We found such evils existing with the sailor boarding-house keepers that we thought it unwise to entirely dispense with it, and it would be unwise in my judgment to dispense with it now in a summary way. I think that the Committee on Commerce is not ready to recommend that. I am very sure that we have given the subject no such consideration during the present Congress as to enable the committee itself to recommend the entire dispensing with the shipping commission. If the shipping commission is honestly administered, economically administered, and administered in the interest of the sailors, as it was intended it should be, I have no doubt for one that it would be of very great benefit to the sailors of the country, and I think the Senator from Michigan will bear me out in this. I think his investigations made years ago in regard to this question led him to believe that something of this kind was absolutely necessary for their protection.

There has undoubtedly grown up a great abuse in some of our ports, and I think the abuse has been simply because this officer was a law unto himself, was appointed by the circuit judge, and rendered substantially no account to any one; he expended the moneys received, and at the end of the year made a statement of what he had done with them. There was no officer who could say to him, "You may pay certain sums for clerk-hire; you may have a certain number of clerks and pay them certain salaries." He divided the money among the clerks just as he saw fit; he collected all he could; he was a law entirely unto himself. I believe the system of appointment is responsible substantially for the principal trouble in the whole case, and is what requires the necessity for a change.

Mr. MILLER, of California. Would it not be a good plan to abolish all the fees? Does not the trouble grow out of the fact that the officer is empowered to collect fees? For my part I should like to abolish all fees in relation to shipping and every custom-house fee known to the law as well as the fees of shipping commissioners. I do not believe in the collection of fees for anything.

Mr. MILLER, of New York. This bill goes very far in that direction, but the committee did not think it wise to abolish all fees. It has abolished all consular fees in connection with shipping; it has largely reduced the tonnage tax and abolished the hospital tax, and it has very largely reduced the shipping commissioners' fees; it proposes to reduce the fee for the inspection of steamships. But perhaps it may not be wise to remove all fees at once. Perhaps the burden that would be thrown on the Treasury would appear so large that the measure would fail. But certainly the bill goes a long way toward removing all fees, and I am not prepared to say that I disagree with the Senator from California on that proposition. I am not sure that it would not be best to abolish all fees; but perhaps we have gone as far in this bill in that direction as it is wise to do at the present time. Therefore, having reduced the fees certainly from 50 to 45 per cent., it may be wise to leave it where it is for the present and see what the result will be.

I am very clear, as I was at the time of the investigation of the joint committee, that the great trouble in the shipping commission was that the commissioner was appointed by the court and there was no authority maintained over him, and he had simply his own greed, his own desire to make profit to himself, as his entire law and rule of action.

Mr. CONGER. Mr. President, some twelve years ago the trouble in our large ports with the shipmen and sailors had become so great, the wrongs done sailors were so great, the practice of shipping them when they were in an unconscious state of inebriety was so notorious, and the entire inadequacy of any safeguards for the sailor was so apparent that not only shipping-men throughout the whole country, but men kindly disposed toward sailors took the subject up. I think the movement originated first in San Francisco, under the action of the Seamen's Friend Society of San Francisco, and it was agitated there for some time. Then the American Seamen's Friend Society, which has its headquarters in New York, took up the subject and appointed a committee to examine into the whole matter and make a report. That was done very carefully and very faithfully.

The report from San Francisco and from the American Seamen's Friend Society was published in almost all the New York papers simultaneously; and for weeks and for months there was a continuous demand in the larger ports of the United States for some law to protect sailors against the rapacity and the wrong-doing of sailor-landlords, who were in the main the shipping agents and who were notoriously in the habit, as was proved in the testimony read before Congress some twelve years ago, of taking sailors' advance wages, taking them in a state of intoxication, having their shipping papers signed by marks, and the sailors dumped on board vessels in the harbor and going out to sea on distant voyages without any knowledge at all on the part of the sailor himself that he had ever been shipped, or on what terms, or on what conditions; and that was followed by a tax levied on the sailor by the rapacity of the sailor-landlords as soon as he was discharged from the ship.

There is no doubt but that public sentiment all over the United States upon those exposures being made demanded the passage of some law that should give some protection and some safeguard to these hardy, generous, whole-souled, rollicking sailors, and some protection to the families of those who had families in the cities where they were shipped. Perhaps there was no subject that appealed so generally to the humane good people of the United States as this subject of the protection of sailors.

After some months of careful investigation in both Houses of Congress the agitation culminated in the passage of the shipping commissioners' bill. The result of it in the saving of expense to the shipping-men is established by the reports of the comparative expenses of shipping sailors on the same vessel in the year before the passage of this law and in the year after. The diminution in expense to the shippers by their own statement—and I have a list of some eighty or ninety, I think, furnished from the books of the firms owning the vessels—was shown to be from 15 to 73 per cent., varying all the way between these figures.

The law did work well. No sailor could be shipped when he was in a state of intoxication; no sailor could be shipped without his own consent; no sailor could be sent on board any vessel to go to the far-off regions of the earth or to those more near without knowing when his shipping papers were signed, where he was going, and on what ship, and how long the voyage would be. The morals of the sailors were protected; the comfort of the families of those who had families was secured.

The law worked well, and the only fault about it to-day that I know of, except those continual faults that are pointed out by sailor-landlords, who desire to again get possession of their victims, is the irregularity of this one commissioner among four or five in increasing the salaries of his clerks and appropriating the money received to his own uses. The law contemplated that the fees from time to time should be so regulated as only to pay a reasonable compensation to the shipping commissioner and for the expenses of his office and for the services of his clerks. There is no great violation of the spirit of the law in using all the money obtained from the charges and fees for shipping sailors, because it was contemplated that no more should be charged than was necessary to keep up the office. The fault in this case is that with the increase in the receipts of fees he increased the salaries of his clerks, and the payments for office expenses have likewise been increased.

I have no doubt that the shipping commissioner in New York, to whom reference has been made, from that day to this—for he is the only shipping commissioner who has been appointed there—has understood and has believed, and has acted upon that belief, that the fees coming into that office were to be appropriated for the uses of the office. I have no doubt that, believing that to be the fact, every year he has made a report of receipts and of expenditures, and the circuit court receiving that report under the law, with no complaint about irregularity, and finding that the amount of compensation allowed did not exceed the receipts, has approved the report from time to time until the fact has become so apparent that the fees have been used to pay larger salaries and larger rents than are consistent with a fair administration of the law that it has aroused public attention.

Now, sir, one of the reasons for the passage of this law—not the only one, but one of the main reasons—was the advance wages of the sailors. That was the treasure for which sailor-landlords were driving; that was the treasure which they sought to obtain and use to ship sailors and for which they committed so many of the enormities that made such a law necessary. In my opinion, with that clause in this bill which takes away the advance wages, the inducement of the sailor-landlords to get possession of the sailor, the object which they would have in taking possession of the sailor and procuring what he might have, will be largely removed; but that the sailor should ship in a sober condition, that he should know what contract he is making, that he should know the length of the voyage he is about to undertake, is as desirable now as it ever was, and the shipping commissioner is necessary to have the law and these necessities complied with.

In regard to the change of the appointing power to the Secretary of the Treasury, I would say that the same shipping commissioners' law provides that whenever it is not allowable to appoint a shipping commissioner the collector of customs, who is an officer under the Secretary of the Treasury, shall perform the duties of shipping commissioner, and in more than half the ports where these duties are performed they are performed by collectors of customs now. So that the transfer of the appointing power from the circuit court will not be any innovation of the principle of the appointing power under the law as it now stands.

Mr. SHERMAN. If this amendment is to be adopted there are certain minor amendments which will have to be made before it can be effective as an operative measure. For instance, this requires an annual report to be made to the Secretary of the Treasury. It ought to be a monthly report. The annual report would create delay in the settlement of these accounts, and it would be manifestly unjust to the officers employed as well as to all the people engaged in the business. I would suggest, therefore, that instead of the words "an annual report to the Secretary of the Treasury" it should be "a monthly report," so as to place this business on the same footing as the business of the collectors of customs. Then there should be in addition to the provision some mode of auditing these accounts, and I will offer an amendment to come in at the end.

The PRESIDING OFFICER (Mr. WILSON in the chair). There are two amendments now pending, and therefore a further amendment is not now in order.

Mr. SHERMAN. Perhaps the Senator having the proposition in charge, the Senator from Missouri, will accept my amendment.

The PRESIDING OFFICER. It may be read for information.

Mr. SHERMAN. I will move to strike out where the annual report is required and make it a monthly report, and add the following clause at the end of the section so as to provide for the examination of the accounts.

The PRESIDING OFFICER. The amendment can be read for information, but it will not be in order now to offer it.

Mr. MILLER, of California. Was not the amendment requiring annual reports adopted?

Mr. SHERMAN. Not yet.

Mr. MILLER, of California. I thought it was.

Mr. SHERMAN. That is part of the amendment of the Senator from Missouri. I send my proposed amendment to the desk to be read.

The CHIEF CLERK. On page 2 of the amendment, line 24, it is proposed to strike out the words "annually, and oftener if required" and insert in lieu thereof "monthly," and at the end of the section to add:

And all expenditures for shipping commissioners shall be audited and adjusted in the Treasury Department in the mode and manner provided for expenditures in the collection of customs.

The PRESIDING OFFICER. The amendment pending is that of the Senator from New York [Mr. MILLER] to the amendment offered by the Senator from Missouri [Mr. VEST]. Consequently the amendment just read is not now in order. The question is on the amendment of the Senator from New York to the amendment of the Senator from Missouri.

Mr. MILLER, of New York. If in order, I will accept the amendment of the Senator from Ohio.

The PRESIDING OFFICER. The Senator from New York can modify his amendment, but the amendment suggested by the Senator from Ohio does not apply to the first amendment proposed by the Senator from New York. The question is on the first amendment proposed by the Senator from New York to the amendment of the Senator from Missouri.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Senator from New York now offers an amendment, which will be read.

The CHIEF CLERK. In line 17 of the amendment it is proposed to strike out the word "their" and insert "his;" so as to read: "his judgment."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Senator from New York moves to further amend.

The CHIEF CLERK. In line 20, after the word "whom," it is proposed to strike out "the court" and insert "he."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Now the amendment of the Senator from New York as modified by the Senator from Ohio will be read.

The CHIEF CLERK. It is proposed to add to the amendment as amended:

And all expenditures by shipping commissioners shall be audited and adjusted in the Treasury Department in the mode and manner provided for expenditures in the collection of customs.

The amendment to the amendment was agreed to.

Mr. SHERMAN. There is a part of the amendment, as to the reports, not yet acted on.

The CHIEF CLERK. In line 24 it is proposed to strike out "annually and oftener, if required" and insert in lieu thereof "monthly."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Missouri [Mr. VEST] as amended.

Mr. SEWELL. I should like to ask the Senator from Missouri what reduction there is in the fees of the shipping commissioner. While the fees may be large for the port of New York, where there is a large tonnage, this may very materially affect the ports of Philadelphia, Boston, Baltimore, and San Francisco. As this applies to all shipping

commissioners there may not be enough under this to allow them to run the office in some ports. I would suggest that if the fees at New York are too much, adopt a different scale according to the differing business of the different ports.

Mr. VEST. I have no official statement as to the amount of fees received in any of the ports except New York. I have understood—and I acquired that not in an official way—that the smallest amount paid under this amendment will be from twelve hundred to fifteen hundred dollars. That will be the smallest amount paid to any one of the shipping commissioners in any of the ports. If they have not many duties to perform they will not require a clerk.

Mr. SEWELL. What is the proposed reduction?

Mr. VEST. The reduction is just one-half on each of these fees for shipping a crew, for discharging a crew, and for the indenturing of an apprentice.

Mr. SEWELL. Will not the Senator from Missouri, in order to be on the safe side, make the reduction 25 per cent. instead of 50 per cent.?

Mr. VEST. I have stated very frankly before that I am in favor of abolishing the whole office.

Mr. SEWELL. I think you will accomplish it if this amendment is adopted.

Mr. VEST. That is what I want to do.

Mr. CONGER. With the change in the appointing power and the accountability of these officers to return their accounts and settle their accounts monthly, as the amendment provides for now; and with the control over the expenditures by the Treasury Department, it is not so material about reducing the fees. I will say to the Senator from New Jersey that it might possibly be left without any reduction at all until it can be seen whether the officers get more than a reasonable allowance.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Missouri as amended.

Mr. SEWELL. Can we not have a division of the question?

Mr. SHERMAN. You can move to amend it.

The PRESIDING OFFICER. The Chair does not think the amendment is susceptible of division.

Mr. SEWELL. Will the Secretary report the part of the amendment relative to fees?

The PRESIDING OFFICER. That part of the amendment will be read.

The Secretary read as follows:

Fees shall be paid shipping commissioners as follows: Not exceeding the sum of $1 for each member of a crew engaged (except apprentices). For each boy apprenticed to the merchant service, including the indenture, $2. Fees payable on discharging crew, for each member of a crew discharged, 25 cents.

Mr. SEWELL. I have not knowledge as to what the fees actually received have been heretofore, but the cutting down of the fees 50 per cent. at a small office may very materially affect the office.

Mr. MILLER, of California. Where there is not enough to pay a separate officer the collector of customs performs the duties.

Mr. MILLER, of New York. It seems to me that the shipping fee of $1 for each member of a crew ought to be abundant. There has been great complaint on the part of sea captains that the fee of $2 was too large. For a crew of fifteen or thirty or forty men it entails a great expense, which is altogether out of proportion to the service rendered. It has been seen wherever an investigation has been had that the shipping commissioner in order to use up the funds coming into his hand has simply employed an unnecessary number of clerks. In the smaller ports where the fees collected are not more than $1,500 or $2,000, certainly one man can do all the work a shipping commissioner can be appointed for, and there will be no necessity of clerks at all. I believe there is no important port where crews are likely to be shipped where the fee of $1 for each member of a crew will not be entirely adequate. As we are relieving our merchant marine from its burdens, I think we can not do any one thing that will be more appreciated by the sea captains themselves than this reduction of shipping-commissioner's fees. I think it is entirely necessary.

Mr. VEST. I stated in answer to the Senator from New Jersey that the reduction was one-half. In the case of indentured apprentices the fee is $5, and under the amendment it would be $2, which is a reduction of rather more than one-half. There are very few of them and $5 is simply outrageous. The 25 cents for discharging a seaman is enough. That is the testimony before our committee. These commissioners have blanks and when the crew is discharged they hear the complaints made against the captain or master of the vessel and determine summarily, and the whole thing is over in a very few minutes. For a crew of twenty men the fee is ample for the work performed.

Mr. BECK. I understood the Senator from Missouri to say, and the Senator from Maine as well, that there was no special reason why the fees ought not to be abolished altogether. Now why not let us do that and stop all question about it. Is there any special reason for continuing this fee system?

Mr. VEST. I am in favor of abolishing the fees, but at the suggestion of a gentleman who served with me upon the committee I did not propose so radical a change as the abolishing of the fees. I will send to the desk an amendment which I did prepare for the purpose of offering it to take the sense of the Senate on that proposition for the entire abolition of the fees.

The PRESIDENT *pro tempore*. If there be no objection the proposition will be read.

Mr. BECK. Let it be read.

The PRESIDENT *pro tempore*. It will be read for information.

The Chief Clerk read the proposed amendment, as follows:

That all laws or parts of laws requiring the payment of any fee or remuneration to the shipping commissioners for the shipping of seamen be, and the same are hereby, repealed: *Provided*, That the duties of shipping commissioners as now prescribed by law in regard to the shipping or discharge of seamen or apprentices shall be performed by the collectors of the several ports of the United States, and the collectors shall appoint such number of clerks as the Secretary of the Treasury may think necessary to enable the collectors to discharge the additional duties imposed upon them by this act, and the clerks so appointed shall be paid such salaries as may be fixed by the Secretary of the Treasury.

Mr. BECK. Mr. President, I do not know enough about the amendment just read to offer it, but I know that there is but little chance to get rid of extortions and frauds unless they are cut up by the root.

Indeed, Mr. President, when abuses become intolerable the only remedy seems to be to abolish the system, if possible, and build up on a new basis. There are always objections to removals from office and reduction of compensation which prevent radical reforms. I have laid before the Committee on Commerce a bill prepared by the Secretary of the Treasury for the reduction of the customs districts from some one hundred and twenty-five to about seventy-five, which would cut off some twenty custom-houses at which no duties are collected, and about thirty-five that do not pay expenses and are needless. The new bill would save over half a million, perhaps $1,000,000, a year, yet it seems nothing can be done. I had a bill referred to the Finance Committee some months ago to reduce the number of employés and the cost of collecting the tax on distilled spirits, and yet while the abuses are flagrant it seems impossible to have action on it, though I feel sure the committee favor the bill.

The sixth district of North Carolina is a case in point. (See Executive Document No. 94, page 32, first session Forty-eighth Congress.) The estimated revenue for the current year in that district is shown to be $400,000. The expenses are as follows:

	Per annum.
One collector	$3,375
Two deputies, $1,600 each	3,200
Six deputies, $1,000 each	6,000
Eight deputies, $900 each	5,400
Six deputies, $1,200 each	7,200
Four deputies, $950 each	3,800
Two clerks, $800 each	1,600
One clerk, $900	900
One messenger, $300	300
Thirty-six gaugers, at, say, $5 per day for 365 days	65,700
Two hundred and seventeen storekeepers and gaugers, at $4 per day for 365 days	316,820
Eight storekeepers and gaugers, at $3 per day	8,760
Traveling expenses	5,700
Rent of office	650
	429,405

It will thus be seen if the pay of the storekeepers and gaugers is continued during the whole year, as they are apt to be in a Presidential year, that the expenses will exceed the collections over $29,000. The report of the Register of the Treasury shows that the expenses of the district for last year exceeded $190,000. I hope Senators will look over the executive document to which I refer and they will see how the money of the people goes, and how little they appreciate the extent of the abuses in the public service.

I will not offer an amendment, but I will vote for the lowest possible sum so as to try to get clear of some things of this kind.

Mr. MILLER, of New York. Do I understand that the Senator from Missouri proposes to offer an amendment abolishing the fees?

Mr. FRYE. No, he does not offer it.

Mr. MILLER, of New York. Then the question is on the original amendment of the Senator from Missouri.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri as amended.

Mr. MILLER, of New York. I hope that will be adopted and that the other will be withheld. It is possible that when a proper bill shall come up the committee having full charge of the whole subject may be disposed to accept the proposed amendment of the Senator from Missouri; but I trust it will not pass now.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. MILLER, of New York. I am instructed by the Committee on Commerce to offer an additional section to come in after the one just adopted.

That section 4458 of the Revised Statutes of the United States shall be so amended as to read as follows:

"SEC. 4458. Before issuing any inspection certificate to any steamer the collector or other chief officer of customs for the port or district shall demand and receive from the owners thereof, as a compensation for the inspection and examinations made for the year, the following sums, in addition to the fees for issuing enrollments and licenses now allowed by law, according to the tonnage of the vessel: For each steam vessel of one hundred tons or under, $10; and for each and every ton in excess of one hundred tons, 5 cents."

Mr. MILLER, of California. Is that a reduction?

Mr. MILLER, of New York. The amendment just offered, which met the approval of the Committee on Commerce, reduces the inspection fee of steam vessels below one hundred tons to $10 from $25 and an additional fee of 5 cents per ton above one hundred tons, which is the present law. The present law is $25 for all vessels less than one hundred tons burden, and 5 cents a ton additional for all vessels above. This amendment simply reduces the $25 to $10.

A vast number of small tugboats and steamers doing business on our bays and inland rivers, of from ten to twenty-five and fifty tons burden, have to pay every year $25 inspection fee. It is altogether too much, and the result has been that there is in the Treasury to-day to the credit of that fund a surplus of $639,245.93. The fees heretofore collected from this class of boats has led to this great surplus accumulating in the Treasury. The ten-dollar fee, which is provided for in the amendment, it is estimated will for the future just about pay the expenses of the service. It will not cost the Government anything and will reduce the fees to about the actual cost of the work.

Mr. ALLISON. I find that the Senator from New York has left out entirely the latter part of section 4458.

Mr. MILLER, of New York. It was not the intention to leave that out. The intention was simply to affect the fees. That we had done, I supposed.

Mr. ALLISON. The latter part of section 4458 reads:

Each master, chief engineer, and first-class pilot, licensed as herein provided, shall pay for every certificate, granted by any inspector or inspectors, the sum of $10; and every chief mate, engineer, and pilot of an inferior grade shall pay for every certificate so granted the sum of $5. Such fees shall be paid over to the chief officer of the customs in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury.

Mr. MILLER, of New York. There was no intention to disturb that. Those people have to be examined and licensed, and therefore it is necessary to include that. I ask that the Senator send the Revised Statutes to the desk, and the Secretary can add to my amendment the rest of the section which the Senator has read.

Mr. MILLER, of California. I suggest that that fee be reduced one-half. Ten dollars is an extortionate fee for the certificate, and wholly disproportionate to any just compensation for making it out. It is an unnecessary tax upon that class of persons. The Government does not need it.

Mr. MORGAN. I rose for the purpose of making the same suggestion. I have known this to operate sometimes very harshly indeed on a little ferry-boat on the Alabama River, originally a flatboat. An enterprising Irishman got a little engine to put on board his boat, not more than sufficient to run an ordinary fan-wheel, having very low power, and they brought him within the inspection laws of the United States and made him pay the annual duty. I think it is a very great hardship. It ought to be reduced to $5, certainly.

Mr. MILLER, of New York. I do not care to argue that question, for I have not given it sufficient examination to be able to accept the proposition.

Mr. MILLER, of California. I move to amend it.

The PRESIDENT *pro tempore*. The amendment of the Senator from New York has not yet been reduced to writing so that it can be read from the desk.

Mr. MILLER, of New York. I can only say that the licensing of these pilots for service on large inland rivers is a very important matter. They have to be carefully examined every year before they are licensed, and I very much doubt whether it would be wise to so cheapen the whole thing that anybody could get a license for two and a half dollars or five dollars, or whatever the amount may be that it is proposed to be reduced to. There is no person in the world who has greater responsibilities cast upon him than the pilot or captain of some of our large inland steamers, running on our inland waters, or in the harbor of New York and about Philadelphia, where it is a very common thing for large steamers, great ferry-boats, to have several thousand people on board at a time. I have not given the question consideration enough to be willing to accept the modification. Of course if the Senate think it wise to do it, I can not object, but I do not believe it to be wise.

Mr. CONGER. The section which is referred to here as proposed to be amended has been amended, and the license fee has been reduced so that it is perfectly satisfactory to the captains, mates, pilots, and all. The amendment should be of the section as it stands amended by subsequent law. I do not remember the year when the amendment was made. It is not in the Revised Statutes, but in the session laws. It has been changed within two years, I think, and there is no complaint now anywhere about the license fee.

Mr. MILLER, of California. If it has been amended and reduced you do not want to re-enact the old section.

Mr. CONGER. No; but the new section has the same wording as the Revised Statutes in regard to inspection. I think this might be passed over a moment until we find the amended section in the session laws.

Mr. FRYE. I suggest to the Senator from New York that to avoid this new question which has arisen a slight change in his amendment is all that is necessary. Instead of having it read that section 4458 of the Revised Statutes shall be amended so as to read as follows, simply make a new section 24, or whatever the proper number is, in this language:

Before issuing any inspection certificate to any steamer, the collector or other officer of customs for the port or district shall demand and receive from the owners thereof as a compensation for the inspection, &c.

That will get rid of this new question.

Mr. MILLER, of New York. I accept that suggestion and offer the amendment in the form of an original section, without regard to any amendment of the Revised Statutes. I will offer it in that shape.

Mr. MCMILLAN. I should like to inquire of the Senator from New York if he knows what effect this amendment will have upon the revenue derived from this source to the Treasury of the United States. It is important that we should know if we are going to reduce this fund and bring greater expense on the Treasury than now exists, so that there will not be sufficient to meet the expenses. We ought to know it before we reduce these fees to that extent. The reductions that have taken place have been under information and advice from the Treasury Department and from the branch having charge of these matters. This amendment is not of such a character. We know nothing of the effect of this from the Department so far as the committee are concerned.

Mr. MILLER, of New York. In the remarks I made in submitting this amendment to the Senate I explained the whole matter as far as I could. If the chairman of the committee was not here I will repeat what I said.

There is at present a surplus in the Treasury belonging to this fund of $639,245.93. The supervising inspector-general, General Dumont, has written me in regard to this. The original bill which I introduced on this subject reduced the fee to $5 instead of $10, and he writes me a letter stating that if that should be enacted, after the present surplus shall have been used up then the fee of $5 per vessel would result in the expense of the service being borne one-half by the steamboat interest and the other half by the general fund. The committee therefore fixed the fee at $10 instead of $5; and as the business increases undoubtedly a fee of $10 will be sufficient to entirely pay the cost of the service. There will be no charge upon the Treasury of the United States probably; at all events, if there is any it will be very small.

Mr. CONGER. I have found the amendment of the section and I will read it. April 5, 1882, this amendment was enacted:

That section 4458 of the Revised Statutes be, and is hereby, amended by striking out of the paragraph beginning in the eighth line thereof the following words, that is to say, "Each master, chief engineer, and first-class pilot licensed as herein provided shall pay for every certificate granted by any inspector or inspectors the sum of $10, and every chief mate, engineer, and pilot of an inferior grade shall pay for every certificate so granted the sum of $5," and insert in lieu thereof the following: "Each master, engineer, pilot, and mate licensed as herein provided shall pay for every certificate granted by any inspector or inspectors the sum of 50 cents."

Mr. MILLER, of California. That is about right.

Mr. CONGER. It is cut down to that, and there is no further complaint about it, as I have said. It is asked what the amount of reduction would be by adopting this provision of $10 for the inspection of the vessel. That would be a reduction of $15 upon every vessel inspected. As it is now the fee for the inspection of vessels of one hundred tons and less is $25 and 5 cents for every ton additional. If this amendment be adopted $10 will be the limit of expense for every vessel under one hundred tons, and commencing with that $10, 5 cents per ton for those above. That would make a reduction of $15 on the inspection of every vessel.

Mr. FRYE. I ask to amend the amendment a little further by adding at the end of it what I send to the Chair.

The PRESIDING OFFICER. The Senator from New York modifies his amendment, the Chair understands, to read as will now be stated.

Mr. MILLER, of New York. Yes, sir.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. —. Before issuing any inspection certificate to any steamer, the collector or other chief officer of customs for the port or district shall demand and receive from the owners thereof, as a compensation for the inspection and examinations made for the year, the following sums, in addition to the fees for issuing enrollments and licenses now allowed by law, according to the tonnage of the vessel: For each steam-vessel of one hundred tons or under, $10; and for each and every ton in excess of one hundred tons, 5 cents, in lieu of the fees now provided by law.

The PRESIDENT *pro tempore*. The Chair understands this section is to come in before section 24 as it stands in the present bill, or section 20 as originally printed.

The amendment was agreed to.

Mr. FRYE. I move to amend section 18 by inserting in the first line of the section, after the word "ship-owner," the words "incurred without his personal consent or privity."

Mr. HOAR. How will it read then?

The CHIEF CLERK. "That the individual liability of a ship-owner, incurred without his personal consent or privity, shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole."

Mr. MILLER, of New York. That is a remarkable change. As I understood the sentiment of the committee, it was really to make the ownership in all sea-going vessels a limited-liability company in which every individual was liable for only his share. That was notice to the whole world that nothing but the ship was holden. Now, you are

going to bring in a clause which would lead to interminable litigation, for some of the owners of the ship will be engaged in the management, they will know in regard to the affairs, and they will be held personally liable for everything, while other owners not immediately connected with the management will escape. The burden will all fall on one or two men, if there is any burden.

It seems to me that in order to encourage the investment of capital in ship-owning we have to do substantially this: we have to make each ship company a limited-liability company, and that is notice to everybody. If that is understood to be our law everybody who trusts a ship does it with a full knowledge that there is nothing back of it save the ship itself. Therefore no injustice will be done to any one. But if the amendment of the Senator from Maine prevails there will be two classes of owners in ships: one class, who will have control of the management, will be responsible for everything; and the other class will then take the position of silent partner and will not be responsible.

Mr. MCPHERSON. Will the Senator from New York yield to me for a moment?

Mr. MILLER, of New York. Certainly.

Mr. MCPHERSON. Let us carry out the proposition of the Senator from New York to its logical conclusion. Suppose, for instance, two ships on the ocean or in the port of New York sail about the harbor or elsewhere. One of them collides with the other, is entirely at fault, and both ships are sunk. How are injured owners of the ship that has been sunk by reason of the fault of the other, which is also sunk by the same collision, to get redress? Where are they to seek redress? I ask the Senator from New York that question.

Mr. MILLER, of New York. I beg the Senator's pardon; my attention was distracted and I did not hear his question.

Mr. MCPHERSON. I will state it again. Where two ships collide and one ship is at fault and both are sunk in the collision, I wish to know where redress is to be sought? Suppose the ship not at fault is worth six times as much as the other, where is the redress?

Mr. MILLER, of New York. There will be no redress beyond the value of the ship.

Mr. MCPHERSON. The ship is sunk; what is her value then?

Mr. MILLER, of New York. She would get the marine insurance, I suppose.

Mr. MCPHERSON. Suppose she is not insured?

Mr. SHERMAN. It seems to me this is a much more important matter than the Senator from New York thinks. If somebody has been at fault in the management of a ship, there ought to be a liability certainly to the full extent of the man's property. There ought to be a liability criminal as well, and there ought to be a liability personal to fully the value of the ship lost. If this bill is in a condition where there is no liability for torts or wrongs committed by the managers and controllers of a vessel, I think it is an important consideration. For the ordinary hazards of the sea, for the ordinary accidents of life, the owners of a ship may not be held responsible; but if accidents and torts have been brought about by their wrongful action, they ought clearly to be responsible. It seems to me that if the bill does not provide for that it ought to be amended.

Mr. MILLER, of New York. For any wrong committed, any negligence, or anything of that kind, the parties would of course be held liable under the law. This does not affect that in my judgment.

Mr. CONGER. This provision in the bill follows the usual law of all the European nations, that in the case of damage to a vessel the party without wrong of his own shall be liable only for the value of the vessel and the freight.

Mr. SHERMAN. Suppose a tort?

Mr. CONGER. This provision does not apply to that.

Mr. HOAR. Will the Senator pardon me while I read a sentence from the Revised Statutes?

SEC. 4283. The liability of the owner of any vessel, for any embezzlement, loss, or destruction, by any person, of any property, goods, or merchandise, shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, lost, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

The liability is not to the value of the vessel, but it is the value of the interest of such owner.

Mr. CONGER. The owner's interest is the interest in the value of the vessel before the damage was committed. That has been so construed by the courts universally. It is the interest in the vessel just prior to the time when the collision took place.

Mr. HOAR. Now, if the Senator will pardon me, this section is "that the individual liability of a ship-owner shall be limited to the proportion of any or all debts and liabilities"—not the particular debt, but all existing debts or liabilities—"that his individual share of the vessel bears to the whole." Is not that an almost impossible burden to put upon the claimant to prove the individual interest? Is he to have the duty of ascertaining how many debts there are and what proportion this man's interest bears? Is there any such rule as that?

Mr. CONGER. Would it not be unjust to the owner if he should be mulcted over and over again, beyond the value of his interest?

Mr. HOAR. Then abolish individual ownership altogether.

The PRESIDENT *pro tempore*. Senators will please suspend. The Chair thinks it his duty to remind the Senate that by unanimous consent debate was to terminate at 5 o'clock on this bill and amendments. The question is on the amendment proposed by the Senator from Maine.

Mr. VEST. I just want to say a word. I agreed to this amendment as it came from the committee, and I am for the amendment as modified now, and I do not see any objection to it. It simply changes the amendment of the committee so that if the owner of a vessel is cognizant himself or is an actor in the transaction out of which the damage arises, then he is made liable. That is the whole of it.

Mr. FRYE. Following out the spirit of the other provisions of the statute.

Mr. VEST. The intent is to protect the ship-owner when the captain is in control of the ship thousands of miles away. We did not suppose he should give bonds to the extent of a million of dollars, but only to the amount of his proportionate interest or ownership in the vessel, and of course as he is there individually and knows where the damage is committed and is a party to it he ought to be held to the full amount of the damages.

Mr. MILLER, of California. Why is not the provision in the Revised Statutes as it stands now sufficient?

Mr. VEST. It does not apply to contracts at all, only to torts.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Maine [Mr. FRYE].

The amendment was agreed to—ayes 40, noes not counted.

Mr. MORGAN. I understand that all debate is cut off at 5 o'clock by the agreement of yesterday.

The PRESIDENT *pro tempore* That was the unanimous understanding.

Mr. MORGAN. I ask unanimous consent that debate on amendments which may be offered to this bill may proceed under the five-minute rule.

Mr. FRYE. We shall not get through with this bill to-night if that is done. There is no other amendment that I know of of any sort of importance except the Senator's amendment, which will come in under the House bill.

Mr. MORGAN. I do not wish to discuss anything about this bill any further.

Mr. FRYE. Then I do not want the Senator to ask it unless it becomes absolutely necessary.

Mr. CAMERON, of Wisconsin. I think the agreement covers the bill and amendments. ["Vote!" "Vote!" "Vote!"]

The PRESIDENT *pro tempore*. If no further amendment be proposed to section 23, as the bill now stands, amendments to section 24 are now in order. If no amendment be proposed to section 24 the bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. MCPHERSON. Would it be in order now for me to ask that we go back and take a vote upon section 19, on which I wish to call the yeas and nays? Would it be in order for me to state the reasons? ["No!" "No!"]

Mr. CAMERON, of Wisconsin. I shall object.

The PRESIDENT *pro tempore*. The Chair thinks the Senator from New Jersey is entitled to move to strike out section 19.

Mr. CAMERON, of Wisconsin. But he can not give any reasons.

Mr. MCPHERSON. Do I understand the Senator from Wisconsin to object to reasons being given?

Mr. CAMERON, of Wisconsin. I want to vote.

Mr. MCPHERSON. I insist on the motion, and ask for the yeas and nays.

Mr. FRYE. Has not that motion once been voted upon, to strike out that section?

The PRESIDENT *pro tempore*. The Chair is informed at the desk that it has not been.

Mr. MCPHERSON. It was withdrawn.

The PRESIDENT *pro tempore*. The Chair made that inquiry of the Secretary, and learns that no vote has been taken on the motion to strike out. The Senator from New Jersey now moves to strike out section 19.

The section was read.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey to strike out section 19. On this question the yeas and nays are called for.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE], who is necessarily absent. I would vote "yea" and I believe he would vote "nay." His colleague votes "nay."

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were here, I should vote "yea."

Mr. VANCE (when his name was called). On this question I am

paired with the Senator from Oregon [Mr. SLATER]. If he were here, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. BLAIR. My colleague [Mr. PIKE] is paired with the Senator from Mississippi [Mr. GEORGE].

The PRESIDENT *pro tempore*. The Senator from Vermont occupying the chair has a general pair with the Senator from Arkansas [Mr. GARLAND]. As the Chair does not know how the Senator from Arkansas would vote, the Chair will not vote.

The result was announced—yeas 7, nays 44; as follows:

YEAS—7.

Cockrell,	Kenna,	McPherson,	Vest.
Harris,	Lamar,	Van Wyck,	

NAYS—44.

Aldrich,	Dawes,	Lapham,	Palmer,
Allison,	Dolph,	Logan,	Platt,
Blair,	Frye,	McMillan,	Plumb,
Brown,	Gibson,	Mahone,	Pugh,
Butler,	Gorman,	Manderson,	Riddleberger,
Call,	Groome,	Maxey,	Sawyer,
Camden,	Hampton,	Miller of Cal.,	Sewell,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Sherman,
Coke,	Hill,	Mitchell,	Voorhees,
Conger,	Hoar,	Morgan,	Williams,
Cullom,	Jones of Nevada,	Morrill,	Wilson.

ABSENT—25.

Anthony,	Fair,	Jackson,	Saulsbury,
Bayard,	Farley,	Jonas,	Slater,
Beck,	Garland,	Jones of Florida,	Vance,
Bowen,	George,	Pendleton,	Walker.
Cameron of Pa.,	Hale,	Pike,	
Colquitt,	Harrison,	Ransom,	
Edmunds,	Ingalls,	Sabin,	

So the motion was not agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole. If there be no objection, the question will be taken on all the amendments together.

The amendments were concurred in.

Mr. FRYE. I move to take from the table the bill (H. R. 2228) to remove certain burdens on the American merchant marine, and encourage the American foreign carrying trade, and that the Senate proceed to its consideration.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate now proceed to the consideration of House bill No. 2228. The question is on agreeing to the motion.

The question was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. FRYE. The first nine sections of this bill are identical with the first nine sections of the Senate bill. They have been read twice in the hearing of the Senate. I ask that the reading of those nine sections be dispensed with, and that the sections be agreed to.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the reading of the first nine sections of this bill be dispensed with. Is there objection? The Chair hears none. The Chair does not understand how by parliamentary usage the sections of a bill can be agreed to except on the third reading and passage.

Mr. FRYE. They will be then. Now, section 10 of the House bill is identical with section 10 of the Senate bill, except that in line 2, on motion of the Senator from Missouri, the following words were inserted after the word "pay:"

Before leaving the port at which such seaman may be engaged.

I move to insert, therefore, in line 2, after the word "pay," the words:

Before leaving the port at which such seaman may be engaged.

The PRESIDENT *pro tempore*. The Chair would suggest that the difference occurs after the word "wages," in line 2.

Mr. FRYE. It would be better to have it after the word "pay."

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the reading of section 10 of this bill be dispensed with. Is there objection? The Chair hears none. The Senator from Maine now moves to amend section 10.

Mr. VEST. That should come in after the word "wages."

Mr. FRYE. Very well. I have no objection.

The CHIEF CLERK. In section 10, after the word "wages," it is proposed to insert:

Before leaving the port at which such seaman may be engaged—

So as to read:

SEC. 10. That it shall be, and is hereby, made unlawful in any case to pay any seaman wages before leaving the port at which such seaman may be engaged in advance of the time when he has actually earned the same, &c.

The amendment was agreed to.

Mr. FRYE. Section 11 of the House bill is identical with section 11 of the Senate bill. I ask that the reading of that may be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the reading of section 11 of this bill be dispensed with. Is there objection?

Mr. MORGAN. I think there is an error about that. I inquire of the Senator whether the word "tobacco" does not occur in line 7 of the Senate bill after the word "of"?

Mr. FRYE. It does, and it should be inserted here. I move to insert in the seventh line of section 11 of the House bill——

The PRESIDENT *pro tempore*. Is there objection to the reading of the eleventh section being dispensed with? The Chair hears none.

Mr. FRYE. In line 7 of the House bill, section 11, after the word "of," I move to insert the words "tobacco and;" so as to read:

Also a full supply of tobacco and blankets.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair calls attention to the circumstance that the last four lines of section 11 of the House bill are not in the Senate bill.

Mr. ALLISON. Let them be read.

The PRESIDENT *pro tempore*. Those lines will be read.

The Chief Clerk read as follows:

The provisions of this section shall not apply to vessels navigating the great lakes or the waters connecting the same, or the river Saint Lawrence, and the Gulf of Mexico, or any vessels of the United States engaged in the coastwise trade.

Mr. FRYE. I see no objection; on the contrary, I see many reasons why those four lines should remain in.

The PRESIDENT *pro tempore*. The reading of the bill will begin at section 12.

Mr. FRYE. Section 12 only differs from the twelfth section of the Senate bill in the last four lines after the word "act:"

But not to exceed in the aggregate in any fiscal year the amount of fees collected at each consulate for such services during the fiscal year ending June 30, 1883.

I move to strike out those four lines, being all in the section after the word "act" in line 14.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the reading of section 12 be dispensed with. Is there objection? The Chair hears none. The Senator moves to amend the section.

The CHIEF CLERK. In section 12 it is proposed to strike out all after the word "act," in line 14, as follows:

But not to exceed in the aggregate in any fiscal year the amount of fees collected at each consulate for such services during the fiscal year ending June 30, 1883.

The amendment was agreed to.

Mr. FRYE. Section 13 is identical in the House bill with the Senate bill. I move to dispense with the reading of that section.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the reading of section 13 be dispensed with. Is there objection? The Chair hears none. Section 14 will be read.

Mr. FRYE. Now, if the President please, a new section of the Senate bill is provided for section 14. I move to strike out all the House bill from and including section 14 to the end, and substitute for the same the Senate bill as amended from and including section 14 of the Senate bill.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the reading of the residue of the House bill from section 14 forward, inclusive, be dispensed with. Is there objection? The Chair hears none. The Senator from Maine now moves to strike out from section 14 to the end of the House bill, inclusive, and insert——

Mr. FRYE. The Senate bill from and including section 14 as adopted.

Mr. VEST. I should like to have a yea-and-nay vote on section 20 of the House bill.

Mr. HARRIS. Reserve that until the bill is reported to the Senate.

Mr. VEST. Very well.

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Missouri may ask a division of the motion to strike out.

Mr. VEST. That is what I propose to do.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will put the question first on striking out these sections.

Mr. FRYE. My motion is to strike out and insert, and I suppose that any Senator has the right to perfect the portion proposed to be stricken out before the vote is taken. The Senator from Alabama has an amendment he desires to offer before the vote is taken on striking out, and the Senator from Massachusetts has an amendment he proposes to offer, and the Senator from Missouri proposes to have a vote on section 20.

Mr. MORGAN. Is this bill in committee or in the Senate?

The PRESIDENT *pro tempore*. This bill is in Committee of the Whole.

Mr. HARRIS. This bill is in Committee of the Whole, and will be open to amendment after the reading, and when reported to the Senate it will be open to amendment.

The PRESIDENT *pro tempore*. The motion of the Senator from Maine being a motion to strike out and insert, it is in order under the rules to perfect the part proposed to be stricken out before taking the question on the motion to strike out and insert. But the Chair under-

stands that the Senator from Missouri wishes to retain section 20 of the House bill.

Mr. DAWES. Is what he proposes to insert in order as an amendment to the amendment?

The PRESIDENT *pro tempore*. It is.

Mr. SHERMAN. I suggest to the Senator from Missouri that if he will allow all these sections to be stricken out it will be perfectly in order for him to take one of the sections and offer it as an amendment. That would be the simplest mode of proceeding.

Mr. HARRIS. The motion of the Senator from Maine is to amend by striking out section 14 and all the subsequent sections of the House bill, and inserting section 14 and all the subsequent sections of the Senate bill. If agreed to it is one single amendment, and when reported to the Senate the question will be on concurring or non-concurring in that one single amendment. The Senator from Missouri, as it seems to me, may move now, if he chooses, to committee, to so divide the question, as the Chair has already indicated, as to reserve the vote upon the particular section named by him.

The PRESIDENT *pro tempore*. The Senator from Missouri can move to perfect the text proposed to be stricken out by striking out all the sections except the section indicated by him.

Mr. VEST. I make that motion, and ask for the yeas and nays.

Mr. SHERMAN. It would be much more simple for the Senator from Missouri to move section 20 as an amendment to the Senate amendment which is about to be inserted. Then a single vote will decide it. If the Senator will move section 20 as an amendment to the part proposed to be inserted, if it is carried it will be in the bill; if it is defeated it is lost. That is the simplest way of getting at it.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Missouri now to move to perfect the text proposed to be stricken out by striking out all that part of the text except section 20. The question is on that motion.

Mr. FRYE. Section 20 is the free-ship clause.

Mr. VEST. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to perfect the part proposed to be stricken out by striking out all of it except section 20; and on that question he asks for the yeas and nays.

The yeas and nays were ordered.

Mr. PLUMB. Let the question be stated. I for one do not understand it.

Mr. MORRILL. Let section 20 be read.

The PRESIDENT *pro tempore*. The Chair will state the question. The Senator from Maine [Mr. FRYE] moves to amend the bill by striking out from section 14 to the end of the bill, inclusive, and inserting certain words, which are from section 14 to the end of the Senate bill which has been under consideration. Pending that, the Senator from Missouri [Mr. VEST] moves to perfect the text proposed to be stricken out by striking out all of it excepting section 20. If that motion is agreed to, the question will then be on striking out section 20 and inserting the amendment proposed by the Senator from Maine.

Mr. VEST. I withdraw that motion.

The PRESIDENT *pro tempore*. Is there objection to the motion being withdrawn? The Chair hears none. The question now is on agreeing to the motion of the Senator from Maine to strike out from section 14 inclusive of the House bill and inserting from section 14 inclusive of the Senate bill.

The matter proposed to be inserted was read, as follows:

SEC. 14. That from and after the passage of this act no duties upon the tonnage of vessels of the United States shall be levied or collected, and all acts and parts of acts imposing duties upon the tonnage of ships or vessels of the United States shall from and after the passage of this act be repealed; and whenever it shall appear to the satisfaction of the Secretary of the Treasury that no tonnage dues are imposed on or exacted from vessels of the United States by any foreign nation, either directly or indirectly, as light-money or otherwise, the Secretary shall thereupon cease to collect all tonnage dues that are imposed by any existing law upon the vessels of such nation which may enter any port of the United States: *Provided*, That no treaty between the United States and any foreign nation shall be in any way impaired or violated by such action on the part of the Government of the United States.

SEC. 15. Sections 4585, 4586, and 4587 of the Revised Statutes, relating to the assessment and collection of a hospital tax for seamen, are hereby repealed, and the expense of maintaining the Marine-Hospital Service shall hereafter be borne by the United States.

SEC. 16. All articles of foreign production needed, and actually withdrawn from bonded warehouses, for supplies of vessels engaged in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, may be so withdrawn free of duty, under such regulations as the Secretary of the Treasury may prescribe.

SEC. 17. When a vessel is built in the United States for foreign account, wholly or partly of foreign materials on which import duties have been paid, there shall be allowed on such vessel, when exported, a drawback equal in amount to the duty paid on such materials, to be ascertained under such regulations as may be prescribed by the Secretary of the Treasury. Ten per cent. of the amount of such drawback so allowed shall, however, be retained for the use of the United States by the collector paying the same.

SEC. 18. That the individual liability of a ship-owner incurred without his personal consent or privity shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending: *Provided*, That this provision shall not affect the liability of any owner incurred previous to the passage of this act, nor prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said ship-owners.

SEC. 19. That a master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination. The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the same vessel, in the manner provided by law, without the payment of additional fees to any officer for such reshipment or re-engagement.

SEC. 20. That every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination; and the master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided shall not be required to reship in a port of the United States the seamen so engaged, or to give bond, as required by section 4576 of the Revised Statutes, to produce said seamen before a boarding officer on the return of said vessel to the United States.

SEC. 21. That the word "port" as used in sections 4178 and 4334 of the Revised Statutes, in reference to painting the name and port of every registered or licensed vessel on the stern of such vessel, shall be construed to mean either the port where the vessel is registered or enrolled, or the place in the same district where the vessel was built or where one or more of the owners reside.

SEC. 22. That until the provisions of section 1, chapter 376 of the laws of 1882, shall be made applicable to passengers coming into the United States by land carriage, said provisions shall not apply to passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada or the ports of Mexico.

SEC. 23. That section 3976 of the Revised Statutes of the United States be, and is hereby, repealed; and that section 4009 of the Revised Statutes of the United States be, and is hereby, amended and re-enacted so as to read as follows, to wit:

"SEC. 4009. For transporting the mails of the United States between any port of the United States and any foreign port, or between ports of the Atlantic and ports in the Pacific, touching at any foreign port, a sum not exceeding $1 per mile, on the trip each way, of actual nautical miles traveled between terminal points, for each trip actually made; but such service shall be performed only under contract entered into by the Postmaster-General, after legal advertisement, with the lowest responsible bidder; and the aggregate amount to be expended for such service shall not exceed the gross revenues of the Post-Office Department of the United States on mail-matter sent to and received from foreign countries during the fiscal year next preceding the year in which such contracts are made, less the amount paid for transportation on foreign vessels, and the net amount paid foreign administrations for intermediary, territorial, and sea transit of such mails. The ships with which such contracts shall be made shall be ships of American registry only, and contracts shall be for a term of not less than four nor more than six years; and the general laws regulating the transportation of inland mails shall be applicable to such contracts, except as herein provided. And all vessels engaged in such contracts shall in time of war be subject to purchase or charter by the United States at reasonable rates; and all foreign vessels or sailing vessels carrying the mails of the United States may be allowed a sum not exceeding the sea-postage now allowed by law."

SEC. 24. That section 4203 of the Revised Statutes of the United States be, and is hereby, amended by the addition thereto of the following:

"*Provided*, That this compensation shall not be less than the sea and the United States inland postages on the correspondence conveyed in such mails, nor greater than $1 a mile as above provided. The provisions of this section shall apply in the case of mails conveyed from the United States to foreign destinations only in the event that the Postmaster-General shall find it inexpedient or impracticable to contract for their conveyance under the terms and limitations of this act."

SEC. 25. That section 2966 of the Revised Statutes be amended by striking out the words "propelled in whole or in part by steam;" so that said section as amended shall read as follows:

"SEC. 2966. When merchandise shall be imported into any port of the United States from any foreign country in vessels, and it shall appear by the bills of lading that the merchandise so imported is to be delivered immediately after the entry of the vessel, the collector of such port may take possession of such merchandise and deposit the same in bonded warehouse; and when it does not appear by the bills of lading that the merchandise so imported is to be immediately delivered, the collector of the customs may take possession of the same and deposit it in bonded warehouse, at the request of the owner, master, or consignee of the vessel, on three days' notice to such collector after the entry of the vessel."

SEC. 26. That section 2872 of the Revised Statutes be amended by adding thereto the following:

"When the license to unload between the setting and rising of the sun is granted to a sailing-vessel under this section, a fixed, uniform, and reasonable compensation may be allowed to the inspector or inspectors for service between the setting and rising of the sun, under such regulations as the Secretary of the Treasury may prescribe, to be received by the collector from the master, owner, or consignee of the vessel, and to be paid by him to the inspector or inspectors."

SEC. 27. Whenever any fine, penalty, forfeiture, exaction, or charge arising under the laws relating to vessels or seamen has been paid to any collector of customs or consular officer, and application has been made within one year from such payment for the refunding or remission of the same, the Secretary of the Treasury, if on investigation he finds that such fine, penalty, forfeiture, exaction, or charge was illegally, improperly, or excessively imposed, shall have the power, either before or after the same has been covered into the Treasury, to refund so much of such fine, penalty, forfeiture, exaction, or charge as he may think proper, from any moneys in the Treasury not otherwise appropriated.

SEC. 28. That section 4592 of the Revised Statutes be amended so as to read as follows:

"SEC. 4592. Fees shall be paid shipping commissioners as follows: Not exceeding the sum of $1 for each member of a crew engaged (except apprentices). For each boy apprenticed to the merchant service, including the indenture, $2. Fees payable on discharging crew, for each member of a crew discharged, 25 cents. Each shipping commissioner shall cause a scale of the fees payable to be prepared, and to be kept conspicuously placed in the shipping-office, and may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid."

SEC. 29. That section 4501 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 4501. He shall appoint a commissioner for each port of entry, which is also a port of ocean navigation, and which, in his judgment, may require the same; such commissioner to be termed a shipping commissioner, and may, from time to time, remove from office any such commissioner whom he may have reason to believe does not properly perform his duty, and shall then provide for the proper performance of his duties until another person is duly appointed in his place. Shipping commissioners shall monthly render a full, exact, and itemized account of their receipts and expenditures to the Secretary of the Treasury, who shall determine their compensation and shall from time to time determine the number and compensation of the clerks appointed by such commissioner, with the approval of the Secretary of the Treasury, subject to the limitations now

fixed by law. The Secretary of the Treasury shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided, and shall have full and complete control over the same, subject to the provisions herein contained; and all expenditures by shipping commissioners shall be audited and adjusted in the Treasury Department, in the mode and manner provided for expenditures in the collection of customs."

SEC. 30. Before issuing any inspection certificate to any steamer, the collector or other chief officer of customs for the port or district shall demand and receive from the owners thereof, as a compensation for the inspection and examinations made for the year, the following sums, in addition to the fees for issuing enrollments and licenses now allowed by law, according to the tonnage of the vessel: For each steam vessel of one hundred tons or under, $10; and for each and every ton in excess of one hundred tons, 5 cents, in lieu of the fees now provided by law.

SEC. 31. All laws and parts of laws in conflict with the provisions of this act are hereby repealed; and this act shall take effect and be in force on and after July 1, 1884.

Mr. DAWES. I offer an additional section.

The PRESIDENT *pro tempore*. The Senator from Massachusetts proposes to amend the part to be inserted by adding what will be read.

The Chief Clerk read as follows:

That all materials of foreign production, including old yellow metal, fit only for remanufacture, to be manufactured in this country into articles needed for and used in the construction, equipment, repairs, or supplies of American vessels, employed, or to be employed, exclusively in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, may be withdrawn from bonded warehouses free of duty under such regulations as the Secretary of the Treasury may prescribe; and if the duty shall have been already paid on such material so used, the same shall be refunded and repaid to the owner or owners of such vessels so using them, or to their legal representatives.

Mr. MCPHERSON. Let me understand the amendment. Is it the purpose of the Senator from Maine to admit all materials free of duty?

Mr. FRYE. This amendment admits the merest raw material possible to be manufactured here into articles for a ship. It is different entirely from the amendment offered by the Senator from Missouri. This is the old section reported at the last Congress and passed by the Senate.

Mr. MCPHERSON. But with no provision admitting a ship free of duty?

Mr. FRYE. No.

Mr. DAWES. Only the raw material.

Mr. MCPHERSON. Let the amendment be reported again.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment.

Mr. SHERMAN. I move that that amendment lie on the table. I shall feel bound to discuss it.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to lay the amendment on the table.

Mr. DAWES called for the yeas and nays.

The yeas and nays were not ordered.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment proposed by the Senator from Maine [Mr. FRYE].

Mr. MORGAN. I now move the amendment which I offered to the Senate bill. It would come in properly between sections 15 and 16.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read the amendment, as follows:

That from and after the 1st day of January, 1885, vessels owned exclusively by citizens of the United States, or by corporations whose stockholders are all citizens of the United States, and not under any lien, incumbrance, or mortgage in favor of citizens or corporations of any foreign country, shall be admitted to registry under the laws of the United States in all respects upon the same terms and conditions as vessels built in the United States are admitted to such registry, upon the payment at the time of such registration of a duty of 30 per cent. ad valorem on such vessels. And ships so imported and registered by American citizens may be employed in either the coastwise trade or in trade to foreign countries: *Provided*, That the right to import such vessels shall apply only to such vessels constructed in any foreign country as shall be built after the passage of this act.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I withhold my vote until I see how the Senator from Maine [Mr. FRYE] votes. I am paired with his colleague [Mr. HALE]. I decline to vote, not knowing how he would vote.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. Otherwise I should vote "yea." Not knowing how he would vote on this amendment, I withhold my vote.

Mr. VOORHEES (when Mr. GARLAND'S name was called). The Senator from Arkansas [Mr. GARLAND] is absent from the Chamber on account of sickness. He is paired, I believe, with the Senator from Vermont [Mr. EDMUNDS].

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE].

The roll-call was concluded.

Mr. BECK. When my name was called I announced that I was paired with the Senator from Maine [Mr. HALE] and that I should withhold my vote, not knowing how he would vote; but as his colleague voted "nay" I presume he would vote "nay." I should have voted "yea" if at liberty to vote.

Mr. MCMILLAN. My colleague [Mr. SABIN] is absent. He is paired with the Senator from Delaware [Mr. SAULSBURY]. My colleague would vote "nay" if present, and the Senator from Delaware would vote "yea."

Mr. ALDRICH. My colleague [Mr. ANTHONY] is absent and paired with the Senator from Nevada [Mr. FAIR] on all questions.

The result was announced—yeas 19, nays 34; as follows:

YEAS—19.

Brown,	Gibson,	Kenna,	Pendleton,
Call,	Groome,	Lamar,	Pugh,
Camden,	Hampton,	McPherson,	Vance,
Cockrell,	Harris,	Maxey,	Vest.
Coke,	Jackson,	Morgan,	

NAYS—34.

Aldrich,	Farley,	Mahone,	Riddleberger,
Allison,	Frye,	Manderson,	Sawyer,
Bayard,	Gorman,	Miller of Cal.,	Sewell,
Blair,	Hawley,	Miller of N. Y.,	Sherman,
Cameron of Wis.,	Hill,	Mitchell,	Voorhees,
Conger,	Hoar,	Morrill,	Williams,
Cullom,	Jones of Nevada,	Palmer,	Wilson.
Dawes,	Logan,	Platt,	
Dolph,	McMillan,	Plumb,	

ABSENT—23.

Anthony,	Edmunds,	Ingalls,	Sabin,
Beck,	Fair,	Jonas,	Saulsbury,
Bowen,	Garland,	Jones of Florida,	Slater,
Butler,	George,	Lapham,	Van Wyck,
Cameron of Pa.,	Hale,	Pike,	Walker.
Colquitt,	Harrison,	Ransom,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment proposed by the Senator from Maine [Mr. FRYE].

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question will be taken on all the amendments together if there be no objection. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. Before the title is permitted to stand I move to amend the title by adding the words "and for other purposes."

The PRESIDENT *pro tempore*. That amendment to the title will be made if there be no objection.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. The Senate resumes the consideration of Senate bill 1448, being the shipping bill.

Mr. FRYE. Now I move that the Senate bill be indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the pending bill, the Senate shipping bill, be indefinitely postponed.

The motion was agreed to.

Mr. HOAR. I waive the motion I intended to make and yield to the Senator from Maine, who has a motion to make in connection with the subject before the Senate.

Mr. FRYE. I move that the Senate ask for a conference on the disagreeing votes of the two Houses, and that the President of the Senate appoint the conferees on the part of the Senate.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate ask a conference with the House of Representatives upon the amendments proposed to House bill 2228.

Mr. SHERMAN. It seems to me that is premature——

Mr. MCPHERSON. I wish to ask the Senator from Maine if that is not an unusual proceeding.

Mr. HARRIS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. SHERMAN] has the floor.

Mr. SHERMAN. It seems to me that a motion of that kind is premature until the House acts on the Senate amendments. I have never, I think, observed such a motion made before.

Mr. HARRIS. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator will state it.

Mr. HARRIS. It is that it is not in order to ask for a committee of conference until the House has had an opportunity to consider the amendments that the Senate has made. When the House has considered and disagreed, if it shall disagree, then it will be in order for the Senator from Maine to move that the Senate insist upon its amendments and ask for a conference; but until then it is certainly a most unusual proceeding, and I think in violation of every parliamentary usage if not of every parliamentary law.

The PRESIDENT *pro tempore*. The Chair thinks that the motion of the Senator from Maine, as stated by the Chair, is in order. The question whether it is premature or unusual is not a question for the Chair to decide. The Chair thinks that the precedents under parliamentary practice warrant the motion of the Senator from Maine.

Mr. BECK. This is not a tariff bill. That was done last year when the House was not allowed to have the tariff bill as passed by the Senate read. I supposed they would be allowed to have our amendments

to the shipping bill read. Outside of the tariff bill I did not know that such was to be the rule.

Mr. HOAR. I suppose it would be entirely in order to pass a Senate bill and send down with it a request for a committee of conference before the House had considered it at all.

The PRESIDENT *pro tempore*. The Chair has overruled the point of order. The question is on agreeing to the motion of the Senator from Maine [Mr. FRYE].

Mr. BECK. I appeal from the decision of the Chair, and I call for the yeas and nays upon it.

The PRESIDENT *pro tempore*. The Chair having overruled the point of order, the Senator from Kentucky appeals from the decision of the Chair, and on that question he asks for the yeas and nays. Is there a second?

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. MORGAN. I ask the Chair to state the point of order. I have not heard the point of order stated.

The PRESIDENT *pro tempore*. The Chair will state the question. The bill having passed with amendments of the Senate agreed to, the Senator from Maine [Mr. FRYE] has moved that the Senate ask a conference with the House of Representatives upon the amendments proposed by it to the bill of the House. The Chair stated the question. The Senator from Tennessee [Mr. HARRIS] made the point of order that the motion of the Senator from Maine was not in order. The Chair has overruled the point of order upon the ground that it is within the principles and usages of parliamentary law, although the instances are rare, for either House to ask a conference with the other upon any subject that either House desires to consult with the other about. From that decision the Senator from Kentucky [Mr. BECK] has appealed, and the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. BAYARD. I should like to make a parliamentary inquiry of the Chair. Is there any precedent in the history of this body for demanding a committee of conference before the other House has had an opportunity to pass upon the amendments of the Senate and either concur in them or reject them?

The PRESIDENT *pro tempore*. The Chair does not remember any precedents in this body. The Chair is informed at the desk that there is a precedent. The Chair has not looked up the precedents of this body, but the Chair thought it was clear, within the principles of parliamentary law as laid down in the books of parliamentary procedure, that such a motion was in order.

Mr. FRYE. Will the President of the Senate allow me——

The PRESIDENT *pro tempore*. The question is debatable. The Senator from Maine.

Mr. FRYE. I have known it to be done in the House within my own experience at least twenty times. It is a very usual proceeding the last ten or fifteen days of a session when you want to save time. Allow me to say that to-day there is no rule as between the two Houses touching committees of conference. There are no joint rules whatever. You are relegated entirely to what is ordinarily understood to be parliamentary law.

Mr. HOAR. Will my friend allow me to have read a portion of Jefferson's Manual?

Mr. FRYE. I have it right before me.

Mr. HOAR. Page 309 of our compilation.

Mr. FRYE. I have it right before me. I want to say something before that is read. The Senate proposed joint rules to the House, and the Senate committee of which the Senator from Tennessee [Mr. HARRIS] is a member proposed this joint rule:

> When a bill, joint or concurrent resolution has passed one House and been amended in the other, it shall be in order for the amending House to at once insist on its amendment or amendments, and ask a conference thereon with the other House.

At once; and the settled and well-settled parliamentary rule is that at the first disagreement between the two Houses on any question a conference may be asked; and it has been asked in the English Parliament when there has been no disagreement.

Mr. BECK. That may be done in the English Parliament. It never was done in this body I think. How does the Senate insist on its amendments? Who does it insist with?

Mr. FRYE. The House sent the bill here with a "free-ship" clause in it. The Senate has stricken that out. The moment that is done there is shown a disagreement between the two Houses, and in Jefferson's Manual (we are relegated to that law now, there being no joint rules) it is said:

> It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers.

On page 307 a conference had been asked after the first reading of a bill, which is a singular instance.

Mr. HARRIS. Will the Senator from Maine allow me to ask him what evidence he has that there are differences of opinion between the two Houses?

Mr. FRYE. Recorded.

Mr. HARRIS. By no means, I beg pardon of the Senator from Maine. From the fact that we have put amendments on their bill, the merit of those amendments may recommend them to the judgment of the House, and they may approve and adopt each and every one of them.

Mr. FRYE. The Senator must remember that we have stricken out of the bill five or six sections, and that on one of those sections the House made a very important record by yeas and nays. There certainly is a disagreement there.

Mr. HARRIS. I was not inclined myself to appeal from the decision of the Chair upon the question of order that I raised, and I believe I shall appeal now to the Senator from Kentucky to withdraw his appeal from that decision; but I shall appeal with a great deal more earnestness than I was inclined to press the question of order to the Senator from Maine to let this bill take the usual course; let it go to the House of Representatives; let them have an opportunity of concurring in the amendments of the Senate; let it come back to us with their concurrence or their non-concurrence, and then, in accordance with the usual parliamentary customs, we can insist upon our amendments and ask for a conference.

I am not sure that it is quite respectful for us to anticipate and assume that the House will non-concur in the deliberate judgment of the Senate in respect to these amendments. We do assume it if we adopt the motion of the Senator from Maine. We notify the House in advance that we assume that they non-concur; that they do differ with the Senate in respect to those amendments; and we anticipate their actions by, in advance, asking for a committee of conference.

I hope the Senator from Maine will not press his motion, but let the bill go to the House and let the House have an opportunity of acting upon it in the ordinary way.

The PRESIDENT *pro tempore*. The Senator from Kentucky asked the Chair if there are any precedents. The Chair stated that the Chair did not remember any. The Chair through the kindness of one of the clerks finds in the Senate Journal of the 1st of March, 1879, the sundry civil appropriation bill, so called, being under consideration, it being a House bill, was gone through with and a number of amendments were agreed to by the Senate. The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read a third time, and then—

> *Resolved*, That it pass.
> *Ordered*, That the Secretary request the concurrence of the House of Representatives in the amendments.
> And,
> On motion of Mr. ANTHONY,
> *Ordered*, That the Senate also ask a conference on its amendments to the foregoing bill.
> *Ordered*, That the conferees be appointed by the presiding officer.

And they were appointed.

Mr. COCKRELL. There was no question made over it.

The PRESIDENT *pro tempore*. On page 308 of the Senate Manual—and the same thing is found everywhere in books on parliamentary law, as the Chair believes—Jefferson in his Manual declares:

> A conference may be asked, before the House asking it has come to a resolution of disagreement, insisting or adhering.

Mr. SHERMAN. This question is so important and so new, as the agreement about debate does not extend to it and the bill has passed so far as we are concerned, I think we ought not to establish a precedent of this kind on such an important bill as to ask a conference on amendments that have not even been read in the other House. I am very much in favor of the bill and I have no doubt the House will take it up and act upon it promptly; at least I hope so; and if not, at a later day we may take up this question and ask for a conference. We can ask them for a conference at any stage. I hope the friends of the bill will not insist to-night at this hour on establishing a precedent that may be very dangerous in sending a bill to the other House and asking a committee of conference, sending amendments to a committee of conference that have never been even read in the House. It is a dangerous system of legislation, and I for one wish to vote against the motion.

My impression is that the resolution for a conference is subject to a single objection which would put it over until to-morrow; but as the presiding officer of this body has informally stated to me he thinks it is not a privileged question, I do not wish to raise the question because I do not wish to differ with him in opinion about it; but I hope it will be passed over at least until to-morrow, when the same motion can be made as now.

Mr. COCKRELL. I think the Senate had better adjourn. I move to adjourn.

The PRESIDENT *pro tempore*. The Senator from Ohio has the floor.

Mr. SHERMAN. I give way to the Senator from Massachusetts [Mr. HOAR]. He wishes to make a formal motion.

Mr. HOAR. I yielded to the Senator from Maine——

Mr. COCKRELL. This is the pending matter and must be disposed of.

Mr. HOAR. The Senator from Maine can renew it.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. HOAR. I desire to ask the Senator from Maine if he will allow his motion to stand over until to-morrow, or if he will withdraw it and renew it to-morrow?

Mr. FRYE. Certainly; so reasonable a request as that I shall not refuse.

Mr. HOAR. I wish to move to proceed to the consideration of the Utah bill; and I give notice that I will yield to-morrow for this matter to be disposed of.

Mr. FRYE. I understand the bill has passed. The only thing reserved is the question of a conference.

The PRESIDENT *pro tempore*. The bill can not go to the House until this question is disposed of.

Mr. SHERMAN. I ask the Senator from Maine to withdraw the motion.

Mr. FRYE. The Senator from Ohio takes grounds against this and asks me to withdraw my motion.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts [Mr. HOAR] yield to the Senator from Maine [Mr. FRYE]?

Mr. HOAR. I desire to remind the Senator from Maine that before he rose to make this motion, which takes up time, I was recognized by the Chair with a view of moving to take up the Utah bill.

Mr. FRYE. Was not the conference under consideration, this very question, so that——

Mr. HOAR. No; I yielded to the Senator. He asked me to yield, saying he wished to make another motion, which I did. Now I ask him to secure to me the right to make my motion to-night. If he will withdraw his motion and allow me to make my motion about the Utah bill, I shall yield to him to renew his motion to-morrow.

Mr. FRYE. I will do that.

Mr. DAWES. If my colleague intends to press the consideration of the Utah bill to-morrow, I desire to state that I shall ask the Senate to proceed to the consideration of the Indian appropriation bill.

Mr. HOAR. I do not; but my colleague's motion to proceed to the consideration of the appropriation bill, like a motion to adjourn or go into executive session, takes precedence. I move to proceed to the consideration of the Utah bill.

Mr. BECK. I hope it is not understood that my appeal is withdrawn.

The PRESIDENT *pro tempore*. The Chair understands the question perfectly.

Mr. BECK. It is not withdrawn.

The PRESIDENT *pro tempore*. Senators will please be in order.

Mr. VOORHEES. Mr. President, if I may be——

The PRESIDENT *pro tempore*. No motion is in order to take up any other business until the question of order raised by the Senator from Kentucky on an appeal from the decision of the Chair is disposed of.

Mr. COCKRELL. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Indiana [Mr. VOORHEES] first addressed the Chair.

Mr. VOORHEES. I hope I may be allowed to make a suggestion that I think will tend to solve this trouble. I am a friend of the shipping bill in the shape it passed the Senate, and I so voted all the way through. I believe the ruling of the Chair is correct. At the same time the Senator from Maine can accomplish his object in regard to a conference without forcing that issue upon the Senate at this time. While I believe the ruling of the Chair is correct and a committee of conference may be asked for at any time, yet it seems to me that the object the Senator from Maine has in view may be attained at any time. The House may concur in these amendments; we do not know; or they may not; and when they do not, then the Senator from Maine can ask for the conference which he is asking for now. It seems to me that it would not be asking too much to let this matter go over until we see whether the two Houses agree or not. I believe the Chair has ruled correctly, and I shall vote that way.

Mr. BECK. Mr. President——

Mr. FRYE. Will the Senator from Kentucky allow me to reply?

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from Maine?

Mr. BECK. Yes, sir.

Mr. FRYE. I have been asked by a great many Senators to let this go over. I believe in dealing frankly with the United States Senate. If this bill goes over without a request for a conference, the point of order is made to it promptly; no bill can possibly pass the Senate that some member of the House will not be opposed——

The PRESIDENT *pro tempore*. The Chair thinks that any allusion to the proceedings of the House of Representatives is not in order.

Mr. FRYE. Then I will suppose a case. A point of order may be made against it in another place. If the point of order should be made against it in another place, that might carry it to the Committee of the Whole, and if it did carry it to the Committee of the Whole it would be buried so that it would not be reached in the next four——

The PRESIDENT *pro tempore*. The Chair must interrupt the Senator from Maine. The Chair thinks that that does not bring his observation within the rule.

Mr. FRYE. I am obliged to the Chair for allowing me to go so far as I did.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Kentucky [Mr. BECK] has the floor.

Mr. BECK. I only desire to state why I took the appeal, though I am not a parliamentarian and never was; and I am rather thankful I am not from the way things are looked at by different parliamentarians. The House has never seen the amendments of the Senate; it has never disagreed to them. We have passed things they have never read; and until the House bill which originated there, a bill affecting the revenue, which alone they have the right to originate, goes back to them and they see what we have done, we ought not to ask for a committee of conference or deprive the House of the right which the Senator from Maine fears they will exercise. After the House have seen what our amendments are, if they fail to agree to the amendments proposed by the Senate there is a disagreement between the two Houses on the amendments adopted by the Senate, and not till then does the disagreement arise. That is my opinion. I have no doubt from the extract read by the Chair that unanimous consent has been given more than once to allow an application for a committee of conference perhaps in the closing days of a session.

Mr. RANSOM. The date shows it was the 1st of March.

Mr. BECK. It was the 1st of March, and Congress adjourned on the 3d. Extraordinary exigencies may have arisen to induce unanimous consent to be given to allow an extraordinary motion to be made.

Mr. CONGER. May I ask the Senator from Kentucky if the bill goes to the House and it is not returned here, whether a committee of conference can be asked unless the bill is present, unless the bill is in the Senate; and if not, of course we never could have this motion made until the bill was returned here.

Mr. BECK. The House holding the papers has a right to ask for a conference; but suppose the House agrees to our amendments, what is the use of a committtee of conference?

Mr. FRYE. I will let this matter go over until to-morrow morning. I am entirely clear about the course which I proposed in every respect, but I will let it go over until to-morrow morning and then consider what shall be done. I may ask instead of a committee of conference unanimous consent for a yea-and-nay vote on the bill to-morrow morning.

Mr. HARRIS. The bill is already passed.

Mr. FRYE. I know, but I can ask it by unanimous consent.

Mr. HARRIS. Of course you can by unanimous consent——

The PRESIDENT *pro tempore*. Senators will please address the Chair.

Mr. COCKRELL. I move that the Senate do now adjourn.

Mr. CALL. I ask the Senator from Missouri to yield to me for a moment.

Mr. COCKRELL. Not on this question. We have heard quite enough of it.

The PRESIDING OFFICER. The Senator from Missouri does not yield. The question is on the motion to adjourn.

Mr. COCKRELL. I yield to the Senator from Connecticut [Mr. HAWLEY] for a formal matter connected with the bill.

The PRESIDENT *pro tempore*. The Senator from Missouri yields, and the motion to adjourn is withdrawn.

Mr. HAWLEY. I merely ask that an order be entered for printing the shipping bill as amended.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks that an order be entered to print the shipping bill as amended. Is there objection? ["No objection."] The Chair hears none, and it is so ordered.

UNIVERSITY OF MEDICINE.

Mr. CALL. I wish to state that I asked the courtesy of the Senate to submit some remarks on Senate bill 1044 at the conclusion of the morning hour to-day, but in deference to the wishes of the Senator from Maine who desired to get the shipping bill through the Senate I gave way. I renew that notice for to-morrow morning at the close of the routine morning business.

Mr. COCKRELL. I renew my motion that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 8, 1884.

The House met at 11 o'clock a. m. Prayer by Rev. DOUGLAS F. FORREST, D. D., Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

WASHINGTON MONUMENT.

Mr. DORSHEIMER. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate joint resolution No. 82, in relation to ceremonies to be authorized upon the completion of the Washington Monument.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection.

The joint resolution was read, as follows:

Whereas the shaft of the Washington Monument is approaching completion, and it is proper that it should be dedicated with appropriate ceremonies, calculated to perpetuate the fame of the illustrious man who was "first in war, first in peace, and first in the hearts of his countrymen:" Therefore,

Resolved by the Senate and House of Representatives, &c., That a commission, to consist of five Senators appointed by the President of the Senate, eight Representatives, appointed by the Speaker of the House of Representatives, three members of the Washington Monument Society, and the United States engineer in charge of the work, be, and the same is hereby, created, with full powers to make arrangements for—

First. The dedication of the monument to the name and memory of George Washington, by the President of the United States, with appropriate ceremonies.

Second. A procession from the monument to the Capitol, escorted by regular and volunteer corps, the Washington Monument Society, representatives of cities, States, and organizations which have contributed blocks of stone, and such bodies of citizens as may desire to appear.

Third. An oration in the Hall of the House of Representatives, on the 22d day of February, A. D. 1885, by the Hon. Robert C. Winthrop, who delivered the oration at the laying of the corner-stone of the monument in 1848, with music by the Marine Band.

Fourth. Salutes of one hundred guns from the navy-yard, the artillery headquarters, and such men-of-war as can be anchored in the Potomac.

And such sum of money as may be necessary to defray the expenses incurred under the above provisions, not exceeding $2,500, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

There being no objection, the joint resolution was taken from the Speaker's table, read three several times, and passed.

Mr. DORSHEIMER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HORACE H. BURBANK.

Mr. VAN ALSTYNE, by unanimous consent, introduced a bill (H. R. 6932) for the relief of Horace H. Burbank; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. PETERS. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 581) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans.

Mr. HENLEY. I call for the regular order.

Mr. SINGLETON. I move that the House now proceed to the consideration of the special order, the Congressional Library bill.

Mr. RANDALL. I ask that the order of the House in reference to that bill be read. I believe it excepts appropriation bills, and I desire to state that the Committee on Appropriations are ready to proceed with their bills.

The SPEAKER. The Clerk will read the order of the House made on the 17th of March last.

The Clerk read as follows:

Resolved, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of Senate bill No. 1139, an act authorizing the construction of a building for the accommodation of the Congressional Library, and that the same be made the special order in the House after the morning hour for Thursday, April 3, and from day to day thereafter until disposed of, but not to interfere with revenue and appropriation bills and reports and consideration of bills from the Committee on Public Lands and prior orders of the House.

The SPEAKER. The bill referred to by the gentleman from Mississippi [Mr. SINGLETON] is not a special order until after the morning hour, and can not be called up as such until then. The regular order has been called for, which is the call of committees for reports.

ETHAN A. SAWYERS.

Mr. WOLFORD. The bill (H. R. 3797) for the relief of Ethan A. Sawyers was reported yesterday adversely from the Committee on War Claims and laid on the table. I ask that the bill be placed on the Private Calendar.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

NATIONAL BANKS.

The SPEAKER proceeded to call the committees for reports.

Mr. BUCKNER, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (H. R. 6673) to enable national banking associations to increase their capital stock and to change their names or locations; which was referred to the House Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. STOCKSLAGER. I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STOCKSLAGER. The call of committees having commenced, is it in order now to move to go into Committee of the Whole House on the state of the Union for the consideration of the special order—bills for the erection of public buildings?

The SPEAKER. The Chair thinks that motion would not be in order now.

Mr. STOCKSLAGER. The special order I have named takes precedence of the morning hour. The point of my inquiry was whether it would be in order to make that motion after the call of the committees has commenced?

The SPEAKER. The Chair thinks it should have been done before the morning hour commenced. The privilege was not claimed at that time.

MISSOURI RIVER COMMISSION.

Mr. CLARDY, from the Committee on Commerce, reported back with amendments the bill (H. R. 6330) authorizing the appointment of a Missouri River Commission to superintend and carry into execution the plans for the improvement of the navigation of said river from its mouth to its headwaters; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

REVISION OF PATENT LAWS.

Mr. DARGAN, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. 6183) to provide for the revision, improvement, and amendment of the laws relating to patents for useful inventions; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

SALARIES OF CAPITOL POLICE.

Mr. ERMENTROUT, from the Committee on Accounts, reported back the bill (H. R. 5881) fixing salaries of the Capitol police; when the committee was discharged from the further consideration of the bill, and it was referred to the Committee on Appropriations.

The call of committees was continued and concluded, no further reports being presented.

ORDER OF BUSINESS.

Mr. PAYSON. I call for the regular order, the unfinished business under consideration three weeks ago last Saturday.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] calls up the unfinished business, which is the consideration of a bill reported from the Committee on Public Lands.

Mr. ELLIS. I desire to give notice that if the House should refuse to consider the unfinished business or the special order I shall move to go into Committee of the Whole House on the state of the Union, my object being to call up for consideration the bill providing for the celebration of the World's Industrial and Cotton Centennial Exposition.

Mr. REED. I hope the gentleman will not undertake to bring that bill up as against the Library bill.

Mr. ELLIS. I move that the House now resolve itself into Committee of the Whole House on the state of the Union, my object being to call up for consideration the bill I have indicated, and I desire to state——

Mr. PAYSON. I rise to a parliamentary inquiry.

Mr. ELLIS. I desire to state that if anything is to be done in reference to this matter it must be done at once, as we are within seven months of the time fixed for the opening of the exposition.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] rose to a parliamentary inquiry, and will state it.

Mr. PAYSON. I desire to inquire whether the motion of the gentleman from Louisiana [Mr. ELLIS] is in order.

The SPEAKER. It is in order, after the morning hour, to move to go into Committee of the Whole House on the state of the Union——

Mr. HOLMAN. I rise to a parliamentary inquiry. I wish to ask whether the motion of the gentleman from Louisiana [Mr. ELLIS] has priority over the motion of the gentleman from Illinois [Mr. PAYSON] to take up unfinished business.

The SPEAKER. The Chair thinks that under the rules of the House it is in order at any time after the expiration of the morning hour to move to go into the Committee of the Whole House on the state of the Union. A majority of the House can of course determine whether it will do so or not.

Mr. HOLMAN. But, Mr. Speaker, is not the motion to proceed with the unfinished business entitled to priority?

Mr. STOCKSLAGER. I give notice that if the House should resolve itself into Committee of the Whole, I shall ask that the special order—bills for the construction of public buildings—be taken up.

Mr. SINGLETON. I desire to move, by way of substitute for the motion of the gentleman from Louisiana, that the House proceed to the consideration of the Library bill, which is a special order in the House.

Mr. RANDALL. I wish to direct the attention of the House to the fact that both of these special orders alluded to are subject to the priority of general appropriation bills, and that the Committee on Appropriations is ready to go on with the consideration of the consular and diplomatic appropriation bill, and after that with the Army appropriation bill.

Mr. HOLMAN. The Public Lands Committee is also ready to go on with its business.

Mr. PAYSON. Is not the special order in reference to the Public Library bill subordinate to the business of the Public Lands Committee?

The SPEAKER. It is.

Mr. PAYSON. Then I make the point of order.

The SPEAKER. The motion to go into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills or bills raising revenue is a privileged motion under the rules, and will have precedence over all special orders and special assignments heretofore made.

Mr. REED. The motion of the gentleman from Louisiana to go into the Committee of the Whole on the state of the Union for the purpose of taking up the New Orleans exposition bill is not of that privileged character.

The SPEAKER. It is not, and the gentleman could not make a motion to go into the Committee of the Whole on the state of the Union for the purpose of considering that bill. He simply made the motion generally to go into the Committee of the Whole House on the state of the Union, and gave notice to the House of his purpose when it went into committee to call up the New Orleans exposition bill for consideration.

Mr. HOLMAN. But if we go into the Committee of the Whole House on the state of the Union the gentleman from Pennsylvania [Mr. RANDALL] has given notice that he will move to take up the appropriation bills instead.

Mr. RANDALL. The Committee on Appropriations is willing to allow the gentleman from Louisiana to test the sense of the House as to the appropriation for the centennial exposition at New Orleans.

Mr. REED. I think we had better test the sense of the House as to the Library building first.

Mr. STOCKSLAGER. I think we should first consider the public-building bills reported from the Committee on Public Buildings and Grounds.

Mr. COX, of New York. I demand the regular order of business.

Mr. RANDALL. I believe I have the floor.

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. RANDALL. I only wish to say that if this appropriation for the Cotton Centennial Exposition at New Orleans is to be made it ought to be done at once, and for that reason I am willing to yield so the sense of the House may be tested on the question. But the Committee on Appropriations will insist, so far as it can, upon going on, immediately after that question has been disposed of, with the diplomatic and consular appropriation bill and the Army appropriation bill, both of which bills are ready and both in the Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND. And also the District of Columbia appropriation bill.

Mr. COX, of New York. I wish to inquire what is the condition of the proposition of the gentleman from Illinois [Mr. PAYSON] about the forfeiture of land grants.

Mr. PAYSON. Do you mean the condition of the bill or of the motion?

Mr. COX, of New York. The bill.

Mr. PAYSON. It is the unfinished, and debate is proceeding on it, the gentleman from Alabama [Mr. OATES] being entitled to the floor.

Mr. COX, of New York. It is under discussion?

The SPEAKER. It is.

Mr. BLAND. Had we not better finish it before going to anything else?

Mr. PAYSON. I think so.

Mr. COX, of New York. I hope it will be finished, and I think the appropriation bills will keep for awhile.

Mr. HOLMAN. I was asking a parliamentary inquiry of the Chair when I was interrupted, and it is whether the motion of the gentleman from Illinois to proceed with the unfinished business, which is the bill reported from the Committee on Public Lands providing for the forfeiture of the Oregon land grant, does not take precedence over all motions to go into the Committee of the Whole House on the state of the Union except the motion to go in for the purpose of considering the general appropriation bills.

The SPEAKER. The Chair thinks it does.

Mr. HOLMAN. The motion of the gentleman from Illinois does take precedence?

The SPEAKER. It does; but still the question of consideration may be raised against it, and that is to be decided by the House.

Mr. ELLIS. I ask for a vote on my motion.

The SPEAKER. Does the gentleman raise the question of consideration against the unfinished business?

Mr. ELLIS. I do.

Mr. SINGLETON. If the gentleman from Pennsylvania waives his right to go into the Committee of the Whole House on the state of the Union for the consideration of appropriation bills, then I call up for consideration at this time the special order, which is the Library building bill.

The SPEAKER. The first question is, Will the House proceed to the consideration of the unfinished business called up by the gentleman from Illinois?

Mr. TOWNSHEND. What is it?

Mr. ELLIS. I have raised the question of consideration.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 181) to declare forfeited certain land grants to aid in the construction of a railroad in Oregon, and to enforce the same by judicial proceedings.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Will not that bill retain its proper place though we should not consider it now?

The SPEAKER. It will come up as unfinished business of course in its proper place.

Mr. BLAND. It is called up now.

The SPEAKER. But the gentleman has already called it up for consideration. The question now is on the motion to proceed with the consideration of the unfinished business, being the forfeiture of the Oregon land grant.

The House divided; and there were—ayes 63, noes 82.

Mr. BUDD. Yeas and nays.

Mr. HOLMAN. The public importance of this question induces me to demand the yeas and nays.

The yeas and nays were not ordered, 26 members only voting in favor thereof.

So the motion to proceed with the unfinished business was not agreed to.

Mr. HOLMAN. I suppose a motion is now in order to go into Committee of the Whole House on the state of the Union to consider a general appropriation bill.

The SPEAKER. It is.

Mr. HOLMAN. There are two appropriation bills pending in the committee, and I make that motion, that we now proceed with the public business.

Mr. ELLIS. I give notice that I shall raise the question of consideration with a view to taking up the bill to which I have already referred.

The SPEAKER. The question of consideration is raised by the motion itself. The way to determine it is to vote the motion down.

Mr. SINGLETON. I raise the question of consideration at this time as to the priority of the special order.

The SPEAKER. It can only be done at this time by voting against the motion of the gentleman from Indiana.

Mr. TOWNSHEND. Will the Speaker state the exact condition of the question?

The SPEAKER. The gentleman from Indiana moves that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. ELLIS. I desire to raise the question of consideration.

The SPEAKER. That is involved in the motion itself. Those who are opposed to it can vote against the motion of the gentleman from Indiana.

Mr. ELLIS. Can I raise the question of consideration in the committee if the House determines to go into Committee of the Whole?

The SPEAKER. Not if the House determines to go into Committee of the Whole for that particular purpose. The committee would be controlled by the action of the House.

Mr. ELLIS. Then I ask the House to vote it down.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana, that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The House divided; and there were—ayes 79, noes 71.

Mr. ELLIS. I demand tellers.

The SPEAKER. No quorum having voted, the Chair will appoint tellers.

Mr. ELLIS and Mr. HOLMAN were appointed tellers.

The House again divided; and the tellers reported—ayes 60, noes 98.

Mr. HOLMAN. In the interest of the public business I ask the yeas and nays on this motion.

Mr. RANDALL. It is not in the interest of the public business to demand the yeas and nays on such motions.

Mr. HOLMAN. I say it is, in preference to the consideration of bills for private greed.

The yeas and nays were not ordered, 17 members only voting in favor thereof.

So the motion that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills was not agreed to.

Mr. SINGLETON. I now move that the House proceed to the consideration of the special order being the Library bill.

Mr. ELLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union, my purpose being to ask the House to consider the bill which I have designated; but I desire to say to the House that I am heartily in favor of the Library bill——

Mr. REED. Then let us take it up for consideration.

Mr. ELLIS. And I shall support it with my whole heart. But I wish to say that if Congress intends to do anything in the matter of this exposition it must be done immediately.

Mr. REED. Let me ask if a motion for the special order does not take precedence here?

The SPEAKER. It does over a motion to go into Committee of the Whole, generally.

Mr. REED. That is the motion the gentleman from Louisiana made.

The SPEAKER. The Chair will cause the special order to be read.

The Clerk read as follows:

Resolved, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of Senate bill No. 1139, an act authorizing the construction of a building for the accommodation of the Congressional Library, and that the same be made the special order in the House after the morning hour for Thursday, April 3, and from day to day thereafter until disposed of, but not to interfere with revenue and appropriation bills and reports and consideration of bills from the Committee on Public Lands and prior orders of the House.

Mr. SINGLETON. Now I call up for consideration the bill for the erection of the Library which was made a special order more than a month ago.

Mr. STOCKSLAGER. I desire to antagonize that motion with the special order for the consideration of bills for the erection of public buildings.

Mr. RANDALL. Against what motion?

The SPEAKER. The gentleman from Indiana raises the question of consideration against the special order, being the Library bill.

Mr. HOLMAN. But does not the motion of the gentleman from Indiana take precedence?

The SPEAKER. It does not; the order setting apart to-day for the consideration of the Library bill excepts only general appropriation bills——

Mr. RANDALL. "General" I do not think is included.

The SPEAKER. Yes; general appropriation bills.

Mr. CASSIDY. General appropriation bills and prior orders.

The SPEAKER. It excepts general appropriation bills and all prior orders of the House.

Mr. McCOID. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCOID. If a majority of the House want to go into Committee of the Whole for the purpose of considering public buildings, why not recognize the gentleman from Indiana, the chairman of the Committee on Public Buildings and Grounds, to make that motion which would bring the House to a direct vote upon the question whether or not we should go into Committee of the Whole for that purpose?

The SPEAKER. The Chair might be disposed to do that if it were not for the rules of the House.

Mr. McCOID. I do not understand that any rule of the House interferes.

The SPEAKER. It does because the order under which the gentleman from Indiana [Mr. STOCKSLAGER] proposes to proceed is expressly subject to all prior orders, and the order for the consideration of the Library bill is a prior order.

Mr. THOMPSON. I do not think there is any anxiety to get at the bills for public buildings.

The SPEAKER. The gentleman from Indiana [Mr. STOCKSLAGER] raises the question of consideration against the motion made by the gentleman from Mississippi [Mr. SINGLETON] to proceed with the special order.

Mr. ELLIS. So do I.

Mr. STOCKSLAGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STOCKSLAGER. I wish to inquire whether under the special order for the consideration of bills for public buildings, which is subject to prior special orders, a question of consideration can be raised against the special order called up by the gentleman from Mississippi.

The SPEAKER. The gentleman from Indiana [Mr. STOCKSLAGER] has already raised the question of consideration, and the Chair has so stated it. The question is: Will the House now proceed to the consideration of the special order?

The question being taken, the Speaker stated that the "noes" had it, and that the House refused to consider the special order.

Mr. STOCKSLAGER. I now move that the House resolve itself into Committee of the Whole House on the State of the Union.

Mr. REED. I call for a division on the question as to the consideration of the special order.

The SPEAKER. The Chair thinks the call for a division is made too late.

Mr. REED. There was a misunderstanding.

The SPEAKER. The result has been announced.

Mr. REED. I called for a division as soon as I could. There was a misunderstanding, Mr. Speaker.

The SPEAKER. That may have been; but the Chair stated the question very distinctly.

Mr. REED. I called for a division as soon as I could get on my feet.

Mr. TOWNSHEND. I call for the regular order.

The SPEAKER. The gentleman from Maine [Mr. REED] claims there was a misunderstanding. The Chair stated the question very distinctly, took the vote, hesitated for a moment before announcing the result, and then made the announcement.

Mr. McMILLIN. And the gentleman from Indiana [Mr. STOCKSLAGER] took the floor and made another motion.

Mr. REED. I rose as soon as I heard the announcement. I ask for a division.

The SPEAKER. The Chair thinks the call for a division is made too late.

Mr. SINGLETON. I move to reconsider the vote by which the House refused to consider the special order.

The SPEAKER. The motion to reconsider is in order.

Mr. TOWNSHEND. But the gentleman from Mississippi did not vote on the prevailing side.

The SPEAKER. There was no record of the vote, and the Chair is not supposed to know how the gentleman from Mississippi voted. Under such circumstances any member can make the motion.

Mr. STOCKSLAGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. STOCKSLAGER. I was recognized by the Chair and was proceeding to make the motion that the House resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair entertains the gentleman's motion.

Mr. STOCKSLAGER. The point I desire to make is, that I can not be taken off my feet by a motion to reconsider.

The SPEAKER. The gentleman from Mississippi [Mr. SINGLETON] moves to reconsider the vote by which the House refused to consider the special order. The gentleman can now enter that motion, and the Chair will first put the question on the motion of the gentleman from Indiana [Mr. STOCKSLAGER].

Mr. SINGLETON. I am sure the friends of the Library bill did not understand the question as put to the House.

Mr. COX, of New York. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. Would it be in order now for the gentleman from Illinois [Mr. PAYSON] to renew his motion calling up the unfinished business, namely, the bill reported from the Committee on Public Lands?

The SPEAKER. There is a motion pending before the House, the motion made by the gentleman from Indiana [Mr. STOCKSLAGER].

Mr. HOLMAN. But the question is as to the priority of the motions. My colleague [Mr. STOCKSLAGER] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills for public buildings. The gentleman from Illinois [Mr. PAYSON] moves to take up the unfinished business reported from the Committee on Public Lands.

The SPEAKER. The House has already refused to proceed to the consideration of the unfinished business. The question is on the motion of the gentleman from Indiana [Mr. STOCKSLAGER] that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills reported by the Committee on Public Buildings and Grounds.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. STOCKSLAGER. I call for a division.

The House divided; and there were—ayes 49, noes 96.

So (further count not being called for) the motion was not agreed to.

Mr. SINGLETON. I now move to reconsider the vote by which the House has refused to consider the Library bill.

Mr. RANDALL. I suggest to the Chair that the gentleman from Louisiana [Mr. ELLIS] should have an opportunity to test the sense of the House in regard to proceeding with the consideration of the bill he has indicated.

The SPEAKER. The motion of the gentleman from Mississippi [Mr. SINGLETON] is a privileged motion under the rules of the House. The gentleman from Mississippi moves to reconsider the vote by which the House refused to consider the special order which he called up.

Mr. ELLIS. And I move to lay the motion to reconsider on the table.

The question being taken on the motion of Mr. ELLIS, there were—ayes 94, noes 46.

Mr. RICE. I call for the yeas and nays.

The yeas and nays were not ordered, only 12 members voting therefor.

So (further count not being called for) the motion to reconsider was laid on the table.

Mr. ELLIS. I move now that the House resolve itself into Committee of the Whole, my purpose being to ask the Committee of the Whole to consider the bill I have indicated, the bill (H. R. 5856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition.

The question being taken on the motion of Mr. ELLIS, the Speaker stated that the "ayes" seemed to have it.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 105, noes 34.

Mr. HOLMAN. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Louisiana [Mr. ELLIS] and the gentleman from Indiana [Mr. HOLMAN].

The House again divided; and the tellers reported—ayes 147, noes 22.

ADMISSION OF INSANE INMATES TO SOLDIERS' HOME.

Before the result of the vote by tellers was announced,

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from Lieutenant-General Sheridan, president of the Board of Commissioners of the Soldiers' Home, recommending legislation authorizing the admission of insane inmates to the Soldiers' Home; which was referred to the Committee on Appropriations, and ordered to be printed.

CLERICAL FORCE, PENSION BUREAU.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting supplementary provisional estimate for an appropriation of $272,620 for additional clerical force in the Bureau of the Commissioner of Pensions for the fiscal year ending June 30, 1885, in anticipation of the probable enactment of pension laws necessitating additional clerical labor; which was referred to the Committee on Appropriations.

ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2334) to release the American Baptist Home Mission Society from the conditions of the sale of the marine hospital building and grounds at Natchez, Miss.

ORDER OF BUSINESS.

The SPEAKER then announced the result of the vote as above stated on the motion of Mr. ELLIS that the House resolve itself into the Committee of the Whole House on the state of the Union.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DORSHEIMER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills upon the Calendar. General appropriation bills and revenue bills are first in order.

The first bill in order was the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. ELLIS. I object to the consideration of that bill.

The CHAIRMAN. Objection being made to the consideration of this bill, the committee will rise and report the objection to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DORSHEIMER reported that the Committee of the Whole House on the state of the Union had reached the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, and objection had been made to its consideration.

Mr. HOLMAN. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. If the objection made in Committee of the Whole is not sustained by the House, then I suppose when the House again resolves itself into Committee of the Whole it will proceed with the consideration of the consular and diplomatic appropriation bill. That bill is now ready.

Mr. COX, of New York. Then I hope we will take it up.

The SPEAKER. The question is: Will the House direct the Committee of the Whole House on the state of the Union to proceed to consider the bill to which objection was made?

The question was taken; and upon a division there were—ayes 47, noes 88.

Mr. HOLMAN. No quorum has voted.

Mr. COBB. I call for the yeas and nays.

The yeas and nays were not ordered, there being only 12 in the affirmative—not one-fifth of the last vote.

The SPEAKER. The point of order is made that no quorum has voted. The Chair will appoint as tellers the gentleman from Louisiana [Mr. ELLIS] and the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I will not insist upon that point.

So (no further count being called for) the House refused to direct the Committee of the Whole House to proceed with the consideration of the consular and diplomatic appropriation bill.

Mr. ELLIS. I desire before the Committee of the Whole resumes its session to ask unanimous consent of the House that the committee shall proceed with the consideration of the bill I have indicated.

Mr. KASSON. That is right.

Mr. ELLIS. I hope there will be no objection to that.

Mr. RANDALL. It is in the interest of public business.

Mr. HOLMAN. The consular and diplomatic appropriation bill is first in order, and the House has laid that aside for private business.

Mr. ELLIS. I denounce the idea that the bill I have indicated is private business.

The Committee of the Whole resumed its session, Mr. DORSHEIMER in the chair.

The next bill in order was the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

Mr. ELLIS. I object to the consideration of that bill.

The CHAIRMAN. Objection being made, the Committee of the Whole will rise and report the objection to the House.

The Committee of the Whole accordingly rose; and the Speaker having resumed the chair, Mr. DORSHEIMER reported that the Committee of the Whole House on the state of the Union having reached the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes, objection was made to its consideration.

The SPEAKER. The question is, Will the House direct the Committee of the Whole to proceed with the consideration of the Army appropriation bill?

The question was taken; and upon a division there were—ayes 30, noes 94.

Mr. BAGLEY. No quorum has voted.

Tellers were ordered; and Mr. ELLIS and Mr. BAGLEY were appointed.

Mr. BELFORD. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. I represent a State in the council of this nation; I have a right to hear what is going on; but I can not hear even the announcement by the Speaker of the question upon which members are called to vote.

The SPEAKER. The question is whether the House will direct the Committee of the Whole to proceed with the consideration of the Army appropriation bill.

Mr. BELFORD. I say that the Speaker ought to direct the Sergeant-at-Arms to preserve order in the House so that members may understand what is going on.

The House again divided; and the tellers reported that there were—ayes 8; noes 88.

The SPEAKER. No quorum has voted. The tellers will continue the count, and gentlemen will please vote, so that the House may not find itself without a quorum.

The tellers resumed the count, and reported that there were—ayes 22, noes 143.

So the House refused to direct the Committee of the Whole to proceed with the consideration of the Army appropriation bill.

Mr. ELLIS. I again appeal to gentlemen to allow the unmistakable will of the House to have its way, and that the House give unanimous consent that the Committee of the Whole may proceed with the consideration of the bill which I have been endeavoring to reach.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] asks unanimous consent of the House that an order may be made directing the Committee of the Whole on the state of the Union to take up for consideration the bill indicated by him. Is there objection?

Mr. HOLMAN. I desire to say that inasmuch as the House has refused to consider the two general appropriation bills on the Calendar I see no public object to be gained by further opposing the consideration of the bill which the gentleman from Louisiana [Mr. ELLIS] desires to have considered, as against any other private measure on the Calendar.

The SPEAKER. There being no objection, the order is made.

The Committee of the Whole again resumed its session, Mr. DORSHEIMER in the chair.

WORLD'S INDUSTRIAL AND COTTON CENTENNIAL EXPOSITION.

The CHAIRMAN. The House has directed the consideration of the bill which the Clerk will now read.

The Clerk read as follows:

A bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition.

Whereas by the act of Congress entitled "An act to encourage the holding of a world's industrial and cotton centennial exposition in the year 1884," approved February 10, 1883, in the city of New Orleans, under the joint auspices of the United States, the National Cotton Planter's Association of America, and the said city of New Orleans, a world's industrial and cotton centennial exposition is to be held, universal in character, comprehending all arts, manufactures, and products of the soil and mine; and

Whereas by said act Congress declares that such exposition should be national and international in its character; and

Whereas under said act a board of management has been duly constituted and incorporated under the laws of the State of Louisiana, the members of which have been appointed by the President of the United States, upon recommendations made in the manner set forth in said act, and therefore are a duly qualified and commissioned United States board of management, clothed with full and adequate powers to perform any and all acts essential to the proper and necessary management of the affairs of the said World's Industrial and Cotton Centennial Exposition in the manner and form prescribed by said act, and duly authorized by the sanction of the Government of the United States to raise the capital necessary to carry into effect the provisions of said act of February 10, 1883; and

Whereas the President of the United States, in compliance with the terms and requirements of said act, has extended, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the said international exposition; and

Whereas many of the governments so invited have accepted such invitations, and are making preparations to embrace the courtesy so extended to them, thereby rendering proper arrangements for the coming ceremonies on the part of the United States a matter of honor and good faith; and

Whereas the preparations designed by the World's Industrial and Cotton Centennial Exposition, and in part executed by the board of management, are in accordance with the spirit of the act of Congress relating thereto, and are on a scale creditable to the Government and the people of the United States; and

Whereas all of the inducements which were involved and embodied in the request that Congress should grant the necessary aid to secure the success of the

Centennial Exposition of Philadelphia are re-enforced by the progress and development of many States and Territories that were unable to avail of the beneficent policy inaugurated by the Government at Philadelphia, but are now desirous of an equal opportunity to display their agricultural, commercial, and industrial resources to the world; and

Whereas the stockholders of the World's Industrial and Cotton Centennial Exposition have furnished to aid in the completion of the said enterprise $500,000, and have determined to increase the same to $1,000,000 by a vote of a majority of said stockholders, and are now engaged in obtaining the same, and the said city of New Orleans has, in its corporate capacity, contributed the sum of $100,000 to secure the success of this national and international undertaking; and it is but just and equable that the Government whose people are to be universally affected and benefited by the said contributions and donations of these said citizens should lend its aid and credit to the said enterprise in a specific form calculated to enhance its dignity and capacity to accomplish the objects in view, to wit, the development and prosperity of the United States, and also because the results of the centennial celebration of 1876 have illustrated the wisdom of such national action: Therefore,

Be it enacted, &c., That the sum $1,000,000 be, and the same is hereby, appropriated, out of any money in the public Treasury not otherwise appropriated, as a loan to the World's Industrial and Cotton Centennial Exposition, to be used and employed by the board of management thereof to augment and enhance the success of the World's Industrial and Cotton Centennial Exposition in such manner as said board of management may determine: *Provided*, That the said sum shall be paid by the Treasurer of the United States on the drafts of the president and treasurer of the board of management of the World's Industrial and Cotton Centennial Exposition, one-third of the amount immediately after the passage of this act and the remainder in four monthly payments thereafter: *Provided further*, That no greater amount shall be expended upon buildings, grounds, and preparations than the aggregate sum that may be secured by subscription to the capital stock by donations and the amount of the loan provided herein: *And provided further*, That in the distribution of the amounts that may remain in the treasury of the board of management after the payments of the current expenses of administration the amount of the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits shall be paid to the holders of said stock: *Provided further*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation for the World's Industrial and Cotton Centennial Exposition, or its board of management, or any sum whatever in addition to the foregoing amount that may be appropriated by this act; and that adequate space for such exhibits as the Government of the United States may see proper to make at said exposition shall be furnished free of all charge: *Provided further*, That no sum shall be paid to the treasurer of the said exposition until after he and the president of the same shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of $300,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures as fixed herein, and for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration, said repayment in no case to exceed the loan herein appropriated and provided for.

Mr. ELLIS. Mr. Chairman, I shall not attempt to make a speech on this bill; I am not physically able to do so. But I shall endeavor to give as clear an explanation of it as I can.

I desire to say, Mr. Chairman, that I sincerely regretted to be under the necessity of antagonizing public business or the Library bill. I desire to see the public business proceed; and, furthermore, I desire to see a Library building appropriated for which shall be an honor and a credit to this Government.

But the bill now under consideration, in my judgment, can not wait. It is now within seven months of the opening of the doors of that exposition. It is contemplated by the board of management that if the Government shall follow the precedent set in 1876 when it gave to Philadelphia to celebrate the one hundredth anniversary of the birth of the nation——

Mr. KELLEY. If the gentleman will pardon me, I desire to say that Congress refused positively to give one cent to the exposition of 1876.

Mr. ELLIS. The Government made a loan.

Mr. KELLEY. But the gentleman said "gave." And that loan was only made upon the receipt of absolute security for the repayment of every cent so loaned, as our friend from Illinois [Mr. SPRINGER] can attest; for he made the clause a double-clinch. The Government of the United States was repaid every cent that it advanced. Hence I can not sit here and allow it to be said that anything was "given" by the Government of the United States toward that exposition. Philadelphia and Pennsylvania gave what was given.

Mr. ELLIS. I will accept the gentleman's modification, and say that in 1876 a loan was made by the Government of the United States to the city of Philadelphia. And this appropriation is a loan, only it is better secured as far as legislation can secure it, than the act which gave the loan to the Philadelphia exposition.

Mr. KELLEY. I wish to be understood. I do not mean to antagonize the proposition to give assistance to this exposition. I want to give it within the same limits that were provided in 1876; that is, that the Government shall have adequate security for the ultimate repayment of the money advanced. That is my position.

Mr. ELLIS. In regard to that matter, Mr. Chairman, I will say that this bill originally was drawn in the exact language of the bill which made a loan to the Philadelphia exposition, but when the subcommittee and the general committee came to review the bill they added to it provisions which make it more stringently binding upon the management of this exposition to return the loan to the Government.

Mr. BLAND. I will ask the gentleman whether the provision of this bill is in the same language as the appropriation in the case of Philadelphia. In that instance the money was only recovered by the Government upon suit in the Supreme Court. In other words, the city of Philadelphia refused to pay the money back to the Government and suit was instituted for it. And I remember that the gentleman from Pennsylvania argued on this floor that the Springer amendment did not reserve repayment of the money.

Mr. KELLEY. An amicable action was entered to determine whether it was a loan or a gift.

Mr. BLAND. The gentleman claimed that it was a gift.

Mr. KELLEY. And the gentleman from Illinois [Mr. SPRINGER] appeared before the court to argue that it was a loan. It was so decided, and the money was paid immediately.

Mr. BLAND. The money was paid when you were compelled to pay it by the courts. The gentleman from Pennsylvania claimed that it was a gift even after the suit had been commenced.

Mr. KELLEY. When it was decided that it was a loan we paid it

Mr. BLAND. Certainly. Hence I want this bill a little different, so that there may be no quibbling about the matter hereafter.

Mr. KELLEY. We held, until the court decided otherwise, that the Government had intended to be generous enough to make a gift for that great national exposition, as Philadelphia and Pennsylvania did.

Mr. BLAND. Oh, yes; the gentleman from Pennsylvania claimed that it was a gift.

Mr. ELLIS. I will state to my friend from Missouri [Mr. BLAND] that the language of this bill is so plain and explicit there can be no doubt of the character of this appropriation. I invite the gentleman's attention to the first four lines:

That the sum of $1,000,000 be, and the same is hereby, appropriated, out of any money in the public Treasury not otherwise appropriated, as a loan to the World's Industrial and Cotton Centennial Exposition, to be used, &c.

Thus there can be no difference of opinion as to the character of the appropriation which is made here.

Again, in another portion of the bill——

Mr. BLOUNT. I see it is a loan and not in the nature of a gift.

Mr. ELLIS. Yes, sir; I was pointing out as well as I could how the Committee on Appropriations had guarded this appropriation, fixing it positively and absolutely in the nature of a loan, and then giving it a lien on all the receipts of the exposition except simply the current expenses of administration, which in no case can exceed the sum of $500,000 for these current expenses—giving the Government a lien on all receipts, and further giving a bond of $300,000, not, as in the case of the Philadelphia exposition, merely for the purpose of seeing to the safe-keeping and proper disbursement of the funds, but actually conditioned for the return of the loan itself. Therefore the Government is secured first by a lien on all the receipts of the exposition itself except the mere current expenses of administration during the exposition, and secondly by this bond of $300,000 conditioned for its return.

Now, Mr. Speaker, let me say that a year or two ago it was determined to hold an exposition of the manufacture and culture of cotton in the United States, under the supervision of the National Cotton Planters' Association, and fixing the city and State where it was to be held. An act of Congress was passed which made it a national and international exposition, in which the President was to make the proclamation of the exposition, and in which he was to extend an invitation to all the nations of the earth to come and participate therein. So, the board of management having complied with all the terms of the act, proclamation having been made, invitation extended, this exposition has grown and grown in its preparation until to-day it promises to be a far more national exposition than that of Philadelphia in 1876, and far more international than that great exposition in Philadelphia in 1876, because even now more than twenty foreign nations have accepted the invitation of the President and are preparing to come from civilized England and France away to the Orient, from Persia and Japan and China and Turkey—are demanding space, and preparing to come and make New Orleans the epitome of the whole world. It is more national because, I believe, in the Philadelphia centennial only about twenty-four States were represented, whereas up to this date all the States are taking space and preparing to come to the exposition, and nearly all the Territories have applied for space. As my friend suggests, even the Indian Territory is moving; and the colored people are taking steps to show their advancement since emancipation. It promises to be national and international in its character.

Mr. BLOUNT. I want to ask as a matter of information looking to the security of the loan what that security will be? I mean to say the language of the bill is that in the distribution of the amount that may remain in the treasury of the board of management after the payment of the current expenses of administration the amount of appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits shall be paid to the holders of said stock. Now, assuming there will be no dividends, what security will the Government have? The current expenses as a matter of course will have to be paid. There will be some land and some buildings.

Mr. ELLIS. Yes; the building and land on which the exposition is built, and all the receipts from the exposition.

Mr. BLOUNT. I know the expenses of the exposition must be paid, and I was simply asking for information what security there is for a loan.

Mr. ELLIS. The receipts of the exposition.

Mr. BLOUNT. But suppose the exposition simply pays expenses, then of course there is nothing to come from that source. What else is there? Is there any other thing than the land and buildings?

Mr. ELLIS. And the bond.

Mr. BLOUNT. It simply provides for correct payment in accordance with the terms of the bill to the amount of $300,000.

Mr. ELLIS. If my friend from Georgia will look he will see the condition of the bond is to sufficiently secure the safe-keeping and faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures as fixed herein, and for the repayment to the Government of the United States.

Mr. BLOUNT. Of what?

Mr. ELLIS. Of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration.

Mr. BLOUNT. But suppose there is no surplus proceeds. That is what I wish to get at.

Mr. MONEY. Will the gentleman from Louisiana yield to me?

Mr. ELLIS. Yes, sir.

Mr. MONEY. There are already over $700,000 cash subscribed to this enterprise, and that sum is being increased day by day. In addition, all the receipts of the exposition, gate-money, and so on, which must be greater than the expenses.

Mr. BLOUNT. If the gentleman will allow me, I will ask the gentleman from Mississippi if $700,000 as a matter of fact has been paid in?

Mr. MONEY. I am told by the general director that is true.

Mr. ELLIS. Nearly $750,000 and increasing all the time.

Mr. BLOUNT. Then there will be $750,000 paid in, and as much as will hereafter be paid in, and the grounds——

Mr. MONEY. And all the receipts.

Mr. BLOUNT. But the receipts must first go to meet the expenditures.

Mr. MONEY. But it is only reasonable to suppose that they will be in excess of the expenditures.

Mr. ELLIS. I will state to the gentleman from Georgia that there is a competent board of management, and it is believed that the receipts will be very large, that they will be over $3,000,000. There will be, therefore, as security to the Government all of the net receipts of the exposition; there will be the royalties, and it is assumed by competent exposition experts that the royalties always pay the expenses of the management. It is estimated on the basis of the Philadelphia exposition, the current expenses of which were over $1,000,000, that in this case they will not exceed $500,000, because in the case of Philadelphia there was an expensive board of management, while in this exposition in Louisiana members of this board and many of these officials are serving absolutely without salaries. The exposition expenses will, therefore, be reduced to a minimum in that respect.

Mr. BLOUNT. I would like to ask—for I have not examined the bill and I do not know its exact terms—if there is anything contained in it that makes the buildings and grounds liable to forfeiture to the Government in case of failure to pay the expenses.

Mr. ELLIS. There is not.

Mr. BLOUNT. Then is there anything in the bill to secure the return to the Government of this money except on the assumption of the success of the exposition and the excess of receipts over the expenditures?

Mr. ELLIS. And the bond.

Mr. BLOUNT. But the bond, as I understand, is for another purpose, and I will read the provision of the bill in that respect:

Provided further, That no sum shall be paid to the treasurer of the said exposition until after he and the president of the same shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of $300,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures as fixed herein, and for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration.

This bond is for the safe-keeping of the fund.

Now I ask my friend if the exposition fails to do more than pay expenses will the Government get anything back?

Mr. ELLIS. It will get the amount of the bond and the buildings by operation of law.

Mr. BLOUNT. Taking the terms and the amount of the bond, will my friend tell me under what provision of the bill or of the bond the Government will get paid?

Mr. ELLIS. By the last provision of the bill, providing—

And for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration.

Mr. BLOUNT. But suppose that the exposition is unsuccessful—that is what I want to get at—and that there was no surplus, what would then be the condition of the Government?

Mr. ELLIS. I can not answer that question. I can not say that anything but the buildings would remain subject to the lien of the Government. But it is hardly to be supposed that there would be such a failure as the gentleman contemplates in his question. For when the railroads of this country, I believe thirty-five of the great lines of railroads, have reduced their passage fare to one-half a cent in some instances, and in some to three-fourths of a cent per mile going and coming; when the exposition is held upon the banks of a stream where fifteen or twenty thousand miles of navigable waters flow, it is hardly possible to imagine that there could be a failure. And especially is this true when we remember that twenty great States of this Union and six Territories are making the most magnificent preparations to come and participate in it; and in many of the States and in the counties they are forming county and State organizations to take part in that exposition; and since there is a great popular appreciation of the necessity for this, and much public interest manifested in it, and since the people of the city of New Orleans have subscribed so largely, it is hardly to be supposed that it can be a failure.

Mr. BLOUNT. That is all very well, but I will say to my friend from Louisiana it is simply argumentative. Now I was simply asking him as to the plain terms of the bill. I would ask if there is any objection. But first, he says, though I do not find the provision, that the buildings and grounds would be liable——

Mr. ELLIS. No, not the grounds.

Mr. BLOUNT. I thought the grounds would also be liable.

Mr. ELLIS. No; the grounds, I will state to my friend from Georgia, belong to the city of New Orleans. It is one of the public parks of the city, which has been granted for the use of this exposition free of charge.

Mr. BLOUNT. The buildings would then have to be paid for out of the current expenses?

Mr. ELLIS. No; the current expenses are the mere expense of administration between the time that the gates open and close.

Mr. BLOUNT. Then the only security that the Government would have for indemnification in the event of the unsuccessful termination of the affair and its failure to pay expenses would be by removing from the ground the buildings?

Mr. ELLIS. It would have that right by the operation of law.

Mr. BLOUNT. Then that is the only actual security the Government has, and the mere conjecture that the exposition will pay?

Mr. ELLIS. And the bond.

Mr. BLOUNT. But the bond provides simply for the payment of the surplus of the proceeds.

Mr. ELLIS. After the expenses of current administration.

Mr. BLOUNT. So I understand it.

Mr. ELLIS. These, the gentleman will understand, are expenses which must be paid from day to day. The very nature of the expenditures provided for as administrative expenditures require them to be paid from day to day.

Mr. BLOUNT. But that, as I understand it, is an additional security providing there is a profit on the affair. Now what are the probable sources from which the Government can secure this fund? What is this guarantee?

Mr. ELLIS. It must depend upon the receipts. There are the gross receipts from which the current expenses of administration are to be deducted; and then the Government has this lien upon the surplus receipts, with the buildings, and upon the $300,000 bond, and the royalty.

Mr. BLOUNT. If the money shall be properly expended in accordance with the terms of the appropriation and there shall be no net profit after the payment of current expenses, then there will be no liability under this bond at all.

Mr. ELLIS. Certainly not. I have been so much interrupted that I scarcely know where to gather up the thread of my statement.

Mr. BLOUNT. Before the gentleman proceeds I will say that a gentleman beside me suggests there is no provision giving the Government a lien in reference to buildings. I suppose there will be no objection to an amendment that would be satisfactory on that point.

Mr. ELLIS. Of course we will not object to that. We want to secure the Government. We believe the Government is amply secured. But any amendment the committee see fit to impose to secure the Government I will accept with pleasure.

Mr. CANNON. Will the gentleman from Louisiana yield to me for a moment?

Mr. ELLIS. With pleasure.

Mr. CANNON. I have listened to the colloquy between the gentleman from Georgia [Mr. BLOUNT] and the gentleman from Louisiana [Mr. ELLIS] and on the precise point of that colloquy I wish to state my understanding. The buildings at Philadelphia, if I recollect aright, cost in round numbers about $5,000,000. This bill provides for a cheaper plan of buildings at New Orleans.

Mr. ELLIS. A great deal cheaper.

Mr. CANNON. In other words, there shall not go into buildings and preparations an amount exceeding the million dollars we loan and the amount of $750,000, which it is hoped will be swelled to a million, which private individuals shall subscribe; so that your exposition starts with an expenditure for buildings and preparations of not exceeding $2,000,000 at the outset.

Mr. ELLIS. One million seven hundred and fifty thousand.

Mr. CANNON. One million seven hundred and fifty thousand; be-

ing over $3,000,000 less than was expended on buildings at Philadelphia.

Mr. ELLIS. I have the comparative table, which I can send to my friend if he desires it.

Mr. CANNON. I understand that is one security that there is not going to be a great debt incurred at New Orleans which would eat up the receipts. Now, as I understand it this bill provides and the bond secures that that shall be the case. It further provides and the bond further secures that after the daily current expenses of carrying on this exposition are taken out of the receipts then the whole of the balance shall be devoted first to reimbursement of the Government before these private individuals who shall have subscribed from three-quarters of a million to a million get one cent of dividend.

Mr. ELLIS. That is it.

Mr. CANNON. The buildings belong to this corporation, as I understand it.

Mr. BLAND. I suggest that they are to be counted as part of the expenses.

Mr. CANNON. Oh, no; not at all. They are part of the assets of the corporation. The bill makes a lien on them and the bond secures exactly this.

Mr. BLOUNT. I would like to ask the gentleman from Illinois [Mr. CANNON] a question.

The CHAIRMAN. Does the gentleman from Louisiana yield?

Mr. ELLIS. I yield. I want all this to be fully ventilated.

Mr. HOPKINS. I suggest that it should not be taken out of the time of the gentleman from Louisiana.

Mr. BLOUNT. I would like to ask the gentleman from Illinois a question. The bill makes this provision:

Provided further, That no greater amount shall be expended upon buildings, grounds, and preparations than the aggregate sum that may be secured by subscription to the capital stock, by donations, and the amount of the loan provided herein.

Mr. ELLIS. That is in order to keep down the debt; in order that there may be no debt.

Mr. BLOUNT. Hear me, if you please. The gentleman declares the Government will have a lien on the buildings to secure itself for the amount of this loan. But there is nothing in the language that requires any given amount of subscriptions to be placed in this building. It may be $10,000 or it may be $5,000, with the balance made up out of this Government appropriation or Government loan, as you see fit to call it; and therefore there would not be much security in that.

Mr. CANNON. In reply to the gentleman from Georgia I have to say that it appeared to the Committee on Appropriations that already there had been subscribed, and in very considerable part paid and still being paid, about three-quarters of a million of dollars, which is being expended now in the purchase of material that is going into the building or the grounds, and into improvements there. The committee, desiring to guard the interests of the Government and to prevent the recurrence of the condition of affairs that happened at Philadelphia, namely, the squandering of great amounts in expensive buildings, to guard against the expenditure, say, of four or five million dollars, provides in this bill that no more than the one million which we loan and the amount which had been subscribed and might be donated should go into these buildings; and then the bill, further to secure that no more than that amount should be expended, and that the whole assets of this corporation after the current expenses from day to day are paid shall be held sacred to pay this $1,000,000 to the Government, provides for a bond which is conditioned as the act states and the setting apart of the surplus after the payment of current expenses to indemnify the Government. So that if you read the language which the gentleman from Georgia [Mr. BLOUNT] has read and then read the last proviso in regard to the bond and the conditions of the whole act, I think any man will see there is no question but what this money will be returned out of the property and proceeds of the exposition to reimburse the Government.

Mr. BLOUNT. How much money has been paid in subscriptions?

Mr. CANNON. The gentleman from Louisiana would know better as to that than I do. We were informed in round numbers that three-quarters of a million had been subscribed. Major Burke, who was before us, and is vouched for as a reputable man, so informed us.

Mr. ELLIS. Over $650,000 has been paid. It is expected the State will make an appropriation of not less than $50,000, the governor favoring $100,000. They will raise in Louisiana alone the sum of $750,000.

Mr. BLOUNT. Will the gentleman allow me again?

Mr. ELLIS. Certainly.

Mr. BLOUNT. I presume the chief item of expense will be in the matter of buildings?

Mr. ELLIS. Certainly. What we want to do is to afford all the space demanded. Already the main building, which will be the largest building ever erected, is being now constructed. Large as it is, giving, I believe, 1,750,000 square feet of exhibition room, yet over 2,000,000 feet of exhibition room has already been demanded, demanded by foreign governments and foreign inventors and by States and representatives from States. I believe that in the Philadelphia exhibition individual exhibitors asked for only 700,000 square feet of space. In this one individual exhibitors from Maine to California, from Michigan down to the Gulf, have already asked for 900,000 feet of exhibit room.

Mr. WAIT. Will the gentleman permit me to ask him one question?

Mr. ELLIS. With great pleasure.

Mr. WAIT. Was this Cotton Planters' Association chartered by the State of Louisiana?

Mr. ELLIS. It was chartered under the laws of the State of Mississippi.

Mr. DUNN. But that is not this association.

Mr. ELLIS. No, that is not this one. This board of management is incorporated under the laws of the State of Louisiana.

Mr. WAIT. That is what I wanted to find out.

Mr. ELLIS. It was appointed by the President of the United States and incorporated under the laws of the State of Louisiana.

Mr. WAIT. It is a corporation created by the laws of your own State, and capable, by the power given to it by your own Legislature, of controlling this property and, if necessary, pledging it in some way for the repayment of this loan by the Government?

Mr. ELLIS. Unquestionably.

Mr. WAIT. I had heard that the only corporation created was the one incorporated by the State of Mississippi.

Mr. MONEY. That one has nothing to do with the direction of this affair.

Mr. WAIT. That is what I wanted to know. I had heard it represented the other way, and I wanted the gentleman from Louisiana [Mr. ELLIS] to explain it so that all could understand it.

Mr. ELLIS. I have the act of incorporation here and can read it.

Mr. WAIT. No; your statement is sufficient.

Mr. KELLEY. Will the gentleman from Louisiana [Mr. ELLIS] yield to me for a minute or two?

Mr. ELLIS. I will do so.

Mr. KELLEY. I find it impossible to longer remain in the Hall and participate in the business of the House. Before I leave I desire to say that while I made a protest against the assertion that the Government had made a gift to the exposition of 1876, I am heartily in favor of the Government aiding this exposition without scrutinizing too closely the possibility of encountering a direct financial loss. An exhibition such as is proposed to be held at New Orleans, at which shall assemble the world in its best mechanical and commercial power, and in which convocation the American people shall be the active and predominant element, will pay the American people at a minimum estimate $100 for every dollar that may be lost, even if the Government shall never receive back one dollar it may loan it.

No single event in the history of our country other than a great national military movement or result has ever blessed the American people as did the exhibition of 1876 at Philadelphia. And in leaving the floor I cry, Godspeed to the cotton exhibition of America to be held at New Orleans! [Applause.]

Mr. ELLIS. I thank the gentleman from Philadelphia [Mr. KELLEY] for his speech. I was going on to say that at the family gathering in 1876 there were from fifteen to eighteen States which from causes needless to refer to here were unable to go to the common cradle of the nation. Those States since that time have made wonderful progress, and some of the new States of the West and some of the Territories which were unable to go to Philadelphia have made the most wonderful progress since that time.

The Republic of Mexico made scarcely any exhibit there, but to-day her liberalized government is making the most tremendous preparations to come to the exposition at New Orleans, having asked for over 200,000 feet of exhibition space and having appropriated $200,000 for that purpose. She will send a regiment of troops with a navy band, will rob her mines and send the most magnificent exhibition of ores and of her great material wealth that has ever been seen. So with Central America; so with British Honduras. The British Government has not even borne the notice of the invitation down to British Honduras, but they found it out, and of themselves have opened a correspondence with the management of the exhibition. To-day British Honduras is acting, and so are all the States of Central America and South America.

I want to say that we have no ships, no merchant marine to bear the flag and the evidences of the greatness of this country to those nations. But we have founded an exhibition down in that semi-tropical land, to be held at a time when every one will wish to visit it, where those people will come, and where they can be impressed as they never were before with the magnificence, the power, and the opulence of this great country of ours. Not only can they be impresssed with what we have and what we make, but with what we are.

And this occasion will give to Americans themselves an insight into the material greatness of a land far richer than India, whose monopolized commerce has made England what she is, and whose commerce every voice of interest demands that we should leave no stone unturned to monopolize for ourselves.

Moreover, it will put the seal on the perfect reconciliation of the nation. Every State coming there, every Territory represented, not a star missing from the flag, all the people of all the sections mingling

there together, will bring our people face to face with each other and set the seal on our renewed Union.

Therefore I ask, Mr. Chairman, that the House vote this loan, inasmuch as it will enable the board of management to carry out their purpose of holding a great international exposition, will enable them to more than double the capacity of the exposition, enable them to add new and interesting departments which with their present means they can not do, and to make an exposition worthy of the greatness and grandeur of this country.

I now yield to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Chairman, I am in favor of this bill. I believe that the State I in part represent on this floor is in sympathy with this legislation. I have received telegrams from some of the leading men of my State, including the old "war governor," Samuel J. Kirkwood, urging this measure upon my attention; and I was gratified to see that he who had armed and sent into the South during the civil war nearly 80,000 men is now urging me to seek on this floor such legislation as will enable the citizens of that State to go South with the evidences of their industry and with the plumage of peace.

That is in keeping with my own feelings. I believe, Mr. Chairman, we need an antidote for legislation; that we need an antidote for conventions; that we need an antidote for political conflicts. And we have no safer antidote that these great commercial gatherings where the people can exchange their industries and compare notes as to their advancement in that regard.

I am heartily in sympathy with such action as will bring every part of this country into juxtaposition—hand to hand, heart to heart, and in closer bond of sympathy. [Applause.] In my own State, Mr. Chairman, we have by the action of our Legislature appointed commissioners to co-operate in this great work. One of those commissioners, now in this city urging favorable action on this bill, tells me that we shall have at this exhibition a richer representation of the industries of Iowa than we had at the great Centennial in 1876. More than 10,000 of our industrious people will visit New Orleans during this exposition. Our railroads have put down rates lower than ever before, in order to afford facilities for our people. We shall have represented there our educational industries, our horticultural industries, our agricultural industries, and our great mineral industries, and, more than all, we shall show in the city of New Orleans that Iowa is a manufacturing State as well as a great agricultural State. [Applause.] We want greater room at that exhibition than we can have unless aid be furnished beyond what the people there are able to expend. Iowa is knocking at the doors of Congress to-day; and I am but voicing her feeling when I ask that the Government shall loan from its vast surplus in the Treasury enough to put this great exposition grandly, solidly, and successfully upon its feet. [Applause.]

Mr. ELLIS. I now yield to the gentleman from Tennessee [Mr. YOUNG].

Mr. YOUNG. Mr. Chairman, one of the first votes which I gave after becoming a member of this House was for the appropriation of $1,500,000 to aid in the celebration of our National Centennial at Philadelphia. When I gave that vote I had grave doubts as to the propriety of such legislation, but subsequent reflection upon the subject has resulted in the conviction that my vote on that occasion was an eminently proper one, and that the measure for which it was cast resulted in the end in greater good than any one of similar character that has become a law since that time.

Many gentlemen insisted then that our proposed action in loaning the credit of the Government to the furtherance of the enterprising custom was without constitutional authority, and that Congress had no power to use either the public money or public credit except for the maintenance and support of the Government, and I hear the same argument against the measure now before the committee. I shall not undertake now to discuss this question. That has already been done by several gentlemen more learned in the intricacies of constitutional law than I am, and others will doubtless follow me upon the same subject. I may say, however, that no such constitutional objections have been presented to the passage of this bill as calls upon me, in my judgment, to overlook the great practical results that are expected to be accomplished by its enactment into a law.

I will say further, however, that ordinarily I am opposed to all legislation of this character, not so much because I think it is forbidden by the Constitution as for the reason that I think the policy of it is a bad one, and is calculated to encourage too frequent appeals to the Federal Government for aid in the furtherance of enterprises not wholly of a national character. If I believed that this measure was being urged for the purpose of promoting any private undertaking or for a mere local benefit I would not support it, but believing as I do that it is one eminently calculated to advance the interests of the whole country I feel it my duty to assist in its passage.

This exposition is not only intended to bring prominently forward the manufacturing, mechanical, and agricultural interests of every section, but to call special attention to the greatest and most valuable of all our agricultural products, and which contributes more to our national wealth than any other single commodity which enters into our commerce.

Our exportations for last year amounted to about $650,000,000, two hundred and thirty millions of which, in round numbers, or more than one-third of the whole amount, was of cotton and cotton goods. We raised the last year nearly seven millions of bales of cotton, worth in its raw state more than $350,000,000. On this single article there is annually collected under the operations of our tariff laws and paid into the Federal Treasury more than $12,000,000, and altogether, in one way and another, it contributes at least $900,000,000 every year to our public wealth.

Gentlemen who oppose this measure seem forgetful of the fact that Congress has time and again voted special appropriations of money, not credit, for the development of particular interests, and that many of them have as often voted for these appropriations. We have made appropriations annually for many years past for the purposes of fish-culture, rare plants, trees, &c., as also for the introduction of tea and other plants from other countries into this one. Why, then, should we hesitate to aid in an effort to increase the culture and develop the real value of this the richest agricultural product of our whole country?

The cultivation of cotton, while it extends in some measure over eleven of the Southern States, is being abandoned on the higher tablelands and being every year concentrated more and more in the region bordering upon the lowlands of the Mississippi Valley and along the tributaries which flow into that great stream from the east and the west all the way from the mouth of the Ohio to the seacoast of the South. But in this region there are 9,000,000 of acres of land and perhaps more lying within the finest cotton region in the world which can not be cultivated because of its annual overflow from the different streams which flow through it. If these fertile acres were protected from the flood they would soon be cultivated in cotton, and our annual product of that staple instead of being between six and seven million bales per annum would soon amount to twice that number.

Let the world once know the value of these lands and capital will soon be invested in their reclamation and culture. Representatives from all the civilized nations of the world will be at New Orleans, the great American market for the product of this region, and will carry back to their own country accounts of its wealth and extent. Nobody can foretell the vast results that may flow from this cotton exposition; not to Louisiana alone, nor the cotton States, but to the entire country; for everything which promotes directly the prosperity of any section carries in the end its benefits to all. I live in a city which is reckoned, I believe, fourth among the great cotton markets of the world, but I do not expect this measure to benefit Memphis more than it will Boston, New York, or any other great commercial city of the country.

I intended to have said some things which have been so well and eloquently said by the distinguished gentleman from Pennsylvania [Mr. KELLEY], but he has rendered it unnecessary for me to do so, and the little time yielded me by the gentleman from Louisiana [Mr. ELLIS] having expired, I must close.

Mr. ELLIS. I now yield two minutes to the gentleman from California [Mr. SUMNER].

Mr. SUMNER, of California. Mr. Chairman——

The CHAIRMAN. How much time was yielded to the gentleman from California?

Mr. ELLIS. Two minutes.

Mr. SUMNER, of California. Time enough and to spare. Mr. Chairman, an apparently ineffectual effort has been made recently to raise a fund sufficient to construct buildings adequate for a world's fair exhibition in the metropolis of the Pacific coast. In view of the probable failure of this attempt to provide for an international exhibition in our State, many of my constituents have written to me urging me to support and advocate the passage of an appropriation for the object named in this bill.

I am informed that at this tangent point in our country our people engaged in various manufacturing and other industries will combine to send several trains filled with articles showing our advance and superiority in many departments of industry and production. At New Orleans California can with convenience meet her sister Commonwealths in generous comparison and rivalry. And who can tell how many will thus be induced to visit and to settle in our midst? So it is urged that this exhibition would prove to be of special interest and benefit to California, to say nothing of the information and entertainment given directly to thousands who will never be so fortunate as to see our favored borders.

As I am clear in my opinion that this is a constitutional proposition, I do not hesitate, but cheerfully and eagerly improve this two-minute opportunity to commend the bill.

Mr. ELLIS rose.

Mr. HISCOCK. I wish to inquire of the gentleman from Louisiana how much time is given for debate. [Cries of "Vote!"] I should like to have five minutes myself.

Mr. ELLIS. The gentleman can have it with pleasure. I promised to yield to the gentleman from New York [Mr. POTTER] for five minutes.

Mr. POTTER. Mr. Chairman, I desire to state briefly the reasons why I can not support this measure. I can find no warrant whatever for it in the Constitution. If we are to vote this large amount of money

for the exposition of the cotton interest, we may be called on with greater reason to vote a larger sum for an exposition of the hay interest, which is a large interest and far more national from the fact it is produced in every part of the country. There is nothing which can be urged in favor of this gift which can not be urged with greater force in favor of a corn exposition, or a wheat exposition, or an iron exposition, or an ore exposition, or indeed for an exposition of any interest in the country which may see fit to come here and ask us to take money out of the Treasury for such a purpose.

Our Government is founded on the theory it is limited and that its limitations are stated in the Constitution of the United States. There is no reason which may be urged in favor of this loan which can not be urged with greater force in favor of an exposition for any interest of equal amount and as national in its importance as this. The truth is we may as well roll up our Constitution and acknowledge before the world we have departed from it and propose no longer to make it our guide, that is if we shall proceed in granting money in this sort of way out of the Treasury of the United States.

I hope, therefore, this amount of money will not be granted. If it is to be granted, let it be granted in its proper name. Let it be granted as a reconciliation fund to the people of the Southern States. I deny there is any——

Mr. DUNN. We do not charge anything.

Mr. POTTER. If it is necessary to grant million after million in violation of our Constitution for the purpose of reconciliation, let that be understood. Let us understand our policy, and not disguise it under such a subterfuge as this.

Cotton, of course, is a large product in the United States, but if you are to hold an exposition of the manufactures of cotton New Orleans is not the place for it. It would be far better in Massachusetts or in some place in New England.

Mr. DUNN. Or New York?

Mr. POTTER. Yes, or New York. But, disguise it as you will, this is merely to take money out of the Treasury of the United States without constitutional warrant and under subterfuge and false pretense.

Mr. ELLIS. I move the committee rise for the purpose of limiting debate.

Mr. HISCOCK. I hope we may have debate go on.

Mr. HOLMAN. I hope reasonable debate will be allowed.

Mr. ELLIS's motion was agreed to.

The House accordingly rose; and the Speaker having resumed the chair, Mr. DORSHEIMER reported that the Committee of the Whole House on the State of the Union had, according to order, had under consideration the bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments to the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, and asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. MILLER, of New York, Mr. PLUMB, and Mr. WILLIAMS as conferees on its part.

It further announced that the Senate insisted on its amendment to the bill (H. R. 1015) for the relief of Fitz-John Porter, asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. SEWELL, Mr. HAWLEY, and Mr. COCKRELL as conferees on its part.

ENROLLED BILLS.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 241) to repeal section 8 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880;

A bill (S. 258) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, for the use and benefit of the free public schools thereof, and for other purposes;

A bill (S. 269) for the relief of M. P. Jones;

A bill (S. 621) for the relief of William L. White;

A bill (S. 677) for the relief of the estates of James Vance and William Vance; and

A bill (S. 975) for the relief of Z. J. Boyles, administrator of the estate of Marcus Radich, deceased.

LOSS OF CLOTHING BY ENLISTED MEN.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a letter from the commander of the post at Fort Steele, Dakota Territory, with report of proceedings of board of survey of the loss of clothing by enlisted men, resulting from a recent fire, and recommending gratuitous issues of clothing in place of that destroyed; which was referred to the Committtee on Military Affairs.

PENSION AGENTS.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Interior, transmitting, in response to resolutions of the House, copies of order, correspondence, &c., relating to irregular practices on the part of attorneys before the Pension Office; which was referred to the Committee on Invalid Pensions.

WORLD'S INDUSTRIAL AND COTTON CENTENNIAL EXPOSITION.

Mr. ELLIS. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union, for the further consideration of the bill making an appropriation to provide for the celebration of the World's Industrial and Cotton Centennial Exposition; and pending that motion I move that all general debate be limited to one hour, forty minutes to be controlled by the opponents of the bill and twenty minutes by those in favor of it.

Mr. HOLMAN. If the gentleman from Louisiana will allow me I would suggest to him that he make it two hours in place of one, inasmuch as this is quite an important measure.

Mr. ELLIS. I have no disposition to choke off anybody who wishes to debate this question, and I will accept the modification of the gentleman from Indiana to make it two hours—one-half to be consumed by those in favor of, and one-half in opposition to the bill.

Mr. HOLMAN. Inasmuch as a large part of the time already consumed in the debate has been occupied by those in favor of the bill, that division of time would be hardly fair.

Mr. ELLIS. I am giving the gentleman one-half of the time in opposition.

Mr. HOLMAN. There are members of the Committee on Appropriations who desire to be heard on this bill, and the usual practice has been to allow individual members of the committee an opportunity for a fair hearing. I concede that the body of the committee concurred, or that this bill comes here with the consent of a majority of the committee; but the minority may desire to express its views upon the question, and I suggest, therefore, in view of the fact that it is yet early in the day, that the gentleman from Louisiana might safely fix the time at two hours and a half, and allow those in opposition to occupy in addition to one hour as much of the remaining half-hour as has been consumed already in favor of the bill.

Mr. ELLIS. I think two hours is enough.

The SPEAKER. The gentleman from Louisiana now moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which has been stated; and pending that, he moves that general debate upon the bill be limited to two hours, to be equally divided between the advocates and opponents of the bill.

Mr. ELLIS. I will control the time in favor of the bill, and allow the gentleman from New York [Mr. HISCOCK] to control the time in opposition.

Mr. HOLMAN. I must object to that arrangement. I do not think it is at all fair or usual that the minority of the Committee on Appropriations should be deprived of an opportunity of being heard upon a measure of this kind. The gentleman from Louisiana proposes to take for the majority of the committee the entire time allowed for debate, a thing I have never known here before.

Mr. ELLIS. I want to be perfectly fair in this respect, and I am sure I desire that the gentleman from Indiana shall have an opportunity of being heard.

Mr. HISCOCK. Let the time be equally divided between the two sides of the House.

The SPEAKER. The Chair supposed that the time was to be divided equally between those in favor and those against the proposition.

Mr. ELLIS. Mr. Speaker, this is the first time that the gentleman from Indiana to my knowledge ever wanted to consume the time of the House needlessly; and that being the case, I will indulge him and make the time two hours and a half, one hour and a half to be consumed by those in opposition to the bill and one hour in favor of it. I am sure that will be a fair division of the time.

Mr. RANDALL. That will take your bill over to-day, and you had better finish it during the day.

The SPEAKER. The Chair will state the motion of the gentleman from Louisiana. The gentleman now moves that general debate be limited to two hours and a half; one hour and a half of which is to be controlled by the opponents of the bill, and one hour by those in support of it.

Mr. BLANCHARD. I desire to ask if an amendment is now in order?

The SPEAKER. Not to the bill; that is in Committee of the Whole House on the state of the Union.

Mr. BLANCHARD. An amendment to the motion to limit the debate?

The SPEAKER. It would be in order.

Mr. BLANCHARD. I move, then, to amend the motion by providing that the debate be limited to one hour, one-half of which is to be

consumed by those who are opposed to, and one-half by those in favor of the bill.

Mr. BLOUNT. I am sure the gentleman in charge of this bill desires to be perfectly fair in the discussion of it. Now the larger part of the time already consumed has been consumed in advocacy of the bill. That being the case, to rise and move now to limit the debate to an hour, and that time to be equally divided between the friends and opponents of the bill, must strike any one as an unfair proposition. We are here for debate and discussion, to deliberate upon the bill, and I know the gentleman from Louisiana will not consent to the amendment of his colleague, but will insist upon his motion to limit the debate to two and one-half hours, which seems to be a fair and equitable division of the time.

Mr. ELLIS. Would two hours suit the gentleman from Georgia?

Mr. BLOUNT. I have no objection to that; but when the Centennial bill was here my recollection is that we debated it for several days.

Mr. HARDEMAN. Would it be in order to move a further amendment by deducting from the time allowed in opposition to the bill the time consumed by gentlemen in making objections to taking it up?

Mr. BROWNE, of Indiana. I wish to move an amendment to the amendment, that the debate be limited to thirty minutes, to be apportioned equally between those who favor and those who oppose the bill. If the Speaker will permit me to say, it is senseless to talk about discussing this measure with the view of changing any member's vote. We can vote as intelligently at the expiration of half an hour or at the present time as we could after a discussion of two hours more upon it. [Applause.]

Mr. HOLMAN. Would my colleague prefer to cut off debate entirely upon an appropriation of $1,000,000? Does he object to debate?

Mr. CANNON. It is subject to the five-minute debate afterward.

The SPEAKER. It is not debatable. The question is upon agreeing to the amendment to the amendment proposed by the gentleman from Indiana.

The House divided; and there were—ayes 104, noes 28.

So the amendment to the amendment was agreed to.

The SPEAKER. The question now recurs on the adoption of the amendment as amended.

Mr. ELLIS. I ask consent that the time in opposition to the bill be assigned to the gentleman from New York [Mr. HISCOCK].

Mr. HOLMAN. I ask for the Committee on Appropriations that at least the minority of the committee shall have a moment of the time to be devoted to a bill appropriating a million of dollars.

The SPEAKER. Gentlemen can arrange that between themselves. The question now is upon agreeing to the amendment as amended.

The amendment as amended was agreed to.

The original motion as amended was agreed to.

Mr. CANNON moved to reconsider the vote by which the amendment to limit general debate to thirty minutes was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Louisiana [Mr. ELLIS] that the House do now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DORSHEIMER in the chair.

The CHAIRMAN. The House, in Committee of the Whole, resumes the consideration of the bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition. By order of the House general debate on the bill is limited to thirty minutes.

Mr. HOLMAN. I think it was not the part of fairness to limit the debate on this bill to so brief a time as thirty minutes after an hour had been allowed in behalf of the provisions of the bill. I am surprised at the haste of my colleague [Mr. BROWNE] to appropriate this money. My colleague assumes it is impossible anything should be said that would in any degree affect the determination to appropriate this million dollars out of the public Treasury. I have not ordinarily found my colleague so averse to debate; I have generally found him willing to agree that fair and reasonable discussion should be allowed. I think thirty minutes is not reasonable time in which to discuss such a measure. I think the precedent sought to be established by this bill, if it must be, should be done at least after full consideration. I do not believe that this measure will meet the approval of that portion of the American people who still believe that there are some limitations upon the power of Congress.

I concede, sir, that if the powers of the Congress of the United States are as absolute and unlimited as those of the British Parliament, then the funds in the public Treasury are at your disposal, and you may appropriate at your will; then Congress, without any information from its constituents, and without consulting them, may apply the fruits of their labor, gathered into the Treasury, just as the impulse of the hour may suggest. But I deny the power of Congress, under the just limitations of the Constitution, to appropriate this money to an object and purpose having no relation to Government. I challenge any gentleman to present a Constitutional warrant for the appropriation of this million dollars from the public Treasury by way of loan or otherwise to this or any other corporation not connected with the administration of Government. While I rejoice that our people, in all sections of the Union, are making grand expositions of their industries, and of the fruits of their labor and skill, and that the people of the South propose at New Orleans, the great commercial center of the Southwest, to make a grand exposition of the fruits of the labor of the South, and of the whole Union, and of the world; while I consider this to be eminently proper, and calculated to encourage enterprise and industry, I deny that you have the Constitutional power to loan this money to this corporation, reputable and enterprising as it may be, or to any other, for I deny your power to tax the people except for the legitimate purposes of Government.

When some eight years ago it was proposed to loan a corresponding sum of money to the body of gentlemen then engaged in preparing a suitable celebration of the centennial anniversary of this Republic, a celebration of the completion of its first hundred years, it was then said on this floor over and over again that that appropriation could never be appealed to as a precedent, at least until the close of another century. It was said the people of Pennsylvania had appropriated a million and a half of money toward that purpose, the city of Philadelphia had appropriated a million to that object, the people of every section of this country had made large subscriptions to give splendor to the grand event and for the purpose of presenting in the most satisfactory form to the world the results of the first century of a free Government—the first in the history of mankind—in the development of the industries and in exhibiting the progress of a free people in a single century.

But it was said with emphasis, "This never can be a precedent for aiding a private corporation seeking to display the fruits of skill and industry of any section of the Union, as no other occasion could reach the national greatness of that event." Gentlemen who are so eager to pass this bill, even without debate, must bear in mind that up to that appropriation of a million dollars in the first instance, with half a million more afterward added, to the encouragement of that great national event, the celebration of our first centennial—that up to that time such an appropriation of the public money had never passed Congress.

It was then urged by gentlemen still in this House that not only was the object of that appropriation eminently national beyond any event that could possibly occur in the progress of our history, at least until another hundred years had elapsed, but that the exposition to be made in 1876 and the occasion of it and the event to be celebrated was of equal interest to every American citizen and to the friends of freedom throughout the world, and it was urged with great earnestness and plausibility that those conditions could not occur again until the year 1976 had been reached; and then Philadelphia, the cradle of American liberty, on the one hand, and the events of one hundred years more of free and prosperous government (if Providence should happily so ordain) on the other, would furnish again high justification of appropriations from the public wealth, but not till then. I admit, sir, I feared that precedent, and doubted the power of Congress to make that appropriation, but I did not anticipate that at so early a moment and for an ordinary occasion that precedent would be appealed to for lavish appropriations from the public Treasury. But now, within eight years, on the strength of that appropriation, you propose to take from the public Treasury a million dollars to encourage an exhibition of one branch of your great industries.

Mr. ELLIS. I beg the gentleman's pardon. This exhibition is universal in its character and is made so by its charter.

Mr. HOLMAN. I do not misapprehend the terms made use of in this bill. I concede the importance of the main purpose in view. I concede the importance of the cotton industry, and that around this will be grouped the fruits of the labor and skill of the whole country and of the world, if you please. But this country and every section of it has its own great industries and products, local as well as national interests. Everywhere industry has developed production of cotton and corn, hay, and all the cereals to gigantic proportions, and every great city of the Union supports expositions of the products of industry and skill and of the various fruits of the earth. But where are you to stop? Have gentlemen considered that in the appropriation for the Philadelphia centennial celebration there was apparently a stopping point? That was to commemorate a great national event.

Here is an exhibition national as to geographical limits in its purpose, but not involving in any special degree any great national interest not common to all parts of the Union, but still general as is proposed in the exhibition of the industries of our people.

The city of New Orleans is an important commercial center, but, sir, you have a great many great and prosperous cities, and their number and importance is increasing year by year. When you have made an appropriation of a million of dollars this year to aid an exposition of industry at New Orleans, what gentleman will be able to raise a voice against the appropriation of a million next year to San Francisco, or Denver, or Chicago, or Cincinnati, or Louisville, or Saint Louis, or New York, or Boston, or Baltimore, or Savannah, or Charleston, or Indianapolis, or Cleveland, or any other great city of this country; and what argument can you urge against such an appropriation?

Mr. HEWITT, of Alabama. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. HEWITT, of Alabama. Has the United States Government invited foreign countries to make exhibits at this exposition?

Mr. HOLMAN. Oh, yes; that is done in connection with every exposition if desired.

Mr. HEWITT, of Alabama. I ask the gentleman further has the Government power to do that? I ask the gentleman to answer that question.

Mr. HOLMAN. I have no occasion to answer it. That is a matter in regard to which constitutional power would not have to be considered. The courtesies due from one people to another are not controlled by constitutional limitations.

Mr. HEWITT, of Alabama. If the gentleman will not answer my question——

Mr. HOLMAN. I do answer it just by repeating that courtesy between nations and between people are not things controlled or affected by constitutional provisions.

Mr. HEWITT, of Alabama. If the Government has power to invite foreign nations to offer exhibits, has it not power to prepare a building to exhibit them in?

Mr. HOLMAN. Ah, then, I understand; my friend does not deny the proposition that there is no warrant in the Constitution for the appropriation of this money; but he says, if I understand him correctly, that there already has been an infraction of the Constitution by the invitation given to foreign nations.

Mr. HEWITT, of Alabama. I ask you if the Government had power to extend the invitation?

Mr. BEACH. By action on the part of Congress.

Mr. HEWITT, of Alabama. Did not Congress authorize it?

Mr. BEACH. The gentleman will find his answer in the remarks of Senator GARLAND in the Senate.

Mr. HOLMAN. I think there is no point to the question of my friend from Alabama [Mr. HEWITT]. Comity between nations is a thing not affected by constitutional limitation. Those comities and courteous relations rise above the consideration of the Constitution; they underlie the common qualities of all governments and the relation of all peoples. But no gentleman meets the point which I make. Where do you find in the Constitution of the United States the power to loan this money? You will not find it even in that oft-appealed-to clause of the Constitution which authorizes Congress to levy taxes "to pay the debts, and provides for the common defense and general welfare of the United States." I hardly believe that the gentlemen who are so eager that this appropriation shall be made are willing to rest in this case the power of Congress, even through the "art of definition," on "the general-welfare" clause, for no local exposition, however great, can be of common and general interest to the people of the United States, and yet the money you propose to appropriate comes from the labor of all. No, sir; no gentleman will present a constitutional argument in favor of the appropriation of this money. The appropriation of it will open up a precedent which can not fail to be fatal to economy, and baneful and pernicious in the future. It will be a precedent for every plausible scheme that shall seek to reach your Treasury.

Is it for the Democratic party to begin a policy of expenditure that leaves no limit on the power of Congress? Is that party to encourage class legislation by this partial and local method of expenditure? Class legislation—legislation that, no matter what is intended, must in the very nature of things promote and advance the fortunes and interests of a comparatively small portion of our people at the expense of the labor of them all—is that Democratic doctrine? Is it for a Democratic House of Representatives not only to appropriate money out of the public Treasury without warrant from the Constitution but to do it by drawing from the industries of the many money which will and must in the very nature of things go to the special benefit of the few? And not the less special because favored and prosperous citizens of all sections of the country will participate in the benefits of this appropriation. The great body of the people who bear the burden can not; and the expenditure has no relations to Government, and yet you imposed the tax which gathered this money into your Treasury for the purposes of Government alone.

Sir, the men who filled this Hall even thirty years ago would not have stopped to debate such a proposition. They would have said at once that there is no authority for this appropriation. If you can appropriate this million of dollars out of your Treasury, either as a gift or as a loan, I do not care which, what can you not do? What limit is there to your power over the revenues which taxation draws into your Treasury?

If you have the constitutional power to loan this money to this corporation of enterprising gentlemen, you have the power to make a free gift of the money, and in my judgment that would be more creditable than this formality of a loan. No gentleman seriously expects the money to be returned. The great national and international exposition of eight years ago in Philadelphia, to which the attention of the whole world was turned, reimbursed your Treasury the money you advanced at the end of a suit which reached the Supreme Court of the United States, but the assets remaining out of which that reimbursement was made represented what remained of the millions freely donated to that great occasion.

In my judgment, from every point of view this is an unwise and indefensible measure. You legislate outside of the limits of your constitutional power; you establish a dangerous precedent fatal to economy and prudent government, and you will introduce into these public expositions organized by private corporations methods of extravagance and lavish expenditure injurious to the various interests they were intended to promote.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELLIS. I yield to my colleague [Mr. HUNT] for five minutes.

Mr. HUNT. Mr. Chairman, the bill before the committee provides the liberal aid of the Government in the shape of a loan of $1,000,000 for the World's Industrial and Cotton Exposition, to be held at the city of New Orleans in December, 1884.

The act of February 10, 1883, made provision for the World's Industrial and Cotton Centennial Exposition, to be held under the joint auspices of the United States, the Cotton Planters' Association of America, and the city in which the exposition might be located, and that cotton in all its conditions of culture and manufacture should be the chief exhibit. It was further enacted, that the exposition should be national and international in its character, so that not only the people of this country but those of the other parts of the world should be invited to participate.

In conformity with the provisions of the act the city of New Orleans was designated as the place for holding the exposition, and the President has made proclamation setting forth the time of the opening and the place at which the exposition will be held, and has sent, in the name of the United States, invitations to the governments of other nations to be represented and to take part in the great fair.

In view of the chief characteristic of the exposition as originally contemplated, it may not be inappropriate to make a few remarks in relation to the growth, manufacture, and commerce of cotton.

The culture of cotton is to be found in remote times. Before the Christian era India had begun to supply cottons to Persia, parts of Arabia, and all the eastern portions of Africa. The Phœnicians traded in these fabrics for centuries, and Egypt was acquainted with them. There is reason to think that the manufacture of cotton was also anciently known in Arabia.

It seems that long prior to the tenth century manufactures of a sort of indigenous cotton existed in Southern Italy, and perhaps in the Crimea; but there is authority for the statement that cotton was not manufactured in Europe until the tenth century, and then only by the Mohammedans in Spain. After the conquest of Constantinople the Turks introduced the culture of cotton into Macedonia, and in the thirteenth, fourteenth, and fifteenth centuries cotton manufactures began to flourish in Spain, where the chief market was Barcelona. During the same period of time this manufacture was spread all over the southern shores of the Mediterranean. Travelers to Africa concur in the statement that cotton is indigenous there and is woven into garments.

Mankind was sunk lowest in ignorance and in all its deplorable consequences at the eleventh century, about the time of William the Conqueror, but from that era the light of knowledge began to reappear. A. D. 1110, on the revival of learning at Cambridge, paper made of cotton was commonly used in writing. In 1498, after the voyage of Vasco de Gama to the West Indies and around the Cape of Good Hope, the Portuguese made large importations of muslins and other cotton goods into Europe. But the earliest notice of cotton as an English article of trade is met with about the end of the fifteenth century, and it appears that cotton was naturally included in the commerce of the Mediterranean Sea.

Cotton-seed was planted as an experiment in Virginia in 1621. "Cotton wool" is named in the earliest books and pamphlets of Virginia. At first the culture grew northward rather than southward. A. D. 1733–'34 cotton was first planted in Georgia and the Carolinas, and in 1742 in Louisiana. In 1774 several bags were exported from Charleston, and in the year 1770 three bales were shipped from New York to Liverpool. At the period of the Declaration of Independence traces of cotton were to be found in Maryland, Delaware, New Jersey, and Pennsylvania.

In 1791 the cotton crop of the United States was only 2,000,000 pounds and as late as 1795 the few American factories then in existence still imported foreign cotton, the imports being, I find, 4,107,000 pounds. Cotton was now fast becoming one of the richest staples of the Southern States. It appears, however, that it was not until after the Revolution that the culture of cotton was conducted with a view to export. As late as 1784 an American ship which exported eight bags of cotton into Liverpool was seized on the ground that so much cotton could not be produced in the United States, and I find it stated as a matter of history that the first regular exportation of cotton from Charleston was in 1785, when one bag arrived at Liverpool, per Diana, to John and Isaac Teasdale & Co. In the same year twelve bags from Philadelphia and one from New York were received at that port. These events occurred, it may be said, one hundred years before the date now proposed for the national and international Cotton Exposition at New Orleans.

The green or short staple kind was that principally cultivated before the revolution. The black seed, or Sea Island cotton, was introduced into Georgia from the Bahamas about 1786, and the same year Mr. Madison predicted that the United States would become a great cotton-producing country.

For the five years following 1785 the receipts in Liverpool of American cotton amounted respectively to 6, 109, 389, 842, and 81 bags, estimated at 150 pounds each, or 1,440 bags, weighing in the aggregate 216,150 pounds. The necessities of the seven years' war had taught the people to raise the material for the greater part of their clothing, and laid the foundation for the culture, which has since reached such vast proportion. The crop of 1801 was 48,000,000 pounds, 21,000,000 of which were exported, and the year 1810 witnessed exports to the amount of 94,000,000 pounds. During the year of the war, 1813, owing to causes readily to be suggested, we exported only 19,400,000 pounds, the ruling price being 12 cents, but in England three times as much. In 1821 the crop of the United States was 180,000,000 (124,893,405 whereof were exported), and the crop of the year 1825 reached 258,000,000 pounds.

There were inventions in England of earlier date than the Revolution, but they had not at that period become sufficiently important to stimulate the production of cotton. The invention of the power-loom by Cartwright in 1774; of the mule "jenny" by Compton in 1775; the improvements by Arkwright and others in carding, drawing, and roving, were finally crowned by the adaptation in 1783 of the steam-engine, the unrivaled contrivance of Watt, to the spinning and carding of cotton in Manchester. In 1785 Bell invented cylinder printing, and the use of acid in bleaching was introduced at Glasgow in 1786. The year 1793 was made ever memorable in the cotton trade by the invention of the saw-gin by Eli Whitney, a citizen of the State of Massachusetts. Time fails me now to do more than mention a few others, useful inventors, whose practical genius and devotion have enabled them to advance in like connection manufacturing skill and industry. I refer simply to Hargreaves, Thomas Highs, Miller, Tenant, Radcliffe, Grouse, Burton, and Warsland.

The cultivation of cotton, while diminishing elsewhere, is constantly on the increase in the United States. For thirteen years before the war, 1849–'61, we produced 40,994,419 bales; the thirteen years after the war, 1866–'78, 45,627,847 bales, and this notwithstanding the change in the labor system. A table showing the cotton crop for fifty years in the United States is appended, marked "A." Our exports of raw cotton in the fiscal year 1883 were $247,328,721, and manufactures of cotton $12,951,145—making a total of $260,279,866. This was 32.36 per cent. of our total exports. The consumption of cotton in 1882, was: Great Britain, 3,712,000 bales; United States, 2,475,000 bales; continent of Europe, 8,116,000 bales. The United States exports to Great Britain in 1882 were 2,414,000 bales; United States exports to continent of Europe in 1882, 1,513,000 bales. The emancipation of slavery, taken in connection with surrounding causes, appears to have given fresh impetus to the culture of cotton.

The cotton goods of the United States are threads, yarns, and twines, sheetings, shirtings, and similar plain goods, twilled and fancy goods, osnaburgs, jeans, &c., ginghams, ducks, and bags. The manufacture of these in thirty great States of the Union, namely, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, and Wisconsin, gives occupation to 230,223 looms, 10,921,147 spindles, and 181,628 persons, as shown, together with other important information, by the annexed table marked "B."

When it is considered how vast the area in the United States is throughout which cotton is grown; how many laborers, planters, and artisans depend on cotton; how great the manufactures of it have become; how large a proportion of national wealth is represented in the culture and manufacture of the staple; how magnificent are the domestic and foreign commerce in it, and what amount of comfort, strength, health, and consequent happiness is due to clothing made out of it in our time, it is natural and proper that a period should have been appointed by the act of 1883, under the auspices of Government, to celebrate the one hundredth anniversary of cotton production, manufacture, and commerce.

It is equally natural that the place selected should be New Orleans, at the mouth of the Mississippi. This is the chief city of the South. It is the seat of a civilization fast becoming ancient, and peculiarly interesting from its history, its customs, its laws, the liberality, hospitality, and refinement of the population of the city, and the neighborhood of it to the republics of the southern part of the continent. It is mistress of a noble commerce. Steamers numbering many hundreds connect it by water ways with all the tributaries of the Mississippi, and a vast shipping, consisting of lines of steamships and of sailing vessels join it with the American coastwise trade and with foreign traffic. Giant compresses, triumphs of the latest mechanical skill and genius, are to be found in New Orleans, and by the aid of which, in pressing cotton, ships are laden with from 40 to 60 per cent. larger cargoes than could formerly be carried; and the bales are brought to be pressed, not only by steamboats down the river, but also thousands of miles by railroads crossing the swamps and the trembling prairies, skirting the sandy shores of the Gulf, and uniting the metropolis with the railway systems North, East, West, and South. The principal cotton market of the country, New Orleans is the resort of dealers from New England, New York, and the other States of America, and from England, France, Russia, Spain, Switzerland, Germany, Greece, Austria, the Netherlands, Belgium, and other foreign countries. Except the city of New York, no other place in the United States possesses as cosmopolitan a character.

It is one of the professed objects of the act of 1883 to include in the exposition all arts, manufactures, and products of the soil and mine, and enough has transpired to show that general attention has been attracted to this as well as to the other features of the great fair, and that an enlightened opinion throughout the country is strongly in favor of their development. The President of the United States has communicated to the House the report of the director-general. It appears there that the city of New Orleans has contributed not only $500,000, as originally required, for the location of the exposition, but has, in addition, donated the use of its principal park of two hundred and forty-seven acres of ground and added an appropriation of $100,000. It is well known that the State of Louisiana will add to this sum, and as the amounts provided have been found to be inadequate to meet demands for space from foreign countries and individual exhibitors, the board of management have called for an increase of their subscriptions to the amount of $1,000,000.

The main building is, with the exception of that of the world's fair held at London, the largest ever erected, being 1,370 feet long and 905 feet wide, and affording 1,000,000 square feet of floor space, with convenient apartments for police, fire department, public-comfort offices, meeting-rooms for various national organizations, and with a central music-hall capable of seating 11,000 persons, and a machinery hall 1,375 feet long and 250 feet wide. The applications for space from foreign countries and from the United States, even at this early date, some eight months before the opening of the exposition, call for about 900,000 feet of exhibiting space. Twenty-four States and Territories have announced themselves as contributors. France, Mexico, Guatemala, Spanish Honduras, Nicaragua, San Salvador, Costa Rica, British Honduras, Persia, China, Siam, Japan, Switzerland, and Liberia are, we are told, to be represented by governmental action and contribution, while individuals and commercial firms from Great Britain, the British Colonies, British India, Germany, Russia, Italy, Spain, Holland, Denmark, and Turkey are also to participate.

The horticultural hall will be a vast one. It is to have a length of 600 feet, 194 feet in the center, with glass roof and a glass door 90 feet in height. In it are to be collected the trees, plants, and fruits to be exhibited, and those especially of the Southern countries. Mexico will adorn the main center with royal palms, and there is anticipated a fruit display of 20,000 plants, nearly twice the size of any heretofore made. Next to the horticultural hall there are 200,000 feet of space for a garden which Mexico will occupy, and the republics of Central America will take up 250,000 feet of garden space adjoining, while an equal amount is to be embellished by Florida and California.

Not to mention other features of the exhibition, it will attract especial interest to have it known that extensive preparations have been made for a national educational display, under the indorsement of the national educational convention, composed of State and city superintendents, with the cordial co-operation of the Commissioner of Education. Local educational societies are already being organized throughout the State of Louisiana, and it is the design that the exhibition should secure for the cause of education more liberal provision in the future from all the States that ought to make it. In order to carry out the plans which have been adopted, and which have been now cursorily hinted at, and to extend the exposition in other departments, easily to be suggested; in order to obtain and group the exhibits of the several Departments of the United States Government and the collective exhibits of all the States and Territories; and in order to avail completely of the interest which the occasion has excited and the favorable circumstances surrounding it—in a word, to secure all the benefits to be had from an exhibition of the arts and sciences, agriculture, manufacture, and commerce, and make of the great fair a memorable national and international event, the management have come to Congress with a request for aid, and I consider their showing justly entitles them to it.

Constitutional commentaries in support of this great design are easy of access in the discussions which preceded the Congressional aid given to the centennial celebration at Philadelphia. The bill under consideration carefully follows the centennial bill, with the difference that aid in the shape of a loan to the extent of $1,000,000 is asked for in the present instance, while assistance in like form to the amount of $1,500,000 was afforded to the Centennial Exhibition. The exposition at New Orleans has the advantage of the precedents already established, and proceeds with the benefit of accumulated experience.

The preamble of the Constitution says that the instrument established by the people of the United States, among other objects, has these: to insure domestic tranquillity and promote the general welfare. It is to be observed that no reason can be given for discriminating against any object designated in the preamble. There is none, for instance, why every means should not be taken to insure domestic tranquillity as well as to establish justice, none why the general welfare should not be promoted as well as provision made for the common defense.

Article 1, section 8, says Congress "shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States."

The constitutional power thus lodged in Congress was necessarily ade-

quate and complete, or else the feeble and decaying Confederation would never have been supplanted and the succeeding Government of the United States with proper powers erected in its stead. Commenting on this provision of the Constitution, Justice Story says:

In the history of mankind it has ordinarily been found that in the usual progress of things the necessities of a nation in every stage of its existence are at least equal to its resources. * * * It is impossible to foresee all the various changes in the posture, relations, and power of different nations which might affect the prosperity and safety of our own. We may have formidable foreign enemies; we may have internal commotions; we may suffer from physical as well as moral calamities, from plagues, famine, and earthquakes; from political convulsions and rivalries; from the gradual decline of particular sources of industry; and from the necessity of changing our own habits and pursuits in consequence of foreign improvements and competition and the variable nature of human wants and desires.

Now, then, if the power to lay and collect taxes, &c., be limited except as laid down in the Constitution, the terms of the instrument immediately following, and providing that the taxes referred to are "to pay the debts and provide for the common defense and general welfare," are a qualification or restraint upon the taxing power itself. That is to say, the power to pay the debts and provide for the common defense and general welfare of the United States is not, in the common sense, a general distinct or substantial power, but is, on the contrary, confined to the objects specified. In other words, the power to lay and collect taxes, duties, imposts, and excises is given in order to pay the debts and provide for the common defense and general welfare. Justice Story proceeds to observe:

It is said if Congress may lay taxes for the common defense and general welfare, the money may be appropriated for those purposes, although not within the scope of the other enumerated powers. Certainly it may be so appropriated; for if Congress is authorized to lay taxes for such purposes it would be strange if when raised the money could not be applied to them. That would be to give a power to a certain end and then deny the end intended by the power.

In support of the same view and doctrine, I find in one of the earlier utterances of Mr. Calhoun, in the House of Representatives, February 4, 1817, quoted in the recent admirable address of the honorable Senator from Louisiana [Mr. GIBSON] on the Blair educational bill, among other authorities, the following:

The first power delegated to Congress is comprised in these words: "To lay and collect taxes," &c. First the power is given to lay taxes, next the objects are enumerated to which the money accruing from the exercise of this power may be applied, namely, to pay the debts, provide for the defense, and promote the general welfare; and last the rule for laying the taxes is prescribed, to wit, that all duties, imposts, and excises shall be uniform. If the framers had intended to limit the use of the money to the powers afterward enumerated and defined, nothing could have been more easy than to have expressed it plainly. I know it is the opinion of some that the words "to pay the debts and provide for the common defense and general welfare," which I have just cited, were not intended to be referred to the power of laying taxes contained in the first part of the section, but that they are to be understood as distinct and independent powers granted in general terms, and are qualified by a more detailed enumeration of powers in the subsequent part of the Constitution.

If such were in fact the meaning intended, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress in general terms which were afterward to be particularly defined and enumerated, they should have told us so plainly and distinctly; and if the words "to pay the debts and provide for the common defense and general welfare" were intended for this summary, they should have headed the list of our powers and it should have been stated that to effect the general objects the following specific powers were granted. I ask members to read the section with attention and it will, I conceive, plainly appear that such could not have been the intention. The whole section seems to me to be about taxes. It plainly commences and ends with them, and nothing could be more strained than to suppose that the intermediate words "to pay the debts and provide for the common defense and general welfare" were to be taken as independent and distinct powers. Forced, however, as such a construction was, I might admit it and urge that the words do constitute a part of the enumerated powers. The Constitution gives to Congress the power to establish post-offices and post-roads. I know the interpretation usually given to these words confines our powers to that of designating only the post-roads; but it seems to me that the word "establish" comprehends something more. But suppose the Constitution to be silent, why should we be confined in the application of moneys to the enumerated powers? There is nothing in the reason of the thing that I can perceive why it should be so restricted; and the habitual and uniform practice of the Government coincides with my opinion. Our laws are full of instances of money appropriated without any reference to the enumerated powers. We granted by a unanimous vote, or nearly so, $50,000 to the distressed inhabitants of Caraccas and a very large sum at two different times to the Saint Domingo refugees. If we are restricted in the use of our money to the enumerated powers, on what principle can the purchase of Louisiana be justified? To pass over many other instances, the identical power which is now the subject of discussion has in several instances been exercised. To look no further back, at the last session a considerable sum was granted to complete the Cumberland road. In reply to this uniform course of legislation, I expect it will be said that our Constitution is founded on positive and written principles and not on precedents. I do not deny the position; but I have introduced these instances to prove the uniform sense of Congress and the country (for they have not been objected to) as to our powers; and surely they furnish better evidence of the true interpretation of the Constitution than the most refined and subtle arguments.

I am particular in referring to this opinion of Mr. Calhoun as an early one because it is brought to my notice that he saw fit afterward to modify his views. I take leave to say, however, just here that I believe him to have been correct originally and submit that this is evidently true.

To the same effect with the opinions of Story and Calhoun already quoted I add the following extract from a message of President Monroe to the House of Representatives March 4, 1822:

It is manifestly incidental to the great objects of the first branch of the grant which authorizes Congress to lay and collect taxes, duties, imposts, and excises; a power of vast extent not granted by the Confederation, the grant of which formed one of the principal inducements to the adoption of this Constitutuion. If both parts of the grant are taken together, as they must be, for the one follows immediately after the other in the same sentence, it seems to be impossible to give to the latter any other construction than that contended for. "Congress shall have power to lay and collect taxes, duties, imposts, and excises." For what purpose? To pay the debts and provide for the common defense and general welfare of the United States—an arrangement and phraseology which clearly show that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated.

* * * * * * *

Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy it would have been to have provided for it by a declaration to that effect. The omission of such declaration is, therefore, an additional proof that it was not intended that the grant should be so construed.

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Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes. A State government will rarely, if ever, apply money to national purposes without making it a charge to the nation.

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It is believed that there is not a corporation in the United States which does not exercise great discretion in the application of the money raised by it to the purposes of its institutions. It would be strange if the Government of the United States, which was instituted for such important purposes and endowed with such extensive powers, should not be allowed at least equal discretion and authority. The evil to be particularly avoided is the violation of States' rights, showing that it seems to be reasonable and proper that the powers of Congress should be so construed as that the General Government in its intercourse with other nations and in our internal concerns should be able to adopt all such measures lying within the fair scope and intended to facilitate the direct objects of its powers as the public welfare may require and as sound and provident policy dictate.

The high sanction of his great name is given to the same constitutional interpretation by Chancellor Kent in the annexed extract from his Commentaries. Kent says:

That Congress possesses the power to appropriate money raised by taxation or otherwise, for other purposes, in their discretion, than those pointed out in the enumerated powers, is a question that has given rise to very able and acute discussions; and the affirmative side of the question has been sustained and successfully vindicated by the practice of the Government, and the weighty authority, among others, of Mr. Hamilton and Mr. Monroe, in celebrated documents under their official santion.

To conclude, in this connection I add the following, taken from the message of President John Quincy Adams, December 6, 1825, where he gives a like construction to this provision of the Constitution:

The great object of the institution of civil government is the improvement of the condition of those who are parties to the social compact. And no government, in whatever form constituted, can accomplish the lawful ends of its institution but in proportion as it improves the condition of those over whom it is established.

But moral, political, and intellectual improvement are duties assigned by the Author of our existence to social no less than to individual man. For the fulfillment of those duties governments are invested with power, and to the attainment of the end, the progressive improvement of the condition of the governed, the exercise of delegated powers is a duty as sacred and indispensible as the usurpation of powers not granted is criminal and odious.

If these powers and others enumerated in the Constitution may be effectually brought into action by laws promoting the improvement of agriculture, commerce, and manufactures, the cultivation and the improvement of the mechanic and the elegant arts, the advancement of literature, and the progress of the sciences, ornamental and profound, to refrain from exercising them for the benefit of the people themselves would be to hide in the earth the talent committed to our charge, would be treachery to the most sacred of trusts.

The power to promote the general welfare is clearly, therefore, under these authorities, to be exercised, and the limitation of the power is, that it is to be used for the common profit, but so as not to conflict with the rights of the States. In the use of it Congress has a clear discretion, but it is evidently a legal and constitutional one—a like discretion, I submit, with that which belongs to Congress in the exercise of all the enumerated powers with which it is endowed by the Constitution.

Argument in favor of the bill under consideration is easy to be strengthened with additional suggestions of constitutional principles. Under section 2, article 2, the President has the power, by and with the advice and consent of two-thirds of the Senators present, to make treaties. The act of February 1, 1883, for the World's Industrial and Cotton Centennial Exposition, as has been seen, requests the President to send, in the name of the United States, invitations to other governments to be represented, to take part in the exposition, and we are informed that the President has proceeded to do this. He has not only performed the acts of international comity contemplated, but the invitations extended by him have been accepted. The act of Congress referred to declares, moreover, that all articles which shall be imported for the sole purpose of exhibition at the exposition shall be admitted without the payment of duty or customs fees or charges. Now I ask what is an invitation? It is a call, a bidding, a solicitation to be present, and the giving of it implies that the parties invited will be received and entertained when they appear. It imposes an obligation on the party making the tender, and this must be fulfilled. Will it be said that the President, by and with the advice and consent of the Senate, can make a treaty, and that the country is not bound when he asks by authority of Congress the presence of the representatives of foreign sovereignties at a great exhibition of art, learning, and science? Will it be pretended that when thus empowered by the National Legislature the President can not constitutionally carry out tenders of international comity, and that Congress is not obligated to vote the means, required as they are in the instance of the exposition proposed at New Orleans by their own act as well as by the best considerations of public policy and general good? I venture to say that these questions can only be answered one way.

The Constitution, like other systems, is superimposed upon the nat-

ural law and the accepted practice and customs of civilized States, and has been consistently administered in accordance with these. The bark Resolute was sent to England as a present, refitted at a cost of $40,000. On motion of James M. Mason, of Virginia, an appropriation was made to relieve sufferers from earthquake in Venezuela. A liberal appropriation was made to send food to Ireland, which Mr. Calhoun supported. Mr. Webster considered that the Government should purchase private stock in the Louisville Canal and hold and improve the work as a medium of commerce. Large appropriations were made for the representation of our industries at London, Paris, and Vienna. The good offices of this Government have been successfully tendered to the South American Republics for promotion of peace between them and Spain. Our diplomatic and consular officers were authorized by the Government and appropriations made to give the protection of the United States to the citizens of twelve different (five European and seven American) nations in France during the war between France and Germany in 1870. The sufferers from floods in the Mississippi Valley have been repeatedly relieved, as were those from the recent Ohio floods, and the President has lately sent to Congress a message distinctly recommending, on true and inevitable principles, an appropriation of $100,000 for the building of levees on the Mississippi River. Nor must I omit as peculiarly appropriate to the present discussion the aid voted to the centennial celebration at Philadelphia already referred to. The exposition then held is generally known and admitted to have been productive of incalculable good to the country at large. The magnitude and grandeur of the exhibition to take place at New Orleans will produce like results. The mere locality is only an incident. The nature and extent of the exhibition are what give it its character, and render it an undertaking for the common profit or general welfare.

The exposition, in addition to many other advantages, offers to the United States the best opportunity which has ever presented itself for drawing closer the ties between our own country and the South American republics. It will give to the people of those republics occasion for judging of the profits of more intimate commercial intercourse with ourselves, and for the cultivation of offices, of good neighborhood, and mutual international support. It will show them that their destiny is involved in our own, and point them the way to further progress.

South America produces only a fractional amount of the necessaries of life consumed by her people. They find employment in dealing in coffee, India-rubber, barks, cocoa, dye-woods, drugs, feathers, guano, hemp, hair, hides, isinglass, oils, skins, whalebone, &c., but are obliged to go abroad for the greater part of their food, clothing, coal, iron, furniture, and building material. As it is now, a great proportion of what the South Americans import is shipped to them by Europe from points from five hundred to five thousand miles farther away than are the ports of the United States. It will be a natural result of the exposition to change this singular order of things, to establish our demand for the productions of South America, and to show her people that a more convenient and better market for their wants can be had with us than that which is now sought abroad and is controlled by British and French capital.

There is no county in the United States, no town government, however limited, which would not be allowed to possess the discretion to hold a fair for its benefit if in the judgment of the local authorities it was deemed advantageous to do so. I submit, with little if any fear of successful contradiction, that the United States can not be denied a like necessary, proper, and enlightened liberty. The exposition, then, at New Orleans is to be in natural and proud commemoration of the commercial success and scientific achievements of one hundred years, but more especially in their relations to cotton as the chief exhibit, and will be held, with governmental sanction and co-operation, in conformity with the principles of the Constitution and the practice of civilized nations. The enterprise proceeds under favor of a liberal and generous disposition of the American people everywhere, to the Southern portion of the Republic. This is welcomed by all who love our common country, because it gives rich assurance in the end of the PERFECT UNION contemplated by the fathers in the beginning.

APPENDIX.

A.

Cotton crop of the United States for fifty years—years ending September 1.

	Bales.		Bales.		Bales.
1829	870,415	1847	1,778,651	1868	2,593,993
1830	976,845	1848	2,347,634	1869	2,439,039
1831	1,038,848	1849	2,728,596	1870	3,154,946
1832	987,487	1850	2,096,706	1871	4,352,317
1833	1,070,438	1851	2,355,257	1872	2,974,351
1834	1,205,324	1852	3,015,029	1873	3,930,508
1835	1,254,328	1853	3,262,882	1874	4,170,388
1836	1,360,752	1854	2,930,027	1875	3,832,991
1837	1,422,930	1855	2,847,339	1876	4,669,288
1838	1,801,497	1856	3,527,845	1877	4,485,423
1839	1,360,532	1857	2,939,519	1878	4,811,265
1840	2,177,835	1858	3,113,962	1879	5,073,531
1841	1,634,945	1859	3,851,481	1880	5,757,397
1842	1,683,574	1860	4,669,770	1881	6,589,329
1843	2,378,875	1861	3,656,006	1882	5,435,845
1844	2,030,409	1862 to 1865	No record.	1883	6,959,000
1845	2,394,503	1866	2,193,987		
1846	2,100,537	1867	2,019,774		

B.

Cotton manufactories of the United States, 1882.

States.	Looms.	Spindles.	Cotton.	Employés.
	Number.	*Number.*	*Bales.*	*Number.*
Alabama	1,060	55,072	14,887	1,600
Arkansas	28	2,015	720	64
Connecticut	18,036	931,538	107,877	15,497
Delaware	823	48,858	7,512	695
Florida		816	350	33
Georgia	4,713	200,974	67,874	6,678
Illinois	24	4,860	2,261	281
Indiana	776	33,396	11,558	720
Kentucky	73	9,022	4,215	359
Louisiana	120	6,096	1,354	108
Maine	15,978	696,685	112,361	11,318
Maryland	2,325	125,014	46,947	4,159
Massachusetts	94,788	465,290	578,590	62,794
Michigan	131	12,120	600	208
Mississippi	704	26,172	6,411	748
Missouri	341	19,312	6,399	515
New Hampshire	25,487	1,008,521	172,746	16,607
New Jersey	3,344	232,305	20,569	4,658
New York	12,822	578,512	70,014	10,710
North Carolina	960	102,767	27,508	3,428
Ohio	42	14,328	10,597	563
Pennsylvania	10,541	446,379	86,355	11,871
Rhode Island	30,274	1,649,295	161,694	22,228
South Carolina	1,776	92,788	33,099	2,195
Tennessee	1,068	46,268	11,699	1,312
Texas	71	2,648	246	71
Utah	14	432		29
Vermont	1,189	55,088	7,404	735
Virginia	1,324	44,336	11,461	1,112
Wisconsin	400	10,240	3,173	282
Total	230,223	10,921,147	1,586,481	181,628

Mr. ELLIS. I now yield to the gentleman from Illinois [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I have listened with a great deal of interest to the remarks which have been made in favor of this bill. I am glad to hear that there is to be a sort of national "dress parade" at New Orleans in which probably all the States of the Union, together with foreign nations, are to make an exhibition of their products. As I understand, Louisiana and the other cotton States are to be there with their cotton; the Northwest is to be there with her cereal productions; Florida is to be there with her orange crops, and the ice-bound North with her peculiar products. But I am not aware that this Government is in partnership in the exhibition of these products. If the Treasury is to be used first for the protection of cattle so that no disease shall extend at large over the country and do them damage; if money is to be distributed through the Union according to illiteracy for the erection of school-houses so that this Government shall trespass upon the jurisdiction of the States in undertaking to superintend the education of the people; if the Treasury is to be made a common fund in this way, then it would be far better to charter a car, attach it to Barnum's show, and go with the Treasury around the world.

The CHAIRMAN. The time allowed for general debate on this bill has expired.

Mr. ELLIS. I now ask that the bill be read by paragraphs for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $1,000,000 be, and the same is hereby, appropriated, out of any money in the public Treasury not otherwise appropriated, as a loan to the World's Industrial and Cotton Centennial Exposition, to be used and employed by the board of management thereof to augment and enhance the success of the World's Industrial and Cotton Centennial Exposition in such manner as said board of management may determine: *Provided*, That the said sum shall be paid by the Treasurer of the United States on the drafts of the president and treasurer of the board of management of the World's Industrial and Cotton Centennial Exposition, one-third of the amount immediately after the passage of this act and the remainder in four monthly payments thereafter: *Provided further*, That no greater amount shall be expended upon buildings, grounds, and preparations than the aggregate sum that may be secured by subscription to the capital stock by donations and the amount of the loan provided herein: *And provided further*, That in the distribution of the amounts that may remain in the treasury of the board of management after the payments of the current expenses of administration the amount of the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits shall be paid to the holders of said stock: *Provided further*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation for the World's Industrial and Cotton Centennial Exposition, or its board of management, or any sum whatever in addition to the foregoing amount that may be appropriated by this act; and that adequate space for such exhibits as the Government of the United States may see proper to make at said exposition shall be furnished free of all charge: *Provided further*, That no sum shall be paid to the treasurer of the said exposition until after he and the president of the same shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of $300,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures as fixed herein, and for the repayment to the Government of the United States of the surplus proceeds of said exposition remaining after payment of the current expenses of administration, said repayment in no case to exceed the loan herein appropriated and provided for.

Mr. BROWNE, of Indiana. I move to amend by striking out the last word. I do not desire to discuss this measure even for a moment. But I wish to say that my colleague [Mr. HOLMAN] wholly misappre-

hended my object in moving to limit debate on the bill. I did so simply in the interest of economy. I did not intend myself to vote for this measure, and did not suppose my colleague intended to do so. But I believed that nothing which he might have to say or which I might be able to say in opposition to the bill would change a single vote. And now, after my colleague has discussed the measure so ably for fifteen minutes, I imagine the House to occupy with reference to this question about the position which it did when the discussion began.

The gentleman is mistaken in supposing I hope to hurry this million dollars out of the Treasury of the United States. I shall vote against the measure, and would be glad if I had an opportunity to do so immediately.

Mr. BLOUNT. I move, in line 25, after the word "profits," to insert the words "or assets;" so it will read:

That in the distribution of the amounts that may remain in the treasury of the board of management after the payment of the current expenses of administration, the amount of the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits or assets shall be paid to the holders of said stock.

Mr. ELLIS. I accept that amendment.

Mr. HOLMAN. I will take no time then in giving my reasons for it.

The amendment was agreed to.

Mr. LORE. I move to amend the bill by striking out, in lines 38 and 39, the words "three hundred thousand dollars" and inserting in lieu thereof the words "one million dollars;" by striking out in lines 43, 44, 45, and 46 these words, "surplus of proceeds of said exposition remaining after payment of the current expenses of administration, said repayment in no case to exceed the," and by adding to the end of section "without interest and within three years from the passage of this act."

Mr. Chairman, the act as it now stands provides for a bond of $300,000 simply conditioned to pay to the United States a surplus, if there be any, in repayment of the loan of $1,000,000. The amendment is that the bond shall be in $1,000,000, and that the condition shall be absolute repayment to the United States of the $1,000,000 thus loaned without interest, and within three years.

I do this for this reason: I recognized the propriety of the loan to the Centennial Exhibition; it was the centennial year and was designed as a celebration of our one hundredth national anniversary. This, however, is not for that purpose.

It is an exhibition, it is true; but it is an exhibition in the city of New Orleans, which may be followed by exhibitions in every other city of the Union. I hope this may be a success. Fortunately for the United States the exhibition at Philadelphia was a success, and after a suit at law we got back the loan.

Suppose this is not a success, will the loan be returned? Suppose it is a success and the loan is returned, what will be the result on the various expositions held in Boston, held in New York, held in Chicago, held in Saint Louis, and other cities of the Union. I am in favor of the loan, but I want it as other loans are made and secured as other loans are secured. I recognize the fact that in the South perhaps it would be somewhat difficult to procure that security; but, sir, if it be doubtful about the return of this loan, where should that risk rest? Not on the United States, but on the men and upon the corporation who have instituted and design to carry this exposition to favorable and profitable issue.

That is the reason why I am in favor of voting this money secured unconditionally to be returned to the United States. It is a bad precedent, unless we shall fence ourselves about to protect the Treasury of the United States in this manner, whatever may be the success of this, from other enterprises hereafter which may not be a success. Grant this, and you can not shut the door to any other city asking it under like conditions.

Mr. CANNON. I was a member of Congress when the act passed authorizing a loan by the United States to the Centennial Exposition at Philadelphia. Then the same objection was urged the gentleman from Delaware [Mr. LORE] has made to-day. There were many gentlemen on the other side of the House who turned themselves into prophets like Jeremiah, prophesying evil. [Laughter].

Mr. HISCOCK. Did the gentleman support the bill then? I find his name recorded in the negative.

Mr. CANNON. I think the gentleman is mistaken; but if it is true I did vote against it, I will say that I am now sorry I did not vote for it. [Laughter and applause.]

I am for this act if for no other reason than that at the last Congress we passed an act authorizing the President of the United States to issue his proclamation inviting all the nations of the earth to attend this exhibition. The President has so invited them, and after having done so, I am unwilling, after our guests have been invited, to make no provision for their entertainment.

I am for it for another reason. I am of opinion, under the terms of the bill guarded as it is there will be sufficient money received by the exposition to make return of this money to the Government.

But even if there is not sufficient received for that purpose I think we ought to pass the bill without hesitation, for the reason that we are committed to it in the first place, and for the second reason because it is to be a national exposition, not only of great interest to all of the States and Territories of this Union, but to the people of the whole world. I think we are honorably bound to make provision for it after having extended the invitation to them to participate.

Now, then, the proposition of the gentleman from Delaware is to make this an outright loan that is to be returned in any event to the Government, and the bond to be given to secure the return of the money to be executed by the president and the treasurer of this association. That is a proposition, I apprehend, Mr. Chairman, however much public spirit these two men might possess, that would defeat the bill. It is a proposition that would have defeated the objects of the bill passed in 1876 that was to aid the Centennial Exposition at Philadelphia. If adopted it will unquestionably render the proposed bill of no avail.

Mr. HORR. Mr. Chairman, I move to strike out the last word of the amendment. I do this, sir, for the purpose of saying to the committee that it seems to me the only object the gentleman from Delaware can possibly have in proposing such an amendment is to defeat this entire proposition, to kill the bill and break down the proposed exposition. Of course I do not say that understandingly, for I do not know what may be his mental intention, and I can not deal with a man's motives. But certainly the effect of this amendment of his, if it should be adopted, would be to defeat the objects of this bill.

Now, when the loan, as I understand it, was made to the Centennial Exposition at Philadelphia, it was for a million and a half of dollars, I believe. Is that correct?

Mr. BLANCHARD. That was the amount.

Mr. HORR. Then we required a bond of only $500,000. Now the bond is fixed here at $300,000 for a loan of $1,000,000, which I take it is about equivalent to what we did in the other case; and that bond is not to secure the repayment of the million of dollars, but as the bill itself will show, is for the purpose of securing the honest and efficient action of the people in charge of it, and a careful expenditure of the funds intrusted to them; and it is fully as large as the bonds which are usually required under our form of government for any such purpose.

But, sir, I am not astonished at finding the constitutional question raised here, especially by my friend from Indiana [Mr. HOLMAN], because I know the Constitution always stands in his way whenever he is opposed to a bill. In this case he has asked us to give him some place, some article, some warrant, some word in the Constitution that authorizes this appropriation or warrants the expenditure of this money. I want to answer my friend from Indiana by asking him another question.

I want to ask him to tell us what clause in the Constitution, what article or section I will find therein contained which warranted the passage of the bill for the erection of a public building in New Albany, Ind.? [Laughter.] I have read it all through, and I have not been able to find a word about the public building at New Albany [renewed laughter], and yet my friend from Indiana was the third man that went between the tellers for that bill. That is always the way, Mr. Chairman, I have noticed when you are trying to do anything for the benefit of the nation that somebody is afraid the Constitution is going to be violated and raises that old cry. Now, for my part, I think the authority to make such an appropriation as this comes from the inherent power belonging to the nation to transact its business for the benefit of the people of this whole country; and I do not believe that it is restricted by narrow lines. It is for the purpose of building up the interests of this great Government and of this people. I have no doubt at all that this exposition will make money enough to pay back every dollar of the fund which it is proposed to loan them. But if it does not, and you may take which ever assumption you choose, that it will or will not pay expenses, let us not be higgling here about it; but let us do for these great industries what they deserve.

This exposition is going to be of more benefit to the country than you can count in dollars and cents. It is going to bring together all the nations of the world and all of the people of this Union; and I am glad, sir, they have selected New Orleans as the location. That country down there will be benefited by seeing people from all over the United States and all over the world and mixing with them. These great commercial interests are the only things that will ever entirely wipe away all sectional feelings throughout this country. There is no political sentiment involved in this question, and I do believe as a rule that this side of the House is going to vote for this measure expressly for the purpose of building up the interests of this great country. It is not for the benefit of any particular class or any particular section. It is national in its views, national in its effects.

I do hope, Mr. Chairman, that since the gentleman from Delaware says he is in favor of this great exposition and does not wish to do anything to clog its progress or hamper it, that he will withdraw his amendment, for it is virtually a declaration that this appropriation shall do nobody any good.

I withdraw the *pro forma* amendment.

Mr. BEACH. I move to strike out the last word.

Mr. HISCOCK. I desire to offer a substantial amendment to the bill. What amendment is pending?

The CHAIRMAN. The amendment offered by the gentleman from Delaware. The gentleman from New York [Mr. BEACH] moves to strike out the last word.

Mr. BEACH. The gentleman from Illinois [Mr. CANNON] who was on the floor a few minutes ago said by the act of the last Congress the President was authorized to invite foreign guests to this exposition. It is a pity the gentleman had not explained the circumstances under which that invitation was to be extended.

Mr. CANNON. I do not care what they are. It is the fact I was speaking about.

Mr. BEACH. Exactly. I desire to call the attention of the committee to what occurred in the Senate when the bill which passed in the last Congress was up for discussion. Senator MORRILL raised this point:

I desire to call the attention of the Senator from Arkansas to one part of the bill which provides that there shall be an invitation given to foreign nations by the President of the United States. The question arises whether we can give such an invitation without assuming some responsibility as to the expense.

Senator GARLAND replied:

I am perfectly willing to accept the suggestion. The clause as it is was put in for the reason that it would give it more of an international character to let the invitations come from the President of the United States.

And a little further on Senator GARLAND says:

The Senator will bear in mind that there is a provision that there shall be no expense on the part of the United States.

Now, when the bill which passed the last Congress, which was the wedge that prepared the way to the appropriation asked for in the bill now under discussion, was in this House the gentleman from Mississippi [Mr. MONEY] who had charge of the bill stated "that the bill made no appropriation and involved the Government in no liability of any character." The gentleman from Texas [Mr. MILLS] asked the question whether any appropriation would be required to be made hereafter, and to that the gentleman from Mississippi [Mr. MONEY] replied:

There is a special provision that the United States Government shall be liable for no expense whatever.

I thought it proper to call the attention of the committee to what occurred in reference to the bill which was passed in the last Congress for the purpose of showing how easy it is to get vicious legislation ingrafted upon the statute-book and how the Government becomes committed to a policy which is improper and wrong through inconsiderate and hasty action.

Whenever there is a proposition or an intention to have a canal constructed they do not come here to Congress and ask for an appropriation for the construction of a canal. They usually come here and ask for a small appropriation for engineering expenses, for purposes of surveys. Then in the next Congress we find them coming here saying this is a great national enterprise, a matter to which the Government has given by action of Congress its consent; and then the appropriation is asked for.

Mr. Chairman, I am opposed to this proposition. It can not receive my vote. It is a vote to take the people's money and give it to a private corporation in aid of a private enterprise. But I desire to call the attention of the committee to a proposition that I have made in the way of a proposed amendment to the Constitution which is intended to kill all appropriations of this character, and I will say if this proposition to amend the Constitution had been carried a quarter of a century ago it would have saved to this country millions of treasure and millions of acres of the public lands. I will send the proposed amendment to the Constitution to the Clerk's desk and ask that it may be read.

The CHAIRMAN. The proposed amendment to the Constitution will be read as a part of the gentleman's remarks.

The Clerk read as follows:

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved, &c., That the following amendment to the Constitution of the United States be, and hereby is, proposed; which, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of said Constitution:

ARTICLE —.

Neither the credit, nor the money, nor the property of the United States shall be hereafter given or loaned to or in aid of any association, corporation, or private undertaking.

Mr. ELLIS. If that is offered as an amendment I reserve the point of order.

The CHAIRMAN. It was read as a part of the remarks of the gentleman from New York.

Mr. ELLIS. I suggest that it be amended by adding the Declaration of Independence.

Mr. McCOID. I favor this bill and I am not deterred from supporting it by the constitutional question. It seems to me that gentlemen who question the power of Congress to legislate in this way could easily satisfy themselves by finding warrants in two or three of the granted powers delegated to Congress. The one which provides for the general welfare certainly has been construed broadly enough to cover this. The one upon the subject of foreign commerce, if you will regard this as a matter incident to commerce, out of which our commerce may grow, and relating to information on the subject, is sufficient to justify it. But I would justify it on the other ground that this is a nation, a sovereignty, clothed with powers for its good the same as the other sovereign nations of the world.

Why, sir, twenty foreign nations have accepted invitations to take part in this exposition; twenty foreign nations have appropriated money and are sending commissioners to this exposition. Is it possible that while twenty sovereign nations of the world are appropriating money to send commissioners to the United States this Government stands with hands and feet tied and can not give a dollar to the same great purpose? Is that the kind of a nation we have? I think gentlemen can not really believe that the Government has not the constitutional power requisite for this action.

As regards the benefits of this legislation, to me they grow continually as I consider it. A great many of our political questions are economic questions, are transportation questions, and are related to this very question. This exhibition will stimulate our industries in this country. It will give us an acquaintance with the resources of the country. These two considerations are important in almost every commercial question that comes before Congress and before the people of the country. For these reasons alone it is justifiable.

The United States contributes money and sends commissioners to foreign expositions and nobody finds any particular objection to that. What objection can there be to aiding this when the exposition is within our own boundary? I fear sometimes that gentlemen entertain objections to this exposition because of its location. I hope not. To my mind the location of this exposition is one of great importance. I look upon New Orleans as the great exporting point of this country. It lies at the foot of the great valley of the Mississippi, at the key of the great water-course of this country. It lies where commerce will naturally flow when we open up our commercial relations in such proportions as we should with Central America, South America, Mexico, Australia, and the islands of the Pacific Ocean and of the Southern seas.

I am one of those who believe that the day will come when there will be a commercial revolution in this country, when we will look to the West and to the South for a great deal of our foreign commerce, rather than look, like the statue on the Dome of our Capitol, forever to the East and depend upon European countries for markets in which to dispose of that which we may have to sell.

I believe in these expositions for another reason. I hope the time will come when, under the charge of the Agricultural Department, perhaps, we may have this country divided into districts, and annual exhibitions of the agricultural products and the mineral and industrial products of the country held in these districts. For instance, suppose that we have an eastern district, a middle district, a southern district, a western district, and a Pacific district, and that every five years, perhaps, we have a grand national exposition in each of those districts where the people of the different districts can unite and come together, as do the people of the counties of States, in an exposition of our products.

[Here the hammer fell.]

Mr. MONEY. Since the honorable gentleman from New York [Mr. BEACH] has seen proper to introduce my name into this discussion, it is perhaps necessary that I should say something. It is very true, as he says, and the RECORD will show it, that I had charge of the bill last year authorizing the Government to extend invitations to foreign countries to take part in this exposition. It is true that I am responsible for it to that extent. It is further true that the second section of that bill provided that the Government should not be called upon for any expenditures arising by reason of this exposition. It is also true that I repeated the substance of that clause to the House and privately to gentlemen who objected to the bill. But I am not responsible at all for the measure which the House is now considering. I cannot be accused of any inconsistency in that matter. I have not been mentioned in connection with the enterprise since that day. Not a single individual or newspaper has connected my name with it.

While I freely confess that I did say what the gentleman states on the floor of this House, and further stated privately to members who objected to that bill that the provisions of the second section provided that the Government of the United States should not be called upon for any expenditures, yet that should not influence this House in the consideration of the measure now before it. I explained the provisions of that bill, and upon the face of it it was passed by the House.

A new set of circumstances has now arisen, and if it seems proper to this House that the Government should support this great enterprise by a loan to it of $1,000,000, I can not see any valid objection to it. And I am surprised that objection should come from the gentleman from New York [Mr. BEACH], who only a year ago stood upon this floor and asked this House to appropriate $10,000 for a centennial exhibition to be held at his little town of Newburg, in New York.

A MEMBER. For $50,000.

Mr. MONEY. Some one says that he asked for $50,000. He is not the man to now object to a measure of this sort, having himself been active in setting that precedent for our example.

This measure has grown to proportions never once imagined by the men who first introduced it into this House. I myself had no conception of the magnitude of this enterprise. I thought we would have an exhibition at New Orleans that perhaps would show the industrial resources of a dozen States or so. But I find that not only every State

and every Territory of this Union, but twenty-nine foreign nations have made application for room in which to exhibit the products of their agriculture, commerce, and mechanical skill.

I am sure there is no lack of precedents for the action here proposed. If this Government could last year appropriate money to send her Fish Commissioner to the grand fish exhibition at London, she has full warrant under the Constitution to make an appropriation for an exhibition within her own borders. I heard then of no objection to the appropriation for the fishery exhibition in Europe. We made an exhibition there that was a credit to this Government. I understand that the United States took nearly all the first-class premiums and medals at that great exhibition.

We are now to have an exposition which will be like a revelation to such foreign governments as may choose to participate in it. Never perhaps in the whole history of this country has there been an occasion equal to this, when the Government of the United States may show to the nations of Europe her power, her immense resources, and, more than that, the united sentiment of her people.

I rejoice that this proposition is before the House, and I know it will entertain it in a spirit worthy of the cause. I have no doubt whatever of the success of this exhibition. I believe the Government will be reimbursed, as in the case of the Centennial Exhibition at Philadelphia. I am proud that I voted for that exhibition, and I shall vote for this and for anything of the same character that may be followed with the same important results.

I had not intended to say anything on this subject, and have been led to make these remarks only because of the reflection made upon me by the gentleman from New York [Mr. BEACH]. I hope the House will see to it that the appropriation here proposed is not reduced.

Mr. BRECKINRIDGE. Mr. Chairman, in regard to the proposition now before the Committee of the Whole, it simply involves the requirement of security for the repayment to the Government of this loan of $1,000,000 and the question of our constitutional power in the premises. The amendment proposed is a hard exaction; it is an unprecedented exaction.

The people of that community and of that section of our Union have subscribed over $700,000 to this exposition; and they have given the Government preferment over all that they have subscribed and over all that they may hereafter contribute. Now to come here with this illiberal amendment, seeking to require that those who take part in promoting this great national enterprise shall not only be called upon, if necessary, to forfeit all their stock for the repayment of what the Government may advance, but also to forfeit, if need be, an additional amount of $1,000,000, is to do that which has not been done with reference to any other part of our country and which should not be inaugurated now.

This appropriation is not only justified by precedent but it is also in my opinion clearly within the purview of the Constitution and the province of Congress. That clause about which some gentlemen here stickle so much gives Congress power to raise revenue; and what does it say you may do with that revenue? It says you may pay the public debt and you may provide for the general welfare by appropriations of that revenue.

I am not one of those who hold the doctrine that we can lay taxation for any other purpose than revenue; but I hold that we have a large discretion in the appropriation of that revenue. There is a great difference between the power to legislate and to administer affairs and the power to appropriate. So long as we do not invade the legislative and administrative rights of the States we have immense discretion in regard to appropriations. By that general discretion alone we have pensioned the soldiers; by that alone we maintain the academies at West Point and Annapolis; by that we assisted the Philadelphia exposition; by that we maintain the Agricultural Bureau; and by that power constitutionally and patriotically administered we can give this well-guaranteed assistance to our country in this national enterprise.

If it were necessary I would favor not only a loan, but under so wise an administration of the public moneys I would favor gifts of these funds to aid great sections of the Union in order to enlighten our people, to advance commerce and to provide for the general welfare. The great error is in usurpations of legislative and of administrative functions, and in the method of laying taxes where the Constitution is violated, the States are invaded, and where no citizen can count the cost; appropriations are measured by the people, and if clearly for the public weal they are warranted by the Constitution. I trust the House will grant this appropriation, but that it will not seek to make an exception in this case, by the adoption of so unjust, so exceptional, and so proscriptive an amendment as that now proposed.

Mr. BAYNE. Mr. Chairman, I do not rise to oppose this bill; on the contrary I intend to support it. But I wish to emphasize, if I can, one point. Only one gentleman or perhaps two belonging to the opposite party from my own have, so far as they have expressed themselves in this discussion, adopted what I consider a consistent attitude in regard to this measure. There is but one clause in the Constitution which authorizes the Congress of the United States to expend this million of dollars or to loan it. The clause which authorizes Congress to levy taxes to provide for the common defense and general welfare is the source from which Congress must derive its authority to loan this money or to expend it. There is not another word or letter in the instrument that will authorize this expenditure. Gentlemen are here asking for this appropriation; and I say, "You shall have it."

But when asked as to the source to which they trace the right of Congress to make this appropriation, some of them are silent, while others say, as did the gentleman last on the floor, that we have a large discretion in the expenditure of money after we have raised it, although we must raise it for revenue only; a strange construction to put upon the Constitution when it is confessedly an instrument giving to Congress limited powers.

The only gentlemen on the other side who, so far as I have heard, have taken a consistent position in the debate upon this bill are the gentleman from Indiana [Mr. HOLMAN], who said there is no authority in the Constitution for this appropriation, and the gentleman from New York [Mr. POTTER], who argued to the same effect. The eloquent chairman of the Judiciary Committee [Mr. TUCKER] is as silent as the grave on this occasion, although when the great Centennial Exposition at Philadelphia was to be provided for he raised his voice in holy horror as a constitutional lawyer against an appropriation or a loan.

Other gentlemen on the same side sit quiet. What I find fault with is that when you ask for an appropriation for a great enterprise like this, which I deem a just and fair appropriation, you are silent as to the constitutional question; but when we ask that duties shall be laid for the purpose of providing for the general welfare and protecting the industries of this country—the industries of the North and the South, reaching every section of this whole land, you raise your voices and say, "There is no constitutional power."

Gentlemen, these are inconsistent attitudes for the Democratic party to assume. They can not be justified on any principle. When you come here asking for such an appropriation as this, you must admit that the power resides in Congress to go farther. How much farther? Why to take, under that eighth section of the first article, every step which will result in providing for the common defense and the general welfare. It is there that you get your power to appropriate eight or ten million dollars for educational purposes, if you pass that measure; and it was passed in the Senate by a vote of Democrats as well as Republicans on that ground. It is there you get your power to establish an agricultural bureau whereby you gather information and send it broadcast over this country, whereby you send out seed and everything calculated to educate the farmer. What is that but providing for the general welfare? And it is there that you get authority to levy such rates of taxes as will discriminate in favor of American industries and American manufactures. When you come forward and act with myself and others in supporting that policy, which is a sound one in its principles and its effects, I shall feel better justified in saying that I stand with you shoulder to shoulder in support of this exposition which is to become a great educator of the public mind and thus subserve the welfare of our common country.

[Here the hammer fell.]

Mr. OATES. Mr. Chairman, I must dissent from the views advanced by several gentlemen touching the constitutional power of Congress to pass this bill. I do not think that in order to justify support of this measure it is necessary to resort to that clause of the Constitution which I have heard denominated the "blanket clause;" that is, the general-welfare clause. I am not one of those who think that that confers any power whatever. The powers are enumerated in the Constitution wherein Congress has the right to make appropriation of money. But, sir, that question is not involved here. This is not an appropriation proper. It is a loan. While it is an appropriation in form, it is nevertheless only a loan upon security for its return.

There is no constitutional power, in my judgment, to make an appropriation outside of the provisions of the Constitution; but I ask, has not Congress power to make loan of the money or property of the United States? Is not that a constant practice here? If Congress has not the power to make this loan on security for its return, then all your legislation lending tents to soldiers' reunions and disposing of other property are equally outside of the Constitution.

This loan will not do any harm for the reason there is a surplus in the Treasury. The only thing to do, in my judgment, is for Congress to see that proper security is taken for the repayment of the money loaned and its return to the Treasury. If that is done, this will do good and not harm.

Some discretion must be left to Congress to be exercised in reference to the property and money of the United States. This, mark you, is not an appropriation outside of the Constitution. It is a loan. It is competent for the Government to make deposit, and it does it with bankers all over the country wherever it thinks proper. That money is to be returned; and if this money is returned what harm will be done? If it is outside of the power of Congress to do this, then the action of Congress would be hampered in providing sufficient legislation.

Mr. ELLIS. I move the committee rise for the purpose of closing debate on this amendment.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed

the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition, and had come to no resolution thereon.

Mr. ELLIS. I move the House resolve itself into the Committee of the Whole House on the state of the Union; and pending that motion I move all debate on the pending amendment be limited to ten minutes.

Mr. YORK. I have an amendment I desire to offer.

Mr. ELLIS. The gentleman will have ample opportunity to do so. I only move to close debate on the pending amendment.

The motion was agreed to.

The motion to go into committee was also agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. By order of the House debate on the pending amendment is limited to ten minutes.

Mr. HISCOCK. It is hardly worth while, Mr. Chairman, for me to take up the time of this committee.

Mr. MORRISON. Then, why do you do it?

Mr. HISCOCK. But I have a word to say now in reference to the gentleman from Illinois [Mr. MORRISON], who has just interrupted me. As I was about to say, it is hardly worth while for me to take up the time of the committee in calling attention to the constitutional question involved in the pending measure, for the gentleman from Indiana [Mr. HOLMAN] has done the best he could to rally his party in support of the Constitution. So very much has been said heretofore in regard to violating the sacred charter by gentlemen both able and accomplished, but who are strangely silent to-day, that I deem it my duty to recall for the information of the House some of their utterances. In my judgment this bill should be committed to the Judiciary Committee to report the views of the members of that committee on the constitutional question.

In this connection I ask attention to what was said by the learned constitutional lawyer and accomplished chairman of that committee [Mr. TUCKER] on another occasion, when the bill for the Centennial Exposition at Philadelphia was under consideration. He then used this remarkable language:

The gentleman who preceded me [Mr. FRYE] said that the Constitution and constitutional questions are an enigma to him. I am not surprised at it, looking at his mode of interpreting it. Any gentleman who will ever raise a constitutional question after this bill shall have passed upon the interpretation adopted to sustain its constitutionality will really be worthy of commiseration.

I say, sir, that the spirit of the centennial is obedience to the Constitution. And when gentlemen tell me that the Centennial Exhibition is to be a manifestation of the inventive power of the American mind, I answer that the greatest invention of American genius has been left out of view entirely. And what is that? The greatest invention of American genius is this: the absolute subordination of governmental power to the rigid, inflexible, and unbending rule of the Constitution. In no other country on the earth has this principle of one inflexible law supreme over all ordinary acts of legislation ever been inaugurated among men. And I say that the gentlemen around me will better keep the centennial anniversary by a spirit of honest adherence to the Constitution of the country than by all the material exhibition that can be aggregated in Philadelphia.

Further on the distinguished gentleman continued:

I did not mean to say anything that would even put my friend to an answer.

He was replying to the gentleman from New York [Mr. HEWITT].

I only wish to remind my Democratic friends that this Government has no mission except to execute its powers and perform its duties under and in subjection to the supreme will of the land, the Constitution of the country.

I commend to the gentlemen on the other side of the House who will vote for this bill, and who voted against the other, the following earnest appeal from the gentleman from Virginia [Mr. TUCKER]:

Talk about sentimental patriotism! I have as much of it as most people, but my sentimental patriotism would not allow me to trifle with the solemn obligation I took at the Speaker's desk when I was sworn in as a member of this House.

Now, sir, I put it on another ground—and I beg my Democratic friends around me to hear me, and I beg the gentlemen on the Republican side of this Chamber to hear me—I put it on the ground that the only limit to this growing corruption in the country is a limitation upon the power of the Government.

Still further he uses this language;

Mr. Chairman, I will not trespass upon the patience of the House further than to say this, that in every country there may be an ultimate analysis of all its great interests into two classes, the tax-consumer and the tax-payer. And as Lord Bacon once said about the wolf and the sheep, "The sheep are never too many for the wolf," so you will find the multiplication of jobs under your indefinite and unlimited claim of power will never be too great for the tax-consumer. The man who feeds at the Federal crib does not care how much taxation is wrung from the pockets of hard-working people at home so he is filled and he is fatténed.

I believe the mission of this Government at this time is economy, retrenchment, and reform. I know there is nothing in the world so hard as to make an available speech for economy against sentimental patriotism.

Again in the same argument he uses this language:

You have declared in a late resolution with great unanimity on the other side of the Chamber, and with some discussion on this, that subsidies to private corporations are a thing we are too pure to indulge in. But yet, sir, so soon as a private corporation comes here and asks a subsidy for its enterprise, because it calls itself a centennial corporation and talks spread-eagle and sentimental patriotism, we say, "Oh, it would be unpatriotic to refuse it." There is logic for you!

The gentleman from Virginia [Mr. TUCKER] grew religious in his illustration and in the fervor of his opposition to the unconstitutionality of any such action as that then proposed in the case of the Centennial Exposition, as it must be of course in this for a like reason. He said:

When Saul, the King of Israel, was ordered by the God of Israel to destroy the whole of a particular nation and all their wealth and pride, in order there might be no plundering (for there were plunderers and jobbers in that day, too, I have no doubt), he determined to save the best of the cattle and the best of the flock, and to do honor to God, which was doing honor to theocratic patriotism, by making great sacrifices on the altars in the temple. When Samuel, the prophet, came and saw it, Saul boasted of what he had done for the glory of God and the honor of his country, and sought thus to propitiate his approval and avoid his rebuke. But Samuel met him with these solemn words: "Behold, to obey is better than sacrifice, and to hearken than the fat of rams!" To obey the Constitution of the country is better than immolations to sentimental patriotism; and Almighty God and our people will be better satisfied with obedience than with our splendid ceremonial. Can we justly put more burdens on this people?

I might, Mr. Chairman, produce like quotations from the remarks of other leading Democrats, but my limited time forbids. I have before me the record which was made upon the passage of the bill for the Centennial Exposition at Philadelphia, and as I have watched the vote of members passing between the tellers I think I have noticed a change of conviction since then upon this great constitutional question. I trust the record will show none on the part of the distinguished gentleman from Illinois [Mr. MORRISON], the chairman of the Committee on Ways and Means.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HISCOCK. I would like to have a minute more on this subject.

Mr. ELLIS. I will yield to my friend from New York a minute longer.

Mr. HISCOCK. I noticed in looking over that vote that the gentleman from Illinois is recorded against the passage of that bill. I have no doubt he also grounded his opposition to it upon a constitutional basis.

Mr. MORRISON. Do you find anything like that in the RECORD?

Mr. HISCOCK. What other objection could he have had to it, if he votes for this? Is it possible? I trust not. Gentlemen are more liberal in construing the Constitution in supporting this bill, more liberal in making appropriations for this New Orleans project than for a like purpose in the North. I do not believe gentlemen will be found who will stretch their consciences more or lose sight of that sacred instrument, have their vision the more obscured, because this money is to be expended at New Orleans rather than at Philadelphia or some other Northern point?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELLIS. Mr. Chairman, I desire to call back the attention of the committee from the wanderings of gentlemen to the practical point at issue here. That point is whether this committee will compel this board of management to give $1,000,000 security for the reimbursement of this loan to the Government.

Now I ask the committee to remember in the first place that when Congress loaned to Philadelphia in 1876 $1,500,000, a half million more than the loan asked for in this bill, the amount of security fixed for that loan was only a half million of dollars; and in no manner was the bond so stringent in its provisions as the provisions of this bill have been drawn. Philadelphia, in point of population, is about four times the city of New Orleans. In point of wealth she is ten times that of the city of New Orleans.

I ask members of the committee to remember that individuals of the city of New Orleans have put their hands into their pockets and have subscribed in the neighborhood of $600,000 for this purpose. Is it done for their city or for their State? No, sir, but for you of the North, for you of the West, for you of the far East, for everybody in this land, and for the benefit of the entire American Union—not only for its domestic commerce, but also its foreign commerce, for the sake of giving the people of this great Union a lesson which will be full of benefit and full of blessings to them. It is for the purpose of bringing our people together and instructing each other as to the resources, the material resources and wealth of all the balance of the country. It is for the purpose of bringing the far nations of the East, whose commerce we hope one day to control, to see what we can make, to see what we have, to see what our productions are, to mingle with us, and to find out what kind of people we are. In one word, it is to get a glance at the greatness and prosperity of this country.

And, Mr. Chairman, inasmuch as this is national and international, I do not see why we should deal differently with the city of New Orleans and with the board of management connected with this exposition than we dealt with Philadelphia in 1876. I do not see why in this case we should ask these gentlemen to assume the sole and entire risk connected with the success of an enterprise which is national in its benefits. I do not see why this should be done, especially, Mr. Chairman, when the Government's interest is already guarded as fully and as completely as human legislation can guard it; when it is already entitled under the provisions of this bill to a lien, after the current expenses have been paid, upon all of the assets of the exposition.

Therefore I ask the committee to vote down this amendment. I ask

them not to place upon this board of management this hampering restriction and subject them to the hardships which it would necessarily entail upon them. I hope it will not be the pleasure of this committee to enact into a law an amendment which would place upon them the entire risk involved in the success of this great undertaking when no such proposition was embodied in the loan made to the city of Philadelphia. It is not just to them to do so.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Delaware, which the Clerk will report.

The amendment was again read.

The question being taken, there were—ayes 26, noes 82.

So (further count not being called for) the amendment was not agreed to.

Mr. ELLIS. I now move that the committee rise and report the bill to the House.

Mr. YORK. I hope the gentleman will not make that motion now. I gave notice that I was to offer an amendment.

Mr. ELLIS. I do not desire to cut off my friend from North Carolina from offering his amendment.

Mr. YORK. I offer the amendment which I send to the desk, to come in at the end of the bill.

The Clerk read as follows:

Add at the end of the bill the following:

"*And be it further provided*, That $500,000 be appropriated for the benefit of the North Carolina State fair, to be held at Raleigh this year; to be paid by the Secretary of the Treasury upon the draft of the president of the State Agricultural Society of said State."

Mr. ELLIS. I make the point of order on the amendment.

Mr. YORK. If the money in the Treasury is to be loaned out I desire my State to have a proportionate part of it. I think clearly the bill is unconstitutional. But if we are going to stretch the Constitution so that we can loan the public money out, I desire to see the State of North Carolina have its full share.

Mr. ELLIS rose.

The CHAIRMAN. The gentleman from North Carolina will suspend. Does the gentleman from Louisiana make the point of order now?

Mr. ELLIS. Yes, sir. I make the point of order that the amendment is not germane.

Mr. YORK. I do not see why the amendment is not germane. If New Orleans is to have a loan of a million dollars, why should not North Carolina have a loan of $500,000? I believe the amendment is germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HISCOCK. I desire to offer an amendment, and I request the attention of the gentleman from Louisiana [Mr. ELLIS]. After the word "act," in line 14, I propose to insert these words:

Upon being satisfied $500,000 has been contributed and paid in for the purposes of the World's Industrial and Cotton Centennial Exposition.

Mr. ELLIS. I will accept that.

Mr. HISCOCK. I propose also, after the word "hereafter," in the following line, to insert these words:

Upon being satisfied that $1,000,000 has been contributed by the World's Industrial and Cotton Centennial Exposition.

Mr. ELLIS. I do not accept that.

Mr. HISCOCK. It seems to me that that should be accepted also. As I understand by this bill and by the whereases in it, this corporation to which we loan the money has already contributed half a million dollars, and I understand we are voting for this bill upon the distinct pledge asserted in the preamble that they are to contribute half a million more. Now, if it is the intention of that company to carry out this pledge—and if such is not the intention this should be stricken from the preamble—why not make it a condition to the making of the two second payments that the whole sum of one million is paid in? If another $500,000 is promised by this company, why not make it a condition that it be all paid into the Treasury?

Mr. ELLIS. I stated in the explanation I endeavored to make of the bill that the city of New Orleans and private gentlemen had subscribed and had paid in in the neighborhood of $700,000, and that the State was expected to contribute, it may be $50,000, it may be $100,000. The governor will recommend, I think, $100,000. The Legislature meets next Monday.

Now, I see no reason for compelling these gentlemen to increase their contributions to a million of dollars. They are prepared with what they have to make a creditable local exhibition, and they propose with the aid of the Government to double it, and more than double it in point of space and in point of interest. This has been rendered necessary by the national and international character which has been given to it by the act of Congress and by the invitations of the President.

The CHAIRMAN. The time of the gentleman from New York [Mr. HISCOCK] has expired.

Mr. HISCOCK. I withdraw the amendment and offer it again, that I may add a few words. I desire to call the attention of the committee to the language of the preamble.

The CHAIRMAN. The Chair has intimated to the gentleman from New York [Mr. HISCOCK] that his time has expired. The gentleman from Missouri [Mr. CLARDY] has been recognized.

Mr. HISCOCK. I beg pardon of the Chair. I thought I had the floor by again offering my amendment.

Mr. CLARDY. It was not my intention to participate in the discussion of this bill. But not being able to vote in accordance with the requests of gentlemen in my district for whose opinions I entertain great respect and whose esteem I value, I embrace this opportunity to assign some of the reasons which control my action. I do not believe, Mr. Chairman, that the Congress of the United States has the powers of the British Parliament. I do not believe, as some gentlemen seem to believe, that we are unrestrained by a written Constitution. The gentleman from Alabama [Mr. OATES] has placed upon the provision of the Constitution which is looked to by some gentlemen as the source of our authority to pass the bill under consideration the only construction that it is susceptible of. He very correctly construes the general-welfare clause, as it is called, not as creating a substantive grant of power, but as indicating the object of the power "to lay and collect taxes," &c. This is the construction placed upon the words "to pay the debts and provide for the common defense and general welfare" by Justice Story and Mr. Sedgwick.

Even if it should be held that these general words were not intended to point out the purpose of the preceding words in the same clause, still under the doctrine of *ejusdem generis* it would create no new power. But I can not agree with him that under some other undefined provision of that instrument Congress has the power to loan money. The gentleman referred to no clause or provision of the Constitution to sustain his position, but invoked the instances in which Congress has loaned flags, cannon, &c., for patriotic celebrations as precedents for the passage of the pending bill. Congress has loaned flags to be returned *in specie*. Congress rather changes the custody for the time being of these flags from the officers of the Government to other persons, and they are not loans in the proper sense of that word. And, besides, these are matters of such small moment that no question of their constitutionality has ever been raised.

But even if it be true that Congress has violated the Constitution in that respect, is that any reason why it should do so now? Has the Congress of the United States the power to tax the people in order to raise money that it may loan it to corporations to enable them to make attractive and successful exhibitions as is proposed in this bill? I do not think that Congress has any such power, and hence I shall vote against this measure.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. WOLFORD. I shall vote for this bill, and I am not particular whether this money is to be a donation or a loan; the one will suit my purpose just as well as the other.

I think that the best interests of this Government will be promoted by becoming acquainted with the commerce of the world and seeing among us men interested in commerce all over the world. I think a million blessings will come, that will more than compensate for this million of dollars. Those blessings will come in the breaking down of prejudices between the North and the South and in making our people once more a united, a great, and a happy people in heart and soul. With that view I propose to vote for this bill.

I believe that it is perfectly constitutional, and I base that belief upon the power given by the Constitution of the United States to Congress to provide for the general welfare of the United States. I agree with Judge Story that that is a distinct power, and I believe that under that grant of power the Congress of the United States has authority to pass any law that will do good, that will bless the people, that will make them happy.

I can not agree with my distinguished friend from New York [Mr. HISCOCK] or my distinguished friend from Pennsylvania [Mr. BAYNE] that the Democratic party are not for doing good, that they are not for blessing the nation. We can not go for your unjust protective tariff, because it robs one portion of the people to give to another; because it takes $5 out of the pockets of the laboring community in order to put it into the pockets of monopolies. That is the reason we can not go for that. There is no power under the general-welfare clause to do evil; there is no power under that clause to blast, to wither, to curse. The Democratic party holds to the doctrine that you have no right to rob one man to pay to another. That is the difference between us.

But when you come to a broad principle that embraces the North and the South, that embraces the whole people of the country, that embraces all the nations of the world, that lifts up and dignifies and adorns and blesses the nation, you will find the Democrats always to the fore. You may object to this bill because it is sectional, because it may bless the South. I go for it because it will bless the whole people, will bless every portion of this nation; because it will make us all one, will unite us in interest as in principle, and make a great people out of the people of the United States. That is the reason I propose to vote for this bill, and I have not a doubt about the constitutionality of it.

Mr. ELLIS. I now move that the committee rise and report the bill and amendments to the House with a favorable recommendation.

Mr. HISCOCK. I would like to submit the amendment which I offered—the one which was not accepted by the gentleman from Louisiana.

Mr. ELLIS. The gentleman offered his amendment and then withdrew it.

The CHAIRMAN. The Chair is of the opinion that the question must be taken upon the amendment proposed by the gentleman from New York, which the clerk will read.

The Clerk read as follows:

Insert after the word "act," in line 14, the words "upon being satisfied that $500,000 has been contributed and paid in for the purposes of the exposition by the World's Industrial and Cotton Centennial Exposition."

Mr. HISCOCK. I understand that amendment has been accepted. It is the other amendment, farther down, which I desire to offer.

The CHAIRMAN. The Chair is of opinion that the amendment must be voted upon by the Committee of the Whole.

The question was taken, and the amendment was agreed to.

Mr. HISCOCK. I now offer a further amendment.

Mr. ELLIS. I make the point of order that the gentleman offered that amendment and then withdrew it, and can not now offer it again.

Mr. ANDERSON. He renews the amendment, as he has a right to do.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Insert after the word "thereafter," in line 15, these words, "upon being satisfied that $1,000,000 has been contributed by the World's Industrial and Cotton Centennial Exposition for the purposes of said exposition."

Mr. HISCOCK. I am willing to modify that amendment in this respect, if it will make it acceptable to the other side, so that all sums which have been contributed shall amount to $1,000,000, in order that the amount invested by the friends of this measure shall be as much as is asked to be contributed on the part of the Government. It seems to me that I am warranted in making this suggestion in view of that portion of the preamble which I now read:

Whereas the stockholders of the World's Industrial and Cotton Centennial Exposition have furnished, to aid in the completion of the said enterprise, $500,000, and have determined to increase the same to $1,000,000 by a vote of a majority of said stockholders, &c.

We are advised by this preamble that that is the sum to be contributed. It seems to me, therefore, that we have a right to annex to this bill as a condition the fulfillment of the promise which has been made.

The question was taken upon the amendment, and it was not agreed to.

Mr. ELLIS. I now move that the committee rise and report the bill and amendments to the House with a recommendation that the amendments be adopted and the bill as amended be passed.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DORSHEIMER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to and the bill as amended be passed.

Mr. ELLIS. I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. If there be no objection, the question will be taken upon the amendments in gross reported from the Committee of the Whole.

There was no objection.

The question was taken, and the amendments reported from the Committee of the Whole were agreed to.

The bill as amended was then ordered to be engrossed for a third reading, and it was accordingly read the third time.

The SPEAKER. The question is upon the passage of the bill.

Mr. ELLIS. Upon that I demand the previous question.

The previous question was ordered.

Mr. HOLMAN. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, there being 53 in the affirmative—more than one-fifth of the last vote.

The question was taken; and there were—yeas 132, nays 87, not voting 104; as follows.

YEAS—132.

Adams, G. E.	Clements,	Follett,	Henley,
Aiken,	Collins,	Forney,	Herbert,
Anderson,	Crisp,	Funston,	Hewitt, G. W.
Barksdale,	Culbertson, W. W.	Garrison,	Hitt,
Bayne,	Cullen,	George,	Hopkins,
Belford,	Cutcheon,	Gibson,	Horr,
Belmont,	Davidson,	Glascock,	Houk,
Bennett,	Davis, G. R.	Graves,	Houseman,
Bisbee,	Davis, R. T.	Green,	Howey,
Blanchard,	Dibble,	Hammond,	Hunt,
Boutelle,	Dibrell,	Hanback,	Jeffords,
Breckinridge,	Dorsheimer,	Hancock,	Jones, B. W.
Brewer, F. B.	Dunham,	Hardeman,	Jones, J. H.
Brown, W. W.	Dunn,	Harmer,	Jones, J. T.
Buchanan,	Elliott,	Hart,	Jordan,
Caldwell,	Ellis,	Hatch, H. H.	Kasson,
Campbell, J. M.	Evins, J. H.	Hemphill,	Keifer,
Cannon,	Findlay,	Henderson, T. J.	King,
Lewis,	Payson,	Rogers, J. H.	Tillman,
Lore,	Peelle, S. J.	Rogers, W. F.	Tully,
McCoid,	Perkins,	Rowell,	Van Eaton,
McCormick,	Peters,	Ryan,	Wakefield,
Money,	Pettibone,	Shelley,	Ward,
Morrill,	Phelps,	Singleton,	Wellborn,
Morrison,	Price,	Skinner, T. G.	White, Milo
Murphy,	Pryor,	Smalls,	Whiting,
Neece,	Pusey,	Spooner,	Williams,
Nelson,	Randall,	Steele,	Willis,
Nicholls,	Rankin,	Stevens,	Wilson, James
Oates,	Ranney,	Stewart, Charles	Wilson, W. L.
O'Hara,	Reed,	Stone,	Wolford,
O'Neill, Charles	Reese,	Sumner, C. A.	Woodward,
O'Neill, J. J.	Rice,	Throckmorton,	Young.

NAYS—87.

Adams, J. J.	Cox, W. R.	Le Fevre,	Skinner, C. R.
Alexander,	Culberson, D. B.	Lowry,	Smith,
Arnot,	Dargan,	Lyman,	Springer,
Atkinson,	Dowd,	McAdoo,	Stockslager,
Bagley,	Duncan,	McComas,	Storm,
Barr,	Eaton,	Matson,	Strait,
Beach,	Eldredge,	Maybury,	Taylor, J. D.
Bland,	Ellwood,	Miller, J. F.	Taylor, J. M.
Blount,	Ermentrout,	Mitchell,	Thompson,
Boyle,	Evans, I. N.	Morgan,	Tucker,
Broadhead,	Everhart,	Muller,	Turner, H. G.
Browne, T. M.	Ferrell,	Murray,	Van Alstyne,
Burnes,	Fyan,	Nutting,	Wait,
Campbell, Felix	Halsell,	Patton,	Warner, Richard
Carleton,	Hatch, W. H.	Payne,	Weaver,
Clardy,	Hewitt, A. S.	Pierce,	Wilkins,
Clay,	Holman,	Peel, S. W.	Winans, E. B.
Cobb,	James,	Ray, G. W.	Winans, John
Connolly,	Kleiner,	Scales,	Wise, G. D.
Cook,	Lacey,	Seney,	Yaple,
Cosgrove,	Lanham,	Seymour,	York.
Cox, S. S.	Lawrence,	Shaw,	

NOT VOTING—104.

Ballentine,	Foran,	Long,	Rockwell,
Barbour,	Geddes,	Lovering,	Rosecrans,
Bingham,	Goff,	McKinley,	Russell,
Blackburn,	Greenleaf,	McMillin,	Slocum,
Bowen,	Guenther,	Millard,	Snyder,
Brainerd,	Hardy,	Miller, S. H.	Spriggs,
Breitung,	Haynes,	Milliken,	Stephenson,
Brewer, J. H.	Henderson, D. B.	Mills,	Stewart, J. W.
Brumm,	Hepburn,	Morey,	Struble,
Buckner,	Hill,	Morse,	Sumner, D. H.
Budd,	Hiscock,	Moulton,	Talbott,
Burleigh,	Hoblitzell,	Muldrow,	Taylor, E. B.
Cabell,	Holmes,	Mutchler,	Thomas,
Calkins,	Holton,	Ochiltree,	Townshend,
Candler,	Hooper,	O'Ferrall,	Turner, Oscar
Cassidy,	Hurd,	Paige,	Valentine,
Chace,	Hutchins,	Parker,	Vance,
Converse,	Johnson,	Poland,	Wadsworth,
Covington,	Jones, J. K.	Post,	Warner, A. J.
Curtin,	Kean,	Potter,	Washburn,
Davis, L. H.	Kelley,	Ray, Ossian	Weller,
Deuster,	Kellogg,	Reagan,	Wemple,
Dingley,	Ketcham,	Riggs,	White, J. D.
Dockery,	Laird,	Robertson,	Wise, J. S.
Fiedler,	Lamb,	Robinson, J. S.	Wood,
Finerty,	Libbey,	Robinson, W. E.	Worthington.

So the bill was passed.

The following pairs were announced:

Mr. WOOD with Mr. WHITE, of Kentucky, until the 10th instant.

Mr. HURD with Mr. MCKINLEY, until the 12th instant.

Mr. CURTIN with Mr. KEAN, until the 12th instant.

Mr. TALBOTT with Mr. THOMAS, until the 12th instant.

Mr. CANDLER with Mr. POTTER, on this vote. Mr. CANDLER would vote "ay" and Mr. POTTER "no."

Mr. CONVERSE with Mr. DEUSTER, on this vote. Mr. CONVERSE would vote "ay" and Mr. DEUSTER "no."

Mr. GEDDES with Mr. JOHNSON, on this vote.

Mr. TURNER, of Kentucky, with Mr. CHACE, on all political questions, for this day. Mr. TURNER would vote against the pending bill and Mr. CHACE, if present, would vote for it.

The following were announced as paired on all political questions until further notice:

Mr. RIGGS with Mr. OCHILTREE.

Mr. MULDROW with Mr. VALENTINE.

Mr. MILLARD with Mr. POST.

Mr. DOCKERY with Mr. BREWER, of New Jersey.

Mr. TOWNSHEND with Mr. WASHBURN.

Mr. MORSE with Mr. RUSSELL.

Mr. WARNER, of Ohio, with Mr. BRUMM.

Mr. HILL with Mr. KETCHAM.

Mr. FORAN with Mr. KELLOGG.

Mr. SNYDER with Mr. GOFF.

The following were announced as paired for this day:

Mr. MCMILLIN with Mr. STRUBLE.

Mr. VANCE with Mr. STEWART, of Vermont.

Mr. CABELL with Mr. STEPHENSON.

Mr. HISCOCK with Mr. JONES, of Arkansas. On this question Mr. HISCOCK would vote "no," Mr. JONES "ay."

Mr. MILLS with Mr. EZRA B. TAYLOR.

Mr. FINERTY with Mr. JOHN S. WISE.

Mr. HOLTON with Mr. WEMPLE.
Mr. ROBERTSON with Mr. MILLER, of Pennsylvania.
Mr. HOBLITZELL with Mr. HEPBURN.
Mr. GREENLEAF with Mr. LOVERING.
Mr. BALLENTINE with Mr. DINGLEY.
Mr. WADSWORTH with Mr. SLOCUM.
Mr. HARDY with Mr. BISBEE.
Mr. PAIGE with Mr. MOREY.
Mr. BURLEIGH with Mr. BLACKBURN.
Mr. ROSECRANS with Mr. LAIRD.
Mr. LIBBEY with Mr. LAMB.
Mr. BUCKNER with Mr. HENDERSON, of Iowa.

The result of the vote was announced as above stated.

Mr. ELLIS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MORRISON. I move that the House now adjourn.

Pending the motion to adjourn, the following business was transacted by unanimous consent:

ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. R. 82) in relation to ceremonies to be authorized upon the completion of the Washington Monument.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DOCKERY, for ten days, on account of important business.

To Mr. WARNER, of Ohio, for five days, on account of important business.

To Mr. TALBOTT, until Monday next.

To Mr. VANCE, until Friday, the 16th instant, on account of illness in his family.

To Mr. O'FERRALL, for three days.

To Mr. HILL, for two weeks, on account of important business.

To Mr. FORAN, for three days, on account of a death in his family.

To Mr. WASHBURN, for ten days, on account of important business.

The motion of Mr. MORRISON that the House adjourn was then agreed to; and accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CHACE: Petition for repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. COOK: Petition of 50 citizens of Ottumwa, Iowa, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. GREENLEAF: Petition for the relief of John F. Chace—to the Committee on Invalid Pensions.

By Mr. HANBACK: Resolutions of the Grand Army of the Republic at Portis, Kans., relative to pensions—to the same committee.

By Mr. W. W. HATCH: Memorial of the committee on pensions of the Grand Army of the Republic, indorsed by Colonel Forbes Post, No. 38, of La Plata, Mo., relative to pensions—to the same committee.

By Mr. HEMPHILL: Petition of Hon. J. F. Hart and 65 others, citizens of York County, South Carolina, in favor of national aid to education—to the Committee on Education.

By Mr. LIBBEY: Papers relating to the claim of Luke F. Johnson—to the Committee on War Claims.

By Mr. PARKER: Petition of Legislature of the State of New York, asking for copies of the military records of the War Department relating to New York volunteers in the war of the rebellion—to the Committee on Military Affairs.

By Mr. S. J. PEELLE: Memorial relating to the pension claim of Caroline E. French—to the Committee on Invalid Pensions.

By Mr. PRICE: Petition of William Thatcher, for a pension—to the same committee.

By Mr. REESE: Petition of citizens of Lincoln County, also of citizens of Warren County, Georgia, asking aid to education—severally to the Committee on Education.

By Mr. ROSECRANS: Petition of John Pope Hodnett, president, and others, members of the United States Labor League of America, for the repeal of the civil-service act—to the Committee on Reform in the Civil Service.

By Mr. VAN EATON: Letter of W. W. Thompson, superintendent of education, Green County, Mississippi, in favor of Federal aid to education—to the Committee on Education.

Also, papers relating to the claim of W. J. Poitevent—to the Committee on War Claims.

By Mr. WHITING: Remonstrance against the Government purchasing or operating telegraph lines—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *May* 9, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. BECK. Mr. President, before the Journal of yesterday's proceedings is approved I should be glad if the Secretary would again read the motion of the Senator from Maine [Mr. FRYE] asking a conference and what he asked a conference about.

The PRESIDENT *pro tempore*. That part of the Journal of yesterday will be again read.

The Secretary read as follows:

On motion by Mr. FRYE, that the Senate ask a conference with the House of Representatives on the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and the amendments thereto, and that the conferees on the part of the Senate be appointed by the President *pro tempore*,

Mr. HARRIS raised a question of order, to wit——

Mr. BECK. That is all I care about having read. I do not think the entry in the Journal is proper. The Senator from Maine asked for a conference on the disagreeing votes of the two Houses, as I understood. A conference does not mean anything unless it is for some purpose. The Journal does not say what the conference was to be about. There was to be a conference for something, and I think the Journal is incomplete unless it tells what the conference was to be about.

The PRESIDENT *pro tempore*. The Chair thinks the Journal states the question precisely as the Chair stated it to the Senate on the motion of the Senator from Maine. The Chair does not remember the words of the Senator from Maine in making his motion, but the Chair thinks the Journal correctly expresses the question that was stated from the Chair to the Senate. Does the Senator from Kentucky desire to make any motion in regard to the Journal?

Mr. BECK. If the Chair is satisfied that that is a full record of what took place, I have no objection.

Mr. BAYARD. I will state to the Chair that the record of our debates is not in accord with the Journal as read at the desk. I read from to-day's RECORD, page 4367:

Mr. FRYE. I move that the Senate ask for a conference on the disagreeing votes of the two Houses, and that the President of the Senate appoint the conferees on the part of the Senate.

Mr. BECK. That is the way the RECORD reads, and I thought the Journal ought to read the same way.

Mr. BAYARD. The Journal does not contain that, as I heard it read from the desk, but simply a statement that the Senator from Maine moved the appointment of a conference, and not that the conference should be upon the disagreeing votes.

The PRESIDENT *pro tempore*. The Chair will state that it is the constant practice of the Chair during all the time that the present occupant of it has been in the Senate, when a Senator rises to make a motion in substance, to state the question as he supposes it to be intended in its parliamentary form. The CONGRESSIONAL RECORD, on the same page, following what the Senator from Delaware has read, states:

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate ask a conference with the House of Representatives upon the amendments proposed to House bill 2228.

That was the official statement of the question to the Senate, though the Chair may have been in error in not putting the question in precisely the same form that the Senator from Maine proposed.

Mr. BAYARD. I submit to the Chair that the Journal ought to correspond with the precise motion made. As a matter of fact the motion was made for a conference on the disagreeing votes of the two Houses, and the Journal, I think, should express the fact for which the motion was made.

The PRESIDENT *pro tempore*. The Journal always states the motion that is stated by the presiding officer to the body and not the language of the Senator who makes the motion. The Chair believes that to have been the constant practice. The correction of the Journal, however, is a matter within the control of the Senate.

Mr. BECK. I submit that the Journal does not even show what the President *pro tempore* laid before the Senate. The President *pro tempore* said:

The Senator from Maine moves that the Senate ask a conference with the House of Representatives upon the amendments proposed to House bill 2228.

Even that does not appear on the Journal. I want the Journal to show something.

The PRESIDENT *pro tempore*. That part of the Journal will be read again.

The Secretary read as follows:

On motion by Mr. FRYE, that the Senate ask a conference with the House of Representatives on the bill (H. R. 2228) to remove certain burdens on the American merchant marine, and encourage the American foreign carrying trade, and the amendments thereto, and that the conferees on the part of the Senate be appointed by the President *pro tempore*.

Mr. BECK. It neither refers to the disagreeing votes of the two

Houses nor to the amendments made by the Senate, but simply to the bill.

The PRESIDENT *pro tempore*. The Senator from Kentucky is in error as to what the Journal shows in regard to the question stated by the Chair, for the Journal does say "the amendments" to the House bill.

Mr. BECK. Then I did not hear it correctly.

The PRESIDENT *pro tempore*. It will be again read.

The Secretary read as follows:

On motion by Mr. FRYE, that the Senate ask a conference with the House of Representatives on the bill (H. R. 2228) to remove certain burdens on the American merchant marine, and encourage the American foreign carrying trade, and the amendments thereto, and that the conferees on the part of the Senate be appointed by the President *pro tempore*.

Mr. SHERMAN. I am inclined to think the Chair has pursued the usual course in stating the proper motion, but the motion put by the Senator from Maine was different, as the debate which follows immediately shows. For instance, I at once said that there were no disagreeing votes between the two Houses and therefore the motion could not be put, sustaining the point of order of the Senator from Tennessee. The Journal puts the Senator from Tennessee and myself in an awkward position.

The PRESIDENT *pro tempore*. The Chair had stated the question in the form as it stands on the Journal in substance, and almost literally, before the Senator from Tennessee made his point of order.

Mr. SHERMAN. I think both the Senator from Tennessee and myself are too old members not to know that either the Senate or the House may call for a conference upon any matter whatever, even on the point of appointing a page or in regard to the slightest thing, without reference to a disagreement; but my point and his point, as I understood it, was that on a bill no conference could be asked until there was a disagreement in reference to a question between the two Houses. If the conference was merely in respect to a bill and amendment or in respect to any matter, a conference could be asked by either House upon any subject whatever at any stage, even before the passage of the bill. Such a thing might not be a violation of parliamentary law, but it seems to me that to appoint a committee of conference on a bill and amendments before there is a disagreement on the subject would be, if not unparliamentary, at least so unusual as to excite remark; and therefore the observations made by the Senator from Tennessee and myself at once called attention to the fact that there was no controversy between the two Houses, and that the motion was not a proper one. The motion of the Senator from Maine being to have a conference on the disagreeing votes of the two Houses, we naturally responded that there were no disagreeing votes, and therefore that the motion was not a proper one.

However I have no objection to letting the facts stand just as they are. The motion, no doubt, was stated by the Chair precisely as it is entered upon the Journal, at least that would be the natural and proper course, and the Secretary would note it so, and I am perfectly willing to let it stand. But the question that comes up hereafter is open to debate. I do not wish to make any question upon the record, but I wish to make a question upon the practice of ordering committees of conference upon any bill until there is a disagreement between the two Houses.

The PRESIDENT *pro tempore*. The Chair will state that the Journal Clerk can not enter on the Journal any motion until it is stated from the Chair. The Chair supposes that to be clear parliamentary law. The Journal Clerk therefore properly recorded, as the Chair thinks, the statement of the motion as made by the Chair, without reference to the form in which the Senator making it put it. The Chair, supposing himself to be following the constant practice of the Senate and all other parliamentary bodies, took the substance as he understood it instead of the form of the proposition of the Senator from Maine, and stated the question to the Senate to be on the motion to request a conference on the amendments of the Senate to the House bill. If the Chair was in error in that, of course that can be corrected. The Chair supposed he was following the constant practice in such cases.

Mr. HOAR. The Senator from Tennessee put his point of order on the ground that there had as yet been no disagreement between the two bodies; that it was not in order to ask a conference unless there were disagreeing votes; but the Chair ruled the motion in order on the distinct ground that it was in order to ask a conference on any subject whether there had been disagreeing votes or not; that, whether usual or not, it was in order. The Chair said:

The question whether it is premature or unusual is not a question for the Chair to decide.

Then the Senator from Kentucky took his appeal, but the Chair had put his ruling on the distinct ground that the motion was in order whether there were disagreeing votes or not, and the Chair then again stated the question to the Senate, as appears by the RECORD, saying:

The Chair has overruled the point of order upon the ground that it is within the principles and usages of parliamentary law, although the instances are rare, for either House to ask a conference with the other upon any subject that either House desires to consult with the other about.

So that the ground of the ruling was very distinctly put from the Chair to the Senate.

The PRESIDENT *pro tempore*. If there be no objection, the Journal of yesterday's proceedings will stand approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Elwood Post, No. 61, Grand Army of the Republic, Department of Indiana, and a petition of Post No. 105, Grand Army of the Republic, Department of Indiana, praying that a pension of $8 a month be granted to every Union soldier and sailor who served sixty days or more in the late war of the rebellion, and who under existing laws is not entitled to that or a greater sum; which were referred to the Committee on Pensions.

Mr. CULLOM. I present an affidavit of a number of citizens of Montana Territory in relation to the route of the Cinnabar and Clark's Fork Railroad, and also a petition signed by some 400 or more citizens of that Territory, residents of the Clark's Fork mining district, in favor of granting the right of way to the Cinnabar and Clark's Fork Railroad across the northern border of the Yellowstone National Park to Clark's Fork mining district. The bill for this purpose has been reported, and hence the papers may lie upon the table. It is the desire of some members of the committee that these papers be printed. I therefore move that the papers be printed and lie on the table.

The motion was agreed to.

Mr. MITCHELL presented a memorial of Post 52, Grand Army of the Republic, of Lewisburg, Pa., in favor of certain of the recommendations of the committee of that orgaization in relation to pensions; which was referrrd to the Committee on Pensions.

Mr. PLATT. I present some papers relating to the claim of George W. Morse, in the nature of additional evidence and testimony respecting the claim.

The PRESIDENT *pro tempore*. The papers will be referred to the Committee on Patents.

Mr. PLATT. I ask for the adoption of the following order:

Ordered, That the petition and papers of George W. Morse on the files of the Senate be referred to the Committee on Patents, new evidence having been filed in support of the claim since the last report made thereon.

Mr. HOAR. I thought that case had gone to the Court of Claims. I understood it had.

Mr. PLATT. It has not gone to the Court of Claims, and this additional testimony is filed as the case is still before the committee. The object of the order is to transfer all the papers, both new and old, to the Court of Claims.

The PRESIDENT *pro tempore*. Is there objection to entering the order proposed by the Senator from Connecticut? The Chair hears none, and it is ordered.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on the Library, to whom was referred the joint resolution (S. R. 84) providing for the supply of depositories of public documents with the CONGRESSIONAL RECORD and Statutes at Large, reported it with an amendment.

Mr. CAMDEN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3932) directing the Adjutant-General of the United States Army to place the name of James M. Thomas on the muster-rolls of Company C, Second Regiment Tennessee Mounted Infantry, and for other purposes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1845) authorizing the Secretary of War to set apart certain lands of the Fort Bidwell military reservation for cemetery purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3936) for the relief of Benjamin F. Millard, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL subsequently said: I wish to have the vote by which House bill 3936 was indefinitely postponed reconsidered, and that the bill be placed on the Calendar.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HAWLEY. The Committee on Military Affairs instructs me to report favorably the joint resolution (H. Res. 239) to fill vacancies existing in the Board of Managers of the National Home for Disabled Volunteer Soldiers, and I beg immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It appoints William B. Franklin, of Connecticut, John C. Black, of Illinois, and Thomas W. Hyde, of Maine, managers of the National Home for Disabled Volunteer Soldiers, to fill vacancies occasioned by the expiration of the terms of office, on the 21st day of April, 1884, of William B. Franklin, of Connecticut, John M. Palmer, of Illinois, and Charles W. Roberts, of Maine.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Connecticut to the fact that in the title of the bill the word "Home" is used in the singular, and in the body of the bill it is used in the plural, "Managers of the National 'Homes.'"

Mr. HAWLEY. It is a typographical error. I did not notice it. I suppose it would have to go back to the House if amended.

The PRESIDENT *pro tempore*. Probably it would. It may be a typographical error in the print and not in the engrossed resolution that came from the House. The Chair will cause it to be looked at and inform the Senator from Connecticut.

Mr. HAWLEY. The Senator from Indiana [Mr. HARRISON] tells me it should be in the singular, because these homes are called "branches" of the main home.

Mr. HARRISON. The law describes it as the National Home for Disabled Volunteer Soldiers, and the different homes are called branches.

The PRESIDENT *pro tempore*. Then the error, if there be any error, is in the body of the joint resolution and not in the title. The Chair will have the original sent for.

Mr. HAWLEY. I accept the suggestion of the Senator from Indiana, but let the inquiry be made.

The PRESIDENT *pro tempore* subsequently said: The Chair will inform the Senator from Connecticut that the print of the House joint resolution in respect of the managers of the Soldiers' Home is correct, according to the engrossed joint resolution.

Mr. HAWLEY. I understand that it follows the engrossed copy, but it seems to me that the error is not an essential one in any respect, and being merely a grammatical error it would not affect the title of these officers in any way.

The PRESIDENT *pro tempore*. If there be no objection the title of the joint resolution will stand as reported.

DISTRIBUTION OF CONGRESSIONAL GLOBE.

Mr. SHERMAN. I am directed by the Joint Committee on the Library to report back the joint resolution (H. Res. 231) providing for the distribution of the Congressional Globe. As this involves no appropriation, but is only for the distribution of certain documents, I ask that it be considered now.

Mr. COCKRELL. Let it be read for information.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the Public Printer is hereby authorized and directed to deliver to the document-rooms of the Department of the Interior the bound volumes of the Congressional Globe purchased from Messrs. Rives, and such other bound volumes of the Globe and RECORD prior to the Forty-eighth Congress as are in his charge; and the Secretary of the Interior is hereby authorized and directed from said volumes to supply as far as possible existing deficiencies in the sets of these documents in the following libraries in the order named:

First. The library of the Executive Mansion, the library of each of the Executive Departments of the Government, the library of the Supreme Court, and the library of the Court of Claims.

Secondly. The State and Territorial libraries of the United States.

Thirdly. Such other libraries in the United States as contain more than 5,000 volumes each. And the Public Printer is hereby directed upon the requisition of the Secretary of the Interior to deliver to him such volumes of the Globe now in his charge in unbound form as may be desired by any of the above-named libraries for the completion of the set of the same, which shall be forwarded to said library upon receiving its assurance that it will cause the volumes thus supplied to be bound and placed upon its shelves: *Provided*, That before such distribution is made the Public Printer shall deliver to the libraries of the Senate and House of Representatives such volumes as are required to complete fifty sets in each.

SEC. 2. That the Secretary of the Interior shall report to Congress the libraries to which these documents are forwarded, and the number of volumes delivered to each.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HAWLEY. My attention was not called to that measure while it was being read. I am not aware that the matter has been before the Committee on Printing. From what committee does it come?

The PRESIDENT *pro tempore*. The Committee on the Library, reported now by the Senator from Ohio.

Mr. SHERMAN. It simply distributes documents already printed. They are now with the Public Printer. They are the Congressional Globes purchased by an appropriation made at a former Congress.

Mr. HAWLEY. I understand.

Mr. SHERMAN. The joint resolution proposes to transfer the documents to the Secretary of the Interior for distribution. The Secretary of the Interior has facilities for distribution and the documents ought to be gotten rid of. The Public Printer is very anxious indeed to have them out of the way.

Mr. HAWLEY. A great mass of matter was purchased, some of it not of very much value. We have not considered the joint resolution. The Committee on Printing usually has control of these subjects.

Mr. SHERMAN. The resolution was sent to the Joint Committee on the Library, and they considered it very carefully. The House of Representatives passed the joint resolution some time ago, and the matter ought to be disposed of.

Mr. HAWLEY. I have no objection if the Senator thinks the resolution is a proper one.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. LAPHAM introduced a bill (S. 2184) to authorize the construction and maintenance of a bridge across the Niagara River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2185) respecting a bridge at Tonawanda, in the State of New York; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LAPHAM. I wish to state that both these bills have the approval of the Secretary of War.

Mr. DOLPH introduced a bill (S. 2186) for an additional appropriation for the construction of a harbor of refuge at Port Orford, upon the Pacific coast; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GROOME. I introduce a bill which I desire to take the place of one of the same title which I introduced at an early day of the session, the bill (S. 2187) to regulate the rank of engineer officers of the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GROOME (by request) introduced a bill (S. 2188) for the relief of the heirs of James E. S. Holliday, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2189) to authorize the Washington and Chesapeake Railroad Company and the Washington City and Point Lookout Railroad Company to enter the District of Columbia over the tracks of the Baltimore and Ohio Railroad and the Baltimore and Potomac Railroad, or either of them; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GORMAN introduced a bill (S. 2190) granting a pension to Norman Kaufman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARLEY introduced a bill (S. 2191) for the relief of the State of California; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 2192) for the relief of John Ellis; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 2193) granting a pension to Ferdinand Hercher, late hospital steward, United States Army; which was read twice by its title, and referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

Mr. COCKRELL. I ask an order that the claimant, Helen M. Fiedler, have permission to withdraw her papers, which have been filed in the Senate accompanying her bill, and which bill has been favorably considered and passed by the Senate.

The PRESIDENT *pro tempore*. The order will be granted if there be no objection.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers in the case of Mathilde Victer be withdrawn from the files of the Senate and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition; and

A bill (H. R. 2984) granting additional pension to Apolline A. Blair, widow of the late Francis P. Blair, and for other purposes.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. 2093) to provide for the appointment of an acting secretary of the Smithsonian Institution; and

Joint resolution (S. R. 81) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 82) in relation to ceremonies to be authorized upon the completion of the Washington Monument; and it was thereupon signed by the President *pro tempore*.

PUYALLUP BRANCH OF NORTHERN PACIFIC.

Mr. DAWES. If there be no further morning business I move to proceed to the consideration of the Indian appropriation bill.

The PRESIDENT *pro tempore*. There is further morning business on the desk of the presiding officer. "Concurrent and other resolutions" are now in order, and the Chair lays before the Senate the resolution offered by the Senator from Nebraska [Mr. VAN WYCK] yesterday. It will be read.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be directed to withhold granting patents to or recognizing any claim made by the Northern Pacific Railroad adjoining and on account of what is known as the Puyallup Branch, built many years ago, until this Congress shall take action on the question of the forfeiture of lands granted to said road.

Mr. CONGER. I move that the resolution be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Michigan.

Mr. VAN WYCK. Mr. President, the matter involved in the resolution would seem so plain that there is no necessity that it should be

referred to any committee; and just at this stage of business, if it be referred to so important a committee as that on the Judiciary, it would be almost impossible probably that it should receive action by that committee and then action by the Senate at this session.

The request in the resolution is simple. It invades no rights and imperils none on the part of this railroad company, while it may in an important matter protect the interests of the Government. The resolution relates to some lines which were built by what is known as the Puyallup Branch of the Northern Pacific Railroad for a coal-road. The road was built six or seven years ago, and never until this time have they come to the Department asking for the appointment of commissioners with the view of obtaining patents for the land. It was not built at the time with the idea that it was to be a portion either of the main line or of the branch of the Northern Pacific Railroad. It was built from an interior point to an interior point. If it were a portion of the Cascade Branch, which we claim it can not be, then it would be allowing a railroad company to go from any point of its road where lands were extremely valuable and build a few miles and obtain patents for lands along that line, and might possibly never connect or build at the other end of the branch.

These lands are valuable. They are coal lands, worth at least $20 per acre, and far more than that. Any portions that may not be coal lands are among the finest timber lands in Washington Territory, and in that event they are worth $20 per acre and more. Where is the injury or harm to this railroad company in asking the Department to withhold the sanction or the recognition of the railroad company as having any title to the lands until Congress shall have acted upon the question which is now before both branches regarding the forfeiture of the land grant?

I do not know what the action of the Department might be should nothing be done here; but we do know that this company never contemplated until within a few weeks that they had any title to these lands. It has not been recognized by them as being a portion of their main line or their branch, and was not built as such. It was built for the purpose of reaching certain coal-fields and as a local road, and the best evidence of that fact is that the railroad company suffered these lands to remain for six or seven years after the road was built without any application for them.

Is it to be supposed that the Northern Pacific Railroad Company, coming up at times for inspection, if they had title or could secure title to the lands given them upon thirty miles of this railroad, would have suffered that matter to rest year after year until six or seven years had elapsed and until the time that there became danger that the American people through Congress would declare a forfeiture of the lands they had not properly earned? At that juncture, and not till then, we find this company importuning the President of the United States to appoint commissioners, and the commissioners were appointed. Therefore it is proper for the Senate at this time to ask that the issuing of patents or certificates shall be suspended until there shall be at least some action of this Congress as to the question of the forfeiture of the lands.

These are the simple facts in regard to the matter. There is no necessity that I should go further into details. This road is not a portion of either the main line or branch. The company never for six years claimed that they had any title to these lands. Even if they do now come with a pretense of claim, when the whole matter is being investigated and is to be settled by the action of this Congress, it becomes necessary and proper that we should at least ask a suspension, they having lain silent for six years seeking no recognition of a title to these lands. Now, is it injustice to them to ask that they shall wait a few weeks until Congress shall have considered this matter and declared what the policy of the Government is to be in regard to the lands which are claimed to be forfeited by this railroad company?

Mr. CONGER. Accepting the statement of the Senator who has just taken his seat, surely this is a matter which one branch of Congress should not act upon in this abrupt and direct way, affecting claims to lands, without the investigation of a committee. The best argument I could advance is what the Senator has said himself. I assume that every word the Senator has said in regard to the facts of this case is true, and I do not know but that it is all true, and that the Senator understands it; but it seems to me something like the case of a Western lawyer, who told the jury when he was addressing them that in that case there were three distinct facts, two of which were true. It may be one of that class of cases.

Mr. President, I doubt myself whether the Senate of the United States by a resolution has any right to direct the officers of this Government. In short, if there is any question at all about the proposed action of the Departments it depends solely and entirely upon the legal rights of the parties, and the Committee on the Judiciary is a very proper one, if there is any necessity for any inquiry on the subject, to report to the Senate its opinion upon the question.

I will not by any statement in regard to the facts delay the Senate longer, for I have no doubt that the proper disposition of this resolution is to have the report of a proper committee.

Mr. SLATER. I trust that this resolution will be passed by the Senate without a reference to a committee. As I understand the facts it is not an unusual thing to request a Department to withhold action in view of contemplated legislation on some particular subject. That is as far as I understand this resolution goes.

I do not know what may be the actual facts in relation to this particular section of the Northern Pacific Railroad, whether it has been built fully within the terms of the law or not; but there is a question that lies behind this, and not only this particular section but every other section of that road that has been received by the Department, or rather I should say for the acceptance of which commissioners have been appointed since 1879. As I understand the decisions of the court of last resort, it has been decided on one or more occasions that statutes making grants to railroad corporations to aid in the construction of railroads and for other purposes are to be construed both as a conveyance and as law. The original grant to the Northern Pacific prescribed that the construction of the road contemplated in the grant should be completed within a specific time. It provided the machinery for ascertaining whether the road was completed and when completed and how it was to be ascertained.

If, then, this statute was a law, the law was that this road should be completed in ten years, or in 1876. Not being completed in that time, I should like to ask the question by what authority the Department or the President of the United States made appointments to receive any subsequent section of the road? The law was that the road was to be completed in ten years from 1866, or in 1876. I think either the 4th or the 2d of July, 1876, was the time fixed for it. That being the law, and the grant being a conditional one, depending on the condition that the road should be then completed, the converse must be true, that if the company did not complete it within that time it should not be entitled to the land. That being the statute, it seems to me that the President of the United States had no right and no authority to appoint a commission to receive any section of the road after the expiration of the time the statute prescribed within which the road should be built, and in that there was an exercise of authority not granted to the President of the United States.

This resolution does not go further than simply to ask a suspension of the issuance of patents on this particular section of the road, twenty or twenty-five miles, where lands are of great value, until there may be some legislation here; not limited to any particular time, but during the consideration of pending legislation.

I do not know but that it ought to have gone further and asked for an investigation of the whole question, by what authority the Executive of the United States since 1876 has appointed commissioners to receive any portion of this road. It was a subject properly belonging to Congress. The law had ceased to have force by reason of its limitations, and the power to receive and to act upon it, it seems to me, was certainly by the strongest possible implication taken from the executive department when the time expired within which the road was to be constructed according to the conditions contained in the grant. While I am desirous that the resolution shall be passed, I have not thought proper myself to initiate any steps looking to an investigation, but as the question presents itself to my mind it is one that merits consideration and investigation not only in regard to the Northern Pacific Railroad but in respect to all the land-grant railroads.

INDIAN APPROPRIATION BILL.

Mr. DAWES. Is it in order now to move to proceed to the consideration of the Indian appropriation bill?

The PRESIDENT *pro tempore*. The Chair thinks it is.

Mr. DAWES. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes.

WILBUR F. M'DANIEL.

Mr. JONES, of Nevada. I wish to call up the McDaniel resolution, which went to the Calendar yesterday. I suppose it will not provoke any discussion, as it was very fully discussed before it was referred to the committee, and there are no new facts to be presented. It is very necessary to have another person in the force of this body in place of Mr. McDaniel. I ask that the resolution be put on its passage.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the pending order be laid aside informally, in order that the Senate may consider the resolution referred to by him. Is there objection? The Chair hears no objection, and the resolution is before the Senate.

The resolution was reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, in line 2, after the word "may," where it occurs the second time, to strike out "five" and insert "nine;" so as to make the resolution read:

Resolved, That the service of Wilbur F. McDaniel, provided for by Senate resolution of May 20, 1879, be terminated May 9, 1884, and the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate, for the aid and support of the said Wilbur F. McDaniel, who was disabled for life while in the service of the Senate as a page, the sum of $750, to be paid

to Rev. Wilbur F. Watkins, of New York city, in trust, for the above-mentioned purpose.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the resolution as amended.

The resolution was agreed to.

BUREAU OF LABOR STATISTICS.

Mr. BLAIR. I ask unanimous consent to give a notice. I desire to say to the Senate that next Monday, at the completion of the morning business, during the morning hour, I shall move the Senate to take up the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

It will be remembered that some six weeks ago or more a bill of the same substantial character, reported by the Senate Committee on Education and Labor, was under discussion and had been under discussion for a few days. Other business intervened, and upon objection made by the Senator from Delaware it was placed under the operation of the ninth rule, so that there is a difficulty in reaching that bill. Meanwhile the bill to which I now refer has been passed by the House of Representatives, referred to the Committee on Education and Labor, and reported back unanimously, and it is the desire of that committee that the House bill be taken up and discussed and acted upon instead of the bill previously reported and partially discussed by the Senate.

Several Senators have indicated a desire that we have early action and that they will be ready to express such views as they desire to submit next Monday. It is also intimated that the discussion, so far as they are concerned, will be very brief. So far as I know very little time will be taken, and I hope that the Senate will be ready at that time and willing that the motion which I shall then make shall be adopted.

Mr. DAWES. I hope the Senator will not press that against the Indian appropriation bill, which may not be completed to-day.

Mr. BLAIR. I should not expect to do so successfully if I should make the effort. I hope it will be understood that we shall begin the bill as soon as possible.

Mr. DAWES. I hope the Indian appropriation bill will be disposed of to-day, but I am not certain about that.

Mr. CALL. I ask unanimous consent to lay aside temporarily the pending bill, that I may submit the remarks of which I gave notice yesterday.

The PRESIDENT *pro tempore*. The Senator from Florida asks unanimous consent that the pending order be laid aside informally, in order that the measure to which he referred yesterday may be taken up for the purpose of his submitting remarks thereon.

Mr. DAWES. I suppose that the universal usage of the Senate requires that I should yield to this, and I shall therefore yield myself if the rest of the Senate will.

NATIONAL UNIVERSITY.

The PRESIDENT *pro tempore*. The Chair hears no objection to the request of the Senator from Florida. The Indian appropriation bill is temporarily laid aside informally, and the Senate proceeds to the consideration of the bill (S. 1044) to establish a university of medicine at the capital of the United States, in the District of Columbia, for the advancement of science and the discovery of improved methods of treatment and cure of disease.

Mr. CALL. I move that the Committee on Education and Labor——

The PRESIDENT *pro tempore*. The bill itself is not before the Senate, having been referred to the Committee on Education and Labor; but, if there is no objection, the Senator from Florida will proceed with his remarks.

Mr. CALL. I move to discharge the Committee on Education and Labor from the further consideration of the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Florida to discharge the committee. If no objection be made the motion will be considered at this time. The motion being pending, the Senator from Florida is entitled to the floor upon it.

Mr. CALL. Mr. President, I send to the desk the bill as I have modified it, and ask that it be read.

The bill was read, as follows:

A bill to establish a university of original research and of medicine as a part of the Smithsonian Institution, at the capital of the United States, in the District of Columbia, for the advancement of science and the discovery of improved methods of treatment and cure of disease.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $1,000,000 be, and the same is hereby, appropriated, to be paid as hereinafter provided, as a perpetual endowment for a university of original research and of medicine as a part of the Smithsonian Institution, at the capital of the United States, in the District of Columbia.

SEC. 2. That the sum of $100,000 be, and the same is hereby, appropriated, and the same shall be paid or expended at such times and in such amount as shall be directed by the President of the United States, for the erection of suitable buildings, as the same may be necessary, for the use of the said university of original research and of medicine as a part of the Smithsonian Institution, and to purchase ground for the same.

SEC. 3. That the interest on the said sum of $1,000,000 shall be annually paid for salaries of the professors and for the expenses of such university, including the expense of experiments in all methods of treating disease, in testing and proving the effects of remedial agents of every kind, and for such hospitals as may be necessary for the purposes of such institution; the said expenses to be determined from time to time by the President of the United States and the trustees of such university.

SEC. 4. That the professors' chairs in said university shall be open to all schools of medicine and all methods of treatment and cure of disease.

SEC. 5. That the allopathic, homeopathic, and eclectic schools of medicine shall all be represented in the professor's chairs of said university, and free and impartial opportunity afforded for the scientific and practical proof of the value of each of such schools of medicine, and of their methods and processes, and for the proof of any and all new discoveries of remedial agents and methods of treatment, the end and purpose of the establishment of this university being to stimulate researches into all methods for the cure of disease, and to furnish scientific and practical evidence of the effects of all remedial agents, and to apply the severest processes of reason and experiment to all alleged discoveries and remedial agencies for the cure of disease and the relief of mankind from suffering and for the improvement of the public health.

SEC. 6. That the board of trustees shall decide what professorships shall be established; and whenever any system or method of cure of disease shall obtain any considerable hold on the public mind, it shall be the duty of the said board of trustees to allow the professors of such system to appear at this university and submit the same to scientific examination and practical experiment and proof; and the expense of the same shall be paid out of the interest of the sum hereinbefore appropriated for the annual expenses of the university.

SEC. 7. That suitable hospitals for the treatment of diseases according to the methods of all systems, and for experiment with all remedial agents, shall be established, and a careful and accurate record kept of all medicines administered, and the effect of the same, and an accurate and correct and minute statement made of the condition of the subject of the treatment, and of his disease and symptoms, and if the treatment or experiment is upon a person in good health, of his condition in this respect, to the end that facts may be gathered in such numbers as to afford a sound basis for reasonable conclusions in reference to all systems and remedial agencies, both those now known and such as may hereafter be discovered.

Mr. CALL. Mr. President, influenced by the wishes of learned men in Europe and America who with signal success and great ability have devoted their lives to the interpretation of the order of Providence and nature in their relations to human life and health and the application of this knowledge for the benefit of mankind, I consented to introduce the bill now before the Senate and to present for the consideration of the Senate the reasons which in their judgment so connect this measure with the preservation and protection of the public life and the "common defense" as to demand its favorable consideration by intelligent legislators. I now present some considerations in favor of its passage, with the statement that the thoughts here presented are those of others, and that I have no claim to any other credit than that of putting them together and of a sincere sympathy with their objects and with their confidence that if not now it will not be long before the people of this country will unite in the demand that, with adequate means, with higher and severer processes of reason, and more accurate and extended observation, the United States of America shall join in that splendid march of observation and discovery which they are now making of the malign causes of disease, suffering, and premature death, of the efficient means of their prevention, the prolongation of human life to its natural limit, and the protection of the public health.

The founders of this Government have left to us a legacy of wisdom in their recommendation to us in the first days of the Republic not to neglect the establishment and support of institutions for the diffusion of knowledge. And now, when the public life and health and comfort and prosperity depend on knowledge, when applied science, turning away from the means and appliances for the destruction of mankind, seeks to preserve and strengthen and improve the race, their advice and instruction derive new force.

General Washington, in his first annual message, says:

Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness. Whether this desirable object will be best promoted by affording aid to seminaries already established or by the institution of a national university, or by any other expedients, will be well worthy of a place in the deliberations of the Legislature.

Again in his eighth annual address he says:

Our country, much to its honor, contains many seminaries of learning, highly reputable and useful, but the funds upon which they rest are too narrow to command the ablest performance in the departments of liberal knowledge for the institution contemplated.

In his second annual message Mr. Madison said:

While it is evident that the means of diffusing and improving useful knowledge form so small a proportion of the expenditures for national purposes, I * * * will call your attention to the advantages of superadding to the means of education provided by the several States a seminary of learning instituted by the national Legislature within the limits of their exclusive jurisdiction. Such an institution, though local in its legal character, would be universal in its beneficial effects.

In his seventh annual message he says:

The present is a favorable season also for bringing again into view the establishment of a national seminary of learning within the District of Columbia. Such an institution claims the patronage of Congress as a monument of their solicitude for the advancement of knowledge, without which the blessings of liberty can not be fully enjoyed or long preserved.

Again in his eighth annual message Mr. Madison says:

The importance I have attached to the establishment of a university within this District on a scale and for objects worthy of the American nation induces me to renew my recommendation of it to the favorable consideration of Congress.

John Q. Adams said:

Among the first, perhaps the very first, instruments for improving the condition of men is knowledge, and to the acquisition of much of this knowledge * * * public institutions and seminaries are essential. Moral, political, intellectual improvement are duties assigned by the Author of our existence to social

no less than individual man. For the fulfillment of these objects governments are invested with power, and to the attainment of this end, the progressive improvement of the governed, the exercise of delegated powers is a duty as sacred and indispensable as the usurpation of power not granted is criminal and odious.

Bacon in the Instauratio Magna says:

Man, the servant and interpreter of nature, does and understands so far as he may have observed respecting the order of nature in things or in his mind, and further he has neither knowledge or power.

Truth is the daughter of time, not of authority. No wonder that these spells, authority, traditions, have so bewildered men that they have not dared to hold direct intercourse with things.

It would indeed be disgraceful to mankind if after such parts of the material world had been laid open which were unknown in former times, so many seas traversed, so many countries explored, so many new stars discovered, philosophy or the intelligible world should be circumscribed by the same boundaries as before.

It is manifest that the human understanding creates itself much trouble, nor makes an apt and sober use of such aids as are within the command of man, from whence infinite ignorance of things and innumerable disadvantages arise. * * * With all our industry we should endeavor if haply this same commerce of mind and of things (than which a greater blessing can hardly be found upon earth, at least among earthly felicities) might by any means be entirely restored, or if they might at least be brought to terms of nearer correspondence.

The bill for the establishment of a university for the encouragement and support of original research and medical science, founded on the inductive system of reasoning and provided with all the means for experiment and proof of remedial agencies for the cure and relief of suffering and disease, is intended to meet and provide for a necessity for which private agencies and foundations are inadequate. It is based on the proposition that the first and highest and most beneficent object of human effort, so far as this world is concerned, is the preservation, protection, and development of human life.

PRESERVATION OF LIFE.

It needs no argument or demonstration to prove that to preserve and protect, develop and improve, human life is the only true object of all institutions of government and of law.

The first impression which reason teaches us is that in the economies of nature there are things, agencies, and powers which are hurtful and destructive of human life, and others which are preservative of it. Man soon discovers that there are poisons which destroy life and there are conditions which preserve it; that bad air is poisonous; that there are gases which suffocate; that pure air and exercise preserve and strengthen the body. The mind, the power of thought, is affected by the health of the body; hence the Roman maxim, "A sound mind in a sound body." If this be the essential and absolute condition of life here, if government and law and institutions are depending on it, it follows that it is more the object of government or associated effort than any other, and that the public health is chief among the necessary ends and purposes of government, for the preservation of the public health is the preservation of the public life as well as the individual life, of which it is but the aggregate. Hence, also, it follows that the science or art which ascertains the means and agencies and conditions of preserving life is the most dignified and the highest of all sciences, and most deserving of government aid, direction, and regulation; and that if it be within the reach of human effort to give to it accurate and correct modes of proof and processes of reason, no expense and no amount of labor and care is too great to expend in attaining or advancing this result. If there be conditions of health and remedial agencies which cure or relieve or modify disease, the same processes of reason which enable us to discover these must enable us by careful experiment and proof to ascertain their conditions and define their limit. Unless the economies of nature which reason discovers to us, unless the laws which reason enables us to discern are illusory and intended only to mislead and deceive us and to baffle reason, unless some mysterious cause or power, ever changing, renders generalization untrue and impossible, there must be a law, a principle, for the relief of suffering and cure of disease, whether it be by the specific effect of drugs or medicines or the application of electrical or magnetic power, or conditions of diet and exercise, or the combination of all, is immaterial. It is the law, the principle, the rule, that is important, the extent or limit of its influence, the conditions and qualifications of its existence.

THE NOBLEST EXERCISE OF MAN.

Herein lies the field for the noblest exercise of human reason and human effort; the subject for the most accurate and careful research and for the exercise of the most subtle and the highest powers of reason. How shall we discover the effect of different medicines and drugs on the human organism except by the largest and the most patient induction from facts; how ascertain the antidote or cure for poison or the many and terrible diseases which afflict humanity and destroy health and life and make calamity of such long life, except by constant experiment by scientific and conscientious men, and by a record of these experiments from one century to another?

KNOWLEDGE DOES NOT DIE.

If the economies of this world were that knowledge and all progress died with the scholar or philosopher who had made it; if invention and art and learning perished with every generation, and each succession of human life was compelled to commence anew with the first impressions of the senses and the first thoughts of the mind, unaided and untaught by the experience and observation and knowledge of those who had gone before, there could apparently be no progress. The mythological fable of Sisyphus with his stone ever returning to its place would find its realization in human life and human effort. And we could well afford to confine our public efforts and to limit the sphere of combined or associated effort, or of the force of government, which is only the combined effort of all to the protection of life from violence and external causes and of property and personal relations. But we have no reason to believe that this is the divine economy which governs the world.

We can discover nothing in the things which surround us, nor in our own reflections, which leads to the conclusion that knowledge is not intended for the permanent and successive development and improvement of the human race. We have no reason for believing that the laws or conditions of life and health, the development of human life, are more uncertain and less within the power of observation and reason than the laws and principles which govern with immutable certainty the physical power of nature, and which every day are being discovered with absolute certainty and applied to the comfort and improvement and benefit of mankind.

LAWS OF LIFE WITHIN REACH OF KNOWLEDGE.

Shall we conclude that in the divine economy the powers of electricity, the forces of air and water and fire, the properties of metals, are controlled by laws within the reach of man's discovery and observation for his comfort and benefit, and that the causes which affect life and health, bring inexpressible suffering and sorrow and grief, are removed beyond his reach; that they are altogether uncertain and illusory; and that this vast field of thought and effort lying at the foundation of all progress is a sealed book to patient and devoted and reverent effort and research? Such conclusions have no warrant in the other economics which surround us. They find their only support in the constant recurrence of disease and death, in the general experience of the failure of science and art to cure disease and relieve suffering, in our knowledge of the terrible maladies which scourge the race and sweep hecatombs of all ages and conditions to an untimely and premature grave. But before we accept such a conclusion from these premises we must consider well whether they properly result from them, whether they may not result from other imperfect and negligent processes of assumed science and art, whether our educational processes are not themselves so imperfect as to demand imperfection and uncertainty in the discovery and application of the laws of life and health. The physical forces, the mechanical arts, do not discover themselves; they are not known except by patient study, by long and thoughtful observation and experiment. How much greater must be the effort, the research, the educated thought, and the patient and minute experiment which shall discover and generalize the facts from which proceed the laws which create, regulate, control, and modify the subtle causes of disease and death! What vast amounts of labor, what great effort, do we expend to create death and suffering and disease and want in the machinery of war as compared with our efforts to discover and learn and apply the laws which preserve life and prevent disease and suffering and want! How ignorant and indifferent to the already discovered sanitary laws and the disease and contagion which come from crowded homes, from cities compactly built, from the absence of pure air, from extreme want and poverty, from bad habits and bad food, from the license to murder and torture the uninformed which the laws now give under the pretense of encouraging new and useful inventions! These would seem to be causes sufficient in themselves to account for the failure of medical art and science in the constant recurrence of premature and untimely death within our own experience, and for the saturnalia of death and suffering around and about us.

PRECEDENT ACTION OF GOVERNMENT.

If we look to the precedent action of the Government in former Congresses we find abundant warrant for the passage of this bill for the establishment of a national university of original research and of medicine for the preservation of life and the cure of disease and relief of suffering and the proper care of the public health. Congress has already established a National Board of Health and made large appropriations. It has established marine hospitals and military hospitals for the treatment and cure of disease and to prevent contagion and infection. It has made provision and appropriated money for the preservation of animal life and for the cure and extirpation of disease in the domestic animals which are the subject of property. Large amounts of money or public land—which is the same—have been appropriated for general education. There is, therefore, no want of precedents for the exercise of legislative power in the passage of this bill.

The bill proposes the establishment of a university of original research, including medicine, in the District of Columbia, where the United States has entire and exclusive power, where no objection can be made of an invasion of the power of the States. The measure, therefore, is left to stand on its own merits, without objection for the want of precedents or of constitutional power.

Unless, therefore, it be true that there is no medical science, no art, which can cure disease or diminish suffering or prevent contagion and infection, or unless we believe that the science and the art have already

reached their utmost possible limit of beneficence, or unless it be true that private agencies are entirely adequate to accomplish all that can be done, the conclusion can not be resisted that it is the duty of Congress here and now to make such laws as will best protect the public health and the lives of the people. And if within the exercise of its proper constitutional power and without invasion of the territorial rights and power of the States, there can be an exercise of legislative power which will benefit the people of all the States, which will elevate the standard of medical knowledge, which will increase and improve and give accuracy and certainty to our knowledge of disease and its causes and its prevention and cure, assuredly there can be no objection to it.

MEDICAL SCIENCE HAS NOT REACHED ITS LIMITS.

We come thus to a consideration of the adequacy of the means proposed to the objects here stated. It is unnecessary for us to consider whether medical science has attained its utmost possible limit of beneficent action, nor the question whether private effort or State law is sufficient to do all that can be done in furthering the progress of medical science. We have no reason for believing that the presence of observation and experiment in all parts of the world and through all possible agencies, public and private, would exhaust the infinite varieties of nature in the vegetable, animal, and mineral kingdoms, and the unseen but powerful causes which affect life on our planet.

LAW OF HUMAN EFFORT.

We only know there is a divine economy, a law of beneficent result to human effort; that benevolent purpose and effort reveal beneficent causes and effects in all that relates to humanity; that to contend with and endeavor to extirpate disease and suffering and want is the primal law of our existence; that the weapons with which we are armed to wage this conflict are reason, educated reason, trained thought, recorded observation; that whatever the form in which the public powers or forces of Government are placed, they must be so adjusted that in all things educated reason and conscientious and intelligent purpose and effort to protect human life not only from external violence, which is its least formidable enemy, but from the subtle and more dangerous enemies of want, disease, and untimely death, shall be in the ascendant and subject all other forces to its control.

If there be such a thing as beneficent progress or an advancing civilization it must surely be in this direction—in the discovery and application and placing within the reach of all the knowledge of the laws of life and death, of health and disease, of suffering and enjoyment. It must be in concentrating on the individual all the powers and influences which protect him from disease and suffering, poverty and extreme want.

EQUALITY OF LAW AND INEQUALITY OF FACT.

The cry of an equality of right before the law when there is neither equality of enjoyment of right nor of comfort, when the equality before the law is barren of the fruits of comfort and health but coexists with extreme want and sore distress and poverty of a great body of the people, the exaltation of the few and the accumulation into their hands of all real power, is a mockery and a satire too bitter for humanity. Universal republican equality before the human law and universal inequality, want, disease, and poverty before the divine fact does not consist with the great law of beneficent civilization taught by the Divine Master and the Great Teacher when he said: "Another commandment give I unto you; thou shalt love the Lord thy God with all thy heart, thy mind, and strength, and thy neighbor as thyself."

Let us cease to talk about an equality before the law when the things which the law affects and concerns are neither the equality of right nor the possession and enjoyment of anything real and tangible; when right under the law gives neither land nor homes nor food nor clothing, nor the possession of the fruits of labor, nor the opportunity to labor, nor just and equal compensation for labor, nor health, nor life, nor the knowledge of the means of preserving and protecting life and health, and let us address our legislative power within the just exercise of its defined limits and consistently with our politico-economic laws to such things as will best protect the great body of the people from their real enemies—from want and ignorance, from disease and suffering, from untimely and premature death, from a want of compensatory employment and the absence of just compensation for labor.

Whenever and however within the just limits of our constitutional power we may directly or indirectly beneficially affect and promote the interests of the great body of the people in these practical benefits, I shall gladly contribute to it. In that direction and with the hope of aiding these beneficent and practical results of improved health, of diminished suffering, of longer life, of more joy and brightness and less sorrow—of a higher physical life and better mind and conscience, among all people and in every home, however humble or however great—I shall vote for the passage of this bill, confident that it is on the flood-tide of that advancing civilization which rests on the Great Master's teaching, "Thou shalt love thy neighbor as thyself."

CAUSES WHICH OBSTRUCT SCIENCE.

I am entirely incompetent to trace the course or progress of the science which seeks to preserve and protect human life in relation to the subtle causes of disease. It is, however, obvious that dogmatic opinion, the pride of opinion, self-interest, the wide and profitable field which the suffering of mankind opens to the cupidity of imposture and fraud, are causes which obstruct the progress of medical science and give to it with the thoughtful and scientific mind a reputation for imperfection which does not necessarily belong to it; but far more than these is the absence of a wide and ever-extending system of patient and thoughtful observation and experiment, and its careful and faithful record, which must constitute the only possible means for any discovery of the principles which must be the basis of the law of health and life, of disease and death. The recorded observations, the facts, must precede generalization, and without generalization there can be no science.

If no two cases are alike, if the conditions of disease or life and health with every individual are peculiar, and no remedial agents or methods of treatment and care will have the same effect on any two individuals, then each case must be tentative and experimental, and no previous knowledge of other cases will be of use. There can then be no science and no art in this direction. But this is well known not to be true. We know that poison inserted in the veins produces approximately the same effect, but we do not know the precise conditions which modify such effects.

CERTAINTY OF PROGRESS.

We know that constantly there are discoveries in the animal and vegetable and mineral kingdom of qualities and properties having specific effects on the human organism. We know that every human being is more or less an observer and discoverer of facts relating to life and health and disease and qualities and properties in the earth and in the air. Why should we not have an institution or school which should at least be open for the record of those observations, for examinations and experiment on them, for subjecting to the test of patient experiment all observations and the qualities and properties of things in the earth and in the air relating to disease? If some things have specific properties which are specially destructive of life, why is it not reasonable to assume that there should be others which are preservative in precisely the same degree?

If, as we know, it is within the reach of patient and zealous effort to benefit and improve mankind, for what purpose and to what end is this provision made in the economy of nature? What warrant have we for the opinion that it will stop short of the extermination of disease, of that millennium in which there shall be no pain, nor disease, nor want. Shall we limit by the experience of the past the beneficence of Providence and nature in their relations to the future of our race? To reason thus is to deny all hope of man's progress.

The means by which this benefit occurs is obvious to us. War destroys mankind; exposure, exhausting effort, and privation, extreme want, hunger, and insufficient clothing, bad shelter, we know are destructive of life. We seek to remove these hurtful causes, and we find that still there are subtle, if not more powerful, enemies to life and health. The patient path of discovery and research finds them in bad habits, bad air, bad diet, and in the condition of crowded cities.

A valuable scientific journal makes the following statement:

"Longevity and premature decay are doubtless influenced by the food and general habits of the people, and by temperature and other local atmospheric conditions, although all these may be modified and brought under control by attention to sanitary laws and appliances. Artificial atmospheres are in fact created in large cities according to the character of the buildings, the air-space allotted in them, and the mode of ventilation and draining, as well as by the width of the streets, the sewerage, and other sanitary arrangements. Moreover, the hereditary constitutions of the citizens become in after generations affected by the condition of the cities in which they and their forefathers have lived.

"The facts and figures before us point to many of the causes for so great a variation in the death-rate as has been shown to exist in different cities. A large death-rate will in most cases be found to be the companion of defective house accommodation, ventilation, water supply, sewerage, or scavenging. Thus, for instance, St. Petersburg, with a population of nearly a million, and the high death-rate of 35.2 per 1,000, is without sewerage, and its water supply is taken from the river Neva, more or less contaminated by percolation from the subsoil. Cairo, with a death-rate of 37.2 per 1,000, is supplied with water from the Nile, having no sewers, and the sewage filtering through the subsoil into the Nile above the water intake. Vienna, with a death-rate of 29.2 per 1,000, has an average of sixty people in each house, or twice as many as in Paris, while the ratable value of the houses in Vienna is only one-sixth more than those in Paris. Pekin, with a death-rate of 50 per 1,000, is without proper sewerage, water supply, street cleaning, or other proper sanitary arrangements."

PROTECTION OF LIFE BY THE STATE.

By what processes of argument or reason shall we continue to affirm that all the powers of Government, the power of associated and combined effort, shall be directed to the protection of the individual life against external violence, but that the destruction of the same life by internal causes is an improper object of public effort, of legislative power, when the latter is far more destructive than the former? The proposition is that against war and its dire evils the State must use all the public power to protect the people, but against the pestilence which

flieth at noonday and slays its tens of thousands there can be no public effort.

How shall we in reason vindicate our assertions that upon the tariff, upon internal revenue, upon the adjustment of taxation, upon exchange and commerce and its instrumentalities, currency and money and public and private credit, for the purpose of regulating the just distribution of the products of labor, so as to secure to each individual or to the greater part a just proportion, and thus promote the general welfare of the State, we may expend all our time, but no effort shall be made to preserve and protect the life which is to be thus benefited, no effort to protect and preserve unimpaired the health which alone will enable the people to receive and enjoy the just distribution of the fruits of labor when the other economies shall have reached it. We must have laws and public economies which will secure compensation to labor, but none to enable the laborer to live. We must have laws to provide the State with men for her armies and for public defense, but none to increase, protect, and preserve their vigor and health.

These propositions have no foundation in that reason which directs mankind toward the truths of life and the means for its preservation and perpetuation.

LIMITATIONS OF POWER.

Our Government and our institutions and laws affirm that we have discovered that the protection of the individual and the general welfare are best conserved by a division of the powers of government, and vesting those which are local and relate to the local and domestic relations of the people in State governments, and those which are general and concern the whole in a government over the whole.

Around each of these governments or series of powers we have sought to create by constitutional guarantees and prohibitions an impassable barrier to prevent encroachments by one upon the other. Few reasonable persons, I apprehend, will question the beneficent effect of this division of the public powers and the importance to each individual of its entire preservation. But the use of the vast revenues of the Federal Government, although derived from taxation upon the people, with a wise economy, for the diffusion of knowledge among them for the preservation of their lives and their health, can not in any way impair this division of the public powers nor overthrow these barriers.

There can be no reason why the States, having the right to exclude the contributions made by the General Government, should not consent to accept and use a benefaction for their people.

The diffusion of the knowledge how to preserve life, how to exclude disease, how to relieve suffering and pain, how to prevent and destroy the pestilence which itself destroys, can never primarily affect or impair the distinctions of government or the distributions of its power. But here in the District of Columbia, where the national Congress is by an organic law vested with all power which can be constitutionally exercised over the people in its territorial limits, we should be faithless to the great trust imposed on us of advancing the happiness and well-being of the hundred millions of people who will soon inhabit our country if we should neglect to foster and provide every agency which will increase and advance and perfect the knowledge of man of those things which are essential for the protection and preservation of human life, and for the diffusion of that knowledge free to all the people.

It is here, indeed, that the republic of letters, of science, of useful inventions and art should be established, here the advanced thought of mankind should find a home, and foundations for the patient and profound and exhaustive application of experiment and investigation and induction to all science and art should be established, to the end that it may go out on the wings of the morning free to all our people and to all the world.

FRUITS OF PATIENT STUDY.

We shall find by an examination of the fruits which in this our age have proceeded from the patient investigation of disease and the causes which destroy life and concern the public health, that the conclusions which have been reached demonstrating the beneficent effects of patient and recorded observation are abundantly sustained, and that a wide and illimitable future of happiness and exemption from the great enemies of mankind seems to be opening to us.

I extract from the Scientific American of the 16th February of this year the following article:

MICRO-ORGANISMS AND DISEASE.

The public generally was not a little surprised when, something over two years ago, a German professor announced that he had made such progress in the microscopical examination and cultivation of different forms of bacilli and bacteria as to lead to the hope that thereby a means might be found of checking consumption, typhoid fever, and many other diseases, when established, or for their prevention, as small-pox is so largely preventable by vaccination. Since that time European savants have been yet more diligently following up this line of investigation; many different forms of micro-organisms have been successfully cultivated and made to assume widely different variations, so that one which was a virulent poison in one form, for a particular organization, might be innocuous to another, and *vice versa*. The end sought in these investigations is to so trace the immediate causes and propagators of all diseases as to materially aid in their prevention and cure, the theory being that inoculation with a mild type of micro-organism of a certain disease will overcome the more virulent, and thus prevent danger from that disease.

The knowledge thus obtained has thus far also been of almost incalculable benefit in the treatment of all diseases, especially those of a contagious nature. It was to enlarge our information in this field that distinguished French and German scientists visited Egypt during the cholera of last summer; freely endangering their lives in the prosecution of investigations in the hospitals and lazarettos of Cairo and Alexandria. It is greatly to be regretted, however, that American experts are contributing so little to this branch of the world's knowledge in this eminently humanitarian field, concerning which we quote as follows from the Sanitary Engineer:

"It is a shame that while these investigations are being pushed in Germany, France, and Great Britain nothing of the sort is going on in this country, the good commencement which was made in this direction by the National Board of Health having been totally abandoned for want of funds, while at the same time our legislative tinkers are at their wits' end to know what to do with the surplus in the Treasury.

"Little by little the patient workers in European laboratories are tracing the life histories of the minute organisms which are found in the blood and tissues of men and animals affected with various diseases, and are learning to distinguish those which may be said to cause disease from those which only accompany or follow it.

"They have shown that a certain form of pneumonia is caused by an organism so minute that it appears only as a hardly perceptible dot or speck under the most powerful microscope, and yet which, nevertheless, they have cultivated in a series of tubes, and with the sixth or seventh culture have produced in animals pneumonia precisely like the case with which they started, showing that it breeds as true as wheat would do. Professor Quist, of Helsingfors, announces that the extremely minute particles of vaccine matter can be cultivated in the same way outside the living body and with the retention of their specific powers; and if this discovery be confirmed, it solves the problem proposed by the Grocers' Company of London, who offered a large prize for the discovery of such a process.

"The last discovery of this kind is announced by Dr. Struck, of Berlin, who has been studying the micro-organism which appears to be the cause of a very fatal disease which sometimes affects the bones and marrow of man, and is known to surgeons as acute osteo-myelitis.

"The peculiarity of this organism is that it produces no apparent ill effects when inoculated in animals so long as the bones are sound. But if a bone in the animal is crushed or injured a few days before the inoculation is practiced, the injured limb is rapidly affected by the germ, and death follows in from ten to fifteen days.

"The fact that in order to produce this specific osteo-myelitis we must not only have the specific germ present, but must also have a certain damaged condition of the tissues, is a very suggestive one, as indicating a possible explanation of the fact that in other specific diseases, such as diphtheria or typhoid, only a few out of many persons exposed to the specific cause may suffer any ill effects. The soil in which the seed is planted must be of the right kind and in proper condition or the seed will not multiply. For some of the specific germs an inflamed tissue affords the most favorable conditions; as, for instance, in diphtheria, where a slight sore throat from ordinary causes appears to strongly predispose to an attack. Others, again, flourish in feeble and poorly nourished persons, whose blood is thinner and paler than in health, while still others appear to select as their favorite victims the ruddy and the strong, those who are apparently in blooming health, although such cases are exceptional. Those who have been breathing impure air laden with the emanations of cesspools, or of sewers of deposit, which are only another form of cesspools, or the air of overcrowded tenements, which contains almost as much foul organic matter as that of the cesspool, have been preparing in their own throats and lungs and blood a suitable medium for the growth and reproduction in countless number of these deadly little parasites.

"Much remains to be done in the study of the conditions under which these germs preserve their vitality and multiply outside the living body; in fact, we are only on the threshold of this part of the inquiry, and yet it is precisely this which is of the greatest interest to the health officer and sanitary engineer."

NEGLECT A CRIME.

What a wide prospect of results beneficial to our race is here presented. Who shall say that if in the economies of nature these hidden causes of fearful pestilence and the means of their prevention are within the reach of patient and laborious investigation, how great will be the criminality of that neglect in those who have power, which shall permit them to remain undiscovered for the want of adequate means to prosecute their study and investigation?

ANALOGY FROM PHYSICAL SCIENCE AND ART.

If, on the other hand, we look into the progress of discovery and invention in the physicial sciences and the arts, which are open to a smaller degree of patient effort and observation, we have abundant warrant for the belief, indeed we may almost say for the certain assurance, that the like progress will result from the same application of public aid to the advancement of that science which is devoted to the protection of health and the preservation of life.

INVENTIONS OF A HALF CENTURY.

The number of inventions that have been made during the past fifty years is unprecedented in the history of the world. Inventions of benefit to the human race have been made in all ages since man was created; but, looking back for half a hundred years, how many more are crowded into the past fifty than into any other fifty since recorded history! The perfection of the locomotive, and the now world-traversing steamship, the telegraph, the telephone, the audiphone, the sewing-machine, the photograph, chromo-lithographic printing, the cylinder printing-press, the elevator for hotels and other many-storied buildings, the cotton-gin and the spinning-jenny, the reaper and mower, the steam-thrasher, the steam fire-engine, the improved process for making steel, the application of chloroform and ether to destroy sensibility in painful surgery cases, and so on through a long catalogue. Nor are we yet done in the field of invention and discovery. The application of coal-gas and petroleum to heating and cooking operations seems to be only trembling on the verge of general adoption; the introduction of steam from a great central reservoir to general use for heating and cooking has been in part a success; the navigation of the air by some device akin to our present balloon would also seem to be prefigured, and the propulsion of machinery by electricity is even now clearly indicated by the march of experiment.

There are some problems we have hitherto deemed impossible, but are the mysteries of even the most improbable of them more subtle to grasp than that of the ocean cable or that of the photograph or telephone? We talk by cable with an ocean rolling between; we speak in our voices to friends a hundred miles or more from where we articulate before the microphone. Under the blazing son of July we produce ice by chemical means, rivaling the most solid and crystalline production of nature. Our surgeons graft the skin from one person's arm to the face of another, and it adheres and becomes an integral portion of the body. We make a mile of white printing paper and send it on a spool that a perfecting printing-press unwinds and prints, and delivers to you, folded and counted, many thousand per hour. Of a verity this is the age of invention, nor has the world reached a stopping place yet.—*Scientific American.*

INVENTION AIDING SCIENCE.

We may form some idea of the aid which the progress of invention is giving to natural science and discovery by a consideration of the late invention of the electric microscope, which is thus described in the Scientific American:

The electric microscope has, in fact, made it possible to exhibit in a most attractive form the appearances presented by minute natural objects when placed under the most powerful magnifying glass. Indeed, the difficulty with which Mr. Link had to contend on Saturday was the smallness of the screen upon which his pictures were thrown. For instance, only a small section of a butterfly's wing could be shown at a time, although the screen was as large as the size of the entertainment court would permit, while the living organisms in a spot of water and the mites in a small piece of cheese were enlarged until they presented a perfectly appalling spectacle to a timid mind. The capabilities of the apparatus may be imagined from the fact that the eye of a fly was presented in a form not less than four million times its natural size. The electric microscope, which is worked by an ordinary primary battery, may be said to have extended almost indefinitely the possibilities of presenting in an attractive and instructive manner the wonderful facts of natural science.

[Scientific American, April 12, 1884.]

THE ECONOMICS OF DISEASE, ETC.—ITS COST IN GROSS.

This may be estimated in several ways, and includes a number of factors. It has been calculated by statistical hygienists that of the cases of disease now current in civilized communities, about one-third could have been prevented by intelligent sanitation, personal or general. In our opinion this estimate is too low, rather than too high; but take it at one-third, then the actual loss to these patients or their families is represented by one-third the whole amount paid doctors, nurses, &c., in a community, plus the loss of time, whatever that may be.

But this is only the first item in the bill of charges. One-third of all the investment locked up in hospitals, dispensaries, asylums, homes, &c., could be placed to profitable and productive use were the laws of health observed. Much more than this; numerous limited localities, vast tracts of fertile land, now shunned or but partly tilled, because of their ill-repute on the score of health, would be doubled, quadrupled, in selling value and producing power were they made free from the poisons which infest them. Millions of acres of the finest soil in the United States are lying idle by reason of the paludal poisons which are generated about them. Yet there is strong testimony that systematic action on a large scale can overcome these miasms.

We have spoken only of disease, but we must also take into account the sequelæ of disease in destroying ability to work, and thus casting the heavy expenses of permanent invalidism on the family or the Commonwealth, or by a fatal result depriving the community of a life which would have possessed a value as capital applied to the production of wealth. This has been the subject of calculation by political economists in England and Germany, and in both countries they have reached the conclusion that the value of an unskilled laborer, at 25 years of age, to his country is $1,200. In other words, this is the average sum which such a person will contribute during his life to the wealth of the community in which he lives. Now, if we suppose one-third of the deaths in a community are preventable, we can readily see how much richer the community would be were it to exercise the necessary prophylaxis.

SHALL WE BEAR NO PART IN IT?

Shall we in the presence of these mighty agencies for the promotion of the happiness of mankind of all ages, sexes, and conditions; of these beneficent powers for the diminution of suffering and the prevention and cure of pestilence and disease; of this splendid work of humanity—shall we bear no part in it? With an overflowing Treasury, shall we say that the performance of the public trust committed to us of the government of the District of Columbia does not require of us a proper care for the protection of the public health and the individual life of the people who are the subjects of this power? Shall we maintain, if this trust can be so performed and this power so exercised that beneficent results shall come to all the people of all the States, that this beneficial effect of the exercise of an admitted power here is a ground of constitutional objection?

While we are exercising the power of ascertaining the cause of disease in animals and of preventing contagion and infection through foreign and interstate commerce, shall we find refuge in an objection of a want of constitutional power to discover and prevent and extirpate the causes of human disease, contagions and infections?

The commerce which is now limited only by the boundaries of the world and the extent of the human race forbids such a thought. The civilization and the industrial progress and the arts and sciences which, disdaining the dogmas of abstract declarations of equality and right, seek to bring comfort and the necessaries of life and health and longer life to every individual in the State, forbid it and demand that the powers of the State within the just limitations of an organic law should have these objects in view.

THE MEANS BY WHICH IT MAY BE DONE.

It is obvious that the continuous, severe, and patient observation of disease, the long series of careful experiment over widely separated fields and subjects, is practicable and efficient only under highly organized and competent agencies; that as knowledge is continuous and does not perish with each generation, so must be the means by which it is obtained and increased be continuous; and that the means for such agencies are beyond the power of individual combination, and can only be secured by great and permanent foundations established and maintained by Government.

The intellectual processes must be of the highest order, and the subjects on which they shall be exercised must be gathered from all parts of the world. Where death and pestilence hold their high carnival, there must the patient and devoted student go for experiment and observation, and report to the foundation to which he belongs. Educated and trained observers must observe and record the symptoms and experiments. Educated and trained men of the highest thought must examine and classify and generalize these facts. Is the prevention of contagious and epidemic diseases worth the expense? Shall the cholera and yellow fever and other scourges be allowed to develop themselves until they pass beyond the reach and control of human science, or shall the means which a beneficent Providence has made dependent on our own energies remain unused?

If the premises we have laid down rest, as we claim they do, on the already achieved results of science and patient effort, then the educated mind of every country will soon demand that the care of the public health shall be one of its chief objects; then will it demand that the only possible agencies which the Divine Providence has allowed us, and the all-sufficient agency shall be used. That is the means, agencies, and the opportunity for applying and recording observation and experiment on all the facts and symptoms of disease and its cause and cure.

BIOLOGICAL STUDY.

Without entering into the field of controversy, I will refer here to the authority of a great name in physical science, which deserves the high respect which it has acquired in science. Thomas H. Huxley, in his lecture on biology, says:

Now I mention another bearing of biological knowledge, a more practical one in the ordinary sense of the word. Consider the theory of infectious disease. Surely that is of interest to all of us. Now the theory of infectious disease is rapidly being elucidated by biological study. It is possible to produce from among the lower animals examples of devastating diseases which spread in the same manner as our infectious disorders, and which are certainly and unmistakably caused by living organisms. This fact renders it possible, at any rate, that that doctrine of the causation of infectious disease which is known under the name of "the germ theory" may be well founded; and, if so, it must needs lead to the most important practical measures in dealing with those terrible visitations. It may be well that the general as well as the professional public should have a sufficient knowledge of biological truths to be able to take a rational interest in the discussion of such problems, and to see, what I think they may hope to see, that to those who possess a sufficient elementary knowledge of biology they are not all quite open questions.

Let me mention another important practical illustration of the value of biological study. Within the last forty years the theory of agriculture has been revolutionized. The researches of Liebig and those of our own Lawes and Gilbert have had a bearing on that branch of industry the importance of which can not be overestimated; but the whole of these new views have grown out of the better explanation of certain processes which go on in plants, and which, of course, form a part of the subject-matter of biology.

In another work on animal automatism Mr. Huxley uses these eloquent words:

Moreover, I urge that a thorough study of human physiology is in itself an education broader and more comprehensive than much that passes under that name. There is no side of the intellect which it does not call into play; no region of human knowledge into which either its roots or its branches do not extend; like the Atlantic between the Old and the New Worlds, its waves wash the shores of the two worlds of matter and of mind; its tributary streams flow from both; through its waters, as yet unfurrowed by the keel of any Columbus, lies the road, if such there be, from the one to the other, far away from that northwest passage of mere speculation in which so many brave souls have been hopelessly frozen up.

We can form some idea of the condition of the kindred sciences which are necessary for the proper care of the public health, which is the public life, from the following statement of the same distinguished scientist:

I think that sound and practical instruction in the elementary facts and broad principles of biology should form a prominent part of the arts curriculum. Moreover, as I have already said, I have no sort of doubt that in view of the relation of physical science to the practical life of the present day it has the same right as theology, law, and medicine to a faculty of its own, in which men shall be trained to be professional men of science. * * * The establishment of such a faculty would have the additional advantage of providing in some measure for one of the greatest wants of our time and country. I mean the proper encouragement and support of original research. The other day an emphatic friend of mine committed himself to the opinion that in England it is better for a man's worldly prospects to be a drunkard than to be smitten with the divine dipsomania of the original investigator. I am inclined to think he was not far wrong. And be it observed that the question is not whether such a man shall make as much out of his abilities as his brother of like ability who goes into law or engineering or commerce; it is a question of living or starving. If a student of my own subject shows power and originality I dare not advise him to adopt a scientific career, for supposing he is able to maintain himself until he has attained distinction, I can not give him the assurance that any amount of proficiency in the biological sciences will be convertible into the most modest bread and cheese. And I believe that the case is as bad, or perhaps worse, with other branches of science. In this respect Britain, whose immense wealth and prosperity hang upon the thread of applied science, is far behind France, and infinitely behind Germany.

Let us consider briefly the import of this statement that the knowledge, the applied science on which not only the immense wealth, that is all the production, comfort, and happiness of the people of Great Britain and the United States depend, but upon which also the health, lives, and vigor of their people depend, is so neglected and so without public aid and recognition, says the greatest and most devoted follower of that school of science which seeks to interpret nature and to apply science to the practical wants of man that he who undertakes it must do it at the risk of starvation.

If this fact of the dependence of these great interests on knowledge or applied science is true; if this is the decree and divine economy which an all-wise and beneficent Ruler of the World has established—and who shall gainsay or deny it?—what further need for argument to demonstrate that it is the duty of those who give direction to the combined efforts of the whole people to direct them toward the attainment of those ends upon which both their prosperity and life depend?

Now let us turn for a moment to see what is being done in other countries for bringing applied knowledge into immediate connection with all the people and training them into its knowledge and use.

I extract the following from that most valuable journal the Scientific American:

[From the Scientific American, March 8, 1884.]

TECHNICAL SCHOOLS IN SAXONY.

The amount of attention given to purely technical education in Saxony is shown by the fact that there are now in that kingdom the following schools: A technical high school in Dresden, a technical state institute at Chemnitz, and art schools in Dresden and Leipzig, also four builders' schools, two for the manufacture of toys, six for ship-builders, three for basket weavers, and fourteen for lace-making.

Besides these, there are the following trade schools supported by different trades, foundations, endowments, and districts: Two for decorative painting, one for watchmakers, one for sheet-metal workers, three for musical-instrument makers, one for druggists (not pharmacy), twenty-seven for weaving, one for machine embroidery, two for tailors, one for barbers and hair-dressers, three for hand-spinning, six for straw-weaving, three for wood-carving, four for steam-boiler heating, six for female handiwork. There are, moreover, seventeen technical advanced schools, two for gardeners, eight agricultural, and twenty-six commercial schools. (Deutsche Industrie Zeitung, No. 3.)

Thomas Jefferson said:

A public institution can alone supply those sciences which, though rarely called for, are necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation.

Since Jefferson wrote these words the sciences have with every year come to perform a vastly more important part in the improvement and preservation of the country, and to-day they are the chief ministries to the life and comfort of our people. Their immediate connection with the daily life of the people in their preventive influences and the necessity for their cultivation and for their support and encouragement, and the diffusion by the agency of Government of the knowledge they acquire, is well illustrated by the following statements from a valuable paper read by Dr. John G. Johnson, of Brooklyn, before the Medico-Legal Society of that city, in relation to poison from the use of canned goods. The paper and a letter of S. P. Holt, of New York, under the title of "Canned goods poisoning," ought to be published and circulated over the whole country by Congress. Dr. Johnson says:

Having had in my practice six cases of corrosive poisoning from the eating of canned tomatoes, and finding that none of our works on toxicology gave any information on the dangers of canned goods, and none of the medical works accessible furnished anything to guide the physician on the subject, after consulting the chemist and former chemist of the board of health of Brooklyn and gaining no information from them, it was thought proper that I should bring the matter before this society, from which have emanated so many laws beneficial to the community. * * *

The position the French Government has taken with regard to the danger from lead poisoning in the cans can be best judged from the regulations established by the director-general of customs of France:

"The consulting commission of hygiene, to whom the question has been submitted, is convinced that, so far as the public health is concerned, there are serious objections to permitting the sale of products which from the contact with solder or with surfaces containing lead might become the cause of poisoning."

Mr. S. P. Holt, in his pamphlet, says:

There is nothing that so earnestly and importunately calls for immediate action upon the part of our law-makers as some action looking to the protection of the consumer from lead poison. Not a human being within the reach of our 50,000,000 population, except those interested in the improper (and I trust soon to be unlawful) method as at present used, but would sign a petition praying for a safeguard that shall be thrown around an article of consumption so universally used, so unexceptionally poisonous as the great, very great, majority of canned goods. That article of food amounted last year to $300,000,000.

The results of extensive tests of vegetables and fruits put up in cans soldered in the usual way, made by the Boston Institute of Technology, have shown that salts of lead are germinated by the contact, and the fruits, &c., thus become dangerously poisonous.

Again, the necessity for the support and encouragement of original research and applied science in the protection of the public health will be seen from the report of Consul Lambert of the epidemic which destroyed the people of the town of San Blas on the Pacific coast of Mexico in 1883.

The vomito appeared at San Blas, an island on the Pacific coast of Mexico, after the absence of a century. The town had 3,000 inhabitants. One-third of those who remained died, says the American consul, in his report of March of this year. So violent was the disease that in a large percentage of cases death occurred simultaneously with the first warning, and while the person was feeling well and looking comparatively well. Vomiting generally appeared simultaneously with the attack, and many are said to have choked to death. It partook more of the nature of pyæmia, and attacked the stomach as the objective part with more malignity than the ordinary black vomit, but at a different stage. The consul says he is constrained to believe in the germ theory, and that the inoculation may have been so fatal that being taken up at once into the circulation its effects operated precisely as any other deadly poison. The important results reasonably to be expected from an adequate foundation for the continuous pursuit of knowledge may be realized from a consideration of the results of enlightened inquiry and effort in the past even with inadequate means. Previous to the discovery of Jenner it is recorded by Russell, in his history of medicine, that in one year two millions of persons are reported to have died of small-pox. In Iceland it destroyed one-fourth of the population, and the capital of Thibet, in the East, was deserted for three years because of it.

Instinctive admonition to use the instrumentalities which Providence, in the order of nature, has either already discovered or placed in our power to discover, is contained in the history of the Black Death, the great plague of Europe in 1347–'48. Thorold Rogers, in his book on Work and Wages, says:

The Black Death is alleged to have had its origin in the center of China in about the year 1333, and is reported to have been accompanied by various phenomena, in the earth and atmosphere, of a very novel and destructive character, such, indeed, as were noticed as long ago as in the plagues of Athens and the simultaneous visitations at Rome or the mortality which prevailed in Northern Europe near three centuries before our era—and at the terrible pestilence which visited the known world in the age of Justinian. So, in later times, the cholera and influenza were traced to particular spots in India or China, which had been desolated by earthquakes, as Justinian's plague was said to have had its origin at Pelusium.

Nearly every infectious or contagious disease which has desolated mankind appears to have had its origin in the East and to have traveled along thence to Europe, although the yellow fever is said to be a product of the West. It is alleged that before it reached the West the Black Death exhausted itself in the place of its origin. Like most other plagues it was infinitely more destructive at the commencement of its career than after it had endured for a time. * * * We are told that it killed the strong * * * as with Asiatic cholera when it is most virulent; many of those attacked perished speedily, and before the disease had developed its most characteristic symptoms. It appears, indeed, and the impression is confirmed by scientific research, that when some new infection or contagion is developed the whole population is speedily liable to the assaults of the disease, and *that sometimes it may totally perish*, as in all likelihood the ancient occupants of the ruined cities in Central America have disappeared without leaving any sign, other than their stupendous buildings, of their existence.

The Black Death, as our forefathers called it from the dark purple blotches which appeared on the skin when the blood and tissues had become wholly disorganized through the virulence of the disorder, *still lingers in the East* under the name of the *Levant*, or the Oriental plague. Even now we are occasionally informed of an outbreak * * * where the * * * Turk has reduced every one to *squalid poverty* and misery, and whence Europe is again threatened. * * * The Black Death visited Christ church, Canterbury, very lightly *for a century before the friars had laid in pure water from the hills to the monastery.*

The Black Death first attacked Europe in Cyprus at about the end of 1347, and was accompanied by great convulsions of the earth and by atmospheric disturbances. Many persons who were seized with the disorder died instantly. * * * It appeared in Avignon, January, in 1348; * * * in Florence, by the middle of April; * * * France and Germany, in August; * * * on 1st of August in the seaport town of Devonshire, in England; and in Russia in 1351.

The mortality was enormous and appalling. It is probable that *one-third* of the population *perished*. * * * The immediate consequence was a dearth of labor and excessive wages. Crops rotted in the fields, cattle and sheep roamed at large, and land went out of cultivation. But the progress of sanitary science has put an end to the worst ravages of a disease which was so terrible more than five centuries ago.

THE ORDER OF PROVIDENCE AND NATURE.

In this effort I have endeavored to advance the purposes of the noble spirits who are associated throughout the world in the great work of a reverent, patient, and laborious effort for the interpretation of Providence and nature in the advancement of man in comfort and well-being in his life on this earth and hereafter, and as a feeble tribute to the labors of one of that band of martyrs, now gone to his rest, whose soul throughout a long life knew no other aspiration than that of faith and hope in an ascending progress of the human race, in the order of Divine Providence, toward the final goal of a relief from crime and disease and sorrow, through the faithful use, in subjection to the Divine will, of the faculties bestowed on man for his development and improvement.

In every age there have been men who have seen in the world and Divine Providence some other purpose than the creation of agencies to destroy life and create grief and suffering, who regard the powers of government, whatever may be their limitations, as intended for beneficent purposes, and who can see nothing but good in the discovery of truth and its diffusion among mankind and its application to their wants and necessities. Of such men were Washington, Jefferson, Madison, and Monroe. All of these considered the beneficent use of government to be its great object, and chief among its agencies the discovery and diffusion of knowledge among the people by the aid of the public money. They were not afraid to intrust the power of expending the public money for this object to the Federal Government.

I shall be content if I shall have done something toward directing the attention of the people to the importance of original research and applied knowledge in all the departments of human effort, and especially toward that most noble of all pursuits, its application, under the most certain conditions, to the protection of the public health and the relief and prevention of disease. I have no fear that the intelligent and thoughtful mind of the people will find fault with the judicious and prudent expenditure of the public money for these ends, due regard being always had to its being in conformity with the distribution of power under our distinctive system of Federal and State governments.

DIFFUSION OF KNOWLEDGE BY GOVERNMENT.

An opinion is entertained by many that the discovery of truth and diffusion of knowledge is not one of the proper objects of government; that no information should be obtained by government and disseminated to the people except such as relates to subjects as to which there is power in the National Government to make laws.

If we examine the ground of this opinion we will find that it has no foundation in reason, and will not bear the test of examination. Those who maintain it will not pretend to vindicate it by the assertion that it is not absolutely necessary to all the interests of society and the individual that the truth in relation to life and health and comfort and all economies should be ascertained. Neither will they assert that when known it should be confined to a few and withheld from the multitude. They must base their opinion, if they desire it to rest on any other ground than a mere prejudice, a dogmatic assertion, on the ground

that individual effort is a more successful agency and better adapted to accomplish results requiring great expenditure and continuous effort, often extending from age to age, than associated or combined effort, and we see that in this analysis of their thought it assumes an impossible form.

But some persons insist that although combined or associated effort is necessary to obtain results beyond the power of individual effort, yet this association should be voluntary as contrasted with involuntary association, which they assume to be the principle of government; that the voluntary association of the individual contrasted with his involuntary performance of a public or private duty has some special efficacy; but under our form government is a voluntary association of the people for public purposes, subject to an agreement that the combined and associated effort of all should be directed by the opinions of the greater part. And here again we find the analysis equally assumes an impossible form. The fact whether one of a minority voluntarily or involuntarily performs a public duty does not affect the performance of the duty so long as it is performed.

Some persons, again, insist that the combined and associated effort of the whole people organized in the form of government must be limited to the protection of the individual and the public life against external violence, to the agencies of war, military defense and force; and that while it is safe and proper for this purpose to intrust the control and direction of this organized force of the efforts of all the people to government, and to create great armies for its control, yet it is unsafe for the people that their common efforts should be directed to the discovery of truth and its application to the necessities and wants of the people and the diffusion of knowledge among mankind. That is, the use of power for malevolent and destructive purposes is safe and right, but its use for benevolent and beneficent objects is unsafe and wrong.

Again, this analysis of their thought assumes an impossible and unreasonable form. I take no part in such opinions. They have no connection with any just or reasonable theory of State rights and power, or of national power and right. The distinctions between the two are broad and palpable, and they need never interfere with each other—both were intended for beneficent objects. The exercise of power and force and subjection, and the exercise of the power of giving and accepting or rejecting, differ in their nature and all their qualities. Power demands subjection; giving demands nothing, and can be exercised only with consent. The States can never be destroyed by being aided and built up. The people can never be injured by having their wants more abundantly supplied with the fruits of their own labor, nor by having their health and vigor improved and their lives prolonged by protection and immunity from pestilence and disease. Great public objects can never be as well accomplished by individual effort as by the associated effort of many persons. Voluntary association of a part can never be as effective as the organized association of all the parts in the form of government for beneficent purposes.

FALSE THEORIES OF GOVERNMENT.

Now let us examine that theory of government which holds that the protection of the public health and the public life from anything but violence is a tyrannous and dangerous usurpation of power and an unnecessary and wasteful expenditure of the public money.

OBJECTS OF GOVERNMENT.

What are the objects and purposes of government? Are they confined to the protection of life, person, and property from violence either from individuals or nations? Do their powers extend to leading or in any way influencing the individual into other and higher modes of life? Must the advancement of a people, their protection and prevention from anything but violence, the increase of their activities, their improvement as a species, be left entirely to individual effort, and the power of combined or associated effort, of which the government is intended to be the most perfect form, be withheld from it? The answer to these questions will exhibit the true conditions.

The Institutes of Justinian, from which the great body of the law is derived, lay down these propositions:

Jurisprudence is the knowledge of things divine and human, the science of what is just and unjust.

The precepts of the law are to live honestly, to hurt no one, to give to every one his due. The law is divided into public and private. Public law regards the state of the commonwealth. The people by the *lex regia* make a concession of their whole power. That law which natural reason appoints for all mankind is called the law of nations, because all nations make use of it.

The law of nations is common to all mankind, and all nations have enacted some laws as business and necessity required.

We perceive then that from the earliest times the function of government covered those things which regarded the state of the commonwealth. We have found it wise in the progress of time to divide this concession of the whole power from the people, the *lex regia*, and to distribute some of it to the National Government and to reserve the larger part of it to the States, and the people in the several States have also seen fit to limit the power of the States in respect to their powers over their own people; but we have not and no people ever have or ever can deny to government or public law, whether State or national, the power and duty of regarding the state of the commonwealth as the proper subject for the exercise of its power, subject to the conditions of its organic law.

Hence we perceive that, whether the power be state or national, whether a republic or a monarchy, that which concerns the state of the commonwealth, whether it be the act of a private individual or the act of a great number; whether it be a great public calamity, a war, a pestilence, a famine, or an invasion; whether it concerns the state of the commonwealth as respects its "common defense," or whether it concerns it as respects its advancement in power and prosperity, which is the general welfare, must ever be the proper object of the power of government, and that under our system of States and of a national government, with separate and limited powers, so long as we avoid any interference with the power of the States and subject to this supreme limitation on all power. We shall find no want of authority for the appropriation of money for any object which concerns the state of the commonwealth or on which the public life depends. Surely the progress of applied science leaves no doubt of the necessity of an institution of original research with adequate provision for continuous investigation and experiment.

I find the following statement in a public journal which, in view of the suffering which this country has sustained in former years and to which it is again liable, demands from intelligent and conscientious legislators careful consideration:

BERLIN, *February* 19.

The German sanitary commission which was sent to Egypt to study the nature and causes of cholera, which after finishing its labors at Alexandria was ordered to continue its investigations in India, has just forwarded a report from Calcutta where it arrived two or three months ago. The commission discovered the cholera germ in a water tank at Calcutta, and found in the suburban village where the cholera made its appearance the same microscopic organism which had been discovered in the lower intestines of cholera victims in Egypt.

I insist that this information, when verified in an authentic form, demands preparation and preventive legislation on our part far more than if we had authentic information that some great power was organizing the forces of war for our destruction. This preventive and preparatory legislation can only be effectively had in the form of a permanent institution of original research, amply provided with all the instrumentalities for the successful prosecution of its great and beneficent work.

Russell, in his History of Medicine, says:

Among modern physicians there is no one who by his zeal and philanthropy secured the love of his fellow-citizens in a higher degree than the late Professor Alison, of Edinburgh, and few whose opinions on any subject connected with the future prospects of medicine carry more weight with the public and the profession. He wrote as follows: "Our hopes of the increasing usefulness and efficiency of our art must depend partly on the improvement of medical education and the more uniform diffusion through the members of the profession of the knowledge which we already possess, and partly also on the progress which may yet be expected in two lines of inquiry in which our success has been as yet only partial: First, in the discovery of specifics which may counteract the different diseases and actions of which the body is susceptible as effectually as the cinchona counteracts the intermittent fever, citric acid the scurvy, or vaccination the small-pox; and secondly, in the investigation of the causes of disease, whether external or internal."

How great will be the glory, how beneficent the contributions to suffering humanity, if in this the second century of the independence of the Republic the United States shall establish a university of original research, provided with all the means for exhaustive study and investigation, and taking precedence of all peoples in the history of the world in this the first and highest of all the objects of human effort in relation to human life?

I withdraw the motion to discharge the Committee on Education and Labor from the further consideration of the bill.

The PRESIDENT *pro tempore*. The motion to discharge the committee is withdrawn.

During Mr. CALL'S speech, at 2 o'clock,

The PRESIDENT *pro tempore*. The Senator from Florida will please suspend. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, being the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes, in respect to which the pending question is the appeal of the Senator from Kentucky [Mr. BECK] from the decision of the Chair.

Mr. HARRIS. I am informed by the Senator from Wisconsin [Mr. CAMERON] that the Senator from Maine [Mr. FRYE] is necessarily absent from the city, and that he desires that the motion and the pending question upon it shall go over until next Monday at 2 o'clock. I therefore ask unanimous consent of the Senate that the consideration of that question be postponed until 2 o'clock on Monday.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the pending order be postponed until 2 o'clock on Monday next and then be considered as the unfinished business. Is there objection? The Chair hears none.

Mr. COCKRELL. I ask unanimous consent that the Senator from Florida be allowed to continue his remarks.

Mr. DAWES. Is it necessary to take up the Indian appropriation bill by motion?

The PRESIDENT *pro tempore*. It is.

Mr. DAWES. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the Senator from Florida be permitted to conclude his remarks, after which the Chair will entertain the motion of the Senator from Massachusetts.

Mr. DAWES. It does not make any difference which one is first.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Florida proceeding with his remarks? The Chair hears none.

Mr. CALL concluded his remarks, as given above.

HOUSE BILLS REFERRED.

The bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 2984) granting additional pension to Apolline P. Blair, widow of the late Francis P. Blair, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I move to take up and consider at this time the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. DAWES. I ask that the bill be read by paragraphs, and that the amendments reported by the Committee on Appropriations be acted upon as they are reached in order in the reading of the bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill be read by paragraphs, and that the amendments of the Committee on Appropriations be considered as the reading proceeds. Is there objection? The Chair hears none.

Mr. DAWES. Before the Secretary commences the reading of the bill, it may be interesting and I hope instructive to the Senate to listen to a summary of its provisions, and the differences between the report of the Senate Committee on Appropriations and the bill as it came from the House, as well as the differences of each of them from what the Department estimated would be necessary for the Indian service.

The amount of estimates for the Indian service in all its departments is $8,466,809.91. The amount of the bill as it passed the House is $5,456,389.31. The Senate Committee on Appropriations have proposed amendments which increase the amount in the bill by $757,413.60, making a total, as reported by the committee for the Indian service of the present year, of $6,213,802.91. The amount appropriated last year was $5,373,655.91. The bill as reported is less than the estimates by $2,253,007. The bill as reported exceeds the act of last year by $840,147. I have here the changes in detail. The facts are fully presented in this table which I submit:

Amount of estimates for 1885		$8,466,809 91
Amount of bill as passed the House	$5,456,389 31	
Increase made by the Senate Committee	757,413 60	
Total as reported to the Senate		6,213,802 91
Amount of act for 1884		5,373,655 91
The bill as reported exceeds the act for 1884		840,147 00
The bill as reported, less than the estimates for 1885		2,253,007 00

The changes in amounts made by the committee in the House bill, are as follows:

INCREASE MADE BY SENATE COMMITTEE OVER HOUSE BILL.

Salaries of Indian agents	$1,400 00
Salaries of five Indian inspectors, restored	15,000 00
Traveling expenses of same	1,000 00
Buildings at agencies and repairs	30,000 00
Crows	21,000 00
Kickapoos	2,000 00
Northern Cheyennes and Arapahoes	12,000 00
Sioux of different tribes	157,000 00
Confederated band of Utes	10,000 00
Assinaboines in Montana	5,000 00
Blackfeet, Bloods, and Piegans	15,000 00
Turtle Mountain band of Chippewas	10,000 00
White Oak Point and Mille Lac bands of Chippewas, removal	15,000 00
Charlos band of Flathead Indians	21,000 00
Gros Ventres in Montana	5,000 00
Indians at Fort Peck agency	20,000 00
Indians of Fort Hall reservation, in Idaho	5,000 00
Indians at the Lemhi agency, Idaho	3,000 00
Modoc Indians in Indian Territory	1,000 00
Shoshones in Wyoming	3,000 00
Shoshones in Nevada	10,000 00
Support of Indian day and industrial schools, construction and repair of buildings, and purchase of stock and sheep for schools	250,000 00
Support of school at Arkansas City	1,500 00
Support of school at Forest Grove, Oreg	5,000 00
Support of school at Genoa, Nebr	6,500 00
Support of school at Hampton, Va	2,000 00
Support of Indian children at schools in the States, &c	5,000 00
Purchase of Kean's Cañon property for school purposes	25,000 00
Employment of practical farmers among the Indians	25,000 00
General incidental expenses in Nevada	10,000 00
Indian police	21,600 00
Transportation of Indian supplies	50,000 00
To reimburse Ute removal fund for expenses of survey of lands of the United States	21,575 35
To reimburse Ute removal fund for expenses for improvements of white settlers on lands in Utah selected for Uncompahgre Utes	10,338 25
For commission to examine Indian reservations in Montana and Dakota	10,000 00
Seminole Indians in Florida	6,000 00
Payment of damages by raid of Northern Cheyennes, payable out of their fund, $4,348.35.	
Payment of damages caused by Ute massacre, 1879, payable out of their funds, $4,419.10.	
To continue to carry out the agreement with the Ute Indians, reappropriation, $5,000.	
Payment of Indian homestead expenses	1,000 00
Total increase	812,913 60

REDUCTION FROM HOUSE BILL.

Apaches, Kiowas, and Comanches	$2,000	
Cheyennes and Arapahoes	1,000	
Navajoes, school buildings and teachers	10,000	
Navajoes support, making appropriations out of their funds	30,000	
Shoshones and Bannocks	3,500	
Boarding-house for industrial school, Eastern band of Cherokees	4,000	
Industrial schools in Alaska	5,000	
Total reduction		55,500 00
Net increase over House bill		757,413 60

The following table shows the appropriations for 1884, the estimates for 1885, the amounts of House bill, and the amounts recommended by the committee:

Table showing the appropriations for 1884, *the estimates for* 1885, *the amounts of House bill, and the amounts recommended by the Senate committee.*

Object.	Appropriations, 1884.	Estimates, 1885.	House bill, 1885.	Senate committee, 1885.
Indian agents	$89,400 00	$101,300 00	$88,900 00	$90,300 00
Interpreters	20,000 00	30,000 00	25,000 00	25,000 00
Indian inspectors, salaries	15,000 00	15,000 00	.....	15,000 00
Indian inspectors, traveling expenses, &c	6,000 00	6,000 00	5,000 00	6,000 00
Superintendent Indian schools, salary	3,000 00	4,000 00	3,000 00	3,000 00
Superintendent Indian schools, traveling expenses	1,500 00	2,000 00	1,500 00	1,500 00
Buildings at agencies and repairs	20,000 00	100,000 00	20,000 00	50,000 00
Contingencies of Indian service	40,500 00	50,000 00	40,000 00	40,000 00
Expenses of Indian commissioners	2,000 00	5,000 00	3,000 00	3,000 00
Total	197,400 00	313,300 00	186,400 00	233,800 00
FULFILLING TREATIES.				
Apaches, Kiowas, and Comanches	52,700 00	81,000 00	54,700 00	52,700 00
Cheyennes and Arapahoes	40,600 00	105,700 00	41,600 00	40,600 00
Chickasaws	3,000 00	3,000 00	3,000 00	3,000 00
Chippewas, Bois Forte bands	14,100 00	14,100 00	14,100 00	14,100 00
Chippewas of the Mississippi	25,000 00	25,000 00	25,000 00	25,000 00
Chippewas, Pillagers and Lake Winnebagoshish bands	25,166 66	25,166 66	25,166 66	25,166 66
Choctaws	30,032 89	30,032 89	30,032 89	30,032 89
Columbias and Colvilles	.....	85,000 00	85,000 00	85,000 00
Creeks	69,968 40	74,678 40	69,968 40	69,968 40
Crows	105,000 00	156,700 00	107,000 00	128,000 00
Iowas	2,875 00	2,875 00	2,875 00	2,875 00
Kansas	10,000 00	10,000 00	10,000 00	10,000 00
Kickapoos	10,679 05	16,209 45	12,209 45	14,209 45
Klamaths and Modocs	6,100 00	6,100 00	6,100 00	6,100 00
Miamies of Kansas	1,768 29	1,768 29	1,768 29	1,768 29
Miamies of Eel River	1,100 00	1,100 00	1,100 00	1,100 00
Molels	3,000 00	3,000 00	3,000 00	3,000 00
Nez Percés	3,500 00	3,500 00	3,500 00	3,500 00
Navajoes	.....	189,100 00	10,000 00	.....
Northern Cheyennes and Arapahoes	53,000 00	53,000 00	44,000 00	56,000 00
Omahas	10,000 00	10,000 00	10,000 00	10,000 00
Osages	18,456 00	3,456 00	3,456 00	3,456 00

Table showing the appropriations for 1884, *the estimates for* 1885, *&c.*—Continued.

Object.	Appropriations, 1884.	Estimates, 1885.	House bill, 1885.	Senate committee, 1885.
FULFILLING TREATIES.—Continued.				
Otoes and Missourias	$5,000 00	$5,000 00	$5,000 00	$5,000 00
Pawnees	47,100 00	50,000 00	47,300 00	47,300 00
Poncas	37,500 00	53,000 00	34,000 00	34,000 00
Pottawatomies	20,647 65	20,647 65	20,647 65	20,647 65
Pottawatomies of Huron	400 00	400 00	400 00	400 00
Quapaws	2,060 00	2,060 00	1,800 00	1,800 00
Sacs and Foxes of the Mississippi	51,000 00	51,000 00	51,000 00	51,000 00
Sacs and Foxes of the Missouri	8,070 00	8,070 00	8,070 00	8,070 00
Seminoles	28,500 00	28,500 00	28,500 00	28,500 00
Senecas	3,690 00	3,690 00	3,690 00	3,690 00
Senecas, of New York	11,902 50	11,902 50	11,902 50	11,902 50
Shawnees	5,000 00	5,000 00	5,000 00	5,000 00
Eastern Shawnees	1,030 00	1,030 00	1,030 00	1,030 00
Shoshones and Bannocks	29,437 00	62,037 00	30,800 00	27,300 00
Six Nations of New York	4,500 00	4,500 00	4,500 00	4,500 00
Sioux of different tribes	1,742,300 00	2,301,200 00	1,646,300 00	1,803,300 00
Sioux, Yankton tribe	70,000 00	100,000 00	65,000 00	65,000 00
Utahs, Tabequache band	720 00	720 00	720 00	720 00
Confederated bands of Utes	73,020 00	109,420 00	63,020 00	73,020 00
Winnebagoes	44,162 47	44,162 47	44,162 47	44,162 47
Ute Indians	4,000 00	4,000 00	4,000 00	4,000 00
Total fulfilling treaties	2,676,085 91	3,766,826 31	2,640,419 31	2,825,919 31
REMOVAL, SETTLEMENT, SUBSISTENCE, ETC.				
Apaches, &c., in Arizona and New Mexico	300,000 00	400,000 00	280,000 00	280,000 00
Arapahoes, Cheyennes, &c	413,000 00	500,000 00	390,000 00	390,000 00
Arickarees, Gros Ventres, and Mandans	38,000 00	60,000 00	40,000 00	40,000 00
Assinaboines in Montana	15,000 00	25,000 00	20,000 00	25,000 00
Blackfeet, Bloods, and Piegans	35,000 00	60,000 00	45,000 00	60,000 00
Chippewas of Lake Superior	15,000 00	20,000 00	12,000 00	12,000 00
Chippewas of Red Lake, &c	15,000 00	18,000 00	12,000 00	12,000 00
Chippewas on White Earth reservation	8,000 00	10,000 00	6,000 00	6,000 00
Chippewas, Turtle Mountain band	10,000 00	10,000 00		10,000 00
Chippewas, White Oak Point and Mille Lac bands		25,000 00		15,000 00
Confederated tribes in Middle Oregon	7,000 00	8,000 00	6,000 00	6,000 00
D'Wamish and other tribes in Washington Territory	8,000 00	10,000 00	7,000 00	7,000 00
Flatheads and other confederated tribes	13,000 00	13,000 00	11,000 00	11,000 00
Flatheads, Charlos's band				21,000 00
Gros Ventres in Montana	18,000 00	25,000 00	20,000 00	25,000 00
Indians of Central superintendency	18,000 00	30,000 00	18,000 00	18,000 00
Indians at Fort Peck agency	70,000 00	100,000 00	80,000 00	100,000 00
Indians at Fort Hall reservation	20,000 00	20,000 00	15,000 00	20,000 00
Indians at Lemhi agency	19,000 00	19,000 00	15,000 00	18,000 00
Kansas Indians	5,000 00	7,500 00	5,000 00	5,000 00
Klamaths and Modocs	6,000 00	6,000 00	5,000 00	5,000 00
Makahs	5,000 00	7,000 00	4,000 00	4,000 00
Menomonees	5,000 00	10,000 00	4,000 00	4,000 00
Modocs in the Indian Territory	5,000 00	10,000 00	4,000 00	5,000 00
Navajoes	(a)	35,000 00	30,000 00	(b)
Nez Percés of Joseph's band	20,000 00	30,000 00	20,000 00	20,000 00
Nez Percés in Idaho		20,000 00		
Quinaielts and Quillehutes	5,000 00	6,000 00	4,000 00	4,000 00
Shoshones in Wyoming	15,000 00	20,000 00	12,000 00	15,000 00
Shoshones in Nevada, Western, Northwestern, and Goship bands	11,000 00	11,000 00		10,000 00
Sioux of Lake Traverse	8,000 00	20,000 00	8,000 00	8,000 00
Sioux of Devil's Lake	8,000 00	20,000 00	8,000 00	8,000 00
S'Klallams	5,000 00	6,000 00	4,000 00	4,000 00
Tonkawas at Fort Griffin, Texas	3,000 00	4,800 00	10,000 00	10,000 00
Walla-Walla, Cayuse, and Umatilla tribes	8,000 00	10,000 00	7,000 00	7,000 00
Yakamas and other Indians	20,000 00	32,000 00	15,000 00	15,000 00
Total removal, settlement, &c	1,151,000 00	1,608,300 00	1,117,000 00	1,200,000 00
GENERAL INCIDENTAL EXPENSES—INDIAN SERVICE.				
In Arizona	22,000 00	40,000 00	25,000 00	25,000 00
In California	29,000 00	45,000 00	29,000 00	29,000 00
In Colorado	1,500 00	1,500 00	1,500 00	1,500 00
In Dakota	5,000 00	12,000 00	8,000 00	8,000 00
In Idaho	1,000 00	5,000 00	3,800 00	3,800 00
In Montana	5,000 00	6,000 00	5,000 00	5,000 00
In Nevada	13,000 00	19,000 00	13,000 00	23,000 00
In New Mexico	5,000 00	15,000 00	5,000 00	5,000 00
In Oregon	22,000 00	28,000 00	16,000 00	16,000 00
In Utah	10,000 00	24,000 00	10,000 00	10,000 00
In Washington	15,000 00	22,000 00	14,000 00	14,000 00
In Wyoming	1,500 00	1,500 00	1,500 00	1,500 00
Total general incidental expenses	130,000 00	219,000 00	131,800 00	141,800
MISCELLANEOUS.				
Pay of Indian police	70,000 00	115,000 00	72,000 00	93,600 00
Vaccination of Indians	800 00	1,000 00	1,000 00	1,000 00
Telegraphing and purchase of Indian supplies	40,000 00	40,000 00	40,000 00	40,000 00
Transportation of Indian supplies	275,000 00	350,000 00	250,000 00	300,000 00
Purchase of stock for Indian tribes	50,000 00	50,000 00		
Survey of Indian reservations		100,000 00	50,000 00	50,000 00
Payment of homestead fees, expenses, &c		5,000 00		1,000 00
Prevention of liquor traffic on Indian reservations		5,000 00	5,000 00	5,000 00
Removal and support of confederated bands of Utes, reimbursement		31,913 60		31,913 60
Construction of irrigating ditches, &c		100,000 00	50,000 00	50,000 00
Removal of Spokane Indians		6,000 00		
Removing Indians and consolidating agencies	10,000 00			
Construction of bridges on Santee Indian reservation in Nebraska, and Ponca reservation in Dakota			12,000 00	12,000 00
Hualpais Indians in Arizona, support			20,000 00	20,000 00
Special clerical work in Indian Office	3,000 00			
For commission to examine Indian reservations in Montana and Dakota				10,000 00
To establish Seminole Indians in Florida upon homesteads				6,000 00
Total miscellaneous	448,800 00	803,913 60	500,000 00	620,513 60

a The sum of $30,000 authorized to be expended for the Navajoes out of their funds in the Treasury of the United States.
b The sum of $50,000 authorized to be expended for the Navajoes out of their funds in the Treasury of the United States.

Table showing the appropriations for 1884, *the estimates for* 1885, *&c.*—Continued.

Object.	Appropriations, 1884.	Estimates, 1885.	House bill, 1885.	Senate committee, 1885.
INDIAN SCHOOLS.				
Indian day and industrial schools	$445,000 00	$1,161,800 00	$400,000 00	$650,000 00
Indian school at Carlisle, Pa	68,500 00	101,000 00	76,000 00	76,000 00
Indian school at Hampton, Va	16,700 00	26,000 00	21,900 00	23,900 00
Indian school at Forest Grove, Oreg	30,000 00	66,500 00	46,500 00	51,500 00
Indian school at Genoa, Nebr	20,000 00	31,500 00	21,500 00	28,000 00
Indian school near Arkansas City	20,000 00	36,500 00	31,500 00	33,000 00
Indian school at Lawrence, Kans		72,000 00	60,800 00	60,800 00
Indian schools in Alaska		25,000 00	15,000 00	10,000 00
Support of Indian children at schools in the States	75,000 00	140,000 00	75,000 00	80,000 00
Support of two hundred Indian children at Lincoln school, Philadelphia			33,400 00	33,400 00
Establishing training school among Eastern band of Cherokees, North Carolina			4,000 00	
For the purchase of Keam's Cañon, Arizona, for industrial school purposes				25,000 00
For the employment of practical farmers				25,000 00
Total Indian schools	675,200 00	1,660,300 00	785,600 00	1,096,600 00
TRUST-FUND INTEREST.				
Interest due various tribes	95,170 00	95,170 00	95,170 00	95,170 00
Grand total Indian service	5,373,655 91	8,466,809 91	5,456,389 31	6,213,802 91

The chief and main increase and that which is most interesting to know is in the appropriation for Indian schools. The analyses of the appropriations of last year and the proposed appropriations for the present year are as follows:

INDIAN SCHOOLS.

Amounts appropriated for 1884	$675,200
Amounts for school buildings at Arkansas City and on Sioux reservation in Dakota—reappropriations from 1883	50,000
Amount expended from the appropriation for educating children west of the Mississippi under act May 17, 1882	85,139
Total appropriated and expended for 1884	760,339
Amounts for 1885 as reported to the Senate	1,096,600
Amounts reappropriated from the appropriation for educating children west of the Mississippi	19,961
Total as reported to Senate for 1885	1,116,561
Increase as reported over 1884	356,222
Increase exclusive of amounts for buildings at Arkansas City and Sioux reservation (reappropriated) and for education of children west of the Mississippi under act May 17, 1882	421,400

I have also taken the pains to analyze the bill further, and to show under what heads this large amount is made: First, the amount appropriated by Congress under treaty, where the amount appropriated is fixed by the treaty itself, so that we have nothing to do with the amount but to fulfill our treaty obligations, amounts to $552,348.91. We have, however, under treaty, discretionary appropriations; and the amounts appropriated under treaty by Congress, where the amount is not fixed in the treaty but is left to Congress or the Department, is $2,094,237. The amount appropriated by Congress for the support of Indians as a gift, not required by any treaty obligation, but required by what we deem to be our obligations to the Indians themselves, is $1,316,500. The recapitulation of these sums amounts in the total to $3,963,085.91. This statement presents these items in detail:

AMOUNTS APPROPRIATED BY CONGRESS, UNDER TREATY, WHERE AMOUNT TO BE APPROPRIATED IS FIXED IN THE TREATY.

Apaches, Kiowas, and Comanches	$30,000 00
Cheyennes and Arapahoes	20,000 00
Chickasaws	3,000 00
Chippewas, Bois Forte band	14,100 00
Chippewas of the Mississippi	21,000 00
Chippewas, Pillagers and Lake Winnebagoshish bands	22,666 66
Choctaws	30,032 89
Creeks	69,968 40
Crows	30,000 00
Iowas	2,875 00
Kansas	10,000 00
Kickapoos	4,679 05
Miamies of Eel River	1,100 00
Miamies of Kansas	1,768 29
Omahas	10,000 00
Osages	18,456 00
Otoes and Missourias	5,000 00
Pawnees	30,000 00
Poncas	8,000 00
Pottawatomies	20,647 65
Pottawatomies of Huron	400 00
Quapaws	1,600 00
Sacs and Foxes of the Mississippi	51,000 00
Sacs and Foxes of Missouri	7,870 00
Seminoles	28,500 00
Senecas	3,690 00
Senecas of New York	11,902 50
Shawnees	5,000 00
Eastern Shawnees	1,030 00
Shoshones	11,000 00
Sioux, Yancton tribe	25,000 00
Six Nations of New York	4,500 00
Winnebagoes	44,162 47
Gratuity to Utes	4,000 00
	552,348 91

AMOUNTS APPROPRIATED UNDER TREATY, BY CONGRESS, WHERE AMOUNT IS NOT FIXED IN THE TREATY BUT LEFT TO THE DISCRETION OF CONGRESS OR THE DEPARTMENT.

Apaches, Kiowas, and Comanches	$22,700 00
Cheyennes and Arapahoes	20,600 00
Chippewas of the Mississippi	4,000 00
Chippewas, Pillagers and Lake Winnebagoshish bands	2,500 00
Crows	75,000 00
Klamaths and Modocs	6,100 00
Molels	3,000 00
Nez Percés	3,500 00
Northern Cheyennes and Arapahoes	53,000 00
Pawnees	17,100 00
Quapaws	1,060 00
Sacs and Foxes of Missouri	200 00
Shoshones and Bannocks	29,437 00
Sioux of different tribes	1,737,300 00
Sioux, Yankton tribe	45,000 00
Utes, Tabequache band	720 00
Confederated bands of Utes	73,020 00
Total	2,094,237 00

AMOUNTS APPROPRIATED BY CONGRESS AS A GIFT FOR SUPPORT OF INDIANS.

Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas	$413,000 00
Arickarees, Gros Ventres, and Mandans	38,000 00
Blackfeet, Bloods, and Piegans	35,000 00
Assinaboines in Montana	15,000 00
Chippewas of Lake Superior	15,000 00
Chippewas of Red Lake, &c	15,000 00
Chippewas, Turtle Mountain band	10,000 00
Chippewas on White Earth reservation	8,000 00
Confederated tribes and bands in Middle Oregon	7,000 00
D'Wamish, &c	8,000 00
Flatheads, &c	13,000 00
Gros Ventres in Montana	18,000 00
Indians in Arizona and New Mexico	300,000 00
Indians of Central superintendency	18,000 00
Indians of Fort Hall reservation	20,000 00
Indians of Fort Peck agency	70,000 00
Indians of Klamath agency	6,000 00
Indians of Lemhi agency	19,000 00
Kansas Indians	5,000 00
Kickapoos	6,000 00
Makahs	5,000 00
Menomonees	5,000 00
Modocs	5,000 00
Navajoes	30,000 00
Nez Percés of Joseph's band	20,000 00
Poncas	29,500 00
Quinaielts and Quillehutes	5,000 00
Shoshones in Wyoming	15,000 00
Sioux of Devil's Lake	8,000 00
Sioux of Lake Traverse	8,000 00
S'Klallams	5,000 00
Tonkawas	3,000 00
Walla-Wallas, Cayuses, &c	8,000 00
Yakamas, &c	20,000 00
Colorado River and Pima agency	22,000 00
Indians in California	29,000 00
Indians in Nevada	13,000 00
Indians in Oregon	22,000 00
Indians in Utah	10,000 00
Indians in Washington	15,000 00
Total	1,316,500 00

RECAPITULATION.

Appropriated under treaty where amount in treaty is fixed	$552,348 91
Appropriated under treaty where amount is left discretionary	2,094,237 00
Appropriated as a gift	1,316,500 00
Total	3,963,085 91

There is, besides this, a considerable expenditure of money as the income of trust funds. A portion of this we appropriate for every year. That appropriation is found on the sixtieth page of the bill. The Indian trust funds, so held, for which we appropriate each year the income at 4 and 5 per cent., is $1,616,366.66; but this shows only a very small amount of the trust funds which belong to the Indians. These funds

were originally held and invested by the Secretary of the Interior in United States bonds and other securities. Some loss of these securities was experienced about twenty years ago, just before the war, and since, in the redemption of United States bonds from time to time; bonds held in trust for the Indians have been called in, and the consequence was that the Secretary of the Interior was holding unproductive a large sum of money which belonged to the Indians.

In 1880 Congress passed an act authorizing the Secretary of the Interior in lieu of reinvestment in bonds to pay over these sums of money to the Treasury of the United States, to the credit of the respective tribes of Indians for whom he originally held the bonds in trust, and the act provided for a permanent appropriation without further act of Congress of the interest upon these credits at 5 per cent. Since 1880 there have been deposited in the Treasury under that act $10,834,763.38, on which the Government pays 5 per cent. interest to the Indians according to the terms of the trust, without any further appropriation. So that the whole amount of trust fund held by the Government is $12,451,130.02.

I have here a statement from the Secretary of the Interior of the manner in which he has expended this interest on the trust funds every year, which I propose, without taking the time of the Senate, to print with the other figures, so that the interest which the trust funds are drawing from the Treasury and the manner in which they are expended will all appear in the RECORD:

Statement of Indian funds held in trust by the Government in lieu of investment on which interest is paid semi-annually by the Treasury without further appropriation by Congress.

Trust fund.	Date of acts, resolutions, or treaties.	Statutes at Large. Vol.	Page.	Sec.	Amount in the United States Treasury.	Annual interest at 4 and 5 per cent.
Cherokee asylum fund	April 1, 1880	21	70	.....	$64,147 17	$3,207 36
Cherokee national fund	April 1, 1880	21	70	.....	427,242 20	21,362 10
Cherokee school fund	April 1, 1880	21	70	.....	457,903 72	22,895 18
Cherokee orphan fund	April 1, 1880	21	70	.....	228,835 43	11,441 77
Chickasaw national fund	April 1, 1880	21	70	.....	959,678 82	47,983 94
Chippewa and Christian Indian fund	April 1, 1880	21	70	.....	42,560 36	2,128 01
Choctaw general fund	April 1, 1880	21	70	.....	3,689 00	184 45
Choctaw school fund	April 1, 1880	21	70	.....	49,472 70	2,473 63
Cherokee fund	July 15, 1870 / June 5, 1872	16 / 17	362 / 228	.....	724,137 41	36,206 87
Cherokee North Carolina (removal fund, payable annually)	Aug. 15, 1876	19	197	.....	35,809 01	1,790 45
Delaware general fund	April 1, 1880	21	70	.....	673,894 64	33,694 72
Delaware school fund	April 1, 1880	21	70	.....	11,000 00	550 00
Iowa fund	April 1, 1880	21	70	.....	116,543 37	5,827 16
Kansas school fund	April 1, 1880	21	70	.....	27,174 41	1,358 72
Kaskaskia, Peoria, Wea, and Piankeshaw fund	April 1, 1880	21	70	.....	2,700 92	135 04
Kaskaskia, Peoria, Wea, and Piankeshaw school fund	April 1, 1880	21	70	.....	20,711 97	1,035 59
Kickapoo general fund	April 1, 1880	21	70	.....	128,571 78	6,428 58
L'Anse and Vieux de Sert Chippewa fund	April 1, 1880	21	70	.....	20,000 00	1,000 00
Menomonee fund	April 1, 1880	21	70	.....	134,039 38	6,701 97
Osage fund	April 1, 1880	21	70	.....	3,757,447 61	187,872 38
Osage school fund	April 1, 1880	21	70	.....	119,911 53	5,995 57
Ottawa and Chippewa fund	April 1, 1880	21	70	.....	16,956 25	847 81
Otoes and Missourias fund	Aug. 15, 1876	19	208	.....	219,503 45	10,975 17
Ponca fund	May 3, 1881	21	422	.....	70,000 00	3,500 00
Pottawatomie education fund	April 1, 1880	21	70	.....	72,993 93	3,649 70
Pottawatomie general fund	April 1, 1880	21	70	.....	89,618 57	4,480 93
Pottawatomie mills fund	April 1, 1880	21	70	.....	17,482 07	874 10
Sac and Fox of the Missouri fund	April 1, 1880	21	70	.....	21,659 12	1,082 96
Sac and Fox of the Mississippi fund	April 1, 1880	21	70	.....	55,058 21	2,752 91
Seneca fund	April 1, 1880	21	70	.....	40,979 60	2,048 98
Seneca (Tonawanda band) fund	April 1, 1880	21	70	.....	86,950 00	4,347 50
Seneca and Shawnee fund	April 1, 1880	21	70	.....	15,140 42	757 02
Shawnee fund	April 1, 1880	21	70	.....	1,985 65	99 28
Shoshone and Bannock fund	July 3, 1882	22	149	2	6,000 00	300 00
Eastern Shawnee fund	April 1, 1880	21	70	.....	9,079 12	453 95
Stockbridge consolidated fund	Feb. 6, 1871	16	405	.....	75,986 04	3,794 30
Ute 5 per cent. fund	April 29, 1874	18	41	2	500,000 00	25,000 00
Ute 4 per cent. fund	June 15, 1880	21	204	5	1,250,000 00	50,000 00
Total fund uninvested					10,554,763 86	515,238 10
In addition to the above there are Union Pacific Railroad bonds held for Cherokees and Delawares, 6 per cent.					280,000 00	16,800 00
					10,834,763 86	632,038 10

Interest on—

Cherokee asylum fund, paid to treasurer of Cherokee Nation.
Cherokee national fund, paid to treasurer of Cherokee Nation.
Cherokee school fund, paid to treasurer of Cherokee Nation.
Cherokee orphan fund, paid to treasurer of Cherokee Nation.
Chickasaw incompetent fund, no payments, interest held for incompetents.
Chickasaw Nation fund, paid to treasurer of Chickasaw Nation.
Chippewa and Christian Indian fund, paid in cash as annuity.
Choctaw general fund, paid to treasurer Choctaw Nation.
Choctaw school fund, paid to treasurer Choctaw Nation.
Cherokee North Carolina fund, used for educational purposes.
Delaware general fund, paid in cash as annuity.
Delaware school fund, used for educational purposes.
Eastern Shawnee fund, paid in cash as annuity.
Iowa fund, paid in cash as annuity.
Kansas school fund, used for educational purposes.
Kaskaskia, Peoria, Wea, and Piankeshaw fund, paid in cash as annuity.
Kaskaskia, Peoria, Wea, and Piankeshaw school fund, used for educational purposes.
Kickapoo general fund, paid in cash as annuity.
L'Anse and Vieux de Sert Chippewa fund, expended for education and beneficial purposes.
Menomonee fund, paid in cash as annuity.
Osage fund, $150,000 paid in cash, remainder for agriculture, &c.
Osage school fund, used for educational purposes.
Ottawa and Chippewa fund, applicable for cash payment, but not disbursed.
Otoe and Missouria fund, $20,000 paid in cash, balance for schools.
Ponca fund, paid in cash as annuity.
Pottawatomie education fund, used for educational purposes.
Pottawatomie general fund, paid in cash as annuity.
Pottawatomie mills fund, expended for mill supplies.
Sac and Fox of the Missouri fund, paid in cash as annuity.
Sac and Fox of the Mississippi fund, paid in cash as annuity.
Seneca fund, paid in cash as annuity.
Seneca (Tonawanda band) fund, paid in cash as annuity.
Seneca and Shawnee fund, paid in cash as annuity.
Shawnee fund, paid in cash as annuity.
Stockbridge consolidated fund, paid in cash as annuity.
Ute 4 per cent. fund, $10,000 for education, balance cash annuity.
Ute 5 per cent. fund, applicable for cash payments and supplies. No disbursement this fiscal year; $37,000 on hand.

The PRESIDENT *pro tempore*. The reading of the bill will be proceeded with.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in the appropriations for the pay of Indian agents, in line 64, to increase the clause for the pay of the agent "at the Pine Ridge agency" from $2,000 to $2,200.

The amendment was agreed to.

The next amendment was, in line 66, to increase the appropriation for the pay of the agent "at the Rosebud agency" from $2,000 to $2,200.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 76, to increase the appropriation for the pay of the agent "at the Mescalero agency" from $1,500 to $1,800.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 89, to increase the appropriation for pay of the agent "at the Sac and Fox agency, Indian Territory," from $1,200 to $1,500.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 97, to increase the appropriation for pay of the agent "at the Cheyenne and Arapaho agency" from $2,000 to $2,200.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 109, to increase the appropriation for pay of the agent "at Mackinac agency" from $1,000 to $1,200.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was,

in line 118, after the word "all," to strike out "eighty-eight thousand nine" and insert "ninety thousand three;" so as to make the clause read:

For the Eastern Cherokee Indians, $800; in all, $90,300; and all provisions of law fixing compensation for Indian agents in excess of that herein provided are hereby repealed.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, after line 124, to strike out the following clause:

The office of Indian inspector is hereby abolished, and the Secretary of War shall detail five officers of the Army, not under the grade of captain, who shall act, under the direction of the Secretary of the Interior, as Indian inspectors; and the Secretary of War shall change such officers at any time the Secretary of the Interior shall request the same to be done.

And insert in lieu thereof:

For pay of five Indian inspectors, at $3,000 per annum each, $15,000.

The amendment was agreed to.

The next amendment was, in line 134, after the word "five," to strike out "Army officers detailed as;" and in line 135, after the word "inspectors," to strike out "*Provided*, No payment shall be made to such Army officers for traveling expenses in this service except as provided in this act;" and in line 138, before the word "thousand," to strike out "five" and insert "six;" so as to make the clause read:

For necessary traveling expenses of five Indian inspectors, including incidental expenses of inspection and investigation, $6,000.

The amendment was agreed to.

The next amendment was, in line 142, after the word "traveling," to insert "and incidental;" so as to make the clause read:

Necessary traveling and incidental expenses of one Indian school superintendent, $1,500.

The amendment was agreed to.

The next amendment was, in line 145, to increase the appropriation "for buildings at agencies and repairs of the same" from $20,000 to $50,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 150, before "special," to strike out "four" and insert "five;" and in line 153, after the word "traveling," to strike out "and" and insert "or;" so as to make the clause read:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents, and of their offices, and traveling and incidental expenses of special agents, and for pay of employés not otherwise provided for, and for pay of the five special agents, at $2,000 per annum each, $40,000: *Provided*, That special agents shall be allowed $3 per diem for traveling and incidental expenses while traveling or actually on duty in the field, exclusive of cost of transportation and sleeping-car fare.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 159.

Mr. DAWES. I move to add at the end of line 159:

And any unexpended balances of appropriations for the expenses of the said commission are hereby reappropriated and made available for compensation for clerical services performed by direction of the commission during the current and the last two fiscal years.

Mr. COCKRELL. Why does the Senator want to go back to cover the two years past?

Mr. DAWES. I will state that this communication came after the bill was reported. The Indian Commission have been required to do a good deal of work this year. They were employed to go down and settle the difficulty with the Creeks; they have been sent to different parts, and have done a great deal of valuable service. They go without pay. They are very short of clerical force in their office. There is about $2,500 of the appropriations of last year and the year before that is not expended. They would like to expend that in clerical force. There is no compensation for themselves; and it seemed so reasonable that I thought it should be done.

Mr. COCKRELL. Have we not been paying that commission for rent of room, for a messenger, and a whole parcel of stuff that they ought never to have had? And now it is proposed to go back and cover the past two years.

Mr. DAWES. Whether they ought to have it or not depends upon whether they are useful. If they are of no use we ought not to have kept them in existence. They are a body of men recognized by the law, and from year to year have been rendered indispensable in the opinion of the Interior Department. They were once paid officials. Afterward their expenses alone were paid, and they were provided with a clerk and a room in which to do business.

Mr. COCKRELL. And a messenger.

Mr. DAWES. And a messenger. That is all they have now; but they have a great deal more work now than they had two years ago. They have rendered very valuable service, which required the employment of clerks as best they could get them. It is only that amount. If the Senate does not think it is wise to let them have that unexpended balance, then it will not adopt the amendment.

Mr. COCKRELL. The Committee on Appropriations, as the Senator from Massachusetts will recall, has been striking at the House of Representatives in regard to appropriations of this kind and has stricken out of every appropriation bill which has come here the clauses appropriating unexpended balances on the ground that it was a vicious mode of legislation; and now the Senator comes in here and asks us to do the same thing. I protest against playing hot and cold. If it is vicious, it is vicious when added by the Senate as well as when put on by the House. Let us know the amount and not figure it in any such style as that which is now proposed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. ALLISON. Let it be reported.

The PRESIDENT *pro tempore*. The amendment will be read for information.

The Secretary read the amendment.

Mr. COCKRELL. Is that obnoxious to the point of order? It has not come here from any committee. If the Senator will make it conform to what the Senate has done all the time, and specify the amount, and if he says it is necessary, I am not going to object to it; but I will protest against it and defeat it in any way I can if left to stand as it is.

Mr. DAWES. Will it meet the Senator's views to say "$2,000 of the unexpended balances?"

Mr. COCKRELL. That is what I want. I want the Committee on Appropriations to be consistent in the committee-room and out of it.

Mr. DAWES. The committee are not responsible for this.

Mr. COCKRELL. Then I do not want one member of the committee to place the committee itself in an improper position, because we are here and nominally assenting to it.

Mr. DAWES. I will try not to do so; and I will try to meet the Senator's views by saying "the unexpended balances to the amount of $2,000."

The PRESIDENT *pro tempore*. Does the Senator from Missouri make a point of order?

Mr. COCKRELL. I do not now if the Senator's amendment is changed so as not to appropriate what we do not know anything about. Let it specify what we appropriate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts modifies the amendment. It will be reported as modified.

The Secretary read as follows:

And any unexpended balances, not to exceed $2,000, of appropriations for the expenses of the said commission, are hereby reappropriated and made available for compensation for clerical services performed by direction of the commission during the current and the last two fiscal years.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair will state in reference to the suggested point of order of the Senator from Missouri that the rule provides that no amendment shall be received to any general appropriation bill the effect of which will be so and so. The Chair thinks that strictly a point of order of this kind should be made before the question is submitted to the Senate and debate goes on. The Chair mentions it now so as to put gentlemen in possession of what is evidently the apparent construction of the rule, though the Chair has always been very liberal in those respects. The reading of the bill will proceed.

The Secretary continued the reading of the bill. The next amendment of the Committee on Appropriations was, under the head of "Fulfilling treaties with Indian tribes," in the appropriations for the "Apaches, Kiowas, and Comanches," in line 169, to increase the appropriations "for purchase of clothing" from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, after the line 171, to strike out:

For school buildings and teachers, as provided for by article 7, treaty of October 21, 1867, $5,000.

The amendment was agreed to.

The next amendment was in line 176, to reduce the total amount of the appropriations for fulfilling treaties with the "Apaches, Kiowas, and Comanches" from $54,700 to $52,700.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for fulfilling treaty stipulations with the "Cheyennes and Arapahoes," in line 183, to increase the appropriation "for purchase of clothing" from $10,000 to $14,000.

The amendment was agreed to.

The next amendment was, after line 186, to strike out:

For school buildings and teachers, as provided for by article 7, treaty of October 28, 1867, $5,000.

Mr. CAMERON, of Wisconsin. I will inquire of the Senator from Massachusetts who has charge of the bill why lines 187, 188, and 189 are recommended to be stricken out? The Senate has agreed to strike out lines 172 to 174 inclusive, in regard to which the same inquiry might be made.

Mr. DAWES. There are quite a number of those provisions which the Senate Committee on Appropriations propose to strike out and cover them all together in another place at the close of the bill under the head of appropriations for schools, so that all the appropriations for schools may be together.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 192, to reduce the total amount of the appropriations for fulfilling treaty stipulations with the "Cheyennes and Arapahoes" from $41,600 to $40,600.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for fulfilling treaty stipulations with the "Chippewas, Pillagers and Lake Winnebagoshish bands," in line 237, before the word "article," to strike out "of;" so as to make the clause read:

For thirtieth of forty installments of annuity, in money, per third article of treaty of February 22, 1855, and third article of treaty of May 7, 1864, $10,666.66.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for fulfilling treaty stipulations with the "Columbias and Colvilles," after the word "domain," in line 305, to insert:

And subject to entry under the homestead laws only, except such portion thereof as may properly be subject to sale under the laws relating to the entry of timber lands and of mineral lands, the entry of which shall be governed by the laws now in force concerning the entry of such lands.

So as to make the proviso read:

And provided further, That in case said Indians so elect to remain on said Columbia reservation the Secretary of the Interior shall cause the quantity of land therein stipulated to be allowed them to be selected in as compact form as possible, the same when so selected to be held for the exclusive use and occupation of said Indians, and the remainder of said reservation to be thereupon restored to the public domain, and subject to entry under the homestead laws only, except such portion thereof as may properly be subject to sale under the laws relating to the entry of timber lands and of mineral lands, the entry of which shall be governed by the laws now in force concerning the entry of such lands.

Mr. PLUMB. I wish to add a verbal amendment to the amendment of the committee, to which I presume there will be no objection. I move to insert, in line 306, after the word "and," the words "shall be," and then, after the words "subject to," the words "settlement and;" so as to read:

And shall be subject to settlement and entry under the homestead laws only.

That will make it a little more specific, I think, and accomplish more certainly the object the committee had in view.

Mr. DAWES. That is right.

The amendment to the amendment was agreed to.

Mr. PLUMB. I will add the word "which;" so as to read:

And which shall be subject to settlement and entry under the homestead laws.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for fulfilling treaty stipulations with the "Creeks," in line 343, after the word "cents," to strike out "$2,000 of which shall be expended for educational purposes by the Secretary of the Interior;" so as to make the clause read:

For interest on $675,168 at the rate of 5 per cent. per annum, to be expended under the direction of the Secretary of the Interior, under provisions of third article of treaty of June 14, 1866, $33,758.40.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for fulfilling treaty stipulations with the "Crows," in line 352, after the word "dollars," to strike out "and $3,000 of this sum may be expended, in the discretion of the Secretary of the Interior, for educational purposes;" so as to make the clause read:

For third of twenty-five installments, as provided in agreement with the Crows, dated June 12, 1880, to be used by the Secretary of the Interior in such manner as the President may direct, $30,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, under the same head, in line 370, before the word "thousand," to strike out "four" and insert "five;" so as to make the clause read:

For sixteenth of thirty installments, to supply three hundred and fifty boys and three hundred and fifty girls, under the ages named, such flannel and cotton goods as may be needed to make a suit as aforesaid, together with a pair of woolen hose for each, per same article, $5,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, under the same head, in line 383, after the word "furnish" to strike out "flour and meat, and;" in the same line, after the word "articles," to insert "of food;" in line 385, after the word "require," to strike out "fifty-five" and insert "seventy-five;" and in line 368, before the word "thousand," to strike out "seven" and insert "twenty-eight;" so as to make the clause read:

For this amount, or so much thereof as may be necessary, to furnish such articles of food as from time to time the condition and necessities of the Indians may require, $75,000; in all, $128,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for fulfilling treaty stipulations with the "Kickapoos," in line 409, before the word "support," to strike out "settlement;" in line 411, after the word "including," to strike out "such as may be removed hereafter" and to insert "the purchase of stock;" in line 412, before the word "thousand," to strike out "four" and insert "six;" and in the same line, after the word "all," to strike out "eight," and insert "ten;" so as to make the clause read:

For support and civilization of Kickapoo Indians in the Indian Territory, lately removed from Mexico, including the purchase of stock, $6,000; in all, $10,493.24.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 418, after the word "paid," to insert "as provided in said treaty, and;" in line 421, after "United States," to strike out "the same being" and to insert "such sum as may be;" in line 423, before the words "one hundred," to strike out "sum of;" in line 425, after "1854," to insert "not exceeding;" and in line 430, after "Treasury," to strike out "$3,716.21," so as to make the clause read:

This amount, to enable the President of the United States to carry out the provisions of the third article of the treaty made with the Kickapoo Indians, dated June 28, 1862, to be paid as provided in said treaty, and under such rules as the Secretary of the Interior may prescribe, to eleven Kickapoo Indians who have become citizens of the United States, such sum as may be their proportion of the $100,000 provided for said tribe for education and other beneficial purposes per treaty of May 18, 1854, not exceeding $3,716.21; and the Secretary of the Interior is directed to pay also to the said eleven Kickapoos their proportion of the tribal funds held in trust by the United States, and on deposit in the United States Treasury.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Apppropriations was, in the appropriations for fulfilling treaty stipulations with the "Miamies of Eel River," after the word "dollars," in line 475, to strike out:

Provided, That Matilda Teresa Rousseau, of Saint Joseph County, Indiana, shall be entitled to her pro rata share of the money heretofore allowed the Miami tribe of Indians by the act of March 3, 1881, notwithstanding she was not included in the enumeration provided in that act; and the Secretary of the Interior is authorized to audit and allow her the sum that will be due as herein provided.

So as to make the clause read:

For permanent annuity, in goods or otherwise, per third and separate articles of treaty of September 30, 1809, $350; in all, $1,100.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the following clause, from line 495 to line 498 inclusive:

NAVAJOES.

For school buildings and teachers, as provided by article 6, treaty of June 1, 1868, $10,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for fulfilling treaty stipulations with the "Northern Cheyennes and Arapahoes," before the word "thousand," in line 507, to strike out "twenty-five" and insert "thirty-five;" so as to make the clause read:

For sixth of ten installments, to be expended by the Secretary of the Interior, for each Indian engaged in agriculture, in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper, as per sixth article of treaty of May 10, 1868, and agreement with the Sioux Indians, approved February 28, 1877, $35,000.

The amendment was agreed to.

The next amendment was, in line 511, before the word "thousand," to strike out "ten" and insert "twelve;" and after the word "dollars," in the same line, to insert:

Provided, That the amounts in this and the preceding paragraphs shall be expended pro rata, as near as may be, for the Northern Cheyennes and Arapahoes in Wyoming, and on the Tongue River, in Montana.

So as to make the clause read:

For sixteenth of thirty installments, for purchase of clothing, as per sixth article of treaty of May 10, 1868, $12,000: *Provided*, That the amounts in this and the preceding paragraph shall be expended pro rata, as near as may be, for the Northern Cheyennes and Arapahoes in Wyoming, and on the Tongue River, in Montana.

The amendment was agreed to.

The next amendment was, in line 518, to increase the total amount of the appropriation for fulfilling treaty stipulations with the "Northern Cheyennes and Arapahoes" from $44,000 to $56,000.

Mr. PLUMB. I call the attention of the Senator from Massachusetts having the bill in charge to the language of the amendment inserted at line 511 and following, which would seem to exclude the Cheyennes and Arapahoes who remain in the Indian Territory. It was intended I think to divide the money pro rata among all the Cheyennes and Arapahoes who were the subject of the treaty. Instead of that it seems to limit it to those who have removed to Wyoming and Montana. There are some in the Indian Territory.

Mr. DAWES. That is not the intention.

The PRESIDENT *pro tempore*. Does the Senator from Kansas desire to go back to a previous amendment?

Mr. PLUMB. There is no objection to the amendment in line 518.

The PRESIDENT *pro tempore*. The question is on the amendment in line 518. Is there objection to it? The Chair hears none, and it is agreed to.

Mr. DAWES. Now add to the amendment of the committee, at the close of line 515, "as those in the Indian Territory."

Mr. PLUMB. I want to include all the Indians entitled.

Mr. ALLISON. We have been in the habit of appropriating separately for the Northern Cheyennes and Arapahoes, and they are distinct from the Arapahoes and Cheyennes in the Indian Territory.

Mr. PLUMB. They are Southern Cheyennes who are embraced in another provision of the bill; but the Northern Cheyennes and Arapahoes were sent from Montana to the Indian Territory about 1877, and a portion of them have been returned to Montana. The design of the committee in inserting this amendment was that they might have their share of the gross amount of money provided by treaty, but it was not intended to exclude those in the Indian Territory.

Mr. DAWES. I think the Senator is mistaken. The estimate found on page 114 for this whole amount has this note:

For Shoshone agency, Wyoming.

Now, a portion of the Wyoming Indians are on Tongue River, and the idea is to divide between those in Wyoming and those on Tongue River. If the Senator will look at the Book of Estimates, here is the estimate and here is the note. These are for the Shoshone agency, in Wyoming, just two items, which are in the bill. The information which we received induced us to provide for those Cheyennes and Arapahoes who have gone on to Tongue River out of the appropriations for those for Wyoming. Suppose we go on with the understanding that if it be necessary we shall return to this item and let the Senator look into it. Will that do?

Mr. PLUMB. Certainly.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations for fulfilling treaty stipulations with the "Omahas," in lines 524, 525, and 526, to strike out the following words:

Seven thousand five hundred dollars of which may, in the discretion of the Secretary of the Interior, be expended for educational purposes.

So as to make the clause read:

For second of twelve installments, being last series, in money or otherwise, per fourth article treaty of March 16, 1854, $10,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriation for fulfilling treaty stipulations with the "Sacs and Foxes of the Mississippi," after the word "Iowa," in line 647, to insert:

And provided further, That there is hereby appropriated, from the moneys to the credit of the Sacs and Foxes of the Mississippi on the books of the Treasury, a sum sufficient, not to exceed $15,000, to purchase not more than two sections of land in Kansas for the use and benefit of such portion of said tribe as is now in said State, the title to said land to be taken in the name of the United States, in trust for the use and benefit of said Indians, who may receive patents therefor in the same manner and upon the same conditions and requirements as are provided for the Sioux Indians by article 6 of the treaty concluded April 29, 1868, and the provisions of the act approved March 1, 1883, relating to the Sioux Indians.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations for fulfilling treaty stipulations with the "Shoshones and Bannocks," in line 764, before the word "dollars," to strike out "ten thousand" and insert "eleven thousand five hundred;" so as to make the clause read:

Shoshones: For fifteenth of thirty installments, to purchase suits of clothing for males over 14 years of age, flannel, hose, calico, and domestics, for females over the age of 12 years, and such goods as may be needed to make suits for boys and girls under the ages named, as per ninth article of treaty of July 3, 1868, $11,500.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was to strike out lines 772 and 773, as follows:

For school buildings and teachers, as provided for by article 7 of the same treaty, $3,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was to strike out lines 781 and 782, as follows:

For school buildings and teachers, as provided for by article 7 of the same treaty, $2,000.

The amendment was agreed to.

The next amendment was, in line 786, to reduce the total amount of the appropriations for fulfilling treaty stipulations with the "Shoshones and Bannocks" from $30,800 to $27,300.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations for fulfilling treaty stipulations with "Sioux of different tribes, including Santee Sioux of Nebraska," in line 801, before the word "thousand," to strike out "thirty-eight" and insert "forty;" so as to make the clause read:

For fifteenth of thirty installments, to purchase clothing for males over 14 years of age, for flannel, hose, and calico, and domestics required for females over 12 years of age, and for such flannel and cotton goods as may be needed to make suits for boys and girls, per tenth article of treaty of April 29, 1868, $140,000.

The amendment was agreed to.

The next amendment was, in line 817, to increase the appropriation "for pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota" from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, in line 825, before the word "hundred," to strike out "two" and insert "three;" in line 826, after the word "dollars," to insert "and an additional sum of $75,000, to be expended only on the condition that the remainder of Sitting Bull's band shall return to the United States and unite with said tribes;" in line 829, after the word "tribes," to strike out "and not exceeding $70,000 of this amount may be used for;" in line 831, before the word "transportation," to insert "above sums shall include;" and in line 834, after the word "practicable," to strike out "*Provided*, That the supplies issued under this appropriation shall not be issued for a greater length of time at any one time of issue than ten days;" so as to make the clause read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $1,325,000, and an additional sum of $75,000, to be expended only on the condition that the remainder of Sitting Bull's band shall return to the United States and unite with said tribes; the above sums shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed wherever practicable.

The amendment was agreed to.

The next amendment was, after line 836, to strike out:

For the support, civilization, and education of the Medewakanton band of Sioux Indians, in the State of Minnesota, $10,000.

And insert:

For the purchase of stock for the Medewakanton band of Sioux Indians, in the State of Minnesota, and other articles necessary for their civilization and education, and to enable them to become self-supporting, $10,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was to strike out the clause from line 845 to 1847, inclusive, as follows:

For school buildings and teachers, as per article 7 of treaty of April 29, 1868, $25,000.

The amendment was agreed to.

The next amendment was, in line 850, to increase the total amount of the appropriation for fulfilling treaty stipulations with "Sioux of different tribes, including Santee Sioux of Nebraska," from $1,646,300 to $1,803,300.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriation for fulfilling the treaty with the "Sioux, Yankton tribe," in line 857, after the words "civilization of," to insert "and purchase of stock for;" so as to make the clause read:

For subsistence and civilization of and purchase of stock for 2,000 Yankton Sioux heretofore provided for in appropriations under "fulfilling treaty with Sioux of different tribes," $40,000; in all, $65,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was in the appropriations for fulfilling treaty stipulations with the "confederated bands of Utes," in line 880, before the word "thousand," to strike out "twenty" and insert "thirty;" so as to make the clause read:

For sixteenth of thirty installments, to be expended under the direction of the Secretary of the Interior, for clothing, blankets, and such other articles as he may deem proper and necessary, under eleventh article of same treaty, $30,000.

The amendment was agreed to.

The next amendment was, in line 883, before the word "thousand," to strike out "twenty-five" and insert "thirty;" so as to make the clause read:

For annual amount, for the purchase of beef, mutton, wheat, flour, beans, and potatoes, as per twelfth article of same treaty, $30,000.

The amendment was agreed to.

The next amendment was to strike out lines 884 and 885, as follows:

For school building and teachers, as provided for by article 7, same treaty, $5,000.

The amendment was agreed to.

The next amendment was, in line 887, to increase the total amount of the appropriation for fulfilling treaty stipulations with the "confederated bands of Utes" from $63,020 to $73,020.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 932, to increase the appropriation "for subsistence and civilization of the Assinaboines in Montana, including pay of employés," from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, in line 936, to increase the appropriation "for support, education, and civilization of the Blackfeet, Bloods, and Piegans, including pay of employés," from $45,000 to $60,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 953, before the words "one thousand two hundred dollars," to insert "not to exceed;" so as to make the clause read:

Support of Chippewas on White Earth reservation: For this amount, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, in the care and support of the Otter Tail, Pillager, Pembina, and Mississippi Chippewa Indians on the White Earth reservation, in

Minnesota, to assist them in their agricultural operations, and for pay of physician (not to exceed $1,200), $6,000.

The amendment was agreed to.

The next amendment was, after line 954, to insert:

To enable the Secretary of the Interior to establish the Turtle Mountain band of Chippewas in permanent homes on homesteads, and to purchase stock, implements, and other necessaries, $10,000.

The amendment was agreed to.

The next amendment was, after line 958, to insert:

For the removal and settlement of the White Oak Point and Mille Lac bands of Chippewa Indians on the White Earth reservation, in Minnesota, $15,000: *Provided*, That the lands vacated by said Indians shall not be disposed of in any manner until further legislation by Congress.

Mr. PLUMB. I wish that action on that amendment be postponed until the bill is concluded. I wish to suggest to the Senator having charge of the bill an amendment to that amendment.

Mr. DAWES. Very well.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the question on this amendment be passed over informally. Is there objection? The Chair hears none, and it is so ordered.

The reading of the bill was resumed and continued to the end of line 973.

Mr. VEST. I wish to offer an amendment at this point.

The PRESIDENT *pro tempore*. Amendments are not now in order, except from the Committee on Appropriations.

Mr. VEST. I ask consent to offer it. I think there will be no objection. After line 973 I move to insert:

For payment to the Flathead, Cootenay, and Lower Pend d'Orielle Indians in Montana Territory, for the right of way to the Northern Pacific Railroad Company over their reservation, the sums of $16,000 and $7,625, the former sum being due to the tribes before-named in their tribal organization, and the latter sum to individual members of said tribes under the terms of an agreement made between said tribes and the United States on September 2, 1882, and being the amounts of money heretofore paid to the United States by the Northern Pacific Railroad Company in payment for said right of way.

The PRESIDENT *pro tempore*. Is there objection to this amendment being now considered? The Chair hears none. The question is on agreeing to it.

Mr. DAWES. The Senator from Missouri can explain the amendment, but perhaps I may as well do it.

The Northern Pacific Railroad Company made an agreement with these Indians, which was ratified by the Government of the United States, by which it agreed to pay for the right of way over the lands of these Indians the sums specified in this amendment. The company has paid the money into the Treasury of the United States according to the agreement, but it can not be got out of the Treasury for these Indians except by an appropriation, and they have been expecting it and are needing it and are in great distress for the need of subsistence, and they are wondering why they do not get the money.

A bill has passed the Senate appropriating these sums out of the Treasury to these Indians, but it is doubtful whether it gets any further this session, and it is only to meet such an exigency as that that the Senator from Missouri offers this amendment to this bill. It was not brought before the attention of the Committee on Appropriations because it did not occur to any one but that the bill which passed the Senate would probably become a law at this session. It is now apparent that it may not become a law, and the result would be to leave these Indians in a very bad fix if they could not get their money which the company has paid into the Treasury, and would leave the Government, as the Senator from Connecticut [Mr. HAWLEY] suggests, in a bad fix.

Mr. DOLPH. I rose to inquire in regard to the facts of the case. If the facts are as stated by the Senator who has charge of the bill, if this money is now in the Treasury of the United States, and can only go to the Indians when it is appropriated by Congress, then I think the amendment is right; but that is not the usual course. I think the usual agreement is—I do not know how it is in this case—that the money is used for the benefit of the Indians under the direction of the Secretary of the Interior. I did not suppose that the money had been covered into the Treasury of the United States.

Mr. VEST. It has been.

Mr. DOLPH. If it has been, of course it will require an appropriation to get it out and pay it to the Indians.

Mr. DAWES. I should like to hear the amendment read again so that it may be seen what is to be done with the money, because it should be applied by the Secretary of the Interior according to the terms of the agreement.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment.

Mr. DAWES. I suggest to add to the amendment the words "to be paid in conformity with the terms of said agreement."

Mr. VEST. Put that in.

The PRESIDENT *pro tempore*. The amendment will be so modified and will be stated as modified.

The CHIEF CLERK. The amendment is modified by adding:

And said sum shall be paid in conformity with the provisions of the aforesaid agreement.

The PRESIDENT *pro tempore*. The question is on the amendment as modified.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 973, to insert:

For support and civilization of Charlos's band of Flathead Indians, to be expended under the direction of the Secretary of the Interior for those of said Indians who remain in Bitter Root Valley, as well as for those who remove to the Jocko reservation, $21,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in line 981, to increase the appropriation "for subsistence and civilization of the Gros Ventres in Montana, including pay of employés," from $20,000 to $25,000.

The amendment was agreed to.

Mr. DAWES. I ask leave to go back to line 959 and consider that amendment.

The PRESIDENT *pro tempore*. The paragraph referred to by the Senator from Massachusetts will now be read.

The CHIEF CLERK. After line 958 it is proposed to insert:

For the removal and settlement of the White Oak Point and Mille Lac bands of Chippewa Indians on the White Earth reservation, in Minnesota, $15,000: *Provided*, That the lands vacated by said Indians shall not be disposed of in any manner until further legislation by Congress.

Mr. PLUMB. I move to amend by adding this proviso in place of the proviso contained in the amendment as printed:

Provided, That the lands acquired from said Indians by the treaty proclaimed March 19, 1863, shall not be patented or disposed of in any manner until further legislation by Congress.

Mr. COCKRELL. Does that include all the lands?

Mr. DAWES. All those acquired under the treaty. It means the same as we intended to make the original amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 999, after the word "improvement," to strike out "eighty" and insert "one hundred;" so as to make the clause read:

Support of Indians at Fort Peck agency: For this amount, to be expended in such goods, provisions, and other useful articles as the President may from time to time determine, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any respect to promote their civilization, comfort, and improvement, $100,000.

The amendment was agreed to.

The next amendment was, in line 1104, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

For subsistence, support, civilization, and instruction of the Shoshones and Bannocks, and other Indians of the Fort Hall reservation, in Idaho Territory, including pay of employés, $20,000.

The amendment was agreed to.

The next amendment was, in line 1008, before the word "thousand," to strike out "fifteen" and insert "eighteen;" so as to make the clause read:

For support, civilization, and instruction of the Shoshones, Bannocks, and Sheepeaters, and other Indians of the Lemhi agency, in Idaho Territory, including pay of employés, $18,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1017.

Mr. PLUMB. It is a matter not of any very grave import, but in line 1016 the word "subsistence" is used where I think it would be better to use the word "support." It is used in a sense that I think "support" would answer better. I therefore move to strike out the word "subsistence" and insert the word "support;" so as to read:

For support and civilization of the Makahs, &c.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1021, to increase the appropriation "for support and civilization of the Modoc Indians now residing within the Indian Territory" from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, in line 1024, after the word "including," to insert "the construction of ditches, reservoirs, and wells, the purchase of stock;" in line 1026, before "medicines," to insert "purchase of;" after "medicines" to strike out "thirty" and insert "fifty;" and in the same line, after the word "dollars," to insert "to be paid from the funds now in the Treasury belonging to said Indians;" so as to make the clause read:

For instruction, support, and civilization of the Navajo Indians, including the construction of ditches, reservoirs, and wells, the purchase of stock, pay of employés, and purchase of medicines, $50,000, to be paid from the funds now in the Treasury belonging to said Indians; and not exceeding $1,200 of this amount may be paid for a clerk.

The amendment was agreed to.

The next amendment was, in line 1032, after the clause "for support and civilization of Joseph's band of Nez Percé Indians in the Indian Territory, $20,000," to add the following:

And of this amount a sum not exceeding $1,625 may be paid, under direction

of the Secretary of the Interior, to James Reuben, for expenses incurred by him in taking thirty-three Nez Percé Indians from the Indian Territory to Idaho; and the Secretary of the Interior is authorized to expend the balance of this appropriation for the removal of the Nez Percé Indians now in the Indian Territory to some other location, if he deems it proper so to do, and for their support at such new location.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 1046, to increase the appropriation "for support and civilization of Shoshone Indians in Wyoming" from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, after line 1046, to insert:

For support and civilization of Shoshone Indians in Nevada, including pay of employés, $10,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1054.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Kansas to line 1053, where the word "subsistence" again occurs.

Mr. PLUMB. I shall not move an amendment there. I observe that the words "subsistence" and "support" have been used interchangeably in different portions of the bill, and as it would require a number of corrections to render them uniform, I shall not take up the time of the Senate with the matter.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1056, after the word "Indians," to strike out "at Fort Griffin, Tex.;" so as to make the clause read:

For support, civilization, and instruction of the Tonkawa Indians, and for their removal to a reservation in the Indian Territory, $10,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations "for support of schools," in line 1067, after the word "for," to insert "and in pursuance of treaty obligations, $550,000;" so as to read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, and in pursuance of treaty obligations, $550,000.

The amendment was agreed to.

The next amendment was, in line 1069, after the word "buildings," to insert "$75,000;" so as to read:

For construction and repair of school buildings, $75,000.

The amendment was agreed to.

The next amendment was, in line 1070, after the word "schools," to strike out "four hundred" and insert "twenty-five;" and in line 1071, after the word "dollars," to insert "in all, $650,000;" so as to read:

And for purchase of cattle and sheep for schools, $25,000; in all, $650,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1072, to strike out:

And no portion of this sum, nor of any other sum appropriated by this act for the support of Indian schools, shall be paid for service rendered by any scholar taught in said schools during the period of his tuition, except for excess of value of labor over and above cost of tuition and support, or either furnished by the Government.

And insert:

Provided, That the entire cost of any boarding-school building to be built from the moneys appropriated hereby, including furniture, shall not exceed $5,000; and the entire cost of any day-school building to be so built shall not exceed $800.

Mr. DAWES. I am instructed by the committee to move an amendment to this amendment. In line 1080 I move to strike out "five" and insert "fifteen" before "thousand;" so as to read:

Shall not exceed $15,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in line 1084, to reduce the appropriation "for support and education of Indian children at industrial schools in Alaska" from $15,000 to $10,000.

The PRESIDENT *pro tempore*. Is there objection to this amendment?

Mr. HAWLEY. Yes; I object to the amendment. The Secretary of the Interior recommended an appropriation of $25,000 for schools in Alaska. I need not rehearse to the Senate the obligations we are under to the people of that Territory, which obligations, I am sorry to say, we have almost wholly neglected for the past sixteen years. During a large part of the sixteen years we have been receiving a very handsome dividend upon the sum we gave for that Territory, but have expended next to nothing upon it unless we take into account the cost of some revenue-cutters traveling along the coast, and now the salary of a collector and two or three other officials.

The Secretary of the Interior, who is well informed on the subject, recommends an appropriation of $25,000. The bill comes to us appropriating $15,000, and the committee recommend that that be still further reduced by inserting $10,000 instead of $15,000. I wish the chairman of the subcommittee would kindly enlighten us as to the reasons, for I presume he has reasons that seem good to him, and perhaps they are good; but I should like to hear them.

Mr. HARRISON. Mr. President——

Mr. HAWLEY. I asked the Senator in charge of the bill to give some reasons for this reduction.

Mr. DAWES. The committee were of opinion that money appropriated for schools in Alaska at this time and under the conditions which exist there would be money thrown away; that there were no conditions such as would enable any one to expend the money economically and effectively for the purposes of education. It was in that disposition that the committee cut down this provision. There was an effort to strike it out entirely.

I am free myself to say that this is the only feature in the bill in which I could not concur with the committee. I regretted very much their cutting down this appropriation, and I shall vote against the amendment itself; but I have given the reasons which influenced the committee in proposing this amendment.

Mr. HAWLEY. The objection that $15,000 appropriated there would be thrown away in the present condition of the civilization of the Alaska Indians is equally good obviously against the proposition to appropriate $10,000. Some people think that money is not wasted there in education. For example, it is made a matter of congratulation, and justly a matter of congratulation, in the report of the Commissioner of Indian Affairs that the churches and benevolent associations of this country are spending $25,149 upon education in Alaska. They did that I suppose within the last year. They are not throwing away their money, at least they think they are not, and they have been continuously supplying it. They are supplying our deficiencies, our neglect of moral and political obligations. The benevolent institutions and religious societies are supplying, I see by the same report, $239,430 to the general subject of education among the Indians of all parts of the country.

The population and the character of the population of Alaska are very well understood. There are some 20,000 Indians there, of whom four or five thousand are in a semi-state of civilization; they are called semi-civilized people. The Russians furnished them something in the nature of religion, the best they had, and as far as I know a good article, but we have not sent them anything. The Russians organized and supported Greek churches over a large portion of the territory. We have done absolutely nothing. The Russians supported schools there; we have done nothing. I think this is the first attempt to appropriate anything there. I believe there never has been one dollar given by this Government to support schools in Alaska. I recollect nothing.

Mr. DAWES. There was $50,000 appropriated some ten or fifteen years ago when I was in the other House, and it was in a gross sum. The purpose of it was to go to Alaska, but the examination by the authorities who had the money to expend of the facilities for expending it profitably there was such that they never expended it. We have in point of fact never expended a dollar there, although ten years ago, when I had charge of an appropriation bill in the House, there was included in the appropriations an item of $50,000 for educational purposes in Alaska. It was never expended, and it was a good many years before I could find out why. I have succeeded in getting the answer, which I have given to the Senator, that it was not expended because our officers did not know how to expend it. That answer I think influenced the committee somewhat in thinking that the same condition of things exists now that did then, and they would not know how to expend the money if it was appropriated.

I would have this item $25,000 instead of $10,000, because I believe it can be expended, and properly expended, and profitably expended, but the committee whose organ I am were of the opinion it should be cut down.

Mr. HAWLEY. I was not far out of the way, then. An appropriation was made, but made so long ago that nearly everybody had forgotten it, and on investigation it proves that no dollar of it was ever expended. I would rather waste $25,000 one year than to leave this reproach any longer upon us. I have no idea, however, that this would be wasted under the care of the Secretary of the Interior. It will, if granted, build a few plain school-houses and support a few teachers. It will be an experiment—merely a beginning. It would be about one-tenth or one-twelfth of the revenue that we are annually receiving from Alaska. We have kept that Territory, in the face of our solemn treaty with Russia, to make money out of, and have absolutely neglected every duty we owe to those people, the only officer we have sent there being a collector of customs to gather a few more dollars besides those we get from the Alaska Fur Seal Company. I hope the Senate will trust the Secretary of the Interior to expend just $25,000 upon the education of four or five thousand children there. Let us make the experiment.

Mr. COCKRELL. I have been trying to catch the point the Senator was making, and I desire to know if he has offered any amendment?

Mr. HAWLEY. I was speaking on the pending amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations.

Mr. HARRISON. Mr. President, it will be in the recollection, I

think, of most Senators that when the bill providing for the organization of a civil government for the Territory of Alaska was under discussion early in this session of the Senate we had considerable debate over an education clause that was contained in that bill. That bill proposed to appropriate $25,000 for education in Alaska. I have turned to the discussion before the Senate on that feature of it and I desire to read the remarks of the distinguished member of the Committee on Appropriations who has this appropriation bill in charge.

Mr. HAWLEY. Will the Senator allow me? I forgot to move the amendment I rose for the purpose of moving.

Mr. HARRISON. Let us first disagree to the committee's amendment. That is the proposition now.

Mr. HAWLEY. I have been advised that my better way is to move to insert "twenty-five" instead of "ten."

Mr. COCKRELL. I raise the point of order on anything that increases the amount.

Mr. HAWLEY. My amendment is in accordance with the estimate.

The PRESIDENT *pro tempore*. The Chair will treat the question in such a way that the Senator from Missouri will have his point of order reserved when the time comes.

Mr. HARRISON. I understand the question now is on agreeing to the amendment proposed by the committee.

The PRESIDENT *pro tempore*. That is the pending question.

Mr. HARRISON. I suppose that any amendment to the bill, if this amendment of the committee were disagreed to, would not be in order now under the agreement as to the consideration of the bill. The committee amendments were first to be acted on.

The PRESIDENT *pro tempore*. It is in order to move any amendment that would be at any time in order to the amendments of the committee.

Mr. HARRISON. When the educational feature of the Alaska bill was under discussion my friend the Senator from Massachusetts [Mr. DAWES] said, addressing me:

Mr. DAWES. I ask the Senator to make that $40,000 instead of $25,000, so that it may be understood that no effort to change phraseology here is animated by a spirit of cramping at all the purposes of the committee.

And again:

Mr. DAWES. I do not desire to press an excessive sum. If the committee have determined that $25,000 is as far as can be prudently and wisely expended, I withdraw any suggestion of any increase of the sum. My opinion is that in the hands of the Secretary of the Interior not a dollar will be expended beyond the limitations of wisdom and prudence in the administration of the fund.

The colleague of the Senator [Mr. HOAR], referring to a statement I had made as to the number of pupils already in the schools maintained there by the religious societies, said:

Mr. HOAR. It seems to me, if that be true, the Senator should have insisted on the $40,000 suggested by my colleague rather than the $25,000, which must be an entirely inadequate provision, because we have not only to provide for instruction but provide in the first instance school buildings and apparatus, and this sum of $25,000 is not the cost of one of probably twenty school-houses that you can find in any of our populous towns or cities.

To that I responded at the time that the Committee on Territories in naming the sum of $25,000 had supposed that it was as much as the Senate would be willing to vote, not as an expression of our judgment as to the amount that might profitably and reasonably be expended in Alaska for education; but as we were simply beginning schools there it was thought to be as much as we could prudently name at the beginning. This amendment, proposed by the Committee on Appropriations, if it is adopted, instead of giving us the sum of $40,000, which the Senator from Massachusetts himself suggested as the proper sum to be named in the Alaska bill, would reduce the entire appropriation for education in Alaska to $10,000. If, as he argued, $25,000 was inadequate, how much more, then, is the $10,000, which is proposed to be the extreme limit to be given for this purpose, utterly inadequate?

Mr. President, when $25,000 was agreed by the Senate to be appropriated by the Alaska bill, it was then distinctly said—and I remind the Senator from Kansas himself that he too raised this proposition—that the amount was too small. I think, therefore, as the Senator from Connecticut has said, that this appropriation should be increased to at least $25,000, because it is not likely that the appropriation made in the bill providing a government for Alaska will go into force at this session of Congress or can have effect at all until next year, and in that state of the case we should have only the sum of $10,000 to be expended for education there.

It is true, as the Senator from Connecticut has said, that under the auspices of religious societies, and maintained by the free contributions of our people in the States, there have been started in Alaska a number of most flourishing schools. As I have been informed they last year had 1,000 scholars in attendance, perhaps not all of the school age, some of them probably adults, and the number was simply limited by the capacities of the school buildings to contain them and the teachers to instruct them. It was said, as I had occasion to mention before of the Indians of the coast, that they are intelligent people, and some one writing of them said they are a people mad for education.

I think that we ought to show not a parsimonious but a liberal spirit.

Why, Mr. President, in one of the amendments of the Committee on Appropriations to this bill which we have just adopted we have allowed the sum of $15,000 to be expended for a single boarding-school. The committee had reported a limit of $5,000, and it was increased upon their suggestion to $15,000, so that they contemplate an expenditure for a single boarding-school among other Indians of $5,000 more than the entire appropriation for the Indian education in the Territory of Alaska. I am sure the Senate, upon reflection and upon recollection of what was in the contemplation of the Senate when the Alaska bill was passed, will at least secure $25,000 by this bill for the purposes named.

Mr. PLUMB. Mr. President——

Mr. HAWLEY. Now I will make the motion I intended to make.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] is entitled to the floor.

Mr. PLUMB. I will yield to allow the motion to be made.

Mr. HAWLEY. I move to insert "twenty-five" instead of "ten."

Mr. COCKRELL. I raise the point of order.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to amend the amendment by striking out "ten" and inserting "twenty-five."

Mr. PLUMB. There is no "ten" to strike out as I think.

The PRESIDENT *pro tempore*. The Chair will state the question. If the Chair understands correctly the Senator from Connecticut, he moves to amend that part of the amendment of the committee which proposes to insert the word "ten" by striking out the word "ten" and inserting the word "twenty-five." On that question the Senator from Missouri raises a point of order.

Mr. COCKRELL. That it increases the appropriation, and is therefore out of order under Rule XVI.

Mr. HAWLEY. To which I may be allowed to respond that it is in accordance precisely with the Book of Estimates, and that admits the amendment under the rule. It is the exact figure recommended in the Book of Estimates and fortified by the arguments of the Commissioner of Indian Affairs and the Secretary of the Interior in their reports.

The PRESIDENT *pro tempore*. The sixteenth rule provides in relation to appropriation bills that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session—

And similarly that no amendment to increase the amount in an amendment reported from a committee shall be in order—

unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

The Senator from Connecticut calls the attention of the Chair to the book of annual estimates submitted by the Treasury Department in pursuance of law, and under the head of "Interior Department, Indian Affairs," submitted by the Secretary of the Interior to the Secretary of the Treasury for transmission in pursuance of law, is this paragraph, under "Estimates of appropriations required for the service of the fiscal year ending June 30, 1885:"

Support of Indian schools in Alaska: Support and education of Indian children at industrial schools in Alaska, $25,000.

The Chair therefore thinks that the motion to amend the amendment of the committee by increasing the amount from $10,000 to $25,000 is in order.

Mr. PLUMB addressed the Senate. [See Appendix.]

Mr. CONGER obtained the floor.

Mr. VEST. Will the Senator give way to a motion to adjourn? We can not conclude this bill this afternoon.

Mr. ALLISON. Let us go on.

Mr. VEST. Will not the Senator from Michigan give way to a motion to adjourn?

Mr. CONGER. I desire to occupy but a short time, and I can say what I have to say better now probably, unless there is some particular reason for adjourning at this time. ["Go on!"]

I should like to say, Mr. President, what I have to say while the remarks of the Senator from Kansas are fresh in his mind, and in the mind and hearing of Senators here, because I think after one good night's rest and a quiet return to the normal condition of my friend, if he could review this speech which he has made he would wish to alter it so effectually that it might be thought to be the speech of any other Senator on this floor than himself.

It was an unusual ebullition against Christendom and against religion and against churches and against white people and against Indian people and against Aleuts and against Chilkahts and against every class and condition of men. The Lord only knows what was done in a committee that could have reported such an attack upon all the civilizing influences which humanity is using in this world to elevate the condition of men; I can not imagine. Generally the Senator from Kansas is one of the most forward men on this floor to advocate the elevation of the race, high or low, rich or poor, proud or humble; and yet I must say that with ridicule and with zeal and with earnestness and with far-fetched allusions, I think this the most extraordinary speech against the attempt to benefit inhabitants of the United States, wherever they

may be found, that has ever been delivered on the floor of the Senate. Why, sir, one would think that there had been a great wrong to the Government of the United States and to the people of the United States in Alaska, that there was some retribution to be heaped upon the memory of those who procured Alaska to this Government, that the sins of the fathers of this nation were to be visited upon the poor unfortunate Aleuts and Chilkahts and other inhabitants of that far-off and lonely region.

Mr. President, it is but a few years since this Government, at an expense of $7,000,000, procured by treaty from Russia this Alaskan territory. Many thought it was a matter of political necessity for which this Government should pay $7,000,000 merely to get behind the British territory on this continent and be north of it and have a loop-hole in the rear. Many thought that it was a beautiful tropical climate, adorned with flowers and fruits and roses. There were all kinds of imaginations about it. It was supposed, at all events, at that time that for all practical and substantial purposes as a part of the United States it was a mere sentimental treaty acquiring what was worthless in a money consideration, and only extending our territories where we could.

But nothwithstanding that the Government of the United States entered into a solemn treaty with Russia in making that purchase that the inhabitants of Alaska should enjoy all the rights, privileges, immunities, and advantages of citizens of the United States if they desired to remain in the Territory of Alaska as citizens of the United States under the new purchase, sir, this Government solemnly bound itself to grant all privileges of citizenship and all rights to the people that remained. In regard to this particular clause relating to education the Government bound itself to and with the Russian Government that their educational institutions should be preserved, that their churches, which under the Russian system were merely educational institutions, should all be preserved to those who owned them, recognizing both their edifices for religious worship and their edifices for educational purposes. That was in the treaty made by our Government.

It is, however, understood and agreed that the churches which have been built in the ceded territory by the Russian Government shall remain the property of such members of the Greek Oriental Church resident in the Territory as may choose to worship therein.

And any one who has read the history of their churches either in Russia or in Alaska knows that they are merely collections of schools, and their only means of education. This Government has recognized its duty to provide for the education of a portion of these citizens in its own laws. I find in the statutes approved July 1, 1870, this provision in regard to the lease of the two islands Saint Paul and Saint George for the purpose of obtaining the fur-seal bearing animals of Alaska:

And the Secretary of the Treasury is hereby empowered and authorized to make all needful rules and regulations for the collection and payment of the same—

Being the rents for the islands—

for the comfort, maintenance, education, and protection of the natives of said islands, and also for carrying into full effect all the provisions of this act.

The Government of the United States has received as the proceeds of two little islands, mere specks in that great Behring's Sea, three hundred miles from the mainland of Alaska, up to this date $3,945,000 in cash into the Treasury of the United States, at an expense of less than $11,000 a year all told. It has received into the Treasury of the United States from 1870 up to this time a net profit of over $3,000,000 and a gross sum in money of over $4,000,000—more than half the whole purchase-money of Alaska from two little islands, Saint Paul and Saint George in Behring's Sea; more than half enough to repay the purchase-money for Alaska; more than 6 per cent. interest annually upon that purchase-money.

When we received that territory there were Greek churches scattered at all the principal places of residence of the Aleuts. When we received that territory there were school-houses at every village scattered along the islands. When we received that territory the Aleuts, the largest portion of the inhabitants of Alaska, lived in houses with furniture and conveniences equal to those of our frontier settlers in the United States, with religion, with education, with the cultivation of the domestic virtues, as pure and innocent-hearted a people as dwelt upon the face of the earth. For almost twenty years this Government has never expended a dollar for the improvement and education of that people. It has drawn from that region over $4,000,000, and has never returned, that I know of, even in the shape of educational privileges or to support their worship or to improve their condition, one single dollar. Is there nothing due from this people to the inhabitants of a land which they purchased at great cost? Is there nothing due from this people and from this Senate to the inhabitants of a land which notwithstanding its great cost has been an unusually profitable investment pecuniarily to the United States, and bids fair in the future to be one of the most valuable territories in our land?

Mr. President, I have examined with care for many of the past years that country lying adjacent to the United States on the other side of the Saint Clair River, where I live—Canada, with its Indian tribes located within sight of my own home, where the British Government has had control—and compared it with our own care for Indians in the United States.

Sir, from the mouth of the Saint Lawrence to the far-off northern regions of Prince Rupert's Land there is no tribe of Indians where the government of Canada has not founded its schools and supported them and educated the people; not only built school-houses but built churches, taught those people; and the result has been that for the last fifty years, with a large population of different tribes of Indians extending from Labrador to British Columbia, there never has been an Indian war in all that vast province. There has never been an expenditure of a thousand dollars for armament or for troops to put down Indian outbreaks. And yet there are the same kinds of Indians that live within our border; the same tribes, with the same peculiarities, with the same habits in many respects, with whom our Government has been from time to time engaged in vigorous and bloody war. For fifty years there never has been in Canada one outbreak among the Indian tribes, although they are counted by thousands and hundreds of thousands. Why? Because the missionary, that the Senator from Kansas speaks of with such unmitigated contempt, passes under the sanction of the government into all those wild regions. The Catholic, the Episcopalian, the Presbyterian, the Methodist, the Baptist, all denominations have sent their missionaries and established their mission schools, and in great number. The Government does not think it derogatory to its character to aid any branch of people, no matter what their sectarian or religious views may be of a denominational character, in reclaiming savages from their wild state and educating them in the principles of religion and of morals and of government and of society, making them better.

Oh, sir, it is no wonder that right along that imaginary dividing line, the forty-ninth parallel, for more than 3,000 miles, and along our lakes and rivers, on the cold north, with fifty-three different tribes of Indians from Labrador to the Pacific, incited by all the passions, incited by all the lust, incited by all the desires, incited by all the heroism of Indian nature, there has never been one single outbreak; there has never been one general massacre; there has never been a war nor a battle for fifty years; and the moment you pass south of that imaginary line into the territory where we are all sovereigns, into a territory where every man and woman and child is taught to believe in education, in virtue, in religion, in morality, wars rage and the thunder of battle is heard on the plains and on the mountain with such frequency that we hardly look up to inquire whence the sound of the thunder comes.

What is the reason for this difference? There is something essentially right and essentially wrong in these two conditions. The one is that under an arbitrary, monarchical government justice has been done, rights have been respected, the means of education have been afforded, the restraints of religion have been imposed, government has encouraged even the missionary to lend his powerful aid to redeem from the degradation of savagery the people who inhabit that land; and on our side there has been too often expressed and carried out in practice the theory of our modern days that the only good Indian is a dead Indian, and that the only territory left to the Indian in this land, once all his own, is a little strip to which we all are hastening, six feet by three, deep in the ground.

Sir, I regret more than I have words to express what I have heard fall from the lips of the chairman of the Committee on Indian Affairs. I say it in sorrow. I do not attach that same feeling to the remarks of the Senator from Kansas, because he lives upon the frontier, because he is imbued with the frontier feeling as to the Indian, because his people want the land on which the Indian trod, and insensibly those feelings have taken possession of him which have taken possession of many other good, kind-hearted Christian men. But why he in whose hands we have placed the care of the Indians, why he into whose hands we have given the protection of the Indians, their advancement, their culture, their conduct physically and perhaps religiously, should be willing to permit, if he could possibly avoid it, the little paltry pittance of $15,000 in the bill as it came from the House to be cut down $5,000, one-third, without raising his voice, as he does often in behalf of the right, I can not understand.

Mr. DAWES. I think if the Senator had been listening here he would have understood my position. I believe the Senator has been told, all the Senators present in this Chamber have been told, that I did all I could to make this appropriation $25,000 and that I should vote to make it $25,000. The Senator must have been absent during some interesting part of this discussion.

Mr. CONGER. I did not unfortunately hear that remark of the Senator, but I have no doubt he made the remark. I have heard him on these occasions with a voice like thunder denounce what he believed to be such a wrong to these people, and I am glad he has reiterated his views here.

Now, Mr. President, of the $4,000,000 which this Government has to-day in its Treasury received from all Alaska it proposes in this bill, which appropriates hundreds of thousands of dollars for the education of our own Indians on the plains, and in the mountains, wild Indians and tame Indians, Christian Indians and pagan Indians, cannibals and saints, to expend in Alaska $10,000.

Sir, I was amused as other Senators were over the capital and practical illustration of the Senator from Kansas in regard to the methods by which Indian children may be induced to give some attention to the instruction and to the instructors furnished them. Why, sir, there is a picture of rude, wild children gathered by all the inducements and enticements that a loving man or woman can hold out to them to gather them in from the wild forests and from the rock and from the seashore and from the mountain-top, to bring them under some influences for education, for culture, for reclamation from a savage state, to teach them first those things that interest them; and here is a learned gentleman, he says, a professional man, an astronomer traveling for health in that region, and it is a matter of supreme ridicule to my friend who has sported over the plains of Kansas shooting the antelope that this astronomical philosopher should try in the forests or on the shores of Alaska to see whether he could make any impression upon the minds of the ignorant people there and gather them by some means so that he could convey information.

Why, sir, the gentleman says he made an orrery of pieces of tallow; he placed the sun here and the earth there, and the planets in their places, and the moon where it belonged—an orrery in Alaska of pieces of tallow, and when the little wondering minds were afraid they could not comprehend it he told them as thousands of men and women do in this Christian land, "if you come and get your lesson you shall have some candy, you shall have the tallow;" and they came and this astronomer pointed out the sun and the moon and the stars and the place of the earth, gave them their first information perhaps, old and young that were there, of how God's world was made. That man believed in teaching those children and those Indians something about the Creator and the creation. No matter what his object was, no matter how intensely he may have interested them in this work, it is enough to overturn all the efforts and all the feelings of philanthropy of this man to say that he gave the tallow to the children when they were done.

If there could be no incentive to study, and to thought, and to labor, if there could be no reward held out after nights of toil and days of study, where would you and I be, sir, in the intellectual race? Learning does not come without being sought. Education is not obtained without an effort. The mind does not expand itself without any inducement. In Alaska there are many schools; in Alaska there are Christians—I am not ashamed to speak the name even in the august presence of the Senator from Kansas—in Alaska there are Christians who have gone to that far-off land and established schools and are teaching the children of that land and gathering them in and holding out all inducements to them to study and to learn to fit them for earth and fit them for heaven.

The Government never gave a cent, but the people of the United States have, as they had opportunity and saw fit, contributed many thousand dollars to educate those far-off dwellers by the sea. They have established there schools. The gentleman referred to by the Senator from Kansas who has and is spending his life in efforts to build up in near and remote regions of the land schools and churches, as to whom I to-day for the first time ever heard an insinuation against his integrity, against his honesty, against his virtue, against his religion, against his judicious zeal for the cause of his Master, does visit that region. There are educated intelligent ladies there teaching those schools, fit to adorn any circle in this land, giving their lives to it, dependent upon the charities of the churches and not upon the help of their Government. I have seen the photographs of many of their schoolhouses scattered all along the coast; I have seen the photographs of the children assembled before them with their teachers; I have seen the neat, cleanly appearance of those children, their bright intelligent looks as photographed before me. Sir, the time is coming, is fast approaching, when the totem-posts upon which are carved the idols of their families and which are planted at the doors of the houses of the Alaskans will be laid aside and the columns of the temple and the belfry of the school-houses will be taking their places.

Mr. President, the Senator from Kansas said that some superintendent of some school or some teacher had asked for shoes for Indian children at $3 a pair, asked the Secretary of the Interior to furnish shoes at $3 and I think 27 cents or 44 cents a pair. Sir, the answer of our distinguished Secretary of the Interior written to that superintendent or teacher, and as a circular to all superintendents and teachers, was worthy of the man and was worthy of the officer. In a brief letter he explained his opinion and he believed the opinion of the Government in regard to the mode of education, the mode of clothing, and the things that it was desirable to teach, and the rules and methods to be observed—a letter that should be printed in letters of gold and framed in every agency and in every school-house. Oh, sir, without being much of a man-worshiper or allowing my feelings in my old age to go out toward any man with any particular zeal, I can not deny that when I read that answer (which was not referred to by the Senator from Kansas) to the letter to which he did refer, I felt proud of my race, I felt proud of my Government, I felt proud of the Secretary of the Interior that he should be prompted to write so good, so practical, so kind, so decisive, so energetic a letter to the agents of this Government and teach them so well in that brief rounded letter what was expected of them by the people of the United States and in what way they could best perform their duties to their Government and to those that they were sent to care for and minister to.

That same Secretary recommends $50,000 for the schools in Alaska. The Commissioner of Indian Affairs recommends $50,000 for the schools of Alaska. The President sends to Congress the communications in which both these officers recommend that there be put into this very appropriation bill an item of $50,000 for this purpose, not with approval or disapproval, but in the ordinary way in which he sends the opinions of his officials and asks for them the consideration of Congress. The more recommendations there are for any reasonable appropriations, the more this committee have cut the appropriations down.

For me, sir, I shall vote for the amendment to appropriate $25,000, heartily and cheerfully. I would prefer that the sum were $50,000. I know of no way in which we may appropriate a little pittance of the $4,000,000 that lies in our Treasury, derived from that unhappy land, better than by giving back to it for educational purposes some of that magnificent fund. I would give at least as much as Russia in the years gone by. I would do as much for these people as I would for the murdering savages upon our plains and in our mountains. I would treat a people partly educated, living in the forms of civilized life, most of them dwelling in houses, heretofore having had their education from their old government, as well as I would the blood-thirsty Arapahoes, and the Apaches, and the Modocs.

That is all this amendment means. It means to make a little paltry appropriation at which the Christian world would sneer, but with which we will solace ourselves that we have at least attempted to do a little toward the fulfillment of the infinite obligation that rests on a sovereign people, not only toward its own citizens of its own land, but toward the citizens acquired by treaty from an oligarchy, from a despotism. I would at least endeavor to show that under the benign influences of this free Government there was justice and kindness enough among the American people and their representatives to treat these far-off people in that distant region as well as the autocrat of Russia and his imperial government treated them before they were handed over to the tender mercies of this Christian nation.

Mr. ALLISON. I move that the Senate do now adjourn.

Mr. HAWLEY. Let me ask for information, is there provision for a meeting to-morrow?

Mr. ALLISON. Yes.

Mr. HAWLEY. At what hour? I do not understand the order of exercises agreed upon in regard to the ceremonies. Do we meet here at 12 o'clock for business?

Mr. ALLISON. At the usual hour, I understand, and at 1 o'clock the ceremonies take place.

Mr. CULLOM. Will the Senator yield to me a moment for the purpose of having a bill referred?

Mr. ALLISON. Yes, sir.

GOVERNMENT OF UTAH.

Mr. CULLOM. I ask to have taken from the table Senate bill 404, and that it be referred to the Committee on Territories.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Secretary will report the bill by title.

Mr. CULLOM. It is the bill (S. 404) to reorganize the legislative power of the Territory of Utah.

The PRESIDING OFFICER. Is there objection to the bill being taken from the table? The Chair hears none. The bill (S. 404) to reorganize the legislative power of the Territory of Utah is before the Senate.

Mr. CULLOM. I move that it be referred to the Committee on Territories.

The motion was agreed to.

ENROLLED BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution:

A bill (S. 2093) to provide for the appointment of an acting secretary of the Smithsonian Institution; and

Joint resolution (S. R. 81) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

REPORTS OF COMMITTEES.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 3838) granting a pension to Theodore C. Hawkins; and

A bill (H. R. 4188) granting a pension to William W. Day.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 2194) for the relief of George A. Corden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 2195) granting a pension to John S. Kirkpatrick; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2196) granting a pension to Silas W.

Welsh; which was read twice by its title, and referred to the Committee on Pensions.

INDIAN APPROPRIATION BILL.

Mr. VOORHEES. I desire, if in order, to offer an amendment to the bill now under consideration, on page 61, section 2, after line 7, and ask that it may be printed so that it shall be before the committee and the Senate. It is agreed to by the committee, I think, and at the request of the Senator from Arkansas who is absent [Mr. GARLAND] I have offered it.

The PRESIDING OFFICER. The amendment will be received and printed and lie on the table.

Mr. ALLISON. I move that the Senate adjourn.

Mr. ALDRICH. I ask the Senator to yield to a motion that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I yield for that motion.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 9, 1884.

The House met at 11 o'clock a. m. Prayer by Rev. DOUGLAS F. FORREST, D. D., Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. HARDEMAN. Mr. Speaker, I rise to a question of personal privilege. Yesterday I voted for the bill relating to the Centennial Cotton Exposition at New Orleans. Having conscientious convictions about the power of Congress in that regard I ask unanimous consent to withdraw my vote. It does not change the result.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

REGENTS SMITHSONIAN INSTITUTION.

Mr. SINGLETON. Mr. Speaker, I hold in my hand a letter from Professor Baird asking that a Senate bill and a joint resolution be passed in reference to a vacancy in the Board of Regents, and providing for appointment of an acting secretary. They are matters of course, and I ask unanimous consent to take them up and pass them.

There was no objection.

Joint resolution (S. 81) filling an existing vacancy in the Board of Regents of the Smithsonian Institution was taken from the Speaker's table and read a first and second time.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the existing vacancy in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress," occasioned by the resignation of Peter Parker, be filled by the appointment of James C. Welling, of the city of Washington.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ACTING SECRETARY SMITHSONIAN INSTITUTION.

The bill (S. 2093) to provide for the appointment of an acting secretary of the Smithsonian Institution was taken from the Speaker's table and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Chancellor of the Smithsonian Institution may, by an instrument in writing filed in the office of the Secretary thereof, designate and appoint a suitable person to act as secretary of the Institution when there shall be a vacancy in said office, and whenever the Secretary shall be unable from illness, absence, or other cause to perform the duties of his office; and in such case the person so appointed may perform all the duties imposed on the Secretary by law until the vacancy shall be filled or such inability shall cease. The said Chancellor may change such designation and appointment from time to time as the interests of the Institution may in his judgment require.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW YORK INDIAN LANDS.

Mr. PERKINS. I ask by unanimous consent that the House Calendar be discharged from the further consideration of the bill (H. R. 2047) to provide for the sale of certain New York Indian lands in Kansas, and that the amendments be reported from the committee for present action.

The bill and amendments were read.

Mr. WELLER. I ask to make an explanation.

Mr. HAMMOND. When this bill was up before I said I thought it ought to pass. The gentleman from Arkansas [Mr. JONES] made objection, and afterward showed me a report which satisfied me for the time it ought not to pass, and I therefore object.

Mr. PERKINS. Permit me to state that the gentleman from Arkansas said to me he would not object to the consideration of the bill, provided he could move an amendment to increase the price to be paid for the land.

Mr. HAMMOND. When the gentleman from Arkansas is present perhaps I may withdraw my objection.

INDIAN WAR CLAIMS.

Mr. ROSECRANS. I move by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the joint resolution (H. Res. 172) amendatory of the act of June 27, 1882, entitled "An act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, for money expended and indebtedness assumed by said States and Territories in repelling invasion and suppressing Indian hostilities, and for other purposes."

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress approved June 27, 1882, entitled "An act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, for money expended and indebtedness assumed by said States and Territories in repelling invasion and suppressing Indian hostilities, and for other purposes," be, and the same is hereby, amended by striking out the words "April, in the year 1861," and inserting in lieu thereof the words "January, in the year 1851," adding at the end of section 1 of said act the following:

"*Provided*, That all such claims of the State of California arising on and after the 1st day of January, 1851, shall be examined and investigated as aforesaid."

Mr. HOLMAN. Reserving the right to object, I will suggest this measure proposes to go back to the year 1851. It refers to a period during which there has been a large amount of legislation and many questions raised in the courts within that peroid as to whether investigations have gone beyond the point authorized by law. And unless the measure is more specific and definite, directing particular reports or covering specific periods, I shall be compelled to object.

Mr. STEELE. I object.

The SPEAKER. The gentleman from Indiana objects.

Mr. ROSECRANS. I understood the gentleman from Indiana to reserve the right to object.

The SPEAKER. The gentleman from Indiana on the left [Mr. STEELE] objects.

ORDER OF BUSINESS.

Mr. McMILLIN. I demand the regular order.

Mr. WILLIS. I hope my friend from Tennessee will yield for a moment to permit me to ask to have printed in the RECORD a memorial from the Louisville Board of Trade.

Mr. McMILLIN. I will yield to the gentleman for that purpose.

Mr. WILLIS. Then, Mr. Speaker, I ask unanimous consent to have printed in the RECORD a remonstrance from the Louisville Board of Trade against the proposed new bankrupt law. I will state that this is the only remonstrance against the passage of that law, while there have been a half-dozen or more in favor of it.

The SPEAKER. The title of the memorial will be read, after which the Chair will ask for objection to the request of the gentleman from Kentucky.

The Clerk read as follows:

Memorial to Congress of the Louisville Board of Trade against the passage of a national bankrupt act.

Mr. CAMPBELL, of New York. I object.

Mr. McMILLIN. Regular order.

APOLLINE A. BLAIR.

The SPEAKER. The regular order is the bill the title of which the Clerk will now report, and upon which the previous question was ordered on last Friday.

The Clerk read as follows:

A bill (H. R. 2984) granting arrears of pension to Apolline A. Blair, widow of the late Francis P. Blair.

The SPEAKER. This bill was reported from the Committee of the Whole to the House on last Friday with amendment, and the previous question was ordered upon its passage as amended. The question is now, Shall the bill pass?

Mr. HOLMAN. This bill has been reported from the Committee of the Whole, as I understand it?

The SPEAKER. From the Committee of the Whole House on the Private Calendar, on last Friday, at which time the previous question was ordered upon its passage.

Mr. McMILLIN. I believe there was an agreemeent at the time that there should be a vote in a full House upon this bill.

The SPEAKER. The question is upon the passage of the bill.

The question was taken.

Mr. STEELE. I demand a division. It was the understanding in the committee that we were to have a yea-and-nay vote on this bill. Therefore I demand the yeas and nays.

The yeas and nays were not ordered, 21 members only voting in favor thereof.

Mr. STEELE. I call for tellers on the yeas and nays.

Tellers were not ordered, 21 members only voting in favor of tellers.

Mr. STEELE. I demand a count of the other side.

The SPEAKER. There is no count of the other side on a demand for tellers. The rule requires one-fifth of a quorum to order tellers. One-fifth of a quorum has not voted on the demand of the gentleman from Indiana.

A division was called for on the vote first taken.

The House divided; and there were—ayes 88, noes 17.

Mr. STEELE. No quorum.

The SPEAKER. No quorum having voted, the Chair will appoint tellers.

Mr. STEELE and Mr. HANCOCK were appointed tellers.

Mr. STEELE. I wish to state that I am in favor of this bill; but it was my understanding in Committee of the Whole that an agreement was had to allow a yea-and-nay vote on this subject in the House. It will be remembered that I made that request.

The SPEAKER. The tellers will take their places.

The House again divided.

Mr. HOLMAN. I beg leave to say, Mr. Speaker, that if there was an agreement in Committee of the Whole when this bill was reported to the House that a yea-and-nay vote should be taken, in common fairness that agreement should be carried out.

Mr. MORRISON. There was no such agreement. That is a mistake.

Mr. HEWITT, of Alabama. It was the understanding that there was to be a vote in full House.

Mr. MORRISON. Yet there was no such agreement that a yea-and-nay vote should be had upon it.

Mr. HOLMAN. That having been the understanding, of course I should not insist upon the demand.

Mr. STEELE. It was my understanding that no objection was made to the suggestion that a yea-and-nay vote should be had. On that understanding no point of a quorum was made.

Mr. BELFORD. I demand a call of the House, to the end that the country may know whether a party with 76 majority here can not furnish us with a quorum for the transaction of the public business when this side of the House is ready.

The SPEAKER. The motion for a call of the House is not in order while a vote is being taken.

The tellers will report.

The tellers reported ayes 136, noes 21.

Mr. STEELE. No quorum.

Mr. STORM. It would save time to have a yea-and-nay vote. I hope the House will consent to that.

The SPEAKER. The tellers will retain their places, a quorum having not yet voted.

Mr. STEELE. I find, Mr. Speaker, that the RECORD bears out the statement I have made, as will be found by reference to page 4062, near the bottom of the page. It will be seen that I used this language:

> As a matter of claim this bill should have gone to the Committee on Claims. I am not going to object, but I do ask that gentlemen having it in charge will let it go into the House so we may have a quorum and a yea-and-nay vote on this question. I tell you I will vote for it when it goes into the House.

I do not understand that any objection was made to that suggestion.

The SPEAKER. The tellers will further report.

The tellers reported the result of the vote as ayes 142, noes 22.

So (no further count being demanded) the bill was passed.

Mr. HATCH, of Missouri. I move to amend the title of the bill by striking out the words "arrears of" and inserting the word "additional;" and add at the end of the title the following words, "and for other purposes;" so that it will read: "A bill granting an additional pension to Apolline A. Blair, widow of the late General Francis P. Blair, and for other purposes."

The motion to amend the title was agreed to.

Mr. HATCH, of Missouri, moved to reconsider the several vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. JONES, of Wisconsin. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES, of Wisconsin. I wish to ask whether it would be in order now to vote upon the bill (H. R. 3935) with reference to removing the charge of desertion from the records of soldiers, which was under discussion some two weeks ago? We were engaged in voting upon that bill when the recess occurred on a previous day. I wish to ask if it is not now unfinished business properly coming up at this time?

The SPEAKER. That will come up as unfinished business when the Committee of the Whole House on the Private Calendar makes its next report and the House resumes consideration of it. The bill just passed came up before the morning hour because the previous question had been ordered upon it.

NATIONAL ACADEMY OF SCIENCES.

Mr. COX, of New York, by unanimous consent, introduced a bill (H. R. 6933) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ORDER OF BUSINESS.

Mr. McMILLIN. I call for the regular order.

The SPEAKER. The regular order, this being Friday, is the call of committees for reports of a private nature.

MAJOR D. WILLIAMS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 394) restoring to the pension-roll the name of Major D. Williams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. JOHNSON.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6287) for the relief of John H. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB HOERTH.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3210) for the relief of Jacob Hoerth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN F. AMOS.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5500) for the relief of Benjamin F. Amos; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA LAWSON.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5941) for the relief of Martha Lawson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC R. H. CALDWELL.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISABELLA PALMER.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5553) granting a pension to Isabella Palmer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES FRAZIER.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5555) granting a pension to James Frazier; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 4078) for the benefit of Simeon Crain; which was laid on the table, and the accompanying report, ordered to be printed.

Mr. GEDDES, from the Committee on War Claims, reported back with an adverse recommendation the petition of Martha A. Bowles,

administratrix of James R. Bowles, deceased; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM H. WHEELER.

Mr. FERRELL, from the Committee on War Claims, reported back with an amendment the bill (H. R. 5322) for the benefit of William H. Wheeler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ROWELL, from the Committee on War Claims, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

The bill (H. R. 2750) for the relief of James White and the legal representatives of William White, deceased; and

The bill (H. R. 4112) for the relief of Henry O'Neill, jr., of Jackson, Mich.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of standing and select committees. If there be no objection, the Chair will now recognize gentlemen for reports who were not in their seats when their names were called.

CAPE COD SHIP-CANAL.

Mr. WILLIS. I desire to make a report from the Committee on Rivers and Harbors.

The SPEAKER. Is it a private bill?

Mr. WILLIS. I understand that it is. I am instructed by the Committee on Rivers and Harbors to report back the bill (H. R. 6320) making an appropriation for the construction of breakwaters, entrances, and approaches to the Cape Cod Ship-Canal. I desire to ask the judgment of the House as to what committee it should be referred to?

The SPEAKER. That does not seem to be a private bill.

Mr. WILLIS. It is a private company which is constructing this canal.

The SPEAKER. If there be objection the gentleman from Kentucky can not report that bill under this call.

Mr. WILLIS. I am merely reporting the bill back in order that it may be referred to the proper committee.

The SPEAKER. Is there objection to the gentleman from Kentucky making the report?

There being no objection, the Committee on Rivers and Harbors was discharged from the further consideration of the bill (H. R. 6320) making an appropriation for the construction of breakwaters, entrances, and approaches to the Cape Cod Ship-Canal; and the same was referred to the Committee on Railways and Canals.

ANN J. WILLIAMS.

Mr. CONNOLLY, by unanimous consent, introduced a bill (H. R. 6934) granting a pension to Ann J. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRIVATE CALENDAR.

Mr. MCMILLIN. I move that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering business on the Private Calendar.

WILLIS N. ARNOLD AND OTHERS.

The first business on the Private Calendar was the bill (H. R. 3937) for the relief of Willis N. Arnold, reported from the Committee on War Claims by Mr. GEDDES.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Willis N. Arnold, of Henderson County, Tennessee, the sum of $6,000, out of any money in the Treasury not otherwise appropriated, it being the amount collected by the military authorities of the United States for his benefit, and paid by them into the Treasury of the United States.

Mr. TAYLOR, of Tennessee. I desire to inquire of the Chair if this is the proper time to offer a substitute for the bill just read?

The CHAIRMAN. The Chair will recognize at this time the gentleman from Ohio [Mr. GEDDES], the chairman of the Committee on War Claims, having charge of this bill.

Mr. GEDDES. I am perfectly willing to yield to the gentleman from Tennessee for that purpose merely.

Mr. TAYLOR, of Tennessee. I desire to say that the next bill upon the Calendar is intimately connected with this one, growing out of the same transaction. I submit as a substitute for the pending bill that which I send to the Clerk's desk.

The CHAIRMAN. The substitute, will be read.

The Clerk read the substitute, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the respective sums of money, as hereinafter provided, to the respective persons named herein, or to their heirs or legal representatives, to wit:

To H. Johnson, $753.89.
To Stephen M. Johnson, $753.89.
To D. J. Franklin, $149.37.
To Josiah Franklin, $179.05.
To Nat Buckley, $298.65.
To John Tull, $358.10.
To Elias Bray, $447.65.
To Dr. G. Johnson, $179.05.
To Harrison Trice, $298.65.
To Jeremiah Crook, sr., $597.30.
To Willis Arnold, $5,956.86.
To Archie McCorkle, $447.65.
To G. L. Ross, $1,493.15.
To S. L. Ross, $1,493.15.
To John M. Hart, $597.30.
To William A. Brummer, $915.94.
To John D. Smith, $298.65.
To A. B. Cook, $298.65.
To Daniel McCollum, $298.65.
To Jeff Jones, $149.37.
To Thomas McGill, $179.05.
To James Ledbetter, $179.05.
To William Ozier, $597.30.
To Elijah Bond, $298.65.
To John L. Cawthon, $597.30.
To William Hall, $597.30.
To Carroll Beaver, $597.30
To John West, $753.89.
To James Clifford, $298.65.
To O. F. Hendrix, $895.26.
To Frank Cawthon, $358.10.
To James Cawthon, $149.37.
To S. E. Grider, $149.37.
To Silas Grider, $149.37.
To John Robinson, $274.32.
To Hugh McKnight, $228.60.
To John G. Smith, $91.44.
To Caleb McKnight, $228.60.
To James Thomas, $228.60.
To William P. Walker, $137.16.
To A. S. Rogers, $389.71.
To Tison G. Maness, $640.08.
To William H. Bond, $137.16.
To F. M. Ballard, $274.32.
To Stephen Messengill, $137.16.
To William Swink, $502.92.
To Kenton M. Jones, $411.48. In all, $25,445.36.

Mr. GEDDES. The amendment just offered by the gentleman from Tennessee [Mr. TAYLOR] will bring before the Committee of the Whole the subject-matter of the claim for the relief of Hiram Johnson and others, which bill stands next in order on the Calendar to the bill called by the Chair for the relief of Willis N. Arnold. I will address myself to that bill by way of statement, in order to get before the Committee of the Whole as well as I can a few of the facts involved in these two cases. They are so naturally blended and so connected that the merits of the one can not be considered without regard to the demerits or the merits of the other.

I shall probably have occasion to regret again and again the great difficulty experienced in this body in securing the attention of members to questions of great importance, not only in principle but sometimes in amount. The amount involved here may be regarded in the ordinary sense of our legislation as somewhat insignificant; it is only some $27,000. But the principle involved rises far above the amount of money in controversy.

This case, or I may say these cases, have a somewhat variable history in our legislation, and therefore the brief statement that I propose to make and regard as essential may be important to a proper understanding of the two cases.

Willis N. Arnold seeks to recover $6,000 of money admitted to be in the Treasury of the United States, and, as he claims, assessed and collected for his express benefit. Hiram Johnson and others claim that the $6,000, admittedly now in the Treasury for some one, was improperly assessed upon them, and instead of being paid to Arnold and others should be refunded to them.

These cases came before the Committee on War Claims of the last Congress, and if I remember correctly (and I may be corrected if I am in error) a unanimous report was made in favor of giving Willis N. Arnold $6,000, and an adverse report in the case of Hiram Johnson and others. The same cases were again considered at the present session, and I think there was but a single dissenting vote—at all events a large majority, and perhaps all the members of the committee except one, were in favor of the claim of Arnold and adverse to the claim of Hiram Johnson.

Mr. EZRA B. TAYLOR. Will my colleague allow me to make an inquiry?

Mr. GEDDES. Certainly.

Mr. EZRA B. TAYLOR. Why did you not insist upon the point of order that the substitute was the substance of another bill pending before the committee, instead of having these two matters brought up together?

Mr. GEDDES. I may say that it did not occur to me at the moment, and I regard it now as immaterial. As I have said, the merits of these two cases are so blended that they must necessarily be considered together, and a favorable action on the case of Arnold will necessarily be an adverse vote on the next bill on the Calendar, which is involved

in the substitute offered by the gentleman from Tennessee [Mr. TAYLOR].

In 1862 the United States forces, of which J. C. Sullivan was in command in some subordinate way as general, were in possession of a portion of Tennessee. General Grant was the superior officer in command, but Colonel Haynie was the commander of the post of Henderson, Tenn. The military authority had control there; the civil law and the civil authority had no power and no control in that community at that time.

About that time repeated raids were made by confederate soldiers upon these squads of Union men who held possession of the country, and in November, 1862, a band of men captured Henderson, and destroyed a large amount of Government property, and with it a considerable amount of private property belonging to private citizens. Colonel Haynie, in command of the post of Bethel, determined to exercise what he regarded as his military right, and to make an assessment upon a given scope of territory in order to collect a sufficient amount of money to reimburse in dollars and cents the amount lost by the Government and the amount which these private individuals had lost in consequence of this raid. He made the order, the order was enforced, and the assessment collected, and the money so collected was paid over and turned into the Treasury of the United States.

Three gentlemen, members of three separate Illinois companies, composed the board that made the investigation; and I have before me what will be admitted to have been their action at that time. Colonel Haynie's order was that they were to inquire as to what property was destroyed and its value and to whom it belonged; also the amount of the damage done to the bridge in that vicinity and to the private parties.

That commission met December 8, 1862, and it is important to mention right here what they found. They found that cotton belonging to John Aldridge and Smith Patterson, of the value of $9,606.36, was destroyed by that raid; that cotton belonging to W. D. Silvey, of the value of $2,565, was destroyed; that cotton belonging to Willis N. Arnold, this claimant, amounting in value to $6,000, had been burned; that cotton of the United States was burned amounting in value to $1,900; that there were also destroyed a water-tank belonging to a railroad company, valued at $1,500; camp equipage, $2,500; depot property, belonging to railroad company, $2,000; making exactly $26,751.36. The commission also find (and to this I desire to call the attention of the House) that the owners of the property destroyed were loyal citizens of the United States. This report from which I have just read is signed by the members of the board.

Following that order they made an assessment upon gentlemen whose names are here recited, and who are here as the claimants on the other side. This assessment was made for the payment of that exact sum, of which more than $23,000 was paid. Something over $3,000 was not paid, because the men upon whom the assessment was made had gone into the rebel army and could not be reached.

Mr. DIBRELL. If the gentleman will allow me one question, I wish to ask whether there is any proof that this man Willis Arnold ever lost a bale of cotton, any proof except that report?

Mr. STORM. No, sir.

Mr. GEDDES. No, sir; nor that these other men paid the money.

Mr. DIBRELL. Oh, yes; the report of one of the officers shows that.

Mr. GEDDES. There is no dispute that the finding at that time, indorsed by General Grant, by General Sullivan, by General Haynie, and every military man connected with the transaction, was that Arnold lost this property of which he was the owner, and that he was a loyal man.

Mr. TAYLOR, of Tennessee. I would like the gentleman to point to any proof, other than the statement of Arnold himself, that he ever lost a bale of cotton.

Mr. GEDDES. I refer the gentleman to this report and the report of the Glover committee in 1877, of which I shall hereafter speak. Fresh on the heels of this transaction came the Glover report, which went into the whole history of the matter and which found the facts as I now state them.

Mr. WOLFORD rose.

Mr. GEDDES. There is no man living to whom I would more gladly yield than to my friend from Kentucky; but I can not consent that all my time shall be taken up by interruptions.

Now, finding that this assessment thus made could not all be collected, a second assessment was made and collected, thus covering the whole matter. This is the history of the transaction in 1862.

The next date in order is 1864. In 1864 Willis N. Arnold addressed a letter to General Grant upon the subject of this claim, and received from General Grant's secretary (perhaps that was not his military title) a reply to which I invite the attention of the House, because it followed closely upon the heels of this transaction. The date was 1866.

> In reply to your communication of June 11, addressed to Lieutenant-General Grant, and requesting that you, as a loyal citizen, might be remunerated for losses sustained by you at the burning of Henderson, Tenn., General Grant directs me to inform you that an assessment was made by General Sullivan, by his orders, upon the property of disloyal citizens for the purpose of remunerating the sufferers at Henderson, and that since General Sullivan has been mustered out of the service he has informed General Grant that a certain amount of such assessment remains in his hands.
>
> General Grant advised General Sullivan to turn over the said sum to the authorities, so that it might be devoted to the uses for which it was collected.

This was in 1866. This letter was brought to the attention of General Badeau during the pendency of this claim before our committee. There was in the letter an interlineation of a word; and I, as a member of that committee, said "There must be no proof subject to suspicion. How do we know but that this interlineation was put there by some other party?" The word interlined was material to the reading of the letter. Therefore at my suggestion the letter was again presented to General Badeau in 1882; and upon this letter, written away back in 1866, he wrote this indorsement:

> The above letter was written by me June 26, 1866, together with the interlineations, while I was serving on the staff of Lieutenant-General Grant.

Thus the matter stood in 1866. Concurrently with these proceedings these parties who had suffered were pressing their claims before Congress. Among them Aldridge had a private bill passed by both Houses of Congress, which was approved by President Grant March 3, 1875, to pay him out of the Treasury of the United States $9,606.36 of this money assessed and collected by the military authorities.

Now I desire to read what General Grant said in 1882. He, too, was addressed during the pendency of the claim before our committee. He says in his letter:

> I have no recollection of loyal citizens having been molested at that time or of having ordered collections in their behalf; but whatever the record may be made at the time, then it may be taken as the exact facts. What I here state is simply from recollection.

Twenty years had rolled by, and we could all see how neither General Sullivan nor General Grant nor any other man——

Mr. DIBRELL. Read the balance of General Grant's letter in which he said he never intended——

Mr. GEDDES. You can do it in your own time.

Mr. HEWITT, of Alabama. Were these farmers or cotton speculators?

Mr. GEDDES. These were not cotton speculators and they had no connection with them, but well-known loyal citizens, whose property was destroyed in that raid.

Mr. HEWITT, of Alabama. Who was Arnold?

Mr. GEDDES. A loyal citizen of Tennessee then and now.

Mr. HEWITT, of Alabama. There seems to be a great deal of cotton in it.

Mr. GEDDES. A great many loyal men had cotton at that time, I suppose. They were not all beggars in Tennessee.

Mr. HEWITT, of Alabama. That is not my question. I asked whether he was a farmer.

Mr. GEDDES. I do not care if he was as poor as Lazarus and there is a military record that he owned this property, that he was a loyal man and other men destroyed it, he ought to be paid. Other men who suffered at the same time were paid out of the money of the United States in the Treasury.

Mr. DIBRELL. He was indicted.

Mr. GEDDES. The Government does not claim this money. The Government is a trustee for this money.

Mr. MCMILLIN. Nobody but Johnson and those from whom it was taken seek it, and they are the ones who ought to have it.

Mr. GEDDES. I presume not, and there will be no effort to refund it to anybody else. Following this action in 1877 I have the report of the Glover committee, to which I desire to invite the attention of gentlemen, because I know that a letter from General J. C. Sullivan, now twenty-two years after this transaction, will be offered here in conflict with plain and well-established facts on the record and contrary to the plain statement of General Grant. Look to the Glover report of 1877. That report of March 2, 1877, is as follows:

> The intention in ordering that money to be paid to Colonel Webster was to make him custodian of the fund for the indemnification of the United States, John Aldridge, and other loyal citizens who had suffered by the raid on Henderson Station. When Colonel Sanford brought the first installment of the collection up to Jackson Colonel Webster was not in the city, and Colonel Stanford paid over the amount to General Sullivan, and received his receipt for the same. General Sullivan, after keeping the money for a short time, became nervous on account of having no safe place of deposit for it, and telegraphed to Major-General Grant for orders as to what disposition he should make of it. General Grant replied to General Sullivan, ordering him to turn the money over to the provost-marshal at Jackson, Tenn., Major Smith.

Let me call the attention of the committee to the only evidence in any degree at variance with this whole military record, and at variance with the proof in the case which is now for the first time in 1884, and within the last few weeks, obtained from General J. C. Sullivan. I know when I say this that there was an unofficial statement by a man by the name of Hillyer that this money ought not to be paid to Arnold; but I wish to invite the attention of this House to the reason why I think Mr. Hillyer made that unofficial statement—not under oath, unofficial, and to the War Department. Why was it? I have here a letter in 1864 from T. H. Harris, the assistant adjutant-general of General Sullivan. He says:

> I was assistant-adjutant-general of the District of Jackson during Brigadier-General Sullivan's command, and fully believe, from my personal knowledge of the facts, that the abstracts above given from Major Smith's cash-book are correct and truthful, and that the Government of the United States is justly indebted to Aldridge, Patterson, Silva, and Arnold in the sum of $17,913.20, and consider that W. S. Hillyer, late colonel and provost-marshal-general Department of the Tennessee, should be required to show the disposition made of the $32,260.90 received by him from Major Smith.
>
> T. H. HARRIS,
> *Lieutenant-Colonel and Assistant-Adjutant-General.*

And when the War Department called on him for that showing, the only thing he gave was this unofficial, unsworn, and unsupported statement that it ought not to be paid to these parties.

That is not all. The War Department made a report rejecting the claim upon two grounds, both of which were well taken. The War Department acted according to the law regulating claims of this kind. They refused the claim—

First. Because cotton used for breastworks is not quartermaster's stores.

We all recognize the fact that that point was well taken; and—

Second. That the destruction was the act of the common enemy.

And we all recognize that as a good ground for the rejection of the claim by that department. But I invite attention now to what the quartermaster reports in relation to the other matter:

General Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton (private property) destroyed appears to have been collected.

That is what the quartermaster reported in that connection. Now I want to give my attention to this letter of General J. C. Sullivan, now for the first time offered. In that letter he says this:

It was not intended that the money so collected should be used in any way to reimburse any person or individual who claimed a loss by such raid——

Mr. TAYLOR, of Tennessee. I would like to suggest to the gentleman from Ohio, since he calls this a letter, whether it is not in fact a deposition sworn to by him?

Mr. GEDDES. I am not able to answer that question. I refer to it as a letter, although he may have verified it in that way under oath.

Mr. TAYLOR, of Tennessee. It is a deposition, sworn to by him.

Mr. GEDDES. It may be called an affidavit. I am not saying that General Sullivan's statement is not a sworn statement I am calling it and using it as proof in the case twenty-two long years after the original transaction, and I assert confidently, and there can be no contradiction of what I say, when we consider the plain facts fully established and conceded in this record.

He says:

I issued order No. 15 to prevent further raids by compelling the co-operation of these parties with me in my endeavor to do so. My order was a perfect success.

It will be remembered that it was not his order at all except indirectly.

In my opinion the relief asked for should be granted.

And again says General Sullivan:

I know that many thousands of dollars were collected, a careful and accurate record of which was made and preserved, and all the money so paid was then, to the best of my recollection—

Mark you—

was then, to the best of my recollection, sent by me to the United States subtreasury at Saint Louis, and placed on deposit under such circumstances, to the best of my recollection—

He takes care to repeat that a second time, as you will observe, "to the best of his recollection"—

as would have enabled me to withdraw it and refund it to the parties at the proper time. But in the spring of 1863 I was relieved of the command of the Department of West Tennessee and placed on General Grant's staff.

Now, I beg the House to remember that in the very brief of Hiram N. Johnson that I now hold in my hand this man Sullivan is plainly and flatly and overwhelmingly contradicted by their own brief and by their own testimony. Page 6 of the brief of the attorneys of Hiram N. Johnson will show that. It will be remembered that General Grant ordered the money paid over to the provost-marshal by this man Sullivan. Here I have in their own brief a record from the book of Major Smith, the provost-marshal of the District of Jackson. Here is what was done with the money. It was not sent to any bank in Saint Louis. It was not sent at all by General Sullivan. There is the Glover committee, that says that General Sullivan became nervous and did not want to hold it and wanted to have nothing in any way to do with it, and that he telegraphed to General Grant, and Grant says in reply, "Turn it over to the provost-marshal." There is the provost-marshal's record. He says:

JANUARY 21, 1863.

To this amount, received from General Sullivan, $8,388.20.

That is all this man Sullivan ever had. He says now, twenty-two years after the transaction, something else, and as I do not know him I would not for any consideration do him an injustice. I only attack his memory. His heart may be good, his head may be ordinarily good, but it is far off its balance on this record and in reference to these facts. But it only proves to all of us how the written records of twenty years ago are superior to any man's memory and to human recollection. We all know how frail it is, and we all know what value is attached to the records of our courts and our Congress and the records of our business men everywhere as against the mere memory of any man.

But that is not all in regard to Sullivan. All the balance of this money was paid to other parties, and here is the record of it and when paid right at the time; some paid for private parties; some paid for the railroad companies; some paid for the Government; and General Sullivan had nothing to do with it.

Now, for fear I may take too much time in this statement, I want to go to the question of the right to make this assessment. It is said that it was arbitrary, extraordinary, harsh. That is the history of war. All war is harsh, all war is arbitrary. When you drive away or remove by necessity or suspension, under the conditions and circumstances surrounding you, the courts of the land, the civil tribunals of the country, and the officers of the civil law, and you substitute military commanders and military law and military rule and the marching of armies, I have yet to learn that that has the mildness and the gentleness of a proceeding in a court of justice.

Let me suggest to my good friends sitting around me who want this money refunded to Hiram Johnson and others and say it was a harsh thing under military law and military rule to take their money; let me suggest to them that General Early entered good old York, in Pennsylvania, and assessed $30,000, put it in his pocket, and marched back within the rebel lines. We will give you an order on General Early to pay over to Hiram Johnson and the others that $30,000.

Mr. TAYLOR, of Tennessee. I am much obliged to the gentleman for his liberality. But I wish to ask him does he think the conduct of General Early was right?

Mr. GEDDES. Well, you would not get much out of me in favor of military rule.

Mr. MCMILLIN. We are not to get a good deal out of you, I am afraid.

Mr. GEDDES. Not much, except as I may be backed by military authority and international law well settled. And I will tell my friend when I go down to his good State of Tennessee and would appeal to its courts I would expect the courtesy and the ease and the gentleness of the civil law. And if he will come to Ohio he will find all the liberality that that civil law gives. But if he will march an army over into Ohio and bring it into my town he will find it the roughest place he ever invaded. I would expect him to make me realize that I was traveling a rough road if I were to go to Tennessee and attempt to extort money from its citizens.

Mr. MCMILLIN. Will the gentleman allow me to ask him a question?

Mr. GEDDES. Certainly.

Mr. MCMILLIN. My question has reference to the illustration he has given us of the city of York. I want to know if there is any class of private citizens of the United States who did not participate in that assessment of York upon whom you would now levy tribute for the purpose of paying those damages?

Mr. GEDDES. You talk, as I said, about military law being harsh. No one has felt that more keenly than I have during this session of Congress. It has been my honor to preside over a committee where all these claims are presented, and among them there comes a class of claims like this. A loyal man was the owner of a mill in the valley of the Shenandoah, all he had in God's world of property, and the Union forces, his own friends, burned it down over his head with all there was in it for fear the rebels would get possession and use it for military purposes. He comes with his claim and we reject it. Is not that harsh? Is not that hard? Is not that arbitrary? Yes; but it is one of those fruits of this war that we have to endure, which all deplore and all regret, and I pray that this world may never see its like again.

Dr. Best, of the gentleman's own State, comes here and says: "The Union forces tore down my house, all I had in the world, to keep the rebels from occupying it and shooting at our friends." He was loyal; he stood by the Union; he never wavered; he came here Congress after Congress, or did until his death, asking payment, and our committee rejects it. Do you suppose we do not feel that this is harsh? Do you suppose I do not think that is hard? If you do, you mistake my heart. How then can I say as a member of that committee or of this House that this $27,000 shall be refunded to these men and reject the claims of others? The law is not with you. The law is against this claim.

Now I must be permitted to read one clause in the Elements of International Law and Laws of War, by Halleck:

PENALTY FOR MILITARY OFFENSES.

In the first place we may seize upon private property by way of penalty for the illegal acts of individuals or of the community to which they belong. Thus if an individual be guilty of conduct in violation of the laws of war, we may seize and confiscate the private property of the offender. So, also, if the offense attach itself to a particular community or town, all the individuals of that community or town are liable to punishment, and we may either seize upon their property or levy upon them a retaliatory contribution by way of penalty. Where, however, we can discover and secure the individuals so offending, it is more just to inflict the punishment upon them only; but it is a general law of war that communities are accountable for the acts of their individual members. This makes it the interest of all to discover the guilty persons, and to deliver them up to justice. But if these individuals are not given up, or can not be discovered, it is usual to impose a contribution upon the civil authorities of the place where the offense is committed, and these authorities raise the amount of the contribution by a tax levied upon their constituents.

The allowance of this claim of Hiram Johnson and others would open the door for the presentation and allowance of a class of claims aggregating several hundred millions of dollars in amount, and which have been uniformly reported adversely by our committee. I hope no such step will be taken. This adverse report comes from a Democratic committee of this Democratic House of Representatives, and voices the general sentiment of the country on the subject of the payment of such

claims. If the Committee on War Claims is overruled by a vote of this House and a claim of this character allowed, that committee should feel called upon by every consideration of honor and self-respect to guard the Calendar and the interests of the country against any repetition of the act.

I believe I have made all the statement I desire to submit at present. It has been general, somewhat brief, and I fear it is a very imperfect statement of the condition of these two claims and of their merits and demerits. I will reserve any balance of time to which I may be entitled.

The CHAIRMAN. The gentleman has ten minutes remaining.

Mr. STORM. I am a member of the Committee on War Claims, which reported this bill. At the time the report was agreed upon I did not concur with the majority in the conclusions which they reached upon it. At the time the bill was before us I did not know that there had been any favorable action upon it by either the Senate or the House of any previous Congress. The principle involved in the report struck me as untenable as a general proposition. The whole proceedings struck me as being so harsh, so utterly devoid of any legal authority, so utterly destitute of justice and of humanity, that the mere statement of the case made me hesitate; and although I said at the time that I did not care to make a minority report, I could not come to the conclusion which the majority came to.

Since then I have found that this bill was reported to this House favorably in the Forty-fifth and Forty-sixth Congresses; I mean the Hiram Johnson bill, and in the Forty-sixth Congress it passed this House. I also find that it has had a favorable report two different times in the Senate and has once passed that body. It has received a favorable report in the Senate at the present session, making in all five reports in favor of the bill for the relief of Hiram Johnson and others, which bill has twice passed the two Houses of Congress, once by each legislative branch.

I think this statement ought to have great weight with this body in considering the question now before us. I know that the learned gentlemen who is the chairman of the Committee of War Claims [Mr. GEDDES] has argued this case with a great deal of positiveness, with a great deal of earnestness, and with a conviction that he is right. Still I think others who have paid as much attention to the question at different times as he has paid to it have come to a different conclusion. Therefore I must differ with the learned chairman of the committee, which I regret to do, but justice in this case requires that I should do so.

I do not place myself upon the constitutional ground that a man can not be deprived of his life, liberty, or property without due process of law. I do not base my opposition to the report of the committee on the fact that the Constitution says that no person shall be deprived of his property for public use without just compensation. I admit the general proposition that in the midst of war the laws are silent; *inter arma silent leges.* But I do say that for this specific act no precedent can be furnished and no legal authority produced to support it.

I admit the fact that an army may go into a hostile territory and assess contributions upon the inhabitants for its support and for military supplies; that it can take quartermaster stores and commissary supplies for the support and subsistence of the army. I do not deny that the Government may assess contributions even upon private persons, possibly, for losses which the Government itself has sustained.

But I do deny the proposition, the naked, bald proposition that the Government can go to A, B, and C and make an assessment upon them to pay D, E, and F for losses sustained by reason of the wrongful, the illegal acts of other parties. I know that in the early days of English history such a thing was done as making assessments upon a tithing, or town, or hundred, upon the taxable inhabitants thereof for losses sustained by the depredations of robbers and thieves. But that is not this case.

This is a case where twenty-five or thirty persons were selected and told that they must pay for the wrongs done to the property of certain other persons to make good their losses. Nearly all the losses for which the assessments were made in this case upon certain persons residing in Henderson, Tenn., were sustained by private individuals. The losses sustained by the Government amounted to only $5,080 out of the $26,751.36 assessed by the military authorities. All the rest of the losses were sustained by private persons and by private corporations, and were mainly the result of the destruction of cotton.

Now, when this Government has positively refused to pay for cotton lost as the result of the operations of the war I would like to know on what ground the Government proposes in this case to turn around and make itself the insurer of cotton destroyed by the rebels in raids which they may have made within the Union lines? That is what is sought to be done here; it is to say that the Government shall make itself the insurer for losses sustained by private individuals within the Union lines on account of raids or incursions made by rebel forces from without.

This case does not involve the question discussed by the gentleman from Ohio [Mr. GEDDES]. It is not the question of the loss of property destroyed by the ravages of war and incident to the operations of carrying on a war. It is not that question at all; it has nothing to do with it. It is simply a question whether the military authorities had the right to make an assessment upon certain individuals of a community, not all the citizens of a town or township, borough or city, but upon a few certain selected citizens, to assess upon them a certain amount in order to make good the losses which had been sustained by certain other private citizens within the Union lines.

Now, was it the purpose in this case to make an assessment for anything more than the losses sustained by the Government, amounting to $5,080, a part of this amount, I believe, being for cotton and the rest for arms and camp equipage belonging to the United States? What evidence have we on this subject? We have the positive statement of General Grant himself, which is embodied in the report of a committee of the Forty-sixth Congress. I read the language of that committee:

> At the time of the appraisal of the damages and of the levying and collecting these assessments it was supposed to be under and in execution of an order of General Grant, then commanding the troops in that department. But it appears from the papers filed that General Grant disavowed the construction put upon his general orders by the local officers, and declared the purpose and intent of his general order to be that reprisal should be made by way of levy and assessment in case of raids within our lines like the one at Henderson only to repay such losses as the Government might sustain in its property thereby, and he refused to recognize the right of private claimants to reimbursement by such levy and assessment.

General Grant says:

> General Hillyer's letter as printed above is no doubt entirely correct. I certainly never intended any collection for the benefit of cotton purchasers.

Now, Mr. Chairman, if a misconstruction was placed upon General Grant's order, and he positively says that a misconstruction was placed upon it, that it was never his intention to sanction the authority exercised by this military commission that made these assessments, shall we insist upon carrying out the misconstruction which was thus put upon General Grant's orders by his subordinates? This money is still in the Treasury; this injury can still be repaired; justice can still be done to these parties without doing injustice to anybody else. General Grant says that he never intended that this construction should be placed upon his order.

Mr. GEDDES. The gentleman ought perhaps to state in this connection that the only authority we have for that is the unofficial and unsworn statement of this man, who is charged with having the money, and which it is claimed he ought to be compelled to pay over.

Mr. STORM. The gentleman is mistaken. I have just read from the letter of General Grant, dated February 28, 1882. This has nothing at all to do with Sullivan's statement. I will come to that. The gentleman says that we have no evidence except the unsworn statement of Sullivan.

Mr. GEDDES. No, no!

Mr. STORM. I understood the gentleman to say that.

Mr. GEDDES. No, sir.

Mr. STORM. Then the gentleman takes that back. Let me read the sworn statement of General Sullivan, the officer who issued the order. What does he say about the matter? In order to break the force of this statement, the gentleman has found it necessary to cast a suspicion upon the honesty of this man. Here is the sworn statement of General Sullivan.

> Order No. 15 was not directed against parties who had been tried and convicted of complicity in the raid, but as against those whom I believe could control and discourage future raids; such parties as I believed to be influential and were interested in keeping the department quiet were selected and made to put up a money security—the amount based upon their ability in proportion to the loss sustained.
>
> (It was not intended that such money so collected should be used in any way to reimburse any person or individual who claimed a loss by such raid. That would have been insuring cotton buyers against war risks.)
>
> What I was trying to do was to preserve quiet in my department, using as few troops as possible. I did not believe that the parties from whom I collected this money participated in the raid. I issued order No. 15 to prevent further raids by compelling the co-operation of these parties with me in my endeavor to do so. My order was a perfect success. In my opinion the relief asked for should be granted, as this money was simply a bond for good behavior and compulsory assistance in helping me maintain order and quiet.
>
> Cotton purchasers were not looked upon with favor in General Grant's command, and no officer would have dared make innocent parties pay their claims.
>
> I most positively state that it was in no manner intended by me to pay or adjust any such claims. JEREMIAH C. SULLIVAN.
>
> Subscribed and sworn to before me this 3d day of March, 1884.
>
> [SEAL.] JOHN E. HARVILL, *Notary Public.*

Now, gentlemen, what will you say in the face of these statements of General Grant and General Sullivan?

Mr. BLAND. I would like to understand what is the purpose of this bill?

Mr. STORM. The first bill—the bill for the relief of Willis Arnold (though as I understand we are discussing both bills, as they are necessarily connected)—is to pay him $6,000, the amount awarded by this military commission to him as one of the parties who suffered from the rebel depredations.

Mr. BLAND. I understand that certain parties were assessed and paid the money.

Mr. STORM. Yes, sir.

Mr. BLAND. Where is that money now?

Mr. STORM. That money, less what was due to the Government, $5,080, is, or ought to be, in the Treasury of the United States.

Mr. BLAND. Then why not pay it back to the parties from whom it was taken?

Mr. STORM. That is just what I am advocating. That is what the second bill proposes to do—to pay it back.

Mr. BLAND. Then this money was assessed on certain parties to pay other parties?

Mr. STORM. Yes, sir; an assessment was made on about thirty persons to pay five or six others.

Mr. BLAND. Does the gentleman propose to confirm robbery of that sort?

Mr. STORM. No, sir; I do not want to do anything of the kind. This bill for the relief of Willis Arnold is first on the Calendar. The bill for the relief of Hiram Johnson and others who paid the indemnity is next on the Calendar.

But, as has been stated, we have nothing to show what was the damage sustained by these parties, Willis Arnold and others, excepting the report made by that military commission, and when we glance over that it is evident that the result was reached by pretty large guessing, because it would have been strange that the value of cotton burned belonging to Arnold should have been exactly $6,000—no odd hundreds and no odd cents. It is very strange also that another person should have lost just two thousand five hundred dollars' worth of property and another just two thousand dollars' worth. This was evidently a guessing, lumping estimate. There is no satisfactory evidence to my mind that this man Arnold ever lost one-fourth or one-fifth of the amount now claimed here.

But we have the fact this amount was collected and paid. We do not have to read the report for that, because it is acknowledged by the Treasury official.

Mr. GEDDES. Will my colleague of the committee permit me to ask him whether there is a particle of evidence that they did not have this property and were not owners of it, as found by the commission at the time.

Mr. STORM. I say that is the only evidence there is.

Mr. GEDDES. For; with none against.

Mr. STORM. Exactly. There is nobody here against it, because I am taking the position he is not entitled to it and is not the owner of the property, and it makes no difference to me whether the claim is just or unjust in amount, whether it be $500 or $5,000. It is the principle I am contending for.

As I said before, it does no one wrong to pay back to these parties the sum of money which these officers took in execution of these orders. There can be no precedent, I take it, in our history, and especially in the late war, for such military action as this; and when no legal authority can be adduced, is there any ground on our part to hesitate for one moment to do justice to these parties when the money is in the Treasury and is not appropriated to any other use? With these remarks, I have no more to say.

Mr. COSGROVE. Is the amount proposed to be paid by the substitute the same as the amount in the Treasury?

Mr. STORM. The amount assessed was $26,000, but out of that the Government has reimbursed some $5,800. That must be deducted, of course, and when deducted the balance will be the amount which will be distributed pro rata among the parties from whom it was taken. They never can get back the amount assessed from them, because the Government, as I have said, has reimbursed itself to the amount of $5,800. About that reimbursement I have nothing to say. Instead of getting back $26,000 these people will get back somewhere between twenty-one and twenty-two thousand dollars.

I now reserve the balance of my time.

Mr. WOLFORD. Mr. Chairman, the war having been over for a great many years, it seems to me every gentleman in this House ought now to be willing to do impartial justice to the owners of private property. The highest right known and recognized in this Government, after the protection of life and liberty, is the protection of property. Since we had a government there has not been a time in war or in peace when it was denied the labor of men belonged to them and that the property they had accumulated was theirs.

But I do not wish to elaborate an idea of that kind. I could not recognize as a patriot, I could not recognize as a gentleman any man in Congress or out of it who was so dishonest that he wanted unnecessarily to put his hand into the pockets of private citizens and take their property by act of war or any other act unless the necessity of war demanded it. There is no necessity of war now; there is no need of staining the character of our brightest and purest general by such an attempt as this. There is no reason we should collect money by robbery, for that is the name of it; you can not give it any other name, and I am astonished my distinguished friend from Ohio [Mr. GEDDES], chairman of of the Committee on War Claims, should want to legalize in time of profound peace such a robbery as this.

There is no need of doing it under the distinguished name of the noble and gallant Grant; there is no need under his name for doing such a thing as this. General Grant repudiates it as an honest man, and he ought to repudiate it. Every Union officer, every man who was worthy of commanding Union forces, will repudiate it.

Let us for a moment consider how this thing stands. At the time these assessments were made there were two great armies in the field. No one contends as an act of war the Union Army had the right to go out and plunder indiscriminately men of peace. We contended with the other side, and we were triumphant. We contended that every man should be recognized North and South who owned allegiance to the Government, and, if he would not, then we had the right to whip him; that is as far as we had any right to go.

And that, sir, is as far as we had a right to go. But what do you claim? A right to rob our citizens, a right to plunder the people you would not allow to go out of the Union, as you said, for the good of humanity, for the good of our common country, for the peace and glory and the liberty and the honor of this great Government. You shall not go out of the Union, we said, but we will rob you and we will plunder you, and we will chastise you and destroy you, and then cast you out as worthless and unfit for this great Government. Is that what the gentleman would have? Does the gentleman advocate such a system as that with reference to these people? I appeal, Mr. Chairman, to his sense of justice, to his sense of magnanimity, whether he would be willing to support such a proposition when stripped of its disguise, because that is practically what his argument amounts to?

But, sir, with reference to what General Grant said in this connection I will not stop to read it now, but it was in substance this: "I did not authorize it." And I assert right here and now that while in a state of war there are classes of men and nations who believe, no doubt, that they have a right to levy contributions upon a town or a country, no such ideas ever entered into our statesmen or into the minds of any of our gallant Union officers who were fit to command a regiment or a company. I deny that such a sentiment existed among them. For the Union Army, for their honor and as a matter of right and justice to them, I deny that they are a band of robbers and a band of marauders and of public plunderers. But, sir, what are the true facts in this case? What did we hold out to these people?

Mr. GEDDES. Will the gentleman allow me to ask him a question?

Mr. WOLFORD. No, sir, I will not answer you; I will treat you as you treated me. I wanted to put a little sense into your head and you would not let me; now you must do without it. [Laughter.]

Mr. GEDDES. And I want to reciprocate that courtesy.

Mr. WOLFORD. I say that there never was a principle so absurd, so dishonorable, so dishonest, so abominable as the proposition that you have a right to take from our people, disloyal men, if you please to call them, their property and keep it after the war is over, after peace is declared, and put it into our Treasury as a part of the funds of an honorable nation. It is as bad, sir, as the price of blood that would not be received into the Jewish treasury when Judas Iscariot betrayed with a kiss for thirty pieces of silver the Saviour of the world. But you want to put it there and I believe it is just as bad as the money that Judas Iscariot received as his bribe.

Mr. GEDDES. No, I want to take it out. The gentleman is mistaken.

Mr. WOLFORD. It is robbery in the name of justice, and it is plunder in the name of the law; it is dishonor in the name of the Union. What right have you to keep the property of men under such circumstances? But, sir, it was to vindicate the honor and name of General Grant that I rose here to-day. He has said that he never made such an order, and his word is good in this country. He has said that he never intended such an order, and doubted whether he had the power to issue it or not except in the case of the restoration to that poor Union woman the value of her bridge that had been burned down. He favored restoring her the money, but he said that he had never intended to give it to these cotton speculators. And General Sullivan, the man who indorsed the order, and whose testimony shows the facts in this case, is conclusive upon that point. General Grant and his officers and all of them stand before the country on trial, and the gentleman from Ohio would have them condemned for an action that I regard as unworthy of a soldier. Would you damage them; would you blast their reputation; would you crush them with infamy; would you wrong them with an accusation of this kind? And they stand before the country on trial.

Now, Mr. Chairman, the order of General Grant was a general order to the effect that his forces should take from inside of our lines such property in retaliation. Not inside of the confederate lines, for that was an act of war, but inside of our lines where there is a raid and destruction of property. He did not make any other order. We had dominion over our line, and General Grant said if they destroyed public property they had the right to redress themselves upon those in rebellion against the Government in the neighborhood where the wrong was done. And that is as far as he went; and right here now I would say that while I am an admirer of General Grant, still I think he went even too far then, and I was opposed to what he did in that respect, because it was the honor of our Government that was at stake, and besides that I hold that there was but one government in this land. Our confederate friends said there were two. I do not know which view my friend from Ohio took of it. Which side were you on?

Mr. GEDDES. I thought there was but one government.

Mr. WOLFORD. Then, of course, you are a Union man; and you

should vote with us on this question. You deny the right of these States to set up an independent government. That being the case every dollar lost, every piece of property that was destroyed, every man that lost anything during that war was a man who was a part of our Government, because this was our whole people and our Government. We just said to these gentlemen who were fighting us, "You are acting on a false assumption. Come back here and behave yourselves or we will make you. We will treat you like little children who are disobedient. We will chastise you. We will whip you until you come back." But you want to strike them now. You want to strip them of their property. You want to take the property of private individuals and put it into the Treasury of the United States where it would be a disgrace to the nation; or else you want to give it to the cotton speculators, not that it belonged to them.

But our Union officers held no such doctrine and acted upon no such doctrine. And I come here to vindicate them and say it is to their honor and their praise that during the whole war very few robbers participated. There were a few; there will be bad men everywhere, and gentlemen you on the other side had a few, too; you will not deny it, any man that is honest among you. They are the sort that will go with the gentleman from Ohio to vote for public plunder.

This money was taken from citizens, loyal and disloyal. I have said and I have the proof here under General Grant's own handwriting that he never intended to pay this money to anybody, but that it was only intended to make good the property of the General Government that they had taken inside of our lines. And he paid just one woman $500; and it was the gallantry of the good and brave man that led him to do that.

But you talk of General Grant being in favor of the principle the gentleman from Ohio has advocated here to-day. He would be ashamed of it; he is ashamed of it and repudiates it. And you ought to repudiate it too.

Now, Mr. Chairman, how much do they say was taken, and from whom? Twenty and odd thousand dollars. Now, whose money was that twenty and odd thousand dollars? That order sent a good many of them into the confederate army. I regret that, for they kept shooting our men. I do not know how many that order sent into the confederate army, but they shot our men, for they kept shooting and shot with a vengeance. They said, "You robbed us, and we will be avenged." That order extended to such men as the committee say were disloyal in their feelings. I notice one thing. There never was a robber on either side that when he robbed anybody, if a Union man, but wanted to rob in the name of the Union and always said it was a rebel he wanted to rob. If on the other hand the person robbed was a Union man, then it was in the name of the confederacy he was robbed.

But you make an assessment of twenty and odd thousand dollars. Where is all that money excepting the $6,000? Where has it gone? Has it gone back into the pockets of the men whom you took it from? Or would you misappropriate it by giving it to a set of men who are not entitled to it, who do not want to bear the loss that fell on them through the fortunes of war? Did I hear my distinguished friend from Ohio proclaiming the doctrine that when we followed General Morgan into Ohio and captured him, and when Morgan took property it ought to be replaced by Morgan's command or somebody else? The Government never thought that. It would be ashamed of that doctrine. I venture to say the gentleman is the only man in Ohio who would say you should go out in time of peace and plunder the confederates and make another war to collect what you lost in Ohio. Is that what you want? To make another war to collect what you lost in Tennessee?

No, sir; let their fortunes go as my fortune went. Let them go like the fortunes of the men who faced the enemy in the times of greatest peril. We staked our all. I thank God that we did so, for it was a high, a noble, and a glorious stake. We staked life and put it in jeopardy. We staked our fortune and everything we had for the maintenance of the great principle of the Union. And where is your honor when you want to plunder in the name of the Union? Have I lost my property? Let it go. And if another Union man lost his property, let it go. It was the fortune of war. If the confederates lost their property, God knows they need it and I should be glad they had it; but let it go.

But when this money is collected under the authority of the United States Government and put into the Treasury, I say it burns the pockets of the guardians of the Treasury. I say it is a shame and a disgrace to the nation, and it ought to come out as quickly as possible. And if you have misappropriated it, I want to remind you that under the grand flag of liberty and equality this great and powerful Government should do nothing that is dishonest or unjust. Carry out at all times the principles of honor and honesty and you will make your flag immortal in this Government. I say bring back your money if you have misappropriated it and give it to the cotton speculators. I understand that this man Arnold never made a bale of cotton in his life.

Mr. GEDDES. There is not a particle of proof of that.

Mr. WOLFORD. Where is your proof? You can not expect us to prove a negative. The gentleman has assumed a violation of principle and of every law, and has made a long speech in which he asks those who deny his position to prove a negative. I will not attempt to accommodate the gentleman; although proof was plentiful as blackberries I would give no such reason in any such case. But General Grant tells us this man was a cotton speculator, and he says he never intended that order should extend to cotton speculators. He says: "I only levied that assessment because I thought it was well to have it, and it could be held in security for the future good conduct of those people." That was an act of war and might have been a good thing. But I never dreamed the Government would undertake to pocket it, or would undertake to give it to anybody else but the man it was collected from.

The gentleman from Ohio says it had a good effect, it caused the raids to cease. But I say the only question for this House to decide is what is its duty in this case. I appeal to gentlemen on every side that the only question for this House to consider is will you do right and restore this money to the men from whom it was taken, or will you give it to some one else who may have lost property?

Do you intend to go with the honorable gentleman from Ohio [Mr. GEDDES]? I have heard of the bloody shirt being waved; it has been waved in many forms. But God knows that the shirt the gentleman from Ohio [Mr. GEDDES] has waved was the bloodiest shirt and with the filthiest blood on it that I ever saw.

Now, will you set a precedent here in the Congress of the United States to go out to our confederate friends who have been impoverished and ruined by the war and say to them that the money which you wrongfully took from them shall be used to pay some losses which a Union man may claim to have sustained? Will you justify the assessment upon confederates to pay the great State of Ohio for the loss which was sustained by the raid of General Morgan? I do not know where it will lead us. But you may be sure we will never be a happy country, we will never be a free government, we will never be great or honored among ourselves or by foreign nations if we pursue such an unjust, unwise, and unholy course of action as is here recommended.

There is but one honest thing for us to do, and that is to pay back what of this money is left in the Treasury to the men whom you got it from, and with interest. And then we should pass another bill before I shall be satisfied. I never shall be satisfied until this Government, for its own honor and glory and sense of justice, shall make an appropriation to pay back every dollar that was assessed upon these people, and I hope there will be enough in this Congress willing to do the right thing.

The war is now over. Peace is established. There is no army now threatening or menacing you. The property which you took was their property then, and it is now. The only question is, will you give this money back, what there is left of it, to the men you took it from, and then appropriate enough more to pay the balance?

I have already trespassed too long on the time of this House. I did not expect to speak on this bill, but when I heard such a distinguished man as my friend from Ohio [Mr. GEDDES] advocate boldly in the Congress of the United States the robber's cause I could not keep still.

Mr. STORM. I will yield the remainder of my time to the gentleman from Tennessee [Mr. DIBRELL].

Mr. DIBRELL. I will reserve that time until my colleague [Mr. TAYLOR] has addressed the committee.

Mr. TAYLOR, of Tennessee. Mr. Chairman, it is my purpose as briefly as possible to call the attention of the committee to the prominent facts in this case, and to submit the questions of right and justice, and law arising, and that should govern the same. This being done, I shall insist that the amount over and above a sufficiency to fully indemnify the Government be refunded to the parties who were assessed, and that this Committee of the Whole recommend to the House for adoption, the bill I had the honor to introduce, in lieu of the report of the Committee on War Claims.

I have not heretofore monopolized much of the time of the House, and I respectfully ask attention to a fair and impartial discussion and consideration of the facts and circumstances surrounding this case, as disclosed by the proof. Fully conscious of the embarrassing difficulty to overcome, and that the report of the committee submitted by the distinguished gentleman from Ohio [Mr. GEDDES], chairman of the Committee on War Claims, is a barrier, yet believing as I do that the bill for the relief of Hiram Johnson and others, beneficiaries, was hastily considered, and that the report can not and does not, command the support of the entire committee, and personally knowing these claimants, I most respectfully demur to the action of the committee and earnestly invoke the attention of members to a consideration and examination of the merits of the case, and a reversal of their decision. If attention can be arrested for a short while, I feel confident that a plain statement, corroborated by the facts, which no member of the Committee on War Claims will gainsay, will be sufficient.

It may be permissible to remark, however, that this case has been here for a number of years, in which time these parties have been demanding redress from the Government, and that these claims were reported favorably in the Forty-fifth Congress, and again at the second session of the Forty-sixth Congress, when they passed the House, and I have no doubt with the aid of the vote of the distinguished chairman of the Committee on War Claims. Since that time the case has been shifting between this and the other end of the Capitol, having been favorably reported in the Senate and adversely in the House at the last session of Congress.

But now it is proposed to deny these parties the payment of their

claims, and by a report insist that although the money extorted from them by military assessments in the distempered times of 1862 now constitutes a part of that grand surplus which is in the vaults of the Treasury, it shall remain there as a fund collected by arbitrary power, by payment from non-combatants, which in my opinion if permitted by this Congress, indicates that they believe the Government has the right to assume the rôle of a highwayman and exact money at will from its peaceful citizens and loyal subjects.

As I have already stated, this bill has passed this House in a preceding session, and in the last Congress passed the Senate, and for years has been ricocheting between the two Houses, and had its origin in the following manner:

On the 25th of November, 1862, a command of confederate cavalry made a raid upon a force of Federal soldiers stationed at Henderson, on the Mobile and Ohio Railroad, capturing the garrison, their arms, camp equipage, &c. The confederates also burned a few bales of cotton alleged to belong to the United States, but which in fact was the property of one of the claimants, as shown by the proof on file, and destroyed the depot buildings and water-tank belonging to the railway corporation.

This in war was legitimate, and was an occurrence not infrequent during hostilities with each of the belligerents. Other cotton was destroyed, the ownership of which was claimed by private parties, who applied to the Federal authorities for redress, and on the 2d of December following the commandant of the Federal forces stationed at Bethel Springs (Col. I. N. Haynie, of the Forty-eighth Illinois Regiment) appointed a board of officers, who were directed to ascertain the losses sustained and approximate the damages suffered from the raid, with a view to an assessment by way of reprisal upon persons residing in the neighborhood, supposed to be in sympathy with the confederates. The board thus constituted and appointed assessed the value of the property captured and destroyed as follows:

Cotton burned belonging to the United States	$1,900 00
Arms and camp equipage	3,180 00
Cotton belonging to individuals	18,171 36
Railway property	3,500 00
Making a total of	26,751 36

This extraordinary, *ex parte* proceeding, the finding of this military board, was submitted to Colonel Haynie, who thereupon caused an assessment of this amount to be levied upon certain citizens, the claimants, who resided in the neighborhood of Henderson. The amount was prorated according to the estimated wealth of each of the claimants, and they compelled at the point of the bayonet, at the risk of being made prisoners and carried to Alton, to raise this large amount of money.

This action was reported to the general commanding, and he requested to issue "an order directing the collection and disbursement of the amount assessed."

On the 12th of December, 1862, General Sullivan, commandant of the district, by Special Order No. 15, directed Colonel Haynie to collect the amount from the parties, but did not direct its disbursement as requested, but ordered him to "pay over the amount to Col. J. D Webster, superintendent of United States military railroads."

I here submit a statement with the names of the parties upon whom assessments were levied and the respective amounts:

The commission convened under Special Order No. 73 reported the following list of names and amounts to be assessed upon each, as follows:

H. Johnson	$815 00
Stephen M. Johnson	815 00
D. J. Franklin	163 00
Josiah Franklin	195 60
Nat. Buchley	326 00
John Tull	391 20
Elias Bray	489 00
Dr. Johnson	195 60
Allen K. Jones	652 00
Harrison Trice	326 00
Jeremiah Cook, sr	652 00
Willis Arnold, sr	6,506 76
Arah McClorth	489 00
G. L. Ross	1,630 00
William Hall	652 00
Carroll Beaver	652 00
Thomas Crook	326 00
Thomas West	815 00
James Clifford	326 00
O. F. Hendrix	978 00
S. E. Ross	1,630 00
John M. Hart, sr	652 00
R. J. Barham	815 00
W. A. Brummer	1,630 00
John D. Smith	326 00
A. B. Crook	326 00
Daniel McCollum	326 00
Jeff. Jones	163 00
James Hendrix	195 60
Thomas Ledbetter	195 60
Thomas McGill	195 60
William Ozier	652 00
Elijah Bonds	326 00
John E. Cothram	652 00
Frank Corothron	391 20
James Corothron	163 00
S. E. Grider	163 00
Richard L. Hendrix	391 20
Silas Grider	163 00
	26,751 36

This amount of money, Mr. Chairman, was forced from the parties sought to be made beneficiaries in this bill, and to-day the greater part of it is in the Treasury of the United States.

The Government has been reimbursed in full the sum of $3,180 for the destruction of arms and camp equipage—a proceeding, it occurs to me, no fair-minded, unprejudiced person can insist upon as right and honorable in a great nation, to thus compel her citizens to pay for the torts of others they could not control.

Furthermore, the Government was engaged in war, and not in a cotton speculation; but this extraordinary commission, or board of military assessors, assumed as much, and saw proper to assess an amount sufficient to indemnify the Government for cotton supposed to belong to it. It appears, however, from the proof, that the Government had no cotton at Henderson to be burned. To this I will again refer.

Mr. Chairman, I have stated that the commandant at Jackson refused to order a disbursement of this fund, and his action was endorsed by General Grant, for on the 23d of January, 1863, he, by telegram from Memphis, Tenn., ordered Major Smith to turn over the funds received from General Sullivan, by virtue of this assessment, to the provost-marshal-general, Col. William S. Hillyer, which was accordingly done.

There has never up to this time been issued an order directing the disbursement of this assessment. In the collection of this levy the sum of $28,625.34 went into the hands of the officials and was accounted for by them to the Government, and most of the same has been covered into the Treasury. It further appears that the railroad property was valued at $3,500, and that the damages to the road have long since been repaired, not by the Government, but by the railroad company, and that no part of said sum was ever used in repairing the damages. The railroad is not here complaining or demanding payment, yet the report of the committee recommends to the American Congress, that this Union of ours should act the part of dishonesty, by levying an assessment for the benefit of the railway and then denying the right of the company and of the individuals to the money.

Mr. Chairman, upon what hypothesis, upon what provision of the laws of war, can this be justified? The Government evidently is not entitled to the benefits of this appraisement; the railroad has never demanded it, and as soulless as such corporations are generally supposed and denominated, the Mobile and Ohio Company up to this time has possessed too much conscience to do so.

Is it to be promulgated that the United States will voluntarily assume to be *prochien ami* for the railroad? If so, she as such guardian has acted in bad faith with her ward, for twenty-two years ago she collected this money, and by this report proposes to swindle the infant, for there is no accompanying proposition to pay the railroad.

I desire to call the attention of the House to a part of the report submitted by the Committee on War Claims through General Bragg (a gallant Union officer), then chairman, to the Forty-sixth Congress, with a recommendation that these claims be paid, which is as follows:

At the time of the appraisal of the damages and of the levying and collecting these assessments it was supposed to be under and in execution of an order of General Grant, then commanding the troops in that department. But it appears from the papers filed that General Grant disavowed the construction put upon his general orders by the local officers, and declared the purpose and intent of his general order to be that reprisal should be made by way of levy and assessment in case of raids within our lines like the one at Henderson only to repay such losses as the Government might sustain in its property thereby, and he refused to recognize the right of private claimants to reimbursement by such levy and assessment; and on the 23d day of January, 1863, ordered the proceeds of such assessment and collection to be turned over to the provost-marshal-general. And it appears by the papers filed that his action in denying the right of private claimants to reimbursement for losses sustained by the raid out of this fund was approved by the Secretary of War, on the report made thereon by General M. C. Meigs; which report maintains the law to be that the power existed to levy and collect an assessment to pay private losses in the discretion of the general commanding; but as against such general's construction of his own order and purpose, no right whatever could accrue to a private claimant for reimbursement.

The logical sequence from these facts, and this declaration and construction by General Grant of his orders, seems to be that the subordinates, in the execution of the orders of the commanding general, should have made an assessment only for the losses sustained by the Government, namely:

For cotton burned belonging to the United States	$1,900
Arms and camp equipage belonging to the United States	3,180
Total	5,080

Had the Government rebuilt or repaired the injury to the railway property, as an essential for their use of it, that also should be included as a proper item for assessment; but the evidence shows that the railway company repaired their injuries at their own expense.

Deducting this amount, for which the assessment was authorized, from the total amount collected, there remains a balance of $22,271.26 taken from the petitioners under a misconstruction of the order of the commanding general, as certified to by his own action and the evidence of an officer of his staff.

This committee have maintained, and still adhere to the doctrine, that no nation is liable for the willful torts of its soldiery.

But was this assessment a tort, within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule, because this assessment was collected by an officer of high rank, commanding a military district, in the execution of an office giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution where the excessive assessment came to his knowledge.

But if the reasoning on this point may be deemed questionable, there is upon the facts another and complete answer to the application of this principle. The proof shows to an absolute certainty that of the money so collected $23,325.16 was applied by the United States to its use, knowing the source from whence it was derived, and the remainder of the sum, $4,026, by all reasonable pre-

sumption, was likewise applied to the use of the Government. And the committee is so constrained to hold, as a contrary conclusion would compel us to impeach the integrity of a gallant officer, who fell before Vicksburg without a stain upon his citizen or soldier life.

The law of the case, then, may be stated to be, that if the officers, agents of the Government, committed a tort originally, it was approved by the principal, the Government, when it knowingly accepted the benefits of the tortious act. And no proceedings by way of confiscation or condemnation have ever been had to divest the persons so assessed of their right in the surplus fund.

Hence your committee are constrained to hold that the claims of the petitioners to the amount collected of them ($22,271.26) in excess of the requirements of General Grant is valid, and that the Government ought in right to refund the same, and report herewith a bill redistributing the same to the persons who paid the same ratably, in proportion to the sums originally paid by each of them respectively, and recommend its passage.

Mr. Chairman, I can not concur in the foregoing in so far as it holds these claimants responsible for $1,900 for cotton burned belonging to the United States, for the evidence is conclusive that the Government had no cotton, that it actually belonged to Stephen L. Ross, one of the beneficiaries, and was temporarily seized by the commander of the military forces at Henderson to be used as breastworks.

Therefore the question upon these premises suggests itself, is it right longer to deny relief? The case stated is this: A military board of questionable jurisdiction in 1862 levies an assessment upon parties within the Federal lines who were peaceful, submitting without resistance to the authority of the United States, and in no wise connected with the military, for the purpose of indemnifying the Government in her losses. The order was exceeded and a large surplus collected. Nineteen years after the cessation of hostilities we find this fund in the Treasury of the Unite States unappropriated. A committee of this House by their report declare that it must so remain. Is it right, I ask? To whom does this money belong? Can the Government honestly retain it?

Other parties are demanding that a large amount of this fund be paid them; and in report No. 74 (the case now being considered with this) the committee so recommend, holding that he had cotton destroyed, and that the levy was made for his benefit.

The officers by law intrusted with the adjudication and settlement of such matters have determined that these cotton speculators were not entitled to this money by reason of any loss they sustained, and this decision has been approved by the proper authority. If they are not entitled to it, and no one contends that the Government is, it follows that Hiram Johnson and others who paid it are entitled to be refunded. The Government can not take advantage of the mistake and misapprehension of orders and make for itself a gain. In discussing the modern laws of war governing the seizure and appropriation of "enemies' property," Chancellor Kent says "the rule may now be regarded as excluding in general the seizure of the private property of pacific persons for the sake of gain."

That the House may understand, I herewith submit a communication from General M. C. Meigs, Quartermaster-General, to the honorable Secretary of War, December 2, 1871, in which he clearly and unequivocally states that the Government is not responsible to the speculators, and that the fund collected from these claimants is in the Treasury:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., December 2, 1871.

SIR: With reference to the claim of W. N. Arnold and others, for cotton destroyed at Henderson Station, Tenn., by rebel troops, referred to this office, November 20, 1871, for report as to the liability of the Government for payment of these claims, having reference to the statement of claimants that the cotton was seized while in transit to Memphis, and used for breastworks and fortifications, and while in possession of the United States the cotton was captured and destroyed by rebels, &c., I have the honor to report:

As regards the question on which the opinion of the Quartermaster-General is called for, *i. e.*, liability of the United States for the cotton, I find that the cotton is alleged to have been taken possession of and placed in breastworks for defense of the post of Henderson Station, and to have been destroyed by the enemy when the garrison was captured by the rebel forces.

I think that the United States is not liable for the destruction by an enemy of property thus temporarily used. The cotton piled in breastworks cannot be held as actually appropriated to use of the United States. Like any other bulky packages which could be left out of doors and used in case of danger as a shelter from behind which to fire at the enemy, it would, had it been successfully defended, have been ultimately restored to the owners. The cotton does not appear to have been confiscated, seized as forfeited, or appropriated to the United States.

By law and general orders relating to captured and abandoned property, all property coming into possession of the Army was to be reported, and unless needed for military uses was to be finally turned over to the Treasury agents, charged with such expense of transportation as had been incurred by the Quartermaster's Department. But no officer of the Army had authority to pay for such property.

Cotton used for breastworks is not quartermaster stores. The proper material for breastworks is earth, with sod or wood revetment, and the provision of material for this purpose belongs to the Engineer Department, and cannot be paid for by the Quartermaster-General as quartermaster stores under the law of the 4th of July, 1864.

The destruction was the act of the enemy. The United States lost largely while guarding this property, and I do not see that the United States became liable for its destruction by using the property itself as a means of protection while defending it.

General Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton (private property) destroyed appears to have been collected. Colonel Hillyer states that the money thus collected exceeded the amount which General Grant had intended to have collected, and that General Grant refused to permit it to be applied to the payment of private losses and damages.

Part of the contribution or levy appears to have gone into the military railroad department, being that which represents the value of public property destroyed.

Part of the remainder, namely, $30,000, went into the hands of the quartermaster, Col. C. A. Reynolds, as appears from his accounts on file at the Treasury.

In settling the accounts of officers of this department at the Treasury, all these military collections, levies, rents of abandoned or captured buildings, &c., are, if their proceeds have been used in the operations of the Quartermaster's Department, charged against the regular appropriation of the Quartermaster's Department, and the amount is placed in the Treasury by transfer warrant to the credit of these irregular funds.

While it was within the military authority and power of a general in the field to levy and collect moneys as fines; and while he might have paid the proceeds to those who had been injured by the enemy, it appears that General Grant refused to do this, and I know of no law by which any officer of the United States can now take this money from the Treasury and apply it to the payment of these losses and damages.

I am of opinion that the parties have no claim in law, and no officer, so far as I know, has power to relieve them.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Bvt. Maj. Gen. U. S. A.

Approved.

WM. W. BELKNAP, *Secretary of War.*

APRIL 16, 1872.

To the honorable SECRETARY OF WAR,
Washington, D. C.

The commanding general of the military forces of the United States has repeatedly, through his subordinates, declared that his army was not an insurance company to indemnify cotton speculators for losses in their operations, and that no part of this money rightfully belonged to them; that he did not intend that any assessment should be made in excess of an amount sufficient to indemnify the Government; and that his orders had been misunderstood and exceeded. This is a controlling fact, that the subordinate officers acted under a misapprehension of the orders of the commanding general, as evidence of which the following from Col. W. S. Hillyer, provost-marshal-general of the Department of Tennessee, is submitted:

NEW YORK, *July* 15, 1870.

MY DEAR SIR:

* * * * * * *

In November or December, 1862, or January, 1863, General Sullivan was commanding at Jackson, Tenn. At that time a bridge was fired and some damage done to Government property by guerrillas. A Union woman extinguished the fire and saved the bridge. It was represented also that about the same time a large amount of private cotton was destroyed by these guerrillas. General Grant directed General Sullivan to make assessments and collect the same from rebel sympathizers in the neighborhood sufficient to make good the Government losses and pay a reward of (I think) $500 to the woman who extinguished the fire.

General Sullivan collected a much larger sum than was required for these purposes and reported the excess to General Grant, with a statement that parties who had had cotton destroyed by guerrillas claimed that he, General Grant, intended their losses should be made good to them out of this fund. General Grant in reply stated that it was not true that he so intended; that the Army was not an insurance company to indemnify cotton speculators for losses in their operations, and that no part of this money rightfully belonged to them nor should be paid to them. That he did not intend that any assessment should be made in excess of an amount sufficient to indemnify the Government and reward the woman, and that his orders had been misunderstood or exceeded.

* * * * * * *

Yours, respectfully,

WM. S. HILLYER.

General T. M. VINCENT,
Assistant Adjutant-General, Washington, D. C.

Upon General Grant's attention being called to this letter he wrote, February 25, 1882, to the Senate committee as follows:

General Hillyer's letter as printed above is no doubt entirely correct. I certainly never intended any collection for the benefit of cotton purchasers.

U. S. GRANT.

General Grant has refused repeatedly to appropriate the fund to Arnold and others who claimed it as an indemnity for their losses, and denied their application. Again, Colonel Hillyer, as early as September 3, 1863, makes the following statement in respect to the application of these cotton speculators, and its rejection by the commanding general:

[Extract.]

NEW YORK, *September* 3, 1866.

MAJOR: So much I got from the record from my recollection. Outside of the record I would remark that one of the claimants for indemnity for cotton lost by the rebel raid applied to me by letter at Memphis, stating that he had purchased cotton, which was his private property, and which had been destroyed by the rebels on the raid near Henderson Station, and claimed that he was entitled to be indemnified out of a fund assessed and collected from rebel sympathizers by the commanding officer for that purpose.

I consulted General Grant about the claim, and under his instructions disallowed it, General Grant at the time stating that the Army was not there for the purpose of protecting cotton-buyers, that he had never authorized subordinate commanders to make assessments upon rebel sympathizers (except) to make good damages done to Government property with one further exception, and that was to reward two Union women who had saved a railroad bridge from fire. That there was an assessment to which those from whom it was collected might have some claim, but not the speculators whose profits were regulated by the risks and whose accumulation of cotton often tempted raids which resulted not only in the destruction of their own cotton but a loss of Government property and the lives of our soldiers.

WILLIAM S. HILLYER,
Late Provost-Marshal-General, Department Tennessee.

Maj. GEORGE K. LEET,
Assistant Adjutant-General, Headquarters Army United States.

But we are not left merely to conjecture, Mr. Chairman, as to the object and intention of General Sullivan in making these assessments. As evidence, and a complete answer as to the intention of the order, I herewith submit and ask to be read the sworn testimony of General Jeremiah C. Sullivan, who issued the famous Order No. 15, under which these assessments were made, in which deposition it will be seen that

he most emphatically contradicts the inference even that this money was raised to reimburse cotton speculators or for private purposes, but states specifically his object and the circumstances of the case. The understanding was that those men had to pay the money or be taken from their homes as prisoners, with the further understanding and agreement that the money was to be returned in the event of a cessation of raids.

The Clerk read as follows:

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Jeremiah C. Sullivan, being duly sworn, deposes and says as follows, to wit:

I am the General J. C. Sullivan who was in command of the Department of West Tennessee when Special Order No. 15, December 12, 1862, was issued. I believed that by issuing that order guerilla raids upon my depots and outposts would be checked. During the command of my predecessor great annoyance had been caused by such raids. Upon investigation I found such raids were made by young men, who, leaving the rebel army on furlough, would visit their homes within my lines. After they had recruited their health and horses, gathering at some selected point they would make a dash on some outpost or depot and securing the spoil and destroying the property, gallop off to the army. An attack of this kind was made shortly after I took command. I did not have force enough to establish a guard in each town or at each cross-road.

I reasoned that the best way to check these raids was as far as possible to make the parents or prominent people near where these raids took place responsible for the good behavior of these young men when they came home. I did not believe that I could secure my object by imprisoning the parties referred to, knowing that the separation from their families and friends would imbitter feelings I was anxious to allay, but I knew the love of money was all-powerful in the human breast, and that if I exacted such a penalty I would have ever present with them a powerful monitor to warn them against such future attacks. On or about the 25th day of November, 1862, a raid was made upon the post of Henderson, Tenn., resulting in the destruction of a large amount of property then at said post. Upon the report of the attack at headquarters I issued Order No. 15, a copy of which I have no doubt is on file among the papers of the claimants, who ask to be reimbursed the money paid by them under that order.

Owing to the fact that all my books and papers relating to my military transactions are now in the East, and to the lapse of time, it is impossible for me to give a statement in detail of the result of Order No. 15. I can only say, in a general way, that I sent for a number of the leading and substantial citizens of the surrounding country, and having inquired into the standing and circumstances of each, I levied assessments upon a large number of such persons in proportion to the standing and ability of each, and gave them the option either to pay the respective amounts or go to Alton, with the distinct understanding between those persons and myself that the money so collected was to be held as security for the peaceful conduct of their neighborhood, and that if no more raids occurred the money was to be returned to them. A large number of the persons thus assessed consented to pay and did in fact pay the amounts assessed upon them.

After so great a lapse of time and in the absence of my books and papers, I can not from memory give the names of the persons who paid the assessments, nor the amounts paid by any of them. I know, however, that many thousands of dollars were collected, a careful and accurate record of which was made and preserved, and all the money so paid was then, to the best of my recollection, sent by me to the United States subtreasury at Saint Louis, and placed on deposit under such circumstances, to the best of my recollection, as would have enabled me to withdraw it and refund it to the parties at the proper time, but in the spring of 1863 I was relieved of the command of the Department of West Tennessee and placed on General Grant's staff.

Order No. 15 was not directed against parties who had been tried and convicted of complicity in the raid, but as against those whom I believed could control and discourage future raids; such parties as I believed to be influential and were interested in keeping the department quiet were selected and made to put up a money security, the amount based upon their ability in proportion to the loss sustained.

It was not intended that such money so collected should be used in any way to reimburse any person or individual who claimed a loss by such raid. That would have been insuring cotton-buyers against war risks.

What I was trying to do was to preserve quiet in my department, using as few troops as possible. I did not believe that the parties from whom I collected this money participated in the raid. I issued order No. 15 to prevent further raids by compelling the co-operation of these parties with me in my endeavor to do so. My order was a perfect success. In my opinion, the relief asked for should be granted, as this money was simply a bond for good behavior and compulsory assistance in helping me maintain order and quiet.

Cotton purchasers were not looked upon with favor in General Grant's command, and no officer would have dared make innocent parties pay their claims. I most positively state that it was in no manner intended by me to pay or adjust any such claims.

JEREMIAH C. SULLIVAN.

Subscribed and sworn to before me this 3d day of March, 1884.
[SEAL.] JOHN E. HARVILL, *Notary Public.*

Mr. TAYLOR, of Tennessee. The object of his celebrated order, as explained by his deposition, was legitimate, and, extraordinary as it may appear, has the sanction of usage and of modern civilized warfare.

Order No. 15 was for a specific purpose and the general issuing the same repudiates the interpretation given it by the Committee on War Claims. Mark the language, Mr. Chairman:

I sent for a number of the leading and substantial citizens of the surrounding country. I levied assessments upon a large number of such persons in proportion to the standing and ability of each and gave them the option either to pay the respective amounts or go to Alton, with the distinct understanding between those persons and myself that the money so collected was to be held as security for the peaceful conduct of their neighborhood, and that if no more raids occurred the money was to be returned to them.

Order No. 15 was not directed against parties who had been tried and convicted of complicity in the raid, but against those I believed could control and discourage future raids.

General Sullivan, as an honest soldier and gentleman, further states in his sworn statement:

It was not intended that such money so collected should be used in any way to reimburse any person or individual who claimed a loss by said raid. That would have been insuring cotton buyers against war risks.

Again he says:

Cotton purchasers were not looked upon with favor in General Grant's command, and no officer would have dared make innocent parties pay their claims. I most positively state that it was in no manner intended by me to pay or adjust any such claims.

It occurs to me, Mr. Chairman, that this deposition, in connection with the letters of General Hillyer and the statement of General Grant, is incontrovertible as to the intention, and that the Government is but the trustee for these parties upon whom assessments were levied. But my friend Judge GEDDES insists that the memory of Generals Grant, Hillyer, and Sullivan is unreliable. I submit, Mr. Chairman, that every officer of the Government who had anything to do with this assessment and collection of this money has stated, as General Grant does, that no intention of the kind governed them at the time. The deposition—not statement, as my friend from Ohio calls it—but the deposition of General Sullivan contradicts most emphatically the inference that the money was raised to reimburse cotton speculators or for private purposes. He states specifically the object of the proceeding and the circumstances of the case.

The laws of war justified such a proceeding as explained; and the law of justice and common honesty now demands that that pledge made to these citizens by the General be fairly consummated. Be it said to the honor of General Grant, the great military commander and genius who wielded the armies of the Union so successfully, that he would scorn to issue an order with the construction placed upon it by this committee. The officers who had charge of this matter knew what they were doing; they had a warrant for it. Yet to-day this committee by their report pervert the meaning of that order, and propose to do just what General Grant said he did not intend. The money is in the Treasury and should be paid these claimants, the *cestuis que trust* of the Government.

I understand, Mr. Chairman, that the honorable gentleman from California, Judge TULLY, is personally acquainted with General Sullivan, and that he regards him as a man in every way reliable. This being true, and his statement accordingly, orders were misconstrued and an excess collected, and upon the indisputable facts presented I can not imagine how any unbiased mind can gainsay the rights and equities of Hiram Johnson and others to this fund. Mr. Chairman, the evidence clearly shows that they were wholly innocent of the contemplated raid on Henderson, and were ignorant of the military operations in that vicinity until after the capture of the town. They have proven a negative and branded as infamously false the accusation that they planned the capture, which is corroborated by the testimony of General Sullivan, for he states that they were not guilty of complicity in the raid.

The affidavit of the commander of the confederate forces, his guide, and a part of the command sustain the fact that these claimants were in no wise connected or responsible for the raid on Henderson. The lines of the Union Army at that time extended south of this locality, and that country was never again during the war under the control of the confederates, and these parties were law-abiding citizens, quietly remaining at home in the peaceful pursuits of life.

Let it be remembered, Mr. Speaker, that when this demand was made upon them they were within the Union lines, amenable to the Government, not participants in the rebellion, and a number of them advanced in life, and by this extraordinary proceeding have been financially embarrassed and deprived of many of the comforts of life, necessaries in declining years, while this great and opulent Government, with hundreds of millions in her Treasury, refuses to refund their own money so unjustly detained.

The proposition that the Government should withhold and keep this fund is monstrous and unconscionable, and I do not believe the American Congress will be a party to any such iniquitous legislation.

The Committee on War Claims, to whom was referred the claim of one of these cotton speculators, in their report, to accompany bill H. R. 3937, insist that "the Government having received this money upon account of the claimant's property, ought in justice to pay him the amount of his loss."

This assumption is untrue. The Government did not receive the money on account of his losses, and the assessments were not made for that purpose. So says Generals Grant, Hillyer, and Sullivan. Then if it was not it should be returned to the rightful owners, for the committee will doubtless concede that the Government should not retain it and thereby make a gain.

Mr. Chairman, while it is foreign to my purpose to unnecessarily assail any one, yet duty compels me to invite the attention of the committee to a statement made by Colonel Hurst, who was a bitter, intense Unionist, who was acquainted with all these parties, and who raised and commanded a regiment of cavalry in the Union Army. He negatives the theory that this party had the cotton. Colonel Hurst in his statement, among other things, says:

I have been familiarly acquainted with the claimants for more than forty years. I know them to be honorable, just, and good men, who were at home in the peaceful pursuits of life when the assessment and collections were made. I know of no gentleman whose character for goodness is better than that of the claimants. I think they are as justly entitled to that money as I am to reap the reward of my daily labor. And again, as to Willis N. Arnold, who interposes some objections to the relief sought by claimants, and setting up some sort of claim to the money as having been collected for his benefit, I must say Mr. Arnold was a very poor man at the commencement of the war in 1861. He certainly had no money to pay for cotton or to enter into any other speculation upon. He was esteemed a villain and an outlaw before the war, and was living on a small and very poor farm in Henderson County, adjoining this.

As to his loyalty, it was manifested by his being what I called a camp-follower and a thief, who ran the blockade and dealt in cotton and confederate money

in a small way. I can't think he ever was the owner in his own right of as much as ten bales of cotton at any one time during the war. I have lived among this people for the last forty-seven years; know them, know their antecedents, and that I can speak correctly of their merit and demerit I feel confident. I raised and commanded a regiment in the Federal Army, and claim to know of what I speak. While I wish every man to have his just dues, I would injure no man in the least to right another's wrongs. Hoping that justice will be awarded to claimants,

I am, very respectfully, your obedient servant,

FIELDING HURST,

Late Colonel Sixth Regiment Tennessee Cavalry Volunteers, U. S. A.

Following this is a statement from one of our judges in Tennessee, who was also a strong Union man, and for outspoken opinions was incarcerated in the confederate prisons. He says he knows the claimants, and that not one of them would be willing to defraud the Government. He further says:

I am satisfied their claims are just and correct, and believe it is and would be nothing but an act of justice that the United States should refund the money. And I am further satisfied that each and every good, law-abiding, honest citizen, without distinction of party, in this community, who knows the facts, would rejoice to know the Government had passed the bill and that the claims had been paid to the parties as named in the bill, and were I in the House I would not only vote for but would urge the immediate passage of the bill for the relief of these most just and honorable claims of the parties.

This gentleman has, as shown by the record, the indorsement of the chairman of the Republican executive committee of Tennessee. But I do not purpose referring specially to the proof further than to remark just here, that the principal witness to support the assumption of the committee as to the complicity of claimants in the matter, one Freeman, was afterwards convicted of burglary and served a term of years in the penitentiary of the State of Tennessee.

Again, there is no legal proof on file that Arnold ever owned any cotton, save perhaps his bare statement, unsupported, and the finding of the military board, presumably based upon his individual representations, made shortly after the capture of Henderson.

Mr. Chairman, as to the law of the case, and as to the view of it evidently taken by the Committee on War Claims, I controvert most seriously the right of a military commandant, upon complaint merely, to levy and enforce assessments upon supposed hostile communities in his own country by way of reprisal to indemnify private injuries and redress private grievances, and such reprehensible conduct can not be justified, and to retain money thus acquired, as the Senate committee clearly states it, "from those who paid it under duress, finds no sanction in the laws of war or the forum of public morals."

The legal remedy of these cotton speculators who followed the Army for protection and individual gain, was against the parties who destroyed their property, and was unembarrassed in the courts of Tennessee.

The claimants under this bill were not, and by no special pleading or hypothesis of reasoning can be, morally, legally, or equitably responsible for the torts of other parties in the absence of collusion. Put it upon broad constitutional grounds, and these claimants should be refunded their money, so unjustly extorted from them by threats of imprisonment, for the organic law expressly provides that—

No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

If, then, property can not be taken for public use, the conclusion is apparent it can not be impressed for private use or be appropriated to individuals for private purposes. The conclusions of the committee, and the declaration that in the States lately declared in insurrection under the strict rules of international law, the Government incurred no liability for property taken, used, damaged, or destroyed when occasioned by the necessary operations of war, is to me surprising in the light of legal precedents and carrying the right of the Government to the extremity.

That a government has the authority under peculiar circumstances to destroy property I do not controvert, but that power is coupled with implied responsibility, and its arbitrary exercise of the same is not necessarily followed by immunity from damages. A contrary doctrine saps the foundation of all law, and strains the Constitution to an unwarranted significance, and renders nugatory that safeguard which says "the citizen shall have due compensation." That the Government, through the agency of a commander of the Army, has a right to adjust private grievances and differences, and take from one citizen his property and give it to another without compensation, is a monstrous declaration indeed.

I concede, Mr. Chairman, that in time of war, the Government has a right to impress and use property and make assessments in cases of emergency or military necessity from its friends or enemies, but this right implies an obligation upon the part of the Government of restitution to the parties damaged, and when hostilities cease she is morally and legally bound to pay for such property.

The property of an enemy within the lines is subject to the same regulations, and although the Government may in time of war use or destroy it for the purpose of bringing enemies under subjection, or in the necessary operations of war, still she has no right to take such property and donate it to private purposes, or to individuals, especially camp-followers, cormorants upon the country, and speculators, who are endeavoring to gain from the exigencies of the times and the necessities and misfortunes of the people.

But this remarkable report extends the rule and promulgates the doctrine that the Government can levy assessments to be paid in money, and impress private individual property of its subjects, for the purpose of repairing damages committed by a belligerent with whom they are supposed to be in sympathy. I assume it will not be controverted that if the property destroyed belonged to the Government the forces against whom war was being waged had a right, under the laws of war, and it was expected under the regulations governing belligerents, to destroy it, for it is well settled that an hostile army has a perfect right to destroy property belonging to the opposing party and thereby cripple its efficiency.

No rule goes so far as to insist that the Government can then seize upon individuals' private property to indemnify them. Citizens can not be responsible for such proceedings; if so, those living in the vicinity of great battles would be liable for arms, ammunition, camp equipage, and property destroyed in such conflicts. If held to account for this, by the same reasoning they would be held to an account for all the lives lost, although it was impossible for them to avert the carnage or loss of property. Establish such a rule, and you annul the fundamental law and break down every barrier and bulwark to the encroachment of arbitrary power, established for the protection of personal rights and security in a state of war, and destroy the foundation upon which rests the liberty of the people.

This Government can not deny these claimants their rights and maintain her honor, for it is perfectly consonant with the obligations of the United States; it is equitable and strictly just to relieve as far as possible the unfortunate victims and sufferers from the misconduct or mistakes of her officers; for private rights should be inviolate, and unaffected by conquest or prowess of arms, and modern usage will sanction this humane provision.

When practicable, property should be restored to the rightful owners, and when this is impossible its value, and in all instances of unjust assessments under misconceived instructions or in excess of orders, the money should be returned. The United States can afford and as far as possible should be just and generous and restore these people, and not shelter behind a technical subterfuge and hackneyed phrase, that, although harsh, yet it can not afford to make the waste places green again that suffered by the ravages of war.

I would, Mr. Chairman, that all these homes and places made desolate and waste by the ravages of war could be made happy and prosperous again, and insist that it is the imperative duty of a wealthy and benign Government to contribute as far as possible to this end by dealing justly and promoting the happiness and welfare of its subjects, which will always command their love and respect.

Again, Mr. Chairman, it is a well-established fact, attested by proceedings in the Department here, that some of these claimants have so satisfactorily established their loyalty to the Union that the Government has compensated them for other property seized by the military forces of the United States. The committee turn a deaf ear to all these facts, and insist upon an application of the fund to other parties. Upon what principle of law or common fairness can this be justified? All that these claimants demand is that their own be returned to them; that the Government treat them justly and as citizens, and not as alien enemies or outlaws entitled to no respect.

It is quite impossible to right all the wrongs committed during the late war, yet when it is possible, and the Government is the trustee holding the funds impressed, as in this case, it should be done without delay. Rather restore all the parties claiming in these cases than deny simple equity to one party. Legislation shows that millions are annually appropriated for public purposes and the amelioration of the people, costly improvements made, and exorbitant expenditures, and that we have a redundant Treasury; and let it be remembered that the redundancy has been, and is swelled by some $28,000 of the hard-earned money of the citizens named in the bill who reside in the eighth Congressional district of Tennessee.

I have too much confidence in this Congress to believe for a moment that they will at this late day by their votes legalize this military proceeding and longer deny my constituents their rights under the law.

One important fact has certainly been overlooked by the Committee on War Claims, and that is that, prior to this time, Johnson, Rogers, and others, the claimants, as appears from the petition on file with the original papers, had voluntarily appeared before the proper authority or tribunal and reiterated their loyalty by taking and subscribing to the oath of allegiance as required by executive proclamation, and were conforming to its requirements, as fully shown by the circumstances at the time of the occurrences detailed in these proceedings.

With a brief summary of the case, Mr. Chairman, I shall conclude. This money was collected from claimants in 1862 for the alleged purpose of reimbursing the Government in losses sustained at the hands of a confederate raid. The losses of the Government are stated at a specific amount. The collection was in excess of what the general in command directed or contemplated, some $23,000 or more. This is undoubtedly shown from the statements of Generals Hillyer, Grant, and

Sullivan, the officers above all others who can know the meaning of their action without the aid of interpretation.

This money collected from claimants is to-day in the Treasury of the United States unappropriated. General Grant and his subordinates declare that orders were exceeded, and that his army was not an insurance agent for cotton speculators. General Sullivan says that the understanding was this money was to be returned if similar raids did not occur, and that there was no more of them.

The railroad corporation is not claiming any part of this fund, and can the Government take the advantage of their liberality and fairness and thus make a *gain?* Should the United States deny the rights of claimants further? She can not indemnify for private losses, and I insist that in good conscience the money should be returned, and the Government freed from such a foul aspersion. I say foul aspersion, for upon what principle of right or justice can the Government retain this excess after having repaired her losses?

It should be remembered that in modern war such military assessments are never imposed on particular individuals, unless they themselves are the offenders, and certainly this arbitrary power can not be rightfully enforced in favor of private individuals to redress private injuries, "not inflicted by those upon whom the assessment is imposed and for which they could not be held civilly responsible," as insisted in the able and exhaustive report of the majority of the Senate committee. In this report, submitted by Senator JACKSON, April 24, the majority further say:

> The extent to which the commanding general might lawfully enforce assessments upon one portion of the enemy community to make good the losses caused by strangers to other members of the same community, when both by "intendment of law" occupy toward the Government the same relation, is a question by no means free from difficulty.

The Senate committee in the conclusion of their report in regard to an amount heretofore paid out to other parties, say, "But as that much ($7,795.08) of the fund has been already paid out, a majority of the committee consider that the Government should not refund that sum to the present claimants." This position is certainly untenable. If the Government, as trustee for these parties, holding this fund (their money), wrongfully appropriate the same, she should be responsible and account therefor. Why not? This rule of law applies to persons in their individual capacity, and why not to Government? If a trustee misappropriates funds in his hands in such capacity he and his bondsmen are liable for damages. It is no fault of these claimants that this part of the fund has been illegally or wrongfully paid out. They are guilty of no laches, for they have been demanding reimbursement for a number of years.

Discriminations should not be made against these claimants and they made to bear the burden of reimbursing all the losses to the Government caused by the casualties of war, and also to pay an excess of some $23,000 in round numbers to other parties.

The bill I introduced, Mr. Chairman, is equitable and meritorious, and it will be against equity and good conscience to deny the relief. I do not believe Congress will indorse the recommendation that these claimants pay for the fund wrongfully expended by the Government. Let us do right. Rather than rob one citizen, the United States can afford to lose this amount.

Let justice be done impartially and these citizens reinstated and reimbursed.

Just here, Mr. Chairman, as the recollection of General Sullivan has been attacked, and the truthfulness of his sworn testimony, let me say that since commencing my remarks I have been informed by another gentleman from California [Mr. GLASCOCK], who says he is personally acquainted with General Sullivan and knows him to be a gentleman in every respect, that anything he says can be implicitly relied upon.

I have listened with interest, Mr. Chairman, to find out what the gentleman from Ohio proposes to do with the amount over and above what he says should be paid to Arnold, but the Almighty and himself only know, for nothing in his report and no expression in his speech indicates his intention or that of the committee.

I was also forcibly impressed, Mr. Chairman, by the extraordinary liberality of the distinguished chairman of the Committee on War Claims, in proposing to give these parties a check upon General Early for some assessments that he made in Pennsylvania during the war. I insist that my friend should not have made an allusion of that kind. It is unfair and intended to prejudice this case. Let this case rest upon its own facts and circumstances. All we ask is that law, justice, and equity be administered; that the intention of Generals Grant, Hillyer, Sullivan, and of every officer that had anything to do with the impressment of this property and the collection of this fund be carried out, and that the money taken from these parties some twenty years or more ago be refunded to them.

Mr. ROWELL. Mr. Chairman, I hope I may have the attention of the committee for a little while, because while this case does not involve a very large sum of money it involves a very large principle and is deserving of the serious attention of members of this House. It will not take me a great while to bring the salient facts before the committee.

Tennessee was one of the States that seceded from the Union, so far as a State can secede. In the spring and summer of 1862 by a series of military operations and great battles the Union forces obtained possession of West Tennessee, and held thereafter so much of it as was within the picket lines of the Union forces. In West Tennessee thereafter there was no organized rebel army, but scattered all over that portion of the State were strays from the army, home on furlough, who occasionally organized themselves into little bodies and destroyed property or lines of communication.

Colonel Haynie, an eminent soldier of Illinois, and a more eminent civilian, and not a robber, was in command at the little village of Henderson. My friend and colleague [Mr. MORRISON] will resent, as I do, the charge that when Colonel Haynie made any assessment he did it either as a robber or in ignorance of his legal rights, because he was as eminent for his knowledge of law as he was for his justice.

In West Tennessee about that time it became necessary to use some severe method to prevent the breaking of our communications. Different methods were adopted. I recollect of one adopted by myself, then serving in that section of the country. Between Jackson, Tenn., and Bolivar was a railroad. We occupied both of those points by our forces; and every little while between those points the railroad would be cut and our communications destroyed. We sent down into the neighborhood and arrested a number of the leading citizens, brought them to Jackson, and compelled them to give a bond that they would pay any damage done to that road by these irregular forces. And when they objected to me that it was a compulsory bond, obtained under duress, and therefore not collectible, I told them that we would take care of the collection; that they would give the bond or go to jail; and if the bond was not complied with it would be enforced. Thereafter there was no cutting of our communications in that vicinity.

In November, 1862, a force nowhere near any rebel army, a force that could not have come through that country organized, suddenly springs up and destroys Government property and private property in the village of Henderson. Colonel Haynie, then commanding at that post, took the responsibility of appointing a commission to ascertain the amount of injury done both to the United States and to individuals. A commission of officers of the Union Army, and of his own regiment, the Forty-eighth Illinois, proceeded to ascertain those facts and report to him. Therefore Colonel Haynie, not General Sullivan or any other general, but Colonel Haynie selected out of the leading rebel citizens thereabouts a number, and assessed the amount of twenty-six thousand and some hundred dollars upon them. What for? To reimburse the amount of damages done by this raiding force as ascertained by his commission.

Shortly after that, according to my recollection, Colonel Haynie was made general and the command devolved upon Colonel Sanford, of the same regiment. He went forward to enforce that assessment; and here came in General Sullivan ordering that the money be collected. Now, Colonel Haynie, in making this assessment, was strictly within the line of international law and the laws of warfare. He had just as much right, by all the authorities, to make this assessment and collect this money as the Army had a right to forage off the country, to seize corn, and wheat, and oats, and other provisions, to take possession of buildings, to seize cotton, to do anything with the property of the enemy in the enemy's country.

And the assessment and collection of this money for war purposes and by virtue of the war power were only another exercise of authority the same as the exercise of authority by the Union Army when it seized any other property. General Sullivan comes in twenty-two years afterward and undertakes to say what he did, when he did not do anything about it—it was Colonel Haynie—who undertakes to say this money was collected to be paid back, when he had not anything to do with making the assessment, when the assessment was made on the basis of injury and made for the purpose of paying the damage as shown by the record.

And the single question between these two bills is whether or not, the war power having been exercised, money collected and paid into the Treasury for the benefit of the parties concerned, and whether now in this Forty-eighth Congress we are going back upon the exercise of that power and restore to the rebels the property taken from them?

That is the whole question before us in these two bills. The money was collected, a portion was paid over to Colonel Webster, provost-marshal-general, to pay damage done to the United States, and another portion was paid over for the benefit of individuals, and the rest of the money was paid into the Treasury of the United States. In 1875 $9,600 was taken out of the Treasury by act of Congress and paid over to Aldridge and Patterson, those despised cotton speculators we hear of. I say, by act of Congress, approved by the President in 1875, Aldridge and Patterson, men from whom these damages were assessed, were paid $9,600. That bill passed the Senate and the House, and was approved by President Grant.

Now, this bill not only proposes to take out of the Treasury the money levied and collected on them for the benefit of the United States, but to take the $9,600 more out of the Treasury that has once been appropriated to the party upon whom it was assessed. That is what it does.

I wish to call the attention of the gentleman on the other side of the House to this fact: there is not a particle of difference between this and any claim set up by disloyal citizens for property taken. If you pay

this claim by act of Congress then you ought to pay every man who lived in the South for every dollar's worth of property taken by the Government of the United States.

I say again there is not a particle of difference between this bill reported as a substitute for Johnson and others than any bill to pay any disloyal citizen of the South for anything taken by the Union forces. When we went into Tennessee and sent out our foraging parties for corn and wheat and oats and hams and chickens and everything else an army needed off the confederate forces, and while we were taking it in accordance with the war power conceded to all nations, we thought we were accomplishing a double purpose: that we were saving money to the United States Government for forage and we were crippling the enemy at the same time.

When General Butler took possession of New Orleans and found the war had made a great many poor people in that city, he sought out a number of wealthy ladies and gentlemen who had a few days before subscribed to a fund the sum of $30,000 to defend the city of New Orleans against him, and he levied an assessment upon each one of these individuals in proportion to the amount subscribed to the confederate defense fund, and he collected that assessment and expended it in taking care of the poor of New Orleans. He was a pretty good lawyer and knew what he was doing. It was the same thing Colonel Haynie did in this case precisely, and if you pay this money back to Johnson & Co. then you ought to pay Mrs. Slocum and all her confederates in New Orleans the thousands of dollars General Butler collected off them and expended, not for the benefit of the United States, but for the poor of that city.

If you pay this money back, then you will have to pay back to every man in West Tennessee around Bethel and Henderson and Corinth, and all that section of country. You ought to pay them for the corn we took to feed our Army. I say there is no difference between the propositions, and I wish gentlemen to understand that this is an entering wedge to pay the rebels for damages. It is a plain, simple, unvarnished proposition. It is a proposition that whenever the Union Army took anything off the people who were not actually engaged in the army it was highway robbery. I heard it said by the gentleman from Tennessee [Mr. TAYLOR], and I heard it suggested by one or two others around me asking questions, that if we committed an act of robbery ought we not to pay it back? Wherever the Union Army went, wherever it lived off the country, wherever it foraged off rebel citizens who were not in arms, then it was robbery, as I hear from gentlemen who come up from the South.

I say it was not robbery. I say it was in pursuance of lawful authority. I say to you it was a legitimate and proper mode of warfare; and, Mr. Chairman, when gentlemen from the South accepted the issue of war and appealed to the arbitrament of arms they at the same time accepted the laws of warfare and whatever results might follow to them in pursuance of such law; and it is pleading the baby act for them to come now into this House asking that this Government shall reimburse them for the damages resulting from their own acts.

The reason, Mr. Chairman, that I speak earnestly upon this question is because it goes further than the mere payment of the $26,000 covered by the bill to the twenty or thirty rebel gentlemen down in Tennessee, an assessment upon whom, according even to General Sullivan, worked like a charm.

In other words, just as soon as the scouting boys, who thought it fun to destroy property, found that their fathers or their brothers or their families were likely to be compelled to pay the damages, they ceased to scout around away from the main army; they ceased to do damage of that character, where there was no army making a movement, and the order worked like a charm to prevent such acts. The result was most wholesome.

Now I come to this proposition. This assessment was made in pursuance of a well-recognized principle necessarily involved in the power to carry on a war. Nobody will controvert it. It was legally made by Colonel Haynie, of the Forty-eighth Illinois Regiment. This money was collected in pursuance of an assessment made for a specific purpose. The amount assessed was determined by the amount of damage done to the Government, to the railroad company, to Aldridge and Patterson, and to Arnold. I heard a gentleman reading a letter from Colonel Hurst, in which he says that the parties referred to in the bill are a set of very elegant gentlemen. Why, Mr. Chairman, I have often met gentlemen whom I fought against during the war, and found them to be very elegant gentlemen myself. But, sir, I remember something about Hurst.

I remember of having read a letter addressed to the Quartermaster-General's Department at Washington in regard to a man named Jarrett, in West Tennessee, in which he said that he did not own a dollar's worth of property on earth and that he was a violent rebel; and yet the man, it was ascertained afterward, and admitted by Hurst himself, owned one of the finest plantations in Tennessee, was a man of high standing, was a pensioner of the war of 1812, and a loyal and true man. And when Hurst got over his anger he admitted that he was an honest, good man, and filed his letter in the Department saying that because he was mad at another man named Jarrett he would do anything he could to hurt him, and thought he was the other Jarrett.

Here, then, is in the Treasury of the United States $6,000 of money assessed and collected by virtue of lawful authority for the benefit of a man named Arnold, a loyal citizen of West Tennessee then and a citizen of West Tennessee now, whose property had been destroyed by the rebels. Now, gentlemen of the committee, let me ask you to remember that this town of Henderson is not far away from that historic town of Corinth. It is not far from the graves of the battlefield of Shiloh. It is not far away from those scenes where vast armies met in terrible conflict, and the people thereabouts were nearly all of them either in the confederate army or had sons or parents in that army. All of the county governments were under the confederate control.

The authority of the General Government was nowhere acknowledged except within the picket lines, and continued so for a long period. By presumption of law every citizen there, then, was an adherent of the enemy. By presumption of law his property was subject to be assessed, whether it be his goods and chattels, the use of his land, or his money. This property was assessed for a specified sum. It was paid over to the authorities. Aldridge and Patterson came before the American Congress and received this $9,600, which was assessed for them. Here comes Arnold and asks his $6,000, being the money collected for damages done to him by irregular troops of the enemy. And here we get a substitute in the shape of the Johnson bill, that says the Forty-third Congress made a mistake of $9,600; that the President of the United States made a mistake of $6,000; that $9,600 is in the Treasury and we will appropriate to these men the whole $26,000. We will not pay Arnold anything, but will make the Government pay for this mistake of $9,600, and we will do it because the men were rebels all the time, because we collected it from them because they were rebels, and now the time has come to change the rule and we will put in the entering-wedge here by which we will commence to make a precedent to pay all of these rebel claims. You will have no trouble, gentlemen of the committee, in getting rid of the surplus revenue in the Treasury in that manner. You will have no trouble in increasing the number of bonds the Government will have to issue; you will enlarge the list of claimants that the Government will have to pay; you will have no trouble in depleting the national Treasury and doubling the national debt if you pay this bill. All you need to do is to pass it and then follow the precedent that you will make thereby.

I only want gentlemen to understand exactly what they are voting for. When they go back on this committee's report in favor of Arnold and vote for the substitute they are voting simply, plainly, and unquestionably to pay for rebel claims by rebel citizens, claims for money that they were lawfully compelled to pay.

I yield the remainder of my time to my colleague on the committee, the gentleman from Wisconsin [Mr. JONES].

Mr. PETERS. Before the gentleman from Illinois resumes his seat I should like to ask him a question. As I understand, this substitute is for the payment of Hiram Johnson and others. Now, I want to know whether as to Arnold the evidence was conclusive of his ever having been the owner of this cotton?

Mr. ROWELL. Why, certainly. It was found by a commission of three officers of the Forty-eighth Illinois Regiment after taking evidence, being on the ground in November, 1862, that he was a citizen there, that he lived there, and they found that he was loyal, that his property was destroyed, and that he was the owner of that property.

Mr. PETERS. How did he obtain this property?

Mr. ROWELL. That I do not know. We have the result of the investigation by the commission in their report, but not the evidence they took.

Mr. PETERS. Is there any evidence he was a cotton speculator.

Mr. ROWELL. No, sir; there was not. I will say right here that that is not very much of a cotton country. There is considerable cotton raised round there, but it is not so much of a cotton country as farther south and farther west. Grain and cotton are both raised; but there was considerable cotton there in the summer of 1862.

Mr. PETERS. I am frank to say I am opposed to paying any money for the losses of cotton speculators in war times.

Mr. ROWELL. Arnold was living there, and was not a camp follower.

Mr. TAYLOR, of Tennessee. I wish to ask my friend from Illinois whether the proof does not show that Arnold was a cotton speculator? Is not that shown by the statement of Colonel Hurst?

Mr. ROWELL. I do not take Colonel Hurst's statement as to that, after having examined the records of the War Department, and in view of what I have already stated about him in regard to the Jarrett matter.

Mr. TAYLOR, of Tennessee. I do not know anything about that. But I understand the gentleman from Illinois to say that these parties were all rebels. Do not the records of the War Department show that a number of these persons so satisfactorily proved their loyalty to the Government that they have been paid for property taken from them as Union men?

Mr. ROWELL. My best answer to that question is that I find there are a great many people in that section who twenty years after the war are able to prove their loyalty, while in 1862, when there with the Army, I never could find a white man at home.

Mr. TAYLOR, of Tennessee. Would not that statement apply equally to Arnold?

Mr. ROWELL. It would but for the fact that a board of officers of the regiment, then on the ground, where all the testimony could be taken, found that Arnold was unquestionably a loyal man, while Colonel Haynie, being there on the ground and knowing what he was doing, picked out these men and assessed this levy upon them.

I yield the remainder of my time to my colleague on the committee, the gentleman from Wisconsin [Mr. JONES].

Mr. JONES, of Wisconsin. I do not intend to discuss at any length the questions involved in this bill and the proposed substitute. I fully agree with the gentleman from Ohio and the gentleman from Illinois who has just taken his seat, and believe that this substitute should not be adopted.

I will only call attention to one point which has not yet been discussed. It appears from the official orders, which may be regarded as the record of these proceedings, that this assessment was made upon rebels, and that it was made for the benefit of loyal men, as well as for the benefit of the Government.

Some pretense has been made in this discussion that the assessment which was made by the officers in command at Henderson, Tenn., was made simply to compensate the Government for damage to its property. In order to give color to such a claim letters have been read, many loose surmises have been indulged in. But it is a significant fact that these letters and statements were prepared more than twenty years after the happening of the events to which they relate. They are worthless as testimony, no matter from how respectable a source they come. They are worthless because we have another class of evidence which we must all recognize as infinitely more reliable.

Some of us are lawyers. We know very well that if we were going to ascertain what were the opinions of a court, whether civil or military, twenty years ago, we would not ask the judge of that court, however reputable he might be, or however eminent as a judge. We would go to the record of that court for its decision. Now we have the record of this military court. We find in the record of these proceedings, from the written and printed orders of the officers in command, and from the finding of the military commission, what was the real purpose of collecting this money from the men who were found disloyal. These levies were made upon men who were then found to be giving aid and comfort to the rebellion. The records and orders show that they were made for the benefit of loyal men in that neighborhood whose property had been destroyed by rebel raiders, and also to repay the Government for its losses suffered at the same time. Any man who will take the trouble to read this abstract of the evidence which I hold in my hand will have no doubt upon this subject.

Our committee had before it, when this question was discussed, the authorities, showing very clearly that such a proceeding is within the power of the Government, and that it is within the power of officers in command of military forces in the country of an enemy engaged in open warfare. The right to exact contributions from an enemy to compensate for losses suffered by government or by loyal citizens is recognized in every treatise upon international law.

It is an exercise of the war power which may be called harsh and stern, indeed; but no harsher or sterner than the burning of cities, the destruction of private property, or the slaughter of armies. The only question for us to consider is this: Was there such a proceeding conducted according to the rules of war and the laws of nations? In arriving at a conclusion, I assert that we should scan the orders and the records of that time. They are the best evidence. While they exist they are the only competent evidence.

I therefore regard as idle all this talk about the letters of General Sullivan and about the letters of General Grant twenty years after these transactions. I take the orders; I take the finding of General Haynie, wherein he says:

I have levied upon each of the within-named persons held liable a tax, &c.—

Stating the amount. And he adds that the assessment was—

To make up the loss sustained by the United States Government and by Union citizens—

Naming them and giving the amounts to be paid by each and to each one severally.

There is the solemn record; and all these letters and all the gossip and all the loose talk that may be brought forward ought not to have a feather's weight against it.

I shall conclude by saying that whatever this committee may do it ought not, in my judgment, to adopt this substitute paying some $25,000 back to these disloyal men. There is no pretense that they were loyal. The military commission in 1862 found them disloyal. They were compelled to pay this $25,000 or thereabouts as a part of that penalty which disloyalty is always liable to be compelled to pay to loyalty. To pay it back is to inaugurate a policy which we can ill afford to adopt. It is not merely this amount which is involved. It involves the question whether at this distance from the war we propose to reopen and scan the validity of all those proceedings which took away the property of rebels.

There have been letters read during this discussion which give a certificate of character to these claimants. It is said that they are worthy and reputable men, highly esteemed in the community where they reside. These letters also belong to that class of testimony to which I have referred. They would be excluded in any court. They ought not to have been read here. But, sir, assume that they are true. They do not deny that these men turned against their Government. We can not compensate those men who were not loyal to the Government in its hour of peril. No matter how heavy their losses, no matter how worthy they now may seem, no claim of good character, no consideration of any kind can plead loudly enough to call upon this Government to restore to disloyal men the losses they sustained in rebellion. Before the Government can do that it must call the dead from their graves. It can not adopt that policy of paying indefinite and unknown sums until it is ready to ransack and deplete the Treasury. We can not remit the penalty which rebellion had to pay, and ought ever to pay, unless we are willing by enormous taxation to check the tide of national prosperity.

While I have but little interest in the fate of the original bill, I am quite certain that if the House shall understand the real meaning of this substitute it will be rejected. I now yield to the gentleman from Ohio, understanding that he desires to soon limit the time for debate.

Mr. GEDDES. I entirely concur in the suggestion that perhaps it is the general wish of the Committee of the Whole that this debate shall soon be closed. I am informed, however, that the time of my colleague on the committee, the gentleman from Illinois [Mr. ROWELL] was not entirely consumed by him, and that he wants to yield some portion of it to some gentleman near him.

Mr. ROWELL. I will yield five minutes to the gentleman from Tennessee [Mr. HOUK].

Mr. HOUK. If the committee will give me their attention, I will try to occupy even less than the five minutes so kindly yielded to me. It seems to me that several gentlemen who have advocated the pending substitute, in opposition to the bill originally reported by the Committee on War Claims, have done so under a misapprehension of the facts—a misapprehension of the origin and circumstances of the assessment and collection of the money now in the Treasury and proposed to be paid out. It was assessed and collected for a specific purpose, the order therefor originating with Colonel Haynie, commandant of the post at Henderson, Tenn.

More than one gentleman has argued as though the original assessment in this case was founded upon some action by General Grant, whereas General Grant never heard of it for months, and perhaps for a year, after it took place. What are the facts? It seems to me that there can be little chance for gentlemen to differ as to what their vote should be when they come to understand what the underlying facts are.

To boil them down they are these: The Union troops were in possession of the village of Henderson, in West Tennessee. In that town and in the depot of that town there was some Government property, and there was some property there belonging to private citizens, loyal citizens, as was determined by the commandant of the post after legitimate investigation. While the Federal troops were thus occupying the station a rebel raid was made; the town was captured by the rebel forces and some property belonging to the United States was destroyed, together with some property belonging to private individuals. This is the beginning point.

Colonel Haynie, not General Grant; Colonel Haynie, not General Sullivan, but Colonel Haynie, who was in command of the post, in the exercise of what he believed to be his right under the laws of war, as the commandant of that force issued the original order organizing a military commission, which was instructed to ascertain, first, what did the Government lose, and, second, what property did the loyal private citizens lose by this rebel raid. This military commission, acting under orders, sat there, heard the proof, investigated the facts, and made their decision, finding that the Government of the United States had property destroyed there to the amount of so many thousand dollars, and that a number of loyal private citizens, among them Willis N. Arnold, for whose benefit the orignal bill now pending was reported, had property destroyed by this raid. Arnold lost property of the value of $6,000, and Aldridge and Patterson lost property of the value of $9,600, and other parties also lost property, making in all over twenty-six thousand dollars' worth of property which was destroyd by that raid.

Now, after it was ascertained how much had been lost by the Government and by private individuals, a specific number of citizens of that place, enemies of the United States, rebel sympathizers, or supposed to be (but that is immaterial upon this question), were selected by name and assessments were made against them to an amount covering the damage done to the Government and to the private citizens.

The CHAIRMAN. The five minutes yielded to the gentleman has expired.

Mr. GEDDES. I will yield to the gentleman five minutes of my time.

Mr. HOUK. As I was saying, this assessment was made upon the individuals selected, and the amount was collected of them. Gentlemen bring in here an affidavit of General Sullivan. I have compared that affidavit with the original record in this case, and I state, what any other man will find if he will compare it with the record, that the

affidavit is not sustained by the record. It proceeds upon the idea that General Sullivan made the original order for this assessment, and he says he did not intend thus and so, but he did not make the original order.

Now, what is the fact? All that he ever had to do with it, according to the record that comes here from the War Department, was this: After the order had been issued and the assessment had been made General Sullivan made an additional order increasing the amount which certain men were to pay, because enough had not been collected to meet the original assessment, in consequence of some against whom the assessment was made being then off in the rebel army, and, therefore, failing to pay their particular share. Instead of General Sullivan having issued the original order, all he ever did was to interpret it, and to interpret it so as to show it was for the purpose and should have the effect for which it is clear Colonel Haynie had originally issued it, and which clearly justifies the passage of the original bill for the payment of $6,000 to Willis N. Arnold. The only order Sullivan ever issued in the matter contradicts his affidavit.

It has also been argued here as though General Grant had issued this order. All that General Grant ever had to do with it was to simply order that this money should be turned over into the Treasury of the United States. For what? Why and for what purpose did he order this? If you will look to the record you will find that General Grant says it should be turned over to be used for the purpose for which it had been collected. What was that purpose? Colonel Haynie's order was that it should be used to reimburse the Government and to reimburse Willis N. Arnold and other parties for property which had been destroyed by this rebel raid.

Now, if you pass the substitute here proposed, what will be the effect of your action? I beg gentlemen to remember that a large portion of this original sum has already been paid out. To whom? Paid out to parties for whose benefit it was collected. Aldridge and Patterson, parties who stood precisely as Arnold now stands, received $9,600, and the bill authorizing that amount to be paid to them was approved by General Grant. Now, if General Grant did not intend that any of this assessment should be used to reimburse private citizens, why did he as President of the United States approve a bill authorizing the payment of $9,600 to Aldridge and Patterson for that specific purpose?

It seems to me that this whole matter turns upon a legal proposition. When the question was submitted to me for my consideration, both as a member of this House and as a lawyer, I acted upon it according to the facts and my views of the law. Had Colonel Haynie the right to issue that order under the laws of war? I decided that he had. I think every lawyer will so decide. If he had, then the money collected under that assessment is subject to the purpose for which he collected it. One purpose was to pay the $6,000 mentioned in the original bill here to Willis N. Arnold for cotton of his which had been destroyed by the rebels on this raid. It seems to me there is very little ground here for dispute.

I do not get scared about paying rebels in the South. I would rather a few of them should be paid something than to swindle all the loyal people there out of their just dues.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOUK. I hope some gentleman will give me one minute more.

Mr. GEDDES. I have but five minutes of my time remaining.

Mr. ROWELL. I will yield the gentleman one or two minutes more.

Mr. HOUK. One minute will be enough. I did not intend to make a speech, but the matters keep coming to me.

I am not scared about the Treasury being depleted by paying out money where it is right that it should be paid; but I want gentlemen to stop and think what will be the effect of the passage of this proposition to pay back this money to these parties from whom it was originally collected.

I know that the policy of this Government has been against confiscating one dollar's worth of property after the conclusion of peace; but the substitute now brought into this House proposes to reopen this question and pay back this money which was confiscated to the use of the Government during the war. If this proposition be passed it sets a precedent for paying back to the rebels every dollar that was confiscated under one condition of circumstances or another during the whole war. That is what the substitute means. It reopens this whole controversy and proposes to reverse the policy of the Government in regard to the question of confiscation as settled at the close of the war, and now proposes to restore to the enemy that which was taken from them under the rights of war, leaving the friends of the Government the only losers in the hazardous experiment of breaking up the Union.

Mr. GEDDES. It is suggested to me, Mr. Chairman, that general debate may be limited by unanimous consent without the necessity of having the committee rise; and it is also suggested that fifteen minutes additional will be enough, ten minutes in favor of the amendment and five minutes which I desire to occupy myself.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Ohio, that general debate on this bill terminate in fifteen minutes, ten minutes to be occupied in favor of the amendment, and five in opposition to it? The Chair hears no objection, and it is so ordered.

Mr. McMILLIN. Mr. Chairman, upon some propositions connected with this bill there is no controversy. It is admitted on all hands that there was collected from citizens in the neighborhood of Henderson, Tenn., more than $20,000 in excess of the losses caused by depredations of the confederate soldiery upon the property of the Government; and the question here is, what shall be done with that surplus? There is not a man on this floor, so far as I have heard, who says it is right for the Government of the United States to retain it. If there is such a one he has not yet opened his mouth. Then the question comes up whether this money shall be paid back to the parties from whom it was taken, or shall be turned over to those who are alleged to have sustained loss by the depredations of the confederates.

The gentleman from Ohio as authority on this question has read from Halleck on the Elements of International Law. I turn two pages beyond where he read, and desire to present to the consideration of the committee some comments there made upon a subject which I think is pertinent to this question. Speaking of the power of the Government to levy contributions, this author says, on page 214:

> It alone (the government) has such claims against the enemy as will authorize the seizure of his property. The military forces who make seizures are merely the instruments of the state, employed for this purpose. They do not act on their individual responsibility or for their individual benefit.

Here I may say that if they could not on their own individual responsibility, or for their own individual benefit, do this, they could not do it for the benefit of another party besides the Government.

> They, therefore, have no other claim to the booty or prizes which they may make than their Government may see fit to allow them.

Now, upon what principle can you enforce the collection of this money and pay it over to any other party than the Government? It is not right, it is not equitable to do so. General Grant says that he never intended it. The officer who issued the order says that he never intended it. The statement of both these officers is corroborated by the fact that the money was not turned over, as it would have been if they had so intended.

Now, what shall we do with this money? Give it back to the parties who paid it. It is not claimed by anybody that they contributed to the destruction on account of which this levy was made. No one has been rash enough to claim this. I say, therefore, there is no justice in making any other disposition of this property than that proposed by the amendment of my colleague.

Mr. JONES, of Wisconsin. Does the gentleman understand the fact that the Government has already paid over the greater part of this money?

Mr. McMILLIN. I do not.

Mr. JONES, of Wisconsin. Such is the fact.

Mr. McMILLIN. It has paid, it is true, a portion—a small portion; but the largest part of this fund is still in the Treasury. Seventeen thousand dollars in cash is there; and for one—let others do as they may—I will never prostitute the powers of Government for the purpose of robbing one citizen to enrich another. That is the question involved in this case.

Mr. GEDDES. Mr. Chairman, as I view this question the only possible doubt that has been or can be thrown over the early and plainly written history of the case grows out of the late letter—letter in form—verified by General Sullivan. I have already endeavored to show to this House how seriously his memory is at fault in regard to the question whether the money when assessed was sent by him to Saint Louis. I desire now to call the attention of the House to three distinct facts, either of which must satisfy any man on this floor, if he will sit down and examine the matter, that General Sullivan is grossly in error when he says that this original assessment was made as mere security, the purpose being that the money should be refunded and not disbursed. What are these three facts? Now, what are they? I say three. The assessment was for $26,751.36. What sensible man would fix a bond of indemnity in that form? Is not that enough alone? But go one step forward. Look at the form of assessment authorized by the authority at that time, showing the intent of the military—the reassessment, I mean, for there was an assessment which was not sufficient, and a reassessment was ordered.

> The parties who this amount not collected is assessed against are in the rebel army, and have no property at home that can be made pay the amounts they are assessed. To make this amount good on the original assessment I ordered the deficiency to be assessed on those persons who had not been assessed, but who were equally liable as rebel co-operators and sympathizers, which was done, and some $1,500 of it has been collected. Shall I return this amount to the persons from whom it was collected and take up the receipts given, or shall I pay it over to Lieut. Col. M. Smith? The balance not yet collected can be got in a short time, as the persons who were assessed have most all made their arrangements to get the money.
>
> Respectfully submitted.
>
> WM. W. SANFORD,
> *Colonel Forty-eighth Illinois Volunteer Infantry, Commanding Post.*
>
> Capt. F. H. HARRIS, *A. A. G.*,
> *Headquarters District of Jackson.*

If they had collected $23,000 as a mere indemnity would they order a reassessment on those at home because some were in the rebel army?

But I must hurry on. I have here the form of the order of the United States to the parties assessed:

SIR: You are hereby notified that pursuant to Special Order No. 15, from district headquarters, Brig. Gen. Jer. C. Sullivan commanding, you have been assessed to pay the sum of —— dollars, the same being your proportion of the damages resulting to the Government of the United States and to the property of loyal citizens by the late rebel raid on Henderson Station. You will pay the amount to Capt. W. J. Stephenson, commanding at Henderson, within ten days from this date, and take duplicate receipts for said money. One you will forward to headquarters, post of Bethel, Tenn., the other you will keep.

By order.

WILLIAM J. STEPHEN,
Captain, Commanding Post, Henderson Station.

——— ———,
Assistant Adjutant.

The CHAIRMAN. The gentleman's time has expired.

Mr. TAYLOR, of Tennessee. I wish to ask the gentleman from Ohio a question. You admit that none of the parties who were assessed were in the confederate army?

Mr. GEDDES. I believe the record shows that they were not, except——

Mr. TAYLOR, of Tennessee. Then what does the gentleman propose to do in this report with that amount of money assessed for the benefit of a railroad?

Mr. GEDDES. I will leave it where this House left it when it gave Aldridge $9,000. I would leave it where they left this man Arnold's money.

Mr. TAYLOR, of Tennessee. That is, the Government ought to keep what does not belong to it.

Mr. DIBRELL. They would take this money unjustly assessed against these men and give it to Willis Arnold who, Colonel Hurst says, had no money and was in jail. My friend from Ohio would not have what Colonel Hurst said about this man read. Here it is:

He certainly had no money to pay for cotton or to enter into any other speculation upon. He was esteemed a villain and an outlaw before the war; he was in our county jail for prosecuting false claims against the Government before the war. I think he begged and paid out some two years before the war commenced, and was living on a small and very poor farm in Henderson County, adjoining this.

The question is whether you will take the money out of the Treasury and give it to this kind of a man, who has been denounced as a scoundrel, a villain, and who had been in jail for forgery. You propose to give it to him instead of paying it back to the men from whom it was unjustly taken.

My colleague [Mr. HOUK] made a report against Hiram Johnson and others when he was chairman of the Committee on War Claims, but before it was acted on he had a change of heart, having become penitent, and he wrote the letter I ask the Clerk to read.

Mr. HOUK. Is that in my handwriting?

Mr. DIBRELL. It is.

Mr. HOUK. There has been some forgery of my letters.

Mr. DIBRELL. Let the Clerk read the letter.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, *Washington, D. C., March* 5, 1883.

DEAR SIR: I authorize you to say to your friends and the parties interested in West Tennessee that I am in no wise responsible for the failure of Congress to take action on the bill for the relief of Hiram Johnson and others at the late session.

It is true I made an adverse report on the bill, but afterward, when additional and explanatory evidence was brought to my knowledge, I told Mr. Atkins that my opposition had ceased. For many days before the adjournment I urged the friends of the bill—those who had championed it from the beginning—to take it up and I would explain my connection with it, and show that new testimony had thrown a different light upon it, and that it should pass.

As it is now presented I see no good reason why the money should remain in the Treasury. On the contrary, it appears to me that it should be returned to those to whom the proof shows it to belong, and at the next session of Congress I shall not hesitate to vote to do justice to these parties. So far as you are concerned, you have all along shown great energy and capacity in the conduct of this, as you always do in the conduct of the claims business both before Congress and the Departments.

Very respectfully,

L. C. HOUK.

Maj. R. M. THOMPSON.

Mr. DIBRELL. Now, the only question is whether you will give the money to Arnold or to Hiram Johnson and the others, as my friend from Tennessee [Mr. HOUK] recommended; and I say to this committee to vote the surplus, taking the amount already paid out back to Johnson and others pro rata, is the proper thing to do. That is the only question with which we have to deal. It is the question to be determined by this committee. General Sullivan said that the order was never intended to apply to private individuals. General Grant says the same thing, as the testimony shows. All of the officers connected with the matter said that it was not intended to be applied to private individuals. Then, as a matter of right and justice, these people should be paid the money pro rata that is remaining of this fund. I do not want to detain the committee. I think we have had enough of debate upon this proposition, and I hope now that we can get a vote upon it.

Mr. HOUK. I hope the gentleman will give me a minute.

Mr. DIBRELL. We want to take a vote.

The CHAIRMAN. Two minutes and a half remain in favor of the amendment.

Mr. HOUK. I ask the gentleman to yield to me for a moment. You would not deny me the right of an explanation of what might seem an inconsistency?

Mr. DIBRELL. You do not deny that that is your signature to that letter.

Mr. HOUK. Of course I do not deny it, but I want to state why that letter came to be written.

Mr. DIBRELL. I have no objection to my colleague having the opportunity.

Mr. HOUK. If the gentleman will read my letter in the light of the facts existing and the surrounding circumstances at the time when it was written, and the trouble I went to in order to get at the bottom facts by comparing the new evidence, so called, with the original record, he will see that I am perfectly consistent in opposing the substitute and urging the original bill.

After the report was made by me as chairman of the Committee on War Claims Mr. Thompson, the attorney of Hiram Johnson, and others came to me at a time when I was very much engaged, and produced some letters from General Sullivan, which on their face seemed to change the aspect of the case. At that time I had not an opportunity of reinvestigating the subject. I did write this letter then at Mr. Thompson's request and under those circumstances, and I am willing now to stand by that letter, or I would have been willing to stand by it, if Sullivan himself was sustained by the record, if his letters, which were shown to me, were sustained by the record. But, when I took Sullivan's letters and affidavit and re-examined the whole question, comparing all of the papers, I found additional testimony and very many reasons which were sufficient to satisfy me that my impression, created by the Sullivan letters, at the time when that letter of mine was written, was erroneous. I found additional reasons why Hiram Johnson and the others should not be paid, and reasons which sustained my original conviction why the Arnold bill should stand upon its own merits, and the Johnson bill be defeated.

Mr. DIBRELL. There is not a single sentence or word in the record showing that Arnold lost one bale of that cotton.

Mr. HOUK. Furthermore, this was a private letter, written at my private office, with no thought that it was to be used for the benefit of these claimants in the prosecution of their claim, and it has been slipped in here by the attorney of these claimants for a false purpose, though I would write it again under the same circumstances. Now, I think I have fully explained the letter, for it only shows that I was willing to do these claimants justice, and vote for their bill if Sullivan's statement was sustained by all the facts and circumstances of the case, when I should have opportunity to re-examine it and compare this new testimony with the original record. I have since carefully compared it, and find that Sullivan is not only not sustained, but contradicted by the record, including his own orders.

Mr. HEWITT, of Alabama. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEWITT, of Alabama. If the committee should vote to strike out the enacting clause, would it carry the substitute or amendment with it?

The CHAIRMAN. The motion to strike out the enacting clause takes precedence.

Mr. HEWITT, of Alabama. But would it kill the substitute if adopted?

The CHAIRMAN. It would.

Mr. HEWITT, of Alabama. Then I make that motion to strike out the enacting clause.

Mr. STORM. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STORM. I wish to ask whether a motion to strike out the enacting clause is in order at this time?

The CHAIRMAN. General debate having been concluded, it is in order after reading the first paragraph of the bill.

Mr. STORM. In the committee?

The CHAIRMAN. In the committee.

Mr. DIBRELL. I rise to a parliamentary inquiry. The motion, as I understand it, is to strike out the enacting clause of the Willis Arnold bill?

The CHAIRMAN. A motion to strike out the enacting clause takes out both the bill and the substitute.

Mr. HAMMOND. A sort of horizontal lick.

The CHAIRMAN. The question will be taken on the motion to strike out the enacting clause.

Mr. HAMMOND. Which enacting clause?

The committee divided; and there were—ayes 18, noes 71.

So the motion to strike out the enacting clause was not agreed to.

Mr. TAYLOR, of Tennessee. I now desire, Mr. Chairman, to offer this bill as a substitute for the other. I will state to the committee that the bill I offered——

Mr. ROWELL. Has not the other bill been already offered and is pending as the substitute?

Mr. TAYLOR, of Tennessee. The bill I offered this morning, I understand, does not relieve the cotton money in the hands of the Government. The bill I now send to the desk as a substitute reimburses

the Government entirely. The Government does not lose a penny by this bill.

Mr. HOUK. How about the moneys already paid out—the $9,000 paid to Aldridge and Patterson? I wish to ask, if your substitute shall pass, whether it leaves Government money in the Treasury?

Mr. TAYLOR, of Tennessee. It does.

Mr. HOUK. Then what becomes of the $9,600 paid to Aldridge and Patterson?

Mr. TAYLOR, of Tennessee. This bill makes specific provision for the different parties to the extent of $22,271.

The CHAIRMAN. The substitute will be first read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the respective sums of money as hereinafter provided, to the respective persons named herein, or to their heirs or legal representatives, namely:

To H. Johnson, $659.86.
To Stephen M. Johnson, $659.86.
To D. J. Franklin, $130.48.
To Josiah Franklin, $156.60.
To Nat Buckley, $261.20.
To John Tull, $313.49.
To Elias Bray, $391.92.
To Dr. G. Johnson, $156.60.
To Harrison Trice, $261.20.
To Jeremiah Crook, sr., $522.41.
To Willis Arnold, $5,213.89.
To Arch McCorkle, $391.92.
To G. L. Ross, $1,306.91.
To S. L. Ross, $1,306.91.
To John M. Hart, $522.41.
To William A. Brummer, $801.69.
To John D. Smith, $261.20.
To A. B. Crook, $261.20.
To Daniel McCollum, $261.20.
To Jeff Jones, $130.48.
To Thomas McGill, $156.61.
To James Ledbetter, $156.61.
To William Ozier, $522.41.
To Elijah Bond, $261.20.
To John L. Cawthon, $522.41.
To William Hall, $522.41.
To Carroll Beaver, $522.41.
To John West, $659.86.
To James Clifford, $261.20.
To O. F. Hendrix, $784.04.
To Frank Cawthon, $313.49.
To James Cawthon, $130.49.
To S. E. Grider, $130.49.
To Silas Grider, $130.49.
To John Robinson, $240.34.
To Hugh McKnight, 200.25.
To John G. Smith, $79.96.
To Caleb McKnight, $200.25.
To James Thomas, $200.25.
To William P. Walker, $120.06.
To A. S. Rogers, $341.55.
To Tison G. Maness, $561.02.
To William H. Bond, $120.06.
To F. M. Ballard, $240.34.
To Stephen Messengill, $120.06.
To William Shrink, $440.82.
To Keton M. Jones, $361.15.
In all, $22,271.26.

SEC. 2. That in the event any of the foregoing parties have died, the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the amounts so stated to the legal representatives of said deceased parties.

Mr. BROWNE, of Indiana. I desire to make a point of order against the proposed substitute.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. It is not in order to offer a bill pending before the House as a substitute for another bill by way of amendment.

Mr. MCMILLIN. I will suggest to the gentleman from Indiana that there was an agreement this morning that the two cases, the Arnold and Johnson cases, should be considered together. They stand so related that the one bill may be properly offered as a substitute for the other.

Mr. BROWNE, of Indiana. As I understand, there was a different bill presented as a substitute; this is now still another bill which is presented as a substitute.

Mr. MCMILLIN. The gentleman from Tennessee [Mr. TAYLOR] is asking the committee to allow him to substitute this bill for the substitute he offered before.

Mr. BROWNE, of Indiana. The gentleman from Tennessee withdrew the other bill which was then pending as a substitute and presented this one; and upon it I raised the point of order.

The CHAIRMAN. The gentleman from Indiana raises the point of order on the bill just read which is offered as a substitute. The original substitute has not been withdrawn. This is offered as a substitute for that substitute. The Chair sustains the point of order under the rule which requires that "no bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House." The question is on the first substitute proposed by the gentleman from Tennessee [Mr. TAYLOR].

The question being taken, the chairman stated that the "noes" seemed to have it.

Mr. TAYLOR, of Tennessee. I call for a division.

The committee divided; and there were—ayes 52, noes 62.

Mr. TAYLOR, of Tennessee. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Tennessee, Mr. TAYLOR, and the gentleman from Wisconsin, Mr. JONES.

The committee again divided; and the tellers reported—ayes 61, noes 61.

Mr. DUNHAM. I insist on the point that a quorum has not voted.

The tellers resumed the count and reported—ayes 77, noes 66.

Mr. GEDDES. No quorum.

The CHAIRMAN. The committee finding itself without a quorum, the Chair directs that the roll be called.

The Clerk proceeded to call the roll, when the following gentlemen failed to answer:

Adams, J. J.	Davis, L. H.	Keifer,	Ray, G. W.
Aiken,	Deuster,	Kelley,	Reagan,
Anderson,	Dockery,	Kellogg,	Riggs,
Atkinson,	Dorsheimer,	Ketcham,	Robertson,
Belford,	Dowd,	Lamb,	Russell,
Belmont,	Dunn,	Le Fevre,	Ryan,
Bennett,	Elliott,	Lewis,	Singleton,
Bingham,	Fiedler,	Libbey,	Smalls,
Bisbee,	Finerty,	Lore,	Snyder,
Blackburn,	Foran,	Lovering,	Spriggs,
Blount,	Gibson,	Lowry,	Stewart, Charles
Bowen,	Goff,	McCoid,	Stewart, J. W.
Boyle,	Graves,	McKinley,	Strait,
Brainerd,	Greenleaf,	Milliken,	Struble,
Breitung,	Hanback,	Mills,	Sumner, D. H.
Brumm,	Hancock,	Money,	Talbott,
Buckner,	Hardy,	Morse,	Taylor, E. B.
Budd,	Harmer,	Moulton,	Thompson,
Burleigh,	Hart,	Muldrow,	Valentine,
Calkins,	Hepburn,	Muller,	Vance,
Campbell, Felix	Hewitt, A. S.	Murphy,	Wadsworth,
Campbell, J. M.	Hill,	Neece,	Wakefield,
Cannon,	Hiscock,	Nelson,	Warner, A. J.
Clardy,	Hoblitzell,	Nutting,	Washburn,
Clay,	Holmes,	Oates,	Wemple,
Collins,	Holton,	O'Ferrall,	Wilkins,
Connolly,	Hooper,	O'Hara,	Wilson, W. L.
Converse,	Howey,	O'Neill, Charles	Winans, John
Cook,	Hurd,	Paige,	Wise, J. S.
Covington,	Hutchins,	Payson,	Wood,
Culberson, D. B.	Jones, J. H.	Pettibone,	Worthington,
Curtin,	Jones, J. K.	Phelps,	Young.
Davidson,	Kasson,	Potter,	
Davis, G. R.	Kean,	Randall,	

The committee thereupon rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House, while engaged in the consideration of bills on the Private Calendar, found itself without a quorum, whereupon he caused the roll to be called and he now reported the names of the absentees to the House.

The SPEAKER. The Clerk will report the names of the absentees.

The list of absentees was read.

Mr. LOWRY. I desire my name to be taken off the list of absentees.

The SPEAKER. Was the gentleman present in the committee when the roll was called?

Mr. LOWRY. I was in the Committee on Elections.

Mr. PETTIBONE. I desire my name to be taken off for the same reason.

The SPEAKER. The gentlemen can not be recorded now as present. The list which has been read is the list of gentlemen absent from the call of the roll in the Committee of the Whole House. From the roll-call it appears one hundred and thirty-five members were absent and one hundred and eighty-nine were present. More than a quorum being present, the committee will resume its sitting under the rule of the House.

The Committee of the Whole resumed its session.

The CHAIRMAN. A quorum having appeared, the tellers, the gentleman from Wisconsin, Mr. JONES, and the gentleman from Tennessee, Mr. TAYLOR, will resume their places.

The tellers resumed the count, and reported—ayes 89, noes 79.

So the substitute was agreed to.

The bill as amended by the adoption of the substitute was laid aside to be reported to the House with a favorable recommendation.

HIRAM JOHNSON.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

The Clerk read the title of the next bill on the Calendar, which was reported by the Committee on War Claims with an adverse recommendation, as follows:

A bill (H. R. 1477) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. HOUK. I understand that that bill has already been adopted as a substitute for the Arnold bill.

Mr. MCMILLIN. I think that bill should be allowed to stand on the Calendar where it is till the next meeting of the committee. I move that the committee rise.

The motion was agreed to, there being—ayes 119, noes 8.

The committee accordingly rose; and the Speaker having resumed

the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the Private Calendar had had under consideration the bill (H. R. 3937) for the relief of Willis N. Arnold, and had directed him to report the same back to the House for favorable consideration with an amendment.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. FOLLETT, from the Committee on Appropriations, reported back without amendment the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union.

ORDER OF BUSINESS.

Mr. TURNER, of Georgia. I desire to state that during the session of to-day the members of the Committee of Elections have been absent by leave of the House, engaged on business of the House.

Mr. HAMMOND. I move that when the House adjourns to-day it be to meet on Monday next.

Mr. SPRINGER. The House can meet at 11 o'clock to-morrow and continue in session until fifteen minutes before 1.

Mr. HAMMOND. We will do little or nothing to-morrow, on account of the ceremonies which are to take place at the unveiling of the statue of Chief-Justice Marshall.

Mr. SPRINGER. That will give us nearly two hours here.

The question was taken upon the motion of Mr. HAMMOND; and upon a division there were—ayes 112, noes 30.

Mr. LOWRY. I call for the yeas and nays on that motion.

The question was taken upon ordering the yeas and nays, and there were 5 in the affirmative.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

Mr. LOWRY. I make the point that no quorum has voted.

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] makes the point that no quorum has voted. The Chair will appoint tellers.

Mr. HAMMOND. Is not the point made too late?

The SPEAKER. The Chair thinks not; the Chair had not announced the result of the vote.

Tellers were ordered; and Mr. HAMMOND and Mr. LOWRY were appointed.

Mr. LOWRY (one of the tellers). In view of what seems to be the general desire of members present, that the House shall adjourn over to-morrow, I will withdraw the point that no quorum has voted.

The SPEAKER. The point of order is withdrawn. On the question of adjourning over till Monday next, the ayes are 112, the noes are 30.

So the motion was agreed to.

The SPEAKER. The Chair will take the liberty of stating to the House that a resolution was passed two or three days ago providing that the House of Representatives take part as a body in the ceremonies attending the unveiling of the statue of Chief-Justice Marshall at 1 o'clock to-morrow. The Chair will request members of the House to meet in this Hall at 15 minutes before 1 o'clock to-morrow for that purpose.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment joint resolutions of the following titles:

Joint resolution (H. Res. 231) providing for the distribution of the Congressional Globe; and

Joint resolution (H. Res. 239) to fill vacancies existing in the board of managers of the National Home for Disabled Volunteer Soldiers.

ENROLLED BILLS SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 2093) to provide for the appointment of an acting Secretary of the Smithsonian Institution; and

Joint resolution (S. R. 81) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

RELIEF OF SUFFERERS BY FLOODS.

The SPEAKER laid before the House a letter from the Secretary of War, with inclosures, recommending an additional appropriation of $100,000 for the relief of the sufferers by the floods in the Lower Mississippi Valley; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GOFF, for four days from May 10.

To Mr. JAMES, for six days from May 9.

To Mr. DORSHEIMER, until Friday next, on account of important business.

To Mr. HOUSEMAN, for ten days from and including Monday next.

ORDER OF BUSINESS.

Mr. STEELE. I call for the regular order.

The SPEAKER. The regular order is the consideration of reports heretofore made from the Committee of the Whole on the Private Calendar.

The bill coming over from Friday last as unfinished business was the bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion.

The SPEAKER. The pending question is the motion of the gentleman from Indiana [Mr. STEELE] to commit this bill to the Committee on Military Affairs.

The question was taken; and upon a division there were—ayes 48, noes 65.

Mr. CRISP. No quorum has voted.

Mr. BROWNE, of Indiana. I move that the House now adjourn.

Mr. MATSON. I ask my colleague to withdraw that motion for a moment.

Mr. BROWNE, of Indiana. If the Speaker will allow me to amend by substituting a motion to take a recess——

The SPEAKER. The gentleman has the right to change his motion.

Mr. MATSON. I desire to ask unanimous consent of the House that the hour of meeting this evening be changed to 8 o'clock.

Mr. BROWNE, of Indiana. I move that the House now take a recess until 8 o'clock this evening.

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] moves that the House now take a recess until 8 o'clock this evening, the session of this evening to be for the consideration, under the previous order of the House, of business reported from the Committee on Invalid Pensions and the Committee on Pensions.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. Must not the other matter be first disposed of?

The SPEAKER. What matter?

Mr. WELLER. The matter of adjournment.

The SPEAKER. The motion to adjourn has been withdrawn, and the question now is upon the motion of the gentleman from Indiana that the House take a recess until 8 o'clock this evening.

The motion was agreed to.

The SPEAKER. The gentleman from Tennessee [Mr. MCMILLIN] will preside as Speaker *pro tempore* during the session this evening.

The result of the vote on the motion of Mr. BROWNE, of Indiana, was then announced; and accordingly (at 4 o'clock and 30 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order of the House under which the session of this evening is held.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 7.30 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON moved that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. Under the order of the House the committee resumes the consideration of pension cases on the Private Calendar.

W. J. LEE.

The CHAIRMAN. The bill first under consideration is the bill (H. R. 1073) granting a pension to William J. Lee.

Mr. MATSON. I ask by unanimous consent that that bill be passed over and the committee proceed to the consideration of the bill (H. R. 4825) for the relief of Rosina Heineman.

Mr. BAGLEY. When the Lee bill was up before it was objected to by the gentleman from Indiana [Mr. STEELE], and he has authorized me to say he will withdraw his objection. He is now present.

Mr. MCMILLIN. I ask that case be passed over. This man Lee was not enlisted, and it has been the custom to pass over all such cases.

Mr. BAGLEY. Two or three weeks ago this bill was laid over. Since then two or three scout bills have been passed. In view of that fact I hope this bill will be considered in its regular course. Discussion has been had on it. I do not wish to consume time, however.

Mr. PETERS. I hope there will be no objection to going on with the Lee bill. It is a meritorious case.

Mr. MORRILL. Was this man wounded?

Mr. BAGLEY. He was not, but he was disabled by disease contracted in the service, from which he will probably never recover. When the bill was being discussed, letters were read from General

Grant and General Sharpe and other officers recommending this as a meritorious case.

Mr. PETERS. I believe it was shown this man was thrown from his horse and injured his back.

Mr. BAGLEY. That was not this case.

Mr. McMILLIN. The reason I have opposed this class of cases is this: It is impossible to trace the service of a man of this kind like one whom the Government has the right to command at all times. It has not been the policy of the Government to pension those who never enlisted in its service. This man had the right to make himself the servant of the Government and thereby get all the benefits accruing therefrom. He had the right to serve in the regular way, but he took the consequences of irregular service. I hope the gentleman will not insist on going on with that bill.

Mr. BAGLEY. I do not wish to consume time and will not insist on going on with it, as there is objection.

The CHAIRMAN. The Chair hears no objection and the bill is passed over.

ROSINA HEINEMAN.

Mr. MATSON. I move to take up the bill (H. R. 4825) for the relief of Rosina Heineman.

The CHAIRMAN. The Chair hears no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rosina Heineman, mother of William Heineman, deceased, formerly a member of Company I, Second Regiment New York Mounted Rifles.

The report was read, as follows:

Mr. BAGLEY, from the Committee on Invalid Pensions, submitted the following report:

It is evident from the papers in this case that Wilhelm Heineman was mustered into the service of the United States as a private in Company E, Second New York Mounted Rifle Volunteers, on the 29th day of January, 1864.

It is also shown in an affidavit made by George F. Kohl, of Whitefield, N. Y., and Christine Weiser, of Buffalo, N. Y., that in February, 1865, one Conrad Schmidt (now dead), who was a member of Heineman's company, came home on furlough and met affiants at Tonawanda, N. Y., and told them that as he went through the general hospital at City Point, in ward 12 he was hailed by the soldier, who was there sick with typhoid fever. Soldier requested Schmidt to tell his parents of his situation. Witnesses state that they took the message to soldier's parents, who then went and saw Schmidt. Schmidt was a man of veracity.

The petitioner, the mother of Heineman, makes a statement similar to the above, and also says that she had a letter from her son dated June 7, 1864, at which date he was well. She did not hear from him again till she saw Schmidt, February 17, 1865. Then she sent a letter by Schmidt to the soldier, but when Schmidt came home from discharge he told her the sick were removed from City Point, Va., during his furlough and he did not see him after; that her son has not since been heard from, and that she can furnish no more direct proof of his death. He left no widow or child.

Claimant's husband died September 28, 1872. She was greatly dependent upon her son for support. She has no means, except ten acres of land at Johannesburg, N. Y., worth $300, and which her son bought for her, for a home. He sent her money while in the Army—at one time $50.

The claimant made application for a mother's pension, but it was rejected because of her inability to furnish proof of her son's death.

This is one of those inexplicable and mysterious disappearances so numerous in the history of the late war, and can only be accounted for by the fact that many of the sick and wounded while in transit from one hospital to another died and were buried without any record being kept of such death. This, it is fair to assume, was the case with Heineman. He was probably hastily buried, and this is the only way to account for the deficiency in the war records as to his death. This man was a dutiful and loving son, contributing to the support of his mother, and it is a far-fetched presumption to say that he is probably yet alive. The petitioner is now 64 years old, and is in very indigent circumstances. She is a subject for sympathy—almost an object of pity.

In view of all the facts presented, the committee think she should have a pension, and therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH MANZ.

The next business on the Private Calendar was the bill (H. R. 4974) for the relief of Sarah Manz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Manz, mother of Christian G. Manz, deceased, formerly a member of Company H, Sixty-seventh Regiment New York State Volunteers.

The report was read, as follows:

Mr. BAGLEY, from the Committee on Invalid Pensions, submitted the following report:

Christian G. Manz, son of the petitioner, enlisted as a private in Company H, Sixty-seventh Regiment New York Volunteers, under the name of John Stephens, but the records establish his identity, and his death is proved as occurring at Fortress Monroe from wounds received at the battle of Fair Oaks, May 31, 1862, and that "he is buried at Cypress Hill Cemetery, New York."

The husband of the petitioner is still living, but is so disabled with rheumatism that for many years he has been unable to support his family.

The Pension Office rejected the claim on the ground that at the time of soldier's death he did not contribute to the support of the family. It is shown, however, by the mother's affidavit that the son's earnings were used for said support, and that while in the Army he sent her sums varying from $5 to $25.

The mother is now living on a place of about ten acres, which is assessed at $250, and the cash value is not over $465. The income has not been since 1861 over $60. The place is now mortgaged at $200.

The petitioner claims now to be in indigent circumstances and barely getting a living.

A. S. Coleman, special examiner, who was detailed to look into the case, in his report says:

All concur in one thing, that they have always been very poor and barely lived. Most every one says they do not see how they have lived; also, that the husband has been lame with rheumatism ever since the war broke out, and before, as near as they can remember. Their house shows now extreme poverty, barely furniture enough, and very poor at that, and the very poorest kind of clothes.

Your committee are of the opinion that this mother lost her principal support when her son was killed in the service; that she is very poor, and is entitled to a pension, and therefore recommend the passage of the bill accompanying.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. JANE YOUNG.

The next business on the Private Calendar was the bill (H. R. 2432) for the relief of Mrs. Jane Young.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane Young, mother of Henry Young, alias Frank Lowe, late a member of Company G, Sixteenth Regiment of Massachusetts Volunteers.

The report was read, as follows:

Mr. BAGLEY, from the Committee on Invalid Pensions, submitted the following report:

The records of the Adjutant-General's Office show that Henry Young, alias Frank Lowe, was mustered into the service as a private on the 17th day of August, 1863, to serve three years or during the war, in Company G, Sixteenth Regiment Massachusetts Volunteers; that he was captured at Bristow Station, Va., October 14, 1863; confined in Richmond, Va., October 23, 1863; sent to Andersonville, Ga., March 18, 1864; admitted to hospital there August 6, 1864, where he died August 29, 1864, of scorbutis.

The reasons for Henry Young assuming another name, that of Frank Lowe, is given in a statement made November 5, 1878, by Mrs. Young, and is as follows:

"To explain the reason my son Henry Young assumed the name of Frank Lowe, I heard him say he would like to be a soldier in this war. I told him if ever he enlisted I would follow him wherever he would go. He says, 'If I take another name you could not find me;' and I would have followed him if I had to lose my life; he knew I would if it was possible. I told him many a time what I suffered during the revolution in France in 1848. I left France January 8, 1861, and arrived in New York January 24, 1861, on board the steamship Rego, Captain Lyons. My husband was on the Fulton, running to Port Royal, when he got cold and sickness, and my son Henry went several times on the steamer with his father. He left the steamer and volunteered and parted from me and assumed another name to deceive me. My husband lost his health in the war and likewise I lost my son, and I am left a broken-hearted widow and mother; and what he earned he gave to me."

In an affidavit Mrs. Young says that she found out by a man named Morris of her son's taking the name of Frank Lowe, who sent by Morris letters to her, addressing her as his mother.

The mother filed her application for a pension February 12, 1878, and it was rejected in the following language:

"The assumption by soldier of the name Frank Lowe is explained by claimant in affidavit. From the evidence filed it appears the claimant's husband had no appreciable disability at the time of the soldier's death in 1864, as he was then, and had been from 1863, and continued until the summer of 1865, employed as water-tender on the United States steamer Fulton. The claim is therefore rejected on the ground that at the time of the soldier's death the claimant's husband was physically able to and did support her."

Claimant's husband died in 1874, of Bright's disease of kidneys. Several affidavits are produced showing that he was seriously disabled by rheumatism, so that he worked only a part of the time, and that he did not earn sufficient for the support of the family.

The claimant testifies that her son for four or five years prior to enlistment contributed about $5 per week toward her support, and this fact is corroborated by D. Roberts and Francis Savage in affidavits made by them, who know positively of said contributions being made. One of the soldier's letters refers to money sent to his mother.

The widow is now said to be in needy circumstances. She swears that she is in want of the common necessaries of life. The committee are satisfied that this claimant's son died at the prison in Andersonville, Ga., as alleged, and that he contributed largely to her support before enlistment, and that were he now living he would or could so contribute. They believe her to be entitled to a pension for his loss, and therefore recommend the passage of bill H. R. 2432, which places her on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. HEWITT, of Alabama. This report does not show whether this sergeant left a widow.

Mr. BAGLEY. That is an omission, but he was young when he enlisted, and did not leave a widow.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PHILLIP WIGGINS.

The next business on the Private Calendar was the bill (H. R. 5374) granting a pension to Phillip Wiggins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Phillip Wiggins, late a private in Company F, Thirty-fifth United States Colored Troops, and wounded at the battle of Olustee, on the 20th day of February, 1864, and pay him a pension at the rate of $15 per month.

The report was read, as follows:

Mr. J. S. WISE, from the Committee on Invalid Pensions, submitted the following report:

This applicant was undoubtedly enlisted, was wounded at Olustee, Fla., in an engagement, and honorably discharged. Some technical difficulties arose in his case owing to the fact that he did not go to the post hospital, and that the surgeon who attended him can not now be found. But that he was wounded, and is still incapacitated for arduous labor, is positively stated by Representative O'HARA, who is personally cognizant of the facts, and we recommend the passage of the bill, amending it by striking out the amount. The wound was a gun-shot wound in the hip.

The amendment was read, as follows:

Strike out these words:

And pay him a pension at the rate of $15 per month.

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. KATHARINA T. WUNSH.

The next business on the Private Calendar was the bill (H. R. 583) granting a pension to Mrs. Katharina T. Wunsh.

The bill was read.

The report was read, as follows:

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following report:

We find that Katharina T. Wunsh is the widow of Frank Wunsh, who was a private in Company D, One hundred and twenty-sixth Indiana Volunteers, and who enlisted December 20, 1863, and was discharged September 19, 1865. Wunsh filed a claim for pension May 7, 1880, and a week later died. His widow then filed an application for pension, which was rejected on the ground that his death was not the immediate result of the injury received in battle.

The soldier was wounded at the battle of Franklin, Tenn., November, 1864, by a shell from the rebel artillery fracturing two or three of his ribs, on account of which he was sent to hospital at Nashville, Tenn., but no record of the treatment can be found. Dr. B. F. Swafford, a member of the medical staff of said regiment, says he treated a man of said command for such an injury of the ribs, but does not know the man's name. The first lieutenant and orderly sergeant of the company testify to the wounds received by the soldier in battle.

The proof is full and conclusive that when he returned to his home at Terre Haute, Ind., he was disabled, and was never able to perform manual labor during his residence in that city, which he left in 1869.

Three citizens of Atchison, Kans., state under oath that they were well acquainted with the soldier from the time he came to Atchison, in 1869, to the time of his death in 1880, and that he was an invalid all the time, and was unable to perform any kind of manual labor. Dr. James M. Lindley, who attended him in his last illness, testifies that he was suffering from malignant disease of the esophagus, near the stomach, from which he died May 15, 1880, and that he is convinced that his fatal disease was the result of the injury received in battle. Dr. Bryning also treated claimant in his last illness, and testifies to the same facts.

The presumption is strong that the soldier's death was hastened and probably caused by the injuries received in battle. His wife and child are in indigent circumstances.

Your committee recommend the passage of the bill, with an amendment striking out all after the word "month," in the eighth line.

Mr. MORRILL. I ask by unanimous consent to report that back with the recommendation that it be laid upon the table and the Senate bill (S. 316) be taken up instead of it.

The CHAIRMAN. If there be no objection the House bill will be laid aside to be reported to the House with a recommendation that it lie on the table, and Senate bill No. 316 will be laid aside with a recommendation that it pass. The Chair hears no objection.

The Senate bill is as follows:

A bill granting a pension to Mrs. Katharina T. Wunsh.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Katharina T. Wunsh, widow of Frank Wunsh, late a private in Company D, One hundred and twenty-sixth Regiment (Eleventh Cavalry) Indiana Volunteers, on the pension-roll, at the rate of $8 per month, from and after the passage of this act.

JOSEPH M'INTOSH.

The next business on the Private Calendar was the bill (H. R. 2085) granting a pension to Joseph McIntosh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph McIntosh, late of the Thirty-ninth Illinois Volunteers (claim in Pension Office numbered 1345).

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 2085, having considered the same, beg leave to report:

That Joseph McIntosh was mustered into the service of the United States on the 5th day of October, 1861, as a private in Company F, Thirty-ninth Regiment Illinois Infantry Volunteers, and discharged for disability May 17, 1862.

We find that at the time of his enlistment he was 45 years old; and we find from the testimony of his captain, first lieutenant, and other witnesses that at such time he was a strong, healthy, vigorous man, with good eyes and sound body.

Upon the 17th day of May, 1862, he was discharged upon this certificate of disability, made by the surgeon of his regiment, who was then in charge of general hospital at Strasburg, Va.:

"I certify that I have carefully examined the said Joseph McIntosh, of Captain Kennicott's company, and find him incapable of performing the duties of a soldier, because of general debility, resulting from old age and exposure during the past winter. Said McIntosh is now so feeble that he is totally unfit for any service whatever."

We find that almost immediately after reaching home Mr. McIntosh made an application to the Government for a pension, alleging as reason therefor disease of the lungs and malignant sore eyes, and in support of his application, with other evidence, he filed January, 1863, the testimony of an examining surgeon, who certifies that he finds the applicant totally "incapacitated for obtaining his subsistence by manual labor," and he says he thinks, from the condition of the claimant and from other evidence, "that the said disability occurred in the service aforesaid in the line of duty," and he says the "disease, inflammation of both eyes, with granulations; eyes very red and painful at this time; can see but little; is compelled to keep indoors; has not done an hour's work since his discharge; ought to be relieved within a year from his discharge."

The testimony further shows that from such time to the present his eyes have grown worse instead of better, and in March, 1883, the board of examining surgeons at Topeka, Kans., certifies that the pupil of claimant's "left eye is contracted and does not respond to changes of light; there is also opacity of cornea with cicatrix, result of ulceration; right eye has a conical cornea with slight opacity; vision of left eye entirely destroyed; right eye can see No. 32 test-type. No physical or objective signs of disease of lungs;" and they rate him, upon their examination, as follows:

"Rated on total blindness, left eye, one half; rated on partial blindness, right eye, three-eighths; rated on disease of lungs, nothing." And they conclude by saying that "from the condition and history of claimant, it is our opinion the disability was incurred in the service, as claimed, and that it is not aggravated or protracted by vicious habits. We find the disability as above described to entitle him to seven-eighths' rating."

The testimony also shows that about the 1st of April, 1862, the claimant was taken sick with pneumonia, and about the 15th of the same month, becoming convalescent, he went on duty in the general hospital at Mount Jackson, Va. That during the retreat of General Banks he assisted in caring for the sick and wounded, and from almost constant labor and exposure brought on a relapse about the last of April, 1862, and with the relapse came inflammation of the eyes—first commencing in the right eye and then extending to both; and growing worse, they assumed a granulated chronic form, rendering him nearly blind, when on the 17th day of May he was discharged, as heretofore shown. The evidence is very clear that, from almost the day of his discharge to the present, he has suffered greatly with his eyes, and has been almost totally incapacitated from work; that they have baffled the skill of physicians, and now in his old age he is in penury and want, and almost totally blind. The testimony shows the claimant to be an honest, temperate, reliable man, but from some cause the examining officer of the Pension Office thought the testimony did not clearly show the disease of the eyes to have been contracted in the service, and finally rejected his claim in 1883.

We think the claim a meritorious one, and recommend the passage of the bill.

Mr. HEWITT, of Alabama. As I understand, this is simply an appeal from the Pension Bureau. The claim seems to have been rejected there, not on account of any technicality, but upon the ground that the evidence did not satisfy the bureau that the disease of the eye was contracted in the service. As I understand, however, the committee believe the testimony strong enough to show that fact, and therefore report the bill.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported favorably to the House.

There was no objection, and it was ordered accordingly.

WILLIAM B. KEITH.

The next business on the Private Calendar was the bill (H. R. 3892) granting a pension to William B. Keith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Intertor be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name William B. Keith, late second lieutenant of Company E, Tenth Regiment of Kansas Volunteer Infantry, said pension to commence from the date when his name was dropped from said roll.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3892) granting a pension to William B. Keith, submit the following report:

The claimant enlisted as a second lieutenant in Company E, Tenth Kansas Volunteers, August 19, 1861, and was honorably mustered out August 18, 1864. On the 23d of December, 1872, he filed his application for a pension, alleging disability "from bloody piles, the result of diarrhea contracted in camp in Benton County, Arkansas, October, 1862, after a severe engagement at the battle of Fort Wayne; the diarrhea continuing about two months."

On the 23d day of December, 1873, pension was allowed by the Department, but a few months later it was suspended, one Ellis claiming that it was improperly granted, and an investigation by a special examiner was ordered. The evidence shows clearly that a very bitter feeling existed between claimant and certain parties on account of the active part claimant had taken in political contests.

The special examiner seems to have fallen into the hands of these parties and to have made the mistake of supposing that he was sent for the special purpose of preventing claimant from receiving a pension instead of that of making a full and thorough investigation of the case, and of ascertaining the exact truth in the matter. The substance of the evidence adverse to claimant seems to be that certain parties had heard claimant complain of piles before entering the service. Not one of the witnesses claimed to know anything further than that claimant had stated at certain times that he was suffering from the piles. On the other hand, a large number of witnesses who were intimate with claimant testify that he was a strong, hearty man, able to do hard labor, and that they never heard him intimate that he was thus afflicted. Dr. Holaday testifies—

"That he was claimant's family physician for years before he enlisted, and knows of his own personal and professional knowledge that when he enlisted he was a sound, healthy man."

Capt. J. F. Broadhead, commanding Company E, says:

"He knows of his own personal knowledge that claimant while in the line of duty, October, 1862, in Benton County, Arkansas, in consequence of a forty-eight hours' forced march and an engagement with the enemy at Fort Wayne, was taken with diarrhea, from which he suffered for about two months, and which brought on piles."

P. Gould Parker, regimental surgeon of Tenth Kansas Volunteers, testifies—

"That he knows of his own personal knowledge that claimant, while in the line of duty, October 22, 1862, in Benton County, Arkansas, had been subjected to a forced march of two days and nights, which was followed by the battle of Fort Wayne, when claimant was taken with diarrhea, which continued upon him for about two months and resulted in piles, for which affiant repeatedly prescribed while he continued in the service."

Dr. M. F. Holaday, who had been claimant's family physician before he entered the service, testifies that—

"He saw claimant soon after his discharge, in August, 1864, and he was then afflicted with the piles, for which affiant prescribed for him then and has done so repeatedly since; that he has continued to be afflicted with said disease from his discharge to the present time, December 23, 1872, and that he has not aggravated or prolonged said disease by intemperate or other bad habits."

Some of his comrades testify to the same facts. There is no question but what the attempt to deprive him of his pension grew out of political differences, which finally degenerated into bitter personal feuds. But admitting without question all of the evidence tending to show that claimant had been at times afflicted with piles prior to enlistment, we can not see that it affects this case. The evidence is conclusive that he was sound when he enlisted; that the disease did not exist at that time. That the disease for which he now claims pension did originate in the service, and has since continued, is fully and clearly shown. There is, however, very strong evidence to show that the testimony in relation to prior disability is wholly false and malicious.

Your committee, after a very careful examination of the evidence, which is very voluminous, conclude that claimant was unjustly deprived of his pension, and therefore recommend that the title of the bill be amended to read: "A bill

to restore to the pension-roll the name of William B. Keith," and that the bill be passed.

The following amendment, reported by the Committee on Invalid Pensions, was read and agreed to:

Amend the title so as to read: "A bill to restore to the pension-roll the name of William B. Keith."

The bill as amended was laid aside to be reported favorably to the House.

JOHN A. SHUCKERS.

The next business on the Private Calendar was the bill (H. R. 2105) granting a pension to John A. Shuckers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John A. Shuckers, late a private in Company B, First Ohio Volunteer Light Artillery.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2105) granting a pension to John A. Shuckers, submit the following report:

Claimant enlisted September 5, 1861, in Company B, First Ohio Light Artillery, and was discharged July 22, 1865.

October 24, 1878, he made application for a pension, which was rejected February 21, 1881, on the ground that there is no record of the alleged disease of lungs. Claimant avers that he was taken sick at Bridgeport, Ala., about July 1, 1865, with intermittent fever and cold, which settled upon his lungs, and that his lungs continued weak and sore until they became diseased with consumption, which still continues. The Adjutant-General says:

"The company morning report book, July 13, 1865, reports him absent, sick at post hospital, and does not show his return to the company."

John M. Long and G. W. Powers testify that—

"They knew him before enlistment, and that he was a sound, able-bodied man, and that they never heard of his being troubled with any disease of the lungs previous to enlistment."

The record shows that he was about 20 years old when he enlisted. They also testify—

"That they saw him in July, 1865, immediately after his discharge, and found him much debilitated from the diseased state of his lungs, and saw him often, as neighbors, from that date till 1871, when he removed to Kansas, and that during all that time he was wholly unable to gain a support by manual labor for himself and family, and that he had a constant cough, and was confined to his room much of the time."

Claimant avers that from 1865 to 1866 he was treated by Dr. R. S. Clark, of Cleveland, Ohio, who has since deceased. Other witnesses testify as to his condition till 1879; that he was in a feeble condition, only able to do light work, and that he was afflicted with a cough, which was aggravated by laborious exertion. During this time he was treated by several physicians. In January, 1879, he was examined by Dr. John Logan, United States examining surgeon at Carlinville, Macoupin County, Ill., who certifies:

"I find him totally incapacitated from obtaining subsistence by manual labor, from disease of lungs. The disease is permanent. One-half of left lung is hepatized. There is a dull, solid sound on pressure, and no respiratory murmur given through the stethoscope."

The bill was laid aside to be reported favorably to the House.

JAMES CLARK.

The next business on the Private Calendar was the bill (H. R. 4694) granting a pension to James Clark.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Clark, late of Company A, Seventh Kansas Regiment.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4694) granting a pension to James Clark, would submit the following report:

We find that this soldier enlisted in Company A, Seventh Kansas Cavalry, August 31, 1861, and was discharged September 29, 1865, after four years and one month of service, during all of which time he had an excellent record. He made application for a pension, alleging rheumatism and piles contracted at Corinth, Miss., in 1863, which was rejected on account of there being no record of medical treatment and inability to furnish any. Claimant swears that he was treated by Assistant Surgeon J. S. Martin, and that he sent to said Martin's post-office, as given by the Pension Department, a blank and $1 to pay expenses; that he received no reply, and the letter was not returned.

Capt. B. C. Landers, commanding Company A, testifies:

"That at Corinth, Miss., on or about —— day of May, 1863, James Clark, of said company and regiment, was taken with rheumatism in both legs from hips down, and in November following was taken with piles, all of which was caused by exposure while in line of duty."

He further says he knows this because he was personally present. Two of his comrades testify that they were present with him at Corinth, and know that he was taken down with rheumatism and piles, and that he then received medical treatment, this being at the time above named. Testimony of neighbors is conclusive that he has been able to do but little labor since.

September 27, 1881, he was examined by Dr. W. W. Shaw, United States medical examiner, who reports:

"Around the patella the tissues seem to have shrunk away, and there are constrictures and depressions; above the right patella there is a roll of muscle and integument across the thigh. The symmetry of the knees is lost and the veins of the leg are enlarged."

Also reports piles, and adds disability probably of life duration. Dr. Charles F. Stewart, United States medical examiner, says, May 7, 1883:

"I find him suffering with hemorrhoids of an aggravated form; tumors quite large, of a dusky and livid color; I think $14 would be a fair rating."

The witnesses in this case are men of good character and high standing. The evidence seems to be full and complete, except that he has no hospital record. It seems a great hardship that this soldier, after his long service of over four years, should be deprived of the arrears which his more fortunate comrades obtained simply because he could not get the evidence of the assistant surgeon.

Your committee would recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

MARIA C. M'PHERSON.

The next business on the Private Calendar was the bill (H. R. 5336) granting a pension to Maria C. McPherson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria C. McPherson, widow of Daniel McPherson, late a private in Company C, Twenty-fourth Michigan Infantry, and pay her a pension from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5336) granting a pension to Maria C. McPherson, widow of Daniel McPherson, late a private in Company C, Twenty-fourth Michigan Infantry, report:

That Daniel McPherson, husband of said Maria C. McPherson, enlisted August 9, 1862, at Plymouth, Mich., under Captain Crosby; served faithfully with his regiment, Twenty-fourth Michigan Infantry, two years, and was discharged for disability. During his service he was three times wounded, namely: at Gettysburg, in the hand and shoulder, whereby he lost the forefinger of his right hand, and injuring the second finger; and at the second battle of Bull Run in the left hand, losing the second finger, and was thereafter discharged.

He died April 16, 1880, having never applied for a pension, and his widow is not able to prove by medical testimony that the disease of which her husband died, to wit, rheumatism and lung disease, was the result of his military service, owing to the fact that the physicians who treated him after his discharge, to wit, Drs. Brown and Mowry, of Milford, Mich., are both dead. She, therefore, can not receive a pension under the pension laws.

The testimony submitted amply establishes the fact that prior and at the time of enlistment he was a sound, healthy man, and that after his discharge, till his death, he was never strong, but subject to frequent severe illness, rheumatism, kidney and lung disease. This is proven by the several affidavits of J. C. Leonard, A. J. Armstrong, Thomas Curdy, and N. B. Armstrong, and John H. Predmore and seven other witnesses, whose character as credible, reliable men is certified to by the supervisor and justice of the peace of the township in which they reside; and it is further set forth that said soldier was a proud man, and refused to apply for a pension for his disabilities, on the ground that he would not accept a pittance for serving his country.

The widow is poor. The small farm left her is mortgaged to its full value, and is being sold on foreclosure. She has striven these four years to keep her children (seven in number) around her, and raise them to be reputable citizens, hoping to save for them a home.

Your committee think, from the evidence, the soldier was clearly entitled to have received a pension on application therefor, and his failure to do so should not deprive the widow of what she is in need, and in equity entitled to receive. We therefore recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

MARGARET DAILY.

The next business on the Private Calendar was the bill (H. R. 5735) granting a pension to Margaret Daily.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Daily, widow of Thomas H. Daily, late captain of Company D, Twenty-second Regiment Indiana Volunteers.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5735) granting a pension to Margaret Daily, having considered the evidence, beg leave to report:

That Margaret Daily is the widow of Thomas H. Daily, who enlisted as a private in Company D, Twenty-second Regiment Indiana Volunteer Infantry, on the 6th day of July, 1861, and served through all the intermediate grades to that of captain of said company, which position he held at the time of his honorable discharge from the military service of the United States, September 14, 1864.

On the 3d day of September, 1881, the claimant filed her application for a pension, on the ground that the said Thomas H. Daily, while in the military service of the United States and in the line of his duty, contracted hemorrhoids, superinducing fistula in ano, resulting in his death, which occurred on the 3d day of May, 1881. This claim was rejected June 29, 1882, on the ground that the disease of which the soldier died was not contracted in the military service of the United States.

The records of the Adjutant-General's Office show that Thomas H. Daily was mustered into the military service of the United States as second lieutenant Company D, Twenty-second Regiment Indiana Volunteers, June 30, 1862; July and August he is reported present, and so borne to October 31, 1863; November 25, 1862, mustered as first lieutenant; February 28, 1863, as captain; December 31, 1862, detailed on General Jeff. C. Davis's staff, and so borne to April 30, 1863; May and June, 1863, present for duty; July and August, 1863, not on file; September and October, 1863, on detached service on General Davis's staff since July 2, 1863, and so borne to August 31, 1864.

General Jeff. C. Davis, commanding first division, Twentieth Army Corps, in accepting the resignation of Captain Daily, August 1, 1864, says:

"This officer has won his promotion from the ranks, and has often distinguished himself in battle. He has served on my staff at different times with credit to himself. He seems now to have thoroughly made up his mind to resign from the service, and urges his resignation. His health has not been very good since the battle of Stone River."

Anthony R. Ravencraft, captain Company I, Twenty-second Regiment Indiana Volunteers, says—

"That Capt. Thomas H. Daily, by exposure and fatigue at the battle of Chicamauga, brought on piles; visited him at General J. C. Davis's headquarters soon after the battle, and found him very much prostrated from the effects thereof. Captain Daily was then on General Davis's staff; met him frequently afterward; he had not recovered, and frequently complained of fistula."

Alex. M. Rutherford, private Company D, Twenty-second Regiment Indiana Volunteers, corroborates the statement of Captain Ravencraft, and adds:

"That said affection continued until said soldier was mustered out; subsequently resulting in fistula, from which he suffered until his death, May 3, 1881."

Dr. Samuel M. Work, of Hot Springs, Ark., says:

"Capt. Thomas H. Daily came under his professional treatment in December, 1864; had a severe case of hemorrhoids, both internal and external, which continued until January, 1877; thinks fistula developed about 1867; that he never recovered from fistula in ano."

Dr. William F. Work, of Jeffersonville, Ind., treated Captain Daily for said affections from April, 1877, to 1879.

Dr. James E. Oldham, of Charleston, Ind., was Captain Daily's family physician from January, 1879, to the time of his death, May 3, 1881. He says:

"That in January, 1879, soldier applied to him to treat him for hemorrhoids and fistula in ano, but his general health was so bad that he did not deem it advisable to recommend any but palliatives and tonics for his general condi-

tion; that about November 25, 1879, there were well defined evidences of cerebro-spinal softening, which continued until and was the immediate cause of his death; that it is his (affiant's) opinion that hemorrhoids and fistula in ano, by their depreciating effects upon the vital force, acted as prime causes in the production of the cerebro-spinal troubles of which he died."

Your committee find, from the evidence as given above, that the disease contracted by this soldier in the distinguished military service rendered resulted in his death, and therefore recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

WILLIAM R. BROWNE.

The next business on the Private Calendar was the bill (H. R. 1751) for the relief of William R. Browne.

The bill was read, as follows:

Be it enacted, &c., That an act to amend an act approved February 7, 1879, granting a pension to William R. Browne at the rate of $22.50 per month, be amended so as to grant him a pension of $30 per month; that the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William R. Browne, late a volunteer lieutenant commanding in the United States Navy, and grant him a pension of $30 per month, in lieu of the pension of $22.50 per month now allowed him, said increased pension to begin on the date of the approval of this act.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1751) granting an increase of pension to William R. Browne, having considered the same, beg leave to report:

That the bill in this case increases the pension of $22.50 per month, now being paid William R. Browne in pursuance of an act of Congress approved February 7, 1879, to $30 per month.

It is shown by the records of the Navy Department that William R. Browne was appointed acting master in the Navy May 13, 1861, on board the Water Witch, and on the 6th of November, 1862, he was placed in command of the Restless. He was promoted to the position of acting volunteer lieutenant February 6, 1864, and assigned to the command of the Pursuit, and was honorably discharged September 16, 1865.

While in active duty in the naval service of the United States, and in command of the ship Restless, in December, 1863, he contracted hemorrhoids, as is shown by the testimony of George W. Fletcher, who testifies that he was steward of the Restless while commanded by William R. Browne, and that the said Browne was a sound man at the commencement of said service on board the said ship, and so continued until the destruction of Saint Andrew's, Fla., at which time Browne complained of being sick, and he continued to suffer from hemorrhoids until the witness left the ship. Witness shows Browne's habits to have been temperate.

Merritt A. Baker testifies to his acquaintance with Browne since 1855, and that he was ship's nurse from March 18, 1863, to May 26, 1864, on the Restless. In the latter part of December, 1863, and after the town of Saint Andrew's, Fla., had been destroyed, he heard of Browne's illness and the officer speak of his disease.

William B. Browne, a son of William R. Browne, occupied the same house with his father while on shore, and never knew or heard he was troubled with piles until his return from service in the Navy, and then heard him frequently complain of severe pain, and knows that he continued so to suffer from said disease. This statement is fully corroborated by Leda G. Browne, wife of William R. Browne, and by Mary E. Galibrat, his daughter.

The sound bodily health and freedom from disease of William R. Browne prior to the time of his entering the naval service of the United States are fully shown by a verified copy of a medical examination for a policy in the Connecticut Life Insurance Company, October 31, 1859.

At the close of his active service as a volunteer officer William R. Browne applied for admission in the regular Navy. The board of examination of volunteer officers for such admission, in their published proceedings, say, under date of January 14, 1867:

"Late Acting Volunteer Lieutenant William R. Browne reported, but was found not physically qualified to perform the duties of an officer, being affected with hemorrhoids; he was, therefore, discharged."

The Pension Office board of examining surgeons, to whom William R. Browne's case was referred by that office in his application for pension by reason of his disability, on the 20th of April, 1876, reported, "hemorrhoids and total disability," fixing the rate of pension at $30 per month. But the claim was rejected by the Pension Office on the ground of failure to furnish the evidence of a naval surgeon, showing the incurrence of the disease while in the naval service of the United States. The absence of record evidence is explained by proof of Browne's knowledge of the practice of medicine and his ability to treat his own case without the intervention of the ship's surgeon.

The existence of hemorrhoids and the nature and extent of the suffering of the said William R. Browne are shown by the testimony of M. L. Julehus, who says: "The rectal veins are largely disturbed and relaxation of the membrane is of a serious character."

Horatio R. Bigelow, M. D., certifies, under date of February 2, 1880:

"That Capt. W. R. Browne is suffering from grave complications, which, grave in themselves, become the more alarming when viewed in the light of his advancing age. To a condition of aggravated hemorrhoids there is rectal prolapsus which surgical interference may not remedy. The condition of the membrane is so relaxed and the veins so strangulated that fatal bleeding may occur at any time. There is some intestinal ulceration, discharging very offensive pus. After each passage from the bowels the rectum has to be restored."

In his opinion the disability is total.

Thomas Owens, M. D., assistant sugeon United States Navy, says, after a careful examination of Captain Browne:

"That there is rectal prolapsus, with a chronic hemorrhoidal condition, which, in my opinion, in his advanced age, is liable to prove serious at any time, while any attempt at physical exertion would hasten such a termination. He is, therefore, totally disqualified or disabled for any manual labor."

Alex. Y. P. Garnett, M. D., says "the case seems to be an incurable one," and certifies to the correctness of the statement of Dr. Bliss.

D. W. Bliss, M. D., brevet colonel, late surgeon United States volunteers, says, January 28, 1884:

"I certify that I have been personally acquainted with Capt. William Ross Browne since 1877. I have carefully examined him, and he is at present under my professional care for chronic hemorrhoids, ulceration, and prolapsus of the rectum. The disability above described renders him incompetent for manual labor, and requires constant care and support to enable him to walk about."

It is shown by the wife of William R. Browne, in her memorial to this committee, that during the long service of Captain Browne in the Navy, and consequent neglect of his private interests, he lost almost an entire fortune, and on his return home at the close of the late war found himself not only broken in health by reason of his faithful and arduous service in behalf of his country, but very greatly reduced in fortune.

In view of the faithful service of Captain Browne and his total disability, incurred in the line of duty, your committee unhesitatingly recommend the passage of the accompanying bill.

Mr. HEWITT, of Alabama. I wish to inquire whether the pension which this bill proposes to grant is the amount which this man would receive under the general law?

Mr. MATSON. It is; and the reason a special act is required is that a former special act fixed the pension at $22.50, so that the pension could not be increased without another special act.

There being no objection, the bill was laid aside to be reported favorably to the House.

MRS. ALICE T. SHERWOOD.

The next business on the Private Calendar was the bill (H. R. 1970) for the relief of Mrs. Alice T. Sherwood.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Alice T. Sherwood, and pay her a pension at the rate of —— dollars per month, from and after the passage of this act, and to pay her the arrears of pension accruing from the 6th day of December, 1878, the date of the death of the soldier.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill (H. R. 1970), have had the same under consideration, and respectfully report as follows:

That Joel F. Sherwood enlisted in Company A, Twenty-eight Regiment of Indiana Volunteers, as second lieutenant, on the 1st day of July, 1861. That on the 20th day of October, 1861, while in an engagement with Jeff Thompson's confederate forces between Pilot Knob and Fredericktown, Mo., he was thrown from and kicked by a horse on various parts of his body, and entirely crushing and severing the cap of the left knee, all of which injuries he received while in the line of his duty.

That as soon as he was again sufficiently recovered to assume his duties he was promoted to the captaincy of said company for meritorious and gallant conduct. On the 16th day of November, 1861, he joined his command with the rank aforesaid, but owing to his wounds becoming troublesome, unfitting him from assuming personal command of his company, he tendered his resignation to his colonel, Conrad Baker, commanding the brigade, and late governor of Indiana, on the 10th day of July, 1862, and dated at Clarendon, Ark., in a letter which is also on file.

In reply Colonel Baker writes:

Captain Sherwood is an efficient and competent officer, and I greatly regret the necessity for his resignation, fearing it will be disastrous to the company. I can not refuse to recommend its acceptance, but would greatly prefer his remaining if he could be relieved from the more arduous labors of his position. Indeed I do not know how his place can be supplied.

CONRAD BAKER,
Colonel First Regiment Indiana Cavalry,
Commanding Fourth Brigade.

That Captain Sherwood went to his home, in Evansville, Ind., so disabled that he was unable to perform any kind of manual labor, and continued a disabled man until the day of his death, which took place at his home in Evansville, Ind., December 6, 1868.

That on the 28th day of August, 1863, he applied for and soon thereafter received a pension for three-fourths disability.

That at the time of his death there was no physician in immediate attendance, but a few hours afterward Dr. J. B. Johnston gave a burial certificate defining the cause of death as a complication of diseases aggravated by symptoms of pneumonia. Dr. Edwin Walker, Dr. George B. Walker, Dr. A. M. Owen, and Dr. S. C. Bridwell, now mayor of Evansville, and a large number of the most credible citizens, all declared by affidavits that death resulted from the injuries received in the service.

That Alice T. Sherwood, his widow, who survives him with five children, was married, as shown by marriage certificate, August 6, 1846, and continued in said marriage relation with Captain Sherwood until his death.

Your committee, after considering the very voluminous proof offered in behalf of the claimant, and all the surrounding circumstances, have concluded that the wound contributed to his death, and therefore recommend the passage of the bill, and that Alice T. Sherwood be placed on the pension-roll as widow of Capt. Joel T. Sherwood aforesaid.

Mr. BROWNE, of Indiana. If I correctly heard this bill read, it ought to be amended. In the first place, it seems intended to grant a pension in a specific sum, but the blank has not been filled. In addition to that, the bill I see provides for arrearages, which have not been given heretofore and which I presume the committee do not intend to give hereafter.

Mr. MATSON. There was an oversight on the part of the committee.

Mr. BROWNE, of Indiana. The bill should therefore be amended so as to give this lady a pension subject to the provisions and limitations of the pension laws.

Mr. MATSON. I was about to submit an amendment. I move that the bill be amended by striking out all after the words "from and after the passage of this act." I move further to amend by striking out the words "and pay her a pension at the rate of —— dollars per month," and inserting "widow of Joel F. Sherwood, late captain of Company A, Twenty-eighth Indiana Volunteers."

Mr. WOLFORD. Before the question is taken on this motion to strike out I wish to say a few words. There is an important principle involved here.

It was understood when the soldiers went into the Army of the Union to fight the battles of the nation that they were to be protected in case of sickness, protected in case of wounds, protected and cared for by the Government in disaster and misfortune of every sort and character. Every soldier believed that; and they had a right to believe it; they had a right to expect it from one of the best governments that was ever established upon the earth. They had a right to believe it from uniform experience of our country for all time in its treatment of those who had served it faithfully. They had a right to believe while they loved the country and were ready to die for it, that the country would love them and would take care of them in their old age when by reason of their service they were helpless; that it would love their children

if they were left orphans, and would guard and protect their widows in their helplessness. They had no right to believe that anything but ample provision would be made for them and that that provision would be honestly, faithfully, and conscientiously carried out to the letter.

Now, sir, another word before I advance a few words of argument that I propose to address to the committee on this occasion. I want to say that limitation laws are only made for the purpose of guiding Departments who are not lawmakers, and for the purpose of being a rule to them. Law is itself a rule of action and a rule of conduct. It is a rule that binds the judge and binds the Department to which it is addressed. But what are we here? We are lawmakers ourselves. That is our function. We rise above the level of the judge; we rise above the level of the man that is eternally talking about precedents. We rise to the justice or the injustice of the thing according to what our action may be. We rise above the Departments of the Government and the rules fixed for their guidance.

Now, sir, here is an individual case in which it is shown that this widow, who was perhaps not so fortunate as others in making her application within a limited time, shall be debarred of the right of arrears. It is proposed that she shall be deprived of what other people have obtained, the bounty of the Government, and who deserved it no more than she.

This widow comes here and says injustice has been done her. But you turn a deaf ear to her complaint. You, the very law-making power of the nation, who can make or unmake limitations, you say it is true we have the power to give it to you; it is true and it is right that you should enjoy the bounty of the Government; it is true that you should be made equal to the widow of every other soldier in the land, but unfortunately you did not come in time and now you can not get it. I believe that the people can not have very much faith in a law or in lawmakers who would place such a restriction upon one person as that. The soldier himself, or in this case the soldier's widow, must regard this as want of good faith on the part of the Government when you deprive her of her rights and refuse her relief under the fair and honest circumstances of her claim.

But what is your response to this applicant? Why, it is true we believe in the justice of your case, but in the Department there is law. These ministers of ours, these creatures of our Government, these men to whom we can not delegate our legislative powers have established a rule which will exclude you. We have said to them, You shall not go beyond a certain boundary. That is all right and proper enough. Who is there to say that Congress shall obey this rule and shall not go beyond that limit in doing the justice that this Government promised to do to its soldiers? Does it say to you that you shall not obey that sense of justice and that impulse of your heart to do right, and which will impel you to take steps to place these people upon an equality, and to do justice in each individual case? You are above the jurisdiction of a judge; you are above the jurisdiction of the law. The law is binding upon them; it is binding upon the heads of the Departments. But you are here making the law, and it is your duty to make it operate equally upon all.

Mr. BROWNE, of Indiana. If the gentleman from Kentucky will allow me, I would like to make a suggestion.

Mr. WOLFORD. Certainly.

Mr. BROWNE, of Indiana. I presume there is no gentleman in the committee who disagrees with the gentleman from Kentucky as to the rightfulness of arrearages of pensions in all of these cases. But these are the facts: There are already on the pension-rolls from 2,000 to 2,500 pensions to whom arrearages have been denied. In other words, every person that has been pensioned by a special act of Congress has been pensioned without receiving the benefit of the arrearages act. And the committee propose that there shall be no arrearages in special cases——

Mr. STEELE. Except in Mrs. Blair's case.

Mr. BROWNE, of Indiana. Hoping that Congress will see fit and proper at some time to put all of these classes of pensions upon the same footing.

Mr. WOLFORD. I am thankful to the gentleman from Indiana for giving me the statement, although I knew the fact to which he referred before. But it was that very injustice that I was arguing against. I am arguing against this stifling of our consciences by refusing in one case what we have granted in others. Do you not think it right to grant it?

Mr. BROWNE, of Indiana. No; I do not think it is right to give it here and deny it in other cases.

Mr. WOLFORD. But is it the giving of it in this case that is the wrong, or is it the denial of it in the other cases that constitutes the wrong? Now come up like a statesman and give it to those who are deserving of it.

I have read, Mr. Chairman, in a good old book, the Bible, of the heathens that had no law, of those who were a law unto themselves. Now, we must either go back and place ourselves in that position and say that we have no law here, or else we must make a law that will be just and equitable and bear equally upon all. You are the representatives of the sovereign people of this nation. You have nothing to bind you but the Constitution of the United States and your oath to obey its mandates. That commands you to do this very thing; to do justice to all people. I would not refuse to do justice even if I had no law for it. But I would be like the heathen, and I would go back and make a law to myself, and say that if I can not make a general law to cover all cases I will make a law in this case. Come up and say like statesmen you will do right in every individual case. I have said all I want to say; you gentlemen can all do as you please.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. MATSON], which will be again read.

The amendment was again read.

The question being taken on the amendment, it was agreed to; and the bill as amended was laid aside to be reported to the House with a favorable reccommendation.

MRS. CHARLES B. CADDY.

The next business on the Private Calendar was the bill (H. R. 392) granting a pension to Mrs. Charles B. Caddy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Charles B. Caddy, late of the —— Indiana Volunteers, subject to the provisions and limitations of the pension laws. This act to take effect from and after its passage.

The following amendment was reported by the Committee on Invalid Pensions.

In line 5, strike out "the —— Indiana Volunteers" and insert in lieu thereof "Company E, Eighty-third Ohio Volunteers."

The report (by Mr. MATSON) was read, as follows:

Charles B. Caddy was a private in Company E, One hundred and eighty-third Ohio Volunteers, and as such served from August 27, 1864, to June 21, 1865. His company was engaged in battle at Franklin, Tenn., on the 30th day of November, 1864. He alleged, in an application filed by him for pension on the 27th day of December, 1877, that he was wounded in the left breast in said battle late in the evening, and was left upon the field, our forces retreating, and he was made a prisoner.

He was unable to prove by either officer or comrades the fact that he was so wounded, because of the retreat, as aforesaid, and his claim for pension was rejected upon that ground.

He has since found one comrade of his company, who was taken prisoner at the same time, and under similar circumstances, who fully corroborates the statement of the petitioner.

The confederate records show that he was admitted to the hospital at once after his arrival at Andersonville, where he remained a prisoner until April 29, 1865. The examining surgeon discovers the results of the wound alleged. The captain of his company testifies that he was in said battle, and was reported as missing in battle immediately afterward. He has clearly shown his physical soundness prior to enlistment, and the fact of his sufferings, attributable to his wound since, is shown by medical testimony.

The committee do not hesitate to recommend the passage of the bill, with the following amendment: Strike out the words "the Indiana Volunteers" and insert instead the words "Company E, One hundred and eighty-third Ohio Volunteers."

The CHAIRMAN. The question is on the amendment reported by the committee.

Mr. MATSON. The amendment of the committee does not correspond with the report. In the amendment are the words "Eighty-third Ohio Volunteers." The report shows that this soldier was a private in the "One hundred and eighty-third Ohio Volunteers." That is correct. I move to amend the amendment by inserting "One hundred and" before "eighty-third."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

LOUISA J. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 5307) granting a pension to Louisa J. Thompson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Louisa J. Thompson, widow of William L. Thompson, late a first lieutenant in the One hundred and fifteenth Indiana Volunteers, subject to the provisions and limitations of the pension laws.

The following amendment was reported by the Committee on Invalid Pensions:

In line 6, strike out the words "first lieutenant in the One hundred and fifteenth" and insert in lieu thereof the words "private in Company H, Fourteenth."

The report (by Mr. MATSON) was read, as follows:

Louisa J. Thompson is the widow of William L. Thompson, who died November 25, 1875. He was a private in Company H, Fourteenth Indiana Volunteers, and served nearly two years as such. On the 17th day of September, 1862, he was severely wounded by a minie-ball in the upper third of thigh, injuring sciatic nerve, shattering the bone, and causing paralysis of leg before his discharge, which occurred on the 2d day of April, 1863. The certificate of disability given him at the time of his discharge states these facts as to the manner and extent of his disability. For some years after his discharge his wound suppurated and pieces of bone were discharged therefrom.

A year or so previous to his death the wound had healed over and the discharges ceased, and he was then attacked with a cough, which resulted in consumption. The physicians who attended him in his last illness, Dr. W. G. Sinex and Dr. John W. Smith, attribute his death to the wound; but the medical officers of the Pension Office reject the widow's claim upon the ground that the wound was not the direct cause of the soldier's death. This committee believe there is shown by the papers in the case a direct connection between the wound and the soldier's death, and that the wound was the cause of it, and therefore recommend the passage of the bill with the following amendment: Strike out the words "first lieutenant in the One hundred and fifteenth Indiana Vol-

unteers" and insert the words "a private in Company H, Fourteenth Indiana Volunteers" instead thereof.

The amendment reported by the committee was adopted.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ELLA STOLZ.

The next business on the Private Calendar was the bill (H. R. 3171) granting a pension to Ella Stolz.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Pensions be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella Stolz, widow of William Stolz, deceased, late a private in Company I, One hundred and thirty-first Pennsylvania Volunteers, and that she be paid full pension and arrearages from the date of the discharge of said deceased.

The following amendment was reported by the Committee on Invalid Pensions:

After the word "volunteers," in line 8, strike out the words "and that she be paid full pension and arrearages from the date of the discharge of said deceased."

The report (by Mr. MATSON) was read, as follows:

William H. Stolz was a private in Company I, One hundred and thirty-first Pennsylvania Volunteers. His term of service was short, and he was discharged on account of incipient phthisis pulmonalis. The physician who gave him the certificate of disability upon which he was discharged stated therein that the disease existed prior to enlistment. This is the only evidence of that fact, and the Pension Office, adhering to a rule laid down by the Secretary of the Interior, that such a record could not be impeached after a lapse of years, rejected the claim notwithstanding the proof, which is strong, that he was sound at enlistment. He died on the 19th day of May, 1881, of the disease, which is shown was contracted in the service.

Immediately after he entered the service his regiment was engaged in the hard marching and fighting occurring about the time of the battle of Antietam, and he was prostrated immediately thereafter. The proof of the continuance of the disease is clear, and the only question is as to the origin of it. It is not difficult to believe that it was brought upon this soldier by the sudden change of the manner of his life upon entering the Army, and particularly in the arduous service referred to. He was a tailor before enlisting, and the shock and sudden change probably produced the disease. His widow is represented as a good woman, working for years before his death to support the family, and now left with five small children to support.

In view of the foregoing facts we recommend the passage of the bill with the following amendment: Strike out all after the word "volunteers," in line 8 of said bill.

The amendment reported by the committee was adopted.

The bill as amended was laid aside to be reported to the House with a favorable reoommendation.

WALTER H. CROW.

The next business on the Private Calendar was the bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to restore the name of Walter H. Crow, late a sergeant of Company K, Thirty-third Indiana Volunteers, to the pension-roll.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred a letter of the honorable Commissioner of Pensions, under the provisions of the joint resolution approved May 29, 1830, recommending that an act be passed to restore the name of Walter H. Crow, late a sergeant of Company K, Thirty-third Indiana Volunteers, have had the same under consideration, and beg leave to report as follows:

The following is a copy of the letter referred to:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 20, 1884.

SIR: Under the provisions of the joint resolution of Congress, approved May 29, 1830, I have the honor to forward herewith the papers in the case of William H. Crow, late sergeant of Company K, Thirty-third Indiana Volunteers, certificate 117419, to consider the propriety of restoring pensioner's name to the pension-roll by special act of Congress, subject to the provisions and limitations of the general pension laws, for the reason that his claim for restoration appears to be meritorious and deserving, but can not be allowed under the existing law.

It appears that Mr. Crow was originally pensioned June 27, 1871, for total blindness, at $8 per month, from September 20, 1864, the date of his discharge; at $25 per month from November 29, 1867; and at $50 per month from June 4, 1874, which rate he received until December 6, 1875, when payment was suspended pending an investigation as to whether he was sound and free from disease or injury of the eye at enlistment; and upon the evidence adduced by special examiners, his name was subsequently dropped from the pension-roll on the ground that some form of eye disease had existed prior to enlistment.

In view of the soldier's helpless condition, no expense has been spared to afford him every opportunity of establishing his claim under the general law, and thorough and exhaustive examinations of numerous witnesses have been conducted by special examiners, and it is believed that the true history of the case has been reached; and from an examination of the various reports I am convinced that Mr. Crow's case is a proper one for equitable relief through the medium of your honorable body. He was a soldier for three years, and there is nothing in his war record adverse to soldierly conduct, and he has been totally blind since 1867.

I therefore invite your attention to the papers, and submit the same to your consideration, with my recommendation that his name be restored to the pension-roll by special act of Congress.

Very respectfully,

W. W. DUDLEY, *Commissioner.*

Hon. C. C. MATSON,
Chairman Committee on Invalid Pensions, House of Representatives.

This committee can not understand why he was dropped upon the mere fact that some form of disease of eyes existed prior to enlistment, when the Government accepted his services for three years, and he did the duty of a soldier so faithfully and well; but such seems to be the fact. We unhesitatingly recommend the passage of the accompanying bill.

Mr. HEWITT, of Alabama. I would like to ask the chairman of the committee who reports this bill what would be the effect of restoring this soldier to the roll; whether or not he would draw his pension from the time he was dropped, or merely from the time he is restored? It seems he was dropped from the roll in 1875, nearly ten years ago. If he draws pension from the time he was dropped he would draw for most of that time $72 a month; pretty nearly all that time, I think.

Mr. MATSON. I am unable to answer the question of the gentleman from Alabama. I suppose it depends on the construction given to the act by the law officers of the Department of the Interior. The act itself provides the man's name shall be restored to the pension-roll. That, I think, is no more than simple justice. If the Department of the Interior construes the act as having the effect of restoring from the date he was dropped, there will be nothing wrong in this case, because it seems to me a clear case of wrong was committed in dropping him from the roll. I am at a loss to understand why he was dropped, and also why the Commissioner of Pensions did not restore him. My impression is, however, the case was appealed to the Secretary of the Interior and all legal remedies had been exhausted; and for that reason the Commissioner of Pensions found himself powerless to act, and he sent the case voluntarily to the Committee on Invalid Pensions. I apprehend the form of the bill is just as it should be.

Mr. HEWITT, of Alabama. This soldier was dropped from the roll because upon an investigation the Commissioner of Pensions came to the conclusion that his blindness or the disease of his eyes did not originate in the service; in other words, that it originated prior to the time when he entered the service. Now, if that be the fact, then under the law he was not entitled to a pension—I mean under the general law. It may be under the equities he ought to have a pension. But clearly if the Commissioner of Pensions be right he was not entitled to it under the general law. And now this soldier occupies the same position so far as his pension is concerned as others do who apply for pensions upon equitable grounds. In none of those cases, however meritorious they may be, have we granted arrears of pensions.

In all such cases we grant the pension from and after the passage of the act. If we pass this bill restoring this soldier upon equitable grounds alone—because if the Commissioner of Pensions be right in his view of this matter then it is upon equitable grounds merely that we restore him to the roll—if we merely restore him to the roll and stop there he will draw his pension back for ten years and get over $8,000 from the Treasury, and I think you would be doing great injustice to others if you do that.

Now, if this was a case where the blindness originated in the service and for that reason the party was entitled to a pension under the general law, and ought not to have been dropped from the rolls, and the Commissioner of Pensions did wrong in dropping him from the rolls, that would present a very different case, and the applicant would be entitled to a pension from the time he was dropped from the rolls. But unless the case is one of that kind I do not think he should be restored to the rolls with a pension from the time he was dropped. I therefore move to amend the bill by adding to it the words, "and pay him a pension from and after the passage of this act."

Mr. WOLFORD. I only want to say a word. I never could in my life find out how it is that my distinguished friend from Alabama [Mr. HEWITT] would do two wrongs in order to make one right. He admits that this man should have a pension now. Will he have the goodness to tell me what time it was when he was without his pension that he ought not to have had it.

Now, for lack of eyesight, for the lack of that which is one of the greatest blessings conferred upon man, this applicant was granted a pension. By a misunderstanding of the law relating to pensions some officer strikes him off the pension-roll. He has been laboring all these years to get restored, and all these years he has been living without his just rights. And now we are asked to put him back on the pension-roll and say to him: "We did wrong in striking you from the roll, but because we did that wrong we will do another wrong for fear that we may do somebody else wrong." Sir, I will not argue the question further.

The CHAIRMAN. The question is upon the amendment of the gentleman from Alabama [Mr. HEWITT], which will be read by the Clerk.

The Clerk read the amendment, as follows:

Add to the bill the words, "And pay him a pension from and after the passage of this act."

The question was taken by a *viva voce* vote, and the chairman announced that the ayes appeared to have it.

Mr. HEWITT, of Alabama. I call for a division.

Several MEMBERS. Oh, no!

Mr. HEWITT, of Alabama. Yes, I do.

The committee divided; and there were—ayes 2, noes 27.

Mr. HEWITT, of Alabama. No quorum has voted.

Several MEMBERS. Do not make that point.

The CHAIRMAN. The gentleman from Alabama makes the point that no quorum has voted. The Chair appoints as tellers the gentleman from Indiana, Mr. MATSON, and the gentleman from Alabama, Mr. HEWITT.

Mr. MATSON. It is unnecessary to appoint tellers, for there is no quorum here, and we of course all know that. I appeal to the gentleman from Alabama not to insist upon his amendment. I do not know

how the Secretary of the Interior will construe this act, but I presume the chances are that he would construe it to go into effect from and after its passage.

Mr. HEWITT, of Alabama. Then my amendment will not hurt it.

Mr. MATSON. It will not help it at all. For myself I am inclined to leave it to the Secretary of the Interior.

Mr. HEWITT, of Alabama. In ordinary cases of granting a pension I would not make the point, but here is a proposition which in my opinion will give this soldier arrears of pensions to the amount of some $8,000.

Mr. BAYNE. I suggest to the gentleman from Alabama [Mr. HEWITT] to let this bill be reported to the House, and there let it go over until the yeas and nays can be taken on it.

Mr. HEWITT, of Alabama. No; let it take its chances with the other bills.

Mr. PETERS. I suggest that this is a different case from the other cases to which the gentleman refers, because this is one where the right to a pension has been once established.

Mr. HEWITT, of Alabama. Yes; but the Commissioner of Pensions now holds that this man was wrongfully on the rolls from the beginning.

Mr. MATSON. Oh, no!

Mr. PETERS. That can not be the case, for we have here his letter recommending that he be restored to the rolls.

Mr. MATSON. I think if I can be allowed a moment I can explain this matter. This case was determined some ten years since in the Pension Office, it being determined there that this pensioner ought not to be on the pension-rolls, and his name was dropped. Since then, upon further investigation of the case, the Commissioner of Pensions voluntarily brings the matter to the attention of Congress, for the reason, I have no doubt, that all the legal remedies have been exhausted.

Mr. HEWITT, of Alabama. If the man was rightfully on the rolls in the first place, and was dropped from the rolls without due cause, then the Commissioner of Pensions under the general law had the power to restore him to the rolls without coming here at all.

Mr. MATSON. The gentleman would be right if the matter had not been passed upon by the Secretary of the Interior. Had that not been the case, then no doubt the Commissioner of Pensions would have the right to restore his name to the rolls.

Mr. HEWITT, of Alabama. Then a higher authority than the Commissioner of Pensions has decided that this man was not entitled to be put on the rolls.

Mr. MATSON. That is true, but that decision was made ten years ago. Upon further investigation of the matter the Commissioner of Pensions voluntarily brings the case here and recommends it to our favorable action. There was no bill introduced here by any one for the relief of this party, but the attention of Congress was specially invited to the case by the Commissioner of Pensions, who now states that a wrong was done this man by dropping his name from the rolls.

I wish to say to the gentleman from Alabama that I reported this bill in such shape as to leave the matter entirely within the discretion of the Commissioner of Pensions and the law officers of the Interior Department as to the effect of the bill and as to the time when the pension should be restored, taking into consideration all the equities of the case. Had it been otherwise, I do not know that I should have any objection to the amendment offered by the gentleman from Alabama.

The CHAIRMAN. The Chair will appoint tellers.

Mr. BAYNE. I ask unanimous consent that this bill be laid aside informally; and before next Friday night inquiry can be made as to how the Commissioner of Pensions would construe this act.

Mr. MATSON. I have no objection to that.

Mr. HEWITT, of Alabama. In ordinary cases I would not make objection; but this bill involves a large sum.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAYNE] asks that this bill be laid aside informally. Is there objection? The Chair hears none.

WILLIAM PRINTZ.

The next business on the Private Calendar was the bill (H. R. 2660) granting a pension to William Printz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Printz, late of Company F, Sixty-second Regiment Pennsylvania Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2660) granting a pension to William Printz, have had the same under consideration, and report as follows:

The committee find that William Printz enlisted July 4, 1861; mustered July 22, 1861, in Company F, Sixty-second Regiment Pennsylvania Volunteers, at Pittsburgh, Pa., and discharged at Gaines's Mill, Va., June 1, 1862, by reason of necrosis of the bones of the left leg, which has existed for several years, and now renders him lame.

Affidavit of Edward S. Wright, late captain Company F, Sixty-second Regiment Pennsylvania Volunteers, shows that William Printz was a member of affiant's company in the war of 1861–'65; that he did faithful and good service until the time of the battle of Hanover Court-House, Va., about the 27th May, 1862, when he was sent back in ambulance from that point, and from some cause, he does not know how or what, said William Printz became disabled for service and was discharged soon after on surgeon's certificate of disability, and that he was the captain of Company F, Sixty-second Regiment Pennsylvania Volunteers.

Also the affidavits of John Clark and Henry Hassinger that William Printz worked at shoemaking in the year 1859; that they never knew him to be sick—he did not complain either—and that he was a sound man and able-bodied, excepting a weak ankle, that caused a little lameness.

And the affidavit of James W. Dean that William Printz worked for him during the year 1860; that he was a stout and able-bodied young man, and that he also knew him during the years 1857, 1858, and 1859, and he considered him stout and able-bodied.

Affidavit of William Sharwood, late captain Company F, Forty-ninth Pennsylvania Volunteers; that he knew William Printz for some twenty-five years; that he knew him before the war; that said Printz was an able-bodied man, to the best of his knowledge; that he knew him in the Army; that he saw him frequently in 1861 and 1862; there seemed to be nothing the matter with said Printz; he was doing duty of all kinds, same as the other soldiers; that the affiant did not belong to the same regiment, but their respective regiments were frequently thrown together, so that he had abundant opportunity of seeing said Printz, and did see him, and does know that Printz was able to perform the duties, and did perform the duties, of a good and faithful soldier, same as other soldiers.

Also the affidavit of John R. Wilson, late first lieutenant Company F, Sixty-second Regiment Pennsylvania Volunteers; that he well knew William Printz, of his company, and that the said William Printz, while in the service and line of his duty at battle of Hanover, Va., on or about May 27, 1862, stepped in a hole and seriously injured the bone of his left leg. He was so seriously injured that he was unable to perform any further duty, and he was discharged for disability June 20, 1862. Affiant's knowledge is obtained from actual personal observation, having been personally present.

The committee reports the bill back to the House with the recommendation that it do pass.

The bill was laid aside to be reported favorably to the House.

FREDERICK WILHELM.

The next business on the Private Calendar was the bill (H. R. 1396) granting a pension to Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment of Pennsylvania Volunteer Cavalry.

The report was read, as follows:

The Committee on Invalid Pensions having considered the bill (H. R. 1396) granting a pension to Frederick Wilhelm, submit the following report:

The petitioner enlisted August 9, 1861, and was honorably discharged August 7, 1865.

In May, 1864, while in the line of duty at Weldon Railroad, Virginia, his horse fell with him and severely injured his right side, breaking some of his ribs, which have never properly reunited, and so making it difficult for him to perform manual labor. This occurred while his command was making a raid, and during a very dark night, which accounts for but one of his comrades seeing the circumstance. He was, however, sent to the hospital-boat immediately afterward by Dr. Haney, assistant surgeon of his regiment, who died before petitioner made an application for pension. From the hospital-boat petitioner was sent to Chesapeake Hospital, where he was treated.

Lieut. William Wilhelm testifies that petitioner received an injury to right side, as described, and he knows the fact from being present when the petitioner was injured. Two witnesses testify that they have known petitioner for seven or eight years, and that he has been compelled to quit work frequently on account of exhaustion, produced by injuries received in the military service. The records of the Adjutant-General's Office show that he was reported sick in the hospital in May, 1864. The records of the Surgeon-General's Office show that he was in the hospital in June, 1864, with gunshot wound in left side, and that there are no regimental records on file in that office. The gunshot wound evidently refers to the injury received by the petitioner from the falling of his horse, and not from a gunshot wound.

The board of surgeons say that there is no cartilaginous union, and that no disability is entailed.

The pensioner is a coal-miner by trade, and is unable to work. This fact is clearly shown. He makes perfectly manifest his disability by his affidavits, and the records of the War Department circumstantially corroborate his statements. His fellow-workmen fully sustain his allegations. He is in poor circumstances, with a family of children, and unable by reason of his disability to work for their support. The evidence presents a clean-cut, clear case, without contradictions, and excepting only the statement of the board of surgeons the evidence shows that he can not do manual labor, which is better than the theoretical conclusion of the doctors.

The committee therefore report the bill back to the House with a recommendation that it do pass.

The bill was laid aside to be reported favorably to the House.

JAMES I. DAIL.

The next business on the Private Calendar was the bill (H. R. 5176) for the relief of James I. Dail.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of James I. Dail, late quartermaster of the Second Tennessee Cavalry, on the pension-roll, subject to the rules and regulations of the Pension Office.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 5176, beg leave to submit the following report:

Claimant filed his application for pension April 3, 1871, which was rejected February 2, 1881. The proof is clear and strong that he was and is greatly disabled. His military record shows that he was discharged from the service on account of injuries received near McMinnville, Tenn., by his horse falling on him when engaged in a raid after John Morgan's cavalry, in May, 1863.

A large number of officers and comrades testify as to his injuries. Medical officers of the Army and citizen physicians give the same evidence. It would encumber this report to attempt to set out anything more than the substantial effect and logical and legal conclusions to be drawn from the elaborate testimony.

It shows that after receiving injuries as aforesaid his wounds and bruises so affected him that a large abscess or carbuncle formed on the right side of lower body and right thigh, by reason of which, as already stated, he was honorably discharged from the military service. A long chain of both professional and lay testimony shows that from these original injuries were developed piles, fistula, and hemorrhoids.

Official medical examination shows him to be wholly disabled, or virtually so, from these identical causes. A large number of skillful and reputable physicians bear positive testimony to his disabled constitution, and assign the same causes.

And still his claim "was rejected on the ground of no record of alleged disability" and that "the records show that he was discharged for a different disability from that alleged, and inability to furnish medical testimony showing the existence of alleged disability." Such is the record of rejection. This conclusion must have been arrived at by the naked assumption that the abscess and carbuncle resulting from the injuries received by his horse falling with and upon him were in no way connected with and superinducive of the other disabilities mentioned. Yet the proof shows that they existed the one right after the other, coupling themselves together so as to form one continuous disability, and originating in the same cause. He is certainly shown to have been disabled in the service of the United States. Your committee are clearly convinced that claimant was injured and disabled while in the line of his duty, that he is entitled to a pension, and therefore report back bill H. R. 5176 with a single amendment, inserting the words "first lieutenant and" before the word "quartermaster," and recommend that the same do pass.

The amendment reported by the Committee on Invalid Pensions to insert before the word "quartermaster" the words "first lieutenant and" was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

RICHARD G. SHARP.

The next business on the Private Calendar was the bill (H. R. 4282) granting a pension to Richard G. Sharp.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard G. Sharp, a private in Company C, First Regiment Tennessee Light Artillery Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 4282, beg leave to make the following report:

Claimant made application for pension to the Pension Office, and it was rejected on the ground of no record of alleged wound of hand and claimant's inability to furnish testimony showing injury was received while in line of duty.

Notwithstanding the Pension Office assumes claimant's inability to establish that he was injured while in the line of duty, your committee are of opinion that the proof on file in the Pension Office makes a clear case within the law.

Claimant states that he was detailed to hunt up and return certain deserters to their commands, and that while on this duty a house in which he was at the time was surrounded by unknown parties and he was shot and wounded in the hand, and that amputation of the right-hand little finger became necessary; and while it is not so stated in words, the facts show that amputation took place at the joint which couples the finger to the palm of the hand. No witness testifies to having been present and seen the wound inflicted. But the captain testifies that he detailed him and sent him out after deserters and that he returned wounded, and gave a circumstantial account of the affair.

His statements seem to have been accepted as true by his commanding officer and comrades, for several of his company besides the captain and lieutenant corroborate his statements. The proof is absolutely conclusive that he was detailed and left camp under that detail and returned wounded. No other theory, except as explained by himself and accepted by his commanding officers, seems ever to have been thought of until the Pension Office raised the doubt by rejecting his claim. It will not do to presume he was not injured as he alleges, especially when he has sworn to it himself and is corroborated by a conclusive set of circumstances. Your committee believe that he was injured as alleged; that he was in the line of duty at the time; and that he is entitled to a pension; and therefore report back bill H. R. 4282 and recommend that it do pass.

Mr. HEWITT, of Alabama. I wish to ask the gentleman who reported this bill whether this wound—the loss of a finger, I believe—disabled this man?

Mr. HOUK. It evidently does. From the testimony one finger has been taken off. But the question of the disability is by this bill left wholly to the Department. The extent of the disability will be decided by an examination of surgeons. This bill does not put the man on the pension-roll except subject to the provisons and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported favorably to the House.

MARY L. WELLS.

The next business on the Private Calendar was the bill (H. R. 5472) granting a pension to Mary L. Wells.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Pensions be, and he is hereby, authorized to place on the pension-roll of the United States the name of Mary L. Wells, of Loudon County, Tenn., widow of George W. Wells, deceased, late a private in Company I, First Tennessee Infantry, to date from the — day of ——, 18—, and to continue during life or widowhood, at the rate of —— dollars per month.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 5172, beg leave to submit the following report:

It appears from the record filed in the pension office that George W. Wells, Company I, First Tennessee Infantry Volunteers, made application for pension during his lifetime, which application and the proof to sustain it were very informally, inartificially, and imperfectly prepared.

This application was rejected. On October 5, 1875, the soldier died. Afterward the widow, Mary L. Wells, renewed the application in behalf of herself and certain minor children. This application was also wanting in professional skill and legal application and force of statement, and was likewise rejected, but the reason therefor does not appear in the record, except from the letter of notification that it was "rejected on the ground that the disease of which the soldier died was not the result of his military service."

In answer to this ground of objection we collate the following testimony: The captain and first lieutenant of his company testify that he had the measles at Camp Dick Robinson, Kentucky, in October, 1861; and that in February, 1862, at Cumberland Ford, Kentucky, he was attacked with jaundice and sent to a private house to be treated. Dr. R. P. Eaton testifies that he treated the soldier after discharge for jaundice, said to have been contracted in the military service; that he saw him frequently from discharge until death, and believes his death was caused by the disease he had at the time of his discharge; that he not only had jaundice, but diarrhea, resulting from diseased liver and lungs; that he continued to prescribe for him up to the serious illness which resulted in his death; and that he is convinced that the soldier's death resulted from these organic troubles, originating in the service, he having no other disease. Dr. J. J. Harrison and Dr. T. H. Murray substantially corroborate the evidence of Dr. Eaton. These are reputable gentlemen and skilled physicians. The proof is conclusive that the soldier was sound when he entered the service.

Considering the circumstances and connecting facts tending to establish the disease and its origin in the service, there can scarcely be any doubt—certainly not of such a reasonable character as to authorize the rejection of this claim—there is, in fact, no doubt—that the soldier died from disease contracted in the military service of the United States while in the line of duty.

Your committee therefore report back bill H. R. 5172 with amendments, and recommend that the same do pass.

The amendment reported by the Committee on Invalid Pensions to strike out at the end of the bill all after the words "First Tennessee Volunteers" and insert "subject to the provisions and limitations of the general laws governing such cases" was read and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

GEORGE W. WICKWIRE.

The next business on the Private Calendar was the bill (H. R. 3909) granting a pension to George W. Wickwire.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Pensions is hereby directed to place on the pension-roll the name of George W. Wickwire, who enlisted as a messenger-boy on the United States receiving-ship Alleghany, at Baltimore Harbor, November 18,1862, and was discharged September 16,1863, for disability occasioned by injury received while in the line of his duty on the United States gunboat General Putnam, and pay him a pension under the provisions of the pension laws.

The report (by Mr. HOLMES) was read, as follows:

Mr. HOLMES, from the Committee on Invalid Pensions, submitted the following report (to accompany bill H. R. 3909):

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3909) granting a pension to George W. Wickwire, having had the same under consideration, respectfully report thereon:

George W. Wickwire, the claimant, enlisted as a first-class messenger-boy on the United States receiving-ship Alleghany, at Baltimore Harbor, in November, 1862, and was discharged September 16, 1863, for disability.

The record of this claimant shows that after his enlistment he served for a time on board United States receiving-ships, and was then transferred to the gunboat General Putnam, cruising at that time in Chesapeake Bay and Yorktown Harbor. While the ship's crew, including claimant, were drilling at the guns, under command of Ensign William Jennings, the said Wickwire was seriously injured by the dislocation of his wrist. The injury to claimant occurred while engaged in carrying cartridges from the magazine to a gun during the drill on said gunboat Putnam. As he was returning to the magazine for more cartridges, and while stepping over a rope attached to some part of the gun in use, which was slack when the seaman approached, was suddenly tightened by the gunners just as claimant was stepping over it at a very rapid pace.

In consequence, claimant was tripped and fell with great violence on his left hand, which came in contact with the bed of the brass pitman, by which his left wrist was dislocated and turned backward. At the time of the accident, and for some time afterward, there was no surgeon on the gunboat Putnam; and Ensign William Jennings testifies that after receiving the injury Wickwire remained on the boat several days, Ensign William Jennings superintending his treatment and care as best he could; that Wickwire became worse, and was sent on board the flag-ship Mahaska, on which there was a surgeon. He was admitted to the invalid hospital at Norfolk, Va., on January 5, 1863, from which he was discharged April 17, 1863, as unfit for service.

Captain Hotchkiss, who commanded the Putnam, has long been dead; but Ensign Jennings and other evidence fully sustain the statement of claimant as to the origin and character of his disability, as well as his unimpaired health and physical soundness prior to the injury referred to. Examining Surgeon Charles H. Lathrop states, October 19, 1869, that he (Wickwire) has a dislocation of the lower end of the ulna backward, the wrist is stiff, and he is unable to use the hand freely. He was injured while on duty at a gun by falling on a hawser. His disability is one-half. R. M. Huntington, M. D., late assistant surgeon, United States Army, and examiner for pensions, certifies to chronic dislocation of the lower end of the ulna backward.

Dr. Theo. De Tau testifies to the same effect, and further says that claimant presents no evidence whatever of scrofulous or tuberculous disease.

Opposed to this evidence there is only the hospital memorandum of the United States assistant surgeon at Norfolk, who states that the patient had erysipelas of the left hand, which left it in its present condition, and further that there was no evidence that his disability originated in the line of duty. As the surgeon who makes this statement was quite distant from the place at the time the accident occurred, and did not see claimant for several weeks afterwards, it is very difficult to see how the surgeon had any personal knowledge of the matter more than hearsay; and the very explicit statement of the occurrence made by Ensign Jennings, under whose eye it occurred, as well as the evidence of the physicians who have decided it to be a dislocation by personal examination, would seem better evidence than the memorandum at the hospital. There were witnesses to the injury as well as the record evidence of the physicians who examined his injury afterwards.

The Pension Office rejected the application for pension on the ground that the alleged disability did not originate in the service. It is quite probable that erysipelas resulted from the injury, and it, perhaps, might have been averted had there been a surgeon on the gunboat Putnam at the time referred to. The bill for the relief of this claimant passed the Senate during the second session of the Forty-seventh Congress, and was almost reached on the Calendar of the House when Congress adjourned. The rate of claimant's disability by the surgeon is one-half, and the injury is pronounced permanent. It appears that the claimant is named on some of the reports during the service as George Wickwire, leaving out the middle letter of his name, but his identity is fully established.

Your committee therefore recommend that the bill pass, with an amendment thereto, providing that said pension shall be granted under the limitations and provisions of the pension law, and to take effect from and after the passage of this act.

The amendment reported by the Committee on Invalid Pensions to insert after the words "provisions," in the eleventh line, the words "and limitations," and to add at the end of the bill the words "to take effect from and after the passage of this act," was read and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARIA L. HAMMER.

The next business on the Private Calendar was the bill (H. R. 1977) for the relief of Maria L. Hammer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be paid to Maria L. Hammer, as a nurse in the service of the United States in Government hospitals during the late war, out of any moneys in the Treasury not otherwise appropriated, arrears of pension at the rate of $10 per month, to commence from the 20th day of July, 1863; and that the Secretary of the Interior is hereby authorized and directed to place the name of Maria L. Hammer on the pension-roll.

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1977) granting a pension to Maria L. Hammer, having had the same under consideration, report thereon as follows:

Maria L. Hammer, in November, 1862, was appointed and duly sworn in as a nurse in the United States military hospital service by James E. Yeatman, president of the Western Sanitary Commission, acting under orders from Miss D. L. Dix, general superintendent of the nurses of military hospitals of the United States, who had authority so to do. Before entering this service her health had been good, and was at the time she commenced her duties as nurse.

Miss Hammer was assigned to duty as hospital nurse at Corinth, Miss. After remaining there for some time she was ordered with the sick to La Grange, Tenn., where she was assigned to college and seminary hospitals. Here she remained on hard and continuous duty in the hospitals until the 20th of July, 1863, at which time, from overwork, long continued, she was compelled to quit the service. She is shown to have been almost constantly on her feet over the sick and wounded, scarcely taking time to eat her meals. She was attacked with swelling of the feet and limbs to a phenomenal degree, and attended with very great pain, during which she could not stand upon her feet, and could not even bear the weight of anything upon the affected parts. This was attended with other diseases peculiar to the female sex, and which has wholly broken her down and destroyed her health. She has no means of support, and has several times tried to earn her living by manual labor, but has been obliged to give it up each time. She is now 64 years old, and has no parents living and no home of her own. Her only refuge has been with a widowed sister, whose husband was also a soldier.

Senator Kirkwood, late Secretary of the Interior, has spoken strongly in her favor as to her desert and needs.

Peter A. Day, State railroad commissioner of Iowa; Mrs. Wittemyer, Iowa State sanitary agent, together with soldiers in the service, and a large number of her neighbors, and prominent men in the State, give their indorsement and support as to her merits that few cases of this class receive.

H. W. Crawford, M. D., chief of hospitals at La Grange, Tenn., on her leaving there, gave her a letter, in which he says, among other things:

"Miss Maria L. Hammer has been on duty as chief lady nurse in these hospitals for the last eight months, and has earned the everlasting gratitude of not only the sick and wounded soldiers, but all others who have witnessed her untiring labors in this wide field of humanity. No lady I know has earned a brighter record, and her name is in all the hospitals. She now wishes to retire for a season to recuperate her failing health," &c.

Your committee regard a case of this character as being as much entitled to their support and favor as any other branch of the military service, and therefore report the bill back with recommendation that it do pass, after amending the same by striking out the words "the twentieth day of July, 1863," commencing in the eighth line, and inserting in lieu thereof the words "and after the passage of this act;" also, strike out in the seventh line the words "arrears of;" also, in the eighth line, strike out the word "ten" and insert "twelve" in lieu thereof.

The following amendment, reported by the Committee on Invalid Pensions, was read:

Strike out the words "the 20th day of July, 1863," commencing in the eighth line, and insert in lieu thereof the words "and after the passage of this act."

Strike out in the seventh line the words "arrears of."

In the eighth line strike out the word "ten" and insert "twelve."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorbly to the House.

WILLIAM J. SAWYER.

The next business on the Private Calendar was the bill (H. R. 1998) for the relief of William J. Sawyer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to have the name of William J. Sawyer, late first lieutenant of Company F, Sixteenth Regiment Iowa Volunteer Infantry, placed on the pension-roll, at the rate of $15 per month, from the date of his discharge from the military service of the United States.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1998) for the relief of William J. Sawyer, having had the same under consideration, make the following report:

William J. Sawyer entered the service as first lieutenant Company F, Sixteenth Iowa Volunteer Infantry, and was mustered into the service February 17, 1863. He was honorably discharged March 25, 1865, on expiration of his term of service.

Claimant avers that on July 5, 1864, while constructing foot-bridges across Nicojack Creek, in Georgia, during the night he slipped and fell astride a log, causing a rupture. He was not treated in any hospital. He alleges in his declaration June 29, 1880, rupture of the right groin.

W. G. McCohn, M. D., testifies February 5, 1881, that on October 5, 1880, he found claimant suffering from strangulated scrotal hernia.

Joseph L. Phillips, M. D., also testifies that he found claimant suffering from inguinal hernia of the right side.

It is alleged by claimant that the only person having knowledge of his disability at the time was Lieut. M. K. Laird; that he, Laird, was acquainted with the circumstances, but died, as nearly as claimant can state, in the year 1866. The evidence in this case shows conclusively that the claimant is laboring under a very serious disability. At the time the disability was incurred it was not of a very serious nature, and did not disable claimant from performing military duty. The rupture did not become disabling until June, 1865. At that date, while the claimant was pitching hay from a wagon into a mow, the hernia came out and became strangulated. The reduction of the hernia was accomplished by W. G. McCohn, M. D., by manual operation after giving anæsthetics.

The only question upon which there can be any doubt is the fact whether or not the injury originated in the service. He is shown to have complained of its existence in 1865, after he came out of the service. Other witnesses speak of his statement concerning it shortly after it was alleged to have been received.

In view of the fact that this is a disability that would not naturally be paraded before the public, or shown unless it was necessary, and in view of the strong corroborative evidence to that of claimant, your committee are disposed to recommend the passage of the bill. His disability under the pension law is shown to be one-half by the examining surgeons.

Your committee therefore recommend that, subject to the limitations and provisions of the pension laws, the claimant be granted a pension, to take effect from and after the passage of this act, and with the bill so amended recommend that it do pass.

The amendment report from the Committee on Invalid Pensions to strike out at the end of the bill all after the words "pension-roll" and insert the words "subject to the limitations and provisions of the pension laws, to take effect from and after the passage of this act" was agreed to.

Mr. MCCORMICK. Mr. Chairman, since I have been in official position it has fallen to my lot to have considerable to do with the claims of soldiers who are applicants for pensions. It has always been a pleasure to me to have the opportunity to aid them in any honorable way to secure their just dues.

In calling up these claims it has always been a matter of pain and regret to me, by way of reply of the Pension Department to these calls in giving the status of the case, to read that "this claim was rejected" at such a date for lack of a single link in the chain of testimony, or for some apparently insignificant cause.

Another fact in the consideration of these claims has seemed to me to work an injustice to the claimant, and that is the requirement of proof that he was a sound man, free from all physical disabilities, when he entered the service. I hold, Mr. Chairman, that if he was deemed able after the proper examination by the examining officers of the Army to enter the service and fight the battles of his country, and thus help to save the life of the nation, he should not be required by any law to go back of that examination to prove that he was a sound man when he entered the service of his country, and it does seem to me to be a humiliating and an unfair requirement of him on the part of the Government.

It has also been an unpleasant thing to me, Mr. Chairman, to sit in my seat in this Hall and witness the opposition to the passage of special acts for the relief of these brave men, or their widows and orphans, based simply on some slight technicalities or want of a precedent, while it is indeed a matter of great significance to the needy, suffering ones who have periled their lives to save the country. I do not object to proper investigation and proper discrimination between just and unjust claims, but it is no reproach to this great country and this Government, if it errs at all, to err on the side of mercy to those who saved the life of the great Republic.

Our memories can easily reach back, Mr. Chairman, over the past to darker periods in our country's history, when dread uncertainty prevailed and the destiny of the nation hung trembling in a balance; when war with its discords and carnage was shedding the best blood of the land; when a fierce and mighty struggle was going on for national existence and the integrity of national union and honor.

The history of our country tells us that for great principles our forefathers fought and shed their blood on many a sanguinary field in the war of the Revolution, and for the maintenance of those same principles recollection assures us with the reminders of these claims that come before us for our consideration to-day that the gallant sons of the North fought and thousands yielded up their lives as a sacrifice in a fresh baptism of blood on the numerous battlefields of the late civil war.

It was their loyalty, their decision, their courage and determined action in defense of the rights of men that gave to us the peace, the harmony, and the prosperity we enjoy to-day.

With them principle was of vital significance. The poet Campbell has well said:

> The patriot's blood is the seed of freedom's tree.

While Mr. Emerson only emphasizes the same truths in the declaration—

> 'Tis only the triumph of principle that gives peace.

Kindred and home and friends were dear to all these heroic defenders of the Union, but above the strong ties of kindred and home and loved ones they recognized their country's call and their country's claim to their devotion and service, and voluntarily went forth beneath the folds of the banner of unity and freedom to battle for the right. They were not prompted by the glory and the pomp of war to leave their homes, for they were lovers of the pursuits of peace; nor were they driven serf-like into the Army, but moved by a patriotic impulse, under a sense of the nation's peril, they left all that heart holds dear to take up arms in defense of the principles they loved, and they marched under the banner of the free, and, marshaled in battle array, they followed where the old flag led until their brave and bitter foes were prostrate in the dust, and liberty, loyalty, and patriotism proclaimed perpetual union beneath the glorious folds of the old Star-Spangled Banner.

However important may have been the work of the statesman, the

politician, and the man of military training in our national struggle, they could not have maintained our existence as a united Republic. The citizen soldier, inspired by a love of home that generously expanded into the wider love of country, bore the burden and heat of that terrible struggle. From the free homes of the North farmers, mechanics, merchants, citizens by the hundred thousand as a mighty stream poured forth, bore the brunt of the terrible shock and strife. Such patriotism was then essential to the salvation of the nation, and such pure, unsullied patriotism will ever be necessary to secure the purity and permanency of our free institutions.

Terrible and effective is the work of thinking bayonets, that either find the way for freedom, justice, and right, or make it in a pathway of blood through the ranks of their foes. Though nearly a score of years have gone by since our national life-struggle ended, the wounds have not been healed in many stricken hearts. Many bowed and crippled forms are seen among us as the result of hardships and privations of camp life, the marches, the imprisonments, and the dreadful storm and shock of battle. The light and pride of many a household, too, went out to do battle for the right to return no more forever.

Memory will still delight to linger round their cherished forms as they were in the life of the long ago; and when memorial days roll round with fleeting years, tears mingled with wreaths and flowers will fall on their graves all over the land. The strong arm of husband and father no longer protects or supports the widow and the orphan. How many of those dear ones, too, whose quiet resting-places are unknown! How many lie buried thus in the sunny Southland whose graves will never be known or marked by mortal man; nor mother's nor sister's loving hand shall strew their graves with flowers!

> But the finger of glory shall point where they lie;
> And far from the footstep of coward and slave,
> The Spirit of Freedom will shelter their graves.

Fondly let us cherish their memory and the noble cause in which they died. And we will not forget the living. A nation's gratitude will ever be due to these brave men. How fitting that they revive the memories of other days in their memorial services and their reunions, and bring to mind the triumph of arms in glorious victory that gives us peace in all our borders. They are falling here and there. Ere they go hence let them have the assurance that a nation's obligations to them are met in a noble, generous way.

Let no narrow, parsimonious statesmanship dole out grudgingly, with meager, sparing hand, a mere pittance for the valuable services they rendered, but such a liberal support as will make them feel an honest pride in their declining years in the noble generosity of the nation whose life they saved. Mr. Chairman, imagination could not picture what our condition might have been had not these grand, heroic men, taking their lives in their hands and thrusting themselves into the breach between insurrection and Union, saved the nation's life.

But what do we see as the result of their exalted heroism? A government restored on a basis of perpetual union, human slavery wiped out, peace and harmony in all our borders. Men in the vocations of life are driving the wheels of active industry in peaceful pursuits. Agriculture, manufactures, and commerce have assumed wonderful proportions. The facilities for the mental and moral development of the people are becoming grand in their effectiveness and widening extent, and all the interests of a free and mighty people assure us of the fact that we are in the enjoyment of a great prosperity. With a Treasury full to repletion, and all our national interests thus prosperous, we should as the nation's legislators make liberal provision for the orphan and widow and for these brave men in their declining years.

The bill as amended was laid aside to be reported favorably to the House.

JOHN A. HASSELL.

The next business on the Private Calendar was the bill (H. R. 6085) granting a pension to John A. Hassell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll of the United States the name of John A. Hassell, late saddler in Company M, Third Iowa Cavalry, subject to the limitations and provisions of the pension laws, to take effect from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the application of John A. Hassell for pension, have had the same under consideration, and make the following report:

John A. Hassell enlisted as a saddler in Company M, Third Iowa Cavalry. He was mustered into the service September 12, 1861, and served uninterruptedly until his muster-out, in August, 1865, with the exception of two months' absence in the early part of 1864, on veteran furlough. The applicant alleges in his declaration, as filed in the Pension Office, April 19, 1879, that at Columbus, Ga., in April, 1865, while returning to his command from guard duty, a magazine of the enemy was exploded by the Union forces near him, which caused a great shock to his system, and that he has since then had a constant roaring in his head, and in the year 1877 became totally blind; that his blindness has been gradually increasing since April, 1865; that the roaring in his head ceased as his eyes became worse.

He claims a pension for blindness in both eyes, also for deafness of the right ear, caused by concussion at the time of said explosion. The claim was rejected by the Pension Office on the ground that the soldier's disability originated after his discharge from the service.

The Pension Department sent out a special examiner to examine the case after claimant had made his proofs. There were a large number of witnesses examined by the Government and the claimant, and the uniform evidence of all of them is that claimant was an excellent soldier, strictly temperate, and addicted to no bad habits. Until the time of the explosion referred to he had never had any trouble with his eyes nor with his hearing. At the time of that occurrence he says he was thrown to the ground, and that his horse was brought to his knees.

Other members of the command testify that the shock was very serious. Claimant was much nearer than many of them to the explosion. Whether he was the nearest to it of any one in his company is not shown. From the best evidence it would seem that he was about one hundred and fifty yards distant from the explosion at the time it occurred. He did not experience any serious effects from the explosion immediately after its occurrence, except the roaring in his head before alluded to. His blindness is caused, as stated by the physicians, by paralysis of the optic nerve. His eyes continued to fail notwithstanding all he could do, and in 1877 he became totally blind. The examining surgeon in his report on file remarks that the applicant is a good, worthy man, and deserving of a pension. While losing his eyesight he gradually grew deaf in the right ear, caused by the explosion. Prior to that time his hearing had been good, and he was free from defect in that respect.

His neighbors bear universal testimony to his worth, character, and standing as a citizen. The special agent of the Government found no man who could say a word against him, although a large number of affidavits were taken. The claimant is now obliged to have the service of some one to lead him around. The Commissioner of Pensions has thought his case one of such merit that he has written a letter to this committee recommending him as well worthy of a pension, and that he be granted the same by special act of Congress.

This claimant served uninterruptedly almost four years. The evidence we think is clear that his disability was caused by the explosion, and although it did not fully develop until after his discharge, yet he complained of the symptoms which led to it immediately after the occurrence.

Your committee therefore report a bill in pursuance of the recommendation of the Pension Office, which is supported by the evidence on file, and recommend that claimant be placed upon the pension-roll, subject to the limitations and provisions of the pension laws, to take effect from and after the passage of this act.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 20, 1884.

SIR: Under the provisions of the joint resolution of Congress approved May 29, 1880, I have the honor to transmit herewith the papers in the case of John A. Hassell, late saddler Company M, Third Iowa Cavalry, application 280817, to consider the propriety of placing applicant's name upon the pension-roll by special act of Congress, subject to the provisions and limitations of the general pension laws, inasmuch as it appears that his claim is a meritorious and deserving one, which can not be established under the existing law.

The applicant alleges in his declaration, filed April 19, 1879, that at Columbus, Ga., in April, 1865, while returning to his command from guard duty, a magazine exploded near him which caused a great shock to his system; that he has since then had a constant roaring in head; and about a year ago became blind, and his blindness has been gradually increasing ever since April, 1865; that the roaring in his head seemed to cease as his eyes became worse. He claims pension for blindness, and also for deafness of right ear, caused by concussion from explosion, &c.

The claim has been rejected on the ground that soldier's disabilities originated after his discharge, and the evidence now on file, as furnished by the applicant, and also as adduced by a special examiner of this office, does not establish the connection between the alleged disability and injury incurred in the service.

From the records of the War Department it appears the soldier was mustered into service on September 12, 1861, and served uninterruptedly until his muster-out in August, 1865, with the exception of two months' absence in the early part of 1864 on veteran furlough. This long term of faithful service, as well as the testimony of numerous neighbors and citizens, shows that soldier was a man of more than ordinary physical vigor and unquestionably sound at the date of his enlistment. The testimony of his officers and comrades shows that the explosion occurred as alleged, and that the soldier complained of the shock, and that it affected his eyes, &c. The examining surgeon finds him totally blind, and remarks in his report that applicant is a good, worthy man, and deserving of his pension, and applicant's neighbors testify that he has always been a moral, temperate, and truthful man, entitled to full credit.

It is impossible, however, to present the merits of the claim in brief, and I therefore invite your attention to the evidence now on file, together with the examination of the affiants as conducted by the special examiner, and I submit the same to your consideration, with my opinion that applicant is entitled to relief by special act.

Very respectfully,

W. W. DUDLEY, *Commissioner.*

Hon. C. C. MATSON,
Chairman Committee on Invalid Pensions, House of Representatives.

The bill was laid aside to be reported favorably to the House.

PATRICK FOLEY.

The next business on the Private Calendar was the bill (H. R. 4530) granting an increase of pension to Patrick Foley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick Foley, late of the crew of the United States steamer Ticonderoga, and pay him a pension at the rate of $15 per month; said pension to be in lieu of that he now receives.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4530) granting an increase of pension to Patrick Foley, having considered the same, ask leave to submit the following report:

The petitioner enlisted in the United States Navy as landsman, on the United States steamer Ticonderoga, on the 5th day of January, 1871, and was discharged on the 7th day of February, 1874. The basis of claim for pension alleges that about August, 1873, on board the said United States steamer Ticonderoga, at Rio de Janeiro, Brazil, he contracted a severe cold, which produced sore eyes and partial deafness in both ears, for which he was treated in the Norfolk naval hospital. The Pension Office recognized and allowed the disability of the eyes, and on December 20, 1882, granted a pension of $2 a month, to commence at the time of discharge, February 8, 1874. The deafness was not admitted.

The evidence shows that the man was unable to perform full manual labor because of his infirmities, and was employed in service, at only about half pay. While in the employ of the Philadelphia and Reading Coal and Iron Company he lost one of his arms, and it is alleged that the accident was due to the impairment of sight and hearing.

The condition of claimant prior and subsequent to service is set forth in the following affidavits:

John Cullen, of New York city, testifies that the claimant came to New York about eighteen months prior to enlistment; that he boarded with affiant for about three months, and that from personal acquaintance and observation he

knows that he was in sound health, and that his hearing and eyesight were perfectly good; that for about two months after he came home from the Navy he was badly affected with sore eyes, and very deaf in both ears, and that from these disabilities he was totally incapacitated for manual labor; that he has seen him during each year since, and knows that he has suffered continuously from partial deafness and impaired vision.

Charles Orr, M. D., surgeon in charge New York Eye and Ear Infirmary, testifies that he received treatment in that institution.

Isaac K. Bradbury states that he was superintendent of Judson & Co.'s stoneyard, at Astoria, N. Y., in 1874, and that he remembers claimant was employed there about six months. During this period, he remembers that he was very deaf, and his sight much impaired by reason of sore eyes.

John D. Walsh, of Brooklyn, N. Y., testifies that while he was foreman of the Philadelphia and Reading Coal and Iron Company the claimant was in their employ, under affiant's supervision, from December, 1874, to June, 1880; that from personal observation he knows that claimant was continuously deaf and suffered from impaired vision, by reason of which he was entirely unfitted to perform certain things which would have been given him had his hearing and sight been good; that on account of his deafness he was made weighmaster at reduced wages, being about $8 or $9 per week, but had his sight and hearing been good he would have been employed as engineer and probably received from $60 to $75 per month; that while in said employment claimant lost an arm, and although he did not see the accident, yet he received information which he regarded absolutely reliable from men who were present that it was due to claimant's failure to hear proper warning signals and to impaired sight.

Henry L. Morton, superintendent of Philadelphia and Reading Coal and Iron Company, testifies as above in relation to claimant's infirmities of sight and hearing, and says that during his employment with said company he lost one of his arms, and he believes, from reports made at the time, which were reliable and which have never been questioned or disputed, that it was through his failure to hear proper warning signals that he met with said accident.

The Pension Office would not have allowed a pension had not the disability of impaired vision been clearly proven as having occurred in the service. The claimant's affidavit is positive as to the deafness occurring at the same time. It is shown that he entered the service sound and healthy and came out with these disabilities, and that the loss of the arm was in great part due to his infirmities.

The benefit of the doubt, if any, your committee think, should be given to this unfortunate man, and they therefore recommend the passage of House bill 4530.

Mr. FOLLETT. Mr. Chairman, this is one of those bills providing for an increase of pension. There is not a member of Congress on this floor who is not applied to daily to assist in obtaining an increase of pension. The fact that a man has a pension is evidence he has a claim recognized by the Pension Office. We are not sitting here to pass on those claims, but simply to grant relief where by some defect in the law equity would require a pension should be granted, but there is a regular method of doing it.

I am not in favor of opening the door for increase of pension where a man is now drawing a pension. There are to-day in every Congressional district in the North hundreds of persons who think they are not drawing as much as they ought to have. We have a tribunal to pass on such cases, the Pension Office, and I object to opening the door on this matter.

Mr. HEWITT, of Alabama. We have examining surgeons.

Mr. FOLLETT. We are paying surgeons at the rate of $2 a day for the examination of these men. There is every facility afforded to them to have this matter agitated properly. If we begin this, and Congress, if it sits for ten years, would not be able to do anything else than attend to claims for increase of pension.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee do now rise.

Mr. HEPBURN. I hope not; we have one hundred and nineteen bills on the Calendar.

Mr. HEWITT, of Alabama. We had better rise.

Mr. HEPBURN. We can sit half an hour longer.

Mr. MATSON. So far as I am concerned, I am willing to stay here as long as anybody.

Mr. HORR. We have been successful in passing a great many bills, and it will take some time to pass them through the House.

Mr. KING. We have no session to-morrow.

Mr. HEPBURN. I ask for a division.

The committee divided; and there were—ayes 18, noes 11.

So the motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House had, according to the special order of the House, had under consideration the pension bills on the Private Calendar, and had directed him to report back sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 4825) for the relief of Rosina Heineman;
A bill (H. R. 4974) for the relief of Sarah Manz;
A bill (H. R. 2432) for the relief of Mrs. Jane Young;
A bill (H. R. 2085) granting a pension to Joseph McIntosh;
A bill (H. R. 2105) granting a pension to John A. Shuckers;
A bill (H. R. 4694) granting a pension to James Clark;
A bill (H. R. 5336) granting a pension to Maria C. McPherson;
A bill (H. R. 5735) granting a pension to Margaret Daily;
A bill (H. R. 1751) for the relief of William R. Browne;
A bill (H. R. 1970) for the relief of Mrs. Alice T. Sherwood;
A bill (H. R. 2660) granting a pension to William Printz;
A bill (H. R. 1396) granting a pension to Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry;
A bill (H. R. 4282) granting a pension to Richard G. Sharp;
A bill (H. R. 6085) granting a pension to John A. Hassell; and
A bill (H. R. 4530) granting an increase of pension to Patrick Foley.

The bill (S. 316) granting a pension to Mrs. Katharina T. Wunsh, was ordered to a third reading; and it was accordingly read the third time, and passed.

The bill (H. R. 583) granting a pension to Mrs. Katharina T. Wunsh, was laid on the table.

Amendments reported to the following bills were severally agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 5374) granting a pension to Phillip Wiggins;
A bill (H. R. 1970) for the relief of Mrs. Alice T. Sherwood;
A bill (H. R. 392) granting a pension to Mrs. Charles B. Caddy;
A bill (H. R. 5307) granting a pension to Louisa J. Thompson;
A bill (H. R. 3171) granting a pension to Ella Stolz;
A bill (H. R. 5176) for the relief of James I. Dail;
A bill (H. R. 5172) granting a pension to Mary L. Wells;
A bill (H. R. 3909) granting a pension to George W. Wickwire;
A bill (H. R. 1977) for the relief of Mary L. Hammer;
A bill (H. R. 1998) for the relief of William J. Sawyer; and
A bill (H. R. 3892) granting a pension to William B. Keith.

Mr. MATSON moved to reconsider the votes by which the several pension bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 10 o'clock and 30 minutes p. m.), the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Papers relating to claim of Samuel W. George, jr., of George H. Wenner, of Peter Virtz, deceased, and of Absalom Riley—severally to the Committee on War Claims.

By Mr. BELMONT: Petition of Edwin F. Bailey and 37 others, citizens of Patchogue, Suffolk County, New York, for the improvement of the Patchogue River, New York—to the Committee on Rivers and Harbors.

By Mr. F. B. BREWER: Petition of Fuller Post, No. 246, Grand Army of the Republic, of New York—to the Committee on Invalid Pensions.

By Mr. S. S. COX: Memorial of Foster C. Morrison and 540 others, of Henry L. Slote and 3,951 others, all citizens of New York city, for increase of postal service in districts K and L (Harlem) in said city—severally to the Committee on the Post-Office and Post-Roads.

Also, memorial of H. M. Schooley and others, citizens of the District of Columbia, relative to dentistry, &c.—to the Committee on the District of Columbia.

Also, memorial by Dr. R. Finley Hunt and others, dentists, on the same subject—to the same committee.

Also, memorial of Academy of Science, &c., for an act to receive and hold trust funds, &c.—to the Committee on the Library.

By Mr. CRISP: Petition of Jacob Young, R. W. Clements, and others, citizens of Irwin County, Georgia, asking aid to education—to the Committee on Education.

By Mr. EVERHART: Petition from the proprietors and employés of the Chester Rolling Mills, Chester, Delaware County, Pennsylvania, against tariff reduction—to the Committee on Ways and Means.

By Mr. J. H. EVINS: Petition of Rev. Z. L. Holmes, school commissioner, and others, citizens of Laurens County, South Carolina, and of L. C. Sylvester, school commissioner, and a large number of others, citizens of Richland County, South Carolina, asking aid to common schools in the States—to the Committee on Education.

By Mr. FINDLAY: Petition of Baltimore merchants and others, to abolish custom-house oaths—to the Committee on Ways and Means.

By Mr. LIBBEY: Memorial of C. W. Smith and others, relative to a light-house at Newport News Point—to the Committee on Commerce.

By Mr. LONG; Petition of citizens of Duxbury, Mass., against the Government telegraph bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LOVERING: Petition of G. H. Ruggles Post, Grand Army of the Republic, Department of Maine, asking pensions of $8 per month to all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. MANZANARES: Petition from the citizens of New Mexico, relating to unpaid debts caused by ex-United States Marshal John Sherman, jr., in the Territory of New Mexico—to the Committee on Expenditures in the Department of Justice.

By Mr. MAYBURY: Petition of Fred. Lenz and many others, in favor of labor bills now pending—to the Committee on Labor.

By Mr. MOREY: Argument by W. A. Paxon, for the relief of the Jamestown, Ohio, sufferers by the recent tornado—to the Committee on Appropriations.

By Mr. MILLIKEN: Memorial of James A. Garfield Post, No. 46, Grand Army of the Republic, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: Memorial of the officials of Glynn County and the city of Brunswick, of citizens of Tattnall County, and of citizens of Glynn County, Georgia, in favor of the Blair educational bill—severally to the Committee on Education.

By Mr. CHARLES O'NEILL: Preamble and resolutions of the Commercial Exchange of the city of Philadelphia, against the renewal of the expired grain-shovel patents—to the Committee on Patents.

By Mr. PARKER: Memorial of the Women's Silk-Culture Association of the United States, relative to S. 2002—to the Committee on Manufactures.

By Mr. PETERS: Affidavits in the case of H. R. 6786, granting a pension to Rivers Banks—to the Committee on Invalid Pensions.

By Mr. PRYOR: Petition of A. S. Fletcher and others, praying for the passage of the Senate educational bill—to the Committee on Education.

By Mr. TILLMAN: Petition of A. J. Norris and 23 others, citizens of Edgefield County, South Carolina, asking national aid to education—to the same committee.

By Mr. MILO WHITE: Petition of Gregory & Co., wholesale crockery and glass dealers, for a retention of duties on crockery and glassware—to the Committee on Ways and Means.

SENATE.

SATURDAY, *May* 10, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* announced his signature of the following enrolled bill and joint resolution, which had been yesterday signed by the Speaker of the House of Representatives:

A bill (S. 2093) to provide for the appointment of an acting secretary of the Smithsonian Institution; and

A joint resolution (S. R. 81) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

VISITORS TO NAVAL ACADEMY.

The PRESIDENT *pro tempore*. Pursuant to chapter 68 of the acts of Congress of the third session of the Forty-fifth Congress, the Chair appoints as Visitors to the Naval Academy for the next annual examination the Senator from California [Mr. MILLER] and the Senator from Ohio [Mr. PENDLETON].

PETITIONS AND MEMORIALS.

Mr. FARLEY presented a concurrent resolution of the Legislature of California; which was read, and referred to the Committee on Commerce, as follows:

Assembly concurrent resolution relative to river and harbor appropriations made by the Congress of the United States for the Pacific coast, and remaining now unexpended.

Whereas it is reported that the Secretary of War refuses to permit the expenditure of the appropriation made by the Congress of the United States of America for the improvement of the Sacramento and other rivers and their tributaries situated within this State;

Whereas the demands of commerce, the interests of the people, and the protection of these great highways of nature imperatively demand that every effort should be made to maintain them, so that their navigation for commercial purposes may be unimpeded and the inauguration of such improvements be made as may best secure that result;

Whereas the flow of débris in the rivers of the State has been restrained, under the decision of the circuit court of the United States, and, therefore, the reason advanced by the War Department, that as long as that was permitted it was useless to expend public moneys in their improvement, no longer exists: Therefore,

Be it resolved by the assemby (the senate concurring), That our Senators and Representatives in Congress be requested to use all honorable means, either by personal application at the War Department, or by action of Congress, to secure, on the part of the Government of the United States, the improvement of the rivers hereinbefore named.

Be it further resolved, That his excellency the governor of the State of California be requested to send a duly certified copy of these resolutions to the Secretary of War, Hon. Robert T. Lincoln, and to our Senators and Representatives in Congress.

H. M. LA RUE,
Speaker of the Assembly.
JOHN DAGGETT,
President of the Senate.

Attest:

THOMAS L. THOMPSON,
Secretary of State.

Mr. MILLER, of California, presented a petition of business men, mechanics, laborers, and others connected with the service of the United States at Vallejo and Mare Island navy-yard, California, praying favorable consideration of the bill before Congress to pay employés for extra work under the eight-hour law; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Fresno (California) Viticultural and Horticultural Association, remonstrating against any reduction in the duty on imported wines and brandies, and praying that the duty on raisins be restored to the rate it was prior to the late reduction; which was referred to the Committee on Finance.

Mr. BLAIR. I present the memorial of ex-Governor Smyth, of New Hampshire, and a large number of business men of the city of Manchester, N. H., in which they "respectfully remonstrate against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation." I suppose the memorial should be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. That committee has reported a bill on the subject, the Chair understands.

Mr. BLAIR. Is there any committee that has a bill of this character pending before it?

The PRESIDENT *pro tempore*. The Committee on Post-Offices and Post-Roads had a bill on the subject of a postal-telegraph system before it and has reported.

Mr. BLAIR. There is no such bill before the Committee on the Judiciary?

The PRESIDENT *pro tempore*. None.

Mr. BLAIR. Then the memorial may lie on the table.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

Mr. LAPHAM. I present a concurrent resolution of the Legislature of New York, requesting the Senators and Representatives in Congress of that State to endeavor to procure for the State, at its expense, copies of all military records relating to New York volunteers in the war of the rebellion on file in the office of the Secretary of War and not on file in the office of the adjutant-general of the State of New York. I move that it be referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. Does the Senator desire to have the resolution read?

Mr. LAPHAM. Let it be printed in the RECORD merely, without being read.

Mr. SHERMAN. Before that resolution is referred, I wish to call attention to the fact that a joint resolution passed both Houses allowing the State of Ohio, on the application of its governor, to procure copies of the military records of Ohio volunteers, and that that resolution is pending on a motion to reconsider. I hope the Senator from Missouri [Mr. COCKRELL] will give it attention.

Mr. COCKRELL. The Senator from Ohio misunderstood me in speaking about it. The vote has been reconsidered, and the joint resolution is now before the Committee on Military Affairs.

Mr. SHERMAN. I did not know that it had been referred.

Mr. COCKRELL. It has been recommitted and is awaiting action. It was referred to me as a subcommittee, and I had a letter from the adjutant-general or secretary of state of the State of Ohio, I have forgotten which, stating that he would be here soon.

Mr. SHERMAN. That is all right.

Mr. COCKRELL. And I have been delaying, hoping to see him and get exactly what was wanted.

Mr. SHERMAN. I simply call attention to it now so that the governor and other officers of the State may not feel that I have neglected what they regard as a pressing matter.

Mr. LAPHAM. Without offering any formal resolution, I ask the Senator from Missouri to consider the memorial I have just presented when that subject is taken up.

Mr. COCKRELL. The Senator has just presented a memorial on the same question.

Mr. LAPHAM. On the same question, asking that copies of the record relating to New York volunteers be furnished to the State of New York at the expense of the State.

Mr. COCKRELL. If it is referred to me by the Committee on Military Affairs as a subcommittee I shall certainly give it prompt consideration.

The PRESIDENT *pro tempore*. The Senator from New York asks that the concurrent resolution of the Legislature of New York be printed in the RECORD and referred to the Committee on Military Affairs. That order will be made if there be no objection.

The concurrent resolution is as follows:

IN ASSEMBLY, *Albany, April* 29, 1884.

Whereas constant application is made to the adjutant-general of this State by relatives and representatives of soldiers who served from the State of New York in the war of the rebellion for official information concerning such soldiers and their said services; and

Whereas the official records concerning such soldiers and services now on file in the office of the adjutant-general of the State are very imperfect and incomplete, and can only be perfected by obtaining from the official records on file in the office of the Secretary of War of the United States such information as is necessary for their completion: Therefore,

Resolved (if the senate concur), That the Senators and Representatives of this State in the Congress of the United States be, and hereby are, requested to en-

deavor to procure for this State, at its expense, copies of all military records relating to New York volunteers in the war of the rebellion on file in the office of the Secretary of War of the United States and not on file in the office of the adjutant-general of this State; and that the governor of the State be, and hereby is, respectfully requested to communicate a copy of this resolution to each Senator and Representative from this State in the Congress of the United States.

By order.

CHAS. A. CHICKERING, *Clerk.*

IN SENATE, *May* 1, 1884.

Concurred in without amendment.

By order.

JOHN W. VROOMAN, *Clerk.*

REPORTS OF COMMITTEES.

Mr. VAN WYCK. I am directed by the Committee on Pensions, to whom was referred the bill (S. 635) for the relief of Theodore C. Hawkins, to ask that it be indefinitely postponed. A House bill on the same subject was referred to the Committee on Pensions, and a report was made favorable to the House bill. I therefore move the indefinite postponement of the Senate bill.

The motion was agreed to.

PAUL STROBACH.

Mr. LOGAN. I am instructed by the Committee on the Judiciary, who were directed by a resolution of the Senate of the 16th of April to inquire and report whether Paul Strobach, whose confirmation as marshal of the middle and southern judicial districts of Alabama was rejected by the Senate, is now discharging the duties of that office, and whether he is entitled to execute the powers and duties of the office in place of M. C. Osborn, who was suspended by order of the President in the vacation of the Senate, to submit a report thereon. I think the report ought to be printed in the RECORD, so that it may be seen. I ask permission that it be printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Illinois asks that the report submitted by him be printed in the RECORD. Is there objection? The Chair hears no objection. The report will be placed on file and printed in the RECORD.

The report is as follows:

The Committee on the Judiciary, in response to the following resolution of the Senate, adopted April 16, 1884—

IN THE SENATE OF THE UNITED STATES, *April* 16, 1884.

On motion by Mr. MORGAN,

Resolved, That the Committee on the Judiciary be directed to inquire and report whether Paul Strobach, whose confirmation as marshal of the middle and southern judicial districts of Alabama has been rejected by the Senate, is now discharging the duties of that office, and whether he is entitled to execute the powers and duties of such office in the place of M. C. Osborn, who was suspended by order of the President in the recess of the Senate.

Attest:

ANSON G. MCCOOK, *Secretary.*

respectfully reports:

That at the date of said resolution Paul Strobach was discharging the duties of the office of marshal for the middle and southern judicial districts of Alabama under a designation by the President for that purpose made in March, A. D. 1883.

This designation was made pursuant to section 1768 of the Revised Statutes, which is in the following words:

"During any recess of the Senate the President is authorized in his discretion to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such office, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended. The President shall within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office."

Mr. Osborn was appointed and commissioned marshal for that district by the President, by and with the advice and consent of the Senate, April 16, 1880, for the term of four years, and at the time of the above-mentioned designation of Strobach the term of Osborn as such marshal had not expired. The designation of Strobach was, therefore, in the opinion of the committee, in strict conformity with law.

On the 18th December, 1883, Strobach was nominated by the President for appointment as marshal in the place of Osborn, which nomination was rejected by the Senate on the 5th February, 1884. Soon after the rejection of Strobach Osborn, the suspended marshal, applied to the district court for the middle district of Alabama to be reinstated in the exercise of the duties of his office, which application the court, by a decision rendered on the 16th February, 1884, denied, on the ground that the rejection of Strobach by the Senate did not affect the question of the suspension of Osborn nor the right of Strobach to continue to exercise the functions of the office at that time.

The committee is of opinion that this decision of the district court was correct.

The term for which Marshal Osborn was appointed expired on the 16th day of April, 1884. The question whether Strobach was entitled, under the aforesaid designation, to continue to exercise the duties of the office after a vacancy occasioned by the expiration of Osborn's term had occurred, has not been decided. The section of the Revised Statutes above set forth provides that the President may suspend a civil officer of this character (among others) until the end of the next session of the Senate, and may designate some suitable person to perform the duties of such suspended officer in the mean time.

It does not in terms provide what shall be the consequence of the expiration of the term of the officer suspended, nor does it provide for such a designation in the case of a vacancy. The committee is of opinion that, although the language of the act speaks of the suspension of the officer until the end of the next session of the Senate, in order to give these terms their natural and legal significance, the true construction of the act must be that the power of suspension can exist only so long as the legal term of the suspended officer continues, and that when the official character of the suspended officer ceases to exist, either by death, expiration of term, or otherwise, the suspension in both its legal and natural sense can no longer exist. And the committee is of opinion that inasmuch as the designation of another person to perform the duties of the suspended officer depends upon the state of suspension continuing to exist, the legal termination of the suspension legally terminates the official rights and functions of the designated person.

It follows from the foregoing considerations, in the opinion of the committee, that Mr. Strobach was not, after the 16th day of April, 1884 (being the day of the termination of the official term of Osborn as marshal), legally entitled to execute the powers and duties of such office in the place of Osborn or under such designation.

Another statute of the United States (Revised Statutes, section 793) provides that—

"In case of a vacancy in the office of the district attorney or marshal within any circuit, the circuit justice of such circuit may fill the same, and the person appointed by him shall serve until an appointment is made by the President and the appointee is duly qualified, and no longer."

In conclusion, the committee is of opinion that after the expiration of the term of Osborn and during the session of the Senate, no person can lawfully exercise the duties of that office until he shall have been apointed thereto either by the President, by and with the advice and consent of the Senate, or by the circuit justice of that circuit, in conformity with section 793 of the Revised Statutes.

The committee appends hereto the letter of the Attorney-General to the Senate in response to its resolution of inquiry, and a letter of the Attorney-General dated 6th May, 1884, to the chairman of the Committee on the Judiciary of the Senate, on the same subject.

All of which is respectfully submitted.

DEPARTMENT OF JUSTICE, *Washington, May* 6, 1884.

SIR: I am in receipt of your telegrams of to-day, and to your first inquiry, namely, "Whether Paul Strobach is now performing the duties of United States marshal for the middle district of Alabama, and if he is, whether he is acting under the old designation?" I have the honor to state that Mr. Strobach, as far as I know, is at present acting as marshal for the said district, and I presume under the old designation, as I know of no other. The latest communication I have from him is dated May 3, 1884, which he signs as United States marshal.

In reply to your second telegram, I would state that I am unable to furnish a copy of the President's order designating Mr. Strobach as marshal. An entry of the fact was made in this Department that such order was made by the President and the date of it, and the original was sent to the judge of the district court for the said district for delivery upon the official oath being taken and bond given, as is the necessary and usual custom.

I have also to state, in answer to your inquiry as to the date of the expiration of the term of office of M. C. Osborn, that his commission as United States marshal is dated April 16, 1880, and that he took the oath of office April 28, 1880. Four years from either of these dates would terminate Mr. Osborn's commission in April, 1884.

Very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. GEORGE F. EDMUNDS,
United States Senate.

Letter from the Attorney-General, transmitting, in answer to Senate resolution of April 1, information relating to the office of marshal for the middle and southern districts of Alabama.

April 15, 1884, referred to the Committee on the Judiciary and ordered to be printed.

DEPARTMENT OF JUSTICE, *Washington, April* 10, 1884.

To the PRESIDENT OF THE SENATE:

In reply to the resolution of the United States Senate of April 1, 1884, I have the honor to state:

1. That the question whether there now exists a vacancy in the office of United States marshal for the middle and southern districts of Alabama is a question of law, which was presented to, and has been passed upon by, the United States judge for the three districts of Alabama in the negative. I inclose a copy of the opinion of the court for the further information of the Senate.

2. The duties of that office are now being performed by Paul Strobach, esq., who was designated as marshal by the President March 17, 1883. The said Paul Strobach is acting as marshal under the authority of this designation and of the opinion of the court above referred to. The decision of the court was rendered February 16, 1884.

3. The said Paul Strobach was indicted in the circuit court for the middle district of Alabama for making and presenting false claims against the United States and for perjury.

I inclose a copy of the docket entries of said court respecting these indictments, showing the number of such indictments, the date of filing, and the disposition of the cases. Four of the cases, namely, Nos. 1931, 1932, 1933, and 1935 were consolidated and tried together. The defendant was acquitted June 9, 1883.

On December 17, 1883, I filed the opinion and order of which I inclose a copy. A copy of this was sent to the United States attorney for the middle and southern districts of Alabama on January 21, 1884. In accordance with it the remaining indictments against the said Paul Strobach were discontinued February 25, 1884.

I am, very respectfully, your obedient servant,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

DEPARTMENT OF JUSTICE, *Washington, January* 21, 1884.

SIR: Herewith I inclose the order of the Attorney-General in the matter of the prosecution of Paul Strobach for the presentation of alleged fraudulent accounts while acting as a special deputy marshal under George Turner.

Very respectfully,

S. F. PHILLIPS,
Acting Attorney-General.

WILLIAM H. SMITH, Esq.,
United States Attorney, Montgomery, Ala.

The Strobach indictments—Attorney-General Brewster's reason for the nolprossing.

DEPARTMENT OF JUSTICE, *Washington, D. C., December* 17, 1883.

Because of the outcry made by Mr. Strobach and the published statements that he had been persecuted, and because Mr. Strobach charged that he was prosecuted maliciously by the general agent of this Department and the examiners of the Department, and by the district attorney in Alabama, Mr. William H. Smith, after the report of the district attorney as to the result of Mr. Strobach's trial, and after the receipt of the stenographic notes of that trial, with the judge's charge, I directed Mr. Blair, an assistant of Mr. Simons in the Court of Claims, and an officer of this Department, to make a most thorough investigation into the merits of the case, and for that purpose submitted all of those papers to him, with instructions to report to me in writing on them. Having examined the

matter, Mr. Blair reported that, in his opinion, Mr. Strobach ought to have been convicted, and also that the charges of persecution were not made good.

Mr. Blair having reported, I then directed the stenographic notes of the trial, together with the charge of the judge, to be laid before Mr. Maury and Mr. Bentley, both of them responsible and high officials of the law in this Department, and required them (without disclosing to them my purpose or object or opinion) to examine and report as to whether or not the verdict was a proper one, and they reported it was not a proper one, and in their opinion the defendant ought to have been convicted on three at least of the four counts in the indictments. This being done, I sent Mr. Blair to Alabama to inquire into the merits not only of the case against Mr. Strobach but into the conduct of all the officers of the Department who had been accused by Mr. Strobach. Upon his return from Montgomery, having acquired a personal knowledge by personal inspection upon the ground, and by inquiring from and of all who were there who knew of the whole matter, he continued of the same opinion, and reported that the verdict was contrary to the evidence in the case, and that there should have been a conviction; and he likewise, in his report, exonerated the officers complained of, especially naming Mr. Cameron, the general agent of the Department.

This all being done from abundance of caution, I laid the whole matter before the Solicitor-General of the United States and Mr. Simons, the attorney for the Department of Justice in the Court of Claims. They, too, examined the subject with care, and both agreed that the acquittal was contrary to the evidence, and that the man ought to have been convicted, and they further suggested and reported that there ought to be a trial upon some one of the pending indictments, even if it resulted in an acquittal, thinking that the ends of justice required that at least.

During these examinations I expressed to none of these gentlemen any opinion upon the subject, but I purposely abstained from even forming one. It is now my duty to pass upon it, and I do so. It is plain to me that there could have been no malicious feeling toward this man, inasmuch as the officers who first investigated his accounts and detected his offenses went to Montgomery in the ordinary course of their duty, without having any knowledge of him whatever, or of any one connected with him, and never having been brought in contact with him until they undertook the examination of those accounts.

The general agent, too, was unacquainted with him, knew nothing of him or of anybody connected with him, and after the report made by the examiners, and after the district attorney had indicted him, was by my special order detailed to go to Montgomery and see to the prosecution of the complaints, being especially cautioned in the first instance by me verbally, and then by telegraph and by letter, to see that Mr. Strobach was fairly tried, without any appearance of official pressure or hostile feeling by the Department through its agents.

The district attorney preferred the bills of indictment, having examined the subject, and the grand jury found them. The man was tried, and during the course of the trial, and afterward, a great clamor was raised in his behalf, asserting that he was unjustly and wickedly prosecuted. Why he could have been unjustly and wickedly prosecuted I cannot see. There was no motive or purpose to answer that could have prompted any one of those who originated and conducted the prosecution. He was prosecuted as a legal necessity. It was the duty of the agents of the Department, having found these causes of original complaint, to pursue them in the ordinary and orderly course of criminal litigation, just as other marshals have been pursued and punished.

I do not believe that the charges preferred by Mr. Strobach against the two examiners and against the general agent are true. And I concur in the judgment of Mr. Blair upon this subject, a judgment derived from an actual investigation made by himself upon the spot, with all the means of knowledge that could be or ought to be procured for the purpose of arriving at a correct conclusion. He was instructed by me specially in writing to uncover and expose any act of oppression or malice toward Mr. Strobach that appeared to have been committed by any of these agents, or by the district attorney, and his report was emphatic upon this subject.

The district attorney having been charged with an unjust feeling against Mr. Strobach, I say that I have seen no evidence of it.

Mr. Blair, as well as the district attorney of Alabama and his colleague, having expressed an opinion that the pending and untried bills, if tried, would result in an acquittal; Mr. Blair, deriving his opinions from what he learned in Alabama, was convinced that while Mr. Strobach was marshal no other practical result could be reached than an acquittal. In addition to that it has been suggested in these various reports by these different officers that most of the charges in these untried indictments were in effect disposed of in the trial already had, and that the facts and the intent charged in these untried indictments as criminal acts were virtually passed on in the verdict already rendered. If that is so, it would be an improper thing to try them again, as it would be retrying a man upon charges of which he was acquitted.

In view of all this, and to save great expense, I have concluded to direct that these cases be abandoned, seeing no practical result that would be answered by another trial, and thinking it would be improper, illegal, and unjust to try a man where there is even a doubt if the issue has not been determined in his favor in a former trial.

It is said that Robert Barber ought to have been indicted with Mr. Strobach. Assuming that to be so, Robert Barber, it appears, was not indicted because he was necessary as a witness, and the district attorney in the exercise of his discretion used him for that purpose. This was proper and lawful.

But the district attorney has, in my judgment, committed an act which he ought not to have done. Robert Barber, it is admitted, was concerned in these transactions with Mr. Strobach, and had a guilty knowledge of all that was charged as guilty acts, and he has allowed him, notwithstanding that, to remain in his employment in his public office, aiding in public business. That I object to, and I directed him to remove Robert Barber from any connection with that office. I can not consent that a person who has been so compromised as Barber has been with these charges—charges that the district attorney still maintains were true charges—shall be allowed in the remotest way to be associated with the district attorney's office in the very district where the offenses were committed, and I require the district attorney to remove him forthwith. The very fact of his being retained gives color to the accusation that he had been shielded by the district attorney, who had a purpose in prosecuting Mr. Strobach, while he unjustly exonerated Mr. Barber. The district attorney no doubt permitted a kind feeling for Mr. Barber to rule him. He was reluctant to do a harsh thing; he intended to do no wrong.

BENJAMIN HARRIS BREWSTER,
Attorney-General.

P. S. This opinion and order was prepared on the 17th of December, 1883. I laid it aside for reflection and suspended action, and while I was absent on public business in New Orleans Mr. George Turner, representing Mr. Strobach, called on me recently, and on two occasions stated that my suspended action as to these pending bills of indictment stood in the way of the action of the Senate on Mr. Strobach's confirmation. Hearing this, I have again taken this up, and I have, with some misgivings, concluded to say I will order the indictments to be nolprossed. I do so because the district attorney's convictions can not be had, and because, also, there is a doubt if the former trial did not dispose of them, and to avoid expense in an experimental prosecution when it is my duty to reduce expenses.

BENJAMIN HARRIS BREWSTER.

JANUARY 19, 1884.

Docket in the circuit court of the United States for the middle district of Alabama, May term, 1883.

Attorneys.	Style of cause.	Former pleadings and orders.	Orders and pleading at this term.
United States attorney.....	The United States *vs.* Paul Strobach, 1916.....	Indictment for presenting false and fraudulent accounts against the United States. Filed May 11, 1883. Bond filed same day.	May 14, 1883. Nolprossed by United States attorney. (175, B. 4.)
Do.....	The same, 1917.....	Indictment for presenting false and fraudulent accounts against the United States. Filed May 11, 1883.	May 14, 1883. Same order. (175, B. 4.)
Do.....	The same, 1918.....	Same as next above.....	Same as next above.
Do.....	The same, 1919.....	Same as next above.....	Same as next above.
Do.....	The same, 1920.....	Same as next above.....	Same as next above.
Do.....	The same, 1921.....	Indictment for presenting false and fraudulent accounts against the United States. Filed May 14, 1883. Bond filed same day.	May 17, 1883. Demurrer to indictment sustained. (179, B. 4.) (180, B. 4.) (181, B. 4.)
Do.....	The same, 1922.....	Same as next above.....	May 17, 1883. Same order. (181, B. 4.)
Do.....	The same, 1923.....	Same as next above.....	Same as next above.
Do.....	The same, 1924.....	Same as next above.....	Same as next above.
Do.....	The same, 1925.....	Same as next above.....	Same as next above.
Do.....	The same, 1926.....	Indictment for presenting false and fraudulent accounts against the United States. Filed May 18, 1883.	May 21, 1883. Motion to strike indictment from the file overruled, and case set for trial tomorrow morning, May 22, 1883. Demurrer to indictment sustained. (187 B. 4; 189, B. 4.)
Do.....	The same, 1927.....	Same as next above.....	May 22, same order. (190, B. 4.)
Do.....	The same, 1928.....	Same as next above.....	May 22, same order. (191, B. 4.)
Do.....	The same, 1929.....	Same as next above.....	May 22, same order. (191, B. 4.)
Do.....	The same, 1930.....	Same as next above.....	May 22, same order. (191, B. 4.)
Do.....	The same, 1931.....	Indictment for presenting false and fraudulent accounts against the United States. Filed the 22d May, 1883. Bond filed.	May 26, 1883. Demurrer to indictment overruled. June 9, 1883. Jury, and verdict not guilty. (210, B. 4.)
Do.....	The same, 1932.....	Indictment for presenting false and fraudulent accounts against the United States. Filed the 22d May, 1883.	May 28. On motion of his attorney, this case is consolidated with case No. 1931. (198, B. 4.)
Do.....	The same, 1933.....	.....do.....	Consolidated with case No. 1931. (198, B. 4.)
Do.....	The same, 1934.....	.....do.....	
Do.....	The same, 1935.....	.....do.....	Consolidated with case No. 1931. (198, B. 4.)
Do.....	The same, 1936.....	Indictment for perjury. Filed May 22, 1883.	
Do.....	The same, 1937.....	Indictment for making a false and fraudulent claim against the Government. Filed May 24, 1883.	
Do.....	The same, 1938.....	Indictment for making a false and fraudulent claim against the United States. Filed May 24, 1883.	
Do.....	The same, 1939.....	.....do.....	
Do.....	The same, 1940.....	.....do.....	
Do.....	The same, 1941.....	.....do.....	*a* June 11, 1883. Consolidated with Nos. 1942, 1943, 1944, 1945. (221, B. 4.)
Do.....	The same, 1942.....	.....do.....	*a* Consolidated with 1941. (221, B. 4.)
Do.....	The same, 1943.....	.....do.....	*a* Same order. (221, B. 4.)
Do.....	The same, 1944.....	.....do.....	*a* Same order. (221, B. 4.)
Do.....	The same, 1945.....	.....do.....	*a* Same order. (221, B. 4.)

a Nolprossed.

In the district court of the United States for the middle district of Alabama, in the matter of the marshalship for the southern and middle districts of Alabama.

Heard on motion of Matthias C. Osborn, former marshal, to be recognized and held by the court as now entitled to resume the duties of that office.

BRUCE, *J.*:

Matthias C. Osborn was nominated by the then President of the United States to the Senate for the office of marshal of the middle and southern districts of Alabama, and was confirmed by the Senate in the year 1880. He qualified by taking the oath and giving the bond as required by law, and continued to hold and exercise the duties of the office of United States marshal for the middle and southern districts of Alabama until the 17th day of March, 1883, when he was suspended from the office by the order of the President of the United States, and Paul Strobach was designated to perform the duties of the office in the mean time.

Paul Strobach qualified by giving the bond and taking the oath of office required by law, and entered upon the discharge of the duties of the office, and has continued to discharge the duties of the office from that date until the present time.

The suspension of Osborn and the designation of Strobach to perform the duties of the office occurred during the recess of the Senate, and the suspension of Osborn was on terms until the end of the next session of the Senate, and the designation of Paul Strobach was to perform the duties of the office in the mean time, subject to all the provisions of law applicable thereto.

The President of the United States, within thirty days after the commencement of the present session of the Senate, in December last, nominated Paul Strobach to the Senate for the marshalship in the place of the suspended officer, Osborn, and on the 5th day of the present month of February, 1884, the Senate rejected the nomination of Paul Strobach for the office to which the President had nominated him to the Senate.

That this rejection is conclusive against Mr. Strobach for the office of marshal under what may be called a permanent appointment—meaning by that a nomination by the President and confirmation by the Senate—is quite clear, because the statute provides (section 1768) that "if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office."

But the question is, what effect has this rejection of the Senate of the nomination of Paul Strobach to the office of marshal at and during the present session of the Senate upon what may be called his temporary appointment, or his designation by the President to perform the duties of the office during the suspension of Marshal Osborn.

The President's power to suspend is not questioned, and his power to make what is called a temporary appointment is not questioned.

The first clause of section 1768 of the Revised Statutes provides: "During any recess of the Senate, the President is authorized in his discretion to suspend any civil officer appointed by and with the advice and consent of the Senate * * * until the end of the next session of the Senate, and to designate some suitable person * * * to perform the duties of such suspended officer in the mean time."

The statute then authorizes the President to suspend and make a temporary appointment until the end of the next session of the Senate, and he has done so, Mr. Strobach being that appointee, and he holds the office now under such appointment.

The Senate has not acted upon that temporary appointment, nor does it appear that the Senate has any power or authority under existing law to act directly upon such temporary appointment or designation. True, if the President nominates and the Senate confirms the nomination, then the person so nominated and confirmed to the office could qualify, take the office, and so cut short the term of the temporary appointee, and Mr. Strobach could not hold the office against such appointee.

But Mr. Osborn does not stand in that position to the office, for though he has been nominated and confirmed to the office, yet he has also since then, and during a recess of the Senate, been suspended by the President of the United States from the office of marshal until the end of the present session of the Senate, and in doing so the President was acting clearly within the authority conferred upon him by law.

This power given by law to the President was no doubt given for good reasons. It will occur to any one on a moment's reflection that the good of the public service might very often render it imperative that the President should have and exercise such power; and under existing law the Senate, when it convenes, has no more power or authority to act upon the President's order suspending an officer under section 1767 than it had to act upon the designation of the person by the President to perform the duties of the office in the mean time.

The idea that seems to underlie the argument of counsel for the motion is that when the President suspends an officer and makes a temporary appointment in the recess of the Senate, then upon the meeting of the Senate it must act upon such suspension and temporary appointment; and if the Senate declines concurrence in such suspension and appointment, then the suspended officer forthwith resumes the functions of the office, and the temporary appointment is at once terminated. That is an error, perhaps a popular one, and may grow out of the fact that such was the provision of the first tenure-of-office act of Congress, approved March 2, 1867. But that act was materially modified and changed by a subsequent act of Congress approved April 5, 1869, which is the law as we now have it in sections 1767, 1768, 1769 of the Revised Statutes of the United States.

An examination of the act of April 5, 1869, shows that the clauses restrictive of the President's power in the act of March, 1869, were omitted from the later act, which does not provide that when the President suspends an officer and designates some suitable person to perform temporarily the duties of such office it shall be until the next meeting of the Senate and until the case shall be acted on by the Senate, but the language is until the end of the next session of the Senate; nor does the present act require the President within twenty days after the first day of the meeting of the Senate to report to the Senate such suspension, with the evidence and reasons for his action in the case; nor is it provided in the present law that if the Senate shall refuse to concur in such suspension such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing the duties in his stead shall cease.

These clauses restrictive of the President's power, found in the first tenure-of-office act, were repealed by the latter act and are not now the law; and the original act was passed and subsequently modified and changed for reasons familiar to those who were actors in or who may be students of the history of that time.

These acts to which reference has just been made are of comparatively recent date, and there is perhaps but little judicial authority upon their construction; but a number of authorities have been cited upon the power of the President under article 2, section 2, of the Constitution of the United States, which provides that "the President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session."

Section 1769 of the Revised Statutes of the United States provides:

"The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office by granting commissions which shall expire at the end of their next session thereafter."

The language used in the Constitution and in section 1769, in reference to the power of the President to fill vacancies, is very much the same language used in the act under consideration authorizing the President to make temporary appointments in cases of suspended officers.

The authorities on this subject—that is, the nature and duration of a temporary appointment made by the President to fill a vacancy—are, that a commission issued by the President during a recess of the Senate continues until the end of the next session of Congress, unless sooner determined by the President, even though the person commissioned shall have been in the mean time nominated by the President to the office and his nomination rejected. (United States *vs.* Kirkpatrick, 9 Wheaton, 721; Issac Hill, 2 Opin. Att'y Gen'l U. S., 336; Gilpin *vs.* O'Neil, 8 Inter. Rev. Record, 137; *Ex-parte* Hennen, 13 Peters, 230.)

It is said this is not a vacancy, and it is true that it is not a vacancy in the absolute sense, such as results from the death, resignation, or expiration of term of office of the incumbent of the office, as contemplated by section 1769 of the Revised Statutes.

In a case of the suspension of an officer there are contingencies upon the happening of which the suspended officer may resume the duties of the office, that is, where the Senate fails or refuses consent and advice to the nomination for office made by the President, and if this failure or refusal continues until the end of the session, and the former incumbent's time has not then expired, he will then, and not till then, resume the duties of the office.

Whether it be a vacancy caused by the death, resignation, or expiration of term of office of the incumbent of the office, or whether it be a suspension of an officer by the President under section 1769, in either case the duration of the temporary appointment is the same; it is to the close of the session of the Senate, subject, as we have seen, to a concurrence of opinion and action by the President and the Senate, by the nomination and confirmation of a person other than the rejected nominee to the position.

Some confusion arises because the same person designated for the temporary appointment was in this case nominated to the Senate for the permanent appointment; but suppose the President, after having designated Mr. Strobach for the temporary appointment, had nominated Mr. T. for the permanent appointment, and the Senate had rejected Mr. T. just as it has rejected Mr. Strobach for the permanent appointment, could it be held that the rejection by the Senate of Mr. T. for the permanent appointment affected the temporary appointment of Mr. Strobach?

To ask the court to terminate the temporary appointment of Mr. Strobach because the United States Senate has rejected him for the permanent appointment is to ask the court to act without law or logic, and the proposition is not only to do that, but also to terminate the suspension of Mr. Osborn and authorize him to resume the duties of the office, which is equally without the authority of law.

The answer to all that is that the President of the United States has, for reasons which the court will presume to have been sufficient, suspended Mr. Osborn until the close of the present session of the Senate, and has designated Mr. Strobach as a suitable person to perform the duties of the office in the mean time.

The case of Embry (100 U. S.) is relied on by both sides in support of their respective positions.

That case is not conclusive here, because the question here was not involved and barely touched upon in the opinion of the court.

The result of these views is that the motion is denied.

Attest:

Dated this 4th day of April, A. D. 1884.

[SEAL.] J. W. DIMMICK, *Clerk.*

BILL INTRODUCED.

Mr. INGALLS introduced a bill (S. 2197) granting a pension to Michael Lane; which was read twice by its title, and referred to the Committee on Pensions.

LOTTERY ADVERTISEMENTS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under Rule VIII.

The bill (S. 1017) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same, was announced as first in order on the Calendar.

Mr. JACKSON. We shall hardly have time to consider the bill this morning before the Senate will be compelled to adjourn to take part in the ceremonies of the day. I suggest that it go over until Monday without losing its place on the Calendar.

Mr. WILSON. I hope that the suggestion made by the Senator from Tennessee will be agreed to, and that the bill may retain its place on the Calendar and go over until Monday.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that this order of business be passed over, retaining its place on the Calendar where it nows stands. Is there objection? The Chair hears none, and it is so ordered.

AMERICAN SHIPPING.

Mr. HOAR. I rise to a parliamentary inquiry. What has become of the shipping bill?

The PRESIDENT *pro tempore*. The question on the shipping bill was, by unanimous consent, yesterday postponed until Monday next at 2 o'clock, to stand as the unfinished business at that time.

Mr. HOAR. I was not present when that consent was given.

ABBY P. ARNOLD.

The bill (S. 764) granting an increase of pension to Abby P. Arnold was announced as in order on the Calendar.

Mr. COCKRELL. That bill is reported adversely. I object to it.

The PRESIDENT *pro tempore*. The Chair understands that there was an agreement that this bill should stand until the return of the Senator from Rhode Island [Mr. ANTHONY].

Mr. COCKRELL. All right, then; I have no objection to let it stand.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

Mr. COCKRELL. Certainly.

PUYALLUP RRANCH OF NORTHERN PACIFIC.

Mr. CONGER. At what time would the resolution which went over at the close of the morning hour yesterday come up?

The PRESIDENT *pro tempore*. According to the understanding of the Chair, by the force of the new rules, after it had been objected to one day and had gone over, remaining on the desk of the presiding officer, and laid before the Senate on the next day, and then having been displaced and not taken up again before 2 o'clock of that day, it goes on the Calendar of General Orders, where it now is, like any other case on the Calendar.

Mr. CONGER. On this Calendar?

The PRESIDENT *pro tempore*. On the General Calendar.

Mr. CONGER. And will not come up this morning?

The PRESIDENT *pro tempore*. It will not come up unless by a vote of the Senate to take it up. A motion to take it up at any time before 2 o'clock is in order.

Mr. CONGER. The reason why I inquired is that I shall be absent, and I wish to be here when the resolution is taken up.

Mr. VAN WYCK. I will say to the Senator that it will not be moved until Monday.

Mr. CONGER. Very well.

PENSION BILLS.

Mr. BLAIR. As there seems to be nothing that any one is inclined to take up this morning on account of the limited time, I suggest that we go through the Calendar with reference to pension cases, and consider the unobjected pension cases. There are but few of them.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the Senate proceed *seriatim* to the consideration of the pension cases reported favorably and now on the Calendar.

Mr. COCKRELL. And unobjected to.

The PRESIDENT *pro tempore*. And not objected to. Is there objection? The Chair hears none. The first pension case on the Calendar reported favorably will now be laid before the Senate.

SAMUEL C. WRIGHT.

Mr. COCKRELL. I ask that we begin where we left off before. We went partly over the pension cases once before. Let the call begin where it was left off before.

Mr. BLAIR. The first I observe is Order of Business 506. There may be one earlier.

The PRESIDENT *pro tempore*. Order of Business 506, being House bill No. 2267, is at this moment thought to be the first case.

The bill (H. R. 2267) granting an increase of pension to Samuel C. Wright was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel C. Wright, late a sergeant of Company E, Twenty-ninth Regiment Massachusetts Volunteers, at the rate of $40 per month, instead of $24 per month, which he has heretofore been receiving.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT *pro tempore*. There is a report.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR April 22, 1884:

The Committee on Pensions, to whom was referred the bill (H. R. 2267) granting an increase of pension to Samuel C. Wright, have considered the same, and respectfully report:

The principal facts in the case, as shown by the papers before the committee, appear to be correctly set forth in the report of the Committee on Invalid Pensions of the House of Representatives made during the present session (H. R. No. 345), which is annexed and made a part of this report:

"Samuel C. Wright enlisted at Plymouth, Mass., May 6, 1861, into an unattached company, which afterward was attached to the Twenty-ninth Massachusetts Infantry, and lettered E. He was discharged February 3, 1865, serving some three years and nine months. The history of this soldier discloses a list of wounds and casualties, the effects of which, increasing with years, render him at the present time unfit for and unable to perform any manual labor.

"His record shows that he was wounded in the head at White Oak Swamp, January 30, 1862, by a fragment of shell. He was next wounded at Antietam, September 17, 1862, in the left leg, at knee, while volunteering with some sixty others to pull down the fence previous to the charge into the "Cornfield," so called; and though told by his officers to go to the hospital, refused so to do, and kept with his regiment, receiving treatment from the surgeon of the regiment.

"In June, 1863, he became worn down by hard marching and fell by the roadside unconscious, from which condition he did not recover until some two weeks after, when he found himself in Overton hospital, Tennessee, sick with typhoid fever, from the effects of which he has never fully recovered.

"In October, 1863, while returning to his regiment from Overton hospital, and while in line of duty he was run over by a six-mule team and army-wagon near Camps Nelson and Dick Robinson, which broke the bones and cords of the left foot, injuring him also internally, and from the effects of which he is lame today, besides being compelled to wear a truss for support of his bowels. He was next wounded at Cold Harbor in the left arm by a rifle ball, and was treated at his regiment by the surgeon.

"At the (crater) 'Battle of the Mine' he was wounded again by a rifle-ball, which destroyed his right eye, the ball passing through to the back of his head, was left for dead on the field, and so reported. (See Adjutant-General's report Massachusetts three years' volunteers.) He was taken from the mine on a stretcher to his home, and was in bed under the doctor's care for eighteen months of the next two years, spending in that time $2,000 for physicians, surgeons, and opticians in the endeavor to save his other eye.

"He is borne on the pension-roll at $24 per month (certificate No. 39469), which he felt was not commensurate with his increasing disability. He applied for an increase, which was rejected for the reason that he was receiving the full amount he was entitled to under the law.

"In February, 1882, he had a partial stroke of paralysis (certificate of doctor filed) on the left side, rendering his leg almost useless, and since which time he has been compelled to accept a minor position from that in which he had been employed and at a loss of $540 per year to him, and that the duty he now performs is one requiring but one hour in writing per day, and which he only succeeds in accomplishing by the greatest effort on his part, sometimes being compelled, as testified to by those in the office with him, to lie down several times while doing the hour's work required in making his return, such is his pain and suffering from his wound in head.

"The evidence in this case is, namely:

"Dr. Underwood reports: 'Claimant unable to do any labor.'

"Dr. Jackson certifies:

"'Ball entered right temple, passing through the brain to back of cranium, whence it was extracted through original wound. Loss of right eye. Wound occasionally opens to discharge small pieces of bone. The least effort is attended with severe pain in head, and a continuance of effort increases the severity of pain until partial loss of use of limbs results, with confusion of intellect. The least deviation from a strictly quiet life is followed by suffering.'

"The board of examining surgeons at Boston, Mass., certifies:

"'He has practically loss of right eye, and deficient vision of left eye. It is impossible to rate separately the eye and wound of the head, as they were both caused by same ball.'

"It seems that he is estopped under the law from receiving more than $24 per month, for the reason that while practically disabled for performance of manual labor he does do light work requiring but one hour per day, but accomplished with great pain and suffering, and which he is required to do by force of circumstances to obtain subsistence for his wife and family.

"Appended is a copy of a letter of Brig. Gen. Joseph H. Barnes, former commander of Sergeant Wright's regiment.

"Your committee are satisfied that this is a most deserving case, and one which it is impossible to do justice to under existing laws. They therefore recommend the passage of the bill, with an amendment to substitute 'forty dollars' instead of fifty per month, as printed in the bill."

Certificate of Dr. J. H. Barnes.

This is to certify that Samuel C. Wright served in the Twenty-ninth Massachusetts Volunteer Infantry during the war of the rebellion.

His record in the Army was peculiarly eventful and honorable. He entered the service in the month of May, 1861, and was discharged in March, 1865, serving continuously in one regiment nearly four years. He participated in many of the most important campaigns of the war; was present at the four famous sieges of Richmond, Vicksburg, Knoxville, and Petersburg, and was engaged in twenty-one pitched battles. He was four times wounded in action, namely, at the battle of White Oak Swamp, in head by a shell; at Antietam, in leg by shell; at Cold Harbor, in arm by a rifle-shot; and at the battle of the mine, very badly in the head by a rifle-shot. Here he was left on the field for dead, and was so officially reported. His wounds, which are plainly visible, still cause him much suffering.

He was twice promoted for gallantry in action, and he certainly was in every respect one of the very best soldiers in the Army, brave, faithful, and reliable under all circumstances, and always prompt and cheerful in the performance of any duty, however hazardous or arduous.

During the greater portion of Mr. Wright's term of service, and in each of the battles in which he was wounded, I commanded the regiment in which he served, and have therefore an intimate personal knowedge of his entire record in the Army, and I do not hesitate to say that whatever credit is to be awarded to the best soldiers of the Republic, or whatever consideration they are to receive, belongs in the fullest sense to him.

J. H. BARNES.

Your committee have also before them testimonals from prominent citizens where claimant resides, showing that this is a very meritorious claim, and recommend the passage of the bill.

The actual disabilities of this soldier are of so high a degree that we consider the rate of $40 per month no more than is just, irrespective of the gallant and meritorious conduct shown by his record.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERASTUS W. BABSON.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senate to the fact that on page 13 of the Calendar, Orders of Business 405, 406, and 407, are pension cases with favorable reports. The Chair understands they have been once reached under a former call of pension cases and were then objected to. Does the Chair understand the Senator from Missouri to desire them to be passed over on his reservation?

Mr. COCKRELL. I asked that we might go on from the point we commenced and get through with the bills to which there is no objection.

Mr. BLAIR. Order of Business 406, being Senate bill 772, was not objected to, as I understand. There is no minority report and no objection on the part of the committee. It is a unanimous report, and I move to take it up, omitting the other two cases where there was a minority report.

The PRESIDENT *pro tempore*. The unanimous understanding, as the Chair stated, was that the Senate proceed to the consideration of pension bills on the Calendar in their order, such as were not objected to and were favorably reported. The Chair called attention to these bills from the circumstance that the Chair understands from the clerks that each one of these three bills had been previously laid before the Senate and objected to.

Mr. BLAIR. Had the consideration of Senate bill 772 been objected to?

The PRESIDENT *pro tempore*. So the Chair understands from the Chief Clerk.

Mr. BLAIR. I hardly think that is correct, because it is a unanimous report.

The PRESIDENT *pro tempore*. The minute made on the bill at the time shows that some Senator objected to its consideration and it went over.

Mr. BLAIR. I ask unanimous consent to take up that case. I am not aware of any real objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 772) granting a pension to Erastus W. Babson. It directs the Secretary of the Interior to place on the pen-

sion-roll the name of Erastus W. Babson, late a private in Company A, Twelfth Rhode Island Volunteers.

Mr. ALLISON. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the following report, submitted by Mr. BLAIR March 24, 1884:

The Committee on Pensions, to whom was referred the bill (S. 772) granting a pension to Erastus W. Babson, have considered the same, and report:

The claimant, Erastus W. Babson, enlisted in Company A, Twelfth Regiment Rhode Island Volunteers, September 24, 1862, and served until discharged, July 29, 1863. He applied for a pension, alleging that at or near Liverpool Point, Maryland, about December 7, 1862, he was ruptured in left side while on a long march through the mud from Camp Casey, near Fairfax Seminary, to Fredericksburg. He was armorer, with the wagons containing ammunition and army stores, and incurred the disability in helping to lift the army wagons out of the mud.

The claim was rejected by the Pension Office because the records of the War Department fail to show the existence of hernia in the service, and the parol evidence was deemed insufficient to establish origin in line of duty.

The claimant on oath alleges that he was a sound man when he enlisted, and this is corroborated by Dr. Ossian Sumner, who knew him for five years prior to enlistment, had prescribed for him, and knows he had no rupture; also by two acquaintances, who had worked with him and one of whom had been in bathing with him; also by the captain of his company, and two comrades who had opportunities of knowing the facts before and after his enlistment.

The claimant swears that he incurred a rupture as above stated; that he was treated by Surgeons Carpenter and King, but was not in a hospital, and that he got along as best he could till a year after his discharge, when his hernia grew worse, and he then consulted physicians and has since been treated and worn a truss.

Surgeon Carpenter is dead. Surgeon King makes affidavit that he remembers treating Babson for some injury in his tent about February, 1863, but has no record of and can not remember what it was. That is the extent of the medical evidence to origin in line of duty.

Corporal Tillinghast, of claimant's company, tented with him, and remembers that about December 7, 1862, after a long march through the mud, claimant showed affiant a rupture in left side of abdomen incurred on said march. Tillinghast was not with Babson on the march, but knows he must have incurred the rupture at that time. Comrade Thurber distinctly remembers that one night, about December 7 or 9, before reaching Fredericksburg, claimant, who was tenting with him, complained for the first time of a strain, and that he felt a "giving way" in the lower part of the belly, and with his hands on that part said he was "busted up." Comrade Richards swears that in the latter part of December, 1862, after the battle of Fredericksburg, claimant told him that he had a rupture in the left side, incurred on the march just before that battle, and showed a swelling of unnatural appearance on the left lower side of the belly. Comrade Leach was detailed to assist Babson as armorer about the last of December, 1862, and was then shown the rupture and told it was incurred on the hard, muddy march just before the battle of Fredericksburg, which he believes, as he knew claimant since and before his enlistment.

Two physicians testify to treating the claimant since March, 1880, for hernia, left side, which disables him from manual labor in a large degree. The examining board rated his disability in 1881 at one-half.

The Pension Office, not satisfied with the proof submitted, detailed a special examiner in April, 1883, to proceed to the home of the claimant and examine fully into the case in order to determine its merits. A large amount of testimony was taken, and the examiner concluded his report by saying:

"If Mr. Tillinghast, whose reputation for truth is well vouched for, on cross-examination sustains all that he has said in his affidavit, I shall be of opinion that the case should be admitted."

Mr. Tillinghast, living at a distance, was cross-examined by another agent very critically, and admitted that he did not see the breach until about the time they were discharged, but did see it then. Otherwise his former evidence was not materially impeached, and his reputation for truth is admitted to be good.

Since the rejection by the Pension Office, the affidavit of Colonel Browne, of claimant's regiment, was filed, in which he states as follows:

"I remember that soon after our arrival at Falmouth, opposite Fredericksburg, Va., about December 9, 1862, claimant came to me and complained that he had ruptured himself on the march from Washington there, and I referred him to Surgeon Carpenter. Babson, being so faithful and useful a man, I inquired of Surgeon Carpenter (who is now dead) about Babson's complaint, and the surgeon told me that Babson had ruptured himself and that I must favor him, which I did after that. I remember these facts distinctly, because I was troubled lest I should lose Babson's services in taking care of the arms of the regiment. * * * I feel if any one is entitled to a pension on account of faithful and conscientious services and disabilities incurred in the Army, Babson ought to have one."

Your committee are of the opinion that the evidence satisfactorily shows that the claimant contracted the disability, which still continues, in the service and in line of duty, and therefore report back the bill with the recommendation that it do pass.

Before the reading was concluded,

Mr. HOAR. I inquire whether it is necessary to read the report further? Does the Senator from Iowa care about hearing the evidence upon which the Committee on Pensions unanimously found that a man had not a certain disorder before he entered the service? That is all there is in the report.

Mr. ALLISON. I do not.

Mr. HOAR. I suggest that the further reading of the report be dispensed with.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Iowa waives a further call for the reading.

Mr. GROOME. I move to add to the bill the words "and pay him a pension from and after the passage of this act."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. GROOME].

Mr. BLAIR. There is no objection to adding those words except that they are unnecessary. There is a general law which provides that a bill passed in this way takes effect from its passage. If the Senator thinks it important, there is no objection, as it is a Senate bill, and amending it will not occasion any delay.

Mr. GROOME. It is certainly nearly always done, and I think it most prudent to do it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BLAIR subsequently said: I desire to enter a motion to reconsider the vote by which the bill (S. 772) granting a pension to Erastus W. Babson was passed.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered; or does the Senator desire to have the question taken now?

Mr. BLAIR. I wish simply to enter the motion. I will state the reason of it to be that I find on examining the RECORD that the objection made the other day was by myself. The name was not familiar to me, and I forgot that I had made the objection. It was by reason of the death of the applicant that objection was then made, and the bill was postponed in order that it might perhaps be amended by substituting the name of the wife.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

A. M. WILSON.

Mr. BLAIR. The next in order is Senate bill 282, being Order of Business 508.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 282) granting a pension to A. M. Wilson. It proposes to place on the pension-roll the name of A. M. Wilson, father of James Wilson, deceased, late a private in the Fourteenth Regiment of Kansas Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

N. J. INGERSOLL.

Mr. BLAIR. The next is Order of Business 509, being Senate bill 670.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 670) granting an increase of pension to N. J. Ingersoll. It provides that N. J. Ingersoll, late of Company F, Forty-eighth Illinois Volunteers, now receiving a pension of $50 per month for disease of the spine which renders him utterly helpless, shall receive in lieu thereof the sum of $72 per month.

It is further provided that N. J. Ingersoll shall be paid the difference between $72 per month and the amount already received by him from the 17th of June, 1878, to the time of the taking effect of the act.

The bill was reported from the Committee on Pensions with an amendment, to add to section 1 the words:

The increase herein provided for to take effect from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK GRAY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1339) granting a pension to Frank Gray. It provides for placing on the pension-roll the name of Frank Gray as of the grade of second lieutenant.

Mr. COCKRELL. I should like to hear the report read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SLATER April 25, 1884:

The Committee on Pensions, to whom was referred the bill (S. 1339) granting a pension to Frank Gray, having examined the same, beg leave to submit the following report:

That Frank Gray was some time in September, 1864, ordered before a board of officers at Lexington, Ky., for examination as to his qualification for appointment as an officer of United States Colored Troops; that he was examined and passed for an appointment as a captain; that a certificate was duly issued and forwarded to Adjutant-General L. Thomas, requesting the issue of a commission.

That he was at once ordered by General Burbridge to duty on his staff, and accompanied him in an expedition from Lexington, Ky., into the State of Virginia, and did not return until January, 1865, by reason of which he failed to actually receive his commission until after the disability complained of had been received.

A report from the Adjutant-General's Office shows the following as to the service of Frank Gray in the Army:

"1. Special Order No. 55, of November 6, 1864, military district of Kentucky (Brevet Major-General Burbridge, commanding), directing Lieut. F. Gray, United States Colored Infantry, to proceed to Frankfort, Ky., on special duty, for which he had received verbal instructions. The Quartermaster's Department was directed to furnish transportation; Lieutenant Gray to return as soon as practicable.

"2. Letter from Brevet Major-General Burbridge, commanding military District of Kentucky, dated November 12, 1864, addressed to Brig. Gen. L. Thomas, Adjutant-General, United States Army, requesting that Frank Gray, citizen, who had passed a favorable examination before the board for the position, be appointed a second lieutenant.

"3. Special Order No. 2, of January 10, 1865, issued by Adjutant-General Thomas at Louisville, Ky., announcing the appointment of Frank Gray, citizen, as captain One hundred and twenty-fourth United States Colored Infantry."

"4. The acceptance of said appointment by Gray, dated at Lexington, Ky., January 19, 1865, and inclosing his oath of office executed at Lexington on the 27th of January, 1865.

"The petitioner (Frank Gray) was mustered into service as captain One hundred and twenty-fourth United States Colored Troops January 24, 1865, to date January 21, 1865, and was discharged by special orders of March 17, 1865, on tender of resignation.

* * * * * * * *

"It would appear from the record that he was not in the military service of the

United States at the date of his alleged injury, and that any service rendered on the staff of General Burbridge prior to January 21, 1865, was as a volunteer aid, in anticipation of the appointment for which he had been recommended. His alleged employment on staff duty, however, of which there is no record, would have been in direct violation of General Orders No. 12, of 1862, from the headquarters of the Army."

The disability for which a pension is claimed is inguinal hernia, contracted in line of duty in the month of November, 1864, while on detached duty as aid to General Burbridge, caused by the falling of his horse while descending a steep and rocky hill, he, Gray, falling beneath his horse.

The injury being of a private nature, he did not go to hospital or secure medical treatment at the time, but fitted a truss himself, but soon found that the injury was of such a character as to unfit him for duty, and for this reason he resigned his commission in the following March.

General Burbridge confirms Gray's statement of the fall of his horse, he (Burbridge) being present and assisted Gray to extricate himself beneath his fallen horse. The evidence is quite full that Gray was a sound and healthy man when he entered the service, and a fair consideration of the evidence satisfies your committee that the disability from which Gray is now suffering resulted from this fall.

His claim was rejected by the Pension Bureau because it did not appear from the record that he was in the military service of the Government. This is technically correct, but the facts show that this occurred by reason of Gray's obedience to the order of his superior, General Burbridge ordering him on detached duty, by reason of which he was prevented from receiving his commission and from being technically mustered into the service. He was in the actual military service of the Government when he received his disability, and which, by reason of this technicality, occurring in the way stated, the Pension Bureau properly rejected his claim for a pension.

Your committee are of the opinion that his case comes within the spirit of the law, and therefore recommend that the bill do pass.

The bill was reported to the Senate without amendment.

Mr. GROOME. I move to add to the bill the words—

And pay him a pension from and after the passage of this act.

Mr. HARRISON. There is no objection to that.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNVEILING OF MARSHALL STATUE.

Mr. INGALLS. In pursuance of a previous order the Senate was to proceed at 1 o'clock to attend the exercises in commemoration of the late Chief-Justice John Marshall. I would suggest, to avoid confusion, as the exercises are to commence promptly at 1, that perhaps the order of execution had better be made now.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate now proceed, in substantial accordance with the former order of the Senate, to the place of the ceremonies named by him. Is there objection? The Chair hears none.

Mr. MORRILL. Are we to return here, or is there to be an adjournment of the Senate from this hour?

The PRESIDENT *pro tempore*. The Senate under its order will return here, when a motion to adjourn will be in order, the Chair thinks.

At 12 o'clock and 55 minutes p. m. the Senate, preceded by the Secretary and Sergeant-at-arms and headed by the President *pro tempore*, proceeded to the place selected for the ceremonies of the day, in the grounds west of the Capitol, where the following programme was carried out:

ORDER OF EXERCISES AT THE UNVEILING OF THE STATUE OF JOHN MARSHALL, LATE CHIEF-JUSTICE UNITED STATES, ON SATURDAY, MAY 10, 1884.

Music: Marine Band.

Prayer: Rev. Dr. Armstrong, of Richmond, Va.

Music.

Address: The Chief-Justice.

Music.

Oration: William Henry Rawle, esq., of Philadelphia, Pa.

Music.

Benediction.

ADJOURNMENT.

The Senate returned to its Chamber, and the President *pro tempore* resumed the chair at 2 o'clock and 57 minutes p. m.

Mr. HARRISON. Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at 2 o'clock and 58 minutes p. m.) the Senate adjourned.

SENATE.

MONDAY, *May* 12, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the American Medical Association, praying that proper provision be made for the prevention of epidemic diseases in the United States; which was referred to the Committee on Epidemic Diseases.

He also presented the memorial of James H. Williams and 17 others, residents of Rockingham, Vt., remonstrating against the establishment of a governmental telegraphic system; which was ordered to lie on the table.

Mr. PENDLETON. I present resolutions of the Board of Trade and Transportation of Cincinnati, Ohio, setting forth—

That a sufficient and well-equipped navy is of indispensable necessity to our nation; that security to our commercial interests abroad and the safety of our seaboard cities in case of war demand it; that our country is abundantly able to bear the necessary expense of construction and armament; that not the strength of European navies nor the plethora of the Treasury but our own safety and protection are the object and measure of an American navy, and that wise economy and regard for our national reputation demand that an American navy, while it may be small in comparison with the great navies of Europe, should be the best in construction and the most complete and formidable in its means of offense and defense.

I move that the resolutions be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. PENDLETON. I present a petition of the president of the Cincinnati (Ohio) Chamber of Commerce, the president of the Cincinnati (Ohio) Board of Trade, and the president of the Cincinnati (Ohio) Industrial Exposition for this year, praying the passage of a bill in aid of the exposition at New Orleans, and saying that it will be greatly for the interests of all the Mississippi Valley. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PENDLETON presented a memorial of M. H. Bartelson Post, No. 407, Department of Ohio, Grand Army of the Republic, remonstrating against the passage of House bill 6535, known as the Warner bill; which was referred to the Committee on Pensions.

He also presented a petition of the Federation of Labor, of Washington, D. C., and a petition of the Columbia Typographical Union, No. 101, of Washington, D. C., praying that an additional number of copies of the report of testimony as to the relations between labor and capital taken before the Senate Committee on Education and Labor be printed; which were referred to the Committee on Education and Labor.

He also presented a petition of the Cincinnati (Ohio) Board of Trade and Transportation, praying that better protection to American shippers of merchandise to foreign ports be secured, and that Senate bill 1926, or House bill 5797, providing such protection, be passed; which was referred to the Committee on Commerce.

Mr. HOAR. I present the memorial of many residents of the city and county of Worcester, Mass. (among the names attached to the memorial are the names of C. F. Washburn, one of the managers of a large wire establishment; John S. Baldwin, the publisher and proprietor of the Worcester Spy; and many of the principal merchants, professional men, and manufacturers, some hundred or two in number all told), remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monoply of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation; and setting forth also that they believe the interests of the people will be better conserved by leaving this branch of commercial business free to the competition of private enterprise. These persons are very large users of the telegraph. They are men engaged in a great variety of businesses, and the character of the gentlemen whose names are signed to the memorial is a warrant that they have no selfish interest in the matter; and they are persons whose judgment as to the public interest is entitled to the very greatest respect in regard to a measure of this kind, which they thoroughly understand.

I move the reference of the memorial to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The Chair will suggest that similar papers have been laid upon the table, that committee having reported a bill upon the subject. However, the Chair will refer the memorial if the Senator from Massachusetts desires it.

Mr. HOAR. It may be laid upon the table.

The PRESIDENT *pro tempore*. The memorial will be laid upon the table.

Mr. HOAR presented a petition of a large number of business men of Providence, R. I., praying for the continuance of the present fast mail train between New England, New York, and the South; which was ordered to lie on the table.

Mr. LAPHAM. I present a memorial of citizens of Pittsford, Monroe County, New York, remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation. As the Committee on Post-Offices and Post-Roads have reported the bill in reference to this matter, I move that the memorial lie on the table.

The motion was agreed to.

Mr. CULLOM presented the petition of the Moline Water-power Company, of Moline, Ill., praying that an appropriation be made for the completion of the Water-power Canal at the Rock Island arsenal; which was referred to the Committee on Appropriations.

Mr. MORRILL presented the petition of Zenas C. Robbins, of Washington, D. C., praying reimbursement for expenses incurred by him for

the public as register of wills for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GROOME presented the petition of Robert B. Frazier and 63 other citizens of Maryland, resident in Cecil County, praying that liberal appropriations be made for the support of Indian schools and for the supply of those engaged as teachers therein; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. MCMILLAN. I am directed by the Committeee on the Judiciary, to whom was referred the bill (S. 215) to prohibit clerks of the Federal courts from collecting fees in any common-law action, for copying the papers filed in such cause in a book styled "the final record," and for other purposes, to report it adversely.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota desire to have the bill placed on the Calendar?

Mr. MCMILLAN. In the absence of the Senator from Missouri [Mr. VEST] perhaps it had better be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 2154) to prevent the acquisition of real property by aliens, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4689) for the relief of Eliza W. Patterson, reported it without amendment, and submitted a report thereon.

SUBSIDY BONDS TO PACIFIC RAILROADS.

Mr. MCMILLAN, from the Committee on the Judiciary, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary, charged with the consideration of the bill (S. 1178) "to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States all indebtedness of the companies therein mentioned," be, and it hereby is, authorized to inquire into the facts and concerning the affairs to which said bill relates and concerning the execution of the act of May 7, 1878, entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act; and that said committee have power to send for persons and papers.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 2198) for the relief of Joanna Barry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. LAPHAM introduced a bill (S. 2199) for the relief of Jacob Behel; which was read twice by its title, and referred to the Committee on Patents.

Mr. INGALLS introduced a bill (S. 2200) to place the name of R. W. Duncan on the pension-roll; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 2201) granting a pension to Samuel Davidson; which was read by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2202) granting a pension to Alice Warfield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2203) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORRILL introduced a joint resolution (S. R. 85) relative to the registry of deaths, births, and marriages; which was read twice by its title, and referred to the Select Committee to make provision for taking the Tenth Census and ascertaining the result thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted on its disagreement to the amendment of the Senate to the bill (H. R. 1015) for the relief of Fitz-John Porter, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. H. W. SLOCUM of New York, Mr. C. H. MORGAN of Missouri, and Mr. G. W. STEELE of Indiana managers at the conference on the part of the House.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM H. HATCH of Missouri, Mr. G. G. DIBRELL of Tennessee, and Mr. JAMES WILSON of Iowa managers at the conference on the part of the House.

The message further announced that the House had passed the following bills:

A bill (S. 1369) to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments; and

A bill (S. 316) granting a pension to Mrs. Katharina T. Wunsh.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 392) granting a pension to Mrs. Charles B. Caddy;

A bill (H. R. 1396) granting a pension to Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry;

A bill (H. R. 1751) for the relief of William R. Browne;

A bill (H. R. 1970) for the relief of Mrs. Alice T. Sherwood;

A bill (H. R. 1977) for the relief of Maria L. Hammer;

A bill (H. R. 1998) for the relief of William J. Sawyer;

A bill (H. R. 2085) granting a pension to Joseph McIntosh;

A bill (H. R. 2105) granting a pension to John A. Shuckers;

A bill (H. R. 2432) for the relief of Mrs. Jane Young;

A bill (H. R. 2660) granting a pension to William Printz;

A bill (H. R. 3171) granting a pension to Ella Stolz;

A bill (H. R. 3892) to restore to the pension-roll the name of William B. Keith;

A bill (H. R. 3909) granting a pension to George W. Wickwire;

A bill (H. R. 4282) granting a pension to Richard G. Sharp;

A bill (H. R. 4530) granting an increase of pension to Patrick Foley;

A bill (H. R. 4694) granting a pension to James Clark;

A bill (H. R. 4825) for the relief of Rosina Heineman;

A bill (H. R. 4974) for the relief of Sarah Manz;

A bill (H. R. 5172) granting a pension to Mary L. Wells;

A bill (H. R. 5176) for the relief of James I. Dail;

A bill (H. R. 5307) granting a pension to Louisa J. Thompson;

A bill (H. R. 5336) granting a pension to Maria C. McPherson;

A bill (H. R. 5374) granting a pension to Phillip Wiggins;

A bill (H. R. 5735) granting a pension to Margaret Daily; and

A bill (H. R. 6085) granting a pension to John A. Hassell.

LANDING OF RALEIGH'S COLONY.

Mr. VANCE. I wish to give notice that during the morning hour to-morrow I shall ask the consent of the Senate to take up the joint resolution (S. R. 45) to provide for the commemoration of the landing of Sir Walter Raleigh's colony on Roanoke Island, North Carolina, in 1584, which is on the Secretary's table, that I may submit a few remarks thereon.

PUYALLUP BRANCH OF NORTHERN PACIFIC.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" that order is closed.

Mr. VAN WYCK. I move the consideration of the resolution submitted by me which was being considered on Friday last.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate now proceed to the consideration of Order of Business No. 583, being a resolution directing the Secretary of the Interior to withhold certain land patents claimed by the Northern Pacific Railway Company. The question is on agreeing to the motion.

Mr. MCMILLAN. The Senator from Michigan [Mr. CONGER] who made the objection——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. I desire to hear the suggestion of the Senator from Minnesota.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Minnesota will proceed.

Mr. MCMILLAN. The Senator from Michigan who made the objection is not in the Chamber. I do not know whether the Senator from Nebraska desires to await his presence or not.

Mr. VAN WYCK. The suggestion is proper. The Senator from Michigan did desire to be present. I move to take up the resolution now, so that it shall not lose its place, or I shall reserve my right to call it up at the proper time, if I can reserve my right.

The PRESIDENT *pro tempore*. The Senator from Nebraska can move to take it up at any time before 2 o'clock on any day.

Mr. CONGER entered the Chamber.

Mr. VAN WYCK. The Senator from Michigan is now here.

Mr. DAWES. If the morning business is through, I will move to take up the Indian appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Nebraska has moved to proceed to the consideration of the resolution he has named, and that is the pending question, the Senator from Michigan having returned to the Chamber, so that the Chair understands the Senator from Nebraska to insist on his motion. The question is on agreeing to the motion.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable, but if there be no objection the Senator from Massachusetts will proceed.

Mr. DAWES. I hope the resolution will not be taken up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska to proceed to the consideration of the resolution which has been indicated.

Mr. VAN WYCK. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. Will the Chair direct the title to be read?

The PRESIDENT *pro tempore*. The resolution is short and will be read at length for information, if there be no objection.

The Chief Clerk read the resolution submitted by Mr. VAN WYCK May 8, as follows:

Resolved, That the Secretary of the Interior be directed to withhold granting patents to, or recognizing any claim made by, the Northern Pacific Railroad adjoining and on account of what is known as the Puyallup branch, built many years ago, until this Congress shall take action on the question of the forfeiture of lands granted to said road.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nebraska to proceed to the consideration of the resolution, on which the yeas and nays have been ordered.

Mr. INGALLS. I desire simply to say that I vote against the consideration——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. INGALLS. Because I understand the Indian appropriation bill is to be taken up.

The PRESIDENT *pro tempore*. No debate is in order.

Mr. VAN WYCK. If debate is in order——

The PRESIDENT *pro tempore*. Debate is not in order under the rule. If any Senator desires unanimous consent to speak, the Chair will ask unanimous consent for him. The Secretary will call the roll on agreeing to the motion of the Senator from Nebraska.

The Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Pennsylvania [Mr. MITCHELL]. I do not know how either Senator would vote, but I have no doubt my colleague would vote "yea" if he were present.

Mr. JONES, of Florida (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. I do not know how he would vote.

The roll-call was concluded.

Mr. FAIR. I am paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. GEORGE (after having voted in the affirmative). I am paired with the Senator from New Hampshire [Mr. PIKE] on all party questions. I do not consider this a party question, unless Senators on the other side are of that opinion.

Mr. BLAIR. I have no doubt my colleague [Mr. PIKE] would vote "nay" if present. I did not observe how the Senator voted.

Mr. GEORGE. Our pair was confined to the shipping bill and to party questions.

Mr. BLAIR. The Senator must decide that question for himself. I do not know that this is a party question or that it is not. I was not aware it had assumed that shape.

Mr. GEORGE. If the Senator thinks I ought not to vote, I shall ask leave to withdraw my vote.

Mr. BLAIR. If my colleague were present, he would vote "nay." The Senator from Mississippi can decide for himself whether this is a party question.

Mr. VAN WYCK. Does the Senator from New Hampshire hold that it is a party question?

Mr. BLAIR. I have not the slightest idea it is. I do not know in regard to it——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I vote against the motion because I am anxious to take up the bill to establish a bureau of labor statistics, as the Senator well knows.

Mr. VAN WYCK. Precisely; but I should like to know whether it is a party question.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. GEORGE. I suppose under the circumstances I had better withdraw my vote.

The PRESIDENT *pro tempore*. The vote is withdrawn.

Mr. BECK. I am paired upon all questions with the Senator from Maine [Mr. HALE], who is not here, and I will not vote.

The result was announced—yeas 23, nays 18; as follows:

YEAS—23.

Bayard,	Groome,	Kenna,	Pugh,
Butler,	Hampton,	Lamar,	Slater,
Cockrell,	Harris,	Manderson,	Vance,
Coke,	Harrison,	Maxey,	Van Wyck,
Colquitt,	Hill,	Morgan,	Vest.
Garland,	Jackson,	Pendleton,	

NAYS—18.

Aldrich,	Dawes,	Hoar,	Morrill,
Allison,	Dolph,	Ingalls,	Sherman,
Blair,	Edmunds,	Logan,	Wilson.
Cameron of Wis.,	Frye,	McMillan,	
Conger,	Hawley,	Miller of N. Y.,	

ABSENT—35.

Anthony,	Farley,	McPherson,	Riddleberger,
Beck,	George,	Mahone,	Sabin,
Bowen,	Gibson,	Miller of Cal.,	Saulsbury,
Brown,	Gorman,	Mitchell,	Sawyer,
Call,	Hale,	Palmer,	Sewell,
Camden,	Jonas,	Pike,	Voorhees,
Cameron of Pa.,	Jones of Florida,	Platt,	Walker,
Cullom,	Jones of Nevada,	Plumb,	Williams.
Fair,	Lapham,	Ransom,	

So the motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate, and the question is on agreeing to it.

Mr. CONGER. A motion is pending to refer the resolution to the Committee on the Judiciary, as I understand.

The PRESIDENT *pro tempore*. The Chair begs pardon; the question is on the motion of the Senator from Michigan [Mr. CONGER] to refer the resolution to the Committee on the Judiciary. Is the Senate ready for the question? Those in favor of the motion will say "aye"——

Mr. VAN WYCK. I was halting. I supposed the Senator from Michigan desired to be heard on this matter; therefore I did not desire to take the floor.

Mr. CONGER. I will make a remark if the Senator wishes. I have said all I desired preliminarily. I think a resolution of this kind, stopping the operations of government and controlling by the vote of the Senate the executive department of this Government without the matter being referred to the other House, is unusual and unwise. A resolution merely for information or a statement of the condition of a matter is competent and proper, but a resolution directing the executive authorities not to carry out any law or to proceed with any business until the action of the Senate (I speak with some diffidence on the subject) seems to me to be carrying the power of one branch of the legislative power very far.

Besides that, I think it is very proper that the Senate before they act upon it should have the opinion of the Judiciary Committee upon some legal questions which arise in this case, for it is solely a question of legal construction. I can see no possible objection to sending to the Judiciary Committee for their opinion and their advice to the Senate on such a resolution as this. If there is any objection to that, I should be very glad to know it. That committee can consider it very soon and report at a very early day.

Mr. VAN WYCK. Will the Senator state the legal question that makes it necessary that the resolution should go to the Judiciary Committee? I understood him to say that there was some legal question involved.

Mr. CONGER. It can not be possible that the Senator who introduced the resolution does not understand that it all turns upon the decision of a legal proposition.

Mr. VAN WYCK. What is that proposition?

Mr. CONGER. I do not now propose to take up the time of the Senator or my own in going into the examination of this question. That is why I wish it to be sent to the Committee on the Judiciary, because the Senator I presume does not understand it, and I do not myself entirely. I want somebody that can examine it to examine this question and see whether the proposition of the Senator from Nebraska is a suitable one to be passed by the Senate.

Mr. VAN WYCK. I did not desire to ask the Senator to argue the legal proposition, but barely to state it. What I desire him to do is to state the proposition in a few words. I was anxious to know what the legal proposition was which rendered it necessary that the resolution should go to the Judiciary Committee. My friend must be mistaken, for he said he wanted an early report. My friend said he wanted an early report, and have it go to the Judiciary Committee.

Mr. CONGER. This mode of catechising which the Senator from Nebraska indulges in so much is always pleasant and agreeable to me, but I did not say anything of the kind.

Mr. VAN WYCK. The RECORD will show it.

Mr. CONGER. It is a peculiar habit of the Senator from Nebraska to ask others, or assume that others said things and ask them if they did, and then comment upon it; but it is not a very accurate way of pursuing the Socratic method here in the Senate. I said that I had no doubt that the Judiciary Committee would, as they usually do when matters are referred to them, consider at as early a day as might be any questions referred to them by the Senate and give their views and report to this body.

Mr. VAN WYCK. I wanted to know precisely the position of the Senator from Michigan. I find I did not misunderstand him; that he did desire an early report, and therefore it seems strange that desiring an early report he should wish to have the resolution referred to the Judiciary Committee, and then with that peculiar sarcasm in which the Senator from Michigan oftentimes indulges, he says he would expect a hasty report as is usual with that committee. That is very unkind.

I do not understand that there is any grand legal proposition involved in the resolution requiring the adjudication of the Judiciary Committee of this body. My friend says the resolution is to direct an executive officer, or rather to state to an executive officer, how he shall or shall not discharge his duty and to restrain him from doing it. I

would say to the Senator that he is mistaken in the breadth of the proposition, and that at this session of Congress we have repeatedly done what is proposed here. We did it early in the session on the railroad measure concerning which the Senator from Colorado [Mr. HILL] made a speech a few days ago. We directed the Secretary of the Interior then to withhold action upon the issue of patents to those lands.

This is no direction. The Senate will easily see that it is asking him to withhold his action—not to execute the law, but to withhold it in deference to this body, to the Congress of the United States, who are considering the question. This is not the time for the legal point to be raised. The legal proposition has not yet arrived. The fact is apparent, and that is all there is as a foundation of this action. The Senate is as competent to decide this question now as the Judiciary Committee; it is as competent to decide the question now as it will be after the Judiciary Committee have reported upon the matter.

The facts are apparent that there is a proposition in both branches of Congress to forfeit the land grant of the Northern Pacific Railroad, and while this is going on the Northern Pacific Railroad, in relation to one of its little branches, have made application to the President of the United States for the appointment of commissioners to examine the construction of its road, and if that commission report to the President of the United States that the road is built in conformity with the law then the next step is to issue to those gentlemen certificates showing their title to the lands lying along the branch.

That is one part of the proposition. The other is that the Congress of the United States are ordering a halt in this matter, and they have for consideration to-day before both branches, as I have said, bills looking to the forfeiture of the land grant, or a portion of the land grant, of this road.

All that is asked to-day is that the Secretary of the Interior shall not prejudge this matter; that the Secretary of the Interior shall not issue patents, shall not issue certificates, shall not pass on the right of this railroad company to this land until Congress shall have adjudicated upon the matter. It ought not to be a question, and there has not been in the past a murmur of disapprobation to pursuing this course. Why we are now to change the policy of the Senate, which has been manifested time and time again—why at this juncture we should change the policy of the Senate I can not fully understand.

This railroad company at this very day is seeking to get a recognition of their title to these lands by a patent when at the very same time the matter is being investigated with a view of legislation by Congress. Nothing more need be said about it; but this is in connection with this little branch that they are seeking now to obtain a certification of lands for, running from Tacoma up to Puyallup Valley, thirty-one miles, to reach their own coal-field. I desire to say here as a question of fact that when the road was built, six or seven years ago, by the Northern Pacific Company, there was no pretense, and they did not build it with the expectation that they would ever obtain a land grant for it. They built it for their own convenience, to develop their own coal-fields. They did not then pretend, as the proof shows, that this little branch of thirty-one miles was on their main line, or on the Cascade branch, for each of which they were entitled to receive lands, but they built it to develop their own coal-fields, and after the lapse of six or seven years, then for the first time do they come to the President of the United States and ask him to appoint commissioners with a view of locating these lands to which they now claim to be entitled.

Mr. President, these, as I understand, are plainly the facts of this case; and if they are, then there is no reason for the resolution going to the Committee on the Judiciary or any other committee of this body; but Congress should do as it has done in other cases, merely ask a stay of proceedings on the part of the executive officers until Congress itself may be heard in the matter.

Mr. HAWLEY. I voted against taking up the resolution because of the unwritten law which requires us to follow the Appropriations Committee, unless in extraordinarily exceptional cases, when they desire to consider a bill; but on looking at the resolution now I see something rather unusual in it. It "directs" the Secretary of the Interior to suspend action under a law—an enactment passed by both Houses of Congress and signed by the President. I am so ill-informed on the subject that I doubt very much whether you have any right to direct him or even to request him to stop executing a law; but we have had a plenty of instances in the history of Congress when both Houses, finding that some injustice was being done under law, have joined in joint resolution to suspend action. If the Judiciary Committee will recommend that action to us, I will cheerfully vote for it; but I do not know anything about the subject of the resolution except the *ex parte* brief statement of the Senator from Nebraska made just now.

I do not know that I can vote for the resolution anyhow, but I certainly can not without something more of advice from the law committee of the Senate, or without more full argument than we have had.

Mr. WILSON. I desire to offer an amendment to the motion submitted by the Senator from Michigan in the form of instructions to the committee: that the resolution be referred to the Committee on the Judiciary with instructions to report to the Senate at an early day its opinion whether or not it is competent for the Senate to direct an executive officer to suspend the execution of a law.

Mr. DOLPH. Let them report the facts also.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the motion to refer it, adding instructions which will be read.

The CHIEF CLERK. It is proposed to add to the motion of Mr. CONGER the following words:

With instructions to report to the Senate at an early day its opinion whether or not it is competent for the Senate to direct an executive officer to suspend the execution of a law.

Mr. CONGER. I accept the amendment, if I have power to do so.

Mr. DOLPH. Mr. President, I do not at this time propose to discuss the question which has been suggested, as to whether it is proper for one branch of Congress to direct the head of a Department as to the performance of his duties under a law; neither do I propose at this time to discuss the power of Congress to forfeit a grant heretofore made to aid in the construction of a railroad, or the policy of doing so. But, hailing from the section of country where this road is located, and believing that I know something about the facts, I feel it incumbent on me to state to the Senate what I understand the facts to be.

The facts in the case, as I understand them, are as follows: The road in question from Tacoma eastward, called a branch or a coal road by the senior Senator from Nebraska [Mr. VAN WYCK], was constructed some ten years ago, at least long before the time had expired within which the Northern Pacific Railroad Company was authorized to construct its main line and branches. It was constructed on the general route of the Cascade branch of its road and intended as a part of that branch. After the Company had obtained the right to mortgage its road and lands in 1870, it commenced the construction of its road on both the eastern and western ends, and built a portion of its main line from the Columbia River to Puget Sound at Tacoma, and also commenced the construction of the Cascade branch eastward toward the Cascade Mountains. When the revulsion of 1873 came the company ceased to build on both ends of the line, and when it commenced the construction of its road again in 1878 or 1879 first commenced upon the eastern end; and when construction upon the western end of the road was resumed it commenced at Ainsworth, upon the Upper Columbia River, and built eastward to form a through connection across the continent before building the Cascade branch. In the mean time the company had year after year, while railroad construction was being carried on, kept surveying parties in the Cascade Mountains endeavoring to select the best pass for crossing those mountains; and the reason why they did not ask to have this portion of their Cascade line inspected and received was that until they had selected the pass through the Cascade Mountains over and through which their branch line was to be constructed they did not know precisely at what point on the branch already constructed the line across the mountains would connect, and there might be a few miles more or less of that road that would not be embraced in and constitute a part of the Cascade branch. Recently, as I understand——

Mr. CONGER. It has been so stated in the annual reports for the last three years.

Mr. DOLPH. So I am informed. Recently the road has been inspected, and I have seen by the newspapers has been accepted. I do not understand that any committee in Congress has ever proposed to forfeit any part of the land grant for that portion of the road which was constructed within the time limited by the act. So I think it is correct to say that there is a legal question involved in this resolution, and it is very proper that it should go to the Judiciary Committee for a report; at least I can see no harm to arise from that course. I think it would be very unsafe for the Senate to undertake to pass upon this question on the *ex parte* statement of the Senator from Nebraska or myself.

Mr. SLATER. While I can not speak from any personal knowledge of the transactions relative to this particular section of the Northern Pacific Railroad, there are many facts which have come to my knowledge through other parties that lead me to the conclusion that this contemplated section originally was not intended to be a part of the Northern Pacific. I understand that the historian of the company, Mr. Smalley, has very specifically put it down in a work written by him under the auspices of the company, for the benefit of the company, that this was simply a local coal-road, not even owned by the company. Whether that is so or not I do not know, but certainly no harm can come to the company——

Mr. DOLPH. Will the Senator allow me to ask him a question?

Mr. SLATER. Certainly.

Mr. DOLPH. I should like to ask my colleague if that is so, by what authority, under what charter, he supposes the Northern Pacific Railroad Company built this branch, if it was not part of their Cascade branch or their main line?

Mr. SLATER. As to that I can not say. As I said before, I have no personal knowledge of this matter; all the information I have comes to me from the writings and statements of other parties who from their situation were in position to know, and for this reason I think it is wise and well that there should be some little delay in this matter until the facts may be ascertained.

It is well known in the western part of the country, in Washington

Territory, that this is a local road, and never was considered or understood by the people there to be a part of the line, and that the recent purpose of having it accepted as a part of it is to cover lands known to be valuable in coal and timber; but whether that is so or not I can not say.

I would suggest to the Senator from Nebraska to change the word "directed" to "requested." This being a call on an executive officer to refrain from action under the statute, I think it would hardly be proper to "direct" him, but it is common, as I understand the practice of both Houses of Congress, to request a delay for a limited period of time until an investigation can be had or until better information may be secured.

It seems to me that no harm can come to the company from this request. It is simply a precautionary move and intended only to delay action until a better understanding and better information can be obtained. It does not undertake to decide any question. It simply requests a delay in the issuing of patents. I do know that there has been very great interest manifested by agents and persons intimately connected with the Northern Pacific Company that no action of this kind should be had here. I speak now from personal knowledge. If they are thus anxious, it is plain to me that there may be good reason for that anxiety, hoping that no agitation might be had until such time as everything could be made absolutely secure beyond reach of any Congressional action.

I hope that the resolution will not be referred, but that it will be passed by the Senate.

Mr. MORGAN. Mr. President, the resolution to which the Senator from Nebraska has referred, concerning what is called the Backbone road, was modified on the suggestion of the Senator from Kansas [Mr. INGALLS] so as to read:

Whereas it is claimed by the New Orleans and Pacific Railroad Company that inasmuch as the Attorney-General has decided in favor of said company as to lands demanded by them, and the Secretary of the Interior has felt constrained to act upon and accept said opinion, and said company also claim that Congress has no further control or authority over said lands or the demands of said company thereto: Therefore,

Resolved, That the Secretary of the Interior be requested to suspend action in issuing certificates on patents for said lands to said corporation until Congress, at this session, shall determine the questions involved in the claims of said corporation.

Mr. VAN WYCK. If the Senator will allow me I will cheerfully substitute the word "requested." Therefore, with the consent of the Senate, I will modify the resolution so as to read "requested" instead of "directed."

Mr. MORGAN. That removes part of my objection to this resolution, but not all of it. I think this resolution ought to go to the Committee either on Public Lands or on the Judiciary. There seem to be some controverted facts about it. The two Senators from Oregon are not precisely agreed in their view of the facts upon which our action should depend, or the policy or propriety of the action proposed by the Senator from Nebraska. Not much harm, I conceive, can be done by allowing the executive officers of this Government to execute the law as we have enacted it. We have quite enough to do to enact laws, and then transfer the question of their construction and their execution to the proper officers of this Government. There has not been a session of Congress since I have been here that some bill has not been introduced to forfeit a land grant; not one has ever yet passed, and I am not quite so clear in my conviction that I shall stay here long enough to see one passed. There is a great deal of noise made about land grants; bills are introduced, numerous bills, hundreds of bills, for their forfeiture and for all manner of declarations concerning them; but there is very little action taken, I notice.

I object to suspending the duties of any of the executive officers of this Government otherwise than by law. We enact laws; we impose duties on the officers, judicial or executive, of this Government. Let those laws remain in force until we get our consent to modify or repeal them; and it is an improper interference for one of the legislative bodies of this Government to come in between an executive officer and the duties that we enjoin him by law to perform. Suppose after all he should decline our request, what condition are we left in? He could say, "I consult the laws of the United States, and my sworn duty to execute those laws, and one House of Congress comes to me with a request that I shall not proceed to the execution of that duty." If one House of Congress can in this manner exempt an officer from his sworn duty and obligation to execute the law of the land in respect of land-grant roads, why not in respect to the tariff or in respect of any other laws we put upon the statute-book?

It may be, I think it is very likely that there ought to be a Congressional declaration here that this railroad company never had a right to these lands under any land grant, or, having a right at any time, has forfeited that right; but I do not wish to decide that question in advance of the action of Congress, and I must interpose my objection to this body interfering with the execution of the laws upon the statute-book of the country otherwise than by amendment or repeal. I hope the motion to refer this resolution to the committee will prevail.

Mr. HARRISON. Mr. President, I voted to take up this resolution——

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Nebraska to modify his resolution by striking out the word "directed" and inserting the word "requested?"

Mr. VAN WYCK. Yes, sir.

The PRESIDENT *pro tempore*. The resolution will be modified accordingly.

Mr. WILSON. Then I desire to modify my amendment also so as to make it read: "that the committee inquire whether it is competent for the Senate to direct or request an executive officer."

The PRESIDENT *pro tempore*. The amendment of the Senator from Iowa will be modified accordingly.

Mr. HARRISON. Mr. President, I voted to take up this resolution now because I thought it to be that character of public business which demanded present attention, and I thought it better that we should address ourselves now to that action which was presently appropriate, but I am very clear and was all the time in my mind that this resolution was not one that should be hastily acted upon by the Senate without the advice of the appropriate committee. It involves both questions of law and question of fact. The method itself is one which is subject to challenge and has been challenged upon the floor of the Senate with very strong reasons. I hope, therefore, the Senate will consent to make this reference, and that we shall have from the Judiciary Committee of this body a report which will enable us to proceed intelligently with the consideration of the subject-matter presented by the resolution.

Mr. VAN WYCK. Supposing the facts to be as the Senator from Oregon [Mr. DOLPH] has stated and the legal proposition as the Senator from Alabama [Mr. MORGAN] claims, neither furnishes any reason why this resolution should not be passed by this body. The question of fact is to be considered in the consideration of this whole question when it comes before the Senate. Indeed the questions of law and fact are being considered by the appropriate committee now; but pending that consideration these gentlemen are reaching out their hands to grasp more of the public domain at the very time when the Congress of the United States is considering the question; and no matter what the facts may be, no matter what the law may be, all we are asking for by this resolution is to suspend action until these vexed questions may be settled by the proper tribunal, and that is the Congress of the United States.

My friend from Alabama says we hasten slowly here in Congress. So we do, but he will admit that had Congress hastened a little more rapidly in the years gone by we should not now be placed in the attitude we are to-day.

But no matter about the facts, no matter about the law, one thing is apparent, that the American Congress is considering the question of the forfeiture of certain lands granted to this railroad company. That I take it is not disputed; and while the American Congress is considering that question this railroad company is reaching out its hands to grasp more of the public domain. I take it that fact is not disputed.

Those are the only two facts necessary in the consideration of this resolution, and we injure no railroad company because they slumbered six or seven years before they dared present a right or claim to this land. Then two of the facts necessary to sustain the resolution are in the case. The merits of their claim will not be prejudiced by a short delay. Suppose they were proceeding now to obtain other lands besides these, would it not be competent for us to say: "Stop, let this question be examined by the American Congress?" That is all there is in the resolution.

The Senator from Oregon said, as I understood him, that this branch was built by the railroad company as a part of the Cascade branch. Did I understand the junior Senator from Oregon correctly? I understood him to say—and I do not consider the fact material, but I want to have the record correct—that they built this as a portion of their Cascade branch, the main branch which they were authorized to build? Was I right in that?

Mr. DOLPH. I will state to the Senator from Nebraska that I said that I understood the facts to be that they built from Tacoma eastward toward the Cascade Mountains with a view to making that road a part of their Cascade branch, but as they had not selected the pass through the Cascade Mountains through which their road would pass they could not state positively that the whole of it would be utilized for that purpose; that is, they could not positively determine at what point the line that crossed the mountains would strike this road that had been built out from Tacoma, and until they had located their branch across the Cascade Mountains it was not convenient for them to have it inspected and received and made part of their line.

Mr. VAN WYCK. Then I did not misunderstand the Senator from Oregon. His understanding is that what I termed the coal-road was built as a portion of the Cascade branch, to be a portion of that branch when the branch was finally located. That is the proposition. Now, with a view of correcting that——

Mr. DOLPH. I should like to ask the Senator's authority. From what document is he about to read?

Mr. VAN WYCK. Certainly I shall state it. I propose to read from the report of the president and vice-president of the Northern Pacific Railroad Company for 1876. I take it that is orthodox and worthy of all credit. I wish the Senate would give a little attention to this matter,

because it shows the wonderful zeal, and not only that but the wonderful power, of a railroad corporation to twist and turn its position when it can place its hand upon the public domain. The document before me is the report of the president and vice-president of the Northern Pacific Railroad Company made in 1876, and they made no pretense that this branch was anything more than a coal road to develop their own coal lands, and do not suggest that it was any portion either of the main line of the Northern Pacific Railroad or of its branch across the Cascades.

If that fact is true, there is the end of that argument here and in the Interior Department, and it should be the end of it before the President if the question be raised there. If that be true, then is it not reasonable that the Senate should say to these men "Halt;" and if by any means you obtain from the President authority to examine this road and commissioners find your road correctly built, is it not reasonable that we should politely request the Secretary of the Interior to suspend the issue of patents on their report until we see whether the Northern Pacific Railroad shall be allowed to consummate this fraud. I know not when, in defiance of their own report of 1876, they commenced to claim that this shall be recognized as a portion of their Cascade branch for which they are asking to receive a million acres of land. In 1876 Charles B. Wright was president of the company. First he makes a preliminary suggestion.

The Pacific division has lately been visited and thoroughly inspected by the vice-president, whose report to the board upon its condition and prospects and upon the coal-fields of this company, and the proposed branch road for their development, is printed herewith.

Not their main line or their Cascade branch, the only two which could have any Government bounty in the shape of land, but "the proposed branch road for their development."

The profitable development of this property seems to depend upon the completion of the through line, or—

What?

the completion of the through line or the immediate construction of thirty-one miles—

Not of the Cascade branch—

thirty-one miles of the Puyallup branch and the development of the coal. The details of the latter are fully discussed in the vice-president's report.

Is not that sufficient, stopping there? In 1876 the president of the Northern Pacific Railroad Company did not treat it as part of the main line or the branch across the Cascades, but he says distinctly:

The profitable development of this property seems to depend upon the completion of the through line or the immediate construction of thirty-one miles—

Not of the Cascade branch, but—

of the Puyallup branch and the development of the coal.

They only intended it for a coal-road, did not seek it for anything else, and did not consider it a portion of the Cascade branch. He said the vice-president would give a more detailed statement, and here it is in the same document. This is the report of the vice-president to which the president of the road referred. He is stating a little of his movements in that country, and says:

I devoted my time to examining the constructed road and its business in all detail, in exploring the Puyallup line and coal-fields.

* * * * * * *

Unless the coal-field of the company on the Puyallup should be developed, or unless Tacoma is made a point of shipment for the products of the Columbia and Willamette Valleys, a subject which will be hereafter adverted to, the growth of our receipts will be slow and dependent upon the general settlement of the country or the completion of the through line.

Now—

My examination of the Puyallup Valley and coal lands was made with special reference to a practical look at the surveyed line for the proposed branch.

They nowhere by direction or indirection make any, the most distant, allusion to the thirty-one miles as a portion of any possible branch except the Puyallup. Now, I call my friends' attention, more particularly the Senator from Oregon, and the Senator from Michigan also:

My examination of the Puyallup Valley and coal lands was made with special reference to a practical look at the surveyed line for the proposed branch and the explored portions of the coal-fields, &c.

* * * * * * *

The preliminary line as located for the branch road follows the stream.

Now, I call special attention to this:

The grades are all descending—

That was from Puyallup—

The grades are all descending with the stream, and do not exceed on this division fifty-three feet to the mile. From South Prairie up Fleet's Creek, six miles to the coal openings, the line is somewhat more difficult and the grades heavier; the maximum grade being one hundred and five feet to the mile. It is, however, all downhill with the stream, and as the load will all be down and nothing but empty cars up, the road will be easily worked.

Will any one say that in 1876 the officers of the Northern Pacific Railroad believed they were building these thirty-one miles as a portion of their Cascade branch? If so, why were they not to have transportation up as well as down, freight going both ways? This road was built thus as a coal-road, and they say it is "all downhill with the stream," and "the loads will all be down and nothing but empty cars up," and so "the road will be easily worked." There are some other allusions in the same strain; but can anything more be necessary after that bare statement of facts to show that when they commenced the construction of this road they did not intend it to be part of the main line or the branch for which they were entitled to a donation of lands?

The Senator from Alabama thinks there should be action on this matter. Certainly; but he expresses a doubt about it; at all events he thinks there is too much delay. I say so too. There will be no injustice done to this Northern Pacific Railroad by this resolution. They will not lose their lands in the event that they are entitled to them. If these lands now are conveyed and in the end it should be found they were not entitled, then the Government would lose, then the settler would lose; and in what position have these gentlemen placed themselves that they can come here and ask us to allow them to take hold of these lands for a road which exempts itself from taxation in all the Territories through which it passes, as I believe my friend from Oregon will concede—a road which exempts itself from all taxation for its immense domain and for its valuable franchises and property in all the Territories through which it passes? Am I not correct in that?

Mr. DOLPH. I do not understand that they are. I wish to say, if the Senator will permit me, that I stated in the outset that I do not propose now to discuss the power or the policy of Congress in this matter. When the time comes and there is something before the Senate to talk about, I expect to be heard on that subject. I merely rose to state a matter of fact. I do not understand that what the Senator has read from the report of the president and vice-president of the company has changed that a particle. Because you call a branch thirty-one miles long the Puyallup branch and say that it is constructed to reach coal-mines owned by the company does not show that that particular stretch of road was not intended to be and will not become a part of the Cascade branch.

As I said before, I do not propose to discuss either the propriety of instructing the Secretary of the Interior on any legal question connected with this subject, or the policy of forfeiting these land grants; nor do I care now to be drawn into the question in regard to the taxation of land in the several States and Territories. It is a question with which I have no concern. I merely rose, as I said before, to set right the question of fact, and I can not see that the company is here asking anything of Congress. It is the Senator from Nebraska who is moving in this matter proposing to instruct the head of a Department, proposing to interfere with the rights or supposed rights of this company under the law to be passed upon by the head of a Department, and I can not see that anything would be lost by sending this resolution to a committee that will pass on the question of fact between these gentlemen and the Senator from Nebraska and myself if there is a difference, and make a report fully upon the facts and the law of the case.

That is all there is in the matter as far as I am concerned; and I do not choose to be catechised on the question of the right of taxation, or whether or not the company pays taxes, or how much land it received from the grant. I merely rose to state what I thought to be my duty, being somewhat familiar with the facts and the history of this matter.

I say now that I understand this road was constructed within the life of the grant; that there is no committee, no party in Congress or anywhere that proposes to forfeit it, and I see no reason why we should act hastily on insufficient testimony.

I do not know how I shall vote upon the resolution when it is finally reported by the committee, but I think it proper to send it to the committee so that we may be fully informed in regard to it.

Mr. VAN WYCK. I of course knew that the Senator from Oregon was familiar with the facts of this case, and therefore it was that I appealed to him to know if the statement I made was correct.

Mr. DOLPH. I will state that I understand, but from hearsay, that the Legislature of Washington Territory passed an act to tax this railroad company upon its receipts in the Territory, and exempt it from other taxation, and that Montana has passed a similar act, and I do not know but that the Idaho Legislature has done so. The Legislatures of several of the Territories have proposed to tax the gross earnings of the road. I only speak of that, not having seen the acts, from newspaper reports. That is all I know about it.

It has come to my knowledge also, from mere hearsay or seeing the brief of counsel sent to me as a compliment, that in some cases the company has contended that its right of way was exempt from taxation under act of Congress in the Territories, and in some instances the lands until patented; but I do not understand that that has anything to do with the merits of this case. I suppose anybody, whether a corporation or an individual, can resort to the courts to ascertain whether under the law his property is taxable.

Mr. VAN WYCK. In that connection the Senator speaks of laws passed by the Territories to reach this property by taxation. Does he know whether this railroad has antagonized those acts of the Legislatures of the Territories?

Mr. DOLPH. The complaint is that they were made at the instance of the railroad company.

Mr. VAN WYCK. Have they antagonized the acts in the Territories?

Mr. DOLPH. No; I understand the complaint is that the laws were passed at the instance of the railroad company.

Mr. VAN WYCK. And have they paid the tax?

Mr. DOLPH. I do not know about that.

Mr. VAN WYCK. I suppose not.

Mr. DOLPH. The gentleman seems to be better informed than I am in regard to these matters.

Mr. VAN WYCK. No, I do not claim that. I claim to have read from a report of the president and vice-president of the road, and I think that they probably knew more about this than others, and I say that their reports are irreconcilable with the proposition that they built these thirty-one miles as a branch of the Northern Pacific Railroad when they expressly said they had no freight to carry back on these thirty-one miles. I am a little surprised at the anxiety manifested in this question. I am somewhat surprised that there should be such antagonism to the proposition.

I was saying that this railroad company would lose nothing by this resolution. They waited six years before they made the application, and now if they wait sixty days more certainly it will do them no harm; it will invade no right of theirs. They are never weak with the Departments of this Government. No railroad company ever had reason to fear a failure after they had passed the threshold of the Department. Oh, no. I will say in that connection it is no wrong or injustice or hardship to this railroad company. Then I say these gentlemen through all these Territories and parts from which my friend comes have paid no tax into the Treasury.

Mr. DOLPH. I beg pardon of the Senator from Nebraska. I do not represent the Territories. I have lived many years in the State I represent.

Mr. VAN WYCK. Then I will refer to the Territories near which the Senator lives, and he takes them under his wing naturally. I understand from whence my friend comes, but I look to him as being a special guardian of the interests of the surrounding Territories, his being the nearest State to them. I presumed he would look to their interests, and no doubt he does, but this road, running a thousand miles or more through the Territories, pays not a dollar into the Territorial treasuries. Counties have tried to get something from them, but could not. They claim 50,000,000 acres of land, and on not an acre do they pay taxes.

I say to my friend from Massachusetts [Mr. HOAR], who just made a remark which I overheard, that Massachusetts stood here one day giving utterance to the same sentiments I am uttering now. When Massachusetts was here in the person of Henry Wilson, speaking in 1870, and this Northern Pacific Railroad Company came up to extort more land from the General Government, he was uttering sentiments substantially the same as those I am expressing. I know this is considered a high-toned company, principally because it is largely managed and much of its stocks and bonds are owned in Massachusetts. I am aware of that, but that is no reason why this Northern Pacific Railroad should not be treated as every other railroad. Is that a reason why there should be special interposition now, and that this mighty organization should not be made to keep its hands off for sixty days longer?

I heard the remark of my friend from Massachusetts, and it was not weakened by coming through the Senator from Kansas [Mr. INGALLS].

I was saying that this railroad company had not paid a dollar of taxes into the treasuries of the States and Territories through which it passes lying contiguous to my friend from Oregon for this immense road and its rolling-stock and its franchises. I do not know how much its stocks and bonds amount to, probably $200,000,000, yet not a dollar does it pay into the treasury of the States and Territories through which it passes.

This railroad company in 1879 said to the settler, the pioneer, that all the lands west of the Missouri River should be sold for $2.60 an acre. My friend will admit that.

Mr. DOLPH. I decline to be catechised on this question. If the debate is to run at length, and I can be heard on any proposition that I am called out on, I shall be glad to give my views, but I propose to stop now. I do not consider myself the champion of the motion to refer this resolution or as particularly opposing the resolution. I did not make the motion; I merely rose incidentally to make a statement of facts in regard to it. I decline to answer any further questions. I have some information on the subject, but I do not care to prolong the debate by being catechised in this way.

Mr. VAN WYCK. That is entirely satisfactory. Then I will ask the Senator from Michigan, who does oppose the resolution, if it is not the fact that in 1879 the Northern Pacific Railroad Company, by its directors, passed a resolution telling the pioneers and settlers west of the Missouri River that they could take the land at $2.60 an acre?

Mr. CONGER. I want to answer some propositions of the gentleman, as he has called me up, and I will take them a little in the order in which he has interrogated me.

I desire to state to the Senator in answer to one matter of which he spoke in response to something that I said, that he read from page 24 to 25 of the report of the president to the directors of the Northern Pacific Railroad Company on September 27, 1876, stating that the Puyallup branch was not a branch of the Cascade division, the only through division of the Northern Pacific Railroad. I find on looking at the book from which he read that the Puyallup branch was to be a part of the main branch and the only through branch to the ocean. He read that there was a grade of one hundred and five feet to the mile, and that it was all downhill and nothing but empty cars up. The very paper from which the Senator read says:

> For twenty-five miles up this branch a part of the proposed Cascade branch is very excellent grade, not over fifty-three feet to the mile up to about Prairie.

This is what he read:

> From South Prairie up Flett's Creek, six miles, to the coal openings—

And off the line of the proposed branch—

> the line is somewhat more difficult, and the grades heavier; the maximum grade being one hundred and five feet to the mile. It is, however, all downhill with the stream, and as the loads will all be down and nothing but empty cars up, the road will be easily worked.

The six miles that nobody ever pretended were a part of the Cascade branch, and with the usual accuracy and with the commendable fairness of my friend, he has applied that to the whole line of this road, which has only fifty-three feet grade. So much for that. My friend has the reports of 1880, 1881, 1882, and 1883, or ought to have them before he undertakes to enlighten the Senate, and in every report from this which proposed this work only the Cascade branch has been reported upon as so much finished work of the line, and there has been made continually since that branch was made, and in the last report, which I have and which I did not happen to bring with me—there has been a statement made in the regular annual report of the company that because they could not determine where through the Cascades they could find the best pass for the road they on that account could not tell just where on this line they would like to strike the Puyallup road. The gentleman laughs.

Mr. VAN WYCK. I beg pardon. I was laughing at a quiet suggestion of a Senator near me.

Mr. CONGER. It can not be laughed away.

Mr. VAN WYCK. Oh, no. I was listening to a suggestion from a Senator.

Mr. CONGER. I did not know but that it might have some meaning.

Mr. VAN WYCK. Oh, no.

Mr. CONGER. I always look for meaning in everything from the Senator.

They have reported continuously and especially in their last report fully that because they had not determined the pass through the Cascade they had not applied to the Government for the lands which they had earned and were entitled to. It lays through these reports a plain, clear, and straightforward statement. But my friend goes way back of those years and takes a preliminary report to the building of this road at all, and not a word afterward, not a word of their claim and their reasons for it. I have those reports, and I can bring them if I have opportunity to the Senate and present them here. I wish these things to go to the Committee on the Judiciary to determine whether the company built their road within the time and to determine the force of this law.

There are many insinuations thrown out by this self-constituted champion of the public lands of the United States against anybody who dares defend any right that anybody has. Sir, for sixteen years with the approval of my constituents I have advocated granting to the Northern Pacific Railway Company whatever legal rights it had under its land grant. I have done it for the interests of the State of Michigan. The terminus of the Northern Pacific Railroad is on the west border of our upper peninsula, a wild, desolate, mineral region. The completion of roads through our upper peninsula has depended and does to-day depend upon the completion of the Northern Pacific Railroad, and its construction to the Montreal River, the boundary line between Wisconsin and Michigan is as essential, and more essential to the welfare of the State of Michigan, than the northern peninsular roads themselves, because unless that road is completed there is no prospect of any individual capital building roads through the wild regions of our upper peninsula farther than they are already built.

As one who is to-day willing and has been willing to do whatever is right and proper and legal and just both to the people of the United States and to the Northern Pacific Railway Company, I tell the Senator that I have for sixteen years in Congress occupied this position, and I do not fear his criticising me either with my people or with sensible people in the United States when I ask for a road in which the State of Michigan is so vitally interested that it have the facilities which the law gives to it, have the opportunities which the legislation of the country has granted to it to develop itself and to develop an interesting portion of my own State. Oh, sir, I do not know why it is that from away off in Kansas and Nebraska, representing those prairie States after they had most magnificent gifts of public land where it cost but little to make roads on the level prairie, the recipients of those lands should send their representatives here to destroy the prospect of getting roads through wild mineral regions and rocky regions in other States where the lands when obtained are but a pittance of the expense of making the road. That is a part of the answer, and that is a part of the reply to what the Senator read here.

I say, sir, that the record shows that this branch of the road by the reports in these documents and in every succeeding annual report was made to be a part of the Cascade branch of the Northern Pacific road, and the record shows that it does not depend on my word nor on the

Senator's word. I say that it has been announced in these annual reports that they would not apply to the Government to have these lands assigned because they did not know exactly where, coming through the pass, this line that was in the direction would be met on its way by the road coming through the pass. That has been publicly announced year by year. It is no new thing. It is in print and has gone all over the country. There is nothing new about this; there is nothing wonderful about it; there is nothing material about it except that the Senator from Nebraska, representing a State that has already received for building railroads in a prairie country all the lands they ever wanted or ever asked where roads could be built without trouble and where roads could have been built without a railroad grant at all, is now the pioneer in an effort to take away from other States, wilderness States and mountainous regions, the help that would build the road for which the lands were granted.

If that throws any light on my relations to this subject the Senator is welcome to it.

Mr. VAN WYCK. I was not so particularly seeking light from the Senator on the subject as I was seeking to find out some facts in the case. He seemed to take exception to my remarks, and expressed his surprise at what I had stated. I asked for light as far as the Northern Pacific Railroad Company is concerned on the tax question. For thousands of miles they pay not a dollar of tax into the treasuries of the Territories for their immense property, worth millions of dollars. I have received no light upon that subject.

I asked if in 1879 the Northern Pacific Railroad Company did not encourage immigration into the country near their line by resolving that the price for land west of the Missouri should be $2.60 an acre, and I have received no information on that point. Their road was extended, and then they turned around and said the lands should be paid for at $5 or $10 an acre. I am merely showing the character of this high-toned road that gentlemen think no question is to be made about.

I regret the Senator from Massachusetts is not at this moment in his seat. I stated to him that I was about giving utterance on this floor to what a Senator from Massachusetts once boldly stated in 1870, and if his arguments were cogent then they are so now. Henry Wilson, when these gentlemen were grasping out for more land in 1870, had an amendment in which he asked that this land should be sold at $2.60 an acre. They questioned his loyalty to the granting of lands for building railroads, and after he protested on that he said:

Now, sir, I choose to commence right here on a railroad—

And this I commend to the Senator from Massachusetts—

Now, sir, I choose to commence right here on a railroad in which the people of my State and my section of the country have a deeper interest than any other, and to apply this policy, as far as I am concerned, to this road, and then continue it to all other roads that are here asking for the public lands. I believe it to be in the interest of the country as a whole, in the interest especially of the toiling men of the country, of the landless men of the country, the actual settlers on the public lands; and it is not hostile to the real interests of the railways themselves. But, sir, that is the last consideration with me in regard to all these matters. The railroads have governed legislative bodies quite too much.

It comes like a voice from the grave. I ask if the Senator from Massachusetts will stand where Henry Wilson stood in 1870?

The railroads have governed legislative bodies quite too much. I hope the day is far distant when they will have any voice in the Congress of the United States to affect our legislation or to direct the policy of this Government. At any rate, if the attempt is made, I choose for one to meet it. And if there are agents in this Chamber now or at any other time, or about the Chamber, or in the galleries, or in the Capitol. or in the city, interested in these matters, I choose for one not to be dictated to by them, nor to have them come here undertaking to influence or to direct our action.

I choose for one in this matter to exercise my own judgment. I have examined this question. I am a member of the Committee on the Pacific Railroads. I have seen something of the pressure to obtain these lands, as I saw last year something of the pressure to make a combination of seven great railway schemes to obtain a guarantee of $250,000,000 of interest to railroads. I had something to do with defeating that project. Sir, I hope to live to see the time when we will grant our lands to build railways; when we will do it with care; when we will so do it that railroads will not hold great masses of the public domain and control them, or hold them for speculative purposes against settlers or against the interests of the laboring men and the landless men of this country. I believe that to be sound policy, which should be adhered to, whether railways asking assistance here like it or not. I care a vast deal more for the interests of the country and the interests of the toiling men of the country than I do for the interest or the complaints of the men who are asking for public favors.

The position of Massachusetts in 1870 is the position I am trying to uphold in regard to this matter. Henry Wilson rose above party considerations; he rose above home considerations, for then as now Massachusetts was interested in this road to a very great extent. Henry Wilson then rose above all such considerations, and he could legislate for his country with his sympathies for the settler and the landless far more than for this corporation, and propose that the price of the lands granted to the railroad company should be sold for $2.50 an acre. He bid defiance to the power of the railroad company; yet it has been growing and increasing from that day until now. If there was occasion for him to sound the warning that occasion is doubly here now. In times gone by a representative of a railroad corporation could go and sit down in the Interior Department of this Government and demand what he pleased of the Secretary of the Interior, and when he faltered, when the railroad demands were so exorbitant that the Secretary of the Interior hesitated, then it was left to a very supple tool, who was generally found in the office of the Attorney-General of the United States, who was always ready to furnish an opinion for anything they asked, and to that the Secretary of the Interior was found ready to subscribe and carry it out in practice. Henry Wilson, right then, would have been infinitely more right to-day. They seized possession of both political parties; they seized the Executive Departments, then they came up and seized both branches of Congress. They have done it. They have even gone so far as to invade the Federal courts. A short time ago there was a question to be considered in the city of New York where the Union Pacific Railroad was a party, and great difficulty was experienced in finding a judge who could sit and not decide his own case. After a while they found one in one of the New England States; not in Boston, but I think in New Hampshire they found a judge whose pockets were not filled with Union Pacific stock and bonds and who was competent to sit and try the case.

That is just what they are doing to-day. The House passes—I may be excused for referring so far to the House—a bill in regard to a land grant. Not satisfied with that, they go to work to prevent action here. The power of these railroads is brought to bear. They refer it in the House to the Judiciary Committee. Why? The Backbone road, now the New Orleans and Pacific, to which the Senator from Colorado [Mr. HILL] alluded the other day, issued bonds and put them in their pockets or distributed them among friends, and never built a mile of road. The president of that road was a leading Democrat, Mr. Barnum. The attempt was successful when this same matter, although reported by the Committee on Public Lands, was referred to the Judiciary, the object for which was apparent. The results will soon be equally apparent. I have no unkindness for Mr. Barnum. I know he is a Democrat. It has been said in times past that he has used some Republican methods which are considered reprehensible. He is fond of transportation of one kind, by "mules," when he was engaged in their purchase at fabulous prices. That was a faster transportation than was furnished by this corporation of his.

This is the position we are in to-day. I say to my friend from Alabama that it will not do for us to close the doors of this Congress unless some legislation shall be had on this subject. The House can not afford, neither can we on this side afford, to close our doors with no legislation on the subject. We talk about the national debt. We have been legislating for weeks and months about our national debt, and yet look for a moment on the railroad property of this country, which to-day is appraised at their own figures at nearly $7,000,000,000. According to Poore's Manual the value is double the actual cost, say $3,000,000,000. The figures are almost staggering. In what manner has this immense debt—because it is a debt upon the people—been piled up? In the early days they had Credit Mobiliers, and little and distinguished statesmen in this land and men intelligent, prominent in the social and financial world and in the politics of the country, were in them. I am speaking about the system, not about individuals; and a great authority on this matter explains how these securities are sold and how they are purchased.

By purchase, on the same terms as they were sold on the Boston market to all applicants—

Of course it is all right, as it was done in Boston—

sold to Josiah Bardwell, to Elisha Atkins, and to other reputable merchants, securities, which were divided, as is usual in such enterprises, into three kinds, first-mortgage bonds, second-mortgage bonds, and stock. The price, I think, was three for one; that is, the purchaser got first-mortgage bonds for his money, and an equal amount of second-mortgage or land-grant bonds and of stock thrown in as the basis of possible profit.

This is the history of the system. It applies not only to the Northern Pacific but to other roads. That is the way it is done on the Boston market, and that of course is the highest type of nobility and honesty in all financial transactions. Three for one! Look at it for a moment—three for one. Here are $6,000,000,000 of securities that according to the statement of this man who is above reproach—you know who he is—that actually cost their holders $2,000,000,000. Beyond that are $4,000,000,000 which are held as mortgages on the State of Michigan, on the State of Oregon, and on the States of Kansas and Nebraska and other States—$4,000,000,000 for which these gentlemen have not paid a farthing. We have in this way an incumbrance of more than the national debt and worse than the national debt. The national debt we can pay; this debt can never be paid. They hold it forever. They say, "We must have interest on our mortgage, we must have dividends on our stock," when they hold that stock and those bonds on the basis of three to one. For every dollar in actual money supplied they have $3 on which they are drawing interest. Of the more than $6,000,000,000 only $2,000,000,000 have been actually expended and the $4,000,000,000 stand to-day as a mortgage upon the prosperity, upon the wealth, upon the earnings of the people.

In the face of that fact are we to be told we must now be so considerate that we will not delay for thirty or sixty days this huge corporation reaching out its hand upon a piece of road which at the time it was built they did not expect to be a part of their branch or main line. Whether they did or not this Congress is considering the question to-day. In 1870 they began; at that time Henry Wilson raised his voice; but at that time these men asked that they should have more land, and they obtained it. They had a grant in 1864 of forty miles on each side of the road, and ten miles for the selection of indemnity lands, giving a

strip of 100 miles for 2,000 miles in length. They came in 1870, when they had not built a mile of road, and wanted more. I hear men talk about those who invested their private fortunes, but they came in 1870 when they had never built a mile of their road and never spent a dollar of their private fortunes. They said they had not been able to sell their bonds; that they had not been able to induce other people to put in their money to build the road. The charter was given in 1864.

"Now that there may be some question as to the full amount that was intended," they said, "give us ten miles more beyond the original one hundred miles." And it was at that time when they came asking to make the width of their grant one hundred and twenty miles that a Senator from Massachusetts, in the face of the pecuniary interest in his own State, was willing to stand up and declare that he was for justice to the nation and justice to the landless and to the settlers on the lands. Notwithstanding that then, as ever since, and possibly to-day it may be the same, Congress extended their grant ten miles more on each side, giving their land grant a width of one hundred and twenty miles through the Territories over which I suppose my friend from Oregon exercises a sort of semi-protective care, and withdrew from market a tract of land five hundred miles long and one hundred and twenty miles in width. And now, twenty years from the date of the original grant, and these gentlemen have not yet completed their contract with the Government. Now we merely ask that they shall delay a few days, that they shall be kept in abeyance until this whole matter is passed upon. They have able advocates; they have gentlemen who are willing to rise on this floor and ask that still more shall be granted by refusing this delay so as to give them an opportunity to obtain lands for this branch, which we say they are not entitled to. If it be taken and conveyed to them that will end it; you can never get the Congress of the United States to interfere. All that is asked by this resolution is that action shall be withheld until Congress shall have an opportunity to decide the question.

The Senate will pardon me the length of time I have occupied on this question. I have felt it my duty to say this much, because it is extremely difficult to get before the Senate any question connected with the forfeiture of land grants, extremely difficult to get any measure to restrain these gentlemen within the limits of the law itself.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River;

A bill (H. R. 4651) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes;" and

A bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia.

AMERICAN SHIPPING.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be announced.

The CHIEF CLERK. A bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes, passed by the Senate with amendments May 8, the pending question being an appeal from the decision of the Chair that a request for a conference is in order before the House has come to a disagreement on the Senate amendments.

Mr. DAWES. I move to proceed to consider the Indian appropriation bill at this time.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Massachusetts that the Senate proceed to consider the Indian appropriation bill. [Having put the question.] The ayes appear to have it. The ayes have it, and the Indian appropriation bill is before the Senate.

Mr. FRYE. I rise to a question of order. What is the effect of a declaration that that vote has passed, upon the pending question, the unfinished business?

The PRESIDENT *pro tempore*. The unfinished business is superseded.

Mr. FRYE. Will it remain as unfinished business after this is through?

The PRESIDENT *pro tempore*. It will be the next thing to be laid before the Senate after the appropriation bill is disposed of, if that be to-day. How it will be to-morrow the Chair is not prepared to decide at this moment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4994) to vacate an alley in square 234 in the city of Washington; and

A bill (H. R. 6629) taxing shares of incorporated banks in the District of Columbia as other personal property.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the President *pro tempore*:

Joint resolution (H. Res. 231) providing for the distribution of the Congressional Globe; and

Joint resolution (H. Res. 239) to fill vacancies existing in the Board of Managers of the National Home for Disabled Volunteer Soldiers.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes, the pending question being on the motion of Mr. HAWLEY to amend the amendment of the Committee on Appropriations in line 1084, section 1, reducing the appropriation "for support and education of Indian children at industrial schools in Alaska" from $15,000 to $10,000, by striking out "$10,000" and inserting "$25,000."

Mr. HAWLEY. Mr. President, when I made this simple and as I supposed comparatively unimportant motion I certainly was not expecting a full discussion of the relation of the nation to the Indian, nor of the whole educational question. This was one of the mere little offshoots, one of the minor branches. The bill came to the Senate from the House appropriating $15,000 for industrial schools in Alaska. The Committee on Appropriations reports an amendment proposing to strike out $15,000 and insert $10,000. The Commissioner of Indian Affairs, the Secretary of the Interior, and the President recommend that there be not less than $25,000 appropriated. My motion proposes to raise it to $25,000.

This, I conceive, is a stronger question than the ordinary ones which have already been passed upon in this bill. I certainly did not suppose that an addition of $10,000 on the recommendation of the Department could meet with a serious objection when the same Committee on Appropriations within the preceding twenty lines have raised the House appropriations from $400,000 to $650,000.

> For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, and in pursuance of treaty obligations, $550,000; for construction and repair of school buildings, $75,000; and for purchase of cattle and sheep for schools, $25,000; in all, $650,000.

The proposition we are discussing is, I say, a stronger one altogether than those upon which we have already agreed to. I ask the Secretary to read one article of the treaty with the Emperor of all the Russias concerning the Territory of Alaska.

The PRESIDENT *pro tempore*. The paper will be read if there be no objection.

The Chief Clerk read as follows:

ARTICLE III.

> The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

Mr. HAWLEY. The President of the United States, in his message of December 4, 1882, informed us that—

> Alaska is still without any form of civil government. If means were provided for the education of its people, and for the protection of their lives and property, the immense resources of the region would invite permanent settlements and open new fields for industry and enterprise.

In his message of last December the President said:

> I trust that Congress will not fail at the present session to put Alaska under the protection of law. Its people have repeatedly remonstrated against our neglect to afford them the maintenance and protection expressly guaranteed by the terms of the treaty whereby that Territory was ceded to the United States. For sixteen years they have pleaded in vain for that which they should have received without the asking. They have no law for the collection of debts, the support of education, the conveyance of property, the administration of estates, or the enforcement of contracts; none, indeed, for the punishment of criminals except such as offend against certain customs, commerce, and navigation acts. The resources of Alaska, especially in fur, mines, and lumber, are considerable in extent and capable of large development, while its geographical situation is one of political and commercial importance. The promptings of interest, therefore, as well as considerations of honor and good faith, demand the immediate establishment of civil government in that Territory.

It would seem therefore to be an obvious duty to do something for the benefit of those people. There is not a justice of the peace there. There can be no action for the simplest trespass upon the rights of person or of property. If we say they might do something toward educating themselves, the answer is, there is no law under which they can levy even a school-tax—they are absolutely helpless; and so they have been for these sixteen years.

So I confess I was not a little surprised when the Senator from Kansas [Mr. PLUMB] opened upon this innocent proposition all the whole question of the relation of the Federal Government to the Indians and the whole question of their education and the possibility of their redemption as a race. Indeed, he doubted whether education of any kind would do any Indian any good anywhere, and he seemed to advocate

the rightfulness of the proposition that the Indian, as of the weaker race, must go to the wall and be absolutely crushed out of existence as ignorant, useless, and an incumbrance upon the earth.

He says virtually that education, at any rate that ordinarily given, does the Indian no good. I was not speaking of the education ordinarily given—the common day-school, the public school. My amendment has reference to a proposition that I should have thought the Senator would advocate, because it is in the line of the practical ideas he advances. This proposes industrial schools for Alaska. It proposes to teach the Indian youth how they may earn their living in the practical arts of life. Some time ago, while we were discussing the bill for the government of Alaska, the proposition offered by the Senator from Kansas was this:

That the Secretary of the Interior shall make equal and proper provision for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provision shall be made for the same; and the sum of $25,000 is hereby appropriated for that purpose.

He proposed to give the exact sum of money that I propose to give, and his proposition was not so valuable as mine according to his own reasoning, because he proposed to give them the ordinary form of school education, and I propose the industrial school, which seems to me to be well adapted to their immediate necessities.

I might concede half what he said and still advocate this appropriation. The Senator speaks very slightingly indeed of the religious and benevolent associations which have interested themselves so much with the question of Indian education in Alaska or elsewhere. I regard that chapter of religious, benevolent, and private effort as one of the redeeming features in the history of this question. Nor would I confine my eulogies to the people of any denomination, or sect, or class, from Eliot, the Indian apostle of New England, and the Jesuits who wandered over the whole vast Western region two hundred years ago, carrying with their creed the most ardent devotion to the present, to these days of women's societies all over the land that so pester us with their petitions. I say the chapter on the whole has been one honorable to human nature. I pay my tribute of profound respect to the good men and good women, to the bishops, the preachers, and the teachers who have gone out into the wilderness, and to the people who subscribed last year $249,000 for the education of this dependent race, 32 per cent. as much as the Government proposes to give now, and a very much larger proportion, quite half as much as the Government itself gave last year.

Mr. VEST. I should like to ask the Senator from Connecticut a question about his amendment so that I may understand it.

Mr. HAWLEY. Certainly.

Mr. VEST. Is this industrial school to be confined to boys alone?

Mr. HAWLEY. I suppose not, for there is nothing in the amendment and nothing in the proposition of the Interior Department to confine it to boys alone.

Mr. VEST. Are the industrial schools to be also boarding-schools?

Mr. HAWLEY. That I can not say.

Mr. VEST. That is a very important question.

Mr. HAWLEY. There is of course very much left to the Secretary of the Interior in this particular matter, as there is in the expenditure of a large portion of this money. Other provisions leave the work to his discretion, and he has shown I think in some of his latter communications what will be considered by the American people generally as very strong and real common sense concerning the work.

Mr. VEST. I do not want to interrupt the Senator further, but the answer to the questions I have asked would to a very great extent determine my action upon this matter. From my own personal experience I would not vote a dollar, if I could help it, to any day-school among the Indians, or to any school where both sexes are not educated, and I can give my reasons for it resulting from what I have seen and what I know myself. With my judgment of what I believe will be the action of the Interior Department about it, I would want this amendment so defined that it would be a boarding-school as well as an industrial school, and that both sexes would be educated at it.

Mr. HAWLEY. I presume I should yield very cheerfully to any amendment the Senator might suggest upon that question, because I know his familiarity with the subject, and I know he has sound practical judgment; but I leave it rather to the member of the Committee on Appropriations who has the bill in charge. I simply advocate the general proposition that it is a very small thing indeed to do to now give for the first time the small sum of $25,000 for the education of the 20,000 people whom we took under our guardianship sixteen years ago, and for whose education we have not spent one single farthing. Any reasonable limitation upon the method of expenditure I should be very glad to support.

It is the custom to denounce, to censure, and I may say to abuse the Government of the United States for its treatment of the Indians. I think the other side can be taken with great reason. I admit the extraordinary evils and wrongs that the rough waves of civilization have brought upon those poor people, but if we appeal to the record, if we appeal to the President's messages from the foundation of the Government, and to the innumerable treaties, and to the great field of legislation in which Congress has tried to deal with the subject, we shall find the Government generally, yes, I may say without an exception, pervaded by a sense of justice and generosity, and an acknowledgment of the great claims that this dependent and inferior race has upon us.

After listening to the speech of the Senator from Kansas the other day I went down stairs, and to gratify my curiosity looked to see what the various Presidents had said upon the subject. I find, though I believe not in a message, Washington recommending "a system corresponding with the mild principles of religion and philanthropy toward an unenlightened race of men whose happiness materially depends upon the conduct of the United States," and in various papers commending benevolent and enlightened legislation with regard to them. I omit the succeeding Presidents and come down to General Jackson, who certainly is not liable to the charge of being a sentimentalist in these matters, and who had in fierce and savage war contended with some of these Indian nations. I ask the Secretary to read what he said in his first annual message.

The Chief Clerk read as follows:

Our conduct toward these people is deeply interesting to our national character. Their present condition contrasted with what they once were makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river and from mountain to mountain until some of the tribes have become extinct and others have left but remnants to preserve for awhile their once terrible names. Surrounded by the whites with their art of civilization, which by destroying the resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narraganset, and the Delaware is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the States does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States whose limits they could control. That step can not be retraced. A State can not be dismembered by Congress or restricted in the exercise of her constitutional power. But the people of those States and of every State, actuated by feelings of justice and regard for our national honor, submit to you the interesting question whether something can not be done consistently with the rights of the States to preserve this much injured race.

As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and by promoting union and harmony among them to raise up an interesting commonwealth destined to perpetuate the race and to attest the humanity and justice of this Government.

Mr. HAWLEY. Early in the Government attention was directed to the difficulties likely to arise from the erection of virtually independent nations within the limits of the States, and the project was entertained of removing these people to a territory that should be dedicated to their use. The purposes were excellent. General Jackson was the first President who took this view with zeal and energy, an energy that was imitated by no other President but Jackson until we come to Grant.

Mr. HOAR. I am very much tempted to ask the courtesy of the Senator from Connecticut to say that I have seen within a very few weeks a remarkable letter from President Lincoln, in which he declared that as soon as the war was over it was his purpose to address himself as next in importance to the Indian policy, with a view of putting the Indians under the jurisdiction of the United States on an equality with all other citizens under the Constitution and laws. I wish I had that letter present.

Mr. HAWLEY. I thank the Senator; I wish he had it here. It is in accordance with what we know of Mr. Lincoln's character. I wish he could have lived to carry out that policy. Substantially those ideas were taken up with very great energy, as we know, by General Grant.

General Jackson pushed the work through, I say, with his accustomed force, and in subsequent messages, recurring to this thing with the same temper, was able to say, before he was through his second term of office, that he had succeeded substantially in his work of removing those tribes and establishing the Indian Territory. He had the greatest hopes of the future of that land. I do not say that time has justified his sanguine expectations, but I do say that the condition of all those people there is an immense improvement upon their condition when they lived in Georgia and the surrounding country. There was perpetual war, and in those conflicts Jackson himself had participated. They have been removed and are better off, with such churches and schools and such partial civilization at least as they have, than they were before or than they could possibly have been under their old circumstances.

Now I come down to that man who has been called a merciless warrior, Ulysses S. Grant, and I ask the Secretary to read two extracts from his first message.

The Chief Clerk read as follows:

From the foundation of the Government to the present the management of the original inhabitants of this continent, the Indians, has been a subject of embarrassment and expense, and has been attended with continuous robberies, murders, and wars. From my own experience upon the frontiers and in Indian countries I do not hold either legislation or the conduct of the whites who come most into contact with the Indian blameless for these hostilities. The past, however, can not be undone, and the question must be met as we now find it.

I have attempted a new policy toward these wards of the nation—they can not be regarded in any other light than as wards—with fair results so far as tried,

and which I hope will be attended ultimately with great success. The Society of Friends is well known as having succeeded in living in peace with the Indians in the early settlement of Pennsylvania, while their white neighbors of other sects in other sections were constantly embroiled. They are also known for their opposition to all strife, violence, and war, and are generally noted for their strict integrity and fair dealings. These considerations induced me to give the management of a few reservations of Indians to them and to throw the burden of selection of agents upon the society itself. The result has proved most satisfactory.

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No matter what ought to be the relations between such settlements and the aborigines, the fact is they do not harmonize well, and one or the other has to give way in the end. A system which looks to the extinction of a race is too horrible for a nation to adopt without entailing upon itself the wrath of all Christendom and engendering in the citizen a disregard for human life and the rights of others dangerous to society. I see no substitute for such a system except in placing all the Indians on large reservations as rapidly as it can be done, and giving them absolute protection there. As soon as they are fitted for it they should be induced to take their lands in severalty and to set up territorial governments for their own protection.

Mr. HAWLEY. I might quote like sentiments from every message General Grant sent to Congress, for he followed this question with his accustomed energy and perseverance, and was to some extent liberally seconded by Congress. I find a passage in his third annual message which I will read:

I recommend liberal appropriations to carry out the Indian peace policy, not only because it is humane, Christian-like, and economical, but because it is right.

I am perfectly willing to place myself on this question by the side of such sentimentalists as Washington, Jackson, and Grant, and I seek to go no further, nor does the most ardent friend of the Indian attempt any more than they desired. No President has ever so distinguished himself by advocating enlightened and Christian practice with regard to the Indians as did General Grant.

Against the suggestions of the Senator from Kansas are the recommendations of all our Presidents, the legislation of all our Congresses, the history of all churches from the settlement of the continent down to this day, the present opinions and action of all the religious and benevolent organizations; against him are the opinions and action of this Congress; against him is the very bill under consideration.

Let me read a word or two from some other and later hard-headed soldiers. I have never conversed with any of the old veteran soldiers of the Army who had passed a long time in the Western region dealing practically with the Indians that I did not hear from them generous sentiments and what I call enlightened and statesmanlike doctrine. The first time I saw the great General Thomas I spent an evening with him, in town here, in company with others, and he was led to talk upon the Indian question. He spent some two hours discussing it. All that he said was in precisely the line of the talk of Jackson and of Grant. It was filled with generous sentiments, with belief in the possibility of the Indians being saved from that final extermination prophesied by so many. He said among other things that the prime essential in dealing with those people was to tell the truth, to tell the truth always and to keep a promise, because to the white man when you failed to keep a promise you could give an apology that might be understood, but the Indian never understood it if you did not fulfill your agreement. He spoke even of friendships that he had among leading veterans of the Indians, and in general recommended the policy which I here, and which we here, most of us, are advocating.

But in 1867 a commission was sent out. Let me read the names of them, some citizens and some soldiers: N. G. Taylor, J. B. Henderson, Lieut. Gen. W. T. Sherman, Bvt. Maj. Gen. William S. Harney, John B. Sanborn, Bvt. Maj. Gen. Alfred H. Terry, S. F. Tappan, and Bvt. Maj. Gen. C. C. Auger. The commission was sent out to examine our Indians as they stood then in general, and to recommend what they might think best for the civilization of the race. That document (House Executive Document No. 97, Fortieth Congress, second session) is honorable to them and creditable to the civilization of the country; but it is "sentimental." It is as "sentimental" as anything from these good people who send us petitions or from any preacher or teacher who tells us that God made the Indian and we have no right to shoot him on sight. There was no man who had fought the Indians more savagely than Harney himself, and there was not a man in the world the Indians would more respect and trust than he. When he fought, he fought them sternly; when he met them after the fight and made peace they considered Harney's word better than anybody else's bond. If such men could have dealt with them all the while we should have had comparatively little trouble. This board says;

If an Indian is to be trusted at all, he must be trusted to the full extent of his word. If you betray symptoms of distrust he discovers it with nature's intuition, and at once condemns the falsehood that would blend friendship and suspicion together. Whatever our people may choose to say of the insincerity or duplicity of the Indian would fail to express the estimate entertained by many Indians of the white man's character in this respect. Promises have been so often broken by those with whom they usually come in contact, cupidity has so long plied its work deaf to their cries of suffering and heartless cruelty, has so frequently sought them in the garb of charity, that to obtain their confidence our promises must be scrupulously fulfilled and our professions of friendship divested of all appearance of selfishness and duplicity.

Again:

The statement of this fact, if it proves nothing else, may serve to indicate that the Indian, though barbarous, is yet a man, susceptible to those feelings which ordinarily respond to the exercise of magnanimity and kindness. If it should suggest to civilization that the injunction to "do good to them that hate us" is not confined to race, but broad as humanity itself, it may do some good even to ourselves. It will at least for the practical man, honestly seeking a solution of these troubles, serve a better purpose than whole pages of theorizing upon Indian character.

But I forbear reading these extracts. There are several in the course of that very able and interesting report from these practical men that have the same general tendency and character.

The Senator asks, under what obligation are we to these people? I have shown you what the treaty obligation is, entered into with the Russian, and I have indicated the general course of the legislation toward the Indians within our own borders. If possible there is a double force in the duty that rests upon us in regard to the Alaskans; but besides that there is another obligation, the obligation that rests upon us because we are the superior race. We are told sometimes, not so much here as we are outside, that being the superior, the stronger, and the greater race these people must go to the wall and must vanish. That I hold with Grant and these other warriors to be an un-Christian doctrine. The real obligation, the great trust rests upon us precisely because we are of the superior race. It is a special duty that we shall take hold of them, lift them up and build them up and not permit them to be annihilated by these wild storms of frontier civilization. The question as to who is my neighbor is an old question. How the world has decided that, the Christian world, we all know. The oldest form of it was the query of Cain—"Am I my brother's keeper?"—and for that Cain became a branded and lonesome but distinguished tramp. In the judgment of civilization that brand of condemnation follows the creed of Cain to this day. We are our brother's keepers, Mr. President; the Indian is our brother, and we can not escape our obligations.

Mr. VEST. Mr. President, I do not wish to delay the action of the Senate upon the bill, but I should like to say a few words about this amendment. I know nothing personally and very little by reading of the Indians of Alaska. I have a general idea that they are fish-eating Indians, very much like the Chinooks on the coast of Oregon. Of course their characteristics are regulated and modified and made a good deal by the climatic influences around them. I suppose they are about in the main like the Indians of Northern Montana, of whom I happen to know something personally.

The Senator from Connecticut [Mr. HAWLEY] spoke of the sentiments of the officers of the Army in regard to the Indians, and particularly of General Grant and General Thomas. General Sheridan has been credited with having made a remark which is found frequently in the papers and used greatly among the Western people, that the only good Indian was a dead Indian. He never said anything of the sort, as I have been informed from his own lips. I traveled with him last summer four hundred miles in the West, and we frequently conversed in regard to the Indian question. His sentiments were as humane, as just, as Christian as those of any one with whom I have ever talked upon this subject.

My experience after I left him on the North Pacific Railroad among the Indians of Montana corroborated the truth of his assertion in regard to the correct practice, or what should be the correct practice, of the Government with regard to these unfortunate people. It is no question of sentiment and it ought not to be any question of theory. We have found out after a hundred years, it seems to me, the only practical method in which we ought to deal with the Indians. To say that we owe them all we could do is to say very little.

I was conversing not long ago with a very eminent divine on this subject, and I said to him: "Sir, you appeal to us upon each recurring Sabbath that we should give out of our substance to foreign missions. Let me say to you as an humble layman that your churches have at their own doors, and appealing to them in tones that should not be neglected for one single instant, a people as absolutely heathen, who have heard as little of the gospel, who have as little knowledge of God or of our Savior as any heathen upon the face of the earth, and the difference between the heathen that you are providing for in your foreign missions and the heathen in our own country is simply this: that one people we have robbed, and the other we have not."

We have robbed the Indians of this country. We have taken from them all that they had. We have driven them farther and farther West, until last summer I witnessed scenes of absolute privation, of absolute starvation among the Indians of Northern Montana that are simply incredible, and that should bring the blush of shame to every American citizen. In a council with the Gros Ventres and the Assinaboines in Northern Montana, one of the chiefs rose in council and said to me: "One of my children (speaking of one of his own tribe, for they term all the tribe their children) is now dying of starvation." Upon examination I found it to be an actual fact, and during the past winter hundreds of them have died in sight of a Christian people, in a land overflowing with abundance; and yet those people having no votes, no representatives, not being felt in a Presidential contest, Senators and Representatives are apt to turn away and to look to appropriations and to measures of material benefit to their own people whom they represent here.

If any man should give his life to the cause of elevating and educating the Indian it would be the grandest mission to which he could devote every hour of his existence. I will proceed at a little length on this subject, although it has become almost tiresome to mention the

subject. Anybody who seems to take any real interest in this matter is looked upon as a sentimentalist. The prevailing idea in the West is that all an Indian is good for is to kill him; that he is a robber; that he has taken land away from the whites.

I was requested by the Secretary of the Interior, having the honor to be one of a committee of which my friend from Massachusetts [Mr. DAWES] was chairman, to visit the reservations of the West last summer. The Secretary of the Interior mentioned to me personally, as he did, I believe, to the committee before, that in the Bitter Root Valley in Montana there was a portion of the Flathead Indians who would not go upon the Jocko reservation but who persisted in remaining there in that beautiful valley, the most beautiful I ever saw, in spite of a solemn treaty stipulation; and he put into my hands a copy of a treaty made in 1872, a published treaty, the first name to which was Charlos, head chief of the Flatheads, by which they agreed to leave their country on the demand of the President, and go to what is called the Jocko reservation on the Northern Pacific Railway as it now runs. From the time that I entered Montana until I went to that band of Indians in the Bitter Root Valley, I heard but one statement except from the Jesuits, and that was that those Indians were there in spite of a plain treaty; that they were violating the law; that they ought to be put out at the point of the bayonet; that they were vagrants; that they were a nuisance upon the face of the earth; and curses and imprecations were heaped upon them in every direction, and that too by men high in authority. The people of Montana, a large portion of whom are Missourians, are just the average people of the West, neither better nor worse; but they have actually come to believe that the Indian has no right at all in the country; that he ought to be driven out; that he is bound to be exterminated and the sooner it happens the better for all parties.

I went to Bitter Root Valley and I had with me this printed copy signed by Charlos, Airlee, and Adolph, the three chiefs of the Flatheads, and by James A. Garfield, the agent of the United States to negotiate the treaty. In Mr. Garfield's report I saw intimations that Charlos had never signed the treaty; and after conversation with the Jesuits, I became satisfied that something wrong existed, and that there was some mistake. When I saw Charlos in a council at Stevensville, in the Bitter Root Valley, he persisted in the assertion that he had never signed that treaty. I pointed him his name. He could not read of course, but I got a Jesuit father who acted as interpreter to interpret to him his name. "Charlos, his mark." Said he, "I never put my mark there." I turned around to Mr. MAGINNIS, the Delegate from Montana, who was with me on the subcommittee, and said: "This Indian is telling the truth." "No," said Mr. MAGINNIS, "it is impossible; there is the printed treaty, and he is here in defiance of law with three hundred and fifty of his people who refuse to go with the rest to the Jocko reservation." To make a long story short, I could do nothing with Charlos. His only reply to me was, when I offered him land and houses and cattle over on the Jocko, "This is my country; it belonged to my fathers; you can take me away from here though, but you can not take me away alive." Said I, "Charlos, you are a good Indian; you refused to join Joseph in his raid with the Nez Percés, and you protected the whites in their property. My instructions from the Interior Department are, and it is the wish of our committee, to deal with you as leniently as possible. What do you propose to do?" Said he, "I will take my people and I will go; I will leave here." Said I, "Where will you go?" Said he, "I will go to the plains." Said I, "There are no plains for you; you must go where the President says you must go. The whites are like the leaves upon the trees, and you have barely eighty warriors; you can not fight the Government, and you had better take my terms and move to the reservation." Said he, "How can I believe you when you have there in your hand a paper which is a printed lie? You have robbed me of my land; you have taken away the homes that were given to me by the President of the United States years ago; and now you come and promise me more when you have not kept the promises you have already made."

I came back to Washington city, went to the Secretary of the Interior, had a clerk detailed, and down in the basement of the Interior Department I found the original treaty made in 1872, and Charlos had told the truth; his name had never been put to it; and yet the people of Montana believe to-day that that Indian has violated his treaty; that he is upon that land contrary to the express stipulations and promises that he made in that treaty with Garfield.

I went to eleven tribes of Indians in Montana, traveling some four hundred and odd miles in order to reach their different councils; I talked with each of them; and I say here now as my deliberate conviction that there is but one system by which these people can be saved from ultimate extinction. It is useless to talk about the reservation system as now adopted ever resulting in anything but harm. Although General Grant had great experience among the Indians of the West, I disagree wit him *in toto* when he says that large reservations should be kept up for the purpose of civilizing the Indians now remaining on this continent.

Immense reservations are simply an invitation to barbarism. You have now upon the reservations of the West, and especially in Montana, two, three, and four million acres of land for twelve or fifteen hundred Indians. The result is that they do not acquire, and they can not in the nature of things acquire any of the habitudes or ideas of civilized life. They are still roaming savages, going from one end of the reservation to the other. Until you put the Indians upon farms, upon lands in severalty, until you teach them the simple fact that they must support themselves, you can never make any advance, you can never take one step toward making them citizens of the United States, as they should be.

Now, as to education, in all my wanderings in Montana last summer I saw but one ray of light on the subject of Indian education. I am a Protestant, born one, educated one, expect to die one, but I say now that the system adopted by the Jesuits is the only practicable system for the education of the Indians and the only one that has resulted in anything at all. When the Senator from Massachusetts, the chairman of the Committee on Indian Affairs, said the other day that the reason of the success of the Jesuits more than any other sect with the Indians was that they devoted their whole lives to the work, he struck the keynote of the entire situation. Take a Protestant clergyman and send him to the West, I do not care how active and zealous he may be, he goes there with his family ties; he goes there looking back to civilization, he goes there half devoting himself from a sense of duty to this uncongenial life.

Take a Jesuit and what does he do? He is a semi-military preacher. He belongs to the company of Jesus. He owns nothing but the robe upon his back. If he receives an order from the commander of the company at the dead hour of night to arise and go to Asia, he goes without a question. He is a number, he is not a man. He is segregated from the world. I talked with Father Cavallier at St. Mary's Mission, who had been fifty-two years among the Indians in Montana, had devoted his whole life to them, had been sent there from Italy, an accomplished physician; and when I visited him at his little room in the mission he was lying there, having been bed-ridden for five years and still administering medicines and performing surgical operations on each recurring day. This man's whole life was given up to the work, and what is the result? To-day the Flathead Indians are a hundred per cent. advanced over any other Indians in point of civilization; at least in Montana.

Fifty years ago the Jesuits went among them, and to-day you see the result. Among all those tribes, commencing with the Shoshones, the Arapahoes, the Gros Ventres, the Blackfeet, the Piegans, the River Crows, the Bloods, and Assinaboines, the only ray of light I saw was on the Flathead reservation at the Jesuit mission schools, and there were boys and girls—fifty boys and fifty girls. They raise cattle; the Indian boys herd them. They have mills; the Indian boys attend them. They have blacksmiths' shops; the Indian boys work in them. When I was there they were building two school-houses, all the work done by the scholars at the mission. They can not raise corn to any extent in that climate, but they raise enough vegetables and enough oats to support the whole school; and I never saw in my life a finer herd of cattle or horses than they had upon that mission. Five nuns, sisters, and five fathers constitute the teachers in the respective schools. We had a school examination there lasting through two days. I undertake to say now that never in the States was there a better examination than I heard at that mission of children of the same ages with those that I saw there. The girls were taught needlework; they were taught to sew and to teach; they were taught music; they were taught to keep house. The young men were taught to work upon the farm, to herd cattle, to be blacksmiths and carpenters and millwrights.

Here is the whole of it in one single sentence: I asked Father Van Court, the father in charge of the mission, to give me his experience as an Indian teacher and to state what had given the school its remarkable success. He said it resulted from the fact that they taught both boys and girls. He said for twenty year the Jesuits had had only a male school. I call the attention of Senators who are interested in this question to this single point. He said when they educated the boys and graduated them at the school they went back to the tribe; they were immediately received with jeers and with reproaches, told that they had white blood in their veins, that they talked like the white people, and that they dressed like the white people, and that they were apostates to their race. The result was that the Indian, in order to maintain his position with his fellows, became a worse barbarian than he ever had been before.

I do not want to say anything against the schools at Hampton or Carlisle. I undertook on that expedition to use one or two of those scholars as interpreters. All it seemed to me they had advanced in was to learn to deplete the plains of running horses, and General Sheridan agreed with me that they were the most expert horse-thieves on the top of the earth. They go back, and instead of teaching the other Indians in ninety-nine cases out of a hundred they collapse into barbarism.

I come again to the point which I am seeking to make. Father Van Court told me that the Flatheads had not advanced in civilization until the Jesuits had established female schools in connection with the male schools. Then what was the result? When a class graduated in the male school a class also graduated in the female school. A great many marriages took place between them. From the fact that the girls and boys were both educated by the Jesuits, they necessarily were

thrown together, and by a similarity of tastes and by their advance in civilization they were kept away from the rest of the tribe. They became husband and wife, and as soon as that took place the Jesuits and the agent built them a little house, broke them up a piece of ground, and the single ouple became a nucleus of civilization and Christianity in that portion of the reservation where they were thus received.

If we educate the girls alone they go back to the tribe and collapse into worse barbarism than ever. You must educate the sexes together in order that the one shall support the other, in order that they may go out to the battle against barbarism hand in hand; and until you do it it is absolutely money thrown away to take either sex and undertake to educate them separately.

The Jesuits have the key to the whole problem. They have learned it by actual experience, and the result is shown to-day. Let any Senator take the North Pacific Railroad and get off at Airlee and go out to these missions and he will see farms with cattle upon them; he will see the Indians cutting logs, carrying them to saw-mills, getting out plank and putting them up into houses with their own hands. He will see them attending mass regularly, and he will see the Indian people anxious to go to school, but not to day-schools.

I saw not one day-school in the eleven tribes that we visited in Montana where the Indians had learned a solitary thing. As the Senator from Kansas [Mr. PLUMB] said the other day, and that part of his speech I heartily approve, the only attendance at those day-schools is on ration day. One lady, a teacher, who was getting, I believe, $800 a year, told me that on ration day she had five hundred scholars, and the rest of the week from fifty to sixty and seventy-five.

It is impossible to educate an Indian if you let him go back to his family each day. In the first place, the Indians are utterly averse to the idea that the boys should work. It is right enough for women to work; they are made to work, according to their philosophy, but it degrades a man to work. Old Airlee, the second chief of the Flatheads, abused the school to me in the council over on the railroad, and denounced it, and I found out his objection to it was that he sent his boy over there and the fathers put him to work in the field. In other words, as he said to me, "I did not send my boy there to be a squaw." He did not intend him to be degraded by any manual exercise at all.

It is perfectly evident that with such prejudices, with such feeling in regard to sustaining one's self by actual labor, it is simply impossible to do anything for those people or to advance them one single degree until you take their children away from them. I would not take them off to the States; I would not take them where they would acquire ideas which are alien to Indian life. The Jesuits, I repeat, have found the secret of the whole system, and that is in the boarding-schools, industrial schools, upon the reservations, where the children are taken and where the parents are permitted to visit them once each week, but always in the presence of one of the fathers, and when they come to take them off hunting and fishing they are met with a firm but earnest refusal, and they are told the child must stay there and learn to work or he must be taken away entirely.

With these views, based on no theory but on actual experience and observation, I offer an amendment to that proposed by the Senator from Connecticut. After the word "children," in line 1083, I propose to add "of both sexes;" and after the word "industrial," in line 1084, I move to insert the word "boarding;" so as to read:

For support and education of Indian children of both sexes at industrial boarding-schools in Alaska, $25,000.

Mr. DAWES. I suggest to the Senator to withhold his amendment. It will not be in order until after the amendment of the Senator from Connecticut is disposed of.

Mr. VEST. Certainly; I simply want to suggest the idea. As to the amount, I shall vote just as much as the Senate may be induced to vote. I will go as far as any Senator, provided it does not go to day-schools and provided it goes to schools for the benefit of both sexes. As to our duty, a plain and manifest one in the premises, it is almost an insult to make an appeal to any intelligent man as to what we owe to those unfortunate people.

The PRESIDENT *pro tempore*. Does the Senator from Missouri offer an amendment?

Mr. VEST. I will offer it at the proper time. I simply suggest it now.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. HAWLEY] to the amendment of the Committee on Appropriations.

Mr. DAWES. Mr. President, I did indulge the hope that we should get through with this bill without any extended debate or consumption of time upon it; but a debate has arisen without any provocation of mine over the amendment offered by the Senator from Connecticut, which involves the whole policy of the Government in relation to the Indian, calculated to shake the confidence of the public in an effort on the part of the Government of the United States to institute a new policy and method of treatment of the Indians. Therefore I have felt that it was possibly incumbent upon me that I should say a word or two, not confined especially to the amendment proposed by the Senator from Connecticut, but upon the general question whether the large provisions in this bill are wise or whether they ought to be abandoned, for there is a considerable appropriation, begun several years ago, and I am happy to say, in the confidence I have in the wisdom of those appropriations, they have been increasing from year to year, and I hope will continue to increase until the purpose and object of the appropriations shall have been accomplished. Yet if what was said here on Friday is true, we had better lose no time in abandoning this new method of treating with the Indian question.

It is not a new question. The Indian problem has been always with us. From the day the Pilgrim father landed on Plymouth Rock and the cavalier at Jamestown to this day the people of this country have met it, encountered it, and have undertaken to solve it. It is a little singular that although all the accounts of the Indians lead us to believe that there were no more Indians two hundred and fifty years ago upon this continent than there are to-day, civilization coming in contact with barbarism in this form has struggled with it and struggled with it in vain for two hundred and fifty years, and finds itself confronting to-day, as it did then, barbarism in the person of only about 250,000 or 300,000 people almost as intact as when they first encountered it.

Up to within the last five or ten years we had not even been able to teach the Indian the language we taught ourselves. Five years ago there were scarcely a thousand Indians who could speak the English language, and far less the number who followed the ways of civilization. We have had various methods of treating the subject since we became a government. All of them have proved failures, all of them have involved the Government in an immense expenditure of money, and have left the record anything but honorable on our part in our dealing with them. We undertook to treat with them as independent nations. When the Government was first formed we had the idea that there could be many independent nations within our own borders with authority and power, that we should treat with as independent nations; and yet we found it utterly impossible to keep ourselves our agreements with them. The treaties we made came to be with ourselves mere idle words. The progress of population and immigration was like a mighty wave sweeping our boundaries and limitations away without the slightest regard to the solemn obligations into which we had entered.

Then we undertook to enact a line of non-intercourse with the Indians, running from a point on Lake Erie right where the city of Cleveland now is, in a southeastwardly direction around through the mountains of Tennessee and across North Carolina and terminating in the southeast corner of Georgia, less than seventy-five years ago, and we enacted that if any citizen of or other person resident in the United States or either of the Territorial districts of the United States shall cross over or go within that boundary line he should be fined a sum not exceeding $100 or be imprisoned not exceeding six months; or if he made a settlement beyond the line that he should be fined $1,000 or be imprisoned twelve months. The whole line bristled with penalties from Lake Erie to the Atlantic in Georgia. It lasted two years; and then surrendering our power to maintain our treaties with the Indians, we undertook to compromise with our conscience and with them, and endeavored to create a new country called the Indian Territory, into which we proposed to gather all the Southern Indians. It will do no harm for me to read the solemn words with which we deluded the Indians into the belief that there was at last a land where they could rest in peace:

Whereas it being the anxious desire of the Government of the United States to secure to the Cherokee Nation of Indians, as well as those now living within the limits of the Territory of Arkansas as those of their friends and brothers who reside in States east of the Mississippi, and who may wish to join their brothers of the West, a permanent home, and which shall, under the most solemn guarantee of the United States, be and remain theirs forever—a home that shall never in all future time be embarrassed by having extended around it the lines or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension in any way of any of the limits of any existing Territory or State:

* * * * * * *

The United States agree to possess the Cherokees and to guarantee it to them forever, and that guarantee is hereby solemnly pledged.

Of the territory the description of which follows, and in addition thereto—

The United States further guarantee to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country lying west of the western boundary of the above-described limits, and as far west as the sovereignty of the United States and their right of soil extend.

Where is that guarantee now, Mr. President? It is not worth while, and I am not one of those who are disposed to arraign the United States because they were unable to maintain that guarantee. I concede that conditions not comprehended by those who made that treaty have arisen since which have made it utterly impossible to maintain it in its letter and its spirit. I bring it before the Senate at this time merely to show one of the many methods taken by the United States to deal with this question which they have been compelled to abandon.

They then adopted another policy, and that was the reservation policy, by which they were disposed to take the Indians onto large tracts of land beyond civilization, as they supposed, full of game, and away from the encroachments of white people, and put a guard around them and turn them over to their instincts and their love of the chase to support themselves. They found that equally impossible. They began to abandon that very soon, and then they undertook to gather all the Northern Indians down into the Indian Territory; without the slightest

regard to the right and title the Indian had to his home in the North, and without any more regard to his life or the conditions under which he had been reared in the cold North, among its mountains and valleys and cold streams, they undertook to hustle him down into the dry and arid plains of the Indian Territory to make an Indian State in the bosom of these States, and the Government has spent many millions of dollars in that cruel and fruitless attempt. They have voluntarily abandoned that also.

They have found another condition of things which has rendered it necessary to change the whole treatment of the Indian question. The tide of civilization has been so rapid, the Indian has been yielding before it so rapidly that he has been found driven by degrees from all the good and arable land of his reservations from time to time into the mountain region, glad enough himself to go there where the game still remained, and where the white man had little inducement to follow him, until it has come to this, that he has as a whole, with some exceptions, I know, very little land assigned to him which he is permitted to call his own, very little land in the United States which a white man by processes of cultivation could gather enough from for his own support. In the mean time the game upon which he was to live when he was set in these great reservations has been rapidly disappearing, till within the last two years more suddenly than any one dreamed of it has disappeared, it has absolutely disappeared, and we are confronted with the Indian in a new aspect.

We have abandoned making treaties with him; we have given over the idea of gathering the Indians upon the Indian Territory as a cruel impossibility; we have found it utterly impossible to establish non-intercourse with him; we have driven him by degrees, as I have said, upon the barren and inhospitable portions of his own reservations, and taken up the rest in that irresistible tide of immigration which has characterized the history of our country, and he remains to-day just about the same number of Indians that our fathers found here when they came to this country, and up to this change of policy in just about as barbarous a condition. He can not speak the English language; he has learned only of the white man and of civilization that to come in contact with them was to lose something every time. But we came to understand that we had upon our hands two hundred and fifty or three hundred thousand paupers, and we were to settle the question whether we should continue as heretofore in our treatment of the Indians as an insoluble substance that we can not digest or assimilate, but an always present and disturbing influence in our health and a charge upon us, and we found in addition that he was increasing in number, and the charge was growing more and more serious upon the Treasury of the United States.

We have tried every method based upon the idea that we must extinguish the Indian as the only method of treating with him. The idea that he would of himself before civilization fade out as a race and cease to exist was long the idea which prevailed in this country. The poets taught it, the philosophers reasoned upon the effect on an inferior race of the presence of the superior race, but the Indian went on increasing in number nevertheless.

Then we undertook to exterminate him by war and we utterly failed! A single war cost us $30,000,000 and it but put an end to thirty-odd Indians in all. The Indian wars in which we have been engaged without stopping to raise the question which was right and which was wrong have involved us in an expenditure of money that would have taken every Indian man, woman, and child and kept them at a first rate hotel in any of our cities during the remainder of their lives.

In 1867 a commission was sent out for the purpose of devising some new method of treatment of the Indian. The Senator from Connecticut [Mr. HAWLEY] has read from their report. They entered into some twelve or more treaties with the Indian. Let me read you, sir, one article which appears in all these treaties.

ARTICLE VI.

In order to insure the civilization of the Indians entering into this treaty—

Repeated more than a dozen times with as many different tribes—

the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of 6 and 16 years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher.

That was the solemn obligation entered into by the United States in 1867 with more than a dozen tribes of Indians for a consideration—a grant to the United States, in consideration of that promise, of the title which the Indians had to vast tracts of fertile land now occupied by the settler, and on which since States have been built and are represented to-day upon this floor; and yet not a dollar has ever been expended by the United States in fulfillment of one of these treaty stipulations. If they had been fulfilled and if a treaty obligation is a debt against the United States, for the non-fulfillment of these articles that I have read more than $3,000,000 are now due these Indian tribes. It never occurred to the United States until some four or five or six years ago to consider the question, since they had failed in every other method of treating the Indian, of what they could do by trying to make something out of him. It dawned upon them by chance. They had sent Captain Pratt down from the Northwest with seventy-four Indian warriors, out of one of those wars, all covered with blood and wild as any wild Indian ever was, to a prison in Saint Augustine, Fla., and sent him there to guard them and guard them month after month of the weary years of their sentence. As a mere matter of discipline and as the best method of keeping them it occurred to Captain Pratt that it were better to set them to work than to hold them in chains. It was many weeks before he could get the consent of the Government here in Washington to permit him to set those Indians to grubbing the roots out of the ground of their prison-yard. When he did and when he made it a garden, and when he inspired those Indians with the hope that by the labor of their hands, as by the labor of a white man, they were to reap the reward due to their labor, he was sent from Saint Augustine with twenty-four of them to the Hampton school, where the colored people were being educated, and those twenty-four educated there are to-day absorbed in the industrious population of this country, citizens instead of warriors, earning their bread and exercising the rights and enjoying the immunities of citizens of the United States. From that begun the system we are discussing here now, and out of that school at Hampton graduated Captain Pratt and his Indians to a school in Carlisle.

The Senator from Kansas [Mr. PLUMB] on Friday wanted some fruit to come from all this expenditure. I will tell him. At Carlisle, which sprang out of this little seed sowed down in Saint Augustine, Fla., has arisen a school of boys and girls numbering four hundred and fifty-five, representing thirty-seven different tribes of Indians, and there are from this school and under the supervision of Captain Pratt, who has made the contracts for them and sees to it that their contracts are just and that they fulfill them, out among the families in that neighborhood one hundred and fourteen boys and thirty girls, one hundred and forty-four in all, earning wages, respectable in amount, far more valuable in the experience which it brings to them and the lesson they are learning through it. There have been placed in this manner out from the school since it began in 1879 three hundred and fifty-three boys and one hundred and thirty-five girls, four hundred and eighty-eight in all. There have returned to their homes after they received such education as their capacity or their opportunity would afford two hundred and seventy-nine, every one of whom leaves his record there, and his record after he leaves the school is followed; and notwithstanding what the Senator from Missouri [Mr. VEST] has said to-day more than 80 per cent. of all this number have held to their faith and are now pursuing industrial pursuits, teaching in the schools on the reservations, working in the shops on the reservations and out among the farmers—more than 80 per cent. I will not say that in any white school consisting of white boys there would be a greater or a less percentage that would fail. I say that 80 per cent. in the first five years of this experiment is more encouraging than any process that we have adopted heretofore and promises more success.

The number who have been under instruction since the organization on the 5th of October, 1879 has been, of boys, 522; girls, 245; in all, 767. Half of each day is spent by the girls in the sewing-room, and they have manufactured during the last year—let me read the articles; it may be for the amusement of the Senator from Kansas; it will be too, I think, for his instruction as well, what these girls at this school with their own hands have wrought, notwithstanding we put a positive enactment into the law of last year that no scholar at one of these schools should have compensation for anything which he did at the school. They have manufactured at that sewing-room 395 aprons, 108 night-dresses, 98 girl's coats, 118 chemises, 1,469 shirts, 261 sheets, 1,044 pairs of drawers, 52 skirts, 505 pillow-slips, 302 dresses, 485 towels; and the following list shows the repairs of clothing made during the month of April, 1884, at that school:

Aprons	366
Pants	48
Coats	49
Drawers	146
Vests	12
Hose	3,083
Underwear, pieces	457

In the laundry from 4,000 to 5,000 pieces per week are washed and ironed by the Indian girls, under the supervision of a laundress and assistant.

The dining-room is cared for by a matron, assisted by eighteen Indian girls, each one in charge of a table.

The cooking is done by one cook with two Indian assistants.

The bakery is managed by Indians. An Arapaho, who learned the trade here, is in charge, with two apprentices assisting. The baking amounts to a barrel and a half of flour into bread daily.

The girls occupy buildings which were formerly the officers' quarters. They consist of six two-story houses built together, making a block one hundred and fifty feet long. I have a description of the boys' quarters. The system pursued in the school, one-half day work and one-half day study. There are two apprentices at baking, eleven at harness-making, seventeen at tailoring, two at painting, eight at black-

smithing, eleven at carpentering, seven at tinning, fifteen at shoemaking, and six at printing. The slip from which I am giving these figures I saw on Saturday set up and printed by an Arapaho Indian—I think he was an Arapaho—an Indian who set up and then distributed the type more rapidly than the majority of workmen in any printing office in the country.

The products of the past year from the different shops have been as follows:

Shoe-shop.—Thirty-one pairs of boots, 182 pairs of boys' shoes, 176 pairs of girl's shoes, and the repairing of 150 pairs of boots and shoes monthly.

Tailor-shop.—Four hundred and ten coats, 771 pairs of pantaloons, 343 vests.

Harness-shop.—Two hundred and five bridles, 190 halters, 197 sets of harness.

Tin-shop.—Four thousand three hundred and five tin pails, 7,498 cups, 1,072 coffee-boilers, 145 funnels, 5,340 pans, 5,211 joints of stove-pipe.

Wagon-shop.—Eleven spring-wagons.

The effect of the workshops has been good from the first. The goods being sent to the Indian agencies in the West is conclusive evidence of progress and an incentive to those who receive them, and we invariably find that when an idle or mischievous boy is put at a trade his standing is raised in scholarship as well as conduct.

The farm products for the year were as follows: 1,530 bushels of wheat, 500 bushels of oats, 50 bushels of rye, 50,400 pounds of potatoes, 20 bushels of beans, and a full supply of vegetables, milk, and eggs—all the labor of Indians, with the exception of the superintendent.

At Hampton is another school of like character. I have not the statistics from Hampton, but the products of that school are the combined product of colored boys and the Indians, and it will bear equal comparison with this that I have taken some pains, at some risk of wearying the Senate, to put upon the record in answer to any charge that these schools do not bear fruit. We have established during the last year three new schools of this new character, one at Genoa, Nebr., one at Lawrence, Kans., and another on the southern border of Kansas near Arkansas City, where two hundred or more scholars the present year in each of them will be educated in this manner. Six thousand and one hundred scholars are in daily attendance upon these and the boarding-schools upon the reservations. The day-schools upon the reservations are more or less attended, and with few exceptions, such as those described by the Senator from Misssouri just now, the day-school is a useful institution. Schools anywhere and everywhere, which are entitled to the name of schools, are useful. Their influence upon the Indian upon the reservation is beneficent. It is showing to those who do not attend the school what may be done for their children if they have passed themselves the age where any benefit can be derived from it. Every effort of that kind has its beneficent influence, not alone upon the scholar but upon every one around. The teachers are, in many instances, Indians themselves, and an Indian teacher teaches all around him. Those who see him teach, those who see him work, learn from him, and he is an example every day as he goes in and out among his tribe of the possibilities that are open to the Indian.

I know there are poor Indian schools; and, unfortunately, the Senator from Missouri saw the worst of them. I would not do away with them. I would improve them. I would abolish them where they are of the character described by the Senator from Missouri and the Senator from Kansas, but I would multiply those which I saw by the dozen in different tribes last summer all over the reservations. We were bound by our treaty to supply over thirty of them with a school-house and a teacher. We attempted to excuse ourselves for not having fulfilled these obligations, and to hide behind the excuse that there were no thirty children standing up in a row all prepared and waiting to enter the door of the school-house before we built it for them. We obligated ourselves to put an agent there whose business it was to see to it that those children were compelled to go to school, but we failed in that as much as we have failed in building the school-house. When we told these Indians that we would maintain schools on all the reservations did we mean to have them understand that it was only when they of their own mere motion should come and have the desire on their own part to go to school? We coupled it with a stipulation that we ourselves should gather them into the school-house, and yet $3,000,000 we have saved to the public Treasury while the Indian child has grown up in his barbarism, to be cared for and clothed, an unproductive pauper and vagabond in our midst; and that is what we have saved.

Sir, I am impressed with the conviction that, in comparison with any other method which we have attempted, this method is the best. It has its advantages over the others, if we look at it only as a question of dollars and cents, if we rise in the consideration of it to no higher plane than which is the cheapest. This makes something of the Indian. So far as we have gone it has been attended with remarkable results. All the other plans suggested and tried, which have given place one after another in their failure to this last, left the Indian right where it found him, the same savage, the same unproductive, insoluble element in our midst, a charge constantly increasing and ever-present among us to be dealt with, an army 250,000 strong to be clothed and fed, not only to-day but in all coming time. This takes the individual Indian and treats him, if I may use the phrase, as the raw material out of which shall come by this treatment a citizen of the United States, capable of self-support; acknowledging the authority of and appealing to the law like any other citizen for the protection of his rights. It is a better method because its results are better. It does not stop with the school-house; it does not end with the boarding-school or the day-school or the school at Carlisle; it invokes the agency of every civilizing and Christianizing element in the land. It takes the Indian, whether he be small or whether he be a grown Indian, and it puts him on his feet and it teaches him to walk, and then it teaches him self-reliance. It teaches him how to work by holding up to him some inducement to work, some reward for the labor of his hands. It inspires in him hope instead of hate. It kindles within him pride of manhood rather than love and thirst for blood. It enkindles, too, within him the faith which will rely upon the law and not the tomahawk for a redress of his grievances. It goes upon the reservation and reforms that. In my opinion hardly any obstacle to the completion of this work is as great as the reservation itself as at present conducted.

I would abolish the agency system as a part of this educating and civilizing effort on the part of the Government, this effort to bring the Indian upon his feet. I would cease to gather five or six thousand Indians around an agency and there every week, as I have seen it done myself, deal out to them the live beef for their support, a number of beef sufficient for the supply of 5,000 Indians for a week being corralled in a corral, terminating in a chute at the end of which are scales, and as each wild steer is driven in upon the scale his weight is counted out in the number of Indians entitled to so many pounds of live beef, and they are turned off upon the plain. While the wild steer is shot out of the corral the Indians are sent in a bloody hunt over the plains to bring him down and then slaughter him upon the plain, and take the meat and devour it with the heated blood and thirst of wild beasts. There has been in this process some improvement in certain quarters of this method. I would abolish it altogether. I would cease to have the Indian know that on Monday morning he could get into some room and through a hole in the wall have dealt out to him so many pounds of bacon and so many pounds of flour, and so many pounds of beans and sugar and coffee, and pack it into some sack and take it off to a tent in sight of the agency and never leave the tent till it was gone. Take him out onto his reservation, away from the agency, in charge of some man who shall be held responsible; that he and the families under his charge shall be located on the land and held there, and whatever rations are necessary for their subsistence until they become there self-supporting shall be taken to them there and distributed there.

Why, sir, at a single agency last fall I saw what the agent himself said were 40,000 dogs. He must be taught to part with his dog. He must be taught also to exchange his ponies for stock that will bring him something to eat and something as a reward of his care. You can not civilize an Indian who owns one hundred ponies and has twenty dogs. The civilizing processes are many. They must all be invoked to go hand in hand with what we appropriate for these schools. These schools are only to teach those who can enjoy the benefit of them the best method of carrying out and accomplishing, the most sure, these very forces that I have spoken of.

Mr. President, one great thing in making this method a success is to scatter the Indian, and therefore I would cut down his reservation. I would cease to permit him to roam over any more land than a good farmer could cultivate. I would scatter him among the people. I would put him by the side of white men, and I would try to teach him how to live as a white man. I would take his children, with his consent, to the boarding-schools on the reservations, to the schools at Carlisle, and at Hampton and at Lawrence and Genoa and Shilosso, and I would inspire in him the hope and hold up to him the prospect of becoming as an individual, not as a part of any Indian tribe, a part of the community and the people among whom he is compelled to live and who are compelled to live with him.

The Senator from Missouri has spoken of the Jesuit schools. I have as high an opinion of what the Jesuits have accomplished in their work as the Senator from Missouri. I do not desire, nor will I permit myself to make comparisons between the work of the religious denominations that have taken hold and aided and contributed so much to bring the Government up to this undertaking. I agree that within their limits and as far as they chose to go the Jesuits have accomplished a great deal. I was more gratified on the ground with what they had accomplished than with almost any other schools, but they have their limitations of effort; they do not attempt to go beyond a certain limit. Take the Jesuit care of the Pueblos. They have had those Pueblos for two hundred years under their care. They have not become civilized Indians yet. They are harmless, peaceable, quiet enough, but the Jesuit has gone as far in the education and care of the Pueblos as he is induced or impelled by his religious vows perhaps, or by those whose commands he obeys to go. I will not discourage them; I will not disparage their efforts; but I do say that all the religious societies that have taken hold of this work deserve commendation, and discrimination between them does not become us. They have accomplished wonders.

Take the five tribes of the Indian Territory; they are at their present condition solely through the missionary efforts of Northern people before they were driven into the Indian Territory, and they have hardly got back to-day to the condition they were then in when they were forced by the violent disruption of our obligations with them into that new Territory. Take the Riggs family in Dakota, father and son, the father who wrote out the Sioux language and translated the Bible into it, and the church service which I saw an Indian reading in an Episcopal church in the Territory of Dakota as written out by that man, who went from my own Congressional district when a boy and devoted his whole life to the service of those Indians, and his sons are there now carrying on his work. Take the school at the Santee agency and the school upon the meadows up the Missouri River, little hamlets of Indians with their grazing stock and their hay gathered and their cattle feeding upon the intervale land, self-supporting, obedient to law, educated. I saw two female teachers who came across the Missouri River in a boat and visited us, who had charge of that whole country in the absence of one of the Riggses at the death-bed of his father, young ladies from Wisconsin and from Illinois, teachers in schools. They are not to be disparaged.

My friend from Kansas wants to know what these sentimentalists have done. They have waked up the nation; they have forced the Government into this work. There was a disposition on Friday to ridicule the manner in which they had sent petitions here from Kansas and from Missouri and from other States, directed to the different members of the Committee on Appropriations. Why, sir, the very inartificial manner in which they got up the petitions shows that they were not professed petition-makers. The Senator has, I doubt not, in his drawer—I have in mine—the printed petitions that have been sent out by the Western Union Telegraph Company all over the country. They knew enough about the art of getting up petitions not to print their directions on the same piece of paper with the petition. These inartificial, inexperienced people, who undertook to organize and concentrate a public opinion upon us here, were so little skilled in the best way of doing it that they printed the direction upon the petition which offended my friend from Kansas so much. That is all; but to them the nation will yet acknowledge its debt of gratitude for having led it to abandon the cruel and merciless and profitless processes by which they had undertaken hitherto to deal with the Indian and to take him as they have the colored man and treat him as a man.

Why did we spend so many years of war and struggle to lift the colored man up into citizenship? Not because he was a colored man, but because he was a man, having the elements and the possiblities and the rights of a man. Shall we grudge the little money we pay here in this honest and effective effort to lift not 4,000,000 blacks, but 250,000 Indians, whose fathers we have spoiled and whose ancestors we have driven from the land we possess and murdered after we have spoiled and cheated and maltreated them?

Sir, it is worthy of the American people to make an honest, earnest, manly effort to retrace their steps in dealing with this little body in their midst. Let us therefore take hold of it, at least with as much earnestness and thoroughness as characterized our attempt to exterminate him, and we shall have accomplished all that is promised and shall relieve the Treasury of the charge, shall make a man of the Indian, and shall have done something to atone for the wrongs we have inflicted upon him in the past.

The PRESIDING OFFICER (Mr. HOAR in the chair). The question is on the amendment of the Senator from Connecticut [Mr. HAWLEY].

The amendment was agreed to.

The PRESIDING OFFICER. The Chair understands that the Senator from Missouri [Mr. VEST] now desires to offer an amendment.

Mr. VEST. Let the amendment be read as it is.

The PRESIDING OFFICER. The Secretary will report the amendment just adopted for the information of the Senate.

The SECRETARY. The clause as amended, beginning in line 1083, reads:

For support and education of Indian children at industrial schools in Alaska, $25,000.

The amendment of the Senator from Missouri [Mr. VEST] is, after the word "children," in line 1083, to insert "of both sexes;" and after "industrial," in line 1084, to insert "boarding;" so as to make the clause read:

For support and education of Indian children of both sexes at industrial boarding-schools in Alaska, $25,000.

Mr. DAWES. I do not want to antagonize the Senator, but I really would not bind this appropriation. I would leave it in the wise discretion of the Secretary of the Interior. It may be that a day-school there, under conditions different from those which were very properly described by the Senator from Missouri, may be a much better method of accomplishing what can be accomplished by $25,000 or part of it. I am quite certain that those who will administer this appropriation will not waste it. They are learning every year, growing wiser and wiser in the method of using the money.

Mr. VEST. I submit then to the Senator in charge of the bill that the first portion of the amendment or the first amendment should be adopted, to insert "of both sexes."

Mr. DAWES. I think that is wise.

The PRESIDING OFFICER. The Chair will divide the question and put the question on adopting so much of the amendment of the Senator from Missouri as has just been stated.

The amendment was agreed to.

Mr. VEST. I will not insist on the other branch of my amendment.

Mr. PLUMB. If it is proper to have that restraint on the appropriation in Alaska, why is it not just as proper elsewhere? My understanding of it is that whatever education these people gather is divided, to some extent at least, between both sexes. Now, unless you provide that for every male child that is educated there shall also be a female child educated, you have no guarantee that it will be equally divided. There are some of both sexes already educated. Nominally I think the schools are open to both; but whether they educate them equally or not I do not know; and if the description which the Senator from Missouri gave of the graduates of Carlisle and Hampton that he saw in Montana was true, I should rather hope the Indian girls were not educated; because the result of the education undoubtedly has been to make these people worse. All that they have gained in wit they have supplemented by gaining in vice, and if that is to be the effect of it I should think the Senator from Missouri himself in the charity which he has for this race, and which must be stronger for the female part of it than for the male part of it, would pray that instead of bringing it within the baleful influence of boarding-schools, it might be kept out of that influence. I do not quite see that the Senator from Missouri is very logical in his proposition, but still if it is to be good in Alaska, it ought to be good in Montana; and if in Montana, then in the Indian country elsewhere.

Mr. VEST. The Committee on Indian Affairs have not adopted my system or what I advocate at all. I said, if I said anything, that I believed the only effective Indian education was in the boarding-schools of both sexes on the reservations. I might have been unfortunate in the samples I saw at Carlisle. I only had two of them at Fort Washington, and I tried to use them as interpreters. They had silk hats and watches on, and that was the extent of their civilization.

Mr. PLUMB. I presume they were fair samples of the entire results.

Mr. VEST. I do not say they were fair samples, but they were failures, and the testimony of the agent there and of the leading Indians with whom I talked was that they had not done anything to elevate the tribe since they got back. They were simply experts at horse-stealing. That was the extent of the whole thing.

On the contrary, in regard to educating both sexes and in boarding-schools, let me say a word to the Senator from Massachusetts, without indulging in any further statement so far as I am concerned. I do not speak with any sort of denominational prejudice in favor of Jesuits; I was taught to abhor the whole sect; I was raised in that good old-school Presbyterian Church that looked upon a Jesuit as very much akin to the devil; but I say now that if the Senator from Massachusetts, the chairman of the Committee on Indian Affairs, will find me any tribe of blanket Indians on the continent of North America—I do not speak of the five civilized tribes because they got their civilization in Georgia and Alabama and by immediate contact with the whites—but if he will find me a single tribe of Indians on the plains, blanket Indians, that approximate in civilization to the Flatheads who have been under the control of the Jesuits for fifty years, I will abandon my entire theory on this subject. I say that out of the eleven tribes that I saw—and I say this as a Protestant—where they had had Protestant missionaries they had not made a single, solitary advance toward civilization, not one; and yet among the Flatheads where there were two Jesuit missions you find farms, you find civilization, you find Christianity, you find the relation of husband and wife and of father and child scrupulously observed. I say that one ounce of experience is worth a ton of theory at any time, and this I saw and know.

Mr. DAWES. I do not want to go into a discussion of this kind. I do not think it is productive of much good. The Senator from Missouri and myself did not go together. The Senator went among the Indians whom he has described, and I went with other members of the committee among other Indians; and it may be that that is the ground of the difference between us. We did see, however, those of us who went by ourselves, both kinds of schools, and while I accord to the Jesuits all that the Senator has said, I do not think it is right to do it at the expense of the other schools. The Senator was unfortunate in two interpreters that came from those schools. He says that they were dressed up and were poor interpreters. That may be. How many have gone back to the tribes of all that have been educated at Carlisle? More than 80 per cent. have proven valuable people; and the fact that 18 or 20 per cent. of them have proved a failure is no argument against the system. We saw them in all stages of usefulness, even up to that of a strike. We saw a strike among these educated scholars; they demanded higher pay or they would not work; but they got over it. They have got to go out of all that system. Does the Senator expect that they are to go out of these schools perfect, amply equipped in every respect to discharge every duty as white men who have been trained for centuries? Has the Senator never heard of a white man, an American graduate of a college, that fell by the wayside?

Mr. VEST. I went about the Indians in Montana. There may have

been something in dividing the labors of the committee. Now I want to ask my friend from Massachusetts if he saw a single day-school among the Indians that was doing any good.

Mr. DAWES. Most certainly. I should not have indulged in the remarks I have here in reference to day-schools if that were not true.

Mr. VEST. I ask the Senator if he saw one of them, and I should like him to name the place where the day-schools were paying the Government anything like a fair consideration or remuneration for the money expended.

Mr. DAWES. Let me tell the Senator from Missouri that two day-schools, one at Standing Rock agency and one at Pine Ridge agency—the one at Standing Rock under the Jesuits and the one at Pine Ridge under Protestant management—were day-schools of great usefulness, both of them in my opinion; they were doing great good, not so much as a boarding-school which was just started at Pine Ridge and another school at Standing Rock, but that the day-schools are of great use I can not doubt. That some of them are very poorly managed I do not hesitate to say.

Mr. VEST. Were these day-schools?

Mr. DAWES. The one at Pine Ridge was a day-school. There was a boarding-school at Standing Rock and all the teaching at Standing Rock was done by the Jesuits excepting an institution outside of the care of the reservation which was under the Episcopalians.

Mr. VEST. I will say to the Senator from Massachusetts that I only asked the question because after returning here I understood from other members of the committee that these were boarding-schools. The Senator from Wisconsin [Mr. CAMERON] was one of the Senators, and so was the Delegate from Montana also.

Mr. CAMERON, of Wisconsin. I think the two schools referred to by the Senator from Massachusetts were nearer boarding-schools than day-schools. I think they were boarding-schools. He will recollect that the school at Standing Rock was under the care of the Roman Catholics; I do not know whether they belonged to the order of Jesuits or not. There were two fine large buildings there. He will remember that there were comparatively few students there; but we visited them in their school-rooms, and were very much pleased with the manner in which they acquitted themselves. It was a girls' school. There was a boys' school some distance from Standing Rock, which we did not visit; but I understood that those were boarding-schools; that is, the children were brought there from different parts of the reservation. They were not all lodged and boarded, I think, in that building, but were in the immediate vicinity.

The school at Pine Ridge is under the care of Bishop Hare, the Protestant Episcopal bishop for that Territory. The Senator will remember that that is a large building also, supplied with dormitories and arrangements for cooking, and that a portion of the gentlemen who accompanied us were lodged in the building while we were there. I understood from the agent at Pine Ridge that day-schools had been established at different places on the reservation; I think he told us how many, and the report in regard to those day-schools was that they were doing good work. I did not myself visit any one of the day-schools.

Mr. DAWES. The boarding-school house to which the Senator alludes was a new establishment that had never been opened for a school. It was opened after we left; the Senator will remember that the agent came to Chicago to engage teachers; but there was a day-school under the charge of the agent's wife that I visited myself, and it was that I alluded to.

Mr. CAMERON, of Wisconsin. Yes; at Standing Rock.

Mr. DAWES. At Pine Ridge. At Standing Rock the girls' school which the Senator spoke of might be fairly described as a boarding-school, and the Jesuits taught day-schools also. They have the entire education there.

Mr. CAMERON, of Wisconsin. We understood they had established day-schools on the reservation and that they were doing very excellent work.

Mr. DAWES. That is so.

Mr. INGALLS. Mr. President, this is an exceedingly interesting subject both to the philosopher and to the politician. We are to decide whether this experiment in the first place is beneficial to its subjects, and in the next place whether or not it is wise to continue these vast appropriations from the Treasury for the purpose now under discussion. I have been an interested student of the question of Indian education for twenty-five years, during which period I have been a neighbor of Indians and somewhat familiar with their habits and methods. I have examined the results of Indian education at Carlisle, at Hampton, and at Santa Fé, N. Mex., where there is an institution, under the control and management of some Jesuit fathers, that I think presents one of the most interesting spectacles that ever was witnessed by the human mind. I do not recall ever having spent a few hours more profitably and with more engrossing interest than in studying the result of the patient labors of those self-denying men under the most disadvantageous circumstances upon a congregation of Navajoes, Pueblos, and other youth from the adjacent tribes in that old capital.

But without going into a minute statement of my views upon this subject, I must be allowed to say that in my opinion Indian education produces phenomena rather than results. There are individual instances of extreme interest which have resulted from the efforts of these teachers upon youths of the different tribes; but it is impossible to say, in my judgment, that there has been during the generations that this experiment has been carried on any appreciable change in the character of the Indians in this country. Those that were Indians at the beginning are Indians still.

It is said that Cuvier, the great naturalist, could take a single bone of an unknown animal, even the smallest, or a scale of a fossil fish, and so great was his knowledge of the laws that control anatomy and that result in building up an animal organization that he could build upon that single bone or scale not only the entire bony structure of the animal or the fish, but clothe it with its muscles and its tissues so that he would present to the world the direct form and presence of the creature whose bone or scale was laid before him. I have no doubt also that if a philosopher could know dew point, the mean annual temperature. and have a handful of soil from a given locality, he could very nearly predict the kind of man that would inhabit it.

These matters are to a very large extent physiological and structural. Societies and civilizations and faiths and philosophies are not made; they grow; they are a development. A thousand years ago the Anglo-Saxon race, to which we belong, was as savage, as wild, as untamable, as any of the savage inhabitants of the North American continent at this time. They were not raised to their present elevation by the efforts of other nations and other peoples to educate them. Their civilization has been a growth from within; it has been a development from inherent forces that demanded this form of expression.

Therefore, sir, when you talk to-day about the efforts to civilize and Christianize the Indian by spending money for the erection of schools, and for the hiring of teachers, and for the purchase of books, you are engaged in a task that can never be accomplished; you will make the object of this education neither an Indian nor a white man. They have different desires, different impulses, different hopes, different aspirations, different purposes; they are of entirely different class, and stock, and race, and while it is interesting and valuable to make these experiment, we are proceeding upon an entirely wrong theory.

I recollect seeing a few years ago, at Carlisle, young Indians engaged in making harness, and others in the manufacture of tinware. They wore the clothing of civilized people; some of them manufactured the shoes that they wore. Others were engaged in making the models of houses so that they might become carpenters. But, Mr. President, there is not upon record one single instance of an Indian who by education has ceased to be an Indian and become a white man, who has ever adhered in the practices and customs of civilized life as known to the white man.

Sir, it is of course superfluous to say that it is desirable that every effort should be made so far as possible to ameliorate the condition of the Indian tribes; but the system that we are pursuing, as has been pointed out by the Senator from Missouri, and as I know myself by direct personal observation, results in this: If the Indian, after he has taken his degree, after he has learned the use of civilized clothing, after he has become educated so far as the school proposes to carry him, returns to his tribe, he is an alien and an outcast; he can have no companionship; there is no one with whom he can ally himself; his last condition must therefore be worse than his first. If he remains with the whites, then in the great struggle for competition that has been sharpened through generations of exercise on the part of the Caucasian race, he falls, and that is the end of him.

I do not know how much money has been appropriated for the purpose of Indian education since I have been a member of Congress, but it certainly goes up into the millions of dollars; and, as I have already intimated, I believe that it proceeds upon an entirely erroneous theory. While those who are actuated by the desire to educate the Indian are humane, charitable, benevolent, while their impulses are lovely and commendable, I say, as the deliberate result of my observation, that there has not been one single particle of advantage or good gained so far as the Indians are concerned; and I speak of the Indians as a race, a class upon this continent. Those who have been withdrawn—and there may be a very few who have been assigned to places in civilized society—may have been advantaged and benefited; but the condition of the Indian race, of the Indian tribes, of the Indian people has not been changed one single particle in the degree and scale of civilization by all these efforts that have been made. I suppose there are at the present time of school age in this country perhaps 10,000 Indian children; I do not know——

Mr. DAWES. Thirty thousand.

Mr. INGALLS. Then the number is very much larger then I had supposed; and accommodations for how many are afforded by these schools?

Mr. DAWES. About 6,000.

Mr. INGALLS. About one-fifth, then, of the entire number of children of the school age are provided with possible accommodations under this bill, which would leave twenty or twenty-five thousand who will grow up in barbarism and ignorance. Mr. President, it is very easy to see that that is a losing game. Here are five or six thousand who are rendered neither Indians nor whites. They are segregated from their kind. They have nowhere to go on the face of the earth. Among all

its peoples and populations and inhabitants there is no place assigned for them. And you leave twenty or twenty-five thousand growing up exactly as they have been for generations and for centuries.

Mr. President, it requires no very accurate computation, it requires no very minute mathematical process to see that at this rate the degree of ignorance is very rapidly gaining on us, and if we proceed as we have hitherto in these expenditures there is nothing to be done except to increase our expenditures from year to year with no possibility of advantageous results. The great difficulty appears to me to be——

Mr. DAWES. Let me give the Senator more accurately the numbers, because I did not do justice to the efforts that are being made. The number of school population, exclusive of the five tribes, is 35,883; the number who can be accommodated in boarding-schools, 5,182; the number who can be accommodated in day-schools, 6,032; the number of boarding-schools, 82; the number of day-schools, 117. If this bill becomes a law there will be support for so many.

Mr. INGALLS. The difficulty in this whole subject appears to me to be fundamental. I was talking the other day with a very intelligent official of the Canadian government who had long been familiar with the conduct of Indian affairs in those provinces. He learned with suprise that the Indians of this country were outside the pale of law, and it is a singular fact when you come to reflect upon it that in all our domains the only creature who is absolutely outside of law is the American Indian. If he commits murder, or steals a horse, or burns his neighbor's house, there is no law to punish him. For any offense against life or property he goes free. I think that we have got to begin at the other end of the social scale in the Indian problem.

Mr. CAMERON, of Wisconsin. I think the Senator ought to qualify the statement he has just made. If an Indian commits a crime on an Indian reservation there is no law to punish it; but if he commits a crime off the reservation then he is amenable to law.

Mr. INGALLS. Exactly, and therefore I say every Indian ought to be off a reservation.

Mr. CAMERON, of Wisconsin. That is another question.

Mr. INGALLS. The moment this whole system is broken up, the moment that you declare that every man on this continent, black or white, Greek or Jew, bound or free, is the subject of law, and must be made to suffer the consequence of his own voluntary act, then you have made the first material and beneficial step in the solution of this problem.

Mr. DAWES. I should like to ask the Senator if he will allow me, does he think it would be decent, humane, not to say practicable, to take an Indian who did not understand a word of our language into a court and try him under the processes and rules and forms of the English language and ask him to obey a law he could not read, and hang him because he did not obey a law he could not read?

Mr. INGALLS. We hang Frenchmen who can not understand our language; we hang Italians who can not understand our language; we hang every other creature of every nationality on the face of the earth if he comes into our country and commits a capital crime, whether he understands the language or whether he does not. It is not a question whether he understands the language; it is a question whether he violates the law. And it is no excuse for an Italian in New York who comes there and in a quarrel kills there one of his own associates or an American that he does not understand the English language and therefore ought to go acquit. That is the introduction of a very novel feature in criminal jurisprudence, and I am inclined to think that upon a more minute, impartial, and philosophical survey of the subject the Senator from Massachusetts will be convinced that the question of liability to the penalties of the law for its voluntary violation does not depend upon the fact whether the defendant or the criminal understands the language of his victim or whether he does not.

Mr. DAWES. The difference between the Senator and myself is this: He says we have begun at the wrong end; I think the best end to begin with is to teach him what the law is and then punish him if he does not obey it. The Senator proposes to hang him for not obeying the law and then teach him afterward.

Mr. INGALLS. No, sir. I do not propose to hang him for not obeying the law, but I propose to hang him if he kills a man in violation of law, whether he understands the English language or not.

Mr. DAWES. I leave it to the judgment of the American people which end it is best to begin at, whether it is not better to enlighten the mind and help the man to understand what the law is, whether it is not better to begin there than it is to begin with the processes of punishment before you enlighten him, and let him know what it is that he is bound to do.

Mr. INGALLS. It always has been a prodigious task to elevate a man or a race or a nation from barbarism to civilization, and it requires to-day a coalition of all the conservative forces in society to prevent even the most elevated from relapsing into savagery and barbarism. I suppose that in the most enlightened portions of this country if we were for a single generation to permit the machinery of schools and courts and of all the different agencies of civilized life to become stagnant and inert, society, in the course of a very few years, would relapse and perhaps become worse than the condition of the savage tribes of the West. But it is impossible ever to reform any society, no matter whether it is one that is originally low or one that has relapsed, unless all these agencies are called into the most strenuous activity.

We practically say to all these people here you are at liberty to steal horses, you are at liberty to pillage the settlers upon the frontier, you are at liberty to kill any man upon your reservation without suffering the penalty of the law. If there were a few illustrations of the vigorous administration of justice the Indian would soon learn enough of the English language to be aware of what was right and what was wrong, and what act it was safe to him to commit and what was unsafe.

I advocate no policy of barbarism or wrong. Confessedly the theory upon which the Senator from Massachusetts has been acting, and those who believe with him, for the last century, yes, for the last two centuries, has been an absolute failure. There are to-day just as many of these people on the American continent as there were when the prow of Columbus first appeared above the waves beyond the islands of the West Indies. I do not know but that there are more. I am sometimes inclined to think that the number to-day of Indians upon this contident is greater than it was in 1492, and I say, without the fear of contradiction from any source, that notwithstanding all the agencies of civilization, notwithstanding all the expenditures of individuals and of the Government, the condition of the Indian race upon this continent is not one single tenth portion of a degree higher in the social scale, in the scale of civilization, than it was in 1492.

Mr. President, it seems to me that having tried this experiment for so many generations it is well to attempt some other method, and I believe it would be the wisest course this Government could pursue to-day for a law to be passed declaring that the jurisdiction of the laws of the United States shall extend absolutely over these people; and they should be held to strict accountability for all their acts, just as accountable as they are under the government of the Dominion of Canada, and there, as we were told the other day, there has not been a single drop of blood shed in massacre, there has been no armed demonstration against the authority of the government on the part of any of the savage tribes since they have been under English dominion.

Mr. DAWES. There will be no trouble there till the white man tries to steal the Indian's land in Canada.

Mr. INGALLS. Mr. President, the Senator from Massachusetts will find it, I dare say, much more difficult to answer the proposition than to sneer at it.

Mr. DAWES. I did not sneer at it.

Mr. INGALLS. With his customary tendency toward cynicism he remarks, in response to what I intended to be a candid statement from a friendly standpoint upon a question confessedly of the gravest importance not only to the Indians but to the American people, that there will be no trouble among the Canadian Indians until somebody tries to steal their land.

Mr. DAWES. I thought the Senator understood what I meant by that.

Mr. INGALLS. I think I did, sir.

Mr. DAWES. It is well known that the radical difference between the Canadian Indian and our Indian grows out of the fact that he has room enough there, plenty of room. In this country the settler presses upon him so closely, crowds him so much that the friction and trouble between him and the settler growing out of the crowding of the settler upon him brings about wars. I am not upon my feet to say that it brings about these wars without his fault, but brings about the wars for the very reason that there is ample room enough there and not room enough here. When the time comes that the white man is getting away all the land from the Indian in the Dominion then we shall see much the state of things we see here. That is all I meant by the side remark I made. I protest that I did not mean to sneer at the Senator's remarks, or to treat in any other way than the gravest manner a question of so much importance as this.

Mr. INGALLS. Mr. President, I heard the Senator from Massachusetts in the course of his observations say that it might be well for the United States Government to spend as much in trying to educate the Indian as it had expended in trying to exterminate them.

Mr. DAWES. No; I did not say that.

Mr. INGALLS. The Senator says he did not say that.

Mr. DAWES. I do not think I said it.

Mr. INGALLS. The Senator now says he does not think he said it. I think he did say it. I thought at the time that if that remark in all its length and breadth and bearing was submitted to the Senator in calmer and more rational moments he would be disposed to qualify it.

Mr. DAWES. I say now that it were better for the United States to spend as many dollars in the effort to educate the Indian as they have spent in the vain, cruel, and bloody work of trying to exterminate him; and when they have spent as many million dollars in that work as they have spent in violation of all the laws of humanity in trying to crush him out, they will have done something for their own good as well as for the good of those upon whom they expend it; and therefore, whether I said that they had better spend as much as that or not, I say it were better for them to do it than to be continuing the expenditure of money in the manner in which they have in the past. It can not be done with impunity to ourselves. We have been reaping in these long years the reflex influence of the wrong we have heaped upon the black man, and we are not going to murder the Indian with impunity, and therefore we had better spend it, better for ourselves, better for everybody, in that way than in the way we have done.

Mr. INGALLS. Now, Mr. President, the Senator from Massachusetts has repeated what he said before with addenda, with appendices, with what may be called a codicil to his last will and testament expressing the last views of the testator upon the subject, for which I am profoundly grateful. I beg in this public way to return to him my very sincere and cordial acknowledgments for the honor he has done me by this interpolation.

I desire to say upon that proposition that the Government never attempted to exterminate the Indian, the Government has never attempted to crush the Indian, and we have heard fully enough of that somewhat stale and somewhat superfluous denunciation of the United States for its cruel and atrocious policy toward the American Indian. There never has been an acre of land surrendered by any Indian or by any Indian tribe for which ample and just equivalent was not given, and so far from there having been any attempt on the part of the Government to crush and exterminate the Indian, the policy on the other hand has been uniformly, so far as the Government is concerned, humane and generous, as a great many score of appropriation bills will show, in which vast expenditures have been authorized and warranted for the comfort and well-being of the Indian, not only in his physical condition but in everything that pertains to his moral and to his intellectual welfare. I repudiate and repel and disavow this oft-repeated statement—it might be characterized by a harsher name—that the policy of the Government toward the American Indian has been one of extermination, of cruel and truculent hostility.

Mr. President, I speak not as the Senator from Massachusetts would seem to intimate, from any standpoint of hostility toward the Indian or toward the policy that is to be pursued in this bill. If it were possible to make all these people self-sustaining, if it were possible by one statute to civilize them, to Christianize them, to make them American citizens, with all that that term implies, I should certainly be very glad indeed to contribute heartily and cordially to that result. But we are beginning at the wrong end, as I said before, of this problem. Taine in his History of English Literature somewhere says that the soul of man is rooted in nature; and there never was a profounder truth physiologically uttered.

When the florist wants a rose he does not go to the apothecary for his perfume, he does not go to the milliner for his fabric, he does not go to the painter for his hues; but he goes to the soil for its subtle and potential chemistry; and all this attempt to raise the Indian in the social and moral scale by sending teachers down into those regions where he abides to instruct him in the Greek alphabet and the differential calculus, and to have his dinner served to him in courses, and to wear the plug hat and the gold watch of civilized life, is just exactly as absurd and will be as futile in its results as it would be to go among a herd of Texas broad-horn steers and endeavor to turn them into Durhams and thoroughbreds by reading Alexander's herd-book in the cattle-pens at Dodge City or Wichita. [Laughter.]

Mr. HOAR. Mr. President, I do not propose at this hour in the evening, or at any time while the present bill is under discussion, to enter upon the general question of our policy toward the Indians. I had occasion carefully to investigate the subject as well as I could a year or two ago, and I discovered that a few facts were well established. One is the fact just stated by the Senator from Kansas that the best statisticians are agreed that the number of Indians on this continent is about the same to-day that it was when the Englishman landed at Jamestown or at Plymouth in the early part of the seventeenth century. I believe there is a tradition that there was a pestilence which carried off large numbers of the Indians after the landing of Columbus, but the practical fact for the purposes of this discussion is true as the Senator stated it.

Another fact is true, and that is that the Indian has cost, since the formation of the Constitution of the United States, this Government—there being about two hundred and fifty thousand all told, being about one hundred and fifty thousand now roaming in savage tribes, not enough to make a city of the second class, not possessing the fighting power of a city of 50,000 inhabitants—it has cost this Government in Indian wars and Indian support and losses on our part by Indian wars fully a thousand million dollars more than it would have cost the Government if the Indians had been ordinary, self-supporting citizens, farmers or mechanics.

Another fact is true, and that is that the highest authorities, authorities like General Sherman, like General Grant, like the distinguished Senator from Iowa [Mr. ALLISON] who made one of the most valuable and instructive state papers that we have on our files on this subject when a commissioner to examine the condition of the Sioux Nation some years ago, are agreed that the Indian wars have been provoked by white outrages in the beginning as a rule, and that the history of our diplomatic relations with these tribes is a history of broken faith and broken treaties. The United States have a treaty in existence to-day, as the honorable Senator from Iowa reports, I think, in that document to which I have referred, by which they are bound at the public cost to furnish to all the children of that warlike and numerous tribe a good English education.

Now, independently of the question of humanity as a mere matter of dollars and cents, I wish to call the attention of my friend from Kansas to one other matter of which he has spoken. As a mere matter of dollars and cents, if the Indian children in our schools were nothing but hostages for the good behavior of their fathers and brothers, it would be cheaper for us to spend fivefold the amount of money appropriated in this bill for their education than to leave them in their barbarism and in their tribes.

But what I rose to call the attention of the Senate to was as to the accuracy, the correctness of the opinion of the Senator from Kansas, as to the impossibility of improving the Indian by education. He has made a good many very graceful and well-expressed sentences, in which he seeks to illustrate the difficulty of interfering with nature. He says if you want to get the rose you do not send to the apothecary for your perfume, and so on. But that argument, so far as it be an argument, would apply equally to the education of any child or of any race. It is the law of all humanity, unless the law which is applicable to all humanity elsewhere fails with the Indian, that we are to be developed into manhood and into womanhood, and into civilization by the processes of education, which are processes which the individual child can not perform for itself. It is this one distinction between humanity everywhere and the animal, the bird or the beast or the fish, that the human being is born dependent and helpless, to be raised, to be taught, to be educated, to be developed by the care and attention of his kind.

The Senator says that it is the result of his experience that in no individual case has an Indian been made to receive the character and attributes and to be fit for the condition of the white man, that the individual Indians go back to barbarism, and that no nation, or race or tribe can be raised from a condition of barbarism except by forces operating from without itself, which forces do not exist in the Indian character. It seems to me that either the Senator is mistaken or that the evidence upon which we have been accustomed to act for so long on the condition of more than 50,000 Indians belonging to what are known as the Five Nations in the Indian Territory is strangely untrue. I should like to read what I read to the Senate a year or two ago in answer to the judgment of the Senator from Kansas upon this fact, which is the fundamental fact in this whole discussion. If he is right, then these people are to be dealt with as barbarians, if they are kept in school or kept as hostages or prisoners as wild beasts are kept in their cages. If the other statement is true, then the appropriation which is proposed here is inadequate and cheap.

Now let me read the Thanksgiving proclamation of Mr. D. W. Bushyhead, the principal chief of the Cherokee Nation in the year 1881, on the occasion of national thanksgiving.

Last year—

Mr. Bushyhead says—

the census of the population and possessions of the Cherokee Nation was first taken within their history. We have now counted our treasures and know for what and for how much we should feel grateful as a family of people having and occupying one home in common. From this authentic source we find our people blessed with one hundred and two primary schools for a rapidly-increasing population of 20,300 citizens; two high schools, male and female; an orphan asylum, an asylum for the unfortunate—insane, blind, and helpless; forty-five churches and as many native ministers of the gospel; one hundred and fifty native teachers by profession; a written constitution and code of laws; a government consisting of executive, legislative, and judicial branches, well understood and administered; a people peaceful and progressive, and in all material regards more than self-supporting; and having but five fishermen and fifteen hunters by occupation left among them as the last vestige of a savage state from which we have been rescued within the memory of men yet living by the goodness of an overruling Providence.

Such is the situation of the Cherokee nation to-day, in a fair and ample country secured to them by treaty and by patent, and of which the honor and honesty of their great earthly protector, the United States Government, is pledged to guard their possession.

Such are the blessings for which our thanks are continually due, among which blessings the first and best of all is saving knowledge whence they come and a sense of obligation which restrains pride.

Therefore I, D. W. Bushyhead, principal chief of the Cherokee Nation, do hereby, in pursuance of an ancient Christian custom and the recommendation of the President of the United States, appoint Thursday, November 24, A. D. 1881, as a day of public thanksgiving throughout this nation, and call upon the Cherokee people to devote the time designated to the giving of expressions and evidences of their thankfulness to the Supreme Being for His kindness and love, in such ways and by such observances as shall become a Christian, orderly, and conscientious people. Let us thank Him for all His dispensations as gifts of His goodness for our good, never forgetting that blessings are such indeed only when used in the cause of the Great Giver, which is the happiness of all alike; and that the results of our shortcomings are but benevolent cautions against evil—no less blessings, if we so regard them, than the happy consequences of virtuous life.

Mr. President, it strikes me that the author of that proclamation has made a little step toward emergence from the state of savagery.

Mr. INGALLS. Mr. President, I am not willing in the present temper of the Senate to prolong this debate, and rise at this moment only to say that I am very grateful to the Senator from Massachusetts, for the observation that he made with regard to the Five Nations in the Indian Territory, because it reminded me of what I had intended to say and had forgotten in my remarks, and that was to refer to them as an illustration of the very principle in the human mind that I was endeavoring to expound, and that was that this species of intellectual growth, of development, of culture was not made like a suit of clothes by a tailor, or like a vehicle by a wagonwright, but was the result of inherent forces within that demand expansion and growth, and finally

take their shape in alphabets and literature and codes of laws and religions and faiths and creeds and philosophies.

If the Senator from Massachusetts had known more about the history of the Indian upon this continent he would have been aware that the Five Nations to which he refers never belonged to or had any affiliation with the class that we have been describing as the blanket Indians, who have always stood with such resolute defiance against the influences of civilization. They were of a different stock; they were a different race; they came from a different source. In the southern region where they have always lived they were of a peaceful, pastoral, tranquil, docile, and easily acquisitive nature. So far from their present condition being the result of the teachings of the class of instructors who have been supplied by appropriations from the Treasury, exactly the opposite is true.

It is a singular fact that the Cherokees, by the operation of those interior and inherent forces that I have spoken of, have actually invented an alphabet of their own. They have a newspaper printed in their own language in a character that is just as distinct and separate from the English character as the Greek or the Hebrew. They have a code of laws of their own; they have a well-defined literature of their own; they have established social customs and habits and regulations of their own.

This has not been the result of the teachings of apostles and missionaries who have been sent there either by private charity or by public benefaction. It may be that by the subtle contagion that there always is in these efforts something may have been communicated. There may have been some subtle impulses to stimulate those forces that exist within them; but the Five Nations, and particularly the Cherokee people, are an apt and wonderful illustration of the very principle for which I contended.

It was said of the proprietors of Warren's blacking, a celebrated preparation that was at one time well-known in England, that the establishment kept a poet. While I have no remarks to make upon the composition of the elaborate thanksgiving proclamation that the Senator from Massachusetts read to show the magnificent progress these people had made in civilization and in intellectual power and in the knowledge of religious truth, it is fair to say that like other potentates, like the rulers of other nations perhaps greater and better known than the Cherokees, the executive sometimes has a secretary of state, and it is possible he may not be of the precise nationality to which the executive belongs.

This, Mr. President, is all I desire to say upon this subject. The Senator from Massachusetts will of course understand me as in no respect reflecting upon the character of the argument he has used when I say that it entirely emphasizes the position I have taken, and that on the one hand is seen the spectacle of this magnificent, majestic, stately, and spectacular progress made by the Cherokees without these influences, and on the other hand the sullen, ferocious, relentless, immovable savagery and barbarism of the northern races in defiance of the millions that have been spent to elevate them.

Mr. HOAR. The Senator from Kansas thought that if I knew more about the Indian on this continent I should have come to some different conclusions. I regret that in the vast number of important questions which we have to deal with my capacity and time here are not sufficient to enable me to know as much about any one of them as would be desired, but I do happen to know something about the history of Cherokee civilization. It so happens that an honored and dear and near relative of my own, the late Jeremiah Evarts, was the pioneer of the missionary efforts to reclaim the Cherokee Nation. He gave his life to their cause, and among the early memories of my childhood is his coming home to die of the overwork which he had expended in saving that nation from injustice. They were found, as the Senator has said, a gentle, docile, tractable people, pastoral and peaceful, but that was not true of the fierce and warlike Chickasaws or the Choctaws or the Seminoles, or, I believe, of the Creeks. The other four of these five nations, whose progress could have been described in words of equal emphasis and truth with that of the Cherokees, were Indians of the same temper as the wild Indians who now roam our plains.

The Senator from Kansas did not say in the speech which he first made that there were certain Indian tribes on this continent who could not be made civilized or improved by education. He said that there was no instance in history of an Indian tribe; and now when this instance is cited upon him he says that he did not mean the Five Nations or the Cherokees, but he meant only such tribes as the blanket Indians now upon our plains. The very question of which he was speaking was the question of an expenditure for the education of the Indians of Alaska, gentle, docile, far advanced toward Christianity and civilization under the instruction of the priests of the Greek Church, described here by the Senator from Indiana [Mr. HARRISON], on the authority of the document which he read, as hungering for education. It was to that class of Indians, and Indians who may be described as he has described the Cherokees, to which the Senator applied his general statement.

But though it is true the Cherokee was a docile and peaceful person compared with his Indian kindred in other parts of the continent, yet he was found by the American board of commissioners, within the memory of living men, in a state of total and abject barbarism. The people of Georgia refused to tolerate his presence, and, in disobedience to the mandate of the Supreme Court in a great judgment which Chief-Justice Marshall rendered, the governor of Georgia compelled the removal of those Indians from the limits of the State of Georgia; and they went. It was made, I believe, a penal offense to teach one of them to read, and Mr. Worcester, the missionary, died in prison during the administration of General Jackson, upon the soil near where the battle of Missionary Ridge was fought, for disobedience to the law of the State of Georgia.

So the Senator's suggestion that the Cherokees are an exception to the rule, and that the same reasoning which applies to them does not apply to other Indians, seems to me wholly to fail.

Mr. HARRIS rose.

Mr. DAWES. I wish the indulgence of the Senate for a moment or two before the Senator from Tennessee [Mr. HARRIS] makes the motion he is about to make.

Mr. HARRIS. The Senator anticipates me. I rose for the purpose of making a motion and not to debate this question.

Mr. DAWES. I know the Senate is very tired, but I want the Senator from Kansas to be relieved of the nightmare he is resting on. I wish to show that somebody else besides Bushyhead in the Cherokee Nation is somebody. I will just read to him, if he will allow me:

Governor Allen Wright, of the Choctaw Nation, was educated in schools among his own people until ready for college, when he went to Union College, Schenectady, N. Y., where he graduated with honor. He also graduated in a theological seminary in New York city and was ordered to the ministry, and has preached among his own people for twenty-six years. He has been their governor several terms.

Mr. INGALLS. Was that at the expense of the United States?

Mr. DAWES. Does it depend upon whether the money be appropriated by Congress or be granted by the charity of the people whether an Indian can be educated or not? Is the position the Senator has taken, that no Indian is capable of education, maintained by showing that unless the money by which he is educated is appropriated out of the Treasury he is incapable of education? Is he capable of education? Is he capable of being made a man?

This spring one of his sons graduated at the Albany (N. Y.) Medical College, and another at a New York city theological seminary, both being graduates first at an Eastern college.

One of his daughters, after attending school among her own people, went to Massachusetts to complete her education, and pursued the same studies as white girls.

I saw on Saturday fifty wild Apache Indian youths who three months ago were with the prisoners taken by General Crook and brought to the San Carlos agency. Fifty of those boys and girls I saw reading English off the blackboard, as bright, as intelligent, as quick, as capable of comprehending what they were taught as any white children I ever saw in a school.

The Senator from Kansas libels his own race when he says that any of them are incapable of being trained and made something of. The Senator is mistaken in history, mistaken in fact, mistaken in the philosophy of our being. The Senator is against the whole history of the race. From the beginning of time till this day there has been no tribe or nation on the face of the earth which has not been capable of being educated and trained into manhood.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H. R. 392) granting a pension to Mrs. Charles B. Caddy;

A bill (H. R. 1396) granting a pension to Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry;

A bill (H. R. 1751) for the relief of William R. Browne;

A bill (H. R. 1970) for the relief of Mrs. Alice T. Sherwood;

A bill (H. R. 1977) for the relief of Maria L. Hammer;

A bill (H. R. 1998) for the relief of William J. Sawyer;

A bill (H. R. 2085) granting a pension to Joseph McIntosh;

A bill (H. R. 2105) granting a pension to John A. Shuckers;

A bill (H. R. 2432) for the relief of Mrs. Jane Young;

A bill (H. R. 2660) granting a pension to William Printz;

A bill (H. R. 3171) granting a pension to Ella Stolz;

A bill (H. R. 3892) to restore to the pension-roll the name of William B. Keith;

A bill (H. R. 3909) granting a pension to George W. Wickwire;

A bill (H. R. 4282) granting a pension to Richard G. Sharp;

A bill (H. R. 4530) granting an increase of pension to Patrick Foley;

A bill (H. R. 4694) granting a pension to James Clark;

A bill (H. R. 4825) for the relief of Rosina Heineman;

A bill (H. R. 4974) for the relief of Sarah Manz;

A bill (H. R. 5172) granting a pension to Mary L. Wells;

A bill (H. R. 5176) for the relief of James I. Dail;

A bill (H. R. 5307) granting a pension to Louisa J. Thompson;

A bill (H. R. 5336) granting a pension to Maria C. McPherson;

A bill (H. R. 5374) granting a pension to Philip Wiggins;

A bill (H. R. 5735) granting a pension to Margaret Daily; and

A bill (H. R. 6085) granting a pension to John A. Hassell.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 4651) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes;"

A bill (H. R. 4994) to vacate an alley in square 234 in the city of Washington;

A bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia; and

A bill (H. R. 6629) taxing shares of incorporated banks in the District of Columbia as other personal property.

The bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River, was read twice by its title, and referred to the Committee on Fisheries.

AMERICAN SHIPPING.

Mr. HARRIS. Mr. President——

Mr. FRYE. Will the Senator yield a moment to me?

Mr. HARRIS. I yield to the Senator from Maine.

Mr. FRYE. I move that the shipping bill be laid before the Senate. I do it for the purpose of leaving it as the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The shipping bill is before the Senate.

Mr. HARRIS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 12, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Friday was read and approved.

COUNTERFEITING FOREIGN SECURITIES.

Mr. LORE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill No. 1369, to prevent and punish the counterfeiting within the United States of notes, bonds, and other securities of foreign governments, and put the same upon its passage.

Mr. TURNER, of Kentucky. I object.

Mr. LORE. Let the bill be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That every person who, within the United States or any Territory thereof, with intent to defraud, falsely makes, alters, forges, or counterfeits any bond, certificate, obligation, or other security in imitation of, or purporting to be an imitation of, any bond, certificate, obligation, or other security of any foreign government, issued or put forth under the authority of such foreign government, or any treasury note, bill, or promise to pay issued by such foreign government, and intended to circulate as money, either by law, order, or decree of such foreign government, and any person who causes or procures to be so falsely made, altered, forged, or counterfeited, or who knowingly aids or assists in making, altering, forging, or counterfeiting any such bond, certificate, obligation, or other security, or any such treasury note, bill, or promise to pay, intended as aforesaid to circulate as money, shall, upon conviction thereof in any circuit or district court of the United States, be punished by a fine of not more than $5,000 and by imprisonment at hard labor not more than five years.

SEC. 2. That every person who knowingly, and with intent to defraud, utters, passes, or puts off, in payment or negotiation, within the United States or any Territory thereof, any such false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, or promise to pay, as mentioned in the first section of this act, whether the same was made, altered, forged, or counterfeited within the United States or not, shall, upon conviction as aforesaid, be punished by a fine of not more than $3,000 and by imprisonment at hard labor not more than three years.

SEC. 3. That every person who shall, with intent to defraud, falsely, within the United States or any Territory thereof, make, alter, forge, or counterfeit, or shall cause or procure to be so made, altered, forged, or counterfeited, or shall knowingly aid and assist in the false making, altering, forging, or counterfeiting of any bank note or bill issued by a bank or other corporation of any foreign country, and intended by the law or usage of such foreign country to circulate as money, such bank or corporation being authorized by the laws of such country, shall, upon conviction in any circuit or district court of the United States, be punished by a fine not exceeding $2,000, and by imprisonment at hard labor not more than two years.

SEC. 4. That every person who shall, within the United States or any Territory thereof, utter, pass, put off, or tender in payment, with intent to defraud, any such false, forged, altered, or counterfeited bank note or bill, as mentioned in the preceding section, knowing the same to be so false, forged, altered, and counterfeited, whether the same was made, altered, forged, and counterfeited within the United States or not, shall, upon conviction as aforesaid, be punished by a fine of not more than $1,000, and by imprisonment at hard labor not more than one year.

SEC. 5. That every person who, within the United States or any Territory thereof, shall have in his possession any such false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, promise to pay, bank note, or bill issued by a bank or other corporation of any foreign country, with intent to utter, pass, or put off the same, or to deliver the same to any other person with intent that the same may thereafter be uttered, passed, or put off as true, or who shall knowingly deliver the same to any other person with such intent, shall, upon conviction as aforesaid, be punished by a fine of not more than $1,000, and by imprisonment at hard labor not more than one year.

SEC. 6 That every person who, within the United States or any Territory thereof, having control, custody, or possession of any plate, or any part thereof, from which has been printed, or may be printed, any counterfeit note, bond, obligation, or other security, in whole or in part, of any foreign Government, bank, or corporation, except by lawful authority, or who uses such plate, or knowingly permits or suffers the same to be used, in counterfeiting such foreign obligations, or any part thereof, and every person who engraves, or causes or procures to be engraved, or assists in engraving, any plate in the likeness or similitude of any plate designed for the printing of the genuine issues of the obligations of any foreign government, bank, or corporation, and every person who prints, photographs, or in any other manner makes, executes, or sells, or causes to be printed, photographed, made, executed, or sold, or aids in printing, photographing, making, executing, or selling, any engraving, photograph, print, or impression in the likeness of any genuine note, bond, obligation, or other security, or any part thereof, of any foreign government, bank, or corporation, or who brings into the United States or any Territory thereof any counterfeit plate, engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corporation, shall be punished by a fine of not more than $5,000, or by imprisonment at hard labor not more than five years, or both.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEACH. This is quite a long bill——

Mr. TURNER, of Kentucky. I would like to inquire if that has been considered by any committee of the House. It is impossible to ascertain the condition of the bill from the reading of it.

Mr. REED. It has been considered by the Committee on the Judiciary and favorably recommended.

Mr. HAMMOND. And also by the same committee in the last House.

Mr. TUCKER. That bill, Mr. Speaker, was substantially passed by the Committee on the Judiciary. I had some difficulty in my own mind about the power of Congress to pass such a bill. I examined the question therefore with a great deal of care and with an anxious desire to do what was right in the matter without invading in any degree the provisions of the Constitution of the United States.

On that investigation I became statisfied that it was fully within the power of Congress to pass such an act; and the evil existing was of such a character that I believed it to be proper, looking to the character of the offenses sought to be prohibited under this act and to the maintenance of friendly relations now existing between this and foreign governments, to pass the bill. Our committee was unanimously of the opinion that the bill should pass.

This bill is substantially the same as that reported by the Committee on the Judiciary. There are some few verbal changes which the committee thought it proper to incorporate in the bill, but they are immaterial, and there is no reason why this bill should not be passed.

The SPEAKER. Is there objection?

Mr. BARBOUR. I demand the regular order.

The SPEAKER. That is equivalent to an objection.

Mr. MOULTON. I hope the gentleman from Virginia will withdraw the demand for the regular order, so as to permit this bill to pass.

Mr. TUCKER. There will be no debate upon it, I imagine.

Mr. BARBOUR. I withdraw the demand for the regular order.

The SPEAKER. The Chair will again inquire, is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. MOULTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM WEBSTER.

Mr. EATON. I ask unanimous consent to submit a report from the Committee on Foreign Affairs. The committee directed me to report back favorably the petition of William Webster with a resolution which I ask to have read.

The Clerk read as follows:

Resolved, That the petition of William Webster and the accompanying documents be transmitted to the President, with the request on the part of this House that he will take such steps as he may deem proper to secure a speedy inquiry into the injuries which Mr. Webster claims to have suffered by reason of acts of officers of the Government of Her Britannic Majesty and the payment of a just compensation therefor.

There being no objection, the report was ordered to be printed, and, with the accompanying petition, referred to the Committee of the Whole House on the Private Calendar.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 581) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans., and put the same upon its passage.

Mr. HENLEY. I demand the regular order.

Mr. MORRILL. I hope the gentleman will yield to permit this measure to be taken up, as I think it will occupy but a few moments.

Mr. HENLEY. I must insist upon the demand for the regular order.

DOUCET PRIVATE LAND CLAIMS, LOUISIANA.

The SPEAKER laid before the House a letter from the Secretary of

the Interior, transmitting a report from the Commissioner of the General Land Office upon the private land claim of the legal representatives of François and Susanna Doucet, in the State of Louisiana; which was referred to the Committee on Private Land Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. GEORGE D. WISE, for three days, from and after to-day.
To Mr. WEMPLE, for one week, on account of sickness in his family.
To Mr. WOOD, until the 17th instant.
To Mr. CABELL, until Thursday next.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of States and Territories for the introduction and reference of bills and joint resolutions. On this call resolutions of inquiry addressed to heads of Departments are in order, and also resolutions and memorials of State and Territorial Legislatures for reference only.

WASHINGTON AND CHESAPEAKE RAILROAD.

Mr. SHELLEY introduced a bill (H. R. 6935) to authorize the Washington and Chesapeake Railroad Company and the Washington City and Point Lookout Railroad Company to enter the District of Columbia over the tracks of the Baltimore and Ohio Railroad and the Baltimore and Potomac Railroad, or either of them; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BRIDGES OVER SATILLA AND SAINT MARY'S RIVERS.

Mr. SHELLEY also introduced a bill (H. R. 6936) to authorize the construction of bridges over the Satilla and Crooked Rivers, in the State of Georgia, and the Saint Mary's River, in the States of Georgia and Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS FOR PACIFIC COAST.

Mr. ROSECRANS presented concurrent resolutions of the senate and assembly of the State of California, relative to the river and harbor appropriations for the Pacific coast; which were referred to the Committee on Rivers and Harbors.

CONTRACTION OF CURRENCY.

Mr. BELFORD introduced a bill (H. R. 6937) to prevent the sudden contraction of the currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

APPOINTMENT OF LETTER-CARRIERS.

Mr. WAIT (by request) introduced a bill (H. R. 6938) for the appointment of letter-carriers; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. BISBEE (by request) introduced a bill (H. R. 6939) to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SARAH M. BISSELL.

Mr. NICHOLLS introduced a bill (H. R. 6940) granting a pension to Sarah M. Bissell; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REAL ESTATE IN THE TERRITORIES.

Mr. PAYSON introduced a bill (H. R. 6941) to restrict the ownership of real estate in the Territories to American citizens; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LUMBER ON FREE-LIST.

Mr. PAYSON also introduced a bill (H. R. 6942) to place lumber on the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTIES ON SUGAR.

Mr. PAYSON also introduced a bill (H. R. 6943) to reduce the duties on sugar; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS LANAM.

Mr. WARD introduced a bill (H. R. 6944) for the relief of Thomas Lanam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANNA BRAHLER.

Mr. KLEINER introduced a bill (H. R. 6945) for the relief of Mrs. Anna Brahler; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARGARET M'CARTY.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 6946) for the relief of Margaret McCarty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILBUR F. COGGSWELL.

Mr. WELLER introduced a bill (H. R. 6947) to increase the pension of Wilbur F. Coggswell, late assistant engineer, United States Navy, to $100 per month; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PLEURO-PNEUMONIA, ETC.

Mr. WELLER also introduced a joint resolution (H. Res. 248) to appropriate $500 to experiment in remedies to cure the disease known as pleuro-pneumonia, and for other purposes; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

GEORGE W. EAGLES.

Mr. MORRILL introduced a bill (H. R. 6948) granting a pension to George W. Eagles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HENRY.

Mr. RYAN (by Mr. MORRILL) introduced a bill (H. R. 6949) for the relief of Samuel Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL M'ALPIN.

Mr. PETERS introduced a bill (H. R. 6950) granting a pension to Daniel McAlpin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. SUSAN L. MARTIN.

Mr. FUNSTON instroduced a bill (H. R. 6951) to pay Mrs. Susan L. Martin as cook of the Indian boarding-school; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

J. H. SHORT.

Mr. HALSELL introduced a bill (H. R. 6952) granting a pension to J. H. Short; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID B. ENGLAND.

Mr. HALSELL also introduced a bill (H. R. 6953) granting a pension to David B. England; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIS E. ARNOLD.

Mr. HALSELL also introduced a bill (H. R. 6954) for the benefit of of Willis E. Arnold; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FIRST BAPTIST CHURCH OF FLEMINGSBURG, KY.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 6955) for the benefit of the First Baptist church of Flemingsburg, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARIA H. SARGENT.

Mr. LOVERING introduced a bill (H. R. 6956) granting a pension to Maria H. Sargent; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT SPRINGFIELD, MASS.

Mr. ROCKWELL introduced a bill (H. R. 6957) providing for the erection of a public building at Springfield, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SANDERSON P. STACY.

Mr. HATCH, of Michigan, introduced a bill (H. R. 6958) to grant a pension to Sanderson P. Stacy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAPANESE INDEMNITY FUND.

Mr. REED introduced a bill (H. R. 6959) to amend an act entitled "An act in relation to the Japanese indemnity fund;" which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CHARLES L. ALDEN.

Mr. STRAIT introduced a bill (H. R. 6960) for the relief of Charles L. Alden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. NELSON introduced a bill (H. R. 6961) to amend section 4414 of the Revised Statutes, relating to inspectors of hulls and boilers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MINNEAPOLIS, MILLE LAC AND NORTHERN RAILWAY.

Mr. WAKEFIELD introduced a bill (H. R. 6962) granting the right

of way to the Minneapolis, Mille Lac and Northern Railway Company over the Mille Lac, Leech Lake, and Red Lake Indian reservations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HARRIET BEHR.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 6963) granting a pension to Harriet Behr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. C. ALLEN.

Mr. FYAN (by Mr. ALEXANDER) introduced a bill (H. R. 6964) for the relief of D. C. Allen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID T. DUDLEY.

Mr. WEAVER introduced a bill (H. R. 6965) granting a pension to David T. Dudley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WEALTHY H. SEAVY.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 6966) granting a pension to Wealthy H. Seavy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLICATION OF THE TENTH CENSUS.

Mr. COX, of New York, introduced a bill (H. R. 6967) supplementary to an act providing for the publication of the Tenth Census, approved August 7, 1882; which was read a first and second time, referred to the Select Committee to ascertain the results of the Tenth Census, and ordered to be printed.

MILITARY RECORDS OF NEW YORK VOLUNTEERS.

Mr. COX, of New York, also introduced a joint resolution of the Legislature of New York, requesting copies of military records relating to New York volunteers in the war of the rebellion; which was referred to the Committee on Military Affairs.

DENTISTRY IN DISTRICT OF COLUMBIA.

Mr. COX, of New York, also introduced a bill (H. R. 6968) for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people of said District from empyricism in relation thereto; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ULYSSES S. GRANT.

Mr. COX, of New York, also introduced a bill (H. R. 6969) to place Ulysses S. Grant, late General of the Army of the United States, upon the retired-list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SALE OF NAVAL VESSELS.

Mr. HEWITT, of New York, submitted the following resolution; which was read, and referred to the Committee on Expenditures in the Navy Department:

Resolved, That the Secretary of the Navy be, and is hereby, requested to report to this House at as early a date as practicable—

First. The names of the vessels of the United States which have been taken to pieces or removed by virtue of the provisions of the act approved March 3, 1883, and the places where such vessels were broken up.

Second. The amount of money expended in breaking up the said vessels, separately stated for each vessel.

Third. What disposition has been made of the old materials derived from said vessels, and if the said materials have been sold, the amount of money realized from such sale, separately stated for each vessel, and the disposition thereof.

Fourth. The names of any other vessels which in the judgment of the Secretary ought to be taken to pieces, stating the reason why the same should not be sold at public auction or on tender, after due advertisement.

TARIFF AND INTERNAL-REVENUE TAXES.

Mr. HEWITT, of New York, also introduced a bill (H. R. 6970) to modify existing laws relating to duties on imports and internal-revenue taxes, and to enlarge the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NAVIGATION OF NEW YORK HARBOR.

Mr. SLOCUM introduced a bill (H. R. 6971) for the improvement of navigation at the entrance of New York Harbor; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

GEORGE H. LAWRENCE.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 6972) for the relief of George H. Lawrence; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PIUTE INDIANS.

Mr. FINDLAY (by Mr. STEVENS) introduced a bill (H. R. 6973) for the relief of the Piute Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

O. F. ADAMS.

Mr. SKINNER, of North Carolina, introduced a bill (H. R. 6974) for the relief of O. F. Adams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS ASKEW.

Mr. SKINNER, of North Carolina, also introduced a bill (H. R. 6975) for the relief of Thomas Askew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN CLAIMS IN NORTH CAROLINA.

Mr. YORK (by request) introduced a bill (H. R. 6976) to provide for the enforcement of the decree of the United States circuit court, western district of North Carolina, made upon the Barringer award in favor of Dick-a-gees-ka, Oo-tal-ke-nah, Joseph Henson, and others; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

A. L. WILLIAMS, M. D.

Mr. KEIFER (by Mr. EZRA B. TAYLOR) introduced a bill (H. R. 6977) for the relief of A. L. Williams, M. D.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. ANDREW M. COOK.

Mr. KEIFER (by Mr. EZRA B. TAYLOR) also introduced a bill (H. R. 6978) granting a pension to Dr. Andrew M. Cook, of Selma, Clark County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 6979) fixing the rate of pensions in certain cases; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JACOB BEHEL.

Mr. WILKINS (by request) introduced a bill (H. R. 6980) for the relief of Jacob Behel; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

HENRY W. EDENS.

Mr. MURRAY introduced a bill (H. R. 6981) granting a pension to Henry W. Edens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. H. COLEMAN.

Mr. PATTON introduced a bill (H. R. 6982) granting a pension to W. H. H. Coleman, late a private in Company B, Eleventh Regiment Pennsylvania Reserve Corps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY M'GRAW.

Mr. BALLENTINE introduced a bill (H. R. 6983) for the relief of Mary McGraw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDICIAL DISTRICTS IN TEXAS.

Mr. CULBERSON, of Texas, introduced a bill (H. R. 6984) to change the eastern and northern judicial districts of the State of Texas, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BILLS OF EXCHANGE.

Mr. POLAND (by request) introduced a bill (H. R. 6985) to regulate commerce among the several States and to codify the laws relating to bills of exchange and other commercial paper; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNAL REVENUE TAXES ON TOBACCO, ETC.

Mr. TUCKER introduced a bill (H. R. 6986) to repeal all internal-revenue taxes upon tobacco in all forms and upon the dealers therein; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. TUCKER also introduced a bill (H. R. 6987) to repeal all laws imposing internal-revenue taxes upon brandy and wine manufactured from fruits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. CABELL (by Mr. GEORGE D. WISE) introduced a bill (H. R. 6988) to repeal the law imposing internal-revenue taxes upon tobacco, and liquors distilled from fruits, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMMERCIAL AGENTS IN DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) introduced a bill (H. R. 6989) to amend the law regulating license tax on commercial agents in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DISTRIBUTION OF SURPLUS REVENUE.

Mr. BARBOUR (by request) also introduced a joint resolution (H. Res. 249) to complete the deposit of the fourth installment of the surplus revenue of the United States with such of the States entitled thereto

under the act of Congress of June 23, 1836; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN MORTER, JR.

Mr. GUENTHER introduced a bill (H. R. 6990) granting a pension to John Morter, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM THATCHER.

Mr. PRICE introduced a bill (H. R. 6991) granting a pension to William Thatcher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. C. AKIN.

Mr. RAYMOND introduced a bill (H. R. 6992) for the relief of H. C. Akin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

M'HENRY GULCH MINING AND TUNNEL COMPANY.

Mr. SINGISER introduced a bill (H. R. 6993) granting certain privileges to the McHenry Gulch Mining and Tunnel Company; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

BELKNAP AND CŒUR D'ALENE TOLL-ROAD COMPANY.

Mr. SINGISER also introduced a bill (H. R. 6994) to incorporate the Belknap and Cœur d'Alene Toll-Road Company; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

MILITARY CLAIMS OF STATES AND TERRITORIES.

Mr. MANZANARES introduced a joint resolution (H. Res. 250) to extend the provisions of the act of June 27, 1882, to the Territory of New Mexico, providing for the settlement of the military claims of certain States and Territories; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

ABNEY LOWRY, SR.

Mr. CAINE introduced a bill (H. R. 6995) for the relief of Abney Lowry, sr., of San Pete County, Utah; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

The SPEAKER. The call of States and Territories has been concluded, but if there be no objection the Chair will recognize gentlemen who were not in their seats when their States were called.

There was no objection, and it was ordered accordingly.

CHARLES V. WISE.

Mr. LORE introduced a bill (H. R. 6996) for the relief of Charles V. Wise; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY DAVIS.

Mr. COBB introduced a bill (H. R. 6997) granting a pension to Henry Davis, late lieutenant-colonel Eighty-second Regiment Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM DOUGHTRIDGE AND J. R. GREEN.

Mr. COX, of North Carolina, introduced a bill (H. R. 6998) to return to William Doughtridge and J. R. Green money paid out by them; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY WELSH.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 6999) granting a pension to Mary Welsh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARK G. MAINE.

Mr. PARKER introduced a bill (H. R. 7000) for the relief of Clark G. Maine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIAS J. BEYMER.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 7001) to recognize Elias J. Beymer as an enrolling officer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARRIET L. STEVENS.

Mr. WOODWARD introduced a bill (H. R. 7002) for the relief of Harriet L. Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED E. WHEELOCK.

Mr. HOLMES introduced a bill (H. R. 7003) granting a pension to Alfred E. Wheelock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISPOSITION OF ABANDONED, USELESS MILITARY RESERVATIONS.

On motion of Mr. MAGINNIS, by unanimous consent, the bill (S. 1581) to provide for the disposition of abandoned and useless military reservations was taken from the Speaker's table, read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPEAL OF PRE-EMPTION AND TIMBER-CULTURE LAWS.

Mr. COBB, by unanimous consent, from the Committee on Public Lands, reported back, as a substitute for bills introduced in reference to homestead, pre-emption, and timber-culture laws, a bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entry for timber-culture; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. ANDERSON, by unanimous consent, was granted leave hereafter to present the views of the minority and have them printed.

STATE UNIVERSITY, CALIFORNIA.

Mr. HENLEY, by unanimous consent, from the Committee on the Public Lands, reported back the bill (H. R. 1799) for the relief of the State University of California; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH RICHARDS.

Mr. PATTON introduced a bill (H. R. 7005) for the relief of Joseph Richards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FITZ-JOHN PORTER.

Mr. SLOCUM. Mr. Speaker, I rise to make a privileged motion. I move that the bill H. R. 1015, the Fitz-John Porter bill, with the Senate amendments, be taken from the Speaker's table with a view to concurring in the request of the Senate for a conference committee on the disagreeing votes of the two Houses on said bill.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. SLOCUM, Mr. MORGAN, and Mr. STEELE as the conferees on the part of the House on said bill.

BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH, of Missouri. Mr. Speaker, I move that the bill (H. R. 3967) for the establishment of a bureau of animal industry to prevent the exportation of diseased cattle and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, be taken from the Speaker's table with a view to concurring in the request of the Senate for a conference committee on the disagreeing votes of the two Houses on said bill.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HATCH of Missouri, Mr. DIBRELL, and Mr. WILSON of Iowa as the conferees on the part of the House on said bill.

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. The regular order is the consideration of bills reported from the Committee on the District of Columbia.

Mr. BARBOUR. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills reported from the Committee on the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. TOWNSHEND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of District of Columbia business.

SEWERAGE SYSTEM OF THE DISTRICT.

Mr. BARBOUR. Mr. Chairman, I desire to call up the bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia, which is the unfinished business coming over from the last District day.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Substitute for the proviso in the fourth section:

In line 3 strike out the words "charged to" and insert the words "paid out of the funds of;" in line 5 strike out the word "charged" and insert the word "paid;" strike out the proviso and insert: "And the commissioners, if they shall deem it necessary to enable the District to meet its portion of said expenditure, are hereby authorized to add to the rate of taxation on the assessment of the property of the District a per cent. sufficient to meet the expenditures of the District authorized by this act; and the current cost of the said work shall be paid in equal portions by the District and the United States: *Provided*, That said commissioners may postpone the commencement of said work until such time as they may deem expedient."

Mr. SHELLEY. Mr. Chairman, this bill was under consideration on last Monday week, and the committee rose while a vote was being taken on that amendment. The committee found itself without a quorum and the vote was being taken by tellers when the committee rose. I believe it will be in order now for the tellers to take their places and proceed with the count of that vote.

The CHAIRMAN. At the last sitting of the House when this bill was under consideration the House was taking a vote by tellers, the question of a quorum having been raised upon the amendment just read.

It will now be in order for the tellers to resume their places and proceed with the count. The gentleman from Alabama [Mr. SHELLEY] and the gentleman from Indiana [Mr. HOLMAN] will please act as tellers.

Mr. HOLMAN. I hope the pending proposition will be reported to the committee as it will stand if amended.

The CHAIRMAN. It has just been read.

Mr. HOLMAN. I wish it to be read as proposed to be amended.

The CHAIRMAN. The Clerk will report the proposition as it will stand if amended.

The Clerk read as follows:

Section 4, if amended, will read as follows:

"That 50 per cent. of the amounts so paid by the Secretary of the Treasury upon the warrants of the commissioners of the District shall be paid out of the funds of said District in the same manner that the cost of similar work is now paid, and the commissioners, if they shall deem it necessary to enable the District to meet its portion of said expenditures, are hereby authorized to add to the rate of taxation and the assessment of the property of the District a per cent. sufficient to meet the expenses on behalf of the District authorized by this act, and the current cost of said work shall be paid in equal portions by the District and the United States: *Provided*, That said commissioners may postpone the announcement of said work until such time as they shall deem expedient."

Mr. SPRIGGS. With the consent of the mover of that proposition I desire to have this proviso read. It is sent to us by the commissioners of the District with a statement that they have or will have on the 1st of July $100,000 applicable to this work. They desire simply that they shall not be compelled to pay interest on any more money than is absolutely necessary.

The CHAIRMAN. If there be no objection the proviso suggested by the gentleman from New York will be read.

Mr. SPRIGGS. It is a proviso that I propose to offer in place of the amendment of the gentleman from Indiana. I think it will meet the concurrence of everybody.

The Clerk read as follows:

Provided, That one-half of any unexpended balances of appropriations heretofore made for the support of the government of the District of Columbia, and any amounts of money in excess of appropriations which have been deposited by the District of Columbia in the Treasury of the United States, may be applied by the commissioners to the liquidation of the amounts so charged to the District; and any excess of money required to be charged to the District for the purposes of this act over the amount so applied shall be advanced by the United States and be reimbursed, with interest at the rate of 4 per cent. per annum, to the United States by the District in annual installments of not less than $50,000, commencing with the fiscal year of 1885 and 1886.

The CHAIRMAN. Is there objection to the presentation of this as a substitute for the pending amendment?

Mr. RANDALL. I think it is due to the committee that there should be some explanation of the effect of that amendment.

Now, it is well understood, and the law provides, that the public Treasury shall pay one-half of the amount necessary to support the government of the District, and we make appropriations to that extent, provision being made that the other half is to come out of the money assessed upon individual property in the District. Of course, if there be money in the Treasury unexpended that was a part of the appropriation made by the Government as its proportion of expenditures for the support of the District, there has been no 50 per cent. or a like amount taken out of the taxes of the District. This proposition, as I understand it, provides that the 50 per cent. that the Government has heretofore contributed shall be placed to the credit of the people of the District of Columbia, and the amount of money taken from the taxation of the District relieved to that extent.

But does not this reappropriation on the part of the United States of a balance unexpended in consequence of the District not having the amount to call it in expenditure relieve the District altogether from that requirement? If the gentleman from New York [Mr. SPRIGGS] will make plain that this amount of money which is reappropriated on the part of the Government shall only be expended in like amount as taxes are contributed by the District, then it will be fair. But I fear from listening to the hurried reading of the paper the language might be so construed as to release the District from its contribution to that amount.

Mr. MCMILLIN. To get at the fact as to the point suggested by the gentleman from Pennsylvania, I ask the gentleman from New York [Mr. SPRIGGS] is it not a fact that all or a portion of that money that is unexpended is the portion that was contributed originally by the United States Government?

Mr. RANDALL. As I understand, this is a balance of the money contributed on the part of the Government, and now it is proposed to make it a credit for the District.

Mr. SPRIGGS. Oh, no.

Mr. MCMILLIN. I think the language should be carefully guarded.

Mr. RANDALL. I may not be opposed to the amendment, but I want it made plain, so that it shall not be liable to any misconstruction.

Mr. SPRIGGS. I will explain that this is not money that has been contributed by the Government of the United States. It is money that has been paid into the Treasury from time to time by the District of Columbia in excess of the amount that has been required to pay for improvements. A letter from the Commissioners, which I ask to have read, shows the condition of this matter.

The Clerk read as follows:

OFFICE OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., May 3, 1884.

SIR: The commissioners are of opinion that an advance by the United States to the District of Columbia to the full extent of $250,000 for the purpose of H. R. bill 6526 will not be required, as they believe that certain moneys are now in the Treasury of the United States to the credit of the District, as follows:

First. No account has ever been stated between the United States and the District since the assumption by the parent government of 50 per cent. of District expenditures.

Second. In many cases full amounts of appropriations credited to the District have not been expended, and the District having deposited its full share, one-half of such unexpended balances are now in the Treasury and belong to the District.

Third. In some years since the act of June 11, 1878, deposits of money in the Treasury of the United States have been made by the District in excess of the amount required to meet the District's half of the appropriations, and that all amounts so in excess belong to the District.

Fourth. If any money belonging to the District, as stated, is in the Treasury of the United States, no advance can be required for the purposes of H. R. 6526 on behalf of the District until such money shall be expended, and interest should not be charged against the District except upon advances, and to meet the objection contained in this last proposition the proviso herewith is respectfully suggested in lieu of the one in section four.

Very respectfully,

J. B. EDMONDS, *President*.

Hon. C. M. SHELLEY,
Of Committee for District of Columbia, House of Representatives.

Mr. SPRIGGS. Now, the point made by the commissioners is this: that they have paid into the Treasury moneys in excess of the amount that has been used in different years; and although they are not able to state the amount precisely, they believe they have in the Treasury to their credit such moneys amounting to something like $60,000. In a conversation I had with the commissioners on Saturday they stated that on the 1st of July next they would have moneys paid into the Treasury in excess of the amounts taken out by at least $100,000. They would therefore like to have that sum which is in the Treasury appropriated or paid toward this $250,000, and then that the District should be charged with interest on that amount as it may require in addition to that amount.

Mr. BLOUNT. I would like to ask the gentleman from New York a question. I desire to ask him by whom these accounts are kept; whether the commissioners have anything to do with keeping them.

Mr. SPRIGGS. No, sir; they are kept by the Treasurer of the United States.

Mr. BLOUNT. Then I ask the gentleman whether this is not a matter of information that could be got at the Treasury Department?

Mr. SPRIGGS. We asked the commissioners as to that, and they said it was not a matter that could be easily ascertained, that it would take some months to strike the balance so as to show the exact amounts standing to the credit of the District.

Mr. BLOUNT. I think if the gentleman from New York had called at the Treasury Department he would have ascertained very easily the state of the account between the Government and the District for every year. I am very sure I have seen such a statement for one year.

Mr. SPRIGGS. The commissioners simply give their judgment in regard to it.

Mr. MCMILLIN. How is it they are not in a position to know exactly what is in the Treasury to their credit?

Mr. SPRIGGS. Simply because there never has been any final accounting between the Treasury and the District as to the moneys paid in and the moneys taken out.

Mr. MCMILLIN. The books at the Treasury Department ought to show it, I think, on very little inspection.

Mr. SHELLEY. I have here a communication from the commissioners in reply to a request to the auditor of the District for information on this point. They state that the District revenues deposited in the United States Treasury from July 1, 1878, to June 30, 1883, amount to $8,564,073.34. The total amount drawn against the same to April 30, 1884, is $8,504,613.27; leaving a balance of $59,460.07 in the Treasury of the United States to the credit of the District.

Mr. BLOUNT. Right there I desire my friend from Alabama to say whether he knows there are no outstanding accounts to be credited to that? I am sure in reference to other appropriations, in reference to those for the Army and Navy and everything else, there are always outstanding accounts; so that a statement of that kind is deceptive and not to be relied on.

Mr. SHELLEY. This is the accumulation of a number of years; and I presume that there are outstanding accounts of previous years which have been unsettled or unpaid that will have to be provided for in some other way. There must be something wrong about them if they are not settled from year to year.

Mr. BLOUNT. By no means. That happens with all appropriations.

Mr. SPRIGGS. This $59,000, or whatever the amount may be, the commissioners ask to have applied to the expenses of that sewer, and that the District be charged only with interest on such sum as may be necessary to be loaned by the United States under this bill.

Mr. BLOUNT. I understand that is one part of it. But the statement that there is $60,000 in the Treasury belonging to the District government is intended to do more than that and to persuade this House that instead of the amount being $250,000, it is $250,000 less

$60,000. That is the impression intended to be conveyed to the House based on the communication of the commissioners of the District. Now, sir, I have not had occasion to make a particular examination of this matter, but I have seen reports of the state of accounts between the District and the Government, and it is a very strange thing if there is not an annual adjustment of those accounts. How is the Treasurer to know how much money is at the credit of the District, how much money the commissioners are allowed to draw in behalf of the District, unless this matter is adjusted from year to year?

Mr. SHELLEY. It can not exceed the appropriation made by Congress.

Mr. BLOUNT. No; that is all true. But how can they ascertain whether it is existing or otherwise when they do not know the condition of the account? They must know each year the status of the account.

Mr. SHELLEY. Here is a statement of the amount received and also the amount drawn out, showing a balance of $59,000. That is taken from the books.

Mr. McMILLIN. But your statement does not show what are the outstanding liabilities. That is the complaint of the gentleman from Georgia.

Mr. BLOUNT. I suppose there is hardly an appropriation bill passed that there are no outstanding accounts. The law provides that the surplus of appropriations shall not go back into the Treasury in less than two years, with a view to having a statement made of the accounts. The statement of the commissioners that they think there is $60,000 in the Treasury to their credit is too uncertain for the House to act upon.

Mr. SHELLEY. It is not a matter of opinion; it is a statement from the books of the auditor of the District; it is not a matter of opinion at all.

Mr. BLOUNT. They declare that in their opinion there is that amount. They do not insist that that is an accurate statement.

Mr. SHELLEY. This is an actual statement from the books.

Mr. BLOUNT. It is an actual statement of the amounts paid in and the amounts paid out; but it does not show that there are no outstanding accounts.

Mr. SPRIGGS. So far as the matter of interest between the District and the United States is concerned, can it make any difference whether that money is there subject to be applied to the expense of this sewer or not? If it is there, then there is so much less interest to be paid; if it is not there, then there is so much more interest at the rate of 4 per cent. to be paid on the money received from the Government of the United States.

Mr. BLOUNT. It makes only this difference, that if it is untrue that there is $60,000 in the Treasury to their credit, as they conjecture, then the inducement offered to this House to make this appropriation on the idea that there is not to be a loan of $250,000, but a loan of $250,000 minus the $60,000, loses its force.

Mr. SPRIGGS. So far as I am concerned the statement was not made for any such purpose. I did not think the House would object to loaning the $250,000. As I understand it, the proposition is for the benefit of the District of Columbia, if they have any money in the Treasury applicable to the payment of this sewer.

Mr. BLOUNT. If the gentleman will allow me, I am not objecting to the provision, but to the inference that is drawn from the statement to aid in the passage of this bill.

Mr. SPRIGGS. I do not think the committee should ask that or desire it at all.

Mr. SHELLEY. I think myself that the bill would be better without it. I am not in favor of the amendment. But I brought these facts forward for the purpose of information, and I think that we had better proceed now to take the vote.

The CHAIRMAN. The question is upon the adoption of the substitute offered by the gentleman from New York [Mr. SPRIGGS] for the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. McMILLIN. Do I understand that the substitute is offered for the amendment of the gentleman from Indiana?

The CHAIRMAN. The substitute is for the amendment of the gentleman from Indiana.

Mr. SPRIGGS. I do not understand that the gentleman from Indiana objects.

The question was taken upon the substitute, and it was agreed to.

The bill as amended was then laid aside to be reported favorably to the House.

FISH-WAYS ON THE POTOMAC.

Mr. WILSON, of West Virginia. By instruction of the Committee for the District of Columbia, I now call up for consideration the bill (H. R. 4651) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The bill was read, as follows:

Be it enacted, &c., That section 3 of an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," be, and the same is hereby, amended as follows: Add to said section the following words:

"*And provided further*, That the Secretary of War and the Attorney-General of the United States shall proceed to acquire to and for the United States the outstanding title, if necessary, to any land and water rights required for the erection of said fish-ways, in the manner and by the procedure prescribed in section 1 of this act for obtaining title to the right of way for the extension of the aqueduct; and so much of the sum of $50,000 hereinabove appropriated as may be necessary for this purpose shall be available for the same."

The amendments reported by the Committee on the District of Columbia were to strike out, in line 11, the word "any" and insert in lieu thereof the word "such" before the word "land;" and also, in the same line, to insert after the words "water rights" the words "as may be;" so that it will read:

Provided, That the Secretary of War and the Attorney-General of the United States shall proceed to acquire to and for the United States the outstanding title, if necessary, to such land and water rights as may be required for the erection of said fish-ways, &c.

Mr. BLOUNT. I would like to hear some explanation of this bill.

Mr. WILSON, of West Virginia. The object of the bill is to make effective the appropriation of $50,000 in the act of July 15, 1882, for the construction of fish-ways at the Great Falls of the Potomac. That act was an act to increase the water supply of the city of Washington, and for other purposes. It provided for the extension of the reservoir and conferred authority upon the Secretary of War and the Attorney-General to condemn whatever ground might be necessary to complete that extension.

It did not, however, give authority to those officers to condemn whatever ground or riparian rights might be necessary for the construction of the fish-ways provided for, and therefore the appropriation of $50,000 for that purpose is unavailable until the authority is given and that omission supplied. The pending bill is simply to confer authority upon the Secretary of War and the Attorney-General, by the same procedure described in the bill to condemn property for extending the reservoir, to condemn property, if necessary, for the construction of the fish-ways at the falls of the Potomac. The bill also provides that whatever money may be necessary to pay for the property so condemned shall be taken out of the appropriation already made. It does not require any additional appropriation at all. The object is simply to supply the omission in the act of the last Congress so as to make it effective for this purpose.

Mr. BLOUNT. The bill to which reference is made provided that the District's share of the expense for the extension of the water-works should be paid out of the water-rents.

Mr. WILSON, of West Virginia. It did.

Mr. BLOUNT. I do not remember whether the portion relating to the fish-ways came under that rule or not.

Mr. WILSON, of West Virginia. It did not.

Mr. ELDREDGE. And it ought not to.

Mr. BLOUNT. I think so myself.

Mr. WILSON, of West Virginia. This bill is introduced at the request and on the recommendation of the Fish Commission and the commissioners of the District of Columbia.

The amendments reported from the Committee on the District of Columbia were agreed to; and the bill as amended was laid aside to be reported favorably to the House.

PROTECTION OF FISH IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR. I now call up for consideration the bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River.

The bill was read, as follows:

Be it enacted, &c., That from and after date of passage of this act, for a term of five years, it shall not be lawful to fish with fyke-net, pound-net, stake-net, weir, float-net, gill-net, haul-seine, or any other contrivance, stationary or floating, in the waters of the Potomac River within the District of Columbia.

SEC. 2. That any person who shall offend against any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon sufficient proof thereof in the police court or other court of the District of Columbia, shall be punished by a fine of not less than $10 nor more than $100 for each and every such offense, and shall forfeit to the District his nets, boats, and all other apparatus and appliances used in violation of law, which shall be sold; and the proceeds of such sales, and all fines accruing under this act, shall be paid into the Treasury, and therefrom, to the informer, in each case where conviction ensues, shall be paid the sum of $10: *Provided*, That nothing in this act shall be construed to prohibit angling or fishing with the out-line or to prevent the United States Commissioner of Fish and Fisheries, or his agents, from taking from said waters of the Potomac River in the District of Columbia, in any manner desired, fish of any kind for scientific purposes or for the purposes of propagation.

The amendment reported by the Committee on the District of Columbia was read, as follows:

In lines 13 and 14, strike out the words "to prohibit angling or fishing with the outline or."

Mr. BARBOUR. I desire to state that on further consideration the committee desire that the amendment just read should not be adopted, but that the words which the amendment proposes to strike out be retained. The object is that the bill shall not prohibit ordinary fishing with hook and line.

Mr. SPRIGGS. Mr. Chairman, I have here a statement from the Commissioner of Fish and Fisheries, showing that in the year 1868 219,205 shad were caught at Stony Point, on the Potomac, and 689,392 herring; that in 1877 only 15,361 shad and 249,314 herring were taken at the same point during a similar period; showing that fishing with

nets, which this bill undertakes to prohibit, is destroying shad-fishing in this river.

Mr. HATCH, of Michigan. Is not the penalty proposed in this bill too severe for the offense against which it is directed?

Mr. SPRIGGS. That depends upon whether we mean to do what this bill proposes to accomplish—to protect fish in this river. If we propose to make the law effective, can the penalty be said to be too severe?

Mr. HATCH, of Michigan. Yes; it may be. It seems to me that a penalty of $50 fine or ten days' imprisonment would be ample. But this bill proposes to forfeit a man's seines and nets, which may be worth thousands of dollars. This penalty I think is out of all proportion to the offense.

Mr. SPRIGGS. If we make the penalty severe we stop the commission of the act.

Mr. HATCH, of Michigan. Why not, then, impose the penalty of death?

Mr. SPRIGGS. No; that would be too severe.

Mr. HATCH, of Michigan. This is too severe.

Mr. SPRIGGS. But the object is to stop effectually the use of nets in these waters, and thereby to preserve the fish.

Mr. HATCH, of Michigan. Does not experience in the administration of criminal law show that milder punishments are more effectual than those which are too severe? Has not modern legislation moved away from this theory of severe punishments? It seems to me the bill should be amended in the direction I have indicated.

The question being taken on the amendment reported by the Committee on the District of Columbia, it was not agreed to.

Mr. HATCH, of Michigan. I move to amend as will be read by the Clerk.

The Clerk read as follows:

Strike out, in lines 6 to 12, the following words: "and shall forfeit to the District his nets, boats, and all other apparatus and appliances used in violation of law, which shall be sold; and the proceeds of such sales and all fines accruing under this act shall be paid into the Treasury, and therefrom to the informer, in each case where conviction ensues, shall be paid the sum of $10;" so that the section as amended would read as follows:

"SEC. 2. That any person who shall offend against any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon sufficient proof thereof in the police court or other court of the District of Columbia shall be punished by a fine of not less than $10 nor more than $100 for each and every such offense: *Provided*, That nothing in this act shall be construed to prohibit angling or fishing with the outline or to prevent the United States Commissioner of Fish and Fisheries or his agents from taking from said waters of the Potomac River in the District of Columbia, in any manner desired, fish of any kind for scientific purposes or for the purposes of propagation."

Mr. SPRIGGS. Mr. Chairman, it seems to me that if the bill is to be effective the penalty prescribed by it is not too severe. It proposes to leave a discretion with the magistrate before whom the offender is brought. The person committing the offense is to be fined not less than $10 nor more than $100. We wish to adopt penalties which shall be sufficient to prevent what the bill undertakes to prevent—fishing with nets in the waters of the District of Columbia—the object being to stop the destruction of the fish which, as appears from the report of the Fish Commissioner, is now going on. In this view I submit the penalty is not exorbitant. Of course if you leave the fishing apparatus and appliances in the hands of the party violating the law, he is prepared the next day to repeat the offense. If you remove them from his possession, he is disabled from doing again what he has already been punished for doing. I think there can be no objection to the bill as it now stands.

Mr. HATCH, of Michigan. Just a word in advocacy of the proposed amendment. The bill as it now stands will work unequally. One man who commits the offense which the bill prohibits may have fishing apparatus worth $500; another may have similar apparatus worth $2,000 or $3,000. These two men, though committing the same offense, are punished under the bill unequally. The measure of punishment will be different, while the offense is the same. Now, it seems to me the court should have power in every case where the measure of transgression is the same to impose the same degree of punishment. Under the bill as reported by the committee such will not be the result. If my amendment be adopted the court can impose a suitable fine within the limits expressed in the bill, and according to the measure of transgression can impose an appropriate measure of punishment.

But under the bill reported by the committee this can not be done. It seems to me this whole policy of forfeiture and extreme punishment should be got rid of; that we should no longer indulge in punishment disproportioned to the offense committed. I think the severe punishment already enacted by Congress impairs a good deal of our legislation. I see the punishment provided for transgression of the postal laws is out of all proportion to that inflicted by the States for offenses of equal magnitude. I hope the amendment will be adopted.

Mr. SPRIGGS. This bill is deemed to be one of a good deal of importance. In reply to the remarks make by the gentleman from Michigan who offers this amendment, it strikes me it would not be possible to make a law where there is more equality of punishment than the pending bill presented by the Committee on the District of Columbia. The point my friend makes is that one man may be punished more than another because one man's apparatus may be worth more than another—that one may have an apparatus worth $500 while another may have one worth $2,000. A man who has the most expensive apparatus and one the best fitted for depredations is the man who should be punished more than the man who has the less expensive one and less fitted to commit depredations. A man having an apparatus worth only $500 is prepared only to do one-fourth the damage the man is who has an apparatus worth $2,000. Neither can be punished beyond the extent of his outfit, and the man who has a two-thousand-dollar outfit has four times the capacity to violate the law, and is punished accordingly. There is an equality about the bill as we have proposed it here which seems to me better than the amendment.

I ask for the information of the committee to have the following paper read, showing how important the passage of this act is deemed by those having this matter in charge.

The Clerk read as follows:

A few reasons why House bill No. 3108, "to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River," should become a law.

First. The rapid decline of the shad and herring fisheries of the Potomac shows the undoubted necessity and imperative demand for the adoption of protective measures, whereby the complete destruction of these most valuable varieties of food-fishes may be prevented.

Second. In protecting shad and herring we protect all the other varieties of fish; and it is confidently believed that this measure promises better results in the interests of the Potomac fisheries than any other ever advanced.

Third. The waters of the Potomac within the District of Columbia, lying as they do just at the head of tide water, become the natural spawning-ground for shad, herring, and other varieties of fish.

Fourth. The area covered by said waters comprises but a very limited portion of the river, comparatively speaking, and the forming of this portion into a sort of reservation for protection of the fish and use as a spawning-ground would not militate against the interests of those plying the vocation of fishermen, as all the length and breadth of the river below the District line is at their disposal.

Fifth. The boundary line between Virginia and the District of Columbia is laid down at the low-water mark of the Potomac River on its Virginia shore, and, consequently, the entire waters belonging to the District are under the authority and subject to the provision of laws enacted by Congress. All the other portions of this river are controlled jointly by the two States of Maryland and Virginia, and all laws relating thereto made by one State must be ratified by the other before they can go into effect. This renders it well-nigh impossible to secure protective legislation.

Therefore, to sum the matter up, it is eminently necessary to inaugurate protective measures in the interests of the Potomac fisheries, and to protect the fish on these spawning-beds is of first importance. The waters of the Potomac within the limits of the District of Columbia are the natural spawning-grounds. Legislation can be had to afford such protection here as it can not at any other point, and the enforcement of a law prohibiting the molestation of fish on these grounds for a few years will work no hardship, while it promises the accomplishment of great good.

The amendment of Mr. HATCH, of Michigan, was disagreed to.

Mr. COX, of New York. I move *pro forma* to strike out the last word. I understand the bill reported by the Committee on the District of Columbia is the one originally drafted by Professor Baird, of the Smithsonian Institution, and that it is intended to protect our inland fishery so far as Congress may do it. I think there will be no difficulty in passing the bill. I have given a good deal of attention to this matter, and I ask leave now, not to take up the time of the committee, to print some remarks on the subject.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly. [See Appendix.]

Mr. COX, of New York. I withdraw my *pro forma* amendment.

Mr. PETERS. I move to strike out in lines 10, 11, and 12 the following words: "And therefrom, to the informer, in each case where conviction ensues, shall be paid the sum of $10."

Mr. SPRIGGS. I am willing to accept that amendment.

The CHAIRMAN. The vote must be taken on the amendment.

Mr. PETERS. I move the amendment I have suggested.

The amendment was agreed to.

Mr. SPRIGGS. I now move that the bill be laid aside to be reported to the House as amended with the recommendation that it do pass.

The motion was agreed to.

Mr. BARBOUR. I move that the committee rise in order that we may get back into the House to attend to other business from the Committee on the District of Columbia upon the House Calendar.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TOWNSHEND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration bills reported from the Committee on the District of Columbia, and had directed him to report back sundry bills with amendments thereto.

SEWERAGE SYSTEM OF THE DISTRICT OF COLUMBIA.

The SPEAKER. The first bill reported from the committee is a bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia, with an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out the proviso in section 4 and insert the following:

"*Provided*, That one-half of any unexpended balance of appropriations heretofore made for the support of the government of the District of Columbia, and any amounts of money in excess of appropriations which have been deposited by the District in the Treasury of the United States, may be applied by the commissioners to the liquidation of the amounts so charged to the District; and any excess of money required to be charged to the District for the purposes of

this act over the amount so applied shall be advanced by the United States, and be reimbursed with interest at the rate of 4 per cent. per annum to the United States by the District in annual installments of not less than $50,000, commencing with the fiscal year of 1885 and 1886."

So it will read:

"That the sum of $500,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of completing the principal main drainage and the auxiliary sewers of Washington and Georgetown, in accordance with the plans on file in the office of the engineer commissioner of the District of Columbia.

"SEC. 2. That notice for proposals shall be given and contracts for the construction of said sewers made in the manner now provided by law in cases of building new sewers in the District of Columbia: *Provided*, That notice for proposals shall be given for thirty days; and in addition to the newspapers in which notice is now required to be given, said notice shall also be given in one newspaper for thirty days in each of the cities of Chicago, Cincinnati, Saint Louis, Louisville, and Richmond.

"SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to pay, out of the aforesaid appropriation, for the construction of said sewers, in the manner now provided by law for similar work done in said District.

"SEC. 4. That 50 per cent. of the amounts so paid by the Secretary of the Treasury upon the warrants of the commissioners of the District shall be charged to the said District, in the same manner that the cost of similar work is now charged: *Provided*, That one-half of any unexpended balance of appropriations heretofore made for the support of the government of the District of Columbia, and any amounts of money in excess of appropriations which have been deposited by the District in the Treasury of the United States, may be applied by the commissioners to the liquidation of the amounts so charged to the District, and any excess of money required to be charged to the District for the purposes of this act over the amounts so applied shall be advanced by the United States, and be reimbursed with interest at the rate of 4 per cent. per annum to the United States by the District in annual installments of not less than $50,000, commencing with the fiscal year of 1885 and 1886."

Mr. SHELLEY demanded the previous question.

The previous question was ordered.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SHELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON WATER SUPPLY.

The SPEAKER. The next bill reported from the Committee of the Whole House on the state of the Union is the bill (H. R. 4651) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," reported back with an amendment which the Clerk will read.

The Clerk read as follows:

In line 11 strike out "any" and insert "such;" and after the word "rights" insert "as may be;" so that it will read:

"That section 3 of an act approved July 15, 1882, entitled 'An act to increase the water supply of the city of Washington, and for other purposes,' be, and the same is hereby, amended as follows: Add to said section the following words:

"*And provided further*, That the Secretary of War and the Attorney-General of the United States shall proceed to acquire to and for the United States the outstanding title, if necessary, to such land and water rights as may be required for the erection of said fish-ways, in the manner and by the procedure prescribed in section 1 of this act for obtaining title to the right of way for the extension of the aqueduct; and so much of the sum of $50,000 hereinabove appropriated as may be necessary for this purpose shall be available for the same."

Mr. WILSON, of West Virginia, demanded the previous question.

The previous question was ordered; and under the operation thereof the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF FISH, POTOMAC RIVER.

The SPEAKER. The next business is a bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River, reported from the Committee of the Whole House on the state of the Union with an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out in lines 10, 11, and 12 the following: "and therefrom, to the informer, in each case where conviction ensues, shall be paid the sum of $10."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POLICE REGULATIONS IN DISTRICT OF COLUMBIA.

Mr. BARBOUR. I now call up from the House Calendar the bill (H. R. 3448) relating to police regulations in the District of Columbia, and for other purposes.

Mr. BROWNE, of Indiana. This is a very long bill, and I ask by unanimous consent its first reading for information be dispensed with, and that it be read by paragraphs for amendment.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

That no person shall be licensed to conduct the business of a pawnbroker, or to keep a junk-shop or a second-hand clothing store, until it be shown that he or she is of good moral character, and has executed a bond to the District of Columbia, with surety to the satisfaction of the commissioners of the District, in the sum of $1,000, that the applicant will conform to the requirements of the law.

The Clerk will read the amendment reported by the committee.

The Clerk read as follows:

In lines 5 and 6 strike out the words "moral character" and insert in lieu thereof the word "repute."

The amendment was agreed to.

Section 2 was read, as follows:

SEC. 2. That no person so licensed shall receive on deposit or purchase, in such business, any personal property or thing before the hour of 7 o'clock ante meridiem, nor after the hour of 9 o'clock post meridiem, during the months from September to May of each year, nor before the hour of 6 o'clock ante meridiem, nor after the hour of 8 o'clock post meridiem during the months from April to October of each year.

The committee recommend the following amendments:

In lines 3, 4, 6, and 7, strike out the word "meridiem" and insert the word "meridian;" and add at the end of the section the following words: "nor charge for loans more than 3 per cent. per month."

The amendments reported by the committee were agreed to.

Section 3 of the bill was read, as follows:

SEC. 3. That every person so licensed shall keep a book or registry in which shall be entered, plainly written in the English language and figures, the name and general and particular description of the person from whom every article is received, as well as his residence or dwelling place, and the name and description of the article pawned or sold, its fair estimated value, and the sum advanced upon such property, and also the period for which the pawn is given. The pawnbroker shall at the same time deliver to the said person pawning or pledging the said article or thing a certificate or ticket to correspond with the number and description of his or her original entry. In the case of sale other than the regular advertised sale, the name and description of the buyer shall also be recorded in the book of entry. All the entries in the book or registry shall be written in ink; and no entry shall be erased, obliterated, or defaced: *Provided*, That in the case of junk-dealers, rags, bones, old iron, and paper be excepted. And that any person who shall give to the pawnbroker, junk-dealer, or second-hand dealer a name or residence not the true one, for the purpose of defeating the intent of this law, shall, on conviction thereof in the police court, be dealt with under the provisions of the ninth section of this act.

No amendment offered.

Section 4 of the bill was read, as follows:

SEC. 4. That every person so licensed shall prepare and deliver to the chief of police, every day before the hour of 12 o'clock m., a legible and correct copy from such book or registry of the description of all personal property or things received on deposit or purchased on the preceding day (except in the case of junk-dealers when purchasing rags, bones, old iron, and paper), together with the hour at which the article was received, together with a description of the person by whom left in pledge or from whom the same was purchased.

Mr. BELFORD. I move to strike out the last word.

Mr. Chairman, I hope I may have the attention of this committee for the five minutes that I wish to address myself to the defects of this bill, and in opposition to its passage. There are thousands of poor women in this city who are absolutely compelled, by virtue of their poverty, to pawn dresses and their jewelry to these men in order to obtain food by which they can support themselves and their families. I want any gentleman connected with this committee to stand up on the floor of this House and defend as infamous and unconstitutional a measure as this. Suppose I am poor and can not raise money to support myself in a temporary exigency, why would I not have the privilege of going to a pawnbroker in this city and tell him to take my coat upon the principle that he agrees to give me money by which I can buy bread and meat for my suffering children? No more infamous a bill, in my judgment, was ever presented to the consideration of Congress, nor one which oppresses and outrages the poor and laboring people of this country more than this. I am speaking, sir, from a personal knowledge of the condition of many people in this country and this city, because I have endeavored during my term in Congress to be always charitable and just to the poor. But this says you shall not if you want bread, nor if you want butter, if you want meat for your children, you shall not sell your coat or other articles that you may be willing to dispose of to save your wife and children from suffering and want. That is the extent and spirit and purpose of this bill, and I hope that the American Congress will have the courage and the decency to vote it down.

I withdraw the *pro forma* amendment.

The SPEAKER (Mr. COX, of New York, in the chair). The Clerk will report the next section.

The next section of the bill was read, as follows:

SEC. 5. That no personal property of any kind received on deposit, purchased, or pledged by any such pawnbroker, junk-dealer, or second-hand dealer shall be sold or permitted to be redeemed or removed from the place of business of such pawnbroker, junk-dealer, or second-hand dealer for the space of twenty-four hours after the copy and statement provided for in the last section have been delivered, nor shall such property be disfigured or its identity destroyed in any manner so long as it continues in pawn.

No amendment offered.

Section 6 of the bill was read, as follows:

SEC. 6. That such licensed persons shall not receive by way of pledge, pawn, or purchase any goods, articles, or things whatsoever belonging to or claimed by any minor or intoxicated person, nor from any person known to him or whom he may reasonably suppose to be either a minor, an intoxicated person, a notorious thief, or one convicted of larceny, burglary, house-breaking, or robbery.

No amendment offered.

Section 7 of the bill was read, as follows:

SEC. 7. That it shall be the duty of every person so licensed to admit to his or her premises, at any time, the major of police, or any officer of his force duly authorized by him, to examine any pledge or pawn books or other records on the premises, as well as the articles pledged or purchased, and to search for and take into possession articles missing or stolen, without the formality of the writ of search-warrant, which search or seizure is hereby authorized.

No amendment offered.

Section 8 of the bill was read, as follows:

SEC. 8. That every pawnbroker, junk-dealer, or second-hand clothing dealer shall be liable to the penalties hereinafter prescribed for every violation of any of the provisions of this law by his, her, or their agent or clerk; and no such agent or clerk shall be employed who is under twenty-one years of age, except in the purchase of paper, rags, bones, or old iron.

The committee recommend striking out all after the word "clerk," in line 4, as follows: "And no such agent or clerk shall be employed who is under 21 years of age, except in the purchase of paper, rags, bones, or old iron."

The amendment was agreed to.

Section 9 was read, as follows:

SEC. 9. That the penalty for violating any provision of any of the preceding sections shall be for each offense a fine, upon conviction before the police court, of not less than $10 nor more than $100, in the discretion of the court; and upon failure to pay such fine upon final judgment, the party convicted shall be committed to the work-house for a period not exceeding ninety days, and his or her license may be revoked at the discretion of the commissioners.

No amendment offered.

Section 10 was read, as follows:

SEC. 10. That all vagrants; idle and disorderly persons; persons of evil life and fame; persons who have no visible means of support; persons found begging or drunk in or about any street or public place, or loitering in or about tippling-houses; all suspicious persons who have no fixed place of residence or can not give a good account of themselves; persons guilty of grossly indecent behavior in the streets, or in any other place where the same may be publicly observed; all persons known to be notorious or professional thieves, burglars, pickpockets, or confidence persons, suspected of an unlawful purpose within the District of Columbia, and all persons found in the possession of burglars' tools, and unable to give a good account of such possession, shall, on information made before the police court, be deemed guilty of vagrancy, and be required to enter into security for their good behavior for a space of time not to exceed one year; and in case of refusal or inability to give such security they shall be confined in the work-house of said District for a time not exceeding one year, unless such security shall be sooner given; and the same proceeding shall be had against such person or persons so offending for each and every offense.

The committee recommend the adoption of the following amendments:

Strike out, in line 2, the words "persons of evil life and fame;" also, in line 3, strike out the words "begging or." After the word "drunk," in line 3, insert the words "and disorderly." Strike out, in lines 11 and 12, the words "suspected of an unlawful purpose within the District of Columbia." In line 13, strike out the word "good" and insert "satisfactory." In line 14, strike out the word "information" and insert the words "complaint or oath." In lines 17 and 19, strike out the words "one year" and insert in each place "six months;" so that if amended the section will read as follows:

"SEC. 10. That all vagrants; idle and disorderly persons; persons who have no visible means of support; persons found drunk and disorderly in or about any street or public place, or loitering in or about tippling-houses; all suspicious persons who have no fixed place of residence or can not give a good account of themselves; persons guilty of grossly indecent behavior in the streets, or in any other place where the same may be publicly observed; all persons known to be notorious or professional thieves, burglars, pickpockets, or confidence persons, and all persons found in the possession of burglars' tools, and unable to give a satisfactory account of such possession, shall, on complaint or oath made before the police court, be deemed guilty of vagrancy, and be required to enter into security for their good behavior for a space of time not to exceed six months; and in case of refusal or inability to give such security they shall be confined in the work-house of said District for a time not exceeding six months, unless such security shall be sooner given; and the same proceeding shall be had against such person or persons so offending for each and every offense."

Mr. WELLER. Mr. Chairman, I move to strike out, in lines 2 and 3 of section 10 of this bill, the following words: "persons who have no visible means of support." Perhaps, Mr. Chairman, I do not properly comprehend what the committee may have meant by the language used. In the first line of this section they provide "that all vagrants," "idle and disorderly persons," shall be subject to the provisions of the act, and I can not reasonably conclude that the committee repeated in the very next line. I can draw a conclusion by the aid of an occurrence that happened in Iowa a few years since, about the date of the hard times of '73. The executive of that State ordered to be posted, or it was so ordered, in every village and city of that grand State, posters or placards containing similar statements—statements that "persons out of employment," "having no visible means of support," should be arrested and treated as vagrants. I then denounced that act on the part of the executive of my own State as an outrage and a stultification of the Christian (so-called) civilization of this the nineteenth century.

I believe, sir, that the words I have mentioned should be stricken from this bill, so that persons seeking employment with no visible means of support, except their brain and muscle and will to earn honest bread, should not be classed with vagrants and disorderly persons.

I believe if these words remain in this section and the bill thus becomes a law, that it will not only be possible, but my knowledge of the history of the dealings of money capital with the laboring classes assures me that it is probable, that many an honest poor man will be oppressed, arrested, tried, and convicted as a vagrant for the ostensible reason that he has no visible means of support except his muscle, brain, and will to work, which in very truth and fact may be all the means he has in all the wide world except perchance the universally free gifts of God's blessing to humanity showered on every hand. These blessings with his other named qualifications might be ample for all his reasonable wants.

But, Mr. Speaker, there are many persons in this country to-day who, under and by the influences of the financial policy that has been foisted on the Government by the manipulators of the Republican party, have been brought to those conditions of dependence in which they could not have any visible means of support except that which the God of Nature gave them—muscle, brain, and will. There are many features of this bill that I am pleased with, but there are some that I denounce as outrageous. The second section contains a statement that to my mind is most monstrous. This is the language to which I refer:

Nor charge for loans more than 3 per cent. per month.

To whom does this language apply? To the pawnbrokers, the scavengers that feed and fatten on the misfortunes of their fellow-men! I am minded to think that some of the language used by the gentleman from Colorado [Mr. BELFORD] to this bill might with some degree of propriety be reiterated by me as an expression of my views, but I refrain from use of his statements. The idea that here, under the very door of the Treasury vaults of the United States Government, here in the District of Columbia, a place solely under the jurisdiction of Congress, a bill should be presented asking this House to permit these pawnbrokers, these scavengers, these Shylocks, the outrageous privilege of charging 3 per cent. per month for the use of money advanced on pawns or pledges, ofttimes of the very choicest of family relics and keepsakes, that poverty compels them thus to part with! What a comment on the financial prosperity which is the boast of the manipulators of the policies and politics of the party that has been in power for almost twenty-five years! The idea that these men—human beings—at the very seat of our Government, even under the very shadow of the Capitol, should come to this House with such an amazing proposition as to ask permission of Congress to charge and receive 3 per cent. per month for the use of money is a proposition not only amazing but worthy of the most serious contemplation, but also in my judgment of the most severe rebuke.

This proposition can be entertained only on the fact that there are people at the very capital of our Government so reduced by the circumstances surrounding their lives that they are compelled to pawn their household furniture, even the very coat on their backs, to get money to buy bread and meat and hold a shelter for themselves and families, and for this to pay 3 per cent. per month.

I say that a financial system that will permit or make possible such outrages as this is a most damnable system, and this House ought to see it wiped out, and that forever. I trust that my amendment will prevail; that no law shall be made to subject any honest man, who even begs for leave to toil to earn his bread, to prospective arrest, trial, conviction, and incarceration with infamy because his only visible means of support is, and only is, his brain, teeming with hopes and honest purposes to win bread; his muscle, weak with ofttimes overwrought effort, but willing with desires for success; his purposes, strong only in the foolish notion that it is God's plan that he should be poor and continually produce wealth, while others should be rich, and so only by absorbing that which labor produces. I repeat, I hope the words I have indicated will be stricken out, and at least that the Democratic side of this House will not vote for this bill in its present shape.

The amendment proposed by Mr. WELLER was agreed to.

The Clerk read section 11, as follows:

SEC. 11. That whenever any person shall hereafter be convicted before the police court of vagrancy or other violation of any municipal law of this District, and shall be required by such law to give security for his or her good behavior, or against his or her becoming a charge upon said District, such security shall consist of a bond for a penal sum not exceeding $1,000, with such surety or sureties as the judge of said court shall approve, conditioned to secure this District against a repetition of the offense of which the person so charged stands convicted.

The committee propose to amend by striking out in line 7 "$1,000" and inserting in lieu thereof "$200."

The amendment was agreed to.

The Clerk read section 12, as follows:

SEC. 12. That upon complaint to the said police court by any officer or respectable citizen of any violation of the condition or conditions of the said recognizance during the period of its legal efficacy, a summons containing a statement of the breach or breaches complained of shall issue to require the obligors in the said recognizance to appear before the court, on some early day to be named in the summons, to show cause, if any they have, why judgment should not be rendered and execution issued for the sums secured by such recognizance; and the said court, upon the day on which said summons shall be returned served, shall hear and determine the truth of such complaint, and render judgment, and issue execution therefor and for costs.

The committee propose to amend by inserting, after the word "complaint," in line 1, the words "on oath."

The amendment was agreed to.

The Clerk read section 13, as follows:

SEC. 13. That any person or persons who shall fail or refuse to comply with the provisions, or any portion thereof, of section 425 to 430, inclusive, of the Revised Statutes of the United States relating to the District of Columbia, shall, for each offense, be fined in any sum not exceeding $500, or shall be imprisoned in the jail of the District for a time not exceeding six months, or both, at the discretion of the court.

The committee propose the following amendments:

In line 2, strike out the word "section" and insert the word "sections."
In line 5, after the word "Columbia," insert "regarding private detectives."

Mr. PETERS. I should like to have a little explanation as to this amendment to insert the words "regarding private detectives." I presume it has reference to sections 425 to 430, inclusive, of the Revised Statutes for the District. I do not know what those sections are.

Mr. SPRIGGS. Those sections of the Revised Statutes have reference to the regulation of private detectives. They provide for giving certain persons licenses as private detectives. This provides the penalty for failure to comply with the provisions of those sections.

The amendments of the committee were adopted.

The Clerk read section 14, as follows:

SEC. 14. That the act of Congress approved April 29, 1878, entitled "An act to prevent the sale of policy or lottery tickets in the District of Columbia," be, and the same is hereby, amended by inserting the word "lottery" before the words "policy, lottery or policy shop," wherever the latter, or either of them, are contained in the said act.

The committee proposed to amend by striking out the section.

Mr. BROWNE, of Indiana. I should be glad to know why the Committee on the District of Columbia recommend the striking out of this fourteenth section. By reference to page 39 of the Statutes at Large for 1877–'78 it will be seen there is an act of the Congress of the United States "to prevent the sale of policy or lottery tickets in the District of Columbia." The first section of that act provides—

That if any person shall, within the District of Columbia, keep, set up, or promote, or be concerned as owner, agent, clerk, or in any other manner, in managing any policy-lottery or policy-shop, or shall sell or transfer any ticket, certificate, bill, token, or other device purporting or intended to guarantee or assure to any person, or entitle him to a chance of drawing or obtaining a prize, or share of, or interest in, any prize to be drawn in any lottery, or in the game or device commonly known as policy-lottery or policy; or shall, for himself or another person, sell or transfer, or have in his possession, for the purpose of sale or transfer, or shall aid in selling, exchanging, negotiating, or transferring a chance or ticket in, or share of a ticket in, any policy-lottery, or any such bill, certificate, token, or other device, he shall be deemed guilty of a misdemeanor, &c.

This first section relates wholly to persons engaged in the business of policy-lotteries, the selling of lottery tickets, insuring, as it seems, the holder to draw some sum of money by reason of its investment. The second section of this act provides—

That if any person shall knowingly permit in any house under his control, in the District of Columbia, the sale of any chance or ticket in, or share of a ticket in, any lottery or policy-lottery, or shall knowingly permit any lottery or policy-lottery or policy-shop in such house, he shall be deemed guilty, &c.

So that the second section is directed against the person who shall permit his house in the District to be used in the sale of a ticket or chance in a lottery or a policy-lottery ticket.

Now, why is it we should not denounce the penalties of the statute against persons engaged in keeping, setting up, or promoting lotteries in the District? Will some gentleman tell me why? It is a crime, it seems, to keep a building or house in which a lottery is to be held or in which lottery tickets are to be sold; but it is only an offense against the statute under the first section for a person to set up and promote a policy-lottery. I must confess I can not see why it is that this committee proposes to strike out the provision which inserts the word "lottery." I can not see why it was not included in the original act. I can not for my life see why it is not as criminal to sell a lottery ticket as it is to sell a policy-lottery ticket. The sale of these tickets is prohibited by law in almost every State in the Union. It is in a way prohibited in the District of Columbia by another statute. It seems to me that the committee fear that there may be some respectable gentleman or a number of respectable gentlemen in the District of Columbia who are engaged in keeping, setting up, and promoting lotteries, and are concerned as owners, agents, clerks, or in some other manner in selling tickets in the colossal swindle of the age known as the Louisiana Lottery, about which I shall have something more to say when we come to the fifteenth section. I therefore object to this amendment, by which it is proposed to strike out the fourteenth section of this bill.

Mr. BELFORD. I desire to ask my friend from Indiana [Mr. BROWNE] just one question. Would he prohibit a company of respectable gentlemen having a quiet game of poker in a private room? We do not want any of this Puritanical cant about this bill. Let us understand the substantial point. I have known some of the most respectable men of this nation that sat down at a private dinner party and played poker. They took their chances. And if they go and buy a lottery ticket have they not that same right? They may lose or they may win.

Mr. BROWNE, of Indiana. Well, having had no experience in playing poker at private dinner parties or anywhere else, I can not answer the question of the gentleman. I never played but one game of poker in my life, and that was about thirty years ago, and when I got up from that private game I had no money left to play another with and I quit. [Laughter.]

Mr. SPRIGGS. In answer to the gentleman from Indiana, I desire to say that I do not think the committee intended to make any distinction between lottery tickets and policy-lottery tickets. There was a division in the committee, and the idea was not to legislate in regard to lotteries so far as the District of Columbia is concerned. That was the reason which led us to report an amendment to strike out this section.

Mr. BROWNE, of Indiana. One word further. I understand the gentleman in charge of this bill to say that it was not the intention of the Committee on the District of Columbia to legislate on the lottery question at all. Now, if they intend that there shall be no legislation against lotteries in this district, it would be well for them to repeal the act of Congress of which this fourteenth section is a proposed amendment. I imagine that it is quite as reputable to engage in a policy-lottery business as it is in the lottery business itself.

The SPEAKER *pro tempore*. The question is upon the proposition of the Committee on the District of Columbia to strike out the fourteenth section of this bill as read.

The question was taken and the motion to strike out was not agreed to.

Section 15 was read, as follows:

SEC. 15. That whoever knowingly prints, publishes, or circulates, or knowingly causes to be printed, published, or circulated, any advertisement of any lottery ticket or scheme or drawing, or any share in such ticket or scheme or drawing; or exhibits any symbol or other representation of a lottery, or the drawing thereof, or in any way indicates where a lottery ticket, or any share thereof, or other lottery symbol or token may be purchased or obtained, or in any way invites or entices, or attempts to invite or entice, any other person to purchase or receive the same, shall, for each offense, be fined not exceeding $500, and in default thereof shall be committed to jail until the fine and costs shall have been paid.

The Committee on the District of Columbia recommend that section 15 be stricken from the bill.

Mr. BROWNE, of Indiana. The section which it is proposed to strike out of this bill is one declaring a penalty against the publication in the District of Columbia in a newspaper or otherwise of a lottery enterprise. Of the thirty-eight States of this Union twenty-seven have prohibited lotteries both by their constitutions and by statutes. There are eight States that declare lottery enterprises and the sale of lottery tickets, &c., misdemeanors by statute, making thirty-five of the thirty-eight States of the Union that have either in the one way or the other declared lotteries and the sale of lottery tickets to be misdemeanors. Two States, the States of Delaware and Vermont, prohibit lotteries except as they may be authorized by a special act of the General Assembly.

In the State of Louisiana it is provided by the constitution that lotteries and gambling-houses shall be lawful until the year 1895. I believe that the Legislature of that State has by law authorized the licensing of gambling-houses and lottery establishments upon the payment of $10,000 per annum, provided that the business is run on the first floor. Of this kind of legislation Louisiana has a monopoly. It is certain that there is to-day no State in the Union under whose statutes the lottery business is lawful except that State. That State allows the morals of its people to be debauched for $10,000 a year.

It is the purpose of this section more particularly to protect the people of the District of Columbia from the Louisiana Lottery, which is to-day perhaps almost the only institution of the kind that is engaged in such business, and it does so in defiance both of public opinion and of law. It has its drawings in the city of New Orleans periodically, perhaps monthly.

It furnishes no capital for the prosecution of its business. The dupes who are permitted to draw back about 5 per cent. of their contributions furnish all the capital for this colossal establishment. For every $100,000 that its victims deposit in the exchanges of the concern they are permitted to take out about $5,000. It is a fact that the people of this country contribute to the net profits of that concern from one to two millions of dollars every year. This monster gambling establishment is reaping a harvest of over one and a half millions of dollars every year to be distributed in salaries to officers, for the payment of its agents, and the support of its lobbyists.

The headquarters of this enterprise is here in the District of Columbia. A gentleman who knows, standing near the head of one of the Executive Departments, tells me that from his observations he believes the clerks in that Department alone contribute to this Louisiana lottery cheat not less than $10,000 every month. A gentleman who stands near the police of the District of Columbia, and who, through them, has investigated something of the manner in which the business is being transacted here, reports that during the last year there were at one time in the streets of this city not less than seventy men who were engaged in selling chances in this lottery, and who were gathering in from the poor, ignorant colored people and white people of the District harvests for this institution, and earning for each of themselves about $5 every day. For this illegal business, this business denounced as a crime by the constitutions and statutes of all the States, these agents plying their business publicly upon the streets of this city were putting into their own pockets not less than $350 a day. They were taking that amount as their share of this infamous swindle.

It is impossible to form an estimate of the amount of money they take from these poorer classes to be invested in this gambling enterprise. The commissioners of the District of Columbia state to me that this business of purchasing chances in lotteries has become a mania with many of the poor and ignorant people of the District; that they are induced to spend almost everything they can earn or beg in these purchases, and when the winter time comes they are without fuel,

without clothes, and without bread, and become subjects of charity to be supported out of the treasury of the District.

These lottery tickets may not be sold in the State of Virginia. Dealing in such tickets is there denounced as a crime. The language of the constitution is that—

No lottery shall hereafter be authorized by law, and the buying, selling, or transferring of ticket or chances in any lottery shall be prohibited. (Article 5, section 18.)

The statute of Virginia provides that—

Persons buying or selling lottery tickets or setting up or promoting a lottery shall be liable to imprisonment in jail not more than one year or fined not more than $500.

That is what Virginia provides on one side of this District. On the other side, Maryland by her constitution prohibits lotteries and declares that no lottery shall hereafter be authorized by the General Assembly. It provides further by statute that "if any person shall by printing, writing, or in any other way publish an account of any lottery," &c., he shall be subject to a fine of $1,000, or imprisonment for sixty days.

So that Virginia on one side of the District prohibits, both by constitution and statute, lotteries or the dealing in lottery tickets; and on the other side Maryland not only prohibits its General Assembly from authorizing lottery schemes, but denounces a penalty of not less than $1,000 and sixty days' imprisonment against any person who prints or causes to be printed any publication concerning a lottery or a lottery drawing.

I find here in a report made upon this subject at the other end of the Capitol a quotation from the opinion of the Supreme Court of the United States in the case of Phelan *vs.* Virginia. I will read it:

The suppression of nuisances injurious to public health or morality is among the most important duties of government. Experience has shown that the common forms of gambling are comparatively innocuous when placed in contrast with the wide-spread pestilence of lotteries. The former are confined to a few persons and places, but the latter infests every class; it preys upon the hard earnings of the poor; it plunders the ignorant and the simple.

I wish also to call attention to a case recently decided in the State of Pennsylvania. A suit was brought by M. A. Dauphin, the general manager of the Louisiana Lottery, against the Philadelphia Times for libel. The words charged as libelous consisted in characterizing this baseness as "one of the most stupendous robberies of our history," and declaring that the company had "subsidized many of the professedly reputable newspapers of the land to aid it in its systematic robbery of millions from the people."

Dauphin believed that he and the institution in which he is concerned had been libeled by this statement, and hence brought suit. Judge McKennan declared that Dauphin's business was entitled to no protection whatever.

It is not only unlawful—

Said he—

but it is worse. It is an infamous crime. Is it possible that a business stigmatized by the law of Pennsylvania can not be so characterized here by the editor of a newspaper or any other citizen, notwithstanding the fact that the business may be lawful in Louisiana? Is it possible that the citizens of Pennsylvania may not express their approval of the laws of Pennsylvania? It seems extraordinary, after Congress has said that a man who conducts such a business as the one now in question ought to go to the penitentiary, that a citizen dare not express his opinion or approval of a law on the books. We will say that a man is not amenable to the laws of Pennsylvania for characterizing this business as robbery.

Mr. Speaker, let this suffice. I need not discuss, nor have I intended to discuss particularly, the general character of the lottery business. The courts properly characterize them as infamous robberies. Lotteries are already prohibited in the District of Columbia; but this section which the committee propose to strike out makes it unlawful for any person to knowingly print, publish, or circulate, or knowingly cause to be printed, published, or circulated, any advertisement or drawing in the District of Columbia. Now let me put the question seriously to the House, if this business is unlawful and is so denounced by the statute, ought it to be permitted that any person shall by advertisement, by printing, by circular, by newspaper article, or otherwise, invite the people to commit the crime. If it were a felony, under the well-settled rules of law any person counseling, aiding, or procuring the commission of the offense would be a principal, or at least an accessory before the fact.

All that was intended by this section as it originally stood in this bill was to prohibit any person from inviting people by circular, handbill, newspaper advertisement, or otherwise to commit this offense against the statutes of the United States. If it be agreed that the lottery business is unlawful, if the man who sells tickets and those who buy them are to be held subject to the penalties of law, it is indeed very strange that we are unwilling to say it shall be unlawful for others to invite, encourage, or advise them to commit these offenses. All that this section is intended to do, all that it pretends to do, is to declare that the encouragement of this offense shall be a crime subject to the penalties of the statute.

It is a fact—and I would not speak of it if it were not a fact of which the Congress of the United States is bound to take notice—that the New Orleans Lottery Company has defied public opinion, defied the statutes, and defied the Government Departments; and I ask now whether it and its lobby are either to defy or intimidate the Congress of the United States?

In conclusion, I would like to have read by the Clerk an extract on this subject from the report of the commissioners of the District of Columbia.

The Clerk read as follows:

Congress has prohibited lotteries, and declared the sale of tickets in this District to be a crime, but has omitted, what has been found necessary in most of the States in order to make the prohibition effectual, to forbid the advertising of lottery schemes and drawings, or to prohibit the importation and purchase of tickets by mail. One State only, as the commissioners are advised, for the sake of the great revenue derived thereby, tolerates lotteries. Twenty-eight States prohibit them by constitutional provision; others prohibit by statute. The advertisement of lottery schemes is forbidden in most of the States. Some, like Virginia, declare the purchase as well as sale of tickets to be a crime. Others, like Maryland or New Hampshire, forbid the importation of tickets or traffic therein by mail.

Such concurring and almost universal legislation has driven lottery advertising to this District, where, through nearly all of the newspapers, the Havana and New Orleans lottery companies not only reach the people and evade the laws of the States, but carry on a large traffic through the mails, take large sums from the District, and especially from the improvident and poor, and hold high carnival at the capital despite the intended prohibition by Congress.

Mr. BROWNE, of Indiana. These mammoth iniquities must hold high carnival in this District no longer. The people must be protected from the sharpers who fleece them of their earnings for the benefit of respectable gamblers in lottery schemes.

Mr. BELFORD. Mr. Speaker, we have heard some extraordinary arguments here touching the character and the merits of this bill. It seems that the statesmen of Indiana have taken charge of the morals of this nation. [Laughter.] We have one who conspicuously appears as an objector, and we have one who conspicuously appears as a debater. In my judgment both should be linked together like the lovebirds of Africa and allowed to float into the fields of infinite and immeasurable space. [Laughter and applause.] Suppose I have five dollars in my pocket—which is hardly a supposable case. [Laughter.] I have the right to buy tobacco if I choose to do so; I can buy cigars with it if I choose; I can get a glass of champagne if I desire to do it; and what right has the Congress of the United States to put any prohibition on my right as an individual?

What right has my moral and Puritanical friend from Indiana to attempt to deprive me of my legal and constitutional right of spending my own money in the way I choose to do it?

Suppose I desire to buy a lottery ticket, why should I be prevented from doing it? As I said a while ago, suppose I desire, in my own parlor with four or five gentlemen, to put up $100 on the table in a quiet game of poker, what has Congress to do with that? [Laughter.] Is Congress going to work to enact a bill of fare I shall have at my table? Is Congress going to work to enact a bill whereby amusements in my parlor shall be conducted? If that is permitted, next will go the banquet and then the disappearance of the company and the end of the scene. [Laughter and applause.]

Mr. Speaker, this whole thing is a humbug, and I give notice that when you get to the end of the bill I will move to strike out the enacting clause. I will then commit the morality of the nation, as we already have committed the politics of the country, to the State of Indiana. [Laughter and applause.]

Mr. SPRIGGS. What I said in reference to the fourteenth section is applicable to the fifteenth section. I agree with the gentlemen who have spoken that lotteries or lottery-policies do not improve the morals of any community. In committee we disagreed in reference to what should be done as to this class, and we believed it would be better to allow the law already enacted on that question to remain as it is. We thought it would be better.

Mr. WELLER. I move as a substitute section 15 as it is found in the original bill, and it is as follows:

SEC. 15. That whoever knowingly prints, publishes, or circulates, or knowingly causes to be printed, published, or circulated, any advertisement of any lottery ticket or scheme or drawing, or any share in such ticket or scheme or drawing, or exhibits any symbol or other representation of a lottery, or the drawing thereof, or in any way indicates where a lottery ticket, or any share thereof, or other lottery symbol or token, may be purchased or obtained, or in any way invites or entices, or attempts to invite or entice, any other person to purchase or receive the same shall, for each offense, be fined not exceeding $500, and in default thereof shall be committed to jail until the fine and costs shall have been paid.

Mr. BROWNE, of Indiana. I raise a point of order on that proposed amendment. The committee report this bill back with the recommendation that that fifteenth section be stricken out. Voting against that motion to strike out has the effect of keeping that section in the bill.

The SPEAKER *pro tempore*. The gentleman is undoubtedly correct, and the Chair therefore rules the amendment out of order.

Mr. WELLER. I am content if my purpose can be accomplished in that way, and I shall therefore vote against striking that section, the fourteenth section, out.

Now, Mr. Speaker, but for the able remarks made by the gentleman from Indiana [Mr. BROWNE] in favor of the position he has taken I would seek to make extended remarks myself at the present time, for I am, as I have said, in favor of retaining the fourteenth section of the bill, as also the fifteenth section. I am opposed to lottery schemes and

swindles of all kinds. I am opposed to all chance games. I am opposed to anything of the sort. We have already had too much of it in the United States, and especially in our leading cities in the last few years; and it seems to me unless the people shall become speedily aroused to the importance of this question that the time is not far distant when we will find monopolies coming up and claiming they have a corner not only in the cereals, meats, lights, and other materials supplying human want, but also on the very breath of life, and if they ever get a corner of that kind they will make us pay dear for the atmosphere we breath.

I say, Mr. Speaker, that we now want to begin right and in earnest to wipe out the great array of swindling institutions that find lodgment in almost every city within our Government. This proposed section I regard as a step in the right direction. In my judgment it is a proper beginning. The gentleman from Indiana has characterized the lottery system as the great colossal swindle of the age. I regard it as one of the minor swindles as compared with others under which this country is laboring to-day. The great colossal swindle of the age in my opinion is the product of the manipulators of the Republican party for the last twenty years, and finds its summing up in their infernal financial policy, evidenced in the national banking system. They are to-day before this House with their measures looking to a perpetuation of that swindle, that colossal outrage on a people's government of, by, and for themselves. They are to-day before this House with measures seeking to perpetuate this the most outrageous monopoly that the Government has ever known since the days of the United States Bank that Jackson throttled, and that is the national banking system. But I expect and hope that this House on this very measure will take the initial steps in the line of correcting some of these evils; and when they have taken the initial steps I trust at least that the Democratic side of the House will take the further step of wiping that consummation of all villainous systems, the national banking system, from the statute-books of our Government.

I would be pleased, Mr. Speaker, if opportunity might now be accorded me or if I were permitted to occupy the attention of this House, to make an amendment to the second section of this bill. But I am satisfied that it would be contrary to the practice to go back to it. When it came before the House for consideration I was then busily engaged with another matter and did not note the action being taken in time to offer the proper amendment. But the idea that we, the representatives of the people, should be called upon here in our relations to the people as national legislators to make or permit the passage of a law limiting the exactions of the money-lenders upon their patrons, the unfortunate people, to 3 per cent. per month is not simply strangely absurd, but shows the present financial system to be in bad working order, at least in the District of Columbia.

To permit the extortionist of this District or any part of this country to demand and receive on loans for the use of money 3 per cent. per month, while also having the exclusive right of determining the class of security he takes and the terms of conversion in case of failure to pay at maturity, is in my judgment a bald-faced outrage on good government. To think of the existence of conditions and circumstances that make it needful to restrict any class of money-lenders to 3 per cent. per month by law is a terrible comment on the policy of the party that has had the reins of government in their sole executive hands for over twenty years. To think that any one would seek to take such interest as the product of any system is awful, and the bare proposition is a stultification and a disgrace to our boasts that we have a people's government—a government the genius and theory of which is a government of the people by and for the people.

It seems to me, sir, that it is high time for us to move in the line of a sweeping reform. I had hoped the other day that the bill presented by the gentleman from Illinois [Mr. MORRISON] would receive such favorable consideration from the hands of members on this floor as that at least permission would be given to us who desire to vote solidly for some of its provisions, and to amend others to conform to the wishes of our constituencies to offer such amendments, and thus to perfect the bill to correspond to the demands of the people for a revision of the tariff in the interest of labor as against Eastern manufacturing corporate monopolies.

But permission was destroyed by one fell blow, the motion to strike out the enacting clause. There was a consolidated effort on the part of eastern Republican monopolists, and I regret to say, also members of the Democratic party, that in my judgment are in league with them, which prevented us from doing that which I think the times and the business of the whole country demanded. We now have presented to our attention a question where we can do something in the line of reform, something in the line of striking a blow in the face of a swindle and in favor of labor, and I hope this step will be taken. I hope that this section of the bill will be voted upon and retained as a part of the present bill. And when we have taken this one step I trust there will be information before us sufficient to enable us to go right on in this direction, and that the laws or bills passed upon by this House shall prove an everlasting monument in favor of a people's government for the people, for future generations to look back to with a certain knowledge of benefits to them and no small degree of pride for such as had a part and lot in their creation.

Mr. BROWNE, of Indiana. I ask the Chair to notify me when we reach the section of this bill referring to the national banking system, as I want to move to strike it out. [Laughter.]

Mr. WELLER. I am glad to find the gentleman ready to place himself on record in favor of my proposition. [Renewed laughter.]

The SPEAKER *pro tempore*. The question is on the recommendation of the committee to strike out the fifteenth section.

The motion to strike out was not agreed to.

The Clerk read as follows:

SEC. 16. That it shall not be lawful for any person to keep open any place of business for the sale of any article or articles of profit during the Sabbath day, excepting apothecaries, for the dispensing of medicines; undertakers, for the purpose of providing for the dead; the owners of barber-shops, newsdealers in hotels, and others for the purposes of charity or necessity; and for any violation of this section the person offending shall for each offense be fined not less than ten nor more than fifty dollars.

The committee recommend the following amendments: Consolidate sections 16 and 17 into one section, to be numbered 14. In line 3, strike out the words "articles of profit during the Sabbath day," and insert "openly prosecute any trade or business during Sundays."

The amendment was agreed to.

The next amendment recommended by the committee was to insert, after the word "dead," in line 6, the words "street-railway companies, hacks, livery owners, and other common carriers," and strike out the words, "the owners of barber-shops."

The amendment was agreed to.

The committee further recommend, in line 8, to strike out the words "in hotels," and insert the words "and proprietors of barber-shops before noon."

The amendment was agreed to.

Also, in line 10, strike out the word "and," and insert the word "or."

The amendment was agreed to.

The committee further recommend the striking out of the following words in lines 10, 11, and 12, "and for any violation of this section the person offending shall for each offense be fined not less than ten nor more than fifty dollars."

Mr. SPRIGGS. I think these words were recommended to be stricken out by a mistake, and I ask that they be restored.

The SPEAKER *pro tempore*. A negative vote on the motion to strike out will be equivalent to a motion to retain them in the bill.

Mr. HAMMOND. The amendment proposed by the committee to strike out in lines 10, 11, 12, is a proper amendment for the reason that these two sections 16 and 17 are consolidated into one section, and these words are added to the end of the section, as will be shown if the remainder of the section is read.

The SPEAKER *pro tempore*. The Clerk will complete the reading of the section.

The Clerk read as follows:

And it shall not be lawful for the proprietor of any billiard, bagatelle, Jenny Lind, or pool table, bowling alley, shuffling board, or shooting gallery to keep open his or her place of business, nor to allow such table, alley, or place to be used, for hire or otherwise, on Sunday, nor to allow or permit any minor under the age of 16 years to frequent any of said places of business, or to engage in any of said games, at any time; and that for any violation of this section the person so offending shall, for each offense, be punished by a fine of not less than ten nor more than fifty dollars.

The SPEAKER *pro tempore*. The question is on the amendment proposed by the committee to strike out the words which the Clerk will read.

The Clerk read as follows:

And for any violation of this section the person offending shall for each offense be fined not less than ten nor more than fifty dollars.

The amendment was agreed to.

The Clerk read the next amendment proposed by the committee, as follows:

Strike out the words "Sec. 17. That" and insert the word "and."

The amendment was agreed to.

The Clerk read the next amendment proposed by the committee, as follows:

After the word "board" strike out the word "or."

The amendment was agreed to.

The Clerk read the next amendment proposed by the committee, as follows:

After the word "gallery" strike out the words "to keep open his or her place of business, nor to allow such table, alley, or place to be used, for hire or otherwise, on Sunday, nor" and insert the words "or bar-room."

Mr. DINGLEY. I wish to make an inquiry of the gentleman in charge of this bill. I notice the amendment proposes to insert the words "or bar-room," and there is still the retention of the amendment as to persons under the age of 16 years. The inquiry I want to make is whether the police regulations, as authorized by the act of Congress, do not prohibit the sale of liquor to "minors?"

Mr. SPRIGGS. I think so.

Mr. DINGLEY. Then why not use the word "minor" instead of "person under the age of 16 years?"

Mr. SPRIGGS. The committee thought that the age of 16 years was a proper age to fix.

Mr. DINGLEY. I think in all legislation of this character it is usual to prohibit the sale to minors.

Mr. SPRIGGS. We intended that the provisions of the bill should be pretty rigid, and it was thought a boy under the age of 16 years should not be permitted to frequent such places.

Mr. DINGLEY. I merely wanted to call the attention of the committee to the matter.

Mr. HAMMOND. I ask the gentleman in charge of the bill to state why it is proposed to strike out the provision as to keeping open these places on Sunday.

Mr. SPRIGGS. It is provided by an amendment in a previous part of the section that it shall not be lawful to keep open these places or to openly prosecute any trade or business during Sundays with the exceptions mentioned. That made the provision in this part of the section unnecessary.

Mr. HAMMOND. I asked the question merely for information, as some gentlemen did not seem to understand why it was proposed to strike out those words.

Mr. BROWNE, of Indiana. In line 3 of the section the words "during the Sabbath day" are stricken out.

Mr. HAMMOND. But then there are substituted for those the words "openly prosecute any trade or business during Sundays." I thought myself it was all right. But I asked the question in order that it might be distinctly understood.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The next amendment proposed by the committee was read, as follows:

In line 6, strike out the word "minor" and insert the word "person."

The amendment was agreed to.

The next amendment proposed by the committee was read, as follows:

In line 8, after the word "violation," strike out the words "of any provision."

The amendment was agreed to.

Mr. HAMMOND. The committee's amendments having been disposed of, I now offer the amendments which I send to the desk.

The Clerk read as follows:

After the word "business" in line 7 insert the words "or drink intoxicating liquors therein."

In line 8 strike out the word "gains" and insert the word "games."

Mr. HAMMOND. It is clear the word "gains" in line 8 is a typographical error; it should be "games." As the section now stands reported by the committee a minor is forbidden to frequent any of the places of business named, including liquor saloons, and he is forbidden to engage in any of the games at any time; he is not forbidden to drink intoxicating liquors therein. A man may not allow a minor to play billiards, bagatelle, or Jenny Lind under this statute, but he could allow him to drink intoxicating liquors, unless he allows him to do it so much as to make him a frequenter of his place. I think the intention of the committee is to take temptation away from minors entirely, and if they are prevented from playing games they should be prevented also from drinking intoxicating liquors in a saloon.

The amendments proposed by Mr. HAMMOND were agreed to.

Mr. DINGLEY. I move to further amend by striking out in the sixth line the word "sixteen" and inserting the word "eighteen," so that it will read "under the age of eighteen years."

The amendment was agreed to.

Mr. WELLER. I move to amend by striking out the word "openly" in the third line, so that it will read:

That it shall not be lawful for any person to keep open any place of business for the sale of any article or prosecute any trade or business during Sundays, &c.

Mr. SPRIGGS. We will accept that.

The amendment was agreed to.

The Clerk read section 18, as follows:

SEC. 18. That it shall not be lawful for any person or persons to destroy, injure, disfigure, or place any filth upon any property, public or private, real or personal, within the District of Columbia, nor in any case to write, mark, or print obscene or indecent words, language, or figures thereon, nor, without the consent of the owner or custodian, to write, mark, draw, or paint any other words, sign, or figure, or place any ashes or rubbish thereon; and for any willful violation of any provision of this section the person so offending shall be punished by a fine of not less than $5.

The committee proposed to amend by striking out in line 1 the words "or persons" and insert "without consent of the owner."

The amendment was agreed to.

The Clerk read section 19, as follows:

SEC. 19. That it shall not be lawful for any person to ride or drive any horse, mule, or other animal of the horse kind in or on any street, avenue, alley, public road, or reservation of this District in any reckless or careless manner, or to make trial of speed between such animals, or to drive such animals at a rate of speed faster than eight miles per hour within the cities of Washington and Georgetown; and any person violating any provision of this section shall be punished by a fine of not less than $10 for each offense.

No amendment offered.

The Clerk read section 20, as follows:

SEC. 20. That any person who shall keep or store in any one building or place within the thickly populated districts of the city of Washington or Georgetown any coal-oil, petroleum, burning-fluid, or other highly inflammable substance, in any quantity in excess of that designated by the commissioners of the District, and which shall in the aggregate in no case exceed five hundred gallons, shall be subject to a fine not exceeding $100 for each and every day such excess shall continue.

Mr. HAMMOND. I would like to ask the gentleman in charge of the bill who is to be the judge of what is a thickly populated district of the city of Washington or Georgetown? Is that to be subject to the discretion of the commissioners?

Mr. SPRIGGS. I think so. You can hardly regulate this matter unless you put it entirely under the control of the commissioners.

Mr. HAMMOND. That is what I was about to suggest. The provision of the section as it stands is indefinite. A man might say that he could keep five hundred gallons in his store because it was not in a thickly settled district, while another might think it was a thickly populated district. That ought not to be uncertain. The places and the quantities ought to be designated by the commissioners.

For instance, the commissioners should say that these articles shall not be kept in larger quantities than so and so within certain boundaries, to be indicated by them, just as you have limits fixed for fire districts.

Mr. BARBOUR. The gentleman can move such amendment as he thinks necessary.

Mr. HAMMOND. Before moving any amendment, I desire to get the opinion of the committee upon the subject.

Mr. WELLER. I wish to inquire of the members of the Committee of the District of Columbia if they will not accept as an amendment "not less than 150° fire test" for coal-oil and illuminating-oil?

Mr. BARBOUR. We had better leave that to the commissioners of the District; they have charge of the safety of the city.

Mr. SPRIGGS. I do not think that is necessary.

Mr. WELLER. Then will the committee accept "120° fire test?"

Mr. BARBOUR. That is not necessary.

Section 21 was read, as follows:

That every person who shall extinguish or cause to be extinguished any of the public gas-lamps without proper authority, or before the time designated by law, shall be subject to fine not to exceed $25, and in default of payment be committed to the work-house.

No amendment was offered.

Section 22 was read, as follows:

That the commissioners shall have power to locate the places where hacks, newsboys, boot-blacks, and licensed venders on streets and public places shall stand, and change them as often as the public interests require, and to make all necessary regulations governing the same and the manner of conducting such business; and any person violating any regulation lawfully made in pursuance of this power shall be subject to a fine of not less than $5 nor more than $100.

The Committee on the District of Columbia recommend an amendment, to insert after the word "business," in line 6, the following:

And to make needful regulations for the orderly disposition of carriages or other vehicles assembled on streets or public places, and to require vehicles upon the most frequented streets and avenues to pass along on the right side; to prohibit droves of animals upon most-frequented streets; to prohibit the deposit upon sidewalks of fruit, or any part thereof, or other substance that might cause injury to pedestrians; to regulate or prohibit loud noises with horns, gongs, or other instruments, or loud cries, upon streets or public places; and to prohibit the use of any fireworks or explosives within the thickly populated portions of the District, such regulations to take effect ten days after public notice thereof.

The amendment was agreed to.

Section 23 was read, as follows:

That section 354 of the Revised Statutes of the United States, relating to the District of Columbia, be, and the same is hereby, amended so far as to authorize the commissioners of said District to appoint, at their discretion, persons as policemen and watchmen other than those who have served in the Army or Navy of the United States.

No amendment was offered.

Section 24 was read, as follows:

That in place of section 1060 of the Revised Statutes of the United States, relating to the District of Columbia, the following be inserted:

"The clerk and his deputy shall have power to administer oaths and affirmations."

No amendment was offered.

Section 25 was read, as follows:

That in all prosecutions in the police court by information in the name of the District of Columbia the said information shall be filed and signed by the attorney for the District, or either of his assistants, or any authorized representative, who are hereby authorized to administer oaths or affirmations relating thereto. That the supreme court of said District shall have power to enforce its sentences by fine or imprisonment, or both, in all cases appealed from the judgment of said police court; and that the justice holding the special term of the supreme court of said District for the trial of causes appealed from the said police court may, in his discretion, order any issue of law in such causes to be heard in the first instance at a general term of the said supreme court; and sections 1042 and 5296 of the Revised Statutes of the United States shall not apply to any person convicted by any court of the District of Columbia.

The committee recommend that in lines 2 and 3 the word "information" be stricken out and the words "complaint on oath" inserted.

Also to strike out the words:

And sections 1042 and 5296 of the Revised Statutes of the United States shall not apply to any person convicted by any court of the District of Columbia.

The amendments were agreed to.

Section 26 was read, as follows:

That all processes issuing from the police court, and subpœnas from the criminal court, in behalf of the District of Columbia, excepting the process of commitment to jail, may issue to the major of police and be served by any policeman.

The committee recommend that the section be amended by adding the following:

And all fines, penalties, forfeitures, and costs imposed or taxed by the police court shall be collected by the major of police and paid over to the District.

The amendment was agreed to.

Section 27 was read, as follows:

That it shall be unlawful for farmers, their assistants, or other persons, to offer at retail any meats, vegetables, or other farm products within one square of any market-house in this city, other than between the hours of 4 o'clock a. m. and 12 o'clock m., under a penalty for each and every offense of not less than five nor more than ten dollars.

The committee recommend that section 27 be stricken from the bill.

The recommendation of the committee was adopted; and the section was stricken from the bill.

Section 28 was read, as follows:

That all existing regulations, ordinances, and rules in relation to hucksters; sales by dry measure; sales of bread, ice, charcoal, milk, lime, oysters, wheat, corn, and grain of all kinds; hay, straw, fodder, and coal; sealers of weights and measures; gaugers and inspectors of spirituous liquors; inspectors of flour and salted provisions; and inspectors and measurers of wood and lumber may be changed or modified by the commissioners of the District of Columbia, upon public notice being given thirty days previous.

The committee recommend that the section be stricken from the bill.

The recommendation of the committee was agreed to; and the section was stricken from the bill.

Section 29 was read, as follows:

That any dog, whether licensed or not, found in any market-house, may be seized, impounded, and disposed of as though unlicensed: *Provided*, That he shall not be finally disposed of until three days after such seizure.

No amendment was offered.

Section 30 was read, as follows:

That when snow has remained for six hours after a snow-storm upon any of the sidewalks in the cities of Washington and Georgetown such sidewalks may be cleaned by the commissioners of the District of Columbia, and the expense thereof, duly certified by the commissioners, but not exceeding for each removal 2 cents per lineal foot of such sidewalk, shall immediately be assessed against such property and be collected as other realty taxes: *Provided*, That nothing contained in this section shall be construed to exempt any property-owner or his agent from the effect of any law or laws imposing fine and penalty upon owners, tenants, occupants, or agents for neglecting to clean sidewalks.

The Committee on the District of Columbia recommend that the section be amended by inserting after the words "District of Columbia," in line 4, the words "as they deem necessary;" in line 8 strike out the words "such property" and insert in lieu thereof the words "the lot bordered by the sidewalk so cleaned, which assessment shall be a lien and tax upon such adjacent lot whether exempt from other taxation or not;" also in line 14, after the words "fine and penalty," insert the words "or civil damages;" also add to the section the following: "*Provided further*, That sidewalks bordering upon lots owned by the United States or District of Columbia shall be kept clear of snow by the custodians of such lots, and the expense thereof paid out of any appropriation applicable thereto."

The amendments recommended by the committee were agreed to.

Mr. SKINNER, of New York. I move as an additional section that which I send to the Clerk's desk.

The Clerk read as follows:

That all laws or parts of laws imposing a tax, penalty, or license upon any commercial traveler or travelers, manufacturers or their agents, who sell by sample in the District of Columbia, be, and the same are hereby, repealed.

Mr. SPRIGGS. I make a point of order on that amendment.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRIGGS. It seems to me that it is new legislation and not germane to the bill.

Mr. BARBOUR. I desire to say that we have an independent special bill of that character now pending before the Committee on the District of Columbia, and I think we had better wait until the committee report that bill.

Mr. SKINNER, of New York. I hope the gentleman from New York who has charge of this bill [Mr. SPRIGGS] will withdraw his point of order. This is a bill relating to police regulations in the District of Columbia. I submit that the law which now imposes a license upon commercial travelers in this District is a police regulation.

Mr. SPRIGGS. No; it is a matter of revenue.

Mr. SKINNER, of New York. It is a matter of revenue; but do you not depend upon the proper officers of the District to enforce that law? I do not know whether there is any bill on this subject pending before the Committee on the District of Columbia or not; if so, I have not seen it. I have simply drawn this amendment in my own words to apply strictly and solely to the District of Columbia. Whether or not any bill embodying this amendment is before any committee I am not informed, except that the chairman of the Committee on the District of Columbia [Mr. BARBOUR] tells me that a bill relating to this subject was introduced this morning. If the gentleman will waive his point of order a moment I should like to speak upon my proposition.

Mr. SPRIGGS. I can not do that.

The SPEAKER *pro tempore*. The Chair would state that he is aware that a general bill is pending as to commercial travelers, not limited to the District of Columbia but applicable to all the United States. The Chair himself has introduced such a bill, but that would not apply to this case.

Mr. SPRIGGS. There is a general license bill in reference to the District of Columbia now pending before that committee.

The SPEAKER *pro tempore*. The Chair can not decide that point of order without the bill before him.

Mr. SPRIGGS. I make the other point of order, that the proposed amendment is not germane to this bill.

The SPEAKER *pro tempore*. The Chair would overrule that point of order. This is a bill "relating to police regulations in the District of Columbia, and for other purposes." The Chair is perfectly aware that under the law as it now exists commercial travelers are subject to license in the District of Columbia, and to police regulations for the collection of such license.

Mr. SPRIGGS. I can send and get the bill if the Chair desires.

The SPEAKER *pro tempore*. The Chair would like to see the bill.

Mr. SKINNER, of New York. I understand the point of order has been overruled.

The SPEAKER *pro tempore*. One point of order—that raised by the gentleman from New York [Mr. SPRIGGS]—has been overruled, but the point raised by the gentleman from Virginia [Mr. BARBOUR] is in abeyance, the Chair reserving his decision until the production of the bill upon which the point is based.

Mr. SKINNER, of New York. Mr. Speaker, I am aware that a bill to regulate the commerce between the States, pertaining to commercial travelers, has been reported favorably to this House from the Committee on Manufactures. I hope it will be pressed at every opportunity and become a law. I ask to present the bill as reported, together with the report made thereon, as a matter of information:

A bill to regulate the commerce between the States pertaining to commercial travelers.

Whereas several of the States of the United States have imposed taxes or licenses of various kinds upon commercial travelers traveling from another State, notwithstanding the said laws have been pronounced unconstitutional by the Supreme Court of the United States; and

Whereas sundry States of the United States continue to arrest and fine and annoy in various ways the aforesaid commercial travelers selling by sample goods, wares, and merchandise of various kinds, in the face of the aforementioned decisions of the Supreme Court of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person, acting in an individual capacity or as an officer of a State or municipal corporation, interfering in any way with any commercial traveler selling by sample goods, wares, and merchandise of any kind, traveling from another State other than the one in which said traveler lives or in which the manufacturer or merchant does business for which said traveler is acting, shall be deemed guilty of a misdemeanor and be liable to indictment before the United States grand jury in the district in which the interference or assault occurs; and, if convicted, the said person or persons shall be liable to pay a fine not exceeding $100 and costs, or to be imprisoned three months in the county jail, or both, in the discretion of the court.

The Committee on Manufactures, to whom was referred the bill (H. R. 986) to regulate the commerce between the States pertaining to commercial travelers, report back the same with the recommendation that it do pass, and beg leave to make the following report:

The committee find that the laws of several of the States impose a tax upon commercial travelers, which in effect is a tax upon the people of other States seeking to extend the trade and traffic between the States. The committee believe these laws are made to please the selfishness of local jobbers and unscrupulous informers—or "spotters," so called—and are not for the purpose of raising revenue for the States. That these tax laws of the States are in direct conflict with the Constitution of the United States the committee has no doubt.

The committee also find that several of the States, notwithstanding their laws have been pronounced unconstitutional by the Supreme Court of the United States, continue to enforce their fines, penalties, and taxes, relying upon the belief that the trouble and costs of redress through the courts will protect them from the law. As these cases, when carried to the Supreme Court, take three years of time and at least $1,000 in money to defend, it can be seen at once why business houses submit to the imposition.

Your committee is, therefore, of the opinion that Congressional action is necessary, and that this bill is a step in the right direction in order that the commerce between the States may not be restricted and the "citizens of the several States" debarred from the exercise of that freedom guaranteed them by the Constitution.

Your committee also believe that these several States imposing the beforementioned taxes are also obstructing free trade between the States, and preventing thereby that healthy competition so necessary for the protection and education of the masses as to their rights and privileges. Not only are these laws unconstitutional, but they are, in the judgment of the committee, inimical to the best interest of the consumers and the masses in these various localities.

Every enterprising wholesale house and manufacturing establishment in the United States, along with 200,000 commercial travelers, pray for the relief afforded in this bill, and for its passage at this session of Congress.

The amendment which I have offered aims to repeal an obnoxious section of existing law now in force in the District of Columbia—a section which is unworthy to stand as any part of the law by which the capital of our country is governed. Although I am a pretty strict protectionist when questions of international trade are considered, when commercial relations between the States or between the States and this District are brought in question I am a believer in the freest of free trade. There is now a law upon our statute-books which compels commercial travelers or owners or manufacturers coming into the District of Columbia to pay a license of $200 per year before they are at liberty to sell goods here by sample or otherwise.

The section of the bill referred to is as follows:

Commercial agents shall pay $200 annually. Every person whose business it is to sell or offer for sale, or solicit orders for the sale of goods, wares, or merchandise by sample, catalogue, or description, whether owner or agent, shall be regarded as a commercial agent.

This law is a restriction upon commerce; a selfish, narrow provision against enterprise and progress; a discrimination against every manu-

facturer or dealer of the country; a relic of the past, when conditions were entirely different from those existing now; an inheritance of the old blue laws, founded in selfishness and proscription, and has no place in a statute governing a great city like Washington, where it is to be supposed only good and just laws are made.

We owe it to ourselves, to our own dignity, to the people of the country to strike it out.

I am informed that the existing law is evaded in many cases in the most scandalous manner, and by the connivance of those who are supposed to enforce the obnoxious requirements. A strict construction of the law would give an immense revenue to the District, but the manner in which it is evaded makes it ridiculous and reduces the revenue far below the point which would be reached by a strict enforcement. There is almost an appearance of right in the evasion of such a law, and it is not to be wondered at that commercial travelers take advantage of any method to throw ridicule upon it, and escape the penalties. Commercial travelers desire to come to this capital freely, like other honest men, and to pursue their calling as unmolested as they would be in their own houses. It is right that they should. It is not right in any sense to impose such an unjust tax. It is not right to tempt any person to evade such a law, to compel gentlemen in pursuit of honest callings in order to escape such an unjust tax—unjust penalties, or arrest—to come to this city almost by stealth, like escaped criminals, fearing detection, registering under assumed names, cautiously inviting people to come to their rooms to examine samples. They feel more like thieves than gentlemen, and yet feel justified in evading the law.

In many cases arrangements are made with those who pretend to enforce the law by which for a small fee these agents are allowed certain privileges for a day or more. In some instances, as related by the gentleman from New York [Mr. COX], one agent will pay the fee, $200, and then act as the representative of a score or more of manufacturers, exacting a fee of $50 or $75 from each one, thereby making a considerable sum for himself. He feels justified in this by the nonsense of such a law, and he will show his ingenuity to nullify it. The principle of the thing is entirely wrong; in fact there is no principle in it, or underneath it. There are nearly two hundred thousand of these gentlemen, representing every manufacturing industry in the country. They are honorable, active, sensible men, they add largely to the enterprise of the different States in which their industries flourish, and we can do no more sensible act than to repeal now and here a bad custom which has already prevailed too long.

In the last Congress this House struck the section in question from a revision of the code, but the code did not become law. We also attached a repeal of the section to a tax bill, which also passed the Senate and was lost in conference between the two Houses.

I believe the sentiment of this House is, like the last, in favor of repeal, and I hope that no license bill or tax bill can become a law for this District which does not carry with it the repeal aimed at in the amendment I have offered.

During the debate in the last Congress the honorable gentleman who now occupies the chair [Mr. COX, of New York] made a gallant fight for this repeal, and presented the case fully to us, including facts, complaints, and methods of evasion. They are matters of record. The gentleman from New Jersey [Mr. BREWER] is also familiar with this question, and, were he present, would unite with us to-day in urging this action. He is the author of the bill above quoted, which seeks to regulate the commerce between the States so far as relates to commercial travelers.

Public sentiment everywhere will sustain this repeal, and I know that all gentlemen who will consider the matter carefully and fairly will vote to strike out the obnoxious section of the law as it now stands.

The SPEAKER *pro tempore*. The Chair is now ready to rule on the point of order raised by the gentleman from Virginia [Mr. BARBOUR], which is based upon the rule that—

> No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

The point of order has been made that the amendment of the gentleman from New York [Mr. SKINNER] is not in order under this rule because its substance is embraced in a bill introduced by the gentleman from Virginia [Mr. BARBOUR] to regulate licenses, &c., in the District of Columbia, and for other purposes. This bill, according to the ruling of previous occupants of the chair, is to be taken in its entirety.

Section 36 of this bill, to which the Chair is referred, provides for a tax on commercial agents. That is all there is in that section. The other section to which reference has been made is section 49, which provides for a tax on commission merchants, with an exceptional proviso. But neither of these provisions will justify the Chair in holding that the amendment proposes to incorporate in the pending bill the substance of another bill now before the House. Therefore the Chair overrules the point of order.

Mr. SPRIGGS. Mr. Speaker, I hope that this amendment of my distinguished colleague [Mr. SKINNER] will not be adopted at this time, because I think it would be very hasty legislation. Whatever may be said against the propriety of imposing a tax of $200 on these persons who come here as commercial agents, my friend should take into consideration the fact which does not exist in his city or any city to which any of us belong—that every person engaged in business here pays taxes; so that if commercial agents are permitted to come here and sell goods without paying tax a discrimination is made in their favor.

Whether $200 is a proper amount of tax to be imposed is a question I am not prepared to discuss. For myself, whenever the question comes up properly, I am in favor of doing away with all sorts of taxes on business.

But the law exists here, and everybody engaged in business pays an annual tax. The merchant pays a tax.

Mr. ROBINSON, of Ohio. But is not that the case in every other town of the United States?

Mr. SPRIGGS. No, sir.

Mr. ROBINSON, of Ohio. They do not begin to pay the taxes in Washington they pay in the city of New York.

Mr. SPRIGGS. They pay a license tax here, and they pay all the tax your merchants pay. But, Mr. Speaker, I am not opposing the amendment. I am not prepared to say what I should do on further consideration. It strikes me that it would be unjust to the people here who pay a license tax to allow these commercial travelers to come here and do business without the payment of any tax at all.

Mr. SKINNER, of New York. I wish to say to my colleague from New York that he must not forget the fact which exists, that the present license law here is not enforced.

Mr. SPRIGGS. Where?

Mr. SKINNER, of New York. Here.

Mr. SPRIGGS. Oh, yes; it is.

Mr. SKINNER, of New York. It is evaded every single day in the year.

Mr. SPRIGGS. If you are going to strike out all the laws in our statute-books which are not enforced, we should not have any penal laws.

Mr. SKINNER, of New York. It is notorious in the District of Columbia this license tax is not enforced at all. I tell my colleague the effect of the law provided here for the District of Columbia will prevent a manufacturer from his own district or one from mine coming here and selling his wares unless he pays this District $200. I received a letter from a manufacturer in my own city in reference to taxes in certain other cities, and he said before he could send his agent to sell his machines here he had to remit $200 in payment of this tax.

Mr. ROGERS, of Arkansas. Does your amendment apply to commercial travelers alone? I understand it does. Now, whatever tax is placed on the merchant he must pay, but, as we all know, the consumer pays it after all.

Mr. SKINNER, of New York. I would like to see a proper provision in the law compelling merchants in this city and all others to pay such license tax as is necessary for the support of the government here. It is notorious they do not pay the expenses of the government of the District of Columbia, but that on the contrary the United States pays a certain proportion of them. I say, while the Government of the United States is so lavish in spending its money, expending millions of dollars in erecting public buildings in this city, that when we ask on behalf of our constituents they should be permitted to trade here it is the height of injustice to impose a special tax upon them which in effect amounts almost to prohibition.

Mr. ROGERS, of Arkansas. Mr. Speaker, I have but a few remarks to make. This is not a new question. It has been discussed in many of the States. Only a few years ago it was discussed in the Texas Legislature, and since then in the General Assembly of my own State. Wherever a law has been passed imposing this tax the courts have held it unconstitutional, so far as I know. It is said a similar tax is imposed upon the merchants of this city. If Congress deems it sound policy to impose a tax of that character on the merchants of the city, that is one thing, one, too, that does not meet my approbation. But it is entirely a different thing to impose a similar tax upon the commercial traveler. Does not every one know who pays the tax in the end? The drummer pays it to the city; his employer restores it to him, and adds the amount to the price of his goods, and then sells them to the merchants in this city, who in turn sell to the consumer with the tax and the profits added. So that in the end it is the consumer you tax, not the drummer. It is one of those vexatious obstructions to the freedom of commercial intercourse that should have no recognition in our codes. It induces frauds, deceit, evasions, and petty prosecutions, and in the end the burdens all fall on the consumer. The principle is wrong and its operation necessarily bad.

Mr. STEVENS. Then you are in favor of the amendment?

Mr. ROGERS, of Arkansas. I am.

Mr. COX, of New York. Mr. Speaker, more interest is felt perhaps in this amendment than gentlemen of the House will believe. My colleague said there were some 200,000 of these commercial travelers in the United States. They are a peculiar class of men and they do a peculiar class of work. They have hitherto been taxed in many of the States and by certain municipalities in the country, from New Orleans perhaps to Boston, but in nearly all the States recent legislation and recent municipal action have abrogated this tax against commercial travelers so that there only remains this and three or four other cities,

and I think mostly in the South, which still place a particular discrimination against commercial travelers.

A bill is pending, of which this is a very small part, to abrogate all of these statutes in the States which discriminate against this class of people. I hope that bill will pass. It has been reported to this House. I think it has the sanction of the Committee on the Judiciary as well as the Committee on Manufactures. It has the sanction of the Supreme Court of the United States, which has already decided in several cases that these taxes are unconstitutional.

But, Mr. Speaker, when we come to this District, where our legislative power is paramount, we are met with a different state of affairs. These agents are taxed here an enormous price. There is no reason why we should not regulate this matter in the interest of liberal communications between all parts of the country. Men who come here to sell by sample should have the right to show their samples, instead of being compelled to pay $200 taxation for that privilege. And, sir, let me ask what is the practical operation of this system? Are gentlemen familiar with it? I will tell you what it is. A man comes down here and, as I proved before this House, a man comes here, or lives here, who may be in collusion with the authorities, as was once shown, and who takes out his license for $200. Then he is permitted to exhibit his samples. What does he do? I furnished the facts in reference to a similar case some time ago. He hires himself out to a dozen or twenty different commercial travelers who come here, who pay him $50, $60, or $75 each for the privilege of acting under his license. This individual, therefore, has the opportunity of making a speculation of a thousand dollars or so out of the process, and the local government is defrauded to that extent. And yet whenever a man undertakes to sell or show his samples of merchandise in this city, unless he has this license he is at once arrested and fined. Fifteen were taken up the other day and fined some $200 or more, and I believe imprisoned for a time. I think they were imprisoned. Fifteen men, men who came here in good faith, representing well known, respectable houses, were arrested and fined.

Mr. Speaker, there is a demand on the part of our people, on the part of our manufacturers from all parts of the country, from Chicago to New Orleans, from Boston to Baltimore, from New York to Pittsburgh, from all of the great manufacturing centers of this country, that this thing should be rectified. It was done in the last Congress, as I have said. It should be done now. The reason it did not pass the last Congress was because the tax bill failed between the House and Senate. Therefore it still remains as a provocation to parties trading in the District of Columbia. It is a restriction that should be at once removed.

Mr. ROBINSON, of Ohio. Mr. Speaker, I desire to say a single word in support of the amendment of the gentleman from New York. I hope this House will accept the amendment. The method of transacting business of this character, as is well known to us all, has changed very much in recent years. Some years ago it was the custom of country merchants to go to wholesale dealers and to manufacturers to make their selections. That was the case until within the last few years. Now the process has changed and the manufacturer or the merchant sends out his agents, who having these samples exhibit them to the merchants and from which they can make their selections without cost to themselves. It is a great injustice to these men who are engaged in this business to compel them to pay $200 tax in this District. It is an injustice that this section should remain upon the statute-books; and in the name of these people, and in the name of the people of this country, of our worthy manufacturers and commercial men of all classes, I am in favor of the adoption of the amendment.

The SPEAKER. The question is on the adoption of the amendment proposed by the gentleman from New York.

The amendment of Mr. SKINNER was agreed to.

The Clerk read as follows:

SEC. 26. That all violations of this act shall be prosecuted in the ~~police~~ cou upon information in the name of the District of Columbia.

The committee recommend the adoption of the following amendment: Srike out the word "information" in the second line and insert the words "complaint on oath."

The amendment was agreed to.

Mr. FOLLETT. Mr. Speaker, I ask unanimous consent of the House to return to the seventh section of the bill for the purpose of moving an amendment. It is to strike out all after the word "purchased" in the fifth line, being the following words:

And to search for and take into possession articles missing or stolen, without the formality of the writ of search-warrant, which search or seizure is hereby authorized.

I am not in favor, Mr. Speaker, of setting the example by Congress in the government of the District of Columbia of permitting any search or seizure to be made without the formality of a search-warrant, or to expose anybody to the spying of an official without he has a proper warrant or authority for so doing. Therefore I move to strike out these words.

The SPEAKER. Is there objection to the request of the gentleman from Ohio to return to the seventh section for the purpose of offering the amendment suggested?

There was no objection.

The question was taken; the House divided; and there were—ayes 60, noes 12.

So the amendment was agreed to.

Mr. SPRIGGS. I ask unanimous consent to return to section 16 for the purpose of adding some words which were omitted inadvertently when that section was under consideration, and which it was suggested should there be incorporated.

After the word "medicines," in line 5, I move to insert the words "ice dealers for delivering ice."

Mr. BARBOUR. I move a further amendment, to add "milk dealers."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. If there be no further amendments the question is on ordering the bill as amended to be engrossed and read a third time.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 231) providing for the distribution of the Congressional Globe; and

Joint resolution (H. Res. 239) to fill vacancies existing in the Board of Managers of the National Home for Disabled Volunteer Soldiers.

MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed the bill (H. R. 1319) to adjust the accounts of John B. Monteith, deceased.

TAXATION OF BANK SHARES.

Mr. BARBOUR. I now call up from the House Calendar the bill (H. R. 6629) taxing shares of incorporated banks in the District of Columbia as other personal property.

The bill was read, as follows:

Be it enacted, &c., That all the shares of any and all incorporated banks located in the District of Columbia shall be assessed and taxed in said District in the same manner and at the same rate as other moneyed capital therein, and shall be paid by the corporation issuing such shares, respectively.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF CHILDREN IN THE DISTRICT.

Mr. WILSON, of West Virginia. I ask unanimous consent to take from the Speaker's table for reference to the Committee on the District of Columbia the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes.

The being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on the District of Columbia.

VACATION OF AN ALLEY.

Mr. BARBOUR. I now call up from the House Calendar the bill (H. R. 4994) to vacate an alley in square 234 in the city of Washington.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia, in their discretion, are hereby authorized and empowered to convey to the owners of abutting lots the ground occupied by the alley running east and west in square 234, between lots 101, 102, of 16, of 15, of 14, 115, 116, 117, 118, and 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, in the city of Washington, District of Columbia, and to vacate and close up said alley: *Provided*, That said owners shall appropriate for public use, as an alley, an area of ground in said square equal to that in the alley to be conveyed as herein authorized.

Mr. SHELLEY. The parties owning this property own the property on both sides of the alley. It affects no one but the owners of the property there, and they are all in favor of closing up the alley and placing it at another point. And there is no objection to it on the part of the commissioners.

Mr. COBB. I would like to inquire of the gentleman from Alabama whether he has consulted the public opinion in that neighborhood as to closing up this alley. It may be a serious matter to close up an alley where the squares are so large as they usually are in this city; and I know very often such things are done for the benefit of private interests to the great inconvenience of public interests.

Mr. SHELLEY. The property is owned by the Washington and Georgetown Street Railroad Company. They own the entire block. It is a matter of decided convenience to them to have the alley closed up

where it now is, the same amount of ground being opened at another point in the block.

Mr. COBB. It may be a very important matter to the public that that alley should be kept open. It may be for the interest of certain parties to close it, and at the same time the public interests might be injured.

Mr. SHELLEY. The alley is not much used, and it is proposed that an equal amount of ground shall be appropriated for public use as an alley in another part of the square.

Mr. COBB. Where is this square?

Mr. SHELLEY. Where the company have their stables.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. COBB. I call for a division.

The House divided; and there were—ayes 55, noes 1.

So (further count not being called for) the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SAINT LUKE'S PROTESTANT EPISCOPAL CHURCH.

Mr. SPRIGGS. I move to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia, and that the same be considered in the House.

Mr. WELLER. Reserving the right to object, I desire to inquire as to the nature of that bill.

The SPEAKER. The bill will be read, after which objections, if there be any, will be in order. The motion to discharge the Committee of the Whole can only be made by unanimous consent.

The bill was read.

Mr. WELLER. I object.

The SPEAKER. The gentleman from Iowa objects to discharging the Committee of the Whole from the further consideration of the bill.

Mr. BARBOUR. I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar reported by the Committee on the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. TOWNSHEND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the purpose of considering bills on the Private Calendar reported by the Committee on the District of Columbia.

Mr. BARBOUR. I call up the bill H. R. 4652.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

A bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia.

Be it enacted, &c., That from and after the passage of this act a certain piece of land situated in the city of Washington, District of Columbia, known as lots 38, 39, 40, and 41, in square 194 of the plan of that city, and occupied by the stone church known as Saint Luke's Protestant Episcopal church, and all the buildings, grounds, and property appurtenant thereto and used in connection therewith, in the District of Columbia, shall be exempt from any and all taxes or assessments, national, municipal, or county; and all taxes, together with the interest and penalties, now due and unpaid upon said property, shall be, and they are hereby, remitted.

Mr. BARBOUR. I yield to the gentleman from New York [Mr. SPRIGGS] who reported this bill.

Mr. SPRIGGS. I will briefly explain the purpose of this bill and why the committee recommend its passage. This society purchased these lots in 1875 for the purpose of building thereon a church edifice. The society was poor and unable at once to proceed with the building of the church, but laid the foundation in 1876, and as rapidly as they could obtain means proceeded with the work of construction, and finished the building in 1880, since which time it has been in actual use and occupation by them as a church.

The commissioners of the District of Columbia, to whom application was made for its relief, upon what they deem authority held that property exempt under a general provision must be "strictly in use" for the purpose to which the exemption applies, and refused to relieve the society from taxes levied upon the lots after their purchase and before the church was completed and ready for occupation, holding that said property was not "strictly in use" until the church was completed.

The Committee on the District of Columbia differ with the commissioners in their construction, and think that the property in question has been in actual use by the society for the purpose for which it was purchased from the date of the purchase, although the building was not immediately erected. It was erected, however, as soon as the society could obtain means for the purpose. The society was poor and unable to complete the building at once. There is no pretense that the property was not purchased by the society in good faith for the purpose of building a church thereon, nor is there any pretense that they did not proceed to erect a church as rapidly as they could, and as fast as means could be obtained for the purpose. The committee think this is a case which commends itself to the consideration of the House.

Mr. HAMMOND. Will the gentleman permit me to ask him a question?

Mr. SPRIGGS. Certainly.

Mr. HAMMOND. Is not all other church property in the District exempt from taxation?

Mr. SPRIGGS. It is.

Mr. HAMMOND. And has this property been used since its purchase for any other purpose?

Mr. SPRIGGS. For no other purpose. The church edifice was constructed as rapidly as it could be, and since its completion it has been occupied solely for church purposes.

Mr. WELLER. I do not care to discuss at this time the propriety of taxing church property, for I do not consider that that question is involved in the bill under consideration. By the way, I will state that I have been unable to secure a report on this bill, having requested one of the pages to obtain one for me, and he informs me there is none to be had. As I understand the bill, it is to exempt this property from the taxes levied upon it prior to its purchase.

Mr. SPRIGGS. Oh, no.

Mr. HAMMOND. Since its purchase.

Mr. SPRIGGS. The taxes have all been paid upon it up to the time of its purchase by this church society. This bill only proposes to exempt the property from taxes which have accrued since the purchase by the society and before the church edifice was erected.

Mr. WELLER. Is church property taxed in the District of Columbia?

Mr. SPRIGGS. Certainly not.

Mr. WELLER. Then how is it that this property was taxed?

Mr. SPRIGGS. Because the commissioners of the District held that under a strict construction of the law this property was not in use for church purposes until the church edifice upon it had been completed. The Committee on the District of Columbia hold, on the other hand, that the property has been used for church purposes from the time the society made the purchase, the purchase having been made by them in good faith for the purpose of building a church, and the property not having been used for any other purpose. The law, we think, should be so construed as to relieve the society from taxation upon this property from the time of the purchase.

Mr. WELLER. It was purchased for church purposes exclusively?

Mr. SPRIGGS. Certainly.

Mr. WELLER. And these taxes have all accrued since the date of the purchase?

Mr. SPRIGGS. Since the date of the purchase; there is no question about that. This church is needy and poor.

Mr. WELLER. With the explanation of the gentleman, who is a member of the committee, I shall make no further opposition to the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

JOHN CONNOLLY.

Mr. BARBOUR. I now call up for consideration the bill (H. R. 2858) for the relief of John Connolly.

The bill was read, as follows:

Be it enacted, &c., That the Commissioners of the District of Columbia be, and they are hereby, authorized and required to refund to John Connolly, of the city of Washington, the sum of $91.80, the amount paid in error by him as administrator of the estate of one James Barwood, deceased, to the District of Columbia, for general taxes for the years ending June 30, 1877, and June 30, 1878, respectively, on certain real estate in the city of Washington, theretofore owned by said Barwood, but which had escheated to the United States upon his death, prior to the assessment of the said taxes.

Mr. BARBOUR. I will yield to the gentleman from Illinois [Mr. WORTHINGTON] for any statement he may desire to make.

Mr. WORTHINGTON. I ask the Clerk to read the report accompanying the bill.

The Clerk read the report (made by Mr. WORTHINGTON) as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 2858) for the relief of John Connolly, submit the following report:

Similar bills were introduced and favorably reported to the Forty-sixth Congress and also to the Forty-seventh Congress, but were not acted upon.

The facts of the case appear to be as follows:

It appears from record evidence taken from the files of the supreme court of the District of Columbia that one James Barwood, a British subject by birth, but for many years a naturalized citizen of the United States, domiciled in the District of Columbia, died in said District on the 28th day of March, 1876, seized and possessed of divers lots and parcels of land in the city of Washington, D. C., and leaving no heirs of inheritable blood. John Connolly was duly appointed by the supreme court of the District of Columbia administrator of the estate of the deceased Barwood, and when general taxes for the years 1877 and 1878 were assessed by the District of Columbia against Barwood's real estate, the administrator paid them, the aggregate amount being $91.80.

Certain creditors of the deceased Barwood having filed their bill in equity in the supreme court of the District of Columbia, to subject the said realty of the deceased to the payment of his debts (his personal property being insufficient to pay all claims), that court, on the 9th day of July, 1878, decreed that the title to the realty became vested by escheat in the United States upon the death of said Barwood on the 28th of March, 1876, subject, however, to the payment of all just claims against Barwood and all liens against the property subsisting at the time of Barwood's death. As, however, the general taxes for the years 1877 and 1878 were not assessed against the property until after Barwood's death and until after his title to the property had vested in the United States (when of course the property was not liable to taxation), to permit Connolly to reimburse himself for this erroneous payment of tax out of the proceeds of the sale of the realty, which sale was made by trustees under the direction of the court (the net balance of proceeds, after paying all lawful demands, being paid over to the United States), the commissioners of the District of Columbia now decline to refund the taxes so erroneously paid on property which was not taxable.

Your committee are of the opinion that the said taxes, amounting to $91.50, should be refunded, and report back the bill with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. BARBOUR. I move the committee now rise and report its action to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TOWNSHEND reported that the Committee of the Whole on the Private Calendar had had under consideration the following bills, and directed him to report the same back to the House without amendment and recommend that they be passed:

A bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia; and

A bill (H. R. 2858) for the relief of John Connolly.

SAINT LUKE'S PROTESTANT EPISCOPAL CHURCH.

The House proceeded to the consideration of the following bill, reported from the Committee of the Whole without amendment:

A bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. WHITE, of Kentucky. I desire to inquire whether this bill was accompanied by a report from the committee.

Mr. SPRIGGS. It was.

Mr. WHITE, of Kentucky. A printed report?

Mr. SPRIGGS. Yes, sir.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. SPRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN CONNOLLY.

The bill (H. R. 2858) for the relief of John Connolly (being the next District of Columbia bill reported from the Committee of the Whole House on the Private Calendar) was taken up, ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. SPRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE POTOMAC.

Mr. BARBOUR. I ask that the bill (S. 1477) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C., be taken from the Speaker's table and referred to the Committee on the District of Columbia.

There being no objection, the bill was taken from the Speaker's table, read twice and referred to the Committee on the District of Columbia.

Mr. BARBOUR. As the Committee on the District of Columbia has now concluded all its business in readiness to be presented, I move that the House adjourn.

Pending the motion to adjourn, the following business was transacted by unanimous consent:

EXTRADITION OF CRIMINALS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of Representatives of the 6th of February last, a communication from the Secretary of State respecting the extradition of criminals under the treaty of 1842 with Great Britain.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, May* 12, 1884.

TESTIMONIAL TO BRITISH CONSUL AT CHIN KIANG.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a communication from the Secretary of State transmitting a draught of a resolution providing for the presentation of a testimonial to Mr. E. L. Oxenham, British consul at Chin Kiang, in acknowledgment of services rendered the United States.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, May* 12, 1884.

JACKSON BARRACKS, LOUISIANA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from the Quartermaster-General and asking an appropriation of $20,088.94 for repairs, &c., at Jackson Barracks; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WINANS, of Wisconsin, indefinitely, on account of important business.

To Mr. ELLIOTT, for five days.

To Mr. SPRIGGS, for ten days from the 14th instant, on account of important professional business.

To Mr. ROWELL, for ten days, on account of important business.

To Mr. BUCKNER, for ten days, on account of important business.

To Mr. CLARDY, for ten days.

TARIFF ON FOOD.

Mr. O'NEILL, of Missouri, by unanimous consent, introduced a bill (H. R. 7006) to abolish tariff taxes on articles of food; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN W. MORGAN.

Mr. ROBINSON, of New York, by unanimous consent, introduced a bill (H. R. 7007) for the relief of John W. Morgan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAILING OF MARKED PUBLICATIONS.

Mr. SKINNER, of New York, by unanimous consent, reported back with amendments from the Committee on the Post-Office and Post-Roads the bill (H. R. 6739) to permit publishers to send marked copies of their publications at second-class rates; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

The question being taken on the motion of Mr. BARBOUR that the House adjourn, it was agreed to, there being—ayes 67, noes 25; and accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: Petition of settlers and citizens of Allen County, Kansas, praying for the passage of the bill to adjust land grants to railroads—to the Committee on the Public Lands.

Also, petition of 100 citizens of Kansas, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. BAGLEY: Petition of citizens of Saugerties, N. Y., against Government monopoly of the telegraph—to the Committee on the Post-Office and Post-Roads.

Also, the petition of Stanton Post, No. 28, Grand Army of the Republic, Department of New York, asking a pension of $8 per month to all honorably discharged soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. BARBOUR: Papers relating to the claim of Martin Dubs—to the Committee on War Claims.

By Mr. BARKSDALE: Petition of Rev. Dr. H. F. Johnson and others, citizens of Brookhaven, Miss., for the passage of the educational bill—to the Committee on Education.

By Mr. BELFORD: Petition of Adam Eckel, for relief—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. BRAINERD: Petition of citizens of Crawford County and of Erie County, Pennsylvania, for the passage of S. 855—severally to the Committee on Ways and Means.

By Mr. W. W. BROWN: Petition of members of Post No. 315, Grand Army of the Republic, Department of Pennsylvania, indorsing the action of the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. FELIX CAMPBELL: Petition from the Stationers' Board of Trade of New York City, asking the passage of H. R. 986—to the Committee on Manufactures.

By Mr. COBB: Petition of citizens of Vincennes, Ind., in favor of the restoration of the Nez Percé Indians to their homes in Idaho—to the Committee on Indian Affairs.

By Mr. COOK: Remonstrance of Richard Williams and 58 others, against any amendment to the Constitution limiting the power of Congress to issue legal-tender money—to the Committee on the Judiciary.

By Mr. CURTIN: Petition of the Pennington Post, Grand Army of the Republic, Department of Pennsylvania, relative to pensions—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: Papers relating to the claim of Thomas W. Lund—to the Committee on Claims.

By Mr. G. R. DAVIS: Petition of Rev. Dr. E. P. Goodwin, Mary Ward Beecher, and 45 others, citizens of Chicago, for the restoration of the Nez Percé Indians to their homes in Idaho—to the Committee on Indian Affairs.

Also, petition of manufacturers of tobacco, that imported materials used by them in the manufacture of tobacco for exportation may be used by them without the payment of duties thereon—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Memorial of the Philadelphia Reform As-

sociation for the passage of H. R. 4460—to the Select Committee on Reform in the Civil Service.

Also, memorial of the Women's Silk Culture Association of the United States, relative to S. 2002—to the Committee on Ways and Means.

By Mr. GLASCOCK: Memorial of the Saint Helena Grape-Growers' Association of California—to the same committee.

By Mr. GUENTHER: Petition of citizens of Lodi, Wis., asking that a pension be granted to John Morter, jr.—to the Committee on Invalid Pensions.

Also, petition of citizens of Appleton, Wis., asking that a pension be granted to William A. Mason—to the same committee.

By Mr. H. H. HATCH: Petition relating to the pension claim of Sanderson P. Stacy—to the same committee.

By Mr. HERBERT: Petition of W. H. Morris and others, in favor of the passage of the Blair bill—to the Committee on Education.

By Mr. HOLTON: Papers relating to the claim of Jane C. Dyer—to the Committee on War Claims.

By Mr. HOUK: Petition for a post-route in Scott County, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSEMAN: Petition of Arthur S. Hetchings, James Bright, W. D. Findlater, and many others, residents of the fifth Congressional district of Michigan, in favor of legislation in the interest of labor—to the Committee on Labor.

By Mr. HOWEY: Petition from citizens of Washington, N. J., favoring the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. HUNT: Memorial of the New Orleans Chamber of Commerce, to suspend the further coinage of silver, &c.—to the Committee on Banking and Currency.

By Mr. JEFFORDS: Petition of J. L. Collins. J. Chapman, and others, citizens of Issaquena County, and of W. H. Allen, W. A. Alcorn, and others, of Coahoma County, Mississippi, asking for the passage of the Blair school bill—severally to the Committee on Education.

By Mr. KEIFER: Petition of J. D. Culp & Co., for the payment of a judgment—to the Committee on Appropriations.

By Mr. KING: Petition of J. L. Carruth, president of board of school directors, parish of Saint Helena, and others; of T. P. Liscombe, president of board of school directors, parish of East Feliciana, and others, and of Central Trades and Labor Assembly of New Orleans, all in Louisiana, favoring the passage of the bill granting aid to education—severally to the Committee on Education.

By Mr. McCOID: Memorial of Post No. 79, Grand Army of the Republic, Department of Iowa, asking a pension of $8 per month to all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Papers relating to the claim of William Reading, of Johnson Benson, of John H. Huyett, of Henry McCauley, of John H. King, of Michael Culler, of Charles W. Hoffman, executor, &c., of Abraham Shaff, of Reuben Rowzee, of Elizabeth A. Jarboe, of Jacob D. Earey, of Mrs. Catharine Little, of Jacob Grim, of Michael Bartholow, and of Terrence and Joseph Byrne—severally to the Committee on War Claims.

By Mr. McCORMICK: Petition of John McMahan, for relief—to the Committee on Military Affairs

By Mr. MORRILL: Petition of H. D. McCarty and 90 others, asking for the restoration of the Nez Percé Indians to their homes in Idaho—to the Committee on Indian Affairs.

Also, petition of Oklahoma Colony Company, asking that said Territory be opened for settlement—to the Committee on the Territories.

By Mr. MURRAY: Petition of officers of the Army, urging the enactment of a law reorganizing the infantry arm of the service—to the Committee on Military Affairs.

Also, petition of citizens of Eaton, Preble County, Ohio, against the Government telegraph bill—to the Committee on the Post-Office and Post-Roads.

By Mr. NEECE: Memorial of the Moline Water Power Company, of Moline, Ill., asking for an appropriation for the completion of the water-power canal at the Rock Island arsenal—to the Committee on Appropriations.

By Mr. NICHOLLS: Memorial of Sarah M. Bissell, widow of Commodore Bissell, for the passage of bill granting her a pension—to the Committee on Pensions.

Also, memorial of Hon. Amos F. Rahn and others, citizens of Effingham County, Georgia, favoring the passage of the educational bill—to the Committee on Education.

By Mr. OATES: Petition of Dr. John W. Garrett and 42 others, citizens of Clintonville, Coffee County, Alabama, for the passage of the Blair educational bill—to the same committee.

By Mr. PARKER: Petition of F. F. Wead Post, No. 368, Grand Army of the Republic, for more liberal pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. PETERS: Petition of the Ministerial Association of Harvey County, Kansas, asking for the return of the Nez Percés from Indian Territory to Idaho—to the Committee on Indian Affairs.

By Mr. POLAND: Petition of Daniel Lillie Post, Grand Army of the Republic, Bethel, Vt., in regard to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. RANDALL: Memorial of the Women's Silk Culture Association of the United States, relative to S. 2002—to the Committee on Ways and Means.

Also, resolution relative to Indian education—to the Committee on Appropriations.

By Mr. ROCKWELL: Remonstance of citizens of Pittsfield, against the Government taking possession of and managing the telegraph business—to the Committee on the Post-Office and Post-Roads.

Also, petition of 250 citizens of North Adams, Mass., to reduce the internal-revenue tax, and opposing the Morrison tariff bill—to the Committee on Ways and Means.

By Mr. ROSECRANS: Memorial of the Women's Silk Culture Association of the United States, relative to S. 2002—to the Committee on Labor.

Also, letter of John Saulnier & Co. and other merchants of San Francisco, in favor of the passage of H. R. 6757—to the Committee on Ways and Means.

By Mr. STRAIT: Resolutions of the Saint Paul (Minn.) Chamber of Commerce, relating to the removal of obstructions to the free navigation of the waters of the United States, &c.—to the Committee on Rivers and Harbors.

By Mr. C. A. SUMNER: Concurrent resolution of the General Assembly of the State of California, relative to river and harbor improvements on the Pacific coast—to the same committee.

By Mr. WAIT: Petition of Zenas C. Robbins, for reimbursement of expenses, &c.—to the Committee on Claims.

By Mr. WELLBORN: Two petitions relative to tariff on earthenware—severally to the Committee on Ways and Means.

By Mr. YOUNG: Petition relating to the claim of Hugh Natt—to the Committee on War Claims.

SENATE.

TUESDAY, *May* 13, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter of the Quartermaster-General and accompanying estimate for repairs, &c., at Jackson Barracks, Louisiana, with recommendation that the amount named, $20,088.94, may be appropriated at the present session of Congress; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MILLER, of New York, presented a memorial of citizens of Canajoharie, N. Y.; a memorial of citizens of Gloversville, N. Y.; a memorial of citizens of McGrawville, N. Y.; a memorial of citizens of Berkshire, N. Y., and a memorial of citizens of Little Falls, N. Y., remonstrating against the establishment of a governmental monopoly of the telegraph business; which were ordered to lie on the table.

Mr. MILLER, of New York. I present a petition which I will take the liberty of reading. It is as follows:

To the honorable the Senate and House of Representatives of the United States:

The undersigned, merchants, ship-owners, and others interested in the commercial prosperity of the port of New York, respectfully represent:

That the condition of the principal entrance to this port, as indicated by the frequent striking of vessels of large draught on Sandy Hook bar for many months past, and lately demonstrated by careful soundings made on said bar, has become a matter of anxious concern, involving the welfare of our city, and the existence of the vast interests centering here.

The soundings lately made show that the natural action by which the channel had been deepened to a maximum of twenty-five feet at low water has been reversed, and a shoaling has now set in by which the depth has been seriously decreased. While this process of filling the channel has been going on, the commercial necessity of the time has compelled the building of ships larger and of greater draught in order to meet the demand for cheaper and quicker transportation, and if the port of New York can not receive them its commercial supremacy is seriously impaired.

We therefore respectfully request that your honorable bodies will make such suitable and ample provision for the deepening and improvement of the approaches to this port as the case requires.

This petition is signed by a very large number of the most prominent shipping merchants and importers of the city of New York, and also by nearly all the marine underwriters of the same city. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MILLER, of New York. In connection with this same matter I present a preamble and resolutions adopted by the Chamber of Commerce of the State of New York, which reads as follows:

At the annual meeting of the Chamber of Commerce held May 1, 1884, the following preamble and resolutions were unanimously adopted:

Whereas the memorial to Congress of the merchants, ship-owners, and others interested in the commercial prosperity of the port of New York, praying for the improvement of Sandy Hook Bar, has been formally approved by the Legislatures of New York and New Jersey, respectively:

Resolved, That the Chamber of Commerce of the State of New York hereby approves the said memorial, and that the standing committee on the harbor and shipping be authorized and empowered to adopt such measures as they may

deem suitable and proper to promote the immediate passage by the Senate and House of Representatives of the United States of a law making provision for deepening and improving the approaches to this port.

Resolved, That a copy of the foregoing preamble and resolution, authenticated by the seal of the chamber and by the signatures of its officers, be transmitted to the President of the United States and to both Houses of Congress.

The resolutions are signed by the president and secretary of the Chamber of Commerce. I move that they be referred to the Committee on Commerce.

The motion was agreed to.

Mr. DAWES. I present a memorial of several citizens of East Marshfield, Mass., remonstrating against the passage of any law that shall take away from existing telegraph companies what the memorial calls "the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation." I move that the memorial lie on the table.

The motion was agreed to.

Mr. DAWES. I also present a petition of citizens of Wellington, Kans., praying that justice be done the Nez Percé Indians. As the Indian appropriation bill now before the Senate has a provision for that purpose, I move that the petition lie on the table.

The motion was agreed to.

Mr. HOAR. I present a memorial of a large number of business men of Provincetown, Mass., who, I judge from their names and the statement of the occupation which is annexed to each name, are the persons in that town principally using the telegraph, in which they "remonstrate against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monopoly of the telegraph business," stating that they "believe the interests of the people will be better conserved by leaving this branch of commercial business free to the competition of private enterprise." I move that the memorial lie on the table.

The motion was agreed to.

Mr. HOAR. I present a memorial of A. P. Slade and some 20 others, residents of Somerset, in the State of Massachusetts, of the same character, which I move be laid on the table.

The motion was agreed to.

Mr. SHERMAN. I present a memorial of a large number of residents of Marietta, Ohio, many of whom I know, and who seem to be the leading business men of the city, similar in character to the memorials just presented by the Senator from Massachusetts [Mr. HOAR], remonstrating against the enactment of any measure relating to telegraphs which shall increase the number of public officials or establish a Government monopoly of the telegraph business. I move that the memorial lie on the table.

The motion was agreed to.

Mr. SHERMAN. I present a petition of a number of citizens, calling themselves the pioneer or old citizens of the Pacific coast, now in the Atlantic States, some of whom are in the military and naval service of the United States, all of whom were in California during the early settlement of that State, respectfully requesting that favorable consideration be given the bill authorizing the Government to retire General John C. Frémont as a major-general in the Army of the United States, or some similar measure of that kind, setting out fully the grounds of their prayer. This petition is signed by a large number of officers of the Army and other distinguished citizens formerly of California. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. SHERMAN presented a petition of the Board of Trade and Transportation of Cincinnati, Ohio, in favor of the passage of the so-called shipping bill; which was ordered to lie on the table.

Mr. SEWELL presented a petition of the citizens of New Jersey, praying that the Nez Percé Indians be restored to their reservation in Idaho; which was ordered to lie on the table.

Mr. PENDLETON. I present the petition of John McNaughton, of Lawrence County, Ohio, setting forth that there is due him a certain sum of money from the United States as pay and emoluments of his rank as second lieutenant for a certain period in the volunteer Army of the United States, and praying that he be paid the same. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. INGALLS. I present a petition numerously signed by citizens of Illinois, Indiana, Michigan, and Iowa, deploring the curse of the liquor traffic in the United States, and petitioning Congress to enact a law prohibiting the manufacture and sale of all alcoholic beverages within the District of Columbia. I move that the petition be referred to the Committee on the District of Columbia, which has the subject now under consideration.

The motion was agreed to.

Mr. COCKRELL presented two affidavits to accompany the bill (S. 1613) granting a pension to Columbus C. Kerr; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1406) for the relief of Simon Severe, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Peter J. Reuss, late surgeon of the Seventh Regiment New York Volunteers, praying for an increase of pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2129) to provide for the erection of necessary buildings upon the Government reservation at West Point, New York, reported it without amendment, and submitted a report thereon.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. 1781) to provide for the sale of the Kickapoo diminished reservation, in Kansas, reported it with amendments.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 581) to define the routes of steam railroads in the city of Washington, and for other purposes, reported it with amendments.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs, to whom was referred the bill (S. 1530) for the relief of the estate of John Cook, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 2003) to correct the military record of William S. Smith, of Tennessee, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BLAIR. By direction of the Committee on Pensions, I report the bill (H. R. 4682) granting a pension to Ward B. Burnett adversely, and I ask that it be placed on the Calendar. I also present the views of the minority of the committee in behalf of myself favoring the passage of the bill. I make the report by direction of the committee.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the majority of the committee, and the views of the minority will be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 3669) granting a pension to Robert M. Flack, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1171) for the relief of Robert M. Flack, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was recommitted the bill (S. 1114) granting an increase of pension to William Shannon, to report it adversely. The committee have re-examined the case, and see no reason for changing their views. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 4706) for the relief of Charlotte Day, reported it without amendment, and submitted a report thereon.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 1954) making an appropriation to pay the expenses of a military expedition for the exploration of the Territory of Alaska, reported it with amendments.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 369) for the relief of John F. Bair, to report it back and ask to be discharged, and that it lie on the table. The Secretary of War has already considered and acted upon the case.

The committee were discharged from the further consideration of the bill, and it was ordered to lie on the table.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (S. 315) granting a pension to William Reinhardt; and

A bill (H. R. 1076) granting a pension to Miles B. Farlin.

UNVEILING OF MARSHALL STATUE.

Mr. SHERMAN. I am directed by the Joint Committee on the Library to report the proceedings had under the order of the two Houses of Congress in respect to the statue to the memory of Chief-Justice Marshall, and to accompany it with a resolution for the printing of extra copies of the proceedings, which I suppose will be referred to the Committee on Printing in the ordinary way.

The PRESIDENT *pro tempore*. The resolution reported by the Senator from Ohio will be read.

The Chief Clerk read as follows:

Resolved, That there be printed 10,000 extra copies of the report of the Joint Committee on the Library respecting the erection of a statue to John Marshall, late Chief-Justice of the United States, 3,000 for the use of the Senate and 7,000 for the use of the House of Representatives.

Mr. MAXEY. I ask the Senator from Ohio if that includes an engraved likeness of the statue of Chief-Justice Marshall?

Mr. SHERMAN. No; it includes nothing but the proceedings that were had on Saturday.

Mr. MAXEY. I should be glad if it did include that.

Mr. SHERMAN. I do not know whether that would be possible without sending to private parties.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing, and the report placed on file.

REPORT ON FISH AND FISHERIES.

Mr. HAWLEY. The Committee on Printing, to whom was referred a concurrent resolution providing for the printing of the report of the Commissioner of Fish and Fisheries for the year 1883, have instructed me to report it favorably and without amendment. I ask for its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1883 be printed, and that there be printed 10,000 extra copies, of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Public Printing.

GENERAL ULYSSES S. GRANT.

Mr. LOGAN. I am directed by the Committe on Military Affairs, to whom was referred the bill (S. 2169) to place Ulysses S. Grant, late General of the Army of the United States, upon the retired-list of the Army, to report it favorably and without amendment.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. LOGAN. I do not see any particular objection to putting the bill upon its passage. It seems to me that there will be no objection to it under present circumstances, and I would be very glad to have it acted upon at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President of the United States, in recognition of the eminent public services of Ulysses S. Grant, late General of the Army, to nominate and, by and with the advice and consent of the Senate, to appoint him a General on the retired-list of the Army, with the rank and full pay of General of the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEXICAN WAR PENSIONS.

Mr. LOGAN. I desire to give notice that when the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, is taken up for consideration I shall offer an amendment to that bill to strike out lines 21, 22, 23, 24, and 25 of section 1, being the amendment reported by the Committee on Pensions. I also give notice that I shall move, when the bill comes up, to reinstate lines 2 and 3 of section 6, which have been amended by the Senate committee. I give this notice to the committee so that they may look into the matter. I am very much in hope that they will agree to strike those propositions out of the bill. I give the notice merely for the purpose of calling the attention of the committee to these two points that I find in the bill.

Mr. BLAIR. What are the propositions? Please state them.

Mr. LOGAN. The principal amendment is that proposed by the Senate Committee on Pensions which allows no one to have a pension except those who are unable to make a living, that is to make them all paupers, and put them on the pension-list provided they are paupers. I propose to strike that out if a majority of the Senate will agree with me.

Mr. WILLIAMS. I give notice to the Senate that on this day week, next Tuesday, I shall move to take up the bill to pension the soldiers of the Mexican war, and I hope the friends of that measure will all be on hand on that day.

Mr. VOORHEES. What day does the Senator name?

Mr. WILLIAMS. Next Tuesday, this day week.

Mr. VOORHEES. At what hour?

Mr. WILLIAMS. At 2 o'clock.

BILLS INTRODUCED.

Mr. BLAIR introduced a bill (S. 2204) for the relief of Nancy B. Leach; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB (by request) introduced a bill (S. 2205) for the relief of Mrs. Rebecca Adams, widow of John L. Adams, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2206) providing for the sale of saline lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MILLER, of New York, introduced a bill (S. 2207) correcting the pension of Second Lieut. G. W. Graham, Company A, One hundred and forty-fourth Regiment, New York Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM introduced a joint resolution (S. R. 86) to furnish copies of certain military records to the State of New York; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MAXEY introduced a joint resolution (S. R. 87) providing for an engraving of the statue of Chief-Justice Marshall, to accompany the report of the proceedings on the unveiling of said statue; which was read twice by its title, and referred to the Committee on Printing.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LAPHAM, it was

Ordered, That the papers on file in the office of the Secretary of the Senate, including the resolution of the Legislature of the State of New York recommending the payment to that State of the amounts proposed in Senate bill No. 470, be taken from the files of the Senate and referred to the Committee on Claims.

MESSENGER TO SECRETARY OF THE SENATE.

Mr. ALLISON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and is hereby, authorized to employ a messenger, who shall be paid, out of the miscellaneous items of the contingent fund of the Senate, at the rate of $720 per annum.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3448) relating to police regulations in the District of Columbia, and for other purposes;

A bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia; and

A bill (H. R. 2858) for the relief of John Connolly.

COMMITTEE SERVICE.

Mr. SLATER. I ask the Senate to excuse me from further service upon the Committee on Commerce.

The PRESIDENT *pro tempore*. The Senator from Oregon asks to be excused from further service upon the Committee on Commerce. Is there objection? The Chair hears no objection, and the Senator is excused.

Mr. PENDLETON. I ask unanimous consent that the vacancy made by the declination of the Senator from Oregon be filled by the Chair.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the vacancy occasioned by the retirement of the Senator from Oregon from the Committee on Commerce be filled by the Chair. Is there objection? The Chair hears none. The Chair appoints the Senator from California [Mr. FARLEY] to be a member of the Committee on Commerce, in place of the Senator from Oregon, excused.

LANDING OF RALEIGH'S COLONY.

Mr. VANCE. I gave notice yesterday that I should ask unanimous consent this morning to call up the joint resolution (S. R. 45) to provide for the commemoration of the landing of Sir Walter Raleigh's colony on Roanoke Island, North Carolina, in 1584.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks unanimous consent that the Senate now take up for consideration, in order that he may submit some remarks thereon, the joint resolution indicated by him. Is there objection? The Chair hears none, and it is before the Senate. Does the Senator from North Carolina desire to have the joint resolution read?

Mr. VANCE. Yes, sir.

The PRESIDENT *pro tempore*. The joint resolution will be read.

The Chief Clerk read the joint resolution, as follows:

Whereas the first landing and settlement of any people of the Anglo-Saxon race upon the shores of the United States occurred on or about the 4th day of July, 1584 (old style), at Roanoke Island, in the State of North Carolina, by a company of Englishmen sent out by Sir Walter Raleigh, under the command of Captains Phillip Amadas and Arthur Barlow; and

Whereas it is meet and proper that this remarkable event in the history of our race upon this continent should be fitly commemorated, and honor done to the names of those whose enterprise and courage achieved it: Therefore,

Resolved, &c., That a joint select committee to consist of three Senators and five Representatives, to be selected by the presiding officers of the two bodies, respectively, is hereby appointed to prepare a design and arrange for the erection of a suitable monument or column at or near the spot where Raleigh's first expedition landed, on Roanoke Island, and to secure sufficient ground therefor, and to cause to be placed on said monument such inscriptions as will properly commemorate the event and honor those who planned and executed it.

SEC. 2. That for this purpose the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior; and the corner-stone of said monument or column shall be laid on the 4th day of July, 1884, in the presence of the said joint committee, the governors of Virginia, North Carolina, and South Carolina (the States which constitute the "Virginia" of the first settlers), and such officers of the Executive Departments as the President may see proper to designate.

SEC. 3. That on the request of the Secretary of the Interior any officer of the Army or Navy may be detailed for superintending or directing the work of erecting said monument; but not more than $2,000 of the sum herein appropriated may be used in defraying the actual expenses of the persons herein designated to witness the ceremonies of laying the corner-stone of said monument.

Mr. VANCE. Mr. President, the 4th day of July, 1584, was the midst of an age of the most remarkable activity which Europe has known since the revival of learning. Every element of its society was aroused. The germs of modern civilization were sprouting and taking root in all soils. Says the historian Green:

The sphere of human interest was widened, as it had never been widened before or since, by the revelation of a new heaven and a new earth. It was only in the later years of the sixteenth century that the discoveries of Copernicus were brought home to the intelligence of the world by Kepler and Galileo, or that the daring of the buccaneers broke through the veil which the greed of Spain had drawn across the New World of Columbus. Hardly inferior to these revelations as a source of poetic impulse was the sudden and picturesque way in which the various races of the world were brought face to face with one another through the universal passion for foreign travel. While the red tribes

of the West were described by Amerigo Vespucci, and the strange civilization of Mexico and Peru disclosed by Cortez and Pizarro, the voyages of the Portuguese threw open the older splendors of the East, and the story of India and China was told for the first time to Christendom by Maffei and Mendoza.

The invention of printing had extended learning beyond the confines of the cloister, and the Reformation had greatly stimulated the spirit of inquiry and mental unrest. In addition to these causes of intellectual motion the discovery of America had opened a field of adventure to the spirit of enterprise such as it had not seen since the westward migration of the Aryan tribes. Stories of inexhaustible wealth to be found in the mines and forests of the New World fired alike the cupidity and the ambition of the nations.

The fleets of all were upon the seas. Spain, then in the zenith of her power, took precedence of all Europe upon the land and the water. Her expeditions traversed the new continents from shore to shore, possessing and fortifying, while her great war-ships convoyed her richly freighted galleons through every sea. Her sovereigns, in the plenitude of their pride, styled themselves dominators of three worlds. About that very time the heroic Henry of Navarre assumed the crown of France, and by a series of splendid victories was making good his title to the throne.

England was striving with incredible activity in all directions of human endeavor, and under the control of her greatest sovereign was fast assuming a leading place in Europe, under whose shadow the new religion was to find its surest foothold and resting-place. Her small but admirably built and skillfully handled ships, in traversing the seas and doubling the capes of the world under her great admirals, the Howards, Drakes, Hawkinses, the Gilberts, and the Grenvilles, had disciplined the fleets and the seamen, who by their own steady courage, aided by the tempests of God, were to crush the Armada and save their country from foreign conquest.

Nor was this turmoil all legal warfare. Piracy in the name of patriotism roamed the oceans, and coast-lying cities were stormed, sacked, and burned in the name of God by those who could find them sleeping or unprepared.

In better ways, too, were the activities of that age employed, and well for us it was so. In the midst of all these fierce strivings, this passionate intermingling of good and evil, there also came forth many pure and precious things, even as serene and perfect crystals are evolved from the vilest compounds by the alchemy of nature. Simultaneously with the opening of the slave-trade, which for three hundred years has cursed America, the spirit of English liberty in the House of Commons made its first decided stand against the despotic Tudors, and won. Bacon took time amid the general confusion to perfect the inductive system of philosophy, which was to become the new birth of science. Shakespeare was then upon the earth.

The Faerie Queene came forth from the brain of Spenser, and Ben Jonson, Beaumont and Fletcher with joy drew overflowing vessels from the wells of song. Sir Philip Sidney, the scholar, poet, and soldier, of whom it was said, "He walked 'mid incense and flowers from his cradle to his grave," was then delighting with his genius half the courts of Europe. Amid them all, and fellow with all, Sir Walter Raleigh, the enthusiastic soldier and politician, in the pauses of his career dreamed of the founding of peaceful homes and the building of busy cities in the shadowy forests and by the rivers of the yet unknown and undiscovered Virginia—truly the noblest dream of them all.

Uncorrupted by the bigotry and unstained by the vices of his time, his lofty and chivalrous soul was filled with generous conceptions of the true glory which might be attained by the establishment of new commonwealths. A soldier, admiral, accomplished scholar, historian, poet, statesman, and Christian gentleman, he was the English Bayard; and there is not a generous man or woman of our race who does not contemplate his character with admiration and his brave and melancholy death with sorrow.

This beneficent dream resulted in a scheme of discovery and colonization of that unexplored portion of our North American coast lying between Florida and Newfoundland. Obtaining letters patent from Queen Elizabeth on the 25th of March, 1584, and in the sixth year of her reign, authorizing him to search for, discover, and occupy any countries in America not already in the possession of any Christian prince or people, Raleigh fitted out an expedition at his own expense and dispatched it on its voyage in the following month. It consisted of two small barks of so light a tonnage as would now be thought unsafe for our coasting trade, the larger not exceeding one hundred and forty tons burden. As Queen Elizabeth refused to permit him to accompany his expedition, it sailed under the command of Captains Amadas and Barlow. A narrative of their voyage and proceedings, which is given by the historian Hakluyt, tells the simple story of the discovery of our country.

The 27 day of Aprill, in the yeere of our redemption 1584, we departed the West of England, with two barkes well furnished with men and victuals; having received our last and perfect directions by your letters, confirming the former instructions and commandments delivered by yourselfe at our leaving the river of Thames.

Having touched at the Canaries on the 10th of May, and made the islands of the West Indies on the 10th of June, where remaining some days to "refresh themselves with sweet water and fresh victuall," they continued their voyage toward our coast, as the narration runs:

The second of July, we found shole water, wher we smelt so sweet and so strong a smel, as if we had bene in the midst of some delicate garden abounding with all kinde of odoriferous flowers, by which we were assured that the land could not be farre distant; and keeping good watch and bearing but slacke saile, the fourth of the same moneth we arrived upon the coast, which we supposed to be a continent and firme lande, and we sayled along the same a hundred and twentie English miles before we could finde any entrance or river issuing into the sea. The first that appeared to us, we entred, though not without some difficultie, and cast anker about three harquebuz-shot within the haven's mouth, on the left hand of the same: after thankes given to God for our safe arrival thither, we manned our boats, and went to view the land next adioinyng, and "to take possession of the same, in the right of the Queenes most excellent majestie, as rightfull queene, and princess of the same, and after, delivered the same over to your use, according to her Maiesties grant and letters-patents, under her highnesse great seale. Which being performed according to the ceremonies used in such enterprises, we viewed the land about us, being, whereas we first landed, very sandie and low towards the waters side, but so full of grapes as the very beating and surge of the sea overflowed them, of which we found such plentie, as well there as in all places else, both on the sand and on the greene soil on the hils, as in the plaines, as well on every little shrubbe, as also climing towardes the tops of high cedars, that I think in all the world the like abundance is not to be found; and myselfe having scene those parts of Europe that most abound, find such difference as were incredible to be written.

We passed from the Seaside to the toppes of those hilles next adioyning, being but of meane higth, and from thence wee behelde the Sea on both sides to the North, and to the South, finding no ende any of both wayes. This lande lays stretching it selfe to the West, which after wee found to bee but an island of twentie miles long, and not above sixe miles broade. Under the banke or hill whereon we stoode, we behelde the valleyes replenished with goodly Cedar trees, and having discharged our harquebuz-shot, such a flocke of Cranes (the most part white) arose under us, with such a cry redoubled by many ecchoes as if an armie of men had showted all together.

This Island had many goodly woodes full of Deere, Conies, Hares and Fowle, even in the middest of Summer in incredible abundance. The woodes are not such as you finde in Bohemia, Muscovia, or Hercynia, barren and fruitles, but the highest and reddest Cedars of the world, farre bettering the Cedars of the Acores, of the Indies, or Lybanus, Pynes, Cypres, Sassaphras, the Lentisk, or the tree that beareth the Masticke, the tree that beareth the vine of blacke Sinamon, of which Master Winter brought from the streights of Magellan, and many other of excellent smell and qualitie. We remained beside this Island two whole dayes before we saw any people of the Country; the third day we espied one small boate rowing towardes us having in it three persons; this boate came to the Island, foure harquebuz-shot from our shippes, and there two of the people remaining, the third came along the shoreside toward us, and wee being then all within boord, he walked up and done upon the point of the land next unto us: then the Master and the Pilot of the Admirall, Simon Ferdinando, and the Captaine Philip Amadas, my selfe, and others rowed to the land, whose comming this fellow attended, never making any shewe of feare or doubt.

And after he had spoken of many things not understood by us, we brought him with his owne good liking, aboord the ships, and gave him a shirt, a hat and some other things, and made him taste of our wine, and our meat, which he liked very wel: and after having viewed both barkes, he departed, and went to his owne boat againe, which hee had left in a little cove or creek adioyning: as soone as hee was two bow shoot into the water, he fell to fishing, and in less than halfe an houre, he had laden his boate as deepe, as it could swim, with which he came againe to the point of the lande, and there he divided his fish into two parts, pointing one part to the ship and the other to the pinnesse: which, after he had (as much as he might) requited the former benefites received, departed out of our sight.

This was the beginning of our national history. These few sentences contain the genesis of the mightiest revelation of modern times. The goodly reports taken back by this expedition excited the imagination of all England. Much encouraged, Raleigh procured an act of Parliament confirming his title to the country which he had discovered and which he had named Virginia, and immediately fitted out another expedition to take permanent possession. This expedition consisted of three vessels, under the command of his illustrious kinsman, Sir Richard Grenville, and a hundred and eight persons, under the governorship of Ralph Lane.

How this colony on Roanoke after many struggles became disheartened and returned home with Sir Francis Drake's fleet; how the supply-ship which was sent by Raleigh to the help of Lane reached Roanoke just after the colony had left; how still another colony arrived under the convoy of Grenville and was left at Roanoke under the governorship of John White, in which company appeared for the first time women and children, and how was there born the first child of our race on this continent, Virginia Dare; how, after many hardships, White went back to England after help, and how after the ships were fitted out for that purpose they were impressed for service against the great Armada, and it was not until 1590 that White again returned to Roanoke to look for his colony, in which he had left his wife and daughter and his American-born granddaughter, and found no trace or vestige of any—all that is written in the story of Raleigh's ill-fated attempts to fulfill his noble dream of planting a commonwealth in the New World. He had spent a sum equal to a million of our money, almost beggaring himself in the effort, and saw it turn to dust and ashes before his eyes, the sad precursor of the clouds and darkness amid which his own sun was soon to set under the cowardly treachery and damnable injustice of a prince who was signally unworthy to rule an honorable people. And yet he had not failed. He had indeed builded wiser and better than he knew. The results of his labors justify the high opinion of his genius which mankind have universally accorded him, and he takes rank as one of the noblest and greatest men of a remarkably great age.

Virginia, the virgin land of his poetic fancy was settled, by other hands than his, it is true, but in pursuance of his designs, in consequence of his discoveries, in the track marked out by his genius, and by his own countrymen. Three great Commonwealths, instead of one, shore

upon the waters which his ships explored; more than five millions of people, chiefly descended from the British Isles, dwell there in happiness and prosperity; for, so far as restless and imperfect human nature will permit, the promises of this goodly land to those newcomers have been fully realized to their more fortunate successors. The luxuriant flora, the fruitful vines, and the sweet-scented stately forests still bedeck the land, save where they have given place to fields and homesteads, and in all of them, on mountains and plains and streams and seas which he never saw, his name is honored and he is claimed as their founder. The "City of Raleigh" which he chartered for his capital, on surf-beaten Roanoke, is perpetuated as the beauteous capital of the State of North Carolina, and many towns and counties bear his name elsewhere among us.

And now, Mr. President, I am here to-day to ask this small appropriation, in order to do honor to this remarkable event and this most illustrious man. I refuse to consider it as something to be done for North Carolina alone—though I believe no similar request has ever before been made on her behalf—for there are three States most nearly interested therein, and the widening circle embraces the whole land. It so happens, however, that the locality to be commemorated is in North Carolina. In her name, always so modest in self-assertion, yet ever so faithful to duty, I ask of Senators the adoption of this resolution. An English historian has well said that no spot in Britain can be so sacred to Englishmen as that which first felt the tread of English feet. Have we not all a similar reverence for the spot which felt the primal footsteps of our American glory?

The PRESIDING OFFICER (Mr. WILSON in the chair). What action does the Senator desire to take with regard to the joint resolution?

Mr. VANCE. The resolution is before the Senate, and I ask a vote.

The PRESIDING OFFICER. The joint resolution is before the Senate as in Committee of the Whole.

Mr. INGALLS. I should like to hear it read at length.

The PRESIDING OFFICER. The joint resolution will be read.

The Secretary read the joint resolution.

Mr. INGALLS. Has this resolution been referred to any committee?

The PRESIDING OFFICER. It has not been referred to a committee. It was read twice and laid on the table, and has been called up this morning.

Mr. INGALLS. I think that in pursuance of the rule in all such cases, without exception so far as I know, the resolution ought to be referred to the Joint Committee on the Library, so that we may have some report and some information on which to base our action. I have no doubt the object is entirely worthy and meritorious, but I am unwilling to establish the precedent of voting large sums of money for the commemoration either of men or of events without the report of a committee on the subject. I suggest to the Senator from North Carolina that he ask the reference of this joint resolution to the Committee on the Library.

Mr. VANCE. I suppose under the rule I shall be compelled to do so if there is any objection made to the immediate adoption of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. INGALLS. I move that the joint resolution be referred to the Committee on the Library.

The PRESIDING OFFICER. The Senator from Kansas moves that the joint resolution be referred to the Committee on the Library. The question is on that motion.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. FRYE. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate now proceed to the consideration of the unfinished business of yesterday, being the shipping bill.

Mr. HAMPTON. Before that vote is taken I should like to call up Order of Business 296. It will be remembered that we had it under discussion, and just as we were about coming to a vote the morning hour expired and subsequent to that for several days special orders intervened. I shall be away to-morrow unavoidably, and I should be very glad to have a vote on the bill. I do not propose to discuss it, and I think nobody else will; I hope not at any rate. With the consent of the Senator from Maine I should be glad to have that taken up.

The PRESIDENT *pro tempore*. Does the Senator from Maine withdraw his motion?

Mr. FRYE. If it is only for a vote; but if there is to be any discussion, then I should not feel like doing it.

Mr. HAMPTON. If there is discussion, I shall not press it. I simply ask that it may keep its place on the Calendar.

The PRESIDENT *pro tempore*. Does the Senator from Maine withdraw his motion?

Mr. CONGER. I was not able to hear what the proposition was.

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. FRYE] has moved that the Senate proceed to the consideration of the unfinished business of yesterday, being the shipping bill, pending which the Senator from South Carolina [Mr. HAMPTON] has appealed to the Senator from Maine to withdraw his motion in order that the bill for the relief of the trustees of Isaac R. Trimble be taken up for consideration. Does the Senator from Maine withdraw his motion?

Mr. FRYE. The Senator from South Carolina has stated that there will be no discussion whatever, only a vote.

Mr. CONGER. I can not quite see by what authority that statement is made.

Mr. HAMPTON. The Senator from Maine is mistaken in saying that I said there would be no discussion.

Mr. FRYE. It was my statement that I would yield if there was no discussion.

Mr. CONGER. If I remember right, that matter was under discussion and I was left with remarks unfinished.

The PRESIDENT *pro tempore*. Does the Senator from Maine withdraw his motion?

Mr. FRYE. Under the circumstances I can not.

Mr. CONGER. I shall wish to be heard further on that bill.

Mr. HAMPTON. I ask consent then that the Trimble bill retain its place on the Calendar until my return, without prejudice.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine, pending which the Senator from South Carolina asks unanimous consent that the Trimble bill retain its place on the Calendar under Rule VIII until the return of the Senator from South Carolina. Is there objection? The Chair hears none.

The Senator from Maine moves that the Senate proceed to the consideration of the shipping bill.

The motion was agreed to.

AMERICAN SHIPPING.

The Senate proceeded to consider the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is, Shall the decision of the Chair overruling the point of order made by the Senator from Tennessee [Mr. HARRIS] stand as the judgment of the Senate, on the appeal of the Senator from Kentucky [Mr. BECK]?

Mr. BECK. Mr. President, if I may be allowed, I wish to withdraw the appeal although the yeas and nays have been ordered upon it. I suppose it can be done by unanimous consent. But I desire to state the reason why I do withdraw the appeal. It is because the Senate has declared by agreeing to the Journal of Thursday last that the motion as presented was not for a conference on the disagreeing votes between the two Houses as I thought it was and as I thought the Senator from Maine made it; and that being the case, I do not care to prosecute the appeal any further.

The PRESIDENT *pro tempore*. The Chair did not understand whether the Senator from Kentucky made any suggestion.

Mr. BECK. I said I would withdraw the appeal, the record having been read and approved. I think on examination that there is no matter to be conferred about, as the record stands. I think the conference can not confer on the disagreeing votes of the two Houses when there is in fact no disagreement.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks leave to withdraw his appeal from the decision of the Chair. Before putting the question the Chair will state to the Senator from Kentucky in reference to the remarks made the other evening in relation to the precedent of 1879 that the Chair has the RECORD here which shows that the point did not pass *sub silentio*, but it was discussed, and the decision of the Chair that the motion for a conference was in order was acquiesced in. The Senator from Kentucky now asks leave to withdraw his appeal. Is there objection? The Chair hears no objection and the appeal is withdrawn. The question is on agreeing to the motion of the Senator from Maine.

Mr. BAYARD. The question now is upon concurring in the motion of the honorable Senator from Maine that a committee of conference be appointed, by the Chair I suppose, in respect of the bill in relation to shipping, and the amendments which have been made thereto by the Senate. It seems to me that whether it be strictly in order to move for a conference the very instant that one House has amended a proposition of the other House, and before the amendment has been submitted for the purpose of concurrence or rejection to the other, will lead to this result, one that I think is to be deprecated, a practice of legislation through committees of conference rather than through the deliberations of the respective bodies.

Mr. President, these two Houses of Congress are well termed a deliberative assembly, and the weight of their action and the wisdom of their action depends upon the character of the deliberation which shall precede the adoption of measures. Therefore any system which shall substitute discussions in committees of conference, which are necessarily confidential and conversational between a very limited body of conferees, usually three representing each House—any system that shall substitute the consultations and the conversations of six men for the deliberations of the two Houses at large is not in my judgment a thing that is to be desired.

The Chair, in response to an inquiry from me as to whether there had

been in the practice of this body a precedent for asking a committee of conference in advance of the submission of amendments which might give rise to various expressions of opinion between the two Houses, read a precedent which seems to me scarcely to meet the present case. The case read from the Chair was the case of an appropriation bill passed, as is customary, in the very last hours of a session, and with but a limited time prior to our final adjournment. Appropriation bills are not bills of general legislation; they are simply for providing amounts of money to execute existing laws; and the differences of opinion between the two Houses resolve themselves actually in such cases into a mere question of the assessment of amounts. Therefore when we had before us, as in the case read from the desk, an appropriation bill and a session approaching midnight of Saturday, it was obviously, in the absence of any objection or discussion, a very reasonable facilitation of the public business to have the committee of conference pass over with the bill itself, in order that at a time when the session was to be measured by hours there should be no delay whatever in considering differences of opinion merely as to amounts, not as to the principle of the subject-matter or as to any general law.

No such reason exists in the present case. There is ample time for discussion. The bill is important and affects important principles as well as important amounts. It is not worth while to describe what they are; the discussion is fresh in the mind of the Senate. Now, I would submit to the honorable Senator from Maine that this bill, with its amendments adopted by the Senate, had better go through the regular, orderly, deliberate forms of legislation as to the variant opinions of the two Houses.

The formal language used in the appointment of this committee would show the necessity of a disagreement of votes between the two Houses before the committee of conference was called into operation. There has been no disagreement between the two Houses. The House of Representatives submitted a proposition. The Senate have assented to nine-tenths of the proposition of the House, amending as to one particular by omitting a feature of the bill, and adding three or four more that never were before the House at all. What a mere perversion of terms, therefore, it is to speak of disagreeing votes where there has been no opportunity for the expression of disagreement?

I say, then, that desiring to see this legislation become effectual and not desiring to see the powers of legislation merged in a single committee, or transferred to committees of conference until the disagreement and the exact points of disagreement between the two Houses have been made known to each other, I hope the Senator from Maine will not ask for his committee of conference now.

I think the whole system of legislation through committees of conference is to be discouraged. It is the last resort. *Non constat* that the House of Representatives will not accept and approve, if the opportunity be given them, the amendments to the shipping bill adopted by the Senate, but certainly these amendments ought to be deliberated upon by the House, and not their bare dissent from them anticipated and presumed, and presumed without authority. I shall regret to see this form adopted, because it presupposes what may not exist at all, an ultimate difference of opinion between the two branches of Congress. According to the current of practice of this body, according to the reasoning given by the writers on parliamentary law, or the precedents rather, for the writers are not very numerous, but from the collection of precedents, mainly from the British system and from our own manuals on this subject, it is time enough to ask for a committee of conference when there has been a disagreement as to an amendment by the body proposing the committee. There has been no disagreement here; no expression of it yet; no means of ascertaining it. I am very clear that in advance of a submission of an amendment for the consideration of the associate branch of the legislature there ought not to be the intimation and the presumption that they are to differ from that which we have submitted as the opinion of the Senate. It will be time enough for this committee of conference when the House shall move, as they may move at once, to non-concur with the amendments of the Senate and to apply for a committee.

I am right in saying that if the exception proves the rule, the rule of the Senate has not been to ask for a committee of conference before the amendments of the Senate have been submitted for the judgment of their associate branch. The single precedent is the case of a bill of appropriations in the very last hours of a session, when our time was so limited for the transaction of business before the legal expiration of the term, and surely that is no answer in a case like this. The facts of the case and the reason of the case do not apply. There is no similarity.

In the present case I am sure that this bill ought to go back to the House with the Senate amendments and be submitted for their action, for their deliberation, and that we ought not to anticipate the action or the judgment of the House by throwing the thing, not before the House, but into a committee of conference. We have had some specimens of legislation in committees of conference that I think were dangerous and very much to be reprehended. I refer especially to the tariff bill of last spring, in which the most unauthorized and the most unwarranted assumptions of power were indulged in by the committee of conference, changing the law, changing that upon which both Houses of Congress had expressed their agreement, and in many ways assuming to do that which had never met the deliberate assent of either branch of Congress.

I am favorable to the passage of this bill, which passed the Senate with very little opposition; and I do not see here any reason for the extraordinary demand, for such it is, for a committee of conference in advance of the submission of the amendments of the Senate to the House of Representatives. I hope therefore that the motion, if not withdrawn, will not be consented to by the Senate.

Mr. SHERMAN. Mr. President, I am certainly very desirous to have this bill passed; nor have I seen any indication in either House of any serious opposition to the bill, although there may be differences of opinion as to some of its details. I should be very glad to vote for this motion of the Senator from Maine to expedite the bill and give it an advantage in the other House; but according to my understanding of the laws of intercourse between the two Houses we can not give it that aid. If we did in that way give this bill an advantage, it would be setting a dangerous precedent which would come back hereafter to trouble us many times.

The Constitution gives to each House the power to make its own rules to govern its own proceedings. There are at this time, I believe, no joint rules between the two Houses, though they usually exist; but for some reason or other lately they are not in force, not having been agreed to between the two Houses at this Congress. So the intercourse between the two Houses rests simply upon the parliamentary law; and if any question should arise as to the intercourse between the two Houses we would naturally go to Jefferson's Manual as the highest authority to settle the question.

That being the case, I do not see how any advantage is derived to this bill by the passage of this motion and now asking a committee of conference. Naturally, if this bill were so sent to the House nothing would be considered in the House except action upon the request made for a committee of conference. That can not be so, however. If this bill goes back to the House with amendments which involve appropriations of money, especially in such large sums as are proposed by this bill, and properly proposed, it must necessarily go to the Committee of the Whole on the state of the Union in the House. The House can not, without a surrender of all its power and a transfer of its power to a committee of conference, take up the bill and agree to the conference until it has acted upon our amendments in Committee of the Whole on the state of the Union. Can it be said or supposed by any one that if this bill is sent to the House with these amendments, involving such large sums of money, they will pass on the bill simply by agreeing to our request for a conference? They can not send amendments which have never been read in the House to a committee of conference. If such a practice as that should be established it would be dangerous to the last degree.

I assume, therefore, as a matter of course, that the House, having the power over this bill, the moment it receives our message will send amendments to the Committee of the Whole on the state of the Union; and what advantage, then, is given to this bill by having pending upon it a request from the Senate that up to that time is ignored? Would that request be considered in Committee of the Whole when the House were considering the amendments? I do not see how it could give any advantage whatever. The only advantage that could be given to this bill by the adoption of this motion would be on the assumption that the House would act upon our request for a committee of conference and send to a committee of conference amendments which have never been read or considered by the House. Such a practice as that once adopted and ingrafted into the parliamentary law or the practice of the two Houses would be dangerous, as I said a moment ago, to the last degree.

We have by our practice heretofore gradually extended the powers of committees of conference until now a proposition to send a bill to a committee of conference sometimes startles me when I remember what occurred in the committee of conference on the tariff bill last year. I feel that both Houses ought to make a stand on the attempt to transfer the entire legislative power of Congress to a committee of three members of each body, selected not according to any fixed rule, but selected probably according to the favor of the presiding officer or the chairman of the committee that framed the bill; so that in fact a committee selected by two men, one in each House, may frame and pass the most important legislation of Congress.

Sir, I do not want to extend that practice. I have seen it abused. I do not desire to see it extended. I do not believe it will be done in this case. This is a bill in which I have no doubt a committee of conference could be formed in both Houses which would fully represent the judgment of the two Houses. But, sir, if it is done without sending these amendments to the Committee of the Whole in the House it would prevent the House from considering the most important branches of this important bill. Therefore I can not see any advantage to be derived from it, unless the House out of deference to the Senate, in the absence of all joint rules between the two bodies, should give to the request of the Senate an undue weight and importance and attach it as a privileged motion in all the stages of progress to this bill through the committee and in the House.

I do not wish to interfere with the passage of this bill. I shall content myself with saying that I do not believe in this kind of legislation. I do not believe that this is a wise proposition and I shall therefore reluctantly vote against it. I believe myself that the Senator from Maine will not aid his bill by it. His bill will go through although many other bills may fail, this being a House bill and having been considered by the House, so that there is no great opposition to it there, and having been considered by the Senate and amended in good faith without any extraneous matter put upon it. In some way or other the House according to its own rules will act on our amendments, and then a committee of conference may in the ordinary course of legislation be appointed.

Mr. FRYE. Mr. President, I suppose that the Senator from Ohio will give me the credit of being a friend to this bill.

Mr. SHERMAN. Undoubtedly.

Mr. FRYE. And also accord to me some reasonable familiarity with the rules of the House, having revised them all under the instruction of the committee myself and been a member of the Committee on Rules for some time.

Now, Mr. President, I desire first to reply to the Senator from Delaware, who says that one precedent has been found and that that applied to an appropriation bill in the very last days of the session, where it became necessary to resort to this unusual method. I call the Senator's attention to the Senate Journal for the second session of the Forty-second Congress, page 850, May 27, 1872, where a bill for the purpose of revising, consolidating, and amending the statutes relating to the Post-Office Department—not an appropriation bill—was under consideration. It was House bill No. 1. It came from the House to the Senate. It was amended in the Senate, and having been passed by the Senate—

On motion of Mr. Ramsey,
Resolved, That the Senate insist upon its amendments to the said bill, and ask a conference with the House of Representatives thereon.
Ordered, That the conferees on the part of the Senate be appointed by the Vice-President; and
The Vice-President appointed Mr. Ramsey, Mr. Hamlin, and Mr. Casserly.
Ordered, That the Secretary notify the House of Representatives thereof.

Not an appropriation bill, not at the close of the session, but a bill consolidating the Post-Office laws, and under consideration May 27, 1872.

I call the Senator's attention to another precedent, June 7, 1872, the Senate having under consideration an appropriation bill termed the sundry civil bill. The Senate passed the bill, after having made certain amendments, and—

On motion by Mr. Cole,
Resolved, That the Senate insist on its amendments to the said bill, and ask a conference with the House of Representatives thereon.
Ordered, That the conferees on the part of the Senate be appointed by the Vice-President; and
The Vice-President appointed Mr. Cole, Mr. EDMUNDS, and Mr. Stevenson.

Mr. BAYARD. How long before the adjournment was this motion?

Mr. FRYE. This last one? I do not know.

Mr. BECK. I believe only one day before.

Mr. FRYE. I do not know how long before, but the one that I read about the other bill was long before the adjournment. As to the other precedent cited by the Presiding Officer, on which discussion arose, the question of time was not an element in that discussion at all, and such Senators as ANTHONY, of Rhode Island, and Blaine, of Maine, certainly two as good parliamentarians as there are in this country, both argued in favor of the proposition and it was adopted. Senator Thurman raised the question, but did not argue against it. He simply raised the question that it did not seem to him to be the usual parliamentary course, or something of that kind.

Mr. BAYARD. That it was premature.

Mr. FRYE. That it was premature, or something of that kind. I stated the other day that I knew of a great number of precedents in another place.

Now, Mr. President, here is a very important bill, as important as any before this Congress. It is the result of over four years of hard work; it is the result of a special committee spending some six months; it is the result of at least three or four regular standing committees of the Senate and the House. It removes every burden existing by law that I know of from the merchant marine. These committees have searched the statutes during all this time to find why it was that our merchant marine was crippled, and they have found every one of the statutes this bill repeals to be crippling that service, and without justice and without cause. In my judgment there is no difference of opinion as to every section of the bill in either House, except the question of admitting foreign-built ships to American registry, and perhaps a question as to the nineteenth and twentieth sections, and as to them simply as to the one-dollar clause and the authorization of a contract to carry the mail.

Mr. President, I never have heard a Senator, I never have heard a member of the other House say that those two sections of the existing law which provide for the seizure of ships and the carrying of the mails on them perforce ought not to be repealed. No Senator said so here on the floor. The whole question has been on the rest of the provisions contained in those two sections. Now, in my judgment there is no division of sentiment between the two Houses on anything in this bill except those two sections. So far as I am concerned myself I am entirely willing, as the result of a conference or the result of the action of the other House, to repeal those two sections of the statute and do nothing more.

Again, there is a fair chance to discuss the question of whether or not our American registry ought to be open to the admission of foreign-built ships. I admit it. It is a fair field for argument, for honest difference of opinion, for discussion. I recognize the proposition of the Senator from Alabama [Mr. MORGAN] as a pre-eminently fair and just one, provided we determine that a foreign-built ship shall be admitted to American registry. The House by a large yea-and-nay vote, contained in the RECORD, have determined in favor of the admitting of these ships to American register. I would not stand out a single moment as the result of a conference, or the result of the action of the other House, against the proposition of the Senator from Alabama, and I do not believe that any friend of this bill would.

Therefore it is entirely possible by an agreement of these two Houses to remove every single burden to-day subsisting by law on our merchant marine. And yet if the bill is sent to the other House without a request for a conference, if there is one single member who is opposed to any provision of the bill it goes under an iron rule to the Committee of the Whole on the state of the Union with one hundred and thirty-six bills on top of it and cannot be reached in nine months' time. The bill is just as dead and I would just as lief the United States Senate to-day would indefinitely postpone it as to send it to the House of Representatives to take its place at the foot of that Calendar. A bill at the foot of the Calendar under the House rules can only be taken up by a two-thirds vote or by unanimous consent. Thus instead of a committee of conference, one man, one member objecting has the control absolutely of it unless two-thirds will vote on call to take it from its place and put it at the head of the Calendar. So send the bill, as the Senator from Ohio proposes who says he is friendly to it, to the House, and your bill is dead.

Mr. SHERMAN. I ask the Senator whether he thinks it is right for the Senate of the United States to attempt by our action to change the rules of the House of Representatives? If there are troubles in regard to their rules, is not that a question which they themselves must determine and settle? And how, I ask him further, can this motion made here change the rules of the House? That is the point I want to get at.

Mr. FRYE. If it was in the power of the United States Senate to change the rules of the House of Representatives by a trick I would not resort to the parliamentary trick to do it. And here again I reply to the Senator from Delaware there is no power in the United States Senate to take this bill away from the Committee of the Whole House. There is no power in a request for a committee of conference, there is no power by any parliamentary trick, by any skill of the most experienced parliamentarian in the Senate, to take this bill away from the Committee of the Whole House. There is no power by which you can deprive them of the right to consider every section of the bill in that committee. There is no power by which you can prevent them from agreeing to as many amendments as they please, refusing to agree to as many as they please, and there is no attempt on my part to do that, and I should stultify myself in the attempt to do it, because it is an absurdity on its face.

There is an iron rule of the House of Representatives which says that any bill containing an appropriation directly or indirectly or any amendment made by the Senate to any House bill containing an appropriation directly or indirectly shall first be considered in a Committee of the Whole House on the state of the Union; and, sir, the United States Senate has not power enough to prevent that. So the Senator from Ohio has fears that are utterly groundless. This bill goes to the Speaker's table, and there goes with it a request for a conference. It is idle to suppose that the House will not agree to a committee of conference asked by the Senate. They will do that; it never has been refused within my memory, and it will not be refused now, and with that request of the Senate it is taken from the Speaker's table, on motion; it is read, and a point of order is made that it contains an appropriation. It goes to the Committee of the Whole at once under the rules of the House, and then the House proceeds to consider it, concurs or refuses to concur, and when the House in Committee of the Whole has completed its action, then the result, if there is any disagreement, goes to that committee of conference which has been agreed upon; but your committee of conference—and I deal frankly with the Senator from Kentucky and with other Senators—your committee of conference agreed to by the House, as the majority has a right to agree to it, carries the privilege into a Committee of the Whole House, and that privilege is that a majority may move and take up from the Calendar at the foot of one hundred and thirty-six other bills that House bill amended by the Senate and proceed to its consideration.

Mr. President, that is all there is in this; it is all there is in the proposition. You take an appropriation bill in the House, it goes to the Committee of the Whole under the rules. You take a bill raising revenue, it goes to the Committee of the Whole precisely as that goes to the Committee of the Whole, and either bill takes its place in its turn. But there is another rule of the House which extends a privilege to an appropriation bill and a privilege to a revenue bill. That privilege goes into the Committee of the Whole and accompanies those

bills, and a majority can take up an appropriation bill or a revenue bill any day and any hour in a Committee of the Whole. This request for a conference complied with takes the place of that rule in the House, goes into the Committee of the Whole, goes there as a privilege, makes this a privilege, and will enable a majority to say that the bill shall not lie dead under one hundred and thirty-six other bills, and that it shall be taken up out of its order, discussed as amended, agreed to or disagreed to, and then when that Committee of the Whole have reported it back to the House if there are any disagreements it simply goes to this committee of conference you have agreed upon.

Now, what is the objection to that? What I have said answers the objections of the Senator from Ohio as to the legislation of a conference committee, it answers the objections of the Senator from Delaware on his propositions. Suppose the Senator from Ohio takes the ground that it will not have the effect I say it will, to make it privileged in Committee of the Whole, it has done no harm. He ought not to fight that proposition, as a friend of the bill, because there is no harm in it. Then, if a friend of the bill, why should he not consent to a proposition under which it is utterly impossible for the conference committee to legislate without first the House acting? Especially why should he not consent to it when I ask him as a friend of the bill, if there is no harm in it at all, if it does not even extend a privilege?

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on agreeing to the motion submitted by the Senator from Maine [Mr. FRYE].

Mr. BECK and Mr. FRYE called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). On this proposition I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. HARRIS (when his name was called). Upon this question I am paired with the Senator from Virginia [Mr. RIDDLEBERGER]. If he were here, he would vote "yea" and I should vote "nay."

Mr. JONES, of Florida (when his name was called). I am paired generally with the Senator from Colorado [Mr. BOWEN]. I do not know how he would vote. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. COCKRELL (after having voted in the negative). I voted inadvertently. I am paired with the distinguished Senator from Vermont [Mr. MORRILL], who is compelled to be absent to-day for the first time in twenty-nine years' service in the Congress of the United States. He would vote "yea" and I should vote "nay" if he were present.

Mr. CAMERON, of Wisconsin. The Senator from Connecticut [Mr. PLATT] is paired with the Senator from Louisiana [Mr. JONAS].

Mr. SEWELL. I am paired on this question with my colleague [Mr. MCPHERSON]. If he were here, I should vote "yea."

Mr. VAN WYCK. On this question I am paired with the Senator from Virginia [Mr. MAHONE]. I understand that he would favor this proposition. I should vote "nay" if he were here.

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Nevada [Mr. JONES]. The Senator from Nevada would vote "yea" and my colleague would vote "nay" if present.

Mr. CONGER. I am paired with the Senator from Louisiana [Mr. GIBSON], with the understanding that I should vote on the shipping bill if I chose. I vote "yea."

Mr. FAIR. I am paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. FARLEY. On this question I am paired with my colleague [Mr. MILLER, of California], who is necessarily absent to-day and requested me to pair with him.

Mr. GEORGE. On this bill and all questions I am paired with the Senator from New Hampshire [Mr. PIKE].

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from Delaware [Mr. SAULSBURY]. My colleague would vote "yea" and the Senator from Delaware would vote "nay."

The result was announced—yeas 28, nays 17, as follows:

YEAS—28.

Aldrich,	Dolph,	Hill,	Miller of N. Y.,
Allison,	Edmunds,	Hoar,	Mitchell,
Brown,	Frye,	Ingalls,	Palmer,
Cameron of Wis.,	Garland,	Lapham,	Plumb,
Conger,	Gorman,	Logan,	Sawyer,
Cullom,	Harrison,	McMillan,	Voorhees,
Dawes,	Hawley,	Manderson,	Wilson.

NAYS—17.

Bayard,	Jackson,	Ransom,	Walker,
Beck,	Kenna,	Sherman,	Williams.
Butler,	Maxey,	Slater,	
Coke.	Pendleton,	Vance,	
Hampton,	Pugh.	Vest.	

ABSENT—31.

Anthony,	Fair,	Jones of Florida,	Pike,
Blair,	Farley,	Jones of Nevada,	Platt,
Bowen,	George,	Lamar,	Riddleberger,
Call,	Gibson,	McPherson,	Sabin,
Camden,	Groome,	Mahone,	Saulsbury,
Cameron of Pa.,	Hale,	Miller of Cal.,	Sewell,
Cockrell,	Harris,	Morgan,	Van Wyck.
Colquitt,	Jonas,	Morrill.	

So the motion was agreed to.

The PRESIDENT *pro tempore*. How shall the conference committee be appointed? ["By the Chair."] If there be no objection it will be appointed by the Chair.

Mr. FRYE, Mr. MILLER, of New York, and Mr. VEST were appointed as the conferees on the part of the Senate.

Mr. FRYE. On motion of the Senator from Connecticut [Mr. HAWLEY] there was a print made of the House bill as amended by the Senate. That edition is nearly exhausted, and unfortunately it was not printed in any way to indicate the Senate amendments. I ask unanimous consent that the bill as it now has passed the Senate may be printed, the Senate amendments being in italics.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent for an order that the House shipping bill with the Senate amendments as proposed be reprinted for the use of the Senate. That order will be entered if there be no objection.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 3448) relating to police regulations in the District of Columbia, and for other purposes;

A bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia; and

A bill (H. R. 2858) for the relief of John Connolly.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I move to proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes, the pending question being on the amendment of the Committee on Appropriations as amended, to make lines 1083 and 1084 read:

For support and education of Indian children of both sexes at industrial schools in Alaska, $25,000.

Mr. PLUMB. I wish to call the attention of the Senator having charge of the bill to the fact that the Alaska bill containing an appropriation of $25,000 for schools has passed the House, and I ask whether there should not be something which would prevent a duplication of this sum? Twenty-five thousand dollars seems to meet the judgment of the Senate in regard to the amount to be used for the coming fiscal year.

Mr. DAWES. When did the bill pass the other House?

Mr. PLUMB. This morning; I have just received notice of it. I think we should not duplicate that appropriation. In that measure there is the same special direction given about the expenditure of the money which was made the subject of consideration in the Senate, and I think that it ought to prevail, and not this proposition.

Mr. DAWES. When the Alaska bill was before the Senate I urged that the $25,000 appropriated in that bill should be at least $40,000. I was met by the statement that the $25,000 appropriated then would be supplemented probably by the same amount in this appropriation bill, making the amount to be appropriated under both bills $50,000. I think that the amount adopted by the Senate in the pending amendment is an amount which can be fairly and economically, and therefore wisely, expended in Alaska. I hope that the amendment as adopted yesterday will not be changed, notwithstanding that the Alaska bill has passed the other House.

Mr. CONGER. I can not hear the Senator from Massachusetts.

Mr. DAWES. I am happy to be informed that the Alaska bill has passed the House of Representatives, which contains an appropriation of $25,000 for educational purposes in Alaska. The Senator from Kansas now appeals to the friends of this amendment to modify it in view of that fact. I was speaking to that proposition of the Senator. In my opinion it should not be modified on that account. It should rather be retained and the effort to do something for the education of those Indians should be made with earnestness and with effectiveness. If I supposed that a dollar of the appropriation would fail of accomplishing all that a dollar given that way could accomplish, I should feel very differently, but I do not think so; and therefore for one I should be very much opposed to any modification of the amendment.

Mr. PLUMB. I move to amend the amendment by adding the following proviso:

Provided, That the sum of $25,000 shall be the total amount expended under all appropriations for the education of Indians in Alaska during the fiscal year 1885.

It is now proposed by indirection to take advantage of the fact that a bill has heretofore passed the Senate giving this amount, and to double the amount. In the first place, I believe it will be conceded by any thoughtful person that there can not be practically $50,000 spent there this year under the existing machinery, and yet I suppose the Senator from Massachusetts would respond to that, "Then it will not be spent." But that is not the way we appropriate money. We appropriate it expecting that it will be spent if we appropriate it in any way, whether the necessity exists for its expenditure or not. I do not mean to state that

very broadly, but there will be ways found of getting it out of the Treasury and getting it into Alaska, which is so far away that there will be practically no supervision over the expenditure. To dump $50,000 out there this year, the first time the expenditure is begun for this purpose, is going to result in a misappropriation of money.

If that is the method to be adopted in regard to these matters, then as a matter of course so far as I am concerned I propose to contend at every step against every item in the bill. I do not regard it as at all fair to those who have so far made some concessions on this point as against a very decided judgment as to the wisdom of the money to be expended.

The PRESIDENT *pro tempore*. The Chair thinks that the amendment proposed by the Senator from Kansas is not in order in this place until the pending amendment is disposed of. It is in a different part of the paragraph. It will be in order when the pending amendment of the committee is disposed of. The question is on agreeing to the amendment of the Committee on Appropriations as amended.

Mr. CONGER. The amendment of the Senator from Kansas is not in order?

The PRESIDENT *pro tempore*. It is not yet in order, as it comes in at another place. When the pending question is disposed of, it will then be in order to move the amendment.

Mr. CONGER. There is nothing in the remarks of the Senator from Kansas to affect the merits of the pending proposition. The Senate bill providing a civil government for Alaska makes an appropriation of $25,000 by which the Commissioner of Education shall make needful and proper provision for the education of the children of school age in the Territory of Alaska without reference to race. The object of that bill was to enable schools to be established for all classes of children, miners' children, citizens' children, soldiers' children, if any were there, anybody living there, with no contribution, with no power to raise any money for school purposes even among the whites there. That is a distinct provision under a different department and for a different purpose. I hope the amendment as amended will be adopted.

Mr. DAWES. I do not wish to ask the Senate to appropriate an unreasonable sum. I want the Senator from Kansas to understand that I am not here because the House of Representatives may have acted upon another measure since we were here yesterday to ask to hold the Senate to $1 more than it is wise to expend. If the Senate does not believe that it is wise to undertake education in Alaska to the extent of $50,000 ($25,000 for general school purposes, the erection of schoolhouses, and the like, under the bill establishing a government for Alaska, and $25,000 under this bill), I do not want the Senate to vote it. It is my judgment that it can be wisely expended.

The Senator from Kansas seems to think that I am desirous of taking advantage in some way of those who are not willing to vote so much money for education. I could not do it if I was desirous of doing it. I do not want a dollar appropriated for educational purposes in this bill that does not carry with it the judgment of the Senate. This departure from old methods can be successful only as it is earnestly and sincerely sustained, and no spasmodic effort will be of the slightest service whatever. If I differ with the Senator from Kansas in my convictions as to how much may be done in this new policy in reference to these people, my convictions are as earnest and as sincere as I am willing to accord to him that his are, and I have presented them to the Senate. Others have presented theirs to the Senate. It should be the judgment of the majority of the Senate, with which he and I should both of us be satisfied.

I beg the Senator from Kansas to disabuse himself of any idea that I want to get out of those opposed to so large appropriations for educational purposes any advantage under the circumstances. I want the judgment of the Senate upon this question.

Mr. PLUMB. I give notice that if this amendment is carried I shall move to reconsider the vote by which the other items were put in. The appropriation, so far as it is contained in the bill, is the result of a compromise. I have compromised with the Senator from Massachusetts, who has been very zealous in this regard, upon matters that I consider vital, just as vital as he does; and I have surrendered my conviction to him on this bill in the belief that the sums total that came in here would be all that would be asked for. If we are to pursue the other method and after having received what is regarded as extravagant by myself and some others, gentlemen are now to take advantage of the fact that a bill has passed the other House giving $25,000 more, then I propose to consider this matter *de novo*, and I do not propose to be bound by anything that has been done.

This amount is simply something that has been found by the way during the debate. The whole amount that has been asked for has been $25,000. There has not been a suggestion, not a hint, that any more could be properly used or that more was desired, or anything of that kind. A bill has passed the other House making an appropriation of $25,000. It is only fair to let it stand at that and let that be the total appropriation. It is not correct, as stated by the Senator from Michigan [Mr. CONGER], that the money is to be spent by different agencies, because the Alaska bill as it passed the Senate provided that it should be spent under the direction of the Secretary of the Interior and not under the direction of the Commissioner of Education; and that appropriation is therefore to go through the same channels and to be devoted to the same purposes as the appropriation in this bill.

I do not care about the amounts, but I have a conviction which is abiding and which is based upon experience, as I think, satisfactory to my mind, and which is not controlled by any sentimental consideration, that this money is being misspent largely. I do not speak of this for the purpose of reflecting upon any individual. As the Senator from Massachusetts [Mr. HOAR] said himself yesterday, taking the words out of my mouth, for I was about to utter them, this whole system began in the idea of holding Indian children as hostages. It was the foundation of the present Indian school system to get children away from their tribe into a school in order to keep them as bonds for the good behavior of their parents and other members of the tribe.

Mr. HOAR. My friend from Kansas I suppose did not understand me as saying that.

Mr. PLUMB. No, I did not understand you as putting it so broadly as that.

Mr. HOAR. I said, if the Senator will pardon me, that the expenditure would be well warranted as an economical expenditure in the saving of Indian wars by the mere fact of the possession of these hostages for the good conduct of the tribe; but I did not say that was the reason for it, or that it began in that way, or that that ever had been a motive of anybody who voted for the expenditure.

Mr. PLUMB. That was the beginning of the present system. It was "cheaper to feed than to fight" was the way it formulated itself, and it has been carried on in that way. Education for practical purposes has been subordinated to that idea. We have got beyond that. However useful that might have been in its time, it is no longer necessary to consider that as in the situation at all. We are now to consider this question with reference to the uses to be made of education by the Indians and the results to be acquired. As I said before, no results practically have yet been reached. I am aware that we have entered to some extent upon a new field. I am not criticising wholly the present administration of things, because I do not know that some better results will not come, but I do know that so long as Congress is tolerant with the vices of the present system and so long as it is content to empty money into the laps of the people who are now to spend it, without attaching conditions, or without making it understood that greater results are to be required than have heretofore been had, we shall go on in the present incompetent way without achieving anything as the result of the money that we have spent.

What I have said refers largely to the entire management of the Indian system. There are items of appropriation in this bill that have been repeated, without the variation of a comma even, for twenty years, and I do not know but there are items that have been there for thirty years. The system has become indurated. The system of administration in connection with it is vicious. Two years ago, when I first had to do with the framing of amendments to the Indian appropriation bill as it came from the House of Representatives, the Senator from Massachusetts [Mr. DAWES] and myself found, as we thought, some errors that had been perpetuated from time to time, not only in language but in substance, and we sought to amend them in order to unify the administration of the Department, changing words in order to make the bill more harmonious, striking out provisions for collecting Indians that had been collected years before. When the bill as it was amended in committee went to the Indian Office, there came down an angry protest, protesting against every single word of change. They were not willing even that the item for collecting Indians should be stricken out notwithstanding the Indians had been collected from the reservations for ten years, and no more could be collected.

In other words, in the direction where this system started the paraphernalia with which it was equipped is to be kept up, no matter whether the necessities exist or not. The administration of Indian affairs, as I said, has become indurated; it has become hide-bound to a very large extent. It is not in the power of any one man, the Secretary of the Interior or the Commissioner of Indian Affairs either, to relieve against it. We have at the head of the Indian Office now I think as good a man as could be there in many respects, a man for whom every one who knows him has the highest respect, a man of great ability, a man of perfect conscientiousness. We have a similar man as Secretary of the Interior. However these men come and these men go, but the institution itself of Indian administration goes on for ever and without change. The man who comes into an administration of that office, coming in by a tenure very slight, liable at any day to go out, certain not to stay longer than four years in any event, is not in a condition to make himself felt upon it; he can not do as he would. The men of whom I have spoken will be the quickest to acknowledge that that is the case. They deal with agencies that go on, that are independent of them to a very large extent, and which we to a certain extent have made more independent of them by providing substantially against their removal. The only way to get at this matter is by legislation. We have got to run a plowshare through the whole system; and among it all there is nothing that is worse and more calculated to do wrong to the Government and to do wrong to the Indian than the method in which education is carried on among them. It is not fitting them for self-support. As a result of all the millions of money we have spent,

it does not yield to-day a handful of Indians who can support themselves in competition with white people.

The Senator from Massachusetts [Mr. DAWES] in his very eloquent address yesterday spoke of the Indian children at Carlisle, of the number of bed-quilts and the towels and table-cloths and all that sort of thing that they made; but he forgot to tell the Senate that notwithstanding all that it costs $175 a year for each one of those scholars. There is no credit whatever against that charge. All that they can do, however you may call it, results simply in saying that whatever they do costs five or six times as much as it does for anybody else to do it. It is like Mr. Greeley's cabbages that he boasted of as being worth twenty-five cents in market, but which he reluctantly confessed cost him two dollars and a half to raise. So with everything that these Indians do, it is more expensive. It is expensive supervision, expensive living, expensive schooling, and all of that carried on not with the expectation (or certainly not with an expectation that is justified by the results) of putting these people in a condition to take care of themselves. The more we do of this, the greater is the necessity for us to continue. If this is to go on in this way unchecked, every year enlarging the appropriations without increasing the responsibility or without changing the system, so far as I am concerned I propose to make all the opposition I can to it at every stage; and altogether I know the viciousness of it will appear more fully year by year.

If this amendment shall be adopted, making the sum $25,000, I propose to add the proviso I suggested, so as to let it be understood whether we are to do that which it has been confessed we can not wisely do, taking advantage of an accident merely in regard to the passage of another bill to double the amount that anybody heretofore has claimed as necessary. That is sentiment run mad. It is a violation, I think, of all proper rules that ought to be observed in regard to the appropriation of money by legislation.

Mr. DAWES. I am not going over the argument in behalf of this system. I have a little personal matter with the Senator from Kansas, and then the Senate may dispose of it. The Senator from Kansas says that all these provisions for education are the result of a compromise in the Committee on Appropriations, of which I was a part, and complains that I have not stood by the arrangement there entered into; and in consequence of what he says is a departure by me he proposes to turn upon the whole bill.

If the Senator from Kansas can point out one single thing in this bill in which I have not fairly and honestly and to the best of my ability represented the Committee on Appropriations, then I shall consent to his undoing all that has been done. I have stood by every provision in the bill precisely as it was reported from the committee with the exception of the provision with reference to Alaska. It was known in the committee that I did not agree to that amendment. It was stated distinctly in the committee that I was at liberty to take any course in reference to that amendment which my judgment should dictate. As to anything else in the bill, whatever my private judgment has been, I have stood by the report of the committee. I stated as well as I knew how the reasons why the committee had agreed to that provision in the bill, and then I stated what I supposed the committee expected I would state—that my own judgment did not agree with that of the committee in that respect. I made no motion to defeat the action of the committee in that measure. I contented myself with the statement on the record of my opinion. The motion was made by some one else. I voted for it in accordance with what I stated in the committee to be my own private judgment, which the committee said I was at liberty to assert in the Senate Chamber.

Now, after the Senate has adopted an amendment on the motion of another Senator, the Senator from Kansas asks me to co-operate with him in undoing what the Senate has done, and because I have omitted, in conformity with my own private judgment, to co-operate with him in undoing what the Senate, not what the committee or what anybody on my motion has done, the bill is to encounter the hostility of the Senator from Kansas, and the responsibility is to be laid at my door. The Senator from Kansas is not quite just to me in that respect.

Mr. PLUMB. If the Senator will state that there has been any proposition, until he made it himself, to make the appropriation $50,000 anywhere, in committee or elsewhere, then I shall admit that I am mistaken. If not, then I must insist that I was correct in saying that he was going beyond the understanding.

Mr. DAWES. I have made no proposition to make the appropriation $50,000.

Mr. PLUMB. You resist a proposition to limit it.

Mr. DAWES. I have stated my own private judgment, which the committee told me I was at liberty to state, in conformity with the views and with the authority of the committee to do it.

The Senator ought not to arraign me before the Senate on the charge that I have not fairly represented the committee. If there is any other member of the committee who is of opinion that I have not fairly presented the bill before the Senate and as well as I could maintained its report, I am ready to withdraw from the further support and management of the bill; but I am not to take it from the Senator from Kansas unless there is some ground for it. I am open to criticism. I am ready to be criticised. I am ready to make acknowledgment whenever I depart from the proprieties of my place here, or whenever I can be made to see that I have so departed. But I am not to be arraigned by the Senator from Kansas upon any such statement as he has made to-day, because he is laboring under a mistake when he makes it.

As regards the pending amendment, it is the Senate's amendment; it is not the committee's amendment; it is not my amendment. If the Senate shall, in view of what has been done in the other branch, conclude to leave the appropriation at $15,000 or at $10,000, I shall be perfectly content.

Mr. HAWLEY. Mr. President, when I moved to make the appropriation $25,000 instead of $10,000, I knew nothing about discussions in committee, or agreements in committee, or anything of that kind; nor are they usually brought in here to influence our votes. I know what the courtesies of the Senate are in that matter, and I am very sorry to find any little feeling between the Senator from Massachusetts and the Senator from Kansas. But of course we are acting entirely upon our own discretion here, upon our judgment of what is best. I had heard more or less——

Mr. PLUMB. If the Senator will excuse me, I do not understand that anybody has said that the Senator from Massachusetts has violated any understanding with the committee. I am simply relieving myself from any responsibility in regard to the bill, as I claim that I am. All I want to do is to justify myself. I am now justified, as I said, in going back and attacking every item in the bill in regard to the subject; that is all. I do not care to justify the Senator from Massachusetts or to attack him. He can take care of himself. I am simply saying that so far as I am now concerned I am freed from any obligation to stand by any of the items in regard to this matter in the bill.

Mr. DAWES. Does the Senator understand the arrangement of the committee to be that each one would stand by the bill provided the Senate stood by it?

Mr. PLUMB. No, sir.

Mr. DAWES. Then I am not to be blamed if the Senate does not stand by the committee.

Mr. HAWLEY. I moved the amendment to make the appropriation $25,000 upon consideration, wholly independent of whatever the committee might have discussed and thought within its own circle. I had heard something about this matter. I was aware that nothing had ever been done by this Government for education in Alaska, and I thought $25,000 was a very moderate sum indeed for the beginning, as the beginning of the system is more costly than its annual maintenance. There are school-houses to be built; there are apparatus, and books, and various things to be conveyed to that Territory; teachers to be transported, &c.; all that which is necessary to start a school. Suppose $25,000 would start schools for 2,000 pupils this year; less than $25,000 of course would run them next year. I think myself that the whole $50,000 would be none too much. I will say to the Senator from Kansas that it was discussed here; the question was asked whether it was possible for us to make it $50,000, and for a time I thought we could, until I noticed that the recommendation of the President and Secretary of the Interior for $50,000 was the last year's recommendation; and they estimated this year for but $25,000, I suppose with the idea that they could get only that. I know the friends of education there believe that they can very wisely expend the $50,000. It is not a very large sum when you consider a people of 25,000, with a school population of not less than 4,000 or 5,000.

Mr. HARRISON. Thirty thousand is the population.

Mr. HAWLEY. Thirty thousand is the population, the Senator from Indiana informs me. That would give a school population of 5,000 or 6,000. That is not a large appropriation when you reflect that we have done absolutely nothing for them. We have the foundations to lay. Besides, this clause in the appropriation bill proposes to give this sum for industrial schools, and of the wisdom of that general policy I believe no one has a doubt.

Of course nobody wishes to take any such judgment, to take any special advantage of the very happy fact that the bill for the government of Alaska, to the great credit of this Congress and the country, is finally passed; but I shall be very glad to have this appropriation of $25,000 stand as it is. If it can not, in the judgment of the Senate, wisely stand at $25,000, then I hope certainly it may not all be wiped out. Industrial schools should be commenced there. For myself I shall vote against any change in the item, and certainly against defeating it entirely.

Mr. HARRISON. Mr. President——

Mr. INGALLS. I wish the Senator from Indiana would allow me for a moment to make an inquiry.

Mr. HARRISON. Certainly.

Mr. INGALLS. This subject is not quite clear to me, and I wish either the Senator from Indiana or my colleague would be more explicit. I have an indistinct recollection generally that the bill for the government of Alaska so called contained some provision for educational purposes. Was that a definite annual appropriation, to be continued from year to year?

Mr. PLUMB. No; it was just an appropriation of $25,000.

Mr. HARRISON. If the Senator will allow me I will read that section of the bill.

Mr. INGALLS. I shall be glad to be advised on that subject, for I did not suppose yesterday that it was intended by the vote on this amendment to double the appropriation already made.

Mr. HARRISON. It is section 13 of the bill providing a civil government for Alaska, and upon the reported passage of which I congratulate the country, as it has removed a very long standing reproach against our Government. The section reads as follows:

SEC. 13. That the Secretary of the Interior shall make needful and proper provisions for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provisions shall be made for the same; and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for this purpose.

Mr. ALLISON. How is it to be expended?

Mr. HARRISON. "The Secretary of the Interior shall make provision." It is put under the control of the Secretary of the Interior.

Mr. INGALLS. What is the number of the bill?

Mr. HARRISON. It is Senate bill No. 153. I have read the section of the bill as it was reported to the Committee of the Whole of the other House. I will remind the Senate that this section 13 was moved by the Senator from Kansas [Mr. PLUMB] as a substitute for sections 13 and 14 as they were reported by the Committee on Territories of the Senate. Those two sections in the bill as it came from the committee, in the opinion of the Senator from Kansas, as he will recollect, seemed to provide for the inauguration of a school system. They provided for the detail of some teacher to act as a superintendent or supervisor of the schools of the Territory of Alaska. The criticism was made by the Senator from Kansas that it contemplated too much of a scheme, and it was upon his motion and from his hand that this section 13 in the bill as it stands now was substituted for sections 13 and 14 of the bill as it came from the committee.

I had occasion the other day to call attention to the debate that took place at that time. Several Senators (and that was the expression, so far as we had any) criticised the bill because the appropriation provided in it was too meager. The sum of $40,000 was suggested by several Senators, and the Committee on Territories was criticised for having misjudged the liberality of the Senate with reference to the duty of the Government to provide education in Alaska. My response at that time was that we had reported as much as we supposed the Senate would in that form adopt. It was then suggested, and no one met the suggestion by any counter suggestion, that there would be an additional appropriation in the Indian appropriation bill when that came to be reported.

Mr. PLUMB. I did not hear it.

Mr. HARRISON. That will appear by reference, I think, to the debates, and certainly Senators about me will recollect that that suggestion was made, whether in a form to go into the RECORD or not. So it was certainly in my contemplation, and operated upon me as a reason why I did not accept the suggestion and move a larger appropriation in that bill, that an additional appropriation would be made in the bill containing the appropriations for the Indian service.

As I said the other day with reference to the boarding-schools which the Senator from Missouri [Mr. VEST] and other Senators have described as the only suitable and effective way of imparting education, involving as it does the separation of the children from the homes of their parents, it is here provided that the boarding-schools which are to be erected under another provision of the bill shall not exceed in cost $15,000. I do not contemplate that such a large limit as that would need to be reached in the construction of the boarding and industrial school-houses in the Territory of Alaska; but if in that vast Territory, with its enormous stretch of seacoast and island-coast, only five were built, and the cost were only $5,000 apiece, it would absorb the appropriation contained in the pending bill. In inaugurating a system of education in that vast Territory of 580,000 square miles, though of course the system will extend over a very small part of the great area, as it will be chiefly if not exclusively along the coast or along the river Yukon, is it too great a thing that the Government after all these years of neglect should contemplate the erection in Alaska of five such school-houses? I do not think so. I think it would be illiberal and parsimonious to contemplate less than that. If our contemplations or purposes are so limited, the appropriation which is proposed in this bill would be entirely consumed in that purpose, and we should have the appropriation of $25,000 contained in the Alaska bill to be expended in the maintenance of those schools.

While when the motion was made to amend the pending bill so as to increase the appropriation to $25,000 it was not certain, indeed it seemed to be improbable, that we should get the benefit of the appropriation contained in the Alaska bill proper, yet now that we are to have that there is no reason for reducing this appropriation. On the other hand, as the Senator from Connecticut [Mr. HAWLEY] has explained, the motion would have been subject to a point of order if it had contemplated more than $25,000 in the pending bill.

It seems to me, therefore, in view of the history of that Territory, the necessity of the appropriation, and the fact that it is a start, and that it involves expenditures which will not need to be duplicated the second year, instead of starting with a smaller appropriation there is a demand for a larger one the first year to supply that school outfit which being once supplied will not need to be repeated.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations as amended.

The amendment as amended was agreed to.

Mr. PLUMB. At the end of line 1084 I move to add the following proviso:

Provided, That the sum of $25,000 shall be the total amount expended under all appropriations for the education of Indians in Alaska during the fiscal year 1885.

The PRESIDENT *pro tempore*. Although this is technically an amendment of the text, the Chair thinks, as it relates in substance to the amendment of the committee, it is in order to propose it now. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. HAWLEY. I do not know exactly how to speak about the action of the other House without trespassing on the rules, but we have from the House an appropriation of $40,000 now. By sending an appropriation which contains $15,000 before it was touched by the committee, and by the concurrence in the passage of the bill for the government of Alaska, which contains a distinct $25,000, we have the will of the other legislative body in regard to the gross amount of these appropriations. I myself am of the opinion that $50,000 can be wisely expended, but I am willing, if compromise is the order of the day, to agree on the sum of $40,000 and have this $25,000 made $15,000, and then that $15,000 with the $25,000 in the bill for the government of Alaska makes a gross amount of $40,000.

Mr. CONGER. I would rather take $50,000.

Mr. HAWLEY. So would I. My personal preference is to let the $50,000 remain as it is, but I am certainly opposed to making the whole now $25,000.

Mr. PLUMB. I do not think there is anything at all in what the Senator from Connecticut says about the action of the House. If the House had been considering the Alaska bill as an original proposition, no doubt they would have amended it in a great many particulars. They passed it now as a matter of urgency as it came from the Senate, irrespective of whether the House concurred in every provision or not. No debate has been had upon it of consequence. I venture to say there has not been a single word uttered about that provision, and the attention of the House has not been called to the fact directly that $15,000 for this purpose was contained in this bill. It simply has gone without any attention being called to it whatever, and it is not the deliberate judgment of the House that $40,000 should be appropriated for this purpose; on the contrary the item which the House did vote upon with intent was $15,000.

The PRESIDENT *pro tempore*. The Chair must remind Senators again that the Chair thinks it is not in order to comment upon proceedings of the House of Representatives.

Mr. PLUMB. I am commenting on what the Senator from Connecticut said about the proceedings of the House.

Mr. INGALLS. It seems to me this is a rather important matter; and under the ruling of the Chair is resulting in great embarrassment. I understand the rule to be, and this is upon the suggestion of the Chair, that it is not in order to refer to the particular votes or majorities by which any measure has passed the House, or to anything that was said in the House when a measure was pending, but I respectfully dissent from the opinion so frequently expressed by the Chair, that it is not in order to refer to anything that has been done in the House of Representatives.

The PRESIDENT *pro tempore*. The Chair wishes to be correctly understood in what he said. He has not laid down any rule so broad as that named by the Senator from Kansas. The Chair finds it in the parliamentary rules under which the Senate proceeds, that it is not in order for members of either House to refer to or comment upon the proceedings that have proceeded in the other House at the same session; but they may refer to what has transpired in former Congresses. In this particular instance the Senate has yet no official information that the measure which has been sent from the Senate has passed the House of Representatives. It is only the desire of the Chair to administer the rules in such way as to preserve the harmony that ought to exist between the two Houses, and hence to enable the business to be carried on in a satisfactory way. It is not at all pleasant for the Chair to remind Senators of these provisions in the rules between the two Houses.

Mr. HAWLEY. I confined myself very carefully in what I said to stating what the House had done, supposing that was quite a harmless subject of reference.

The PRESIDENT *pro tempore*. The Chair in reply to that would suggest that another Senator may rise, if he has a right to do so, and comment on the observations of the Senator from Connecticut and proceed to answer his argument by being obliged to refer to the reasons why the House did or why it did not do so and so; and the debate was taking that turn when the Chair interrupted the Senator from Kansas.

Mr. HAWLEY. I submit nevertheless that I might be right and the other Senator might be wrong if he went into the details of the proceedings of the House.

The PRESIDENT *pro tempore*. That may be.

Mr. PLUMB. I suppose I can refer to this bill which the House has passed. I now refer to this bill. The House has passed this bill because it has come here from the House, an appropriation bill. The House

did have under consideration a provision contained in line 1083, providing a fund for the support and education of Indian children in industrial schools in Alaska. They appropriated for that purpose, as far as they could, $15,000. That was done in face of the fact that the Secretary of the Interior had recommended $25,000. There was an issue, there was a controversy, and the House decided it in favor of $15,000 as against $25,000, and I take it that the decision in favor of $15,000 was not only against $25,000 but also against any larger sum.

So far as that matter is concerned, therefore, it seems to me that the suggestion of the Senator from Connecticut that we should take the two sums, because by the method I have spoken of the House has passed two bills, one which becomes a law by the act of the House, and the other which it has sent here; that the action of the House in passing the appropriation bill is that which should govern in regard to what the House intended to do. I say if the action of the House is to have any effect at all, it is in favor of $15,000 and not of $50,000 nor of $40,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. PLUMB. Let it be read.

The PRESIDENT *pro tempore*. It will be again read.

The SECRETARY. At the end of line 1084 it is proposed to add:

Provided, That the sum of $25,000 shall be the total amount expended under all appropriations for the education of Indians in Alaska during the fiscal year 1885.

Mr. HOAR. What has become of the amendment which was pending before this was moved?

The PRESIDENT *pro tempore*. It was agreed to. The amendment of the committee as amended increasing the sum to $25,000 and inserting the words "of both sexes" has been agreed to. The question now is on agreeing to the proviso moved by the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN's name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Nevada [Mr. JONES].

Mr. CONGER (when his name was called). Since I made the announcement on a previous vote that I was paired with the Senator from Louisiana [Mr. GIBSON] I find that he is paired with the Senator from Colorado [Mr. HILL]. During the absence of both that relieves me, and I vote "nay."

Mr. FAIR (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. FARLEY (when his name was called). I am paired with my colleague [Mr. MILLER, of California] on political questions, but I am satisfied that if here he would vote the same way I do on this amendment; therefore I shall vote "yea."

Mr. JACKSON (when the name of Mr. HARRIS was called). My colleague [Mr. HARRIS], who is necessarily absent, is paired with the Senator from Virginia [Mr. RIDDLEBERGER].

Mr. JONES, of Florida (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN], but I am advised that if he were here he would vote "nay;" therefore I vote "nay."

Mr. PLUMB (when his name was called). I am paired with the Senator from Missouri [Mr. VEST] on questions generally. I do not know how he would vote if present. I withhold my vote.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. I do not know how he would vote on this question.

The roll-call having been concluded, the result was announced—yeas 9, nays 24; as follows:

YEAS—9.

Cockrell,	Ingalls,	Maxey,	Slater,
Coke,	Kenna,	Pugh,	Walker.
Farley,			

NAYS—24.

Allison,	Dolph,	Jackson,	Mitchell,
Blair,	Edmunds,	Jones of Florida,	Palmer,
Call,	Frye,	Logan,	Sawyer,
Cameron of Wis.,	Harrison,	McMillan,	Sewell,
Conger,	Hawley,	Manderson,	Voorhees,
Dawes,	Hoar,	Miller of N. Y.,	Williams.

ABSENT—43.

Aldrich,	Fair,	Jones of Nevada,	Plumb,
Anthony,	Garland,	Lamar,	Ransom,
Bayard,	George,	Lapham,	Riddleberger,
Beck,	Gibson,	McPherson,	Sabin,
Bowen,	Gorman,	Mahone,	Saulsbury,
Brown,	Groome,	Miller of Cal.,	Sherman,
Butler,	Hale,	Morgan,	Vance,
Camden,	Hampton,	Morrill,	Van Wyck,
Cameron of Pa.,	Harris,	Pendleton,	Vest,
Colquitt,	Hill,	Pike,	Wilson.
Cullom,	Jonas,	Platt,	

The PRESIDENT *pro tempore*. There is no quorum voting. The Secretary will call the roll.

The Secretary called the roll, and 43 Senators answered to their names.

During the roll-call,

Mr. GEORGE said: Mr. President, I did not vote on the last roll-call because I was paired with the Senator from New Hampshire [Mr. PIKE].

The PRESIDENT *pro tempore*. It appears from the roll-call that 43 Senators are present—more than a quorum. The question recurs on agreeing to the amendment of the Senator from Kansas, on which the yeas and nays have been ordered.

Mr. PLUMB. Let my amendment be read.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment proposed by Mr. PLUMB.

The Secretary proceeded to call the roll.

Mr. FAIR (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE].

Mr. HILL (when his name was called). I am paired on this question with the Senator from Louisiana [Mr. GIBSON].

Mr. JONES, of Florida (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN], but I am advised he would vote "nay," and therefore I vote "nay."

The roll-call was concluded.

Mr. COCKRELL (after having voted in the affirmative). I am paired with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote on this question. It would give me great pleasure to vote "yea," but I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn.

The result was announced—yeas 10, nays 30; as follows:

YEAS—10.

Camden,	Kenna,	Pugh,	Walker.
Coke,	Maxey,	Slater,	
Ingalls,	Plumb,	Van Wyck,	

NAYS—30.

Allison,	Dawes,	Hoar,	Sawyer,
Bayard,	Dolph,	Jones of Florida,	Sewell,
Blair,	Edmunds,	Logan,	Vest,
Butler,	Frye,	McMillan,	Voorhees,
Call,	Garland,	Manderson,	Williams,
Cameron of Wis.,	Gorman,	Miller of N. Y.,	Wilson.
Conger,	Harrison,	Mitchell,	
Cullom,	Hawley,	Palmer,	

ABSENT—36.

Aldrich,	Farley,	Jonas,	Pendleton,
Anthony,	George,	Jones of Nevada,	Pike,
Beck,	Gibson,	Lamar,	Platt,
Bowen,	Groome,	Lapham,	Ransom,
Brown,	Hale,	McPherson,	Riddleberger,
Cameron of Pa.,	Hampton,	Mahone,	Sabin,
Cockrell,	Harris,	Miller of Cal.,	Saulsbury,
Colquitt,	Hill,	Morgan,	Sherman,
Fair,	Jackson,	Morrill,	Vance.

So the amendment was rejected.

Mr. PLUMB. I now move to amend that item by adding:

That no portion of the money herein provided for shall be expended in the erection of school buildings.

We have another sum of $25,000, which is presumably to be used for something, and I think we had better not duplicate the expenditures all around.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas will be read.

The CHIEF CLERK. It is proposed to add, after line 1084:

Provided, That no portion of the money herein appropriated shall be used in the erection of school buildings.

Mr. DAWES. Before that amendment is voted on, is it in order to move a reconsideration of a previous vote?

The PRESIDENT *pro tempore*. The motion of reconsideration is a privileged motion, and the Chair thinks it would be in order.

Mr. DAWES. I move to reconsider the vote by which the Senate adopted the amendment making the sum $25,000. I will state to the Senate what my purpose is. If the motion to reconsider prevails, I shall ask the Senate to concur with the House or to reject the amendment proposed by the committee and leave the item to stand at $15,000, as in the text of the bill. If the Senate should reconsider and reject the amendment and then concur with the House in the text of the bill, it would stand $15,000. I make that motion for the purpose of getting the best bill that I think is possible under all the circumstances.

The PRESIDING OFFICER (Mr. HOAR in the chair). The Senator from Massachusetts moves to reconsider the vote by which the committee amendment was adopted with an amendment.

Mr. PLUMB. Is it in order for the Senator to make that motion at this time with another question pending?

The PRESIDING OFFICER. The Chair thinks so. The Chair thinks the motion to reconsider is a privileged motion which can be called up at any time when other matters are not pending in regard to ordinary measures. When a motion is made to reconsider a subsidiary motion on the passage of a pending measure, like an amendment, the Chair is of opinion that that is privileged over all other motions connected with the bill.

Mr. INGALLS. The Chair will pardon me, however, for suggesting that the question is not whether the motion can be called up at any

time, but whether it can be made at any time. There was another motion pending, and the rules very clearly define what motions may be made when another motion is pending.

The PRESIDING OFFICER. The Chair is of opinion that a motion to reconsider a vote affecting a pending bill takes precedence, from the necessity of the case, of other motions connected with the same bill, whether a motion to make a later amendment or a motion to pass the bill to a third reading or to be engrossed.

Mr. DAWES. The amendment proposed by the Senator from Kansas is dependent upon this amendment as adopted, and therefore it is not necessary to determine the question on his amendment before we can determine that. I have stated the purpose for which I move the reconsideration so that the Senate may vote understandingly. If it is reconsidered, I shall then propose to concur with the text of the House bill.

Mr. PLUMB. If this is correct practice, then the Senator can go on and move to reconsider everything which has been done in this bill pending a motion to amend the bill. I do not pretend to know very much about the rules, but it seems to me that the extent to which the Senator could go would be to enter his motion in order to save the question of time, but that he has no right to have that motion voted on while another proposition is pending before the Senate and in order.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. CONGER. The very object of this appropriation is to build school-buildings for industrial schools for Indian children, boys and girls to be educated together. I do not know, but the climate in that region is said to be a paradise and may permit schools to be held without any arrangement for buildings or school-houses; and those who are of the opinion that it will promote the education of children in Alaska to gather them around the points along the shore and educate them without any school-houses may well vote for this proposition. Of course the result of it is to kill the measure, to prevent the building of any school-houses or having any industrial schools for the Indian children in Alaska. I hope it will be voted down.

Mr. PLUMB. We have an appropriation already made of $25,000. I want, if I can, to prevent the duplication of work under these two appropriations. It is manifest that the Senate is determined to vote two separate appropriations for one purpose; at all events it seems to be the purpose of the Senator from Michigan; how far it may be the purpose of the Senate remains to be disclosed. I want a limitation on one or the other, and this is the only one we have the control of now. Here we have $25,000, all of which can be used for the erection of school-buildings. I do not want two separate systems of education, two separate expenditures for school-buildings, and two separate expenditures for teachers going on. I want, as far as I can, to put this appropriation in a shape in which the money shall not necessarily be wasted.

Mr. CONGER. It has been stated—the Senator ought to have heard it, but whether he did or not—that that is in the bill for the government of the Territory of Alaska; that there $25,000 is provided to be expended for the support of schools generally. That is to be a school system for all children who attend that class of schools. That is all there is in that bill—that the Secretary of the Interior may use so much of that $25,000 as may be properly used for the education of school children. This $25,000 in this bill is for industrial schools for Indians. I can not quite understand why the committee—and the Senator is a member of it—in the very next line should have reported to the Senate an amendment increasing a House appropriation which was $25,000 for the industrial school near Arkansas City to $26,500:

And said sum shall be disbursed upon the basis of an allowance of $175 for the support and education of each scholar.

And a further appropriation:

For building for employés at said school, $5,000; pay of superintendent of said school, $1,500; in all, $33,000.

For one industrial school among one band of Indians at Arkansas City, or for the Indians that might be gathered there from several bands, perhaps I should say. The Senator who has made this motion agrees to that report from his committee. His committee have reported an increase from $25,000 to $26,500 for one industrial school. They have provided that $175 for each scholar may be expended; they have provided for buildings for employés, laborers, and teachers, $5,000, and for a superintendent, $1,500. They repeal the old law, and make the appropriation large enough and substantial enough. What is the meaning of all that? Is that one single industrial school at Arkansas City of so much more importance than such schools as can be established on a smaller scale at different points in Alaska that a greater appropriation should be made for this one among several industrial schools within our limits than for the education of all the Indian children in industrial schools in Alaska?

But I think the Senate has expressed its desire to have these industrial schools in Alaska and to have $25,000 appropriated for the five or ten or twelve schools that may be established there, or that may be aided there.

Mr. PLUMB. The Senator from Michigan is mistaken in supposing that the education provided for at the school at Arkansas City is the same intended to be provided for in lines 1083 and 1084. The school at Arkansas City, in common with a number of others, is a boarding-school.

Mr. CONGER. Is it in Kansas?

Mr. PLUMB. It is not.

Mr. CONGER. How near the line?

Mr. PLUMB. I do not know exactly. I shall be glad to ascertain for the Senator if it becomes important for his well being.

Mr. CONGER. I understand it is within ten miles of the line.

Mr. PLUMB. I think it probably is within ten miles of the line, it may be within six; but if the Senator means to impute to me some improper motive in regard to that he is welcome to that style of argument.

Mr. CONGER. I do not suppose the Senator is responsible for Arkansas City being within ten miles of Kansas.

Mr. PLUMB. I was not responsible for the imputation contained in the question of the Senator. He is responsible for that.

Mr. CONGER. I will not use the phrase that I am responsible here and elsewhere. That is hackneyed.

Mr. PLUMB. No, it would not be true if the Senator stated it. This school at Arkansas City, as it is called, although it is not there, is a boarding-school. I think myself it is an extravagant price that is named in the bill for the care of children in that school, and on my motion the price per scholar was changed in committee from $200 to $175. I have consistently said always in committee and out of committee that the amount of money appropriated for this purpose was extravagant. I think $175 is too much at Arkansas City or anywhere else. I believe that all that is appropriated over $125 is too much. The complaint I make about the entire system is that it is too extravagant. But that, as I said, is a boarding-school. The only schools that we are providing for in Alaska need not be boarding-schools. I do not think that it is in contemplation that they shall be boarding-schools. It is intended to have schools that children can attend who are living with their parents, and consequently the necessity for buildings is not the same, and the necessity for a large appropriation is not the same. All that I want is that we shall not be carrying on two systems, erecting buildings under two appropriations, appropriating for teachers and all that sort of thing, but that we shall limit one of them in such a way at least as that the money shall be reasonably under control, and shall not be in this expenditure crossing the purpose somewhat of another expenditure made under another bill.

Mr. CAMERON, of Wisconsin. Mr. President, the Senator from Kansas appears to be of the opinion that the $25,000 appropriated by the Alaska bill, so called, can be used for the purpose of erecting school-houses. The Senator from Indiana or the Senator from Michigan is of opinion that no part of that sum can be appropriated for the purpose of erecting school-houses. What is the fact in regard to that?

Mr. HARRISON. If the Senator from Wisconsin will allow me, I certainly made no such statement. I do not understand that any limitation as to the use of the money for the building of school-houses is attached to either the appropriation in the Alaska bill or this one.

Mr. CAMERON, of Wisconsin. The Alaska bill, I think, is for the support of schools.

Mr. HARRISON. I can read it again. Section 13 of the bill providing a civil government in Alaska provides—

That the Secretary of the Interior shall make needful and proper provisions for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provisions shall be made for the same.

So I take it to be within his discretion to use any part of it for school-houses. So under this bill I think it is wholly a matter of discretion, but I do not think we can expect or anticipate that the Secretary would use the entire appropriation in building school-houses.

Mr. CAMERON, of Wisconsin. I entirely agree with the Senator in regard to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was rejected.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1086, after "Arkansas City," to strike out "twenty-five thousand" and insert "twenty-six thousand five hundred;" in line 1088, after the words "allowance of," to strike out "two hundred" and insert "one hundred and seventy-five;" in line 1092, after the word "all," to strike out "thirty-one thousand five hundred" and insert "thirty-three thousand;" and after the word "dollars," in line 1093, to insert "and the limitation imposed upon the appropriation for this school for the fiscal year 1884 in the act approved March 1, 1883, is hereby repealed;" so as to make the clause read:

For support of the industrial school near Arkansas City, $26,500; and said sum shall be disbursed upon the basis of an allowance of $175 for the support and education of each scholar; for building for employés at said school, $5,000; pay of superintendent of said school, $1,500; in all, $33,000; and the limitation imposed upon the appropriation for this school for the fiscal year 1884 in the act approved March 1, 1883, is hereby repealed.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1102, after the word "exceeding," to strike out "two hundred" and insert "one hundred and seventy-five;" so as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., and for transportation of children to and from said school, $75,000; and said sum shall be disbursed upon the basis of an allowance not exceeding $175 for the support, education, and transportation of each scholar actually maintained in and supported and educated at said school, but actual cost of transportation and other expenses of such children as are sent out of said school among farmers for support and education may be disbursed from said funds; for annual allowance to Capt. R. H. Pratt, in charge of said Indian industrial school, $1,000; in all, $76,000.

The amendment was agreed to.

Mr. DAWES. I move to strike out, in line 1099, the words "and for transportation of children to and from said school." I propose to add, if that is adopted, after the words "one hundred and seventy-five dollars," in line 1102, the words "exclusive of transportation."

Mr. PLUMB. The Senator is going to strike out in the wrong place, he will permit me to suggest. He wants to leave those words in, because they apply to the use of the entire $75,000. He wants to put in the words "not including transportation" after "allowance," in line 1101, and to strike out the words "and transportation," in line 1103.

Mr. DAWES. The Senator is right. I move to strike out the words "and transportation" in line 1103.

The PRESIDING OFFICER. If there be no objection that amendment will now be received, unless it is from the committee, in which case it is in order of course.

Mr. DAWES. It is not from the committee, but it is moved upon conference with the committee.

The PRESIDING OFFICER. The Chair will receive the amendment of the Senator from Massachusetts. The question is on the amendment.

The amendment was agreed to.

Mr. DAWES. I move to insert the word "and" in line 1103, before "education," and say "$175 exclusive of transportation" after "allowance."

The PRESIDING OFFICER. The Chair would inquire whether that would not better come in after the word "dollars," in line 1102.

Mr. DAWES. It had better be put there.

The PRESIDING OFFICER. The Chair will put the question in that form.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1112, after the word "Oregon," to strike out "thirty" and insert "thirty-five;" after the word "exceeding," in line 1113, to strike out "two hundred" and insert "one hundred and seventy-five;" in line 1115, to strike out the word "and" before "education" and after "education" to insert "and transportation;" so as to read:

For support of Indian industrial school at Forest Grove, Oreg., $35,000; and said sum shall be disbursed upon the basis of an allowance of not exceeding $175 for the support, education, and transportation of each scholar.

Mr. DAWES. I make the same motion as in the previous clause.

Mr. PLUMB. I think that will not be necessary there. The school at Forest Grove is located very near to the Indians who are to be educated there. The circumstances are entirely different from those obtaining at Carlisle, which is a number of hundreds of miles away from the nearest Indian who can receive the benefit of the school, and I think the amount is sufficient as it is in the bill.

Mr. DOLPH. I think the Senator from Kansas is very much mistaken in that assertion. I think there are stronger reasons for this amendment in regard to the amount which may be spent per capita for education and transportation at the Forest Grove school than at the Carlisle school. The students at the Forest Grove school are brought from tribes in Alaska seven or eight hundred miles by ocean transportation; they are brought from the Territories of Montana and Idaho and Washington; and the cost of travel and transportation in that country is very much greater in proportion to distance than is the cost in the Eastern States. I think myself that there are stronger reasons why this amendment should be made of this section than existed for making a similar amendment to the preceding section.

Mr. PLUMB. We have provided very liberally for Alaska, whatever Forest Grove may have been doing. No necessity exists for further provision for students there from Alaska. If we are going to carry children from Alaska to Forest Grove, why not take them all down there and leave out the $50,000 we have appropriated to educate them at home. That may be a good thing to do, but at the same time it is not the policy we have adopted. In the next place, in Idaho and Montana there are schools at all the agencies. The school at Forest Grove was established primarily for the purpose of reaching the Indians of Oregon and Washington Territory. They are not very remote, and it was stated to me by a person who was connected with the school, if I am not mistaken, at all events in the presence of that person, that many of these Indians came there on horseback, brought there by their own parents, and without any cost whatever to the Government. It was spoken of as a thing that it was good to do. This allowance here provided is the same, I think, as it has been heretofore. I see by reference to last year's bill that the amount was $200, including transportation.

Mr. DOLPH. The Senator from Kansas is certainly mistaken. I do not think a pupil was ever brought to Forest Grove school on horseback. As I said before, they are taken from tribes in Alaska, from tribes in Washington Territory, from tribes in Idaho, from tribes in Montana, and I think from what I know in regard to the transportation in that country that the average cost of getting them to the school and from the school is greater in that section than in any other part of the country. I shall have something to say directly, before we get through with this section, in regard to Forest Grove school, but prefer to reserve my remarks until I offer an amendment which I intend to offer to another portion of the section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. DAWES].

The amendment was agreed to.

Mr. DAWES. The next amendment proposed by the committee should not be adopted. The word "and" should not be stricken out, but the words "and transportation" should be stricken out.

The PRESIDING OFFICER. The amendment will be agreed to as suggested by the Senator, if there be no objection. The committee move to strike out the words "and transportation," in line 1115.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after the word "dollars," in line 1116, to strike out "purchase of land and;" in line 1117, after the word "buildings," to insert "to be located on land to be selected by the Secretary of the Interior, if a suitable location and quantity of land shall be donated for the purpose;" so as to read:

Erection of buildings, to be located on land to be selected by the Secretary of the Interior, if a suitable location and quantity of land shall be donated for the purpose, $15,000.

The amendment was agreed to.

Mr. DOLPH. At this point I desire to offer an amendment which ought to be considered before the amendment proposed by the committee to change the total amount of the appropriation for the Forest Grove school from $46,500 to $51,500 is acted on. The first amendment I offer is to strike out "fifteen" and insert "twenty-five," in line 1120, so as to make the sum $25,000 for the erection of buildings, and then if that is adopted an amendment will necessarily be required in the total amount of the appropriation in the next line, to strike out "fifty-one" and insert "sixty-one," so as to read "$61,500."

The PRESIDING OFFICER. The question is on the first amendment of the Senator from Oregon, to strike out "fifteen" and insert "twenty-five," in line 1120, if there be no objection to entertaining it.

Mr. DOLPH. Mr. President, if the item to which this amendment relates had received the careful attention of the committee, and as the deliberate judgment of the committee the amount of the proposed appropriation, $15,000, had been inserted in this bill for the purpose mentioned, I should not at this time have ventured to propose the amendment; but I understand that in the multitude of items in this bill the attention of the committee was not called to this particular item, and the Senator who reported the bill, after the report had been made, was under the impression that this item had been increased to $25,000. I feel satisfied that when the facts are thoroughly understood, not only the committee but the Senate will be willing to increase this appropriation as proposed by this amendment; and I ask the indulgence of the Senate for a very few moments while I state the reasons why this increased appropriation is asked.

There are in the United States, as has been stated here, exclusive of the Indians in Alaska, about 265,000 Indians. There are in Alaska probably about 35,000 Indians; making a total of 300,000. There are in Alaska, in Washington Territory, in Idaho Territory, in Montana Territory, and in Oregon somewhere from seventy-three to seventy-five thousand Indians, and at least one-third of the entire Indian population is west of the Rocky Mountains. The Forest Grove Indian training-school is the only school of the kind west of the Rocky Mountains. It is situated about twenty-six miles west of Portland on the Oregon Central Railroad and is easy of access from the Indian tribes in Alaska and from all the Indian reservations in the Pacific Northwest. It is situated far enough from the Indian reservations so that the pupils taken from the various tribes are completely separated from the influences and associations of the tribes.

Forest Grove is a quiet country village within which the sale of intoxicating liquors has been forever prohibited by appropriate conditions in the deeds for the town lots given by the original town proprietors, and it is situated in a rich farming country, amid an intelligent and enterprising population. I have no doubt but that the selection of this locality for the school was a wise one, and that the Government may safely make as permanent provisions for that school as for any other like school in the United States.

There were in attendance at the school last year one hundred and fifty-one pupils, taken, as I have already said, from the various tribes in Alaska and scattered throughout the Pacific Northwest, the Territories which I have mentioned and the State of Oregon. I understand that when they were received into school a large number of them were not able to speak the English language well enough to make themselves understood. The school course extends through five years, one-half the time being devoted to industrial education or labor, and one-half being devoted to instruction in the school-room.

So far from these pupils being paid for their labor as was suggested by the Senator from Kansas [Mr. PLUMB], they receive no compensation whatever for their labor, and the last year, and probably ever since the school was instituted, the girls have made the clothing for all the pupils in the school. They do all the washing, ironing, and mending, assist in the cooking, and do the housework generally. The boys have made all the shoes worn by the pupils; they made most of the furniture used in the school buildings. They carry on a carpenter-shop, a wagon-shop, blacksmith-shop, and last year they successfully cultivated a farm on shares in the vicinity of the school. I learn from the report of the superintendent of the school that some of the larger boys during the last harvest worked for farmers in the vicinity of the school, giving good satisfaction and receiving full wages; and that out of all the students who have left the school but two have turned out badly, and that two of the boys who learned the carpenter trade at that school are carrying on a carpenter-shop at Tacoma, Wash., furnishing their own material and putting up buildings by contract. They are Northern Indians, too, as suggested by the Senator from Massachusetts [Mr. DAWES].

I am inclined to think that the Senator from Kansas [Mr. INGALLS] put too low an estimate on the capacity of these Indians. What I have said in regard to the pupils in this school at Forest Grove I have no doubt is entirely correct. I myself have seen on numerous occasions, on Puget Sound, the Indians from the Puyallup reservation going to and returning from the Puyallup hop-fields where old and young, men and women, are employed every season in picking hops, receiving regular wages, and expending their money for the purposes of self-support.

I have been told of an incident in regard to the Indians of Alaska which shows that in one respect they are not very far behind some of the white people of the Pacific coast. A few years ago some parties from California undertook to establish a cannery there. They took up with them some Chinamen skilled in the art of making cans and putting up salmon. The Indians in Alaska (whether upon a "sand lot" or not, I do not know) got together and resolved that the Chinamen must go, and they went to the proprietors of the cannery and told them that they could catch fish as well as the Chinamen and that the Chinamen must leave. The proprietors of the cannery assured them that it required skilled labor to make the cans and they had brought the Chinamen for that purpose; but before the Indians would permit the Chinamen to engage in this enterprise the proprietors had to assure the Indians that when they had learned to make cans the Chinamen should go.

The Commissioner of Indian Affairs has stated in his annual report the necessity for new, more substantial, and commodious buildings for this school. I ask the Secretary to read the part which I have marked.

The Chief Clerk read as follows:

Want of money and want of room has compelled the refusal of many urgent applications for admission to the Forest Grove school. It is a great mistake that Congress should have limited to one hundred and fifty the number of pupils to be received in the only training-school west of the Rocky Mountains, especially when the parents readily surrender their children for a five years' course. This school is not yet fairly equipped for work. Its buildings are unsubstantial in construction and inadequate in size, out are as good and commodious as the meager funds allowed therefor would build. It has no land except the lots on which the buildings stand, offered for that purpose by Pacific University. Its small leased farm is not adjacent to the buildings. Funds should be furnished immediately to put up new buildings on a location not far from Forest Grove, where citizens have offered to donate to the Government for that purpose a large tract of good land. I hope Congress at its next session will appropriate not less than $25,000 for this purpose, and will provide for the support of at least two hundred and fifty pupils in this school.

Mr. DOLPH. The superintendent of this school, in his report for 1883, says that Congress ought to make provision at this school for the education of not less than five hundred pupils; that the Indians are anxious to send their children to school; that it is a convenient and suitable place for their instruction; and that the appropriation for buildings ought not to be less than $40,000. The reason, as stated in the report of the Commissioner of Indian Affairs, why the present buildings are unsubstantial in construction, are inadequate in size, and are located upon land not owned by the United States is that the original appropriation for buildings was totally inadequate. If my recollection serves me, it was $5,000. Such an inadequate appropriation has proved to be very poor economy. Now, as it appears, not only a new site, but new and more substantial and commodious buildings are imperatively required, and the old buildings are comparatively valueless.

It appears to me that we are about to repeat the blunder which was made five years ago by making an inadequate appropriation upon the mistaken theory that economy consists in making a horizontal reduction in all the estimates which are made by the heads of Departments. There are some estimates which may be reduced without permanent injury to the objects for which they are intended. There are some works in hand that may, if not constructed this year, be completed the next; but this is not one of those appropriations. Before the builder draws a plan of one of these buildings he wants to know how much the Government is going to expend in their erection. You can not construct buildings worth $25,000 for $15,000, and if the necessities of the school require buildings worth $25,000 it seems to me to be the sheerest folly to erect buildings worth only $15,000.

It must be remembered that the buildings for which this appropriation is asked are not alone a school building, but a school-house, a boarding-house, in which the pupils are to be lodged and fed, carpenter-shops, blacksmith-shops, wagon-shops, shoe-shops, and farm buildings upon the land to be donated by the citizens of Forest Grove, suitable for the instruction of the pupils in agricultural and mechanical pursuits. And it is because I believe this proposed appropriation to be entirely inadequate, and because I fear that this undertaking by the Government is to be cramped and dwarfed by making an inadequate provision for the future of the school, that I have moved this amendment.

I do not ask this increased appropriation because this school is located in the State of Oregon or because the money is to be expended there. I will say to the Senator from Kansas that if this school was located in Alaska I should be just as anxious that there should be a sufficient appropriation for the erection of permanent and sufficient buildings for the school.

As has been said, the benevolent people of this country have supplemented by their donations the inadequate appropriations made for the education of the Indians in many cases, and they have gone into Alaska and instituted and are maintaining to-day industrial schools some six in number, where over 1,000 Indian youth of both sexes are being educated by their donations expended through a local religious organization, I believe through an organization of the Presbyterian Church. This very amendment proposes that the people of Forest Grove shall donate the site for these buildings and give land suitable for a farm for the use of the school. I hope that if this Government after it has established this school and demonstrated its utility is too poor to make a sufficient appropriation for adequate buildings, the people of Forest Grove and of Oregon will be called upon to contribute to the expense of the buildings as well as to contribute the land, so that when the buildings are erected they shall be adequate for the purposes intended.

It is not the people of any section who have established this school or are maintaining it; it is the Government of a great people with a full Treasury, and if the recollections of the history of the past dealings of this Government with the Indians is not a sufficient inducement, our own self-interest, the instinct of self-preservation, and the dictates of humanity ought to be a sufficient inducement for us to do everything in our power to prevent the extermination of this unfortunate race and to fit them for the struggle of life in the new and changed circumstances that are being forced upon them by the irresistible advance of civilization.

I speak in regard to this school from personal knowledge. I have visited the school and seen the pupils at work, and examined the products of their labor, and I disagree with the gentlemen who have stated on this floor that we can not educate the Indians and fit them for civilized life. I am firmly convinced that this Government, in entering upon the policy of educating the Indians, and particularly in establishing schools like the Forest Grove school—industrial schools located at such a distance from the tribes that the pupils are removed from the influences and associations of the tribes, where the children of both sexes may receive not only the rudiments of an education but an industrial training, this Government has adopted the only policy by which we may hope to make the Indians self-supporting.

The allotment of land upon Indian reservations to the Indians in severalty, breaking up their tribal relations, will have no doubt a great influence in eradicating the old habits, and in forming in him new habits of life; and it is to be hoped that by making the land allotted to each individual Indian inalienable for a certain length of time, and by the liberal encouragement and assistance of the Government in transforming the land allotted into permanent and comfortable homes, the Indians may be transformed from paupers, supported in idleness by the Government, to self-supporting if not wealth-producing members of the community. And in subjecting them to the laws of the States and Territories within which they reside we may hope to teach them respect for law and order.

But this experiment, in my opinion, largely depends upon the diffusion of knowledge among them, upon the success of this educational experiment. I am firmly convinced that these industrial schools are no longer an experiment—that they are a success. The success which has attended them has been gratifying not only as relates to the pupils themselves but to the tribes also, and I do not believe that any amount of money which has been expended anywhere for education, and I say it with deliberation, has produced better results than has been produced by the money which has been expended in the support of these training-schools. At all events, the Government has fairly entered upon this policy of Indian education; and in making provision for the future of the school at Forest Grove, which is likely to be one of the permanent agencies of the Government in civilizing the Indians, we ought to deal with it in as liberal a manner as the importance of the question demands. I am satisfied that $15,000 is too small a sum to put up adequate buildings. Buildings ought to be erected there, that being the only school west of the Rocky Mountains, sufficient to accommodate five hundred pupils, and we ought to make provision now, while we are building, for the future of this school. The people at Forest Grove propose to donate the necessary lands. The exterior of the buildings ought to be of such a character that they will not be an eyesore to the community, and the interior of the buildings ought to be at least

some degree removed from the interior of an Indian wigwam. We only ask buildings of adequate size for the accommodation of the school. I hope the amendment will be adopted, and we shall be given this increase of appropriation.

It is proposed to appropriate $35,000 for education at this point, and that appropriation will be renewed from year to year. These buildings are to be used not alone for the education of these children, but they are the plant of the Government, the means by which the labor of these pupils is to be utilized and by which they are to be made to contribute in part for their future support and education. At the blacksmith shop and wagon shop, last year, at this school considerable work has been done for citizens in the vicinity; and with adequate buildings this school will become, in part at least, self-sustaining, and, unless it is the schools at Hampton and Carlisle, and similar schools, there is not a school in the United States where pupils of the same age do so much toward their own maintenance and education as at Forest Grove.

Mr. DAWES. Mr. President, the committee did not differ with the Senator from Oregon materially as to the value of the Forest Grove school, both in location and in results. It deserves all the encomium which the Senator from Oregon has bestowed upon it, and the hearty support of the Government. It is the only school on the west side of the Rocky Mountains for the education of the Indians. It is about to be removed from its present location, where the buildings are of little value and the land belongs to somebody else, to a spot where it is hoped it will be permanent, a location which the people of Forest Grove propose to furnish. One hundred and sixty acres of land I understand it is proposed to give. The $15,000 that the Senate committee propose here will erect buildings enough to accommodate the school for the present, all the scholars whom we have provided an appropriation to accommodate, and if properly laid out it will leave the situation where it can be added to without loss and with proper regard to ultimately making as large a school as is contemplated by the Senator and as was suggested by the Commissioner of Indian Affairs for the accommodation of five hundred pupils. But there did not seem to the committee to be any call at this moment for a school large enough to accommodate five hundred scholars. For all that are at present there or who may be accommodated during the next year, during the expenditure of this money, the building will be sufficient if $15,000 be expended properly, and in the large appropriations made by Government for school purposes the committee thought that it was wise to limit this appropriation to $15,000, looking to the future for enlarging it as the necessities of the school and the demands of the Pacific coast might require to the extent that it would be necessary by further appropriations hereafter for school buildings.

Mr. PLUMB. I should like to ask the Senator from Oregon where it is proposed to locate this school with reference to the one now existing there; that is, the building?

Mr. DOLPH. Right in the vicinity of Forest Grove.

Mr. PLUMB. It is not to be moved any distance?

Mr. DOLPH. No great distance.

Mr. PLUMB. What character of buildings does the Government already own?

Mr. DOLPH. The honorable Commissioner of Indian Affairs says they are unsubstantial and inadequate.

Mr. PLUMB. I ask the Senator from Oregon what he says about it? He has been there.

Mr. DOLPH. I have been there; and they are such, I undertake to say, with all the objections of the Senator from Kansas to extravagance in this line, that if he should visit this school and examine the building and see the children, as I did, standing up for the want of chairs and eating off tables made by them and off tin platters and drinking out of tin cups and see the inadequate room and want of accommodations, he would come away mortified and chagrined that the United States Government was so parsimonious in this matter.

Mr. DAWES. The buildings as I understood were built by the Indians themselves.

Mr. DOLPH. I do not think so, entirely. They were, probably, in part.

Mr. DAWES. Only in part.

Mr. DOLPH. I am surprised at what has fallen from the lips of the Senator from Massachusetts. I have had frequent conversations with the honorable Commissioner of Indian Affairs in regard to this appropriation and he is thoroughly of the opinion that $25,000 is required. I called the matter to the attention of the chairman of the Committee on Indian Affairs long before the bill was reported, and he certainly told me after it was reported that he thought this appropriation had been increased to $25,000. I therefore supposed I was correct in saying when I addressed the Senate in regard to this appropriation that the attention of the committee had not been particularly directed to this item.

I will say further that the Commissioner of Indian Affairs does not recommend a building to accommodate five hundred pupils. He recommends only a building for the present to accommodate two hundred and fifty pupils, and I think for a suitable building to be owned by the United States and devoted to school purposes, and for the number of buildings required for such a school and in such a locality as that, $25,000 is small enough, and as small as proper buildings can be erected for even to accommodate two hundred and fifty pupils.

If this were an appropriation to be expended for some transient purpose I would not say a word; I would sit here in silence and let what I consider to be an insufficient appropriation be made; but it is an appropriation the effect of which is to extend through a generation perhaps. I do not agree with the Senator from Kansas when he said in his speech that if he did not see fruits in one year from this, the expenditure of the appropriation made by this bill, he would not vote for another. I fear that with the most enlightened and liberal policy of this Government it will require not a year or a decade, but a generation to elevate the Indian race, to civilize them, and make them self-supporting. I suppose that these buildings will be required at Forest Grove for a generation, and when we lay the foundation-stone of one of these buildings I want it to be of a building of sufficient capacity at least to accommodate the number of children that must be schooled there. As I said before, I want nothing for ornament inside or outside. We want no mahogany desks; we want no fine tables; we want no china crockery; we want no $3.25 shoes. The children will make their own shoes, their own tables, and their own desks. But we want room sufficient to accommodate the pupils who are to be educated there.

Mr. PLUMB. I did not rise to oppose this amendment, but I wanted to have some information. I have got a good deal of it and much of it is important. But it would not hurt my feelings to see Indian children standing up at table. I did it myself when a boy, but whether because I wanted to or could not help myself I do not exactly recall. I did it all the same.

I am glad to know that the Senator from Oregon agrees with me in fearing there will be some generations before we get any return for our money in the way we are spending it. That agrees with my notion. We have been doing this thing for several generations, and we have not any return yet, and I am perfectly prepared to believe it will be two or three generations more before we get any return, and probably we shall be then in the condition of waiting two or three more generations before we get any return.

Now, I want to ask the Senator from Oregon a question about this building and about this land. The estimate for this building was, in the exact language of the Book of Estimates:

Purchase of land and the erection of buildings.

It came in some way to my knowledge that since the time when the estimate was made the people at Forest Grove, or somewhere else—I did not understand how far the school was to be removed from the present location—expected to give the land, and the House thought that if the land was donated $15,000 would be enough, because that part of the purpose of the estimate embraced in the "purchase of land" would have been obviated by this donation. That being presented to the subcommittee having charge of this bill, very little consideration was given to it, but it seemed to be generally understood by whoever presented the matter—and I think it was presented by the Department—that $15,000 would answer the purpose.

But the Senator spoke about a farm. I want to ask him if it is the purpose of these people to donate a farm to the school. I want to ascertain exactly about that. The committee put in a provision in regard to "a suitable location and quantity of land," and I was not certain myself whether that was designed to be a body of land sufficient to answer the purpose of a farm to be used by the school or not. It is very proper of course that the school should not only have it, but the incidental advantage to be derived by the community would be sufficient to warrant them in giving it. Of course they must be the judge of that.

Mr. DOLPH. Mr. President, the Senator from Kansas certainly misunderstood me if he thought I said that it would be a generation or generations before we could get any return from this money. I thought I said as distinctly as any one could make the assertion that I believed the money expended at Forest Grove had produced greater results than the expenditure of the same amount of money anywhere for the same purpose.

Mr. PLUMB. I do not question that. I have a good opinion of this school and as I think full as good perhaps as the Senator has; nor did I understand that his statement in regard to the results to be derived from the expenditure of money related to Forest Grove school, but I thought he meant generally that he feared it would be a generation or so, and I simply wanted to say I shared in his fear most thoroughly.

Mr. DOLPH. The Senator from Kansas is right in supposing that I said I feared the entire Indian race could not be elevated from the state of a savage race to a state of civilization in a year or ten years, and that I feared it would be, with the most enlightened and liberal policy, a generation before they would be made self-supporting members of the community; and I repeat that assertion. But that is no reason why the Government should not proceed with the policy it has adopted in regard to the Indian tribes. I think even that is encouraging after so long a time and the expenditure of so much money in this direction with such unsatisfactory results.

Last fall my attention was called to the necessity for larger buildings, more adequate accommodations, and for a site for the Forest Grove school. As I said before, I visited the school, and I have been carrying on during the past winter a correspondence upon the subject with the superintendent of the school and other benevolent people interested in the education of the Indian and in education generally throughout my State; and there has been a move by the people of Salem and various points in the State to provide the necessary land for the location of this school. My own judgment is that the present location of the school is the best one, and that it should remain there. And I have said to the people of Forest Grove that there will be no money expended with my advice or my consent; that I will not ask the Secretary of the Interior to expend money for erecting buildings unless they furnished not only a site for the buildings but a farm for the school. I understand that recognizing the necessity of doing so they appointed a committee to procure a site for these buildings, and a farm for the use of the school in the neighborhood of the school, and if they have not done it, I am satisfied that the Commissioner of Indian Affairs will not locate the school there, and there will be no expenditure for buildings at that place under this appropriation. The citizens of Forest Grove proposing to provide lands sufficient for a site for the buildings, and for a farm for this school, the buildings which are erected there ought to be at least respectable in appearance on the outside and sufficient within for the accommodation of the school.

Mr. PLUMB. If the Senator will permit me, I will, as far as I am concerned, state that I am willing that the amount shall be increased to $20,000, and I think that will be sufficient at all events for the present year. We do not often complete a series of buildings nor do all the building one year that we expect to answer the entire purposes of a school for all time, and that will build a pretty large building.

Mr. DOLPH. There are to be not only shops and a boarding-house and school-rooms, but some farm buildings on the farm.

Mr. PLUMB. There will be something left to be done after the Senator from Oregon and I get through with our work in this world, I am afraid, and I think that amount would be enough, and if he is willing to accept that as far as I am concerned I will agree with him on that amount. If that should be the case we shall then move to add suitable words in line 1119 to indicate that the quantity of land shall be a farm for the use of the school.

Mr. DOLPH. I will agree with the Senator from Kansas that we can not do all in our day, but I propose to do what I can. Half a loaf is better than no bread, however, and as I do not know the temper of the Senate, if the Senate will allow the Senator from Kansas and myself to make an agreement on that subject——

Mr. PLUMB. I will make no agreement, but I shall not oppose it. I hope he will modify his own amendment, that is all.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Oregon.

Mr. PLUMB. I move to amend by making the amount $20,000. I do that in a friendly spirit.

Mr. DOLPH. I will accept the amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to amend the amendment of the Senator from Oregon.

Mr. PLUMB. The Senator from Oregon accepts the amendment.

The PRESIDENT *pro tempore*. Does the Senator from Oregon accept the amendment?

Mr. DOLPH. I accept the modification, but with the understanding that probably next year I shall ask for the other $5,000.

The PRESIDENT *pro tempore*. The Senator from Oregon modifies his amendment by proposing $20,000. The question is on the amendment as modified.

The amendment was agreed to.

Mr. PLUMB. In line 1119 I ask unanimous consent, inasmuch as the amendment proposed by the committee has been adopted, to amend by inserting after the word "land" the words "sufficient for a farm for the use of the school," and to insert the word "a" between "and" and "quantity;" so as to read:

If a suitable location and a quantity of land sufficient for a farm for the use of the school shall be donated for the purpose.

I offer this so that no question may arise hereafter in regard to what the Government is to get which shall make it necessary to purchase land at any time for the use of the school.

Mr. DOLPH. I do not think the amendment is necessary, but I have no objection to it.

Mr. PLUMB. It is exactly in the line of the Senator's own remarks.

Mr. DOLPH. That is according to my idea.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and the amendment is agreed to.

Mr. SLATER. I should like to call the attention of the Senator in charge of the bill to the language of the clause under consideration. I ask him whether it is understood that this land is to be confined to the vicinity of Forest Grove, or whether other points in the State of Oregon may be competitors for furnishing the land for a farm. I understand the fact to be that there are other points making very liberal offers in the way of lands to secure the location. I do not know anything in respect to the advantages of it, but I should like to have the clause broad enough so that the Secretary of the Interior may make the best arrangement that can be made between the different points, making it a sort of competitive test between rival points.

Mr. DAWES. The land is to be selected by the Secretary of the Interior anywhere in Oregon.

Mr. SLATER. I am a little doubtful whether when you come to examine the whole clause you will not find that he is bound by the first line and restricted to Forest Grove or near Forest Grove.

Mr. DAWES. I do not know but it might be open to that construction.

Mr. DOLPH. If my colleague will permit me I will state that, although I have not seen the deeds, I received a telegram from Hon. Henry Failing, and also a communication from Mr. Hinman and others at Forest Grove, to the effect that the people of Forest Grove have forwarded deeds to the Commissioner of Indian Affairs, which I believe are satisfactory to him, for this land, and that the question may be considered as settled that the buildings will remain at Forest Grove.

Mr. SLATER. That is not the point to which I am directing attention. I understand the people of Salem are endeavoring to compete with Forest Grove by offering very valuable and very eligible lands for the school. I desire that the clause shall be so worded that the Secretary of the Interior may have a choice between the two points. I hardly think that the language as it now stands is broad enough to allow competition. In line 1119, after the word "land" and before the words which have been inserted by unanimous consent, I move to add: "at Forest Grove or elsewhere in the State of Oregon;" so as to read:

If a suitable location and a quantity of land at Forest Grove or elsewhere in the State of Oregon sufficient for a farm for the use of the school shall be donated for the purpose.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Oregon [Mr. SLATER].

Mr. DOLPH. While I think the Secretary of the Interior has been himself carrying on a negotiation as to the location, and has already virtually decided upon the location, I do not see that the amendment itself would do any harm, and I have no objection to it.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 1120, to increase the total appropriation for support of industrial school at Forest Grove, Oreg., from $46,500 to $51,500.

Mr. DAWES. In line 1121 the total should be $56,500. We have added $5,000 to the $15,000.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to amend the amendment of the committee by striking out "51" and inserting "56," so as to read "$56,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1123, after the word "Nebraska," to strike out "20,000" and insert "26,500;" in line 1125, after the word "exceeding," to strike out "two hundred" and insert "one hundred and seventy-five;" and in line 1128, after the word "all," to strike out "21,500" and insert "28,000;" so as to read:

For support of industrial school for Indians at Genoa, Nebr., $26,500; and said sum shall be disbursed upon the basis of an allowance of not exceeding $175 for the support and education of each scholar; pay of superintendent, $1,500; in all, $28,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1129, to add:

And the limitation imposed upon the appropriation for this school for the fiscal year 1884 in the act approved March 1, 1883, is hereby repealed.

Mr. INGALLS. What was that limitation?

Mr. PLUMB. The limitation was on the amount to be expended for each scholar; but under the construction put upon that by the Treasury Department it meant that there must be a scholar supported twelve months at the rate of $200 or $175, whichever it was. In getting the school ready for operation it became necessary to provide certain things for the use and comfort of the scholars, which was to be carried over into another year, but as the school was not carried on for the full period of twelve months the Treasury Department only allowed the aliquot proportion, and it becomes necessary to remove the limitation in order that it may not be obstructive in its character.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment was, in line 1135, after the word "Virginia," to strike out "nineteen" and insert "twenty-one;" and in line 1138, after the word "all," to strike out "twenty-one" and insert "twenty-three;" so as to make the clause read:

For support and education of one hundred and twenty Indian children at the school at Hampton, Va., $21,000; transportation of children to and from said school, $2,500; in all, $23,900.

The amendment was agreed to.

The next amendment was, in line 1140, after the words "education of," to strike out "two hundred and eighty-four" and insert "In-

dian;" and in line 1141, after the word "at," to strike out "two hundred" and insert "one hundred and seventy-five;" so as to make the clause read:

For support and education of Indian children, at $175 per annum each, at the Indian school at Lawrence, Kans., $56,800; pay of superintendent of school, $2,000; teams, wagons, and farm implements for manual labor school, $2,000; in all, $60,800.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "exceed," in line 1156, to strike out "two hundred" and insert "one hundred and seventy-five;" in line 1158, after the word "child," to strike out "seventy-five" and insert "eighty;" in the same line, after the word "dollars," to strike out "and of this amount not exceeding $5,000 may be used for the establishment and support of a boarding-school for the Pottawatomie Indians;" and in line 1162, before the word "thousand," to strike out "five" and insert "ten;" so as to make the clause read:

For care, support, and education of Indian children at industrial, agricultural, mechanical, or other schools, other than those herein provided for, in any of the States or Territories of the United States, at a rate not to exceed $175 for each child, $80,000; and of said sum not exceeding $10,000 may be used for the transportation of Indian children to and from said schools, and also for the placing of children from all the Indian schools, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such children moral, industrial, and educational training for a term of not less than three years, under arrangements in which their proper care, support, and education shall be in exchange for their labor.

Mr. DAWES. We have stricken out the charge of transportation to the $175 at the different schools, and it is proposed to provide for that transportation in line 1158 by adding $10,000 to the $80,000; and in line 1162 by making the $10,000 $20,000. I move, therefore, in line 1158, to increase the appropriation from $80,000 to $90,000; and in line 1162 to strike out "ten" and insert "twenty;" so as to read:

And of said sum not exceeding $20,000 may be used for the transportation of Indian children to and from said schools.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DAWES. In line 1163, before the word "schools," the word "said" should be stricken out and the word "Indian" put in its place; so as to read:

To and from Indian schools, and also for the placing of children from all the Indian schools.

In the present phraseology it is confined to these particular schools.

The amendment was agreed to.

Mr. PLUMB. I think that the paragraph would be improved by inserting, after the word "the," in line 1164, the words "transportation and," to relieve it of some ambiguity and I think more fully to carry out the idea which the Senator from Massachusetts had in mind in raising the appropriation. Therefore, after the word "the," in line 1164, I move to insert the words "transportation and;" so as to read:

And also for the transportation and placing of children from all the Indian schools.

The amendment was agreed to.

Mr. HOAR. In order to make the sentence grammatical it should read:

And also for the transportation of children from all the Indian schools and placing them, with the consent of their parents.

I move to so amend the clause.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. HOAR] proposes to strike out the words "and placing," in line 1164, and in line 1165, after the word "schools," to insert "and placing them;" so as to read:

And also for the transportation of children from all the Indian schools and placing them, with the consent of their parents, under the care and control, &c.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the clause from line 1172 to line 1176, inclusive, in the following words:

For the erection of a boarding-house, the purchase of tools and agricultural implements and other necessary articles to establish an industrial training-school among the Eastern Band of Cherokees in North Carolina, $4,000.

Mr. VANCE. I hope the Senate will not agree to that amendment. I do not see any reason why the remnant of the Eastern Band of Cherokees in North Carolina should not have the same facilities that are afforded to other Indians. They are settled upon a wild, mountainous tract of land, widely scattered and have not the means of obtaining industrial education from contact with the whites. It is absolutely necessary if they are to be furnished with educational facilities of that nature that they should have a school-house and a boarding-school where they can be educated. The amount is very small, and I am assured by charitable and philanthropic gentlemen who are engaged in that work that the appropriation is absolutely necessary, and that those Indians are making very satisfactory progress in education.

Mr. RANSOM. I know that the Committee on Appropriations will agree with me that if there had been a full consideration of this amendment it would not have been adopted even by the committee. I have spoken to several members of the committee since the bill was reported, and a thorough examination of the subject has satisfied me and I think has satisfied the committee that this amendment ought not to be made, but that the appropriation is a proper one.

The idea prevailed with the committee that the education of all the Indians in that State was provided for already, but such is not the fact. If the Indians really need an appropriation of that character I am certain that within the limits of exact truth I may say that nowhere in the Union could an appropriation be made which in all probability would do more good than at this particular point.

Mr. DAWES. I think the Senators are right.

Mr. COCKRELL. I should like to ask the distinguished Senator from Massachusetts how the Committee on Appropriations made such an infamous blunder as to recommend striking out this paragraph? It comes in here and there is not a member of the committee who will get up and defend the action of the committee. I should like to know how it is that the Committee on Appropriations arrived at the conclusion to strike it out.

Mr. DAWES. The Senator from Missouri having been an active member of the committee and present when it was done, does not need to be told.

Mr. COCKRELL. I am not the mouthpiece of the committee in this matter, and I have not given my assent to what has been said and done here—not a particle; but the Senator from Massachusetts has. Now, I should like to know why it was that the committee struck out the paragraph when they come right in here and take it all back.

Mr. DAWES. It was stricken out because the information which the committee had at the time was, as the Senator from North Carolina [Mr. RANSOM] has stated, of such a character that they thought the Indians were having the benefit of education from the schools of North Carolina; but since then the committee have had such information as led me to make the remark I did just now, that I thought the Senators from North Carolina were correct.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1176, to insert—

That the Secretary of the Interior be, and hereby is, authorized to expend so much of the sum of $150,000 appropriated for the purpose of further instructing and civilizing Indian children dwelling west of the Mississippi River, &c., in an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1883, and for other purposes," approved May 17, 1882 (Statutes 22, page 86), as he may deem necessary for the purpose of erecting and repairing such school buildings as are now in course of construction or for which contracts have been made, and for such other educational purposes as he may consider proper.

The amendment was agreed to.

The next amendment was, after line 1192, to insert:

To enable the Secretary of the Interior, in his discretion, to purchase for Indian industrial-school purposes the buildings and other improvements in what is known as Keam's Cañon, within the reservation, in the Territory of Arizona, established for the use and occupancy of the Moquis and other Indians, by executive order dated December 16, 1882, and to pay therefor such sum as he shall deem just and reasonable, not exceeding $25,000: *Provided*, That upon payment therefor the owner of said buildings and other improvements shall execute and deliver to the Secretary of the Interior a full relinquishment of all his right, title, and interest in and to the same, and to any and all buildings and other improvements of whatsoever character owned by him within the limits of said reservation, and in and to any land therein.

The amendment was agreed to.

The next amendment was, after line 1208, to insert:

To enable the Secretary of the Interior to employ practical farmers to superintend and direct farming among such Indians as are making effort for self-support, $25,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "reservations," in line 1252, to insert "and for the gathering, care, and removal of Leggins's band of Pi-Utes to a suitable place on some existing reservation, to be selected by the Secretary of the Interior;" in line 1255, after the word "Interior," to strike out "seven" and insert "seventeen;" and in line 1257, after the word "all," to strike out "thirteen" and insert "twenty-three;" so as to make the clause read:

Incidental expenses of Indian service in Nevada: For general incidental expenses of the Indian service, including traveling expenses of agents, and support and civilization of Indians located on the Pi-Ute, Walker River, Western Shoshone, and Pyramid Lake reservations, and for the gathering, care, and removal of Leggins's band of Pi-Utes to a suitable place on some existing reservation, to be selected by the Secretary of the Interior, $17,000; and pay of employés at same agencies, $6,000; in all, $23,000.

Mr. DAWES. In line 1253 I move to amend the amendment proposed by the committee by inserting before the word "Leggins's" the words "the Winnemucca or;" so as to read:

And for the gathering, care, and removal of the Winnemucca or Leggins's band of Pi-Utes.

These are the different names the band is known by.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1274, after the words "Uintah Valley," to insert "and Ouray agencies;" and in line 1275, after the

word "said," to strike out "agency" and insert "agencies;" so as to make the clause read:

Incidental expenses of Indian service in Utah: For general incidental expenses of the Indian service, including traveling expenses of agents, support and civilization of Indians at Uintah Valley and Ouray agencies, and pay of employés at said agencies, $10,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1289, after the word "at," to strike out "five" and insert "seven;" in line 1291, before the word "dollars," to strike out "eight" and insert "ten;" in line 1295, after the word "agencies," to strike out "72,000" and insert "93,600;" and in line 1297, before the word "policeman," to insert "Indian;" so as to make the clause read:

Pay of Indian police: For the service of not exceeding eight hundred privates, at $7 per month each, and not exceeding one hundred officers, at $10 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, and for the purchase of equipments and rations for policemen of non-ration agencies, $93,600: *Provided*, That the agent of the Navajo Indians may employ ten Indian policemen, at a rate of compensation not exceeding $15 per month each.

The amendment was agreed to.

The next amendment was, in line 1304, after the word "supplies," to strike out "under contract;" in line 1305, to strike out "warehouse" and insert "warehouses;" in line 1306, after the word "employés," to strike out "in New York;" and at the end of the clause to insert the following proviso:

Provided, That in all contracts for the purchase and delivery of beef cattle it shall be provided that the delivery shall be made as often as once each month, and for so many only as shall be necessary for the succeeding month.

So as to make the clause read:

Telegraphing and making purchases of Indian supplies: To pay the expenses of purchasing goods and supplies for the Indian service, including rent of warehouses and pay of necessary employés; advertising, at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, including telegraphy, $40,000: *Provided*, That in all contracts for the purchase and delivery of beef cattle it shall be provided that the delivery shall be made as often as once each month, and for so many only as shall be necessary for the next succeeding month.

Mr. BECK. I ought to know, but I do not know, why the proviso was inserted limiting it to each month. There are months in the year in the extreme northern regions where deliveries can not be made at all.

Mr. DAWES. The only question I think I and the Senator would have would be whether it should be as often as once a month; but I will state the condition of things. All of the bidders for supplying the Indians with live beef combined and refused to make bids unless they were allowed to insert a provision that they should be permitted to deliver in the fall all their beef for seven months. The consequence has been that with such a provision in their contracts they would deliver in November six or seven months of live beef at once over to the Government in those northern regions and compel the Government to take all the risk, all the expense, all the shrinkage, and all the loss upon itself. The select committee who went out among the Indians found that at one particular agency there were delivered last year in quantity under contract seven months' supply, and there was no place to keep them and about 50 per cent. of them were lost, so that when we were there there was a communication from the Indian Bureau to the agent to estimate the cost of making a yard inclosed with barbed-wire fence of six miles square in which to place the live cattle that were to be under contract delivered *en bloc* for six months, in which they were to wander about during the six months until they were slain, seeking their way out and growing less and less, with all the cost of keeping them. There was a protest from very many of the agencies against the insertion of this provision in the contract, and the reply came from the Indian Bureau that they were in the power of the contractors; that the contractors had refused to bid unless they had that provision in, and they were obliged to take it. The Committee on Appropriations thought that an act of Congress might possibly be of more power than the combination.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1318, after the word "agents," to strike out "two hundred and fifty" and insert "three hundred;" so as to make the clause read:

Transportation of Indian supplies: For this amount, for necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act, including pay and expenses of transportation agents, $300,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 1326.

Mr. PLUMB. In line 1321, after the word "reservations," I move to insert the words "and defining by surveys the boundaries of reservations;" so as to read:

For this amount, for survey and subdivision of Indian reservations, and defining by surveys the boundaries of reservations, and of lands to be allotted to Indians, to be expended under the direction of the Secretary of the Interior, $50,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to strike out the clause from line 1339 to line 1349, inclusive, in the following words:

Any act which when done by a citizen of the United States would be a crime shall be and is hereby declared equally a crime when done by any Indian upon or belonging to any Indian reservation; and such Indian committing such crime shall be subject to the same jurisdiction and amenable to the same process that any citizen would be in like case; and no Department nor officer of the United States of America shall have or exercise power or authority to shield or protect such Indian criminal from just punishment, nor shall any money herein or hereby appropriated be used for that purpose or to that end.

The amendment was agreed to.

The next amendment was, in line 1350, after "irrigating-ditches," to strike out "at" and insert "on;" in line 1351, after the word "Indian," to strike out "agencies" and insert "reservations, and instructing Indians in farming in connection therewith;" so as to make the clause read:

For the purpose of constructing irrigating ditches on Indian reservations, and instructing Indians in farming in connection therewith, $50,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1361, to insert:

Removal and support of confederated bands of Utes: For this amount, to reimburse the Ute removal fund for sum expended out of said fund for the survey of public lands of the United States, formerly the Ute Indian reservation, in Colorado, $21,575.35.

The amendment was agreed to.

The next amendment was, after line 1367, to insert:

For this amount, to reimburse the Ute removal fund for sum expended out of said fund in payment for improvements of white settlers on lands in Utah selected for the location of the Uncompahgre Utes, $10,338.25.

The amendment was agreed to.

The next amendment was, after line 1372, to insert:

For the purpose of enabling the Secretary of the Interior to continue to carry out the provisions of the act of June 15, 1880, "ratifying the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," $5,000 or so much thereof as may be necessary, to be taken from moneys appropriated by said act and remaining unexpended.

The amendment was agreed to.

The next amendment was, after line 1382, to insert:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to appoint and pay the expenses of a commission of three persons to determine upon examination what changes should be made in the boundary lines of Indian reservations and the location of Indian agencies in Montana Territory, and what changes are necessary in the location of the Rosebud, Lower Brulé, and Cheyenne River agencies, in Dakota Territory, $10,000.

Mr. DAWES. I want the leave of the committee to enlarge the scope of that commission a little, so that while they are there they can take into consideration the propriety of reducing the Crow reservation, which seems to be necessary; and for that purpose I move to insert the word "Northern" before "Montana" in line 1388; to strike out "Territory" and then insert "and to confer with the Crows in reference to a reduction of their reservation," after the word "Territory," which is to be stricken out, and to insert the words "and also to determine" before the word "what" in line 1388; so as to read:

And the location of Indian agencies in Northern Montana, and to confer with the Crows in reference to a reduction of their reservation, and also to determine what changes are necessary in the location of the Rosebud, Lower Brulé, and Cheyenne River agencies, in Dakota Territory.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORMAN. I desire to offer an amendment to come in at the end of line 1391, just after the amendment of the committee last acted on:

To enable the Secretary of the Interior to appoint and pay the expenses of a commission of three persons to examine and report upon the character, extent, thickness, and depth of each vein, the value of the coal per ton on the dump, and the best method to utilize the same within the limits of the White Mountain Indian reservation, in the Territory of Arizona, and the result of said investigation to be reported to Congress, $5,000, or so much thereof as may be necessary.

Mr. DAWES. "And to determine the best method of disposing thereof," or words to that effect, should be inserted.

Mr. MORGAN. Is that for the benefit of the Indians, or somebody else?

Mr. DAWES. The commissioners are to report their opinion; it can not have any other effect.

Mr. MORGAN. I ask the chairman of the Committee on Indian Affairs whether that is for the purpose of improving the property of the Indians.

Mr. DAWES. This was before the Committee on Indian Affairs, and was reported from that committee and referred to the Committee on Appropriations. It is believed there is a very valuable coal-mine on this White Mountain reservation which several parties are after, and made claims to some extent, with some appearance of validity, to the mine itself. There is a difference of opinion in the Interior Department as to the best method of disposing of it for the benefit of the

Indians, and also for the benefit of the inhabitants there. The coal is of great value there as fuel, and it is very desirable that it should be brought into the market, and should be brought into the market in the best way. The Secretary had one plan, the Commissioner had another plan, and the Committee on Indian Affairs had another plan, and another branch of this Congress had another plan. It was concluded on the whole that the best method was to select three men who had some knowledge of coal to go down and visit this reservation and see what was the best method for bringing it into the market and securing for the Indians a fair royalty for it.

Mr. MORGAN. Does the chairman of the committee express the opinion that there is joint-ownership between the Indians and the white people there of that vein?

Mr. DAWES. No; the committee were of the opinion that the white people could not in law assert any claim to this coal; but the explorers had discovered this coal and brought it to light, and it was thought by the Interior Department and also by the committee that in the disposition of it, if preference was to be given anybody in leasing it for instance, they should have preference over strangers, but should have no rights except that they should be recognized as having some equitable claim above strangers.

Mr. MORGAN. Then, if I understand it, we are asked to appropriate $5,000 for the purpose of developing coal property that some white persons say they found upon an Indian reservation, the title of which is not in any white person but in the Indians, but the benefits of which, I understand, are to inure to these discoverers.

Mr. DAWES. The title is not in the Indians because this is a reservation by executive order, but the Indians are upon a poor reservation of large extent, good for nothing except for berries and such things. The water upon it is very scarce; it lies in the vicinity of this coal-mine, very valuable water, and it must be secured to the Indians. There was danger if you brought the coal-mines into the market that you carried with them all the water. At the same time it is deemed but just and right that although the Indian has no legal title to this reservation this coal-mine should inure to his support, and therefore some method is to be devised that will result in two things: giving the Indians a fair royalty in the nature of support, and securing to the people of Arizona a protection against a monopoly that would grasp the whole of it and make it just about as bad for the people as if it were not in existence. That is the purpose. It will take about $5,000 to do that.

There is no doubt but that this $5,000 will be charged over to the royalty, and the expense of bringing the coal into the market will come out of the receipts from the production of it, so that the Treasury will not suffer. If it was paid out of the Treasury and the Treasury succeeded in relieving itself of $5,000 toward the expense of taking care of these Indians, it would be just as long as it would be short.

The Indian Committee have had a great deal of trouble to devise a way. My friend and colleague upon the committee who offers this amendment, who has had great experience in coal matters, has had the subject troubling him for weeks, and he has had various claimants all around him, following him. I do not wish to criticise their claims or say that one is better than another, but the outcome of the whole should be that the Indian should have for his support a fair royalty and the people of Arizona (which is of immense importance) should have an opportunity to get cheap fuel.

Mr. MORGAN. Before we appropriate any money for developing this coal-mine through the active exertions of the United States Government, I should like to have it settled whether this is an Indian reservation, to begin with. The Senator from Massachusetts says it is a reservation by executive order. Well, that is under the law of the United States. The President of the United States has a right to set aside reservations in certain cases, and they are just as valid, I suppose, if valid at all, as if they were set aside by an act of Congress, and they give the Indians the same right of occupancy of the country. The terms and conditions are prescribed by the statute on which they became the holders of those reservations, and so there is very little uncertainty about that. We can therefore deal with reservations by executive order with as much certainty in respect to the right of occupancy and the right of use and possession as if they were defined by a statute.

Now, this is either a reservation or it is not. If it is a reservation, the white people have not any business there working upon it, asserting mineral claims upon it, coal-land claims, or anything of that kind, and the committee ought to bring in here, it seems to me, very definite information whether this new enterprise of developing a coal-mine is to inure to the advantage of the Indian tribe alone or whether it is to inure to the advantage of some speculators in that Territory. We are informed that flocks of speculators follow some gentleman of the committee about the city here and annoy him and vex him.

Mr. DAWES. I did not mean to speak disparagingly of men who have a claim. I only brought that before the Senate to show the desire of the committee to get the best disposition of the thing.

Mr. MORGAN. I do not think it is any disparagement to a man to try to get a good piece of property in a fair way, and there can not be a fairer way than through a committee of the Senate, for the Senate is not going to encourage any man in any illegitimate speculation. But to come down to the real merits of the question, it seems to me obvious that there ought to be no joint-stock arrangements here between the intruders upon that Territory and the Indians, and that the Government ought not to take a sort of dormant partnership in which Indians are to some extent partners, and speculators are to another extent partners, but this matter ought to be made very clear, and we ought to decide in this bill of appropriations when we undertake to do this work whether we are doing it for the Indian or whether we are doing it for the white people. I am not in favor of expending any money there to assist gentlemen, no matter how much coal is needed, in the private enterprise of developing it for their own advantage, or the advantage of their own railroad company, or their manufactories, or whatever it may be.

If the Committee on Indian Affairs think there is some advantage to be gained out of this barren and sterile Territory by enabling the Indians to work it and showing them how to do it, they assisting in furnishing the labor, I am willing they should do it; and in fact I like the enterprise, because that is one way to put an Indian to work; but I wish to admonish the Senator from Massachusetts that by the next session of Congress it is very likely that he will have to repeat, against his own committee and against his own work, those denunciations which he yesterday made against the people of the United States at large for encroachments upon Indian property. We ought to conserve it, take care of it for them, and I really do not like the shape in which this matter comes before the Senate.

I believe it is the first time that the Congress of the United States has undertaken to mine a mine of coal, or silver, or gold, or any other enterprise of this character for the benefit of an Indian tribe. I think the subject is new so far as that feature of it is concerned, and I should like very much if the committee could find some way to guard it by saying that the whole benefit or advantage of this arrangement shall inure exclusively to the Indian tribe. I have not examined the language of it critically. My attention was arrested by the peculiarity of the case as drawn into debate here.

Mr. GORMAN. Mr. President, I will say to the Senator from Alabama that the amendment which I was instructed to offer by the Committee on Indian Affairs, having been reported by that committee and referred to the Committee on Appropriations under the rules, simply provides that a commission shall be appointed to ascertain the extent and value of the coal in this Indian reservation in Arizona. The matter came before the Committee on Indian Affairs, it being shown that there were discoveries of coal and that parties had sought to make contracts with the Indians for mining this coal on a royalty; and the recommendation of the Interior Department was that the land should be leased on a royalty of 10 or 12 cents a ton. The subject was referred to me for examination, and I have made as thorough an examination as was possible; and I am satisfied from all the information I can get that this deposit of coal is very extensive and valuable. There is no positive information in the Interior Department as to its extent or value, but from the best information I can get the miners and smelters in that country are now paying $60 a ton for the coke brought there.

If you ascertain both the extent and value of this coal, it can be leased or worked for the benefit of these Indians, and instead of paying a royalty of ten or twelve cents a ton, as recommended by the Department, in all probability it will be thirty cents a ton, and yield a revenue more than sufficient to maintain the entire tribe. Therefore the object of the amendment is not looking to claims of any white squatters, or those who found that the coal was there, to ascertain what is the best disposition to be made of this coal, which is believed to be so valuable, for the benefit of the Indians. It takes no account of the claims presented there, and the very object is to carry out the idea of my friend from Alabama.

Mr. MORGAN. Let the amendment be reported again.

The PRESIDING OFFICER. The amendment will be read as modified.

The Chief Clerk read the amendment as modified, as follows:

To enable the Secretary of the Interior to appoint and pay the expenses of a commission of three persons to examine and report upon the character, extent, thickness, and depth of each vein, the value of the coal per ton on the dump, and the best method to utilize the same, and to determine the best methods of disposing thereof within the limits of the White Mountain Indian reservation, in the Territory of Arizona, and the result of said investigation to be reported to Congress, $5,000, or so much thereof as may be necessary.

Mr. ALLISON. I move to amend the amendment by saying "report their opinion as to the best methods," striking out "determine."

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the amendment. The amendment to the amendment will be reported.

The CHIEF CLERK. It is proposed to strike out the word "determine" and insert "report their opinion as to."

Mr. ALLISON. My object is, as the Senate will see, to not involve these commissioners in making a decision. As I understand this question, there is no right in any person to go on this reservation or to acquire any right in these coal-fields. This reservation has been set apart by an executive order, and therefore is as much a reservation as though it was established by law. The tribes on this reservation, known as the San Carlos reservation, are expensive to the Government of the United States, and we have in this very bill an appropriation of $280,000 for

the purpose of maintaining them. We have appropriated annually for the last fifteen years from three to four hundred thousand dollars for the maintenance of these Indians. Now, if there is any method by which the coal on the reservation can be utilized for their support, or if there is a method whereby they can themselves be induced in some way to mine the coal with the aid of the Government, it certainly will be of great advantage, and whatever that advantage is it should inure either to the Indians or to the United States.

There are men, as I understand, who claim to have settled upon one hundred and sixty acres of this reservation and to have pre-emption rights there. They have no such rights. Others have claimed that they have taken a lease, and so on. Of course no lease is valid made with an Indian tribe. Therefore there are no rights here that the Government of the United States, in my judgment, is bound to protect. But we are without precise information, and I think it is very wise that a commission of proper persons be sent there to give the Government full information in reference to this situation, and then the Congress of the United States can deal with the question, not in the interest of speculators or adventurers, but in the interest of the Government of the United States and these Indian tribes.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Iowa [Mr. ALLISON] to the amendment of the Senator from Maryland [Mr. GORMAN].

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment as amended.

The amendment as amended was agreed to.

Mr. PLUMB. I wish to call the attention of the Senator from Massachusetts to the paragraph beginning at line 1383. That paragraph seems to commit to the commission to be appointed the authority to determine absolutely, without any supervision by anybody, what changes are necessary to be made, &c. Now I suggest that in line 1386 the words "determine upon" be stricken out, and the word "examination" be changed to "examine" and the word "report" be inserted there.

Mr. DAWES. That is right.

Mr. PLUMB. So as to read "examine and report." I move to make it read:

A commission of three persons to examine and report what changes should be made in the boundary lines of Indian reservations.

The PRESIDENT *pro tempore*. The Senator from Kansas moves in line 1386 to strike out the words "determine upon examination" and insert in lieu thereof "examine and report." Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. DAWES. The word "determine" is used in the amendment which I caused to be inserted.

Mr. PLUMB. That I did not observe.

Mr. DAWES. I agree it would be better to change that also and use the word "report" instead of "determine."

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to amend the amendment agreed to on his motion which now reads "and also to determine what changes are necessary."

Mr. DAWES. So as to make it read:

And also to report, upon examination, what changes are necessary in the location of the Rosebud, Lower Brulé, and Cheyenne River agencies.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and this amendment will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1391, to insert:

To enable the Seminole Indians now in Florida to obtain homesteads upon the public lands, and to establish themselves thereon, $6,000.

The amendment was agreed to.

The next amendment was, after line 1394, to insert:

To pay the following claimants, named in the letter of the Secretary of the Interior of February 20, 1884, being House Executive Document No. 102, Forty-eighth Congress, first session, for damages suffered from the raid of the Northern Cheyenne Indians in September, 1878, to be paid from the unexpended balances of treaty funds belonging to the Northern Cheyenne and Arapaho Indians, which are hereby reappropriated for the purpose, namely: To Mrs. M. Smith, $295; Mrs. E. J. Humphrey, $623; John R. Vancleve, $240; Peter D. Adams, $60; Robert Bridel, $585.85; James Bailey, $110; N. W. Rider, $61.50; J. J. Keefer, $70; Henry Rathbon, $45; E. D. Stillson, $40; Patrick Drohen, $491.50; Mary Hamper, $55; John McKenzie, $128.50; Lizzie Steffen, $80; J. B. Jennings, $88; Thomas L. Collins, $700; Wenzel Rahan, $80; Franz Tacha, $100; Joseph Cilek, $150; George M. Miller, $40; estate of J. Erwin, $305; in all, $4,348.35.

Mr. CAMERON, of Wisconsin. I suppose the amendment is liable to a point of order?

Mr. PLUMB. It is to carry out a treaty stipulation.

The PRESIDENT *pro tempore*. The Chair supposes it to be in order as reported from a standing committee.

Mr. CAMERON, of Wisconsin. Here is the rule:

4. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The "existing law" or "treaty stipulation," so far as I am able to discover, is not "cited on the face of the amendment."

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Wisconsin is right.

Mr. PLUMB. There is a treaty between these Indians and the United States which requires us to do this thing; and not only that but almost all, in fact all but these have already been paid by an appropriation made last year in the same way on the same bill, and these claims have since been sent down from the Interior Department. This is simply carrying out the plan adopted by Congress at a previous session.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin insist upon his point of order?

Mr. CAMERON, of Wisconsin. I think I shall not insist.

The PRESIDENT *pro tempore*. The Chair will put the question on the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1422, to insert:

To pay the following-named claimants, or their legal representatives, in full satisfaction of their claims for damages caused by the Ute Indians at the time of the Ute massacre at the White River agency in 1879, to be paid from the funds belonging to the confederated bands of Ute Indians, namely: To Josephine Meeker, $460; Mrs. A. D. Meeker, $778.85: Sophronia E. Price, $701.50; Sarah M. Post, $500; W. E. Eskridge, $220; George T. Dresser, $881; George L. Shepard, $108; Thomas T. Thompson, $203; Albert A. Woodbury, $79.50; F. L. Mansfield, $187.25; McLane and Dillman, $300; in all $4,419.10.

Mr. FARLEY. There was an amendment referred to the Committee on Appropriations to allow the claim of J. M. Hogan, of California, for depredations committed by the Shoshone Indians, and the Secretary of the Interior in making an estimate of the amount of claims estimated this claim at $6,600. There has been no appropriation for it, and under the Revised Statutes, I understand, none of these claims can be paid until there is an appropriation for that purpose. The committee failed to make the amendment. I have submitted it in writing to the committee, and I propose at this stage of the bill to insert on page 59, line 1440, after the word "dollars:"

The sum of $6,600 to pay the claim of J. M. Hogan, of Stockton, Cal., for depredations committed by the Shoshone Indians, which claim has been examined and allowed by the Secretary of the Interior.

The tribe by which the depredations were committed were the Shoshone tribe. The papers were submitted to the Secretary of the Interior, and this claim is mentioned with a number of other claims similarly situated, but none of them, I presume, have applied for relief on the present appropriation bill. I now offer the amendment and ask the Committee on Appropriations the reason why it was not reported. The Secretary of the Interior says:

DEPARTMENT OF THE INTERIOR,
Washington, December 5, 1883.

SIR: I have the honor to transmit herewith, in compliance with the first clause of section 445, Revised Statutes, the accompanying abstract showing nature, character, and amount of all claims presented to the Secretary of the Interior since date of last report, December 6, 1882, for compensation for depredations committed by Indians, with his action thereon, and the evidence upon which this action is based.

The claims are numbered 1 to 62 inclusive.

Very respectfully,

M. L. JOSLYN, *Acting Secretary.*

The SPEAKER *of the House of Representatives.*

I have not the other papers that have been filed in the case, but this is a letter from the Secretary of the Interior. When the claim was first filed the claimant asked $8,000. It has undergone a thorough investigation, and the Department finds that there is $6,600 due to him; but it requires an appropriation before that money can be paid, and I am of the opinion that this appropriation bill is the proper place to offer the amendment.

Mr. ALLISON. Will the Senator tell me what is the number of the document from which he reads?

Mr. FARLEY. House of Representatives, Executive Document No. 23, Forty-eighth Congress, first session.

The PRESIDENT *pro tempore*. The Senator from California proposes an amendment.

Mr. ALLISON. I raise the point of order.

The PRESIDENT *pro tempore*. The amendment will first be read.

Mr. FARLEY. The amendment was offered in writing, and I have noted in pencil the place where it is to come in.

The PRESIDENT *pro tempore*. Will the Senator send to the Chair what he considers to be the estimate of the Department?

Mr. FARLEY. Yes, sir.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 1440, after the word "dollars," it is proposed to insert—

Six thousand six hundred dollars for paying the claim of J. M. Hogan, of Stockton, Cal., for depredations committed by the Shoshone Indians, which claim has been examined and allowed by the Secretary of the Interior.

Mr. FARLEY. "Allowed" in the manner which the paper shows.

Mr. ALLISON. I make the point of order that it is a private claim.

The PRESIDENT *pro tempore*. The Chair finds that the section of the statutes referred to, 445, requires the Secretary of the Interior to make annual reports to Congress as follows:

First. A report showing the nature, character, and amount of all claims presented to him during the preceding year under laws or treaty stipulations for compensation for depredations committed by Indians, whether allowed by him or not, and the evidence upon which his action was based.

Another provision of the statutes requires that all estimates of gen-

eral appropriations shall be submitted through the Secretary of the Treasury by the heads of the various Departments. The letter of the Secretary of the Interior does not, the Chair thinks, appear to be an estimate, but is in pursuance of that statute which requires him to report to Congress stating the facts. The letter under date of December 5, 1883, addressed by the Secretary of the Interior to the Speaker of the House of Representatives, is, that in compliance with this section which the Chair has read he transmits—

The accompanying abstract showing nature, character, and amount of all claims presented to the Secretary of the Interior since date of last report, December 6, 1882, for compensation for depredations committed by Indians, with his action thereon and the evidence upon which his action is based.

The Chair does not think that this comes within the statute and the rule in regard to estimates of appropriations, and when applied to private claims the Chair thinks the section, 445, is not a provision of existing law which requires an appropriation for any such purpose. The Chair, therefore, is obliged to sustain the point of order. The amendment is not to carry out the provisions of an existing law. The law only requires the Secretary to report for the information of Congress the facts in his possession.

Mr. FARLEY. The report is made to one branch of Congress and the papers are before Congress. It is a mere technical proposition to say that the report has not been before Congress.

The PRESIDENT *pro tempore*. The Chair does not refer to this paper in that connection. The Chair states that in his opinion this paper is not an estimate from the head of a Department; but as a private claim the rule does not allow it to be put as an amendment on an appropriation bill, even if estimated for, unless it is to carry out the provisions of an existing law, which has always been held to be a law which showed that the United States owed a sum of money which ought to be paid, and this law which is referred to does not provide for the payment of anything.

Mr. FARLEY. The law is that none of these claims shall be paid unless there is an appropriation for that purpose.

The PRESIDENT *pro tempore*. Precisely; but that does not make it a provision of existing law which it is necessary to pass an appropriation to carry out. It is a provision for furnishing information to Congress. It is perfectly competent for the Senator from California to introduce an independent bill, which the Senate has a perfect right to pass; but the rule of the Senate declares that no amendment for a private claim, as this clearly is, shall be received to a general appropriation bill unless it be to carry out the provisions of an existing law or treaty obligation. The law does not declare that the United States owes any obligation in this case, as the Chair understands it. The question is on agreeing to the amendment reported by the Committee on Appropriations to insert from line 1423 to line 1441.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1441, to insert:

That such Indians as may now be located on public lands, or as may, under the direction of the Secretary of the Interior, so locate during the year for which this appropriation is made, may avail themselves of the provisions of the homestead laws as fully and to the same extent as may now be done by citizens of the United States; and to aid such Indians in making selections of homesteads and the necessary proofs at the proper land offices, $1,000, or so much thereof as may be necessary, is hereby appropriated; but no fees or commissions shall be charged on account of said entries or proofs. All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years in trust for the sole use and benefit of the Indian by whom such entry shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

Mr. DAWES. In line 1444, after the word "Interior" I move to insert "or otherwise," so as to read "under the direction of the Secretary of the Interior or otherwise."

Mr. HOAR. I suggest to my colleague whether the words "widow and" should not be inserted in line 1457, so that in case of lawful marriage the right of dower of the widow should be preserved.

Mr. DAWES. I think that should be so.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. DAWES].

Mr. DAWES. My colleague proposes to insert, before the word "heirs," in line 1457, the words "widow and."

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from Massachusetts in line 1444.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. HOAR] now proposes to further amend the amendment, in line 1457, after the word "heirs," by inserting "widow and;" so as to read:

Of his widow and heirs, according to the laws of the State or Territory.

The amendment to the amendment was agreed to.

Mr. HOAR. Then in line 1460 a like amendment should be made, inserting "widow and" before "heirs."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COCKRELL. I suggest to the Senator in charge of the bill that I fear we can not properly get through with the bill to-day.

Mr. DAWES. I do not think there is anything now but to read the bill straight through. There are only three pages. If the Senator thinks we can not get through them, I shall not insist, but I should prefer to make the effort.

Several SENATORS. Go ahead.

Mr. DAWES. The committee have nothing to add.

Mr. COCKRELL. If there is to be no further controversy, only a mere reading through of the bill, I shall not insist on an adjournment; but if there is to be a controversy on anything, I think the bill had better go over.

Sections 2 and 3 of the bill were read.

Mr. DAWES. At the suggestion of my colleague [Mr. HOAR], the word "contingency," in line 7 of section 3, should be "exigency." I move to strike out "contingency" and insert "exigency."

The amendment was agreed to.

Section 4 of the bill was read. The next amendment of the Committee on Appropriations was to add to section 4 the following proviso:

And provided further, That the Secretary of the Interior, under the direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of such purchases.

Mr. DAWES. After the word "made" I move to insert the words "or for the assistance of such Indians in making them farmers."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Sections 5, 6, 7, 8, and 9 of the bill were read.

The next amendment of the Committee on Appropriations was to insert as an additional section the following:

SEC. 10. That no part of the expenses of the public-lands service shall be deducted from the proceeds of Indian lands sold through the General Land Office, except as authorized by the treaty or agreement providing for the disposition of the lands.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 11. That at any of the Indian reservations where there is now on hand Government property not required for the use and benefit of the Indians at said reservations the Secretary of the Interior is hereby authorized to move such property to other Indian reservations where it may be required, or to sell it and apply the proceeds of the same in the purchase of such articles as may be needed for the use of the Indians for whom said property was purchased; and he shall make report of his action hereunder to the next session of Congress thereafter.

The amendment was agreed to.

Mr. DAWES. I want to change two words in section 4, in the amendment there adopted. I move to strike out, in line 24 of that section, the words "such purchases" and insert the words "his action under this provision;" so as to read that the Secretary of the Interior—

Shall report to Congress, at its next session thereafter, an account of his action under this provision.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to make the amendment indicated in an amendment already adopted in section 4. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. PLUMB. In section 1, line 306, an amendment was made to the amendment of the committee on my suggestion, and I am not entirely satisfied with it. I propose to change it so that it will read:

And shall be disposed of to actual settlers under the homestead laws only, except, &c.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to amend an amendment agreed to in section 1, line 306. It will be reported.

The SECRETARY. In section 1, line 306, after the word "be," it is proposed to strike out "subject to settlement and entry" and in lieu thereof to insert "disposed of;" so as to read:

And shall be disposed of to actual settlers under the homestead laws only.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. PLUMB. On page 38, after line 914, I move to insert:

Three thousand dollars, or so much thereof as may be necessary, to enable the President to cause to be surveyed such portion of the Puyallup reservation, in Washington Territory, into lots as he may deem advisable, and direct the same assigned to such individual Indians or families on such reservation as are willing to avail themselves of the privileges and will locate on the same as permanent homes in accordance with the terms of article 6 of the treaty made on December 26, 1854, and ratified by the Senate March 3, 1855.

The provision of the treaty is as follows:

And he may further, at his discretion, cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots and assign the same to such individuals or families as are willing to avail themselves of the privilege and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

It is designed to carry out the provision of that treaty, and it has become necessary, as represented by the Department and by the Delegate from the Territory of Washington, that this action should be taken now, prior to any attempt made to get possession of the land of these Indians.

The amendment was agreed to.

Mr. DAWES. On the forty-third page, in line 1043, there is a typographical error. The name of the Indians there should be "Quil-leh-utes," instead of "Quil-len-utes."

Mr. COCKRELL. They will never know it. [Laughter.]

The SECRETARY. It is proposed to strike out the letter "n" in "Quil-len-utes" and insert the letter "h."

The amendment was agreed to.

Mr. MANDERSON. I move to amend, on page 4, lines 76 and 77, by striking out the words "eighteen hundred dollars" and inserting "$2,000;" so as to read:

At the Mescalero agency, at $2,000.

Mr. DAWES. I am very sorry to be obliged to raise a point of order there.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves an amendment, on line 76, to strike out "$1,800" and insert "$2,000."

Mr. MANDERSON. I ask unanimous consent to make this change at this time.

Mr. DAWES. I withdraw the point of order.

Mr. MANDERSON. I desire to call attention to the fact that the Commissioner of Indian Affairs strongly recommends that the pay of this agent be increased. He is a most efficient officer, Major Llewellyn, known, I think, to the Committee on Indian Affairs certainly, and he has received the very highest commendation from General Crook and General Mackenzie, commanding in Arizona. He is certainly a very efficient officer. There has lately been added to this officer the care of another band of Indians, numbering, I think, very nearly 1,000, which increases the duties and responsibilities of this agency. I hope the agent will be placed on a par with those who are receiving at this time a compensation of $2,000 per annum.

Mr. DAWES. The House cut down this agent's salary from $1,800 to $1,500. The Committee on Appropriations of the Senate proposed to restore it, and the Senate has restored it to $1,800. The motion of the Senator is to increase it above $1,800. I have no doubt that he is a worthy agent, and the duties of the agency are very onerous, but still if we commence raising the salaries of these agents I do not know where we shall stop.

Mr. MANDERSON. I ask the Senator from Massachusetts whether he does not know the fact that the duties of this agent have been very largely increased within the last year?

Mr. DAWES. What the Senator says in respect to this agent I know to be true, and I know that it is difficult for the Department to keep this particular agent there; but we have sixty-eight Indian agents. That is the answer which I make.

Mr. VAN WYCK. I ask if this has not been a particularly difficult band of Indians to control?

Mr. DAWES. That is so.

Mr. VAN WYCK. The Department had nobody that could control them——

Mr. COCKRELL. I move that the Senate adjourn.

Mr. VAN WYCK. This will take only a moment.

Mr. COCKRELL. Very well; I withdraw the motion.

The PRESIDENT *pro tempore*. The Senator from Nebraska is entitled to the floor.

Mr. VAN WYCK. This band was very difficult to control. The community there were at the mercy of these Indians. They were committing murder and robbery. Major Llewellyn, by reason of the reputation he had earned in another branch of service, had arrested the attention of the Indian Department and he was solicited to take this place, unsought by himself or unasked by his friends. He was solicited because of his known character for bravery, judgment, and discretion to take charge of this band of Indians, and he did it, and he has served the Department so well and the interests of that section of the country so well that the Department themselves asked that his salary should be raised to $2,000 a year. Attention was called to the fact that Mr. Llewellyn was about to leave the service, could not stay there on the terms allowed, and the Department themselves asked him to remain. The Commissioner of Indian Affairs sent a communication in regard to Mr. Llewellyn, in which he stated:

If his salary is not increased he will not remain, and it will be very difficult to fill his place. Inadequate compensation drives off the Indian agents that are good for anything, and leaves the service to be conducted by men who are broken down physically or politically or financially.

That is the statement of the Commissioner himself; and in that connection it is proper to state that not very long ago I received, in the interest of that section of New Mexico where many bands of the Apaches reside, a letter from the former chief-justice of the Territory, earnestly asking that whatever could be done to retain Major Llewellyn in the control of these Indians should be done; and he spoke of the benefit of his services to that entire section of country.

As my colleague has said, the commanding generals of that department for the last two or three years have been profuse in their expressions of admiration for the gallantry and bravery of the man who has the control and management of these Indians; and much is due to a person like Major Llewellyn, who has earned this character and this reputation. He has shown ability in the service, and he is not only faithful and brave, but intelligent and discriminating, so much so as to call from the officials in that Territory, civil and military, requests for his retention. And when the Commissioner of Indian Affairs at Washington asks both branches of Congress to secure his retention, and he says in his letter how difficult it is to fill the place, it is due to the service and due to the people of that section, when the salary is placed at less than that of several agents in the service, that it should be increased. It is but little to ask in the interest of good order, in the interest of the people of New Mexico and Arizona, that what can be done to retain such a man in the service should be done.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska [Mr. MANDERSON].

The amendment was agreed to.

Mr. DAWES. That requires an amendment of the sum total appropriated for pay of agents. In line 118 there should be added $200 to the total amount of $90,300.

The PRESIDENT *pro tempore*. The Senator from Massachusettss moves to strike out "three" and insert "five;" so as to read $90,500.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. DAWES. A verbal amendment is needed which the Secretary has called my attention to. In line 3 of the amendment on page 8, at the end of line 159, the words "not to exceed $2,000" should be inserted after the word "commission," instead of after "balances;" so as to read:

And any unexpended balances of appropriations for the expenses of said commission, not to exceed $2,000, are hereby appropriated.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and it is agreed to.

The amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 153) providing a civil government for Alaska.

The message further announced that the House had passed a bill (H. R. 4359) in relation to the Legislature of Dakota Territory; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 316) granting a pension to Katharina T. Wunsh;

A bill (S. 1369) to prevent and punish counterfeiting within the United States of notes, bonds, or other securities of foreign governments; and

A bill (H. R. 2267) granting an increase of pension to Samuel C. Wright.

SOLDIERS' AND SAILORS' PENSIONS.

Mr. CULLOM. I ask leave at this time to introduce a bill. I desire to state that this is a bill in regard to pensions, and contains provisions of bills heretofore introduced by other Senators, and also some suggestions of the Grand Army of the Republic. I ask that it be printed, so that the committee may have it before them.

The bill (S. 2208) to provide pensions for certain invalid soldiers and sailors who have been discharged from the Army or Navy of the United States after three months' service therein during the war of the rebellion, and for the widows and dependent parents of deceased pensioners, and to increase the rate of pension in certain cases, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

POLYGAMY IN UTAH.

Mr. HOAR. I move that the Senate proceed to the consideration of Order of Business 112, being Senate bill 1283, known as the Utah bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882.

BUREAU OF LABOR STATISTICS.

Mr. BLAIR. I wish merely to give notice that I will to-morrow morning at the conclusion of the morning business, as a matter of accommodation to Senators who desire to leave the city, ask to take up Order of Business No. 529, being the bill (H. R. 1340) to establish and maintain a bureau of labor statistics. I think we can dispose of it during the morning hour.

Mr. CAMERON, of Wisconsin. I shall insist on proceeding with the Calendar.

Mr. COCKRELL. I shall join in that.

Mr. CONGER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 13, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

Mr. BEACH. I move by unanimous consent that the Clerk omit the reading of the purely formal part of the Journal of yesterday's proceedings relating to the introduction and reference of bills and joint resolutions.

There being no objection, it was ordered accordingly.

The Journal of yesterday's proceedings, with the above exception, was then read and approved.

D. O. RILEY.

Mr. ROBERTSON, by unanimous consent, introduced a bill (H. R. 7008) for the relief of D. O. Riley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN KNOCKMAN.

Mr. ROBERTSON, by unanimous consent, also introduced a bill (H. R. 7009) to remove the charge of desertion from the record of John Knockman, late private Company K, Fifty-fourth Ohio Volunteer Infantry; which was referred to the Committee on Military Affairs, and ordered to be printed.

LABOR COMMITTEE.

Mr. HOPKINS. Mr. Speaker, I ask by unanimous consent to submit for present consideration a resolution which I send up to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That Wednesday, May 21, 1884, be set apart for the consideration of bills reported by the Committee on Labor, to wit: H. R. 2550, in reference to imported labor; H. R. 6541, eight-hour law, and H. R. 995, convict labor.

Mr. MILLS. I object.

IMPROVEMENT OF BAR AT SANDY HOOK.

Mr. HEWITT, of New York, by unanimous consent, presented a petition of the Chamber of Commerce of the city of New York, for the improvement of the bar at Sandy Hook; which was referred to the Committee on Rivers and Harbors, and ordered to be printed in the RECORD.

The petition is as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

At the annual meeting of the Chamber of Commerce, held May 1, 1884, the following preamble and resolutions were unanimously adopted:

Whereas the memorial to Congress of the merchants, ship-owners, and others interested in the commercial prosperity of the port of New York, praying for the improvement of Sandy Hook bar, has been formally approved by the Legislatures of New York and New Jersey respectively,

Resolved, That the Chamber of Commerce of the State of New York hereby approves the said memorial, and that the standing committee on the harbor and shipping be authorized and empowered to adopt such measures as they may deem suitable and proper to promote the immediate passage by the Senate and House of Representatives of the United States of a law making provision for deepening and improving the approaches to this port.

Resolved, That a copy of the foregoing preamble and resolution, authenticated by the seal of the chamber and by the signatures of its officers, be transmitted to the President of the United States and to both Houses of Congress.

JAS. M. BROWN, *President*.

A true copy.

GEORGE WILSON, *Secretary*.

INDIAN WAR CLAIMS.

Mr. ROSECRANS. Mr. Speaker, I move by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the joint resolution (H. Res. 172) amendatory of the act of June 27, 1882, entitled "An act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, for money expended and indebtedness assumed by said States and Territories in repelling invasion and suppressing Indian hostilities, and for other purposes."

The SPEAKER. The joint resolution and the accompanying amendment reported from the Committee on Military Affairs will be read subject to objection.

The joint resolution was read, as follows:

Resolved, &c., That the act of Congress approved June 27, 1882, entitled "An act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, for money expended and indebtedness assumed by said States and Territories in repelling invasion and suppressing Indian hostilities, and for other purposes," be, and the same is hereby, amended by striking out the words "April, in the year 1861," and inserting in lieu thereof the words "January, in the year 1851."

The SPEAKER. The amendment reported from the Committee on Military Affairs will now be read.

The Clerk rend as follows:

Add at the end of section 1 of the said act the following:

"*Provided*, That such claims in the State of California arising on and after the 1st day of January, 1851, shall be examined and investigated as aforesaid."

The SPEAKER. Is there objection to discharging the Committee of the Whole on the state of the Union from the further consideration of the joint resolution and amendment and for their present consideration?

Mr. HOLMAN. I hope the right to object will be reserved until the gentleman from California will explain what particular claims are to be considered under this joint resolution as arising between the years 1851 and 1861.

The SPEAKER. The right to object will be reserved and by unanimous consent the gentleman from California will be allowed to submit his statement.

Mr. ROSECRANS. Mr. Speaker, the object of this amendment is to correct an inadvertence occurring in the passage of the bill which this joint resolution proposes to amend. That inadvertence consists in this: In providing as it does for the settlement of Indian claims in the several States and Territories, including California. The member who inserted the name of the State of California was unaware of the fact that no Indian war claims whatever on the part of the State of California existed subsequent to the time of the commencement of the period proper and satisfactory in reference to the other States and Territories. But, on the contrary, claims reported in this House beginning in 1851 were embraced in the bill that had been put on the Calendar. That member, not adverting to that fact, failed to call the attention of the House when acting on the bill—that is, to the date California Indian claims commenced. Now the object of this is to have the Indian claims of California settled with those coming from other States and Territories.

Mr. HOLMAN. Let me ask the gentleman from California whether these claims coming from California occurring between 1851 and 1861 were not adjusted at one time by a commission and provision made by law for their payment?

Mr. ROSECRANS. A commission formerly settled those claims and paid a part of them; the remainder only failed to be paid because there was not money enough.

Mr. HOLMAN. Then what else is there to do but to pay the balance of the money due to the State of California?

Mr. CASSIDY. There is no provision in this joint resolution to pay anything. It is merely making provision for the adjustment of these claims of the State of California.

Mr. HOLMAN. But if there has been an adjustment already, if there were some of these accounts which were settled and paid, why not provide for the settlement of what remains rather than provide for another commission?

Mr. CASSIDY. It did not go far enough back to include the claims in California. This joint resolution includes those claims which were before not included.

Mr. HOLMAN. Then, if I understand the gentleman from California, these accounts have been already adjusted and partly paid, and the only question now is with reference to a claim for the remainder?

Mr. ROSECRANS. Between thirty and forty thousand dollars remain unpaid.

Mr. BLOUNT. Let me ask the gentleman if these claims have been already adjusted by the commission whether the effect of this resolution would not be to reopen all of the claims which have been rejected by the commission?

Mr. ROSECRANS. By no means; it has no effect upon them. It enables the State of California simply to get at its proportion of this indebtedness without further legislation. Unless this addition is made to the present resolution there would necessarily be another bill introduced for the same purpose. There was a bill reported by the last Congress which related to this very subject, but it was not complete in this respect. Now I want to get this resolution amended in some way so that the State of California may have the opportunity to get that which is acknowledged to be due. There is no question as to the right of the claim, but it must be adjusted and this insertion of the State of California in the bill of 1882 was of no effect so far as the State's interest was concerned without inserting the date from which the claim should be considered.

Mr. BLOUNT. But let me ask the gentleman why it is if the claims have been adjusted by a commission it is necessary that the Treasury Department should go over the whole ground again?

Mr. ROSECRANS. In reply to the gentleman from Georgia I must say that I do not presume the Secretary of the Treasury will do any unnecessary work in that direction.

Mr. BLOUNT. But you require it by the bill.

Mr. ROSECRANS. No; the object is only to get a decision upon the point as a finality.

Mr. CASSIDY. In order to enable a full settlement of what are acknowledged as valid claims to be made.

Mr. BLOUNT. But I understand that you are not content with that. The proposition is to have the Treasury Department re-examine all of the claims. That would be the effect of it.

Mr. ROSECRANS. The gentleman from Georgia misunderstands the case if he understands that to be the condition of it.

The fact is this: The State of California issued certain bonds to pay the expenses of the Indian war; and in 1853 provision was made for the payment of these bonds, with interest then due.

But the Secretary of War acting at that time thought it necessary that the expenditures for which the State of California issued the bonds

should be examined, and that the vouchers should be considered by the Treasury Department in Washington before payment was authorized.

The result of that was a delay in the adjustment of the accounts for a period of two or three years. During all of that time the interest was accruing on the bonds, and finally when a decision was reached in the case, and the money ordered to be paid, the sum which had been appropriated for the purpose was not sufficient to cover the bonds and the overdue coupons. Moreover, at that time there were about $30,000 of these bonds which had not then been presented. So that these bonds which had not been adjudicated or presented and the overdue coupons and accrued interest was the portion of the indebtedness which could not be liquidated with the sum placed at the disposal of the Government. The Government therefore applied the sum to the redemption of such bonds as it could cancel, and left some bonds uncanceled to the amount that I have stated and also the overdue coupons. It is therefore these coupons and the accrued interest claimed by these parties upon the overdue coupons and the unpresented bonds for which the adjustment is sought to be made by the Treasury Department. The object of this resolution is to enable the State of California to come in under the operation of the provisions of this joint resolution and have her claim reached. There is no benefit to California by the passage of this resolution in its present form and without the modification suggested, for it does not reach our case at all. It was not known by the person who inserted the name of California in the bill that the claims began in 1851 and not in 1861, being the period covered by this joint resolution.

Mr. BLOUNT. Will the gentleman from California allow another question?

Mr. ROSECRANS. Certainly.

Mr. BLOUNT. Has this matter to which he now refers been submitted to the commission—the question with reference to these overdue coupons and outstanding claims?

Mr. ROSECRANS. With reference to the overdue coupons?

Mr. BLOUNT. Yes.

Mr. ROSECRANS. I have already stated the condition. In order to make it more clear, I will repeat that when the vouchers were brought to Washington and examined, as required by the Secretary of War, and provision made for the payment of the money, the time that elapsed was such that there was not money enough to pay the principal and accrued interest. Had the whole amount been paid at that time it would probably have been sufficient, but since that time this interest has accrued. But there were $30,000 worth of bonds which had not been brought before the commission, so that there are these $30,000 of bonds and the overdue coupons to be paid. The men who owned the overdue coupons took the money so far as it went and kept the coupons which were detached by the commissioners appointed for the redemption of them, because there was not money enough to pay them. Now, the men who held the $30,000 of unpaid bonds and the overdue coupons are the claimants in these Indian claims. Of course they lay claim to interest on the overdue and unpaid coupons. That is the unadjusted part of the claim.

Mr. CASSIDY. Let me ask the gentleman from California if this does not simply involve the question of the adjustment of a claim for some thirty to forty thousand dollars in California for which provision was supposed to have been made in a preceding bill?

Mr. ROSECRANS. Yes, sir; that is all.

Mr. BLOUNT. I think it may go considerably further.

Mr. CASSIDY. And the subject will come again before Congress after the report upon the character of these claims is made when the money is to be appropriated?

Mr. ROSECRANS. Of course.

Mr. BLOUNT. I do not see how that is to be.

Mr. BLANCHARD. I desire to ask the gentleman from California [Mr. ROSECRANS] if this joint resolution has been reported favorably by any committee of the House?

Mr. ROSECRANS. Certainly. It has been reported favorably by the Committee on Military Affairs, and has been referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BLOUNT. I object.

AMENDMENT OF THURMAN ACT.

Mr. POST, of Pennsylvania. I desire to make a privileged report. In pursuance of leave heretofore granted I present the views of the minority of the Committee on Pacific Railroads on the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act.

The SPEAKER. The views of the minority will be printed with the report of the majority.

Mr. CASSIDY. I desire to state that I shall call up the business of the Committee on the Pacific Railroads on the very earliest day possible. We have been assigned a day for the consideration of reports from that committee.

ORDER OF BUSINESS.

Mr. EVINS, of South Carolina. I demand the regular order.

The SPEAKER. By a special order of the House this day immediately after the reading of the Journal has been assigned for the consideration of bills reported from the Committee on the Territories. The gentleman from South Carolina [Mr. EVINS] is recognized.

CIVIL GOVERNMENT FOR ALASKA.

Mr. EVINS, of South Carolina. By instructions of the Committee on Territories, I desire to take up as the first bill for consideration the bill (S. 153) providing a civil government for Alaska. Inasmuch as there has been some difference of opinion as to whether that bill is excluded by the terms of the order I ask unanimous consent to take it up. I do not think myself it is embraced within the terms of the order of the House, but to avoid any controversy on the point I ask unanimous consent that it may be considered.

There was no objection.

The SPEAKER. Does the gentleman desire to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill?

Mr. EVINS, of South Carolina. Yes, sir; I ask that it may be considered in the House.

Mr. HOLMAN. I think the bill should be considered in Committee of the Whole.

Mr. RANDALL. The gentleman from South Carolina had better agree to that.

Mr. EVINS, of South Carolina. I consent to that; and I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering bills reported by the Committee on Territories. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (S. 153) providing a civil government for Alaska.

Mr. EVINS, of South Carolina. I ask unanimous consent to dispense with the first and formal reading of the bill.

There was no objection.

Mr. EVINS, of South Carolina. The establishment of some form of government for the Territory of Alaska is demanded by every consideration of national honor and good faith. By the stipulations of the treaty the people of that Territory who transferred their citizenship to the Government of the United States are entitled to the protection of their property and their lives, and these guarantees are made by the stipulations of the treaty. For seventeen years, Mr. Chairman, we have neglected to provide any sort of government for the people of this Territory, in violation of the treaty obligations and in violation of good faith to those people who have trusted us; and we now ask this Congress to give them something like a civil government. We do not ask any expensive government. This bill does not provide anything of the kind. It simply provides for the appointment of a governor, of a United States district court judge with circuit court powers, of a district attorney, of a marshal, of a clerk, and of four commissioners. In other words, with the exception of the office of governor, it simply creates a judicial district of the Territory of Alaska. To-day there is no semblance of law in that vast Territory. Whatever property and rights those people may have are at the mercy of any adventurer or of the mob.

Mr. BLOUNT. Will the gentleman allow me to ask him what laws operate there?

Mr. EVINS, of South Carolina. Under the provisions of this bill the general laws of the State of Oregon are made operative in this Territory, so far as they are not inconsistent with this bill or with the laws of the United States; and all laws of the United States applicable to Territories are made applicable to this Territory.

Mr. BLOUNT. How about changes of the law, should they become necessary?

Mr. EVINS, of South Carolina. The bill does not provide for that. This Congress can change them if deemed advisable. According to the best information obtainable in regard to the population of this Territory there are within its limits over 35,000 Indians of the various tribes. They have been variously estimated from thirty-five to fifty or sixty thousand. Of these Indians the Aleuts are the most intelligent. Some of them are highly educated. It is said that the first triangulations made on the coast of Alaska of the harbors there, and which form the basis of the coast survey of that Territory to-day, were made by educated Aleuts. These Aleuts are described as being very thrifty, industrious people, readily adapting themselves to the civilized habits of the white man. In fact a large number of various tribes, some seven or eight thousand, are members of the Greek or Russian Church, and the

older people among them have been educated through the means of that Church.

But since this Territory has passed into the hands of the United States little or no attention has been given to the matter of the education of these people, except what has been done through the missionary efforts of some of the churches. The Presbyterian Board of Missions has a very flourishing school at Fort Wrangel, and there is another school at Sitka; but these are the only schools that are now provided for these people. It is said by those who know them that they are as fully qualified for citizenship, and will adapt themselves as readily to the habits of the American people and to their laws as did the Mexicans who were received into citizenship in California, New Mexico, Texas, and Arizona. Therefore it may be said that a large body of these people are now prepared for citizenship.

There being no law to protect the white man in his property or life, the white population at present is very small, though according to the best estimates the committee can get it is increasing. There are probably from seven hundred to eight hundred white people who may be said to be permanent residents of the Territory; and at certain seasons of the year the number of whites run up to twelve or fifteen hundred, when miners go there to engage in mining.

However, we should not measure our duty to these people by the number or the fewness of them. Wherever there is an American citizen he is entitled to all the advantages, immunities, and rights of every other citizen, and the Government should feel bound to guarantee those rights to him in some shape or form.

As to the climate and resources of this vast region of country, about which I suppose a great many here have not taken the pains to inform themselves, I would say that it is not such an ice-bound desert as it was described to be when first purchased by Mr. Seward. It is a country the resources of which are as yet but little known. What we do know of them leads us to the conclusion that there are in that Territory vast resources which may be developed to the great advantage not only of the people there but of the whole country.

The great chain of mountains running from Central America through Mexico, the United States, and British Columbia into Alaska is rich throughout its whole length in the precious metals. I have myself seen some specimens of the precious metals brought from Alaska, and there is reason to believe that they will yet be found there in large and paying quantities. In fact, a number of companies have already been organized to prosecute a vigorous search for them, but they are unwilling to make any great venture without some power to guard and protect their rights; but even without law large shipments of bullion have been made. I saw an account of one the other day amounting to some thousands of ounces of gold, I believe.

Rev. Dr. Jackson and some others who have spent much time in the Territory say that there is a vast quantity of iron ore there; that in what is called the Chilkaht country there is an iron mountain similar to the one near Saint Louis and equally rich and valuable. They also say that on the Copper River there are inexhaustible stores of copper.

To the surprise of many who have not examined the question, the climate on the southwestern coast is exceedingly mild. It is tempered by the Japan stream which flows along the coast stored with tropical heat, so as to make the winter climate of Southwestern Alaska about the mean temperature of the State of Georgia and the summer climate about the mean temperature of the State of Minnesota, according to accurate accounts kept by the agents of the Russian Government for more than forty years.

The difficulty about that portion of the country, however, is its great humidity. The warm Japan stream coming in contact with the cold atmosphere and the cold waters of the northern regions creates a vast deal of humidity, and there is a great deal of rain and fog along the coast. The soil is said to be rich and of good depth, and it will grow some of the root crops and barley and other cereals, but the climate is too moist to ripen the grain fully. As an agricultural country there is not a very encouraging outlook.

The chief resources of the country will be found in its mining operations and in its timber, especially in its forests of yellow cedar, which is said to be the finest timber in the world. I understand that it is selling at present in Portland, Oreg., for about $60 a thousand feet, and the time will come, when the timber supply of this country in Maine, Wisconsin, Michigan, and other timber-producing States is exhausted, when the timber of Alaska will be of vast importance.

Mr. KASSON. And then the fisheries.

Mr. EVINS, of South Carolina. Yes, the fisheries, as my friend suggests. The stories in regard to them are most wonderful, and would really tax the credulity of most men who should hear what is said by those who have been there and seen for themselves. The finest salmon, halibut, codfish, and fish of all kinds are to be found there. There are already a number of canneries established upon this southwestern coast, but there is not a sufficient market on the Pacific coast as yet, and the demand is not equal to the supply. Some of these days these fisheries are bound to provide largely for the wants of a large portion of the civilized world.

A MEMBER. And the seal-fisheries.

Mr. EVINS, of South Carolina. The most valuable part of the resources of the Territory at present is something that was not taken into account when we purchased Alaska. I refer to the great seal-fisheries, which are established some two hundred miles or more north of the Alaskan peninsula, on the Saint George and Saint Paul Islands, small islands—about six miles by twelve in extent, I believe. The seal company pays the United States Government $55,000 a year as rent for these islands. Then they pay $2.62½ as a royalty upon every seal they are allowed to take, and they are allowed to take annually 100,000. This pays the Government annually the sum of $317,000, which is more than 4 per cent. upon the purchase-money paid by the United States for this vast Territory, the amount having been, I believe, $7,200,000.

Mr. BLANCHARD. How many white people are there in the whole Territory of Alaska?

Mr. EVINS, of South Carolina. I stated a few moments ago, in answer to a question, the aggregate population according to the best information the committee could get, which was very meager. The country is so vast in its dimensions, the settlements are so far apart—Sitka, the capital of the Territory, being for instance 1,200 miles from Oonalaska—you can hardly conceive of the extent of the Territory without taking a map and looking at it. But scattered over this Territory, so far as we can ascertain, are about seven hundred or eight hundred permanent white residents.

Mr. BLANCHARD. How many Indians?

Mr. EVINS, of South Carolina. About 35,000.

Mr. TOWNSHEND. Are not some of those Indians semi-civilized?

Mr. EVINS, of South Carolina. Oh, yes, as I stated a while ago.

Mr. TOWNSHEND. I was not present.

Mr. EVINS, of South Carolina. There are 7,000 or 8,000 of those Indians, known as Christians, who have adopted the dress and to a very great extent the habits of the white people. They dress as our people do, in clothing carried there by the merchants of this country.

In addition to the seal-fisheries the fur company realize more than $1,000,000 a year from the land furs. Besides there is a very large business done in the seal otter.

Mr. BLANCHARD. Are there any great rivers in that country?

Mr. EVINS, of South Carolina. The largest river on this continent is in Alaska—the Yukon River, which is navigable for 1,500 or 2,000 miles from its mouth, where it has a breadth of seventy miles.

The country is wonderful in its rugged mountains, in its smoking volcanoes, in its impenetrable depths of forest, as well as in resources, which are as yet unexplored. Few men have ventured into the vast interior of the country. We may form some idea of its vast extent when we remember that it is equal in area to one-sixth of the whole of the United States, including the Territories. The interior of the country along the Yukon River and from that up to the Arctic Sea is said to be an ice morass. Nearer the coast it is inhabited by the Esquimaux—a savage, nomadic tribe. A great many of the Indians of the interior are engaged in furnishing skins and furs to the stations along the Yukon River which have been established by the fur company.

Mr. Chairman, I have in a very hurried and desultory manner gone over the features and resources of the Territory of Alaska. As I stated in the beginning, I am not in a physical condition to make a speech, but I shall be glad to answer any question which any gentleman may desire to propound.

Mr. CUTCHEON. Perhaps the gentleman has stated, though I did not hear the statement, what is the total population of the Territory?

Mr. EVINS, of South Carolina. About 35,000.

Mr. BLANCHARD. What kind of government has the Territory had?

Mr. EVINS, of South Carolina. I am glad my friend has asked me that question. It has had no government whatever that can properly bear that name. Immediately after the Territory was ceded to the United States there was, I believe, a quasi-military government established. A few squads of regulars stationed at different points through the Territory administered justice by a "drumhead court-martial," so far as any justice was administered at all. At present the only semblance of government there is exercised through the collector of customs and the commander of the United States vessel. In 1881 two men were arrested by the captain of this vessel. No doubt it was a very proper thing for him to do; I only mention the circumstance to show the utter want of everything like law in that country. These men were arrested for some misconduct by the captain and were imprisoned. He reported the fact to the Secretary of the Treasury and wanted to know what he should do with these men. He was the only peace officer in that country. The Secretary said that he had done right in arresting them, and that he should keep them in prison just as long as he thought it necessary to punish them properly.

Now, it would be a disgrace to any despotic government, and to this great Republic of America it is a shame and an outrage, that these people have been left so long in this condition.

Mr. CASSIDY. If the gentleman will yield to me I would like to say a few words on this subject.

Mr. EVINS, of South Carolina. How much time does the gentleman wish?

Mr. CASSIDY. Three or four minutes.

Mr. EVINS, of South Carolina. I yield five minutes to the gentleman.

Mr. CASSIDY. I think it is especially important this bill should be enacted into law. I know from my personal knowledge the settlement and development of that vast Territory have been greatly retarded because there has been no form of law or of protection for life or property within its boundaries. I have had during the last two sessions of Congress as many perhaps as fifty-eight letters from gentlemen on the Pacific coast, mining men in particular, who desire to go to Alaska Territory, but they have been reluctant to go there and attempt to develop its mineral resources and open up that vast region because there was no protection for their investment or for their property.

During last summer I was in San Francisco, and I saw it stated in the papers that a native of that country who had committed a cold-blooded murder was brought to San Francisco, and when the time arrived to give him a hearing there were no witnesses and he was allowed to go at large—turned loose for want of prosecution.

There is no form of law, there is no protection of property or life there. This fact alone has retarded the settlement of that Territory. I think it is of the highest importance this bill should be speedily enacted into law.

Mr. EVINS, of South Carolina. I will now yield for five minutes to the gentleman from California [Mr. BUDD].

Mr. BUDD. Mr. Speaker, I desire to add my evidence to that of the gentleman from Nevada as to the lack of proper laws in Alaska. This absence of proper laws in a portion of the United States which is larger in area than Colorado, California, and Texas combined, and which contains 33,000 inhabitants, a territory rich in mineral and other wealth, is of itself a conclusive reason why this bill should become a law. It has been asked, "What laws are enforced there now and how?" The laws have been the changeable wills of United States officers, and enforced in such manner as to them appeared proper. In their hands, strange as it may seem, have been the powers of taking life, liberty, and property without the restraint or forms of law. At least they have done so, and I have yet to learn that any one has been either censured or removed for his actions.

To illustrate: In the fall of 1882 the San Francisco journals contained an account of an interview with certain persons who came from Alaska on a United States vessel. The accounts as given in these journals were undoubtedly correct; they have been since sustained by official report. They show proceedings unworthy a drumhead court-martial; that the laws were made and executed on United States revenue-cutters. It appears that two sailors or employés of some company at Sitka had by accident or otherwise killed or badly injured an Indian; that the Indians took these two men and detained them under a demand that the company should pay in blankets to the relatives of the dead Indian the damages. This has been the custom in the Territory for many years. A United States vessel was then at Sitka, and, with the collector on board, proceeded to the Indian village. The officer in charge released the two men without any trouble, and then demanded from the Indians, as a fine or for damages, four hundred blankets, under a threat to destroy their village and property were the blankets not delivered at the time specified. The Indians did not comply with this peremptory order of this royal dictator. I understand they did not have the blankets. The commander of this United States vessel was a law unto himself, and in the morning he, a United States officer, judge, jury, and sheriff, fulfilled his threat and shelled the Indian village. Forty canoes and many blankets were destroyed. The village and winter stores were burned and destroyed by Uncle Sam's seamen under orders of their commander, while the guns of Uncle Sam were throwing shot into the homes of these defenseless Indians.

This was in October, 1882, in the fall of an Alaskan winter. For doing that which in any civilized country would subject one to a nominal fine only these poor Indians lost all, because there was no law in Alaska. All their blankets, all their provisions, all their homes were cut down; and whether any Indians were killed reports do not say, for the vessels steamed away as soon as the outrage had been committed.

There are few other countries in the civilized world where such acts of an officer would not be followed by dismissal.

Several MEMBERS. What was his name?

Mr. BUDD. I do not now recall the name of this person. It was a United States vessel, commanded by a United States officer. It was fully published at the time and has not been denied, and there is an official record of the facts, which I will secure and have read to this House before debate closes on this bill.

Mr. LONG. When was it?

Mr. BUDD. About a year and a half ago; October, 1882. It was a matter stated in the journals at the time and subsequently reported to Congress, and, as I have said, I have never heard any denial of the facts on the part of the people who were on board the vessel. But this, Mr. Chairman, is only in line with the conduct and policy of the Government of the United States toward the Indian tribes, not only in Alaska but elsewhere throughout this country. They have been treated in a like manner North, South, East, and West. You have only to turn to the Chivington massacre and the Piegan affair of 1870. In the Chivington massacre the Indians were cut down by troops under the United States flag, also in Piegan affair.

Mr. KASSON. He was not a United States officer, but was in command of volunteers.

Mr. BUDD. Yes, Colonel Chivington, of Colorado, was in command of volunteers, and his force was composed of volunteers; yet it was while under the promised protection of the United States flag that the Indians were massacred and cut down by him—women and children scalped and men tortured and mutilated in a horrible manner.

Mr. KASSON. It was under the authority of the rifles of those volunteers.

Mr. BUDD. It was under the authority of the rifles of those volunteers, to be sure; but it was also under the flag of the United States.

I have stated these facts for the purpose of showing the absolute necessity for the passage and enforcement of some law to protect life and property in the Territory of Alaska. As to Indian matters my views are few. Individual responsibility and land in severalty are the true foundation-stones of a just and effective Indian policy. Give them the protection of the law; require from them its strict observance; place before them some end to attain, and teach them that they must work or want. I know this will take time, but unless we begin soon we will never accomplish anything.

When an Indian commits murder hang him; when he commits any other crime punish him. Punish the white who injures the Indian and the Indian who injures the white.

Indian wars originate because of retaliations for wrongs that the Government does not provide adequate relief for. We punish the many for the acts of the few, and sustain these pauper criminals in idleness. But enough of Indians.

The resources of Alaska are undisputed. They have never been fully ascertained. The absence of law and lack of protection to person and property have deterred persons from entering that Territory.

Alaska contains nearly 580,000 square miles, and has a coast line of 4,000 miles. Through it run many fine rivers, one, the Yukon, being larger than the Ganges or the Oronoco.

Copper, iron, petroleum, silver, and some gold, as well as other metals, are found.

As a fur-producing country Alaska is very valuable. In 1880 there were shipped sea-otter skins valued at fully half a million dollars, and seal-skins valued at a million dollars. Besides these there are annnually killed, approximately, marten, 10,000; mink, 20,000; fox, 8,000; beaver, 4,000; bear, 1,000. The fishing product of one year has been 1,483,083 gallons oil, 526,566 pounds whalebone, valued at $1,661,922.

The timber supply appears almost inexhaustible. The most valuable of its trees is the yellow cedar. What the resources may prove it is impossible to say until the country is settled, or at least explored.

The people there and those who wish to go there ask for some law to protect them. They ask for a government not fully Territorial but such as is suited to their condition—a skeleton form, with the laws of Oregon, wherever they can be applied, to fill it out. We of the Pacific coast have a special interest in this bill, and have therefore so persistently favored it.

[Here the hammer fell.]

[Extract.]

UNITED STATES REVENUE MARINE,
UNITED STATES REVENUE-STEAMER CORWIN,
San Francisco, Cal., November 20, 1882.

SIR: * * * We left Juneau City on the 20th, and touching again at Killisnoo, arrived at Sitka on the 21st.

During the afternoon of the 23d the superintendent of the fishing station at Killisnoo reached Sitka with his family, with the following report, and requesting protection from the United States steamer Adams. On the 22d of October, while the company's whaling boat was fishing in Hootsnoo Lagoon, one of the bombs used in whaling accidentally exploded, killing one of the native crew, who happened to hold the rank of medicineman or shaman among the tribe. For this man the natives demanded two hundred blankets, at the same time seizing the whaling boats with their equipments, and holding two of the white men prisoners until the amount should be paid. In case the demand was not met by the company the natives threatened to burn the company's store and buildings, destroy the boats, and put to death the white prisoners.

Acting upon this information, Capt. E. C. Merriman, of the Adams, placed on board the company's steamer Favorite some marines, and, as the Adams was thought too large for the work, the Corwin was tendered, and Captain Merriman, together with the collector of customs, proceeded upon the Corwin to the scene of the disturbance.

Remaining at Lindenberg Harbor that night, we reached Killisnoo early on the morning of the 25th. The following morning we proceeded to Hootsnoo Lagoon, and came to anchor off the Indian village located there.

Immediately we anchored the white men were released, some of the ringleading Indians captured, and the release of the property effected. In addition to this, as a punishment and as a guarantee for future good behavior, Captain Merriman demanded twice the number of blankets demanded by the Indians, and threatened, in case of refusal, to destroy their canoes and villages. Refusing to pay the amount and remaining defiant, their canoes, to the number of forty, were taken and destroyed, after having selected those which belonged to the Indians who had remained friendly to the white men. Remaining unsubdued, their summer camp at this place was burned. Weighing anchor we steamed out of the lagoon, and at 2 o'clock hove to off the village of Hootsnoo and proceeded to shell the town. After shelling the village the marines were landed under cover of the guns, and they, setting fire to the houses, destroyed the entire village, with the exception of the friendly Indians.

After the boats returned we steamed down to Killisnoo, and remaining there during the night, reached Sitka the following afternoon, with twenty-two seamen of the Adams, whom we had received on board for transportation. * * *

I am, very respectfully, your obedient servant,

M. A. HEALY,
First Lieutenant, U. S. R. M., Commanding.

Hon. CHARLES J. FOLGER,
Secretary of the Treasury, Washington, D. C.

CUSTOM-HOUSE, SITKA, ALASKA, *Collector's Office, November* 9, 1882.

Hon. CHAS. J. FOLGER,
Secretary of the Treasury, Washington, D. C.:

SIR: On the 28th of last month I had the honor to transmit to the Department the following telegram:

SITKA, *October* 28, 1882.

SECRETARY TREASURY,
Washington, D. C.:

26th inst. Hoochenoo Indians becoming troublesome, capturing property from whites, Commander Merriman repaired thither in Corwin. Became necessary to shell and destroy village, canoes, and make prisoners. Severe lesson taught. Particulars by mail.

It is presumed that all essential information has already been rendered the Department by the report of the commander of the Corwin himself, and that as the expedition was a joint one upon behalf of the Navy and Treasury Departments, the report of the naval commander will also reach the head of his Department, hence it will be unnecessary for me to enter into general details, but merely give a synopsis of what I saw myself as an eyewitness, and my opinion of the necessity which existed for adopting such stringent measures.

On the night of October 22, while this company were whaling in the Kootsnoo Lagoon, a bomb, shot from the whale-boat at a whale, accidentally exploded and killed an Indian shaman, who composed one of the crew: whereupon the latter immediately arose and, aided by about one hundred Indians, overpowered the two white men in the boat and took them prisoners, captured the boat, nets, whaling gear, and steam-launch of the company, valued at several thousand dollars, and demanded payment of two hundred blankets for the dead man. The white men were kept close prisoners. A plan was formed to murder the engineer of the launch, who fortunately did not take the trail expected.

Capt. J. M. Vanderbilt, the superintendent, at once got up steam on the company's tugboat Favorite, and started with his family post-haste to Sitka for aid from the naval commander. The Indians endeavored to cut off the Favorite, but failed.

As soon as Vanderbilt reported the facts to Commander Merriman the latter put a howitzer and Gatling gun on the Favorite, sought the co-operation of the revenue-marine steamer Corwin, then in port, and as early as practicable, with a force of about one hundred marines and sailors, started himself for the scene of action, picking up his large steam-launch on the way. I accompanied the expedition.

Upon arriving at the lagoon matters were found exactly as represented by Vanderbilt; the men still prisoners; the Indians increasing in force and very much excited. Commander Merriman lost no time in arresting the ringleaders, and got the two principal chiefs of the tribe on board the Corwin, and informed them that, instead of the Northwest Trading Company paying anything to them, he should inflict upon them a fine of four hundred blankets, payable the next morning, under the penalty of having their canoes destroyed and principal village shelled and burned.

So temporizing has been the policy pursued within the past two years by the Navy toward the Siwashes that they evidently thought this a game of bluff. They were surly and impertinent, and affected not to think Commander Merriman would put his threat into execution. They, however, took the precaution to make use of the intervening night in taking to a place of security their large canoes and valuables.

The punishment has been most severe, but eminently salutary, and in my judgment the very thing that was needed, and unhesitatingly, in my opinion, is the prompt and energetic action of Commander Merriman to be applauded, and this occasion is sought to express great confidence in the result of his action and general management of the Indians since he has been on this station.

Owing to the heavy draught of water needed for the Adams, the presence and co-operation of the Corwin were most opportune.

The conduct of Lieutenant Healy, in command of said vessel, is especially to be commended as that of an officer and a gentleman and a credit to the service. His officers and men conducted themselves well throughout the whole affair, and deserve therefor special mention.

I am, respectfully, your obedient servant,

WM. GOUVERNEUR MORRIS,
Collector.

Mr. EVINS, of South Carolina. I now yield to the gentleman from Oregon [Mr. GEORGE] for five minutes.

Mr. GEORGE. Mr. Chairman, I heartily agree with all that has been said in behalf of the necessity for the passage of this bill. I desire to call the attention of the House to the fact it is substantially the same bill introduced by myself in the Forty-seventh Congress, and which only lacked, I believe, two votes of passing the House by a two-thirds majority on a motion to suspend the rules and pass the bill. The same question was then raised in regard to certain provisions of the bill, and, in the haste of a thirty-minute discussion only, a doubt was raised in the minds of some of the members, and for that reason the bill failed of the necessary two-thirds vote to pass it. But it has been changed in that respect. Those sections then claimed to be subject to the construction sought to be placed upon them have been modified so that it is not possible now for any renewal of objections.

Other supposed objectionable features in that bill have been entirely removed and the bill has generally been perfected in several respects, and there certainly can be no reasonable opposition to its passage in its present form. It is desirable, of course, that steps should be immediately taken to provide a civil government for the people living in that Territory, deprived as they now are of all benefit of law, and I hope that this House will not delay longer that justice which should be accorded to the people of that portion of our domain.

As I believe a general disposition prevails to pass this bill I shall not further consume the time of this committee, and I hope no objection will be urged.

Mr. KASSON. Mr. Chairman, I wish to say a single word on the only point about which there has been a little doubt with reference to this bill. This is not a complete Territorial organization. It does not propose to provide more than a preliminary form of government. This bill provides for an executive very simple and a judiciary extremely simple, and in lieu of providing legislative authority for that Territory, which will have to be done at some time, it adopts the legislative authority, as it now exists, of Oregon, and creates a code of laws to operate for the time being. I apprehend, then, that Congress by this bill reserves to itself not only the power to modify these laws at any time, but the power to establish new laws as they shall be advised of their necessity and the result of the working of the present system by the officials now for the first time to be put into that Territory. I therefore accept gladly the provisions of this bill as far as they go, and hope that they will be regarded in the nature of an apology to the people whom we have for so many years absolutely neglected in the protection of their rights, their liberty, and their property.

Mr. GEORGE. The gentleman from Iowa is most certainly correct in the construction he places on the present bill.

Mr. ADAMS, of Illinois. Will the gentleman from South Carolina yield to me for two minutes?

Mr. EVINS, of South Carolina. Certainly.

Mr. ADAMS, of Illinois. Mr. Chairman, I am heartily in favor of the establishment of some form of civil government for the Territory of Alaska. But I wish to inquire of the gentleman from South Carolina, the chairman of the Committee on the Territories, whether it has ever occurred to them that the provision of this bill giving the right of a jury trial may possibly prevent the efficacy of any civil or criminal proceeding in the Territory? In a Territory where there are only some eight hundred white persons from whom to draw the panel there would seem to be difficulty in the way of proceeding in many instances by a jury trial. It occurs to me that what we want in that Territory, and what would probably be eminently satisfactory until the population becomes more dense, is executive authority to enforce the law, a criminal judge to punish crime, and also a tribunal to decide questions of right between man and man. And of course the simpler the organization you can have for this purpose the better. Would it not therefore be better to give the judge the absolute right of trial? I am aware that it is objectionable and not in harmony with our theory of government, but under the circumstances had we not better make this as simple as possible?

Mr. EVINS, of South Carolina. In answer to the gentleman from Illinois, I would say that it is always unsafe to trust arbitrary power in the hands of any one person; and it is right everywhere wherever the American flag is a symbol of power in this country that the right of trial by jury should be preserved.

Mr. GLASCOCK. Is it not a constitutional requirement that it shall be preserved?

Mr. ADAMS, of Illinois. But if there are only eight hundred white persons scattered over a Territory equal in extent to one-sixth of all of the other Territories combined, will it not be difficult to carry into effect the provisions of such a law?

Mr. EVINS, of South Carolina. I will state to the gentleman that these courts will be held at only two or three different places in the Territory, at which points a large number of white people reside. I do not think there will be difficulty in carrying it into effect then. Besides that, the moment you establish law the white population will increase.

Mr. GEORGE. Besides, let me say this jury feature is modified so as to require but six jurors in civil cases.

But the gentleman from Illinois, I think, is wrong in regard to his statement with reference to the difficulty of enforcing this provision by reason of the scattered condition of the population of the Territory. While it is true that they are scattered, yet they are gathered together in settlements in places where white people reside. They are generally over all parts of the Territory, and when we speak of them as scattered it is because the towns are far apart. But where these courts are to be held there are sufficient numbers of white people to answer all the purposes of the bill.

Mr. EVINS, of South Carolina. I now ask that the bill be read by sections for debate and amendment.

The Clerk read as follows:

Be it enacted, &c., That the territory ceded to the United States by Russia by the treaty of March 30, 1867, and known as Alaska, shall constitute a civil and judicial district, the government of which shall be organized and administered as hereinafter provided. The temporary seat of government of said district is hereby established at Sitka.

SEC. 2. That there shall be appointed for the said district a governor, who shall reside therein during his term of office and be charged with the interests of the United States Government that may arise within said district. To the end aforesaid he shall have authority to see that the laws enacted for said district are enforced, and to require the faithful discharge of their duties by the officials appointed to administer the same. He may also grant reprieves for offenses committed against the laws of the district or of the United States until the decision of the President thereon shall be made known. He shall be *ex officio* commander-in-chief of the militia of said district, and shall have power to call out the same when necessary to the due execution of the laws and to preserve the peace, and to cause all able-bodied citizens of the United States in said district to enroll and serve as such when the public exigency demands; and he shall perform generally in and over said district such acts as pertain to the office of governor of a Territory, so far as the same may be made or become applicable thereto. He shall make an annual report, on the 1st day of October in each year, to the President of the United States, of his official acts and doings, and of the condition of said district, with reference to its resources, industries, population, and the administration of the civil government thereof. And the President of the United States shall have power to review and to confirm or annul any reprieves granted or other acts done by him.

Mr. HOPKINS. I would suggest an amendment, if the gentleman from South Carolina will permit me, in line 9 of the second section. After the word "committed," in this line, I will suggest the insertion

of the words "in said Territory." Otherwise it will be seen that in construing that clause of the act the governor of the Territory may grant reprieves for offenses committed anywhere in the United States.

Mr. EVINS, of South Carolina. It is a mere verbal amendment, as I understand it, and there is no objection so far as I am aware.

Mr. KASSON. I will ask the gentleman from Pennsylvania if he thinks that amendment is important. I think it is the inevitable construction of any judge; but if the amendment is not an important one I will suggest to him that it would be better perhaps not to send this bill back to the Senate for a mere formal amendment.

Mr. HOPKINS. I had not noticed that it was a Senate bill that we were considering.

Mr. KASSON. The gentleman I am sure will agree with me that the court will construe the meaning of that language.

Mr. HOPKINS. It was a mere verbal amendment, and under the circumstances suggested by the gentleman from Iowa I withdraw it.

The Clerk read the third section, as follows:

SEC. 3. That there shall be, and hereby is, established a district court for said district, with the civil and criminal jurisdiction of district courts of the United States, and the civil and criminal jurisdiction of district courts of the United States exercising the jurisdiction of circuit courts, and such other jurisdiction, not inconsistent with this act, as may be established by law; and a district judge shall be appointed for said district, who shall, during his term of office, reside therein, and hold at least two terms of said court therein in each year, one at Sitka, beginning on the first Monday in May, and the other at Wrangel, beginning on the first Monday in November. He is also authorized and directed to hold such special sessions as may be necessary for the dispatch of the business of said court at such times and places in said district as he may deem expedient, and may adjourn such special session to any other time previous to a regular session. He shall have authority to employ interpreters, and to make allowances for the necessary expenses of his court.

No amendment offered.

The Clerk read the fourth section, as follows:

SEC. 4. That a clerk shall be appointed for said court, who shall be *ex officio* secretary and treasurer of said district, a district attorney, and a marshal, all of whom shall, during their terms of office, reside therein. The clerk shall record and preserve copies of all the laws, proceedings, and official acts applicable to said district. He shall also receive all moneys collected from fines, forfeitures, or in any other manner except from violations of the custom laws, and shall apply the same to the incidental expenses of the said district court and the allowances thereof, as directed by the judge of said court, and shall account for the same in detail, and for any balances on account thereof, quarterly, to and under the direction of the Secretary of the Treasury. He shall be *ex officio* recorder of deeds and mortgages and certificates of location of mining claims and other contracts relating to real estate and register of wills for said district, and shall establish secure offices in the towns of Sitka and Wrangel, in said district, for the safe-keeping of all his official records and of records concerning the reformation and establishment of the present status of titles to lands, as hereinafter directed: *Provided*, That the district court hereby created may direct, if it shall deem it expedient, the establishment of separate offices at the settlements of Wrangel, Oonalaska, and Juneau City, respectively, for the recording of such instruments as may pertain to the several natural divisions of said district most convenient to said settlements, the limits of which shall, in the event of such direction, be defined by said court; and said offices shall be in charge of the commissioners, respectively, as hereinafter provided.

No amendment offered.

The Clerk read the fifth section, as follows:

SEC. 5. That there shall be appointed by the President four commissioners in and for the said district, who shall have the jurisdiction and powers of commissioners of the United States circuit courts in any part of said district, but who shall reside, one at Sitka, one at Wrangel, one at Oonalaska, and one at Juneau City. Such commissioners shall exercise all the duties and powers, civil and criminal, now conferred on justices of the peace under the general laws of the State of Oregon, so far as the same may be applicable in said district, and may not be in conflict with this act or the laws of the United States. They shall also have jurisdiction, subject to the supervision of the district judge, in all testamentary and probate matters, and for this purpose their courts shall be opened at stated terms and be courts of record, and be provided with a seal for the authentication of their official acts. They shall also have power to grant writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, which writs shall be made returnable before the said district judge for said district; and like proceedings shall be had thereon as if the same had been granted by said judge under the general laws of the United States in such cases. Said commissioners shall also have the powers of notaries public, and shall keep a record of all deeds and other instruments of writing acknowledged before them and relating to the title to or transfer of property within said district, which record shall be subject to public inspection. Said commissioners shall also keep a record of all fines and forfeitures received by them, and shall pay over the same quarterly to the clerk of said district court. The governor appointed under the provisions of this act shall, from time to time, inquire into the operations of the Alaska Seal and Fur Company, and shall annually report to Congress the results of such inquiries, and any and all violations by said company of the agreement existing between the United States and said company.

Mr. EATON. I wish to ask my friend the chairman of the Committee on Territories if he is aware that by the laws of the United States the Secretary of the Treasury has the entire charge of the seal islands, which are nearly 2,000 miles from where the seat of government would be at Sitka, and that he by law is empowered to employ special agents to take charge of the fisheries? If so, it seems to me the giving this power to the governor would conflict with the power which the Secretary of the Treasury has now in his hands.

Mr. EVINS, of South Carolina. I was perfectly aware the Secretary of the Treasury had the charge of the seal fisheries and had an agent there; and if I had been framing the bill I might perhaps not have put in it all there is in it. But the committee, in order to avoid any doubt about the passage of the bill, took it just as it came from the Senate; and in order to insure its passage they would be glad to have it passed in that shape. I do not think the clause my friend from Connecticut objects to will matter materially. I think it can do no harm that the governor should have some supervision over those fisheries even if everything is correct and proper, as I have no doubt it is.

Mr. EATON. Here would be two sets of officers. One set are appointed by the Secretary of the Treasury. The Secretary of the Treasury is still left in full control of this matter, and he appoints his special agents, more than one, more than two. Those agents make a thorough examination and report to the Secretary of the Treasury, and then power is given here by this bill to the governor that he shall from time to time visit these islands and report to Congress, Congress heretofore having given this entire power into the hands of the Secretary of the Treasury. Reserving my right to offer an amendment, I do not propose at this time to do more than to call the attention of the House to what seems to me to be improper legislation. This whole matter is under the control of the Secretary of the Treasury subject to the advice of the Secretary of War; and it seems to me that giving the governor, who is 2,000 miles away from these islands, the power to go there and report to Congress instead of the Secretary of the Treasury, places this matter under a double set of officers, which in my judgment is not a sound principle.

Mr. EVINS, of South Carolina. I do not regard it as very material. The bill simply gives the governor power to go and make inquiries as to facts which he may report to Congress. If the agents of the Secretary of the Treasury happen to go wrong, the governor might happen to go right.

Mr. EATON. I want the House to look at this matter. I have constituents who are very deeply interested in it, owning two-fifths of the stock of this seal company, women and children, widows and orphans, and I do not desire that anything should be done here, nor does, I am sure, my friend the chairman of the committee, except what is exactly right and just. It seems to me the law is absolutely perfect now so far as the supervision of those seal islands is concerned. I would suggest to my friend that this clause happened to be thrown in in the Senate, as I understand, and it is put in the wrong place. It is put in this bill, not where it ought to be, under the powers of the governor, but it is put in another place of the bill. I suggest that it does not look like proper legislation.

Mr. EVINS, of South Carolina. I do not think it will hurt the bill.

The CHAIRMAN. What amendment does the gentleman from Connecticut propose?

Mr. EATON. I suppose I have the right to withhold the amendment until we go into the House?

The CHAIRMAN. It will depend on the House whether the amendment can then be offered.

Mr. EATON. Then I offer now the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of section 5, after the word "court," in line 28, namely, the following:

"The governor appointed under the provisions of this act shall from time to time inquire into the operations of the Alaska Seal and Fur Company, and shall annually report to Congress the results of such inquiries and any and all violations by said company of the agreement existing between the United States and said company."

Mr. GEORGE. I hope this amendment will not prevail for two reasons. In the first place it would necessitate the return of the bill to the Senate, and in the second place it seems to me it can do no harm for the governor of the Territory to investigate into the management of those seal fisheries and report to Congress.

Mr. STORM. I should like to ask the gentleman what are we to do here if we can not put amendments on Senate bills?

The CHAIRMAN. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] is recognized.

Mr. JOSEPH D. TAYLOR. I desire to say that this bill has been very carefully considered. The committee gave very considerable attention and time to the interests of the Territory of Alaska. When this bill came before the committee it met with a very warm approval from all its members. The conclusions previously reached in the consideration of the question were found to be exactly in accordance with the provisions of this bill. I do hope there will be no amendments made and that the bill will not be sent back again to the Senate.

We have already neglected this people too long. It is almost a disgrace to our civilization as well as to this Government that those people have been left in their present condition for such a long period. I do hope gentlemen will permit this bill to pass and trust to the future for any additional provisions they may desire to make.

Mr. HENLEY. I move to strike out the last word.

I hope, Mr. Chairman, that the amendment offered by the gentleman from Connecticut will not prevail. In the first place, it will be noticed by the committee that the governor under the section as it stands is simply authorized to annually report to Congress any violations by the Alaska Fur Seal Company of the law under which they hold their contract.

Information has come to me from what I consider the most unquestionable sources that this company has been in the habit of violating its obligations to the Government under its lease. I think, therefore, that it is exceedingly proper and should commend itself to the favorable regard of every one that there should be some provision in this

bill, which proposes to constitute a civil government for the Territory of Alaska, to authorize an inquiry into any alleged violations by this company of its stipulations with the Federal Government. I think it eminently proper, peculiarly proper, that the governor who will be appointed under the provisions of this bill, being located near the islands occupied by this company, should be authorized to investigate their operations, because of the isolated geographical location of these seal islands, there being no near communication with any authority except the government which it is proposed to be created by this measure.

Mr. BLOUNT. What violations are charged?

Mr. HENLEY. I am asked what violations have been charged. The violations that have come to my ear, and in an authenticated form, are that the company does not follow its contract strictly in the matter of selling liquors to Indians, which is interdicted under the law; also in the matter of exceeding the number of fur seals to which they are limited under their lease, and in various other particulars. By their lease they are restricted to the killing of 100,000 fur seals, and the company alleges that they do not exceed that number. I have been advised to the contrary.

And allow me to state to the House that there is now pending before the Committee of Ways and Means a resolution introduced by myself providing for a full and thorough investigation of the operations of this company, and that resolution is and has been desperately and systematically fought by this company. This fact, to which I call the attention of members of the Committee of the Whole, carries its own commentary. This company shrinks like scorched parchment from any investigation.

Mr. EATON. One word. My friend from California [Mr. HENLEY] does not intend of course to misstate anything, but he is mistaken nevertheless with regard to the operations of this company. In no instance, at no time, in no year, have they taken more than 100,000 fur seals. It is not for the interest of the company that they should take more than the number which they are authorized to take under their lease.

What makes this company a profitable company? And it is very profitable; there is no doubt about that. It is that they take these seals with the utmost care. The company has already paid into the United States Treasury over $5,000,000. It is true the company itself has also made a great deal of money, because, as I have said before, they have managed the business with a great deal of care. They are business men. Were everybody allowed to go there, did the Government throw open these seal fisheries to everybody, there would not be a seal there in twenty-four months, and all the sealers agree to that statement.

Mr. WEAVER. Will the gentleman answer a question?

Mr. EATON. With great pleasure, if I can.

Mr. WEAVER. Will you tell what objection you have to the reporting to Congress of any violation of the law by this company?

Mr. EATON. I have no objection to any violations of law being reported by the proper officers.

Mr. GEORGE. That is all that is proposed by this provision.

Mr. EATON. This matter is now under the control of the Secretary of the Treasury, and he has his special agents for the purpose. Do you want to run two classes of agents, two classes of men? I say no; that is not proper or just. Relieve the Secretary of the Treasury of all this business, if you want to put it into the hands of another party; but do not have two sets of men running counter to each other, if you please. I do not believe it is good legislation to have two sets of officers to execute the same law. The Secretary of the Treasury is all powerful now in this matter; he has his agents and makes his examinations annually.

Mr. WEAVER. Is there anything further provided by this section than to report any violations of the law by this company?

Mr. EATON. No; but I say it is unnecessary; utterly so, in my judgment.

Mr. HENLEY. Will the gentleman permit me to ask him a question?

Mr. EATON. Certainly; with great pleasure.

Mr. HENLEY. The objection urged by the gentleman is that under the law as it stands now the Secretary of the Treasury is authorized to make investigation as to the violations of law by this company, and he may communicate to Congress any violations of law by the company. Suppose now that we authorize some one else to investigate and communicate to Congress any violations of law; who is going to be hurt?

Mr. EATON. That is the question, is it; "Who is going to be hurt?"

Mr. HENLEY. Certainly; we have two men to watch instead of one; that is all.

Mr. EATON. We have four now. Good, sound, common-sense legislation will be hurt the very moment you put two classes of officers to overlook one subject. Such at all events is my idea of legislation. If the matter is not now in proper hands when it is in the hands of the Secretary of the Treasury, who can call upon the Secretary of War at any time, then change it; but do not set two animals hunting the same fur seal when one is enough. In my opinion we want but one set of hunters.

Mr. ROGERS, of Arkansas. I hope this amendment will not prevail I do not myself know anything about the facts in this controversy. On that point I do not understand there is any difference between my friend from California [Mr. HENLEY] and my friend from Connecticut [Mr. EATON]. My friend from California simply states what he understands the facts to be, and my friend from Connecticut does not deny that such are the facts.

It is said that under the bill we shall have two sets of parties looking into this matter. Well, Mr. Chairman, this fur company is a big institution according to my information on the subject. The Secretary of the Treasury has already sent a number of agents—I do not remember how many, whether two or four or six—to investigate and report upon this matter. But it may turn out in this as in a great many other instances that somebody ought to watch those who are sent to watch others. Nobody will question the integrity of the Secretary of the Treasury; but he is in Washington, these agents are in Alaska. Somebody may be needed to watch these parties, and I would prefer to have them watched by somebody who is not interested in the seal company. Under the bill the governor of the Territory will have nothing to do in this matter except simply to inquire and report; and he will not report to the Secretary of the Treasury but to this body; so that we shall get our information directly from the officer to be created by this bill. Neither the government of Alaska nor the Government of the United States will be injured by having these parties properly supervised. If the charges which have come to my friend from California are untrue, no injury will be done by having them investigated; on the contrary, these parties will have a much better standing before Congress with reference to legislation affecting that Territory.

I hope the provision of the bill will not be struck out, but will be retained, so that the governor of this Territory may have full power to inquire and make report directly to Congress on this subject.

The question being taken on the amendment of Mr. EATON, it was not agreed to.

Mr. BUDD. I move *pro forma* to amend by striking out the last word. I have now in my hand the report from the Treasury Department in regard to the shelling of the Indian village which I spoke of some time since. The circumstances are just as I stated them. In order to show that there is no law in force in that Territory, I will incorporate this report in my general remarks. It appears that the general order issued April 13 was not to enforce any law except the liquor laws and the laws against killing seals.

The circumstances stated in this report are these: During the afternoon of September 23, 1882, a man was killed by the explosion of a bomb. Captain Merriman thereupon went down and demanded of the Indians four hundred blankets. These not being furnished he destroyed some forty of their canoes and all their houses.

Mr. BLOUNT. What was the action of the Treasury Department upon that matter?

Mr. BUDD. The Department stated that this was the information it had received; that more particular inquiry would be made into the affair and the result communicated to Congress. That was on December 5, 1882.

Mr. BLOUNT. Has that been done?

Mr. BUDD. On the 20th December the letter of the collector, William G. Morris, was referred to Congress. It confirms every statement in that report. This report is furnished by one of the men who shelled the village, and consequently may be expected to be colored in their favor. But notwithstanding this these reports show this to have been the greatest outrage ever committed in the United States upon any Indian tribe.

Mr. BLOUNT. What I wished to know was whether the Government had ever taken any action upon the matter.

Mr. BUDD. That is about all the action that was ever taken. I do not understand that anything else was done, and Captain Merriman is still a commander in the Navy.

Mr. EVINS, of South Carolina. I hope we shall now go on with the bill.

Mr. PETERS. Is the same person still in command?

Mr. BUDD. I understand he is. I wish to state that Lieut. M. A. Healy is not in the least to blame in this matter, and made a most proper report.

I withdraw my amendment.

The Clerk read as follows:

SEC. 6. That the marshal for said district shall have the general authority and powers of the United States marshals of the States and Territories. He shall be the executive officer of said court, and charged with the execution of all process of said court and with the transportation and custody of prisoners, and he shall be *ex officio* keeper of the jail or penitentiary of said district. He shall appoint four deputies, who shall reside severally at the towns of Sitka, Wrangel, Oonalaska, and Juneau City, and they shall respectively be *ex officio* constables and executive officers of the commissioners' courts herein provided, and shall have the powers and discharge the duties of United States deputy marshals, and those of constables under the laws of the State of Oregon now in force.

SEC. 7. That the general laws of the State of Oregon now in force are hereby declared to be the law in said district, so far as the same may be applicable and not in conflict with the provisions of this act or the laws of the United States; and the sentence of imprisonment in any criminal case shall be carried out by confinement in the jail or penitentiary hereinafter provided for. But the said district court shall have exclusive jurisdiction in all cases in equity, or those involving a question of title to land, or mining rights, or the constitutionality of a law, and in all criminal offenses which are capital. In all civil cases, at common law, any issue of fact shall be determined by a jury, at the instance of

either party; and an appeal shall lie in any case, civil or criminal, from the judgment of said commissioners to the said district court, where the amount involved in any civil case is $200 or more; and in any criminal case where a fine of more than $100 or imprisonment is imposed, upon the filing of a sufficient appeal bond by the party appealing, to be approved by the court or commissioner. Writs of error in criminal cases shall issue to the said district court from the United States circuit court for the district of Oregon in the cases provided in chapter 176 of the laws of 1879; and the jurisdiction thereby conferred upon circuit courts is hereby given to the circuit court of Oregon. And the final judgments or decrees of said circuit and district court may be reviewed by the Supreme Court of the United States as in other cases.

Mr. ELDREDGE. I move to amend the section last read by inserting after the word "force," in line 2, the words "or hereafter enacted by the said State of Oregon;" so as to make the section read:

That the general laws of the State of Oregon now in force, or hereafter enacted by the said State of Oregon, are hereby declared to be the law in said district, &c.

Mr. EVINS, of South Carolina. I hope this amendment will not be adopted. It does not seem to me necessary; and its adoption would necessitate sending the bill back to the Senate. I hope the gentleman will not insist on the amendment.

Mr. GEORGE. Certainly the amendment is not necessary. Besides, this Congress has no means of knowing what sort of laws Oregon may pass hereafter.

Mr. BUDD. Under this amendment the State of Oregon will have power to pass laws for the government of Alaska. It in effect delegates to the State of Oregon legislative control over this Territory.

Mr. EVINS, of South Carolina. I hope the gentleman will withdraw his amendment.

The CHAIRMAN. Does the gentleman insist on his amendment?

Mr. ELDREDGE. No, I withdraw it.

The Clerk read as follows:

SEC. 8. That the said district of Alaska is hereby created a land district, and a United States land office for said district is hereby located at Sitka. The commissioner provided for by this act to reside at Sitka shall be *ex officio* register of said land office, and the clerk provided for by this act shall be *ex officio* receiver of public moneys, and the marshal provided for by this act shall be *ex officio* surveyor-general of said district; and the laws of the United States relating to mining claims, and the rights incident thereto, shall, from and after the passage of this act, be in full force and effect in said district, under the administration thereof herein provided for, subject to such regulations as may be made by the Secretary of the Interior, approved by the President: *Provided*, That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress: *And provided further*, That parties who have located mines or mineral privileges therein under the laws of the United States applicable to the public domain, or who have occupied and improved or exercised acts of ownerships over such claims, shall not be disturbed therein, but shall be allowed to perfect their title to such claims by payment as aforesaid: *And provided also*, That the land, not exceeding six hundred and forty acres at any station, now occupied as missionary stations among the Indian tribes in said section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which said missionary stations respectively belong until action by Congress. But nothing contained in this act shall be construed to put in force in said district the general land laws of the United States.

No amendment being offered, the Clerk read the next section, as follows:

SEC. 9. That the governor, attorney, judge, marshal, clerk, and commissioners provided for in this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall hold their respective offices for the term of four years, and until their successors are appointed and qualified. They shall severally receive the fees of office established by law for the several offices the duties of which have been hereby conferred upon them, as the same are determined and allowed in respect of similar offices under the laws of the United States, which fees shall be reported to the Attorney-General and paid into the Treasury of the United States. They shall receive, respectively, the following annual salaries: The governor, the sum of $3,000; the attorney, the sum of $2,500; the marshal, the sum of $2,500; the judge, the sum of $3,000; and the clerk, the sum of $2,500, payable to them quarterly from the Treasury of the United States. The district judge, marshal, and district attorney shall be paid their actual necessary expenses when traveling in the discharge of their official duties. A detailed account shall be rendered of such expenses, under oath, and as to the marshal and district attorney such account shall be approved by the judge, and as to his expenses by the Attorney-General. The commissioners shall receive the usual fees of United States commissioners and of justices of the peace for Oregon, and such fees for recording instruments as are allowed by the laws of Oregon for similar services, and in addition a salary of $1,000 each. The deputy marshals, in addition to the usual fees of constables in Oregon, shall receive each a salary of $750, which salaries shall also be payable quarterly out of the Treasury of the United States. Each of said officials shall, before entering on the duties of his office, take and subscribe an oath that he will faithfully execute the same, which said oath may be taken before the judge of said district or any United States district or circuit judge. That all officers appointed for said district, before entering upon the duties of their offices, shall take the oaths required by law; and the laws of the United States, not locally inapplicable to said district, and not inconsistent with the provisions of this act, are hereby extended thereto; but there shall be no Legislative Assembly in said district, nor shall any Delegate be sent to Congress therefrom. And the said clerk shall execute a bond, with sufficient sureties, in the penalty of $10,000, for the faithful performance of his duties, and file the same with the Secretary of the Treasury before entering on the duties of his office; and the commissioners shall each execute a bond, with sufficient sureties, in the penalty of $3,000, for the faithful performance of their duties, and file the same with the clerk before entering on the duties of their office.

Mr. BLANCHARD. I move *pro forma* to strike out the last word, and I do so for the purpose of asking the gentleman from South Carolina a question. This bill creates quite a number of salaried officials and in other respects provides for the creation of considerable expense against the Government of the United States. I ask my friend what are the total revenues of the United States from all sources from the Territory of Alaska? What do they amount to in the aggregate?

Mr. EVINS, of South Carolina. When I was up before I said the Government received $317,000 annually for the seal fisheries from the Alaska Commercial Company.

Mr. BLANCHARD. What are the net aggregate revenues for a year?

Mr. EVINS, of South Carolina. I do not know of any other except a small amount of customs duties at Sitka; I do not know how much they amount to, but I believe something like eight or ten thousand dollars a year.

Mr. BLANCHARD. I hold in my hand a report of the special agent of the Treasury Department for the year 1874. He makes the statement that the annual revenue derived by the Government from the Territory of Alaska amounts to $300,000 a year.

Mr. KASSON. It must have increased since then.

Mr. HOLMAN. I move, in the nineteenth line, after the words "United States," to strike out the following words:

The district judge, marshal, and district attorney shall be paid their actual necessary expenses when traveling in the discharge of their official duties. A detailed account shall be rendered of such expenses, under oath, and as to the marshal and district attorney such account shall be approved by the judge, and as to his expenses by the Attorney-General.

I wish to call the attention of my friend from South Carolina to the fact there is a new departure here in providing that the district judge, marshal, and district attorney shall be paid their actual and necessary traveling expenses. It is a new departure and not provided for elsewhere. It seems to me, with the ample salaries given in this bill, paying the marshal, instead of by fees, $2,500 a year, and considering the comparatively small amount of business to be done, this provision can hardly be justified on the part of the committee. I trust my friend from South Carolina will consent to strike it out. The judge, district attorney, and marshal can do all the traveling required for their limited duties without this departure from the uniform practice.

Mr. EVINS, of South Carolina. I hope my friend will not insist upon his amendment, or, if he does, that it will be voted down. This is a new Territory and the means of traveling are limited.

Mr. KASSON. And the distances are great.

Mr. EVINS, of South Carolina. Necessary traveling expenses should be paid out of the Treasury. Unless there is some good reason I hope no amendment will be made, as it will send the bill back to the Senate.

Mr. HOLMAN. There is barely an excuse for passing this bill. The Indian population there are getting along as well as could be expected under the safeguard and protection of our Government. That there is little white population is manifest, and there will not be——

Mr. EVINS, of South Carolina. Will not be unless they are protected.

Mr. HOLMAN. There is a small population during the summer season of some four or five hundred. There are some civilized Indians who are doing reasonably well. The duties of these officers I suppose will be almost sinecures. By introducing a feature like this in the bill you will be certain to have abuses. I submit that a salary of $3,000 for the governor and judges and $2,500 for the marshal and district attorney are ample, without holding out additional inducements for questionable charges in the way of transportation. As this provision is not incorporated in reference to other States and Territories I hope it will not be insisted upon in this case.

Mr. ROSECRANS. I would like, with the permission of the gentleman from Indiana, to ask him a question.

Mr. HOLMAN. Certainly.

Mr. ROSECRANS. Is it not clear that in so large a Territory as Alaska, where the white people are scattered necessarily far apart, or congregated in villages far separated from each other, that to compel these officers who are assigned to the duty specified in this bill to pay the expenses of their transportation out of their salaries would be an obstacle in the way of rendering services important and necessary? It seems to me that it would.

Mr. HOLMAN. Does my friend from California think that there will be a large amount of business to be done for many years to come by them?

Mr. ROSECRANS. I will answer the gentleman in this way: that from my own knowledge of the people, from their occupations—being largely employed in mining—there will be considerable travel necessary to mark the mines out, and probably occasional disturbances among the whites, which experience shows occur frequently in new settlements. It is probable, therefore, that these officers will have considerable traveling to perform.

Mr. HOLMAN. Does my friend say that the deputy marshals, when the commissioners are to be located at these four different places, will have much traveling to do? There are, I believe, four commisioners provided for, with deputy powers, and four deputy marshals, and there are but four points indicated in the bill where any act of a judicial character is to be performed; but to enable the commissioner or the judge to perform the duties (in fact at only two places, as I find by reference to the bill) does my friend think that the amount of travel will be very considerable which these officers will be called upon to perform?

But, sir, especially do I object to introducing a new feature which is so readily abused. I would rather, for my part, increase the amount

of the salaries—although in my judgment I think they are high enough for the duties required—than to permit this departure from our present system. And I think you will find in the main that the object for the organization of your government and the appointment of a large number of officers there is to aid the fur seal company which obtained control of the two great islands on that coast.

Mr. ROSECRANS. I think the gentleman is mistaken in that statement. There are other duties which these officers would necessarily have to perform, and their traveling expenses must be considerable and ought to be paid.

Mr. LORE. I most heartily concur with my friend from Indiana as to the propriety of the adoption of the amendment suggested by him. The introduction of any provision into this bill to meet the necessary traveling expenses of these officials is, in my opinion, vicious in principle. I have had some little experience in the fee system myself, and I think throughout our entire country the disposition is to go back again to the salary plan.

This opens the door to any amount of "necessary" traveling expenses, in a Territory like this, which may be enormous in extent, entirely according to the will of the incumbent of the office. It opens the door and gives inducements to enlarge expenses. The principle is a vicious one. I would much prefer, and it occurs to me it is in harmony with our practice, if this salary is not sufficient, that we should increase it and make it enough to cover the expenses which we deem reasonable and proper—to give a reasonable fee. I apprehend it is entirely within the knowledge of this committee to determine what would be a fair compensation not simply for the service to be rendered, but for the expenses necessarily incurred. It is with great reluctance that I would see ingrafted or connected with any office created by this Congress that principle of paying expenses. It affords too much temptation to weak men.

Mr. HOLMAN. Will not my friend from Delaware allow me to suggest that the facts brought to the knowledge of Congress by investigations made on the part of the committee to inquire into the expenditures in the Department of Justice show beyond question that you can not enter upon legislation like this without opening up very broad avenues for fraud?

Mr. LORE. There is no question of that, sir. And there is another difficulty. You also multiply the accounts to be acted upon by the Departments here. You not only open the door to extravagance, but you create another list of accounts which must come to the respective Departments to be visèed by the officers who are here. In every respect, sir, and every phase of this question, it is objectionable. It introduces a vicious system; it inaugurates another series of accounts to be audited and passed upon by the officers here. It not only enlarges the avenues of corruption, but increases unnecessarily, and I think improperly, the accounts which have to be audited by the officers of the Government.

[Here the hammer fell.]

Mr. ROGERS, of Arkansas, rose.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. HOLMAN. I will withdraw the amendment if the gentleman from Arkansas desires to be heard and he will renew it.

Mr. ROGERS, of Arkansas. I do not desire to renew the amendment. I want to be heard upon it. I think my friend from Indiana, as well as my friend from Delaware, are both laboring under a misapprehension upon the subject involved in this bill. This bill does not provide that the deputy marshal shall be paid anything for traveling expenses.

Mr. HOLMAN. There was no intimation of that kind. Reference was made to judge, marshal, and attorney.

Mr. ROGERS, of Arkansas. This bill provides in a former section that two terms of the court shall be held, one at Sitka and the other at Wrangel. Will my friend from Indiana tell me how far it is between these two points?

Mr. HOLMAN. I do not recollect at this moment.

Mr. ROGERS, of Arkansas. Will my friend from Delaware tell me?

Mr. EVINS, of South Carolina. The distance is about one hundred and sixty miles.

Mr. ROGERS, of Arkansas. That is two hundred miles less than I should have guessed it at. These two courts are nearer to each other than I had anticipated. The object of the provision of this bill to which the gentleman from Indiana [Mr. HOLMAN] objects is to allow the judge, marshal, and district attorney, while traveling between these two points to hold court, their expenses. My friend says these are large salaries. He says $3,000 is a large salary for a judge. I say, Mr. Chairman, if the judge who shall be appointed is competent to fill the place that is a small salary. The gentleman says there is but little business. We can not tell what business there will be in that country when the laws of the United States are extended over it. Besides that, it is an expensive country to live in, and the office a most important and responsible one.

The gentleman says this is a new departure. It is not a new departure. In point of fact, in years gone by, where two courts have been held in the same district, it has been the usual practice to allow the judge, marshal, and attorney their expenses in traveling between the one court and the other. And that ought to be done all through the United States until we come to the point of paying decent salaries to our Federal judges.

The district judge in the eastern district in my own State has a salary of $3,500. I undertake to say he has not a superior to-day on the district bench of the United States. He gets a salary of $3,500, and has had to travel perhaps five hundred miles while holding his courts in two different points in the district, for until recently the route has been circuitous. This is but a small salary when you consider the intelligence and character required in a man who is fit to preside over such a court. And as I have said, if the judge who shall be appointed is fit to hold the position at all $3,000 is a small salary, and he ought to be allowed the incidental expenses of traveling from one point to another. I do not see at all what immense flood-gates will be thrown open for frauds if the judge, the district attorney, and the marshal shall be paid their expenses in traveling from one point to another in the discharge of their duties. It is a wise provision, and one which should not be changed.

Mr. LORE. May I ask the gentleman from Arkansas a question?

Mr. ROGERS, of Arkansas. Certainly.

Mr. LORE. Would it not be a better arrangement to give a judge a sufficient salary than to allow him expenses?

Mr. ROGERS, of Arkansas. If we were in possession of information as to what would be the necessary expenses in traveling from one point to another we might do that. But can my friend from Delaware tell me anything about the mode of traveling between those two points? Gentlemen here can not tell that any more than in reference to a country they had never heard of.

Mr. EVINS, of South Carolina. I may state that this bill provides that special sessions of the court may be held at other points; and the distance to Oonalaska is 1,200 miles.

Mr. ROGERS, of Arkansas. So much stronger, then, is the argument that this provision should be embraced in the bill. If it is not, the whole salaries of the judge, marshal, and district attorney may be absorbed in traveling in the discharge of their duties. Shall we provide for the appointment of these parties to discharge important duties, and then require them to absorb their entire salaries in traveling from one point to another? I say it is not sound policy; it is not good sense; it is not wise legislation. And considering how little we know of the circumstances of this Territory, I think it the wiser and more prudent course that the system provided by the Senate in this bill should be adopted.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. 2267) granting an increase of pension to Samuel C. Wright.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 282) granting a pension to A. M. Wilson;

A bill (S. 670) granting an increase of pension to N. J. Ingersoll;

A bill (S. 1339) granting a pension to Frank Gray; and

A bill (S. 2169) to place Ulysses S. Grant, late General of the Army of the United States, upon the retired-list of the Army.

CIVIL GOVERNMENT FOR ALASKA.

The Committee of the Whole resumed its session.

Mr. HOLMAN. I withdrew my amendment, supposing the gentleman from Arkansas would renew it. If he did not do so, I now renew it myself.

I can not consent that the remarks of the gentleman from Arkansas touching the poverty of these salaries should go without some answer. The gentleman speaks of $3,000 for the judge, $2,500 for the district attorney, and $2,500 for the marshal as being beggarly salaries. I do not see why he should apply to them such a term. The gentleman does not think that these officers should be required to travel one hundred and sixty miles to attend courts unless the cost of that travel should also be added to their salaries? My friend from Arkansas makes a very different speech before his constituents if he represents the salaries as paid by this Government as small salaries—a very different speech from what gentlemen making a race for Congress are accustomed to make in the region of country I have the honor in part to represent. My friend asked me a question in geography. Let me ask him one in political economy. What is the average compensation received by the field laborers of this country, and by men of skill in the various fields of labor in the mine and the workshop and at the forge? What is their average compensation?

Mr. BRENTS. It is a good deal more in Alaska than it is in Indiana.

Mr. HOLMAN. What are the average earnings of our people? Not one-fifth as much as these salaries.

And yet my friend thinks that a salary three or four times as large as the average earnings of our people is a poor salary to be given to an

officer, and that no man of any degree of competency could be expected to take the place with such a meager compensation. I undertake to say that the salaries which are given the officers of our Government are large salaries, so enormously beyond the average compensation which our people receive in their various industries that all that is surprising to me is that the masses of the people of this country have not long since risen up and demanded that they should be reduced to the fair average compensation which men are able to earn in other than Government employments.

Why should it be said, by any Democrat at least, that the salaries of our public officers, of men who have the honor of holding public positions, and who in addition to the moneyed motive have the motive of holding office, that higher motive of honor in a public position—why should it be said that the salaries of such men should be so enormously beyond the average compensation which men are able to earn in employments requiring cultivation, intelligence, skill, and industry? Can it be said that salaries are small when they are so enormously beyond the earnings of our people in the various industries of life? No, sir; the salaries paid to our public officials are disproportionately large, and the labor of the American people should not be taxed to pay salaries beyond what men are able to earn in callings requiring skill, integrity, and ability.

For one I protest against the pretense that any salary paid by the Government is disproportionately small to the amount of service required. I should be glad if my friend from Arkansas [Mr. ROGERS] would remember that as you increase salarles you remove that higher motive for public employment which prevailed in former years under low salaries, that sentiment of honor derived from public employment which should rise entirely above any compensation other than that which is fair and reasonable for a given service, whether it be in public employment or in the private relations of life.

Mr. ROGERS, of Arkansas. I have only a few observations to make in response to my friend from Indiana [Mr. HOLMAN]. I would submit to the intelligence and candor of gentlemen present whether or not we are to adopt as the standard of the salary of a Federal judge the compensation which a mere skilled laborer can obtain for his services. Is that the way we are to measure the value of the services of a man who has devoted his life to the study of a profession and has reached that point of distinction and reputation where he is selected from his fellow-citizens to fill a responsible position of this character? Sir, the question carries its own answer.

I have this to say in that connection, and I say it openly and boldly, and will go to my constituents upon it: that I am prepared whenever we shall reach the Senate bill on the subject to vote to increase the salary of every Federal judge in this country to $5,000 a year. That is little enough to secure that character and intelligence which ought to be possessed by a man selected to preside upon the Federal bench of this country.

Mr. HOLMAN. Does my friend from Arkansas think that integrity and character will be promoted by introducing into public employment a mercenary motive instead of the sentiment of honor?

Mr. ROGERS, of Arkansas. I listened to my friend from Indiana while he was speaking, and I hope he will pay me the same compliment now and not endeavor to make my speech. Let me say to him in this connection that the facts are against his argument. In the circuit in which I myself live we have had within the last ten years the unseemly exhibition of two Federal judges resigning their positions in order that they might in some other employment make money enough for the support of themselves and their families. No man stood higher on the bench than Judge Dillon, but he retired from that high and important position, important to us and to the country, in order that he might enter into the employment of a corporation which would give him for his services and intelligence sufficient to secure a living for himself and his family; and his successor, Judge McCrary, retired from the same position for the purpose of entering the employment of a corporation.

And in my own State within the last three years we have had the exhibition of nearly one-half of the circuit judges retiring from the bench mainly because the salaries which they received were so inadequate that they were unwilling to remain upon the bench in justice to themselves and their families.

Mr. HOLMAN. And the sooner such judges retire the better for the public service.

Mr. ROGERS, of Arkansas. I trust the gentleman will adopt my suggestion, and make his own speech in his own time. That may be his opinion; it may not be correct; gentlemen will differ. I have another suggestion to make in that connection. It is a common argument upon this floor that we can always obtain men to perform certain services for some low salary that is proposed. Yes, we can, but it is not always demonstrated that we can get as good men, men of as high character, men of as much integrity, men of as great capacity and fitness for the positions as those who retire from high and honorable places in the public service to take private employment for better remuneration. For this reason, if for no other, I would attach to the judicial office a salary ample to retain in the public service persons fully qualified and eminently fit for the office; persons who, appreciating the distinction attaching to the judicial office and freed from the care and anxiety always felt by right-thinking men concerning their private interests, would in the end adorn the bench and honor the public service and the country. I want to see the temptation to them to retire from honorable place and go into the service of corporations removed. It will elevate the bench and honor the country if we adopt that policy.

Mr. STRUBLE. Mr. Chairman, I shall not occupy but a moment's time, but wish to make a few remarks in the line of those just concluded by the gentleman from Arkansas [Mr. ROGERS]. A few moments ago I endeavored to secure recognition with a view to making some of the points so ably covered by the gentleman to whom I have referred, but will now content myself with a reference to one or two considerations which I deem of importance in connection with the question of salaries of these officers.

In reply to the distinguished gentlemen who are objecting that the salaries proposed to be paid to these officers are too large, or large enough without allowing traveling expenses when engaged in the discharge of their official duties, I desire to remind the gentlemen that, as they well know, we are dealing with a new Territory which the bill proposes to organize. The work to be done, then, is foundation-work for the future, and while it may not promise much in the way of results, while the location of the Territory and the character of the inhabitants may not seem to justify anything like liberality in the appropriations of money for the payment of salaries to officials, yet if anything is to be done in the way of providing civil government for Alaska, it seems to me, sir, that it is worth while to do well what is to be done, even though it may appear probable that the results may not meet the present expectations of the friends of this measure. For my part I regard it the solemn duty of this Congress to make speedy and adequate provision for the establishment of a civil government within that Territory, and the education and civilization, in so far as may be possible, of the natives inhabiting that country. The success of the effort and purpose to establish a government there and plant the seeds of an American civilization in the minds and hearts of the people will depend much upon these first steps now being taken in the direction indicated.

Now, shall we provide salaries for these officers who are to undertake this work which will be entirely inadequate to induce men of character and ability to seek the positions to be created by the bill? Shall we make these salaries so inadequate that none but political adventurers will desire the appointments; or will Congress provide such salaries as will operate to induce men of intelligence and reasonable ability to desire these places of responsibility, and thus make it probable that the affairs of the government and the people living there will be in good hands?

The men who fill these offices should be competent and reliable; they should be almost as good men as the average Congressman, if not better. And what member of this House, let me ask, even were he seeking official position, would desire to accept any one of those named in this bill upon the salary therein provided?

It must be admitted that the prospect is not an inviting one. The men who become the officers of the government under this bill, if it becomes a law, must leave their homes in the States, where they have long enjoyed the comforts and advantages of civilization. They will go to a bleak, barren land, and there remain, while holding these positions, surrounded by the most unfavorable and uninteresting conditions. If they have wives and children, they too, unless left behind, must submit to the disagreeable circumstances incident to such surroundings; and, sir, I am free to give it as my opinion that the provisions of this bill as to the salaries to be paid are not too liberal for the services and sacrifices demanded of those who will receive them if this bill becomes a law, and I hope, therefore, that the proposed amendment will be rejected.

Mr. HOLMAN. Does not my friend know that generally the persons appointed to these Territorial judgeships are lawyers who do not earn in their profession more than $1,000 or $1,500 a year?

[Here the hammer fell.]

Mr. EVINS, of South Carolina. Without occupying time, I ask for a vote on the amendment, which I hope will be voted down.

The amendment of Mr. HOLMAN was not agreed to.

The Clerk read the remaining sections of the bill, as follows:

SEC. 10. That any of the public buildings in said district not required for the customs service or military purposes shall be used for court-rooms and offices of the civil government; and the Secretary of the Treasury is hereby directed to instruct and authorize the custodian of said buildings forthwith to make such repairs to the jail in the town of Sitka, in said district, as will render it suitable for a jail and penitentiary for the purposes of the civil government hereby provided, and to surrender to the marshal the custody of said jail and the other public buildings, or such parts of said buildings as may be selected for court-rooms, offices and officials.

SEC. 11. That the Attorney-General is directed forthwith to compile and cause to be printed in the English language, in pamphlet form, so much of the general laws of the United States as is applicable to the duties of the governor, attorney, judge, clerk, marshals, and commissioners appointed for said district, and shall furnish for the use of the officers of said Territory so many copies as may be needed of the laws of Oregon applicable to said district.

SEC. 12. That the Secretary of the Interior shall select two of the officers to be appointed under this act, who, together with the governor, shall constitute a commission to examine into and report upon the condition of the Indians residing in said Territory, what lands, if any, should be reserved for their use, what provision shall be made for their education, what rights by occupation of settlers should be recognized, and all other facts that may be necessary to en-

able Congress to determine what limitations or conditions should be imposed when the land laws of the United States shall be extended to said district; and to defray the expenses of said commission the sum of $2,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

SEC. 13. That the Secretary of the Interior shall make needful and proper provisions for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provisions shall be made for the same; and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for this purpose.

SEC. 14. That the provisions of chapter 3, title 23, of the Revised Statutes of the United States, relating to the unorganized Territory of Alaska, shall remain in full force, except as herein specially otherwise provided; and the importation, manufacture, and sale of intoxicating liquors in said district, except for medicinal, mechanical, and scientific purposes, is hereby prohibited, under the penalties which are provided in section 1955 of the Revised Statutes for the wrongful importation of distilled spirits; and the President of the United States shall make such regulations as are necessary to carry out the provisions of this section.

Mr. EVINS, of South Carolina. I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 153) providing a civil government for Alaska, had directed him to report back the same with a recommendation that it pass.

Mr. EVINS, of South Carolina. I demand the previous question on ordering to a third reading the bill just reported from the Committee of the Whole on the state of the Union.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, and was accordingly read the third time.

Mr. EVINS, of South Carolina. I now demand the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. EVINS, of South Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 316) granting a pension to Mrs. Katharina T. Wunsh; and

A bill (S. 1369) to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments.

ADMISSION OF TERRITORIES AS STATES.

Mr. EVINS, of South Carolina. I now call up from the House Calendar for present consideration the bill (H. R. 216) in relation to the admission of Territories as States into the Union.

Mr. BRENTS. I make the point of order that this bill is not in order under the resolution fixing the order of business for this day. That resolution excludes bills of this character.

The SPEAKER. According to the recollection of the Chair the order referred to excludes the consideration of bills providing for the admission of new States.

Mr. BRENTS. This bill makes provision for the admission of Territories as States.

The SPEAKER. The Clerk will read the order, after which the Chair will decide the question.

The Clerk read as follows:

Resolved, That Tuesday, April 8, and Tuesday, May 13, immediately after the reading of the Journal, be set apart for the consideration of bills reported by the Committee on Territories; not, however, to include any bill for the creation of new Territories or the admission of new States.

The SPEAKER. Unless this bill provides for the admission of some new State into the Union it is not excluded by the language of the order just read.

The bill was read, as follows:

Be it enacted, &c., That hereafter no Territory shall form a constitution or apply for admission as a State into the Union until it shall contain a population equal to that required in a Congressional district in order to entitle it to representation in the House of Representatives.

The amendment reported by the Committee on Territories, to insert the word "permanent" before the word "population," was also read.

Mr. EVINS, of South Carolina. I yield to the gentleman from Georgia [Mr. HARDEMAN].

Mr. HARDEMAN. Mr. Speaker, this bill has been reported from the Committee on Territories unanimously. We do not think there is any necessity for its discussion, as the proposition is a plain and clear one. It simply recognizes the right on the part of Congress to express in this form its opinion that a Territory before it is admitted into the Union as a State should have a population equal to that of a Congressional district entitled to a Representative in this House. We hold it to be unjust for a small portion of the population of the country residing in a Territory to be represented not only in this House but to have in addition two Senators in the other House, thus giving a small part of the population in the country three votes in Congress and three votes in the electoral college, when for a much larger number of our population a Congressional district has only one vote. This theory, Mr. Speaker, was recognized in the compact between the States, and it was agreed there should be in this House representation according to population, while in the other House representation should be according to the States. So far as the pending measure is concerned the Committee on Territories have only given expression to this well-recognized theory of our Government. We say, therefore, that a Territory when it comes to be admitted into the Union as a State should have at least the same population required for representation on this floor. We do not believe there is any justice in thirty or forty thousand people being allowed a Representative in this House when 150,000 people are required for a Representative from any of the States.

Now, this particular feature of the pending proposition has been recognized in other bills. Gentlemen may say it will not bind future Congresses. That to some extent may be true, but it puts people on their guard, it puts the Territories on their guard. It tells them that a certain number of population will be requisite before they can be admitted as a State into the Union. It was conceded, as I have already said, in the compact between the thirteen States that representation in this House of Representatives should be according to population. This is only carrying out that theory. That compact was agreed to by the larger States in the Union in consideration that representation in this House should be according to population, while in the Senate it should be according to States.

But the committee does not propose to argue the question. They submit it for the action of the House, and if there be no objection we propose to let it go through. If, however, there shall be objection we propose to be heard on the subject. If there is to be objection and debate is to proceed, I will yield my time to the gentleman from Illinois [Mr. TOWNSHEND] who introduced the bill.

Mr. KASSON. I hope the gentleman from Georgia will hear me for a single moment.

Mr. HARDEMAN. With pleasure.

Mr. KASSON. There is one very serious objection, and I think a very sufficient one to this bill. It imposes one sort of restriction upon the future action of Congress in admitting under a constitution satisfactory to it any Territory as a State into the Union. That can not bind Congress. This bill goes on the theory it can bind Congress, and it attempts to bind the people. My second objection is that it is wrong. It is in spirit unconstitutional, inasmuch as it denies to the people of a Territory the right to petition in its highest form. That highest form is the assemblage of the people of a Territory of this Union to consider their interests and declare the conclusion they have come to in the embodied form of a constitution and to present it to the Congress of the United States.

My great objection in the form in which the bill provides for certain results is that it prohibits the people who are *pro tanto* sovereign in the Territories from embodying their rights in the form of a constitution and presenting it here with their petition to be admitted as a State of the Union.

Mr. HARDEMAN. I will state to the gentleman from Iowa that there is no provision in this bill like that to which he refers. The people of the Territory can always petition Congress, and they do petition Congress; but, sir, the Congress simply says in this proposition, "We lay it down as a rule, as a part of the programme of the Representatives of the people, that before we will hear a petition of a Territory—that they may make their petition if they please—but before we will hear it we will require a Territory previous to admission as a State into the Union to have the same number of population required for representation for a Congressional district in one of the States; that it must have a population equal to the existing ratio of representation."

In the Senate, in reference to the admission of Colorado, the same principle arose. A question was asked of Mr. Wade, then in the Senate, in reference to the binding force upon future Congresses of the provision relating to the qualification of voters, namely, that the word "white" should be stricken out and should not be in any other bill, and it was agreed to by the Senate and put in the bill that Congress should pass no enabling act without this provision. So we do not say to the Territories, "You shall not come here to petition;" but we do say, in justice to what is required of every State in the Union, "We will not give you a Representative on this floor for twenty-five or thirty thousand and give you besides two Senators in the Senate and three representatives in the electoral college." There is no justice in it. This is the position which has been taken by Senator Buckalew and others.

Mr. KASSON. Allow me to proceed a little further.

Mr. TOWNSHEND. The gentleman from Georgia has given me his time and I will reserve it or I will yield to the gentleman from Iowa if he prefers.

Mr. KASSON. I will postpone what I have to say. I recognize the right of the gentleman from Illinois to the floor.

Mr. TOWNSHEND. I do not wish to take the floor from the gentleman from Iowa at this time.

The CHAIRMAN. The time occupied by the gentleman from Iowa does not come out of the time of the gentleman from Illinois.

Mr. TOWNSHEND. I reserve my time.

Mr. KASSON. I wish to say I think the gentleman from Georgia does not yet appreciate the actual scope of the bill which he advocates. It reads:

> Hereafter no Territory shall form a constitution or apply for admission as a State into the Union until, &c.

Now, it can not even come before Congress under the conditions of this bill with an application. If that is not a denial of the rights of the people of the Territory to petition Congress in important matters affecting their interests, I do not know what it is.

What have been the precedents in Congress? Congress has always reserved to itself the right to act upon the emergencies and the necessities of the occasion as they may arise. Congress has always entertained a petition, whether in the form of a constitution presented, or a resolution of a Territorial Legislature, or in any other proper and respectful form, and reserved to itself the right to hear and decide upon the application of the people of the Territories.

But this bill declares that the people of the Territories shall not even make an application to Congress. I hold, sir, that you are putting the people of the Territories, therefore, under a ban of slavery without precedent, touching any portion of the people of the United States, by passing this bill; and it is absolutely useless, for any subsequent Congress may repudiate this law and entertain both their petition and the presentation of a constitution should they form one.

Suppose that the people of a Territory, notwithstanding your prohibition, do meet in general convention and form a constitution. How will you punish them? What penalty will you impose? Where is the provision in your bill that precludes them from the exercise of that sovereign right—I may call it squatter sovereignty in memory of old times? How will you manage to enforce the prohibition you seek to impose? It is nothing more than the passage of a mere resolution on the part of the House of Representatives as to what is expedient to do. It can have no other effect.

But, sir, I protest against putting a law upon the statute-books that says the people of the Territories shall not have the privilege of applying for anything that they think it their interest or duty to demand at the hands of the Congress of the United States. You might as well say that they shall not apply for the passage of further Territorial laws. You may restrict them in any other improper way, you may deny them anything you please, if you may deny them this last sovereign right of the citizens to get up their prayer and ask for admission as a State in the Union.

We have admitted California without a particle of preceding action. We have allowed hitherto every Territory in the Union to present an organic act for our approval and admission as a State; but now for the first time you take a new departure, and seek to deny to any Territory the right even to say to Congress in the form of a constitution what they desire, and further you deny to them the right of an application to Congress for admission into this Union as a State.

I think, sir, I do not misapprehend the provisions of this act. The people of a Territory shall have neither the power of forming a constitution nor the right to prepare a petition for admission as a State until certain conditions exist. That is the provision of the bill; and when you enact the law it is futile and without effect, because you can not enforce it by any penalties upon the people of a Territory. Besides, you can not bind another Congress as to whether it shall entertain the application, if made, or not. I hope the House will construe this on the principle which will be admitted on every hand, that it is a declaration in the form of law which denies the people of the Territory one of the customary and what I will call constitutional rights of the people to lay before Congress their wants and petition them for a political organization.

Mr. TOWNSHEND. I yield ten minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. Mr. Speaker, it has been my privilege since I have been in Congress to vote upon the admission of some half a dozen States into this Union. The question debated by the gentleman from Iowa is therefore no new question to me. The gentleman from Iowa seems to take the old ground which we of the Douglass time took on the Kansas-Nebraska and Lecompton constitutions in favor of Territorial, or squatter or popular sovereignty against the attempt of Congress on the Wilmot proviso inhibiting slavery. The gentleman seems to be arguing now in favor of the old Douglas Democracy and against the right of Congress to say what shall be the conditions of the admission of a State into this Union.

Now, Mr. Speaker, I lay down this rule as one that will not be questioned: that under the Constitution of the United States every law made here is revocable by the power that made it, subject to the Constitution.

This declaratory resolution as offered by the gentleman from Illinois has no power to bind a future Congress or this Congress if they choose to repeal it and substitute another. But it has and must be considered to have some force and effect, moral if not legal, for the direction of the people of the Territory in forming their constitution. In this it follows the precedent of the ordinance of 1787, and it follows other precedents laid down here by resolution in this Congress after the great contest in the Kansas-Nebraska matter.

Mr. KASSON. I think there is no precedent.

Mr. COX, of New York. I think I could find a resolution passed by this House similar to this one, where Congress declared no Territory should be admitted as a State into the Union unless there was a ratio sufficient at least for one member of Congress. It is a good rule. It is a pity we had not worked on that rule when we came to admitting Nevada, which is now even losing its population instead of gaining. It is the anomaly of our Government that Nevada with a population not large enough for one member of Congress has the power in the Senate of New York with her five or six millions of population. If we can not in our apportionment and distribution of Federal power and in drawing a dividing line between Federal and State supremacy—if we can not lay down a rule that there must be at least a population sufficient for one member of Congress, we may be subject hereafter to such a system as may lead in the end to the disruption of our old-time State-rights autonomy.

I am in favor of this bill because it will have moral emphasis. I am in favor of it because it does not interfere with popular or squatter sovereignty. It allows the people of the Territory, subject to the Constitution—subject to this rule, if you please—to come here with their constitution made in pursuance, if you please, of this direction of Congress. There is nothing in this bill to inhibit a Territory having a population less than the 150,000 ratio from coming here with a constitution. But it is in the same condition, or in *pari passu*, with an enabling act by Congress, whereby we have frequently, as in the second act with relation to Kansas and Nebraska, enabled Territories to come forward and be admitted as States sometimes on proclamation to be made by the President or on their complying with certain conditions, and sometimes by enabling the Territory, under the direction of Congress, to prepare its organic law and come here for admission.

I am in favor, therefore, of this bill because it is not anything but a fair, just restriction upon Territorial or popular sovereignty. And it is fair to the people of the larger States of this Union, who have a right to demand here that at least a sufficient number of people shall be in the Territories when they come forward and ask to fix their star beside the other stars in our constellation.

Mr. KASSON. I will read to the gentleman from New York the clause of the Constitution to which I referred:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Allow me to say this is the highest court to which the people can come for the redress of grievances or when they wish to change the form of their government. And I call the attention of the gentleman from New York to what I think he has yet failed to see. When the bill says the people shall not apply even for admission as a State until so and so, I think it violates the spirit of the Constitution and attempts to bind Congress in the exercise of its power under the clause which gives the right for the admission of States.

Mr. COX, of New York. I will answer the gentleman from Iowa, in the first place, by saying when the Constitution was made the makers of it never contemplated a Territorial form of government for our outlying Territories. Where the word "territory" is used in the Constitution it is used to apply to the property, not to the form of government.

Mr. KASSON. Do you not remember the Northwest Territory? That was before the adoption of the Constitution.

Mr. COX, of New York. That was under the ordinance of 1787. I remember all about it.

Mr. BRENTS. You have a good memory. [Laughter.]

Mr. COX, of New York. The gentleman from Iowa says this violates the right of petition. The right of petition, Mr. Speaker, is almost obsolete in this country anyhow. We merely put our petitions in a box. The free press of this country is the medium by which Congress is reached now. But the right of petition is not invaded by this bill. Will the gentleman from Iowa, or will any man, woman, or child who is aggrieved by anything done in this country bring forward their grievances in the form of petitions and put them in that box?

Mr. KASSON. But when a Territory wants to claim admission as a State you say by this bill they shall not do it unless under certain circumstances.

Mr. COX, of New York. We do not interfere with the right of petition.

Mr. POLAND. I will ask my friend from New York what he supposes will be the precise legal effect of this bill if it becomes a law?

Mr. COX, of New York. It will be moral mostly, just as the effect of other laws is which you have made before and which are moral in their effects. The great distinguishing line between the party so ably represented by the distinguished jurist from Vermont and the party I speak for is that whereas we have endeavored by legislation to make laws binding and legal, the gentlemen on the other side generally claim to represent a party of high moral ideas irrespective of legality.

Mr. BROWN, of Pennsylvania. Yes, you are trying now to get on our ground.

Mr. COX, of New York. Yes, I am treading somewhat on your ground.

Mr. POLAND. Suppose this bill should pass and become a law, and at the very next session of Congress, or during this very session of Congress, a Territory with a less number of people than is here prescribed should apply for admission as a State and Congress should see fit to admit it.

Mr. COX, of New York. I have already answered that question by saying—and I quote Jeremy Bentham on it, and I am sure my friend from Vermont [Mr. POLAND] will remember, where he says that there is no such thing in this country or in any country, and ought not to be, as an irrevocable law. All laws should be revoked at times when people desire it. Even our Constitution is revocable by the prescribed mode; and under the Constitution all the laws which we make are revocable.

One generation should not bind another; that is democracy. One generation has not all wisdom; wisdom does not die with any one generation. One Congress can not bind another. The next Congress can wipe out this law at its pleasure. I concede all that; and yet I insist there is much of emphasis of direction, of force in a measure like this for the continuance of our own good order, which, when we come down to it, is really that there shall be so many people in a given Territory for the purpose of representation, fixed by the ratio established in the apportionment of representation by Congress.

Mr. PETERS. Can not the next Congress ignore this bill entirely?

Mr. COX, of New York. I have just said that I believe it can; and God only knows what a future Congress will not do if you have the control of it.

Mr. CASSIDY. And you would prohibit the people from coming here with a regular constitution and form of government.

[Here the hammer fell.]

Mr. TOWNSHEND. I would inquire, Mr. Speaker, how much time I have left?

The SPEAKER. The gentleman from Georgia [Mr. HARDEMAN] occupied fifteen minutes of the time.

Mr. TOWNSHEND. And the gentleman from New York [Mr. COX] occupied ten minutes.

The SPEAKER. The Chair included that in the fifteen minutes. There is forty-five minutes remaining to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. I will reserve that time.

The SPEAKER. Then the Chair will recognize the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. And I yield to the gentleman from Washington Territory [Mr. BRENTS].

Mr. BRENTS. I regret most profoundly that this bill has been called up in a day set apart for the consideration of legislation in the interest and for the benefit of the Territories. Unquestionably it can be of no benefit whatever to the Territories, nor, I think, to any one else. It is mere *brutum fulmen;* it can amount to nothing. This same Congress, when it meets to-morrow, may admit a Territory as a State without the population required by this bill.

The Constitution of the United States is not yet a hundred years old. In that Constitution the fathers provided for the admission of new States. They threw around that provision no restriction whatever; they left it to the judgment and to the conscience of each Congress when any Territory should apply for admission as a State to determine all the questions involved—the question of population, their number, their character, their wealth, and their ability to sustain a State government as a member of this Union. This bill proposes to limit and restrict a power which under the Constitution is unlimited and unrestricted, and is therefore unconstitutional.

It was then the spirit of the day that the people should be allowed to govern themselves; and so when the ordinance of 1787 was enacted by the Congress of the Confederation for the government of the territory northwest of the Ohio River, while the constitutional convention was still in session, they made provision that when any of the districts, as they were called in the ordinance, should have 60,000 free inhabitants it should be entitled to admission as a State in this Union.

That same provision was extended to the territory south of the Ohio River which afterward became the State of Tennessee. When Tennessee applied for admission the provision authorizing admission with 60,000 free inhabitants was in force. I have here a special message sent to Congress on the 8th of April, 1796, by the first President of the United States, recognizing that compact made with the people of that territory. I will read a portion of it:

Gentlemen of the Senate and of the House of Representatives:

By an act of Congress passed on the 26th of May, 1790, it was declared that the inhabitants of the territory of the United States south of the river Ohio should enjoy all the privileges, benefits, and advantages set forth in the ordinance of Congress for the government of the territory of the United States northwest of the river Ohio.

* * * * * * *

Among the privileges, benefits, and advantages thus secured to the inhabitants of the territory south of the river Ohio appear to be the right of forming a permanent constitution and State government, and of admission as a State by its delegates into the Congress of the United States on an equal footing with the original States in all respects whatever, when it should have therein 60,000 free inhabitants:

* * * * * * *

That message is signed by George Washington. That same provision has been extended to the whole of the original Territory of Oregon, which included the present State of Oregon, the Territory of Washington, the Territory of Idaho, and a portion of the Territory of Montana. Now, if you undertake to pass this bill, you will do it, so far as that Territory is concerned, in direct conflict with the compact you have made with those people.

There was a lengthy debate on the bill for the admission of Oregon. It was universally admitted that this provision of the ordinance of 1787 applied to that Territory. Therefore when Oregon applied for admission it was contended by the lamented Alexander H. Stephens, who had charge of the Oregon bill, that the compact was extended to that Territory by the provisions of the fourteenth section of the act of August 14, 1848, and that the Territory was entitled to admission as a State at that time with 60,000 free inhabitants. The representative unit at that time was 93,423; but Oregon was admitted upon the plea that not to admit her, if she had 60,000 free inhabitants, would be a violation of the compact.

Now, as I said a moment ago, the Constitution is not yet one hundred years old. The fathers in their wisdom saw fit to throw no restriction around Congress in deciding upon the application of new States for admission, but left the matter to their own wise discretion unrestrained. In that time twenty-five States have been admitted into this Union. Of those twenty-five Maine and West Virginia were formed out of portions of States previously existing. Texas prior to entering the Union was an independent republic. Vermont, I believe, was a colony of New York, and Kentucky a colony of Virginia. With the exception of these States all the rest have been formed from territory of the United States.

At the time of the formation of the Constitution the representative ratio was 30,000. If that ratio had continued until the present time this House would now contain some 1,600 or 1,700 members. But at each successive decade, with one exception I believe, the representative unit has been increased. If the membership of this House had not been enlarged from sixty-five to three hundred and twenty-five, the present number—five times as large as it was originally—the representative unit at this time would be 759,532; and if this number were now the representative unit, and the rule now proposed were applied to new States, this would be the population required of any Territory before being allowed to participate in the Government of the United States. Under such a rule how many of the States do you suppose would be excluded?

But even upon the present representative basis there are now two States in this Union which by the last census have not the requisite number to entitle them under the theory of this bill to a Representative in this House. Delaware, one of the original States, has not for more than thirty years had the number proposed now to be required for admission into the Union. The State of Nevada has not perhaps one-fifth, certainly not more than one-fourth, of the requisite number.

Why do you propose to make this discrimination against these new States that are coming up from the West? Why do you propose to lay down a rule which will in the future completely close the door against the admission of new States—States formed out of the territory of the United States, composed of citizens of the United States—persons entitled to participation in your Government, as declared in the ordinance of 1787, at the earliest possible moment?

Mr. Speaker, I had not intended nor am I prepared to enter into a full discussion of this question; but it seems to me that this bill if passed will be not only a useless declaration amounting to nothing in the world except for its "moral effect" of which my moral friend from New York [Mr. COX] speaks, but if it is to have any force or effect hereafter, it will operate with great injustice and as a limitation of the power conferred by the Constitution in the admission of new States.

My own Territory is now an applicant for admission into the Union. So far as that Territory is concerned, however, I want it understood that this act can not harm her, because we have the requisite population.

Mr. TOWNSHEND. What did the census show?

Mr. BRENTS. It showed our population to be at that time 75,000 and a little more. But there is no question that at the present time we have population sufficient to entitle us to a Representative on this floor. Do you propose under these circumstances to exclude us by reason of the insufficiency of our population as returned by the last census? Do you propose to keep us out for that reason for the next ten years? Even at the end of that period if the aggregate membership of this House be reduced or allowed to remain where it is, the representative ratio may be so increased that even with 200,000 or 300,000 population we may still be excluded.

The gentleman's own State, Illinois itself, when the ratio was only 35,000, had not that number, but came into the Union with 34,620. By the previous census it was only 12,282. That State at the time of its admission had less population than any other State ever had upon admission into the Union, and yet the gentleman from Illinois [Mr. TOWNSHEND] is the author of this bill.

What population have the several States had at the time of their admission? Vermont came in with a population of 85,425. Kentucky came in with 73,677, of which number 12,430 were slaves, five of whom

under the old constitutional basis counted as only three persons; so that Kentucky had only about the 60,000 free inhabitants required. Tennessee came in with an estimated population of 67,000, 7,000 of which number were supposed to be slaves. At her previous census, however, she had a population of only 35,691.

Ohio came in with 45,365. Louisiana came in with 76,556, of which number 34,660 were slaves. Indiana came in with 63,897. By the previous census it was 24,520. Mississippi and Alabama constituted before admission the Mississippi Territory, which by the preceding census had a population of only 40,352, of which 17,088 were slaves. Those two States had extended to them the 60,000 free-inhabitant clause. In fact that clause was extended to all the territory that belonged to the United States at the time of the formation of the Constitution. It was even extended to the Orleans Territory, so far as the original Territory of Orleans was concerned. Every Territory had extended to it at the time the Constitution was formed the guarantee that it should be admitted when it had 60,000 free inhabitants. Illinois came in, as I have said, with only 34,620 population. By the preceding census she had only 12,282, yet the gentleman from Illinois [Mr. TOWNSHEND] comes here now and proposes to close the door against all Territories of the United States which have not now 151,911 population! Generous, indeed!

Missouri was admitted in 1821 with 66,557, of which 10,222 were slaves. That was sixty-three years ago.

Since that time not a State has been admitted from a Territorial condition with a population by the preceding census equal to the ratio required for a Representative on this floor.

Arkansas came in in 1836, when the ratio was 47,700. By the previous census she had 30,388, of which 4,576 were slaves. It was estimated at the time of her admission that she only had some 33,000 free and 9,240 slave population.

Michigan came in with a population by the preceding census of 31,639, the ratio still being 47,700.

Florida came in in 1845, when the ratio was 70,680, when by the preceding census she had a population of 28,760 free and 25,717 slave, or 54,477 altogether. At that time, estimating three white persons for five slaves, she had not the requisite population for a member of this House by several thousand.

Iowa came in in 1846 with a population of 78,819—by the previous census 43,112, while the ratio was 70,680.

Wisconsin came in in 1848 with a population by the preceding census of 30,945.

California had less than the ratio even at the time of her admission, the ratio being 93,423 and her population 92,507.

Minnesota had only 6,077 at the time of her admission according to the preceding census.

Oregon, as I have already stated, came in with about 50,000 when the ratio was 93,473.

In that Oregon case there was this amendment offered to the bill by Mr. HILL, of Georgia:

That whenever it is ascertained by a census, duly and legally taken, that the population of the Territory of Oregon equals or exceeds the ratio of representation required for a member of the House of Representatives of the United States, Oregon will be received into the Union on an equal footing with the other States in all respects whatever.

Now, what was done with that amendment? It was voted down by a large majority. It received only 32 votes—13 Democrats, 11 Republicans, 8 Americans and Whigs. There were against the proposition a vote of 173—106 Democrats, 61 Republicans, and 6 Americans and Whigs. So the American or Know-Nothing party was the only party that ever did vote in favor of the application of this unjust rule requiring a Territory when admitted to have a population equal to the existing ratio of representation. Democrats expressly declared against it. Republicans voted against it. It is the only time except in the case of Kansas it was ever attempted. I have the vote here and I will insert it in my remarks to show the names of those who voted against the application of such a rule to a new State asking admission into the Union. It is as follows:

YEAS—Abbott, Blair, Boyce, Bryan, Chaffee, Horace F. Clark, Clawson, Dick, Farnsworth, Gilmer, Hill, Keitt, Kellogg, John C. Kunkel, McQueen, Matteson, Maynard, Miles, Millson, Mott, Olin, Ricaud, Royce, Scales, Henry M. Shaw, Shorter, Stallworth, Trippe, Underwood, Vance, Walbridge, Zollicoffer—32; 13 Democrats, 11 Republicans, 8 Americans and Whigs.

NAYS—Adrian, Ahl, Andrews, Arnold, Atkins, Avery, Barksdale, Barr, Billinghurst, Bingham, Bonham, Bowie, Branch, Brayton, Buffington, Burlingame, Burnett, Burns, Burroughs, Caruthers, Case, Caskie, Cavanaugh, Chapman, Ezra Clark, John B. Clark, Clay, Cobb, Clark B. Cochrane, John Cochrane, Cockerill, Colfax, Comins, Corning, Cox, James Craig, Burton Craig, Crawford, Curry, Curtis, Davidson, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dean, Dewart, Dimmick, Dodd, Dowdell, Durfee, Edie, Edmundson, Elliott, English, Fenton, Florence, Foley, Foster, Gartrell, Gillis, Gillman, Gooch, Goode, Granger, Greenwood, Gregg, Grow, Lawrence W. Hall, Robert B. Hall, Harlan, Harris, Hatch, Hawkins, Hodges, Hopkins, Horton, Houston, Hughes, Huyler, Jackson, Jenkins, Jewett, George W. Jones, Owen Jones, Keim, Kelsey, Kilgore, Knapp, Jacob M. Kunkel, Lamar, Landy, Lawrence, Leach, Leidy, Leiter, Letcher, Lovejoy, Maclay, McKibben, McRae, Humphrey Marshall, Samuel S. Marshall, Mason, Miller, Montgomery, Moore, Morgan, Morrow, Edward Joy Morris, Isaac N. Morris, Oliver A. Morse, Murray, Niblack, Nichols, Palmer, Parker, Pendleton, Pettit, Peyton, John S. Phelps, William W. Phelps, Phillips, Potter, Pottle, Powell, Purviance, Reagan, Reilly, Robbins, Roberts, Ruffin, Russell, Sandidge, Savage, Scott, Searing, Seward, Aaron Shaw, Judson W. Sherman, Singleton, Robert Smith, Samuel A. Smith, Spinner, Stanton, Stephens, Stephenson, James A. Stewart, William Stewart, Talbot, Tappan, George Taylor, Miles Taylor, Thayer, Thompson, Tompkins, Vallandigham, Wade, Waldron, Walton, Ward, Cadwallader C. Washburn, Elihu B. Washburne, Israel Washburn, Watkins, White, Whitely, Wilson, Winslow, Wood, Wortendyke, August R. Wright, John B. Wright—173; 106 Democrats, 61 Republicans, 6 Americans and Whigs.

I might go on, Mr. Speaker, at length with this record. In the case of Oregon Mr. Douglas admitted she did not have the requisite population. The fact is clear all through that the Congress of the United States has never committed itself to any such rule. It has been brought forward frequently, but it has been voted down overwhelmingly.

In the case of Kansas there was an act passed May 4, 1858, by which it was provided if Kansas would not submit to certain conditions in regard to the taxation of the property of the United States within that State it should not be admitted until it had a population equal to the ratio of representation. Kansas was not admitted under that act, and was admitted with less population than was required for a Representative on this floor.

Mr. TOWNSHEND. Does the gentleman say that Kansas was admitted with less population than was required for representation?

Mr. BRENTS. I do.

Mr. TOWNSHEND. Does the gentleman forget the fact that the English bill prohibited the admission of Kansas as a State into this Union until it had a population equal to the number required for representation upon the floor of this House?

Mr. BRENTS. But the gentleman from Illinois should also remember that Kansas was not admitted under that bill at all. And it was conditional even under that bill that if she should not consent to certain conditions propounded that then she should not be admitted. But that was taken back afterward; Congress never insisted upon the restrictions, and Kansas was consequently admitted finally with less than that population.

Kansas was admitted in 1861 by an act passed, I believe, in January of that year by a subsequent Congress to the one that passed the English bill, and she had at that time only 107,206 population, while the ratio of representation by the census of 1860 was 127,381. Nevada, Nebraska, and Colorado were all lacking in the population required by this bill, not only when the previous censuses were taken, but also at the dates of their admission. So that without taking further time on this point I say it has not been the practice of this Government to require any such population.

No such rule has been applied in the past, as I have shown in the few instances I have cited, and no such rule should now be laid down either for this or for the guidance of any future Congress; and, Mr. Speaker, it is manifest that it would be unjust to these communities themselves to impose such a restriction upon them. Under the restrictions imposed by this bill, it would leave many of them in a Territorial condition for years and years with a population adequate to maintain a State government. It is unjust to them when they have population and wealth enough to maintain a State government. It is contrary to the genius of our institutions that such a rule should be applied to a community of American citizens living on American territory, a restriction that would put them under the control of Congress and not allow them to have any participation whatever in the affairs of the Government under which they live. When we undertook to establish free government in this country it was our declaration to the world that that Government should apply to all the people so far as they were able to maintain their share and part in it, and when you talk of its being unjust to the older and more populous States, let me ask gentlemen can it be more unjust than in the instances of the inequality now existing between States already in the Union? Can it be any greater than the inequality between the States of Nevada and New York, or Delaware and Pennsylvania?

So far as the representation in the Senate is concerned it is based not upon population. There the State is represented as a corporate organization, as an independent political entity. It is represented without any regard whatever to its population, and if that be unjust the injustice lies in the Constitution itself which established that principle. If you are going to change that rule laid down in the Constitution you must change the Constitution itself; and if you are going to require States in this Union to have equal population you must commence to reform the whole theory and system of the Government itself. If you propose to apply a rule against the Territories that you can not apply to the States, you are certainly making an unjust discrimination against the Territories. You allow the State of Delaware to have representation on this floor, both in the Senate and in the House, with less population than some of the Territories have at this time, and yet Delaware was one of the original States. You have admitted, as I have said, many other States since then with less population than was required for a Representative in Congress. Why, it is even provided for in the Constitution itself.

It was contemplated by the convention that framed the Constitution that there might be States in the Union in the then future with less population than might be required for a Representative here, and they made provision to meet that contingency. There were none then; but the framers of the Constitution contemplated the possibility that such a condition in the future might arise, and they put in a provision in

the second clause of the first article of the Constitution declaring "that the number of Representatives shall not exceed one for every 30,000; but each State shall have at least one Representative."

So that under the Constitution you allow the States that are in the Union with less than this population one Representative on this floor, and two in the other end of the Capitol; while the Territories, constituted of people of the United States, citizens loyal and true, deserving citizens of the United States, with far greater population, are denied representation here or in the Senate. You allow them no representation whatever.

Mr. Speaker, I will not take up the further time of this House to discuss this question. It is a useless, senseless, and unjust measure. If it were not entirely useless and inoperative upon the next Congress, or even upon this Congress, to-morrow morning I would probably ask permission to go into its discussion at some greater length. But it seems to me that you do not want to put forth a declaration to the people in the Territories, and to those who are contemplating going there, that if they do become citizens of the Territories they shall not have the right to come here and be admitted to statehood or to have any share or participation in our Government until they have reached this number, which we did not require of the States that now have Representatives on this floor and participation in the Government of our common country.

I yield now such time as the gentleman from Ohio [Mr. KEIFER] may desire, after which I will reserve the remainder of my time.

Mr. KEIFER. After listening to all that has been said in opposition to this bill I need add but little. I have always since I have been a member of this body protested against the folly of attempting to put any sort of legislative restriction upon ourselves. It has been proposed in times past to enact statutes of limitation upon our own power, such as legislation prohibiting the Congress of the United States from passing certain bills or claims. I remember that but a few years ago we put in an appropriation bill a provision that there should be paid only the sum of $2,000 toward the expenses in a contested-election case; and before that bill was dry we allowed some $8,000 as the expenses on one side in a contested-election case.

But the proposition now coming from the gentleman from Illinois [Mr. TOWNSHEND] is to limit the Constitution as well as to limit ourselves in this matter. It was inadvertently suggested by the gentleman from New York [Mr. COX] who spoke a few moments ago that the Constitution did not contemplate the admission of new States into the Union. The gentleman surely can not have read the Constitution recently, for the third section of the fourth article of the Constitution commences thus:

New States may be admitted by the Congress into this Union.

Here is an express power to admit States into the Union. It is proposed by this bill, Mr. Speaker, to take away the constitutional power of the Congress of the United States to admit States into the Union unless certain things happen. If we pass this bill it will have little effect, I am sure; but it will be a monument to our own folly in attempting to say that we should not except upon certain conditions do that which the Constitution of the United States enjoins upon us to do.

The bill says:

That hereafter no Territory shall form a constitution—

That is the first part of it: "No Territory shall form a constitution." I suppose that is intended to be construed as a restriction upon the right of the individual citizens of a Territory to assemble and form a constitution and memorialize the Congress of the United States to admit the Territory into the Union. Otherwise it is meaningless. And then the bill says—

or apply for admission as a State into the Union until it shall contain a permanent population equal to that required in a Congressional district in order to entitle it to representation in the House of Representatives.

The people of a Territory are first prohibited from forming a constitution; secondly, they are prohibited from petitioning the Congress of the United States for admission into the Union unless it is ascertained that the Territory has a permanent population equal to that required in a Congressional district in order to entitle it to a representation in the House of Representatives. I believe the average population for a member of this body under the present law is 151,340. That is what must be ascertained to be a permanent population of the Territory before it can apply for admission as a State. Exactly what force and meaning are to be given to the word "permanent" I am not able to say. The population, I suppose it is meant, are to be in some way or other attached to the soil. They are to be people that are not movable. They must in some way or other have put their feet into the Territory or in some way got fastened there so that they can be called permanent. They must be people that would not dare to move away, that would not dare on account of any misfortune or under any circumstances to go off to any other country, or State, or Territory.

Mr. TOWNSHEND. Will my friend allow me to tell him——

Mr. KEIFER. Certainly.

Mr. TOWNSHEND. If he will look at the organic act admitting the State of Kansas he will find there the same words; and I have no doubt the same words are used in all the acts admitting other Territories as States.

Mr. KEIFER. I am sorry when the gentleman said he was going to tell me that he did not do so. What I wanted to know was the meaning of the word "permanent" as applied to population?

Mr. TOWNSHEND. Consult Webster's Dictionary as to that.

Mr. KEIFER. I know what a permanent fixture means as applied to real estate. But what the expression means here I am unable to say.

Mr. MILLS. Suppose Congress passed this law and after that a Territory notwithstanding holds its constitutional convention and applies for admission into the Union and Congress admits it into the Union, what effect would this law have?

Mr. KEIFER. None at all. I am saying, and I have no doubt the gentleman from Texas [Mr. MILLS] agrees with me, the law would be simply a monument to our own folly. It could have no effect, no legal effect. And with due deference to the gentleman from New York [Mr. COX] now in the chair, I think it ought to have no moral effect of any kind. The people of the Territories when they believe their condition would be bettered, when they believe their government would be bettered by changing its form, have a constitutional right to apply to the Congress of the United States for admission into the Union; and as a step in the direction of applying they have a right to form a constitution and write it out and put it in shape and send it to Congress in order that it may be there judged of whether it provides for a republican form of government and is in other ways wise and such as ought to be a first constitution of a new State of this Union.

I do not believe that this is a limitation at all, and yet it is proposed in that form. What has happened that makes it important that we should put on this limitation now? Are we in danger in the present House of Representatives of doing anything so wise as admitting a Territory such as Dakota into the Union? Is the gentleman from Illinois or are other gentlemen inclined to think that unless they have a law against themselves or against the people some day or other during this Congress we may admit that Territory into the Union with a sufficient population now, judging by the population of other Territories when they have been admitted? It is not many years ago—eight years I believe, Mr. Speaker—since a Democratic House thought it was wise to admit the Territory of Colorado into the Union with a population then, I believe, of 43,000. I may not be exactly right, but it did not vary largely from that figure.

Mr. TOWNSHEND. It had a much larger population than that.

Mr. KEIFER. It has not 100,000 population yet.

Mr. TOWNSHEND. Oh, yes; Colorado has now one hundred and forty or one hundred and fifty thousand.

Mr. KEIFER. I was thinking of Nevada.

Mr. CASSIDY. Be a little easy on Nevada.

Mr. KEIFER. Colorado had a very small population, nothing like the number required by this bill. But a Democratic House rather hastily rushed through the bill admitting that Territory into the Union.

Mr. TOWNSHEND. And lost the Presidency by it.

Mr. KEIFER. The gentleman from Illinois says, and he may be right, that by reason of their folly then they lost the Presidency of the United States. It may be that gentlemen are afraid that in some unfortunate hour this House may undertake to do what it ought to do in wisdom, what we are empowered to do by the Constitution—admit some Territory into the Union as a new State—and thereby add votes on the Republican side to the electoral college. I can find no other reason for attempting this, if the gentleman will pardon me for saying so, exceedingly foolish legislation.

We can not in this Congress say that a future Congress shall not do what the Constitution gives us the express power to do, and hence I am justified in saying that to pass this bill would be exceedingly foolish and unwise. It has no purpose; it has no object. It may embarrass a few people if they want to assemble in a hall somewhere in the Territory of New Mexico or Wyoming or Washington or Dakota and there talk over what sort of a constitution they would wish to live under in future years. Should they assemble for that purpose some gentleman might come in and say, "There is the Townshend bill passed by Congress which says that you shall not speak or write on that subject; that your tongue shall be tied; that under that law, because the gentleman from New York [Mr. COX] says it is to have a moral power on you, you are to be paralyzed, your hands shall not write and your tongue shall not speak on the subject of a State constitution until you have such data as will satisfy you that there is in your Territory a 'permanent' population of 151,000 people." That is the situation in which this bill will put the people of a Territory.

Now, when did it happen that a Democratic party or a Democratic body discovered that it was better to keep people in a Territorial condition than to allow them to have a State government? Some of us, since we have belonged to the Republican party, have always had the idea that the Democracy claimed that in this dual form of government of ours it was wise to have States, and that those States should have certain powers, even exclusive powers, and in many instances they do have exclusive powers, and those powers are in the interest of the people living within those States.

But here is a Democratic proposition to continue these Territories in a Territorial condition, under Territorial legislation, without any of the

powers that belong to a State, without any of the local powers that belong to a State, with the right left, as it is in every instance, in the Congress of the United States to annul every law of the Territorial Legislature; and such a proposition comes to us with the indorsement of a committee of this Democratic House.

I now yield back to the gentleman from Washington Territory [Mr. BRENTS] whatever remains of the time which he so kindly gave to me.

Mr. BRENTS. I would inquire how much time I have left?

The SPEAKER *pro tempore*. The gentleman has ten minutes remaining.

Mr. BRENTS. I will yield that ten minutes, or whatever portion of it may be desired, to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. I have just come in from the law library while this discussion was going on and may repeat something that has been said by others, for I have not heard the debate that has taken place.

It occurs to me that this is unwise legislation; first, because it is an attempt by this Congress to bind another Congress in a way which can not be done. It seems to me to be entirely useless for us to say that another Congress may not admit a Territory as a new State until it shall have a certain population, when the question is one solely for the consideration of that other Congress. The passage of this bill would be entirely useless so far as any purpose of law is concerned.

And without having given the matter much consideration and thought, it occurs to me that it is unconstitutional legislation. The Constitution declares what shall be the qualifications of Senators and Representatives, and it has been uniformly held that neither Congress nor the States can add to or take from those qualifications. They are fixed by the Constitution. So by the Constitution Congress now has the power to admit new States, and the only restrictions upon that power are that it shall not make a State within the jurisdiction of another State, nor make a new State out of parts of other States, without the consent of those States. By parity of reasoning it would be unconstitutional for this House to undertake to put any other limitation upon the power of Congress to admit new States.

I grant that it is apparently a hardship to have new States represented in the Senate equally with large States when the new ones have very little population. But it was so under the old arrangement. Rhode Island has as many Senators as New York or Pennsylvania or Massachusetts. Whether we will as a matter of policy admit a new State is merely a question addressed to the particular Congress to which the petition is presented.

This bill proposes to say that a Territory shall not petition Congress for admission as a State without a certain amount of population. Well, Congress can admit a new State without a petition. The bill also says that a Territory shall not make a constitution. Why not? The present law is that a Territory may pass all laws not inconsistent with the Constitution of the United States, except that it may not do certain forbidden things, such as taxing the property of non-residents more than the property of residents and a few things of that sort which are forbidden by the general law.

What harm can there be in allowing a Territory to make a constitution, whether it can get into the Union or not? It may need a Territorial constitution. But as to the application for admission, you can not prevent petitions coming here. Anybody can petition. The Constitution declares that the right of the people to assemble and petition for a redress of grievances shall be inviolable. The Territory as a Territory need not petition. I may file a petition in behalf of the Territory. Nobody can prevent that; and Congress can act on my petition. It seems to me, therefore, that this proposed legislation is not only useless, but worse than that, it is unconstitutional.

Mr. BRENTS. Mr. Speaker, have I any time remaining?

The SPEAKER *pro tempore*. Five minutes.

Mr. BRENTS. I yield two minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS, of Illinois. Mr. Speaker, I desire to call the attention of my colleague [Mr. TOWNSHEND] who introduced this bill to what I regard as a lack of precision in the language. It is of course only a resolution indicative of the sense of Congress; but it has the form of a bill, and should have the precision of a bill. It says that certain acts shall not be performed in a Territory unless that Territory has a "population equal to that required in a Congressional district in order to entitle it to representation in the House of Representatives." Yet there is no provision of law requiring that a Congressional district shall have any particular population in order to entitle it to representation in this House.

There is a provision in the Constitution that "Representatives shall be apportioned among the several States according to their respective numbers;" but if all the Representatives in any State were to be elected on one general ticket it would be no violation of the Constitution. And when we come to the law on the subject, we find it simply declares that Illinois shall have so many Representatives, Ohio so many, &c., leaving each State to adopt its own division into districts as it may see fit, subject only to the requirement that this division shall be as nearly as practicable according to population. Yet we know that there is necessarily what is called "fractional representation," and it appears by a statement furnished to me by the gentleman from Washington Territory [Mr. BRENTS] that in Nevada there is a fractional representation of 62,000; in New York a fractional representation of 70,000; and so on. Gentlemen will find on reflection that of the three hundred and twenty-five districts supposed to be represented here, no two districts have the same population.

The question which I commend to the consideration of my colleague from Illinois is whether he intends that a Territory, in order to be entitled to admission, shall have a population equal to that of the least populous district represented on this floor, or that the required population shall be the average of the various districts? Would it not be simpler and more precise for him to specify in the bill 150,000 as the requisite number, if that is what he intends?

Mr. BRENTS. I yield the remainder of my time to the gentleman from Michigan [Mr. HORR].

The SPEAKER *pro tempore*. The gentleman from Michigan is entitled to three minutes.

Mr. HORR. Mr. Speaker, I do not care to talk beyond that length of time on this measure. It seems to me worse than ridiculous—almost criminal—to bring into this House for action at this time, when we have so large an amount of business which ought to be attended to, a bill which does nothing if you pass it, which amounts to nothing whether you pass it or not, and which does not claim to do anything after you pass it. [Laughter.] For a committee of this House to come in here and get a special order fixing a day for the purpose of attending to the wants and necessities of the Territories of the United States, and then to occupy the time of the House by undertaking to pass what, at the very best that can be said for it, is mere clap-trap without any sense, without accomplishing anything and without meaning anything, is, I say, a criminal waste of time.

If you pass this bill the next Congress will pay no attention to it. I know that one very distinguished gentleman says that the bill should be passed with a view to its "moral effect." "Moral effect" on whom? Who is getting immoral here? [Laughter.] We are not over on this side of the House. Whom do you want to improve in morals by this kind of legislation? Now think of it! When we ought to be attending to important business—such legislation as we have already passed to-day for the benefit of the Territory of Alaska, which was certainly a good bill—after doing that you propose for "moral effect" to take up this resolution, which is simply for buncombe, and nothing else. I would like to have my friend who introduced the bill tell us what there is in it but "buncombe." I will listen with the greatest attention, for if there is anything else in it I can not find it.

The bill accomplishes nothing; it is binding upon nobody, it affects nobody. If passed it would not even be binding upon this Congress. We might pass it to-day and yet to-morrow without any infringement of the Constitution and without any violation of morality, we might admit any Territory, regardless of population, if we could get the votes to do it. What do we accomplish by this bill except to waste the time of the House when it ought to be engaged in attending to the business of the country?

[Here the hammer fell].

Mr. TOWNSHEND. Mr. Speaker, I yield ten minutes to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Speaker, I can not quite agree this bill will be utterly useless. I hope it will be of some use. I hope it may serve the purpose of announcing to the country that the Congress of the United States recognizes the injustice of longer pursuing a course which invites populations less than the ratio of representation for one member upon this floor to balance and control and negative, it may be, the policy of this great Union, if not in this at least in the other end of the Capitol. We have gone too far already in administering the Government in this particular; too far in denying the vast populations and vast interests of the great States their just influence and their equal share in proportion to their population. They should have an influence in this Government as far as possible under the Constitution equal to their population and importance.

I think, sir, it is time to recognize in Congress and to announce it from the Congress of the United States that it is to be the policy of the country, at least so far as this particular Congress is concerned, that the great populations of the great States are not to be overridden and their just influence denied by admitting States on the frontiers with one Representative on this floor and two in the Senate, when they have scarcely population enough to make a respectable town in one of the older States.

Look for a moment at the influence of these States in the other end of the Capitol as to the treaty-making power, and the power intended to be a portion of the appointing power of the Executive. I regret to say they have arrogated to themselves the power of controlling the executive functions and action of this Government.

This bill can do no harm in giving this notice to the Territories of the country. It simply says to them: "You will not be admitted here according to the judgment of Congress as a State until you have a population sufficient to entitle you to one Representative on this floor." To my mind any other course is monstrously unjust to the older States of the Union.

I believe in the moral effect of the bill, and I would pass it if for no other purpose than to give that notice to the country.

Mr. WHITE, of Kentucky. Let me ask the gentleman a question.

Mr. POTTER. Certainly.

Mr. WHITE, of Kentucky. I desire to ask the gentleman from New York this question. Now, in getting up a cry like this, is it not equivalent to saying to the great Territory of Dakota we are not willing to admit it as a State into this Union, although that Territory may have a population of one-half million? Is it not a subterfuge to prevent doing what we ought to do in reference to the people of the great Territory of Dakota? Is it not a mere resolution expressive of opinion, and is not this debate a waste of time?

Mr. POTTER. When Dakota comes here with a population showing that she is entitled to one Representative in Congress, I trust she will be respectfully heard.

Mr. WHITE, of Kentucky. She has half a million of population to-day.

Mr. POTTER. We will discuss that matter when it comes up. She is not affected. She is outside of this bill. So far as this bill has any authority it is a declaration she is outside of its provisions.

Mr. WHITE, of Kentucky. That is the very question I desired to ask the gentleman from New York. Is this resolution anything more than saying it is our opinion such and such a thing ought not to be done? We really are wasting a day which ought to be devoted to the consideration of Territorial matters, and it is done for the purpose of discussing a resolution which is nothing more than buncombe.

Mr. POTTER. If we succeed in making those Territories believe they have something else to do than use up their time and efforts in attempting to get into the Union as States, to exercise unjust powers and unequal privileges over the older States of the Union, I think we will have accomplished something. I hope the House will express its opinion in this respect, and prevent as far as possible the coming forward of schemes on the part of these Territories for representation larger than that possessed by the older States.

Mr. TOWNSHEND. I will yield now for two minutes to the chairman of the committee, the gentleman from South Carolina [Mr. EVINS].

Mr. EVINS, of South Carolina. I hope, Mr. Speaker, the House will vote on this question and let us get to something else. I desire to say in reference to the present bill I entertain the same opinion I held in reference to it in committee. It is merely an expression of opinion. The people of the Territories will have the constitutional right to petition Congress, and Congress can do as it pleases in the matter. That is all I desire to say in the two minutes allowed me, hoping, in conclusion, the House will proceed to vote.

Mr. TOWNSHEND. Mr. Speaker, I shall waste no time in answering the tirade of abuse and ridicule sought to be heaped upon this bill by the gentleman from Michigan [Mr. HORR]. It is very evident, sir, that he does not understand the nature, the purpose, or the effect of the bill. But it is no fault of mine; nor is it the fault of the Committee on the Territories that he does not understand the bill. The Almighty himself is the only one to blame for that misfortune under which he labors.

This bill, Mr. Speaker, means much. If the gentleman—and I understand him to state himself that he is not a lawyer, but if he was a lawyer and capable of understanding the plain English language written here, he would be the last man on this floor to use the terms that he has used in reference to it.

Mr. HORR. I only said in reference to it what was said by the chairman of the committee himself.

Mr. TOWNSHEND. Please do not disturb me, my friend. I shall occupy but very brief time upon this point. I apprehend, sir, if the gentleman from Michigan had been present when the great declaration of human rights was adopted, our Declaration of Independence, he would have taken the floor and asserted that it too was mere buncombe and humbug, and that that great assemblage of the American people should not waste its time upon sentimental and mere moral declarations that had no force or effect.

What is in the bill? There is nothing in the bill, as was said here by the gentleman who sits behind me, in the direction of putting a restraint upon the power of Congress. Nothing whatever that can be construed in that direction. My friend from Georgia [Mr. HAMMOND] need not lose any sleep upon the dread apprehension which seems to oppress him, that by this bill we intend to limit the power of a subsequent Congress. There is no such purpose in the bill. There is nothing in the bill which would warrant such a construction. I presume the gentleman knows that it would be absurd and useless to attempt to pass a law imposing a restriction or a limitation upon the constitutional power of Congress. There is, therefore, no such purpose in the bill. We come then to the question, What does it contain? And I here make the assertion that no man possessing a legal mind will say that it does more than put a limitation upon the power of the Territorial authorities. It is a law limiting the action of the Territories in their corporate capacity or in their official capacity. That is what it means, and that only.

The bill, sir, then puts a limitation, a legal limitation and restriction, or restraint, upon the action of the Territorial authorities for certain specified purposes. The question then arises, Has Congress the power to do that? Looking to your Constitution I say that it has. I invite your attention to that Constitution to see whether or not it clearly shows that Congress has plenary power, absolute power, to put any limitation, any restriction, or any restraint that in its wisdom it may see proper upon the Territorial authorities. Here is the language of the Constitution:

> Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

They are entirely within the power of Congress. Now, sir, this bill means to enact a law, not simply as we are told here a sentimental declaration without effect or force, but a law. The Territorial authorities are created by an act of Congress. They have no vitality, no power, no capacity to act except by virtue of Congress. The creator of this power, then, has it within its power to diminish, restrain, or limit it. It may modify the power conferred upon the Territories, or it may annihilate or undo their work in the Territories. We do not in the slightest degree interfere with the power and right of Congress to act. Congress may at its next meeting—the next Congress may on its own motion—admit any Territory as a State into this Union. It does not deprive Congress or attempt to limit its power in that direction. It applies alone, then, to the authorities in the Territories, not to the action of Congress whatever. It takes no such steps; it has no such purpose; it refers solely to the Territories.

Mr. HORR. How is Congress going to find out when there are inhabitants enough in a Territory under your bill?

Mr. TOWNSHEND. Congress will judge of that for itself when it deems it proper to admit a Territory into the Union. But we say to the squatters in the Territories, "You shall not present an application here for admission, or form a constitution, or ask the admission of your Territory as a State until you have put yourselves upon an equality with the people in the older States." We say to these people in Montana and the other Territories, "You shall have the rights guaranteed to the people of the different Congressional districts in this Union; but you shall have no greater right than they possess." What is their right? My people in Illinois have a right of representation here when we can show that we have for each Representative about 153,000 population.

Mr. MORRISON. How much did we have at first when the State was admitted?

Mr. TOWNSHEND. We are not now discussing the question whether Illinois was properly admitted into the Union or not. That is not a question for our present consideration, but the question with which we are now dealing is whether we shall admit any further rotten boroughs into this Congress to participate in legislation. But the objection is raised against this measure that we shall thereby establish a precedent. If my colleague from Illinois and my friend from Michigan think that Illinois did not have sufficient population when it was admitted into the Union, that objection should have been made at that time, not now.

What do you want to do? You want to give the 40,000 people in Montana the right to have equal power of representation in the Senate with nearly four million of people that live in Illinois. I say it is rank injustice.

Do you want to give the 40,000 people in Montana a Representative having the same political power on this floor that I possess as a Representative of 153,000 people?

Mr. HORR. Who proposes that?

Mr. TOWNSHEND. My friend from Nevada [Mr. CASSIDY] has twice the political power on this floor of any Representative from any other State in this Union in proportion to the population he represents.

Mr. CASSIDY. That may be because of the standing of the Representative perhaps. [Laughter.]

Mr. TOWNSHEND. Now, Mr. Chairman, one of the purposes of this bill is to serve notice on these Territories that they shall not have representation on this floor until they have a population large enough to give them an equal right to representation in this House.

Mr. LONG. Does it serve notice on them?

Mr. HERBERT rose.

Mr. TOWNSHEND. I decline to yield. The gentleman from Washington has planted himself in opposition to this bill on the ground that it takes away from the people living in the Territories the right of representation in the Senate and in the House of Representatives, and he seemed to think it was a crime against their political rights that they should be disfranchised and deprived of the right of representation on this floor. Why, sir, the same argument exactly would apply to the seven or eight hundred white people that now live in Alaska. On the principle that he seems to desire to establish Alaska would have an inherent right to representation on this floor. Sir, there ought to be some limit. There ought to be some rule established upon this question.

I regard it as one of the worst features of this Government that there is a body enjoying equal power with us in legislation where there is a great inequality of representation and power. Look at the States of New York, Illinois, and Ohio, and compare their power there with Delaware or Nevada. We do not have it in our power to interfere with the political rights of Delaware. She was one of the original sovereign States. She was at that time an equal in sovereignty with any other State in this Union. We can not now deprive Nevada of her Statehood and of her rights under the Constitution to representation. But I want it said to Montana, I want it said to Washington Territory, and

to all these other Territories that may seek to be admitted as full sisters into the Union, that we do not propose to allow any more such small representations in the Senate and House of Representatives.

Why, sir, nearly every Territory is knocking at our doors now for admission. Dakota wants to divide herself into two States, so that instead of being represented as one State in the Senate it may have double representation there. Then here is Washington Territory. According to the census of 1880 that Territory had 75,000 population. The gentleman from Washington Territory now insists and demands that Washington Territory shall be admitted into the Union, and claims that they have now a sufficient population to entitle it to admission.

Mr. BRENTS. I say that Territory has a population of from 150,000 to 175,000.

Mr. TOWNSHEND. I know that in 1866, when Colorado was seeking admission into the Union, one of the Senators declared that if Colorado did not already have a population equal to the ratio of representation in the House, it would have it by the time it came into the Union. Afterward, when the question came up for final consideration, it was found that Colorado had not more than one-third of the number necessary and that her population instead of increasing had decreased. That was in 1866. The discovery of gold at new points increased her population before she was admitted in 1876.

I do not wish to discuss this question further. I have sought by this bill simply to do justice to the old States as well as justice to these Territories. All I desire is that the people of the States shall enjoy equal representative power in both Houses of Congress with the people congregrated in the Western Territories. I do not deny them any right that is enjoyed by the districts in the older States. I simply say to them, "You must wait until you have reached your majority before you enter into the full possession of your inheritance." The right to representation ought to begin when they have a population equal to that of a Congressional district in one of the older States. Now I move the previous question.

Mr. CASSIDY. You propose to reverse the policy of the Democratic party for a hundred years.

Mr. HAMMOND. I move to lay the bill on the table.

Mr. TOWNSHEND. Does not a motion for the previous question take precedence of a motion to lay on the table?

The SPEAKER *pro tempore* (Mr. COX, of New York). The motion to lay on the table has priority.

The question being taken on the motion to lay the bill on the table, the Speaker *pro tempore* stated that in the opinion of the Chair the "ayes" had it.

Mr. WHITE, of Kentucky. I call for a division.

The House divided; and there were—ayes 109, noes 15.

So (further count not being called for) the bill was laid on the table.

LEGISLATURE OF DAKOTA TERRITORY.

Mr. EVINS, of South Carolina. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 4359) in relation to the Legislature of Dakota Territory.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering bills reported by the Committee on the Territories.

Mr. EVINS, of South Carolina. I ask for the consideration of the bill H. R. 4359.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 4359) in relation to the Legislature of Dakota Territory.

Be it enacted, &c., That the Legislature of the Territory of Dakota shall hereafter consist of twenty-four members of the council and forty-eight members of the house of representatives, and that there shall be elected at the next general election in said Territory two members of the council and four members of the house of representatives in each of the twelve legislative districts provided for in chapter 7 of the Territorial statutes of 1883 of said Territory.

Mr. EVINS, of South Carolina. I yield to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. I call for the reading of the report.

The report (by Mr. CARLETON) was read, as follows:

The Committee on the Territories, to whom was referred the bill (H. R. 4359) in relation to the Legislature of the Territory of Dakota, respectfully submit the following report:

By act of Congress approved June 19, 1878, the Legislatures of the respective Territories are limited to twelve members of the council and twenty-four members of the house of representatives, and the number of council districts to twelve, and the representative districts to twenty-four. By the statutes of Dakota, 1883, chapter 7, the Territory of Dakota is apportioned into twelve legislative districts, and provision is made for the election of one councilman and two members from each of said districts. The sessions of Territorial Legislatures are limited to — days, and the pay of members to $4 per day and 20 cents per mile for travel. The Territory of Dakota paid last year into the Treasury $21,175 excess of revenue, over and above all expenditures, for postal service in that Territory, and on account of internal revenue, $86,875.

The bill now under consideration provides for increasing the number of members of council from twelve to twenty-four, and the number of members of the house from twenty-four to forty-eight, and the election of two councilmen and four members, instead of one councilman and two members as heretofore, from each of the twelve districts provided for by the statutes of the Territory, thus leaving the division of the Territory into legislative districts and apportionment of members as now provided by the statutes of the Territory. The increased expense to the Government will be the pay of thirty-six members for — days and mileage once in every two years.

The Territory of Dakota has an area of 149,100 square miles, a population of upward of 350,000 persons, exclusive of Indians, with an assessed valuation of $80,000,000, 2,475 miles of railroads in operation, and is being rapidly settled and developed in all of its different sections.

Your committee are therefore of the opinion that the Legislatures as now provided by law for this vast Territory, with its increasing population and varied interests, is too small and should be increased to the extent provided for in this bill, and report the same back and recommend that it do pass.

Mr. JOSEPH D. TAYLOR. I was not a member of the subcommittee on Territories to which this bill was referred, nor did I make the report which has just been read. I have been requested, however, to present some facts by way of explanation of the bill now under consideration.

As the House is very well aware, Dakota is a very large Territory, nearly four hundred miles square. It has at this time a very large population, as has already been stated in some remarks made a few moments ago. The Territory of Dakota was first organized in March, 1861, and included at that time what is now embraced in the Territories of Idaho, Montana, and Wyoming. When the Territory of Dakota was first organized, embracing all these several Territories I have named, it had a population of less than 5,000. The three Territories which I have just named have been created by more recent acts of Congress, leaving as the present western boundary of Dakota the twenty-seventh meridian of longitude west of Washington.

When the present Territory was organized the Legislature consisted of nine members of the council, which could be increased to thirteen members, and thirteen members of the lower house, which could be increased to twenty-six. By an act of Congress approved June 19, 1878, the Legislature of each of the Territories was limited to twelve councilmen and twenty-four members of the house. That is a general law embracing all the Territories of the United States, and of course is applicable to the Territory of Dakota. The same act restricted the number of council districts to twelve and the number of legislative districts to twenty-four.

The census of 1870 showed that Dakota had a population of 14,000. In 1878 the population of that Territory did not exceed 80,000. The census of 1880 showed that the population had increased to 135,100. And by a careful estimate, which has been prepared by taking the number of pre-emption and homestead entries as a basis, it has been found that in 1883 the population of Dakota had increased to more than 350,000. And it is confidently believed by the people of that Territory, and all those who have given this subject any considerable consideration, that by January, 1885, there will be not less than 500,000 people living "permanently" in the Territory of Dakota, to use the very language of the bill which so lately was disposed of by the House.

Mr. BLOUNT. Will the gentleman permit me to ask him a question?

Mr. JOSEPH D. TAYLOR. Certainly.

Mr. BLOUNT. The gentleman speaks of an estimate made from the number of homestead and pre-emption entries. Where was that estimate made, and by whom?

Mr. JOSEPH D. TAYLOR. The estimate to which the gentleman refers was made by a committee of the citizens of Dakota who came here and presented the statement to the Committee on Territories of the Senate having under consideration the admission of the south half of the Territory as a State. I presume there can be no question that the population of the Territory of Dakota is rapidly approaching a half a million of people.

All the persons whom I have met from Dakota, and I have met quite a number, and those who have lectured upon Dakota (and we have had some lectures of that kind in Washington this winter), say that the population of Dakota is now almost if not quite half a million of people. Dakota has now a greater population than either of the nine States of Colorado, Delaware, Florida, Nebraska, Nevada, New Hampshire, Oregon, Rhode Island, and Vermont had according to the census of 1880. We can not very well estimate the population of this Territory at a later day without resorting to some such statistics as those to which I have referred.

Dakota has a larger population now than the three States of Delaware, Nevada, and Oregon combined, together with all the four smaller Territories, had in 1880, as shown by the census of that year. The percentage of increase in the population of Dakota from 1870 to 1880—and I wish to call particular attention to this fact—was 853.2 per cent. At the same rate of increase, laying aside these other estimates, disregarding all the statements of the citizens of Dakota to which I have referred, this Territory will show a population in 1885 of 570,000. It seems to me that this way of making an estimate can not be questioned. If any difference, the ratio of increase will be greater.

I said a moment ago that Dakota was a very large Territory. Its area is 149,100 square miles, and it contains nearly 100,000,000 of acres of land. Of that amount 85 per cent., or 85,000,000 of acres, are arable lands, *i. e.*, land susceptible of the highest cultivation, fitted for the raising of the cereals usual to that latitude. Ten per cent. of the amount, or 10,000,000 of acres, are better calculated for pasturage

than for cultivation, being broken by hills and ravines. The remaining 5 per cent., or 5,000,000 of acres, is timber land, and includes lakes and rivers.

The area of the State of Ohio is only 40,760 square miles. The area of the great State of New York is only 47,620 square miles. The area of Illinois is 56,000 square miles; of Iowa, 55,000 square miles; of Pennsylvania, 44,985 square miles; of Vermont, 9,135 square miles; of New Jersey, 7,445 square miles, and of Delaware, 1,960 square miles. This territory, almost four times as large as the largest State in this Union, except Texas, California, and one or two other of the larger Western States, contains, as I have already said, 149,100 square miles of area.

The Territory of Dakota has now an assessed valuation of $80,000,000. This is the statement from the reports, which can not be questioned. It has now in actual operation 2,475 miles of railroad, which, as I am informed by very good authority, will be increased during 1884 to 3,000 miles.

Besides this, Dakota, though a comparatively new Territory, where you might think a bank could scarcely be sustained, as capital is sometimes very slow to go into these newer portions of the country, has a large amount of banking capital. Dakota paid in 1883 a larger amount of internal-revenue taxation to the Government on banking capital than did either of the States of Arkansas, Delaware, Florida, Maine, Nevada, New Hampshire, Vermont, or South Carolina. I have here the figures to sustain this statement. The tax on banking capital paid by this Territory during the same year was more than that paid by the States of Maine, New Hampshire, and Vermont combined. During the same period this Territory paid in internal-revenue taxes, as shown by the report of the Commissioner of Internal Revenue, which I hold in my hand, $86,874.25. No doubt many members of the Committee of the Whole will be surprised that this Territory paid so large a sum. I wish to call attention to the further fact that Dakota has now more than nine hundred post-offices, and during the last fiscal year paid into the Treasury as postal revenue, over and above all expenditures for the postal service, $21,175. I hold in my hand the recent report of the Postmaster-General for the year 1883, showing the receipts during that year from the postal service in the Territory of Dakota to have been $313,169.35, while the entire expenditures of the postal service in that Territory were $291,993.94. Thus the net profits from the postal service in that Territory for the last fiscal year were, as I have stated, $21,175. Very few of the States, and certainly no other Territory, can make such an exhibit. Of course I take into consideration the newness of this Territory and the disadvantages to which any new Territory is subjected. These statements are surprising, and yet they can not be doubted.

That is not all. While speaking of the resources of this Territory I wish to call attention to another fact. The land offices in the Territory of Dakota paid into the Treasury of the United States last year, as surplus fees and commissions, in excess of all expenses, more than $400,000. This was the excess over and above all the expenses of the Government and Government officers in the conduct of those offices, inclusive of land surveys, during the fiscal year ending June 30, 1883.

I hold in my hand the report of the Commissioner of the General Land Office, from which I have gathered these facts. I wish gentlemen to understand that I am referring to the net profits, not the proceeds arising from the sales of lands. That is an entirely distinct matter. The figures I have stated are the net profits arising from commissions and fees after deducting all expenses.

Mr. EVINS, of South Carolina. What is the amount?

Mr. JOSEPH D. TAYLOR. The exact amount is $464,869.93. This is the net profit arising from the commissions and fees received at the different land offices in that Territory over and above the salaries of the officers of the Government and all expenses incident to the management of their offices except the surveys. The public surveys cost $60,000, leaving, as I before said, a net revenue to the Government of over $400,000, or to be exact, $464,869.93, after deducting cost of surveys.

The statement I here submit, taken from the report of the General Land Office, shows the following net sums paid into the Treasury by the several land offices of Dakota, with the aggregate:

Aberdeen	$31,991 32
Bismarck	34,617 25
Deadwood	1,095 49
Fargo	61,916 27
Grand Forks	33,523 25
Mitchell	87,240 97
Huron	100,432 11
Watertown	82,618 40
Yankton	31,434 87
Total	464,869 93

The money arising from the sale of public lands is another matter. The amount received from the sales of public lands are away beyond these figures. I have here a statement, taken also from the report of the General Land Office, of the amounts received at the different land offices, showing the aggregate to be upward of $3,650,000.

In 1883 the Legislature of Dakota apportioned the Territory into twelve legislative districts, and provided for electing from each district one councilman and two members of the house. The bill now under consideration proposes simply to double the number of the members of the Legislature. Under this bill a district which has heretofore elected one councilman will elect two; a district which heretofore elected two members of the house will hereafter elect four. The bill does not propose to change the districts or interfere with them in any way. The districts in which members of the council are elected are identical in boundaries with those in which members of the house are elected. We do not propose to change these districts in this bill, but only to double the number of legislators in that Territory. This bill preserves the apportionment of districts as made by the Territorial Legislature.

Mr. Chairman, I have stated the revenues received by the Government from that Territory, the amounts received from internal-revenue taxation, from the postal service, from fees of land officers, as well as from sales of the public lands, and have given some idea of the extent and growth of the business of the Territory. Now, what this Territory asks in this bill is a very small thing. Under the bill now under consideration there will be thirty-six additional members of the Legislature, at $4 per day for sixty days, which is the limit of the legislative session. The addition to the expenses of the Territory will be only about $9,000 in every two years—about $4,500 a year—almost nothing compared with the great profit which this Government is every year receiving from this Territory. After taking out the expenses of the judiciary, after deducting the expenses of the court and all the officers of the court, after deducting the expenses of the Territory of every kind which have been incurred and which the General Government has heretofore paid, there is an annual profit of fully $350,000.

You can see this by examining the reports. This Territory only asks as against that $350,000 that the General Government shall increase the expense about $9,000.

I wish to say, Mr. Chairman, and I am authorized to say on behalf of Dakota that if it is at all embarrassing to this General Government, if this great Government of ours, with its overflowing Treasury—where is my friend from Colorado [Mr. BELFORD], for I can not speak of an overflowing Treasury without thinking of him [laughter]—if it is any embarrassment to the General Government to pay this additional $9,000, the people of Dakota will be content to pay it themselves. They would not hesitate a single moment in regard to the matter. It is not a question of expense. They come here and ask for the passage of this bill for another reason. They ask it because the Territory is so large, its resources are so great, this change in the present law is a necessity. Its population has increased to such an extent, its business has grown so rapidly, its railroads are being built so fast that the inhabitants of this Territory believe that twelve men in the council of that Territory is too small a number in connection with twenty-four members in the other house to fairly and honestly do the business which must necessarily come before such a Legislature.

Mr. Chairman, it seems to me it must be apparent to every gentleman who will consider the question for a single moment that it should not be in the power of seven men, as it is now under the present law of the Territory of Dakota, by combining together to control all legislation. These seven men hold in their grasp 500,000 people. They hold under their control all that immense Territory. They regulate the erection of public buildings. From them emanates all the legislation for that great Territory, covering an area of nearly four hundred miles square, and having nearly a hundred million acres of land, 85 per cent. of which is tillable, ready for agriculture, and soon to be occupied by the emigrants, who are rapidly making their homes in this Territory. If the increase of the past be any indication of the future, these lands will soon all be taken up by a busy and prosperous population.

I insist, therefore, that these people are not asking too much. I do not think I ought to occupy the time of this committee a single moment longer. I presume there is no reasonable expectation of Dakota being admitted as a State during the present Congress. I do not propose to discuss that question or to state the reasons why I come to that conclusion; but whether it is admitted or not I see no possible objection to allowing this vast Territory, with all the great interests growing up there, to have a larger representation in the two houses of her Legislative Assembly.

You know, Mr. Chairman, there are times in new Territories, as well as in old States, when great questions concerning railroads, great questions concerning corporations, questions concerning the location of the capital, concerning legislation of every kind affecting the interests of thousands and hundreds of thousands of people—I say there are times when these important matters press for full and efficient action; and it seems to me to be unjust to leave Dakota with a Legislative Assembly so few in number as it is at present. There was no question in the minds of the Committee on Territories, and I think there should be none in the minds of this committee, as to the propriety and necessity for this law.

I will occupy the time of the committee no longer, but will conclude, trusting we will have favorable action on the bill. I trust this committee will not deny this request. It is not the policy of this Government to place so much power in the hands of so few persons. We should not leave the rights and liberties of so many people, the control and management of so much property, in the hands of such a small Legislature. We should remove temptation as far as possible from all men,

and make bribery as difficult as possible. In such a small body there may be times when it would be a great object to men of large means or to corporations of large interests to control the Legislature. At present a few men only would have to be reached. It would be more difficult to reach a larger number. In the interest of this people let us pass this bill.

Mr. EVINS, of South Carolina. After the forcible statement made by my friend from Ohio, if there is no further discussion desired, and I hope there will be none, I ask that the committee rise and report the bill favorably to the House.

Mr. BLOUNT. I desire to ask the gentleman from South Carolina or the gentleman from Ohio a question. The bill, as I understand it, does not provide for any subdivision of the counties growing out of the additional representation. I presume the practice is for the Territories to regulate that for themselves?

Mr. JOSEPH D. TAYLOR. Yes, sir; and this does not change the districts at all. They were provided by act of the Legislature passed in 1883, and it is proposed here to let them remain just as they were under that arrangement.

Mr. BLOUNT. But I mean it is perfectly competent, if the Territory desires to make another division, to do so?

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. BLOUNT. And that is confirmed by the practice of the Territories?

Mr. JOSEPH D. TAYLOR. Yes, sir; there is no doubt about that.

Mr. EVINS, of South Carolina. I renew the motion that the committee now rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 4359) in relation to the Legislature of Dakota Territory, had directed him to report the same to the House with the recommendation that it do pass.

Mr. EVINS, of South Carolina. I ask the previous question upon the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EVINS, of South Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2267) granting an increase of pension to Samuel C. Wright.

JURISDICTION OF JUSTICES OF THE PEACE, WYOMING TERRITORY.

Mr. EVINS, of South Carolina. Mr. Speaker, I now ask to call up the bill (H. R. 5639) extending the jurisdiction of justices of the peace in Wyoming Territory.

The bill was read, as follows:

Be it enacted, &c., That justices of the peace in the Territory of Wyoming shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds $300.

SEC. 2. That all laws and parts of laws in conflict with this enactment be, and the same are hereby, repealed.

Mr. EVINS, of South Carolina. I ask for the reading of the report, as I think that will convey all the information necessary upon this bill.

The SPEAKER. The report will be read.

The report (by Mr. M. E. POST) was read, as follows:

The Committee on the Territories, to whom was referred the bill (H. R. 5639) extending jurisdiction of justices of the peace in Wyoming Territory, respectfully report:

That the effect of this bill is to increase the jurisdiction of justices of the peace in the Territory of Wyoming to any matter in controversy where the debt or sum claimed does not exceed $300. The jurisdiction is now limited in any matter as aforesaid to $100.

The Legislative Assembly of the Territory of Wyoming have submitted the following memorial to Congress, praying that the jurisdiction of justices of the peace be extended:

"*To the Senate and House of Representatives of the United States in Congress assembled:*

"Your memorialists, the Legislative Assembly of the Territory of Wyoming, respectfully represent, that by organic act of the Territory the jurisdiction of justices of the peace in civil matters is limited to the sum of $100, and that larger sums are matters for adjudication in the district court.

"That each district court in the Territory holds but two terms a year, and that Congress has hitherto in other Territories found it expedient to extend the jurisdiction of justices of the peace to $300 even when the district terms have been more frequent.

"That the Territory of Wyoming is very large in extent, its population is rapidly increasing, and the business of its district courts is also greatly increasing, so much so that it frequently happens in some counties that all the business before the courts can not be disposed of within the time limited by law for its session; and your memorialists say that justice frequently fails in consequence of the greater expense of having to litigate all matters involving a greater sum than $100 in the district courts, chiefly on account of the extensive area of the several counties, which makes the expense of obtaining witnesses sometimes greater than the amount involved.

"Your memorialists would therefore pray that the jurisdiction of justices of the peace be extended by an act of Congress to $300 in civil matters."

Your committee, therefore, report said bill back to the House and recommend its passage.

Mr. EVINS, of South Carolina. Mr. Speaker, the reasons assigned for the passage of this bill are so clearly demonstrated in the report which has just been read that I think there will be no objection to its passage. It is a matter solely concerning people who ask for the passage of the bill. I therefore move the previous question upon the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EVINS, of South Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE ASSEMBLY, WASHINGTON TERRITORY.

Mr. EVINS, of South Carolina. I now ask to call up House bill 6409 to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory.

The bill is as follows:

Be it enacted, &c., That all those certain acts passed by the Legislative Assembly of the Territory of Washington at its ninth biennial session, commencing Monday, October 1, 1883, and ending November 29, 1883, namely:

An act to correct errors and supply defects in the code of Washington;

An act amending chapter 193 of the code, relative to the construction and maintenance of dikes and ditches;

An act to prohibit the sale of toy pistols, fire-arms, and tobacco to children under the age of 16 years;

An act in relation to prosecuting attorneys, defining their duties and fixing their compensation;

An act to supply deficiencies in the appropriation for the hospital for the insane for the fiscal years 1882 and 1883;

An act to provide for holding a term of the district court at Port Townsend;

An act to incorporate the city of Whatcom;

An act to enable the county commissioners of Yakima County to build certain bridges in Yakima County;

An act to legalize certain ordinances and proceedings of the city of Seattle in condemning a strip of land for a public street;

An act to provide for the payment of bills for printing blank commissions for general officers, commissioners of deeds, and notaries public, for use of the executive department;

An act to establish the county seat of Garfield County at Pomeroy;

Notwithstanding the omission of the enacting clause or the date of the governor's approval, the misdating of such approval, or other defect or other irregularity, are hereby validated and confirmed as of November 28, 1883, when they are supposed to have been approved.

SEC. 2. That the words "subdivision twelve of" be inserted in the act of said Legislative Assembly entitled "An act to amend section 347 of the code of Washington," approved November 23, 1883, immediately after the word "that" where it first occurs in said act and immediately before the word "section" therein, and that construction and effect be given to said act as though it contained said words.

Mr. BRENTS. I ask now for the reading of the report as the only statement I think will be necessary, and at the proper time I shall move a single amendment to the first section of the bill.

The report was read, as follows:

The Committee on the Territories, to whom was referred House bill 2944, having considered the same, submit the following report, recommending a substitute for said bill and the passage thereof:

Through some inadvertence, or clerical omission, several of the acts passed at the last session of the Legislative Assembly of Washington Territory are so defective as to raise serious questions of their validity, and in one instance a very different effect is given from what was evidently intended. In some cases the governor's approval antedates the passage of the act, while in others it is entirely omitted. The governor states that the acts were actually approved and signed by him on November 28, 1883, and were intended to have been so dated. Your committee are satisfied that such is the fact, but, in any event, the defect should be cured.

In the act to correct errors and supply defects in the code the courts have held that several different subjects have been embraced. This, being in contravention of the Territorial organic act, renders the whole act void. It contains some very necessary and important legislation, and nothing vicious or improper. This purely technical inhibition, although it may subserve a salutary purpose in some cases, should not, therefore, we think, be suffered to operate in this instance.

In the act to establish the county seat of Garfield the enacting clause was unintentionally omitted from the engrossed copy. By oversight it was signed and approved without detection of the mistake. The act is much needed and should be made valid.

By the like accidental omission of three words from the act to amend section 347 of the code, nearly the whole law of exemptions was, contrary to the intention and understanding of the Legislature and the governor, as we are fully assured, entirely swept away. To allow it to so stand would cause much litigation and produce great hardships.

Other defective acts have been called to our attention, but after examination their validation is considered inexpedient.

The early passage of the accompanying substitute is of pressing importance, and your committee so recommend.

Mr. BRENTS. Mr. Speaker, I desire to make no further statement in regard to the general matters treated of by this bill. It is a matter of considerable interest to the people of the Territory. These defects are almost all clearly clerical, and no legislation has been put into this bill except the validation of one act to which there is any objection, and that is the act to incorporate the city of Whatcom, which is named in the twenty-second line of the first section of the bill. I therefore move to strike that out of the bill.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Washington Territory.

The Clerk read as follows:

Strike out line 22, "An act to incorporate the city of Whatcom."

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. EVINS, of South Carolina. On that I demand the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EVINS, of South Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced the passage of a resolution providing for the printing of the annual report of the Commissioner of Fish and Fisheries for the year 1883, in which concurrence was requested.

It further announced the passage of a bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American carrying trade with amendments. It further announced that the Senate requested a conference with the House on said bill and amendments, and had appointed as conferees on its part Mr. FRYE, Mr. MILLER, of New York, and Mr. VEST.

ORDER OF BUSINESS.

Mr. NICHOLLS. If the Committee on Territories has no more business to submit to the House, I move that the House do now adjourn.

Mr. EVINS, of South Carolina. I beg leave to say that the Committee on Territories have no further business to which they desire the attention of the House to-day.

The question being taken on the motion to adjourn, it was agreed to—there being ayes 59, noes 33.

The SPEAKER. Before announcing the result of the vote on the motion to adjourn the Chair will lay before the House certain personal requests and executive communications.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HEWITT, of New York, until next Tuesday.

To Mr. BURLEIGH, for one week, on account of important business.

To Mr. TULLY, for three days, on account of important business.

To Mr. SNYDER, for six days, on account of important business.

To Mr. BREWER, of New York, for one week, on account of important business.

To Mr. CHACE, for two weeks, on account of important business.

To Mr. TUCKER, for two days.

ORDER TO PRINT.

On motion of Mr. DUNHAM, by unanimous consent, it was ordered that the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, be printed, with the amendments of the Senate thereto.

On motion of Mr. BLAND, by unanimous consent, the Committee on Coinage, Weights, and Measures was authorized to have printed certain arguments made before said committee, together with such documents as it may deem proper.

WITHDRAWAL OF PAPERS.

On motion of Mr. HALSELL, by unanimous consent, leave was given to withdraw the papers accompanying the bill (H. R. 667) for the benefit of George D. Blakey, they being only copies of the originals.

On motion of Mr. O'NEILL, of Pennsylvania, leave was granted to withdraw from the files of the House the papers in the case of U. S. Stockton without leaving certified copies, no adverse report having been made thereon.

HOSPITAL AT HOT SPRINGS, ARK.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from the Surgeon-General of the Army in relation to the new Army and Navy hospital at Hot Springs, Ark., together with estimates of appropriations required for its opening and maintenance; which was referred to the Committee on Appropriations.

CERTIFIED CLAIMS.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Acting Secretary of the Treasury, transmitting supplemental list of claims certified under provisions of section 273 of the Revised Statutes by the accounting officers of the Treasury to the Secretary of the Navy, received subsequent to June 13, 1883, aggregating $3,355.35; also a list of deficiences presented by the Secretary of the Navy amounting to $1,961.58; which was referred to the Committee on Appropriations, and ordered to be printed.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CLEMENTS: Memorial of W. R. Power and others, of Cobb County, Georgia, for aid to education—to the Committee on Education.

By Mr. CONNOLLY: Petition of J. G. Stephens Post, No. 304, Grand Army of the Republic, Department of Pennsylvania, in favor of the passage of a law granting a pension of $8 per month to all honorably discharged soldiers and sailors of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. EATON: Memorial of Julius Converse and others, Stafford Springs, Conn., relative to the postal telegraph bill—to the Committee on the Post-Office and Post Roads

By Mr. ELLIS: Memorial of Edward B. Wheelock, relative to the forfeiture of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad Company, &c.—to the Committee on the Judiciary.

By Mr. GEDDES: Petition of Louis D. Strutton and 60 others, citizens of Huron County, Ohio, for the restoration of the Nez Percé Indians to their friends in Idaho—to the Committee on Indian Affairs.

By Mr. HANBACK: Petition of Ellsworth Post, No. 22, Grand Army of the Republic, relative to pensions—to the Committee on Invalid Pensions.

By Mr. H. H. HATCH: Petition of the Soldiers' and Sailors' Reunion Association of Southwestern Michigan, relative to a soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. MILLARD: Petition of citizens of Tioga County, New York, for a pension to Henry Mericle—to the Committee on Invalid Pensions.

By Mr. OCHILTREE: Papers relating to the claim of the heir of William Hendley, deceased—to the Committee on War Claims.

By Mr. ROSECRANS: Resolutions of the Chamber of Commerce of San Francisco, in support of a Territorial organization for Alaska—to the Committee on the Territories.

By Mr. T. G. SKINNER: Papers relating to the claim of O. F. Adams—to the Committee on War Claims.

SENATE.

WEDNESDAY, *May* 14, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in answer to a resolution of March 1, 1884, reports from the Chief of Engineers and Col. William E. Merrill, Corps of Engineers, with accompanying map, concerning the dam and Government works in the Ohio River, near Jeffersonville, Ind., their effect upon the flood line in times of freshets, and the practicability and probable cost of constructing a levee to prevent the overflow of that city.

The PRESIDENT *pro tempore*. The letter with the accompanying reports, excepting the map, will be printed, and the letter with all the papers will be referred to the Committee on Commerce. The Chair omits ordering the printing of the map until the committee shall see whether it will be necessary.

Mr. HARRISON. I think that is right; it may not be necessary.

HOUSE BILL REFERRED.

The bill (H. R. 4359) in relation to the Legislature of Dakota Territory was read twice by its title, and referred to the Committee on Territories.

POLYGAMY IN UTAH.

Mr. HOAR. I rise to ask consent of the Senate in relation to a matter of pending business. The Utah bill is the unfinished business and will be reached to-day at 2 o'clock in regular order. One Senator who is very much interested in that bill, in opposition to the measure, who has some amendments which he desires to present and discuss, informs me that he is obliged to be absent to-day and to-morrow. I therefore ask unanimous consent that the Utah bill may stand till Monday to be the unfinished business at 2 o'clock on Monday as it would otherwise be to-day. I suppose the Senate can proceed with the Calendar to-day, or with such other business as it shall see fit, without inconvenience or loss of time.

Mr. BLAIR. I should like to say, before such unanimous consent is granted, that I wish to substitute for the Utah bill for consideration at 2 o'clock the bill establishing a bureau of labor statistics, which can easily be disposed of during the day; and the convenience of one or more Senators who are obliged to be absent after to-day will be greatly promoted thereby, because they desire to be heard.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the unfinished business of the day, being Senate bill 1283, the Utah bill as it is called, be postponed until Monday next at 2 o'clock, to be treated as the unfinished business at that time. Is there objection? The Chair hears none. The Senator from New Hampshire asks unanimous consent that the bill (H. R. 1340) to estab-

lish and maintain a bureau of labor statistics be taken up at 2 o'clock to-day, there being no unfinished business. Is there objection?

Mr. CAMERON, of Wisconsin. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BLAIR. I will then, on the conclusion of the morning business, move to take up the bill, or if there is objection made and if there is a probability that the Senator from Wisconsin will be satisfied that the bill shall be substituted for the unfinished business at 2 o'clock, I will not object to proceeding during the remainder of the morning hour with the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5639) extending the jurisdiction of justices of the peace in Wyoming Territory; and

A bill (H. R. 6409) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Chamberlain Post, No. 1, Grand Army of the Republic, Saint Johnsbury, Vt., praying for the adoption of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which was referred to the Committee on Pensions.

Mr. PENDLETON. I present a memorial of a large number of residents of Cincinnati, Ohio, respectfully remonstrating "against the enactment of any measure relating to the telegraph which shall increase the number of public officials, or establish a governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation." The memorial is signed by two hundred and twenty or two hundred and thirty of the most influential and active business men and firms in the city of Cincinnati, and their request, by reason of their character, deserves a respectful consideration. I move that the memorial lie on the table, as the Committee on Post-Offices and Post-Roads have reported a bill on the subject.

The motion was agreed to.

Mr. SAWYER presented resolutions adopted by Eagle Post, No. 52, Grand Army of the Republic, Eau Claire, Wis., in favor of the passage of certain pension bills now before Congress; which were referred to the Committee on Pensions.

Mr. LAPHAM presented a petition of John R. Harrington, praying for an extension of his patent for making carpet-lining; which was referred to the Committee on Patents.

Mr. MANDERSON presented a petition of Ben Franklin Post, Grand Army of the Republic, Department of Nebraska, praying for pension legislation; which was referred to the Committee on Pensions.

Mr. HARRIS. I present resolutions of the American Medical Association passed at the recent meeting of that association in this city upon the subject of the investigation of the causes of contagious diseases, and the prevention of their introduction and spread. I move that the resolutions be referred to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. FARLEY presented the following concurrent resolution of the Legislature of California:

Assembly concurrent resolution, No. 9, relative to the location of the eastern boundary line of the State of California.

Whereas that portion of the eastern boundary line of the State of California which lies south of the thirty-ninth degree of north latitute, and which runs in a straight line, in a southeasterly direction, to the Colorado River, at a point where it intersects the thirty-fifth degree of north latitude, is improperly located, and the monuments therefor are in some places more than a mile from the true boundary line; and

Whereas said monuments do not indicate a straight line, but a broken one, such as is not responsive to the description of the true boundary; and

Whereas the true boundary line is not marked by monuments, and great inconvenience arises to those settlers who live on the territory between the true line and the line marked by monuments as aforesaid, on account of uncertainty as to what State they reside in, to what State their taxes are due, the true description of the land whereon they are settled, and various other matters: Now, therefore,

Be it resolved by the assembly (the senate concurring), That our Senators be instructed and our Representatives requested to procure such action by the Congress of the United States as will secure the services of a corps of able engineers of the United States to locate said true boundary line, and to fix suitable monuments thereon.

Resolved, That his excellency the governor be requested to forward to each of our Senators and Representatives in Congress a copy of the foregoing resolution.

H. M. LA RUE,
Speaker of the Assembly.
JOHN DAGGETT,
President of the Senate.

Attest:

THOS. L. THOMPSON,
Secretary of State.

Mr. FARLEY. I ask that the resolution be referred to the Committee on the Judiciary.

Mr. CONGER. That subject-matter has already been referred to the Committee on Territories, and they are examining it.

Mr. FARLEY. I have no choice as to the reference, but the proposition struck me as one properly belonging to the Judiciary Committee.

The PRESIDENT *pro tempore*. As the same subject is already under consideration by another committee, the Chair suggests that the resolution had better be referred to that committee.

Mr. FARLEY. Very well; let it have that reference.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Territories.

Mr. FARLEY presented the following concurrent resolution of the Legislature of California; which was read:

Assembly concurrent resolution, No. 12, relative to the removal of causes pending in the courts of the State of California to the Federal courts of the United States.

Whereas the character and class of cases which may be removed from a State court to an inferior Federal court for trial therein is prescribed by the act of Congress of March 3, 1875, now in force; and

Whereas by the provisions of said act it is now become competent for a citizen of this State, or a corporation organized under the laws of this State, when sued by the State for the recovery of taxes due, to remove such suit into the circuit court of the United States for trial; and

Whereas such removal is productive of delay, and is derogatory to the authority of the State and injurious to the public interests involved: Therefore,

Be it resolved by the assembly (the senate concurring), That our Senators be, and they are hereby, instructed, and our Representatives requested, to use their best endeavors to procure an amendment to said act of March 3, 1875, excepting from its operation all suits brought in the courts of any State to enforce the collection of the revenue of such State, or of any county thereof, and leaving all Federal questions involved or claimed to be involved in any such suit to be examined in the Supreme Court of the United States and determined upon a writ of error, as was the settled practice for the first seventy years of our national existence.

H. M. LA RUE,
Speaker of the Assembly.
JOHN DAGGETT,
President of the Senate.

Attest:

THOMAS L. THOMPSON,
Secretary of State.

Mr. FARLEY. I move that the resolution be referred to the Committee on the Judiciary, and I request the committee to report such an amendment of the law on the subject as they may deem proper.

The motion was agreed to.

Mr. MILLER, of California, presented a petition of the Board of Horticulture of California, praying that Congress amend the customs-revenue laws so as to require every article imported, whether dutiable or free, intended for human consumption, to be accompanied by a table of its contents, subject to confiscation for default; which was referred to the Committee on Finance.

He also presented the petition of Thomas B. Dibbler and 14 other citizens of Santa Barbara, Cal., praying for the repeal of laws limiting the term of certain administrative offices to four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. MILLER, of New York, presented a memorial of citizens of Clifton Springs, N. Y.; a memorial of citizens of Delhi, N. Y.; and a memorial of citizens of Bath, N. Y., remonstrating against the establishment of a governmental telegraph; which were ordered to lie on the table.

He also presented a petition of members of the Stationers' Board of Trade, New York, in favor of a reduction of postage to 1 cent for each letter not exceeding one-half ounce in weight; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 391) for the relief of Wetmore & Brother, of Saint Louis, Mo., reported it without amendment, and submitted a report thereon.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 389) for the relief of A. L. H. Crenshaw, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 1073) for the relief of Joseph H. Maddox and others, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a bill (S. 2209) for the relief of Joseph H. Maddox and others; which was read twice by its title.

Mr. LAPHAM, from the Committee on Foreign Relations, to whom was referred the bill (S. 2145) to extend an act approved August 8, 1882, to encourage and promote telegraphic communication between America and Europe, reported it with an amendment.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 1367) granting a pension to Sarah L. Wetter, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

MISS MARY P. MACBLAIR.

Mr. CAMDEN. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair, to report it favorably with an amendment. I ask for the immediate consideration of the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read for information, after which the Chair will ask for objections.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary P. MacBlair, daughter of Thomas Parkin MacBlair, late a purser in the United States Navy, and pay her a pension at the rate of $30 per month from and after the passage of this act.

The PRESIDENT *pro tempore*. The committee report an amendment to the bill, which will be read.

The CHIEF CLERK. The amendment reported by the Committee on Pensions is, in line 8, before the word "dollars," to strike out "thirty" and insert "fifteen;" so as to read:

And pay her a pension at the rate of $15 per month from and after the passage of this act.

Mr. COCKRELL. Is there a written report accompanying the bill?

The PRESIDENT *pro tempore*. There is.

Mr. COCKRELL. Who made it?

Mr. CAMDEN. I made the report. The facts are simply these: This lady is the daughter of a naval officer. There were three children, and they received a pension of $30 a month, $10 each, during their infancy. One of them is now dead, and the other daughter is in an insane asylum, and this lady is almost blind, and has spinal affection. She is in an infirmary now in Philadelphia. The House passed the bill giving her a pension of $30 a month. The Senate committee reports an amendment making it $15 a month.

Mr. VOORHEES. I should like to hear an explanation of why the reduction was made. I am strongly inclined to support the bill as it passed the House.

The PRESIDENT *pro tempore*. This debate is proceeding by unanimous consent. The bill is not yet before the Senate. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Pensions.

Mr. BECK. I do not know much about these things, and do not very often object to the action of a committee, but I remember very well that when Governor Knott, of Kentucky, was here he lived in the family and was very intimate with them, and in that way I came to know them. This lady came to me appealing earnestly for aid. She was taken to a charitable institution in Philadelphia, and they have kept her longer than they usually allow persons to remain. Unless something is done for her relief she will be turned out upon the world almost blind and a totally helpless woman. I do hope that we shall give her $30 a month. I rarely meddle with such matters, but it is a case of great hardship.

Mr. VOORHEES. I would simply observe that in my opinion, if this lady is entitled to a pension at all, if she is pensionable and has such a claim, the reduction made by the amendment proposed is far too great. I have some knowledge of this party and of the condition that she is in, and I shall vote most cheerfully for the bill, but I shall not vote to reduce one-half the pension granted by the House. I shall not vote for the amendment. It is not right in my judgment.

Mr. WILSON. I wish to have the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted this day by Mr. CAMDEN:

The Committee on Pensions, to whom was referred the bill (H. R. 2677) granting a pension to Mary P. MacBlair, have carefully considered the same and the papers therewith submitted, and report:

Your committee adopt the report of the House committee in this case as containing a substantial statement of the facts, which report is as follows:

"Mr. G. W. HEWITT, from the Committee on Pensions, submitted the following report, to accompany bill H. R. 2677:

"The Committee on Pensions, to whom was referred the bill (H. R. 2677) granting a pension to Mary P. MacBlair, have had the same under consideration, and submit the following report:

"Miss Mary P. MacBlair is the daughter of the late Thomas P. MacBlair, who served in the Navy as purser from November 11, 1839, to his death, February 17, 1857. He died on board the Merrimac, after more than seventeen years of arduous and gallant service. Three children survived him, his wife having died one year previous to his death. His children were granted a pension, by special act, at the rate of $30 a month, from the father's death till May 12, 1870, when the youngest had reached the age of 16 years. Purser MacBlair died poor, leaving his children nothing save a good name. One of the children is now dead. Of the two surviving, Alice is insane and is confined in an asylum; the other, Mary P., who seeks relief at the hands of Congress, made her own living until her health gave way under hard work, and her eyes began to fail.

"Added to her blindness is serious spinal disease, and she is wholly incapable of earning a living. She has no home and no relatives able to aid her. At present she is in a charitable institution in Philadelphia, but will not be permitted to remain there longer than two or three months. Being as helpless now as when her father died, she needs the protecting care of the Government which that father so gallantly served, and your committee think her claims for a pension as strong now as they were when she was an infant. The general pension laws now give pensions to children of tender years because it is presumed that they are unable to support themselves until they are 16 years of age. But if from sickness or any physical or mental cause a soldier's child is unable to earn a living, the spirit of the law would require that the pension be continued."

Your committee, under the exceptional circumstances of this case, report the bill favorably with the following amendment: In line 8, after the words "at the rate of," strike out "$30" and insert "$15;" and recommend the passage of the bill amended as stated.

Mr. LAPHAM. I know something of this case. When this lady was in the Interior Department the present governor of Kentucky, Governor Knott, and myself went to the Secretary for the purpose of obtaining for her a sick leave, with her pay to continue, with a view of enabling her, if possible, to restore her health. After much effort with that very careful Secretary of the Interior we succeeded in obtaining the leave, but it proved entirely fruitless, and she was compelled to abandon her position. She has been an invalid from that time to the present.

I have a long letter from Governor Knott upon the subject, received a short time since, urging me to use my efforts to secure the passage of this bill for her relief. I hope it will pass, and I hope the amendment proposed by the committee of the Senate will be rejected and that the bill will be passed as it came from the House. I make an appeal to Senators to reject the amendment and pass the bill as we received it from the House.

Mr. CAMDEN. I will state that personally I am not inclined to insist on the amendment of the committee. I reported the bill with the amendment, it being the sense of the committee that it was a very deserving case and that she ought to receive some aid from the Government. The committee thought that as under the law she would only be entitled to $10 as an infant, they would place the amount at $15. It is certainly a very urgent case and appeals warmly to the sympathy of Congress. I leave the matter to the discretion of the Senate.

Mr. HARRIS. I should like to ask the Senator if the committee was satisfied that $15 would support the pensioner.

Mr. CAMDEN. No, they were satisfied that it would not, but it would do something toward her support.

Mr. HARRIS. Do the facts show that she is wholly dependent and that this is her only source of support?

Mr. CAMDEN. At present it is so. She is in an infirmary in Philadelphia for the purpose of having her eyes treated, and in addition to that has spinal affection. It is clear that she is unable to do anything to support herself.

Mr. HARRIS. It being a pensionable case, as she is wholly dependent upon her pension for her support, upon what ground can we justify giving an amount less than can support her, is the question in my mind.

Mr. CAMDEN. It is a question whether the Government is under obligation to entirely support her, but it may give a certain amount to aid in that direction. The committee did not consider that there was any obligation on the part of the Government to render entire support. While representing the committee in the report, I will say that personally I have no argument to make against the adoption of the bill as it passed the House.

Mr. BECK. I know from her statement to me that her case is a very desperate one.

Mr. CAMDEN. It certainly appeals very warmly to our sympathies.

Mr. BECK. She is blind and utterly helpless, and if we are going to do anything at all we should give the amount proposed by the House. The Senator from West Virginia himself says the pension proposed by the committee will not support her.

Mr. VOORHEES. Is it not true, I will ask the Senator from West Virginia, that when she goes from the infirmary, the charitable institution, she has nothing to fall back on except what we provide for her?

Mr. CAMDEN. I suppose that to be true.

Mr. BECK. And she has overstaid her time at the infirmary.

Mr. CAMDEN. I will state also that this young lady for several years occupied a position in one of the Departments here which a year or more ago she was compelled to give up in consequence of her ill health and inability to do anything. Since that time she has been helpless.

Mr. BLAIR. I desire to make a remark in reference to this case, inasmuch as the amendment, I may perhaps without impropriety say, is before the Senate upon my own motion in the committee. It may be known to some Senators that I have in former sessions of Congress urged pensions in cases like this, never except against the opposition of a divided committee and strong opposition in the Senate itself. I feel under the necessity of saying in reference to this matter that the motion to reduce the amount provided for this lady in the bill by the House was made by me because it seemed an important thing to do in order to secure the report of anything whatever. I did not understand that the Senator in charge of the bill was strenuously in favor of the bill as it came from the House, and fearing its loss I moved that the lady be pensioned at one-half the amount provided by the House.

There are two children, one of them entirely helpless and supported now by a public charity, but not that of the country. This lady is able to be about, but is nevertheless in need of help. It seemed to me that as there might be some doubt of the Senate indorsing the payment of pensions in cases like this, if we could secure for her the same pension which is given to the widow of a second lieutenant of the Army, perhaps it would be treating her under all the circumstances with justice. There is no reason why the other sister should not call upon the Government for assistance in the same way. I think it ought to be rendered.

I hold to a principle which is not generally indorsed here, but I be-

lieve it is a principle which the nation will indorse, and I propose to ask the Senate and Congress and the country to indorse the principle not far hence, when we come to discuss the Mexican soldiers' bill with reference to the views he proposes to advocate, of which the honorable Senator from Illinois [Mr. LOGAN] gave us notice yesterday. I indorse the principle that wherever a soldier or the dependent relative of a soldier or the widow of a soldier is in need of actual assistance from any source whatever, the country owes to that soldier and to that dependent relative the necessary pecuniary assistance, and it is an honorable sort of assistance, not to be stigmatized as that which goes to paupers whose poverty may be the result of that which is a source of disgrace.

This woman I think should be maintained at the Government expense. She is a minor to all intents and purposes. Although her age must be 30 or more, she is practically as incapable of support as when she was 5 or when she was 1 year of age. I think that we owe to her that amount which is necessary to give her a comfortable support.

It seemed to me, under the circumstances, considering the uncertainty of getting anything for her, that $15 a month was perhaps as much as we could expect to obtain, and particularly if we exercise that same sort of honorable charity (if others choose to call it charity, I think it a just due) toward all who may have an equal claim.

For my own part I am very glad to see this inclination to reject the amendment. I think it will be of assistance when we come to consider other cases which have been rejected in former Congresses which will be reported to this, and in all the great future of the dealing of the nation with its wards, with those to whom it owes its present existence and its hopes of future prosperity, I trust we shall be admonished by the generosity which the Senate is inclined to exercise in this particular case.

Mr. WILSON. I could not hear, owing to the confusion in the Chamber, the reading of the report as distinctly as I should have liked, and I do not now understand whether the father of this lady was a pensioner. I should like to know whether that was the case, if the Senator from New Hampshire can inform me.

Mr. BLAIR. The father of this lady was a purser in the Navy who died in the service of African fever upon the coast of that continent. He left three children entirely dependent. He seems to have been an officer of exceptionally good record. The country gave the three children pensions until they were 16 years of age at an aggregate of $30—that is, $10 for each. All of the children have come of age. Since then one of them has died; another is, as I understand, totally helpless and supported in some charitable institution, I think in the State of Pennsylvania. This applicant is substantially helpless and is receiving assistance at the present time in some medical institution, an infirmary I think, in Philadelphia, and is entirely without the ordinary means of support. She has, I understand, no relatives, no friends, nobody to call upon but the Government, in whose service her father lost his life, or the ordinary charity which the community provides for the poor and the helpless.

Mr. WILSON. I desire to understand the exact ground on which this application is based.

Mr. BLAIR. I will state to the Senator that point if I failed to do it before. She is practically an infant, as much as she ever was, but being over 16 years of age, under the law her pension has ceased, and she makes this application for pension notwithstanding she is beyond 16 years of age, the age when it ordinarily expires by the law.

Mr. WILSON. We have a great many persons in this country who are helpless, absolutely poor, and who in many respects would be deserving of public aid, but of course we can not extend that aid to all such cases; and therefore I think we should be somewhat particular when we grant a pension to know that it is based upon something within the usual line of such governmental action toward the aid of persons who require assistance. Unless something exists in this case which will form a basis for this grant, like that which we have been accustomed to recognize in our pension laws, I should doubt the propriety of establishing this precedent.

Mr. BLAIR. The Senator will excuse me. This pension, if granted, will be granted on the theory that this is a case of prolonged infancy. The reason why we give to the infant child support until he is 16 years of age, under the pension law, is the fact that he is unable to support himself. This girl, although far beyond that age, is as helpless as she was before she attained to it, and if there was reason in consequence of the relation that existed between the parent, her natural protector, and the Government, he having lost his life in the service of the Government, which if prolonged till the present time undoubtedly would be a sufficient basis for her to depend upon in her prolonged infancy for support—if, I say, under the relations originally existing and which we recognize in the case of all infants prior to their attaining the age of 16 years, we should give pensions, there seems to be no reason upon the merits why this woman should not receive continued support from the Government.

There are very few such cases; I think the Senator is under some misapprehension if he thinks this is a very numerous class of cases. I have been a member of the Pensions Committee most of the time since I have been in the Senate, and I recollect but two or three other cases of the same character which have been brought to our attention, and in one of those the pension was granted. It was that of the idiotic daughter of an Irish soldier who had died in the service leaving a child 3 or 4 years of age to the support of his sister. She was a poor washerwoman herself in this city, and took charge of the child. It was necessary to have considerable in addition to the amount furnished by the Government, but she wrought out a support for herself and this helpless child of her deceased brother, and during the last Congress an application was made for a pension to this child, she having then attained the age of about 20, I think. It was only a question whether the United States would support that idiotic child, strong, vigorous, likely to live many years, or whether this poor washerwoman, in addition to supporting herself, with the infirmities of approaching age upon her, should also support this same child. The Government assumed it, and I think it ought to do so in every such case.

It is for that reason that I am for this bill. I am willing it should pass at $30 a month. Whether we can afford to give that amount in like cases is to be considered, but for my own part I think probably it would all be required. It costs more to support her now than when she was a child and less helpless than she is now. I should be very glad to see the amendment rejected.

Mr. JACKSON. Mr. President, I wish to state briefly in connection with this case the rule upon which the committee acted and upon which they generally act upon bills for special relief. We endeavor to conform as near as possible to the spirit of the general law. The general law provides a certain pension for infants on the death of their father dying in the service. They provide special pensions. In this case after the death of the father the three children applied for and obtained a pension of $30 a month for the three, $10 apiece. One of the children after receiving that pension continued until it reached the age of 16 years. One of the children then died; one went into the asylum; and this one comes under disability now, under such disability as the committee thought placed her in the same position as she was between the age of 1 and 16, and we endeavored to apply to her case the general law and put her upon the same footing that other children would stand laboring under that sort of disability, but instead of giving her $10 we give her $15 a month. Now when you go beyond that you go beyond the general law. In just such a case as this you are simply administering charity, and we did not conceive it to be the province of the committee, nor do I conceive it to be the province of the Senate, to administer simple charity. We endeavored to place her case upon the same footing as infants or children would stand up to the age of 16.

Mr. LOGAN. I do not rise to oppose this bill, for I certainly feel like being as charitable to those who suffered as any one should be, but if it should pass I desire to see it based upon some principle by which we may be guided hereafter.

The theory upon which this pension is placed can not stand for a moment when you come to apply the true principles of pensions to it. Let me illustrate, sir. The Senator from New Hampshire and the Senator from Tennessee say that the construction of the committee was that inasmuch as this person was a pensioner in childhood and is now in an enfeebled condition, therefore they would construe the law to make her an infant now. I understand that to be the proposition. That is utterly fallacious.

You give a construction to this bill that will make this person to-day an infant although she may be 25 years old. Suppose she lives in perfect health until she is 65 years old and becomes enfeebled on account of old age, would you then say she was an infant? On that principle every child that is pensioned to-day under the law up to the time he arrives at 16 years, when he becomes enfeebled by old age becomes an infant and therefore must be again put on the pension-rolls. I do not agree to any such argument or logic as that. If the Government desires to deal in charities that is one thing; but when you come to dealing in pensions you have got to mark out a line by which you will be governed, or else you are all at sea. As I understand the law, pensions are granted for the reason that there is a contract, constructively at least, existing between the soldiers and the Government, to this effect: If the soldier serves his country and is either wounded or disabled in the service, the Government agrees by law that it will provide for him because his condition has been rendered such by his service to the Government. If he dies, then his widow is entitled to a pension. Why? Because the law presumes that she loses his support. How? By reason of wounds or disease contracted by him while in the service of the Government. He being her support, the law then gives to her this aid during her life, and to the child until it is 16 years old upon the same idea and the same theory.

Mr. BLAIR. At this point will the Senator allow me to ask him a question?

Mr. LOGAN. Certainly.

Mr. BLAIR. I understand the Senator to enunciate the true principle upon which pensions are given. The country takes away the natural and legal supporter of the widow or of the child. That is the principle. It is not because the child is technically an infant, but it is because the child has a legal right to support from the parent and needs it, and the country steps in and supplies the place of the parent until there is a legal presumption that the child is able to take care of itself.

Now I suppose the Senator will concede the ordinary legal principle that the parent is responsible for the support of his child, not only until the child is 16 years of age, but, if himself able to give support, so long as the child is in need of support. That legal dependence does not terminate at the age of 16 years or 21 years or 50 years. The parent is legally responsible for the support of his child if the child is unable to take care of himself and the parent is able to take care of the child so long as the child shall live. Now, does the fact——

Mr. LOGAN. This is rather a long question.

Mr. BLAIR. That is the law.

Mr. LOGAN. I thought the Senator rose to ask me a question.

Mr. BLAIR. I rose to ask the Senator if the principle which he enunciated does not in a case like this before the Senate require the maintenance of the child by the country as much after the age of 16 as before.

Mr. LOGAN. The principle applicable to pensions is guided and governed by law. The law provides, and the only theory upon which a pension is granted at all is—when I am speaking of pensions I mean pensions growing out of the law as it exists—that which I mentioned, because of either a subsisting contract or one by construction between the party and the Government, so that when the child arrives at the age of 16, under the implied idea of the law governing and regulating pensions that then the child has arrived at the age at which pensions stop by reason of the lapse of time. Upon what principle that proceeds is immaterial; but it is upon the principle, I suppose, that the child has arrived at an age where the presumption is that it can support itself, and therefore the aid of the Government ceases.

As I said, I am not objecting to this bill; I propose to vote for it, but I want the Senate to understand the principle upon which I shall vote for the bill. I shall not vote for it upon the ground that this girl is an infant, nor upon the ground that the Government is under obligation by virtue of law to give her a pension, but upon the ground that charity demands that the Government may do it, not that it shall do it, but it may do it. I am willing to do it on that principle, but not on the principle upon which pensions are governed or regulated.

One other remark the Senator made applicable to this case and referring at the same time to another case. That was in regard to an amendment that is to be proposed to what is known as the Mexican pension bill, where he proposes to advocate the pensioning of the relatives of soldiers. Sir, if you pension the relatives of soldiers you will pension the whole country. There are very few people in this country but are related directly or indirectly to soldiers. There certainly can be no principle that would cause us to do anything of that kind.

Mr. BLAIR. Will the Senator permit me to make an observation?

Mr. LOGAN. Oh, yes.

Mr. BLAIR. I stated that I proposed when the Mexican pension bill came up for consideration to ask the attention of the Senate to an amendment I shall move to that bill, involving precisely the same principle that is involved in this bill. I do not wish the Senator to proceed in his remarks with the apprehension that I have suggested or shall hereafter suggest the pensioning of the relatives of soldiers unless they are under the necessity of receiving aid; nor do I propose to suggest the pensioning of any relatives of soldiers that are not already entitled to it by existing law.

The Senator will remember that we have always in our pension laws from the foundation of the Government till this forenoon recognized the principle that it was our duty to maintain, so far as a reasonable pension would do it, the dependent relatives of soldiers. We have already stigmatized them in our whole body of pension laws from the foundation down as paupers if to give them that sort of assistance which I hold is their just due from the Government is to treat them as paupers. In the amendment which the Senator gave us some admonition in regard to yesterday morning, there is simply the suggestion that the Mexican pension bill be made applicable to those who are in need of help from the country. That is all, and it is a principle that we have applied universally in our pension laws.

Mr. LOGAN. I did not rise, as I said, to discuss the general pension laws, or how they should be made applicable to individuals, but merely to state the principle that would govern me. The bill now before us can not be placed upon any principle that is found in the law in reference to granting pensions, but I shall vote for it for a different reason, and that is that this lady is a deserving person, and I am willing to extend the charity of the country to her; but not because she is entitled to a pension.

We must have some rule by which we shall be guided. In reference to the bill mentioned by the Senator from New Hampshire, in regard to the pensioning of soldiers of the Mexican war, that is a very different proposition. That has no relation whatever to this. To the proposition to pension the Mexican war soldiers the same rule would apply as would apply to pensioning soldiers of the war of 1812, or the Revolutionary war, not on account of wounds or disability, but on account of service; and it is on that principle, differing entirely from the principle that is attempted to be applied to this bill, that that measure rests. You can not, by any possibility, apply the principle on which you give a man a pension because of his service to a person who has rendered no service. So the distinction is clear and broad. One you give for charity, and the other for service rendered to the Government. One rule applies to wounds or disability; another rule to service; and there are cases for the application of charity, beyond the limit of the law, and you do it merely because the persons are disabled and not able to take care of themselves, though they have performed no service to the Government, as in the case of this young lady. Her father, doubtless, was a gallant man. She drew a pension during infancy, but has passed the age where the law allows a pension to her. Therefore I say on the ground of charity I will put her on the pension-roll, but not on the ground of service, or because she is entitled to it on any principle on which pensions are granted.

Mr. BLAIR. Mr. President, I am also for this bill; but I am for this bill because I think that the Government is under an obligation to maintain this girl, now as helpless as when she was in law an infant, by reason of the service rendered the Government by her father, and his death in the cause of the country. I think it is an obligation, and I cast my vote for this woman upon a principle and not upon a loose charitable exercise of benevolence on the part of the Government as a great corporation entirely outside any of its legitimate functions. The principle, if it be a principle, which the Senator from Illinois has enunciated is that he gives this not as a matter of obligation but as a matter of charity. If that is to be taken and deemed as a principle and to be acted upon, there is no reason why the Government of the United States should not yearly make its contributions to foreign missions and the maintenance of charities anywhere within or without the country; and whenever it is possible to do good to a human being the Government of the United States is at liberty by taxation to take the money of the people of the United States and to appropriate it to that good purpose, or good it may be simply in the judgment of the Government; while the mass of the people might look upon it in an entirely different light.

I think if we give this pension at all it should be upon some principle, and the principle on which the committee acted is precisely the same reason which is at the base of the general law, that the natural protector of this girl has been taken from her by the Government, and her helplessness continuing after she is 16 years of age, the obligation on the part of the Government is in morals, and it ought to be in expression and in general law, the same as though she were still helpless by reason of not having attained maturity physically. That is the principle; and when the reason of the law fails, as it is presumed to fail at the age of 16 ordinarily, a child being then able to support himself, then the general law fails to give a pension; but if the reason continues the law should continue; and in the few special cases that exist throughout the country it is better that instead of depending on general enactments they be left to make their specific applications for pension based upon precisely the same principle as exists under the general law. That is why I am for this bill.

Now, in regard to the Mexican war soldiers' pension bill, the committee saw fit to report in that bill an amendment extending the assistance of the Government where it is needed. It is not proposed by the committee to give to the Mexican war veteran who may be wealthy, entirely beyond need, what the Senator from Illinois calls the charity of the Government. I think we are under a moral and a legal obligation, which we should recognize, to aid every Mexican war soldier who now is in need of pecuniary assistance from any source whatever. The primary obligation, I think, is upon the people of the United States to give their pecuniary aid to those who have exposed themselves in war and in battle for its existence and its defense. That is why I am for giving to the Mexican war soldier, wherever he needs aid at all, aid as liberally as we vote to any pensioner; and unless we apply that principle we are in great danger of very soon being called upon to discharge obligations or to expend the revenues of the country to an interminable and fathomless extent.

Since this matter has been referred to I will state that I propose when that bill comes up for discussion to move an amendment, which is not reported by the committee, which will give to every soldier of any war in which the United States has ever been engaged, the Mexican war, the Indian wars, and the late war, assistance from the Government when that assistance is needed by that soldier, provided his dependence is not occasioned by any fault of his own. We may as well understand that if we are to extend this charity, as some call it—I think it is justice due—to the Mexican war soldiers without any limitation, there is no way to stop or prevent the extension of a like pecuniary assistance to the million Union soldiers who will justly demand it at our hands forthwith.

We must seek out in this matter some just principle and apply it to all the soldiers of all our wars who are under the necessity of receiving aid from any source, and if we give it from the Government at large it is no greater pecuniary burden upon the American people than it is to devolve this support upon the local communities where the soldiers happen to reside. No more assistance is needed in the one case than in the other, and I think it is far more just to devolve this support, this pecuniary assistance, upon the overflowing Treasury of the national Government, to maintain and to perpetuate which the soldier rendered his

service and involved the Government in this obligation, than it is that he shall remain classified with the ordinary paupers of the local communities in the various States.

Mr. VAN WYCK. Mr. President, I do not know that I myself understood the Senator from New Hampshire when he said that he proposed that this pension should be fixed at $15; otherwise, he was afraid that the Committee on Pensions would make no favorable report.

Mr. BLAIR. I do not know whether the Senator understood me to say so. I said something substantially like that.

Mr. VAN WYCK. Substantially. Well, I do not know where the Senator finds a warrant for making that statement. It certainly was a strange statement to make upon the floor of the Senate. It was strange that a member of the committee who comes here subscribing to a report of the committee should rise in his place and say that he resorted to this as a sort of pretense or pretext or legerdemain to get the committee up to the point of recognizing the right of this claimant and giving her a pension of some kind. That, I understand, is the position of the Senator.

Mr. BLAIR. Well, the Senator perhaps might, if he took the pains, state that in a little more palatable and acceptable way, but I will not trouble him to go over it again. He can state it as he pleases.

Mr. VAN WYCK. I do not think I could state it more plainly.

Mr. BLAIR. Perhaps not, as I understand it.

Mr. VAN WYCK. That was my design; I wished to be understood on that point. That is the position of one member of this committee. I did not know that members of the committee came on the floor of the Senate to explain their particular modes of movement in the committee-room. I shall understand it hereafter, however.

The Senator from West Virginia who reported this bill gives his own bill a very feeble support; and while he does not state it quite as broadly as the Senator from New Hampshire, at the same time he comes into the Senate Chamber and begs the Senate to beat his own report; as I understand, advises them to come on and attack it. These gentlemen have brought here from the committee-room what was done there. If I remember aright, in the committee-room no word was said on this matter except by the Senator from West Virginia and by the Senator from New Hampshire. I did not hear any attack made on this bill in the committee-room.

Mr. BLAIR. I would suggest that the Senator, before he testifies——

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. VAN WYCK. Yes, sir.

Mr. BLAIR. I was going to suggest to the Senator that before he undertakes to give an account of what occurred in the committee-room he had better acquaint himself with the facts.

Mr. VAN WYCK. I was present.

Mr. BLAIR. Then I must insist that the Senator shall state what occurred, if he observed it.

Mr. VAN WYCK. I did.

Mr. BLAIR. Very well.

Mr. VAN WYCK. I observed it, and I am willing to state it as far as may be proper and as far as I may be interrogated.

Mr. BLAIR. I suggest, then, if it is proper to state any part of it, it is proper to state all—to give a correct impression of what occurred, or none at all.

Mr. VAN WYCK. That is what I propose to do. We are getting to the foundation-rock of principle, as I understand, on this matter of pensions, and we may as well understand it correctly and state properly what actuated the committee.

I did not know before that there was any sort of manipulation required to bring the Pension Committee up to the standard of doing this thing, and I was surprised at this intimation, particularly when the Senator from West Virginia and the Senator from New Hampshire were, I believe, the only persons in the committee-room who took any part in the discussion or took any interest in the matter. I certainly am surprised. I think the members of the Pension Committee would readily have helped them up to the standard of $30 in this case if these gentlemen who profess to know about the case had only asked us.

The Senator from West Virginia presented the report; he had some doubts about it himself, and so he told the committee. I say the Senator from West Virginia when he presented the case to the full committee had some doubts about it. Am I right?

Mr. CAMDEN nodded assent.

Mr. VAN WYCK. The Senator who had the case in hand when he presented it to the whole committee said he had some doubts about it, and when the Senator from New Hampshire found that $30 a month was given he burst out in an exclamation that he thought that never would do, and himself proposed $15 to the committee. Am I right?

Mr. BLAIR. The Senator is wrong.

Mr. ALLISON. Is it proper to state what occurred in committee, Mr. President?

The PRESIDENT *pro tempore*. The Senator from Iowa rises to a point of order.

Mr. ALLISON. I make the point of order that this colloquy in the committee-room ought not to be repeated in the Senate.

Mr. VAN WYCK. I am proceeding by unanimous consent.

Mr. BLAIR. I simply say that the Senator from——

The PRESIDENT *pro tempore*. Senators will suspend till the point of order is decided. The Chair is of opinion that it is not in order to allude to proceedings which took place in committee except upon a motion to recommit a report. Under the parliamentary law, when it is proposed on account of some irregularity in proceeding in committee to recommit a report, allusions to what took place in committee are permitted, but beyond that it is not in order to allude to opinions or statements of members occurring in committee. The Senator from Nebraska will proceed in order.

Mr. VAN WYCK. If any motion is made to recommit this bill, I very much prefer that the Senator from West Virginia, who has charge of it outside and inside the committee-room, or the gentleman from New Hampshire, who was the only other member of the committee who took special interest in the case, should make the motion. I do not desire to recommit it.

Mr. BLAIR. I call the Senator to order, unless this matter is to be all gone into.

Mr. VAN WYCK. I have not gone into it.

Mr. BLAIR. I beg the Senator's pardon. He must know that he is out of order in what he has just said or he must know very little about what occurred in committee.

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Nebraska will proceed in order.

Mr. VAN WYCK. The Senator from New Hampshire was allowed to say, and was not called to order, I think, for saying that he was in favor of this proposition of $15 in the committee-room because otherwise he feared that he would get no favorable report. That he has stated on the floor of the Senate, and it was to that I was directing the attention of the Senate at the time. I always supposed it was out of order to bring up in this body the proceedings inside of a committee-room; but when the gentleman himself stood on the floor of the Senate and proclaimed it, and when he desired that I should state the facts, I told him I would most cheerfully as far as I might be called on to do it, and I should like somebody to go further——

Mr. BLAIR. I did not request the Senator to state the facts. I only asked that if he undertook to state anything he should tell the truth. That is all.

The PRESIDENT *pro tempore*. Senators will please be in order. The Senator from Nebraska will refrain from making any further allusion to what took place in committee, the point of order having been raised.

Mr. MCMILLAN. May I inquire of the Chair under what rule of discussion we are proceeding now?

The PRESIDENT *pro tempore*. Under the general rules of parliamentary law.

Mr. MCMILLAN. Under the rule governing the morning hour?

The PRESIDENT *pro tempore*. We are not on the Calendar under the eighth rule. This bill was taken up by unanimous consent during the call of committees for reports.

Mr. VAN WYCK. That is consistent on the part of the Senator from New Hampshire. He wanted to know what took place in committee, and then he says he does not want anything said about it. Now, Mr. President, it was wrong and against the rules of the Senate for the gentleman to make the statement he did as to what took place in the committee-room, and why he sought to inveigle the committee into making a favorable report.

The PRESIDENT *pro tempore*. The Senator will please suspend. The Chair will state to the Senator that observations that a brother Senator is endeavoring to inveigle a committee are not in order. The Chair, as the debate is getting somewhat personal, must enforce the rule.

Mr. VAN WYCK. The personality commenced when the Senator arraigned the Committee on Pensions——

The PRESIDENT *pro tempore*. That may be. The Chair now thinks personalities must stop on all sides.

Mr. VAN WYCK. I am a little at a loss to separate personality and principle in this discussion, and now it becomes somewhat important to know. We have been admonished and instructed and directed on this occasion as to what we should do as a matter of principle, and a good principle of course must first be established in the committee-room; from the committee-room it comes into this body, and then we are presented, if I may be allowed to say so, with the spectacle of what took place among the members of this committee. I am indulging in no personality; but the spectacle exhibited in this body is first by the Senator who presented the report, who gravely and willingly stood up and admitted that what I stated was true; and there we were stopped then from a discussion further as to whether certain other things were true; but I have a right to stand here and repel this imputation, if I may be allowed so to term it, this insinuation——

The PRESIDENT *pro tempore*. The Chair thinks that observations of that character are not in order.

Mr. VAN WYCK. Will the President hear me through?

The PRESIDENT *pro tempore*. No; the President must stop the Senator when he transgresses the rules of order.

Mr. VAN WYCK. Certainly; but if the sentence were allowed to

be concluded it would show that I shall be very glad to be in order. I said that when a member of the Senate arose in his place and cast reflections, suspicions, or imputations upon a committee of this body, that committee through one of its members had a right to repel them.

Mr. BLAIR. Mr. President——

Mr. VAN WYCK. Am I in order?

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Nebraska is not in order, because if the Senator from New Hampshire was guilty of what the Senator from Nebraska now imputes to him, he was out of order.

Mr. VAN WYCK. Precisely; but since he was allowed to proceed with this charge unchallenged——

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. VAN WYCK. Certainly; with pleasure.

Mr. BLAIR. If the Senator means to be understood as intimating, however remotely, that the Senator from New Hampshire cast improper reflection upon the committee or any member of it, he is either grossly mistaken or intentionally false——

Mr. VAN WYCK. Is that in order?

Mr. BLAIR. One of the two.

The PRESIDENT *pro tempore*. The Chair thinks it is not in order.

Mr. VAN WYCK. It may be in order, I will say to my friend, when we gather together again in the committee-room.

Mr. BLAIR. At the first meeting of the committee.

Mr. VAN WYCK. Mr. President, I am anxious——

Mr. HOAR. I rise to a parliamentary question. Does this debate proceed by unanimous consent?

The PRESIDENT *pro tempore*. It does not. The bill was laid before the Senate by unanimous consent, and it is not under the eighth rule for five-minute debate.

Mr. VAN WYCK. I will cheerfully hear any suggestion the Senator from Massachusetts desires to make, and will be most happy to follow any course he may suggest.

Now, Mr. President, this matter would have gone along naturally in its proper course except, as I say, for the statement to which I have alluded, and I thought when a statement of that character was made in reference to a committee, although made out of order undoubtedly, it ought to be noticed. I did not choose to call the Senator to order, for I desired to hear him, but other members around me who are punctilious, and who have order and parliamentary law at their fingers' ends, with great propriety might have done so. The committee acted upon this matter. They, I think, cheerfully would have made this pension $30 a month but for a statement I made a few moments ago, which has been declared out of order, and therefore I respectfully submit and will not take the liberty to repeat it again. The report at all events comes here. I am certainly willing as a member of the committee, I know that the members of the committee are willing, they undoubtedly would have been happy to have agreed to the larger sum except for the obstruction placed in their way at that time not by themselves.

I was happy to hear the Senator from Tennessee when he stated that, if anything was given to this woman, enough should be given to support her. That is a basis of legislative action in regard to the matter of pensions. I understand the Senator from Tennessee—may I have his attention for a moment?—to take the position that, if this woman was to be given anything, she should be given enough for her reasonable support.

Mr. HARRIS. The Senator will allow me a word. I inquired of the Senator who had the bill in charge if the fact had been ascertained that this person was wholly dependent upon the pension. He answered that that fact had been ascertained. I then inquired if the committee had satisfied itself that $15 a month was sufficient to support her. He answered that the committee were satisfied it was not. I asked him then, if it be a pensionable case, why the committee had reported an amount insufficient for the support. That was about, if not literally, what passed between the Senator from West Virginia and myself.

Mr. VAN WYCK. Then I understood the Senator from Tennessee correctly, and I was glad to hear the announcement. I was glad to hear him lay down that as the basis on which pensions should be granted. Now I start from there, and I am happy to meet that out of the committee-room.

The Senator from New Hampshire says there are but few such cases. There are many if they could reach Washington; and the great difficulty, as he knows, is that we have no general law under which these cases can be reached, and I for one have felt that we should stop in the committee-room hearing special cases and bring in some general law which could reach everybody, the woman in Washington, the woman in New Hampshire, or the woman on the prairies of Nebraska. But it has not been so, as we know, and most of the special cases of the kind which are provided for are those which reach and come up to us from Washington, where great social and political influences surround them so that they can be heard. And I would say to my friend from New Hampshire that when we can pause long enough in the Committee on Pensions to frame some general law, the tragedies to which he referred so eloquently a few days ago, the tragedies as he called them in the Pension Department, will not agitate us. That is what I desire.

One thing is remarkable—and I have a right to allude to that—that in the various cases which come before the committee in great numbers from the city of Washington, the wives of rear-admirals and the wives of commodores, and the wives of majors-general are able to secure prompt attention. We find that sometimes in one year from the time the sod covers the dead body of a rear-admiral or a commodore or a major-general, or in less than a year, the application of the widow will go into and come out of the Pension Office. Why? Your widow in New Hampshire can not enter the Pension Office and get out in a year; your widow in Tennessee can not enter the Pension Office and get out of it one year. It is time that thing stopped, and when we can have some general law we shall be able to stop it.

I thank the Senator from Tennessee for declaring the doctrine upon which pensions should be granted, and I say to him that I trust the Committee on Pensions will soon present a bill that will increase the pensions of widows from $8 to at least $12 per month, and then I trust no one will stand up to oppose that, because I can say, in the language of the Senator from Tennessee, if you give a pension to those who are needy, necessitous, and poor, then give them enough to take them out of their unfortunate and impoverished condition. If $15 be not enough for this woman single, will anybody in this Chamber rise and tell me that $8 a month is enough for the widow who is left with a family of children to rear, and whose husband perished on the battle-field, and whose resting-place is marked only by the board that records the burial of an "unknown soldier?" I thank the Senator from Tennessee for that, and I trust the time will come when not only to this woman, to the commodore's widow, and the rear-admiral's widow, and the major-general's widow, but to the widow of the soldier who fell and was buried in an unknown grave, the same degree of liberality will be extended, and on the same basis that you apply to those who are specially provided for, carefully looked up and nursed by all the peculiar influences which surround everything that comes before any committee of this body from the capital of the nation.

I do not wish to be misunderstood. I hope my friend from New Hampshire does not misunderstand me. I was in favor of any amount that might be placed in this bill, no matter what. The Treasury, he says, is overflowing, and this is infinitely the best way to deplete it. Let us raise the pensions of the widows of the common soldiers, let us raise those who have been struggling, let us make haste to take the widows of soldiers out of the poor-houses where they have died, let us see to it that the last days of every man who fought for the Union are made happy, whether he served one or two or three or four years under the flag of the Union, by the generosity of the Government which will give him sufficient to subsist himself.

The PRESIDENT *pro tempore*. The question is on the amendment recommended by the Committee on Pensions.

Mr. MITCHELL. I desire in one word to explain the view in which the bill has been reported. It has been sufficiently stated that the committee think this is a case of practical infancy, to begin with. I think these children have continued in infancy although the disability under which this young lady now labors did not exist precisely as it now does at the age of 16.

I am disposed to support similar applications of this kind. I should not be willing to go so far as some Senators might be willing to go in pensioning all children of soldiers who might at a later period of life become disabled. I doubt whether we can go to that extent, but it appears to me that this is a case where it is eminently proper for Congress to grant relief. I shall be glad, if the Senate is so disposed, to allow the bill to stand as it came from the House.

Mr. CAMDEN. Mr. President, I do not intend to prolong the discussion, but I wish to state that establishing a precedent of this kind is a matter of grave consideration. While this is a very worthy case and appeals largely to the sympathy of the Committee on Pensions and of the Senate, yet there are thousands and thousands of cases of a similar kind, and if we are to grant a pension in one case of this kind we can not well draw the line against pensioning others.

There is this consideration also that had influence in my mind and also that of the committee: that this young lady's disability may not be permanent. If she is pensioned now the pension will no doubt be a permanent pension. The circumstances presented a good deal of doubt to the minds of the committee, and for that reason the committee, instead of allowing the full pension of $30 a month passed by the House, thought it wise to reduce the allowance to a smaller amount.

Personally I feel that this case possesses peculiar merit, and considered alone and by itself there would be no wrong done in pensioning the party at $30. The question is more in reference to the precedent that is established by the granting of this pension.

Mr. HARRIS. Mr. President, if I were to put this bill upon the ground on which the Senator from Illinois places it, I could not vote for the bill at all for any amount; but I believe the spirit and intent of the statute which pensions the dependents of soldiers is based upon the idea that there is some duty resting upon the Government to give that support which the soldier, if he had lived, could have given during the

inability of these dependents to support themselves. I think that is the principle upon which the statute rests that gives pensions to the dependents of soldiers. The law fixes arbitrarily in respect to children the age of 16, upon the presumption that at that age children may be able to support themselves; but in a case of continuing disability or inability to support themselves, as in this case, I think the equitable view of the statute would extend the same rights to those children if wholly unable to support themselves by disability, by blindness, by spinal disease, as in this case, or any other disease that renders the dependent wholly unable to support himself. I think in principle we can afford to extend the pension in such cases, and for that reason I am inclined to vote for the passage of this bill.

Mr. LOGAN. If the Senator will allow me, I should like, inasmuch as he can not agree with the principle that I suggested, to call his attention to one point. He says that the law being fairly construed would place this person in the same condition as though she were a dependent, and on that ground entitled to a pension. Let us illustrate it. A soldier does not receive a pension unless his disability occurred while in actual service. This disability did not occur while she was under 16 years of age and drawing a pension. Hence the principle that the Senator suggests can not apply, for the principle which applies to pensions is that the disability occurred in actual service. The pension given to this girl was up to the time she was 16. Apply the same principle to her and the disability would have to occur prior to her arriving at that age.

Mr. HARRIS. Will the Senator allow me?

Mr. LOGAN. Certainly.

Mr. HARRIS. The argument of the Senator is strictly technical, and, according to the technical construction of the statute, I concede that the Senator is right; but I repeat the spirit and intent of the statute that gives a pension to the dependents of a deceased soldier rests alone upon the idea that there is some obligation on the Government to support those dependents who are really unable to support themselves. Now, even though the disability did not occur while this party was within the age of 16, being dependent, wholly unable to support herself, I am inclined to construe the spirit and meaning of the law to extend to her, and I hope the Senator from Illinois will not argue me out of that inclination and force me to believe that it is a naked charity that we are voting, for I can not vote a charity to this applicant or any other.

Mr. LOGAN. I do not desire to argue the Senator out of any opinion that he has fixed in his mind, but I desire to put myself correctly on the record, for I am voting for it as a charity, and not as a pension resting upon any principle whatever applicable to pensions.

If the principle that the Senator advocates in reference to these persons is correct, let us carry it a little further. If it is a correct principle that the law must be construed to support all persons incapable of supporting themselves after the age of 16, I ask how far it would go? There is not money enough in the Treasury to pay it to-day. There are perhaps one-third of the children of soldiers, the female portion of the families, who probably, if turned out into the world at the age of 16, could not make a living, and upon the same principle that the Senator advocates every one of them should be entitled to a pension. I say that is not the principle. The law fixes the principle. The law terminates the pension at the age of 16, and after that every dollar that is voted is not on the principle that pensions are given, but it is on the principle that you extend the hand of charity to those who are not capable of taking care of themselves, and on that principle I am willing to do it, and on no other.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

MEAT EXPORTATIONS.

The PRESIDENT *pro tempore*. Reports of committees are still in order.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations, to whom was referred a resolution in relation to the discrimination made against the United States by foreign governments in regard to meats, &c., to report on the second branch of the resolution, the committee having already reported upon the first branch by bill some time ago. The second branch of the resolution is:

And the committee is further instructed to report what discriminations are made against exports from the United States by the tariff laws of the principal countries of Europe and America, especially France, Germany, Mexico, and Brazil, by reason of commercial or other special treaties or agreements with more favored nations, and to report the causes which led to such discriminations, the efforts, if any, that have been made to remove them, and what legislation, if any, is necessary to place the United States on an equal footing with the most favored nations.

The committee have instructed me to make a report, to which is appended a statement of the tariff laws of the principal countries of the world. In connection with this report I present a concurrent resolution which I wish to offer if it is in order at this time.

The PRESIDENT *pro tempore*. It is in order as part of the report of the committee. The Senator from California from the Committee on Foreign Relations, in obedience to a resolution heretofore adopted, reports on the subject of that resolution. The report will be placed on file. He also reports a concurrent resolution, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the report of the Committee on Foreign Relations upon the second branch of the resolution of the Senate, adopted January 22, 1884, in relation to discriminations made by foreign governments against exports from the United States, &c., together with the documents accompanying said report, the same being the tariff laws of the principal countries of Europe and America, be printed, 2,000 copies for the Senate, 3,000 copies for the House of Representatives, 500 copies for the use of the State Department, and 500 copies for the use of the Treasury Department, in all 6,000 copies.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. MILLER, of California. The petition of Philip Schatzle was referred to the Committee on Foreign Relations, in which it is set forth that the petitioner was a citizen of the United States by naturalization and went back to Germany in 1869 and has become unable to support himself, and he asks the United States to support him. I am instructed by the committee to report back the petition adversely, and I move that the committee be discharged from the further consideration of the subject.

The motion was agreed to.

Mr. DOLPH. At the time that the Committee on Claims reported on the bill (S. 85) for the relief of the Citizens' Bank of Louisiana, the minority of the committee asked and obtained leave to submit their views. The majority report was printed. I now submit the views of the minority, and if it requires an order at this time to print them I ask that the views of the minority be printed.

The PRESIDENT *pro tempore*. The views of the minority on the subject named will be received according to the previous order of the Senate if there be no objection, and will be printed.

Mr. DOLPH. The Committee on Claims, to whom was referred the bill (S. 511) for the relief of the State of Oregon, the bill (S. 655) for the relief of the State of Nevada, and the bill (S. 2191) for the relief of the State of California, being bills authorizing the repayment to the States of California, Oregon, and Nevada of 15 per cent. of the direct tax of August, 1861, paid by those States respectively, instruct me to report back the bills and to report an amendment to the deficiency appropriation bill authorizing the payment of the several sums due those States in accordance with the precedent of two years ago by which the State of Kansas was paid in like manner. I ask that the report be printed and the bill laid on the table, and that the proposed amendment to the appropriation bill be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Oregon from the Committee on Claims reports back the bills named by him. Is the report adverse to these bills?

Mr. DOLPH. The committee report an amendment to the deficiency appropriation bill providing for the relief of the several States mentioned, in accordance with the bills, which may be considered to be a favorable report; but it is a substitute. I desire the bills themselves to lie on the table until I see what action is taken by the Committee on Appropriations. If they should report the amendment, then I shall wish to take up the bills in their order.

The PRESIDENT *pro tempore*. The Committee on Claims will be discharged from the further consideration of the bills and they will be laid on the table. The Senator from Oregon also presents a report.

Mr. DOLPH. There is a report, and I present an amendment to the deficiency bill to be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Oregon presents a report which will be printed under the standing order. The same committee submits an amendment to be proposed to the deficiency appropriation bill, which will be referred to the Committee on Appropriations and printed.

UNVEILING OF MARSHALL STATUE.

Mr. HAWLEY. The Committee on Printing had two resolutions referred to it concerning printing the proceedings attendant on the dedication of the Marshall monument. The first resolution was a Senate resolution to print 10,000 extra copies. We find that the expense will be above $500, and therefore it comes under the rule requiring the assent of both Houses. Hence we report a joint resolution and have added to it the substance of a joint resolution introduced by the Senator from Texas [Mr. MAXEY] providing for an engraving of the state of Chief-Justice Marshall to accompany the report of the proceedings on the unveiling of the statue.

The joint resolution (S. R. 88) providing for printing the proceedings relative to unveiling the statue of John Marshall, late Chief-Justice of the United States, and for other purposes, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed and bound 10,000 extra copies of the report of the Joint Committee on the Library respecting the erection

of a statue to John Marshall, late Chief-Justice of the United States, 3,000 of which shall be for the use of the Senate and 7,000 for the use of the House of Representatives; and the Joint Committee on Public Printing be, and is hereby, directed to procure an engraving of the statue of Chief-Justice Marshall, to accompany the report aforesaid, and for the purpose of engraving and printing said engraving the sum of $1,000, or as much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. HAWLEY. I hope the resolution will be considered now.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that the joint resolution be now considered. Is there objection? The Chair hears none. It is before the Senate as in Committee of the Whole.

Mr. COCKRELL. I move to increase the number allowed the Senate to 3,500, so as to make it one-half the number allowed the House, which I think has been the rule that has been adopted here in the publication of documents for a long time, and which I desire to see adhered to. The House is given 7,000, and we ought to have half that number, 3,500.

Mr. ALLISON. Then you must increase the total to 10,500.

Mr. COCKRELL. Yes; I propose to increase the total number to 10,500.

Mr. HAWLEY. The committee will have no objection to that.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to amend, in line 3, after the word "thousand," by inserting "five hundred;" so as to read "ten thousand five hundred copies."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Missouri proposes to further amend, in line 6, after the word "thousand," to insert "five hundred;" so as to read "three thousand five hundred shall be for the use of the Senate."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL COPIES OF PUBLICATIONS.

Mr. HAWLEY. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 235) to print additional copies of certain publications, to report it with an amendment. I think the Senate will have no objection to considering the resolution when it is read.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The joint resolution was read, as follows:

Resolved, &c., That whenever the Public Printer shall have received a sufficient number of orders for copies of the Reports of the Tenth Census of the United States, or for the Compendium of the Tenth Census, or for the Medical and Surgical History of the Rebellion, or for the Rebellion Record, accompanied in each case by the cost-price thereof, with 10 per cent. additional, to warrant, in his opinion, the expense of putting the plates to press, he shall cause an edition or editions thereof to be printed: *Provided*, That the number of copies thus at any time printed shall not exceed the number ordered and paid for in advance of publication.

The joint resolution was reported from the Committee on Printing with an amendment to add in line 7, after "Record," the words:

Or for the volumes already published, or to be published hereafter, of the Index Catalogue of the Library of the Surgeon-General's Office.

Mr. HAWLEY. Mr. President——

Mr. COCKRELL. I think we had better have that printed and look over it.

Mr. HAWLEY. It is already printed, excepting the two lines of amendment. I can make a brief explanation that will perhaps answer the Senator's purpose.

Mr. COCKRELL. Let us hear the explanation. I reserve the right to object.

Mr. HAWLEY. The existing law permits any citizen, in view of the publication of a Government work, to pay a sum equal to the cost and 10 per cent. added, and have as many copies printed as he chooses. These orders are but seldom given in advance of the printing, because the people do not know when a work is coming out, and they think they will get a copy from a Member of Congress perhaps. After the regular editions of these very valuable publications referred to have all been exhausted, applications are continually coming to the Surgeon-General's Office and to the Secretary of the Interior, I understand, and certainly to myself, and probably other Senators, asking for these volumes. Now, if it be made known that persons can deposit money equal to the cost and 10 per cent. added, and that upon a sufficient number being ordered to make it justifiable the Public Printer will then go to press with them and supply them, it will gratify a great many citizens at no expense to the Government.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HOAR. I ask the Senator from Connecticut if it would not be well to include in that list of books the first five volumes, or either of them, of the Records of the Rebellion.

Mr. HAWLEY. I think that is in the resolution.

Mr. HOAR. Very well.

Mr. HARRIS. I desire to ask the Senator from Connecticut if there is included in his resolution the Medical and Surgical History of the War, a work of very great value to the medical profession.

Mr. HAWLEY. That is in the resolution.

Mr. COCKRELL. Now I should like to know the cost of this.

Mr. HAWLEY. I am not prepared to say.

Mr. COCKRELL. There is the trouble. People do not order these books because they do not know their cost. I should like to have the cost stated. That is what I want to inquire about.

Mr. HAWLEY. If this resolution shall be passed the Public Printer will undoubtedly, at the request of the Surgeon-General's Office and other offices, prepare a little circular or brief statement giving the price, and that can be sent in answer to these numerous inquiries, and then the people throughout the country who are anxious to get these books and are willing to pay any price for them, as they say, will have the information before them.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Printing.

Mr. HAWLEY. I presume Senators know, but it is perhaps proper to state, that the stereotype-plates of these books are at hand. The expense will be the cost of paper and press-work with 10 per cent. added, which only practically covers the cost.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

BRIDGE AT DUBUQUE, IOWA.

Mr. MCMILLAN. I ask leave to make a report from a committee. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa," to report it with an amendment and to ask for its present consideration. It will lead to no discussion. It is merely an amendment to a bridge bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The ammendment reported by the Committee on Commerce was to strike out all after the enacting clause and insert:

That the act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa," approved March 3, 1875, be amended by striking out of section 2 of said act the word "five" and inserting in lieu thereof the word "four."

The amendment was agreed to.

Mr. BAYARD. There is a report attached to that bill. It is short and I think it had better be read.

The PRESIDENT *pro tempore*. The Senator from Delaware asks that the report be read.

Mr. MCMILLAN. The bill is in accordance with the views expressed by the War Department in its letter to the committee.

The CHIEF CLERK. The report——

Mr. MCMILLAN. That is the House report which accompanied the bill. It is not a report of the Senate committee. The letter accompanying the bill as reported by me contains the views of the engineers and of the Secretary of War, embracing the report of the Chief of Engineers. If that be read it will give the information the Senator from Delaware desires.

The PRESIDENT *pro tempore*. The Senator from Delaware asked that the printed report which accompanied the bill be read. It is not a Senate report; it is a House report returned with the bill. Does the Senator desire that it be read?

Mr. BAYARD. Yes, sir.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

The Chief Clerk read the following report, submitted by Mr. SEYMOUR in the House of Representatives February 12, 1884:

The Committee on Commerce, to which was referred the bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa," respectfully report the same back with the following recommendation:

That the bill be amended by adding to said bill at the end thereof the following words, to wit, "*Provided*, That said draw or draws shall not be less than four hundred feet in length."

The reason for the proposed amendment is that it seems to the committee that a minimum length should be fixed by the bill, and that such length should conform substantially with the length of the draw in the railroad bridge to which the proposed bridge is to be joined. And the committee recommend that said bill, when amended as aforesaid, be passed, which recommendation is founded upon the views of the War Department, as expressed in the following correspondence:

WAR DEPARTMENT, *Washington City, January* 28, 1884.

SIR: I have the honor to acknowledge the receipt of a letter dated the 19th instant, from the Committee on Commerce, by its clerk, inclosing H. R. 450, Forty-eighth Congress, first session, a bill to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa," and requesting that the views of this Department on said bill may be communicated to you.

In reply I have the honor to inform you that there is no objection to the passage of the bill in question, as the interests of navigation are fully protected, the draws and location being such as may be ordered by the Secretary of War.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN, *Secretary of War.*

Hon. E. W. SEYMOUR,
Of Committee on Commerce, House of Representatives.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. ALLISON. I desire to say one word only in reference to this matter, that it may go upon the record.

The original act required that the opening in the bridge over the main channel of the river should not be less than five hundred feet wide. That was found to be impracticable in building, and this bill simply changes that so that the opening shall not be less than four hundred feet wide over the channel of the river. That is the only change made.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. HARRISON introduced a bill (S. 2210) granting a pension to Elizabeth Barker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HILL (by request) introduced a bill (S. 2211) granting an increase of pension to Alexander Shaw; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM introduced a bill (S. 2212) for the relief of John R. Harrington; which was read twice by its title, and referred to the Committee on Patents.

Mr. COCKRELL introduced a bill (S. 2213) granting a pension to P. W. Bradbury; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL. I present in connection with that bill the affidavits of Capt. William Henley and Dr. John Laughton, and ask that they be received and referred to the Committee on Pensions, to accompany the bill and other affidavits already filed.

The affidavits were received and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2214) for the reauditing and settlement of the accounts of Robert Crittenden, late marshal of the United States for the district of Kentucky; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also introduced a bill (S. 2215) authorizing the Secretary of the Treasury to overrule and reverse the decisions of all inferior officers of the Treasury Department in respect to all matters of account; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GARLAND introduced a bill (S. 2216) for the relief of George H. Pettigrew; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. INGALLS introduced a bill (S. 2217) granting a pension to Sarah E. Price; which was read twice by its title, and referred to the Committee on Pensions.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Territories:

A bill (H. R. 5639) extending the jurisdiction of justices of the peace in Wyoming Territory; and

A bill (H. R. 6409) to validate and cure defects in certain acts of the Legislative Assembly of Washington Territory.

PRINTING OF CORRESPONDENCE.

On motion of Mr. MILLER, of California, it was

Ordered, That two hundred copies of the correspondence respecting the Ward claims and the claim of Charles E. Hill, against China, transmitted to the Senate by the President of the United States, May 7, 1884, in response to Senate resolution of March 12, 1884, be printed for the use of the Senate.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it becomes the duty of the Chair under the rules to lay before the Senate the Calendar under Rule IX.

Mr. BLAIR. I move that the Senate proceed to consider Order of Business 529, being the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. COCKRELL. I rise to morning business which I hope the Senator will not interpose to prevent the introduction of.

Mr. BLAIR. Certainly not.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire withdraw his motion?

Mr. BLAIR. I should like the motion to be entertained, but I will waive it for the present.

The PRESIDENT *pro tempore*. The Chair will again recognize the Senator from New Hampshire.

Mr. BLAIR. Very well.

GENERAL ULYSSES S. GRANT.

Mr. COCKRELL. Yesterday the distinguished Senator from Illinois [Mr. LOGAN], the chairman of the Committee on Military Affairs, reported to the Senate the bill (S. 2169) to place Ulysses S. Grant, late General of the Army of the United States, upon the retired-list of the Army, and it was passed. I was not in the Senate Chamber at the time it was reported, being necessarily and unavoidably detained out of the Chamber just at that particular time. I did not know that the report had been made until this morning. I desire simply to say that I did not concur in the report of the Committee on Military Affairs and should have voted against the passage of the bill.

Mr. VEST. As I am about to leave the Chamber, I wish to make a statement in regard to what is contained in the public press this morning with respect to a vote taken yesterday in the Senate. I refer to the vote on the bill to place General Grant on the retired-list. The statement is made in the press this morning that the vote was unanimous in the Senate on the passage of the bill. I voted against the bill. I did not call for the yeas and nays, nor did I make factious opposition to it, because two years ago when the same bill passed the Senate I voted against it and spoke against it, and gave my reasons then for my opposition to it. I have no personal hostility to General Grant at all, but I am opposed to the principle of the bill. I make this statement now in order that this assertion that that bill passed unanimously may be corrected in so far as I can correct it by a personal explanation.

INTERSTATE COMMERCE.

Mr. CULLOM. I ask that the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes, be taken out of its position on the Calendar and set down for Wednesday or Thursday of next week for consideration.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire give way? The Chair has recognized the Senator from New Hampshire to move to proceed to the consideration of a bill.

Mr. BLAIR. This is simply a motion for a special order. I suppose it will occasion no delay. I yield to it.

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. CULLOM] moves that the bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes, be made a special order for—what time?

Mr. CULLOM. Wednesday of next week, the 21st.

The PRESIDENT *pro tempore*. The motion is to make the bill a special order for Wednesday, the 21st day of May, at 2 o'clock.

Mr. COKE. I desire to say simply that I shall vote against making any special orders, and for the reason that I believe we ought to proceed and work upon the Calendar.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois. [Putting the question.] In the opinion of the Chair two-thirds have not voted in the affirmative.

Mr. CULLOM. I hope Senators will allow this bill to be taken up. It is a very important bill, but I do not think it will take a great length of time for its consideration. It is the bill in relation to the establishment of a commission to regulate interstate commerce. I ask that the Senate be allowed to vote again on the question.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will put the question again. The Senator from Illinois moves that the bill named by him be made the special order for Wednesday, the 21st day of this month, at 2 o'clock. [Putting the question.] The Chair is unable to decide.

Mr. CULLOM. I call for a division.

The PRESIDENT *pro tempore*. The matter is not the subject of debate. The Chair is unable to think that two-thirds have voted in the affirmative, and will divide the Senate.

The question being again put, there were on a division—ayes 16, noes 19; no quorum voting.

Mr. CULLOM. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES, of Florida (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. SEWELL (when his name was called). I am paired with my colleague [Mr. MCPHERSON]. I do not know how he would vote on this question, and therefore withhold my vote.

The roll-call was concluded.

Mr. INGALLS (after having voted in the affirmative). I am requested to pair with the junior Senator from Georgia [Mr. COLQUITT]. I withdraw my vote.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The vote of the Senator from Kansas is withdrawn.

Mr. HAWLEY (after having voted in the affirmative). I am paired with the Senator from West Virginia [Mr. KENNA]. I do not know how he would vote. I withdraw my vote.

The result was announced—yeas 23, nays 18; as follows:

YEAS—23.

Aldrich,	Dolph,	Hoar,	Morrill,
Blair,	Edmunds,	Jones of Nevada,	Plumb,
Cockrell,	Frye,	Lapham,	Slater,
Conger,	George,	Logan,	Van Wyck,
Cullom,	Harrison,	Manderson,	Vest.
Dawes,	Hill,	Miller of N. Y.,	

NAYS—18.

Bayard,	Coke,	Maxey,	Voorhees,
Beck,	Farley,	Morgan,	Walker,
Brown,	Garland,	Pendleton,	Williams.
Butler,	Gorman,	Ransom,	
Call,	Harris,	Vance,	

ABSENT—35.

Allison,	Groome,	Lamar,	Pugh,
Anthony,	Hale,	McMillan,	Riddleberger,
Bowen,	Hampton,	McPherson,	Sabin,
Camden,	Hawley,	Mahone,	Saulsbury,
Cameron of Pa.,	Ingalls,	Miller of Cal.,	Sawyer,
Cameron of Wis.,	Jackson,	Mitchell,	Sewell,
Colquitt,	Jonas,	Palmer,	Sherman,
Fair,	Jones of Florida,	Pike,	Wilson.
Gibson,	Kenna,	Platt,	

The PRESIDING OFFICER. Two-thirds not voting in the affirmative, the motion fails.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the following acts and joint resolutions:

An act (S. 2093) to provide for the appointment of an acting Secretary of the Smithsonian Institution;

An act (S. 258) donating a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, for the use and benefit of the free public schools thereof, and for other purposes;

An act (S. 621) for the relief of William L. White;

An act (S. 677) for the relief of the estates of James Vance and William Vance;

An act (S. 975) for the relief of T. J. Boyles, administrator of the estate of Marcus Radich, deceased;

Joint resolution (S. R. 81) filling an existing vacancy in the Board of Regents of the Smithsonian Institution; and

Joint resolution (S. R. 82) in relation to ceremonies to be authorized upon the completion of the Washington Monument.

The message also announced that the President had on the 14th instant approved and signed the following acts:

An act (S. 269) for the relief of M. P. Jones; and

An act (S. 241) to repeal section 8 of an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880.

BUREAU OF LABOR STATISTICS.

Mr. BLAIR. I now renew my motion that the Senate proceed to the consideration of the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire.

Mr. COKE. I do hope the Senate will vote down the motion and that we shall proceed to work on the Calendar.

Mr. BLAIR. I hope the Senate will vote up the bill and proceed to consider it.

The PRESIDING OFFICER. The question is not debatable. The question is on agreeing to the motion of the Senator from New Hampshire that the Senate proceed to the consideration at this time of the bill indicated by him.

Mr. MILLER, of New York. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HILL (when his name was called). I am paired on this question with the Senator from Louisiana [Mr. GIBSON].

Mr. INGALLS (when his name was called). I am paired on this question with the junior Senator from Georgia [Mr. COLQUITT].

The roll-call was concluded.

Mr. DOLPH. I have agreed to pair with the Senator from Tennessee [Mr. JACKSON] who is absent.

The result was announced—yeas 27, nays 12; as follows:

YEAS—27.

Aldrich,	George,	Lapham,	Pugh,
Blair,	Gorman,	Logan,	Sawyer,
Call,	Groome,	McMillan,	Sewell,
Conger,	Harrison,	Manderson,	Van Wyck,
Cullom,	Hawley,	Miller of N. Y.,	Vest,
Dawes,	Hoar,	Morrill,	Voorhees.
Frye,	Jones of Nevada,	Plumb,	

NAYS—12.

Bayard,	Coke,	Maxey,	Vance,
Brown,	Garland,	Morgan,	Walker,
Cockrell,	Harris,	Pendleton,	Williams.

ABSENT—37.

Allison,	Edmunds,	Jones of Florida,	Ransom,
Anthony,	Fair,	Kenna,	Riddleberger,
Beck,	Farley,	Lamar,	Sabin,
Bowen,	Gibson,	McPherson,	Saulsbury,
Butler,	Hale,	Mahone,	Sherman,
Camden,	Hampton,	Miller of Cal.,	Slater,
Cameron of Pa.,	Hill,	Mitchell,	Wilson.
Cameron of Wis.,	Ingalls,	Palmer,	
Colquitt,	Jackson,	Pike,	
Dolph,	Jonas,	Platt,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

The PRESIDING OFFICER. The bill will be read.

The Secretary proceeded to read the bill.

Mr. INGALLS. I suggest to strike out the letter "s" in "successors" in line 9, so as to read "successor."

The PRESIDING OFFICER. If there be no objection that change will be made.

Mr. ALDRICH. I do not know whether it would be necessary for the bill to go back to the House on account of that amendment.

The PRESIDING OFFICER. Any amendment would render it necessary to send the bill back to the House.

Mr. ALDRICH. Then I suggest to the Senator from Kansas that he do not press his amendment.

Mr. HOAR. It is not in order now.

The PRESIDING OFFICER. Is it the pleasure of the Senate that the first reading of the bill shall be for amendment? In the ordinary course of things the bill will be read through before it is open to amendment unless it be the pleasure of the Senate to order otherwise.

Mr. BLAIR. The bill is very short. I think it had better be read through.

The PRESIDING OFFICER. The bill will then be read without amendment as the first reading proceeds.

The Secretary resumed and concluded the reading of the bill.

Mr. BLAIR. Mr. President, I do not propose to take the time of the Senate in anything like an elaborate discussion of the provisions of the bill. I was heard at some little length upon the same subject-matter when the Senate bill having the same general purpose in view was up for discussion. It may be remembered by the Senate that the bill I refer to, the Senate bill reported by the Committee on Education and Labor of this body, was reached in its regular order on the Calendar and discussed in the morning hour for two days in succession when it was displaced by an objection, and passed into that collection of business from which we shall probably never hear anything more, which is classified as under the ninth rule. Unless it should be the will of the Senate by affirmative action to take up such bills out of their natural order, that they will ever be reached in the regular order of time does not seem to me at all probable, unless the life of Congresses should be enlarged beyond two years.

Meanwhile the House of Representatives have discussed and have passed a bill having the same object in view, which has come to us, been referred to the same committee of the Senate, and reported back unanimously with a recommendation in favor of its passage. It has been reported back as it came to us from the House by that committee without amendment, not because in the opinion of the committee the bill might not be very considerably improved. In fact there are features in the Senate bill which in their judgment are important, and which by being incorporated in this bill, or that bill being passed separately itself, would inure to the advantage of the bureau of labor statistics if one is to be established. But taking into account the contingencies that attend on legislation and the strong desire that the committee felt, responsive to a still stronger one as we believe in the country at large, for the establishment of a bureau, and considering that imperfections in laws immaturely passed, if there are any, can be rectified by future legislation, the committee thought it quite desirable that the bill should be passed and become a law as it is, without being returned to the House of Representatives for amendment. It is for that reason that they have united unanimously in the recommendation of the passage of the bill, ignoring several important features which they think will ultimately by experience be found to be necessary and which will probably hereafter be incorporated in the law on the subject. Still as the bill is here and has in it the substantial thing, the bureau of labor statistics, if it be once established, the work which it will actually accomplish, even without any amendment, will probably be what is expected by the friends of the measure in substance.

The bill has been read at length, and, as I stated in rising, I do not wish to trouble the Senate with anything like a systematic discussion of its merits or of its provisions. I will, however, ask the Secretary to read a letter from Mr. Nimmo, our present Chief of the Bureau of Statistics, which is written in reply to a request from Mrs. Charlotte Smith for information upon this subject, such information as he, the most experienced of our Government officers perhaps upon the subject, could give for her guidance and for the guidance of others who are interested in the matter. I ask to have the letter read, as throwing some light upon the matter, which will be useful to the Senate. This lady has expended a great deal of time in earnest, careful effort upon the subject. She is the president of the Woman's Industrial League of America, and is in fact a pioneer whose labors have been most useful thus far with reference to the condition of her own sex and this subject-matter as it interests the people at large. I ask the Secretary to read the letter.

The PRESIDING OFFICER. If there be no objection the letter will be read by the Secretary.

The Secretary read as follows:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., May 1, 1884.

MADAM: In reply to your inquiries I would say that I am not surprised that you should be disappointed and even a little vexed at finding that the Government of the United States does not supply statistical or other exact inform*t'on

in regard to the wages of labor, hours of employment, and generally as to the condition of the laboring men and women of the country. This has been a cause of wonderment to me as it is now to you. From the time of the organization of the Government, the country and especially Congress has needed statistical and other exact information in regard to the laboring classes for the intelligent discussion of questions of public interest, especially the never-ending tariff question. Congress has established offices of information in regard to agriculture, mining, education, commerce, immigration, and transportation, but not in regard to the vitally important subject of labor.

I sincerely hope the bill to establish a bureau of labor statistics passed by the House of Representatives on the 19th ultimo may become a law. I would, however, call it a "bureau of labor" instead of a "bureau of labor statistics." The bill requires vastly more than the tabulation of statistics. It provides amply for an important bureau of information in regard to labor in its various aspects. Figures are but words, the most dogmatic of all words, and they must be used understandingly and honestly in order to express truth and to convey information.

This so-called "bureau of statistics," notwithstanding its vague and very comprehensive name, is merely a bureau of commerce, embracing transportation, immigration, and duties on imports. Its name is a misnomer. I have unofficially and also officially as opportunity has been afforded urged the importance of a separate bureau or department of labor industry, which among other things should be charged with the duty of collecting and publishing just such statistical and other information as that which you seek in regard to the condition of the working women of the country. It would I think be in the direction of bad organization to annex such a bureau to this office, which already has a very large work to do. The chief of the proposed bureau ought to give his whole time to his work, and he ought to be able to call to his assistance men and women who know by experience, observation, and study of the actual condition and needs of the laboring classes. This is a great and complex work, and it must be done, if done at all, by properly trained men and women, both as experts and as clerks. It would take two or three years to get such an office into good working order.

I believe that such a bureau or department, if properly organized and conducted, would be of greater practical use than any of the bureaus or offices of information now in existence under the National Government, among which offices I include the bureau of which I have charge, as well as the Department of Agriculture and the Bureau of Education.

In all the discussions concerning the powers of the National Government there has never, I think, been any question raised with respect to the power and duty of Congress under the Constitution to supply information in regard to the material interests of the people. That appears to be an undoubted function of the General Government. Lord Bacon has said, "Knowledge is power," and certainly there is no knowledge so powerful as that acquired through the lessons of experience. In this light an office charged with the duty of furnishing information in regard to wages, hours of labor, and other matters of importance relative to the condition of the laboring men and women of the country may be regarded as an arm raised by the Government for the protection and advancement of their interests. Such information is in fact the first requisite of governmental action, protective and defensive in its nature toward that class. The permanency of our form of government depends mainly upon the intelligence of the laboring classes, and an essential condition to their intelligence is their ability to live comfortable lives. It is an easy matter for those who employ labor to obtain information useful in the advancement of their own interests. Every commercial paper in the country which publishes prices supplies instant and exact information upon which they may base their calculations. But such is not the case with respect to the employed. Unless governments collect the needed information touching the interests of labor it will not be collected at all, and the laboring classes will be denied the very groundwork of an intelligent discussion of their rights and interests. But the Government ought, I think, to collect and publish statistical and other exact information in regard to the whole subject of industry, as well as of the employment of labor information of various kinds tending to show clearly the true relations of capital and labor. In other words, it ought to establish a bureau or department having for its object the collection of information which would tend to secure justice as between the employer and the employed. In this view I have the concurrence of a very thoughtful man who has been at the head of one of the great labor organizations of the country.

Wishing you success in your movement, I am, very respectfully, yours,

JOSEPH NIMMO, JR.

Mrs. CHARLOTTE SMITH,
President of the Woman's National Industrial League,
Arlington Hotel, Washington, D. C.

Mr. BLAIR. In this connection and as bearing upon one of the most important branches of inquiry by such a bureau, I desire to read a letter from the Librarian of Congress. The condition of the workingwomen of the country (all women ought to be working women, and I speak in the most enlarged sense in using the term) is one upon which there are practically no data whatever. If any member of the Senate should set about ascertaining the number of different employments or the various industrial employments in which a woman dependent upon herself can get a livelihoood in this country at the present day he would find not only his own ingenuity taxed, but that of our Librarian, and the best sources of information as to where knowledge could be obtained would have to reply with a negative. I would not know where to look for it except in the general way of the collection of data and facts that is employed by investigating committees.

There are some two hundred and eighty-eight employments in this country through and by which women at the present time may obtain a livelihood. That is a fact which no human being ever was able to state until this same Mrs. Smith to whom allusion has been made had spent something like a year or a year and a half in that active, careful, personal work. Of course a mere enumeration of the sources of employment or the means of livelihood is a thing of comparatively indifferent importance. All that appertains to the condition of women and all that appertains to the condition of workingmen, their social and industrial state, the amount of comfort and happiness that they get out of this human life of ours, is a legitimate and proper subject of inquiry; and I assure you, Mr. President, that it is a subject upon which there is a profound ignorance as a rule on the part of nearly all classes of people in the United States. I plead guilty to possessing very little information upon that subject now; yet my work during the past year has taught me that ordinarily a public man in the United States upon this subject, which should be one of the greatest concern to him, is likely to be exceedingly ignorant. The letter from Mr. Spofford I will read. He says:

Having had much occasion to seek for facts and information relating to the employments of women, I have found in the books upon the subject a very great dearth of statistical information. In fact, nothing of a comprehensive kind, setting forth the numbers of women employed, the wages paid, or the discriminations existing as to the awards of labor, exists in any work now published.

Very respectfully,

A. R. SPOFFORD.

I only read that as indicative of the necessity of the establishment of some vehicle for the collection of information and its transmission to the nation at large, so far as this one branch of inquiry is concerned.

I have here a letter lately received by myself from a citizen of Texas of whom I have no personal knowledge, but I am satisfied from the contents of the letter itself that he is a gentleman of thought and ability. I will read the letter, as indicative of the views of a man of the class to which he belongs. It is dated Galveston, Tex., April, 1884, directed to myself:

DEAR SIR: I was very much interested in the proceedings of your Committee on Education and Labor, which had its principal sittings in New York during the recess of Congress in 1883.

I have not had the pleasure of seeing its report to the Senate, which I hope will be adopted and ordered printed, so as the country will have an opportunity to understand and learn the grievances that were elicited by the committee from so many and diverse sources. There is one thing certain, that if the General Government fails to institute inquiries in this long-neglected and suffering field and to prosecute them still further, there is no hope from any other source, for the States individually will not, within their own territorial bounds, attempt anything of the kind.

By the census of 1880, under the head of "manufactures," you will find that all laborers classed as skilled average annually in wages about $240; that of unskilled less. That would be for the first class named about 80 cents per day for three hundred working days in the year. It is pretty hard for a man to live as such and bring up his children in a proper way on so small and miserable a sum.

I have been a house carpenter for upward of eighteen years and have worked at my calling in Boston, New York, Saint Louis, Chicago, and other places, and I for one testify to the very great accuracy of the census for 1880.

It is all very well, Senator, for men to talk about thrift and saving money, but if a man fails to make, how is it possible for him to save? Again, it is often alleged that workingmen dissipate and squander their small means to such an extent that it impoverishes their families. The laborer after his day's work is done is so tired and jaded that he feels like lying down to rest, and after his evening meal is over he is more intent on taking to bed than to the grog-shop. Why is this so?

From the fact that the hours of labor all over this land are far too long. If in place of working ten he but worked eight, it would give him a little more time to improve his intellectual faculties than is afforded him under the present system. Statistics assure us that the crime of all crimes, drink, is increasing at a rapid and frightful rate. I don't wonder at it in the least. Workingmen—I speak here of the mass—are so discouraged and dispirited at their present position, both social and otherwise, that they resort in all our large towns for an hour or so to dispel and drive away care from their exhausted physical frames.

Take this town of 25,000 souls as an example. Where will one go on a week evening or on Sunday? There are no places of amusement to be had, and his sole resort is to those places where tempting viands are for sale.

In matters of education, why not teach men as well as boys? Why not have, in connection with our day-schools of public instruction, night-schools operated and managed under and by the same authority? And in connection with both to have a good, free public library, where men and women, old and young, could have access to its shelves stocked with good and wholesome books, and not with sickly, sentimental works known as fictional.

Again it is not essential to our political system for the adult male population of the Republic to have a correct knowledge of the Federal Constitution and all laws made in pursuance thereof. Let me say here, from experience, that when this State in 1876 adopted a new constitution, that outside of the body which framed it there was not one in a thousand who had read it. Still it was adopted. Yea, even to this day, few if any know the preamble to that instrument. The same may well be said of all our statute enactments. Who reads them? Who knows them? None but lawyers. All our judicial decisions are as much shrouded in mystery to the citizen as the bible of Mahomet.

Another question and that is the prison one, and here I wish to call attention to an article on Southern prisons in the Century Magazine for February, 1884.

And so he goes on with an enumeration of the various topics and points which are in the minds of the industrial and working people of this country which touch upon their personal interests, the character of the lives they live, and in regard to which they believe and in regard to which I believe there could be a great deal of ameliorating legislation, and would be but for the general ignorance that exists among those upon whom devolve legislative duties.

I wish to read one other letter. I read this partially for the benefit of the Senate and partially for the benefit of the country who will read these letters. It is a letter received by myself on a chance visit to New York a few weeks ago from a man of whom I know nothing, but who, seeing my name announced as among the arrivals at the hotel, sent this letter to me. I commend it to the attention of the Senate because it comes out of the home and the heart of one of the working people of this country, a man, as will be seen from the letter itself, of no ordinary ability, one of those men who in this land of liberty, of equal rights, and of unusual opportunities for material as well as for other advantages, if there were a right adjustment of relations in our society, would be sure to get that which he seems from this letter to lack, that is, the ordinary comforts, and in fact opportunity to earn and to acquire the ordinary comforts of life. He says:

SIR: A glance at this morning's Herald made me aware of your presence in this city. I am a workingman and at present unemployed, and as I know that you are a member of the Senate Committee on Education and Labor, I thought I could do nothing better, in an hour of enforced idleness, for myself and fellows than try to point out to you the present state of the working population of this city, which I think may be taken from report as an example for all cities in the Union—I may say in the world. But with outsiders we have nothing to do; even if we had I think charity should begin at home.

Sir, I will first state briefly my own case, as I have reason to know it best. I am at present 27 years old, of athletic frame, and possessing all the physical and mental qualities necessary for an efficient workman. As to my character I defy anybody who knows me or with whom I ever came in contact to say aught derogatory of it. My last and former employers are prepared to recommend me as a willing, careful, and steady workman, and worthy of any trust reposed in me. Still with all this I have been idle the greater part of the time since last New Year, and though I have advertised, answered advertisements, and sought employment in many ways and places I have as yet failed to find any. I can see no reason to ascribe my failure in this respect to any fault of my own. Even if I felt inclined for a moment to think that such may be the case, the fact of 100,000 workingmen being idle in this city during the past six months would be sufficient argument against such an idea. Surely all those can not be at fault. The fault is somewhere else. It is not likely that any man with a human heart could look on and see his wife, his children, his father, his mother, pining in poverty and rags around him, and not avail himself of opportunities that would tend to remove their miseries if those opportunities were at hand. Nay, more, it is no wonder he would seek some way to supply their urgent wants by foul means if he could not do so by fair means. This, and this alone, is what drives the honest workingman to commit crimes against society.

Yes, 100,000 workingmen in this city suffering the miseries of poverty brought on by enforced idleness is a fact which no sane mind can fail to contemplate without alarm. If this is not a matter worthy the most earnest attention of both city, State, and National Government, I do not know what is. Perhaps the Government is possessed by the idea that things are not really so bad, and that they can afford to shut out from their view a little longer the plain facts which would commit them to action, or lay them open to a charge of culpable neglect. But would it not be wiser for Government, would it not be better for all classes if they allowed the sunlight of truth to dawn upon their eyes before it was too late, before the dark night of popular discontent may envelop them in national ruin?

Can the Government of this country with broad acres and a full treasury at its command find no avenue for the American workingman, the American wealth-producer out of the poverty-breeding idleness, out of the degradation consequent on the poverty with which he is at present surrounded? Has he no resource but to drag out a miserable existence as best he can or end it in suicide, as is, alas! too often the case? Has he nothing in this great land to depend on but uncertain health and uncertain employment? Has he nothing to fall back on should these fail but a life of crime or the pauper prison? It is for the Government of this country to decide, and decide speedily. If they are unable to utilize the abundance of means which lie at their hands for the benefit of their country, then let them as honest men, as patriots, resign the task to men capable and willing to do so, men who will give a chance to the American workingman to wear out in healthful, pleasurable, and comfort and wealth producing toil those energies which now corrode in that enforced idleness which is a power productive of an unlimited amount of not only temporal but eternal misery to the human race; "for Satan finds some mischief still for idle hands to do;" men who will give the workingman a chance of living decently and independently, of raising and educating a family in a manner becoming a Christian people and worthy of society, of raising up men and women who will be a safeguard and a credit to their country and fit to stand nobly by her in the hour of need; men who will raise him out of his present European semi-slavery, out of the squalor and polluted atmosphere of the crowded tenement, out of the miserable slough in which he is now kept by half-time and starvation wages; men who will give confidence to the young workingman whose good sense under the present circumstances may deter him from taking on himself the responsibility of getting a family for which he sees he may at any day be unable to provide, thus leaving this country to be populated by imported paupers, the scum of the Old World humanity, whom the Government of this country takes care of through its emigration bureaus for the special benefit of labor-employing monopolies; men who will disestablish those emigration bureaus and put the money which supports them to the proper use in developing a healthy and intelligent internal population; men who will forbid the importation of foreign pauper labor while hundreds of thousands of American workingmen are idle.

Perhaps I have said enough on general matters. I would be very glad to give you an opportunity of seeing how difficult it is to get work at present, and as I intend trying some of the workshops, warehouses, and factories in the city again on Monday, if you were disengaged I should be glad to call on you, and if you were pleased to take the trouble of visiting those places with me you could plainly see the veracity of my statements. I would ask your intercession in my behalf only that I would prefer working myself up through merit more than political influence, though indeed it seems to be the test of worth nowadays.

Your obedient servant,

JOHN E. MORRISSEY,
545 West Fifty-Ninth Street, New York.

Mr. VAN WYCK. Where did he start on his journey from?

Mr. BLAIR. He writes from his home in New York a letter addressed to me, seeing my name casually in a paper. Being in trouble, without employment, he struck out blindly, not knowing what else to do, I suppose. To such a letter I could make no reply, only to hope that he might in some way find relief. Of course there was nothing that I could do for him, and if I could he is only one in a hundred thousand.

It is not to be supposed that this is a fair picture of the great mass of working people of the United States, because the larger portion of those dependent upon their labor have employment; but nevertheless so it is that cases of this kind exist, and exist all over the country; and the picture which this man gives us of his actual condition is that of an angel of light enjoying the rewards of Paradise as compared with many others which I have personally seen during my investigations of the last year.

I have read these two letters as indicating that there is a line of investigation, that there is a class of facts which it is desirable that the lawmakers of the land should be better acquainted with, and that the masses of the people throughout the country should know more in regard to, and which facts can never be properly and authentically developed so as to obtain public credence, or if these statements are untrue, the contrary can never be well established until by careful and official investigation the truth itself shall be made known. A sphere of this kind, and a very much larger one, would be the legitimate sphere of action of a bureau of labor statistics.

In regard to this bill I have received, as one or two other members of the committee may have done, a letter from a very intelligent colored man, a leading man in his race, complaining that while the bill casually mentions the Chinese it says nothing of investigations in regard to the condition of the colored laboring population of the country; and he insists strongly that there should be an amendment of the bill stating specifically that the bureau shall investigate the condition of the colored working people of the country. The suggestion, if based upon an actual deficiency in the bill itself, I should consider of great importance, and that it should be amended for that cause; but I do not think it essential. In fact, there are reasons why I think the bill had better not recognize any distinctions of race or of color. It is now general in its provisions; it applies to all working people, to all legitimate subjects of inquiry for a bureau of statistics. It is well that the colored man should come to understand and that the white man should come to understand that there are no distinctions of race or color in the eye of the law, that the duties of such a bureau would by the general provisions of the law creating it require as careful and as thorough investigation into the condition of the colored laborer as of the white laborer, and in fact that its investigations should be made with the utmost impartiality and its labors not in any sense whatever directed by reason of any circumstances like color, race, or condition. They are merely incidents attached to the human being. The human being himself is the substantial thing, the integer, and the colored man is as much covered and protected by the scope of the bill as is the white man.

This letter is written by Mr. Lee Nance to me, and as I find I am detaining the Senate longer than I proposed to do, I shall ask permission of the Senate to print the letter with my remarks.

The PRESIDING OFFICER. If there be no objection, the letter will be printed in the RECORD with the remarks of the Senator.

The letter referred to is as follows:

WASHINGTON, D. C., *May* 5, 1884.

MY DEAR SIR: As a result of a talk I had with Mr. HOPKINS, of Pennsylvania, Saturday, I take this opportunity of addressing you. It is to earnestly and solemnly protest against the Senate passing H. R. 1340 in its present shape. It is imperfect in a most important particular. This was pointed out to Senator GEORGE in a letter addressed to him the 21st ultimo, and he no doubt by now has called your attention to it, even should you have discovered it before, which, considering your great services in behalf of the educational bill, seems more than likely.

The bill is imperfect because it fails to authorize the commissioner it creates to make his inquiries respecting the labor of the country with reference to race or nationality. This is most unfortunate, a serious imperfection, and it should be cured. It can be done easily. I am not alone in wanting it done. See the herewith inclosed articles from the Washington Post and People's Advocate, both well-known and leading and influential journals in this section of country. Mr. T. Thomas Fortune, editor of the New York Globe, considers the matter in a letter to me, and hopes for its favorable action at the hands of the committee having it in charge, and whose chairman you are; and I am the possessor of expressions on the part of numbers of other persons of profound thought and large fields of action.

In almost every noticeable and mentionable instance of American life the white man, the black man, the red man, or the yellow man may be found either summering it in luxury or wintering it in sore hardship, and there each is known, recognized, and honored or dishonored to the extent that he is, as such. That this is so now, always has been so, and quite probably always will be so, not only in the United States since it has been such and while it continues such, but everywhere else one or the other of these personages may dwell, temporarily or permanently, none will deny. Why should the commissioner of the bureau of labor statistics be allowed to ignore so bold a truth in his hunt for information respecting the material condition of the labor of the country, how it is encumbered, and how it may be improved?

True your committee reported the bill back to the Senate and recommended its passage as it came from the House the 25th ultimo, yet I pray that you may not interpose any objection to the Senate amending it by inserting, after the word "thereof," in line 18, the words "with reference to race and occupation," and striking out, in line 20, "Chinese labor." If no such amendment is proposed and made a part of the bill ere it reaches the White House, I assure you the pressure will be great to have it then and there vetoed. President Arthur will not fail to see and take advantage of an opportunity to do unto the patient, eager, truly loyal colored men one act of hard-earned justice which he may gratefully remember and consider in the near and remote future as a great and patriotic one.

Sincerely yours, I am, obediently,

LEE NANCE,
922 Eleventh Street Northwest.

Hon. HENRY W. BLAIR.

Mr. GEORGE. I should like to ask the Senator from New Hampshire a question.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. BLAIR. Certainly.

Mr. GEORGE. Does the Senator understand that as the bill is now framed the chief of the bureau would inquire and report as to the special employments of the colored people in this country, how many are employed in any particular class of manufactures or in agriculture?

Mr. BLAIR. I do not understand that it requires any report with reference to them as colored people, but it applies to all working people, and applies to them like other working people. It does not apply to them as a class. It does not recognize classes, except in one phrase where it speaks of the Chinese.

Mr. GEORGE. That is not the point of my inquiry exactly. I understand that some colored people desire the statistics to show the number of their race in the various departments of industry in this country, and I desire to know from the Senator fron New Hampshire whether he is opposed to the statistics showing that, or whether the bill as it now stands would authorize the chief of the bureau to make inquiries of that sort and to report them in his statistics.

Mr. BLAIR. I have no doubt that the bill authorizes the collection of statistics as bearing upon any particular class. If the colored people as a class are in a different status from any other portion of the working people of the country, there is no reason why they should not be thus classified under the ordinary operation of the bill as it now is, just exactly as though all the colored people of the country were factory operatives.

There are now in this country in the various States bureaus of labor statistics instituted as follows: In Massachusetts, in 1864; in Pennsylvania, in 1872; in Connecticut, in 1873, but since discontinued; in Ohio, in 1877; in New Jersey, in 1878; in Missouri, in 1879; in Illinois, in 1879; in Indiana, in 1879; in New York, in 1883; in California, in 1883; in Michigan, in 1883; in Wisconsin, in 1883; and in Iowa, in 1884. I do not know in regard to all of those bureaus, but so far as I do know they all possess the power contained in the Senate bill of paying the necessary fees, examining witnesses, and obtaining information under oath. The bill as it comes from the House does not possess that feature. As will be remembered, that feature was strongly objected to by several members of the Senate when the Senate bill was under discussion; in fact, so far as I could judge, that was the principal feature objected to by any member of the Senate. That provision is not to be found in the bill now under consideration.

I ask further to have printed in the RECORD in connection with my remarks a communication that I received from the Federation of Labor Unions and Knights of Labor of the District of Columbia, which they desired through such remarks as I might make to lay before the country. It is of some little length, and is an able and important document; but I do not think it important, if the Senate will give its consent for printing in the RECORD, that I should detain the Senate by reading it at this time.

The PRESIDING OFFICER. There being no objection, the document will be printed as part of the Senator's remarks.

The paper is as follows:

Memorial of the Federation of Labor Unions and Knights of Labor of the District of Columbia.

To the Senate and House of Representatives:

The undersigned, for and on behalf of organizations that infold two millions of voters in the Republic, and soon to embrace a still larger number, address you in relation to matters affecting the present and future welfare of the great mass of citizens—those engaged in physical labor employments, usually styled "wage-laborers," whether in connection with the mechanical trades, machinery, or otherwise.

Our minds are agitated and alarmed at the rapid development in the country of influences that operate oppressively against the material interests, as well as the happiness, of the people, both individually and at large, and which threaten in the near future, as we and they believe, not only our means of living in comfort, but also our freedom and liberties, and, therefore, unless timely arrested and regulated by the Government by legal means and peaceful remedies, must sooner or later eventuate in public disturbances and scenes of civil commotion and bloodshed.

Those who have heretofore spoken in our behalf before the Senate Committee on Education and Labor, and similar committees on the part of the House, have variously set forth grievances, already experienced and felt, resulting from the malign influences to which we have adverted, and, in some particulars, detailed remedies have been suggested and presented for your consideration. Among the latter we invite your early and earnest attention to those we proceed to mention, to wit:

IN THE SENATE.

A bill (S. 140) to establish a bureau of statistics of labor.

A bill (S. 141) to fix and regulate the hours of workmen employed by the Government.

A bill (S. 398) to aid in the establishnent and temporary support of common schools.

IN THE HOUSE OF REPRESENTATIVES.

A joint resolution (H. Res. 38) to enforce the eight-hour law.

A bill (H. R. 1340) to establish and maintain a department of labor statistics.

A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States.

A bill (H. R. 6560) establishing a graduated income tax.

A bill (H. R. 4592) to pay employés of the Government wages hitherto withheld in violation of the eight-hour law.

A bill (H. R. 5273) to regulate steam-engineering in the District of Columbia.

A bill (H. R. 5274) to abolish convict labor in the District of Columbia.

A bill (H. R. 5275) to abolish the truck system in the District of Columbia.

A bill (H. R. 6266) to regulate wages, fares, and hours of labor on the street railways in the District of Columbia.

A bill (H. R. 4272) to amend chapter twenty of the Revised Statutes relating to the District of Columbia concerning mechanics' liens.

A bill (H. R. 414) to restore the wages of printers, bookbinders, and pressmen employed by the Government.

Each of these proposed measures is addressed to the welfare of the people at large. Even as to those seemingly applied directly to the District of Columbia they are indirectly broader in their significance and embrace more comprehensive thought. They speak for themselves. Nor is it proposed on this occasion to restate in their separate support the facts and reasons that have been adduced and urged heretofore in their advocacy by those who have appeared from time to time before your committees. We are painfully aware that they are, separately and collectively, only measures of relief from present afflictions and sores, superinduced by deeply-seated disease in the body-politic, requiring remedial agencies to remove only resident with the profoundest lore and experience in association with society and government, and only to be applied by the most commanding courage, inspired and nerved by humanity. We will not, however, refrain from submitting a few words in reference to the bills having relation—

First. To the number of hours to constitute a day's labor on public works;

Second. Bearing on the Government contract system as to public works;

Third. Prohibiting the importation of foreign pauper labor under contract; and

Fourth. Establishing a bureau of labor statistics.

These matters for the most part blend together and are full of import.

The act of Congress heretofore passed constituting eight hours a day's work on all public works, although followed by the proclamation of President Grant at the time to give to it effect, merely held the cup of promise to the lips to break it to the taste, in view of the contract system of the Government remaining in force; and when a case involving the question of its efficacy was submitted to the courts the act and proclamation both proved mere mouthings, inasmuch as the wage-workman was still completely at the mercy of the contractor. But the conscience of the Government seems to have reposed in peace over the performance.

When the enormous increase and application of labor-saving machinery is considered, substituting and performing the labor of millions of men as handicraftsmen, the argument derived from the fact becomes irresistible and unanswerable in favor of reducing the hours of labor on the part of wage-laborers, in that manner allowing for the employment of all who are willing to labor that they may live honestly and honorably; and if through machinery all work necessary to society may be done in fewer hours of work per day, all in society working, the opportunity and leisure to all will be afforded for mental and moral culture, healthy recreation, a higher enjoyment of life, increased happiness, and the elevation of the species as a whole, fulfilling the mission of the Republic as a republic by the human family. All this is too obvious to the reflecting mind for illustration. But when by the act of the Government itself all governmental works are let out to contractors, the contractor is enabled to exact from the uncontrollable necessities of wage-laborers his own conditions as to hours of work, restraining those he employs from all the advantage, enjoyment, and improvement to which we have referred, while at the same time many of those who otherwise might be employed at living rates upon the same works are not only excluded but often thrown upon society as a burden, either requiring charitable public support and sustenance or become impelled, sometimes even imperatively, by physical want, privation, and suffering, into criminal courses, avenging upon society the ills they feel and the degradation and misery they endure. The results involved rest with the Government and can not be ignored with impunity.

Nothing lasts save in proportion to the labor expended upon it; nothing physical and material; nothing intellectual. It is an old saying, with meaning in it, that "Rome was not built in a day." Only through the laboring throes and agonies of thought and suffering, through the laboring experiences of countless centuries, were educed and erected the moral and religious systems that have remained unshaken since their deep and strong foundations were laid in the ages past, and which continue to meet the mental vision wherever it turns in the present, as indestructible and imperishable as the eternal principles of right, justice, and humanity that enter into their composition and which they grandly illustrate, while political and social empires less firmly based, and built and shaped with ideas less solid, have been annihilated, and all that inhabited them have passed away like the unsubstantial pageant of a dream.

As indications of national character and national institutions the public works of a great people, such as we believe ourselves to be, should be as substantial as we would have the pillars of the Republic to be, as continuing as we hope ourselves to be in the successive, and as enduring as we desire our fame. Yet by the assignment of such works to the "lowest bidder," under the contract system adopted and practiced under the Government, not only is the wage-laborer subjected to the mercy and caprice of the contractor as to working hours, with or without law, and forced through his absolute necessities—the inexorable demands of life to live at all—virtually under a "*tyrannis*," by which he is deprived of the common heritage and right of the people to moral and intellectual improvement, to healthful recreation, enjoyment, and happiness, rendering him indeed a slave *de facto* if not *de jure;* but the contractor at the same time, being only interested in the sordid pecuniary gains he may realize under his contract, hastens forward the work as expeditiously as possible in a manner to make a pretentious showing for the time being, but shamelessly defective, wanting in solidity, and soon to disintegrate, to become disjointed, to begin to crumble when scarcely finished, and from the instant of delivery requiring ceaseless alterations and repairs to prevent rapid dilapidation.

But private capitalists and monopolists, either in their individual, partnership, or corporate capacity, have gone far beyond the Government in practices militating against wage-labor interests, and are now engaged actively in various directions in contracting for labor itself in the gross, from among the most indigent and degraded foreign multitudes of Europe and Asia, at minimum rates of wages, in competition with the home labor of the Republic, seeking in fact to reduce in price or to supplant American labor, profoundly filling our minds with apprehension as to our future condition and demanding at our hands timely self-protection. It can not have escaped your observation that recently a correspondence has been brought to light containing proposals to introduce such labor in the gross into this country from among the lazzaroni of Italy. At the same time voices are heard, even in unexpected quarters, not advocating precisely "slave labor" it is true, but calling for "servile labor," the miseries and oppression attendant upon which are such that in comparison the state and condition of the slave, both physically and morally, by reason of the pecuniary interest that the master has in his person, may be said to be Paradisian.

It is known, moreover, that at this very moment, in your own body, among the representatives of the people, is a member who, in accordance with the covetous wishes and sentiments of certain manufacturing capitalists in the region from whence he comes, openly sustains and defends the importation of cheap Chinese labor in the gross, to the displacement of American labor, the better to increase their profits and add to their plethoric amassments. Such indications of present tendencies, threatening in the near future our welfare and that of our wives and children, are enhanced in their significance by the fact, as statistically estimated, that during this year 450,000 from among the heterogeneous masses in Europe will be poured upon our shores. Thirty years ago, with a sparse population relatively to the country, and when the demand for labor in its multitudinous forms was far greater than the supply, we would not have given to these matters serious thought, but now they are to be viewed and considered in the presence of more than fifty millions already within our limits, pressing upon employments in order to live and support their increase, soon through natural procreation to reach one hundred millions, and this, too, while capital is becoming more and more concentrated, monopolizing and absorbing more and more, into fewer and fewer hands proportionately, the means and possessions of the country, and while, in addition, labor-saving machinery is being multiplied and perfected more and more each and every year.

Furthermore, while thus capital, always inhuman in its voracious greed, like the horse-leech, is seeking to pauperize labor; while thus monopoly is remorselessly seizing upon all the avenues of employment commanding labor; while thus labor-saving machinery, in its rapid development and application, is constantly reducing the relative numbers of those whose labor is essential to the actual needs of the country; while thus population, already ample for every legitimate demand upon labor, is nevertheless, through immigration and natural increase, multiplying each and every year in a ratio fearful to contemplate in its swift-speeding and terrible effects upon the body-politic socially and politically; while thus, in these and other modes and forms of operative causation, wage-labor is being pressed upon and driven to extremities, pointing plainly to the ultimate tillage of the soil as the most hopeful avenue of resort for the redundant mass of labor displaced from mechanical employments, the spectacle is presented of the absorption not alone of real estate more and more by the wealthy classes of society, but of the public lands more and more by millionaire companies and millionaire corporations, and even millionaire foreign noblemen, and these are being engaged more and more in settling upon them indigent for-

eigners in the gross, thereby supplanting our own people and their descendants, ourselves and our children, more and more, assuredly in the future.

The observant eye can not be closed either to the enormous and swift accumulation and concentration of the wealth of the country, of every kind and in every shape, in the hands of capitalists and monopolists, native and foreign, private or corporate, individually few, to the detriment of the many; or to the strong and growing tendency toward the formation of a moneyed aristocracy in our midst; or to the increasing danger of a combination among moneyed oligarchs to grasp the control of the councils of the Government. It is painful to reflect that these developments and results, alarming to popular rights and popular freedom, have taken place in the course of the last twenty years—nearly all, if not the whole of them, since the opening and close of the late civil war. It may be said, indeed, that scarcely a millionaire exists in the land, of any description, whether as a private individual, or as a partnership concern, or in a corporate capacity, or whether in association with railroads, manufacturers, mining, shipping, telegraphs, national banks, or otherwise, whose monstrous accumulations may not be traced back to the period of the civil war, which did not spring out of the bones and blood of the men and the times of that fratricidal and slaughtering war.

It is not an exaggeration to assert that the honorable exceptions to the general fact are rarely to be found in any quarter or in any connection. Before that war very few private incomes exceeded $5,000 per annum, and very few landed properities, North, South, East, or West, exceeded 1,000 acres; and very few mammoth corporate or partnership incomes and possessions existed in any direction. Whereas now we have on every hand not only corporate and partnership incomes, but private incomes, ranging from one hundred thousand to several millions of dollars, net, per annum, and landed estates individually possessed, with corn and wheat rows from five to thirty miles in extent, as in the Northwest, and in the farther West consisting of ranges two hundred and fifty miles in extent, while corporations are holding realms larger than States in the Union, and even titled foreigners have deeds to millions upon millions of acres. In view of the extraordinary change—the sudden and wonderful metamorphic achievement and its methods—is it at all astonishing that the passage of a law should be desired imposing a graduated tax upon incomes in proportion to receipts, at high figures, in support of Government and as a measure of justice and relief to the people? Even the Supreme Court of the United States has spoken with no bated breath upon the subject, and with its grave utterances before us well may the people feel concerned at the fate with which they are threatened. Mr. Justice Miller, in rendering the decision of that august tribunal in a case before it, on the 3d day of March last, uses the following ominous language. He says:

"In a Government like ours the temptations to control elections by violence and by corruption is a constant source of danger. Such has been the history of all republics, and though ours has been comparatively free from both these evils in the past, no lover of his country can shut his eyes to the fear of future danger from both sources. If the recurrence of such acts as these prisoners"—

From the South—

"stand convicted of is too common in one quarter of the country, and gives omen of danger from lawless violence, the free use of money in elections arising from the vast growth of recent wealth in other quarters"—

The North, East, and West—

"present equal cause for anxiety."

Such words from such a source may well arrest the thoughtful attention of those invested with the responsibility of shaping our destinies. It is surely not a pleasant prospect for the people to contemplate, that of being gradually, yet rapidly, reduced to the condition of a widespread "proletariat" in obedience to the behests of plethoric speculators and pretentious mercantile oligarchs, as in the ancient Roman republic at a similar stage of development, with purloined coats of arms emblazoning the panels of their gilt carriages and standing out in bold relief on the fronts of their palatial residences, and with outriders and footmen in livery, which can already be seen along our streets, although we may still boast of being "a representative republic" with institutions of "republican simplicity," and vociferate with stentorian lungs the charming words of "liberty, equality, and fraternity."

Great analytical and philosophical historians have shown how easy were the processes in republics more popularly free and unrestrained than our own by which the people, in similar ways and through similar influences, were converted into mere "proletariates." Mommsen and Macaulay, among others, have raised their voices, echoing with the sad experiences of the past, in warning as to the calamitous ultimate in the United States speeding onward from existing premises. They teach us to know that in national existences no less than in individual instances, *facilis est descensus Averni!*

At the time of the adoption of the Constitution, as it was when the wilderness pervading the continent had still to be redeemed to the purposes of civilization; when fields had still to be cleared from the forest and opened up to culture; when the lands had still to be drained and prepared for habitation; when the beasts, reptiles, and savages had still to be subdued, and before labor-saving machinery had been brought into play in the usual vocations of life, not only was the broadest encouragement and invitation to labor of all kinds and from all countries a right policy of state, but in view of the existing needs even negro slave labor was thought to be other than an assistant. But all this is now altered.

The circumstances are entirely different, and "circumstances alter cases." At this time, during every winter, hundreds of thousands of those at present within our limits willing to labor for a subsistence, even for bread, meat, clothing, and shelter, whereby life may be maintained without bodily suffering from cold and hunger, have, for the want of employment, to be fed and cared for through the doles of public and private charity. The blatant humanitarian philanthropy of the day, on the part of the shallow egotists of both sexes piling up "Pelion upon Ossa" to fanciful ends, does not serve to divert the attention of profounder and more beneficent minds from the living reality of wretchedness and sinful misery thus existing in our commercial, manufacturing, and shipping centers, in comparison with which the sins and suffering arising either from the relations of the sexes or from the use of intoxicants dwindle into insignificance; and a bureau of labor statistics would reveal the deplorable fact.

As an illustration of the condition of vast multitudes of both sexes, under the most favorable circumstances that are afforded them in our chief mercantile centers, the following extract from a recent issue of the Cincinnati Enquirer is presented. That journal says:

"We doubt if anywhere on earth, except in the coal-mines of England, a more wretched, poverty-stricken, unhappy, and miserable lot of women can be found than the shirt-makers of New York. There are thousands of these women, and they work all day long and part of every night for a miserable pittance. The work is excessively hard. They make the garments for the big dealers, and so great is the competition that a day's labor, extending from 7 o'clock in the morning till 10 at night, results in the munificent stipend of 45 cents a day. They live in garrets and cellars, and they are, without exception, wan, sickly-looking, and weary.

"We had occasion to visit a large shirt-house in Eldridge street where the women were presenting their checks for payment. It was the end of the week, and they had all brought in their work. There were perhaps one hundred and fifty of them in line waiting to be paid at the cashier's desk. They had brought their work during the week, and had received a check for each piece as it was returned. At the end of the week they presented all their checks for payment. The sum which each woman received was actually pitiable, and it is impossible to conceive how they can live and support their families on so little money. As they stood in line I was struck with the extraordinary delicacy of a majority of the faces. There was not a healthy-looking woman in the entire crowd, and the majority had the pallid look common to those who spend the most of their time indoors. Most of them wore faded bonnets and were wrapt tightly in old shawls. They were quiet, self-sustained, and reserved. There was not one among them who did not look as though she was fit for a better livelihood. After the shirt-women in point of wretchedness may be mentioned those who work in factories of various sorts. They are obliged to get to work at 6 o'clock in the morning, and they are not released until 6 o'clock at night. They are herded in the lofts of immense buildings in the manufacturing districts of the city. They make all sorts of things from paper boxes to delicate flowers, and that they have to work very hard is indisputable."

Is the indigence now in our midst to be exorcised by the addition of the indigent masses of Europe and Asia? Is the pauperism now in our midst to be dissipated by the addition of the lazzaroni of Italy, Spain, and Hungary? Are the monarchies and aristocracies abroad to be permitted to colonize within our borders and upon our domains their refuse populations, thereby lifting the burden of care from themselves and relieving their own oppressive social and political systems from so much human distress, throwing it off upon the United States? Has not the time arrived when a law should be passed and rigidly enforced against all contracts for foreign pauper labor, and prohibiting the introduction in the country of all indigent labor?

The policy of the Government has been, is, and should continue to be, cosmopolitan, and our nationality has been, is, and should continue to be, humanity; but in the course of our development as a people, has not the point been reached gravely demanding of those intrusted with our destinies every consideration associated with the present and future welfare of ourselves, our children, and children's children? Is it not apparent that measures should be taken without further delay for the preservation to ourselves of our own inheritance, and for the perpetuation of our own happiness, freedom, and liberty? Surely, for the sake of the Republic and a common humanity, every legal and peaceful remedy should be applied toward the elimination of existing and prospective sources of evil in the body-politic, in avoidance of anarchical scenes and revolutionary violence as the inevitable sequence of want and suffering on the part of the people.

Respectfully submitted.

JOHN TYLER, JR.,
E. W. OYSTER,
D. J. MUNN,
J. W. CONSIDINE,
L. L. SMITH,
W. H. STICKELL,
Legislative Committee, Federation of Labor Unions.

PAUL T. BOWEN,
T. F. GANTT,
H. G. TRADER,
M. F. HOBBS,
J. W. BROWN,
Legislative Committee, Knights of Labor.

Mr. BLAIR. With these remarks I submit all that I have to say in support of the bill. It is not exactly perfect, as nothing human is perfect, but is more likely to suit a majority of the Senate as it now is than the Senate bill. Having passed the House, if we enact it without amendment it is sure soon to become a law and thereby supply a great want in the machinery of this Government and also satisfy a most earnest longing, not to say craving, on the part of millions of our fellow-citizens for some means through which they can lay before the country at large their actual condition with a view to proper remedial legislation. I trust the Senate will pass the bill.

Mr. GARLAND. The committee does not seem to have recommended any amendment to the House bill. I wish to offer an amendment in the nature of a substitute for it.

Mr. HOAR. I desire at some time to ask unanimous consent to take up and pass a bill which will take no time at all. If anybody objects to it I shall withdraw it at once. Will the Senator from Arkansas allow me to make that request now?

The PRESIDING OFFICER. Does the Senator from Arkansas yield?

Mr. GARLAND. Yes, I have no objection.

URIEL CROCKER.

Mr. HOAR. I ask unanimous consent to lay aside informally the present order, and to take up the bill (S. 862) for the relief of Uriel Crocker. I will state before the consent is asked that it is a bill for the relief of a very old gentleman, between 87 and 90 years old, I believe. It would have been reported the first week of the session from the Finance Committee if certain papers had not been mislaid. It is merely to allow some bonds to be issued instead of some that were lost.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts that the pending bill be informally laid aside and the Senate consider at this time the bill indicated by him?

Mr. INGALLS. Let the bill be read for information at length.

The PRESIDING OFFICER. The bill will be read at length.

The Secretary read the bill, as follows:

Be it enacted, &c., That the proper officer of the United States Treasury be, and he hereby is, authorized and directed to pay to Uriel Crocker, of Boston, in the State of Massachusetts, or to his proper attorney or legal representatives, the sum of $386, being the amount due upon four coupon bonds of the United States of the denomination of $50 each, and upon the coupons belonging thereto, which were payable from July 1, 1866, to July 1, 1881, both inclusive, which said bonds were of the loan of July 17, 1861, payable after June 30, 1881, were numbered 2519, 2520, 2521, and 2522, and have been lost and are believed to have been destroyed: *Provided*, That he or they shall first file with the proper officer of the Treasury Department a satisfactory bond of indemnity in double the amount so authorized to be paid as aforesaid.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. From what committee was the bill reported?

The PRESIDING OFFICER. From the Committee on Finance.

Mr. COCKRELL. Is it just reported?

The PRESIDING OFFICER. It was reported some time ago.

Mr. HOAR. It was reported on the 6th instant. It would have been reported the first week of the session but for mislaying the papers. The person interested in the bill is an aged gentleman, more than 87 years old, a man of the very highest standing.

Mr. COCKRELL. Has there been any report read?

Mr. HOAR. The report has not been read. It is to pay the amount of some bonds, amounting to only $386 in all, which have been lost since the year 1866, neither the coupons nor the bonds having been heard of, on the claimant filing a bond in double the amount of the bonds in the Treasury to save the Government.

Mr. MORRILL. I will state to the Senator from Missouri that the Committee on Finance were unanimously in favor of reporting the bill.

Mr. COCKRELL. There are a number of millions of dollars involved in this question of paying for lost or destroyed bonds. There are instances to-day in the Treasury Department where positive proof has been made of the loss and destruction of bonds and those bonds have subsequently come to light. I wish to know the situation of these bonds, so that we may know whether there is perfect security. The question comes up now in regard to the security required. The claimant may give a bond and the parties may be perfectly solvent to-day and the Government may be justified in paying the money. That bond comes up fifty years hence, it comes up seventy-five years hence, the bondsmen, the securities, are utterly irresponsible, dead, scattered to the four winds, but the obligation of the Government still exists and continues. We have to-day several hundred thousands of dollars of liabilities that originated prior to 1842, and the Government holds itself responsible for them. Occasionally one of those securities comes in. All I wanted to know was if this was thoroughly guarded. It is a dangerous step to take.

Mr. ALLISON. I examined this case very carefully, as did the Committee on Finance. It is the custom of the Government, where an absolute loss of bonds has been shown, to pay the parties upon their giving security.

Mr. COCKRELL. That is done where they establish the destruction of the bonds, not the loss.

Mr. ALLISON. I say the "absolute loss" of the bonds.

Mr. COCKRELL. The destruction of the bonds, not the loss of them.

Mr. ALLISON. Very well; the destruction of the bonds. In this case eighteen years have elapsed, and neither bonds nor coupons have appeared at the Treasury Department; and this old gentleman satisfactorily accounts, I think, for the destruction of the bonds.

Mr. COCKRELL. For the destruction or the loss?

Mr. ALLISON. The statement he makes is simply that the bonds were placed by him in a locked box in a bank vault, to which he alone had the key. At a certain day when he examined the bank safe or box of his the bonds were missing. He supposes that they must have been in some way swept out as waste paper. They have not been heard from in any way from that time to this.

Mr. INGALLS. Swept out of a locked box as waste paper?

Mr. ALLISON. Probably not out of a locked box unless the lock had first been opened. He was in the habit of going to the box and unlocking it and taking out papers, &c.

Mr. INGALLS. What is the amount involved?

Mr. ALLISON. The amount involved is $386.

Mr. MORRILL. The Senator from Iowa should also state that the bonds belonged to one of the hired girls of this gentleman's house, and when they were missing he paid the value of the bonds to the girl.

Mr. ALLISON. Oh, yes, those facts appear from the record. I think that the Government will not lose by this operation.

Mr. COCKRELL. As a matter of course we can not make an exception, because the bonds may have belonged to a hired girl, and this may be an old man, or anything of that kind. The question is, Shall we enter upon the payment of bonds which have simply been lost and not destroyed? It involves a question, not of $386, but of over $3,000,000. If we enter upon this at all, we have to treat all alike. We have gone as far as this Congress or any preceding Congress has thought it right in the way of general legislation. We have provided that the Secretary of the Treasury, when satisfied of the destruction of any bonds, may reissue the bonds if they are not then payable, or pay them if they have already matured. This is taking a step further. This is saying that if by any cause a bond becomes mislaid or lost it can be paid. That is a dangerous precedent. We ought to confine it to cases of the actual destruction and non-existence of a bond.

Mr. ALLISON. So I agree.

Mr. COCKRELL. If you establish the precedent of paying a bond that has been lost, and that bond is a negotiable bond, and all the coupon bonds are negotiable, all pass by delivery, just like greenback money passes by delivery——

Mr. HOAR. Will the Senator pardon me? I consider myself bound in good faith to withdraw the request for consideration.

The PRESIDING OFFICER. The Senator from Iowa [Mr. ALLISON] is entitled to the floor, yielding to the Senator from Missouri [Mr. COCKRELL]. Do the Senator from Iowa and the Senator from Missouri yield to the Senator from Massachusetts?

Mr. ALLISON. If I have the floor I will yield to both Senators.

Mr. HOAR. I consider myself bound in good faith, if the Senator from Missouri objects to the passage of the bill, to withdraw my request for its consideration.

Mr. COCKRELL. Oh, I am not objecting to consideration, but I want simply to call attention to the fact and to the precedent that we are setting. I am not going to object to the consideration of the bill. I think it is a dangerous precedent, and I do not think it is to the interest of the Government or the people of the country that we should pass a bill of this kind. I simply want to enter my earnest protest against any legislation which will recognize a liability of the United States Government simply upon proof of mere loss, not of destruction. If the distinguished Senator from Vermont will refer back he will find that some years ago he made a report on this very question, and an adverse report. This is not a new question in the Senate. The Committee on Claims had a question of the same kind before them, and we refused to report a bill for the relief of the parties, although the bonds had not been heard of for a great many years. Now, if we pay these bonds and in the course of ten, fifteen, or twenty years hence the bonds are presented, how can the United States avoid their payment? It can not do it; it is bound to pay them. Then it has to take its remedy upon the bond of these sureties, and find the securities and find their estates if it is possible.

Mr. ALLISON. I became satisfied, as I think the Committee on Finance did, that these bonds were destroyed, and our report is mainly based upon that idea. If the Senator from Missouri is not satisfied, he has entered his protest now and I think we may as well have a vote.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUREAU OF LABOR STATISTICS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Arkansas [Mr. GARLAND].

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

Add after the word "prosperity," in section 342 of the Revised Statutes, as follows:

"The Chief of the Bureau of Statistics shall, under such regulations as the Secretary of the Treasury may prescribe, annually collect and report to Congress the statistics relating to marriage and divorce in the several States and Territories and the District of Columbia, and pertinent information relating to all departments of labor and production in the United States, especially touching the pecuniary, industrial, social, educational, and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the whole country; and the salary of the chief of such bureau shall be $3,500."

Mr. GARLAND. I am heartily in favor of the objects which are sought to be attained, and which the Senator from New Hampshire is anxious to attain in his efforts for the passage of the bill now before the Senate. The difference between himself and myself is that I think possibly the mode that I suggest would be a less expensive and a more expeditious and at the same time a more certain way of arriving at the same object.

When Senate bill No. 140, looking in the general direction that the present House bill does, was before the Senate some weeks ago, reported from the same committee, I had read as a substitute for that bill the amendment I now propose. It did not come up in order for it to be offered under the parliamentary rule, that measure going over on the Calendar. We have now before us a House bill on the same subject, which, as I stated just now in general terms, has in view the objects that the Senate bill had which we had under consideration some weeks since, differing, of course, in phraseology and differing in scope and measure to some extent.

It will be perceived by the Senate that under chapter 10 of the Revised Statutes we already have a bureau of statistics. When that bureau was first established by law, as appears in the fifth volume of the Statutes at Large, the word "agriculture" was included with "manufactures" and other words and went into the revision of 1873–'74, but in the revision of 1878 that word was omitted. If the word were placed back in the statute, and it never has legally escaped from it, every object that is sought by the bill now before the Senate, as well as the Senate bill on the subject which was discussed several weeks since, would be accomplished, every end would be reached, of course by different language and different phraseology.

If a separate bill is passed such as is now before the Senate we shall have two different and distinct bureaus, two different and distinct departments upon this subject. My purpose is to put them under one, and as we have already a starting point, as we have already a beginning and a very important beginning in this matter that has been in operation ever since the publication of the fifth volume of the Statutes at Large, why not place this matter under that bureau also, simply enlarging its powers? The Senator from New Hampshire will observe by reading section 342 that—

The Chief of the Bureau of Statistics shall collect, digest, and arrange, for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw materials, markets, exchanges with the producing regions of the country, transporation of products, wages, and such other conditions as are found to affect their prosperity.

I simply continue in the amendment that I have offered the language of section 342 and embrace the subject-matter of marriage and divorce, as to which there is already an independent resolution from the Committee on the Judiciary on the Calendar, so that the country may get all the information possible on that subject, as many petitions have been sent to us and referred to the Committee on the Judiciary with regard to it. I then place in the amendment the language sustantially of the Senate bill we had up a few weeks since in reference to the statistics of labor generally, and when that is done and ingrafted upon the system it seems to me we have as perfect a plan as we need at this time, and it gives us all the information that we may desire without an additional expense, except that in the amendment I attempt to raise the salary of the chief of the bureau $500.

We do not take by the amendment the large machinery that is provided for in the bill, but we simply direct the Chief of the Bureau of Statistics now existing to enlarge his inquiries to these two subjects-matter, and they are already relatively connected, and immediately so, with the subject-matter that is now in his jurisdiction under the present law. It seems to me that it is much more convenient, much more simple, much more certain, and surely much less expensive, to adopt this plan and group the whole matter under one head, under the Commissioner we now have, instead of having a large addition to the existing machinery for the purpose of making inquiry into all the details specified in this bill.

The statute that I have read from chapter 10 is general; the amendment that I propose is general, because if you entered into the details of this matter you would have a book as large as the Pandects or Bacon's Abridgement. Necessarily you can not by any law of this kind describe specifically all the matters that come up, and you must leave to the experienced officer of this bureau a discretion to extend his inquiries to these subjects-matter in detail.

I submit the amendment as a substitute for the bill, simply enlarging the present law we have in regard to the Statistical Bureau.

Mr. MORGAN. I simply desire to inquire of the Senator from Arkansas what is the purpose of introducing an inquiry on the subject of marriage and divorce. Does the Senator think that Congress has any jurisdiction over that subject?

Mr. GARLAND. Not at all. Perhaps I should have been a little more specific on that. We have no jurisdiction over legislation on that subject, that I am aware of; but in the petitions that I have referred to which were sent to the Judiciary Committee complaint was made that there was a variety of laws on the subject in the different States and that there was a lax practice under those laws in certain sections by which divorce could be easily procured, and it was deemed advisable by the petitioners that Congress should secure this information for the benefit of the people for any purpose they might want it, as we very often collect information from the people of the country on subjects upon which we can not legislate. It was further supposed that ultimately the States might possibly be brought to some uniformity of legislation on the subject. That is the gravamen of the petitions sent to the Committee on the Judiciary, and in response to which I reported a resolution now on the Calendar which will be reached soon under Rule VIII, and it occurred to me that if the matter was proper at all it could be grouped with the general statistics of labor and other matters on which we are seeking to get information for the people.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas.

Mr. CALL. Mr. President, the Committee on Education and Labor have very carefully considered this question, and they have considered it upon the application of the various labor organizations representing the laboring people of the country. I suppose that as a matter of argument there can be no good reason why the commissioner charged with this investigation should belong to one Department or another. The efficiency with which the work shall be performed will depend, not upon the Department to which the work belongs or the title which we shall give the officer, but upon his ability, upon his experience, upon his sympathy and interest in the work with which he will be charged.

The laboring people of this country have associated themselves in various organizations. They have asked of Congress that it shall appoint a separate bureau for the purpose of examining into the condition of the laborer and into all that appertains to his interests and his position in the various employments of the country. It is a subject large enough to occupy the time and the attention of the ablest man that can be found in this country, and the faithful and efficient performance of this duty requires not only ability but also experience and special training.

The laborer of all kinds, and especially the manual laborer, as a factor in the general prosperity, as an important interest in and member of the State, is not inferior to any other interest in the country. On the contrary, the condition of the laboring people of the country is first and highest in importance as an industrial and economical question. They allege that their condition has been one of want, has been one of inadequate compensation, has been one of inadequate employment, and they have asked of Congress that facts in relation to their condition in these and other respects shall be investigated and ascertained in an authentic and certain manner as the basis of such legislation, both national and State, as may be adequate to aid them in attaining a better condition.

While the amendment proposed by the Senator from Arkansas may not be objectionable on general grounds, I think that in deference to the opinion of this great interest in this country, than which none is greater and to which all others are inferior, we should pass the bill as they desire it—for a separate bureau specially charged with this investigation. Unquestionably so general a request from so large a body of citizens ought to receive the careful consideration of the Senate, and there can be no disadvantage or injury to the country or any of its interests in complying with their wishes. Why not attach the work of gathering the other economical statistics to the labor bureau, and not the labor bureau to them? If there must be a consolidation of all the official agencies for gathering statistical information, let us establish this bureau, in deference to the wishes of the laboring people of the country, and then add to it the duty of collecting and compiling the statistics of other interests—of capital, of manufactures, of agriculture; but let the people, the laboring people, have the preference which they have a just right to. For these reasons I shall vote against the amendment.

Mr. GEORGE. Mr. President, I believe it to be my duty to say a word on the amendment offered by the Senator from Arkansas, and only a word or two, for what I should be disposed to say has been better expressed by my friend who sits to my left, the Senator from Florida [Mr. CALL], than it could be by myself.

I merely desire to call the attention of the Senate to the fact that while the Committee on Education and Labor, in obedience to the orders of the Senate, were last year engaged in investigating the various questions connected with the relations of labor and capital we found a surprising unanimity on the part of the representatives of the labor classes of this country whom we examined or with whom we conferred in favor of a measure of this sort. They had a great many plans of relief to themselves; they differed about most questions; but upon this there was singular unanimity. They all thought that the establishment of a bureau of this sort would contribute largely to their welfare and their happiness. As was remarked by the Senator from Florida, I think the American Senate might well, in deference to the opinion of so large a class of American citizens, pass this bill, even though it might be considered by the Senate that there were sufficient agencies already in existence to accomplish the purposes intended to be accomplished by the bill itself.

I might add, Mr. President, that there is a great deal of discontent and unrest among the laboring classes of this country. There seems to be, so far as my investigations went, an opinion prevailing, if not universally at least to a large extent, that the laboring interests of this country have not been duly and properly attended to either by the State or the national Legislature.

Mr. MORGAN. Will the Senator from Mississippi allow me to ask what he means by the laboring interests of the country—what kind of labor?

Mr. GEORGE. I was speaking principally of the laboring classes of the Northern section of the country, the wage-laborers. I am speaking of wage-laborers.

Mr. MORGAN. Does the Senator refer to agricultural laborers at all?

Mr. GEORGE. So far as I know I have heard no complaint from them.

Mr. MORGAN. This bill, then, does not apply to them?

Mr. GEORGE. Yes; it applies to all.

Mr. MORGAN. It applies to alien laborers also?

Mr. GEORGE. It applies to all laborers in the United States.

Mr. MORGAN. And the negro laborers in the South?

Mr. GEORGE. Of course; but I say I have not heard the complaint urged by that class that I have heard from others. I have not heard the demands made by that class that I have heard from others.

Mr. MORGAN. I only wanted to know whether the negro laborers in the South had made known any request to have themselves informed about their condition of labor, &c.

Mr. GEORGE. So far as I know they have not.

Mr. BLAIR. I would say, with the Senator's consent, in response to the inquiry of the Senator from Alabama, that a portion of the committee which took testimony upon this subject in the South, which did not include my honorable friend who is now addressing the Senate, found in the South the same general expression of views from the same class of laborers as at the North—a desire for increased opportunities for education, industrial as well as common-school education, and for the diffusion of further information as to their general condition among the legislators and what they look upon as the ruling classes in the country. They substantially complained of the same grievances there as at the North, though the labor organizations are not as extensive at the South of course as in the North, because the manufacturing interests developing there have not attained to the same proportions as in the Northern part of this country.

Mr. MORGAN. If the Senator from Mississippi will allow me, I wish to say that I want to find out what this bill means and what the committee mean by the bill, and if they intend to cover all the United States, including Chinese—they have them in here—Indians, negroes,

agricultural laborers, fishermen, forest laborers, miners, mechanics, and day laborers in mechanical pursuits and in productive pursuits. I wish to know the extent of the inquiry we are about to make. It is broader than has been undertaken before, and I find that there is probably a disagreement between the Senators on this committee as to what the meaning of the bill is, and before we enter really on its discussion I wanted to know what the committee meant by it.

Mr. GEORGE. Mr. President, I do not know that there is any difference between the members of the committee as to the points suggested by the Senator from Alabama. The language of the bill is plain. It embraces all kinds of labor in this country—manufacturing, agricultural, and mining. If there be any difference between the Senator from New Hampshire and myself about the meaning of the bill it is with reference to whether there ought to be separate reports or information giving the number and condition of the colored laborers as distinct from the others. I thought that that provision ought to be made specifically in the bill, and I will give a reason for it, though I do not intend to press an amendment of that sort unless the bill shall be amended in some other particular whereby it will be necessary to return it to the House of Representatives.

I think it is important that the people of this country shall know how the colored labor of this country is distributed and in what it is principally engaged. My observation during last summer induced me to believe that there were very few, if any, colored laborers in the factories of New England. I may be mistaken about it. I visited several; I saw none. I visited some at Fall River, I visited some at Lowell, and I saw none; and I remember at Lowell to have made the remark to a superintendent of a factory there that I had heard of colored people in his factory, and he stated to me that there were none, and gave some reasons why there were none, which it is unnecessary for me to repeat.

Leaving that out, for I do not intend to press it, arguing upon the general principle, I think, as my friend who sits on my left [Mr. CALL] has said, that the American Senate ought to pass this bill if there were no other reason for it (and there are many) out of deference to the wishes of so large and so important a class of our fellow-citizens as the laboring classes of this country. Where they have organizations, where they have considered this subject, I undertake to say they have been unanimous in demanding the passage of a bill of this sort. If all the good which they expect does not come from the passage of the bill, its passage will at least have done this much: it will have shown this large class that the Congress of the United States is not unmindful of their interests and not unwilling to pass laws which look to their advancement.

I hope, sir, that the amendment of the Senator from Arkansas will not be adopted and that the bill will pass as it came from the House of Representatives, so that there will be no danger of the measure failing by returning it to the House.

Mr. GARLAND. Mr. President, I do not want the Senator from Mississippi or the Senator from Florida or any other Senator to suppose that I am opposing the investigation they propose here in any particular.

Mr. GEORGE. I did not say that.

Mr. GARLAND. I want the investigation just as broad and comprehensive as it can be made in all its ramifications, but I think it is a very material point for the Senate to deal with, as I thought before when we had the matter under consideration, to have a fixed, certain, and simple system about it. If the phraseology of this bill itself did not indicate most clearly that manufacturers were included in it, it is stated by the friends of the measure that manufactures are contemplated and included in the bill. Under the present law, as I read a while ago in section 342, chapter 10, of the Revised Statutes, this matter in all its bearings, in all its relations to navigation and other business of the country, is placed under the head of the Bureau of Statistics, and the question will arise if this bill passes, which has jurisdiction of this particular question, the present bureau or the new bureau inaugurated by this bill.

This bill takes in all labor, provides for statistics of all labor, covering all that we mean by "labor" in this country in its compass and scope. The amendment I have offered is the material and substantial language of the bill reported by the Senator from New Hampshire from the Senate committee which we before had under discussion.

Now, do one of two things: repeal this chapter *in toto* or ingraft this legislation upon it, and then you have but one system, and that is simple and direct and certain, instead of having two machineries running. There is no question that if you pass this bill this new bureau will gather to itself the inquiry already provided for under chapter 10 of the Revised Statutes, and as there is no appeal expressed and no transfer of powers from the existing bureau there will be an inconsistency. I think it is a very material question, and the simplest, best, and most direct course is to adopt the amendment I have proposed and have one system.

Mr. BLAIR. The legislation to which the Senator from Arkansas has referred, originated, I think, about 1844—I may be inaccurate in my recollection—and from that time until the present the bureau to which he refers has been in existence; but it is impossible to find in the archives of this Government anything of an important character in the line of the data that you get in the statistics of the labor bureau of the State of Massachusetts, for instance, or other labor bureaus in other States.

I think the Senator from Arkansas fails to form a complete conception of the subject-matter of inquiry on the part of a bureau of labor proper. The institution now existing by law, presided over by Mr. Nimmo, the chief, has very little to do with the social condition of the producing classes of the United States or of any other portion of the world. The character of the data which it collects has primary reference to the development and the success of business enterprises, the acquisition of wealth on the part of the wealthier classes, our merchants, those who handle capital, and not those who delve in the mine or who produce the wealth which is subsequently handled for their own aggrandizement by the capitalists of the country. Mr. Nimmo himself, who is frequently referred to as a high authority, and deservedly so, has no such conception of the attributes or the powers of his own bureau as has the Senator from Arkansas. I have here a letter from him which has already been read to the Senate in the opening remarks which I made, and which I had read as anticipating and replying to the positions assumed by the Senator when the Senate bill was discussed a few weeks since; but as it seems to have escaped his attention, and perhaps may have escaped the attention of other Senators, I will read again from Mr. Nimmo himself his own language. Speaking of his own bureau, he says:

> This so-called Bureau of Statistics—

Not of "labor statistics," but "Bureau of Statistics," the Senator will observe—

> notwithstanding its vague and very comprehensive name, is merely a bureau of commerce, embracing transportation, immigration, and duties on imports.

That is all he does. He is paid $2,500 a year. What would Senators say to a proposition to take the Agricultural Department, representing perhaps from twenty-three to twenty-five millions of the people of the United States, the head of which it is proposed to make a member of the Cabinet, and put it away under the wing of Mr. Nimmo with his $2,500 salary per year? And here is Mr. Nimmo himself saying that the bureau over which he presides has really no connection whatever with the subject-matter to which a bureau of labor proper would devote itself. He goes on further to say:

> I have unofficially, and also officially, as opportunity has been afforded, urged the importance of a bureau or department of industry which, among other things, should be charged with the duty of collecting and publishing just such statistical and other information as that which you seek in regard to the condition of the working women of the country.

This letter was drawn out by inquiries with reference to information he might have touching the condition of working women. He goes on in reference to a bureau generally:

> This is a great and complex work, and it must be done, if done at all, by properly trained men and women, both as experts and in a clerical capacity. It would take two or three years to get such an office into good working order. I believe that such a bureau or department, if properly organized and conducted, would be of greater practical use than any of the bureaus or offices of information now in existence under the National Government, among which offices I include the bureau of which I have charge.

I hope that the amendment of the Senator from Arkansas will not be adopted. I should be very glad to see some Department or bureau of the Government authorized to collect statistics touching marriage and divorce. That may be a matter that legitimately would come under the jurisdiction of a bureau of labor, for there is hardly anything touching the social state that is not a part of the great labor problem of the day. I suppose the Senator wishes, perhaps immediately, a large amount of statistics or information as to the conflicting marriage and divorce laws of the various States, with reference to such instruction as the Committee on the Judiciary may need in framing general national laws over a subject-matter in regard to which perhaps the National Government has very slight jurisdiction. I hope he will not embarrass this bill with marriage and divorce.

Mr. CALL. Mr. President, the logical point, it seems to me, in this matter, and one that furnishes the reason why the amendment of the Senator from Arkansas should not be adopted, is this: Certainly "manufactures" includes the interest of all who are engaged in manufactures, whether as laborers or as directors of labor, its net results and its gross results, and so of "commerce" and "agriculture." But the principal factor, regarded socially, economically, and in every relation that concerns the State, the most important of these, is labor and the laborer. That is the active and great influence which creates all the others, and which may be affected most directly by legislation, by taxation and tariffs, and which all the other interests of the State demand should be wisely cared for, and the discontents of which should be removed if possible.

Now, whether they are right in their opinion or not, whatever the fact may be—and I do not propose here to take either side of the question—it can not be denied that this great interest, the men, the people of this country, ninety-nine one-hundredths of them, believe that the legislation of this country has been adverse to them, that it has been in the interest of concentrated credit, of great corporations, of wealth, and they have a deep-seated feeling that the statistical bureau heretofore established for the purpose of showing the results of manufactures

and agriculture and commerce are directed in the interest of those who control and receive the greater share of the great aggregate results and to the prejudice of labor, and not for the purpose of showing how small a part of the aggregate production falls to the laborers and their families.

Beyond all question the Senate does not need to be told that the history of the world has been the aggrandizement of a comparatively small number of individuals at the expense of the great body of laborers and the poverty and want of the great majority and in the interest of those who have special privileges and advantages, and that this Government was intended to reverse that condition of things and to promote the interest of the individual, of the laborer, of the toiler, of the bread-winner, of the mass of the people of the country, both men and women; and while leaving ample opportunity for individual accumulation, the powers of the Government were to be exercised in the interests of the great body of the people, and not for the benefit of a few as against the many.

Now, sir, there has been and is, as my distinguished friend from Mississippi has stated, a profound conviction that the statistics gathered upon the subjects of manufactures, commerce, and agriculture are not gathered impartially and exhaustively in the interest of the laboring people of this country. I think myself that they have been neglected in respect to the means of accurate information in relation to their condition. I believe that the condition of the laboring people and their improvement is the great question for the consideration of the statesman in this country as it is becoming in Europe. It is, in what way shall we so legislate in the imposition of taxes or the exercise of any other power that the distribution of the proceeds of labor and credit or capital, by whatever name you choose to distinguish the other factor, shall be so made that the individual shall have an abundance of the necessaries and as much of the comforts of life as possible; and as a first step in the direction of knowing how to adjust the taxation of the country, of knowing the effect of our revenue system, whether of imposts by direct taxation or of tariff revenue or in whatever shape, is to know the condition of those who both create chiefly those resources of the State and who most largely pay the revenues of the Government.

These people have asked that the interest of this factor, this controlling factor in manufactures, in agriculture, in commerce, shall be investigated by a person specially charged with that duty, and who shall be in sympathy with them; and this is the demand of 600,000 laboring men and women organized in industrial associations, which were justly described in a very able argument, one of the ablest that has been delivered on economical questions within my knowledge, in the other House recently by a distinguished Congressman from New York [Mr. HEWITT], as beneficent in their effects and as promising greater good to the laboring people than any other. It is the special point they have made that there shall be a bureau specially charged with this inquiry and with collecting exhaustive and correct statistics respecting the condition of the laborer, his family, the amount of his gross production, his education, the houses he lives in, and his general condition in relation to the State and to the various public interests with which he is concerned.

I think the logic of the question is that this is the most important interest in the general production of the country. It is the one which is most directly and easily affected by legislation; it is the one that has been most greatly wronged in the past history of the world, and it is the special interest which deserves to be looked at as contradistinguished from the gross production of agriculture, or of manufactures, or of commerce, or what is termed wealth.

It is for that reason that I think we had better pass the bill as it came from the House; and if the suggestions of my distinguished friend the Senator from Arkansas, which have always great weight with me, and which are no doubt very worthy of consideration, are to be carried into effect, let it be done hereafter by an amendment of the statutes. Let those be incorporated with this bureau of labor statistics, which unquestionably should stand first, not only because they concern the greatest number of the people, but also because they concern the most valuable and important interest in the country.

Mr. MORGAN. Mr. President, I support the amendment offered by the Senator from Arkansas because it is an improvement of the bill sent us from the House.

The inquiry made by the Committee on Education and Labor and reported to the present session of the Senate touching the condition of labor in the country was made upon my motion. I introduced the resolution which led to that inquiry, and I feel very much gratified that that committee have been able to lay before the country so large an amount of valuable information and testimony upon the condition of what are called the laboring classes, and also of the manufacturing or capital classes. I can not, therefore, be put in the category of opposing anything that really tends to give to the acquirement of better information in regard to the condition of the laboring classes; nor can it be supposed that I am not fully in sympathy with any legislation that will give relief to those people. At the same time I do not concur in the statement made by the Senator from Florida that they are the worst abused, the most neglected, and the worst persecuted set of people in the United States.

Mr. CALL. Will the Senator from Alabama allow me? I used no such language as that.

Mr. MORGAN. I gathered that as being the drift of the Senator's argument.

Mr. CALL. Not at all.

Mr. MORGAN. I thought the Senator argued that they were a set of people who had been greatly abused and greatly neglected. I fail to see in the legislation of the United States in all of its past history any real discrimination against the laboring classes of this country as laboring men or as citizens. We have upon our statute-books a tariff which I think operates very unjustly against the operatives, those men who are employed as laborers by the manufacturers. At the same time it must be admitted that the laborers themselves are the men who sustain that tariff. Misguided in respect to its effects upon their own prosperity, they are used by the manufacturers constantly at the ballot-box for the purpose of sustaining the burdens under which they rest. Whether they want to be better informed on that question or not I do not know. I think they should be, and I should be glad of an opportunity of giving them more full and accurate information as to the operation of that solitary law upon our statute-book which has any injurious effect on the laboring classes of this country. In the further debate of this question I think I might well inquire of every Senator who will participate in it to point out any statute of the United States under which the laboring classes are either wronged or neglected, unless it may be this tariff legislation. I am not aware of any other.

There may be a want of information on the part of representatives in both Houses as to the condition of the laboring classes in the United States, and if so it is the fault of the representatives themselves. Our representative system is divided up so that each 150,000 people, or about that number, is represented by a separate representative in the House chosen by the people, and if they and the Senators in this body are really not informed as to the condition of their respective constituencies the fault is that of the Representative and not of the law. I do not believe there is any gross ignorance in either branch of Congress as to the actual condition and wants and necessities of the people of this country. It may not be information collected and tabulated in form so that it can be read by every man; but when you take the aggregate information of the two bodies upon the condition of the people they represent I believe that it is as extensive and as accurate as the information that is possessed by legislators in any country in the world. It would be a convenience to political economists and to social economists and to writers and speculators upon economic questions to have this all collected and tabulated. It is also for the interest and honor of the country that the exact condition of all classes in the country should be known. I therefore am not opposed to collecting these statistics. On the contrary, during the time I have had the honor to serve upon the Committee on the Census, which is since its first organization, it has been a part of my duty that I have most willingly and cheerfully performed to try and assist in the collection of statistics touching every economic question in the United States, and the census of 1880, although not entirely accurate, still more accurate than any that ever preceded it, is a full and complete narrative of the condition of almost every industry of any importance in the United States, and of a good many that are not of any importance, at least not of any great importance.

Now, we have a Bureau of Statistics in the Treasury Department, presided over by an eminent, able statistician, Mr. Nimmo, to whom the Senate is constantly in the habit of applying for the purpose of getting information upon almost every statistical subject that concerns legislation in this body. The main value of a bureau of statistics rests in the capacity of the man who has its direction and in his integrity. If you have a really able statistician at the head of that bureau, and he is furnished with a sufficiency of clerical force, means enough to get information, he will acquire, digest, and put before the country in an authentic and proper form all the necessary facts to guide us in legislation and to guide the country in its investigation of the moral, social, and economical conditions in every respect. We have such a bureau and we have such a man. I do not perceive the necessity of organizing another bureau to conduct this business, and I think it would be good public economy to place this subject under the control of that bureau, as is proposed to be done by the amendment of the Senator from Arkansas [Mr. GARLAND].

Some pathetic appeals are made to the Senate in reference to the wants and demands of what are called the laboring classes. It is said that the Senators upon the Committee on Education and Labor in their investigations of this subject through the country have become informed generally by black and white, by people of all classes, South, North, East, and West, wherever they were in the course of their investigations, that they desire a bureau for the purpose of increasing their happiness and their prosperity, and for the purpose of giving more emphasis to the facts relating to their condition, whether it be good or whether it be bad. I should like to gratify any portion of the people of the United States in any desire that they have upon a question of this kind or indeed upon any question. At the same time it is the duty of the Senate of the United States to consult a sound and wise public policy in respect of this as in respect of everything else. I know these 600,000 laborers have a great many votes to cast at the ballot-box.

Mr. CALL. I spoke of 600,000 in the labor organizations.

Mr. MORGAN. I know that they have a great many votes to cast at the ballot-box; they are influential in public affairs, and every Senator on this floor and every gentleman in the House of course is anxious to oblige them. Yes, sir; more than that, even to bow down before them. I understand that very well. I am quite as amenable to that infirmity perhaps as anybody else in the Senate. At the same time an appeal for special legislation ought not to be based upon that ground. It ought to be based upon the public necessity or the public usefulness of the measures we propose to enact, and not upon anything else. If we enlarge the capacity and power of the Bureau of Statistics, as is proposed by the amendment of the Senator from Arkansas, and if that is not a sufficient enlargement broaden it still more; we shall get a very much better system than this bill which is sent to us from the House of Representatives. The Committee on Education and Labor of the Senate are not satisfied with this bill. Every Senator who has spoken upon the question as yet from that committee has expressed some degree of dissatisfaction with this bill, but they ask us to pass it, because they say if you put an amendment on it it is not likely to get through the House again, and we must pass it just as it is because of the pressure of the necessity of having this separate bureau.

Is that a consultation of the public good, or do we in acting in that way and in taking such positions as that in reference to this bill consult a mere clamor or a mere demand of a certain class of the people of the country? If we give them Mr. Nimmo as the head of the bureau, and a sufficient number of clerks to carry on the work, and enlarge the scope of his inquiries so as to get all the information that is necessary for legislation and for public instruction upon these questions, is not that enough? Must we, merely because it is requested, create new offices, appropriate $30,000 or $40,000 a year for the paying of a new set of bureau officers to do the work that Mr. Nimmo is doing, with some additions to it mentioned in this bill, and those additions of a very questionable character so far as their utility is concerned?

When I looked at this bill as it came from the House—for the committee have not changed a word in it—the first question that occurred to my mind was, what is the meaning of a bureau of labor statistics? What is the meaning of this phrase?

> The commissioner shall acquire all useful information upon the subject of labor, its relations to capital, and the means of promoting the material, social, intellectual, and moral prosperity of the laboring men and women, &c.

How far is that intended by the committee or by the House of Representatives to extend? This bill comes to us from the House of Representatives, and we must construe its meaning, and if we are not sure that it has the very meaning we wish to impart to it by our votes, then we must amend it so as to have it conform to the sense of the Senate in all of its definitions. Now, I ask how broad is that question which seems to include all human toil? I inquired of the Senator from Mississippi. He said it included the negroes of the South, it included the Indians in the Territories; by express terms it includes the Chinese; it includes the agriculturists; it includes all people who earn their living by labor. The Senator from Florida takes the same view of the question, and I suppose there is no doubt now that as the committee construe the bill, and as it probably will be construed by the officers of this Government when it comes to be executed, this bill includes all men and all women in the United States who earn their living by what we call labor.

Mr. President, that is a very broad grasp of this question, and as I think I can show clearly, a very unnecessary one. There is a large portion of the people of the State of Alabama, and I know it is so in a great many of the States, perhaps all of the agricultural States, who own tracts of land and reside upon them. They are farmers, and they and their wives and children contribute by their labor to the support of the family by the cultivation of the farm and the accumulation of profits, the increase of property, and all that belongs to a laboring community.

This bill requires that—

> The commissioner shall acquire all useful information upon the subject of labor, its relations to capital, and the means of promoting the material, social, intellectual, and moral prosperity of the laboring men and women.

This commissioner I suppose will send his emissaries, his agents, into my State among the people who live in the hill country, the white people who own the land and work it themselves, and who would not allow a negro to come within sight of a fence if they could help it. Not only are they not colaborers, they are not associates with them; they are nothing more than the inhabitants of the same country upon terms of ordinary friendship between the races. Your commissioner's employé goes to one of these families and says to the head of it, "You are a laborer; you own this land, it is true; but you toil upon it, you raise your crops from year to year, you support and educate your children; I want to make an inquiry of you for the purpose of making a report to the Senate of the United States or to the commissioner of labor as to the social, intellectual, and moral prosperity of these laboring people upon your plantation; I want to know something about the moral prosperity of your wife and your daughter and your son-in-law and all the people who labor with you on your farm. The Congress of the United States, having nothing better to do, and no better use to apply the money of the people of the United States to, have taxed you along with the other people to the extent of $40,000 a year in order that I might be employed at a rate not fixed by law, but at such rate as the commissioner shall prescribe, to come to your homestead and make an inquiry of you. It is a civil, a polite inquiry, and as I am a sort of census-taker here I must enforce the rule upon you; and I want to know now the moral condition of your wife, this laboring lady, and of your daughter; and I want to know your condition as to material prosperity, and I want to know your social condition. I want to know whether you are in the habit of recognizing as equals the colored people that live in your neighborhood; I want to inquire whether it is in accordance with your views of social duty that you should associate with every person that you meet. What is the rule of social intercourse between you and your neighbor? What do you do if a colored man or colored woman wants to come and sit down at your table and the like? That is part of my duty to make this inquiry about you because you are a laboring man or a laboring woman, and I want to know your social condition." And the Senate of the United States it appears is to send out with the concurrence of the House of Representatives and the Committee on Education and Labor an inquiry of that kind throughout this land!

Mr. President, I would not answer upon the proposition whether "the shotgun policy" would not actually be repeated, as it has been alleged that it has obtained in some places in the country, when these men go out to make such impertinent inquiries as these about the laboring people of the country, and I can not vote for a bill which authorizes an officer or emissary of the United States Government to go to one of these homesteads and make such an inquiry as that. It is enough to inquire as to the material welfare of the people and let their social affairs alone.

Now, Mr. President, in the haste to get this bill through and to accommodate this class of urgent demanders for a new bureau and large appropriations for the expenditure of money unnecessarily, the Committee on Education and Labor and the House of Representatives have neglected to take a view of the question which ought to be put into the bill; that is to say, that the inquiry should be limited to those people who are wage-laborers.

Reference was made to a speech made by a gentleman from New York in the House of Representatives. It was a very able and instructive speech. I think that it would instruct almost any man in the United States to read the speech of Mr. HEWITT, of New York, on the question of labor in the United States and its relations to capital, and he spoke of a great statistician of England who had brought into a compact form exact statistical information in regard to the labor and the laboring classes and the capitalists of Great Britain. Upon what topic did he treat, to what point did he direct his inquiries but to hired labor, to wage labor? But that is not the limit of investigation provided for in this bill. The committee, in their earnest desire to accommodate the pressing demands of the people, who say they want information on this subject, have neglected entirely to draw the line of demarkation between the man who works for himself upon his own plantation and in his own workshop, his blacksmith-shop, or his wheelwright-shop, or whatever it may be (and there are thousands of such), and the employé, the hired laborer, who works for him upon wages.

Mr. MAXEY. Allow me to suggest that the number of men necessary to acquire all the information in America called for by this bill would be very great.

Mr. MORGAN. I suppose it would take as large an army as General Grant commanded at the time of the surrender to acquire all the information sought in this bill. I have not a doubt it would to get it all together in any reasonable time.

The committee, I repeat, have totally neglected to address this bill to the subject they ought to have inquired about.

Mr. BLAIR. If the Senator pleases, it may be that he is correct in his statement, but in some eight or ten of the States of this Union they have established bureaus of labor statistics, and he will find that the phraseology of the statutes which they have adopted is quite as general as that which is contained in this bill. He will not find much to criticise in the terms of this bill unless his criticism shall extend to the enactments of the entire country.

Mr. MORGAN. I ask the Senator from New Hampshire if those eight or ten States have succeeded pretty well in their work. Is it satisfactory?

Mr. BLAIR. Some of them have just established their bureaus in the last year, three or four of them. The State of Massachusetts, whose bureau has been in operation since 1864, if I remember, has certainly accumulated a vast amount of very useful information, and it has done so under a law which is much more general and indirect in its provisions than this very minute and specific bill which the House of Representatives has sent to us.

Mr. MORGAN. Now, Mr. President, it would be a very interesting inquiry why we should supplement the work of Massachusetts, which doubtless has been well done, with work to be done by the Congress of the United States. We find that as many as ten States—I believe that ten were mentioned to-day—have these bureaus of statistics, and I remember that the Senator mentioned one State that had given up the

system; I suppose because that State did not find profit enough in it to justify the expenditure. That was the State of Connecticut, if I am not incorrect in my recollection of his statement. If these States have been so successful in the establishment of these bureaus to acquire this identical information, let me ask why that is not satisfactory to the laboring men in those States?

The Senator from Florida, I believe it was, or the Senator from Mississippi, informed us that the great demand for this bureau of labor statistics came from the North and the Northeast, right from the very country where these States have established these bureaus, and where they have acquired all the information that is necessary to a perfect understanding of the social, moral, industrial, material, and I suppose religious condition of their people. That being so, I can not understand why it is that the Senate of the United States should be engaged in the establishment of an additional bureau merely for the purpose of repeating or supplementing the work done by these States.

Mr. BLAIR. I would suggest to the Senator to consider in connection with the suggestion he is now making the fact that notwithstanding in every State there are bureaus of education and superintendents of public instruction, the United States for many years has found a Bureau of Education very serviceable; and nowhere, from no source, is the Bureau of Education so strongly supported and so profoundly appreciated as from the educational bureaus and superintendents of the various States.

Mr. MORGAN. The Senator from New Hampshire brought in his great bill, and I concede that it is a great bill because it has made a great fuss in the world, to educate the people of the United States through an act of Congress. He was particularly careful, and so were the Senators on this side who voted with him, to exclude the Government of the United States from having anything to do with this education beyond merely furnishing the money. That was all. Now, following up the same line of argumentation and the same line of policy, I would suggest to the honorable Senator, if he finds any States in the Union who are too poor to establish and maintain bureaus for statistical information, that he would grant a subvention to those States in order to enable them, as he did in the matter of education, to go on and perfect their system.

Mr. BLAIR. I certainly will assure the Senator of my ardent support of any such bill. If there is any State in the Union that finds it difficult to support its bureau of labor statistics, I think that the United States should assist it in doing it or should assume the work of collecting the information and its diffusion for itself. The probability is that the bureau of statistics of labor which it is proposed to establish here, if it is well supported, has plenty of funds, has ample scope, will be able to collect all the necessary information and to diffuse it without embarrassing the States which are without these bureaus at the present time or supporting those of their own. That may be so.

Mr. MORGAN. I am aware that the Senator from New Hampshire thinks that it is the highest duty of statesmanship in this country to wet-nurse the States.

Mr. BLAIR. The Senator hardly needs to reply to his own argument by a sneer.

Mr. MORGAN. I believe the States are able to take care of themselves.

Mr. BLAIR. I think the Senator is hardly pursuing a line of argumentation consistent with the Senatorial character to reply by a sneer to an absolute and palpable controversion of his argument. The Senator must be more obtuse than we have found him—altogether more obtuse than we have found him—if he does not see that his analogies are farfetched, and that his argument is pretty thoroughly replied to by the suggestion of the existence of the Bureau of National Education. And so far as the education bill is concerned the Senator understands that it is based upon a supposed inability on the part of many States to maintain the necessary common-school system for a short period of time for the education of their people, and therefore that aid comes from the National Government. That is in no wise analogous to the ground upon which we place the bill before the Senate.

Mr. MORGAN. I do not say it of the Senator from New Hampshire, but I can not speak in terms of proper respect, I believe, of that disposition to pry into the affairs of the people of the States of this Union which I find in vogue in some parts of the Senate Chamber, to force upon them views that are entertained here of what should be done by the people of the States to force upon them systems of education, systems of morality, systems of personal habits in respect of temperance and things of that kind, or of any sort, that may enter into the mind of a Senator which may induce him to suppose that he has the capacity by his vote and his legislative power to better the moral, and mental, and material condition of all the communities in this great country. That, sir, would be a herculean task for the greatest of intellects and the most experienced of statesmen. But those who know least of what other people are doing fancy always that they have the greatest power to correct the evils in their midst; and hence we find them springing up with new nostrums in politics for the purpose of making all others in the world better than they suppose them to be, for the purpose of trying to drill into them their ideas of morality and economy and propriety of conduct, and who are not satisfied with any class of any community in the world unless they can feel that they have been molded under their touch and formed exactly according to their wish.

The Senator from New Hampshire has signalized himself, distinguished himself in this effort to impress his personal views of universal improvement upon the people of the United States at large, and he has found sufficient support in the Senate of the United States, not to enable him to teach the children in the different States according to his method, but to enable him to come upon the Treasury of the United States to get money for the purpose of enabling the people, as he says, to educate themselves and to educate their own children. That is what I call wet-nursing the people of the States, and the Senator from New Hampshire is the head nurse in this department of intervention with affairs local and peculiar to the States themselves and to the different communities in this country. It may greatly redound to his honor and credit in time to come, but I think I can very well understand how the people of the United States will after a while arouse themselves to a proper comprehension of the idea that they are at least self-governing and self-controlling and self-educating.

This bill, as it is framed, is all of a piece with the other legislation upon like subjects. The object of it is to make inquiries broadcast in society among all classes of people in respect to their condition in every particular, not omitting their personal habits, their morals, their food and clothing, their social feelings and sentiments, their health, and their intelligence.

Letters have been read here for the purpose of informing the United States Senate as to what is its duty in legislating upon questions of morality and labor and propriety of conduct, and matters of that kind. These letters may be very instructive, but I would rather take the experience of any Senator in this body, I would rather take his information and his advice upon these questions, than the testimony of any number of letter-writers, especially when the letters come from those people who are all the time employing themselves with looking into other people's affairs, persons who are never happy unless they are prying into somebody's business, and who will stop at nothing in the world in order to find out what other people are doing, or thinking of, or caring for.

Prurient eagerness to invade the sanctity of home and family, that they may find something to gratify a depraved desire to open up the infirmities or misfortunes of other people, is a too common vice.

This inquisition (for it is intended to be nothing else) into the condition of all the laboring classes of this country reaches into the very sanctity of the homes of the land, and a man is liable to have himself called by name and the statistics of his family condition published to the world, whether creditable or discreditable to him, under the license and authority of Congress; that, too, sir, without respect to the question whether he has hired himself to another man or has been compelled to do it from necessity, or whether he is the master of his own domain and the controller of his own household.

The scope of the inquiry provided in this bill includes social and domestic matters that are not necessary to be known in order to enable us to legislate wisely for the people.

Mr. HARRISON. If the Senator yields the floor, I move that the Senate now adjourn.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. MORGAN. I do.

Mr. HARRISON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 14, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. KEIFER. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. KEIFER. I move to dispense with the morning hour.

Mr. RANDALL. I hope that will be done. We desire to go on with the consular and diplomatic appropriation bill.

The question being taken on Mr. KEIFER'S motion, the morning hour was dispensed with (two-thirds voting in favor thereof).

CONTESTED ELECTION—ENGLISH VS. PEELLE.

Mr. CONVERSE. I desire to make a privileged report. I present the report of the Committee on Elections in the contested-election case of English *vs.* Peelle, seventh Congressional district of Indiana.

The SPEAKER. The resolution, will be read.

The Clerk read as follows:

Resolved, That Stanton J. Peelle was not elected a member of the Forty-eighth Congress from the seventh Congressional district of Indiana, and is not entitled to the seat he now holds.

Resolved, That William E. English was duly elected a member of the Forty-eighth Congress from the seventh Congressional district of Indiana, and is entitled to his seat.

Mr. CONVERSE. The minority desire also to present their views. I ask that they may be printed with the majority report.

There was no objection, and it was so ordered.

Mr. CONVERSE. I desire also to give notice that I will call up this case on Tuesday of next week.

CONTESTED ELECTION—WALLACE VS. M'KINLEY.

Mr. TURNER, of Georgia. I desire to submit a privileged report from the Committee on Elections in the contested-election case of Wallace *vs.* McKinley, eighteenth Congressional district of Ohio.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That William McKinley, jr., was not elected a member of the Forty-eighth Congress, and is not entitled to a seat in this House.

Resolved, That Jonathan H. Wallace was elected a member of the Forty-eighth Congress, and is entitled to a seat in this House.

The SPEAKER. The report will be printed and laid over.

Mr. TURNER, of Georgia. The gentleman from Massachusetts [Mr. RANNEY], who is not in his seat, desires to submit a minority report.

The SPEAKER. If there be no objection, the gentleman from Massachusetts will be permitted to present the views of the minority, and they will be printed with the report of the majority.

There was no objection, and it was so ordered.

EDMUND WOLFE.

Mr. WELLER, in pursuance of leave previously given by the House, submitted views of the minority of the Committee on War Claims on the bill (H. R. 735) for the relief of Edmund Wolfe; which were ordered to be printed.

ORDER OF BUSINESS.

Mr. BURNES. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering general appropriation bills. What bill does the committee indicate for consideration at this time?

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I call up for consideration at this time the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes; and I ask unanimous consent that the first and formal reading of the bill be dispensed with.

There was no objection.

Mr. BURNES. I beg permission this morning, Mr. Chairman, to digress for a moment from the bill under consideration.

On the 17th day of January last I had the honor of introducing into the House of Representatives the following resolution:

Resolved, That the Committee on Ways and Means be, and is hereby, requested to report to the House a schedule containing as near as may be practicable all the items, articles, and commodities now subject to tariff duties which in its judgment are necessities or common comforts in the daily life and labor of the people of this country, to the end that all such items, articles, and commodities may be freed from all taxation or bounty not absolutely required to preserve the public credit of the United States.

The resolution was read and referred to the Committee on Ways and Means. Whatever consideration that committee may have given it, it is gratifying to know that the bill and schedules reported freed from all taxation or bounty several commodities now subject to duties which are necessities or common comforts in the daily life and labor of the people of this country, and that many hundreds of other items, articles, or commodities of like character were freed from taxation and bounty to the extent of one-fifth of the present tariff duties. If my constituents did not see in this bill all the reduction or relief they desired, they will at least accept the rejected work of the able and distinguished committee as a good beginning and an honest endeavor.

But it is not the tariff that we are called upon to consider to-day. We are out of that realm. We have passed beyond, while it slumbers. The music of war-tax reduction, horizontal or discriminating, has ceased. If not the taxes, the war-paint of the chieftains is off. The tomahawk and the scalping-knife lie buried side by side with the carhook. The bright face of business in this House is unveiled and resplendent, and every one feels himself wiser and better and more fraternal and loving because of our late seeming differences upon a great political and economic question.

Mr. Chairman, I congratulate you that the consular and diplomatic appropriation bill, now under consideration, is devoid of politics. It involves only business propositions, relating to the diplomatic and consular service of the Government, similar in most respects to like propositions coming up for almost daily consideration and determination in every business organization and interest in this country. Once in each year the wholesale merchants deliberate and determine where they shall send their ministers and consuls, whom they will appoint, and at what salaries. The railroads, telegraphs, manufacturers, newspapers, and business men of every degree establish their legations and consulates, and regulate the salaries to be paid.

Unfortunately, this House has no voice in the establishment of legations or consulates, nor in the appointment of ministers or consuls. The President, with the other branch of Congress in secret session, make and unmake ministers and consuls at pleasure. The House is never consulted. The Senate is supreme. When, as it sometimes happens, the President and the Senate are thoroughly in accord, no political brother, however battered or worn, is a consular or diplomatic impossibility. Every pretense of a government affords an excuse for an envoy extraordinary or secretary of legation, and (unless the court language is English) an interpreter. Favorites when appointed, large salaries are demanded; these are followed by large "contingent expenses." Every town or village offers an excuse for the appointment of a consul, with salary and extra allowances for clerk-hire, rent of office, and time "awaiting instructions."

When once in office we all know their personal and political friends can not turn them out hungry upon the cold world, and will not so long as there is the semblance of propriety in any other course. Nor is it to be expected that there will be any equalization of salaries unless they are equalized by bringing up the salaries of the properly paid to those of the overpaid, rather than by reducing the salaries of the overpaid to a relative equality with the properly paid. There is but one way of correcting abuses in this service. The House, denied a voice in the appointment and qualification of consular and diplomatic officers, can only speak through its appropriation bill. Fortunately, when the fathers of the Constitution gave this exclusive power to the President and Senate they gave the House the power to appropriate money in accordance with its independent judgment. Your committee, after months of patient and laborious investigation and inquiry, have submitted their conscientious work for your action. It remains to be seen how far the majority will accept the advice and suggestions made in the bill or how much it will yield in advance to the dominating power over our consular and diplomatic service.

Diplomatic representatives are: First, envoys extraordinary and ministers plenipotentiary; second, ministers resident; third, ministers resident and consuls-general; fourth, chargés d'affaires. Under these four heads all our diplomatic servants proper are classified.

For sixty-five years after the establishment of this Government no representative of it at any foreign court received a greater salary than $9,000 per annum. During this period, I need scarcely say, and for this salary many of the ablest statesmen and most accomplished diplomates that this great country has ever produced represented it at the courts of Europe. They did not go to write books for sale, nor to seek rectorships in institutions of learning, nor to pander to the pride or "prejudices of the *personnel* of the governments to which they were accredited," but to represent the people of the Republic in plain republican simplicity, frankly and plainly demanding every right to which their country was entitled, and firmly and proudly protesting against every wrong attempted against it.

Now we have no envoy extraordinary at a less salary than $10,000, and four as high as $17,500 per annum. When to these salaries you add the cost of secretaries, the "contingent expenses" allowed them, and, in some cases, interpreters and other attachments, you find that the average cost of the first-class missions is over $25,000 per annum, with the second and third class increased proportionately.

In the consular service are, first, consuls-general, with salaries ranging from $2,000 to $6,000 per annum; second, consuls classified into seven classes, with salaries at $6,000, $5,000, $4,000, $3,500, $3,000, $2,500, $2,000, $1,500, and $1,000; third, consuls and commercial agents who receive no salary, but are allowed to keep the fees collected by them under certain restrictions.

It is worthy of observation that a consul who receives a salary of $1,000 is allowed to conduct and carry on any kind of business in which he may desire to engage, while he who receives a salary above that sum is prohibited from engaging in any kind of business.

With these general observations I will proceed to state specifically the changes in salaries made by this bill.

Of the envoys extraordinary and ministers plenipotentiary in the service of the United States, or authorized by any law, every one is provided for, and the bill appropriates the full amounts estimated by the honorable Secretary of State, with the following exceptions: The salaries of the ministers at Vienna and Rome are fixed at $10,000 each. This is a reduction of $2,000 from the salaries appropriated for the current year.

The salaries of the ministers to Chili and Peru are not reduced, but these representatives are accredited, respectively, as chargé d'affaires to Bolivia and Ecuador.

The salary of the minister to the United States of Colombia is increased beyond the current law to $10,000, in a proper effort to equal-

ize the salaries of the several missions in the South and Central American States.

Of all our ministers resident not a salary is touched, changed, or reduced. To four of them and no more the function, powers, and duties of a consul-general are added. Two missions of this class have been abandoned, namely: Bolivia and Roumania, Greece and Servia.

The salary of the chargé d'affaires to Paraguay and Uruguay is appropriated without reduction or change.

Of the salaries of secretaries of legation, no change is made, except in Austria, Japan, China, Spain, and Central American States. The first is reduced from $1,800 to $1,500; the second from $2,500 to $1,800, and the third from $3,000 to $1,800. Spain is increased from $1,200 to $1,800, and the Central American States from $1,000 to $1,500.

In addition to the above, the bill appropriates for four new secretaries of legation, at $1,500 each, giving one to each of the following legations: In Chili, Italy, Peru, and United States of Colombia.

Second secretaries of legation are provided for at London, Paris, and Berlin at $1,800 each, a reduction of $200 from each, while second secretaries for China and Japan are added at a salary of $1,800 each.

Interpreters to legations in Japan, China, and Turkey are allowed at a salary for each of $2,500. This simply reduces China and Turkey to the same rate provided by current law for Japan.

In the consulates-general only the following changes have been made: Melbourne, from $4,500 to $4,000; Montreal, from $4,000 to $3,000; Saint Petersburg, from $3,000 to $2,000; Constantinople, from $3,500 to $2,000; Rome, from $3,500 to $2,000; Vienna, from $3,500 to $3,000; Halifax, from $3,000 to $2,000.

The following new consulates-general have been appropriated for: Panama, Bucharest; the former at $4,000 and the latter at $3,000.

The consulates-general at Cairo and Madrid have been abandoned or dropped.

CONSULS.

In this bill the following consulates have been dropped: Honolulu, $4,000; Apia, $3,000; Brussels, $2,500; Coaticook, $2,000; Port Louis, $2,000; Tangier, $2,000; Mahé, $1,500; Copenhagen, $1,500; Malta, $1,500; Gaspé Basin, $1,000; Sabanilla, $1,000; Stettin, $1,000; Mozambique, $1,000; commercial agency at St. Paul de Loando, $1,000; commercial agency at Levuka, $1,000; commercial agency at Gaboon, $1,000; commercial agency at San Juan del Norte, $1,000.

The following reductions have been made in the appropriations for consulates: At Foochow, salary reduced from $3,500 to $3,000; Hankow, from $3,500 to 3,000; Tien-Tsin, from $3,500 to $3,000; Chin-Kiang, from $3,500 to $3,000; Ningpo, from $3,500 to $3,000; Callao, from $3,500 to $2,500; Santiago de Cuba, from $2,500 to $2,000; Cork, from $2,000 to $1,500; Odessa, from $2,000 to $1,500; Tamatave, from $2,000 to $1,500; Beirut, from $2,000 to $1,500; Hamilton, from $2,000 to $1,500; Bristol, from $1,500 to $1,000; Gibraltar, from $1,500 to $1,000; St. Helena, from $1,500 to $1,000; Port Stanley, from $1,500 to $1,000; Clifton, from $1,500 to $1,000; Pictou, from $1,500 to $1,000; Goderich, from $1,500 to $1,000; Southampton, from $1,500 to $1,000; Ceylon, from $1,500 to $1,000; Antigua, from $1,500 to $1,000; St. Stephen's, from $1,500 to $1,000; Nice, from $1,500 to $1,000; Barcelona, from $1,500 to $1,000; Fayal, from $1,500 to $1,000; Funchal, from $1,500 to $1,000; Jerusalem, from $1,500 to $1,000.

The salaries for the following consulates have been increased, and new consulates authorized, with salaries as follows: Hong Kong, increased from $4,000 to $5,000; Athens, new, $2,500; Sagua la Grande, new, $2,000; La Paz, new, $2,000; Cairo, new, $2,000; Paso del Norte, new, $1,500; Tegucigalpa, new, $1,500; Santiago de Guatemala, new, $1,500; San José, new, $1,500; Managua, new, $1,500; San Salvador, new, $1,500; Asuncion, new, $1,500; Ghent, new, $1,000.

Having now presented to the committee a plain and reliable statement of every change made in the salaries of envoys, ministers, and consuls, I suppose it will be deemed more appropriate to withhold the discussion of the remaining specific items of appropriation until the bill is read by sections. For a like reason it will not be expected or desired that I should give now the reasons that influenced the committee to make the changes I have just enumerated.

Declaring the entire absence of all political or partisan prejudices and of every element of desire for mere party advantage, the committee have a right to expect that the honorable gentlemen who support the estimates as they came from the Department of State will meet them on plain business propositions, with the practical fairness of business men intent on justice as well to the people who supply our revenues as to the officials who expend them.

It no doubt occurred to the fathers of the Constitution that the time might come when the President and the Senate would be in political accord, and unable by reason of fraternal obligations to dislodge from sinecure positions unnecessary or cumulative officials or employés. Hence the power given to the House in the regulation of the salaries of such officials. If the President find himself unable or if he be unwilling to remove from the service an unfaithful minister or consul, or if the State Department, by favoritism to one and injustice to another, demoralize the foreign service, the House will and ought to interpose its prerogatives, and by withdrawing the salaries compel the discharge of worthless or incompetent men.

In general, I am authorized to say that if the Committee on Appropriations have sought to be economical, as was their bounden duty, they have avoided parsimony. If they have frowned upon the negligent and unfaithful public servant, they have encouraged the efficient and rewarded the honest. Where they have decreased expenses or reduced salaries they found good reason for their action. Where they have increased salaries or allowance for expenses they anticipate no criticism or objection on the part of the Department.

Many of the most experienced and able statesmen of the House have expressed opinions in favor of the abolition of our entire system of diplomatic representation at foreign courts, and if we are to accept as true the statements of the honorable Secretary of State in regard to the duties of a minister, then the sooner it is done the better.

In his letter to the President, transmitted by the latter immediately after this bill was reported to the House, the Secretary says:

> But there can be no frankness or confidence without acquaintance, and acquaintance is only to be gained by association with those who control the public business; these the minister must seek in that rank of life in which they move. Having earned the trust and respect of those with whom he must officially associate, he is prepared to fulfill his duty to his Government by studying the sensibilities, the prejudices, the form of government, and the *personnel* of the administration of the country in which he officially resides.

Is it possible that there can be no frankness with a stranger? Must we conceal the truth from our neighbor until we get acquainted with him and have studied his sensibilities and prejudices? But, giving the observation a national application, must this great Republic withhold frankness and confidence from any other government until some minister has earned the trust and respect of those who administer it and studied "the sensibilities and prejudices of the *personnel* of the administration?" No reliance is placed in the power, the greatness, or the glory of our country or its flag; no reliance in frankness or plain speech; none in the absolute justice of our demands—and we should make no others. The reliance is upon the minister, upon his ability to study aright "the sensibilities and prejudices of the *personnel* of the administration." Through the senses and the prejudices of men in authority, our minister, by subtle artfulness in association, is expected to secure the rights of the great Republic of the earth!

So when great public rights are at stake, when the lives and the property of our citizens are in peril abroad, as was the case in England last winter, our minister must not throw into the scale the power or renown of the American name, nor the simple power of frankness, justice, and truth, but he must depend upon his powers of personal blandishment and his understanding of the tastes and prejudices of the *personnel* of the government to which he is accredited. No wonder now that our national demands have been laughed at and despised! No wonder that the lives of American citizens and soldiers have been hurriedly and contemptuously sacrificed by foreign powers in defiance of our respectful but feeble protests. The minister had not ministered successfully to the sensibilities nor aptly studied "the prejudices of the *personnel* of the government." The poor victims of foreign hate and tyranny in their last dread moment of trial and death fondly supposed that the flag of the Union had been powerless to save them, when in fact its influence had not been invoked nor its power interposed.

In another place the Secretary, in his letter to the President, says:

> Diplomatic and consular representatives are sent abroad primarily for the advantage of the United States, although the element of courtesy and international friendship should not be overlooked. This being so, a wise policy would seem to dictate, unless some question of principle is involved, a regard to the sensibilities, traditions, or prejudices of the people among whom they are to live and whose good will it is important to secure. This is one argument against the union of the two functions of diplomatic and consular officers, as such an arrangement is looked upon with disfavor by many governments, and by some is regarded, whether properly or not, as evincing a lack of esteem.

Again:

> The two offices are incompatible. They are as different as the two professions of law and medicine.

Here we have the suggestion of the State Department that this House must have regard to the sensibilities, the traditions, and prejudices of the people among whom the minister lives. Before, only the minister was to minister to the senses, passions, and prejudices of the *personnel* of the government, but here we are advised that we, the representatives of the people, should shape our legislation "with regard to the traditions, sensibilities, and prejudices of the people among whom our ministers live." The tastes and prejudices of the petty provinces of Europe, Asia, and Africa must have legislative as well as diplomatic recognition! The diplomatic and consular function must not be lodged in the same person, because of the high-born prejudices of an effete or crumbling dynasty. The tradesman engaged in commercial pursuits, the consul, companion of our business men, must not be allowed by our law to lay under the sensitive nose of a petty prince a message from the State Department of this great Government.

The suggestion is an insult and an outrage. It would have us say to foreign governments, we recognize in our legislation and respect your prejudices against men who labor in any commercial or business pursuit. We will not send into your delicate presence a minister who is tainted by a consular obligation to his Government, but will establish caste in our diplomatic service against the very genius of our republican institutions.

But there is another answer to the present position of the Secretary against the union of the diplomatic and consular function in the same person. It ought to be conclusive. The joining of the two functions under the title of minister resident and consul-general has been sanctioned by long-established precedents, and followed by every Republican administration since 1860.

But that is not all. Secretary Frelinghuysen himself, in his annual report of estimates made to this Congress for us, recommended the union of the diplomatic and consular functions in the same person. With only four exceptions he recommended every one of the ministers resident and consuls-general named in the bill. Let me call your attention to Executive Document No. 5, Forty-eighth Congress, page 207. This is the recommendation of the State Department upon which the bill is based. See now, while I read, the difference between the official recommendation of the Secretary at the beginning of this session of Congress and his latter-day utterances to the President after he had read the bill of the committee: "Minister resident and consul-general to Bolivia. Ministers resident and consuls-general to Liberia, Switzerland, Denmark, Portugal, Siam, Persia, Hayti." But this is not all: "Minister resident and consuls-general to Roumania, Servia, and Greece."

Here I leave the honorable Secretary on this important proposition. He is in antagonism to himself. It is his speech, hurriedly hurled into this House through the President, *versus* his official recommendations in pursuance of law. He has united the two professions of law and medicine in the same person. He has practiced both on this House.

It was suggested to the committee by gentlemen eminent in statesmanship and diplomacy, and whose opinions were fortified by extensive foreign travel and observation, that the great majority of our foreign missions ought to be abolished entirely. Austria and Italy were especially named as countries with which it was worse than useless to maintain other than consular relations. We have no possible interests there needing diplomatic attention. No claims are pending needing argument or the personal efforts of a minister to reach the senses or "study the prejudices of the *personnel* of the government." In the event of revolution or dismemberment we seek no territorial aggrandizement, no harbor of refuge or expansion; no entangling alliance with any departing or coming government.

Although our export trade with each country is decreasing, and so many good reasons exist for abandoning diplomatic representation at Vienna and Rome, the committee have continued the appropriations for the service. Complaint has been made that $10,000 per annum is not enough for the payment of the envoys to these two courts. It is the same salary paid to a justice of the Supreme Court of the United States. It is $2,000 more than the salary of the Secretary of State or any other Cabinet officer. But it will be urged that these ministers have to entertain guests and give expensive dinners. Are judges of the Supreme Court and members of the Cabinet exempt from the pleasures and expenses of hospitality? It is claimed that ministers have to extend expensive courtesies to Americans traveling in Austria and Italy. Why? Is not courtesy voluntary and reciprocal? And why should the many at home be taxed for the social pleasures of the few traveling abroad? After all, do not $10,000 make a very respectable salary? It is double the pay of each Senator and member of Congress, and is accompanied by the allowance of several thousand dollars more for contingent expenses and the like.

Sir, I am well aware of the disadvantage under which any member labors who attempts to curtail the unreasonable expenditures of a Department that can interpose against every reform the social influence of productive courtesy, the personal influences of personal friends, and the courtly blandishments of a pampered life; but justice and duty to our confiding constituencies require that, at whatever personal sacrifices, we should make an honest effort to reform abuses in the public service and keep appropriations and expenses within the bounds of democratic simplicity.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, if the Committee of the Whole will give me its attention I hope not to occupy more than twenty or twenty-five minutes. I shall confine myself to the bill before the committee, endeavoring to explain its provisions; and I think the committee can profitably give me its attention for the reason that no man in this House who has not sat down and given at least a day's consideration to this bill by close comparison with the law and with previous bills can tell anything about it.

I have listened with interest to my colleague on the committee, the gentleman from Missouri [Mr. BURNES], but I have been surprised to find that he occupied his hour in speaking in the main about the least material matters in the bill, while on the most material matters, in regard to which in my judgment the Committee on Appropriations has in proposing this bill been guilty of sins both of omission and commission, he has been substantially silent.

Now, coming at once to the bill, I have abstracted the same, and ask the attention of the committee while I make a comparison of the service under existing appropriations made by the last Congress and what it will be under this bill if enacted into law. I hold in my hand a tabular statement as follows:

Items of appropriation.	For service— As it now exists, 1884.	For service— As proposed by bill, 1885.
Contingent foreign intercourse and missions abroad	$85,000	$15,500
Chargés d'affaires and diplomatic officers abroad	20,000	(a)
Salaries to consular officers not citizens	10,000	(a)
Clerks of consulates	66,500	37,000
For interpreters	19,000	5,000
Contingent and rent for consulates	110,000	84,000
Expenses of prisons and prisoners	22,600	8,950
Relief of American seamen	50,000	40,000
Expenses executing neutrality act	10,000	(a)
Expenses discharging American seamen	6,000	(a)
Total	399,100	190,450

a No appropriation.

On these items the proposed reduction is $208,650.

Now let us take the first item for contingent expenses of foreign intercourse. The law for the present service is as follows:

For contingent expenses of foreign intercourse proper, and of all the missions abroad, $85,000.

While this bill (page 14) is as follows:

For the purpose of enabling the President to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, $15,500.

It will be noticed the law is general in its nature and includes all necessary expenses, while under the terms of the bill no expenditure can be made save for the specific items mentioned. I called upon the Secretary of State for a statement as to the expenditure of this contingent fund for the year 1883, and send the same to the Clerk's desk to be read.

The Clerk read as follows:

Contingent expenses foreign missions for 1883.

*Rent	$13,129 14
*Postage	9,607 33
*Stationery	14,744 18
*Telegrams	6,911 45
*Furniture	3,606 66
*Traveling expenses	2,836 83
*Secret service	1,582 91
*Coronation expenses at Moscow	3,000 00
*Loss by exchange	1,662 83
Miscellaneous expenses	5,003 92
Disbursements by Department of State, as per House Executive Document 43, Forty-eighth Congress, first session	10,320 03
Disbursements by Department of State since preparation of above document	6,787 02
	79,132 30
Balance	5,867 70
	85,000 00

Mr. CANNON. The items marked with a star, and among which are rent, postage, telegrams, and secret service, aggregating over $47,000, are not included generally or specially in the bill now being considered, and it is deliberately proposed that they shall not be appropriated for; and at one stroke of the pen this contingent fund is stricken down from $85,000 to $15,500. If this bill is enacted into law we will send our foreign ministers abroad and they will have no money with which to rent an office. Grave complications may arise requiring our diplomatic agents to communicate with the President or Secretary of State, and there will not be one cent of money with which to pay official postage or the expense of a telegram or cablegram.

The gentleman from Missouri spoke of the late troubles which some of our naturalized citizens in Great Britain have had in the last year or so. If the law had been as he claims it shall be by this bill, it would have been out of the power of our diplomatic representatives to have sent or received telegrams from the Department of State.

Does my friend propose when rights of naturalized citizens of this country or of native-born citizens are in jeopardy in Europe or elsewhere throughout the world we shall have the representative of the Government present, but there shall be no sum of money given for the purpose of communicating rapidly by steam or on the wings of the lightning with the home government? Yet that is the effect of this bill. Instead of $85,000 being provided for the contingent expenses of the Department, as has been customary in preceding diplomatic appropriation bills, there is only provided in the pending measure an appropriation of $15,500.

More than that, sir; you place it out of the power of the Department of State to confer by telegram or even by letter with our representatives abroad unless the Secretary of State, out of his pocket, should pay the postage on the letters or the cost of the telegrams when he de-

sires to reach our ministers or consuls scattered over the surface of the earth.

And this same thing, Mr. Chairman, is true of the consular service. Now, where does the gentleman get his authority for cutting down this appropriation? He goes back to 1856, and he finds a section of the statute which provides as follows:

The President is authorized to provide at the public expense all such stationery, blanks, records and other books, seals, presses, flags, and signs, as he shall think necessary for the several legations, consulates, and commercial agencies in the transaction of business.

I undertake to say even at the very time that statute was passed up to the present it has not been strictly construed, and that when Congress came to make appropriations they made it substantially in the language of the present law, which is as follows:

For contingent expenses of foreign intercourse proper and all the missions abroad, $85,000.

And that is the language in which this appropriation ought now to be presented. Then everything which falls under the head of contingent expenses would be under the discretion of the Secretary of State as it is at present. If the Secretary of State should abuse the discretion reposed in him by Congress, we have the power to correct such abuse by legislation. Or if he should willfully violate the law, we have the power of impeachment. Above all there is the great power of public opinion in this country, the public opinion of 55,000,000 people, which at all times restrains all officers of the Government and all political parties.

Mr. CUTCHEON. If the law does not cover it now, we can amend it in this bill and provide hereafter that it shall be so.

Mr. CANNON. Certainly. I go back to the year 1856, and I say that from then until now this appropriation for the contingent expenses of the State Department has been made substantially from year to year as I have recited it.

Let me next come to some other items which are affected by the pending bill. The Committee on Appropriations dropped out altogether the item of $20,000 for chargés d'affaires. That I understand to be a fund which is provided for the payment of secretaries of legation when performing the duties of ministers during the absence of their chief.

They are entitled to half the amount that we pay the minister or that the minister receives when he is present performing the duties of that office. Take, for instance, our representative at Berlin. There is at present nobody there but the secretary of legation. He is in charge of the affairs at that important point. He is acting as our minister, and yet his salary is $2,600 per annum only, though he may continue to act in that capacity for some time subject to the greater responsibility and increased expense. Now, my friend from Missouri would place it out of the power of the Secretary of State to allow him one-half of the compensation which we would pay to a minister if one was there.

Again, Mr. Chairman, the next item to which I shall call attention is the clerks at consulates. The present law appropriates $66,000 for that purpose. The bill here gives but $37,000. I think that is wrong. I could go into the reasons, but must hasten on, reserving to myself the right to do so under the five-minute debate.

For interpreters the present law appropriates $19,000, and that sum has been substantially provided for years. This bill gives the paltry sum of $5,000. Why send your ministers and consuls abroad at all if they are to be helpless? You send them to Japan and China and Turkey and to all the nations of the earth, and when they are there you do not propose by this bill that they shall have the interpreters to enable them to utilize their positions and knowledge as representatives of the interests of this Government in communicating with the people who speak a different language. You had better keep them at home altogether if you do not give them the tools with which to work. And why do you do this? You do it for the purpose of saving to the people of this country the difference between $19,000 and $5,000, a paltry sum of $14,000, and yet you jeopardize the interests belonging to 56,000,000 of prosperous people. You do this that you may claim to be economical in your expenditures!

But now let me go to the next item, the expenses of prisons and prisoners. Twenty-two thousand six hundred dollars is the current law, and you cut it down to $8,950. Why, do gentlemen understand that under our treaties with many of the Oriental countries our consuls hold courts, settling matters between our citizens and those of other countries, having civil as well as criminal jurisdiction, and that we can not perform our duty under treaties or to our citizens without prisons in which to confine those who violate the law? And yet this bill proposes to reduce the expenditure for this purpose from $22,600 to $8,950.

The next item is for the relief of American seamen. The law now provides $50,000; this bill reduces it to $40,000. Under the law he is entitled to certain protection and relief in case of shipwreck. Some years less than $50,000 is spent for this purpose, but it is not safe to appropriate less than that amount. Some years ago the whole of this amount was spent at one port in less than a month, and we may have severe shipwrecks again. It is not safe to decrease this appropriation.

Mr. DINGLEY. Will the gentleman permit me to interrupt him a moment to state that under the bill already passed, and in connection with this subject, the expenditures for American seamen abroad will be considerably increased this year, because expenses previously borne by the vessels will be borne hereafter by the Government? So the appropriation of $40,000 would not be enough.

Mr. TOWNSHEND. That is on the assumption that that bill will pass.

Mr. BURNES. I beg to say, if the gentleman from Illinois will permit me, that the appropriation of last year was $50,000 and the expenditures $30,000. In consequence of $30,000 only being spent last year the committee reduced it to $40,000, giving $10,000 more than the expenditures of last year, and believe that to be sufficient.

Mr. CANNON. I understand that to be the case, and that the Committee on Appropriations—and I am a member of the committee—is a powerful committee and remarkably smart and shrewd. I have no doubt that it can come about as near predicting the number of storms we are to have next year as the great Wiggins. [Laughter.] Now, if this appropriation is not necessary it need not be expended; but do not cut it down, as it may be needed.

So much for that. I will not go over these items further. This bill recommends $366,875 less than the estimates. It recommends $318,385 less than the law for this year. All of that $318,000 substantially is included in these items to which I have called your attention with the exception of $75,000 for the American Claims Commission, which is no longer required, as that commission has finished its work.

If I understood my friend from Missouri [Mr. BURNES] aright he intimated that he feared some criticisms would be made on account of the alleged cheese-paring. Oh, no! I do not care much about the cheese-paring in this bill. There is some cheese-paring in it. My friend talked during his hour nearly all the time about the cheese-paring in the bill. I am not so very particular about that. But in these other matters covering $208,000 in the items I have spoken of there is not cheese-paring—they cut to the blood and the bone, ay, to the very heart of the diplomatic service. You will not get me on the cheese-paring proposition. Gentlemen are welcome to the dress-parade that comes from that if they want it. But when they come deliberately to roll back the record this Congress has made for twenty years under Republican and under Democratic rule, even the record made in the Forty-fourth Congress, and propose to render useless the already weak arm of the diplomatic service of this Government, I must protest and protest upon the merits.

Mr. STRUBLE. Will the gentleman from Illinois permit me a question?

Mr. CANNON. With pleasure.

Mr. STRUBLE. I understood the gentleman from Missouri [Mr. BURNES], while setting forth the proposed reduction, to state that there had been some increase made in certain respects. I rose at one time with a view to ask him a question upon that point. Does the gentleman from Illinois know anything about the matter of increase?

Mr. CANNON. I know all about it and will speak of that.

Mr. STRUBLE. I should like to know something about it.

Mr. CANNON. I wanted first to discuss the most material matters in this bill, the matters that involve the efficiency and very life of this service, before speaking of other matters. In other words, if I have serious work to do I want to get the serious work off my hands and am then ready for the matters of less importance.

There is one other item I must refer to, the expenses of executing the neutrality act, $10,000. That appropriation has stood in the diplomatic appropriation bill time out of mind. Now, what is it? It is made in pursuance of section 216 of the Revised Statutes. What is it used for? It is the confidential secret fund of the Secretary of State. Sometimes it is not used. Last year I believe it was not used at all.

Mr. HATCH, of Michigan. Is that cut out?

Mr. CANNON. It is cut out entirely, root and branch. Last year very little of that appropriation was used. Yet when gentlemen recollect we are here, fifty-six millions strong, with our extended coast; when they recollect our varied interests; when they recollect the population we have, native, foreign and naturalized; when they recollect the delicate questions that must arise in the position we occupy, I think the good sense of this House will see that the Secretary of State should at least have the $10,000 that he has had for many years as a confidential fund upon which he may draw and upon which he will not draw unless it is necessary so to do

My friend from Iowa asked me about the increases. I am going to surprise my friend. First, take the decrease of offices and salaries made by the bill and then take the increase and strike a balance, and how much do you suppose it is?

Mr. STRUBLE. I have no idea; I want information on that point.

Mr. CANNON. The bill saves just $25,100 when you come to add it up and strike the balance. In other words, take all the cutting of salaries, the abolition of consulates, the providing of additional consuls, the increase of salaries, and when you come to make up the account, while this bill is $318,000 less than the law for the current year, there is only $25,100 of it made up by the changes specified, and about which my friend from Missouri talked for his whole hour. Probably

you would like me to state the account. I can do it very briefly. Perhaps I ought to do so, because I have examined this bill with some care. There are two ministers that have not been provided for; their salaries amount to $11,500.

Mr. STEWART, of Vermont. What ministers are they?

Mr. CANNON. The minister to Roumania, Servia, and Greece, and the minister to Bolivia, There are twenty-one consulates abolished, wiped out. The aggregate paid those twenty-one consuls is $31,500. I read the list, as follows:

Consul-general to Madrid, $3,000; consul at Apia, $3,000: consul at Honolulu, $4,000; consul at Brussels, $2,500; consuls at Coaticook. Port Louis, and Tangier, at $2,000 each; consuls at Mahé, Malta, Copenhagen, and Gaspé Basin, at $1,500 each; consuls at Mozambique, Stettin, Sabanilla, and Saint Paul de Loando, at $1,000 each; consul at Levuka, $1,000; consul at Gaboon, $1,000; consul at San Juan del Norte, $1,000.

The salaries of two envoys extraordinary have been reduced, namely: Austria, from $12,000 to $10,000; Italy, from $12,000 to $10,000.

The salaries of three secretaries of legation have been reduced, namely: Secretary of legation to Japan from $2,500 to $1,800, secretary of legation to China from $2,500 to $1,800, second secretary of legation to Berlin from $2,000 to $1,800.

I want to call the attention of gentlemen to the fact that the second secretary of legation at Berlin is the son of a former Senator from Kentucky, Senator Crittenden. He is not a Republican in politics, and was sent to Berlin many years ago by President Grant. He is noted at home and abroad for his ability, and has filled the position he now occupies with satisfaction to all. He has received the modest pay of $2,000 a year. The proposition now is to come in for the purpose of economy and lay the strong arm of 55,000,000 of people on the second secretary of legation at Berlin and cut $200 a year from his salary.

Mr. REED. That is a saving of about $16 a month.

Mr. CANNON. But to go on.

The interpreter at the Turkish legation is reduced from $3,000 to $2,500; consul-general at Melbourne from $4,500 to $4,000; consul-general at Montreal from $4,000 to $3,000; consul-general at Constantinople and consul-general at Halifax from $3,500 to $2,000 each.

Twenty-seven consuls have thus far been reduced in the aggregate $13,500, as follows: Foochow, Hankow, Tien-Tsin, Chin Kiang, and Ningpo, from $3,500 to $3,000 each; Callao, from $3,500 to $2,500; Santiago de Cuba and Saint Thomas, from $2,500 to $2,000 each; Cork, Hamilton, and Tamatave, from $2,000 to $1,500 each; Beirut, from $2,500 to $1,500; Bristol, Saint Helena, Port Stanley, Clifton, Pictou, Gooderich, Southampton, Ceylon, Antigua, Saint Stephen's, Nice, Barcelona, Fayal, Funchal, and Jerusalem, from $1,500 to $1,000 each.

The abolition of these offices and the reduction of salaries aggregate $63,100.

The following officers have their salaries increased as noted by the bill: Ministers to United States of Colombia, from $7,500 to $10,000; secretary of legation in Spain, from $1,200 to $1,800; secretary of legation in Central American States, from $1,000 to $1,500; consul-general at Panama, from $3,000 to $4,000; consul-general at Hong-Kong, from $4,000 to $5,000.

The following officers are created by this bill with compensation as noted: Secretary of legation in Italy, in Chili, in Peru, and in United States of Colombia, $1,500 each; second secretaries of legation in China and in Japan, to acquire language, $1,800 each; consul-general at Bucharest, $3,000; consul at Athens, Greece, $2,500; consuls at Sagua la Grande, La Paz (Bolivia), and at Cairo (Turkish Dominions), $2,000 each; consuls at El Paso del Norte, at Tegucigalpa, at Santiago de Gautemala, at San José, at Managua, at San Salvador, at Ascension, $1,500; consul at Ghent, $1,000.

The increase of offices and salaries aggregate an annual sum of $38,000. Therefore I say again that when you come to foot up the account, after you have rendered unhappy on the one hand fifty-eight people, and on the other hand have perhaps rendered happy twenty-four people—when you come to even it up there is a net saving of $25,100 a year.

Now I want to talk on this subject a minute on its merits. I undertake to say, with all due respect to my friend, who has given great attention to this bill, that in rearranging these salaries he has started upon a wrong basis and proceeds upon a wrong theory. If that be true, then his conclusion must necessarily be incorrect.

He told us in his concluding remarks that he had due regard to the amount of money that was earned at these consulates; that is to say, the fees they collect annually which go into the United States Treasury. If they collect a large amount, then he would increase their pay; if a small amount, then he would decrease their pay. Now, I undertake to say that is not the way we should regulate this service. The primary object of our consular service is not to collect revenue by fees.

Mr. COX, of North Carolina. Still they collect more than we pay them.

Mr. CANNON. Yes, that is true. They collect, as I recollect, in round numbers nearly a million of dollars, which is $50,000 more than enough to pay every expenditure in connection with the consular service, including the contingent expenses and every other.

Mr. Chairman, the object of the consular service and the duties of consuls are so much more clearly set out by the Secretary of State in Executive Document No. 146, that I send it to the Clerk's desk to be read in part as I have marked. It will be seen that the fees collected by consuls are a very poor indication of the importance of the consulates.

The Clerk read as follows:

A nation of 56,000,000 inhabitants can never cease to be an important factor in public affairs, and when that nation is wealthy even out of proportion to its vast population; when it pushes its enormous natural products into every country, underselling the local market, and is increasing its exports of manufactured goods until they are found in all parts of the earth, competing with the long-established factories of Europe, it can not expect to hold aloof from the rest of the world, and can not consider itself isolated either politically or commercially. During the year 1883 the United States exported $629,224,000 of raw material, and $175,000,000 of manufactured goods. That this invasion of foreign markets, there to compete with their domestic products and manufactures, is not patiently regarded by foreign nations recent events familiar to all have shown. There are, besides, political considerations, arising from our form of government and political principles, as well as the vast number of emigrants annually flocking to our shores, which should not be lost sight of in this connection. Events in this continent also require constant attention and a careful policy to avoid on the one hand entangling alliances or undesirable acquisitions, and on the other any infringement upon a political doctrine which has always been cherished by the people of this country.

With an unprotected coast, without an effective navy, with a population energetic in commerce and fond of travel, pushing themselves into all countries for purposes of trade, pleasure, or instruction, or as missionaries pursuing their self-sacrificing labors among a hostile population; with a national and necessary policy forbidding European political intervention on this continent, with a system of government regarded by many other countries with disfavor, and with a production greater than we can consume, which must seek foreign markets, it is vitally important to sustain a sufficient and well-compensated diplomatic and consular service. This public service is now seriously hampered by lack of funds, although the former branch costs very much less than that of any other first-class power, while the latter is more than self-sustaining.

The duties of consular officers are—

First. To aid and protect their fellow-citizens.

Second. To settle disputes between masters and seamen of American vessels; to ship and discharge the crews; to care for sick and disabled seamen, and generally to guard American shipping interests.

Third. To aid in the extension of our trade by protecting it where it exists, by seeking new markets, and by furnishing American merchants with early, correct, and useful information.

Fourth. To protect the revenue of the United States, examining into the truthfulness of statements contained in the invoices presented to them for certification of goods to be imported into this country, and by giving the customs officers early information of facts of importance to them.

Besides these general duties, consuls in some countries have by treaty extra-territorial powers of hearing, as judges, civil causes wherein their countrymen are defendants, and trying them when accused of crime. In several countries the consul participates in the municipal government of the foreign colony at his post, and at some he acts as United States postmaster.

For example, at Shanghai the consul-general has the following duties: First. He has supervisory control over all consulates in China. Second. Because of the distance from the legation at Peking, the insufficient means of communication, especially in winter, and the peculiar powers of the local government, he has often important semi-diplomatic duties to perform, requiring delicacy and tact. Third. With the other consular representatives he participates in the municipal government of the foreign settlement with a very considerable population and containing much valuable property, both real and personal. Fourth. He is a judge trying civil causes in which Americans are defendants, and trying them for crimes sometimes carrying the extreme penalty of the law. He also has charge of the jail in which American prisoners are confined. In his judicial capacity he is judge of a criminal court, of a court of probate and divorce, of an equity, and of a nisi-prius court. Fifth. He is a United States postmaster, handling all the mails arriving at Shanghai for citizens of this country, either officials or private individuals. Sixth. He performs the duties of a seaport consulate, namely, has care of American shipping, guarding the interests of master, crew, and owners; he protects the revenue of his Government and watches and strives to increase the export trade.

The fees at such a post can not, and in the very nature of things should not, be sufficient to pay the expenses of the office, combining as it does judicial, municipal, executive, and commercial functions.

On the other hand, the consulates in Europe have less important duties, especially those in the interior, where the consul has none but duties relating to the collection of the revenue to perform. For such duties the fee returns are usually large, and while the services rendered are important and are very conscientiously performed by the present officers, they do not require that education, training, and knowledge of law and diplomatic precedents necessary at a post where a consul is at once a judge and in some sense a mayor as well as a consul.

Mr. CANNON. Before I speak further touching this matter I want to call attention, merely by way of sample, to one or two consulates which have been dropped or the salaries of which have been decreased. Take Apia. I turn to page 37 of this report and I read:

Our commercial relations with the Samoan Islands are at present, though perhaps not large, rapidly extending, and from the position of the islands it is thought that with proper fostering the greater part of the trade may be diverted to the United States. The principal products of the islands are cobra, cocoanut, coral, sharks' fins, &c., while they import from us lumber, provisions, dry goods, &c. The efforts of our consuls in these islands have already resulted in greatly increasing our trade, and the prospect of a further increase is very promising. Besides his commercial duties, the consul at Apia is charged with certain political, judicial, and municipal duties, which are necessary for the proper protection of the American residents. The cost of living in Samoa is very high, and the salary of the principal officer at least should be sufficient for his support, as he is not allowed, and should not be allowed, to engage in business pursuits. It is recommended that offices be retained at Apia, Pago-Pago, and Jaluit, as follows:

Then follows the recommendation of $3,500 as salary of consul-general at Apia.

This is the only representative that the United States Government has at Apia; yet it is deliberately proposed in this bill to wipe out of existence that consulate. Why? Because last year he did not collect any considerable amount of fees. In other words, when the trade of the United States is established and a consul is not so important, increase his salary; but where the United States is seeking to establish a trade

and a consul is needed to assist, and is absolutely necessary, the policy of this bill is to dispense with his services.

Take another illustration—Constantinople. The salary of the consul-general at Constantinople is $3,500. This bill proposes to cut him down to $2,000. Why, sir, do gentlemen recollect that the consul-general there supervises several other consuls? Do they recollect that he is secretary of legation for our minister there? Do they recollect that he is presiding judge at the consular court, which under our treaty is the only court that can afford protection to the personal rights and the property of American citizens when abroad in the dominions of Turkey? Yet you propose to heap these duties upon him while you take from his salary $1,500, cutting it down to $2,000.

Why, sir, the man who stands at one of the doors of this House receives in round numbers $1,500. We pay a Department clerk here in Washington, who goes to work at 9 o'clock in the morning and stops at 4 o'clock in the afternoon, who has no duties to perform except to manage his pen for seven hours, who has nobody dependent upon him in the performance of his duty except under the direction of his superior, to such a man here in Washington, where living is comparatively cheap, we pay $1,200 to $1,800 a year. Yet we propose to say to these men, "Go to your official post anywhere around the world at your own expense, we allow you no traveling expenses; go to the ends of the earth, and pay your own transportation and your own board bills; return in the same way; and when you are abroad conform to the customs of the country; make yourselves respectable in the consular service and in the diplomatic service along with other people in that rank or station of life; relieve the shipwrecked seamen; attend to the duties of your station and afford protection to the naturalized and native-born citizens of the United States who may apply to you; and when all this is done—after performing all these duties and paying all these expenses; after you have held court, as at Constantinople, determining rights of property, of liberty, of life, where American citizens are contestants; after requiring of you these duties; after compelling you to bear these expenses—we propose to take $1,500 from the inadequate salary you now get." I undertake to say that such action is not wise, and should not and will not meet with approval of that people gentlemen claim to be so desirous of serving.

I wish to make one remark in closing. I send this report to the Clerk of the House to be read, and I want it read in full.

The Clerk read as follows:

Mr. BURNES, from the Committee on Appropriations, submitted the following report, to accompany bill H. R. 6770:

The Committee on Appropriations, in presenting the bill making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1885, submit the following in explanation thereof:

The estimates upon which the bill is based are to be found on pages 207 to 212, inclusive, of the Book of Estimates, and aggregate in all, not including the sum of $224,556.75 which was submitted for the survey of the international boundary between the United States and Mexico, $1,345,045, of which sum the committee recommend $978,170, being a reduction under the estimates of $366,875, and a reduction under the amount appropriated by the law for the current year of $318,385.

Mr. CANNON. Now, Mr. Chairman, it is proposed to revolutionize the diplomatic service of the United States upon the recommendation of a committee not charged with matters of legislation touching it, and when the bill is reported and the report is read it is found not to cover a dozen lines. Having due regard for the great industry and ability of my colleague on the committee the gentleman from Missouri [Mr. BURNES] I submit to him and the Committee of the Whole House on the state of the Union that no man in three months' investigation can obtain knowledge sufficient of the diplomatic and consular service of the United States as it reaches out to fifteen hundred millions of people all over the face of the earth to enable him to come in and present a measure which shall revolutionize that service. And I trust that this committee and the House of Representatives will not in sheer madness blindly undertake to run a muck in the enactment of this bill.

Mr. FOLLETT. Mr. Chairman, a large part of this session of Congress has been occupied in discussing general appropriation bills, and I have yet to hear coming from the other side of the House a single proposition to reduce the appropriations reported by the committee. On the contrary, from the beginning of the session to the present hour the time has been spent in efforts to increase appropriations as recommended by the committee. I hear some gentleman say, why not? I know of no particular reason.

Mr. REED. Will the gentleman from Ohio permit the gentleman who made that observation to finish it?

Mr. FOLLETT. Certainly.

Mr. REED. I said, why not? This is a growing country. It costs more to run it every year.

Mr. FOLLETT. I am not talking, Mr. Chairman, in reference to the growth of the country. I simply said the appropriation bills recommended by the committee this year and with the growth of the country have so far, in the estimation of the other side of the House, been below what they ought to be, and certainly that speaks well for the committee.

Under the bill now under consideration the questions presented simply affect the salaries of public officers. It is not difficult to increase salaries. It is not difficult to get them above what they ought to be. It is not difficult to provide officers for which there is no occasion. It is difficult whenever the attempt is made to strike down that which has become an evil and which has incorporated itself into the organization, management, and growth of a party. It is difficult to reach that by reduction of salary or by cutting off useless and superfluous officers.

If we are to believe the half that is told of the effect of the appropriations of this Congress, it will undoubtedly be to lead the country to destruction. We have forgotten this is a Government of the people; we have forgotten this is not a Government of the office-holders. We are reminded, and shall be strongly reminded in less than six months to come, that offices are created and salaries are fixed for the purpose of raising expenses to defeat the will of the people when it comes to the expression of their voice at the ballot-box. I am not surprised when an attempt is made to reduce salaries to such an amount and figure as that thousands of people in this country would be glad to get offices and fill them at the salary to which the Committee on Appropriations say they ought to be reduced—I am not surprised when such an attempt is made we are told to hold them up on purpose to give a margin upon which assessments can be made for campaign purposes, and thereby corruptly influence the people in the expression of their sentiments through the ballot-box.

Now, Mr. Chairman, the foreign representation of the Government in the consular and diplomatic service is cursed and has been cursed with useless officers and positions created simply to provide for somebody unable possibly to take care of himself by the exercise of any vocation at home. I remember an instance in which, although the State of Ohio has had but very few officers as is well known under Republican administration for years past, two Ohioans have filled offices at Honolulu, one being the minister at a salary of $7,500 a year, and the other consul-general at a salary of $4,000 a year.

The consul-general said that all on earth the minister had to do was to draw his salary, and the minister said that that was about all the consul-general had to do, and the one was placed there to see that the other drew his salary regularly, and the other was placed there for the purpose of reciprocating the compliment. [Laughter.]

Now, sir, in this bill the two offices are combined, and I have no doubt that 56,000,000 of people in their majesty in this country will see their Government degraded by having one of these officers at home while the other is drawing a salary.

It is possible that there may be individual instances, such as that referred to by the gentleman from Illinois, in which an individual may not receive all that he ought to receive for the services that he is performing. But if that is true, a single instance of a wrong of that kind can easily be remedied; and the fact that there is one out of fifty-six to which the gentleman can allude, if it is true that he would not receive what he ought to receive, is no reason why the other fifty-five who are receiving more than they are entitled to ought not to be reduced to the amount fixed by the bill. I have entire confidence in the investigation of the gentleman who prepared this bill. I have entire confidence in his wisdom in that research and in the explanation which he made of the bill this morning; and believe that every recommendation he made ought to be adopted by the Committee of the Whole and by the House in the passage of this bill.

Sir, the Government of the United States in its foreign representation, if we are to judge of it by the communication that has been made to this House by the Secretary of State, has forgotten the very purposes and objects and the nature of the Constitution under which we live.

This, sir, is a Government of the people; a Government that disregards the show and the exhibition that it is sought to fasten around royalty; a Government simple in its character, devoid of parade, free from that which would assimilate it in any form whatever to those governments which believe that they were created and exist by divine right; a Government in which the people are the sovereigns and the office-holders the servants, whatever the officers may think. We are reminded by the Secretary of State that we ought to be careful in our combination of the functions of a consul and of a minister lest we in some manner offend the sensitive organs of the courts and the powers to which these ministers are accredited. Why, sir, in every political contest in this country we hear that it is a special recommendation for a candidate that he has been a rail-splitter, a mule-driver upon the canal; that he started from the people, or that he started from the bottom round of the ladder. And who in this country ever said the nostrils of the people were offended by the fact that he had at some time by his own hands earned his own living, or performed the functions of some business, or made his way in life as a laboring man?

And yet, sir, when we go abroad this character of our people is to be and will be entirely laid aside. We are to represent there what? We are to represent the tinsel show and gaudy glitter of effete monarchies; of people who believe they were born to walk upon the necks of laboring men and the laboring masses. If that idea entered into the head of the Secretary of State in the recommendations he has made to this House, and if such opinions are entertained by the head of the diplomatic service, then we as the Representatives of the people certainly have it in our power to teach him that he has forgotten that the people

of this country are still the sovereigns. I would commend him, Mr. Chairman, to that old hard-headed Scotch poet, and I want to read a single sentence, trusting that he may at some time read and recollect it:

What tho' on homely fare we dine,
Wear hodden gray, and a' that;
Gie fools their silks, and knaves their wine,
A man's a man for a' that,
For a' that and a' that,
Their tinsel show and a' that;
The honest man, tho' e'er sae poor,
Is king o' men for a' that.

[Applause.]

Now, sir, the Secretary of State says that we are to pander to the whims and put ourselves upon such terms as to be welcomed by these courts to which we accredit our diplomates. I believe that the man who represents this country in a foreign country should represent it as Franklin represented it; should represent it as every true American ought to represent it; should represent it in all of its simplicity, in all of its integrity; should represent it in all its purity, and without effort to assimilate himself to the tastes, habits, or character of the people to whom he is accredited.

Mr. Chairman, the man who truly represents this Government will receive at the court to which he is accredited—I care not what be the nature or character of that court—such honor as he can not receive and will not receive by any attempt to imitate the habits of the nations or the characteristics of the people to whom he is accredited. If he goes to a cannibal country I do not believe it is necessary for him to eat a few steaks from a young boy for breakfast in order to prepare himself to be received by the government at which he may desire to be received with proper attention and proper homage. Let him go there and represent the people of this country as they are, in their simplicity, integrity, and power, and he will be honored and respected by the country and by the people to whom he may be accredited.

The course of this country to-day is such that instead of our ministers abroad and our representatives abroad representing the yeomanry of the country, they have come back here and have imported into this country the habits, the characteristics, the marks of distinction between power and the people learned abroad. And in the capital of the Government of this country, the home of a free people, you can not go upon Pennsylvania avenue without finding there on the carriage of every representative of the Government, whether paid for by the Government or by the private individual, some man sitting in front wearing the badge of servitude, and another in the same livery driving the horses. Whence came the custom? It is true that sometimes the fellow with brass buttons sits behind and the other fellow in front. And in this way we may get confused and mixed, those of us who are simple-minded people coming from the country. But the brass buttons were put there as a badge of servitude and to intimate that there was more than one class in this country.

And now we are told that this same custom must be kept up at foreign courts, and you must pay your representatives abroad an amount sufficient to enable them to adhere to the custom there. I believe I have never yet seen a native American, a man imbued with the spirit of our institutions, dressed in brass buttons.

Mr. WELLER. No, sir; you never have.

Mr. FOLLETT. As a rule the men who will consent in this country to so degrade themselves are men who have been accustomed from circumstances to servitude. And it is the pride and glory of the American people that an American will never for any consideration submit to wear the badge of slavery.

Now, if we can cut that off, if we can prohibit it, if we can prevent it by the reduction of compensation to the representatives of the Government abroad, if we can by holding the purse-strings of the nation compel proper representation of Americans at the courts of other countries, I for one shall insist that we do it.

Mr. WELLER. And I, too. Amen.

Mr. FOLLETT. It has been said, Mr. Chairman, and truly said, that there is no politics in this bill. It is purely an American bill. It provides simply and solely for the representation of our Government abroad. It provides for the compensation that shall be paid to those who are sent abroad to represent us; not to represent majesty, not to represent power, not to represent the might of 56,000,000 people, but to represent their simplicity. We are not especially in need of the peculiar forms and methods of the diplomatic service. The Secretary of State tells us that there are various methods to be adopted, various practices to be pursued, various things that are required to be done to enable us successfully to prosecute a diplomatic undertaking.

Sir, diplomacy has been said to be the art of concealment. That is not, however, true of true diplomacy and true American diplomacy. When we as a people have anything to accomplish, we go at it, or ought to go at it, with direct methods and without concealment.

We have an army of but 25,000, and yet who in the United States loses sleep at night for fear of an attack of nations with their armies of hundreds of thousands? We rely for the strength, we rely for the permanency and perpetuity, of our institutions upon the integrity of our people and their devotion to American principles and to our form of Government, and that reliance has hitherto been perfectly secure, and it will remain secure. We are in a position to-day to bid defiance to the world without a navy and without an army, for we know that from whatever quarter an attack may come we have got the hearts of the people, we have got the strong arms of the people, that would come at once to the defense of the Government and would at once repel any attack, come from whatsoever source it might.

So far, then, as any necessity for keeping up a large diplomatic corps abroad is concerned, so far as any necessity for us to assume and to pay inordinate amounts for the purpose of being represented abroad is concerned, it is the sheerest nonsense. Every dollar, Mr. Chairman, taken from the pockets of the people, every dollar uselessly expended by this Government, is profligacy and waste and criminality upon the part of those who assent to this expenditure.

It has been said, Mr. Chairman, that we should separate the functions of consul-general and minister at the courts of Austria and Italy. And why? Is the court of Austria a court the sensitive nostrils of which would be offended by the appearance there of a man who represents the Government in a consular capacity? I happen to know, Mr. Chairman, and to know intimately, the man who is there to-day, and if the emperor's nostrils would be offended by the smell of labor or by the appearance of labor upon the part of the man who represents us there, he would long since have banished him from his court, for he is a man that came from the people, who has worked his own way in the world, who has come up, and come up, too, by the toils and struggles that have brought every man who has attained position in this Government to the position which he has attained. And I am satisfied that the Emperor of Austria, when he understands that the predecessor of the President who nominated him to that court once drove mules upon a canal, will not have his dignity lowered when he knows that behind that administration and behind that minister stand a people proud of what they have achieved by labor and as the result of labor; and I do not believe that the predecessor of the present Secretary of State in that office would ever have urged any such reason for our continuing to pay two officers for performing the functions which one could perform just as well, just as honorabbly, and just as creditably to the Government.

The gentleman from New York [Mr. ROBINSON] desires to be heard upon this bill, and I will yield the remainder of my time to him.

Mr. ROBINSON, of New York. I am much obliged to the gentleman for his kindness. I understand that the gentleman from Illinois [Mr. HITT], a member of the Committee on Foreign Affairs, desires to address the committee, and I will reserve the time so kindly yielded to me until that gentleman has been heard.

The CHAIRMAN (Mr. HERBERT). There is remaining of the time of the gentleman from Ohio [Mr. FOLLETT] thirty-two minutes.

Mr. HITT. Mr. Chairman, this bill annually recurs, providing for the usual and regular expenditure to carry on our diplomatic and consular system, and its title is an appropriation bill—an ordinary business measure. Such it pretends to be, but in fact it is more. It changes our former legislation and alters in important features the very theory of the system.

Without repeating what has been said by gentlemen on both sides of the House about its practical operation in details, I will, if your patience will bear with me, point out some things which I think will show that this is not merely an appropriation bill, but it is legislation aimed at changing the present consular and diplomatic system, which is based upon the old act of 1856, modifying it not only in detail but in theory, crippling, impairing, and disordering the service.

As I do not wish to speak too long upon this question, I will not attempt to answer the grave arguments which have just been made in regard to the uniforms of domestics or the points made by my friend on my right [Mr. BURNES] in reference to lowering a minister's expenses by reciprocality of diplomatic dinners, the minister eating as much at other tables as he expended in hospitality at his own, a method by which the gentleman thinks he could balance the account and enable us to cheapen the cost of our representatives abroad.

I do not think our present service is perfect; it is capable of many improvements in many directions. But it is so widely extended, so complex in its relations, touching such vast business interests, that it ought to be handled with care by those familiar with its workings; not with partisan zeal nor in any spirit of rash encroachment. It touches the collection of more than $300,000,000 of our revenue and the protection of our people in all lands, the shipping interests of our people, the import trade and also the export trade of our country, which is now dependent more and more for its enlargement upon the efforts of our consular officers.

The President of the United States on the 20th of March sent to this body a communication from the Secretary of State, in which he points out generally many improvements which could be made in our present consular as well as in our diplomatic system. But he suggests, with a modesty which might well be imitated here, that it is not even for that Department to determine at once all the modifications in this vast system, involving so many difficult questions, and the Secretary of State proposes that Congress should provide for a commission of eminent men conversant with the subject, who after studying it carefully might recommend the changes advisable or necessary. The old law of 1856 upon which our present system is based has been changed and modified in

many ways from year to year, so as to render it more and more complex. In many cases it was found to be working injustice, which subsequent laws have endeavored to cure. And now this appropriation bill comes in with a body of law touching the organization of the diplomatic and consular service and complicating it far more than ever.

It is true there is a saving on salaries under this bill—I will not repeat the figures—of little sums here and there; a few hundred dollars in one place, two or three thousand dollars in another, upon the salaries of consular officers and their clerks. These reductions impairing the efficiency of the service at the very point of friction, cutting down the pay just at the place where the hard daily work is done, will so confuse and disorder the service, especially as a protection to the revenue, that it will diminish our revenues far more every year than the entire expenditure for our consular service throughout the world.

How much is that expenditure? The entire outlay which we make annually for all our diplomatic officers is somewhere between $350,000 and $400,000. The consular officers are largely paid at the different posts where the service is rendered in fees paid for their services, which are accounted for to the Government and which are turned over in such sums that the whole service is more than self-supporting. This bill, which is nominally for the purpose of appropriating money from the Treasury, is really a legal formula to determine the rule for settling the accounts of these officers, allowing them to keep a part of what they have taken as compensation for the services they have rendered, while the rest is turned into the Treasury. Is that not a very simple and complete answer to the grave discourses we have had here touching the profligacy and extravagance shown throughout the world in the splendor of our foreign service and the cost it entails upon a tax-ridden people?

The mixture of the two branches of the service, the diplomatic and the consular service, which has been referred to repeatedly in this debate, is an evil which the Secretary of State has pointed out with emphasis. Only where constrained by the necessity of the strictest economy, and in places where the consular office was of minor importance commercially, has it heretofore been united with a diplomatic position. A few such posts have been in the service, though it has been the desire to speedily separate the two functions. This bill aggravates the evil, and adds four more double-headed posts, where the same officer is both consular and diplomatic. These duties are in some respects not only different but they are almost inconsistent. The duty of a minister is political. He is to watch and wait. He represents this nation at the court of another. He is charged with the common and united interests of all his countrymen. His responsibilities, when he is called to act, are the very highest. At a given moment what he does may be of supreme importance to us all.

He must know the rulers in the land—the very, very few who rule in many countries, for they have not everywhere our system of popular government. In most countries it is a system distrusted and disliked by the ruling class. There all is determined not by elections, but by half a dozen, perhaps one man, whose whims and will, whose caprices or ambitions or wisdom may affect the interests of our country. A vigilant, able minister seizes every influence for the advantage of his government and its cause. A consul must protect our individual citizens; that is his first duty, to care for American citizens, who everywhere are found throughout the world, moving in all ways, for all purposes—for amusement, business, recreation, study, or trade. The active, impressible, trading, teaching, working, searching Yankee penetrates everywhere. And it ought to be the glory of our nation to have him everywhere followed by our flag, and to have a representative of the country near at hand and efficient to protect him in his person and in all his rights.

It is not by the amount of fees collected that the importance of a consul's duties or position is to be measured, as is done by this bill. Consulates are not all commercial. Every year a large number of our people visit countries like Egypt, and this from motives which all most approve. There is no great trade there with our seaports; but the presence of a consul is essential for the protection and guidance of the hundreds of American travelers who come there every winter. Consuls everywhere represent the power and the paternal, vigilant aid of their country for the care of its poorest wanderer, especially the seamen.

Take such a place as Saint Helena. We have little trade there. You search vainly for returns of fees for certifying invoices. But there comes the great fleet of our whaling ships, stopping as they pass by; there all disputes between the captain and the seamen are to be settled, the consul being the arbiter. The shipment and discharge of seamen must be attended to—the care of the sick and the disabled. These are great and important functions.

Gibraltar is a similar place. So is Mahé, in the Seychelles Islands—a lonely, far-away spot, where so many of our sailors touch. I remember instances that came under my observation, at a time when it was my duty to know the facts, where twenty or thirty of our ships touched at Saint Helena in a month. So of many other posts. A consul must care for the citizen everywhere—must care in a more paternal and vigilant manner for the sailor and for the shipping interest generally. He must care, too, for the extension of our commerce.

This is a comparatively new feature in the present consular system of the United States, that its officers, especially since the time of Mr. Evarts, have been urgently charged with the duty of collecting information of every kind which would conduce to the enlargement of American trade. That has greatly increased the necessity of clerical force and has diversified the duties of consular officers. I think gentlemen on this floor will bear me out when I say that among all the documents printed by Congress those containing the reports of our consular officers concerning the trade of our country abroad are among the most welcome and most sought for by manufacturers who are our constituents at home.

I have said the importance of a consular post was not to be measured by the fees collected, nor by its mere commercial activity; nor should the salaries be graded accordingly, as is done in this bill, cutting down consuls who do not collect much in fees.

But even the commerce is not shown accurately by the fee returns, for half our trade does not appear in consular invoices. We have not only our imports, but we have an export trade that amounted last year to $800,000,000. The consul is charged with doing all he can to cherish, to foster, to widen, to encourage that trade by information sent home and by home information given abroad.

Even in the matter of imports the fees of a consul are an imperfect criterion of the importance of his office, and my friend from Missouri must have been sadly misled if he merely looked over the reports of the fees of consular officers to know how much business passes through their offices.

An invoice pays a fee of $2.50 to the consul. That invoice, made at Paris, may cover one hundred or one hundred and fifty dollars' worth of artificial flowers, or bronzes, or what are called "Paris articles." Most of the invoices there are not very large in amount. From Chemnitz also there would be small quantities, as of woolen goods or other articles manufactured in that region. But if the invoice came from Odessa, it would probably be for thousands of dollars' worth of wool on the one invoice. There is no certain indication in the return of fees as to the volume of the business, nor does the business that comes this way serve as a measure to estimate the business going out. Barcelona, which my friend has selected as one of the consulates to be cut down in salary, has little evidence of business in the way of fees; but I ask my friends from the South to take notice that it is the fourth port in rank in Europe for the importation of American cotton. There is no record of that in the consulate. But the consul is the man to whom the consignee looks for information, for guidance in all questions with the consignor at home. The consul is the guardian of commerce in all its aspects.

But, sir, I have been led too far away into general remarks. Let me speak more specifically of some of the reductions in the bill. The changes in our diplomatic service have not been extensive in the heads of missions. But two of them have been diminished—the salaries of the ministers at Rome and at Vienna. I will only remark that those officers are paid less than the representatives at those posts of any other power of our grade in the world; that we, as American citizens, would be as much irritated as any other people if we learned that our representative had made us contemptible or ridiculous or ignoble by his appearance. If we do not allow them a proper compensation, a suitable salary to maintain with dignity and honor the national name, have we a right to ask the representatives of our country to defray the expense of living fittingly out of their own means? Is that a guiding principle for statesmen in framing a law organizing our foreign service?

Again, this bill reduces the salaries of secretaries of legation in nearly all the European capitals, and at the same time it omits to make any provision for paying them anything additional when they serve as acting ministers under the title of chargés d'affaires ad interim. Bear in mind what a secretary of legation is and what he does when he acts as minister. When acting minister he has greatly increased and more responsible duties and greatly increased expenses, and the Government has accordingly given him pay as chargé at half the rate of the minister's salary. This is to be cut off; his pay is to be reduced to a salary of $1,500 a year at a place where that amount of money will not count toward his support as much as a messenger's pay in Washington; upon that salary he is to represent this country; he is to be in daily intercourse with the rulers of a foreign nation; he is to discuss every rising question, contending for our interests, watching all opportunities. He must be no machine clerk. He must be a man of ripe judgment, of wide intelligence, versed in international law, in the usages of nations, in the condition of his country and that to which he is accredited, and master of the special business committed to his charge. Such a man as that it is proposed to pay at the rate of $1,500 a year, and then require him to pay more than that amount in contingent expenses of the legation out of his own pocket. Remember this bill is upon the theory that the minister or acting minister will bear the rent and contingent expenses.

How will this work in cases where the mission is vacant or the minister absent for months? This often occurs. I have observed several instances where the mission to Russia was in the hands of a secretary of legation acting as chargé the greater part of the year. Should he bear all these expenses? Under this bill he would receive no allowance for the extra expense to which he was subjected as chargé d'affaires. On the contrary, it contemplates his paying the rent, postage, telegrams, and in large part the contingent expenses of the legation or else close it.

Remember too, Mr. Chairman, these gentlemen so slenderly paid who are in the foreign service have an insecurity in their tenure of office which is not even equaled in the condition of a clerk in Washington. There is something dimly approaching security in the tenure of office for faithful, diligent men here in the Departments. There is none on the part of those in the foreign service. Indeed, no one pretends that there is any regular progress or continuance in our diplomatic service. No one is so visionary as to imagine he can remain permanently in that service. Many clerks here are willing to accept and work for small salaries in view of their continuance in office with something like permanence. What is the practical effect of all this diminution of salaries and elevation of duties and expenses to this class of diplomatic officers? I ask my Democratic friend—and I use the word democratic in its broadest and noblest sense—what is the practical effect of the provisions of this bill? It is a rich man's bill. It is a bill to exclude every man who can not command from his private means money with which to piece out this allowance and to hold an office, it may be, for the very purpose which the last speaker, the gentleman from Ohio [Mr. FOLLETT], denounces; that is, the gratification of personal ambition in the position and social privileges which the post may bring, rather than zeal in public duty and willingness to labor patiently and vigilantly at the highest and at the humblest and most fatiguing work of an important office.

What we want in such posts is not mere wealth but ability, the real merit of the man; we want judgment, experience, information, character, but such men will be barred from this service unless they are wealthy. The tendency of such legislation is to send abroad rich men to occupy not only the chief foreign missions, because they alone will be able to sustain the expenditure, but even the subordinate posts will be shut off to nearly every one of our people, however competent. Wealthy men or wealthy men's sons will have to be sent as secretaries of legation; for there is no compensation provided for acting ministers, that is for secretaries of legation, and the burdens upon them are greatly increased. Such would be the practical working of this bill. Is it not a change in the very theory of the service?

My colleague from Illinois [Mr. CANNON] has spoken of the pitiful economy in cutting down $200 on the salaries of the second secretaries of legation, and there are only second secretaries provided for three legations of the United States.

I was sorry to hear an illiberal word from my friend from Missouri [Mr. BURNES], who has generally shown a calm and business spirit in the consideration of this measure. He spoke of second secretaries of legation as gay trifling ornaments, designating them as walking gentlemen kept in the legations for display. Not so. They are patient, hard workers. I know there is not a gentleman on the floor who works harder than I have seen the second secretary of one of these legations, toiling on emergencies through the night long when necessary in the dispatch of public business; a man of recognized ability, whose reputation as a writer on international law is familiar to all who are versed in the recent discussions of such topics, who has vindicated with his powerful pen the rights and honor of our country in the European press during the most critical moments of the crisis in the discussions of the last twenty years, I mean Mr. Henry Vignaud, the able second secretary of legation at Paris, whose articles published in the Mémorial Diplomatique and other European journals during the memorable struggle over the Alabama claims did so much to correct public opinion abroad and maintain the correctness of our position. With such a man in it this position of second secretary of legation is not a mere ornamental post. Far from it. So of the second secretary of legation at Berlin, of whom my colleague [Mr. CANNON] has spoken. The secretary at London is an experienced officer, transferred from Vienna. There is nothing of the honorary in these positions. They are posts of arduous labor, continuous and important, and are in cities where the expense of living makes careful economy necessary with $2,000. I know that the second secretary at Paris declined the position of first secretary because he could not afford to accept it and its social burdens with the salary allowed.

We next come to the mission of Greece, Servia, and Roumania, which it is proposed by this bill to abolish. The destruction of that mission comes unfortunately just at the moment when Greece, responding to public sentiment in America, has removed all restrictions upon the importation of our pork, exerting thus a great initiative influence by her example just at the time when she can best serve us by it and when we most pressingly need it. I commend that to the gentleman from the Northwest.

I may say the active sympathy of the Grecian people for America has never been wanting at any time since the hour of the new birth of that immortal nation, in blood and sorrow, when our people gave them such prompt recognition and assistance. I never met a Greek who did not speak of America, not with cold respect, but with something like love, remembering that the kind hand and encouraging tender voice of our people lifted them to their feet in that terrible and bloody struggle with Turkish tyranny, the birth-hour of their nation.

They are a people something like ourselves. They are the Yankees of the Levant. Greek merchants in Alexandria have branch houses in New York, and Greek merchants of the Black Sea are connected with houses in this country in which they are partners.

The sympathy of the Greek nation, which is the center of about twelve millions of people of that race, religion, and sentiment, should not be lightly thrown away. But what is the economy? What is the great saving for which three nations are chilled? Fifteen hundred dollars. We are now paying $6,500 to a minister who is accredited to Greece and to two other governments. It is proposed to send a two-thousand-dollar consul to take the place of the minister in Greece, and pay $3,000 to a consul at Bucharest to replace the mission to Roumania; in all, $5,000 instead of $6,500, to support the mission to the three nations filled by one individual.

So, too, with reference to Servia; except that not even a consul replaces the minister. Now, there is a trade springing up with Servia, and although we have heard it stated here that no consul was required, I may give as one item that we sent there last year some five hundred thousand dollars' worth of petroleum. With Servia, as also with Roumania, we have just concluded a treaty of commerce and amity. Why should we then cut off a mission that is very gratifying to their national feelings, which is conducive to our trade and general interests, and which is in fact becoming a necessity by reason of the growing commerce between our country and all that region, replacing it with a consulate that must become comparatively ineffective; and only for the purpose of saving $1,500?

There, too, is Egypt, an independent power in point of fact, though nominally Turkish, where we have a diplomatic agent or consul-general, who is to be cut off by this bill, and a consul at $2,000 substituted. This will take away the medium for diplomatic communication. Our Government now participates in the mixed courts and the commissions sitting in Egypt, naming three American judges, who are paid by the Egyptian Government. Our diplomatic agent also participates in all administrative questions affecting foreigners, and he has jurisdiction as a judge to try criminal cases where Americans are defendants. There are great numbers of Americans of the best class of our people who visit that interesting country every year, and they are entitled to the protection of the Government, and its representative should have dignity, ability, and power.

This bill cuts off numerous consulates entirely, reduces many to lower pay, and deprives the consulates of nearly half of their present allowance for clerk-hire, just when the work is rapidly increasing and there is a demand from all sides for more force to do the work the customs laws and State Department regulations have in recent years greatly enlarged.

I will speak of one other very practical point affected by this bill. It cuts down a long line of consulates from $1,500 to $1,000 a year. Now, a consul at $1,000 a year has the right to trade; those receiving more than that can not. But an American can not readily enter into trade in a foreign country, and an American who will go abroad on a salary of $1,000 a year is not likely to be a man of sufficient commercial ability to make a profit in the close cutting trade that is carried on, with very small profits, in the old countries. What, then, will be the result of this change? It will result simply in this: that the Department will have to appoint resident foreigners, engaged in business, and thus aliens will be generally appointed in these positions, or else the consulates will be closed. That will be of necessity the result.

These officers, themselves merchants sending goods to our country, will certify to their own invoices; not only that, they will be the consular officers to certify the invoices of goods of their rival merchants. Here is a basis laid by this bill, with its startling innovations, for infinite trouble and charges of unfairness and frauds. It turns out Americans to turn in foreigners and beget confusion. This is, therefore, not only a rich man's bill, but a bill to replace Americans with foreigners in a long line of officers. It cuts down the appropriation for clerk-hire largely. My friend from Illinois [Mr. CANNON] spoke of that, but did not mention its practical effect. The work in the consulates, as I just remarked, is rapidly increasing in recent years.

Owing to changes in our customs laws and new regulations of the Department itself, the increase of the duty of these officers is very marked. The chief of this bureau in the State Department informs me that within five years the duties of the principal employés in the great consulates has tripled. For example, this whole system of collecting information concerning the condition of trade, market rates, &c., has been initiated but a few years back. Now many consulates, especially the larger ones, are asking for more clerical force. At such a moment it is proposed to cut off nearly half of the allowance that they are now granted by the law. Now, the allowance to-day for clerical force at some of the consulates is a great deal less than sufficient to meet the current work of the office and for the preparation of these reports, unless the consul because he receives unofficial fees pays the balance out of his own pocket. But it is proposed here to so cripple the service that it will be wholly insufficient for the daily routine of work, the invoices, reports, and other consular business, and thus produce confusion in our revenue system, which will probably cost us far more in loss of revenue than all the saving proposed ten times over.

The service is one that depends upon so many sources of support, it

cuts in so many directions, its operations and those of the Treasury are so interdependent, and the duties of the officers are so manifold in different parts of the world, such as judges in the East, postmasters in China, diplomatic officers in many cases, officers of the revenue, everywhere as representatives of the Government, as protectors of citizens, that any changes made must be made very carefully. The Department itself in dealing with proposed changes has always used the utmost caution, and even then has sometimes found it advisable to retrace its steps. As the system stands to-day it is the work of thirty-six Secretaries of State and nineteen Comptrollers, who have examined and tested its methods of business and system of checks and accounts, and salaries and other payments, from year to year, with constant new corrections. They are desirous of still further improving it.

But the changes here so rudely proposed and so far-reaching will disorder, impair, and cripple it. Let me give an instance of the confusion it will bring. There is no provision here for the legation buildings in China and in Japan. We declined to accept the grounds which those governments offered to give us to build legations upon; hence a house is rented. Pursuant to an act of Congress the lease of these premises has been made, dated the 23d day of January, 1884, in its last renewal, which runs to March 15, 1886, for the one at Pekin in China. That is $3,100 a year. There is a lease for the building at Tokio, which will run also until March 15, 1886. No provision is made by this bill for their rent. The minister must pay it from his salary or his own means, if paid at all. Suppose the minister dies or resigns or is absent from his post. The secretary's pay is now fixed at $1,800. He can not receive chargé pay, for that is cut off. He only has $1,800 a year, out of which he has to pay $3,100 rent, and after that to pay nearly all of the other expenses of the legation, and then pay his own expenses with the balance. [Laughter.]

Mr. REED. He will be in a condition to represent our people worthily then. There will be no riches there, no display.

Mr. HITT. It is very certain no poor man, though he had all the knowledge of Wheaton in international law and all the ability of Webster in diplomacy, could ever accept that position. All the allowance for the contingent expenses of our legations is cut off except $15,500 for stationery, blanks, record and other books, seals, presses, flags, and signs—nothing for rent, postage, telegrams, furniture, messengers, &c. Why, sir, I have seen instances in the State Department where a single telegram cost as much as the salary of a secretary for a whole year.

Mr. KASSON. One of them cost in Mr. Seward's time $4,000.

Mr. HITT. Yes, sir; I well remember that instance, and one from Geneva cost nearly as much. No provision is made here for postage. But the items have been given in detail by my colleague, the gentleman from Illinois [Mr. CANNON], and I will not repeat them.

Let me point out another instance of the practical operation of this bill. There is a provision of law that no man shall be paid a salary as consul without subscribing the oath of allegiance. That excludes foreigners, aliens. In the bill ordinarily is inserted $10,000 for consular officers who are aliens. That is stricken out here. What will be the result? We have a great many of our vice-consuls who are aliens. There are no others that can be obtained. It is impossible to induce an American who is honest and capable to go from this country to a remote city, perhaps in some yellow-fever region, for a compensation of $50 or $75 a year. The consul therefore names and the Department appoints some merchant or banker, some respectable man living at the place, who receives no compensation unless there arises a vacancy or the chief officer is absent. Upon him, when thus acting, would fall these miscellaneous expenses which are not provided for in this bill. And yet by this bill he is to receive no compensation whatever. That will be the practical operation of it. And there are very many offices of this kind, dozens and dozens of them in our consular system.

There is one point which must have been observed by my friend who sits before me, the gentleman from Iowa [Mr. KASSON], who is so well versed in diplomatic business. There is no provision here for the overlapping salaries. When a man is appointed minister to a foreign court it is not supposed that he knows everything about his duties, and he is required to report for instructions; he then has submitted to him all the records of the State Department and all the correspondence which could aid him in qualifying himself for new, difficult, and responsible duties. He is required to get through that in thirty days. Then he has a number of days proportionate to the distance to his post allowed him for transit there; during that time he draws salary. Under this bill there is no provision for the payment of the minister who is at the post, and the contemporary payment of the new minister on his way out. The result will be that the new minister will not start, will not be appointed in fact, until the old one has actually returned, thus leaving the post vacant during all the time occupied by the return of the old minister, and the time of giving instructions to, and of the journey out of the new minister.

Do you know how long that will be? The minister to China resigning would have not exceeding seventy days to return; the outgoing minister who would then be appointed would have thirty days for instructions, and then not exceeding seventy days to go to his post; in all, one hundred and seventy days. During those months, almost half a year, that legation would be under the charge of the secretary of the legation acting as minister. Such a man could not readily be obtained for $1,800 a year of the ability, intelligence, character, experience, and tact necessary, as we would suppose, to fit him for the high duties of minister to China. And yet he must be the minister for half a year; necessarily so by the operation of this bill. And to cap the absurdity, while he was thus acting as minister he would be required to pay rent and other expenses far greater than his salary. It is the theory of the gentlemen who framed the bill that our ministers will be willing, for the honor of the positions, out of their own abundant fortunes to pay all these expenses. I hope there will hereafter be ministers as there are to-day, and as there have been in the grandest days of the Republic, who were renowned men, rich in genius and patriotism only, and who were appointed for other reasons than that they were willing to pay the Government's bills.

Our consular service is a potent factor in our commercial activity and a great instrument for its extension. It is a very important part of our revenue system. It concerns nearly and immediately all our exporting industry. We treat it with far less liberality than do other nations which have a commerce not nearly equal to our own, and no such magnificent prospects of enlargement as are offered to us to induce a liberal fostering care of that system, which is the very instrument of progress. The British system is carefully framed, far-seeing, efficient, tested thousands of times, with which ours has often come in conflict in its *personnel* at various ports; and while the *personnel* of our service is efficient, is intelligent, is generally excellent, I believe that the wiser and more liberal policy of the English Government in extending these agents of its might and its trade everywhere, arming them with power and surrounding them with the means of at least comfortable livelihood, has been one of the greatest elements in the world-embracing success of English trade.

I will mention but one other point, and will then yield the floor to my friend from New York [Mr. POTTER]. We find there is omitted from this bill the usual appropriation of $10,000 for carrying out the neutrality act. That is the secret-service fund used by the Secretary of State, and it has in recent times been chiefly used to prevent the violation of neutrality between our country and Spain. At this very moment there is an expedition ravaging Cuba which has gone from our shores, and which has done much to inflame public feeling and complicate the relations between two governments that are now engaged in most important negotiations looking to the benefit of our commerce, and which we think will greatly liberate its movements and extend our trade with their most important colony. This neutrality item has been held, ever since the beginning of the century, to be an essential part of the appropriation bill for the diplomatic and consular service.

This fund is open to the inspection of all proper persons, such as the committees of the House and Senate, who may wish to know what has been done with it. I may say, without going farther than is discreet and proper, that I believe the secret-service fund of the State Department is the most vigilantly and carefully scrutinized by the Secretary of State himself of all the accounts that pass through that Department. The reasons are manifest, are evident. The responsibility is greater than in any other account, for it can not be shared. Being a secret fund it is most carefully guarded in the modes of its expenditure.

I now yield the remainder of my time to the gentleman from New York [Mr. POTTER].

Mr. POTTER. I would inquire, Mr. Chairman, how much time there is yielded to me?

The CHAIRMAN (Mr. HAMMOND). The gentleman has ten minutes.

Mr. POTTER. That will be time enough for all I desire to say. I wish as a Democrat and a friend of economy, as a Democrat who has trodden the pathway of labor from the time he was a barefooted boy on the hill-side to this day, to enter my protest against what I believe is unjust to the Democratic sentiment of the country, unjust to the great purposes and objects of the Government which we represent, and unwise from beginning to end.

Instead of extending our foreign service at the very time when in the midst of an aroused and progressive sentiment of the world we should be extending its influences everywhere, we are here busy with a proposition to cut down the salaries of our consuls from $2,500 a year to $1,800 a year. I believe there are some twenty-nine or thirty consuls to be dealt with in this way by this bill.

It has been said here, and justly said, that the policy proposed by this bill is one to make these offices such as can only be filled by the rich and the sons of the rich. As a Democrat, as a laboring man, as a lover of labor, as a believer in manhood above property, as a believer in the duty of this Government to encourage manhood and to give it its just reward, I protest against such legislation as this.

Why, sir, a competent man to fill one of these offices and to do what a consul of this great nation should do in a foreign country, to gather the information which he should gather, and to send it back to us for publication here in such form that it may come before the more than 58,000,000 of people in this country and encourage our commerce and awaken the ambition of our people to intercourse with all parts of the world, should receive, instead of $1,800, at least $3,000 a year. I would much rather have seen a bill to increase his salary from $2,500 to $3,000 a year.

I do not believe there is a respectable commercial house in this country that would think of sending a man to China, to Japan, or to any other part of the world to look after its interests and to extend its business in any one of those countries—there is not a commercial house that would think of sending such a man there whom it could hire for even $2,500 a year.

Such a proposition is equivalent, and I wish to emphasize this point, to saying to the young of the country, to the young men of the interior, it may be from the State of Ohio, to young men everywhere who are competent to fill these offices and are ambitious of extending the influences of their country, ambitious of fitting themselves by experience abroad to come back here and be the most valuable of citizens at home—it is equivalent to saying to those young men: "You can not go to perform these duties; the sons of such men as have wealth can go, because their fathers can support them." It is saying to the great body of American young men from the interior, from the farms of the country, and I came from one of those farms, from the school-houses of the country: "You can not go to fill these places, because the salary is inadequate for you to support yourselves there."

This policy is all wrong; it is an un-American policy; it is an undemocratic policy. It is a policy unworthy this great nation of fifty-eight millions of people, with a commerce to be extended until it shall reach every nation on the earth, and by so doing enable us to reap from those nations the richest of harvests.

I find an item in this bill which proposes to cut down entirely the expenditures for interpreters this round world over, for all the commerce of the United States, for all the intercourse of this great country with all the other countries of the world, from $19,000 a year to $5,000 a year. Sir, what can you do with $5,000 a year throughout the length and breadth of the great commercial world in enabling our agents, our consuls, our ministers to hold intercourse with foreign nations in an entirely foreign language, to them a dead language? Is it intended to exclude everybody from going to China unless he has been instructed in the Chinese language, or to Japan unless he has been instructed in the Japanese language?

Five thousand dollars a year for interpreters! We had far better cut it off altogether. It is equivalent to saying to Japan, for instance, that she must hold her intercourse with us in the English language; or at any rate that we will afford no facilities to our ministers, consuls, and agents who go there to deal with those people in their own language. Five thousand dollars a year for interpreters! Sir, that is less than is expended for interpreters in a single lawsuit in one of our courts to enable the parties engaged in that suit to fully present the evidence that may be given by foreigners.

It is also proposed to cut down the entire contingent fund from $85,000 a year to $15,500 a year. I understand that contingent fund furnishes the only means provided for paying rent, postage, telegrams, for furniture, traveling expenses, loss of exchange, &c., by all our ministers, all our consuls and commercial agents the entire world over. There is no allegation here that there has been any abuse in the expenditure of that contingent fund, and there is no ground alleged for any apprehension that it will be abused. I protest that $85,000 a year is not too much for the contingent fund, subject as it is to the care and responsibility of the Executive of this nation. That is not too much to enable him to meet all the exigencies that are to be met, and to provide for the honest wants of all our consuls and ministers throughout the world.

Mr. BURNES. Mr. Speaker, I am satisfied, from informal conversation with gentlemen representing the other side, that it is better now to have some understanding with regard to the continuation of this general debate. I therefore move that the committee now rise, in order that the House may agree upon some limitation in that regard.

Mr. ROBINSON, of New York. I have the floor already.

Mr. BURNES. Your rights shall be preserved in the arrangement.

The motion of Mr. BURNES was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, had come to no resolution thereon.

Mr. BURNES. I move that the House again resolve itself into Committee of the Whole for the further consideration of the diplomatic and consular appropriation bill, and pending that motion I move that general debate upon the bill, excepting half an hour for the gentleman from New York [Mr. ROBINSON]——

Mr. ROBINSON, of New York. I have an hour.

Mr. BURNES. I understood it was half an hour.

Mr. ROBINSON, of New York. An hour.

A MEMBER. Thirty-two minutes.

Mr. BURNES. I move that, excepting thirty-two minutes for the gentleman from New York, general debate be limited to one hour.

Mr. ROBINSON, of New York. Some time ago the gentleman from Ohio [Mr. FOLLETT] was kind enough to yield me thirty minutes. As my name came next after the gentleman from Indiana I declined to take that time, preferring to await my turn. My turn has now come. If the gentleman from Missouri had not moved to limit debate, I would have been entitled to the floor for an hour. I do not think it fair now, when others have spoken, that I should be limited. I want my time and my own time. I intended to return the thirty minutes to the gentleman from Ohio, and postponed my remarks until I could take the floor in my own right.

The SPEAKER. The gentleman from Missouri moves, as the Chair understands, that general debate in Committee of the Whole upon the pending appropriation bill be limited to one hour and thirty-two minutes.

Mr. RANDALL. That is enough.

Mr. BELFORD. I want to give notice that unless we can have two hours more for general debate I will demand a quorum.

The question being taken on the motion of Mr. BURNES to limit debate, there were—ayes 52, noes 50.

Mr. BELFORD. I make the point that no quorum has voted.

Tellers were ordered; and Mr. BURNES and Mr. BELFORD were appointed.

Mr. BELFORD. I make a proposition that two hours be allowed for further discussion on this bill. [Cries of "Regular order!"]

The SPEAKER. The tellers will take their places.

The House proceeded to divide; but before the count by tellers was concluded,

Mr. BURNES said: No further count is demanded. I modify my motion so as to limit debate to one hour and forty-two minutes.

Mr. BELFORD. I accept that.

The motion of Mr. BURNES as modified was agreed to.

PROPOSED ADJOURNMENT OVER.

Mr. ROSECRANS. I move that when the House adjourns to-day it adjourn to meet on Friday next. I will state my reason for making this motion. An excursion has been gotten up, in which the survivors of the First Corps of the old Army of the Potomac will participate. The citizens of Fredericksburg have invited members of Congress taking part in this excursion to be their guests. One hundred and ten members have accepted the invitation. We do not wish to impede the business of the House, but the absence of so many members will probably make it difficult to transact business here to-morrow. There are also persons here who have some other duties to attend to. For them I do not speak. But I think it is the general wish that the House adjourn from to-day till Friday.

Mr. RANDALL. I hope this proposition will not prevail. Those who desire to go away from necessity or amusement must take the responsibility. There are some, I know, who desire to remain here and proceed with the appropriation bills. If this motion be adopted, we shall lose one entire day which would otherwise be given to the consideration of these bills. If we meet to-morrow and dispose of the pending appropriation bill there is little doubt that we can also conclude the consideration of the Army appropriation bill. There is really little opposition in the committee to the Army appropriation bill, and I do not think there will be much in the House. The Secretary of War and all parties in interest seem to acquiesce in that bill as reported. So that if we should not have a quorum to-morrow we may be able to conclude that bill except the vote upon its final passage. I hope, in the interest of public business and with a view to securing an early adjournment, that the motion of the gentleman from California will not be adopted.

Mr. WHITE, of Kentucky. I desire to say, Mr. Speaker, that I know no reason for this adjournment over to-morrow except that the races are going on. Now, we do not wish to put ourselves in the position of adjourning over to attend the races.

The SPEAKER. The gentleman from California [Mr. ROSECRANS] has stated the reasons why he asked for the adjournment over.

The House divided; and there were—ayes 37, noes 62.

So the motion was rejected.

Mr. BURNES'S motion was then agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. HAMMOND in the chair.

CONSULAR AND DIPLOMATIC BILL.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 6770) making appropriation for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885; and by order of the House general debate has been limited to one hour and forty-two minutes.

Mr. BURNES. I wish to state before the gentleman from New York proceeds that the understanding is that the gentleman from New York is to occupy thirty-two minutes, the gentleman from Colorado [Mr. BELFORD] shall have ten minutes, and the remaining hour shall be equally divided between the friends and opponents of the bill.

Mr. ROBINSON, of New York. Can I have no more than that?

The CHAIRMAN. By order of the House the gentleman is limited to thirty-two minutes.

Mr. ROBINSON, of New York, addressed the committee. [See Appendix.]

The CHAIRMAN. By an arrangement made in the House the gentleman from Colorado [Mr. BELFORD] is now recognized for ten minutes.

Mr. BELFORD. Mr. Chairman, if I were at the race-course I might address the majority of this House. [Laughter.] They are not here to-day, although the Democratic party has over seventy majority. During the last five weeks we have failed on five occasions to have a quorum; and the Republicans have helped to get it. That is a magnificent party into whose hands to intrust the destinies of this nation, is it not? Gentlemen, you need not get nervous; it is God's honest truth, and the people will know it before this campaign is over—that with a majority of over seventy you can not muster a quorum in the House of Representatives. And so incompetent and stupid have you been that with the aid of the Republicans on this side you have not been able to carry through your great and important measures.

Mr. KING. I would like to ask the gentleman——

Mr. BELFORD. I can not yield. Let the gentleman speak in his own time.

Mr. KING. Were you not at the races yesterday, yourself? [Laughter.]

Mr. BELFORD. I am speaking in my own time; you take yours. [Laughter.]

This a magnificent spectacle to go before the country in the coming campaign—with a majority of over seventy you can not produce a quorum. Your members are out betting on which horse will win; and probably they will all lose, as they ought. [Laughter.]

Mr. DORSHEIMER. Which won yesterday afternoon?

Mr. BELFORD. I do not know.

Now, let me call your attention, Mr. Chairman, to one fact about this bill. First, here is a reduction—I have had it figured up by my clerk—a reduction of $318,385. Have you heard the ticking of the telegraph from New York to-day announcing that the business interests of that city are in a state of perfect disaster? Why, sir, you have half the currency of this country locked up in the Treasury.

Mr. SPRINGER. You do not charge that upon the Democrats?

Mr. BELFORD. I am not accusing you Democrats of that; but I am accusing you of the fact that you will not put it out. You will not put it out; and you are diminishing the appropriations all the time.

Mr. KING. Did you not yesterday at the races lose $125 in silver?

Mr. BELFORD. Sir, the wisdom of the world made a shield, gold on one side and silver on the other; it was swung up in the very face of the nations of the earth; each reverenced and adored it——

Mr. KING. Is that the way you did yesterday at the races?

Mr. BELFORD. Well, I did not bet any at the races. [Laughter.]

Mr. KING. You were there, were you not?

Mr. BELFORD. Now let me get along. [Laughter.] I say that you gentlemen can not deceive the people of this country by the policy you are pursuing under the leadership of the gentleman from Pennsylvania [Mr. RANDALL]. We have a President from New York, a Secretary of the Treasury from New York, and a chairman of the Committee on Appropriations from Pennsylvania. These two States, as I have said here repeatedly, are governing and controlling the fortunes of the country; and you men of the South do not seem to have sense enough to comprehend that question. [Laughter.]

Here we are on the very verge of a volcano. Banks are failing everywhere. A panic is threatened in every direction. Yet against the interests of the great West and the great South you are allowing a New York President and a New York Secretary of the Treasury and a Pennsylvania chairman of the Appropriations Committee to hold on to the funds now hoarded in the Treasury.

I tell you gentlemen that within one year you will see the greatest panic we have witnessed in the last fifty years. Mark my prophecy. You can ignore my prediction, but the panic is coming all the same.

The South, the great and majestic South, of which I am proud to-day because it is a part of my country, and the great West should not allow themselves to be hinged and tied and barreled to the arrogance of Pennsylvania and New York. [Laughter.] I have no hesitation in making that illustration. You will find that my prediction inside of twelve months will be verified.

Mr. WELLER. If you are not careful they will dub you "Calamity," too, and we will have to share the honors to my discomfiture. [Laughter and applause.]

Mr. BELFORD. Oh, let me alone. I propose to visit the South to-morrow. I am going to study her resources. She is a part of my country. The war is over, and all my prejudices are dissipated.

I ask you in the interest of your respective States to unlock the vaults of the Treasury [laughter and applause] so they can live. And just observe one thing—they will live. I do not propose that a Republican President from New York and a Republican Secretary of the Treasury from New York shall govern and guide with bob-tails lined and formed of bulletins from Wall street. [Laughter.] I can sleep as well under the guidance of a Democratic President as I can under the guidance of a Republican President [applause] who reaches down to the great millionaires of Wall street. I appeal to you to look at your own interest; for I can say to you as I said a moment ago, inside of a year we are not going to have a civil war, but we are going to have a social war. Hear the thunder of the laboring people at Pittsburgh. See the commotion at Chicago. Yet the gentleman from Pennsylvania is putting more and more money into the Treasury and keeping it out of the hands of honest labor. I would like the gentleman to answer that question if he is in his place and able to do it.

Mr. KING. Did you not vote againt the bill reducing taxes?

Mr. BELFORD. There is a secret history about that. [Laughter.] I will simply say that I have voted against every bill to increase the amount of revenue going into the Treasury. I voted to repeal the internal taxes. Did you vote for that bill?

Mr. KING. I voted for a bill to reduce taxation.

The CHAIRMAN. The gentleman's time has expired.

Mr. BELFORD. Just wait a minute. I voted for the whisky bonded-extension bill to keep $60,000,000 of money out among the people, and I voted for it against what is called the moral sentiment of the country because it did that very thing.

The CHAIRMAN. The gentleman's time has expired.

Mr. BELFORD. Oh, give me another minute.

Mr. ROBINSON, of New York. I have two minutes of my time remaining and I will give them to the gentleman.

Mr. BURNES. I feel under some obligation to my friend from Colorado because of a talk we had while acting as tellers, and I therefore yield to him five minutes also of the time from this side of the question.

Mr. BELFORD. I desire to say, sir, that every vote I have cast this winter except the vote on Mr. MORRISON'S tariff bill, and against which I voted, has been in the interest of the South and of the West. I have stood up for the iron interests of Pennsylvania, I have stood up for the silk industries of New Jersey, I have stood up for the cotton industries of Connecticut, I have stood up for the wool interests of Vermont and Ohio, and if those interests have failed to be protected it is owing to the dereliction of the Democratic side of the House. A tariff is nothing but a bundle of mutualities. Each State joins its shield with the other States together and protects in that manner its own interests. That is a tariff and nothing else. I have been generous to Pennsylvania and to New York while those two great States have steadily made war on the interests of mine. But yet, remembering the love of my early youth, I have stood by the State where I was born and I am willing to stand there now.

But, sir, when I see the chairman of the Committee on Appropriations on every bill, on all questions, constantly putting into the Treasury money taken from the hands of the people, the product of the spoliation of labor in this country, and putting that under the charge of a Secretary of the Treasury from New York, I lose my respect for the financial policy that governs that great State where I was born; I lose my respect for the financial policy of New York, that is seeking through the influence of Wall street to govern, direct, and control the Treasury of this country; and being a man from the West, I appeal to you men from the South, and tell you without fear, let us join our shields together and see if we can not control this great and magnificent nation. You may talk about demagogues, and I might talk about fools. [Laughter.] But what I want to do is to see these interests of the South, to see the South, with her magnificent possibilities, with her great agricultural areas, with her gorgeous resources, joining her opportunities with those of the West, and taking possession of this nation against the little clique that live in Pennsylvania, New York, and New England—to see if we can not run this country in the interest of the poor laboring people of the nation. That is what I want to see.

[Here the hammer fell.]

The CHAIRMAN. According to the order of the House 55 minutes remain of general debate, to be divided between both sides. Five minutes have already been exhausted on one side of the House.

Mr. CANNON. I yield now such time as the gentleman from Iowa may desire.

Mr. KASSON. It is perhaps desirable that the other side should proceed first. The gentleman from Missouri was recognized.

Mr. CANNON. It is suggested, and I believe it is correct, that the gentleman from Missouri was recognized. If he desires to do so I will not apply to be recognized until after he has concluded.

The CHAIRMAN. The Chair does not know what arrangement gentlemen may make. The Chair was advised, however, that the gentleman from Illinois would control the first half hour, and only recognized the gentleman from Missouri to yield five minutes to the gentleman from Colorado because of some understanding between them. The gentleman from Illinois will be recognized for thirty minutes.

Mr. CANNON. Then I yield such time as he desires to the gentleman from Iowa.

Mr. KASSON. I shall not occupy so much time.

The manner in which the questions of this bill have been presented rather discourage one who talks not from any party standpoint at all, but only from the point of national interests. I can not devote any time to answering such declarations as were made by the gentleman from Ohio [Mr. FOLLETT] that we on this side are not satisfied with any bill in which reductions are made, and are not satisfied with this bill because it makes reductions. Anybody can say that to any man who has a distinct opinion of the proper and fitting grade upon which public expenses are to be maintained. If he were to cut down the salaries of the different officers enumerated in this bill to $100 a year he could make the same statement and with equal propriety.

The simple truth is, and I must talk to gentlemen upon the other side of this House, if I talk at all, upon the theory that their minds are open to do what is fair and just—the simple fact is that this is one of the last bills in the world on which reductions can be made from year to year. Nearly all the expenses which constitute the great body of the bill are fixed by law, and most of them by a law of twenty-eight years standing; and I did not think that on this question the Committee on Appropriations would assume so largely the jurisdiction of the Committee on Foreign Affairs. I should hardly have opened my mouth upon this subject had it been presented by the Committee on Foreign Affairs. But knowing as I do that it was not intended to be within the jurisdiction of the Committee on Appropriations to revise our whole diplomatic and consular system, I can not help appealing to gentlemen on both sides of the House to consider whether it is wise to accept this hasty conclusion. It is based upon mere questions of dollars and cents as presented by this committee, which is not charged at all with the subject of the organization of this foreign service.

Mr. Chairman, the law as it stands now was the result of consideration by two successive Congresses upon reports from their Committees on Foreign Affairs. The law as it stands upon the statute-books now is substantially the law of 1856 and was based upon a report made by the proper committee which reviewed the entire subject of our foreign relations and the means for maintaining them.

With partial changes that law stands the law to-day. Now, for the first time, from another committee of the House to which no foreign subject is referred except the payment of salaries fixed by law, comes a revision of all your foreign service, destroying ministries, abolishing consulates, rearranging salaries, and opening up the entire subject of our foreign relations, upon which we have not a syllable of report from your Committee on Foreign Affairs.

Is it safe, is it right, to do this thing? Let me say I do not intend to make a motion myself to change your bill. It is for the majority to consider what ought to be done, because the responsibility is on them. I interpose no obstacle to your treating the subject, gentlemen, as you think wise. But I do call your attention to the fundamental question whether you ought not to wait for the action of your own proper organ, the Committee on Foreign Affairs, before changing this system.

In 1856, when the present system became the law of the United States, I find that they were so anxious to adopt these amendments of the law as it stood before that when the motion was made to suspend the rules and consider the bill it was carried by 119 yeas to 42 nays. Remember it was in President Pierce's administration. The subject having thus been brought before the House, the bill which reorganized the service on the report of the Committee on Foreign Affairs was passed in the House by 103 yeas to 56 nays, and was approved by President Pierce. Among the members who supported this measure fixing salaries and organizing the service—among its advocates I find were Mr. AIKEN of South Carolina, Mr. BARBOUR of Virginia, Mr. Howell Cobb of Georgia, Mr. Henry Winter Davis of Maryland, Mr. Humphrey Marshall of Kentucky, Mr. Pennington of New Jersey (afterwards Speaker), Mr. Seward, and Mr. Alexander H. Stephens of Georgia. So that you find the present arrangement of your service and salaries was made independent of party, with the advice of a Democratic administration, and placed on your statute-book after careful examination of the proper committee, in order to make a permanent system which would be worthy the dignity and the honor of the country.

That law has stood as I have said, with slight modifications, since 1856. We have added consulates because of the necessities of business. Our country at this moment is seeking to extend its grasp upon the commerce of the world; and to prevent fraud at our custom-houses it has been necessary to enlarge our consular service. But notwithstanding this enlargement, as has been stated to you in the speech of my friend from Illinois [Mr. HITT] which I can not profess to equal in soundness and merit—able and experienced as he is in service abroad, in the Department of State, and as a member of the Committee on Foreign Affairs—as has been shown by that gentleman these expenses, although larger than made in the law of 1856, are still met substantially by the pecuniary returns of the service itself.

Now, the bill of my good friend from Missouri [Mr. BURNES], whose integrity and judgment upon affairs within his acquaintance I do not for a moment doubt, proposes to cut off those consulates which do not pay their way. It is as if the Western Union Telegraph Company and the United States Post-Office Department should cut off every office that does not contribute an amount equal to all its expenses. We must have our consuls where commercial business goes even in its incipient stages. When I was sent on one occasion to one of the points deprived of service by this bill, in Servia, to make a treaty with that country just after its independence, I found an American there complaining that the United States had no representative, minister, or consul at Belgrade; that he urgently needed the aid of one in his enterprise; that he remained there because he was endeavoring to make an important contract for American fire-arms with the Servian Government, and he found nobody's help, nobody's assistance, and nobody to appeal to. And I believe finally the contract failed.

I would like to put this question before the House upon its simple merits. I have no time and no intention to go over the bill. I wish only to say, as I have already indicated, that its provisions—and I beg pardon of my friend from Missouri [Mr. BURNES]—as far as my experience and observation go, I know to be detrimental alike to the honor and the commercial interests of the United States.

Now, sir, on the question of salary and diplomatic expenses and usages an appeal has been made to the example of Franklin, a man than whom perhaps no one so sage has ever appeared upon the American continent. He has been represented as an example of what an American minister ought to be, and it has been impliedly conveyed that we paid very small sums to our ministers at that time, and that their habits were simple and retiring. I have the autobiography of Benjamin Franklin in my hand, and I find here a statement of salaries that were paid. He says, on page 188:

I see in one of the estimates sent me that a quarter's salary of the minister is reckoned at 14,513 livres and the other is reckoned at 16,667 livres.

And then he says—

Hitherto we have taken 15,000 for a quarter.

The livre has been replaced by the franc of the same value. Thus you find that the pay then was about $12,000 per annum to each of our three ministers. And you will find that $12,000 then would have bought what $20,000 or $25,000 would be required to buy to-day. But this is not all. I look further in his autobiography and I find that Mr. Adams writes to him as a brother minister and says:

I do not mean to be difficult about these things, but that we may have a plan for the future, I beg leave to propose—

And I call the attention of my friend who objects to all contingent allowances for expenses to this—

I beg leave to propose that the wages and expenses of the *maître d'hôtel*, and cook, and of all the servants, their clothes—

For they wore liveries then—

and every other expense for them, the wages, clothes, and other expenses of the coachman, the hire of the horses and carriage, the expense of postage of letters, of expresses to Paris and Versailles and elsewhere, of stationery ware, and all the expenses of the family should be paid out of the money to be drawn from the banker by our joint order. If to these Dr. Franklin chooses to add the washerwoman's accounts for her services, &c., I have no objection.

That was Mr. Adams's proposition, and Dr. Franklin says in his reply:

I very much approve your plan with regard to our future accounts, and wish it to be followed.

So, then, your model minister, Benjamin Franklin, with a salary which was worth more then than the salary of our minister to Paris is to-day, united with Mr. Adams, as simple a republican as ever went to a foreign court or staid at home, in the suggestion that all their expenses of living should be allowed in addition to their salary, and that, too, at a time when the country was poor. He says further in the same connection:

It has always been my intention to pay for the education of my children, their clothes, &c., as well as books and other things for my private use; and whatever I spend in this way I shall give Congress credit for, to be deducted out of the allowance they have promised us. But as the article of clothes for ourselves here is necessarily much higher than if we were not in public service, I submit it to your consideration whether that article ought not to be reckoned among the expenses for the public. I know I had clothes enough at home to have lasted me my lifetime in a country where I was under small necessity of following new fashions.

There you find him actually claiming that in consequence of the extra dressing required at a foreign court Congress should allow him the expenses of his extra clothing. I need not say more to show that the law as it now stands was a moderate law in 1856 and is to-day still more moderate than it was then.

While they then did wear elaborate dresses at court, I tell my friend from New York [Mr. ROBINSON] who last spoke, and who assumed that they were wearing gewgaws, epaulets, golden eagles, brass buttons, &c., that I have never known or seen one of our foreign ministers with that kind of dress on. And I have never heard of but two who ever wore any dress of that description, one of whom is now dead and the other has been long out of office.

The simple American dress, so far as my experience extends, is what they wear at foreign courts. They dress there with all the simplicity that prevails at the White House here in Washington. I will not appeal to personal experience; it is disagreeable always to do so, and is not fair, because the House does not know what that experience is, and therefore I will not state it here. I ask gentlemen if a minister abroad can pay from $5,000 to $8,000 a year for house-rent, dress his family as decently as you would dress your family here in Washington, and maintain the respectability of Franklin's time on any less sum than the salary provided by existing law?

I think the House hardly desires an answer to all that my friend from New York [Mr. ROBINSON] has uttered. But I find in the will of Benjamin Franklin this clause:

The King of France's picture—

That was a picture, you will remember, that was presented to honest Benjamin Franklin by the King of France, being his own portrait—

the King of France's picture, set with four hundred and eight diamonds, I give to my daughter, Sarah Bache, &c.

So you will see that your model minister received, as my friend from Brooklyn would say, a royal gewgaw, set with the enormous value of

four hundred and eight diamonds, one row of which this book states was sold by his heirs, and on the proceeds of that sale the heirs and their family made the tour of Europe. I make this simple statement to show how the imagination of men, trusting to their theory of simplicity, fails to recognize the necessity, if your ministers abroad would be successful, of being on good terms with the governments to which they go, and maintaining courtesy and decency in rank and appearance and intercourse with foreign society.

Further, lest I fail to do Benjamin Franklin full justice in these respects, let me show you that the aristocracy, having great power in the government of his time, made a willing favorite of him. A fête was given him at a place in the country called Sanoy. I read from a foot-note in the same biography:

When the approach of Dr. Franklin's carriage was announced—

So you perceive that our plain Dr. Franklin kept his carriage—

When the approach of Dr. Franklin's carriage was announced they all set off on foot from the chateau and met him at the distance of about a half a mile.

He was going to visit, not the cabin of a laboring man, but a chateau of the aristocracy.

He was handed from his carriage by the countess—

Wicked man! A countess actually helped him out of his carriage, and he was not recalled by the fathers of the Republic—

He was handed from his carriage by the countess, who upon his alighting pronounced the following verses of her own composition.

They are given here in French.

They walked slowly to the chateau, where they sat down to a splendid dinner. At the first glass of wine the following stanza was sung, which became the chorus of the day, accompanied by instrumental music.

How fortunate that it was not Mr. Lowell, our minister to England. I have not a very good knowledge of the French language and I dare not undertake to read the stanzas here given, but will give a rough translation of it. I suppose the gentleman would not regard me as a good American if I knew even a little bit of French; but I will give a rough translation of it:

We celebrate the memory of Benjamin; we sing the good he has done to mortals; in America he will have altars erected to him, and in Sanoy we drink to his glory.

Ah, if that had been done to Mr. Lowell in England, and it was published in some newspaper, how the gentleman from New York would make his declamation ring through this Hall!

At the second glass the countess sang the following quatrain.

I am sorry to see that honest Benjamin took the second glass.

At the third glass the Viscount d'Hondetot sang—

The viscount sang to our honest Benjamin, undoubtedly trying to corrupt him. Mark you, it was at his third glass that they did that.

But that is not all. A viscountess comes in at the fourth glass and says: "I say also hurrah for Philadelphia, the independence," &c.

I had hoped, as that was at the bottom of the page, that I had landed Benjamin safely and would get him back from these aristocrats to his carriage. But, alas! at the fifth glass Madame de Pernan sang a stanza saying, "All our children will learn from their mothers to love you," &c. [Laughter.]

Look how the aristocracy "went for him." At the sixth glass Count de Tressan, another member of this terrible aristocracy, came to him and sang, "Long live Sarcy! It is Philadelphia," &c. I will not undertake to deliver it all. Then at the seventh glass Count d'Apché—there was, you see, a perfect horde of aristocrats of France after our honest Benjamin in his plain clothes—at the seventh glass—but I dare not trace it any further. I will only say he was a great favorite with the ladies of the court. [Laughter.]

So much, Mr. Chairman, for the model diplomat—and he was that. Do not suppose I intend any depreciation of his eminent ability. But he knew how to cultivate the influences that would strengthen him with the government where he represented his own country; and he did it. He lived like a gentleman. He was a member of society because society was very intelligent at the court where he lived.

Mr. SPRINGER rose.

Mr. KASSON (to Mr. SPRINGER). We will send you there at the first opportunity if you will imitate Benjamin Franklin; and we will pay you the entire salary. [Laughter.] That is my only hope of educating you sufficiently to know how to vote on these appropriation bills. [Laughter.]

Mr. SPRINGER. As my friend represents a prohibition State of the West, I was about to inquire whether when he represented this country abroad he took Dr. Franklin as his model so far as drinking was concerned?

Mr. KASSON. I have no recollection of seven glasses. I might have been more effective and accomplished more for my country if I had taken that seventh glass.

So, Mr. Chairman, you have here in your chosen model an illustration of the fact that your ministers must be intelligent and must maintain their social relations. They must not only be worthy representatives of the principles of their country, but must possess the ability to keep up their rank and to execute the orders of their Government in the presence of the government to which they are sent by all the forms known to diplomatic usage.

Now, is it worth while for us to tear this system all to pieces? Money is not worth as much as it was in 1856. With a given amount there is more difficulty now in meeting the expenses of these positions than when the law was passed. I say to gentlemen on the other side, let us stand upon the old law until the committee having jurisdiction of the subject is satisfied that the law ought to be revised. This is all I rose to say; indeed, it is more than I intended to say. I now gladly leave the bill in charge of the majority of the House.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] has five minutes of his time remaining. Does he desire to occupy it?

Mr. CANNON. I do not know that I care to do so.

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] has twenty-five minutes remaining.

Mr. BURNES. I yield fifteen minutes to my colleague on the committee the gentleman from Ohio [Mr. FOLLETT].

Mr. FOLLETT. Mr. Chairman, the arguments we have heard today, especially those of the gentleman from Iowa [Mr. KASSON], are only confirmatory of the wisdom of the Committee on Appropriations in reporting this bill. I had supposed that in defending the bill it would be necessary, especially to meet the arguments of the Secretary of State in opposition to the report of the committee, to refute the position that it is necessary for a representative of our Government abroad to adapt himself to the peculiarities, the prejudices, and the passions of the people there. But it has been clearly shown in the extracts read by the gentleman from Iowa from the autobiography of Benjamin Franklin that his simplicity of manner, his American ideas, his discarding of pomp or any attempt to imitate royalty did not interfere in any respect whatever with the credit due to him as a representative of a free republican government, but on the contrary brought to his feet to do him homage the royalty of the court to which he was accredited.

Sir, had the example set by Franklin been followed by the representatives of this Government abroad, America would be to-day more respected and honored even by crowned heads than she is.

It has been said further that we ought to provide the means to enable our representatives abroad to entertain citizens of the United States who may chance to travel there. Mr. Chairman, the percentage of the people of the United States who are able to travel to foreign countries is very small, and those who do travel there are able to entertain themselves. It comes with a bad grace to say on this floor that out of the Treasury of the United States we should provide money by which our representatives may entertain those who have the means to visit foreign countries simply for the purposes of pleasure or business.

I say the percentage is small. It is exceedingly small compared with the entire population of the country. It is not either the duty or the province of Congress to provide our representative with the means of entertaining these gentlemen who have the means to entertain themselves. We seem to forget in the appropriations we make that every citizen of the country is interested in the money which goes into the Treasury. We seem to forget that the money of the people belongs to the people, and that we have no right whatever to take it out of the Treasury, not even by the crowbar my friend from Colorado [Mr. BELFORD] has been so anxious from the beginning of this session of the House to induce this side of the House to use, except it be for legitimate expenditures of the Government and in the interest and for the benefit of the whole people.

We are beginning already, Mr. Chairman, to hear the muttering of trouble involving the business interests which are crushed by reason of the tying up of a surplus in the Treasury. We on this side of the House have believed, and I believe to-day, it is the curse of the Government at this hour. But what is the remedy? Is it to apply the crowbar? Is it to draw this money from the Treasury for the purpose of encouraging extravagant expenditure—for the purpose of wasting the people's substance in other than the legitimate expenses of the Government? Or is it to stop the money in the hands of the people and prevent the surplus from reaching the Treasury? For one, I believe and have believed the true remedy is to begin where the money is found, in the pockets of the people, and leave it there. I for one will never consent, even though it may be for the benefit of people of this country traveling abroad to be entertained by the representative of the Government, that money shall flow for any such purpose.

Let us pay our diplomatic and consular representatives that which is necessary to properly support them abroad in the style in which an American citizen lives at home, and not in a style that shall be commensurate with the extravagance of governments who ruin their people by taking the money which belongs to them for the purpose of feeding their own luxuries and satiating their own appetites. If we here in the United States are to set the example of regal display and regal power and not the simplicity of the administration of a government in the hands of the people, we may as well at once assume that to which everything to-day is tending—the centralization and aggregation of power in the hands of the few to the exclusion of the masses of the people. [Applause.]

Sir, it is said that in this bill we have reduced the appropriations to such an extent we shall place our representation abroad in the hands

of men of wealth to the exclusion of poor men. That may be true if our representatives abroad, in disregard of the wishes of the people, forget the simplicity they are expected to exhibit at foreign courts and assume to place themselves in regard to display upon a par and level with the representatives of governments who derive their existence from the substance and to the detriment of their people. But it will not be true when our representatives live inside their legal salary and live as they live at home, following the manners, customs, and habits of the people they are expected to represent at foreign courts.

I for one, Mr. Chairman, may not be imbued with a proper respect for crowned heads and for the display of monarchical institutions. I do not think I am. I was born an American. I was born upon American soil and with American ideas. American institutions, American soil, and American habits are good enough for my style of democracy, and I trust that this attempt upon the part of the Government, by constantly increasing the compensation of our ministers abroad, by constantly increasing the compensation of our consular representatives, to induce them to adapt themselves to the habits and customs of the countries to which they are accredited, or to adopt other than the simplicity of manner and the habits of an American citizen, may be now and forever checked.

It is said, Mr. Chairman, that the law of 1856 is the law upon which the compensation of these officers has been predicated from that date to this. It is also said that complaint, early in the history of our Government, was made of improper compensation to our foreign representatives. I had hoped that, under the experiment we had inaugurated in this country of a free system of government, republican ideas, republican habits, republican manners, and republican simplicity would have gained a foothold, and would have wiped out from the imagination of the people of this country the idea that there were some who might stand far above the heads of the people as representatives of the people. Sir, the people of this Government, the people of this country, desire to be represented only by those who come from them; by those who sympathize with them, who are a part of them, and who will represent them even before the majesty of crowned heads in their true character, their true light, their true habits, and their true spirit, as freemen born to rule, able to rule, and willing to rule; who are not ashamed of their simplicity or afraid of crowned heads from whatever source they may come or wheresoever they may be found. [Applause]. Let our consular representatives bear this in mind, and if they do not, then let a Democratic Congress teach them that lesson, and it can not be taught too soon, that they, our agents, as the representatives of the Government, must come to us for their power, must come to us who are the representatives of the people to obtain that which will enable them not simply to represent us, but to obtain that which if they spend in doing otherwise than representing us will be cut off forever from their allowance. [Applause].

Mr. REED. I do not deny but that it is useless to make any argument on this question; but I flatter myself that I am addressing a different audience from that which is to be finally honored by the observations of the gentleman from Ohio who has just taken his seat. He says that our representatives abroad should live as American citizens, and with that simplicity with which American citizens live. What kind of American citizens does the gentleman refer to? Does he mean my constituent that has $300 a year for his income, or the gentleman from Ohio himself, who has $5,000 a year of the people's money which he draws every month to permit him to maintain this state and dignity of an American citizen at this nation's capital? To which does he refer?

For my part, sir, I am heartily tired of this continual talk about this country being a land where the poor man can flourish and the poor man is honored. It is neither a credit nor a discredit to a man to have been born poor. Nothing stands in the way of his advancement. He has an equal chance and fair opportunity in the race with every other citizen; and these repeated declarations are born of a suspicion on the part of some gentlemen that the poor man is not equal to the rich. I maintain that neither in our institutions nor in the practical working of the Government is there any superiority on the part of the rich over the poor man that needs the orations of Congressmen to equalize the citizens of this country. [Applause on the Republican side.]

What it costs a man to live is purely relative. It does not depend upon his happiness, nor does it increase his happiness. I have lived on $300 a year as well as on $5,000 a year, and I was as happy then as I am to-day. What was the difference? The people that I was with were spending different sums of money. That is all that constitutes a difference; and if we purpose sending abroad representatives of this Government we send them for a purpose. We do not send them merely to exemplify to foreign nations how the American citizen lives or may live when he is at home. We send them abroad for far different objects. We send them abroad for the purpose of representing a great country, a country with a revenue of $400,000,000 and a population of 56,000,000. And we send them there that they may associate with the people who are in that country for the simple reason that we shall accomplish our purpose, which is to reach the governing classes of the countries of the Old World.

Now, I do not imagine that any man with $10,000 or $17,000 a year as a foreign minister is any happier or gets any more out of life than we do here on $5,000. He simply lives as the people do about him. That is all there is to it. And Benjamin Franklin, the model cited by the gentleman from Ohio [Mr. FOLLETT], was an example of just such expenditure. And when George Washington was general-in-chief of the armies of the United States he lived like a general-in-chief of the army of a great republic that was to be.

The gentleman from Ohio complains that we make no objection about the increase of salary, but do make objections on account of the decrease of appropriation bills. So we do. This country has always been a country of republican simplicity as to the salaries paid all these officers. And it is a growing country, and as it grows the appropriation bills must grow. Instead of that he and his compeers come here year after year trying not to meet the wants of the country but to reduce the expenditures of a growing people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REED. Can the gentleman from Missouri give me any more time? I should like to have one minute.

Mr. BURNES. Take two.

Mr. REED. Of course this House must see it is utterly impossible for me to more than begin on this subject. But I do want to close up what I have to say by referring to just one little item which to me characterizes this bill more thoroughly than anything I can say. Anybody who knows the representation of the United States abroad, or even any one who does not know it, has only to take the salaries which the foreign governments pay to the ministers here, and he can see how far short we are in liberal expenditure of the public money. Why, sir, I remember meeting the chief-justice of Queensland, a little territory of 300,000 inhabitants, and I found he had $2,500 a year more than the Chief-Justice of 56,000,000 of people.

Here is one item in this bill:

For the purpose of enabling the President to provide at the public expense all such stationery, flags, and signs as he shall think necessary for the several legations.

And that is in a bill that absolutely cuts off all rent for offices. In other words, the careful economy of the gentleman from Missouri provides a sign for the legation, and does not leave any place to stick it. [Laughter and applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] has eight minutes of his time remaining.

Mr. BURNES. The gentleman from Maine [Mr. REED], who has just taken his seat, does not understand this bill; he has not read the bill, or he would not have made the statement with which he concluded his remarks. He will find in this bill every expenditure authorized by existing law is appropriated for.

Before proceeding to call attention to another point I must first notice a remark made by the gentleman from New York [Mr. POTTER]. I regretted to hear it, for the simple reason that I have great admiration for his profound ability; but it is not given to any one man to know every subject or to be capable of impressing his views on every question fairly and intelligently. The gentleman from New York in criticising this bill exhibited himself in a position clearly demonstrating that he had never read it and that he did not understand a single provision of it. His criticism was that consuls were reduced from $2,500 to $1,800. He can not find that provision in the bill. It does not exist. The gentleman has not read the bill. He dealt in glittering generalities, as if there were great reductions in the bill. I say here to all these gentlemen there is no reduction so far as the ministers are concerned, except in two particular cases, which I have mentioned.

Why all this talk? Why all this general argument? Why did gentlemen not come down to specific items? I will tell you what is the reason. The reason is that they dare not come down to specific items. The gentleman from Illinois, my colleague, for whose honor and fairness I have unlimited respect, and in whom I have all confidence, called your attention to the consulate at Apia. Did he know that the consul at Apia took $1,138 for contingent expenses, when the whole receipts of his office were less than $100? Did he know that the attention of the Department of State had been called to that expenditure and that an explanation was in order, and that no explanation has been made to this hour?

Mr. HITT. Will the gentleman from Missouri permit me——

Mr. BURNES. Certainly.

Mr. HITT. The $1,100 about which the gentleman speaks was the salary during the time that officer was waiting for instructions and the long period occupied in going half-way round the world to reach his post.

Mr. BURNES. The statute law of this country expressly provides that pay for thirty days while waiting instructions shall be allowed. I say this pay for thirty days is allowed for waiting instructions.

Mr. HORR. That is not it; the sum spoken of covers trip and all.

Mr. BURNES. The trip is a different arrangement. I say this appears in the report of the Secretary of State as payment while awaiting instructions. What may have been communicated to my esteemed friend from Illinois [Mr. HITT] I have nothing to do with. That is a matter between him and others.

This is the first information I have had upon the subject, although the subcommittee called the attention of the Department to it, and re-

ceived then, and have received since until this moment, no answer. It is in the record of the Department of State that $1,138 was paid to him while awaiting instructions. But let that go.

I come now to my good friend from Iowa [Mr. KASSON], and when I come to him you will appreciate the delicacy of my position, and I know you will give me your sympathy. It is something to prepare a bill like this against the personal wishes and judgment of such an esteemed and generous gentleman as the gentleman from Iowa. It is something to differ from him, one of the most accomplished diplomates of the country; I may say it is painful.

Yet when he talks about tearing up things, I ask him where in this bill we have torn up anything? There is nothing torn up, nothing changed in the ministerial department, except in reference to two ministers, one to Austria and the other to Italy. Those are changes; there are none others. It is true the triple-headed mission to Greece, Roumania, and Servia is abolished; but there is no change of salaries in the case of envoys extraordinary, ministers plenipotentiary, ministers resident, or consuls-general.

Mr. KASSON. What I referred to was the reduction made in the very small salaries of secretaries of legation, and the imposition of new duties on our ministers to Chili and Peru, involving largely increased expenditures on their part.

Mr. BURNES. The minister to Chili is not complaining, and I have no doubt that if we allow him his traveling expenses when he goes off across the country to some other of the small republics of South America he will make no sort of objection.

Now, the gentleman, who is very fair, more than fair, and more than liberal—I may say who is just upon all occasions—was scarcely himself in his argument here to-day. What did he tell us? He took up one-half his time in illustrating the mode and manner in which that republican patriot Benjamin Franklin represented this country abroad. I ask him if that is fair? We were then entering upon an experiment, upon a venture in establishing this Republic with three or four millions of people. We were arraying ourselves against almost the combined world so far as our principles of government were concerned, and Benjamin Franklin, loving his country, could not assert that republican dignity and manhood which we all hold so dear now. It was necessary for him to move gently and cautiously. If necessary he had to feel his way, perhaps to beg his way, in diplomatic affairs.

But now the people of the country insist that we shall make our demands upon foreign governments for what is right, asking nothing more and taking nothing less; making our demands in respectful terms, yielding to nothing short of the granting of our just and fair requests. So much for Mr. Franklin.

I come now to another item which has been greatly derided, the item in regard to contingent expenses. Let me call attention to the fact that the express statute law of the United States provides that postage shall be furnished to unsalaried consuls. Mark the language: "Postage shall be furnished to unsalaried consuls." There is a maxim of law which I learned, *suggestio unius exclusio alterius*. Here is a declaration of the statute that unsalaried consuls shall have postage furnished them.

In another section the statute provides that the expenses to be allowed by the President of the United States shall be such as have been enumerated in this bill and no more. Would the House have the Committee on Appropriations do violence to the statute law of the country? Is it desired that we shall go in the face of the statute law and appropriate for items of expenditure prohibited by the law of the land?

The CHAIRMAN. The time allowed by the House for general debate on this bill has expired. The Committee of the Whole will now proceed to the consideration of the bill by paragraphs under the five-minute rule.

The Clerk read as follows:

Be it enacted, &c., That the following sums be, and they are hereby, severally appropriated for the consular and diplomatic service of the fiscal year ending June 30, 1885, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

For salaries of envoys extraordinary and ministers plenipotentiary to Great Britain, France, Germany, and Russia, at $17,500 each, $70,000.

Mr. BURNES. As the next paragraph of this bill will be likely to give rise to debate, I have promised that I would not ask the Committee of the Whole to proceed this afternoon to consider the bill beyond the paragraph which has now been read.

Mr. ROBINSON, of New York. I desire to move an amendment to the first paragraph of this bill. I move to strike out the words "Great Britain," and to reduce the sum appropriated by the paragraph by the amount of the salary now paid to the minister to Great Britain, $17,500; that is, to reduce the total from $70,000 to $52,500.

The little time now allowed me under the rules, five minutes, would be of very little use. I desire to say that I will, if there is no objection, add to my speech of a short time ago some things I was prevented from saying for want of time.

I have only to say that I hope we may have a vote in the House by yeas and nays on this amendment, so that we may see whether the services rendered by our minister to Great Britain are such as to deserve a salary of $17,500.

The CHAIRMAN. The amendment of the gentleman from New York will be read.

The Clerk read as follows:

In line 9 strike out "Great Britain," and in lines 10 and 11 strike out "$70,000 and insert $52,500.

Mr. CURTIN. Mr. Chairman, it might be made a matter of serious discussion whether it would be better to conduct all our diplomatic intercourse with foreign countries by means of steam or lightning. But early in the history of this nation we joined the world in exchanging diplomatic relations. Our ministers were sent abroad, and at the period of the Revolution, as all who have read the history of this great nation with care and attention must know, our armies in the field were scarcely less valuable in obtaining the liberties of this country than was our diplomacy.

Now, Mr. Chairman, it is proposed to strike out from this bill the provision for the salary of our minister to Great Britain. On the theory of our Government it is better to consider whether you have the right man in the proper place. Under our Constitution we submit the selection of foreign ministers to the President, with the approval of the Senate, and it is proper that the selection of men to represent us abroad should be intrusted there. I think it would be in wretched taste to select one nation (whatever may be our relations to that nation, whatever may be the feelings of my friend from New York toward that particular people) and break off our relations with that nation in so rude and improper a manner.

The most illustrious of all the Presidents of this country, the grandest man of modern times, when he retired from his high office left his farewell address as a legacy to the American people. In that address he warned us against "entangling alliances" with foreign countries. No part of that address has been held in more sacred regard than this admonition of the Father of his Country. We must avoid alliances with foreign countries. But, Mr. Chairman, the time is now at hand when the 56,000,000 of American people should assert their power before the world, should let it be understood that in the family of nations we are to occupy a place in accordance with our wealth, our intelligence, and our power. And while all other nationalities send their ministers abroad to conduct their affairs, I would be sorry to have my country forget her self-respect by failing to respond to such courtesy in a manner proper and useful and honorable to us. [Applause.]

Mr. ROBINSON, of New York. It is with no feeling at all toward the British nation that I make this motion. I have expressed my feelings on this subject upon other occasions; but I offer this amendment for the purpose of showing that we disapprove of the conduct of our minister there, and without any reference to our relations with the nation itself.

While I am on the floor, I wish to pay a compliment to my friend who has just taken his seat. Gentlemen talk about Benjamin Franklin! Sir, my distinguished friend from Pennsylvania [Mr. CURTIN], when he represented this country at the court of Russia, showed what a dignified representative of the United States should be; and on court occasions as on others he wore his citizen's dress. And he was more respected than any man who tried to imitate the bad example of those who had gone abroad as representatives of other nations. [Applause.]

The question being taken on the amendment of Mr. ROBINSON, of New York, it was not agreed to.

The Clerk read as follows:

For salaries of envoys extraordinary and ministers plenipotentiary to Japan, China, Spain, Brazil, and Mexico, at $12,000 each, in all $60,000.

Mr. BURNES. As the second paragraph of the bill, which has now been read, is likely to provoke some discussion, I will, in fulfillment of promises made to several gentlemen, move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (S. 153) providing a civil government for Alaska; when the Speaker signed the same.

BOUNDARY BETWEEN UNITED STATES AND MEXICO.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the House of Representatives:

I transmit herewith a communication from the Secretary of State of the 14th instant, with accompanying papers, relative to the necessity of an appropriation by Congress to enable this Government to execute the provisions of the convention between the United States and Mexico of July 29, 1882, for the relocation of

the monuments marking the boundary line between the two countries, and recommend that the amount asked, $224,556.75, be immediately provided.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington*, *May* 14, 1884.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 2334) to release the American Baptist Home Mission Society from the conditions of the sale of the marine-hospital building and grounds at Natchez, Miss.; and

An act (H. R. 3926) amending the Revised Statutes of the United States in respect of official oaths, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the following bills and joint resolution with amendments, in which concurrence was requested:

A bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa;"

A bill (H. R. 2677) granting a pension to Mrs. Mary P. MacBlair;

A bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1885, and for other purposes; and

Joint resolution (H. Res. 225) to print additional copies of certain publications.

The message further announced the passage of joint resolution (S. 88) providing for the printing the proceedings relative to unveiling the statue of John Marshall, late Chief-Justice, and for other purposes; in which concurrence was requested.

REPORT ON FISHERIES.

The SPEAKER laid before the House the following concurrent resolution of the Senate providing for the printing of the report of the Commissioner of Fish and Fisheries for the year 1883; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1883 be printed, and that there be printed 10,000 extra copies, of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Public Printing.

MINT AT SAINT LOUIS.

Mr. BLAND, by unanimous consent, from the Committee on Coinage, Weights, and Measures, reported back favorably the bill (H. R. 873) to establish a mint of the United States at Saint Louis, Mo.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NATIONAL GUARD OF ALABAMA.

Mr. COX, of North Carolina, by unanimous consent, from the Committee on the Militia, reported back favorably joint resolution (H. Res. 244) authorizing the Secretary of War, in his discretion, to make exchange of tents for Gatling guns with the National Guard of Alabama, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BENTON BRIDGE COMPANY.

Mr. LONG, by unanimous consent, from the Committee on Commerce, reported back favorably the bill (H. R. 5638) to authorize the Benton Bridge Company to build and maintain a bridge across the Missouri River; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. WELLER. I move the House adjourn.

Mr. SPRINGER. I ask the gentleman to withhold that motion until I can ask unanimous consent to call up for present consideration the bill (H. R. 5043) authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury, in trust, by national banking associations for the retirement of their circulating notes.

The SPEAKER. That can not be done, as the motion to adjourn is pending.

Mr. HOLMAN. I demand the regular order of business.

Mr. WELLER. I insist on my motion to adjourn.

Mr. SPRINGER. I was recognized, and wish to state my request.

The SPEAKER. That is not in order pending the motion to adjourn and the demand for the regular order of business.

Mr. SPRINGER. Then I hope the motion to adjourn will be voted down.

The House divided; and there were—ayes 31, noes 44.

Mr. WELLER demanded tellers.

Tellers were not ordered.

So the House refused to adjourn.

RETIREMENT OF CIRCULATING NOTES.

Mr. SPRINGER. I now ask by unanimous consent to call up for present consideration the bill (H. R. 5043) authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury, in trust, by national banking associations for the retirement of their circulating notes.

Mr. HOLMAN. I insist upon my demand for the regular order of business.

The SPEAKER. That is equivalent to an objection to the consideration of the bill indicated by the gentleman from Illinois.

Mr. WELLER. I also object to the consideration of that bill.

Mr. SPRINGER. I ask leave to make an explanation.

Mr. WELLER. I should be glad to accede to the gentleman's request, but I must insist upon my objection.

And then, on motion of Mr. HAMMOND (at 4 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CANDLER: Petition of citizens of Towns County, Georgia, for national aid to education—to the Committee on Education.

By Mr. EATON: Memorial of John B. Moseley and others, citizens of Glastonbury, Conn., relative to the Connecticut River—to the Committee on Rivers and Harbors.

By Mr. FINERTY: Petition of officers of the Eighth United States Infantry, stationed in California; of officers of the Eleventh United States Infantry, stationed in New Mexico; of officers of the Eighth United States Infantry, stationed in California, &c., favoring the passage of H. R. 3117, for the reorganization of the infantry regiments of the United States Army, and for other purposes—severally to the Committee on Military Affairs.

By Mr. GEORGE: Memorial of John Mullan, Charles King, P. E. Dye, an others, citizens of the United States, protesting against the making of an appropriation to pay the awards of the late French and American Claims Commission in favor of French claimants until the proceedings of said commission shall have been investigated—to the Committee on Appropriations.

By Mr. GREEN: Resolutions of the Wilmington Produce Exchange, urging the passage of H. R. 5797, for the adoption of international bills of lading—to the Committee on the Judiciary.

By Mr. HARMER: Petition of Jabez H. Gill, remonstrating against the passage of S. 1399 and H. R. 4670, relative to patents—to the Committee on Patents.

Also, memorial of the Women's Silk-Culture Association of the United States—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Petition of certain citizens of Council Bluffs, Iowa, respecting duty on earthenware, china, and glass—to the same committee.

By Mr. LANHAM: Petition and remonstrance of citizens of Palo Pinto County, Texas, in the matter of amendments to the Constitution—to the Committee on the Judiciary.

By Mr. LORE: Petition of Dr. William H. Corse and 77 others, citizens of Wilmington, Del., asking for increase of $400,000 for Indian education—to the Committee on Appropriations.

By Mr. LONG: Petition of members of the Indian Rights Association of Boston, Mass., relative to Indian education—to the Committee on Indian Affairs.

By Mr. MOREY: Petition of citizens of Pontiac, Mich., for the passage of S. 1924—to the Committee on Patents.

Also, petition of Frazier Post, Grand Army of the Republic, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. MORGAN: Memorial of the Grand Army of the Republic, Department of Missouri, requesting the retirement of Maj. Gen. A. J. Smith—to the Committee on Military Affairs.

By Mr. MORRISON: Petition of citizens of Providence, R. I., for the repeal of duty on books, &c.—to the Committee on Ways and Means.

Also, memorial of citizens of Saint Clair County, Illinois, against Chinese immigration—to the Committee on Foreign Affairs.

Also, petition of George Crilly and Citizens' Union, Des Moines, Iowa, for the repeal of Des Moines River land grant—to the Committee on the Public Lands.

By Mr. OSSIAN RAY: Remonstrance of Hon. S. W. Hale, governor of New Hampshire; Horatio Kimball, mayor of Keene, N. H.; and others, against a Government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. ROCKWELL: Remonstrance of citizens of Westfield, Mass., against the Government telegraph bill—to the same committee.

Also, statement in relation to the business, &c., of the post-office at Springfield, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. ROSECRANS: Resolutions of the State board of horticulture of California, asking that all imported articles for human consumption be truly labeled—to the Committee on Ways and Means.

By Mr. STEPHENSON: Petition of Wood County Post, No. 22,

Grand Army of the Republic, Department of Wisconsin, asking pensions for all honorable discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. C. A. SUMNER: Concurrent resolution of the Legislature of California, relating to the removal of causes pending in the courts of the State of California to the courts of the United States—to the Committee on the Judiciary.

By Mr. H. G. TURNER: Petition of J. O. Varnedoe and others, of Lowndes County, Georgia, for the passage of the Blair bill—to the Committee on Education.

By Mr. VAN EATON: Petition of over 300 citizens of Wilkinson County, Mississippi, in favor of Federal aid to common schools—to the same committee.

Also, citizens of Hancock County and of C. D. Lancaster, superintendent of education, and citizens of Harrison County, Mississippi, on the same subject—severally to the same committee.

Also, petition of captains and owners of vessels at Ship Island Harbor and in the coasting trade; of citizens of Biloxi; of merchants and citizens of Ocean Springs; of mill-owners, merchants, and citizens of Handsborough; of mill-owners and citizens of Stonewall; and of other Gulf-coast citizens, all asking for the removal of the custom-house from Shieldsborough to Biloxi, Miss.—to the Committee on Commerce.

SENATE.

THURSDAY, *May* 15, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

ADDITIONAL COPIES OF PUBLICATIONS.

The PRESIDENT *pro tempore*. The Chair thinks it is his duty to state that yesterday the Senator from Connecticut [Mr. HAWLEY], from the Committee on Printing, reported, and the Senate agreed to, with an amendment, the joint resolution (H. Res. 235) to print additional copies of certain publications. It appears on examination of the files and the Calendar that the joint resolution had been previously reported on the 30th of April from that committee without amendment; so that the joint resolution was not in possession of the committee and the report was therefore irregular. Officially the Chair supposes it is his duty to know in every instance what bills have been reported and what have not, but the number is so great that it is practically impossible. The Chair calls attention to it in order that the irregularity may not pass into a precedent. The Chair supposes it to have been merely an accident that the committee again reported a bill of which they had no official possession at the time.

Mr. ALLISON. Is any motion required?

The PRESIDENT *pro tempore*. The Chair does not think that any motion is required about it.

ADJOURNMENT TO MONDAY.

Mr. BUTLER. I move that when the Senate adjourn to-day it stand adjourned until Monday next.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that when the Senate adjourns to-day it adjourn to meet on Monday next. The question is on the motion. [Having put the question.] The Chair is in doubt as to the majority of voices, and will divide the Senate.

There were, on a division, ayes 22, noes 12—no quorum voting.

The PRESIDENT *pro tempore*. The Chair believes that the motion requires the action of a quorum.

Mr. CONGER. If it is not too late, I vote in the affirmative.

The PRESIDENT *pro tempore*. A single vote does not make any difference in the number making a quorum. No quorum has voted in either case.

Mr. CONGER. My vote would make one more.

The PRESIDENT *pro tempore*. The vote would still lack four of a quorum.

Mr. HARRIS. It is obvious that there is a quorum present. I ask the Chair to take the vote over again.

Mr. VAN WYCK. To settle the question I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am generally paired with the Senator from Pennsylvania [Mr. CAMERON], but as I believe he would vote "yea" upon this question, I will vote "yea."

The roll-call was concluded.

Mr. HARRIS (after having voted in the affirmative). Before the result is announced I desire to say that on Monday I agreed to pair with the Senator from Virginia [Mr. RIDDLEBERGER] for that day, as I understood it, and yesterday I forgot to observe the pair. I was going to let my vote stand on this question, as I supposed the Senator from Virginia would vote the same way upon it. The Senator from Virginia has just come in.

Mr. RIDDLEBERGER. I vote "yea."

The result was announced—yeas 28, nays 15; as follows:

YEAS—28.

Bayard,	Fair,	Lapham,	Ransom,
Beck,	Frye,	Manderson,	Riddleberger,
Butler,	Garland,	Mitchell,	Sawyer,
Call,	George,	Palmer,	Sewell,
Coke,	Gorman,	Pendleton,	Slater,
Conger,	Harris,	Plumb,	Walker,
Cullom,	Jackson,	Pugh,	Williams.

NAYS—15.

Allison,	Dawes,	Hoar,	Morrill,
Blair,	Edmunds,	Logan,	Van Wyck,
Cameron of Wis.,	Groome,	Maxey,	Wilson.
Cockrell,	Harrison,	Miller of N. Y.,	

ABSENT—33.

Aldrich,	Gibson,	Kenna,	Sabin,
Anthony,	Hale,	Lamar,	Saulsbury,
Bowen,	Hampton,	McMillan,	Sherman,
Brown,	Hawley,	McPherson,	Vance,
Camden,	Hill,	Mahone,	Vest,
Cameron of Pa.,	Ingalls,	Miller of Cal.,	Voorhees.
Colquitt,	Jonas,	Morgan,	
Dolph,	Jones of Florida,	Pike,	
Farley,	Jones of Nevada,	Platt,	

So the motion was agreed to.

MEXICAN BOUNDARY LINE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying report and papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, of the 14th instant, with accompanying papers, relative to the necessity of an appropriation by Congress to enable this Government to execute the provisions of the convention between the United States and Mexico, of July 29, 1882, for the relocation of the monuments marking the boundary line between the two countries, and recommend that the amount asked, $224,556.75, be immediately provided.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington*, *May* 14, 1884.

PETITIONS AND MEMORIALS.

Mr. LAPHAM. I present a memorial of citizens of Buffalo, N.Y.; a memorial of citizens of Syracuse, N. Y.; a memorial of citizens of Watkins, N. Y.; and a memorial of citizens of Victor, N. Y., remonstrating against the establishment of a governmental telegraph. The subscribers to these memorials are, most of them, known to myself; they are citizens of prominence, and their recommendations are entitled to the very highest consideration. I move that the memorials lie on the table, as the bill has been reported.

The motion was agreed to.

Mr. MITCHELL presented resolutions adopted by Mansfield Post, No. 48, Grand Army of the Republic, Department of Pennsylvania, Mansfield, Tioga County, Pennsylvania, favoring recommendations made by the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

He also presented the memorial of Jabez H. Gill, of Philadelphia, Pa., remonstrating against the passage of Senate bill No. 1399 and House bill No. 4670, for the relief of William C. Dodge; which was ordered to lie on the table.

Mr. MILLER, of New York, presented a memorial of citizens of Deposit, N. Y., and a memorial of citizens of Canton, N. Y., remonstrating against the establishment of a governmental telegraph; which were ordered to lie on the table.

Mr. MCMILLAN. I present a petition signed by Mark D. Flower, E. W. Hurant, and a number of others who have been engaged in steamboat navigation on the upper Mississippi River, and contributed for years to the large fund accumulated from the payment of hospital dues and licenses, praying that Congress appropriate from that fund the sum of $100,000 to erect a snug harbor or seamen's home on or near the Government island of Rock Island, as a home for aged, needy, and disabled seamen. My colleague [Mr. SABIN] handed me the petition to present in his absence. He is necessarily absent to-day. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. GORMAN presented the petition of Poole & Hunt, George H. Cairnes, and sundry other citizens of the city of Baltimore, praying for the passage of Senate bill No. 1924, providing for the reorganization of the Patent Office into a separate department; which was referred to the Committee on Patents.

Mr. BECK. I present the memorial of John Means, John F. Hager, and a large number of citizens of Ashland, Ky., remonstrating against the establishment of a governmental telegraph for reasons set forth in the memorial. I am not sure whether the memorial should be referred to the Committee on Post-Offices and Post-Roads or the Committee on Commerce.

The PRESIDENT *pro tempore*. The Committee on Post-Offices and Post-Roads have reported on the telegraph bill.

Mr. BECK. Then I move that the memorial lie on the table.

The motion was agreed to.

Mr. PENDLETON. I present a petition of the Cincinnati (Ohio)

Typographical Union, No. 3, praying for the passage of the bill (H. R. 1340) to establish and maintain a bureau of labor statistics, which is now before the Senate. This petition is rather in the nature of a letter to myself and my colleague [Mr. SHERMAN], but it evidently was intended as a petition to this body. I ask that it be received as such, and ordered to lie on the table.

The PRESIDENT *pro tempore*. The petition will be received, if there be no objection, and laid on the table.

Mr. PENDLETON. I present the memorial of Leo Ebert & Co. and 125 other citizens of Ironton, Ohio, remonstrating against the passage of what is commonly known as the postal telegraph bill. I move that the petition lie on the table.

The motion was agreed to.

Mr. HOAR presented the memorial of C. T. Hitchings and others, residents of Warren, Mass., remonstrating against the enactment of any measures relating to the telegraph which shall increase the number of public officials, &c.; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. LOGAN, from the Committee on Appropriations, to whom was referred the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, reported it with amendments.

He also, from the same committee, in connection with the report on the pension appropriation bill, submitted a letter of the Commissioner of Pensions, addressed to the chairman of the Committee on Appropriations, concerning the reduction of the number of pension agencies and the compensation of agents; which was ordered to be printed.

He also, from the same committee, in connection with the pension appropriation bill, submitted a paper from the Commissioner of Pensions to accompany his letter on House bill 6094, being estimates made by the Treasurer of the United States of the probable cost to his office of paying all pensions and keeping accounts thereof, provided that all preliminary work previous to the drawing of checks should be done in some other bureau; which was ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 5259) granting a pension to Julia A. Ross, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL. The affidavit of William T. Hundley sustaining his case for special relief was referred to the Committee on Pensions. The affidavit refers to a bill alleged to be pending before the Committee on Pensions. No such bill has ever been referred to the committee. The committee desire to be discharged from its further consideration. We have also made inquiry and find that no bill has been introduced in the Senate for his relief. I move that the committee be discharged from the further consideration of the affidavit.

The motion was agreed to.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 1065) granting an increase of pension to George F. Dresser, reported it without amendment, and submitted a report thereon.

Mr. CULLOM. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1337) granting an increase of pension to Lucy Le G. Jeffers, to submit a report thereon, but the committee make no recommendation. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the bill, and it will be placed on the Calendar.

Mr. CULLOM. The Committee on Pensions, to whom was referred the bill (S. 1180) granting a pension to Mrs. Mary T. Barnes, have instructed me to report it back without recommendation, and to ask that it be laid upon the table; and I am also instructed by the same committee to report back the bill (H. R. 1406) granting a pension to Mrs. Mary T. Barnes without recommendation, and to ask that it be placed upon the Calendar.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Illinois as to the nature of the report, whether favorable or adverse.

Mr. CULLOM. The committee make no recommendation. They report both bills back and ask that the Senate bill be laid upon the table and that the House bill be placed on the Calendar.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1463) for the relief of David Compropst, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Mary J. French, praying for an increase of pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. SLATER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 1751) for the relief of William R. Browne, to report it back adversely. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. 1218) for the relief of William R. Browne, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 1109) for the relief of John B. Lowry, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

WORLD'S INDUSTRIAL AND COTTON CENTENNIAL EXPOSITION.

Mr. ALLISON. The Committee on Appropriations, to whom was referred the bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition, have instructed me to report it back with sundry amendments.

Mr. COCKRELL. I ask the Senate to consider that bill at this time. The Committee on Appropriations have given it full consideration. We have stricken out all the clauses that indicated any liability on the part of the United States, and the only amendments that we have made to the body of the bill are in the nature of restrictions to guard the expenditure and the liability. I hope that the Senate will now consider it. It is very important that early action should be taken.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER (Mr. HOAR in the chair). The bill will be read.

The Chief Clerk proceeded to read the bill.

Mr. ALLISON. Unless some Senator desires otherwise, I suggest that we consider the amendments of the Committee on Appropriations as the reading of the bill proceeds.

The PRESIDING OFFICER. The Chair was proposing, after the reading of the preamble was concluded, to ask the consent of the Senate to that course.

Mr. ALLISON. We propose to strike out most of the preamble, so that I do not think it is very important to read that further.

Mr. INGALLS. I think the preamble had better be read and the bill also read at length as it came from the House, and that subsequently the amendments of the committee may be considered.

The PRESIDING OFFICER. The Senator from Kansas objecting to the suggestion made, the reading will proceed.

The reading of the bill was resumed and concluded.

The PRESIDING OFFICER. The amendments reported by the Committee on Appropriations will now be stated in their order.

The first amendment of the Committee on Appropriations was, in line 10, after the word "determine," to insert "and in accordance with the provisions of this act;" so as to read:

That the sum of $1,000,000 be, and the same is hereby, appropriated, out of any money in the public Treasury not otherwise appropriated, as a loan to the World's Industrial and Cotton Centennial Exposition, to be used and employed by the board of management thereof to augment and enhance the success of the World's Industrial and Cotton Centennial Exposition in such manner as said board of management may determine, and in accordance with the provisions of this act.

The amendment was agreed to.

The next amendment was, in line 12, after the word "and," to strike out the word "treasurer" and insert "secretary," and in line 13, after the word "Exposition," to insert "authorized by order of said board;" so as to read:

Provided, That the said sum shall be paid by the Treasurer of the United States on the drafts of the president and secretary of the board of management of the World's Industrial and Cotton Centennial Exposition authorized by order of said board, one-third of the amount immediately after the passage of this act.

The amendment was agreed to.

The next amendment was, in line 16, after the word "in," to insert "to the said board;" at the end of line 16 to insert "contributors to and shareholders of the;" and in line 18, after the word "thereafter," to insert:

Upon being satisfied that each of the prior payments has been faithfully applied as required by this act; and for this purpose he shall have free access to the accounts and all transactions of said board;

So as to read:

Upon being satisfied that $500,000 has been contributed and paid in to the said board for the purposes of the exposition by the contributors to and shareholders of the World's Industrial and Cotton Centennial Exposition, and the remainder in four monthly payments thereafter, upon being satisfied that each of the prior payments has been faithfully applied as required by this act; and for this purpose he shall have free access to the accounts and all transactions of said board.

The amendment was agreed to.

The next amendment was, in line 19, after the word "expended," to insert "or liability or indebtedness of any kind incurred;" in line 21, to strike out the words "secured by subscription" and insert "paid in by the subscribers;" and after the word "stock," in the same line, to insert the word "and;" so as to read:

That no greater amount shall be expended or liability or indebtedness of any kind incurred upon buildings, grounds, and preparations than the aggregate sum that may be paid in by the subscribers to the capital stock and by donations and the amount of the loan provided herein.

The amendment was agreed to.

The next amendment was, in line 29, after the word "stock," to insert "or contributors;" so as to read:

That in the distribution of the amounts that may remain in the treasury of the board of management after the payments of the current expenses of administration the amount of the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits or assets shall be paid to the holders of said stock or contributors.

The amendment was agreed to.

The next amendment was, in line 31, after the word "obligation," to strike out "for" and insert "created or incurred by;" in line 33, after the word "or," to insert "for;" in line 34, before the word "amount," to strike out "foregoing;" and after the word "amount" to strike out the words "that may be;" so as to read:

That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation created or incurred by the World's Industrial and Cotton Centennial Exposition, or its board of management, or for any sum whatever in addition to the amount appropriated by this act.

The amendment was agreed to.

The next amendment was, in line 35, after the word "space," to insert the words "to be determined by the President of the United States;" and in line 37, after the word "charge," to insert "by said board;" so as to read:

And that adequate space, to be determined by the President of the United States, for such exhibits as the Government of the United States may see proper to make at said exposition shall be furnished free of all charge by said board.

The amendment was agreed to.

The next amendment was, after the word "the," in line 38, to strike out the words "treasurer of the said exposition until after he and the president of the same;" and to insert "said board of management of said exposition until after the president, secretary, and a majority of the members of said board;" so as to read:

That no sum shall be paid to the said board of management of said exposition until after the president, secretary, and a majority of the members of said board shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of $300,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated.

The amendment was agreed to.

The next amendment was, in line 45, after the word "expenditures," to insert "and liabilities;" so as to read:

And for the faithful observance of this act with regard to the limitation of expenditures and liabilities as fixed herein, and for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration, said repayment in no case to exceed the loan herein appropriated and provided for.

The amendment was agreed to.

The next amendment was to add at the end of the bill the following additional proviso:

And provided further, That the receipt of the loan herein made, or any part thereof, by said board of management shall be a full acceptance of all the trusts, conditions, provisions, and obligations of this act by the said board of management and by the corporation created under the laws of the State of Louisiana, and designated as the World's Industrial and Cotton Centennial Exposition.

The amendment was agreed to.

Mr. ALLISON. In line 11 I move to strike out the word "Treasurer" and insert "Secretary of the Treasury;" so as to read:

Provided, That the said sum shall be paid by the Secretary of the Treasury of the United States on the drafts of the president and secretary of the board of management of the World's Industrial and Cotton Centennial Exposition.

Mr. COCKRELL. That was simply an oversight in the subcommittee.

The amendment was agreed to.

Mr. SEWELL. I move to amend the bill, in line 3, by striking out the words "one million dollars" and inserting "$500,000." That is the amount to be subscribed by the promoters of the enterprise, and I think if the Government does as much as the individual supporters they ought to be satisfied.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

Mr. COCKRELL. I hope the amendment will not be agreed to. I do not think that $1,000,000 is an excessive amount, and it is very well secured. I think that amount will be necessary to make this exposition the kind of success that the people of the country want it to be, and the loan made by the Government will be reimbursed. I hope the amendment will not be agreed to.

Mr. PLUMB. I place my opposition to the amendment on a little different ground from that of the Senator from Missouri. I have not been able to satisfy myself entirely that this money will be repaid; but I believe this is an exhibition of a character which the Government can afford to aid, and if it is to aid it at all it ought to aid it sufficiently to remove every reasonable obstacle to success. There are chances, and I think a majority of chances, that the Government will be repaid the money. I think it safe to say that under any ordinary circumstances it will be repaid, and at all events the shortage will not be considerable.

This matter has taken a large hold on the public mind. There are considerations in it which are undoubtedly of very great consequence to the entire American people. There will be assembled at New Orleans at the exposition probably more representatives of the commercial interests of the states of South America than have ever been assembled on the American continent anywhere. New Orleans is especially favorably located with a view to reaching that class of interests and that class of business.

I have myself great hopes of what will come to the supremacy of North American interests in the South American portion of our continent growing out of this exhibition. I know also that the people of the entire temperate zone of this country are coming to look upon it with a great deal of interest.

Mr. MAXEY. I suggest to the Senator from Kansas that when we made an appropriation in the nature of a loan to the Centennial Exhibition of 1876 we gave a million and a half dollars, and there was no objection to that. This proposes only a million, and certainly it is not too much.

Mr. PLUMB. I do not make any comparison at all. I am willing to vote the amount proposed in the bill. In fact, I do not want to make any comparison, because I do not want to do a thing to-day which I may feel bound to repeat to-morrow. Therefore I do not quote the Philadelphia Centennial in my vote, but I let the New Orleans Centennial stand by itself. I might be entirely unwilling to-morrow to vote a dollar in aid of a similar exhibition anywhere. But this matter has got to a point where I think the public expectation has been aroused, and the chances for benefit derived not only to the Southern people but to all of the people in this country are sufficient to warrant us in making this experiment. I believe it will do more to intermingle the people of the whole United States, that it will do more to give life to all the currents of trade, especially in the Southern States, to open up new markets for the Northern States, to bring us into accord with the people of the states of South America, as I have said, and generally stimulate the movements of the people and their business interests throughout the entire country, than any other thing probably that we could do at this time.

To my great surprise I found that a large interest was awakened in the exhibition in the State of Kansas. That is a State somewhat remote, a State that has business of its own to do, that has a market for its own products West; but still I find that our people are looking forward with a great deal of interest to this exhibition. Kansas will have a display there of its products which will be, I have no doubt, creditable to that State, and following that display will go thousands and even tens of thousands of people, and I think that will be true of all the States of the Mississippi Valley. I have no doubt that the feeling will be contagious and that it will spread to the States East, if it has not already done so. The people of New Jersey, one of the greatest manufacturing States, probably the greatest in proportion to population in the Union, will find it to their interest (and I never knew a New Jerseyman who was not keen for those things that concerned his pocket) to go there and get a large space in which to exhibit the fruits of the fertility, the genius, the energy, the capital of that State, and they will get all this money back, not only the money they invest in it directly but all their proportion of this million dollars.

Mr. GARLAND. Mr. President, the appropriation to be given by the Government should be adequate or it should not be given at all. I am satisfied that if the gentleman from New Jersey who moves to cut down this appropriation to $500,000 would make an estimate and survey of this business he would find that $500,000 is totally inadequate for the purpose. The conception of this matter of a world's exposition was a dream in the beginning, and really its most sanguine friends did not suppose it would assume the proportions it has, and now, after the work in New Orleans and in the State of Louisiana, with the official report that has been made, it is certain that this bids fair to be one of the greatest expositions not only on this continent but in the world anywhere. I say to the Senator from Kansas that now every State, I believe, and almost every Territory, has manifested in the most substantial and unequivocal way its intention to be represented at the exposition.

The Senator from Texas suggested that we gave $1,500,000 to the Centennial Exposition at Philadelphia. If there is any utility in this exposition at New Orleans, judging from present appearances, it is going to outstrip even that in its importance and in its results to the industries of this country and the civilized world that visit it. Not only the State of Kansas is alive, as stated by the Senator from Kansas, but we hear voices from all the Union expressing interest in it. We heard the other day a petition read here, presented by the Senator from Maine [Mr. FRYE], asking that this appropriation be made, and nothing has occurred in the Senate during this session that has given me more satisfaction than to hear the reading of that petition.

This is an effort to bring together the States and the Territories of this Union and all the powers of the world that are inclined to come forward and be represented there. Mexico has already appropriated $200,000, and she comes with General Diaz at the head of a commission to represent her. She has asked for large ground there to make her exhibit. The whole world is to be there. I say it is one of the most cheering signs and symptons that have taken place in this country for many years. Five hundred thousand dollars, let me say to my friend from New Jersey, will be totally inadequate to meet this demand. The bill is guarded in its restrictions and in its requirements more than any bill ever presented to Congress on such a subject. It has undergone the scrutiny of the entire Committee on Appropriations and long and tedious inves-

tigation, and the Senator from Missouri [Mr. COCKRELL], who is always acute and alert as to these matters, has given it his careful attention, and he reports that it is perfect in this respect.

I hope the Senator from New Jersey will not insist upon the amendment. The United States is in no danger in reference to getting back this million of dollars, and so far as I am concerned if we were to give the money I do not think we should be doing anything amiss. But suppose the return of the money is not secured, suppose this to be a donation; none better, none more valuable could be made. The results of this exposition will be in every respect worth to the Government, to the people of the States, to the States, many fold more than this sum. It is a great national and international enterprise, and its cost now need not be calculated and ciphered.

All the States of the Union will be represented there. It is the money of the States that is contributed. There are over $60,000,000 now in the Treasury of the United States derived from the cotton tax lying there idle. That tax may be said to be part of the revenues of the Government, but its proceeds now amounting to $63,000,000 are in the Treasury, and the constitutionality of the levy of that tax was questioned, and it was only affirmed by a divided bench by the Supreme Court of the United States. In alluding to the cotton tax I do not pass any judgment upon it in any way, but merely refer to it to show that as this product has yielded this revenue now in the Treasury, this small sum can well be loaned out of this revenue to celebrate the centennial of this article of the world's commerce that cuts such an important figure in its history. We ask now but for a loan of a small part of the sixty-odd million dollars realized from this great product of the country to make the country glad once more, that we may meet in commerce and trade, in social commerce, exchange our views upon great matters of civilization, exhibit our products, and infuse new life and new energy into the industries of the country.

The enterprise is national in its conception, it is national in its execution, it is national in its effects, and I hope the Senator from New Jersey will not insist on his amendment.

Mr. MORRILL. I propose to vote for this appropriation, but I regret that the Senator from Arkansas should have referred to the cotton tax as a reason why it should be voted at the present time. If the Senator had read the report of the Treasury Department he would have discovered that more than 90 per cent. of that tax was paid by northern people. It did not come out of the Southern people at all. So far as the constitutionality of the tax is concerned, I will not take up time to discuss that question now. I have not a particle of doubt but that it was constitutional, and I believe to-day that it would be for the interest of the Southern States to have that tax reimposed. In that way they would not only obtain the monopoly of the business in raw cotton but would also obtain the monopoly of the manufacture of yarns and all ordinary cotton goods.

Mr. MAXEY. I suggested to the Senator from Kansas [Mr. PLUMB] when he was on the floor that we had loaned to the Centennial Exposition a million and a half dollars. I did so for this purpose: I was at that time a member of the Senate. Party excitement in the country and estrangement of the sections were then very much more intense than now. I not only voted for that appropriation, but stated my reasons in favor of it, believing it to be a great measure in the interest of the restoration of fraternal feeling among all sections of the country, in addition to the great advantages that would result to the commerce of the country. The outcome was that the appropriation succeeded, and I have been entirely satisfied ever since with the course I then pursued.

The results of the Centennial Exposition were good every way. The people from every section of the Union met there face to face. Social intercourse did very much to soften the asperities growing out of the war. The display of the United States, agricultural, manufacturing, mechanical, mining, brought in contact with those of other nations, gave us just reason to be proud of the energy, enterprise, and intelligence of our people.

In reference to this proposed exposition, I take pride in saying of my own State that our Legislature has made ample provision for being represented at the exposition. A State commissioner has been appointed by the governor in obedience to law; every Congressional district has its Congressional commissioner; every county has its county commissioner; and the whole State is alive to the importance of this great exposition, and that State will present, in my judgment, a display at the exposition at New Orleans that will be a pride and a pleasure to every citizen not only of Texas but of the United States, because it will show how rapidly this great State is developing, and how greatly it is adding to the general wealth of this great country. What I say of that State in respect to the interest of its people in this enterprise is equally true of the Southern States generally. The whole country there is alive to the importance of this grand enterprise, and as was said by the Senator from Kansas, his State away back west of the Mississippi River and off the line of any direct communication with New Orleans by water has also taken hold of this matter and will be well represented at the exposition. I like to see such energy and business sagacity. The effect will be to produce a spirit of emulation, and the people of each State will strive to make a better display than the people of any other State. Out of this honorable emulation great good to the whole country will result.

I would rejoice if every State in the Union is represented, and that the people of every State will exhibit the very best of all their products.

The amount of $1,000,000 is not too large. If we intend to do a manly thing in the way of aiding these people in their laudable effort, let us do it in a manly way. I do not believe $1,000,000 is any too much to help in this great enterprise which greatly encourages commerce among the States of the Union. The Republic of Mexico has made ample provision, by an appropriation of $200,000 I think, to be represented at the exposition, and has placed the control of it under General Porfirio Diaz, a great if not the greatest statesman to-day in that republic.

Mr. President, the importance of securing the trade of Mexico and Central and South America can not be overestimated. We must have an outlet for our surplus manufactured productions, or the shutting down of mills, the placement of workmen on half-time, the reduction of wages, and strikes, will inevitably follow. We can not hope for an extensive market for our manufactured products in Europe. The most inviting field is the country south of us. Every step, therefore, which we may take in that direction is wisely taken. The appropriation asked is but a trifle compared with the results to follow. The passage of this bill will insure the representation of not only Mexico, but of many States of South America as well, at this great exhibition.

The able and efficient director-general, Maj. A. E. Burke, is seeking to extend the interest in the exposition to the South American States and have them represented, and I hope and believe that he will succeed. This will aid in enabling this great country to grasp at an early day the trade and commerce of all the countries lying south of the United States. If this exposition were to aid to any considerable degree in that regard, certainly the amount of money that we propose to loan is but a trifle compared with the grand results to flow from it.

Is it not entirely within our reach, by this and other wise legislation, to secure this great trade? Why should we stand idly by and see its rich fruits gathered by England, France, and Germany?

With our wonderful facilities by rail and river of concentrating rapidly at any point, our people can be brought together at New Orleans. The leading products of each State are exhibited in proximity to the leading products of all other States. We can thus form a just estimate of trade relations. Each community can thus tell what every other community have to sell and what they need to buy. And, I repeat what I said when the bill for an appropriation for the Centennial Exposition was before the Senate, "Let the people become better aquainted with each other, and that want of confidence which is the foundation and cornerstone of all the trouble there is in this country at this time will disappear." That exposition had the exact effect I anticipated, and this will rivet the good work thus happily begun.

The opinion has been expressed that the million dollars now voted will certainly be refunded. I hope so; but if this should prove a mistake—and its success depends upon the receipts of the enterprise over expenditures—still I would regard it as money wisely expended if it should turn out that it is never refunded.

Mr. President, this is a grand movement in a section not many years since devastated. Come and see us and let us show you the wonderful recuperative powers and indomitable energy, guided by intelligence, of our Southern people.

Mr. FRYE. Mr. President, I believe I had the honor to present the only petition that has been presented in favor of this appropriation. It came from my own State, was signed by the governor and several important officials of the State, and was also signed by the leading manufacturers of my own city, manufacturers of cotton fabrics. These gentlemen have no special interest in Louisiana, no special interest in this exposition except one of pure business. They know perfectly well that the only place for the exportation of the textile fabrics of this country in the future is to Mexico and the South American and Isthmian states. They know that they can not compete in textile fabrics with France and Germany and England in their own countries. It is an impossibility. But here are all the South American countries and Mexico and the Isthmus waiting for us to send our goods there. They never will manufacture such goods, at least they will not in fifty years, and our manufacturers see through this exposition a good way for business, and nothing else under the sun, and that is why, without any sentiment, but purely as a matter of business, they ask that this appropriation shall be made.

I believe fully that under this appropriation for this exposition (which undoubtedly will be a success), in connection with what may be done for the establishment of shipping lines between here and South American ports under legislation which this Congress will certainly enact into law, we are to see within four years a business commence and grow with great rapidity between our country and the South American States. I am for the appropriation for that reason. I would be for it if I knew the exposition would not pay a dollar back. In fact, it is very immaterial to me whether it does or not. I hope the amount will not be cut down at all. It is the amount that is asked for, and it is the amount which seems to be adequate.

Mr. INGALLS. Mr. President, the interest felt in the State of Kan-

sas in this matter was so great that the Legislature at its special session last month made an appropriation directly from the treasury of the State of $7,000, and provided for the appointment of a State commission which should have charge of a representation of the industries, the products, and the civilization of that State at New Orleans. Irrespective therefore of my personal views on this subject, I consider myself instructed by the action of my State as to my own course in this body on the amount of the appropriation.

Besides this, many boards of trade, the authorities of many cities, personal friends engaged in business, have addressed me, insisting upon the very great importance of the proposed exposition and asking my personal efforts to assist in the passage of this bill.

The Senator from Missouri suggested in the course of his remarks that there was ample provision for the security of the proposed loan. I doubt that, Mr. President. I do not vote for this as a loan. I believe it will be a donation, and I vote for it with that understanding, cheerfully; and while I shall be very glad if the returns of the exposition are such that the money can be refunded to the Treasury, yet I believe that if the Government expends the entire amount without the return of one dime, it will be bread cast upon the waters that will return to us after many days.

Mr. SEWELL. Mr. President, I made the motion for the reduction of this amount, as I supposed that we should never get a cent of it back. Judging from my experience as a business man and a transportation man, in view of the location of this proposed exposition, I would give it as my judgment that none of this money will ever come back. If the exposition were to be located at a central point like Saint Louis, or Chicago, or Cincinnati, where the surrounding population is very dense and where the modes of communication are so frequent that large masses of people could be transported there, I would say that the money might come back, but at New Orleans it is almost an impossibility. The people that come from Mexico and other southern countries will be a very small drop in the bucket. It requires a large mass of population to make an exposition of this kind pay. Therefore I moved to reduce the amount, as I thought $500,000 was enough for the Government to contribute to what is practically to be a local exposition, for the great mass of the people of the Northern States never heard of it until to-day. I never knew of it until I saw the bill on my table.

Mr. MILLER, of California. Mr. President, the Senator from New Jersey would be willing, I suppose, from what he says, to make a donation of $500,000 in aid of this exposition. His amendment does not provide for making it an absolute donation, but from his remarks I suppose he would be willing to do that. Now there is some chance of the Government receiving back all it loans for this purpose, and as a mere business proposition, looking at it in its business phase, I would rather vote for the bill as it stands, loaning a million dollars, than to vote $500,000 as an absolute gift.

I should regard it as a great misfortune if this appropriation should be cut down. The managers of this exposition have asked for the loan of a million dollars. In their calculations they regard this sum as being necessary; and for the reasons which have been given, and many others which might be given, I think the Government can not dispose of its surplus revenues to a better purpose than in this way, even if it should not get back all the money advanced, or even half of it.

For my part, I would go as far as the Senator from Kansas for such an exposition as this and for all such expositions where the productions of the world are to be brought together for purposes of comparison, where the people of the States of this Union and of foreign States go for the purpose of comparing the productions of the various countries and the interchange of sentiment and of thought. I think that the Government ought to aid all such expositions.

The influence of the Philadelphia Centennial Exposition has been felt ever since that exposition took place. It gave a stimulus to manufactures, it enabled our people to know what the productions of the various States were, and of the various countries of Europe that sent manufactured articles and other articles there for exhibition. The people of my State have expressed themselves very clearly and forcibly upon this subject. I think they are universally in favor of making this appropriation, and I shall vote for it with great pleasure.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey.

Mr. ALLISON. Mr. President, the Committee on Appropriations considered this question of amount very carefully, and many suggestions were made with reference to a reduction of the sum appropriated by the House bill; but on statements made to the committee we became satisfied that this sum at least would be required if the exhibition was to go on upon the scale proposed. Of course the board of management can contract the exposition to meet the $500,000 suggested by the Senator from New Jersey if we allow no more; but we have gone so far in this business that I think we are reasonably bound to make an appropriation of $1,000,000 in the manner proposed in this bill. It is the first step generally that costs. A year ago or more we passed a law brief in words but very comprehensive in character. We bound this Government in every possible way to take part in this exposition, to invite foreign governments, and we called it an international exposition. We did everything except agree to appropriate money. There was an express reservation in the law we passed that no money should be paid for the purpose of carrying on the exposition.

Mr. COCKRELL. That was stated on the floor, but not in the bill.

Mr. ALLISON. I will read the section:

SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any of the expenses attending such exhibition, or by reason of the same.

So that after committing the Government of the United States in a most thorough way to this exposition we put an addendum here saying that the Government would provide none of the expense. Now we find that this exposition will be an absolute failure unless the Government does come in and give aid. I need not recite the causes of this failure. In the first place the people where this exposition is located are not able to subscribe a sufficient sum of money to carry on the exposition. After raising half a million dollars for this purpose, the flood in the Mississippi River came upon these people and swept away from them many hundreds of thousands if not millions of dollars of property, so that they find themselves now with a great exposition on hand with only about five or six or perhaps seven hundred thousand dollars of subscriptions to carry it on.

We have endeavored by this bill, with the amendments suggested, to prevent this board of management from incurring any obligation whatever. We have restricted, so far as it is possible to restrict, the expenditures preparatory to this exposition to the subscriptions and to the amount of this loan, and we have created practically in this board of management a trust whereby they shall not incur obligations to be paid out of the current receipts of the exposition. So we expect this board of management (six of whom, by the way, have been appointed by the President of the United States) to start this exposition on the 1st day of November, or whatever day it shall begin, without any obligation whatever; and, if so, if they shall do this, then the question of the return of this amount of $1,000,000 or any portion of the $1,000,000 will depend wholly upon the success of the exhibition after it shall begin.

I am not very sanguine myself that the whole of this money will be returned, but if this exposition is managed as it ought to be, I believe a large portion of it can and will be returned to the United States; but whether that be true or not the obligation rests upon the board of management under this bill not to take the statements of Senators on this floor that this money is not to be returned, but to so manage it, if they can, as to return the whole of it to the United States. That is the obligation here, and I, for one, do not wish this board of management to understand that we nominally are giving them a loan which they can use at their own discretion and pleasure without reference to the question of its return.

That is the situation in which we are placed to-day. I would have been glad to see other safeguards thrown around this bill, but I could for myself see no other way of amending the bill that would leave the board of management free to carry on the exposition, and therefore I trust the amendment suggested by the Senator from New Jersey will not prevail, as I think the amount provided for here is necessary to the success of this exposition.

Mr. BLAIR. Mr. President, I have been out of the Senate and have listened to none of the debate that has taken place thus far upon this bill. I have a general knowledge of the purpose of the appropriation, and I assume that the bill will pass practically without opposition. I presume that it will do so now, and I only wish to say a word indicative of my sense of the importance of the exposition as an educational measure in itself, and as one calculated to develop the material interests and advance the general prosperity of the country.

I had some occasion to observe within a few months past the rising interest of our fellow-citizens of the South in this specific enterprise. I found in the Gulf States many prominent citizens who were interesting themselves to, as it seemed to me, a quite extraordinary degree in the success of the Cotton Centennial, as they call it, which is an enterprise much larger than might be indicated simply by its name; but an enterprise which appears to have taken hold upon the affections and the feelings of the people as an opportunity which they are to have of giving to the rest of the country and to the world some indication of the resources of their section of country, and a demonstration of their capacity in the development of their industries and the general wealth of the nation. I think the radical impulse was one of patriotism on the part of the Southern gentlemen with whom I came in contact, and I should feel myself that it was a personal loss and a national loss if this enterprise failed to develop and to be consummated in accordance with their anticipations. A million of dollars given by the National Government outright would, in my belief, be a far more appropriate thing to do than the contribution which we are making with hedgings about that some time or other we may get this money back. It is better to give it in this way than not to do it at all; and it is indispensable, without doubt, that they should have this assistance in order that the enterprise may succeed at all; but if we had to make choice between the success of the enterprise and a voluntary contribution of this million or a larger sum with no expectation of the return of any portion of it, I think it would be national economy to give the money outright.

I trust that this bill, with such modifications or such safeguards as the committee may have seen fit to report in connection with it, will pass and that it will pass unanimously, not grudgingly, but by a unanimous vote of the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey [Mr. SEWELL].

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. The question now is on the preamble. The Committee on Appropriations recommend sundry amendments to the preamble, which will be reported.

The CHIEF CLERK. The Committee on Appropriations propose to strike out the fifth paragraph of the preamble, as follows:

Whereas many of the governments so invited have accepted such invitations, and are making preparations to embrace the courtesy so extended to them, thereby rendering proper arrangements for the coming ceremonies on the part of the United States a matter of honor and good faith; and.,

The amendment was agreed to.

The next amendment was, to strike out the last word "and" in the sixth paragraph of the preamble, and also the seventh paragraph of the preamble, as follows:

Whereas all of the inducements which were involved and embodied in the request that Congress should grant the necessary aid to secure the success of the Centennial Exposition of Philadelphia are re-enforced by the progress and development of many States and Territories that were unable to avail of the beneficent policy inaugurated by the Government at Philadelphia, but are now desirous of an equal opportunity to display their agricultural, commercial, and industrial resources to the world; and.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out the eighth paragraph of the preamble, as follows:

Whereas the stockholders of the World's Industrial and Cotton Centennial Exposition have furnished, to aid in the completion of the said enterprise, $500,000, and have determined to increase the same to $1,000,000 by a vote of a majority of said stockholders, and are now engaged in obtaining the same, and the said city of New Orleans has, in its corporate capacity, contributed the sum of $100,000 to secure the success of this national and international undertaking, and it is but just and equable that the Government whose people are to be universally affected and benefited by the said contributions and donations of these said citizens should lend its aid and credit to the said enterprise in a specific form calculated to enhance its dignity and capacity to accomplish the objects in view, to wit, the development and prosperity of the United States, and also because the results of the centennial celebration of 1876 have illustrated the wisdom of such national action: Therefore.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the preamble as amended.

The preamble as amended was agreed to.

Mr. ALLISON. I move to amend the title so as to make it read:

A bill to make a loan in aid of the celebration of the World's Industrial and Cotton Centennial Exposition.

The amendment was agreed to.

Mr. COCKRELL. I move that the bill as amended and passed be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 51) to authorize the construction of a bridge over the Rio Grande River between the cities of Eagle Pass, Tex., and Piedras Negras, Mexico; and

A bill (S. 664) to authorize the construction of a bridge over the Rio Grande River between the cities of Laredo, Tex., and Nueva Laredo, Mexico.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2636) for the relief of Lieut. John C. Geyer;

A bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe, Va.; and

A bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and south line of the county of Douglas, State of Nebraska, and to make the same a post-route.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 153) providing a civil government for Alaska; and it was thereupon signed by the President *pro tempore*.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 2218) to provide for the erection of a public building in the city of Newport, Ky.; which was read by its title, and referred to the Joint Committee on Public Buildings and Grounds.

Mr. INGALLS introduced a bill (S. 2219) granting a pension to M. V. B. Winkler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2220) granting a pension to J. G. Crawford; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2221) granting a pension to Mary A. Henry; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2222) granting a pension to James H. Reid; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2223) granting a pension to Lemuel J. Bennett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2224) to prohibit speculation by officers of national banking associations; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENT TO A BILL.

Mr. HOAR submitted an amendment intended to be proposed by him to the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882; which was ordered to lie on the table and be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers in the claim of Richard Johnson be taken from the files of the Senate and referred to the Committee on Claims.

FAILURES OF NATIONAL BANKS.

Mr. MORGAN. I offer the following resolution:

Resolved, That the Committee on Finance be directed to examine into the causes of the failure of such of the national banks in the city of New York as have suspended business in the month of May, 1884, and report whether said failures have to any and what extent resulted from any violation of the laws regulating their conduct, or from giving certificates upon drafts, or by their acceptances of drafts or other commercial paper drawn upon them, directly or indirectly, in evasion of or in violation of the laws, and whether any other national banks in New York city have been engaged since July 12, 1882, in the violation or invasion of the laws regulating their conduct. And that said committee have leave to sit during the sessions of the Senate, and to visit the city of New York, and to send for persons and papers, and to examine witnesses on oath.

That the expenses incurred by said committee in the execution of this order shall be paid out of the contingent fund of the Senate, to be audited and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MORRILL. I move that that be referred to the Committee on Finance.

Mr. BAYARD. I object to its consideration.

The PRESIDENT *pro tempore*. The Senator from Delaware objecting to the consideration of the resolution, it will be printed and lie over.

Mr. MORRILL. I think if the Senator from Delaware will allow it to be referred to the Committee on Finance——

Mr. BAYARD. It had better be printed and lie over, I think, without referring it.

Mr. MORGAN. I desire to be heard on the question of reference when it comes up.

The PRESIDENT *pro tempore*. The present consideration of the resolution is objected to and it goes over.

PRINTING OF CORRESPONDENCE.

Mr. MILLER, of California. Yesterday an order was entered for the printing of 200 copies of the correspondence relative to the Ward claims and the claim of Charles E. Hill against China. I find on examination that that number will not be sufficient. I therefore move to reconsider the vote by which that order was passed, with a view of amending it.

The PRESIDENT *pro tempore*. The Senator from California moves that the vote of the Senate taken yesterday on adopting the resolution referred to by him be reconsidered. The resolution will be read.

The Chief Clerk read as follows:

Ordered, That 200 copies of the correspondence respecting the Ward claims and the claim of Charles E. Hill against China, transmitted to the Senate by the President of the United States, May 7, 1884, in response to Senate resolution of March 12, 1884, be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the order.

Mr. MILLER, of California. I move now to amend the order by striking out "two" and inserting "six," so as to make the number of copies 600.

The amendment was agreed to.

The order as amended was adopted.

LOTTERY ADVERTISEMENTS.

The PRESIDENT *pro tempore*. If there be no further resolutions that order of business is closed, and the Chair lays before the Senate

the Calendar under Rule VIII, beginning at Order of Business 287, which is Senate bill 1017.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1017) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same, the pending question being on the amendment reported by the Committee on Post-Offices and Post-Roads, in section 1, line 11, after the word "lottery," to strike out the words:

Any person violating the provisions of this act, upon conviction thereof, shall be liable to a fine for each offense of not more than five hundred nor less than two hundred dollars, with costs of prosecution, or imprisonment for not more than one year, or both, at the discretion of the court.

And to insert in lieu thereof:

Any person engaged in publishing a newspaper as owner or part owner, proprietor, general manager, or superintending agent, president, or other officer connected therewith, and any person engaged in conducting a lottery as owner or part owner, and any person connected therewith as superintendent, manager, agent, or in any other capacity, violating the provisions of this act, upon conviction thereof, shall be liable to a fine for each offense of not less than $200, with costs of prosecution, or imprisonment for not less than thirty days nor more than one year, or both, at the discretion of the court.

Mr. COCKRELL. When was the bill read?

Mr. MORGAN. It has not been read, I think.

The PRESIDENT *pro tempore*. It was read on the 29th of April, the Chair is informed.

Mr. COCKRELL. Was the report read?

The PRESIDENT *pro tempore*. The report was not read, the Chair is informed.

Mr. COCKRELL. That seems to be a pretty important bill, and I see there are dissenting views. I think under the circumstances, as there are views of the majority and minority of the committee, that we had better have them read probably.

The PRESIDENT *pro tempore*. The report of the committee will be read.

The Secretary proceeded to read the report submitted by Mr. WILSON from the Committee on Post-Offices and Post-Roads, February 26, 1884, but before concluding was interrupted by

The PRESIDING OFFICER (Mr. INGALLS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

PUBLIC BUILDING AT WILMINGTON, DEL.

Mr. BAYARD. I ask the Senator from New Hampshire to allow me to call up and have passed a bill for the erection of a public building at Wilmington, Del.

The PRESIDING OFFICER. The Chair will observe that the Senator from Alabama [Mr. MORGAN] is entitled to the floor, having yielded last evening to a motion to adjourn.

Mr. BAYARD. I ask him to allow this bill to be laid aside informally. I will state my reason.

Mr. MORGAN. I will yield; but I do not assume the control of the pending bill by any means. The Senator from New Hampshire [Mr. BLAIR] has control of the bill.

Mr. BLAIR. I should be very glad to accommodate the Senator from Delaware, but I would not like to take any step that would displace the unfinished business.

Mr. BAYARD. I do not desire to displace it, but ask that it be laid aside informally.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware to lay aside informally the unfinished business? The Chair hears none.

Mr. BAYARD. I now ask the Senate to proceed to the consideration of Senate bill 1885.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1885) for the erection of a public building at Wilmington, Del.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

Mr. FARLEY. I hope the Senator will withdraw that motion.

Mr. BLAIR. I hope the motion will be withdrawn. The Senator from Alabama [Mr. MORGAN] was about to proceed with his remarks upon the pending bill. It is now only 2 o'clock.

The PRESIDING OFFICER. The motion is not debatable.

Mr. MORGAN. It will be no inconvenience to me for the Senate to proceed to the consideration of executive business if the interests of the country require it.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York [Mr. MILLER].

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 15, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

INDIAN APPROPRIATION BILL.

On motion of Mr. ELLIS, by unanimous consent, the bill (H. R. 6092) making an appropriation for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1885, with Senate amendments thereto, was taken from the Speaker's table, ordered to be printed with the amendments of the Senate, and referred to the Committee on Appropriations.

BRANCH HOME FOR DISABLED VOLUNTEERS.

Mr. LAIRD, by unanimous consent, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 4696) to authorize the location of a branch home for disabled volunteer soldiers and sailors in either the State of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIEUT. JOHN C. GEYER.

Mr. CONNOLLY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 2636) for the relief of Lieut. John C. Geyer, and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, and is as follows:

Be it enacted, &c., That the sum of $351.17 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to Lieut. John C. Geyer, late of the Fifty-fifth Regiment Pennsylvania Volunteers, for his pay while serving as adjutant of the Fifty-fifth Regiment Pennsylvania Volunteers, for two months and twenty-seven days, $420.50, less pay as sergeant-major for said period, $69.33, which service he was not paid for in full for the reason that the commissioned officer whom he was appointed to succeed was a prisoner of war in the custody of the enemy and could not be mustered out of the service, the said John C. Geyer performing the duties of adjutant of his regiment for the time named and receiving the pay only of sergeant-major for the said time.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONNOLLY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLS—DISTRICT OF COLUMBIA.

Mr. SHELLEY, by unanimous consent, introduced a bill (H. R. 7010) relating to wills in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BRIDGE ACROSS THE RIO GRANDE AT EAGLE PASS.

Mr. HANCOCK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill No. 51, to authorize the construction of a bridge for the transportation of street-cars, wagons, and other vehicles, horses and other animals, and pedestrians, over the Rio Grande River between the cities of Eagle Pass, Tex., and Piedras Negras, Mexico, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Rio Grande Bridge and Tramway Company, a corporation organized and created under and by virtue of the laws of the State of Texas, be, and is hereby, authorized and empowered to construct, own, maintain, and operate a street-railway bridge over the Rio Grande River between the city of Eagle Pass, Tex., and the city of Piedras Negras, in the State of Coahuila, Mexico, at such point as may be most convenient to said corporation, to unite and connect the street-railroad to be constructed by them in the said city of Eagle Pass with any street-railroad that may be constructed by any person or company in the said city of Piedras Negras, and to build and lay on and across said bridge ways for the passage of animals, foot-passengers, and vehicles of all kinds, for the transit of which said corporation may charge a reasonable toll, which charge shall be subject to reasonable revision and regulation, from time to time, by the Secretary of War.

SEC. 2. That said bridge shall be built of good, substantial material, and of such strength and dimensions as may be sufficient to render the passage of all such vehicles, animals, and persons as are herein mentioned perfectly safe at any and all times.

SEC. 3. That said bridge shall not interefere with the free navigation of said river, and in case of any litigation arising from an obstruction or an alleged obstruction to the free navigation thereof, caused or alleged to be caused by said bridge, the case may be tried before the circuit or district court of the United States for the State of Texas having jurisdiction thereof.

SEC. 4. That Congress reserves the right to withdraw the authority and power conferred by this act, in case the free navigation of said river shall at any time be substantially or materially obstructed by said bridge, or for any other reason, and to direct the removal or necessary modifications thereof at the cost and expense of the owners of said bridge; and Congress may at any time alter, repeal,

or amend this act. The right is reserved to the United States for the establishment of a postal telegraph across the said bridge.

SEC. 5. That the consent of the Mexican State of Coahuila and of the proper authorities of the Republic of Mexico shall have been obtained before said bridge shall be built or commenced.

Mr. BEACH. This bill I have examined since it was read on a former occasion. It contains the usual safeguards provided by the Secretary of War.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I presume the gentleman who presented an objection on a former occasion has examined the bill.

Mr. BEACH. I have examined the bill and see no objection to its passage.

There being no objection, the bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. HANCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS RIO GRANDE AT LAREDO, TEX.

Mr. HANCOCK. I now ask unanimous consent to take from the Speaker's table Senate bill 664, to authorize the construction of a bridge for the transportation of street-cars and other vehicles, &c., over the Rio Grande River between the cities of Laredo, Tex., and Nueva Laredo, Mexico, and put it upon its passage. I will state that this bill is similar to the one which has already been passed, and if there be no objection I ask that the reading of the bill be dispensed with.

Mr. WELLER. I would like to have the bill read.

The bill was read. It is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Bridge and Tramway Company, a corporation organized and created under and by virtue of the laws of the State of Texas, be, and is hereby, authorized and empowered to construct, own, maintain, and operate a street railway bridge over the Rio Grande River between the city of Laredo, Tex., and the city of Nueva Laredo, in the state of Tamaulipas, Mexico, at such a point as may be most convenient to said corporation, to unite and connect the street railroad to be constructed by them in the said city of Laredo with any street railroad that may be constructed by any person or company in the said city of Nueva Laredo; and to build and lay on and across said bridge ways for the passage of animals, foot-passengers, and vehicles of all kinds, for the transit of which said corporation may charge a reasonable toll, which charge shall be subject to reasonable revision and regulation, from time to time, by the Secretary of War.

SEC. 2. That said bridge shall be built of good, substantial material, and of such strength and dimensions as may be sufficient to render the passage of all such vehicles, animals, and persons as are herein mentioned perfectly safe at any and all times.

SEC. 3. That said bridge shall not interfere with the free navigation of said river; and in case of any litigation arising from an obstruction or an alleged obstruction to the free navigation thereof, caused or alleged to be caused by said bridge, the case may be tried before the circuit or district court of the United States of the State of Texas having jurisdiction thereof.

SEC. 4. That Congress reserves the right to withdraw the authority and power conferred by this act in case the free navigation of said river shall at any time be substantially or materially obstructed by said bridge, or for any other reason, and to direct the removal or necessary modifications thereof at the cost and expense of the owners of said bridge; and Congress may at any time alter, repeal, or amend this act. The right is reserved to the United States for the establishment of a postal telegraph across said bridge.

SEC. 5. That the consent of the Mexican State of Tamaulipas and of the proper authorities of the Republic of Mexico shall have been obtained before said bridge shall be built or commenced.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. HANCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXTENSION OF THE CHESAPEAKE AND OHIO RAILWAY.

Mr. JOHN S. WISE. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway to a point on the military lands at Fortress Monroe, Va., and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Chesapeake and Ohio Railway Company is hereby authorized to extend its road from the present terminus thereof, on the waters of Mill Creek, county of Elizabeth City, Virginia, to a point on Hampton Roads, on the lands of the United States at Fortress Monroe, Va., upon such terms and conditions as to location and otherwise as the Secretary of War may approve: *Provided*, That the privilege herein extended shall be construed as a limited easement only, having in view purposes beneficial to the military reservation at Fortress Monroe, and subject at all times to the order of the President of the United States: *And provided further*, That the said Chesapeake and Ohio Railway Company shall construct and maintain thereon a suitable station, convenient and at all times accessible and open for the military transactions of said Fortress Monroe.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

SEC. 3. That this act shall be in force from its passage.

Mr. COSGROVE. I would like to know something with reference to this bill before consent is given to any action upon it. What committee does it come from?

Mr. DIBRELL. It is unanimously reported from the Committee on Military Affairs.

Mr. BEACH. I think we should have the report read, subject to objection.

Mr. JOHN S. WISE. I do not think that any one will insist upon the reading of the whole of this report if I may be permitted to make a brief statement in reference to it, as I can give the whole substance in a nutshell.

At present the Chesapeake and Ohio Railroad Company, by the fact that the military reservation at Fortress Monroe extends to Mill Creek, is kept about a mile away from the fort, and it is a great inconvenience in many respects to the railroad company and the traveling public, as in fact everybody going there has to go to the fort. It is a great inconvenience to the Government itself, because in making its shipments to the fort it is required to haul them a mile, whereas this permission brings the Chesapeake and Ohio Railroad to the very door of the fort, always, however, under the restrictions that the Government may remove the road or do away with it or require the terminus to be taken back to its present location.

The report is, I believe, unanimous from the committee to which the bill was referred. It simply grants a revocable permit to the Chesapeake and Ohio Railroad to go down to the fort on the military reservation.

Mr. BEACH. I would inquire of the gentleman from Virginia whether the Secretary of War approves of that proposition?

Mr. JOHN S. WISE. The whole is subject to his approval. The bill allows the Chesapeake and Ohio Railroad Company nothing except under such regulations and restrictions as the Secretary of War may dictate, and I am authorized to say the Secretary of War heartily approves of it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSGROVE. I object.

BRIDGE ACROSS MISSOURI RIVER.

Mr. PUSEY. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and to make the same a post-route.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Nebraska Central Railway Company, an incorporation organized under the laws of the State of Nebraska, is hereby authorized to construct and maintain a bridge across the Missouri River at such a point as may be hereafter selected by said corporation between the north and the south line of the county of Douglas, in the State of Nebraska, and at least one-third of a mile from any other bridge, as shall best promote the public convenience and welfare and the necessities of business and commerce; and also to construct accessory works to secure the best practicable channel-way for navigation, and confine the flow of the water to a permanent channel at such point, and also to lay on and over said bridge a railway track for the more perfect connection of any railroads that are or shall be constructed to said river at or opposite said point; and said corporation may construct and maintain ways for wagons, carriages, and for foot passengers, charging and receiving reasonable toll therefor as may be approved from time to time by the Secretary of War.

SEC. 2. That said bridge shall be constructed and built without material interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall have three or more channel spans, and shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than three hundred feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river, and not less than three hundred feet in length: *And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot-draw bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than three hundred feet, and the head-room under such span shall not be less than ten feet above high-water mark: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided also*, That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or

said accessory works, during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the State of Nebraska or State of Iowa in which any portion of said obstruction or bridge may be located.

SEC. 4. That the said bridge and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be lawful structures; and said bridge shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

SEC. 5. That the United States shall have the right of way for such postal telegraph lines across said bridge as the Government may construct or control.

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works; and the expense of altering said bridge or removing such obstructions shall be at the expense of the owners of or persons controlling such bridge.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I think the first section of this act provides for some person fixing, in the first instance, the cost of transportation over the bridge. I should like to hear that portion of the first section read again.

Mr. PUSEY. It is placed under the control of the Secretary of War.

The Clerk read the last two lines of section 1, as follows:

Charging and receiving reasonable toll therefor, as may be approved from time to time by the Secretary of War.

Mr. HOLMAN. That is all.

Mr. BEACH. That makes it all right.

Mr. PUSEY. I am instructed by the committee to offer the amendments which I send to the desk, one of which is merely verbal.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the amendments proposed by the gentleman from Iowa [Mr. PUSEY].

The Clerk read as follows:

In line 17, section 1, strike out the word "may" and insert "shall."

After line 20 of section 1 insert the following:

"*Provided*, Said bridge and all property belonging to or connected with the bridge shall be constructed, maintained, and used as a combined railway and wagon bridge for the safe and convenient passage of wagons, carriages, stock, steam-cable and street cars, and all road travel, but the same travel shall not be upon the same space as used for railroad track and cars."

Mr. HOLMAN. Where does that proviso come in?

Mr. PUSEY. At the end of the first section.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PUSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHESAPEAKE AND OHIO RAILROAD.

Mr. COSGROVE. I desire to withdraw my objection to the bill called up by the gentleman from Virginia [Mr. JOHN S. WISE].

Mr. WELLER. I call for the regular order.

The SPEAKER. The gentleman from Missouri withdraws his objection to the bill indicated. And pending that the gentleman from Iowa calls for the regular order.

Mr. WELLER. I withdraw the call for the regular order pending the question on the bill called up by the gentleman from Virginia.

Mr. HOLMAN. Before the call for the regular order is waived I wish to inquire of the gentleman from Virginia what amount of public property is appropriated here and whether the bill is recommended by the Secretary of War.

Mr. JOHN S. WISE. The bill is recommended by the Secretary of War and also by General Hancock. In reply to the other portion of the inquiry of the gentleman from Indiana, I will say that only a sand-beach is appropriated, and that is for the benefit of the military authorities.

Mr. HOLMAN. If the Secretary of War recommends the bill I will not object.

The bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe, Va., was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHN S. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF COMMITTEE ON PACIFIC RAILROADS.

Mr. THOMPSON. Mr. Speaker, I desire to ask unanimous consent of the House that Saturday, June 7, be set apart for the consideration of bills reported by the Committee on Pacific Railroads, unless they are considered prior to that time under the special order heretofore made by the House.

Mr. CASSIDY. There is one of those bills which it is very important should be considered.

Mr. RANDALL. I will not object if the gentleman from Kentucky excepts appropriation bills.

Mr. THOMPSON. They are already excepted under the special order.

Mr. HOLMAN. Bills from the Committee on Public Lands should be excepted also.

Mr. BLOUNT. I desire to ask the gentleman from Kentucky what is the bill of special importance which the Committee on Pacific Railroads desires to have considered?

Mr. THOMPSON. The amendment to the Thurman sinking-fund act.

Mr. BLOUNT. So I supposed.

Mr. CASSIDY. That is the most important bill. There are others.

Mr. RANDALL. If I understand the proposition correctly, this assignment of a particular day is subject to all the restrictions that were fixed by the original proposition making the special order.

Mr. THOMPSON. I will make the exception desired by the gentleman from Pennsylvania.

Mr. HOLMAN. I perceive that the special order does not except the reports from the Committee on Public Lands. It excepts only revenue and appropriation bills. I suppose the gentleman has no objection to excepting also reports from the Committee on Public Lands?

Mr. THOMPSON. If we have to give way to the Committee on Public Lands we shall have to give way to every prior order.

Mr. COBB. If the reports from the Committee on Public Lands are not excepted I object.

Mr. BLOUNT. I would suggest to the gentleman from Indiana that the Committee on Public Lands has leave to report at any time. This is a matter of great importance.

Mr. THOMPSON. The proposition is only for the assignment of one day. I hope the gentleman from Indiana will consent to give us one day.

ORDER OF BUSINESS.

Mr. BURNES. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. BURNES. I move to dispense with the morning hour for the call of committees.

The SPEAKER. That requires a two-thirds vote.

The motion of Mr. BURNES was agreed to (two-thirds voting in favor thereof), and the morning hour was dispensed with.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HENDERSON, of Iowa, for ten days from Saturday next.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the consular and diplomatic appropriation bill.

The motion was agreed to.

The House accordingly resolved into Committee of the Whole House on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes. The Clerk will read the pending paragraph.

The Clerk read as follows:

For salaries of envoys extraordinary and ministers plenipotentiary to Austria, Italy, Chili, who shall also be accredited to and perform the duties of chargé d'affaires to Bolivia without additional compensation for services; Peru, who shall also be accredited to and perform the duties of chargé d'affaires to Ecuador without additional compensation for services; and United States of Colombia, at $10,000 each, $50,000.

Mr. HITT. I move to amend the pending paragraph by inserting, after the word "Italy," in line 16, the words "twelve thousand dollars each;" also, in line 22, by striking out "$50,000," and inserting "$54,000."

The paragraph as it now stands proposes to reduce the salaries of our ministers at Rome and Vienna from $12,000 to $10,000 per annum. My amendment proposes to retain them as they are at present. I know of no reason why the compensation which has heretofore been allowed to our representatives at those two capitals should now be reduced. They were years ago fixed after much inquiry and long experience. The cost of living in those capitals has increased of recent years instead of diminishing. The rent of a house suitable for a respectable residence of a minister representing our country there amounts to a very considerable part of his salary.

The gentleman who long represented the United States at Rome with honor to our country and with great efficiency, and who not long since

died—I refer to an illustrious scholar and statesman, known by his great reputation to all Americans, George P. Marsh—told me that his expenses there had risen so that it was only by economy and care on the part of himself and his family and of all connected with the legation that he could meet the necessary expenses from his salary.

It should be the policy of our country to deal justly with its citizens who are sent into service abroad, to provide fairly for their support, and not to expect them to draw upon their own private resources for their necessary expenses in the performance of a great public duty. Whether the present incumbent may be a man whose ample purse and generous disposition might lead him willingly or uncomplainingly to pay the expenses which his duty imposes upon him is not for us to consider.

We should pay our ministers abroad so justly and fairly that any American, whatever his resources, whose reputation and abilities justify the President in designating him to act as our minister and represent us at foreign courts, where great questions are constantly arising for adjustment, can do so in a fitting manner, whatever be his fortune or lot at home. We should not confine these offices to those who are willing to help out their salaries from their own private means.

The mission to Vienna is one that is of great importance, and, as many gentlemen on this floor know, our minister there has been recently called upon to deal not only with political questions between this country and that, but also great questions concerning our commerce and requiring his active intervention and constant solicitous care. He has so discharged his important duties as to conduce in a high degree to the promotion of our national interests, and his mode of life is fitting—dignified, without ostentation. The salaries of both offices should stand unchanged.

Mr. BURNES. It is for this House to determine whether the minister at Austria and the minister at Italy shall receive a greater salary than each one of the nine illustrious gentlemen who preside in the Supreme Court of the United States; whether they shall receive a greater salary than the chief of the State Department in the city of Washington, our present distinguished Secretary of State; whether they shall receive a greater salary than the Secretary of War, the son of our illustrious Lincoln; whether they shall receive a greater salary than our ministers to the neighboring South American republics that are bound up with us in destiny upon this continent; whether the salaries of our ministers in the South American and Central American States shall be $10,000 a year, upon the recommendation of the Secretary of State, and whether the ministers we send to the effete and crumbling dynasties of Europe shall receive a greater salary, where we have no great commercial interests. That is a question for this House to decide.

I ask this House further to decide whether it is any more expensive living at Vienna than at Constantinople. Yet the honorable Secretary of State recommends a salary of $7,500 for the minister at Constantinople. I also ask this House to determine the question why it is we pay, on the recommendation of the Secretary of State, a salary of but $5,000 each to our ministers at Switzerland, Denmark, Portugal, Persia, Siam, and Corea. I ask, if $5,000 is sufficient to send a minister to Persia or Siam and $7,500 is sufficient for the minister at Constantinople, why is not $10,000 sufficient for our ministers to the courts of Vienna and Rome?

I submit the question (which it is for the House to determine) upon what principle, for what reason, will you lift the representatives of this Government in these two grades, so far as salaries are concerned, above all the representatives I have named and above all the officials of this Government to whom I have alluded. I now demand a vote.

Mr. KASSON. Before the vote is taken, I move *pro forma* to strike out the last word, in order to answer my friend from Missouri [Mr. BURNES] who demands the reason for the action we propose. How can he demand a special reason in view of the inequalities to which he himself has referred in the bill? From the beginning there have been inequalities in the appropriations for our representatives at different capitals. The four northern capitals have one rate, the middle grade another, and the third grade another. And these grades were established on careful consideration in this House before the Republican administration came into existence; they were established independently of party, only the honor of the country and the national interests being consulted.

Now, sir, I will tell the gentleman distinctly why in the cases named a distinction is to be made between Persia on the one hand and London on the other which does not apply in the cases of Austria and Italy. The four northern capitals represent the greater of the great powers of Europe. Our political as well as commercial interests there are important; the expenses of living are very great—greater in those capitals than in the others. This whole subject has been gone over again and again in this House; and both sides have stood by the grades established on careful examination and consideration by our former committees. To change these grades upon the report of a committee that has not a particle of jurisdiction of the main question of our foreign affairs is to violate all the precedents of this House.

I am not here as representing the minority on this question. I represent that sentiment of this House and this country that demands a decent treatment of the representation of the United States abroad. I know that my judgment is confirmed by every man on the other side of the House who has studied this question and knows what national honor means, what national representation signifies. Our relations with the government at Vienna are more important than our relations to Siam or Persia or Turkey. The expenses of living are greater at Vienna than at these other points.

I wish I had time to show gentlemen how often we are surprised by the necessity of a representation of the United States at a foreign court that we have before thought unimportant. Hundreds of instances occurred during the late war when our representation at such points was of vast significance. During the recent service of our minister at Vienna the whole Central American question, which has nearly involved us in a war with Great Britain, came up at that court, and the intervention of the American minister was required for the protection of Central American interests. Why? Because the Emperor of Austria had been chosen as umpire in the settlement of the treaty questions that arose between Great Britain and Central America, and the American legation was appealed to because it represented a great power interested in the question, so that day after day the representatives of Central America came to that legation for consultation and advice.

It is dangerous, sir, to deal hastily with these questions without examination by your proper committee. I repeat to the other side of the House that they should require a report from a committee that keeps the run of the foreign affairs of this country before attempting either to abolish representation or to strike down the grade of representation at any of these foreign courts.

The expenses of living are higher at Rome than ever before, because Rome in late years has been made the capital of Italy; and our minister there must maintain in a becoming manner the character of the United States. There are five great powers in Europe. Our nation is known to be a great power——

[Here the hammer fell.]

Mr. KASSON. I withdraw my *pro forma* amendment.

Mr. RICE. Mr. Chairman, I renew the amendment. The gentleman from Iowa [Mr. KASSON] has referred to Austria and I think has sufficiently explained why the minister to Austria should not be singled out for a reduction of salary. I desire to say a single word in regard to Italy.

I was somewhat surprised to hear the gentleman from Missouri [Mr. BURNES]—so correct in language, so careful in statement—refer to Italy as a "crumbling and effete monarchy." My understanding is that Italy is anything else than a "crumbling and effete monarchy." My understanding is that the once feeble states of Italy have been consolidated into a government anything else than such as the gentleman from Missouri characterizes it. I understand that the fleet of Italy is one of the commanding fleets of the world. I understand that her commerce is greater than that of many other nations, and that her flag is to-day seen in the ports of the world second only to the flags of England and France.

Mr. KASSON. And an Italian line of steamers to the United States has just been established.

Mr. RICE. Now, Mr. Chairman, when we are seeking to build up our commerce with foreign nations, when we are seeking to protect the interests of those who are engaged in foreign traffic, why should we single out our minister to Italy and reduce him to a lower compensation than that which he has heretofore received, and for no reason in the world except that stated by the gentleman from Missouri, that Italy is a "crumbling and effete monarchy?"

Mr. Chairman, I hope that the amendment will prevail, and that these salaries will remain where they are until some better reason can be shown for their reduction. I withdraw the *pro forma* amendment.

Mr. BLOUNT. I renew the amendment. I do so for the purpose of correcting what I deem to be a misstatement of the gentleman from Iowa [Mr. KASSON]. He has time and again stated here that the salaries of our foreign ministers and consuls were arranged before the war by men of different parties; and therefore he appeals to this side of the House to stand by that settlement.

Now, sir, there are some of us here who remember quite well when this House changed the salaries of ministers and consuls on an appropriation bill in this House at the instance of the then chairman of the Committee on Foreign Affairs, Mr. Orth, of Indiana. The inference therefore based on the erroneous statement of the gentleman from Iowa is not to be regarded.

Mr. KASSON. Does not the gentleman remember the law of 1856?

Mr. BLOUNT. I do.

Mr. KASSON. I have it here.

Mr. BLOUNT. My recollection is the whole consular and diplomatic service was changed by the act of the Forty-third Congress on the consular and diplomatic appropriation bill.

Mr. KASSON. My friend is mistaken.

Mr. BLOUNT. And it was done on motion of the chairman of the Committee on Foreign Affairs.

Mr. KASSON. The gentleman from Georgia is mistaken, as he will find if he will look at the Revised Statutes.

Mr. BLOUNT. I can not do it in five minutes.

Mr. KASSON. But you have charged me with having misinformed the House. I appeal to the statute.

Mr. BLOUNT. The gentleman can refer to the statutes and make his own statement. The fact is, however, as I have stated it.

Now, Mr. Chairman, in so far as these missions are concerned I would not care a groat if they were entirely abolished. The gentleman seems to regard them of great importance. Communication with these states is quite easy and there are no questions in dispute between the countries demanding special attention. We had our trouble in the Virginius matter and although at that time we had our minister at Spain the whole question in dispute was adjusted here at home on the part of the Secretary of State. I apprehend, therefore, Mr. Chairman, we will have no difficulty on that score.

I do believe that our consular service deserves more attention. I should feel loath to strike at that service, but so far as these missions are concerned I do not think they are of much importance to us. If we were at the time Mr. Franklin was minister at France, it would be a different condition of affairs. If we were connected with a part of the Continent and were concerned in questions which troubled them there, it would be a different matter; but I apprehend there is no danger so far as we are concerned. The maintenance of our commercial relations are most important and should be preserved. I trust the recommendation of the Committee on Appropriations in this regard will be adopted.

Mr. HISCOCK. I have before me, Mr. Chairman, the law for the fiscal year, June 30, 1882. If my memory serves me the gentleman from Georgia [Mr. BLOUNT] who has just addressed the committee was a member of the subcommittee which prepared the consular and diplomatic bill for that year.

Mr. BLOUNT. The gentleman is mistaken in that fact.

Mr. HISCOCK. He was a member of the Committee on Appropriations. My recollection is that the gentleman from Pennsylvania, Mr. Clymer, and the gentleman from Georgia [Mr. BLOUNT] were members of a subcommittee which prepared that consular and diplomatic appropriation bill. Possibly, however, I may be at fault.

I look at that law here and I discover for the current year the law is the same as it was fixed by the Democratic Appropriations Committee in the Forty-sixth Congress. That certainly was an economical committee. It was presided over by the gentleman from Tennessee [Mr. ATKINS]. My friend from Georgia was a member of that committee, and my friend from Kentucky [Mr. BLACKBURN] was a member of that committee, and they fixed these salaries at $12,000 a year.

Now I ask the gentleman from Missouri [Mr. BURNES] to give this Committee of the Whole House on the state of the Union some information that has come to his knowledge since that time which renders the proposed reduction necessary and proper. It was fixed by the Democratic Congress at $12,000, and when we came into power on this side of the House we continued it at $12,000. We did not increase it; we did not increase any of these salaries. I ask therefore that the gentleman from Missouri will give us some reason and indicate to us the new light that has been shed on this question justifying the Committee on Appropriations in reducing these salaries below the point at which they were fixed, as I have shown, by a Democratic Congress. What change has there been since then? Can they live more cheaply over there? Have they less to do now than they had to do then? Have we less commercial relations there—are there any less pure reasons for maintaining diplomatic relations then than now?

I think every one will agree with me the Appropriations Committee for the Forty-seventh Congress was as economical as it was proper it should be for the good of the country. I would like to have some reason why this wholesale cut is made.

Mr. BLOUNT. If the gentleman will allow me in that connection, I wish to say this is not the bill as reported by the committee. The Democratic party tried to cut down all these salaries, but they were put back by the Senate.

Mr. HISCOCK. I have the law for that year before me. I do not recollect, of course, how it was reported from the Committee on Appropriations.

Mr. BLOUNT. But you make the assumption.

Mr. HISCOCK. I have the law here of 1882.

Mr. CANNON. The law of 1879 fixed all these salaries.

Mr. HISCOCK. Which clause do you refer to?

Mr. CANNON. That relating to salaries; the last clause of the bill.

Mr. HISCOCK. Yes; this was in 1879. It is as follows:

> And the salaries provided in this act for the officers within named, respectively, shall be in full for the annual salaries thereof from and after the 1st of July, 1879, and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Now, it has been the settled policy of Congress to give these amounts, and I do certainly hope and I have the right to appeal to the gentleman from Missouri that he will shed upon the committee the benefits of such new lights as he may have or which have illuminated his mind upon this question, and which in his judgment would justify the House in making this reduction.

Mr. REED. I suppose it is because, as he says, Austria is an "effete" despotism. [Laughter.]

Mr. HISCOCK And I would ask the gentleman if there has been any change in Austria in the last two years.

Mr. REED. It has become effeter, I presume. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HISCOCK. I withdraw the *pro forma* amendment.

Mr. DORSHEIMER. I renew it.

I rise for the purpose of saying that I am opposed to the reduction of the salaries of officers in the diplomatic service of this Government. I see no reason why they should be treated differently from other officers of the Government; and unless it is to be a part of our policy to reduce all governmental salaries I think no reduction should be made in these salaries which are the most moderate of any.

I am particularly opposed to the discrimination which it is proposed to make between our representatives at Vienna and Rome and those who represent us in China, Spain, and Mexico. The city of Rome is an expensive city in which to live, quite as much so as the city of Washington. Besides, it is well known that owing to the climatic conditions of Rome it is quite dangerous for foreigners to reside in that city during the months of July, August, September, and October. It has always been customary for our own minister, as well as the other ministers resident in Rome, to remove elsewhere during the months I have named. Therefore we have to consider that the gentleman who represents us must reside in two places in Italy, and is put to the additional expense that a summer residence necessarily involves. At present the gentleman who represents this country in Rome is the wealthiest young man in the United States.

To Mr. William W. Astor, with an income of several millions a year, it is a matter of very slight consequence whether this Government pays him $12,000 or pays him nothing. But I am one of those who do not believe in putting property qualifications upon these places, nor do I think it democratic to do so. It has long been well understood by our Government, and may as well be stated here, that certain official places are to be held by rich men alone; such places as Cabinet ministers are meant to be held by rich men alone; and it has long been well understood that as to two or three places, at least, in the Cabinet no person would be appointed to them unless he was a rich man. It is also well understood that to certain of our foreign missions no one can be sent unless he has an income which will enable him to make larger expenditures than the salary would justify. I submit that this is entirely undemocratic, and that the Democratic side of this House should go no further in the policy to which our opponents have adhered of making the high places of this Government tenable by the rich alone. It is not in consonance with the sentiment of the people nor the theory of our Government.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, it is a very difficult matter to answer the general statements of the social necessities of a minister at any of these foreign courts. It is also exceedingly unpleasant to refer to the private affairs of a minister at a foreign court or elsewhere. I remember quite well, however, before the war—I shall not give any names—that a minister from this Government to Austria sent home to his law partner, and from whom I will state that I have the information, quite a considerable sum of money annually as the savings from his salary. I understand the same thing has occurred with a minister from this country since the war. I have no doubt of the truth of these statements; and yet without Congress knowing anything of the details we are constantly treated with the idea that there are large expenditures necessarily involved in the occupancy of these positions and that the salary is totally inadequate.

Mr. HISCOCK. Can you state the amounts which were sent, and to which you refer?

Mr. BLOUNT. I can not give the exact amount.

Mr. HISCOCK. Will you state whether the amount was large or small?

Mr. BLOUNT. It was a large amount.

Mr. O'NEILL, of Pennsylvania. Let me ask the gentleman a question. Were these gentlemen occupying that position living in places where they could be found?

Mr. BLOUNT. I presume so.

Mr. O'NIELL, of Pennsylvania. What I wish to know is, whether American citizens who sought to find our American ministers under such circumstances as the gentleman from Georgia has referred to could find them; because if his statement be correct they must have lived in some very remote corner of the city to which they were accredited, if they lived there at all.

Mr. BLOUNT. I hope the gentleman will not insist upon occupying my time. If he wishes to ask a question I will answer it.

Mr. O'NEILL, of Pennsylvania. Then I simply ask the gentleman the question, were they found by any American citizen?

Mr. BLOUNT. If there has ever been any complaint or quarrel with them upon that ground it has never reached my ears.

Mr. O'NEILL, of Pennsylvania. Now, Mr. Chairman——

Mr. BLOUNT. Mr. Chairman, I must decline to yield. The gentleman is very shrewd about taking my time.

Mr. HISCOCK. If I can be recognized I will yield five minutes to the gentleman.

Mr. O'NEILL, of Pennsylvania. What I want to say is that it is a notorious fact that in many of the capitals of Europe to which our min-

isters are accredited American citizens who desire to see them can scarcely find where they live, so remotely do they reside from the centers of business in those capitals because of the smallness of their salaries. And I will say, so far as consuls are concerned——

Mr. BLOUNT. I can not yield further.

Mr. O'NEILL, of Pennsylvania. Just a moment. So far as consuls are concerned, it is often impossible to find where these consuls are, so small is the compensation paid to them.

Mr. BLOUNT. I believe my friend from New York [Mr. HISCOCK] promised to secure me more time.

Mr. HISCOCK. If the Chair will recognize me I will yield the gentleman my five minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] has two minutes of his time remaining.

Mr. BLOUNT. The gentleman from Pennsylvania [Mr. O'NEILL] tells us our ministers at various places could not be found. I have heard that statement very often.

Mr. ERMENTROUT. There is no trouble in finding where their offices are.

Mr. BLOUNT. I imagine there is very much of exaggeration about this whole matter. I can conceive of no reason why a minister to Great Britain is necessarily compelled to expend the sum of $50,000 or $100,000 a year in a social way, as I have heard stated on this floor. If the object of this salary is to enable the minister to entertain every one who sees fit to go abroad—if that is the purpose of it—I submit that that furnishes a very poor reason for increasing the salary.

The gentleman from New York [Mr. DORSHEIMER] says that the salaries are small, that a man of large wealth is at Italy, that he can afford to take the mission there, but a man of smaller means is excluded by reason of the expenditure that is required. We have no information as to what the expenditures are in Italy except so far as it is furnished by this general exaggerated way of presenting it to the House, without any detail upon which to form any intelligent estimate.

Now, sir, I believe that in all probability some gentleman other than a millionaire from New York city, some gentleman with some knowledge of public affairs, some gentleman with some knowledge of our international relations, would have been selected for that important court were it not true that our relations there and the questions there considered are not of a delicate character.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DORSHEIMER. When I was interrupted by the expiration of my five minutes I was about to say that if it is regarded as desirable to make important economies in our diplomatic service, I think there is another and better way in which those economies may be made, and that is by a consolidation of the missions and by doing away with a number of them.

I do not see why the minister to Spain may not as well be accredited to the court of Portugal; nor can I see why the mission to the Netherlands and the mission to Belgium should not be consolidated; nor why the mission to Denmark and the mission to Sweden and Norway should not be consolidated. If it is thought that our diplomatic service is beyond the resources of the country and too expensive, we might make important economies by a consolidation of the various missions.

But in my judgment the economies proposed are unworthy of the country and the sum total of them is too insignificant, in view of the late action of this House, to be considered at all. One week the House of Representatives, in which the Democracy have a majority of something like sixty, rejected a bill by which it was proposed to reduce taxation by $35,000,000, and the next week it makes a petty economy of three hundred and odd thousand dollars by taking away a part of the salaries of secretaries of legation and of consuls who are paid less than $3,000 a year. In my judgment this service should either be properly supported or it should be done away with altogether. And this bill does not propose a proper support, but, I repeat, proposes an economy entirely unworthy of this House and unworthy of a party which seeks to obtain the control of the Government.

As to whether a man can live on the salary, beyond any doubt there is no salary in the bill upon which a man can not live. A man can go to Rome and live on $2,500 or $1,000 a year. But is it desired that we shall send a minister to Rome to live on $2,500 a year? It would be better, would it not, that we should send none at all, and do our business with that court by telegram, if indeed it would be within the resources of this country to pay for telegraphic dispatches. This bill further makes a discrimination entirely improper to make against the Kingdom of Italy, because the only object of these differences in salary is to make a discrimination in rank. The reason why the minister to London is paid $17,500 and the minister to Rome is paid but $10,000 is because under our system the one mission ranks higher than the other one does.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DORSHEIMER. I should like a minute or two more to complete my observations.

Mr. HOLMAN. I think the gentleman from New York [Mr. DORSHEIMER] should have left the assaults on this bill to the other side of the House. It would have come more naturally from that side than from this, with its more than sixty majority and its responsibility for the legislative action of the House. Arguments against the habitual policy of the Democratic party to reduce the salaries of this effete and worthless system of so-called diplomacy which former ages have bequeathed to us come quite naturally from the gentleman from Iowa [Mr. KASSON]. To him the system is still valuable; and for years he has here expressed his sense of its value, and seems to adhere to the view that the standing of the representatives of this Government at the courts of Europe depends on the amplitude of their expenditure, and that it comports with the honor and character of our Republic that its representatives abroad should put on the airs and style common to the courts of Europe; but such sentiments are not and have not been common to this side of the House.

In regard to these salaries, which my friend from New York thinks proper to designate as petty—salaries which are ample, as I believe, even beyond the approval of our people—he misapprehends in his estimate of these salaries the temper of that side of the House, and I think misrepresents the temper and views of the great body of that party of which he is an honored member. When the party of the other side of the House a few years ago, with ample power, increased the salary of the Secretary of State, the recognized head of your whole diplomatic system, to $10,000 a year, the people, with a voice which no member on either side of the House then misunderstood, demanded its repeal, and Congress promptly reduced his salary to $8,000 a year, which for years has been deemed sufficient. The public rebuke was prompt and decisive.

Yet the gentleman from New York [Mr. DORSHEIMER], joining with the gentleman from Iowa [Mr. KASSON], thinks that a salary fixed by the mandate of the people of this country so recently as ten years ago, of $8,000 a year, is a petty salary to be given to the head of one of the departments of your Government, and a salary of $10,000 a year, as fixed by this bill, still more petty when given to a minister, a subordinate of the Secretary of State, representing this Government at a second or third rate foreign court, a minister with nothing to do but to play the courtier in idle display, with no responsibility resting upon him, absolutely a gentleman of elegant leisure, representing an effete system that comes down to us from former generations when diplomacy had a meaning, a system well enough when nations were separated and isolated, valuable to crowned heads in giving importance to courts, but now, with the nations brought together by the new agents of intercourse, absolutely valueless except for display. A republic at least can not afford to tax its people to perpetuate this bauble of the days when the display of courts ruled the world.

I trust that at least from this side of the House seldom if at all shall the pretense be set up that the salaries paid by this Government should harmonize with the salaries paid by monarchies, where in the nature of things a brilliant manifestation of authority, ignoring the class that bears the burden, is deemed necessary to the stability of government. A salary of $10,000 a year for such services is not a petty salary. Indeed it would be a high salary at any price.

No, sir; this whole system of foreign ministers, these expensive sinecures, ought to be entirely abolished. Your consular system should be extended everywhere; your commerce should be the subject of solicitude and protection in every port of the globe. But this diplomatic display, this thing of by-gone ages, this thing of trappings and display of courts and of kingly authority ought to be abolished. A republic recognized throughout the world for its power and justice can not afford to keep up the petty system of display. It does not comport with the character of this Republic, and I trust never will. No, sir, this system of diplomacy in which the representatives of a republic are expected to imitate the example of countries of the monarchies of the world can not be abolished too soon. We have no such political relations with other nations as even form an excuse for perpetuating such a system. The agents of commerce, not of political authority, are the agents who should represent us in the industries, not the courts of the world.

Mr. REED. I move to strike out the last word but one.

Mr. DORSHEIMER. Will the gentleman allow me?

Mr. REED. I will yield to the gentleman from New York.

Mr. DORSHEIMER. I thank the gentleman from Maine. It is not easy to reply to the gentleman from Indiana [Mr. HOLMAN] and preserve the appearance of respect for him which his long service in this House and his long and valuable service to the country would seem to require.

I was not elected to sit upon the other side of the House; I was elected to sit and act upon this side of the House. But I was elected to represent a Democratic constituency according to my judgment, and that duty I am now performing.

The appeal of the gentleman from Indiana to party fealty would have been far more impressive if it had been made when a bill was pending in this House proposing to reduce taxation $30,000,000, and not now when it is proposed to reduce salaries two and sixpence. [Laughter.] I was not saying that there ought to be any distinction between our ministers abroad growing out of their salaries; I was simply stating a fact. For one, I should be in favor of placing our ministers abroad upon an equality as to salaries; and where it is not considered worth while for us to send a minister of the first rank I would send none at all.

I was stating what the fact is, and that is that a distinction is made

and has long been made by our customs between the missions at London and Paris and Berlin and St. Petersburg and other missions, and that distinction is denoted by the salary paid to those we appoint to fill the missions.

With some knowledge of those cities, I say here that a man can live as well in London as he can in Rome upon the same money, and there is no reason in the difference of expense between those cities for any difference of salaries. The scale of expenditure upon the continent of Europe since our civil war has risen as greatly as here, and now there is no cheap capital in Europe. The cities there are all of them expensive places to live in.

But I was not dealing with this subject upon any ground of what particular salaries are proper. I think we should not put down the salaries of our diplomatic representatives unless it is the avowed policy of the Democratic party to go through the entire list of public employés and make a reduction of all the salaries of all the persons in the civil service.

I repeat that the proposed economy is an unworthy one. The gentleman from Indiana talks about our ministers aping the manners of royalty. If he will go to any European city I will undertake to say that he will find the minister from this country living there with a simplicity as democratic as anybody can desire. Mr. Lowell lives in a three-story house upon a side square in the city of London which would rank in the grade of fourth-class houses in that city, and which would rank here in Washington with the grade of fourth-class houses in this city.

I never had but one occasion to visit our minister in Paris, and that was a number of years ago. I remember well the fatigue I endured in climbing up the three long flights of stairs which led to the magnificent "flat" in which he lived, our country not affording him a house.

Nowhere do American ministers make any display whatever, unless it happens that a gentleman like Mr. Astor, who can spend half a million dollars a year as easily as he can spend $1,000, may make some display. But from considerable experience in most of the European cities, I repeat that our foreign representatives live with a simplicity as democratic as that with which the gentleman from Indiana lives in this city.

Mr. BURNES. Mr. Chairman, I have no doubt it would be entertaining to this House to listen still further to the reminiscences of the gentleman from New York [Mr. DORSHEIMER] with regard to his experience in foreign travel and association. But in view of the fact that a practical question has been suggested by the ever intelligent and distinguished Representative from New York [Mr. HISCOCK], I desire to say that there is no special reason for the reduction of these salaries now that did not exist in the former Congress.

I simply say that in this matter there are two contending forces—one is pulling up certain missions and the other pulling them down so as to reach something like an equality. As we give our South American ministers $10,000, so we want to equalize and harmonize these positions as far as possible. If these other missions can not be reduced to $10,000 we have at least reduced these two to that amount and are tending toward equalization and uniformity in the service.

I beg pardon for saying so much. I now move that the committee rise for the purpose of limiting debate upon this portion of the bill.

Mr. KASSON. My friend will allow me to suggest that perhaps time would be economized by allowing one or two gentlemen to speak——

Mr. BURNES. We will arrange that matter.

Mr. KASSON. I observed that the chairman of the Committee on Foreign Affairs [Mr. CURTIN] rose a moment ago when I did, and I was about to give way to him.

Mr. BURNES. I will arrange that by conference with gentlemen who wish to speak.

The CHAIRMAN. The motion is that the committee now rise in order that the House may limit debate upon the pending paragraph.

Mr. RANDALL. Perhaps we might save time by unanimously agreeing to some limitation.

The CHAIRMAN. The Chair waited to see whether such a proposition would be made, but heard none.

Mr. BURNES. I ask that fifteen minutes on each side be agreed to by unanimous consent.

Several MEMBERS. All right.

The CHAIRMAN. The gentleman from Missouri suggests that by unanimous consent fifteen minutes be allowed for debate on each side. Is there objection? The Chair hears none, and that arrangement will be made. The gentleman from Missouri will control the time on one side, and the gentleman from Illinois [Mr. CANNON] the time on the other.

Mr. REED. Mr. Chairman, my objection to the reduction of salaries included in this paragraph arises from my unwillingness to increase the number of offices that must be filled by wealthy men. I think it the most surprising thing in the world that the same gentlemen who day after day edify this House with their expressions of overflowing affection for the poor man should be those who are continually so ordering or attempting to order legislation as to prevent men of this country who are not wealthy from enjoying their fair chances to hold the official positions of the country.

Why, sir, the gentleman from Missouri [Mr. BURNES] himself, in the reasons which he undertakes to give for this reduction, only shows the tendency of our institutions as they are marked by our laws from day to day. He says, "Why should we pay our foreign ministers more than we pay our Secretary of State?" Why, sir, every member of this House knows that nobody but a rich man can accept the office of Secretary of State. Everybody knows that men of talent who are not wealthy are shut out from that office from the very nature of its expenditures. Instead of increasing the number of such offices we ought to diminish them; and the very reason which the gentleman from Missouri gives on his side is a reason against him.

I know that the Democratic party which is engineering this reduction is doing it for the short-sighted reason that its members know they will not fill those offices the next time. But I submit that you ought to act with a larger wisdom and with more foresightedness. Everything comes to an end; and it may be that in the future ages, possibly before some of you die, you may have an opportunity to fill these positions from the ranks of your own party. Do you want to hand them over to the rich men of your ranks, or do you want to give every member of your party a fair chance? I know this is a far-away hope for you. I know that it may be a long time before it can be realized. But "republics are ungrateful." Even Aristides the Just was banished by a long-ago famous republic; and a similar fate may happen to the good men who are now in possession of this Government. But you ought to act with reference to the advantage of the country. You know, every one of you, that the expenditures abroad are such that the salaries ought to be increased instead of being diminished.

[Here the hammer fell.]

Mr. BURNES. I yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Chairman, during the Forty-fourth, the Forty-fifth, and the Forty-sixth Congresses the Democratic party was in control of this House; and during that period there constantly arose on the other side of the House many gentlemen performing the office which the gentleman from Maine is fulfilling to-day—denouncing the Democratic party for its "picayune economy"—advising it to a more liberal course, telling us how unwise our policy was, how much the people would disapprove what those gentlemen were pleased to designate the "meanness" of that policy. Yet during six of the last eight years the Democratic party maintained control of this House. The last Congress was the first exception since the Forty-fourth Congress came into power and a different policy was adopted, and the consequence was that those gentlemen on the other side did not dominate this House for two years.

Now, sir, I have been accustomed to it, and I have never felt that I am making a mistake when those gentlemen give me those lectures, because their error has been met by the judgment of the country against them almost during the entire period.

But I regret very much that my friend from New York [Mr. DORSHEIMER] should invite us, because, forsooth, on the tariff bill there was not an agreement on this side of the House, to further discord. I regret very much that that record which the Democratic party has had whenever it has been in control of the House since the war, upon which it has united without trouble, upon which it has met the approval of the country, and in which has been considered much of its merit—I regret that the gentleman from New York, because unfortunately we have been defeated on the tariff question, wants discord to arise on every other which comes before this House. We have a record to preserve, sir, and I trust we will not begin first on the naval appropriation bill, and then on the consular and diplomatic appropriation bill by attempting to degrade a Democratic committee of this House and so strike blows at the party on every bill which that committee shall report. [Applause on the Democratic side.]

Now, sir, I care not upon what else we may be defeated, this is a question upon which we can unite and this is a question upon which we can meet with the just approval of the House and country. Because exceptionally, as has always been the case, some gentlemen on this side of the House have united with those on the other side of the House to lecture us, I do not propose to turn to the right or to the left from the straight course which the party has always held in the matter of economy in the expenditures of the Government. [Applause on the Democratic side.]

The gentleman from New York [Mr. DORSHEIMER] has told us of Lowell in poor apartments in London. Did that gentleman undertake to tell us what those apartments cost? The gentleman says he does not know, and yet he proposes to enlighten us on the expenditures of our minister to Great Britain.

Mr. TOWNSHEND. He is saving money, no doubt, out of his salary.

Mr. BLOUNT. I do not know anything about his private affairs. He may be saving, and certainly must be saving, if he is living in this style, just as I am informed the Austrian minister has done on several occasions.

The gentleman from New York [Mr. HISCOCK] has claimed these salaries were fixed by the Democratic party. I wish to say for several sessions the Democratic party came into the House with bills reducing these salaries and passed them through the House, but they were lost in conference with a Republican Senate.

The CHAIRMAN. The gentleman's time has expired.

Mr. HISCOCK. I think the gentleman will find these salaries were fixed when the Democratic party had the Senate.

Mr. BLOUNT. The gentleman is mistaken.

Mr. HISCOCK. I think I am not.

Mr. CANNON. Mr. Chairman, I promised to yield to the gentleman from Pennsylvania [Mr. CURTIN] for five minutes, but he is not present just now and I will occupy a minute or two until he comes into the Hall.

The gentleman from Georgia said that the Democratic Congress did not fix these salaries. I hold in my hand the consular and diplomatic appropriation bill, to be found on page 400 of the supplement to the Revised Statutes. That act was passed in 1879, and does fix these salaries.

Mr. BLOUNT. Allow me.

Mr. CANNON. I have not much time.

Mr. BLOUNT. I agree that a few Democratic Senators joined with Republican Senators to continue the salaries as they were.

Mr. CANNON. I say that with a Democratic House and a Democratic Senate there was an agreement by which this whole line of salaries was fixed, and I say further the provision fixing them is to be found in the last section of the bill as it came from the House, before the Senate ever saw it.

Mr. TOWNSHEND. What year was that?

Mr. CANNON. Eighteen hundred and seventy-nine. I will read that last section to which I refer. It is as follows:

And the salaries provided in this act for the officers within named, respectively, shall be in full for annual salaries thereof from and after the 1st day of July, 1879; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Now, the times were hard when this act was passed in 1879. It was a continuation of these salaries as they were fixed by the Democratic Congress in 1876, when my friend from Pennsylvania [Mr. RANDALL] was Speaker and the gentleman from Tennessee, Mr. ATKINS, was chairman of the Committee on Appropriations, and the gentleman from Georgia was a member of that committee. If, then, this is mere sounding brass and tinkling cymbal, if it be a make-believe, a mere pretense in order that gentlemen may posture before the country, then let the country understand it.

I now yield for five minutes to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. I will not trouble the committee for any great length of time.

This, Mr. Chairman, is a question whether we will be represented abroad, and in a manner becoming the dignity of this Government, or whether we shall abandon our present system of diplomatic relations between this country and foreign nations. There is not a minister living abroad representing this country who can possibly save one cent of his present salary. That I think can be demonstrated. It is not a question of what kind of a house a man lives in, or what kind of a carriage he drives; it is a question of brains, and whether he is or is not fit to represent this country. If it be the pleasure of the executive power of this Government to appoint a man unfit for a mission, it is under our theory of government. If he appoints a rich man to a mission it counts nothing in the settlement of the question whether we shall be represented in that court or not. That is not the question.

The question of representation, then, is the only question to be considered. Nor, Mr. Chairman, is this a question of what occured last week in this House in reference to the reduction of the revenues of this country; and with all due respect to the gentleman from New York [Mr. DORSHEIMER], as it pleased me in representing my constituency to differ with him on that question, I do not propose to be lectured on that subject at this time by him or by any other man. I will answer to my constituency and to my State for my course on that question and on any other question that arises in connection with my duties here.

Now, Mr. Chairman, the rank of a mission abroad for some reason is fixed by the amount of the salary, and there are the four great missions of London, Paris, Berlin, and St. Petersburg fixed at $17,500. It was my good fortune to be in St. Petersburg when the salary of that mission was raised by the united voice of the Representatives on this floor from Pennsylvania. The salary at that mission is quite enough to support the minister in comfort and to give him all of the position that can be desired, and all of the influence. And permit me here to say that no American minister need be afraid of being treated with anything but respect from any quarter when he goes into the presence of imperialism or royalism if he always remembers the dignity of his place and that 56,000,000 of people stand behind him. [Applause.]

Now, there is not one-half as much to do in connection with the mission at St. Petersburg as there is in Vienna. Our relations with Russia, although she has a population of 100,000,000 of people, do not compare in a commercial point of view with our relations at Vienna, and we are near enough to that country to be sometimes involved in delicate diplomatic relations. I therefore know of no reason why the salary at Vienna should be cut down and that at St. Petersburg remain at the present rate of $17,500.

Now, Mr. Chairman, I have heard a great deal about the elaborate display at foreign courts and the lavish expenditure of money on the part of our ministers in the presence of royalty. Well, there may be too much of that. I doubt not that there is. It may be possible, for perhaps it is human nature, that when an American citizen is taken suddenly from the ranks of the body of the people and elevated to the dignity of a foreign mission and comes for the first time into relations with royalty or imperialism that it does somewhat tend to change him and is apt to give him the "big head." [Laughter.] And I honestly confess that sometimes my hat felt really too small while I lived in St. Petersburg. [Great laughter.] But, sir, shall we break up our diplomatic relations with foreign countries entirely, or shall we put our ministers to foreign countries on competent salaries upon which they can live? That is the question.

We need not speak of the effete governments of Europe, or of royalty and imperialism. We need not criticise their customs and habits. Our relations with them are of a commercial character largely, and we must take them as they are. If they choose to be wise and put themselves on a par with us in the march of human progress, that is their lookout. We have preceded them in the march of liberalism and progress. We have traced out for them the paths of liberty and equality. We have aided them in liberalizing their governments, and yet we have not been the propagandists of our political sentiments, and they do not follow our example.

But we hear complaints that we have not commerce. That presents another question. Do you know, sir, that wherever there is a port in any quarter of the earth where the British merchant reaches with his ship, where the British mariner goes beneath the flag of Great Britain, no matter how insignificant that commerce may be, there is a hospital for the protection and care of their seamen? Salaries are paid attendants and there is a court organized for the protection of the commerce of Great Britain. During the period when I resided at St. Petersburg the cholera prevailed at Cronstadt, and American sailors were smitten with the disease. I made application then to allow them to be admitted into the British hospital, which was declined, and I appealed to the British minister in Cronstadt, and that kind old gentleman, since dead, went with me to Cronstadt, and the American sailors who were sick with the cholera were taken into and cared for at the British hospital at that place, and not one of them died from that disease.

Now, Mr. Chairman, to encourage commerce and trade let us begin where we should; let us protect our merchants and our marine, and wherever in the world we have commerce let there be a consul to protect our commerce, our sailors and our merchants. And if we are to be of consequence in the world, if we are to have any communication with the great powers, I do most sincerely object to a reduction of expenses as suggested by the distinguished gentleman from New York [Mr. DORSHEIMER]. I would not accredit one man to a number of independent governments. Confusion would occur in your diplomacy. He would be subjected to jealousies on the part of the powers to which he was accredited. No, sir; if we are to keep up our diplomatic relations with foreign countries, let us send our ministers to every country which has relations in trade and in commerce with us who shall represent the dignity and power and force of this people. And let us pay them a fair compensation for their services. [Applause.]

Mr. BURNES. I yield five minutes to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWSHEND. The duty of the diplomatic corps is purely of a political character. The minister to Italy and the minister to Austria are simply the political agents of the Government. If there be necessity for political representatives of the Government in Austria and Italy, then there is a necessity for the appointment of a minister there, and his salary should be adequate for the purpose of representing the honor and the dignity of the Government.

But I am one of those who believe that there is no need of any political representative of the Government abroad anywhere. I agree with the gentleman from Pennsylvania [Mr. CURTIN] and others who have spoken in behalf of the consular service. I believe in upbuilding the commerce of this country. I would rather, sir, to-day boast that the American flag was recognized as the controller of the commerce of the world than that it was the controller of the territory of the world. It is only by building up the consular service that we can extend our trade into foreign countries and open new markets to our products.

There is no need whatever for diplomatic service nor for any political agents abroad. I should therefore cheerfully vote for abolishing the entire diplomatic corps. But, Mr. Chairman, let me call attention to the fact that you can not put your finger upon a single national Democratic platform that has not declared in unequivocal terms in favor of economy. It has become one of the cardinal principles of the party. It is found in its first, in its second, in all its platforms. And what are we asking for to-day? We are asking that extravagant appropriations that have been made by the Republican party shall be curtailed and that our service shall be put upon an economical basis.

I am no advocate for cheese-paring economy. I am in favor of substantial economy. I am in favor of paying the foreign ministers, as well as all other servants of the Government, all that may be needed for the purpose of making the service efficient and giving a proper and just compensation. And I would ask my friend from New York [Mr.

HISCOCK], as he has put several questions to the gentleman from Missouri [Mr. BURNES], inquiring why we have reduced the compensation of this minister to Austria—I would like that gentleman to take the floor here to-day and show the necessity in any degree whatever for a political or diplomatic representative in Austria.

Mr. HISCOCK. Will the gentleman define what he means by "political" in the sense in which he uses the term?

Mr. TOWNSHEND. I mean that the minister has nothing whatever to do with the commercial relations of this Government with Austria; that his duties are confined to the political relations of this Government with Austria.

Mr. KASSON. He has a great deal to do with the commercial relations. I know it.

Mr. HISCOCK. Will the gentleman from Illinois tell the committee, so far as our treaties are concerned, that commerce does not hinge upon them?

Mr. TOWNSHEND. I hope the gentleman will not take up more of my time. I catch his idea. Whenever it becomes necessary——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TOWNSHEND. I should like to have had a little more time.

Mr. BURNES. I yield the remaining five minutes to the gentleman from Louisiana [Mr. HUNT].

Mr. HUNT. In the absence of further facts than have been given us so far in this debate, my impression is that the present rates of salary were fixed by a Democratic Congress. However, be that as it may, I think the real question before the committee is whether the salaries fixed by the bill are rightly fixed. If they are not rightly fixed, we should change them.

Mr. KASSON. I will say to the gentleman from Louisiana that I have here the statute of 1856, which fixes the salary of the minister to Austria at $12,000. It was fixed at that figure twenty-eight years ago.

Mr. RANDALL. Not Italy. The minister to Italy had $10,000 in that act.

Mr. KASSON. There was no Italy then.

Mr. RANDALL. There was a Rome nevertheless.

Mr. KASSON. But not an Italy.

Mr. HUNT. We are not without evidence as to the inadequacy of the stipends paid to our ministers abroad. I think all of us recollect that Mr. Buchanan when in London wrote that the pay there was inadequate; that when a very distinguished gentleman, justly the pride of his country, Mr. Dallas, was in Great Britain the salary was found by him also to be insufficient. I recollect, too, very well that one of the causes of inconvenience to Mr. Livingston was because his salary was too limited—I refer to Edward Livingston, who served in France in the time of General Jackson with signal distinction, when the relations of the United States with that country were in a very troubled condition.

Nor do I agree with the gentleman from Illinois who sits before me [Mr. TOWNSHEND] that the diplomatic corps ought to be abolished. The conventional law of nations is the most important part practically, and the most diffusive part of the law of nations; and it springs into existence, to a considerable extent at least, owing to the relations which diplomatic ministers and agents abroad naturally have with the countries to which they are accredited. Besides, there are other uses and offices than making treaties for those who represent us abroad. I for one will always recollect, for I heard it with great pleasure and pride as an American, that only the other day our minister at Rome was instrumental in securing the exemption from confiscation of church property erected by the alms and religious offerings of a great body of Christians in the United States. I think, Mr. Chairman, that generally speaking I would be more inclined to be liberal in these matters than my friend from Indiana [Mr. HOLMAN]. While I consider that economy is a virtue, I also believe that parsimony is a vice, both in individual and national character.

The discussion has, however, wandered somewhat, and it was rather because of that wandering that I rose to say a word. I have never been abroad, and I am inclined to trust the committees of the House. In matters which they have particularly investigated and which I have not examined I am willing, as a general rule, to follow them. In this particular instance, at any rate, the diminution of salary proposed is only $2,000, and that after all does not seem to be a very great matter on which to detain Congress.

But, Mr. Chairman, the gentleman from New York [Mr. DORSHEIMER] has seized the occasion to read the Democratic party a lecture upon the subject of the vote lately given in the House on the tariff, and the gentleman delivered himself in no unmistakable tones on this subject. The gentleman spoke to-day; but New Jersey was heard only a few days ago, and Virginia spoke yesterday. Their voice is different from that of the gentleman from New York. Since the gentleman has alluded to the tariff, I will say that the votes recently given upon that subject have gone to the country, and no man feels less reluctance than I do to refer to his vote and to the legitimate and very moderate protection that it has been instrumental in securing to the deserving industries of the State of Louisiana. We expect, Mr. Chairman, not to hear any more that we are in favor of a high rate of taxation, because it is not true. We are against taxation which is unfriendly to the American people and which would impoverish the American laborer, and we are against that which is directly oppressive upon the citizen. Speaking for those Democrats who voted with me, we will go as far as the gentleman from New York in reducing taxes, and consider we have no occasion to receive from him any lessons upon the subject.

The CHAIRMAN. The time of the gentleman has expired. The time limited for debate on the pending paragraph and all amendments thereto has been exhausted. The question now is upon the amendment of the gentleman from Illinois [Mr. HITT.]

The amendment was, to restore the salaries of the ministers to Austria and Italy to $12,000 each.

The question was taken; and upon a division there were—ayes 59, noes 64.

Mr. HITT. I call for tellers.

Tellers were ordered; and Mr. HITT and Mr. BURNES were appointed.

The committee again divided; and the tellers reported that there were—ayes 70, noes 73.

So (no further count being called for) the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

For salaries of ministers resident and consuls-general in Belgium, Netherlands, Sweden and Norway, and Hawaiian Islands, at $7,500 each, $30,000.

Mr. HITT. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

Insert, after line 34, the following:
"For minister resident and consul-general to Roumania, Servia, and Greece, $6,500."

Mr. HITT. The mission now filled by the representative of this country accredited to the three nations named in my proposition has been a recent creation, corresponding with the recent creation of the two Governments of Roumania and Servia. We long had a minister to Greece, but it was deemed wise by Congress some years ago to suspend that office. The minister was then paid a higher salary than is now paid to the representative accredited to all three of these powers.

That representative now is not only our diplomatic representative as a minister there, but he is also the consul-general of the United States. The present representative is one who by his experience in the consular service and by his subsequent experience in the diplomatic service it was thought would be an active and efficient agent in forwarding our commercial interests and in managing our diplomatic affairs in those countries. He is further peculiarly fitted for the position from the fact that he speaks the Slavic language.

His duties have undoubtedly been chiefly diplomatic, in that he was establishing diplomatic relations between those countries and this, rather than in promoting relations of commercial intercourse and international communication already established. There is a considerable amount of commerce now existing with each of these countries, not so much of importation from them as of exportation of our products from this country to those regions.

There are reasons which relate to our trade alone that would justify us in continuing a minister to those countries. Besides, we have long been on terms of friendship and of active sympathy with the Greek Government and the Greek people. Our intercourse is greatly facilitated and is made much more welcome on the part of any court in Europe if it is carried on through a diplomatic rather than a consular officer for international communication. We are exporting largely to Servia. We sent there last year a half a million dollars' worth of one article.

It is proposed by this bill to cut off this mission, to do away with our diplomatic representative to three several countries, and to substitute therefor a consul in one place at $2,000 a year and another consul in another place at $3,000 a year. It will be observed that in that way the saving proposed is only $1,500. The persons who will fill those two posts can not possibly be as efficient in representing our interests in any question that may arise as would a diplomatic representative from this country. We can not tell at what moment a complication of grave importance in the Eastern Mediterranean countries may require the active intervention and agency of a diplomatic representative from this country.

The saving is so small, especially when we take into view the diminished efficiency of the service, that I think we should pause before making such a change. The bill would in fact greatly impair the efficiency of our representation in those countries, would cut off utterly all representation to one of them—Servia, a country with which we have an active and promising commerce. I do not know whether the House is disposed to alter in any degree the provisions of the bill——

[Here the hammer fell.]

Mr. BURNES. I have simply to say to the committee that if we wish to negotiate with Greece we should negotiate in London, Paris, and St. Petersburg. Those three governments are in absolute control of the government of Greece. They established it; they prop and sustain it, each of them contributing £4,000 for the support of this petty power.

One word more. The anomaly is now presented of a minister serving at three courts—in Greece, in Roumania, and in Servia. The statement of this proposition is, I trust, sufficient. But blended with the ministerial duties is the consular function at these three places; and I ask you is it appropriate, is it in accordance with anything that we have ever read or heard from the State Department or from anywhere else with regard to our foreign service, that a man should undertake to represent us at three courts, at the same time performing consular functions at three cities? We propose to abolish the ministerial service because our ministers in the three great countries I have named can, if we should desire any negotiation in regard to the government of Greece, negotiate with the parties of the first part.

So far as the consular service is concerned, it is provided for. And I say to my distinguished friend from Illinois [Mr. HITT] that he had better beware of coal-oil. Our party has had some apprehension that this article might be of damage to the party; and, sir, it may be damaging to his party if the country knows that he would maintain a minister in Greece to represent fifty thousand dollars' worth of coal-oil.

We propose to put consuls there to represent these commercial interests. This bill places a consul at Athens and a consul in Roumania. Having said this I need say no more, except to refer you to a gentleman who will give you more information than I can.

Before passing from this subject, however, let me say that the debt of Greece is $142,000,000, upon which the annual interest is $4,400,000. The area of the country is 25,000 square miles, 41 per cent. of which is productive and 59 per cent. non-productive. The population is less than 2,000,000.

Now, Mr. Chairman, this arrangement of placing these commercial representatives of this country to look after whatever trade we may have there has been made with the approval of the distinguished diplomate and statesman who on this floor represents in part the State of Pennsylvania. I allude to the distinguished chairman of the Committee on Foreign Affairs [Mr. CURTIN]. I trust he will give us the benefit of his views.

Mr. HISCOCK. I move to amend the amendment by striking out the last word. It has been said here to-day, especially by the gentleman from Illinois [Mr. TOWNSHEND], that our diplomates abroad are purely political; that these positions at foreign courts have been established with reference altogether to our political relations; that, on the other hand, our consular service is purely commercial, and that it is for the interest of the people that we should be liberal in making appropriations for the consular service. In this last position I agree. But if I can have the attention of the gentleman from Illinois and the gentleman from Missouri for a moment, I desire to read a provision of the Revised Statutes in reference to the duties of our diplomatic and consular representatives:

SEC. 1752. The President is authorized to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the Constitution or any law of the United States, in relation to the duties of all diplomatic and consular officers, the transaction of their business, the rendering of accounts and returns, the payment of compensation, the safe-keeping of the archives and public property in the hands of all such officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interests. It shall be the duty of all such officers to conform to such regulations, orders, and instructions.

It thus appears that our diplomatic representatives are as fully the commercial agents of this Government abroad as are our consular officers. There is only, perhaps, this distinction, that our diplomatic representatives deal more largely and directly with the governments, while the consular agents located at particular points deal especially with citizens or with the representatives of the Government at those points.

Thus, sir, when you propose to strike down the diplomatic service you aim a blow at the commerce of the United States in foreign countries as directly as if you should strike at the consular service. I would like to have the gentleman from Illinois [Mr. TOWNSHEND], or the gentleman in charge of this bill [Mr. BURNES], or my esteemed friend from Pennsylvania [Mr. CURTIN], who has had experience in these matters, tell me where the difference lies. There is none.

One more point I desire to make. I understand my friend from Georgia [Mr. BLOUNT] to insist that the salaries of our diplomates abroad should be reduced for the reason that somebody has been able to save money from his salary. Mr. Chairman, it is not the policy of this Government to pension these diplomates. Is it the theory on the other side that whoever is accredited by our Government to a foreign nation should save nothing from his salary? Is that the theory of the gentleman from Georgia? Is it the theory of the gentlemen upon that side?

Then of course the argument obtains that you would limit these offices to aristocrats and to moneyed men, because you put them on a salary where it is utterly impossible for them to accumulate anything. A man must have sufficient property for his support in old age and the support of his family, or else he can not take such a position as this.

It seems to me that argument advanced here adds additional force to the point already made, that this reduction of salaries limits the class from which you can take these officers to men of wealth.

Mr. CURTIN. Mr. Chairman, it is not a question of wealth or poverty. Since I have had the honor of being a member of this House I have learned that this is no place to speak well of wealth, while it is an admirable place to speak in defense of poverty. [Laughter.] I have never in my life found three hundred and twenty-five men together so uniformly the friends of the poor. [Renewed laughter.] In a country town they agree unanimously on one thing, and that is when a man dies to bury him. In the House of Representatives of the United States we are equally unanimous in being the friends of the poor man. [Laughter and applause.]

Now, Mr. Chairman, it is not a question of wealth and poverty. It is a question of whether we shall be represented abroad. If I had my way—and I have not, for no doubt I would be wrong—I would not exact fees from the merchant or mariner. I would pay a fixed salary to your consuls and place them wherever the flag of this country floats at the masthead of an American ship engaged in our commerce and trade. If it were not a Presidential appointment I would have rigid rules of civil service applied to the appointment of a consular agent of this country abroad, and compel intelligent men to report progress of foreign countries, and upon their productions, commerce, and our relations thereto.

In reference to this amendment to the bill I speak to it with great reluctance. I said a few minutes ago I would not accredit one man to two different governments. In the amendment offered by the gentleman from the Committee on Foreign Affairs to appropriate $6,500 to one man to be minister at one place and consul at two other countries I think is a grave mistake. I know well the gentleman who represents this country at Athens. I know his fitness for the place, and I know that no man can represent this country at Athens as minister resident and at the same time perform the duties of consul to two other governments where we have trade while we have none with Greece. He would be an ornament to the office, and an ornamental foreign office would be very acceptable to my venerable friend before me. [Laughter.]

If we need a consul at Bucharest or Belgrade send one there, or if you can not send a consul send a commercial agent, but do not involve the minister at Greece in the necessity of traveling over disturbed countries four or five hundred miles to remedy injuries done to American merchants or mariners, because to go there he must go around by Vienna. That is a diplomatic gerrymander which should not be tolerated. [Laughter.] While the distinguished gentleman at Greece who represents us there, as the committee chooses to place him there as consul-general or resident minister, let it be so; but do not require him to go to other countries at long distances to look after the wants, necessities, and interests of American merchants when they go there to trade. That is all. There is nothing of riches or poverty in that. I am afraid to say anything about riches in this House. [Laughter.] Everybody is so fond of the poor man. God knows I agree with you there now. [Laughter and applause.] If you had not that affection for the poor man, many of you might not be here. Yet I think there are times when we could use the time of the Republic and attend to the public interests quite as well as when we exhaust our oratory, rhetoric, and eloquence in defending the poor man, although we are his friends. [Laughter and applause.]

Mr. BURNES. I have had a conference with my friend from Illinois, and I believe he desires no further time in debate. I therefore call for a vote.

Mr. HITT's amendment was rejected.

The Clerk read as follows:

For salary of chargé d'affaires to Paraguay and Uruguay, $5,000.

Mr. HITT. I move to amend by inserting after line 40 the following:

For chargé d'affaires *ad interim* and diplomatic officers, $20,000.

Mr. RANDALL. I reserve the point of order on that amendment.

Mr. BURNES. I think the gentleman had better withhold the amendment and offer it at the end of this provision; it does not properly, in my judgment, come in here.

Mr. HITT. Very well; at the suggestion of the gentleman in charge of the bill I will withdraw the amendment for the present.

The Clerk read as follows:

For salaries of the secretaries of legations in Japan, China, Spain, Brazil, and Mexico, at $1,800 each; in all, $9,000.

Mr. HITT. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 46, after the word "China," insert "$2,500 each," and in the forty-seventh line strike out the words "nine thousand" and insert "ten thousand four hundred;" so that it will read: "For salaries of the secretaries of legations in Japan and China, $2,500 each; Spain, Brazil, and Mexico, at $1,800 each; in all, $10,400."

Mr. HITT. Mr. Chairman, the effect of that amendment would be to pay to the secretaries of legations in Japan and in China $2,500 a year, whereas by this bill provision is made that they shall receive only $1,800 per annum. At present the secretary of legation in China acts also as interpreter, and his entire compensation is $5,000. The secretary of legation in Japan now receives $2,500, and application has repeatedly been made from that legation on behalf of that officer that his compensation might be made more adequate for the necessary expenses involved in living in that costly country.

By further provisions in this bill, which I suppose will be adopted, the secretary of legation in China will be entirely prohibited from re-

ceiving any further compensation beyond that allowed in this paragraph. I am assured by many who are thoroughly conversant with the subject of which they speak that it will be impossible for a secretary of legation in China to live with his family and to act at necessary times as our minister in that country upon any such small compensation as that fixed in this bill. Indeed, it is probable that more than twice that sum would be deemed scanty in any other among the legations established there by foreign governments.

It is a place where attendants are necessary and are expensive; where the means of living cost far more than they do here; where the surroundings and methods of living of a man are not determined by himself, but by the circumstances in which he is placed. He is compelled as minister to receive our countrymen who go there, for it is a country without hotels, and where there are few, if any, American citizens resident at the capital who could extend hospitality to our countrymen visiting there.

He is there representing a great nation, if he be chargé. He is the medium between two nations closely connected by a large commerce, often with conflicting interests, and he may be intrusted with the conduct of important negotiations on the gravest questions arising between the two countries. He is located amid a numerous and able diplomatic corps, who are competing with him in gaining every advantage in negotiating with a government which is, as all know, ruled by a few individuals, as in all despotic countries, in dealing with whom a mistake in tact or judgment may lead to serious disadvantage to our interests.

We send out a diplomatic officer for serious business, not for display or pleasure; but we should provide for his decent, proper support in performing that duty, which may be of great, even of transcendent importance. Will we place him beside and in competition with a body of able, accomplished, well-paid rivals, who are struggling for the same advantages with that government for which he may be contending, and then fail to pay him enough for living respectably or for a decent manner of approaching the powers with which he has to treat?

[Here the hammer fell.]

Mr. HISCOCK. I desire again to call the attention of the gentleman from Missouri to the fact that by reference to the law for the year of 1882 I find the secretaries of legation at Japan and China received $2,500 a year. Have our relations decreased? Has the business of those countries fallen off, or has the price of living diminished there to such an extent as to warrant this reduction? This precedent was established by a Democratic House and by a very economical Committee on Appropriations, and is upon our statute-books, and I would like to have the gentleman from Missouri assign to us the reasons for this change.

Mr. BURNES. I will give the gentleman from New York the only reason the committee had for this arrangement, and it is one that they deemed ample to warrant them in recommending it. We pay our secretaries of legation $1,800 a year, or 15 per cent. of the salary of the minister. This is the universal rule. I do not know whether it costs more to live as secretary of legation in China than in Austria, Spain, or any of those countries where we pay $1,800 a year. It is for the sake of uniformity and from the belief that a secretary in China should be placed upon no higher or lower basis than the secretary of legation to a second-class court at the same salary.

Mr. HISCOCK. But let me ask the gentleman whether in the case of these secretaries of legation it is not absolutely necessary that they should be persons of education or persons who understand the language of the country? If to a certain extent a scholar, really to a very high degree, is not required, and especially one having some knowledge of the language of the country? I ask him if he is prepared to advise this committee and the country if proper men to discharge these duties, duties of a delicate character no doubt, and difficult, can be secured for $1,800 a year?

Mr. BURNES. Mr. Chairman, I answer the gentleman by saying that he can not find in China or Japan a single secretary of legation who understands the Chinese or Japanese language.

Mr. HISCOCK. I understand one of them does.

Mr. BURNES. In consequence of which we provide both for secretaries of legation and for interpreters and maintain at each court a secretary of legation and an interpreter. So far as secretaries of legation are concerned, this bill proposes to place them on the same footing as all other secretaries of like class, and then gives them an interpreter besides, at a reasonable salary. I think that is sufficient. But certainly I have no feeling in the matter and know nothing more about it than any other gentleman on this floor.

Mr. HISCOCK. I would ask the gentleman from Missouri if he has reason for believing, in view of the salary having been fixed at $2,500 a year by the committee of which Mr. Atkins was chairman two years ago, that proper men can be obtained for the reduced salary?

Mr. BURNES. It is difficult for me to say. My information is that these salaries are sufficient. And I will say I have consulted a gentleman who has lived for years in China and who has been through Japan and Siam.

Mr. HISCOCK. May I ask the gentleman to communicate to the committee, that it may be informed on this subject, such information as he may have?

Mr. BURNES. I have the information that it is exceedingly difficult to get American interpreters. There is no difficulty about getting secretaries of legation. You can get them in as great plenty as you want; but the difficulty is to get interpreters. Secretaries are abundant. When you come to interpreters that is where you have the trouble.

Mr. HITT. Has the gentleman from Missouri not remarked the fact that for years past consuls of just the same grade are paid $3,500 in China and $2,000 in Europe; and will he permit me to add that I know of consuls who have been transferred from a post at $2,000 in Europe to a post at $3,500 in China who sent back complaints that they could not live at all as they had been accustomed to do, could not support their families there, and implored the Government to put them back?

Mr. BURNES. I will answer the gentleman.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. KASSON. I move to strike out the last word, and yield my time to the gentleman from Missouri, that he may give us this information.

Mr. HISCOCK. We want information.

Mr. BURNES. So far as the rates paid to consuls are concerned, we pay by our present law as much to the consul-general in Montreal as we do to a consul-general or a consul in China. This is one of the beauties of our consular system.

Mr. HITT. Is the gentleman not aware that the consul-general at Montreal is the supervising officer of one-third of all the consulates in our consular system?

Mr. BURNES. And is the gentleman from Illinois not aware that the consuls are receiving not only the salaries this Congress appropriates but a large amount of official fees by the authority of the Department, without any report being made to Congress?

Mr. HITT. I do not understand that to be the fact. If I am permitted I would answer the inquiry more fully.

Mr. BURNES. I hope the committee will indulge the gentleman.

Mr. HITT. The gentleman asked me if all the consuls were not in receipt of official fees——

Mr. BURNES. I did not say "all."

Mr. HITT. I know whole countries where they do not receive one dollar of unofficial fees. And as to the official fees, it is expressly provided in the statute and in the regulations when and where they shall go to consuls; and that is a matter of public knowledge.

Mr. BURNES. I ask the gentleman again if the Secretary has informed this House of the extra amount of official fees which this House supposes always goes into the Treasury; if the Secretary has informed the House of the amount of official fees paid to consuls?

Mr. HITT. The Secretary has made a report, which is published, and which states the amount of official fees reported from every consulate in the world.

Mr. BURNES. Will my friend please turn to it? If it is there I have been unable to find it.

Mr. HITT. It is here. In the Register of the Department of State opposite the name of every consul appears the report of the official fees sent from that consulate during the year.

Mr. BURNES. But does the report show the amount of those official fees given to the consul?

Mr. HITT. That appears by reading the regulation which stands printed in full at the head of the list of consuls and which determines the rule in each particular case as to the application of the fees. And the compensation is given there also. Where a consul receives a large salary he receives no fees, but is required to account for every item. Where he receives a small salary there are certain regulations given there which clearly show the proportion he receives.

Mr. BURNES. I ask the gentleman the question again. Take the consulate at Hong-Kong, where the consul is now receiving $4,000 per annum, which salary is by this bill increased to $5,000 in recognition of the admirable work he has performed there. I ask the gentleman if he does not know that in addition to that salary the consul receives $1,500 of fees besides?

Mr. HISCOCK. The gentleman asks a question. He doubtless has the information himself, and I wish he would state to the House if that is a fact.

Mr. REED. Does that consul employ any clerk whom he pays out of those fees?

Mr. BURNES. This is a matter particularly within the knowledge of the State Department.

Mr. HISCOCK. Is it not possible that the gentleman has made this mistake? Where consuls are located at different places they may have a chance to do business on their own account. They may act as commissioners to take testimony for private parties, to look after the execution of papers between private parties by whom they are known, and in that way they may accumulate something. Has not the gentleman mixed that up with official fees? Is not that the trouble with the gentleman?

Mr. HITT. The gentleman has spoken of the efficiency of our consul at Hong-Kong. The report before me shows that General Mosby, our consul at Hong-Kong, made no report of his official fees, and therefore I can not answer what disposition was made by the Department to

defray the contingent and other expenses of that consulate without examining the records at the State Department. But that consul did not himself receive one cent of the official fees.

Mr. BURNES. I assure my friend from Illinois [Mr. HITT] that he is in error, and it devolves upon me to defend that officer of our Government. The report of the consul at Hong-Kong is complete and perfect. In answer to my esteemed friend from New York [Mr. HISCOCK] I will say that the report of the Secretary of State shows that the salary of the consul at Hong-Kong is $4,000, and that in addition he receives unofficial fees amounting to about $1,500.

Mr. HISCOCK. Unofficial fees.

Mr. BURNES. Now I ask the gentleman to tell me what amount of official fees the consul receives?

Mr. HISCOCK. None, I guess.

Mr. HITT. What page is that?

Mr. BURNES. It is page 79. I assert as a fact, without knowing the extent to which it goes, because I find it in no report from the State Department, that there are consuls who, in addition to their salaries, receive a portion of the official fees they earn.

Mr. HITT. I will answer the gentleman, who is now speaking of official fees. As to unofficial fees, the State Department say, as appears by the document referred to by the gentleman, that our consul at Hong-Kong in addition to his salary receives unofficial fees; that is, certain moneys paid him by individuals who employ him to render legal services, which services have nothing to do with the Government, with commerce, or with public affairs, and that those fees amount perhaps to $1,500. Those are unofficial fees, payment for personal services rendered by the consul to Americans or any other persons who choose to ask him to perform services for them.

For example, if my friend from Missouri were passing through there, was unacquainted with any person, should be taken ill, wished to have his will drawn up, and could not, owing to the state of his health, use his own ample legal learning for that purpose, he might ask the consul to devote two or three days of his time to perform that private work for him, and then he would doubtless pay him something for it. The consuls receive such unofficial fees for service rendered to individuals who choose to ask them to perform it. Such fees doubtless are received by consuls in many places. The consul at Hong-Kong, that being a place frequented by many Americans, doubtless has opportunities to make a considerable sum in that way, and he says that he has so received $1,500. But in a majority of consulates there are no unofficial fees.

Mr. BURNES. In how large a minority?

Mr. HITT. In all large cities which are frequented by Americans who require to have deeds acknowledged, powers of attorney drawn up, wills made, and similar personal services, there are small fees paid to the consul, which in some cases amount to a considerable sum.

Mr. KASSON. Paid to the individual, not to the consul.

Mr. HITT. Yes; paid to the individual, who is employed because it is convenient, and people are disposed to trust him, rather than a foreign stranger, with their affairs.

Mr. CANNON. I want to go back just a minute to the amendment which is pending. Gentlemen have drifted off into a discussion about consuls. The amendment now pending has nothing to do with the official or unofficial fees of consuls. The present pay of the secretaries of legation to Japan and to China is and has been for a great many years $2,500 a year, and it was fixed at that amount when all these salaries were revised by a Democratic Congress in 1879. I do not believe that their salaries should be decreased now to $1,800 a year, and I will tell you why.

A secretary of legation to China, who may be appointed to-day, has to pay for his passage out of his own private funds, a matter of from $350 to $500, before he commences his duties there. When mustered out of office he must pay as much more to get back home. He must pay all his own expenses there. There is not a single cent of fees, official or unofficial, that he can get.

Now, when you say that he must serve in that country, paying the expenses required for traveling to and from that country, paying his own expenses there, for the same price which you pay to a fourth-class clerk in a Department here at Washington, where the expense of living is much cheaper, where his responsibilities are fixed and can not be increased, when you say that this secretary of legation, who is liable to be called on when there is a vacancy to act as minister during the continuance of that vacancy, shall bear these burdens and pay these expenses, and for the sake of uniformity only, as my friend says, shall have $700 cut off from the already meager salary he now receives, I think you are inflicting a hardship upon these officials, and therefore I hope the committee will not sustain the provision of the bill or that my friend from Missouri will allow the amendment to prevail.

[Here the hammer fell.]

Mr. KASSON. Mr. Chairman, I am not going to argue this question any further. I wish merely to talk a little to my friend in charge of this bill. I know that no one of us likes to do a mean thing toward a man, young or old, who is absolutely in our power. I point to the way we treat our various employés about this House, our clerks, doorkeepers, &c. We not only allow them their salaries, but at the end of the session we vote them an extra allowance in view of their having to go to their homes and perhaps return at another session. We are not mean on either side of the House touching our employés here. Now, in our foreign service are some young men who have to travel at their own expense thousands of miles across land and sea. Their allowance hitherto has varied somewhere from $2,100 to $2,600. And you propose to treat them not so well as you do some of the messengers about your committee-rooms and about this House. Is it right? You have it in your power to do so; but is it right to cut them down to starvation wages?

I know some of these men. I see that one of them at Austria is put down in this bill to $1,500. He is obliged either to hire furnished rooms or to furnish them at his own expense. He has to pay for his living according to the rate of expenses prevailing in that country. He has to have certain facilities and a certain decency in all his arrangements. Now do you believe that one of these young men can be sent from Iowa or Illinois across the water to these distant countries, can live properly there, and come home again at the end of his service, and manage to do all this on $1,500 or $1,800 a year?

Mr. BURNES. We simply follow the statute.

Mr. KASSON. Oh, no. This allowance is not 15 per cent. According to the statute, as it has existed, the salary of this officer at Vienna has been, I believe, something more than $2,100. The gentleman is mistaken in his theory of percentage as to secretaries of legation.

Mr. BURNES. Will the gentleman allow me to read the provision of the Revised Statute?

Mr. KASSON. Certainly.

Mr. BURNES (reading):

> And unless when otherwise provided by law, ministers resident and commissioners shall be entitled to compensation at the rate of 75 per cent., chargé d'affaires at the rate of 50 per cent., and secretaries of legation at the rate of 15 per cent. of the amounts allowed to embassadors, envoys extraordinary, and ministers plenipotentiary to the said countries respectively.

Mr. KASSON. That provision applies where no other provision is made by law. But provision has been made in accordance with the character of the places where these secretaries live. The trouble is that the committee has departed from the law by disregarding the exceptions which the law says ought to be made.

Now, I know and my friend from Missouri knows that the rate of compensation proposed in the bill is not adequate in view of the expenses of traveling to those countries and living there. Our clerks here in Washington, our employés about this House, are paid a higher rate than these men who are subjected to these extraordinary expenses. I am not going to make any motion at all unless my friend from Missouri agrees to it.

But this is not fair treatment of these poor victims of your power, say what you will. You can of course, if you choose, cut them down to $1,000. But the question is, is it right? I ask you to do what is right in itself. I believe it can not be asserted that any one of these officers in any foreign country is now paid extravagantly, when you take into account the long distances traveled and the inevitable expenses of living at the points where they are located. I appeal to my friend to consider this matter and put these salaries at what they ought to be—$2,000, $2,400, or whatever is proper. I am not going to make any motion myself; I want the gentleman to do what is right and proper.

Mr. BURNES. The committee will see in what painful circumstances I am placed. Nothing would afford me more pleasure than to yield to the almost irresistible request of my friend from Iowa. I, too, realize that the salaries of these secretaries of legation are low. If I had the power I would raise them all.

Mr. KASSON. I think you have; I think the House will readily agree to it.

Mr. BURNES. I am not speaking of that. I am speaking of uniformity. So long as we have a statute that regulates the salaries of the secretaries of legation, and so long as we appropriate, as a rule, $1,800 at the second-class missions, I do not see any reason why we should appropriate any more at a second-class mission in China or Japan.

Mr. KASSON. I am ready to accept the provision of the statute as to these places. I do not ask a single dime additional. I ask the gentleman to allow the bill to conform to the statute.

Mr. BURNES. Let me say that the law provides $3,000 for the secretary of legation in China and $2,500 for the secretary of legation in Japan. Now, will anybody tell me the reason that justifies the fixing of one of these salaries at $3,000 and the other at $2,500?

Mr. KASSON. I answer——

Mr. BURNES. The gentleman will excuse me a moment. Why should we pay more for this service in China than for the service in Japan? Why should we pay as much for the service in Constantinople as in China and Japan? Why should we not reduce these salaries to the level of the other secretaries of legation?

Mr. KASSON. It raises the old question, Mr. Chairman, of whether the gentleman who is charged with the entire investigation of the subject ought to change the system. Here, for example, in Constantinople, our secretary of legation is consul-general. The duties of that office are added to his functions as secretary of legation.

Mr. BURNES. I do not like to interrupt the gentleman.

Mr. KASSON. I take pleasure in being interrupted.

Mr. BURNES. I trust the gentleman knows, for I have overwhelm-

ing facts to show the truth of the statement, that the duties of this consul-general have no more to do with those of secretary of legation than any other two incongruous matters possibly can have.

Mr. KASSON. I can only say I am quite sure my friend is mistaken on that subject. There are distinct duties as consul-general and distinct duties as secretary of legation, distinct sets of books and distinct work in the two different capacities.

But to return to the subject. China is more expensive and more dangerous to the health of an American than Japan. Japan is a cheaper place and easier of access. All these questions have been gone over by Committees on Foreign Affairs heretofore. We are met with propositions attempting to change without full consideration what has been done after full consideration. But I do not wish to cut off my friend from Missouri. I do wish to ask gentlemen of the committee if it is right to take these men because they are in your power and treat them as victims by putting them down to a salary where they can not live decently. I say it is not in any gentlemanly breast that any such thing should be done toward those who are absolutely within your power.

Mr. BURNES. What would you like to have?

Mr. KASSON. Where you say $1,800, I would say $2,000; and where you say $1,800 you ought to say $2,400.

Mr. HITT's amendment was rejected.

The Clerk read as follows:

For salaries of the secretaries of the legations in Japan, China, Spain, Brazil, and Mexico, at $1,800 each, in all $9,000.

Mr. HITT. I move to add the following:

For salary of clerk to the legation in Spain, $1,200.

Mr. RANDALL. That paragraph has been passed.

Mr. HITT. I rose in time, but the Clerk read so fast it was passed before I could get recognition from the Chair.

The CHAIRMAN. The Chair hears no objection, and the amendment will be received.

Mr. RANDALL. I reserve the point of order on the amendment.

Mr. BURNES. Since this bill was reported from the Committee on Appropriations I have had an interview with our minister to Madrid, and he gave me satisfactory reasons in favor of accepting this amendment. And with the consent of my associates on the committee I will do so.

Mr. RANDALL. That is satisfactory to me.

Mr. BURNES. I will say to my distinguished friend from Pennsylvania that I feel confident our minister to Spain at this time requires this assistance.

Mr. RANDALL. The gentleman need say no more.

The amendment was agreed to.

The Clerk read as follows:

For salaries of the second secretaries to the legations at London, Paris, and Berlin, at $1,800 each $5,400.

Mr. LYMAN. I move the following amendment:

In lines 53 and 54 strike out "one thousand eight hundred" and insert "two thousand," and in line 54 strike out "five thousand four hundred" and insert "six thousand."

Mr. LYMAN. Mr. Chairman, I have just received from Berlin a letter from a friend of mine in whom I have great confidence, in which occurs the following passage:

I hear on good authority that the House Committee on Appropriations talk of cutting down the present $2,000 pay of three second secretaries of legation at London, Paris, and Berlin to $1,800. Now, really, this is too pitiful a piece of cheese-paring. What is $600 to the American nation in proportion to the work these fellows do? Now, I have had nearly seven years' experience of the matter—have during that time known all three of these second secretaries and their duties, and can certify that these places are no sinecures. They in fact do more of the work than the ministers do, and the least agreeable part of it. The smallness of the pay prevents any married man without means taking the place, and they have not the advantage of occasional chargé d'affaires's pay as the first secretaries have.

It will be seen by this, Mr. Chairman, that these gentlemen have onerous duties to perform, that they are living in expensive capitals, and get only $2,000 now, and yet it is proposed to cut that meager salary down to $1,800. I can assure my friend from Missouri that this gentleman is a person of great experience and education, and I hope he will make no objection to keeping the salaries as they are under the present law.

Mr. CURTIN. I would like to ask the gentleman from Missouri a question.

Mr. BURNES. Certainly.

Mr. CURTIN. Have you sufficient information before you to show that a second secretary of legation is necessary at Berlin? I do not know how it may be at London, but at Berlin it seems unnecessary.

Mr. BURNES. I am perfectly certain in my own mind that we ought to have abolished all three of these secretaries. But it was only in deference to the opinions and wishes of gentlemen who took a different view of the matter that they were allowed to remain.

But the letter from my friend of Massachusetts only in my judgment advances an additional reason why they ought to be abolished. Whoever sent that dispatch or letter states this absolutely, that this second secretary of legation does more work than the minister. It is for that very reason that the secretaryship ought to be abolished altogether.

The minister ought to do his own work, and if he did it with the assistance of one able secretary of legation he would get along much better with his work. But having two he leaves the work largely to them, and I venture to assert that if you gave him a dozen that he would do twelve times less of his own work than he now does. They ought to be abolished. For uniformity sake, however, we reduce them to the same standard of salary that we pay to secretaries of legations at second-class missions. Either take them at the salary fixed, or else let us abolish the whole thing.

Mr. HITT. Mr. Chairman, the reason for the existence of the officer to whom reference has been made as being wholly unnecessary is that it has been found in these three legations there is so much business that clerical assistance had to be obtained to aid the minister. It has at times not only required two secretaries, but a very large clerical assistance in addition. Cases have arisen where this regular official force has largely been increased, as for instance at the time of the siege of Paris, when our legation had necessarily to employ a number of persons; when the duties were so enormous as to absolutely demand it. In consequence of the great number of Americans who came to Berlin, Paris, and London, it was long ago found necessary to have a third person who could personally represent the legation at any place where it might be required to appear. That was one reason primarily for having this additional officer, who was a diplomatic officer to that extent, although he did the work of a clerk and received what is scarce more than a clerk's pay.

If gentlemen could examine for a moment the enormous correspondence carried on by these legations with persons in the countries where they are located, and also in regard to home affairs, the necessity would be evident for giving a force adequate to enable the minister to discharge that work readily and promptly. It would be impossible, I am sure, during the greater part of the year for the minister with one secretary only and a messenger to get through with the daily routine work. Besides, the expenses of living in the cities where these officers are required to live are necessarily high; rents are high, living is expensive, and the amount now paid is barely sufficient for their support. As my friend from Massachusetts has said in regard to one of them I may say of the others, one of whom I spoke of yesterday, they are men of ability, experience, and great working capacity, and they do their work faithfully and deserve fair compensation.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts which has been read.

The amendment was not agreed to.

The Clerk read as follows:

And no secretary or second secretary of any legation shall be entitled to or receive any compensation over and above his salary as such secretary for acting as chargé d'affaires during the temporary or other absence of the minister to whose duties he may succeed: *Provided*, That such minister, from his own salary, may compensate him for any such service. And all acts and parts of acts inconsistent or in conflict with this provison shall be, and are hereby, repealed.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the paragraph just read and insert:

For chargés d'affaires *ad interim* and diplomatic officers abroad, $20,000.

Mr. RANDALL. I reserve the point of order upon that amendment.

Mr. REED. It had just as well be decided now.

Mr. RANDALL. Is there any existing law authorizing this expenditure?

Mr. CANNON. Yes, sir.

Mr. RANDALL. I would like to be cited to it.

Mr. CANNON. It is in the current law. This is a mere appropriation of $20,000 for this service as it has been for twenty-five years.

Mr. RANDALL. I have no objection to discussing the question upon its merits.

The CHAIRMAN. The gentleman from Pennsylvania withdraws the point of order.

Mr. CANNON. The object of this appropriation has been, and is now, if made, to pay secretaries of legation, when there is no minister at the court, one-half the pay the minister is entitled to receive when he is there.

To illustrate: We have at present no minister or envoy extraordinary at Berlin. The secretary of legation, who gets $2,600 a year, is both secretary of legation and minister. The pay of the minister is $17,500. So that we have now, and have had for a month or two, and probably will have for some time longer, at Berlin, as the representative of this Government, an official getting $2,600 a year for doing his own work and who is acting also as minister.

Under the law and the regulations heretofore while the secretary of legation is so acting he gets one-half of the pay the minister receives. I think he ought to get it, and I propose by this amendment to continue the appropriation as it has always been for that purpose.

I can not say anything more about it. That is all there is of it. I do not know of any good reason why we should forsake this practice that has obtained under all administrations and under all political parties. I think it is just and proper and right. This Government of ours,

with its large population and great wealth and liberality and with its immense revenues, can not afford to say and ought not to say to a twenty-six-hundred-dollar secretary of legation, "Perform the duties of a man who if there would get $17,500 a year, and you shall not have a cent extra over your small salary that you get as secretary of legation." I would not say that to an employé in my private business if he was running it. The gentleman from Missouri would scorn to say to any man that lives, if he was privately employing him in his business, that he would apply the rule to him that he proposes to apply on the part of a great country to its citizen and servant. And there is no occasion why a man should do an unseemly thing or a parsimonious thing for the whole people that he would scorn to do for himself.

Mr. BURNES. We have reached a provision in this bill, or a question growing out of a provision in the estimates, to which I desire specially to call the attention of the committee. It is not $10,000, it is not $20,000, but it is a principle that is deeper and broader and wider than money. This provision, Mr. Chairman, is in the nature, to some extent, of what was called the salary-grab. It is for constructive service. It is an encouragement for the minister to abandon his duty to the secretary of legation. It is a premium to the minister for entering into contests for positions in the country where he lives. It is a premium to him to write books. It is a premium to him to become a candidate for a literary position in a foreign country. It is a premium to him to abandon his duties and go off into other countries on pleasure trips, abandoning the important interests of his country where he is appointed its representative.

Mr. LONG. Does he not lose his salary in the mean time?

Mr. BURNES. He does not lose his salary in the mean time. If you could show me an instance in which the minister ever failed to draw his full salary I would see some reason for this appropriation. But you find the minister yields his place; the secretary of legation asks him to yield the place. My friend from Illinois [Mr. CANNON] knows full well that there is a great desire on the part of the secretary of legation to get the minister to go abroad to travel over the continent if he is in England. Why? So that he may have an increased salary for doing the work of the minister. Now, in answer to my other distinguished friend from Illinois——

Mr. CANNON. Will the gentleman allow me a question just there? How can that be so when this whole appropriation is only $20,000?

Mr. BURNES. I answer the gentleman, here is an appropriation asked for of $20,000 for the purpose of making increased payments to gentlemen for doing the work of the ministers. That is what this is for. You appropriate $20,000 for the express purpose of paying gentlemen for doing the work of other people. Is not that so?

Mr. CANNON. Who is doing the work of the minister at Berlin when there is no minister there but this twenty-six-hundred-dollar employé?

Mr. BURNES. Is there anybody drawing the salary of the minister at Berlin? Is not the salary there sufficient to pay for the services rendered without any further appropriation?

Mr. CANNON. That can not be used under this bill. Under this bill not one dollar of the salary of the minister at Berlin can be used by the secretary of legation or anybody else while there is a vacancy.

Mr. BURNES. That depends altogether on the action of the President.

Mr. REED. Not at all.

Mr. BURNES. The President can give him an appointment that will enable him to draw the salary of the minister or anything else he chooses.

Mr. REED. What appointment can he give him?

Mr. BURNES. Any appointment within his gift.

Mr. REED. What appointment can he give him? I should like the gentleman to answer that question.

Mr. BURNES. He can give him the office of minister if it is vacant.

Mr. REED. But suppose the President does not consider he ought to be appointed minister; but in the mean time, while he is selecting a minister, it is necessary somebody should perform the functions. You can not be appointing ministers and removing them every other day.

Mr. BURNES. I do not know as to that. If they were removed every other day we might get an improved service.

Mr. REED. Is that the gentleman's idea of conducting the public service?

Mr. BURNES. It may be so.

Mr. REED. It is certainly a very interesting idea.

Mr. ADAMS, of Illinois. I desire to ask the gentleman from Missouri a question. Might not a contingency arise in which the dignity of this nation might require the technical office of minister to remain vacant for a time?

Mr. BURNES. In that case, in an instant, by telegraph, the President can order him to the position.

Mr. ADAMS, of Illinois. And should there not during that time be a secretary of legation there?

Mr. BURNES. There is a secretary of legation there.

Mr. ADAMS, of Illinois. And should he not be paid?

Mr. BURNES. There comes up the question again. We hire a gentleman as a secretary of legation and give him a salary for performing the duty of that office. Because he occasionally is called upon to perform some higher duties, or because he is nominally the representative of this Government at that court, doing no more work perhaps than before——

Mr. REED. Perhaps.

Mr. BURNES. Because he is technically called to the performance of more honorable and higher duties, he should not therefore be paid an increased salary. We hire all his time, and this proposition is to pay him for constructive services. I protest against any such payment for any such thing.

Mr. HITT. It is perhaps well to state to the House distinctly what is the basis of the appropriation of $20,000 which it is proposed to make for "chargés d'affaires *ad interim*" who are acting as ministers abroad. It is to enable them to meet other and additional expenditures imposed by these wider duties, expenses which they can not escape; that is the simple object of it. The distinguished gentleman from Pennsylvania before me [Mr. CURTIN], who has been an honored and experienced minister of this country abroad, knows that well; the gentleman from Iowa [Mr. KASSON] is familiar with the fact.

I do not wish to name the men in the service who have to meet these expenses; but I may say generally that a secretary of legation who is charged with the duty of a minister is also charged with the burdens of a minister, and among those burdens are expenses which he can not escape. If he should endeavor to avoid certain outlays he would make himself contemptible; he would be doing that which we at home would regard as ignoble on his part.

Many gentlemen in the course of this debate yesterday and to-day have spoken of our diplomatic officers making a display of their money in the entertainment of Americans traveling abroad. That is not the place where the money necessarily goes. It is where a minister is entertained not for himself but purely as an official of this Government that the duty of fitly reciprocating is an obligation he can not escape. If he is so entertained repeatedly by other officials and does not entertain any of them he marks himself as the one in the whole corps of diplomatic officers who never reciprocates official hospitalities. Do you want your representatives to exhibit such an instance of what would certainly be called social meanness?

Such expenses are unavoidable, and they are not to be met by a clerk's salary. The duty of a minister at the place where you have sent him makes it incumbent upon him to do the best he can to properly represent this country. Sometimes a minister leaves his post for the purpose of going home. We generally think it is a good thing on the part of an absent American to seize the first occasion to breathe the air of home and to do it as often as he can. The distance is so great that it takes weeks of time to go and return. The law says that such time of absence from the post shall never exceed sixty days, and the absence then is taken only upon permission or leave granted by the Secretary of State.

In such a case, as also in the case of a vacancy in the post by the death of the minister or from whatever cause it may arise, these other officers, the secretaries, are called upon to bear a burden of responsibility, to perform additional labor and to meet additional expenses from which they can not escape. This appropriation is not made for any individual; it is not for salaries. It is a sum which, if not called for in consequence of vacancies or absences of chief officers of legation, will be unexpended. For long years it has been the custom of Congress to consider this a proper, just, and necessary part of the appropriations for the support of our foreign service.

The CHAIRMAN. The time of the gentleman has expired.

The question is upon the amendment of the gentleman from Illinois [Mr. CANNON].

The amendment was to strike out the following:

And no secretary or second secretary of any legation shall be entitled to or receive any compensation over and above his salary as such secretary for acting as chargé d'affaires during the temporary or other absence of the minister to whose duties he may succeed: *Provided*, That such minister, from his own salary, may compensate him for any such service. And all acts and parts of acts inconsistent or in conflict with this provision shall be, and are hereby, repealed.

And to insert in lieu thereof the following:

For chargés d'affaires *ad interim* and diplomatic officers abroad, $20,000.

The question was taken; and upon a division there were—ayes 40, noes 51.

So (no further count being called for) the amendment was not agreed to.

The Clerk read the following:

And the foregoing appropriations for envoys extraordinary and ministers plenipotentiary, ministers resident, chargés d'affaires, ministers resident and consuls-general, secretaries of legation, and interpreters shall, after June 30, 1884, be the salaries of each officer respectively; and all acts or parts of acts inconsistent or in conflict therewith, or which allow a larger salary to any officer or employé hereinbefore named, shall be, and the same are hereby, repealed.

Mr. REED. I desire to make a point of order on that paragraph.

The CHAIRMAN. The gentleman will state it.

Mr. REED. The point of order I make is that the paragraph just read proposes to repeal existing law and is not germane to this bill. It does not change any amount of money carried by this bill, and therefore does not come under the head of retrenchment.

The Chair will make the distinction. This paragraph is no part of the appropriation bill proper; it refers entirely to future salaries, and

is the establishment of a law to govern future salaries which are to be passed upon by other Congresses. It does not, therefore, reduce expenditures in any respect provided by the rule.

The Committee on Appropriations has no right to report on an appropriation bill a general law of this character. There is now an existing law which fixes the salaries of the various ministers, envoys extraordinary, &c. The Committee on Appropriations have a right to propose a change of that law if such change diminishes expenditures, but they have no right to propose a general law covering future appropriation bills, because the diminution of expenditure made by a change of law must be upon the appropriation bill itself in which such change of law is proposed.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. RANDALL] desire to be heard on the point of order?

Mr. RANDALL. I do not.

The CHAIRMAN. Does the gentleman from Missouri [Mr. BURNES] desire to be heard?

Mr. BURNES. Although inexperienced in parliamentary law, I desire to call the attention of the Chair to two propositions. By the foregoing provisions in this bill we have reduced salaries, and having reduced certain salaries we have to that extent changed these statutes fixing those salaries. Therefore we desire to repeal those provisions of the statutes. I may say further that the present provision of this bill is but a copy of a provision in the appropriation act of the last Congress.

Mr. REED. By referring to the third clause of Rule XXI the Chair will see the sole ground on which the Committee on Appropriations can assume jurisdiction to report new legislation in appropriations bills. We have not in any previous part of this bill changed any existing law. The gentleman from Missouri is entirely mistaken in saying that we have changed any general law. We have simply declined to make the appropriations which the general law requires. Now it is proposed to make this bill the general law upon the subject; and this, it seems to me, we have no right to do except in accordance with the rules of this House.

The CHAIRMAN. The provision of the rule to which the gentleman from Maine [Mr. REED] refers is, as the Chair understands, the following:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It seems to the Chair that the point of order is well taken.

Mr. RANDALL rose.

The CHAIRMAN. But the Chair is ready to hear from the gentleman from Pennsylvania or any other gentleman on the point.

Mr. RANDALL. I suggest to the gentleman having charge of this bill to omit in this paragraph the words "after June 30, 1884." Those words were inserted lest by their omission it might appear that the salaries for the current year were to be affected. The object was to obviate a doubt; but I do not think there could be any difficulty on that point, because this bill makes appropriations of salaries for the next fiscal year only. If the gentleman from Missouri would strike out the words I have indicated the provision will not then be subject to the point of order.

Mr. BURNES. I move to strike out those words.

Mr. REED. What words?

Mr. RANDALL. The words fixing the date.

Mr. REED. Which words are those?

Mr. RANDALL. The proposition is to make the paragraph read—

And the foregoing appropriations for envoys extraordinary and ministers plenipotentiary, ministers resident, chargés d'affaires, ministers resident and consuls-general, secretaries of legation, and interpreters shall be the salaries of each officer, respectively, &c.

Mr. REED. Perhaps the gentleman had better put in the words "for the next fiscal year."

Mr. RANDALL. Oh, no; I do not want those words in.

Mr. REED. We are making suggestions in a friendly way; and I trust the gentleman from Pennsylvania will not try to get his personal views in here.

Mr. RANDALL. I never have "personal views" to carry out on this floor.

Mr. HISCOCK. Unless the words suggested by the gentleman from Maine [Mr. REED] be inserted the provision will still be subject to the same point of order.

Mr. REED. Certainly it will. What the provision is designed to cover, I understand, is the salaries which have already been reduced, to prevent any suit in the Court of Claims for the difference. To that of course I can have no objection, because that has been the vote of the House.

Mr. RANDALL. That is just it.

Mr. REED. Then suppose you insert the words "for the next fiscal year?" That is what the bill covers. In that way you would remove all ambiguity.

Mr. RANDALL. We want to change the existing law as to the appropriations made in this bill.

Mr. REED. Then you should make the provision read, that these shall be the salaries of these officers respectively for the next fiscal year.

Mr. RANDALL. I think that is not necessary. It seems to me the point of order is avoided by striking out the words I have indicated.

Mr. REED. It does not avoid the point of order, unless it is equivalent to what I suggest.

The CHAIRMAN. Is there a motion to strike out the words indicated by the gentleman from Pennsylvania?

Mr. REED. I suggest that strictly it will be necessary for the gentleman from Missouri to propose a new paragraph, because the decision of the Chair sustaining the point of order upon this paragraph takes it out of the bill I suggest to the gentleman from Missouri that he insert after the word "respectively" the words "for the ensuing fiscal year."

Mr. BURNES. I move to amend by striking out the words suggested by the gentlemen from Pennsylvania, "after June 30, 1884."

Mr. REED. I make my point of order again upon this provision:

And all acts or parts of acts inconsistent or in conflict therewith, or which allow a larger salary to any officer or employé hereinbefore named, shall be, and the same are hereby, repealed.

The point of order remains the same.

The CHAIRMAN. The Chair is of the opinion with the words stricken out there is no affirmative declaration in this act which will apply to other officers than those for the present year.

Mr. REED. Permit me. Here is the last clause:

And all acts or parts of acts inconsistent or in conflict therewith, or which allow a larger salary to any officer or employé hereinbefore named, shall be, and the same are hereby, repealed.

Now, that is not a repeal *pro tanto*. It is an absolute repeal, and is within the decision of the Chair. If the first clause was in order the Chair would be correct; but taking the last clause, that is a general repealing act.

The CHAIRMAN. But repeals nothing inconsistent with this act. There is nothing inconsistent with this act affecting the compensation of officers for any other year than this year, as the Chair understands the bill.

Mr. REED. But it being once inconsistent this clause causes it to be repealed, and if repealed it is repealed altogether.

The CHAIRMAN. The Chair unfortunately differs from the gentleman from Maine as to the construction of the act with those words out, and overrules the point of order.

Mr. BURNES. By consent those words are to be taken out.

The CHAIRMAN. So the Chair understands, there being no objection.

The Clerk read as follows:

After June 30, 1884, consuls-general and consuls appointed to the ports and places hereinafter named shall be entitled to annual salaries, respectively, of such amount to each as Congress may annually appropriate; and the President may substitute a commercial agent or a consul-general for any consul at any port or place named in Schedule B or C, and pay the appropriated salary of any such consul to such substitute; and hereafter said schedules and the appropriations for the payment of consuls-general and consuls shall read as follows.

Mr. REED. I make the point of order in regard to that paragraph.

The CHAIRMAN. The gentleman will state it.

Mr. REED. The point I desire to make is this: The paragraph states, after June 30, 1884, consuls-general and consuls appointed to the ports and places hereinafter named shall be entitled to annual salaries, respectively, of such amount to each as Congress may annually appropriate. Now, there is as I understand an existing law conferring upon consuls particular salaries. That law it is proposed to repeal.

Under the rules of this House the whole subject of foreign affairs, the fixing of salaries of consuls as distinguished from the annual appropriations to be made for the same, is under the control of the Committee on Foreign Affairs, but this amendment of the law takes the whole subject out of the control of the Committee on Foreign Affairs and places it in the hands of the Committee on Appropriations. I mention that not because of its reference to the point of order directly, but because it is descriptive of the action and shows the Chair the whole point in the case. The law now fixes certain rates of salary, and this proposes to fix them annually in the appropriation bill. That is, it is a change of existing law and not merely in reference to this bill, but to all future bills in the House. That being opposed to existing law, it is perfectly evident there is no point of retrenchment which can be suggested, because there is no reason to suppose there will be any.

Mr. CANNON. I hope we may have order.

Mr. REED. The point I was trying to make, if the Chair pleases, is this: It is necessary there should be retrenchment possible on the face of the proposed change of law, and that retrenchment should be commensurate with the change. Now, no man can say there is any retrenchment in transfer of the appropriations from the law as it now exists to the appropriation bills of future Congresses. The Chair has already settled the principle upon which this clause must go out.

Mr. RANDALL. I must confess I see a difficulty about this provision which has not yet been alluded to. I fear if it is inserted it might be within the range of permitting some subsequent Congress to raise salaries contrary to the rule. But I wish to remind the gentleman from Maine this very language appears in the law for the current year.

It was not objected to at the time. I think it was in the last appropriation bill.

Mr. HISCOCK. I believe it is in the last appropriation bill.

Mr. RANDALL. It comes as a legacy from the last Appropriations Committee. We have merely repeated it in this act.

Mr. HISCOCK. I wish to say in reference to the salaries fixed last year they were substantially agreed to by the Committee on Appropriations and the Committee on Foreign Affairs. I am not mistaken that in almost every instance they were agreed upon by the two committees. I might also say in this connection that, as far as my memory serves me, there was no objection from the other side of the House.

Mr. RANDALL. Because we had great confidence in you.

Mr. HISCOCK. Thank you.

Mr. RANDALL. I mean what I say in that respect.

The CHAIRMAN. It occurs to the Chair that under this language it is perfectly plain that any law which now exists fixing the salaries of these officers is repealed by the provision under consideration, and that a future Congress would have no guide, but could reduce or increase these salaries at pleasure.

The Chair is not familiar with the appropriation bill referred to, but will ask the gentleman from New York if it is his understanding that the last bill contains this clause?

Mr. HISCOCK. My recollection is that it does, or that it is the law of some previous year.

Mr. REED. Then this is not in opposition to the existing law?

The CHAIRMAN. The Chair has no information upon that subject, except such as may be furnished by gentlemen themselves.

Mr. REED. But this whole bill has been discussed upon the basis of the law established in 1879, and if that be true that this provision existed in a law subsequent to that period, then there has been a misapprehension somewhere.

Mr. RANDALL. I do not care whether the provision here referred to goes out or not.

Mr. REED. But what I say is that if these salaries are not based upon the law of 1879 all of the talk which has been had about this special law of 1879 is incorrect. But I heard these gentlemen of the Committee on Foreign Affairs discussing the question from that standpoint and got my information from them.

Mr. RANDALL. I have, of course, nothing to do with the fact to which the gentleman from Maine refers; but the objection I have made, it seems to me, must be manifest to any person upon consideration.

The CHAIRMAN. The Chair will ask to have pointed out the provision of the law——

Mr. BURNES. In order to settle this matter I will propose to strike out the following words:

Of such amount to each as Congress may annually appropriate.

And insert—

Shall be entitled to salaries respectively, as follows.

That will obviate the objection of the distinguished gentleman from Maine.

Mr. REED. That confirms my objection.

Mr. HISCOCK. It seems to me, Mr. Chairman, that the only effect of either of these provisions is to prevent a subsequent Congress, if they see fit to do so, from increasing the salaries of some of these officers.

Mr. RANDALL. Let me interrupt the gentleman to say that I am not clear on that point, whether they would not have power to increase them under the law; and the objection to it, if that be so, would be that it would vacate a rule of the House in that respect which has operated so beneficially.

Mr. HISCOCK. It must be apparent to the gentleman from Pennsylvania, whose experience in this connection has been large, that it is absolutely necessary at times to change the compensation paid to officers of the diplomatic and consular service. It seems to me it would be bad legislation now to put into this bill, in view of the radical reductions which have been made by the committee this year—that it would be unwise to put in here, since those reductions are recommended, a provision that would render it impossible for the next or any subsequent Congress to increase these salaries if they sought to do so. Of course if this permanent legislation remains they would go out on the point of order.

Mr. RANDALL. I want to correct a statement which I made. I learned from a member of the Committee on Appropriations that the provision to which reference was made was in the law of last year. But I find upon a personal examination of the statutes that it does not there appear.

Mr. HISCOCK. It will be found in a previous year.

Mr. RANDALL. Possibly in a previous year; but my information came to me, as I have said, from a member of the committee, who was evidently mistaken, for upon an examination of the law I do not find it.

Mr. HISCOCK. Perhaps it is true that we put it into the first consular and diplomatic bill prepared by the committee, and since it was permanent legislation the second bill prepared upon the same basis did not contain the provision. It would not be deemed necessary if in a previous bill.

Mr. CANNON. I think that the gentleman from New York will find on an examination that the provision is not in either bill. I have examined both and I find no law since 1879 relating to the subject that changes the original law.

Mr. RANDALL. I only wanted to correct myself in the same presence and as fully and completely as I could in view of the statement I had originally made on information.

Mr. REED. I will now, after all of this explanation, withdraw the point of order.

The CHAIRMAN. The point of order being withdrawn, the Clerk will read.

The Clerk read as follows:

SCHEDULE B.

For salaries of the consuls-general at London, Paris, Havana, and Rio de Janeiro, at $6,000 each, $24,000.

Mr. HITT. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 100 insert the following:
"For salary of the agent and consul-general at Cairo, $5,000."

Mr. HOLMAN. I desire to reserve the point of order, not knowing what the existing law is on this subject.

The CHAIRMAN. The point of order is reserved.

Mr. REED. I object to the point of order being reserved. Let us have the point of order made and know what we are going on.

Mr. HOLMAN. I am not sure what the state of the law is on the subject.

The CHAIRMAN. The Chair has no information as to that.

Mr. HITT. The amendment I offer is copied from the appropriation act for the current year. It is part of the existing law.

The CHAIRMAN. Unless the gentleman from Indiana shows that the amendment would change existing law the Chair can not sustain the point of order.

Mr. HOLMAN. I do not say it changes the law. I presume if the last act appropriated for this office it might be fairly inferred it was authorized by some statute; and the gentleman from Illinois states it is appropriated for in the last appropriation bill.

Mr. HITT. The amendment is framed in the language of the act which is now the law.

Mr. HOLMAN. I do not press the point of order.

Mr. HITT. Our representative in Egypt at this time is by the present bill stricken from the list of diplomatic agents. Instead of a consul-general and diplomatic agent we have substituted here a consul at Cairo, receiving a compensation of $2,000. The importance of the office has been recognized by many Congresses in succession. It has been long established. There is a vast number of our countrymen who visit that region every year. The government there, though it is nominally a part of the Turkish Empire, is in fact an entirely independent government; and all the other powers of the world are represented there by diplomatic agents. If we should withdraw ours we put ourselves in a peculiarly inconsistent position.

Americans in that country by the capitulations and treaties are exempt from the operation of local law; and this officer, this consul-general and diplomatic agent, is a judge over Americans who are defendants in criminal cases. At the same time there is a mixed tribunal there, or a commission, made up of men of different countries, with the assent of the Egyptian Government, to which we have named several judges—Americans—who sit on that commission. Those judgeships become from time to time vacant. If we withdraw our diplomatic agent we make an end of diplomatic relations with the Government of the Khédive, and he will certainly fill the place of the next American who drops out by a man from Italy, Spain, Austria, or some other nation, and hereafter Americans in that country will cease to have a judge who is an American to pass upon their interests, but will be judged wholly by foreigners.

There are many duties which devolve upon this officer as the chief of the consulates in Egypt. I believe there are nine consular posts in Egypt under his supervision. The business in that aspect is of some, though not great, importance. But the primary and great duty of that officer is to look to the rights of American citizens, who are in that country in considerable numbers. His diplomatic duties concern our relations with Egypt and have of late dealt with all the body of questions relating to the Suez Canal and its effects upon our interests and commerce there and elsewhere.

I do not know whether it is worth while, with the evident determination of the majority here, to move to continue this officer. But I do my duty in offering this amendment, believing the post to be one of great importance, that belief coinciding with the judgment of many Congresses that have gone before us.

Mr. BURNES. I have noticed that in all the papers that have come to this House from the State Department—and I confess I have noticed something of the same spirit in the argument of the gentlemen on the other side—I have noticed that in the advocacy of missions or legations the argument is used that we have delicate commercial interests to be subserved. Now that we have passed from the ministerial portion of the bill, I find that the argument comes that we have delicate diplomatic functions at Cairo and at places where we should suppose commercial interests had only to be considered.

I wish to call the attention of the committee to the most startling and wasteful expenditure of money that has ever been made by any State Department that I can find any record of since the beginning of this Government. I propose to call the attention of this committee to an outrage and a shame.

As to this consulate at Cairo, it should be stated, Mr. Chairman, to the committee that Egypt and Cairo are subject to the Ottoman Empire; that the Ottoman Empire in turn is dominated by England, as we all know. Therefore, if we have any diplomatic labors to perform as to that country, in God's name let us perform them either at Constantinople or London. What diplomatic relations can we have with the inhabitants of Cairo? Have they a government there that amounts to anything, a government that can act upon any international question? None whatever. Then we need no diplomacy there. Let our minister at Constantinople attend to our business in Egypt, because that country is subject to the domination of the Ottoman Empire.

But, sir, a consulate has been maintained at Cairo. And to give character to the consul or consul-general it is said that he is a diplomatic agent, whatever that is. What have we done in the way of supporting that diplomatic agent? First, he has had a salary of $5,000 a year; next, we have allowed him for clerk-hire $1,200 a year; then for contingent expenses, G. P. Pomeroy, consul-general, $254.87; contingent expenses, Comanos, vice-consul-general, $129.52; other contingent expenses, $2,505.48; lost by exchanging money in sending his returns home, $161.11; compensation while waiting instructions, $1,657.62; expenses of interpreters, guards, &c., $500; loss by exchange $4.52.

The business of this consulate for three-quarters of the year—because this diplomatic agent was not able in the press of business to report for the last quarter of the year ending June last—the business for three-quarters of the year was $202.50, while the expenditures were $11,413.12. I ought to say that recently, since it was seen that these matters were to be seriously and soberly looked into, a report has come for the remaining quarter of the year, and it swells the receipts from the diplomatic agent and consul-general at Cairo to the amount of $359.50.

I find from the report of the Fifth Auditor that that consul-general has afforded no relief whatever to seamen, has collected no wages for seamen. In short, I defy the gentleman to show that he has done anything except to spend this vast amount of money and to protect a few distinguished travelers from America, and perhaps extend hospitalities to Arabs down there on the banks of the Nile. This is the consul-general, the diplomatic agent of this great Government, who is to be maintained at a place dominated by two other countries, and which is of no more diplomatic importance than the far-off islands of the Arctic Ocean.

Mr. CANNON. I have listened to my friend from Missouri [Mr. BURNES], as I always do, with interest. I have also listened to my friend from Illinois [Mr. HITT], who has had great experience in connection with the foreign service of this Government, having been for some years at Paris, later Assistant Secretary of State, and still later a member of this House and a member of the Committee on Foreign Affairs. In my opinion he has had opportunities for a better practical as well as theoretical knowledge of our foreign affairs, not deriving that knowledge merely from three months' time, more or less, spent in the preparation of an appropriation bill, but having passed a good part of his lifetime in our foreign service.

I was interested in his statement in regard to the duties of our consul-general at Cairo. I had understood before, but I understand it more clearly now, that the consul-general at Cairo is not only a consul but a judge. It is true he does not collect fees, as my friend from Missouri complains, nor does he relieve shipwrecked seamen. If I recollect aright Cairo is away up the river Nile, and if there were any seamen to be relieved they would have to go up there on wagons or on donkeys.

The duty of this consul-general is to act as consul and as judge under our treaties. When you take him away you say to the American citizens there resident that they shall not have the protection which our country has granted to them by treaty and by law, whether they be permanent residents there or merely travelers.

Now I do not want to say anything further about this matter. I do not think I have said anything that will affect this Committee of the Whole. I think this bill is to stand, perhaps from beginning to end, at least in these particulars, as it was reported by the Committee on Appropriations, after the investigation given to it by my friend from Missouri of three months, more or less. And I do not think that although an angel might come down with all knowledge of the past and of the present and of what is to be in the future, and should demonstrate the crying necessity for the law and the service to remain as it is in this and other respects, he would have as much effect upon this House as a man would have on the rock of Gibraltar if he stood there and tilted broom-straws against it.

Mr. LAIRD. I have heard the statements made by the two gentlemen from Illinois [Mr. HITT and Mr. CANNON], and I would like to ask the gentleman in charge of the bill [Mr. BURNES] what are the facts in regard to the duties of the consul-general at Cairo?

Mr. BURNES. In answer to the gentleman from Nebraska [Mr. LAIRD] I beg to say that we provide a consul for Cairo, and so far as I understand that consul can attend to all the duties that need to be attended to at that place.

I regret that the gentleman from Illinois [Mr. CANNON] failed to notice one of the most material points involved in this discussion. My other distinguished friend from Illinois [Mr. HITT], when he yesterday suggested a defense of the administration with regard to the proposed consul-general at Apia, said that the $1,138 paid to him while awaiting instructions was paid to him for a different purpose; that the law allowed him a salary for traveling so many thousand miles, and that the $1,138 was for traveling.

I call attention to this expenditure because an answer to the one case is an answer to both. Here, likewise, is an expenditure of $1,657.62 while awaiting instructions. In answer to the gentleman from Illinois let me say that by turning to the statutes he will observe that the Secretary of State is authorized to allow a salary to the consul-general to Apia for seventy days while traveling and for thirty days while awaiting instructions, and nothing more.

I have not looked to see how many days it takes to travel to Cairo; I presume it does not take seventy. Now if you will consider what this man is entitled to under the law and under the instructions of the Secretary of State you will see with what profligacy or carelessness the money of the Government is handled. Here is over $1,600 paid to this man when there was no possible legal right to justify the payment of one-half or even one-third of that amount.

I have called upon the Department and upon friends of the Department to give me information, to answer these questions in a plain, business-like way. Business is business. If the Department has paid $1,600 for nothing to a man not entitled to it, why should not the Department say so? Why should it not admit that it is careless in the management of business, and that it needs the strong arm of this Congress to hold it in the line of duty? I want these gentlemen to answer these questions: Is it true, or is it not true, that seventy days are allowed to Apia? Is it true, or is it not true, that less than seventy days are allowed to Cairo? Is it true, or is it not true, that twice the money the law allows has been paid to each one of these consuls-general?

Now will you maintain a consul-general who is thus stained with the taking of illegal fees, with the taking of illegal salary, with the squandering of the public money, who has done nothing so far as we can see but entertain Americans traveling abroad?

Mr. Chairman, I shall not grieve if this House sees proper to send this man back with this salary of $5,000, aggregating with expenses, &c., $11,413. I shall not complain of such action; but I ask members of this committee to prepare themselves to give some sensible reason to the honest, plodding, thoughtful business men of this country who expend their means fairly and honestly, who pay their debts, who pay nothing but what is right and proper, and who expect us to pay nothing but what is right and what is sanctioned by the law.

Mr. HISCOCK. I think I have heard some gentleman inquire what are the duties of the consul-general at Cairo. I have before me the Revised Statutes, and I desire to call the attention of the gentleman from Missouri to this provision:

SEC. 4083. To carry into full effect the provisions of the treaties of the United States with China, Japan, Siam, Egypt, and Madagascar, respectively, the minister and the consuls of the United States, duly appointed to reside in each of those countries, shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such treaties, respectively, be invested with the judicial authority herein described which shall appertain to the office of minister and consul, and be a part of the duties belonging thereto, wherein and so far as the same is allowed by treaty.

SEC. 4084. The officers mentioned in the preceding section are fully empowered to arraign and try, in the manner herein provided, all citizens of the United States charged with offenses against law committed in such countries, respectively, and to sentence such offenders in the manner herein authorized; and each of them is authorized to issue all such processes as are suitable and necessary to carry this authority into execution.

I read further:

SEC. 4085. Such officers are also invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, in regard to civil rights, whether of property or person; and they shall entertain jurisdiction in matters of contract, at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed, and in all other matters, at the port where, or nearest to which, the cause of controversy arose, or at the port where, or nearest to which, the damage complained of was sustained, provided such port be one of the ports at which the United States are represented by consuls. Such jurisdiction shall embrace all controversies between citizens of the United States, or others, provided for by such treaties, respectively.

These duties are a part of the jurisdiction of these officers, so that unless these positions are maintained citizens of the United States whose rights are in question in these countries must be turned over to the tender mercies of the judges of the local courts of the respective countries. By treaty stipulations we have retained jurisdiction of questions affecting the rights of our own citizens; and it is proper we should provide for the settlement of such controversies. I will add that a man performing these duties must be learned in the law, must be a man of considerable ability.

Mr. HITT. I will state as a practical fact that the provisions of this treaty and many similar treaties have by agreement been extended to civil cases involving the rights of American citizens which may come before the mixed courts, where American judges sit beside Italian, Austrian, English, and French judges named by the respective gov-

ernments which are participants in the mixed tribunals and paid for and supported by the Egyptian Government. The criminal jurisdiction of our consul-general and diplomatic agent remains unimpaired. He is the man to whom Americans in that country must look for the protection of their personal rights.

Inquiry having been raised by my friend from Missouri in regard to Apia, I desire to say (though it may not be germane to the amendment) that the $1,100 which appeared as drawn by the officer while "awaiting instructions" was an erroneous entry in description, and was money paid to him for thirty days during which he drew salary while receiving instruction, and also the transit period allowed by law, seventy days, the two periods making over a quarter of a year, and the whole sum increased by the difference of exchange between this country and Apia. That as to the charge in regard to the officer in Egypt, the circumstances are so similar that——

[Here the hammer fell.]

The question being taken on the amendment, it was not agreed to.

The Clerk read as follows:

For salaries of the consuls-general at Melbourne, Berlin, Panama, and Kanagawa, at $4,000 each, $16,000.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 103 strike out the word "Melbourne;" and strike out the word "sixteen," in lines 104 and 105, and insert the word "twelve;" and after the word "dollars," in line 105, insert the words "for the salary of the consul-general at Melbourne, forty-five hundred dollars."

Mr. CANNON. Mr. Chairman, I do not desire to talk about this amendment. I am ready for a vote.

The amendment was not agreed to.

The Clerk read as follows:

For salaries of the consuls-general at Frankfort, Montreal, Vienna, and Bucharest, at $3,000 each, $12,000.

Mr. CANNON. I move the following amendment.

The Clerk read as follows:

Strike out the word "Montreal," in lines 106 and 107, and the word "twelve" in line 108, insert in lieu thereof the word "nine;" and insert after the word "dollars," in line 108, the words "for the salary of consul-general at Montreal, $4,000."

Mr. CANNON. The object of that amendment is to leave the salary as it now is under the law. I do not propose to discuss it.

The amendment was rejected.

The Clerk read as follows:

For salaries of the consuls-general at Saint Petersburg, Constantinople, Halifax, Mexico, and Rome, at $2,000 each, $10,000.

Mr. CANNON. I move the following amendment:

The Clerk read as follows:

Strike out the words "Constantinople," "Halifax," and "Rome," in line 110, and the word "ten," in line 111, and insert in lieu thereof the word "four;" and after the word "dollars," in line 111, insert the following: "For the salaries of the consuls-general at Constantinople, Halifax, and Rome, at $3,500 each, $10,500."

Mr. CANNON. The object of the amendment is to enable these consuls to receive the salaries they now receive under the law. And that is all I desire to say.

The amendment was rejected.

The Clerk read as follows:

For salary of the consul at Hong-Kong (Great Britain), $5,000.

Mr. CANNON. I move the following amendment:

The Clerk read as follows:

After the word dollars, in line 115, insert the words "for the salary of consul at Honolulu, $4,000.

Mr. CANNON. The object of the amendment is to provide for the salary of the consul-general at Honolulu. There has been one there for several years, and the bill makes no appropriation for it; that is all.

The amendment was rejected.

The Clerk read as follows:

For salaries of consuls at Canton, in China, and Amoy, in China, at $3,500 each, $7,000.

Mr. CANNON. I move the following amendment.

The Clerk read as follows:

Strike out the words "in China," in line 118, and insert the words "Foochow," "Hankow," "Tien-Tsin," "Chin-Kiang," "Ningpo;" and after the word "China," in line 119, insert the words "Callao, Peru," and strike out the word "seven," in line 119, and insert "twenty-eight."

Mr. CANNON. The object of the amendment is to maintain the salaries of the consuls named as they are now by law, and have been for thirty years.

I wish to say a single word about Callao. It is put down at $2,500 in this bill. It is $3,500 under the present law, at which figure I propose it shall be continued. It is an important consulate, and the consul who fills it, in view of his health, must live some distance back in the country. It is a yellow-fever post. A former member of this House, my predecessor, a brigadier-general in the Union Army, Joshua H. Moore, was appointed about eighteen months ago as consul to Callao. He went down there, and while performing his duties was attacked by and died of yellow fever.

The duties of this place are important, and you cannot get a proper American representative for less than $3,500 a year. That is all I desire to say.

Somebody asks, is it a naval station. Oh, yes; it is a naval station.

The amendment was rejected.

The Clerk read as follows:

Class IV: At $2,500 per annum:

For salaries of consuls at Callao, Peru; Antwerp, Belgium; Singapore, Great Britain; Tunstall, Great Britain; Birmingham, Great Britain; Sheffield, Great Britain; Dundee, Great Britain; Leith, Great Britain; Nottingham, Great Britain; Athens, Greece; Marseilles, France; Bordeaux, France; Lyons, France; Cienfuegos, Spanish dominions; Smyrna, Turkish dominions; Hamburg, Germany; Bremen, Germany, and Dresden, Germany, at $2,500 each, $45,000.

Mr. CANNON. I move the following amendment.

The Clerk read as follows:

After the word "Cienfuegos" insert the words "Santiago de Cuba," and after the word "Germany," in line 141, insert the words "St. Thomas, Danish dominions."

Mr. CANNON. The object of the amendment is to leave the salaries as they are.

The amendment was rejected.

Mr. CANNON. I move, in line 138, before the word "Athens," to insert "Victoria, British Columbia;" and in line 142, strike out "$45,000" and insert "$47,500."

Mr. RANDALL. That will be a saving to the Government.

Mr. BURNES. I agree to that amendment.

The amendment was adopted.

The Clerk read as follows:

Class V.—At $2,000 per annum:

For salaries of consuls at Dublin, Great Britain; Leeds, Great Britain; Toronto, Great Britain; Saint John, Great Britain (New Brunswick); Kingston, Great Britain (Jamaica); Nassau, Great Britain (New Providence); Cardiff, Great Britain (South Wales); Sydney, Great Britain (New South Wales); Santiago de Cuba, Spanish dominions; Sagua la Grande, Spanish dominions (Cuba); San Juan, Spanish dominions (Porto Rico); Rotterdam, Netherlands; Sonneberg, Germany; Nuremberg, Germany; Barmen, Germany; Cologne, Germany; Chemnitz, Germany; Leipsic, Germany; Crefeld, Germany; Trieste, Austria-Hungary; Prague, Austria-Hungary; Palermo, Italy; Basle, Switzerland; Zurich, Switzerland; Acapulco, Mexico; Matamoras, Mexico; Pernambuco, Brazil; Maracaibo, Venezuela; Montevideo, Uruguay; La Paz, Bolivia; Saint Thomas, Danish dominions (West India Islands); and Cairo, Turkish dominions, at $2,000 each, $64,000.

Mr. CANNON. I move the following amendment:

The Clerk read as follows:

After the word "at," in line 144, insert "Port Louis, Tangier, Tamatave, Odessa, Cork, Hamilton, Beirut."

Mr. CANNON. The object of the amendment is the same as before.

The amendment was disagreed to.

Mr. RAY, of New Hampshire. I move at the end of line 146 to add Coaticook, Canada.

I simply desire to say, Mr. Chairman, in support of this amendment that the town of Coaticook, Canada, is located near the boundary line of Vermont and New Hampshire, being only about ten miles distant, as I understand. It is quite a large town, a place of considerable commercial importance, where an extensive business embracing various kinds of trade is carried on, in which the people on both sides of the ine are more or less interested. A consulate has been established there or upward of twenty years, located on the Grand Trunk Railway of Canada, over which the larger proportion of freight from Canada destined for New England comes into the United States. It is a place at which the custom-house for that section of the Dominion of Canada has long been established. For several years our consul at that point has been paid an annual salary of $2,000. There is no appropriation in this bill for the consul at Coaticook; therefore, Mr. Chairman, I have moved the amendment appropriating $2,000 therefor for the next fiscal year.

My judgment, formed from a long acquaintance with that section of the province, is that a consulate is needed at Coaticook as much or more than at Sherbrooke. The International Railway, so called, I believe, forms a junction with the Grand Trunk Railway at Lennoxville, a town lying between Sherbrooke and Coaticook, and that region of country known as the eastern townships of Canada is a section with which the people of Vermont and New Hampshire have an extensive commercial intercourse. In view of the amount of traffic over the Grand Trunk Railway passing through Coaticook, and the further fact that there is quite a large population east of Sherbrooke, which will be more conveniently accommodated in the transation of business at the Coaticook consulate, it will be unwise to abolish the office at Coaticook. It is true perhaps that the Sherbrooke and Coaticook offices might be consolidated into one, but some officer of the United States, a consul or a consular or commercial agent, is required at Coaticook quite or nearly as much as at Sherbrooke.

The district which centers at Coaticook was divided when the commercial agent was recently appointed at Sherbrook and the larger section assigned to him by the State Department; hence the revenues formerly accounted for from Coaticook, amounting to several thousand dollars yearly, have been very largely collected at the Sherbrook office, at which point the agent is now paid by fees. It seems to me, sir, in view of the situation, this bill ought to contain the usual appropriation for the consulate at Coaticook.

Mr. BROWNE, of Indiana. Will the gentleman from New Hampshire

be kind enough to inform the House what is the distance from Sherbrook to Coaticook?

Mr. RAY, of New Hampshire. Between twenty-five and thirty miles, I think. I will state to the gentleman from Indiana that the important town of Lennoxville, where the International Railway of Canada connects with the Grand Trunk, is between Coaticook and Sherbrooke, also Compton; and my own impression is the people of those places, and those dealing with them, having business to transact with the United States consul will be more conveniently and better accommodated at Coaticook than elsewhere.

Mr. BROWNE, of Indiana. Will the gentleman from Missouri allow me to ask him whether this bill intends to abolish the consulate at Coaticook?

Mr. BURNES. Yes, sir.

Mr. CANNON. It is not provided for in the bill.

Mr. BROWNE, of Indiana. Mr. Chairman, from the information which I have I think that there ought to be no consulate at Coaticook. The business is better done and very properly done by the consular office at Sherbrooke. The amount done now at Coatjcook and during the last several years is insignificant. Sherbrooke is quite an important point. Its earnings have been largely in excess of the fees paid by the Government for conducting the consular business at that point. Sherbrooke is a profitable office. The other is largely unprofitable. There is but a short distance between them, and the business would scarcely warrant the keeping up of two offices. I am under the impression, from all the information I have received upon the subject, that no better can be done in this particular case than the consolidation of these two offices and allowing all to be done at the Sherbrooke office.

Mr. BURNES. Mr. Chairman, I feel compelled to say, in view of what has been stated by fair-minded, intelligent gentlemen on this side of the House—gentlemen like my friend from Indiana [Mr. BROWNE]—that had they examined the bill as carefully as I have examined it there would have been far less difference of opinion between us with reference to the recommendations which the committee have seen proper to make. In view of what the gentleman from Indiana has already said, it is almost unnecessary to speak upon this amendment to show that this consulate at Coaticook ought to be dropped.

The earnings, Mr. Chairman, at that office are shown to be but little; the business is very small; while at Sherbrooke, where there is a feed consul, the business is more profitable and properly done.

I ought to call attention to the fact, however, that our consul at Coaticook is deserving perhaps of a better fate at the hands of my Republican friends in this House, because of all the gentlemen who have made speeches upon the tariff question I think his consular report is the most thorough, so far as length, breadth, and size is concerned, upon the tariff question that I have seen. He seems to have had ample time for the consideration of political questions and no other duties to perform. His reports came in with some degree of regularity, and his business seems to have been nothing, comparatively at least. But, finally, sir, I have to become again the champion of the Secretary of State, because although he did not do it at first, I presume that the venerable and distinguished Secretary, when he saw that the committee was earnestly at work on this business and carefully at work upon it, reviewed his recommendations upon which the estimates were made in a subsequent report, and he himself suggested the abolition of this consulate at Coaticook.

With this action on the part of the Secretary and the advice of the distinguished gentleman from Indiana [Mr. BROWNE], I think it is unnecessary that more should be said.

Mr. CANNON. I want to say just a word. I did not move to insert "Coaticook," the Chair will recollect.

The CHAIRMAN. The gentleman from New Hampshire [Mr. RAY] offered the amendment.

Mr. CANNON. I do not believe it ought to be inserted, and the Secretary of State has substantially said so, and the consul himself has said so. My friend from Missouri seems to intimate the probabilities are that this consul and the Secretary heard he was coming with his shears, and therefore, like Crockett's coon, they came down. Perhaps that may be true. But I am a member of the committee with the gentleman from Missouri. This report was made in Executive Document 121 on the 20th of last March. And some time prior to that the consul at Coaticook transmitted his communication.

Now, the consul away up at Coaticook might have known my friend was after him. But I pledge my friend my word I did not know he was going for Coaticook until about a week ago, when he introduced the bill; and I doubt if even the Secretary of State was psychologist enough to know my friend was going for Coaticook. But he did, and the Secretary of State, anticipating he would go for it, on the 20th of March said substantially it should be gone for, and so did the consul prior to that time.

Mr. BURNES. I beg to add I was always imprudent and thoughtless in suggesting matters that might be prejudicial to myself. I did not know, but I might have known, the moment I suggested to my colleague from Illinois the attitude this gentleman maintained on the great question disposed of the other day that my friend would come to his defense. He comes now to the defense of Coaticook since he learns that this gentleman has been writing able articles on the subject of the protective tariff.

Mr. CANNON. I merely want to say further that possibly it may be true that my friend from Missouri has given voice now to his feeling about the consulates of this country when he censures the consul at Coaticook. But when the consul at Coaticook and all these other consuls about the world perform the duty incumbent upon them under the law to report the facts as to the trade and commerce of the countries where they represent this Government, and when those facts militate against the revenue notions of the gentleman from Kentucky or of the majority on that side, that is no good reason for dismissing a consul from office or abolishing the consulate.

I did not know, and would not have intimated before, that my friend was thinking about the question from that standpoint. But possibly that may be an explanation of the animus of the gentlemen on the other side in going for these consuls; because forsooth the facts there reported may militate against the revenue notions which many of the gentlemen entertain on that side.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New Hampshire.

The amendment was not agreed to.

MESSAGE FROM THE SENATE.

The committee rose informally, and Mr. HUNT took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 862) for the relief of Uriel Crocker; and

A bill (S. 1885) for the erection of a public building at Wilmington, Del.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read the following paragraph:

Class VI: At $1,500 per annum:

Cork, Great Britain; Newcastle, Great Britain; Auckland, Great Britain; Cape Town, Great Britain (Africa); Charlottetown, Great Britain (Prince Edward Island); Kingston, Great Britain; Prescott, Great Britain; Port Sarnia, Great Britain; Saint John, Great Britain (Canada); Hamilton, Great Britain (Canada); Barbados, Great Britain; Bermuda, Great Britain; Fort Erie, Great Britain; Amherstburg, Great Britain (Canada West); Windsor, Great Britain (Canada West); Winnipeg, Great Britain; Odessa, Russia; Tamatave, Madagascar; Beirut, Turkish dominions; Tampico, Mexico; El Paso del Norte, Mexico; Martinique, French dominions; Guadeloupe, French dominions; Cadiz, Spanish dominions; Malga, Spanish dominions; Verviers and Liege, Belgium; Geneva, Switzerland; Munich, Germany; Stuttgart, Germany; Mannheim, Germany; Aix la Chapelle, Germany; Amsterdam, Netherlands; Genoa, Italy; Naples, Italy; Milan, Italy; Leghorn, Italy; Florence, Italy; Messina, Italy; Laguayra, Venezuela; Puerto Cabello, Venezuela; Bahia, Brazil; Para, Brazil; Manila, Philippine Islands; San Domingo, San Domingo; Guayaquil, Ecuador; Tegucigalpa, Honduras; Santiago de Guatemala, Guatemala; San José, Costa Rico; Managua, Nicaragua; San Salvador, Salvador; Asuncion, Paraguay; and Quebec, Great Britain, at $1,500 each, $78,000.

I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 169, after the word "Britain," insert "Clifton, Great Britain."
And in line 187 strike out "$78,000" and insert "$79,500."

Mr. HISCOCK. I do not suppose the gentleman in charge of the bill will oppose that amendment.

Mr. RANDALL. The effect of this amendment is to transfer this consulate from class 7, at $1,000, to class 6, at $1,500.

Mr. HISCOCK. Yes, sir; it merely changes the class.

Mr. BURNES. I find that Clifton was omitted from the list in class 6 in consequence of a principle adopted by the committee, that where an officer had proved himself derelict or not prompt and faithful in the discharge of his duties some notice should be taken of it in a way he should remember. We were under an apprehension that this consul had not made his report. Upon further information it seems that the absence of his report arose through an error in the office of the Department at the time of the printing of the reports, and that this consul was not censurable as we supposed. I feel authorized, therefore, following the principle recognized in the matter, to accept the amendment of the gentleman from New York.

Mr. RANDALL. The effect of the amendment is to add $1,500 to the total of this paragraph and to reduce the total of the next paragraph $1,000.

Mr. HISCOCK. The total of this paragraph will be $79,500.

The amendment was agreed to.

Mr. HITT. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert in line 163, after the words "Great Britain," the words "Mahé, Seychelles, Malta, Great Britain, Copenhagen, Denmark."

Mr. HITT. That amendment will make this bill comply in its terms with the provisions of the present law. I have no further remark to make.

Mr. BURNES. I would suggest to my friend from Illinois [Mr. HITT] that Copenhagen has already been provided for by authorizing the appointment of a minister resident and consul-general there. I presume he does not want a consul there in addition to a consul-general.

Mr. HITT. I do not agree with my friend in the policy of making the minister resident there also a consul-general. I believe he should be wholly a diplomatic officer and that the consul should be a different individual. What I would prefer, and the amendment I offer is a movement in that direction, is to establish a consul there.

Mr. BURNES. This is another instance in which I agree with the Secretary of State, and the gentleman from Illinois differs from the Secretary of State.

The question was taken upon the amendment of Mr. HITT, and it was not agreed to.

Mr. CANNON. I move to amend the paragraph by inserting after the words "Great Britain," in line 171, that which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

After the words "Great Britain," in line 171, insert the following words: "Bristol, Gibraltar, St. Helena, Port Stanley, Clifton, Pictou, Goderich, Southampton, Ceylon, Antigua, Saint Stephen's, Great Britain, Nice, French dominions, Barcelona, Spanish dominions, Fayal, Funchal, Portuguese dominions, Jerusalem, Turkish dominions, Mahé, Malta, Copenhagen."

The amendment was not agreed to.

The Clerk read the following:

SCHEDULE C.

Class VII: At $1,000 per annum:

For salaries of consuls at Bristol, Great Britain; Gibraltar, Great Britain; St. Helena, Great Britain; Port Stanley, Great Britain (Fiji Islands); Clifton, Great Britain; Pictou, Great Britain (Nova Scotia); Goderich, Great Britain (Canada West); Southampton, Great Britain; Ceylon, Great Britain; Antigua, Great Britain; St. Stephen's, Great Britain; Nice, French dominions; Barcelona, Spanish dominions; Fayal, Portuguese dominions (Azores); Funchal, Portuguese dominions; Jerusalem, Turkish dominions; Windsor, Great Britain (Nova Scotia); Bombay, Great Britain (India); Sierro Leone, Great Britain (Africa); Turk's Island, Great Britain; Nantes, French dominions; Algiers, French dominions; Venice, Italy; Cape Haytien; Batavia, Netherlands; Rio Grande do Sul, Brazil; Ruatan and Truxillo, Honduras, to reside at Utila; Guaymas, Mexico; Nuevo Laredo, Mexico; Piedras Negras, Mexico; Zanzibar, Muscat; Santiago, Portuguese dominions (Cape Verde Islands); Tahiti, French dominions (Society Islands, Pacific Ocean); Talcahuano, Chili; and Ghent, Belgium, at $1,000 each, $35,000.

Mr. BURNES. In order to make this paragraph correspond with the amendment adopted in the preceding paragraph, I move to strike out the words "Clifton, Great Britain," in line 192, and also to reduce the total named at the end of the paragraph from $35,000 to $34,000.

The amendment was agreed to.

Mr. HITT. I move to insert what I send to the Clerk's desk, to come in after the paragraph just read.

The Clerk read as follows:

For consular officers not citizens of the United States filling vacancies or replacing officers absent by authority of the State Department, $10,000.

Mr. HITT. That is an appropriation specially made each year and has for many years been made by Congress for the compensation of those persons, usually vice-consuls of the United States, whom consuls and other officers of the United States are compelled to employ, or whom the Department appoints to serve while consuls are absent, or temporarily to take the places of those who have died.

Under our law an ordinary consular officer cannot receive any pay without taking the oath of allegiance. That prohibits all foreigners from receiving any pay for services rendered as consuls. Unless this special appropriation is made these vice-consuls who are necessarily employed at many places throughout the world where there are no resident Americans, and where the compensation is so low that no American can be induced to go there, can not be paid. With this appropriation they can be paid; otherwise there will be no means to pay these officers for services they may render.

The question was taken on the amendment of Mr. HITT, and it was not agreed to.

Mr. CANNON. I ask the gentleman from Missouri in charge of this bill [Mr. BURNES] to consent that the paragraphs included between lines 223 and 254 may be read together, so that I can offer as a substitute for them the provision contained in the appropriation bill for the current year.

Mr. BURNES. I have no objection to that.

The Clerk accordingly read as follows:

For payment of salaries to clerks at consulates-general, when actually employed, the following sums are severally appropriated:

For clerks to consulates-general at London, Paris, and Havana, at $2,000 each; at Honolulu, Shanghai, and Calcutta, at $1,000 each; at Rio de Janeiro and Berlin, at $1,200 each; at Panama, Kanagawa, and Montreal, at $800 each; at Vienna and Frankfort, at $600 each; in all, $15,000.

For payment of salaries to clerks at consulates, when actually employed, the following sums are severally appropriated:

For clerks to consulates at Liverpool, $1,500; Hong-Kong, $1,000; Chemnitz and Manchester, at $800 each; Prague, Bradford, and Glasgow, at $700 each; Belfast, Lyons, Palermo, Tunstall, and Nottingham, at $600 each; Bordeaux, Crefeld, Sonneberg, Barmen, Birmingham, Dundee, Hamburg, and Leipsic, at $500 each; Antwerp, Bremen, Colon, Havre, Nuremberg, Sheffield, and Zurich, at $400 each; in all, $16,000.

For salaries to clerks, in the discretion of the Secretary of State, at consulates or consulates-general not hereinbefore named or provided for in respect to clerical assistants, $6,000: *Provided*, That no greater portion of said sum than $400 shall be allowed or paid to a clerk or clerks at any one consulate or consulate-general: *Provided further*, That the total sum expended for the fiscal year shall not exceed the amount herein appropriated.

Mr. CANNON. I offer as a substitute for the paragraphs just read that which I send to the Clerk's desk.

The Clerk read as follows:

For allowance for clerks at consulates, $66,500, as follows:

For the consul at Liverpool, a sum not exceeding the rate of $2,500 for any one year; and for the consuls-general at London, Paris, Havana, Shanghai, and Rio de Janeiro, each a sum not exceeding the rate of $2,000 for any one year; for the consuls-general at Berlin, Frankfort, Vienna, and Kanagawa, and for the consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, Crefeld, and Chemnitz, each a sum not exceeding the rate of $1,500 for any one year; for the consul-general at Montreal, and the consuls at Bradford and Birmingham, each a sum not exceeding the rate of $1,200 for any one year; for the consuls-general at Calcutta, Port au Prince, Hayti, and Melbourne, and for the consuls at Leipsic, Sheffield, Sonneberg, Dresden, Marseilles, Nuremberg, Tunstall, Antwerp, Bordeaux, Colon (Aspinwall), Glasgow, and Singapore, each a sum not exceeding the rate of $1,000 for any one year; for the consuls at Belfast, Barmen, Leith, Dundee, Matamoras, and for consul-general at Halifax, each a sum not exceeding the rate of $800 for any one year; for the consul-general at Mexico and for the consuls at Beirut, Naples, Genoa, Stuttgart, Florence, Mannheim, Prague, Zurich, Panama, and Demarara, each a sum not exceeding the rate of $600 for any one year.

For an additional allowance for clerks at consulates, to be expended under the direction of the Secretary of State, at consulates not herein provided for in respect to clerk-hire, no greater portion of this sum than $400 to be allowed to any one consulate in any one fiscal year, $6,000: *Provided*, That the total sum expended in any one year shall not exceed the amount herein appropriated.

Mr. CANNON. I desire to say but a word or two. The Committee of the Whole will notice that by this bill the salaries of consuls are reduced all along the line. The bill also proposes to appropriate only $37,000 for clerk-hire at consulates, whereas the bill of last year appropriates $66,500, or a sum $29,500 more than is proposed to be appropriated by this bill for that purpose. In other words, we propose to burn the candle at both ends, or to cut off the head and cut off the feet, to cut both ways; to decrease the salaries of consuls and also to decrease the clerk-hire at the different consulates.

Now I do not know what this Committee of the Whole may do, though I have a strong suspicion as to what they will do. I do not believe they ought to make this proposed reduction in the appropriation for clerk-hire; I feel confident that they ought not to.

I undertake to say on my own responsibility—and I feel warranted in saying it—that as to this appropriation bill the other side of the House intends to pass it upon the expectation that the Senate will correct it.

Mr. RANDALL. As one member on this side I want to correct the gentleman on that point.

Mr. CANNON. Why, sir, it has happened before in this House and in this Committee of the Whole during this session—and I can show it by the RECORD—that when it has been proposed to concur in Senate amendments to appropriation bills gentlemen have said publicly and privately, "No, do not do that; non-concur and give us something to trade off." I am warranted in saying that these bills are largely made up from that standpoint. Now, that may be a good way to legislate; but I do not think it is.

[Here the hammer fell.]

Mr. RANDALL. I wish only to say that the effect of this amendment would be to increase the amount of the appropriation nearly $30,000.

Mr. BURNES. The gentleman from Illinois [Mr. CANNON] was singularly mistaken with regard to the amount allowed for clerk-hire. It is about $14,000 more than the gentleman is aware of.

The question being taken on the amendment of Mr. CANNON, it was not agreed to.

Mr. HENDERSON, of Iowa. I move to amend by inserting after the word "Sheffield," in line 244, the word "Genoa," and after the word "thousand," in line 245, the words "four hundred."

The object of this amendment is to maintain a clerk to the consul at Genoa at the rate of $400 per annum.

The Secretary of State in his report recommends that the consul at Genoa shall have his salary increased from $1,500 to $2,000. This recommendation was unsolicited by the consul or any friend of his, having been suggested solely by a knowledge of the duties of that office. But I made no motion to increase the salary of this consul when we were upon that paragraph. The Secretary of State recommends that this officer be allowed $600 per annum for a clerk, the same allowance now made, and which has been paid for several years. In preparing this bill the committee have overlooked or disregarded the recommendation of the Secretary of State with regard to an increase of this consul's salary, and have made no provision whatever for a clerkship, leaving this consul simply his salary of $1,500. Yesterday I telegraphed to the Secretary of State to ascertain whether the business transacted by the consul at Genoa corresponded this year with that for the year ending June 30, 1883, when the fees were $1,669. I received in response the following dispatch:

The returns from Genoa so far received show an increase of exports to the United States of nearly 100 per cent. over those of 1883.

FREDERICK T. FRELINGHUYSEN,
Secretary of State.

Now, Mr. Chairman, I urge upon the committee that this amendment of mine be adopted. I have not asked $600, only $400. This con-

sul, whom I personally know, went over there with several members of his family. He is an economical man, as I can testify, for I know that during four years, from 1861 to 1865, he lived on $13 a month. Since representing this Government at Genoa he has been obliged to draw upon his home resources in order to patch out his official allowance. He is required to give much attention to visitors as well as to the regular discharge of his official duties. I therefore appeal to the courtesy of the Committee on Appropriations and to gentlemen on both sides to assent to this amendment.

Mr. BURNES. It is almost impossible for any one to determine as to the necessity for a clerkship at any particular consulate, unless upon some special information. Therefore, wherever we have had information of the character now given by the gentleman from Iowa [Mr. HENDERSON] we have allowed a clerk. As the gentleman from Iowa bears testimony from his personal knowledge that this consul needs a clerk, I am, so far as I am concerned, perfectly willing to assent to the amendment, particularly as I understand this consul was a brave soldier for four years.

The amendment of Mr. HENDERSON, of Iowa, was agreed to.

The Clerk read as follows:

For the payment of consular clerks who may be appointed by the President in pursuance of sections 1704 and 1705 of the Revised Statutes of the United States, or so much thereof as may be necessary, $14,000.

Mr. HITT. I move, in line 259, to strike out the words "who may be," as those words create ambiguity and may lead to confusion on the part of the accounting officer. I hope the gentleman from Missouri will consent to that amendment being adopted.

Mr. BURNES. The amendment is a proper one, and I am willing it shall be agreed to.

The amendment was agreed to.

The Clerk read as follows:

For salaries of three interpreters of the Chinese language, to be assigned to such consulates as the President may direct from time to time, each one to receive $1,500, and no more, $4,500: *Provided*, That no person otherwise receiving a salary, in any capacity whatever, from the United States shall be entitled to any part of the above sum.

For salary of interpreter to the legation and consulate-general at Bangkok, $500.

Mr. CANNON. I move to strike out what has been read by the Clerk and in lieu thereof to insert the following:

The Clerk read as follows:

For salaries of the interpreters to the following consulates: at Shanghai, Tien-Tsin, Foochow, and Kanagawa, at $2,000 each, $8,000.

For salaries of the interpreters to the consulates at Hankow, Amoy, Canton, and Hong-Kong, at $750 each, $3,000.

For salaries of the interpreters to other consulates in China, Japan, and Siam, $5,000.

For interpreters, guards, and other expenses, at the consulates at Constantinople, Smyrna, Cairo, Jerusalem, and Beirut, in the Turkish dominions, $3,000.

Mr. CANNON. The present amount of salaries of interpreters to consulates carried by this bill is $5,000. The amount provided in the law this year, being the same amount provided for former years, is $19,000. This bill then shows a decrease of $14,000. From all the information I can get, if we are to utilize our consuls in Oriental countries it is necessary to have interpreters, as proposed under my amendment, which, as I have said, is the same as existing law.

The committee divided; and there were—ayes 26, noes 57.

So the amendment was rejected.

The Clerk read as follows:

For salaries of six marshals of consular courts, at $1,000 each, as follows: One for all such courts in Japan, one for all such courts in the Turkish dominions, and four for all such courts in China, including Hong-Kong, $6,000.

Mr. HITT. I move to strike out the words "including Hong-Kong." I ask my friend from Missouri to accept it. Hong-Kong is not a Chinese city but an English city, and there is no consular court there to which to send a marshal.

Mr. CANNON. I am surprised my friend from Illinois should make such a statement here, that Hong-Kong is an English city. True, we are so informed. When we come to speak of great political divisions the people of the United States are nearly all of them of the belief that Hong-Kong is in China. I can not prove it is not, but this bill says it is not, that it is in Great Britain. [Laughter.]

Mr. BURNES. The gentleman's wit is not as admirable as the skill with which he has managed the opposition to this bill. As to the geography of Hong-Kong, though geographically in China, it is nevertheless an English city, and under the dominion of Great Britain. I had supposed the gentleman would not feel that we were giving him any information when we included Hong-Kong as a part of China geographically.

The amendment was rejected.

The Clerk read as follows:

For the expense of providing all such stationery, blanks, record, and other books, seals, presses, flags, and signs as the President may think necessary for the several consulates and commercial agencies in the transaction of their business, $34,000.

For the payment of the actual expenses of office-rent for such consulates-general, consulates, and commercial agencies as the President shall deem entitled thereto, under section 1706 of the Revised Statutes of the United States, $50,000: *Provided*, That such office-rent shall in no case exceed 20 per cent. of the salary of the consulate-general, consulate, or commercial agency for which it is rented.

Mr. CANNON. I move to strike out what has been read by the Clerk, and in lieu thereof to insert the following.

The Clerk read as follows:

For contingent expenses of United States consulates, such as stationery, bookcases, arms of the United States, seals, presses, and flags, rent, freight, postage, and other necessary miscellaneous matters, $110,000.

Mr. CANNON. We have come to a point in this bill where I believe as one member of the committee at least it is of absolute necessity and importance there should be some amendment. The provision in the bill is peculiar. It proposes to create a contingent fund which can be used only for the purpose intended, whereas the amendment I have offered creates a contingent fund covering all contingencies within the discretion of the Secretary of State. It is the same provision which has stood in the law for twenty-five years.

Let us see the effect of the change the gentleman proposes to make, and I hope I may have the attention of the committee for a moment. Under the bill as it is you could not pay for any postage. Last year the postage of consuls in correspondence with the State Department amounted to $26,445.

You can not, under the proposed appropriation, pay any thing for telegrams from these officers to the Secretary of State. Last year there was expended for this purpose $2,224. You make no appropriation or provision for office furniture and such necessary expenses. Last year this item amounted to $6,500. You can not pay any thing for carrying out the provision of the Revised Statutes, which requires that statistics shall be gathered by our consuls and reported to the Government. The importance of these consular reports is being fully recognized. Last year this service cost $6,197. Under this bill you can not pay freight upon supplies, either foreign or domestic, back and forth from the Secretary of State's office, which last year cost in round numbers $4,000. You can not, under this proposed appropriation, pay one cent for certifying or ascertaining the values of invoices of merchandise that are imported into this country, when it is the duty, under the law, for the consuls to certify invoices, to see that no undervaluation takes place. It is their duty to certify invoices of goods that are imported here which yield revenue to the Government running up in the hundreds of millions. You do not give them the power to perform the duty that is required of them to ascertain the value of these invoices. You do not give them a contingent fund by which they can call in the services of an expert if they find it necessary before certifying. There are several other items of the same kind to which I might call attention.

Now, I say if that is the sense of this committee and of this House, to so cripple this service as to render it inoperative and of no effect or value to the country, and make it possible to plunder the Government and the public revenues; if it is the sense of the committee to make it impossible for these officials to communicate with the Secretary of State, and you give them nothing for postage or telegrams upon official business—I say if you propose to do such things I want you to do it after you have given the subject careful attention. I want you to do it deliberately; and I ask my friend from Missouri, understanding that and knowing these facts as I have stated them to be, and as I am satisfied they are, I ask him in the interest of good government, in the interest of economy and the public service, to allow this amendment to prevail, so that these objects may be provided for.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The question was taken; and the Chair decided that by the sound the amendment was rejected.

Mr. CANNON. I call for a division. We had just as well have tellers at once.

Mr. BURNES. Before answering that call, if I can have unanimous consent for a few moments, I think I understand the motive of the gentleman from Illinois, and possibly I may be able to give him that satisfaction he desires. I do not mean anything hostile in that of course. [Laughter.]

In the preparation of this item of the bill the committee has followed the law and appropriated for the different items authorized by the statute. But the committee has not made an appropriation for many other items that have grown up in this service by the practice of the Department. This House has now to pass upon the question whether it will recognize in future appropriations the items of expenditures that the Department now recognizes.

The gentleman from Illinois desires that you shall pass upon this question. I think the better plan would be, as I have suggested to him, to submit the direct question to the House whether you will, after appropriating for all of the items named in the statute, then agree to extend that appropriation still further by incorporating an item for the postage. The postage has not been allowed for reasons that I gave on yesterday. It has been allowed to unsalaried consuls, but is not allowed, as far as I can see, to consuls, consuls-general, and ministers. Now, I find the law in that condition. What, then, are we to do? I ask, if you wish to appropriate for postage, to let us do it plainly and frankly, and not under a misuse of language and under an interpolation of the statute law of the country. Let us do it fairly. I do not care whether you appropriate a few dollars more or less. I am not

seeking any glory so far as reducing appropriations is concerned in this bill.

Mr. ADAMS, of Illinois. Will the gentleman permit me to ask him a question?

Mr. BURNES. Certainly.

Mr. ADAMS, of Illinois. Will the gentleman please state what items of expense not authorized by law have in fact grown up under the practice of the Department to which he objects.

Mr. BURNES. I suppose I may say that there are twenty-five reported to me by the Secretary of State. For instance, boat-hire in the Orient, advertising, messengers to consulates, publishing death-notices, miscellaneous, Chinese waiters, moving consulates, newspapers and prices-current, domestic and foreign freights, and various other items of that character. Now, I say, and that is all I have to say, that this bill covers every item embraced in or authorized by the statute.

Mr. HISCOCK. I desire to say to the gentleman from Illinois [Mr. CANNON], who in the last Congress was my colleague on the Committee on Appropriations, that we ought not to find too much fault with the other side of the House for its action. We are responsible for it. We reduced the appropriations down to as low a point as it was permissible to reduce them to and yet support the Government. But it is absolutely necessary that this Congress should reduce them below that point for the purpose of making political capital.

Mr. REED. That is true.

Mr. HISCOCK. We had no business to make appropriations and give to the Government just what it ought to have.

Mr. RANDALL. We can discuss the subject to which the gentleman is alluding when we come to have before us the deficiency bill which has been necessitated by the action of the Committee on Appropriations of the last Congress.

Mr. HISCOCK. I desire to say to the gentleman from Pennsylvania that I am willing to compare deficiency bills with him, taking the one we were compelled to pass at the commencement of the Forty-seventh Congress. There has been a great deal said about our making meager appropriations, and especially on the Post-Office bill. When we made our appropriations for the service of the Post-Office Department a law was subsequently passed that increased the amount necessary. I have heard a great deal of talk on that subject. But here is a bill which reduces the appropriation in the Forty-sixth Congress about $250,000 or $300,000.

Mr. RANDALL. We have given it further examination.

Mr. HISCOCK. The gentleman from Pennsylvania says they have given it further examination. The gentleman from Pennsylvania had presided over the Committee on Appropriations, and that committee in the Forty-sixth Congress, after having had his example before it and inspired by his spirit of economy, fixed the appropriations at the lowest possible amount. And this bill goes $230,000 or $240,000 below that. And as I have said, we are to blame for it.

Mr. RANDALL. Permit me to say that in my experience during a series of years I have never known a consular and diplomatic bill that was so thoroughly studied out by any gentleman in charge of it as this has been by the gentleman in charge of this bill.

Mr. HISCOCK. It has been studied out in just this way: The Committee on Appropriations has gone back to the old statutes that were passed years ago regulating this service, and has attempted to make the appropriations in this bill correspond to those of previous years and to those of old acts, without making any sort of allowance for the growth of our country and for the growth of our commerce. They have attempted to reduce the amount to be expended for this branch of the Government down to the point necessary before the war. That has been the theory, and the gentleman from Missouri has been extremely industrious. I commend him for it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CANNON was recognized and yielded his time to Mr. HISCOCK.

Mr. HISCOCK. The gentleman from Missouri has been extremely industrious, and yet I am frank to say, looking that distinguished gentleman squarely in the face, he is the last man on the Democratic side I would have thought capable of perpetrating such a bill. There are men on that side I would have expected it from. But I must say in all frankness I did not believe he could do it. And again I say to my friend the gentleman from Illinois [Mr. CANNON], if the Government is starved for the next fiscal year I do not suppose any two men are more responsible for it than he and I, because we did not give more than was required to enable our Democratic friends to show to the country that they had reported an appropriation bill which reduces the amount that had been given in the preceding year.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] insist on his request for tellers?

Mr. CANNON. I do. I should be glad, however, if the gentleman from Missouri [Mr. BURNES] will offer an amendment to my amendment or suggest one that will appropriate specifically for postage, telegrams, and such other necessary matters as are not appropriated for in this bill. They are covered by my general amendment; but if the gentleman wants to make it specific I will co-operate with him to that end.

Mr. BURNES. I regret exceedingly I have been unable to give satisfaction to the distinguished gentleman from New York [Mr. HISCOCK], and I regret now and feel compelled to say that I regret I can not yield to the suggestion of the gentleman from Illinois [Mr. CANNON], since every item of expense authorized by the statute law of this country has been justly, fairly, and fully appropriated for in and by this bill.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] and the gentleman from Missouri [Mr. BURNES] will take their places as tellers.

Mr. CANNON. In fairness to myself and to the gentleman from Missouri, I desire to say, touching that point he has just referred to, if you go back to the statute law of 1856, and nowhere else—if you include nothing since that time—the gentleman is correct. But if you go to every appropriation bill that has been passed since 1856, up to and including the bill for the present year, he is incorrect. For the general contingent expenses covered by my amendment have been provided for year by year. And upon that point I apprehend the gentleman is not justified nor is his party in seeking to go back after they have given us an example for long years when they were in power in making the appropriation as I propose to make it. I apprehend they are estopped from so doing. If the facts do not estop them, their own action here for the six years they had power in this House does estop them. And I take it to be the part of statesmanship and wise legislation to recognize that there is an ocean cable, and to recognize the progress of science and of invention, and to adapt ourselves as we have been adapting ourselves in these appropriation bills, to the changed condition of affairs for a quarter of a century.

The CHAIRMAN. The Chair in requesting the tellers to take their places thought there had been a vote in favor of tellers. It appears no such vote was had.

Mr. CANNON. I ask for another division.

The committee divided; and there were—ayes 32, noes 63.

Mr. CANNON. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will appoint tellers, and appoints the gentleman from Illinois, Mr. CANNON, and the gentleman from Missouri, Mr. BURNES.

The committee again divided; and the tellers reported that there were—ayes 37, noes 64.

Mr. CANNON (one of the tellers). No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will under the rule direct the roll to be called.

Mr. BURNES. I am not willing to be a party to any dilatory proceedings, and believing that we can best dispatch business by rising, I move that the committee now rise.

The CHAIRMAN. Before putting that motion the Chair wishes to state in regard to his ruling upon the point of order first made by the gentleman from Maine [Mr. REED], this evening, that he is in doubt whether it is correct. He had no time for examination, and does not propose to make any decision or other suggestion at this time, except simply to state that he has a doubt about the correctness of the ruling.

The motion of Mr. BURNES was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

JOHN CHUGRIM.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting additional evidence in the claim of John Chugrim, of Lincoln County, New Mexico; which was referred to the Committee on Indian Affairs.

VISITORS TO WEST POINT.

The SPEAKER announced the appointment, as Visitors to the Military Academy at West Point, of Mr. W. S. ROSECRANS of California, Mr. LEWIS BEACH of New York, and Mr. T. J. HENDERSON of Illinois.

VISITORS TO NAVAL ACADEMY AT ANNAPOLIS.

The SPEAKER also announced the appointment, as Visitors to the Naval Academy at Annapolis, of Mr. S. S. COX of New York, Mr. JOHN H. EVINS of South Carolina, and Mr. NATHAN GOFF of West Virginia.

COTTON CENTENNIAL EXPOSITION.

Mr. HANCOCK. I ask unanimous consent to take from the Speaker's table the Senate amendments to the bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition, for the purpose of moving to concur in the Senate amendments. They are comparatively immaterial, changes of forms of expression, and I understand are acceptable to the Representatives from Louisiana.

Mr. HOLMAN. Let the amendments be reported.

The SPEAKER. The amendments will be read, after which the Chair will ask for objection.

The amendments were read.

The bill, with the amendments of the Senate, was as follows:

[Strike out the words in brackets and insert the words in italics.]

Whereas by the act of Congress entitled "An act to encourage the holding of a world's industrial and cotton centennial exposition in the year 1884," approved February 10, 1883, in the city of New Orleans, under the joint auspices of the United States, the National Cotton Planters' Association of America, and the said city of New Orleans, a world's industrial and cotton centennial exposition is to be held, universal in character, comprehending all arts, manufactures, and products of the soil and mine; and

Whereas by said act Congress declares that such exposition should be national and international in its character; and

Whereas under said act a board of management has been duly constituted and incorporated under the laws of the State of Louisiana, the members of which have been appointed by the President of the United States, upon recommendations made in the manner set forth in said act, and therefore are a duly qualified and commissioned United States board of management, clothed with full and adequate powers to perform any and all acts essential to the proper and necessary management of the affairs of the said World's Industrial and Cotton Centennial Exposition in the manner and form prescribed by said act, and duly authorized by the sanction of the Government of the United States to raise the capital necessary to carry into effect the provisions of said act of February 10, 1883; and

Whereas the President of the United States, in compliance with the terms and requirements of said act, has extended, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the said international exposition; and

[Whereas many of the governments so invited have accepted such invitations, and are making preparations to embrace the courtesy so extended to them, thereby rendering proper arrangements for the coming ceremonies on the part of the United States a matter of honor and good faith; and]

Whereas the preparations designed by the World's Industrial and Cotton Centennial Exposition, and in part executed by the board of management, are in accordance with the spirit of the act of Congress relating thereto, and are on a scale creditable to the Government and the people of the United States; and

Whereas all of the inducements which were involved and embodied in the request that Congress should grant the necessary aid to secure the success of the Centennial Exposition of Philadelphia are re-enforced by the progress and development of many States and Territories that were unable to avail of the beneficent policy inaugurated by the Government at Philadelphia, but are now desirous of an equal opportunity to display their agricultural, commercial, and industrial resources to the world; and

Whereas the stockholders of the World's Industrial and Cotton Centennial Exposition have furnished to aid in the completion of the said enterprise $500,000, and have determined to increase the same to $1,000,000 by a vote of a majority of said stockholders, and are now engaged in obtaining the same, and the said city of New Orleans has, in its corporate capacity, contributed the sum of $100,000 to secure the success of this national and international undertaking, and it is but just and equable that the Government whose people are to be universally affected and benefited by the said contributions and donations of these said citizens should lend its aid and credit to the said enterprise in a specific form calculated to enhance its dignity and capacity to accomplish the objects in view, to wit, the development and prosperity of the United States, and also because the results of the centennial celebration of 1876 have illustrated the wisdom of such national action:] Therefore,

Be it enacted, &c., That the sum $1,000,000 be, and the same is hereby, appropriated, out of any money in the public Treasury not otherwise appropriated, as a loan to the World's Industrial and Cotton Centennial Exposition, to be used and employed by the board of management thereof to augment and enhance the success of the World's Industrial and Cotton Centennial Exposition in such manner as said board of management may determine, *and in accordance with the provisions of this act: Provided*, That the said sum shall be paid by the [Treasurer] *Secretary of the Treasury* of the United States on the drafts of the president and [treasurer] *secretary* of the board of management of the World's Industrial and Cotton Centennial Exposition, *authorized by order of said board*, one-third of the amount immediately after the passage of this act, upon being satisfied that $500,000 has been contributed and paid in *to the said board* for the purposes of the exposition by the *contributors to and shareholders of the* World's Industrial and Cotton Centennial Exposition, and the remainder in four monthly payments thereafter, *upon being satisfied that each of the prior payments has been faithfully applied as required by this act, and for this purpose he shall have free access to the accounts and all transactions of said board: Provided further*, That no greater amount shall be expended *or liability or indebtedness of any kind incurred* upon buildings, grounds, and preparations than the aggregate sum that may be [secured by subscription] *paid in by the subscribers to* the capital stock *and* by donations and the amount of the loan provided herein: *And provided further*, That in the distribution of the amounts that may remain in the treasury of the board of management after the payments of the current expenses of administration the amount of the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits or assets shall be paid to the holders of said stock *or contributors: Provided further*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation [for] *created or incurred by* the World's Industrial and Cotton Centennial Exposition, or its board of management, or *for* any sum whatever in addition to the [foregoing] amount [that may be] appropriated by this act; and that adequate space, *to be determined by the President of the United States*, for such exhibits as the Government of the United States may see proper to make at said exposition shall be furnished free of all charge *by said board: Provided further*, That no sum shall be paid to the [treasurer of the said exposition until after he and the president of the same] *said board of management of said exposition until after the president, secretary, and a majority of the members of said board* shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of $300,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures *and liabilities* as fixed herein, and for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration, said repayment in no case to exceed the loan herein appropriated and provided for: *And provided further, That the receipts of the loan herein made or any part thereof by said board of management shall be a full acceptance of all the trusts, conditions, provisions, and obligations of this act by the said board of management and by the corporation created under the laws of the State of Louisiana, and designated as "The World's Industrial and Cotton Centennial Exposition."*

Amend the title so as to read:

An act to make a loan to aid in the celebration of the World's Industrial and Cotton Centennial Exposition.

The SPEAKER. Is there objection to the present consideration of the amendments of the Senate just read?

Mr. HOLMAN. In view of the former action of the House upon this bill, passing it by a very decisive majority, and in view of the fact that these amendments seem to furnish additional guarantees, if any can be furnished in this case, I do not feel myself called upon to interpose any objection.

Mr. HUNT. The bill is satisfactory in its present shape.

There being no objection, the Senate amendments were taken up and concurred in.

Mr. HANCOCK moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REIMBURSEMENT TO STATES FOR WAR ADVANCES.

Mr. STORM. I ask unanimous consent to offer for immediate consideration the resolution which I send to the desk.

Mr. WHITE, of Kentucky. Mr. Speaker, unless there is to be some equality of recognition between the two sides, I think we had better adjourn. I therefore move that the House adjourn.

The motion was not agreed to.

The SPEAKER. The Clerk will read the resolution sent to the desk by the gentleman from Pennsylvania [Mr. STORM].

The Clerk read as follows:

Resolved, That House bill No. 2463, the same being a bill to provide for reimbursing certain States for sums by them paid for interest on certain advances made to the Government of the United States during the late war, be made a special order for Saturday, the 14th day of June, 1884, and from day to day until disposed of, not to interfere with prior orders or with appropriation bills, revenue bills, or bills reported from the Committee on Public Lands.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. THROCKMORTON. I object.

Mr. HATCH, of Missouri, and Mr. WELLER moved that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr BLAND: Petition of Post No. 135, Grand Army of the Republic, Department of Missouri, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. BOYLE: Petition of George D. Bayard Post, Grand Army of the Republic, for the passage of the pension laws recommended by the Grand Army of the Republic—to the same committee.

By Mr. T. M. BROWNE: Petition of 152 citizens of Rush County, Indiana, asking an appropriation of $400,000 to aid in maintaining Indian schools—to the Committee on Appropriations.

By Mr. GEORGE: Memorial of Sedgwick Post No. 10, Grand Army of the Republic, relative to pensions—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. KASSON: Petition of D. J. Arnold and others, citizens of Iowa, against limiting the power of Congress by constitutional amendment—to the Committee on the Judiciary.

By Mr. McKINLEY: Resolutions of Star Lodge No. 38, A. A. I. and S. W. U. S., Ohio, against the importation of old rails and scrap-iron—to the Committee on Ways and Means.

By Mr. PRICE: Resolutions of A. M. Howard Post, No. 72, Grand Army of the Republic, relative to pensions—to the Committee on Invalid Pensions.

By Mr. RAYMOND: Petition of citizens of Dakota, favoring the general bankruptcy bill recommended by the bankruptcy convention—to the Committee on the Judiciary.

By Mr. STORM: Papers relating to the claim of John Hogan—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 16, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

Mr. MANZANARES, by unanimous consent, obtained leave of absence for three days, on account of important business.

BRIDGE AT TONAWANDA, N. Y.

Mr. STEVENS. I ask unanimous consent to have taken from the House Calendar for present consideration the bill (H. R. 6761) respecting a bridge at Tonawanda, in the State of New York.

The bill was read, as follows:

Be it enacted, &c., That any bridge erected in pursuance of chapter 279 of the laws of the State of New York of the year 1883, entitled "An act to incorporate the Tonawanda Island Bridge Company, for the purpose of constructing and operating a bridge from Tonawanda Island to North Tonawanda," is hereby declared to be a lawful structure: *Provided*, That the height of the lower chord of the draw of said bridge be not less than twenty-three feet above high water: *Provided also*, That said bridge shall not be built or commenced until the plan

and location of the bridge have been submitted to the Secretary of War and by him approved.

SEC. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

There being no objection, the House proceeded to consider the bill.

Mr. STEVENS. I move to amend by striking out in lines 9 and 10 the words "*Provided*, That the height of the lower chord of the draw of said bridge be not less than twenty-three feet above high water," and also by striking out in line 11 the word "also." This amendment is approved by the Committee on Commerce and by the War Department.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORWARDING OF MAIL MATTER.

Mr. WAKEFIELD, by unanimous consent, reported from the Committee on the Post-Office and Post-Roads with a favorable recommendation the bill (H. R. 6578) to amend section 3940 of the Revised Statutes, relating to the forwarding of mail matter; which was referred to the House Calendar, and the accompanying report ordered to be printed.

BUSINESS OF COMMITTEE ON PACIFIC RAILROADS.

Mr. THOMPSON. I ask unanimous consent that Saturday, June 7, be set apart for the consideration of bills reported from the Committee on Pacific Railroads.

Mr. RICE. I object.

Mr. CASSIDY. The gentleman from Massachusetts [Mr. RICE] will allow me to state that our committee has already a day assigned in the House for its business. We can have it at any time by antagonizing other orders. But we wish a specific day fixed. There is a bewildering amount of figures involved in some of our measures.

Mr. RICE. There have been objections to assigning days for other committees.

Mr. CASSIDY. We already have a day assigned.

Mr. THOMPSON. We have a special and continuing order, made in February last; but on account of the character of the business which we desire to have transacted, involving many statistics, we desire to have a specific day assigned, so that we may prepare ourselves to explain the measures to the House more intelligently and satisfactorily than we might do if we have not a special day assigned. The order we now ask will not interfere with revenue or appropriation bills or with any other special order. We expect to take up in the House the bill amendatory of the Thurman act relating to Pacific railroads.

Mr. RICE. I must object.

BRIDGE ACROSS WISCONSIN RIVER, ETC.

Mr. PRICE. I ask unanimous consent to have taken from the House Calendar and put upon its passage the bill (H. R. 6539) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin. The bill provides simply for building some railroad bridges. Every interest on the streams is satisfied with the measure; the railroads are satisfied, the War Department is satisfied. The bridges are to be constructed entirely under the direction of the War Department. It is a matter about which I think there can be no debate and, if it is properly understood, no objection.

The Clerk read as follows:

A bill (H. R. 6539) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Winona, Alma and Northern Railway Company, a corporation existing under the laws of the State of Wisconsin, and having authority to build its line of railroad from a point in the State of Illinois, through the State of Wisconsin, to a point in the State of Minnesota, be, and is hereby, authorized to construct and maintain, for the purpose of making a more perfect connection of its said line, the following railroad bridges, to be used by it, its successors or assigns, for railway purposes, over the rivers and at the localities named following, that is to say: Across the Wisconsin River, near the city of Prairie du Chien, Wis., at the most suitable and convenient point, within five miles of the confluence of the Wisconsin with the Mississippi River; across the Chippewa River, within five miles of its confluence with the Mississippi River; and across the Saint Croix River or Lake, at the most suitable and convenient point between the mouth of the Saint Croix River and the town of Hudson, Saint Croix County.

SEC. 2. That any bridge built under this act shall be constructed and built without material interference with the security and convenience of navigation of said rivers, or either of them, beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure a compliance with these conditions the corporation, previous to commencing the construction of the bridge, or of the accessory works in the booms, dikes, or piers designed to secure the best practical channel way for navigation and confine the flow of the water to a permanent channel, and for the guiding of steamboats and rafts safely through the draw-spans at said point, shall submit to the Secretary of War a plan of the bridge and of such accessory works, together with a detailed map of the river at the proposed site of the bridge and for a distance of a mile above and below the site, together with all other information touching said bridge and river and accessory works as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of this act; that, as nearly as practicable, the said bridge shall be at right angles to and the piers parallel with the current of said river; and if it be found hereafter that the said bridge or accessory works materially interfere with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted, by reason of any defect or failure in the accessory works aforesaid to accomplish the purpose for which they are designed, it shall be the duty of the Secretary of War to require the necessary changes to be made therein in the interest of navigation at the expense of the owners: *Provided*, That as to any bridge built under this act, if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than two hundred feet in length, and the main span shall be over the main channel of the river and not less than two hundred feet in length: *And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot-draw bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans not less than ten feet above extreme high-water mark at the point of location, and of not less length than stipulated below for the several bridges, namely: Over Lake Saint Croix the draw-span shall not be less than one hundred and sixty feet, and over the Chippewa River the draw-span shall not be less than one hundred and forty feet on each side of the central or pivot pier of the draw, and the next adjoining span or spans shall not be less than one hundred and forty feet; over the Wisconsin River the draw-span shall not be less than one hundred feet on each side of the central or pivot pier of the draw, and the next adjoining span or spans shall be not less than one hundred and twenty-five feet in length, unless otherwise expressly directed by the Secretary of War, and if so directed shall be according to such direction: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided also*, That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations, and proofs of the parties, in case they shall not agree.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving any such plan and map and other information, and upon being satisfied that a bridge built on such plan and such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; but until the Secretary of War approve the plan and location of said bridge and accessory works, and notify the company of the same, the bridge shall not be built; and should any change be made in the plan of the bridge or said accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

SEC. 4. That any bridge and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be a lawful structure; and said bridge shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportations over the railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

SEC. 5. That the United States shall have the right of way for postal telegraph across said bridge.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in such structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection. The House Calendar was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PRICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH ADAMS.

Mr. CLAY, by unanimous consent, introduced a bill (H. R. 7011) for the relief of Joseph Adams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TACOMA AND SEATTLE PORTS OF DELIVERY.

Mr. BRENTS. I ask by unanimous consent that the House Calendar be discharged from the further consideration of the bill (H. R. 6763) making the cities of Tacoma and Seattle, in the Puget Sound customs district, in Washington Territory, ports of delivery, for present consideration.

The bill was read.

Mr. BRENTS. I ask the unanimous report of the committee be read.

ORDER OF BUSINESS.

Mr. BLAND. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports of a private nature.

Mr. HOLMAN. I move to dispense with the morning hour for the call of committees.

The SPEAKER. That requires a two-thirds vote.

The motion of Mr. HOLMAN was agreed to (two-thirds voting in favor thereof), and the morning hour was dispensed with.

RIVER AND HARBOR BILL.

Mr. WILLIS, from the Committee on Rivers and Harbors, reported, as a substitute for H. R. 6931, a bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House

on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. McMILLIN. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

Mr. HOLMAN. Is not the motion to go into the Committee of the Whole House on the state of the Union on the appropriation bill in order?

The SPEAKER. It is; but as this is private-bill day, the motion to go into the Committee of the Whole House on the Private Calendar takes precedence.

Mr. MILLS. We can vote that motion down.

Mr. HOLMAN. Yes, we can vote it down, and then we can go into the Committee of the Whole House on the state of the Union on the appropriation bills.

The House divided; and there were—ayes 42, noes 81.

So Mr. McMILLIN's motion was disagreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the consular and diplomatic appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes. The Clerk will read the pending amendment, moved by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

After line 289 add the following:

"For contingent expenses of United States consulates, such as stationery, bookcases, arms of the United States, seals, presses, and flags, rent, freight, postage, and other necessary miscellaneous matters, $110,000."

The CHAIRMAN. The committee was dividing, and the tellers will resume their places.

Mr. BURNES and Mr. CANNON resumed their places as tellers.

The committee divided; and the tellers reported—ayes 68, noes 96.

So the amendment was not agreed to.

Mr. CANNON. I offer the amendment that I send to the desk.

The Clerk read as follows:

Strike out lines 227 to 281, inclusive, and insert:

"For the expense of providing stationery, blanks, record, and other books, $30,000; postage, $27,000; flags, $1,000; flag-staffs and fixtures, $3,000; furniture, $6,500; statistics, $6,000; telegrams, $2,500; services of experts in ascertaining the value of invoices, $4,500; freight, $4,000; moving consulates, $1,000; newspapers and prices-current, $2,000; books, $700; Chinese writers, $2,000; traveling expenses of consuls while engaged on official business, $5,000; seals and presses, $2,000; coats of arms of the United States, $1,000; advertising, $500; messengers for consulates, $2,000; publishing death-notices, $350; other necessary miscellaneous expenses, $3,000; being a total of $104,050."

Mr. CANNON. If I can have the attention of the committee and of the gentleman from Missouri for a few moments I desire to state simply that this amendment is offered for the purpose of providing by amendment, since the same has been omitted in the preparation of this bill, for the necessary expenses indicated by the amendment. Under the present bill as reported by this committee there can be no payments of money whatever for postage. Now the amount expended last year for postage amounted to $26,445 on official matter. I believe it to be the sense of this committee, at least I hope it is the sense of the committee, that that postage shall be paid. The amount expended for telegrams last year was $2,224. This provides a fund for the payment of telegrams on official business. The amount expended for necessary furniture for consulates last year was $6,503. It will be seen that this amendment makes provision for that item. The amount expended for freight was in round numbers $3,000. This provides for that. So also it provides for expert services in ascertaining the value of invoices. In other words, it proposes substantially to provide all these contingent expenses for which no provision is made in this bill, and which experience has shown are absolutely essential in the working of the Department. The objection, as I understand it, of the gentleman from Missouri as expressed on yesterday, at least one of his objections, is obviated by this amendment, for the reason that it makes a specific appropriation for each of these objects. Now, in the very nature of things, it must be apparent that there are certain items which can not be specifically provided for, so that those things for which specific provision can not be made are grouped together or provided for in a clause appended to the amendment which provides $3,000 for other necessary and miscellaneous expenses.

That is about all I wish to say upon the subject. If these consulates are to be maintained; if these consuls are to transact their business as our representative abroad, they must be provided with the means with which to do it. If they communicate to the Secretary of State so that the President and the Congress shall be provided with information as to what they are doing, they must have the money to pay for their postage. If they send telegrams when our Irish or German fellow-citizens or our native-born citizens, when traveling abroad, get into trouble in foreign countries, or when there is a shipwreck, they should have means of extending relief or sending information to the Government, and for this purpose there must be money provided to pay telegrams.

Mr. Chairman, if this money is not to be given for that purpose, then it is the part of fairness and the part of statesmanship to come up and meet the issue squarely and fairly and wipe out our whole consular and diplomatic service. And I ask this committee if it is not foolishness to the last degree to provide for a consular and diplomatic service at an expense of a million of dollars and then fail to provide the necessary hundred or two hundred thousand dollars, as the case may be, to enable them to do the work to which they are assigned?

I want to say one word in conclusion. I feel sure that the gentleman from Missouri will recognize the justice of this amendment; and if the itemized amendment is not specific enough I ask him to make the items more specific. From a business standpoint, from a standpoint of just legislation, I ask that the amendment, in substantially this shape or some other shape such as he may suggest, so that it will meet his views and provide for these necessary expenditures, shall be adopted.

[Here the hammer fell.]

Mr. BURNES. Mr. Chairman, it would afford me a great deal of pleasure to accept the suggestions of the gentleman from Illinois if I could do so in justice to myself and in justice to the Committee on Appropriations and in justice to the interests of the country at large.

I desire, sir, to call attention again to the fact that section 1748 of the Revised Statutes authorizes the payment of certain expenses of ministers and consuls. For these items a full appropriation has been made; but in addition to that the gentleman comes and says that there are other items of expenditure that ought to be appropriated for. I answer him by reference to section 1743 of the Revised Statutes, that the salaries of ministers and consuls shall be in full of all personal expenses of whatever name or nature, whether incurred by treaty or statute or instructions of the Department; and also by reference to one more statute, section 1696, which provides that the postage to consuls not under salary shall be paid by the Department.

Now, I say the amount to pay the postage of non-salaried consuls is appropriated by law; and it is only the postage of the salaried consuls. This is the conclusion of law. But I should not press it if it were not for another consideration.

I must now call the attention of the committee to some matters that I would have preferred to have left unsaid and unpublished. Without prejudice against this Department the Appropriations Committee has been impressed by—I may call them—certain official delinquencies to which the attention of the gentlemen representing the other side of this bill has been called. I shall not dwell upon these, but shall be content simply to say, in view of the partial answer made by the distinguished gentlemen from Illinois, both of them, that under the provisions of section 4 of the act of June 11, 1874, not the act of 1856, the Secretary established the following as the maximum amounts of time actually necessary to make the transit from Washington to the following posts. The statement shows the amounts which can be paid for the thirty days and the additional time consumed in traveling from Washington to the diplomatic or consular post.

The Secretary of State has established that in addition to the thirty days to Apia "seventy days shall be allowed" for transit. If you take thirty days and the seventy days, amounting to one hundred days, and reckon the salary at $3,000, the salary now being paid and the salary paid at the time, you will find there was paid to the consul at Apia $1,190.23, when he was entitled to but $821.91. You will find that the time to Cairo is thirty-five days. Add thirty-five to thirty and you have sixty-five days. There is a salary of $5,000. There are sixty-five days for which he is entitled to $890.41; and the Department has paid him $1,657.62. Take Rio de Janeiro. The Department has allowed to make the trip to Washington forty days; add forty to thirty and there are seventy days. The salary is $6,000 per annum. There have been paid to the consul $1,565.21, when under the law and the regulations of the Department he was entitled to but $1,150.68; a difference of $414.53.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HATCH, of Missouri, was recognized, and yielded his time to Mr. BURNES.

Mr. BURNES. I thank my colleague. Take now the city of Florence. The Secretary of State has allowed twenty-five days. Add twenty-five to thirty and you have fifty-five days. You find that this consul has received nearly twice as much, lacking $5, as the law and the instructions of the Department entitle him to.

Mr. REED. What consul is that?

Mr. BURNES. The consul at Florence. Go to the city of Rome, where we have a return from a grand consul-general, who receives a salary of $3,500, with fees returned of $915. You find him drawing contingent expenses to the amount of $1,059.12—$100 more than all the fees of his office—and you find another thing: that to transmit that $915 from Rome to London—because I presume it was transferred to the financial agent at London; but no matter whether it was transferred to London or transferred to Washington—for exchange on that $915 this consul-general in the Eternal City charged $182.24.

I know there are bankers on this floor who understand the rates of exchange. I do not mention these matters for the purpose of impugning the integrity of the Department or of the distinguished gentleman who is at its head. But I mention them for the purpose of arousing

the judgment of this House in behalf of the limitation of these general items of expenditure, which under the discretion of a kind-hearted and generous old gentleman can not be withheld from greedy consuls and greedy ministers.

Mr. Chairman, I have here the whole list, and I ask permission to have it printed as a part of my remarks. It will be information that you can look at at your leisure. This relates only to the consulates that have been abolished or changed or altered; but you will find here such extravagance and apparant irresponsibility with regard to this contingent fund that you will feel as I feel, that it is best to limit this Department to the most careful requirements of the strict letter of the law. I submit these statements with regard to the various posts.

The CHAIRMAN. The gentleman from Missouri asks consent to print as a part of his remarks the statements he has indicated. If there be no objection the request will be granted. The Chair hears none.

The statements referred to by Mr. BURNES are as follows:

Under the provisions of section 4 of the act of June 11, 1874, the Secretary of State established the following as the maximum amount of time actually necessary to make the transit from Washington to the following ports:

To Apia, Friendly and Navigators' Islands, 70 days.

Apia:

30 days awaiting instructions, 70 days for reaching destination	$1,190 23
Salary was $3,000 for 100 days	821 91
Overpaid	368 32

To Cairo, Egypt, 35 days.

Cairo:

30 days awaiting instructions, 35 days for reaching destination	1,657 62
Salary was $5,000 for 65 days	890 41
Overpaid	767 21

To Rio de Janiero, Brazil, 40 days.

Rio de Janeiro:

Waiting instructions, 30 days; reaching destination, 40 days	$1,565 21
Salary was $6,000 for 70 days	1,150 68
Overpaid	414 53

To Florence, Italy, 25 days.

Florence:

Waiting instructions, 30 days; reaching destination, 25 days	529 87
Salary for 65 days at $1,500	267 12
Overpaid	262 75

Rome:

Salary for consul-general	3,500 00
Fees returned	915 00
Contingent expenses (three quarters year)	1,059 12
Loss by exchange	182 24
Total	5,656 36

Melbourne, Australia (Great Britain):

Salary of consul-general	4,500 00
Allowance for clerk	1,000 00
Loss by exchange	17 39
Contingent expenses (three quarters year)	705 62
Total	6,223 01

Fees returned, $1,181.27.

Montreal, Canada:

Salary of consul-general	4,000 00
Allowance for clerk	1,500 00
Contingent expenses	1,612 04
Total	7,112 04

Fees returned, $5,589.56.

St. Petersburg, Russia:

Salary of consul-general	3,000 00
Allowance for clerk	800 00
Loss by exchange	38 92
Contingent expenses (three quarters year)	660 33
Total	4,499 25

Fees returned, $446.50 (three quarters year.)

Long report about Russia's domestic animals, but nothing as to why he can not report his receipts or expenditures or his small amount of fees.

Constantinople, Turkey:

Salary of secretary of legation and consul-general	$3,500 00
Contingent expenses	824 01
Total	4,324 01

Fees returned, $675.

Rome, Italy:

Salary of secretary of legation and consul-general	3,500 00
Compensation while waiting instructions	203 80
Loss by exchange	182 24
Contingent expenses (three quarters year)	1,059 12
Total	4,945 16

Fees returned, $915.

Vienna, Austria:

Salary of secretary of legation and consul-general	3,000 00
Allowance for clerks	1,500 00
Contingent expenses	1,018 28
Total	5,518 28

Fees returned, $8,828.50.

Halifax, Canada:

Salary of consul-general	3,000 00
Allowance for clerk	800 00
Loss by exchange	10 13
Contingent expenses	403 79
Total	4,213 92

Fees returned, $2,833.09.

Cairo, Egypt (Ottoman Empire):

Salary of agent and consul-general	5,000 00
Allowance for clerk	1,200 00
Contingent expenses, G. P. Pomeroy, consul-general (page 17)	254 87
Contingent expenses, Comanos, vice-consul-general (page 17)	129 52
Contingent expenses, (page 18, Fifth Auditor's report)	2,505 48
Loss by exchange	161 11
Compensation while waiting instructions	1,657 62
Expenses of interpreters, guards, &c. (page 30)	500 00
Loss by exchange	4 52
Total	11,413 12

Fees returned, $202.50 (three quarters year).

His report has recently been made for the last quarter year ending June 30, 1883, and swells the annual return to $359.50.

No relief afforded seamen; no extra wages or arrears of wages collected.

Madrid, Spain:

Salary secretary of legation and consul-general	$3,000 00
Salary as chargé *ad interim*, Reed	991 88
Contingent expenses, Reed	2,241 97
Clerk of legation, Reed	564 52
Secretary of legation, Reed	651 90
Secretary of legation, Gowan	244 56
Total	7,694 83

No fees returned; no report of fees collected.

His "duties are mainly in aid of the minister." (Executive Document No. 121, page 97.)

CONSULS.

Honolulu, Hawaiian Islands:

This consul-general is dropped because the minister resident is made consul-general.

Apia, Friendly and Navigator's Islands:

Salary of consul	$3,000 00
Waiting instructions	1,190 23
Loss of exchange	433 38
Contingent expenses	939 01
Five seaman relieved, at a cost of	347 95
Loss by exchange	1 94
Total	5,912 51

Fees returned, $98.11.

No extra wages or arrears of wages collected.

Brussels, Belgium:

Consul	3,000 00

The minister resident being consul-general, the consulate at this place is dropped.

Coaticook, Canada:

Salary of consul	$2,000 00
Loss by exchange	11 90
Contingent expenses	332 50
	2,344 40

Fees returned $625.50. (See page 35, Fifth Auditor's report.)

No seamen relieved; no wages or arrears of wages collected. (See his consular tariff report.)

Port Louis, Mauritius (Great Britain):

Salary of consul	$2,000 00
Contingent expenses (three quarters year)	327 86
Eight seamen relieved, at cost of	183 00
Total	2,510 86

Fees returned $57.11.

No wages collected; no arrears of wages.

Tangier, Barbary States:

Salary of consul	2,000 00
Contingent expenses	835 03
Total	2,510 03

Fees returned, $37.99.

No seamen relieved; no wages or arrears collected.

Mahé (Great Britain):

Salary of consul	1,500 00
Loss by exchange	86 86
Contingent expenses (three quarters year)	233 50
Two seamen relieved, at cost of	72 00
Exchange	7 60
	1,899 96

Fees returned, $18.

Copenhagen, Denmark:

Salary of consul	1,500 00
Contingent expenses (three quarters year)	646 16
Total	2,146 16

Fees returned, $536.

No seamen relieved; no wages or arrears collected.

For not making report for the last quarter of expenses the consul writes us a consular tract on "The temperance movement in Denmark." He failed to write us of the commerce or trade of Denmark, but he gives us the price of a basin of good soup at the temperance lunch-rooms. He admiringly describes the rooms, but not the financial transactions of his consulate, in which this Government is interested.

Malta (Great Britain):

Salary of consul	$1,500 00

Fees returned, $107.25.

The above is only a proposition to make Malta a salaried consulate. It is now an unsalaried one, and ought to remain so. The fees for 1882 were $66.50; for 1883, $107.25.

Gaspé Basin (Great Britain):

Salary of consul	$1,000 00
Exchange	2 45
Contingent expenses	83 33
Total	1,085 78

Fees returned, $15.

Sabanilla:

Salary of consul	1,000 00

Has made no returns from July 1, 1882, to July 1, 1882, not received (page 25).

Fees returned, $225.90 (one quarter); is allowed for clerk, one quarter year, $100.

Stettin, Germany (Herman Kiefer):

Salary of consul	$1,000 00
Exchange	36 97
Contingent expenses (three quarters year)	58 59
Total	1,095 56

Fees returned, $324.50.
(Have heard he has never been at his post.)

Mozambique, in Eastern Africa (Portugal):

Now vacant, and no report.

St. Paul de Loando, Angola, West Africa (Portugal):

Commercial agent, salary	1,000 00
Allowance for clerk	198 91
Contingent expenses	198 21
Total	1,397 12

Fees returned, $9.80.

Levuka (Great Britain):

Salary vice-commercial agent	1,000 00
Exchange (three quarters year)	32 50
Contingent expenses	141 43
Eight seaman relieved	393 10
Exchange	5 25
Total	1,572 28

Wages collected, $95.00. Fees returned, $79.26.

Gaboon, France:

Salary of commercial agent	1,000 00

Fees returned $13.38 (page 28). No returns.

San Juan del Norte and Punta Arenas, Nicaragua. Central American States:

Salary of commercial agent	$1,000 00

No report.

REDUCTION OF SALARIES.

Foochow:

Salary of consul	3,500 00
Contingent expenses (three quarters year)	770 85
Prison-keepers	300 00
Interpreters	2,000 00
Marshal	600 00
Total	7,170 85

Fees returned, $420,65.

Hankow:

Salary of consul	3,500 00
Contingent expenses (three quarters year)	745 49
Interpreters	750 00
Marshal	750 00
Exchange	30 58
Total	5,776 07

Fees returned, $716.98.

Tien-Tsin:

Salary of consul	3,500 00
Loss by exchange	83 45
Contingent expenses (three quarters year)	1,084 28
Sailor's wages	123 68
Interpreter's wages	1,500 00
Marshal	1,000 00
Total	7,291 41

Fees returned, $369.17.

Chin-Kiang:

Salary of consul	3,500 00
Exchange	14 98
Contingent expenses	786 90
Interpreter	500 00
Exchange	2 49
Total	4,804 37

Fees returned, $425.14.

Ningpo:

Salary of consul	3,500 00
Contingent expenses	873 64
Wages of jailors	444 59
Interpreters	480 00
Total	5,298 23

Fees returned, $94,09.

Callao, Peru:

Salary of consul (reduced to $2,500)	3,500 00
Exchange	79 82
Contingent expenses (three quarters year)	626 43
Three seamen relieved (cost)	166 76
Total	4,373 01

Fees returned, $503.78.

Santiago de Cuba, Cuba:

Salary of consul (reduced to $2,000)	2,500 00
Contingent expenses (three quarters year)	552 22
Total	3,052 22

Fees returned, $916.99.

Cork:

Salary	2,000 00
Exchange	51 58
Contingent expenses (three quarters year)	379 59
Total	2,431 17

Fees returned, $503.26.

Odessa, Russia:

Salary of consul (reduced to $1,500)	2,000 00
Exchange	190 74
Contingent expenses (three quarters year)	454 02
Total	2,644 76

Fees returned, $291.
No seamen relieved; no wages collected.

Tamatave, Madagascar:

Salary of consul	2,000 00
Exchange	58 73
Contingent expenses	289 44
One seaman relieved	56 24
Total	2,404 41

Fees returned, $101.05.

Beirut, Turkish Dominions:

Salary of consul	2,000 00
Allowance for clerk	600 00
Contingent expenses (three quarters year)	589 31
Exchange	36 00
Total	3,225 31

Fees returned, $90.

Hamilton, Canada:

Salary of consul	2,000 00
Awaiting instructions	263 75
Total	2,263 75

Fees returned, $1,810.50.

Bristol, England:

Salary of consul	1,500 00
Awaiting instructions	142 66
Exchange	31 88
Contingent expenses (three quarters year)	842 27
Two seamen relieved	56 59
Total	2,573 40

Fees returned, $869.60.

Gibraltar, Spain (Great Britain):

Salary of consul	1,500 00
Contingent expenses (three quarters year)	190 22
	1,690 22

Fees returned, $394.52.
No seamen relieved; no wages collected.

St. Helena (Great Britain):

Salary of consul	1,500 00
Waiting instructions	326 08
Exchange	90 56
Contingent expenses	223 05
Fourteen seamen relieved	367 04
Total	2,506 73

Fees returned, $682.43.

Port Stanley, Fiji Islands (Great Britain):

Salary of consul	1,500 00
Exchange	75 50
Contingent expenses (three quarters year)	306 20
Fifteen seamen relieved	1,212 37
Exchange	62 23
Total	3,156 30

Fees returned, $89.08.
(Is now an unsalaried commercial agency.)

Clifton (Great Britain):

Salary of consul	1,500 00
Contingent expenses (three quarters year)	202 02
Exchange	7 00
Total	1,709 02

Fees returned, $756.

Pictou, Nova Scotia (Great Britain):

Salary of consul	1,500 00
Contingent expenses	176 37
Twenty-three seamen relieved	378 77
Total	2,055 14

Fees returned, $197.50.

Goderich, Canada:

Salary, commercial agent	1,500 00
Waiting instructions	8 15
Exchange	8 35
Contingent expenses (three quarters year)	275 06
Total	1,791 56

Fees returned, $270.
No seamen relieved; no wages collected.

Southampton, England:

Salary of consul	1,500 00
Contingent expenses (three quarters year)	172 95
Total	1,672 95

Fees returned, $210.
No seamen relieved, &c.

Ceylon, Ceylon Island (Great Britain):

Salary of consul	1,500 00
Exchange	26 25
Contingent expenses (three quarters year)	414 17
Total	1,940 42

Fees returned, $589.55.

Antigua, West Indies (Great Britain):

Salary of consul	1,500 00
Contingent expenses (one half year)	407 05
Total	1,907 05

Fees returned, $531.24.

St. Stephen's (Great Britain):

Salary of consul	1,500 00
Waiting instructions	167 12
Contingent expenses (one half year)	285 48
Total	1,952 60

Fees returned, $360.25.
Made a consulate October 3, 1882.

Nice, France:

Salary of consul	1,500 00
Exchange	52 51
Contingent expenses	322 94
Total	1,875 45

Fees returned, $368.
No seamen relieved, &c.

Barcelona, Spain:

Salary of consul	1,500 00
Exchange	5 00
Contingent expenses (three quarters year)	386 40
Total	1,891 40

Fees returned, $250.70.
No seamen relieved, &c.

Fayal, Azores (Portugal):

Salary of consul	1,500 00
Contingent expenses (three quarters year)	12 02
Total	1,512 02

Fees returned, $514.60.
(Is allowed to trade.)

Funchal, Portugal:

Salary of consul	1,500 00
Waiting instructions	93 75
Exchange	111 99
Contingent expenses (three quarters year)	464 68
Two seamen relieved	9 72
Exchange	63
Total	2,180 77

Fees returned, $222.79.

Jerusalem (Arabia), Turkey:

Salary of consul	1,500 00
Waiting instructions	163 40
Exchange	125 41
Contingent expenses (three quarters year)	316 10
Wages of interpreters	600 00
Exchange	42 00
Total	2,746 91

Fees returned, $24.25.
No seamen relieved, &c.

Mr. HITT. I move to strike out the last word.

The criticisms which the gentleman from Missouri has made are upon the details of the accounts of several officers. In order to respond to them fully I should want to examine in detail the accounts of those officers. The inconsistency between the time allowance of a consul going from here to Apia and the amount of money we find charged for transit expenses will perhaps be found explained in the simple fact that that officer was a consul in Germany who was transferred from the post in Europe and allowed the time coming to America to report at Washington and then the thirty days to proceed to this Pacific island. I have not seen the accounts of the consul, but the accounts as rendered to the Department must set out in detail the days occupied in the journey.

Mr. BURNES. Will the gentleman from Illinois allow me to ask him one question in that connection?

Mr. HITT. With pleasure.

Mr. BURNES. If the consul receiving this extra leave had come home from Germany and received pay for coming home from the consulate in Germany it would have been charged to the German consulate and not to the one to which he was subsequently accredited.

Mr. HITT. It might have been, but not necessarily. He is appointed consul to Apia and is ordered from the place where he is found to the place of his new duty, and I suppose his path there was prescribed in the order. I have not examined the accounts, but that is perhaps the explanation. Remember, too, the time allowed to go to Apia is not determined by law, but by order of the Secretary, which in general is the regulation; but if the consul in fact could not get there within seventy days, the Secretary has the power under the law to make the allowance in accordance with the fact and truth; or it may in this case include the account of the returning consul.

In regard to the complaints of the gentleman as to the large amount of money which he thinks was wrongfully received by the consul at Rome for exchange, I may say that it is money which the consul or the other officer of the Government never sees. There is a bank or a financial agency to which his accounts, including salary, are presented for payment, and he is paid the amount of his salary in the money of the country as determined by the tables of the Secretary of the Treasury, a public document; and the financial agent of the Government turns our money into the money of the country where he is. He charges our Government with the loss in exchange or he credits it with the gain. It is a simple question of exchange. Such items are in every account of every consular and diplomatic officer. They are entirely beyond the control of the officer himself; they are questions of banking and finance with which he has nothing to do. The considerable amount which was paid in the case he complains of will be found to be accounted for in the banker's account, which will be seen to cover, not the fees, as the gentleman supposes, which are absorbed and accounted for at the consulate, but all payments to the consulate, including the salary. I have not seen those particular accounts of which I have just heard for the first time, and can not explain their details; but as I can not conceive any motive on the part of the officer to exaggerate the account, as he can not in any way gain anything in the matter of exchange, I can not credit even a suspicion of any fraudulent intent on his part or that of the Department where he could have received no benefit from it.

The consul at Rio went by way of Europe, and was, I suppose, some time waiting his exequatur after getting to Rio, though it is briefly described in the Auditor's report under the head of instructions and transit.

Mr. CANNON. I want to say a word here, because the gentleman from Missouri [Mr. BURNES] thought proper to refer to my colleague [Mr. HITT] and myself in his last remarks. He claims that although he has made the charges and now makes them again, he has received no explanation or denial from myself or my colleague. I want to say here and now that so far as the gentleman charges the Secretary of State and necessarily the Treasury Department, which audits and controls these accounts, with misfeasance or malfeasance in the expenditures of these moneys, I repel the charge.

Mr. BURNES. I trust the gentleman will allow me to interpose a moment at this point.

Mr. CANNON. Certainly.

Mr. BURNES. I have not said one solitary word that the gentleman can torture into an insinuation against the personal integrity of either the Secretary of State or the Secretary of the Treasury; or, if I have, it was altogether unintentional. I have implicit confidence, and have so stated on this floor, in the integrity and honor of both those Secretaries. But I have not that confidence perhaps in the integrity of the entire *personnel* of those Departments.

Mr. REED. Against whom do you make charges?

Mr. BURNES. I charge nobody. I simply assert a fact, and ask that these figures be met, not by general declamation, but by facts and figures.

Mr. REED. Have you presented these figures to the State Department with the request for an explanation?

Mr. BURNES. I have not presented all of them.

Mr. REED. Which ones have you presented?

Mr. BURNES. I have presented some of the items of this character to the Department and asked for an explanation, which up to this day has not been given to me.

Mr. REED. When did you present them and what particular items were they?

Mr. BURNES. Cairo especially.

Mr. REED. When was that presented?

Mr. BURNES. A month ago, perhaps six weeks.

Mr. REED. I hope you will lay before the House your manner of presentation—the letter in which you requested the explanation.

Mr. BURNES. I will do so with a great deal of pleasure. It will afford me a great deal of pleasure to do so. I say to my friend from Maine [Mr. REED] that in company with my distinguished colleague on the subcommittee, the gentleman from Minnesota [Mr. WASHBURN], I repaired to the Department of State and had a conversation of several hours with the Secretary of State, the First Assistant Secretary, and I believe with the Third Assistant Secretary of State, at all events it was with a gentleman who is deaf, and we had to use a speaking-trumpet to converse with him. We discussed with those three gentlemen this matter of the Apia consul awaiting instructions.

The gentleman wants to know the manner of asking the explanation. The Secretary said: "Mr. Davis, can you explain that matter?" Mr. Davis put his speaking-trumpet to the ear of the Third Secretary of State and asked him if he could explain it. The Third Secretary talked to him in a foreign language, and then Mr. Davis informed me that they would communicate to me an explanation of that transaction in a short time.

Mr. HITT. Did that relate to Cairo?

Mr. BURNES. It related to Apia.

Mr. HITT. I have made some explanation in regard to Apia which I think is a correct explanation, but I have not had any figures before me and hence I could not state all the facts in detail. But I may say in regard to Cairo that that officer was kept by the Egyptian Government two months awaiting exequatur; and it is to be remembered that the expenses there are many of them large and such as are peculiar to that Mohammedan country. There were guards, interpreters, gratuities which are really wages, carriages, and other things which were necessary, and the expenses were greatly increased owing to the war and all the disorder, in which many needed protection, and the emergency required unusual expense, especially telegraphing and special couriers.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BLOUNT obtained the floor and said: I yield my time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I only wish to say a word or two further. I have yielded my time (as I was perfectly willing to do) to other gentlemen.

The Committee on Appropriations, which prepared this bill, and of which I am a member, has never, so far as I know, investigated touching the accounts of the State Department. The matter was never called to my attention in committee. There is a Committee on the Expenditures of the State Department. It is the duty of that committee to investigate touching these accounts, and if there has been

wrong-doing, either on the part of the Secretary or any subordinate, to recommend action upon the part of the House.

But what does the gentleman from Missouri seek to do? When I ask an appropriation for postage and telegrams for the whole consular service he proceeds to play cuttle-fish, and goes on to Apia and the consulship at Cairo, and says too much was allowed to the consular officers at these places while they were traveling out or were awaiting orders. That may or not be true. For the purposes of this amendment I do not care whether it is true or not, because the amendment now being considered does not contain any item for the payment of that kind of expenses.

If the methods of administration in the Department of State need to be corrected, correct them by the proper proceedings, but do not come in here and talk about Apia when I talk about official postage, telegrams, and necessary contingent expenses for the whole consular service the world round.

I am not the special champion or defender of the State Department. When anything shall be alleged against it, when charges have been put in black and white and have received a full and fair investigation from a committee of this House, I stand ready to defend that Department, or the Treasury Department, if it ought to be defended; but until such a case is presented I am not called upon, this side of the House is not called upon, nobody else is called upon to rise and make an explanation upon a mere innuendo that dwells in the vague suspicion of the gentleman from Missouri, or, perhaps, of some disappointed and removed ex-consul who has poured into the ears of the gentleman his griefs in the shape of complaints against the Secretary of State and the State Department. All I ask now is that this service be not cut up root and branch by the withholding of just and proper appropriations.

Mr. HISCOCK. I certainly desire to commend the industry of the gentleman from Missouri (Mr. BURNES) in searching out all these delinquencies. I hope that in regard to all branches of the Government, including the legislative department, he will be equally earnest and diligent. When he or any other gentleman undertakes to use on the hustings these discrepancies or assumed irregularities in the accounts of the Secretary of State to show the corruption of Republican administration, I hope he will read to his audience this provision of the Revised Statutes:

SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

I hope the gentleman from Missouri, when in the presence of his constituents he calls to account the Secretary of State, will tell those constituents whether he has ever received as a member of this House one dollar of pay that he was not entitled to under the statute.

Mr. CANNON. I call the gentleman from New York to order. I do not think it is in order for him to break up the horse-race to-day. [Laughter.]

Mr. BLOUNT. It is not time yet for gentlemen to go.

Mr. HISCOCK. I suppose when we come to the legislative appropriation bill the gentleman from Missouri will cut down the fund for the pay of members; will, in the interest of economy, insist that every member of the House who has been absent, except on account of the sickness of himself or some member of his family, shall submit to a proper per diem reduction upon his compensation. I shall be delighted to have the Committee on Appropriations investigate and report upon this question.

Mr. BURNES. If the gentleman will allow me——

Mr. HISCOCK. Certainly.

Mr. BURNES. I will merely say in response to his remarks that I desire to go back to my constituents and say that in perfect justice and fairness to the State Department I assisted in the passage of an appropriation bill which allowed every item that the law allowed, and no more.

Furthermore, I say again it is not fair to charge that I have attempted to impugn by insinuation or direct charge the integrity of either the Secretary of the Treasury or the Secretary of State.

One word more. I wish to say to my friend from New York, so that he may feel easy on the subject, that when I go to my constituents I want to say that if I have taken a little more salary than the strict letter of the law required, I did so simply because I did not want it to appear that I was any better than the majority of the House; that I have only complied with the prevailing custom and taken just what the majority of my fellow-members took, because I was afraid to be better than the generality of the House.

Mr. HISCOCK. That will always be a good excuse in the mouth of a person who is able to make it himself.

Now, what I protest against is bringing into the discussion here not charges, but statements. By a gentleman who is not now present, and therefore I will not name him, a member of the Cabinet was some days since arraigned for delinquences. No charges were intended; nothing wrong was stated to have been done; the official was paraded as a man of great energy, great sagacity, and great ability; no one had the slightest suspicion that he had ever done anything out of the way; but nevertheless statements were made upon which you could hang an argument that something was wrong. Now, I certainly accept the statement of the gentleman from Missouri that he intends no charges against the Secretary of State.

[Here the hammer fell.]

Mr. REED. The proposition which is before the committee, Mr. Chairman, is to vote certain items to be expended for the transaction of the public business. Everybody in this House knows that those items cover legitimate expenditure. Everybody knows that it is impossible for the public business to go on except by the expenditure of those items, and nobody knows it better than a practical business man like the gentleman from Missouri [Mr. BURNES]. And he is called upon to answer the proposition of appropriating items by the committee for the public business, and I pronounce here in his presence his answer to be an evasion of the question at issue. He says the law now does not give these items, and yet he knows every appropriation bill, which is the law that covers these matters, for the last twenty-five years has given a contingent fund which does cover these items. Now, how can he look us in the face and make that asseveration? He does it on the same basis that he answers a proposition for postage by the statement that the appropriation for mileage has been exceeded. He gets up here and makes statements which, if the inference he draws from them is correct, certainly does charge somebody in the State Department with malfeasance in office, and yet he gets up here and in the most profuse manner declares such is not the intention. It does seem to me that it would have been more frank to have put it the other way.

These matters undoubtedly will be answered item by item; but whether they are answered or not they have nothing to do with the question of proper appropriations for the public expenditures. If every dollar of the contingent fund of the last year had been embezzled the duty of Congress to appropriate a contingent fund and then to investigate the men who embezzled it and punish them would be the same. No matter whether money in the past has been properly used or not, if the expenditure is a proper one it is the duty of Congress to make an appropriation. And if there has been malfeasance in office it is the duty of the gentleman from Missouri and others who believe with him to take proper steps to punish those who have improperly kept it.

It does seem to me the House owes it to itself to enable the Executive Departments, even if they are of different political faith, to transact the public business, and if they are guilty of bad action in office they will have the support on this side to put down improper practices if they know of them. And the Departments know it as well as the House knows it. The question before the House is not whether any member of the State Department has violated his duty; the question is whether these expenditures are proper for the public business.

What man ever hired a clerk and then required him to pay for telegrams and postage of the business house which hired him? Nobody on the face of the earth ever thought of transacting public business in that way. It does seem to me the gentleman from Missouri can understand that matter as well as anybody else, and he ought to give this House some arguments to show the expenditure for telegrams and postage-stamps and for the other items contained in this amendment are not legitimate expenses of the Government of the United States.

The CHAIRMAN. Discussion on the pending amendment is exhausted.

Mr. BLOUNT. I will withdraw my amendment.

Mr. BLAND. I renew it; and I do it for the purpose, Mr. Chairman, of answering as far as I can the insinuation made by the gentleman from New York and the gentleman from Maine. This side of the House has been brought to task because it is said we are making appropriations on a supposition, or the insinuation rather, that the money may not possibly be honestly expended, and they call our attention to the fact we ought to make appropriations and investigate afterward. The gentleman from Maine assures us if the money is appropriated and there is any dishonesty his side of the House and his party will punish those who are guilty. The past history of that party does not warrant that statement. I remember, Mr. Chairman, when the Post-Office Department, under the management of Mr. Brady, Second Assistant Postmaster-General, demanded an extra appropriation of something over $2,000,000, if I remember correctly the amount, as a deficiency, and demanded that a Democratic House should make the appropriation or the mail service of the country would cease. We were then told by that side of the House this appropriation ought to be made. We undertook to investigate the matter, and it was difficult to ascertain the facts. They were a little too sharp. They covered up their tracks and we were compelled under duress to make the appropriation; and while the whole country is satisfied this money was stolen by thieves in the Post-Office Department, yet not a single one of the thieves has yet been brought to justice.

And how was it with the Navy Department? We were called upon to make large appropriations for that Department. An investigation afterward showed the money was squandered by somebody, and not one thief has yet been brought to justice by the other side of the House. I know nothing of this appropriation; but I repudiate the idea that when you suspect anything wrong in a Department it is possible to ferret it out or punish the wrong-doer. Experience has shown here

that you can not; and hence all you can do is to cut down the appropriations to the lowest possible figure that will provide the necessary amounts for the public expenditures and leave no room for exceeding them.

Mr. BURNES. I move that the committee rise for the purpose of limiting debate, unless by unanimous consent we can take a vote now.

Mr. CANNON. I think there will be but five minutes longer desired in the discussion of this question on this side.

Mr. BURNES. Then I ask unanimous consent that debate on this paragraph be limited to five minutes, to be occupied by gentlemen in favor of the amendment.

The CHAIRMAN. If there be no objection that will be understood as the order of the committee.

There was no objection.

Mr. REED. Mr. Chairman, I only want a few moments to reply to the suggestions of the gentleman from Missouri [Mr. BLAND] who has just taken his seat. I do not propose now, although I will at some other time, to go fully into the general questions he has started, but shall confine myself to this present question, which is a business proposition, and to the statement he made in relation to it. He says that if money has been improperly expended the only method to remedy the wrong is to cut down the appropriations. Now, if the cutting down of the appropriations had any logical application to the misapplication of any of the money, that argument might have some weight with those who believe in it. But the gentleman from Missouri on my right [Mr. BURNES] in charge of this bill proposes to cut down the appropriation for postage in our diplomatic service because the appropriation for mileage has been misused. I ask how that argument can logically apply? You know that we must have telegraphic and postal communication between the State Department and its subordinates. It is a necessity the existence of which can not be denied, and this amendment provides money for it, the bill having failed to make such provision.

Every man on this side of the House as well as on the other side knows that that appropriation has got to be made, and that you and I have got finally to vote for it. Now, you can not have, it seems to me, any business motive for withholding the appropriation. I ask you then whether it is worth while under such circumstances to refuse money which you know ought to be appropriated, and which you know has got to be appropriated before this bill passes through Congress? And if you think by reciting to the people of this country a bead-roll of items of this character, made up without any foundation in business sense and supported by no argument, then you will permit me to say that you pay to the people of the United States a left-handed compliment which in due time they will return to you. That is all I desired to say.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois.

The question was taken; the committee divided, and there were—ayes 68, noes 71.

Mr. HITT. I call for tellers.

Mr. CANNON. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. CANNON and Mr. BURNES were appointed tellers.

The committee again divided; and the tellers reported—ayes 82, noes 84.

So the amendment was not agreed to.

The Clerk read as follows:

For the expense of a prison and prison-keeper at the consulate-general in Bangkok, Siam, $1,000.

For the actual expense of renting a prison at Shanghai for American convicts in China, $750; and for the wages of a keeper of such prison, $800.

For the actual expense of renting a prison in Kanagawa for American convicts in Japan, $600; and for the wages of a keeper of such prison, $800.

For the purpose of paying the keepers of prisoners in China, Japan, Siam, and Turkey, the sum of $5,000: *Provided*, That no more than 75 cents per day for the keeping and feeding of each prisoner, while actually confined, shall be allowed or paid to any such keeper; and such payment shall cover all expenses attending the keeping, feeding, and care of any such prisoner.

Mr. CANNON. I move to strike out from lines 290 to 306, inclusive, and insert what I send to the desk.

The CHAIRMAN. The Chair will state that the Clerk had read the section ending with line 306.

Mr. CANNON. My motion is to strike out from line 290 to and including line 306.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Strike out lines 290 to 306, inclusive, and insert:

"For rent of prisons for American convicts in Siam and Turkey, and for wages of keepers of the same, $2,000.

"For rent of prison for American convicts in China, $1,500.

"For wages of keepers, care of offenders, and expenses in China, $9,500.

"For rent of prison for American convicts in Japan, $750.

"For wages of keepers, care of offenders, and expenses in Japan, $5,000.

"For rent of court-house and jail, with grounds, appurtenant, at Yeddo, or such other place in Japan as shall be designated, $3,850."

Mr. BURNES. I have not the bill before me, sir, but it occurs to me that this paragraph has been passed over. The clerk of the committee who is keeping the record of the proceedings on the bill is not present, but it seems to me that we have passed over certain sections of the bill already which are proposed to be amended by this paragraph.

Mr. CANNON. This is offered at the conclusion of the paragraph just read as an amendment to that paragraph and the three preceding.

The CHAIRMAN. The Clerk, the Chair will state, had read four paragraphs of the bill. Thereupon the gentleman from Illinois suggested an amendment to the first three sections and a part of the fourth section, moving to strike out all of the four sections and insert that which has been read in lieu of them.

Mr. BURNES. I apprehend it would be improper for the amendment to be considered as regards the first three paragraphs which it proposes to strike out.

Mr. CANNON. I will say to my colleague on the committee the gentleman from Missouri in the consideration of this bill, cut up as it is, the practice has been, as he well knows, to offer a substitute for two or three paragraphs as one amendment; and I supposed that practice still obtained.

Mr. BURNES. I am not aware of the practice the gentleman refers to, but I desire to throw myself on the knowledge of the Chair. As a matter of course the gentleman from Illinois will remember he notified us we could not go on yesterday evening, and I do not know that I feel inclined to yield to him any point this morning.

The CHAIRMAN. The Chair will state this was done several times yesterday during the consideration of the bill. Still, under the rule, each paragraph is before the committee separately for amendment, and it is only by unanimous consent that any paragraph which has been passed over can be returned to. It is only now strictly in order to move to strike out the last paragraph which was read. The Chair inquires of the gentleman from Illinois whether he desires to ask the committee that the amendment in its present form shall be entertained by unanimous consent?

Mr. CANNON. I suppose the gentleman from Missouri [Mr. BURNES] has notified the committee that unanimous consent can not be had. And I will state further again to the gentleman from Missouri, that there may be no question about it, that I supposed from yesterday's proceeding on two or three occasions there would be no objection to reading the two or three paragraphs and then saving time by moving to strike out the whole and inserting the amendment proposed, because the amendment covers the whole subject-matter. Resting upon that supposition from the practice that had obtained before, I refrained from offering the amendment to save time until the whole paragraph had been read. But if it is the sense of my colleague to make the point of order that as to three of the paragraphs the amendment comes too late, that is his privilege.

Mr. STORM. I object to going back to the paragraphs which have been passed over. I was watching for the purpose of making the point of order if necessary, but supposed that the amendment which was offered related only to the last paragraph read by the Clerk.

Mr. HOLMAN. I think with the understanding that the subject will be disposed of at once without consumption of time the objection will not be insisted on.

Mr. STORM. I withdraw the objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. STORM] withdraws his objection. The Chair is not informed whether there is any other objection.

Mr. BURNES. The gentleman from Illinois [Mr. CANNON] can never beat us in liberality. If he really desires that the objection shall be waived to including in his amendment the paragraphs which have been passed from, I feel that I can not deny him that favor.

Mr. CANNON. I do not put it on the ground of favor——

Mr. BURNES. Well, I will say courtesy.

Mr. CANNON. I put it on the ground of the practice which has been followed in the consideration of this bill. Nor am I here to assent—although I do not intend to speak at any great length—to have any limitation put upon me in the discussion of this matter save such as the rules of the committee and of the House put upon me.

Now, Mr. Chairman, I will make my speech about this matter, as I proposed to do when I rose, and I will occupy but a minute; because it does not suit my pleasure to speak longer than a minute, and for no other reason whatever.

The total of appropriations to sustain these prisoners and feed the prisoners under our system of consular courts in the Oriental countries this year is $22,600. The appropriation proposed by this bill is $8,950; a decrease of $13,650. This Government has entered into solemn treaties with the Oriental countries, under which our consuls hold courts to try men for crime and dispose of property where our citizens and the citizens of the Oriental countries are litigants. To make the courts effective you have got to have power to enforce their decrees and judgments. This takes away that power. If it is the sense of a Democratic House to absolutely turn loose the lawless in foreign lands where it is our right to protect our people against them, so be it; take the responsibility and do it. I call for a vote.

Mr. BURNES. I might very well leave this question to the committee without any remark. But there has been so much said about cutting down expenditures without regard to rhyme or reason that I propose to defend it for a moment.

It is in appearance rather than in fact that this appropriation is reduced. That is to say, if the reports that we have had with regard to the expense in China and Japan are reliable, then the appropriation is not reduced; and those who maintain that it is reduced must take a position against the action of the Department.

We have here made an appropriation for these consular courts, and we have made ample provision for these consular prisons. But the trouble is that we have struck one blow at reform. Instead of allowing the jailer to go out upon his own motion and purchase supplies to run a boarding-house for the benefit of himself, and it may be of the Government officers and guests of the Government officers living at the port, we have simply made an appropriation for the purpose of paying him so much per diem for keeping the prisoners in the jail. I need not go into detail and I know there are Republican gentlemen in this House who have the same information that outrageous abuses have occurred in China and perhaps in Japan in regard to the expenses of maintaining those consular prisons. And now instead of authorizing our agents there to maintain a large establishment for the purpose of supplying the prisoners with food, we furnish the prison-house and the prison-keeper and we make him at his own expense feed prisoners for so much per diem. That is the only change we have made.

One word more. The greatest consular scandal that has ever grown out of the consular service in this country is connected with the consulate at Shanghai. Many of you know more about it than I do I tell you that the scandal is not yet at an end. In saying this I mean no reflection upon the present administration of the State Department, because it may be that the hands of the Secretary of State are tied by the machinations of a foreign consul at that place, so that he has to do what he is doing. But this committee will perhaps be amazed when told that China furnished the ground to the United States as a compliment to our flag; that the ground was accepted by the consul for the benefit of one of his friends around the corner, to put it in no plainer language, and that friend built a house upon it, made an imaginary line and divided the building into apartments for a post-office, court-house, jail, consular office, &c. Then a lease for a term of years was made, and that lease has not yet expired, by which nearly double the amount that ought to have been expended for this purpose was expended in behalf of the owner of that property, who, as I am informed, is but another name for the former consul at that port.

I mention these things, and why? Because, to its credit I say it, the present State Department, realizing the danger in which it stood and in which it stands, has ordered our minister to China to make a thorough investigation of all these subjects, and I have no doubt that our Secretary of State intends to make a full and fair investigation. When he makes his report if anything is lacking we can give it. But at present we can never relieve this Government from the stain placed upon it by a man who bears an honorable name until we strike at this item of appropriation in the manner in which this bill does.

Mr. CANNON. I here and now deny and call for the proof of any abuse in the expenditure of keeping prisons and prisoners during the present fiscal year or the last fiscal year. I here and now deny that there is any abuse whatever in the expenditure of this twenty-odd thousand dollars now given under the law for this purpose. I here and now affirm that every dollar of that amount is necessary to maintain these prisons and the prisoners at the consular ports all around the world where we have treaties. And I call upon the gentleman from Missouri [Mr. BURNES] to give us item by item wherein the full amount is unnecessary. As to what scandals may have existed in former years in connection with a consulate I do not know. Some years ago it was claimed that there were abuses touching the consulate at Shanghai. That consul is not now in office and has not been for years. In the administration of the one hundred and odd thousand office-holders under this Government I have no doubt that some time or other some one or more of them may prove to be bad men; it would be strange if such was not the case. If there are bad men among them then impeach them; if there are bad men then expose them.

But when my friend from Missouri, on this simple business proposition, gets up here and undertakes again to play cuttle-fish, and instead of arguing the amendment which I have offered wanders off about old straw, travels over old ground that was traveled over by my colleague from Illinois [Mr. SPRINGER] long years before the gentleman from Missouri [Mr. BURNES] had the honor to be a member of this House, I apprehend that he is neither logical, strong, nor satisfactory in his attack.

Mr. BURNES. I have the figures here, which I can give in answer to the gentleman if he desires.

Many MEMBERS. Vote! Vote!

The question was taken upon the amendment of Mr. CANNON, and it was not agreed to.

The Clerk read the following:

For relief and protection of American seamen in foreign countries, $40,000.

Mr. HITT. I move to amend the paragraph just read by striking out $40,000 and inserting $50,000.

The sum of $50,000 is what has been heretofore appropriated in order that the Government might be prepared for emergencies which require the merciful intervention of the Government to save the lives of our seamen and protect them throughout the world. It may be that all of that amount will not be needed. Sometimes far less than that amount is used; but at other times much more is required. Five years ago $70,000 was required at a single consulate when the great whaling fleet of the Northern Pacific Ocean was wrecked.

It is a fund of precaution; it is a fund of protection, a fund of mercy. The usual amount, $50,000, is deemed by the Department and has been deemed by Congress heretofore as not too large. I therefore move this amendment in order that the law may stand as it now is. The changes which will be produced in our law by the shipping bill, if it passes, will make every dollar of this necessary.

Mr. BURNES. One moment. I am not willing that the remarks of the gentleman from Illinois [Mr. CANNON] should go without any reply, after he has so vociferously denied the statements I have made, without offering any proof to sustain his denial, although with the Department of State and its officers to assist him it was easy for him to give facts and figures rather than mere declamation.

Now, the consul-general in China returned $5,449.12; he received a salary of $5,000 a year; he is allowed for clerk-hire, $2,000; for contingent expenses, $1,693; for rent of jail, $1,116; for wages of keeper of jail, $3,049; for marshal for consular court, $1,000; for interpreters, $1,939.92; making a total of from $14,000 to $15,000. I will not now do more than simply call attention to these figures to show the extraordinary expenditures of that consulate.

One word in regard to the paragraph under consideration and the amendment offered by the gentleman from Illinois [Mr. HITT]. The Department of State expended last year for this purpose $30,000, and no more. It may be that we can not now determine exactly how much will be needed for next year. The gentleman from Illinois [Mr. CANNON] in the exuberance of his fancy the other day seemed to think that he could determine by weather-signs exactly how many storms would occur, and that $50,000 would be necessary for aiding seamen. It may be so; but, if so, he is the weather prophet, and we are not the Wigginses of the House.

But, sir, as $30,000 was expended for this purpose last year, and as we propose to allow in this bill $40,000, $10,000 more than the expenditure of last year for the same purpose, I submit that our appropriation is ample, and that to appropriate more would be to do what our friend from Colorado [Mr. BELFORD] opposes so bitterly, that is, to load up the Treasury with a superabundance of money.

Mr. ADAMS, of Illinois. I wish to ask the gentleman in charge of this bill whether this appropriation for relief and protection includes the bringing home of shipwrecked sailors from foreign ports to this country.

Mr. BURNES. No, sir.

Mr. ADAMS, of Illinois. Is there a special appropriation for that purpose in some other part of the bill?

Mr. BURNES. There was an estimate; there is no appropriation.

The question being taken on the amendment of Mr. HITT, it was not agreed to.

The Clerk read as follows:

For expenses which may be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American citizens from shipwreck, $4,500.

Mr. HITT. I submit the amendment which I send to the desk.

The Clerk read as follows:

Insert after line 320 the following:

"To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $10,000, or so much thereof as may be necessary."

Mr. HITT. Mr. Chairman, this provision is one familiar to the experienced members of this body, to those who have had to deal with questions concerning our foreign relations. This is a fund placed at the disposal of the Department to be disbursed when necessary in order to prevent violations of our duty of preserving neutrality between our people and foreign nations.

This money has been employed chiefly in ascertaining and preventing attempted descents upon regions adjacent to the United States where there has been disturbance brewing, the disturbances being fomented from places within the United States. There is at this moment such an expedition disturbing the peace of a colony of Spain near by us, and this at the very time that our minister is engaged in negotiating with Spain and our Government is making a strenuous endeavor to secure from that power substantial advantages for our commerce. Our State Department has in fact within a few months secured a considerable relaxation of the harsh terms that were imposed upon our trade with the island of Cuba, conditions which have been oppressive to American citizens and which we are all anxious to see made more liberal and more conducive to our export trade.

This is a carefully audited expenditure, which never has been permitted to be published in the ordinary way by the press, but every detail of which is open to the examination of those who, like committees of this House, are properly authorized to see it, when it is shown to them in official confidence. For many years it has been the usage for

Congress to make this provision; and this amendment is now proposed in pursuance of that policy.

The amendment of Mr. HITT was not agreed to.

Mr. McCOID. I ask unanimous consent to offer an amendment to a part of the bill which has been passed.

Mr. SPRINGER. Let the amendment be read subject to objection.

The Clerk read as follows:

After the word "Belgium," in line 206, insert "Che Foo, China;" and in line 209 strike out "$34,000" and insert "$35,000."

The CHAIRMAN. Is there objection to the consideration of this amendment?

Mr. BURNES. I think there can be no objection to the proposition.

Mr. RANDALL. If the gentleman from Missouri does not object, I do not.

Mr. McCOID. I ask that the amendment be adopted.

There being no objection, the amendment was considered and adopted.

The Clerk read as follows:

For the purpose of enabling the President to provide at the public expense all such stationery, blanks, record, and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, $15,500.

Mr. KING. I move to strike out the paragraph just read and insert the provision which I send to the desk.

The Clerk read as follows:

For contingent expenses of foreign intercourse proper and of all the missions abroad, $85,000.

Mr. KING. Mr. Chairman, if I can have the ear of the gentleman in charge of this measure and of the committee, I think I can show by the record that there is a discrepancy between the appropriation made for the purposes in the pending paragraph and the appropriations made by previous Congress for similar purposes which is somewhat confounding.

If we intend to continue our consular service, sufficient provision must be made for it, and I take it that previous Houses—Democratic Houses—so understood this question. I read from the Statutes at Large, volume 20, embracing the acts of the second session of the Forty-fifth Congress, for this identical purpose, as will be seen:

For contingent expenses of United States consulates, such as stationery, bookcases, arms of the United States, seals, presses, and flags, rent, freight, postage, and other necessary matters, including loss by exchange, $115,000.

At the third session of the same Congress, a Democratic House made, in the same language, for the same purpose for which this bill proposes to appropriate the meager sum of $15,000, an appropriation of $135,000. In the next Congress, the House being again Democratic, I find there was in the first session an appropriation for this same purpose in the same terms, of $125,000; and in the session that followed an appropriation of the same amount.

No excess is reported by the Secretary of State in either instance. I find in the last Congress—last session—that the sum of $85,000 was appropriated, and according to the report of the Secretary of State $79,133 has been expended so far, leaving a balance of $5,867 on hand. But there are outstanding accounts estimated to the extent of $10,000, which will bring the total amount expended the present fiscal year to $90,000.

I beg the House to be patient until the Clerk can read a telegram which I received from the State Department yesterday on this subject.

The Clerk read as follows:

DEPARTMENT OF STATE, *May* 15.

To Hon. J. FLOYD KING:

Central America: Only salaried posts are Ruatan, in Honduras, $1,000, and San Juan, in Nicaragua, $1,000. The others are all compensated by fees. So Government must depend upon a citizen of the town or a United States citizen who happens to be temporarily there on other and private business. There is a minister accredited to all the States of Central America, but the lack of mail and telegraphic communication, or of means of traveling from one post to another, except by occasional coast steamers and upon mules through the country, makes it extremely difficult for him. There are nine principal consular officers in Central America, seven of whom are compensated by fees. Some of the offices can not be kept filled because of the insufficient compensation. The present bill contemplates a consul at the capital of each Central American State, but the salary of $1,500 is inadequate, as the consul must pay his traveling expenses to his post, his personal expenses there, and certain Government expenses, such as postage, telegraphing, &c., for which no provision is made in the bill. We should provide these countries with most of the manufactures they consume and with a large amount of food products. Consular officers, Americans, with a single interest to the good of the United States, are necessary to develop this trade. In South America we have in Ecuador only one representative, a fifteen-hundred-dollar consul at Guayaquil. The bill proposes a secretary of legation at Quito at $1,500.

It is improbable that an American citizen would go there for that compensation, paying numerous Government contingent expenses out of his own pocket. In Bolivia, if this bill pass, we shall have a secretary of legation at $1,500 and some feed consuls. The fees amount to nothing. In Chili there are only two salaried consular officers, one at Valparaiso receiving $3,000, and one at Talcahuano receiving $1,000. Valparaiso is the seaport of Santiago, and principal commercial place in Chili. Talcahuano is an important port for our shipping, especially whaling vessels. In the Argentine Republic the only salaried consular officer is at Buenos Ayres. In Brazil there are five salaried consular officers—the consul-general at Rio at $6,000, consul at Rio Grande do Sul at $1,000, one at Pernambuco $2,000, one at Pará $1,500, one at Bahia $1,500. Except at Rio and possibly at Pernambuco these salaries are insufficient. All these places are seaport towns and should import very largely from the United States. In Venezuela there are three paid consulates, La Guayra, and Puerto Cabello, each $1,500, and Maracaibo $2,000. In Colombia there is a salaried consulate at Panama and another at Aspinwall. The others are feed officers, and except Barranquilla, the fees are insufficient to attract any one from the United States not engaged in private business. In Peru there is one salaried consulate at Callao. The present bill abolishes the mission to Bolivia by giving the minister to Chili jurisdiction over it, and gives the minister to Peru jurisdiction over Ecuador, which leaves the missions as follows: Minister each in Venezuela, Brazil, Argentine Republic, and Colombia, a minister to Peru and Ecuador, and a minister to Chili and Bolivia.

The bill provides nothing for traveling expenses of these ministers, and leaves their postage, telegraphing, &c., to be paid by them. Ecuador, population more than a million; Venezuela, population about 2,000,000; La Guayra, 7,000; Puerto Cabello, 9,000; Maracaibo, 21,000, have important trade relations with United States. Colombia, about three millions; Panama, $111,000; Aspinwall, $25,000; Bogota, $50,000, &c. Peru, population about 2,500,000; Callao, 34,000; Iquique, feed consulate, population 16,000; exports about $3,000,000 to United States; trade with United States principally in nitrates. Brazil, population about 10,000,000; Bahia, 129,000; Pará, 35,000; Pernambuco, 841,000; Rio Grande do Sul, 20,000; Rio de Janeiro, 300,000; Santos, 9,800; large exports to the United States; all should have large imports from the United States. Chili, population, 2,075,000; Valparaiso, 97,000; Talcahuano, 2,400. Argentine Republic, population about 2,000,000; Buenos Ayres, about 180,000. The exports from Buenos Ayres alone to the United States amounted last year to about $3,000,000. We should supply them with manufactured articles. Gautemala, population 1,190; but one full consulate, that an unsalaried one, at Gautemala City, the population of which is 45,000; Honduras, population 350,000; Salvador, population 435,000. The above figures are approximate but substantially correct; population probably larger than stated. The salary of $1,500 for a consul inadequate at most any post; it is the salary of a copying clerk, not that of a man familiar with commercial and international law and intrusted with large responsibility.

JOHN DAVIS.

[During the reading of the above telegram Mr. KING's time having expired, Mr. BLANCHARD took the floor and yielded him his time.]

Mr. HISCOCK. I ask to be recognized, and will yield my five minutes to the gentleman from Louisiana.

Mr. KING. Mr. Chairman, when I came to the clause in this bill which appropriates $15,500 for this purpose I really did not think the committee were in earnest. The impression made on my mind was that if they were in earnest it was intended to strike the service down, and if that were the case I wondered why the committee did not throw this whole appropriation out.

Now, we have heard a great deal of brass buttons and toadyism. It may all be true; if it is, no one will condemn it more severely than myself. I believe in the simple austerity of the American character, and if American ministers abroad have in any way aped the old forms of effete civilizations, of tyranny, and white slavery, I for one would be for taking from the guilty one the authority this Government has invested him with. What we want, sir, is commerce. Nations advance in the lines either of religious civilization or military civilization or the civilization of commerce. We have chosen the latter.

The CHAIRMAN. The gentleman's time has expired.

Mr. BURNES. The other side have occupied fifteen minutes on this proposition; and as the whole subject was once discussed, but on another amendment, I now move the committee rise for the purpose of closing debate.

Mr. KEIFER. I think that is not necessary, as the committee will agree by unanimous consent to close debate at this time.

Mr. BURNES. If that be the agreement I have no objection.

The CHAIRMAN. The Chair hears no objection, and debate is closed on the pending amendment.

Mr. KING's amendment was not agreed to.

The Clerk proceeded with the reading of the bill, and read the following:

For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, $20,000: *Provided*, That no part of such reports discussing partisan, political, religious, or mere moral questions shall be published.

Mr. KASSON. I ask the gentleman from Missouri [Mr. BURNES] to explain exactly what that proviso means. For the present I will reserve the point of order.

Mr. BURNES. I will explain to my friend from Iowa that this bill appropriates the same amount which was appropriated last year for this purpose.

Mr. KASSON. I understand that, but what is meant by the limitation in the proviso that no part of such reports discussing partisan, political, religious, or mere moral questions shall be published.

Mr. BURNES. That limitation has been attached to the appropriation for the reason that we will have a great many more copies for distribution among our constituents if we exclude from publication mere essays in consular reports on prohibition, protective tariff, free trade, and every other imaginable question. What we want are facts and not essays on theoretical positions.

Mr. KASSON. I feared that was the intention. I know our consuls give us a great deal of information, which is very interesting to the people, of the condition of countries where they are located. Incidentally they speak of movements involving sometimes religious wars. It adds to the interest and knowledge of our people of what is going on abroad. On the tariff question they are obliged to report under the rules of the Department facts relating to the condition of manufactures, rates of duties, and effects of rates of duties.

Mr. BURNES. We do not object to their reporting facts, but we do object to the publication of labored defenses of one theory or another in reference to political, religious, and moral questions.

Mr. KASSON. It is impossible to separate them. I do not see how it can be done. No one objects, so far as I know.

The CHAIRMAN. The Chair understands the gentleman from Iowa rises to a point of order, and he will state his point of order.

Mr. KASSON. This is entirely new legislation, not coming within the rule, as I apprehend, sir.

The CHAIRMAN. The Chair will state to the gentleman from Iowa that he has not information before him as to the terms of the present law.

Mr. KASSON. It is merely a law making appropriations for the collection, preparation, and publication of the reports transmitted to this Government from our foreign representatives.

I may be permitted to remark incidentally that it is a law in the preparation of which I took a great deal of interest and urged upon Mr. Evarts, then Secretary of State, the advisability of frequent bulletins for the information of the country. I was impressed with the importance of obtaining information concerning the business interests, the commerce, tariff, agriculture, and other matters of interest to our people in connection with the countries to which our representatives may be sent, and the law was adopted when that gentleman was in power as head of the Department. I urged upon him, as I have said, the necessity of providing that these reports should be made at frequent intervals, and hence the system of monthly reports was established, which have proved to be of great value—information touching not only the subjects to which I have referred but religious-political movements, as well as facts touching the tariff.

Now, the provision of this bill as it stands here would be a great embarrassment in the preparation of these reports in the matter of determining what comes within the restrictions of this provision and what would be proper under the terms of the law. I hope my friend from Missouri, therefore, will allow these reports to come in as they have been coming, without any restriction upon them which would necessarily involve difficulty in construction and delay in the preparation of the reports. I do not think it is within the rule, sir; but I am looking at the bill without making a special point more than is necessary, believing that a mere statement of the case would induce the gentleman to withdraw it. I reserved, however, the point of order, because I think it subject to it, but for the present will only call the attention of the gentleman from Missouri to the difficulty I apprehend if this proviso shall stand.

The CHAIRMAN. The gentleman from Iowa will recognize the difficulty that the Chair would have in deciding a point of order that is not made.

Mr. KASSON. The point of order is made that this is new legislation which changes existing law. The present law authorizes the transmission of reports embracing statistics of agriculture, commerce, tariff, manufacturing, the effect of local laws upon them, and such matters of general interest, all of which are published now under existing law. This seeks to exclude certain matters now authorized from the reports, and I call the attention of the Chairman to it.

Mr. RANDALL. There is no objection to the publication of all the facts relating to the subject of tariffs of foreign countries or reports which are in any way connected with the commerce, agriculture, or industries of any character or which will probaby enable us to secure commerce between ourselves and such countries. But it has come to the notice of the Committee on Appropriations that a portion of these gentlemen have entered upon a discussion of subjects that do not pertain, as we think, to the duties of their offices or come within the purposes for which that law was passed. Such, for instance, I might cite an essay on temperance, which has been forwarded; another furnishes an essay upon protection and free trade, and others have been sent upon these and kindred subjects.

The Committee on Appropriations do not desire in any manner to restrict the accumulation of statistics or the publication of facts connected with subjects of general interest in this country; but we think it unwise to permit the funds appropriated for the purpose of gathering statistics of general interest to the public to be used in the preparation of essays on the subject of protection or free trade, or the subject of temperance or on religious subjects. That is the reason the restriction was made.

The effect will be, as stated by the gentleman from Missouri, to give for the sum of money appropriated in this bill, which is the same as that of last year, a larger number of these publications that would be of general interest.

Mr. KASSON. Does not the gentleman from Pennsylvania agree with me as to the difficulty that would arise in the construction of the language used here:

That no part of such reports discussing partisan, political, religious, or mere moral questions shall be published.

Mr. RANDALL. The word "partisan," I think, would so confine the language used there as that they might discuss a question of great public policy of the Government perhaps, but not in its relation to this country as far as affects our—I hardly like to call that a local question [laughter]—upon our tariff or duties here.

Mr. KASSON. But the gentleman from Pennsylvania will see that this provision added to this section of the bill would be a very difficult one to construe. What would come within its restrictions in the reports already submitted?

Mr. RANDALL. A statement of all of the facts in connection with such subjects is what we desire to obtain, and the money is given for that purpose. But it occurred to the committee that we could enlarge the facts as far as they relate to commerce and the general trade of the countries—which are the main points we desired to reach—better by a provision of this character than otherwise, because we do not desire mere essays upon subjects not of direct or general interest.

Mr. REED. The difficulty, though, would be in the construction of it.

Mr. KASSON. It would be in my judgment exceedingly impracticable to carry into execution. It imposes limitations upon the present law which will be difficult to enforce. It would create confusion in these reports as to discriminating between what they are authorized to publish and what they are not authorized under this provision to report.

Mr. HISCOCK. I would like to ask the gentleman from Pennsylvania in what respect, if any, the consuls have exceeded the duties imposed upon them by section 1752 of the Revised Statutes?

Mr. RANDALL. Read the statutes.

Mr. HISCOCK. It is in the following words:

SEC. 1752. The President is authorized to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the Constitution or any law of the United States, in relation to the duties of all diplomatic and consular officers, the transaction of their business, the rendering of accounts and returns, the payment of compensation, the safe-keeping of the archives and public property in the hands of all such officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interests. It shall be the duty of all such officers to conform to such regulations, orders, and instructions.

Mr. RANDALL. I do not believe the President has ever given any instructions which would require consular officers to write essays on temperance.

Mr. HISCOCK. The language of the section is:

The communication of information and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce from time to time as he may think conducive to the public interests.

Mr. KASSON. I will read the last line of the section, because it touches the point of order:

It shall be the duty of all such officers to conform to such regulations, orders, and instructions.

These officers are now executing the instructions they have received. This proviso says they shall not do so, or at least that what they report shall not be published.

Mr. KEIFER. I desire to be heard for a moment on the point of order. I understand the proviso is not so much a regulation of what the consuls shall do in making their reports as it is an inhibition against the publication of their reports by the State Department. The consuls will still be at liberty to make such reports as the State Department shall require them to make, or as they may choose to make in the absence of any regulation on the part of the State Department. But I think the clause is subject to the point of order. Under existing laws these consular and other commercial reports may be printed Now, the proviso perhaps may be said to be germane to the paragraph of the bill, but it does not come within the third clause of Rule XXI. Assuming that it is germane to the subject-matter of the bill, the adoption of the proviso will not "retrench expenditures by the reduction of the number and salary of the officers of the United States," or "by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill."

If this clause should be stricken out on the point of order or otherwise the amount of money would still stand as covered by the bill and the expenditure would be exactly the same, so that it does not come within either of these clauses that I have referred to in paragraph 3 of Rule XXI. It is unquestionably new legislation. It is not merely the changing of existing law, but it is absolutely new legislation, and it is upon an appropriation bill, and therefore subject to the point of order, as I understand. Everything that changes existing law is entirely new legislation. This can not come within any one of the clauses I have read from the rule, and hence I think the point of order made by the gentleman from Iowa is well taken. I should not insist upon it if I did not think the proviso in the bill was one that was likely to lead to a great deal of trouble and do no good.

Mr. TOWNSHEND. I ask the gentleman from Ohio if the proviso will not retrench expenditures?

Mr. KEIFER. I shall be glad if the gentleman from Illinois will state how it will do so.

Mr. TOWNSHEND. It will reduce the size of the communications, and economize the time of the consuls in various ways.

Mr. KEIFER. But the proviso does not seek to regulate the consuls in making their reports. It regulates only what shall be the character of the reports published by the State Department.

Mr. KASSON. The books published may be still as large.

Mr. BURNES. The proviso limits the expenditure.

Mr. KEIFER. The proviso does not limit the expenditure. The $20,000 are still appropriated.

Mr. BURNES. But $15,000 may be sufficient to publish these reports if all this is taken away from them.

Mr. KEIFER. But the gentleman from Missouri gives $20,000 absolutely for the purposes of this expenditure. The same amount is ap-

propriated and left to be expended, and as has been said by the gentleman from Iowa [Mr. KASSON], the volume may be just as large, because if the consuls know remarks on these matters will not be published they will write at greater length on other subjects.

The CHAIRMAN. In the opinion of the Chair the point of order, as well as the Chair understands it, is not well taken. If the printing and circulating of certain documents cost anything, the proviso that certain reports shall not be printed for distribution would seem to decrease expenditure. Nor is the Chair advised that there is any existing law which this in any way changes. The point of order is, therefore, overruled.

Mr. PARKER. I desire to offer a small amendment. In line 350 the word "mere," before the word "moral," if grammatical, is vague, uncertain, and apparently unnecessary. I hope the gentleman from Missouri will not consider the suggestion as disrespectful.

Mr. BURNES. Not at all, sir.

Mr. PARKER. Then I move to amend by striking out the word "mere."

Mr. KASSON. I think it will be better to move to strike out the whole proviso.

The CHAIRMAN. The question would first be on the amendment to perfect the text. Does the gentleman from New York insist on his amendment?

Mr. PARKER. Yes, sir.

Mr. BURNES. It is a sort of qualification of the word "moral;" but I do not care about the word being retained.

The amendment was agreed to.

Mr. KASSON. I really do not think it is wise for us to prohibit all allusions to moral and religious questions in these reports. Such allusions doubtless occur incidentally, and I suppose these matters are never discussed in an obnoxious sense. I move to strike out the proviso.

The question being taken on Mr. KASSON'S motion, there were—ayes 36, noes 50.

So (further count not being called for) the motion to strike out was not agreed to.

Mr. KASSON. We have got it now so that these consuls shall not say anything that is religious or moral. I think we ought to prohibit them from saying anything irreligious or immoral. [Laughter.] I suggest to the gentleman from Missouri an amendment to that effect.

Mr. REED. Oh! that is not necessary.

Mr. BURNES. I think, if insisted upon, it might be a very appropriate amendment.

The Clerk resumed the reading of the bill and read the following paragraph:

For defraying the expenses of transporting the remains of ministers and consuls of the United States to their former homes in this country for interment, where such ministers or consuls may die abroad while in discharge of their official duties, $10,000.

Mr. KING. I move to strike out the paragraph just read.

I take it the committee means this as a grim joke to provide for dead men, when they do not provide for the living. Still I can scarcely believe the majority of this House mean to perpetrate a practical joke on the country in the form of a measure that carries nothing in it for the maintenance of the consular service to which we must look for the advancement of our commercial relations with the world. Why, sir, immediately below the city of New Orleans there are the South American and Central American States and the islands of the Caribbean that have a foreign commerce nearly as large as the foreign commerce of this great Republic, and we do not receive 1 per cent. of it. And why? It is because the people of those various countries do not actually know us. The English, the Germans, the French have their ministers and consuls there, and those consuls are the instruments by which the commerce of those several countries has been directed to England and to Europe. Consuls are but the advanced guard of commerce, the skirmish line; or, to speak in more peaceful phrase, they are the pioneers of commerce. Yet you propose to compel our consuls in those countries to return home or remain out there and starve. I do not believe that this side of the House is conscious of the injustice it is perpetrating in this regard at this time.

Yesterday, at the very closing hour of the day's session, by unanimous consent, a measure was passed by this House loaning $1,000,000 to the Cotton Centennial Exposition to be held at the city of New Orleans. Was that for a mere show? No, sir; it was in serious earnestness, for the purpose of promoting the commerce of this great country. Yet we are now told that the very countries which we expect to send articles to be displayed at this world's fair, the greatest ever held on this continent, and to which we should look for enlarging our commercial advantages, are to have no agents from us among them as our official representatives; for such practically must be the result of passing this bill in its present form.

The question was taken upon the motion to strike out by a *viva voce* vote, and the chairman announced that the noes appeared to have it.

Mr. KING. I call for a division. I want to see how many there are here who are willing to vote for a joke like this.

Mr. REED. I think we should do something for the dead, if we do not do anything for the living.

The question was again taken; and upon a division there were—ayes 22, noes 55.

So (no further count being called for) the motion to strike out was not agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. BURNES. I now move that the committee rise and report the bill and amendments to the House with a favorable recommendation.

Mr. KEIFER. I suggest to the gentleman that he had better move to lay the bill aside to be reported favorably to the House, and allow the Committee of the Whole to proceed with the consideration of the Army appropriation bill.

Mr. BURNES. I will accept the suggestion, and modify my motion accordingly.

The motion as modified was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

ARMY APPROPRIATION BILL.

The next appropriation bill upon the Calendar was the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

Mr. FORNEY. I ask unanimous consent that the first and formal reading of the bill be dispensed with.

There was no objection.

Mr. FORNEY. I desire to make a very brief statement relative to this bill. It is very similar to the Army appropriation bill passed last year, with very little change. This bill appropriates for the support of the Army for the next fiscal year $24,244,250. The bill of last year appropriated the sum of $24,682,250. The difference between the amount appropriated by the bill under consideration and the amount appropriated by the bill for the present fiscal year is $437,800.

Some new legislation is proposed in this bill, but that new legislation is in the interest of economy and at the same time to make the Army more efficient. I can also say there is no new legislation in this bill except what has been recommended by those officers having charge of the departments of the Army affected by the proposed changes. We also feel authorized to say that in the main the officers of the Army agree to the changes which are proposed.

Nearly one-half of the amount appropriated by this bill is under the head of the Pay Department, $11,935,000. This bill proposes a slight change of the law in regard to the Pay Department, that hereafter any paymaster of the rank of major who has served in the United States Army as a commissioned officer may, upon his own application, or by direction of the President, be placed on the retired-list of the Army until the Pay Department shall be reduced to twenty-eight members. That is about all the change proposed in the law relating to the Pay Department.

There is a change of law proposed in relation to the Quartermaster's Department. The number of draught animals is reduced to 6,000, and the purchase of supplies is hereafter to be made by contract. The Secretary of War is also authorized to appoint one hundred quartermaster-sergeants from the enlisted men of the Army whose character and education shall fit them to take charge of public property and to act as clerks and assistants to post and other quartermasters.

It has been the custom heretofore to appropriate about $200,000 annually to the Quartermaster's Department for the purchase of cavalry horses, those horses to be purchased in open market. Hereafter such purchases are to be made by contract.

There is also another change in the Quartermaster's Department relative to the extra-duty pay of enlisted men. The law as it now stands allows for 35 cents a day, and the change of law here proposed will allow 50 cents a day for mechanics, artisans, and school-teachers, and 35 cents a day to other extra-duty men who now receive 20 cents a day.

Several other changes are proposed, and when the consideration of the bill under the five-minute rule shall be reached, if any gentleman desires explanation of them the committee will be pleased to give such information as we have. I have nothing more to say, I believe, in explanation of the bill.

Mr. KEIFER. Mr. Chairman, it is not my purpose to dwell at any length upon the provisions of the pending bill. I am pleased to find in this measure very little to criticise. There are a few new features, which in my judgment are wisely proposed, and so far as I know no objection is made to them by any of the officers of the Government. I have heard none from the War Department. With one possible exception, to which I will refer before I am through, I understand the Appropriations Committee, with additional light and upon further reflection, agrees to a change.

This bill proposes to appropriate $24,244,450 for the support of the Army. The Army of the United States, in proportion to the number of our people and in proportion to the grave duties and responsibilities falling upon it, is a very small one. I am glad to say that I think it is sufficient for the present, taking the condition of the whole country into consideration.

But I have always been of the opinion that the rank and file of the Army should be increased. I think the time is not far distant when it will be found wise and necessary to increase it; in other words, it

will be found very important to this Government to be prepared in a more essential sense than it is for war. When I speak of preparation for war I do not mean that we are now liable to have war, but I mean that by proper preparation we may prevent war.

We fall into the idea that we are living in a civilized age—in a period of history when wars are not very frequent. Yet it is worth remembering that our annals are in no small degree bloody. The policy originally inaugurated by this Government, when it was called into being among the nations of the earth—the policy consistently and persistently pursued by our first President, George Washington, and by all the leading statesmen of our country, that we should keep out of foreign complications, has undoubtedly been wise and should be adhered to throughout our history. But, notwithstanding this, it is a startling fact that, excluding all Indian wars, this country, during the first hundred years of its existence, has been at war on the average one year in six.

Now, I am not of those who believe in wars; but I believe our policy should be to pursue such a course as will prevent war. During the last few years I have noticed, in connection with our Indian wars, that they have always been brought about at such exposed points upon our frontier as led the Indians to believe they could with some success, at least for a time, wage a war upon our settlements. I cite this simply as an evidence that it is important we should be prepared to defend ourselves as a nation at all times and at every exposed point.

I do not say this in criticism of the present bill. This bill proposes to keep up the organization of the Army as it has been for a number of years, and I think as fully as it was provided for in the last and preceding Congresses.

Under existing law the organization of the Army can only embrace 25,000 enlisted men. The active force of our Army (the General of the Army being now retired) includes one Lieutenant-General, three major-generals, six brigadier-generals, and ten officers with the rank of brigadier-general at the heads of different departments, such as the Adjutant-General's Department, the Inspector-General's Department, the Pay, Engineer, Ordnance, Judge-Advocate-General's, Medical, Subsistence, and Quartermaster's Departments, also the Signal Corps, making sixteen in all. The present organization of the Army under existing law, which this bill does not propose to change, would make it possible to have in the service, excluding the officers and cadets at the Military Academy, 27,660. The total number in the Army, according to the report of June 30, 1883, was 25,478, including officers, non-commissioned officers, and private soldiers. This number it is not proposed to interfere with.

Turning aside a little and referring to the peculiar organization of the Army, which is commonly understood to be an army of officers, made up of men who are graduates of the Military Acadamy, which has been in existence since the year 1800 I believe, I wish to say that while we have and have had many distinguished officers who have been graduates of the Military Acadamy, the number of West Point graduates in our Army is much smaller than the number of those from civil life.

By the latest report I have the total number of officers in the Army was 2,130, of which number nine hundred and twenty-four were graduates of the Military Academy, and 1,206 non-graduates. In other words, 1,206 of our commissioned officers have been selected from civil life. In another form of statement, only about three out of seven of our officers are graduates of the Military Academy. Of the officers upon the retired-list—four hundred and twenty-seven in all—only one hundred and twenty-eight are graduates of the Military Academy, while two hundred and ninety-nine were selected from civil life. Many of them, it is true, came in through their service in the late war.

The Army consists of ten regiments of cavalry, each regiment composed under present regulations of forty-three officers, one hundred and ninety-seven non-commissioned officers, and six hundred private soldiers, the total for a complete cavalry regiment under the present organization being eight hundred and forty. Of artillery there are five regiments, each regiment embracing fifty-six officers, one hundred and seventy-seven non-commissioned officers, and three hundred and fifty-eight private soldiers, making five hundred and ninety-one. There are twenty-five infantry regiments, there being in each of these regiments thirty-five officers, one hundred and forty-five non-commissioned officers, and three hundred and sixty private soldiers. These numbers have been fixed in order to carry out the present policy of limiting the Army in its rank and file to twenty-five thousand men. There are of course unattached non-commissioned officers, enlisted men, and Indian scouts; also officers and cadets of the Military Academy.

This is all I desire to say on the subject of the organization of the Army, except that our Army in its organization, in its appointments, in its able and distinguished officers, compares favorably with any army of the civilized world.

In my judgment it is the best army for its size that was ever organized.

The gentleman from Alabama [Mr. FORNEY] who has charge of this bill on the floor has called attention to a few of its new provisions which are of a permanent character. The proposition to reduce by retiring paymasters of the rank of major I think is a wise one, and I believe we shall have, when these officers are cut down to the number limited by the bill, sufficient, to wit, twenty-five paymasters with the rank of major. This does not affect the Paymaster-General nor the two assistant paymasters-general, but simply reduces the total number of officers in that department to twenty-eight.

One provision of the bill which is new is this: that hereafter the sales of subsistence supplies to officers and enlisted men shall be made at cost price only. It is suggested that is not new. It is new at least at present. At one time it was the policy to sell to officers and enlisted men entitled to purchase subsistence supplies at cost. Under the present law and regulations they are required to pay 10 per cent. above cost. This clause fixes the mode of determining the cost and fixes it safely, so the Government loses nothing and does not speculate upon officers and enlisted men. There is also a wise provision as to fuel for officers serving in the West, where fuel is scarce and dear.

The provision of the bill for the reduction of the large number of draught animals, such as mules and horses, is a wise one. Formerly we had to draw Government supplies over long distance to remote posts on the frontier. Now the railroad has penetrated nearer to the posts and in many instances absolutely to the post where supplies are to be taken, and the number of draught animals can properly be reduced. And so far as the reduction is made here it is made with the express consent of the Quartermaster-General of the Army and the other officers in the War Department concerned in it.

There is a provision in the bill for the transportation of stores which goes to this extent, that wherever private parties are employed in the transportation of stores for the Army it shall be done by contract after due legal advertisement. Under army regulations there is a provision fixing what is due legal advertisement. Private parties can not make contracts for transportation of stores if this should become the law without doing it in competition with others after due notice given in the way provided by army regulations.

The provision of the bill authorizing appointments, upon recommendation of the Quartermaster-General, of post quartermaster-sergeants is a new one. This clause authorizes not to exceed one hundred post quartermaster-sergeants. There are I believe one hundred and fourteen army posts. The bill does not authorize the appointing of post quartermaster-sergeants for each post. It was believed by the Quartermaster-General and others who were consulted that one hundred would be the maximum that would be needed. These men are to be selected from those who serve four years in the Army. They are to be selected on proper examination and appointed by the Secretary of War upon proper recommendation of the Quartermaster-General. Their appointment will not increase the number of the Army at all. They belong to the Army establishment and are within the limitations of the number which shall constitute the Army. They are to perform the duties of clerks and assistants to post and other quartermasters. They are to be competent persons, and in a measure it is a reward for good conduct. It is a promotion of great value to these persons.

It is believed by the committee this will reduce the expenditures of the Government. It is believed you can cut down the amount appropriated for clerk-hire. The appropriation for clerk-hire (and we pay $75 to $150 per month to each one) is cut down by this bill. We cut down the former appropriation for clerk-hire $55,000, and the increase in pay for these post quartermaster-sergeants is not more than $35,000. So there will be a saving in that respect. It was thought wise to increase the amount to be paid to artisans, mechanics, and school-teachers from 35 to 50 cents, and for clerks, teamsters, and laborers from 20 to 35 cents for extra duty. It often happens that men detailed from the Army, skilled mechanics or artisans, or other persons competent to do skilled work and to perform important duties such as may be connected with the erection of barracks and other public buildings, are required to work alongside of civilians who get in the West $2.50, and many more than that, per day.

We pay detailed men $13 per month, and under existing law only pay them 35 cents a day for the same amount of work the civilian working alongside of them gets as high as $2.50 per day for. This has often led to dissatisfaction and sometimes to desertions. It is believed by Army officers and the Committee on Appropriations necessary to increase it from 35 to 50 cents. I do not think there was any exception to the belief that it would be wise to add a little to this extra-duty pay for this class of persons. As I have said, it was therefore increased from 35 to 50 cents a day. In the other class the increase was from 20 to 35 cents a day. It is a small increase, but a valuable one.

There is a provision in this bill that requires the Quartermaster-General and officers acting under his instructions, wherever stationed, to receive, transport, and be responsible for all property turned over to them or any one of them by the officers or agents of any Government survey for transmission to the National Museum, or to the civil or naval Departments of the Government in Washington or elsewhere, and under the regulations governing the transportation of army supplies. This is simply a convenience by utilizing army transportation where there are officers of the Quartermaster's Department stationed who are prepared to look after the transportation of such articles. It was thought well to put in this clause, so that the agents or officers of the Government surveys should have transported whatever valuable specimens or

articles they discover to the city of Washington, and the cost is to be repaid to the Quartermaster-General's Department. So that it is not a tax upon that department at all, but only a convenience to those persons who may discover such things in our Western Territories in securing the transmission of them to Washington.

I desire to call attention to another matter. There is a provision in this bill requiring that all officers who are assigned to duty in the Commissary or Quartermaster's Departments, and who are authorized to disburse public moneys, shall be required to give bonds in such sums as may be fixed by the Secretary of War. At a proper time, if some other person does not make a motion to that effect or a point of order against that provision of the bill, I shall try to have this clause stricken from the bill. I do not believe it to be a wise provision, although I say that I am quite as much responsible for its being now in the bill as any other person connected with the Committee on Appropriations. I speak of it, therefore, not for any purpose of criticising the action of the committee for having put it in. I know as a matter of fact that in the Treasury Department, and especially in the Third Auditor's Office, there has been frequent complaint or a great deal of complaint about paying over money to non-bonded officers. But, in my judgment, this provision if retained in this bill will only embarrass the service by requiring captains and lieutenants and others who may be assigned to the duty of paying out money in the Army to give bond for the faithful performance of that service and the execution of the trust. They ought not to be required to do so because of the difficulty of complying with the requirements, and they often have but small sums of money to disburse, and there has been so far but little loss occasioned by their handling public funds.

There has been but one recent instance that I know of which was cited of an officer of the Army—and it should be stated to the credit of the Army—who without law proved to be a defaulter, and in that case the sum was not large, while the circumstances leading to his fleeing the country are suggested to have arisen from causes not relating to his defalcation but from other complications that he did not desire to meet and not connected in any manner with his service in the Army. I do not believe for my part that it is practicable to require lieutenants—for instance, upon the frontier—who are by their superior officers assigned to the duty of handling public funds or distributing moneys in small amounts, to give bond.

They are often far away from their friends and from all who know anything about them and who would be able to go upon their bond, and consequently they would be compelled to rely upon their fellow-officers. It would be exceedingly embarrassing in most cases to compel them to have to appeal to their associates to go upon their bonds. I think there is no danger which warrants us in departing from a rule which has been unobjectionable in the past, and I think we may safely adhere to what has been the practice of the Government ever since there was an army. Some officers are bonded officers, of course, in the very nature of things; but there are many officers assigned to duty who are not required to give bond. I think that this clause is entirely unnecessary, and unless we come to a point where we propose by legislation to require all officers who disburse public moneys to be bonded officers, we should not make officers assigned to duty in the Commissary and Quartermaster's Departments exceptional cases.

Before this Congress adjourns we may pass a bill, the river and harbor bill, which will provide for an appropriation of about $12,000,000, all of which will have to be disbursed by our engineer officers of the Army and without bond under the present state of the law. We have but little money comparatively disbursed through the Quartermaster's and Commissary Departments that comes into the hands of non-bonded officers. I hope this clause will be stricken out, and I think the committee will agree with me upon that point. We may with great security rely upon the integrity and high honor of the commissioned officers of the United States Army.

There is another provision with reference to the Medical Department intended to settle the rank in accordance with the date of commission or appointment, which I shall speak of at the time when we reach that part of the bill if question is made upon it. The provision is not new, but necessary only to make clear what I think is the present law on a fair construction.

Now, begging the pardon of the committee for taking up so much of its time, I yield the floor to the gentleman from Alabama.

Mr. FORNEY. Now, Mr. Chairman, I ask unanimous consent that general debate be considered as closed, and that we proceed to consider the bill by paragraphs under the five-minute rule.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

For expenses of recruiting and transportation of recruits from rendezvous to depot, $110,000. And no money appropriated by this act shall be paid for recruiting the Army beyond the number of 25,000 enlisted men, including Indian scouts and hospital-stewards; and thereafter there shall be no more than 25,000 enlisted men in the Army at any one time, unless otherwise authorized by law.

Mr. STEELE. I wish to offer a proviso to this clause amending section 1119 of the Revised Statutes, to provide that the enlistments hereafter shall be for a term of three years.

Mr. KEIFER. I reserve the point of order upon that.

Mr. TOWNSHEND. Let it be read.

The CHAIRMAN. The gentleman will send his amendment to the desk.

The Clerk read as follows:

At the end of line 16 add:

"*Provided*, That section 1119 of the Revised Statutes be amended so as to read 'All enlistments in the Army shall be for three years.'"

Mr. FORNEY. I make the point of order on the amendment.

Mr. KEIFER. While insisting on the point of order, I have no objection to the gentleman from Indiana [Mr. STEELE] being heard.

Mr. STEELE. What is the point of order?

Mr. FORNEY. The point of order I make is that the amendment changes existing law and is not in the direction of economy.

Mr. STEELE. I desire to be heard on the point of order. Under the present law the enlistments are for five years. As a result of that, about one-fifth of the Army desert every year. Boys induced to leave their homes and enlist go out to the frontier and find the new situation different from what they expect, and the result is that, having five years before them, they desert and return to their homes. This increases the expense by the necessity of having men to enlist to take their places. I believe it would be in the direction of economy to have the enlistments take place for three years, because men will stay the three years out in four cases out of five, when they would not stay their time out in three cases out of five when the enlistment is for five years.

I think it would be in the line of economy in another direction. Where men have staid as long as three years in the Army more of them will be in the service at the end of the term and more will be disposed to re-enlist, so that the length of service will be greater for the soldiers generally than if you leave the term of enlistment at five years as it now is.

I have been out on the plains myself, and I talked to many of the officers last fall on this subject, and I find it is the universal opinion among the officers that it would be in the direction of economy if you had the term of service three years instead of five.

Mr. KEIFER. I think it is very obvious the point of order is well taken. It would require a very strained argument indeed to work out the theory of the gentleman from Indiana; that is, that this would reduce expenditures to the Government. Certainly it would require more frequent enlistment, and it is always expensive to the Government to repeat the enlistment and the mustering-out, the transportation to the field, and the transportation home when the men are mustered out.

Mr. STEELE. Does the gentleman not know there are a great many more desertions when the term is five years than there would be if it were only three years?

Mr. KEIFER. I do not know that to be the fact. The term has always been five years. And I find on examination of this question of desertion that much of it is on the part of men who enlist in the Army under peculiar circumstances. A large percentage of those who enlist, according to the statement in the Adjutant-General's report, are men who want to go West. They go as far as you take them, which they would do if enlisted for three years, the same as when enlisted for five; and then when they get West they desert. There are other causes, doubtless, for desertion. But I submit you can not decide the point of order on the proportion of what would be the number of deserters with a term of enlistment of three years as compared with a term of enlistment of five years. And on the face of the proposition it certainly does not retrench expenditures.

Mr. TOWNSHEND. It is clear that the amendment changes existing law. It is equally clear that it does not retrench expenditures; and therefore it is out of order.

The CHAIRMAN. The point of order is sustained.

The Clerk resumed the reading of the bill, and read the following paragraph:

Pay Department:

For pay of the Army: For one Lieutenant-General; three major-generals; fifteen brigadier-generals; twenty-three aids-de-camp, in addition to pay in the line; one military secretary, in addition to pay in the line; sixty-six colonels; eighty-five lieutenant-colonels; two hundred and forty-one majors; three hundred and eleven captains (mounted); three hundred and one captains (not mounted); thirty-four chaplains; fourteen storekeepers; forty adjutants; forty regimental quartermasters; adjutant and quartermaster of Engineer Battalion, in addition to pay in the line; two hundred and eighteen first lieutenants (mounted); three hundred and fifty first lieutenants (not mounted); one hundred and forty-five second lieutenants (mounted); three hundred second lieutenants (not mounted); one hundred and eighty acting commissaries of subsistence, in addition to pay in line; officer in charge of public buildings and grounds in Washington; officer in command of the military prison at Fort Leavenworth, Kans., $1,000; officers of foot regiments while on duty which requires them to be mounted; additional pay to officers for length of service, to be paid with their current monthly pay; pay to enlisted men for length of service, payable with their current monthly pay; retired officers; for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1885, in excess of the numbers for each class provided for in this act; enlisted men of all grades, not exceeding 25,000 men; the allowances for travel, retained pay, and clothing not drawn, payable to enlisted men on discharge; two retired ordnance-sergeants; and for interest on deposits of enlisted men; for mileage of officers of the Army for travel, over shortest usually traveled routes, not to exceed $160,000; for miscellaneous expenses, to wit: Hire of not exceeding seventy-five contract surgeons and one hundred and sixty hospital matrons; extra-duty pay to enlisted men for service in hospitals; pay of fifty paymasters' clerks, at the rate of $1,400 each per annum, and fourteen veterinary surgeons; hire of paymasters' messengers not to exceed $15,000; post

quartermaster-sergeants; cost of telegrams on official business received and sent by officers of the Army; compensation of citizen clerks and witnesses attending upon courts-martial, military commissions, and courts of inquiry; for reimbursement of traveling expenses of paymasters' clerks actually paid; and for commutation of quarters to commissioned officers on duty without troops at places where there are no public quarters; in all, $11,935,000: *Provided*, That hereafter any paymaster of the rank of major who has served twenty years in the United States Army as a commissioned officer may, upon his own application or by direction of the President, be placed upon the retired-list of the Army, until the Pay Department shall be reduced to twenty-eight members, as follows: One Paymaster-General, with the rank of brigadier-general; one assistant paymaster-general, with the rank of colonel; one deputy paymaster-general, with the rank of lieutenant-colonel, and twenty-five paymasters, with the rank of major; and no more appointments of paymasters shall be made in the Pay Department until the number shall be reduced below twenty-five majors, and thereafter the number of officers in the Pay Department shall not exceed twenty-eight officers.

Mr. FORNEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 41, before the word "officer," insert the words "additional pay to;" so that it will read "additional pay to officer in charge of public buildings and grounds in Washington."

And in line 43, before the word "officers," insert the words "additional pay to;" so that it will read "additional pay to officers of foot regiments while on duty which requires them to be mounted."

Mr. KEIFER. I have no objection to the amendment; but I desire to ask the gentleman from Alabama a question in that connection. As I understand, it is proposed to give additional pay to the officer in charge of the public buildings and grounds in Washington?

Mr. FORNEY. The law already provides for it. The amount is $1,000.

Mr. KEIFER. Immediately after that line is this one:

Officer in command of the military prison at Fort Leavenworth, Kans., $1,000.

Is that amount meant to apply to the officer mentioned above?

Mr. FORNEY. The committee have instructed me to move to strike that out. I will do so by a subsequent amendment.

Mr. KEIFER. I have no objection to the amendment at present proposed.

The amendment was agreed to.

Mr. FORNEY. I now offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 42 and 43 strike out the words "officer in command of the military prison at Fort Leavenworth, Kans."

Mr. FORNEY. I offer that amendment on the ground that we do not know why this officer should have $1,000 extra. He is a United States officer there and receives now, I think, about $3,600. This proposes to give him $1,000 more. I do not know why he should have the additional $1,000.

A MEMBER. What is his rank?

Mr. FORNEY. I believe his rank is that of captain.

Mr. KEIFER. If his rank is that of captain he does not get $3,600, but $1,800, I think.

Mr. FORNEY. He is the captain assigned there and receives whatever is the pay of a captain. I do not know any reason why $1,000 extra should be given him.

Mr. KEIFER. I understand the gentleman to say that this officer is a captain in rank. I have not had my attention especially called to this, though we went over the matter in considering the bill and it was left in this way. I think it was the subject of some discussion when adopted. This much I am quite confident of, that this $1,000 was appropriated for in previous years.

Mr. FORNEY. It was appropriated for last year only.

Mr. KEIFER. Not until last year?

Mr. FORNEY. No, sir.

Mr. KEIFER. My impression was that this appropriation was made for a number of years past. But if the gentleman has examined as to that point, that terminates the controversy.

Mr. FORNEY. I understand it was adopted by a Senate amendment last year and we concurred in the Senate amendment. If any good reason can be given why this officer should have the $1,000 additional, I am willing for my part that he should have it.

Mr. KEIFER. I know that the gentleman from Alabama [Mr. FORNEY] is very fair and liberal and always willing to do whatever is right, and therefore there can not be any controversy with him on this matter, certainly not on any partisan ground.

This appropriation of an additional thousand dollars was in the bill of last year. I know that the military prison at Fort Leavenworth, Kans., is the only one in the Western portion of our country, the only one where the officer is required to discharge this peculiar kind of service—a service that is not only of a responsible character, but one entirely unusual and exceptional in connection with the Army. Doubtless this officer is responsible for a large amount of property and of funds to be disbursed in maintaining the inmates of this military prison.

Mr. TOWNSHEND. Will the gentleman permit me to ask him a question?

Mr. KEIFER. In one moment. This officer has very many duties that are entirely outside of the ordinary duties of an officer of the Army. If it be true that this officer is of the rank of captain only, then his pay would be only $2,800 a year even should this provision be left in the bill.

Mr. TOWNSHEND. I would ask the gentleman from Ohio [Mr. KEIFER] if the captains who are now forced to go out upon the frontier and endure the hardships and privations there would not prefer to perform this service at Fort Leavenworth without any additional pay?

Mr. KEIFER. I can not answer that question one way or the other; but I doubt very much whether they would prefer this service instead of being with their troops. The War Department has selected a competent and useful man for this place, and there is undoubtedly some good reason for giving him this additional pay.

Mr. MCMILLIN. Why not have the reason given? We ought not to make an appropriation on a supposition merely, but the reason for it should be given.

Mr. KEIFER. I have been trying to give it, if the gentleman had listened to what I said.

Mr. STEELE. I think this additional pay was given upon the recommendation of the board of officers who visit that institution every year, the board consisting of the Adjutant-General and two other officers of the Army. At the last session of Congress they came before the Military Committee of this House and represented that this officer was peculiarly fitted for this position, and that, while receiving only the pay of a captain, his expenses there at Leavenworth on account of the important position he holds there are very great.

It is said that he is about the only man in the Army—that is the representation of the board—who can take hold of that institution and manage it as successfully as he has managed it. The Committee on Military Affairs unanimously reported in favor of agreeing to the recommendation of the board of visitors to that institution, and the compensation was increased at the last session of Congress by the amount here proposed.

Mr. MCMILLIN. What duties did you find he had to perform which justified the giving him this additional pay?

Mr. STEELE. I am only stating the representations made to the Committee on Military Affairs by the board of visitors and others.

Mr. MCMILLIN. They ought to have given reasons for it.

Mr. STEELE. If the gentleman will get the records of the last Congress I have no doubt he will find them minutely given; I am not able to give them now. That institution as now managed is a self-sustaining institution, which it never was under the management of anybody else.

Mr. DAVIS, of Illinois. In addition to what has been said by the gentleman from Indiana [Mr. STEELE] I desire to say that this military prison is conducted a great deal as many of our State prisons are conducted. This officer has not only charge of a large number of men but has charge of a great amount of material. As the gentleman from Indiana has stated, he is peculiarly fitted for this position.

It was stated at the last session of Congress before the Committee on Military Affairs that this officer was the only man in the service who possessed these special qualifications. The board of visitors not only recommended that his pay should be increased, but they also recommended that his rank should be increased to that of lieutenant-colonel. Upon consultation with the General of the Army at that time, General Sherman, we learned that he did not desire the rank to be increased, stating that it would conflict with the proper discipline, but recommended that the pay of this officer should be increased to that of colonel, saying that there was no colonel in the Army who had greater responsibilities than this officer has.

Mr. PERKINS. I desire to say to the Committee of the Whole that I know something personally of this officer and of this prison. This officer was put in command of the prison when it was a great expense to the Government. He is a man peculiarly well qualified for this place—a competent mechanic, as well as a practical business man and an excellent executive officer. Under his administration that prison has grown to its present proportions and is now self-sustaining. It is manufacturing clothing, it is manufacturing boots and shoes, it is manufacturing harness and other equipments and many implements needed in the service. The prisoners there are now made useful while serving out their terms of punishment.

As has been suggested here, it is in consequence of this that the recommendation for additional pay was made. If I remember correctly there are nearly five hundred men confined in that prison. It has grown to be, perhaps, the largest military prison in the country, and it is necessary that a man possessing peculiar qualifications should be continued in charge there.

This man has demonstrated his capacity. He has demonstrated the value of his work by the improvement of discipline, making the establishment, as I have suggested, self-sustaining, and furnishing to the different branches of the service the wearing apparel and equipments necessary for their comfort and efficiency.

It is doubtful whether there is another man in the service who can take this place and accomplish for the Government and for the prisoners as much as this man is accomplishing. For that reason it is very appropriate indeed that this increased compensation should be given him.

The question being taken on the amendment of Mr. FORNEY, it was agreed to; there being—ayes 60, noes 41.

Mr. FORNEY. I move to amend by inserting, in line 69, after the

word "paid," the words "by them;" so as to make the clause read "for reimbursement of traveling expenses of paymaster's clerks actually paid by them." This amendment is designed simply to correct an oversight.

The amendment was agreed to.

Mr. BROWNE, of Indiana. I notice that by this paragraph of the bill the Pay Corps is to be reduced to twenty-eight officers in all—one Paymaster-General, with the rank of brigadier-general; one assistant paymaster-general, with the rank of colonel; one deputy paymaster-general, with the rank of lieutenant-colonel, and twenty-five paymasters, with the rank of major. I suggest to the gentleman in charge of this bill whether it would not be well to reduce the rank of the assistant paymaster-general and the deputy paymaster-general to that of major. In other words, why should the rank be increased——

Mr. FORNEY. We do not increase it; it is the law.

Mr. BROWNE, of Indiana. But you have diminished the number of paymasters. Under the present law I believe the number is forty.

Mr. FORNEY. Yes, sir.

Mr. BROWNE, of Indiana. I think the reduction proposed by the committee in this bill is altogether proper. At the beginning of this session I introduced a bill to reduce the Pay Corps——

The CHAIRMAN. Does the gentleman from Indiana [Mr. BROWNE] propose an amendment?

Mr. BROWNE, of Indiana. Yes, sir. I move to amend by striking out "colonel," in line 80, and inserting "major," and by striking out "lieutenant-colonel," in line 81, and inserting "major." I was about to say——

Mr. KEIFER. Let the amendment be read.

The Clerk read as follows:

In line 80, strike out "colonel" and insert "major;" in line 81, strike out "lieutenant-colonel" and insert "major;" so as to read: "One assistant paymaster-general, with the rank of major; one deputy paymaster-general, with the rank of major."

Mr. EATON. What does my friend from Indiana propose to do as to the twenty-five paymasters with the rank of major? Does he leave that provision stand?

Mr. BROWNE, of Indiana. I was intending to suggest a reduction of those twenty-five paymasters to the rank of captain.

Mr. KEIFER. I hope my friend will not do that.

Mr. EZRA B. TAYLOR. I make a point of order on the proposed amendment that it changes the present law without reducing expenditures.

Mr. FORNEY. I do not think we ought to go into this matter at the present time.

The CHAIRMAN. What has the gentleman from Indiana [Mr. BROWNE] to say upon the point of order?

Mr. EZRA B. TAYLOR. I withdraw the point of order.

Mr. LYMAN. I renew it.

Mr. BROWNE, of Indiana. What is the point of order?

Mr. LYMAN. The amendment changes existing law, as I understand.

Mr. BROWNE, of Indiana. It does change existing law, but it is in the direction of economy. It reduces the compensation of these officers to that belonging to the rank of major. I await the decision of the Chair upon the point of order.

Mr. LYMAN. I withdraw the point.

Mr. BROWNE, of Indiana. I was about to say that at the beginning of this session I introduced a bill reducing the Pay Corps in number and rank, I believe, as provided in this bill. Since that time I have had a conference with the Paymaster-General, who believes in the first place that the Pay Corps might, without affecting its efficiency, be reduced to twenty-five officers instead of twenty-eight, as here proposed. I understood him also to say that there might with propriety be a reduction in the rank of the paymasters. With what I know of the Pay Corps and the duties it has to perform I see no reason why there should be any additional rank allowed to the assistant paymaster-general and the deputy paymaster-general. Their duties are not so onerous nor their responsibilities so great as those of a paymaster who goes to the field and distributes the money among the troops. I simply make these remarks by way of suggestion.

Before the war, if I am correctly advised, the members of the Pay Corps ranked only as captains mounted, receiving as compensation about $2,000 a year. I think it is well known that the paymasters' clerks do the principal part of the business—almost everything except assuming the responsibility.

Mr. FORNEY. This is a matter which ought to be considered and reported upon by the Committee on Military Affairs, which properly has charge of the subject. The Committee on Appropriations simply reports the appropriations.

Mr. BROWNE, of Indiana. My object is attained in having called attention to this matter. I am glad that the Committee on Appropriations has decided to reduce the Pay Corps. A short time ago this corps numbered fifty-five. A reduction to twenty-eight brings it to something like working order.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. I withdraw my amendment.

Mr. STEELE. In line 84 I move to strike out the word "below" and insert the word "to;" so that it will read:

And no more appointments of paymasters shall be made in the Pay Department until the number shall be reduced to twenty-five majors, and thereafter the number of officers in the Pay Department shall not exceed twenty-eight officers.

I also move the following proviso——

Mr. KEIFER. Let us dispose of one at a time. I think the gentleman's amendment is based on a misapprehension.

Mr. STEELE. The amendment provides that no more appointments of paymasters shall be made in the Pay Department until the number shall be reduced to twenty-five majors, and thereafter the number of officers in the Pay Department shall not exceed twenty-eight.

Mr. KEIFER. If amended as proposed we would commence making appointments when we reached twenty-five. The object is to have the number remain at twenty-five.

Mr. STEELE. I withdraw my amendment and offer the following:

Mr. KEIFER. The bill is exactly right.

Mr. RANDALL. The language is exactly right.

Mr. STEELE. Read my amendment.

The Clerk read as follows:

Add at the end of line 86:

"*Provided*, That the officers retired under the provisions of this act shall be in addition to the number now authorized by law."

Mr. KEIFER. I think that is right.

Mr. STEELE. I hope there will be no objection to it. The law now provides there shall be only four hundred officers on the Army retired-list.

Mr. KEIFER. There are four hundred and thirty-one now.

Mr. STEELE. That is because of special provision. The law fixes the number at four hundred, but special enactments have increased the number to four hundred and thirty-one. You can not place a single one of these officers upon the retired-list until the number is reduced to four hundred.

Mr. KEIFER. I think that is right.

Mr. FORNEY. I make the point of order it changes existing law and does not retrench expenditures.

Mr. STEELE. How are you going to carry out the provision of law there shall be four hundred and no more on the retired-list? You say these men shall go on the retired-list. How are you going to get them there? You can not do it without increasing the number beyond four hundred.

Mr. FORNEY. That is a matter for your Committee on Military Affairs to consider.

Mr. STEELE. But you are making the law on this bill.

Mr. FORNEY. The bill is in the line of economy.

Mr. STEELE. This is not in the direction of economy.

Mr. FORNEY. O, yes, it is.

Mr. STEELE. You put them in a position where you can not put them on the retired-list.

Mr. FORNEY. Oh, yes, we can.

Mr. STEELE. By this bill your object is to get them there.

The CHAIRMAN. Does the gentleman from Alabama insist upon his point of order?

Mr. FORNEY. I do.

Mr. KEIFER. I think that amendment should be adopted.

Mr. STEELE. If you wish to get them on the retired-list you can not do so now under the law until after the death of some of those now there.

Mr. FORNEY. It increases the retired-list.

Mr. STEELE. It decreases the active-list, and therefore decreases expenses by 25 per cent.

The CHAIRMAN. The amendment changes existing law, and does not on its face show affirmatively retrenchment of expenditure. It is therefore ruled out.

Mr. STEELE. I wish to be heard on the point of order. It does decrease expenditure.

The CHAIRMAN. Does the gentleman take an appeal from the decision of the Chair?

Mr. STEELE. I do not wish to detain the committee, and therefore will not take an appeal from the decision of the Chair.

The Clerk read as follows:

Subsistence of the Army: For rations for 25,000 enlisted men, 1,505 civil employés, 75 contract surgeons, 160 hospital matrons, 200 military convicts, 1,000 prisoners of war (including such Indian prisoners as are captured but whose subsistence is not otherwise appropriated for by Congress), and for additional half-rations for 120 sergeants and corporals of ordnance, a total of not exceeding 10,220,000 rations, estimated at 20 cents each; for difference between the cost of the ration and commutation thereof at rates prescribed by the Secretary of War for the following enlisted men, namely, those detailed for clerical and messenger duty at headquarters of the Army and at headquarters of divisions, departments, districts, and general recruiting service, and for various duties at military posts and stations, those traveling on detached duty where it is impracticable to carry cooked or travel-rations, and those ordered to participate in department, division, and army rifle-practice; for difference between the cost of the ration and the cost of cooked rations for enlisted men and recruits at recruiting stations; cost in excess of ordinary rations of hot coffee and canned food or travel-ration for troops traveling, when it is impracticable to cook rations; for subsistence of Indians visiting military posts and of Indians employed without pay as guides and scouts; in all, $1,900,000, of which amount $300,000 shall be available from and after the passage of this act for the purchase of stores

necessary to be transported to distant posts in advance of the 30th of June, 1885: *Provided*, That hereafter all sales of subsistence supplies to officers and enlisted men shall be made at cost price only; and the cost price of each article shall be understood in all cases of such sales to be the invoice price of the last lot of that article received by the officer making the sale prior to the first day of the month in which the sale is made. And not more than $105,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés in the Subsistence Department of the Army.

Mr. FORNEY. In line 106, I move to strike out the word "practice" and in lieu thereof to insert the word "competition."

The amendment was agreed to.

The Clerk read as follows:

Quartermaster's Department: For the regular supplies of the Quartermaster's Department, consisting of stoves for heating and cooking; of fuel and lights for enlisted men, guards, hospitals, storehouses, and offices, and for sale to officers; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank-books, for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Quartermaster's Department, and for printing of division and department orders and reports, $2,900,000: *Provided*, That hereafter all purchases of regular and miscellaneous supplies for the Army furnished by the Quartermaster's Department for immediate use shall be made by the officers of that department, under direction of the Secretary of War, at the places nearest the points where they are needed, the conditions of cost and quality being equal; but when time shall permit, purchases shall be made at the regularly established depots of the Army; *Provided also*, That all purchases of said supplies shall be made by contract, after public notice of not less than ten days, for small amounts for immediate use, and of not less than from thirty to sixty days whenever, in the opinion of the Secretary of War, the circumstances of the case and conditions of the service shall warrant such extension of time. The award in every case shall be made to the lowest responsible bidder for the best and most suitable article, the right being reserved to reject any and all bids. The Quartermaster-General shall report all purchases of supplies furnished by his department, with their cost price and place of delivery, annually to Congress: *Provided further*, That in time of peace the number of draught and pack animals in the Quartermaster's Department of the Army shall not exceed 6,000, and that all transportation of stores by private parties for the Army shall be done by contract, after due legal advertisement: *Provided also*, That fuel in kind may be issued to officers of the Army when on duty at any military post or station west of the Mississippi, not to exceed the allowance fixed by the present regulations of the Army: *Provided further*, That the Secretary of War is authorized to appoint, on the recommendation of the Quartermaster-General, as many post quartermaster-sergeants, not to exceed one hundred, as he may deem necessary for the interests of the service, said sergeants to be selected by examination from the most competent enlisted men of the Army who have served at least four years, and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to post and other quartermasters. Said post quartermaster-sergeants shall, so far as practicable, perform the duties of storekeepers and clerks, in lieu of citizen employés. The pay of post quartermaster-sergeants shall be $40 per month and the allowances of an ordnance-sergeant.

Mr. DAVIS, of Illinois. I make the point of order against that paragraph, beginning in line 159, that it is new legislation, and does not decrease expenditure.

Mr. FORNEY. Let us first perfect the section by making a few amendments.

Mr. DAVIS, of Illinois. All right.

Mr. FORNEY. I offer the following amendment in behalf of the committee.

The Clerk read as follows:

In line 140, after the word "the," insert the words "Pay and;" so that it will read:

"Blank forms for the Pay and Quartermaster's Department."

The amendment was agreed to.

Mr. FORNEY. Also, in line 151, the following.

The Clerk read as follows:

After the word "supplies," insert "except in cases of emergencies, which must be at once reported to the Secretary of War for his approval.

The amendment was agreed to.

Mr. FORNEY. Again, in line 162.

The Clerk read as follows:

Before the word "Congress" insert the words "Secretary of War for transmission to."

The amendment was agreed to.

Mr. FORNEY. Again, in line 167, the committee recommend the adoption of this amendment.

The Clerk read as follows:

After the word "advertisement" insert the words "except in case of the storage of goods;" so that it will read:

"And all transportation of stores by private parties for the Army shall be done by contract, after due legal advertisement, except in case of the storage of goods."

Mr. KEIFER. What is the object of that?

Mr. FORNEY. For instance, in cases of hauling goods to the depot to be placed in storage. This is generally but a small item, and to advertise it would cost as much as the service itself is worth.

Mr. KEIFER. Had not the gentleman better make it broader, by covering a single article for instance. It might be that a single article, a box of some kind of supplies, would have to be transported for a long distance to some frontier fort.

Mr. FORNEY. I will state to the gentleman that this meets the approval of the Quartermaster-General.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Illinois, as the Chair understands, desires to make a point of order upon this section.

Mr. DAVIS, of Illinois. I do not raise the point of order now because of the amendments which have been made, and which cover substantially the point I had intended to make, and since as amended the section complies with the custom in the department. But I desire to make a motion to strike out that portion of the paragraph as amended, beginning with line 159 and ending with line 162—the following words:

The Quartermaster-General shall report all purchases of supplies furnished by his department, with their cost price and place of delivery, annually to the Secretary of War for transmission to Congress.

My objection to this paragraph is that you will find in this bill on page 9 that the Quartermaster-General is required to report to Congress annually all purchases and contracts for horses and mules and military supplies for the Army purchased by his department.

I have no objection to that. But you find on page 12 of the bill another paragraph providing that hereafter all purchases and contracts of every kind made by the Quartermaster's Department shall be annually reported to Congress. The law provides that these reports shall be made to the Secretary of War, and the Secretary of War sends them to Congress. Under the provisions of this bill you would require an itemized statement of all purchases made by the quartermasters under contract to be made to the Secretary of War and by him to Congress, which would necessitate a large and bulky volume, covering the cost price of all supplies and of every item purchased by the Department. The several quartermasters making purchases under contract through all parts of the country would have to report to the Quartermaster-General, which reports would be consolidated and laid before the Secretary of War; and I hold that it would be a useless and unnecessary expense to publish all of these items, as this bill contemplates.

Mr. FORNEY. What check can there be upon the quartermaster?

Mr. DAVIS, of Illinois. The quartermaster lays a detailed statement of his purchases as derived from the purchasing quartermasters before the Secretary of War; that is provided by the law. The Secretary of War must transmit to Congress his statements covering all of these purchases, but does not enter into the little items of account such as the price of every lariat or picket-pin that he purchases throughout the country, and all of this information being compiled and published as required here would be an unnecessary expense and be of no possible use except possibly in case some investigation is made into the affairs of the department. It is therefore a useless expenditure, and I move to strike out that provision.

The amendment was not agreed to.

The Clerk read as follows:

For incidental expenses, to wit: For postage; extra pay to soldiers employed under the direction of the Quartermaster's Department in the erection of barracks, quarters, and storehouses, and as clerks for post quartermasters at military posts; in the construction of roads, and other constant labor, for periods of not less than ten days, including those employed as clerks and messengers at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains where military escort can not be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at military posts, or when traveling under orders, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, and guides for the Army; compensation of clerks to officers of the Quartermaster's Department; for the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit; and for the following expenditures, required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, and for the trains, to wit, hire of veterinary surgeons, medicine for horses and mules, picket-ropes, and for shoeing the horses and mules; also, generally, the proper and authorized expenses for the movement and operations of the Army not expressly assigned to any other department, $675,000: *Provided*, That $250,000 of this sum, or so much of it as shall be necessary, shall be set aside for the payment of enlisted men on extra duty at constant labor of more than ten days, at the rate of 50 cents per day for mechanics, artisans, and school-teachers, and 35 cents per day for clerks, teamsters, and laborers.

Mr. FORNEY. By direction of the committee I submit the following verbal amendments: In line 234 strike out the word "more" and in lieu thereof insert the words "not less;" after the word "days," in the same line, insert the words "and such extra-duty pay, hereafter shall be;" and in line 236 strike out the word "and;" and after the word "laborers" insert the words "and others."

The amendments were agreed to.

The Clerk read as follows:

For transportation of the Army, including baggage of the troops, when moving either by land or water; of clothing and camp and garrison equipage from the depots of Philadelphia and Jeffersonville to the several posts and Army depots and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; pay of enlisted men on extra duty; driving teams or repairing means of transportation; transportation of funds for the pay and other disbursing departments; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific for procuring water at such posts as, from their situation, require it to be brought from a distance; and for clearing roads, and for removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops in the field, $3,000,000: *Provided*, That the whole number of civilian employés, including agents, superintendents, mechanics, packers,

teamsters, trainmasters, &c., paid from this appropriation for transportation, shall not at any one time hereafter exceed 1,000, nor shall any of said employés be graded for salary above fourth-class clerks of the Army Regulations; and the grade of sixth-class clerk in the Quartermaster's Department is hereby abolished: *Provided further*, That hereafter all purchases of horses, mules, or oxen, wagons, carts, drays, ships and other sea-going vessels, also all other means of transportation, shall be made by the Quartermaster's Department, by contract, after due legal advertisement; and hereafter all purchases and contracts of every kind made by the Quartermaster's Department shall be annually reported to Congress: *Provided also*, That hereafter the Quartermaster-General and his officers, under his instructions, wherever stationed, shall receive, transport, and be responsible for all property turned over to them, or any one of them, by the officers or agents of any Government survey, for the National Museum, or for the civil or naval Departments of the Government, in Washington or elsewhere, under the regulations governing the transportation of army supplies, the amount paid for such transportation to be refunded or paid by the bureau to which such property or stores pertain.

Mr. FORNEY. There is a mistake which should be corrected in this section. In line 254 the semicolon should be stricken out.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The Clerk read as follows:

For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, and for grounds for camp and summer cantonments, and for temporary buildings at frontier stations; for the construction of temporary buildings and stables; for commutation of quarters for general-service men, and for repairing public buildings at established posts, $700,000: *Provided*, That no expenditure exceeding $500 shall be made upon any building or military post without the approval of the Secretary of War for the same, upon detailed estimates of the Quartermaster's Department, and the erection, construction, and repairs of all buildings and other public structures in the Quartermaster's Department shall, so far as may be practicable, be made by contract, after due legal advertisement: *Provided further*, That not more than $1,500,000 of the sums appropriated by this act shall be paid out for the services of civilian employés in the Quartermaster's Department; and that no employé paid therefrom shall receive as salary more than $150 per month, unless the same shall be specially fixed by law: *And provided further*, That the office or employment of forage and wagon master is abolished: *And provided further*, That hereafter all officers who are assigned to duty in the Quartermaster's and Commissary Departments, and who are authorized to disburse public money, shall be required to give bond in such sum as may be fixed by the Secretary of War.

Mr. FORNEY. Mr. Chairman, I move to strike out the last proviso, beginning with line 338.

Mr. KEIFER. I think the best way is to make the point of order upon it. It is new legislation, and does not reduce expenditures.

Mr. FORNEY. I am in favor of striking out.

The CHAIRMAN. Is there objection to striking out?

Mr. KEIFER. I make the point of order because in the event of a failure of the motion to strike out the words it might then be too late.

The CHAIRMAN. If there be no objection the Chair will sustain the point of order.

Mr. FORNEY. That is all right.

The point of order being sustained, the proviso was stricken out of the bill.

The Clerk resumed the reading of the bill, and read the following paragraph:

For manufacture of arms at national armories, $400,000: *Provided*, That not more than $50,000 of this amount may be expended by the Secretary of War in the manufacture or purchase of magazine-guns selected by the board of officers heretofore appointed by the Secretary of War: *Provided*, That not more than $65,000 of the money appropriated for the Ordnance Department, in all its branches, shall be applied to the payment of civilian employés in said Department.

Mr. FORNEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 441 strike out the word "employés" and insert the word "clerks;" so that it will read:

"*Provided*, That not more than $65,000 of the money appropriated for the Ordnance Department, in all its branches, shall be applied to the payment of civilian clerks in said department.

Mr. KEIFER. Is that intended to limit the payment to clerks alone?

Mr. FORNEY. The word "employés" would embrace the men who are making the arms, and work would have to be stopped in about a month. By inserting the word "clerks" the payments to them are limited to $65,000.

Mr. KEIFER. But should not the proviso extend beyond clerks?

Mr. FORNEY. No, sir.

The amendment was agreed to.

Mr. FORNEY. I also offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the first proviso of the paragraph, namely, the following:

"*Provided*, That not more than $50,000 of this amount may be expended by the Secretary of War in the manufacture or purchase of magazine-guns selected by the board of officers heretofore appointed by the Secretary of War."

Mr. KEIFER. I should like to hear the gentleman from Alabama upon that amendment.

Mr. FORNEY. The proviso is in the bill, and I was instructed by the Committee on Appropriations to move to strike it out.

Mr. KEIFER. That is the proviso as to the $50,000 to be expended in the manufacture or purchase of magazine-guns?

Mr. FORNEY. I am following out the instructions of the committee.

Mr. KEIFER. I am willing that proviso should be stricken out.

Mr. EATON. I do not quite understand the proposition of my friend from Alabama. If I understand it, it is to strike out this proviso:

Provided, That not more than $50,000 of this amount may be expended by the Secretary of War in the manufacture or purchase of magazine-guns selected by the board of officers heretofore appointed by the Secretary of War.

Mr. FORNEY. Now we propose that the whole amount, $400,000, shall be expended for the manufacture of arms, without this restriction.

Mr. KEIFER. They may take for this purpose whatever amount they choose.

Mr. EATON. In other words, there can be no arms such as those that are made at the national armories which can be purchased under this bill. Is that wise?

Mr. KEIFER. This proviso allows $50,000 to be used for that purpose. If the proviso is stricken out there is no limitation. If it is left in, it is a limitation that $50,000 only may be expended for the purchase of magazine-guns.

Mr. FORNEY. We do not propose to make any guns there ourselves except the guns authorized by law.

Mr. EATON. And you do not propose to purchase any elsewhere?

Mr. RANDALL. Not till they are tested. There are seven hundred guns of the Hotchkiss make.

Mr. FORNEY. I will read the letter received from General Benét, Chief of Ordnance, on that subject, if the gentleman from Connecticut desires it.

Mr. EATON. I had supposed that the Ordnance Department were desirous of purchasing a certain amount of magazine guns that are not made at the national armory.

Mr. FORNEY. That is what we have already done. We have already purchased them. And the Chief of Ordnance says—I will read his letter:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., April 30, 1884.

DEAR SIR: In compliance with your verbal request of this date, as to the manufacture of arms at the national armory, I have to state as follows:

In the Army appropriation bill approved 6th June, 1872 (volume 17 Statutes at Large, page 261) a board of officers was provided for, to select a breech-loading system for muskets and carbines, which, when adopted, "shall be the only one to be used by the Ordnance Department in the manufacture of muskets and carbines for the military service." The board recommended the Springfield breech-loading system, which was adopted by the Secretary of War. Section 1672 Revised Statutes embodies the above.

In the Army appropriation bill approved February 24, 1881, in the item for manufacture of arms at the national armory, $300,000, it is "*Provided*, That not more than $50,000 of this amount may be expended by the Secretary of War in the manufacture or purchase of magazine-guns, to be selected by a board of officers to be appointed by the Secretary of War." On the 21st March, 1881, a board was appointed to meet July 5, 1881, and of which Colonel Brooke, Fifth Infantry, was president, "to examine and consider all the magazine-guns that may be brought before it, and to recommend such (one or more) of these guns as, in its judgment, are suitable for the military service. The board made its report in September, 1882, and recommended three guns—the Lee, the Chaffee-Reece, and the Hotchkiss—as in the opinion of the board "suitable for the military service." The Secretary of War approved of my recommendation that a sufficient number of the three guns be provided for a fair and exhaustive trial in the hands of troops.

In the endeavor to provide these three guns it was found that the Winchester Arms Company had the plant to make the Hotchkiss, and that the Remingtons were prepared to make the Lee, and that the guns could be contracted for at fair prices. This was not so with the Chaffee-Reece; the one before the board had been made by hand, and no private factory had the tools for its manufacture. Examination showed that some unused machines and tools at the National Armory could be utilized, and that the guns could be made there much cheaper than by private parties. As the law above quoted of February 24, 1881, authorized the "manufacture," the Secretary of War approved of my recommendation to have the Chaffee-Reece guns intended for trial made at the Springfield armory. These guns, about seven hundred, will be completed and ready for issue to the troops about the 1st July next, and their merits, and the merits of the Lee and Hotchkiss, as determined by field service, can not be reported on and known for a year or more to come, and therefore the legislative modification of section 1672, Revised Statutes, at this time seems to me premature.

Respectfully, your obedient servant,

S. V. BENÉT,
Brig. Gen., Chief of Ordnance.

Hon. W. H. FORNEY,
House of Representatives, Washington, D. C.

We have got enough of those guns, and I do not think it necessary to continue this proviso.

Mr. RANDALL. The whole of the $400,000 here will go to the manufacture of Springfield guns.

The amendment was adopted.

The Clerk read the following paragraph:

United States testing-machine: For caring for, preserving, using, and operating the United States testing-machine at the Watertown arsenal, $10,000: *Provided*, That the tests of iron and steel and other materials for industrial purposes shall be continued during the next fiscal year, and report thereof shall be made to Congress: *And provided further*, That in making tests for private citizens the officer in charge may require payment in advance, and may use the funds so received in making such private tests, making full report thereof to the Chief of Ordnance; and the Chief of Ordnance shall give attention to such programme of tests as may be submitted by the American Society of Civil Engineers, and the record of such tests shall be furnished said society, to be by them published at their own expense.

Mr. MCMILLIN. I ask whether it is the purpose of this clause to provide that the officers in charge of the testing-machine shall report to Congress the result of the tests made for private individuals? If so, I do not think that is at all necessary.

Mr. KASSON. It is equally necessary with the other.

The CHAIRMAN. There is no question pending before the committee.

Mr. HOLMAN. The gentleman can move to strike out that proviso.

Mr. McMILLIN. I move to strike out the last word. I made the inquiry with a view to ascertain whether it is the purpose to compile and print the reports of tests made for private individuals.

Mr. RANDALL. If these tests are to be made surely the results ought to be printed, so that all persons interested should have knowledge of the operation of this testing-machine.

Mr. McMILLIN. In that connection I will be pardoned for saying, in order to call the attention of the committee to it for such action as may be deemed proper, that the compensation given to the Government for the use of that machine does not cover such expenses as are required even for the publication of the documents supplied to members.

Mr. RANDALL. If the tests are to go on at all the whole country ought to know what is the result of those tests.

Mr. TOWNSHEND. What advantage will it be to the country to know the result of the test in unimportant instances, as, for example, in the construction of a new bridge across the Mississippi River?

Mr. RANDALL. It might be a matter of great importance in regard to the safety of the lives of our citizens.

Mr. McMILLIN. I only desired to call the attention of the committee to the subject. We are not enforcing, with regard to this machine, the law we apply to every other department of the Government—that is, to require that individuals using the Government property shall pay the cost of using and 10 per cent. additional to cover what is supposed to be the wear and tear. We appropriate only $10,000 for preserving and using this machine. The income is merely nominal. It wears out with great rapidity. I think the committee should hereafter, if not now, report some provision requiring parties using the machine to pay for its use on the principle I have stated.

Mr. FORNEY. They pay for the use of it now.

Mr. McMILLIN. They pay merely a nominal sum. And there is a bill now pending to pay a claim of $200,000 to the party who constructed the machine. I withdraw the *pro forma* amendment.

Mr. KASSON. I renew the amendment for the purpose of saying a single word. This is a subject upon which various communications have come to me from engineers and others totally disinterested in private enterprises. The only objection I can see to this provision is the small amount appropriated by it.

The persons who have addressed me uniformly say that the safety of life in mass as well as in individuals depends largely upon the information which is gained by the processes of this very testing-machine. They deem it important that all the information possible shall be procured as to the elasticity and durability of the materials employed in the construction of bridges, boilers, and everything pertaining to the industries and interests of the people. They say that the most important results are being gained from the information derived in this way, and that the information, whether it comes from private tests or public tests, is equally important to them. That I imagine is the reason that no distinction is made as to the character of the information to be published. It is not intended to verify this man's manufacture or that, but to verify the durability and trustworthy qualities of the materials which they test.

I assure the Committee of the Whole that in that respect we can not overestimate the important results of this testing-machine. I only regret that the amount of the appropriation is not $30,000 or $40,000 instead of $10,000, for the importance of the matter is inestimable.

Mr. McMILLIN. I would suggest to the gentleman from Iowa that $10,000 is supposed to be the amount necessary to keep this machine in repair. That is the object of this appropriation, and that only.

Mr. KASSON. If that is all, then the amount here named may be enough.

Mr. McMILLIN. That is the amount that has been appropriated for several years.

Mr. KASSON. I withdraw the amendment.

The Clerk resumed and concluded the reading of the bill.

Mr. FORNEY. I move that the bill as amended be laid aside to be reported favorably to the House.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. FOLLETT. I move that the Committee of the Whole now proceed to the consideration of the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes.

Mr. KEIFER. I suggest that we had better not enter upon the consideration of that bill to-day. The yeas and nays must be taken upon the two bills we have already passed in committee, and that will take up all the time that is left.

Mr. RANDALL. It is not designed to call the yeas and nays to-day on either of the other appropriation bills, but simply to report them to the House at, say, a quarter to 5 o'clock, call the previous question on them, and take the yeas and nays on their passage to-morrow morning. For some cause or other there does not appear to be a quorum present just at this time. If there is a quorum, then we can go on with the business this afternoon.

The CHAIRMAN. The question is on the motion of the gentleman from Ohio [Mr. FOLLETT] that the Committee of the Whole now proceed to the consideration of the District of Columbia appropriation bill.

The question was taken; and upon a division there were—ayes 83; noes 5.

Mr. WHITE, of Kentucky. I make the point that no quorum has voted.

Mr. REED [to Mr. WHITE]. Do not make that point.

The CHAIRMAN. If the point is made that no quorum has voted the Chair will order tellers.

Mr. DUNN. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DUNN. I desire to know why it is necessary to submit to the vote of the Committee of the Whole the question of the consideration of this bill at this time? Is not the District appropriation bill the next appropriation bill in order?

The CHAIRMAN. It is; and unless objection be made to it it will be taken up for consideration. But the Chair understood that objection was made, and therefore submitted the question to the committee.

Mr. KEIFER. My suggestion was not in the nature of an objection, but rather an inquiry.

The CHAIRMAN. The Chair understood there was objection, and the motion having been made, the Chair submitted it to the committee.

Mr. KEIFER. If there was objection to the consideration of the bill, then under the rule the committee should have risen and reported the objection to the House.

The CHAIRMAN. That is all true; the question was submitted to the committee informally.

Mr. KEIFER. Let the Clerk go on with the reading of the bill.

The CHAIRMAN. The Chair will ask whether there is objection to the consideration at this time of the District of Columbia appropriation bill?

Mr. WHITE, of Kentucky. I object. I think we had better go on in the regular way.

Mr. RANDALL. This is the regular way.

Mr. WHITE, of Kentucky. The regular way is to dispose of a bill under consideration, regardless of what is going on at the races. If there is not a quorum here there ought to be a quorum present.

The CHAIRMAN. The Chair thinks it is perfectly regular to lay aside in committee any bill the consideration of which has been completed, and to take up any other bill in its order.

Mr. WHITE, of Kentucky. I will not object if no one else does.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes.

Mr. FOLLETT. I ask unanimous consent that the first and formal reading of the bill be dispensed with.

There was no objection.

Mr. FOLLETT. Mr. Chairman, the fact that one half of the money expended for the District of Columbia is paid out of the national Treasury, and the other half raised by taxation upon the property, real and personal, in the District, is now well understood by members on this floor. The reason of that rule it is not necessary now to consider. It is the law; and of the expenditures provided for in this bill one half will be paid by the Government of the United States, and the other half will be collected by taxation upon the property of the District.

The bill now before the Committee of the Whole has been prepared with the view of applying the taxation of the District of Columbia and a like amount out of the Treasury of the United States to the expenditures of the District government, to the improvement of the streets and alleys, and to the completion of the sewerage system of this city. By a bill passed in this House on Monday last provision has been made (if that bill should be passed by the other branch of Congress) for the immediate completion of the sewerage system of the District. The necessity for the completion of this sewerage system is well understood by every one having in view the sanitary condition of the city, and I know from personal examination that this system, when carried out, will be complete and will be constructed with a view to permanency.

The flexible appropriation of this bill is the appropriation for the improvement of streets. Whatever could be taken from other objects left so much more for the streets, and whatever was added to the other appropriations necessarily diminished the amount for the improvement of streets.

The government of the District of Columbia, so far as the payment of officers is concerned, as any one who examines this bill and understands the salaries paid in other cities will see, is an economical government. The employés of the fire department, the police department, and in the public schools—the three departments for which the largest appropriations have been made—are all paid salaries which in comparison with those paid in cities of like size in other parts of the country will be found to be low. While these salaries in some instances are not specifically given, in others they are.

Personally I would have liked very much to make an increase, believing an increase should be made in the compensation of some of these employés of the District government, especially the fire department. I have examined this department, having visited all the fire stations,

and I believe it to be, from the head to the lowest employé, one of the most complete fire departments to be found in any city of the country. The chief of the department ranks, I know, among the firemen of the country as one of the most skillful and efficient men that can be found in this line of employment in any city.

The privates of this department have heretofore received, and, as the committee have not deemed it advisable in this bill to commence any increase of salaries, will receive under the bill, only $60 per month. I know of no other city of like size in the United States where firemen are not to-day receiving at least $75 per month.

But we have in this bill made a provision for a fireman's relief fund, which has not heretofore been provided for. That is to say, we add, if you please, to that extent to the compensation of the firemen, setting apart $1 per month for the firemen's relief fund. The necessity for such a fund has been made apparent since this session of Congress commenced by the disablement of some two or three of the employés of this department in their efforts to extinguish a fire. One or two men now retained in the department are compensated, not for the services they are rendering, but for the purpose of enabling them to live in the line of duty in which they have been disabled. The committee agree that there ought to be provision made by which a man who has been disabled in the performance of his duty as a fireman can be retired from the service and compensation allowed for his future support. In this I am satisfied the committee will be seconded by Congress, which has recognized for years past that a man who has been disabled in the line of duty, especially in the employment of the Government, should be provided for in some way. The Government of the United States makes such provision by pensions. The government of the District of Columbia has no power to provide in that way; and therefore we have sought to establish a relief fund by which compensation may be paid in such cases.

Mr. BLOUNT. The gentleman will allow me to ask whether this relief fund is to be created by a deduction of $1 a month from the salary of each of these firemen?

Mr. FOLLETT. It is thought that will be sufficient. The money is to be set apart as a trust fund, is to be held by the commissioners of of the District as a trust fund, to be used only for this purpose.

Mr. COBB. Do you increase the pay of the officers?

Mr. FOLLETT. We have increased it just enough to provide for this fund.

Mr. BLOUNT. I understood the gentleman to say that one dollar a month was taken from the allowance of sixty dollars.

Mr. FOLLETT. That was the provision of the bill as originally reported. I ought to say there are some amendments which have been agreed upon by the committee; but to avoid expense the bill has not been reprinted, notice having been given that these amendments will be offered as the bill is considered by paragraphs. The provision to which I have referred for this relief fund does not stand in the printed bill as finally agreed upon by the committee; but an amendment embodying the views of the committee will be offered. The bill as now printed, without raising the compensation of the firemen, provides for a deduction of $1 a month. This the committee on further consideration thought unjust; and therefore we have agreed upon an amendment providing that $1 a month shall be added to the pay for the purpose of being applied to this relief fund.

Mr. BLOUNT. Making the pay actually $61 a month.

Mr. FOLLETT. It will be actually $61 a month.

Mr. EATON. Some of the firemen of the District who have spoken to me in regard to this matter have complained that, according to their understanding of the bill, the privates receiving $60 a month are obliged to pay just as much toward this relief fund as an officer receiving $100 or $120. They have stated further that they have already a relief fund of their own; that they are their own insurers; and that this is a matter which, in their opinion, should properly be left to the firemen themselves.

Mr. BLOUNT. This is a sort of firemen's insurance fund?

Mr. RANDALL. A hospital fund.

Mr. EATON. In my own State this fund is not provided by the public, but the firemen have a fund of their own. I think this is a matter which ought to be examined closely, although the amendment of which my friend from Ohio [Mr. FOLLETT] speaks may prove to be entirely satisfactory.

Mr. FOLLETT. When the bill comes to be read by paragraphs the amendment will be suggested, and if not complete can be made so. The intention of the committee was that the compensation of these firemen should not be reduced, and at the same time that provision should be made for the fireman's relief fund, so there should be $1 or the equivalent of $1 to each of these firemen appropriated in addition to what was heretofore paid for the fireman's relief fund.

There is another branch of the government of the District, the police department, which has been increased somewhat. We believe the necessities of the growing condition of the city require it should be increased.

We have also provided in this bill for the erection of another fire-station house. There is a large part of the city, the northwestern portion, which is at least a mile to a mile and a half from any fire-engine, the nearest fire-engine to that part of the city being on K street. Another station was needed there in case of a fire in that part of the city. The bill therefore provides for the erection of another fire-station. We have not increased the number of firemen for this new station-house because there are men now in the employ of the Government deemed to be sufficient to man that building when erected.

The educational branch of the city government, one I am satisfied every member of Congress will take special notice of, I am happy to say, not merely from inquiries made by myself, but rather on information I have received from others, is in a good condition. There is a condition of things here I would be glad to see changed in connection with public schools if I thought it prudent or if the committee thought it prudent to do so, and that is they have here two superintendents of public schools, one of them a colored man and the other a white man, one receiving compensation at the rate of $2,750 a year and the other, I believe, at $2,250, or $500 less. I am convinced if we could eliminate entirely all prejudice that one superintendent, one head, would really be better than two. But there are about one-third of the children attending these schools of the colored race and they would not be satisfied, or at least the management of the schools in the city think they would not, unless they had a superintendent of their own color. It is not thought advisable there should be anything tending in the least degree to detract from the efficiency of the common schools of the city and of the District. Yet I believe it is only a question of time when the wisdom of Congress and of the government of the city and District will come to the conclusion that one efficient head is better than two. That time has not yet come, and therefore we have made no recommendation on that point.

The teachers of this city are compensated at a lower rate than in most of the cities of the country. The principal of the high school receives but $1,800 a year. He is a graduate of Harvard College and is thoroughly efficient and competent for the performance of the duties of his position. And I know that the schools of the city in their management and in their efficiency will compare favorably with the schools of any other part of the country.

There is an indebtedness upon the city that requires for the sinking fund and payment of interest over $1,200,000 a year. How this indebtedness arose, what was its origin, is familiar to every member of Congress. The debt exists. The action of this committee, and I believe it will be the action of every Committee on Appropriations, has been to see there is no addition made to the indebtedness of the city, to restrict its expenditures strictly within the limits of the amount of money collected by the District for the purpose of meeting those expenses. If we had now to be applied to improvement desired in the city, to be applied to the streets and to sewerage in the city, the amount which goes to the liquidation of the debt in the amount of the sinking fund and interest, it would add nearly one-third of the entire amount collected. In other words, the amount collected by taxation for this year will be in the neighborhood of $1,900,000, and a like amount from the Treasury of the United States would make in the aggregate about $3,800,000; but over $1,200,000 of the entire amount is taken out for the payment of interest and for the purpose of the sinking fund. If that amount could be had, then, instead of having $240,000 or $260,000 only for making new streets, new pavements, and other improvements asked for by the people in various portions of the city, we would have this amount to add to it, and in a short time Washington would be supplied with streets to the satisfaction of everybody.

There is one thing I find, and I have no doubt that every member of Congress has heard of it, and that is that there is considerable jealousy existing between the different parts of the city as to where the money appropriated for street improvements shall be expended. The people upon the Hill, the northeast, and the southeast all believe that a greater proportion of the money has been expended in the northwestern portion of the city than ought to have been expended. But I have gone through and made a careful comparison of the amount of money collected from taxation on property of residents in the northwest, and I find that in proportion to the amount of taxation paid by them they are receiving less than they are actually entitled to for the streets in that part of the city. So that I see no need of any conflict arising or that any complaint should be made by the residents of any part of the city against the commissioners of the District or those having charge of these expenditures for the places where the expenditures are being made or to be made.

I believe that is all I desire to say in the opening of this discussion. When the bill is read by sections and is subject to amendment we will then have an opportunity of considering, item by item, every portion of the bill, and if there be objection made, or if in the estimation of any member the amount appropriated be too small or too large, of course it can be better considered there and suggestions offered than under a general discussion of the bill.

Mr. BLOUNT. Will the gentleman allow me to ask him a question, which he can answer now or when we reach that portion of the bill to which I shall refer. I would like to know the amount received from water revenues?

Mr. FOLLETT. The amount received from water revenues?

Mr. RANDALL. One hundred and eighty-six thousand six hundred and ninety-eight dollars.

Mr. BLOUNT. No; I think not that much.

Mr. RANDALL. I understood you to say the amount of the receipts for the water department?

Mr. BLOUNT. Yes, sir.

Mr. FOLLETT. The estimated receipts are $118,000. The different items are printed in the report accompanying the bill. I will read them:

The estimated unexpended balance of water receipts, June 30, 1884, is $48,398; the estimated receipts from the water-main tax is $16,000; the estimated receipts from water-rents, $118,000; the estimated receipts from water-taps, $2,100; and the estimated receipts from water permits, $2,200.

Mr. BLOUNT. What is the total?

Mr. FOLLETT. The total is, as stated by the gentleman from Pennsylvania, $186,698, of which $48,398 is the estimated unexpended balance at the close of the present fiscal year.

Mr. BLOUNT. May I ask if that goes to reducing the debt created for the purpose of constructing the additional water-works?

Mr. FOLLETT. We have a provision made for that in the pending bill.

Mr. RANDALL. I will state to the gentleman from Georgia that we create a sinking fund for the purpose of providing for that debt. There is by law no sinking fund for the one and a half millions of dollars that the Government advanced for the building of the new aqueduct; and in this bill we have provided for one. So that the Government will have a sinking fund raised on the part of the District of Columbia to meet the $750,000 advanced.

Mr. BLOUNT. That is all I wanted to get at.

Mr. FOLLETT. I now ask unanimous consent that the bill be read by sections for debate and amendment under the five-minute rule.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

GENERAL EXPENSES.

For salaries and contingent expenses:

For executive office: For two commissioners, at $5,000 each; one engineer commissioner, $924 (to make salary $5,000); one secretary, $2,160; one clerk, $1,500; one clerk, $1,400; one clerk, $1,200; one messenger, $600; one driver, $480; for contingent expenses, including printing, books, stationery, and other necessary items, in the discretion of the commissioners, $2,000; in all, $20,264.

Mr. JONES, of Wisconsin. I move a formal amendment for the purpose of asking the gentleman in charge of the bill a question. I notice that provision is made here, as well as in various other sections of the bill, for certain contingent expenses. In this paragraph, for instance, $2,000 is provided, and further on in the bill $500 for contingent expenses in the attorney's office. What I wish to ask is if the committee have considered whether such expenses as these can not be managed in some other manner. Four thousand dollars would seem to be a pretty good salary for the attorney. What necessity, then, arises for making an additional appropriation of $500 to meet contingent expenses in his office? I ask this generally, as it relates to various sections of the bill.

Mr. FOLLETT. In answer to the gentleman from Wisconsin, there are a great many expenses connected in one way or another with the various departments of the city government, the commissioners' office, the engineer's office, the office of the attorney, and other departments, that we can not provide for specifically in advance. For instance, take the case of the expenditures in the attorney's office. Expenses may arise there, contingencies which can not be anticipated or appropriated for specifically in advance, so that we put in an aggregate sum to meet what we suppose will be the requirements. These different departments are required in every instance to furnish a voucher showing that it was an expense connected with the management of their department, which has to be approved by the Comptroller of the Treasury before it is paid; but if it be paid without his approval it is paid at the risk of the party paying it. There are in this as in other bills, of necessity, provisions made for contingencies or emergencies which can not be anticipated.

Mr. JONES, of Wisconsin. I withdraw the *pro forma* amendment.

The Clerk read the following paragraph:

For auditor's office: For one auditor, $3,000; one book-keeper, $1,800; one clerk, $1,600; three clerks, at $1,400 each; two clerks, at $1,200 each; one messenger, $600; for contingent expenses, including books, stationery, and other necessary items, $300; in all, $13,900.

Mr. WILSON, of West Virginia. I move to strike out the last word for the purpose of addressing an inquiry to the gentleman in charge of this bill. There is an appropriation recommended here of $13,900 for the auditor's office. Last year the appropriation was $15,200, which included an item of $2,500 for temporary clerk-hire in the auditor's office, to enable the Auditor among other things to bring up and audit the books of the collector of taxes. That item is omitted from the appropriation this year. Under certain investigations made by the Committee on the District of Columbia, responsive to a resolution offered in this House relative to the management of the financial department of the District of Columbia, it would appear that that appropriation is needed more probably than it was last year. The fact appears that for some ten or a dozen years past there has been no audit of the books of the collector of taxes of the District of Columbia. In that time many millions of dollars have been collected in the way of taxes and disbursed, and there has been no systematic or regular audit of the books in the office of the collector of taxes. It seems to me to be an anomaly, and I think it would occur to any one as improper that such large sums of money should be collected and disbursed without some system by which there should be a regular and systematic audit of the books of the office through which these large sums pass.

The Committee on the District of Columbia, reporting in answer to the resolution I have referred to, brought that matter to the attention of the House and recommended that that item should be continued in the appropriation bill of the present year, and that the auditor should be instructed to go forward as rapidly as was consistent with accuracy in auditing the books of the collector of taxes and bringing the audit down to the present time.

Mr. FOLLETT. Mr. Chairman, the appropriations for the auditor's office are increased this year by one clerk at $1,200 over the regular appropriation for last year. There was an appropriation last year of $2,500 for temporary clerk-hire. That made practicable the employment of two clerks. This year the committee have given permanently one clerk, making the force of that office one auditor, one book-keeper, one clerk at $1,600, three clerks at $1,400 each, two clerks at $1,200 each. In other words, in addition to the auditor and book-keeper there are six clerks for that office, a force which the committee thought sufficient to enable them not only to bring up the work but to continue the proper conduct of the business of the office.

Mr. WILSON, of West Virginia. Last year the appropriation was $15,200. The appropriation recommended here is $13,900.

Mr. FOLLETT. The appropriation last year was $12,700, with $2,500 additional for temporary clerk-hire.

The CHAIRMAN. Does the gentleman from West Virginia withdraw his *pro forma* amendment?

Mr. WILSON, of West Virginia. Yes, sir.

The Clerk read the following paragraph:

For engineer's office: One chief clerk, $1,900; three clerks, at $1,600 each; one clerk, at $1,400; two clerks, at $1,200 each; four clerks, at $900 each; one computing engineer, $2,400; one inspector of buildings, $2,400; one assistant inspector of buildings, $1,000; one chemist and inspector of asphalt and cement, $2,400; one inspector of gas and meters, who shall pay into the Treasury of the United States all fees collected by him, $2,000; one superintendent of streets, $2,000; one superintendent of roads, $1,400; one inspector of plumbing, $1,800; one superintendent of lamps, $900; superintendent of parking, $1,200; one assistant superintendent of parking, $700; one assistant engineer, $1,600; two assistant engineers, at $1,500 each; one draughtsman, $1,200; three rodmen, at $780 each; three axmen, at $650 each; three inspectors of streets, sewers, and buildings, at $1,200 each; three market-masters, at $1,200 each; one market-master, at $900; one harbor-master, at $1,200: *Provided*, That the fees collected by said harbor-master shall be paid into the Treasury of the United States; one janitor, $700; five messengers, at $480 each; three watchmen, at $480 each; two laborers, at $360 each; contingent expenses, including rent of property-yards, books, stationery, binding, and preservation of records in the engineer's and surveyor's offices; printing, transportation (six vehicles, six animals, saddlery, forage, and repairs), and other necessary items and services, $5,000; in all, $61,950: *Provided*, That overseers or inspectors temporarily required in connection with sewer, street, or road work, or the construction or repair of buildings, done under contracts authorized by appropriations, shall be paid out of the sums appropriated for the work, and for the time actually engaged thereon; and the commissioners of the District, in their annual reports to Congress, shall report the number of such overseers and inspectors, and their work, and the sums paid to each, and out of what appropriation.

Mr. FOLLETT. By instruction of the committee, I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 4, line 75, strike out the words "chemist and;" so that it will read "one inspector of asphalt and cement, $2,400."

The amendment was adopted.

Mr. FOLLETT. I am also instructed by the committee to offer the amendment which I send to the desk.

The Clerk read as follows:

On page 5, line 103, after the word "animals," insert the words "care of same;" so as that it will read: "six vehicles, six animals, care of same, saddlery, forage, and repairs."

The amendment was adopted.

The Clerk resumed the reading of the bill, and read the following paragraph:

Washington Aqueduct:

For engineering, maintenance, and general repairs, $20,000; and hereafter the lessees of the Alexandria Canal shall keep in good repair at least two spans of the Aqueduct Bridge, so that no leakage or wastage of water shall occur.

Mr. WARNER, of Ohio. I desire to ask my colleague in charge of this bill a question as to this item of $20,000 for this aqueduct.

Mr. FOLLETT. I will state to my colleague that this is the water-works aqueduct, which is kept in repair by the District government. This is the same appropriation as was made last year.

Mr. WARNER, of Ohio. Is this the canal aqueduct which crosses the bridge?

Mr. FOLLETT. Oh, no.

Mr. WARNER, of Ohio. If not, I am satisfied.

The Clerk resumed the reading of the bill, and read the following paragraph:

For maintaining institutions of charity, reformatories, and prisons:

For Washington Asylum: For one commissioner and intendant, $1,200; one matron, $600; one visiting physician, $1,080; one resident physician, $480; one engineer, $600; one assistant engineer, $300; one overseer, $800; one clerk, $600; one baker, $420; five overseers, at $600 each; four watchmen, at $365 each; one blacksmith, $120; one hostler, $60; one cook, at $120; two cooks, at $60 each; five nurses, at $60 each; for contingent expenses, including improvements, provisions, fuel, forage, lumber, shoes, clothing, hardware, dry goods, medicines, and other necessary items, $35,000; repairs to almshouse, including new blinds, painting, and putting in gas-pipe and fixtures, and moving and refitting stable, $2,500; dump-cars, iron rails, ties, switches, joints, and spikes, to construct 2,500 feet of movable track for the purpose of grading streets and avenues in the eastern portion of the city, and for filling in marshes adjoining the asylum grounds, $2,350; in all, $52,010.

Mr. FOLLETT. By instructions of the committee I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 162, after the word "dollars" where it last occurs, insert "one ambulance, $60;" and in line 176 strike out "$52,010" and insert "$52,070."

The amendment was adopted.

The Clerk read the following paragraph:

For Reform School: For one superintendent, $1,500; assistant superintendent, $900; four teachers, $3,000; matron of school, $600; two matrons of family, $360; farmer, $480; superintendent of chair shop, $540; shoemaker, $300; baker, $300; engineer, $336; tailor, $240; seamstress, $144; two dining-room servants, at $144 each; chambermaid, $144; laundress, $144; florist, $240; cook, $300; watchmen, not exceeding five in number, $1,080; in all, $10,896.

Mr. FOLLETT. By direction of the committee I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 183 strike out the words "five hundred and forty dollars" and insert "$500." In line 185 strike out "$240" and insert "$300." In lines 192 and 193 strike out "$10,896" and insert in lieu thereof "$10,916."

The amendment was adopted.

The Clerk read the following paragraph:

For subsistence, including groceries, flour, meats, dry goods, leather, gas, coal, hardware, woodenware, table-ware, furniture, farm implements and seed, harness and repairs, fertilizers, stationery and books, plumbing, painting, and glazing, medicines and medical attention, purchase of stock, fencing, and other necessary expenditures, all in the discretion of the commissioners, over and above the income from the farm and school, $20,000; and an itemized account of said income shall be submitted to the commissioners quarterly.

Mr. FOLLETT. By instructions of the committee I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 200 strike out the word "commissioners" and insert "board of trustees." In line 201 strike out "$20,000" and insert "$22,000." In line 203, before the word "the," insert "and approved by;" so that it will read; "and an itemized account of said income shall be submitted to and approved by the commissioners quarterly."

The amendments were agreed to.

The Clerk resumed the reading of the bill, and read the following:

For street lamps: For illuminating material and lighting, extinguishing, repairing, and cleaning lamps on avenues, streets, and alleys, and for purchasing and erecting new lamp-posts, $95,380: *Provided*, That no more than $22 per annum for each street lamp shall be paid for gas, lighting, extinguishing, repairing, and cleaning under any expenditure provided for in this act; and the commissioners of the District of Columbia are authorized to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided further*, That the commissioners of the District of Columbia shall not be authorized to make any contract for gas or other illuminating material, in accordance with the provisions of this paragraph, for any longer period than one year.

Mr. FOLLETT. By instructions of the Committee on Appropriations, I move to amend the paragraph just read by inserting after the word "act," in the first proviso, the words "and said lamps shall burn not less than 2,600 hours per annum."

The amendment was agreed to.

The Clerk read the following:

For Metropolitan police:

For one major and superintendent, $2,600; one captain, $1,800; one property clerk, $1,800; one clerk, $1,500; one clerk, $900; four surgeons for the police and fire departments, at $480 each; for additional compensation to privates detailed from time to time for special service in the detection and prevention of crime, $1,440, or so much thereof as may be necessary; ten lieutenants, at $1,320 dollars each; twenty sergeants, at $1,140 dollars each; ninety privates, class 1, at $900 each; one hundred and forty privates, class 2, at $1,080 each; seventeen station-keepers, at $720 each; eight laborers, at $420 dollars each; one messenger, $700; one messenger, $500; one major and superintendent, mounted, $240; one captain, mounted, $240; twenty lieutenants, sergeants, and privates, mounted, at $240 each; one driver, $300; one ambulance driver, $480; one assistant to driver, $300; rent of sixth and seventh precinct station-houses, substation at Uniontown, and police headquarters, $3,020; for fuel, $2,000; erection of stable in first precinct, $3,000; purchase of site and erection of new station in sixth precinct, $15,000; repairs to station-houses, $1,200; miscellaneous and contingent expenses, including stationery, books, telegraphing, photographs, printing and binding, gas, ice, washing, meals for prisoners, furniture and repairs to same, police equipments and repairs to same, beds and bed-clothing, insignia of office, horses, harness, and forage, repairs to van and ambulance, and expenses incurred in prevention and detection of crime, and other necessary items, $9,500; in all, $337,040.

Mr. WHITE, of Kentucky. I move to amend the paragraph just read by adding to it the proviso which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That no person shall manufacture, sell, or keep for sale as a beverage any intoxicating liquors whatever, including ale, wine, and beer.

Mr. FOLLETT. I make the point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FOLLETT. It is new legislation, and not germane to the subject-matter of the paragraph under consideration.

Mr. WHITE, of Kentucky. I ask for the reading of the rule as to what is germane to a bill. I think I shall be able to show that this amendment, if adopted, will reduce expenditures, and therefore will be germane to the bill.

The CHAIRMAN. The Chair is willing to hear the gentleman from Kentucky on the point of order.

Mr. WHITE, of Kentucky. I ask for the reading of clause 3 of Rule XXI.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. WHITE, of Kentucky. I will modify my amendment so as to reduce the amount appropriated by this paragraph from $337,040 to $137,040, and then to add the proviso which has been read. The reason I contend that this amendment is in order is that it will retrench expenditures by a reduction of the number and salaries of officers of the United States and the compensation of persons paid out of the Treasury of the United States, and it will also reduce expenditures generally, as I shall be able to show in the discussion of the amendment.

Mr. BLOUNT. I desire to reserve all points of order on the amendment of the gentleman from Kentucky.

Mr. WHITE, of Kentucky. The point of order has already been made by the gentleman from Ohio [Mr. FOLLETT].

Mr. BLOUNT. That point of order was upon the amendment as first offered. The gentleman has now modified his amendment, and I desire to reserve the point of order on the amendment as modified.

Mr. WHITE, of Kentucky. I think that is about all I desire to say in support of my amendment being in order. I think in the discussion of that amendment I will be able to show that it will reduce expenditures by reducing the number of the officers and the salaries of the officers required in the District of Columbia. Inasmuch as the Government of the United States must pay one-half of the expenses of maintaining the government of this District, it is a very important matter that we should reduce the expenditures as far as possible, to say nothing about the moral aspect of the subject.

The gentleman from Ohio [Mr. FOLLETT] also raises the point of order that this is new legislation. There is now much new legislation in this bill—legislation not usual in such a bill. I think the gentleman will not contend that the clause in the paragraph relating to lighting the city, providing that the contract for gas shall not be for a time exceeding one year, is usual legislation. It is rather legislation in anticipation of the use of electric lights, or of something which may possibly make it inadvisable to contract for gas for two or three years at a time. Therefore the committee has put in the bill a provision that the commissioners shall not make a contract for gas for more than one year.

I also want to put into this bill a provision which will reduce the expenditures by removing the cause of expenditures. If you will look at the report of the commissioners of the District you will find that only $34,000 is received from licenses for the sale of intoxicating liquors in this city, while we are asked to appropriate for the police of the city the enormous sum of $337,040.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE, of Kentucky. I did not know there was a limit to the time for debate upon a point of order.

The CHAIRMAN. Debate upon a point of order is at the pleasure of the Chair, and the Chair does not desire to hear debate longer than five minutes. It is very clear to the Chair that the amendment is out of order.

The Clerk read as follows:

FOR THE FIRE DEPARTMENT.

For one chief engineer, $1,800; one fire marshal, $1,000; one clerk, $900; two foremen acting as assistant engineers, at $1,200 each; six foremen, at $1,000 each; six engineers, at $1,000 each; six firemen, at $800 each; two tillermen, at $800 each; eight hostlers, at $800 each; fifty-four privates, at $720 each; three watchmen, at $720 each; one veterinary surgeon, $300; repairs to engine-houses, $750; for fuel, $2,000; purchase of horses, $2,500; forage, $6,000; hose $2,000; repairs to apparatus, $4,000; exchanging three Amoskeag engines, $9,000; contingent expenses, including office-rent, horseshoeing, furniture, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, $7,500; purchase of site and erection of new engine-house, $10,000; in all, $115,990: *Provided*, That $1 per month out of the appropriation for each man in the fire department shall be retained by the commissioners as a firemen's relief fund, and used for the relief of any fireman who by accident, while in actual performance of duty, shall become so permanently disabled as to be discharged from service therefor, and in case of his death, leaving a widow, or children under 16 years of age, for their relief: *Provided further*, That such relief shall not exceed for any one fireman or his family the sum of $40 per month.

Mr. FOLLETT. I move to amend by striking out in line 340 the words "out of the appropriation" and inserting in lieu thereof "additional pay;" also by striking out in line 341 the words "retained by" and inserting the words "paid to."

Mr. EATON. I would like to hear the proviso as it will stand if amended.

The Clerk read as follows:

Provided, That $1 per month additional pay for each man in the fire department shall be paid to the commissioners as a firemen's relief fund, &c.

The amendment was agreed to.

The Clerk read as follows:

Courts:

For the police court: For one judge, $3,000; one clerk, $1,800; one deputy clerk, $1,000; two bailiffs, at $3 per day each; one messenger, $900; one doorkeeper, $540; United States marshal's fees, $1,400; contingent expenses, including compensation of a justice of the peace acting as judge of the police court during the absence of said judge, not exceeding $300, books, stationery, fuel, ice, gas, witness fees, and other necessary items, $3,000; for judicial expenses, $2,500; in all, $16,018.

Mr. FOLLETT. I move to amend by inserting in line 365, after the

words "one clerk, $1,800," the words "and hereafter the salary of said clerk shall be $1,800 per annum."

The amendment was agreed to.

The Clerk read as follows:

For teachers: For five hundred and fifty-five teachers, to be employed at a rate of compensation not to exceed the rate provided by the present schedule of salaries, and at an average salary not to exceed $670, $371,850.

Mr. WHITE, of Kentucky. Mr. Chairman, I move to amend by striking out "$670" and inserting "$750," and by making a corresponding increase in the aggregate appropriation in this paragraph.

Mr. RANDALL. The pay of these teachers has been increased $5; and provision has been made for thirty additional teachers.

Mr. WHITE, of Kentucky. But an increase of only five dollars, with $150,000,000 of surplus in the Treasury, is not at all commensurate with the demand made upon us to advance the cause of education in this District.

Mr. Chairman, the increase which I propose amounts to $44,400 in the aggregate, and when distributed among the five hundred and fifty-five teachers in the District of Columbia amounts to only $80 each. Why, sir, a messenger in the Pension Office gets $840 per annum, and these little pages on this floor receive $75 a month during the session of Congress; and shall we higgle about a fair and reasonable increase of the salaries of the faithful instructors of the youth in this city, but who you will find by reference to the last annual report of the commissioners of the District of Columbia come from every section of our common country?

On page 12 the commissioners say:

Many families are locating in Washington with a view of giving their children an education, and there are now borne upon the rolls of the public schools the names of children from every section of the country. It is very evident, by the record of the places of birth submitted by the parents, that the money appropriated for maintaining our public-school system really benefits the several States and Territories of the Union as well as the District of Columbia.

We have just now appropriated $16,018 for the police court and $337,040 for the Metropolitan police, besides $62,906 for the Washington Asylum and Reform School; in all, $415,964 for what may chiefly be attributed to the evils resulting from the use of intoxicating liquors as a beverage; while we content ourselves with the meager appropriation recommended by the cool, calculating Committee on Appropriations for the teachers, who are for the most part women, engaged in the most honorable of all the professions.

It is worth while to note the fact that for every teacher in the District of Columbia there are two places here where intoxicating liquors are sold.

I submit a letter from the president of the board of commissioners of the District of Columbia, as follows:

OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
Washington, March 29, 1884.

SIR: In reply to your inquiries respecting the number of licenses issued to wholesale and retail liquor dealers in the District of Columbia and the amount of revenue derived therefrom, the commissioners have the honor to state that the total number of bar-room (retail) licenses issued during the present license year to date is 562, and the total number of wholesale liquor licenses to date is 535, making in all 1,097.

The amount received for the bar-room licenses to date is $56,016.71, and the amount for wholesale liquor licenses to date $13,558.07.

Very respectfully,

J. B. EDMONDS, *President.*

Hon. JOHN D. WHITE, *Member of Congress.*

Besides the 1,097 regular wholesale and retail liquor dealers there are about 120 sacred institutions known as drug stores, which keep open "every day and Sunday too" in the District of Columbia.

Last year there were 15,607 arrests in the District of Columbia, of which number there were 11,367 arrested for offenses against the person. There were 55 sent to the reform school; 235 placed under bonds to keep the peace; 896 were sent to jail; 1,255 were sent to the workhouse, and so on.

For intoxication alone there were 3,752 arrested, and for disorderly conduct 529.

On page 15 of the report for 1883 by the major and superintendent of police I find the nativity of those arrested classified as follows:

Nativity of those arrested classified.

	Number.
United States, white	6,913
United States, colored	6,661
Ireland	1,035
Germany	690
England	135
Scotland	34
France	31
Italy	26
Sweden	19
Canada	15
Russia	12
Switzerland	9
Persia	9
China	5
Denmark	4
Wales	3
Greece	2
Spain	2
Poland	1
Cuba	1
	15,607

The population of the District of Columbia in 1870 was as follows: Washington, 109,199; Georgetown, 11,384—total, 120,583; and in 1880 was as follows: Washington, 147,293; Georgetown, 12,578; Hillsdale Village, 672; Giesborough, 201—total, 160,744.

It is sad to think that here at the capital of the nation, during the last fiscal year, for every ten persons in the District of Columbia there was one person arrested, and that more than one-fourth of the number arrested were under the influence of intoxicating liquor.

On pages 13 and 14 of the report for 1883 by the major and superintendent of police I find the offenses classified as follows:

Offenses.	Males.	Females.	Total.
AGAINST THE PERSON.			
Affray	178	42	220
Assault	248	100	348
Assault and battery	1,218	351	1,569
Assault and battery with intent to kill	51	6	57
Assaulting policeman	31	2	33
Attempted rape	3		3
Accessory to rape	1		1
Accessory to murder	1		1
Bigamy	1		1
Backing policy	7		7
Criminal libel	2		2
Carrying concealed weapons	119	2	121
Contempt of court	89	30	119
Creating a nuisance	3		3
Disorderly conduct	1,155	439	1,594
Deserters	41		41
Fugitives from parents	36	12	48
Fugitives from reform school	14		14
Fugitives from industrial school	2		2
Fugitives from justice	52	3	55
Fast riding or driving	40	3	43
Fighting in the streets	78	14	92
Gift enterprise	1		1
Incorrigibility	27		27
Infanticide		1	1
Indecent exposure of the person	105	6	111
Insanity	58	12	70
Intoxication	3,518	234	3,752
Intoxication and disorderly	431	98	529
Interfering with policemen	8		8
Keeping disorderly house	7	8	15
Keeping bawdy house	7	25	32
Keeping gambling house	13		13
Keeping policy shop	38	4	42
Loud and boisterous	52	34	86
Miscellaneous misdemeanors	75	9	84
Murder	10	1	11
Mayhem	1		1
Picking pockets	5		5
Perjury	3		3
Profanity	497	169	666
Passing counterfeit money	5		5
Refusing to assist an officer	1		1
Rape	8		8
Rioting	1		1
Resisting officer	11		11
Refusing to pay hack-hire	23		23
Raising United States currency	2		2
Selling lottery tickets	14		14
Threats of violence	327	165	492
United States witnesses	174	55	229
Vagrancy	464	279	743
Writing policy	5		5
Total offenses against the person	9,261	2,106	11,367
AGAINST PROPERTY.			
Arson		1	1
Attempted arson	2		2
Attempted burglary	2		2
Attempted theft	2		2
Burglary	48	2	50
Buying stolen goods	2	1	3
Cruelty to animals	90	3	93
Destroying private property	72	4	76
Destroying public property	28	2	30
Embezzlement	19	1	20
Forcible entry	2	2	4
Forgery	9		9
Fraud	2		2
Grand larceny	86	25	111
Gambling	14		14
Grave robbery	1		1
Highway robbery	1		1
Housebreaking	48	2	50
Malicious mischief	27	5	32
Obtaining goods or money by false pretenses	23	2	25
Petit larceny	752	182	934
Robbery	8	1	9
Receiving stolen goods	19	11	30
Suspicion	580	65	645
Trespass	145	10	155
Violation of United States postal law	1	1	2
Violation of United States internal-revenue law	4		4
Violation of District ordinances	1,733	200	1,933
Total offenses against property	3,720	520	4,240

As I have shown by a letter from Mr. J. B. Edmonds, president of the board of commissioners for the District of Columbia, the amount received for bar-room licenses and wholesale liquor licenses is about $70,000 per annum; whereas by the report of the superintendent of police, page 32, I find that the estimate of expenses for the Metropolitan

police alone for the fiscal year ending June 30, 1885, is $334,600, as follows:

Estimate of expenses for Metropolitan police for fiscal year 1885.

One major and superintendent	$2,600
One captain and inspector	1,800
One captain and night inspector	1,500
One property clerk	1,800
One clerk	1,500
One clerk	900
Four surgeons, at $450	1,800
Special service, prevention and detection of crime	1,440
Nine lieutenants, at $1,340	12,060
Twenty-seven sergeants at $1,140	30,780
Eighty privates, class 1, at $900	72,000
One hundred and thirty-five privates, class 2, at $1,080	145,800
Seventeen station-keepers, at $720	12,240
Eight laborers, at $420	3,360
One messenger	700
One messenger	500
One major and superintendent, mounted	240
One captain and inspector, mounted	240
Twenty lieutenants, sergeants, and privates, mounted, at $240	4,800
One driver	420
One ambulance driver	600
One assistant driver	300
Rent, sixth and seventh precinct stations, substation at Uniontown and police headquarters	3,020
Fuel	2,000
Repairs to stations	1,200
Miscellaneous and contingent expenses, including stationery, books, telegraphing, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repair to same, beds and bed-clothing, insignia of office, horses, police equipments and repairs to same, harness, forage, repairs to van and ambulance, and expenses incurred in prevention and detection of crime	10,000
New stable for the accommodation of van and ambulance and horses belonging to same	3,000
New station for sixth precinct	15,000
For transportation of paupers	3,000
Total	334,600

When we know, as every intelligent man must know, that the injurious effects from the use as a beverage of intoxicating liquors are universally admitted, and that spirituous liquors are powerful instruments for evil and corruption in our elections, and that the unbridled traffic in spirituous liquors promotes contentions, riots, ignorance, and poverty, and that the iniquity of alcoholism is visited through the parent "upon the third and fourth generations," and that the effects of alcoholism are filling our prisons, houses of correction, and institutions of charity with criminals and sufferers and covering the land with woe and misery, I confess that a feeling of mortification akin to indignation comes over me when I think of the cool manner in which my amendment, offered a few moments ago, to prohibit the manufacture and sale of intoxicating liquors within the District of Columbia, was ruled out on a point of order, and a chuckle of delight was heard to echo through the Hall of this House in the Capitol of the nation.

Mr. Chairman, do you not know that during the last ten years this country has produced the enormous quantity of 740,000,000 gallons of distilled spirits alone, and that all but 70,000,000 gallons of that quantity have been consumed in the United States? Is it any wonder that Hon. WILLIAM T. PRICE, in House Report No. 1107, after a most careful investigation of the alcoholic liquor traffic, is led to the following conclusions?

It is established by official reports that there were manufactured during the fiscal year ending June 30, 1883, of distilled spirits 65,678,666 gallons. In its production there were consumed 18,644,787 bushels of grain. During the same period there were manufactured of fermented liquors 17,757,892 barrels.

The total amount of revenue paid to the Government the last fiscal year on distilled spirits was $74,368,775.20, and upon fermented liquors $16,900,615.81.

There were of retail dealers in distilled spirits, who paid a special tax as such, 168,770; of wholesale dealers, 4,241.

Of retail dealers in fermented liquors, 8,006; of wholesale dealers, 2,168—an aggregate of 183,203 persons directly engaged in the liquor traffic.

It is computed that the cost to the consumers of the liquors sold by the 176,776 retail liquor dealers the last fiscal year was about $850,000,000.

In an able article in the New York Tribune, September 27, 1882, the sum is put down at $800,000,000. The writer says:

"It does no good to sneer at the agitation in regard to the liquor traffic.

"The subject is too important to be laughed down.

"Aside from the law-defying it has elicited, aside from all its moral and religious aspects, the question, considered purely as one of dollars and cents in its effects upon the national prosperity and wealth, is one of the most important that can be named.

"Directly and indirectly this country spends in the liquor traffic every year a sum exceeding half the national debt. The cost to the country of this traffic, direct and indirect, is greater than the profits of all its capital not invested in real estate. It costs every year more than our whole civil service, our Army, our Navy, our Congress, including the river and harbor and the pension bills, our wasteful local governments, and all national, State, county, and local debts, besides all the schools in the country. In fact, this country pays more for liquors than for every function of every kind of government.

"How is that question to be put aside with a sneer?

"There is certainly paid for drink more than $800,000,000, and the entire sum raised by taxes of all kinds—national, State, county, city, town, and school-district—is stated on the authority of the Census Bureau to be not more than about $700,000,000."

Among the petitioners for the passage of this bill (for a commission on the alcoholic liquor traffic) the belief is entertained that this enormous traffic is detrimental to the public welfare; that large as is the amount of revenue paid to the National Government by the distillers, brewers, and liquor dealers, the loss is infinitely greater to the tax-payers of the country from the expenditures occasioned by the liquor traffic.

That it is the cause of at least 90 per cent. of all the crime existing.

That it is the cause of three-fourths of all the pauperism in the country.

That it causes the existence of 600,000 drunkards.

That 100,000 annually die or are disabled from its effects.

That 9,338 are annually made insane from the use of intoxicants.

That the number of days' work lost to the country annually by reason of this traffic, at $1 per day, is not less than a quarter of a million of dollars.

That by the laws of heredity the cases of insanity are increasing with terrible rapidity.

That it creates 120,000 widows and orphans annually.

That it causes 50,000 murders annually.

Judge Park said that 99 per cent. of all crime was produced by it.

That 100,000 are annually sent to jail for drunkenness.

Are these charges true or nearly true?

If you admit their truth, you can not deny that some remedy should be applied, if you desire to see this a happy people or a prosperous nation.

During the discussion of the bill for the extension of the bonded period for the 64,000,000 gallons of bourbon and rye whiskies then in bond, it was stated on this floor by a gentleman from Ohio that one-tenth of all the property in Cincinnati was invested in the whisky business.

In the State of Kentucky the whisky in bond alone is now estimated to be worth over $150,000,000, while all the public buildings in Washington have cost but $51,346,468, as follows:

Statement of the cost of public buildings in the District of Columbia on 30th of June, 1883, exclusive of the grounds.

[Compiled by Mr. R. A. Fish.]

WASHINGTON.	
Columbia Hospital	$40,000
Old engine-house	2,000
Winder's and adjacent building	245,000
Department of Justice	197,779
Frame building used by Surgeon-General	1,500
Bureau Engraving and Printing	366,930
Engine-house, square 293	3,000
Stable, Post-Office Department	400
Medical Museum	88,000
Post-Office Department	2,151,500
Storehouse Congressional stable	1,200
Congressional stable	800
Government Printing Office	296,000
Architect's office	1,500
Engine-house, square 683	69,500
United States Marine Barracks	339,637
United States Naval Hospital	116,035
President's house and conservatory	735,580
President's stable	28,500
United States Treasury building	7,158,454
State, War, and Navy buildings	7,628,925
Agricultural buildings, hot-house, &c.	501,825
Smithsonian Institution	492,651
National Museum	250,000
Armory building	45,702
Washington Monument	794,163
United States Observatory	255,264
Arsenal buildings	270,324
Patent Office building	3,245,778
City Hall	275,152
Pension Office building	$137,000
New jail	525,550
Army and Navy powder magazine	15,000
United States navy-yard	3,615,808
United States Capitol	15,599,656
United States aqueduct	3,847,547
Water pipes and plugs	172,276
WEST WASHINGTON.	
Engineer's office, aqueduct	3,000
Custom-house and post-office	59,767
COUNTY.	
New Naval Observatory	10,000
Battle Cemetery	1,000
United States Military Asylum	350,000
Columbian Institution for Deaf and Dumb	751,000
Reform School	271,056
Government Hospital for the Insane	1,513,112
United States Navy magazine	91,597
Total	51,546,468

It is time to call a halt. The country looks to Congress to begin reform in the District of Columbia; 350,000 voters in Ohio have taken a firm stand, and the politicians of that State have learned that a Republican candidate for governor can not carry water on both shoulders.

Iowa has taken the lead and shown to the world that the Republican party in that State has gained more strength since it declared for "free homes" against "free saloons," and enforces laws to the effect that "no person shall manufacture, sell, or keep for sale as a beverage any intoxicating liquors whatever, including ale, wine, and beer."

At a mass-meeting held at London, in the eighth Congressional district, Kentucky, March 11, 1884, the following resolutions were adopted:

The committee appointed to draught resolutions returned the following, which was adopted unanimously:

"*Resolved*, That we unanimously indorse the action of our members and senators in the Kentucky Legislature in regard to the suppression of the liquor traffic throughout the State, and more especially in this and adjoining counties, and urgently request that the bill now pending prohibiting the sale of spirituous liquors in less quantities than twenty gallons in the counties of Laurel, Rockcastle, Jackson, Clay, and Owsley be made a law."

W. L. Brown presented the following resolutions:

"1. *Resolved*, That we are in favor of the passage of all laws tending to prohibit the sale of spirituous, vinous, and malt liquors in our county.

"2. *Resolved*, That we indorse the course of our members in Congress who opposed the extension of the bonded period of the whisky now in bond.

"3. *Resolved*, That we are in favor of the repeal of all concealed weapon laws, and recommend the passage of a law making it a penitentiary offense to draw or attempt to draw a deadly weapon, except in self-defense.

"4. *Resolved*, That we favor a law putting a heavy tax or penalty on the sale of pistols, unlawful knives, and pistol-cartridges.

"5. *Resolved*, That we favor the passage of the above laws because they will

have a tendency to improve society, morality, and good order, will relieve our court dockets, stop a heavy tax on the people, clear our prisons, invite immigration, and develop the hidden resources of our State."

Adopted.

George Faris offered the following resolution:

"*Resolved*, That our Representatives and Senators in Congress be requested to pass a law prohibiting the issuing of license by the revenue officers of the United States to any person to vend spirituous liquors, ale, beer, or wine, or any intoxicating liquors or mixture thereof in any town, county, or municipality where local option or any prohibitory liquor law exists in any State of the Union."

Adopted.

There being no other business the meeting adjourned.

D. R. BROCK, *Chairman.*
C. W. JONES, *Secretary.*

Be it said to the honor of the grand old Commonwealth of Kentucky that before the adjournment on the 12th instant of the General Assembly of that State, by special acts it became "unlawful for any person to sell, directly or indirectly, any spirituous, vinous, or malt liquors, ale, wine, or beer, or a mixture thereof, or of either," in Laurel, Rock Castle, Jackson, Owsley, Clay, besides nine other counties in Southeastern Kentucky. Local-option laws are rapidly confining the sale of alcoholic liquors to the large towns and cities in the State.

We owe it to the 56,000,000 of people of the United States to have as good government in the District of Columbia as there is in the State of Iowa. We can only do so by closing up the saloons here and paying liberal salaries to the teachers who have the training of the youth.

This question, like that of slavery in 1856, is in politics and it is not to be sneered away. It is a live issue. If any man doubts it he will be permitted to become a converted Thomas after the November election. There are no less than 1,000,000 voters in the United States who believe in the principles involved in the prohibition victory in Iowa. They are so distributed from Maine to California, from North Carolina to Oregon, as to make themselves felt in the fall elections, and you may be assured that they are not sleeping.

The amendment of Mr. WHITE, of Kentucky, was not agreed to.

Mr. FOLLETT. I move that the committee rise in order that the hour for the recess may be extended, so that the consideration of this District appropriation bill in Committee of the Whole may be concluded.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, had come to no resolution thereon.

Mr. RANDALL. I ask unanimous consent that the hour for the recess be extended so as to allow the Committee of the Whole to conclude the consideration of the District of Columbia appropriation bill.

There being no objection, it was so ordered.

HOUR OF MEETING AT EVENING SESSIONS.

Mr. MATSON. I ask unanimous consent that the order heretofore made for Friday night sessions be so far modified that the House after the recess shall reassemble at 8 o'clock instead of half past 7.

The SPEAKER *pro tempore*. If there be no objection the order will be so modified. The Chair hears no objection.

OHIO ELECTION CONTEST—WALLACE VS. M'KINLEY.

Mr. TURNER, of Georgia. I desire to give notice that on Monday morning next I shall endeavor to call up and have considered the contested-election case of Wallace *vs.* McKinley, from the State of Ohio.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. FOLLETT. I move that the House resolve itself into Committee of the Whole to resume the consideration of the District of Columbia appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HAMMOND in the chair) and resumed the consideration of the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes.

The Clerk read as follows:

That no payment shall be made of any certificate issued by the late board of audit of the District of Columbia under authority of the act approved June 20, 1874, that shall not be presented for payment within one year from the date of the approval of this act; and it shall be the duty of the commissioners of the District of Columbia to cause notice to be given to the holders of said certificates to make presentation within the time fixed, by publication in two newspapers published in the city of Washington each once a week for three successive weeks immediately following the approval of this act, and once a week for three successive weeks immediately preceding the date of expiration of the time fixed herein within which payment may be made.

Mr. BLOUNT. I desire to inquire whether there has been any limitation heretofore with reference to the presentation of these certificates?

Mr. FOLLETT. It is intended now to fix a limitation for the purpose of closing up the business.

Mr. BLOUNT. Has the District been paying them regularly?

Mr. FOLLETT. Yes, sir. The law was passed several years ago. The object now is to get them all in.

The Clerk resumed and concluded the reading of the bill.

Mr. FOLLETT. I move that this bill be laid aside to be reported with the amendments to the House.

The motion was agreed to.

Mr. FOLLETT. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes; the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes; and the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, and had directed him to report back the same with sundry amendments and with a recommendation that the bills be passed with the amendments.

PRINTING OF AGRICULTURAL REPORT.

Mr. HATCH, of Missouri, by unanimous consent, introduced a joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

GENERAL APPROPRIATION BILLS.

Mr. RANDALL. I desire to ask that the previous question be considered as ordered upon the three appropriation bills just reported from the Committee of the Whole with amendments.

Mr. REED. I suggest to the gentleman that if the previous question should now be ordered it will be necessary to go on and conclude these bills to-morrow, which would interfere with the business assigned for that day.

Mr. RANDALL. It is not my intention to ask for a vote on these bills until Monday.

Mr. REED. I submit that it would be well not to have the previous question ordered. There will be no attempt to interfere with the vote upon the bills on Monday.

Mr. RANDALL. My wish is that the vote shall not be taken on these bills until Monday, so that the Judiciary Committee may have the whole day to-morrow.

Mr. REED. The purpose of the gentleman from Pennsylvania in regard to these appropriation bills will not be interfered with at all.

Mr. RANDALL. If I can have that assurance——

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania withdraw his proposition?

Mr. RANDALL. Even if the previous question should be ordered, it is not my intention to call for a vote on the bills until Monday.

Mr. REED. If it can be made by unanimous consent the vote shall not be called until Monday, I will be satisfied with that.

Mr. HOLMAN. I hope that agreement will not be made.

Mr. RANDALL. Then I do not demand the previous question.

ORDER OF BUSINESS.

Mr. WELLER. I ask unanimous consent to introduce a joint resolution for present consideration authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury in trust by national banking associations for the retirement of their circulating notes, and for other purposes.

Mr. COX, of North Carolina. Is not the House compelled to take a recess at 5 o'clock?

The SPEAKER *pro tempore*. The House by unanimous consent extended that time so as to complete action in committee on the appropriation bills.

Mr. COX, of North Carolina. And that has been done.

The SPEAKER *pro tempore*. It has. Does the gentleman demand the regular order?

Mr. COX, of North Carolina. I do.

Mr. WELLER. Then I will only ask that my joint resolution shall be printed in the RECORD. Nobody will object to that.

The proposed joint resolution is as follows:

Joint resolution authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury in trust by national banking associations for the retirement of their circulating notes, and for other purposes.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized, out of any lawful money deposited by national banks for the purpose of retiring their circulation, under the provisions of section 4 of the act of July 20, 1874, and of sections 5222 and 5230 of the Revised Statutes of the United States, and of section 6 of the act of July 12, 1882, to purchase, at not exceeding the par value thereof, under such regulations as he may prescribe not inconsistent therewith, any bonds of the United States now outstanding; the bonds so purchased to be held in trust and used as security for the payment of the circulating notes of the banks which have or may deposit lawful money for such redemption and payment: *Provided, however*, Whenever the circulating notes of national banking associations, for the retirement of which lawful money has been deposited, are presented to the Treasury for redemption, the

Secretary of the Treasury shall use any available moneys in the Treasury for the redemption thereof, and to that extent the bonds so held shall be canceled and destroyed together with the interest thereon: *And further provided*, All of the interest accruing on said bonds or any of them shall be canceled as it matures: *And further provided*, That all of said bonds and the interest thereon shall by the Secretary of the Treasury be canceled and destroyed whenever it shall appear to him that the outstanding notes of said banking associations are destroyed or lost, the intent being that the Government shall redeem by lawful-money payment all such notes so provided for and also to cancel all of said bonds and interests thereon accruing as stated hereinbefore.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. CUTCHEON, for two weeks, on account of important business.

To Mr. LORE, for ten days, on account of important business.

Mr. MATSON. I call for the regular order.

The SPEAKER *pro tempore*. In obedience to the order of the House the recess will now be taken.

And then (at 5 o'clock and 10 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by Mr. MCMILLIN, as Speaker *pro tempore*, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 16, 1884.

Hon. J. B. CLARK,
Clerk House of Representatives:

I hereby designate Hon. BENTON MCMILLIN to preside as Speaker *pro tempore* during the session this evening.

Respectfully,

J. G. CARLISE, *Speaker.*

The SPEAKER *pro tempore*. The Clerk will read the order under which the House meets to-night.

The Clerk read as follows:

Ordered, That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening session bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. I move that the House do now resolve itself into Committee of the Whole House on the Private Calendar under the order just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the Private Calendar under the special order just read. The Clerk will report the first bill.

WALTER H. CROW.

The first business on the Private Calendar was the bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to restore the name of Walter H. Crow, late a sergeant of Company K, Thirty-third Indiana Volunteers, to the pension-roll.

Mr. MATSON. I ask unanimous consent that the reading of the report be dispensed with in that case. It was discussed at some length the other night, and I move to amend the bill, to meet the objections of the gentleman from Alabama, who is not yet present, by adding the words "from and after the passage of this act."

The CHAIRMAN. The Chair is informed that there is an amendment pending to the bill, offered by the gentleman from Alabama on the last evening when the House considered the Private Calendar, which the Clerk will report.

The Clerk read as follows:

Add at the end of the bill: "and pay him a pension from and after the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LAURA J. GODDARD.

The next business on the Private Calendar was the bill (H. R. 5544) for the relief of Laura J. Goddard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Laura J. Goddard, widow of Elisha M. Goddard, formerly a private in Company C, Sixth Regiment Vermont Volunteers, and pay her a pension from and after the passage of this act.

The report (by Mr. BAGLEY) was read, as follows:

Elisha M. Goddard, husband of the petitioner, was mustered into the service of the United States as a private in Company C, Sixth Vermont Volunteers, October 15, 1861, and was discharged October 31, 1862.

On the 16th day of April, 1862, he received a gunshot wound of both legs at a place called Lee's Mills, in the State of Virginia. For his disability he first received a pension of $6 per month, which was subsequently increased to $8. The justice of his claim was therefore recognized by the Pension Bureau. He died August 25, 1881.

The widow filed her application on the 3d of April, 1882. The Pension Office rejected it in the following words:

"The claimant's allegation that the soldier died from the results of the disability for which he was discharged, and for which he was subsequently pensioned, is not sustained; the condition and nature of the gunshot wounds of the right thigh and left knee do not indicate that they were in any manner the cause of the soldier's fatal disease, consumption. The claim is therefore rejected."

The evidence upon which this decision is based is found in the brief accompanying the case, and is copied *verbatim*, as follows:

"Dr. Henry W. Lawrence, of Ballston Spa, N. Y., testifies that he attended the soldier during about fifteen months and in his last illness; he died August 25, 1881, of consumption, the remote or exciting cause being a gunshot wound causing general debility; that the soldier's disease was not caused or aggravated by bad habits.

"Dr. H. W. Lawrence, in an additional affidavit, states that he prescribed for the soldier about fifteen months; at that time the wound was not discharging. The soldier was in the advanced stages of consumption, the disease having progressed more rapidly after wounds healed. The general debility, caused by the wounds, superinduced the pulmonary disease.

"Dr. Benjamin W. Noxon testifies that he attended the soldier for about six years; his condition was weak, and his general health bad; he suffered more or less from his wounds, and his days were much shortened by reason of said wounds and exposure in the Army.

"In an additional affidavit Dr. Noxon states that the soldier died of pulmonary consumption, induced by the wound on his hip-joint. This wound greatly affected his health and strength, producing weakness and debility, resulting in the lung disease. That the wound closed some time before death, and after this discharge ceased the lung disease became more prominent."

Office record gives professional standing good and credibility good of these physicians.

"Aaron Goddard testifies that the soldier came to Cohoes after his discharge. He had been severely wounded by a ball through his hips and the lower part of his body; also one through his leg, near the knee; had to use crutches for several years, and his constitution seemed to be broken down. He was quite feeble and unable to perform manual labor, and gradually grew worse till he died. The soldier's disability was not prolonged or aggravated by immoral conduct or intemperance. The physicians who first treated him when he returned are now dead.

"Daniel Chambers testifies that he knew the soldier intimately for the past twelve years. He was in feeble health, occasioned by wounds in the hip; was unable to perform much labor; it troubled him to stoop or lift anything; he kept dwindling away, and died of consumption August 25, 1881. Soldier's habits were good."

Notwithstanding the conclusion of the pension examiners, with the foregoing evidence before them (the affiants accepted by the office as reputable persons) your committee must decide that the soldier's death was the result of the wounds received in the service, and that his widow should be pensioned. They, therefore, recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES P. MAHAN.

The next business on the Private Calendar was the bill (H. R. 3728) granting a pension to Charles P. Mahan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles P. Mahan, late of Company G, One hundred and forty-sixth Regiment, New York Volunteers.

The report (by Mr. BAGLEY) was read, as follows:

Claimant enlisted August 30, 1862, and served as private in Company G, One hundred and forty-sixth New York Volunteers, until July 16, 1865, when he was honorably discharged. He filed application for pension April 3, 1879, alleging that he was injured on the 13th of May, 1864, at Chancellorsville, by a stampede of horses, being knocked down and trampled upon, bruising his leg; afterward a bunch appeared upon the leg and this continued to increase until removed by surgeon on the 25th day of November, 1878, weighing ten pounds.

Jerome Seance, a comrade of claimant, knew him in the service; was present when the stampede occurred, May 13, 1864; did not see the injury inflicted, but saw claimant immediately afterward; he complained then of injury; said he was trampled upon; camped with claimant; saw his leg, it was inflamed and swollen. Comrades Goodfellow and Contuntle knew claimant in service; knew he was injured at stampede; did not see injury inflicted, heard of it within a day or two, and knew generally that injury was to thigh, and of the character herein described.

Several neighbors of claimant, residing in the same village with him, knew him from time of his return from the war up to the time the tumor was removed from the thigh in November, 1878; saw him very frequently; knew he was lame when he returned; heard him say it was caused by injury received in a stampede at Chancellorsville in May, 1864, and knew he was disabled from performing manual labor.

Colonel Brown, of the Fifty-seventh Regiment, New York, resides in the same village with claimant; has known him since his discharge; knew of his lameness and its continuance up to the time of surgical operation; his father was one of the operators; heard claimant describe injury; knew that by reason of injury claimant was disabled from performing manual service.

All the witnesses unite in saying that claimant is respectable, worthy, and truthful.

Upon this evidence and personal examination of claimant, the examining surgeon, on the 11th day of August, 1880, reported that, in his opinion, the claimant was permanently incapacitated for manual labor, and that the disability was permanent.

April 8, 1882, the case was referred by Pension Department as follows, namely:

"Respectfully referred to W. R. Wood, medical referee, with the request that he state whether, in his opinion, the tumor resulted from the alleged injury, and, if not, whether claimant has been disabled since discharged by reason of said injury or results, the origin of which are not definitely shown.

"J. W. MINER.

"APRIL 8, 1882."

To which the following reply was made to Judge Walker:

"Respectfully returned to Judge Walker. If it is shown to your satisfaction that claimant received an injury in the location of the tumor on right leg, we will have to admit it (the tumor) as the result of said injury.

"W. R. WOOD, *Medical Referee.*

"APRIL 18, 1882."

The claim was rejected by the Department February 17, 1883, in the following language:

"Rejected, because claimant can not prove that the injury or tumor was caused while in the service."

Your committee are of the opinion that the evidence of injury is complete. The claimant himself is a worthy and truthful man; the comrades have no interest, and, although they did not see the injury inflicted, they were present, and establish the fact that the stampede did occur; they heard the claimant describe the injury immediately after it occurred. One of them saw the limb; it was inflamed and swollen. The neighbors describe the appearance after his

return. The character of the injury, accompanied as it was with results, after a lapse of fourteen years, repels the idea of the claim being a subterfuge or pretense. Wherefore we report favorably, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M'ANNY.

The next business on the Private Calendar was the bill (H. R. 2394) granting a pension to James McAnny.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James McAnny, late quartermaster-sergeant of Company C, First Regiment New Jersey Cavalry.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2394) granting a pension to James McAnny, having considered the same, submit the following report:

In the petitioner's declaration for a pension he states that he entered the service of the United States on the 27th day of July, 1861, in Company C, of the First Regiment New York Cavalry, and was honorably discharged at Camp Bayard, Virginia, on the 12th day of January, 1863. This statement is confirmed by the certificate of discharge.

The claimant alleges that while on a scouting expedition near Culpeper Court-House, in the State of Virginia, he was injured by his horse being shot and falling on him, which broke several of his ribs and hurt his lungs, and that at the same time and place he received a gunshot wound in left leg, and that he was treated in hospital at Washington, and also at Chester Hospital, in the town of Chester, Pa.

The records in the Adjutant-General's office show that he was with his company in July and August, 1862; sick and absent September and October, 1862; present for duty November and December, 1862; present, sick, January, 1863, and discharged January 12, 1863, on account of disability. Regular return, July, 1862, reports him among "absent enlisted men;" cause not stated. No evidence of wounds on company roll. From the 28th of July to the 8th of August the company (with the regiment) was in the advance of Pope's Army of Virginia, performing scout and picket duty between Culpeper Court-House and the Rapidan.

The certificate of discharge, signed by F. V. Dayton, assistant surgeon, says that, having examined James McAnny, finds him incapable of performing the duties of a soldier because of tuberculosis, with great disability, rendering him entirely unfit for duty.

D. B. Ingersoll, examining surgeon, under date of December 23, 1878, says, that the soldier is totally disabled, and that, judging from the evidence, it is his belief that the disability did originate in the service, and that he finds that the seventh and eighth ribs on left side have been broken, and they now press upon the lung and prevent its expansion.

As to the applicant's condition prior and subsequent to enlistment, John Moore swears, under date of June 12, 1878:

"That he has been well and intimately acquainted with the claimant for thirty years; associated with him frequently before and since the war, and knows of his own personal knowledge that he was a stout, healthy man before he enlisted, and free from any disease of lung or injury to leg. Had he not been so, affiant would certainly have known it. Claimant came home from the Army sick with lung disease, which has affected him ever since. Understood that he was injured by his horse while in the Army."

Peter J. Woolston makes statement under oath substantially as above.

John E. Carey, M. D., testifies that he has "treated McAnny more or less since 1871 for consumption of left lung, which appears more affected than the right lung. He has been unable to work at times since I first examined him. He is a temperate man in regard to all things, so far as I know."

The claim was deemed inadmissible by the Pension Office because the claimant could not produce the evidence of officers or comrades or of treatment in the service.

Judging by the claimant's own statement under oath, he did receive the injuries from which he is now suffering in the service and the line of duty, and as he has proven by credible witnesses that he was sound and healthy when he entered the service, and seriously disabled when he left, your committee conclude that he is deserving of a pension, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. GRIFFITH.

The next business on the Private Calendar was the bill (H. R. 1046) granting a pension to Mary A. Griffith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed and required to place the name of Mrs. Mary A. Griffith, mother of William D. Griffith, late a private in Company F, One hundred and fifty-first Regiment New York Volunteers, on the pension-roll, at the rate of $8 per month; said pension to commence on the 1st day of January, A. D. 1867, and to continue during her widowhood; and in the event of the marriage or death of the said Mary A. Griffith such pension shall cease.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1046) granting a pension to Mary A. Griffith, having considered the same, beg leave to make the following report:

The papers in this case show that William D. Griffin was mustered into the service of the United States as a private on the 28th day of September, 1862, at Lockport, N. Y., in Company F, One hundred and fifty-first Regiment New York Volunteers, and that he was killed at the battle of Monocacy, at Monocacy Junction, in the State of Maryland, on July 9, 1864. The Adjutant-General's report says:

"Missing since July 9, 1864; supposed to be taken prisoner; but prisoners taken at that time and since paroled report him killed July 9, 1864."

He left a widow but no children. The papers indicate that the widow received a pension. She has since remarried, which debars her from the pension. It seems that the mother of the petitioner, Mrs. Mary Griffin, applied for a pension prior to the marriage of the widow, as the jacket containing the mother's affidavit bears this indorsement, "Rejected; widow in receipt of pension, August 26, 1865." Under the law the mother can not receive a pension through the action of the Pension Office, as section 4707 of the pension laws provides that where a soldier dies who is entitled to an invalid pension, leaving a wife or children, no other relative or relatives shall be entitled to receive a pension, notwithstanding such relative may have been dependent upon him for support prior to his death. The inference then is that should the widow die or remarry, leaving no children, by her first marriage, under sixteen years of age, the right to a pension, resulting from the soldier, terminates *in toto*, and no title to any party remains.

The question then is, has this mother a moral or equitable right to support from the Government, to be determined by the following affidavits, which show conclusively that she was dependent upon her son for a maintenance.

James Duncan and Richard Winthrop, jr., swear "that they have been well and intimately acquainted with her (Mary Griffin) and her deceased son, her husband, and with all the circumstances of the family for the past ten years. That she has not now, nor has she had since deponents' acquaintance with her, any property whatever, except the necessary household furniture and wearing apparel. The said William D. Griffin resided at home with his mother up to the time of his enlistment. That he was a cooper by trade and worked at his trade in the city of Lockport for ten years prior to his enlistment, and was not married until after his enlistment. That Griffin's father, for three or four years prior to his death, was unable, on account of disease and infirmity, to labor but very little, and could not contribute to the support of his wife. That during this time, and after the father's death, until his enlistment he resided at home, and contributed to the support of his mother and the family all of his wages, purchasing the fuel, provisions, clothing, and the other necessaries. The deponents are of the opinion that the amount contributed for the family was $150 per year, that they know she was dependent upon her son as stated, and that she is now needy and dependent. That she has a son 19 years of age, and a daughter 12 years old, who is sickly, and needs much care. That they know William D. Griffin left a widow, who has since his death married one William Leroy."

The mother, in her affidavit, says:

That she has not now, nor has she had since the death of her husband, any property whatever excepting necessary furniture and wearing apparel. That her son William lived at home with her prior to enlistment, and that he materially contributed to her support by giving her his wages, supplying her with food, clothing, and other necessaries. That her son was not married until after his enlistment, and that she is needy and dependent, and prays for a pension for her support.

The committee are of the opinion that William D. Griffin did support his mother, and that in his death her loss is irreparable. She is now 72 years old, and is in needy circumstances. As the law precludes her getting relief through the regular channel of the Pension Office, the committee think a special act should pass for her benefit, and therefore recommend the adoption of the bill accompanying, with the following amendments: Strike out the word "Griffith" wherever it occurs in line 5, and insert "Griffin." Strike out all in the bill after the word "pension-roll" in line 7, and insert "subject to the limitations and provisions of the pension laws." Amend the title by striking out "Mary A. Griffith," and insert "Mary A. Griffin."

The amendments reported by the committee were agreed to.

Mr. HORR. I would like to ask the chairman of the committee if there are any precedents for this; or whether any special acts have been passed in cases where the widow or children have been entitled to a pension, and where the children have passed the age and the widow has died or remarried, where the pension has reverted to any person who under the law would not have been entitled to it if the widow was living or had not married?

Mr. MATSON. I will take pleasure in answering the gentleman from Michigan by saying that there has been a precedent established at this session of Congress for one instance. There was a bill passed the House of a precisely similar character to this during this session. I think it was the case of some person from the State of Iowa.

Mr. HORR. I have no recollection of any such cases.

Mr. MATSON. The case to which I allude was a case where on the death of a soldier the pension had terminated, or where the widow had remarried, and the mother just as in this case, being a person wholly dependent, was the beneficiary. Congress revived the pension by giving it to the dependent mother.

Mr. HORR. I did not gather from the reading of the report when this soldier was married.

Mr. MATSON. He married after enlistment; perhaps after his discharge; I am not positive.

Mr. PETERS. No; during his term of service.

Mr. MATSON. At the time of his enlistment there is no question that the mother was dependent upon him, and is even more dependent now than before. She is without property and quite old.

In this case the soldier after his enlistment married. While in the service he was sick or died from disease, I have forgotten which. But at all events he died in the service. His wife remarried leaving no children. When she remarried the pension terminated. This proposes to revive the right of a pension in the dependent mother.

Mr. HORR. I can see that the mother has strong equities in the case; but it seems to me that it throws open the doors to a large class of cases. I have not known of instances of this kind before, though there may have been some. I may be mistaken as to there being a large class of claims of this character. From the statements of gentlemen around me it is thought that there may not be very many.

Mr. MATSON. So far as the precedents are concerned, I have in my mind a very distinct recollection of a case which I think I am safe in saying was precisely like this. So far as the danger of establishing such a precedent is concerned I think there is not much.

This is a case which presents some extreme features. The woman is very old. She was dependent on her son at the time of his enlistment, more than twenty years ago, and has grown more helpless and dependent since; and I do not apprehend there is danger of any great drain upon the Treasury because of many cases of this kind in which we may be called upon to give relief.

Mr. LAIRD. I should like to ask the chairman of the Committee on Invalid Pensions one question. The report states as a matter of law or of construction from the law that during the life of any person entitled in the first instance to a pension, whatever may be the claims of the mother or father of the deceased soldier, they can not receive any

assistance from the Government. Is that a matter of construction placed on the law by the committee, or is that the law itself?

Mr. MATSON. From some confusion in the Hall I did not exactly understand the gentleman's question.

Mr. LAIRD. My question is this: If the widow received a pension can the mother or father under any circumstances receive one?

Mr. MATSON. They can not. There can be but one pension given.

Mr. LAIRD. That is as the law stands?

Mr. MATSON. That is the law.

Mr. LAIRD. It is not a question of the construction of the law by the committee?

Mr. MATSON. No, sir; that is the law.

Mr. PETERS. I was in hopes that some one else would propound the question I am about to put, because I confess I dislike to do so. I see the report states this lady has a son 19 years old. Now, is there evidence showing that this son is unable to contribute to the support of his mother?

Mr. MATSON. My recollection of the report, I will say in answer to the gentleman from Kansas, is that this son, who is 19 years old, is in feeble health and in his mother's charge.

Mr. PETERS. The report states it in this way: That she has a son 19 years of age and a daughter 12 years of age, who is sickly. There is no reference made to the condition of the son.

Mr. MATSON. I see I was mistaken in the answer I gave to the gentleman. I only know the facts from having heard the report read. As to the particular details of the case I am not informed. Perhaps I was so at the time it was being considered in the committee, but if so I have forgotten them. Neither the gentleman who introduced the bill, the gentleman from New York [Mr. STEVENS], nor the gentleman who reported it [Mr. BAGLEY] is present, and I can not myself give the gentleman from Kansas an answer to his question. If there is any serious objection to the bill or a desire for further information on the part of members, I ask that it be passed over informally.

Mr. HEWITT, of Alabama. I think the bill had better be passed over. But I wish to state the case referred to by the gentleman from Indiana [Mr. MATSON] was not altogether like this one. In that case the widow never did apply for a pension at all.

Mr. MATSON. She waived her right.

Mr. HEWITT, of Alabama. And no pension at all was ever granted to the widow.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] asks unanimous consent that the bill be passed over informally.

Mr. CULLEN. I do not think there is any necessity for passing the bill over. My recollection from the discussion in the committee is that there is a great deal of merit in this case, perhaps more than there is in the average of cases that come before this committee. That this old lady is dependent and in indigent circumstances is not disputed; and that nobody else is drawing the pension on account of this soldier is also undisputed. The widow in remarrying waived her right to that pension. As to this 19-year-old boy there is nothing to show that he is in any condition to support or even contribute largely to the support of his aged mother, now 72 years of age.

It appears to me, in view of all the surroundings in this case, that the bill ought to pass. I therefore move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. CULLEN] that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HEWITT, of Alabama. Before that question is put I desire to say that there is nothing in the report going to show that this 19-year-old boy is not an able-bodied young man; and there is no statement in the report that he is not working for his mother and contributing to her support. I think if the young man was in a condition physically that he could not work for his mother the report would have been very apt to have stated it. In fact, we have a right to presume it would have stated it from the circumstance that it does state that the daughter is in bad health. Stating that fact as to the daughter, certainly if the boy had been in bad health it would have stated that. The mother in this case is not entitled to a pension under the law. That is admitted by all. The law grants a pension to the widow, and here for a number of years the widow drew the pension; but when she remarried no one under the law was entitled to the pension.

Now if we are going to pass a special act in every such case as this, and when the widow remarries grant a pension to the mother because she was dependent, I think that had better be done by a general act so as to apply the rule to all alike.

I think it is due to all dependent mothers of soldiers that we should not select certain particular cases outside of the law and grant pensions to them, but we ought to treat all alike. It would be a very easy matter to frame a general law to cover all such cases, and if this Congress is ready for such a law as that we ought to say so and not be continually passing special bills granting relief to particular persons. I am opposed to any special legislation where a general law can be framed to cover the cases.

There are some cases that you can not reach by general legislation, and if any remedy is to be provided it is necessary to pass special acts for the purpose. But this is not such a case. A general law can be framed to grant to dependent mothers of soldiers the pensions which terminate when the widows remarry or the children arrive at the age of 16. There is no reason why special bills should be passed by Congress in such cases. Hence I think that this bill ought not to pass.

Mr. CULLEN. The gentleman from Alabama has stated this case very fairly and very frankly. But this bill is now before the House because under a strict construction of the law the Pension Office can not grant a pension in this case. That is the fact in reference to every special pension bill that is introduced into this House. These special cases come here simply because a literal and strict construction of the law will not authorize the Commissioner of Pensions to grant pensions in such cases.

We are here to take the equity view of the case, and if, all things considered, we think the case is a deserving one it is our duty to grant relief by special act. If we are to be governed by the stubborn and strict construction of the law, then every one of these special cases is out of order. From the knowledge I have of pension cases, I think that this is one of more than average merit on the equity side. I have no feeling in this matter other than the feeling I have for all unfortunate persons of this kind.

The CHAIRMAN. The question is upon laying aside the bill as amended to be reported favorably to the House.

The question was taken; and it was so ordered.

FRANCES HASENZAHL.

The next business on the Private Calendar was the bill (H. R. 4828) for the relief of Frances Hasenzahl.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to rerate the pension of Frances Hasenzahl, widow of Christopher Hasenzahl, formerly a member of Company C, Thirteenth Regiment New York State Volunteers, at $8 per month, commencing at the death of her said husband, deducting therefrom the amount that has already been paid.

The Committee on Pensions recommend that the bill be amended by striking out the words "rerate the pension" and inserting in lieu thereof the words "place on the pension-roll the name;" also, strike out, at the end of the bill, all after the words "New York State Volunteers."

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4828) for the relief of Frances Hasenzahl, having considered the same, beg leave to submit the following report:

Christopher Hasenzahl, husband of Frances Hasenzahl, the petitioner, enlisted in the service May 14, 1861, as a private in Company C, Thirteenth Regiment New York Volunteers, and was discharged May 12, 1863. He received a shell wound in head at the battle of Manassas, August 30, 1862, and was sent to hospital. About one week after his return to his company (in December, 1862) he was attacked with an epileptic fit, resulting from said wound, and was subject to them until his death, which occurred July 27, 1879. He was pensioned at $8 per month, and the original invalid pension paper says, "approved for epilepsy, the result of a gunshot wound of head."

The widow filed her application for pension November 20, 1879, but it was rejected June 16, 1883. Cause of rejection not stated. That he died from the cause for which he was pensioned is very plain from the evidence of the physician who attended him.

Dr. John Hanenstein testifies that he is a regular practicing physician of thirty-five years' standing; that he has been the family physician of Christopher Hasenzahl for the past fourteen years; that he has prescribed for him during the time in cases of epileptic fits; that the immediate cause of his death was, in all probability, the frequency of the epilepsy, from attacks occurring as often as from one to four times during a night; that he attended him the last time on the 27th day of July, 1879, and found him with symptoms of congestion of the brain, developing into inflammation and consequent disorganization of that structure, and in the absence of any other cause adequate to produce these symptoms he is forced to the conclusion that epilepsy produced his death.

The committee think there is no question as to the merit of this case, or a reasonable doubt that the man died from the cause for which he was pensioned, or that his death was the result of wounds received in the service. The widow has four children under 16 years of age. She is entitled to a pension, and the committee recommend the passage of the bill with the following amendments: Strike out, in line 4, the words "rerate the pension" after the word "to," and insert the words "place on the pension-roll the name," and strike out all after the word "volunteers," in line 7.

The amendments reported from the Committee on Invalid Pensions were agreed to.

The question was upon ordering the bill as amended to be laid aside to be reported favorably to the House.

Mr. PERKINS. I would inquire of the chairman of the Committee on Invalid Pensions who introduced this bill.

Mr. MATSON. It was introduced by the gentleman from New York, Mr. ROGERS.

Mr. PERKINS. I think we will be doing this applicant an injustice by passing this bill. If I understood the report correctly as read, this pension can be secured at the Pension Office from the date of the death of the husband. It seems that the husband was granted a pension on the ground of epilepsy resulting from a wound received in the service, and there is no question from the evidence that he died from that injury. If the matter is pressed upon the Pension Bureau it seems to me there can be no doubt that the pension can be obtained there.

Mr. MATSON. I think the passage of this bill would not prevent the adjudication of the claim at the Pension Office.

Mr. HEWITT, of Alabama. From the reading of the bill as introduced, it would appear that the gentleman introducing the bill had the

idea that this woman was on the pension-roll, and the object of the bill is to rerate the pension.

Mr. MATSON. That is a mistake.

Mr. HEWITT, of Alabama. She has never had a pension?

Mr. MATSON. She has not.

The bill as amended was then laid aside to be reported favorably to the House.

ROSE ANN GALBRAITH.

The next business on the Private Calendar was the bill (H. R. 4818) for the relief of Rose Ann Galbraith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Rose Ann Galbraith, widow of John Galbraith, late a private in Company G, Seventh Regiment of Infantry, United States Army, and pay her a pension at the rate of $8 a month from and after the 12th day of December, 1872.

The Committee on Invalid Pensions recommend that the bill be amended by inserting after the words "place on the pension-roll" the words "subject to the provisions and limitations of the pension laws;" also by striking out at the end of the bill all after the words "United States Army."

The report (by Mr. BAGLEY) was read, as follows:

The committee on Invalid Pensions, to whom was referred the bill (H. R. 4818) for the relief of Rose Ann Galbraith, having considered the same, beg leave to make the following report:

John Galbraith, husband of the petitioner, enlisted in the service of the United States on the 11th day of January, 1855, and was assigned to Company G, Seventh Regiment United States Infantry. He is reported discharged November 11, 1859, at Camp Floyd, Utah, by re-enlistment in same company. The company was broken up and transferred to Company I, Seventh United States Infantry March 1, 1863.

Adjutant-General reports him deserted from furlough March 25, 1863; no apprehension and no record of death, and his furlough is not reported as sick furlough. The soldier died December 12, 1872. Widow filed application for pension June 6, 1878. This was rejected on the ground of desertion. It is shown that about the date at which he is charged with desertion he was at home prostrated with sickness. The claimant alleges her husband contracted consumption and came home sick and died of said disease.

The evidence to establish contraction of disease in service is not professional, but is that of an officer of the soldier's company, and is as follows:

Joseph H. Potter, being sworn, says:

"That he was captain of Company G, Seventh Regiment of Infantry, United States Regulars, at the inception of the disability of John Galbraith, who was a private of said company at that time; that he well remembers said Galbraith; that on or about the 4th day of July, 1862, while in the line of service, doing duty at Fort Fillmore New Mexico, guarding the fort, and subject to great exposure, he contracted inflammatory disease, which settled in his bones; he suffered very much indeed."

The evidence of the home physicians proves that the disease was progressive, and that it terminated in death, and that the time when he was treated on furlough corresponds with the date of the charge of desertion.

C. M. Zeh, M. D., says:

"I am a regular physician and surgeon, and have been engaged in active practice since October, 1848. Knew John Galbraith well previous to his entering the service of the United States as a soldier, and knew him to be a man in sound health. Was called to see him in the winter of 1863, soon after his return from the service, and found him entirely disabled, suffering from a disease of the lungs, which he informed me was the result of an attack of pneumonia from which he suffered while in the service and which was produced by cold from exposure and fatigue. His disease when he returned was of the nature of chronic pneumonia, and later of a tubercular character, which caused his death in December, 1872. I saw him from time to time from his return to Newark till his death and treated him as an indigent patient. Have no doubt that the disease of which he died was contracted while in the service of the Government."

James Elliott, M. D., being sworn, says:

"That he was well acquainted with John Galbraith, deceased, who was a corporal of Company G, Seventh Regiment United States Regular Infantry. That he was called to attend and prescribe for said Galbraith immediately after Charles M. Zeh, M. D., stopped attending him. That he continued his attendance until the day prior to his death. That the day preceding his death this deponent saw him. That said Galbraith's death was caused by phthisis, contracted by exposure while a soldier in the United States service, and that he died at 85 High street, Newark, N. J., December 12, 1872."

The committee think that the evidence establishes the fact that the soldier was regularly in the United States service, and that he contracted his disease while in said service. It also seems very plain that the charge of desertion arose from the soldier's being at home sick and not able to return to his company, and that he was treated as an indigent patient by the physician. They have come to the conclusion that the widow is entitled to a pension, and that she needs it for her support; and they therefore recommend the passage of the bill with the following amendments: Insert after the word "pension-roll," in line 4, the words "subject to the provisions and limitations of the pension laws," and strike out all after the word "Army," in line 7.

The amendments reported from the Committee on Invalid Pensions were agreed to.

The question was upon laying aside the bill as amended to be reported favorably to the House.

Mr. HEWITT, of Alabama. I did not catch distinctly the first part of the report as read. Did this soldier have leave of absence?

Mr. MATSON. I presume not.

Mr. HEWITT, of Alabama. Then how did he get home?

Mr. MATSON. The report does not state whether he was on leave or not.

Mr. PETERS. The report states that he was home on furlough.

Mr. MATSON. It seems that the company to which he belonged was broken up and transferred to Company I, Seventh United States Infantry. At the date when he was charged with desertion he was at home prostrated with sickness.

Mr. PETERS. The next paragraph of the report states that, and he is reported as "deserted from furlough."

Mr. MATSON. He had evidently been furloughed.

Mr. HEWITT, of Alabama. I would like to ask a further question.

Mr. MATSON. Very well.

Mr. HEWITT, of Alabama. Did this soldier ever return to his command?

Mr. MATSON. I presume not, because he was evidently very sick.

Mr. HEWITT, of Alabama. How long did he live afterward?

Mr. MATSON. He lived eight or nine years.

Mr. HEWITT, of Alabama. He lived eight or nine years and never returned to his command?

Mr. MATSON. I can not state about that. It appears that he enlisted in 1855 and re-enlisted in 1859. I apprehend that his term of service had perhaps about expired when he was taken sick. He had been in the service then for a great many years.

Mr. HEWITT, of Alabama. I do not think we ought to pension the widow of a soldier who has deserted the service, who appears to be a deserter, without a fuller statement of the facts than we have here. It might be very true that at the time when he is marked as a deserter he was sick at home on furlough. But if he recovered from that sickness so as to be enabled to return to his command, it was his duty to have returned and obtained his discharge regularly from the service.

If he had done so he might have had this blot which rests upon his name removed. But there is no evidence that this soldier continued in a condition which rendered him unable to return to the service. So far as appears he may have recovered sufficiently to do so. I know enough about the service—about soldiers going home on furloughs——

Mr. MATSON. If the gentleman will allow me——

Mr. HEWITT, of Alabama. Certainly.

Mr. MATSON. I discover from a more careful reading of the report that it shows this man was continuously treated by physicians from the time he returned home until he died. Certainly there is an excuse for his not returning to his command. He had been attacked with severe disease of the lungs. Dr. Zeh treated him for a long time, and immediately after Dr. Zeh stopped treating him Dr. Elliott began the treatment, which was continued until the man's death. The first physician began to treat him as soon as he returned home.

Mr. PETERS. There is another fact to be considered. The report states that the company to which this man belonged was broken up and transferred. This might account for the fact that he never returned to his company.

The bill was laid aside to be reported to the House with a favorable recommendation.

MARGARET MADDEN.

The next business on the Private Calendar was the bill (H. R. 4178) granting a pension to Margaret Madden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Madden, of Long Island City, in the county of Queens, in the State of New York, widow of Christopher Madden, late a private in Company B of the Eighty-fourth Regiment New York Volunteers, and to pay her a pension at the rate of $8 per month, and the allowance provided for minor children under 16 years of age, from and after the 10th day of August, A. D. 1866, the date of the death of her said husband.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4178) granting a pension to Margaret Madden, having considered the same, submit the following report:

Christopher Madden was a private in Company B, Eighty-fourth Regiment New York Volunteers, and received a gunshot wound of the leg which shattered the bone. This fact and his condition were clearly proven, and he was granted a pension of $8 per month. He died on the 10th day of August, 1866, at Brooklyn, N. Y., and the certificate of the board of health alleges that he died of cholera.

Soon after his death the widow, Margaret Madden, the petitioner, entered her claim for pension, but it was rejected on the ground that the cause of death, cholera, was not due to wounds received in the service.

Only one witness is brought forward to prove the contrary, that witness being the physician who attended the soldier from the time of his discharge from the Army till his death, and he swears positively that the wounds received were without question the cause of death. The following are the affidavits referred to:

Dr. Charles T. Chase testifies—

"That he is a practicing physician and surgeon, and resides in the city of Brooklyn, N. Y.; that he was well acquainted with Christopher Madden, late a private in Company B, of the Eighty-fourth Regiment of New York Volunteers, for the twenty years next preceding his death, and was his family physician for many years; that he attended and treated him from the time he returned home after his discharge from the Army to the time of his death; that he was suffering from a gunshot wound in the left leg just below the knee-joint; the tibia bone was badly shattered and splintered, which resulted in necrosis of that bone; there was great suppuration and a constant discharge, and occasional discharge of pieces of dead bone up to the time of his death. His health and system were destroyed by long-continued pain and the discharge from the wounded leg. He died in Brooklyn on the 10th day of August, 1866. His death resulted from a loss of vital power and a gradual breaking down of the whole system, caused by the long-continued suffering and pain produced by the wound in his leg."

In another affidavit made by the same physician, in addition to the statement substantially as the foregoing, he says:

"There can be no doubt as to the death of deceased having been hastened by constant and continued discharge of matter and pieces of bone from the leg, the tendency of which was to undermine the constitution and waste the vital powers of life."

Again, the same affiant says:

"That the death resulted from 'necrosis of bones of leg,' caused by gunshot wound received during the late war, and not from cholera or any other cause than that above stated, and that it is impossible for him, deponent, to understand how the information could have been given to the board of health that death

was the result of cholera. The mistake might possibly have originated from the fact that cholera was quite prevalent at the time of said Christopher Madden's death."

The physician is of reputable character, and has practiced for many years. He seems to be very positive as to his facts and conclusions. Evidently there was a mistake made as to the cause of Madden's death. The evidence of cholera coming so directly from an official source, probably influenced the Pension Office adversely to the widow's claim. Your committee, however, think the attending physician, who had cared for the patient for years, ought to be the judge, and believe him competent to decide. So believing, they unhesitatingly recommend the passage of the bill with this amendment: Strike out from the bill all after the word "volunteers" in line 8.

The amendment reported by the committee was read, as follows:

Strike out at the end of the bill all after the word "volunteers."

The CHAIRMAN. The question is on agreeing to the amendment reported by the Committee on Invalid Pensions.

Mr. LAIRD. Mr. Chairman, before this amendment is voted on, I wish to say a word. Of course we understand it is now the policy of Congress in granting pensions these in cases to refuse to allow the pension to take effect from the time the disability was incurred, or in the case of a widow from the time of the death of her husband. But, sir, if a person is entitled to a pension to-night on account of certain facts which are presented to the consideration of Congress, that person is entitled to the pension from the time those facts began to run. I want to enter my protest against the method of dealing with these people.

If it is competent for Congress to readjust the equities in regard to grants of land, and bestow millions of acres or millions of dollars upon A, B, C, or D, the corporate suitors before this court of the people, I submit that, if in the application of a rule of law you to-night bestow a pension on this claimant, you should make that pension coextensive with the facts, and allow the pension to extend back to such time as will do absolute justice to the claimant.

Mr. MATSON. In reply to the gentleman from Nebraska [Mr. LAIRD] I wish to say that this question of allowing pensions granted under special acts to date back has been discussed time and again. The difficulty is that Congress long ago established the rule that pensions granted by special acts should operate only from the date of the passage of the act. To begin now to date back such pensions would, I submit to the gentleman, do injustice as between the different persons receiving these pensions. But in order that the gentleman may be satisfied with this proposition, I will state to him that the Committee on Invalid Pensions has directed a bill to be reported—I am not sure but that it has been reported—establishing a general law on this subject, so that all who receive pensions by special act may receive them from the date of the disability, or from the death of the soldier.

The CHAIRMAN. The question is on agreeing to the amendment reported by the Committee on Invalid Pensions.

Mr. WOLFORD. Before the vote is taken upon that question I wish to say a word. I am and have been dissatisfied in the particular pointed out by the gentleman from Nebraska [Mr. LAIRD], with the injustice that is being done to every widow receiving a pension by special act. I tried to make myself understood on this subject the other night; but now the chairman of the Committee on Invalid Pensions [Mr. MATSON] has stated that the reason for perpetrating this injustice is because years ago the Congress of the United States did wrong. That is the meaning of his statement, otherwise he would not be in favor of a general bill which he says his committee has agreed to report.

In these matters Congress is sovereign; it has the right to do what is right. It is bound not to follow but to disregard any precedent which is wrong or unjust. Are we, representing the great people of the United States, to follow former Congresses in doing what was wrong? There would, in my humble judgment, be propriety in saying that as a past Congress has done right we ought to follow in its wake. But when Congress in the past has done wrong, are we, in Heaven's name, to say, "We, representing the people and speaking for the people, are going to do wrong forever because a Congress years ago did wrong?" Is any member justified in saying, "Unless I can procure the passage of a general law I will do wrong in every case that comes here because a former Congress has done wrong?"

I enter my protest against such a doctrine as that, a doctrine which would teach us to follow forever bad examples and never to follow good ones. I do not believe in following the bad examples of any man or any Congress. The good examples of any man or any Congress ought to be followed. Virtue exalts a nation, but wrong and iniquity are a disgrace to any people.

Mr. WARNER, of Ohio. I rise to correct an erroneous impression as to the application of the law in this case. This widow would be entitled to her pension from the date of the death of her husband if she could furnish evidence to the Pension Office that the death was the result of the disability for which he was pensioned. The object, as I understand, of the special act is to relieve that difficulty.

Now, we assume in passing a special act the widow is not entitled to a pension under the general law. Under a special act it is for Congress to say when that pension shall begin. The chairman of the committee has already said that by passing a bill like this you do not cut off the right of the widow to prosecute her claim at the Pension Office, and get her pension from date of the death of her husband. I myself am in favor of a general law that will continue the pension the husband was receiving to the widow during her life or widowhood. I think there is a defect there in the general law. I think the House is right in all cases where it affords relief by special act in commencing that relief from the date of the act. If there are any rights they are not cut off, but exist to be prosecuted under the general law.

Mr. HEWITT, of Alabama. The passage of a special act putting a widow or soldier on the pension-roll does not preclude the widow or soldier from prosecuting his or her claim under the general law. If this widow filed her claim prior to the time the arrears of pension were debarred under the general law the passing of this act does not preclude her from prosecuting that claim under the general law, providing she can prove what is necessary to prove under the law to put her on the pension-roll. She comes here though and asks us that we shall grant her a special favor—a matter of grace and not a matter of right. I believe no soldier or widow can come to Congress and demand as matter of right any special legislation in his or her favor. The soldier who was wounded, or the widow of the soldier who died from wounds, or who was killed in the service, has a right to a pension under the general law, and as a matter of right can demand it. It is a legal claim under the law to-day, and if it can be proved they have a claim it is the duty of the Commissioner to grant it under the law. But no soldier or widow has the right to demand as a matter of right any special act in his or her behalf. Hence, sir, there is a broad distinction.

Mr. WOLFORD. Will the gentleman from Alabama permit me to ask him a question?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. WOLFORD. I should like the gentleman from Alabama to tell me in this case whether it is a question of the claimant demanding a right or of Congress doing what is right and proper under the circumstances? It is Congress here that is passing this law, and I should like to know whether Congress is right in refusing her a pension if she has a case which entitles her to it? It seems to me to be a question whether Congress is doing right in refusing it to her.

Mr. HEWITT, of Alabama. Congress has done all that any soldier or widow of a soldier has the right to demand at its hands. We have passed a general act which I approve and which I believe ought to be in the interest of soldiers and the widows of soldiers. I will say further, sir, that I do not believe in the administration of the law; I do not believe soldiers and the widows of soldiers always get justice from the Pension Office. You must remember, however, before you blame the Commissioner of Pensions or the Pension Office, that it is necessary they shall watch closely all these applications for pension. There is a duty they owe to honest and good soldiers and to the tax-payers of this country to see that no fraudulent claim is granted. As these claims are proved by *ex parte* evidence, by witnesses who are not cross-examined, by affidavits drawn by the attorneys of the applicants without cross-examination on the part of the Government, you see how easy it is for fraudulent claimants to get on the pension-rolls.

Mr. JOSEPH D. TAYLOR. Is the gentleman opposed to the passage of this bill?

Mr. HEWITT, of Alabama. I am not opposed to the passage of the bill, but I am discussing a question raised by others and not by myself. [Cries of "Vote!"] I will talk a little while longer. I have the floor and intend to hold it a little longer. I do not intend, so far as I am concerned, it shall go out that I am in favor, and I do not believe any one of you would be in favor, of passing a general law where you have to put soldiers, or the widows of soldiers, on the pension-rolls by special act, that the pension in those cases shall relate back to the time of the discharge of the soldier.

Mr. PETERS. Will the gentleman from Alabama allow me to ask him a question?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. PETERS. I wish to call your attention to one feature of this case that seems to have been overlooked in the discussion. There is involved in this case a question of fact which was decided a certain way by the Pension Department, and that was as to whether the death of this soldier was the result of wounds or sickness. The Pension Department, upon evidence before it, decided that his death was caused by cholera, and this is in the nature of an appeal from the decision of the Pension Department. I ask the gentleman from Alabama, then, looking at all the facts and evidence here set forth in the report, whether he would not reasonably come to the conclusion that death was caused by wounds rather than by the cholera, and whether he would not therefore support the appeal rather than the decision of the Department?

Mr. HEWITT, of Alabama. I will answer the gentleman from Kansas by saying that if this witness had been examined and cross-examined and all of the facts elicited upon both sides of the question, and he was a credible witness, and the facts had been elicited as I have said on a full cross-examination, I would say undoubtedly that the soldier died from the wounds that he received and not from the cholera.

Mr. WOLFORD. Well, the report says so, does it not?

Mr. HEWITT, of Alabama. But I hold further that the Pension Bureau has better facilities for examining testimony and determining questions of this kind than any committee of Congress can possibly have, and therefore that it is unsafe except in cases where the testi-

mony is very conclusive to overrule a decision of the Department upon such a point.

Mr. HORR. Mr. Chairman, I dislike to occupy the time of the committee, but I want to take a moment only to enter my earnest protest against the opinion, every once in a while expressed here, that there is a lot of fraudulent cases of pensions gotten through in this country by some action in the Pension Department. I wish to say that after a very careful study of the matter for five years on this subject—and I have stated it before among the people—I believe that there are twenty soldiers in the United States that ought to be pensioned, and who can not get their pensions because they can not make the technical proof required by the law, where there is one or near one who gets what he ought not to have from the Pension Department.

Mr. WOLFORD. That is my experience exactly.

Mr. HORR. And I believe we ought to treat cases of this character leniently in every respect, and give them the full benefit of the doubt. I believe the law ought to be so that when a man can show his enlistment that ought to be sufficient, and the Government ought to be estopped from denying that the man was not sound when he went into the service. In fact it ought to be fixed by law exactly to the contrary, and the man ought not to be required to prove anything of the kind. The fact of his enlistment ought to be ample proof.

Mr. WOLFORD. I certainly agree with you.

Mr. HORR. I would go even further than that and pass a law giving every disabled soldier to-day—no matter where he got his disability, if he was totally disabled—a pension and put him on the pension-roll at once, without further proof except the mere fact that he was a soldier. But we hear this declaration made constantly that the Pension Department is granting pensions that ought not to be given.

Mr. MATSON. If the gentleman from Michigan will yield to me for a moment, as I want to save the time of the committee and proceed with the consideration of other cases, I will take the liberty of stating to him that the Committee on Invalid Pensions will report a bill which will meet his views exactly. I make this statement with a view of getting a vote at once upon this bill.

Mr. HORR. I admit that this is talking against business, and I regret to have to do it. But if the gentleman from Alabama will keep his seat for the rest of the evening I will. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

P. W. BRADBURY.

The next business on the Private Calendar was the bill (H. R. 875) granting a pension to P. W. Bradbury.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be authorized to place the name of P. W. Bradbury, of Saint Louis, Mo., and formerly connected with the command of General John C. Frémont as a scout, on the pension-list, at the rate of $20 a month.

The report (by Mr. FYAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 875) granting a pension to Dr. P. W. Bradbury, of Saint Louis, Mo., submit the following report:

It appears from the evidence of Maj. Gen. John C. Frémont that while he was in command of the Department of Western Virginia, in 1862, Dr. P. W. Bradbury served as a scout under his command; that during his service he was frequently assigned to special duty, which he performed bravely and faithfully; that in the execution of his duty he received a serious injury, from which he has not recovered, and which, together with the hardships of the service in which he was engaged, has prevented him from gaining a competence in the practice of his profession.

J. C. Hardaway swears that he had personal knowledge of the facts set forth in the petition of Dr. P. W. Bradbury, and was with him in West Virginia at the time mentioned in his petition, when his injuries were received in the line of duty; that the nature of the service involved great hardship and risk, and called for skill, judgment, and bravery of the highest order.

Dr. Bradbury, in his petition, states that in May, 1862, while engaged in the discharge of his duty as a scout, he suffered an injury to his shoulder under the following circumstances: The detachment had halted to feed, and he was left on guard over the horses at a log stable in which they were placed; he went up into the loft to look for feed; it was at night, and dark; the floor of the loft was made of round poles; he slipped and fell upon his right shoulder, receiving thereby an injury which became permanent; for five days and nights thereafter he was in the saddle nearly all the time, as the enemy obliged him to keep moving; that he has never been well since, although before that time he had enjoyed excellent health. He says that he has spent much money in trying to recover his health; that he is growing steadily worse all the time, and is unable to attend to the duties of his profession.

William Henly testifies that he served with Dr. Bradbury as a scout in Western Virginia in 1862, under the command of Maj. Gen. Frémont, and was with him on the trip during which he received the injury; that they were within the enemy's lines and had to keep in the saddle for five days and nights, and knows of Dr. Bradbury receiving the injury in the manner in which he states it. Henly was captain in the service and aid-de-camp to General Frank P. Blair, commanding the Seventeenth Army Corps.

C. C. Carpenter testifies that he was chief of scouts under the command of General Frémont in 1862; that he regarded Dr. Bradbury as one of the best scouts in the service; that he was with him at the time he received the injury and knows the facts stated by him in his petition to be true; that they were fearfully exposed during that trip; that they were outside of their own lines for five days and nights, and nearly the whole time in the saddle; that he has known him since, and believes he has never recovered from the injury; that he served well in the most dangerous branch of the service, and that his claim is a just one.

There is also evidence of physicians showing the condition of Dr. Bradbury and the effect of the injury received. Your committee think he ought to be put on the pension-roll at $20 per month, and report a bill to that effect and recommend its passage, and that the bill be amended by striking out all after the words "pension-list," in sixth line, and adding the words "at the rate of $20 per month."

Mr. WARNER, of Ohio. Mr. Chairman, I regret that the committee have departed in this case, as I think they have, from the rule which I understand to have been adopted of leaving the question of rating in each case of special pensions to the Department. I think that is important. I do not think that Congress ought to undertake to rate the pension, but that having provided for a pension they should leave the rating to the Department, to be governed by the same rules and in the same way that the other pensions are determined. Let the rating be determined in the same way that pensions are determined under the general law. In no other way can we have anything like uniformity in the ratings. Whether this man is entitled to $20 or $15 or $30 I do not pretend to say or know, but I do not think a committee of this House or the House itself ought to undertake in any case to determine that, but after having granted the pension should then leave it, so far as the rating is concerned, to the medical board, which is certainly a much more capable body to determine that question than this.

Mr. MATSON. Will the gentleman from Ohio allow me to interrupt him for the purpose of saving time? It is absolutely necessary, as we understand the law, to fix the rating in this particular case, for there is no rating for a scout.

Mr. WARNER, of Ohio. No rating for a scout?

Mr. MATSON. No, sir.

Mr. WARNER, of Ohio. Then he was not a commissioned officer?

Mr. MATSON. No.

Mr. WARNER, of Ohio. I understood that he was. Under the circumstances, then, in view of that explanation, I have no objection to the bill.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

OCTAVIA A. NEWHALL.

The next business on the Private Calendar was the bill (H. R. 5330) granting a pension to Octavia A. Newhall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Octavia A. Newhall, widow of Everett Newhall, late a private in the Fifth Regiment of Massachusetts Volunteers, Company F.

The report (by Mr. LOVERING) was read, as follows:

Octavia A. Newhall is the widow of Everett Newhall, late a corporal of Company F, Fifth Massachusetts Infantry. He enlisted September 22, 1862, and was discharged July 2, 1863. He contracted swamp or malarial fever during his term of service at New Berne, N. C., from the effects of which he never recovered. He died November 26, 1882, of blood-poisoning. He was in robust health at and prior to his enlistment, as shown by the evidence in the case, and it is also shown that he never enjoyed good health after his return. Although much broken in health and enfeebled, he was able in these years to do light wood-work or turning, at which employment, in 1882, he cut one of his fingers with a circular saw, making amputation necessary. Aside from the pain at the time nothing more serious was thought of. His blood being in a poor and impoverished condition, from the effects of malaria contracted in the service, as shown by his never thereafter having been free from attacks of chills and fever, blood-poisoning ensued of a most serious character. He was removed to the Massachusetts General Hospital for treatment, where he died in great agony and pain. The evidence in this case is as follows:

Dr. William Ingalls, late surgeon of Fifth Massachusetts Regiment, says he remembers soldier as one of five who were especially sick and helpless on trip from New Berne to Boston, but has no further record in the case.

Charles Currier says he was the captain of soldier's company; that about April 1, 1863, he was taken sick with malarial fever and remained sick until July 3, 1863, when the company returned to Massachusetts. Soldier had to be carried on a stretcher from hospital to boat, and that he was in perfect health at enlistment.

Comrades Tay and Oliver, members of soldier's company, say he was a well, strong man at and prior to his enlistment; that he contracted swamp fever in North Carolina, while in line of duty, from the effects of which he never afterwards recovered.

Daniel W. Lawrence, treasurer Medford Savings Bank, states that from 1850 to the time of his enlistment soldier was a strong, robust man. Next saw him in hospital at New Berne, N. C., entirely broken down in health, from the effects of which he never afterward recovered.

William Lawrence states he had known soldier for years, and he was a strong, robust man prior to enlistment. After returning from service he was always poor in health and much disabled for work by malarial attacks.

Thomas Bisbee, soldier's employer, states: He was not in good health and was unable to earn the wages of a robust man, and could not, owing to his disease, earn sufficient to properly support his family.

Dr. Martin, of Medford, Mass., states: Known soldier for fourteen years; had treated him for chills and fever, which soldier informed him he had had ever since he was in the Army. Soldier died of blood poisoning. Affiant further states that soldier never fully recovered from malaria contracted in the Army.

Dr. George W. West says Newhall came under his care at the Massachusetts General Hospital in September, 1882, at which time his appearance indicated poor health, a general anæmic character. He complained of poor health dating back to service in the Army. That in spite of all that was done his hand grew worse, a severe abscess forming with pus running up his arm. His death was due to his poor condition at the time of his injury.

His widow applied for a pension. Her claim was rejected on the ground that "origin of fatal injury was after discharge."

Your committee are of opinion that the facts show a certain condition which under the circumstances contributed to, if not induced, his death; that his blood was in an unhealthy condition at the time of the injury to his finger, occasioned by the malarial poison which he had absorbed into his system at the time of his

service in the Army, and which had so undermined and weakened his constitution that it induced the unfavorable condition which resulted in his death.

The committee therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BETSEY A. MOWER.

The next business on the Private Calendar was the bill (H. R. 137) for the relief of Betsey A. Mower.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Betsey A. Mower, and rate her pension at $50 per month.

The following amendment was reported by the Committee on Invalid Pensions:

Add at the end of the bill the following: "which shall be in lieu of the pension she now receives."

The report (by Mr. LOVERING) was read, as follows:

This claim was favorably reported to the Forty-seventh Congress, which report is as follows, and is adopted by your committee:

Betsy A. Mower is the widow of the late Maj. Gen. Joseph A. Mower, who died January 6, 1870, while in command of the Department of Louisiana.

General Mower was commissioned second lieutenant, United States Army, June 18, 1855. At the outbreak of the late war he held the rank of first lieutenant in said service, and for gallant and meritorious service he was rapidly promoted until August 12, 1864, he attained the rank of major-general. He was in many battles, and was distinguished for his great courage and efficiency. His military record furnished by the War Department is too long to incorporate in this report; but for long, continuous, and efficient service of high rank and fidelity to the Government in time of need he had but few, if any, superiors.

It appears that, since the death of her husband, the claimant has received a pension of $30 per month. It is also alleged that she is in reduced circumstances, and that the above amount is insufficient to support herself and dependent children.

In view of the distinguished military services of the claimant's husband, and of her necessitous circumstances, your committee recommend that her pension be increased to $50 per month, and that the bill pass, amended by adding the words "which shall be in lieu of the pension she now receives."

The amendment reported by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH A. BARBOUR.

The next business on the Private Calendar was the bill (H. R. 3694) granting a pension to Elizabeth A. Barbour.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Elizabeth A. Barbour, widow of James E. Barbour, late hospital-steward of the Twenty-first Regiment of Connecticut Volunteers, on the pension-roll, subject to the provisions of the laws relating to pensions.

The following amendment was reported by the Committee on Invalid Pensions:

Strike out the words "of the laws relating to pensions" and insert "and limitations of the pension laws."

The Clerk commenced to read the report. Before he had concluded the reading,

Mr. STEELE said: I ask that the reading of the remainder of the report be dispensed with. I think the case is made out by what has already been read. At the same time I ask that the whole of the report be printed in the RECORD.

There was no objection; and it was so ordered.

The report (by Mr. LOVERING) in full is as follows:

This bill was introduced in the Senate of the United States at its present session, and was referred to the Committee on Pensions, from which the following favorable report was made by Hon. Mr. BLAIR, and which, after an examination of all the facts, this committee adopt as its own, namely:

The claimant, Elizabeth A. Barbour, is the widow of James E. Barbour, late hospital steward of the Twenty-first Regiment of Connecticut Volunteers. He enlisted August 8, 1862; was discharged May 6, 1863, and died December 7, 1879. The soldier never filed any application for a pension, but the widow filed one in her own name May 14, 1881, which was rejected by the Pension Office on the ground that the cause of soldier's death was not due to or connected with the service.

It appears of record that Barbour was sent to the general hospital in Washington, February 8, 1863, with typhoid fever; was furloughed March 20, 1863; returned April 29, 1863, and was discharged a week later "by reason of promotion to assistant surgeon United States Navy." It also appears of record that he served as such assistant surgeon from May 31, 1863, to March 12, 1864. This is the extent of the record evidence.

Dr. William Soule, formerly surgeon of Barbour's regiment, testifies as follows:

"I was acquainted with James E. Barbour, hospital steward. He was an active and faithful steward, and so competent in dispensing and prescribing medicines that when my first assistant was disabled and short of help I was compelled to put upon Barbour many additional duties, until he became exhausted and contracted a severe fever, which brought him very low and necessitated his removal to hospital near Aquia Creek. He contracted this fever in the month of January, 1863; and when I left the service, February 24, he had not recovered. I saw him after he was able to come to Connecticut on sick leave, about the last of March, 1863, I think, and was convinced that his physical constitution had suffered more than is ordinary from fever, so much so that there was just cause to fear he would never recover his former state of health."

The claimant alleges soldier contracted fever near Fredericksburg, Va., and was sent to hospital near Aquia Creek in December, 1862. This is corroborated by two comrades, who say:

"He was taken sick about December, 1862, with fever, the result of overexertion, and was entirely disabled from duty."

As to his condition after leaving the service, the affidavit of Mrs. Sarah M. Fitch states:

"Dr. James E. Barbour, upon his return from the service of the United States in 1864, I think in the early summer, came immediately to my house and remained there until January, 1865. He then went to Norwalk, six miles distant, where I saw him frequently until shortly before his death. When he came to my house he was very feeble and unable to exert himself. He was entirely unable to perform any manual labor. He then and always claimed he was very sick while in the service, came near dying, and that his weakness was the result of that sickness. I do not now remember just what disease he had, but he was generally debilitated and obliged to exercise the greatest caution in respect to exerting himself. He always attended my family from that time until his death. In March, 1865, I sent for him to attend my daughter, who was very ill, and he at that time remained at my house a week because he was not able to go to Norwalk and return. He appeared to me to be troubled in the same way during all the time from his return to his death, and he had no other acute disease that I know of but a wearing out of the system."

This is corroborated by another witness, at whose house he was a frequent visitor, who also states:

"Immediately after his return he was very feeble, utterly unable to perform any manual labor at all, and continued to be weak and feeble till his death; his system was broken down."

Dr. William A. Lockwood, of Norwalk, knew Barbour and treated him. He states he first discovered organic disease of heart in 1867; that he also suffered from rheumatism, and his constitution seemed to be impaired and weakened; that he suffered from extreme debility, with periodical prostration. Dr. Lynes, who treated him before that, is dead.

The soldier died in Italy, and the Italian physician states his heart was a long time affected; that death was the consequence of a serious ulceration of the liver; that commencement of softening of the brain hastened the end, and that he died from general consumption and infection.

Upon this showing the Pension Bureau rejected the claim on the ground that there was no reasonable pathological connection between the fever in the service and any of the diseases of which he died. The Commissioner of Pensions, however, in a letter, under date of December 14, 1883, which has been filed with this committee, states as follows:

"Inasmuch as his physical energies were impaired by the service, and his ability to accumulate property for the care of his family were decreased thereby, it may be that the equities of the case are such as to commend the case of the widow to the favorable consideration of Congress."

The affidavit of A. H. Byington, clerk of the Senate Committee on Patents, who was a neighbor of the soldier, has been filed, in which he states that he knew him as a young man of robust health before entering the service; saw him many times at the front in the Army of the Potomac, at which time Barbour attributed his severe illness to overwork and exposure; and that he saw him frequently after his return home, after which time he was constantly under medical care. He states that from his own medical knowledge and intimate acquaintance with Barbour, and from the statements frequently made to him by Dr. Lynes, that he can positively affirm that he was a perfectly sound man on entering the service, and that he never saw a well day subsequent to his discharge.

Your committee are of the opinion that it has been fairly established that this claimant's husband entered the service of the United States a sound and healthy young man, and that he left it in a debilitated and broken-down condition, as a result of such service; that this gradually grew worse until he died in a foreign country, where he had been sent by the charity of friends in hope of relief. They are not, therefore, disposed to insist upon a technical pathological connection being proved between the disease of record in the service and the several immediate causes of death. Letters and statements of credible persons, going to show that this is a meritorious claim, and is so considered by the community in which the soldier resided, are before the committee; and in view of all the facts it is recommended that the bill do pass, with the following amendment:

"Strike out all after the word 'provisions,' in the seventh line, and insert the words 'and limitations of the pension laws.'"

Mr. MATSON. I ask unanimous consent that the bill (S. 689) which is now on the Calendar, and which is identical with this bill as proposed to be amended by the committee, be taken up in lieu of the House bill, and that the House bill be laid aside to be reported with the recommendation that it be laid on the table.

There being no objection, the bill (S. 689) granting a pension to Elizabeth A. Barbour was laid aside to be reported to the House with the recommendation that it do pass, and the bill H. R. 3694 was laid aside to be reported to the House with the recommendation that it be laid on the table.

ANN CORNELIA LANMAN.

The next business on the Private Calendar was the bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Cornelia Lanman, and pay her a pension of $50 a month from and after the passage of this act, in lieu of the pension now received by her.

The Clerk commenced to read the report.

Mr. HEWITT, of Alabama. I ask that the reading of the remainder of the report be dispensed with. This is one of the class of cases on which we have been passing favorably heretofore. Not one of them has ever been refused.

Mr. STEELE. It passed the Forty-seventh Congress and has passed the Senate.

The CHAIRMAN. If there be no objection the further reading of the report will be dispensed with and it will be printed in full in the RECORD.

There was no objection.

The report (by Mr. LOVERING) is as follows:

This bill was reported favorably upon in the Forty-seventh Congress from the Senate Committee on Pensions, which report we adopt as our own:

Admiral Lanman entered the naval service of the United States as a midshipman January 1, 1825, and passed through all the grades of the service up to rear-admiral. He served during the late war, and distinguished himself at the attack on Fort Fisher under Admiral Porter. Admiral Lanman was officially recognized for gallant service throughout the war. In 1869 he was promoted to be a rear-admiral and placed in command of the South Atlantic fleet, where he served three years. On his return from this command he was placed on the retired-list.

On the 20th of February, 1874, he received a telegram from Secretary of Navy Robeson to report at Washington, D. C., as a witness. The order was received by him at 5 o'clock in the afternoon, and he left for Washington the same even-

ing. On that journey he contracted a very severe cold, and when he reached home he was scarcely able to walk. He immediately took to his bed, and grew worse until the 13th of March, 1874, when he died. The physician who attended him in his last sickness swears that he died of pneumonia, contracted during his journey to Washington as above stated.

The evidence shows that Rear-Admiral Lanman left a widow, the present claimant, and two minor children, to wit, Alice Blanche and Rosalie Decatur, aged, respectively, 12 and 14.

A pension of $30 a month was granted to Mrs. Lanman by special act of Congress. This was the pension allowed by law at that time in the cases of the widows of admirals, so that the special act gave Mrs. Lanman the full benefit of the law at that time. Now she petitions Congress to increase the pension allowed her to $50 per month, on the ground that her present pension is inadequate to the support of herself and her children.

In connection with this petition for an increase of pension, it is pertinent to inquire into the equity which has governed the committee's action in similar cases.

By the pension law, as it existed prior to the act of July 14, 1862, the pensions granted to officers of the Navy, and to their widows and minor children, in case of death, were made equal to the half-monthly pay of such officers, such pay as existed in 1835, which forms the basis upon which such pensions were granted. These pensions were payable from the interest of the naval pension fund. By this law rear-admirals, their widows, &c., received a pension of $50 a month.

The act of July 14, 1862, established pensions for the Army and Navy according to rank, making Navy pensions correspond with Army pensions. By this act of July 14, 1862, the pension granted to rear-admirals was reduced to $30 a month. The act of July 14, 1862, was construed as affecting only pensions which should be granted after the passage of said act.

Section 3 of the act of July 25, 1866, provided—

"That the provisions of an act entitled 'An act to grant pensions,' approved July 14, 1862, and of the acts supplementary thereto and amendatory thereof, are hereby, so far as applicable, extended to the pensioners under previous laws, except Revolutionary pensions."

In applying this act no reduction of the naval pensions previously granted was made.

Section 13 of the act of July 27, 1868, provided—

"That the third section of 'An act increasing the pensions of widows and orphans, and for other purposes,' approved July 25, 1866, shall be so construed as to place all pensioners whose right thereto accrued subsequently to the war of the Revolution and prior to the 4th of March, 1861, on the same footing as to rate of pension from and after the passage of said act as those who have been pensioned under acts passed since said 4th day of March, 1861, and the widows of Revolutionary soldiers and sailors now receiving a less sum shall hereafter be paid at the rate of $8 per month."

Under this act, upon the decision of the Secretary of the Interior, naval pensions already granted were reduced to the rates provided in the act of July 14, 1862, such reduction taking effect from the last half-yearly payment made prior to February 10, 1870, the date of the decision.

This decision gave rise to the passage of the act approved June 9, 1880, entitled "An act to restore pensions in certain cases," which provides—

"That section 3 of an act entitled 'An act increasing the pension of widows and orphans, and for other purposes,' approved July 25, 1866, and section 13 of an act entitled 'An act relating to pensions,' approved July 27, 1868, and section 4712 of the Revised Statutes shall not operate to reduce the rate of any pension, which had actually been allowed, to the commissioned, non-commissioned, or petty officers of the Navy, or their widows, or minor children prior to the 25th day of July, 1866; and the Secretary of the Interior is hereby directed to restore all such pensioners as have already been so reduced to the rate originally granted and allowed, to take effect from the date of such reduction."

Under this act such pensioners as had been reduced under the decision rendered by the Secretary of the Interior, February 10, 1870, were restored to their original rate of pension.

All those widows, &c., of rear-admirals who have applied for a pension since the rendering of the decision of the Secretary of the Interior, February 10, 1870, have only been granted a pension of $30 per month, which presents the inconsistency of a portion of rear-admirals' widows receiving $50, while the balance are pensioned at $30 a month without difference of rank, merit, or long service. Since the restoration of this class of pensions to $50 per month by the act of June 9, 1880, the widows who are allowed but $30 per month at the Pension Office under the act of July 14, 1862, have from time to time applied to Congress for an increase of pension from $30 to $50, and for original pensions of $50 per month, and such increase, or original granting of pensions at $50 per month, has frequently occurred during the present session of Congress. (See Mr. Teller's report, Elizabeth Wirt Goldsborough; Mr. Jackson's report, Louisa Bainbridge Hoff; Mr. Platt's report, Rebecca Reynolds; Mr. Platt's report, Elizabeth H. Spotts.)

Some of these cases are for long and meritorious services, and for original pension; others for an increase from the $30 allowed by the Pension Office to $50. In the report of the case of Admiral Goldsborough, where it is not alleged that he died of any disease contracted in the line of duty, or even in the service, the concluding clause in the Goldsborough case is as follows:

"Such a record of service, in the opinion of the committee, justifies the payment to his widow of the same pension allowed in other cases by special act of Congress to the widows of other officers of the Navy of similar rank. The committee therefore recommend that Senate bill 743 be passed."

That concluding clause is open to but one conclusion, to wit, that Mrs. Goldsborough's pension was a gratuity pension for the long and meritorious services of her husband.

Regarding any objection being raised to the granting of a pension to Rear-Admiral Lanman's widow on the ground that he was on the retired-list, it is proper to say that Admiral Goldsborough was retired in 1874 and died in 1879, and Admiral Hoff was retired in 1869 and died in 1878. Therefore they were both on the retired-list at the time of their death.

Now, the widow of Rear-Admiral Lanman is entitled to a pension to a greater extent than the widow of an admiral whose only claim was long and meritorious services, as her husband died directly from a malady contracted in obeying an order of the Secretary of the Navy, and within a few days after contracting the disease.

The $30 pension granted by special act was acceptable to Mrs. Lanman until others of no greater merit were increased to $50. The inconsistency of her receiving but $30 became apparent, and no reason prevailing why her case should be an exceptional one, she thought it proper to ask Congress by a special act to remove this inconsistency.

Inasmuch as the Forty-sixth Congress thought proper to increase certain cases of the widows of admirals to $50 (see Lelia E. McCauley, p. 609, Stats. at Large, 1879-'81, and Ann M. Paulding, 608, Stats. at Large, 1879-'81), and have frequently seen fit since to grant the same pension in similar cases, your committee can see no good reason why Mrs. Lanman should not receive a like pension, and therefore report a bill to that effect, and recommend its passage.

Mr. WAIT. I desire to ask the chairman of the Committee on Invalid Pensions whether the Senate bill in this case has passed this session.

Mr. MATSON. It may have passed the Senate, but is not on our Calendar. It may be on the Speaker's table, but we have no power to act upon it under the order of the House unless it be on the Calendar.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA WALCOTT.

The next business on the Private Calendar was the bill (H. R. 2987) granting a pension to Rebecca Walcott.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Walcott, mother of James A. Walcott, late a corporal of Company E, Second Vermont Volunteers.

The following amendments were reported by the Committee on Invalid Pensions:

In line 4, strike out the words "place on," and insert in lieu thereof the words "restore to."

Amend the title so as to read: "A bill restoring Rebecca Walcott to the pension-roll."

The report (by Mr. LOVERING) was read, as follows:

Rebecca Walcott is the mother of James A. Walcott, corporal Company E, Second Vermont Volunteers, who enlisted at the breaking out of the war of the rebellion; in December, 1863, he re-enlisted into the same regiment as a veteran volunteer, serving until August 21, 1864, at which time he was killed in action at Charlestown, Va., his total service at the time he was killed being three years three months. Rebecca Walcott was placed upon the pension-roll as a dependent mother, at $8 per month, from August 24, 1864, payment on which was continued to April 25, 1870, at which time she was dropped from the roll on charge of "non-dependence on the son." The circumstances which led to the dropping of Mrs. Walcott from the roll were as follows:

James Walcott, father of James A. and husband of Rebecca, paid Jason L. Fowler, a son-in-law, in February, 1866—who being without means and desiring to purchase a farm—the sum of $2,000, of which he was then possessed, in consideration of which Walcott took a bond, secured by a second mortgage on the Fowler farm, therein binding himself for the life-support of Walcott and his wife, the price paid for the farm being $4,000—a war price. Fowler, being unfortunate, could not keep up his payments. The first mortgage was foreclosed and the farm was sold at less than the face of the first mortgage, and Fowler was ousted, losing the $2,000 borrowed of Walcott besides other money which he had paid in toward the debt. James Walcott, the father, died in 1872, leaving Mrs. Walcott entirely alone and dependent.

Fowler, having in the mean time become discouraged at his losses, and having no trade, was in such condition that he could not earn a support for his wife and three children, and of necessity Mrs. Walcott could not be supported by him, and is now in her seventy-ninth year, left to her own resources. She applied for reinstatement on the pension-roll, filing new evidence as to her condition of dependence. Her claim was rejected, the reasons given being "papers recently filed do not change status." Mrs. Walcott bitterly feels in her old age the need of a son who, had he lived—but whose life she gave to her country—would have been her prop and natural supporter in her declining years. Your committee, in view of all the circumstances, the extreme age and present absolute dependence of Mrs. Walcott, do therefore recommend the passage of the accompanying bill with an amendment:

Strike out, in the fourth line, the words "to place on," and substitute therefor the words "restore to;" and amend the title of the bill so it shall read "A bill restoring Rebecca Walcott to the pension-roll."

The amendments recommended by the committee were adopted.

Mr. HEWITT, of Alabama. I desire to move another amendment. It seems this lady was dropped from the roll some ten years ago. If she is restored by this special act the law may be so construed as to entitle her to a pension from the time she was dropped, so as to give her arrears of pension. As we have uniformly refused to give arrears of pension in other cases, I think it should not be done in this case. I move to amend by adding the words "and pay her a pension from and after the passage of this act."

Mr. WOLFORD. I want the Clerk to again read from the report the statement as to how old this lady is; and when that is read I think the gentleman from Alabama will withdraw his amendment.

Mr. STEELE. She is in her seventy-ninth year.

Mr. WOLFORD. She ought to have her pension from the time she was dropped from the roll.

Mr. HOUK. I apprehend the bill will have the effect of giving this old lady her pension back to the time she was dropped from the roll. But I desire to say that it is just what this Congress ought to be willing to do. If she was wrongfully dropped she ought to be restored. She ought to have her rights and ought to be placed on the roll with the right to recover every dollar she would have received if she had not been dropped from it.

Mr. HEWITT, of Alabama. I beg to say to the gentleman from Tennessee that this report does not go upon the idea that she was wrongfully dropped. The report does not say that. But it says, owing to her age and extreme dependence now we are in favor of restoring her to the pension-roll.

Mr. HOUK. I ask the gentleman from Alabama to withdraw his amendment and we will pass the bill. I think the gentleman ought to comply with his contract with the gentleman from Michigan. [Laughter.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Alabama.

The amendment was not agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FANNIE S. BEAUMONT.

The next business on the Private Calendar was the bill (H. R. 747) granting a pension to Fannie S. Beaumont.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fannie S. Beaumont, widow of John C. Beaumont, late an admiral in the Navy of the United States, and pay her a pension at the rate of $50 per month; said pension to be in lieu of that she now receives.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 747) granting a pension to Fannie C. Beaumont, have considered the same, and respectfully submit the following report, which report was made by a majority of the Senate Committee on Pensions in the Forty-seventh Congress:

The claimant is the widow of the late Rear-Admiral John C. Beaumont, who died August 2, 1882, after an active service of nearly fifty-four years.

In view of the long and distinguished services of Rear-Admiral Beaumont, and also in view of the fact that in many instances the pensions of widows of rear-admirals have been increased to $50 by special acts, your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

CLARK ROBERTS.

The next business on the Private Calendar was the bill (H. R. 1894) granting a pension to Clark Roberts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of Clark Roberts, who was lately the surgeon of the One hundred and first Regiment of Illinois Volunteer Infantry.

The Committee on Invalid Pensions recommend that the bill be amended by adding the words "subject to the provisions and limitations of the pension laws."

The report (by Mr. CULLEN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1894) granting a pension to Clark Roberts, having considered the evidence in the case, beg leave to report:

That during the month of April, 1862, Clark Roberts was a practicing physician at Winchester, Scott County, Illinois. That immediately after the battle of Shiloh, April 6 and 7, 1862, by direction of Richard Yates, then governor of Illinois, Dr. Roberts accompanied a number of surgeons, in charge of Dr. Brainard, of Chicago, Ill., to Shiloh, to care for the sick and wounded Federal soldiers of the Army encamped in that vicinity, where he rendered faithful and efficient service in his professional treatment of the large number of suffering soldiers. That by reason of the incessant labor and exposure he was attacked with influenza of great severity, which "invaded the throat, posterior Noris and Eustachian tubes to the middle ear;" that he was treated by Dr. Brainard for said affection. That he so far recovered as to be able to return home, where he was confined to his room for several days, when he regained his health sufficiently to attend to his professional services, but the disease left him a constant roaring sound in the head, from which he never recovered.

That on the 18th of December, 1862, he was mustered into the military service of the United States as surgeon of the One hundred and first Regiment Illinois Volunteers, and served with his regiment during the operation of the army in front of Vicksburg and Chattanooga. During said service he was frequently attacked with fever nepthralgia, and by reason of his failing health was finally compelled to and did resign, on the 28th day of March, 1864.

Alonzo M. Kinber, assistant surgeon One hundred and first Regiment Illinois Volunteer Infantry, in a certificate upon which the resignation of Dr. Roberts was grounded, says:

"I do hereby certify that I have carefully examined said officer and find him unfit for active field service by reason of his age (being near 59 years old) and its consequent infirmities. His hearing has been and is still failing him, greatly to his inconvenience as an officer in the service. He is suffering from chronic inflammation of the ureters, produced and kept up by the occasional passage of renal calculi. He is also suffering at this time from an intermitting form of fever, which, in connection with his other ailment, must, in my opinion, result in permanent disability or premature demise, unless prevented by a withdrawal from the service and a return to the quiet of civil life. This certificate is given with the approval of Surgeon Mathews, One hundred and forty-third Regiment New York Infantry, and Assistant Surgeon Myers, Eighty-second Ohio Infantry, after personal examination of said officer."

David Prince, M. D., says he knew claimant prior to enlistment, and he was in good health and had good hearing.

Charles H. Fox, colonel One hundred and first Illinois Volunteers, says when regiment was stationed at Union City, Tenn., in July, August, and September, 1863, Dr. Clark Roberts came to him for duty as surgeon, and at that time he was slightly deaf; said his deafness had been contracted in the service at or near Vicksburg; deafness increased upon him during December, 1863, so he was hardly able to perform his duty as surgeon; therefore he resigned his commission.

John Moses, private secretary to Governor Yates, says, as soon as the news of the battle of Pittsburg Landing, or Shiloh, reached Springfield, Ill., he was ordered by the governor to appoint surgeons and nurses to repair to the battlefield and attend sick and wounded soldiers from Illinois. He telegraphed to Dr. Clark Roberts, Winchester, Ill., to be one of the surgeons; he accepted and accompanied the party; has known claimant for over thirty years; first heard of claimant's deafness about the close of the war.

As to condition of claimant's health since his discharge, Dr. David Prince says:

"His condition has been uneasiness and tenderness, following throat disease, acquired at time of battle of Shiloh, followed by a perpetual roaring head when not drowned by other noise of an external origin."

On December 6, 1881, Dr. Clark Roberts was examined by Drs. Grinsted, Baxter, and Graham, United States examining board of surgeons, of Washington city, and report as follows:

"We find that he is entirely deaf in left ear. The tympanum is lacerated and the meatus narrowed. The left drum is sound, but thickened and slightly cupped; can not be made to hear in left ear, but when the tone of voice is elevated to four times the volume of ordinary conversation he can hear with the right. He can be said to be severely deaf. If his deafness originated in the service he is entitled to three-fourths."

It is shown that Dr. Brainard, who treated claimant for his disability at Shiloh, is now dead.

The claim was rejected April 17, 1882, by the Pension Office, on the ground that the disability was contracted prior to enlistment in the military service of the United States.

Your committee are clearly of the opinion that the evidence in this case shows that the disability is due to the military service of Dr. Roberts as a volunteer surgeon, and that his subsequent military service tended to increase his disability so incurred, and therefore recommend the passage of the accompanying bill with the following amendment: Add "subject to the provisions and limitations of the pension laws."

The amendment reported from the Committee on Invalid Pensions was adopted.

The bill as amended was laid aside to be reported favorably to the House.

MARTHA H. STRIBLING.

The next business on the Private Calendar was the bill (H. R. 2869) for increase of pension of Martha H. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the pension of Martha H. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy, now on the pension-roll of the United States, to be increased, and to pay her a pension at the rate of $50 per month, commencing from the 17th day of January, 1880.

The Committee on Invalid Pensions recommend that the bill be amended by striking out the words "commencing from the 17th day of January, 1880," and inserting in lieu thereof the words "from and after the passage of this act."

The report (by Mr. CULLEN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2869) for increase of pension of Martha H. Stribling, having had the same under consideration, respectfully report as follows:

Martha H. Stribling is the widow of the late Rear-Admiral Cornelius K. Stribling, who died at Martinsburg, W. Va., January 17, 1880. She now receives a pension of $30 a month, that being the allowance under the general law. The claim for increase is based on the long and distinguished service of Rear-Admiral Stribling, embracing a period of sixty-seven years, which service is briefly stated in the following official order of Hon. R. W. Thompson, at the time Secretary of the Navy.

[General order.]

NAVY DEPARTMENT, *Washington, January* 19, 1880.

It is with feelings of deep regret that the Secretary of the Navy announces to the Navy and the Marine Corps the death, at Martinsburg, W. Va., on the 17th instant, of Rear-Admiral Cornelius K. Stribling, the senior officer on the retired-list of the Navy.

The career of this officer was distinguished in many respects. He was born in South Carolina, September 22, 1796, and was, therefore, in the eighty-fourth year of his age at the time of his death. His entry into the Navy as a midshipman was on the 18th day of June, 1812, the date of the declaration of war by the United States against Great Britain, and as long as that war lasted his youthful energies were devoted to the defense of the flag under which he had been appointed to serve. He also participated in the Algerine captures by the squadron of Commodore Stephen Decatur. April 1, 1818, he was promoted to a lieutenant, and in 1823, while in command of a barge, he captured the piratical schooner Pilot, after a running fight, off the coast of Cuba.

He was commissioned a commander January 28, 1840, and a captain August 1, 1853, and was attached to the line-of-battle ship Ohio, on the Pacific station, during a period of the Mexican war. From 1851 to 1853 he was superintendent of the Naval Academy at Annapolis, and contributed largely to the improvement of that institution. From 1859 to 1861 he commanded our naval force on the Asiatic station, returning from which he found the late rebellion in progress. Although a native of South Carolina he remained loyal and true to the Union.

Under the operation of the act of December 21, 1861, he was, by reason of long service, placed on the retired-list, and was promoted to a commodore on that list August 2, 1862. But he was soon afterward called into active service, and appointed to command the navy-yard at Philadelphia, and in 1864-'65 he commanded the East Gulf blockading squadron. August 6, 1866, he was promoted to a rear-admiral on the retired-list.

He held various important commands ashore, and served in every capacity which falls within the province of an officer of the Navy. His service at sea was over twenty-six years, and that ashore nearly twenty-two years.

Rear-Admiral Stribling was always conspicuous for his correct deportment and Christian qualities, endeavoring by his example and teachings to exalt the moral standing of the officers and enlisted men of the Navy. His record of over sixty-seven years of service was without blemish, and may be pointed to as one worthy of the emulation of the younger officers of the Navy who are just ripening into usefulness. With these highly commendable qualities he possessed fine judgment and excellent ability.

In respect to his memory it is hereby ordered that, on the day after the receipt hereof, the flags of the navy-yards and stations and vessels in commission be displayed at half-mast from sunrise to sunset, and thirteen minute-guns be fired at noon from the navy-yards and stations, flag-ships, and vessels acting singly.

R. W. THOMPSON,
Secretary of the Navy.

A favorable report by the Committee on Pensions of the Senate in the Forty-sixth Congress, third session, concludes as follows:

"Your committee is impressed with the fact that from the long, faithful, and distinguished services rendered to his country by the deceased husband of the petitioner, extending, as that service did, through a period of sixty-seven years, she is fairly and equitably entitled to a pension at the hands of the United States Government, and as no provision of the general law meets her case, a special act is necessary. We therefore report favorably upon her claim, and recommend the passage of bill 4866, 'granting a pension to Martha H. Stribling,' as amended by your committee."

In view of the long and distinguished service of Rear-Admiral Stribling, that service covering his entire mature life, and the further fact that he was one of the few distinguished naval officers of Southern birth who contined true to the cause and flag of his country during the civil war, your committee would recommend the passage of the bill, amended, however, as follows:

Strike out all after the word "month," in line 8, and insert "from and after the passage of this act."

The amendment reported from the Committee on Invalid Pensions was agreed to.

Mr. CULLEN. The bill should be further amended by changing the name from Martha H. Stribling to Martha P. Stribling.

The amendment was agreed to.

Mr. CULLEN. I desire to call attention to an error near the close of the report. It says that a favorable report was made by the Com-

mittee on Pensions of the Senate in the Forty-sixth Congress. That is an error; it should be "the Committee on Pensions of the House."

The bill as amended was laid aside to be reported favorably to the House.

JACOB MILLER.

The next business on the Private Calendar was the bill (H. R. 4417) granting an increase of pension to Jacob Miller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Jacob Miller, late a private in Company K, Ninth Indiana Volunteer Infantry, from $30 to $50 a month, from and after the passage of this act.

The Committee on Invalid Pensions recommend that the bill be amended so as to make the pension $45 a month instead of $50 a month.

The report (by Mr. CULLEN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4417) granting an increase of pension to Jacob Miller, having had the same under consideration, respectfully present the following report:

Jacob Miller enlisted as a private in Company K, Ninth Regiment Indiana Volunteers, August 27, 1861, and was discharged from the service September 17, 1864, in consequence of disability caused by a gunshot wound in the forehead, at the battle of Chickamauga, September 19, 1863. He was in hospital at New Albany, Ind., where he was treated, and the fragments of ball finally extracted.

Dr. Mears, pension surgeon, reports, September 17, 1864, —

"That the ball entered the forehead just between the eyebrows, fracturing the external plate of the skull, lodging in left frontal sinus; extracted June 18, 1864. The immediate effect was the loss of sight of left eye, which is still blind. Disability three-fourths."

Owing to the fact that the ball which penetrated the frontal bone was not extracted for the period of nine months, the wound became a running sore, and is now chronic and incurable. The sight of the right eye is also impaired. There are numerous surgical certificates on file showing the desperate character of the injury, and there is no hope of recovery. It is evident that his condition is growing worse from year to year, and the proof shows that he is suffering from loss of memory, which is noticed in the incoherency of his conversation. It is not improbable that his mind is giving way, and that imbecility will result from the injury.

The claimant can perform but little manual labor of any kind, and none whatever that requires stooping. A very disagreeable odor constantly arises from the running sore, and, for the comfort of others, he is obliged to isolate himself from his own family most of the time. Miller's record as a soldier is good. He suffered this terrible wound on the field of battle in the line of duty. He has a wife and two children to support. He is now drawing a pension of $30 a month, it having been increased from time to time from $6 to $30. That is the highest rate which he can receive under the general law for the disability.

Your committee are of the opinion, taking the whole case in view, and especially the desperate and disagreeable character of the injury, impairing both body and mind, that his pension should be increased, and would recommend the passage of the bill with the following amendment:

Strike out "fifty," in line 6, and insert "forty-five;" so that it will read "forty-five dollars a month."

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

SARAH A. BECKTEL.

The next business on the Private Calendar was the bill (H. R. 3591) for the relief of Sarah A. Becktel.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah A. Becktel, widow of Isaac Becktel, late of Company B, Twenty-sixth Ohio Regiment, and Company E, Third Ohio Cavalry, and pay her a pension at the rate of — dollars per month from the — day of ——, 188–.

The Committee on Invalid Pensions recommend that the bill be amended by striking out all after the words "Third Ohio Cavalry."

The report (by Mr. CULLEN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3591) for the relief of Sarah A. Becktel, having had the same under consideration, respectfully report as follows:

Isaac Becktel enlisted June 8, 1861, in Company D, Twenty-sixth Regiment Ohio Volunteers, at Olivesburg, Ohio, for three years. In January and February, 1862, he was in hospital at Bardstown, Ky. On March 26, 1862, he was discharged for disability, the surgeon's certificate stating that hernia was one of the causes.

On November 1, 1863, Isaac Becktel again enlisted as a private in Company E, Third Ohio Cavalry, at Mansfield, Ohio, for three years. He was mustered out with his company August 4, 1865.

For a considerable time during both enlistments Becktel was detailed as post blacksmith, and in that capacity rendered valuable services. The claim for a pension in the Pension Office is based on disability in the form of hernia during the period of last enlistment, accrued while shoeing an unruly horse at the military post near Vicksburg, in 1864. The Pension Office, finding that Becktel was discharged from his first enlistment in consequence of disability from hernia, as well as other causes, assumes that said disability existed at the time of second enlistment, and therefore rejects the widow's claim on that ground.

The testimony is very clear that Becktel was a strong, able-bodied man at the time of his first enlistment; that he had never been known to be seriously ill or to require medical treatment. The widow and children also testify that at the time of second enlistment he was strong and capable of doing any work in or about a blacksmith-shop; neighbors and friends testify to the same state of facts. The proof is clear that after his return from the service in 1865 he was suffering from hernia and was obliged to wear a truss constantly.

Obadiah Prentiss, M. D., the family physician of Becktel's family, testifies that in 1854 and 1855 Becktel was a strong, healthy man and free from hernia; that he was called to his bedside in 1872, just before his death; that he found hernia or rupture, which appeared hard and irreducible, and which caused his death. The testimony is strong and clear that hernia was the cause of death, and the Pension Office concedes that to be the fact.

Your committee are satisfied that the cause of death accrued in the military service and in the line of duty, and while conceding that the Pension Office was justified in rejecting the claim under a strict construction of the law, are of the opinion that the widow has equitable claims, and therefore recommend the passage of the bill, striking out, however, all after the word "cavalry," in the seventh line of the bill.

The amendment recommended by the Committee on Invalid Pensions was agreed to.

Mr. NEECE. Ought not the amount of pension to be named in the bill?

Mr. MATSON. Not necessarily. I think, however, that the bill should be further amended by adding the words "subject to the provisions and limitations of the pension laws," and I move that amendment.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

GEORGE A. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 3527) granting a pension to George A. Marshall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George A. Marshall, who in the war with Mexico was a member of Company C, Fourth Regiment Kentucky Volunteers.

The report (by Mr. STEELE) was as follows:

The Committee on Pensions, having had under consideration House bill 3527, have carefully considered the same, and find that George A. Marshall, for whom the bill proposes relief, was a soldier of the Mexican war; that he was sound when he entered the service; that he was afflicted with piles and asthma on his return, and that he is now and has been so afflicted nearly all of the time since his return.

Your committee therefore recommend the bill do pass.

In support of these views are appended papers 1, 2, 3, 4, 5, 6, 7, 8, and 9, which are made a part of this report.

No. 1.

STATE of MISSOURI,
County of Clay, ss:

W. H. Gorin, M. D., being duly sworn according to law, deposes and says that he was for the period of thirty-one years, and still is, a resident of Missouri City, in Clay County, Missouri, and that during all of said time he was, and still is, a practicing physician; that for twenty years last past he has personally known George A. Marshall, a resident of said Missouri City; and that during the years of 1859, 1860, and 1861 he personally attended on said George A. Marshall, and treated him medically for the piles and asthma, with which he was then and still is suffering, and from the effects of which said diseases he was and is yet disabled to perform manual labor. W. H. Gorin further states that he has no interest in the prosecution of said George A. Marshall's claim for pension.

W. H. GORIN, *M. D.*

Subscribed and sworn to before me this 8th day of February, A. D. 1883; and I hereby certify that I have no interest in the prosecution of said Marshall's claim for pension.

[SEAL.] L. B. SUBLETT,
Notary Public.

(My term of office expires January 25, 1887.)

STATE OF MISSOURI,
County of Clay, sct:

I, Luke W. Burris, clerk of the county court in and for said county, do hereby certify that L. B. Sublett, whose genuine signature appears to the within certificate, was at the time of signing the same a duly commissioned and qualified notary public under the laws of the State of Missouri.

In testimony whereof I have hereunto set my hand an affixed the seal of my office as clerk of the county court for the county aforesaid this 10th day of February, A. D. 1883.

L. W. BURRIS, *Clerk.*

No. 2.

MISSOURI CITY, CLAY COUNTY, MISSOURI, *April* 28, 1883.

I first became acquainted with George A. Marshall in the year 1859; was with him during the late civil war in this State. I never knew him to take any part against the Government of the United States; look on him as a loyal citizen. I was on duty in Ray and Clay for several months; was at the residence of George A. Marshall. He always told me he was in the Mexican war from Kentucky. I enlisted 5th of August, 1861; was commissioned in July, 1862; was honorably discharged, which our old muster-rolls will show. I have no interest in this claim, no way, shape, nor manner.

WILLIAM N. PERKINS,
Late Second Lieutenant, Company K, M. S. M. Cav. Vols.

Sworn to and subscribed before me this 28th day of April, 1883.

[SEAL.] L. B. SUBLETT,
Notary Public.

(Term of office expires January 25, 1887.)

No. 3.

PROOF OF LOYALTY.

We, the undersigned, citizens of Clay County, State of Missouri, do hereby certify, as upon oath, that during the late war of the rebellion we were each well and personally acquainted with George A. Marshall, who was then a citizen of the above-named county and State, and that, to the best of our knowledge and belief, he was on the 1st day of March, 1861, and thenceforward to the end of the war, loyal to the Government of the United States.

We further state that we have no interest in any claim in which this certificate is to be used as evidence.

WILLIAM N. PERKINS.
JOHN FRITZLER.

I do hereby certify that I am an officer of the United States; that I have carefully examined the above certificate and the signatures thereto, and that each of said signers is a man of good character and worthy of belief.

I further certify that I am acquainted with George A. Marshall, and believe him to have been loyal to the United States during the late war.

Witness my hand and stamp of office this 28th day of April, 1883.

[Office stamp.]

ROBERT F. CASEY,
Postmaster at Missouri City, Clay County, Missouri.

No. 4.

STATE OF MISSOURI,
County of Clay, ss:

Lewis G. Hopkins, of the County of Clay and State of Missouri, being duly sworn according to law, deposes and says that he has been personally acquainted

with George A. Marshall, of said Clay County, Missouri, for the period of twelve years last past, and that during all of said time said George A. Marshall was, and still is, afflicted with the piles and asthma, from the effects of which said diseases he was, and still is, as he verily believes, disabled to perform manual labor. Lewis G. Hopkins further declares that he has no interest in the prosecution of said George A. Marshall's claim for pension.

LEWIS G. HOPKINS.

Subscribed and sworn to before me this 7th day of February, A. D. 1883; and I further certify that I have no interest in George A. Marshall's claim for pension.

[SEAL.] L. W. BURRIS,
Clerk County Court, Clay County, State of Missouri.

No. 5.

STATE OF MISSOURI,
County of Andrew, ss:

Dr. Frank Wakefield, being duly sworn, upon his oath says that in April, 1857, he resided in the city of Savannah, Mo., and was then and there a practicing physician, and during said month of April, 1857, George A. Marshall applied to him for treatment of the asthma, and that he then and there examined said George A. Marshall, and found him affected with asthma, for which disease he, said Dr. Frank Wakefield, prescribed, and treated medically for several weeks him, the said George A. Marshall.

Dr. Frank Wakefield further says that he has no interest in the prosecution of George A. Marshall's claim for pension. I have no notes to refer to, but think the above statements are correct.

M. F. WAKEFIELD, *M. D.*

Subscribed and sworn to before me this — day of January, A. D. 1883.
M. F. WAKEFIELD, *M. D.*

Subscribed and sworn to before me, a circuit clerk in and for the County of Andrew, in the State of Missouri, this 17th day of January, A. D. 1882.

[SEAL.] J. C. CROOKS, *Clerk.*
Per THOS. H. ENSOR, *D. C.*

No. 6.

STATE OF KENTUCKY,
County of Nelson:

Before me, R. W. Barnes, a justice of the peace within and for the county of Nelson aforesaid, personally came Richard Constantine, who is personally known to me to be a good and lawful citizen of the county of Nelson and State of Kentucky aforesaid, and who, being duly sworn according to law, upon his oath says, that prior to and during the war with Mexico he was personally well acquainted with George A. Marshal, who was a private in Company C, Fourth Regiment Kentucky Volunteers; that the said George A. Marshal, when he enlisted as a soldier, was sound and healthy, and that during the war and in the Republic of Mexico the said George A. Marshal was afflicted with piles and asthma. This was in the years 1847 and 1848. And this deponent says that the above facts he knows to be true; and, further, this deponent says that he is not directly or indirectly interested in the prosecution of this claim.

[SEAL.] R. CONSTANTINE.

Sworn to and subscribed before me, a justice of the peace within and for the county and State aforesaid; and I hereby certify that I am not interested in the prosecution of this claim, directly or indirectly. This 3d day of August, 1883.

R. W. BARNES,
Justice of the Peace N. C.

STATE OF KENTUCKY,
County of Nelson, sct:

I, William H. Rowan, clerk of the county court in and for the county and State aforesaid, do certify that R. W. Barnes is a justice of the peace, duly commissioned and qualified, and that his signature is genuine, and that he is and ought to be entitled to full faith and credit for all his official actions.

Given under my hand and seal of office this 3d day of August, 1883.

[SEAL.] WM. H. ROWAN, *Clk. Nel. Co. Ct.*

No. 7.

James B. Houston and Lucretia A. Houston, of Mattoon, Cole County, Illinois, late of Nelson County, Kentucky, being by me duly sworn, upon their oaths say, that they personally knew George A. Marshall, formerly of Nelson County, Kentucky, for a period of four years first preceding his enlistment in the service of the United States against Mexico, in the year 1847, during which time he boarded with them, and that said George A. Marshall during all of said time was physically healthy and free of any disease.

Said James B. Houston and Lucretia A. Houston further state under oath that George A. Marshall aforesaid returned to their house in Nelson County, Kentucky, on the — day of July, 1848, at which time he, said Marshall, was afflicted with the piles and a disease of the throat or lungs commonly called asthma, from the effects of which disease he was disabled to perform manual labor for a period of six years, being the remainder of the time when he resided with them.

JAMES B. HOUSTON.
LUCRETIA A. HOUSTON.

Subscribed and sworn to before me this 16th day of January, A. D. 1883; and I hereby certify that I have no interest in the prosecution of the claim for pension of the aforesaid Geo. A. Marshall.

[SEAL.] W. H. K. PILE, *Notary Public.*

No. 8.

STATE OF MISSOURI,
County of Vernon:

Thomas Morton Campbell, being duly sworn by me, upon his oath says, that he personally knew George A. Marshall before the Mexican war, and during the services in the war in the years 1847 and 1848, and to his knowledge he contracted the disease known as piles and phthisic (or asthma) during the services in the war with Mexico, and that he knew him to have those diseases while on the march from Vera Cruz to Mexico City.

THOMAS MORTON CAMPBELL.

(Belonged to Company I, Marcus R. Harden captain, Fourth Regiment Kentucky Volunteers.)

Subscribed and sworn to before me this the 9th day of August, 1883.

JASPER McCRARY,
Justice of the Peace in Clear Creek Township.

STATE OF MISSOURI,
County of Vernon, ss:

OFFICE OF THE CLERK OF THE COUNTY COURT.

I hereby certify that Jasper McCrary, before whom the foregoing affidavit was made, and who has thereunto subscribed his name, was at the time of so doing a justice of the peace in and for the county aforesaid, duly commissioned and sworn, and that his signature thereto is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of my office as clerk of the county court for the county aforesaid this 9th day of August, 1883.

[SEAL.] A. CUMMUS, *Clerk.*
S. V. WORTH, *D. C.*

No. 9.

EXAMINING SURGEON'S CERTIFICATE.
(Old war.)

[Name of claimant, George Marshall, private, Company C, Fourth Regiment Kentucky Volunteers, Mexican war. Examining surgeon's address, Kansas City, Jackson County, Missouri. Date of examination, May 2, 1883.]

We hereby certify that we have carefully examined this applicant, who claims that while in the service of the United States, at or near a place named (old) Mexico, and while in the line of duty, on or about the —— day of fall 1847, he incurred piles and asthma, and that in consequence thereof he is totally disabled for earning his subsistence by manual labor.

He states that he is 54 years of age, that he weighs one hundred and forty pounds, and that he is 5 feet 8 inches in height.

His pulse-rate per minute is eighty-four, his respiration eighteen, and his temperature ninety-eight and one-half.

The examination reveals the following facts: Piles, external (annular), two inches across; congestion of the rectum (rate half); increased resonance of the entire lungs; vesicular murmur increased; expiration prolonged (rate half).

From the condition and history of the claimant, it is our opinion the disability was incurred in the service as claimed, and that it is not aggravated or protracted by vicious habits.

We find the disability as above described to entitle him to total rating.

F. COOLEY,
S. D. BOWKER,
JOHN THORNE,
Examining Surgeons.

The bill was laid aside to be reported favorably to the House.

FRANCES M'NEIL POTTER.

The next business on the Private Calendar was the bill (H. R. 4822) for the relief of Frances McNeil Potter.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act Frances McNeil Potter, whose name is now borne on the pension-roll at $20 per month, shall be paid in lieu thereof the sum of $40 per month.

The Committee on Pensions recommend that the bill be amended so as to make the pension granted thereby $30 per month instead of $40 per month.

The report (by Mr. YORK) was read, as follows:

The Committee on Pensions, to whom was referred House bill 4822, have considered the same, and report as follows:

Frances McNeil Potter is a daughter of General John McNeil, United States Army; that John McNeil, of New Hampshire, was appointed a captain of infantry March 12, 1812, and had charge of the troops at Concord, and subsequently at Plattsburg, where he was charged also with the supervision of the drilling of the new soldiers. In August, 1813, he was promoted to the rank of major, and marched to Burlington, in command of a regiment.

In July, 1814, he served in Brown's division, in Sacket's Harbor, until he was ordered with his regiment, in July, to the frontier at Niagara. During an attack by the enemy Colonel Campbell, of the Eleventh Regiment, fell, and the command of the regiment devolved upon Major McNeil.

The action of this officer at this battle, known in history as the battle of Chippewa, was supposed by his superior officers to have had a determining influence in securing the success of the American Army.

General Scott, in his report, said: "The self-possession of Major McNeil under fire was unequaled," and "the flank movement of the gallant McNeil in this important battle turned the fortunes of the day and gave victory to the American troops."

General Jesup declares:

"I followed the Eleventh Regiment with my command over the bridge. I had ample opportunity of witnessing the conduct of Major McNeil. He formed his regiment under fire of the enemy with the accuracy of a parade. He promptly availed himself of every advantage presented, and he wielded his force with great coolness and judgment, and on his own responsibility and without orders made the decisive movement at Chippewa."

General Scott, in his report to General Brown, said:

"Major McNeil deserves everything which conspicuous skill and gallantry can win from a grateful country."

He subsequently commanded the Eleventh Regiment at the battle of Lundy's Lane, and in this engagement he not only exhibited the military tact, judgment, and bravery that had been exhibited in the battle of Chippewa, but was severely wounded and rendered a cripple for life. He subsequently served in 1824 on the Indian frontier.

His death, which occurred in Washington, February, 1850, was commemorated appropriately by the action of both Houses of Congress, which were then in session, eulogies being delivered upon him by Mr. Herbert, of the House, and Mr. Hale in the Senate.

This officer was for merit and gallantry in the service promoted from a captaincy to the rank of brevet brigadier-general, and not only devoted his time to the service of the country through a long series of years, but finally succumbed to the effect of wounds received and diseases contracted in the service. And your committee are of the opinion that the gallant service of the father to his country entitles his daughter to consideration from his grateful countrymen.

And your committee recommend that House bill 4822 do pass with the following amendment:

Strike out the word "forty," in the fifth line, and insert the word "thirty."

The question was upon the amendment recommended by the Committee on Pensions.

Mr. WOLFORD. I am satisfied now, as I always have been, that the great services of this officer should be deemed sufficient to give his daughter a pension of $40 a month instead of $30 a month. I do not want to make any argument upon it, but simply to say that if there is any case of merit in the world this is one.

The question was taken by a *viva voce* vote upon agreeing to the amendment, and the chairman announced that the ayes appeared to have it.

Mr. WOLFORD. I call for a division.

The committee divided; and there were—ayes 14, noes 8.

So (no further count being called for) the amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

BEN MORGAN.

The next business on the Private Calendar was the bill (H. R. 1256) increasing the pension of Ben Morgan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ben Morgan, late colonel of the Seventy-fifth Regiment Ohio Volunteers, on the pension-roll at the rate of $72 per month, in lieu of his pension of $30 per month.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1256) increasing the pension of Ben Morgan, have had the same under consideration, and beg leave to submit the following report:

The records of the War Department show that claimant was mustered in as lieutenant-colonel of the Seventy-fifth Ohio Volunteers June 18, 1863, and was mustered out March 15, 1865. On the 1st of July, 1863, while engaged in battle, at Gettysburg, he was severely wounded by a musket-ball through the left lung. The ball entered near the apex of the left scapula and passed out midway between the axilla and left nipple. For this wound Colonel Morgan was pensioned at $30 per month, for total disability, by certificate issued March 20, 1869. In addition to the serious disability from the wound, Colonel Morgan is suffering from almost total deafness of both ears, caused by exposure in confederate prisons from August 17, 1864, to March, 1865, having been captured at Gainesville, Fla., on the former date. The first examination by a surgeon, in 1869, showed that the hearing of the left ear had then been destroyed. Medical examination in 1873 shows that the other ear became affected, and that at times he loses the use of his voice.

The board of examining surgeons at Dayton, Ohio, under date of February 13, 1884, certify that Colonel Morgan is very deaf in both ears, can not hear ordinary sounds, or even very loud conversation, except when spoken loudly to in the ear. He carries with him and constantly uses an ear-trumpet, which somewhat aids him in hearing. Neuralgia and rheumatism, undoubtedly caused by the wound of shoulder and chest, add greatly to his disabilities, and not only is he entirely incapacitated for business, but, according to the evidence filed in support of his claim for increase, requires much aid of another person, particularly outside of his house.

The claim for increase has been rejected by the Pension Office because it is not shown that the combined disabilities have resulted in such total helplessness as to entitle him under the general law to the next higher rate to that now paid him for the wound alone.

The degree of deafness shown in this case, were it the only disability to consider, would entitle Colonel Morgan to a rate of total in rank, or $30 per month, but as the law does not permit of compounding disabilities of high grades, except the same have reached such a degree of helplessness as to require the constant aid and attendance of another person, the relief asked for can only be obtained by special legislation.

The claimant, now well advanced in years, was a gallant officer, and in line of duty received injuries which, as shown, have robbed him of the ability to procure subsistence through efforts on his part.

The committee are therefore of opinion that his pension should be increased, and recommend the passage of the accompanying bill, amended, however, by striking out the words "seventy-two," in line 6, and inserting instead the words "forty-five."

The amendment reported by the Committee on Invalid Pensions was read, as follows:

Strike out $72 and insert $45.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

ALBERT BRANT.

The next business on the Private Calendar was the bill (H. R. 3382) granting a pension to Albert Brant.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at $20 per month, the name of Albert Brant, late a private in Company A, Fourth Regiment Ohio Volunteer Cavalry.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3382) granting a pension to Albert Brant, have had the same under consideration, and beg leave to submit the following report:

Albert Brant enlisted in Company A, Fourth Ohio Cavalry, September 10, 1861, and was mustered out November 25, 1864. He not only served faithfully, but performed extraordinary service, as appears from the certificates of Hugh Ewing, late major-general United States Volunteers, and George Crook, now brigadier-general United States Army, as scout and dispatch-carrier. In company with one Wickfield, he was directed by General Crook to take a very important dispatch from Paint Rock, on the Tennessee River, to General Sherman, then supposed to be making his way up said river. The task was successfully accomplished, after a trip of one hundred and seventy miles, in skiff, on foot, and mule-back, through the enemy's country, after many hardships and many narrow escapes from capture. From this trip and the subsequent campaign following the battle of Mission Ridge he became completely broken down, but after a few weeks of medical treatment recovered sufficiently to go on duty, and continued with his command until April 3, 1864, when he was admitted to hospital for treatment for abscess of left axilla, where he remained until the 23d of said month. The record also shows that he was under treatment for diarrhea from August 29 to October 19, 1864.

Brant applied for pension on account of abscess of right side under arm, caused from wearing heavy belts, and ulcerated bowels, the result of diarrhea contracted in service. The claim is legally established, but was rejected because in the opinion of the medical officers of the Pension Office there is now no disability from diarrhea, and there has been no pensionable disability from abscess near right axilla. This opinion is based upon the certificate of the Cincinnati examining board of surgeons, dated April 25, 1883. An examination had May 24, 1882, showed three-fourths disability from chronic diarrhea.

Dr. Condon, claimant's family physician, testifies that he has treated Brant frequently for diarrhea since his discharge, but can not recollect the number of times he prescribed for him. The case is one in which the disease frequently recurs. A number of claimant's neighbors also testify that Brant is not an able-bodied man because of trouble in his bowels, enabling him to perform light labor only for a short time. Has not been able since his discharge from service to do the work of a full hand.

From the medical as well as the lay evidence, heretofore referred to, the committee are clearly of opinion that, notwithstanding the judgment of the Pension Office to the contrary, Brant is disabled from disease contracted during his long and faithful service in a degree sufficient to entitle him to relief, and therefore report favorably on the bill, with the recommendation that it do pass, amended, however, by striking out the word "twenty," in line 4, and insert instead the word "eight."

The amendment reported from the Committee on Invalid Pensions was read, as follows:

Strike out "$20" and insert "$8."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

JAMES RODEN.

The next business on the Private Calendar was the bill (H. R. 2543) granting a pension to James Roden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Roden, late of Company A, Twenty-sixth Regiment Connecticut Volunteer Infantry.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, having in charge bill H. R. 2543, respectfully report:

James Roden was enrolled a private in Company A, Twenty-sixth Regiment Connecticut Volunteer Infantry, on the 3d day of September, 1862, and was mustered out with his company August 17, 1863. On the 10th day of October, 1863, he again enlisted in the Eight Regiment of Connecticut Infantry, and was discharged at Fort Trumbull, Conn., February 20, 1864, by reason of varicose veins and ulcers, which unfitted him entirely for the duties of a soldier.

He is now 64 years of age, is almost totally deaf, and nearly blind. The disability for which he was discharged from the Army has increased with advancing years. His last medical examination, conducted July 19, 1882, by Doctors J. S. Beck, J. M. Weaver, and A. S. Dunlap, at Dayton, Ohio, reads as follows:

"James Roden, who is an applicant for an invalid pension, is almost totally blind and deaf. In our opinion the said Roden is totally incapacitated for obtaining his subsistence. Judging from his present condition and from the evidence before us, it is our belief that the said disability did originate in the service and in the line of duty. The claimant is 62 years of age. There is a partial cataract in both eyes, making vision quite deficient; he can not read ordinary print. He is almost totally deaf, so that you can not make him hear without screaming in his ears. We rate his disease of eyes at one-half, and deafness at one-half."

The Pension Department rejected this claim on July 18, 1883, because he was unable to obtain evidence from comrades as to his condition while in the Army, and the only testimony which he has of his condition at that time is that of the assistant surgeon of his regiment, Isaac G. Porter, who, under date of the 20th of February, 1864, at Fort Trumbull, Conn., says:

"I certify that I have carefully examined the said James Roden and find him incapable of performing the duties of a soldier because of varicose veins and varicose ulcer, with general debility."

Your committee, in views of all the facts, think this a meritorious case, and recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

HUGH RYAN.

The next business on the Private Calendar was the bill (H. R. 2537) granting a pension to Hugh Ryan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Hugh Ryan, late assistant surgeon of the Thirty-fourth Regiment of Kentucky Volunteer Infantry.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2537) granting a pension to Dr. Hugh Ryan, respectfully report:

Dr. Hugh Ryan was assistant surgeon of the Thirty-fourth Regiment of Kentucky Volunteer Infantry. The claim for a pension is chronic rheumatism, contracted while a soldier in the service of the United States. Dr. Ryan was commissioned in the service of the United States on or about the 5th day of March, in the year 1863, and his resignation was accepted March 17, 1864, on account of physical disability.

The Pension Department rejected this claim for pension December 29, 1871, on the ground that he was not disabled from disease contracted in the service and in the line of duty; it being held that the disability was chargeable to intemperate habits, which are alleged against him by an examining surgeon of the Pension Office.

The proof in this case is clear that Dr. Hugh Ryan was a sound and healthy man at the time of entering the service, as evidenced by the following affidavits.

Under date of October 1, 1871, G. W. Ronald, M. D., ex-surgeon of the Thirty-fourth Regiment Kentucky Infantry, testifies:

"I am well acquainted with the claimant, Dr. Hugh Ryan; he was my hospital steward in 1862, and during that time I found him to be diligent, honest, and sober, and in every way attentive to his duties.

"He was promoted to assistant surgeon, Thirty-fourth Kentucky Infantry, while under my charge. He was a sound, healthy man, to the best of my knowledge and belief, previous to entering the United States Army."

Also, the following, under date of October 14, 1871, at Old Deposit, Jefferson County, Kentucky.

"We, the undersigned, being personally acquainted with Dr. Hugh Ryan, late assistant surgeon Thirty-fourth Kentucky Volunteer Infantry, do hereby certify that, to the best of our knowledge, he was a sound, healthy man previous to entering the service, and that his disease was contracted in the service of the United States Army from exposure incident to said service."

Signed by R. T. Smith, sr.; George Gorlick; J. G. Knighton; Eli P. Farmer, late captain Company K, Thirty-fourth Regiment Kentucky Infantry; Milton Callaghan, major Thirty-fourth Regiment Kentucky Infantry; John Armstrong, first lieutenant Thirty-fourth Regiment Kentucky Infantry; Sebley Harney, late colonel Thirty-fourth Regiment Kentucky Infantry; Joseph Turner; R. T. Smith, jr.

Other affidavits are on file to the same effect as the above.

It is equally well established that Dr. Ryan contracted chronic rheumatism while in the service which incapacitated him from performing his duties as a physician.

Dr. G. W. Ronald, late surgeon of the Thirty-fourth Regiment Kentucky Volunteer Infantry, testifies in addition to the above-quoted affidavits:

"I have examined said claimant and find him suffering from chronic rheumatic corditis and incapable of performing his duties as a physician."

Captain Pickering, of Company I, Thirty-fourth Kentucky Volunteer Infantry, under date of the 6th of July, 1869, testifies as follows:

"I have been acquainted with the claimant, Dr. Hugh Ryan, for about seven years. The first knowledge I had of the sickness of the said Dr. Hugh Ryan was while his command was at Cumberland Gap, in the State of Tennessee, on or about the 1st day of March, 1864. This disease was contracted while in the service, and I believe from the exposure of camp life."

G. W. Miles, clerk of the county court in Jefferson County, Kentucky, under date of October 24, 1870, states:

"I knew Dr. Hugh Ryan to be a sound, healthy man previous to his entering the United States service, and I firmly believe that the claimant contracted his disease in the service of the United States. I am a practicing physician of twenty-five years' standing, and have no interest in the claim of Dr. Ryan."

The testimony shows clearly that Dr. Ryan was attacked with rheumatism at Cumberland Gap in the latter part of the year 1863, where he was confined to his quarters for two months prior to the acceptance of his resignation. Since then he has been a constant sufferer from this complaint.

The evidence upon which the rejection of the claim was based is, in the opinion of this committee, not of such a character as to controvert the positive proof that the claimant did contract disability because of his military service, and therefore recommend that the bill do pass.

The bill was laid aside to be reported favorably to the House.

MICHAEL MACK.

The next business on the Private Calendar was the bill (H. R. 2536) granting a pension to Michael Mack.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Mack, late a private in Company A, Twenty-seventh Regiment Ohio Volunteer Infantry; also late a private in Company G, first battalion Eighteenth Regiment United States Infantry.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. 2536) granting a pension to Michael Mack, respectfully reports:

Michael Mack was a private in Company G, first battalion of Eighteenth United States Infantry and Twenty-seventh Regiment Ohio Volunteer Infantry.

It appears that the claimant enlisted as a private in Company A, Twenty-seventh Regiment Ohio Volunteer Infantry, on July 17, 1861, and was discharged therefrom December 22, 1861, and enlisted January 10, 1862, in Company G, first battalion Eighteenth United States Infantry, and was finally discharged from the service June 13, 1862. He filed a claim for pension September 17, 1866, alleging disability from varicose veins of left leg, contracted in the service. His claim was finally rejected in May, 1882, on the ground that the disability existed before he enlisted.

The claimant is now nearly 70 years of age. He is totally disabled from performing manual labor of any kind. In an affidavit made by the claimant the says:

"My disability is varicose veins of the left leg between the knee and ankle. The disability was caused by hard marches in the year 1863."

Nelson L. Lutz, late captain in the Twenty-seventh Regiment Ohio Volunteer Infantry, makes affidavit:

"I am well acquainted with Michael Mack. I became acquainted with him at Circleville, Pickaway County, Ohio, previous to his enlistment in Company A, Twenty-seventh Ohio Volunteer Infantry, and he was at that time a sound, healthy man, and, so far as human observation goes, I believed him to be free from any disability whatever. When I enlisted him he was working in the harvest field and able to perform any kind of hard labor."

Duncan McKenzie testifies:

"I am intimately acquainted with Michael Mack; knew him four years previous to his enlistment in the late war. He always appeared to be a man of sound health. His work much of the time was ditching, which requires a man with no physical defects. From my acquaintance with him I regarded him in every way sound previous to enlistment."

Dr. Thomas W. Jones, a citizen of Columbus, Ohio, says:

"I knew Michael Mack prior to enlistment, and had him in my employ as a ditcher upon my farm for several weeks, and knew him to be at that time an extraordinarily robust and able-bodied man, doing as much work as any man I ever employed. I have every reason to believe him to have been a sound man at that time, and I think if he had not been so I would have known it."

Dr. T. W. Jones, of South Bloomfield, Ohio, under date of November 8, 1872, says that he had known the claimant prior to his enlistment in 1861, and to his positive knowledge Mack was a sound and healthy man, performing labor for affiant at various times which required the best of physical and muscular force. Considered him then as of exceptional good health and constitution.

Others likewise testify to claimant's soundness and good health before he enlisted.

It is not denied, but admitted, by the Pension Office that the alleged disease existed while the claimant was in the service, but the office accepts the records showing the existence thereof prior to enlistment, and therefore rejects the claim.

The fact being established beyond a doubt that the Government accepted of claimant's services twice, and that since his final discharge he has been almost totally disabled, and the further fact that the disability existed while in the service being admitted, your committee is clearly of opinion that the relief asked for should be granted, and therefore recommends the passage of the accompanying bill.

The bill was laid aside to be reported favorably to the House.

SALLIE INGHAM.

The next business on the Private Calendar was the bill (H. R. 4238) granting a pension to Sallie Ingham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sallie Ingham, formerly Sallie Frary, mother of Justin Frary, late a private in Company I, One hundred and first Regiment of Ohio Volunteer Infantry.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4238) granting a pension to Sallie Ingham, would respectfully report:

That the claimant, Sallie Ingham, is a resident of Tiffin, Seneca County, Ohio. She was twice married. Her first husband, Mr. —— Frary, died many years ago, leaving the claimant, his widow, and two sons and two daughters. The sons are dead. The daughters survive and have families.

One son, Justin Frary, in 1862 enlisted as a private soldier in Company I, One hundred and first Regiment Ohio Volunteer Infantry.

At the time of his enlistment, and prior and subsequent thereto, he maintained his mother, and was her only dependence. He was taken prisoner at the battle of Chickamauga, and died in a confederate hospital at Danville, Va., in December, 1863. The claimant drew a pension of $96 per year until July, 1869, when she intermarried with Mr. —— Ingham.

Mr. Ingham died in April, 1870. He left the claimant, Mr. Ingham, a small amount of property. This maintained her until about a year ago, when it was all exhausted.

Mrs. Ingham is without any means. Her age is about 75 years. She is a pioneer mother in Northwestern Ohio, is a lady of high character, and held in great esteem.

Having forfeited her pension by reason of her second marriage she now asks its restoration, and the committee recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

GEORGE W. KISER.

The next business on the Private Calendar was the bill (H. R. 2539) granting a pension to George W. Kiser.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Kiser, late a private in Company A, Twenty-sixth Regiment Ohio Volunteer Infantry.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, having in charge the bill H. R. 2539, and having examined all the testimony in the case, submit the following report:

The claimant, George W. Kiser, enlisted June 10, 1861, and was discharged for disability December 21, 1862. The claim is that, during a campaign in West Virginia in October, 1861, he contracted rheumatism, and at Bowling Green, Ky., in April, 1862, he dislocated his left ankle, and contracted piles.

The claim was rejected by the Pension Department June 22, 1883, on the ground that claimant has not been disabled since discharge, in a pensionable degree, by reason of alleged rheumatism, piles, and dislocated left ankle. The report of the Adjutant-General, under date of November 20, 1881, says that, in July and August, 1862, claimant was detailed from the service to drive ambulance on account of being lame.

The company return for December, 1861, shows him furloughed from December 18, 1861, to January 7, 1862, on account of sickness.

John H. James, captain commanding his company, of the Twenty-sixth Regiment Ohio Volunteer Infantry, on the date of December 21, 1862, says:

"Kiser suffers from an old injury to his foot; the foot is greatly swollen and inflamed, causing lameness, which constantly throws him back on a march and renders him unfit for military service in the field."

Andrew Sabine, assistant surgeon Twenth-sixth Ohio Volunteer Infantry, at same date, says:

"I certify that I have carefully examined the said George W. Kiser, of Capt. John H. James's company, and find him incapable of performing the duties of a soldier because of lameness."

On the same date he received his discharge, signed by William H. Squire, commanding the regiment.

Benjamin Franklin, of the National Military Home, Montgomery County, Ohio, testifies that—

"Kiser was a neighbor, and that he was acquainted with him ten years before the war, and he was sound, healthy, and robust at the time of enlistment."

Henry Shutto, of Hamilton, Ohio, testifies to having been "acquainted with claimant before the war, and knows him to have been an able-bodied man at the date of his enlistment."

Alexander M. Hall, of Hamilton, Ohio, says "he was an able-bodied man at the date of enlistment."

Benjamin Franklin, a comrade, testifies at a later date that—

"Claimant contracted rheumatism in February, 1862, and while in the service and in line of duty, and that he also injured his ankle very badly while on a march. He also testifies that he saw claimant in the year 1866, and found him suffering from rheumatism and swelled ankle, and appeared greatly broken down."

Joseph H. Coster, of Dayton, Ohio, says he—

"Saw claimant in the early part of the year 1864, and he was greatly broken down and suffering from rheumatism and was very lame."

Alexander M. Hall testifies that—

"Since Kiser came home from the service he has been unable to do any kind of manual labor by reason of rheumatism and piles."

R. L. Lanham, M. D., under date of June 11, 1883, states—

"I treated him in the spring of 1863, soon after his discharge from service, for lumbago or rheumatism of the back. He made a slow recovery from the first attack.

"Since then up to the time of his going to the Soldier's Home he has had periodical attacks of the same disease."

"By referring to my book I find in 1866 I treated him for [illegible] rheumatism. He has also in addition to above been afflicted with pil[illegible]

In view of the fact that George W. Kiser was in the s[illegible] over one year and a half and then discharged for a disability, which has exi[illegible] ever since, unfitting him for the performance of manual labor, and also the t[illegible]ony, which seems to be respectable in character and abundant, that he wa[illegible] a sound and healthy man at the time of entering the service, your committee re[illegible] the passage of the bill.

The bill was laid aside to be reported favorably to [illegible]

WILLIAM BOLWORK.

The next business on the Private Calendar was the bill (H. R. 3749) granting a pension to William Bolwork.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Bolwork, late a private in Company K, Thirteenth Regiment Ohio Volunteer Infantry.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, having in charge bill H. R. [illegible] respectfully report:

William Bolwork enlisted in June, 1861, as a private in Comp[illegible] Thirteenth Regiment Ohio Volunteer Infantry, and was discharged Jul[illegible] He claims a pension for loss of left eye and left hand, also injury to rig[illegible] and right shoulder and severely injured testicles. It appears in the tes[illegible]mony that claimant was captured at the battle of Stone River, Tennessee, was [illegible] to Libby Prison, and remained there about two months, was then paroled and sent to Parole Camp, Annapolis, Md., where he remained about a month and was then sent to Camp Chase, Ohio.

His claim was rejected April 14, 1882, on the ground that he was not [illegible] duty when injury occurred to his eye and arm, and that his other di[illegible]